OCT 1 1971

UNITED STATES OF AMERICA

OCT 1 1971

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
SECOND SESSION

VOLUME 116—PART 19

JULY 21, 1970, TO JULY 29, 1970

(PAGES 25135 TO 26488)

GENERAL SERVICES ADMINISTRATION
LAW LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91ST CONGRESS
SECOND SESSION

VOLUME 116—PART 19

JULY 21, 1970, TO JULY 29, 1970
(PAGES 25139 TO 26488)

LIBRARY

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Tuesday, July 21, 1970*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Lord of creation and of all life, for this Nation born in Thy providence, cradled in Thy truth, and led by Thy free spirit, we give Thee thanks. Guide and uphold the President, Members of the Senate and House of Representatives, and all in authority, that their endeavors may be righteous altogether.

Lift all consultations for peace into the higher order of Thy kingdom until all men live under the law of love in the universal kingdom of the Prince of Peace.

Lead us through the tasks of this day with eyes fixed upon Thee. We ask not for the peace of escape or the calm which ignores conflict or for deliverance from the difficult, but for the inner sureness that Thou art the rock of ages, the spring of the water of life which never fails.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 21, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3685) to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 20, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senators who have special orders have completed their remarks today, there be a period for the transaction of routine morning business with a time limitation of 3 minutes therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON FRIDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes following disposition of the Journal on Friday, July 24, 1970.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WILLIAM G. STONE NAVIGATION LOCK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1037, S. 3192.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3192, to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the navigation lock on the Sacramento deepwater ship channel in the State of California which connects the Sacramento River with the Sacramento-Yolo deepwater port shall hereafter be known as the William G. Stone navigation lock, and any law, regulation, document, or record of the United States in which such lock is designated or referred to shall be held to refer to such lock under and by the name of the William G. Stone navigation lock.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1032), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF BILL

The purpose of this legislation is to designate the lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock.

GENERAL STATEMENT

The existing project provides for a deepwater ship channel between Suisun Bay and Washington Lake, construction of a harbor and turning basin at Washington Lake and a connecting canal with navigation lock from the harbor to the Sacramento River. It is this navigation lock which would be designated the William G. Stone navigation lock.

Mr. William G. Stone spent a long and active life promoting a deepwater port of Sacramento, which he had first envisioned in 1916 and helped in the preparation of enabling legislation in 1937 which was enacted into law by the act of July 24, 1946, Public Law 525, 79th Congress. In 1948 he was named port director and served as such throughout the construction phase of the project. The new channel opened in 1962, the year Mr. Stone retired as port director. He died in October of 1969. His long and close identification which this project is deemed to render the designation appropriate.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the United States.

VIEWS OF THE FEDERAL AGENCIES

The Department of the Army, the Department of Interior, and the Bureau of the Budget offer no objection to enactment of this legislation.

COMMITTEE RECOMMENDATION

The committee believes it fitting and proper to name the navigation lock in the

Sacramento deepwater ship channel in the State of California in honor of the late William G. Stone, whose efforts contributed so much to development of this important project. Accordingly, early enactment of S. 3192 is recommended.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from South Carolina (Mr. THURMOND) today, the distinguished Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BAKER TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from West Virginia (Mr. BYRD) on tomorrow, the distinguished Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF JIM G. LUCAS, JR.—MARINE COMBAT CORRESPONDENT

Mr. MANSFIELD. Mr. President, while not unexpected, it was with a sense of deep sadness that I heard this morning of the passing of an old friend, Jim G. Lucas, Jr.

Jim Lucas was a man whom I have known since the Second World War. He was then engaged as a Marine combat correspondent and he served with the greatest integrity and dedication; qualities that characterized his every endeavor wherever his outstanding talents happened to take him.

I saw Jim many times after the war and even traveled with him to Southeast Asia during difficult periods. Needless to say, I came to admire him immensely. He was a fine man.

Of course, Jim and I disagreed on some matter, but by and large I think we agreed on most matters; certainly on the great majority of the questions we discussed.

It was not without some expectation that this outstanding newsman would come to such an untimely end. He had cancer and I understand it was considered terminal.

I visited Jim at the Veterans' Hospital in Washington on several occasions and was very much impressed with his tenacity, his courage, his sense of humor, and his deep perception and understanding. These are the attributes which distinguished him throughout his highly productive life. They were exhibited to the very end.

During his career Jim's prolific pen was responsible for some outstanding writing and he was rewarded accordingly.

Jim won the Pulitzer Prize and for a good many years served with neat distinction as a member of the Scripps-Howard newspaper chain. As a reporter he covered many subjects, but his main interest perhaps concerned the welfare of the American fighting man in all the wars in which we have engaged since Jim Lucas began his newspaper career. To repeat it was a career begun as a Marine combat correspondent in World War II. It ended early this morning. It was a career filled with achievements and rewards too numerous to mention here.

I would close only by saying that to his sister, Mrs. Mary Moore, and his brother, J. Bob Lucas, I extend my deepest condolences and sympathy and those of Mrs. Mansfield as well. Jim Lucas will be sorely missed.

I ask unanimous consent that a story covering Jim Lucas appearing in today's Washington Daily News and an editorial about his passing be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JIM LUCAS DIES HERE

Jim G. Lucas, Pulitzer Prize-winning war correspondent for the Scripps-Howard Newspapers, died early today of abdominal cancer in the Veterans Hospital here. He was 56.

Mr. Lucas began his war reporting career as a Marine combat correspondent in the Pacific islands campaigns of World War II.

For the next quarter century, in dispatches datelined around the globe, his accounts of the heroism and agony and tedium of war gained him recognition as America's best known war reporter since Ernie Pyle, also of Scripps-Howard Newspapers and one-time managing editor of The Washington Daily News.

A versatile writer who covered many other types of stories, Mr. Lucas died three days before publication of his latest book, a biography of Vice President Spiro T. Agnew.

But the assignment he most desired was that which brought him to the frontlines, and to the side of those he respected above all others, American GIs. Mr. Lucas possibly saw more actual combat and more of the maimed and dead of war than any other newspaperman in U.S. history.

His period of front-line reporting spanned 25 years, including World War II in the Pacific, and the wars in Korea and Vietnam.

Many in his profession believed him to be the greatest since Ernie Pyle in his ability to write with compassion and understanding about the American soldier, sailor or marine in battle. He was twice the recipient of the Ernie Pyle Award for writing in the Ernie Pyle tradition, the only newspaperman to be so honored.

Only once was he wounded and that lightly by a piece of shrapnel over the eye near Da Nang in Vietnam in 1964.

He believed that the "fantastic luck" which had carried him safely thru so many battles and firefights would stand by him in his bout with cancer which began with a major intestinal operation a year ago. But such was not to be.

SCOOP IN PACIFIC

Mr. Lucas first acquired journalistic fame at the bloody and epic battle of Tarawa in the Pacific in late 1943. His story, written as a Marine combat correspondent, was the first out and for three days was the only word the outside world had. It was on Tarawa that he received a battlefield promotion from master sergeant to second lieutenant and a Bronze Star. His story produced for him the National Headliners Award for the best combat reporting of 1943. He was listed as dead for a brief time on Tarawa. The dead Marine turned out to be another combat correspondent who was wearing Jim's shirt.

In all, he made eight D-Day landings with the Marines in the Pacific in World War II. Battles in which he participated included Guadalcanal and Iwo Jima.

After VJ Day, many newspaper organizations bid for his services. He joined the Scripps-Howard Newspaper Alliance in Washington and became that bureau's military correspondent.

He covered the first atomic bomb test at Bikini and in 1947 went with the late Adm. Richard E. Byrd to the South Pole.

He went to the front lines at the start of the Korean War and spent 26 of that conflict's 36 months in Korea, being present at the end of the fighting. His reporting from Korea (which included making 17 B17 bomber runs over North Korea) won him the Pulitzer Prize in 1954, as well as his first Ernie Pyle award and a flock of other honors—including the George Polk Memorial Award, the Veterans of Foreign Wars' Omer Bradley Gold Medal and the Marine Corps Reserve Officers' Association's "Not for Self But for Country" award.

After the Korean Armistice, he then went to French Indochina to cover the French war with the Viet Minh, and was based for 18 months in Hanoi. He was in Hanoi when Ho Chi Minh's forces marched in to take over the city.

After the Indochina armistice, he went to Goa to report on hostilities between the Portuguese and Indians. He went to Lebanon when President Eisenhower sent in the Marines and Army paratroops in 1958 and liked to remember that episode as "the only war I ever covered from an air-conditioned hotel room and dressed for dinner every night."

In 1959 he spent several months in Vietnam and in January, 1964—before the big American buildup—stationed himself at Can Tho, in the Mekong Delta of South Vietnam, for the first of several tours that were to constitute coverage of his last war.

WENT ON PATROLS

When U.S. Marines poured into Da Nang, Mr. Lucas shifted the base of his operations there and continued the type of reporting which won for him his second Ernie Pyle award. Even tho then past 50, he continued to go on patrols and stay up all night when events demanded, as when the Reds overran the A Shau Valley.

He returned to the United States in the summer of 1967, hopeful of returning to Vietnam despite the fact he was 53 "and youngsters could do my job better." But health never permitted a return. A book of his Vietnam columns, "Dateline: Vietnam," was published in the summer of 1966 and sold well.

Early this spring he took vacation time to write a biography of Vice President Spiro T. Agnew. It is being published by Universal

Publishing Co. of New York and was reviewed in this newspaper last Friday.

Mr. Lucas was born June 22, 1914, in Checotah, Okla. His father died when he was young and he was forced because of lack of finances to cut short his education at the University of Missouri. His first newspaper job was with the Muskogee, Okla. Daily Phoenix. After a stint as a reporter for the Tulsa Tribune, he enlisted in the Marines in 1942.

NEVER MARRIED

He never married, but once (after World War II) was engaged to a WAVE lieutenant. The story around his home office was that the romance went on the rocks because the weekend he was to visit her parents in upstate New York an emergency assignment came up. The fiancee is supposed to have said: "It's the office or me." Mr. Lucas took the assignment.

His apartment in an Alexandria highrise was literally filled with awards, scrolls and testimonials. One picture shows one of the highlights of his life: President Lyndon Johnson in September, 1966, introducing him to 100 Congressmen. LBJ had called in for Mr. Lucas to brief on Vietnam. It was the only time President Johnson asked a newsman to give such a briefing. Mr. Lucas was given a standing ovation at the close of his remarks.

He was an excellent public speaker and made scores of addresses thruout the country over the years before groups of all kinds.

He is survived by a sister, Mrs. Mary Moore of Bowie, a brother, J. Bob Lucas, state capitol reporter in Oklahoma City for the Tulsa Tribune, a niece, Mrs. Beth Marshall of Torrance, Calif., and a nephew, Peter W. Hudson of Silver Spring.

Funeral arrangements are not yet complete.

JIM G. LUCAS

One of many amazing things about Scripps-Howard War Correspondent Jim G. Lucas was that a lifetime of witnessing and writing about the tragedy of wars left him without a trace of inner hardness or cynicism.

He was, until the end, what one speaker said of him years ago in bestowing upon him some particular medal: "A truly modest man—an old Marine with a soft heart."

And he could, and did, write with the best of the journalists of any era.

He undoubtedly saw more combat than any newspaperman in U.S. history. He seemed to be always at the front—until age and a long, losing bout with cancer caused him to return from Vietnam three years ago for the last time. When, for example, Gen. Omar Bradley at a Washington banquet in 1953 awarded Jim in glowing terms the VFW's Gold Medal for conveying the feel of the battlefield in his stories, Jim was on the frontlines in Korea. When he was awarded the 1954 Pulitzer Prize for his human interest stories from Korea, he already was in Hanoi covering still another war. (He was in Hanoi when Ho Chi Minh's troops took over North Vietnam.)

Still, 25 years of frontline reporting in three major wars never shook his belief in the worth of the individual, the value of life, or the love of country.

He never married. He loved young people and there are countless stories of his help to the young, particularly young newspapermen on their first assignment to a war zone. He could, and did, oratorically wave his country's flag at the slightest provocation.

Jim Lucas was a great reporter with a rare gift for chronicling the miseries and joys, heroism and humdrum of the life of the American soldier on the frontlines in three wars.

Thousands upon thousands of ex-GIs will long remember him from the clips of his stories they have pasted in their scrapbooks.

Scores of young newspapermen in the future, we are sure, will be studying his work and seeking to emulate it—just as has been true in the case of Jim's predecessor, Ernie Pyle.

For those of us in Scripps-Howard, it has been an exceptionally rare privilege to have worked with Jim Lucas.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Chair now recognizes the distinguished Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

UNITED STATES CANNOT DUCK "TIGER CAGE" BLAME

Mr. YOUNG of Ohio. Mr. President, the American people were shocked by the discovery earlier this month of the existence of a Devil's Island-type prison camp run by the militarist Saigon regime of General Thieu and Air Marshal Ky. The human torture chamber at Conson has imprisoned hundreds of men and women locked up in dark windowless stone cells, confined five or more together in 5-by-9 stone compartments, living in filthy conditions, suffering from malnutrition and disease and enduring physical beatings and torture. From catwalks above the cells guards frequently throw lime down on the prisoners to choke them when they beg for food or water.

Cao Nguyen Loi, a 26-year-old South Vietnamese who spent more than a year in Conson wrote:

> They threw five people into this narrow cage. On the average, each person had only about two hand breadths of space in which to lie and live. The legs were shackled and held high day and night—even while eating, sleeping, washing—fastened to a metal rod about four or five meters long. They forced us to lie in silence. We couldn't sit or stir in this hot, narrow, dark cage. Even when the latrine barrel was open and leaking all over so the floor had a pasty covering, we still had to lie quietly and endure it. We were kept there continuously for the first four months.

The revelation of the Conson concentration camp is another link in the chain of proof that we are not supporting a democracy in Saigon and never have. We have been maintaining a brutal totalitarian ruling clique of military dictators whose prime interest is remaining in power, not serving the needs of the South Vietnamese people. It may be charged by some that this is no worse than atrocities committed by the Communists. That is hardly a justification for this horror. For 6 years the American people have been told they were fighting this war to prevent such things from happening.

Mr. President, Columnists Frank Mankiewicz and Tom Braden have written an outstanding article in which they point out that the United States must accept much of the responsibiliy for the atrocities at Conson. Some of the prisoners there were captured by American soldiers and turned over to the South Vietnamese. The prison camps at Conson and elsewhere are paid for largely by money from American taxpayers and are supervised by an American official.

This is a most interesting and informative column. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES CANNOT DUCK TIGER CAGE BLAME

(By Frank Mankiewicz and Tom Braden)

WASHINGTON.—The moral justification for waging war in Vietnam grows less and less clear, and this city, despite official shrugging of shoulders about the congressional discovery of Saigon's "tiger cages," is gloomier on the war than it has ever been.

Even the evil of North Vietnam's treatment of American prisoners has lost a little of its bite. For what would we answer now to some North Vietnamese counterpart of H. Ross Perot, arriving with food parcels and requests for names?

We could only answer that we Americans don't keep any prisoners, that we do not even count those we take but turn them over immediately to the South Vietnamese, where some of them at least wind up in "tiger cages."

Officially, of course, the White House and the Pentagon are saying in effect, "We didn't know about it, but then it's not our responsibility anyhow. It's Saigon's responsibility."

But it won't really wash. Those men chained to iron bars in 5-by-9 concrete pits, doused with lime dust when they beg for water, are prisoners, some of them at least, taken on the battlefield by American soldiers.

And they are housed in jails paid for by American taxpayers—$2 million annually—supervised by an American official with the absurd title of "public safety director" who tried to deny to two inquisitive congressmen that the "tiger cages" existed.

It is essential in war to think of the enemy as evil and of "our" side as good. But as the American people have gradually discovered what "our" side is, the certainty so necessary to moral superiority has turned into a kind of shame—an aversion to the dream become nightmare.

That is why Vietnamization, which when President Nixon first produced it seemed such a handy and even noble escape route, now appears as a terrible moral reminder, destined to haunt us and taunt us until reason destroys pride.

Take, for example, two items in last week's Vietnamization news. First, we announced an additional $100 million for the South Vietnamese government as economic aid. But contrary to our usual policies in granting economic aid, this was a gift outright—no strings.

We did not ask that the Saigon government mobilize its economy for the war, collect income taxes, control prices, wages and credit. We did not even suggest that it would improve Vice President Ky's reputation in this country if his take from the Saigon race track—estimated at between $10,000 and $15,000 weekly—were used to improve prison conditions rather than delivered to him personally.

But American officials who protested on the grounds that our taxpayers were being asked to do what the Vietnamese were not, got their answer from Saigon's economic minister. He could not raise taxes, he said, because his government could not collect taxes in the countryside. Nothing could have made more of a shambles of the claim that Saigon now controls "over 80%" of the countryside.

Or take another item. We are now committed to build 20,000 houses annually in Saigon—not for civilians but for the military population. It must be counted as an irony that while mortgage money is almost

impossible at home, American taxpayers should afford a housing boom for South Vietnam.

While we are confronting the difficult moral proposition of supporting a war we don't want to fight ourselves, another moral proposition is bearing down upon us. It is called Vietnamization, and it more and more appears as a definition of support for that which is morally insupportable.

Mr. YOUNG of Ohio. Mr. President, this is a terrifying, brutal situation which has evidently been continuing for years by direction of Thieu and Ky and their militarist Saigon regime which we Americans have maintained in power. This directly concerns us and reflects upon all Americans. Are we aiding and abetting torture and unparalleled cruelty by immediately surrendering to the friendly forces of the Saigon militarist regime all prisoners taken by American GI's for them to torture and sometimes murder as was committed by General Loan? Now too late Thieu and Ky have announced that they have closed the tiger cages and will no longer permit political and other prisoners to be confined there.

Mr. President, in this connection, I ask unanimous consent that an editorial "Con Son: A Case History of Deceit" published in the Washington Post of today and a column by Washington Post Staff Writer George C. Wilson entitled "Con Son and Savaging of Truth" published on the editorial page of today's Washington Post be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CONSON: A CASE HISTORY OF DECEIT

Beware of the insufficiently diligent Vietnam fact-finder, we warned the other day, in connection with the diligence of two United States congressmen in uncovering evidence of inhuman conditions at the South Vietnamese prison of Conson Island; we were referring to the difficulty the quick visitor has in getting to the truth about any particular aspect of that war. What we had in mind was the routine effort of American military men as well as civilians, when "briefing" visitors, to put the best face on things, to show progress in an enterprise in which they are wholly absorbed, and to which most of them have deep commitments.

This is normal enough and understandable when professionals are pursuing a career and obeying orders and executing a policy which, as far as they are concerned, has been approved in the usual way by the highest authority. There is a natural tendency to produce the highest possible enemy body count because that is part of the grim game of proving progress; you wouldn't expect a regular Army colonel or a career diplomate to load a progress report to his superior with emphasis on hamlets as yet unpacified, roads still unsafe for travel, enemy havens yet to be cleared or caches of Vietcong weapons yet to be destroyed. Up to a point, any serious visitor to Vietnam, official or unofficial, expects to be presented with the bright side of the war effort, and to have to dig out the worst side if he has the time and can get some help from those who are not in the business of "briefing" visitors.

But there is a difference between this and being deceived in a gross and calculated way that is clearly what an official of the American AID mission in Saigon was trying to do to Congressmen Anderson and Hawkins while they were actually en route to Conson Island by air. The story told by George C. Wilson elsewhere on this page today is almost as shocking, in its way, as the story of Conson. For the latter is a measure of South Vietnamese morality; Conson is their prison, however much it may benefit from American aid, and in the last analysis, their responsibility. But the so-called fact sheet which the AID mission had prepared for the visiting congressmen is a measure of *our* morality, and a measure, too, of what this war has done to us. We are in Vietnam, we are sometimes told, in the role, which has become part of our postwar foreign policy, a nation-builder in which the things we stand for are supposed to rub off on emerging nations by way of fortifying them against the appeal of an alien ideology. And instead it seems to be rubbing the wrong way; instead of uplifting, *we* are being dragged down. You can make the big case for this in the bombing of innocent bystanders, or the cynicism in our lavish support for the government of Thieu and Ky. Or you can make it in a lot of subtler, less dramatic ways. But rarely is it made more plainly than in the deliberate attempt of an important official of the AID mission, who is supposed to be teaching modern penology to the South Vietnamese, to conceal evidence from U.S. congressmen of the most repressive penal practices.

At the very least, you would figure that Mr. Frank E. Walton, director of AID's Public Safety Directorate in the Saigon mission, would have been relieved of his duties by now and sent home. That would be our first suggestion, obvious as it is. But that is not where the story ought to end, because there is an abundance of evidence that in lesser ways, not so blatant, but just as pervasive, much of the official reporting on this war is systematically colored to give us false encouragement.

So our second suggestion is that Mr. Walton's "Fact Sheet" ought to be required reading for every Washington official who must make decisions about this war—as an antidote to the easy answer that only those in government have the necessary information to make decisions on. What Mr. Walton was peddling to what he hoped were unsuspecting congressmen about Conson is, presumably, what he was also telling his own superiors, who were telling it to their superiors. And so it all moves on up to Washington, where the reports pour in, stamped Top Secret and Eyes Only and bristling with authority, and become the grist of public progress reports on the war. It isn't all as crudely wrong as Mr. Walton's report, or as consciously so, of course. But the Conson "fact sheet" is nonetheless illustrative of a larger fact of life which has had much to do with the self-perpetuating nature of the Vietnam war.

CONSON AND SAVAGING OF TRUTH

(By George C. Wilson)

The revelations about the conditions in South Vietnam's Conson prison have eclipsed another atrocity of a sort—and one which the American government cannot disavow. It is the violence done by the U.S. government, through an official of the Agency for International Development, to the truth.

The story starts inside a DC–3 flying southeastward the 140 miles from Saigon to Conson Island, 60 miles off the South Vietnamese coast. In the airplane were two congressmen, William R. Anderson (D-Tenn.) and Augustus F. Hawkins (D-Calif.), (part of a 12-member House delegation appointed by Speaker John W. McCormack to find out the facts about the Southeast Asian situation) and their AID escorts. The AID men had with them a fact sheet, prepared especially for Anderson and Hawkins by the top AID official in the party—Frank E. Walton, a former Los Angeles deputy police chief, who is now in charge of the American advisory section in Saigon for the South Vietnamese national police force.

This fact sheet was dated July 2, the day of the congressmen's visit, but it was prepared in advance of course, and on the basis of Walton's first-hand inspection of the prison camp. The full text of this document is printed for your convenience at the conclusion of this article as exhibit B in this particular atrocity. Before reading it, however, it is necessary, first, to recall to mind what might be called Exhibit A—the actual findings of the two congressmen. Only with the findings freshly in mind is it possible to get the full measure of the calculated violence done to the truth in this instance by the most responsible government officials. Bear in mind, once again, that the two congressmen were handed this document on their way to the Conson prison camp, where they were to uncover by their own initiative, and clearly against the will of their official escorts, unmistakable evidence of inhuman treatment of the prison's inmates. What follows is a brief recital of their findings which have already been widely published:

Upon arrival at Conson, the Congressmen rejected Walton's suggestion that they spend their time at the island curio shop rather than the prison—"It's more like a Boy Scout camp," Walton assured them—and proceeded to tour the compounds at Conson.

The prisoners, despite the threatening presence of the colonel commanding one camp, told the Americans in desperate terms about their hunger and sickness. But the worst was yet to come. Thanks to a diagram of Conson which a former inmate had drawn for Thomas R. Harkin, a committee staffman accompanying the congressmen, the Americans recognized Compound 4 as the site of the "tiger cages." It had been rumored in Saigon that the Thieu regime threw political opponents in the cages like animals. A guard, hearing the commotion in the vegetable garden camouflaging the approach to the tiger cages, unwittingly swung open the secret door in the high wall.

Looking down through the iron gates of the tiger cages, Anderson reported, he saw people—including teen-age girls—crammed into tiny cages more cruelly than mistreated animals; lime dust was in buckets along the catwalk so it could be thrown down on prisoners to choke off any begging for food or water; one small bucket held the waste of five people in each 10 by 5 foot fetid cage.

The prisoners risked beatings and death to tell the Americans—through an interpreter which the congressmen had provided for themselves—of their misery. All the men in the cages were lying down. They explained that they had lost the use of their legs, apparently from the paralysis of being foot-shackled for months on end to bars in the cages. A young girl said she was 18 and had been picked up during an antiwar demonstration, even though she was neither a participant nor a Communist. The prisoners talked of tuberculosis; of lack of food; of lost families. The cages had an iron-bar roof but no windows.

What the congressmen saw—the first lawmakers to bring back eyewitness testimony—backed up what five former prisoners of Conson had written in a report to the South Vietnamese Assembly. Walton and everybody else in AID had access to the report. It had been submitted on June 19, 1970—before this latest congressional delegation arrived.

Cao Nguyen Loi, a 26-year-old South Vietnamese who spent more than a year in Conson, and four fellow inmates wrote the report—risking further torture.

"They threw five people into this narrow cage," "On the average, each person had only about two hand breadths of space in which to lie and live. The legs were shackled and held high day and night—even while eating,

sleeping, washing—fastened to a metal rod about four or five meters long. They forced us to lie in silence. We couldn't sit or stir in this hot, narrow, dark cage . . . Even when the latrine barrel was open and leaking all over so the floor had a pasty covering, we still had to lie quietly and endure it . . . We were kept here continuously for the first four months . . .

So much for Exhibit A; there is more evidence available, but this should be more than enough to document the appalling conditions in Conson Prison. Now for Exhibit B, the AID Mission's carefully prepared briefing paper, which was signed by the chief American police adviser, Walton, who reportedly told the congressmen that he knew about the "tiger cages" from earlier inspections of Conson. Here is what he, and by inference the American AID mission in Saigon, would have had the congressional investigators believe were the facts.

[Fact Sheet]

JULY 2, 1970.

Subject: Conson National Correction Center.

Purpose: To provide background information relating to the Conson Correction Center and to discuss problems and accomplishments associated therewith.

Facts:

1. The Conson Island National Correction Center, located in the South China Sea approximately 140 miles southeast of Saigon, is Vietnam's largest correctional institution. Established by the French in 1862 as a penal colony, it has long held a reputation of being a "Devil's Island." This reputation still prevails in spite of an enlightened and modern administration of the facility.

2. Currently, this facility is utilized for the detention of hard-core Communist criminals who have been convicted of serious offenses.

3. The Conson Correctional colony had an inmate population of 9,916 on June 1970. There are seven correctional camps within the colony with a total capacity of 9,750 inmates. Two thousand of the currently assigned inmates are classified as trusties and live outside the camps in semi-private minimum custody homes. The trusties are permitted to raise their own food and maintain a daily routine of their own choosing, but under the eyes of supervisors.

4. Conson has one Public Health Doctor. With the assistance of inmate technicians each prisoner receives annual inoculation for plague, cholera and smallpox. Schick tests are given to detect tuberculosis. Dental care is irregular from visiting VN Navy ships and U.S. DENTCAP Teams.

5. The inmates are kept busy with work projects and vocational tasks such as woodcutting, tile making, woodworking, animal husbandry, chicken and duck production and sewing. Inmates also attend classes in literacy training and all grades of formal education. Rice, papayas, coconuts and vegetables grown on the prison farm and fish caught by the prisoners supplement the diet.

6. All trusties and 75 per cent of the inmates housed in the camps are allowed supervised swimming, mail, canteen service and Correction Industry Shop Vocational Training classes. The GVN allow selected inmates to have visitors on the monthly supply ship.

7. A pre-release community of 30 homes has been built on the beach to house 300 inmates. These inmates are assigned to the community 120 days prior to release.

8. The International Committee of the Red Cross periodically inspects the prison. Their reports have generally reflected praise for the conditions observed.

9. In the opinion of Correction Advisors with lengthy U.S. penology experience, Conson is not a "Devil Island," but on the contrary is a correctional institution worthy of higher ratings than some prisons in the United States.

FRANK E. WALTON,
Public Safety Directorate, CORDS.

THAI FOREIGN MINISTER ASSERTS UNITED STATES NEAR MENTAL BREAKDOWN

Mr. YOUNG of Ohio. Mr. President, billions of dollars of American taxpayers' money have been poured into Thailand. We maintain six airbases in that country and one huge naval base. Having visited nearly every area of Thailand, I report that our airbases and, in particular, the huge naval base have been constructed evidently on a permanent basis.

Just recently, Mr. President, the Foreign Minister of Thailand, Thanat Khoman, stated that the United States is on the verge of a national mental breakdown which has affected its reliability as an ally and friend of Thailand. The Foreign Minister stated that as a result:

It seems relations between Thailand and the United States will evolve toward a more selective basis.

This Foreign Minister had the effrontery to make his statements at an American Chamber of Commerce luncheon with U.S. Ambassador Leonard Unger in the audience.

Foreign Minister Thanat is a former Thai ambassador to the United States. In fact he is the architect of the military alliance that resulted in thousands of Americans, mostly airmen and naval personnel, being in Thailand.

Foreign Minister Thanat stated:

Of all countries in Asia and perhaps the world which have cooperated with the United States few have given so much in return for American generosity as the Thai Government and people.

He stated our Government insisted that Thailand send troops to South Vietnam and volunteered to pay all expenses. Our expenditures in Thailand have been tremendous and in this connection Thanat said he resented the statements made that the U.S. Government had hired Thai mercenaries and offered Thailand a billion-dollar bribe to send troops to Vietnam. He said further that these attacks on Thailand make his country "a scapegoat on which to revenge the American frustrations and failures" in Vietnam.

Thanat was doubtless correct in his assertion that the domestic crisis in the United States growing out of our involvement in Vietnam began with the enemy Tet offensive of February 1968. Gen. William Westmoreland, then our commanding general in South Vietnam claimed and our Army intelligence made the same claim that Communists were bringing in huge numbers of troops in the nighttime opposite Khesanh and that at the onset of the Tet Lunar holiday would seek to overrun that outpost. General Westmoreland withdrew troops from other areas in Vietnam and ordered them to deploy around Khesanh. He reported that we had encircled the encirclers around Khesanh.

Then the VC struck everywhere else except at Khesanh. They invaded Saigon, penetrating the U.S. Embassy grounds after breaching the fortresslike walls of our embassy. In Saigon they held possession of our Embassy grounds for 7 hours. Fortunately, Ambassador Ellsworth Bunker escaped with his life. The VC were more intent on invading Saigon jails and releasing 7,000 political prisoners. The VC invaded and seized 37 provincial capitals of the 44 in South Vietnam. In addition to 7,000 political prisoners released from Saigon jails, the VC forces immediately upon invading 37 of the 44 provincial capitals released all political prisoners held in jail and this totaled many thousands. It is estimated that this total exceeded 50,000. No one knows how many thousands were drafted or voluntarily joined the VC armed forces.

This was at the height of the rice season. No one knows how many tons of rice were seized by the VC forces. The VC and North Vietnamese troops captured and held Hue for a month. During that period of terror they occupied the Citadel at the center of this beautiful city. During the 30 days our marines engaged in frontal attack after frontal attack on the Citadel. During these terrible frontal attacks some of our Marine battalions were decimated. The loss of life sustained by the VC and also civilians was very great. Our bombers hurled many tons of high explosives on the Citadel. The loss of life was so terrible that civilians killed by VC terrorists and VC gunfire and by our bombers were found later to have been buried in mass graves.

Finally after 30 days the surviving VC abandoned the Citadel and slipped away in the nighttime. Our Marine officers and friendly allies had failed to surround the Citadel.

It is evident now, as it should have been evident to all Americans at the time, that General Westmoreland had been outgeneraled and outwitted by the VC. There was no attack at Khesanh which he had predicted. Probably none was ever intended by the VC or North Vietnamese forces. Instead the VC assailed Saigon and 37 provincial capitals throughout South Vietnam including attacks in the Mekong Delta and other rice producing areas.

General Westmoreland at the time stated "We were outnumbered in the south." If we were, it was no doubt due to the fact that our marines, the best trained, most intelligent, and the greatest offensive fighting men in the world and with a great tradition of spearheading amphibious landings, were deployed on the defensive at Khesanh and south of Danang and Hue.

In the American Civil War, Mr. President—or the War Between the States, as the Acting President pro tempore (Mr. ALLEN) would term it—President Lincoln dismissed generals who were defeated and outgeneraled. Not one was permitted by him to ever again command a Union Army. President Johnson did not follow President Lincoln's policy as he should have done. However, he did remove General Westmoreland from com-

mand by "kicking him upstairs" to be the Army member of the Joint Chiefs of Staff in Washington. Very peculiarly, General Westmoreland claimed the Tet Lunar offensive was a great victory for the United States. Psychiatrists have a name which is applicable to this general, or any other general, who really deludes and deceives himself.

Foreign Minister Thanat correctly stated that the Tet Lunar offensive of February 1968 was "an even greater victory for the forces of National Liberation or VC than the one they reaped at Dienbienphu. I ask unanimous consent that this statement as contained in an article in the Evening Star of July 15, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAI MINISTER ASSERTS UNITED STATES IS NEAR MENTAL BREAKDOWN

(By Peter O'Loughlin)

BANGKOK.—Thai Foreign Minister Thanat Khoman suggested today the United States is on the verge of a national mental breakdown that has affected its reliability as an ally.

As a result "it seems relations between Thailand and the United States will evolve toward a more selective basis," he said.

Speaking at an American Chamber of Commerce luncheon with U.S. Ambassador Leonard Unger in the audience, Thanat said current upheavals in American society made it "difficult for those working closely and loyally with the United States to expect a well-reasoned and balanced reaction from their disturbed partner."

Thanat, a former ambassador to the United States and architect of the military alliance that allows large numbers of Americans to be stationed in Thailand, said this feeling was shared "along the length and breadth of Asia."

His main theme was that Thailand had been unjustifiably criticized by the American press and liberal politicians for supporting the U.S. war effort in South Vietnam with troops and by granting air bases in Thailand.

"One can say without hesitation that of all the countries in Asia and perhaps the world, which have cooperated with the United States, few have given so much in return for American generosity as the Thai government and people," he said.

He said the U.S. government insisted that Thailand send troops to South Vietnam and had offered to defray the expenses of the troops to "alleviate the burden that Thailand already had to bear."

He said this agreement had been misrepresented by politicians in Washington to mean the United States had hired Thai mercenaries and offered Thailand a billion-dollar bribe to send troops to Vietnam.

Thanat asserted that the U.S. domestic crisis began with the enemy Tet offensive in 1968. By penetrating the U.S. Embassy grounds in Saigon, he added the Vietnamese reds won "an even greater victory than the one they reaped at Dien Bien Phu."

"The American public opinion, effectively aided by a chorus of TV and radio commentators, by liberal pundits of the press, self-seeking politicians and so-called intellectuals in many campuses, foundered before the coordinated onslaughts," he said.

"At the juncture, the policy of scuttle and run, distinctly emerged."

Thanat said the same group of "immature and irresponsible elements" in the United States had turned to attack Thailand as "a scapegoat on which to revenge their frustrations and failures."

S. 4102—INTRODUCTION OF A BILL INCREASING THE INDIVIDUAL INCOME TAX EXEMPTION

Mr. YOUNG of Ohio. Mr. President, the time is long past for Congress to revise our archaic internal revenue laws and effect genuine tax reform.

Despite last year's Tax Reform Act so-called, the average American continues to bear an extremely heavy income tax burden while the ultra-rich and specially privileged escape their revenue responsibility through a series of gaping tax loopholes.

In this time of spiraling inflation and soaring cost of living, it is a tragedy that the vast majority of our citizens, those earning between $5,000 and $25,000 a year, pay a higher percentage in income tax than do those whose earnings exceed $25,000.

Mr. President, an important first step toward genuine tax reform would be to increase the individual income tax exemption. Such a step would benefit more than 100 million middle-income taxpayers.

The present internal revenue plan calling for individual exemptions of $625 in 1970, $650 in 1971, and $700 in 1972 is woefully inadequate.

Therefore, Mr. President, I am today introducing for appropriate reference, a bill to increase the personal income tax exemption to $900 for 1971 and to $1,200 for 1972.

The revenue lost can easily be recovered by plugging the atrocious tax loopholes that continue to exist. It is estimated that as much as $50 billion is lost to the Treasury through income tax gimmicks of one sort or another favoring various and sundry special interest groups in our society.

These are especially appalling when we consider that a family whose breadwinner earns $3,000 a year pays out over 30 percent in taxes. This is outrageous since a family with a $3,000 income is also classified as poverty stricken.

Mr. President, I report that for nearly 12 years as a U.S. Senator and prior to that as a member of the Ways and Means Committee of the House of Representatives, I have studied the tax structure of our country and the problem of tax loopholes.

A flagrant tax loophole is the depletion allowance for oil and gas producing companies. Last year's tax legislation reduced the depletion allowance for these companies from 27½ percent to 23 percent. This inadequate reduction does but little to relieve the burden of the average taxpayer.

This exemption privilege granted to these giant corporations continues to cost our taxpayers $3 billion annually. The fact is that oil producing corporations have been paying Federal income taxes at about one-fifth the average rate of most American wage earners. Admittedly the average American family bears an extremely heavy income tax burden and oil and gas producing corporations unfortunately have been and are exempted from paying their proper share of Federal taxes.

Last December, Mr. President, I introduced an amendment to the tax reform bill which would have eliminated the oil depletion allowance on petroleum produced outside the United States. The combination of the continued depletion allowance and the foreign tax credit has made most of the oil companies' profits tax free.

For example, in 1967, one of our greatest oil producing corporations, the Atlantic Refining Co., by reason of the then 27½ percent depletion allowance, paid no income tax whatever upon its tremendous net profits for that year. This corporation has since merged with the Richfield Oil Co. and in 1968, the Atlantic Richfield Corp. paid but approximately 6 percent of its net earnings to our Government as taxes.

The deductions granted to gentlemen farmers and loopholes favoring farm corporations deprive the Treasury of additional hundreds of millions of dollars annually. The Tax Reform Act failed to effectively plug up this loophole.

At this time more than 10,000 millionaires are enjoying the luxury and the hobby of owning farms. What have they to lose if the farm operation as reported by their managers shows a deficit year after year of many thousands of dollars? This annual loss is simply deducted by the owner or owners of the farm while, of course, the value of the farm itself increases year after year. This tax loophole works to the unfair tax advantage of owners of so-called "Gettysburg farms," and it should be reviewed and dealt with in the Senate Finance Committee. Only about 1,200 gentleman farmers were affected by the tax reform legislation of last year.

Genuine income tax reform means legislation to provide some Federal income tax on bonds issued by municipalities and States. These bonds remain totally tax exempt. They are eagerly purchased by extremely wealthy men and women of our Nation and placed in their vaults. Many individuals, although their incomes may exceed $100,000, $500,000 or a million dollars a year, pay no income taxes whatever. They enjoy cutting coupons, receiving interest checks, and banking the money.

Another serious loophole is the failure to tax capital gains passed from one generation to another. This deprives the Treasury of $2.5 billion every year.

Also, it is scandalous that special treatment has been given for stock-options, accelerated depreciation on speculative real estate and payment of estate taxes by redemption of Government bonds at par instead of at the prices quoted on the open market. In recent months Government bonds have unfortunately been selling for approximately 60 percent, or less, under their face value.

Mr. President, income taxes should be levied according to ability to pay. Genuine tax reform would eliminate altogether income taxes for families with incomes under $3,600.

Adoption of my bill would be a meaningful first step toward fairness and modernization of our revenue laws.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4102) to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemption, introduced by Mr. YOUNG of Ohio, was received, read twice by its title, and referred to the Committee on Finance.

OUR MAN IN NORTH VIETNAM

Mr. YOUNG of Ohio. Mr. President, Robert S. Boyd, chief of the Akron Beacon-Journal Washington Bureau, recently returned from 2 weeks' traveling in North Vietnam. Mr. Boyd is one of the foremost investigative reporters in the Nation.

I ask unanimous consent that his report which was published in the Akron Beacon-Journal of June 7, 1970, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HANOI BELIEVES NIXON INVENTED VIET WAR

(By Robert S. Boyd)

In North Vietnamese eyes, Richard Nixon is even worse than Lyndon Johnson was.

Although it was LBJ who bombed the daylights out of their country, Nixon is considered even more treacherous, stubborn and cruel than his predecessor.

They believe Nixon invented the Vietnam War.

In the Museum of the Revolution in Hanoi, which covers the 40-year struggle against French and then American intervention, there is an interesting exhibit devoted to Nixon.

It is dated 1953, and it shows him smiling and chatting with the former French puppet emperor, Bao Dai.

The caption asserts that this was when Nixon—then a freshman vice president—conceived his policy of "Using Vietnamese to fight Vietnamese."

Another display shows Nixon visiting Hanoi in the Spring of 1954, before the French defeat. He toured Dien Bien Phu on that trip.

The exhibit recalls Nixon's April 1954 speech suggesting American aid to the French—a project which President Eisenhower rejected.

In other words, Hanoi dates Nixon's "Vietnamization" plan of 1970 back 17 years—even before the French collapse.

That's how long they say the President has been trying to make South Vietnam into an American "colony" by means of Vietnamese troops.

As a general rule, American presidents are not among North Vietnam's favorite people. The last good one, in their eyes, was Abraham Lincoln, whom Ho Chi Minh admired in his youth.

It is the North Vietnam view:

Woodrow Wilson fouled up by ignoring the young Ho's plea for Vietnamese self-determination at the end of World War I.

Franklin Roosevelt showed promise, but he died before he could be of much help.

Harry Truman sold out to the French in 1946 and supported their campaign to hang on to their old colony.

Dwight Eisenhower refused to hold the promised elections to reunite Vietnam in 1956. Instead he created a tyrant, Ngo Dinh Diem, and put him in Saigon.

John Kennedy beefed up the American "advisers" and launched a "special war" of counter-insurgency against "liberation forces" in South Vietnam.

Lyndon Johnson "Americanized" the war with half a million GIs, and expanded it to North Vietnam.

And now, at the bottom of the barrel, comes Richard Nixon.

Nixon's "Vietnamization" plan is crueler than LBJ's "Americanization" of the war, said Luu Quy Ky, secretary general of the North Vietnamese Journalists Association.

"The cruelty lies in the fact that if Nixon uses the blood of other people, he will not be as economical with it as with American blood," Ky said.

Nixon is also more deceptive than LBJ, according to the North Vietnamese. Vietnamization is only a ruse to lull the American public, they argue. While cutting down U.S. casualties and costs, Nixon is actually prolonging and extending the war, they say.

The harshest indictment of Nixon I heard in my two weeks in North Vietnam came from Hoang Tung, a smiling, deceptively mild-mannered intellectual who is editor in chief of the official communist party newspaper, Nhan Dan (The People).

"Nixon has accelerated his own defeat—his political defeat at home and the defeat of his policies in Indochina," Tung said.

"Why? Because he has done things contrary to common sense. Things that even those who used to agree with him now dissent from. Things that even President Johnson dared not do."

Tung cited what he called Nixon's "escalation" of the war in Laos, the overthrow of Prince Sihanouk in Cambodia (which Hanoi claims was a CIA plot) and now the invasion of Cambodia.

Nixon even succeeded in making a Communist ally out of Cambodia's pleasure-loving Prince Sihanouk, Tung scoffed.

"We couldn't do that," he said, "but your Nixon did."

The editor noted sarcastically that Nixon undertook the Cambodian operation only days after his Secretary of State told Congress it wouldn't be done, and after a Senate committee voted against helping the Lon Nol government of Cambodia.

"Nixon acted in defiance of the Legislature," Tung said. "His acts bring much dissent. He is more unpopular than Kennedy or Johnson.

"Nixon claims his 'silent majority' supports him. But that is self-deception. The votes cast for Nixon in your last election were not meant for him to expand the war, but to end it."

Many Americans may find it poor taste for an official of a Communist dictatorship to criticize the President for failing to consult public opinion.

A number of American bomb casings that have fallen on Vietnamese soil have been derisively painted with his name.

Billboards, slogans and cartoons mock him.

And one day, in the southern part of the country, while American planes were roaring overhead on a bombing mission, a 23-year-old girl looked up and said quietly: "Nixon's airplanes."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Senator from South Carolina is recognized for not to exceed 20 minutes.

THE OMNIBUS CRIME BILL

Mr. THURMOND. Mr. President, there can be no doubt that there is an urgent need for additional measures to combat the alarming rate of crime that is flourishing in our Nation. This is particularly true in the District of Columbia. S. 2601, the District of Columbia crime bill, provides these additional measures, and will, in my judgment, be instrumental in effecting a reduction in the number of crimes committed. However, it is unfortunate that certain provisions of this bill have been, and still are, the subject of gross misunderstanding by responsible critics and inaccurate reporting by the news media.

Mr. President, the provisions of this bill have been exhaustively studied in committee by the House and the Senate, debated on the floor and again studied by the House-Senate conference. All provisions which were deemed unconstitutional or unwise were eliminated. However, there is still controversy surrounding pretrial detention and no-knock provisions of this bill. Critics of these measures have argued that such provisions are unconstitutional and will be misused by the courts and law enforcement officials. It seems to me that a careful reading of this bill and a study of its legislative history, should dispel any doubts one could possibly have regarding its constitutionality or the fact that many safeguards were included in order that the possibility of misuse would be eliminated.

Let us first consider pretrial detention. It must be remembered that the concept of pretrial detention is not new. In 1927, a provision for pretrial detention was included in the American Law Institute's model code of criminal procedure. In the mid-1960's pretrial detention was considered by the Senate Subcommittee on Constitutional Rights and by the House Judiciary Committee. In 1966, the President's Commission on Crime in the District of Columbia recommended legislation to authorize the pretrial detention of those defendants who present "a truly high risk to the safety of the community." Since that time, other studies have been undertaken by the District of Columbia Metropolitan Police Department, the U.S. Attorney's Office, and the Judicial Council Committee To Study the Operation of the Bail Reform Act in the District of Columbia. All of these studies confirmed the fact that a system of pretrial detention was necessary to prevent dangerous criminals from committing additional crimes after being released on bail.

These studies, showing the serious problem of recidivism during bail, prompted the measure we now have before us. However, some critics argue that pretrial detention is repressive and that the courts cannot be trusted to administer its provision in a fair and impartial manner.

Section 23–1322 of the act provides in part that:

(a) Subject to the provisions of this section, a judicial officer may order pretrial detention of—

(1) a person charged with a dangerous crime . . . if the Government certifies by motion that based on such person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in Section 23–1321(b), there is no condition or combination of conditions which

will reasonably assure the safety of the community;

(2) a person charged with a crime of violence . . . if (i) the person has been convicted of a crime of violence within the ten-year period immediately preceding the alleged crime of violence for which he is presently charged; or (ii) the crime of violence was allegedly committed while the person was, with respect to another crime of violence, on bail or other release or on probation, parole, or mandatory release pending completion of a sentence; or

(3) a person charged with any offense if such person, for the purpose of obstructing or attempting to obstruct justice, threatens, injures, intimidates, or attempts to threaten, injure, or intimidate any prospective witness or juror.

The act further provides that no person shall be ordered detained unless the judicial officer, who will be a judge, holds a pretrial detention hearing and finds that there is clear and convincing evidence that the person is a person meeting the requirements of section 23–1322, subsection (a), which I previously cited, and that there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community. The judicial officer also has to issue an order of detention accompanied by written findings of fact and the reason for its entry. The accused is entitled to representation by counsel and is also entitled to testify and present witnesses in his own behalf. If pretrial detention is ordered, the accused has the right to appeal.

Mr. President, it should be evident that the rigid requirements for detention that I have just outlined are adequate to assure that misuse of this provision will not occur. I also have faith in our judiciary and sincerely believe that a judge will not sign an order for detention unless he is convinced that these requirements are met and the accused should be detained.

It has been argued that pretrial detention is unconstitutional because it is contrary to the eighth amendment of the U.S. Constitution. The language of the eighth amendment providing that "excessive bail shall not be required" does not establish a right to bail. It simply states that judges cannot require excessive bail in cases when the defendant has a statutory right to bail. In *Carlson* v. *Landon* (342 U.S. 524 (1952)), the Supreme Court stated that:

The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus, in criminal cases where the punishment may be death, bail is not compulsory. Indeed, the very language of the Amendment fails to say all arrests must be bailable.

The case of *United States ex rel. Covington* v. *Coparo*, 297 F. Supp. 203 (S.D.N.Y. 1969) reaffirmed the Carlson case. The Court said in the Covington case that:

Congress could, without running afoul of the Eighth Amendment . . . provide . . . that persons accused of kidnaping, bank robbery with force and violence, or other serious crimes are not entitled to bail as a matter of right.

The Honorable John N. Mitchell, in an article written for the University of Virginia Law Review—Mitchell, *Bail Reform and the Constitutionality of Pretrial Detention*, 55 Va. L. Rev. 1223 (1969) states that:

Case precedent and history, therefore, belie the contention that the Eighth Amendment grants a right to pretrial release in all criminal cases, or even in all noncapital cases. When the language of the Amendment is analyzed in the historical context in which it was adopted, its ambiguity must be resolved, as in *Carlson* v. *Landon* in favor of the interpretation that although bail may never be excessive, there is no absolute right to bail.

It must also be remembered that while we are concerned about the rights of the defendant, at the same time we are concerned about the rights of society and particularly the victims of criminal acts. It is imperative that the rights of society be protected. In my opinion, this has not been the case in the past few years.

The no-knock provision in this bill has also been the object of various criticisms. The necessity and usefulness of such a provision have been questioned. It should be a well-known fact that an element of surprise is necessary in order that certain criminals be apprehended. Surprise is also essential for the seizure of condemning evidence in cases where such evidence can be easily destroyed or hidden. This provision will make it much harder for the known criminal to escape through another exit or destroy evidence needed for a conviction. It has been charged that this provision experiments with District of Columbia residents and uses them as guinea pigs before applying this law to the rest of the Nation. It has been said that this law is repressive, that it discriminates against blacks and that it resembles fascism. Mr. President, these accusations are ill-conceived, unfounded, and untrue. The facts are that a majority of the States either by case law or criminal statute have had no-knock authority for years. S. 2601 clarifies existing law and provides additional safeguards for the protection of individual privacy. For example, the probable cause standard is required before the police can enter under no-knock authority. It is also mandatory that prior judicial approval be obtained before entry without notice, when the circumstances which would justify such entry are known at the time application for a warrant is made.

Mr. President, at a time such as the present, when the crime rate is at an all-time high; when it is unsafe to walk on our streets after dark; when it is necessary to practically double the number of police in an attempt to maintain law and order, it would be easy to succumb to emotionalism and fear, and, therefore, call for measures and programs which would be unwise. I am pleased that this has not happened. The bill we have before us has been carefully considered. Safeguards have been provided which protect and balance the rights of the individual and society. The Honorable George L. Hart, Jr., judge of the U.S. District Court for the District of Columbia, succinctly stated this need for balance, in his testimony before the Senate Subcommittee on Constitutional Rights. Judge Hart stated:

Surely, it is not an easy thing to balance the interests of an individual charged with a serious crime . . . against the rights of a law-abiding citizen not to be robbed, raped or murdered in his or her home or on the streets. There are powerful and compelling arguments as to why the rights of both should be protected. I suggest a balancing is desirable which considers the rights of both, insofar as it is possible to do so. It is desirable to weigh one right against the other right, and to devise a plan, which to the greatest extent possible, will protect both.

I sometimes think that . . . we put too much stress on statistics and the rights of the person charged with a crime, and wholly ignore the human elements as they apply to the victim. In other words, we talk of the accused as a deeply concerned human being and citizen, which he is, but consider the victim only as a cold, inhuman statistic, which he is not. He, too, is a human being and a citizen deserving of consideration.

Mr. President, I urge the favorable passage of this bill through the adoption of the conference report.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the distinguished Senator from Mississippi (Mr. STENNIS) is recognized for not to exceed 20 minutes.

MILITARY AUTHORIZATION, 1971

Mr. STENNIS. Mr. President, one of the two major areas in the military authorization bill which will soon be before the Senate for consideration is the research, development, test and evaluation appropriation for which $7.4 billion is requested. I believe it is the most complicated and certainly the most forward looking program of the Department of Defense. It may also be described as the spring from which flows all of the knowledge and genius that provides the United States with the most powerful and modern military forces in the world.

The Secretary of Defense and the Director of Defense Research and Engineering have called the research and development budget a "rock bottom" budget, just as they have described the entire military procurement budget. However, the committee has taken much greater pains this year in examining the many programs included under this account. The review in depth, which was conducted largely by the ad hoc Subcommittee on Research and Development, chaired by the very able Senator from New Hampshire, Senator MCINTYRE, identified specific programs in the bill which could be reduced without serious consequence. I should emphasize that these were difficult judgments which were reached after lengthy deliberation. Nonetheless, in the opinion of the committee, these reductions will have no detrimental effect on our future military capability; but to go beyond these reductions could undermine the very heart of our military technology.

REDUCTION OF ITEMS TOTALING $464.1 MILLION OR 6.3 PERCENT BELOW THE BUDGET

The committee has recommended the reduction or elimination of 52 programs

in the total amount of $464.1 million, or 6.3 percent. This was partly offset by a transfer of $79 million for two S–3A test aircraft from the Navy procurement budget which should have been included in the research and development account. The result is a reduction of $385.1 million. This will provide authorization of $7.016 billion which is $249.1 million lower than the House bill.

Mr. President, this subject matter was reviewed in great depth by an ad hoc Subcommittee on Research and Development of the Senate Armed Services Committee, ably led by the Senator from New Hampshire (Mr. McINTYRE). They identified the specific programs in this bill which, in their opinion, should be reduced.

I should emphasize that these were difficult judgments, but they were reached after lengthy deliberation. In the opinion of the committee, these reductions will have no detrimental effect on our future military capabilities.

We do believe, though, that to go beyond these reductions could undermine the very heart of our military technology. The Senator from New Hampshire will later present to this body, in as great detail as may be requested, all of the major or medium-sized items in this part of the bill.

GENERAL MISUNDERSTANDING OF RESEARCH AND DEVELOPMENT

Mr. President, there is a widespread misconception of the research and development programs which I would like to clarify as much as possible. Too often the program, all $7 billion of it, is thought to be mostly for the pay of scientists and engineers who work with test tubes and computers primarily to advance our technology. This is not so.

Of the $7 billion recommended by the committee, only 5 percent, or $0.4 billion goes to basic research. The major part of the program, involving the engineering and operational development programs totals $3.7 billion which amounts to more than 50 percent of the entire program. These programs provide for the production of development models of complete weapon systems such as the new F–14 plane for the Navy and the new F–15 plane for the Air Force, both advanced fighters, Minuteman ballistic missiles, and the Navy Poseidon, that are tested and followed later by procurement for the operating forces.

Everything, all the costs, are labeled Research and Development until the actual procurement of a weapon starts, but it is certainly an error to think of anything like a major part of those sums going into the basic research account.

Another large segment of the program, $1.2 billion or 15 percent, pays for the operation, management, and maintenance of the Defense research, development, and test organization. This includes some 88,000 civilian scientific, engineering, technical, administrative, and maintenance personnel who man the 130 Government-owned installations supported by this program.

That is a vast undertaking, Mr. President, the actual testing and evaluation, testing over and over again our vast weapons system for the air, for the sea, for under the sea, and for ground weapons of all kinds. One of our outstanding installations of that kind is Edwards Air Force Base, in California. There we have a number of test pilots who carry on every kind of conceivable testing and evaluation of these weapons before they are put into procurement. Then, as we have to make add-ons and modifications, they continue to test the weapons. It is an amazing experience to be taken through there and to be shown what a complete setup we have, and one is convinced of its necessity.

Another 32,000 military personnel who work at these activities are paid from another appropriation.

The remaining $1.8 billion provides for the exploratory development and advanced development work that bridges the gap between the knowledge gleaned from basic research and translates it into hardware that is brought together to form our complex weapon systems.

AUSTERITY OF THE AUTHORIZATION RECOMMENDED BY THE COMMITTEE

The committee recommendation is the lowest amount since fiscal year 1966, which was $6.7 billion. If inflation is taken into account, and the content of the program is put on a comparable basis, it is the lowest amount since fiscal year 1960, when it was less than $5.5 billion. I want to make the point very clear. This is the most austere program, in total dollars, in the past 10 years.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SCOTT. I want to commend the Senator from Mississippi. I am aware of the purpose and general content of what he is discussing, and I should like to point out at this time a matter with which I am sure he will agree.

I have checked certain figures; and, whereas the budget for defense needs in 1962 was 48 percent and for human resources was 29 percent, and in 1968 the budget for defense was 44 percent and for human resources was 34 percent, now the human resources aspects of the budget have exceeded defense by 41 percent to 37 percent.

The Senator, of course, is quite right in pointing out the austerity of the budget and the fact that almost all has been squeezed out that possibly could be squeezed out. I am very glad that the distinguished chairman of the Committee on Armed Services, the man most competent to testify on these matters, is making a record as to the essential needs of the country.

We hear a great deal about the reordering of priorities, which, when translated, means, "I want what I can get for my particular crowd." Only one priority transcends all others, and that is the security and the defense of the United States—not merely this year but in this entire decade. Without protecting that No. 1 priority, no other priority will be around to enjoy.

Does the Senator agree?

Mr. STENNIS. I certainly do agree. I thank the Senator very much for his very timely remarks.

I think that this is a very austere program, as the Senator has said; but every major phase of it certainly should be fully explained and every Senator should have a chance to have it explained in such a way that it can be understood. We did not want to bring in any extra dollars. So this bill has been pursued very vigorously and very completely. I can say, on my own responsibility, that it is the most austere program in total dollars that we have had in the last 10 years.

Mr. SCOTT. I thank the Senator.

Mr. STENNIS. It is recognized generally that when military forces are being reduced and when military procurement is cut back, research and development takes on even greater importance. With fewer weapons and men, the quality of our arms must be supreme to overcome the superior numbers of our enemies. A strong and viable research and development program provides the ability to react, albeit sometimes too slowly, to this need. Nevertheless, it is the considered opinion of the committee that the reductions which we have recommended in the fact of the sober facts that I have stated before—severe financial condition of the Federal Government, priority of domestic problems, and inflation—can be sustained without jeopardy to our present or future defense posture. This opinion was reached with a full awareness of the fact that the Soviet Union is devoting more effort to military-related research and development than is the United States. We will have to examine this imbalance carefully in considering future budgets.

MAJOR PROGRAMS INCLUDED IN THE BILL

The authorization which the committee recommends will provide for a lower basic research program than in fiscal years 1969 and 1970. This is consistent with a shift in emphasis from defense to nondefense agencies, which has been recognized in the committee report. It supports the continued development of such important weapon systems as the F–14—$324 million—and F–15A—$370 million—advanced fighters, the S–3A antisubmarine warfare aircraft—$208 million—Safeguard—$365 million—B–1 advanced bomber—$50 million—Minuteman—$224 million—and Poseidon—$123 million. It provides also for initiation of development of the A–X close air support aircraft—$27.9 million.

SOME OF THE MAJOR PROGRAMS REDUCED BY THE COMMITTEE

The major reductions recommended by the Committee include such programs as the B–1 advanced bomber—from $100 to $50 million—the Subsonic Cruise Armed Decoy, called SCAD—from $33.6 million to "0"—the Short Range Air-to-Air Missile—from $37.2 million to $8.0 million—and the Cheyenne helicopter—from $17.6 million to "0".

SOVIET RESEARCH AND DEVELOPMENT EFFORT EXCEEDS THAT OF UNITED STATES

We must recognize that there are certain risks which we must assume in reducing the research and development program. There is the ominous picture of a constantly increasing Soviet research and development program. During the past few years, total Soviet R. & D. has been growing by about 10 percent per year while ours has essentially

leveled off. The comparison is even more dramatic for R. & D. devoted to military, atomic energy, and space. For example, during the 1960's the Soviet military R. & D. increased by about 60 percent while U.S. military R. & D. increased by roughly 30 percent. In absolute dollars, estimates for 1970 show the Soviets ahead of the U.S. by more than 20 percent. The simple fact is that we have been overtaken by the Soviets in total R. & D. effort expended for military, atomic energy, and space; and the gap appears to be widening. This situation cannot be tolerated for long, since our technological superiority is in danger. As I have stated before, we will have to watch this item very closely in the future.

I have been at this long enough not to be frightened by some new story about what the Soviets may be doing or what they are planning to do. We have certain ideas about what their capacity is and what they are doing, and it would be the height of folly if we did not weigh those the best we could and make certain that we are on the alert.

With respect to the research and development program, I hope Senators are close enough to it to realize that even though we might spend $100 million on a weapon that did not develop, that is not lost money, it is not waste, and certainly it does not mean that it was even in calculation. That has to be charged to the profit and loss of experimentation, the concept of finding out what will work; and you will always go forward knowing what will work when you find out that certain things will not work. That costs money, also, as Thomas A. Edison learned when he was trying to perfect the first incandescent lamp. So even though we have prospective weapons that do not work out, at the same time much is learned and much good comes from experiments we have made.

My purpose in making this short speech today on research and development is to touch upon some of the highlights and to give some idea of the percentage of this large sum of money that goes for actual basic research, how much for engineering, how much for the development of the pilot models, as they might be called, and how much for the actual testing, which is a tremendous part of putting any weapon in the field.

CONCLUSION

In conclusion, the committee believes that its recommendation will provide an austere level of funds to support only the most essential research and development programs. Measured against a rigid time frame, which averages about 7 years from the initiation of development to the delivery of fully tested weapon systems in quantity for operational use, the need for an adequate level of funds to insure a stable program each year cannot be argued. If significant changes occur in the annual authorization for research and development, the disruption of major development programs would be extremely costly, and result in undue program delays. The order of national priorities and the serious economic outlook demand the utmost prudence in the selection of those programs and weapons systems which offer the greatest promise for improving our future military capability.

Mr. President, as a final thought, I would emphasize that the heavy burden of examining the entire research and development program of the Department of Defense has been borne by the Research and Development Subcommittee under the able chairmanship of Senator McINTYRE. Senator McINTYRE will cover the research and development program in great depth in a separate statement to be presented during the course of debate on the bill. The purpose of my remarks has been to summarize and cover some of the significant aspects of this program.

Mr. President, the Senator from New Hampshire (Mr. McINTYRE) will also be here to answer questions, as will other members of the subcommittee. They will be prepared to go into any of these programs in depth. They have heard the testimony and have the facts taken from responsible witnesses to back up their conclusions and will be able to discuss the most difficult part of the bill.

We must make some allowances in there for experiments, as I said before, which do not always turn out. We have also got to make allowances for certain basic research which must go on all the time.

People have asked me many questions, such as, "Here is a weapon that is 10 years old. Why do you spend so much money to continue research and development on it?"

Because, there is continuous, progressive development to any weapon which lasts for any length of time and if we do not bring it up to date and add on the newest developments, provided the weapon can take it, it quickly becomes obsolete.

I refer to the F–4 Phantom jet, which has proven to be one of the finest airplanes and the most useful airplanes the Air Force and the Navy have ever used. They are delighted to have it. I believe that the first one came off the assembly line about 12 years ago and is still one of the workhorses for the Air Force and Navy. It is a plane which has been kept up to date and on which a small research and development program is still being carried on up until now.

The same is true with the Polaris submarine. A number of these are being converted to the Poseidon program which will carry the new missile.

I can give a simpler illustration. I remember from childhood that the Remington Arms Co. made shotguns. So did the Winchester people. They kept experimenting, experimenting, and improving. I believe that Winchester sold out and is not known by that name any more; but I am fortunate enough to possess one of the modern Remington automatics. We are all indebted to the research and development carried on by private enterprise in the relatively simple development of that weapon.

Other illustrations can be made of the Ford Motor Co., General Motors, Chrysler, and other corporations with their tremendous research and development programs which go on all the time. They cost a great deal of money.

In the case of this one department of Government, research and development does cost a great deal of money, but if we had to hire a company to do all of this for us and we had to bear the cost of creating such an organization, and so forth, it would cost us, in this instance, even more.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. GRAVEL). Under the previous order, the Senate will now proceed to the transaction of routine morning business.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPOSED ARMY NATIONAL GUARD FACILITIES

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Army National Guard (with an accompanying report); to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, on the disbursements made to small business firms, dated July 20, 1970; to the Committee on Banking and Currency.

REPORT ON SERVICES TO FAMILIES RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on services to families receiving aid to families with dependent children, dated July, 1970 (with an accompanying report); to the Committee on Finance.

REPORT ON CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT, COLO.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Closed Basin Division, San Luis Valley Project, Colo. (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED EXPLOSIVES CONTROL ACT OF 1970

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to regulate the importation, manufacture, distribution, storage and possession of explosives, blasting agents and detonators and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION NO. 20—RELATIVE TO TEACHERS' RETIREMENT

"Whereas, The California Legislature passed teachers' retirement bills in the 1967 Regular

Session and in the 1969 Regular Session. which were not enacted into law, to grant retirement credit for out-of-state service to the mobile teacher; and

"Whereas, Approximately 50 percent of the California teachers have out-of-state service credit for which they will be penalized during their retirement years; and

"Whereas, The retirement problems of the mobile teacher are long standing in California as well as in other states; and

"Whereas, The joint NEA-NCTR task force has presented a proposal to alleviate a significant long standing problem; and

"Whereas, After due and careful consideration of the public interest, legislation has been introduced in Congress which provides for improvement of education by increasing the freedom of the nation's teachers to change employment across state lines without substantial loss of retirement benefits, through establishing of a federal-state program allowing covered teachers at least 10 years of credit for public teaching service not covered by the system; and

"Whereas, This federal legislation provides that the federal government shall provide 40 percent of the cost for funding, with the remaining 60 percent to be shared by the state or local system, or both, and individual teacher; and provides an additional amount for administration; and

"Whereas, The legislation has been referred to the Education and Labor Committee of the 91st Congress for hearing and action; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation to provide for a federal-state program allowing covered teachers at least 10 years of credit for public teaching service not covered by their present retirement system; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Tamagusuku Village Assembly, Okinawa, praying for the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, July 21, 1970, he signed the following enrolled bills, which has previously been signed by the Speaker of the House of Representatives:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, California;

S. 1046. An act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or part of gold or silver and for other purposes;

S. 1456. An act to amend section 8c(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising;

S. 3274. An act to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards;

H.R. 14452. An act to provide for the designation of special policemen at the Government Printing Office, and for other purposes and

H.R. 14453. An act to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. YOUNG of Ohio:

S. 4102. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemption; to the Committee on Finance.

(The remarks of Mr. YOUNG of Ohio when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. STEVENS:

S. 4103. A bill to amend the Act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters; to the Committee on Public Works.

(The remarks of Mr. STEVENS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. MCGOVERN, Mr. BROOKE, Mr. GOODELL, Mr. HART, Mr. HOLLINGS, Mr. KENNEDY, Mr. PELL, Mr. SCOTT, and Mr. SCHWEIKER):

S. 4104. A bill to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON:

S. 4105. A bill to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. CRANSTON, Mr. HUGHES, Mr. KENNEDY, Mr. NELSON, Mr. RANDOLPH, and Mr. WILLIAMS of New Jersey):

S. 4106. A bill to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps; to the Committee on Labor and Public Welfare.

(The remarks of Mr. MAGNUSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA:

S. 4107. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PROXMIRE:

S. 4108. A bill to amend the Truth in Lending Act to protect consumers against careless and erroneous billings; to the Committee on Banking and Currency.

(The remarks of Mr. PROXMIRE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4103—INTRODUCTION OF A BILL RELATING TO PENALTIES FOR OBSTRUCTION OF NAVIGABLE WATERS

Mr. STEVENS. Mr. President, I am introducing legislation today which will increase the penalties for violations of the Refuse Act of 1899. This venerable law is an important part of the effort to halt abuse of the Nation's waterways.

Alaskans have witnessed the ineffectiveness of laws whose penalties are less than the value of the violation. Foreign fishermen have repeatedly penetrated American waters secure in the knowledge that fines imposed on them will be far less than the profits of their expeditions.

The Refuse Act of 1899 penalizes a different abuse of our waterways—chemical abuse. With a maximum penalty of $2,500, the act is ineffective against large-scale violators who find it profitable to break the law when the penalties are small.

About 27,000 Alaskans participate in the commercial fishing industry. Thousands more enjoy Alaska's coastline and inland waterways. Every Alaskan feels a strong commitment to keeping the Nation's waters clean. With this bill the maximum penalty will be raised to $100,000, and repeated infractions will be treated as separate violations each day they continue. For those who carelessly contaminate our waters, we must up the ante.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred.

The bill (S. 4103) to amend the act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters; introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Public Works.

S. 4104 — INTRODUCTION OF THE SCHOOL BREAKFAST ACT OF 1970

Mr. JAVITS. Mr. President, for myself and Senators MCGOVERN, BROOKE, GOODELL, HART, HOLLINGS, KENNEDY, PELL, SCOTT, and SCHWEIKER, I introduce a bill entitled "The School Breakfast Act of 1970."

This bill would expand the school breakfast program by:

First, establishing the same national eligibility standards for free and reduced price breakfasts as the Congress recently enacted for the school lunch program in H.R. 515—all children at poverty level would receive free or reduced-cost breakfasts. In addition, the bill also would require that free or reduced-price breakfast be served to children from families eligible for financial assistance under Federal or State welfare programs;

Second, making the program permanent—it is due to expire at the end of fiscal year 1971 unless the authority is extended;

Third, directing all schools having a school lunch program to participate in the breakfast program after July 1, 1972, unless the Secretary determines that such participation is not possible or is not necessary to meet the nutritional needs of children in the school;

Fourth, increasing the authorization in fiscal 1971 from the current $25 million to $100 million, and to $200 million in fiscal year 1972, and such amounts as necessary for each succeeding fiscal year. Such an increase would provide a fund-

ing authorization to feed approximately 2.2 million children by fiscal year 1971 and 4 million by the end of fiscal year 1972—at present only approximately 450,000 children are receiving breakfasts and there are at least 6 million needy children in the United States;

Fifth, empowering the Government to pay the full cost of breakfast programs in the neediest schools;

Sixth, directing the Secretary of Agriculture, after consultation with the Secretary of Health, Education, and Welfare, to utilize fortified and enriched foods in the breakfast program where necessary to meet known nutritional deficiencies of children.

Seventh, requiring schools to report to State education agencies each month the average number of recipients of free and reduced-cost breakfasts during the immediately preceding month as well as provide twice a year estimates of the number of children eligible for free or reduced-cost breakfasts; and require State education agencies to report to the Secretary of Agriculture each month the average number of children who received free and reduced-cost breakfasts during the immediately preceding month in the State as well as require a statewide estimate twice a year of the number of children eligible for free or reduced-cost breakfasts—same reporting as in recently enacted school lunch bill, H.R. 515.

Eighth, directing the Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare and Director of the Office of Economic Opportunity, to conduct nutrition education programs utilizing mass media and audiovisual systems.

The President recently signed into law Public Law 91–248 which greatly expands the school lunch program and requires that all needy children shall receive free or reduced-price lunches. This law will go a long way toward fulfilling the President's commitment to feed 6.6 million needy children free or reduced-price meals by the end of this year.

However, I believe that we must not stop with expansion of the lunch program alone; we must continue with significant expansion of our school breakfast program, as well. A lunch alone is not sufficient for the poor child who in many instances has no breakfast at home and must go from dinner in the evening until lunch at school before he has a nourishing meal. This 18-hour timespan is unsatisfactory, even for an adult.

We must not tell the hungry child he must wait until lunch. He cannot learn, cannot be responsive, and is often apathetic when he is hungry. Also, he may often be disruptive in the classroom and classified as a "problem child" when the only problem is an empty stomach.

Therefore, I believe it is essential that both breakfast and lunch be provided to needy children. Preliminary findings of studies currently being conducted at the Tulane University Medical School in New Orleans suggest that feeding both breakfast and lunch to children provides benefits and yields responsiveness in the classroom to a significantly higher degree than does either meal alone.

It is my belief that just providing one meal to the needy child serves only as a "holding action" and only sustains him without any significant gains and improvements. We cannot hope to correct any problems of nutritional deficiencies in children as pointed out so vividly in the National Nutrition Survey by providing only a lunch—that is, only five meals a week instead of a possible and necessary 10. We must do all that we can to see that needy children get what is necessary to better their nutritional status and thereby improve their capability as students and future citizens. We are only deluding ourselves if we continuously provide funds for education when malnutrition remains a constant impediment to the successful use of those funds for improving the education of poor children. We must concurrently provide funds and programs to eliminate the crippling and devastating problem of hunger and malnutrition. This bill will go a long way toward meeting that objective so that our most precious resource—our children—will be guaranteed at least a firm nutritional foundation on which to make of themselves whatever their ambition, character, and vision will allow.

Mr. President, I feel that expansion of the school breakfast program is the next essential step in the fight against hunger in America which has seen so many advances during the past year.

I see the distinguished Senator from South Dakota (Mr. McGOVERN) in the Chamber. As chairman of the Select Committee on Nutriton and Human Needs, on which I serve as the ranking minority member, he is to be commended for his many outstanding efforts to eliminate hunger from our Nation and I am pleased that he is a cosponsor of this bill.

Mr. President, I ask unanimous consent to have the bill printed in the RECORD and I hope very much that it will have early sympathetic consideration by the Senate.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4104) to amend the Child Nutrition Act of 1966 to strengthen and improve the school breakfast program for children carried out under such act, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "School Breakfast Act of 1970".

SCHOOL BREAKFAST PROGRAM AMENDMENTS

SEC. 2. Section 4 of the Child Nutrition Act of 1966 is amended to read as follows:

"SCHOOL BREAKFAST PROGRAM AUTHORIZATIONS

"SEC. 4. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, $100,000,000; for the fiscal year ending June 30, 1972, $200,000,000; and such sums as may be necessary in each succeeding fiscal year to enable schools to initiate, maintain, or expand nonprofit breakfast programs for school children.

"APPORTIONMENT TO STATES

"(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

"STATE DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by it to assist such schools in financing all or part of the operating costs of the school breakfast program in such schools, including the cost of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of subsection (d) concerning the service of breakfasts to children unable to pay the full cost of such breakfasts. In selecting schools for participation in the program, the State educational agency shall give first consideration to those schools with high numbers of children from low-income families and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"(d) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary, after consultation with the Secretary of Health, Education, and Welfare, on the basis of tested nutritional research. Such breakfasts shall also include such enriched and fortified foods as the Secretary determines, after consultation with the Secretary of Health, Education, and Welfare, appropriate to meet known nutritional deficiencies of the children receiving such breakfasts, without regard to whether such foods are in surplus supply. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants the number in the family unit, and the number of children in the family unit attending school or service institutions; but by January 1, 1971, any child who is a member of a household which either (1) has an annual income not above the applicable family size income level set forth in the income poverty guidelines, or (2) is eligible for financial assistance under a Federal or State public welfare assistance program shall be served meals free or at a reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household.

"NONPROFIT PRIVATE SCHOOLS

"(e) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof.

"BREAKFAST PROGRAM PARTICIPATION

"(f) After July 1, 1972, any school participating in the school lunch program under the National School Lunch Act shall be required to participate in the school breakfast program provided for under this Act unless the Secretary determines that the participation of such school in the school breakfast program is not possible or is not necessary in order to meet the nutritional needs of the children attending such school.

"REPORTS

"(g) (1) Each school participating in the school breakfast program under this Act shall report each month to its State educational agency the average number of children in the school who received free breakfasts and the average number of children who received reduced price breakfasts during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price breakfast.

"(2) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free breakfasts and the average number of children in the State who received reduced price breakfasts during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price breakfast."

NUTRITION EDUCATION PROGRAMS

SEC. 3. The Secretary of Agriculture, in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, shall conduct programs of nutrition education by mass media and audio visual systems. There is hereby authorized to be appropriated for the conduct of such program $2,500,000 for the year ending June 30, 1971, and such amounts as may be necesary for each succeeding fiscal year.

S. 4105—INTRODUCTION OF A BILL TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill which would amend the Federal Water Pollution Control Act.

This year, Congress is considering the most far-reaching amendments to the Federal Water Pollution Control Act since the Water Quality Act of 1965 and the Clean Water Restoration Act of 1966. On April 28, I appeared before the Subcommittee on Air and Water Pollution and described the progress that Metropolitan Seattle has been able to make in improving water quality. The results from a plan approved in 1958 have been dramatic, but Seattle, like every other major metropolitan area in this country, has a long, long way to go to achieve and maintain consistently high water quality standards. To achieve this goal a number of significant improvements will have to be made in the statutory base underlying our water pollution control programs. Among these will be "contract authority" or some similar precommitment technique which will permit and encourage planning for the use of funds over a period of several years. This will provide a much sounder and more efficient approach for our metropolitan areas. There will have to be, also, more money. Fiscal 1971 is the last year of the 5-year program approved by Congress in 1966 and an appropriation of $1.25 billion is authorized. The full authorized amount must be appropriated and at the same time we must legislatively lay new goals for the next several years.

The first section of the bill introduced today is the authorization section for funding of the Federal assistance for the construction of municipal waste treatment facilities. The range of proposals pending before the subcommittee at the moment is from the administration's 4-year $1 billion program—for a total of $4 billion in Federal funds—to Senator MUSKIE's proposal in S. 3687 for a 5-year $2.5 billion program—for a total of $12.5 billion in Federal funds. Last year the Senate voted to appropriate $1 billion for waste treatment facilities. This figure finally had to be compromised with the House at $800 million.

This year, fiscal 1971, an appropriation of $1.25 billion is authorized. It is clear to me, and I think to each one of us who has followed the fight against pollution that we must appropriate the full $1.25 billion. At the same time, in all future years we must meet, if not exceed, $1.25 billion annually. It is my judgment that Senator MUSKIE's proposed figure of $2.5 billion is realistic, but I left the figure open in my proposal so that I would have a chance to more carefully review other alternatives that will be before the committee and which will be presented shortly to the Senate.

My testimony on April 28 before the subcommittee was also for the purpose of introducing Mr. C. V. "Tom" Gibbs, executive director of the municipality of Metropolitan Seattle and chairman of the Steering Committee of the Association of Metropolitan Sewerage Agencies—AMSA. Mr. Gibbs' very excellent statement proposed two major changes in the Federal Water Pollution Control Act.

The first of these is an amendment to subsection (f) of section 8 of the Federal Water Pollution Control Act. It would authorize a special 20 percent incentive grant for new construction of pollution abatement works by any municipality which has built sewerage projects since 1956 that qualified for Federal assistance at the time they were built but did not in fact receive the 30 percent Federal grant then authorized. The total of these incentive grants for new construction would be limited to the total amount of Federal grants for which such municipalities were short-changed over the period since 1956.

There is, of course, something basically unfair about penalizing those communities—for the most part large metropolitan areas requiring tremendous expenditures—which responded at an early stage to their local community needs and the concept underlying the Federal supporting program. Those communities did not receive the full Federal incentive grants due them under the program; this was not because of any failure on their part but, rather, because of the lack of full funding for the authorized program and the additional dollar ceiling imposed on all projects grants—an obvious discrimination against the major metropolitan areas. Those cities which have, therefore, committed their resources and in effect mortgaged their bonding and financing ability for the future in order to initiate a program of water pollution control should, in my view, be given an opportunity to continue their efforts on the same scale available for those communities which did not respond and which did not take the initiative under the early Federal programs. Such a provision would not be supportable—and it certainly would not be incorporated in the bill that I introduce today—if the proposed incentive grants were to be paid into the general funds of the community. But, under the amendment that I proposed, the incentive grants would redress the discrimination and the past failure to fund the program adequately for facilitating the future construction of authorized facilities. Under the proposed amendment, the supplemental grant could not exceed 20 percent of any new project.

Cutoff dates always create difficulties; but where, as here, participants in a Federal program have been discriminated against through no fault of their own, I think it is imperative that we find a fair, equitable, and constructive way of redressing the situation. The amendment suggested by the Association of Metropolitan Sewerage Agencies and incorporated in my bill provides a proper way of doing so.

The second change is an amendment to subsection (c) of section 23 and would permit Federal funding of projects directed toward the solution of the combined sewer problem. Large cities will only be able to deal effectively with the problem of raw sewage overflows if they can either separate the combined flows of sanitary and storm sewers so that all of the sanitary sewage can flow to treatment plants, or provide for storage of heavy combined sewer flows during rain storms which can then be spread out for orderly delivery to disposal plants.

Recent research by AMSA indicates that 27 large metropolitan complexes—most of which exceed 500,000 in population—in the United States need almost $11.7 billion in the next 10 years for waste treatment works alone. These same 27 metropolitan areas serve 32 percent of the Nation's sewered population and have performed 24 percent of the Nation's pollution control work. Unfortunately, as of last September they had received only 6 percent of the Federal funds distributed for that type of work. Another fact included in the AMSA statement is that from 1956 to 1969, municipalities of over 250,000 population, which contain more than 35 percent of the sewered population of the United States, received less than 8 percent of all Federal grant dollars for waste treatment. During the same period, cities under 50,000 population, with less than 35 percent of the sewered population of the United States, received more than 70 percent of all Federal waste treatment dollars. It is clear that a game of catch-up has to be played by the Federal Government to enable large metropolitan areas to clean up some of the Nation's dirtiest waters. The bill introduced to-

day, along with prompt funding and wise administration, will go a long way toward effective corrective action.

Finally, Mr. President, a word about two important matters which are currently being considered by the Department of Interior, Federal Water Quality Administration, and the Subcommittee on Air and Water Pollution. Mr. Gibbs, on behalf of AMSA, testified in support of river basin planning and a charge to waste dischargers for the cost of pollution abatement. These are important concepts and one which I hope the committee and the Senate will be able to give the administration guidance on handling. It is my judgment that a payment in proportion to pollution would rationalize our pricing structure and improve the efficiency of many operations. Sewer service charges, it seems to me, can make two major contributions: First, sewerage charges are capable of raising substantial funds; and, second, sewerage charges based on the volume of waste delivered will discourage the amount of waste production.

The concept of river basin planning integrates pollution control and abatement plans into a much broader perspective and will help identify priorities and include such necessary dimensions as the political, social, and economic realities of a broader area.

S. 3687, introduced by Senator MUSKIE and four of his colleagues from the subcommittee, establishes an incentive program which will encourage the development of river basin planning and the utilization of user charges. This is an appropriate means of achieving these goals.

Mr. President, AMSA's testimony helps redirect much of our energies and resources to the major metropolitan areas, which is where the problem of water quality really has to be fought and won. It is my privilege to have worked with them in developing this legislative program and to introduce it today. I urge all my colleagues to consider this measure carefully and specifically urge the Public Works Committee to include in its overall program the two major proposals envisioned by this measure.

One final word: Senator MUSKIE, Senator COOPER, and their colleagues on the Air and Water Pollution Subcommittee are to be congratulated on the comprehensive and thorough job they are doing. Controlling water pollution and improving water quality involves difficult decisions based on complex and sometimes conflicting values. It takes time and extensive homework to sort through the facts, issues, and priorities involved in achieving high water quality. The subcommittee has given this kind of time and done this kind of work and deserves the gratitude of all of us.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred.

The bill (S. 4105) to amend the Federal Water Pollution Control Act in order to authorize the Secretary of the Interior to incur obligations for construction grants under section 8 of such act, and for other purposes, introduced by Mr. MAGNUSON, was received, read twice by its title, and referred to the Committee on Public Works.

S. 4106—INTRODUCTION OF THE NATIONAL HEALTH SERVICE CORPS ACT OF 1970

Mr. MAGNUSON. Mr. President, my distinguished junior colleague from the State of Washington (Mr. JACKSON) and I introduce today the National Health Service Corps Act of 1970, on behalf of ourselves, the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS). Companion legislation is being introduced simultaneously in the House of Representatives by the gentleman from Florida (Mr. ROGERS) and several cosponsors, including the gentleman from Washington (Mr. ADAMS).

This legislation will establish a National Health Service Corps within the Public Health Service, in order to improve the delivery of health services to areas of urban and rural poverty where health services are now inadequate. The Corps will be comprised of selected commissioned officers of the Public Health Service and of other health professionals under civil service. Supervision of the Corps' activity will be provided by a Director, to be nominated by the President with the advice and consent of the Senate. Assisting the Director will be a National Advisory Council of 12 members. Council members will include Federal health officials, private citizens, members of the Corps itself, and recipients of health services provided by the Corps. A complete analysis of the structure and functions of the Corps will appear later in my remarks.

Mr. President, the National Health Service Corps Act is an important piece of legislation for many reasons. In offering it, Senator JACKSON and I have three basic purposes in mind. First, we want to increase the quantity and quality of health services in those areas of the country, and among those segments of the population, that need such services the most. Second, we want to revitalize the Public Health Service generally and the commissioned corps specifically by providing them with a mission to match their proud tradition. Finally, we hope in offering the National Health Service Corps Act to provide a framework within which the idealism and social commitment of our young health professionals and medical school students can be put to work, serving the most disadvantaged people in the Nation.

In introducing this legislation, I will comment individually on these three purposes, and then proceed to an analysis of the legislation itself.

I. THE DISTRIBUTION OF MEDICAL MANPOWER IN THE UNITED STATES

Mr. President, anyone who is even remotely familiar with health care programs and services here in the United States recognizes that we are in the midst of a severe manpower shortage in the health professions. The first aspect of this manpower shortage is an absolute shortage in the number of trained doctors, dentists, nurses, and other health professionals. The Appropriations Subcommittee on the Departments of Labor and Health, Education, and Welfare, of which I am chairman, has listened to the staggering statistics of this absolute shortage during our hearings over the past month. The subcommittee, the full Appropriations Committee, and the Senate as a whole will act, I hope, to provide a level of funding for the current fiscal year that will help to alleviate this shortage.

But the manpower shortage among health professionals has another facet, one that cannot be solved simply by increasing our appropriations for existing programs. This second facet involves the maldistribution of the health professionals that we do have. Physicians, dentists, and all other forms of medical personnel simply are not distributed in relation to the health needs of the United States. And so, while the Nation as a whole faces a doctor shortage, the shortages in areas of urban and rural poverty are particularly acute.

It is virtually impossible for poor communities to attract and retain sufficient health professionals to meet even their most basic health needs. Senator JACKSON and I have seen this over and over again in our home State of Washington, where isolated rural communities and the core areas of our larger cities simply do not receive a level of health care that most middle-class individuals would consider adequate. The causes of this maldistribution are no mystery—poorer communities have few attractive features for a young doctor or dentist with a family to raise—yet the consequences of inadequate health care in these communities are physically, socially, and economically crippling to our poorer citizens, and shameful for our Nation as a whole.

Many health problems that would appear routine or even trivial in more affluent communities become serious or near-fatal in those areas where access to health care is severely restricted. The diseases of poverty—high infant mortality, short life expectancies, malnutrition, anemia, and so on—are exacerbated greatly when they go untreated, and contribute substantially to the vicious circle of poverty and low economic productivity.

The National Health Service Corps will not eliminate these diseases, nor will it solve completely the massive problem of maldistribution in the health professions. At the level of funding provided in this act—about $5 million—fewer than a dozen communities across the Nation will receive care from Corps members. But this pilot project phase, if it proves successful in more adequately meeting the health needs of the poor, can be expanded easily simply by increasing the authorization provided in this act and the appropriations to match.

What the Corps will do is provide substantial infusions of medical manpower in areas with ongoing federally funded

health care programs. In some instances, the Secretary of Health, Education, and Welfare may choose to deploy Corps personnel in areas without existing health care programs, and authority is provided in the act to meet this eventuality. At this stage, however, and at this level of funding, the purpose of the act will be to demonstrate that the health care needs of the poor can be substantially met through a redistribution of health manpower.

A long-range solution to the maldistribution of health professionals will require more than a Federal program of this type, of course, and it is our hope in offering this legislation that doctors, dentists, nurses, and other health professionals who serve in the Corps will wish to continue practicing in poverty areas after their tour of duty with the Corps has been completed. One of the factors to be taken into account in assigning Corps members, in fact, will be the prospects for continued service to the community after completion of the 25 to 50 month term of service in the Corps.

The National Health Service Corps thus will help meet the problem of maldistribution of health professionals in two ways: First, it will provide an infusion of health personnel into Federal health care programs in physician-deficient areas, and second, it will provide a program whereby health professionals can serve for a time in poverty areas and determine whether or not continued service in such areas would be worthwhile as a career.

II. REVITALIZING THE PUBLIC HEALTH SERVICE AND THE COMMISSIONED OFFICER CORPS

The National Health Service Corps established in this act is to be set up within the Public Health Service. The health professionals in the Corps will be drawn primarily from the commissioned officer corps of the Public Health Service. These two facts make the Corps, even at this pilot project level of funding, an extremely significant development for both the Public Health Service and the commissioned corps.

The Public Health Service and the commissioned corps have a long and proud tradition. Founded in 1873—for the purpose of protecting our seaports from importation of communicable disease—they have undergone many protean changes during their century of existence. The Public Health Service and the commissioned corps currently do not provide direct health services except to special population groups—American Indians, merchant seamen and the Coast Guard, and Federal prisoners. These programs are worthy ones, but being limited to such programs makes the direct health care services of the Public Health Service relatively minor in comparison with the other health care programs in which the Federal Government has become involved.

Technically, of course, the Public Health Service and the Surgeon General are charged with the responsibility for administering the National Institutes of Health—NIH—the Food and Drug Administration—FDA—and the Environmental Health Service—EHS. I use the word "technically" because the de facto control of these organizations, insofar as there is centralized control and direction of their activities, lies with the Assistant Secretary of HEW for Health and Scientific Affairs. As a result, there is a great deal of confusion about what the Public Health Service is, what it is doing, what it could be doing, and why it continues in existence at all.

These doubts surrounding the role and functions of the Public Health Service have contributed substantially to a lowering of morale within the commissioned corps. Proposals have been made, from time to time, to abolish the commissioned corps entirely or to transfer its functions to other, more logical, agencies. At the present time, most commissioned corps members who do not work in the direct health services programs for Indians, seamen or prisoners spend their tour of duty in the corps performing research or administrative tasks. This conflicts with the desire of many commissioned officers to be active in providing health care commensurate with their training and interests.

The sponsors of this legislation do not believe that the commissioned corps and the Public Health Service should be allowed to wither on the vine. Neither do we feel that we can afford to wait until one study after another is undertaken to determine the future of the commissioned corps and the PHS. We feel, rather, that the commissioned corps and the PHS should be rejuvenated by assuming new responsibilities in keeping with their abilities and their proud traditions.

There is a unique camaraderie and feeling of mission among the commissioned corps that sets it aside from regular civil service. Even if this spirit is currently at a low ebb, there is ample reason—and more than ample need—to energize the commissioned corps and the PHS once again and to take advantage of these unique characteristics. This spirit should be redirected toward meeting the most challenging health problems of this Nation, not dissipated during this period of great social need.

The National Health Service Corps will not displace the other functions of the PHS, nor will it absorb an inordinate number of PHS personnel, at least during this experimental phase. But it will provide an additional mission, that of providing health care directly to those segments of the population who need it most and who are being inadequately served today. This challenging new mission can raise the morale of the commissioned corps and the PHS at the same time it benefits the people of this Nation.

III. THE NATIONAL HEALTH SERVICE CORPS AND THE "NEW" GENERATION OF HEALTH PROFESSIONALS

The National Health Service Corps has a third purpose, and that is the utilization of the idealism and social commitment that characterize so many of our young health professionals and medical school students. I have met and talked with literally dozens of these fine young men and women, as I know the other sponsors of this legislation have. Like so many other young adults with fine minds and excellent training, they are less than enthusiastic about the opportunities for social service within the established institutions of their profession. They desire instead to serve the poor, the hungry, and the needy who simply are not receiving adequate health care today, and they are wiling to sacrifice more lucrative opportunities in order to perform this service.

The National Health Service Corps will provide a framework within which these men and women can achieve the service to society that they seek. It is upon the social commitment of these young men and women, in fact, that we will be relying to produce the personnel the Corps will need. Knowing that service in the Corps is an opportunity available to them should raise the morale of these health professionals during the time they are in their professional schools as well.

Ultimately, if the Corps proves to be a successful concept in improving the delivery of health care, it is not too much to anticipate that the experiences of the Corps will be drawn upon in the evaluation and planning of both Government and nongovernmental health care programs. In this sense, the young men and women who enter the Corps will know that their performance is important for the future of health care in the United States. The knowledge that they may be aiding in the redirection of Federal and private health efforts, combined with the satisfaction of actually serving those in greatest need, will be the prime reward for Corps members and the prime incentive for those who wish to serve in the Corps.

IV. ANALYSIS OF SECTIONS OF THE NATIONAL HEALTH SERVICE CORPS ACT

In drafting the National Health Service Corps Act, an attempt has been made to allow the Department of HEW some discretion and flexibility in administering the Corps. Passage of the act should provide the Department with an opportunity as well as a directive, and its experimental nature necessitates a somewhat broad piece of legislation. The reasoning behind some of the sections of the act may not be clear on first reading, so I would like to take this opportunity to clarify exactly what we had in mind in drafting the act.

Section 399h establishes the Corps within the Public Health Service—for reasons outlined in part II of my remarks—and defines the mission of the Corps, "to improve the delivery of health services to persons living in communities or areas of the United States where health personnel, facilities, and services are inadequate to meet the health needs of the residents of such communities and areas." The same section further states that priority shall be given to those urban and rural areas where poverty conditions exist. As I explained above, poverty and physician deficiency tend to go hand in hand in such areas.

Section 399i deals with the staffing of the Corps. As I noted earlier, the Corps will be composed of both commissioned officers of the Public Health Service and other civil service personnel. All Corps members will serve for a period of 25 months, with the option of extending their tours of duty for a period not to exceed another 25 months. The purpose of having a 25-month tour of duty is to allow a 1-month transition period within which incoming personnel can work with

outgoing personnel in order to facilitate a continuity in patient care and other duties. For those members of the Corps who wish to follow their tour of duty with more schooling, this section provides the right to petition for release from the Corps at the end of 24 months. The purpose of not allowing Corps members to serve more than 50 months is to provide an incentive to Corps personnel and to the agencies or communities within which they serve to find positions outside the Corps that will allow them to continue serving the poor. Part of the purpose for the Corps itself, after all, is to encourage health professionals to locate permanently in areas with inadequate health care. We assume that a Corps member may serve in more than one community during a 50-month tour of duty, but that by the end of that period both the Corps member and a community within which he has served should be in a position to determine whether or not the individual is willing and able to undertake a long-range commitment to a needy community.

Section 399j provides that the Director of the Corps shall be appointed by the President, subject to the advice and consent of the Senate. Establishing the Corps under a Director will give the Corps a stature similar to other Federal health agencies, and will serve to emphasize the importance that Congress attaches to this program even in its pilot project phase.

Section 399k establishes the manner in which Corps personnel may be utilized. Under part 1 of this section, Corps members may be used to supplement manpower in ongoing direct health care programs of the Public Health Service, meaning all programs within the Department of Health, Education, and Welfare. Part 2 specifies that Corps personnel may also be used in any direct health care program of other Government agencies, such as the Office of Economic Opportunity's programs or those of the Department of Housing and Urban Development, or direct health care programs whose costs are underwritten by Federal funds. The practical effect of these two parts is to allow the Secretary to deploy Corps personnel to any direct health care program that is ongoing and funded, in whole or in part, from the Federal Treasury.

Part 3 of section 399k authorizes the Secretary to utilize Corps personnel "in any other health care activity, in furtherance of the purposes of this act." The purpose of this part is to allow the establishment of health care programs where none presently exist, should this be something that the Director of the Corps and the Council feel to be of value. The applicability of this section would undoubtedly arise in rural areas where no federally funded program currently provides health services, yet where the Director and Council feel a pilot project would be useful. This part provides that the Secretary will establish some fee-for-service mechanism in the event a project is established under this part, such revenues as may be collected being used to partially defray the cost of the Corps operations. Under the other two parts of this section, no fees will be collected by the Corps, as Corps members will be serving in programs with fee mechanisms of their own. Insofar as the activities of Corps members under these two parts may contribute to more fees being paid into the program within which they are serving, such fees will continue to be paid into the general revenue of those programs. The purpose of the Corps is to provide health services, not to collect fees, but under each of these parts a built-in precaution exists against the diversion of fees that might otherwise go to private practitioners.

Section 399 establishes the National Health Corps Advisory Council. The composition of this 12-member Council is, in my opinion, one of the most exciting features of this legislation. Not only will the Council have three HEW officials and three private citizens, but it will also include three members of the Corps itself and three recipients of health care services provided by the Corps. This will insure the representation, at the highest level of decisionmaking, of both those individuals who serve in the Corps and those individuals who will be served by it. In addition, the Secretary conceivably might choose to appoint some or all of the private citizens from the ranks of the poor. As I will mention in a moment, this mechanism insures a double representation of the poor, both on the Council and on the 314(b) planning agency whose recommendations will be taken into account in assigning Corps personnel.

Subsection (b) of section 399 provides that members of the Council shall serve for 3 years, shall be eligible for reappointment, and shall not be removed except for cause.

Subsection (c) outlines the functions of the Council. These include the establishment of guidelines with respect to utilization of the Corps, and the directive to advise and consult with the Director generally concerning the operation of the Corps. The Council may also assist the Surgeon General in the selection of Corps personnel, and will be responsible for approving all assignments of Corps personnel.

Under this same subsection, the Council is assigned the responsibility of establishing criteria to determine which areas or communities are to receive assistance from the Corps. In establishing such criteria, the act directs the Council to take into account at least five factors. The first of these factors is the community's need for health services. The second is the willingness of the community—including the program within which the Corps will serve—to assist and cooperate with the Corps and its mission; this provision will insure that administrative restrictions—such as hospital visiting privileges—from various sources in the community will not impede the Corps' operations. A third factor to be taken into account in establishing criteria for utilization of the Corps is the prospect for utilizing Corps personnel within a community after their tours of duty are complete. This is necessary to provide an incentive for the community, and the program within which the Corps member may serve, to facilitate the retention in the community of those Corps personnel who may desire to continue serving the community following completion of their tour of duty. The knowledge that assignment of Corps personnel to the program and the community in the future may hinge in part on the postservice opportunities provided for Corps personnel who have served the community in the past should encourage communities who desire Corps assistance to take positive steps toward finding permanent positions for Corps members.

A fourth factor in establishing these guidelines will be the recommendations of the 314(b) comprehensive health planning agency responsible for the area or community under consideration. These agencies not only have responsibility for the planning of health programs within their areas of jurisdiction, but through their heavy representation of poor people, insure that all health programs are consistent with the needs of those who are to receive services from them.

Finally, the recommendations of all medical personnel in the community or area under consideration for assignment of Corps personnel will also be taken into account. This insures that private practioners, State medical societies, and other relevant organizations and individuals will not be ignored in the making of decisions affecting utilization of the Corps.

Section 399m (a) waives the manpower ceilings on both the commissioned corps and the Department of HEW, to the extent that the number of individuals in the Corps exceeds either of these ceilings. Section 399m (b) waives the restriction on the utilization of Public Health Service facilities and personnel for the provision of direct health care, provided the waiver is exercised only for Corps activities. This provision will allow the use of Public Health Service hospital facilities for pilot projects, if the Director and Council wish to do so. The subsection also provides that the Corps may lease or purchase facilities in order to provide health care; this is to allow some flexibility in the event that the Council approves assignment of Corps personnel to a program or community whose facilities would be unable to accommodate the personnel assigned.

Finally, section 399n authorizes the appropriation of $5,000,000 annually to carry out the purposes of this act. This sum might be spent to provide, for example, for 75 commissioned officers and 150 civil service personnel within the Corps—at a cost of $3.8 to $4 million—and for some minor leasing arrangement with respect to facilities and supplies. This sum is hardly sufficient to effect any sweeping changes in the health of our Nation's poor, but if spent judiciously, could provide sufficient care in selected pilot project areas to allow some determination as to the feasibility and desirability of the National Health Service Corps concept.

V. CONCLUSION

The purposes of the National Health Service Corps, and the manner in which it will function, have now been described in some detail. Further explanations will be forthcoming from other sponsors of this legislation here and in the House of Representatives.

In closing, I wish to make an appeal for the objective and openminded consideration of this legislation both within Congress and beyond. At first reading, some individuals or groups may perceive in this legislation a threat to established institutions or a barrier to future innovations. Closer inspection of the bill and its provisions will reveal that nothing of the sort is intended or contained within it. The National Health Service Corps is, frankly, an experimental concept, and one that may lead to many different conclusions about the nature of health care in the future. In and of itself, however, the National Health Service Corps is not incompatible with any current or potential national policy on the delivery of health care; it is not a threat to the manpower needs of the Department of Defense; it will not hamper, nor be hampered by, abolition of the doctor draft or the introduction of national health insurance. The National Health Service Corps is not an attempt to structure the health policies of the U.S. Government, nor need it be subjected to a public-against-private debate that inevitably occurs whenever innovations in health care are suggested. Its only purpose is to serve the health needs of the poor, and to provide us with a body of knowledge from which we may find more effective ways to serve those needs on a major scale in the future.

Let us not judge the Corps in advance. Let us create it, fund it, and observe its performance. Then let us draw our independent conclusions about its value and what it tells us about the future. At the very worst, by creating the Corps and setting it in operation we will have provided some health care to those who need it most, and we will have demonstrated to the poor that we truly are concerned about improving their condition. And if the Corps should fare better than this—as I hope and believe it will—its creation will have been a major step in meeting the crisis in health care that we face as a Nation today.

Mr. President, I ask unanimous consent that the complete text of the National Health Service Corps Act be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4106) to amend the Public Health Service Act in order to provide for the establishment of a National Health Service Corps, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Service Corps Act of 1970".

SEC. 2. Title III of the Public Health Service Act is amended by adding at the end thereof a new part as follows:

"Part J—NATIONAL HEALTH SERVICE CORPS

"ESTABLISHMENT OF NATIONAL HEALTH SERVICE CORPS; FUNCTIONS

"SEC. 399h. (a) There is established in the Service a National Health Service Corps (hereinafter in this part referred to as the 'Corps') which shall be under the direction and supervision of the Surgeon General.

"(b) It shall be the function of the Corps to improve the delivery of health services to persons living in communities and areas of the United States where health personnel, facilities, and services are inadequate to meet the health needs of the residents of such communities and areas. Priority under this part shall be given to those urban and rural areas of the United States where poverty conditions exist and the health facilities are inadequate to meet the needs of the persons living in such areas.

"STAFFING; TERM OF SERVICE

"SEC. 3991. (a) The Surgeon General shall assign selected commissioned officers of the Service and such other personnel as may be necessary to staff the Corps and to carry out the functions of the Corps under this part.

"(b) Commissioned officers of the Service in the Corps, and other Corps personnel shall be detailed for service in the Corps for a period of 25 months. An individual detailed to the Corps may voluntarily extend his service in the Corps for a period not to exceed an additional 25 months. An individual shall have the right to petition the Director (appointed pursuant to section 399j of this part) for early release from service in the Corps at the end of 24 months of service therein.

"DIRECTOR OF THE NATIONAL HEALTH SERVICE CORPS

"SEC. 399j. The Corps shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. It shall be the responsibility of the Director to direct the operations of the Corps, subject to the supervision and control of the Surgeon General.

"AUTHORITY OF SECRETARY TO UTILIZE CORPS PERSONNEL

"SEC. 399k. The Secretary is authorized, whenever he deems such action appropriate, to utilize commissioned officers of the Service and other personnel detailed to duty with the Corps to—

"(1) perform services in connection with direct health care programs carried out by the Service;

"(2) perform services in connection with any direct health care program carried out in whole or in part with the Department of Health, Education, and Welfare funds or the funds of any other department or agency of the Federal Government; or

"(3) perform services in connection with any other health care activity, in furtherance of the purposes of this act. Should services provided under this subsection require the establishment of health care programs not otherwise authorized by law, the Secretary is authorized and directed to establish mechanisms whereby recipients of such services shall pay, to the extent practicable, for services received. Any funds collected in this manner shall be used to defray in part the operating expenses of the Corps.

"NATIONAL HEALTH CORPS ADVISORY COUNCIL

"SEC. 3991. (a) There is established a council to be known as the National Health Corps Advisory Council (hereinafter in this section referred to as the 'Council'). The Council shall be composed of twelve members appointed as follows:

"(1) three members from the Department of Health, Education, and Welfare, serving outside the Corps, to be appointed by the Secretary;

"(2) three members appointed by the Secretary from private life;

"(3) three members detailed to duty with the Corps, at least two of whom shall be commissioned officers of the Service, to be appointed by the Secretary; and

"(4) three persons who have received more than minimal health care services from the Corps, to be appointed by the Secretary after the Corps has been in operation for a period of at least 120 days and to be appointed from geographically dispersed areas to the extent practicable.

"(b) Members of the Council shall be appointed for a term of three years and shall not be removed, except for cause. Members may be reappointed to the Council.

"(c) It shall be the function of the Council—

"(1) to establish guidelines with respect to how the Corps shall be utilized and to consult with and advise the Director generally regarding the operation of the Corps;

"(2) to assist the Surgeon General, at his request, in the selection of commissioned officers of the Service and other personnel for assignment to the Corps, and to approve all assignments of Corps members;

"(3) to establish criteria for determining which communities or areas will receive assistance from the Corps, taking into consideration—

"(A) the need of any community or area for health services provided under this part;

"(B) the willingness of the community or area and the appropriate governmental agencies therein to assist and cooperate with the Corps in providing effective health services to residents of the community or area;

"(C) the prospects of the community or area for utilizing Corps personnel after their tour of duty with the Corps;

"(D) the recommendations of any agency or organization which may be responsible for the development, under section 314(b), of a comprehensive plan covering all or any part of the area or community involved; and

"(E) recommendations from the medical, dental, and other medical personnel of any community or area considered for assistance under this part.

"MANPOWER LIMITATION SUSPENSION

"SEC. 399m. (a) Commissioned officers of the Service detailed to service with the Corps and other personnel employed in the Corps shall not be included in determining any limitation on the number of personnel which may be employed by the Department of Health, Education, and Welfare.

"(b) Notwithstanding any other provision of law, the Corps may, to the extent the Secretary determines such action to be feasible, utilize the facilities and personnel of hospitals and other health care facilities of the Service in providing health care to individuals as authorized under this part, and to lease or purchase such other facilities as may be required to carry out the purposes of this act.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 399n. There is authorized to be appropriated the sum of $5,000,000 annually to carry out the provisions of this part, for the fiscal years of 1971, 1972, and 1973."

Mr. JACKSON. Mr. President, I wish to commend my colleague from the State of Washington (Mr. MAGNUSON) for his explanation of the bill that he and I have jointly introduced today.

We have worked closely on this National Health Service Corps concept for months. We have discussed our ideas with officials from the Department of HEW, members of the commissioned corps of the Public Health Service, senior officers of the Service, doctors, and medical school students. We know from these discussions that there is support for our proposals.

More importantly, we know that there is a great need for our proposal—a need that is not being met today and a need that will not be met in the future unless action is taken. Senator MAGNUSON and I have seen this need, not merely in a mass of statistics, but face to face in our own State of Washington. From the small logging towns and the tiny Indian fishing communities to the crowded neighborhoods of our inner cities, we have seen the need for this legislation. Even in our relatively affluent State, we have seen vast areas with little or no health services available, and we have seen hundreds of our constituents wracked by malnutrition and the diseases of poverty.

The poor and the isolated in our State are not unique in their need for health care; similar and even worse conditions exist in nearly every county in this Nation. In every corner of the land, poverty breeds ill health and ill health perpetuates poverty. Most Americans never see the diseases of poverty—malnutrition, anemia, high infant mortality, and low life expectancies—in their immediate communities, but this low visibility cannot obscure the statistical facts.

Fifty percent of the poor children in America have never had a polio shot or any other form of vaccination to protect them against this dreaded disease.

Two-thirds of our poor children have never seen a dentist during their lifetime.

At least half of the mothers who give birth in poor or isolated areas receive no prenatal care whatsoever.

The statistics go on and on; so does the subculture of poverty in America and the ill health that attends it. Those who speak of the need to make the poor productive, of taking them off the welfare rolls and getting them on the payrolls, must realize that little or no progress can be made in this respect until the poor and the isolated are provided a decent standard of medical care.

If a child's growth is stunted, if he cannot stay awake in class or if he is constantly ill, he cannot be expected to get ahead in life, or even to keep up. If a grown man is crippled unnecessarily by a disease that could easily have been cured, he cannot earn an adequate living for his family. If a mother is overly susceptible to illness, she cannot meet the demands of raising a family. To those without an adequate standard of health care, the promise of equal opportunity is a hollow one indeed. As President Nixon has said:

> Many of the problems of the poor are the product of ill health and many have serious medical consequences. We have already begun to develop new mechanisms for helping the poor pay medical costs, but now we must further improve our methods for delivering health services (to them) . . .

The National Health Service Corps is an experimental attempt to deliver those health services to the segment of our population that need health care most desperately. The Corps will not be operating on a huge scale, nor will it solve this health care distribution problem by itself. What the Corps will do is to provide us with greater practical experience in meeting the health care needs of the poor. It is on this experience that we will have to draw in the years ahead, whether the ultimate answer lies in the governmental or private sector, or somewhere in between.

THE NATIONAL HEALTH SERVICE CORPS AND THE MEDICAL MANPOWER NEEDS OF THE DEPARTMENT OF DEFENSE

Senator MAGNUSON has described, in his remarks, the purpose and functions of the National Health Service Corps. He has stated that the Corps will not conflict with the medical manpower needs of the Department of Defense, and it is to this point that I will address the next portion of my remarks.

The Department of Defense needs a substantial number of health professionals. At the present time, for example, approximately 16,000 physicians are serving this Nation in the military. About 6,000 of the 9,000 doctors graduating from medical school each year are absorbed by the Defense Department, and most doctors are certain to serve in the military at some stage in their careers.

Even with these great needs, however, the Department of Defense has assented to, and Congress has authorized, alternative service for a limited number of health professionals. More than 700 doctors, dentists, and other health professionals satisfy their military obligation each through service in the commissioned corps of the Public Health Service. Commissioned officers of the Service serve for at least 2 years and are part of, not exempt from, the doctor draft. The functions these commissioned officers normally perform have been detailed in Senator MAGNUSON's remarks.

During the middle 1960's, the medical manpower needs of the Defense Department grew considerably on account of the war in Vietnam. Many doctors were wrenched from private practice and their growing families in order to meet this need. As one method of minimizing the disruption to the medical community caused by the war, Congress in 1967 amended the Selective Service Act to limit the assignments of commissoned officers of the Public Health Service. This amendment, section 6(a)(2) of the Selective Service Act of 1967, insured that commissioned officers would serve only in the areas of greatest need; in previous times they had been assigned a variety of posts that clearly rated less priority than service in the military or in those areas specifically designated by Congress.

The National Health Service Corps Act is consistent with both the letter and spirit of section 6(a)(2). It is also consistent with the criteria for selective service satisfaction laid down by the Acting Surgeon General in October of 1967, which stated in part that assignments satisfying military obligation in the Service must be:

> a. (. . .) located organizationally within an office or bureau of the Public Health Service . . . under its supervision, and . . . paid from Public Health Service operating funds.
>
> b. (. . . those requiring) the performance of functions which carry out a responsibility vested in the Public Health Service by law.

The National Health Service Corps meets these criteria, although the responsibility to be vested in the Public Health Service will come from this law itself.

Legally, then, the Corps is consistent with the military manpower requirements of the Department of Defense. Even more importantly, the number of health professionals within the Corps will not detract from the military's needs. Even if we ignore the fact that the military's medical manpower needs are declining and may decline more precipitously in the near future, the absolute number of commissioned officers who could be detailed to the Corps at the $5 million level of funding is approximately one-half of 1 percent of the total number of physicians in the military at the present time. Moreover, some of these officers would be ineligible for service in the military—women and those who had previously satisfied their military commitment—and others would come from a reshuffling of officers already in other service assignments. The number of health professionals serving in the Corps who might otherwise serve directly in the Department of Defense would not be more than 80 or 100 at any one time, and probably not more than 30 or 40. Since service in the Corps is for a minimum period of 25 months, the annual diversion from the military might thus be as low as 15 to 20 doctors and dentists. At a time when abolition of the doctor draft and a volunteer army are under consideration, and when proposals have been made to transfer care of military dependents to private health service facilities, these few doctors seem a small price to pay for creation of the National Health Service Corps.

CONCLUSION

The National Health Service Corps is thus consistent with, and no threat to, the medical manpower needs of the Department of Defense. As Senator MAGNUSON has pointed out, it need not be a threat to any other institution, policy, or program.

The Corps can and should be described in more positive terms, however, and this can be done quite simply. The Corps will provide health services to those in greatest need. It will represent a challenging new mission for the Public Health Service. It will offer an opportunity to those upcoming health professionals who truly desire to serve their country. If for these reasons alone, the Corps is more than worthy of congressional approval. The prospect that the Corps may teach us how to redirect our health efforts, both public and private, is an even more exciting and compelling reason for acting swiftly on this proposal.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor the National Health Service Corps Act of 1970, introduced today by the distinguished Senator from Washington (Mr. MAGNUSON). As chairman of the Appropriations Subcommittee on the Departments of Labor and Health, Education, and Welfare, Senator MAGNUSON has been one of the foremost advocates of better and more adequately funded health programs in the Nation, especially in the area of health manpower. The legislation introduced today is a tribute to his leadership in the field of health, and I hope that it will receive early action by Congress.

A National Health Service Corps will be an important step forward toward alleviating what is perhaps the most serious aspect of our overall health crisis—the worsening shortage of health manpower. Indeed, at bottom, our crisis in health is essentially a crisis in manpower. The need is urgent for more physicians, more dentists, more nurses, and more allied health professional and technical workers. We must develop new types of health professionals and paraprofessionals. We must make far more efficient utilization of our existing health manpower. Only if we succeed in these efforts will we be able to free our physicians and other highly trained health experts to carry out the skills for which they have been trained. In far too many cases, highly trained physicians spend the overwhelming majority of their working day in tasks that do not require their specialized medical skills.

One of the most promising methods of easing the shortage of doctors is to train new types of health workers to perform nonspecialized tasks, thereby freeing physicians for other, more urgent needs. We must develop a broad new range of allied health professionals, such as paramedical aides, pediatric assistants, community service health officers, and family health workers.

At a number of our universities, imaginative new programs are under way to train medical corpsmen from Vietnam as physicians' assistants. In Senator MAGNUSON'S own State of Washington, for example, hospital corpsmen are being trained for 3 months in the medical school and then sent into the field for 9 months further training in the offices of private physicians. A similar program now exists at Duke University. These programs are unique in their emphasis on combined training in the classroom and in the field. They are programs that must be greatly expanded if we are to meet the urgent demand for more and better trained health manpower.

The need is especially clear in the case of the shortage of doctors. Our low physician-population ratio means that unsatisfactory medical care is a way of life for large numbers of our people in many parts of our Nation. The family doctor—the general practitioner—is fast disappearing, and is on the verge of becoming an extinct species. At the present time, only one out of four of the Nation's physicians is engaged in the general practice of medicine. Three out of four are specialists, most of whom accept patients only on a referral basis. Simply to meet the demand that exists today, it is widely known that we need 50,000 more doctors, and 150,000 more nurses.

To make matters worse, the geographic and social distribution of our doctors is highly uneven. This is the area where the National Health Service Corps will make its greatest contribution. Two-thirds of the physicians in America serve the more affluent half of our population. In some States, to be sure, the physician-population ratio is higher than the national average of 130 doctors per 100,000 population. In Washington, D.C., for example, the ratio is 318. In New York it is 199; in Massachusetts, 181.

In 16 States, however, the physician-population ratio is far below the national average. In Alaska and Mississippi, the ratio is an abysmal 69, or about one-half the national average. In Alabama, it is 75. Even in Texas, it is only 106. Clearly, therefore, extremely large groups of our population are receiving seriously inadequate medical care because of the shortage of physicians.

The problem is especially critical with respect to the health needs of our urban and rural poor. For too many of the poor, the only doctor they know is the cold and impersonal emergency ward of the municipal or county hospital. For too many of our citizens, the family physician has disappeared, to be replaced by the endless and depressing waiting rooms of hospitals built at the turn of the century.

Nowhere are the inequalities of our society more obvious than in the sickness of our poor. We know that our affluent few can buy the world's best medical care. But all too often it is care provided in modern medical towers looking out on urban landscapes condemning thousands of citizens to a lifetime of disease, under some of the worst medical care anywhere in the world.

In the United States today—the wealthiest Nation in the history of man—millions of our citizens are sick. And they are sick because they are poor. Their sickness is the shame of America. Of all the faces of poverty, the sickness of the poor is the ugliest. Of all the effects of poverty, it is the sickness of the poor that we could attack most easily, had we the will.

In areas of urban and rural proverty in the United States, medical care is available but only if one travels far enough, waits long enough, and endures the crowds, the inconvenient hours, the understaffed facilities.

The National Health Service Corps will help to solve these serious problems. I believe it is one of the most important steps we can take if we are to meet the critical need for health manpower in depressed areas. Once young Corps physicians are exposed to the problems of health care in poverty areas, I believe that a significant number of them will be encouraged to remain and dedicate their careers to this service, to the lasting benefit of the health of America.

Mr. NELSON. Mr. President, I am very pleased to sponsor this legislation establishing a National Health Service Corps with my distinguished colleagues.

Under this plan, teams of medical professionals and paraprofessionals would be sent into city and rural poverty areas to upgrade the medical care now available there.

It is loosely patterned after the National Teacher Corps program, which Senator KENNEDY and I originally proposed in 1965. It is my firm belief that this health care program is destined to meet with the same overall acceptance by professionals in the medical field as well as the people to be served as the Teacher Corps has enjoyed over the past 5 years of its operation.

Despite dramatic medical advances and the investment of billions of Federal dollars, we are on the brink of a national health crisis with thousands of families in urban ghettos and residents in poverty stricken rural areas unable to obtain adequate health and medical care.

The health resources of the Nation have been badly misallowed. Highly trained personnel and highly specialized medical equipment have been clustered in shiny new medical centers, isolated from the needs of many citizens in the inner city and rural towns.

The National Health Service Corps could substantially correct the present maldistribution of medical manpower by using local volunteers, paraprofessionals, and professionals in community clinics and other facilities serving the citizens of urban and rural regions.

Physicians serving in the program would become members of the U.S. Public Health Service as commissioned officers and would fulfill their military obligation. Nurses and other health care personnel would be recruited by the Public Health Service for assignment by the U.S. Surgeon General to serve in various areas of the country.

A National Health Corps Advisory Council, comprised of Government representatives, private citizens, and recipients of service by the Health Corps, would develop the policy governing the selection of personnel and their assignment to areas inhabited by medically needy.

In addition to projects in city ghettos, the Corps personnel could be used in health care programs serving Indians, migrant workers, Headstart children, people in model cities neighborhoods and expanded programs based in Public Health Service hospitals, neighborhoods health clinics, and community mental health clinics.

Our young doctors, nurses, and other medical personnel should be given the opportunity to share in the satisfaction of public service through participation in a National Health Corps. Their counterparts in the educational and legal professions have already displayed their social consciousness by flocking to work in the National Teacher Corps and neighborhood legal services program.

Implicit with this manpower plan is the need for expansion of neighborhood health clinics and hospital satellite centers, the development of improved means to transfer patients to facilities with better medical resources and a reassessment of priorities in government health programs.

Local community residents, trained by medical personnel in local hospitals, could be mobilized as health workers to inform their neighbors about family health practices, preventive medicine, and the accessibility of health care while others could prepare for new career positions in the health field.

Without a comprehensive revision of the organization and delivery of health and medical care, millions of citizens will continue to receive no care at all or very marginal care at best.

As medicine becomes more and more specialized, there are fewer and fewer general practioners available to serve the

routine medical needs of the public. Less than 2 percent of today's medical graduates enter general practice.

When confronted with a relatively minor ailment, such as a cold or sprained ankle which could be normally treated at a doctor's office, many city residents must travel to the emergency room of a city hospital to receive medical attention.

These noncritical cases clog the emergency facilities and become a wasteful burden on the efficiency of the hospital's operation.

While this program will improve the allocation of the medical manpower we have available in our Nation, we cannot avoid confronting the overall physical shortage problem in the United States. It seems to me that Congress should consider the establishment of a National Public Health Academy as a source of trained personnel to serve the medical and health needs of our Nation.

Such an institution could aim its efforts at recruiting promising students from low-income families, who would be mostly likely to return and serve the medically needy after their training. Students at the academy would receive a full Government-financed medical education in exchange for an established term of service in regions faced with acute medical needs.

S. 4107—INTRODUCTION OF BILL TO REGULATE THE IMPORTATION, MANUFACTURE, DISTRIBUTION, STORAGE, AND POSSESSION OF EXPLOSIVES, BLASTING AGENTS, AND DETONATORS AND FOR OTHER PURPOSES

Mr. HRUSKA. Mr. President, on March 26, 1970, I introduced, on behalf of the Attorney General, S. 3650, a bill designed to strengthen the Federal criminal laws concerning the illegal use, transportation, and possession of explosives.

As I reported to the Senate on June 17, 1970, S. 3650 is before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, which, under the leadership of Senator MCCLELLAN, is processing the legislation promptly and expeditiously. Enactment of this legislation is important to the success of the efforts of the law-enforcement agencies who are trying to cope with the rash of bombing incidents which the country is suffering.

The Senate Government Operations Permanent Subcommittee on Investigations, which is also chaired by the distinguished Senator from Arkansas, has been holding hearings concerning the wave of bombings and terrorism throughout the United States. I am informed that witnesses have described in vivid and sometimes gory detail the results of the atrocious and intolerable activities of the terrorists who are responsible for most of the incidents. The magnitude of the problem is demonstrated by the results of a survey of bombing incidents reported to the Treasury Department by law-enforcement agencies throughout the country. During the period of the survey, January 1969 to April 1970, more than 4,000 bombings resulted in deaths of 43 persons and in property damage totaling $22.6 million. In all there were more than 40,000 bombings, attempted bombings and bomb threats during the period of the survey.

Today, on behalf of the Secretary of the Interior I introduce a bill which complements S. 3650 by controlling the distribution of explosives and thus making it more difficult to obtain explosive materials.

The bill would require all importers, manufacturers, and dealers in explosives to be licensed by the Secretary of the Interior. It would require commercial users of explosives to obtain permits from the Secretary, while at the same time it would permit the casual user to purchase explosives within his own State or a contiguous State. However, the bill would require positive identification of all purchasers of explosives.

Other features of the legislation would prohibit the sale of explosives to minors, felons, fugitives from justice, drug addicts, and mental defectives; would provide for strict regulations on the safe storage of explosives; and would provide penalties of up to 10 years imprisonment for violations of the provisions of the bill.

I ask unanimous consent that a copy of the letter of transmittal from the Secretary of the Interior to the Vice President be printed in the RECORD along with the text of the bill and a section-by-section analysis.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill, letter, and the section-by-section analysis will be printed in the RECORD.

The bill (S. 4107) to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Explosives Control Act of 1970".

FINDINGS AND PURPOSE

The Congress finds that the manufacture and distribution of explosive materials has a significant effect on interstate or foreign commerce and that the misuse of explosive materials significantly interferes with the normal flow of such commerce. The Congress hereby declares that the purpose of this Act is to reduce the hazard to persons and property arising from misuse and unsafe or insecure storage of explosive materials. It is not the purpose of this Act to place any undue or unnecessary Federal restrictions or burdens on law abiding citizens with respect to the acquisition, possession, storage or use of explosive materials for industrial, mining, agricultural or other lawful purposes, or to provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this Act.

SEC. 2. Title 18, United States Code, is amended by adding after Chapter 39 the following chapter:

"CHAPTER 40. IMPORTATION, MANUFACTURE, DISTRIBUTION AND STORAGE OF EXPLOSIVE MATERIALS

"Sec. 841. Definitions.
"Sec. 842. Unlawful acts.
"Sec. 843. Licensing.
"Sec. 844. Penalties.
"Sec. 845. Exceptions: Relief from disabilities.
"Sec. 846. Additional powers of the Secretary.
"Sec. 847. Rules and regulations.
"Sec. 848. Effect on State law.
"Sec. 849. Separability clause.

"DEFINITIONS

"SEC. 841. As used in this chapter—

"(a) 'Person' means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

"(b) 'Interstate or foreign commerce' means commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia, and commerce between places within the same State but through any place outside of that State. 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

"(c) 'Explosive materials' means explosives and blasting agents.

"(d) 'Explosives' means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters, and any explosives as shall be listed by the Secretary in a list he shall publish and revise at least annually in the Federal Register.

"(e) 'Blasting agent' means any material or mixture, consisting of fuel and oxidizer, intended for blasting, not otherwise defined as an explosive and in which none of the ingredients is defined as an explosive, provided that the finished product, as mixed for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

"(f) 'Detonator' means any device containing a small detonating charge that is used for initiating detonation in an explosive; the term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses and detonating-cord delay connectors.

"(g) 'Importer' means any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

"(h) 'Manufacturer' means any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

"(i) 'Dealer' means any person engaged in the business of distributing explosive materials at wholesale or retail.

"(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained a user permit under the provisions of this chapter.

"(k) 'Secretary' means the Secretary of the Interior or his delegate.

"(l) 'Published ordinance' means a published law of any political subdivision of a State, which the Secretary determines to be relevant to the enforcement of this chapter.

"(m) 'Crime punishable by imprisonment for a term exceeding one year' shall not mean (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense classified

by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"(n) 'Licensee' means any importer, manufacturer or dealer licensed under the provisions of this chapter.

"(o) 'Distribute' means sell, issue, give, transfer or otherwise dispose of.

"UNLAWFUL ACTS

"SEC. 842. (a) It shall be unlawful for any person—

"(1) to engage in the business of importing, manufacturing, or dealing in explosive materials without a license issued under this chapter.

"(2) knowingly to withhold information or to make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption or relief from disability under the provisions of this chapter.

"(3) other than a licensee or permittee knowingly—

"(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials, except that a person who lawfully purchases explosive materials from a licensee in a state contiguous to the state in which the purchaser resides may ship, transport or cause to be transported such explosive materials to the state in which he resides and may receive such explosive materials in the state in which he resides.

"(B) to distribute explosive materials to any person (other than a licensee or permittee) who the distributor knows or has reasonable cause to believe does not reside in the state in which the distributor resides.

"(b) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person except—

"(1) a licensee,

"(2) a permittee, or

"(3) a resident of the state where distribution is made or a state contiguous thereto.

"(c) It shall be unlawful for any licensee to distribute explosive materials to any person, who the licensee has reason to believe intends to transport such explosive materials into a state where purchase of such explosive materials is prohibited.

"(d) It shall be unlawful for any licensee knowingly to distribute explosive materials to any individual who:

"(1) is under twenty-one years of age,

"(2) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year,

"(3) is under indictment for a crime punishable by imprisonment for a term exceeding one year.

"(4) is a fugitive from justice,

"(5) is an unlawful user of marijuana (as defined in section 4761 of the Internal Revenue Code of 1954) or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4721 (a) of the Internal Revenue Code of 1954), or

"(6) has been adjudicated a mental defective.

"(e) It shall be unlawful for any licensee knowingly to distribute any explosive materials to any person in any state where the purchase or possession by such person of such explosive materials would be in violation of any state law or any published ordinance applicable at the place of distribution.

"(f) It shall be unlawful for any licensee or permittee willfully to produce, distribute, or receive explosive materials without making such records as the Secretary may by regulation require, including, but not limited to, a statement of intended use, the name, date, place of birth, social security number or taxpayer identification number, and place of residence of any natural person to whom explosive materials are distributed. If explosive materials are distributed to a corporation or other business entity, such records shall include the identity and principal and local places of business and the name, date, place of birth and place of residence of the natural person acting as agent of the corporation or other business entity in arranging the distribution.

"(g) It shall be unlawful for any licensee or permittee knowingly to make any false entry in any record which he is required to keep pursuant to this section or regulations promulgated hereunder.

"(h) It shall be unlawful for any person to receive, conceal, transport, ship, store, barter, sell, or dispose of any explosive materials knowing or having reasonable cause to believe that such explosive materials were stolen.

"(i) It shall be unlawful for any person to store any explosive material in a manner not in conformity with regulations promulgated hereunder by the Secretary. In promulgating such regulations, the Secretary shall take into consideration the class, type and quantity of explosive materials to be stored, as well as the standards of safety and security recognized in the explosives industry.

"(j) It shall be unlawful for any person who has knowledge of the theft or loss of any explosive materials from his stock, to fail to report such theft or loss within 24 hours of discovery thereof, to the Secretary and to appropriate local authorities.

"LICENSES AND USER PERMITS

"SEC. 843. (a) An application for a user permit or a license to import, manufacture or deal in explosive materials shall be in such form and contain such information as the Secretary shall by regulation prescribe. Each applicant for a license or permit shall pay a fee to be charged as set by the Secretary, said fee not to exceed $200 for each license or permit. Each license or permit shall be valid for not longer than three years from date of issuance and shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.

"(b) Upon the filing of a proper application and payment of the prescribed fee, and subject to the provisions of this chapter and other applicable laws, the Secretary shall issue to such applicant the appropriate license or permit if—

"(1) the applicant (including in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not a person to whom the distribution of explosive materials would be unlawful under section 842(d) of this chapter;

"(2) the applicant has not willfully violated any of the provisions of this chapter or regulations issued hereunder;

"(3) the applicant has in a State premises from which he conducts or intends to conduct business;

"(4) the applicant has a place of storage for explosive materials which meets such standards of public safety and security against theft as the Secretary by regulation shall prescribe; and

"(5) the applicant has demonstrated and certified in writing that he is familiar with all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business.

"(c) The Secretary shall approve or deny an application within a period of forty-five days beginning on the date such application is received by the Secretary.

"(d) The Secretary may revoke any license or permit issued under this section if in the opinion of the Secretary the holder thereof has violated any provision of this chapter or any rule or regulation prescribed by the Secretary under this chapter, or has become ineligible to acquire explosive materials under section 842(d). The Secretary's action under this subsection may be reviewed only as provided in subsection (e)(2) of this section.

"(e)(1) Any person whose application is denied or whose license or permit is revoked shall receive a written notice from the Secretary stating the specific grounds upon which such denial or revocation was based. Any notice of a revocation of a license or permit shall be given to the holder of such license or permit prior to or concurrently with the effective date of the revocation.

"(2) If the Secretary denies an application for, or revokes a license, or permit, he shall, upon request by the aggrieved party, promptly hold a hearing to review his denial or revocation. In the case of a revocation, the Secretary may upon a request of the holder stay the effective date of the revocation. A hearing under this paragraph shall be at a location convenient to the aggrieved party. The Secretary shall give written notice of his decision to the aggrieved party within a reasonable time after the hearing. The aggrieved party may, within sixty days after receipt of the Secretary's written decision, file a petition with the United States Court of Appeals for the district in which he resides or has his principal place of business for a judicial review of such denial or revocation, pursuant to title 5, U.S.C. 701–706.

"(f) Licensees and permittees shall make available for inspection at all reasonable times their records kept pursuant to this chapter or the regulations issued hereunder, and shall submit to the Secretary such reports and information with respect to such records and the contents thereof as he shall by regulations prescribe. The Secretary may enter during business hours the premises (including places of storage) of any licensee or permittee, for the purpose of inspecting or examining (1) any records or documents required to be kept by such licensee or permittee, under the provisions of this chapter or regulations issued hereunder, and (2) any explosive materials kept or stored by such licensee or permittee at such premises. Upon the request of any state or any political subdivision thereof, the Secretary may make available to such state or any political subdivision thereof, any information which he may obtain by reason of the provisions of this chapter with respect to the identification of persons within such state or political subdivision thereof, who have purchased or received explosive materials, together with a description of such explosive materials.

"(g) Licenses and permits issued under the provisions of subsection (b) of this section shall be kept posted and kept available for inspection on the premises covered by the license and permit.

"PENALTIES

"SEC. 844. (a) Any person who violates subsections (a) through (h) of section 842 of this chapter shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) Any person woh violates any other provision of section 842 of this chapter shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(c) Any explosive materials involved in or used or intended to be used in, any violation of the provisions of this chapter, or any other rule or regulation promulgated thereunder, or any violation of any criminal law of the United States, shall be subject to seizure and forfeiture and all provisions of the Internal Revnue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5845(a) of that Code, shall, so far as applicable, extend

to seizures and forfeitures under the provisions of this chapter.

"EXCEPTIONS; RELIEF FROM DISABILITIES

"SEC. 845. (a) This Act shall not apply to:

"(1) the transportation of explosive materials via railroad, water, highway, or air when such transportation is regulated by the United States Department of Transportation and agencies thereof;

"(2) the use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopeia, or the National Formulary;

"(3) the transportation, shipment, receipt or importation of explosive materials for delivery to any agency of the United States or to any State or political subdivision thereof;

"(4) small arms ammunition and components thereof;

"(5) black powder in quantities not to exceed five pounds; and

"(6) the manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by the military or naval services or other agencies of the United States; or to arsenals, navy yards, depots or other establishments owned by, or operated by or on behalf of, the United States.

"(b) A person who has been indicted for or convicted of a crime punishable by imprisonment for a term exceeding one year may make application to the Secretary for relief from the disabilities imposed by this chapter with respect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials, and incurred by reason of such indictment or conviction, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the indictment or conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief will not be contrary to the public interest. A licensee or permittee who makes application for relief from the disabilities incurred under this chapter by reason of indictment or conviction, shall not be barred by such indictment or conviction from further operations under his license or permit pending final action on an application for relief filed pursuant to this section.

"ADDITIONAL POWERS OF THE SECRETARY

"SEC. 846. The Secretary is authorized to inspect the site of any accident, or fire, in which there is reason to believe that explosive materials were involved, in order that if any such incident has been brought about by accidental means, precautions may be taken to prevent similar accidents from occurring. In order to carry out the purpose of this subsection, the Secretary is authorized to enter into or upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location. Nothing in this chapter shall be construed as modifying or otherwise affecting in any way the investigative authority of any other Federal agency.

"RULES AND REGULATIONS

"SEC. 847. The administration of this chapter shall be vested in the Secretary. The Secretary may prescribe such rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter. The Secretary shall give reasonable public notice, and afford to interested parties opportunity for hearing, prior to prescribing such rules and regulations.

"EFFECT ON STATE LAW

"SEC. 848. No provision of this chapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any state on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the state so that the two cannot be reconciled or consistently stand together.

"SEPARABILITY CLAUSE

"SEC. 849. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby."

SEC. 3. Nothing in this Act shall be construed as modifying or affecting any provision of—

(a) The National Firearms Act (chapter 53 of the Internal Revenue Code of 1954);

(b) Section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), as amended, relating to munitions control;

(c) Section 1716 of title 18, United States Code, relating to nonmailable materials;

(d) Chapter 39 of title 18, United States Code; or

(e) Chapter 44 of title 18, United States Code.

SEC. 4. The Secretary shall, within ninety days of the date of enactment, publish the proposed regulations required by the provisions hereof and shall begin enforcement of such act and regulations after the expiration of one hundred and twenty days from the date of enactment.

SEC. 5. The Federal Explosives Act of October 6, 1917, 40 Stat. 385, as amended (50 U.S.C. 121–143) and as extended by Act of July 1, 1948, 40 Stat. 671 (50 U.S.C. 144), and all regulations adopted thereunder are hereby repealed.

SEC. 6. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

The letter presented by Mr. HRUSKA is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 20, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To regulate the importation, manufacture, distribution, storage and possession of explosives, blasting agents and detonators and for other purposes."

We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The ease of access to explosive materials have been a definite factor in the recent destructive bombings and bomb threats which have disturbed the peace and tranquility of the country and interfered with commerce between the States. Today, the United States of America is one of the few industrial nations of the world which does not control explosives at the Federal level. The Department of the Interior has determined from a recent survey that, in at least 35 of the 50 States, regulation of explosive materials is either weak or nonexistent. Therefore, this legislation is vital to protect the public interest.

This legislation will provide effective checks on the procurement of explosive materials for illegal use throughout all the 50 States. Additionally, it would supersede the Federal Explosives Act, December 26, 1941 (55 Stat. 863), which is operative only in time of war or national emergency, and which, in the light of present technology, is inadequate.

The proposed legislation operates through a system of licenses and permits. Licenses will be required of all manufacturers, importers and dealers. Permits will be required of all users who depend on interstate commerce to obtain explosives. An exception is made for the user who can satisfy his demand by purchase within the State or a contiguous State.

The proposed bill requires positive identification in all transactions of explosives, and requires both licensees and permittees to keep certain records. Persons under 21 years of age, drug addicts, mental defectives, fugitives from justice or persons indicted for or convicted of certain crimes cannot lawfully acquire explosives.

The storage of explosives will be regulated and all persons with explosives must report loss or theft within 24 hours.

The proposed bill makes it a Federal offense to falsify records, or make false statements to obtain explosives, to sell explosives in violation of State law and to traffic in stolen explosives.

This legislation will, we believe, significantly reduce the hazard presented by the misuse, both deliberate and inadvertent, of explosives, while assuring controlled access by lawful users.

The Office of Management and Budget has advised that this legislative proposal is in accord with the program of the President.

Sincerely yours,

WALTER HICKEL,
Secretary of the Interior.

The section-by-section analysis presented by Mr. HRUSKA is as follows:

SECTION-BY-SECTION ANALYSIS

Section 1 states that the manufacture and distribution of explosives significantly affect interstate commerce and that the purpose of the Act is to reduce the hazard from misuse and improper storage of explosives.

Section 2 amends title 18 U.S.C. by adding a new chapter 40 containing sections 841 through 849.

Section 841 contains definitions. The critical definitions are: "explosive materials" which means, briefly, any chemical compound the primary or common purpose of which is to function by explosion; [This definition will be periodically construed by the Secretary of the Interior in a list published in the *Federal Register,*] "licensee" which means a manufacturer, importer or leader licensed under the Act; and "permittee" which means a user holding a permit issued under the Act.

Section 842 sets forth, in subsections (a) through (j), the following unlawful acts:

Subsection (a) prohibits any person from dealing in explosives without a license, from making false statements to obtain explosives, and if the person is not a "licensee" or "permittee" from transporting explosives in interstate commerce except from States contiguous to his State of residence, or to transfer explosives to a non-resident of the State in which he resides.

Subsection (b) prohibits any licensee from distributing any explosives to any person except 1) a licensee, 2) a permittee, or 3) a resident of the State of distribution or a contiguous State.

Subsection (c) prohibits licensees from distributing explosives to any person who the licensee has reason to believe intends to transport them into a State where their purchase is prohibited.

Subsection (d) prohibits distribution of explosives to any individual who is under 21, has been convicted or indicted for a crime punishable by imprisonment for a term exceeding one year, is a fugitive from justice, a drug addict, or a mental defective.

Subsection (e) prohibits distributing explosives to any person where the purchase or possession by such person of such explosives violates any local law or ordinance.

Subsection (f) requires licensees and permittees to keep records of transactions involving explosives.

Subsection (g) prohibits deliberate falsification of such records.

Subsection (h) prohibits traffic in explosives known or believed to have been stolen.

Subsection (i) requires storage of explosives in compliance with regulations issued by the Secretary of the Interior.

Subsection (j) requires reporting theft of explosives within 24 hours after discovery.

Section 843 provides conditions for the issuance of licenses and permits. It prohibits their issuance to persons 1) prohibited from buying explosives, 2) who have willfully violated any provisions of this chapter, 3) who do not have a business premises, 4) who do not have adequate storage facilities, or 5) who are not certified as being familiar with applicable State laws and local ordinances. The Secretary may revoke any license or permit immediately upon violation of any of the above conditions. The section provides for a hearing procedure and judicial review upon the denial or revocation of a license or permit. The section also provides for the inspection by the Secretary of records and storage facilities and for the posting of licenses and permits.

Section 844 provides a maximum penalty of $10,000 and 10 years in jail and for confiscation of any explosives used in violation of law.

Section 845 exempts transportation of explosives subject to Department of Transportation regulations, medicinal use of explosive materials, Government and military use, and small arms ammunition and small quantities of black powder. This section also provides that the Secretary may relieve persons indicted for or convicted of crimes from disabilities imposed by the Act.

Section 846 authorizes the Secretary to investigate fires resulting from explosives.

Section 847 confers administrative responsibility on the Secretary of the Interior and authorizes him to prescribe necessary rules and regulations after public notice and opportunity for hearing.

Section 848 makes it clear that State laws regulating explosives are not preempted unless they are in direct conflict with the Federal law.

Section 849 provides for severance of any provision held invalid.

Section 3 makes it clear that the Act does not affect certain other specified laws.

Section 4 provides 90 days for the publication of proposed regulations and 120 days before enforcement begins.

Section 5 repeals the Federal Explosives Act of 1917.

Section 6 authorizes appropriations.

S. 4108—INTRODUCTION OF FAIR CREDIT BILLING BILL

Mr. PROXMIRE. Mr. President, in the last two sessions Congress has taken the side of the consumer in demanding fair credit practices. The 90th Congress insured the full disclosure of the cost of credit when it passed the Truth-in-Lending Act which I introduced. More recently the Senate passed two bills I sponsored, S. 823 and S. 721, which will extend the provisions of truth in lending.

When passed by the House, S. 823 will establish certain Federal safeguards over the activities of credit reporting agencies in order to protect against arbitrary, erroneous and malicious credit information. S. 721 will prohibit the unsolicited mailing of credit cards and limit the liability of consumers on cards which are lost or stolen.

However, there remains one large area of lending abuses—credit billing. Two credit billing problems have become increasingly bothersome in recent years. The first problem concerns those companies which have demonstrated that their systems are completely incapable of correcting even the most simple billing errors. The second problem concerns "the shrinking billing period" or the practice of those creditors who send periodic billing statements to consumers just a few days before or even after the payment due date. This practice causes the placing of unfair finance charges on the consumers' account balance.

It is time, Mr. President, that Congress insist both that companies give prompt and efficient service upon receiving notices of errors in consumer accounts and that companies mail their billing statements well in advance of the payment due date. To this end I am today introducing the fair credit billing bill. This bill would amend the Truth-in-Lending Act to protect the consumer against careless and erroneous billings and the unfair harrassment which can accompany them.

Mr. President, I, like many of my colleagues, have received hundreds of complaints from consumers who have had to spend months and even years trying to correct companies' billing mistakes. Many consumers have had to spend many times the amount of the error in their account attempting to get it corrected. They have had to spend dozens of hours writing letters and telegrams and talking on the phone. Is this fair? Is it fair for the consumers to have to pay for the errors of the company?

Companies claim that errors are extremely rare. Well, Mr. President, I have found few people who have not had a problem with a credit misbilling. And just a sampling of my mail for the last few days is enough proof that the problem is not so rare as to be insignificant.

One gentleman wrote to ask me to help him get his name off a national "stop charge" list. His name was placed there a month ago after a computer added an erroneous $1 charge to the man's account. But the most frightening thing about the gentleman's story is that the only item he ever had charged to this account was a $5.39 gas bill. For charging $5.39 and asking the company to correct a dollar overcharge this gentleman's credit privileges are in severe danger. As he said in pleading with the company to correct their error:

> How can I be assured that due to your actions, my name will not be left hanging on a perhaps then obsolete "stop charge list" posted in a small isolated service station in Bar Harbor, Maine or Monck's Corner, South Carolina, which in turn could logically refuse my family service and/or cause untold embarrassment.

One Wisconsin housewife wrote to ask my help in straightening out her clothing store account. Three months ago she asked the company to correct an overcharge in her account. They said they would issue her credit for the amount in error. But since then she has received two other erroneous statements and one "reminder notice." She is rightfully afraid that her credit standing may be endangered by the company's inefficiency in correcting their error. She wrote the company noting:

> I think a lot more good will be achieved if your computers could credit figures to an account as fast as it can charge figures to an account.

One businessman wrote to me to ask my help in getting his credit card account canceled. Since February he has been writing and phoning the company, one of this country's largest, with no results. The company continues to add an extra 50 cents on to the man's account every month as a late charge on the very membership fee the man refused. The man wrote to the company:

> Since your computer will not take note of this fact, my dog with apparently more sense and more wit, has taken the matter in her own mouth. If this does not make your keypunch aware, nothing will.

So far the company has not shown any more awareness.

A western food production consultant wrote to tell me how he is still trying to correct an error that occurred in his account in November of 1968 when he paid a deferred charge in advance. His payment was credited to someone else's account and despite dozens of phone calls and letters the company has failed to correct their mistake.

Mr. President, these are just a few of the letters I have received in the last week from consumers who have been troubled by their inability to get satisfactory adjustments on their credit accounts. I cannot help wonder how many other consumers are blackmailed by the pay up or else notices into paying the disputed amounts on their accounts. Recently, I testified before the National Commission on Consumer Affairs on the subject of computerized billing practices and the failure of companies to respond to notices of error in their accounts. I ask unanimous consent that that testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WILLIAM PROXMIRE

Mr. Chairman, it is an honor to testify before this Commission during its important hearings on the consumer credit industry.

In the last two sessions, Congress has made giant strides toward correcting unfair credit practices. The 90th Congress passed the truth in lending bill which I introduced. That bill insures the full disclosure of the cost of credit. In recent months I have sponsored two bills which have passed the Senate and which are major extensions of the truth in lending act. Bill S. 823 would establish certain Federal safeguards over the activities of credit reporting agencies in order to protect against arbitrary, erroneous, and malicious credit information. Bill S. 721 would prohibit the unsolicited mailings of credit cards and limit the consumer's liability on cards that are lost or stolen.

An additional area in which the consumer is being victimized and upon which the Congress has taken no action is the area of credit billing.

Mr. Chairman, I'm sure that many of us have a favorite anecdote we like to tell about a run-in we've had with a computerized misbilling. Because of our positions, most of us have probably been rather fortunate in having the billing error quickly corrected. However, for the average American consumer who is not a public official, a computer misbilling can turn into an unbelievable nightmare of past due notices, calls from collection

agencies, long waits on the telephone and threats of bad credit ratings.

Many of this country's largest and most prestigious credit card companies have shown themselves to be completely incapable of correcting even the most simple billing error. Many consumers have had to spend months and even years to clear up the companies mistakes.

A New York businessman spent over 15 months trying to correct a charge he received for six flights for one flight he had cancelled.

A Milwaukee advertiser spent five months trying to convince American Express to cancel his card.

A Washington State doctor spent six months trying to correct an error on a billing involving a truck rental.

And an award for persistence certainly should go to the man from Virginia who battled for 21 months to have a $14 mistake corrected. His is a story so unbelievable, Mr. Chairman, I ask that it be included in the record of this hearing.

Of course, the companies claim they give prompt and personal attention to all replies—that only in a rare instance do they let customer inquiries slip by. One company official has been quoted as saying "Sometimes of course we make mistakes. A $90 a-week clerk gets under pressure and gets in a hurry. There are controls, and it shouldn't happen but it does." However, some of the cases that people have come to me with are so fantastic as to suggest that either firms have no systematic procedures for handling errors or are attempting to blackmail consumers into paying debts they did not incur.

As one consumer asked me "Does it not seem unfair that American Express had made the error and remains penalty free, while I am forced to expend money and time to correct their errors? Obviously American Express does not care."

I'd like to give this Commission just one of the many incredible accounts I have received of unresponsive conduct by large American companies in replying to consumer complaints of an incorrect billing.

Mr. James Kurtz, a member of a prestigious national law firm, received a statement from the Diners Club on November 15, 1968. Noting that the bill contained a $207 charge for an airline ticket he had never purchased, Mr. Kurtz paid the total of the bill minus the $207 dollar error and wrote Diners of their error on December 4.

On January 3, 1969, Kutz received a computer notice that his account was past due. Four days later a form letter came in the mail thanking Kurtz for his recent payment but telling him he had to pay the full amount of each monthly bill.

Undismayed and still confident the matter could be settled with a minimum of inconvenience, Kurtz wrote his second letter to Diners on January 13. He told Diners that because he had been on vacation he had been unable to respond to their latest bill dated December 18 or the computer past due notice of the 3rd of January. He also told Diners that his December bill compounded the error by adding still another extra $207 charge and that he was paying all the charges on his account but those which were in dispute.

Three days later he received a telegram to contact the Diners collection department. This was followed immediately by another form notice advising him to deduct the amount in question until he heard from Diners. In a telephone call and a confirming letter Kurtz told Diners he was paying all but the amount in question on his December bill and Diners agreed this was satisfactory.

However, the January bill arrived immediately thereafter and contained a third extra airline charge for $207. Kurtz wrote back to tell of the rapidly growing error by a computer which was apparently out of control. The Diner's computer was now claiming some $621 in debts that Kurtz had not incurred.

Diners replied with another form letter thanking Kurtz for his recent payments but warning his card might be cancelled if he did not pay the full bill. Immediately Kurtz placed a collect call to Diners. The gentleman at Diners who took the call said he was sympathetic, termed the whole story "fantastic" and agreed to straighten it out as soon as possible. But, the call was followed by yet another past due notice from the relentless and seemingly vindictive computer.

The February bill came and to Kurtz's surprise was only $414 in error. Once again Kurtz took the time to send a letter off to Diners pleading they correct the error. His plea was met by another past due notice.

Several weeks later another computer "pay up or else" notice came in the mail. Kurtz responded with still another letter of explanation.

Finally on May 2nd Diners sent a letter telling the tired Mr. Kurtz that the company was checking with Braniff and American Airlines to find out who was responsible for the erroneous billing. A little over a month later Braniff sent Kurtz a letter affirming that the billings Kurtz had received were in error. A copy of this letter was sent to Diners and Kurtz himself sent a letter to Diners just to make sure they understood the Braniff position.

However, when Diners gave Kurtz a credit on his account it only did so to cover one of the remaining two $207 charges still in question. Enclosing a copy of all previous correspondence to date Kurtz sent off another letter to Diners. Diners responded by calling Kurtz's wife and explaining that Kurtz did owe the Club the remaining $207 in question. Furious Kurtz replied to Diners in a letter and once again sent copies of all his previous correspondence. No response came back from Diners.

Getting desperate Kurtz decided to call Braniff. Braniff confirmed both in that call and a subsequent letter to Diners that the mistake was not Kurtz's and that a disagreement between Braniff and American over the ticket charges had been settled. That letter from Braniff to Diners was dated November 18, 1969, one year from the original error. However in all bills since November Kurtz has received the erroneous charges and furthermore Diners has refused to send his 1970 Diners card renewal.

Finally on May 22 of this year Kurtz, after writing several Congressmen, received a letter from Diners apologizing and explaining that a credit would be issued for the remaining $207 error and the $66 service charge that had accrued on that error. It took Mr. Kurtz 18 months and a mountain of correspondence to straighten out a simple computer mistake. Today Kurtz is still anxiously waiting for both the cerdit and his 1970 Diners card.

In reply to his latest request for a new card Kurtz received a form letter which read "Thank you for your recent inquiry. We will give it our prompt attention."

This experience, which bears a close resemblance to a Kafka novel, is by no means untypical. I and other members of Congress have received numerous complaints of a similar nature.

Is it fair to expect the consumer to have the patience of Job, the legal skill of Edward Bennett Williams, and the resources of General Motors in order to get a bill corrected? Mr. Kurtz's experience is not the rare occurence the Credit Card Companies would have us believe. In at least one respect Mr. Kurtz was lucky. Many consumers find their credit cards cancelled on the basis of mistaken billings. Others find that their credit ratings have been seriously damaged by the companies' mistakes. When S. 823 passes, consumers will have the right to correct their adverse credit ratings but this should not keep up from shifting some of the responsibility for computer mistakes where it rightfully belongs—with the credit card companies.

Mr. Chairman, there are over 50 million people in this country buying on credit. The companies can say that they have only one percent or five percent or even one tenth of one percent error and that would be too much. One percent error rate would still be half a million errors. Can we expect a half a million or even 50,000 people a year to have to pay for the carelessness of credit companies?

There are those who point to the problem and say that the computer is the source of the error—that all the good the computer does more than makes up for its errors. But, Mr. Chairman, would we tolerate a one percent of one-tenth percent error rate in the computers that manage air traffic or that guide moon rockets or that prescribe drug amounts in hospitals? If the computer system is at fault we have the technology to correct the system. I think the consumer has a right to demand that companies improve their computer systems.

Another possible explanation is that the managements of these companies are hiding behind their computers. They might be unwilling to employ additional staff to handle the large volume of complaints. For example, one large credit card company receives over 40,000 inquiries a week from its customers and admits it is running far behind in answering this mail. It seems to be easier for companies to deny service which is rightfully due their customers—by explaining away the errors (if they explain them at all) as the result of the "computer billing cycle," or "system errors" or "coding mistakes." Besides, after months of fighting many customers give up and pay the amount in dispute rather than risk destroying their credit rating or continue a tiring and expensive campaign of phone calls, letters and telegrams. Why should the companies want to change their bad billing practices when they might be making a handsome profit off of them?

Last Tuesday morning a member of my staff attempted to reach the gentleman who had signed one of the past due notices for one of my constituents. For over half an hour he searched for Mr. S. Finkelman. He was asked numerous times for an account number but that seemed not to get him any closer to Mr. Finkelman.

I think that this commission should request testimony from S. Finkelman, and all those other infamous people who sign past due notices, including B. Jeffries, M. Brown, L. Fowler, J. King, L. Bush and a host of others. It might reassure the public to know that there are people who are at least supposed to be correcting their billing errors—assuming of course that Mr. S. Finkelman and his counterparts are real live human beings and not computer parts. Certainly not the least objectionable part of current billing practice is the failure of companies to reassure customers that if the machine can't handle their problems a good old fashioned human being will. Companies are treating there customers almost as if they were a part of the computer billing system.

Mr. Chairman, it is time that companies begin treating their customers if not with some respect then at least with a semblance of efficiency. What do I think can be done to correct current billing practices—especially as they relate to the use of computers?

I have hoped, Mr. Chairman, that the industry would devise controls that would insure responsible conduct. There are those in the computer industry who have made moves in this direction. The American Federation of Information Processing Societies in a recent conference under the chairmanship of William Wirtz called for a broad national certification program for computer personnel and a code of ethics and public responsibility. They further proposed the for-

mation of a special body to help enforce the code and assist the public. I endorse these proposals and would hope the computer industry pushes ahead rapidly toward their implementation.

However, Mr. Chairman, I do not believe this to be nearly enough. It is time the Congress stepped in on behalf of the consumer to demand responsible conduct on the part of credit billing companies. To this end I will in the near future introduce legislation that will shift the responsibility and cost of credit billing errors from the consumer to the industry. It is time that American companies be made to pay for their mistakes.

In the last two years the Federal Government has sided with the consumer in demanding responsible credit practices. The truth in lending act was indeed a major landmark. But we must now act to protect consumers who are harrassed and/or ignored by credit billing companies. As Mr. Kurtz discovered, one small error can turn into a punishment rivaling that of Prometheus. Congress owes it to the American consumer to demand more of credit lenders. It is not super human efficiency we are demanding—just a bit of public responsibility.

We need to borrow a phrase from these credit companies and say to them, on behalf of the American consumer, "Do not fold, bend, or mutilate."

Mr. PROXMIRE. The bill I am introducing today is aimed at insuring that consumers can get prompt corrections on their credit accounts. The fair credit billing bill would require that within 10 days after receipt of a notice of error in a consumer account a company would have to acknowledge receipt of the notice. This notice would give the consumer proof that the company was attempting to correct the error. If a consumer failed to get the 10-day acknowledgment he could then take such measures as would be necessary to insure that the company received his notice of error, such as sending the notice by registered mail.

The fair credit billing bill would further require the company to either make the correction and send a corrected statement to the consumer or explain why the original statement was correct within 60 days of receipt of the original notice of error.

If the creditor failed to send the 10-day acknowledgment or failed to adjust the account within 60 days, he would forfeit the right to collect the amount the consumer stated to be in error. Furthermore, if the consumer could then prove that an error had taken place, the creditor would be liable for actual damages, treble punitive damages, and reasonable attorneys fees.

In order to insure that consumers are aware of their rights under the fair credit billing bill, companies would be required to notify consumers of these rights on their monthly billing statements as well as when the account is initially opened.

Now there are those who will ask—why do we need such legislation when the consumer is not now legally responsible for any amount in error on his account? Well, Mr. President, those of us who have been faced with a computerized billing error know that while the consumer is in the right and not legally responsible, he is still subject to severe harassment. Companies will threaten his credit rating and even wrongfully damage it. They will cancel his credit card and send numerous "pay up or else" notices.

A contested billing quite often becomes a contest in perseverance between creditor and consumer with the resources strongly favoring the creditor. It is time the Federal Government insisted the credit billing companies promptly reply to customers' billing error notices or else be made to pay for their inefficiency. This is what the fair credit billing bill will do.

The other unfair credit practice I feel must be dealt with immediately is the problem of the "shrinking billing period." Normally creditors allow a customer 30 days from the billing date to pay the full "new balance" owed and thereby avoid any additional finance charge. However, when creditors do not send billing statements promptly the effect is to reduce the time the consumer has to pay the bill without incurring any extra finance charges. Some companies have even been sending the bill after the date due. Others have reduced the payment period to 25 days even though the billing cycle runs 30 days and the annual percentage rate is computed on a 30-day period.

Two States have recently passed laws requiring companies to send statements a certain number of days before the end of the billing cycle, and the FTC has taken notice of the growing problem of the shrinking billing period. In a consumer credit policy statement it notes that:

> The Truth in Lending Act and implementing Regulation Z do not now set forth any specific time within which creditors are required to send period billing statements to their customers. However, the Commission feels that the law contemplates that the periodic billing statement should be mailed in time to give customers a reasonable opportunity to have the payment posted before the end of the period within which finance charges may be avoided. . . .
>
> Continued abuses in connection with this problem could result in formal Commission action in individual instances, as well as the Commission's recommendation for strong corrective legislation.

Mr. President, I feel this problem demands strong corrective legislation. So in the fair credit billing bill I am hoping to make mandatory what truth in lending already contemplates—that companies give open end credit account customers time to pay their accounts without incurring a finance charge. The bill provides that statements must be mailed by companies 21 days prior to the date by which payment must be made in order to avoid the imposition of a finance charge. It is time that the Federal Government stretched the shrinking billing period.

These two problems—the shrinking billing period and the failure to respond to notice of error are two serious injustices facing the American consumer. They have been allowed to go on too long—while the companies promised that their systems were being corrected and perfected. These systems, most of them computer systems, cannot be allowed to become a permanent excuse behind which the creditor can hide from his responsibilities. Mr. President, I am introducing the fair credit billing bill with the hope that Congress can press the American credit companies into treating the consumer less like a computer and more like a human being. As I said before the National Commission on Consumer Finance, we need to borrow a phrase from these credit companies and say to them, on behalf of the American consumer, "Do not fold, bend, or mutilate."

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD and that the bill be received and appropriately referred.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4108) to amend the Truth-in-Lending Act to protect consumers against careless and erroneous billings, introduced by Mr. PROXMIRE, was received, read twice by its title, referred to the Committee on Banking and Currency, and orderd to be printed in the RECORD, as follows:

S. 4108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fair Credit Billing Act".

SEC. 2. Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended—

(1) by adding at the end of subsection (a) a new paragraph as follows:

"(8) The protection provided by chapter 4 to an obligor under any such account in the event of an erroneous billing.";

(2) by adding at the end of subsection (b) a new paragraph as follows:

"(11) The rights of the obligor and the obligations of the creditor under chapter 4 in the event the obligor believes there is an error in the statement of his account and gives written notice thereof to the creditor."; and

(3) by adding at the end of such section a new subsection as follows:

"(d) A finance charge may not be imposed under an open end credit plan for any period unless a statement of the outstanding balance upon which the finance charge for that period is based is mailed at least twenty-one days prior to the date by which payment must be made in order to avoid imposition of that finance charge."

SEC. 3. The Truth in Lending Act (15 U.S.C. 1601–1665) is amended by adding at the end thereof a new chapter as follows:

"CHAPTER 4—CREDIT BILLING

"SEC. 161. Notice of error.
"SEC. 162. Liability of creditor.

"NOTICE OF ERROR

"SEC. 161. If a creditor, having transmitted to an obligor a statement of the obligor's account in connection with an extension of consumer credit, receives a written notice from the obligor in which the obligor—

"(1) directs the attention of the creditor to an amount shown in the statement as owing from the obligor which the obligor believes to be in error in whole or in part,

"(2) indicates the amount by which the amount shown in the statement is greater or less than the sum believed to be owing to the creditor by the obligor, and

"(3) sets forth the reasons of the obligor for the belief that an error has occurred, the creditor shall—

"(A) not later than 10 days after the receipt of the notice, send a written acknowledgment thereof to the obligor, and

"(B) not later than 60 days after the receipt of the notice and prior to taking any action to collect the amount, or any part thereof, believed to be in error—

"(i) make appropriate corrections in the account of the obligor and transmit to the obligor a statement of his account which has been revised so as to show the corrections, or

"(ii) send a written explanation to the obligor setting forth the reasons why the creditor believes the account of the obligor was correctly shown in the statement.

"LIABILITY OF CREDITOR

"SEC. 162. Any creditor, having received a notice from an obligor as provided in section 161, who fails to comply with the requirements of that section—

"(1) forfeits any right to collect from the obligor the amount shown in any statement of the obligor's account which the obligor believes to be in error and specifies in such notice in the manner prescribed in clause (2) of such section, including any finance charge or other charge imposed by the creditor in connection with the amount so specified; and

"(2) if such amount is in fact an error, is liable to the obligor in an amount equal to the sum of—

"(A) the actual damages sustained by the obligor as a result of the failure of the creditor to comply with such section;

"(B) $100 or three times the amount referred to in paragraph (1), whichever is the greater; and

"(C) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court."

SEC. 4. This Act takes effect upon the expiration of 180 days after the date of its enactment.

SENATE JOINT RESOLUTION 222—REFERRAL OF A JOINT RESOLUTION

By unanimous consent, the joint resolution (S.J. Res. 222) granting the consent of Congress to the States of New Jersey and New York for certain amendments to the Waterfront Commission compact and for entering into the Airport Commission Compact, and for other purposes, introduced by Mr. JAVITS (for himself and other Senators) on July 16, 1970, on today, July 21, 1970, was referred to the Committee on the Judiciary, then to the Committee on Commerce for not to exceed 30 days when reported from the Committee on the Judiciary.

(The remarks of Mr. JAVITS when he made the unanimous consent request appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 3724

Mr. McGEE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senators from Utah (Mr. BENNETT), Oregon (Mr. HATFIELD), Kentucky (Mr. COOK), and California (Mr. MURPHY), be added as cosponsors of S. 3724, my bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3752

Mr. PEARSON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3752 to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of consumer commodities, and for other purposes.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 3867

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. HARTKE) and the Senator from South Dakota (Mr. MCGOVERN) be added as cosponsors of S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

S. 4092

Mr. BYRD of West Virginia. Mr. President, at the request of my senior colleague, Senator RANDOLPH, I ask unanimous consent that, at the next printing, the names of the Senator from Montana (Mr. METCALF), the Senator from Iowa (Mr. MILLER), and the Senator from Illinois (Mr. SMITH), be added as cosponsors of S. 4092, to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that United States requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

S. CON. RES. 74

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of Senate Concurrent Resolution 74 to affect the treatment of prisoners in South Vietnam.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 21, 1970, he presented to the President of the United States the following enrolled bills:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.;

S. 1046. An act to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or part of gold or silver and for other purposes;

S. 1456. An act to amend section 8c(I) of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 and subsequent legislation, so as to permit marketing orders applicable to apples to provide for paid advertising; and

S. 3274. An act to implement the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

ADDITIONAL STATEMENTS OF SENATORS

MORE WHOLESOME MEAT

Mr. MATHIAS. Mr. President, a man may be known by his friends, but a bill in Congress is usually known by its opponents. The Mathias amendment to encourage higher sanitary standards and more wholesome products for meat consumers is now opposed by the larger scale organized packing plants which today dominate 85 percent of the interstate meat business.

Two weeks ago this Chamber took an important step toward eliminating an anomaly in the Federal meat inspection laws by adopting an amendment to double the amount of money available for the support of State inspection programs and to make sure that all meat which passes inspection at the level of Federal standards is available for shipment in interstate commerce. This amendment, if accepted by the conference committee now considering the Department of Agriculture appropriations bill, will provide further incentive to States to upgrade their meat inspection programs and to assure that those State programs which meet Federal standards stay up to that level.

But now, the handful of interests which today occupy the interstate meat market, and who apparently do not want the consumer to have the benefit of a bigger meat supply, are critical of our effort.

I appreciate the concern of consumers and organized consumer groups that all meat—both that which is processed under State inspection and that which is procesed under Federal inspection—is safe for human consumption. This is certainly the goal which we all seek to attain: a full supply of healthful meat products for the American consumer.

It is exactly this goal which the Mathias amendment will help to bring closer. For if meat is processed in a plant operating under standards certified as equal to Federal standards and the products coming from that plant must be equal to the products coming from plants which are inspected by Federal agents, the standards are the same, therefore the meat products are equally healthful.

Why should this meat, inspected in States operating at standards equal to the Federal level, be restricted to the market of a single State? We have a great opportunity here to expand the volume of wholesome meat available to the national market, by encouraging higher standards through expansion of the grant program.

The housewives of America need a spokesman in this matter. They want better meat for less money. While no one has an Aladdin's lamp to wish such a result into reality, this provision will set forces in motion that will help bring it about. The single spokesman for a consumer group who has complained was obviously not informed about the increase in grants to States to foster high-

er standards in State as well as Federal inspection systems. And an increase in the meat supply in the national market could be expected to bring about some decline in the distressingly high level of meat prices.

I am confident that the apparent misunderstandings about this provision will be cleared up and that the joint conference committee now considering this bill will act in the interest of the more than 200 million American consumers by including this key provision in the final version.

McGOVERN ASKS ROLE FOR PALESTINIANS IN MIDEAST TALKS

Mr. KENNEDY. Mr. President, yesterday the Senator from South Dakota (Mr. McGOVERN) addressed himself thoughtfully to the problems of peace in the Middle East. In the course of his remarks he presented several new proposals which merit, I believe, careful consideration by members of the Senate and by the administration.

I ask unanimous consent that relative to the Senator's speech, an article published in today's New York Times, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 21, 1970]

McGOVERN ASKS ROLE FOR PALESTINIANS IN MIDEAST TALKS

WASHINGTON, July 18.—Senator George S. McGovern, seeking to meet criticism that he is dovish on the war in Vietnam and hawkish on the Middle East, outlined proposals today for a Middle Eastern settlement, including participation of Palestinian refugee organizations in Arab-Israeli negotiations.

In a Senate speech, the South Dakota Democrat reaffirmed his earlier support for supplying more American jet aircraft for Israel, but asserted that such a step itself was inadequate for promoting peace in that region.

Calling upon the Administration to make known its proposals for an "equitable solution," he spelled out several proposals of his own:

Israel should start allocating funds for an escrow account to compensate Arab refugees for loss of their land in Palestine as a result of the 1948 Arab-Israeli war. "The feeling of the Palestinians that they have unjustly lost their homes and property is perhaps the most important single source of tension and conflict in the Middle East," he said. "A unilateral act of Israel recognizing that fact could be the greatest single step toward peace."

Before any negotiations begin, the Arab Government should "accept responsibility for acts of aggression committed from bases" in their territories, and thereby assume responsibility for the terrorism of Palestinian commando groups.

As part of an ultimate peace settlement, Israel as well as the Arab states "should be willing to accept the presence of United Nations forces on their territories." Israel has not agreed to this in the past. Removal of such forces should be under the control of United Nations agencies, not individual governments, to prevent a repetition of the situation created by the United Arab Republic's demand in 1967 that United Nations peacekeeping forces leave its territory.

The United States should supply more jet aircraft to help maintain Israel's deterrent power, "but such aircraft should not be made available for forays over Arab territory for the purpose of sustaining the limited but real war which has persisted since the six-day conflict in 1967."

Aides explained that Senator McGovern had sought to introduce an element of moderation into current Washington discussion over the Middle East, fearing that otherwise the Senate "might get swept up in the emotions of the moment" and grant excessive authority to the Administration, as Mr. McGovern felt was done with regard to Vietnam in 1964.

Staff members also said that Senator McGovern had drafted his speech to answer criticism that he took a hard pro-Israeli line on the Middle East while on Vietnam he was dovish. On several points, he appeared to have offered suggestions that had not previously been made by any member of Congress.

Although both the Johnson and the Nixon Administrations have asserted that repatriation of roughly one million Palestinian refugees and compensation for their losses should be a part of any over-all Middle Eastern settlement, neither Administration has advocated participation of Palestinian organizations in Arab-Israeli negotiations.

Israel is opposed to such a step, and some Arab Governments have been hesitant about it. At the moment, the most militant Palestinian organizations themselves are disdainful of negotiations, but some diplomatic observers consider this only a tactic. Mr. McGovern suggested that the Palestinian groups be represented in Middle Eastern peace talks only if Arab Governments proposed such a move.

SOCIAL SECURITY AMENDMENTS

Mr. MOSS. Mr. President, the Senate will soon have before it for consideration the House-passed social security bill. This bill which reflects the many months of hearings by the House Ways and Means Committee is presently before the Finance Committee of the Senate.

As it stands, the social security bill of 1970, by and large, is a good bill making important improvements in the structure and administration of the social security program. Some of these positive proposals include:

First. A 5 percent across-the-board increase in social security benefits effective January 1971. For the average retired single worker this means that his check will increase from $116 to $121.80 monthly. Average benefits for a retired couple would be raised from the present $196 to $205.80.

Second. A liberalization of the retirement test to permit beneficiaries under 72 to earn up to $2,000 annually before having their social security earnings reduced. Under present law the reduction takes place after an individual earns $1,680.

Third. An automatic cost-of-living adjustment mechanism beginning in 1972 which would provide that social security payments would be automatically raised for each 3-percent increase in the Consumer Price Index.

Fourth. The allowance of widows to receive 100 percent of their deceased spouse's benefits instead of the present 82½ percent. Under this proposal the average widow's benefits will increase nearly 21 percent from $102 to $123 monthly.

Mr. President, the House-passed bill—H.R. 17550—also makes major changes in the medicare and medicaid programs. Some of these changes include:

First. The proposal that persons presently ineligible for part A, the hospital insurance portion of medicare, be allowed to enroll for coverage at the rate of $27 a month.

Second. Removal of the present provision in the law that requires that an elderly person enroll in part B of medicare—supplementary medical insurance—within 3 years after becoming eligible.

Third. The proposal giving power to the Secretary of Health, Education, and Welfare to terminate payments to physicians found to be guilty of program abuses, including overcharging, furnishing inferior, harmful or excessive services, or making a false statement to obtain payment.

Fourth. The proposal directing the Secretary of Health, Education, and Welfare to establish specific periods of time for hospitalization after which time the patient would be presumed to require services in a nursing home. A similar provision would apply to posthospital home health services.

Fifth. Making Federal funds available at the 90-percent level to the States to establish mechanized claims processing and information retrieval systems. Federal funds are to be made available at the 75-percent level for the operation of such systems.

Sixth. The inclusion of a 25-percent bonus to the States over present Federal matching—commonly at the 50-percent level—if the State will make use of medicaid home health services instead of providing services in a nursing home.

Seventh. The reduction of Federal matching by one-third after an individual in a medicaid nursing home has received 90 days of care and further reductions in Federal matching funds with the continued tenure of the patient.

Mr. President, it is patently obvious that the Social Security Amendments of 1970 represent a potent package with far-reaching effects. I believe the primary thrust of these amendments is positive but I do take exception to two of the proposed amendments to medicaid.

To deal with the positive side first, surely there can be no one who could disagree with the present need for a 5-percent increase in social security benefits. This amount will barely cover the increase in the cost of living from December 1969, when the last increase was voted by the Congress through January 1971, when the new increase is to take effect.

By the same token, there should be few who would argue with the proposition that periodic increases in social security payments should come automatically to keep up with increases in the cost of living as indicated by the Consumer Price Index. Almost every major labor-management contract today contains such a clause. Why then should our senior citizens be forced to carry the full burden of our accelerating inflation. There is little logic in requiring the Congress to come to the rescue of our seniors with this kind of a stopgap increase every year; the process should be automatic.

At this point, Mr. President, let me say what I have said so many times before:

Social security payments, even with the proposed increase, will continue to be inadequate. Reportedly, more than 50 percent of our seniors have only their social security checks to rely on, with outside incomes dropping sharply in recent years. With the proposed 5-percent increase the average elderly couple on social security would be receiving a check for $205.80 monthly, or a total income of $2,469 a year.

This annual income total falls far below the dollar amount which, according to the Department of Labor's Bureau of Labor Statistics, would be needed by a retired couple to maintain a moderate standard of living. At the beginning of 1970 a retired couple was found to need at least $4,320. Clearly, a retired couple whose only income is a social security check cannot afford a moderate standard of living. Indeed, the total income of $2,469 would put the average retired couple well below the BLS budget level for a "lower" standard of living.

This income crisis, which confronts our elderly as their number grows and their discontent multiplies, has been well documented by this year's report of the Special Committee on Aging entitled: "Developments in Aging 1969." We must do more to provide our seniors with a proper income which would go a long way toward restoring their self-respect and place in society.

Perhaps the best place to start in this regard is by taking another look at the retirement test which tells a senior that he is free to work but that his social security check will be cut back if he earns more than $1,680 a year. This year's proposal in raising the test to $2,000 is a step in the right direction, but I continue to have preference for my own bill which called for raising the retirement test to $2,520 a year or $210 a month.

Assuming that the presently proposed 5-percent increase is passed and the average retired couple can count on an income of $205.80 monthly, and assuming that my proposal is adopted so that a retired person could earn up to $210 monthly without penalty, the average retired couple would have a potential income of about $5,000 yearly. This would compare favorably with the 1970 BLS total of $4,320 which is needed by a retired couple to maintain a "moderate" standard of living.

Another positive feature of the proposed bill would allow widows to receive 100 percent of their deceased spouse's benefits instead of the present 82½ percent. My mail reflects that this is one badly needed change, too long neglected.

Moving from the consideration of proposals dealing with the economic needs of the elderly, I have a few comments on those amendments which relate to the medical and health needs of the elderly.

Mr. President, as chairman of the Subcommittee on Long-Term Care of the Special Committee on Aging, I have been conducting a series of hearings on the problems inherent in the medicare and medicaid programs. When these hearings are completed I expect to issue a report to the Senate with my recommendations. On April 10, I addressed the Senate decrying the step-by-step dismantling of the medicare nursing program and giving my extreme dissatisfaction with retroactive denials of claims and again on April 16 calling for the implementation of the Moss amendments of 1967.

At this point, I say again that when the claims of patients ostensibly settled can be ordered reopened and reevaluated retroactively in the light of newly announced criteria, and providers can be forced to pay back sums now deemed improvidently granted, there exists serious questions of equity and due process. The new bill provides minimum protection against these retroactive denials when it calls for the Secretary to establish a set of presumptions as to which patients are deemed compensable under the medicare nursing home program and for how long.

Few could take issue with other proposals of H.R. 17550 which expand the accessibility of these programs and which provide Federal funds to aid States in setting up modern claims-handling procedure.

The provision giving power to the Secretary of Health, Education, and Welfare to terminate payments to physicians found guilty of program abuses such as furnishing inferior services, or submitting false claims for payment, should be acceptable. I state my own view that most of the physicians who participate in the programs do so in good faith and render excellent services. The enforcement mechanism here will be the real test of the wisdom of this amendment.

Mr. President, let me now cover those amendments I find objectionable and to give my reasons for my beliefs.

A few months ago the President told us that he was going to propose the abolition of 57 agencies in the Government that had outlived their usefulness. Sandwiched in that proposal, curiously, was the suggestion that the Federal Government is not now, nor should it ever be, in the position of financing long-term care. The reference was made in terms of the medicaid program which sees the State and the Federal Government sharing the cost of keeping a patient in a nursing home.

In California a nursing home operator received $14 a day for a medicaid patient—medicaid is the word of universal usage although California calls its program Medi-Cal. The Federal Government contributes $7 of this total toward care of the patients.

That this amount—$14 a day—is unreasonably low is obvious and was confirmed by our recent San Francisco hearing. The fact is that most States have this kind of unreasonably low rate of reimbursement. States complain that they are hard pressed in this day and age to raise their share of the money to match Federal outlays.

Against this background comes the suggestion from the administration that long-term care is a local and State responsibility. With the action of the House of Representatives, on May 21, it has become much more than a suggestion; it has come near to being the law of the land.

I make reference to section 225 of the House-passed bill which commands that the Federal matching for any nursing home patient in the medicaid program will be reduced by one-third after 90 days and continue to be reduced with the patient's continued tenure in the nursing home.

The proposal appears to be based on the notion that people who are in medicaid nursing homes 90 days can be rendered well enough to get along with simply personal care after that. This is an erroneous assumption.

An old person sick enough to need the full spectrum of skilled nursing care probably never can be made self-sufficient. The function of the nursing home for these infirm elderly has historically been to comfort and to prevent further deterioration. The medicaid program in this respect can be distinguished from the medicare program, which was intended to be postoperative and posthospital. The medicare program, perhaps in theory, would lend itself to set numerical limits on number of patient days, and so forth, but in practice this idea has caused problems.

Another provision also objectionable is the 25-percent bonus which is given to the State in the event it elects to treat the patient through its home health services, rather than through its nursing home system. In the case of California again, the State ordinarily would pay $7 and receive a matching $7 from the Federal Government to make up the total of $14 a day paid to nursing home providers. If the State elected to treat a patient, instead, through its home health services, the share by the Federal Government jumps 25 percent. In this case the Federal Government would pay $10.50 and the State of California would pay $3.50. The assumption here seems to be that services rendered in the private home will be cheaper. The problem here is that over 50 percent of the patients presently on the medicaid roles have no family and no home. What some envisage, then, is purchasing old hotels and buildings and creating artificial homes by the State and then bringing in home health services to take advantage of the additional 25-percent bonus in Federal matching funds.

To my way of thinking, these services may be much more expensive than anyone has yet contemplated, since there is such a strong incentive for the States to make use of home health agencies. Let me make it clear that I do not oppose home health where appropriate—hardly so, since it was my 1967 amendments to the Social Security Act which required that the State set up home health agencies under medicaid.

To put it as plainly as possible, I feel that we are trying by these two unhappy provisions to set the type and site of care through fiscal gimmickry. Are we not really just using the Federal matching moneys to reward and punish, on the basis of monetary and fiscal considerations?

To my way of thinking the proposed amendment to limit the Federal matching after 90 days is a poor way to eliminate those who do not need medical care—call them custodial—from those who need such service in a nursing home.

If such is really the goal of the Government, might it not better be accomplished by the implementation of the Moss amendments of 1967, one of which calls for the States to set up regular programs of medical review. These medical review teams would travel through the States' nursing homes and make evaluations about the type and quality of care, the appropriateness of the site. Their recommendations would then be carried out, hopefully with benefit to the patient and the Government. The idea is to insure that every patient is where he needs to be and that he receives the kinds of services he needs. This decision should primarily be made on the basis of evaluating medical evidence and by an experienced group of professionals. The decision should not be made blindly by the Congress on the basis of financial considerations.

The hardships on nursing home operators if the Federal matching is reduced after 90 days is obvious since most are reluctant to take medicaid patients now as rates continue to be woefully low.

The hardships to the patients who need medicaid care and are pushed into intermediate care institutions perhaps, or into boarding houses, receiving little if any personal care, creates a desperate picture.

I would hope that Congress would conclude that we have responsibility to long-term care patients and reject the proposal to cut the Federal matching after 90 days of care. At the same time, I ask for more prompt implementation of my 1967 amendments by HEW to improve the quality of care for those who are presently in these medicaid institutions.

THE COURAGE OF WOMEN WHO WAIT

Mr. GRIFFIN. Mr. President, to those who wait anxiously for word of their loved ones, an hour seems a day and a day seems like an eternity.

It takes unusual courage to face the apparent hopelessness which each day of such a life presents. The depth and strength of this courage can often be measured only in terms of length—how long one has lived with uncertainty and depended on faith and hope for sustenance.

Yet, this unusual courage is not rare here in America. Right now, today, there are hundreds upon hundreds of American women—the wives and mothers of prisoners of war—in whose daily lives fear and anxiety are companions. They do not know whether their husbands and sons are alive or dead. They do not know whether, if alive, their husbands and sons are well or wounded, crippled or whole, whether starving or fed.

Somehow, these gracious and loyal women have managed to maintain a calm demeanor, and have attempted to go on with the business of life in as normal as possible.

Great credit is due them. But we owe them more than that.

We owe every possible effort to determine the fate of their men in North Vietnam. We also owe it to do all we can to bring home as quickly as possible, those who are alive.

THE DRUNK DRIVER

Mr. MOSS. Mr. President, of the many tragic aspects of alcoholism, none is more dangerous to society than that of the alcoholic behind the wheel. All too often the drunk driver kills or maims not only himself, but kills or maims other, completely innocent people.

A particularly fine article on the toll exacted by the drinking driver and what America is trying to do about it was published in the Christian Science Monitor of July 16. I ask unanimous consent that it be printed in the RECORD.

My request reflects my continuing interest in the battle on alcoholism, an interest I have had ever since my days as a city judge in Salt Lake City. I have joined the Senator from Iowa (Mr. HUGHES) and the Senator from New York (Mr. JAVITS) in sponsoring the most sweeping Federal legislation ever introduced to combat alcoholism, S. 3835. The vast importance of the bill and of other efforts to control the drinking driver are discussed with perception and force in the Christian Science article. I commend it to the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALCOHOLISM BEHIND THE WHEEL

(By Guy Halverson)

MILWAUKEE.—A confused and lonely 21-year-old Florida woman races alone through a stormy night on a motorbike. An alcoholic since her teen-age years, she is drunk. Rain and wind slash against her as she tightens her grip on the bike's handlebars. She looks up and in an instant of blurred recognition sees the glare of headlights from a vehicle racing directly at her. She is hurled across the highway and a human life is wasted.

The woman is one of about 70 million Americans who both drink and drive. Of these, millions are either problem drinkers or chronic alcoholics.

Clearly, alcoholism itself underlies much of the spiraling liquor-related accident toll on United States highways. And the toll won't be cut until Americans start to cure this deeper problem.

Efforts in this direction are producing results in some instances:

Here in Milwaukee, at another moment in time, a silver-haired business executive strides quickly toward a massive building. The renewal he feels inside shines as bright as the spring day. The man is a recovered alcoholic, and this day is his last at an outpatient clinic at the privately funded DePaul rehabilitation hospital.

FRAGMENTARY RESPONSE

But in general, response by government and the public to the alcohol problem is only fragmentary and all too often lethargic and ineffective.

The drunk driver, safety experts insist, reveals only one aspect of the blotch of alcoholism that stains so much of American society. Divorces, shattered families, frequent home and industrial accidents, and mounting crime all testify to it. Industry loses over $2 billion annually to alcoholism in absenteeism and shoddy work.

"The central truth," says Sen. Harold E. Hughes (D) of Iowa, chairman of the special Senate subcommittee on alcoholism and narcotics, and himself a reformed alcoholic, "is that we must make up our minds to launch an all-out, adequately funded attack on the problem of alcoholism in America if we are to make significant reductions in the deaths and maimings on our highways. . . ."

Most safety experts agree there must be a sharp about face in the permissive attitudes about liquor now sweeping the land:

The mass media, in particular, must stop glamorizing drunkenness by identifying it with good humor and sophistication.

The home, the church, the school must do a better job of acquainting young people with the dangers and risks of drinking.

Employers, work associates, and relatives must stop overprotecting alcoholics who desperately need attention—not the hidden isolation that is often a sure passport to self-destruction and tragedy for others.

Courts must be given greater flexibility in dealing with drinking drivers. The present system—which seeks to control driving behavior through reliance on legal sanctions alone—is a failure. Modern rehabilitation facilities and techniques are sorely needed in almost every major community in the nation.

The problem of alcoholism and liquor abuse seems almost overwhelming in its complexity and ubiquity. In one of the nation's largest metropolitan areas I walked into the office of the local sheriff to discuss highway safety and found him seated behind his desk with a highball in his hand. It was 2 p.m.

MOST NEGLECTED PROBLEM

In another city a local traffic safety council official could hardly keep his eyes open during our interview because of the drinks he had had during an afternoon meeting. He finally had to have a relative come and drive him home.

No matter where one goes—to the office of a police official, a safety expert, a highway engineer—the conversation inevitably swings around to a discussion of alcoholism. Yet, as John W. Gardner, former Secretary of Health, Education, and Welfare, has pointed out, alcoholism, the nation's No. 3 health problem, is also its most neglected. Alcoholism treatment lags far behind treatment for drug abuse, which touches a much smaller percentage of the population.

Alcohol is the most used—and widely abused—drug in society.

Health officials insist that alcoholism is a disease, not just a behavior problem as was assumed for so many years. Between 6 and 20 million people are believed to be chronic alcoholics or problem drinkers with a compulsive dependence on liquor. But there is also a staggering multiplier effect that adds a tangled new dimension to the problem. Every alcoholic, the experts say, directly affects up to three relatives. Thus, up to 60 million people in this country may be immediately touched by alcoholism. That would mean one out of every five homes.

For years the public stereotype of the problem drinker was that of the skid-row derelict. But, says William M. Moore, Jr., executive director of the National Council on Alcoholism, "only about 3 percent of all alcoholics are derelicts. Most are the type of people you might meet anywhere in society—wage earners, homeowners, housewives, professional people."

Take what happened one day here. The local office of Alcoholics Anonymous received a frantic call that a woman, plainly drunk, was about to slide behind the wheel. AA called the local sheriff who dispatched a car. The woman was pulled from her vehicle be-

fore she could drive it off. It was a bus for elementary school children.

MANY DIFFERENT TYPES

Studies of drinking drivers clearly indicate that many are chronic alcoholics or longtime problem drinkers. Indeed, most studies show the typical drinking driver involved in a fatal or near fatal accident to have a blood-level content far above levels associated with normal social drinking.

Yet, when one talks about the "drinking driver" one is really talking about many different types of drinkers:

1. The chronic alcoholic or problem drinker who is suspected of causing perhaps the largest chunk of all fatal accidents.

2. The social drinker, whose blood level usually registers less than most problem drinkers, but still accounts for an important share of highway mishaps.

3. The novice drinker or occasional drinker, whose inexperience with liquor is a contributing factor to some accidents.

4. The young drinker. Some studies suggest that the youthful drinker is causing an increasing number of highway accidents. Of the first 10 auto fatalities this year in Michigan, for example, all were under age 26, and liquor was a factor or suspected as a factor in nine of the cases.

How does one stop these people from mixing their drinks with driving?

In most courts throughout the U.S., judges are still heavily dependent on punitive legal sanctions—fines, license suspensions and revocations, or jail sentences. But because of the hardship on the offender, whose livelihood is often dependent on use of his vehicle (particularly in the Western states with their large distances), juries and courts are reluctant to impose stiff sentences. Moreover, prosecutors, acutely aware of public sentiment, carefully weed out thousands of marginal cases each year, even though they know the defendant is guilty of a road violation. Or they deliberately seek a lesser charge, such as "reckless driving," instead of "driving while intoxicated."

"HEALTH-LEGAL" APPROACH

The resulting "control system" is just not working. In Chicago several months back, a 28-year-old man was slapped with a $20 fine and court costs for staggering drunk in front of a stream of cars at a busy intersection. The very next night he was again arrested—this time for drunk driving.

Last year some 300,000 drivers had their licenses suspended or revoked. Yet, it's believed that as many as 200,000 of them continued to drive illegally.

What's needed, say many jurists, is a multipronged attack on the drunk driver—a "health-legal" approach, as Lyle Filkins of the Highway Safety Research Institute of the University of Michigan has dubbed it. On the one hand, judges should be allowed to impose stiff sanctions for those drivers who respond to punishment—such as social drinkers, occasional drinkers, and young people. On the other hand, rehabilitation should be available for those drivers who need a change in drinking behavior more than driving behavior.

And that's the rub. Few jurists today have any place to send the problem drinker for rehabilitation.

In many cities I found businessmen and teen-agers, problem drinkers, and hard-core derelicts all thrown indiscriminately together into grim drunk tanks. In one Southwest city I found a middle-aged man lying face down on a concrete floor where he had tumbled from a bunk.

PROGRAMS JUST NOT ENOUGH

There are only about 200 facilities of varying types around the country to handle the problem drinker, including halfway houses and clinics. Only about six cities have major detoxification centers, including important installations at Washington, St. Louis, and Des Moines. Even more significantly, only about six cities have comprehensive treatment programs, including Minneapolis, Atlanta, and the private DePaul program here in Milwaukee.

The federal response has so far been spotty and piecemeal.

The main thrust to date, most experts feel, come out of the National Center for the Prevention and Control of Alcoholism in the Department of Health, Education, and Welfare. Budgeted at around $4 million annually, the program has dealt with the research, education, and treatment areas.

Rehabilitators maintain that the programs are just not enough. More money is spent each day on liquor purchases in the U.S., they say, than the entire federal government spends on alcoholism treatment in the course of an entire year.

A measure recently introduced into the Senate by Senator Hughes, along with Sens. Jacob K. Javits (R) of New York and Frank E. Moss (D) of Utah, would earmark a more realistic amount of $435 million over a three-year period for a comprehensive alcoholism program, including grants for construction of facilities by state and local communities. It would set up a control agency located most likely in the National Institute of Mental Health (that section is being hammered out in committee as of this writing). The measure would require establishment of prevention and treatment programs for federal employees and armed forces personnel, and also provide that group health and disability policies for federal employees must include alcoholism.

The Hughes bill (S3835) in effect supersedes an earlier, less comprehensive bill introduced several years ago by Senators Javits and Moss. The newer Hughes-Javits-Moss bill has so far snapped up endorsement from close to 50 senators, including a spectrum as diverse as Sens. George Murphy (R) of California, Charles H. Percy (R) and Ralph Tyler Smith (R) of Illinois, and John J. Sparkman (D) of Alabama.

PROPONENTS OPTIMISTIC

Proponents of the Hughes-Javits-Moss bill are optimistic of passage during the next year. They note that the Hill-Burton hospital construction bill—enacted over a veto by President Nixon last month—contained a provision establishing new priorities for treatment of alcoholism within hospitals. In the past most hospitals have tended to shun the alcoholic. The Hill-Burton Law, rehabilitation enthusiasts assert, shows that a national consensus is building toward a broad-based federal rehabilitation program.

The new $18 million program under way at the Office of Alcohol Countermeasures in the Department of Transportation is also geared in great part to an identification—and then control—of the problem drinker. Under the program, announced June 26, demonstration grants have been awarded to a number of communities around the nation: the state of Vermont; Marathon and Sheboygan Counties in Wisconsin; Nassau County in New York; Washtenaw County in Michigan; King County, Washington; the cities of Eugene and Portland, Ore.; Denver; Seattle; Albuquerque, N.M.; and Charlotte, N.C. DOT officials hope the roster can be upped by an additional 20 localities next year.

The imaginative program—a small, but important first step in the control of the drinking driver—will test out some 50 or 60 countermeasures, including use of chemical agents that cause the drinker to react unfavorably when he imbibes alcohol, tying gas station operators into special traffic grids so they can check license numbers of motorists suspected of being intoxicated, and even special buzzer devices on the cars of drinking drivers that may be activated due to erratic driving conditions.

INDICTMENT OF ADMINISTRATION'S SCIENCE POLICY

Mr. KENNEDY. Mr. President, the latest issue of Nature, one of the world's most respected scientific journals, contains a slashing indictment of the administration's science policy. As chairman of the Special Subcommittee on the National Science Foundation, I, too, have been concerned with the recent cutback in Federal support for basic scientific research. I, therefore, urge every member of Congress to read the Nature article. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TUNE WITHOUT A PIPER

Washington stands in relation to American science as does Brussels to the European Economic Community. Without the bureaucracy there would be no science, especially now that it is tacitly although not explicitly acknowledged that government must provide financial support for science. Moreover, the doings of the bureaucracy have a fascination of their own, not merely for those directly involved. Yet there is a sense in which the bureaucracy is irrelevant to American science. Nobody in Washington in this past six months has helped to identify a new initiation factor for the translation of DNA into RNA, or has with his own hands fashioned a new kind of laser. It is tempting to hope that the bureaucracy will, like the old-fashioned Marxist state, one day wither away. Within the EEC, there is some reason to hope that Brussels will become increasingly irrelevant as the objectives of the Treaty of Rome become realities, but unfortunately it seems as if the influence of Washington on American science has come to stay.

The bureaucracy will not go away. The best that can happen is that it will somehow be improved. The past six months have been a vivid demonstration of how muddled are the ways of Washington in administering an amount of money so large that many other governments must consider it extraordinary wealth. One way and another, something like $2,000 million find their way each year into basic research outside the direct influence of government laboratories, and even this is only one-eighth of what the Federal Government as a whole spends on research and development each year. Government expenditure on research and development in the United States is, in short, comparable in size with the whole of government expenditure in Britain. No wonder that some people suppose that the inefficiency with which research funds are administered is immaterial.

Until January this year, the notion that inefficiency is tolerable had many supporters. Now, however, it is plain that many vigorous fields of research are being damaged by the way in which policy is made—or, rather, unmade—in Washington. Whether the Princeton-Pennsylvania accelerator, which cost $40 million to build, which has been operating for only about two years and which had already gathered its research groups of young people, will be able to keep going for the next academic year remains to be seen. Administration officials seem now willing to acknowledge that it was needlessly severe to have trimmed the budget of the Atomic Energy Commission in such a mindless fashion, yet an unpalatable truth that no less a person than President Nixon gave the impending closure of the laboratory as an example of his fiscal prudence, and that it will be necessary to find some face-saving formula before the laboratory can be given the

meager $1 million that would now be needed to keep it going for another year.

Tangible signs like this of how the budget restrictions have begun to bite into academic research in the United States are only the tip of the iceberg. It is more serious that many of the new ventures on which American universities would now naturally embark are being postponed not so much for lack of funds as for the lack of the promise of them. Radio astronomy is the most spectacular example of this dereliction of ambition. Three years ago, a panel under Professor R. H. Dicke of Princeton University provided a list of half a dozen projects on which money could usefully be spent, and singled out the project to provide a new surface for the Arecibo radio telescope in Puerto Rico as the cheapest and in many ways the best buy. In spite of this, however, the $3 million needed for the Arecibo project found their way into the current budget only for the financial year which has just begun. The more ambitious projects on which people have set their hearts remain in limbo.

The temper of Washington's reaction to these developments is well illustrated by the argument of one White House official in the past few months that no harm will be done if the United States "gives other nations a chance to shine" in some parts of science. In the last resort, of course, what determines a nation's prowess in some chosen field is not the amount of money which it decides to spend but its ability to recruit bright people. This is a point which has, in the past few months, been put forcefully and eloquently by Mr. P. Haggerty, the chairman of Texas Instruments. But actually to opt out of a field of research which is exceedingly relevant to much of what other agencies in the United States are trying to accomplish is quite a different issue. Are the administrators trying to make a virtue out of budgetary necessity?

Why is there such a muddle? The short answer is that there is nothing in the Administration that could pass for a policy towards science and technology. Some time ago, the OECD searched for what would have been called elsewhere the country's science policy, and concluded that in the United States "there is not one science policy but several." This is a kindly flattery. The truth is that, on several important questions which lie at the roots of the conduct of science in the United States, the Federal Government has not had the time or the inclination or the wit to make up its mind. The result is that important matters on which the Administration should give a lead are left to be decided by the tug of war in which the several agencies of government are habitually engaged and by the necessarily wayward arguments of Congress.

If this should seem a harsh judgment, the case of the government's curious attempt to do away with graduate traineeships in the early weeks of 1970 is a sufficient proof of indolence or worse. Graduate traineeships in the terminology of the National Science Foundation are the financial awards to graduate students in the gift of selected graduate schools at universities up and down the country. The NSF also makes available graduate fellowships which are awarded by competition among undergraduates and which are tenable at the university of the student's choice. When the budget of the National Science Foundation appeared in February this year, it was immediately apparent that the customary allowance for traineeships was missing, and so people looked quickly at the other parts of the federal budget in which the equivalents of traineeships are usually to be found. The amount allowed for National Institutes of Health traineeships was unimpaired, but the University Support Program with which NASA has encouraged the universities on a declining scale in the past few years had disappeared altogether, as had all new money in the Department of Defense budget. Only with the beginning of the annual ritual of congressional inquiries into the federal budget did it become known, from spokesmen of the NSF, that the Administration had decided that would-be graduate students in science and technology should find other ways to keep themselves in graduate school, that the NSF's dependents would not be affected in the academic year immediately ahead and that the NIH had been able to resist successfully the Administration's point of view—largely, it seems, because of the personal intervention of Mr. Robert Finch, the then secretary of Health, Education and Welfare.

This sorry tale has a number of curious features. In the first place, no spokesman of the Administration has ever sought in public to justify the decision. The Bureau of the Budget seems to have been the driving force behind the proposals, and there has been a good deal of talk about the rightness (and wrongness) of requiring graduate students to keep themselves at university by means of loans—a potentially important device which is not yet working as smoothly as people hope. In practice, however, the NSF is frankly unhappy with the situation; Dr. William McElroy, the new director, says that he is prepared to go along with the decision only on condition that there is a careful review of how things are working within the course of a year. Yet, in all the discussion, nobody has seen fit to mention the way in which the Administration's decision flies in the face of the powerful arguments put forward merely a year before by the National Science Board, in a report which asked for such an explicit commitment of the Federal Government to the support of university research that a substantially larger proportion of the money for university research would be supplied by means of earmarked grants to institutions and not by grants for particularly research projects.

In other words, the Administration has rejected the National Science Board's argument, but has done so inarticulately, not bothering to say why. In Washington, where a low profile is something enviable, this may seem sensible enough. Why should one of the Administration's spokesmen—Dr. L. DuBridge, for example—choose to justify such an unpopular and irrational decision when called on to make one of his several public speeches when he can talk about the evils of pollution instead, and win friends, not enemies? The tragedy, of course, is that nobody bothers to ask what can be the effect of all this on the next generation of graduate students and on the universities which, a few years ago, took the then administration at its word and behaved as if it were their patriotic duty to turn out more PhDs.

For those with long memories, the contrast between now and the heady late fifties is almost bizarre. Then, higher education in the sciences became overnight a cherished part of the apparatus of state—a commodity of which there could not be too much. Now it is a kind of tribute which the government pays the universities more or less as if it were to prevent them from lapsing entirely into anarchy. One of the unexpected happenings of the past few months has been the way in which Dr. DuBridge, a card-carrying hot-gospeller for basic research when he went to the White House eighteen months ago, now comports himself as just another pragmatist.

To an outsider, the gulf which now exists between the Administration and the academic community is not merely remarkable but alarming. How, one wonders, can the country carry on if such a great proportion of the intellectual community insists on talking about Cambodia and not physical chemistry or nuclear physics? The signs of trouble first came more than two years ago, when evidently level-headed people, some friends but many acquaintances, would spend fifty minutes out of a precious hour denouncing the then president and his Vietnam policy and merely ten minutes saying what they had been up to. By now, the same people are much more intimately involved in the intricacies of campus or national policy—the ABM and all that. Perhaps this is what Vice-President Agnew means when he talks of the radicalization of the campuses. The truth is, however, that a visitor to the United States must now acknowledge that the academic community, the scientific community, included, is much more absorbed in political and social questions than it used to be. Moreover, he must be prepared for the outspoken scorn of a great many people for the Administration's claim on public attention. If the objective is merely to stop the war, no harm may be done. To be sure, it is exceedingly distracting for serious scholars. If the disaffection goes deeper, the capacity of American governments to govern may be in question.

Vietnam apart, the past few months have also provided a series of causes why the Administration and the scientific community should be at odds. Muddles like that about traineeships are dwarfed by the extraordinary way in which the Administration seems to have been powerless to mitigate the effects of the Mansfield Amendment to the past fiscal year's military appropriations bill on the pattern of spending on pure science. To be sure, the Mansfield Amendment was finally attached to the military budget only in December 1969, by which time the budget for the current year must have been more or less decided, but this does not explain why the agencies of the Federal Government were busily pruning their research budgets to fit in with the new doctrine that the defense establishment and even the other mission agencies should not support basic research without there being any apparent effort, elsewhere within the government, to count up the cost of the cast-off projects. After all, there was nothing in the chain of argument leading to the Mansfield Amendment which could reasonably have convinced the Administration that Congress had suddenly become hostile to basic research. The, complaint more simply was that it is illogical that a good deal of the United States effort in pure research should be a kind of by-product of military defense. The Administration's failure to count the cost—estimated to be the best part of $50 million—is not so much a failure of public administration but a weakness in simple arithmetic.

It is inevitable that this failure should have damaged the standing of the Office of Science and Technology with professional scientists. Rightly or wrongly, the office has acquired in the past decade the unique distinction of being at once a source of private advice to the President and a focus for the expression of public opinion by professional scientists. The failure of the office to rise in the defense of academic science against the simple arithmetic of the easy—and conveniently thrifty—interpretation of the Mansfield Amendment is one from which its reputation will easily not recover.

A part of the trouble is that the present holder of the office, Dr. DuBridge, is not the kind of fellow who is able to create the illusion of being a means by which the scientific community can make its voice heard in high places. He is too shy, even gauche, for that. Everybody admits that he is honest, diligent and willing to cooperate in all kinds of causes, from that for the banishment of teratogenic herbicides to the need not to overload the electricity generating system during the air conditioning season. Yet even now, after eighteen months of hard work, the kindest thing that is said of him is that he is a much better science adviser to the President than some of the candidates originally suggested. To be sure, Dr. DuBridge is the first of five science advisers to have held office while the budget has not been growing

quickly, but it is probably fair to say that at this stage in the game, most of his predecessors would either have felt themselves exercising some real influence on the system or would have given up. Dr. DuBridge has soldiered on at a job in which he insists a great deal of valuable committee work is being carried on. What has happened, for reasons bigger than himself, is that the time has passed when a single mandarin in the White House could be at once courtier and professional representative.

It is only fair to add a list of the reasons why the character of the Office of Science and Technology must now change. First, the days of the mandarins are over—no federal agency worth its salt would now pretend to be able to do its job without independent scientific advice of its own. If the science advisers of the sixties had to be conjurers to make a mark, those of the seventies would have to be wizards. But how valuable as an initiator of science policy can the Science Adviser be if the rest of the Administration to which he belongs is unwilling to listen? Finally, the growth of agencies such as the National Science Foundation and organizations such as the National Institutes of Health has shifted interest away from the Office of Science and Technology and from the President's Scientific Advisory Committee. To be sure, OST and PSAC still have useful work to do, but it is bound to be less glamorous work than in the fifties. This tendency is bound to mean that there will in future be fewer channels by means of which the views of professional scientists on the technicalities of military defense can be carried to a wider public—this, no doubt, is why people who have things to say about the ABM or MIRV are eager to turn up before congressional committees to say their pieces. If the Office of Science and Technology has ceased to be the constituency representative, however, there is no certainty that the National Science Foundation—the logical successor—is yet equipped to fill this role. The past six months have shown how much a part of the Administration the foundation really is. The same period has shown what a weathercock it can be. It was the National Science Foundation, no less, which introduced to a committee of Congress a witness who said, without any obvious trace of sarcasm, that "ecology is not a discipline but an attitude of mind" at a time at which the foundation was especially anxious to draw attention to what it planned to do for the improvement of the environment. It is the same foundation which has just spent $50,000 on a research project by two medical students from Stanford University which is intended to suggest ways in which newspapers and broadcasting stations may be able the more effectively to "cover the deterioration of our environment".

To say all this is not to make fun of what has been the quite proper concern in the United States about the condition of the physical environment. The complaint is merely that the National Science Foundation has not instinctively become a source of philosophy and of measured judgment on the environment but, rather, an earnest follower of other people's fashions. It is only fair to say that this may be a reflection of the anxiety of the new director to squeeze the last nickel out of the Bureau of the Budget, and there is probably also a great deal of truth in Dr. McElroy's frequent statement that the time has gone when American taxpayers are willing to spend money on scientific research which does not somehow solve practical problems. But in circumstances like these, is it not for the National Science Foundation to spend more of its energy on a demonstration that even supposedly conventional forms of basic research—high energy physics, for example—are in their runny way as relevant to the needs of modern society as all the half-baked attempts at mathematical modelling of ill-defined ecosystems which now come on top of the list for grants of public money?

The fashion for anxiety about the environment, now rapidly on the wane, seems to have been welcomed enthusiastically in Washington not for its own sake but because it is one issue on which politicians can make common cause with at least some of the younger generation. To be sure, there is every reason why arrangements should quickly be made to prevent municipal authorities and industrial enterprises from using the rivers as sewers; there is a great need for vigilance about the use of possibly teratogenic or carcinogenic chemicals and serious cause to fear that unbridled use of the undeveloped land remaining in the United States, vast though its acreage may be, will be disastrous for flora, fauna and even people. But are these not matters which have been dealt with in many other industrialized nations without all the cries of doomsday which have echoed about Washington in the past few months? Why should not the familiar legal instruments of public administration provide at least a good foundation for a campaign to improve the environment? A part of the trouble in the United States is, of course, that there are serious limitations on the power of the Federal Government to enforce uniform standards of good practice on the whole country, and, at the local level, the advocates of cleaner environment are also strongly opposed to the higher taxes needed to pay for sewage treatment plants. At the same time, the Federal Government clearly shrinks from some of the financial implications of its policy to tempt local authorities along desirable paths by means of financial subsidies. These, however, are essentially political problems even if, in the long run, technology may help to simplify some of them. The Washington establishment has done its reputation very little good by going along with the easy assumption, in the past few months, that an urgent programme of scientific research should be the mainspring of the movement for cleaner surroundings. This observer, at least, has been dismayed to see how readily sober men will argue, when challenged, that exaggeration is often necessary for the swift mobilization of public opinion. Fair play, Dr. DuBridge has been one of the few stalwarts.

The ideal, of course, is that the National Science Foundation should itself become the source of levelheaded opinions on what can and cannot be accomplished by scientific research. As things are, however, the NSF is neither big enough nor sure enough of itself to function in such a way. The National Science Board is better placed, with its responsibility not merely for guiding the policy of the NSF but for giving advice on questions of scientific policy to anybody in the federal government prepared to listen. And, true to the form set with its first report on the national importance of graduate education, the National Science Board did this year produce an eloquent document arguing the case for continued financing for research in the physical sciences. As with the previous document, however, the Administration's reception of this report was marked by its indifference. The truth, it seems, is that if an agency of the federal government wishes to help with the making of science policy, it must first be well placed politically or must enjoy a healthy budget.

So what about the National Academy of Sciences? Does that have the leverage required to ensure that the funds available are spent to the best advantage? A year ago, after the election of Dr. Phillip Handler as president, it may have seemed as if the academy would have an increasingly powerful influence on events. And it remains an observable fact that Dr. Handler is alone among the Washington dignitaries in being prepared to make a public speech without a written text. In reality, however, the academy has been slow to move into the vacuum which exists. In the past few months, much of the academy's energy seems to have gone into questions of the relationship which it should have both with engineers and professional medical people. The academy continues to undertake studies on specific problems—the extension of the runways at New York's airports and the assessment of the safety or otherwise of food additives now on the Food and Drug Administration's list of substances "generally recognized as safe", but the Committee on Science and Public Policy seems to be making heavy weather of responding to the strains of the past few months.

May it therefore be for Congress to spell out what should be done? If it were not for the impending departure of Mr. Emilio Q. Daddario, the chairman of the House of Representatives subcommittee on science, research and development, who is almost certain to become governor of Connecticut in November, there might be some reason to hope that his committee could have had a continuing and beneficial influence at least on the development of institutions. Mr. Daddario's committee, for example, was principally responsible for the legislation by means of which the National Science Foundation now enjoys a greater degree of independence than in the past. Inevitably, however, it has been itself exposed to some of the popular pressures both for a better environment and for finding some way of "living with technology", as the saying goes. The committee's proposal that there should be established a much larger institution than the NSF to be responsible for close on half of the basic research at present supported by the Federal Government has a great deal to commend it even if nobody in authority has so far seen fit to risk an opinion. It will be interesting to see if the same cause is taken up by Senator Edward Kennedy, Mr. Daddario's most likely successor in Congress as champion of organized science.

In the last resort, the most serious complaint which can be sustained against the Washington establishment is that it is cruelly indifferent to many of the good ideas which abound. The excuse which the administrators tend to fall back on is that there are limits to the degree of innovation that Congress will find acceptable. But is this really a sufficient reason why the Atomic Energy Commission should continue to spend almost as much on physical research, mostly in high energy and nuclear physics, as the National Science Foundation can afford to spend on research of all kinds? Is it really credible that high officials of the Administration should have been unable even in a year of tightening budgets to find room for the kind of financial support needed to keep radio astronomy, or organic chemistry, moving along? Outsiders are sometimes hard pressed to know what is in charge—the machine or those who are supposed to administer it.

Unhappily, the administration of American science reflects little of the sharpness and flair which mark much of what goes on in the laboratories even when people's energies are more than ever bound up in extramural activities of one kind and another. The bureaucracy is not so much malevolent as weak and even dull. Because no amount of wishful thinking will make it go away, the best that can be hoped for is that it will be strengthened and enlivened. A concentration of responsibility for basic research in an organization much like the National Science Foundation would be a step in the right direction, but this organization would then have to be managed, like NASA and the National Bureau of Standards, with the skill and flair of an agency which knows where it is going.

ALASKAN STUDENT URGES RESPONSIBLE APPROACH TO UNIVERSITY REFORM

Mr. STEVENS. Mr. President, the degree of sensitivity of some of our young people to the very difficult issues of the day has at times astounded me, but nothing has astounded me so much as a paper that was recently sent to me by my good friend Ken Davis, of Anchorage, Alaska. His son Randy Davis is in the ninth grade at Odle Junior High School. The paper is entitled "Prospects of University Reform."

Wallace Collins, who is a teacher at Odle Junior High School, stated in a letter:

The entire paper is just as it was originally written.

I submit this paper with the views of a ninth grade student on the problems related to university for two reasons. First, it is, as Mr. Collins stated, representative of the feelings of many young people today. Secondly, I call particular attention to Randy's paper because of the views that he has expressed. He said:

I feel that I am logical enough to realize (as apparently many student radical groups have not) that you cannot tear down and build again in the same day.

Randy Davis also said:

For any truly significant changes in the eductional structure to be made the student must recognize that the university is a place of learning, not a showcase for activities unrelated to education. The student must also recognize the fact that for any advances to be made, he must concentrate on learning, make it his sole reason for attending the university, and not to use it for a political bandwagon or as an athletic field for violent athletic activity.

I ask unanimous consent that the complete text of Randy Davis' paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

PROSPECTS OF UNIVERSITY REFORM

While I do not now, nor have I ever supported the actions against the American university carried out by violent radical groups, it is essential to realize that while the university is the most sophisticated of the educational systems, with this increased sophistication comes vulnerability to organizational problems. These problems cannot be solved in a short span of time because their nature has been born in the hundreds of years of history of the university. While I could not hope to provide a satisfactory solution to all of the problems, I do hope that by providing a general outline for improvement, the solution would remain flexible for difference among individuals.

The most basic problem is: should the universities attempt to produce something original in their students or continue to modify and increase the student's previous knowledge? Obviously, the first solution would be the best one. The prospect of a society in which there is creative thought not limited to artists or writers is tremendous. While this situation would be very desirable. I am afraid it lies in the lost realm of all Utopias; that is, not quite ever reaching the goal. The reason I feel this way is that it is almost impossible to teach creativity. Certainly, it can be developed and expanded, but how could you teach creative thought to a non-creatively inclined group. Not that the only problem is with the students, but many of our greatest teachers are not too creative; while they have a gift for explaining and clarifying what is already known to them, they have trouble teaching independently. For the majority (of students, teachers, and subjects) a state where the student is *told* what he needs to know and then is forced to develop some degree of imagination is the most (and only) logical solution. It is supposed that by the university level, the student has developed enough mental ability to enable him to begin to develop superior logic and to a certain extent, imagination.

Another of the basic difficulties is the question of where the reform should be originated. In other words, on who should the responsibility for the design of change fall, student or administration. I feel that the responsibility lies with the students because social reform must start at the bottom of the social scale, not at the top. Also, since the students outnumber the faculty, it is logical to deduce that the university reform program should be designed by the group best suited to design a program that would involve the majority group. I feel a person himself is the best organizer of his own affairs. Another way to state it is that since the faculty has already been educated, the program should be oriented toward those who have not yet completed their education. I do not wish to imply that the sole function of the faculty and, above all, the university, is to be placed at the feet of the students to use as they wish, creating programs that may endanger the function of the university as an educational institution. It is important to realize that the prime flexibility of a university should be designed with the learning requirements of the student in mind. It is unfortunate that this type of reform may not be possible for some time because a program of this kind would require considerable intellectual maturity on the part of both students and faculty, and in many recent cases I have not seen evidence of any of the maturity needed to make this system work. I also, feel that a large percentage of today's university students are too involved and susceptible to outside influences that are not logically connected with the learning process. While I do not wish to argue about the practical value of such groups, I do not feel that the place (or stage, as you wish) for their rather bizarre activities is on the university. For any truly significant changes in the educational structure to be made, the student must recognize that the university is a place of learning, not a showcase for activities unrelated to education. The student must also recognize the fact that for any advances to be made, he must concentrate on learning, make it his sole reason for attending the university, and not to use it for a political bandwagon or as an athletic field for violent athletic activity.

The co-working of the universities departments is crucial because if the departments of related subjects cannot work together, the knowledge level will drop. With the many new sciences opening up, many new opportunities for inter-related sciences have appeared. Imagine the difference in available skill if you had four students from inter-related subjects all working on the same problem compared to having four students all from the same subject working on the same problem. The working of inter-related subjects is being worked within the graduate schools (to some extent), but while students are waiting to graduate, they are losing the time to gain precious knowledge. Knowledge cannot be confined into neat little Pythagorean rectangles; it must be allowed to flow freely and expand, like a gas. If its expansion is restricted, the faculty does not suffer, only the students; and the students are the point of education. If this change is realized, tomorrow's intellectual leaders will have to possess one quality that the vast majority of them do not have today. That quality is the ability to work together, to see the problem another person's way. If this is possible, then Man would have taken his biggest step forward since he learned to communicate with his fellows.

As I have stated before, these reforms would not come easily or in a short time. I feel that I am logical enough to realize (as apparently many student radical groups have not) that you cannot tear down and build again in the same day. Not only would these reforms require changes in the society's view of the university, the student's view of the university and the faculty's view of the university, they would also require changes in the general views of society toward education and the uses of the increase in available knowledge. Like all powerful things, knowledge must be used without malice or vengeance toward people.

Also, the universities must quit jockeying for position in terms of prestige; i.e., the Ivy League, by putting less importance on educational value and more on how many senators or presidents went there. I feel that the Ivy League and related schools are in the same state as the decline of the Roman Empire—proud and unwilling to accept defeat. It is interesting to note that in the last 20 years the majority of the large cheating scandals have involved students of the so-called "exclusive" schools. This is an indication that perhaps the student's academic interest is lagging due to the false security that their parents have money and they are Ivy League.

"The university is harder to re-organize than a cemetery".—Warren Bennis.

FISCAL STABILIZATION BOARD

Mr. BELLMON. Mr. President, one of the provisions of S. 4056, my bill to establish a Fiscal Stabilization Board, calls for the creation of a special fund which could be used to stimulate or slow down the economy. Some skepticism has been raised as to the practicability of such a fund, particularly as it relates to disposition of moneys during a period of downward tax adjustments.

It is interesting to note that an anti-inflation bill approved by the West German Parliament this month contains a similar provision.

Mr. President, I ask unanimous consent that an article published in the New York Times concerning the bill be printed in the RECORD for the benefit of Senators who are interested in fiscal and monetary reform.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BONN VOTES A SURCHARGE ON TAXES TO CURB INFLATION

BONN, July 11.—The West German Parliament approved today a Government bill to combat inflation through a number of tax measures, including a 10 per cent refundable surcharge on personal and corporation taxes.

The vote ended a two-day special session in the Bundestag, or lower house. The Bundesrat, or upper house, is expected to approve the legislation Wednesday.

The legislation was unanimously supported in the Bundestag by the deputies of the governing Social Democratic and Free Democratic parties. Almost all deputies of the opposition Christian Democratic party abstained.

DEPUTIES RUSHED BACK

To attend the special session convened two weeks after the start of the summer recess, deputies had rushed back to Bonn from places as far away as Latin America and Africa. Two Social Democratic deputies

motored 700 miles through the African bush to catch a plane to Bonn.

Key element in the new law legislation is the temporary 10 per cent surcharge on withholding and corporation taxes as well as on taxes on the self-employed. The surcharge, designed to curb demand, would be levied from August 1 to July 1, 1971, and would be repaid to taxpayers by March 31, 1973, at the latest.

Another provision is for a six-month suspension of tax write-offs on capital investments. The Minister of Economics Karl Schiller said Wednesday that postponement of industrial investments and reduction of individual spending through tax increases would take an estimated $2.5-billion to $2.8-billion out of the economy.

OPPOSITION'S POSITION

Speakers for the Christian Democratic party accused Chancellor Willy Brandt's Government of placing an undue burden on taxpayers in the interest of economic stability. They generally supported the surcharge on taxes and other anti-inflationary steps under the Government bill, but they demanded that the surcharge be repaid one year earlier with interest.

In reply to an attack by Franz Josef Strauss, the conservative Bavarian politician, the Economics Minister expressed the hope that the Bundesbank, West Germany's central bank, would soon ease its tight credit policy in response to the Government's anti-inflationary action. Mr. Strauss had blamed what he called the Government's "miserable economic policies" for rising prices and interest levels.

The central bank, a supporter of Mr. Schiller's fight for unpopular tax measures to stabilize the economy, has maintained a bank rate of 7.5 per cent since March. The rate caused spiraling interest rates and price increases of up to 25 per cent in some fields, notably the construction and steel industries. Consumer prices, however, rose by only 3.8 per cent in the last twelve months, a recent report said.

LETTER FROM VIETNAM

Mr. GRIFFIN. Mr. President, recently I received a thought-provoking letter from Sp4c. Michael J. Emeott, who is serving in Vietnam with the 4th Infantry Division.

I believe the comments and observations of this young man deserve attention; accordingly, I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 12, 1970.

DEAR SENATOR GRIFFIN: I have spent the last 16 months in Vietnam. I have worked during this time all over Vietnam and went to Cambodia last May. I have worked both in the field and now in a CP. Some men very close to me have lost their lives over here.

I'm very interested in politics and worked during the campaigns in 1968. Shortly I'll be leaving the service and plan to once again become active in politics. Until I can obtain a voice in governmental affairs as strong as yours, I would like the use of yours. Someone must convince the American people that we are not a second rate power; that our soldiers are not a band of murderers who go from village to village and slaughter other human beings.

Every time I pick up a magazine or newspaper, listen to the radio broadcasts, all I hear about is "Vietnam Massacres," student protests, etc. Our publications, and the entire news media, are laying the groundwork for the destruction of America; they are brainwashing the people. Never do we hear of our country doing good; only, instead we hear of strikes by teachers, truck drivers, newspapers, airlines, railroads; the morality of the war in Vietnam; inflation; criticism of the government.

The enemy in Vietnam does not need to propagandize the American soldier. Our own people tell us we should not be here, that we are doing wrong. Many of the propaganda leaflets we find distributed by the VC and NVA are quotes from Americans. Much of the supplies we find here in the Central Highlands are made in the United States and sent over by groups such as the Black Panthers and SDS. I know this is true because I have seen these items with paper saying whom they were "donated" to and by whom.

Our morale is high only because we know that the protests are by a minority of our people. But why must they be given so much attention? Put their actions on the back page of newspapers and magazines; don't spend 15 minutes of a 30-minute newscast glorifying their actions.

Take the publicity from them and they are defeated. If they want a free country, they are certainly going about it the wrong way. Let them use the channels open to them in government.

Freedom of speech can be abused and to put a halt to the abuse we may have to amend the Constitution and should that ever be done we have lost the principles and ideals our country was founded on. It is time the news media reported the news and not just news that profits the pocketbook.

MICHAEL J. EMEOTT.

HEALTH CARE AND FINANCING

Mr. HRUSKA. Mr. President, earlier this month I noted in our daily papers news stories concerning a tax-financed national health insurance program for all citizens suggested by the Committee for National Health Insurance, sponsored by the United Automobile Workers Union. A bill to create such a program is to be introduced in the Senate later this month. Called a health security program, it was described in the Washington Post as a proposal which "could radically change the way medicine is practiced" in the United States.

I, for one, am not in favor of changing the way medicine is practiced in this country. I have the feeling that most of my fellow citizens would agree. Our doctors are among our great national assets. Their contribution to the welfare of the entire Nation would be difficult to match. The amount of time physicians devote to the cure and care of indigent patients is often overlooked. The tremendous advances in medical science which have been acomplished by dedicated men and women in order to insure a long and healthy life for all Americans are too often forgotten.

Health care and the financing of that care in the Nation are not perfect. Even the American Medical Association has recognized this by proposing its own plan for "Medicredit," based on a sliding scale of Federal tax credits. But the solutions to these problems do not necessitate a complete Federal takeover of medical care in the United States.

Our experience with medicare illustrate, all to vividly, the problems which are created by Federal intervention in the health field. Rising costs, declining quality of care, destruction of the close patient-physician relationship are but a few of the results.

There is an additional consequence which has drawn little attention: the erosion of the morale of the physician himself. Rather than the respected professional he once was, a doctor now sees himself as society is unfortunately coming to see him: as a skilled technician whose services can be freely bought just as a computer operator or an audit mechanic. Those who suggest that such a change is permissible do not understand the time-honored bond that has tied physician and patient together; they do not foresee that the consequence will be fewer men and women of extraordinary talent entering the medical profession and a resulting decline in the health care given our citizens.

There is no easy or inexpensive path to the practice of medicine. All too many young people who feel a calling to this most demanding profession ultimately find they do not have the patience and dedication it takes, or that they are not willing to make the necessary sacrifices.

It may not be generally realized in the large metropolitan areas, but small communities in the Midwest have a serious shortage of doctors. No comprehensive health plans devised by man will solve the medical problems of these communities, without the presence of more doctors.

It should be apparent, Mr. President, that any revisions of our Nation's medical program should contain as an integral factor the means of stimulating more young people to the practice of medicine. Unfortunately, I fear too many of the proposals being put forth today tend to discourage them from entering the practice and to this extent aggravate our medical care problems rather than solving them.

In line with these thoughts, I cite an address given by J. Whitney Kelley, M.D., past president of the Nebraska State Medical Association, and one of Omaha's outstanding practicing physicians. This thoughtful speech was his valedictory as president of the association, and in it he speaks for himself and not for the association. I ask unanimous consent that the relevant portions of Dr. Kelley's statement be printed in the RECORD so that Senators may have the benefit of some ideas which might not have occurred to them before.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FINAL REPORT OF PRESIDENT, NEBRASKA STATE MEDICAL ASSOCIATION

(By J. Whitney Kelley, M.D.)

Up to now I have written my presidential pages always bearing in mind that I was speaking for the doctors in the state. This time I am speaking for myself.

The physicians of Nebraska have kept faith with their patients and have maintained their fees at the same or a lower level than ever increasing costs of living. In spite of this, and in spite of the need to work more than sixty hours a week, the doctors have taken time to realize that some of our population are hard put to meet the medical expenses. That group of people who are in the lower, middle income bracket are not eligible for Medicare or Medicaid. At the

same time they do not have adequate income to pay the health insurance policies necessary to be adequate to cover the increased costs of new lifesaving discoveries in medicine.

These people are in need of help and they need it badly. The answer suggested by some people is nation wide health insurance. The physicians would prefer to care for the people in the traditional way absorbing the loss themselves in order to retain their dearly beloved doctor-patient relationship.

If, however, the Government decides for political reasons that nation wide health insurance is the answer, then let us do it through already existing health and accident insurance companies. They know how to do it and would save the Government millions of dollars. For example, in 1969, the administrative costs of Medicare alone were $287,352,000.00. This, ladies and gentlemen is 4.3% of the total amount of money dispensed. It costs $95,053,000.00 for Medicaid. This is 4.1% and they're proud of their record. The banks operate on an eighth of one percent and the loan companies, who are middle men, operate on a half of one percent.

If nationwide health insurance is to be the answer, the premiums could be paid by deductions from income tax for those who could afford it. The Federal Government could pay the premiums for the group whose income was too small. These funds could come from Social Security sources and relieve the Government of a new, large, wasteful agency.

Should they choose to do it on a Federal basis, however, reducing the physicians to common vendors that in name, they have already called us, they should be aware of the risk they take. The doctors are on a short fuse and they had better find it out.

Merely a few alterations in the Constitution of the A.M.A. could bring about a change which would make the association a guild or a union. Reuther and his committee of a hundred have seen that laws have been put through Congress to protect the rights of bargaining for unions. With this change in the A.M.A., in this manner if we are to be servants of the Government, we could take advantage of these laws which protect with our rights.

We could demand a right to collective bargaining, a forty hour week, vacations with pay, retirement funds at sixty-five and other fringe benefits. This would cut the number of doctor hours spent by over a third and the politicians should be aware of it. They would be haunted by the spectre of the strike of the Belgian physicians of three years ago and the recent strike of 30,000 Argentine doctors which took place in March of this year.

The politicians know so little of the dedicated feelings of physicians that they probably would feel that this strike would be alright and they would do the same if pushed hard enough. They think only in terms of power. You and our patients know that American physicians are very unlikely to resort to such ends. We are much too devoted to the principles of service to our patients to cause them to suffer because of the mistakes of self-seeking politicians. These same polticians don't know this however, because they do not have the same degree of dedication. Let them beware because a doctor has a limit to his patience if he's pushed too hard.

You know, we think these problems are ours alone. I'm going to read for you a poem which was written 400 years ago by Eucrecius Cordis, a Ph.D. at the time.

"God and the doctor we alike adore,
But only in trouble and not before.
The trouble, or both alike are requited,
God is forgotten, and the doctor slighted."

RISK OF DEATH THROUGH NEGLIGENCE

Mr. BELLMON. Mr. President, a recent Associated Press story reports on a near tragic mistake in connection with the case of Lance Cpl. Robert E. Madewell of Muskogee, Okla. According to the story, Corporal Madewell, who had been severely wounded by shrapnel, was being put into a bag to be shipped home as dead when he moaned. He was subsequently rushed to an operating room and is now recuperating from his injuries in the Veterans' Administration hospital at Muskogee, Okla.

This near tragedy raises grave questions as to the procedures used by the military in ascertaining the condition of injured servicemen.

According to the published report, Corporal Madewell had been pronounced dead in the field by a "young medical corpsman." I have serious doubts that young medical corpsmen have either the experience or the medical knowledge required to make decisions of such a serious nature.

Therefore, I have today written the Secretary of Defense, Hon. Melvin Laird, asking for a full report on the procedures used in these life-or-death situations. In the case the policies seem to be inadequate, it may be necessary for Congress to take action to assure that no serviceman, regardless of the extent of his injuries, may run the risk of dying through negligence. We must be sure that any American fighting man, wounded in the line of duty, who still has the breath of life in him, will not have that life snuffed out by a callous or careless act by an untrained or inexperienced corpsman.

The men who are called upon to serve the Nation on the field of battle make the greatest possible human sacrifice, and they deserve every chance for survival. Along with other Members of Congress, I deplore careless or inept conduct by the officers or officials charged with the safety of these men, and I believe that Congress has a responsibility to make certain that every safeguard is taken.

Mr. President, I ask unanimous consent that the news story and the text of my letter to Secretary Laird be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C., July 21, 1970.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed is a copy of an Associated Press story, concerning a report that Lance Corporal Robert E. Madewell, of Muskogee, Oklahoma, was being put into a bag to be shipped home as dead, when it was accidentally discovered that he was still alive. Corporal Madewell is now recuperating in the Veterans Hospital in Muskogee, Oklahoma.

This is a shocking report and it raises the question as to the reliability of methods used by the military service in ascertaining the condition of wounded servicemen. As this article shows, such a determination is truly a life-or-death matter.

According to the report, Corporal Madewell had been pronounced dead in the field by a "young medical corpsman." It occurs to me that a decision of this magnitude should not be made by young medical corpsmen, but only by experienced, commissioned medical officers.

I would appreciate a full report as to the authorized procedures in cases of this nature.

Sincerely,

HENRY BELLMON.

MOAN FROM INSIDE BAG SAVES "DEAD" MARINE

(By Randolph Schmid)

MEMPHIS, TENN., July 17.—The Marines were zipping up one of the many canvas bags used to send back bodies from Vietnam when they heard a moan.

It came from Lance Cp. Robert E. Madewell of Muskogee, Okla.

"They were putting me in a bag to ship me home as dead when I moaned, so they rushed me right into the operating room," Madewell explained Thursday at a Naval hospital here.

Madewell had lain for six hours in a morgue, pronounced dead in the field by a young medical corpsman.

Soon he hopes to go home with a medical discharge from the Marines and to receive treatment at a veterans' hospital in Muskogee.

Asked about Vietnam, Madewell commented: "I have no desire to go back."

He described the Vietcong as villagers whom the troops meet in the daytime, but who go around throwing grenades and setting booby traps at night.

It was one of these traps that wounded the 20-year-old Oklahoman. "The shrapnel hit me all over," he said.

He was struck in the jugular vein and the femoral artery. "They say you usually have only 60 seconds to live when you're hit either place," he added.

It all happened on a patrol in pursuit of the Vietcong. A trainer and dog ahead of Madewell stepped on the trap and the explosion sprayed him with three dozen pieces of shrapnel.

Madewell didn't know that he had been pronounced dead until after he had been brought here, following surgery and 10 days in a coma in Vietnam.

His memory is a little hazy yet, and his voice falters, but he can move about on crutches and has made one trip home to visit his parents.

Madewell, a star high school football player, says he hopes he can return to school. "It all depends," he said, "on what my speech and memory turn out to be."

A SOUND ANALYSIS

Mr. DOLE. Mr. President, July 1, the distinguished Senator from Idaho (Mr. JORDAN) focused his considerable talents of analysis and vast reservoir of wisdom on one of the most publicized and vital areas of concern to our Nation today—the conflict in Southeast Asia. In the manner which has characterized his 8 years of service in this body, his approach is clear sighted, free from emotionalism, and eminently sensible. Too often these qualities are lacking in many of the news presentations and some of the public debate of these issues.

I believe Senator JORDAN's thoughts would be of considerable value to any serious student of national and world

affairs. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THOUGHTS OF LEN B. JORDAN

Before Cambodia, a fair degree of public consensus seemed to exist about Vietnam policy. Large numbers of Americans approved the administration policy of withdrawal of forces from Vietnam, which would give the South Vietnamese a fair chance to carry the burden after we left, but which would not make Americans responsible for the outcome.

Most Americans seemed reasonably satisfied with the prospect. No target date existed for completing our withdrawal but 115,000 troops had already been withdrawn with the promise of an additional 150,000 in another year. Thus it was assumed that complete withdrawal could be achieved in the same orderly fashion. Reaction to the Cambodian operation undermined this consensus. Vocal opinion polarized between pleas that we accept defeat and get it over with, or that we set our sights on all out victory. I do not consider them to be realistic options because neither in my opinion, offers a basis for restoring the previous consensus and without consensus there can be no effective Vietnam policy.

The problem is how to restore that lost consensus. Revived again, in loud and angry tones, are all the questions about our original involvement and doubts about the credibility of our disengagement. Viewed strictly as a tactical military maneuver the probability is that the Cambodian "surgical operation" has sufficiently upset the North Vietnamese Vietcong setup so that it cannot retaliate in any meaningful way for several months after the monsoon season is over. Left unanswered at this moment is what is our long range Vietnam policy. The American purpose ought to be to return its focus to Vietnam.

If the Cambodian operation is a success and we escape long range Cambodian involvement, the framework will have been set for a return to the original consensus for disengagement in an orderly manner.

What should be the U.S. role in Vietnam after planned withdrawals are completed in early 1971 which would reduce pre-Nixon forces in Vietnam by about 50 percent. Two alternatives emerge and the choice between them hinges largely on how we see our long term purpose:

(1) One view is that we shall not permit either Russia or China to become the dominant power in Asia. If this is our purpose we should make sure, beyond any doubt and by whatever U.S. effort is required, that a noncommunist South Vietnam survives for the foreseeable future—in much the same way as we are committed by our presence in Western Europe, to insure that communism does not take over that area. This means that our forces might be in Vietnam for a long time. We have been in Europe since World War II.

It is hard to see a national consensus being built around the proposition that we should maintain a substantial military presence in Vietnam for years to come. Personally I can not endorse this concept.

(2) An alternative view is that our purpose should be to give the South Vietnamese time and opportunity to take over from the United States, while recognizing that the ultimate responsibility is theirs. Under this view, it should be possible to continue to reduce our military presence steadily and to set a date—say late 1972—by which time our obligation would have been discharged and U.S. withdrawals could be completed.

Secretary of Defense Laird has announced publicly that South Vietnamese forces will replace all U.S. combat troops by mid-1971. I support this goal believing it to be both realistic and desirable in terms of bringing our nation back together.

This schedule could be stretched out if the other side tried to take advantage of our withdrawals by stepped up attacks on U.S. forces; or it could be compressed if the other side agreed to mutual de-escalation before we withdraw. Total withdrawal should not be made without complete release of all American prisoners of war now held by the enemy.

I choose the latter course because I believe that this course has the best chance to provide a durable peace. In effect it would be restoring and implementing what I understand the Nixon doctrine to be. Let us not forget: President Nixon is the President who has been reducing forces in Southeast Asia, not building them up.

In support of the Nixon doctrine there are many advantages. With a definite withdrawal schedule established, it will be possible to reorder spending priorities of our national budget and to provide a definite timetable for achieving some of the domestic goals which are presently either unattended or simmering on the back burner. A national commitment for disengagement by a time certain would go a long way to restore America's confidence in America's traditional objectives. Those objectives are better and equal opportunity in education and employment for all our people, better health, better housing, better environment, and a sound dollar that will encourage thrift both nationally and personally.

When I speak of traditional objectives I do not limit these to solely what government can do. I speak rather of those national and traditional objectives which are the combined goals of both the public and the private sectors as well as the hopes and aspirations of each of us as human beings and Americans.

As long as the U.S. commitment in Vietnam is open-ended we cannot proceed with definite programs to achieve these objectives.

WE'D RATHER DIE THAN GO BACK

Mr. GURNEY. Mr. President, on July 26, 1970, a few jet-age miles south of Florida, a Communist regime in Cuba celebrated the 11th year of its rule over a once-progressive and free people. The din of this totalitarian affair strikes a discordant note in minds of free people everywhere.

We cannot—I will not—let this Communist noise go unchallenged. Mr. President, a well-known and respected American journalist recently spent many days in Miami where she spoke—in their own language—with recently arrived Cuban refugees. Their words are eloquent testimony. They reveal not only the minds of free Cubans but their hearts as well and their dedication to liberty. Many have literally risked their very lives to gain the freedom of our shores. This is the one free election that has taken place in Cuba in the last decade: the election of thousands of Cubans to flee their homeland and the oppressive Castro regime.

Mr. President, I ask unanimous consent that the article published in the Washington Daily News of July 13, 1970, be printed in the RECORD, so that the words of free Cubans will be heard. I also ask unanimous consent that Miss Prewett's followup article, published in the Daily News of July 15 be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CUBANS CONTINUING DARING ESCAPES

(By Virginia Prewett)

Freedom House Reception Center, near Miami, Fla.—The six young Cubans were still children when Castro took power. Now they are from twenty to twenty-four years old. Last weekend they were picked up by an Esso tanker ten miles off Florida, floating on a raft made from four liberated truck inner tubes.

They were six days at sea and rowed an estimated 200 miles. Their bread and sugar washed overboard. They exhausted their six cans of condensed milk and had no food or drink the last two days. Four are workmen—mechanics—and two are students.

"We decided to die in the water rather than go back to Cuba," said one. Three had been in prison for previous escape attempts.

A similar group of five was picked up two days before them. Unnoticed except by Cubans, these young men continue to escape by a route many times more deadly than going over the Berlin Wall. Castro has held power over ten years. Why are the young so desperate to escape?

"The life there is impossible to describe," said one. For their families' sakes, names cannot be published.

"There's no present, no future," said another. "You can't plan anything, make something of yourself. Your family is always hungry. In Havana, only food from the little pizzerias make it possible to keep going. People fall on the street from hunger—it's always called something else."

$365 MILLION YEARLY

But Russia subsidized Castro with over $365 million yearly. Where does this go?

"Into arms," answered one, and the others nodded.

Each in turn tells details of Castro's system. Looming over all is the fact that the regime can have you picked up and shot without charge, trial or appeal. This is the "paredon"—the firing squad.

Next is the organized terror and the organized chivvyingo of the people by an elite who gain privileges for doing the harassing.

"If you don't show positive toward communism in frequent tests," said one, "you can't be a student, you go to work camps, you're finished. They're always setting traps. People are afraid to sit on their front steps in the evening, because an informer might say 'Juan Such-and-Such is an idler." You can't trust anybody, not even your brother."

BIG ACTION NEEDED

Yet the escapees insist that if some big action were aimed at Castro, "95 per cent of Cubans would turn against him, even in the military."

"It's the terror," they repeat over and over. For the oppressors themselves are under constant pressure and surveillance.

"Cuba is fully of crazy people, talking to themselves," said one youth. "The fear, the long lines for food and everything, the constant frustration on every detail of life—even my mother mutters to herself around the house."

And the regime compounds frustration "to keep people busy."

"You go to a doctor, you just get sent on to another, and another, and another—without medical help. They change the bus routes frequently and you can spend half a day hunting for a bus to get you somewhere."

ALWAYS PRESSING

The youngest broke in: "You have to fill out questionnaires, what movies you like, what you think of the United States, what leaders you like. They're always pushing, pressing, probing."

"All labor in Cuba is forced labor," said another. "Yet everybody does as little as possible. It's the only way you can resist. But the

communist are always trying to force, force, force . . ."

It cannot be described, they tell us. "You cannot breathe in Cuba," they say.

A LITTLE BIT OF HEAVEN—IN EXILE

(By Virginia Prewett)

MIAMI.—The Cuban community here is unique even in a country long receptive to refugees. For it is a reconstituted capital for Free Cuba, it is a dynamic society that is modifying even the culture around it.

Economically, it is one of the world's fastest growing communities. When Castro seized power in 1950, Cubans here numbered 27,000. Now they are nearly 300,000. Official records show that about 19 per cent were professional people in Cuba and 78 per cent fishermen, farmers, office workers, sales personnel and skilled an semi-skilled workers. More than 80 per cent were under 50 years old on arrival.

These vigorous working people left Cuba with only the clothes on their backs in protest against Castro's tyranny. They have built a community with its own restaurants, Chamber of Commerce, Rotary, Lions and other civic and professional clubs, its social clubs, Boy Scouts, rep company, a ballet now gaining international recognition, hospital, clinics, nursery schools, newspapers, radio and TV stations and a strong network of informal community assistance.

The centrist Party of the Authentic Revolution (in exile) convened here recently to plan the future of a liberated Cuba. Havana's well known American Club is alive and well-known in Miami.

Around half the families in this hard-working community have bought homes. Cubans own about 6,500 businesses, mostly family enterprises.

When the exiles began to move into the residential district where most of them live, it had been proclaimed "blighted." They have renewed it without an official program. Today it is repainted, clean, neat and attractive. Crime and unemployment rates run below average.

Cuban students, many holding full-time jobs, make well above average scholastic records in Florida universities. The nation's "most outstanding high school student" for 1969 was a Cuban student here.

The Miami Cubans do not wall themselves off from the white and black people around them. Some say white leaders fear that the Cubans and blacks will eventually combine to dominate local politics; hence, white efforts to promote strife between Cubans and blacks. Keenly aware, Cubans do not intend for such strategy to succeed.

Cubans contribute generously to the Miami United Fund. They buy local bond issues and have representatives to work with Dade County community planners. A recent market study shows that 63 per cent do their shopping at "Americano" stores—the Grand Union, Food Fair and Kwik Chek. Similarly, 80 per cent buy clothes at Miami department stores like Burdine's and Sears Roebuck.

Free Cuba's capital is democratic both economically and socially. The family income of 60 percent ranges from $300 to $600 monthly. Less than 8 per cent make over $10,800 a year. Here a former supreme court judge may run an elevator. He is treated with the respect due his former station. And the unschooled newcomer who operates the next car is treated courteously, too.

The Cubans are making more than an economic contributions to Miami. They are sympathetic and helpful among themselves. Resort cities like Miami always suffer from an abrasiveness between the permanent and tourist populations. But Cubans are happy to be free. They carry over their courteous, will manners into the "Americano" culture. And they are making Miami a pleasanter place to be.

TELLING THE ENEMY TOO MUCH

Mr. FANNIN. Mr. President, during the debate on the Cooper-Church amendment, the question was often raised whether we must be required to tell the enemy what we will or will not do in Southeast Asia. The lives of our American soldiers are at stake.

I invite the attention of Senators to a discerning editorial published in the San Francisco Examiner of July 5, 1970, and I ask unanimous consent that it be printed in the RECORD:

There being no objection, the editoral was ordered to be printed in the RECORD, as follows:

TELLING THE ENEMY MUCH TOO MUCH

President Richard Nixon faced the nation on Wednesday evening.

He also faced a battery of professional newsmen who also faced the nation.

In short, all were front and center on the world stage.

Each word and each facial expression was instantaneously received on hundreds of millions of TV sets around the globe.

By friend and foe alike.

Here was dramatic proof of the open processes and freedoms of the American way.

The assignment of the newsmen was to ask probing questions with the objective of obtaining presidential answers that would reveal headline making developments in foreign policy.

All of the participants performed well. President Nixon showed remarkable strength, knowledge, courage and competence in responding to the far-ranging questions of his able interrogators.

It was a demonstration that could not be contemplated by the leaders of any of the Communist nations of the world.

We salute the President for his courage, candor and convictions.

We salute Howard K. Smith, Eric Sevareid and John Chancellor for their competent handling of a serious and complex assignment.

As newsmen we are inclined to applaud this open report to the people.

However, as concerned citizens we question the need and propriety of revealing so much to those who would destroy us.

We are in a limited war in Asia. We are faced with a festering war in the Middle East. We are threatened with the possibility of a war of global proportions by enemies who have made clear their determination to dominate the world.

Should the President of the United States—the Commander-in-Chief of our military forces—be required to tell our enemies what we will and will not do on the battlefield?

Would Hanoi not be less comfortable if it did not know whether or not we would strike again into Cambodia?

Would Hanoi not be more nervous if we had not ruled out landings in North Vietnam?

Would Hanoi be less inclined to play the waiting game if they were not assured we would reduce our fighting force by 150,000 men in the next twelve months?

Would Hanoi not be more concerned if we had not openly ruled out a blockade of Haiphong; a bombing of the dikes of the Red River; the use of nuclear weapons?

Piece by piece, report by report—in Senate hearings and interviews with cabinet leaders—the enemy has been told hundreds of our plans.

We need take none of the actions we have ruled out but we should not foreclose the options.

We have seriously reduced our options. The enemy has reduced none of his.

He acts without interviews. He acts without global discussions. He acts with confidence that slowly but surely the United States will shackle and limit its own power so that he can be sure of victory.

The intellectuals and liberals in our society who have forced so many full disclosures by our President should be intelligent enough to know the great danger inherent in such disclosures.

In a declared war our open society does not hesitate to invoke military censorship and to ask news agencies and sources to restrain voluntarily from revealing any information that might help the enemy. In today's explosive world situation such voluntary restraints are no less desirable.

This deadly game cannot be played successfully with the cards face up only on our side.

FUEL AND ENERGY SHORTAGE

Mr. BELLMON. Mr. President, last Thursday, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) presented a thoughtful and well-documented statement concerning the possible fuel and energy shortage facing the country, and pointing up the need for a Commission on Fuels and Energy to be established at the Federal level to formulate policy for solving the energy crisis. I was pleased to join the Senator as a cosponsor of this effort.

The seriousness of this situation as it affects natural gas and petroleum, which are among our most important sources of energy, is emphasized in articles published recently in the Oil and Gas Journal. The articles further support the necessity for action to avert shortages of these vital resources.

Mr. President, I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FPC REGULATION OF GAS IS A "DRY HOLE"

The FPC's natural gas regulation has resulted in a regulatory "dry hole" and has failed the "practical test" established in the Commission's 1965 Permian Basin area-rate decision, Federal Power Commissioner, Carl E. Bagge has declared.

In a speech at Midland, Tex., before a joint meeting of the Permian Basin Petroleum Association the West Texas Geological Society and the Natural Gasmen of the Permian Basin, Commissioner Bagge said:

"Here in the Permian Basin the Federal Power Commission, in its first area-rate decision, established a test of the efficacy of producer price regulation."

It was not a theoretical test, he said, and did not involve econometric models or the expert testimony of numerous economists and petroleum engineers.

"It was a simple test. The test involved an examination of the functional effectiveness of the decision based solely upon the supply of gas elicited by the price which was established," he said.

"Practical" test failed. He noted that in the Permian Basin decision the Commission said: "The separate prices we fix herein for new gas-well gas in the Permian Basin should serve to furnish a practical test of whether in fact it will result in bringing forth additional supplies."

"It has been 5 years since we established that practical test for ourselves," Bagge said. "Can anyone seriously contend that we have passed the test when the intrastate market has preempted the sales of gas in the Permian Basin?"

"I think that if we are candid, it must be acknowledged that we have failed the 'practical test' established in Permian. We are obliged to conclude that cost-based, area-rate making has been demonstrated to be unworkable. The urgent need for squaring producer prices with the realities of the market should be clear to the most zealous advocates of producer price regulation," Bagge said.

Urgency on gas supply. "In our present national gas supply situation, there can be no room for any party's effort to gain personal, political, or legal victories simply for the sake of victory itself," he asserted. There is too much at stake, he added. In fact, "it appears to me that it would help if all concerned would swallow a little pride."

Bagge said adequate supplies of gas at reasonable prices "are indispensable to the public interest. Too much emphasis has been placed in litigation, posturing, and polemics by all parties during the past decade of producer regulation.

"Now is certainly the time for all parties to cooperate in a unified effort to provide protection, without the trappings of unbridled contentiousness, to the gas consumer we are all bound to serve."

"Unfettered" market needed. "It appears to me that we have been drilling regulatory dry holes," Bagge asserted. "We should, as you producers do, now shift to a more productive location. The point is that we are obliged, in discharging our responsibilities, to examine our regulatory drilling efforts and make some basic decisions concerning where we go from here."

He said "we are obliged, therefore, to establish the policies now which will permit the inevitable ascendancy of market forces to operate in such a way as to work for the public just as they do in most other areas of our economic life.

"This, in the final analysis, can only be achieved if the market can operate unfettered by regulation and if, prior to that time, government policies are evolved which will affirmatively enlarge the supply base by broadening the base supply and increasing the supply sources."

Bagge's original bombshell. Earlier this year, Commissioner Bagge called for the end of regulation by the Federal Government of natural gas prices at the wellhead.

In address to the Midwest Gas Assn., he said "the time has come for the FPC to extricate itself from the strictures of the existing methods of regulating independent gas producer prices." He said "cost-based, area-rate making has been demonstrated to be unworkable."

IT'S TOO LATE TO AVERT U.S. GAS SHORTAGE, INDUSTRY LEADER SAYS

F. Randolph Yost, president of Pan American Petroleum Corp., said in Tulsa last month that adequate increases in natural gas prices by the Federal Power Commission would set off a boom in exploration and development.

But, warned Yost, such action could not avert a gas shortage in the United States. Even shipments from Alaska and Canada will be inadequate to meet U.S. demand during the next decade.

A gas pipeline from Alaska's North Slope could bring in much new supply, but it would amount to only 3 to 4 percent of predicted demand by 1980.

The basic supply problem, Yost said, is that FPC has cut prices of natural gas below the point that provides producers with the incentives needed to drill. Incentives have been "so poor over a long period" that supply problems can't be corrected quickly.

BIG GAS PRICE INCREASE NEEDED TO SOLVE SHORTAGE

There's no doubt now that the stage is being set for an eventual increase in wellhead prices of natural gas.

Pressure of an energy crisis finally is making the truth clear to all: Producers must earn more hard cash from their gas to encourage them to dedicate present reserves to interstate markets and step up exploration for new gas reserves.

More gas is the answer to the energy shortage. FPC members, gas distributors, and even the general public are becoming reconciled to a pricing solution for inadequate supply.

But one overriding question is not being discussed openly: the size of a price increase needed to bring forth more gas.

It's time to discuss the point, because the truth is a big increase is mandatory. A token price increase just won't bring forth enough new gas. It will take a significant increase to encourage gas exploration. And such an increase actually will be cheaper for the consumer.

There's danger that the FPC is thinking in terms of a modest increase, say somewhere in the lower edge of a 2–5¢/Mcf scale.

The FPC allowed Phillips 2¢/Mcf above guidelines in selling its casinghead gas from Powder River basin. And when inviting producers to file for price increases above Permian ceilings, FPC staff indicated increases of 3 to 5¢/Mcf will be favorably considered.

The commission certainly is on the right track in reopening Permian rates. That in itself shows a measure of courage which, however, isn't matched by the feeble price signals being set up to producers.

It will take at least 5¢/Mcf for producers just to catch up on rising costs since the original Permian decision. A recent Humble study shows that inflation has cost producers the equivalent of 3¢/Mcf. The cut in percentage depletion cost them another 2¢/Mcf.

An increase between 10 to 20¢/Mcf probably will be needed to set off any significant upward trend in exploration. This will be strong medicine to regulators and perhaps to an unprepared public. It means the industry has a big job ahead to develop pertinent economic data for upcoming rate hearings so there's no misunderstanding among regulators or the consuming public on the price incentives necessity.

At 10 to 20¢/Mcf higher, gas still is cheaper than any alternative fuel. And even if the producer gets no price increase, gas is going to cost the consumer more. With declining supply, pipeline throughput will drop. Pipeline costs, as a result of inefficient use of facilities, will rise. The carriers then will need higher rates to recover these costs. The consumer thus will pay more—and still get less gas.

On the other hand, a wellhead price increase big enough to bring up larger gas supply will allow carriers to pack pipelines and move gas cheaper. The consumer will pay more for gas, but he will be getting more fuel. He won't pay more and get less fuel.

Timid pricing won't solve the gas shortage.

It will take courage to make the big price move. But that's still the cheapest route for the FPC to get more energy to the consumer.

LOOK WHO'S IN FAVOR OF RESTRICTING IMPORTS NOW

(By Gene Kinney)

Events have a way of confounding policymakers and would-be policy-makers, and nowhere is this more evident today than in oil-import controls.

New England consumers and politicians still look to increased imports under a tariff system as the key to lower product prices. But the tide seems to be turning against the tariff scheme recommended by the Cabinet Task Force on Oil Import Controls. This despite the fact that the chairman of the President's Oil Policy Committee and the chief White House aide on the subject are still in the tariff camp.

There are two main reasons for changing attitudes. One is the growing problem of energy supply, now properly considered a crisis.

It has brought home the folly of some past policies—premature reliance on atomic energy at the expense of coal, and restriction of natural-gas prices until supply has dried up.

The other reason is the dangerous situation in the Middle East. Arab-Israeli tensions and government-industry conflicts make insecure sources seem still less certain.

Together, these developments have had a sobering effect on public officials. The need to encourage development of domestic energy sources sticks out more obviously than ever.

In the present tight tanker market, advocates of imports as a means of breaking U.S. prices are getting an education. Past imports of No. 2 oil haven't lowered prices. The grant of 40,000 b/d in regular quotas to terminal operators probably won't either. Indeed, these terminal operators may have trouble finding a foreign supply this winter—especially at cut-rate prices they were expecting.

And, who would ever believe that the delivered cost of foreign oil on the East Coast would exceed domestic prices? But that's the present situation, lending weight to the arguments of those who say cheap foreign oil will remain cheap only so long as we don't have to depend on it.

In this atmosphere, the key staff members who wrote the task-force report have taken pains to tell petroleum economists privately that they have been badly misunderstood. Professors Phillip Areeda and James McKie stress the report's finding that imports should be limited to protect national security—although their first proposal was for unlimited imports. And drive prices down? They favored no such thing, despite clear language in the report to the contrary. Would they support an increase in domestic prices to $4/bbl if necessary to develop reserves? Why, yes.

As we say, events have a way of confounding policy-makers, and to an even greater extent, would-be policy-makers.

SOARING TANKER RATES FELT IN U.S.

The bottom has dropped out of market for U.S. import tickets amid soaring tanker rates and tightened worldwide crude supply.

And no relief is in sight, industry sources say, until two things happen. One is restoration of Libyan production, which has been cut by 400,000 b/d, according to U.S. Government officials keeping tabs on the situation. The other is a return to service of Trans-Arabian Pipe Line, which was delivering 500,000 b/d to the Mediterranean before shutdown for repairs in Syria.

Prospects for a favorable change in either situation look bleak, at least in the near future. U.S. officials expect the Libyan cutback to continue or worsen as long as the export price dispute persists between the host government and the producing companies. Arab-Israeli tensions offer little encouragement that the Syrian Government will permit repair of Tapline, according to the State department.

The loss of almost 1,000,000 b/d of oil west of Suez and close to western Europe markets has strained tanker capacity and sent spot rates skyrocketing. Replacement of this supply with long-haul oil from the Persian Gulf around South Africa takes six to eight times the tanker capacity.

The impact is being felt both in western Europe and the U.S., although U.S. dependence on Eastern Hemisphere oil is slight. Tanker capacity was rather tight before recent developments, partly due to rapidly rising demand. Hence the jump to world scale plus 280% under the added strain of the Tapline closing and Libyan curtailment.

TICKET VALUES SLUMP

One result has been an almost overnight destruction of the market for import tickets, especially in Dist. 1–4.

Inland refiners with licenses to exchange with East Coast refiners for domestic crude have seen the demand disappear in the past 3 weeks. Some inland refiners are protected by a 1-year contract.

Others which hadn't yet made a deal for the second half are finding that spot tanker rates have priced foreign oil out of the U.S. market temporarily. One importer last week calculated the delivered cost of Persian Gulf oil to the U.S. East Coast at $4.50/bbl—$1.25 for the oil, and $3.25 for freight. Another estimate placed the cost at $4 to $4.25.

A third major importer calculated delivered costs of Arabian light (34°-gravity) at $4.985, with a posted price of $1.80, freight of $3.08, and duty of 10.5¢, but noted the posting is shaded by as much as 55¢/bbl. A comparable figure for Kuwait 31°-gravity crude is $4.825, including $1.59/bbl posting, $3.13 freight, and 10.5¢ duty. This posting is shaded by up to 44¢/bbl.

That compares with $3.75/bbl for Gulf Coast oil delivered to the East Coast.

One major importer last week estimated the value of an import ticket had dropped from $1.40/bbl—the price it paid for first-half exchanges—to 30¢/bbl.

A second importer placed the ticket value at zero. This refiner is turning to the Gulf Coast for oil needed beyond the foreign supply covered by its own import quota.

If the situation continues, inland refiners will find themselves in a bind, both for crude oil and money. In a normal tanker market, the inland refiner has been able to make an exchange deal within a month or two, at a profit of $1.25 to $1.50/bbl.

If there was some delay, he could take the ticket to the bank and obtain a loan, with the import right as collateral. It was both a source of crude and financing, usually providing the margin of profit for a small corporation. Now both are jeopardized.

Major integrated companies who usually take the tickets now need a part of the domestic supply they normally exchange to replace temporarily expensive foreign oil.

Although U.S. crude stocks are said to be ample or even high, the situation has turned quickly so that buyers are finding little available.

Pipelines full. There will be a mounting pressure for higher August allowables in Louisiana and Texas.

But inland refiners fear this may not solve their supply problem.

Pipeline space from the Southwest to the Midwest, they say, is at a premium. Some additional crude could be moved via Capline to the Chicago area, one refiner told the Journal, but additional Texas oil may have to move via water into the Midwest.

An Oklahoma crude buyer told the Journal that the tight pipeline situation has always been around. But recent actions in the Middle East and on Canadian imports have emphasized the situation. He said the only pipeline capacity available that he knew of was from the Rockies going east.

Capline, he said, has the line size but not the pumping and "it will take time to take care of this problem."

However, some help could come from Texas, if the usual comments are any indication. For one, Mobil Pipe Line can handle 10,000 b/d additional now, but tomorrow it may be chocked full.

Mid-Valley Pipeline, which has a 240,000-b/d line running from Longview to Lima, Ohio, is filled to the last drop. The five shippers using the line have committed more to the line than it can move.

However, Mid-Valley has a stop-gap expansion in the works, but is holding off on any big projects to see if the capacity-crush will last. "We ran for years at less than full capacity," a spokesman said.

Canadian imports boost? The department of Interior is already hearing mounting demands for an increase in the 395,000-b/d ceiling for imports from Canada east of the Rockies.

Refiners explain that pipeline capacity is available in the Interprovincial-Lakehead system to boost deliveries into the Great Lakes area.

Moves to loosen Canadian quotas will require action by the President. The oil import appeals board has a small kitty available for hardship cases. But this volume won't be enough to satisfy demand caused by any significant diversion of Southwest and Gulf Coast crude to the East Coast.

A SINCERE EXPRESSION OF PATRIOTISM

Mr. MAGNUSON. Mr. President, I recently received a letter from my principal appointment to the U.S. Military Academy in 1948, Henry Purcell III. Lieutenant Colonel Purcell in his letter dated July 4, 1970, indicated that he was on his way back to Vietnam to command an infantry battalion in combat.

Mr. President, rarely have I read a more sincere expression of patriotism than this letter. In order to share Colonel Purcell's letter with the Senate, I ask unanimous consent that it be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TAMPA, FLA., *July 4, 1970.*

HON. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: Twenty-two years ago you gave me the greatest opportunity of my life, by assigning me a principal appointment as a cadet candidate to the United States Military Academy.

Since then I have attempted in my work to repay you and my country for that chance to become deeply involved in the life and work of our nation. I have been fortunate. Since my graduation from West Point in 1953, I have been thoroughly schooled in military matters, to include a year at the US Army Command and General Staff College at Fort Leavenworth. I have become fluent in the Turkish language and interpreted for the Vice President, then Mr. Lyndon B. Johnson, and for the former US Ambassador to Turkey, Mr. Raymond Hare. Through our association as graduate students at Princeton University, I am on close terms with the only Arab citizen of Israel with a degree as Doctor of Philosophy and who is a Professor of Politics at the University of Tel Aviv. As advisor to a Vietnamese Infantry Regiment, I assisted in bringing about changes resulting in greater accomplishment at less expense in terms of time, material, and human lives. My most recent assignment allowed me to participate in the formulation of United States strategy for the Middle East.

I am now on my way back to Vietnam to command an Infantry Battalion in combat. I believe I can achieve the mission and also save lives. I leave behind a wonderful family who are not anxious to see me return to combat. Nevertheless they understand why I must seek out and not avoid this obligation; they respect my decision to volunteer.

Senator Magnuson, I wanted you to know that your 1948 West Point principal appointee, without reference to various positions on the war being debated in the United States Senate, recognizes his responsibility to serve his country, and is doing so willingly and without reservation.

Very respectfully,

HENRY PURCELL III.

STRATEGIC WITHDRAWAL FROM VIETNAM

Mr. FANNIN. Mr. President, the American people are proud of the military men who have served our country so well. Most Americans feel a debt of gratitude to them.

Members of Congress participate in this proud record by their recommendations of fine outstanding men, carefully chosen from among their constituents, to enter our military academies.

Yet, some of the proposals which have been before Congress indicate a lack of confidence in the system. They tend to involve Congress in the day-to-day details and particularly the timetable of a strategic withdrawal from Southeast Asia by which the President hopes to hold to a bare minimum the number of American casualties that will be involved before all American troops are withdrawn.

Mr. President, Mr. George M. Hill, an attorney in Phoenix, Ariz., has ably expressed this concern in a letter to me. I ask unanimous consent to publish in the RECORD an excerpt of Mr. Hill's letter:

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

I think it must be acknowledged that the President and his military advisers are now engaged in a strategic withdrawal. The objectives of that withdrawal are to return to the United States at the earliest possible time the greatest number of soldiers we now have in Vietnam with the least number of casualties.

In carrying on that strategic withdrawal the President has available to him all of those officers in the Army, the Navy and the Air Force whose education and training throughout their active lives has been devoted to the study and practice of warfare, including strategic withdrawals.

Congress, in its wisdom, in providing for the military security and welfare of the United States, created our military institution at West Point. It also created our naval academy at Annapolis. It did at a much later date, following the consummation of World War II, provide for the establishment of the Air Force Academy in Colorado. The wisdom of Congress in establishing these military institutions has been proven in every conflict, large and small, in which our country has been engaged militarily.

All members of Congress have some familiarity with the capabilities and the intelligence of those young men who are accepted by the military schools because the members of Congress have some part in their approval and appointment.

While the Cooper Church Amendment purports to be just simply an avowal of cooperation with the President, who has set a timetable with relation to our withdrawal from Cambodia, it is in truth and in fact a condemnation of the right of the President to rely on the products of those military schools which Congress has provided and maintained for the purpose of making available to the President the most highly-trained and capable military men in the world.

While the purported purpose of the Cooper Church Amendment is to just simply provide a timetable with relation to the Cambodian withdrawal to which the President must adhere, it is in reality a direct attack upon our whole military system.

Surely no one can question that the President, with relation to Cambodia, was acting after he had at least received the benefit of

the advice and recommendations of our senior military officers.

CONSTITUTIONALITY OF THE WAR IN VIETNAM

Mr. CRANSTON. Mr. President, in at least two recent court cases, *Orlando* v. *Laird*, 70 C 745 (E.D.N.Y. 1970) and *Berk* v. *Laird*, No. 900 (2d Cir. 1970), where servicemen challenged the right of the Army to send them to fight, and perhaps die, in a war that they believe to be unconstitutional, the Nixon administration has advanced a disingenuous argument that Senators should be aware of.

The administration argues that Congress ratified the Vietnam war by appropriating the funds which were used to conduct that war. In addition, the administration argues that the Congress ratified the war by passing two Selective Service Acts under which young men were drafted and sent to Vietnam.

This argument in effect stands the Constitution on its head. The Constitution creates a system of government where it is the function of Congress to authorize executive action, except where the Constitution reserves the power to act to the executive branch. Congress is also empowered to appropriate money for all governmental action, whether it be initiated by Congress or the Executive.

But the Nixon administration's constitutional theory suggests that the executive branch may take any action that it wishes, subject only to a congressional veto in the appropriation process. The dangers inherent in this radical theory can be illustrated by the Cambodian invasion.

President Nixon invaded Cambodia, relying on his authority as Commander in Chief, without congressional authorization and in disregard of the commitments resolution passed by the Senate last year.

The lesson to be drawn from this experience is that President Nixon's constitutional theory overturns the historic balance of power between Congress and the Executive. The most ironic aspect of the administration's argument in the two cases I mentioned is that the precedent they cite to support their argument, upon careful reading, refutes it. The Government cites *Ex Parte Endo*, 323 U.S. 283, to support their theory of implied ratification by appropriation, but in that case the Supreme Court rejected the argument that Congress ratified the Executive's detention of admittedly loyal Japanese-Americans in camps by appropriating funds for such purposes. The Court avoided a constitutional issue by interpreting the detention law as not authorizing the detention of admittedly loyal Americans.

To justify the Executive's action in continuing the Vietnam war, a court would have to find that the language in the appropriations or Selective Service Acts cited was equivalent to a declaration of war. This finding would be difficult in light of the Court's admonition in Ex Parte Endo that to be a valid ratification, "the appropriation must plainly show a purpose to bestow the precise authority which is claimed"—*Ex Parte Endo*, 323 U.S. at 303, note 24.

Given the current debate over this country's Vietnam policy, one can hardly say that Congress has granted precise authority to wage war in Indochina. Whenever appropriations for the war come up for a vote, supporters claim that we cannot abandon our boys who are fighting there. Many Congressmen vote for the appropriations for that reason. Other Congressmen vote for the military appropriations bill so that our forces can be withdrawn safely from Vietnam at the earliest possible date.

To say that a Congressman ratifies the continuation and expansion of the Vietnam war when he votes for appropriations to protect American servicemen as they are withdrawn is a cruel deceit. It makes as much sense to argue that the Department of the Interior could grant leases to drill in the Santa Barbara Channel in the absence of explicit congressional authorization and relying only on congressional passage of the general appropriations for the Department of the Interior's ongoing activities.

Mr. President, I intend to make a more detailed statement on the legal issues involved in the Indochinese war in the near future, but I wanted to raise these questions now so that the Senate can ponder them during the forthcoming debate on the military authorization bill.

DISTRICT OF COLUMBIA CRIME

Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether the list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THREE ROB HOTEL IN DOWNTOWN DISTRICT OF COLUMBIA

A downtown Washington hotel was held up early yesterday by three armed men who also robbed two employees before tying them up and escaping with an undetermined amount of money, police said.

George J. Olivier, front desk clerk at the Claridge Hotel, told police the gunmen entered the hotel at 820 Connecticut Ave. NW shortly after 3 a.m. He said one of them placed a revolver at his back, warned, "Don't turn around," and took his money and watch.

Another gunman robbed the bell boy, Anthony A. Roman, of his watch and wallet and then helped his companions empty the cash drawer, according to police.

Olivier said the trio forced him at gunpoint to lead them to the hotel safe in the basement, ordered him to open it and removed the money and checks.

After handcuffing Olivier and Roman and tying them to each other, police said, the armed men ran out of the hotel and escaped.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ASSAULTED

Kenneth E. Sullivan, of Washington, was treated at Washington Hospital Center for a gunshot wound in the upper right arm that he suffered about 6:55 p.m. Sunday when a man in a blue car drove past him at 14th Street and Park Road NW and fired one shot at him.

Evelyne Clark, of Washington, was treated at Washington Hospital Center and released after an unseen gunman shot her in the right thigh as she was about to enter an apartment building shortly after midnight Sunday.

Thomas Price, of 1352 Wylie Ct. NE, was treated at Rogers Memorial Hospital after he was struck in the face during a fight with a man wielding a lead pipe in his garage at about 7:50 p.m. Sunday.

Belinda Baker, of Washington, was treated at Hadley Hospital for head injuries she suffered when she intervened in a fight in the park in the 200 block of Wayne Place SE. Miss Baker told police a woman hit her with a stick about 8:30 p.m. when she tried to break up a fight.

Zebulon Shaw, of Washington, was treated at George Washington University Hospital for injuries she suffered about 1 a.m. when she was attacked by a man as she was leaving a friend's house at 5th and E Streets NW. Her assailant hit her in the head and body and fled on foot.

ROBBED

Spencer Carl Mammett, of Washington, a driver for Dream Maid Ice Cream. Co., was held up about 9:15 Sunday by a man wielding a revolver who approached him while he was selling at the corner of 32d Street and Ely Place SE. Waving his gun, the man said, "This is a stickup or whatever you want to call it, so just give me the money." After taking a cardboard box containing a large amount of cash from the vendor, the gunman ran towards Minnesota Avenue SE.

Albert Richard Webster, of Washington, was beaten and robbed about 11:10 p.m. Sunday by two men who confronted him in the 4300 block of Deane Avenue NE and asked for change for a dollar bill. After Webster handed them the change, they demanded, "Give us the dollar back." One of them then began hitting Webster while the other man took his wallet.

Kenneth Lingelbach, of Jutland, N.J., was held up about 12:15 by two men who approached him in the 2100 block of New Hampshire Avenue NW. One of them drew a knife, demanded money and held Lingelbach at bay while his companion took the money from the victim's pockets.

Fariborz Nazerian, of Washington, was beaten and robbed about 9:15 Sunday by three youths who surrounded him at 4th and Farragut Streets NW while he was selling ice cream. One of them held Nazerian while the others took the money from his pockets and fled east along Farragut Street.

Esso Service Station, 4650 South Capitol St. SE, was held up Sunday by a young man armed with a gun who drove into the station in a white car and told the attendant, "Give me the money and the gun that you carry." When the attendant replied he had no gun, the driver said, "Just give me the change carrier and the money." After taking a large amount of cash, the gunman drove from the station. The car was later recovered in the 4700 block of 1st Street SW.

Bernice Lorene Bookman, of Washington, was held up while she was working in the Bolling Air Force mess hall, Portland Street SE, by three youths. About 9:30 p.m. the trio approached her and one of them, pointing a handgun at her, demanded, "Lady, I want your purse." After grabbing her pocketbook, the youths fled.

James Fletcher, of Washington, was treated at Rogers Memorial Hospital for injuries he suffered during a robbery about 4 a.m. Sunday. Two young men attacked him from behind on 10th Street NE, knocked him to the ground and kicked him in the face. They took his wallet and papers and fled on foot.

William Barry, of Washington, was beaten and robbed about 11:05 p.m. Sunday by a

man who approached his car at 11th and I Streets NW and asked him for a ride. The man then entered Barry's auto, hit him in his face and body and kicked him. After removing the bills from Barry's pockets, the assailant got out of the car and escaped.

Larry Kelly, of Fairmont Heights, an employee of the Riggus Construction Company, 4225 Grant St. NE, was held up about 9:45 p.m. Saturday by a man who approached him from behind on the street near his office and warned, "Don't move." He then pulled out a handgun and ordered, "Give me your money." Grabbing Kelly's wallet, the gunman fled on foot.

Regis K. C. Morgan, of Washington, was held up about 6:05 p.m. Sunday by three youths who surrounded him on the 11th Street Bridge and asked, "Got any money?" When Morgan said he did not, the trio began hitting him and forced him to surrender his wallet, then fled across the bridge.

Lorenzo Garner, of Washington, was held up about 2:15 a.m. Sunday by two youths, one brandishing a gun, who confronted him in the 600 block of 21st Street NE and asked if he had any money. Grabbing Garner's cash, the pair fled.

John Bailey, of Washington, was held up shortly after 11 p.m. Sunday by three youths who approached him as he was getting out of his car in a parking lot in the 600 block of Division Avenue NE. One of them pointed a handgun at Bailey and ordered, "Sit down." While the gunman held him at bay, the other two took his wallet, watch and car keys. The trio then took Bailey's auto.

Jimmie Carr, of Washington, was held up about 11:15 p.m. Friday by three men who attacked him in the 1300 block of H Street NE and forced him into a nearby alley. After hitting Carr with a revolver, the man took the money from his pockets and fled on foot.

James E. White, of Washington, was held up near his home in the 800 block of Longfellow Street NW about 10:10 p.m. Sunday by two youths, one concealing a gun in his pocket. The pair forced White to hand over his watch and money.

Arthur Williams Lewis, of Washington, was held up shortly after 9 p.m. Saturday by three men who approached him at the intersection of Deane and Division Avenues NE. One of them pointed a revolver at Lewis and ordered, "Okay, dad, let me have it." While the gunman held him at bay, a second man took the wallet from his pocket. He removed the money, returned the wallet to Lewis and fled with his companions.

Linda Hebel, of Washington, was beaten and robbed about 5:45 p.m. Sunday by a youth who yoked her in the 300 block of 4th Street SW and knocked her to the ground. After beating and kicking his victim, the youth took her pocketbook and fled on foot.

James Pervis, of Washington, was held up about 12:10 a.m. Sunday by two youths who confronted him at 3d and Bates Streets N.W. Drawing a handgun, one of them said, "This is a holdup." After grabbing Pervis' wallet and watch, the youths escaped.

Charles W. Bell, Jr., of Bowie was held up Sunday by two youths who approached his truck at 7th Street NW. One of them pointed a revolver at Bell while the other youth took the change carrier from his belt and the bills from his pocket.

Larry James Graham, of Arlington, was held up about 9:55 p.m. Sunday by three youths who approached him as he was entering his car in the 700 block of E Street SE. The trio attacked him from behind, took his gold watch and wallet and fled on foot.

George Moran, of Washington, was held up about 11:20 p.m. Sunday when he drove a young woman to a house in the 500 block of F Street SE. She entered the house and returned with three men, all armed with handguns. One of them opened Moran's car door and ordered him to get out of the car. After taking his money and watch, the gunmen drove off in his station wagon.

John Kossow Fireworks, New York and West Virginia Avenues NE, was held up about 7:15 p.m. Sunday by a man armed with a revolver who approached the clerk and demanded, "Give me your money." After taking a large amount of cash, the gunman entered a gold car and escaped.

Steve Hallmark, of Oklahoma City, Okla., was held up about 3 a.m. in an apartment house in the 1300 block of 10th Street NW by a young woman and a man who said he had a gun. The couple forced Hallmark to give them two diamond rings, with a total value of $2,800, his $600 watch and $45 in cash.

STOLEN

Approximately $700 in cash was stolen between 5 p.m. Friday and 8:30 a.m. Monday from a safe at the Lawrence D. Rose and Company office at 212 West Virginia Ave. NE during a burglary in which the main office was ransacked.

Cartons of milk and soft drinks were stolen between 10 a.m. Friday and Monday morning from Lewis Elementary School, 300 Bryant St. NW. Burglars who looted the walk-in freezer ransacked the entire building.

Two manual typewriters and three IBM electric typewriters, with a total value of $500, were stolen before midnight Sunday from the Peoples Involvement Corporation, 651 Florida Ave. NW.

RECENT ADDRESS BY THE HONORABLE JOHN A. HANNAH, ADMINISTRATOR OF AID, AT PUEBLA, MEXICO

Mr. COOPER. Mr. President, on July 17 the Honorable John A. Hannah, Administrator of the Agency for International Development, delivered an address at the University of the Americas at Puebla, Mexico, entitled "Looking to the Developing Countries for Answers."

In his address, Dr. Hannah points out the role that increased educational opportunities can play in assisting developing countries to solve many of their problems on their own initiative.

Dr. Hannah's statement is thoughtful and timely and merits the attention of Senators who are interested in this subject matter.

Mr. President, I ask unanimous consent that Dr. Hannah's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LOOKING TO THE DEVELOPING COUNTRIES FOR ANSWERS

I

President Lindley, Distinguished Citizens of Mexico, Members of the Board of Trustees, Members of the Faculty, Honored Guests, Ladies and Gentlemen.

The dedication of a new university campus involves more than paying homage to bricks and mortar. It is a celebration of progress and of promise for the future.

Today we mark the beginning of a new era for this University. From its beginnings in 1940 as a small city college primarily for students from the United States, the University of the Americas has grown to a full-fledged university of about 1,000 students from 42 countries, with one-third of the student body citizens of Mexico.

This new campus is a harbinger of future growth. It opens doors—not only to buildings—but to opportunities to carry forward and accelerate the momentum of the past. The soul or the spirit of a university is not defined by its buildings. This new campus provides a setting in which that spirit can expand and flourish.

This dedication is doubly felicitous. It combines pride in the past with hope for the future. It is an important occasion and I am honored by your invitation to participate in it.

Congratulations are due to those who have made this dedication today possible. The Agency for International Development played a part, but the primary credit goes to the Jenkins Foundation for their financial support, to President Lindley, to the Board of Trustees and to the Faculty of the University for their energy and leadership, and to the Mexican Government for its support.

II

The growth of the University of the Americas takes place in an auspicious context. For the past thirty years, Mexico has been one of the fastest growing, most dynamic societies in this hemisphere and indeed in the world. We who are primarily concerned with development recognize that Mexico's achievement in maintaining a real GNP growth rate of 6 to 7 percent annually for almost 30 years is a record matched by few countries. We are impressed by the fact that your GNP is much larger than that of many other countries with much larger populations.

Mexico is a leader among nations in its progress in national development. It serves as a model for other less well advanced countries. Mexico has much human talent and technical expertise, and a body of development experience rare in Latin America. We hope that in the near future Mexico will expand its program to make some of this skill and experience available to aid other Latin American countries. A contribtuion of this sort could help speed the process of hemispheric development. It would impart new energy and meaning to the pattern of partnership which binds the countries of North and South America. The ranks of aid donors would be broadened; a precedent of importance would be established.

III

Mexico's position in the vanguard of developing countries has implications beyond the opportunity it offers to asssit others, less well advanced countries. Your country is now, and will continue to be, among the first to confront some of the "second generation" problems occasioned by the development process itself. I refer particularly to inequalities which the initial stages of development generally seem to heighten, not diminish.

Development always proceeds unevenly. Urban areas and urban facilities grow more rapidly than rural ones. Some geographic areas in a country, favored by climate, topography, natural resources, or better than average leadership, move faster than others. In farm communities the new seeds and fertilizer often go first to large farmers who can buy them on the commercial market.

We see this pattern working in many parts of Asia today. The income from the recent spurts in cereal grain production there too often seem to be accruing first to large landowners and farmers who can afford the investment in water, fertilizer and other inputs which the new technology requires. This tends to widen the gaps in income.

Uneven patterns of development introduce new elements of instability into the social fabric. New, relatively affluent cities grow up anxious to preserve their wealth. The existence of this new wealth in a few areas whets the appetite of those in surrounding areas. Social tensions increase rather than diminish.

This is not a new phenomenon. Wealth tends to beget wealth and economic power tends to concentrate. Still it is a vexatious problem: how to stimulate growth efficiently while at the same time ensuring that the benefits of growth are widely shared; how to move the country forward without creating tensions that threaten to tear it apart.

This problem will loom as a central problem of the 1970's as development accelerates and as rapid population growth enlarges the pool of those demanding to participate in and benefit from development. Those in the forefront of development will, of course, face it first.

This is a difficult probelm for which there are now few ready answers. In the United States, we now recognize that large segments of our people have not participated adequately in the growth of our economy. We are seriously searching for better ways to bring these people into the mainstream of the economic process. Their children need better education opportunities. Better housing, better health care, better jobs, are all a part of the problem.

Yet we have a mature economy. It should be relatively easy to rechannel some of our resources to benefit the less fortunate. This task is even more difficult in an economy which has only recently begun to grow. Here the question is how to distribute the fruits of growth without chocking off that growth.

The developing countries face some uncharted frontiers in the 1970's—problems for which the developed world has no ready models; problems which will demand innovation, imagination, and a fair measure of hard work to solve.

It is in this sense then that I suggest that Mexico has a chance to become a model for other developing countries. Some of the problems of unequal development now confront Mexico as it does other leaders in the development process. To the extent that Mexico finds effective means to ease these problems, it will stand forth as a model and pioneer for other less developed countries to follow.

IV

Is this relevant to education and for the University of the Americas? The answer is yes.

Education too faces some uncharted problems in the 1970's. And while there are friends in the developed countries who are willing to give time, funds and talent to assist in solving some of these problems, we have few ready made answers that we are sure are the right answers.

To state the problem simply, education in most of the developing world faces problems of numbers—the forbidding arithmetic of supply and demand.

Demand for education will accelerate in the next ten years. Between 1965 and 1980, the size of the 5 to 14 age group in Europe is expected to remain constant; in the United States to increase by 13 percent; and in Latin America and other developing countries to explode by some 50 percent or more. This presents a bleak picture—especially considering the prodigious expansion of the school systems in the past decade. In Latin America, for instance, primary school enrollment increased by 62% and secondary school enrollments by 194% between 1960 and 1969. Yet, with all the increase in schooling, while there were some 27 million school-age children in Latin America out of school in 1960, in 1968 the total out of school had grown to 28 million due to rapid population growth.

To finance past expansion, education budgets have been rising at least twice as fast as GNP in most of the hemisphere and more rapidly than this in some countries. Virtually all countries in the developing world will face a heightened confrontation in the 1970's between the public demand for education and the availability of resources for this purpose. Inevitably there will come a point at which outlays for education will have to be correlated with increases in public revenues.

The funding squeeze in the next ten years will be tightened further by the expansion of the school system which has occurred in the last two decades. Most of the past expansion has occurred in primary schools. As more and more students graduate from these schools, pressures to expand the secondary school system will increase. The average annual expenditure for a primary school student in all of Latin America for instance, is about $42.00. To put the same student through secondary school costs four or five times as much—from $155 to $210 per year.

Beyond this gloomy arithmetic, there are indications that the scarce education dollars that are available are not being used most efficiently. Drop-outs are a problem in this hemisphere and throughout the world at all levels of education. Rural areas head the list. In some communities less than 5 percent of the students who begin the primary school finish it. Often 50 percent drop out between the first and second grades. Drop-outs in secondary education are also high, as are drop-out rates in universities.

Side by side with the high drop-out rate is another unsettling phenomenon: the educated unemployed. Often those who do make it through the education system emerge to find that their skills are too rudimentary to permit them to perform effectively in a job or that they are equipped with skills for which there is little demand. In some countries the education system has not geared itself to produce graduates with the skills and competencies required in that country. The educational system has not recognized its true role of not only providing educated graduates, but trained personnel who will be able to find jobs in the local societies.

What conclusion do we draw from these statistics?

One answer often given is to cut back the school system in order to provide better quality education for the relatively few. This elitest proposal is ruled out from the start. All over the developing world, education is seen as the path which the downtrodden and disadvantaged can lift themselves out of the mire of backwardness.

Education has been declared a basic human right in the U.N. Declaration of Human Rights. Seeking to restrict the supply of educational opportunity is not tenable.

These statistics do, however, seem to point to the conclusion that the traditional school system needs to be reviewed. Expansion of traditional education in traditional schools may not meet the educational needs of the less developed countries in the 1970's. New and better answers must be sought.

The search for these answers is just beginning. Some ideas, of unproven effectiveness, are being tossed hopefully about.

Among them there is the notion that non-formal systems of education might well play an increasingly significant role. Non-formal education is a dignified title for a miscellaneous assortment of educational tools including: in-service training, work-study programs, extension and correspondence courses, worker participation programs, planned radio and TV teaching programs, and many more. Rather than attempting to provide years of traditional primary and secondary schooling for all children, possibly non-formal school programs might be better. In many countries large, varied non-formal systems exist, but we have too little knowledge of their effectiveness.

Break-throughs in educational technology may open doors to significant improvements in education in less developed countries. Exploitation of sophisticated tools such as TV, radio, computers, satellites, tapes and films, hold promise both of improving the quality of education and making it accessible to vast numbers of people. The whole system of transmitting knowledge in all its familiar forms—classrooms, teachers, books, logical arrangements and so forth—require re-examination. There is the possibility for marked improvements in pedagogical techniques which can make the learning process far more efficient.

Recognizing the need for leaders especially equipped for dealing with the complex issues of economic and social development, some educators are beginning to think of a new type of university—a development university directed toward equipping young people to cope with the development problems of their nations and emphasizing the rewards of services to one society rather than putting first emphasis on personal affluence or prestige.

The over-riding purpose of such a university would be to relate its curriculum to the political, social, and economic problems of development. The students could spend a proportion of their time off campus engaged in practical problems of development. The university's research program would be directed to key development problems—population, improvement of rural life, problems of urban growth, the whole area of preserving and maintaining a climate with clean air, clean water, recreational areas, and all the rest that can make life in the future satisfying and meaningful. There are many theoretical and practical problems with this concept of a university, but it is worth exploring further.

The point to underline here is that these are but suggestions—glimpses of the future. There are as yet no answers. The solution does not lie in exporting to the developing countries a mirror-image of the education system in the developed countries. Although the developed countries may offer assistance, the solution will hinge largely on the energy and creativity which the developing countries themselves apply to these problems. The University of the Americas could have a role to play in this process. The dedication and drive which has stimulated its growth and produced this new campus can and should be used to help forge answers to the mounting educational problems of the less developed countries.

The development process is turning full circle. In the early days, it sometimes proceeded on the assumption that we in the developed world had the answers, and that the task of development was to hurry poorer nations along the same paths we had traveled. Experience has taught us otherwise. It is not necessarily advantageous for the developing countries to ape the forms and patterns of those that call themselves developed. It is not impossible that something better could be developed—avoiding many of the unhappy outcomes we can easily see in the affluent society. The developing countries face problems unique to them. There is much in their indigenous cultures that should be preserved.

My thesis today then is that relatively advanced countries like Mexico can and should be the creative leaders in solving these problems. Your rapid advance endows you with talent and funds. Your success in solving past problems imparts confidence in your ability to solve future problems. As leaders in the development train, you have an opportunity to create the models which other less well-advanced countries can follow.

The effect of this is to alter the relationships between developed and the more advanced developing countries. The normal distinctions between developed and less-developed don't apply here, although the developed countries will continue to offer assistance.

In the words which I've used as the title of this speech—they are "looking to the developing countries for answers." To the extent that development proceeds on this basis, it will be—more than ever before—a cooperative venture and a partnership of equals.

It is my hope that this University of the Americas will develop a wide horizon of usefulness as it charts its new future.

The future will have many problems and few answers. What man has made—he can improve.

We salute this University and wish for it

a long life of useful service to Mexico, to the Americas, and to the world.

SINGING SAM RABORN, TUCSON, ARIZ.

Mr. FANNIN. Mr. President, on a visit to Arizona, I attended a dedication ceremony and had the opportunity to visit with one of the old friends of many Members of the Senate.

Many Senators will recall the wonderful pleasantries that Rufus Sam Raborn so readily expressed. Singing Sam Raborn, as he is known among his friends, now is living in Arizona, at Tucson.

He is a Texas-born West Virginia gospel singer we welcome to Arizona.

Mr. President, I ask unanimous consent that there be printed in the RECORD an article published in the Tucson Daily Citizen of July 11, 1970. Appropriately it is headlined, "Singing Sam Has Retired To Tucson, But Won't Quit."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SINGING SAM HAS RETIRED TO TUCSON, BUT WON'T QUIT

(By S. C. Warman)

Singing Sam Raborn—the Texas-born West Virginia gospel singer whose career as a baritone began more than 50 years ago in the era of Evangelist Billy Sunday and is still going strong in the days of Evangelist Billy Graham—will be a guest singer tomorrow at Tucson Baptist Temple.

Rufus Sam Raborn has been making his home in Tucson for almost a year, and he and Mrs. Raborn have joined the Baptist Temple congregation of the Rev. Louis W. Johnson, 1525 S. Columbus Blvd. The service will be at 11 a.m.

While Raborn readily admits his 75th birthday is coming Nov. 26, he adds: "But my voice is still only 50 years old." And he has the energy and enthusiasm of a much younger man.

He was born in Hillsboro, Tex., the son of an evangelist, and attended Baylor University in 1915–16. He moved to Mannington, W. Va., and became associated as a singer with the late Homer Rodeheaver, the famed song leader of Billy Sunday's evangelism party.

He remained in Mannington 25 years until he went to Beckley for 12 years. There he became a friend of Robert Byrd and helped launch his political career in the West Virginia Legislature and finally into the U.S. Senate.

Sen. Byrd made his bid for public attention playing a guitar on Rodeheaver radio religious music programs.

For the 10 years before coming to Tucson, Raborn lived at Silver Spring, Md.; served on the staff of the U.S. Senate, and made frequent guest appearances on Washington radio programs.

He was called the songleader of the Senate. At Easter and Christmas when church choirs were at the Capitol for religious music festivals, Rodeheaver was master of ceremonies.

A World War I veteran, Raborn survived the influenza epidemic at Camp Lee, Va. The West Virginia American Legion three times made him department chaplain and voted him "convention soloist for life." In 1934 he was songleader and soloist for the Kiwanis International Convention.

A few years later he was on a coast-to-coast NBC radio network as soloist on the Wheeling Steel Hour.

Raborn did one crusade with Billy Sunday. He substituted for Rodeheaver during meeting in Charleston, W. Va., about 1931. During a Billy Graham Crusade at Washington, Raborn said he joined the choir. Cliff Barrows noticed him and put Raborn in a special men's section of the chorus.

Among the outstanding preachers for whom Raborn has served as songleader were Dr. George W. Truit, pastor of the First Baptist Church of Dallas, when on evangelical tours; Dr. J. Frank Norris of the First Baptist Church at Fort Worth and Dr. B. R. Lakin.

Mr. and Mrs. Raborn live at 6161 E. 21st St.

NATIONAL GOALS RESEARCH STAFF URGES BALANCED POPULATION REDISTRIBUTION POLICIES

Mr. PEARSON. Mr. President, this past weekend the White House released a report by the President's national goals research staff entitled "Toward Balanced Growth: Quantity and Quality."

This is an interesting and useful document. It does not attempt to recommend a specific set of policies for the future but it does identify the principal areas which will require major policy decisions in the future and discusses some of the factors and alternatives which policymakers will likely have to deal with. The first such policy area with which the report deals is entitled, "Population Growth and Distribution." The staff concludes that the question of population growth may or may not become a major policy issue, depending upon the trends in birth rates over the next few years. They point to the possibility that we may be approaching a zero population growth period.

However, this report does point out quite vigorously that we are going to have to deal very seriously with the question of the distribution of our population. The report states—

On this point there is no argument. Too many Americans have seen the sorrowful face of the deteriorating central city, the awesome pattern of suburban sprawl, and the sullen stagnation of the small town.

And at another point the report states—

Our population has been concentrating increasingly, not only in cities, but more and more proportionately into a few rather large urban masses. This has resulted in a lowering of the quality of life in both urban and rural areas.

The report concludes that unless corrective action is taken the concentration of our population in a relatively few metropolitan areas will continue. It indicates that if present trends continue almost all the population growth in the next few decades will be concentrated in the 12 largest urban regions and that at least 50 percent of the total population will be found in three great metropolitan belts: Boston-Washington, Chicago-Pittsburgh, San Francisco-San Diego.

Thus, the staff concludes:

The country faces an important though very difficult and complex choice: whether to allow existing trends to shape the future distribution of population, or whether to seek a different spatial distribution of the population by means of decisive public policy.

Mr. President, I believe that the national goals research staff has quite properly pointed to population distribution as a major public policy concern of the future. And I hope that this report will help to stimulate and expand the debate that is already going on in this area.

For several years now a number of us in Congress have been calling attention to the fact that the distribution of our population is becoming needlessly and dangerously tilted toward the major metropolitan centers and away from the small communities. We have urged that a commitment to expand economic and social and cultural opportunities in the smaller towns and cities and farm communities of rural America should be of highest national priority. We have argued that the great problems of the cities are intertwined with the problems of rural America. We have argued that one of the policy questions that must be dealt with in dealing with the crisis of the cities is that of how to keep more and more people from crowding into them.

Mr. President, for my own part, I have suggested several rural community development policy initiatives including: the Rural Job Development Act, first introduced in 1967 and reintroduced in 1969 as S. 15, the Rural Community Development Bank bill (S. 3607), and the Rural Development Highways Act of 1970 (S. 3986). Several of my colleagues have proposed additional policy innovations.

Therefore, those of us in the Congress and outside Government who have been concerned with this problem the past several years welcome this contribution by the President's national goals research staff. I hope this will serve to encourage additional action here in the Congress and equally important, I hope that it will serve to encourage the administration to begin to identify and propose concrete policy initiatives of its own.

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST CONTRIBUTES TO GENOCIDE CONVENTION RATIFICATION

Mr. PROXMIRE. Mr. President, in the past few weeks, advertisements have been published in many of the major newspapers in our Nation, urging the defeat of the Genocide Convention. Unfortunately, these advertisements have been based on emotional and illogical arguments.

Rational, concise, and reasonable discussion is absolutely vital on this issue. The Foreign Relations subcommittee which held hearings on the Genocide Convention this past spring heard many well reasoned statements on both sides of this issue. One of the most cogent appeals for ratification of the treaty came from the statement submitted by Mrs. Theodore O. Wedel, of the National Council of the Churches of Christ of the U.S.A.

Mr. President, I ask unanimous consent that exerpts from the statement be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST IN THE U.S.A.,
Washington, D.C., April 23, 1970.

Senator FRANK CHURCH,
Chairman, Special Subcommittee on the Ratification of the Genocide Convention, Senate Foreign Relations Committee, New Senate Office Building, Washington, D.C.:

Now that President Nixon has salvaged the convention from its 20-year limbo, the Senate has an opportunity to redeem the nation's earlier inaction by consenting to ratification. Speaking on behalf of the National Council of Churches, I urge most strongly that this be done. The fact that 75 nations have ratified the Genocide Convention and that the United States is not among that number is not only "anomalous", as the Secretary of State has described it; it is also rather scandalous.

In view of the fact that the President believes ratification would be in the national interest, and that the Secretary of State and Attorney General agree that there are no constitutional obstacles to ratification, there appears to be little validity to the claimed legal basis of the opposition to ratification. In fact, the ABA Section on Individual Rights and Responsibilities has approved a report, I understand, stating that none of the legal objections raised both in 1949 and again today stands up to careful analysis. In addition, the President has said in his message to the Senate that affirmative action "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." There is a strong implication in his message that such a demonstration is necessary if the United States is to maintain its credibility on human rights issues.

It was ten years ago, in June, 1960, that the National Council of Churches first declared its conviction that "the Genocide Convention, which the United States signed in 1948, should be ratified without delay." This statement was made in the context of expressing a broader belief, based on both practical reason and the mandates of the faith we hold, that "the United States Government should renew and invigorate its leadership in the promotion of human rights." Since there seems to have been at least a partial abdication from that leadership role since 1948, I would like to reiterate that conviction and that belief on behalf of the National Council of Churches.

Ratification would be fully in keeping with our nation's traditions and principles and with its support of the Universal Declaration of Human Rights. Failure to ratify would be interpreted in some quarters, rightly or wrongly, as tacit admission of some U.S. involvement in acts condemned by the Convention and could only cast doubts on our commitment to justice. I urge your subcommittee, the Senate Foreign Relations Committee, and finally the full Senate to give their approval to ratification of the Genocide Convention.

Sincerely,

Mrs. THEODORE O. WEDEL.

HON. J. FIFE SYMINGTON

Mr. MATHIAS. Mr. President, the Caribbean is a place of tranquil waters and idyllic islands, but we should not forget that it is also the birthplace of hurricanes. A political hurricane that could have assumed significant proportions was recently dispersed in its infancy by the prompt and decisive actions of the Government of Trinidad and Tobago. The Prime Minister and his colleagues displayed great vigor and skill and are to be much congratulated for abating the storm.

Of necessity, one of the men in the eye of this incipient hurricane was the Honorable J. Fife Symington, U.S. Ambassador to Trinidad and Tobago. His alert reaction to the crisis, the climate of understanding and helpfulness he created which made it possible for the Government to seek his assistance, and the low personal profile he maintained all confirm President Nixon's good judgment in appointing him to this delicate post.

One of the best accounts of the crisis in Trinidad was published in the Evening Star of April 22 and April 23, 1970. I ask unanimous consent that they be printed in the RECORD. The facts will speak for themselves in detailing the important role played by Ambassador Symington.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

U.S. SHIPS CALLED IN TRINIDAD RIOT; TWO CRAFT TO AID U.S. CITIZENS IF NEED ARISES

(By Jeremiah O'Leary)

An American naval and Marine task force today was churning across the Caribbean toward Trinidad where 1,000 U.S. citizens may have to be evacuated because of civil disturbances and a mutiny by nearly half of Trinidad's armed forces.

Three deaths were reported during outbreaks of violence in Trinidad last night that grew out of the arrest of 13 black power leaders, the Associated Press reported. And shooting broke out in Port of pain, the Trinidad capital, again today.

The State Department asked the Department of Defense last night to send the "minimum necessary force required to evacuate 1,000 persons" from the troubled island nation.

The Navy's Caribbean ready force immediately ordered the helicopter-carrier Guadalcanal and the amphibious assault ship Spiegel Grove to sail toward Trinidad from waters near Puerto Rico.

ENVOY SEES PRIME MINISTER

Prime Minister Eric Williams notified Ambassador J. Fife Symington Jr. of the armed forces mutiny yesterday, and the envoy relayed his concern about the safety of the 1,000 Americans to Washington.

Williams, a former professor at Howard University before he became prime minister of the one-time British colony, also notified London of the tense situation and requested British assistance.

State Department sources said they understood a British frigate normally stationed in the Caribbean also was steaming toward the island on the north coast of South America.

There has been considerable political and labor unrest in Trinidad in recent weeks. At least some of the problem is attributed to a growing black power sentiment in Trinidad and several other predominantly black former British colonies in the West Indies.

LABOR TROUBLES

Williams also has been having trouble with Trinidad's labor unions as an outgrowth of chronic unemployment and underemployment. The situation came to a head yesterday when the crowds went on a rampage in downtown Port of Spain.

Then, Washington sources said, the mutiny took place among the 700-man Trinidad and Tobago Regiment, the island's only military force.

Eighty soldiers of the regiment mutinied and captured 300 other soldiers, including 10 officers, to hold as hostages.

The mutineers also seized control of the regiment's ammunition dump at Chaguaramas, the former U.S. naval base on the outskirts of Port of Spain.

Later, according to authoritative reports reaching here, 200 of the hostage soldiers joined with the 80 original rebels and sent word that they wanted to talk to the prime minister.

TWO ARE KILLED

(United Press International report that the mutineers fought with loyal troops who tried to take back the base. One man on each side was reported killed.)

Indications from Trinidad were that the mutineers, nearly half of the Trinidadian military force, were demanding the release of several people who were arrested in yesterday's rioting and also were seeking changes in the government of Trinidad.

A meeting was arranged for 5:45 p.m. yesterday but Washington was informed that the session never took place. It was at this point that Williams—as the prime minister of a nation within the British Commonwealth—asked for British help.

He also conferred with Ambassador Symington and it is assumed that the ambassador asked for standby assistance from the U.S. Caribbean fleet because of the uncertainties in the situation.

Washington sources said the trouble spot is approximately 30 hours away from Puerto Rico by surface vessel and that the U.S. task force is expected to arrive in Trinidadian waters by tomorrow morning.

Officials said no decision would be made about carrying out an evacuation of U.S. civilians until the situation clarifies.

The Guadalcanal and other vessels of the Caribbean ready force carry a batallion of Marines which could be quickly moved ashore by helicopter in any troubled situation.

Sources indicated there was no thought of an American intervention in the Trinidad crisis, such as was ordered by President Lyndon B. Johnson in 1965 when civil war broke out between units of the armed forces of the Dominican Republic. Dispatch of the American task force last night was a precautionary move, sources said, and was deemed prudent because of the possibility that fighting might break out between the loyal and mutineer forces of the Trinidadian regiment.

(According to the Associated Press, the violence broke out yesterday when police tried to bring the 13 arrested black power leaders to the military camp at Tiburon Bay in order to ship them aboard coast guard boats to Nelson Island, a small detention prison off the coast.

But when they arrived at the camp, police were turned back at its gates by army guards and forced to take their prisoners back to town, according to reports.)

TRINIDAD AIDE AND REBEL CONFER; TWO SEEK TO END CRISIS AFTER ARMY MUTINY

PORT OF SPAIN.—A rebel army officer has begun negotiations with Attorney General Carleton Phillips of Trinidad to end a two-day mutiny at the Chaguaramas army base, unofficial sources said today.

The situation at the base 11 miles north of Port of Spain was not clear.

The army said it had the situation under control and that some rebels, demanding a bigger voice for black persons on the island, had fled into the hills to wage guerrilla warfare. But other sources said the mutineers still held the base.

The death toll in the violence rose to six today when police shot and killed a man who was trying to blow up a power substation on the outskirts of the city. At least 40 rebels were reported wounded in fighting at Chaguaramas.

U.S. ARMS BROUGHT IN

Blacks make up about 43 percent of the population of Trinidad and Tobago and the current unrest began yesterday when black power advocates led violent demonstrations

in the streets demanding more power in government.

At least 60 army troops mutinied in support of the black power movement and seized the arms and ammunition depot at Chaguaramas.

The sources said one of the rebel officers, Lt. Rex La Salle, began negotiations with loyal units today to end the mutiny. Prime Minister Eric Williams' residence would neither confirm nor deny the report.

U.S. arms and ammunition were landed yesterday for loyal troops whose own supplies were seized by rebels. Government sources said British Commonwealth troops from Jamaica and Guyana had landed to help put down the mutiny.

CURFEW IS RELAXED

The government relaxed its nationwide dusk-to-dawn curfew to cover only Port of Spain and San Fernando, the two biggest cities.

Piarco international airport was opened this morning. It was closed earlier under a state of seige declared by the government.

Sporadic gunfire erupted in the slum section of the capital after nightfall yesterday and a fire destroyed four buildings and seven vehicles at Camp Ogden, an army outpost six miles from Chaguaramas.

Six U.S. ships with 2,000 Marines aboard stood offshore to evacuate the approximately 1,000 American residents and additional tourists if necessary.

In Washington, the State Department said the United States was selling the small arms to Trinidad for cash at the government's request.

ARMS ARE LISTED

The department said the arms included ten 81-millimeter mortars, 200 81-mm. shells, 75,000 rounds of ammunition for general purpose machine guns, 7,500 rounds of 9-mm. ammunition, 100 two-inch mortar smoke bombs, 50 81-mm. smoke bombs and 50 machineguns.

Department aides indicated Prime Minister Williams had granted approval for U.S. landing parties, to come ashore for the express purpose of evacuating U.S. citizens, if that should become necessary.

But they discouraged the notion that the United States, at this point, has any intention of intervening in Trinidad in the manner in which it did in the Dominican Republic in 1965.

From London, the British Defense Ministry announced it has alerted two guided missile frigates in the Caribbean for possible emergency duty.

VENEZUELA ASKED TO HELP

Trinidad's ambassador to nearby Venezuela, George Daniel, told newsmen in Caracas that Williams has asked Venezuela for help, too, "on the same principles he requested (aid) from the United States and England."

Daniel told newsmen "the soldiers who staged the small army revolt have taken to the mountains, carrying along ammunitions and all sorts of weapons from the Chaguaramas base and arsenal. . . .

"Their idea might be to start a guerrilla operation against the established constitutional order."

Daniel made his remarks shortly after speaking by telephone to Williams, who kept silent on the uprising.

UNEMPLOYMENT NOTED

The ambassador attributed the army revolt to the "well-cemented intranquility which has been exploited by black power elements among students and the unemployed."

An unemployment rate of 25 percent among the island's blacks led to street demonstrations beginning in March. A protest Tuesday led to the outbreak of fighting and the uprising in the army.

"The control of our economy and industry in foreign hands has led to well-grounded indisposition," Daniel said. "This explains part of what is taking place right now."

Trinidad, about the size of Rhode Island is the most southerly of the West Indies islands. The Chaguaramas arsenal was one of the former U.S. Navy bases obtained by the United States from Britain in exchange for 50 destroyers after World War II.

ADDRESS BY MARITIME ADMINISTRATOR ON GREAT LAKES-ST. LAWRENCE SEAWAY

Mr. GRIFFIN. Mr. President, two important steps in the development of commerce through the Great Lakes-St. Lawrence Seaway were taken last week. The first came in an address by Maritime Administrator Andrew Gibson at a July 15 luncheon sponsored by the American Shipbuilding Co. Mr. Gibson announced an affirmative policy of promoting waterborne commerce in the Great Lakes when he stated:

Beginning today, it's my hope that by working together the Great Lakes maritime industry and the Maritime Administration can effectively achieve a more productive, more modern and more profitable Great Lakes fleet, one better able to meet the needs of Great Lakes shippers today and tomorrow.

The second important step was a first-hand look at the Great Lakes, from Cleveland to Sault Ste. Marie, by the Administrator aboard an ore carrier. To my knowledge, this is the first such tour of the Great Lakes ever taken by a Maritime Administrator.

Recently, I wrote to Mr. Gibson pointing out that none of the ships proposed as a result of the Maritime Administration's design competition conformed to the limitations of the seaway locks. Consequently, I was particularly pleased by the recognition indicated in Mr. Gibson's address of the need to tailor the design of at least one ship developed in the competition—the multipurpose *Kennebec* class of Bath Industries—in order that it will be suitable for seaway transit. Furthermore, in response to my letter, Mr. Gibson indicated that the Maritime Administration has developed, in addition to the *Kennebec* design, a general purpose cargo ship capable of traversing the seaway.

Mr. President, in addition, I am pleased that research efforts are going forward to strengthen ships for an extended-season operation, and that a Chicago office of the Maritime Administration is being opened to work directly with maritime industries in the Great Lakes region.

Mr. President, I ask unanimous consent that the text of my letter of June 23, the text of a letter dated July 8 from the Administrator, and the text of his address at the Cleveland luncheon be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JUNE 23, 1970.

Hon. ANDREW E. GIBSON,
Administrator, Maritime Administration,
U.S. Department of Commerce,
Washington, D.C.

DEAR MR. GIBSON: The maritime bill which has passed the House of Representatives and is pending before the Senate Commerce Committee includes a provision designating the Great Lakes as a fourth seacoast.

Such a designation makes applicable to the Great Lakes an obligation imposed upon the Secretary of Commerce, through the Maritime Administrator, under Section 210 of the Merchant Marine Act of 1936, for "the creation of an adequate and well-balanced merchant fleet, including vessels of all types, to provide shipping service essential for maintaining the flow of the foreign commerce of the United States. . . ."

Furthermore, since the Great Lakes-St. Lawrence Seaway System has been designated as an essential trade route, the Secretary is required under Section 211 to determine "The type, size, speed, method of propulsion and other requirements of the vessels . . . which should be employed in such services or on such routes or lines . . . with a view to furnishing adequate, regular, certain and permanent service. . . ."

In the light of this legislative framework, my staff has reviewed the various ship plans which resulted from the recent Maritime Administration design competition. While the resulting ships undoubtedly will make a substantial contribution to most of the American merchant marine, we find that the overall dimensions of the mid-range bulk carriers are such that it would not be possible for them to transit the Seaway and thus be of use in the Great Lakes.

You are aware that although there has been a growing use of the Great Lakes ports by modern European ships, there has been a steady decline of use by American vessels in foreign trade.

I would very much appreciate it if your staff would review the proposed plans to determine if sufficient modification could be made in the designs to permit their ready availability for Seaway use. I shall appreciate hearing from you at your early convenience.

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

U. S. DEPARTMENT OF COMMERCE,
Washington, D.C., July 8, 1970.

Senator ROBERT P. GRIFFIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GRIFFIN: This is in response to your letter of June 23, 1970, in which you refer to the legislative framework dealing with the creation of an adequate and well balanced merchant fleet with special reference to the Great Lakes-St. Lawrence Seaway System. You indicate that the overall dimensions of the mid-range bulk carriers, the design of which resulted from the recent Maritime Administration design competition, appear to be such that it would not be possible for them to transit the Seaway.

As you have suggested, a review of the designs by our staff indicate that the Kennebec class can be sailed through the St. Lawrence Seaway and is designed to carry ore, bulk or general cargoes. This versatile ship has a beam of 75' with an overall length of 570' having a deadweight capacity of 21,000 tons in ocean service. Due to limited Seaway draft conditions, the capacity through the Seaway must of necessity be somewhat less. However, by adding approximately 160' to the length, the capacity of the ship under Seaway conditions would be approximately 20,000 DWT and under ocean conditions could carry 27,000 DWT. Ships for Great Lakes operation alone, excluding the Seaway, can of course be considerably larger.

In addition, the Maritime Administration has developed an 18 Knot 74' beam general purpose cargo ship with alternate ocean capacities of 15,000 to 19,000 DWT depending upon length. Under limited Seaway draft conditions, these tonnage capacities would be somewhat less, however the bale cubic capacities are very high. Enclosed is a brochure describing this design.

Of equal importance to the availability of

these aforementioned designs is our policy of considering construction subsidy support for ships other than those developed in our recent CMX design competition. Any operator or group of operators who require specialized designs and who wish to construct a series of modern ships under our new program will receive the same consideration as those applicants who consider our new standard designs to be more suitable. Our goal is to develop a competitive merchant marine.

A review of the 1969 Great Lakes foreign trade indicates that 97% of the total inbound cargo came from the United Kingdom/Continent, Mediterranean and the Far East, while 83% of all outbound cargo went to the same areas. The predominant cargoes were animal feeds, corn and wheat, oil seeds and nuts, iron and steel scrap, steel plates and sheets, alcoholic beverages, and large quantities of foodstuffs. The majority of the foreign flag ships now carrying these commodities are reasonably modern breakbulk ships with speeds of 15–16 knots. It would be our evaluation that the Kennebec class multipurpose ships or the MarAd design might prove attractive to U.S. flag operators providing they are able to book the cargo.

As already stated, we stand willing to work with all interested operators or to consider alternate designs considered more suitable to carry Great Lakes cargoes. If I can be of further assistance, please let me know.

Sincerely,

A. E. GIBSON,
Administrator.

REMARKS BY A. E. GIBSON, MARITIME ADMINISTRATOR

I am told that if my visit today does not actually represent the first journey of a Maritime Administrator to the Great Lakes, at least such visits have been so rare that no one can remember the last occurrence, and it must be obvious that past maritime policy has contributed much of the underlying reason for this conspicuous absence.

The Merchant Marine Act of 1936, which has been, and will continue to direct United States maritime affairs until the enactment of new legislation anticipated later this summer, was specifically designed by the Congress to provide this Nation with a merchant fleet which could be "sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce . . . [and] capable of serving as a naval and military auxiliary in time of war or national emergency."

Although this is a far reaching directive the administration of the Act has dictated that virtually all of the effort and assistance go to the preservation of the essential trade routes in foreign commerce and therefore there has been relatively little attention paid to contract carriers engaged in the transportation of bulk cargoes, which represent so much of the Great Lakes traffic.

Given such emphasis, it is not surprising that over the years the lines of communication between the Maritime Administration and the shipping community on the Great Lakes have been virtually non-existent.

My presence here today is to provide evidence that it is our desire to establish a closer and, hopefully, a mutually beneficial relationship for the future. The recent installation of Admiral Trimble as President of the Lake Carriers Association, provides this Region and the industry with an exceedingly able and knowledgeable individual with whom we in Government can effectively work, and I congratulate those responsible for being able to persuade him to lead their organization.

During the 1968 election campaign, Richard Nixon laid the groundwork for his future maritime program. This was a proposal of far reaching significance and it was the direct outgrowth of his concern for our maritime well-being. In it, he fully recognized the problems of the Great Lakes. The President said at that time:

"Unsubsidized sectors of our merchant fleet must be given attention so that they too can replace their deteriorating fleets in the immediate future. Included in this category are . . . the Great Lakes operators who daily face competition from their government-assisted counterparts.

"Although the Eisenhower administration provided the United States with a fourth seacoast, through the St. Lawrence Seaway, the [past] administration has chosen to turn its back on this inland network of water transporation. Certainly [this] segment of our merchant marine can be stimulated by tax incentives. . . . The United States, in turn, can expect [it] to make a capital commitment in new ships and facilities."

Throughout that remarkable speech, President Nixon outlined a definite plan of action to bring about a reversal of the steady decline that our merchant marine has suffered for too many years.

In developing the actual provisions and machinery to carry out the President's directives, those of us in the new Administration faced many problems, one of the major ones being the direction and emphasis with which we would focus our effort. We believed that the fleet required to carry our foreign commerce must have the top priority. The disappearance of two-thirds of this fleet in the next few years was too large a problem to be deferred. That our order of priority was correct was dramatically borne out earlier this year when the British underwriters proposed increased insurance rates for cargo carried on ships 25 years or older. By this one directive, had it been allowed to be implemented, the resulting higher rates would have driven some 250 of our present 650 ship fleet engaged in foreign trade from the sea lanes. Fortunately, we were able to forestall the implementation of this scheme, but the handwriting is on the wall.

With domestic trades protected from direct competition through our cabotage laws, we believed that this would at least give us some breathing space to get the foreign trade fleet on the road to modernization before turning our attention to the domestic fleet and this was reflected in the enabling legislation sent to the Congress last December.

During the course of the extensive hearings, particularly through the untiring efforts of our host George Steinbrenner and Admiral Hirschfield, until his recent second retirement the distinguished head of the Lake Carriers Association, through the continuous concern expressed by the Great Lakes delegation in the Congress, such as Ohio's able, hardworking Representative Charles Mosher, it became apparent that the problems of the domestic operators on the Great Lakes would have to have immediate attention. The Congress therefore advanced the time table and has provided the avenues into which this effort is to be channeled. We in the Administration are prepared to carry out their mandate.

As the proposed legislation now stands, it contains three major provisions that offer substantial assistance to the Great Lakes operators.

First, the bill would allow for the creation of tax deferred construction reserve funds for the financing of new ship building. This was the primary benefit sought by your Association, and Mr. Steinbrenner, in his testimony, estimated that this provision could double the number of ships planned for construction on the Lakes in the next 5 to 10 years.

This is a most significant provision and its utility is well illustrated by those subsidized operators who have previously held this privilege. The fact that this liner fleet is the most modern segment of our merchant marine is due in large part to the ability to set aside funds for rebuilding their fleet which would otherwise have been paid as taxes. That this ocean fleet contains many of the most productive and competitive ships in world liner trade provides conclusive evidence that the reserve funds have been effectively utilized, and I am sure that your efforts in the coming years will be equally well directed.

The second provision that will assist you in the ship replacement program is the expansion of the Ship Mortgage Insurance program. We have asked the Congress to raise the ceiling on the amount of insurance that can be written from the present $1 billion to $3 billion. Because of the financial strength of many of the Great Lakes owners in the past, such mortgage insurance has never been utilized, but in this day of abnormally high interest rates its use is becoming almost essential to obtain the required financing at anything approaching reasonable rates.

The third provision of the new legislation specifically designed to benefit this region would recognize that foreign trade within the Great Lakes is subject to the same competitive pressures as other foreign trade and therefore entitles the operator to the same aid and consideration as those steamship companies competing in other areas. The proposed new legislation corrects this previous omission and establishes the Great Lakes officially as our Fourth Seacoast.

With the enactment of the new legislation these provisions will be available to assist you to modernize your fleets and more effectively compete with your Canadian counterparts.

In his message to Congress delivering the new maritime plan, the President characterized it as a "challenge and opportunity." He challenged the American ship operating and shipbuilding industries to gain their former pre-eminence and again become a vigorous part of the American economy. To achieve this, this program will provide the necessary opportunities through an expansion of the shipbuilding program, through extension of tax deferred reserve funds, and through a revised and extended operating subsidy system.

A significant improvement in U.S. flag participation in our trade and lower shipbuilding costs are expected in return for the increased-Government support. This level of support is not intended to shore up uneconomical operations either in ship construction or in ship operation, but to provide added incentive for improving the efficiency with which ships are built and cargo is moved. We believe opportunities exist here in the Lakes as in other areas to make improvements that will lead to the development of increasingly productive ships. The two giant ore carriers being built on Lake Erie are examples of the application of such improved technology. Bigger and faster than previously existing ships on the Lakes, they have modern internal cargo handling equipment that can do for the movement of bulk cargoes what the container has done in revolutionizing the movement of packaged goods in our international trade.

To help the shipyard industry to achieve the President's goals, we are revising our procurement procedures to create an environment in which the strengths and benefits of the private enterprise system can be more readily achieved. In this connection, we have departed from past practices in which the shipyards had no control over the designs of the ships they built.

Under the Nixon program the shipyards will develop the designs, providing them with the opportunity to eliminate costly frills and the incentive to develop innovative features that will attract buyers. In contrast to past practices where the shipyards were called upon to build a small number of ships of a given design, we will consolidate orders of

identical ships to enable the yards to build them in series.

In addition as a departure from previous practices, in which contracts were awarded on the basis of firm, fixed prices, the shipyards will be given the latitude to negotiate price with prospective customers.

Surely, the Government, the taxpayer, the ship operator and the ship builder will benefit from these new procurement procedures.

In reference to design development, the Maritime Administration commissioned two shipyards to develop preliminary designs of the vessel types that will be required to increase U.S. foreign trade carriage in this decade. A total of 13 basic designs were developed by these contractors.

We have worked closely with Senator Robert Griffin of Michigan and his staff in the ship designs study to be sure that some of the ships developed under this program would possess the characteristics for successful Seaway operation, with the result that the Kennebec class—a multi-purpose carrier designed by Bath Iron Works Corporation for the carriage of ore, bulk and general cargoes—is ideally suited for Great Lakes-Seaway service. This versatile ship has a beam of 75 feet. an overall length of 570 feet and a deadweight of 21,000 tons in ocean service. An elongated version of this class is available to operate as a 20,000 deadweight ton ship in Seaway service and 27,000 ton in ocean service and as such closely resembles the most modern ships recently built for Great Lakes operations. I refer to the French vessel *Eglantine* and *Nanfri* of Norwegian registry.

We will shortly fund several research projects that can conceivably have a measurable impact on your future. Two of these projects are directly aimed at lessening some of the constraints on your operations.

One project calls for a study of the effect of railroad rate structures on the shipment of export cargoes through Great Lakes ports. We are interested in determining the loss of business to ports, operators, or shipbuilders, caused by existing rate practices and we hope to determine the probable effect on the Great Lakes area should the rail freight rate structure be revised. I am pleased to note the recent actions on the part of a railroad and a shipping company to reduce such inequities. The decision of the Illinois Central Railroad to offer unit-train rates on coal moving to South Chicago for reshipment by vessel to utility plants around Lake Michigan is a hopeful sign. The Oglebay Norton contract with the Niagara Mohawk Power Corporation to ship coal from western Lake Erie ports to the company's power plant north of Buffalo is another. This is a clear indication that given a chance to compete fairly the economies of water transportation for bulk commodities must inevitably prevail.

We will also assist in research into the requirements to ice-strengthen vessels in the Lakes to enable them to navigate the Lakes for an extended season. This is a project we intend to have in operation by the coming winter and it is intended that the results of these efforts will be made available as soon as possible so that they can be incorporated in future designs.

In the last few minutes I have tried to briefly sketch the possible effect of the new maritime legislation for the Great Lakes and some of the future possibilities concerning your shipping which we at Maritime are exploring. In both areas we welcome your interest and cooperation.

In closing, I would like to point out one further area in which I believe more of the Government's and your attention could profitably be devoted. The hinterland surrounding the Great Lakes is one of the most productive regions in this country. As our economy continues to expand, we can expect this area to share in the growth of our international as well as our domestic commerce. The tremendous potential of this region in terms of future industrial development and consequent transportation demands is of great importance. I believe that now is the time to start planning to meet the needs of the next decades. Complete and accurate market analyses and forecasts for potential services are required, for the ships we build today must be able to serve the needs of commerce in the decades ahead. We will shortly announce the opening of a Chicago office to directly work with the maritime industry to aid in this effort and again we will count on your assistance to make this activity truly productive.

Later today, together with Paul Trimble, I plan to board a Great Lakes ore carrier for a firsthand look at your great inland ocean to see for myself at least part of America's Fourth Seacoast. Beginning today, it's my hope that by working together the Great Lakes maritime industry and the Maritime Administration can effectively achieve a more productive, more modern, and more profitable Great Lakes fleet, one better able to meet the needs of Great Lakes shippers today and tomorrow.

BATTLE OF THE MONOCACY

Mr. MATHIAS. Mr. President, the city of Washington and the Federal Government have good reason to recall with gratitude the Battle of the Monocacy fought on July 9, 1864. The encounter in Maryland of Union and Confederate forces saved the National Capital from a raid if not ruin, saved the Government from a severe setback, and spared the Union a devastating blow to morale.

A recent retelling of the story of the Battle of the Monocacy, written by Paul A. Haley, was recently published in the Post, of Frederick, Md., on July 11, 1970. I ask unanimous consent that it be printed in the RECORD as a reminder that the security of the Capital has always depended on the actions of brave men.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BATTLE OF MONOCACY FOUGHT 106 YEARS AGO

(By Paul A. Haley)

Exactly 106 years ago July 9 at Monocacy Junction on both sides of the river from which it takes its name occurred one of the decisive battles of the Civil War.

In fact, it is not too much to say that the bloody conflict staged there that day in the view of several thousand Frederick residents who flocked to neighboring vantage points to watch the spectacle saved the nation's capital from being captured by the troops of Lieut. Gen. Jubal A. Early.

No less an authority than the Union commander in chief, General Ulysses S. Grant, makes this statement in the history of the war which he wrote years later as he lay dying of cancer of the throat at Mount McGregor in the Adirondacks.

He says:

"There is no telling how much the salvation of Washington hung on the efforts of General Lew Wallace leading his forlorn hope on the banks of the Monocacy at Frederick.

"However, had General Early been one day earlier in arriving at the gateway of Washington he might have taken over the city before the reinforcements I sent to man the forts from City Point had time to arrive.

"He lost this precious day in overcoming the courageous but greatly inferior forces Gen. Wallace assembled at Frederick.

"In fighting this losing but decisive battle, General Wallace contributed more to the cause by the defeat of the men under him than often falls to the lot of a commander with a greatly superior force who wins a victory."

In telling the story of the Battle of Monocacy, it is necessary to paint in broadly the status of the opposing armies of the North and South in the summer of 1864.

General Grant with some 100,000 finely equipped Union troops had brought to bay in the fortifications in front of Petersburg south of Richmond and the gateway to that capital of the Confederacy about 75,000 Confederate troops under the brilliant, daring, and resourceful General Robert E. Lee.

The war between the North and the South had become a conflict of attrition. Grant with superior numbers and an apparently inexhaustible supply of manpower in the north to bring in as reinforcements was relentlessly wearing down the inferior forces of Lee whose manpower reserve from the South was virtually exhausted.

In this situation, the war was militarily lost, and Lee knew it. It was only a question of time until Grant with his superior force and his ability to lose two or three men to Lee's one would at some point crack the constantly thinner Confederate defense lines at Petersburg and thereby open wide the gates of Richmond.

In this extremity, General Lee and Jefferson Davis played for time.

A presidential election was due in the fall in the Union States which were badly divided as Grant's death toll constantly mounted as he probed at the lines of Lee.

Even Lincoln despaired. He went so far about this time as to write a memorandum to himself and have it signed sight unseen by all of his Cabinet. He then quietly filed it with his papers where it was not brought to light until after battlefield victories of the summer and early fall changed the picture so that he was triumphantly swept back into office.

Lincoln's memorandum, however, said:

"As of this date, it appears that the Union cause will lose in the fall elections and that the Democrats will elect General McClellan with his peace program. In that event, it will be necessary for me to secure the co-operation of McClellan to bring the war to a close before his inauguration because he will never achieve it afterwards."

It was in the light of this hope of Lincoln's defeat and a negotiated peace which the South would win the greater part of its aims that General Lee and President Davis decided upon the audacious step of attempting to force Grant to loose his bulldog grip on the Petersburg defense line by sending General Early up the Shenandoah Valley to attack Washington.

They knew that following the promises of General Grant to keep steam up in several transports at City Point on the James River so that he could dispatch troops to protect Washington that President Lincoln had reversed his policy of four years of keeping a strong army between that city and Richmond and had denuded the forts ringing the nation's capital of all but a few thousand convalescent soldiers, workers in the government bureaus, and a handful of militia.

The defenses of Washington consisted of 53 widely separated forts ringing the city. To properly man them and handle the heavy artillery required a force of 40,000 men.

At best in the summer of 1864, there were only 7,000 of these convalescents and scrub troops available.

Douglas Southall Freeman, probably the greatest historian of the Civil War from the point of view of the South, points out that following the death of Stonewall Jackson, there was not a commanding officer with sufficient audacity and sheer guts to tackle such an assignment as Lee offered him except the fiery Jubal Early.

From his thin Petersburg defense lines, Lee took 10,000 poorly equipped infantry of

whom two-thirds, including many company officers, were without shoes.

He also gave Early cavalry and heavy artillery units adding up to some 4,000 additional troops.

With this tiny force of 14,000 men, Early was given the assignment of invading Maryland, capturing either Baltimore or Washington, as seemed most feasible when he got to Frederick, and freeing 17,000 Confederate soldiers held prisoners of war at Point Lookout for whom he carried rifles in his trains so that they could support his attacks.

The invasion was so pitifully undermanned that, as usual, the northern intelligence refused to credit the slimness of the force.

Detectives attached to Grant's Army reported to Washington that Early was invading with 35,000 trained troops and 15,000 cavalry, although anyone with even a superficial knowledge of the military situation of the South in the summer of 1864 would have known this to be impossible.

Early advanced rapidly over the soft dirt roads of Virginia which proved no hardship to his shoeless troopers, all of whom planned to get re-shod in Frederick.

He crossed his army over the Shepherdstown and Williamsport fords of the Potomac and attempted to capture the Union army of General Franz Siegel at Harpers Ferry.

Siegel's Germans—"I fights mit Siegel"—hastily evacuated the town, however, for the commanding Maryland Heights and Early knowing that occupancy of Harper's Ferry was impossible without command of the Heights abandoned his efforts and headed for Washington by way of Boonsboro, Middletown, and Frederick.

He diverted General John McCausland's cavalry long enough, however, to make a dash for Hagerstown, where on a threat to burn the town they collected $20,000 in gold from the frightened citizens.

It is time now to turn to the defensive efforts of the Union forces in Maryland and Washington.

In command at Baltimore was General Lew Wallace of Indiana, much more famous and successful later as a novelist—he wrote "Ben Hur"—than as a field commander.

Although commanding the department of Baltimore, he had less than 2,500 soldiers, most of them inexperienced, as Grant, again, had tapped the trained men for service at Petersburg.

Receiving word from Washington that Early was on his way up the Valley with his invasion army, General Wallace, small as his force was, at once entrained for Monocacy Junction at Frederick.

He realized that it was at Frederick that Early would have to tip his hand and indicate whether he contemplated an attack on Washington or Baltimore.

Here he established his headquarters at a block house beside the Baltimore and Ohio Railroad bridge and hearing that Col. David R. Clendenin, in command of some 236 Union cavalry troops, was scouting at the mouth of the Monocacy, he sent for him, informed him of Early's expected arrival, and ordered him to advance to the peaks of the Catoctin and attempt to check the Confederate army outside Frederick until reinforcements could arrive.

Col. Clendenin went out the National Road to the peak of the Catoctins and looking over the Middletown Valley saw Early's advance troops consisting of General Bradley T. Johnston's cavalry advancing from Middletown.

There was a slight clash between the opposing horsemen, but Col. Clendenin, obviously out-classed, finally had to disengage and retreat into Frederick City.

Fortuitously during the ensuing night, the Sixth Division of Grant's Army led by Gen. James R. Rickets and comprising some 5,000 seasoned troops, which had landed in Baltimore from their transports from the James River, came immediately to Monocacy Junction to swell General Wallace's little army.

What had appeared hopeless before, now gave promise of at least inflicting some damage on the invaders and possibly changing their minds about continuing to either Washington or Baltimore.

General Wallace determined to give battle. He posted Rickett's seasoned troops on the hills and bluffs overlooking the Monocacy southwesterly from the old wooden bridge over what is now Route 355 or the Washington Turnpike and his line of battle extended for about a mile.

The 2,500 un-seasoned troops and militia which General Wallace had brought with him initially he formed in line of battle to defend the main road to Baltimore, giving them what he considered a less dangerous post as he believed, and correctly as it eventuated, that Early aimed at Washington and not Baltimore.

They had not long to wait. On the morning of July 9 as the sun came up in a huge ball of fire presaging one of the hottest days of the summer, General Early's army was firmly in possession of Frederick City.

His bare-footed troopers at once raided every shoe store in the city and remedied this deficiency at the expense of the Frederick merchants who had to take their pay for the shoes in worthless Confederate money.

Meanwhile the commanding general had not been inactive. Hastily calling the mayor and city council into his tent he informed them that unless they immediately paid him $200,000 in gold as tribute that it was his intention to burn the city.

With the more or less willing co-operation of the city's banks, the Frederick officials assembled the $200,000 and paid it over, thereby incurring a municipal debt which was not paid off for nearly a century.

Closely interrogating the few southern sympathizers in Frederick City whom he could contact, General Early was told that General Wallace was in his pathway at Monocacy Junction with 2,500 men, but unfortunately for him, his informants were not aware of the arrival during the previous night of Rickett's seasoned 5,000 veterans.

Shortly after 9 A.M., General Early sent his artillery out of Frederick City towards Monocacy Junction and when they reached a commanding eminence they opened fire at random on the southern banks of the river.

One of the shots opening the battle struck a blockhouse along the railroad line and killed two men of the 151st New York Regiment who were stationed there with a small company as sharpshooters.

Under cover of his artillery, Early now dispatched a skirmish line toward Washington on the fields of the present battlefield.

He also dispatched sharpshooters who took possession of a barn on the Best farm located on the west side of the Monocacy a short distance from the wooden bridge on the turnpike to Rockville and Washington.

Still under the illusion that he had only to contend with the untrained militia assembled by Gen. Wallace as he had been told by the southern sympathizers in Frederick City, Early viewed the impeding battle as merely a matter of brushing aside a few pestiferous flies and pushing on to Washington where the gold in the Treasury Department inflamed the desires of both he and his little invasion army.

The sharpshooters proceeded to make it very uncomfortable for the some 300 members of the 10th Vermont Volunteers who General Wallace had located near the wooden bridge over the Monocacy.

Meanwhile the Union general was still not positive that the thrust was to be at Washington instead of Baltimore. Great clouds of dust arising from the Baltimore turnpike had obviously been thrown up by either the cavalry or infantry of Early's forces. If it was the former, it merely denoted a raid, but if it was infantry, the skirmishing along the Washington turnpike might be merely a feint to mask a drive at Baltimore.

Within an hour Union sympathizers from Frederick City making a wide detour to escape detection by Early's forces rode up to General Wallace to inform him that the dust on the Baltimore Turnpike was caused by the latter's dispatching of Generals Rodes and Johnston's cavalry toward that city in an attempt to reach and free the 17,000 Confederate prisoners at Point Lookout.

This confirmed the Union general's original thesis that Early's raid was aimed at the jackpot—Washington—not only the nation's capital but also the repository of its cash to wage war, the home of its President and the one city whose capture might so dishearten the North that immediate peace would be offered.

Particularly, reflected Wallace, was this true if Early carried out his announced threat of burning both the Capitol Building and the White House as the British had done in the War of 1812.

And General Wallace had also been informed by emissaries from Washington sneaking into his lines the night before that a steamer under forced draft waited in the Potomac to take President Lincoln and his entire Cabinet to Philadelphia if Early managed to overcome the pitiful convalescents in the forts ringing the city.

Wallace's thoughts were not very optimistic as he waited for the mounting Early attack to hit his 2,500 militia guarding the wooden bridge over the Washington turnpike and the 5,000 seasoned men commanded by General Ricketts laying down in the breast high corn growing so lusciously in the fields on the west side of the Monocacy toward Frederick City.

The morning wore on with the skirmishing line of Early pushing further out from Frederick and nearing the banks of the Monocacy.

Just before noon with the aid of his powerful glasses General Wallace could make out a long line of infantry led by a band and proudly flying their regimental flags filing out of their camp grounds in Frederick City toward the flat farmlands bordering the Monocacy about two miles away where battle was about to be joined.

Meanwhile occupants of the farms in the immediate pathway of the converging armies had all taken refuge in the stone basements of their homes.

A nine-year-old boy, Glenn H. Worthington, who was many years later to be a judge of the Frederick County Circuit Court and write the history of the battle as he viewed it from a basement window of his farm home, relates that as soon as the large contingent of Confederate infantry was observed by General Wallace that he became convinced that it was time to destroy the wooden bridge over the Monocacy on the Washington Turnpike.

Kindling had been previously gathered by some of the 2,500 militia converged at this strategic crossing and in a matter of minutes the bridge was a mass of flames.

Wallace had been unable to do anything to impede passage over the stone Jug Bridge on the Baltimore Turnpike because of its construction but he had cut the main link to Washington at its intersection with the turnpike which is now Route 355.

Observing the fire, Early and his lieutenants in command of the infantry halted for a council of war.

They at once determined that they would now have to locate the various fords of the Monocacy and after driving back what they still thought merely an insignificant militia force barring their way gain access to the Washington road by this method.

While the Confederate infantry waited for orders, Early sent General John McCausland

with some 1200 picked cavalry troops to force the ford on the Worthington farm.

Because the growth of brush and trees on the western side of the Monocacy was rather dense until it reached the lush fields of growing corn on the Worthington farm, McCausland was screened from General Rickett's 5,000 men of the Sixth Division who were posted on the edge of the river to prevent a crossing at the Worthington Ford.

Anticipating a brief "brush" and a conclusive breakthrough, General McCausland dismounted his cavalry, leaving one third to hold the horses of the 800 with whom he prepared to attack on foot.

With only their general and his flag-bearer mounted, the McCausland troops proceeded their charge across the cornfield between the Worthington and Thomas farms.

Here, lying down in the corn behind the dividing fences, were stationed the 5,000 seasoned and tense troops of General Ricketts, who, the only mounted figure visible on field, sat his horse as impervious to nerves as a wooden statue.

McCausland's men, unsuspicious of danger, came on rapidly.

Other than a quiet "steady now, men," General Ricketts said nothing, until the attacking force had reached a position less than 150 yards from the division fence behind which his troops lay.

Then with a quiet, "Give it to them, boy," the general gave the order which caused all of the Union troops to jump to their feet and fire point-blank into the advancing cavalry of McCausland.

The result was slaughter. John Worthington, father of the battle's historian, who observed it from the sanctuary of his nearby barn called it in after years, "a massacre."

With the terrific firepower of the Union veterans, McCausland's charging cavalrymen were completely blotted from view by the powder smoke resulting from their heavy fire. Scores were killed outright. Others were gravely and sometimes mortally wounded.

According to Worthington, who was an unwilling witness to the tragic scene, frightened Confederates dragging their muskets, cursing, and in some instances crying fled the field and retreated back to the barn in which he was hidden in the hayloft.

Many of them accused their officers of leading them into an "ambush" and swore that they would make another attempt to gain the Washington road.

It was sometime later and the day was advancing before General McCausland and his officers were able to rally the survivors for another attack but in this they were repulsed with still more serious losses.

"Militia, Hell," the surviviors indignantly shouted at McCausland as they again rallied but in diminished numbers in the Worthington barnyard. "Them's veterans!"

While General McCausland's abortive attempts to reach the Washington road had both been unsuccessful, they served the purpose of point out to General Early where the major opposition forces were located at the Worthington ford.

He at once instructed Major General John J. Breckenridge, a former vice president of the United States, to bring up the division of General John B. Gordon and with a heavy infantry attack achieve that which the cavalry had been unable to accomplish.

Gordon's men made an impressive sight as they filed out of Frederick City down to the Buckeystown Road and then assembled for the attack through the bloody cornfields of the Worthington and Thomas farms.

The Worthington meadows provided a fine place for General Gordon to maneuver his troops into position for the attack. The slender and dynamic Georgian was in his element as he delivered an eloquent address to his soldiers, who were also mostly from Georgia, and charged them to fight for the honor of their state.

The Confederates moved forward spiritedly with their customary blood-chilling Rebel yell but like McCausland they met with a savage repulse.

Brigadier General Evans leading the advance was mortally wounded as he tumbled from his horse and as the confused survivors retreated the bodies of some 50 dead Confederates and more than 100 badly or mortally wounded men lay in the corn.

General Gordon at once sent a courier to General Early at his observation post midway between Frederick and the battlefield asking for reinforcements and General Terry was sent forward with an additional 5,000 infantry.

It was the impetus of this new force bolstering the lines of General Gordon after through General Rickett's defenses and forced him into a stubborn retreat toward Urbana.

Fighting vigorous rear-guard actions, the Union troops surrendered the field, with Rickett's troops trying to cover Washington and General Wallace moving backward toward Baltimore.

The carnage on field was horrifying to behold. According to Judge Worthington, who with the impetuosity of any nine-year-old boy, was all over the field, more than 50 Union dead lay in the yard of Gambrill's Mill. Another Union Hospital was set up at the nearby Yaste property and couriers raced into Frederick City with urgent pleas for surgeons and nurses.

A Confederate Field Hospital was also set up on the Worthington property. The Confederate slain was particularly high in officers. Their total butcher's bill for the four charges through the corn came to 245 killed and 434 wounded.

The Federal death toll was 123 and they had 603 wounded and missing in action.

While General Early was anxious to be on his way to Washington, it required the remainder of the day to bury the dead and give such aid as was possible to the wounded.

He then made the bitter decision to abandon his wounded on the field and trust to the kind-hearted people of Frederick City to care for them. Time was running out for Early in his bid to capture Washington and ambulances loaded with wounded would have still further bogged down his march.

It was dawn, however, before the battered invasion army of General Early resumed its trek to the nation's capital.

Under the rays of another scorching sun which cost him several hundred stragglers en route and an early halt for the night at Rockville, the Confederates received by spies from Washington City the disquieting news that on the previous day the remainder of the veteran Sixth Division from Petersburg had arrived by steamer at the Potomac Wharfs and were starting their disembarkation and march into the forts ringing Washington.

This was bad news for General Early but he determined to push on from Rockville by Viers Mill Road the following day and passing through Silver Spring get as close as he could to Fort Stevens on Georgia Avenue in Washington and by pushing forward a skirmishing line determine just how strongly the city was held.

As he approached the fort the following day, however, Old Jube found his worst fears confirmed.

As he says in history which he wrote in his declining years:

"I determined to make an assault but before we could carry it out a study of the fortifications and their strongly manned parapets disclosed that the enemy had been strongly reinforced.

"I knew that they had been strongly reinforced with the entire Sixth Division of Grant's army and after consultation with my division commanders, I became satisfied that such an assault, even if successful, would be attended with such sacrifice as would insure the distruction of my whole force before victory could have been attained.

"And if unsuccessful, I would have equally lost my entire army. I, therefore, reluctantly determined to withdraw."

After burning the summer home of Postmaster General Montgomery Blair in Silver Spring, and rounding up more than 1,000 cows and 500 horses from the lush Montgomery County farms, Early retraced his steps crossed the Potomac at White's Ford, and although lackadaisically followed by Union troops, made his way unmolested down the Valley of Virginia to Staunton.

The loss of a day at the seemingly inconsequential Battle of the Monocacy had deflected his aim.

The significance of the battle in the history of the Civil War has not gone unnoticed by historians. In fact, they have given it a higher rating as a strategic victory of great importance to the North than have the people of Frederick County.

In the late 1800's Congress passed a totally inadequate appropriation of $5,000 by which part of the Monocacy Battlefield was acquired and over the years various energetic and patriotic Frederick citizens have tried to have it set apart as a park but their efforts have been futile.

On the scene of the conflict the States of New Jersey, Pennsylvania and Vermont erected monuments to the memory of their brave men who gave their lives in the cornfield that the nation might live.

And on the 100th anniversary of the Civil War, the Daughters of the Confederacy dedicated a monument to the soldiers of the South on the verge of Route 355 on the edge of the battlefield.

Although the slain of both sides were first buried on the scene where they fell, they were later transferred to Mount Olivet Cemetery, where they sleep side by side untroubled by the division of the nation which the past century rather than healing seems to have accentuated.

As previously related, Frederick City paid a $200,000 ransom to save the community from the torch and over the years the city government has again and again implored Congress to repay the money. In the past all such efforts have been in vain.

But at the request of the Mayor and Board of Aldermen, Senator Charles McC. Mathias and Congressman J. Glenn Beall Jr. have filed a new bill. Under its provisions the city would receive not only the original $200,000 but the accumulated interest of the past 106 years totalling to a tidy sum just under $1 million.

Times have changed. Money seems to be much freer on Capitol Hill than it was in the dying years of the last century. Who can tell? Miracles sometimes happen and the Mathias-Beall bid may yet bring Frederick City an unanticipated bonanza.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. GRAVEL). Is there further morning business? If not, morning business is concluded.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. GRAVEL). The Chair lays before the Senate the unfinished business, which the clerk will state.

The bill clerk read as follows: The report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SHOULD DEFEAT UNCONSTITUTIONAL DISTRICT OF COLUMBIA CRIME BILL

Mr. YOUNG of Ohio. Mr. President, the District of Columbia faces a crime crisis of momentous proportions. Serious crime is increasing at the rate of more than 20 percent a year. District residents and tourists visiting the Nation's Capital fear for their lives. Streets in the downtown area are virtually deserted after dark.

Strong and effective action is needed to meet this mounting crisis. Those of us in this Chamber are painfully aware of that. All of us work in the District of Columbia. Most of us live here. Members of our families and our staff members have been among the victims of crime.

Every Senator wants to see the crime rate fall. All of us hope that the Nation's Capital, which is one of the most beautiful cities in the world, will once again be a safe place to live and work. We are not debating whether something should be done about crime. We are debating what should be done about crime.

The Senate acted wisely last September, just 2 months after President Nixon submitted his recommendations, by enacting constructive and comprehensive court reorganization legislation. Since that time the bill has been twisted into almost unrecognizable form by the House of Representatives and only partially salvaged by conference committee. The result is that the Senate court reform bill has been emasculated of its meaningful provisions and fused onto a virtual Pandora's box of repressive, vindictive, unconstitutional legislation.

The District of Columbia crime bill in its present form contains, among other things, authority for preventive detention of those who might commit a crime if released on bail, extremely permissive authority for no-knock searches, broad and general wiretap provisions, stiff mandatory sentences, and cruelly vindictive juvenile offender procedures. This bill, as reported by the conferees, is bad legislation. No hysteria over rising crime rates can justify its passage.

Perhaps the most dangerous and offensive aspect of the bill before us today is the so-called preventive detention provision. This blatantly unconstitutional proposal authorizes the imprisonment and punishment of persons for crimes which they have not yet committed and may never commit. It is totally repugnant to American tradition. It is a clear violation of the fifth, sixth, and eighth amendments to the U.S. Constitution.

Mr. President, we Americans have every right to be proud of those first 10 amendments to our Constitution which we affectionately term the Bill of Rights. They were written on the demand of those patriots who had fought and won the War for Independence. When the Constitution was first drafted and reported there was an uproar from the home of every patriot who had fought in the Revolutionary War. No ratification of the Constitution could have suceeded except by the adoption of the Bill of Rights, which is so dear to all American people.

The fifth amendment clearly states that:

> No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law.

Preventive detention is a flagrant violation of that guarantee of due process. The most fundamental principle of due process is the presumption that a man is innocent until proven guilty beyond a reasonable doubt. Under our system of justice, the Government cannot deprive a man of his liberty, and should not deprive a man of his liberty, on the basis of a mere accusation or assumption that he has committed a crime or is likely to do so.

However, the proposed preventive detention law will permit the imprisonment of individuals on the claim of probable guilt and dangerousness and the jailing of those individuals for 60 days without trial. Suspects, regardless of the court's ultimate verdict, will have been jailed not for actual crimes but for crimes a judge thought they might commit if permitted to remain free.

Mr. President, these are the tactics of a police state. They are totally foreign to our concept of justice.

The right of an accused person to have the effective assistance of counsel for his defense, clearly provided in the sixth amendment, would be virtually destroyed by preventive detention. Access to counsel and the opportunity to participate in preparing a defense would be severely restricted. The measure provides for a suspect's temporary release "for good cause." This provision is meaningless, however, because release is only at the pleasure of the custodial official while the accused is in the custody of a U.S. marshal—a condition hardly conducive to contacting a lawyer or prospective defense witnesses.

Perhaps the most direct affront to the Constitution of the United States inherent in preventive detention is its disregard of the eighth amendment, which guarantees that "excessive bail shall not be required."

Bail has traditionally been used to assure the appearance of a criminal suspect at trial. If bail is set at a level higher than necessary to insure appearance of a criminal suspect at trial, it is obviously excessive.

With the preventive detention rule, a suspect would not have the opportunity for any bail whatever—whether excessive or not. Excessive bail and preventive detention are therefore identical in effect. They constitute an equally unjust and unconstitutional assault on the eighth amendment.

Preventive detention is manifestly unconstitutional. Furthermore, assuming for the sake of argument that it would be sustained by the courts, it is an impractical procedure and contrary to sound law enforcement procedures.

The most crying need in the fight against crime is reform of our court systems. Speedy trials, firm determination of guilt or innocence, and swift sentencing for the guilty would do more than anything to cut into the growing crime problem.

Mr. President, as a former chief criminal prosecuting attorney of Cuyhoga County, Ohio, who has tried hundreds of murder cases, I know something about criminal law. In 1 year alone, in the court of highest jurisdiction in Ohio, the common pleas court, I tried 218 felony cases, including murder, manslaughter, robbery, and rape cases. Those 218 cases went to the jury. So I know something about criminal law.

As a former chief criminal prosecuting attorney of Cuyahoga County, Ohio, I believed then as I do now that certain punishment like a shadow should follow the commission of a crime. Yet, the preventive detention procedure would add special hearings onto the already clogged court calendars. The practical effect would be devastating. The overwhelming majority of criminals not being detained would roam the streets longer as court backlogs increased. Justice would be delayed even further. Justice delayed is justice denied. Presently in the District of Columbia courts, justice is too long delayed in many, many instances.

Mr. President, officials of the Law Enforcement Assistance Administration of the Department of Justice have released an enlightening and informative study on bail reform. This study was initiated by officials of the Justice Department many months ago after they had proposed its preventive detention legislation. Usually, officials in any administration search out the facts, assess the problems, and then develop a legislative solution to meet them. In this case, the Justice Department and the Attorney General, a Wall Street lawyer, and senior partner of the President of the United States, an expert on municipal bonds—who as a lawyer never appeared in court to try a criminal case or to prosecute a criminal case—did just the reverse.

Attorney General Mitchell and his underlings, in effect, shot an arrow into the air, and then worked feverishly to paint a target around the spot where the arrow landed.

Interestingly enough, the Justice Department study proves just the opposite of what Department officials claimed. The study shows that of all persons charged with felonies, only 7 percent are rearrested for a second felony. Only 5 percent of those originally charged with a violent crime are rearrested for another violent crime.

The figures apply, of course, to arrest

only. The rates for actual guilt and conviction of the crimes charged would be even lower, because frequently juries, in their wisdom, bring in verdicts of not guilty.

If preventive detention is enacted into law, judges will be placed in the position of determining the one person out of every 20 or 25 accused who they believe may commit a second felony or violent crime. No mere mortal can be expected to perform such an act of prophecy. It is an immense power which our judges have never had and should not now be given.

Mistakes would certainly be made. Those who would be jailed under false pretenses would suffer irreparable harm. Sixty days of detention prior to trial would in most cases cost the individual his livelihood. Absence from home would severely cripple family relations. Worst of all, subjection to the physical and psychological degradation of jail life would create criminal tendencies, or aggravate any such tendencies which exist.

Crime in the District of Columbia is a serious problem requiring strong, effective legislation. No Senator or no Representative feels more strongly than I that such legislation should be enacted into law as soon as possible. However, the crime problem will not be solved by unconstitutional laws designed to fulfill election promises which should never have been made. It will not be solved by abandoning the Bill of Rights.

Mr. President, preventive detention would not prevent crime; it would only prevent justice.

Even if preventive detention were the only flaw in the District of Columbia crime bill, the Senate would have good reason to defeat that bill. But it is not. The crime package reported by the conferees contains a rash of other ill-conceived and ill-advised features. Many of these were considered before by the Senate District Committee and were wisely rejected. Many others have never before been presented to the Senate at all.

One of the most dangerous of these provisions is the section which authorizes no-knock searches and seizures. Over hundreds of years man has treasured the right to privacy in his own home. Our long common-law tradition has guarded this right. In the early days of the common law, the principle was laid down that a man could use any means necessary to prevent another person from intruding on his home without his consent. Those patriots who drafted our Bill of Rights strengthened the common law provisions by guaranteeing in the fourth amendment to our Constitution:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

If we enact the District of Columbia crime bill with its no-knock authority, we will be making it legal for officers of the law to enter the homes of our citizens in the same manner that burglars enter them. The conference bill does not merely codify existing no-knock procedures as its supporters claim. Rather, it authorizes no-knock breaking and entering under new and far broader circumstances than have previously been recognized. No-knock entry would be authorized where circumstances at the time of breaking and entering would give an officer probable cause to believe that notice is likely to result in the evidence being easily and quickly destroyed or disposed of, is likely to endanger the life or safety of the officer or another person, is likely to enable party to escape, or would be a useless gesture. Using these flimsy standards of probable cause and likelihood, the number of no-knock entries by police is certain to increase substantially, bringing on all the dangers of shoot-outs between police and citizens seeking to protect their homes from unknown intruders. In 1958 in the case of Miller against the United States, the Supreme Court declared:

> Every householder, the good and the bad, the guilty and the innocent, is entitled to the protection designed to secure the common interests against unlawful invasion of the house. The petitioner could not be lawfully arrested in his home by officers breaking in without first giving him notice of their authority and purpose.

Mr. President, this bill very savagely denies to Americans the right to believe that their home is their castle. We derive our law largely from England. William Pitt was a man who recognized that eternal vigilance was the price of liberty. He stood on the floor of Parliament and opposed a proposal to allow no-knock entry on the around that it was necessary to enforce the tax laws of England. He said that a man's home is his castle, and he proclaimed that:

> The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter, the rain may enter,—but the King of England cannot enter; all his forces dare not cross the threshold of the ruined tenement!

That is something precious that we have inherited from England, and yet this proposal would destroy it. That wise judgment, affirming hundreds of years of common law and constitutional principles, should certainly not now be abandoned.

S. 2601 as reported by the conferees contains wiretap provisions far broader than those passed by the Senate. The Senate sought to follow the pattern set forth in previous legislation. However, those guidelines are almost completely disregarded in the conference bill. The legislation before us today authorizes governmental intrusion into traditionally privileged conversations between doctor and patient, lawyer and client, priest and penitent. The minimum additional evidence which might be obtained in this manner cannot be worth the coarse and unconstitutional invasion of privacy that would be involved. Wiretapping and other forms of electronic eavesdropping, except under the most strictly controlled circumstances and in the most serious of cases, have no place in a free society.

The provisions of the District of Columbia crime bill which deal with juvenile offenders are blatantly hostile to any reasonable concept of justice. The legislation before us today is completely opposed to the important goals of fair, speedy, and enlightened processing of juvenile offenders and their meaningful rehabilitation. This is not a model bill for juveniles but a repressive and regressive step back into the dark ages. We in the Senate should seek to protect the teenagers of the District. We shall not be doing that if we enact this bill in its present form.

The conference report excludes young people between the ages of 16 and 18 from the jurisdiction of the proposed family division of the superior court if they have been charged with murder, forcible rape, burglary, armed robbery, or assault with intent to commit any such offense. No prior finding of delinquency for serious crime is required. This provision denies the young man or woman an opportunity to be rehabilitated through the specialized juvenile court. The fact is that to imprison a 16- or 17-year-old with adult criminals in adult penal institutions would virtually assure that no rehabilitation will take place.

Hours could be spent delineating the barbaric juvenile provisions in this bill. Preventive detention of juveniles is authorized with only the most meager procedural safeguards. The long standing right of a child to demand a jury trial is completely eliminated. No father, mother, or relative whose child is arrested would have under this bill, if we pass it, the right to demand for that child a jury trial.

Though a juvenile would probably require legal assistance more than an adult, no guarantee is made of the right of a child to be represented by counsel at every stage where such representation may be needed.

The conference bill makes no firm provision of prompt treatment for juvenile offenders. It would allow a continuation of the long incarceration of juveniles with all the accompanying ill effects of such detention. Many young offenders, detained under shocking conditions, may be lost forever to a life of crime because their cases are not considered promptly by an enlightened juvenile court.

Another area in which the conference bill is seriously deficient is that of criminal insanity. Under this bill a defendant who is acquitted by reason of insanity must be automatically committed to a mental hospital, regardless of his present mental condition and without a new judicial inquiry into his sanity at the end of the trial. A sane person may be automatically confined in a mental institution solely because he has raised a reasonable doubt as to his sanity at the time of an offense which may have occurred many years before. In addition, the burden of proof on the issue of insanity is taken from the prosecution—where it has been for hundreds of years—and is placed on the defendant. The prosecution will no longer be required to prove the defendant's capacity to commit the crime beyond a reasonable doubt. If this bill in its present form is passed, the defendant will have to prove that he lacked the ca-

pacity to commit the crime. This provision runs directly counter to the hallowed American tradition which assumes that man is innocent until proven guilty. This constitutional guarantee was reaffirmed earlier this year by the Supreme Court ruling in In re Winship that the prosecution must establish beyond a reasonable doubt every fact necessary to constitute the crime charged.

Mr. President, I could go on and on. Virtually every criminal procedure section of the conference report provides a variety of new possibilities for subverting individual liberties.

These measures can make no real contribution to the fight against crime. They are nothing more than hysterical shots in the dark.

Mr. President, I fervently believe that in the District of Columbia there are ample criminal statutes providing adequate punishment for persons convicted of or pleading guilty to committing crimes. One problem is that too many judges fail to show sufficient backbone and integrity in imposing sentences against defendants who have been proven guilty beyond any reasonable doubt.

Early in 1966 Laurence D. Chappel, who is regional manager of a foodstore chain and who has a bad traffic record of reckless driving, was operating his automobile on the wrong side of Connecticut Avenue shortly after midnight. The headlights were not on. According to eyewitnesses, including members of the Police Department, he was driving his car at an excessive rate of speed, and he disregarded a red traffic light and crashed directly into a taxicab injuring the cabdriver and four passengers. Dr. George Crile, an outstanding surgeon from Cleveland, sustained internal injuries which appeared at the time to be fatal. Three surgeons from Cleveland were flown into Washington to assist him. They reported that his life was saved only because of the fact that he was an athlete and in fine physical condition before the accident. Mrs. Crile, a daughter of Poet Carl Sandburg, was also seriously injured. Two other passengers in the taxicab sustained severe head cuts.

According to eyewitnesses, Chappel drove recklessly an additional six blocks before he was stopped by police officers. The case against Chappel was prosecuted vigorously. The jury, having heard all the evidence, found him guilty of drunken and reckless driving, leaving the scene of an accident, and driving on the wrong side of the avenue. Yet, despite the preponderance of evidence and the jury verdict, the trial judge imposed no jail sentence whatever.

Laurence Chappel did not spend 1 day or even 1 hour in jail. Chappel, or the corporation that employed him, paid out some $1,500 in fines. If Laurence Chappel had been a black man or a laborer rather than a grocery chain executive, it is doubtful his punishment would have been a mere slap on the wrist for very seriously injuring five persons by his wanton criminal and reckless acts in violation of the law.

Mr. President, developing an effective response to the problem of crime in the Nation's Capital will be exceedingly difficult. It will require diligence, hard work, understanding, and a willingness to commit a far greater share of our resources. The problem will not be solved by enacting irresponsible legislation that defies our Constitution and our greatest national traditions. We can pass the conference report on the District of Columbia crime bill and go home and tell our constituents how tough we are in dealing with crime. But we would only be deluding our constituents and ourselves.

Mr. President, let us refrain from the temptation to give another kick in the teeth to the already besieged residents of the District of Columbia. Let us live up to our responsibilities by defeating this Pandora's box of repressive legislation and then get on with the work of enacting meaningful court reorganization legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SPONG). What is the will of the Senate?

Mr. YOUNG of Ohio. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, my colleagues have been discussing in some detail a number of the questionable provisions in the District of Columbia crime conference report—preventive detention, mandatory minimum sentences, and certain changes in the juvenile code. These are all parts of the bill which make it impossible for me to give it my support. Today I want to discuss yet another section of the bill which I believe to be bad legislation—the section dealing with wiretapping.

In 1958—12 years ago—I came to Capitol Hill to testify at hearings on "Wiretapping, Eavesdropping, and the Bill of Rights" before the Subcommittee on Constitutional Rights, then chaired by the late Senator Thomas Hennings of Missouri.

At that time I was circuit attorney of the city of St. Louis, then the eighth largest city in the country—a city with many of the same law enforcement problems as the District of Columbia. I came to testify as one of the very small minority of prosecutors opposed to wiretapping legislation.

Let me stress that I was well aware of the practical arguments in favor of electronic eavesdropping. I had heard the stories of cases broken with the aid of electronic eavesdropping and I had no doubt that some criminals could be apprehended as a result of it.

But, on balance, it seemed to me then—as it does today—that the good derived on the one hand simply did not outweigh the serious threat to civil liberties on the other.

Today much of what I said then continues to be valid. My statement then—it was May 22, 1958—was, in part, as follows:

> In the history and spirit of the Bill of Rights is the proposition that every person is entitled to a measure of privacy. These basic constitutional amendments insulate the individual from the vast powers of Government. They protect his right to communicate his thoughts freely. The Bill of Rights guarantees every person that he will not be deprived of his liberty without due process, and we know that this liberty includes freedom from arbitrary governmental interference in his normal activities.
>
> Wiretaping is an attack on this privacy. It removes the insulation between individual and government. Wiretapping hinders his freedom of communication and invades his liberty. In this sense, wiretapping constitutes an attack on the spirit of the Bill of Rights. Anything so out of harmony with our basic notions of constitutional rights cannot help but constitute a serious threat to all our constitutional rights. To view the problem otherwise is to take a highly technical and formalized view of constitutional rights.

In the 12 years since I delivered these remarks the country has seen many changes, but the requirements of the Bill of Rights have not been altered. Nonetheless, in the 1960's, technological advance and an absence of public watchfulness combined to allow successive encroachments on this fundamental right to privacy.

We have learned, for example, that our Federal tax returns—long thought to be confidential—are available to inquirers for a broad range of purposes—even purely political ones.

We have learned that Government investigators scrutinize the card files of our libraries looking for the names of borrowers of certain kinds of books.

We have learned that an impressive array of Government computers is used as a storehouse of information of all kinds on so-called persons of interest.

And, in 1968, Congress gave legal authority to Federal law enforcement officers to use electronic eavesdropping in certain cases under court order.

I am aware, of course, that we are not here today to debate the wisdom of title III of the Omnibus Crime Control and Safe Streets Act which grants this wiretapping authority to Federal officials. The fact is, they have that authority.

The question presented by this conference report is whether we want to extend that authority in the District of Columbia to local law enforcement officials as well.

In my view we do not.

Let us look at the practical effects of this bill as well as the constitutional objections.

What we are asked to do in this session of Congress is to deal legislatively with the very serious problems of street crime in the District. But electronic eavesdropping is not an appropriate tool for combating street crime.

Purse snatchers do not plan their activities on the telephone. They take advantage of opportunities as they are presented.

Nor do vandals plan by telephone to destroy property.

Yet the conference report gives the Chief of Police of the District the authority to seek court orders to eavesdrop

in cases of this kind. Street robbery, burglary, and destruction of property—offenses not in the Senate crime bill but accepted by the conference—are peculiarly individual offenses. They do not involve concert or conspiracy, and they are unlikely to be planned over the telephone wires.

If we must have legalized wiretapping, let us make every effort to limit it to situations in which we can expect some positive results. A case can be made for electronic eavesdropping in cases involving organized crime—particularly in the area of narcotics traffic, which is directly related to street crime. But surely these powers should not be extended to local police chiefs in such breadth as to cover the general range of crimes committed on the streets.

We must never become casual about intercepting telephone conversations. In this modern electronic age, the telephone has replaced the backyard fence as the chief medium for conversational exchange. As such, these exchanges are fully deserving of protection from unwarranted intrusion.

It is not enough to argue that because one set of officials can intercept our telephone conversations, we have no cause to prohibit a second set of officials from doing the same. I firmly believe that the extension of the wiretap authority to local officials increases still further the possibility that unwarranted eavesdropping will occur.

The extension of wiretap authority to the Metropolitan Police Department cannot stand on its merits. It will have a negligible effect on the problem of street crime in the District and, on the negative side, will pose a threat to the precious rights of privacy and free speech which every citizen of this country should enjoy.

The District of Columbia crime substitute measure has completely eliminated the wiretap sections of the conference report. In my view, that is yet another reason for Members of the Senate to oppose the conference report and support the substitute measure.

I will close with a quote from Justice Brandeis, as I did in 1958, because it seems to me to apply with equal force to the issues before us now, 12 years later. Justice Brandeis wrote:

> The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning, but without understanding.

Taking the warning of Brandeis to heart, I do not want to be overzealous and infer that our democracy will crumble if wiretapping is extended. Such is not the case. However, one more democratic safeguard will have been eroded.

Mr. MOSS. Mr. President, I shall vote to ratify the conference report on the District of Columbia crime bill.

It has not been an easy decision. I have doubts about the wisdom and constitutionality of several of the bill's more controversial provisions. On previous occasions I have voted against no-knock and the question of preventive detention has never previously been before the Senate. I would prefer that these two provisions not be in the bill.

But we must face legislative reality. If the Congress is this year to overhaul the archaic and hopelessly inadequate court system in the Nation's Capitol, we must do so with this bill now. The press of business makes it virtually impossible to get another District of Columbia crime bill through both houses of Congress this session.

If no-knock and preventive detention are unconstitutional, then the courts will nullify these provisions without throwing out the entire legislation as we would have to do here in Senate. No doubt a court test of these provisions can be arranged quickly. Unfortunately another crime bill without these controversial provisions cannot be arranged very quickly.

The citizens and visitors of the District of Columbia cannot wait. Unchecked crime ravages the streets and homes of Washington every day and every night. People are afraid. Look at the barred windows, the deserted nighttime streets, the empty stores, and the broken lives of the crime's victims.

Our primary concern must be for the potential victims of crime. Most of the victims of crime in Washington, by the way, are black, not white. These black people, who often cannot afford to escape to suburbs, are the ones who will suffer the most if the District of Columbia crime bill is not passed.

As a prosecuting attorney for 8 years, I dealt with criminals and the accused. I am sensitive to their rights. I know the single most important step we can take to protect the rights of the accused and to reduce crime is to speed up the bogged down judicial process. The court reform provisions in this bill will cut pretrial delays by 75 percent. The bill also provides for a 60-day trial guarantee which should mitigate against the dangers of pretrial detention.

In this imperfect legislative world we operate in, we cannot always have what we want. As I have indicated, I wish no-knock and preventive detention had been left out. If the House had not attached these controversial measures, we could have had an excellent District of Columbia crime bill many months ago. But we are faced with a choice of a bill with some bad sections or no bill at all. On that basis, I must vote to protect the victims of crimes. We simply cannot tolerate continued lawlessness.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba;

S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act;

S. 885. An act to authorize the preparation of a roll of persons whose ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Dockets numbered 314, amended, 314–E and 65, and for other purposes; and

S. 3685. An act to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

The Senate continued with the consideration of the report of the committee of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. MUSKIE. Mr. President, the Attorney General suggested to a congressional committee that "no-knock" had become a misunderstood catchword. He proposed that "no-knock" be renamed "quick entry."

I suppose that we should expect this sanitizing process to continue. Perhaps "wiretapping" should be renamed "acoustics assistance," and "preventive detention" might be more appetizing if we called it "delayed release."

The Attorney General should not try to fool the Congress, and Congress should not fool itself. No one can whitewash the provisions of wiretapping, no-knock, and preventive detention. They are bad no matter what they are called.

Mr. President, considering measures to control criminal activity is a delicate task for a legislature in a free society.

A local newspaper editorially suggested yesterday that this District of Columbia Crime Bill was an "acceptable legislative compromise." I cannot agree with that statement, and I caution my colleagues that the Bill of Rights is not something we should write off for the sake of a legislative compromise.

We are considering fundamental concepts of fairness, security, privacy, and individual rights. Horse trading here is inappropriate. It is as inappropriate for us today as it was for those who first demanded those rights in America.

At the same time, crime in America—street crime as well as organized crime—has not been effectively reduced in recent years. It has, in fact, increased. This is as true of the Nation's Capital as it is of America's other large cities.

In the District of Columbia the Congress has a clear responsibility to act to halt the rise in crime. At the same time, we can make the District a model for other cities. We can experiment, in a progressive manner, with new policies and programs aimed at restoring a sense of safety and security and freedom to go where one pleases, by day or night.

I think we all recognize that there is no good reason for delay in reporting out meaningful anticrime legislation. That is why I strongly support seven of the nine titles in the Conference Report of the District of Columbia Crime Bill.

The provisions dealing with court reorganization, the District of Columbia Bail Agency, the Public Defender's Office, and the Interstate Compact on Juveniles

are important contributions to law enforcement and should be approved by the Senate.

With some modifications, the provisions dealing with nighttime searches, criminal penalties, juvenile court procedures, moot and interlocutory appeals, and the insanity defense should improve the District's system of criminal justice.

These provisions may well serve as models to other communities faced with similar problems.

And so I have cosponsored amendments introduced by Senator ERVIN, and bills introduced by Senator GOODELL (S. 4080 and S. 4081), that embody these provisions of the conference report.

However, I cannot, in good conscience, accept the entire conference report itself.

For the provisions of the conference report dealing with wiretapping, with no-knock searches, and with preventive detention are—in my judgment—unwise and unnecessary infringements on our fundamental ideals of justice and freedom, our time-honored sense of privacy, and our constitutional Bill of Rights.

Because we must vote for or against all of the provisions of the conference report at once, this bill presents a difficult choice. We must ask ourselves whether this is an appropriate area for "legislative compromise" . . . whether we should look beyond "only a few" infringements on rights and liberties in exchange for much that is good.

The balance between what is right and what is wrong with the conference report is not a balance I can accept. It is not a balance that I would expect my constituents in Maine to accept. And it is not a balance which the citizens of the District of Columbia should be forced to accept.

We have a solemn obligation, in the Senate, to help preserve liberty as well as order, to show that we care about people as well as statistics, and to speak out about what we must not do as well as what we must do.

I think it essential that we keep in mind what the real and justifiable needs are in the field of law enforcement.

We must spend the money required to to provide better training, higher salaries, and more effective equipment for the police.

We must spend the money required to employ enough judges and supporting court personnel, so that the intolerable delays between arrest and trial—and between trial and appeal—become a thing of the past.

And we must spend the money required to reform, in a fundamental way, our penal institutions—so many of which have become breeding grounds of misery, and even more serious criminal behavior among the inmate population.

Our preoccupation with and our excessive commitment of resources to the SST, with the ABM, with military success in Indochina must stop—if we are to reverse the growth of crime in America by spending the money needed to do so.

We fool ourselves dangerously if we think we can improve our society and our way of life by endorsing the practice of electronic eavesdropping—by authorizing law enforcement officers to break into homes without warning—or by imprisoning persons in overcrowded jails while they are presumed to be innocent.

These are neither reasonable nor necessary law enforcement tools. They are instruments of fear. They are tools of repression. And they are measures which any free society must reject in no matter what guise they are presented.

WIRETAPPING

The wiretapping provision of the District of Columbia crime bill is unacceptable.

Until 1968, wiretapping was prohibited by Federal law. In that year, Congress authorized a limited exception to this rule directed at sophisticated criminal organizations, whose illegal activities often leave little physical evidence. This was considered necessary to unmask and prosecute organized crime.

The District of Columbia crime bill preserves and expands the exception but forgets the rule—the rule that we should protect and preserve our privacy. The bill authorizes electronic surveillance for arson, burglary, fencing stolen property, destruction of property in excess of $200 and second degree murder. And the bill authorizes it in advance of judicial approval.

I had serious reservations about extending Federal authority in this area in 1968. In fact, I voted for amendments limiting this expansion. I have even greater reservations about the inclusion of broad wiretap and bugging authorization for local authorities now.

I question whether crimes which are individual acts—rarely ones of concerted action or conspiracy—will be solved by electronic eavesdropping.

In many respects, the conference version of this bill is an improvement over the legislation originally passed by the House. Greater limitations have been placed on the scope of authority and on the use of these communications, and penalties are provided for the distribution of interception devices. The Senate also sought to limit the scope of criminal offenses covered, but ultimately were forced to recede.

However, I remain concerned over the potential widespread use of electronic eavesdropping and wiretapping. It is difficult to underestimate the number of people who will be subjected to government surveillance. How may third parties, not involved but merely mentioned in conversations, suppress information which could damage them and their reputations?

For every criminal heard by our official eavesdroppers, dozens of innocent people will have their privacy violated. For every shred of evidence gleaned, dozens of dialogs will be recorded imparting unfounded gossip, confidential communications, or scandalous—though noncriminal—information.

This is too high a price to pay. This is hardly an acceptable legislative compromise.

Under this proposed section, any law enforcement official may wiretap or bug if he unilaterally determines—without prior court approval—that an emergency situation exists with respect to conspiratorial activities characteristic of organized crime and further unilaterally determines that there are grounds upon which he may get court approval ex post facto. If he makes such a totally unsanctioned interception, he has 3 days before he must apply to the court for approval. Only when his application is denied must he terminate the interception. And, in the meantime, how much illegal and private information would he have received?

I have supported measures to give the Federal Government the resources and the tools to root out organized crime and drug traffic; but the principal duty of the District police is to control crime that is so destructive of the quality of life in this city—the muggings and murders, the robberies, rapes, and assaults. This wiretap provision will only drain manpower from those endeavors. I question whether even drug-related crimes on the retail level can be controlled by electronically assisted investigations of drug traffickers, and I hope that the Federal Bureau of Narcotics and Dangerous Drugs is well able to handle wholesalers of drugs.

The constitutionality of the proposed legislation has also been questioned, but one thing is certain. The fourth amendment guarantees the right of the people to be secure in their persons and houses against unreasonable searches. And central to that guarantee, said the Supreme Court in 1886 in Boyd against United States, is "the sanctity of a man's home and the privacies of life."

The Senate has an obligation in advance of judicial scrutiny and even independently of constitutional principles to consider "the sanctity of a man's home and the privacies of life" for the people of the District. We cannot ignore that responsibility by passing legislation with the thought that it may not matter because it may not be constitutional.

It is our duty to stake out an area where the privacy of the people is inviolate—areas where the individual is not inhibited by fear of the state's intrusion. That line must be drawn here.

THE NO-KNOCK ISSUE

I am perplexed and disturbed by the conference version concerning no-knock powers being presented to the Senate for approval. We are not presented with a narrow, sharply defined proposal. Instead, we are asked to enact into law a provision which one high Justice official has stated to be indispensable if law enforcement officers in the District of Columbia are to do their job properly, and which another high Justice Department official has declared does no more than codify existing law in this area. If our U.S. attorney and our Attorney General do not—appear to—agree on the nature of the proposal, we in the Senate have an added responsibility to know what we are doing.

I read this provision as allowing police to burst into private homes, day or night, so long as a single policeman thinks he has probable cause to believe that evidence is likely to be destroyed.

Those who favor the conference re-

port on the no-knock issue believe that it represents a proper balance between individual rights and the needs of law enforcement. They argue that the conference report does not really grant to the police additional powers to conduct "no-knock" searches. They argue that police officers have had such authority since common law times. They argue that they are merely continuing the existing authority and adding to it reasonable safeguards.

If that were all, I would be tempted to support the provision. But it is not all. Balancing the security of an individual's home against the security of society in general is not easy, but I must disagree with the supporters of this provision for the following reasons:

First. The trend of the law for decades has been to encourage the police to get prior judicial approval for search warrants. The import of this proposal, as it relates to no-knock, is to the contrary. Under certain conditions the bill expressly sanctions no-knock procedures without prior application for a warrant.

Second. The language of the bill is unclear with respect to the degree of probability that must be shown that evidence will be destroyed if a no-knock search is not made. The Senate conferees maintain that they reluctantly agreed to language implying only likelihood that evidence will be destroyed if a no-knock search is not made. They agreed to this language, they say, only on the clear understanding that it must be measured against the language of the Supreme Court in *Ker* v. *California*, 374 U.S. 23 (1963). This language and the expressed doubts of our conferees lead me to the conclusion that the provision is a retreat from our traditional notions of probable cause, leaving an officer in a position to conduct a no-knock search with little factual justification for the breaking and entering without notice.

Third. The use of the word "likelihood" raises in my mind a serious constitutional question. The fourth amendment to the Constitution states:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and *no Warrants shall issue, but upon probable cause*, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

I do not think that the standard for a no-knock entry comports with the right of the people to be free from unreasonable searches. I cannot in good conscience support this provision. It is too casual a grant of power and it increases the danger to police officers who are thus encouraged to make "no-knock" entries into homes. It is too high a price to pay for an "acceptable legislative compromise."

My misgivings about the merits of this proposal are compounded by the recognition that effective law enforcement requires the full cooperation of the community. In cities like Washington and in our suburban communities, our society is becoming increasingly crowded. People are living closer together; our privacy is a value which we must carefully guard. Our responsibility in writing our laws should be to find ways to give people more privacy and security from intrusion, not less. Overcrowding and unsatisfactory conditions alone create tension. Such tension should not be enlarged by a provision in the law which undermines the security of one's home and threatens privacy while increasing the potential for intrusion.

The no-knock proposal has become a symbol of insecurity, endangered privacy and repression in this city. When the language of a proposal which intrudes upon the sanctity of an individual's privacy is unclear and when it has the potential for intensifying hostilities between the police and those whom the police seek to protect, we should subject it to searching examination.

The examination leads to conclude that we should furnish better police protection to our city and develop mutual confidence between our police and our citizens, rather than raise the specter of a police officer breaking into an apartment or a house without notice on the basis of personal conjecture.

PREVENTIVE DETENTION

Crimes committed by persons on court-ordered release or bail are a major impediment to effective law enforcement. The money bail system as it exists in this country does not now make sense and has never made sense. Under the leadership of Senator ERVIN, we have made progress, but our progress has been too slow. We have not devoted sufficient resources to the bail agencies, and we have not given bail reform a chance to work in the District because of the congested court calendar.

Court reorganization to promote speedy trials is indispensable and should reduce crime committed by those on bail. The District court system must be overhauled, and an adequate number of judges and court personnel must be assured. Those accused should be brought to trial within 60 or even 30 days.

With these needs in mind, I have examined the conference report provision for preventive detention, and I have considered the arguments made by those who support that provision. The supporters are satisfied that enactment of the conference report would constitute a major reform of existing bail practices and would result in a lower percentage of persons detained prior to trial. They argue that this will occur because the test will be the narrow question of "dangerousness" rather than the unavailability of adequate release conditions.

They also argue that this provision imposes procedural safeguards which now do not exist; that constitutional rights are preserved by using detention only for defendants who pose an appreciable danger to society; and that the provision assures procedural due process through a hearing of record.

I cannot accept these arguments. I am bothered by the fact that the proposal reflects a concept which runs counter to the presumption of innocence until guilt is proven beyond a reasonable doubt. Some may feel that there is nothing about the preventive detention provision which establishes guilt. But there is certainly a substantial restraint of liberty in the absence of proven guilt. This provision attempts to make society safer by removing from its midst those of alleged dangerous proclivities while they await trial. It assumes intolerable delays between arrest and trial, yet it further clutters the court calendar. In fact, this provision further congests the criminal calendar and will likely result in even longer delays between arrest and trial. These are practical considerations which the supporters have not answered.

In addition, there are problems of constitutional dimensions which concern me. The eighth amendment declares: Excessive bail shall not be required. There is some disagreement among constitutional experts as to the meaning of the eighth amendment. I do suggest, however, that the eighth amendment dictates a constitutional right to pretrial release limited only by conditions that may be reasonably imposed to assure that the trial of the accused will occur. I have always understood that denial of bail in capital cases is permitted in search of that assurance. Where a defendant is threatened with loss of life or life imprisonment, he would be more likely to flee than the one who knows that the most he may suffer is temporary imprisonment.

Preventive detention may also violate the due process clause of the fifth amendment, since the individual is deprived of his liberty on the mere possibility that he will be dangerous if released on bail, and the mere probability that he is guilty of the crime for which he has been charged.

We could all argue statistics about what percentage of persons are arrested while on bail for the same crime or for a crime of another category. The percentage is small. But how do we predict accurately which defendants are apt to be "dangerous" and which are not? We are gambling with a correctional system and detention facilities which are hardly models of training and rehabilitation. This provision would send to jail people who have not been convicted, people who may be guilty of nothing, and people who may have never committed a single crime. People would be sent to jails that do not have room for them, jails that may corrupt them, and jails to which convicted criminals with suspended sentences may not be sent at all. The District of Columbia prisons have been a conspicuous weakness in our law enforcement system. They are overflowing, they are archaic, they are infested with drugs, and most of their inmates go back to the streets trained only in the newer techniques of crime.

This is too high a price to pay for an "acceptable legislative compromise."

I am concerned with constitutionality, with our inability to predict behavior with certitude, and with the potential harm to innocent people of preventive detention.

There are ways, if we will, to shorten the time between arrest and trial and to supervise the accused who may be dangerous—the goals of preventive detention. Many of these alternatives are included in other titles of this legislation which I support and do not involve the potential abuses of individual rights that mark preventive detention. These are the alternatives I prefer. I doubt the effectiveness of preventive detention; I question its constitutionality; and I am apprehensive over its impact.

The tragedy of the District of Columbia crime bill is that it represents, in

part, bad bargains forced on the people of the District by quick answers and easy solutions which threaten our freedoms as well as theirs.

There are no quick answers and easy solutions. Yet the District of Columbia crime bill perpetuates the notion that crime fighting is principally a matter of stiffer penalties, greater government authority, and fewer freedoms. Such measures may have a slight effect on the crime rate but they cannot make up for courts that fall years behind, for prisoners that turn out criminals, for probation and parole services that have neither the money nor the personnel to supervise, and for police forces that are ill paid and overworked.

The Senate acts not only for the people of the District, but also for all Americans. The law we write for the District should be a model for all the 50 States. Instead, the provisions of this conference report make the people of the District subjects for an experiment in repression. It is far from certain that these provisions would reduce crime in the District; but it is certain that all the people of the District will find their privacy endangered, the security of their homes threatened, and just treatment before the law jeopardized.

The security and the privacy of our constituents are also at stake as we write laws for the District.

This is not merely a set of local ordinances we now consider. This is an act of Congress, and it carries that weight. If we pass ill-considered legislation for this jurisdiction, it will reverberate throughout the Nation. On the other hand, if we reject the conference report and pass constructive legislation, the Senate can offer effective leadership against crime for all Americans.

I cannot support enactment of the provisions to which I have referred. This has led to my decision to cosponsor the Ervin amendments and the Goodell bills and to vote to reject this conference report. The District of Columbia does need legislative assistance to reduce crime. There is a good deal of vital help in this bill. However, this conference report does not offer us an acceptable choice. We are forced to accept all or nothing.

I believe that the Senate can do better. We can reject the conference report and pass better legislation to provide effective law enforcement for the District.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN BAR ASSOCIATION ENDORSES S. 30, THE "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. McCLELLAN. Mr. President, on July 15, 1970, the Board of Governors of the American Bar Association met in Chicago in special session at the request of President Nixon to review various items of legislation in the criminal justice field now pending before the Congress. S. 30, the "Organized Crime Control Act of 1969," which passed this body on January 23, by a vote of 73 to 1, was among those items of legislation considered by the board of governors.

The Senate will, of course, recall that several individual titles of S. 30 were closely modeled on American Bar Association recommendations. Title II, dealing with general immunity, was patterned after the bar association's 1952 recommendations for general immunity legislation. Title IV, dealing with false declarations, was modeled on the American Bar Association's 1952 model perjury act. Title VII, dealing with syndicated gambling, was endorsed on February 23, 1970, by the house of delegates in its original form as S. 2022. Title IX, dealing with racketeer influenced and corrupt organizations, was modeled on the bar association's 1968 resolution endorsing "in principle" all legislation having as its purpose "the adopting of the machinery of antitrust laws to the prosecution of organized crime." And, finally, title X, dealing with dangerous special offender sentencing, was closely patterned after the bar association's minimum standards in the sentencing and appellate review field.

Nevertheless, the July 15 meeting in Chicago was the first occasion for the bar association's consideration of the actual text of S. 30 and the way in which the Senate had implemented the past positions of the bar association in a specific item of legislation. This meeting in Chicago was the culmination of a process within the bar association that covered several months. It began with the detailed consideration of S. 30 in both the individual rights and responsibilities and criminal law sections of the American Bar Association. In that connection, the Senate will recall that, on June 12, 1970, I had occasion to draw to its attention certain misleading newspaper stories appearing at that time that conveyed the impression that the bar association was in the process of raising major objections to the enactment of S. 30. I am especially pleased now, therefore, to tell the Senate that the board of governors has approved in principle the provisions of S. 30 and that they urge its enactment by the Congress as soon as possible. It is always gratifying to receive the approbation for one's labors of such a distinguished group as the American Bar Association, and I am grateful to the association for this endorsement of S. 30.

In recommending the passage of S. 30, the bar association also urged that the Congress give prompt consideration to seven specific amendments to the bill as it passed the Senate. In the main, I find these amendments generally acceptable. Indeed, they may be characterized as constructive contributions to the legislative process. For example, amendment No. 6 suggests that title IX of S. 30, dealing with racketeer-influenced and corrupt organizations, be amended to authorize private civil damage suits based upon the concept of section 4 of the Clayton Antitrust Act. This amendment, particularly, should prove, if accepted by the House, to be a major new tool in extirpating the baneful influence of organized crime in our economic life. Only one of the seven amendments do I find unacceptable. Unfortunately, in my judgment, the bar association, while approving the major provisions of title I, dealing with the special grand jury, suggested that those provisions of title I that authorize grand jury reports commenting on the noncriminal misconduct of government officials be stricken from the bill.

Mr. President, I recognize, of course, that these grand jury report provisions have been the subject of controversy. Nevertheless, I believe that, on balance, the provisions of title I in this area should be retained. Such reports are now possible under the law of 27 States, and they have proven, on the State level, to be effective and helpful in the administration of justice. I, am therefore, convinced that the right to file these reports should be clarified and restored on the Federal level under the sort of careful safeguards we have provided in title I.

Mr. President, I might say at this point that is the only major provision that the American Bar Association recommended be wholly stricken from the bill. The bar association therefore concluded that 98 percent of the real force of the bill, as far as law enforcement is concerned, should be retained. This grand jury reporting provision is not imperative; it is simply advisable. I think it should be retained, but even if the House should strike it, I would say without any reservation that 98 percent of the real effectiveness of this bill will have been retained and enacted into law.

Mr. President, what emerges from this meeting of the Board of Governors of the American Bar Association is the clear message to the Congress that the time for delay in the processing of S. 30 should end. No longer should it be possible for anyone to suggest that this bill is riddled through with defects or unconstitutional provisions. There are, of course, policy issues here on which reasonable men can disagree, but disagreement is not a grounds for delay. This bill should be processed so that the House and the Congress can work the will of Congress. I would hope that this course of action will now be followed in the other body.

The other body has had this bill now for 6 months. Procrastination in processing it from now on, if any, can only enure to the advantage of criminals in this country. The most expert counsel of our Nation's lawyers has been given with respect to it and little has been found wanting in the provisions of the bill. With the exception of the one provision, all other provisions are approved as drafted and passed by the Senate, subject to several minor amendments that have been suggested, and most of these amendments actually are constructive and strengthen the bill; they do not detract from its force and the effect or from its quality.

I am hopeful that the House will carefully consider and adopt the most important and wise of these amendments

thereby strengthening the bill, move it out, and let Congress work its will. The House has had the bill for 6 months. If the crime situation in this country were not so critical, and if there were not such an urgent need for this legislation—for all of the additional tools that Congress can provide—to strengthen the arm of our law enforcement officials and agencies, perhaps we could afford further time. But time, delay, and procrastination in this case work only to the advantage of the criminal and contribute nothing whatever to the security and protection of society in the person and property or civil liberties. I urge the swift passage of this bill now without unnecessary delay.

Mr. President, I ask unanimous consent to have printed in the RECORD a text of the resolution of the Board of Governors and a staff memorandum on the grand jury report provisions of title I.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION

Resolved, that the American Bar Association by action of its Board of Governors in meeting July 15, 1970, in Chicago, approves in principle the provisions of S. 30 (91st Congress, 2nd Session), the Organized Crime Control Act of 1969, and urges its enactment by the Congress as soon as possible, with the recommendation, however, that the Congress give prompt consideration to amending the measure in the following particulars:

1. To restrict the right of private persons to submit allegations of criminal offenses directly to a special grand jury as currently provided in Title I, Section 10(a) and, in lieu thereof, to adopt phraseology requiring such information to be channelled through the appropriate prosecutor, who should be required to communicate his action or recommendation thereon to the special grand jury.

2. To eliminate current provisions in Title I, Section 101(a), which empower special grand juries to submit reports criticizing public officials or employees without returning an indictment; and similarly to eliminate provisions authorizing special grand juries to exonerate public officials or employees by report; and to make other technical changes in this Title consistent with these amendments.

3. To amend Title IV, Section 401(a), by incorporating the language of the Model Perjury Act, approved by the American Bar Association in August, 1952, in order to clarify the language of S. 30 relating to false and contradictory declarations.

4. To amend Title VII, Part B, Section 702 (a), in order to provide for a more restricted disclosure of evidence to the defendant as provided therein, by permitting the prosecutor to make a written request for an in camera screening by the court when he believes that such disclosure would constitute situations enumerated in Part A, Section 701, for example, those which would affect the security of the United States, endanger the lives and safety of informants, Government agents or others, or cause unjustified harm to the reputations of third persons; and to grant discretion to the court to withhold any such information deemed justified by its in camera examinations.

5. To amend Title IX, Section 901(a), as recommended by the Judicial Conference of the United States, to give the court discretion to decide which proceedings relating to racketeer influence and corrupt organizations shall be open to the public.

6. To further amend Title IX, Section 901 (a), to include a provision authorizing private damage suits based upon the concept of Section 4 of the Clayton Antitrust Act.

7. To amend Title X, Section 1001(a), in order to incorporate into the provisions for increased sentences for dangerous special offenders the appropriate Standards relating to Sentencing Alternatives and Procedures, which were approved by the American Bar Association, August, 1968.

Resolved further, that the American Bar Association in furthering the objectives of S. 30, also recommends to the Congress prompt enactment of legislation such as S. 1624 and H.R. 322 (91st Congress) entitled Wagering Tax Amendments of 1969, which was approved by the Association in August, 1969.

Be it finally resolved, that the President of the American Bar Association, or other Officer designated by him, is authorized to present the above views to the appropriate committees of the Congress.

MEMORANDUM

To: Senator John L. McClellan.

From: G. Robert Blakey, Chief Counsel, Subcommittee on Criminal Laws and Procedures.

Subject: Grand jury reports under title I of S. 30, the "Organized Crime Control Act of 1969."

Date: July 21, 1970.

You asked for a briefing memorandum on the captioned subject in the context of some of the objections that have been raised to it:

(a) historical background: The grand jury originated in Anglo-American law, in a form in which it largely exists today, at the Assize of Clarendon in 1166. Henry II established it as a body whose function it was to report on and to accuse those who according to public knowledge had committed crimes. Indeed, its report writing and indicting function had been well established for over 500 years before it came to be seen also as a buffer between citizen and State, the function of the grand jury that first comes to mind today.[1]

(b) present law: The modern grand jury is, in the Supreme Court's words in *Blair* v. *United States*, 250 U.S. 273, 282 (1919) a "prototype" of its ancient British counterpart. Its investigative powers are virtually without limitation both on the State and Federal level. *Compare, Ward* v. *State*, 2 Mo. 120 (1829), *with Hale* v. *Henkel*, 201 U.S. No. 43 (1906). Its report writing functions, however, have not survived wholly intact or without substantial limitation. Twenty-one states have legislation similar to the New York statute which in *Jones* v. *People*, 101 App. Div. 55, 92 N.Y. Supp. 275, *appeal dismissed*, 181 N.Y. 389.[2]

74 N.E. 226 (1905) was construed to authorize reports, while six states explicitly authorize such reports by statute.[3] In addition, other states have sanctioned such reports on a common law basis. In 1952, Chief Justice Arthur T. Vanderbilt in *In Re Presentment by Camden County Grand Jury*, 10 N.J. 23, 89 A2d 416, 434 (1955), for example, upheld, over civil liberties objections, grounded on a fear of possible abuse of the rights of individuals, the power of the grand jury to file reports, observing:

A practice imported here from England three centuries ago as a part of the common law and steadily exercised ever since under three successive state constitutions is too firmly entrenched in our jurisprudence to yield to fancied evils.[4]

In similar fashion, the Supreme Court of Florida in upholding the report writing power of grand juries in that State in *In Re Report of Grand Jury*, 11 So 2d 316, 318 (Fla. 1945) observed:

It is the means whereby the people participate directly in the administration of their business and aids to a knowledge of why the grand jury has become such an important agency among free people.

(c) New York law: Practice and law, however, has varied from place to place and from time to time, making generalization about either practice or law difficult to make with assurance of accuracy. The shifting development of the law in New York is illustrative of the general picture. There are records of a New York grand jury as early as 1665. See 1 Hamlin and Baker, *Supreme Court of Judicature of the Province of New York 1691–1704*, 142 (1952). Nevertheless, attempts have been made to abolish the grand jury in New York as a means of instituting criminal prosecutions. A most recent unsuccessful attempt was made in the 1938 constitutional convention. See Heyting, "The Abolition of Grand Juries in England," 19 *A.B.A.J.*, 648–49 (1938). In addition, attempts have been made to abolish its report writing function. In 1946, for example, Governor Thomas E. Dewey vetoed a bill designed to curb this power, saying that such reports were "one of the most valued and treasured restraints upon tyranny and corruption in public office." *Public Paper of Governor Thomas E. Dewey*, 140–41 (1946). More recently, the Court of Appeals of New York in *Wood* v. *Hughes*, 9 N.Y. 2d 144, 212 N.Y.S. 2d 33 (1961) overruled its own *Jones* decision, noted *supra*, and curbed the New York grand jury's power to write reports critical of specific individuals. The response of the people of New York, through their state legislature, however, was promptly to enact comprehensive legislation authorizing such reports, but under limitations designed to overcome the civil liberties objections voiced by the court, see Laws of 1964, Ch. 250, Code of Crim. Proc. § 253–a, and such reports are now filed on a regular basis in New York.[5]

(d) Federal law: On the federal level, the grand jury is, of course, a legal institution whose indicting function is rooted in the Fifth Amendment itself; it is not, however, a requirement of due process under the Fourteenth Amendment. *Hurtado* v. *California*, 110 U.S. 516 (1884). As such, it is beyond the power of legislative abolition.

Nevertheless, the report writing functions of Federal grand juries have been substantially curtailed by district court level decisions, although grand juries continue to issue and district courts continue to accept reports, and the Supreme Court itself has never had occasion squarely to pass on the propriety of the report writing power. But cf. *Hannah* v. *Larche*, 363 U.S. 422, 420 (1960) ("investigates and reports"). The recent report of the January 1970 Grand Jury in the Northern District of Illinois critical of identified members of the Chicago Police Department and the raid they conducted on a Black Panther Party Headquarters is illustrative of the practice. The decision of United States District Judge Edward Weinfield in *Application of United Electrical, Radio and Machine Works*, 111 F. Supp. 858 (S.D. N.Y. 1953) is illustrative of the law. There, Judge Weinfield held beyond the power of the grand jury the issuance of a report that named officials of a union as "Fifth-Amendment Communists" and recommended to the National Labor Relations Board that the certification of the unions be withdrawn.[6]

(a) Recommendation of President's Crime Commission: It was in this context that the President's Commission on Crime and the Administration of Justice in 1967 undertook as a part of its study of crime in the United States to evaluate our Nation's past efforts to arrest and reverse the growth of organized crime. The Commission began by observing in its *The Challenge of Crime in a Free Society 196 (1967)*:

Investigation and prosecution of organized criminal groups in the 20th century has seldom proceeded on a continuous institu-

Footnotes at end of article.

tionalized basis. Public interest and demands for action have reached high levels sporadically, but, until recently, spurts of concentrated law enforcement activity have been followed by decreasing interest and application of resources.

It also commented: And yet the public remains indifferent. Few Americans seem to comprehend how the phenomenon of organiezd crime affects their lives. They do not see how gambling with bookmakers, or borrowing money from loan sharks, forwards the interests of great criminal cartels. Businessmen looking for labor harmony or nonunion status through irregular channels rationalize away any suspicions that organized crime is thereby spreading its influence. When an ambitious political candidate accepts substantial cash contributions from unknown sources, he suspects but dismisses the fact that organized crime will dictate some of his actions when he assumes office. (*Id.* at 188)

Finally, the Commission specifically found that a lack of public and political commitment to end the menace of organized crime was one of six major contributing causes to the failure of our society to deal with organized crime. The Commission observed:

The public demands action only sporadically, as intermittent, sensational disclosures reveal intolerable violence and corruption caused by organized crime. Without sustained public pressure, political office seekers and office holders have little incentive to address themselves to combatting organized crime. A drive against organized crime usually uncovers political corruption; this means that a crusading mayor or district attorney makes many political enemies. The vicious cycle perpetuates itself. Politicians will not act unless the public so demands; but much of the urban public wants the services provided by organized crime and does not wish to disrupt the system that provides those services. And much of the public does not see or understand the effects of organized crime in society. (*Id.* at 200)

Finding that "organized crime succeeds only insofar as the Nation permits it to succeed" (*Id.* at 209), the Commission proposed an "integrated package" of proposals touching on both governmental and private action. Included among these proposals was the recommendation that grand juries should be permitted by law to file public reports. (*Id.* at 200)[7]

(e) Title I of S. 30, the "Organized Crime Control Act of 1969": It was in this context, therefore, that title I of S. 30 was drafted and introduced on January 15, 1969, by Senators McClellan, Hruska and yourself. Recognizing the need for some institutionalized avenue through which information bearing upon the conditions that breed organized crime might be brought to the attention of the public on a systematic and fair basis, the special grand juries, established by title I, are empowered, not only to return indictments, but also to issue grand jury reports as an incident, *but only as an incident*, of the investigation of a Federal criminal offense: (1) concerning governmental misconduct, (2) making legislative or executive recommendations, and (3) regarding organized crime conditions. Where such reports are to be critical of identified public officials (private persons may not be named), however, elaborate safeguards, modeled on New York law (with suitable modification to fit Federal practice) are provided, including notice, opportunity to present evidence, and judicial review prior to publication. These safeguards exceed the limitations now found on the investigations conducted by other Federal bodies and sustained as consistent with constitutional due process. *See, e.g., Hannah* v. *Larche*, 363 U.S. 422 (1960) (Civil Rights Commission)[8]

As so drafted, the provisions of title I have attracted the support, among others, of the Department of Justice (Hearings at 369), the Association of Federal Investigators (*Id.* at 276 "applaud" giving "public" "whole picture"), the National Association of Counties (*Id.* at 330–31 "agree" "no greater deterrent to evil, incompetent and corrupt Government than publicity") and the International Association of Chiefs of Police (115 Cong. Rec., S12562 (daily ed. Oct. 14, 1969).) The support of these groups was most significant, both on the issue of need and fairness, since it would be primarily their work that the special grand juries would review. Nevertheless, restoring to Federal grand juries their historic report writing function was opposed in part by the Committee on Federal Legislation of the New York County Lawyers Association (Hearings at 216: comment on specific individuals) and without discrimination by the American Civil Liberties Union (*Id.* at 456–59).[9] Ths opposition in the hearings was continued on the floor and there led by Senator Goodell from New York.

Senator Goodell offered during the debate on S. 30 an amendment to title I which would have curbed the power of special grand juries to file reports naming public officials. (115 Cong. Rec. S474 (daily ed., Jan. 23, 1969).) His amendment left untouched power of the grand jury to file other reports. In essence, Senator Goodell's attempt to prevent the naming of officials in grand jury reports was based on a two-fold fear: that individuals would be held up to public defamation by false accusations carrying the weight of judicial findings, but made after an unfair, one-sided proceeding, and that they would be unable to reply effectively to such allegations. In addition, he objected to giving to Federal grand juries the authority to comment on state and local officials. He was supported in debate by Senators Cooper and Hart. Senator Cooper questioned the value of a public denunciation not amounting to a charge of criminal conduct in a democratic society. (*Id.* at S477).[10] Senator Hart concurred with the arguments of Senator Goodell and the question raised by Senator Cooper. (*Ibid*) Senator McClellan argued that the report writing power was necessary and that the procedural protections for civil liberties were fair. (*Id.* at S476).[11] The Senate rejected Senator Goodell's amendment; the vote was 59 to 13.[12]

Senator Goodell then offered another amendment which guaranteed the subject of a report the express right to have a "reasonable number of witnesses" called before the grand jury in his behalf. (*Ibid.*) The Committee Report already indicated that the failure to conduct "additional investigations" and call suggested "supplementary witnesses" cast doubt on the propriety of making a report public. S. Rep. No. 91–617, 91st Cong., 1st Sess. 143 (1969). Consequently, Senator McClellan said he saw no inconsistency between the amendment and the provisions of title I. He then indicated that he found it acceptable, and it was adopted by a voice vote. (115 Cong. Rec. S479 (daily ed. Jan. 23, 1970).) As so amended, title I was approved by the Senate as part of the overall bill by a vote of 73 to 1. (*Id.* at 481) Since that time twenty-two Senators not voting on final passage have announced that if present they would have voted for the Act. Only four Senators have not disclosed how they would have voted.

FOOTNOTES

[1] See generally Kuh, "The Grand Jury Presentment: Foul Blow or Fair Play" 55 *Colum-L. Rev.* 1103 (1955) for a review of the historical case, and statutory material.

[2] *Alabama*, Ala. Code 30, §§ 76–82; *Alaska*, Alaska Stat. § 12.40.030; *Arizona*, Ariz. Rev. Stat. Ann. § 13–1531; *Arkansas*, Ark. Stat. Ann. §§ 43–907 to 43–911; *California*, Cal. Penal Code §§ 914.1, 915, 917, 920, 921, 922, 925, 927, 928, 929; *Georgia*, Ga. Code Ann. 59 §§ 305, 306, 307, 308, 309, 310, 313, 314, 315, 316, 401; *Idaho*, Idaho Code Ann. §§ 19–1101, 19–1109, 19–1110; *Indiana*, Ind. Ann. Stat. §9–824; *Iowa*, Iowa Code Ann. §§ 771.1 to 771.3; *Michigan*, Mich. Comp. Laws Ann. § 767.3, 767.4; *Missouri*, Mo. Ann. Stat. § 540.020; *Montana*, Mont. Rev. Codes, Ann. 94 § 1405; *Nevada*, Nev. Rev. Stat. §§ 172.105, 172.115, 172.-125, 172.175, 172.185; *New Mexico*. N.M. Stat. Ann. §§ 41–5–16, 41–5–17; *New York*, N.Y. Code Cr. Proc. §§ 245, 253, 254; *North Dakota*, N.D. Cent. Code §§ 29–10–18 to 29–10–20; *Oklahoma*, Okla. Stat. Ann. 22 § 331; *South Dakota*, S.D. Code §§ 34.1215, 43.1216; *Tennessee*, Tenn. Code Ann. §§ 40–1605 to 40–1608; *Utah*, Utah Code Ann. §§ 77–18–7, 77–19–1; *Washington*, Wash. Rev. Code Ann. §§ 10.28.090 to 10.28.110.

[3] *California*, Cal. Penal Code §§ 929, 930, 933, 939.9; *Georgia*, Ga. Code Ann. § 59–317; *Nevada*, Nev. Rev. Stat. §§ 172, 175; *New York*, N.Y. Code Cr. Proc. § 253–a; *Oklahoma*, Okla. Stat. Ann. 22 § 34L and *Utah*, Utah Code Ann. 1967 Session Laws p. 575.

[4] Court developed rules restrict the power to issue reports, making its exercise consistent with a high regard for civil liberties. *See In Re Camden Co. Grand Jury*, 34 N.J. 378, 196 A2d 465 (1961). For an example of a New Jersey grand jury report dealing with organized crime, see 115 Cong. Rec. S15751 (daily ed. Dec. 5, 1969).

[5] For an example of a New York report, see 116 Cong. Rec. C122 (daily ed., Jan. 19, 1970).

[6] Specifically excluded from the holding were "reports of a general nature touching on condition in a community." 111 F. Supp. 869. These, Judge Weinfield observed, served "a valuable function and may not be amenable to challenge." *Id.*

[7] It has been suggested that this recommendation did not include reports that might comment on specific individuals, Remarks of Senator Charles Goodell, 115 Cong. Rec. S16162 (daily ed. Dec. 9, 1969), and it must be conceded that the text of the Commission Report itself is ambiguous. Nevertheless, when it is read in the context of its "legislative history," it is difficult, I suggest, to read it in so limited a fashion. The Commission's recommendation here was based on the work of its Task Force on Organized Crime, which had before a review of the law that specifically recommended that the "right to file reports should be restored" in Federal law. Since general reports were permissible, see *supra*, "restored" could only be taken to mean to include reports commenting on specific individuals. *See Task Force Report: Organized Crime* 83–85 (1967).

[8] *Measures Relating to Organized Crime*, Hearings before the Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, United States Senate 91st Cong. 1969 (hereafter cited Hearings).

[9] I note here that the spokesman for the Committee acknowledged that he had no "concrete experience," Hearings at 239, from New York to show that the New York law was not working well and that the spokesman for the Union was asked to provide for the record any indication of abuse in New York or elsewhere and failed to provide any. (*Id.* at 481)

[10] Chief Justice Arthur Vanderbilt in *In Re Camden County Grand Jury* 10 N.J. 23, 89 A 2d 416, 444 (1943) responded to the concern reflected in Senator Cooper's question in these terms:

There are many official acts and omissions that fall short of criminal misconduct and yet are not in the public interest. It is very much to the public advantage that such conduct is revealed in an effective way. No community desires to live a hairbreadth above the criminal level, which might well be the

case if there were no official organ of public protest. Such presentments are a great deterrent to official wrongdoing . . . [and] inspire public confidence in the capacity of the body politic to purge itself of untoward conditions.

[11] Senator Goodell's second point was commented on in the Hearings at 330, by Professor William Greenhalgh, who testified in behalf of the National Association of Counties:

The [Federal grand] jurors are citizens of those [state and local] communities just as much as they are citizens of the United States, and they have precisely the same interest in such matters as they would have if they were sitting on state or local grand juries.

[12] Voting for the amendment were Senators Brooke, Cooper, Dominick, Fong, Goodell, Hart, Hatfield, Kennedy, Metcalf, Mondale, Ribicoff, Stevens, and Young of Ohio.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HRUSKA. Mr. President, I commend the Senator from Arkansas for the statement of progress made in the enactment of the organized crime control bill. The report he brings on the action of the American Bar Association is heartening and encouraging.

I join the Senator in calling for early action on this measure by the other body. It is true that further delay will not help, but as the Senator from Arkansas has stated, will hinder effective law enforcement.

Again I commend the Senator for bringing that to the attention of the entire Congress.

Mr. McCLELLAN. I thank the distinguished Senator. I think I might observe that in reference to almost every piece of legislation considered by the Congress in the category of criminal law or criminal procedures, constitutional questions are raised. It is proper that they are raised. Anyone has a right to raise them and to take his position. But I must observe, however, that there is no way to draft legislation in this field, in my judgment, so that everyone will be satisfied with it. That is why we have a Supreme Court to which the legislation may be carried for judicial review to determine if there is anything unconstitutional in it. This body cannot settle such questions. We can argue it and debate it but usually we come up with the same opinion we had before we started. Ultimately, most of the bills go to the courts, where the ultimate constitutional determination is made.

Again, I insist that the crime situation in America today is such, and is progressing so rapidly, that it is imperative that this branch of Government, at least, take every action, enact every law, fashion every tool it can possibly fashion, within the framework of the Constitution, to enable our law enforcement agencies and officials to combat the growing menace of crime.

NASA'S PROCUREMENT OF APPLICATIONS TECHNOLOGY SATELLITES

Mr. McCLELLAN. Mr. President, in April of this year, the Permanent Subcommittee on Investigations was requested to review the procurement competition conducted by the National Aeronautics and Space Administration for the design and construction of two Applications Technology Satellites. The competitors were the General Electric Co. and the Fairchild Hiller Corp. General Electric was selected as the company which would ultimately receive the contract and the decision was protested by Fairchild.

The subcommittee's staff made a preliminary inquiry into the basic facts about the source selection; however, public hearings were deferred pending the completion of a study of the procurement then being conducted by the General Accounting Office.

I reported on this matter to the Senate on July 9, 1970—see CONGRESSIONAL RECORD, page 23476—and also inserted a letter from the General Accounting Office to the Administrator of NASA, Dr. Thomas O. Paine. The General Accounting Office concluded that the established award selection procedures were not followed in this instance, and that the procedures which were followed were defective. GAO then recommended that the proposed award should be reconsidered.

Dr. Thomas O. Paine, NASA Administrator, then announced on July 10 that he had appointed a top level committee of NASA officials to reconsider the selection of General Electric for the Applications Technology Satellite procurement. At the same time, Dr. Paine wrote me in response to my statement of July 9 about this matter.

Mr. President, I ask unanimous consent to have his letters of July 10—with enclosure—and July 16, addressed to me, inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. Mr. President, Dr. Paine has expressed agreement with me that it is absolutely essential to avoid not only impropriety itself in all Government procurements but even the appearance of impropriety. Dr. Paine's decision to reconsider this award is evidence of his belief in that principle, and I commend him for his prompt and affirmative action. I am sure that the individuals named by Dr. Paine are competent and will do their utmost to make an objective and impartial review.

Mr. President, last year the Congress passed legislation to establish a Commission on Government Procurement to make a comprehensive review of Government procurement statutes, policies, and regulations and to recommend appropriate changes. The cost and time delay attributable to the phased procurement system as operated by NASA and other agencies is a matter which I believe should be reviewed by the Commission to determine whether the best interests of the Government are being served by this procedure. I will take steps to see that this subject is brought to the attention of the Commission. I have also instructed the Permanent Subcommittee on Investigations to follow the ultimate disposition of the Fairchild protest and will keep the Senate advised of developments.

EXHIBIT 1

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., July 10, 1970.

Hon. JOHN L. McCLELLAN,
U.S. Senate
Washington, D.C.

DEAR SENATOR McCLELLAN: I am writing with reference to your statement in the Senate on July 9, 1970, concerning NASA's procurement of Applications Technology Satellites (ATS) F & G, based on the preliminary inquiry by the staff of the Subcommittee on Investigations of the Government Operations Committee.

With respect to the current status of the procurement, you will be pleased to know that we have secured the agreement of both General Electric and Fairchild Hiller to a procedure for reconsidering the award in accordance with the Comptroller General's recommendation in his letter to me of July 2, 1970, which summarized the findings of the GAO investigation made at my request. Under the procedure we will use I am designating an ATS Procurement Review Committee comprised of NASA officials not previously associated in any way with this procurement. This top-level Committee will review the selection made on April 7 and then recommend to an entirely new NASA selection panel whether the April 7 selection of General Electric should be confirmed or reversed in favor of Fairchild Hiller in light of all of the information now available on the situation that existed at that time. The committee's reconsideration will include the material set forth in the Comptroller General's letter of July 2, 1970, any material made available by your committee, and any other new material that the NASA Committee may bring to light. The committee will not consider any work done by General Electric or Fairchild Hiller after April 7 as bearing upon its recommendation. For your information, enclosed is a copy of the NASA release describing the procedure to the use.

With respect to the specific points you raised in your statement in the Senate of July 9, 1970, I would like to offer several comments. NASA fully shares your belief that in all government procurements it is absolutely essential to avoid not only impropriety itself but even the appearance of impropriety. However, in assessing the effectiveness of NASA's current procurement procedures and the lessons to be learned from the ATS F & G procurement experience, a number of factors not brought out in your statement are significant and, in my opinion, may lead, after full consideration, to conclusions somewhat different from those suggested in your statement.

With respect to the length of the competitive procurement process for ATS F & G under the NASA phased procurement system, I think it is important to recognize that the "phased project planning guidelines" outlined in our procedure NHB 7121.2 referred to in the Comptroller General's letter are directed at a total development process of which the selection of the ultimate contractor to fabricate the satellite is only a part. Phases A, B, and C (conceptual studies and preliminary and detailed design) consist of the necessary research and development work that must be completed before final system design and is funded by the government. The work carried out in these phases serves the dual purposes of advancing knowledge and understanding of the critical technological problems and their solution, and of placing the government in a sound position to select from several qualified competitive contractors a sound satellite design if a decision to proceed is warranted by the results of the earlier R&D phases.

The expenditure of time and money on Phases A, B, and C which affords the government successive decision points in the conduct of major development projects is

clearly in the best interest of the government, both to secure hardware systems that perform as required and to minimize overruns and other escalations in costs above those anticipated at the time the hardware development contract is let. There may well be room for improvement in NASA's system of phased project planning and its application in individual cases. However, our experience clearly shows that time and money well spent early in the process is the way to avoid the much more serious problems of technical inadequacies, increased costs, and lengthy delays that have so frequently characterized major hardware development projects.

Your second point relates to the propriety of adjustments made by the NASA Source Evaluation Board in cost estimates submitted by one of the competitors and to the fact that this action and the other proceedings of the Source Evaluation Board were not made known to the competitor concerned. This was inaccurately headlined by The Washington Post today as: "McClellan Says NASA Altered Fairchild Bid," which you did not say. I am sure you realize that one of the most difficult problems in evaluating contractor proposals for cost-reimbursable contracts is for the government to prevent a contractor from "buying in" with an antificially low cost estimate, which later produces program overruns. Hence, it is an essential part of the NASA source evaluation procedure for our cost experts to review contractor cost estimates in depth, to make an independent assessment of their validity, to review previous performance by the contractor on similar work, and to present to the selection officials both the contractor's and NASA's best estimates of what the actual cost to the government will be, with a detailed analysis of the reasons for the differences. This was done both with respect to General Electric and Fairchild Hiller at each stage of the evaluation. Since this analysis must include access to the private business records of each firm, it is our practice to keep these data confidential. NASA's normal practice has been to "debrief" unsuccessful proposers, upon their request, after the actual award of the contract. Because this has appeared to involve an undue delay in some cases which may inhibit the recourse of unsuccessful proposers, we are now changing this practice to provide for debriefings shortly after the selection decision has been made and prior to the award of the contract, as we did in this case.

Your third question relates to a conclusion of your staff that questionable reduction by General Electric of their estimated overhead costs, the validity of which was not questioned within NASA, resulted in G.E.'s selection as the contractor. This is incorrect: the validity of this reduction in G.E.'s estimated overhead, which was only one of several factors in the selection, was in fact carefully considered by NASA during the selection process. The conclusion was that the reduction should be accepted as proper since it was in accordance with accepted accounting principles approved by the resident Government auditor and with NASA's previous experience with G.E.'s overhead costs at Valley Forge during fluctuations in their space business.

I have commented on your statement at some length because I believe it is important to place the matters referred to in a more complete perspective. We will, of course, be glad to discuss any and all aspects of this procurement further with you or your staff to clarify them further, and will keep you fully advised of the further steps in our review of this procurement.

Sincerely,

T. O. PAINE,
Administrator.

COMMITTEE FOR ATS F & G

NASA Administrator Dr. Thomas O. Paine today announced the appointment of a top level committee to reconsider the selection of General Electric for the Applications Technology Satellite F & G (ATS F&G) procurement. The General Electric Company and the Fairchild-Hiller Corporation had previously competed for the Award.

Following the announcement of GE's selection on April 7, 1970, the Fairchild Hiller Corporation protested the selection and Dr. Paine requested the Comptroller General to review the events leading to NASA's selection of General Electric.

The review by the General Accounting Office was completed on July 2 and at that time Comptroller General Elmer Staats, in a letter to Dr. Paine, stated that in his view the award to General Electric should be reconsidered in view of an ambiguity in NASA's instruction to the competitors and a one-week extension granted GE to submit its revised proposal. Dr. Paine responded on July 2 that NASA would reopen the competition. Today's action, Dr. Paine said, follows an agreement between NASA, Fairchild Hiller and General Electric that a reconsideration of the selection made on April 7th is preferable to a recompetition.

Bruce Lundin, Director of NASA's Lewis Research Center in Cleveland, will head the ATS Procurement Review Committee. The committee will consider all the facts and circumstances surrounding the April 7, 1970 selection and then make its recommendation to a new selection panel of senior NASA officials. The selection panel will either reaffirm the original selection or reverse it.

Facts and circumstances to be considered by the Review Committee are all those now known to have existed on April 7, 1970, and all those which the Committee might through its additional work, ascertain to have then existed and been relevant. The Committee will not consider work done by GE or Fairchild since April 7 as bearing upon its recommendation. Funding by NASA of Fairchild's work was discontinued on April 16, and announcement was made today that funding of GE's work will be stopped on July 15.

The new Selection Panel is made up of Homer Newell, NASA's Associate Administrator; Willis Shapley, Associate Deputy Administrator; and Bernard Moritz, Acting Associate Administrator for Organization and Management. Dr. Paine has instructed the Review Committee to make its recommendation to the Selection Panel no later than August 3.

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., July 16, 1970.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: In my letter to you of July 10, 1970, regarding your statement in the Senate on July 10, 1970, concerning NASA's procurement of Applications Technology Satellites (ATS) F&G, I stated that NASA's practice has been to "debrief" unsuccessful proposers, upon their request, after the actual award of the contract. I further stated that we were changing this practice to provide for debriefings after the selection decision but prior to the award of the contract. In making the latter statement, I referred to the ATS F&G procurement. By this reference I meant that the ATS F&G procurement precipitated our change in policy regarding debriefings. I did not intend to state that we had actually provided either General Electric or Fairchild Hiller a debriefing in connection with the ATS F&G procurement. Of course, a debriefing will be accorded either Fairchild Hiller or General Electric upon the final selection of a contractor for ATS F&G so that either will have adequate time to consider its further legal recourse. Since there may have been some misunderstanding as to my letter, I feel that this clarification is appropriate.

Sincerely yours,

T. O. PAINE,
Administrator.

READING EMPHASIS OF DISTRICT OF COLUMBIA SCHOOL "DESIGN" ENCOURAGING

Mr. MCCLELLAN. Mr. President, on Saturday and Sunday, July 18 and 19, 1970, articles by James Repass and Lawrence Feinberg, respectively, appeared in the Washington Post. Both articles were based upon a "Design" for the District of Columbia school system adopted by the District of Columbia School Board, which would emphasize reading, communications, and math.

The design was prepared by the Metropolitan Applied Research Center, and referred to in the articles as the plan of Dr. Kenneth B. Clark, a New York psychologist. Dr. Clark has appeared before the Select Committee on Equal Educational Opportunity, but did not at that time discuss the design for the District of Columbia schools.

Dr. Clark has been active in the field of education for many years, and his work was cited in the controversial U.S. Supreme Court's Brown decision in 1954. That work has been subjected to intensive and, to my knowledge, unanswered, criticism. However that may be, and regardless of my agreement or disagreement with other areas of Dr. Clark's work or with the theoretical bases for the design submitted and adopted by the District of Columbia School Board, there are substantial areas of this report with which I am in agreement, and which I support.

Mr. Repass reports that a supplement to the design shows that reading ability is declining in the District of Columbia school system.

This decline in reading ability is continuing, and is apparently reflective of a national trend, even though the Federal Government simultaneously has made massive expenditures to support and supplement our educational system. I am encouraged by the fact that the District of Columbia design does not call for the usual and wasteful increased expenditure of Federal moneys as the answer to our Nation's or the District of Columbia's educational deficiencies. It, instead, calls for increased emphasis within the existing school system on the basic cognitive skills required for a person to complete and find fulfillment in our society:

The basic academic skills which must be effectively taught in the elementary grades are reading, oral and written communication and mathematics, since these skills are essential for academic success in the later grades and necessary for a constructive, competitive, and contributory adult role in the economy and the society as a whole. Certainly, they are imperative as the basis of any realistic pride, general competence, and self-respect.

Of these fundamental skills, probably the most basic in the elementary grades is the specific skill in reading, since it is clear that

success in math and in oral and written communication depends upon it. It is not likely that a child will be successful academically if he is permitted to be deficient in the reading skills of word recognition and reading comprehension.

It would follow, therefore, that in seeking to attain academic excellence in the public schools, concentrated emphasis in curriculum development and teaching be placed upon developing reading skills in the primary grades to the highest level of achievement possible.

I am not a professional educator. However, one does not need to be a professional educator to realize that the ability to read, the ability to communicate, and a grasp of mathematics are the basic indispensable tools with which an individual must confront our complex society if he wishes a reasonable probability of success in his chosen vocation. Apparently the ability to read has been determined to be the key skill in this group of interrelated tools. Therefore, improvement of the level of reading ability in the District of Columbia schools is the paramount objective of the design. I applaud this emphasis and wish the District of Columbia schools marked success in their endeavor. I believe that many of the assumptions concerning the achievable improvement in performance in the District of Columbia schools may be overoptimistic. However, that is inconsequential insofar as I do believe that reading ability can be measurably improved in the District of Columbia.

I was somewhat surprised to read the following statement in Mr. Fineberg's article:

In some ways, Clark's plan appeals strongly to conservatives. It emphasizes reading.

There is an implication in this statement that conservatives, as opposed to liberals, back the plan's emphasis on reading. If the ability to read is a "conservative position," then where, may I ask, does the "liberal" stand? What do the "liberals" view as a more important product of our educational system than the ability to read? Mr. Repass's article quotes a Chicago teacher as saying:

We graduate people that are functional illiterates. They couldn't mix up a bowl of Jello following the direction of the package.

If one cannot follow the directions on the Jello package, how realistic are our expectations that one can achieve any other goal where education is essential?

There are several other points about the article which I mention in passing. I state again that there are substantial theoretical points subject to controversy within this design. However, I do not wish at this time to discuss them.

Dr. Clark explodes the theory that big city problems are due to uneducated, culturally deprived blacks migrating to the North:

In fact, in recent years, the evidence suggests that there are now no differences in academic achievement between those children who have spent all their lives in Northern urban schools and those in these schools who have migrated from the South.

Dr. Clark appears to disagree with the conclusion of the Coleman report that economic and therefore racial integration is essential to effective learning. I would suggest that the research in this area is inadequate and that we must await the result of future studies before accepting or rejecting Coleman's thesis. I would agree with Dr. Clark in rejecting the idea that our educational system must accept the Coleman report as the blueprint for all future educational design. Hopefully future testimony before the Select Committee on Equal Educational Opportunity will provide a more meaningful evaluation of the Coleman report.

Dr. Clark reports that our teacher training is inadequate. That may or may be correct, but I have heard the statement so many times from such a variety of commentators that I am beginning to wonder if it does not have substance.

The design would encourage competition in the District of Columbia school system among both the pupils and the teachers. Competitiveness, whether we like it or not, is a primary element of human nature. To go against the grain of human nature and discourage competition is in my view to encourage a mediocre society and to produce a most ineffectual educational system. After leaving the school, as all of us are well aware, one will encounter aggressive, at times vicious, competition. Our educational system should prepare us for life in our society, not in Utopia.

The design relies greatly upon standardized tests. There is a great deal of nonsense current in educational circles suggesting that standardized tests are inappropriate for ghetto children. Mr. President, whether one likes it or not, we are a society in which ability is measured in largely standard terms. I agree with Dr. Clark's conclusion that the products of our educational system must be able to compete in that society or their time has been wasted. The inevitable product of conducting classes in "the prevailing dialect or permitting mispronunciations or grammatical license" is a person increasingly isolated from our society in terms of his ability to communicate outside his particular localized group.

Dr. Clark suggests that the classrooms should be heterogeneous in terms of background and ability levels of students. He apparently does not suggest that automatic promotion of persons below grade level should occur. This seems to suggest a school system in which ability levels may be heterogeneous but achievement levels are roughly homogeneous. If this is the case, then one would be acting on a modified "track" system wherein students are placed in grades or "tracks" according to achievement level. This would implement the theory that children learn best when grouped with other children at the same learning level.

Dr. Clark makes the supposedly radical suggestion that teachers should be rewarded for proven ability and effort. He would measure ability and effort in teaching, as in other areas of our society, by their measurable output. Standardized tests in terms of what children have learned from their teachers would provide a measurable work-output. I do not state that this method of implementation is necessarily the only method of evaluation, nor does Dr. Clark. I have always believed, however, that one should be rewarded according to one's performance, and I would certainly encourage District of Columbia efforts to move in that direction. This suggestion will no doubt meet opposition, alluded to in Mr. Fineberg's article, from the teacher's union—"who perceive quite correctly that any plan that provides extra pay to a successful few, offers less to the majority." That, of course, is elemental, but I reiterate my belief that a device that rewards those who labor and are successful in their labors is preferable to one that rewards equally the mediocre and indolent with the industrious and productive. Dr. Clark alludes to problems he foresees in dealing with education bureaucracies. To the degree these problems exist, I wish success to the District of Columbia School Board in combating them.

In any event, the day of pouring billions of Federal dollars into ill-conceived compensatory educational projects is hopefully at an end. Compensatory education has been attacked by persons of all ideological viewpoints. It largely has been rejected.

Also in Mr. Fineberg's article, Dr. Clark's staff is reported to have stated how useless ideological labels have become in education. With this I concur. Our primary education problem in the United States is that our system produces children who are seriously deficient in reading, communicating, and mathematics. One should not receive an ideological label for advocating acquisition of these basic skills, and I, for one, am hopeful that the press will avoid placing the label "conservative" on one who emphasizes reading. As I understand the meaning of that label I wear it proudly, but on others such as Dr. Clark, the label may not sit so well, nor would he be, I suspect, so happy to receive it. These labels are, in the field of education, and many other places, useless.

Mr. President, I ask unanimous consent that the text of the two articles to which I have referred be placed in the RECORD at this point as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROMOTION RATE UP IN D.C. SCHOOLS WHILE READING ABILITY STILL DECLINES

(By James P. Repass)

Promotions from one grade to the next are becoming easier to obtain in the D.C. elementary schools, while test results show that reading ability—the main criterion for promotion—has been going down.

The trend is most apparent at the sixth-grade level. Last year, according to a table prepared by the statistical office of the D.C. school system, fewer than one out of every 100 sixth-graders failed to graduate to junior high. Six years ago, the number of retentions was eight times higher.

Six years ago, Washington sixth-graders were reading at a median fifth-grade, seventh-month level. In 1969–70, the level had dropped to fourth grade, eighth month.

For all elementary grades the percentage of students retained has dropped from 9.8 in 1963–64 to 4.7 in 1968–69.

"I can't account for it," states Dr. Dorothy Johnson, assistant superintendent of elementary education. "There has been no change in promotional policy in the last three years, to my knowledge." And promo-

tion policy before that, she states, was substantially the same.

Dr. Johnson said in an interview that she would appoint a committee to investigate immediately the cause of the low nonpromotion rate.

The table detailing nopromotions for each of the elementary grades was published in the appendix of a proposal for improving the D.C. school system prepared by Kenneth B. Clark and his associates at the Metropolitan Applied Research Center.

Dr. Johnson had not seen a copy of the table until supplied one by The Washington Post.

The Clark proposal, entitled "A Possible Reality," calls in part for the setting of minimum achievement standards for students. Those not measuring up would be held back until they did. The proposal was adopted in its entirety by the school board Monday night.

Current standards for promotion of sixth-graders to junior high are set out in a directive issued by Dr. Johnson and three other administrators. For promotion, a sixth-grader must be able to read—as a minimum—at a fifth-grade level. To be promoted, those sixth-graders reading below that level must have spent at least one additional year in elementary school and must read at fourth-grade level or better.

Results of a test given last November show that 25 per cent of all Washington sixth graders were reading below fourth-grade level. Dr. Johnson says it is unlikely that those students would have been able to read at the required minimum fifth-grade level by June.

Under school administration policy, teachers make the final decision on whether a student should be promoted. There is a widespread practice among teachers that once a child reaches 13.7 years of age, but is still in the sixth grade, he should be automatically promoted to junior high.

"WOULDN'T HELP THEM"

The automatic promotion practice—which Dr. Johnson says is not official administration policy—is one factor in the low nonpromotion rate. Teachers interviewed, all but one of whom refused to be quoted by name, believe the practice is a good one.

"We don't feel it's wise to retain children past the sixth grade. It wouldn't help them," one sixth-grade teacher explained. "What do you do with a child who's 6 feet tall and weighs 200 pounds?" asks Conway Perkins, a fifth-grade teacher at Patterson Elementary School.

Some teachers say they feel it is better to send a child along to junior high school, where he will be with children his own age, than to keep him in elementary school for another year.

Overcrowded classrooms and disciplinary problems may also contribute to the promotion of underachievers, teachers indicated. If a child is promoted, he takes up space in somebody else's classroom the next year. And, if problem children are promoted, they become someone else's problem.

BLAMES TEACHERS

A principal at one of Washington's elementary schools, who also asked not to be named, blames the teachers: "They're teaching the text. They're not teaching the reading."

The principal also says Judge J. Skelly Wright's 1967 decision, which abolished the track system in D.C. schools, abets nonretention. Because the decision did away with special education classes, she says slow learners were put in the same class with average learners, where they could not do the work.

As a consequence the child is retained once or more until he reaches the sixth grade, and then, when he reaches 13.7 years of age, he is promoted to junior high school, again regardless of achievement.

A report by Daniel U. Levine, associate director of the Center for the Study of Metropolitan Problems in Education, takes sharp issue with the practice of automatic promotion: ". . . it can be a useful device to avoid compounding the sense of failure of students who for one reason or another cannot live up to unrealistic expectations. Its effects are extremely harmful, however, when it is applied to the economically but not educationally disadvantaged student."

A Chicago teacher, quoted in the Levine report, sums up the problem of the automatic promotion practice:

"Many Chicago kids actually drop out when they are in second grade—just sit in the classes from then on, being pushed ahead each year. If such a child manages to stay in school long enough to graduate from high school, his diploma can't be interpreted as much more than a certificate of attendance. It doesn't mean he's learned anything. We graduate people who are functional illiterates. They couldn't mix up a bowl of Jello following the direction of the package."

CRITICS DISPUTE TWO BASIC TENETS OF CLARK PLAN ON READING

(By Lawrence Feinberg)

"The students in Washington are normal human beings," psychologist Kenneth B. Clark has told the D.C. school board. "If they are taught efficiently, they will learn."

These two points—noncontroversial on their face—underlie Clark's plan to upgrade achievement in the city's elementary and junior high schools.

They are also at the heart of the controversy about the plan for a "reading mobilization year," which was adopted by the board on Monday.

Although they hesitate to say so outright, critics of the proposal, led by the Washington Teachers Union, implicitly reject both of Clark's points. They contend that Washington's school children—94 per cent of them Negro and many of them poor—are different from the white middle-class youngsters whose achievements generally determine the national norms.

By ninth grade, according to tests given last November, Washington students average 2.2 years below these norms in reading. To expect them to achieve at "grade level" by next June, as Clark promises, is a "cruel hoax," teachers' union president William Simons believes.

With the problems the children bring into Washington's classrooms, Simons adds it is unfair to hold teachers responsible for what they learn. Yet, placing responsibility on the teachers—and offering more pay to those whose students learn more—is one of the crucial elements of Clark's plan.

"What do you do about the teacher who happens to have a group of students who do not get proper food at home or come from an environment that is not conducive to learning?" Simons asks. "A teacher has to do whatever she can to overcome the problems they bring with them from home."

Some school officials argue privately that the union opposition to Clark's plan stems basically from the nature of the union itself and not from any intellectual doubts.

As a democratic group, they argue, the union reflects the interests of the majority of its members, who perceive quite correctly that any plan that provides extra pay to a successful few, offers less to the majority.

But there is also a considerable amount of academic research to support Simons' arguments.

The most notable example probably is the massive survey of American schools conducted in 1966 for the U.S. Office of Education by James Coleman, a sociologist at Johns Hopkins University. The Coleman report shows a close connection between family background and educational achievement, and relatively little connection between learning and the resources in the schools themselves.

Clark, of course, does not dispute the reality or the painfulness of discrimination. He was raised in Harlem. His research on the damage done to Negro children by segregated education was cited by the Supreme Court in its 1954 desegregation decision.

But he believes the main reason for educational failure is bad education—poor teaching caused by low expectations of what children can learn and poor motivation for both teachers and students.

In his report to the school board he carefully discusses all the usual explanations of "why low-income and minority group children are not learning at national norms"—recent migrancy from the South, "cultural deprivation," over-activity, "alleged biological-genetic inferiority."

He concludes that "none of them is sustained by the evidence."

"Such excuses," he adds, "serve as an evasion of responsibility by any school system that relies upon them. Children, regardless of socio-economic class or race, can learn if they are effectively taught."

In some ways, Clark's plan appeals strongly to conservatives. It emphasizes reading, which Clark, sounding much like former D.C. Superintendent Carl F. Hansen, says must be "the first priority" because "all future learning depends on it."

The plan also emphasizes setting standards—"minimum systemwide floors on achievement" for each grade, and sticking to them instead of granting automatic "social promotions."

And it relies on tests—standardized nationwide test—to measure achievement.

But in the way it uses these tests, and much else, the plan is radical—a drastic change from the usual way of running a school system. And this, Clark's staff insists, shows how useless ideological labels have become in education.

Under the program, the tests will be given to all students three times a year, and their results will be made public—grade-by-grade, class-by-class, and school-by-school. They will be used as the primary means of evaluating teachers and schools to make them "accountable" to their communities.

However, the exact mechanics for evaluation—along with other details of the program—have not yet been worked out.

Clark does not prescribe how reading should be taught. Instead, it is up to "reading mobilization teams," comprised of teachers, reading specialists, and university consultants, to choose specific methods, and materials for each school—and to change them if they are not getting results.

The emphasis almost entirely is on results, which is where it was placed by former U.S. Education Commissioner James Allen when he proclaimed a national "right-to-read" campaign last year.

Rewarding teachers by their "output"—the achievement gains made by their students—is quite different, Clark's staff says, from the traditional forms of "merit pay," which tried to evaluate teacher competency.

Each classroom, in Clark's program, will be "heterogeneous," containing a mix of students at different levels of achievement—the opposite of Hansen's track system.

There will be group competitions between whole classes and schools for honors and prestige. The models for this are found partly in sports teams and partly in Soviet Russia and Cuba, where teams of workers compete to meet production standards.

Last Monday only one school board member, Charles Cassell, voted against Clark's plan. Cassell denounced its emphasis on competitiveness and its commitment to teaching standard English to children who speak a ghetto dialect.

CAN'T BE FOOLED

Clark replied, "The most insidious form of rejection of black youngsters is that based on the assumption that they cannot learn what other human beings can learn. You can't fool these youngsters no matter how you try to sugarcoat it . . .

"We cannot prepare our youngsters for a constructive and competitive role in this society—particularly because it is a racist society—without giving them the tools for single-standard competition . . ."

Many black teachers and administrators in the audience applauded loudly.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. BIBLE. Mr. President, I support the conference report. I was a conferee on the bill. As Senators know, I am also a longtime member and past chairman of the Committee on the District of Columbia. I am well acquainted with—and deeply disturbed by—the crime and law-enforcement problems of our Nation's Capital City.

I daresay that during my long tenure on the District of Columbia Committee no single subject has occupied more time and energy than legislation to curb the crime rate and rid the streets of Washington of the hoodlums who prey on the law-abiding community. At intervals over the years, the District Committee has recommended, the Congress has passed, and the President has approved numerous measures to increase the judge power of Washington's juvenile and criminal courts, to strengthen the criminal laws, to stiffen the penalties imposable on convicted felons, to put more policemen on the streets, and in general to provide the District's law-enforcement authorities all of the tools needed to counter and quell the crime wave.

But what does the record show? The criminal element still runs rampant through the streets of our National Capital. Serious crimes in the District are increasing at the rate of 22 percent a year. The number of reported felonies has risen 122 percent over the past 5 years. Felony convictions in the District of Columbia courts in 1969 represented only 2.5 percent of the 56,419 felonies reported that year. Washington is more than ever a city of fear—deserted after dark downtown. A terror for its citizens and the hundreds of thousands of people from across the Nation who want—and are entitled—to enjoy the beauties of this great Capital in safety.

They cannot do so today. The situation is disgraceful. The mugger, the rapist, the armed robber, the hoodlum community in general are having a field day after dark, and they have got to be stopped.

The bill now before the Senate is a very good bill. It gets to the root of some very critical aspects of Washington's crime problem, and will go far toward curbing the criminal element.

Before turning to the major provisions of the bill, I want to comment concerning the tremendous amount of effort that has gone into its development. In particular, I want to commend our distinguished and very able colleague, the senior Senator from Maryland, and chairman of the District Committee. I know of no one more stanchly dedicated to the cause of individual liberty and freedom under law than Senator TYDINGS. His leadership on this bill has been outstanding. I have been privileged to serve on many conferences involving District legislation, and I have never seen greater dedication than that displayed by the Senator from Maryland in connection with this bill. There were some 24 meetings of the conferees over a 3-month period. Senator TYDINGS brought to his task all of his own considerable knowledge, plus some of the finest staff work I have ever seen. Needless to say, portions of this bill have generated a good deal of controversy and concern in the area of constitutional rights. JOE TYDINGS is an outstanding champion of those rights, and every portion of this legislation was carefully examined to assure their protection. I think he has done a magnificent job for the Senate and the people of the National Capital area. He has hammered out a much-needed bill that will strike a strong and effective blow against crime, and one which is carefully structured so as not to impinge upon constitutional rights and individual freedoms.

Turning to the bill itself, it is a massive piece of carefully drawn legislation. At its heart is a major overhaul of the court system of the District of Columbia.

In recent years, it has become apparent that the court system in the District of Columbia has been increasingly unable to provide the swift administration of criminal justice this city needs to stem the crime wave. Nothing demonstrates this fact better than the incredible backlog that exists in felony prosecutions. Despite the best efforts of the present court—including the use of a visiting judges program, the implementation of a more effective individual calendar system, and an unsurpassed number of days on the bench per judge—delays in felony trials now average from nine months to a year. The felony case backlog now stands at more than 1,600 cases.

This is intolerable. It robs the District's criminal justice system of any deterrent effect. It creates undue pressures to bargain for pleas in order to reduce the case backlog. The pressures are such that it is little wonder that some dangerous defendants charged with several serious felonies have their slates wiped clean by confessing to but one crime and sometimes only to a lesser included offense carrying only misdemeanor penalties.

As the court struggles with its backlog, too many dangerous defendants are free on the streets, either because they are on bail during months of trial delay or because they have been able to bargain and plead to lesser offenses and receive short prison sentences.

This bill will reform the District's present inadequate court system to speed up the processes of justice and to eliminate the evils of delay and the added crime that results when justice is delayed.

Current practice in the District of Columbia requires Federal trial and appellate judges to devote their time and effort to matters that are purely local and non-Federal in nature. The bill will permit the Federal judiciary to concentrate their full attention on Federal matters. It will overcome the split personality of the present system under which some cases must go to Federal court and some to the local courts. Under S. 2601, all District of Columbia offenses, felonies and misdemeanors, will be tried in a new superior court of the District of Columbia. The bill gives the District a court system comparable to those of the States and other large municipalities. It will end the jurisdictional problems that too frequently mark the present working relationship between the Federal and local courts. And it provides for a new emphasis on modern management techniques that should improve the day-to-day operation of the new court.

Perhaps most important of all, the bill provides for a major increase in judge power. Under the conference agreement, there will be 17 new judgeships created, 10 upon enactment and seven additional judges in 18 months.

I have said over and over, and I repeat again, that the one surefire remedy to a rampant crime wave is swift and certain justice. This new court system will have the necessary judges to man the bench and is a major step toward that type of justice. We have before us a court reorganization package structured to bring greater efficiency to the administration of criminal justice. I am confident that in passing this bill we will have launched a major assault against the criminal element.

The bill contains much more that is valuable and long overdue. As a part of the proposed court reorganization, Washington's hopelessly overloaded juvenile court system will be integrated into the superior court system. The present situation is a disgrace. Three judges are struggling to handle a juvenile court backlog of over 6,000 cases with a quarterly intake rate of over 2,000 new cases. By making the juvenile court a part of the family division of the new superior court, the bill will make it possible to direct more judge power and more resources to the juvenile crime problem. It provides a new up-to-date code of juvenile procedure incorporating new requirements imposed by recent court decisions. The new code will bring a vast improvement in the procedures for handling young offenders.

The legislation also provides for a modern and adequate public defender service—a major step forward to guarantee that every person charged with crime in the District will be fully and ably represented by experienced counsel.

Mr. President, while the much-needed court reorganization is the cornerstone of this legislation, the bill also under-

takes to modify some of the more unrealistic provisions of the criminal law that have hampered law enforcement and undermined the administration of justice in the District. I refer, of course, to the so-called no-knock entry and the pretrial detention provisions of the bill.

Because of the public controversy that has surrounded them—and especially because changes in the law in these two areas must be closely scrutinized to insure that there is no infringement of constitutional rights—I have examined both these features of the bill with special care.

I find that the no-knock warrant provision agreed to in conference meets the standards of the unanimously passed Senate bill. The conference bill simply conforms District of Columbia law with Supreme Court decisions on this subject. It merely states in clear statutory language the conditions the Court has already held to permit an officer to dispense with the standard notice of his identity and purpose when he executes a search or arrest warrant.

The bill in no way enlarges the authority of police officers to conduct a search without a warrant. It codifies the controlling Supreme Court decision in Ker against California which already specifies that an officer may enter without knocking when an announcement of his presence and purpose would endanger his life or result in the destruction of evidence for which the court has authorized him to search.

Indeed, the conference bill actually provides not less but more protection for the public by subjecting no-knock actions by police officers to greater judicial scrutiny and supervision. The bill requires prior court approval of any entry without notice when the circumstances which would justify such an entry are known by the officer at the time he applies for a warrant.

A further point to remember in this debate is the need for no-knock authority. All too often the necessary evidence in a narcotics raid or a gambling raid is destroyed during the time the officer spends announcing his presence and authority, and more than one police officer has met his death at the hands of a dangerous felon because he announced himself. Commonsense tells us that there are situations where no-knock authority is essential. The conference bill sets out those situations with precision and in detail.

The pretrial detention provision of the conference bill has also generated a great deal of concern. I think, however, that too little is understood or appreciated of the aims and purposes of this provision. The provision is not aimed at locking up droves of people as has been charged. It is not an affront to the Constitution, and it is not an effort to punish defendants in advance for crimes that they have not committed.

It is none of those things. It is, instead, a carefully drafted proposal that seeks to identify and hold for a limited time prior to trial the truly dangerous defendant; the one whose record demonstrates a past pattern of dangerous criminal conduct; the one where the case being pressed by the Government is strong and indicates a high probability of guilt; the one, for example, who was caught in the act of an armed holdup or serious mugging, and who by the dictates of commonsense ought to be brought to trial promptly and not released to prey again on the community. This provision is aimed only at those defendants who cannot be released on any condition or combination of conditions that will assure the safety of another person or the community.

There is nothing unique or original about the present proposal. It was recommended by a majority of the President's District of Columbia Crime Commission in 1965. It has been endorsed by the Judicial Council Committee of the District of Columbia. Our law has its roots in England, and pretrial detention has been a part of the British system of justice for hundreds of years.

Further, I am convinced that Congress must face the ugly fact that entirely too much serious crime is being committed by defendants released on bail in the District of Columbia. One study by the Metropolitan Police Department shows that of 130 persons indicted for armed robbery and given pretrial release 34.6 percent were indicted for at least one felony while on bail. Data developed by the U.S. attorney's office show that 70 percent of 345 defendants released before trial in 1968 were reportedly arrested for a new crime. The Judicial Council Committee reviewed the U.S. attorney's survey. They took a sample of robbery defendants and found that almost 64 percent of 106 defendants on pretrial release were rearrested while on bail. The report of the National Bureau of Standards released earlier this year showed that of the sample covered by that study 17 percent of 147 felony defendants were rearrested during pretrial. Twenty-five percent of the defendants charged with "dangerous crimes"—as defined in this bill—were rearrested while on bail.

I realize that some controversy surrounds the sampling techniques, statistical methodology, and conclusions reached in these studies. However, add to this individual cases too frequently reported in the press concerning the murdered storekeeper, the injured bus-driver or policeman, the threatened bank teller, the rape victim—who have fallen prey to hardened criminals who have been on pretrial release.

I submit that the case for the limited—carefully circumscribed—preventive detention provision contained in this bill has been well-made.

As has been pointed out earlier in the debate, the Senate conferees were highly alert to the constitutional questions raised against this part of the conference bill. I have examined this issue with some care. I recognize that there are constitutional arguments on both sides of the question—as is so often the case with legislation dealing with the criminal law. The issue will ultimately be taken to and decided by the courts. However, I am satisfied that under existing authorities this narrowly limited and fully protected detention provision is fully constitutional.

I think the ultimate test of constitutionality is due process of law. The detention authority confided to the courts by this bill is surrounded by due process protections. It is a measured and reasonable legislative response.

Mr. President, the need for effective action against the criminal element in the Nation's Capital has never been so urgent, and the time for action is now. The bill is well designed to bring to this crime-ridden city a rebirth of swift, fairly administered criminal justice. It will help to curb the present lawlessness. The specter of certain justice will, I think, have a strong deterrent effect on would-be criminals.

In sum, I think we have before us one of the most carefully constructed, comprehensive and effective legislative attacks on crime in the Nation's Capital ever presented to the Senate.

I urge that the conference report be agreed to.

SENATE JOINT RESOLUTION 222—A BILL TO AMEND THE WATERFRONT COMMISSION COMPACT

Mr. JAVITS. Mr. President, at the desk is Senate Joint Resolution 222, to amend the Waterfront Commission compact and to consent to an Airport Commission compact between New York and New Jersey, which was introduced last Thursday but has not yet been referred.

After conferring with the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), and the Senator from Nebraska (Mr. HRUSKA), the ranking minority member of the Committee on the Judiciary, who has cleared the matter for me through the Judiciary Committee in the absence of its chairman, I ask unanimous consent that the bill may be referred to the Committee on the Judiciary, that the Committee on the Judiciary be requested to refer the bill in turn to the Committee on Commerce, which will have its reference limited to 30 days, and then to return the bill, with its recommendations, to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—I think this is a good solution with respect to a bill that happens to involve the jurisdiction of two committees. We handle air cargo and all transportation, but the bill also involves some judicial matters.

Mr. JAVITS. The compact.

Mr. MAGNUSON. It involves the jurisdiction of States. I think this is a good solution, and I shall not object. I appreciate the courtesy of the Senator from New York.

Mr. JAVITS. I greatly appreciate the cooperation of Senator MAGNUSON and Senator HRUSKA, without which this could not have been done.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting

nominations were communicated to the Senate, by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the presiding Officer (Mr. FANNIN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act; and

S. 3889. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The message also announced that the House had passed the bill (S. 3279) to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia;

H.R. 10837. An act to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926;

H.R. 11953. An act to amend section 205 of the Act of September 21, 1944 (58 Stat. 736), as amended;

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes;

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes;

H.R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission;

H.R. 16539. An act to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council; and

H.R. 18253. An act to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 689) providing for an adjournment of the House from August 14, 1970, until September 9, 1970, or sooner if reassembled by the Speaker, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 9164. An act to permit the use for any public purpose of certain real property in the State of Georgia; and H.R. 10837. An act to provide for the conveyance to Pima and Maricopa Counties, Ariz., and to the city of Albuquerque, N. Mex., of certain lands for recreational purposes under the provisions of the Recreation and Public Purposes Act of 1926; to the Committee on Interior and Insular Affairs.

H.R. 11953. An act to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended; to the Committee on Agriculture and Forestry.

H.R. 12475. An act to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes; to the Committee on Commerce.

H.R. 14114. An act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes; placed on the calendar.

H.R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission; to the Committee on Rules and Administration.

H.R. 16539. An act to amend the National Aeronautics and Space Act of 1958 to provide that the Secretary of Transportation shall be a member of the National Aeronautics and Space Council; to the Committee on Aeronautical and Space Sciences.

H.R. 18253. An act to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Finance.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. McGOVERN. Mr. President, I oppose adoption of the conference report on S. 2601, the District of Columbia omnibus anticrime bill. I join nearly two dozen other Senators in sponsoring an alternative District of Columbia crime package. The first part of the package retains the provisions of the conference bill on court reorganization, the District of Columbia Bail Agency, and adoption of the Interstate Compact on Juveniles by the District. This substitute includes all the noncontroversial parts of the conference measure. The second part of the package deals with criminal and juvenile law and procedure. It eliminates the conference provisions on preventive detention, no-knock searches, wiretapping, and mandatory minimum sentences.

I join other Senators in retaining provisions for crime control which criminologists, judges, prosecutors, and the bar have long recommended. The proposals we would eliminate are those which are the unique creation of the administration.

The crime problem is so serious, that we must all be inclined, as I know we are, to give any proposal for better crime control the most sympathetic consideration. But the evidence and argument that has been amassed leads simply and surely to the conclusion that what the administration would have us write into law will do much to curb freedom in America, and may heighten the crisis of crime and violence now ravaging the Nation.

The proposal for preventive detention is perhaps the most compelling demonstration of this. When preventive detention is proposed, it is always coupled with the recitation of horrible crimes committed by defendants while on bail release and statements, such as that of the Attorney General who said in proposing preventive detention:

> I believe that the pretrial release of potentially dangerous defendants constitutes one of the most serious factors in the present crime rate.

Well, the facts are now in and they make dramatically clear that the Attorney General's belief is unfounded. During the initial hearings on the District of Columbia bill, all sorts of pretrial recidivist rates from 6 to 45 percent were suggested, but there was no consensus on reliable data. Only after the serious questions were raised by the opponents of preventive detention, did the Justice Department decide to find out what really are the facts about pretrial crime. It was a curious procedure of first proposing policy, and only afterward, looking at the facts upon which the policy decision must be based. Anyway, the Justice Department, through the National Bureau of Standards, had a report prepared on pretrial crime in the District of Columbia. There was unexplained delay in its release. Commentators began to suspect that the Justice Department was surprised by the results. When the report finally was released, its remarkable conclusion was that the percentage of persons in the District of Columbia arrested for violent crimes and then released who are later rearrested for serious crimes while on bail is only 5 percent. As Senator ERVIN has pointed out, this 5-percent figure is an inescapable conclusion of the Justice Department's own report. And this figure refers to the entire 10-to-12 month period it presently takes to reach trial in the District of Columbia. The proposal for preventive detention provides for a 2-month detention period. So actually, even assuming that judges could determine which defendants are fit subjects for preventive detention, roughly one-fifth of the minimal pretrial crime is the maximum that could be prevented.

However, the other key fact about preventive detention, the fact which the Justice Department report and the commentators verify, is that there is no way that judges can come even reasonably close to selecting out of all the criminal repeaters, the ones who will actually commit pretrial crime. Thus, for every 100 criminal defendants, about 99 will be subjected to the jeopardy of imprisonment without bail to stop the one. That is 99 out of every 100 who could lose their rights as American citizens for crime they would never commit. That is 99 innocent people out of every 100, who may

be subject to the loss of their jobs, the dissolution of their families, and all the other usual results of incarceration which flow from the physical and psychological degradation of jail life.

There may be further arguments about the exact figures, but this much is clear. Preventive detention means putting some people in jail for crimes they would never commit. And for all the improvements, the District of Columbia jails, like most jails in the United States, are places where crime is taught among the inmates. By keeping innocent people in these crime factories, preventive detention, an alleged solution to the crime problem, will serve to encourage even more crime.

The real solutions to pretrial crime are less flamboyant but more just: for instance, conditional release whereby release on bail could be revoked if certain conditions are violated, such as regular employment and reporting to supervisory personnel. Another partial solution would be the deterrent effect of special additional penalties for crime committed while on bail. Most important of all would be speedier trials. The witnesses on the bill have agreed that trials within 60 days could virtually eliminate pretrial crime, and would of course ensure better justice. The tragic irony of the proposal for preventive detention is that it means a horrendous additional burden for the already clogged court system and the crowded jails. By further slowing the time to trial and degrading the administration of justice, preventive detention will only increase the opportunity for pretrial crime.

In sum, the facts, as established by the Justice Department's own Report, and simplest logic, end the debate even before we can reach all the constitutional reasons for rejecting preventive detention. It is clear that preventive detention, even in the terms of its sponsors, just will not do the job promised. The Justice Department and news reports may continue to find and display the outrageous crime committed by a defendant while on bail; but the hard fact is there is no way to identify that person without endangering the well-being of a large part of the very community most oppressed by street crime. My colleague, Senator TYDINGS, has remarked:

> To those who say this bill is antiblack, I say crime in this 70 percent black city is antiblack.

But that is no answer for the innocent man who sits in jail tormented with wondering whether his children will eat or be clothed without his support.

It is a key principle of our constitutional heritage that whenever constitutional rights are involved in the provision for crime control, legislators and judges must look not only to how a particular measure may work out in the ideal, but also to the potential for abuse. I repeat that on the basis of the former alone, there is conclusive reason to reject preventive detention. But consider also how preventive detention can actually be used with respect to the black community. Judges will tend to find the "dangerousness" that legitimizes detention most easily where an individual's background reflects the worst social conditions.

I call to your attention a very revealing item that passed unnoticed in the Senate committee hearings on preventive detention. District of Columbia Police Chief Wilson had just testified, asserting the fairness of the proposal. He then submitted, as examples for the record, a dozen or so case histories selected to show appropriate individual subjects for preventive detention. Each case history begins, "Negro, male." I do not doubt for a moment that preventive detention, with all the injustice that it means, will impinge primarily on the black ghetto. My colleague, the Senator from Maryland (Mr. TYDINGS), has voiced the hope and expectation that present apprehension in the black community is ill founded and will be dispelled when there is better education as to the operation of preventive detention. I say the ghetto understands very well what preventive detention means—much better than most of us. Living in the ghetto is the best possible instruction as to the impact of extreme and irrational response to the crime problem.

That preventive detention would deny justice should not really come as a surprise. For in theory alone the proposal never made much sense. If the public safety justifies detention to prevent future crime, it is just as reasonable to extend jail terms. No doubt if we never let any offender out of jail, the crime rate would be significantly reduced. This is, of course, the absurd logic of preventive detention. It would seem to have no place in a society where laws are supposed to represent the rational side of man. But, of course, the administration's crime proposals are supposed to represent a change in philosophy.

The change in philosophy is perhaps nowhere more evident than in the proposals for dealing with juvenile offenders. From the very beginnings of criminology, indeed, since the earliest studies of social development, it has always been recognized that rehabilitative efforts are most hopeful and successful where the youthful offender is concerned. Yet, under the conference measure, as it grew out of the administration proposals, the term "child" is to be defined so that persons 16 years old charged with certain crimes must be excluded from the jurisdiction of Family Court. They must be tried by an adult court and will be subject to imprisonment in an adult jail. The conference measure also makes it possible to transfer any 15-year-old to adult court for the commission of any felony. This provision was opposed by all the hearing witnesses except the Department of Justice. Opposing witnesses included the people in the District most intimately acquainted with the juvenile treatment process and the District's juveniles, such as the District of Columbia Department of Public Welfare and the District of Columbia Bar Association's Juvenile Court Committee. Altogether, the direction of the juvenile offender provisions is to make permanent social evil of youthful tendency that could be reversed by more rational treatment. The long-range dividend is absolutely negative.

What will be accomplished in the short run? The testimony also established that judges and prosecutors are not generally willing to send young offenders to adult jails. Judges and prosecutors are understandably reluctant to send a young offender to crime school. They are reluctant to destroy his life. They are reluctant to give society a permanent enemy. Thus, instead of more protection for the community, these proposals will severely increase the immediate danger. The charges against the young criminal will be more often dropped. Society and the offender will lose the benefit of the supervision and correctional controls of the juvenile authorities.

By myopic rejection of rehabilitation for repression, the administration thus promises order and gives us social disaster. They forget Justice Burger's wise admonition—

> We must proceed, even in the face of bitter contrary experience, in the belief that every human being has a spark somewhere hidden in him that will make it possible for redemption and rehabilitation. If we accept the idea that each human being, however "bad," is a child of God, we must look for that spark.

If the juvenile offender provisions and other provisions such as mandatory minimum sentences are enacted, we lose not only this spiritual commitment, but also the real possibility for a better society through rehabilitation.

The District of Columbia crime bill as proposed is probably most disturbing in the range and degree of its attack on civil liberties. This seemingly is the aspect of the bill that is most disturbing to the Senator from North Carolina (Mr. ERVIN). The Senator from North Carolina has been caused to remark:

> This bill might be better entitled "A bill to repeal the fourth, fifth, sixth, and eighth amendments to the Constitution."

For instance, the administration intends to bring better crime control by extending the use of the wiretap to the widest range of street crime. While the wiretap sometimes yields results in the surveillance and investigation of narcotics distribution and organized crime, police experience as well as commonsense both indicate that the wiretap has almost no utility with respect to the ordinary street crime which leads to cries for law and order. The administration's proposals are aimed at blanket authority to use the wiretap. The practical result would be to make the wiretap a ubiquitous presence and conventional assumption in this society.

The extended wiretap is the proposal of politicians who decried "big Government" on their way to the White House. Big Government? This bill has the makings of the "big brother" of 1984.

The effect of the no-knock proposal is to give the police the authority to break into your home, any time, day or night. Oh, yes. There is provision for a warrant. But besides the fact that a police officer will be generally allowed to break in without a warrant, the warrant provided for is a giant step into 1984. It is a new kind of warrant. Instead of requiring a

sworn statement as to present fact, it requires only a declaration of prophecy that if the police officer knocks and informs the occupants of a house of his presence, a life will be threatened or evidence will be destroyed. As Senator ERVIN has pointed out, this is pure prophecy by an officer miles away from the point of entry. It requires him to swear to what he cannot possibly know.

Most important, once this warrant is issued, no-knock procedures is legitimized no matter what the actual facts when the officer is later present at the point of entry. Under the present common law rule, there can be post facto review by a court, review at which the actual circumstances of the entry can be presented and judged. The risk of this review serves as a deterrent to unjustifiable no-knock entry. But under the no-knock proposal in this bill, once the oracle has spoken and the policeman is armed with this unique warrant, or modern version of the Sibylline leaves, nothing will be disallowed.

The no-knock proposal is couched in terms of prevention of violence. But think for a moment what will occur when policemen charge into citizens' homes, any time, day or night. Consider the deadly weapons and attack trained dogs available to many District of Columbia residents, and the likely response of an average citizen when someone, he probably would not know who, breaks into his home in the middle of the night. No-knock means extreme physical danger to all of us, including the police. It is incredible that this is the proposal of an administration publicly dedicated to law and order.

We have before us what Senator ERVIN rightly entitled on its initial presentation, "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair, and vindictive legislation that the Senate has ever been presented."

What is particularly remarkable is that the administration's bill, as originally presented, contained proposals which were in blatant violation of well established constitutional law. The bill, as it appeared in the House, permitted appeals by the Government to resolve substantial questions, even after a defendant is acquitted. Any first-year law student knows that the quality of our legal process depends on adversary presentation of the issues, that the Constitution requires an "actual case or controversy," and that American courts do not sit to render advisory opinions. It is beyond belief that trained lawyers in the Justice Department could have sincerely expected this proposal to stand as law in this country. That this proposal could withstand a line of precedent stretching at least as far as Marbury against Madison in 1803 is surpassed in absurdity only by the provision added in the House, and later modified, which stated that in any civil action for unlawful arrest against a police officer, the plaintiff is required to pay the attorney's fees of the defendant officer, even if the plaintiff wins the case.

This is some war on crime. In truth, it is only a war dance; with all the pounding and the shouting, but no real commitment to battle.

The reason is not a lack of toughness. The administration is getting tougher, but for a different war—a political war. All these apparently hard-nosed proposals, which would actually result in making reduction of crime harder to accomplish, are part of a great illusion that has been fostered ever since Richard Nixon began to campaign for the Presidency in 1968. It is the illusion that crime is ravaging the Nation because the police, the prosecutors and the judges are too soft on the criminals. The reasoning of the administration was never more clear than when a few weeks ago, the President threatened the Congress that if we did not pass his crime legislation, the people would hold those rejecting his proposals responsible for the continuing crime crisis. He thereby laid the groundwork for reaping the political benefit of his crime program.

Why, then, were some proposals made which were so obviously doomed to failure? The only reason that appears is reflected in President Nixon's threat. The administration hopes to blame Congress and the courts for striking down an alleged attempt to stop crime. This will be the administration's response to the inevitable demonstration that the Nixon promise to end the crime crisis is to be unfulfilled.

The promise will be unfulfilled because the harder constructive task has been largely avoided. There has been no major effort to make the basic change and improvement in correctional facilities that is the precondition for eliminating the high proportion of repeater crime. There is no major new effort on the part of the administration to secure better gun control, to develop police community relations programs, to professionalize and educate police. But we have seen a slowdown in the effort to eradicate a major source of the crime problem, the decaying urban environment that deprives and demoralizes the individual.

The plan in the District of Columbia crime bill for an improved court system represents a long requested positive effort. But even here the conference bill provides about one-tenth the funds that Senator ERVIN and others who have studied the problem in depth regard as critically necessary. The court reorganization proposals should be saved and improved, and the garbage must be dumped. This is what the substitute measure which I have cosponsored will accomplish.

It is our duty to dispel the Nixon mythology which substitutes political expediency for any real attack on crime. For the bill before us shows that indulging in illusions means failure in fighting crime and the loss of precious freedom.

We must face up to the challenge of crime by providing the thoughtful constructive solutions and the necessary resources. We must not cower before the political threat. We cannot build wise policy on fear. I for one believe in the good sense of the American people. Those who sow deception and fear will not profit. "For they have sown the wind, and they shall reap the whirlwind." Mr. President, I shall vote against the conference report.

EXTENSION OF BOUNDARIES OF THE TOIYABE NATIONAL FOREST IN NEVADA

Mr. ALLOTT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3279.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate the amendment of the House of Representatives to the bill (S. 3279) to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes which was on page 3, line 14, strike out "Funds" and insert "Not to exceed $12,500,000 of the funds".

Mr. ALLOTT. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

The PRESIDING OFFICER (Mr. SAXBE). The Senator from Maryland.

Mr. TYDINGS. Mr. President, I rise once more in support of the report of the conference on S. 2601, the District of Columbia Court Reform and Criminal Procedure Act of 1970.

It might be expected that any defense of this strong anticrime measure would be prefaced by an extended discussion of the problem the report is designed to meet. I will refrain from repeating the appalling statistics relating to crime in the National Capital, however, for several important reasons:

First, too much rhetoric, too much emotionalism has already beclouded the debate on the conference report on S. 2601.

Second, I do not choose to waste words when I know that every Senator knows the impact of crime on the citizens of this city. In fact, hardly an office in the entire U.S. Senate has not actually felt the impact of the crime crisis of this city.

This bill is the keystone of President Nixon's program against crime in the Nation Capital. The court reorganization it provides is indispensable to any permanent reduction in the criminal case backlog in the Capital. Its codification of portions of criminal law in the city is the first in half a century. Its expansion of the Public Defender Service and the Bail Agency are long overdue steps to provide an adequate representation and supervision of criminal defendants. The pretrial detention provisions are essential to protect law-abiding citizens from dangerous criminal defendants. The second offense minimum mandatory and "wiretap" provisions simply make applicable to local crimes in the District of Columbia the same penalties and procedures prescribed by Congress

for the Nation in the omnibus crime bill and the Gun Crime Control Act of 1968.

This bill should be enacted because it is a good bill; because it is an essential tool for law enforcement; and because the alternative suggested by the bill's critics are illusions which promise only continued delay and inaction on the District of Columbia crime crisis.

Now, Mr. President, turning to the substance of the bill, most of the debate on this legislation has centered on the issues of so-called no-knock warrants and pretrial detention. I wish to remind the Senate, however, that all of the controversial features in the conference report on S. 2601 in the aggregate do not amount to so much as 10 percent of the substance or bulk of the bill. I vigorously urge the Senate not to lose sight of the fact that the conference version of S. 2601 is 100 percent a monumental compendium of important and much-needed reforms. Moreover, 90 percent of the bill is wholly noncontroversial.

Among other reforms, the conference report provides—

An efficient, merged local court system with divisions of flexible size capable of adjusting to exact court needs.

A nearly two-thirds increase in the number of local trial judges, along with numerous other means for expanding the city's judicial resources.

Increased tenure, salaries, retirement benefits, and the like, to attract high quality personnel to the local bench.

A refined mechanism for ridding the bench of unfit judges.

Modern court management, with centralization of non-judicial, administrative duties in a top-level court executive.

A modern juvenile code codifying recent developments in the law of juvenile court proceedings.

A telescoping of numerous juvenile proceedings, and other means for assuring juvenile court expedition.

Three distinct modes of adjudication and treatment for three distinct categories of juveniles.

A full-fledged Public Defender Service for the District of Columbia, greatly expanded beyond the size and scope of the operation of the existing Legal Aid Agency.

An expanded bail agency, with new supervisory capacity and functions regarding persons released prior to trial.

Authorization for increased police mutual assistance between the District and the suburbs.

A Federal payment of $5,000,000 to assist the District of Columbia government in meeting the costs of S. 2601 and certain other crime-related programs, notably the city's Narcotics Treatment Agency.

Among the many other reforms less frequently mentioned, the conference report also provides—

A percentage method for computing local judges' salaries, with such salaries to be fixed at 90 percent of Federal judges' salaries—thereby extending to District of Columbia judges the benefit of quadrennial review by the Kappell Commission.

Individual law clerks for all local judges, as well as a pool of three additional law clerks to serve the local court of appeals.

Authorization for the assignment of Federal district judges to serve temporarily, as the need arises, on the local trial bench.

A corps of active "senior" judges, by establishing a mandatory retirement age of 70 and repealing the 60-day limit on the fully compensated annual active service of retired local judges.

A requirement that all judges file annually with the removal commission a detailed financial statement much like the confidential report required in the U.S. Senate.

Authorization for the Public Defender Service to accept public grants and private contributions to facilitate research and continuing educational assistance on the part of the Service for members of the private bar inexperienced in criminal defense work and the like.

Elimination of the requirement that an indigent plaintiff in an uncontested divorce proceeding pay the attorney's fees of the defendant.

In the place of the ancient coroner system, a modern office of medical examiner with purely scientific, and no longer quasi-judicial, functions.

Elimination of the criminal and quasi-criminal incidents of paternal and non-support proceedings.

In cases involving offenses among members of the same family, special proceedings for a civil protection order as a preferred alternative to criminal process.

Procedure for sealing—expunging—juvenile records, in appropriate cases, apart from the familiar rules of codification.

Right of juvenile to appeal directly, and on an expedited basis, from the entering of a detention or shelter care or transfer order.

The "beyond a reasonable doubt" standard for factfinding in delinquency cases.

Precise statutory criteria to be applied in juvenile transfer proceedings.

Authorization for disclosure of the presentencing report in criminal proceedings.

Right of a defendant in a criminal proceeding to address the court and adduce information in mitigation of his sentence.

Right of discovery for a defendant in a criminal proceeding, as to information to be adduced by the prosecution in connection with sentencing.

Codification of the case law requirement of pretrial notice of the prosecution's intent to rely on any repeated offender statute.

Mr. President, each of the items in this summary list of reforms constitutes an historic development, promising great and important benefit for the administration of justice in the National Capital.

I hope that my fellow Senators by now have studied the conference report on S. 2601 and the Senate statement of managers; I hope that they appreciate fully the extraordinary breadth and depth of the reforms incorporated in the pending report.

In the course of this debate it has been asserted that the Senate went down in defeat on most of the major issues before the conference on S. 2601. That assertion, Mr. President, is both untrue and unfair. It reflects a lack of familiarity, a lack of a grasp of the facts, with the scores of important issues before the conference—that same lack of familiarity, in fact, that has led the opponents of this report into exaggerations and misstatements both of the facts and of the law.

Some critics have alluded to the House debate on the pending conference report, during which one of the House conferees claimed that the conference report was very much akin to the House-passed version of the District of Columbia crime bill. I ask my distinguished colleagues to look at the real motivation behind that claim: the House conferees were quite obviously wary of their own House statement of managers—of its potential for embarrassment, its detailed description of the repeated failure of the House conferees to exact Senate recession. The House statement of managers was not even introduced into the record in the House until one of the opponents of the conference report, minutes before House passage, made a great issue of the statement's absence.

Mr. President, the plain fact for anyone who cares to read is that the House conferees carried away from the conference less than one third—less than one-third—of the agenda items in the form in which they were passed by the House. Anyone who has checked against the list of 68 major differences—between the original House and Senate versions of the crime bill—the list published in volume 9 of the Senate District Committee's "Crime in the National Capital" series, the list which my distinguished colleague, the senior Senator from North Carolina, himself, addressed when he testified before us on the subject of the House-passed crime bill—anyone who has checked against that list knows that the Senate prevailed on 50 percent of the most important items; the House prevailed on only 32 percent; and the remaining 18 percent in the conference report represents genuine compromises departing substantially from both the Senate and House positions.

Mr. President, the Senate conferees on the District of Columbia crime bill have labored long: for 3 months we reasoned, cajoled, persuaded, and pleaded with House conferees whose convictions to all appearances were as deep and fixed as those of any Member of this body. We have produced a score of 50 wins, 32 losses, and 18 ties. I call that a major victory which the U.S. Senate should certainly endorse.

So that our colleagues in the Senate can get a better idea of the extent and significance of the differences which were resolved in favor of the Senate, I want to enumerate a sample, a dozen of the items from the House bill deleted in conference. Unlike the House version of S. 2601, the conference report on the District of Columbia crime bill does not provide:

Presidential appointment and removal of the court executive officer, which would have rendered the day-to-day operations of the judiciary subject to the influence of the executive branch of Government.

Automatic transfer of 16- and 17-year-olds to criminal court when charged with manslaughter, mayhem, arson, kidnaping, second-degree burglary, breaking into vending machines, assault with a dangerous weapon, "unarmed" robbery—including common purse snatching and yoking—and assault with intent to commit any of the above.

Juvenile "waiver" proceedings with the burden on the child to establish that he should not be sent to the criminal court for trial and punishment.

Termination of juvenile court jurisdiction over a child after "waiver," even if the pending charges were to be dropped or the child found innocent.

Conditioning of the defendant's right to take depositions in criminal cases on the express permission of the prosecution.

Mandatory life sentences—with no possibility of parole for 20 years—for third and subsequent "violent" crimes—including all of the principal common law felonies.

Notice of prior convictions, and of the prosecutor's intent to proceed under a repeated offender statute, to be given after trial and only prior to time of sentencing.

Authorization for the prosecution to take appeals from judgments of acquittal in criminal cases—with no reversal of judgment in such cases—that is to say, "moot" appeals.

General authority for an officer executing a search warrant to perform "chemical, scientific, medical, or other tests or experiments" on persons.

Authority for an officer executing a search warrant to seize any property believed to be subject to seizure "discovered in the course of" the execution "even if the property is not enumerated in the warrant or the application therefor."

In civil actions against a police officer for wrongful arrest, payment by the injured plaintiff of the defendant police officer's attorney's fees, and even if the judgment in the wrongful arrest action is entered in favor of the plaintiff.

Dismemberment of the District of Columbia government's Department of Corrections, with the transfer of the city's Lorton Reformatory complex to the Federal Bureau of Prisons.

Mr. President, the Senate conferees fought long and hard to root out these many shortsighted features from the House-passed version of the District of Columbia crime bill. We cannot now risk unraveling the 50 percent of the conference issues which have been finally tailored to the Senate's expressed wishes, nor can we risk unraveling the additional 18 percent of the issues which have been compromised on neutral ground.

Most important, Mr. President, it is essential that the Senate distinguish carefully between fiction and fact in assessing the few controversial provisions in the conference bill. I have implored the Senate and the public: Study the conference report; it is a complex and highly technical document. Likewise, I have urged upon my colleagues, the public, and the communications media: Study the comprehensive Senate statement of managers. Nevertheless, as late as this weekend just past, indeed even today, nearly every statement in opposition to the conference report on S. 2601 has been riddled with misstatements and misunderstanding.

Let me enumerate a few examples:

MANDATORY MINIMUMS

On the floor of the Senate last Thursday, a Senator attacked the conference report on S. 2601 claiming that it imposes a mandatory minimum penalty for first offenses relating to incendiary devices—see CONGRESSIONAL RECORD of July 16, 1970, page 24709. I suggested to that distinguished Senator that he was in error. Nevertheless, he continued to press this mistaken criticism—see CONGRESSIONAL RECORD of July 16, 1970, page 24709. In addition other commentators have asserted that the conference report on S. 2601 provides a multiplicity of repressive mandatory minimum penalties.

Such is the fiction. The fact is as it is stated in the Senate statement of managers on page 22:

> The conference bill contains no mandatory minimum sentences for first offenders in any case . . . Mandatory sentences were limited to a provision for second-offender armed violent felons only, comparable to a provision already contained in Federal law (18 U.S.C. sec. 924(c)).

The error which the critics have made is in not studying the conference report in its entirety or with adequate care. On page 96 of the report it provides, in paragraph (6), that "Superior Court of the District of Columbia" is to be substituted in the place of "District of Columbia Court of General Sessions" in District of Columbia Code section 16–710. Therefore, the latter section will now provide as follows:

> In criminal cases in the Superior Court of the District of Columbia, the court may, upon conviction, suspend the imposition of sentence or impose sentence and suspend execution thereof, for such time and upon such terms as it deems best, if it appears to the satisfaction of the court that the ends of justice and the best interests of the public and of the defendant would be served thereby. In each case of the imposition of sentence and the suspension of the execution thereof, the court may place the defendant on probation under the control and supervision of a probation officer.

In other words, the general power to suspend any sentence or the imposition thereof, and to order probation, is effective in all cases except where the statute defining the offense in question specifies otherwise. The only instance of such "specification otherwise" in the conference report on S. 2601 occurs on page 144 and relates exclusively to, as I have stated previously, second-offender armed violent felons.

Again, the only mandatory sentencing provision which survived the conference negotiations is the requirement of a 5-year mandatory penalty for a second offense of committing a crime of violence while armed with a dangerous weapon. Critics of the conference report have recoiled from this provision as if such a proposal had never been made on the Senate floor. Yet, a similar 5-year mandatory penalty was approved by this body for second offender firearms crimes in the Federal Firearms Act of 1968. Just 8 months ago the Senate passed by voice vote S. 849 which contained a mandatory minimum sentence for second offenders.

CONSECUTIVE SENTENCES

Contrary to the unfounded assertion of the critics, nothing in the conference report creates a presumption that sentences for two or more offenses shall run consecutively rather than concurrently. Both the Senate statement of managers and the original House committee report express an intent to overturn the result reached in *Borum* v. *United States*, 409 F.2d 433 (D. C. Cir. 1967), *cert. denied*, 395 U.S. 916 (1969), where two sentences were required to run concurrently, although based upon entirely unrelated offenses, because the trial judge by oversight failed to specify that the sentences should be consecutive.

This provision does not create a preference or presumption for consecutive sentences. It merely avoids the irreparability of such judicial oversight. The critics are simply wrong in assuming that a contrary oversight to the detriment of the defendant cannot be corrected: Failure to specify that sentences should run concurrently, as is the usual practice, may be easily and quickly rectified on a motion to correct the sentence under rule 35 or rule 36 of the Federal Rules of Criminal Procedure.

SPECIAL SENTENCING PROCEDURES

On the floor of the Senate last Friday, Senator ERVIN made allusion to another so-called inequity meriting the attention of the Senate, and proceeded to attack the conference report provisions relating to discretionary increased sentences for repeated offenders—see CONGRESSIONAL RECORD of July 17, 1970, starting at page 24838. Mr. President, I respectfully submit that much of what my distinguished colleague has suggested is mistaken—both on the law and on the facts.

For example, there is no violation here of the due process requirement of the highest order of proof by the prosecution as to all facts underlying a criminal judgment. Proposed District of Columbia Code section 23–111(c)(1), on page 154 of the conference report, states quite specifically that, except as provided in paragraph (2), "the prosecuting authority shall have the burden of proof beyond a reasonable doubt on any issue of fact" relating to special sentencing. Paragraph (2), meanwhile, merely provides that, where the defendant alleges constitutional invalidity, the defendant must support his allegations, his motion, by a preponderance of the evidence. Consistent with its plain meaning, its limited application, paragraph (2) in no way diminishes the requirement that the prosecution make its showing, including proof of prior convictions, "beyond a reasonable doubt."

The clear implication of Senator ERVIN's remarks was that the provisions on pages 142, 143, 154, and 155 of the conference report constitute a clear departure from precedent and right thinking. Such, of course, is fiction. The fact is that

the provisions on the sentencing of repeated offenders are much more tightly drawn and are much more carefully safeguarded than title X, "Dangerous Special Offender Sentencing," of the President's organized crime bill, S. 30, which passed the Senate in this very session with only one dissenting vote—not Senator ERVIN's.

TRANSFER OF JUVENILES

It was with profound dismay that I read this past week end in one of the Nation's leading newspapers an article attacking the District of Columbia crime bill on the basis of a supposed general lowering of the age limit for juvenile court jurisdiction from 18 to 16.

This attack, Mr. President, was based on misunderstanding pure and simple. The fact is that the overwhelming majority of 16- and 17-year-olds presently handled in the juvenile court system will be unaffected by the conference report on S. 2601. The District of Columbia crime bill merely provides that in the unusual case where a 16- or 17-year-old is the subject of a bona fide charge of murder, forcible rape, first-degree burglary, or armed robbery—or felonious assault with intent to commit one of the aforesaid serious offenses—the 16- or 17-year-old must be sent to adult court for trial and sentencing—like an 18-year-old.

I have stated it before; let me state it again; unlike the House version of S. 2601, the list of offenses for which the age limit may be lowered does not now include manslaughter, mayhem, arson, kidnaping, second-degree burglary, breaking into vending machines, assault with a dangerous weapon, "unarmed" robbery—including purse snatching and yoking—and assault with intent to commit one of these offenses.

Critics have complained that basing the automatic transfer on charges brought by the prosecution places undue discretion in the hands of the United States attorney. This is nonsense. In fact, as is made eminently clear in the Senate Statement of Managers, the basic thrust of this new definition of "child" is to see to it that persons convicted of the few most serious offenses listed in the report, are given the benefit of the more intensive rehabilitation programs available to more mature persons; ordinarily the preferred method for shifting a child to the adult court is by the traditional means of formal transfer proceeding. The Senate conferees fully expect that the Criminal Division will turn back or dismiss the indictment in any case where the prosecutor categorizes, as one of the few most serious offenses, acts which under other circumstances would not be similarly categorized—whenever, in other words, the prosecutor seeks unfairly to circumvent the preferred transfer proceeding. In fact, the discretion left to the prosecutor with the new definition of "child" can only operate in the child's benefit: the courts will protect against abuses in the nature of unnecessarily high charges, while the prosecutor himself can exercise his customary discretion and in appropriate cases refrain from bringing serious charges even when in law they might be well-founded.

INSANITY DEFENSE

Mr. President, opponents of the conference report on S. 2601 have characterized as a Constitutional curiosity that provision in the District of Columbia crime bill which renders the issue of the defendant's insanity at the time of the offense an affirmative defense in a criminal case. The claim is made that the due process clause of the Constitution requires that the prosecution prove the defendant's sanity beyond a reasonable doubt—whenever sanity is in issue.

This claim of unconstitutionality, Mr. President, runs counter to the ruling of the United States Supreme Court in *Leland* v. *Oregon*, 343 U.S. 790 (1952). The provision under S. 2601, whereby the defendant must establish the defense of insanity by a preponderance of the evidence, adheres to the rule of law in force, moreover, in approximately 20 States. Indeed, I believe that the Senate would find illuminating an opinion of the supreme court of the State of North Carolina, written by my esteemed colleague, the senior Senator from North Carolina, during the time that he served as a justice of that court—one *State* v. *Swink*, 229 N.C. 123, 77 S.E. 2d. 852 (1948), in which Mr. Justice ERVIN held that, following a celebrated common law ruling, the defense of insanity is to be established by the defendant by a preponderance of the evidence—and not beyond a reasonable doubt.

I ask unanimous consent that the opinions in those cases be printed in the RECORD at this point.

There being no objection, the opinions were ordered to be printed in the RECORD, as follows:

[Appeal from the Supreme Court of Oregon]

LELAND v. OREGON

No. 176—Argued January 29, 1952—Decided June 9, 1952

In a criminal prosecution in an Oregon state court on an indictment for murder in the first degree, appellant pleaded not guilty and gave notice of his intention to prove insanity. Oregon statutes required him to prove his insanity beyond a reasonable doubt and made a "morbid propensity" no defense. Appellant was found guilty by a jury and was sentenced to death. *Held:* These statutes did not deprive appellant of life and liberty without due process of law in violation of the Fourteenth Amendment of the Federal Constitution. Pp. 791–802.

1. The trial judge's instructions to the jury, and the charge as a whole, made it clear that the burden was upon the State to prove all the necessary elements of guilt, of the lesser degrees of homicide as well as of the offense charged in the indictment. Pp. 793–706.

2. The rule announced in *Davis* v. *United States*, 160 U.S. 469, that an accused is "entitled to an acquittal of the specific crime charged if upon all the evidence there is reasonable doubt whether he was capable in law of committing the crime," established no constitutional doctrine but only the rule to be followed in federal courts. P. 797.

3. Between the Oregon rule requiring the accused, on a plea of insanity, to establish that defense beyond a reasonable doubt, and the rule in effect in some twenty states, which places the burden on the accused to establish his insanity by a preponderance of the evidence or some similar measure of persuasion, there is no difference of such magnitude as to be significant in determining the constitutional question here presented. P. 798.

4. That a practice is followed by a large number of states is not conclusive as to whether it accords with due process, but may be considered in determining whether it "offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." P. 798.

5. The instant case is not one in which it is sought to enforce against the State a right which has been held to be secured to defendants in federal courts by the Bill of Rights. Pp. 798–799.

6. Oregon's policy with respect to the burden of proof on the issue of sanity cannot be said to violate generally accepted concepts of basic standards of justice. P. 799.

7. *Tot* v. *United States*, 319 U.S. 463, does not require a different conclusion from that here reached. P. 799.

8. The contention that the instructions to the jury in this case may have confused the jury as to the distinction between the State's burden of proving premeditation and the other elements of the crime charged and appellant's burden of proving insanity, cannot be sustained. P. 800.

9. Due process is not violated by the Oregon statute which provides that a "morbid propensity to commit prohibited acts, existing in the mind of a person, who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor." Pp. 800–801.

10. The "irresistible impulse" test of legal sanity is not "implicit in the concept of ordered liberty"; and due process does not require the State to adopt that test rather than the "right and wrong" test. Pp. 800–801.

11. The trial court's refusal to require the district attorney to make one of appellant's confessions available to his counsel before trial did not deny due process in the circumstances of this case. Pp. 801–802.

190 Ore. 598, 227 P. 2d 785, affirmed.

Appellant's conviction of murder, challenged as denying him due process in violation of the Fourteenth Amendment, was affirmed by the State Supreme Court. 190 Ore. 598, 227 P. 2d 785. On appeal to this Court, *affirmed*, p. 802.

Thomas H. Ryan argued the cause for appellant. With him on the brief was *Harold L. Davidson*.

J. Raymond Carskadon and *Charles Eugene Raymond* argued the cause for appellee. With them on the brief was *George Neuner*, Attorney General of Oregon.

Mr. JUSTICE CLARK delivered the opinion of the Court.

Appellant was charged with murder in the first degree. He pleaded not guilty and gave notice of his intention to prove insanity. Upon trial in the Circuit Court of Multnomah County, Oregon, he was found guilty by a jury. In accordance with the jury's decision not to recommend life imprisonment, appellant received a sentence of death. The Supreme Court of Oregon affirmed. 190 Ore. 598, 227 P. 2d 785. The case is here on appeal. 28 U.S.C. § 1257(2).

Oregon statutes required appellant to prove his insanity beyond a reasonable doubt and made a "morbid propensity" no defense.[1] The principal questions in this appeal are raised by appellant's contentions that these statutes deprive him of his life and liberty without due process of law as guaranteed by the Fourteenth Amendment.

The facts of the crime were revealed by appellant's confessions, as corroborated by other evidence. He killed a fifteen-year-old girl by striking her over the head several times with a steel bar and stabbing her twice with a hunting knife. Upon being arrested

Footnotes at end of article.

five days later for the theft of an automobile, he asked to talk with a homicide officer, voluntarily confessed the murder, and directed the police to the scene of the crime, where he pointed out the location of the body. On the same day, he signed a full confession and, at his own request, made another in his own handwriting. After his indictment, counsel were appointed to represent him. They have done so with diligence in carrying his case through three courts.

One of the Oregon statutes in question provides:

"When the commission of the act charged as a crime is proven, and the defense sought to be established is the insanity of the defendant, the same must be proven beyond a reasonable doubt. . . ." [2] Appellant urges that this statute in effect requires a defendant pleading insanity to establish his innocence by disproving beyond a reasonable doubt elements of the crime necessary to a verdict of guilty, and that the statute is therefore violative of that due process of law secured by the Fourteenth Amendment. To determine the merit of this challenge, the statute must be viewed in its relation to other relevant Oregon law and in its place in the trial of this case.

In conformity with the applicable state law,[3] the trial judge instructed the jury that, although appellant was charged with murder in the first degree, they might determine that he had committed a lesser crime included in that charged. They were further instructed that his plea of not guilty put in issue every material and necessary element of the lesser degrees of homicide, as well as of the offense charged in the indictment. The jury could have returned any of five verdicts: [4] (1) guilty of murder in the first degree, if they found beyond a reasonable doubt that appellant did the killing purposely and with deliberate and premeditated malice; (2) guilty of murder in the second degree, if they found beyond a reasonable doubt that appellant did the killing purposely and maliciously, but without deliberation and premeditation; (3) guilty of manslaughter, if they found beyond a reasonable doubt that appellant did the killing without malice or deliberation, but upon a sudden heat of passion caused by a provocation apparently sufficient to make the passion irresistible; (4) not guilty, if, after a careful consideration of all the evidence, there remained in their minds a reasonable doubt as to the existence of any of the necessary elements of each degree of homicide; and (5) not guilty by reason of insanity, if they found beyond a reasonable doubt that appellant was insane at the time of the offense charged. A finding of insanity would have freed appellant from responsibility for any of the possible offenses. The verdict which the jury determined—guilty of first degree murder—required the agreement of all twelve jurors; a verdict of not guilty by reason of insanity would have required the concurrence of only ten members of the panel.[5]

It is apparent that the jury might have found appellant to have been mentally incapable of the premeditation and deliberation required to support a first degree murder verdict or of the intent necessary to find him guilty of either first or second degree murder, and yet not have found him to have been legally insane. Although a plea of insanity was made, the prosecution was required to prove beyond a reasonable doubt every element of the crime charged, including, in the case of first degree murder, premeditation, deliberation, malice and intent.[6] The trial court repeatedly emphasized this requirement in its charge to the jury.[7] Moreover, the judge directed the jury as follows:

"I instruct you that the evidence adduced during this trial to prove defendant's insanity shall be considered and weighed by you, with all other evidence, whether or not you find defendant insane, in regard to the ability of the defendant to premeditate, form a purpose, to deliberate, act wilfully, and act maliciously; and if you find the defendant lacking in such ability, the defendant cannot have committed the crime of murder in the first degree."[8]

These and other instructions, and the charge as a whole, make it clear that the burden of proof of guilt, and of all the necessary elements of guilt, was placed squarely upon the State. As the jury was told, this burden did not shift, but rested upon the State throughout the trial, just as, according to the instructions, appellant was presumed to be innocent until the jury was convinced beyond a reasonable doubt that he was guilty.[9] The jurors were to consider separately the issue of legal sanity *per se*—an issue set apart from the crime charged, to be introduced by a special plea and decided by a special verdict.[10] On this issue appellant had the burden of proof under the statute in question here.

By this statute, originally enacted in 1864,[11] Oregon adopted the prevailing doctrine of the time—that, since most men are sane, a defendant must prove his insanity to avoid responsibility for his acts. That was the rule announced in 1843 in the leading English decision in *M'Naghten's Case:*

"[T]he jurors ought to be told in all cases that every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and . . . to establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing of the act, the party accused was laboring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing. . . ." [12]

This remains the English view today.[13] In most of the nineteenth-century American cases, also, the defendant was required to "clearly" prove insanity,[14] and that was probably the rule followed in most states in 1895,[15] when *Davis* v. *United States* was decided. In that case this Court, speaking through Mr. Justice Harlan, announced the rule for federal prosecutions to be that an accused is entitled to an acquittal of the specific crime charged if upon all the evidence there is reasonable doubt whether he was capable in law of committing crime." [16] In reaching that conclusion, the Court observed:

"The views we have expressed are supported by many adjudications that are entitled to high respect. If such were not the fact, we might have felt obliged to accept the general doctrine announced in some of the above cases; for it is desirable that there be uniformity of rule in the administration of the criminal law in governments whose constitutions equally recognize the fundamental principles that are deemed essential for the protection of life and liberty." [17]

The decision obviously establishes no constitutional doctrine, but only the rule to be followed in federal courts. As such, the rule is not in question here.

Today, Oregon is the only state that requires the accused, on a plea of insanity, to establish that defense beyond a reasonable doubt. Some twenty states, however, place the burden on the accused to establish his insanity by a preponderance of the evidence or some similar measure of persuasion.[18] While there is an evident distinction between these two rules as to the quantum of proof required, we see no practical difference of such magnitude as to be significant in determining the constitutional question we face here. Oregon merely requires a heavier burden of proof. In each instance, in order to establish insanity as a complete defense to the charges preferred, the accused must prove that insanity. The fact that a practice is followed by a large number of states is not conclusive in a decision as to whether that practice accords with due process, but it is plainly worth considering in determining whether the practice "offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." *Snyder* v. *Massachusetts*, 291 U.S. 97, 105 (1934).

Nor is this a case in which it is sought to enforce against the states a right which we have held to be secured to defendants in federal courts by the Bill of Rights. In *Davis* v. *United States, supra,* we adopted a rule of procedure for the federal courts which is contrary to that of Oregon. But "[i]ts procedure does not run foul of the Fourteenth Amendment because another method may seem to our thinking to be fairer or wiser or to give a surer promise of protection to the prisoner at the bar." *Snyder* v. *Massachusetts, supra,* at 105. "The judicial judgment in applying the Due Process Clause must move within the limits of accepted notions of justice and is not to be based upon the idiosyncrasies of a merely personal judgment. . . . An important safeguard against such merely individual judgment is an alert deference to the judgment of the state court under review." Mr. JUSTICE FRANKFURTER, concurring in *Malinski* v. *New York*, 324 U.S. 401, 417 (1945). We are therefore reluctant to interfere with Oregon's determination of its policy with respect to the burden of proof on the issue of sanity since we cannot say that policy violates generally accepted concepts of basic standards of justice.

Nothing said in *Tot* v. *United States*, 319 U.S. 463 (1943), suggests a different conclusion. That decision struck down a specific presumption created by congressional enactment. This Court found that the fact thus required to be presumed had no rational connection with the fact which, when proven, set the presumption in operation, and that the statute resulted in a presumption of guilt based only upon proof of a fact neither criminal in itself nor an element of the crime charged. We have seen that, here, Oregon required the prosecutor to prove beyond a reasonable doubt every element of the offense charged. Only on the issue of insanity as an absolute bar to the charge was the burden placed upon appellant. In all English-speaking courts, the accused is obliged to introduce proof if he would overcome the presumption of sanity.[19]

It is contended that the instructions may have confused the jury as to the distinction between the State's burden of proving premeditation and the other elements of the charge and appellant's burden of proving insanity. We think the charge to the jury was as clear as instructions to juries ordinary are or reasonably can be, and, with respect to the State's burden of proof upon all the elements of the crime, the charge was particularly emphatic. Juries have for centuries made the basic decisions between guilt and innocence and between criminal responsibility and legal insanity upon the basis of the facts, as revealed by all the evidence, and the law, as explained by instructions detailing the legal distinctions, the placement and weight of the burden of proof, the effect of presumptions, the meaning of intent, etc. We think that to condemn the operation of this system here would be to condemn the system generally. We are not prepared to do so.

Much we have said applies also to appellant's contention that due process is violated by the Oregon statute providing that a "morbid propensity to commit prohibited acts, existing in the mind of a person, who is not

Footnotes at end of article.

shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor." [20] That statute amounts to no more than a legislative adoption of the "right and wrong" test of legal insanity in preference to the "irresistible impulse" test.[21] Knowledge of right and wrong is the exclusive test of criminal responsibility in a majority of American jurisdictions.[22] The science of psychiatry has made tremendous strides since that test was laid down in *M'Naghten's Case*,[23] but the progress of science has not reached a point where its learning would compel us to require the states to eliminate the right and wrong test from their criminal law.[24] Moreover, choice of a test of legal sanity involves not only scientific knowledge but questions of basic policy as to the extent to which that knowledge should determine criminal responsibility.[25] This whole problem has evoked wide disagreement among those who have studied it. In these circumstances it is clear that adoption of the irresistible impulse test is not "implicit in the concept of ordered liberty." [26]

Appellant also contends that the trial court's refusal to require the district attorney to make one of appellant's confessions available to his counsel before trial was contrary to due process. We think there is no substance in this argument. This conclusion is buttressed by the absence of any assignment of error on this ground in appellant's motion for a new trial. Compare *Avery* v. *Alabama*, 308 U.S. 444, 452 (1940). While it may be the better practice for the prosecution thus to exhibit a confession, failure to do so in this case in no way denied appellant a fair trial. The record shows that the confession was produced in court five days before appellant rested his case. There was ample time both for counsel and expert witnesses to study the confession. In addition the trial judge offered further time for that purpose but it was refused. There is no indication in the record that appellant was prejudiced by the inability of his counsel to acquire earlier access to the confession.

Affirmed.

MR. JUSTICE FRANKFURTER, joined by MR. JUSTICE BLACK, dissenting.

However much conditions may have improved since 1905, when William H. (later Mr. Chief Justice) Taft expressed his disturbing conviction "that the administration of the criminal law in all the states in the Union (there may be one or two exceptions) is a disgrace to our civilization" (Taft, The Administration of Criminal Law, 15 Yale L. J. 1, 11), no informed person can be other than unhappy about the serious defects of present-day American criminal justice. It is not unthinkable that failure to bring the guilty to book for a heinous crime which deeply stirs popular sentiment may lead the legislature of a State, in one of those emotional storms which on occasion sweep over our people, to enact that thereafter an indictment for murder, following attempted rape, should be presumptive proof of guilt and cast upon the defendant the burden of proving beyond a reasonable doubt that he did not do the killing. Can there be any doubt that such a statute would go beyond the freedom of the States, under the Due Process Clause of the Fourteenth Amendment, to fashion their own penal codes and their own procedures for enforcing them? Why is that so? Because from the time that the law which we have inherited has emerged from dark and barbaric times, the conception of justice which has dominated our criminal law has refused to put an accused at the hazard of punishment if he fails to remove every reasonable doubt of his innocence in the minds of jurors. It is the duty of the Government to establish his guilt beyond a reasonable doubt. This notion—basic in our law and rightly one of the boasts of a free society—is a requirement and a safeguard of due process of law in the historic, procedural content of "due process." Accordingly there can be no doubt, I repeat, that a State cannot cast upon an accused the duty of establishing beyond a reasonable doubt that his was not the act which caused the death of another.

But a muscular contraction resulting in a homicide does not constitute murder. Even though a person be the immediate occasion of another's death, he is not a deodand to be forfeited like a thing in the medieval law. Behind a muscular contraction resulting in another's death there must be culpability to turn homicide into murder.

The tests by which such culpability may be determined are varying and conflicting. One does not have to echo the scepticism uttered by Brian, C. J., in the fifteenth century, that "the devil himself knoweth not the mind of men" to appreciate how vast a darkness still envelopes man's understanding of man's mind. Sanity and insanity are concepts of incertitude. They are given varying and conflicting content at the same time and from time to time by specialists in the field. Naturally there has always been conflict between the psychological views absorbed by law and the contradictory views of students of mental health at a particular time. At this stage of scientific knowledge it would be indefensible to impose upon the States, through the due process of law which they must accord before depriving a person of life or liberty, one test rather than another for determining criminal culpability, and thereby to displace a State's own choice of such a test, no matter how backward it may be in the light of the best scientific canons. Inevitably, the legal tests for determining the mental state on which criminal culpability is to be based are in strong conflict in our forty-eight States. But when a State has chosen its theory for testing culpability, it is a deprivation of life without due process to send a man to his doom if he cannot prove beyond a reasonable doubt that the physical events of homicide did not constitute murder because under the State's theory he was incapable of acting culpably.

This does not preclude States from utilizing common sense regarding mental irresponsibility for acts resulting in homicide—from taking for granted that most men are sane and responsible for their acts. That a man's act is not his, because he is devoid of that mental state which begets culpability, is so exceptional a situation that the law has a right to devise an exceptional procedure regarding it. Accordingly, States may provide various ways for dealing with this exceptional situation by requiring, for instance, that the defense of "insanity" be specially pleaded, or that he on whose behalf the claim of insanity is made should have the burden of showing enough to overcome the assumption and presumption that normally a man knows what he is about and is therefore responsible for what he does, or that the issue be separately tried, or that a standing disinterested expert agency advise court and jury, or that these and other devices be used in combination. The laws of the forty-eight States present the greatest diversity in relieving the prosecution from proving affirmatively that a man is sane in the way it must prove affirmatively that the defendant is the man who pulled the trigger or struck the blow. Such legislation makes no inroad upon the basic principle that the State must prove guilt, not the defendant innocence, and prove it to the satisfaction of a jury beyond a reasonable doubt.

For some unrecorded reason, Oregon is the only one of the forty-eight States that has made inroads upon that principle by requiring the accused to prove beyond a reasonable doubt the absence of one of the essential elements for the commission of murder, namely, culpability for his muscular contraction. Like every other State, Oregon presupposes that an insane person cannot be made to pay with his life for a homicide, though for the public good he may of course be put beyond doing further harm. Unlike every other State, however, Oregon says that the accused person must satisfy a jury beyond a reasonable doubt that, being incapable of committing murder, he has not committed murder.

Such has been the law of Oregon since 1864. That year the Code of Criminal Procedure defined murder in the conventional way, but it also provided: "When the commission of the act charged as a crime is proven, and the defense sought to be established is the insanity of the defendant, the same must be proven beyond a reasonable doubt. . . ." General Laws of Oregon, 1845–1864, p. 441 *et seq.*, §§ 502, 204. The latter section, through various revisions, is the law of Oregon today and was applied in the conviction under review.

Whatever tentative and intermediate steps experience makes permissible for aiding the State in establishing the ultimate issues in a prosecution for crime, the State cannot be relieved, on a final show-down, from proving its accusation. To prove the accusation it must prove each of the items which in combination constitute the offense. And it must make such proof beyond a reasonable doubt. This duty of the State of establishing every fact of the equation which adds up to a crime, and of establishing it to the satisfaction of a jury beyond a reasonable doubt is the decisive difference between criminal culpability and civil liability. The only exception is that very limited class of cases variously characterized as *mala prohibita* or public torts or enforcement of regulatory measures. See *United States* v. *Dotterweich*, 320 U.S. 277; *Morissette* v. *United States*, 342 U.S. 246. Murder is not a *malum prohibition* or a public tort or the object of regulatory legislation. To suggest that the legal oddity by which Oregon imposes upon the accused the burden of proving beyond reasonable doubt that he had not the mind capable of committing murder is a mere difference in the measure of proof, is to obliterate the distinction between civil and criminal law.

It is suggested that the jury were charged not merely in conformity with this requirement of Oregon law but also in various general terms, as to the duty of the State to prove every element of the crime charged beyond a reasonable doubt, including in the case of first degree murder, "premeditation, deliberation, malice and intent." Be it so. The short of the matter is that the Oregon Supreme Court sustained the conviction on the ground that the Oregon statute "casts upon the defendant the burden of proving the defense of insanity beyond a reasonable doubt." *State* v. *Leland*, 190 Ore. 598, 638, 227 P. 2d 785, 802. To suggest, as is suggested by this Court but not by the State court, that, although the jury was compelled to act upon this requirement, the statute does not offend the Due Process Clause because the trial judge also indulged in a farrago of generalities to the jury about "premediation, deliberation, malice and intent," is to exact gifts of subtlety that not even judges, let alone juries, possess. See *International Harvester Co.* v. *Kentucky*, 234 U.S. 216, 223–224. If the Due Process Clause has any meaning at all, it does not permit life to be put to such hazards.

To deny this mode of dealing with the abuses of insanity pleas and with unedifying spectacles of expert testimony, is not to deprive Oregon of the widest possible choice of remedies for circumventing such abuses. The multiform legislation prevailing in the different States evinces the great variety of the experimental methods open to them for dealing with the problems raised by insanity defenses in prosecutions for murder.

To repeat the extreme reluctance with

Footnotes at end of article.

which I find a constitutional barrier to any legislation is not to mouth a threadbare phrase. Especially is deference due to the policy of a State when it deals with local crime, its repression and punishment. There is a gulf, however narrow, between deference to local legislation and complete disregard of the duty of judicial review which has fallen to this Court by virtue of the limits placed by the Fourteenth Amendment upon State action. This duty is not to be escaped, whatever I may think of investing judges with the power which the enforcement of that Amendment involves.

FOOTNOTES

[1] Ore. Comp. Laws, 1940, §§ 26–929, 23–122.

[2] *Id.*, § 26–929.

[3] *Id.*, §§ 26–947, 26–948.

[4] Six possible verdicts were listed in the instructions, guilty of murder in the first degree being divided into two verdicts: with, and without, recommendation of life imprisonment as the penalty. Since the jury in this case did not recommend that punishment, the death sentence was automatically invoked under Oregon law. *Id.*, § 23–411.

[5] The agreement of ten jurors would also have been sufficient for a verdict of not guilty, a verdict of guilty of second degree murder, or a verdict of guilty of manslaughter. R. 333–334.

[6] Ore. Comp. Laws, 1940, §§ 23–401, 23–414, 26–933; cf. *State* v. *Butchek*, 121 Ore. 141, 253 P. 367, 254 P. 805 (1927).

[7] R. 321, 323, 324, 330, 331, 332.

[8] R. 330. Again:

"I instruct you that to constitute murder in the first degree, it is necessary that the State prove beyond a reasonable doubt, and to your moral certainty, that the defendant's design or plan to take life was formed and matured in cool blood and not hastily upon the occasion.

"I instruct you that in determining whether or not the defendant acted purposely and with premeditated and deliberated malice, it is your duty to take into consideration defendant's mental condition and all factors relating thereto, and that even though you may not find him legally insane, if, in fact, his mentality was impaired, that evidence bears upon these factors, and it is your duty to consider this evidence along with all the other evidence in the case." R. 332.

[9] R. 321, 324.

[10] Ore. Comp. Laws, 1940, § 26–846 (requiring notice of purpose to show insanity as defense); *id.*, § 26–955 (providing for verdict of not guilty by reason of insanity and consequent commitment to asylum by judge). After defining legal insanity, the trial court instructed the jury:

"In this case, evidence has been introduced relating to the mental capacity and condition of the defendant . . . at the time [the girl] is alleged to have been killed, and *if* you are satisfied beyond a reasonable doubt that the defendant killed her in the manner alleged in the indictment, or within the lesser degrees included therein, *then* you are to consider the mental capacity of the defendant at the time the homicide is alleged to have been committed." R. 327 (emphasis supplied).

[11] Deady's Gen. Laws of Ore., 1845–1864, Code of Crim. Proc., § 204.

[12] 10 Cl. & Fin. 200, 210 (H.L., 1843).

[13] Stephen, Digest of the Criminal Law (9th ed., Sturge, 1950), 6; cf. *Sodeman* v. *The King*, [1936] W. N. 190 (P. C.); see *Woolmington* v. *Director of Public Prosecutions*, [1935] A. C. 462, 475.

[14] Weihofen, Insanity as a Defense in Criminal Law (1933), 151–155. "Clear proof" was sometimes interpreted to mean proof beyond a reasonable doubt, *e.g. State* v. *De Rancé*, 34 La. Ann. 186 (1882), and sometimes to mean proof by a preponderance of the evidence, *e.g., Hurst* v. *State*, 40 Tex. Cr. R. 383, 50 S. W. 819 (1899).

[15] See Wharton, Criminal Evidence (9th ed. 1884), §§ 336–340.

[16] 160 U.S. 469, 484 (1895); see *Hotema* v. *United States*, 186 U.S. 413 (1902); *Matheson* v. *United States*, 227 U. S. 540 (1913).

[17] *Id.*, at 488.

[18] Weihofen lists twelve states as requiring proof by a preponderance of the evidence, four as requiring proof "to the satisfaction of the jury," two which combine these formulae, one where by statute the defense must be "clearly proved to the reasonable satisfaction of the jury," one where it has been held that the jury must "believe" the defendant insane, and one where the quantum of proof has not been stated by the court of last resort, but which appears to follow the preponderance rule. Weihofen, Insanity as a Defense in Criminal Law (1933), 148–151, 172–200. Twenty-two states, including Oregon, are mentioned as holding that the accused has the burden of proving insanity, at least by a preponderance of the evidence, in 9 Wigmore, Evidence (3d ed. 1940 and Supp. 151), § 2501.

[19] Weihofen, Insanity as a Defense in Criminal Law (1933), 161; 9 Wigmore, Evidence (3d ed. 1940), § 2501.

[20] Ore. Comp. Laws, 1940, § 23–122.

[21] *State* v. *Garver*, 190 Ore. 291, 225 P. 2d 771 (1950); *State* v. *Wallace*, 170 Ore. 60, 131 P. 2d 222 (1942); *State* v. *Hassing*, 60 Ore. 81, 118 P. 195 (1911).

[22] Weihofen, Insanity as a Defense in Criminal Law (1933), 15, 64–68, 109–147.

[23] 10 Cl. & Fin. 200 (H. L., 1843).

[24] Compare *Fisher* v. *United States*, 328 U.S. 463, 475–476 (1946).

[25] See *Holloway* v. *United States*, 80 U.S. App. D.C. 3, 148 F. 2d 665 (1945); Glueck, Mental Disorder and the Criminal Law (1925); Hall, Mental Disease and Criminal Responsibility, 45 Col. L. Rev. 677 (1945); Keedy, Insanity and Criminal Responsibility, 30 Harv. L. Rev. 535, 724 (1917).

[26] *Palko* v. *Connecticut*, 302 U.S. 319, 325 (1937).

[229 N.C. 123]

STATE v. SWINK

No. 649—Supreme Court of North Carolina—May 19, 1948

1. CRIMINAL LAW—48

An accused is legally "insane" and exempt from criminal responsibility if he commits an act which would otherwise be punishable as a crime, and at time is laboring under such a defect of reason, from disease of the mind, as to be incapable of knowing nature and quality of act he is doing, or, if he does know this, incapable of distinguishing between right and wrong in relation to such act.

See Words and Phrases, Permanent Edition, for all other definitions of "Insane".

2. CRIMINAL LAW—311

Everyone is presumed to be sane until the contrary appears.

3. CRIMINAL LAW—311

The presumption of sanity applies to persons charged with crime, but is rebuttable.

4. CRIMINAL LAW—331, 570(2)

The burden of proof upon a plea of insanity in a criminal case rests upon the accused, but he is merely required to prove his insanity to the satisfaction of the jury and not beyond a reasonable doubt.

5. CRIMINAL LAW—570(2), 782(14), 1172(2)

In prosecution for rape of a 9 year old girl, defendant was only required to establish his defense of insanity to the satisfaction of the jury, and instruction imposing upon defendant burden to establish insanity beyond a reasonable doubt entitled defendant to a new trial. G.S. § 14–21.

Appeal from Superior Court, Guilford County; John H. Clements, Judge.

John Thomas Swink was convicted of rape upon a girl of the age of 9 years, and he appeals.

New trial.

The prisoner, a boy of the age of eighteen years, was tried upon a bill of indictment alleging that he perpetrated the capital felony of rape upon a girl of the age of nine years. G.S. § 14–21. Answering the charge preferred against him by the State, the accused entered two pleas, namely: first, a general plea of not guilty upon the ground that he did not commit the capital felony of rape or any of the lesser offenses included in the charge set forth in the indictment; and, second, a special plea of not guilty upon the ground that he was insane at the time specified in the indictment.

The evidence of the State and that of the prisoner were in sharp conflict with respect to the issue raised by the general plea of not guilty. The State adduced testimony tending to show that the accused raped the prosecuting witness in manner and form as charged in the bill of indictment, and the prisoner replied thereto with evidence indicating that this could not have been so because he was not at the place where the alleged crime was committed at the time of its alleged commission.

The evidence of the State and that of the accused were likewise in substantial conflict in respect to the issue arising upon the prisoner's special plea of not guilty upon the ground of insanity. We refrain from setting forth the conflicting testimony relating to the prisoner's mental condition with particularity because a detailed statement of such evidence is not necessary to an understanding of the only question involved on this appeal. For present purposes, it is sufficient to say that the prisoner presented testimony tending to show that he was mentally irresponsible at the time named in the indictment, and that the State countered with evidence indicating that the accused was mentally accountable at such time.

The jury returned a verdict finding the prisoner "guilty of rape as charged in the bill of indictment", but recommended "that the State of North Carolina not take his life." The trial judge thereupon pronounced sentence of death against the accused, and he appealed.

Lyon & Johnson, and T. W. Albertson, all of High Point, for prisoner, appellant.

Harry M. McMullan, Atty. Gen., and T. W. Bruton, Hughes J. Rhodes and Ralph M. Moody, Asst. Gen., for the State.

ERVIN, Justice.

[1] It is a well settled rule in the administration of criminal justice in this State than an accused is legally insane and exempt from criminal responsibility by reason thereof if he commits an act which would otherwise be punishable as a crime, and at the time of so doing is laboring under such a defect of reason, from disease of the mind, as to be incapable of knowing the nature and quality of the act he is doing, or, if he does know this, incapable of distinguishing between right and wrong in relation to such act. State v. Matthews, 226 N.C. 639, 39 S.E.2d 819; State v. Harris, 223 N.C. 697, 28 S.E.2d 232; State v. Hairston, 222 N.C. 455, 23 S.E.2d 885; State v. Terry 173 N.C. 761, 92 S.E. 154; State v. Cooper, 170 N.C. 719, 81 S.E. 50; State v. English, 164 N.C. 497, 80 S.E. 72; State v. Cloninger, 149 N.C. 567, 63 S.E. 154; State v. Spivey, 132 N.C. 989, 43 S.E. 475; State v. Potts, 100 N.C. 457, 6 S.E. 657; State v. Haywood, 61 N.C. 376; State v. Brandon, 53 N.C. 463.

By his special plea of not guilty upon the ground of insanity, the prisoner invoked this principle for his protection, and put directly in issue for the determination of the jury the question of fact as to whether he was sane or insane in a legal sense at the time mentioned in the indictment. It

has already been pointed out that the testimony of the State and that of the accused concerning this matter were in sharp conflict. The trial judge charged the jury, in substance, that to establish the prisoner's plea of insanity it must be "clearly established" that he did "not know the nature and quality of the act he was doing, or if he did know it, that he did not know he was doing what was wrong." The accused duly preserved an exception to this instruction on the theory that it imposed too high a degree of proof upon him in respect to the defense of insanity.

[2–4] Since soundness of mind is the natural and normal condition of men, every one is presumed to be sane until the contrary is made to appear. This presumption of sanity applies to persons charged with crime, but it is rebuttable. State v. Harris, supra; State v. Cureton, 218 N.C. 491, 11 S.E.2d 469; State v. Bracy, 215 N.C. 248, 1 S.E.2d 891; State v. English, supra; State v. Cloninger, supra; State v. Potts, supra; State v. Starling, 51 N.C. 366. These considerations give rise to the firmly established rule that the burden of proof upon a plea of insanity in a criminal case rests upon the accused who sets it up. But he is not obliged to establish such plea beyond a reasonable doubt. He is merely required to prove his insanity to the satisfaction of the jury. State v. Harris, supra; State v. Stafford, 203 N.C. 601, 166 S.E. 734; State v. Jones, 203 N.C. 374, 166 S.E. 163; State v. Wilson, 197 N.C. 547, 149 S.E. 845; State v. Walker, 193 N.C. 489, 137 S.E. 429; State v. Jones, 191 N.C. 753, 133 S.E. 81; State v. Terry, supra; State v. Potts, supra; State v. Starling, supra.

[5] When the trial judge instructed the jury, in effect, that the prisoner's plea of insanity must be "clearly established," he imposed upon the accused the burden of proving his insanity by a higher degree of proof than that required by law. 14 C.J.S. Clearly, p. 1200, 11 C.J. § 37; Beeler v. People, 58 Colo. 451, 146 P. 762; McEvony v. Rowland, 43 Neb. 97, 61 N.W. 124; People v. Wreden, 59 Cal. 392.

Undoubtedly, the learned judge in the court below fell into this error because of a too literal reliance upon the language used by Lord Chief Justice Tindal in the celebrated English decision known as Macnaughten's Case. See 16 C.J. 100, 22 C.J.S., Criminal Law § 59. The present action is distinguishable from State v. Manning, 221 N.C. 70, 18 S.E.2d 821, where a similar erroneous instruction was given. In Manning's case, however, the trial judge recalled the jury after it had been out a short while and corrected his error. Nothing of this sort happened here.

For the reason given, the prisoner is entitled to a new trial. It is so ordered.

New trial.

POLICE STATE BLUEPRINT?

Mr. TYDINGS. Mr. President, it has become fashionable in some quarters for critics of the District of Columbia crime bill to refer to the provisions on so-called no-knock warrants as a "blueprint for a police state." This claim, Mr. President, merely constitutes more fiction, more emotionalism, evidencing a lack of familiarity with existing law and with the precise proposal of the conferees on S. 2601.

As I have stated many times before, the so-called no-knock provisions in the pending legislation are calculated to be a codification of existing law as sanctioned by the Supreme Court of the United States in the case of *Ker* v. *California*, 374 U.S. 23 (1963), together with an additional protection not afforded under the law at present—namely, a requirement that no-knocking be conducted whenever possible on the basis of court approval only. The conferees have sought to take the no-knocking decision out of the streets and place it in the courts. This is hardly a "blueprint for a police state"; rather, this is a blueprint for a state regulated by a more objective rule of law rather than a rule of men.

Mr. President, I am particularly puzzled by the fact that the junior Senator from New York (Mr. GOODELL) has alined himself with the critics of the conference report provisions on no-knock. I cannot imagine what the grounds for the Senator's criticism may be: the no-knock provisions in the pending conference report, both in terms of the literal language of the statute and in the context of the wealth of restrictive legislative history, these provisions are so much narrower in scope, so much more carefully safeguarded than the New York State no-knock: statute and case law. Section 799 of the New York Code of Criminal Procedure states:

> The officer may break open an outer or inner door or window of a building, or any part of the building, or any thing therein, to execute the warrant, (a) if, after notice of his authority and purpose, he be refused admittance, or (b) without notice of his authority and purpose, if the judge, justice or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice or magistrate may so direct only upon proof under oath, to his satisfaction, that the property sought *may be* easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another *may result*. (Emphasis added.)

The leading New York case affirms authority substantially broader than that which is provided expressly and intended in the pending conference report. Mr. President, I refer to the case of People of the State of New York against Anthony De Lago, decided by the highest court of the State of New York, the New York State court of appeals—reported at 16 N.Y. 2d 289 (1965) and printed in the CONGRESSIONAL RECORD of July 20, 1970, at pages 25042 and 25043.

The characterization "blueprint for a police state" is totally unfounded. I have not noticed the emergence of such a police state in any of the United States to date, even though a vast majority of the States expressly authorize no-knocking in case law or by statute. Indeed, I would challenge any man who chose to so characterize—as a police state—the great State of New York.

NO-KNOCK PRECEDENT

It has been charged that the Senate, on the issue of the no-knock provisions, is taking an unprecedented step. This fiction cannot stand up to facts, to the record, plain for all to see: not only do a vast majority of the States clearly permit no-knocking in the limited circumstances set forth in the conference report, not only has this practice been approved by the Supreme Court of the United States—but, also, this very body, the U.S. Senate, approved what was basically the same no-knock provision without a single dissenting vote in S. 2869 in December of 1969 and in the Senate-amended S. 2601 in March of 1970. Indeed the Senate overwhelmingly approved a no-knock provision in S. 3246, the administration's Controlled Dangerous Substances Act, in January of this year.

Mr. President, I would urge my colleagues to desist from this endless rehashing of the same basic issues. The Senate has three times in a single Congress approved no-knock warrants; let us not continue as the expression goes, "beating a dead horse." I trust, moreover, that the crtics of the pending no-knock provision will not occasion the anomaly of rejecting a conference report on the basis of the Senate version—twice approved—of a particular issue.

EXIGENCY

In his impressive, and extensive, remarks of last Friday on the no-knock provisions in the pending conference report, the senior Senator from North Carolina made the intellectual argument that the exigent circumstance which justify no-knocking cannot be known in advance.

Mr. President, as a matter of commonsense, and based on my own experience as a prosecutor, I must take exception once again to the views of my distinguished colleague. The fact is that in perhaps as many as 99 percent of the cases where no-knocking is and should be allowed, the basic facts, the so-called exigent circumstances, are known to the police well in advance of the execution of the warrant.

For example, in a gambling case, if it is known that the prospective defendants regularly use water-soluble paper, that they conduct their operation near a disposal facility, that they have defeated searches previously by immediately and effectively disposing of all evidence upon receiving preentry notice from the police, and that the prospective defendants are aware of the police surveillance and are primed to effect the disposal of the necessary evidence—if these so-called exigent circumstances are known at the time of the execution of the search warrant, they are almost invariably also known at least 1 hour in advance of the execution, in time for the police to apply for court permission to depart from the knock-and-wait rule.

Let me give another example: in a case involving armed robbery, if it is known that the prospective defendant is armed and will shoot it out rather than surrender to the police, if for example he has just shot and killed a police officer in the process of escaping, if his recent conduct in escaping has made it evident that he knows the police are close on his trail—if these so-called exigent circumstances are known at the time of the execution of the arrest warrant, they are almost invariably also known the 1 hour or so in advance, in time for the court to rule on whether complete surprise is warranted and on whether the knock-and-wait rule must be complied with strictly.

Again, Mr. President, I recognize the theoretical appeal of Senator ERVIN's argument. I submit, however, that consideration of concrete, practical examples makes it quite clear that exigency need not be conceived of simply in terms of time.

UNRELIABLE PROPHECY?

Now and then in the course of his prodigious discourse of last Friday, the senior Senator from North Carolina had occasion to decry the apparent slender showing which might serve, or have to serve, as grounds for the issuance of a no-knock warrant. As I have described already, however, just as a substantial quantum of sound information must be and is available in advance for the issuance of an arrest or search warrant; similarly, a substantial quantum of sound information is also usually available in advance—if at all—to enable judicial scrutiny of the appropriateness of no-knocking.

Moreover, if it has not been made clear heretofore, let me stress once again that the Senate conferees intend no mere slender showing as grounds for court-ordered no-knocking. I ask that the critics again consult the relevant passage in the Senate statement of managers, at pages 28 to 29, which states as follows:

Fifthly, the Senate conferees did not recede from their original position that only particular facts, bearing upon any given particular case, may serve as grounds for "no-knocking." The House conferees urged to the contrary that particular facts are unnecessary; they urged, for example, that "no-knocking" would be appropriate in nearly all narcotics and gambling cases, based on the destructibility of the evidence usually involved. The issue was resolved in favor of neutral language, adaptable to either the House or the Senate interpretation; but with the limitation of specific reference to the *Ker* case. Just as the Senate conferees are of the view that the particularity requirement is affirmed in *Ker* and rooted in the Constitution, in like manner the Senate conferees contemplate implicit incorporation of the requirement in the S. 2601 provision.

My remarks in colloquy with the junior Senator from Indiana (Mr. BAYH) at pages 24743 to 24744 of the RECORD of July 16, 1970, should provide further clarification on this point.

VIOLENCE

In the past 6 months or so, since the no-knock issue has become the focus of political controversy, I have been most troubled, Mr. President, by the repeated suggestion that the pending legislation will somehow heighten the level of violence in this community. Critics have suggested that when police officers depart from the knock-and-wait rule, occupants of the premises to be searched will, and perhaps should, respond with a blast from a rifle.

If I believed that the net effect of the conference report would be an increase in shoot-outs with the police—if I did not believe that this legislation will have a net effect of reducing the incidence of such violence in this community—I would immediately align myself in opposition to S. 2601. My support of the conference report, however, reflects my judgment, based in large measure on observation and experience in the world of law enforcement, that the effect of this legislation will not be what the critics have suggested.

It is an observable fact, as well as a matter of commonsense, that the danger of shoot-outs arises more out of strict adherence to the knock-and-wait rule, rather than out of the limited no-knock authority in existing law codified in S. 2601. Shoot-outs, violence, death, occur more frequently when the police signal their presence and purpose, and give a dangerous suspect time to get his weapon—not when the police take the dangerous suspect by surprise before he can arm himself to shoot. We need only reflect on the recent, publicized case of the local bank robber, Billy Austin Bryant. Bryant killed two FBI agents at the door of his wife's apartment after the agents identified themselves as police—and clearly not because he mistook them for burglars. Again, I am convinced that on balance the consequence of limited no-knocking is less violence, not more. And I am equally confident that the police, especially with increased court supervision, will continue to utilize their law enforcement tools so as not to endanger human lives, including their own.

I submit, Mr. President, that the critics of the pending so-called no-knock provisions tend to view the legislation entirely out of context. Realistically, the context in which no-knock warrants are designed to be and will be executed is one narrowly defined by: First, the probable cause showing made to a judge in support of the underlying warrant application, second, the further probable cause showing made to establish the presence of exigent circumstances, and third, not the least of all, the sound judgment of a full-fledged judicial officer. In actual fact the context will be one where last-minute surprise is requisite; and where the greatest danger is that notice will occasion the occupant's locating a weapon and meeting the executing officer with a bullet. In sum, again, the limited no-knock provisions in S. 2601 are calculated to stem local violence, not to foster it.

PRETRIAL RELEASE AND DETENTION

Mr. President, a great deal has been said on the subject of pretrial detention, much of it based upon misinformation. I do not wish to belabor the issue needlessly, but certain facts must be made clear.

Few of the critics of formal pretrial detention have cast their arguments in constitutional terms. Both the junior Senator from Missouri and the junior Senator from New York, who refused to sign the conference report, have conceded that pretrial detention legislation can be drafted to conform to the Constitution. These and other critics have argued, however, that pretrial detention is not needed to protect the community or that the provisions on pretrial detention in the conference report do not include sufficient safeguards to protect the due process rights of the individual.

Mr. President, every Member of the Senate should be made aware that no less than 18 important safeguards are included in the conference version for the protection of the individual. Let me simply list them:

First. Detention eligibility is restricted to persons charged with one of a limited number of specific offenses.

Second. Detention eligibility is further conditioned upon a showing of prior criminal activities, at the very least consisting of a provable pattern of dangerous behavior.

Third. Detention cannot be ordered unless the court holds an adversary hearing.

Fourth. The defendant has the right to counsel at the hearing.

Fifth. The court must find that no condition or combination of conditions of release will reasonably assure the safety of the community.

Sixth. In making such finding, the court must exhaust a searching list of possible release conditions, including third-party custody, restrictions on travel, association, or place of abode, daily narcotics use testing, employment requirement, daytime work release, and so forth.

Seventh. The expansion of the Bail Agency will make third-party custody a realistic and preferred alternative.

Eighth. Use of money bond in dangerousness cases is prohibited.

Ninth. The prosecution must establish that there is a substantial probability of conviction.

Tenth. An immediate and expedited appeal from a detention order is permitted.

Eleventh. Detention orders are limited to a nonrenewable 60-day maximum period, unlike the 6, 10, or 12 months now actually experienced.

Twelfth. The maximum detention period is not tolled by timely defense motions.

Thirteenth. An expedited trial calendar must be provided for all cases involving pretrial detention.

Fourteenth. Both House and Senate statement of managers urge appropriations adequate to provide at least 25 additional assistant U.S. attorneys for the District of Columbia, to assure trial in 60 days.

Fifteenth. A new and expanded Public Defender Service will assure readily available defense counsel to promote speedy trial. Greatly expanded judicial manpower will contribute to the same speedy trial goal.

Sixteenth. Pretrial detainees must be confined apart from convicted persons.

Seventeenth. Liberal access to counsel while in detention is assured.

Eighteenth. Even in detention cases, the defendant may be released for short periods of time under custody to assist counsel in preparation of the defense.

Mr. President, I have outlined some 18 different safeguards which the conference report builds into the pretrial detention procedure which fulfills the promise of due process of law. Yet, critics of the concept of formalized pretrial detention have argued that these safeguards are insufficient, illusory, or meaningless. These arguments are unfounded.

PRETRIAL DETENTION CATEGORIES

Each of the four pretrial detention categories is premised upon factors in addition to the current charge which must be found to exist before a defendant can be ordered detained.

The crimes of violence category requires that the person must be charged with a violent crime and be previously

convicted or awaiting trial with respect to an earlier violent crime.

The narcotics addict must be charged with a violent crime and be shown to have a narcotics addiction which is so costly that the defendant will ordinarily be forced to continue to engage in crime to support it.

The obstructor of justice must be charged with an offense and then engage in provable threats, intimidations, or injuries against witnesses or jurors in order to influence the outcome of his trial.

The dangerous crime category couples the current charge with a required finding by the court that the defendant exhibits a provable pattern of dangerous behavior.

Moreover, the dangerous crime category is narrowly drawn to include only the most serious life-threatening offenses: First, only robbery by force against resistance is meant to be included as a dangerous crime—taking property by stealth or sudden snatching, defined as robbery in the District of Columbia Code, is not within the dangerous crime category; second, burglary and arson are specifically limited to those offenses in the first degree—entering or burning of nonoccupied buildings is excluded; third, forcible rape eliminates consensual and lesser sex crimes; and fourth, narcotics offenses are limited to reach felonious selling or distribution—the professional pusher.

PATTERN OF DANGEROUS BEHAVIOR

A pattern of dangerous behavior not only must be premised upon a prior criminal record of criminal acts of a serious and dangerous nature but upon an identifiable pattern of such acts which suggests that the dangerous activity will be continued into the future. Thus, a series of arrests or of minor offenses will not indicate dangerous behavior and an isolated felony (other than a "dangerous crime" or "crime of violence") will certainly depict no pattern.

EXHAUSTION OF RELEASE CONDITIONS

In every case, detention shall not be ordered unless the court, with the assistance of the Bail Agency and counsel for the prosecution and defense, thoroughly exhausts the available release alternatives and finds that no condition or combination of conditions will reasonably protect the community. A repeated failure of the courts under the Bail Reform Act of 1966 has been the lack of resourcefulness and imagination in devising adequate and minimally restrictive release conditions. See *Banks* v. *United States*, 414 F. 2d 1150 (D.C. Cir. 1969).

The expansion of the Bail Agency's functions to include devising and recommending release plans and serving as a third-party supervisor will contribute to correcting this failure. But the courts and counsel must be held to an even higher standard of resourcefulness in setting release conditions before detention is ordered, and appellate courts should insist that every avenue of adequately supervised release has been explored, including but not limited to the hierarchy of conditions suggested in section 23–1321, before a detention order will be sustained. Compared *Long* v. *United States*, 422 F. 2d 712 (D.C. Cir. 1970).

MEANING OF "DANGEROUSNESS"

Critics have argued that protection of the safety of the community is an unlimited concept, that a court could order detention in order to protect the community from minor offenses, property offenses, nuisances, or, worse, from political dissent. No proponent of pretrial detention has suggested this unwarranted construction. The emphasis must be placed upon the term "safety," and momentary reflection upon the types of crime contained in the dangerous and violent crime categories will disclose that the only concern of the proponents of the conference report on S. 2601 is the protection of the public from the risk of death or serious bodily injury, not from property-related offenses or political disruption.

MEANING OF "SUBSTANTIAL PROBABILITY"

Even after the defendant is found to fall within a detainable category and after the court unavailingly exhausts all release alternatives in order to assure the safety of the community, detention cannot be ordered unless the court finds by a substantial probability that the defendant committed the offense. Critics have argued that the standard of certainty adopted by the conference report departs from due process requirements and has no accepted content.

The law requires different quanta of proof to justify detention depending upon the onerousness of the restraint. Thus, no person may be convicted of crime and subjected to extended incarceration except upon proof beyond a reasonable doubt. But a person may be arrested and detained until he can be brought before a magistrate on proof that rises to only probable cause to believe. And certain stop-and-frisk laws permit brief restraint to search for weapons on merely a reasonable belief.

The substantial probability formulation is not new to the law. In a civil action when a request for a stay pending appeal is made, the movant must show by a "substantial likelihood that he will ultimately prevail on the merits." See *Virginia Petroleum Jobbers Association* v. *F.P.C.*, 259 F. 2d 921 (1958). A similar standard is incorporated in the conference report. It depicts a quantum of proof which is somewhat less than the classic reasonable doubt standard, but is greater than the mere probable cause standard. The judge must be convinced to a substantial certainty that the person before him will be ultimately convicted.

RULES OF EVIDENCE

The critics have further suggested that evidence in the bail process will permit the court to base its findings—particularly with reference to the issue of guilt—upon matters which would never be admissible at trial. This fear is based on fiction.

As is current law and practice, information offered at a bail hearing need not conform to the technical rules of evidence. This does not mean, however, that the Government can build its case for detention solely on evidence which would clearly be inadmissible at trial.

Thus, if the Government by proffer or by witnesses shows nothing more than evidence which was illegally seized, a coerced confession, or an eyewitness identification at an impermissibly suggestive lineup, no court could predict by a substantial probability that the person will be ultimately convicted. All the Government's evidence need not conform to technical rules, but it must be sufficient in the aggregate for a court to make its finding on the issue of guilt.

The required finding that there is a substantial probability that the defendant committed the offense must be translated into a prediction of the likelihood of ultimate conviction in order to pass constitutional muster. Equal protection of the laws would forbid a court to order the detention of a person when the prosecution fails to produce, by proffer or otherwise, probative evidence which will be admissible and sufficient to justify conviction at the trial on the merits. The term "committed the offense" is thus to be understood not in the lay context of having done the act, but in the legal context of being criminally accountable before the law.

THE PREDICTION OF DANGEROUSNESS

In spite of these safeguards, critics of the conference report have urged that it is still impossible to predict future dangerousness.

The objection to permitting judges to make such determinations suggests that there is something novel or unusual and unreliable about predictions within our judicial system and that the pretrial detention plan will unwisely turn the judge into a prognosticator of future behavior. Yet, our system calls on the trial judge to make numerous predictions of future behavior. No one objects to the prediction made in every release under the Bail Reform Act on the question of the likelihood of flight, which is the crime of bail jumping, but he is said to be incapable of predicting other future criminal acts. Yet if a capital offense is charged, the same judge is directed by the Bail Reform Act to take danger to the community into consideration and thus predict the chance of crime on bail. To say that a judge can predict in one of these situations and not in another defies logic.

Further, every time a judge imposes or suspends a sentence or grants or denies probation, he makes a prediction as to future behavior and the possibility of rehabilitation. If a judge can predict reliably and constitutionally in these areas, he can also predict the dangerousness of a defendant before him with equal reliability.

Indeed, based on a person's past conduct and prior criminal record, it is more likely that a judge can predict with greater accuracy the likelihood of a defendant to pose a danger than that he can predict the likelihood of a defendant to flee.

Moreover, by reason of the hearing provided, which is specifically directed to a defendant's dangerousness, we can expect a degree of accuracy as high, if not higher, than in many other areas

where daily predictions are made under our judicial system.

THE LIMITS ON PRETRIAL DETENTION

The revision of the Bail Reform Act of 1966, as contained in the conference report, is proposed not only to permit the courts to detain certain highly dangerous defendants, but to correct the injustices of present bail practice which, in spite of the Bail Reform Act, continue to detain between 30 percent and 40 percent of all arrested persons without a meaningful inquiry into the realistic risks of danger or flight.

There is no denying the fact that over 1,400 persons are today being held in pretrial detention facilities in the District of Columbia, some for over a year awaiting trial.

This practice can no longer be tolerated. It permits an approach to pretrial detention that is both overinclusive and underinclusive in effect.

It is overinclusive because the process is committed solely to the unreviewable discretion of the trial judge's mental processes. As a result, through the lack of procedural safeguards, many persons who should be released are often detained.

It is underinclusive because the hypocrisy of present bail practices does not permit the courts to focus directly, forthrightly, and in adversary proceedings, upon the question of dangerousness. As a result, many persons are being released to commit new crimes while on bail.

In both instances, in addition to being arbitrary, the present practice is totally discriminatory, since it permits the detention of the poor but allows the rich defendant to be released regardless of what may be his greater danger to society.

Yet, critics of the conference report argue that our proposal does not end the hypocrisy of present bail practices. First, it is suggested that there is nothing in the report to preclude a person from being detained beyond the 60-day maximum simply by repeating the detention process with successive detention orders. This reading is completely false. Second, it is urged that the statutory pretrial detention procedure merely supplements and does not replace the sub rosa form of detention through unreachably high money bond. This too is incorrect.

As to the first criticism, Mr. President, the conference report clearly expresses the intent that a detained person's trial must begin within 60 days of arrest or he must be released. Sec. 23–1322(d)(2) requires that upon the expiration of 60 days, if the trial is not in progress, the defendant must be treated under the general release section 23–1321, the entire thrust of which is directed to release and conditions of release.

The court is directed by the statute at the end of 60 days to treat the defendant pursuant to the section entitled "Release in noncapital cases prior to trial," not directed to treat the person under either the release section or the section entitled "Detention prior to trial," as the court may choose. If the 60-day time limit section envisioned continued detention as a possibility, the section would direct the court to treat the person in accordance with section 23–1322 or 23–1323, as well as section 23–1321. The detention sections are not specified for good reason.

It is the clear intention of the report and the intention of the conferees in both Houses, that the detention process cannot be repeated. A similar view was expressed by Deputy Attorney General Kleindienst at the Constitutional Rights Subcommittee hearings.

It has been suggested that the court can extend a detention period by the presently existing high money bond subterfuge. It is a hard fact that many honest and sincere judges have been forced to disobey the literal reading of the Bail Reform Act of 1966 by setting unreachable money bond because they cannot in good conscience close their eyes to the danger which some defendants would pose if released. The pretrial detention provision will afford a visible and protected technique by which these judges may consider dangerousness.

Of course, there may always be a few judges who will bypass statutory procedures and use devious and unreviewable means to achieve the same results. It is impossible to draft legislation which will force all judges to obey the letter and spirit of the law. Hypocrisy cannot be eliminated even by eliminating money bail entirely; as a condition of release unscrupulous judges can as readily impose unreachable nonfinancial conditions as financial ones.

It is the firm intention of your conferees in recommending this bail reform measure that the practice of imposing unreachable money bond or other intentionally unreachable conditions under any circumstances, must stop.

If a judge sets a money bond to assure the appearance of the defendant and the bond proves to be beyond the financial means of the particular defendant, the judge should make an exhaustive search of release conditions which the defendant can meet. With the expansion of the Bail Agency to include supervisory functions, the judge will have an immediately available competent third-party custodian which can supervise a person released on bail as well as, if not better than, any public bail bondsman. In the more difficult cases, more rigorous supervision will be available from community resources such as Offender Rehabilitation project, Bonabond Narcotics Treatment Agency, and Black Man's Development Center.

Prior to the expansion of the Bail Agency, courts often would find the condition of third-party custody to be available only in theory. In reality, there have not been enough custodians to go around. This bill changes that reality. In the future we should expect and demand that our judges will construct plans of release with resourcefulness and imagination. The many release conditions which have been ignored in the past must be utilized in the future.

In the rare case when a judge determines that an unreachable money bond should stand, he should give his reasons why the financial condition imposed, if it could be met, would assure appearance, whereas no other reachable condition would provide the adequate assurance. I am confident that the appellate courts will insist that such a showing be made; in this way, the bail system will not continue to discriminate against persons solely on the basis of their poverty.

Under these circumstances, if an occasional case runs beyond the 60-day limit—which I have been assured will almost never happen—it is inconceivable that a judge will resort to the use of financial conditions, on the dishonest theory of risk of flight, in order to extend a detention which has been premised all along on a theory of dangerousness. It is the clear intent of the conferees that this result not be tolerated.

Mr. President, last Friday the supporters of the President's District of Columbia crime bill completed most of their arguments for the bill. In the statement of Senate managers regarding the bill and in our presentations last week, we spelled out the provisions of the bill and their meaning. I have offered these remarks to clarify the record as to the debate to date.

I see no further need for arguments on our part for the bill. It is a sound bill. It is a constitutional bill. It stands on its own two feet.

Let me warn once again of the delusion and futility inherent in the "end-run strategy" embraced by the opponents of this bill. Some Senators seek to defeat this conference report in hopes of sending another watered-down bill back to the House for its consideration. Do they imagine that the House will not amend any bill we send it to once more include all of the undesirable features the Senate conferees succeeded in deleting from the original House bill in achieving the conference report?

How can they ignore that the House passed this conference report by a vote of 5 to 1 just 1 week ago and passed, by an even wider margin, just a few months ago, the original House bill which the Senate conferees successfully revised and perfected?

Do these critics not recognize that the seniority and influence of the members of the House District Committee will enable them to block action on any bill referred to any other committee in the House on this matter?

Do the proponents of the "end-run strategy" realistically take into account the months and months of further delay their strategy involves?

Mr. President, we need no reminder that Congress has two Houses. We have returned from conference with the other House with a sound, constitutional, and effective bill. The other House made enormous concessions to us in achieving this conference report. Do we really think now that they will make even further concessions because some of our Members do not like some of those which they insisted upon?

The blunt fact is, Mr. President, no matter how much anyone may wish to delude himself about it, that if this conference report fails, there will be no District of Columbia crime legislation in this Congress. Any District of Columbia crime legislation in the future will in all probability have in it every feature this bill contains and perhaps even some of the odious features the Senate con-

ferees eliminated from the House-passed bill in conference.

Let us be frank and realistic. Let us recognize the strategy of the opponents of this bill for what it is: a stall, a dream, a bitter risk for the citizens of the National Capital who are suffering the scourge of the crime lash which is destroying the very basis of this city.

Let us face our responsibilities. Let us promptly ratify this conference report on its merits and get it on to the President for his signature.

Mr. President, I wish to invite the attention of Senators to an editorial published in the Washington Sunday Star of July 19, 1970, printed at page B–1; this editorial in large part affirms the view that I have expressed here today. I ask unanimous consent to have the editorial printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE SENATE CASE FOR THE D.C. CRIME BILL

The Senate's climactic debate on the D.C. Crime Bill, which resumes with a full head of steam tomorrow, needs to be viewed in two distinct frames of reference.

The more obvious consideration concerns the merits of the bill. Some 22 senators—and the number probably will grow—believe that certain features of a House-Senate conference agreement on the omnibus anti-crime measure are so odious that they want to scrap the conference report, with the idea of starting anew to salvage parts of it.

The more subtle and more important consideration is, however, that if this move should succeed the result almost certainly would be not a new start, but the end of any significant anti-crime legislation in this session of Congress. In that event, more than a year of hard work, which has produced a wealth of vitally needed new weapons to combat crime and to improve this city's fabric of justice would go down the drain. The price is one which neither the Congress nor the District of Columbia can afford.

That price would not be too high, perhaps if this were actually a bad bill—if the bombastic criticism leveled against it really stood the test of scrutiny. But the rhetoric does not hold up. The bill, in our view, is an acceptable legislative compromise in every major respect. Moreover, its most controversial features—the police no-knock provision and the preventive detention authorization—are both enveloped in a great deal of misunderstanding and confusion. More of that later.

The procedural dilemma which has evolved in the Senate, and which jeopardizes the entire legislation, springs mainly from the immense size and complexity of the bill. To comprehend the problem fully, it is necessary to retrace how that came about.

From the start there has been no dispute over the need to expand and reorganize Washington's archaic court system, to develop a true public defender program, to modernize certain provisions of criminal law and, among other things, to restructure the skeleton-like D.C. Bail Agency. Accordingly, following specific proposals last year by President Nixon, the Senate promptly passed five separate bills, embodying these reforms.

Across Capitol Hill, however, the House District Committee pursued a quite different course—wrapping this maze of legislation, for strategic reasons, into a single omnibus bill. The strategy was clear: The House committee, while dealing with most of the same subjects covered in the Senate bills, favored a harder, more repressive line on many of them. Besides which it desired to add some features of its own—most notably preventive detention—which the Senate had ignored. And the veterans of the House committee reasoned that they would have a much better chance to carry their pet projects in the give-and-take bargaining of a House-Senate conference on the total package than by fragmentation—in which the most controversial items could very likely be lost. However one viewed the merits of their proposals—and we disliked many of them—their strategy, politically speaking, was unimpeachable.

For the ultimate conference agreement, with preventive detention included, is not subject to partial acceptance by the Senate. If the Senate votes it down, the entire package dies. And if the Senate should elect to return the bill to conference to seek changes, Senator Tydings has warned flatly that no further gains could be expected—and that gains already achieved might well be lost. No one, to our knowledge, challenges the validity of that prediction.

Nor does the counter-strategy which is actually developing on the Senate floor, under the usually canny leadership of North Carolina's Senator Sam J. Ervin, seem to us to hold any better prospect of success. In essence, the Ervin appeal is to vote down the conference report, and to send the House two entirely new Senate bills—stripped of the most controversial features. Or, as a final alternative, Ervin says, the two bills might be attached to some House-passed measure already pending in the Senate in an effort to end-run the hard-line leaders of the House.

In the initial debate on this strategy move the other day, Senator Tydings commented, accurately in our judgment, that Ervin was "only kidding himself and kidding the Senate" if he thought his approach could prevail—or that any crime bill could pass Congress this year devoid of preventive detention. In rebuttal, Ervin shouted his unwillingness "to knuckle under to the House"—to "buy a lot of rotten apples in order to get some good ones."

And that, of course, moves to the real crux of the Senate struggle. How rotten, truly, are Ervin's apples? Consider the prime target of dissent—preventive detention.

The issue, on purely constitutional grounds, is a subject of valid argument. The First Congress of this nation, in the first federal bail law, specifically provided that a judge could refuse bail and could jail any suspects accused of a number of specified crimes. In Great Britain, that rule still prevails. Yet we concede, in the context of today, that we have no more idea than does Senator Tydings or Senator Ervin precisely how the Supreme Court might rule on this provision of the D.C. Crime Bill.

But we are entirely convinced that the court should have an opportunity to rule. Present law provides that the only basis for denying bail is whether a criminal defendant is likely to appear for trial—a criterion which in practice is abused day after day under the subterfuge of money bonds set too high for defendants to pay. Yet, under the letter of the law, many defendants accused of the most heinous crimes are supposed to be turned loose, their prior records of criminal activity notwithstanding, even if it is clear to any reasonable person that they are likely to commit further violent crimes. That law ought to be changed. The pending proposal's provisions for due-process hearings, for rights of appeal, for the assurance of trials within 60 days, all envision preventive detention as a last resort, in the gravest of situations. In our view, they also provide ample protection of individual rights.

As to the second dominant controversy, this newspaper holds no brief for the police no-knock provision. We regret its inclusion in the bill. Yet, it is fair to say that a great deal of hypocrisy also surrounds this imbroglio. From the laments last week, one would assume that many senators had never before heard of this proposal. But the truth is that the Senate, only a matter of months ago, approved the proposal without a single vote of dissent. What has happened in the meantime, however, is that this issue has taken on a symbolic status of protest against generalized fears of repressive police actions which has completely overshadowed the substantive points of debate.

In other vital points of controversy, however, as in these two, we believe the Senate conferees have achieved compromises which fully justify the Senate's approval. As one final example, the conference report permits mandatory jail sentences only in the case of second offenders convicted of armed violent crimes. That is surely a minimum protective device for society, which any member of Congress should be able to support. And it is such details, not as yet well publicized, which should occupy the Senate's primary attention this week.

In any bill 400 pages long, extending over the full spectrum of criminal justice in the District of Columbia, a total absence of flaws would be nothing short of miraculous. It is not merely possible, but likely, that instances will arise in which Congress may want to enact refinements later. But the immediate question before the Senate is whether any of these isolated subjects of doubt or disappointment justify a scuttling of the enormous gains of the bill as a whole.

The answer, in our opinion, is a resounding no.

S. 3889—AMENDMENT OF SECTION 14(b) OF THE FEDERAL RESERVE ACT

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3889.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate the amendments of the House of Representatives to the bill (S. 3889) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, which were in line 5, strike out "1972" and insert "1971". In line 7, strike out "1972" and insert "1971". And amend the title so as to read: "An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for one year the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury."

Mr. SPARKMAN. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

THE CON SON ISLAND PRISON

Mr. NELSON. Mr. President, tens of thousands of American lives and billions of American dollars have been invested in a futile war in Vietnam that has divided the Nation with angry dissent and name calling.

It has been argued that monolithic communism is again threatening all of Southeast Asia and the United States, and that it is "patriotic" to support the Thieu-Ky government in Saigon to bring democracy to the South Vietnamese peo-

ple. There is, however, no democracy in Vietnam, and the Thieu- Ky government has no intention of being a democracy.

The Thieu-Ky government is proving to be a repressive government, refusing to tolerate dissent and brutally punishing those who disagree.

Just this month, the newest horror story of repression was published in the Nation's press when former congressional staff member Thomas Harkin disclosed examples of brutality against South Vietnamese "political prisoners" in the Conson Island prison.

While the stories of inhuman beatings and torturing of men and women whose only crime was to disagree with the policies of the South Vietnamese government were new to the national press, they were not new in Appleton, Wis.

On July 27, 1969, nearly 1 year ago, Mark E. Oliva wrote an enterprising expose in the Post-Crescent in Appleton, Wis., telling about acts of brutality and inhumanity in Conson. Unfortunately, his well-documented report, now well substantiated by American officials there who are attempting to disassociate themselves from the oppressive prison system, was not widely circulated.

Oliva and the editors of the Post-Crescent are to be commended for their enterprising leadership in exposing a situation that should and must embarrass this country, because the United States is in the position of financing the Thieu-Ky government and, in the logic of world opinion, is supporting the oppression and brutality at Conson.

I ask unanimous consent that the Post-Crescent article by Mark Oliva be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DETENTION BASED ON SUSPICION: VIETNAM CONCENTRATION CAMP OPERATES WITH U.S. APPROVAL

(By Mark Oliva)

CON SON ISLAND, VIETNAM.—History again is witnessing the horrors of the concentration camp, this time with a helping hand from the United States.

Con Son, the French "Devil's Island of Indochina," now is South Vietnam's barbed-wire home for more than 7,000 Vietnamese who "had to be removed" but couldn't be convicted in a trial.

Long beds, malarial mosquitoes and a host of diseases with no effective medical program, no shelter from the tropical monsoon rains and a diet not much better than silage greet the unfortunates interned in the concentration camps here.

The United States provides both financial and advisory assistance to the Con Son island prison.

On March 1, Con Son housed in excess of 9,000 prisoners. Of these, more than 7,000 were detainees. A detainee is an individual suspected of being a Viet Cong sympathizer or supporter who never has been convicted or tried.

KING OF CON SON

Vietnamese Lt. Col. Nguyen Van Ve, a brash man who illustrates his every point with a swing or sway of his swagger stick, is the commander here. He calls himself the "King of Con Son," and the title fits his power. He has total rule over the island and its prison population.

Lt. Col. Ve explains the "detainee" system simply.

He says his government needs a means to remove the potential or possible enemy from causing or contributing to trouble. When a man is suspected of giving food, shelter or information to the Viet Cong, he cannot be convicted without evidence, according to Lt. Col. Ve.

Instead, he says, these Viet Cong suspects are brought before district security committees. The committee, according to Lt. Col. Ve, does not require evidence, only grounds to believe the individual may be aiding the Viet Cong. The committee then has the power to order the suspect sent to Con Son or one of several other detention centers for a period of six months.

Lt. Col. Ve says this dispenses with the need for a trial, conviction and evidence. He also admits that almost all of the detainees would be acquited for lack of evidence if they were to be tried.

When questioned, Lt. Col. Ve said that he has the authority to detain these prisoners beyond the six-month period based upon his observations, and that very few actually are released after their initial six months' detention.

Our study group's tour of the prison included Camps Six and Seven, the camps that house all but 200 of the detainees.

BARBED WIRE

Each of these camps is surrounded by double fences strung heavily with barbed wire. Within, the camps are divided into many small sections, each also ringed with double fences of heavily-barbed wire. The main sections consist of two 60-foot rows of rough logs, each log five feet long, with the entire row elevated two feet off the ground. Canvas, perforated with holes is stretched about six feet overhead.

These rows of logs serve as bed, home and recreation area for the detainees. They are not allowed to leave the compound at any time. There is no shelter from malarial mosquitoes or monsoons.

At the end of each camp is a small dispensary stocked only with aspirins, salt tablets and anti-malaria pills that are ineffective against the fatal strains of malaria found on the island, according to the U.S. Army doctor accompanying our study group. These dispensaries are staffed with untrained personnel.

On the side of each dispensary is a disciplinary area used for detainees found guilty of even the smallest infraction of prison rules. It, too, is encircled with a double barbed wire fence. Barbed wire also is strung the length and width of the disciplinary area about 16 inches above the ground, with the strand about six inches apart.

Detainees being disciplined are forced to crawl under this layer of barbed wire and lie on their backs for the duration of their sentences, often several days. They are allowed only bread and water.

We were permitted to interview individual prisoners, but Lt. Col. Ve insisted the detainees be interviewed only in the presence of a guard. Detainees interviewed refused to answer questions, apparently in fear that a "wrong" answer, after being reported by the guard, would lead to days and nights under the barbed wire.

It. Col. Ve stated that the detainees come from all walks of life but mainly are farmers from the provinces. He listed the three main ways in which these prisoners come before the security committees:

They are reported by a neighbor as aiding or being sympathetic to the Viet Cong.

All persons in an area are held when an Army commander in the area states someone has been aiding the Viet Cong.

When a village is being force-evacuated and relocated prior to being destroyed to eliminate Viet Cong havens, all persons in the village who resist in any way are brought before the committees.

As with most of the other prisoners on Con Son, according to Lt. Col. Ve, the majority of the detainees continue to be held there.

Basic living conditions in the Con Son concentration camps are extremely bad, but the island's prisoners also are faced with even worse medical problems.

Malaria is the major disease. The island's mosquitoes carry two strains, one which usually is fatal and the other which the victim usually survives, but with his strength sapped. The prison dispensaries are stocked, though inadequately, with chloroquine-primaquine anti-malarial pills. These combat only the non-fatal strain. No preventative for the usually-fatal strain is available to the prisoners.

Con Son's prison population also has severe problems with beriberi and tuberculosis, as well as year-round epidemic levels of diarrhea and dysentery. Almost non-existent latrine and sewage facilities contribute to this.

All the prison dispensaries are staffed by prisoners, mostly captured Viet Cong medics. None has been trained beyond the level attained by a student nurse in the U.S.

ONE DOCTOR

The island has one doctor, a first lieutenant in the Vietnamese Regional and Popular Forces (roughly equivalent to our National Guard). However he treats only the civil servants, national police and military.

A Vietnamese public health nurse also is assigned to Con Son, mainly to treat the non-prisoner population. The nurse makes a monthly visit to each of the seven prison dispensaries.

The government provides air evacuation for members of the non-prisoner population requiring mainland treatment, but prisoners requiring such treatment must wait for the monthly supply boat.

The public health nurse admits that several prisoners have died due to lack of proper medical attention.

In addition to the detainees, Con Son also houses about 2,000 other prisoners including Viet Cong, political, religious and criminal prisoners and military prisoners from the South Vietnamese forces. All these categories have been tried and convicted.

Convicted Viet Cong are considered civil prisoners and are held at Con Son. North Vietnamese prisoners of war are held at another island prison, Phu Quoc. The U.S. is not involved in the operation of Phu Quoc because the South Vietnamese government does not abide by the Geneva prisoner-of-war conventions.

With the exception of 200 detainees, the regular prisoners only are confined in Camps One through Five. Strangely, the convicted prisoners fare much better than the detainees. Camps One through Five consist of the old French prison buildings, and provide adequate though unpleasant shelter.

These prisoners leave the camps each day to go out in work parties. Although some of the prisoners still split rocks, the majority work on fishing teams or on the farms which produce most of the food other than rice which is consumed on the island. The prisoners raise mainly papaya, coconuts, pigs and chickens.

A large number of the sentenced prisoners have attained trustee status and are allowed to live outside the camps. All the prisoners except the detainees are allowed monthly three-day visits with their families, who are taken to the island on the supply boat. A beach home has been set up to house these families.

PRISONER DIET

All the prisoners, detainees included, are on the same diet. The catch of the fishing teams is laid out and salted on tin sheets placed on the streets daily. After a day in the sun, the fish, well-dried, are fed to the prisoners. Prisoners cook the fruits, vegetables and meats raised on the island as well as rice brought in from the mainland. The cooking is done in extremely unsanitary and antiquated outdoor kitchens surviving from French days.

Many of Con Son's political prisoners were sentenced several Vietnamese regimes ago but never were released by succeeding governments, including the current Thieu government.

One prisoner interviewed on death row had been there for 13 years, sentenced for political opposition to the late President Ngo Dinh Diem in the early days of his rule.

Another death row prisoner interviewed stated he has been confined seven years for the same reason, since the latter days of Diem.

A Buddhist monk stated he has served 11 years of a 15-year political sentence, also a Diem victim still on Con Son.

A student monk said he came here three years ago on a one-year sentence, for giving sanctuary to a Viet Cong in a pagoda. He too has been forgotten.

Prisoner interviews also produced some surprising opinions. Many of the regular prisoners from rural Vietnam stated they were not too dissatisfied with their confinement because the prison living conditions were better than those they had experienced in the country side. Other prisoners said they felt relieved to be at Con Son and away from the war.

But no prisoner was willing to say he is happy.

DDT RULED ENVIRONMENTAL POLLUTANT IN WISCONSIN

Mr. NELSON. Mr. President, 18 months ago, one of the landmark cases in environmental protection began in Madison, Wis.

Citizen groups and the environmental defense fund joined forces in a petition asking the State department of natural resources to ban the use of DDT in the State under any circumstances where the pesticide can enter world circulation patterns and further contaminate the biosphere. With EDF, the petitions groups were the Citizens Natural Resources Association of Wisconsin and the Wisconsin Division of the Izaak Walton League.

In the State hearing which began December 1968, the alliance of concerned scientists and lawyers presented extensive testimony outlining the growing pollution of the environment by persistent pesticides in the chlorinated hydrocarbon family.

Dr. Robert W. Risebrough, an environmental scientist at the University of California at Berkeley, stated that the effect of pesticides on man may be very serious. He said that man accumulates 12 parts per million of DDT in his fatty tissues before the body discharges. He said that this is enough to stimulate enzyme production, which acts as a catalyst for bodily processes, such as digestion. Risebrough added that the death of some birds has been traced to enzyme induction by DDT, impairing their ability to reproduce.

Dr. Charles F. Wurster, Jr., an organic chemist at the State University of New York, Stonybrook, testified on the range of the pesticide residues through the world.

Other witnesses have testified that DDT goes into the atmosphere along with evaporating water, builds up to extremely high levels in predator birds and animals, and has caused new insect problems by killing predators that once held those inserts in check.

Dr. Joseph Hickey, a University of Wisconsin wildlife ecologist, said that DDT has been linked to reproduction failures of certain birds, including the eagle, the osprey, and the peregrine falcon. Dr. Hickey and other researchers have traced the presence of pesticide residues to a decrease in weight and thickness of the shells of eggs produced by these birds.

In related testimony, Lucille Stickel, the pesticide research coordinator of the Interior Departments Patuxent Wildlife Research Center, stated that the presence of small quantities of DDT and its derivative DDE in the diets of mallard ducks decreased eggshell thickness, increased egg breakage, and decreased overall reproductive success.

Although the second half of the hearings, held last spring, was billed as the time for the defense against the arguments of the environmentalists, the pesticide industry, which historically has promoted more pesticide use and fought new controls, made a weak defense.

Industry witnesses who were knowledgeable about the environmental impact of pesticides were few and far between. Instead, defense witnesses relied on shopworn repetitions of the past triumphs of DDT and trotted out research from a decade ago which purported to show that the health of pesticide workers was not impaired by constant exposure to the compounds.

In fact, witnesses for the defense often provided the environmentalists with valuable evidence to support their contentions. For example, a Shell Development Co. scientist confirmed the fact that DDT does not remain in the soil, but has a great deal of mobility and persistence which enables it to infiltrate the atmosphere, the waters, and the total environment.

Another witness for the DDT defense, a U.S. Department of Agriculture pesticide official, admitted that his agency relies almost totally on industry claims regarding health and environmental effects.

The initial decision has been made and the Department found DDT to be guilty as an environmental pollutant, which is "contaminating and rendering unclean and impure the air, land and waters of the State and making the same injurious to public health and deleterious to fish, bird and animal life.

I ask unanimous consent that the hearing examiners summary of evidence and proposed ruling be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Before the State of Wisconsin Department of Natural Resources]

EXAMINER'S SUMMARY OF EVIDENCE AND PROPOSED RULING

(Petition of Citizens Natural Resources Association, Inc., and Wisconsin Division, Izaak Walton League of America, Inc., for a Declaratory Ruling on Use of Dichloro-Diphenyl-Trichloro-Ethane, Commonly Known as DDT, in the State of Wisconsin)

[3-DR-1]

On October 28, 1968, the Citizens Natural Resources Association, Inc., by Frederick L. Ott, Wauwatosa, Wisconsin, and on November 1, 1968, the Izaak Walton League of America, Inc., Wisconsin Division, by J. Michael Borden, Elm Grove, Wisconsin, filed petitions with the Department of Natural Resources requesting a declaratory ruling in respect to the use of Dichloro-Diphenyl-Trichloro-Ethane, commonly known as DDT, in the State of Wisconsin.

The Department issued its Notice of Hearing on November 5, 1968, and held hearing on the matter December 2, 1968, and on days thereafter at Madison, Wisconsin, before Examiner Maurice H. Van Susteren.

APPEARENCES

Petitioners: Citizens Natural Resources Association, Wisconsin Division Izaak Walton League of America, Michigan Audubon Society, Inc., by Paul J. Burbach, Attorney, 710 North Plankinton Avenue, Milwaukee, Wisconsin 53203, and Victor J. Yannacone, Jr., Attorney, of Counsel, P.O. Box 109 — 39 Baker Street, Patchogue, New York 11772.

In support of the petition: Institute of Marine Resources, University of California, Berkeley, California, by Robert W. Risebrough, PhD, Specialist.

Lewis T. Mittness, State Assemblyman, 1st District, Rock County, 730 North Ringold Street, Janesville, Wisconsin 53545.

National Audubon Society, Inc., 1130 Fifth Avenue, New York, New York 10028, by Edward M. Brigham, III, Regional Representative (Michigan, Wisconsin, Iowa, Minnesota, Northern Illinois), Box 125, Atlas, Michigan 48411 (Also President, Michigan Audubon Society, Inc.).

Charles F. Wurster, Jr., PhD, Assistant Professor, Biology Department, State University of New York, Stony Brook, New York 11790.

Lawrence G. Monthey, Asst. Professor, University of Wisconsin, Extension Specialist, Travel-Recreation Industry, Home Address Route 1, Verona, Wisconsin 53593 (As Intervenor in Support).

Wisconsin Resource Conservation Council, by Hugh H. Iltis, PhD, Professor of Botany, Department of Botany, University of Wisconsin, Madison, Wisconsin.

In opposition: Buckley Tree Service and Wisconsin Arborist Association, by Patrick Buckley, 608 East Broadway, Waukesha, Wisconsin 53186.

Egelhoff Tree Service, Inc., by Theodore C. Egelhoff, Secretary, P.O. Box 31, Thiensville, Wisconsin 53092.

Industry Task Force for DDT of the National Agricultural Chemicals Association, 1155 Fifteenth Street, NW., Washington, D.C., by Louis A. McLean, Attorney and Representative, 525 Happ Road, Northfield, Illinois 60093, and by Willard S. Stafford, 204 S. Hamilton Street, Madison, Wisconsin, and by Fredrik S. Waiss, Rm. 2525, 650 California Street, San Francisco, California.

Rudolph F. Lange, 115 Vine Street, Delavan, Wisconsin 53115.

City of West Allis, by John A. Cahill, Superintendent of Forestry, 2406 South 76th Street, West Allis, Wisconsin 53219, (and for self).

Wisconsin Farm Bureau, by William Kas-

akaitas, Legislative Counsel, 801 West Badger Road, Madison, Wisconsin 53711.

Rollins, Inc., by Donald R. McCallum, Attorney, 111 South Fairchild Street, Madison, Wisconsin 53703.

As interests may appear, John Brian Dennis, Student, 2667 Milwaukee Street, Madison, Wisconsin 53704.

Department of Natural Resources, Division of Environmental Protection, by Edward D. Main, Attorney, and Mark W. Johnson, Attorney, 55B Hill Farms State Office Building, P.O. Box 450, Madison, Wisconsin 53701.

James S. Devitt, Senator-Elect, 5151 Root River Parkway, Greenfield, Wisconsin 53228.

E. H. Fischer, PhD, Professor, and Coordinator of Pesticide Use Education, University of Wisconsin, 237 Russell Lab., Madison, Wisconsin 53706.

Illinois Water Pollution and Water Resources Commission, by Carl L. Klein, State Representative, Chairman, 6428 South Francisco Avenue, Chicago, Illinois 60629.

League of Wisconsin Municipalities, by Ed Johnson, Executive Director, 433 West Washington Avenue, Madison, Wisconsin 53703.

Robert B. McConnell, Assistant Attorney General Department of Justice, State Capitol, Madison, Wisconsin 53702 (Either as Public Intervenor, or as a Representative of the Department of Justice, whichever Circuit Court of Dane County may later determine to be proper).

Gaylord Nelson, United States Senator, Senate Office Building, Washington, D.C. 20510.

Steven M. Schur, Assistant Attorney General, 5 North, Capitol Building, Madison, Wisconsin 53702.

George F. Sieker, Assistant Attorney General, 48 North, Capitol Building, Madison, Wisconsin 53702.

Wachtel Tree Science and Service, Inc., by Brookdale Drive, Brookfield, Wisconsin 53228. Brookfield, Wisconsin 53228.

Wisconsin Department of Agriculture, by Arthur R. Kurtz, Administrator, Plant Industry Division, 202B Hill Farms State Office Building, Madison, Wisconsin 53702.

Wisconsin Red Cherry Growers, Inc., by Frank K. Ullsperger, Executive Secretary, P.O. Box 160, Sturgeon Bay, Wisconsin 54235.

Gayle L. Worf, Ph. D., Associate Professor of Pathology, Department of Plant Pathology, 276 Russell Lab., University of Wisconsin, Madison, Wisconsin 53706, and Charles Kovall, Ph. D., Assistant Professor, Department of Entomology, 237 Russell Lab., University of Wisconsin 53706.

U.S. Department of Agriculture, by George A. Robertson, Attorney, U.S. Department of Agriculture, Washington, D.C.

Working Group on Environmental Toxicology, Ecological Research Committee of the Swedish Natural Science Research Council, by S. Goran Lofroth, DSc, Royal University of Stockholm, Radiobiology, Department of the Biochemistry Institute, Box 6409, S–11382, Stockholm, Sweden.

EXAMINER'S SUMMARY OF EVIDENCE

I. Statutes, Rules, Issues

A. The petitioners seek a declaratory ruling under Section 227.06, Wisconsin Statutes, which provides that any interested person may petition for a declaratory ruling with respect to the applicability to any person, property or state of facts of any rule or statute enforced by it. A ruling is sought declaring DDT to be a highly toxic persistent chemical, that its use be restricted in such way that it cannot enter the biosphere and that its existence in the biosphere constitutes pollution.

Section 144.01 (11), Wis. Stats., defines pollution:

"Pollution includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life."

Section 144.30 (9), Wis. Stats., defines environmental pollution:

"Environmental pollution means the contaminating or rendering unclean or impure the air, land or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life."

B. Rules

Under the provisions of Section 144.025 (2)(b), the Department is authorized to adopt rules setting standards of water quality, to protect the public interest which includes the protection of the public health and welfare and the use of the waters for public and private water supplies, the propagation of fish and aquatic life and wildlife and other uses.

In compliance with the above, the Department adopted minimum standards of water quality in Wisconsin Administrative Code section RD 2.02(1)(d):

"Substances in concentrations or combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts, which by bioassay and other appropriate tests, indicate acute or chronic levels harmful to animal, plant or aquatic life."

C. Issues

1. DDT in what concentrations or combinations is toxic or harmful to humans and its presence in water in what amounts can be found to be of public health significance?

2. What amounts of DDT in water, which by bio-assay and other appropriate tests, indicates acute or chronic levels harmful to animals, plant or aquatic life?

3. Is DDT a pollutant within the statutory definitions of "pollution" as found in Sections 144.01(11) and 144.30(9), Wis. Stats.?

II. DDT—Chemical structure

A. Chemical Structure

DDT, a chlorinated hydrocarbon, is chemically described as 1, 1, 1-trichloro-2, 2-bis (para-chlorophenyl) ethane (T–223). It is common practice to refer to DDT and to include in the term its various isomers—DDE and DDD (T–264), and lesser isomers DDA and DDMU. Each of the isomers is further broken down into the ortho, para derivative and the para, para derivative (T–651). Isomers have the same number and kind of atoms but in either different configuration or different locations within the molecule (T–224). What is known as technical DDT is composed of 75% of para, para DDT, 20% ortho, para prime DDT, and 5% is the other isomers (T–2499). DDT is manufactured in the reaction of chloral and monochlorobenzene in the presence of sulfuric acid, the spent sulfuric acid carrying away any monochlorobenzene that remains (T–2498).

DDT has been known since 1870, developed in Switzerland as an insecticide and first used in United States armed forces in 1943. DDT in its pure state is not insecticidal (T–2491).

B. Properties, Uses, and Tests

1. Physical properties

DDT is unique in that it has broad biological activity as an insecticide, it has great chemical stability, high mobility, is relatively insoluble in water and soluble in fat or lipid tissue (T–226, 227). It has a strong tendency to form suspensions more than solutions (T–236). Ability to absorb particulate matter can cause a concentration in water particulates which is thousands of times greater than the concentration in water itself (T–2215). Although it has a finite vapor pressure, and is relatively non-volatile, it will evaporate and recrystallize in air and travel in airborne dust. It also has the power of codistillation (T–237, 238). Half-life is estimated at 10 years (T–234, 279–284), there being no standards of determination (T–282).

However stable DDT is, it does degrade in sunshine and oxygen, first to DDE and then to bis (chlorophenyl) ketone and parachlorobenzoic acid. Since the DDT molecule is a very efficient light absorber, it absorbs the shorter wave lengths of the solar spectrum. Being a diphenyl methane type compound, it readily dissociates to a free radical leading to the formation of DDE. The degrading mechanism of DDE is not clear, but it does degrade faster than DDT. Under sunlight irradiation in sealed Petrie dishes, DDT will degrade approximately 50% in 12 days and it can be expected to be faster in a vapor state in the atmosphere (T–2206–2208).

When applied to crops, it has a period of rapid decline believed to be evaporation, and then degrades at a rate that is logarithmic in time. Exact mechanism of "disappearance" is not known. Half lives of DDT and isomers are reported in crop materials from as little as two days to 40 days—the longer time being the more appropriate. DDT on crops or plants degrades to DDD and DDE and when harvested, the residues go with the plant. DDT very tightly sorbs to soil particles which may be moved deeper into soil or washed away. "Disappearance" of DDT from soil is logarithmic in time and on the average 20% of the amount present at any time "disappears" each year. DDT "degradation" in soil is due to microorganisms amounting to as much as two-thirds of the DDT in a period of two weeks to DDE, DDD, DDA, DBM, DBP and chlorobenzoic acid. Degradation is more rapid under anaerobic conditions (Exh. 157). DDT is extremely insoluble in water, sorbs to particulate matter which collects on bottoms of streams, etc. and tends to degrade under the anaerobic conditions existing. It will degrade in the gut of fish, insects, mammals and birds because of microorganisms found there (T–2209–2217; Exh. 204).

2. Uses

DDT is and has been primarily used as an agricultural pesticide, for the control of Dutch elm disease and for the control of mosquitoes. Slightly over 100,000 lbs. were shipped into Wisconsin in 1968 with approximately 58,000 lbs. used for Dutch elm disease (Exh. 2). Recommendation for mosquito control was withdrawn (in Wisconsin) (T–161–165), as was registration for use on dairy cattle and around dairy barns since a zero tolerance was established for milk in 1954 in the Miller amendment (T–137–138). It is also used as a rodenticide in the control of mice (T–2512–2514) and bats (T–2517).

3. Toxicity

DDT has a wide range toxic effect on agricultural pests (Exh. 2), on the entire phylum Arthropoda (T–265), and is toxic to a degree to fish, birds, mammals, amphibians and reptiles and crustaceans (T–227). It is a Class II pesticide under the Federal Eocnomic Poisons Law (T–157–159). Technical DDT is somewhat more toxic than metabolites DDE and DDD and toxicity varies between species (T–266–267). Pure undiluted DDT is not an insecticide (T–292). It was stipulated that DDT has an effect on the nervous system (T–2581). Effects occuring at very low concentrations are variable but in the case of cockroaches consist of repetitive firing in nerves, resulting in disorientation, running about, tremor overwork and death due to exhaustion (T–2581–2583).

The effect on crustacean nerve is the failure of the nerve axon to transmit impulses (T–2583–2584). The effect on robins is similar to that of the cockroach—quivering, tremor and death due to nerve effect (T–2528–2548). DDT, at acute toxic levels, affects the central nervous system of fish causing instability, difficulty in respiration and sluggishness (Exh. 70). In humans, the first

clinical signs of toxicity are a sensation of burning or itching of the tongue, lips and face (Exh. 70, T–1398), tingling of fingers and toes (T–1442, 1688). With larger doses tremor appears, a sensation of alarm, of fear, marked uneasiness and to convulsions with accidental doses (T–1688).

In rats clinical signs of poisoning are directly correlated with the concentration of DDT in the nervous system, as measured by the concentration in the brain. All parts of the nervous system are affected (Exch. 105). In both animals and man poisoned by DDT it is the nervous system that is affected primarily.

4. Translocation

DDT, because of its chemical/physical properties and once applied to crops, or placed in the atmosphere, moves throughout the environment in water, air, soil and food (Exh. 73, 74, 189, 198–204; T–209–214, 665–670, 723, 728, 831–837, 869, 2204–2205, 2209, 2212, 2215). A minor transport mechanism is in organisms such as birds and fish (T–239). It has been found in filtered air, untreated forest soil, and the fish in the untreated watershed had in some instances 2.4 ppm DDE (T–243–245). DDT and metabolites have been found in oceanic food chains from zoo-plankton to gulls, osprey, cormorant, petrels, pelicans and p. falcons with a corresponding biological concentration at each level of the chain (Exh. 65; T–251–256, 661–662, 715). It was not present in plankton gathered in the 1920's and studied, nor in the body of a penguin of 1911 (T–912). It was not present in 10 samples of human fat collected before the advent of DDT (Exh. 102). DDT is found in bodies of fresh water (Lakes Michigan/Superior) from the muds up through all aquatic organisms (Exh. 71; T–619–620, 1207–1208).

5. Storage/accumulation in organisms

While relatively insoluble in water, DDT is soluble in lipid or fatty tissue (Exh. 102, 109; T–226, 246, 788), and accumulates in such tissue (T–247, 654; Exh. 109).

Unlike birds, DDE levels in mammals appear to reach a plateau with same amount of intake (Exh. 102) and remain at approximately 10–12 ppm in body fat of general population (T–855–856, 1099). A study of 35 men with 11 to 19 years of exposure in a DDT manufacturing plant shows the overall range of storage of isomers and metabolites in body fat ranged from 38 to 647 ppm, with an average of eight ppm for the general population (Exh. 72). There is no evidence of progression of storage of DDT in the general population since 1950–1951 (Exh. 84, 102, 109).

Abstainers from meat stored on the average about half as much DDT and half as much DDE as persons in the general population who stored an average of 4.9 ppm and 6.1 ppm of the two compounds respectively. Agricultural occupational exposure caused marked increase in storage at an average concentration of 17.1 ppm. In a 1958 study applicators stored less than formulators but stored about three times as much DDT/DDE as neighbors with only environmental exposure (Exh. 102). A 1961–1962 study showed no difference in levels of DDT/DDE between general population and persons living in or near areas of extensive agricultural use. Differences in the two studies may be due to decreased use by more than 50% in the test area (Exh. 106). One of the general population samples came from a six-month-old bottle-fed boy whose extractible lipid levels for DDT (6.2 ppm) and DDE (16.5 ppm) were well within range of the general population. In six months he had stored at least the average concentration for the general population (Exh. 106).

Human storage of DDT in England, West Germany, France, and Canada is lower than in the United States. Only in Hungary did the level of DDT storage equal or exceed that of the U.S. (Exh. 106). Sixty-five (65) percent of material is DDE (Exh. 106). Loss of DDT from storage, although always slow—less than 0.3% per day in man—is always more rapid when the storage is high than when it is low. Rate of excretion of DDT changes with concentration (Exh. 109). In general, doubling the dosage will double the storage (Exh. 109). A total of 282 autopsy samples of human abdominal fat tissle obtained at random from patients who had died of a variety of causes, regularly showed concentrations of 0.1 ppm or higher. The sum of DDE plus DDT averaged 10.3 ppm with standard deviation of 7.2 ppm. Nearly 96% of the values ranged from 0.1 to 22.3 ppm. About 72% of the DDT was present as DDE, the rest as DDT itself (Exh. 112). Other studies of volunteers receiving 35 mg per man per day of technical DDT resulted in average storage in fat of 234 ppm and 281 ppm respectively (T–1397). Other studies of 1961 to date give ranges of storage at between 2.3 and 4.0 ppm body fat (T–1397), but the witness was uncertain (T–2653). Concentration of storage depends on dosage and nature of the tissue in which stored and rate of metabolism depends on the concentration. A point or plateau is reached where concentration/storage and rate of metabolism matches ingestion or dosage (T–1406–1407).

All organisms store DDT in varying amounts in fat, muscle, and internal organs (Exh. 82, 70, 103, 105, 106, 119; T–364, 409. 619–650, 975, 1208, 1319).

6. Detection and measurement

The laboratory equipment now most commonly used for the detection and measurement of chlorinated hydrocarbons is what is known as the gas chromatograph. Long U-shaped tubes filled with a powder-like material coated with resin are in a heat cabinet with temperatures around 200° C. A specific amount of a mixture of various chlorinated hydrocarbons in a solvent such as hexane is injected through the system at one end of the column. Some of the compounds come out earlier than others because of their physical-chemical properties and pass through a mechanism known as a detector, the most commonly used being known as an electron capture detector. The detector operates a recorder pen which marks a moving sheet of paper showing the times and amounts of gas which spin off the basic hydrocarbon ring. Peaks are made on the moving paper corresponding to the compound coming off. Because of chemical properties it occasionally happens that two of the compounds may come out at or about the same time, creating one peak or confusing the type of peak. This may happen with a non-polar column known as a DC–200 or an SE30 where compounds known as polychlorinated-biphenyls may come off at the same time as p, p' DDT. The interference is avoided by also using a QF–1 polar column where the retention times of the compounds will be differentiated. Laboratory procedures such as saponification can also be utilized (T–916). There chlorinated hydrocarbons are extracted from the sample provided no matter what it may be through certain laboratory procedures (T–275, 302, 652, 654–656, 675, 705, 723, 728, 819–820, 2220–2223, 2235).

Almost all analytical techniques are based on pesticide manuals of Food and Drug Administration listing techniques and now to verify conclusions (T–711, 922, 2077). There are several techniques and procedures used for confirmation or verification (T–275, 302–303, 2048–2049, 306–307, 313–316, 656–657, 711, 869, 916, 922, 2048–2050, 2069, 2221, 728).

Chlorinated hydrocarbon residues in organisms or samples of other material can be detected and measured in parts per million (ppm) up to .10 ppm in the Schecter-Haller colorimetric method (T–1454, 2047) and with the more sensitive gas chromatograph up to parts per billion (ppb) (T–239, 243, 244, 621–624).

7. Chlorinated hydrocarbons are tested for effects, storage residues by feeding tests (T–918, 971–980, 1044, 1217, 1802), bio-assay (T–889, 918, 2045), in "vitro" (Exh. 138; T–1670) and in "vivo" (Exh. 85, 86; T–322, 327, 1045, 1046, 1670).

III. Enzyme induction

A. Enzymes—Function and Body System Effects

Enzymes are catalysts (T–684, 847), protein in nature, manifested morphologically by an increase in the smooth endoplasmic reticulum of the liver. The production of non-specific hydroxylating enzymes by the microsomal fragment liver cells is a normal function of the liver (T–229, 347, 1044, 1126–1127, 1672–1676). The existence of non-specific enzymes and their production in the liver became evident in 1958 (T–1093). Two major functions of the liver are digestion and detoxification (T–346, 1461, 1673–1676). Enzymes are produced in the liver to hydrolyze or oxidize non-polar substances such as fat and resins to a polar condition and capable of excretion by the kidney (T–681, 1063, 1461, 1673–1676). They have not been isolated in purified form (T–850). They will also hydroxylate both endogenous and exogenous steroids which is a natural physiological process and will themselves disappear when no longer needed (T–683–684, 1044–1046, 1059, 1072, 1074). The enzyme substrate affinity for steroids is much greater than it is for drugs (T–1059) and it has been shown that o, p' DDD stimulates the metabolism of hydrocortisone to 6-Beta hydroxy-cortisone in humans (T–1063, 1104, 1673–1676; Exh. 86). Enhanced steroid metabolism causes compensatory synthesis of more steroid by organisms and raises problems of drug interaction (T–1129, 1674–1678; Exh. 87).

Many drugs, compounds and poisons induce detoxifying enzymes. For an example, while phenobarbitol induces enzymes and is metabolized, a high level of enzymes induced by chlorinated hydrocarbons will decrease its physiological effect (T–687, 1060, 1101, 1128, 1673–1676; Exh. 86). Levels of enzymes induced are directly proportional to the dose and rate (T–2633).

An overall body concentration of one (1) ppm and ten (10) ppm of DDT in the fat—levels slightly below levels found in the human body—causes a significant increase in liver enzymes (T–740, 1044, 1058, 1094, 1099). Five (5) ppm of DDT given to rats for three months caused an increase in enzyme activity in the rat liver and as little as 40 micrograms of DDT given to rats for four (4) weeks caused an increase in the metabolism of several clinically useful drugs, an effect which extended for twelve (12) weeks after the DDT feeding was stopped (T–1058, 1060–1062, 2651; Exh. 87). Liver detoxification mechanisms are less highly developed in human infants than in adults and this is also true of rat infrants (T–2649).

2. Clinical effects

There are no overt pathological changes in body organs at tissue levels of ten (10) ppm (Exh. 72). There are no overt pathological histological changes in rats fed DDT in very low amounts (T–1117). This does not mean, however, that there are no bio-chemical or pharmacologic effects (T–1120–1124). Histologically, no effect is evident except a proliferation of the smooth endoplasmic recticulum of the liver cell following the administration of enzyme-inducing agents. Up to this time this effect has not been considered a pathological one and therefore has no pathological significance. The biochemical significance is a higher enzyme level and the metabolism at a faster rate of steroids and drugs (Exh. 87; T–1127–1128).

Repeated oral doses of DDT to volunteers of approximately 200 times what the general population gets in their diet caused no clinical signs of illness. Dosages of 3.5 and

35 mg., depending on the exact weight of each man, averaged .05 and .5 mg/kg per day and did not produce any clinical illness. It did result, however, in increased storage (T–1394–1395; Exh. 101). Storage in fat of 35 mg per man per day dosages of technical DDT was an average of 234 ppm in one study and 281 in another study (T–1397). Average person diet intake of DDT is .028 mg per man per day on values established for 1964 through 1967 (T-1396). Ten (10) mg/kg produces illness in many people and sixteen (16) mg/kg has frequently produced convulsions (T–1404). Routine clinical examinations and simple laboratory tests of workers with great exposure to DDT failed to show any illness (T–1439, 1446, 1475–1476; Exh. 72) and disorders were looked for which had been produced by moderately larger dosages of DDT in man and in animals (T–1452, 1474–1475). There were no clinical or sub-clinical effects found. Clinical effects were primarily sought. No procedures were utilized to determine subclinical effects of enzyme induction (T-1657–1658). Not only the dosage that ordinary people get but the higher dosages workers get produce no detectable clinical effects (T-2656, 2645). People who have not ingested enormous amounts of DDT have evidenced no manifest clinical symptoms (T-1692).

3. Sub-clinical effects

The principal sub-clinical metabolic effect of DDT is the accelerated degradation of drugs, hormones and endocrines as listed in preceding paragraphs. Hormones such as testosterone, estrogen and progesterone in the human body function in a ratio of parts per billion (ppb) (T-233) and are broken down by liver enzymes (T-347). Other chlorinated hydrocarbons such as polychlorinated biphenyls (PCB) also induce hepatic enzymes with the capacity to hydroxylate steroids. The PCB-induced enzyme produces a different polar metabolite (T-847, 851–852; Exh. 153, 173). PCB is found in almost all organisms throughout the world (Exh. 153, 173, 174).

The degradation of hormones without observable effect on the organism itself by DDT-induced hepatic enzymes is evidenced by what is known as "the thin eggshell phenomenon" in birds. High levels of hepatic enzymes cause a rapid metabolism of the avian estrogen necessary for the laydown of calcium in the medullary bone of birds (T–335, 409, 435, 678–679, 685–686; Exh. 67). An upset in the calcium metabolism of the bird itself results in abnormal brooding behavior and the eating of its own eggs (T–335). Lack of available calcium carbonate results in thin eggshells (T–685–686, 849, 1180, 1193–1205; Exh. 93).

In a controlled feeding study at the Patuxent Wildlife Research Center, Department of the Interior, mallards were fed DDT or metabolites DDD or DDE each separately at 10 ppm or 40 ppm on a dry weight basis. Mallards fed DDE cracked or broke 24% of their eggs, controls 4%, and good eggs produced had shells 13½% thinner than controls. Incubated eggs laid by ducks fed DDE produced less than one-half (½) as many healthy ducklings as did the controls. Both amounts of DDE produced effects of similar magnitude. A "no effect level" was not found and must be lower than the dosages given. Ducks fed p, p' DDT minus the o, p fraction at 25 ppm showed results similar to those produced by DDE at 10 or 40 ppm. DDD fed to ducks at 10 or 40 ppm produced normal eggs and healthy ducklings.

In another experiment, kestrels (sparrowhawks) were fed 2 ppm of DDT plus ⅓ ppm of dieldrin and also 5 ppm DDT plus 1 ppm of dieldrin. Shells of dosed birds were 15% thinner than the controls as were second generations fed diet of the parents (T–1214–1222).

Another experiment with the Japanese quail, was designed to determine what effect toxic levels of DDT fed in the growing period might have on reproduction efficiency later on, and whether resistance to DDT could be developed. The quail were fed 200 ppm until a 50% mortality was reached which was approximately 30 days. Survivors were bred for four (4) generations. There was no effect on reproduction or shell thickness. No residue levels were determined. The Japanese quail is related physiologically to chickens, pheasants and turkeys (T–1802–1806, 1832–1833).

What role, if any, DDT plays in fish physiological processes is unknown. It is unknown whether the principle of hepatic enzyme induction is involved in fish reproduction (T–690–693).

B. Environmental Effects

1. Birds

a. Sea or Waterfowl

The effects shown in the Patuxent studies are similar to those experienced in the environment, resulting in declining raptor and water bird populations. The pelagic Bermuda petrel (T–256), the brown pelican (T–662, 714–715), the peregrine falcon (T–696–700, 1149–1152, 1188–1197; Exh. 93, 98), the forked-tail petrel (T–714), the bald eagle (T–1153, 1197, 1269; Exh. 93), the osprey (T–1158–1159, 1197, 1277; Exh. 90, 93), the coopers hawk (T–1187), the double-crested cormorant (T–1206–1207) and mallards (T–2281) are affected.

b. Upland Birds

The population trend on a nationwide basis so far as small game and upland game birds are concerned, taking into account anticipated population fluctuations, shows a generally healthy upward trend. This is true of cottontails, snowshoe hare and squirrels and birds such as pheasant, quail, grouse and woodcock (T–2271–2273).

c. Omnivores

Golden eagles, red-tailed hawks and the great horned owl are omnivores, feeding on both birds and mammals, and are representative of reasonably stationary populations showing no statistically significant fluctuations in eggshell weight (T–1197; Exh. 93). The golden eagle in the British Isles is also declining and it is shown that in feeding on sheep carrion and fleece is ingesting DDT in combination with dieldrin, both being used as sheep-dips (Exh. 91).

2. Fish

The University of New Hampshire studies on effects of DDT on reproduction of brook trout and their resistance to stress shows that mortality where one gamete came from fish exposed to DDT was in every case higher than instances where neither of the gametes came from a fish exposed to DDT, and in five out of six cases the differences were statistically significant. The stress imposed was starvation and lowered water temperatures and the approach of spawning activity (T–971–976; Exh. 80, 81).

The findings in the New Hampshire study are consistent with the study and field investigation of the New York State Conservation Department, which showed a relatively close relationship between the amount of DDT in lake trout eggs and observed mortality (Exh. 82). Canadian studies establish that when DDT and its metabolites occur in concentrations slightly above 400 ppb in eggs, mortality in the resulting fry ranged from 30% to 90% in the 60-day period following the swim-up stage (Exh. 83). The Wisconsin studies, however, are inconclusive. Data indicated no relationship between pesticide residue levels in eggs and median life span of fry nor pesticide levels in fry and median life span of the fry. Difficulties in the experiment occurred and the experiment design differed also from the New York and New Hampshire studies (Exh. 70, 175).

IV. Effect on nerves

A. Anatomy and Physiology

Exhibit 184 is a simplified diagram of a motornerve cell showing receptor dendrites, the nerve soma or body, the axon and endplate. The axon or transmission part of the nerve cell is composed of a central core surrounded by a plasma membrane called the neurolemma. Next to the neurolemma is a Schwann cell which comprises the myelin sheath. The myelin sheath has openings or channels called the node of Ranvier.

The nurolemma is believed to be a laminated membrane with a lipid molecule interior sandwiched between layers of protein molecules with channels through the membrane. The term "channel" does not refer to an anatomical structure, but only refers to a conceptual pathway (Exh. 182). Between the neurolemma and the cytoplasm is a concentration of potassium ions and on the outside of the membrane is a concentration of sodium ions. The membrane offers resistance to the passage of electrical currents and shows selective permeability to the exchange of the sodium and potassium ions. In the resting cell the inside of the membrane is negative to the outside.

In excitation of the cell, the nerve impulse received by the dendrites and at a certain potential is passed on through the axon. With the decay of the potential due to resistance, sodium ions pass through the membrane to the inside and simultaneously the potassium ions flow outward. Both flows last but a thousandth of a second and at the moment the two effects balance one another the inside of the memberane is slightly positive and the membrane restores ionic balance typical of the resting state. The excitation or nerve impulse passes down the lattice-type membrane by leaking currents through one node of Ranvier to the next node where sodium and potassium ions are exchanged through the neurolemma. The conductance is then not a smooth flow but a whole series of changes in potentials. (Examiner's Note: This is a gross oversimplification of an enormously complex, complicated neurophysiological reaction) (T–2552, 2616; Exh. 179–184).

DDT will increase membrane conductance to potassium or the inactivation of the nerve membrane conductance to sodium or both are inhibited, thereby increasing the negative after potential and its prolongation (Exh. 182). DDT does not simply reduce maximum sodium current, but instead gums open the channels or some of the channels for sodium, resulting in the prolonged action potential and the prolonged action current with an effect similar to veratrine, the alkaloid active ingredient of belladonna (T-2593).

". . . A prolongation of the active state of the nerve means—and coupled with no change in the inactivation process for sodium—means that after one nerve impulse, when the channels become ready to conduct or to open again to conduct a second impulse, and examine or test the potential across the membrane, they will find that according to the potential they should already go again, that is, no further impulse would be necessary to make it fire another signal. This could produce repetitive firing. On the other hand, in other nerves where sodium inactivation takes a longer time, one could simply find that the nerve on reactivating its sodium mechanism finds that the potential, already too high to fire an action potential, and instead would simply remain quiescent. This would product a complete failure of the transmission line or at least intermittent failure. Either of these mechanisms quite clearly and very conclusively could cause tremors and could cause grave disturbances

in terms of the ability of the animal to move or to make motions." (T-2594-2595).

The effects of DDT on nerves involved in the experiments conducted did not wear off during the time course of the experiment. The effects are irreversible (T-2593-2594). There did not seem to be any concentration lower limit of DDT to create the effects shown (T-2591, 2589). In cockroaches, insects and crustaceans, effects occur at very low concentrations and are variable. Effect on the cockroach consisted of repetitive firing on nerves where one impulse applied to the nerve no longer evoked a single message but rather a large volley of messages. The behavior showed disorientation, running about, tremoring, kicking of legs in the air, and death (T-2583). There is a similar effect on robins (T-2595). How DDT reaches the nerves in the body is unknown (T-2607).

It was stipulated that DDT has an effect on the nervous system (T-2581). It is the nervous system that is primarily affected (T-1438), and it does in fact stimulate all parts of the nervous system (T-1679-1680). The earliest subjective clinical sign of DDT poisoning is tingling of fingers and toes, and peculiar tingling about the mouth (T-1442).

B. Environmental Effects

1. Fish

At acutely toxic levels, the chlorinated hydrocarbons damage the central nervous system, causing instability, difficulty in respiration and sluggishness in fish (Exh. 70).

2. Birds

In Hanover, New Hampshire, a study was made of effects of DDT on local birds after the town was sprayed for Dutch elm disease. Ninety-six (96) dead birds had a concentration of about 30 ppm DDT. All birds with tremor had above 30 ppm in the whole bird (T-363-365).

The study conducted at the East Lansing Campus at Michigan State University shows that birds, primarily robins, suffered from extensive tremor and death after the campus had been sprayed with DDT. More than 200 robins and 216 specimens of non-robins, representing about 50 different species were analyzed. It was determined that the amount of DDT in the liver had no correlation with mortality. The brain was considered the best criterion. DDT was found in 99.5% of birds from DDT-sprayed area. No robins with tremor were found that did not have 50 ppm or more DDT. All birds in tremor and dying birds had large concentrations of DDT in the brain (T-2524-2549).

3. Mammals

The giant squid axon fiber is like nerves of higher vertebrates, but unlike them has a very large diameter and is useful in nerve conductance experiments (T-2562). Work done on the squid axon is applicable to nerves of both vertebrates and invertebrates (T-2572, 2583, 2596; Exh. 183). The effect of DDT on nerve conductance would not always be manifest in gross neuromuscular clinical signs and if manifested would not necessarily be the sole cause of the observed clinical signs (T-2615).

The action of DDT in animals is manifested almost entirely through the nervous system with prominent signs of poisoning being muscle tremor, incoordination and convulsions. Concentration of DDT in the brain of rats fed p, p DDT at 200 ppm for 90 days increased during a subsequent 10-day period of partial starvation. Increased concentration of DDT in the brain during starvation was correlated with clinical signs of poisoning. While all parts of the nervous system are affected by DDT the brain is of major importance (Exh. 105).

V. Other effects

A. Hormone Mimicry in Quail and Rats

An experiment designed to determine estrogenic effects resulted in a tripling of the wet weight of the conturnix quail oviduct when injected with 190 mg/kg of o, p DDT. No attempt was made to determine the amount that would cause the effect (T-323, 326). The coturnix is a gallinaceous bird, related physiologically to chickens, pheasants and turkeys (T-1833). Experiments at the University of Wisconsin designed to determine the effect toxic levels of DDT fed in the growing period would have on reproductive efficiency later on, and also whether DDT-resistant birds could be developed, showed no effect at all on coturnix eggshell thickness (T-1802-1806). The nationwide trend so far as small game and upland game birds are concerned shows "a generally healthy upward trend." (T-2272, 2273; Exh. 158, 159).

DDT also increases the uterine wet weight in immature female rats and in ovariectomized adult rats. The physiological significance of this effect is unknown.

B. DDT and Human Pathology

DDT concentrations were determined at autospy in the fat and liver of 271 patients previously exhibiting pathological states of the liver, brain and other tissues and compared with other random autopsy cases. There was a striking lack of correlation between concentrations in the liver and fat in all cases, but a significant correlation between levels in the brain and fat. There was no elevation of concentrations in the presence of brain tumors but a significant increase of the mean p, p' DDE in encephalomalacia and cerebral hemmorrhage. Significant concentrations of p, p' DDE were found in portal "cirrhosis" and highly significant concentrations in carcinoma. Fat concentrations of the various DDT analogs were consistently and significantly elevated in hypertension.

Individuals using pesticides extensively in the home had levels of p, p' DDT and p, p' DDE three to four times higher than those who had used minimal quantities. No conclusions can be drawn on the role of pesticide exposure in the production of the diseases without confirmatory studies to determine whether the diseases caused high DDT levels or vice versa (T-1725-1735; Exh. 119).

OPINION

Clinically observable toxic effects of DDT in humans are obtained only with extremely large dosages by sudden extreme exposure, or of accidental origin. Clinically observable effects are evident injury, illness, loss of body function which directly inconveniences a person at work or play. Toxicity, as the word is ordinarily expressed, is related to dosage which in turn is related to storage.

DDT is ubiquitous. It is found in the atmosphere, soil, water and in food in what might be considered minute amounts. The chemical property of being soluble in lipid or fat tissue results in storage primarily in the body fat and nervous systems of all organisms in all levels of food chains. It is therefore impossible to establish levels, tolerances or concentrations at which DDT is toxic or harmful to human, animal, or aquatic life.

The principle that DDT, being a chlorinated hydrocarbon, induces the production of nonspecific detoxifying hydroxylating hepatic enzymes is well established. The induction of the enzymes is a normal adaptive hepatic process for the detoxification of substances and no definitive pathological effects are observed at present dosages. A high level of induced hepatic hydroxylating enzymes, however, causes a pharmacological biochemical effect in accelerating the metabolism of body steroids and drugs such as barbiturates and nonbarbiturate depressants.

While the exact physiological mechanisms are not known in enzyme induction, it is established by feeding studies that DDT and one or more of its metabolities will by themselves cause a thinning of egg-shells in raptor, pelagic or water-fowl birds. The effect explains the existence of the phenomena in the environment but does not exclude other causative factors, namely diet, illness and other chlorinated hydrocarbons among them being polychlorinated biphenyls. The appearance of the phenomena, however, on two continents simultaneously, would seem to eliminate illness, diet or predator interference as causative factors. Waterfowl and raptors on the top of water and other food chains are suffering decline and insect/worm-eaters are affected whereas gallinaceous birds are not. The differences in dosage reactions can also be explained by well-known order differences in birds.

The effect of DDT in minute amounts on the extremely complex, complicated mammalian nerve system is unknown. Huge dosages of DDT bordering on the accidental will cause gross clinically observable neurological symptoms in humans. It is uncontroverted that DDT has an almost immediate nerve effect on the primitive nerve systems of insects and on the less well-developed nervous systems of other forms of life. It is also uncontroverted that nerve tissue of vertebrates and invertebrates is the same, that DDT has a harmful effect on nerve conductance as shown by experiments on the axons of crustaceans and amphibians, that the effects are irreversible during the duration of the experiments. Clinically observable signs of nerve effects in humans such as tremor disappear upon reduction of dosage. That there are sub-clinical residual effects can only be postulated on mathematical equations and principles worked out in conjunction with nerve conductance experiments on nerve axons of crustaceans and amphibians and shown to be valid in all cases. Taking into consideration the above experiments together with the fact that DDT is used as a rodenticide for mice and bats, the only valid permissible inference is that DDT in small dosages has a harmful residual effect on the mammalian nervous system.

While physiological mechanism causing a reduced reproductive success in fish and a reduced resistance to stress when dosed with fairly high levels of DDT is unknown, the known effects themselves can only be considered harmful ones.

The record is replete with evidence of the economic benefits derived from use of DDT in the control of pests in agriculture and in the control of mosquitoes for both comfort and prevention of disease. Without doubt DDT has provided enormous economic benefits, but economic benefits are not an issue or part of any issue in this case.

RULING

DDT, including one or more of its metabolites in any concentration or in combination with other chemicals at any level, within any tolerances, or in any amounts, is harmful to humans and found to be of public health significance. No concentrations, levels, tolerances or amounts can be established. Chemical properties and characteristics of DDT enable it to be stored or accumulated in the human body and in each trophic level of various food chains, particularly the aquatic, which provides food for human consumption. Its ingestion and dosage therefore cannot be controlled and consequently its storage is uncontrolled. Minute amounts of the chemical, while not producing observable clinical effects, do have biochemical, pharmacological, and neurophysiological effects of public health significance.

No acute or chronic levels of DDT which are harmful to animal or aquatic life can be established. For the reasons above set forth a chronic level may become an acute level. Feeding tests, laboratory experiments and environmental studies establish that DDT or one or more of its analogs is harmful to raptors and waterfowl by interfering with their

reproductive process and in other birds by having a direct neurophysiological effect.

Feeding tests or experiments and environmental studies establish that DDT at chronic low levels is harmful to fish by reducing their resistance to stress.

DDT and its analogs are therefore environmental pollutants within the definitions of Sections 144.01 (11) and 144.30 (9), Wisconsin Statutes, by contaminating and rendering unclean and impure the air, land and waters of the state and making the same injurious to public health and deleterious to fish, bird and animal life.

Dated at Madison, Wisconsin, this 21st day of May, 1970.

CONGRESS CUTS LAST BUDGET OF PRESIDENT JOHNSON

Mr. ALLOTT. Mr. President, yesterday the distinguished majority leader inserted a chart into the CONGRESSIONAL RECORD of July 20, 1970, on page 25036. This chart detailed the reductions effected by Congress on the spending requests contained, in the words of the distinguished majority leader, "in the budget submitted by the administration."

The distinguished majority leader pointed out that, and again, I use his words:

Acting on administration budget requests for the fiscal year just concluded, Congress cut a total of $6.37 billion.

The table inserted by my distinguished colleague described, in his words, "items that were felt to have been unnecessarily bloated by the administration."

Unfortunately, my esteemed colleague neglected to mention that the budget to which he had reference, which he had just inserted in the RECORD, was the budget for fiscal year 1970. This budget was submitted to the Congress at 12 noon on Wednesday, January 15, 1969, and signed by Lyndon B. Johnson, President of the United States. Certainly we should all feel quite proud of our actions with regard to this last budget of the previous Democratic administration.

Of course, in his budget message of January 15, 1969, former President Johnson stated that he had developed a budget which would yield a surplus of $3.414 billion in fiscal 1970. This was based on anticipated revenues of $198.7 billion and anticipated expenditures of $195.3 billion.

President Nixon inherited that budget when he took office, 5 days later, studied it for approximately 2 months, and came up with a revised budget which was announced on April 15, 1969. In essence, his budget cut aggregate expenditures to $192.9 billion with the same figure for aggregate revenues, $198.7 billion. Initially, therefore, the Nixon budget yielded an anticipated surplus of revenues over expenditures of $5.8 billion.

A good deal of discussion has already taken place with regard to the way in which the first session of the 91st Congress addressed itself to discharging its appropriation responsibility in light of the revised Nixon budget.

Taking the narrow issue of appropriations alone, it has been argued that the Congress itself cut the Nixon budget by $7.6 billion in certain areas of governmental appropriations, added roughly $2 billion to other areas of appropriation, for a total aggregated reduction of $5.6 billion.

Not so, says Representative GEORGE H. MAHON'S Joint Committee on Reduction of Federal Expenditures, in its report on the impact of congressional actions and inactions of the 1970 fiscal year Federal budget. As shown in the following table, this Congress cut a $5.9 billion surplus by $46 million.

Mr. President, at this point in my remarks I ask unanimous consent that this table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET SUMMARY—A SUMMARY OF FISCAL YEAR 1970 AND FISCAL YEAR 1969 FEDERAL BUDGETS—REFLECTING CONGRESSIONAL ACTIONS AND INACTIONS AFFECTING THOSE BUDGETS DURING THE 1ST SESSION OF THE 91ST CONGRESS

[In millions of dollars]

Summary totals	Budget authority (obligational and lending authority) (1)	Budget outlays (expenditures and net lending) (2)	Budget receipts (3)	Budget surplus or deficit (4)
Fiscal year 1970:				
Net total budget estimates as submitted Jan. 15, 1969	210,116	195,272	198,686	+3,414
Net total budget estimates as corrected by the new administration	211,412	196,921	198,686	+1,765
Net total budget estimates as corrected and revised to Apr. 15, 1969	205,901	192,899	198,686	+5,787
Net total budget estimates as revised and amended to date	[1] 204,201	[2] 192,885	[2] 198,800	+5,915
Adjustments for interfund and intragovernmental transactions and applicable receipts	+13,714	+13,714	+13,714	
Total gross budget estimates	217,915	206,599	212,514	+5,915
Budget estimates not requiring further action by Congress (previously enacted or permanent)	80,712	114,896	202,712	
Prior year's budget authority		(85,165)		
Current (1970) budget authority	(80,712)	(29,731)		
Budget estimates requiring action by Congress	137,203	91,703	9,802	
Effect of congressional action on budget estimates (net changes) to Dec. 23, 1969:				
House	−3,687	+362	+158	−204
Senate	+2,512	+767	−2,173	−2,940
Enacted	[3] −837	[3] −1,569	−118	+1,451
Effect of congressional inaction on budget estimates (see supporting table No. 3 and part I of supporting table No. 4)	+1,313	+1,232	−265	−1,497
Total net effect of congressional action and inaction, 1st session, 91st Congress	+476	−337	−383	−46
Fiscal year 1969:				
Net total budget estimates as submitted in January	194,620	183,701	186,092	+2,391
Net total budget estimates, as revised	196,030	185,588	186,492	+904
Net total budget estimates, as changed by congressional action	195,568	185,263	186,492	+1,229
Actual net total as enacted by Congress and reported by the Treasury	195,568	184,769	187,843	+3,074

[1] Budget authority estimates have not been revised since the May 20 withdrawal of $1,700,000,000 for the previously proposed social security program.

[2] The summer review of the 1970 budget reflected revised budget outlay estimates at $192,860,000,000 and revised budget receipt estimates at $198,800,000,000. The revised outlay estimates reflect many increases and many offsetting decreases on which full details are not available. Since revised detailed estimates were not transmitted to the Congress, it must be assumed for scorekeeping purposes that the Congress was working with the Apr. 15 budget appropriation and outlay estimates.

[3] Includes the effect of the Labor and Health, Education, and Welfare, and the Foreign Assistance Appropriation bills, on which Congress has not taken final action, in the amounts approved by the committees of conference.

Mr. ALLOTT. Specifically, Congress acted to reduce budget authority by $837 million, reduce budget outlays by $1.569 billion, and reduce budget receipts by $118 million, thus apparently producing a budget surplus of $1.451 billion.

But through congressional inaction on other budget estimates, as the committee pointed out, Congress at the same time added $1.313 billion to authority, $1.232 billion to outlays, and reduced receipts by $265 million, therefore, the total net effect of congressional action and inaction of the first session of the 91st Congress, according to Chairman MAHON'S committee, was to reduce a $5.9 billion surplus by $46 million.

It may be history that the first session of this Congress set new records on the lateness of making appropriations—a history that may find its way into the trivia of the Guinness Book of World Records—but the fact of the matter is that retardation of appropriations has caused budgetary experts to estimate a loss of about $3 billion. The cause was inefficient governmental expenditures because none of the 15 appropriation bills had yet been enacted when the fiscal year began.

Perhaps a comparison with the pace of appropriations bills during the first year of President Eisenhower's first term is in

order. It should be recalled there was a slim Republican majority in both House and Senate in that year, 1953, and Congress adjourned August 4, having passed all appropriations bills.

This year, hopefully, we can match that record. In 1969, however, after the first 6 months, the Democratic-controlled Congress had failed to enact any of the fiscal year 1970 appropriations bills; by September 30, Congress had enacted one bill; by October 31, the total was two; by November 30, it had risen to four. By adjournment time, December 22, 1969, most of the bills had been rushed through by a weary Congress—half a year late.

Just a few weeks ago, the distinguished Representative from Texas, Chairman GEORGE H. MAHON, released his 1971 budget scorekeeping report—Staff Report No. 6. I would like to quote from page 1 of this report which deals with congressional changes up to June 25, 1970, with regard to the budget for fiscal year 1971, the first budget truly reflective of the intents of the new Republican administration.

According to Chairman MAHON:

A. Budget authority for fiscal 1971:

1. House actions to June 25, 1970 on all spending bills—appropriations and legislative—have *increased* the President's requests for fiscal 1971 budget authority by $1,197,277,000.

2. Senate actions to June 25, 1970 on all spending bills—appropriations and legislative—have *increased* the President's budget authority requests for fiscal 1971 by $1,992,529,000.

3. Enactments of spending bills—appropriations and legislative—to June 25, 1970 have *added* $457,584,000 to the President's budget authority requests for fiscal 1971.

B. Budget outlays for fiscal 1971:

1. House actions to June 25, 1970 on all spending bills—appropriations and legislative—have *added* a net of $1,833,363,000 to the President's total estimated outlays for fiscal 1971.

2. Senate actions to June 25, 1970 on all spending bills—appropriations and legislative—have *added* a net of $1,028,852,000 to the President's total estimated outlays for fiscal 1971.

3. Enactments of spending bills—appropriations and legislative—to June 25, 1970 have *added* $465,084,000 to the President's total estimated outlays for fiscal 1971.

Perhaps the action of Defense Secretary Melvin Laird in cutting the Johnson defense budget even before Congress began serious consideration of it, threw my colleagues on the other side of the aisle into such confusion that they have never really understood the fiscal 1970 budget.

Fortunately, we have the reports of the distinguished chairman of the House Appropriations Committee, Mr. MAHON, to place the matter in its proper perspective.

As Mr. MAHON has so straightforwardly pointed out, since January 1970 the Congress has been considering the budget for fiscal year 1971. Fiscal year 1971 begins on July 1, 1970. The Congress has added $465 million to the President's budget so far this year.

Finally, Mr. President, I should like to call attention to an editorial that appeared in this morning's Baltimore Sun entitled "Let's Not Blow It," and request unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET'S NOT BLOW IT

George P. Schultz, head of the President's new Office of Management and Budget, said that Mr. Nixon's statement on excessive spending by Congress could be boiled down to this: "We've worked so hard to get here, now let's not blow it by doing the ill-considered thing."

The President's statement put the matter this way:

When the federal government's spending actions over an extended period push outlays sharply higher, increased tax rates or inflation inevitably follow. We had such a period in the nineteen-sixties. We have been paying the high price—and higher prices—for that recently.

We must not let that happen again. It need not happen. Responsible government cannot let it happen. This is a time when the taxpayers of the United States will not tolerate irresponsible spending.

Americans surely have learned the futility, indeed, the lunacy, of inflation. The record of the past several years is there for all to see, and the recession of the past few months is painful evidence of the fact that the high price of inflation must be met at some stage. It would be nothing less than folly for Congress now to ignore all of these developments and set off another inflationary spree.

As has been noted in these columns many times, Congress cannot keep raising the government's spending totals above its income level without causing more inflation. It is slow to raise taxes and quick to raise spending. If the decision of Congress is to increase appropriations in such fields as public health and education above the President's recommendations—and this is its prerogative—other approriations must be reduced accordingly.

Some progress has been made in checking inflation and some signs have appeared that the national economy may be moving out of the recessionary period of recent months. As Mr. Schultz said, let's not blow it.

Mr. ALLOTT. Mr. President, I quote the last two paragraphs of the editorial:

As has been noted in these columns many times, Congress cannot keep raising the government's spending totals above its income level without causing more inflation. It is slow to raise taxes and quick to raise spending. If the decision of Congress is to increase appropriations in such fields as public health and education above the President's recommendations—and this is its prerogative—other appropriations must be reduced accordingly.

Some progress has been made in checking inflation and some signs have appeared that the national economy may be moving out of the recessionary period of recent months. As Mr. Schultz said, let's not blow it.

Mr. President, I think this is an obligation of Congress today if we are going to hold the line against inflation. Let us not "blow" it in Congress.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3978) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. ERVIN. Mr. President, the American Bar Association has come out through its committees as being emphatically opposed to provisions embodied in the District of Columbia crime conference report.

I read the report and recommendations of the section of individual rights and responsibilities of the American Bar Association:

REPORT AND RECOMMENDATION OF THE SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES

RECOMMENDATION

The Section of Individual Rights and Responsibilities recommends adoption of the following Resolution.

Whereas, the House version of S. 2601 contains many provisions of a controversial nature, particularly on the subjects of permissive authority for no-knock searches, preventive detention of those accused of crime and rights of juveniles; and

Whereas, the Chairman of the Senate Judiciary Subcommittee on Constitutional Rights has expressed grave concern that some of the provisions of the House version of S. 2601 would violate provisions of the Constitution of the United States and constitute serious deprivations of individual rights, and the Section of Individual Rights and Responsibilities of the American Bar Association strongly shares such concern; and

Whereas, some of the provisions in the House version of S. 2601 are inconsistent with the Minimum Standards for the Administration of Justice adopted by the House of Delegates of the American Bar Association; and

Whereas, the Senate version of S. 2601, although an improvement over the House version, also has many provisions which raise serious constitutional questions, constitute deprivation of individual rights and involve departures from the Minimum Standards; and

Whereas, the Congressional hearings on the House version of S. 2601 have been wholly inadequate and failed to explore the pertinent constitutional and legal objections and no testimony was presented by representatives of the American Bar Association or other elements of the organized bar on many of the controversial provisions in such legislation;

Resolved, that the American Bar Association—

(a) disapproves the enactment of S. 2601 in its present forms;

(b) recommends that the provisions of S. 2601 regarding court reorganization (Title I, Part A), The Public Defender (Title III) and Transfer to Bureau of Prisons of Certain Facilities (Title V) be treated separately from the criminal law portions of the remaining Titles and that the criminal law portions on such legislation be returned for further hearing and consideration.

REPORT

There is presently pending before a Conference Committee of the United States Senate and the House of Representatives a bill known as S. 2601. There is a House version of this bill and a Senate version of this bill.

The procedural history of the bill is com-

plicated. As originally introduced in July 1969 by the Department of Justice, S. 2601 was announced "D.C. Court Reorganization Bill." It proposed to redistribute the mixed jurisdiction of the Washington courts to conform to the federal state model. It was characterized as containing no substantive changes in criminal law or procedure. It was soon discovered, however, to contain wire tapping, juvenile and other proposals of a highly controversial nature. These provisions were sorted out and introduced in a new bill, S. 2869. Over the period from July through October, these two bills and three others, S. 545 (D.C. Bail Agency); S. 2981 (Juvenile Court Procedure); and S. 2602 (D.C. Public Offender), were passed by the Senate. As is unfortunately sometimes the practice with D.C. legislation, these bills attracted little attention in the Senate. Even as modified from the original Department proposals, the Senate bills were not entirely satisfactory.

The House Committee took no action until January. Then in a short time and with bare lip service to the formalities of hearings, the House passed what suddenly became known as the D.C. Omnibus Crime Bill.

I digress to say it would have been a good name for the bill if they had called it the ominous crime bill instead of the omnibus crime bill.

I continue to read:

For debate, the House version was designated as H.R. 16196. A copy of the bill, excluding the portions dealing with court reorganization, is attached as *Appendix A*. As a formal matter, however, both the House bill and the original Senate bill are designated as S. 2601.

The bill went to a joint conference in the end of March. Indications are that the conference may complete action as early as June 1, which points up the urgency of the Resolution submitted herewith.

The contents of the House bill are as difficult to summarize as is legislative history. It is 439 pages, and has a confusing table of contents. For example, the provisions dealing with "Preventive Detention" are contained under the heading "Codification of Title 23," not a very revealing title. The table of contents does not even refer to the page numbers, which makes it especially difficult to analyze. Among the major objectionable features are:

1. Repressive juvenile court procedures (page 115, et seq.).
2. Extraordinary mandatory sentence provisions (page 301, et seq.).
3. No-knock search authority (page 337, et seq.).
4. Wire tapping (page 344, et seq.).
5. Preventive detention (page 398, et seq.).

Senator Ervin, Chairman of the Senate Subcommittee on Constitutional Rights, has termed the bill "a garbage pail of some of the most repressive, nearsighted, intolerable, unfair and vindicative legislation that the Senate has ever been presented."

Attached as *Appendix B* is a statement by Senator Ervin made in Congress on Tuesday, March 24, 1970, which sets forth some of the defects in the bill and raises concerns which the Section of Individual Rights and Responsibilities shares.

In addition to the major defects pointed up by Senator Ervin, the House bill contains many other controversial and poorly conceived provisions. For example:

In suits for wrongful arrest, the complainant must pay the policeman's attorney's fees, no matter who wins (page 435, et seq.).

Medical tests "or experiments" on anyone found on premises may be conducted by police incident to the search warrant (page 337, et seq.).

In a criminal trial, the defendant may not be acquitted on the ground of insanity unless the insanity is proven by a preponderance of the evidence (page 311, et seq.).

Government interlocutory appeals may be taken during trial upon certification of need by the prosecutor (page 319, et seq.).

"Moot appeals" on issues of law may be taken by the government after trial even if the defendant is acquitted (page 320, et seq.).

Upon a verdict of not guilty by reason of insanity, the defendant is automatically committed to a medical hospital without the need for a showing of present insanity (page 311, et seq.).

Moreover, the proposed legislation conflicts with various of the Standards for the Administration of Criminal Justice adopted by the American Bar Association. For example:

H.R. 16196, provides mandatory minimum sentences, in certain cases as much as twenty years (pages 301–314). Such provisions are inconsistent with the approach and structure set forth in the Standards Relating to Sentencing, Alternatives and Procedures Adopted by the American Bar Association in August, 1968.

The provisions of H.R. 16196 dealing with electronic surveillance (pages 344–358, et seq.) are inconsistent in various respects with the Tentative Draft Relating to the Standards of Electronic Surveillance and even more inconsistent with the Recommendations by the Section of Criminal Law for Amendments of the Tentative Draft Relating to the Standards of Electronic Surveillance.

The provisions dealing with preventive detention (pages 398–418, et seq.) are inconsistent with the Minimum Standards Relating to Pretrial Release. Our Section, pursuant to authority granted by the Board of Governors in October, 1969, has already testified before another Committee of the House setting forth the reasons why preventive detention proposals similar to those contained in H.R. 16196 are inconsistent with the Minimum Standards and are undesirable, and such testimony is available if desired.

The provisions dealing with juvenile procedures (page 115, et seq.) are inconsistent in many respects with the Uniform Juvenile Court Act drafted by the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association in August, 1968. For example, H.R. 16196 provides that the determination of delinquency shall be made on the basis of the preponderance of the evidence, whereas the Uniform Act provides for such a determination on the basis of proof beyond a reasonable doubt. H.R. 16196 removes juvenile court jurisdiction for any juvenile over sixteen years old charged with certain serious crimes, whereas the Uniform Act retains jurisdiction for juveniles under eighteen.

Mr. President, I digress from reading the report of the American Bar Association Section on Individual Rights and Responsibilities to make this remark. Three days after the House version of this bill was passed by the House of Representatives the Supreme Court held in the case of In re Winship, coming from a State court, that the provision of the bill which authorized the conviction of juveniles on the basis of greater weight of the evidence rather than by evidence satisfying the jury or the court beyond a reasonable doubt was unconstitutional under the due process clause of the Constitution. Notwithstanding that adjudication of the Supreme Court, holding that in criminal cases it is necessary for the prosecution to prove the guilt of a defendant beyond a reasonable doubt from the testimony, the present bill contains a provision declaring a lesser burden of proof in order to imprison people for as much as life under the habitual criminal provision of the act; and it also provides that the burden of proving the guilt of the defendant does not rest upon the prosecution but that the burden of proving the innocence of the defendant rests upon the defendant so that the defendant must be adjudged guilty of being a habitual offender unless he proves by the greater weight of the evidence that he is not a habitual offender.

I have made this statement on the floor of the Senate and nobody who supports the conference report has dared to reply to it nor dared to deny what I say about its contents.

Now, I resume reading the report:

This Report does not by any means try to exhaust the numerous deficiencies in H.R. 16196. There are many more. While the Senate version (S. 2601) is an improvement, many of the deficiencies referred to also exist in the Senate version as well. Unfortunately, the defective provisions of this proposed legislation have been lumped with provisions which are not objected to such as court reorganization. It is regrettable that there was such lumping of the desirable with the defective. At this stage, we are advised that the legislation must be returned in order to eliminate the defective provisions.

I digress to observe that the Section of the American Bar Association on Individual Rights and Responsibilities came to the same conclusion I did about this bill. I phrased it a little differently. I said the Department of Justice was like the apple grower who wanted to sell his rotten applies along with his good apples, so he put his rotten apples in the bottom of the barrel and covered them up with the good apples. That is exactly what this conference report does and that is the reason I have joined 21 other Senators in separating the good apples from the rotten apples.

We propose to ask the Senate—if it does what it should do and rejects this conference report—to pass a bill containing sound provisions and to reject these travesties on justice which we oppose.

Mr. President, instead of reading the remainder of the report I ask unanimous consent that the remainder of the report may be printed in the RECORD.

There being no objection, the remainder of the report was ordered to be printed in the RECORD, as follows:

The matter is of sufficient importance to warrant the attention of the organized bar. Informed observers believe that this legislation if adopted will serve as a prototype for legislation on a national scale. This latter point has been succinctly made by Senator Ervin in a letter to the Chairman of our Section's Committee on Civil Rights and Responsibilities. A copy of that letter is incorporated in this Report as *Appendix C*.

We do not believe that the organized bar can remain silent and not express its views on provisions as significant and sweeping as those under consideration.

Like all thoughtful citizens, we are deeply concerned with problems created by the nation's high crime rate. Society cannot prosper and flourish when its urban centers are beset by crime and are unable to provide essential security and freedom from the devastations of lawlessness. We recognize that every effort must be made to combat crime with all of the resources at our disposal, and we must do more than has been

done until now. At the same time, the individual and constitutional rights of our citizens have been painfully developed in the course of American jurisprudence over the course of years. Lawyers have been foremost in the fight for individual liberties. The remedies we fashion today must not be false to our tradition. They must be consistent with the spirit of liberty and due process which is part of our heritage and which is the basis for our claim to moral leadership in the free world. The proposed legislation in its present form is not consistent with that spirit.

We therefore respectfully urge the adoption of the foregoing Resolution.

Respectfully submitted.

JEROME J. SHESTACK,
Chairman, Section of Individual Rights and Responsibilities.

SUPPLEMENTAL NOTE

The foregoing recommendation was adopted by the Council of the Section on May 4, 1970, with one abstention and no negative votes. The recommendation was presented to the Board of Governors during its May meeting. The Board deferred action, apparently because the Council of the Section of Criminal Law had not yet expressed its views on the subject.

Subsequently, on June 6–7, 1970, the Council of the Section of Criminal Law met and took action which in substance agrees with this Section regarding the objectionable portions of the legislation discussed herein.

Since our Council acted in the matter, proponents of the legislation have argued that the American Bar Association endorse this legislation because of the need to combat the increasing crime problem. Regrettably, that need is not served by lumping desirable legislative provisions with defective and objectionable ones. Frequently in our history, repressive and undesirable riders have been inserted in otherwise beneficial legislation with the objective that the whole package, including the bad, would be enacted for fear of losing or delaying the good. Such an in terrorem approach to enactments is destructive of the legislative process and has been often condemned by thoughtful students of our democratic system.

Mindful of the pressures that have been brought to bear on this issue, it is reassuring to find that the expert and experienced Council of the Section of Criminal Law has disapproved the same provisions which this Section found objectionable. Indeed, that Section has pinpointed even more objectionable provisions than did our Section. We find it significant that after a two day meeting, in which the Council of the Section of Criminal Law heard presentations by proponents of the legislation, the Council of that Section took the following action, inter alia, with respect to H.R. 16196:

Disapproved Section 201–208 (pp. 301–314) dealing with sentencing provisions for certain felonies because of inconsistency with the ABA Standards Relating to Sentencing Alternatives.

Disapproved Section 23–103 (p. 318) relating to availability of the pre-sentence report to the defendant prior to sentence because it is inconsistent with Standards 4.3, 4.4 and 4.5 of the ABA Standards Relating to Sentencing Alternatives.

Disapproved Section 207(5)(d) H.R. 16196 (p. 311) relating to automatic commitment of a defendant acquitted on ground of insanity because it is inconsistent with the decision of the Court of Appeals of the District of Columbia Circuit in *Bolton* v. *U.S.* which requires a due process hearing on the present mental condition of the defendant.

Disapproved Section 207(6)j) H.R. 16196 (p. 311) relating to placing a burden of proof on the defendant to prove insanity because it does not conform to existing law which requires the prosecution to prove the defendant sane beyond a reasonable doubt when the defendant places his sanity in question and produces some evidence to support his defense.

Disapproved Section 23–104(f) relating to detention of a defendant pending an appeal by the prosecution because it is inconsistent with the tentative draft of the Standards Relating to Criminal Appeals.

Disapproved Section 23–112 relating to consecutive sentences because it is inconsistent with Standard 3.4 of the ABA Standards Relating to Sentencing Alternatives.

Disapproved Section 23–521(f)(6) (p. 339) relating to content of search warrants and Section 23–591(c) (p. 366) relating to execution of search warrants without prior notification because of inconsistency with present law. (These are the provisions popularly referred to as "No-knock" provisions.)

Disapproved Section 23–1322 relating to Preventive Detention (p. 398, et seq.) as being inconsistent with the ABA Standards Relating to Pre-Trial Release approved by the House of Delegates of the ABA.

Disapproved Title IV—H.R. 16196 (p. 435) relating to attorney fees in wrongful arrest actions against police because it is against public policy.

The organized bar has a responsibility to make its views known on this subject affecting as it does constitutional law, individual rights, public policy and the desirable Standards for the Administration of Justice. It is to be regretted that so long a time has passed without those views being made known. Yet, on a significant public and legal issue such as this one, it is better that the bar be heard late than not at all.

APPENDIX D. DISSENTING STATEMENT OF BEN R. MILLER*

The Matter of Jurisdictional Conflicts:

This Section, though now almost four years old, has a membership of less than 1700—far less than many of the sections, and particularly less than the Section of Criminal Law. Yet this relatively small section from its very beginning, and increasingy so, has transgressed (in my opinion) on the exclusive or at least primary jurisdiction of many other sections and committees of the Association—as is exemplified by the three currently proposed resolutions. As examples of matters which have been placed on the agenda of this Council from time to time or which have been the subject of committee work and reports, which would at least appear to be more properly, if not exclusively, within the primary jurisdiction of other sections and committees, are these:

1. Infringement on the primary jurisdiction of the Section of Criminal Law:

(1) S. 30 which has passed the Senate. The Omnibus Crime Bill.

(2) Various bills pending in the present House and Senate dealing with pretrial detention—which involves also the interpretation of "The Standards on Pretrial Release" which as you know was drafted by (and presumably matters of interpretation should be first requested of) the Lumbard Committee, or, alternatively, of the Criminal Law Section which has primary jurisdiction to implement the Standards.

(3) The "Chicago Seven" Trial.

(4) Criticism and opposition to the tentative standards on "Electronic Surveillance."

(5) The Bail Reform Bill.

(6) Jury Selection.

(7) Alcoholism and Drug Abuse.

(8) Abortion (as to which the Family Law Section would appear to have collateral jurisdiction).

(9) Rights of Prisoners.

(10) Opposition to Title 2 of S. 917 (now law)—the Safe Streets Bill.

2. Infringement on the primary jurisdiction of the Section of International Law:

(1) The Genocide Treaty.

(2) The Racial Discrimination Treaty.

3. The Judicial Administration Section:

(1) The conduct of Judge Hoffman in the "Chicago Seven" Trial.

(2) The general conduct of the "Chicago Seven" Trial.

(3) Allegations of improper or unethical conduct of judges.

(4) Many of the other matters dealing with Criminal Law would be more properly within the jurisdiction of the Section of Judicial Administration rather than "Individual Rights and Responsibilities."

4. Local Government Law Section:

(1) Housing and Urban Development.

(2) Reapportionment—particularly as pertains to local government.

5. Administrative Law:

(1) Selective Service Law.

(2) Indian Affairs.

6. Labor Law:

(1) Labor unions—discrimination in.

7. Family Law:

(1) Abortion.

(2) S. 2108 and Food Stamp and Family Assistance—the subjects of two of the resolutions proposed for submission at the August annual meeting of the House.

8. Legal Education and Admission to the Bar Section:

(1) The supply of lawyers from minority groups.

(2) Investigation of the Mississippi Law School.

9. Section of Bar Activities:

(1) Bar Association membership requirements.

10. Federal Judiciary Committee: As to which the Judicial Administration Section would appear to have jurisdiction.

I do not mean to imply that the Section of Individual Rights has sought to assert primary jurisdiction in all of these matters which are listed above. It has, however, at one time or another had all of these matters on the agenda, or had committees working on such topics.

I am convinced, there is a serious and immediate need for a full re-evaluation of this Section's jurisdiction; and for the promulgation of specific and detailed ground rules as to the Section's permitted activities and the procedure it should follow both before and after Section activity.

My Dissent on the Substantive Issues Presented By the Three Proposed Resolutions:

A. With Respect to S. 2108, on Extending Family Planning Service in Population Research Activities: And With Respect to the Resolution Endorsing Food Stamp and Family Assistance Legislation.

A distinguished member of this Association and of this Section advised the Chairman of this Section by letter dated May 7, 1970, in part as follows:

"The section now appears to me as an unfortunate example of what I consider almost a fad among American lawyers, particularly in the eastern part of the nation, to convert bar associations into agencies of social reform or public charity on the mistaken theory that such is a peculiar responsibility of the legal profession.

"Frankly, I see little more reason for bar associations to barge into this sort of activity than medical or engineering associations, scientific associations, school teacher unions, etc. The matter of relieving hunger and so on is, in my opinion, one for charitable associations, governments, churches, etc., but

*Chairman's Note: On June 2, 1970, Mr. Miller sent the Chairman a letter opposing the foregoing three resolutions. Actually, in the case of two of the resolutions, Mr. Miller is recorded as voting in favor of them at the Council meeting and as abstaining as to the other. However, since we favor airing dissenting views, we include Mr. Miller's statement, although he did not follow the standard ABA procedures for presenting minority reports.

not for bar associations; and the connection between the law profession and all this is too thin to justify burdening an already busy group with additional responsibilities."

I, too, received a copy of this letter of May 7th which was subsequent to the discussion of these two proposed resolutions by members of the Council of this Section at the meeting it held on May 4, 1970. At the moment I do not recall whether at that Council meeting I abstained on these two particular resolutions or dissented at the time, but in any event, my serious doubts as to this Section taking any action with respect to the subject matter of these first two resolutions were increased by such expressions, and particularly by the statement in that letter of May 7th, that "I do not intend to renew my membership in the Section." Accordingly, I oppose these two particular resolutions by this Section, and dissent to their approval by either the Council or the Section.

B. With Respect to S. 2601 or S. 2869 and the House Version [H.R. 16196] (The District of Columbia Crime Bill):

Both S. 2601 and S. 2869 relate to criminal law and procedure in the District of Columbia. But S. 2869 is the Senate version of the criminal law provisions which appear in H.R. 16196, the House version of the D.C. Crime Bill. Both the House and Senate District Committees diligently studied the crime problem in the nation's capital, holding 44 days of hearings on these proposals.

Every one or certainly virtually every one, of the alleged controversial criminal law provisions, such as pretrial detention, no-knock and local wiretapping were individually and thoroughly debated on the Floor of the House and overwhelmingly approved by the House, March 19, 1970.

The Bar Association of the District of Columbia, further, spent considerable time and energy reviewing and reporting on the criminal law sections of this District of Columbia Crime Bill. A referendum was held by the District of Columbia Bar Association in February 1970 on the more important criminal law provisions in the Bill. This referendum not only stated succinctly the specific significant provisions but stated fully and clearly the arguments for and the arguments against each particular provision on which the referendum was taken. Over 1400 members of the District of Columbia Bar Association voted. The referendum fully supported most of the criminal law provisions in the Bill including the no-knock provision and the local wiretapping section.

After the House and Senate passed different versions of this particular District of Columbia Crime Bill, a Criminal Law and Procedures Committee of the Bar Association of the District of Columbia spent considerable time comparing the differences in the Bills and making recommendations. As a result of that study and with the approval of the Executive Council of that Association, a letter was sent to all House and Senate conferees stating that Association's position on the differences in the Bill.

Great weight should be attached to the fact that that Bar Association [of the District of Columbia], the organization of lawyers most familiar with the particular problems of the District of Columbia, after carefully studying the Bills, supported almost all of the criminal law provisions therein.

These are among the specific positions taken by or on behalf of the Bar Association of the District of Columbia:

1. Approved the no-knock provisions which, despite misconstruction of it by certain segments of the press and by certain critics of the bill, merely codifies the case law on the subject so as to enable the police to know what the law on that point is without having to guess. (The only new "law" embodied in the no-knock provision is in fact the imposition of a limitation on the police which does not exist under the case law today; for it would restrict their present discretion to enter without knocking by requiring that when the exigent circumstances are known in advance, they secure prior judicial approval for such an entry).

2. Approved the wiretapping and electronic surveillance provisions except that Association recommended abortion be deleted from the list of crimes for which a wiretap could be obtained.

3. Approved provisions permitting impeachment of a defendant or witness by a prior but not remote conviction if it reflected on his honesty or veracity. (Here, again, this is but clarification of the existing case law in the District, by virtue of the Gordon and Luck line of cases).

4. Approved discretionary triple penalties for persons convicted for the third time for the same offense.

5. Approved discretionary life sentences of those convicted of a third felony, if the history of the person and nature of his criminal conduct indicates that a life sentence will best serve the public's interest.

6. Approved the provision that it is neither justifiable nor excusable to use force to resist any arrest, even one *subsequently* ruled unlawful.

7. Approved giving appeal by the government of certain in-trial orders, comparable to the right of the defendants to appeal such in-trial orders; and that rather than a mistrial being required during such an in-trial appeal by the government, the trial would be suspended.

8. Approved granting the government the same right as the defense to take depositions of potentially unavailable witnesses.

9. Approved the provision that all sentences would run consecutively *unless* the sentencing judge provides to the contrary.

10. Approved granting the police officer executing a search warrant the authority to seize evidence not listed in the warrant but which he discovered in the course of the search.

11. Approved permitting a police officer to arrest a person without a warrant whom he has probable cause to believe has committed or is committing an offense in his presence.

12. Approved authorizing a private citizen to arrest, or assist in arresting, a person committing a crime in his presence.

With respect to the furor which has been created concerning the "pre-trial" or "preventive detention" provisions in this District of Columbia Crime Bill, and those in S. 30 (the Organized Crime Bill), these provisions would create even less rather than greater, infringement on the "rights" of the recidivist accused of crime than exists in the states and other great cities of our nation today. For in most if not all of the courts of the states the dangerous criminal and the recidivist who commits further crime if released pending trial (to secure funds for his defense, and to secure the drugs he craves if he is an addict, for examples) are "preventively detained" through the medium of prohibitive bail and without all the safeguards and protection contained in the District of Columbia Crime Bill or in S. 30—the Organized Crime Bill. For not only must there be an adversary hearing, but the one so detained must be actually brought to trial within 60 days (unless further delay is occasioned by his own counsel) or else freed.

Although critics have challenged the constitutionality of pretrial detention, the Attorney General of the United States among many others, has in my opinion, answered all such arguments.[1] In any event it is highly presumptious of this Section, with its lack of expertise in criminal law, to substitute its judgment of constitutionality for that of the Attorney General, the majority of the Senate Judiciary Committee, as well as the Senate and the House which each passed overwhelmingly a District of Columbia Crime Bill.

England, the source of our common law, has always had and still has "pre-trial detention".

Moreover, most if not all of our states' coroners always have had the power and authority for "preventively detaining" those they consider dangerous to society pending a hearing to determine that fact and upon such determination there may be commitment to an institution often far more forbidding than our penitentiaries; yet no one has seriously questioned the constitutionality or propriety of coroners "preventively detaining" on suspicion of dangerous insanity pending the trial for commitment to an institution. And in our rural sections even today coroners may be laymen rather than medical experts, yet every day those who in their opinion are "dangerous" to the community because of mental aberrations are "preventively detained." The District of Columbia Crime Bill would allow a legal expert—a judge (before whom the particular defendants may even have appeared on repeated charges of crimes of violence) to make a finding of "dangerous to the community" but *only* after an adversary hearing, only for a relatively short period of time pending a prompt trial, and with his finding of dangerous itself subject to review; and with the defendant fully enabled to assist his attorney in preparing for trial.

Finally, critics of the District of Columbia Crime Bill say it should not be enacted because it will become a model for similar legislation on a nationwide scale. If this experiment in new techniques to combat what is either the first or the second most serious crisis in our country (the crime explosion) demonstrates its effectiveness; and its provisions (as initially enacted or as modified as a result of experience under it) are shown to have corrected at least to some extent the imbalance presently favoring the rights of those accused of crime over the rights of the public to be protected from crime, I would hope it *would* be followed on a nationwide scale.

Everyone talks of crime; and contradictory measures to solve the problem and contradictory statistics concerning the problem are offered. The District of Columbia Crime Bill, applicable to one of our great cities, supported by *its* bar association and *its* governing authority, offers a unique opportunity to obtain valuable empirical facts.

For all the reasons I have stated in this dissent, I strongly do dissent to the approval of any of the three resolutions to be submitted to the House of Delegates by the Section of Individual Rights and Responsibilities; and if in the interim before the meeting of the House this Section should also propose a resolution urging opposition to S. 30 (the Organized Crime Bill), I likewise dissent and for the reasons herein stated.

Response to Mr. Miller

At the Council meeting where the foregoing Resolutions were discussed, Mr. Miller did not raise jurisdictional question or substantive objection. He is recorded as voting in favor of two of the Resolutions and abstaining on the third.

It is regrettable that Mr. Miller should use this occasion for an attack on the Section. Fortunately, his views do not reflect those of any member of the Council and do not, we believe, reflect the views of our membership which is well satisfied with the direction of our activities.

The so-called jurisdictional points now raised by Mr. Miller are not well taken. The Criminal Law Section has not objected to our dealing with S. 2601 or S. 30; they have welcomed our interest and we theirs, and, in fact, we share the same views, as our Reports make clear.

As the House knows, many subjects often

[1] "Bail Reform and the Constitutionality of Pre-Trial Detention," John N. Mitchell, 55 Va. L.R., No. 7, Nov., 1969, pps. 1223–42.

fall within the jurisdiction of more than one Section. For example, at the 1968 mid-year meeting of the House, the Section on Administrative Law introduced a Resolution dealing with immigration matters which could just as well have been initiated by the Section of Judicial Administration. At the same session, the Section on Real Property, Probate and Trust Law proposed a Resolution on new administrative procedures which might just as well have been introduced by the Section of Administrative Law. Numerous other examples can be cited. This Section, like other Sections, addresses itself to matters it considers within the scope of its interest, establishes liaison with other Sections where warranted and acts in good faith to carry out its objectives.

With respect to the merits of the Resolutions, Mr. Miller does not take up the merits of two of the Resolutions and discusses only H.R. 16196 (S. 2601). He raises two points. Mr. Miller's first point here is that most of the provisions of the bill were supported in a referendum conducted by the District of Columbia Bar Association. Mr. Miller neglects to note that: (1) the vote was taken not in any meeting but in a mail ballot; (2) it has been pointed out that most of those who replied were not residents of the District of Columbia and were not experienced in the criminal justice field; (3) even so, the vote was very close and some provisions were disapproved; and (4) the members voting were not given a copy of the proposed bill to examine. We believe that the judgment of our Council and the Council of the Section on Criminal Law, which gave this matter considerable study before reaching their conclusions, is sound.

Mr. Miller's second point deals with preventive detention. The Board of Governors, at its meeting of October, 1969, authorized this Section to testify against pending preventive detention proposals to the extent they were inconsisent with the ABA Minimum Standards. That position has already been presented to Congressional Committees by the Section on behalf of the Section. To better understand the failings in current preventive detention proposals, we are attaching as *Appendix E* a copy of such testimony presented by this Section on behalf of the Association. It fully answers the few points raised by Mr. Miller.

JEROME J. SHESTACK,
Chairman.

Mr. ERVIN. Mr. President, I also call to the attention of the Senate, so they may know before they vote on this matter, that another section of the American Bar Association, the section on criminal law of the American Bar Association, condemns the provisions which are incorporated in this bill. I ask unanimous consent that the recommendations and report of the section of criminal law of the American Bar Association be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION: SECTION OF CRIMINAL LAW

Recommendations on H.R. 16196 (91st Congress, 2d session), entitled: "A Bill to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes."

Whereas, there is pending in Conference Committee in the Congress H.R. 16196, and

Whereas, a majority of the Council of the Section of Criminal Law of the ABA believe that this proposed legislation contains certain provisions relating to criminal law and procedure which involve policy of a national dimension and are not simply related to the problems of criminal justice in the District of Columbia, and

Whereas, a number of these provisions are unacceptable to a majority of the Council in their present form for reasons of policy and law or because they are inconsistent with certain Standards of Criminal Justice previously adopted by the Council and the ABA, and

Whereas, the Council desires to assist the Congress to improve the administration of criminal justice in the District of Columbia as a model for the nation consistent with Constitutional requirements and the policies embodied in the Standards of Criminal Justice previously adopted by the ABA,

Now therefore be it resolved: that the Board of Governors and/or the House of Delegates of the ABA recommend to the Congress the following:

1. That No. 14–305 (b) of Title I (p. 184, H.R. 16196) be stricken and that there be substituted in its place the language of Sec. 203 (4), Title II, of S. 2601 P.S. 4524 as amended to incorporate the holding of the Court of Appeals of the District of Columbia Circuit in *Luck v. U.S.* 348 Fed. 2d 763 (1965).

2. That Sec. 201 of Title II (beg. p. 301, H.R. 16196) be stricken and that there be substituted in its place a provision incorporating Standards 2.5(b) and 3.1 (c) of the ABA Standards Relating to Sentencing Alternatives which have been approved by the ABA.

3. That sections 204 and 205 of Title II (beg. p. 304, H.R. 16196) be stricken and that there be substituted in their place provisions incorporating the ABA Standards Relating to Sentencing Alternatives which have been approved by the ABA.

4. That Sec. 207 (5) (d) of Title II (H.R. 16196) be stricken and that there be substituted in its place a provision consistent with the relevant holding of the Court of Appeals for the District of Columbia Circuit in *Bolton v. Harris*, 395 Fed. 2d 642.

5. That Sec. 207 (6) (j) of Title II (p. 309, H.R. 16196) be stricken.

6. That Sec. 23–103 of Title II (p. 318, H.R. 16196) be amended by striking the words beginning "may disclose . . ." on line 11, p. 318 and ending "in the case," on line 14, p. 318, inclusive, and substituting in their place language incorporating Standards 4.3, 4.4 and 4.5 of the ABA Standards Relating to Sentencing Alternatives which have been approved by the ABA.

7. That No. 23–112 of Title II (p. 330, H.R. 16196) be stricken and that there be substituted in its place a provision incorporating Standard 3–4 of the ABA Standards Relating to Sentencing Alternatives which have been approved by the ABA.

8. That Sec. 23–521(f)(6) of Title II (p. 339, H.R. 16196) be stricken and that there be substituted in its place the language of Sec. 23–522(c)(2) of S. 2601, as amended.

9. That Sec. 23–591(c) of Title II (p. 366, H.R. 16196) be stricken and that there be substituted in its place the language of Sec. 23–524(a) of S. 2601, as amended.

10. That the provisions of Sec. 23–522(c)(2) and Sec. 23–524(a) of S. 2601, as amended, be included in H.R. 16196 with regard to arrests as well as searches.

11. That sections 23–541 to 23–544 of Title II (beg. p. 344, H.R. 16196) be stricken and that there be substituted in their place provisions incorporating the amendments to the tentative draft of the ABA Standards Relating to Electronic Surveillance recommended by the Council of the Section of Criminal Law and submitted to the House of Delegates of the ABA. (Submitted as report with recommendation June 17, 1970)

12. That Sec. 23–1322 of Title II (p. 402, H.R. 16196) be stricken and that there be substituted in its place a provision incorporating the ABA Standards on Pretrial Release which have been approved by the ABA.

13. That Title IV of H.R. 16196 be stricken.

And be it further resolved: that the Section of Criminal Law be authorized by the Board of Governors and/or the House of Delegates of the ABA to communicate these recommendations to the appropriate Committees of Congress on behalf of the ABA.

REPORT

Provisions on which the Council took no action on the ground that they dealt with Court reorganization in the District of Columbia or with institutions or legal provisions peculiarly relating to the District of Columbia.

1. Title I of H.R. 16196 (pages 1–300) dealing with Court reorganization and other substantive and procedural provisions particularly relating to the District of Columbia.

2. Title III (pages 428–436, H.R. 16196) relating to the Public Defender of the District of Columbia.

3. Title V (pages 436–438, H.R. 16196) relating to transfer of certain prison facilities of the District of Columbia.

4. Title VI (p. 438, H.R. 16196) relating to abolition of Commission to revise the Penal Code of the District of Columbia:

(b) Provisions on which the Council took action.

1. Title I—No. 14–305(b) H.R. 16196 (p. 184) relating to use of prior conviction to impeach witness. The Council disapproved this provision and instead approved S. 2601, as amended, Title II, Sec. 203(4) with the recommendation that S. 2601 be amended to include the right of the Court to have discretion to pass upon the use of a prior record of conviction as contained in the decision of the Court of Appeals for the District of Columbia Circuit in *Luck v. U.S.*

2. Title II—Criminal Law and Procedure (H.R. 16196):

(a) Sections 201, 204 and 256, relating to sentencing of multiple offenders and sentencing provisions for certain felonies.

(1) The Council disapproved these provisions on the ground they were inconsistent with the ABA Standards relating to sentencing alternatives and recommended amendments incorporating the ABA Standards. They lack clarity and specific criteria helpful to a sentencing judge and also provide for mandatory imprisonment which is inconsistent with correctional policies recommended by most experts in the field of corrections.

(b) No. 23–103 (p. 318) relating to availability of pre-sentence report to defendant prior to sentence. The Council disapproved this section on the ground it was inconsistent with Standards 4.3, 4.4 and 4.5 of the ABA Standards Relating to Sentencing Alternatives and Procedures which have been approved by the House of Delegates of the ABA and recommended amendments incorporating the ABA Standards.

(c) #207 (5(d) H.R. 16196 (p. 311) relating to automatic commitment of a defendant acquitted on ground of insanity. The Council disapproved this provision and recommended it be amended to be consistent with the decision of the Court of Appeals of the District of Columbia Circuit in *Bolton* v. *U.S.* 395 Fed. 2d 642 which requires a due process hearing on the present mental condition of the defendant.

(d) #207(6)(j) H.R. 16196 (p. 311) relating to placing a burden of proof on the defendant to prove insanity. The Council disapproved this provision and recommended that it be amended to conform to existing law which requires the prosecution to prove the defendant sane beyond a reasonable doubt when the defendant places his sanity in question and produces some evidence to support his defense.

(e) #23–112 relating to consecutive sentences. The Council disapproved this section on the ground it is inconsistent with Standard 3.4 of the ABA Standards Relating to Sentencing Alternatives which have been approved by the House of Delegates of the ABA

and recommended an amendment incorporating the ABA Standards.

(f) #23–521(f)(6) (p. 339) relating to content of search warrants and #23–591(c) (p. 366) relating to execution of search warrants without prior notification. These are the provisions popularly referred to as "No-knock" provisions. The Council disapproved these provisions in H.R. 16196 and approved instead Sec. 23–522(c)(2) and Sec. 23–524(a) of S. 2601, as amended, on the ground that these provisions of the Senate Bill are more consistent with present law. The action of the Council would apply to arrests in the same manner.

(g) #23–541 to #23–544 incl. relating to wire interceptions and interceptions of oral communications. The Council disapproved these sections on the ground that they were inconsistent with the Supreme Court decisions in the *Berger, Katz, and Alderman* cases (*Berger* v. *New York*, 388 U.S. 41 (1967); *Katz* v. *U.S.* 389 U.S. 347 (1967) and *Alderman* v. *U.S.* 394 U.S. 165 (1969)) and recommended that they be amended to incorporate the draft provisions which the Council has previously unanimously approved and which will be submitted to the House of Delegates as an alternative to the ABA tentative draft relating to Electronic Surveillance.

(h) #23–1322 relating to Preventive Detention. The Council disapproved this section as being inconsistent with the ABA Standards Relating to Pre-Trial Release approved by the House of Delegates of the ABA and recommended amendments incorporating the ABA Standards.

3. Title IV—H.R. 16196 (p. 435) relating to attorney fees in wrongful arrest actions against police.

(a) The Council disapproved this Title on the ground it was against public policy.

Respectfully submitted,

H. EUGENE BREITENBACH, *Chairman.*

JUNE 16, 1970.

Mr. ERVIN. Mr. President, for many years we have had some of the finest lawyers in the United States serving in various sections of the American Bar Association on such subjects as criminal law and the rights of individuals. As a result of their studies they have developed minimum standards which should be followed in the administration of criminal justice and in recognizing the basic rights of the individual American citizens.

These reports point out that this conference report offends virtually every one of these minimum standards which have been adopted by some of the ablest lawyers in the United States who study law for the purpose of having sound law and not for any personal purposes whatsoever.

Not only have these two sections of the American Bar Association condemned the bill, but I have scores and scores of telegrams from great teachers of law throughout this Nation and scores and scores of telegrams from great lawyers throughout this Nation condemning the conference report.

At this point I should like to read a telegram which I received from Maynard J. Toll, president of the National Legal Aid and Defender Association. The telegram is addressed to me and reads:

DISTRICT OF COLUMBIA CRIME BILL

The National Legal Aid and Defender Association strongly opposes the provision of S. 2601 (companion to H.R. 16196) granting permissive authority for no-knock searches and preventive detention of those accused of crime. NLADA resolution adopted October 29, 1969, reads: Whereas, Senate bill 2600 amends the Bail Reform Act of 1966 by granting authority to Federal courts to detain certain defendants found to be dangerous and whereas, the concept of preventive detention.

As embodied in such legislation was also specifically rejected by the American Bar Association project on minimum standards in its minimum standards relating to pretrial release approved by the American Bar Association House of Delegates in 1968 based on the many constitutional and practical objections to such concepts; that the Association opposes the preventive detention amendment of the act that would permit the practice of 'preventive detention,' and at this time NLADA urges the Congress not to enact such provision into law.

This legislation would establish a most dangerous precedent—which might prompt similar legislation in the various States. The bill is entirely inconsistent with the spirit of liberty and due process as exemplified by our Constitution.

We respectfully urge you to vote against it.

MAYNARD J. TOLL,
President, National Legal Aid and Defender Association.

I have received the following telegram from Dean Howard R. Sacks of the University of Connecticut Law School:

Urge you support recommittal to conference of District of Columbia anti crime bill concur fully with sentiments expressed in July sixteenth letter to you from several Yale law faculty members. Believe there is still time to draft sensible bill which will help curb crime without curbing individual rights.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD a telegram I received from Jerome J. Shestack, chairman of the Section of Individual Rights and Responsibilities of the American Bar Association, condemning the provisions incorporated in the bill.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

In reply to your inquiry, there is no change in the position of the American Bar Association with respect to preventive detention. As testified to before your committee the ABA is on record as opposing preventive detention proposals of the kind now before the Senate as inconsistent with the standards on pre-trial release adopted by the ABA. Both the section of criminal law and the section of individual rights and responsibilities of the ABA have carefully studied the various preventive detention proposals and have found that they conflict in approach and philosophy with standards which the House of delegates of the ABA has adopted.

Mr. ERVIN. Mr. President, some of the most objectionable provisions were embodied originally in the House bill, and all of them are now embodied in the conference report.

I read into the RECORD a telegram which I received from Stephen B. Goldberg, professor of Constitutional Law of the University of Illinois, reading as follows:

I urge you to continue your opposition to the pending District of Columbia crime bill. Pretrial detention and no-knock provisions probably unconstitutional and clearly no solution to legitimate concerns relating to crime in the District of Columbia.

Mr. President, I hold in my hand a telegram from one of the most distinguished lawyers in the United States, Albert E. Jenner, Jr., of Chicago, a former president of the American Bar Association. It is addressed to me and reads as follows:

As a member of National Committee Against Preventive Detention, member of American Bar Association House of Delegates, member of American Bar Association Council of Section of Individual Rights and Responsibilities, and member of National Lawyers Committee for Civil Rights Under Law, I commend your opposition to the preventive detention provisions of the D.C. crime bill. In my judgment enactment of the preventive detention provisions of the D.C. crime bill would be an unfortunate and insidious material erosion of individual liberties under our Constitution. It will be but the camel's nose under the tent.

I received a telegram from Charles D. Venturo, of Denver, Colo., addressed to me and reading as follows:

Congratulations on commonsense that was used on stopping the National Capital Crime Control Bill. Continue the excellent work you are doing in this field. If this bill is passed we are indeed lost. Stop this bill if America is to be safe and free.

I have a telegram from Hazel M. Murdock, of the city of Washington, addressed to me and reading as follows:

I wholeheartedly admire and support your stand on no knock and detention provisions of D.C. crime bill. Please continue your resistance to erosion of Constitutional rights and liberties. I am white middle-aged D.C. resident born Houston, Texas, who cannot vote.

I have a telegram from David H. Vernon, of Iowa City, Iowa, addressed to me and reading as follows:

Urge defeat of preventive detention provision D.C. crime bill. Speedy trial not preventive detention only reasonable answer.

Mr. President, I have a telegram from Anna Weston, chairman of the Hawkeye area chapter of Iowa Civil Liberties Union, of Iowa City, Iowa, which reads:

Hawkeye Area Chapter of Iowa Civil Liberties Union strongly urges defeat of preventive detention provision D.C. crime bill.

I also have a telegram from Mr. Michael A. Quintana, of Denver, Colo., which like the others I have read, opposes enactment of this proposal. I ask unanimous consent that the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Congratulations on commonsense that was used on stopping the national capital crime control bill. Continue the excellent work you are doing in this field. If this bill is passed we are indeed lost. Stop this bill if America is to be safe and free.

Mr. ERVIN. Mr. President, I also have a letter from the dean of the Yale University Law School, signed by the following members of the faculty of Yale Law School: Ralph S. Brown, Jr., Dennis E. Curtis, John Hart Ely, Thomas I. Emerson, Daniel J. Freed, Abraham S. Goldstein, Burke Marshall, Louis H. Pollak, Fred Rodell, Clyde W. Summers, Harry H. Wellington, and Eugene V. Rostow.

This letter is accompanied by a letter from the dean of the Yale University Law School, Dean Lewis Pollak, and the original letter is addressed to the two distinguished Senators from Connecticut, and reads as follows:

We write to express our conviction that it would be gravely prejudicial to the orderly administration of justice for Congress to adopt the District of Columbia Anti-Crime Bill in the form in which it was reported out by the House-Senate Conference Committee on July 13.

The bill of course contains many desirable features—those relating, for example, to the reorganization and expansion of the District of Columbia's judicial system. But the bill also contains many provisions, chiefly drawn from the House of Representatives version of the bill, which led Senator Ervin, last March, to characterize the House version as being "as full of unconstitutional provisions, unjust provisions, and unwise provisions as a mangy dog is with fleas." Among the provisions that cause us greatest concern are those which would (1) authorize pre-trial "preventive detention," (2) weaken the procedural protections of juveniles, (3) establish new categories of harsh mandatory minimum sentences, and (4) give ambiguous legislative sanction to "no knock" searches. Less important practically, but of enormous importance symbolically, is the provision which would require the plaintiff in a suit against a policeman for false arrest to pay the defendant's attorney's fees even when the plaintiff prevails on the merits: legislation of this sort mocks the very concept of even-handed enforcement of the laws.

I digress from the reading of the letter at this point to remark that one of the few good things that the conference committee did in its consideration of this bill was to strike out this provision which would have required a plaintiff, who recovered a verdict and a judgment against a police officer for false arrest, to pay the counsel fees of the police officer. When it was called to public attention that the bill contained such a provision as that, that was too much even for the conferees to swallow; and I must say, Mr. President, without meaning anything of a derogatory nature, that they have the most inordinate swallowing capacity of any group of distinguished citizens I have ever been privileged to know.

To resume the reading of this letter from the faculty of Yale University:

Three facts underscore the significance of the proposed legislation: The first is that the District of Columbia is the nation's capital. The second is that you who govern the District are not accountable to those who reside there. The third is that the overwhelming majority of the residents of the District you govern are black. If Congress enacts sound legislation, its handiwork may rightfully serve as a model for state legislatures across the land. If Congress—acting in haste and vindictiveness and unconcern for constitutional and prudential limitations—adopts the bill as it now stands, its handiwork will simply evidence man's inhumanity to man.

We urge that the bill be recommitted to conference.

Mr. President, that is a rather strong statement, signed by 12 distinguished law teachers. They say that if the Senate of the United States approves this conference report as it now stands, its handiwork will simply evidence man's inhumanity to man.

Mr. President, on Friday of last week, I called the attention of the Senate to the provisions of this bill dealing with habitual criminals.

On page 142 of the conference bill, we find section 201. This section has three provisions which decree that persons who repeat criminal offenses shall suffer increased punishment; and it provides among other things, that a person who is convicted of as many as three felonies in the District of Columbia can be given life imprisonment.

Mr. President, under the law of this land, these persons cannot be given increased punishment for life or for a long term of years unless it is found, first, that they committed a felony, and second, that they had committed two other felonies before they committed the third felony.

The provision of this bill which undertakes to implement the provisions about habitual criminals is found on page 154, and is embodied in section 23–111.

I hold in my hand a copy of the Constitution of the United States. I call the attention of the Senate to the fact that every Member of this body has sworn to uphold the provisions of this Constitution. I call to the attention of the Senate that none of us has taken any oath to uphold the provisions of the conference report.

Mr. President, I would just like to say, "You cannot do both." A Senator cannot abide by his obligation to support the Constitution of the United States and support the crime bill, too.

I say that because the Constitution of the United States says that no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury. That is what the Constitution of the United States says.

But this District of Columbia crime bill, in section 23–111, says that a man could be prosecuted upon a charge of infamous crimes, which will result in his imprisonment up to 3 years, without his ever being indicted by a grand jury. I am astounded to find such a provision as that in this crime bill.

Then the Constitution of the United States says, in another provision of the fifth amendment, that no person shall be compelled in any criminal case to be a witness against himself.

But section 23–111 of this bill says that a man can be compelled to be a witness against himself. It says that the district attorney or prosecuting attorney, when he seeks to have a person subjected to these increased punishments as a habitual offender, serves upon the defendant a copy of an information alleging the previous offenses against the defendant, and it says here that the defendant must file a response to that information, and he must say whether he committed those offenses or whether he did not.

It says, therefore, that he has to incriminate himself, and that is contrary to the fifth amendment. It not only violates the fifth amendment, but it violates these other provisions.

The original Constitution of the United States, in section 2 of article III, says:

The trial of all crimes, except in cases of impeachment, shall be by jury.

When the Bill of Rights was added to the Constitution, those who drafted and ratified it put a second guaranty of the right of trial by jury in this provision of the sixth amendment.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed.

That is what the Constitution says in two places—that the trial of all crimes shall be by a jury. But section 23–111 says that when a person is charged with being a habitual criminal, under the provisions of this act, he shall have no right of trial by jury, that the case shall be tried by a judge without a jury.

It does not say only that, but more. The due process clause has been uniformly interpreted by the Supreme Court of the United States to place upon the prosecution the burden of establishing the guilt of a defendant before he can be punished. That is what the Constitution says. Not only does it say that, but also, it says that the prosecution must establish his guilt beyond a reasonable doubt from the testimony. But that is not what this bill says in respect to habitual offenders. It says that the burden is on the habitual offender to show that he is not due to receive this increased punisment, and it says that he must show that by the greater weight of the evidence.

Never in my long experience in the Senate or in my experience in the House of Representatives or in my experience as a member of the legislature of North Carolina have I seen one section of one bill which violated as many provisions of the Constitution as does section 23–111. It violates the provision of the Constitution that says no man can be placed on trial for an infamous crime—that is, a felony, under Federal law, or sentenced to imprisonment for more than a year—except upon an indictment by a grand jury. It shows the contempt for that provision of the Constitution, and it shows contempt also for that provision of the Constitution which says that every man is entitled to a trial by jury before he can be punished. Yet, it says here in the conference bill that there is going to be a trial by the judge and not by a jury.

All the case law is to the effect, and the Constitution is to the effect, that the burden is on the prosecution to prove the guilt of the defendant beyond a reasonable doubt from the testimony. This section says that is not so. This section says that the burden is on the defendant to show that he is not to be punished as a habitual criminal and that he must show it by the greater weight of the evidence.

Last Friday I called the attention of to Senate to decisions of the supreme courts of some 25 or more States which have habitual criminal laws, and those decisions are to the effect that a person cannot be tried as a habitual criminal except by a jury; that he cannot be convicted of being a habitual criminal except by evidence which satisfies a jury beyond a reasonable doubt of his guilt—that is, that he committed the previous offenses. Yet, this bill shows a contempt for at least five separate provisions of the Constitution. If the Members of the Senate vote for this bill, they will have to vote for a bill which in one section only, having nothing to do with preventive detention and having nothing to do with no-knock provisions, violates the Constitution of the United States, which every

Member of Congress has taken an oath or made an affirmation that he will support.

I yield the floor.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE AND THE PRESIDENT PRO TEMPORE OR THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive duly enrolled bills from the House of Representatives and that the President pro tempore and the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate until midnight tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 p.m.) the Senate adjourned until tomorrow, Wednesday, July 22, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1970:

U.S. MARSHAL

Johnny M. Towns, of Alabama, to be U.S. marshal for the northern district of Alabama for the term of 4 years, vice Roy Lee Call, retiring.

COMMUNICATIONS SATELLITE CORPORATION

Rudolph A. Peterson, of California, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1973, vice William W. Hagerty.

IN THE COAST GUARD

The following-named temporary officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant (junior grade):

Frederick K. Farner
James G. Lester
Ellis W. Grimes
Lywald W. Hendricks
Michael J. Schiehl
Larry E. Sartin
Robert D. Bowen
John F. Ebersole
Henry D. Jacoby
Michael W. Olivo
James L. Phaup
Marvin L. Grier, Sr.
Robert G. Gipe
Howard A. Tawney
Michael F. Cook
Robert J. Sancrant
John R. Neu
Harry F. Schmecht
Joseph P. Solometo, Jr.
Roland W. Callis
James T. Marcotte
George S. McDowell, Jr.
William R. Paul
John B. Cullens
Raymond J. Pratte
Robert A. Danforth
Ronald D. Lapp
Perry A. Biles
James T. Cushman
John H. Cragin II
William E. Wyche, Jr.
William G. Whetstone
Wilburn K. Elkins
Donald C. Crooks
Richard B. Disharoon
Richard G. McLean
Richard D. Wescott
August E. Redlinger
Charles H. Eason
James M. Hough
Robert W. McKee
James H. Thomson
John D. Derenthal
Joe F. Poteat
Bennett C. Osborne
Larry G. Bickmore
James J. Shaw, Jr.
Terence T. Post
Terence M. O'Connell
Richard L. Zeiders
Leo B. Tyo
Roger D. Enstrom
Warren C. Hoyt
Harvey B. Packard
Dallas G. Schmidt, Jr.
Peter R. Hoffman
Jerald B. Rainey
Robert A. Byers
David G. Johnson
Rob R. Hathaway
Donald D. Stansell
Willis E. Sanders
Douglas J. Wood
Wallace R. Potvin
William Z. Erwin
Keith King
Dale E. Long
Donald L. Meinen
Ralph B. Steinfeldt
Gerald A. Parr
Roger A. Garlow
Leonard M. Strong
Christopher D. Willis
William R. Knight III
Michael E. Maliniemi
Ronald R. Crooker
Jerry L. Echols
Robert V. Renaud
Danford A. Silva
Francis R. Tardiff
John A. Buzga
James E. Doyle
Lawrence L. Jenkins
William B. Clow

The following-named officers of the Coast Guard for promotion to the grade of lieutenant:

Edward C. Cummings III
Frederick K. Farner
James G. Lester
Ellis W. Grimes
Lywald W. Hendricks
Michael J. Schiehl
Larry E. Sartin
Robert D. Bowen
John F. Ebersole
Henry D. Jacoby
Michael W. Olivo
James L. Phaup
Marvin L. Grier, Sr.
Robert G. Gipe
Howard A. Tawney
Michael F. Cook
Robert J. Sancrant
John R. Neu
Harry F. Schmecht
Joseph P. Solometo, Jr.
Roland W. Callis
James T. Marcotte
George S. McDowell, Jr.
William R. Paul
John B. Cullens
Raymond J. Pratte
Robert A. Danforth
Ronald D. Lapp
Perry A. Biles
James T. Cushman
John H. Cragin II
William E. Wyche, Jr.
William G. Whetstone
Wilburn K. Elkins
Donald C. Crooks
Richard B. Disharoon
Richard G. McLean
Richard D. Wescott
August E. Redlinger
Charles H. Eason
James M. Hough
Robert W. McKee
James H. Thomson
John D. Derenthal
Joe F. Poteat
Edward K. Mullan
Robert N. Lynch
Kenneth N. Ryan
Michael D. Rems
Anatol Rozumny
George L. Vanbelkum
John W. Reiter
Richard J. Andrews
Jon W. Young
Tom H. Graening
Mark E. Libby
James A. Fetters
Charles M. Wrighter
Robert G. Frame
John H. Distin
Michael K. Bell
Evan L. Stoll, Jr.
Bruce Y. Arnold
James H. Getman
Carmond C. Fitzgerald
John C. Voden
Michael F. Cowan
Michael A. Bradaric
Walter W. Prelle
Charles R. Lewis
George M. Devanney
Richard S. Tweedie
James R. White
George P. White, Jr.
Lynn H. Degrow
Russell J. Collins
John W. Martin
Richard A. Knisely
Richard B. Cook
Thomas W. Snook
George J. Sepel
Henry J. Dresch
Roger A. Brunell
Richard M. Larrabee III
Robert E. Williams
Paul J. Pluta
John A. Donofrio
Geoffrey C. Kline
James L. Barth, Jr.
Robert A. Montgomery, Jr.
Thomas J. Schaeffer
Andrew J. Sedlock
Louis P. Manfra
Neil Wise
French H. McElrath
Richard B. King II
William R. Slate
James H. Wihlborg
John R. Donaldson
Daniel J. Hines, Jr.
James F. Verplanck
Kenneth L. Ervin
George J. Munkenbeck, Jr.
Harry J. Godfrey III
Clifford J. Appel
Allen T. Maurer
Helmut E. Walter
Rex M. Wessling
Lawrence F. Cox, Jr.
Gordon A. Olson
David B. Lorenz
Charles S. Kennedy, Jr.
Chad B. Doherty
Ronald E. Beck
Mark L. Solberg
Joseph F. Angelico
Milton R. Rose
David M. Strasser
Theophilus B. Houston, Jr.
Lewis Miller
Timothy J. Wood
Thomas C. Greene
Wayne R. Till
Donald J. Freedman
James R. Townley, Jr.
Terry W. Sinclair
Stephen F. Mullins
Gary J. E. Thornton
Robert E. White III
David E. Prosser
Robert F. Riley, Jr.
James R. Peek II
John R. Painter
Philip J. Berger
Douglas M. Miller
William H. E. Nock III
David H. Lyon
Michael S. Macie
Randall J. Peterson
Robert E. Long
Mark A. McDermott
Drew R. Hamblin
David J. West
James P. Mahone
Stephen W. Clark
Jack A. Lang
Jerome C. Cobb II
James L. MacDonald
Winston G. Churchill
Richard C. Motter
Robert W. Sitton
Bennett C. Osborne
Larry G. Bickmore
James J. Shaw, Jr.
Terence T. Post
Terence M. O'Connell
Richard L. Zeiders
Leo B. Tyo
Roger D. Enstrom
Warren C. Hoyt
Harvey B. Packard
Dallas G. Schmidt, Jr.
Peter R. Hoffman
Jerald B. Rainey
Robert A. Byers
David G. Johnson
Rob R. Hathaway
Donald D. Stansell
Willis E. Sanders
Douglas J. Wood
Wallace R. Potvin
William Z. Erwin
Keith King
Dale E. Long
Donald L. Meinen
Ralph B. Steinfeldt
Gerald A. Parr
Roger A. Garlow
Leonard M. Strong
Christopher D. Willis
William R. Knight III
Michael E. Maliniemi
Ronald R. Crooker
Jerry L. Echols
Robert V. Renaud
Danford A. Silva
Francis R. Tardiff
John A. Buzga
James E. Doyle
Lawrence L. Jenkins
William B. Clow
James L. Hassall

The following-named officer to be a member of the permanent commissioned teaching staff of the Coast Guard Academy as an associate professor in the grade of commander:

Ronald C. Kollmeyer

The following-named officers to be members of the permanent commissioned teaching staff of the Coast Guard Academy as assistant professors in the grade of lieutenant commander:

George P. Vance
Bruce A. Patterson

The following-named Reserve officers to be permanent commissioned officers of the Coast Guard in the grade of lieutenant commander:

Richmond D. Greenough, Jr.
David V. V. Wood

The following-named Reserve officer to be a permanent commissioned officer in the Coast Guard in the grade of lieutenant:

Gary F. Van Nevel

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of major general, subject to qualification therefor as provided by law:

Homer S. Hill
Leo J. Dulacki
Carl W. Hoffman
William G. Johnson
H. Poggemeyer, Jr.
William C. Chip

The following-named officers of the Marine Corps for temporary appointment to the grade of brigadier general:

Edward J. Miller
Wilbur F. Simlik
James H. Berge, Jr.
James R. Jones
William G. Joslyn
Donald H. Brooks
Charles D. Mize
Norman W. Gourley
Paul G. Graham
William R. Quinn
Harvey E. Spielman
Andrew W. O'Donnell

HOUSE OF REPRESENTATIVES—*Tuesday, July 21, 1970*

The House met at 12 o'clock noon.

Rev. George G. Oliver, minister emeritus, Dunn Loring United Methodist Church, Dunn Loring, Va., offered the following prayer:

Almighty and everlasting God, who in wisdom has established our Nation through the faith and devotion of our fathers, we give Thee praise for Thy gracious guidance and bountiful providence with which Thou hast prospered each generation. Through peril and storm Thou hast led us with the light of truth in the path of liberty. Mercifully Thou hast recalled us from error, division, and strife to holy ways of freedom. Today we humbly pray that we may always prove ourselves a people mindful of Thy favor, and glad to do Thy will. Grant that our statesmen and others in places of authority may have the guidance of Thy spirit as they endeavor to keep our land forever "bright with freedom's holy light." We ask in Thy name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2104. An act for the relief of Milton Kyhos.

THE LATE HONORABLE THOMAS B. STANLEY

(Mr. DANIEL of Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. DANIEL of Virginia. Mr. Speaker, Virginia has lost a beloved citizen and noble statesman in the passing of Thomas Bahnson Stanley. A life of service and achievement distinguished the career of the illustrious former member of this body and Governor of Virginia, and placed him in the league with giants among men.

Governor Stanley was born on a farm in Henry County, Va., on July 16, 1890, the youngest child of Susan Walker and Crockett Stanley. Although born into an environment where material wealth was absent, Tom Stanley was reared in a home in which priceless character-building ideals were instilled and which later were to serve him well. Early in life, Tom Stanley set sight on his goals and embarked on a course which was to bring him distinction and lasting respect.

Realizing the value of education and using a life insurance policy as collateral, the youthful Stanley borrowed money from a bank in order to obtain tuition to enroll in Eastman Business College at Poughkeepsie, N.Y. After graduation, he returned to his native county in Virginia and began a long and highly successful business career. Banking was his first calling, and the young man lent his energies as bookkeeper, teller, and cashier to banks in Ridgeway, Martinsville, and Rural Retreat, Va. His experience in this field later earned him the accolade of president and director of the First National Bank of Bassett, Va.

In 1918, Stanley was married to Anne Pocahontas Bassett, daughter of one of the Nation's leading furniture manufacturers who previously had refused a job to the then freshly graduated Stanley. Later, after obtaining an interest in and serving in several managerial capacities of his new father-in-law's furniture factory, Tom established his own plant. Thus, in 1924, the Stanley Furniture Co. was started, and the surrounding community—which owed its birth to the enterprise of young Stanley—was appropriately named "Stanleytown."

At this time, another phase of this energetic young man's career was taking shape. Henry County citizens witnessed the untiring efforts and ability of the young leader in their midst and elected him as their representative to the Virginia House of Delegates in 1930. During his 16-year term in the Virginia General Assembly, Stanley served as speaker from 1942–46 and as chairman of the Rules Committee. In 1946, the Fifth District of Virginia elected him as their Representative in Congress to replace the late Congressman Thomas G. Burch, who had been appointed to fill the unexpired term of the late U.S. Senator Carter Glass.

Stanley served in Congress until submitting his resignation on February 3, 1953, to enter the campaign for Governor of his beloved Virginia. Holding the Governorship from 1954–58, Governor Stanley led the Commonwealth through one of the most difficult periods of her colorful and distinguished history. The Governor from Henry County brought to government operations his expertise in business principles and, although he had inherited a State treasury which was somewhat weak, he left for the succeeding Governor State coffers which contained a substantial surplus. During his term, he was vitally interested in improving the highway system and emphasized highway safety. Also, his Governorship was characterized by industrial development and the reorganization of the State department of mental hygiene and hospitals. Further, he and his charming wife enriched Virginia's historic heritage by the restoration of the Governor's mansion in Richmond.

After completion of his term as Governor, Tom Stanley returned to Stanleytown, where he continued his farming and business interests. Although in semi-retirement, the Governor was more active in later life than many individuals are during their prime. The Governor and Mrs. Stanley both gave unselfishly of their resources and energies to the betterment of the community and the State. They were philanthropists in the true sense of the word, committing themselves totally to such worthwhile projects as their church, scholarship funds, and the development of Ferrum Junior College—of which the Governor was a trustee. Indeed, the very existence of the Stanley Library at Ferrum Junior College will be an eternal memorial to the generosity and devotion of the late Governor from Henry County, Va.

Governor Stanley is survived by his lovely and devoted wife; a daughter, Mrs. Hugh H. Chatham, of San Francisco, Calif.; Thomas B. Stanley, Jr. and John David Stanley, both of Stanleytown; 10 grandchildren and two great-grandchildren. All the members of his family have my deepest sympathy.

Mr. Speaker, Tom Stanley was a great and good man. He was more than a Representative and a Governor to me. He was a close personal friend, whose sound advice and counsel was always freely given. He was a man of few words, lacking the golden-tongued oratory of many of Virginia's forefathers. But, he was a man of wisdom; and when he spoke, men listened. Tom Stanley was heralded as a great family man, surely an attribute worthy of the highest recognition. He instilled in his three children the qualities which made him great—frugality, fairness, and tolerance. Tom Stanley was a man of compassion, fairmindedness, and respect for others. He possessed the proper degree of unflagging determination, dedication, and perseverance.

Tom Stanley was a man who loved America deeply. Although without the benefit of formal education, without cultural advantages and devoid of material wealth in early years, the late Governor Stanley recognized that through the free enterprise system, he was permitted to choose a course in life and develop his potential. Tom Stanley was a statesman of the highest quality; superior in character and integrity, yet humble and understanding in his associations; and his life of dedicated service to his fellow man will be an inspiration to future generations.

Mr. Speaker, I mourn the loss of a great friend—but thousands of others share with me that sense of personal grief. However, we share, too, a sense of pride in the uncommon life and eminent career of our late fellow Virginian—Thomas B. Stanley.

Mr. Speaker, I would like to place in the RECORD editorials on the late Governor Stanley from the Danville Register, as well as the Stuart Enterprise and Martinsville Bulletin. To preface those, I insert an excerpt about him from an article on Virginia's Chief Executives which appeared in the Commonwealth magazine in February 1969.

The material follows:

THOMAS B. STANLEY

Thomas B. Stanley—or Bahnse, as his fellow Governors called him—aimed never to say one syllable more than he could back up at that very moment. If you asked him at any hour during a campaign whether it was night or day, he would glance first at that orb in the sky to check whether it was the sun or the moon.

When Mr. Stanley announced for Governor, someone asked, casually, why he wanted to be Virginia's Chief Executive. The newsmen waited for resounding phrases—pressures of the people . . . the call to service . . . the challenge of the times . . .

Well, said Mr. Stanley, he always had tried to rise to the top in whatever he undertook.

An aide suggested hurriedly that the candidate might wish to frame a more formal statement.

Mr. Stanley retired to a desk at which he wrote for a while on a pad, and then stood up and said, no, he believed he'd just leave it at that. He wanted to go to the top.

[From the Danville (Va.) Register, July 12, 1970]

THOMAS BAHNSON STANLEY

Death has claimed Thomas B. Stanley just five days before his 80th birthday. The end came in a Martinsville hospital early Saturday morning. His demise brought expressions from all across Virginia, and deservedly so. Tom Stanley was an extraordinary man whose years were filled with achievement and service—a combination that sets one apart.

He grew up a poor farm boy who entered banking and made a success in that field. Then he became aware of the opportunities for industrial development and for personal profit in the fabrication of furniture from Virginia's hardwoods. Instead of entering the furniture businesses of his wife's family, he established a small factory of his own in Henry County and the community that grew around it as the industry grew took his name. It was in name and in fact Stanleytown.

An interest in public affairs led him to offer for the House of Delegates from Henry County in 1930 and he was elected. He became an influential member of the House and, in 1942, was elected its Speaker. He ended his legislative service in 1946 to run for Congress as successor to Rep. Thomas G. Burch of Martinsville, who had moved over to the U.S. Senate by appointment of Governor Tuck. In Congress, Mr. Stanley served until 1953 when he resigned to campaign for governor.

Governor Stanley was inaugurated in January, 1954, and immediately was confronted with a problem. He had campaigned on a no-increase in taxes platform, yet during the two months between his election and his inauguration he had become convinced that continued improvement of Virginia's highways required seeking more funds. He let his conscience be his guide—as he generally did—and asked a General Assembly that was not at all receptive to the idea to impose an increase of 1 cent in the gasoline tax. It did not comply but Tom Stanley had shown the General Assembly and the people of Virginia that he would change his mind when circumstances justified a change in attitude and in program.

There were two other challenges that came to Governor Stanley and measured the man. One was the May 17, 1954, decision of the U.S. Supreme Court holding racial segregation of public schools to be illegal. The other was the outdated system of operating the state's Mental Hospitals System.

Shortly after the court decision outlawing segregation, Governor Stanley summoned a group of 32 outstanding people to consider all aspects of the problems of compliance and to recommend a course of action for the Commonwealth. This body, known as the Gray Commission after its chairman, Senator Garland Gray, recommended a freedom of choice policy. The General Assembly, reflecting sentiment among the people, took a hard-line stance that became known as Massive Resistance. Governor Stanley exerted himself to see that the policies formulated as a time-gaining procedure for easing the transitions that necessarily would follow, were supported by his administration.

Governor Stanley took some gaff from the press and from the racial militants but he did help smooth the way and frictions were held to a minimum.

The Mental Hospital System had been given lots of lip service but not much modernization over the years. Stanley, who was a short-horn Hereford grower, looked over the hospital "farms" and found the most expensive and also a quite extensive system of dairy cattle operations. As a businessman the cost of milk reaching the patient at the hospitals outraged his sense of propriety. Quietly but effectively, Governor Stanley put all the hospitals out of the farming and dairying business. In earlier years the farms had grown up around the hospitals as part of the occupational therapy available to patients. Even earlier, the insane had been put to such farm work as they could do in the belief that it helped them to pay a part of the cost of their support.

Governor Stanley separated the medical and the administrative operations of the hospitals and placed each in charge of a competent official directly responsible to the Governor. The changes and the results were beneficial. Among them was employment of 550 more people to help care for the mentally ill instead of dairy cattle.

During his term of office there was an inclination in certain intellectual circles to downgrade the businessman governor. This attitude vanished as time proved that Mr. Stanley brought to the office of chief magistrate of the Commonwealth many assets that far outweighed a lack of glibness.

Thomas B. Stanley was a credit to his home community of Spencer, where he was born. He was a credit to Henry County which he served in the General Assembly. He was a credit to the Fifth Congressional District which he served in Congress. He was a credit to Virginia which he governed during trying times. And he was a businessman who was highly successful by all the yardsticks of commerce. He also was a gentleman who won and retained friends because he gave of himself and of his energies and substance where they could be of the greatest assistance.

[From the Stuart Enterprise and Martinsville Bulletin, July 15, 1970]

GOVERNOR STANLEY DIES AFTER LONG SERVICE TO PEOPLE OF VIRGINIA

Henry County's most illustrious citizen is dead.

Thomas Bahnson Stanley, Henry County's senior statesman, died quietly Friday night in Martinsville Memorial Hospital five days shy of his 80th birthday after apparently being on the way to recovery from a mild heart attack suffered at his home five days earlier.

Thus ended a life marked by exemplary proof of the goals one can accomplish through strength of character, determination and dedication.

Thomas Bahnson Stanley was born a poor man but he was reared in a home whose environment engendered respect for others, hard work and independence of thought and action when the rights of others were not infringed upon.

When he was 17 years old, he felt the urge to move from his environment to other fields and slipped away one night, walked to Bassett and caught a train for Roanoke. He was looking for a job but found none there. He went on to Maybeury, W. Va. He helped clean coal cars and to bring coal out of the mines for two months.

Family ties called, along with a feeling of responsibility, and he returned home to help save that year's crop on his parental farm near Preston.

One thing he had learned on that trip was that a better education was needed if he were to find employment in the business world. He decided he would attend Eastman National Business College in Poughkeepsie, N.Y., about which he had heard from a friend. Using a life insurance policy as collateral, he borrowed tuition money from a bank here and took off in search of a higher education.

He was graduated there and came back home in 1912 at the age of 22. He went to Bassett for a job and was turned down by the late John D. Bassett, Sr., who was later to become his father-in-law.

He then went to Winston-Salem, where he became a bookkeeper for R. J. Reynolds Tobacco Co. with a salary of $40 a month.

After working there for a while, he returned to Henry County and looked after the affairs of the E. L. Knight Distillery at Ridgeway. Ambitious, hard-working and efficient, Mr. Stanley looked for even more to do. In 1913, when he was 23, he accepted a supplementary job in the Bank of Ridgeway. He worked in the bank in the mornings and at the distillery in the afternoons and evenings.

He moved from there to the First National Bank of Martinsville, becoming general bookkeeper and teller on July 1, 1914. In less than two years, he was offered a position as cashier of the First National Bank of Rural Retreat and he went there, assuming the additional responsibilities of caring for his mother, who had been recently widowed, and a foster sister.

In October, 1918, after he had been at Rural Retreat for about two years, he was married to Miss Anne Pocahontas Bassett. The Bassett furniture empire was growing steadily and was branching out. Later in 1919 his father-in-law, J. D. Bassett Sr., and the late Bunyan C. Vaughan purchased a furniture factory in Galax and Tom Stanley bought an interest in the firm—Vaughan-Bassett. He served as a vice-president of this new firm for less than a year.

At that time he was asked by the elder Mr. Bassett to come to Bassett to accept managerial responsibilities for the Bassett plants, which he did and in 1923, he decided to establish his own plant and ground for Stanley Furniture Co. was broken in early 1924 on its present site at Stanleytown, which, of course, was named for him.

The business was an instant success and thus two facets of Tom Stanley's life had been established—business and farming—in which he continued an active interest until he died.

The third career was about to begin. In 1929, Henry County Republicans nominated him as their candidate for the Virginia House of Delegates. He declined, saying he had always been a member of the Democratic Party. But Henry County wanted him in the House of Delegates and two weeks later the Democrats picked him as their nominee. He won, took his seat in 1930 and served for 16 consecutive years, with three terms being as Speaker of that body.

It was during those 16 years that Tom Stanley won a reputation throughout Virginia as being fair-minded, competent and impartial in his dedication to his home community and the Commonwealth. He was being mentioned widely as a possible candi-

date for Governor. But, the party, meanwhile, suffered the loss through death of one of its senators, Carter Glass, and the late Congressman Thomas G. Burch was appointed to fill his unexpired term.

Party leaders throughout the Fifth District immediately rallied behind Tom Stanley and he subsequently was elected to Congress, serving from 1946 until 1953, when he resigned to seek the Governorship. He won that office and served from 1954 until 1958—the only native of Henry County ever to earn that distinction.

Mr. Stanley carried his business talents and abilities to Richmond and won the admiration and respect of his fellow Virginians for the competent, calm, discreet and gentlemanly manner in which he went about his duties.

After his term as Governor, he returned to Stanleytown and to his business and farming interests. Nonetheless, he remained a willing counsellor for his party and assisted succeeding administrations in various capacities.

He also continued to devote considerable time to the various philantropies to which he and Mrs. Stanley were committed, such as their church, scholarship funds, Ferrum Junior College and the like.

Here was a man indeed, who gave himself and his energies and his substance to the service of his community, his county, his state and his nation to an uncommon degree. His influence will long be felt and his memory long respected here in Henry County and throughout the Commonwealth.

Mr. McCORMACK. Mr. Speaker, I was very sorry to read of the death of our former colleague, the late Governor of Virginia, Tom Stanley, which the gentleman from Virginia (Mr. DANIEL) just announced.

Mr. Speaker, Tom Stanley was one of the finest gentlemen that anyone could ever meet, broad, fine, noble, with an understanding mind, and one of the most public spirited officials I have ever served with during my many years of service in the legislative branch of the Government, the Federal Government, and the State government. His contributions while he was a Member of this body were deep and profound and constructive. His contributions as Governor of the great Commonwealth of Virginia will always be uppermost in the pages of the history of that great State.

I join with the Virginia delegation in extending to the loved ones of our late friend Tom Stanley my deep sympathy in their great loss and sorrow.

Mr. ABBITT. Mr. Speaker, will the gentleman yield?

Mr. DANIEL of Virginia. I yield to the gentleman from Virginia.

Mr. ABBITT. Mr. Speaker, I desire to associate myself with the remarks of the gentleman from Virginia (Mr. DANIEL), regarding the Honorable Thomas B. Stanley. Mr. Stanley was a close personal friend of mine. I was associated with him when he was in the house of delegates where he served with honor and distinction. He was speaker of the house of delegates for three terms. He then came to Washington as a Member of the House of Representatives. I came here 2 years after Mr. Stanley. He and I were closely associated all the time he was in the House.

Mr. Stanley was a man of honor, integrity, and dedication. He was steadfast and faithful. As we say in Virginia, one would not be afraid to go bear hunting with him. He was warmhearted.

I extend to his family my deepest sympathy. Tom was loved by all who knew him.

Tom Stanley was a great Virginian and all Virginia mourns his passing. He was one of the outstanding Governors of Virginia.

He was a great family man, a devoted husband, a kind and loving father and a true friend.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. DANIEL of Virginia. I yield to the distinguished majority leader, the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I desire to associate myself with my distinguished colleague and other colleagues from Virginia and others in mourning the passing of a friend of mine, Gov. Tom Stanley. Tom Stanley and I came to Congress together. He immediately placed his stamp of greatness on the House. He was a strong and a great man, yet he was a lovable and kind man. He was a great Virginian and a great American. Above everything else, he was a great human being.

Mr. Speaker, I extend my deepest sympathy to his loved ones.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. DANIEL of Virginia. I yield to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, today the House joins in mourning the passing of former Representative Thomas B. Stanley, of Virginia, who served in this House from 1946 until 1953 when he resigned to run successfully for the governorship of his State.

Tom Stanley was a Member of the House when I took my seat here in January 1949 and I served with him for 5 years. I have many fine memories of our friendship. My recollection of him is that he was a fine gentleman and that he served his district, his State, and the Nation with distinction.

At this time I extend my sincere condolences to Governor Stanley's wife, Anne, and to the Stanley family. Governor Stanley's death is a loss to his community, his State, and to the country.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. DANIEL of Virginia. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I associate myself with the remarks made by the distinguished gentleman from Virginia and the distinguished dean of the Virginia delegation, as well as the distinguished majority and minority leaders, in paying tribute to a man who made a name for himself here in a very short period of time.

Tom Stanley was a man of great integrity and tremendous ability, warmth, and courage. He served his country well, he served his State well, and he will long be remembered as a great American.

Mr. Speaker, I join in extending sympathy to his beloved family.

Mr. PERKINS. Mr. Speaker, will the distinguished gentleman from Virginia yield?

Mr. DANIEL of Virginia. I am glad to yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, thousands of my fellow Kentuckians and I were saddened a few days ago to learn of the passing of Thomas B. Stanley of Virginia.

Over the years, we knew him as something more than an outstanding public servant. He was a good neighbor. As Governor of the Commonwealth of Virginia, he went out of his way to be helpful to my State; and this cooperative spirit is embodied in the establishment of the Breaks Interstate Park.

Kentucky and Virginia are joined in an interstate compact to operate this fine park facility on their borders. It is located in one of the most scenic areas of America, where the Big Sandy River breaks through a major mountain barrier, ultimately to make its way on down to the Ohio and the Mississippi Rivers.

It was a wild, inaccessible region, and was probably due to remain unknown except to the strip mine operators; but Kentuckians and Virginians of vision and determination—men like Thomas B. Stanley—intervened and saw that it was preserved as part of the heritage of all Americans.

I first knew Tom Stanley as a Member of this Chamber when I first took my seat here nearly 22 years ago. He had been elected in 1946, and I always admired his grasp of legislative affairs, and his reasonableness in dealing with Members with whom he disagreed.

We are all rather proud when, in 1953, his fellow Virginians called him to the Governorship of his Commonwealth. He knew Virginia intimately through his lifelong study of her ways and her history, and through 16 years as a member of the State legislature, including 4 years as speaker of the house of delegates.

Many able men have occupied the Governorship of Virginia. None was more able than Thomas B. Stanley. And none was more admired and respected than he when he died recently, just a few days before his 80th birthday.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. DANIEL of Virginia. I am glad to yield to the gentleman from South Carolina.

Mr. McMILLAN. Mr Speaker, I want to join the Virginia House delegation and the other Members of the House of Representatives in paying honor to the late Honorable Thomas Stanley who served as a Member of this body with great distinction. We were all saddened to learn of Judge Stanley's passing and I want to express my deepest sympathy to the members of his family. The late Congressman Stanley left a wonderful record as a legislator and I am happy that I had the privilege and pleasure of serving with him during the time he was representing the State of Virginia in the Halls of Congress. I watched his activities during the time he was serving as Governor of the

great State of Virginia and I do not know of any Governor who did more for the State of Virginia than the late Governor Stanley. I feel that our country and the State of Virginia gained an awful lot through the public services of the late Congressman Stanley. Again, I want to express my deepest sympathy.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. DANIEL of Virginia. I am glad to yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I was sorry to learn of the death of my former colleague from Virginia, the Honorable Thomas B. Stanley. It was my good fortune and pleasure to serve and, on occasion, travel with Tom during his service in this great body from 1946 to 1953.

Tom Stanley was a fine gentleman and a very capable legislator and, of course, he was a friend. He came to Congress with strong credentials as speaker of the Virginia House of Delegates, a body in which he served for 16 years.

He continued to serve his State and the Nation in an able and highly effective manner The voters of Virginia's Fifth District reelected him three times, before he gave up his seat in Congress to run for Governor of Virginia.

The people of Virginia realized the great qualities of Tom Stanley, and in 1954, he was elected to a 4-year term as Governor of Virginia.

Mr. Speaker, Virginia and the Nation have lost one of their finest citizens and most dedicated public servants. Mrs. Andrews and I extend our deepest sympathy to the Stanley family at this time of their great loss.

Mr. DOWNING. Mr. Speaker, last week, the hearts of Virginians throughout the Commonwealth were saddened as Thomas B. Stanley's body was returned to the red clay of Henry County in the Piedmont section of the State from which he had sprung almost 80 years before. Tom Stanley was a quiet Virginian who had served his State and Nation steadfastly in public office for almost 30 years.

Mr. Stanley's service was climaxed and concluded by a term as Governor in the trying days of the mid-1950's. Before that time, he had served 7 years here in the House of Representatives and 17 years in the General Assembly of Virginia, during 6 of which he filled the speaker's chair in the house of delegates.

A successful farmer, businessman, industrialist and banker, Tom Stanley was an unassuming self-made millionaire. His personal and business life were dedicated to sound financial principles and he carried these principles with him throughout his career in government. It is rare indeed for an individual to serve in a high executive post in government and leave his constituents at the end of his service in better financial condition than it was when his service began, but that is exactly what Tom Stanley did as Governor of Virginia.

There is no better measure of a man's life than the quality of his service to his fellow man. Tom Stanley was devoted to Virginia and the Nation both of which he served admirably.

Mr. POFF. Mr. Speaker, when I came to the Congress nearly 18 years ago, one of the first to befriend me was the Representative of Virginia's Fifth Congressional District, which joins our Sixth District on the east.

Tom Stanley was known to me, not personally but by reputation, before I came to the Congress. Even at that time, he had already left his footprints indelibly imprinted in the sands of time. I was, therefore, most flattered when he tendered a frightened freshman Congressman a genuinely warm welcome to this body. More than flattered, I was profoundly grateful.

The word "genuine" somehow seems suited to the character of Tom Stanley. Indeed, in all that he thought, said and did, he was genuine, earnest, sincere, so much so that those about him could not fail to recognize it. During the spring and summer of 1953, the relationship ripened into a friendship which I valued most highly. That fall, he campaigned successfully for Governor of Virginia against my law partner. It is a measure of the strength of our friendship that it was not fractured or marred either by the campaign or the election. The following January, my partner and I jointly attended the Governor's inauguration. As always, he was kind, gracious and gentlemanly.

Mrs. Poff and I join the innumerable caravan of his friends in expressing to his loved ones our most heartfelt sympathy in their time of sorrow.

Mr. PATMAN. Mr. Speaker, I was deeply saddened to learn of the passing of a great statesman, the Honorable Thomas B. Stanley of Virginia. In the 7 years that I had the privilege to serve in the House of Representatives with Tom Stanley, I came to have a very deep appreciation for the outstanding ability and dedication of this son of the Old Dominion. This splendid gentleman came to the Congress already a skilled legislator. His 16 years in the Virginia House of Delegates, including 4 years as speaker, gave him a rare insight into legislative procedure, and all of us who knew him benefited from his remarkable parliamentary knowledge and skill. Seldom has a man come to the House so well prepared to take up an active and constructive role in the proceedings of this body, and few men have so vigorously applied their abilities to make the Congress function smoothly and effectively.

It was fitting that this experienced statesman was selected to the Committee on House Administration where he served with distinction, rising to become chairman. Similarly, in his service in the House Interstate and Foreign Commerce Committee he made a meaningful contribution to legislation affecting transportation, communications, and public health. We were fortunate, indeed, to have Tom Stanley in the House of Representatives during those difficult years following World War II.

When Tom Stanley left the House it was to campaign for the Governorship of Virginia. He won the support of the people, as he had so many times in the past, and served as Governor for 4 productive years. His life is a great American success story—the story of a man who worked his way up from a farmhouse in Henry County, Va., to the Governor's mansion in Richmond.

Mr. Speaker, the Commonwealth of Virginia has produced many great statesmen who have helped to build our Nation. Tom Stanley served in the wonderful tradition of the early Virginia patriots, and I will always appreciate the opportunity I had to know him and to work with him. Although I can speak of his character, his ability, and his accomplishments, words are really inadequate to tell of my feelings for this great man. Tom Stanley was a good and a true friend, and I miss him. My thoughts and prayers are with his family.

Mr. MARSH. Mr. Speaker, I join with others today in paying tribute to the memory of Thomas B. Stanley, former Governor of the Commonwealth of Virginia and former Member of the House of Representatives. Governor Stanley's life stands as a monument to public service. The contributions he made to his State and to his country are evidenced by his years of distinguished service here and as the chief executive of the State he so dearly loved.

In looking at his career, he stands forth as a leader. This leadership was not limited just to legislative service here in this body or to executive service in the statehouse. He was a leader in industry and in the economic well-being of his community and of his State. The sound practices of his business and corporate management were reflected in the sound approach to the operation of government and decisionmaking in the legislative process. His judgment, commonsense approach and warm human insights inspired confidence in others and influenced them to follow him.

Devoted to his family, his passing marks not only a deep loss to them, but Virginia has lost one of her most distinguished sons. I join with my colleagues and his other countless friends in extending to his family my deepest sympathy.

Mr. SIKES. Mr Speaker, I share the regret which has been expressed by the distinguished gentleman from Virginia (Mr. DANIEL) and others, about the death of our former colleague, the Honorable Tom Stanley. It was my privilege to serve with Congressman Stanley, to know his family, and to appreciate the warm friendship which they accorded me. Congressman Stanley, who later became one of Virginia's illustrious Governors, served with great credit and distinction in the House. He was highly regarded on both sides of the aisle for his patriotic motivation and for the able contributions which he made in debate on behalf of the enactment of sound legislation. I continued to enjoy his friendship through the years since he left the Congress and I feel a deep sense of bereavement at his death. My sincere sympathy is extended to all of his family.

GENERAL LEAVE TO EXTEND

Mr. DANIEL of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character and service of the late Honorable Thomas B. Stanley.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMENDATION TO BANKING AND CURRENCY COMMITTEE FOR REPORTING BILL TO GIVE PRESIDENT AUTHORITY TO IMPOSE PRICE, WAGE, RENT, AND SALARY CONTROLS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, I take this time to extend my congratulations to the distinguished chairman of the Banking and Currency Committee, the Honorable WRIGHT PATMAN, and to the members of that committee for having the foresight to report out today a bill giving the President authority to impose price, wage, rent, and salary controls.

Previously we have given the President the same power in respect to credit controls.

I consider it rather anomalous to read in the press each day about inflation and then to see this administration continue a policy which has proved to be totally inadequate in dealing with inflation; namely, to attempt to control inflation by monetary policy alone.

We have had a $300 billion loss in the securities market in the last 18 months, and we have had increasing unemployment. In some sections of the country we have something that approaches not a recession but a depression, and at the same time the price structure continues to go up.

So I congratulate the gentleman from Texas and the members of his committee for having the foresight to give the President the authority, if he wants to use it.

THE STRONG ECONOMY OF THE UNITED STATES

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I am delighted that the economy of the United States is strong enough to withstand the words of doom and gloom of the gentleman from Louisiana. The economy of the United States is healthy now and will get healthier in the months ahead because of the sound economic policies of the Nixon administration.

This morning at 11:30 the announcement was made by the Department of Labor that the consumer price index was again at a 0.4-percent increase, which is the second month in a row where it has maintained that level.

The facts are that we are winning the battle against inflation. In the first 3 months of calendar 1970 the cost of living went up slightly over 6 percent.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. In the last 3 months——

Mr. BOGGS. Will the gentleman yield?

Mr. GERALD R. FORD. Will the gentleman let me conclude?

Mr. BOGGS. Certainly.

Mr. GERALD R. FORD. In the last 3 months the cost of living has increased at approximately a 4-percent rate.

Let me say with emphasis there is no recession and the words of the gentleman from Louisiana trying to talk us into one will go for naught. The economy is healthy. It will get better. If we continue doing the things that are right, we can win the battle against inflation, which is one that was inherited by this administration from its predecessor.

Mr. BOGGS. Will the gentleman yield now?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOGGS. Since this administration came to power, the annual rate of increase in the cost of living has been over 6 percent, highest in almost two decades.

The minority leader finds solace in the June increase in cost of living, running at 0.4 of 1 percent for the month. Admittedly, that is slightly improved over the excessive increases since the Republicans assumed office, but it is still increasing faster than the worst rate under Democrats. The average annual rate in 1968 was 4.2 percent, and was at less than 4 percent when Mr. Nixon became President. The 1969 rate, under the Republicans, was 5.4 percent and the 1970 rate has averaged over 5.5 percent in the first 6 months.

Now the gentleman allegedly left the White House some weeks ago and said that the chances of a recession were nil. I wonder what the reaction was on Wall Street where the loss in the security market had been $300 billion or I wonder what the reaction was of the stockholders of Penn Central who have lost $2 billion or I wonder what the reaction might be in many places in this country where unemployment is 6 and 7 percent.

Mr. ALBERT. Will the gentleman yield to me?

Mr. GERALD R. FORD. Mr. Speaker, if I might, let me make this statement. The nationwide unemployment under the Kennedy administration averaged approximately 5.5 percent. In 1961 it was 6.7 percent. In 1962 it was 5.5 percent. In 1963 it was 5.7 percent. Unemployment under your last two administrations was always higher than it is at the present time except when the manpower commitment in Vietnam increased beginning in late 1964.

Mr. ALBERT. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Michigan has expired.

BATTLE AGAINST INFLATION

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I take this time only to ask a question which I hoped to be able to ask while the gentleman from Michigan had the floor.

If we are winning the battle against inflation, why is the President, every 2 or 3 days, blaming the Congress for causing inflation?

Mr. GERALD R. FORD. Will the gentleman yield to me?

Mr. ALBERT. I will be glad to yield to the gentleman.

Mr. GERALD R. FORD. The President's concern is not the problem of winning the battle against inflation. Right now we are achieving that result. But unless we act responsibly at the present time in fiscal affairs in the Congress of the United States, all of the good that has been accomplished as of now will go down the drain. That is why Congress must act responsibly on spending authorizations and appropriations. If we do not, we will lose the inflation battle we are winning right now.

Mr. ALBERT. Mr. Speaker, I do not know whether the gentleman has given me an answer or not.

The SPEAKER. The time of the gentleman has expired.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17619, INTERIOR DEPARTMENT APPROPRIATIONS, 1971

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for fiscal year 1971.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91–1321)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17619) "making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 18, 19, 20, 21, 44, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 8, 12, 13, 15, 16, 17, 22, 23, 24, 27, 28, 29, 30, 31, 35, 36, 41, 48, 49, 50, 51, 59, 61, and 64, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$64,622,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$400"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amend-

ment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$3,895,000"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$4,159,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$400"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$400"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$17,650,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$400"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$7,074,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$11,563,000"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$45,591,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$117,986,000"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$18,715,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

"SALARIES AND EXPENSES

"For expenses necessary to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $31,310,000, of which $8,465,000 shall be available until expended to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act and for support of the functions of the National Council on the Arts set forth in section 6; $4,125,000 shall be available until expended to the National Endowment for the Arts for assistance pursuant to section 5(g) of the Act; $11,060,000 shall be available until expended to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act; and $2,660,000 shall be available for administering the provisions of the Act: *Provided*, That in addition, there is appropriated in accordance with the authorization contained in section 11(b) of the Act, to remain available until expended, amounts equal to the total amounts of gifts, bequests, and devises of money, and other property received by each endowment during the current and preceding fiscal years, under the provisions of section 10(a)(2) of the Act, for which equal amounts have not previously been appropriated, but not to exceed a total of $5,000,000: *Provided further*, That not to exceed 3 per centum of the funds appropriated to the National Endowment for the Arts for the purposes of sections 5(c), 5(g), and 6 and not to exceed 3 per centum of the funds appropriated to the National Endowment for the Humanities for the purposes of section 7(c) shall be available for program development and evaluation."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 6, 7, 14, 25, 26, 33, 34, 38, 39, 40, 42, 53, 56, 57, 60, 62, and 63.

JULIA BUTLER HANSEN,
MICHAEL J. KIRWAN,
JOHN O. MARSH, Jr.,
JOHN J. FLYNT, Jr.,
DAVID R. OBEY,
GEORGE MAHON,
BEN REIFEL,
JOSEPH M. McDADE,
WENDELL WYATT,
FRANK T. BOW,
Managers on the Part of the House.

ALAN BIBLE,
ROBERT C. BYRD,
GALE W. McGEE,
J. CALEB BOGGS,
MILTON R. YOUNG,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Amendment No. 1: Appropriates $58,605,000 for management of lands and resources as proposed by the Senate instead of $58,940,000 as proposed by the House.

Amendment No. 2: Appropriates $3,310,000 for construction and maintenance as proposed by the Senate instead of $3,215,000 as proposed by the House.

Bureau of Indian Affairs

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $217,615,000 for education and welfare services instead of $218,645,000 as proposed by the House and $218,678,500 as proposed by the Senate. The decrease below the amount provided by the Senate includes $500,000 for teaching and guidance personnel in the public schools, $250,000 for development courses in Indian language, history, and culture and teacher training programs in local Indian culture and values, $200,000 for higher education scholarships, $50,500 for counseling and guidance in public schools, and $63,000 for teacher aides in public schools.

The conferees are in agreement that $50,000 included in the bill for the Navajos shall be available for expenses of the faculty at the Navajo Community College.

It is further agreed by the conferees that not less than $1,300,000 of funds available under this appropriation item shall be made available for operation of the vocational center at the Lewis and Clark Job Corps Center, Fort Lincoln, Bismarck, North Dakota.

Amendment No. 4: Appropriates $64,622,000 for resources management instead of $65,690,000 as proposed by the House and $64,122,000 as proposed by the Senate. The increase over the amount provided by the Senate includes $150,000 for forestry development, $200,000 for soil and moisture conservation, and $150,000 for development of housing programs.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $19,885,000 for construction instead of $18,935,000 as proposed by the House and $18,800,000 as proposed by the Senate. The increase over the amount provided by the Senate includes $585,000 for the boys' dormitory, Eufaula Indian Boarding School, Oklahoma, and $500,000 for the San Carlos Indian Irrigation Project, Arizona.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with language as proposed by the Senate to provide $150,000 for assistance to the Wagner, South Dakota, East Charles Mix Independent School District No. 102, for planning an addition to the District school facilities.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with Senate language which provides that not to exceed $365,000 may be used for enlargement, remodeling, and improving the Sioux Museum and Crafts Center, Rapid City, South Dakota.

Amendment No. 8: Appropriates $20,200,000 for road construction (liquidation of contract authority) as proposed by the Senate instead of $20,000,000 as proposed by the House.

Amendment No. 9: Provides an increase of $400 over the general purchase price limitation for the current fiscal year for police-type vehicles instead of $300 as proposed by the House and $500 as proposed by the Senate.

Bureau of Outdoor Recreation

Amendment No. 10: Appropriates $3,895,000 for salaries and expenses instead of $3,825,000 as proposed by the House and $3,995,000 as proposed by the Senate. The increase over the amount provided by the House includes $50,000 for nationwide planning and $20,000 for preparation of a study of the Mormon Battalion Trail.

Land and Water Conservation

Amendment No. 11: Appropriates $4,159,000 for administrative expenses of the Bureau of Outdoor Recreation instead of $3,459,000 as proposed by the House and $4,759,000 as proposed by the Senate.

Amendment No. 12: Appropriates $357,400,000 for the Land and Water Conservation Fund as proposed by the Senate instead of $168,500,000 as proposed by the House.

Amendment No. 13: Appropriates $185,400,000 for payments to States as proposed by the Senate instead of $63,500,000 as proposed by the House.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $96,600,000 for the National Park Service instead of $95,000,000 as proposed by the Senate and $56,000,000 as proposed by the House.

The increase over the amount provided by the Senate includes $800,000 for Cape Cod National Seashore, and $800,000 for the Delaware Water Gap National Recreation Area.

Amendment No. 15: Appropriates $32,741,000 for the Forest Service as proposed by the Senate instead of $13,750,000 as proposed by the House.

Amendment No. 16: Appropriates $8,000,000 for the Bureau of Sport Fisheries and Wildlife as proposed by the Senate instead of $1,541,000 as proposed by the House.

Amendment No. 17: Appropriates $500,000 for the Bureau of Land Management as proposed by the Senate instead of $250,000 as proposed by the House.

Amendment No. 18: Deletes language proposed by the Senate to provide $1,000,000 to the Bureau of Outdoor Recreation for supplemental allocations to the Federal agencies.

Amendment No. 19: Deletes technical correction proposed by the Senate.

Office of Territories

Amendment No. 20: Appropriates $509,000 for the Office of Territories as proposed by the House instead of $539,000 as proposed by the Senate.

Amendment No. 21: Appropriates $17,350,000 for administration of territories as proposed by the House instead of $17,380,000 as proposed by the Senate.

Amendment No. 22: Appropriates $367,000 for expenses of the Office of the Government Comptroller for the Virgin Islands as proposed by the Senate instead of $330,000 as proposed by the House.

Trust Territory of the Pacific Islands

Amendment No. 23: Appropriates $49,750,000 for the Trust Territory of the Pacific Islands as proposed by the Senate instead of $50,000,000 as proposed by the House.

Geological Survey

Amendment No. 24: Appropriates $106,392,000 for surveys, investigations, and research as proposed by the Senate instead of $108,057,000 as proposed by the House.

Bureau of Mines

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $46,422,000 for conservation and development of mineral resources instead of $45,122,000 as proposed by the House and $45,272,000 as proposed by the Senate. The increase over the Senate allowance includes $1,000,000 for studies of mining environmental problems and for removal of coal waste banks, and $150,000 for sampling and characterization of incinerator residues and raw refuse.

Office of Coal Research

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $17,160,000 for salaries and expenses instead of $16,200,000 as proposed by the House and $16,500,000 as proposed by the Senate. The increase over the Senate allowance includes $620,000 for the solid electrolyte high temperature fuel cell, $90,000 for the multi-cell coal-fired fluidized bed boiler project, and a reduction of $50,000 for the electrofluidic coal processing project.

Bureau of Commercial Fisheries

Amendment No. 27: Appropriates $27,893,000 for management and investigations of resources as proposed by the Senate instead of $28,168,000 as proposed by the House.

Amendments Nos. 28 and 29: Provide language as proposed by the Senate which cite the most recent authorizing legislation and include provision of that Act that funds for anadromous and great lakes fisheries conservation will remain available until expended.

Amendment No. 30: Provides language as proposed by the Senate for administration of Pribilof Islands, which states that of the amount appropriated, so much as may become available during the current fiscal year shall be derived from the Pribilof Islands fund.

Administrative provisions

Amendment No. 31: Technical correction as proposed by the Senate.

Amendment No. 32: Provides an increase of $400 over the general purchase price limitation for the current fiscal year for police-type vehicles instead of $300 as proposed by the House and $500 as proposed by the Senate.

Bureau of Sport Fisheries and Wildlife

Amendment No. 33: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $56,840,000 for management and investigations of resources instead of $56,356,000 as proposed by the House and $56,705,000 as proposed by the Senate. The increase over the House allowance includes $74,000 for restoration of Steamboat Bertrand, $150,000 for acquisition of additional waterfowl production areas in North Dakota, $100,000 for research on the red tide in the New York Bight area, and $160,000 for an evaluation study on oil spills, atomic waste, steelhead, and additional Columbia River Dams.

Amendment No. 34: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $4,983,000 for construction instead of $4,175,000 as proposed by the House and $3,497,000 as proposed by the Senate. The increase over the House allowance includes $220,000 for a water reconditioning system, Lahontan National Fish Hatchery, Nevada; $292,000 for a water reconditioning system at Leetown National Fish Hatchery, West Virginia; $196,000 for fish production facilities at Valley City National Fish Hatchery, North Dakota; and $100,000 for additional facilities at Ouray National Wildlife Refuge, Utah.

Amendments Nos. 35 and 36: Provide language as proposed by the Senate which cite the most recent authorizing legislation and include provision of that act that funds for anadromous and Great Lakes fisheries conservation will remain available until expended.

Administrative provisions

Amendment No. 37: Provides an increase of $400 over the general purchase price limitation for the current fiscal year for police-type vehicles instead of $300 as proposed by the House and $500 as proposed by the Senate.

National Park Service

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $57,990,000 for management and protection instead of $57,670,000 as proposed by the House and $58,035,000 as proposed by the Senate. The decrease below the Senate allowance includes $25,000 for promotion of domestic travel and $20,000 for master planning.

The conferees are in agreement that of the total amount provided in this appropriation account, $75,000 shall be available for the student conservation program.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with contingency language proposed by the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with contingency language proposed by the Senate.

Amendment No. 41: Appropriates $48,543,000 for maintenance and rehabilitation of physical facilities as proposed by the Senate instead of $48,500,000 as proposed by the House.

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $16,259,000 for construction instead of $16,385,000 as proposed by the House and $17,583,000 as proposed by the Senate. The decrease below the Senate amount includes reductions of $776,000 for anticipated slippage, $712,000 for construction of an airport at Jackson Hole, Wyoming, $11,000 for planning of developments in North Cascades National Park, and increases of $100,000 for restoration of facilities at Fort Scott National Historic Site, Kansas and $75,000 for administrative headquarters, Redwood National Park, California.

The conferees are in agreement that the reduction of $776,000 for anticipated slippage shall include $90,000 for the Anchorage Airport, $322,000 for visitor center improvements at the Everglades National Park, $300,000 for development of the National Sculpture Garden, and $64,000 for Big Horn Canyon National Recreation Area, Montana.

Amendment No. 43: Appropriates $17,650,000 for parkway and road construction (liquidation of contract authority) instead of $16,000,000 as proposed by the House and $17,660,000 as proposed by the Senate. The reduction below the Senate allowance includes $10,000 for planning roads and trails in the North Cascades National Park.

Amendment No. 44: Appropriates $6,801,000 for preservation of historic properties as proposed by the House instead of $6,672,000 as proposed by the Senate.

Administrative provisions

Amendment No. 45: Provides an increase of $400 over the general purchase price limitation for the current fiscal year for police-type vehicles instead of $300 as proposed by the House and $500 as proposed by the Senate.

Office of the Solicitor

Amendment No. 46: Appropriates $7,074,000 for salaries and expenses instead of $6,924,000 as proposed by the House and $7,229,000 as proposed by the Senate. The increase over the amount proposed by the House includes $150,000 for legal operations.

Office of the Secretary

Amendment No. 47: Appropriates $11,563,000 for salaries and expenses instead of $11,353,000 as proposed by the House and $11,771,000 as proposed by the Senate.

General provisions, Department of the Interior

Amendment No. 48: Provides language as proposed by the Senate for air-conditioning equipment for passenger motor vehicles.

TITLE II—RELATED AGENCIES

Department of Agriculture

Forest Service

Amendment No. 49: Appropriates $199,617,000 for forest land management as proposed by the Senate instead of $213,412,700 as

proposed by the House. Construction funds previously under this account have been transferred to the new construction account.

Amendment No. 50: Deletes language, as proposed by the Senate, relating to the appropriation of funds for acquisition of lands under the Weeks Act.

Amendment No. 51: Technical correction as proposed by the Senate.

Amendment No. 52: Appropriates $45,591,000 for forest research instead of $46,671,000 as proposed by the House and $45,294,000 as proposed by the Senate. The increase over the Senate allowance includes $325,000 for urban forestry, $172,000 for forest economics research, and a reduction of $200,000 for research on black cherry and white ash at the forest research facility, Warren, Pennsylvania. $1,280,000 of construction projects included under this appropriation item by the House were transferred to the new construction appropriation account.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $15,467,700 for construction instead of $14,188,000 as proposed by the Senate. The increase over the House allowance includes $297,000 for construction of a visitor information center at Seneca Rocks, West Virginia, $55,000 for planning of an addition to the Forest Research Laboratory at Princeton, West Virginia, and a reduction of $10,000 for the Kerr Arboretum and Nature Center, Oklahoma.

Department of Health, Education, and Welfare

Health Services and Mental Health Administration

Amendment No. 54: Appropriates $117,986,000 for Indian Health Services instead of $114,692,000 as proposed by the House and $118,436,000 as proposed by the Senate. The reduction below the amount proposed by the Senate includes $300,000 for the California Rural Indian Health Board, and $150,000 for the Urban Indian Health Pilot Program. Of the additional $1,269,000 provided for additional hospital positions, not to exceed $160,000 shall be used for operation of the Albuquerque Tuberculosis Sanatorium.

The conferees are in agreement that the Bureau of Indian Affairs, the National Council on Indian Opportunity and the Indian Health Service should work jointly with the individual states to develop a joint policy to provide adequate health services to all Indians residing in urban areas and isolated rural areas.

Amendment No. 55: Appropriates $18,715,000 for Indian Health Facilities instead of $17,950,000 as proposed by the House and $19,510,000 as proposed by the Senate. The reduction below the amount proposed by the Senate includes $500,000 for additional sanitation facilities, $138,000 planning funds for a hospital at Zuni, New Mexico, and $157,000 for converting the Albuquerque Tuberculosis Sanatorium to an outpatient clinic.

National Capital Planning Commission

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with an amendment providing $891,000 for salaries and expenses instead of $1,070,000 as proposed by the House and $941,000 as proposed by the Senate. The reduction below the amount proposed by the Senate includes $50,000 for the Regional Airport Facilities Study. Notwithstanding this reduction, the conferees are in agreement that within available funds $100,000 shall be utilized for the Regional Airport Facilities Study.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with language proposed by the Senate for the transfer of $229,000 of the balance of the appropriation granted under "Land acquisition, National Capital park, parkway, and playground system" for salaries and expenses.

National Foundation on the Arts and the Humanities

Amendment No. 58: Appropriates $31,310,000 for salaries and expenses instead of $33,310,000 as proposed by the Senate. The decrease below the Senate allowance includes a reduction of $2,000,000 for the National Endowment for the Humanities.

Smithsonian Institution

Amendment No. 59: Deletes language, as proposed by the Senate, for the appropriation of funds for the Woodrow Wilson International Center for Scholars. This item has been included in the bill as a separate appropriation account.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a moton to recede and concur with an amendment providing $34,702,000 for salaries and expenses instead of $35,737,000 as proposed by the House, and $35,066,000 as proposed by the Senate. $750,000 included in the House amount has been transferred to a separate appropriation account for the Woodrow Wilson International Center for Scholars.

The reduction below the amount proposed by the Senate includes decreases of $100,000 for increased pay costs, $100,000 for the Joseph H. Hirshhorn Museum and Sculpture Garden, $18,000 for the Smithsonian Tropical Research Institute, $40,000 for the Radiation Biology Laboratory, $6,000 for the Office of Ecology, $150,000 for the Environmental Sciences Program, $25,000 for the Smithsonian Institution Press, and increases of $10,000 for the Center for Study of Man, $25,000 for the Division of Performing Arts, Festival of American Folklife, and $40,000 general funding for the Museum of History and Technology.

Amendment No. 61: Appropriates $950,000 for restoration and renovation of buildings as proposed by the Senate instead of $1,080,000 as proposed by the House.

Salaries and Expenses, Woodrow Wilson International Center for Scholars

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the provision of $750,000 as proposed by the Senate under a separate appropriation account.

American Revolution Bicentennial Commission

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the provision of $373,000 for salaries and expenses as proposed by the Senate.

Federal Metal and Nonmetallic Mine Safety Board of Review

Amendment No. 64: Appropriates $167,000 for salaries and expenses as proposed by the Senate.

TITLE III—GENERAL PROVISIONS

Amendment No. 65: Deletes Sec. 303 proposed by the Senate.

JULIA BUTLER HANSEN,
MICHAEL J. KIRWAN,
JOHN O. MARSH, Jr.,
JOHN J. FLYNT, Jr.,
DAVID R. OBEY,
GEORGE MAHON,
BEN REIFEL,
JOSEPH M. McDADE,
WENDELL WYATT,
FRANK T. BOW,
Managers on the Part of the House.

CREDIBILITY GAP—RHETORIC VERSUS PERFORMANCE

(Mr. HANNA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I listened quite clearly when the charge of a credibility gap was leveled against our past President, but no place have I seen a more dramatic demonstration of the difference between rhetoric and performance than on page 3 of the Wall Street Journal this morning. In that very credible newspaper there is the statement made by President Nixon that the business downturn "has bottomed out," and the last half of 1970 "will definitely see the economy turning up."

Right alongside the statement there is a little box in which it says that factories operated at an average 77.9 percent of capacity in the second quarter of this year, the lowest level in more than 9 years, and it is the fourth consecutive quarterly drop in a row. If that is the way you arrive at an upturn, it seems to me that we are still taking too many downturns to be really turning upward.

BANKING AND CURRENCY COMMITTEE VOTES IMPORTANT NEW WEAPONS FOR PRESIDENT TO USE AGAINST INFLATION AND RECESSION

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include a statement by Speaker MCCORMACK on standby price and wage controls.)

Mr. PATMAN. Mr. Speaker, the House Banking and Currency Committee this morning reported out the renewal of the Defense Production Act of 1950 which includes an important new section giving the President authority to stabilize wages, prices, salaries and rents.

The wage-price section—title II of the bill—will give the President an effective and essential tool in combatting inflation and recession. This is standby authority to be invoked by the President when and if he determines economic conditions warrant its use.

The authority expires February 28, 1971. In the intervening months, this standby power will give the President a full opportunity to bring the economy under control and to put an end to the twin economic evils of inflation and recession which have plagued the country in recent months.

Mr. Speaker, I want to commend the Democratic members of the Banking and Currency Committee who stood together and steadfastly refused to go along with attempts to water down this important fight against inflation and recession. The 21 Democrats on the committee are recorded—in their votes on this title—for a stable economy. Their votes are a firm and strong indication that the Congress intends to give the President all the power that he might need to bring about a much-needed improvement in our economy. The vote is another indication

that this Congress is willing to do whatever is necessary to end inflation and to prevent ruinous recession.

Mr. Speaker, I hope that the House will be given an early opportunity to act on this legislation and that it will be passed by an overwhelming majority. The American people are demanding action on the economy and the bill passed by the House Banking and Currency Committee this morning is in accordance with these demands.

I include at this point a statement on this subject by Speaker McCORMACK:

STATEMENT BY SPEAKER McCORMACK ON STANDBY PRICE AND WAGE CONTROLS

This morning the House Banking and Currency Committee favorably reported H.R. 17880 granting the President standby authority to freeze prices, rents, wages and salaries. I strongly endorse the Committee's action. Last year the Congress granted the President standby authority to control credit. The proposed authority to control prices and wages is complementary to that legislation. With standby authority to control prices and wages, the President will then possess all of the tools necessary to stop the galloping inflation which we are now experiencing.

The House Democratic leadership will make every effort to expedite and pass this vitally needed legislation.

OUR DETERIORATING NATIONAL BUDGET SITUATION

(Mr. MAHON asked and was given permission to address the House for 1 minute.)

Mr. MAHON. Mr. Speaker, the House will consider this afternoon the $18 billion Labor-HEW appropriation bill for the fiscal year 1971. Amendments will be offered to increase the total of the bill, which is already $92 million above the budget appropriation requests.

The precarious fiscal situation confronting the country has, in recent days, again come to the fore. Over the last weekend, in fact on Sunday, the Washington Star carried a banner headline on the front page, "Nixon Berates Hill on Spending."

I think it is healthy that we discuss the spending situation and look where we are going. In the debate this afternoon I shall undertake to discuss the precarious situation confronting the country and I would be glad to exchange views with Members on the problems which confront us today.

PRESIDENT THREATENS VETO OF TRADE BILL

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, yesterday the President said that he would veto the trade bill, if the language of the bill went beyond textile quotas. He was strangely silent on the pernicious language of the trade bill which freezes into law the oil quota import privileges which costs the taxpayers and the U.S. consumers between $4½ to $7 billion a year, according to the Government's own figures.

The trade bill which so blatantly and arrogantly protects the privilege of oil should never be permitted to reach the President's desk. The quota system on oil imports is a horrible disregard of the public interest.

SHIFT IN U.S. ECONOMY

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, the July 1970 "Business Roundup" in Fortune magazine states this about the economy:

The U.S. economy has turned the corner on its 1970 readjustment. . . .

It seems clear that—without either stumbling into a deep recession or renewing the inflationary boom—the Nation is successfully negotiating a massive redeployment of priorities and resources, from an economy based on defense and business investment to one directed more toward consumption, housing, and social welfare.

We are now at a time when, for the first time in 20 years, we will devote more money to domestic and social causes than we do to defense, and as we move in that direction, there will be more unemployment in defense-oriented industries during the period of adjustment. We have heard this noon of wage, price, and rent controls, and I might suggest that one of the merits of that program is that it does take care of unemployment. The last time we had such controls it took a quarter of a million Americans to administer the program.

PRESIDENT'S ANNOUNCEMENT HE WOULD VETO A TRADE BILL

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, President Nixon's announcement yesterday that he would veto a trade bill imposing broad quotas is a welcome relief to those of us who have seen the specter of a devastating trade war looming on the horizon. The President acted with both courage and wisdom in making this announcement. He said:

Quota legislation, mandatory quota legislation, is not in the interest of the United States. We are an exporting nation rather than an importing nation.

Although the President did say that he does favor a limited quota on textile imports—a position which I personally question—he went on to state in unequivocal language:

If the bill goes beyond that, if it, for example, includes other items, I would not be able to sign the bill because that would set off a trade war which would have all the repercussions that I have tried to describe earlier.

The repercussions he spoke of were two. He said:

First, it would cost us more jobs in the exports that would be denied us, the export markets that would be denied us; and, second, even more important, it is highly inflationary, as anybody who has studied tariffs and quotas through the years is well aware.

I would express the hope that the President's statement will cause the entire quota proposal, including the textile provision, which the President, I regret to say, does support, and including the freezing of the oil quotas, to which the gentleman from Ohio (Mr. VANIK) just referred, to die a quiet, unobtrusive death in familiar surroundings where it now lies in the Ways and Means Committee.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I would just like to make this observation to my friend. A friend of mine coming to the Capitol this morning read the headline to which the gentleman referred, and his observation was, "My God, the President is in the hands of the Philistines."

Mr. FINDLEY. I will say to the gentleman that in the long run protectionism is going to cost a lot of American jobs, whereas trade expansion will create a lot of jobs, as it has in the past. In the short and long run, protectionism hurts the consumer.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield further?

Mr. FINDLEY. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I would like to point out that in the State of New Hampshire in the next few weeks a textile firm will close. It is the main industry in the town in which it is located, and employs 600 people. Those people will lose their jobs. What would the President recommend that those 600 unemployed people do?

Mr. FINDLEY. The President has proposed an expanded program of relief for affected industries, including retraining allowances.

The SPEAKER. The time of the gentleman from Illinois has expired.

FREE TRADE SHOULD BE FAIR TRADE

(Mr. CLEVELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEVELAND. Mr. Speaker, unfortunately the gentleman from Massachusetts has just left the floor. The two companies the gentleman referred to in his remarks are not only going to close, but they have closed. The announcement was made last week. These were J. P. Stevens textile mills, one in Franklin, N.H., and one in Tilton, N.H.

I think it is fair to point out in reply to the remarks of the gentleman from Massachusetts (Mr. BURKE) that it is my understanding the President has said he will not veto a bill with textile quotas. The two plants the gentleman from Massachusetts referred to are textile mills. I am glad to see he is back on the floor, and I will yield to him later—if I have time. In my opinion if the principles for quotas for textiles are reasonable and fair, and they are, then some provision

must be made for other important products such as shoes or electronics.

The point I wanted to make, before I yield to the gentleman from Massachusetts (Mr. BURKE) is this, and I address it to the gentleman from Illinois (Mr. FINDLEY): I am for free trade, but I want free trade to be fair trade.

We cannot export any more jobs to countries which do not assure to us free trade, or which do not allow fair competition at home, or legislate good working conditions for their workers. Nor can we allow the national security to be seriously imperiled by unwise and unfair trade policies as we are doing with the miniature and instrument precision ball bearing industry.

MILITARY BALANCE MUST BE RESTORED AND MAINTAINED IN THE MIDDLE EAST

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PELLY. Mr. Speaker, there is a clear and present danger to world peace caused by the Soviet rearming of the Egyptians. This arms race danger is even compounded by the fact that Russians are manning both the missile sites in Egypt and flying jet fighters and bombers against the Israelis.

President Nixon was emphatic recently on television when he told the American people, and the world, that the threat to world security is greater in the Middle East than it is in Indochina.

The time to act is now. Delay could be catastrophic. I am deeply opposed to an arms race, except one we face in the Middle East; namely, the race to restore and maintain a balance of strength.

Today, Mr. Speaker, I have introduced a bill to furnish Israel with the means of providing for its own security by authorizing the President to transfer to Israel, by sale, credit, or guarantee, such aircraft as may be necessary to counteract any increased military assistance provided to other countries of the Middle East.

The threat to democracy in the Middle East is clear. Its defense is mandatory now.

STANDBY WAGE AND PRICE CONTROLS

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, I am taking this time to reply to the comments made earlier by the chairman of my committee, the Committee on Banking and Currency, in which he pointed out the committee today voted out an extension of the Defense Production Act and included in that a provision for standby wage and price controls.

Of course, the gentleman made it seem to appear that this provision for standby wage and price controls would be the panacea for all the economic ills we inherited from the previous administration. What the gentleman did not bother to point out is that this whole business of wage and price controls is a great fraud on the American public. When members of the committee were given the opportunity to vote either for or against price controls, they preferred not to take a position.

I say that is a political fraud, because if the economic conditions continue at the rate of inflation we have seen in the last few months, then the Democrats on the committee can say that if the President had exercised the standby controls we gave him, we would not have the problems, but on the other hand, if the President's economic policies are working—and I think they are working as well as we expect—then the inflation would not be a campaign point this fall, and the same Democrats who would not take a position on it today would not take a position on it next fall.

We all know the wage and price controls would involve the employing of hundreds of thousands of new Federal employees, and it would take months to set up such devices. To pretend that wage and price controls for a 6-month period would work is a great fraud.

VICE PRESIDENT AGNEW SUBSTITUTES FOR RADIO NEWS COMMENTATOR PAUL HARVEY

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSENTHAL. Mr. Speaker, last Saturday, there were newspaper reports that Vice President SPIRO T. AGNEW would deliver a broadcast for radio news commentator Paul Harvey.

In all fairness to Mr. AGNEW, I should report that when Hubert Humphrey was Vice President, he wrote numerous articles for national magazines in which he expressed opinions on major issues.

During his third term, President Franklin D. Roosevelt did a series of articles for Colliers magazine on the organization of the Supreme Court.

No canon of ethics seems to exist which would bar a President or Vice President from working as a news commentator while holding public office.

I think this is a dangerous situation which should be corrected as quickly as possible. What could prevent a President from offering his services as a news commentator to some network 3 nights a week? With the communications business so fiercely competitive, a network might conceivably jump at the opportunity to swamp its rivals in the ratings by featuring the President in a nightly 15-minute presentation of his views.

What a devastating propaganda weapon could accrue to a President or Vice President who by virtue of his office already enjoys an enormous advantage over his opposition when it comes to airing views. What is more, television reaches into more homes and carries more impact than any one national magazine does.

Because freedom of dissent and guaranteed expression of minority views is so vital to democracy, I think we must consider some prohibition to forbid the President or Vice President from engaging in news interpretation and opinion in a private capacity.

The easier it is for a national leader to drown out his opposition, the greater temptation there is for tyranny.

I am today asking the Federal Communications Commission to investigate the issue and promulgate a policy.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CAL C. DAVIS AND LYNDON A. DEAN

The Clerk called the bill (S. 2427) for the relief of Cal C. Davis and Lyndon A. Dean.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CERTAIN INDIVIDUALS EMPLOYED BY THE DEPARTMENT OF THE AIR FORCE AT KELLY AIR FORCE BASE, TEX.

The Clerk called the bill (H.R. 10150) for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.

There being no objection, the Clerk read the bill as follows:

H.R. 10150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each individual named in section 3 of this Act is relieved of liability to pay to the United States the amount set forth opposite his or her name, which amount represents an overpayment of compensation, due to administrative error, received by him or her before July 1, 1960 (and to which the waiver provisions of section 5584 of title 5, United States Code, do not apply), as a civilian employee at Kelly Air Force Base. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual named in section 3 of this Act an amount equal to the aggregate of the amounts paid by him or her, or withheld from sums otherwise due him or her, with respect to the liability to the United States which is relieved by the first section of this Act.

SEC. 3. The individuals referred to in the first section of this Act, and the amount of the liability of each of them, are as follows:

INDIVIDUALS WHOSE CLAIMS FOR OVERPAYMENT WERE PARTIALLY WAIVED UNDER SECTION 5584 OF TITLE 5, UNITED STATES CODE

Name:	*Amount of overpayment not waived*
Bryant, John M	$124.80
Courvier, Joe	97.32
Gillum, Richard A	542.45
Green, William R	43.44
Hernandez, Santos A	89.60
Herrera, Jimmie	93.40
Huntly, Dick M	89.60
Green, William R	43.44
Moore, Harvey L	84.81
Rosel, Consuelo O	21.60
Springs, Zea A	121.89
Vaughn, Betty L	106.90

INDIVIDUALS WITH CLAIMS (EITHER IN WHOLE OR PART) FOR OVERPAYMENT TO WHICH SECTION 5584 OF TITLE 5, UNITED STATES CODE, DOES NOT APPLY

Name:	*Amount of overpayment*
Seay, Henry A	$20.78
Snyder, Donald A	109.84

SEC. 4. No part of the amount appropriated in section 2 of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, in the list of individuals overpaid, after "Huntly, Dick M——$89.60" strike "Green, William R——$43.44".

Page 3, line 2, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SAMUEL R. STEPHENSON

The Clerk called the bill (H.R. 10704) for the relief of Samuel R. Stephenson.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DAVID L. KENNISON

The Clerk called the bill (H.R. 15272) for the relief of David L. Kennison.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GEORGE F. MILLS

The Clerk called the bill (H.R. 15415) for the relief of George F. Mills.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. FERNANDE M. ALLEN

The Clerk called the bill (H.R. 15478) for the relief of Mrs. Fernande M. Allen.

There being no objection, the Clerk read the bill as follows:

H.R. 15478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Fernande M. Allen, of Alpena, Michigan, the sum certified to him by the Administrator of Veterans' Affairs pursuant to section 2.

SEC. 2. The Administrator of Veterans' Affairs shall certify to the Secretary of the Treasury the total additional amount of widow's pension benefits to which the said Mrs. Fernande M. Allen would have been entitled under title 38, United States Code, had she filed her application for such benefits on October 1, 1960, instead of on June 8, 1962.

SEC. 3. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFERENCE OF H.R. 1390 TO CHIEF COMMISSIONER, COURT OF CLAIMS

The Clerk called House Resolution 108, referring H.R. 1390 to the Chief Commissioner of the Court of Claims.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THOMAS J. BECK

The Clerk called the bill (H.R. 4982) for the relief of Thomas J. Beck.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

KEUM JO KIM

The Clerk called the bill (H.R. 2043) for the relief of Keum Jo Kim.

There being no objection, the Clerk read the bill as follows:

H.R. 2043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Keum Jo Kim may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by James and Shirley Franks, citizens of the United States, pursuant to section 204 of the Act.

Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, beginning on line 8, after the words "of the" strike out the remainder of the bill and insert in lieu thereof the following: "Act: *Provided,* that the brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed

and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Keum Ja Franks."

A motion to reconsider was laid on the table.

OK YON (MRS. CHARLES G.) KIRSCH

The Clerk called the bill (H.R. 4670) for the relief of Ok Yon (Mrs. Charles G.) Kirsch.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LOW YIN (ALSO KNOWN AS LOW YING)

The Clerk called the bill (H.R. 5655) for the relief of Low Yin (also known as Low Ying).

There being no objection, the Clerk read the bill as follows:

H.R. 5655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Low Yin (also known as Low Ying) shall be deemed to be an immediate relative within the meaning of section 201(b) of that Act and may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of section 203(a)(1) and 204 of the Immigration and Nationality Act, Low Yin (also known as Low Ying) shall be held and considered to be the natural-born alien son of Tom Nom Low and Cleo H. Low, citizens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAE PUNG HILLS

The Clerk called the bill (H.R. 12400) for the relief of Tae Pung Hills.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Tae Pung Hills may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a pettition filed in his behalf by Frederick A. Hills and Lee Hills, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8 after the words "of the" strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAUREEN O'LEARY PIMPARE

The Clerk called the bill (H.R. 12962) for the relief of Maureen O'Leary Pimpare.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MARIA DE CONCEICAO BOTELHO PEREIRA

The Clerk called the bill (H.R. 12990) for the relief of Maria de Conceicao Botelho Pereira.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VINCENZO PELLICANO

The Clerk called the bill (H.R. 13712) for the relief of Vincenzo Pellicano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. MARIA ELOISA PARDO HALL

The Clerk called the bill (H.R. 13895) for the relief of Mrs. Maria Eloisa Pardo Hall.

There being no objection, the Clerk read the bill as follows:

H.R. 13895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Maria Eloisa Pardo Hall shall be held and considered to be an immediate relative as defined in section 201(b) of that Act and the provisions of section 204 of the said Act shall not be applicable in this case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANAN ELDREDGE

The Clerk called the bill (H.R. 2849) for the relief of Anan Eldredge.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. MARCELLA COSLOVICH FABRETTO

The Clerk called the bill (H.R. 13383) for the relief of Mrs. Marcella Coslovich Fabretto.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

CALL OF THE HOUSE

Mr. DAVIS of Wisconsin. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 225]

Adair	Daddario	Meskill
Addabbo	Davis, Ga.	Montgomery
Alexander	Dawson	Ottinger
Anderson, Tenn.	Delaney	Pollock
	Diggs	Powell
Baring	Dulski	Rarick
Berry	Edwards, La.	Reid, N.Y.
Blatnik	Fraser	Rogers, Colo.
Brock	Gallagher	Roudebush
Brooks	Gilbert	Rousselot
Burke, Fla.	Gray	Roybal
Burleson, Tex.	Green, Oreg.	Ruppe
Burton, Utah	Hébert	Ryan
Button	Ichord	Scheuer
Cabell	Kee	Sisk
Caffery	Keith	Steiger, Wis.
Camp	Kirwan	Stephens
Celler	Kuykendall	Stuckey
Clay	Long, La.	Taft
Collier	Lukens	Weicker
Crane	McCarthy	Yates

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 368 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, due to a longstanding prior commitment, I was not present on the floor of the House yesterday during consideration and passage of H.R. 9476. This measure, which I heartily support, provides for the use of national service life insurance funds to guarantee home loans to our war veterans. I have long been a proponent of this program and I enthusiastically endorse the action taken in this Chamber yesterday in passing the bill 326 to 0. I can assure my colleagues that if I had been present the vote would have been 327 to 0.

PROVIDING FOR CONSIDERATION OF H.R. 18515, DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1151 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1151

Resolved, That during the consideration of the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, all points of order against said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr Speaker, House Resolution 1151 is a resolution waiving points of order against certain provisions of H.R. 18515, the Departments of Labor, Health, Education, and Welfare and related agencies appropriation bill for fiscal year 1971.

Legislative authorization for several activities, for which funds are included in H.R. 18515, expired at the end of fiscal year 1970. These are all activities currently in progress; funds for all are carried in the budget; legislation to extend them all is in the legislative process. The activities involved are listed on page 42 of the report on the bill.

Because the authorizations have not been enacted, points of order are waived against the bill for failure to comply with the first provision of clause 2, rule XXI. By mistake, the second provision was covered by the rule—so I have an amendment at the desk to correct the resolution.

Now, Mr. Speaker, as stated there is a clerical error in the rule and at the proper time I shall send to the desk a committee amendment to correct the clerical error.

Mr. Speaker, I urge the adoption of the resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG. I yield to the gentleman from Iowa.

Mr. GROSS. With regard to waiving points of order, the gentleman just said that he expects to offer an amendment to limit it to eight areas or provisions of the bill; is that correct?

Mr. YOUNG. Yes. There were several provisions, as I have stated, relating to programs that are in progress currently but for which the authorizations expired at the end of the last fiscal year.

The chairman of the Committee on Appropriations and the ranking minority Member, together with others from the Committee on Appropriations appeared before the Rules Committee and asked that the points of order be waived with regard to these specific provisions.

Now, I would say to the distinguished gentleman from Iowa that the rule, through a clerical error, waived points of order against two other provisions which were not intended to be waived. That is why I previously stated that a committee amendment would be offered to correct that situation.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, in reading the report, on page 42, I find only one reference to a legislative provision in this bill.

The gentleman from Texas is talking about waiving points of order on a multiplicity of provisions.

Is the report faulty in that it lists only one legislative provision under the heading of limitations and legislative provisions.

Mr. YOUNG. I will say to the gentleman from Iowa that it is my understanding that the points of order are waived insofar as the application of the first provision of clause 2, rule XXI applies to this list of items, because they are appropriations without authorizations having been signed into law.

The second provision has to do with legislation on an appropriation bill which would violate the rules of the House.

Mr. GROSS. I am sure the waiver of points of order is not to protect the cutting of the salaries of anyone. So it must be to protect language in the bill or items in the bill that have not previously been authorized.

Rule XXI, clause 2, would protect both, but I cannot conceive of anybody around here cutting anybody's salary.

I thank the gentleman for his explanation.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks of the distinguished gentleman from Texas (Mr. YOUNG) and wish to associate myself with his remarks in explaining House Resolution 1151.

For the information of the gentleman from Iowa (Mr. GROSS), my understanding is that the language which will be offered as an amendment will waive all points of order against appropriations carried in the bill which are not yet authorized by law—just those. They are listed on page 42 of the report.

As an example, the Clean Air Act, H.R. 17255, passed the House on June 10. Hearings are being held in the Senate, but no action has been taken.

The Solid Waste Disposal Act, H.R. 15847 passed the House on June 23, but has not yet been acted on by the Senate.

The Public Health Service Act, H.R. 18110 was ordered reported on June 23.

H.R. 14237 is the Mental Retardation Facilities and Construction Act. A rule was granted on that on July 8, and it has been set for floor action later this week.

The rule waives points of order on the appropriations for these subject matters where the authorizations have not yet been signed into law. They are listed on page 42 of the report.

Mr. Speaker, I urge the adoption of the rule in accordance with the amendment to be offered.

Mr. YOUNG. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding.

I just took a clipping off the wire service in which remarks of the gentleman from Michigan (Mr. GERALD R. FORD) were quoted after he had come out of the White House, saying that congressional big spenders were distorting President Nixon's budget, and adding funds where they were not needed.

Pressed by newsmen to name fiscally irresponsible Congressmen, FORD named me and my colleague, JEFFERY COHELAN, Democrat of California.

The minority leader has been decrying Federal spending for Health, Education, and Welfare programs for years and there is nothing new in his utterance.

I suppose that he does not like the fact that I joined other Members of the House in voting for the so-called Joelson amendment which added several hundred million dollars for education; that he was referring to the fact that I voted to override the President's veto on the extension of the Hill-Burton Act—and I may say in passing that a number of his own colleagues on the Republican side did that as well—and I suppose the minority leader was referring to the fact that today I am joining with several other members of the Committee on Appropriations in offering an amendment to add approximately $360 million in funds over the budget in order to take care of the medical and dental needs of the people of this country. I believe the funds are necessary. The health of our people is of utmost importance.

Even Mr. Nixon recognizes that there is a crisis in our health care system although he has done little about it. The President himself a year ago said that there was a massive crisis in the area of health care, and unless action was taken to meet the crisis we were going to break down in our medical care system that would have consequences affecting millions of people.

That is what the President himself said; but his budget did not begin to take care of the people's health needs.

We propose to try to deal with that medical crisis in the amendment to be offered by the gentleman from Massachusetts. And when the President says Democratic spending is distorting his budget, it is well-known the President's budget was distorted even at the time it was first issued. However, it is the President's economic policies that have placed his budget out of kilter, policies that clamped companies in a tight money vise that brought earnings to a halt.

The President's budget would be in fairly good shape today if the revenues he anticipated for the Nation's earnings had produced the taxes he counted on.

In great measure the deficit is caused by the dramatic drop in Federal revenues and the tremendous increase in costs of financing the national debt because of high interest rate. Major unemployment has resulted.

Mr. Speaker, unprofitable businesses and unemployed men do not pay any taxes. Federal tax revenues are down by hundreds of millions of dollars as a result of the administration's economic policy. The programs that we believe

should be financed—the educational appropriation bill, which the President says he is going to veto—and the HEW bill which we are considering today—if Mr. Nixon asks us, and if the gentleman from Michigan (Mr. GERALD R. FORD) asks us to balance the budget by slashing money for education and by cutting funds to build desperately needed hospitals and by keeping health manpower appropriations at a level which is disastrously low in this country, well, Mr. Speaker, I, for one, am not going to help do so.

I am not going to help him to balance that budget by denying children a chance for a good education and by forcing citizens to obtain necessary medical treatment in some obsolete under-equipped hospitals or by denying the Nation's citizens the doctors, dentists and technicians who are needed to protect their health.

Let Mr. Nixon and Mr. FORD shift their priorities. They think it is proper today to spend more than $1 billion for the SST—$290 million this year. I offered the amendment to cut all SST funds. We can certainly wait on that program.

They insist on spending billions of dollars for the ABM. I offered the amendment to cut out all funds for deployment of the ABM. It is not needed at the present time.

Mr. Speaker, I consider that the children of our country are entitled to a decent education, the people of our country are entitled to adequate health care, care that is deteriorating rapidly because of the lack of funds. I consider these to be of the utmost priority and deserving of help from the Federal Government.

If Mr. Ford considers this viewpoint as budget busting he is closing his eyes to reality, for everybody—I repeat, everybody—recognizes that there is an enormous and growing crisis in our Nation's health care system. Even President Nixon who put it this way a year ago:

> We face a massive crisis in the area of health care and unless action is taken both administratively and legislatively to meet the crisis within the next two or three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people.

The "everybody" who talks about the crisis in medical care is very much like Mark Twain's "everybody" who talks about the weather. Nobody does anything about it. Certainly, the President has done little about it. Even though he recognized the massive crisis which confronts our people, the amounts he recommended for dealing with the projects in his budget this year were outrageously inadequate. Words will not solve this problem. Dollars are needed. As an editorial in the Evening Star pointed out recently, there can be no serious grappling with the paltry supply and spiraling costs of medical services until the critical shortage of medical personnel and facilities is alleviated. The outlook for that is gloomier than ever. Many medical schools are in desperate financial straits, largely because of declining grants, and curtailments of already insufficient programs.

The physician shortage is estimated at more than 50,000 and is getting worse each year by 5,000.

At least 25 percent of nursing posts throughout the country are not filled.

Medical schools annually turn down thousands of qualified applicants for lack of space.

While thousands of American college graduates are attending foreign medical schools, we are importing almost as many doctors every year as our medical schools turn out.

More than half the Nation's medical schools are receiving distressed grants and these are being scaled down.

For an administration which recognized "the existence of the massive crisis," the amount made available in the budget is like throwing a rope 30 feet long to a man drowning 50 feet away.

The Committee on Appropriations is not profligate in its allowances. Ordinarily it will take the budget requests as a ceiling and cut appropriations below the budget. But the committee was shocked by the inadequacies of this administration's budget requests and rejected many of them out of hand.

I commend the committee in its effort to meet the crisis but I think they still grossly underestimated it. They were timid, rejecting the determined attack that a massive crisis requires.

It increased the highly critical program for medical manpower institutional support by only $18 million over the budget.

For the Hill-Burton program which the Congress insisted be carried out over the President's veto, it granted $122 million in additional funds, a figure roughly $200 million below the amount authorized by the Congress.

Community mental health centers were increased by $20 million and the National Heart and Lung Institute were increased by $6 million.

All these are critical areas and the amounts allotted by the committee are woefully inadequate.

Even the Boland amendment cannot be described as a massive attack on the medical crisis but it at least provides reasonably adequate funds to deal with the problems at hand. It does attack the health care crisis in some of its major aspects. It concentrates on the training of people, people who are desperately needed in all aspects of medicine.

It is an attempt to balance the need for more physicians with the need for more hospital beds. It recognizes the necessity of providing aid not only for the students but also the institutions which must train them.

In the United States of America in the year 1970, medical care is still not available for our people. The Boland amendment proposes to remedy the medical care gap.

A member of the New York Academy of Medicine has said:

> If we practiced medicine properly, we would have empty hospital beds all over the country instead of their being overcrowded in some areas and unavailable in others.

The modernization needs of our hospitals alone amount to $11 billion.

Seven years ago, in 1963, that figure was $3.2 billion. Hospital needs have more than tripled in less than a decade.

It is amazing that as the needs increase and grow more serious, congressional support for the program has dwindled. Attributable in greatest measure, I believe, to the habit of the Appropriations Committee in clinging to the budget requests.

In 1968 the Congress appropriated $293,357. In 1969, it apropriated $258,368. In 1970 the amount approved dropped to $172,270, which is the same figure the committee recommends for this year.

But if the committee insists that it is making available the same amount this year as it did last year, it is in error because the program has lost 5 percent to 6 percent due to inflation, and secondly, the construction of teaching hospitals has been transferred to the program.

Thus, this year the Hill-Burton program is required to do a greater job with less money—this in the face of congressional determination to move ahead with the hospital bed construction as was so recently evidenced by its voting to override the President's veto on the Hill-Burton bill.

We must make the same kind of progress and delivery of health care that has been made in the conquering of disease. The triumphs that have been achieved in the laboratory mean little if they cannot be transferred to our entire society. The gap between what we know and what we do is so great that thousands of people die needlessly every year. I am told that with regular checkups we could prevent most of the deaths from all forms of cancer, and I must congratulate the committee upon recognizing the needs for additional funds for cancer research and providing them in this bill.

Heart disease is still the Nation's No. 1 killer and the committee's increase will not provide the additional momentum needed to cut down the deaths from this killer.

The Boland amendment gives recognition to the feeling of urgency that must be generated if this Nation is to halt the burgeoning deterioration of our medical care system.

This country has the brains and the resources to provide the best medical care of anywhere in the world and we are not doing it.

We can reach out and bring an end to diseases which still plague our people. We must develop a medical care system that delivers health rather than merely treats an illness.

The health of our children, all of our people, is a paramount priority. We must give it recognition by supporting the additional funds in the Boland amendment.

AMENDMENT OFFERED BY MR. YOUNG

Mr. YOUNG. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

> Amendment offered by Mr. YOUNG: Strike out lines 5 through 7 of the resolution and insert in lieu thereof the following: "purposes, all points of order against appropriations carried in the bill which are not yet authorized by law are hereby waived."

The amendment was agreed to.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 226]

Adair	Cunningham	Mathias
Anderson, Tenn.	Davis, Ga.	Meskill
	Davis, Wis.	Monagan
Baring	Dawson	Montgomery
Berry	Delaney	Murphy, N.Y.
Bingham	Diggs	O'Neill, Mass.
Blatnik	Dulski	Ottinger
Brock	Evins, Tenn.	Patman
Brown, Calif.	Gallagher	Pollock
Burke, Fla.	Garmatz	Powell
Burleson, Tex.	Gray	Rarick
Burton, Utah	Green, Oreg.	Reid, N.Y.
Button	Grover	Rogers, Colo.
Caffery	Hanna	Roudebush
Camp	Hawkins	Rousselot
Carey	Hébert	Ruppe
Cederberg	Heckler, Mass.	Ryan
Celler	Ichord	Scheuer
Chappell	Kee	Sisk
Clay	Kirwan	Stubblefield
Collier	Long, La.	Taft
Cramer	Lukens	Weicker
Crane	McCarthy	

The SPEAKER. On this rollcall 363 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from Illinois (Mr. MICHEL) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 18515, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Pennsylvania (Mr. FLOOD) will be recognized for 1½ hours, and the gentleman from Illinois (Mr. MICHEL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the third appropriation bill the Subcommittee on Labor and Health, Education, and Welfare, has brought to the House this year. This is an unusual, extraordinary, and historical effort by a subcommittee of the great Committee on Appropriations.

This year we separated the Office of Education bill from Labor, and Health, Education, and Welfare, to expedite it and to be sure that the people responsible for the budgets, and the administration of these programs in the school districts back home would have more time to know what Federal funds would be available and to plan the local programs.

On February 19—and I wish you would note these dates to show you how we have worked—we brought to the House the Labor-HEW bill to replace the one vetoed by the President on January 25. You will recall that veto.

On March 3, Mr. Chairman, we were back with the conference report on that bill.

To show you how this committee has acted with diligence and expedition, Mr. Chairman, believe it or not the very next day, at 10 o'clock in the morning on March 4th, we started hearings on the Office of Education appropriation bill for 1971 to which I referred a minute ago. We brought you that bill on April 14. Of course, you now know, Mr. Chairman, we brought in the conference report on that bill to the House just last Thursday.

On the day after the Office of Education bill was passed by the House, we started hearings on the Labor, Health, Education, and Welfare bill that we bring to you today.

This is for those who for various reasons would cast aspersions upon what this House does and what the Members do, day and night and month after month. There is exhibit "A."

Before we drew up this bill, Mr. Chairman, we held 2 solid months of hearings—every morning, every afternoon except Saturdays and Sundays—and long mornings, and I mean, long, mornings and long afternoons, with no stop and no letup, hour after hour. Just to show you—these hearings are printed—take a look at that table—at the committee table in front of me here. These are printed in seven volumes and they total 7,400 pages.

We have not had the time to count the number of witnesses that we heard, but I assure you it runs into the hundreds. Did you ever try a lawsuit? Do you know what hundreds of witnesses mean? Well, we heard them—including 193 nongovernmental witnesses—the so-called public witnesses, who asked to be heard. It is not a closed corporation. Those in this Nation who wished to be heard on this tremendously important bill which affects every man, woman and child in this country were heard. Most of them testified with regard to what they saw as deficiencies in the budget. So, Mr. Chairman, it is obvious that we have not acted in haste, nor have we acted on the basis of inadequate information.

This is an important point on this bill: All members of the subcommittee, every member of the subcommittee on both sides of the aisle, Democrat and Republican, believes that under all the circumstances—and they are difficult, many, varied, and highly complicated—this is a good bill. The subcommittee was unanimous.

Some are dissatisfied with the bill. Well, well, well. Can you imagine in this marvelous institution, this House of Representatives, that someone would not be? What is wrong with dissent? You know my ancestry: DANIEL JOHN FRANCIS ALOYSIUS FLOOD. What is wrong with dissent? My people have been dissenting for a thousand years. There is nothing wrong with that, provided they do not get carried away, as some of my people did, literally and figuratively.

But these knights in shining armor have amendments as pendants on their lances. Only they are the pure in heart who learn and are concerned about what is needed in this Nation for labor, health, education, and welfare. Only they alone? Oh, no. Take a look at this subcommittee. There is no more dedicated group of people, a group who have worked for hour after hour, for months and years, this subcommittee, with great compassion, understanding and, in addition, they are informed, which is something else.

Now, as I said, not everyone is satisfied with this bill. We have limited dissenting views attached to the committee's report. However, I would just like to point out that of the 51 members of the Appropriations Committee, these dissenting views are signed by an overwhelming number of five. That should stagger one. And I repeat for the purpose of emphasis, not one of the members of this subcommittee who heard this over 2 months and over 7,000 pages of testimony on this bill from all parts of this Nation—not one of them signed these separate views.

The Members know me, my record here speaks eloquently for itself, better than I. I have been on this side of this aisle for 25 years through five Presidents—I would fly in the face of that record today? Not I.

The bill in round figures, Mr. Chairman, includes $18,800 million. That is $18,800 million. Why, that is not hay, even for my friends with the bleeding hearts on this subject.

The report on this bill should be kept in the pockets of Members until each Member reads every word. Keep it for your radio and television broadcasts and for your newsletters and for your speeches back home and for your visits back home. And when you hear, "What have you done for us?" you have answers in that report.

Oh, please do not anyone mention what we have done for the war in Viet-

nam, this can of worms, this frightful heartrending thing. I speak of this appropriation bill for this fiscal year, and if a wand could be waved and that horrible thing stopped, it would not affect this bill by 5 cents. Do not trot that out in mock horror when we know this is the appropriation bill for fiscal year 1971 that has already begun.

This bill is $2,300,000,000 over the comparable appropriations for 1970. That is $2,300,000,000. It is $93 million over the President's budget for 1971.

So the committee does not know and does not understand and does not feel? Oh, Mr. Chairman, these people come before us, and these are all good people, these witnesses, dedicated and honest and sincere and knowledgeable and learned. There is not a top man in the National Institutes of Health who could not leave there in the next minute and make much more money next year. Why are they there? They are dedicated and sincere.

The public witnesses who come in all have their special causes. Their integrity is san peur et sans reproche—with a few exceptions—hundreds of them. Oh, they say to us, to the committee, "We want to see the budget balanced." Then the inevitable, in capital letters, "But take care of my most worthwhile project or program." Heart. Cancer. Stroke. Arthritis. Children. Hospitals. Medical schools. Whatever it might be—"But take care of us." That is the pain your committee must go through. That we did.

There are only two increases over the budget, outside of the National Institutes of Health, that amount to as much as $2 million.

The first of these is $20 million more, $20 million above the $60.1 million requested for the staffing of community mental health centers. We took that budget of $60.1 million and added $20 million because of what we know and what we believe should be done. But we also know and believe, in our heart of hearts, from our information and knowledge, that is enough. That will do this job this year. That is all we are talking about today.

The budget included only enough for staffing grants in 1971 to continue those that were staffed in 1970 and nothing for the new centers. This to us presented a rather ridiculous situation. When the local people and the Federal Government have spent considerable money, and especially the local people, a lot of time and effort to set up the facilities and to do all the planning to get these centers ready for operation, and then to be told, "There is no money to operate," after all that—"no money to operate"—it is ridiculous.

The $20 million added to the bill will certainly provide for these new centers. I believe it will provide all the staffing funds needed in 1971. We heard the testimony. That is what we believe.

The second large increase, aside from the NIH, is $92.2 million over the request for construction of hospitals and other medical care facilities. Now hear these figures. There is $338.3 million worth of construction provided in this bill. That is an increase of $92.2 million over the request and an increase of $166 million over the 1970 appropriation.

We ignore these things? We are unaware? We are callous pennypinchers?

And let me say this, too, Mr. Chairman: that is the largest amount ever provided since the Hill-Burton Act became law. Now put that in your pipe and smoke it. Oh, do not tell me about the parade of Members, including me, who voted to override the President's veto on the Hill-Burton Act. That was an authorization bill. I would do it again tomorrow, but I am sure that the overwhelming majority of the Members who voted to override the President's veto will not destroy an appropriation bill. It is a different thing.

What is even more important to many people is that this increase over the budget is all in grant funds so that as much is available for grants in 1971 as in 1970. That is grants. The budget request was only for $50 million in grants, but there is $172.2 million recommended in the bill. This will be especially helpful to hospitals that started construction with partial funding—remember those 35 hospitals we have heard so much about—they require their share of a continuation of the grant program for completion of the facilities, and the dough is there. It will also be most helpful for those hospitals that cannot under their current State laws borrow money.

Both the request and the bill include $5 million to start this newly authorized interest subsidy program. This will be sufficient to subsidize interest payments on $166 million of mortgage loans.

For the research components of the National Institutes of Health, Mr. Chairman, the overall request that came to us was a standstill budget. There were a few increases for things like the virus-cancer program and the cardiovascular research centers, but they were made at the expense—and we did not like this—they were made at the expense of cutting other research and research related activities below even the 1970 program level.

That is what came to us. Now, what did we do—this heartless, thoughtless, penny-pinching subcommittee on appropriations? The first thing this subcommittee did was to add $38,461,000 to restore every one of those activities, every one of those that were cut below the 1970 program level Then we added enough to make the total increase—now hear this—we then added enough to make the total increase for the Cancer Institute $25 million. And that brings the National Cancer Institute to almost one-quarter of a billion dollars.

There are a few other items at NIH that we increased. They are in this report that we plead with you that you read. In total the bill contains $92.7 million more than the budget request for all of the National Institutes of Health.

Mr. Chairman I have discussed about 95 percent of the increases so far as total dollars are concerned. We also made 15 or 20 decreases but two account for most of the total. One of them is Work Incentives.

This is a program that we sponsored, that we are for 1,000 percent and have been for from the first day of its existence, but under the circumstances we made a reduction of $50 million from the $170 million requested for the program.

The objective of this program is admirable beyond your words or mine. That is going pretty far. It is to get people off the welfare rolls and into gainful employment. We have supported and encouraged this and urged this from the very beginning. However, this program is badly behind schedule. This distresses us but it is so. The amount we recommend in this bill, even with the $50 million cut, is $18 million above that appropriated in 1970. We are satisfied that this program will not be restricted by the cut. Otherwise we would be no party to it.

Then, Mr. Chairman, we come to the Office of Economic Opportunity, where $34 million is cut from the requested $2,080 million. Now, let us be frank about this, Mr. Chairman. This is nothing more than a plain open and aboveboard, naked cut, exclamation mark. That is all it is, nothing else. Why? I am one of its friends and believe me I have been from the day it was born. Ask them. They knew and we knew that whatever they asked for a cut would be made. So, it was made. But they still have $98.2 million over 1970. They will not bleed. If I thought so I would have an amendment on the floor today, make no mistake about it.

Mr. Chairman, the other items we cut are relatively small and mostly salaries and expenses items. The committee is concerned about the ever increasing number of people on the payroll of these agencies, especially the Department of Health, Education, and Welfare. We plan to look into this matter in more detail before next year's hearings.

There is one language item I should mention. Many States were concerned about section 208 that the budget recommended be included in the bill. This would have affected nearly 40 States to various degrees. This section would have placed a limitation on the public assistance funds which would prohibit paying to any State for 1971 more than 110 percent of the amount they received for 1970 for social services, staff training, and administrative expenses. This would have been grossly inequitable between States. Those States that had built up their programs to a proper level would have been allowed enough to continue at that level; those who had been slow to get started and have inadequate programs would have been kept from improving them. The subcommittee has not included this proposed provision in the bill.

Mr. Chairman, this is a good bill. It deserves the support of the whole House, the Congress and the President.

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I will yield to the gentleman from Nebraska.

Mr. MARTIN. Mr. Chairman, I want to commend the gentleman from Pennsylvania for his eloquent remarks, and

for the bill which the committee has reported.

I was particularly interested in the gentleman's remarks about the Hill-Burton portion. As the gentleman knows, I have been concerned about the fact that some hospitals in the nation, particularly the Mary Lanning Hospital in Hastings, Nebr., in my district, and two in Lincoln, Nebr., St. Elizabeth's and Madonna Nursing that had been promised funds under the Hill-Burton Act, and that had proceeded with construction, but have not been completely funded. These hospitals are in serious financial plight today because of this fact.

In view of the appropriations recommended in the bill, and the remarks of the gentleman in the well, is it the intent of the committee that the director of the Hill-Burton program fund these hospitals that have been promised the money, but have not had it forthcoming?

Mr. FLOOD. As far as this subcommittee is concerned, I assure the gentleman the answer is "Yes." The question was raised in the full committee, and the question was raised—and properly so—when we went to the Committee on Rules yesterday, and it is the feeling of this subcommittee that there should be sufficient funds for the State agencies that control, to a great extent, the allocation of these funds to individual projects to take care of the needs of the hospitals to which the gentleman refers. We want their needs cared for and we certainly expect they will be under this bill.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, did any member of the Committee on Appropriations vote against the bill when it was reported out of committee?

Mr. FLOOD. Against the bill?

Mr. YATES. Yes.

Mr. FLOOD. Not that I know of.

Mr. YATES. It had the full vote of the committee, did it not, even though it was $93 million above the budget, all Democrats and all Republicans who were present voted for the bill; is that correct?

Mr. FLOOD. As far as I know there was no vote against the bill in the full Committee on Appropriations. That is why, I might add to my friend, that all of a sudden, out of the clear, blue sky, I am surprised to find solicitations are being made to enlist colleagues to present amendments to the bill today.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. SCHADEBERG. Mr. Chairman, first of all, I would like to thank the gentleman from Pennsylvania for bringing out this bill. He is aware, of course, of my interest in hospitals that have not been fully funded. I would like to take this opportunity, to thank the gentleman from Pennsylvania (Mr. FLOOD) for the courtesies that he has extended to me and for his understanding in this long process we have been through. I appreciate very much the effort of the committee in making these funds available for hospitals such as I have in my district.

Mr. FLOOD. Oh, we will continue to do that—we will never stop that—within the rule of reason.

Mr. SCHADEBERG. I thank the gentleman. Of course, I understand that.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman.

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to ask the gentleman from Pennsylvania if the administration had requested any increase in funds for child welfare this year?

Mr. FLOOD. No. I have before me a table prepared by the Department of Health, Education, and Welfare, and I read item No. 6 on page 13, "Child welfare services." It is $46 million across-the-board—they asked for nothing more than was appropriated for last fiscal year.

Mr. BURKE of Massachusetts. That is the same amount that they asked for last year; is that not correct?

Mr. FLOOD. That is correct. They asked for $46 million for 1970, that amount was appropriated for 1970, and they again asked for $46 million for fiscal year 1971.

Mr. BURKE of Massachusetts. I was wondering if the gentleman would be surprised to learn that the administration indicated to our committee, the House Committee on Ways and Means, that they were going to seek an increase in funds in this particular item. The facts are these—that is one of the most scandalous conditions existing in our Nation today. This deals with the most underprivileged children in America. This item deals with those children who are thrown upon the State—and the Federal Government only contributes 6 percent to their upkeep, while in the case of AFDC the Federal Government contributes from 75 percent to 83 percent, which is a reasonable amount. For the life of me, I cannot understand why this administration or any other administration should justify this very unfair and inequitable action where they will only contribute 6 percent toward the upkeep of children who are without parents and without guardians and are thrown upon the State and assigned into institutions and some of them farmed out in homes, 10 or 12 of them for about $2 or $3 a week, for their upkeep.

I cannot understand why the administration has not kept their word and has not come in here and brought this appropriation at least up to the authorization, which is $110 million right now.

I know that the gentleman from Pennsylvania has done an outstanding job. I know that he cannot cover all the bases, but I am merely pointing out here that in this area the Federal Government has a lot to answer for and we have a lot to answer for here in failing to properly take care of these children under child welfare who are the most disadvantaged children in America—little black children, little Indian children, little Puerto Rican children who are without any political muscle and with no one to speak for them in America. Yet, this appropriation is held down to the meager amount of $46 million.

It is my intention, and I want to inform the gentleman, to offer an amendment later increasing the amount at least up to the authorization figure of $110 million. I hope that this House will adopt it.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. FLOOD) has consumed 40 minutes.

Mr. MICHEL. Mr. Chairman, I yield myself 20 minutes.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my chairman.

Mr. BOW. In view of the colloquy that has just taken place, I should like to again refer to the remarks of the distinguished gentleman from Pennsylvania. There have been substantial increases in this bill over the last 10 years.

I believe it would be useful to read into the RECORD what has happened to spending for just health, education, and manpower since 1961.

In 1961, during the Kennedy administration, total spending for these purposes was $2,372,000,000.

In 1962, it was $2,871,000,000.

In 1963, it was $3,125,000,000.

Then, in 1964, during the Johnson administration, it was $3,765,000,000.

In 1965, $4,263,000,000.

In 1966, $7,066,000,000.

In 1967, $11,856,000,000.

In 1968, $16,684,000,000.

Now, the amounts for the Nixon administration are as follows:

In 1969, $18,521,000,000.

In 1970, $20,803,000,000.

In 1971, $23,086,000,000.

These are actual outlays, not just amounts appropriated.

So you see, throughout the years there have been increases, and a substantial increase in spending for these programs has been achieved during the Nixon administration. It is a fallacy to charge that this administration is not concerned with the health and education of the people of this country. It seems to me that we must be realistic and fair. These figures clearly point out that spending for health, education, and manpower during the Nixon administration exceeds the amounts spent for these purposes during both the Kennedy and Johnson administrations.

I thank the gentlemen for yielding.

Mr. MICHEL. Mr. Chairman, the distinguished chairman of our subcommittee (Mr. FLOOD) has made his usual colorful and eagerly looked for presentation. It is a real pleasure for us to work so closely with him and all the members of our subcommittee throughout the days and weeks and months of hearings. You see those volumes of printed hearings there on the desk—better than 16 inches high and covering nearly 8,000 pages of testimony. Today is the day of decision for all the deliberations that fill those pages of testimony.

For over 180 years the members of the House Appropriations Committee have had a similar task, and our efforts are wasted unless we can convince the other Members of this House that the funds appropriated are justified and arrived at only after complete and objective hearings. I hope to be able to do that in my

presentation here this afternoon. Members of the Appropriations Committee normally cannot fund the various agencies and projects empirically. We must rely on the testimony given to us by departmental heads, expert witnesses, and concerned parties. This is both good and bad.

Good, because we must try to remain unemotional when funding projects—such as cancer research and hospital construction—or else spend wildly in that one area to the detriment of other, and just as important, areas. Bad, because at times we may not be fully aware of the needs of a particular program or institution and fail to properly fund it.

Nevertheless, it is our duty on the Appropriations Committee to come up with the best and most viable bill we can and at the same time assure the American public that they are getting a dollar's worth of benefits for a dollar spent.

I believe H.R. 18515 is such a bill.

In his book "The Power of the Purse," Richard Fenno says this about Federal appropriations:

> A necessary condition for the survival or stability of any political system is that it do what people want it to do in a way that people want it done. A political system, that is to say, must satisfy expectations in order to survive. But two questions immediately arise: what expectations and whose expectations?"

The Appropriations Committee faced this problem during our lengthy hearings. On the one hand there is a crying need for more and better health services, research projects, pilot programs—you name it. On the other side of coin we had to be conscious of the fact that we still are confronted with a problem of inflation.

The committee has tried to compromise this paradoxical situation in H.R. 18515 by giving everyone something and at the same time refusing to over fund in any one area.

Now let us get to the milk in the coconut.

BUDGET ESTIMATES

The Labor and HEW bill for 1971 contains funds in the amount of $18,824,663,000, an increase of $92,926,000 over last year. These funds are exclusive of education appropriations which, for the first time this year, were considered as a separate bill.

In addition, the bill incorporates funds for the construction of certain Government activities without consideration by Congress during the annual appropriations process. These trust funds for 1971 amount to $53,775,871,000—a net increase of nearly $5 billion. In total, then, we are talking about a bill that encompases $72,600,534,000.

Of the $18.8 billion in the bill, over $11.5 billion is classified as "relatively uncontrollable" in the budget of the President. These funds include grants to States for public assistance programs, including medicaid, payments to the social security trust funds, and unemployment compensation for Federal employees and veterans, so controllable items amount to approximately $7.5 billion.

Nonreimbursable details of personnel—Under this section of the bill, the committee believes that the borrowing of staff from other agencies without reimbursement should be reserved for situations which are of a temporary or emergency nature, and that the Office of Management and Budget should take steps to assure that the 1972 budget estimates reflect full, not partial, costs of all interdepartmental committees, councils, and similar groups.

Returning paramedical personnel should be encouraged to remain in the medical field when they return to civilian life. It is the opinion of the committee that this effort is not being made with the energy it deserves. These paramedical people can make a valuable contribution toward relieving our serious shortage of medical care personnel. We urge both the Department of Labor and HEW to give this matter their closest attention.

TITLE V—DEPARTMENT OF LABOR

Within the Department of Labor, manpower development and training activities received $671,696,089 in 1970. This year their request of $747,494,000 was whittled down in committee to $744,494,000, a reduction of $3 million in the areas of employment security services, State institutional training services, on-the-job training services, planning and technical assistance and labor market information and job matching. The committee felt these cuts were justified.

For example, in the area of planning and technical assistance it seemed to us that as a program is implemented, the amount of money for planning and technical assistance should decrease, not increase. Then too, it was felt that there was some dual funding taking place within OEO and the Department of Labor with respect to labor market information and job matching.

Nevertheless, MDTA funds for 1971 will provide for 26,600 more slots in public service careers in institutional programs, 3,940 in the Job Corps and 600 in Operation Mainstream which is an attempt to increase job opportunities in rural areas. This is a vital program if we are ever going to be able to solve the problem of over-crowding in our urban areas. To make rural living attractive, we must provide good-paying, career-type employment in these areas.

Again, the committee has allowed all funds requested for training and allowance payments but has reduced the amount requested for program services by $3 million. This still leaves an increase of about $18.5 million for these services, most of which would be for job banks programs and closely related activities.

Moving on to the Manpower Administration, salaries and expenses section of the bill, an increase of $3,092,800, over 1970 was asked for by the Manpower Administration. This increase—half of which has been allowed—will provide sufficient funds to cover mandatory cost increases and about one half of the program increase requested. Summarizing, the bill includes $42,165,000, a reduction of $1,502,000 from the request, and an increase of $6,149,000 over the 1970 appropriation while allowing the creation of 115 new positions mainly in the area of training employment.

The Bureau of Apprenticeship and Training of the Manpower Administration asked for and received an additional $85,502 over 1970 appropriations of $6,872,498. The increase was due to mandatory pay increases.

The committee was pleased to note that this particular Bureau has developed and installed 4,000 new apprenticeship programs during the period 1960 to 1970. The number of apprentices, while still falling far short of meeting the need for trained people in the apprenticeable occupations, has reached a record high of 110,000 apprentices over the more than 331,000 participants in 1969 in Federal and State registered programs.

For a more complete picture of the distribution of registered apprentices now in industry, I would like to insert the following figures:

DISTRIBUTION OF REGISTERED APPRENTICES BY INDUSTRY AND SELECTED OCCUPATIONS [1]

	1968	1969	1970	1971
Construction	164,441	181,719	189,570	194,910
Brick, stone and tile workers	11,944	13,265	13,839	14,228
Carpenters	34,946	37,434	39,051	40,151
Electricians	34,409	35,435	36,966	38,007
Ironworkers	10,329	11,448	11,943	12,279
Plumbers-pipefitters	33,247	34,345	35,829	36,838
Sheetmetal workers	17,609	18,172	18,957	19,491
Manufacturing, metal	58,956	79,109	73,840	76,650
Machinists	23,711	28,442	26,582	27,594
Tool and die makers	26,249	31,644	29,536	30,660
Patternmakers	2,886	3,164	2,954	3,066
Manufacturing, nonmetal	18,496	21,184	21,655	23,360
Compositors	5,661	5,932	6,063	6,307
Pressmen	4,742	5,296	5,414	5,840
Lithographers	3,079	3,601	3,681	3,971
Public utilities and transportation	13,294	9,597	10,295	12,045
Electrical workers (P and L)	640	991	1,060	1,241
Linemen	3,116	2,422	2,594	3,035
Carmen	835	1,321	1,420	1,662
Trades, services and miscellaneous	30,923	36,079	56,800	54,750
Auto mechanics	10,010	12,458	15,448	16,423
Auto body builders	2,623	3,226	3,968	4,763
Maintenance mechanic	7,729	9,020	13,632	14,632
Butcher	4,761	5,237	5,761	6,337
Draftsmen	3,519	3,935	5,680	6,022
Mining	2,601	2,979	3,195	3,285
Total	289,000	331,000	355,000	365,000

[1] Selected occupations are listed under industry in which the majority of apprentices are employed.

An uncontrollable item within the Department of Labor is unemployment compensation for Federal employees and ex-servicemen and trade adjustment activities. The bill includes $200,100,000, the amount of the request, and an increase of $12,170,000 over the 1970 appropriation. The additional funds are due, in part, to the over 150,000 military separations in the first half of this year.

Grants to the States for unemployment compensation and employment service administration include appropriations of $717,700,000, an increase of $51,928,000 over 1970. These funds will be transferred from the employment security administration account of the unemployment trust fund.

The only program increase included in the request was $5,787,000 for the computerized job matching program which permits a much more rapid and effective matching of job vacancies with the skills of the persons unemployed or seeking better paying jobs. This amount is offset by a projected savings of $12,181,000 due to management improvement and cost reduction savings.

The bill authorizes $4,274,000 for unemployment insurance service. It is estimated that in 1971 unemployment compensation payments will run over $145 million from last year.

Average annual unemployment rate, 1960–70

Year:	Average annual unemployment rate
1960	5.5
1961	6.7
1962	5.5
1963	5.7
1964	5.2
1965	4.5
1966	3.8
1967	3.8
1968	3.6
1969	3.5
1970	[1] 4.3

[1] January-April average, seasonally adjusted.

Source: Bureau of Labor Statistics.

LABOR-MANAGEMENT RELATIONS

We now come to the Labor-Management Services Administration. The request for $17,169,000 was reduced by $669,000 but was $3,362,000 in excess of the 1970 appropriation. The larger increases requested were $1,408,000 to provide support to the President's program against organized crime and $1,767,000 for activities required under Executive Order 11491 which vests in the Assistant Secretary for Labor-Management very broad responsibilities in the field of Federal labor-management relations which in many ways are similar to the responsibilities of the National Labor Relations Board in the private sector.

The sum of $45,000,000 was appropriated for wage and labor standards. While not the full request, it is an increase of $4,180,430 over 1970. An item in the appropriation figure includes $1 million for 90 new positions to handle the heavy backlog of employees compensation cases. To get an idea of the proliferation of cases of this kind, let me cite a few figures: In 1963 wage and labor standards handled 17,504 compensation cases. In 1969 there were 30,718 cases and in 1970 this rose to 32,000.

Also included in this portion of the bill was an increase of $926,000 for the construction safety program which will provide for 45 new positions.

Requested appropriations for employees' compensation claims and expenses this year amounted to $109,800,000 which was an increase of just over $54 million for 1970. Payments under this appropriation are prescribed by law and are not subject to administrative control.

Increased medical costs and the liberalization of benefits under 1966 amendments are the main causes for the 100 percent increase in payment and expenses. In addition to these estimated figures in 1971, it will be necessary to pay over $25 million from the 1971 appropriation to cover the shortage of funds in the 1970 appropriation. In the opinion of the committee the request if less than the amount that will eventually be required for 1971.

The Bureau of Labor Statistics requested $27,578,000, or an increase over 1970 of $3,484,546. The appropriations bill includes $26,150,000, a reduction of $1,428,000 from the request but an increase of nearly $3.5 million over the preceding year.

Increases are for providing better data on international prices with the aim of improving our competitive position in export markets; to provide better information on the costs of consumer items to aid the buyer when spending his income; to furnish a better data base for improving employee-management relations in State and local government and to institute a project for the development of data on State and local area economics.

The committee recommendation provides for all mandatory cost increases and one-half of the $2.8 million requested for program increases. The committee intends that the amount recommended provide the full amount of the increase of $870,000 budgeted for revision of the Consumer Price Index.

The Bureau of Labor Statistics has come up with the following figures concerning the increase in defense-related employment during the Vietnam buildup.

Concluding my summary of Department of Labor appropriations, the Bureau of International Labor Affairs was granted $28,000 in additional funds over last year. The special foreign currency program request was $9,044 less than 1970. Funds of $75,000 will be available only for the purchase of surplus foreign currencies that have been generated under Public Law 480 and, thus, are no drain on the Federal Treasury but only a bookkeeping transaction.

The Office of the Solicitor requested and received an additional $162,500. This will cover all mandatory cost increases and will provide for an increase of six positions. The total funding for this Department is $6,041,000.

Funds for the Office of the Secretary of Labor were increased by $3,654,100 over 1970 with only a 50 percent increase for evaluation allowed. The full appropriation for 1971 is $10,340,000. In view of the increase in the manpower program and some backlog of audit work, the committee has allowed the increase of $275,000 requested for this purpose.

TITLE II

Under title II of H.R. 18515 we have the department of HEW appropriations. Again I say, the committee has endeavored to fund every worthwhile project and at the same time hold the line wherever possible.

Food and Drug Administration is the first item. FDA requested $81,617,500. This is an increase of $7,931,500 over 1970, of which $1,806,000 is for so-called "built in" or mandatory costs. Our bill calls for $89,546,000. The sum of $6,125,000 is for a general strengthening of several programs: $4.6 million for the food and pesticides program: $800,000 for drug and medical devices, and $700,000 for product safety.

ENVIRONMENTAL HEALTH SERVICE

The air pollution control section of the committee bill includes $106,003,000, the amount of the request, and $891,000 above the amount appropriated for 1970. Faced with the grave situation of air pollution, the committee has approved the agency request which will provide program increases of $5,052,000 for abatement and control; $4,511,000 for research, development and demonstration; and $411,000 for manpower training. This is one section of the appropriations bill that I feel we must fully fund and I am sure Members of this body will support the committee in this respect.

Another important area is environment control. The bill includes $52,580,000, an increase of $1,800,000 above the request and $3,385,000 above the appropriations for 1970 by a straight comparison, but as our committee report states, "when transfers are taken into consideration the increase over 1970 on a comparable basis is $1,253,000." Also, on a comparable basis the budget request is $547,000 less than the funds available for the same activities in 1970.

Increases for 1971 include $200,000 for noise and byssinosis in the cotton-textile industry and $1,800,000 was added to the $1,200,000 budgeted for solid waste management.

In the Office of the Administrator of EHS some transfer of funds was involved making the appropriated level of $4,244,000 the same as last year. This bill allows for no new positions.

Appropriations for Health Services and Mental Health Administration are $1,384,090,000, an increase of $114,210,000 over the amount requested and $329,633,000 over 1970.

Funds for mental health are in excess of the requested $346,656,000. The bill includes $368,516,000 for this very vital field. The committee added $20,000,000 to the bill for staffing grants for new mental health centers around the country. Without these funds, the new centers, which in many instances were constructed with Federal money would not be able to open. This seemed completely unreasonable and therefore we granted the additional funds.

We now have in the bill $31.5 million for community mental health centers staffing grants for a total of $80.1 million. The sum of $5.3 million for narcotic addiction, drug abuse, alcoholism, violence and early child care. The sum of $4.7 million for community narcotics and

alcoholism rehabilitation programs, $3.0 million for additional aftercare and rehabilitation services for drug users, and $720,000 for public information on drugs and alcoholism.

Just a few facts at this point might be of interest and give the Members an idea of why the committee felt it necessary to fund the amounts we did.

There are between 4 to 6 million alcoholics in the country. Over 20 percent are women with 200,000 new cases each year and 13,000 deaths a year attributed to alcoholism. Over 50 percent of all traffic accidents involving fatalities are attributed to drinking. The cost to industry is $4 billion annually. Finally each alcoholic affects an average of four family members.

The committee granted $1,025,000 to expand research on alcoholism and to fund 18 new centers for community rehabilitation. Each of the centers will be able to treat 500 patients.

Narcotic addiction and drug abuse is a major concern these days. The committee was told that there are from 100,000 to 150,000 users of hard narcotics in the United States. We have allowed ample funds for treating this cancerous condition in our society. The following chart gives the amounts being spent in this area:

NARCOTIC ADDICTION REHABILITATION GRANTS—NEW AWARDS

ALCOHOLISM REHABILITATION GRANTS—NEW AWARDS

	1970 estimate		1971 estimate	
	Number	Amount	Number	1971 amount
Staffing: New projects	16	$2,671,000	7	$2,340,000
Training and special projects: New projects	3	300,000	5	500,000
Planning and initiation: New projects			2	100,000
Consultation services: New projects			3	100,000
Total	19	2,971,000	17	3,040,000

	1970 estimate		1971 estimate	
	Number	Amount	Number	Amount
Staffing: New projects	18	$3,175,000	21	$4,200,000
Training and special projects: New projects			10	1,000,000
Planning and initiation: New projects			10	500,000
Consultation services: New projects			15	300,000
Total	18	3,175,000	56	6,000,000

St. Elizabeths Hospital will receive the budget request of $14,823,000 which is $644,000 above the 1970 appropriation. The amount included in the bill will cover mandatory cost increases and provide for an increase of approximately 48 new employees.

Health service research and development was fully funded in the amount of $57,403,000 which is an increase of $14,901,000 over last year. Priority items under this section of the bill include the costs of hospital care. At present, three projects are under way to find ways to contain medical costs. Also the committee gave consideration to the 10 to 15 OEO neighborhood health center which are being spun off to HEW.

A very urgent program—medex—is funded under health service research and development. This progam is underway to utilize the talents of returning medical corpsmen from the armed services. This is a 5-year study involving 700 corpsmen.

The committee also allowed full funding of comprehension health planning and services. The $247,178,000 in the bill was the amount requested and $39,376,000 above the 1970 appropriation. There is funding in the program for 10 new comprehensive health services projects; $16 million for rubella, german measles, and $15 million for rat control. Inserted at this point is a chart showing the location of rubella immunization projects:

RUBELLA IMMUNIZATION PROJECTS

Grantee and location	Coverage of projects	314(e) funds: Fiscal year 1969 supplement	314(e) funds: Fiscal year 1970 appropriation	314(e) funds: Total	Non 314(e) grantee support	Total
Vermont State Department of Health, Burlington, Vt	Statewide	$27,050	$41,250	$68,300	$124,568	$192,868
Commonwealth of Massachusetts, Boston, Mass	do	259,400	393,900	653,300	2,382,040	3,035,340
Maine Department of Health and Welfare, Augusta, Maine	do	58,500	99,919	158,419	422,512	580,931
New Hamsphire Division of Public Health Service, Concord, N.H	do	35,340	55,740	19,080	80,050	171,130
Rhode Island Department of Health, Providence, R.I	do	50,800	70,575	121,375	332,006	453,381
Connecticut State Department of Health, Hartford, Conn	do	91,377	174,195	265,572	226,144	491,716
New Jersey State Department of Health, Trenton, N.J	do	180,260	429,497	609,757	309,858	919,615
Philadelphia Department of Public Health, Philadelphia, Pa	Philadelphia	102,900	192,537	295,437	117,912	413,349
City of New York Department of Health, New York, N.Y	New York City	313,000	657,513	970,513	3,076,434	4,046,947
Delaware State Board of Health, Dover, Del	Statewide	46,850	63,855	110,705	108,572	219,277
Kentucky Department of Health, Frankfort, Ky	do	185,025	281,194	466,219	163,988	630,207
Mississippi State Board of Health, Jackson, Miss	do	188,600	280,705	469,305	203,200	672,505
South Carolina State Board of Health, Columbia, S.C	do	171,000	267,820	438,820	686,748	1,125,568
Chattanooga Hamilton, County Health Department, Chattanooga, Tenn	Hamilton County	47,250	52,993	100,243	97,334	197,577
Knox County Health Department, Knoxville, Tenn	Knox County	50,940	55,232	106,172	85,470	191,642
Memphis Shelby County Health Department, Memphis, Tenn	Shelby County	112,500	128,140	240,640	93,516	334,156
Metropolitan Health Department, Nashville, Tenn	Nashville, Davidson County.	68,550	76,508	145,058	58,392	203,450
Alabama Department of Public Health, Montgomery, Ala	Statewide	270,050	387,987	658,037	251,594	909,631
Florida State Board of Health, Jacksonville, Fla	do	316,200	516,430	832,630	113,698	946,328
Georgia Department of Public Health, Atlanta, Ga	do	218,244	386,727	604,971	200,000	804,971
Chicago Board of Health, Chicago, Ill	Chicago	263,950	436,113	700,063	359,772	1,059,835
Illinois Department of Public Health, Springfield, Ill	Excluding Chicago	185,700	381,766	567,466	310,460	877,926
Division of Public Health-Health Corp., Marion County, Indianapolis, Ind	Marion County	53,550	78,299	131,849	153,500	285,349
Berrien County Health Department, St. Joseph, Mich	Tri-County, SE Michigan.	26,830	35,230	62,060	21,490	83,550
Detroit Department of Health, Detroit, Mich	Detroit	135,600	172,300	307,900	180,200	488,100
Saginaw City Health Department, Saginaw, Mich	Saginaw	13,750	16,309	30,059	21,318	51,377
Ohio Department of Health, Columbus, Ohio	Statewide	265,700	628,415	894,115	6,116	900,231
Wisconsin Division of Health and Social Services, Madison, Wis	Excluding Milwaukee	83,470	207,630	291,100	45,400	336,500
City of Milwaukee Health Department, Milwaukee, Wis	Milwaukee	55,650	74,377	130,027	313,854	443,881
Indiana State Board of Health, Indianapolis, Ind	Statewide		174,800	174,800	22,714	197,514
Kansas State Department of Health, Topeka, Kans	do	125,360	200,744	326,104	43,968	370,072
Iowa State Department of Health, Des Moines, Iowa	do	133,080	225,031	358,111	95,548	453,659
Minnesota Department of Health, Minneapolis, Minn	do	213,400	343,219	556,619	6,138	562,757
South Dakota State Department of Health, Pierre, S. Dak	do	64,200	89,874	154,074	15,790	169,864
Missouri Division of Health, Jefferson, Mo	Excluding Kansas City, St. Louis.	148,000	243,064	391,064	60,674	451,738
St. Louis Division of Health, St. Louis, Mo	St. Louis	76,922	98,839	175,761	413,974	589,735
Nebraska State Department of Health, Lincoln, Nebr	Statewide	83,650	117,189	200,839	20,818	221,657
Kansas City Health Department, Kansas City, Mo	Kansas City	46,500	60,307	106,807	76,628	183,435
North Dakota State Department of Health, Bismarck, N. Dak	Statewide	33,200	57,390	90,590	10,150	100,740
San Antonio Metropolitan Health Department, San Antonio, Tex	San Antonio	73,000	100,145	173,145	124,980	298,125
Arkansas State Health Department, Little Rock Ark	Statewide	118,400	189,133	307,533	306,600	614,133
Texas State Department of Health, Austin, Tex	Excluding Houston, San Antonio.	388,880	669,078	1,057,958	158,126	1,216,084
Louisiana State Department of Health, New Orleans, La	Statewide	216,200	355,298	571,498	200,414	771,912
Oklahoma State Health Department, Oklahoma City, Okla	do	123,900	191,288	315,188	106,350	421,538

RUBELLA IMMUNIZATION PROJECTS—Continued

Grantee and location	Coverage of projects	314(e) funds: Fiscal year 1969 supplement	314(e) funds: Fiscal year 1970 appropriation	314(e) funds: Total	Non 314(e) grantee support	Total
New Mexico Department of Health, Sante Fe, N. Mex.	do	$65,440	$119,428	$184,868	$40,000	$224,868
City of Houston Health Department, Houston, Tex.	Houston	122,428	178,517	300,945	339,582	640,527
Idaho Department of Health, Boise, Idaho	Statewide	79,500	97,998	177,498	14,060	191,558
Montana State Department of Health, Helena, Mont.	do	63,200	89,817	153,017	31,936	184,953
Utah State Department of Health and Welfare, Salt Lake City, Utah	do	62,326	102,656	164,982	7,334	172,316
Wyoming Department of Public Health, Cheyenne, Wyo.	do	27,679	35,319	62,998	4,266	67,264
Colorado Department of Health, Denver, Colo.	do	109,300	177,727	287,027	51,124	338,151
Pima County Health Department, Tucson, Ariz.	Pima County	27,560	35,614	63,174	112,962	176,136
Reno Sparks Washe City-County Health Department, Reno, Nev.	Sparks, Washe City-County.	20,350	22,604	42,954	20,446	63,400
Oregon State Board of Health, Portland, Oreg.	Statewide	99,164	146,307	245,471	14,206	259,677
Arizona State Department of Health, Phoenix, Ariz.	Excluding Pima Company.	91,300	140,096	231,396	23,050	254,446
District Health Department, Las Vegas, Nev.	Clark Company	38,760	47,463	86,223	48,930	135,153
California State Department of Public Health, Berkeley, Calif.	Statewide	1,205,272	1,839,045	3,044,317	2,645,808	5,690,125
State of Hawaii Department of Health, Honolulu, Hawaii	do	70,000	100,590	170,590	530,972	701,562
Alaska Department of Health and Welfare, Juneau, Alaska	do	68,910	74,819	143,729	383,400	527,129
Washington State Department of Health, Olympia, Wash.	do		150,000	150,000	173,291	323,291
Grand total		9,600,000	16,000,000	25,600,000	22,743,231	48,343,231

Note: Total number of grants 70.

Another program in which the full request was granted by the committee in the area is maternal and child health. The bill includes $225,339,000 which is $30,758,000 more than the amount available for the same activities in 1970.

The principle increase is $10,715,000 for family planning activities. Most of their funds will be used for project grants to State and local health department and nonprofit organizations to provide family planning services for women who want such services but cannot afford them, through expanding existing clinics and creating new ones.

It was interesting to note that in 1969, 450,000 women availed themselves of family planning services while in fiscal year 1970 some 700,000 women, in both city slum and rural poverty areas, have used family planning services.

There is also an increase of children receiving health services. In 1969, 362,000 registered in 57 projects. In 1970, 59 projects handled an estimated 380,000 youngsters.

A recent study conducted by a planned parenthood group showed that although one-fifth—or 5 million—of the estimated 25 million women of reproduction age in the United States were in need of subsidized family planning services, only 750,000 were actually reported in 1968 and were patients of all known public and private agencies offering family planning services. The study also revealed that only 1,800 of 3,000 counties in the country offer family planning services. Nine-tenths of the approximately 4,000 nonprofit general care hospitals, in which most low-income mothers deliver babies offer no family planning programs at all. Yet, we have learned that mothers who have just given birth are highly motivated concerning family planning.

We must have ample funds for this program and to correct a situation where we find something like 2.2 to 2.7 million unwanted births in the country during 1960 to 1965. Think about that for a moment. There are between 370,000 to 445,000 unwanted babies born annually and most all of them have parents who are poor or on the borderline of poverty. The problem is a critical one.

We were happy to learn in committee that 53 of the 55 prospective programs of the regional medical programs are finally in operation after much confusion and delay. These programs are helping hospitals, other medical service providers and communities to identify and address specific and broad health problems and needs. They are mobilizing human and physical resources required to meet their problems and needs and are extending professional expertise and leadership to provide maximum assurance that improvements will be meaningful and lasting.

For example, at the national clearinghouse for smoking and health studies show that there is new evidence that smoking among children, which appeared to be declining is no longer doing so and may be rising again.

At the same time total cigarette consumption is declining and the number of adults who were successful in giving up smoking last year is now estimated at 2 million. The regional medical programs portion of the bill includes $96,502,000, the amount of the request, and a reduction of $98,000 from the amount appropriated for 1970, however, that reflects unobligated balances and transfer of funds.

Funds this year for communicable disease amount to $41,938,000 with an increase of $400,000 over the agency request which will restore the venereal disease program to last year's level. With the incidence of venereal disease reaching epidemic proportion in America, the committee felt the program should be continued at full strength.

More money than requested has been appropriated for rubella vaccination. While grant funds for rubella are in the appropriation "comprehensive health planning and services" the communicable disease center furnishes the technical assistance to the States in implementing the program. The committee strenuously urges that this program move ahead with all possible speed.

Medical facilities construction funds includes $181,521,000, an increase of $92,200,000 over the request and are $5 million above 1970. The sum of $338,200,000 is slotted for construction of hospitals and other medical care facilities with $5 million going for interest subsidies.

The $338 million plus figure is an increase of $166 million above the amount provided in 1970.

The patient care and special health services has been granted the full $79,889,000 of its request which is $2,424,000 above last year. The PHS system of hospitals and clinics has as its responsibility the provision of comprehensive medical care to American seamen, owners and operators of fishing vessels, the Coast Guard, the Public Health Service, and individuals afflicted with leprosy.

The next item is beyond administration control; $19,501,000, an increase of $2,801,000 over 1970 has been allotted for retire pay of commissioned offices.

The $9,668,000 funded for national health statistics will provide $166,000 and 18 new positions for initial funding of family growth studies. There is an additional $150,000 and 10 positions for operation of a uniform national system for the statistical reporting of family planning activities. The full NHS funding was a reduction of $250,000 from the request and $498,000 above the appropriations for 1970.

The Office of Administrator of NSMHA was given its full request of $11,812,000 which was $1,223,000 above the 1970 appropriations.

THE NATIONAL INSTITUTES OF HEALTH

Let me move on now to the renowned National Institutes of Health. The bill includes $1,634,739,000 which is $92,700,000 above the NIH request. As we say in our committee report, we think it vital to continue to insure the citizen of the county with the best health standard possible. This will be difficult with the current fiscal problems, but we have tried, at least, to maintain the momentum of NIH and avoid any backsliding of the standards the Institution has set.

A sum of $38 million has been added to

restore all research components that were cut below the 1970 level. Also $25 million has been added to the Cancer Institution in order to go forward with their special emphasis areas in virus cancer research. Finally, $10 million has been funded to the National Institute of General Medical Services to launch a major program in genetic research.

There is reason for considerable optimism of medical breakthrough in all these fields and the committee in all good conscience could not refuse the required money to aid NIH in their fight against disease, disability and premature death.

The Division of Biologies Standards funds includes $8,838,000, an increase of $198,000 over the amount requested and $615,000 over last year's appropriations. This Division is responsible for some 300 products licensed for treatment and prevention of human diseases.

Among the projects it is currently engaged in is the development of a sufficiently sensitive and reliable test for hepatitis virus in blood and blood products so that hepatitis infections that sometimes follow transfusions may be prevented. You might also recall that Biologies Standards played a major role in the developing and licensing of the rubella vaccine.

The amount in the bill for the National Cancer Institute is $227,383,000, an increase of $25,000,000 over the amount requested; $46,685,000 over last year, and $46,051,000 over 1970 funds after a few relatively minor small transfers are taken into consideration. We are trying to do everything in the area of cancer research as witnessed by the fact that this year's funds represent an increase of $91,383,000 over 1961 appropriations of $111,000,000.

It is estimated that there will be 325,000 deaths in 1971 which can be attributed to cancer or one every 2 minutes.

Using 1940 as an index of 100, it is demonstrable that by 1967 the cancer mortality index reached a level of 196 compared with an index of 150 for growth in population of the United States.

It is encouraging that the private sector of our country is putting in about $100 to $150 million for cancer research.

The National Cancer Institute is also making forward strides in its fight against childhood leukemia. Listen to these figures: In 1960—9 percent of afflicted patients survived 2 years after diagnosis; in 1961, 18 percent; 1962–63, 29 percent; 1964–65, 42 percent; 1966–67, 52 percent; and 1969–70, 75 percent. This is encouraging.

The increases in National Cancer Institute funds are $18.8 million for studies of virus cancer research and an increase of $2 million for the chemical carcinogenesis program. The rest of the $25 million is left to the Institute.

The appropriations bill provides $178,479,000 for the National Heart and Lung Institute. This is an increase of $6,732,000 over the amount requested.

The bill includes $2,225,000 for new activities in connection with lung research and $7 million for special cardiovascular research and training centers.

It is estimated that over 1 million deaths occur annually due to heart disease. There are 3.7 million Americans who have heart disease including 1.4 million who have already had at least one heart attack. The Institute is making progress in the area of heart disease and for a detailed description of what has been done in the heart transplant field, I include the following chart:

REPORT OF HUMAN HEART TRANSPLANTS, AS OF APR. 1, 1970

Number	Recipient Age	Recipient Sex	Donor Age	Donor Sex	Date of transplant	Survival	Reported cause of death	Country
1	53	M	25	F	Dec. 3, 1967	18 days	Infection/rejection	South Africa.
2	(1)	M	(1)	M	Dec. 6, 1967	6½ hrs	Metabolic/respiratory acidosis	United States.
3	58	M	24	M	Jan. 2, 1968	593 days	Chronic rejection	South Africa.
4	57	M	43	M	Jan. 6, 1968	15 days	Internal hemorrhage	United States
5	58	M	29	F	Jan. 10, 1968	8½ hrs	Left ventricular failure	Do.
6	27	M	20	F	Feb. 16, 1968	3 hrs	Pulmonary hypertension	India.
7	66	M	23	M	Apr. 27, 1968	2 days	Embolism/brain damage	France.
8	40	M	43	M	May 2, 1968	3½ days	Deprivation of oxygen/pulmonary embolism	United States.
9	47	M	15	F	May 3, 1968	204 days	Rejection	Do.
10	45	M	26	M	do	45 days	Multiple pulmonary emboli	England.
11	48	M	15	M	May 5, 1968	3 days	Leukopenia/pneumonia	United States.
12	62	M	36	M	May 7, 1968	7 days	Renal and hepatic failure	Do.
13	65	M	35	M	May 8, 1968	2 days	Pulmonary injury/cerebral air embolism	France.
14	56	M	39	M	May 12, 1968	523 days	Rejection	Do.
15	54	M	17	M	May 21, 1968	146 days	Cardiac arrest/rejection	United States.
16	53	M	48	M	May 25, 1968	7 days	Total rejection	Do.
17	24	M	40	M	May 26, 1968	28 days	Rejection	Brazil.
18	54	M	47	M	May 31, 1968	5 days	Cerebral embolism	Argentina.
19	59	M	38	F	June 1, 1968	1 day	Low-output heart failure	Canada.
20	39	M	29	M	May 31, 1968	0 hrs	Malfunction of right ventricle	United States.
21	41	F	26	M	June 7, 1968	1½ hrs	Acute rejection	Do.
22	49	M	23	M	June 28, 1968	156 days	Asphyxiation following indigestion	Canada.
23	24	F	32	M	do	133 days	Cerebral embolus	Chile.
24	48	M	50	M	July 2, 1968	149 days	Chronic rejection	United States.
25	49	F	46	M	July 9, 1968	5 hours	?	Czechoslovakia.
26	58	M	33	F	July 20, 1968	266 days	Probable arrhythmias	United States.
27	57	M	16	M	July 23, 1968	170 days	Chronic rejection	Do.
28	47	M	34	M	July 26, 1968	2 days	Ventricular failure	England.
29	49	F	40	F	July 29, 1968	56 days	Sepsis/GI hemorrhage, thrombocytopenia	United States.
30	18	M	21	M	Aug. 8, 1968	82 days	Acute respiratory infection	Japan.
31	5	F	11	M	Aug. 18, 1968	7 days	Cardiac arrest/acute rejection	United States.
32	50	M	37	F	Aug. 19, 1968	68 days	Herpes sepsis, pneumonia	Do.
33	43	M	21	M	Aug. 22, 1968	46 days	Pneumonia	Do.
34	43	M	17	M	Aug. 24, 1968	Surviving		Do.
35	58	M	35	?	Aug. 30, 1968	11 days	Stroke	Canada.
36	50	M	39	M	Aug. 31, 1968	Surviving		United States.
37	50	M	20	F	do	do		Do.
38	46	M	22	M	Sept. 1, 1968	443 days	Rejection	Do.
39	48	M	39	M	Sept. 2, 1968	409 days	do	Brazil.
40	50	M	25	F	Sept. 4, 1968	476 days	Acute M.I.; chronic rejection	United States.
41	47	M	17	M	Sept. 5, 1968	8 days	Cardiac arrest	Do.
42	52	M	36	F	Sept. 8, 1968	Surviving		South Africa.
43	48	F	27	M	Sept. 10, 1968	132 days	Hepatitis	United States.
44	58	M	16	M	Sept. 11, 1968	117 days	Pulmonary infarction	Canada.
45	21	M	25	F	Sept. 13, 1968	14 hours	Renal failure	India.
46	52	M	20	M	Sept. 15, 1968	111 days	Monelia brain abscess	United States.
47	(2)	F	(2)	F	do	14 hours	Pulmonary insufficiency	Do.
48	44	M	46	F	Sept. 17, 1968	2 days	Acute kidney insufficiency	Spain.
49	45	M	27	F	Sept. 18, 1968	6 hours	Irreversible ventricular fibrillation	Venezuela.
50	16	M	36	M	do	Surviving		United States.
51	51	M	19	M	do	62 days	Herpes viremia and cerebral pseudomanas abscess	Canada.
52	57	M	46	M	Dec. 16, 1968	88 days	Lung infection	United States.
53	50	M	37	M	Sept. 20, 1968	446 days	Pneumonia	Do.
54	46	M	17	M	Sept. 23, 1968	22 days	Cardiac arrest	Do.
55	21	M	17	M	Oct. 1, 1968	Surviving		Chile.
56	46	M	43	M	Oct. 2, 1968	5 days	Acute rejection	United States.
57	54	F	28	F	Oct. 5, 1968	61 days	Pneumonia	Do.
58	42	M	33	M	Oct. 9, 1968	204 days	Rejection	Canada.
59	54	F	28	F	Oct. 12, 1968	157 days	Bowel perforation	United States.
60	19	F	35	?	Oct. 15, 1968	15 hrs	Complication in blood coagulation	Argentina.

Footnotes at end of table.

REPORT OF HUMAN HEART TRANSPLANTS, AS OF APR. 1, 1970—Continued

Number	Recipient Age	Recipient Sex	Donor Age	Donor Sex	Date of transplant	Survival	Reported cause of death	Country
61	50	M	20	M	Oct. 18, 1968	177 days	Ruptured colon	United States.
62	45	F	20	?	Oct. 20, 1968	60 days	Acute rejection	Canada.
63	49	F	30	M	Oct. 21, 1968	Surviving		United States.
64	57	M	30	M	Oct. 23, 1968	45 days	Hemorrhage following surgical complications	Australia.
65	19	F	19	M	do	7 days	Acute rejection	United States.
66	42	M	41	F	Oct. 24, 1968	6 hours	Cardiac arrest	Do.
67	52	M	49	F	Oct. 25, 1968	126 days	Chronic rejection	Do.
68	35	?	25	?	do	54 days	Rejection	Canada.
69	54	M	20	?	Oct. 26, 1968	Surviving		United States.
70	45	M	20	M	Oct. 29, 1968	9 days	Pneumonia/infection	Canada.
71	23	M	24	M	Oct. 30, 1968	18 days	Rejection	United States.
72	40	M	42	M	Nov. 3, 1968	4 days	Failure of liver/kidneys	Do.
73	52	M	28	F	do	Surviving		Canada.
74	50	M	27	M	Nov. 5, 1968	7 days	Rejection	United States.
75	25	F	19	M	do	1 day	Acute rejection	Russia.
76	55	M	27	F	Nov. 9, 1968	47 days	Bacterial pneumonia	United States.
77	44	M	15	?	Nov. 11, 1968	38 days	Acute rejection	Canada.
78	34	M	50	M	do	13 days	do	France.
79	54	M	22	M	Nov. 13, 1968	7 days	Cerebral embolism	Canada.
80	44	M	44	M	do	14 hrs	Ventricular fibrillation	Australia.
81	50	M	38	F	Nov. 16, 1968	497 days	Pneumonia/rejection	United States.
82	53	M	50	F	Nov. 17, 1968	40 days	Rejection	France.
83	54	M	18	M	do	Surviving		Canada.
84	56	M	?	?	Nov. 20, 1968 [4]	3 days	Stroke	United States.
85	56	M	?	?	do	do	do	Do.
86	47	M	47	F	do	do	Cardiac failure/rejection	Do.
87	49	M	?	?	Nov. 22, 1968	281 days	Irregular heart action	Do.
88	30	F	14	M	do	3 hrs	?	Chile.
89	33	F	18	M	do	18 hrs	Liver ceased functioning/failure of blood to clot	Turkey.
90	37	M	47	?	Nov. 24, 1968	14 hrs	Irreversible kidney failure	France.
91	48	M	46	?	do	400 days	Rejection	Do.
92	26	M	50	M	Nov. 25, 1968	1 day	Cardiac insufficiency	Turkey.
93	56	M	26	M	do	70 days	Rejection	United States.
94	56	M	33	M	Nov. 26, 1968	20 hrs	Cardiac arrest	France.
95	48	M	25	M	Nov. 27, 1968	Surviving		Do.
96	54	M	40	M	Nov. 29, 1968	13 days	Rejection	United States.
97	54	M	23	?	do	105 days	Cerebral thrombosis	Canada.
98	38	M	22	?	Dec. 1, 1968	Surviving		United States.
99	43	M	?	M	Dec. 5, 1968	14 days	Kidney failure/pneumonia/rejection	Israel.
100	22	M	21	?	Dec. 16, 1968	43 days	Congestive heart failure	United States.
101	28	M	30	?	Dec. 22, 1968	225 days		France.
102	(6)	M	(6)	M	Dec. 25, 1968	5 hrs	Cardiac failure	United States.
103	50	M	24	M	Dec. 27, 1968	91 days	Rejection	Do.
104	64	M	48	M	Jan. 1, 1969	114 days	Acute rejection	Do.
105	35	M	26	M	Jan. 4, 1969	0 hrs	Right ventricular failure/pulmonary hypertension	Poland.
106	59	M	14	M	Jan. 5, 1969	37 days	Rejection	United States.
107	44	?	54	?	do	7 days	Pulmonary hypertension	Do.
108	49		44	M	Jan. 6, 1969	do	Brain hemorrhage/pneumonia	Do.
109	52	M	28	M	do	83 days	Pulmonary embolus	Brazil.
110	49	M	38	M	Jan. 17, 1969	4 hrs	Proprogressive pulmonary hypertension	United States.
111	47	M	13	?	Jan. 23, 1969	2 days	Brain damage/edema of brain	Do.
112	7	F	8	M	Feb. 8, 1969	30 days	Lung infection/rejection	Do.
113	43	M	?	?	do	Surviving		Do.
114	36	M	39	F	Feb. 13, 1969	1 day	Traumatic coronary thrombosis pre-transplant	Germany.
115	55	M	24	M	Feb. 15, 1969	10 days	Rejection	United States.
116	36	M	57	M	Feb. 20, 1969	64 days	do	Do.
117	58	M	23	F	do	41 days	Hemorrhagic pneumonitis	Do.
118	56	M	26	M	Mar. 4, 1969	99 days	Hepatitis	Do.
119	43	M	24	M	Mar. 16, 1969 [7]	306 days	Kidney/liver failure	United States.
120	38	M	28	M	Mar. 22, 1969	1 day	Cardiac arrest	Germany.
121	42	M	?	?	Mar. 29, 1969	39 days	?	United States.
122	40	F	?	?	Apr. 3, 1969	5 days	Rejection/hepsis	Do.
123	35	M	41	F	Apr. 4, 1969	49 days	Acute rejection	Canada.
124	47	M	40	F	Apr. 7, 1969	1 day	Pseudomonis septicemia	United States.
125	63	M	43	F	do	64 days	Rejection	South Africa.
126	54	M	27	M	Apr. 14, 1969	91 days	Unidentified infection	Switzerland.
127	58	M	20	M	do	Surviving		United States.
128	44	M	30	M	Apr. 15, 1969	31 days	Acute rejection	Do.
129	38	F	33	M	Apr. 17, 1969	Surviving		South Africa.
130	55	M	29	F	Apr. 24, 1969	14 days	Parasitic pneumonia/rejection	United States.
131	35	M	35	F	Apr. 26, 1969	6 days	Acute rejection	South Africa.
132	48	M	16	F	May 11, 1969	35 days	Rejection	United States.
133	59	M	29	F	May 16, 1969	107 days	Cardiac arrest	England.
134	?	?	?	?	May 22, 1969	Surviving		United States.
135	54	M	20	M	June 2, 1969	41 days	Rejection reaction	Do.
136	52	M	25	M	June 3, 1969	142 days	Systemic infection	Do.
137	56	M	32	F	June 28, 1969	42 days	Pneumonia/renal failure	Do.
138	46	M	28	M	July 7, 1969	74 days	Arrythmia	Switzerland.
139	46	M	31	M	July 10, 1969	9 hrs	Fibrinolysis and irreversible bleeding	Germany.
140	52	M	?	?	July 16, 1969	136 days	Rejection	United States.
141	59	M	17	F	July 25, 1969	4 days	Pulmonary emboli/renal failure	Do.
142	47	M	18	M	July 28, 1969	5 days	Pneumonia/renal failure	Do
143	58	M	35	M	Aug. 13, 1969	Surviving		Do.
144	54	M	?	?	Aug. 16, 1969	10 hrs	High blood pressure in lungs/lack of oxygen	Do.
145	45	F	?	?	Sept. 3, 1969	Surviving		Do.
146	64	M	32	M	Sept. 14, 1969	60 days	?	Do.
147	54	M	41	F	Sept. 25, 1969	26 days	Pneumonia	Do.
148	48	M	24	M	Sept. 29, 1969	Surviving		Do.
149	44	M	20	M	Oct. 13, 1969	29 hrs	?	South Africa.
150	43	M	50	F	Dec. 25, 1969 [8]	8 days	Lung rejection/pneumonia	United States.
151	40	M	?	?	Jan. 4, 1970	Surviving		Do.
152	52	M	36	F	Jan. 8, 1970	do		Do.
153	34	M	?	?	Jan. 13, 1970	4 days	Rejection	Do.
154	44	M	24	M	Jan. 16, 1970 [9]	13 days	Kidney/liver failure	Do.
155	49	M	?	?	Jan. do	Surviving		Do.
156	49	M	?	F	Feb. 10, 1970	do		Do.

[1] Recipient, 17 days old; donor, 2 days old.
[2] Received 2d transplant Nov. 18, 1958, see. No. 86.
[3] Recipient, 2 months old; donor, 1 day old.
[4] Received 2d transplant Nov. 20, 1968, see. No. 85.
[5] Received 1st transplant May 3, 1968, see. No. 9.
[6] Recipient, 8 days old; donor, 2 days old.
[7] Received 2d transplant Jan. 16, 1970, see. No. 154.
[8] Also received 2 lungs.
[9] Received 1st transplant Mar. 16, 1969, see. No. 119.

Note: 156 transplants (153 patients)—surviving 23.

CARDIOVASCULAR AND PULMONARY DISEASES—DEATHS FROM CARDIOVASCULAR AND PULMONARY DISEASES DURING 1967

[Division of Vital Statistics, National Center for Health Statistics

	Total, males and females—		
	Under 65	65 and over	Total
Arteriosclerotic heart disease (includes coronary disease or heart attacks)	158,701	414,452	573,153
Cerebrovascular lesions (includes strokes and other blood vessel diseases in the brain)	36,761	165,423	202,184
Hypertension	15,542	45,584	61,126
Nonrheumatic chronic endocarditis and other heart muscle degeneration	8,794	43,903	52,697
General arteriosclerosis	1,817	35,747	37,564
Rheumatic fever and rheumatic heart disease	8,930	5,246	14,176
Other cardiovascular diseases	20,432	40,779	61,211
Diseases of cardiovascular system	250,977	751,134	1,002,111
Chronic bronchitis and emphysema	13,418	22,595	36,013
Total	264,395	773,729	1,038,124

	Males—		
	Under 65	65 and over	Total
Arteriosclerotic heart disease (includes coronary disease or heart attacks)	122,592	222,562	345,154
Cerebrovascular lesions (includes strokes and other blood vessel diseases in the brain)	19,572	73,499	93,071
Hypertension	8,552	18,573	27,125
Nonrheumatic chronic endocarditis and other heart muscle degeneration	5,897	19,990	25,887
General arteriosclerosis	1,116	15,473	16,589
Rheumatic fever and rheumatic heart disease	4,020	1,968	5,988
Other cardiovascular diseases	12,628	22,284	34,912
Diseases of cardiovascular system	174,377	374,349	548,726
Chronic bronchitis and emphysema	9,592	18,339	27,931
Total	183,969	392,688	576,657

	Females—		
	Under 65	65 and over	Total
Arteriosclerotic heart disease (includes coronary disease or heart attacks)	36,109	191,890	227,999
Cerebrovascular lesions (includes strokes and other blood vessel diseases in the brain)	17,189	91,924	109,113
Hypertension	6,990	27,011	34,001
Nonrheumatic chronic endocarditis and other heart muscle degeneration	2,897	23,913	26,810
General arteriosclerosis	701	20,274	20,975
Rheumatic fever and rheumatic heart disease	4,910	3,278	8,188
Other cardiovascular diseases	7,804	18,495	26,299
Diseases of cardiovascular system	76,600	376,785	453,385
Chronic bronchitis and emphysema	3,826	4,256	8,082
Total	80,426	381,041	461,467

Funds will, of course, also be available for work on respiratory conditions. Presently, approximately 36,000 people die every year from chronic respiratory conditions apart from cancer of the lung or respiratory infection. In addition, another 20,000 infants die each year from hyaline membrane disease.

With the money provided this year by the committee, hopefully more Institute programs can get off the ground and into practical application to fight heart and lung disease.

This year we also have boosted slightly, funds for the National Institute of Dental Research. The sum of $34,563,000 was requested by the Institute and the committee increased that amount by $6,703,000 making the total appropriation of $35,257,000.

Dental decay affects 98 percent of our population. Studies conducted through the Armed Forces show that for every 100 Army inductees there are 600 fillings, 112 extractions, 40 bridges, 21 crowns, 18 partial dentures and one full denture. Considering that there is only one dental researcher for every 44 active non-Federal dentists and only one Ph. D. researcher for every 53 such dentists make it imperative that we grant funds for an intensified program of research and development that—we are told—may well lead to the means for almost complete prevention of dental decay by the end of the decade. The committee feels this is a very worthwhile project.

A few facts might help illustrate the value of the funding: In 1967, of the 6,800 philanthropic foundations listed in the Foundation Directory, only three mentioned dentistry as one of their areas of interest and only one limited its interest to dentistry.

Tooth decay, in the meantime, is developing three times faster than available manpower can beat it. Approximately $2 billion is spent each year for treatment of tooth decay by 40 percent of the population and the estimated care for all cavities incurred each year is $10 billion.

Cleft lip palates makes up 13 percent of all birth anomalies. When you consider that 250,000 people in America have some form of oral cleft and that 6,000 babies born this year will have similar problems, the seriousness of the situation becomes evident.

There is hope, however, in the fight. For instance, it has been found out that children living in communities enjoying the benefits of water fluoridation, generally have 50 percent to 65 percent less tooth decay.

The $5 million in the bill will help sustain this type of research in the dental decay field. Incidentally, the appropriation increase for the National Institute of Dental Research is the largest, percentagewise, of any institution.

Another National Institute of Health—the National Institute of Arthritis and Metabolic Diseases, received an increase over requested funds of $6,000,000. They wanted $132,152,000 and the committee funded $138,339,000. The members of the committee were informed that arthritis and rheumatoid diseases afflict more than 16 million people in the United States and their afflictions are estimated to adversely affect the economy by about $3.6 billion annually. We learned that diabetes alone affects more than 4 million people and that the prevalence of the disease has doubled since 1950. The 1971 appropriation will allow the Institute to extend their research in this area over the next year.

In the area of kidney disease the Institute is moving both in the areas of kidney machines and transplantation. They presently have developed an artificial kidney which is about the size of a large flashlight and commercial production is about to begin. The cost, however, is still prohibitive. I offer the following information from the report on the National Institute of Arthritis and Metabolic Diseases:

Cystic fibrosis (CF) is a grave disease of children and young adults caused by an inborn error of metabolism. The basic chemical defect is not yet fully understood, but it is known to be genetically transmitted. Estimates of the incidence of cystic fibrosis in the population today range as high as 1 in 1,400 live births. As a cause of death in children under 15 years, cystic fibrosis outranks many of the better known diseases such as poliomyelitis, rheumatic fever, and diabetes, and now that it is being diagnosed with increasing frequency throughout the world, it is recognized as a serious public health problem.

The Department of Health, Education, and Welfare's research activities in cystic fibrosis are centered in the National Institute of Arthritis and Metabolic Diseases of the National Institutes of Health; service activities of the Department related to this disease are centered in the Maternal and Child Health Service of the Health Services and Mental Health Administration.

The Federal Government is deeply committed to a broad multi-disciplinary research program on cystic fibrosis through the National Institute of Arthritis and Metabolic Diseases, a component of the National Institutes of Health. The research conducted and supported by the Institute is aimed at specifically defining clinical manifestations and biochemical aberrations responsible for this inherited metabolic disorder. In addition to the research being conducted in the Bethesda laboratories, this Institute provides grant support to many cystic fibrosis research projects at medical centers and institutions across the country. Among promising new findings this past year is a cellular model for a more direct approach to learning the biochemical abnormality of cystic fibrosis.

OBLIGATIONS FOR PROGRAMS IN CYSTIC FIBROSIS

	1967	1968	1969	1970 estimate	1971 estimate
National Institutes of Health: National Institute of Arthritis and Metabolic Diseases	$1,385,000	$2,000,396	$2,588,000	$2,883,000	$2,947,000
Health Services and Mental Health Administration: Maternal and Child Health Service	(1)	(1)	(1)	(1)	(1)
Total	1,385,000	2,000,396	2,588,000	2,883,000	2,947,000

[1] Not identifiable.

NATIONAL INSTITUTES OF HEALTH

National Institute of Arthritis and Metabolic Diseases

Cystic fibrosis is characterized by an abnormality in the products of the body's exocrine glands which secrete fluid to body surfaces, the skin and the gastrointestinal and respiratory muscosal linings. The basic metabolic disorder of exocrine secretion results in three principal clinical problems. The first of these is the production of sweat with a high salt content. Due to this defect, patients are unable to conserve salt and the very young are in constant danger of developing profound dehydration, or "heat exhaustion" in the summer months, which may lead to death.

A second facet of the disease stems from the abnormal functioning of the mucus-secreting glands of the body. In cystic fibrosis, the mucus-producing glands fail to secrete normal, clear, free-flowing fluid. Instead they produce an abnormally thick, viscous mucus which tends to obstruct the ducts or openings of the glands. When the viscous mucus accumulates in the ducts of the pancreas, it interferes with the ability of this gland to supply digestive enzymes to the intestinal tract, thus leading to poor digestion and malabsorption of a number of nutrients. Depending on the severity of this complication, the patient may suffer from varying degrees of malnutrition—one of the major factors resulting in general underdevelopment, poor musculature, and retarded bone growth.

The third and most serious complication involves the lungs. Nearly all cystic fibrosis patients develop progressive chronic lung disease. Thick mucus obstructs the smaller air passages in the lung, causing labored breathing and a chronic productive cough. In time, bacteria multiply in the accumulated secretions, and the child may fall victim to chronic bronchitis or pneumonia, a leading cause of death in these patients. Chronic lung changes may increase resistance to pulmonary blood flow and thus, may lead to an increased blood pressure in the lung; this can result in chronic heart strain and eventually in heart failure.

Research developments and trends

Cystic fibrosis research presents difficult problems because a variety of organ systems is involved. At present, no one hypothesis can link all the diverse and often conflicting observations which have been made concerning the widespread malfunction of exocrine glands in cystic fibrosis. In particular, it is not yet possible to give a reasonable explanation for the abnormal behaviour of mucus and sweat glands in this disorder. Recent studies, however, have helped to narrow the field for speculation and to clarify some of the mechanisms of the disease.

New Techniques May Pinpoint Molecular Defect

Cystic fibrosis is inherited from parents who carry the genetic *trait* for the disorder (both parents may be asymptomatic). When both parents carry the trait, the chances are one in four that cystic fibrosis will be manifested in the severe and classical form in the offspring. If only one parent carries the trait, it may be transmitted to the offspring; and although the child will be asymptomatic, the trait may in turn be inherited by his offspring. Thus, for every overt case, there is a large reservoir of hidden carriers, recently estimated at 2 to 5 percent of the general population. Clearly, since the genetic character of cystic fibrosis makes the disorder particularly pernicious, a method of identifying such carriers would be a major achievement for facilitating effective genetic counseling.

Institute-supported scientists at the Cornell University Medical Center two years ago pinpointed a cellular difference between normal persons and those in affected or carrier states of cystic fibrosis. Using a special staining technique, this genetic cell marker was seen in fibroblasts, the flat elongated cells which form fibrous tissue. Cell cultures of fibroblasts from healthy individuals and from persons with a variety of other diseases showed only occasional cell metachromasia—a condition in which portions of the cell fail to stain uniformly and in the same color as surrounding cells. In all cultures from children with cystic fibrosis, and their parents, cell metachromasia appeared in over half of the fibroblasts. Although the test permits identification of carriers of the trait for cystic fibrosis in cases where potential parents have requested genetic counseling, the fibroblasts require a month in culture before they will react positively to staining.

This past year, employing an extension of the special staining technique, the Cornell University scientists have reported a shortcut method that can detect the abnormal cystic fibrosis gene in patients and carriers in a family within a week of obtaining a blood sample, by culturing shorter-living white blood cells, instead of the cell fibroblasts.

In addition, early results in the screening procedure have shown that different familial lines of cystic fibrosis patients exhibit two distinctly different cell-staining types, and a third variety that may or may not be related to either of these. This finding may lead to a more definitive picture of cystic fibrosis because it suggests that the disease is inherited in at least two varieties based on two major distinct patterns of staining.

One variety is classified either Ia or Ib; both of these types appear to have the same degree of aberration of some mucopolysaccharides (a group of complex carbohydrates). In contrast, class II, found in nearly 75 percent of patients and carriers examined, shows a distinct elevation of *all* mucopolysaccharides; this elevated cell carbohydrate content has long been identified as part of the chemical abnormality in cystic fibrosis.

While these staining properties would indicate that cystic fibrosis is inherited in at least two separate forms, no difference in the clinical picture has been seen as yet. A familiar correspondence however, does appear in all three varieties. Thus, if a patient is found to belong to class II, the other affected persons among his relatives (be they homozygous patients or heterozygous carriers) also will have class II metachormasia in their white blood cells.

Since the new cell test does not differentiate between patients and carriers, it would not be specific enough to indicate the presence of a homozygous fetus destined to become a cystic fibrosis patient is performed with a fetal cell sample taken by aspiration from the uterus of a pregnant woman. The identification, however, of carriers enables rational marriage and genetic counseling before the chance is created that the children of a family would be afflicted with CF.

One of the most important implications of the recent findings will lie in the results of subsequent investigations into the molecular defect of this metabolic disease. Up to now, clinical and chemical studies have indicated that cystic fibrosis is a generalized exocrine disorder. These new findings hint that the defect in cystic fibrosis is not limited to a single class of cells but involves, among others, the body's connective tissue, as well as blood cells. Further biochemical analysis of the metachromatic cellular substance may prove to be a step forward in elucidating this theory.

Salivary Gland Secretion Studies

Since the components of external secretions play such important roles in the pathogensis of cystic fibrosis, intensive studies are being conducted to isolate the abnormal factors in such exocrine gland secretions as saliva.

Previous studies revealed elevated sodium concentrations in sweat and saliva of patients with cystic fibrosis. Two years ago Institute grantees at the University of Wisconsin demonstrated that perfusion of the rat parotid (salivary) gland with sweat and saliva from patients with cystic fibrosis caused a large increase in sodium output of the rat salivary glands. The implication of this finding is significant: the same factor in the sweat and saliva from patients with cystic fibrosis which causes salty saliva in rats may be responsible for the high salt content of the patient's own sweat and saliva. Studies are continuing in the effort to isolate such a factor to aid in elucidating the inherited molecular defect which causes cystic fibrosis.

Calcium concentration in saliva also is known to be high in cystic fibrosis patients, suggesting a defect in calcium metabolism. Little is known, however, about the mechanisms of calcium transport into the gland or the manner in which it is stored. Institute scientists are designing new studies to understand better the role of the automatic nervous system in normal salivary gland secretion mechanisms. These studies should define the mechanisms that are disrupted in such diseases as cystic fibrosis.

Glucose Intolerance

Several recent studies have suggested that the increased life span of patients with cystic fibrosis is accompanied by a rise in the frequency of glucose intolerance, or inability to handle dietary sugar. Since glucose intolerance is often the first indication of the diabetic state, Institute scientists began comparing cysic fibrosis patients who exhibit this intolerance with young victims of diabetes to see whether the cystic fibrosis patients might also be suffering from coexisting classical, inherited diabetes.

The researchers discovered that four out of every ten patients with cystic fibrosis exhibited moderate to severe glucose intolerance. None of these patients, however, had clinical complications or abnormal tissue changes that are characteristic of diabetes, and none had a significant family incidence of diabetes. Subsequent post mortem examinations of cystic fibrosis patients with glucose intolerance revealed that the pancreas had been massively invaded by fibrous tissue but that the individual specialized insulin-producing cells (the so-called beta cells) were well preserved; the later is not the case in classical juvenile diabetes.

Thus, the glucose intolerance which may accompany cystic fibrosis was attributed to anatomic disorgnaization of these nests of beta cells as an aftermath of fibrotic processes of this disorder and not to the concomitant presence of classical inherited diabetes.

As a byproduct of this investigation, the resting levels of growth hormone in patients were found to be normal, rising appropriately following insulin-induced hypoglycemia (low blood sugar). Retarded growth has been considered in the past as an almost constant companion of cystic fibrosis. Therefore, the findings that growth hormone levels in CF patients are in the normal range is of special interest because it is contrary to the widely held belief that growth retardation is an obligatory innate feature of cystic fibrosis. When growth retardation does occur it is probably the effect of severe chronic illness and, possibly of chronic malnutrition due to intestinal malabsorption and not the result of growth hormone deficiency.

Micropuncture Studies of Sweat Glands

Further evidence of the pathogenetic roles of inhibition of normal sodium reabsorption

in exocrine gland ducts of cystic fibrosis patients has been provided by applying micropuncture and microanalytical technics to the study of the function of normal and pathologic human sweat glands.

Institute scientists have employed these technics in cystic fibrosis patients to help clarify the genesis of excessive salt content of sweat. Fluid was obtained from the sweat gland coil (site of production of sweat) of patients with cystic fibrosis. Evaluation revealed salt content of sweat in this location was near normal; elevated sodium and chloride concentrations appeared only on the skin surface. These findings resolve an important area of controversy by showing for the first time that the abnormality in sweat gland function in cystic fibrosis does not occur in the formation of the precursor solution in the coil, but is confined, most likely, to the sweat gland excretory duct and probably consists of a disturbance in salt reabsorption at that site. Current studies are designed to explore further the function of this duct in order to determine the abnormality in salt reabsorption.

Cystic Fibrosis Factor Inhibits Cilia Movement

Present in the air passages in lungs of all mammals, including man, the microscopic eyelash-like cilia normally sweep moisture droplets, foreign particles and mucus collections from the lungs to the trachea and pharynx, from where they are coughed out. In recent years several studies have indicated the presence of an abnormal factor in the serum of cystic fibrosis patients that causes cessation of ciliary action in the bronchial mucosa of experimental animals.

It is suspected that the same inhibition of bronchial ciliary action in man is one contributing factor to the characteristic lung congestion in CF. The previously observed abnormal cilia-inhibiting serum factor can be used in identifying CF patients and carriers, according to researchers at the University of Texas Medical Branch in Galveston, who accomplished inhibition of ciliary action in oyster gills with serum from CF patients and from their parents (carriers).

The serum tested was taken from 47 CF patients, 19 CF carriers, 25 allergic asthmatic children, and 39 healthy individuals. Serum from both the normal and allergic groups failed to inhibit the motion of oyster cilia; movement persisted as long as 40–50 minutes after contact.

The typical reaction produced by serum from CF patients was an immediate expulsion of debris from tubules between the gills, indicating the compound produced tissue injury, followed by cessation of ciliary movement within 30 minutes. None of the serum from CF patients and their parents permitted ciliary action for as long as did serum from the normals. Further, saliva from CF patients, but not from normal individuals, often inhibited ciliary action within 20 minutes.

At Duke University Institute grantees demonstrated several years ago that an abnormal factor existed in serum taken from CF patients and their parents which inhibited ciliary synchrony in rabbit tracheal explants. Possibly, this factor is identical to the one inhibiting ciliary action in oyster gills.

Intestinal Malabsorption

Because cystic fibrosis impairs pancreatic functions, consequently affecting intestinal digestion, infants and young children with cystic fibrosis with absent or decreased pancreatic digestive enzymes have traditionally received pancreatic replacement therapy. It has been a clinical observation, however, that malabsorption symptoms such as azeotorrhea (excessive loss of nitrogen in the feces) and streatorrhea (excessive loss of fats in the feces) in CF patients generally improve with age despite absence of pancreatic function.

The question posed by Institute scientists was: did these symptoms gradually disappear because other gastrointestinal enzymes capable of digestive action similar to pancreatic enzymes were being elaborated later in life? For this study adolescents and young adults with cystic fibrosis were given a battery of tests over a period of several weeks to measure intestinal absorption, to re-evaluate pancreatic function (found to be absent in all cases) and to determine the amount of fecal fat and nitrogen while on a known dietary intake.

Results were surprising: malabsorption in cystic fibrosis may be minimal despite massive steatorrhea, and the latter may be compatible with a good state of nutrition. In fact, some obese patients with massive fecal fat loss had the least problem with nutritional status. It was apparent also that steatorrhea may be absent even in the presence of pancreatic deficiency.

Further, the amount of fat excretion varied greatly among patients; the degree of azotorrhea and steatorrea bore little relation to growth, nutritional state, respiratory tract involvement or pancreatic function. Thus, previous assumptions that intestinal digestion and absorption are impaired in direct relationship to absence of pancreatic function have been invalidated.

Treatment

Short life span of children with cystic fibrosis has been an agonizing realization that doctors, patients and parents eventually must face. Can the lives of these patients be prolonged? Studies by a grantee at the University of Nebraska Medical Center have shown that one way to reach this goal may be immunization against Pseudomonas infections. This microorganism, which appears frequently in dead tissue, is notoriously resistant to antimicrobial therapy. It attacks lungs weakened by chronic broncho-pulmonary diseases, such as cystic fibrosis. A vaccine that already has had some trial use against Pseudomonas in severe burn cases will be tried in cystic fibrosis patients in hope that immunity can be built up before Psuedomonas infection occurs.

Since chronic obstructive lung disease is responsible for death in 90 percent of cystic fibrosis patients, control of pulmonary infection is an important component of cystic fibrosis therapy. Recently, a grant supported scientist at Case Western Reserve University School of Medicine in Cleveland has had encouraging results in eradicating pulmonary infections caused by Pseudomonas bacteria with a new antimicrobial agent, carbenicillin, a semi-synthetic penicillin.

Patients with acute chronic pulmonary lung disease also have been treated with a new antibiotic Gentamycin, in combination with the usual regime of vigorous pulmonary toilet, by Institute investigators during the past year. Gentamycin is bactericidal against the two most commonly cultured organisms in sputum of cystic fibrosis patients—certain types of Staphylococcus and Pseudomonas. The drug appears to be one of the first which has a favorable effect on the clinical complications due at least in part to bronchial tree infection by Pseudomonas. Continued evaluation of this drug in the clinical setting is currently in progress.

Scientific Communication and Information

The Institute has consistently made efforts to communicate, effectively and promptly, diagnostic and therapeutic developments in cystic fibrosis to practicing physicians and research workers throughout the country. One particularly effective means of communication will be the new comprehensive scientific exhibit on cystic fibrosis presenting the latest research findings and therapeutic applications. This exhibit, along with detailed practical literature, will be brought to the attention of thousands of practitioners and research workers at medical meetings and conferences throughout the United States early this year.

Outlook

Clinically, cystic fibrosis is a disease of many disguises. For the basic research scientist, it offers puzzling fragments which have yet to be linked together in a way essential to a full understanding of the disease's basic mechanism. Yet, promising findings in basic research, as well as new methods of diagnosis and treatment, have opened up new avenues for investigating cystic fibrosis, while bringing about a more optimistic outlook for patients with this disorder. Mainly as a result of research supported or carried out by the National Institute of Arthritis and Metabolic Diseases, the average life span of children afflicted with the disease has been increased considerably and the quality of their life has been improved. Now that a significant number of girls with the disease survive to childbearing age it has become even more important to develop reliable and simple tests to detect carriers of cystic fibrosis and to initiate active genetic counseling wherever indicated. Institute scientists and grantees fully expect to meet this and the other challenges posed by cystic fibrosis.

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Maternal and child health service

Forty-four State crippled children's agencies accepted children with cystic fibrosis for diagnosis, treatment and care in Fiscal Year 1969. As of June 30, 1968, crippled children's agencies reported to the National Cystic Fibrosis Research Foundation that 4,506 children were treated at a cost to these State agencies of more than $2,750,000.

For every child with suspected cystic fibrosis, who is referred for diagnosis, 7–10 children with chronic pulmonary of gastrointestinal conditions (not cystic fibrosis) are found. Thus, a large group of children with unmet chronic health problems are uncovered.

Again, the appropriation includes an increase of $6,187,000 over the budget request to maintain at the 1970 program level those activities that were cut below that level in the budget.

Our next consideration is the funding for the National Institute of Neurological Diseases and Stroke. The amount of the bill is $100,807,000, an increase of $452,000 over the request and $3,875,000 above 1970.

The major emphasis of the programs of the neurology institute is on research leading to effective treatment and, eventually, the prevention of neurologic disorders which affect some 20 million Americans.

A dramatic example of success is the effort in the effective treatment of Parkinson's disease with a new drug, L–DOPA. In the area of multiple sclerosis, the missing enzyme which breaks down the particular fat that is otherwise stored in the brain has now been identified in six of the so-called lipid storage disorders, including Tay-Sachs disease in babies. There is now hope that treatment can be developed for these disorders and that they can possibly be eliminated.

Funds also were made available for the treatment of spinal cord injury. It is thought that 100,000 persons are paralyzed due to spinal cord injury, resulting, mainly, from auto, motorcycle, and sports accidents.

There are now over 100 medical schools doing work in this field and appropriations have been made available for the establishment of additional spinal cord injury treatment centers and for the maintenance of those already in existence. Inserted at this point is a chart giving the location of the medical schools doing research in spinal cord injury:

MEDICAL SCHOOLS—FACULTY IN 2 SPECIALTIES

	Clinical neurology	Neurological surgery
1. University of Alabama	10	10
2. Albany Medical College	13	2
3. Albert Einstein College of Medicine	21	11
4. Arizona University	3	3
5. Arkansas University	3	3
6. Baylor University	10	1
7. Boston University	21	6
8. Bowman-Gray Medical College	11	5
9. Brown University	0	0
10. California College of Medicine	0	0
11. University of California (Davis)	1	3
12. University of California (Irvine)	4	7
13. University of California (Los Angeles)	18	10
14. University of California (San Diego)	7	7
15. University of California (San Francisco)	21	20
16. University of Southern California	17	10
17. Case Western Reserve	20	10
18. Chicago Medical School	5	1
19. University of Chicago School of Medicine (Pritzker)	10	9
20. University of Cincinnati	11	10
21. University of Colorado	24	10
22. Columbia University (College of Physicians and Surgeons)	34	14
23. University of Connecticut	0	2
24. Cornell University	19	5
25. Creighton University	10	4
26. Dartmouth University	1	4
27. Duke University	29	7
28. Emory University	11	13
29. University of Florida	9	6
30. Medical College of Georgia	8	7
31. George Washington University	12	11
32. Georgetown University	28	10
33. Hahnemann Medical College	9	4
34. Harvard University	28	15
35. Hawaii University	6	7
36. Howard University	21	4
37. Illinois University	16	14
38. Indiana University	14	4
39. Iowa University	13	2
40. Jefferson Medical College	21	4
41. Johns Hopkins University	12	12
42. University of Kansas	8	4
43. University of Kentucky	8	6
44. Loma Linda University	10	8
45. Louisiana State University	15	3
45. Louisiana State University (Shreveport)	0	0
46. Louisville University	4	6
47. Loyola (Stritch School of Medicine)	5	4
48. Marquette University	11	11
49. University of Maryland	8	10
50. Medical College of Virginia	11	11
51. Meharry Medical College	1	2
52. University of Miami	12	7
53. University of Michigan	9	2
54. Michigan State University	0	0
55. Minnesota University	36	13
56. University of Mississippi	5	6
57. University of Missouri	3	7
58. Mount Sinai School of Medicine	34	5
59. University of Nebraska	6	4
60. New Jersey College of Medicine (Seton Hall)	3	2
61. University of New Mexico	6	4
62. New York Medical College	15	5
63. New York University	32	18
64. State University of New York (Brooklyn)	27	7
65. State University of New York (Buffalo)	21	16
66. State University of New York (Stony Brook, Long Island)	0	0
67. State University of New York (Syracuse)	7	6
68. University of North Carolina	6	2
69. University of North Dakota	3	1
70. Northwestern University	7	6
71. Ohio State University	21	4
72. University of Oklahoma	7	3
73. University of Oregon	17	9
74. University of Pennsylvania School of Medicine	23	6
75. Pennsylvania State University (Hershey)	0	0
76. University of Pittsburgh	14	12
77. University of Puerto Rico	3	5
78. University of Rochester	18	6
79. Rutgers Medical School	0	0
80. St. Louis University	10	6
81. Medical College of South Carolina	11	7
82. University of South Dakota	4	1
83. Stanford University	14	5
84. Temple University	10	11
85. University of Tennessee	16	9
86. University of Texas Southwestern Medical School	22	11
87. University of Texas (Galveston)	14	3
88. University of Texas Medical School (San Antonio)	11	9
89. Tufts University	18	6
90. Tulane University	25	3
91. University of Utah	13	1
92. Vanderbilt University	5	7
93. University of Vermont	7	5
94. University of Virginia	10	3
95. Washington University (Missouri)	19	6
96. University of Washington	10	9
97. Wayne State University	21	10
98. West Virginia University	6	3
99. University of Wisconsin	14	4
100. Woman's Medical College of Pennsylvania	48	1
101. Yale University	13	9

POSTGRADUATE MEDICAL SCHOOLS—FACULTY IN 2 SPECIALTIES

1. Mayo Graduate School of Medicine, Rochester, Minn	24	8
2. University of Pennsylvania	10	5
3. New York University	27	17

This year the increase in funds will restore the activities of the Institute that were cut below the 1970 level by the budget, back to that level.

The National Institute of Allergy and Infectious Diseases was allowed an increase of $843,000 over its request. The full amount is $102,249,000. Approximately 22 million Americans suffer from some form of allergy and the number is growing as the environment is increasingly inundated by synthetic pollutants.

In 1968 there were 250 million reported cases of infectious disease in the United States, resulting in 144 million lost schooldays and 130 million lost workdays. The economic loss is more than $3 million. One hundred thousand people die each year because of infectious disorders.

The field of hepatitis research has been stimulated by the recognition of a particle, called Australia antigen, which may be related to the causative agent of serum hepatitis.

Early testing of an experimental vaccine against lobar pneumonia, a disease which claims 25,000 to 40,000 American lives each year, is scheduled to begin this year. In short, the Institute has been productively busy and the funds are justified.

The National Institute of General Medical Sciences is an organization that supports projects that would automate clinical laboratory procedures. Since most patients spend at least 1 day in the hospital for testing, by reducing hospitalization by 1 day some $1.7 billion a year would be saved. This amount is equal to the entire Federal expenditure for medical research and development.

This is the main reason the committee increased the 1971 appropriation for the Institute by $65,000 over the request, or to $166,072,000. In addition, the bill provides $10 million for a genetic related task force. As we say in our report:

The committee feels that this is an idea whose time has come. It recognizes the importance of the synthesis of the gene and other equally dramatic developments in the science of inherited human qualities.

The National Institute of Child Health and Human Development portion of the bill includes $94,436,000, an increase of $1,133,000 over the amount requested and $20,262,000 over the amount appropriated in 1970. The $28.3 million of the bill is for family planning which is an increase of $12.8 over last year.

The mission of the institute is perhaps the broadest of all the research Institutes of NIH—that is, the study of human development from conception through old age.

Testimony from the National Eye Institute indicates that 3.5 million Americans have some type of visal impairment. In 1 million the defect is serious enough to interfere with work and some 400,000 Americans are legally blind. Other visal disorders include 70 million people over 40 years of age and 56 million under age 15.

These figures expand as the population continues to grow. The total amount of the bill is $30,986,000 which is $5,300,000 over the request and $8,150,000 over last year.

Funding for the National Institute of Environmental Health Sciences include $20,620,000, an increase of $777,000 over the amount requested and $3 million over 1970.

The institute is doing work in pesticides, heavy metals such as lead due to the number of automobiles in use, tobacco and nitrates. It is interesting to note that the tobacco industry has been cooperating fully with the department in their studies of smoking and health.

The John E. Fogarty International Center for Advanced Study maintains assessment of medical education, examination of ethical problems arising from the application of medical research findings in clinical practice and advances in human genetics, environmental pollution and family planning.

The bill this year includes $3,582,000, an increase of $918,000 over the amount requested and $631,000 over 1970 appropriations. The center's program this year will bring 12 to 18 distinguished scientists to the center who will become involved in scientific activities at NIH.

HEALTH MANPOWER

Health Manpower funds were increased by $18,700,000 over the amount requested and $48,219,000 over 1970. The full amount of the bill is $260,934,000.

In the health field there is a grave shortage of qualified professionals. We need 50,000 more physicians, 17,800 more dentists, 150,000 more nurses, and 227,700 more qualified people in the allied health field. The physician augmentation program calls for 448 places in 29 medical schools in 1970. In 1971 there will be 502 first year places.

An increase of $27.3 million will be used to place emphasis on, first, improving grants for schools of health professions and nursing; second, nurse scholarships; third, grants for the development of training programs for new types

of health workers, and fourth, allied health traineeships.

The $2.7 million has been added by the committee for formula grants for schools of veterinary medicine and $10 million for a total of $22 million for direct loans to students of medicine, dentistry, and so forth, and $6 million for a total of $15.6 million for direct loan funds for students of nursing.

Health education loan funds appropriations cover the interest payment on these loans in the amount of $2,126,000 and $957,000 on interest due to holders of participation certificates. From fiscal year 1968 through 1970 about 54,000 loans have been made to students in schools of medicine, dentistry, optometry, podiatry, osteopathy, pharmacy, veterinary medicine, and nursing.

The request for direct loans to students in health areas was $12 million, a reduction of $3 million from 1970 after the reduction under section 410, and $11,781,000 less than carried in the 1970 appropriations. The committee has increased the amount requested to $22 million.

Dental health has been funded in the amount of $10,954,000 which was the sum requested and an increase of $130,000 above the 1970 appropriation which was mandatory.

The Institute is working on projects on financing dental care in cooperation with OEO; improving the quality and delivery of dental care and projects to train team dentistry. With the assistance of the dental health program, dental schools will teach students how to head a dental team and how to delegate clinical procedures to auxiliaries in order to increase the productivity of the dental team.

The Institute also concerns itself with fluoridation in our water supply and the following information on fluoridation may be of some interest to Members:

COMMUNITY WATER FLUORIDATION AND TOTAL FLUORIDE INTAKE

In determining the fluoride level for drinking water which will have optimal dental health benefits but no adverse effects, the intake of fluoride from dietary sources has been taken into account. Studies have shown that the average diets of children and adults provide from one-fifth to one-half milligram of fluoride per day.[1-6] Further information on adult dietary fluoride intake is being obtained in a current Public Health Service-supported study. Atmospheric fluoride has been found to contribute relatively little to human intake (maximum: 0.046 milligram per day).[7-11] The available fluoride from pharmaceuticals, other than for those formulated as fluoride supplements for specific and known therapeutic use, is negligible.[12]

Because fluorides occur so commonly as natural constituents of water supplies, research scientists have had a great natural laboratory in which to work for several decades.[13-20] Studies of large numbers of long-time residents have been made in areas of the United States having naturally fluoridated water with up to eight parts per million or more fluoride. In these areas, the water was used for drinking, cooking, and food processing. These studies include 10-year medical investigations of large groups of individuals, roentgenologic surveys for bone changes, postmortem examinations and chemical analyses of tissues, and metabolic assessments.[21-32] Extensive research also has been done using laboratory animals.[33-34] Health statistics in high-fluoride and low-fluoride areas have been compared.[35-36] The findings from these studies have provided consistent evidence that, in addition to all food and ambient sources of fluoride, humans may daily ingest water having up to at least eight times the amount of fluoride provided by optimally fluoridated water without adverse effect other than mottling of tooth enamel. Mottling, however, does not result from the use of optimally fluoridated water.[37-39]

The Food and Nutrition Board of the National Research Council has stated that fluoride is a normal constituent of all diets and is an essential nutrient (1968).[40] The American Institute of Nutrition has recognized fluoridation as a safe, effective, and low-cost means of improving nutrition.[41] The U.S. Department of Agriculture Extension Service regards fluoridation as an important community health benefit.[42] Each of these organizations is directly concerned with proper nutrition; each endorses community water fluoridation.

In recognition of the dental benefits that accrue from fluoridation—benefits which continue in adult life [43-45]—the United States Army, Navy and Air Force provide fluoridated water at all bases where children are in regular residence.[46-48] For the military personnel who come to the bases at an age when water fluoridation is not effective, the Armed Forces have a dental preventive program which includes the clinical application and personal use of fluorides.[49-51]

Dental researchers who are exploring new techniques for combating tooth decay are not seeking to supplant water fluoridation. Rather, their successes will provide decay resistance for persons who have not had the protective benefits of water fluoridation and possibly provide some additional resistance for those who have.[52-61] However, not all of the new decay preventive methods envisioned will be adaptable to public health.[62]

The policy of the Public Health Service on fluorides and fluoridation is founded on extensive scientific knowledge. The Service makes every effort to develop, obtain, and evaluate current relevant information by supporting research, by reviewing current scientific literature and the popular press, and through interdisciplinary contacts with other governmental and professional organizations. The Service also makes every effort to share what is learned through these mechanisms with interested organizations, institutions and individuals.

Fluoridation has undergone a nearly constant process of reevaluation since its inception. Detailed reports have been published on all aspects of fluoridation from cities in the United States and other countries that have been fluoridating for 25 years, and from others with extensive but shorter experience.[63-64] Publications of the National Research Council and the American Association for the Advancement of Science concerning the relationship of fluorides to dental health and general health appeared as early as 1942 and as recently as 1968.[4-40 65-70]

The accumulated dental, medical, and public health evidence concerning fluoridation has been reviewed and judged at various times by committees of experts and special councils of most of the world's major national health organizations. Their findings and conclusions are public information.[71-72] In several of the more than 30 other countries where fluoridation is practiced or planned, commissions have been appointed to obtain and review all information relevant to fluoridation and to make recommendations according to their findings. Some of these commissions made special efforts to seek out and consider the statements of both professional and lay critics of fluoridation. Such commissions reported to their respective governments in Great Britain in 1952 and 1962; in Canada in 1955 and 1961; in New Zealand in 1957; in Australia in 1954, 1963, and 1968; in Ireland in 1960; in South Africa in 1966; and in Norway in 1968.[73-83] In July 1969, the delegates to the World Health Organization of the United Nations, meeting as a body, considered the Director General's evaluatory report on water fluoridation.[84] They approved a resolution, cosponsored by 37 nations, that embodied their findings and recommendations, which, like those of the other commissions, supported and encouraged fluoridation of community water supplies.[85]

The impressive body of information available concerning community water fluoridation and fluorides is constantly increasing and continues to support the validity of community water fluoridation as a safe and effective public health measure.[86] There is no evidential basis for questioning the medical safety, effectiveness, and practicality of community water fluoridation as a public health measure for preventing dental caries.

FOOTNOTES

[1] Cholak, J.: "Fluorides: A critical review," Journal of Occupational Medicine 501–511, September 1959.

[2] McClure, F. J.: "Fluorine in foods. Survey of recent data," Public Health Reports 64: 1061–1074, August 1949.

[3] McClure, F. J.: "Ingestion of fluoride and dental caries: Quantitative relations based on food and water requirements of children 1 to 12 years old," American Journal of Diseases of Children 66: 362–369, 1943.

[4] Cox, C. J.: 'Fluorine and dental caries," in National Research Council, Food and Nutrition Board: "A survey of the literature of dental caries," National Academy of Sciences, Washington, D.C., 1952, Publication No. 225.

[5] Muhler, J. C., and Hine, M. K.: "Fluorine and dental health. The pharmacology and toxicology of fluorine," Indian University Press, Bloomington, Indiana. 1959.

[6] Galagan, D. J.: "Climate and controlled fluoridation," Journal of the American Dental Association 47: 159–170, August 1953.

[7] Weaver, N. K.: "Atmospheric contaminants and standards. Status report," Journal of Occupational Medicine 11:445–61, September 1969.

[8] U.S. Public Health Service, National Institutes of Health, Division of Dental Health: "Relationship of air pollution to community water fluoridation," CPB–10, September 1969.

[9] Yunghans, R.: "Fluoride air surveillance in the U.S.A.," paper given at the Second Conference of the International Society for Fluoride Research, at Barcelona, Spain, January 1969. Author from National Air Pollution Control Administration, Cincinnati, Ohio.

[10] Ministry of Health, Province of Ontario, Canada: "Report of the Committee appointed to inquire into and report upon the pollution of air, soil, and water," Queen's Printer, Toronto, Ontario, Canada, September 1968, pp. 111–113.

[11] U.S. Public Health Service, National Center for Air Pollution Control: "Proceedings Powell County, Montana, Intrastate Air Pollution Abatement Conference," August 16, 1967, pp. 1–30.

[12] Crisp, Malcolm P.: "Report of the Royal Commissioner into the fluoridation of public water supplies," Government Printer, Hobart, Tasmania, Australia, 1968, pp. 180–181.

[13] U.S. Public Health Service, National Institutes of Health, Division of Dental Health: "Natural fluoride content of community water supplies, 1969," Bethesda, Maryland.

[14] McKay, F. S. and Black, G. V.: "Investigation of mottled teeth," Dental Cosmos 58: 477, 627, 781, 894, 1916.

[15] McKay, F. S.: "Mottled enamel," Dental Cosmos 67:847–860, Sept. 1925.

[16] Dean, H. T.: "Chronic endemic dental fluorosis (mottled enamel)," Journal of the American Medical Association 107:1269–1272, 1936. Also appears in "Fluoride drinking waters," pp. 45–49.

[17] Russell, A. L., and Elvove, Elias: "Domes-

Footnotes at end of article.

tic water and dental caries: VII. A study of the fluoride-dental caries relationship in an adult population." Public Health Reports 66: 1380–1401, 1951. Also appears in "Fluoride drinking waters," pp. 166–172.

[18] Dean, H. T., Arnold, F. A., and Elvove, Elias: "Domestic water and dental caries. V. additional studies of the relation of fluoride domestic waters to dental caries experience in 4425 white children, aged 12 to 14 years, in 13 cities in 4 States," Public Health Reports 57: 1155–1179, 1942. Also appears in "Fluoride drinking waters," pp. 126–137.

[19] Dean, H. T., and Elvove, Elias: "Further studies on the minimal threshold of chronic endemic dental fluorosis," Public Health Reports 52:1249–1264, 1937. Also appears in "Fluoride drinking waters," pp. 49–56.

[20] Dean, H. T.: "The investigation of physiological effects by the epidemiological method," in "Fluorine and dental health," Moulton, F. R., editor, American Association for the Advancement of Science, Washington, D.C., 1942, (Publication No. 19), pp. 23–31.

[21] Leone, N. C., Shimkin, M. B., et al: "Medical aspects of excessive fluoride in a water supply," Public Health Reports 69:925–936, 1954. Also appears in "Fluoride drinking waters," pp. 402–411.

[22] Geever, E. F., Leone, N. C., Geiser, P., and Lieberman, J.: "Pathologic studies in man after prolonged ingestion of fluoride in drinking water," Journal of the American Dental Association 56:499–507, 1958. Also appears in "Fluoride drinking waters," pp. 437–441.

[23] Leone, N. C., Stevenson, C. A., Hilbish, T. F., and Sosman, M. C.: "A roentgenologic study of a human population exposed to high-fluoride domestic water." American Journal of Roentgenology, Radium Therapy, and Nuclear Medicine 74:874–885, 1955. Also appears in "Fluoride drinking waters," pp. 414–420.

[24] Geever, E. F., Leone, N. C., Geiser, P., and Lieberman, J. E.: "Pathological studies in man after prolonged ingestion of fluoride in drinking water, II," Public Health Reports 73:721–731, 1958. Also appears in "Fluoride drinking waters," pp. 452–460.

[25] McCauley, H. B., and McClure, F. J.: "Effect of fluoride in drinking water on the osseous development of the hand and wrist in children," Public Health Reports 69:671–683, 1954. Also appears in "Fluoride drinking water," pp. 394–402.

[26] Zipkin, I., McClure, F. J., Leone, N. C., and Lee, W. A.: "Fluoride deposition in human bones after prolonged ingestion of fluoride in drinking water," Public Health Reports 73:732–740, 1958. Also appears in "Fluoride drinking waters," pp. 442–448.

[27] McClure, F. J., McCann, H. G., and Leone, N. C.: "Excessive fluoride in water and bone chemistry," Public Health Reports 73:741–746, 1958. Also appears in "Fluoride drinking waters," pp. 448–452.

[28] Zimmerman, E. R., Leone, N. C., and Arnold, F. A.: "Oral aspects of excessive fluoride in a water supply," Journal of the American Dental Association 50:272–277, 1955. Also appears in "Fluoride drinking waters," pp. 411–413.

[29] Leone, N. C.: "The effects of the absorption of fluoride," American Medical Association Archives of Industrial Health 21:324–325, April 1960.

[30] Largent, E. J.: "Fluorosis: The health aspects of fluoride compounds," Ohio State University Press, Columbus, Ohio, 1961.

[31] Machle, W. F., and Largent, E. J.: "The absorption and excretion of fluoride. II. Metabolism at high levels of intake," Journal of Industrial Hygiene and Toxicology 25:112, 1949.

[32] McClure, F. J.: "Water Fluoridation," National Institute of Dental Research, Bethesda, Maryland, 1970, Chapter 13: "Biology and Safety," pp. 191–244 (61 references).

[33] Leone, N. C., Geever, E. F., and Moran, N. C.: "Acute and subacute toxicity studies of sodium fluoride in animals," Public Health Reports 71:459–467, May 1956.

[34] McClure, F. J. (editor): "Fluoride Drinking Waters," National Institute of Dental Research, Bethesda, Maryland, 1962 (PHS Publication 825), "Fluoride metabolism and retention in calcified tissues," pp. 495–560.

[35] Hagan, T. L., Pasternack, M., and Scholz, G.: "Waterborne fluorides and mortality," Public Health Reports 69:450–454, May 1954.

[36] Hegsted, D. M.: "Fluoride and mineral metabolism," Annals of Dentistry 27:134–143, December 1968.

[37] Blayney, J. R., and Hill, I. N.: "Fluorine and dental caries," Journal of the American Dental Association 74:233–302, January 1967.

[38] Hilleboe, H. E., Schlesinger, E. R., et al: "Newburgh-Kingston caries-fluorine study: final report," Journal of the American Dental Association 52:290–325, March 1956.

[39] Russell, A. L.: "Dental fluorosis in Grand Rapids during the seventeenth year of fluoridation," Journal of the American Dental Association 65:608–612, November 1962.

[40] National Research Council, Food and Nutrition Board: "Recommended daily allowances," Seventh revised edition, Publication 1964, National Academy of Sciences, Washington, D.C., 1968, p. 55.

[41] American Institute of Nutrition: Resolution on fluoride adopted at the annual meeting April 15, 1966 (See in reference 72).

[42] U.S. Department of Agriculture: "Facts for extension agents about fluoride programs for improving dental health in rural areas," Extension Service Circular 492, U.S. Government Printing Office, Washington, D.C., July 1954.

[43] Russell, A. L., and Elvove, Elias: "Domestic water and dental caries: VII. A study of the fluoride-dental caries relationship in an adult population." Public Health Reports 66:1380–1401, 1951. Also appears in "Fluoride drinking waters," pp. 166–172.

[44] Englander, H. R., and Wallace, D. A.: "Effects of naturally fluoridated water on dental caries in adults," Public Health Reports 77:887–893, October 1962.

[45] Keene, H. J., et al: "Prevalence, incidence, and geographic distribution of caries-free naval recruits," U.S. Navy Medical News Letter 54:42–43, October 1969.

[46] U.S. Department of the Air Force, Medical Service: "Air Force Regulation No. 160–98: Fluoride content of water supplies at Air Force bases," Washington, D.C., November 28, 1956.

[47] U.S. Department of the Navy, Bureau of Medicine and Surgery: "Bumed Instruction 11330.1A: Adjustment of fluoride content of communal water supplies at military installations," Washington, D.C., November 29, 1957.

[48] U.S. Department of Defense, Assistant Secretary of Defense (Health and Medical): "Department of Defense Instruction: Adjustment of fluoride content of communal water supplies at military installations," Washington, D.C., August 30, 1956.

[49] Grossman, F. D.: "Practical approaches to large-scale stannous fluoride applications," Journal of the American College of Dentists 35:58–64, January 1968.

[50] Kyes, F. M.: "Three ways to beat the nation's dental problems," Journal of the Connecticut Dental Association 42:70–74, April 1968.

[51] "Dentistry: fluorides for adults," Time, April 8, 1966.

[52] Muhlemann, H. R.: "Dietary fluoride and dental caries," International Dental Journal 15:209–217, June 1965.

[53] Pearlman, Sholom: "American Dental Association statement on dentifrice advertising claims," Journal of the American Dental Association 57:546–561, October 1958.

[54] Cueto, E. I., and Buonocore, M. G.: "Sealing of pits and fissures with an adhesive resin: its use in caries prevention," Journal of the American Medical Association 75:121–128, July 1967.

[55] Soricelli, D. A.: "Letters to the editor: Philadelphia fluoridation—a factual evaluation," Archives of Environmental Health, 10:-134–138, January 1965.

[56] Gilmore, N. D.: "The effect of dental caries activity of supplementing diets with phosphates: A review," Journal of Public Health Dentistry 29:188–207, Summer 1969.

[57] American Dental Association: "Council classifies Colgate with MFP (sodium monofluorophosphate) in Group A," Journal of the American Dental Association 79:937–938, October 1969.

[58] Summitch, R. W.: "Research in preventive dentistry," Journal of the American Dental Association 79:1194–1201, November 1969.

[59] Buonocore, M. G.: "Adhesive sealing of pits and fissures for caries prevention, with use of ultraviolet light," Journal of the American Dental Association 80:324–328, February 1970.

[60] "National Institute of Dental Research celebrates twentieth anniversary with report on oral health research," The NIH Record, June 11, 1968, National Institute of Health, Bethesda, Maryland.

[61] National Dairy Council: "Nutrition in oral health: research and practice," Dairy Council Digest 40:31–34, November-December 1969.

[62] "Policy statement on alternatives on water fluoridation," International Dental Journal (Federation Dentaire Internationale) 17:782–783, December 1967.

[63] McClure, F. J.: "Water fluoridation." National Institute of Dental Research. Bethesda, Maryland, 1970. Chapter 9, "Fluoridation trials—United States," and Chapter 10, "Fluoridation trials—foreign," pp. 109–152.

[64] U.S. Public Health Service, National Institutes of Health: "Fluoridation Census 1969," Division of Dental Health, Bethesda, Maryland, 1970.

[65] Moulton, F. R., editor: "Fluorine and dental health." American Association for the Advancement of Science, Washington, D.C., 1942, Publication No. 19.

[66] Moulton, F. R., editor: "Dental caries and fluorine." American Association for the Advancement of Science, Washington, D.C., 1946.

[67] National Academy of Sciences, National Research Council: "Report of the ad hoc committee on fluoridation of water supplies," NAS–NRC Division of Medical Sciences, Washnigton, D.C., 1952, Publication No. 214

[68] Food and Nutrition Board, National Research Council: "Control of tooth decay," National Academy of Sciences, Washington, D.C., 1953.

[69] Food and Nutrition Board. National Research Council: "The problem of providing optimum fluoride intake for prevention of dental caries," National Academy of Sciences, Washington, D.C., 1953, Publication No. 294.

[70] Shaw, J. A., editor: "Fluoridation as a public health measure," American Association for the Advancement of Science, Washington, D.C., 1954.

[71] McClure, F. J.: "Water fluoridation," National Institute of Dental Research, Bethesda, Maryland, 1970, chapter 14, "Approval," pp. 245–261.

[72] U.S. Public Health Service, National Institutes of Health: "National organizations endorsing fluoridation: statements." Division of Dental Health, Bethesda, Maryland, 1967.

[73] Ministry of Health, Great Britain: "The fluoridation of domestic water supplies in North America as a means of controlling dental caries: report of the United Kingdom Mission." Her Majesty's Stationary Office, London, 1953.

[74] Ministry of Health, Great Britain: "The

conduct of the fluoridation studies in the United Kingdom an the results achieved after five years," Her Majesty's Stationery Office, London, 1962.

[75] Canadian Department of National Health and Welfare: "Mass control of dental caries by fluoridation of a public water supply: dental effects of water fluoridation," Dental Health Division, Ottawa, November 1955.

[76] Canada (Ontario), Office of the Lieutenant Governor: "Report of the committee appointed to inquire into and report upon the fluoridation of municipal water supplies," Toronto, Ontario, January 1961.

[77] New Zealand Commission of Inquiry: "Report of the commission of inquiry on the fluoridation of public water supplies," Report No. H. 47, Government Printer, Wellington, New Zealand, 1957.

[78] Australia (Victoria): "Report of the special committee appointed by the Commissioner of Public Health," 1954.

[79] Australia (New South Wales): "Report of Dr. M. J. Flynn to the Minister of Health, concerning fluoridation," 1963.

[80] Crisp, Malcolm Peter: "Report of the Royal Commissioner into the fluoridation of public water supplies," Government Printer. Hobart, Tasmania, Australia, 1968.

[81] Department of Health, Ireland: Reports made by the Minister of Health and the various local health authorities to the Oireachtas concerning the Health (Fluoridation of Water Supplies) Act of 1960, Department of Health, Dublin.

[82] Republic of South Africa: "Report of the commission of inquiry into fluoridation." The Government Printer, Pretoria, 1966.

[83] Norway; Royal Ministry of Social Affairs: "Report from the committee on fluoridation," Ministry of Social Affairs, Oslo, Norway, 1968.

[84] World Health Organization: "Fluoridation and dental health," World Health Organization Chronicle 23.

[85] World Health Organization. Twenty-Second World Health Assembly: "Resolution on Fluoridation and Dental Health," Boston, Mass., July 1969.

[86] Bernhardt, M. E.: "Fluoridation international," Journal of the American Dental Association 80:731–737, April 1970.

[From the Journal of the American Medical Association, Jan. 19, 1970, vol. 211]

LAW AND MEDICINE

LEGAL STATUS OF FLUORIDATION

After a stormy decade, how does the fluoridation of public drinking water stand legally? A 1969 case indicates that despite a few victories, its opponents have not given up the fight. In *Graybeal vs McNevin* (439 SW 2d 323) the Kentucky Court of Appeals considered the legality of fluoridating the public water supply of Somerset, Ky. A chiropractor obtained an order from a lower court preventing fluoridation claiming it violated a law governing the dispensing of drugs, his religious freedom, and his Constitutional rights. Testimony supporting fluoridation was given by an impressive array of public health figures who had extensive experience with the process. Included were the State Commissioner of Health, the executive secretary of the state dental association, a pedodontist, the dean of a dental school, and a consulting engineer. The purport of their testimony was that it has been well-established scientifically that there is a significant reduction in tooth decay among children who drink fluoridated water. Their testimony further indicated that no adverse effects are known.

In opposition, the chiropractor testified that sodium fluoride is a virulent poison, which was not denied, and that its use caused him to fear for his own safety and that of his family. Other witnesses, including an instrumentation engineer, a practicing physician, and an individual with a master's degree in public health, testified that fluoride was used originally as a rat and roach killer, that it corrodes water pipes, that it does not reduce dental caries, and that possible side effects of its use in drinking water were not known. In reversing the opinion of the trial court, whose holding it characterized as "clearly erroneous," the court said:

"Nearly every great medical and scientific discovery has fought the battle of 'trial and error' and has been opposed by the skeptics and the incredulous. But progress demands that research persist unhampered by the courts."

HISTORY OF FLUORIDATION

As far back as 1892, the opinion was expressed in scientific circles that increased dental caries in England might be related to a fluoride deficiency (*Hastings Law Review 3*:1, 1952, citing materials collected by the California State Department of Public Health). Extensive tests have been conducted over the years and community fluoridation programs were inaugurated in 1945 in Grand Rapids, Mich, Newburgh, N.Y., and Brantford, Ontario. The programs were extended in 1946 to Sheboygan, Wis., and Marshall, Tex., and in 1947 to Evanston, Ill. and Lewiston, Idaho. The results uniformly indicate that fluoridation was followed by reduction in dental caries.

In 1950, The American Dental Association recommended fluoridation of municipal water supplies. In 1951, the House of Delegates of the American Medical Association endorsed the principle of fluoridation of community water supplies. In 1956, the AMA's House directed that the Council on Drugs and the Council on Foods and Nutrition review the matter. A joint resolution of these councils concluded:

"1. Fluoridation of public water supplies so as to provide the approximate equivalent of 1 ppm of fluoride in drinking water has been established as a method for reducing dental caries in children up to 10 years of age. In localities with warm climates, or where for other reasons the ingestion of water or other sources of considerable fluoride content is high, a lower concentration of fluoride is advisable. On the basis of the available evidence, it appears that this method decreases the incidence of caries during childhood. The evidence from Colorado Springs indicates as well a reduction in the rate of dental caries up to at least 44 years of age.

2. No evidence has been found since the 1951 statement by the Councils to prove that continuous ingestion of water containing the equivalent of approximately 1 ppm of fluorine for long periods by large segments of the population is harmful to the general health. Mottling of the tooth enamel (dental fluorosis) associated with this level of fluoridation is minimal. The importance of this mottling is outweighed by the caries-inhibiting effect of the fluoride.

3. Floridation of public water supplies should be regarded as a prophylactic measure for reducing tooth decay at the community level and is applicable where the water supply contains less than the equivalent of 1 ppm of fluorine.

This report was adopted by the House of Delegates of the AMA in December 1957.

Practically every scientific authority of note, including the United States Department of Health, Education, and Welfare, the American Public Health Association, the Johns Hopkins University School of Hygiene and Public Health, and the College of American Pathologists, has endorsed fluoridation of public drinking water as a safe and practical method of reducing the incidence of dental caries. Scientific literature supporting it is voluminous.

COURT ATTACKS ON FLUORIDATION

The legal history of fluoridation has been extensive and the theories put forth in opposition to it are many and varied. The legal challenges are collected and analyzed by Clark and Sophy in "Fluoridation: The Courts and the Opposition" (*Wayne Law Rev 13*:338, 1966). The authors point out that the challengers have sued in a variety of capacities as residents, citizens, taxpayers, consumers, electors, and as members of religious sects. Some have argued that municipalities lack specific power to fluoridate and that it is unreasonable to imply such power from a general authority to provide for public health. Connecticut (Title 19, Section 19–13 [G]), Illinois (Title 111½, Section 121 gl), and Minnesota (Section 144, 145) are the only states which have expressly permitted or required fluoridation by law. The 1965 Connecticut statute directs those who supply water to communities of 20,000 or more to maintain a stated fluoride level. The Illinois and Minnesota statutes provide for addition of fluorides to maintain a specified range of fluoridation.

Those claiming fluoridation is an abuse of municipal authority have asserted it is unnecessary, unsafe, wasteful, unlawful class legislation, a breach of contract between a municipality and its water users, an illegal use of public funds, a nuisance, compulsory medication, socialized medicine, or that reasonable alternatives were available.

Still others have claimed the process violates religious freedom by compelling them to consume water additives against their religious convictions.

Finally, there has been a group of objections based on specific statutes such as those relating to poisons, adulteration of foods, and the unauthorized practice of medicine, dentistry, or pharmacy. With regard to the unauthorized practice argument, the Supreme Court of Oklahoma remarked:

"The City of Tulsa is no more practicing medicine or dentistry or manufacturing, preparing, compounding or selling a drug, than a mother would be who furnished her children with a well-balanced diet, including foods containing vitamin D and calcium to harden bones and prevent rickets, or lean meat and milk to prevent pellagra (*Douell vs City of Tulsa*, 273 P 2d 859, 1954, review denied 348 U.S. 912, 1955)."

In court tests, fluoridation has been upheld in 15 states (Kentucky, California, Oklahoma, Louisiana, Ohio, Washington, Wisconsin, Oregon, Iowa, Missouri, Florida, Illinois, Michigan, South Carolina, and New York). The U.S. Supreme Court has repeatedly refused to review fluoridation cases on the ground that they do not present a cognizable federal question.

No court has struck down fluoridation on the ground that it is harmful. The handful of cases in which its attackers have been successful has been decided on procedural grounds. In *McGurren vs City of Fargo* (66 NW 2d 207, 1954), the North Dakota Supreme Court sent a case seeking to halt fluoridation back to a lower court for trial because it was of the opinion that the facts alleged stated a cause of action *if they could be proved*. The Indiana Supreme Court held, in *Miller vs City of Evansville* (219 NE 2d 900, 1966), that fluoridation was not proper in the absence of a city ordinance authorizing the process. A California court found that where 15% of the voters in a community objected to fluoridation, the city council should have presented the matter to the citizens for a vote (*Hughes vs City of Lincoln*, 232 Cal App 2d 741, 1965). In *New Haven Water Co. vs City of New Haven* (210 A 2d 449, 1965), the Connecticut high court said that where one water company furnished water to 13 municipalities through a single system, the ordinance of two of the municipalities directing that their water be fluoridated was invalid and that the state reserved control of water companies serving more than one community.

CONCLUSION

Chlorine, which like fluoride is toxic in concentrated form, and which was used as a gas in World War I, has been added as a

purifying agent to public water supplies for some years and has not caused a fraction of the public controversy that has attended fluoridation. Distinctions can be drawn between the two situations but even so the amount of controversy is difficult to understand. Much of it has not been confined to the public health merits of fluoridation. Some have suggested that the "antis" have the advantage, for all they need to do is create doubt and fear. Others have pointed out that true public acceptance comes slowly through education. Nevertheless, when New York city began to fluoridate its public water supply in September of 1965, it was estimated that some 65 million Americans were drinking artificially or naturally fluoridated water. There will be further efforts to halt fluoridation in the courts and in the public forum but, for all practical purposes, the process is gradually being accepted and no longer qualifies as a major public "issue."—RICHARD P. BERGEN.

The committee, recognizing the increased need for adequate research on animals prior to the application of new therapeutic treatment to man, has added $2.5 million for a total of $15 million for animal research centers under the Division of Research Resources of NIH. This total appropriation amounts to $66,201,000, an increase of $3,509,000 more than 1970.

The bill includes $126,100,000 for the construction of health educational, research and library facilities. This was the amount requested and the same as 1970 funds.

At the end of 1969, 175 awards totaling over $550 million have created over 4,900 new first year student places in schools of health professions. Twelve new schools of medicine and six new schools of dentistry were also federally funded. These same funds have also made possible an enrollment increase of 2,000 first year medical students and over 900 new first year dentistry places.

The $94.5 million is for grants for teaching facilities at schools of medicine, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, and public health. The $23.6 million is for schools of dentistry and $8 million is for schools of nursing. The following chart gives more complete information on construction expenditures:

[In thousands of dollars]

	Amounts appropriated cumulative 1965–70	Approved applications, Federal share cumulative	
		1965–Mar. 31, 1970 (actual)	1965–June 30, 1970 (estimate)
Health professions schools	678,100	1,056,405	1,237,344
Nursing schools	81,000	101,500	113,300
Allied health professions schools	4,800	10,582	10,582
Health research facilities	193,400	293,162	293,162
Mental retardation research centers	[1] 20,000	[2] 22,043	[2] 22,043
Medical library facilities	11,250	28,520	28,520

[1] In addition, $6,000,000 was available from 1964.
[2] In addition, there were approved applications from 1964 totaling $10,062,000.

The National Library of Medicine faces a tremendous workload and the committee was impressed with its ability to meet this heavy responsibility when it is up against a hold-the-line budget and rising costs. The library has begun charging a $2 user fee for foreign institutions that might be making inquiries and this becomes important when you consider that about 25,000 loans are made abroad annually. Also this year steps will be taken toward development of a computer-based system for toxicology information programs.

The library was funded the full amount of its request, $19,769,000 which is an increase of $397,000 over 1970.

In the Office of the Director of NIH the bill includes $8,206,000, the amount requested and an increase of $895,000 over last year. The increase covers mandatory costs and NIH handling of added departmental services. There will be a reduction of one position in the activities covered by these funds.

The scientific activities overseas of NIH received the full amount of its request of $32,444,000, an increase of $28,989,000. These funds appropriated for this program are paid to the Treasury for foreign currencies already owned by the United States but which must be spent in their country of origin in accordance with Public Law 480. The committee feels that this is an excellent way to use these surplus foreign currencies.

SOCIAL AND REHABILITATION SERVICES

The social and rehabilitation services was funded in the amount of $9,500,092,000. This was a reduction of over $66 million but an increase of nearly $2 million over 1970.

A few facts at this point should be enlightening. In my State of Illinois, for example, public aid costs have jumped nearly 39 percent in the past year. This means $53 million a month in payments as compared to $41 million a year ago.

Each month in Illinois some 5,500 to 6,000 cases are added to our rolls. The average AFDC payment is $68.28 a month compared to last year's payment of $60.61. Disabled persons get $175.49 compared to $171.21 last year.

There are 622,000 on the rolls in Illinois—every small increase becomes a major budget item. The State buys 500,000 prescriptions a month for public aid families, so a nickel increase in prescriptions will cost $300,000 per year. Forty-five percent of the State's $53 million a month welfare budget is supplied by the Federal Government.

Eighty-three thousand persons were added last year.

Our director, Harold O. Swank, feels that the real problem is the growing number of recipients. The reason for the increase he feels is threefold: First, fathers are deserting their families at a growing rate, forcing more mothers to seek ADC. Unemployment, jobs that pay too little, families too big, and debts from installment buying are reasons for desertion. Second, about 200 welfare families a month move to Illinois from other States with lower benefits; chiefly, Missouri, Kentucky, and Mississippi. Third, free birth control services are not used—last year 7,000 children were born to mothers already receiving ADC.

The largest single appropriation in the bill under "social and rehabilitation services" is grants to States for public assistance. The amount is $8,651,950,000—which was requested, and is an increase of $1,153,646,000 over 1970. Of the total appropriation, $8,588,100,000 is for the Federal matching of State welfare and medicaid costs, which is noncontrollable. The appropriation is 46 percent of the total amount in the bill and a 47-percent increase over 1970.

The 110-percent limitation proposed in the request was deleted, but I am going to offer an amendment at the appropriate time to put it back in the bill.

Work incentive funds include $120 million, a reduction of $50 million from the request, but an increase of $18 million over the amount available in 1970. The objective of the work incentives program is to help people get off the welfare rolls and to place them in productive jobs. While the committee supports the program, it has just not been getting off the ground for several reasons, such as poor day care standards for children. The $50 million cut is budgeted for costs which will be incurred by the States in fiscal year 1972.

The bill includes $655,640,000—a reduction of $5 million from the request, 1970 appropriations for "Rehabilitation services and facilities."

The largest increase is $67 million for basic grants to the States for vocational rehabilitation services for a total of $503 million. This, along with matching State funds, will rehabilitate some 288,000 persons for gainful employment; $5 million has not been allowed to start a new program of services for migratory agricultural workers. The committee continues to feel that instead of starting a new Federal program, the vocational rehabilitation needs of the workers should be met through the regular programs in the States where they are living and working.

Programs for the aging were fully funded in the amount of the request of $32 million, an increase of $4,241,000 over 1970; $15,200,000 was made available for State grants which include programs for senior citizen information centers: $10 million is for the foster grandparents program and $15.8 million is for research and training.

Juvenile delinquency prevention and control programs also received full funding by the committee. The $15 million is the amount of the request and is a $5-million increase over last year. This increase will be directed toward service-oriented programs for youth, with special emphasis on prevention service projects.

The bill included $75,435,000, a reduction of $6 million from the request and an increase of $17,401,000 over the amount available in 1970 for research

and training. An increase of $4 million for income maintenance experiments has not been allowed. Plans for the use of this money are very indefinite, and although the committee is sympathetic to experiments which may lead to improvements in the Nation's welfare system we have decided to increase the appropriation for this purpose at this time.

The committeee has reduced by $3 million a request for $7 million for the social and rehabilitation activities overseas. We feel that there is not much likelihood that studies of social problems in countries where we have U.S.-owned foreign currencies will produce results which are useful and applicable here. The appropriation does, however, increase by $2 million the funds granted in 1970.

For salaries and expenses the bill includes $35,067,000, a reduction of $2,372,000 from the request, and an increase of $2,344,500 over 1970 funds. The bill allows 65 of the 100 positions requested and aproximately two-thirds of the requested increase for contractual services to improve State and Federal management of medicated and welfare programs.

SOCIAL SECURITY ADMINISTRATION

The next request is simply a mathematical computation of the amounts that will be required under the Social Security Act. For payments to social security trust funds the bill allows $2,599,886,000, the amount of the request, and an increase of $585,322,000 over last year.

Ninety-four million people will be covered by social security this year. That is nine out of 10 jobs. Ninety percent of people over age 65 receive social security while the face value of survivors insurance alone under social security is $1.13 trillion.

In 1965 the social security system was paying benefits at an annual rate of $17 billion. In June 1970 the program, including medicare, will be paying benefits at an annual rate of $38 billion—120 percent increase in 5 years. Medicare payments constitute over $7 billion of that total.

In 1970, 4.4 million aged will receive reimbursed health services paid for by the hospital insurance program, and 9.3 million will receive reimbursed physician and other services covered by the voluntary medical program.

For special benefits for disabled coal miners, the budget estimate considered by the committee included no funds for benefit payments under the Federal Coal Mine Health and Safety Act of 1969. The President has indicated that he will submit a request for 1971 when a more precise estimate of requirements can be made.

So that beneficiary payments will not be interrupted, the committee has made available an indefinite amount to be charged against subsequent appropriation for this purpose. The 1971 request is for $2,759,886,000.

Payments to social security trust funds include $997,461,000—the amount of the budget request—and an increase of nearly $65 million over 1970. This appropriation does not involve any expenditures from the general funds of the Treasury.

SPECIAL INSTITUTIONS

Under the special institutions portion of our bill, the American Printing House for the Blind received an amount of $81,000 over the budget request which will provide educational materials for 1,200 blind children in private, nonprofit institutions. The total amount of the bill is $1,557,000.

The National Technical Institute for the Deaf appropriation includes $19,744,000—the amount of the request—and an increase of $16,893,000 over last year. The institute is operated by the Rochester Institute of Technology and can accommodate a total of 750 deaf students. Enrollment this year is expected to reach 315.

The $2,432,000 was allotted for the Model Secondary School for the Deaf. This is an increase of $1,654,000 over 1970. Fiscal year 1971 will be the first full year of operation of the pilot program of the school which is located on the campus of Gallaudet College. An enrollment of 120 students is expected.

Gallaudet College funds this year were reduced by $280,000. The bill includes $6,870,000. The amount allowed will provide for upgrading of faculty salaries and for a number of improvements in the college's instructional program.

The committee has not approved an increase of $279,000 to offset reductions in revenue from non-Federal sources. A large portion of the loss in income arises from a decision to reduce the tuition charge from $500 to $357.

Howard University received full funding in the amount of $36,185,000—but a reduction of $25,209,000 below 1970. The appropriation includes an increase of $2,891,000 for operating costs of the university and an increase of $1,310,000 for the operation of Freedmen's Hospital.

DEPARTMENTAL MANAGEMENT

An increase in funds for the Office of of Civil Rights will provide 144 new positions bringing the total staff of the Office to 545. This year's appropriation includes $7,927,000 in appropriated funds and authorization to transfer $947,000 from the social security trust funds for a total of $8,874,000.

In the Office of Child Development the bill includes a reduction of $5,917,000 from the budget request of $5,538,000 and an increase of $4,010,000 over last year. This is a new appropriation, funding certain activities formerly carried on in the Children's Bureau. The Office also administers Headstart.

Departmental management funds include $35,100,000—a reduction of $1,970,000 from the request, and an increase of $3,964,000 over 1970 appropriations. The bill also allows 180 of the 361 additional positions requested.

OFFICE OF ECONOMIC OPPORTUNITY

The economic opportunity program request was reduced by $34 million which represents, nevertheless, an increase of over $98 million above 1970 appropriations. The total funds granted is $2,046,200,000.

Of the total budget request, 58.4 percent is for the support of programs delegated to the Departments of Labor, Health, Education, and Welfare, and Agriculture. Of the funds appropriated, 41.6 percent is for the support of programs administered directly by the Office of Economic Opportunity.

The committee incorporated into the bill the language requested by the President, and strongly advocated by the OEO Director, which sets aside certain mandatory funding provisions of the economic opportunity amendments although it is my understanding the gentleman from Kentucky (Mr. PERKINS), objected to this language and will offer an amendment to the bill at the appropriate time.

THE 110-PERCENT LIMITATION AMENDMENT

And finally, Mr. Chairman, I should like to devote the balance of my time to a discussion of the amendment I propose to offer to the bill at the appropriate time. The text of the amendment is as follows:

None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 110 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1970.

This language is precisely the same as that found in the section which our subcommittee deleted from the bill except for the following words:

Except where the Secretary determines that such a limitation would impair in a significant way the effective operation of the program involved.

This wording obviously makes the amendment subject to a point of order and under the rules of the House my amendment must be drawn in such a fashion as to be strictly a limitation on an appropriataion bill, which this is.

My amendment would limit payments to the States for social services, staff training, and administrative expenditures under public assistance to 110 percent of the aggregate amount estimated for these purposes for such States for the fiscal year 1970.

Without this provision in this bill, we will have to face up to approximately a $300 million supplemental appropriation.

Unfortunately, at the time of our hearings the last information available to us on public assistance costs were for the November estimates from the States. On the basis of those figures, the Department estimated that inclusion of the 110-percent limitation on social services, administration, and training would result in a savings of $45 million.

Throughout the year the States' estimates changed and based on the May estimate, the amount of savings had increased to $300 million.

It is difficult to analyze precisely why the estimates of cost have risen.

The November State estimates predicted a 10-percent increase in welfare caseloads for 1971 and a 16-percent increase to cover services, administration, and training. The May estimates indicate that the States expect caseloads to increase by 14 percent and they have proposed a 44-percent increase in services, administration, and training.

This 44-percent increase consists of a 54-percent increase in social services and a 27-percent increase in administration.

The 54-percent increase in services is not only precipitous, it is undefined as to its substance, and is questionable on two scores: First, whether or not States which claim they will double their social services program in 1971 have the serious intent to do so, and second, whether they have the capability, if indeed they are serious, to accomplish their objectives.

For instance, Pennsylvania proposed to increase Federal services dollars per AFDC recipient from $37 in 1970 to $152 per recipient in 1971. California would go from $110 to $168 per recipient. Not only do these predictions seem unrealistic, they also indicate the substantial fallacy in the assertion that the principal burden of the limitation will fall on small States just getting started.

In summary, the estimates are probably inflated—at least partially for purposes of demonstrating that the limitation would be extremely burdensome. It is probably, true, however, that the final savings will be closer to the $300 million figure than to the $45 million figure in the President's budget. The principal point, however, is that, to the degree that the May estimates are accurate, they reflect a program increase in relation to recipients which is now justifiable in today's fiscal situation.

Our committee report indicates that the limitation would "discriminate unfairly against those States which have been slow in developing their programs but are not ready to expand them."

In fact, the majority of the States affected by the limitation and the vast preponderance of the savings are associated with large States which have had programs for a number of years.

One of the principal goals of the new welfare legislation that passed the House was to equalize the level of services among the States. If we permit costs to rise indiscriminately, this will increase the disparity between the States.

Another point which we probably should have recognized long ago is that open-ended appropriations are only justifiable in relation to benefit payments. Conceptually, there is practically no case to be made for applying an open-ended concept to either services or administration.

Now, finally, Mr. Chairman, my amendment would permit a 10-percent increase in funding.

In a restrictive fiscal climate, there is no reason to permit administrative resources to expand by more than 10 percent a year. This would be inequitable in comparison with other governmental programs at the Federal, State, or local level.

The Social Security Administration, for example, does not receive an annual expansion in its administrative resources commensurate with its workload increases.

By far the biggest increase in recipient workload in public assistance is in large States which already have sizable welfare staffs. Like, SSA, they are better able to absorb workload increases.

That, Mr. Chairman, concludes my presentation of the 1971 Labor and HEW appropriation bill. Essentially, it is a good bill and I would urge my colleagues to support it.

Mr. HALL. Mr. Chairman, would the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I certainly appreciate the gentleman yielding, and also appreciate the statement that he has made and that of the chairman of this distinguished subcommittee.

I would like to discuss just a little bit further the remarks that the gentleman in the well from Illinois has just made about medical manpower, and its adjunctive requirements for paramedical personnel.

Do I understand from the remarks of both the chairman and the ranking minority member on the committee that due consideration and allocation has been made for the so-called State teaching hospitals in order that we can increase the output of critically short categories of medically trained personnel in States, particularly that because of usury laws or others, are not allowed to borrow on the market to meet a guaranteed loan appropriately?

Mr. MICHEL. In our opinion we have gone over all of the testimony very carefully. We have $401 million in this bill, as I recall, for health manpower. A $50 million increase over 1970. Our committee added $18.7 million over the budget increase of $31 million for manpower training, bringing the 1971 amount for this purpose to $401 million. So that in the aggregate is $50 million more than we spent for health manpower in the year 1970.

I think this is a very significant increase, and one earmarked to do surely the job particularly that the gentleman makes reference to.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MICHEL. Mr. Chairman, I yield myself 2 additional minutes.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Wisconsin (Mr. SCHADEBERG).

Mr. SCHADEBERG. Mr. Chairman, first I want to thank the gentleman for the cooperation he has given me with regard to hospitals, and ordinarily I would start my remarks by asking am I right by assuming—but I would prefer rather to start with a direct question: Is there enough money in this appropriation bill to take care of those hospitals that have started construction under Hill-Burton funds, but have not had it fully funded?

Mr. MICHEL. I believe the chairman, the gentleman from Pennsylvania (Mr. FLOOD), pretty adequately answered that question, which was propounded earlier by the gentleman from Nebraska (Mr. MARTIN), as I recall. But I should tell the gentleman, as I am sure he well knows, that last year appropriated for Hill-Burton grants $172.2 million in outright grants. The budget came to us this year at $50 million for grants and $30 million for direct loans, and $5 million for interest subsidies. The subcommittee and the full Committee on Appropriations backed that figure up to $172.2 million again for outright grants which surely, in my estimation, ought to provide more than enough since it is the same allocation they had the previous year, because the amount is the same.

Then the States can themselves allocate within their own resources so that it would seem to me that those hospitals underway would surely be going ahead pretty much on schedule.

Mr. SCHADEBERG. Was this amount expended last year?

Mr. MICHEL. This was the same amount as carried for direct grants last year as is in the bill this year for grants. Over and above that we provide $5 million for interest subsidies, and that gives us $166 million of additional construction over the $172 million in grants.

Mr. SCHADEBERG. If there were not enough in the fund for each specific hospital, would it be the prerogative of the State to use some of the guaranteed loans to which they are entitled for the same purpose?

Mr. MICHEL. No question about it. As a matter of fact, one of the very fine things about the new amendments to the act is the fact that for the first time we can now combine grants with a guaranteed loan, and under that kind of a provision we should be able to build many additional hospitals around the country.

Mr. SCHADEBERG. Mr. Chairman, I thank the gentleman for yielding.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. MAHON), the chairman of the Committee on Appropriations.

THE INDIVIDUAL'S STAKE IN THE CONTROL OF FEDERAL SPENDING

Mr. MAHON. Mr. Chairman, I hope that the scarcity of Members on the floor does not indicate a lackadaisical attitude on the part of the House toward high taxes, big Government spending and Government programs generally.

I would rather hope that the scarcity of Members on the floor would indicate that the Members have great confidence in the Committee on Appropriations and are willing to approve the bill as drafted by the committee without amendment. I hope that that will be the result.

Mr. Chairman, as we begin consideration of one of the biggest spending bills of the session, it is fitting that we speak about spending. The President and his fiscal advisers spoke about spending over the weekend, provoking in the Washington Sunday Star a massive headline entitled, "Nixon Berates Hill on Spending."

The President should speak about spending because he has a great responsibility in this field. Practically all Federal money is spent under his direction and the direction of top people in the executive branch.

WASTE IN GOVERNMENT

No President, Democrat or Republican, seems to do a sufficient job in promoting efficiency and controlling spending. Always, it seems to get out of hand. Congress, the General Accounting Office, the executive branch, and the press uncover in every administration innumerable in-

stances of gross waste of dollars in miscalculations which lead to shocking cost overruns.

There are many types of waste. Do you remember the story about the submarine *Guitarro* which, as a result of carelessness, sank at the dock while under construction last year at a cost to the taxpayers of $30 million?

To call the roll on Government waste in defense and nondefense areas would consume far more time than is allotted to me. I think my point is clear. There is waste and mismanagement in Government, and neither Congress nor the Executive have succeeded in controlling it.

RESPONSIBILITY FOR SPENDING

The executive branch administers the Government, appoints the executives, hires the employees, makes the contracts, and spends most of the money.

Congress appropriates the money and is not blameless with respect to all waste and mismanagement, but the major responsibility in the field of actual spending and the administration of programs is with the administration in power.

It is not inappropriate for Congress—in seeking to do the best possible job—to call upon the administration to try harder to do a better job in the field of spending the money which Congress makes available. In that spirit I call upon the administration for a more vigorous effort in this direction.

The President has a difficult job—an almost impossible job. He is doing his best and I want to help him as much as possible. It is easy to see that an administration which is spending at a rate in excess of $200 billion a year is confronted with problems of overwhelming complexity and difficulty.

I think it is fair to say that all Presidents try, in a measure, to blame Congress with what goes wrong, and all Congresses try, in a measure, to blame the President.

The present scenario is not untypical but let me say that what we need is not so much fixing the blame as fixing the country.

Yes, the headline said, "Nixon Berates Hill on Spending." In fairness it must be said that the President is compelled to try to keep the Government spending from getting completely out of hand.

NEED TO HOLD THE LINE

Let me say that I am not unsympathetic to the President's request that we seek to hold the line on spending. The Appropriations Committee has done its best to hold the line—not always successfully. It has at times been overridden by the House and by the other body and overwhelmed by its own enthusiasm for favored programs. The joint Senate-House Committee on the Reduction of Federal Expenditures, which I head, has made available the facts of the precarious fiscal situation. I would call attention to the most recent report of the committee in the July 16 RECORD.

Mr. Chairman, I am in favor of the Congress trying to hold the line on Government spending and I am not in favor of exceeding the President's budget for spending except in very extraordinary circumstances. I am in favor of making reductions wherever we reasonably can.

DEMOCRATIC PARTY ROLE

As a Democrat of some experience in fiscal matters, I wish to say that the Democratic Party must do its best to hold the line on Federal spending and do the best possible job of balancing national priorities. I am not talking politics, I am talking commonsense and without a great deal of commonsense and self-restraint we are going to fall in this great hour of national need and let inflation and fiscal uncertainty defeat the hopes and dreams of the poor and destroy the economic base of the general prosperity which we have enjoyed for so many years in this country.

If Congress and the administration want more revenues to spend for improving the environment and other attractive and necessary programs, let us raise the needed revenue. But if we do not have the money we must restrain ourselves.

As a Democrat, I am not anxious to project the image that as a Democrat I want to outspend the Republicans. I am not interested in outspending anybody. I am interested in preserving the economic strength and integrity of this country, thereby retaining the means to promote the welfare of the rich and poor alike. It is in this area that the administration and the Congress could, if the hand of restraint is not applied, jeopardize the Nation's best interests. Of course, I realize that a big country has big needs and requiries big spending.

The President says that we are exceeding his budget and spending beyond our means and we are exceeding the President's budget and we are spending beyond our means. This is not to say that I hold a brief for the economic policies of the administration. I am willing to join my Democratic brethren in saying that a better job should be done by the administration in the handling of our fiscal problems, but I am not willing to say that we ought to dismiss the matter of our precarious fiscal situation with a mere brushoff statement about politics.

In matters of foreign policy and in matters involving the economic integrity and stability of the country, Democrats and Republicans should join together—the administration and the Congress should join together—in an effort to meet our situation in the best possible manner.

That is not only good business, it is good politics, in my judgment, for both Democrats and Republicans.

Politics must not be permitted to obscure the precarious fiscal situation which confronts this country.

REDUCTIONS SHOULD PRECEDE INCREASES

There are those who say they favor staying within the overall budget of the President but who want vast increases for the social programs over the budgeted amounts and who seem to take the position that they will increase the funds for the social programs and nullify the inflationary impact on the budget by reducing by billions of dollars funds in the budget for defense and for space.

Very well. When and if those reductions have been actually enacted into law, it will be appropriate to apply available excess funds to high priority programs but not before. As of now, those reductions have not been made.

However, I should make it clear that many reductions in defense and space programs were made last year, and there is a reduced budget this year. The reductions last year aggregated some $6 billion. We are now spending more for social programs than for defense. Previously, this had not been the case. For this fiscal year, 37 percent of the budget is for defense and 41 percent is for the so-called human resources programs.

A JOINT RESPONSIBILITY

Mr. Chairman, holding the line on spending and practicing sufficient fiscal restraint is a joint responsibility of the President and the Congress. And neither the administration nor the Congress is doing a sufficient job. And neither is without substantial responsibility for our national budget course and our national budget results.

Let me cite some facts, beginning with the fiscal 1970 budget.

When this administration took office, it immediately launched a review of the fiscal 1970 budget of the previous administration, and announced the results in April of 1969. It first undertook to "correct" the budget of the previous administration, and then announced spending reductions of $4 billion.

The revised administration budget showed a projected budget surplus of $5.8 billion for fiscal 1970. But it still projected spending at $192.9 billion—an $8 billion increase over what was then foreseen for the previous fiscal year 1969. The administration—after the extensive review—still proposed spending $8 billion above the previous year.

According to the administration's budget revisions of May 19—2 months ago—fiscal 1970 spending was about $198 billion—some $13 billion, plus, above fiscal 1969. There were many contributing factors—including miscalculations of requirements in certain items, such as interest, and so forth—but that was the result.

The budget surplus originally projected by the administration in April 1969 for fiscal year 1970 had also vanished—and turned into a deficit.

In the fiscal 1971 budget, submitted last February, the President projected a slim budget surplus for 1971 of $1.3 billion.

But on a Federal funds basis; that is, leaving out the borrowings from the trust funds, the fiscal 1971 budget submitted in February was in the red by some $7 billion. As a result of miscalculations of the revenue outlook, miscalculations of certain expenditure requirements, and other changes—by the administration and by Congress—on May 19 the President upped the Federal funds deficit projection to $10 billion.

This is cause for alarm. I am further alarmed because it does not seem that enough people are alarmed about the situation.

POSSIBLE $20 BILLION DEFICIT

I am even more alarmed about the possibility that the Federal funds deficit

in this current fiscal year 1971 could go as high as $20 billion. That is a distinct possibility.

I would not be surprised if the deficit on the unified budget basis goes to $10 billion and the deficit on the Federal funds basis goes to $20 billion. This could well come from administration miscalculations of revenues, underestimates of spending for so-called uncontrollables such as interest, and so forth, and congressional add-ons. And we are responsible for congressional add-ons.

The CHAIRMAN. The time of the gentlemen from Texas has expired.

Mr. NATCHER. Mr. Chairman, I yield 5 additional minutes to my chairman.

Mr. MAHON. Mr. Chairman, in the May 19 budget revisions, the administration has already conceded some miscalculations on revenues and underestimates of uncontrollables. The Joint Taxation Committee staff has recently cast some doubt—to the extent of about $3 billion—on the validity of the administration's revenue projections. And in revenue forecasting, experience teaches that it is always best to assume the low side rather than the high side. Congress seems pointed toward further aggravation of an already aggravated situation.

As of July 9, the House, by its actions on both spending and revenue measures, had increased the projected unified budget deficit by about $2.9 billion—reflecting such actions as a $1.5 billion social security increase, a delay in the family assistance proposal, and other mandatory spending authorizations, totaling $2.8 billion in all, and a net increase of about $100 million in spending related to the various appropriation bills.

As of July 9, the Senate, on both spending and revenue measures, has increased the projected deficit for fiscal 1971 by a net of about $2.3 billion. This net increase in the projected deficit reflects Senate actions on various mandatory spending authorizations similar to but not corresponding exactly to those reported for the House, totaling $1.2 billion in all, and increased spending related to appropriation bills totaling $1.3 billion, offset by nonbudgeted revenue increases voted by the Senate but not yet acted upon by the House. This word of explanation is needed in order to put House-Senate actions in proper focus: The Senate has not yet acted on the social security increase or the family assistance proposal, and has acted on only six of the fiscal 1971 appropriation bills in contrast to the 12 passed by the House.

In addition to the actions taken to date, still awaiting action are about $4.4 billion of the administration's requests for legislative proposals that are counted in the budget as offsets to spending and new revenue proposals—both of which were counted in arriving at the deficit projected by the administration. Involved are such proposals as a new tax on leaded gasoline, accelerated collection of estate and gift taxes, certain user charges, and some spending offset proposals.

THE PENDING BILL

Mr. Chairman, I would like to pound the table and say with emphasis that we have a chance to exercise restraint in our consideration of the bill before us. As the bill stands now, it exceeds the budget estimates by $92 million. We exceeded the budget by $453 million in the companion education appropriation bill.

It is indicated that amendments will be offered later today or tomorrow to further increase the bill in excess of $300 million. At a time when we do not have the money in hand or in sight, I would plead with Members not to join in further aggravating our already serious fiscal difficulties by adding more fuel to the inflationary pressures and further downgrading the consumer dollar.

THE INDIVIDUAL'S STAKE IN THE CONTROL OF FEDERAL SPENDING

We all remember our responsibility to the voters back home, to the taxpayers. We remember that. We will have that matter called to our attention come November.

When we go home prior to November to meet our people, I would hope that husbands and wives would not point at Members of Congress and say, "Where is the man—where is he?—the man who helped cheapen my dollar and made it almost impossible for me to pay my grocery bill and feed my children?"

People have been talking here on the floor about doing something for the poor and the meek and the lowly—and we must. With that thought in mind, let us not shrink the value of the housewives' dollar at the grocery store and elsewhere.

Let us preserve the financial integrity of this country, for only through that procedure can we make it possible for this country to go forward. I plead with the Congress to support the committee on the bill which is before us and vote down the amendments and help take care of the poor who need some support as their dollar shrinks and their needs increase.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. Mr. Chairman, I yield the distinguished gentleman from Texas 3 additional minutes.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the distinguished chairman of the Committee on Rules, who granted us a rule for the consideration of this bill, for which I wish to offer thanks.

Mr. COLMER. I thank the able and distinguished chairman of the Committee on Appropriations for yielding to me.

My main purpose is to extend the congratulations and felicitations of this humble Member to the distinguished chairman of the Committee on Appropriations for this very timely speech that he has made here today calling the attention of the membership to the deplorable situation in which we find ourselves fiscally.

Of course, the gentleman knows and every Member of this House realizes that regardless of who the President of these United States may be, he cannot spend a dollar that this Congress does not authorize and appropriate. So, as the gentleman has so well pointed out, it is a joint responsibilty of the Executive and of the Congress.

Of course, as bad as this continued deficit spending is, the most important thing is the thing that the gentleman called to our attention at the last and emphasized; namely, the depreciation of the currency of this country, with the resultant devastating influence of inflation.

So I want to congratulate the gentleman, and I certainly hope, regardless of party politics, because, after all, if one party goes down the drain as a result of our fiscal irresponsibility, then both parties go down and so does this glorious young Republic of ours—regardless of party politics, I hope that we vote these amendments down. I hope that this membership will heed the advice and remarks of the man who is responsible, the chairman of the Committee on Appropriations, for bringing these appropriation bills to the floor.

I thank the chairman for yielding.

Mr. MAHON. I thank the gentleman for his very generous remarks.

Yes, particularly the poor. The rich can stand it, but particularly the poor must have their dollar protected by someone. The pre-World War II dollar is now worth only 35 cents. It has lost 65 cents. The dollar lost 6 cents last year. That makes it hard on the housewife and the poor little children. I think we ought to think about them in more ways than one. If we overspend and overspend and overspend, the rich will make out, but the poor will suffer. Only by maintaining a strong country can we move toward a better situation for all our people.

Mr. MICHEL. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I wish to join in the remarks which have been made by the distinguished chairman of the Committee on Appropriations and to congratulate and commend the chairman upon his statement.

Mr. Chairman, the Appropriations Committee's recommendations before the House today call for a total of $18.8 billion in fiscal year 1971 for the Departments of Labor and Health, Education, and Welfare, the Office of Economic Opportunity and other related agencies. This represents an increase of $2.3 billion over last year's appropriation, and it is $92.9 million above the President's budget requests for this year.

In addition to these funds permanent authorization exists for the trust funds for social security, railroad retirement, and unemployment compensation totaling $53.8 billion, an increase of $4.9 billion over fiscal 1970. Thus, the total amount included under these departments and agencies for the health and welfare of our citizens is $72.6 billion.

This is a tremendous amount of money, and the committee has taken its responsibility seriously. For more than 14 weeks, Government and private witnesses produced nearly 7,400 pages of testimony.

I commend the chairman, the ranking member, and all of my colleagues of the subcommittee for their unselfish contribution in working out this bill and in doing so with complete agreement.

From these hearings, the committee presents the following recommendations:

For the Department of Labor $1,208,368,000. This is an increase of $118.3 mil-

lion over last year's appropriation, but a decrease of $8.2 million below the budget request.

For the Health and Welfare portions of HEW, $15,486,915,000. This is an increase of $2.1 billion over last year's appropriation and $134 million over the budget request.

For the Office of Economic Opportunity and other related agencies, $2,129,380,000. Ninety-six percent of this is for OEO. The total represents an increase of $85 million over the fiscal 1970 appropriation, but a decrease of $33 million below the budget request.

There are hundreds of projects and programs funded in this bill, far too many to discuss at this time. These range from open heart surgery research to solid waste management; from veterinary medicine to population control; and from child care centers to job training programs. I will mention only a few which have received special attention this year.

Within the Department of Labor, the committee has been impressed by the early results of the job opportunities in the business sector program. This program encourages the private sector to become more involved in terms of interest and input in on-the-job training projects. Only by mobilizing these private resources can the Federal Government hope to upgrade the skills and job opportunities of thousands of workers who have been especially hard hit by the slowdown in the economy. Accordingly, the committee recommends an increase of $77.4 million for this program.

Also regarding the slowdown in our economy, I might point out that the bill includes an authorization to transfer $717.7 million from the Employment Security Administration account to the unemployment trust fund, an increase of $51.9 million over 1970. It would be my hope that Congress would soon complete action on the employment security amendments of 1970 which will extend the time limit and expand the coverage of unemployment insurance. In many local areas the effects of the national slowdown are causing severe hardships for families whose regular benefit periods have expired. Much of this slowdown is due to changing national priorities, and the Federal Government has responsibility to share the burden of continued benefits with the States.

The bill includes $163 million for the environmental health service. About two-thirds of this amount is to be used for air pollution control. According to information furnished the committee at my request earlier this year, the total Federal pollution control activities obligations for fiscal 1971 will cost about $2 billion.

This represents a 60-percent increase over fiscal 1970 and a 123-percent increase over fiscal 1969. The committee has recommended a net increase of almost 10 percent for the air pollution activities in this bill.

For mental health activities under the Health Services and Mental Health Administration, the bill includes $368.5 million. This is an increase of $21.9 million above the President's request and $15 million above last year's appropriation. Most of the increase over the President's budget is found in the committee's proposed addition of $20 million for staffing grants for new community mental health centers.

It is estimated that $20 million will be available from past appropriations for the construction of additional community centers. In view of these new centers, it made no sense to the committee to provide no money for additional staffing grants. We trust that this increase of $20 million will be sufficient.

The committee has recommended $181.5 million for medical facilities construction, an increase of $92.2 million above the request and $5.2 million above last year. This is the popular and successful Hill-Burton program. Included in this figure is $5 million for interest subsidies which will support $166 million worth of construction and modernization loans. With this subsidy, the total for construction of hospitals and other medical care facilities is $338 million. With a backlog of an estimated $11 billion in needed construction and modernization projects in our hospitals, this is certainly the minimum amount needed at this time.

The recommendation for the National Institutes of Health is $1.6 billion. This is an increase of $212 million over 1970 and $92.7 million above the President's request for 1971. The committee added $38.5 million to continue the research activities of each Institute at the 1970 level, thus halting any further deterioration in research support. This deterioration has resulted in a reduction in the number of NIH research grants from $12,000 in 1967 to $9,800 in 1970.

Of the remaining NIH increase, $25 million is for the National Cancer Institute. The total recommended for cancer research is $227.4 million, which is an increase of $46.7 million over the 1970 amount. In addition to this, private sources of cancer research and treatment funds, such as the American Cancer Society and the Damon Runyon Fund and others, supply $100 to $150 million annually. This increase more than makes up for the reduction made by the Bureau of the Budget in the original request presented by the Institute.

It is sobering to note that about one in four persons will get cancer and two-thirds of those afflicted will die with the disease. Cancer will kill approximately 375,000 Americans this year. However, the committee heard repeated testimony that any crash program in cancer research would have to be phased in over a period of time rather than attempting a large expansion in 1 year. As Dr. Marston, the Director of NIH, testified: "A 6- to 12-year program can, therefore, be readily visualized as the time required for development, testing, and evaluation of a vaccine for use against a single form of human cancer. The same process might be repeated in developing and testing vaccines in other types of cancer," of which there are at least 100.

Thus, the committee is well aware that this is a long-term effort. However, the time to start that buildup is now, and the recommended increase reflects our constituents' demands that cancer research receive highest priority in our Nation's health expenditures.

Similarly, the committee recommends an increase of $17.4 million over last year for the National Heart and Lung Institute. Heart disease is the largest cause of death in this country, killing over 1 million of our citizens last year.

For the health manpower activities of NIH the committee recommends $260.9 million, an increase of $18.7 million over the budget, and $48.2 million over last year. In recommending this increase, the committee is following the advice of Dr. Egeberg, the Assistant Secretary for Health and Scientific Affairs.

Dr. Egeberg testified:

> In my professional judgment an increase of funds, should the committee determine to so recommend, could most effectively be employed in the area of health manpower development.

The increase over 1970 for health manpower is about evenly split between institutional support and student assistance. It is the committee's feeling that the student assistance programs should be restored to approximately the same level that existed before last year's cutback. At the same time, it is clear that our medical science colleges are in desperate need of financial support if they are to be expected to produce the health manpower necessary now and in the future. As Dr. Egeberg pointed out:

> For every student who enters medical school in this country there is at least one other person who has the necessary qualifications, but for whom there simply is no space.

The Federal Government is now the source of 52 percent of all medical school expenditures. Yet the need for additional doctors, dentists, nurses, and allied health manpower grows worse each year. The committee was told that if we added up all the private resources plus the Federal support going into health manpower training at the present time, we never would catch up with the need for additional personnel. Several of our medical schools are in a state of virtual collapse because of financial shortages. There simply seems to be no alternative to additional Federal support.

This bill also includes $9.5 billion for the Social and Rehabilitation Service and $2.6 billion for the Social Security Administration. Most of these funds are in the uncontrollable category.

Mr. Chairman, there is not time to discuss the rest of the items in this bill. None of these items is unimportant, as each deals with a certain aspect of the health and economic and social welfare of our citizens. The needs appear limitless; the means limited. It is easy to call for priorities; it is difficult to establish them, as higher priority for one program must bring lower priority for another.

Overall, this is a good bill, and I support the committee's recommendations.

Mr. FLOOD. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Chairman, several times today this bill has been re-

ferred to as a $19 billion or $20 billion bill.

I would like to point out that the appropriations for the Department of Health, Education, and Welfare will really be $65 billion this year under the unified budget. One really cannot get an accurate picture or a balanced picture unless one looks at the unified budget which includes the trust funds.

Also, we have heard a lot lately from some people, as if they have invented it, of the shifting of priorities. Actually, we have been shifting priorities for years. We have a higher percentage of the budget this year going into human resources than we have for defense appropriations and the principal bill for human resources is this bill appropriating money for HEW. I am going to place certain tables in the RECORD which I think will really provide a better balanced picture of this comparison of human needs with the defense budget, and also the increase in the HEW and human resources budget over the years since 1954 when the Department was formed.

I secured these tables from the Bureau of the Budget and from Government sources, so that they would be accurate. I think it would be worthwhile for Members to study these tables which I set forth at this point:

BUDGETS ON NATIONAL DEFENSE AND ON HUMAN RESOURCES AS A PERCENTAGE OF OUTLAYS

Fiscal year	Defense unified budget	Human resources unified budget	Fiscal year	Defense unified budget	Human resources unified budget
1957	55.7	23.2	1965	41.9	29.9
1958	53.7	26.2	1966	42.2	31.0
1959	50.6	26.3	1967	44.3	32.0
1960	49.8	27.6	1968	45.0	32.1
1961	48.4	29.7	1969	44.0	34.4
1962	47.8	28.7	1970 estimated	40.1	37.0
1963	46.9	29.2	1971 estimated	36.7	40.8
1964	45.2	28.9			

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—HISTORY OF APPROPRIATIONS

	Federal funds	Trust funds	Adjustments	Total		Federal funds	Trust funds	Adjustments	Total
Fiscal year:					1965	$6,896,843,000	$17,684,035,000		$24,580,878,000
1954	$1,897,654,000	$5,080,994,000		$6,978,648,000	1966	10,139,059,000	20,077,021,000		30,216,080,000
1960	3,430,712,000	11,742,641,000		15,173,353,000	1967	12,624,152,000	30,077,055,000	−$1,061,439,000	41,639,768,000
1961	3,856,824,000	13,003,000,000		16,859,824,000	1968	14,469,343,000	31,696,738,000	−1,477,860,000	44,688,221,000
1962	4,515,096,000	13,086,790,000		17,601,886,000	1969	15,619,076,000	38,307,896,000	−2,689,905,000	51,237,067,000
1963	5,135,838,000	14,988,916,000		20,124,754,000	1970	16,890,689,000	43,307,363,000	−2,561,345,000	57,636,707,000
1964	5,444,499,000	17,255,195,000		22,699,694,000	1971	19,704,273,000	48,279,399,000	−3,180,270,000	64,803,402,000

Mr. MICHEL. Mr. Chairman, I yield 5 minutes to the gentlewoman from Illinois (Mrs. REID).

Mrs. REID of Illinois. Mr. Chairman, as a member of the Subcommittee on Labor-HEW Appropriations, once again I want to pay my respects to my chairman, the gentleman from Pennsylvania (Mr. FLOOD) and the ranking minority member, the gentleman from Illinois (Mr. MICHEL). Under their leadership, our subcommittee has worked diligently in bringing this bill to the floor.

The legislation before us today—H.R. 18515—carries funds totaling approximately $18.8 billion to cover all activities of the Departments of Labor and Health, Education, and Welfare—with the exception of the Office of Education which was covered in a separate bill—and various related agencies. This bill represents the bipartisan decisions of the members of our subcommittee after some 3 months of intensive hearings. As the seven volumes containing over 7,000 pages of printed hearings indicate, the subcommittee conducted a very thorough investigation and review of the budget requests and individual views brought before us. Representatives from the executive agencies, as well as those outside of the Federal Government, made excellent presentations. I am sure all of us are aware not only of the growing needs in the field of manpower, health, and welfare, but also the necessity to place these needs in a realistic framework of priorities in view of current budgetary limitations.

It has been pointed out that this is the largest of the appropriation bills excluding defense. However, when we take into consideration the money carried in other bills, the 1971 Federal expenditures for health, education, welfare, and services to individual Americans will exceed defense expenditures for the first time since World War II—and I think that is significant.

Naturally, in an appropriation bill of this size—and dealing with matters which are related so closely and directly to people—there are bound to be honest differences of opinion regarding specific amounts. I certainly have great sympathy with many of those who testified—particularly in regard to appropriations for health care and research. The needs are great and more funds could be effectively utilized in some of these programs if available, but we must remember that our resources are not unlimited—and we have a responsibility to do our best to allocate these limited funds wisely and where they will prove to be most effective.

I believe no one would question that we have better medical care in this country than anywhere in the world. However, we know there is a critical shortage of trained medical personnel—hospital costs are high and still rising—and there are many diseases for which there is still no cure.

In this regard I would like to point out some of the specific areas which have been of particular concern to me and many others. Hundreds of people throughout the Nation and in my own congressional district have written to me to urge increased funds for cancer research, and I am pleased that our committee provided an additional $25 million over the President's budget recommendation for the National Cancer Institute for fiscal 1971. The bill, as reported, provides a total of $227.3 million for cancer research—$46 million above the amount appropriated last year. As I have pointed out previously, I am generally not one to exceed the President's budget because I do recognize the urgent need for sound fiscal management in Government if we are ever to control inflation and reduce taxes, but I do feel that a greater national effort is needed in our war on cancer, both in treatment and prevention technology and, in my judgment, the majority of Americans are willing to pay the cost of an accelerated attack on this dreaded disease.

Another area in which we increased appropriations was for the National Heart and Lung Institute where we provided $178.4 million—$6.7 million above the President's budget and $18 million above the amount appropriated last year. In our report last year, the committee noted the rising incidence of chronic respiratory disease and suggested that tem. I am pleased that the Institute is, the Heart Institute give greater emphasis to these disorders which inevitably involve and affect the cardiovascular sysindeed, broadening the scope of research on these problems and that, to give visible evidence of this new commitment, the name of the Institute has been changed to the National Heart and Lung Institute.

Much concern has been expressed, also, about the continuation of the Hill-Burton hospital construction program. I have long felt that this is one of the most successful Federal-State programs in existence, but the goal of increasing hospital beds is even more critical today than it was when the program was instituted. Therefore, our committee gave this matter top priority by recommending appropriations that will provide construction totaling $338.2 million. This consists of $172.2 million in direct grants and $5 million to subsidize interest payments on $166 million worth of loans.

In a continuing effort to meet the shortages of personnel in the health field, our committee included $260.9 million for the health manpower program—

$18.7 million above the budget request and $48.2 million over the amount appropriated for 1970. Included in this total was $2.7 million for formula grants for schools of veterinary medicine. The goal is to provide more doctors, dentists, nurses, and other health personnel to overcome the existing shortages and meet the increasing needs.

Another subject which the committee gave special consideration was mental health. The budget for staffing grants for community mental health centers was $60.1 million, but testimony revealed that this amount would staff only those centers that received grants prior to 1970. Therefore, we included $20 million additional to staff new centers that will be ready to go into operation in 1971. In my opinion, the community mental health centers program has saved many dollars to say nothing in human suffering by reducing the number of patients who are confined to mental hospitals.

It is obvious that I have mentioned only a small percentage of the items in this bill. But I feel it is important that our taxpaying citizens know that much is being accomplished in these important fields.

Mr. Chairman, in my opinion, H.R. 18515, the bill before the House, is a good compromise, in that we have made every attempt to establish priorities among those programs which have proven their worthiness for the health and welfare of our people. We have recommended a net increase of $92.9 million over the budget estimates—mostly for the National Institutes of Health and for medical facilities construction, as I have pointed out. However, this increase should have very little effect on the total expenditure estimate for 1971 since it is mostly for grants that will increase obligations in 1971 but will not have a major impact on expenditures until 1972 or later.

Our committee's task in establishing priorities was not easy under the very difficult fiscal situation which continues to face our Nation today—and I am hopeful that the House will approve our recommendations.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. I thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I was quoted on the wire service by the gentleman from Michigan (Mr. FORD) as being one of the spenders on the appropriations committee along with my colleague (Mr. YATES). I am very proud of the fact that I have been placed in that category if it means that I am one of the people who believes that we should reorder our priorities in this country and put the emphasis on our domestic programs which have been sorely neglected because of the Vietnam war.

Very few talk about the economic impact of that war. There are many of us here who have been talking about resetting national priorities by cutting back military manpower, eliminating obsolete weapon systems and a few other substantial budget claimants. We have been talking about some of the very things that have been discussed by Chairman MAHON. We call for a shift in emphasis to the urgent needs of our cities.

Mr. Chairman, I wish to make it perfectly clear that this is a constitutional democracy. Charles Shultz, former budget director, reminds us that the U.S. budget is not the document of an executive whose decisions are law, nor is the President a prime minister, whose party must support him or bring down the Government. This is not a parliamentary democracy. This is a constitutional democracy. The budget is, rather, a set of proposals sent to Congress for action on appropriation and tax measures. If only I had the time I could show that in the Charles Shultz paper on "Setting National Priorities—The 1971 Budget," we were presented with a contrived budget by the President. The Shultz paper shows how a potential surplus became a potential deficit.

As a member of the Appropriations Committee, I heard the Secretary of the Treasury suggest to committee members that the fiscal policies in this country were all that have been described here by our distinguished chairman, but significantly the Secretary of the Treasury said that we might have to go to selective wage-price controls. What happened? The next day the President contradicted him and told him to shut up. And the battle rages on.

The power is in the Executive to control and redirect this economy, not only in terms of monetary and fiscal controls, but in terms of economic policies and the allocation of resources for their most efficient use. As long as I have my warrant in the House of Representatives, I will be coming to the well to tell my colleagues that the people of the Seventh California District and other districts throughout the country believe that our program and spending priorities should be redirected to the cities. The major problems that this country is facing are internal, and if we neglect domestic problems too long, we do so at our own peril.

I will develop these thoughts in a more formal paper which I shall present later. But I want to call your attention to the fact that Mr. Shultz, in analyzing the 1971 budget, points out very clearly that the dollars allocated for education and medical manpower and facilities are inadequate.

They must be increased. It is for this reason I have led fights to increase education, medical manpower, and urban renewal funds.

I suggest to my colleagues that the President is not facing those domestic difficulties with the greatest candor when his minority leader strikes out at members of the other party, labeling us "spenders." It seems to me that anybody on the Republican side who voted for the education appropriation bill this year with its necessary $400 million increase, can with pride classify himself as a spender.

But I have studied the rollcall. We were all together—Democrats and Republicans, and thank goodness. I believe one of the reasons we were all together is because some of us who are now being accused of being "spenders" were around here last year to do some of the work on this education bill. It is our deep personal belief that these are the important and urgent national priorities.

The President formed the Commission on Student Unrest. I suggest we take a look at some of the implications of what the findings may be. I think one of the things they will find is that for peace on the campus we should get out of Vietnam. If we do not, we will have not only campus problems but our budget cannot effectively be transformed to attack our pressing domestic problems.

We are trying to say two things: We have to set about our business of reordering our priorities, and we must fund these new directions. It is for this reason, as a Member of the most representative Legislature in the world that I come before you and make this case. In fact, it is our obligation and responsibility to do this.

Mr. Chairman, I want to say one thing in levity. To my distinguished friend, the gentleman from Michigan, I want to express very deep regret that he did not make that statement a little sooner. It might have helped me out in the great Seventh District of California.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, if I had known a statement of this sort by me concerning the gentleman's amendment could have been helpful to him in the Democratic primary, I would have said it sooner and louder and repeated it many times, because the gentleman knows I think he is a first-class Member of the House of Representatives.

Mr. COHELAN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, on the bill at the appropriate time, the distinguished gentleman from Massachusetts is going to propose a package amendment. This package amendment has all the characteristics of the education bill. It fully funds vital programs that were left underfunded but I am not going into that now. It will be my task at the appropriate time when the bill is being read to explain a certain section of the package in relation to construction of medical facilities, as indeed I did before our full Appropriations Committee.

Let me tell the Members a little bit about what the problem is all about in the time I have left.

Our distinguished chairman was telling us about the uncontrollables in our budget. When we take the $200.8 billion and add it all up, there are $180 billion in uncontrollable items. The distinguished Member from Illinois made reference to the uncontrollable characteristics in the budget.

We all know what they are—interest on the public debt, social security, and so forth. How do we get interest on the public debt up to the level it is? It is because something is wrong with the whole fiscal policy. Prices have gone up. There is rigidity in the system. There are sticky prices and sacred cows being protected in that budget. Some are uncontrollables.

For example, it is not only the interest on the public debt, but take the Commodity Credit Corporation, which is a highly controversial and political issue, but, nevertheless, uncontrollable. We do not know what that bill is going to be from year to year. The point is that someone's ox is always being gored. but decision must be made.

Now we come to the famous uncontrollables medicare and medicaid. What about them? There are enormous problems being created here. There was a $200 million estimate as our first year costs, instead they have gone up over $2 billion. Why? Because of lack of medical manpower and lack of medical facilities, and lack of paramedical services, and all the categories we are discussing in this bill. If we do not fund existing medical programs, we are going to compound our ills. It will get worse.

A week ago I read in the paper that the Blue Cross plan is going to pot. Why? Because of the incredible rising costs of medical care: $100-a-day hospital beds; uninsurable groups. The high cost of medical care demands that something be done to control these costs. To attack the problems we need more medical manpower and facilities. This is what the emergency health amendment is about.

I urge an aye vote on the Boland amendment when we vote tomorrow.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. YATES. Mr. Chairman, may I ask the chairman of the committee whether my time may be allotted to the gentleman from California?

Mr. FLOOD. Not at this time, Mr. YATES.

Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, let me say I want to compliment the distinguished gentleman from California (Mr. COHELAN) on his very excellent statement. I regret that his talents and his ability will not be available to the Appropriations Committee in the 92d Congress. But I am confident that his absence from this body will be temporary. He has contributed much in the years he has been here, in the very field about which we are talking now. He has been and is a distinguished member of the Appropriations Committee. No one has worked any harder than he has in the time he has served on the committee.

Coming to this well after hearing some of the speeches that have been made here this afternoon in this Committee of the Whole, one would think one would come with some trepidation. That was a powerful speech by the chairman of the full Committee on Appropriations (Mr. MAHON). There was a magnificent dissertation on the bill and explanation of the bill by the distinguished chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD).

But, as the gentleman from California has said, there is the matter of priorities with which this Congress must deal. There is a matter of priorities with which this Committee of the Whole must deal.

So, powerful as the speech of the gentleman from Texas has been, I believe we have to face the fact that we must meet these priorities in the field of public health. This is one area in which the Congress ought to be deeply concerned.

Let me say to the gentleman from Pennsylvania, he has done excellent work on this bill and all the bills he has ever handled as well as on other appropriation subcommittees on which he has served and is now serving.

He has, I believe, won the respect and admiration and esteem of all the Members of Congress for the way he has pulled himself up from a very serious illness to the good physical condition in which he is today. I admire him for his spirit and his determination.

May I also say, Mr. Chairman, when one leaves the theater one has to walk into the street of reality. That is what we are trying to do with the package amendment that will be offered tomorrow.

When this bill was considered in the full committee I stated, and I repeat now, that this Subcommittee on Appropriations, Mr. FLOOD's Subcommittee for Labor, Health, Education, and Welfare, has one of the toughest and I believe the most difficult tasks of all the appropriation subcommittees. There is more interest, more pressure, more testimony relating to this bill than to any other budget with which the Congress deals.

I suppose that this is so because it touches more people and more programs relating to people than any other budget the Congress considers. I imagine that there are few people in this Nation who are not affected in some way by what this bill seeks to accomplish.

The amendment I will offer and have titled, the "health emergency amendment", seeks to establish some priorities in the field of health. The health emergency amendment is not named for purposes of rhetoric. It is so named to reflect the condition of this Nation's health system.

This amendment seeks to do something about the crisis in health. This is a cry that we have been hearing much about—doing something about—but not near enough.

People are getting nowhere near the quality of health care they have a right to expect.

These are not my words. They are the words of former secretary of Health, Education, and Welfare, Robert E. Finch.

Crisis in health is not merely a slogan—it is not just another empty shibboleth.

It is, today, a striking reality. Without exception, everyone concerned with, and responsible for, the health of our Nation—from President Nixon to distinguished experts in the health professions, to ordinary citizens—has expressed deep concern about this plight.

There are other members of the committee who will discuss various aspects of this package amendment. They will expand on specific amendments in the package.

Let me detail briefly what the package amendment does. The emergency health amendment contains the following increases:

Medical manpower institutional support and student loans	$138,954,000
Health educational facilities construction	100,000,000
Hill-Burton direct grant program	80,000,000
Community mental health centers, staffing grants	20,000,000
National Heart and Lung Institute	15,000,000
Pilot dental care projects for needy children	6,000,000
Grants to medical school libraries	500,000
Total	360,454,000

Mr. Chairman, so that the Members will have some knowledge of the programs that the package amendment affects, let me elaborate briefly on them.

First. Institutional support of health schools. Formula grants and special project grants are awarded to schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, nursing, public health, and the allied health professions. The purpose of these grants is to increase the output of health professionals, rescue schools in financial difficulties, and improve the quality of instruction.

The legislative authority for these programs authorizes a total of $255,500,000 for fiscal year 1971. The administration requested only $147,966,000, and the committee increased this request by just $2,700,000.

The health emergency amendment would fund these programs of institutional support to the full amounts authorized, resulting in an increase of $104,834,000.

Second. Loans for health professions students. The programs of direct loans to students of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, and nursing provide these students with much-needed funds for their professional education.

Fifty-six million dollars is authorized for these loans in fiscal year 1971. The administration requested only $21,610,000 a sharp reduction from the previous year. The committee increased the request by $16,000,000, still far short of the amount authorized and needed.

The health emergency amendment would fully fund these loans programs by increasing the appropriation by $18,390,000.

Third. Traineeships for health professions students. Traineeships are provided to selected students of public health, nursing, and the allied health professions.

Thirty-eight million dollars is authorized for these traineeships in fiscal year

1971. The administration requested only $22,270,000, and the committee made no change in this request.

The health emergency amendment would fully fund these health traineeship programs by increasing the appropriation by $15,730,000.

Fourth. Construction of health education facilities. Matching grants are made to the schools of the health professions for construction of new teaching facilities and for renovation of existing facilities. At the beginning of the current fiscal year, approximately half a billion dollars worth of construction grant applications had been approved by HEW, but were unfunded for lack of money.

A total of $260 million is authorized for these construction grants. The administration requested only $126,100,000, and the committee made no change in this request.

The health emergency amendment would increase the request by $100 million.

Fifth. National Heart and Lung Institute. The major source of funds for research into the causes and treatment of heart disease is the National Heart and Lung Institute of the National Institutes of Health. Research on heart disease—still the major killer disease—deserves more financial support than provided for in the committee's bill.

The National Heart and Lung Institute has an open-ended authorization. The administration requested $171,747,000 and the committee raised this request by only $6,732,000.

The health emergency amendment would increase this request by an additional $15 million.

Sixth. Special dental care projects. Section 510 of the Social Security Act authorizes a program of pilot dental care projects for needy children which is aimed at finding ways to control dental disease. The administration requested, and the committee approved, a totally inadequate appropriation of just $180,000 for this program.

The health emergency amendment would increase this request by $6 million.

Seventh. Hospital construction grants. The program of grants for hospital and medical facilities construction and modernization, commonly known as the Hill-Burton program, is designed to provide assistance in meeting the great need for more hospitals and other health care facilities.

The administration requested only $89,321,000 for the Hill-Burton program. The committee raised this request to $181,521,000 by increasing the amount for construction grants and eliminating the amount requested for direct loans.

The health emergency amendment would increase the request for construction grants by another $80 million, which would produce a total amount for grants which is less than the amount appropriated in fiscal year 1969.

Eighth. Community mental health centers staffing. Community mental health centers are designed to reduce the number of patients in mental hospitals by emphasizing outpatient care in the local community as a more effective method of treatment. The greatest need of the centers is money to pay staff during the early years of a center's existence.

The administration did not request an appropriation adequate to continue staffing grants for those centers currently in operation. Only $60,100,000 was requested for this purpose. The committee increased the request by $20,000,000 but admitted in its report that even this amount would probably not be adequate to keep existing centers operating.

The health emergency amendment would insure that these centers continue to function by adding another $20,000,000 for staffing grants.

Ninth. Medical libraries assistance. The National Library of Medicine administers a program of assistance to medical libraries throughout the country.

The administration requested only $5,792,000 for this program in fiscal year 1971. The committee did not change this request, despite an authorization of more than $12,000,000 contained in the Medical Libraries Assistance Extension Act of 1970 for nonconstruction assistance.

The health emergency amendment would increase this request by $500,000.

Mr. Chairman, the amendment I will introduce is intended to meet the minimum needs of nine HEW health programs. These health programs will be listed when we get back into the House. I will list all of the health programs and list the amount of money requested by the administration and the amount of money provided by the Subcommittee on Labor-HEW and the amount requested in this amendment.

So, Mr. Chairman, I would hope when we reach that part of the bill tomorrow where this amendment will be offered, the members of this committee will recognize the fact that there is a crisis in health and that the Members on both sides of the aisle will support the effort to meet that crisis.

Much has been printed and said about the "gap in the health needs of the Nation." Let us close this gap. Let us close ranks on both sides of the aisle and march down that aisle with the knowledge and the satisfaction that we measured up to our responsibility to provide the manpower and the programs that will bring happier and healthier tomorrows for the people of this great land.

Mr. FLOOD. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, it is time to talk about doubletalk, doubletalk from some of those on the Republican side.

We heard today from the minority leader that certain Democrats, including me, were guilty of budget busting and he warned against voting for the Boland amendments to increase funds for various health programs in the HEW appropriations bill. Apparently he forgot the release put out by the National Republican Congressional Committee on July 15, 1970, only a few days ago, which said:

THE MEDICO GAP

Dr. Roger O. Egeberg is preparing a request for the Nixon Administration for $150 million to be applied toward closing the doctor gap in America, Scripps-Howard has reported. The newspaper chain conducted a survey recently across the Nation which revealed a serious shortage of medical care available in many parts of the country.

The survey shows a need for a crash program to increase the number of health workers, with emphasis on doctors. The survey disclosed that physicians are over-concentrated in surburbia, with scarcity in the ghettos and rural areas. Many of the Nation's medical colleges are on the verge of bankruptcy. Medical education has become so costly that lower income groups are being foreclosed from training for careers in medical fields.

Dr. Egeberg is Assistant Secretary for Health at HEW. The $150 million he reportedly wants would boost financial grants to medical, dental nursing and other health-related schools. It would increase the amounts and numbers of Federal scholarships and loans to medical, dental and nursing trainees. The U.S. needs 50,000 more doctors, 150,000 more nurses, 10,000 more dentists and thousands of health-care specialists. There are now 325,000 doctors, 100,000 more dentists and thousands of health-care specialists. There are now 325,000 doctors, 100,000 dentists, 700,000 nurses and 3 million other health-care workers, according to Scripps-Howard.

The 109 medical schools in operation graduated 9,000 doctors last year. Dr. Egeberg wants to double this yearly output to 18,000. "If the Government doesn't help the medical schools and medical students soon, we'll have a doctor shortage for the next 20 years," he warns.

Surprisingly, the U.S. is eighth per capita in the number of doctors, with Austria, Australia, Denmark, Israel, Italy, Russia and West Germany ahead. Health officials say that "maldistribution" is the main problem, with large areas suffering a gap in health care, and others having more than an adequate number of doctors. Dr. Egeberg also wants changes in the 13-year program now required to educate and train a doctor. The total cost of the present program runs nearly $50,000 over the long years of schooling, internship, military service, medical residency and specialized medicine.

Dr. Walter C. Bornemeier, president of the American Medical Association, says the Government should provide "full scholarships and maintenance" for Negro, minority and poor white students who want to become doctors. He also advocates ghetto clinics financed by the Government, under private operation.

The doctor gap was created under the Democrats. The Nixon Administration wants a program to close it up.

Mr. YATES. How, Mr. Chairman? How does the Nixon administration propose to close the gap? With words? Words will not do it without dollars to back them up; and, even the minority leader knows that if the Congress stays within the President's budget as he says he wants to do, neither the doctor gap nor the hospital gap will be closed.

The Nixon administration and the minority leader cannot have it both ways. They cannot cling to the budget's admittedly inadequate figures and still call for closing the health gap.

We will find out tomorrow which side they choose when the votes are taken on the bill and on the Boland amendment.

Mr. VAN DEERLIN. Mr. Chairman, I am happy to add my support to the emergency health amendment. The $360 million which the amendment would provide may seem like a great deal of money, but it is really a modest invest-

ment when matched against a medical bill now hovering at around $70 billion a year, which the American people are paying.

The consequences of our failure to adopt this amendment would be grievous indeed. Some of our most esteemed programs, for training sorely needed health care personnel, for supporting medical and dental schools and for assisting hospital construction, will suffer needlessly.

I for one cannot understand the logic in refusing to fund, in full, these essential and basically noncontroversial programs. Take traineeships and loans for students of the health professions. Everybody agrees we have a critical shortage of qualified health manpower; here's our opportunity to do something to rectify the shortage. Mr. BOLAND's amendment would simply raise the appropriations for the two programs to the authorized level of $94 million, surely a sound move in these difficult times.

Other programs which the amendment would help are equally meritorious. Our medical schools are in trouble, and the amendment would respond to this problem by adding $104.8 million to the $150.7 million recommended by the Appropriations Committee for institutional support of these schools. Again, the ultimate purpose of these grants is to increase the output of health professionals by rescuing the schools from financial distress and improving the caliber of the instruction they offer.

The House has just expressed its own stanch support for the Hill-Burton Act for aiding hospital construction, by decisively overriding a Presidential veto of legislation extending this popular program. The emergency health amendment offers a logical sequel to the override action, by adding $80 million to bring the Hill-Burton funding in this bill to $261.5 million—still less than the amount we appropriated for fiscal 1969.

I should like to include at this point a letter sent last night by 10 members of the Commerce Committee to all House Democrats, as part of the effort to rally support for the emergency health amendment:

WASHINGTON, D.C., *July 21, 1970.*

DEAR COLLEAGUE: As members of the Interstate and Foreign Commerce Committee, which is responsible for authorizing legislation in the field of health, we are vitally concerned about full funding for our health manpower programs.

It is our understanding that the Appropriations Committee has recommended more funds for student loans than the Administration requested, but no additional funds for the schools of the health professions and nursing, except $2.7 million to continue aid to schools of veterinary medicine.

The emergency in funding for our health manpower schools is grave, and is worsening every day. We should act now to meet this crisis.

An "Emergency Health Amendment" will be offered by Congressman Edward Boland to the Labor-HEW Appropriations bill, scheduled to come to the floor today. The amendment calls for greater funds for health manpower programs, as well as increases for Hill-Burton grants, Community Mental Health Centers, and the National Institutes of Health. We support that amendment, and hope you will also.

Sincerely,

Samuel N. Friedel, John E. Moss, Lionel Van Deerlin, Fred B. Rooney, John M. Murphy, Brock Adams, Richard L. Ottinger, W. S. "Bill" Stuckey, Robert O. Tiernan. Richardson Preyer.

Mr. WOLFF. Mr. Chairman, I would like to make it known my full support of the emergency health amendment which would provide $350.6 million to help meet our Nation's grave health crisis. This appropriation would specifically aid medical schools and will be very helpful in the attempt to bridge our deficiency of 52,000 doctors in the country.

Time and again, we have failed the medical schools and their dedicated faculties. We have demanded of them herculean tasks and given them only minimal support. We have demanded of them increases in their enrollments, aid to disadvantaged people in rural and urban areas, and higher quality health care and services. Moreover, we have demanded of them all this but turned a deaf ear to their cries for financial assistance.

Mr. Chairman, we have only approximately three active medical doctors for every 2,000 people, while the Soviet Union has five doctors per same number of people.

Our Nation deserves better care than this. But the only way to achieve a more realistic ratio and every improving care is to enable the medical schools to train more doctors. For this, they need our help. That is why Congress must give its full support to this important legislation.

Mr. MINISH. Mr. Chairman, the Departments of Labor and Health, Education, and Welfare, and related agencies appropriations bill for fiscal year 1971 would appropriate $18.82 billion. While the amount is $2.32 billion over last year's level, increases in uncontrollable programs such as grants to States and trust funds account for $1.7 billion of the higher figure.

In the area of health care the bill is woefully inadequate. Fortunately, the committee saw fit to increase the requests by the administration for health programs such as Hill-Burton construction, the National Institutes of Health, and mental health programs. However, even with the committee increases, the legislation falls far short for providing the much-needed funds to respond to the Nation's health crisis.

Therefore, I support the "emergency health amendments" adding $360.5 million for medical construction, health training programs, the National Heart and Lung Institute, the special children's dental program, medical student loans, and community mental health centers. I urge all our colleagues to support this worthwhile amendment. Overwhelming support by the House for adequate health funds would demonstrate a concern for the welfare of our citizens—a concern which takes priority over wasteful and unnecessary spending for programs like the SST and NASA.

Mr. FLOOD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 18515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For expenses, not otherwise provided for, necessary to carry into effect the Manpower Development and Training Act of 1962, as amended (42 U.S.C. 2571–2620), $744,494,000 to remain available until June 30, 1972.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 18515 and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

POSTPONEMENT OF WHEAT REFERENDUM

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1148 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1148

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3978) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto

to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California, Mr. SISK, is recognized for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1148 provides an open rule with 1 hour of general debate for consideration of S. 3978 to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

Under the present law, the Secretary of Agriculture is required to hold a marketing quota referendum no later than August 1, 1970.

In view of the fact that new farm legislation to replace the expiring Food and Agriculture Act is expected to be reported at an early date, it is felt that a postponement of the referendum is desirable. If the referendum were to be held and then new farm legislation enacted, there would be a waste of time, effort, and money.

The purpose of S. 3978 is to authorize the Secretary to postpone the conducting of a national referendum on the 1971 wheat program. He could conduct the referendum not later than the earlier of two dates: 30 days after adjournment sine die of the second session of the Congress; or October 15, 1970. Thus he would be free to set a date earlier than October 15 if he felt that no new legislation were possible and that such action were needed in order to give wheat farmers greater certainty in planning for their 1971 crop.

Mr. Speaker, I urge the adoption of House Resolution 1148 in order that the bill may be considered. Mr. Speaker, I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by my friend and colleague, the gentleman from California (Mr. SISK), concerning this rule, and this bill, but I hasten to point out that I am not too happy with the action of the committee so far as setting the date of October 15, 1970, or 30 days after the adjournment sine die of the second session of the 91st Congress, for the holding of this referendum. As was pointed out to the Committee on Rules, in the winter wheat areas they will be sowing their wheat long before October 15. In Ohio we usually sow our wheat some time around September 20 or September 25. This referendum could be held as late as October 15, when some of this wheat or most of the wheat in Ohio and in many other wheat areas would be in the ground, and these farmers would be forced then to tear up their fields.

Well, Mr. Speaker, I am happy to report to the House that I read on the wire today that the House Committee on Agriculture has tentatively agreed on a farm bill, and they hope to agree tomorrow. That would do away with the necessity for this wheat referendum, and my reservation about the date would no longer apply.

For this reason, Mr. Speaker, I support the rule, and I support the bill with the hope that the Committee on Agriculture will follow through tomorrow and report out a farm bill.

Mr. SISK. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the bill (S. 3978) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

S. 3978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, may be conducted not later than the earlier of the following: (1) thirty days after adjournment sine die of the second session of the Ninety-first Congress; or (2) October 15, 1970."

Mr. FINDLEY. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, it is true that the House Committee on Agriculture today did reach a tentative agreement on a general farm bill and also on a provision which would establish a limitation on individual payments.

The Washington Post in reporting this event this morning was in error, however, in describing the limitation as a limitation at $55,000 per farm. As I understand the agreement, it would be at $55,000 per crop, and dealing with the three major crops in the bill—feed grains, wheat, and cotton, and if that in fact is the case the limitation in reality is not $55,000 per farm but at least $165,000 per farm.

I do not view that as a responsible limitation on payments which this bill sets and if a responsible limitation on payments is not accepted when the general farm bill is before the House, I think the prospects for enactment of a general farm bill this year may indeed be rather dim. If this should not occur, then there would be a delay in the wheat referendum that we are voting on today, and which I oppose. It would be a grave injustice to the wheat farmers.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. YATES. How does this statement that the gentleman just made relate to the limitation recently passed in the Senate of $20,000 per farm?

Mr. FINDLEY. I would say to the gentleman that the limitation provided in the Senate action on the appropriation bill for agriculture is at a proper and responsible level, which is $20,000 per farm and at the proper time, if I am recognized for that purpose, I will seek to amend the limitation provided in the general farm bill to bring it down to the $20,000 level.

Mr. YATES. How does it pertain to the present bill now under consideration? Is it related and does it relate in any way to the present bill—that is, the $20,000 limitation?

Mr. FINDLEY. No, it is not. It is not in the bill at the present time, but I hope it will be before it is enacted.

Mr. YATES. I thank the gentleman.

Mr. SEBELIUS. Mr. Speaker, the House Agriculture Committee this morning acted to insure prompt action on new farm legislation. This action has a direct influence on House consideration of S. 3978, a resolution passed June 19 by the Senate postponing the wheat referendum scheduled for July 27–31 until October 15 or 30 days after adjournment, whichever comes first.

A referendum of wheat farmers forcing a choice between two mediocre farm programs would create unnecessary friction and division in rural America. In addition, the USDA has estimated the cost of conducting a referendum at $2 million. This money should be applied to improve farm income and save the family farm operation rather than conduct a divisive farm vote.

I urge favorable consideration of S. 3978 to give the USDA the authority to delay the wheat referendum. A referendum will likely not be necessary since new farm legislation should be enacted during this session of Congress. We do not need an unnecessary expenditure of $2 million and a controversial and unnecessary vote in rural America during these most divisive times.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ANY ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until noon Wednesday, July 22, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

JIM G. LUCAS, GREAT REPORTER, DIES IN WASHINGTON

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, Oklahoma lost one of its finest native sons and the Nation lost one of its greatest newsmen last night.

Jim G. Lucas, a smalltown boy who won immortal fame as a Marine combat correspondent in World War II, and who went on to become one of the world's most respected war correspondents as a reporter for the Scripps-Howard newspapers, died last night at the veterans hospital here in Washington, D.C.

Jim Lucas was a newsman who covered war as the GI saw it and the GI fought it. From the beaches of Tarawa to the jungles of Korea and the rice paddies of Vietnam, he worked alongside America's fighting men and told their story with fidelity, bravery, and integrity.

From his starting days as a reporter for the Muskogee Daily Phoenix, Jim Lucas was a man who believed in going where the action was.

As a reporter for the Tulsa Tribune, he became one of Oklahoma's best known newsmen. In later years, with Scripps-Howard, he was the acknowledged successor to Ernie Pyle and one of America's most honored reporters.

In today's edition of the Washington Daily News there appears an editorial under the title of "Jim G. Lucas," part of which reads as follows:

Jim Lucas was a great reporter with a rare gift for chronicling the miseries and joys, heroism and humdrum of the life of the American soldier on the front lines in three wars.

Thousands upon thousands of ex-GI's will long remember him from the clips of his stories they have pasted in their scrapbooks.

American servicemen all over the world, who knew him as a friend, will join in mourning this brave Oklahoman.

Mr. Speaker, I include at this point in my remarks the full text of the editorial:

JIM G. LUCAS

One of many amazing things about Scripps-Howard War Correspondent Jim G. Lucas was that a lifetime of witnessing and writing about the tragedy of wars left him without a trace of inner hardness or cynicism.

He was, until the end, what one speaker said of him years ago in bestowing upon him some particular medal: "A truly modest man—an old Marine with a soft heart."

And he could, and did, write with the best of the journalists of any era.

He undoubtedly saw more combat than any newspaperman in U.S. history. He seemed to be always at the front—until age and a long, losing bout with cancer caused him to return from Vietnam three years ago for the last time. When, for example, Gen. Omar Bradley at a Washington banquet in 1953 awarded Jim in glowing terms the VFW's Gold Medal for conveying the feel of the battlefield in his stories, Jim was on the frontlines in Korea. When he was awarded the 1954 Pulitzer Prize for his human interest stories from Korea, he already was in Hanoi covering still another war. (He was in Hanoi when Ho Chi Minh's troops took over North Vietnam.)

Still, 25 years of frontline reporting in three major wars never shook his belief in the worth of the individual, the value of life, or the love of country.

He never married. He loved young people and there are countless stories of his help to the young, particularly young newspapermen on their first assignment to a war zone. He could, and did, oratorically wave his country's flag at the slightest provocation.

Jim Lucas was a great reporter with a rare gift for chronicling the miseries and joys, heroism and humdrum of the life of the American soldier on the frontlines in three wars.

Thousands upon thousands of ex-GIs will long remember him from the clips of his stories they have pasted in their scrapbooks.

Scores of young newspapermen in the future, we are sure, will be studying his work and seeking to emulate it—just as has been true in the case of Jim's predecessor, Ernie Pyle.

For those of us in Scripps-Howard, it has been an exceptionally rare privilege to have worked with Jim Lucas.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I join my colleague in what he had said about our late friend Jim Lucas, who was one of the most outstanding constituents of the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. Speaker, Jim Lucas knew where the news was, went and got it regardless of how dangerous or how tough the undertaking, and I doubt that many reporters have covered the war in Vietnam as closely, as thoroughly and over as long a period of time as did Jim Lucas.

He was truly on instinctive and great natural reporter. America has lost one of its finest newsmen.

Mr. EDMONDSON. Mr. Speaker, I thank the distinguished majority leader for his comments.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. EDMONDSON. I am glad to yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. Mr. Speaker, I guess I knew Jim Lucas about as well as any Member in the Capitol. He was a marine at heart. He covered the battlefronts as a marine GI would cover it. He was loved by everyone who wore the uniform. He was intense in his patriotism and he was as intense in his reporting the truth to the American people, regardless of how they took it. He was an honorable reporter, a great American and a great credit to his profession.

Mr. Speaker, now that Jim Lucas has gone, a great American, a great American journalist has left this scene and he will be missed.

Mr. Speaker, I applaud the distinguished gentleman from Oklahoma (Mr. EDMONDSON) for what he has said about the late Jim Lucas and I wholeheartedly join in the sentiments which he has spoken so well. I thank the gentleman for yielding.

Mr. EDMONDSON. I thank the distinguished chairman of the Committee on Armed Services for his kind remarks.

Mr. BELCHER. Mr. Speaker, will my colleague yield?

Mr. EDMONDSON. I am glad to yield to my distinguished colleague from Oklahoma.

(Mr. BELCHER asked and was given permission to revise and extend his remarks and to include an editorial.)

Mr. BELCHER. Mr. Speaker, I wish to join my colleague in paying tribute to Jim Lucas. He was not only a great reporter but he was a great fellow and certainly was a dear friend of mine.

Mr. Speaker, I include at this point an editorial entitled "Jim Lucas Dies Here":

FAMED WAR REPORTER: JIM LUCAS DIES HERE

Jim G. Lucas, Pulitzer Prize-winning war correspondent for the Scripps-Howard Newspapers, died early today of abdominal cancer in the Veterans Hospital here. He was 56.

Mr. Lucas began his war reporting career as a Marine combat correspondent in the Pacific islands campaigns of World War II.

For the next quarter century, in dispatches datelined around the globe, his accounts of the heroism and agony and tedium of war gained him recognition as America's best known war reporter since Ernie Pyle, also of Scripps-Howard Newspapers and one-time managing editor of The Washington Daily News.

A versatile writer who covered many other types of stories, Mr. Lucas died three days before publication of his latest book, a biography of Vice President Spiro T. Agnew.

But the assignment he most desired was that which brought him to the frontlines, and to the side of those he respected above all others, American GIs. Mr. Lucas possibly saw more actual combat and more of the maimed and dead of war than any other newspaperman in U.S. history.

His period of front-line reporting spanned 25 years, including World War II in the Pacific, and the wars in Korea and Vietnam.

Many in his profession believed him to be the greatest since Ernie Pyle in his ability to write with compassion and understanding about the American soldier, sailor or marine in battle. He was twice the recipient of the Ernie Pyle Award for writing in the Ernie Pyle tradition, the only newspaperman to be so honored.

Only once was he wounded and that lightly by a piece of shrapnel over the eye near Da Nang in Vietnam in 1964.

He believed that the "fantastic luck" which had carried him safely through so many battles and firefights would stand by him in his bout with cancer which began with a major intestinal operation a year ago. But such was not to be.

SCOOP IN PACIFIC

Mr. Lucas first acquired journalistic fame at the bloody and epic Battle of Tarawa in the Pacific in late 1943. His story, written as a Marine combat correspondent, was the first out and for three days was the only word the outside world had. It was on Tarawa that he received a battlefield promotion from master sergeant to second lieutenant and a Bronze Star. His story produced for him the National Headliners Award for the best combat reporting of 1943. He was listed as dead for a brief time on Tarawa. The dead Marine turned out to be another combat correspondent who was wearing Jim's shirt.

In all, he made eight D-day landings with the Marines in the Pacific in World War II. Battles in which he participated included Guadalcanal and Iwo Jima.

After VJ Day, many newspaper organizations bid for his services. He joined the Scripps-Howard Newspaper Alliance in Washington and became that bureau's military correspondent.

He covered the first atomic bomb test at Bikini and in 1947 went with the late Adm. Richard E. Byrd to the South Pole.

He went to the front lines at the start of the Korean War and spent 26 of that conflict's 36 months in Korea, being present at the end of the fighting. His reporting from Korea (which included making 17 B17 bomber runs over North Korea) won him

the Pulitzer Prize in 1954, as well as his first Ernie Pyle award and a flock of other honors—including the George Polk Memorial Award, the Veterans of Foreign Wars' Omar Bradley Gold Medal and the Marine Corps Reserve Officers' Association's "Not for Self But for Country" award.

After the Korean Armistice, he went to then French Indochina to cover the French war with the Viet Minh, and was based for 18 months in Hanoi. He was in Hanoi when Ho Chi Minh's forces marched in to take over the city.

After the Indochina armistice, he went to Goa to report on hostilities between the Portuguese and Indians. He went to Lebanon when President Eisenhower sent in the Marines and Army paratroops in 1958 and liked to remember that episode as "the only war I ever covered from an air-conditioned hotel room and dressed for dinner every night."

In 1959 he spent several months in Vietnam and in January, 1964—before the big American buildup—stationed himself at Can Tho, in the Mekong Delta of South Vietnam, for the first of several tours that were to constitute coverage of his last war.

WENT ON PATROLS

When U.S. Marines poured into Da Nang, Mr. Lucas shifted the base of his operations there and continued the type of reporting which won for him his second Ernie Pyle award. Even tho then past 50, he continued to go on patrols and stay up all night when events demanded, as when the Reds overran the A Shau Valley.

He returned to the United States in the summer of 1967, hopeful of returning to Vietnam despite the fact he was 53 "and youngsters could do my job better." But health never permitted a return. A book of his Vietnam columns, "Dateline: Vietnam," was published in the summer of 1966 and sold well.

Early this spring he took vacation time to write a biography of Vice President Spiro T. Agnew. It is being published by Universal Publishing Co. of New York and was reviewed in this newspaper last Friday.

Mr. Lucas was born June 22, 1914, in Checotah, Okla. His father died when he was young and he was forced because of lack of finances to cut short his education at the University of Missouri. His first newspaper job was with the Muskogee, Okla. Daily Phoenix. After a stint as a reporter for the Tulsa Tribune, he enlisted in the Marines in 1942.

NEVER MARRIED

He never married, but once (after World War II) was engaged to a Wave lieutenant. The story around his home office was that the romance went on the rocks because the weekend he was to visit her parents in upstate New York an emergency assignment came up. The fiancee is supposed to have said: "It's the office or me." Mr. Lucas took the assignment.

His apartment in an Alexandria highrise was literally filled with awards, scrolls and testimonials. One picture shows one of the highlights of his life: President Lyndon Johnson in September, 1966, introducing him to 100 Congressmen LBJ had called in for Mr. Lucas to brief on Vietnam. It was the only time President Johnson asked a newsman to give such a briefing. Mr. Lucas was given a standing ovation at the close of his remarks.

He was an excellent public speaker and made scores of addresses thruout the country over the years before groups of all kinds.

He is survived by a sister, Mrs. Mary Moore of Bowie, a brother, J. Bob Lucas, state capitol reporter in Oklahoma City for the Tulsa Tribune, a niece, Mrs. Beth Marshall of Torrance, Calif., and a nephew, Peter W. Hudson of Silver Spring.

Funeral arrangements are not yet complete.

GENERAL LEAVE TO EXTEND

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the life and service of Jim Lucas.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LET US PUT THE "TIGER CAGES" AT CON SON PRISON IN PROPER PERSPECTIVE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the current furor in this body over the "discovery" of the so-called tiger cages at Con Son prison is somewhat out of focus, but nevertheless necessary.

First, let me say that atrocities of any kind, whether performed by ally or enemy, must be condemned. And surely if the Con Son prison conditions are as bad as the reports of two of our colleagues and others suggest, I condemn the situation loudly and vehemently, and demand that immediate action be taken to correct the injustice.

And let me also add an "I told you so," to my statement made at the time this body approved the sending of an investigating committee to South Vietnam.

In voting for the resolution, I had cautioned that it was imperative that the group take ample time to gather facts and information prior to their departure in order to make their journey more meaningful and productive. Obviously, the gentlemen from California (Mr. HAWKINS) and Tennessee (Mr. ANDERSON) had a good supply of information on the "tiger cages" and successfully sought them out.

However, let us not confuse the Con Son prison situation with that of the POW camps in North Vietnam. If I may, I would like to put the whole matter in perspective.

First, the South Vietnamese maintain separate prison camps for POW's, which are operated according to the Geneva accords and are open to inspection by international bodies such as the Red Cross. North Vietnam—which has signed the Geneva accords—has repeatedly refused to let the International Red Cross inspect their prisoner-of-war camps.

Second, the South Vietnamese Government has not exactly been hiding the Con Son prison. If an Associated Press wire service report dated July 15 can be believed, the International Red Cross has inspected the prison three times in the last year and a half, and in a "sharply worded" report declared the conditions unsatisfactory and made recommendations for improvement.

Third, in my investigations of stockades on U.S. military bases, I have found many appalling conditions that are just as despicable as those at Con Son prison. Likewise, the American press—particularly columnist Jack Anderson—has revealed horrifying conditions in many of our State penitentiaries.

However, none of this is meant to excuse the existence of the Con Son tiger cages. It is meant only to put it into perspective. I would welcome an investigation of the situation, but I wonder whether it is wise for the Congress to request such an investigation by the executive branch at this time.

I rather feel, Mr. Speaker, that we should await the results of investigations being conducted by the executive branch of the Saigon government and also by our counterparts in the Vietnamese Congress. The International Red Cross has also promised to make another investigation later this year.

Further, let us see if President Thieu carries out his promise, reported last week, to destroy the tiger cages.

Hopefully, reports of all investigations will be made public and will reflect the positive action of the Saigon government to rid Con Son of any inhuman conditions. If, however, they reveal that no action has been taken, then it would be advisable for the U.S. government to reconsider its AID policies which help finance some of the prison programs in South Vietnam.

In the meantime, I think our investigative efforts would be well spent on U.S. military and civilian prisons here at home.

Let us remember that when the Communist threat in South Vietnam escalated the United States manifested its "only we can do it right" attitude and took over the war. That has been proven unsuccessful. This time let us let the Saigon government correct its own prison deficiencies with our help if it is asked for.

It is a bit presumptuous of this body to expect a democracy of less than a decade to exhibit model penal institutions when this democracy of almost two centuries stands shamefaced on the issue of penal reform.

NO-KNOCK: A PROVISION BY ANY OTHER NAME

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PODELL. Mr. Speaker, I, along with other concerned Americans, deplore the passage by the House of the District of Columbia crime bill with its no-knock provision. There was a suggestion this very morning by Attorney General John Mitchell that the name "no-knock" be changed. Mr. Speaker, if the substance of this clause remains unchanged, then it will continue to pose a grave and direct threat to the freedoms of the American people. It also will open the door to further incursions in the future.

The citizens of the District of Columbia must be guaranteed security in their homes. They should not be subject to intrusion of any sort without, at least, the courtesy of a knock on the door.

The fourth amendment to the Constitution protects "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures." The Founding Fathers adopted this amendment be-

cause they remembered how the British troops had abused the rights of the American colonists. They remembered how the English troops had entered colonial homes without warning—armed with guns rather than with writs. They remembered how the troops had seized the personal belongings of colonists and often took the colonists themselves into custody. The fourth amendment was adopted so that such practices would not continue.

Yet the present no-knock provision of the District of Columbia crime bill directly contradicts the fourth amendment. It permits the government to do exactly what the fourth amendment was designed to prohibit. It makes the American people, and in particular the residents of the District of Columbia, vulnerable to abuse by the police.

Of course, we must also consider the safety of our Nation's police forces. Our law officers would be placed in grave peril were they to break into homes without announcing that they were law officers. I know I would shoot someone who forced his way into my house without announcing that he was a law officer. I am sure many of my fellow Americans would do likewise.

I recognize that the increasing crime rates in our cities are one of the major domestic problems confronting this Nation. I am a strong advocate of reducing this crime rate so that our citizens will not live in any fear or danger. Yet I recognize too that the rights of the individual have been the cornerstone of liberty in this country. These rights are finite, and serious inroads into their exercise are not easily recaptured. The crime rate in this country is high and must be reduced, but not at the expense of individual liberties.

We, the leaders of this Nation, must act to insure that these freedoms do not die. It is for this reason that I opposed the no-knock provision of the District of Columbia crime bill when it was voted on by this House. This provision by any other name will pose a dangerous threat to American liberties. I hope that the Senate will oppose the no-knock provision of this bill so that we may preserve those freedoms the Founding Fathers intended us to enjoy.

PRINCIPAL PROVISIONS OF AGRICULTURAL ACT OF 1970

(Mr. POAGE asked and was given permission to address the House for 1 minute.)

Mr. POAGE. Mr. Speaker, a few minutes ago the House Committee on Agriculture instructed the chairman and the ranking minority member to introduce a general farm bill, which bill has been introduced and will be available as soon as it can be printed, which we hope will be tomorrow.

So you may have some idea of what is in this bill, we have prepared a very brief summary of the provisions of the bill. I ask unanimous consent to insert this in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. POAGE. Mr. Speaker, the principal provisions of this bill are as follows:

PRINCIPAL PROVISIONS OF THE "AGRICULTURAL ACT OF 1970"—H.R. 18546

This bill is made up of eight titles which contain the following major provisions (*unless otherwise noted, all provisions will be in effect for the next three years*):

TITLE I—PAYMENT LIMITATIONS

(To be included in bill as a committee amendment.)

TITLE II—DAIRY

1. Extends and amends the authority for the Dairymen's Class I Base Plan in federal milk market order areas. It specifically guarantees competitive access to Class I Base markets by established producers outside the market order area. Appeal procedures under present law remain unchanged.

2. Suspends the operation of the mandatory butterfat price support program for farm-separated cream and permits the Secretary to set lower support prices on butter.

3. Extends the Secretary's authority to donate dairy products owned by CCC to the Armed Services and Veterans Hospitals.

4. Extends the Secretary's authority to make indemnity payments to dairy farmers who through no fault of their own have their milk contaminated by and condemned because of the presence of pesticides and residues.

TITLE III—WOOL

1. Extends the National Wool Act of 1954, as amended, through December 31, 1973.

2. Continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair for each year of the extension.

TITLE IV—WHEAT

1. Suspends both the marketing quota program for 1971, 1972, and 1973.

2. Provides domestic marketing certificates to farmers participating in the set-aside program in an amount equal to U.S. food consumption (about 530 million bushels annually).

3. Sets the face value of these domestic certificates at the difference between the wheat parity price (currently $2.82 per bushel) and the average price received by farmers during the first five months of the wheat marketing year (which starts on July 1).

4. Provides for a "preliminary" payment to participating farmers as soon as possible after after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment (if any) would be paid in December. If the Secretary's estimate were too high, no refunds by farmers would be required.

5. Continues the cost of certificates to wheat processors at 75 cents per bushel.

6. Authorizes the Secretary to set nonrecourse loans to participating farmers from zero to 100 percent of the parity price for wheat.

7. Establishes a "set aside" program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary.

8. Authorizes payments to participating farmers for any additional set-aside acreage and for permitting public recreational access.

TITLE V—FEED GRAINS

1. Establishes a voluntary feed grain (i.e. corn, grain sorghum, and barley) program for 1971, 1972, and 1973.

2. Provides that price support payments to participating farmers on one-half of their feed grain base will be the difference between not less than $1.35 per bushel (for corn) and the average market price for the first five months of the marketing year (which starts on October 1 on corn and grain sorghum and July 1 on barley). In no event, however, would these payments be less than 32 cents per bushel for corn (with corresponding rates on grain sorghum and barley).

3. Authorizes the Secretary to set nonrecourse loans at zero to 90 percent of feed grain parity prices.

4. Authorizes additional set-aside and public recreational access payments.

5. Establishes a "set-aside" program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.

6. Provides for a "preliminary" payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first five months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

TITLE VI—COTTON

1. Provides a guaranteed support of 35 cents per pound (middling one inch basis) on the estimated production from 11.5 million acres for the 1971 crop and an equivalent amount for the 1972 and 1973 crops.

2. Makes assistance available to participating cotton farmers through loans and payments. The loan would be 90 percent of the estimated average world price. The payment would be the difference between 35 cents and the average market price for the first five months following the beginning of the marketing year (which begins August 1), but in no event less than 15 cents per pound. No refunds by farmers would be required in the event market prices were greater than 20 cents per pound.

3. Authorizes payments to participating farmers on acreage made available to the public for recreational purposes.

4. Provides for a set-aside of cropland (not to exceed 33⅓ percent of the cotton allotment) as a condition of eligibility for benefits under the program.

5. Establishes a voluntary program under which marketing quotas, penalties, and acreage restrictions would be suspended for three years.

6. Requires participating farmers to plant cotton to receive payments, with two exceptions: (a) if unable to do so because of natural disaster or other condition beyond producers' control: (b) if not less than 90 percent of allotment is planted.

7. Allows the sale of cotton allotments within a State, permits the lease of allotments within a State, and provides for the release and reapportionment of allotments during the 3-year life of this legislation.

TITLE VII—PUBLIC LAW 480

1. Extends without change the provisions of P.L. 480 (the "Food for Peace" program) which authorizes donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations. Under the Act most foreign currency sales are scheduled to end by December 31, 1971.

TITLE VIII—GENERAL AND MISCELLANEOUS

1. Continues the "Cropland Conversion" and "Greenspan" (long-term land retirement programs) at an authorized appropriation level of $10 million annually for each program.

2. Continues the current exemption from marketing quotas for boiled peanuts.

3. Permits farmers or other land owners who do not desire to hold an allotment on any crop under a government program to voluntarily relinquish it. (This would be a permanent provision.)

4. Establishes an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

Mr. Speaker, this is a good bill. We were instructed to introduce it by a vote of 25 to 7 in the committee. It has the endorsement of the administration. It has the support of the overwhelming majority of the members on both sides of the committee, and it will render a real service to agriculture and to consumers. I hope the membership will give it every consideration.

PLACE THE BLAME WHERE IT BELONGS

(Mr. FOREMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOREMAN. Mr. Speaker, in strictly a partisan political approach, the Democrats have served notice that they will make inflation, Vietnam, and domestic disorder key campaign issues this year.

If they do not—we should.

Because it was the Democrats who controlled this Government during the first 8 years of the 1960's when the runaway deficit spending spiral was set in motion, when the American manpower commitment in Southeast Asia escalated from 793 to 550,000, and when riots, disorder, and rampant crime reached an all-time record high.

President Nixon did not start inflation—he was loaded down with it when he took the oath of office. The runaway spiral was set in motion by the "new economics" political doctrine of the 1960's which promised lower taxes and inaugurated a Federal spending spree that sank the Government into a $59 billion hole—culminating in the record-staggering $25 billion deficit in 1968 alone. The new administration initiated sound, responsible economic policies that gave us a fiscal year 1969 surplus of $3 billion, reduced the annual increase in Federal spending by better than 50 percent, and curbed the causes of zooming prices.

President Nixon did not start the war—he inherited it. Since that inheritance, he has completely changed the direction through his Vietnamization program from an American responsibility to a South Vietnamese responsibility. There has already been an overall reduction of 125,000 Americans who were committed in Southeast Asia, and there will be 150,000 less by spring of next year, meaning that one-half of the boys committed to the war in 8 years of the two previous administrations will have been brought home in the first 2 years of the present administration.

President Nixon did not start riots, disorder, and rampant crime in America—it was at an alltime high when he took office. But since taking office, he has established an effective, capable Department of Justice that is letting the hopheads, thieves, crooks, and criminals understand that crime does not pay like it once did—and as a result of President Nixon's appointments, for the first time in 13 years, the Supreme Court is becoming independent of the activist, liberal coalition which has ruled it.

The Democrat-controlled Congress continues to drag its feet on needed anticrime legislation, attempts to tie the President's hands and cut off supplies to our troops in Southeast Asia, and, blocks proposed Government efficiencies and works against the Republican administration's hard fight to hold down spending and curb the inflationary clutch that is despoiling the paychecks and the savings of American wage earners.

Let us pin the tail on the donkey, and place the blame where it belongs.

It is, indeed, a powerful campaign issue.

PFAFFTOWN, N.C., JUNIOR CHAMBER OF COMMERCE

(Mr. MIZELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, dedication to excellence is the hallmark of any successful venture, whether in professional or personal items.

The size of an enterprise can enhance the appearance of its success, but size alone is no measure of true greatness or achievement.

It is my pleasure to bring to the attention of my distinguished colleagues an example of the dedication to excellence about which I have spoken.

It was recently announced that the Pfafftown, N.C., Junior Chamber of Commerce has been named the No. 1 Jaycee organization in the Nation for 1970.

This is a great honor in itself, but the prize is all the more deserved and should be all the more cherished when one considers that it was the work of only 59 men—59 men in competition with organizations many times larger—that earned the highest award bestowed by the National Junior Chamber of Commerce at its recent convention in St. Louis.

It is fitting at this time, Mr. Speaker, that the names of these 59 men should appear in the CONGRESSIONAL RECORD as deserving recipients of this outstanding designation, but more, as symbols of dedication, of faith, of ambition, of excellence.

The Pfafftown Jaycees are Archie Anderson, Richard Austin, Thornton Beroth, Winfield Beroth, Ray Bottoms, John Burton, Ralph Burton, Stephen Callaway, Billy Carter, Jerry Carter, William Case, Norman Cash, James Cass, Jimmy Cline, Max Covington, Tommie Dalton, Stephen Elam, Robert Ely, Phillip Fleming, Terry Harrell, Edwin Henson, James Hewett, Jerry Johnson, Roger Jones, Roger Jordan, Thomas Jordan, Thomas Logan, Robert Lukach, Arnold Marshall, Kenneth McKaughn, Charles McMillan, Billy Mendenhall, Stephen Miller, William Mueller, Fredrick Mulcox, Joseph Ottaviani, Kenneth Parker, Douglas Parrish, Jack Patterson, Cecil Peeler, David Poindexter, Dr. Barry Ramsey, Celtus Robertson, Stuart Rollins, James R. Scales, Jack Stewart, Aaron Veach, James Wagoner, Dale Watson, Jesse Watson, Paul Watson, Jimmy Westmoreland, Jack White, Johnny Williams, Ronald Williams, Alan Willis, Donald Wooten, Michael Vehorn, and Michael Yates.

Without objection, I include the following newspaper account of their achievement, and a subsequent editorial, published in the Suburbanite-Weekly News, of Winston-Salem, N.C., in the RECORD:

[From the Winston-Salem (N.C.) Suburbanite Weekly News, May 14, 1970]

Pfafftown Jaycees last weekend won the top Jaycee award in the nation at the annual national convention in St. Louis.

It was the second time in the past four years the chapter has been Number One in the United States.

It won the state title this year, as it did in 1967.

Competing against some 3,500 chapters in 50 states, the Pfafftown chapter, which has only 60 members, also won the Clarence Howard Award for the best overall chapter in its division in the nation. Divisions are based on population of towns and cities in which chapters operate.

Ron Williams, who was president of the Pfafftown chapter during the year for which the awards were made, attended the convention in St. Louis, along with his wife, Sue.

"It was one of the biggest thrills of my life," said Williams, an energetic 34-year-old employe of R. J. Reynolds Industries.

"Jim Ollis, our state president, was so happy about our winning that he hugged my neck while I was on the way to get the award. I missed a step coming from one stage level to the other and fell."

Ollis had just been elected a national vice president of Jaycees.

Pfafftown Jaycees now will enter international competition and will submit the entry as soon as final instructions are forwarded from the national office. Greensboro Jaycees once won the international award.

In fact, Pfafftown and Greensboro Jaycees have monopolized the state award for the past five years, Greensboro winning it three times and Pfafftown the other two.

The national awards were made for the excellence of the overall performance in each of eleven project activity areas.

The Pfafftown chapter placed first nationally in recreation and sports, chapter management, publications, and was in community health and safety.

The chapter received a plaque in recognition of its showing in these categories.

Two other North Carolina chapters took first place awards in their population divisions. They were Greensboro and Forest City, which won Howard Awards in their respective divisions to give the state three of the six division awards.

"I said a year ago when I took office my wife and I had an impossible dream—that Pfafftown Jaycees would be chosen the number one Jaycee chapter in the United States on this 50th anniversary of the national organization. Thanks to the members of our chapter and their wives, and to North Carolina Jaycees, this dream has come true," Williams said.

"I also want to thank the citizens and business men of the community, who in large measure made it possible for us to enjoy such tremendous success in our undertakings," Williams said. "I would rather we were number one with them than number one in the nation."

The Pfafftown chapter was chartered in March, 1965, with only 30 members. That year, it won the state and national Milestone Awards for the best first-year chapter in North Carolina.

The following year, it was declared the number one chapter in the state and nation and consistently has ranked among top chapters in North Carolina.

The thing which makes the Pfafftown accomplishments uniquely significant is the small size of the chapter and the community in which it operates. Greensboro, for example, has more than 500 members and almost unlimited resources as sponsor of the Greater Greensboro Open Golf Tournament.

In state competition this year, Pfafftown Jaycees won first place in seven out of 11 categories in which they competed, plus two second place finishes and the "project of the year" award in the state and division.

The chapter was judged at the national level in the same categories as at the state level.

The chapter last year raised and disbursed for charitable purposes more than $69,000—more than $1,000 per member. The members put in more than 15,000 manhours in community work, which if performed by an individual working 24 hours a day would amount to more than 1.8 years of continuous work.

Its award-winning project of the year was the Guardsmen's Assistance Fund. The drive, conducted in October, raised more than $41,000 in about 15 days following a gas explosion at the local National Guard armory on Link Road. Four Guardsmen were killed and a dozen others injured.

The first $10,000 of the fund went to pay travel expenses of immediate families of the victims, who were taken to Houston, Texas, for treatment at the Army Burn Center and later were visited by their dependents.

The remainder of the money—more than $30,000—was put in trust for the education of children of the men who died in the explosion.

In addition to Williams, other officers of the chapter during the project year included Roger Jones, internal vice president; Jim Westmoreland, external vice president; Don Wooten, treasurer; Jack Patterson, secretary; directors Fred Mulcox, Dr. Barry Ramsey, Ralph Burton, Jerry Johnson and Mike Yates. Jim Cass was the club's representative on the state board of directors and Norman Cash was chairman of the project of the year.

[From the Winston-Salem (N.C.) Suburbanite Weekly News, May 14, 1970]

A SALUTE TO YOUNG MEN

Unique honor was bestowed during the weekend upon Pfafftown Jaycees, who for the second time in four years were declared the best chapter in North Carolina. That, even for such a gigantic and renowned organization as Greensboro Jaycees, who have won the top honor the other two years, is a rather significant accomplishment. But for a chapter like Pfafftown's—which is in only its fifth year—the success is phenomenal.

Moreover, during its second year, when the chapter won the state award, it also was declared the number one chapter in the United States. On this the 50th anniversary of Jaycees, the chapter presumably stands an excellent chance of once more capturing the national title.

This, mind you, in a suburban community and a chapter with only 59 members. How can such accomplishment and honor befall so tiny a chapter, when there are others in the state with memberships of more than 500?

Involvement is the answer. During their five-year history, Pfafftown Jaycees have responded to community needs and have solved community problems by the simple expediency of recognizing and analyzing the problems, determining how they should be solved, and individually and collectively doing something about it.

We suggest that this nation and these wonderful communities of Forsyth County can, by the same strategy, solve the difficulties that beset us. Our problems are here, so to await solution from our national capital, or from Raleigh, is folly. Problems are best solved by the people which they concern. If we, as clubs and churches and societies and individuals will rationalize, we can by individual and collective effort obliterate some of our economic and social sores which are now festering and which left unsolved, may develop into malignancies.

Pfafftown Jaycees is a great organization because of the dedication, devotion, ability, and energy of its 59 members. This nation is great because of the basic attributes of each of its some 200 million individual citizens. If one dared determine what is wrong in this country, he would first assess his own shortcomings as a citizen, multiply the results by 200 million, and he'd be pretty close to the answer.

So there is something more than signal honor in the accomplishments of Pfafftown Jaycees, who, incidentally, won the state "project of the year" award, plus seven first place awards in the 11 categories in which they were judged. This chapter, like all Jaycee chapters, is made up of young men 21 to 35 years of age. Its membership is well distributed within that age group. Certainly, from these 59 young men will come much of the community's leadership. And from the succeeding generation will come other dedicated young men who may hang another dozen plaques on the clubhouse wall.

Leadership, tenacity, singleness of purpose (though perhaps 59 divergent ideas about how the job might be done), energy, involvement, and dedication to duty are the attributes which enabled Pfafftown Jaycees to bring to themselves and to their community another unique distinction. The same can be achieved by every civic club, by every social order, by every fraternity, by every church, by every community, by every city, by every state, by this nation if we will, as individuals, but set our goals as high and devote ourselves as diligently to salving the wounds of our society and of mankind.

REPORT OF SPECIAL SUBCOMMITTEE ON MYLAI INVESTIGATION

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include an editorial.)

Mr. DICKINSON. Mr. Speaker, just last week the special subcommittee on the Mylai investigation made its report. Once again, it proved to be very newsworthy and was carried by the wire services across the country.

Mr. Speaker, I am very proud to have served on this committee because I feel we have performed a very valuable function.

Mr. Speaker, I cannot help but be concerned that the American people will view the United States as "the bad guy" in this instance, but it was one instance, it was news because it was unique, because it was different. A tragedy of this nature is not the policy of this country, and it has not been our policy in the past. Yet it seems that the news media and the public in general are either unaware or unconcerned about the atrocities committed by the North Vietnamese regularly.

Just prior to the Mylai incident, in a place called Hue, over 4,000 South Vietnamese were systematically slaughtered, many of them buried in mass graves, their hands tied behind them. Whole families were eradicated. The fact that over 4,000 human beings were slaughtered, was not even deemed particularly newsworthy by the media around the world.

In 1 month, in a South Vietnam village, the Vietcong went in with flamethrowers and burned to death every man, woman, and child in that village, over 200. Bodies were stacked like cordwood. These things did not get play in the press, and they did not hit the conscience of the public for some strange reason. I am tired of the Americans always being picked as the heavy-handed boy in Vietnam when it is the practice of the North Vietnamese and the Vietcong to commit these atrocities with premeditated regularity. At this time I would like to include an editorial from the Sunday, June 28, 1970, issue of the Birmingham News. I urge my colleagues to read the editorial opinion of James E. Jacobson. It will be well worth the few minutes it takes.

THE LESSON OF HUE

Uncounted columns of words have been written and uncounted feet of television film have been devoted to the alleged massacre of Vietnamese villagers at My Lai.

But one is hard to find a mention of the grisly story of Hue, where the bodies of more than 6,000 victims of Communist "liberation" have been recovered from mass graves.

The story of Hue is recounted in detail in a study written some months ago by Douglas Pike, a career official of the U.S. Information Agency and the author of books which have established him as perhaps this country's top expert on the Viet Cong.

Even more chilling than the story of what happened at Hue when the city was captured by the North Vietnamese in the 1968 Tet offensive is Pike's conclusion that as many as three million people might suffer a similar fate if the Communists are permitted to win a decisive victory in South Vietnam.

Those in this country who have urged a U.S. pull-out have tried to dismiss the suggestion that a bloodbath would follow a Communist victory as propaganda by the "hawks" to keep us in the war.

Hue is uncomfortable proof that the fears have a basis in reality. Maybe that's why it's so studiously ignored.

When the Communists took the city, Pike wrote, they began a systematic liquidation of those considered unfriendly. They were rounded up and machine-gunned—the more fortunate ones. Some were tortured and buried alive.

After the elimination of individuals whose names were on their death list, the Viet Cong assassination squads which surfaced after the North Vietnamese took the city began to move against "social negatives"—that is, those who were deemed potentially dangerous not because of who they were, individually, but because of the places they held in the community.

". . . Killing in some instances was done by family unit," Pike wrote. "In one well documented case during this period, a squad with a death order entered the home of a prominent community leader and shot him, his wife, his married son and daughter-in-law, his young unmarried daughter, a male and female servant and their baby. The family cat was strangled; the family fish scooped out of the fishbowl and tossed on the floor. When the Communists left, no life remained in the house. A 'social unit' had been eliminated."

Multiply that by the times it would happen in every town and village and hamlet in South Vietnam if the Communists prevail.

But Americans might never know about it, and thus their consciences need not bother them—or so some seem to think.

One of the Communists' first acts, Pike said, would be to clear all foreigners, especially the Western reporters, out of South Vietnam: "A curtain of ignorance would descend. Then would begin a night of long knives . . . But little of this would be known abroad. The Communists in Vietnam would create a silence.

"The world would call it peace."

The Communists *won't* prevail, if they must depend upon a military victory to do so. But in South Vietnam and in Cambodia their capacity for waging big unit war has been drastically reduced. This, Pike predicts, will motivate them to turn more to the strategy of terror, with an eye on the impact they can have on wavering public opinion in America, in the hope that the American people will lose their stomach for going on.

Vietnamization *can* succeed, giving the people of South Vietnam a fighting chance to survive the Communists' attempt to impose their rule, and thus to escape the fate of the 6,000 at Hue. Then, perhaps, peace can be achieved.

Are Americans really prepared to live with the other kind of "peace" which Hue forebodes?

Douglas Pike wrote:

"Apparently (the massacre at Hue) made no impact on the world's mind or conscience. For there was no agonized outcry. No demonstrations at North Vietnamese embassies around the world. Lord Russell did not send his 'war crimes tribunal' to Hue to take evidence and indict. In a tone beyond bitterness, the people there will tell you that the world does not know what happened in Hue, or if it does, does not care."

We believe some do care.

AGRICULTURAL PAYMENT LIMITS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. BUSH) is recognized for 5 minutes.

Mr. BUSH. Mr. Speaker, the agriculture payments limitation issue is an emotional one. It is a many-headed monster that few really understand. And, I am convinced, that no one realizes all the adverse effects of a low level limitation such as the $20,000 limitation the Senate added to the Agriculture appropriation earlier this month.

I do not feel, Mr. Speaker, that a limitation like this should be added to an appropriations measure. If Congress is going to change the payments program; it should be done in conjunction with the farm program legislation. Only at that time will the Congress have sufficient foundation on which to render a truly judicious decision.

Behind the move to limit payments to a low level is the old complaint that farmers should not be paid for not growing crops. There is something about paying for nonproductivity that offends. But is this what we are really doing? Let us look for a moment at what we would be doing if we instituted a low level limitation.

Most importantly, we would have removed the incentive under the current farm program for a farmer to enlarge his operation or to seek greater efficiency. It would clearly jeopardize a man who has improved his operation over the years.

In addition, the low level limitation will cripple the commercial producer, the one that produces the majority of our production. It is said that the limitation can be established at a very low level before more than 80 to 90 percent of our producers are affected. However, the production that comes from the top 10 to 20 percent of our growers is substantial and without it we will see a disruption of our markets. The Lubbock Avalanche-Journal editorialized on July 13, 1970, that—

Many persons regret, on a number of grounds, that U.S. farms have been growing larger. Nevertheless, that is no reason to penalize their owners and operators with ill-advised legislation which, by itself, is unlikely to benefit small farmers to any great extent.

The primary cause for the growth of these large farms has been modernization and mechanization in other phases of our economy. This has also been the primary cause for the low prices Americans today pay for most farm products. By placing a $20,000 limitation on payments, we will be saying to the majority of farmers in our Nation, in terms of production, that they cannot enlarge, that they should not become more efficient and the result will be chaos. If, indeed, we remove the payments or cut them to a meaningless level, we will force the large and most effective producers out of the program and into other crops, thereby causing total havoc in other areas.

Unless, we in Congress take a long look at the farm program in its entirety, we will see the demise of our ability to produce so well at such relatively low cost by the addition of this amendment. The appropriate time for considering payment limitations is when a new legislative bill comes before the Congress.

GI HOME LOANS

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker. I have today introduced legislation which will rectify an injustice to certain veterans residing in my district. This injustice was not the result of direct action by the Federal Government, but due to certain circumstances which have combined to prevent these veterans from taking advantage of benefits which the Government intended them to have.

I am speaking of the GI home loan authority for World War II veterans. Certain provisions of Public Law 90–77 extended until July 25, 1970, the period of eligibility of World War II veterans for such loans. However, because of circumstances existing within the State of Maryland and the Fifth District of Maryland for the past year or more, eligible veterans have been virtually prohibited from purchasing homes of their choice with the assistance of such loans.

The Members are aware, I am sure, that in those States having usury laws, the present interest rate, which has been in effect for more than a year now, has had a drastic effect upon the housing and mortgage market.

In 1969 after the last two major increases in the interest rate, the State of Maryland remained bound by a State usury limit of 8 percent as well as a limitation on the number of points which could be charged. That low usury ceiling led to the withdrawal of private investment funds from the Maryland mortgage market and finally the withdrawal of the Federal National Mortgage Association resulting in a "no loan" situation.

Many real estate agents stopped sales completely. Others were forced to close down their business offices. Returning veterans from Vietnam were unable to take advantage of the benefits which Congress had given them under the VA mortgage provisions because lenders would not finance homes in Maryland.

After approximately 9 months of inaction and literal stagnation of the market in Maryland the State legislature passed remedial legislation.

No sooner had the housing and mortgage market begun to revitalize than on May 20, 1970, the Maryland Department of Health ordered a moratorium on building construction in five areas in the Maryland suburbs including much of Prince Georges County in my district.

This moratorium was the result of serious deficiencies in the system utilized to handle sewage treatment for the suburban Maryland area. The Interior Department thereafter quashed plans to expand the Blue Plains Treatment Facility in the District of Columbia which handles much of the sewage from Prince Georges County.

The Federal Water Quality Control Administration agreed to an expansion of that facility to only 309 million gallons per day which is inadequate to meet the needs of the Maryland suburbs.

Suburban and State officials, along with the Interior Department, have agreed that Maryland must provide additional plants to take care of new growth in the county and to cover present sewage treatment requirements. This moratorium will continue to be in effect until the Washington Suburban Sanitary Commission can provide assurances that the present overload situation has been alleviated, which may be another year away.

Just prior to this moratorium, similar bans were in effect in various parts of the area for periods of time. These are the circumstances which have combined to prevent World War II veterans from seeking loans under this authority in the last year or so.

Mr. Speaker, I have noted that during consideration of the legislation extending the period of eligibility of World War II veterans to July 25, 1970, Congress did not consider the cost of this program to be significant. If such is still the case, and in view of these factors which have prevented eligible veterans from participating during this period, I urge the subcommittee members to give consideration to further extending the period of eligibility for World War II veterans for 1 or more years in order that these veterans may be given full opportunity to take advantage of the benefits which Congress intended them to have when authorizing this program.

I have presented my views on this legislation to the Subcommittee on Housing of the Veterans' Affairs Committee and

am very hopeful that consideration will soon be given to extending the period of eligibility for these veterans for 1 more year, as is authorized in the bill I have introduced.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. A pound of butter costs an average Soviet worker 163 minutes of working time; a Japanese, 84 minutes; a Frenchman 70 minutes; and Argentinian, 61 minutes; and a West German, 57 minutes. An American worker has to expend only 16 minutes of working time to buy a pound of butter.

S. 30 AND CONGRESSIONAL QUARTERLY

The SPEAKER. Under a previous order of the House, the gentleman from Arizona (Mr. STEIGER) is recognized for 10 minutes.

Mr. STEIGER of Arizona. Mr. Speaker, on June 29, 1970, in the CONGRESSIONAL RECORD, page 21890, I rose in this Chamber to call to the attention of the House erroneous and misleading analyses of S. 30, the Organized Crime Control Act of 1969, that had appeared in certain newspapers and even the usually unbiased Congressional Quarterly. On July 8, 1970, in the RECORD at page 23345, I had occasion to call to the attention of this body an article in the Congressional Quarterly which revealed as the source of that publication's erroneous news reports the biased and one-sided report on S. 30 by the Bar Association of the City of New York.

Today I rise to bring to the attention of this body a frank, fair, and unbiased presentation of the provisions of S. 30 which appears in the July 14 issue of Congressional Quarterly. The publication not only fairly analyzes the provisions of the bill but also calls attention to the confusion which has surrounded recent press reports concerning S. 30 and notes that some have confused this measure with the District of Columbia crime bill. Additionally, the last paragraph of the Quarterly's report on S. 30 points out that the fate of the measure now depends on two factors: First, the force and effectiveness of administration advocacy of the measure and, second, the reaction of Judiciary Committee Chairman CELLER.

I would now also like to emphasize the first of the Quarterly's crucial factors, which it accurately alleges will determine the future of S. 30. In this context, I am disturbed by a report contained in the July 17 issue of the Wall Street Journal—page 1, column 5—that Mr. MCCULLOCH of Ohio, the senior Republican on the House Judiciary Committee now backs a lengthy rewrite of S. 30, which passed the Senate after a year's consideration by a vote of 73 to 1. I certainly hope this report is erroneous. S. 30 is part of the President's anticrime program. In addition, the New York Times—July 17, 1970, page 12, column 8—now reports that the board of governors of the American Bar Association has approved in principle and recommended passage of the various titles of S. 30 with the exception, chiefly, of the provision of title I, which permit grand juries to criticize public officials. With ABA approval it does, indeed, seem that the tide is now changing in favor of passage of S. 30.

Mr. Speaker, because the recent analysis of S. 30 by the Congressional Quarterly of July 14 is one of the few fair hearings the measure has had in any publication, I include the article at this point in the RECORD:

ORGANIZED CRIME CONTROL BILL FACES BATTLE IN HOUSE

Endorsed by President Nixon and approved, with only one dissenting vote, by the Senate, the Organized Crime Control Act of 1970 (S 30) could nevertheless die in the House.

More than a year after Mr. Nixon's endorsement on April 23, 1969, and months after Senate passage on Jan. 23, 1970, vigorous opposition to the measure has developed among alarmed Democrats—led by House Judiciary Committee Chairman Emanuel Celler (D N.Y.)—who label it "repressive" legislation. (*Fact sheet, Weekly Report p. 1499; House hearings, p. 1632, 1582, 1438; Senate passage, p. 258; Nixon message, 1969, Almanac p. 43a; Congress and the Nation Vol. I, p. 1674–5, 1700, 1706, 1745–7, 1752–3.*)

Partisan reaction to S 30—and to the District of Columbia crime bill with which it has been confused—has tended to obscure the complexity of its provisions and the balancing safeguards which they contain. The opposition—led by the American Civil Liberties Union and the committee on Federal legislation of the New York City Bar Association—dismisses the source of many of the bill's proposals—the final report (February 1967) of the President Commission on Law Enforcement and the Administration of Justice, headed by then-Attorney General Nicholas deB. Katzenbach. (*1967 Almanac p. 873*)

The renewed Federal concern about organized crime reflected in the Commission's comprehensive study of crime was a legacy of the Kennedy Administration. Robert F. Kennedy had come to the Department of Justice early in 1961, fresh from his experience as chief counsel for John L. McClellan's (D Ark.) subcommittee investigations of labor racketeering (1957–1960). A stepped-up Federal effort against organized crime became a priority program during his years as Attorney General.

An organized crime and racketeering section had been created in the Justice Department in 1954, but it was composed of only 17 attorneys in 1960. Under Kennedy the section was expanded to 63 attorneys by 1964, spending 1,364 man-days in court, in contrast to 61 man-days in 1960.

Despite the increased Federal effort, between 1960 and March 1969, of 5,000 known or suspected organized crime figures, only 257 were indicted.

In 1965, President Johnson created the President's Commission (Crime Commission), headed by Katzenbach and authorized it not only to study the causes of crime and to analyze the Federal failure to cope with organized crime—but also to suggest cures.

Published in February 1967, the Commission's final report contained more than 200 recommendations for action to reduce crime. Twenty-two of these recommendations were directed specifically toward dealing with organized crime.

S. 30: AN OVERVIEW

The Organized Crime Control Act, introduced Jan. 15, 1969, by McClellan, with Sam J. Ervin Jr. (D N.C.) and Roman L. Hruska (R Neb.), the ranking members of his Senate Judiciary Subcommittee on Criminal Laws and Procedures, contained eight titles, six of which embodied Crime Commission recommendations. The Act as amended and approved by the Senate Jan. 23, 1970, contained ten substantive titles.

Evidence-Gathering. The Crime Commission reported that defects in the process of gathering legal evidence severely hampered the Federal effort to halt the growth of organized crime. The failure in that effort, it said, was not due primarily to a need for more men, more training, better facilities or better courts but to the need for revised laws.

Titles I–VI of S 30 followed Commission recommendations to strengthen the legal means of obtaining usable evidence:

Special grand juries, with unusual autonomy and the power to file reports on conditions they find, would be created in certain areas. Confronted by a witness refusing to testify because his testimony might incriminate him, the grand jury could immunize him from use of his testimony against him and then order him to testify.

If he still refused to testify, he could be held in contempt and detained until he testified or until the grand jury term ended. If he did testify, the Attorney General could protect him and his family in special facilities to ensure his safety from reprisals. If he lied, he could be convicted of perjury under new rules of evidence.

To protect the testimony of a witness from loss through intimidation, death or murder, the testimony could be recorded in a statement potentially usable at trial, if the witness was no longer available.

Proof. Title VII would nullify a recent Supreme Court decision in order to limit challenges to evidence and to restrict to possible relevant material the Government records disclosed to a defendant.

Gambling. Professional gambling is the syndicate's "lifeline," the source of its greatest revenue. Title VIII, incorporating an Administration proposal, would bring any major illegal gambling operation within Federal jurisdiction.

Corrupted Businesses. Title IX would make it a crime to use income from organized crime or racketeering methods to acquire, operate or establish an otherwise legitimate commercial operation. Title IX authorized the use of criminal and civil sanctions—antitrust remedies—against such activities.

Special Sentences. Title X would authorize courts to impose increased sentences of up to 30 years upon adult special offenders, who are defined as habitual, professional, or organized crime figures and who pose a continuing danger to the community.

DOUBLE STANDARD

The major objection levelled at S 30 as a whole argues that—although use of its provisions against organized crime is presented as justification for its passage—its changes in criminal laws and procedures are not limited to that use.

"Organized crime," the bill's advocates reply, is a functional concept like "street crime" or "white-collar crime not susceptible to hard definition in legal terms. Besides, at the outset of an investigation, the involvement of organized crime in a matter is not always clear. To find such an involvement may be the purpose of the inquiry.

McClellan pointed out that this objection implies a double standard of constitutional

rights: one applicable to persons involved in organized crime and one applicable to the rest of the nation.

S 30, McClellan said, "must stand or fall on the constitutional question without regard to the degree to which it is limited to organized crime cases." If it violates the rights of those engaged in organized crime, then it should not be approved, he said. If it does not, then it does not violate the rights of persons not engaged in such crime.

SPECIAL GRAND JURIES

"As an instrument of discovery against organized crime, McClellan has said, "the grand jury has no counterpart."

Title I, in line with recommendations of the Crime Commission, would reinforce and expand the investigatory powers of the grand jury. It would:

Establish special grand juries authorized to investigate offenses against Federal criminal laws in heavily populated areas and wherever the Attorney General determined a need.

Require the grand jury to meet at least once every 18 months; allow it to sit for as long as 36 months.

Expand the grand jury's autonomy by allowing it to select its own foreman and to appeal any dispute between the jury and the judge or prosecutor.

Allow the grand jury to file reports with the court concerning the noncriminal misconduct of a public official; vindicating the conduct of a public official; recommending legislative, executive or administrative action; or concerning organized crime conditions. (Twenty-two states now allow grand juries to make similar reports.)

Most of the criticism of Title I concerns the grand jury's power to file reports on the misconduct of a public official. The nonadversary nature of grand jury proceedings, critics say, makes it nearly impossible for an official to defend himself, and he has no chance to vindicate himself because there is no indictment and no trial.

McClellan, in a Senate speech June 9, explained that an official so criticized would—under S 30—have the right to appear before the grand jury, to present his witnesses and to file a rebuttal to the report, which becomes part of the report.

The court would study the report and rebuttal to ascertain that the report was supported by a preponderance of the evidence and that each person named was given a chance to testify. Only if both these requirements are met would the court release the report, with the rebuttal, for publication.

Publication would be further delayed, if the order of the court releasing the report were appealed. The report would be not published until there had been a final decision on its validity.

Comparing S 30's procedures with those under which the special grand jury in Chicago released a report May 15 concerning the shooting of Black Panthers by Chicago police, a Senate Subcommittee staff member said:

"The Chicago grand jury commented on both policemen, who are public officials, and the Black Panthers, who are private citizens.

"If you are dealing with . . . noncriminal misconduct, something that is censorable, but not a crime then the grand jury (under S 30) could indeed file a report . . . but included in the transcript would be the defense of the people commented on. They would have received a preliminary draft of the report and had 20 days plus postponements within which to prepare their own side of the story—and they could call witnesses. So while it wouldn't be a perfect adversary hearing, both sides would be in the transcript and only after the judge had reviewed both sides, could he then accept the report. And even after that, there would be an appellate review of his decision . . . and there would be no publication until it was all over. So when it was filed finally, it would carry with it the answer of the public officials.

"Now, none of these protections was given to the police officers in Chicago. . . . If they testified at the grand jury it was without knowledge of the context in which they were testifying; they didn't see a preliminary copy of a report. They didn't have the right to call witnesses. . . . They didn't have a right of judicial review . . . or of appellate review." And, under S 30, nothing at all could be said in such a report about the conduct of private citizens.

Concerning the publication, in *The New York Times* June 26 of parts of the secret report (also called a presentment, a formal request for an indictment) of a Baltimore grand jury regarding the involvement of Members and employees of Congress in influencing the outcome of a construction firm's bid for work on a House garage, the staff member said:

"That kind of document can or cannot be published depending upon what the judge wants to do. . . . Insofar as that presentment included materials that did not really indicate criminal matters . . . such as misuse of a Congressman's office . . . that could have been the subject matter of a report (under S 30) and insofar as the Congressman failed to exercise administrative control over the use of his own name . . . (he) might be censorable.

"A report could be filed, but he would have an opportunity to come in and testify; he would have an opportunity to call in other people to testify; and the full panoply of protections would be applicable to the Congressman and his staff in protecting their own reputations.

"It wouldn't have gone from the grand jury to the judge to *The New York Times;* it wouldn't have been leaked. . . . Under S 30 an unauthorized publication of a report is contempt and is punishable. . . . At least the remedy is there, while there is (now) theoretically no remedy for leaking a presentment unless there is a specific order (forbidding disclosure). . . . The ground rules set under S 30 are very clear and unequivocal about what happens at various points, and the existing law in this area is, to put it mildly, less than clear." (*Weekly Report p. 1707*)

WITNESSES

Witnesses are essential to a prosecutor's case. Titles II-VI of S 30 revise criminal investigatory procedures to facilitate securing reliable testimony from live witnesses.

Immunity. The 5th Amendment guarantees that "no person shall be compelled in any criminal case to be a witness against himself." Witness after witness in organized crime investigations "take the 5th" and refuses to testify. To overcome this objection and compel testimony, Congress has enacted a multiplicity of witness-immunity laws.

Title II would replace all existing witness-immunity laws with one comprehensive law, ensuring all witnesses compelled to testify before congressional, judicial or administrative bodies that neither their testimony nor any evidence obtained by exploiting that testimony would be used against them. The Crime Commission recommended enactment of a general immunity law.

S 30 would provide "use-immunity," a narrower grant than the "transaction-immunity" authorized in most existing law.

"Transaction-immunity" protects the witness from prosecution for any offense mentioned in or related to his testimony, regardless of independent evidence against him. This is sometimes referred to as an "immunity bath." "Use-immunity" protects him from prosecution directly or using his testimony or anything directly or indirectly derived from it against him.

Originally, S 30 authorized immunity granted by grand juries and courts, oriented to investigations of organized crime. But during Committee consideration of the bill, the National Commission on the Reform of Federal Criminal Laws, recommended enactmnet of one comprehensive Federal witness-immunity law. Title II was consequently expanded into a statute covering proceedings "before or ancillary to" a court, grand jury, Federal agency or congressional body.

Recalcitrant Witnesses. If an immunized witness still refused to testify, Title II provides, as under existing law, that the court could order him confined, in contempt of court, until he testifies or until the investigation ends.

The Crime Commission said that once a witness was immunized, he must testify or face jail for contempt. Title III would not change existing law, but would codify civil contempt procedures which have evolved in case-by-case decisions.

Bail normally is not available to persons held in civil contempt. Under S 30, however, if a person appealed a contempt order and the appeals judge found "a substantial possibility of reversal," bail would be allowed during the time that the appeal was pending. The appeal, states S 30, must be disposed of within 30 days.

Title III has been criticized as allowing a person held without bail for as long as three years. Yet a Senate subcommittee staff member points out that S 30 would allow bail in certain cases on appeal whereas now normally no bail is available to anyone held in civil contempt and existing law permits extended civil incarceration.

Perjury. To encourage a witness to give truthful testimony, the Crime Commission, as had the American Bar Association (ABA) in 1952, recommended that Congress abolish the two-witness and direct-evidence rules for perjury prosecutions. Title IV does just that.

The two-witness rule requires more than the sworn statement of one witness to prove a statement false. The direct-evidence rule requires clear noncircumstantial evidence that a statement is false.

Title IV defines perjury as a knowingly false statement made under oath and states that a witness can be charged with perjury if he makes contradictory statements under oath and does not correct them of his own volition.

Further, Title IV provides that a statement is false if it is proved, beyond a reasonable doubt, to be one of two manifestly contradictory statements which the same person made under oath. Proof need no longer be made by any particular number of witnesses or by any particular type of evidence.

Protection. Title V of S. 30 authorizes protection of witnesses; Title VI authorizes protection of evidence.

The Crime Commission recommended that the Federal Government set up residential facilities for the protection of witnesses from reprisals. Under Title V, the Attorney General could provide such security for witnesses, potential witnesses and their families.

When there is substantial risk that a witness might die, hide, flee, become ill, be killed, injured, kidnaped or bribed, Title VI would allow, upon court order, the recording of his testimony in a deposition, a sworn statement, which either side could take of its own witness. Taken under full guarantees of counsel and cross-examination, depositions preserve evidence in a form usable at trial if the evidence becomes otherwise unavailable.

USE OF EVIDENCE

The use of evidence, once obtained, frequently challenged by a defendant who claims that his constitutional rights were violated by the way in which it was obtained and who asserts that it should not be used against him.

Because of legal uncertainty and policy conflicts, evidence obtained by electronic

surveillance is particularly vulnerable to such challenge. The Supreme Court in March 1969 held that all Government records from a surveillance device must be disclosed to a defendant who claims that evidence against him is the result of that surviilleance and who proves that his rights have been invaded. If the Government does not disclose its records, the case can be dismissed. (*Alderman v. U. S. 1969 Almanac p. 145*)

McClellan has said that this decision encouraged a defendant at any time unlawfully surveyed to challenge evidence in any case against him—however unrelated—since he knows that he can thus win disclosure of confidential files or, if disclosure would be too harmful to the Government, dismissal of the charges against him.

Several times since this decision wholesale turnover of wiretap logs to defendants has resulted in the publication of material irrelevant to the case, but harmful and embarrassing to uninvolved third persons.

Title VII would narrow the time span within which challenges could be made to evidence alleged to have been indirectly derived from an illegal wiretap and would allow a judge to screen Government records before turning them over to a defendant.

It provides that no challenge to evidence which is the indirect product of an unlawful act can be considered if that act occurred more than five years before the event to be proved.

Disclosure of surveillance records, it provides, will be limited to that part of such records which a judge finds "may be relevant" and "in the interest of justice."

Critics of S. 30 express alarm that Title VII dilutes a citizen's protections against illegal acts by law enforcement agents. The ABA Criminal Law Council has, however, approved the five-year limit. McClellan has stated that the five-year limit does not affect challenges to evidence directly produced by an unlawful Government act. The law would continue to bar the use, as evidence, of such direct product as the transcript of an illegal wiretap. It would limit challenges to evidence obtained by the exploitation of such an unlawful act—by the use of that transcript.

In arriving at the five-year time limit, a member of the Senate Subcommittee staff explained that Justice Department records were checked to ascertain how long a "lead" from such records might last. The answer was two or three years. "If a lead doesn't produce evidence within that time, it's not going to."

Explaining the need for such provision, he pointed out that—under existing law—as soon as a criminal realizes that he has inadvertently been "caught" on a surveillance device which cannot be disclosed, he has virtually "a license to kill." If brought to trial for any crime he can challenge the evidence against him as indirectly related to the undisclosable surveillance and—because the Government cannot disclose the fact of the surveillance or the records—the case against him must be dismissed.

Under Title VII, a judge would see—from the Government records—that the surveillance had no possible relevance to the pending case, and there would be no disclosure. If more than five years had elapsed between the time the defendant was recorded on the device and the time of the crime with which he was charged, no challenge to the evidence would even be considered.

S 30 would decrease the likelihood of massive disclosures of surveillance records involving innocent third persons. By restricting the amount of material turned over to a defendant and by ensuring that all material turned over is of possible relevance to the charges against him, Title VII brings the defendant's self-interest to bear against publication of the material.

ILLEGAL GAMBLING

Gambling produces from $7 billion to $50 billion annually for the operations of organized crime. Title VIII would extend Federal jurisdiction over all major illicit gambling operations.

Title VIII contains most of the provisions of S 2022, an Administration bill of which the President spoke in his April 23, 1969, message on organized crime:

"The purpose of this legislation is . . . to give the Attorney General broad latitude to assist local and state government in cracking down on illegal gambling, the wellspring of organized crime's financial reservoir."

Title VIII defines an illegal gambling business as one which violates a law, involves five or more persons, operates for more than 30 days or has a gross income of $2,000 in a single day. It also declares it a crime for a law enforcement officer and a person involved in an illegal gambling business to plot to obstruct the enforcement of antigambling laws.

CORRUPTED BUSINESSES

Title IX, derived from S 1861 introduced April 18, 1969, by McClellan, contains the most innovative of S 30's provisions. (A companion House bill, HR 10312, introduced by Richard H. Poff (R Va.) has rested untouched in the House Judiciary Committee since April 1969.) To cope with the infiltration of organized crime into legitimate business and labor, Title IX declares it a crime to use organized crime profits or methods to establish, acquire or operate any legitimate business.

Title IX provides both criminal sanctions—fines, prison sentences and criminal forfeitures—and civil sanctions developed in antitrust cases to remove organized crime from legitimate organizations. Under this section, courts would be able to order crime syndicates to divest themselves of certain holdings, never to reenter a certain type of business and to dissolve infiltrated enterprises. The Attorney General would be able to initiate civil proceedings against persons suspected of this type of crime.

Organized crime, one Senate subcommittee staff member pointed out, is not used to operating against civil proceedings in which cooperation, between plaintiff and defendant, is the hallmark. And, in civil suits, if the defendant refuses to cooperate, the plaintiff wins his suit by default.

SPECIAL SENTENCES

The Crime Commission recommended that extended sentences be authorized for organized crime figures convicted of a felony. The ABA, American Law Institute, and the National Council on Crime and Delinquency have recommended similar measures. Title X authorizes sentences of up to 30 years for persons convicted of a felony—if they are found to be dangerous and found to be "habitual" offenders—convicted previously of two or more felonies, a "professional" criminal—whose felony was part of a lifelong pattern of conduct from which came a substantial part of his income, or an "organized crime figure"—whose felony was part of a conspiracy to engage in a pattern of criminal conduct.

A defendant would be found to fall into one of these categories only after a special presentencing hearing at which he has the right to counsel and cross-examination. After the decision, both the defendant and the Government would have the right to appeal.

The need for this title was pointed out by a Senate staff study for the Judiciary Subcommittee on Criminal Laws and procedures, which found that of all organized crime figures sentenced in Federal court from 1960 to 1969, two-thirds faced maximum jail terms of five years or less and fewer than one-fourth received a maximum sentence. The provision allowing the Government, as well as the defendant, to appeal a sentence, embodies another Crime Commission recommendation that there be some type of supervision over trial judges who, "because of corruption, political considerations or lack of knowledge, tend to mete out light sentences in cases involving organized crime management personnel."

OUTLOOK

The fate of the Organized Crime Control Act of 1970 is uncertain. Much depends upon the determination and the skill with which the Administration exerts its influence in favor of S 30 and the reaction of House Judiciary Committee Chairman Emanuel Celler (D N.Y.), within whose Committee S 30 now rests. If the House Committee delays action on S 30 too long past midyear, observers outside the Congress believe that the Senate might add S 30 as an amendment to the bill (HR 17825) authorizing Federal law enforcement assistance funds, a measure dear to Celler's heart.

THE STRUGGLE FOR THE STREETS—A LOCAL VIEW OF CRIME—THE CHALLENGE OF CHANGE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the problem of crime in our Nation's cities is one of great concern to everyone. Too many Americans have been confronted by the lawlessness existing in our country, especially in our Naton's Capital city. A need for effective law enforcement measures has long been voiced by the countless innocent people not wishing to be counted among those who have already been victimized by the frightening number of lawbreakers. It is indeed sad when residents and visitors in a city cannot enjoy the sights and beauties it has to offer in the evening as well as in the daytime. I speak with particular concern about our Nation's Capital. When brutal muggings, senseless murders, kidnapings, and other crimes of equal fright seem to be the most numerous "sights and beauties" a city has to offer, something is seriously wrong. When crime increases more than 600 percent in the last 10 years in the seat of our Nation's Government, a response is needed immediately for the present and for the future.

Last week, the controversial District of Columbia crime bill passed this House. Though this bill is not the immediate cure-all for all of the sicknesses of crime, it is without doubt a start in the right direction. This bill, since it has been introduced, has been subjected to some of the strongest talk about repression ever thrown at a bill of such importance and necessity. I recognize the fact that stricter law enforcement is not in itself the only solution. I am fully aware of the need for penal reform, court reorganizations, reforms in the juvenile code, better community relations, and other important factors to eradicate crime as well as preventing existing lawbreakers from doing any further harm. Many of these are, in fact, included in the District of Columbia crime bill. Too often denounced as "another fascist law-and-order bill," many provisions of the bill are completely overlooked. The District of Columbia crime bill is a single omnibus crime bill providing sound, comprehensive legislation. Our Nation's Capital needs a strong, sound, and progressive crime bill to bring order and tranquility to the city; our

Nation's Capital needs the District of Columbia crime bill.

The need for strong legislation is well-summarized by a brief, but concise editorial in the July 1970 edition of the In-Towner, a community newspaper from a section of Washington, D.C., where a member of my staff resides. With a community newspaper such as the In-Towner, the opinions of the editorial staff are much more clearly attuned to the readers' than are most large city newspapers for a simple reason: the editors of the small community paper are also members of that community. The opinions that are expressed in the newspaper are formed by events and circumstances often shared by both the editors and the readers—all of them belonging to the same community. The language of the editorial is simple enough to understand, but the thought behind it is something truly worth thinking about.

Among others I have been a severe critic of the shortcomings of much of the so-called national news media. In sharp contrast is much of the local media in my own district, which is particularly close to the people; weekly newspapers, small radio stations, and afternoon newspapers which flourish in this context. I am particularly pleased that in Washington, D.C., there is this same type of local press coming into existence.

I strongly recommend this editorial to the attention of my colleagues:

THE STRUGGLE FOR THE STREETS

It is no fun for an elderly couple, black or white, to have worked a lifetime, scrimping and saving, only to find that they cannot walk, sit, or even work in front of their own homes without fear of being robbed, raped or molested.

This is why much of the opposition to the crime bills before the Congress falls on deaf ears and no amount of charges of "racism" or "fascism" is going to allay these fears.

They want something done about it—and they want it now.

Well-intentioned liberals may philosophize, sociologize, and psychologize crime until the cows come home but a resident in the Inner City who is attacked is going to yell like hell for the Police.

Unless liberals can come up with a better formula than that which has been proposed, one that will work now and not in the dim future, then they would better serve the community by just keeping quiet.

MAIL REFLECTS STRONG OPPOSITION TO BAIL-OUT FOR PENN CENTRAL

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, hundreds of people from all over the Nation have written me about the bankruptcy of the Penn Central Transportation Co. These letters have come from people with all types of backgrounds and from all political persuasions. It is obvious from these letters that an overwhelming majority of the American people were opposed to the idea of a Government bail-out of the Penn Central Transportation Co. My mail has reflected almost total opposition to the administration's plans to grant this huge corporation hundreds of millions of dollars of loans guaranteed by taxpayers funds.

Mr. Speaker, a number of newspapers around the Nation have also editorialized in the same vein as these letter-writers.

I place in the RECORD a sampling of some of the letters from various points across the Nation. I also place in the RECORD editorials on the Penn Central case.

The material follows:

HOUSTON, TEX.,
June 24, 1970.

Hon. WRIGHT PATMAN,
U.S. Representative,
Washington, D.C.

DEAR MR. PATMAN: Although Mrs. Adams and I have never had the privilege to vote for you we have followed your service as well as our other Texas Representatives services in Washington. We appreciate the fine representation you have given us.

We want to thank you for your stand on the recent Penn railroad loan guarantee. Since they lost 80 million last year and more than 100 million the year before it is hard to see how a loan of 200 million could be very much help to them.

I do not know anything about railroading but if I was ever confronted with a problem of this kind I believe the first order of business would be to bring in some new blood for the management group.

Thanks for your past services. We know you will continue to look after our interests.

Sincerely,

FRANK C. ADAMS.

LA JOLLA, CALIF.,
June 2, 1970.

Hon. WRIGHT PATMAN,
House of Representatives.

DEAR MR. PATMAN: Million of citizens must share the appreciation I feel of your stand in behalf of the public in the case of Penn Central and your other efforts to protect all our citizens from the depredation of special interests.

Sincerely yours,

RUTH BANNING.

P.S.—Please do not trouble to acknowledge this.

N. & H. DISTRIBUTORS,
FRESNO, CALIF., *June 11, 1970.*

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

Re Credit guarantee for Penn Central Railroad by U.S. Government.

Please let me know how I can qualify for this wonderful and helpful program "Nixonomics" is ruining us. Please continue your enlightened and progressive fight to help us common people. We really need your help.

NEIL D. BALLWEBER.

WICKENBURG, ARIZ.,
June 22, 1970.

Hon. WRIGHT PATMAN,
Washington, D.C.

DEAR SIR: Many thanks for your part in stopping the Penn Central steal. Keep up the good work.

Sincerely,

L. S. BRAMKAMP.

ROCHESTER, N.H.
June 24, 1970.

Representative WRIGHT PATMAN: Thank goodness the U.S. has one representative who is thinking of the American taxpayer! How many more businesses are we going to subsidize?

I am certainly glad you had courage enough to say "no" to Penn Central. You let one company have the taxpayer's money then there will be a hundred others looking for a handout! It's bad enough that we are letting the so-called welfareist sit on his ——— without working! I am just a little housewife with a retired husband who is trying to make ends meet. I am willing and we have paid plenty of taxes to meet Government expenses but by God there is a limit!

MRS. BENJ. BRIDEAU.

I am against putting huge profit making organizations like Penn-Central Railroad on welfare. I think poor people come first!

If Penn-Central is in the Defense Business, I am going into it myself!

MRS. M. BROUDE.

KATONAH, N.Y.,
June 22, 1970.

Hon. WRIGHT PATMAN,
Chairman House Banking Committee, House of Representative Office Building, Washington, D.C.

HONORABLE AND DEAR SIR: As a taxpayer and a patron of the Penn Central Railroad, may I take a few minutes of your time to express certain thoughts I have regarding your investigation.

If the Penn Central merger has resulted in unprofitable operations, I suppose the blame should be put directly on management. Therefore, why is this type of management rewarded in the form of high salaries and extremely attractive pensions. I call your particular attention to Mr. Gorman's salary as announced in the papers of $250,000.00 per annum. Also the pension allowances given to Mr. Stuart T. Saunders and Mr. Alfred Perlman have been reported as being up to $150,000.00 per annum each.

If some sort of government assistance will either now or later be granted to the Penn Central, the cost of which must come from the taxpayers such as myself and many others, it would be my opinion that the managers and pensioners should forfeit some of the high salaries and pension funds which have been granted to them by Penn Central.

I suppose that you are taking steps in your investigation to probe into the salaries and expenses paid to previous management (now retired) and to the present management to see if such payments were excessive.

Sincerely yours,

JAMES S. BROWN.

ELIZABETHVILLE, PA.,
June 20, 1970.

Representative WRIGHT PATMAN,
Chairman, Banking Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. PATMAN: It was with interest indeed to learn thru the public press, of your concern, by taking exception to advance the Penn-Central $200 million, thru the Defence Production Act, at a time of questionable financing.

With the present plight of the transportation industry by rail, that is traceable to gross mis-management, it would be unwise to advance taxpayer's credit as an assurance to pay for further failure.

The predictions made by these two huge corporations prior to consolidation, indicated, should the merger be approved by ICC, it would result in improved service and greatly enhance their financial status. Where have predictions materialized of rail consolidations, beginning with the Pennsylvania-Reading Seashore Lines, New Jersey, in 1933. Past performance should determine the merit, of advancing guaranteed credit at taxpayer's risk.

Instead, I should like to recommend in this manner, the Penn-Central should be confiscated by the United States Government, according to their own worth as quoted on the New York Stock Exchange at $10.00 per share; strip all high authority of their fancy titles, starting with the Board of Directors, together with those serving in official posi-

tions down to division superintendents; allow the accounting department or auditor of disbursements to handle the financial situation, place operation of service for the public in charge of trainmasters, yardmasters, station agents, etc., dedicated career men whose primary aim is to adequately serve, at not exceeding $25,000 per year, plus a limited expense account itemized.

This type of management would provide the desired supervision and operation to meet modern progress in-keeping with competition and public demand.

Based upon this brief analysis of a deteriorating industry, that has been fading into oblivion for thirty years, more or less, by reason of indifference to meet simple operating requirements, such as—maintain track conditions to eliminate numerous derailments, improve rolling equipment to comply with safety standards of good practice, on-time passenger schedules with clean coaches and sanitary conditions. Lengthy freight trains should be reduced to not exceeding 70 cars, by providing more frequent service to shippers. Until such times as the Penn-Central is placed in charge of more competent management, the loan should be denied, in its entirety.

Very truly yours,

W. STANLEY BUEHLER.

LOS GATOS, CALIF. 95030,
June 22, 1970.

Hon. WRIGHT PATMAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This note has for its purpose a compliment to you for your opposition to a government loan guarantee to lenders of the Penn Central Railroad.

These days when confidence in our government leaders is wearing so thin it is indeed refreshing to read of such courageous action as yours.

With the military now having the use of almost two-third of our national budget it is such action as yours gives us hope.

Thank you.

Sincerely,

JAMES S. CANTLEN.

LONG BEACH, CALIF.,
June 22, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: It is indeed a pleasure to congratulate you on your recent stand relative to the Penn Central government guarantee of a loan.

It helps restore ones faith in our way of life to know there are men of your caliber in government at this critical time in our history.

Thank you for a job well done.

Sincerely,

DAVID A. CARDINALI.

NEW GARDENS, N.Y.,
June 22, 1970.

DEAR SIR: To read the Times and Wall St. Journal you were the only block between the Penn-Central-N.Y. Bankers—Washington friends of Penn-Central. Well, too bad for them and good for you.

Doesn't the average American have any friends in the Administration? Why does official Washington act so promptly to protect the Penn-Central and the Bankers investment but when it comes to bread and butter issues, important to the masses, well it seems like time is of no importance.

President Nixon gets on TV and asks for our support we give it. We ask for little enough in return we get the business.

Please keep after all the fat cat bankers. Why should the public have to pay to keep the bankers solvent. The finders fees and high interest rates and the one hand at Penn-Central Board of Directors washing the other would seem to need a little investigation.

Thank you.

BRENDAN CARNEY.

RESEDA, CALIF.,
June 23, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: You are to be highly commended for your successful fight to prevent the give-away of some two hundred million dollars of the taxpayers money to the Penn Central Railroad. This would have been only the beginning of a raid on the public treasury that would have made Boss Tweed's activities look like a church social.

Please continue to keep a watchful eye on these wolves as you have done in the past. You have the support, I am sure, of every alert and patriotic American. Yours in admiration.

Capt. R. C. MARBLE.

VERO BEACH, FLA.,
June 24, 1970.

Hon. WRIGHT PATMAN,
U.S. House of Representatives,
Washington, D.C.

SIR: Re: Penn Central $7 Billion Switch? What could be sweeter for Penn Central stockholders than to be bailed out by the Government (taxpayers) loans? It's like children, if you start something like this, you have to do it for all of the others. How do we the taxpayers know that we won't end up owning a huge deficit railroad colossus and the stockholders owning some of the most profitable real estate in the United States? Evidence on the television shows a badly run railroad system. Where did the money come from to buy Florida and other real estate ventures?

Very truly yours,

ROBERT A. CARTER.

Representative WRIGHT PATMAN.

DEAR SIR: God bless you and I hope every taxpayer in this country lets you know we have at least one man in Washington not afraid to stand up and be counted. Hope you don't turn around and vote $750 million for all railroads including the Penn Central. Too bad we don't have more men like you in Washington. I shall pray for you always.

Thank you.

Sincerely,

MARY CASEY.

ALEXANDRIA, VA.,
June 21, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR SIR: You are to be commended on your refusal to grant the taxpayers' money to the Penn Central Railroad. Why should the taxpayers make up losses for big business? Dear sir, if you do not take care of the little man in this country, who will. The Republicans will naturally favor the bankers and corporations. We appreciate your interest in the nation.

Sincerely,

JOHN DENT.

FORT WORTH, TEX.,
June 21, 1970.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

Congratulations on stopping the Penn Central loan.

PAUL DEARMAN, Jr.

MOBILE, ALA.,
June 24, 1970.

Hon. WRIGHT PATMAN,
Washington, D.C.

DEAR SIR: May I say to you, Thank You Sir. You renew my faith in elected officials when you go to bat for the forgotten man, the overabused American Taxpayer, in this Penn Central Case.

I've grown so tired of Bankers who make loans of a dubious and not to say very risky nature to certain people by the millions when they would not lend a thousand dollars to a better risk unless they could get sufficient collateral to cover the loan. When these Bankers made these loans I believe there were about (17) seventeen of them involved did they not have the earnings reports of this big RR? Certainly they didn't make these loans on the basis of the Real Estate and if they did they deserve the consequences of their action.

I think we've had enough of fiscal irresponsibility, I saw so much of that in the last depression and it looks like the same old tactics are being tried all over again. It's too bad that there are so few people left that are familiar with the last big depression, if there were, we would not be having this kind of thing happening all over again.

Another thing I consider discriminatory is the raising to a minium of $10,000.00 the purchase of Treasury Certificates. I was buying them on a three month basis to try to protect my small income when suddenly I was told that I could only buy in lots of ten thousand dollars. In other words little man put your money in the Bank at 4½% we'll buy the Treasury certificates, and collect the difference of three to four percent without getting off of our fat bottoms. Then there is all this humbug about controlling prices and wages, I submit that prices are already controlled by all sorts of different methods to our detriment. In my State the price is fixed on Milk and Whiskey by the State. In the first case by a Milk Board, in the second by State owned Stores. In both cases competition has been eliminated so it doesn't take a genius to know what happens in a case of this kind.

We subsidize many food commodities, so we pay twice for the the end product, we pay the producer and we pay the retailer. Bread for instance and many others. If I am not mistaken we've even subsidized Brazil for Coffee and then we pay an ungodly price for it at retail. We subsidize a certain section of our population with Food stamps and put them in a class of buying not consistent with their income so we pay for the privilege of having these people run up prices on certain commodities that otherwise might be cheaper.

We regulate wages thru minimum wage laws and then cry about the young teenagers who can't get summer work while out of school. This class of employee does not deserve the wages of a breadwinner nor are they worth it but they could be employed if it were not for the law.

So all of this crying over wage and price controls we've got it partly, why not 100%.

Sincerely,

J. C. DUFFY.

BROOKLYN, N.Y.,
June 22, 1970.

Hon. WRIGHT PATMAN,
U.S. Congress,
Washington, D.C.

DEAR SIR: Through the years, though you represent Texas, I have always read about your activity and found you could not be swayed to vote against the people's interest, and means all the people of this nation.

The people in Texas have a good active representative in the Congress.

Sincerely,

BENJAMIN DUHL.

BELLEVILLE, MICH.,
June 26, 1970.

Representative WRIGHT PATMAN,
House Banking Chairman.

DEAR SIR: Please keep up your excellent work in the "Penn Central" probe. Why should the Federal Government "bail out" the big investors and banks. When I run short of operating capitol, no one helps me (and millions of others like me).

I have been following your activities for years and admire your "guts." Keep up your fine work—I wish you were from Michigan so I could support you.

Thank you,

SEYMOUR FENSTER.

HIGHLAND PARK, N.J.,
June 23, 1970.

WRIGHT PATMAN,
Chairman, Committee on Finance and Banking, Washington, D.C.

HONORABLE SIR: I am quite concerned about the fate of passenger trains and of the Penn Central in particular. Over the years I have traveled N.Y. Central frequently and Pennsy a number of times.

Had a foreboding when the two lines merged as N.Y. Central train travel had long been made uncomfortable whereas the Pennsy ran trains on time and seemed to maintain equipment.

Morale among N.Y. Central employees had long been low, that of Pennsy seemed high.

Since the merger, it has appeared to me the whole blooming business has taken on the coloration of N.Y. Central. Each trip I take to mid-Ohio now gets worse. (Crestline, Ohio).

But I would find it out of the way to try to fly and unsuitable in bad weather.

I surely hope some way can be found to persuade Penn Central to be more responsible and conduct its transportation system in a manner to inspire confidence. One would almost think they have a "death wish" for both the passenger and freight business.

And what a responsibility railroads have when they go trundling dangerous cargoes through towns and cities with poorly maintained equipment and tracks!

Good luck in your plan to get the facts of Penn Central's conduct of business.

Sincerely,

Miss HELEN B. FERGUSON.

ROTAN, TEX.,
June 25, 1970.

Congressman WRIGHT PATMAN,
Washington, D.C.

DEAR SIR: I want to thank you for your service in the recent action in preventing the guarantee to the Transportation Department of a loan to the Penn Central Railroad.

I feel without your quick and determined action and almost single handed, our government would have started a never ending underwriting or guaranteeing of loans for sick and ailing corporations thruout the nation.

It is disgusting to read and hear so little business judgment being exercised by our representatives. Thanks to you for your good judgment guts enough to stand up and fight.

Thanking you, and hoping you may continue to help trim our budget, and get our nation back on a business basis.

Your very truly,

M. T. FILLINGIM.

CHICAGO, ILL.,
June 20, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: Your action in denying the Penn-Central Railroad government assistance in meeting its financial obligations is most commendable.

Why was this conglomerate allowed to divest itself of very valuable holdings such as the Pennsylvania Station to "insiders" who have made fabulous fortunes out of the development of these assets? Was not it the responsibility of the SEC to step in when this was going on? Also it is difficult to understand why these assets were not pledged as security for the millions of dollars that Penn-Central and its predecessors borrowed. These assets should have secured these borrowings and they could now have been used to retire them.

The same thing happened to the Northwestern Railway here in Chicago. A holding company was formed to hold the very valuable urban assets such as Northwestern Station and then this company divested itself of the "rolling stock," "trackage" and other assets of not too much value. Just why the $340,000,000 debts were passed off to the "operating company" is hard to understand.

Men like Ben Heineman, Perleman etc. have made billions out of these transactions and it is now time for the government to step in and repossess these assets for the railroads which are created to serve the people.

Again much praise is due to men like yourself and Senator Proxmire for your courage in opposing this.

Respectfully yours,

HOWARD FLEER.

JUNE 22, 1970.

Hooray Mr. Patman! It's time we bailed out the little people instead of the big ones.

If we lived in Texas we'd vote for you.

(Democrats from Louisiana.)

PAULA GEORGE.
TERESA VINET.

DALLAS, TEX.,
June 22, 1970.

Hon. WRIGHT PATMAN,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: It probably isn't often that a Republican writes you to both commend you and tell you that you are both on the same side of the street, but that is what I'm doing in this letter.

I want to commend you for your firm action in resisting the poorly disguised effort of the Administration to save the Pennsylvania Railroad from reorganization, and assure you that you expressed my feelings in these actions. There is no justifiable reason why the Pennsylvania Railroad should be favored over others and given a long guarantee that it is in no way qualified to receive simply to either save the Administration from embarrassment or worse yet, perpetuate the disastrous management that has brought the railroad to this sorry state. If the corporation should be reorganized, let it be done and let them sell off some of their extremely valuable land or profitable subsidiary operations to meet their current obligations.

The Administration action if approved would mark a first step in the nationalization of the U.S. transportation system. If this were to come, it would mark the end of a great era and the beginning of a sad one. Again, Mr. Patman, let me thank you for your action which I believe clearly serves the public welfare.

Very truly yours,

ROBERT B. GILLESPIE.

ARLINGTON, VA.

Representative WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: I am writing to congratulate you on your stand in the matter of the Penn-Central RR. All too rarely do our Congressman look first to the public interest as you did in this case.

I hope that you do not lessen your constant vigil in protecting the public interest against the various private interests and governmental interests which align themselves with these vested groups. You are our only hope in many instances to give the people an honest and responsive government.

Keep up your good efforts.

Yours truly,

HANK GOLDMAN.

CLEVELAND, OHIO,
June 24, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: You, more than anyone else, were effective in denying the Penn Central the recent loan and I take my hat off to you for your efforts.

I can understand and see some justification for subsidizing rail mass transit, but I shudder to think that the taxpayer could someday be expected to bail out enterprises suffering from bad management!

Many thanks again.

Respectfully,

G. H. GOODWIN.

SCARSDALE, N.Y.,
June 22, 1970.

Congressman WRIGHT PATMAN,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Thank you, from a citizen, for helping put things in perspective regarding the Penn Central. The government cannot arbitrarily help a failing private enterprise, singled out for special help.

Only in wild dreams of power and importance are companies the size of Penn Central made. It is well known how Vanderbilt's wild dream of power and money put together the New York Central System. As much as businessmen try to justify these conglomerates that astound the imagination with their size by quoting statistics "proving" how profitable they will be, in reality it is just as much of a power play as running for President: these people want to be some sort of gods.

I am glad that CPC International stock is down over a hundred points since this monstrosity's inception, and that ITT is doing similarly. Vast combinations, whether or not in technical violation of the anti-trust laws as for restraint of trade, are still harmful to capitalism by their very size after a reasonable and almost discernible point.

I would like to take this opportunity to advocate support of Congressman William Ryan's proposal (I do not know whether it is a bill or an amendment) to take from the highway funds and use the money for mass transportation. I do not know to what extent your constituency is involved with commuter and long distance railroads but one cannot exaggerate their importance in metropolitan New York. Five million commute to New York City daily, and if they all came by car it would be, to say the least, bad. Today I had to go into New York and I took a train home during rush hour. Car after car filled with people, with fifty to a hundred getting off at even the most insignificant stops. Every two minutes for an hour and a half a train was scheduled to leave Grand Central for some point with a full load of passengers, each with the newspaper headlining the Penn Central's demise. Every fifteen to twenty minutes, a train would depart for the same destination again.

Not meaning to try your patience with a long letter, I have some concrete proposals of my own concerning commuter railroads and the Penn Central.

First, the Penn Central property should be taken over, owned and maintained by the government. Second, the Penn Central should be divided into not less than four nor

more than six private railroads. They must be able to exist and function profitably. Third, These companies may only handle freight, not passengers. They may rent the use of the tracks from the government. They may build new track, in accordance with State and Federal law, as long as the new track does not parallel or supplement the government-owned track.

Specifically, the Penn Central Company should be divorced from the Penn Central Transportation Company (the railroad). The new rail lines would be created out of the latter company. The former company would not be permitted to deal in railroads, but only its present real estate, and so on. The railroads created according to the second part of the plan would not be permitted to deal in real estate, banking, manufactures. The government would maintain passenger service on its lines, according to set standards. A new, temporary authority would be created to last one year only to administer this act.

The purpose of this act is to make yet another attempt to forestall government ownership of the railroads. Such ownership would run into difficulties I'd rather not see us face: government-owned railroads competing with trucks and air freight, a truly socialized industry in the U.S. (even electricity, gas and telephone are still private) and so on. This plan is designed to rid the railroads of the passenger service it wants to be rid of, but possibly not in a way much to the railroads' liking. Well, they can't have their cake and eat it too. The government should stop making a pretense of "aiding" passenger service, and run it. It should end dilapidated and run-down condition of so much rail property, and the dangers this imposes (look at the extraordinary amount of deaths and accidents since the Penn Central merger).

The object of the plan is to keep the railroads still competitive in the area of freight, to keep them still privately owned and run.

A corrolary proposal would be to establish a permanent commission (or assign this role to an existing body) with these powers: it would enforce detailed minimum standards of rail passenger service as laid down by the Congress. After a procedure allowing a railroad to correct a violation, it could do the same to delinquent roads as for the Penn Central: take over the property (or the passenger property only), separate its subsidiary non-rail business, run the passenger service and rent the use of the tracks for freight. It could also remodel the company on a more profitable basis.

But can the federal government rent exclusively the use of a facility to one company? Why must it?

Since the railroads use each other's tracks now, the same lines could use the federal government's tracks under an agreement with the federal government. Also, the railroads are presently granted a degree of exclusiveness by the state legislatures. The same exclusiveness could persist. After all, the railroads are a utility.

That the legislatures presently grant charters to a railroad could be used in another way. These charters grant the railroads exclusive use of certain routes *provided* they maintain certain minimum standards of service. Thus, a railroad could be found by the new railroads commission mentioned above, or be brought to court by the new commission under *state* law, for not providing minimal standards of service, as set forth in their charters and this new federal law. In this way they could also be legally held to account for good service.

I await your comments on this letter. Please excuse the underlining.

Yours truly,

MICHAEL GOODMAN.

P.S.—Concerning the top paragraph of this page: Governor Rockefeller of New York has announced that the state will take over soon the New Haven Railroad, that is, the portion lying in New York State.

SCARBOROUGH, N.Y.,
June 22, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: I am not much at writing fan letters but I want to say hurray for you in your opposition to the Penn Central loan.

Sincerely,

WALTER HANLON.

DALLAS, TEX.,
June 26, 1970.

DEAR REPRESENTATIVE PATMAN: I am writing to congratulate you and thank you for your recent stand against the $200 million "gift" to Penn Central. Without guarantees to the government and for positive action by the company to help itself, this action would have been a down the rat-hole operation.

I also urge you to do everything possible to defeat the bill to give $750 million to the railroads. They are no different from other businesses such as laundrys, drug store, filling stations, etc., which should also receive loan guarantees if the railroads do. That would be impossible. It is of course argued that the railroads are federally regulated and therefore subject to special consideration. All utilities are also federally regulated, thus each utility would have a precedent on which to base a demand for a grant if this bill were to pass. Penn Central has said in the press that it would need at least another $500 million, thus it is saying that it needs ⅔ of the entire proposed grant to all railroads. This bill then is aimed almost exclusively at "bailing out" the Penn Central and is not designed for the general good of all people. Penn Central has filed bankruptcy to reorganize but has not sold any of its equipment, real estate, paper holdings, etc., to try to help itself. Therefore, why should the taxpayers' money be used to save the company when it won't help itself?

Thank you for your efforts through the years.

Sincerely,

LYNN B. HARDING.

OKLAHOMA CITY, OKLA.,
June 22, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: I have read in the press of your putting your foot down on this loan of some 200 million dollars to the Penn Central Railway and I glory in your spunk. I of course realize the importance of the railroads and I know we must have them, but after all they are private enterprises and if the Federal Government starts bailing out every private business failure, then we are in a hell of a fix.

I am enclosing an article from Time magazine of June 22 which perhaps you did not read. In reading this article it is easy to see why this railroad is in this present mess. With the Pennsy's "red" faction vieing against the Central's "green faction" over business methods, etc., thus between them they have taken the railroad down the trail to bankruptcy.

I have marked a paragraph with red pencil that to me even seems *ten times* worse than loaning the Penn Central the 200 million. This paragraph relates that the Wall Street brokerage firms are now asking for a 1 billion dollar fund to prop and save the various brokerage firms, that through their own inefficient operations and failures are causing them to go broke. This One Billion dollars would be used to save them. To me this is the most God awful guts that I have ever heard of and it is my sincere hope and wish that you and your Committee will stop this bit of damn foolishness. If they can't make it, then let them go broke like any other private enterprise. If I go out and buy a prospective oil lease I do not expect the Federal Government in Washington to put it up for me and to my way of thinking these brokerage houses are no different.

May I add Mr. Patman, that Wichita Falls is home. My family moved there in 1918 during the Burkburnett boom and it has been home ever since. Although I moved to Oklahoma a few years back for the simple reason that from my viewpoint I could do better as a small operator. I have a sister in Wichita Falls (Mrs. Bailey R. Collins) that is quite a Democrat worker and between she and Rhea Howard they think they run the Democratic Party, and they sure get in their licks in Wichita County.

Trusting that I have not bored you with my opinion and with the wish that God give you the strength to keep up the good fight, I am,

Yours most cordially,

E. C. HARLIN, Jr.

ALEXANDRIA, VA.,
June 23, 1970.

Hon. WRIGHT PATMAN,
Chairman, House Banking and Currency Committee, Washington, D.C.

DEAR MR. PATMAN: You and I are well aware of the conduct as well as misconduct of this nation's Bankers. (merger Colonial National Bank and First Virginia Corporation).

The nation is indeed in your debt for the action you took this past weekend, which brought an end to perhaps one of the greatest frauds perpetrated on the American public (Defense Act and all its sins). The conduct of the Administration and the fraudulent abuse of the Constitution by the Department of Defense, was brought to a climax this past weekend when the Banks had the audacity to request the Government through the Defense Act, to save the Banks from their mismanagement of Public Funds. It is incomprehensible for the Bankers to conduct the Banking business in such an irresponsible manner as to make loans to such incompetent management as the Pennsylvania-Central Railroad has suffered these past 9 years.

You may recall the former chairman of the Pennsylvania Railroad is the same gentleman, who, as chairman of the N & W Railroad, sold an American flag carrier (Bull Line) to a couple of bankrupt foreigners. i.e. "Bull Line".

You are well aware that the small and independent businessman cannot afford to enjoy the folly of incompetence because the small businessman cannot qualify under the Defense Act to have his notes guaranteed at the Banks by the Defense Department.

It is with great pride that I nominate you, Wright Patman, as the Hero of the Hour.

God Bless You.

Sincerely yours,

GEORGE A. HATZES, Jr.

WASHINGTON, D.C.,
June 22, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: It is reassuring to note that you are a member of a group questioning the propriety of guaranteeing loans to the Penn Central Company. I submit the following:

1. The paramount interest of the Department of Defense is in the maintenance of an adequate physical plant of any component of the domestic infrastructure.

2. The diversion of revenues (interest and

dividends, sinking funds, bond and note maturities) to the maintenance of plant and equipment is what the DoD should support.

3. The Penn Central Company has many assets which could be pledged for new loans or guarantees.

4. The sum now reported as being sought—$200 million—is substantial; however, the operating deficit is so vast as to make inevitable granting of much larger credits.

5. Many other companies are not far removed from insolvency. They would also seek guarantees.

It is possible that insolvency of Penn Central will have an effect on certain lending institutions, although it is improbable that this would have serious implications for any large, strong bank. Perhaps these should be consulted.

Consideration should be given to a plan of de-merging the Penn Central into smaller, regional viable operating segments.

Respectfully yours,

SAMUEL HILL.

FORT WORTH, TEX.,
June 24, 1970.

SIR: Too bad about the banks! Always they want a "cinch" on repayment of any loans they make. Let the P.R.R. do like any small business has to do, get broke & take their medicine. After all, the past 15–20 yrs. has been the most prosperous anyone can remember. So Pennsy's plight has to be a result of poor to bad management.

I don't profess to have anything to say with respect to banks lending money to railroads or any other business, but as a small part of what Lincoln said, "Of the people, for the people, by the people," I do say, don't quarantee *any bank loans* with any part of people's tax money. After all, the government is the people. Where else does government get money? I say no to government guaranteed loans of this type.

Yours truly,

M. L. IVY.

CORONADO, CALIF.,
June 21, 1970.

Hon. WRIGHT PATMAN,
Washington, D.C.

DEAR MR. PATMAN: I want to thank you for your courageous stand against Nixon's attempt to give $200 million of public funds to Penn Central.

Please keep up the fight against giving public funds to private corporations.

With all good wishes,

Sincerely,

ANDREW L. JOHNSON.

PITTSBURGH, PA.,
June 20, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: Just a short note to commend you on your stand opposing the loan of $200 million to the Penn Central R.R. As a business man, I and my many business friends are sick and tired of these give away programs. We would suggest that a company with assets of over $6 billion dollars, dispose of some of these assets.

As you know the Penn Central owns several billion in real estate. Not long ago the company purchased huge tracts in Florida and also in Penna. (including Pittsburgh). An intensive investigation of these land buys in the past three years is scandalous.

Furthermore, the P.C. owns millions of dollars of real estate for which it has no use. As a matter of fact P.C. owns so much unimproved land, that no one office knows just what they do own. If the R.R. is so hard up . . . let them sell $1 billion dollars of real estate and stick to railroading.

Yours sincerely,

S. LEE KANN.

WASHINGTON, D.C.,
June 22, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PATMAN: While I am not one of your constituents and not always one of your admirers, I wish to take this opportunity as an American to express my deep appreciation and admiration in your courageous stand in opposition to the Administration's efforts to force the American taxpayer to underwrite the mismanagement of the Penn-Central Corporation.

As a believer in the American system of free enterprise, I do not believe that the Federal Government has any right or obligation to rescue any private corporation or individual, however large or small, from bankruptcy. If we are to save the Penn Central, then why should not the Government also make good the losses of American investors who have lost over $300 billion as a result of President Nixon's misguided and perhaps dishonest economic policies?

I have taken my share of investment losses in the last 18 months of Republican ineptitude. I believe, as I think any good American should believe, that these losses stem in large measure from my own shortcomings, and that it is up to me, and to me alone, to find steps that may lead to a satisfactory recovery. By the same token, I believe that it is up to the Penn Central Corporation to find its own way out of the mess created by its incompetent management. The same can be said, by the way, about Lockheed Aircraft and a host of other companies.

To be sure, some kind of Federal action will eventually be needed to correct the abuses of our dreadfully archaic transportation industry. I don't know the solution, but certainly it is not the stop-gap measure proposed by Mr. Nixon's henchmen to rescue the blue-blooded Republican Penn Central from financial ruin.

In the meantime, I wish to express my solidarity with your position in the Penn-Central case and my earnest hope that you will continue to be a tower of strength in opposing Federal attempts to use taxpayers' money to save this ill-starred private organization and others as well.

Sincerely yours,

ANDREW J. KAUFFMAN.

JUNE 26, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: I was pleased to read about your forthright stand in regard to the unhappy Penn Central affair.

I agree with you that the government has no business bailing out private corporations. Free enterprise should be free to make profits and also to lose money.

I am writing you because I usually disagree with many of the economical positions you have taken during your long and distinguished career in the Congress. I feel certain that your actions will go a long way to protecting the Federal Treasury from any further Penn Central type demands.

I am, Mr. Patman,

Most sincerely yours,

GUSTAVE E. KIDDE.

HOUSTON, TEX.,
June 24, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

HONORABLE SIR: I wish to express my gratitude for your noble effort in blocking the $200,000,000 loan to the Penn Central. Such action is refreshing in these times of "giveaways," and such action will be most welcome to all citizens who are interested in fiscal responsibility.

Recently heard your statement, during an interview on television in which you stated that lowering the interest rates to a more realistic figure, would solve the inflation problem. To this, many millions of our citizens would concur.

In appreciation of your constant effort, I say thank you.

Sincerely,

HAROLD W. KILLEEN.

PHILADELPHIA, PA.,
June 23, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: I was glad to hear your statement concerning the Penn Central Railroad situation. Although I am a stockholder I feel that this corporation has been mismanaged for a long time and I don't think the general public should be made to pay for it. I hope your investigation will dig into misuse of corporation money including some of the lucrative pension funds that the retiring executives have been setting up for themselves during the past several years. Those of us who run successful businesses don't expect something like that.

There should be an efficient high speed railroad system connecting Boston, New York, Philadelphia, Baltimore, and Washington, and with all of the Penn Central's propaganda that was put out at the time of the merger we still don't have an efficient transportation system. We certainly need one for economic reasons as well as for our national defense, and I sincerely hope that you will push for separation of the transportation portion of Penn Central and creating a public utility or authority. The air corridors over the East are already dangerously overcrowded because they are doing the job that the railroads should be doing.

The entire Penn Central holding company should be required to liquidate over a period of time (like 5 years). The real estate business for too long has been a convenient cover up for the mismanagement of the railroad.

Yours very truly,

WILLIAM KLEINHOFF.

GREEN BAY, WIS.,
June 24, 1970.

Hon. WRIGHT PATMAN,
Washington, D.C.

DEAR SIR: The purpose of this letter is to request that you do everything in your power to prevent the Penn-Central Transportation Company from securing a government guaranteed loan to bail the Carrier out of its current financial morass.

It is my opinion a guaranteed loan to the Penn-Central, or any other railroad company, would be impudent for the following reasons:

1. A government guaranteed loan to assist the Penn-Central or any other railroad company would be an open invitation to railroad management to mis-manage their properties. On certain railroads in this country mis-management is a way of life and subsidization by the government in the form of a guaranteed loan would encourage rail management to this end.

2. Guaranteed loans from our government, I believe, would encourage holding companies, such as the Penn-Central Company, North West Industries, and others, who own railroad properties, to siphon off money into the holding company coffers rather than put a share of the earnings back into the property of the railroad to up grade, or even just maintain, right-of-way and rolling stock. Even today, without government subsidization, the nation's rail carriers have let their property and equipment fall into disrepair, witness the holocaust at Crescent City, Illinois which occurred on June 22, 1970. It is reported the derailment was caused by a wheel coming loose from a tank car truck; an investigation by the Department of Transportation will reveal the true cause.

On the same date as the Crescent City disaster a derailment occurred on the Galena Division of the Chicago and North Western Railway at Wheaton, Illinois which resulted in 25 cars going in the ditch. The derailment occurred just 10 miles out of the initial terminal of the train, Proviso, Illinois. The derailment occurred in a highly populated area; fortunately no fires were ignited and no one was injured.

The purpose of the foregoing is to demonstrate what is happening now; I shudder to think what will happen if railroad managements could count on "Uncle Sam" to pick up the results of their mis-management.

3. Government guaranteed loans, in my opinion, would be the first step in the nationalization of the railroads. If the railroad owners (stockholders, holding companies) wanted to get out of the railroad business all they would have to do is secure a loan from the government, pocket the profits from the operation of the railroad and then default on payment of the loan. Upon default the government, we tax payers, would have to foreclose and we would be left with a piece of railroad that couldn't be sold for scrap value.

I recognize that the railroads in this country are in dire financial straights. But granting loans guaranteed by the government is not the answer to the railroad industry financial problem; all a loan would do is increase the indebtedness. The answer to the rail industries financial plight is less government regulation. Let railroads compete with the air lines, the truckers and barge lines for traffic by letting the railroads set rates that are competitive. If this is done the rail carriers will attract business to make them financially healthy.

At this point, if you have read this far, I should tell you I am personaly interested in the railroad industry. I hold seniority right on the Galena Division of the Chicago and North Western Railway as an engineer and fireman (helper). The financial health of our railroads is of great concern to me and all other citizens of this country who are employed by a railroad in any capacity. A financially healthy railroad is a railroad that enjoys safe operating conditions because the money is available to take care of and correct unsafe conditions; needless to say when unsafe conditions do not exist the railroad man and other people who live in the vicinity of a railroad benefit.

It is my opinion the Senate and House of Representatives should organize a thorough investigation of the Penn-Central and the Interstate Commerce Commission to determine just how this financial disaster occurred. Certainly the men who put together this gigantic merger knew, or should have known, what they were doing. The Penn-Central is in the category of private enterprise but it is also a semi-public utility and a large part of the nation's transportation "back bone". This whole affair should be looked into in detail if for no other purpose than discovering how it happened and to prevent, if possible, such a fiasco from happening again.

So please Congressman, do what you can to prevent any government loans to the railroad industry and do the whole country a good turn by exerting the influence of your office toward getting the railroad industry into a better financial posture through less regulation.

Yours truly,

ROY H. KOEPKE.

JUNE 22, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

MY DEAR MR. PATMAN: I applaud your opposition to any loan whatsoever for the Penn-Central Railroad. This company has in the past 25 years done untold harm to the citizens of New York State by denigrating the service steadily and without regard to the need for it. Commodore Vanderbilt's: "The public be damned" was a blessing compared to what they have done to the passengers who have finally learned to avoid their filthy, tardy, insolently-serviced trains. One cannot even get information about arrivals or departures from their surly employees: there are telephone lines but so ill manned that one cannot get through even during the hours they are supposed to be staffed. The company should stand or go bankrupt on its own demerits.

Respectfully,

DR. LAWRENCE A. KOHN.

P.S.—This needs no answer; none is expected.

MIAMI, FLA.,
June 21, 1970.

DEAR SIR: I strongly endorse your position concerning the guarantee of Penn Central's debts. I feel that the government has no authority or need to enter into such contracts. Poor management must suffer its own consequences and not be rescued by the Federal Government. Your stand on this issue is a step in the right direction.

Thank you.

J. FRANK L. DUE.

LOS ANGELES, CALIF.,
June 26, 1970.

Hon. WRIGHT PATMAN,
House Banking Committee,
Washington, D.C.

DEAR SIR: It took a lot of courage to fight the move to give hundreds of millions to Penn Central. You bucked not only Penn Central but the Administration.

The people of this country don't realize what a great American you are, but a hell of us know you are doing a fine job. Keep up the good work!

RUBIN LEFKOWITZ.

ONTARIO, CALIF.,
June 20, 1970.

Hon. WRIGHT PATMAN,
House of Representatives,
Washington, D.C.

DEAR MR. PATMAN: This is my expression of gratitude to you for your stand against the Penn Central Co. in its attempt to get the government to guarantee a $200,000,000 loan to its railroad.

It gives me increasing concern to note this administration's attitude against excessive welfare costs, but think nothing of giving out countless millions to favored corporations.

I also noted with alarm that the proposed loan guarantee to Penn Central was being handled by President Nixon's former law firm in which Attorney General Mitchell was also a member.

Also I note with disdain that Sec. of the Treasury, David Kennedy is linked into the Penn Central "deal" through the Continental National Bank and Trust, from which company Mr. Kennedy came to his post in Nixon's Cabinet. That bank had loaned the Penn Co. $26.8 million. Apparently Mr. Kennedy's influence is expected to insure the Continental National Bank that the public purse is to be raided via the Penn Central Co. so that they will be repaid—by public expense—for a bad loan made while Mr. Kennedy was with the bank.

The unsavory deals by our public men and other violations of public trust must surely contribute to the disrespect for "the establishment" throughout the land. Therefore we have campus unrest, hippies, black panthers, etc.

I want to tell you I am gravely concerned about corruption in our democracy and hope there are enough men like you in the Congress to protect us from the lack of integrity among our high governmental officials connected with corrupt practices.

I am a retired superintendent of schools and have been a business man as well as an active politician but I am seriously worried about things like the Penn Central deal.

Most seriously,

CONRAD LANGE.

WINNETKA, ILL.,
June 22, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE PATMAN: Congratulations on your decades of serving the public as watch-dog against large-scale boodling at public expense, and most recently on your stopping the Penn-Central federal guarantee.

Aren't all these half-way measures wasteful, and shouldn't we now go to the logical conclusion that other free countries in Western Europe reached long ago: outright government ownership and operation of the railroads?

My own feeling is that the ills of the post-office proceed not from the principle of government ownership and operation, but from the failure of public and congressional alertness in supervision.

Sincerely yours,

WILLIAM B. LLOYD, Jr.

WESTCHESTER, PA.,
June 24, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR SENATOR: This is just a note of appreciation for your action in reviewing the Penn Central situation and for your forthright inquiry as I believe without your sense of inquisitiveness, the American people would have been supporting the stockholders of a corporation that has suffered poor management.

Even though some of my family own a few shares of the Penn Central, I feel that it would have been improper to make a "No-Strings-Attached" loan to bail management out of a predicament caused by their own short sightedness.

Thank you once again for representing that Silent Majority of Americans who almost were caught in a give-away program.

Sincerely,

ROBERT A. LORGUS.

THE PENN MUTUAL LIFE INSURANCE CO.,
Philadelphia, Pa., June 23, 1970.

Hon. WRIGHT PATMAN,
House Office Building,
Washington, D.C.

DEAR MR. PATMAN: I want to express my approval of your prompt action in stalling Penn Central's bid for a Government guaranteed bank loan.

There seems to be no valid reason why this or any other company should be "bailed out" of a situation resulting substantially from bad management.

Penn Central has tremendous assets which could be sold or pledged to handle their problems.

Yours truly,

GEORGE R. LOULAN.

[From the Houston (Tex.) Chronicle, June 24, 1970]

THE PENN CENTRAL CASE

The bankruptcy of the Penn Central, and the scrambling within the administration to prevent it, have raised many questions.

For example: How much special treatment should be accorded railroads by this administration or any other? Is the plight of the Penn Central a result of poor management

or the consequence of outmoded federal regulations for a method of transportation which has trouble competing with airlines and trucks?

To answer just these two questions would be as difficult as finding a lost dime on Galveston Beach.

It does appear though, that the administration was about to follow a devious and unwise course when it planned to guarantee loans totaling $200 million to the Penn Central through the Defense Department.

This guarantee was scrapped when Texas Rep. Wright Patman raised pertinent objections. The Texarkan congressman's points:

The bail-out arrangement was an unlawful use of the Defense Production Act which was designed for small contractors.

It would not be proper for the government to bail out large private companies.

There was a good chance that the proposed $200 million loan guarantee would become a loss of that amount to the taxpayers. (Reportedly, Penn Central officials told Rep. Patman and others that the railroad would need at least $500 million more to avoid bankruptcy.)

And, that the plan would set a precedent under which other companies would come to Washington asking for help. (Other sources have since said that some defense contractors were planning to take this step.)

The report from Washington is that the administration decided, after Rep. Patman's objection, that the political risk was too great to grant the guarantee. A sound decision, for the taxpayer who is ired by inflation, high taxes and questionable federal expenditures in many areas would not be overjoyed at the millions which would have to be committed to help a $7 billion diversified corporation.

It has been noted, too, that Penn Central filed bankruptcy for its rail operations only and that its other businesses, which produce a profit overall, are not included in the bankruptcy petition. Individuals, who do not have the advantage of holding companies in divorcing unprofitable companies by the bankruptcy route, find it hard to understand why a holding company with billions in assets would not be forced to sell several companies to make up the deficit before it declared bankruptcy for one wholly-owned subsidiary.

Even on the Penn Central, which operates the largest railroad in the most populous area of the United States, passenger service has not been profitable. Yet, passenger service is needed. It is still the most economical way of moving large numbers of people.

Thus, it may be necessary for the federal government to subsidize railroads. But a concerted and coordinated effort to determine what is needed and how much it will cost the taxpayer should be made before a single railroad is given special consideration.

[From the Houston (Tex.) Post, June 26, 1970]

A Dangerous Situation

The most interesting spinoff question of the Penn Central bankruptcy is whether the downfall of the railroad colossus will trigger a chain reaction of financial disasters. Although the financial community in New York has known of Penn Central's plight for months, the general public did not, and the event came suddenly, at a time when fears of a liquidity crisis were already widespread.

The danger of a chain reaction of bankruptcies is quite real. Penn Central does three-quarters of its business with other railways, and several of these were in exceedingly precarious financial shape before the news of the Penn Central failure was announced. And banks and other suppliers of the railroad will take a huge beating in the short run, to say nothing of the anguish of stockholders.

The Nixon administration was wise to back away from the $200 million rescue operation, which the Department of Defense was to have financed. The Defense Production Act of 1950, the legal instrument of the proposed rescue, was designed to help small and medium-sized war contractors, and only by a vastly strained interpretation of the act could it have ben used as a salvage vehicle for Penn Central.

Rep. Wright Patman of Texas deserves commendation for pointing this out to the administration, and for blocking the action. By his opposition to the hastily conceived scheme, the chairman of the House Banking and Currency Committee may turn out to be the best friend the Nixon administration has in this election year.

To ordinary citizens of every political persuasion, squeezed by inflation, tight money and increasing difficulty in meeting personal obligations, the Defense Department guarantee of $200 million in bank loans to Penn Central would have seemed a particularly rank and gamy act of political favoritism toward big business.

With Penn Central facing debt payments of $75 million by June 30 and nearly $600 million by Oct. 31, it is a virtual certainty that the taxpayers' loan dollars would have been money down the drain in any event.

The big railroad has an overall debt of $2.6 billion. Its services are highly essential in moving passengers and freight over 40,000 miles of track in 16 of the most highly industralized states of the nation. One-fifth of the nation's rail freight traffic moves on Penn Central tracks, and 70 per cent of the bankrupt's traffic moves on other lines.

In this perilous financial situation, no man, least of all any spokesman for Penn Central, can read the future. Even under the reorganization, the railroad will have to exercise great dilligence to maintain the inflow of revenue over the critical period ahead. Meanwhile, the nation can only hope and pray that the danger of a resultant financial panic is exaggerated and that one will not materialize.

[From the Anderson (S.C.) Independent, June 30, 1970]

Penn Central Not Exactly Poor, so Why Exempt From Its Bills?

We don't mean to be hard-bitten about things, but let us face the realities: If you couldn't pay your bills and wanted to go on public welfare, the government would want to assure itself, before giving you a hand-out, that you weren't sitting on a gold mine somewhere, or otherwise possessed assets which you might be able to convert into cash to tide you over.

Maybe a mammoth corporation can't be compared to an ordinary citizen, but on the the other hand why not?

Consider the Penn-Central Transportation Company. It's in such bad financial shape, two and a half years after its consolidation into one of the world's greatest corporations, that it can't pay current debts and couldn't even borrow at an astronomical interest rate of 11.5 per cent.

The company thereupon went, hat in hand, to the U.S. government, and the government, with exceptional alacrity, began taking steps to bail out the troubled corporation.

The Defense Department prepared to put the government's guarantee behind a $200 million bank loan, and President Nixon, in his economic message, called for legislative action to provide for emergency assistance to railroads in financial difficulties.

But at that point a number of congressmen, including that indefatible battler for the little man, Texas Democrat Rep. Wright Patman, began asking questions.

The Penn Central is not exactly in rags. It happens to own about $7 billion in assets—that is not a misprint, we said $7 billion. It owns some of the most valuable real estate in the world.

Representative Patman, who is chairman of the House Banking and Currency Committee, demanded to know precisely what legal authorization the government has for guaranteeing the Penn Central borrowing and, failing to get answers to this and other questions, refused to withdraw his opposition.

Interestingly enough, foreseeing legal and other problems, the Penn Central suddenly last April decided to retain President Nixon's and Attorney General John N. Mitchell's former law firm of Mudge, Rose, Guthrie and Alexander.

That notwithstanding, the Nixon administration decided to backtrack, at least temporarily, on the government guarantees.

Penn Central officials expressed their dismay, and we can't say that we blame them. For being dismayed, that is. But not for the way they've run their railroad. And not for the way they're trying to duck out of their responsibilities.

They have now filed a bankruptcy petition which, they emphasize, "does not apply to the Pennsylvania Company, the parent Penn Central Company or to the many affiliated or subsidiary companies."

Why should they be exempt from financial obligations?

Would it be asking too much for the parent company or other members of the immediate family to sell—say—a half a billion dollars of property in order to protect the other six and a half billion?

You might have to sell a piece of your land, or get a second mortgage on your house, if you were in similar difficulties. Why shouldn't the Penn Central, which brought its own troubles on itself, do likewise?

[From the Elizabeth (N.J.) Journal, June 27, 1970]

Business Ethics and Bankruptcy

The legal sanctuary used by the Penn Central Co. to avoid paying debts and taxes of the railroad has been justified on the grounds that the nation's biggest transportation network must be kept running for the good of the economy. There is no dispute over this. But surely when the enormous assets of the sixth biggest corporation in the United States ($7 billion) cannot be legally touched to cover the debts and operating costs of what once was the company's major enterprise, there is something wrong with the system and the law. Especially when, in the view of bankruptcy experts, the Penn Central can stay in its bankruptcy cocoon for as long as 20 years under the protection of the law and to the financial aggrandizement of a battery of lawyers who keep the arrangements going.

This is hard to swallow for other businessmen and individuals who suffer to avoid bankruptcy because of the legal and moral compulsion to pay off their creditors, including many who might otherwise founder. It should be disturbing, too, to any wage earner who finds the finance company repossessing his car for missing a few payments or to the middle-class wage earner who must liquidate his insurance to cover a hospital bill. He has no Park Avenue offices, no Miami Beach hotels, no oil pipelines and no Madison Square Garden interests to fall back on.

Despite its financial crisis, the Penn Central paid out $43 million in dividends last year, awarded generous stock options and retirement annuities to its executives, including a $140,000 a year pension to the recently ousted board chairman, and, according to Rep. Brock Adams, D-Wash., transferred some of the assets of the railroad operations into the holding company when

the railroad operations were going downhill. Those assets remain safe in the holding company. And it's all legal, too.

Penn Central, of course, like the bankrupt Jersey Central, can give a convincing argument that it has been forced by the government to carry on the deficit operations of its railroad company. If it were free of government interference, like other private firms, the Penn Central could have disposed of its commuter services and long distance trains. In no way should such deficit operations hamper its other profit making enterprises. All this sounds fair except when you begin examining the reasons why the Penn Central was able to accumulate its investments and form a conglomerate by originally borrowing on the reputation, credit and assets of the railroad. Furthermore, the railroad mismanagement suggests that the Penn Central Co. was devoting its money and energies into subsidiary investments that really had nothing to do with transportation, except that they benefitted by having access to rail service.

The cash crisis that the Penn Central was suddenly trapped in is partly due to this drive to acquire new firms, a situation that is afflicting other conglomerates that are in trouble. They have sunk their cash into property, buildings and firms that are almost totally unrelated to the parent company. This unprecedented move toward mass mergers in recent years has led to an economic derangement in the business world and centralization of economic power and decision making in the hands of about 100 large corporations.

The 700-page report of the Federal Trade Commission, issued last year, warns about the serious consequences of the conglomerates, which are a legal prop to skirt the anti-trust laws. The commission found that conglomerates do not enhance efficiency, lead to a system of reciprocal buying in closed markets, push out competition and run counter to many of the basic assumptions of a free market. Neither the consumer nor the employes of companies owned by conglomerates have much chance against these big cartels. They constitute a form of business socialism whose enormous power and legal protection removes them from public accountability and restraint. In this respect, they are a threat to the kind of democratic capitalism that is based on competition and the wide sharing of wealth and resources in this country.

Rep. Wright Patman, chairman of the Housing Banking Committee, has already quashed the Penn Central's request for a loan guarantee by the federal government. He has promised to lead a vigorous inquiry into the Penn Central and its connections with big banking interests. It can shed some new light on the dangerous growth of the conglomerates and, perhaps, on the dreadful record of the Interstate Commerce Commission in protecting railroads from competition in rates and in allowing labor practices to stymie improvements. But most of all, Rep. Patman, an earnest protector of the little guy, can start cutting the conglomerates down to size.

HIGHWAY SAFETY—IV: THE PROBLEM OF ALCOHOLISM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker in my series of commentaries on highway safety, I have been trying to illustrate to my colleagues and other readers of the RECORD the serious situation that exists when Americans drink, not just socially but as a disease, and then drive. The alcoholic driver is probably the greatest safety hazard on our highways today. We must find ways to control this hazard and help make driving safer for everyone.

As Guy Halverson points out in the following article in the Christian Science Monitor, much of the problem of drunken driving in the United States can be traced directly to "alcoholism." He notes the shocking statistic that alcoholism hits every fifth home in the country. With this in mind, it seems apparent, then, that one way to stop the problem of drunk driving is to deal seriously with the underlying problem of alcoholism.

A first step in dealing with alcoholism is to treat it as a disease. We must realize that alcoholism is not restricted to one social or economic class, but can and does strike people from all backgrounds. Only when we realize this fact can we give the people afflicted with this illness the treatment they need.

Guy Halverson makes an effective case for promoting more effective rehabilitation of alcoholics. I believe that our highways can be made much safer for all drivers if such a program is carried out. We must do something to reduce the tragic toll taken by alcoholics on our Nation's roads and highways.

The article follows:

ALCOHOLISM BEHIND THE WHEEL

(By Guy Halverson)

MILWAUKEE.—A confused and lonely 21-year-old Florida woman races alone through a stormy night on a motorbike. An alcoholic since her teen-age years, she is drunk. Rain and wind slash against her as she tightens her grip on the bike's handlebars. She looks up and in an instant of blurred recognition sees the glare of headlights from a vehicle racing directly at her. She is hurled across the highway and a human life is wasted.

The woman is one of about 70 million Americans who both drink and drive. Of these, millions are either problem drinkers or chronic alcoholics.

Clearly, alcoholism itself underlies much of the spiraling liquor-related accident toll on United States highways. And the toll won't be cut until Americans start to cure this deeper problem.

Efforts in this direction are producing results in some instances:

Here in Milwaukee, at another moment in time, a silver-haired business executive strides quickly toward a massive building. The renewal he feels inside shines as bright as the spring day. The man is a recovered alcoholic, and this day is his last at an outpatient clinic at the privately funded DePaul rehabilitation hospital.

FRAGMENTARY RESPONSE

But in general, response by government and the public to the alcohol problem is only fragmentary and all too often lethargic and ineffective.

The drunk driver, safety experts insist, reveals only one aspect of the blotch of alcoholism that strains so much of American society. Divorces, shattered families, frequent home and industrial accidents, and mounting crime all testify to it. Industry loses over $2 billion annually to alcoholism in absenteeism and shoddy work.

"The central truth," says Sen. Harold E. Hughes (D) of Iowa, chairman of the special Senate subcommittee on alcoholism and narcotics, and himself a reformed alcoholic, "is that we must make up our minds to launch an all-out, adequately funded attack on the problem of alcoholism in America if we are to make significant reductions in the deaths and maimings on our highways. . . ."

Most safety experts agree there must be a sharp about face in the permissive attitudes about liquor now sweeping the land:

The mass media, in particular, must stop glamorizing drunkenness by identifying it with good humor and sophistication.

The home, the church, the school must do a better job of acquainting young people with the dangers and risks of drinking.

Employers, work associates, and relatives must stop overprotecting alcoholics who desperately need attention—not the hidden isolation that is often a sure passport to self-destruction and tragedy for others.

Courts must be given greater flexibility in dealing with drinking drivers. The present system—which seeks to control driving behavior through reliance on legal sanctions alone—is a failure. Modern rehabilition facilities and techniques are sorely needed in almost every major community in the nation.

The problem of alcoholism and liquor abuse seems almost overwhelming in its complexity and ubiquity. In one of the nation's largest metropolitan areas I walked into the office of the local sheriff to discuss highway safety and found him seated behind his desk with a highball in his hand. It was 2 p.m.

MOST NEGLECTED PROBLEM

In another city a local traffic safety council official could hardly keep his eyes open during our interview because of the drinks he has had during an afternoon meeting. He finally had to have a relative come and drive him home.

No matter where one goes—to the office of a police official, a safety expert, a highway engineer—the conversation inevitably swings around to a discussion of alcoholism. Yet, as John W. Gardner, former Secretary of Health, Education, and Welfare, has pointed out, alcoholism, the nation's No. 3 health problem, is also its most neglected. Alcoholism treatment lags far behind treatment for drug abuse, which touches a much smaller percentage of the population.

Alcohol is the most used—and widely abused—drug in society.

Health officials insist that alcoholism is a disease, not just a behavior problem as was assumed for so many years. Between 6 and 20 million people are believed to be chronic alcoholics or problem drinkers with a compulsive dependence on liquor. But there is also a staggering multiplier effect that adds a tangled new dimension to the problem. Every alcoholic, the experts say, directly affects up to three relatives. Thus, up to 60 million people in this country may be immediately touched by alcoholism. That would mean one out of every five homes.

For years the public stereotype of the problem drinker was that of the skid-row derelect, But, says William M. Moore Jr., executive director of the National Council on Alcoholism, "only about 3 percent of all alcoholics are derelicts. Most are the type of people you might meet anywhere in society—wage earners, homeowners, housewives, professional people."

Take what happened one day here. The local office of Alcoholics Anonymous received a frantic call that a woman, plainly drunk, was about to slide behind the wheel. AA called the local sheriff who dispatched a car. The woman was pulled from her vehicle before she could drive it off. It was a bus for elementary school children.

MANY DIFFERENT TYPES

Studies of drinking drivers clearly indicate that many are chronic alcoholics or longtime problem drinkers. Indeed, most studies show the typical drinking driver involved in a fatal or near fatal accident to have a blood-level content far above levels associated with normal social drinking.

Yet, when one talks about the "drinking driver" one is really talking about many different types of drinkers:

1. The chronic alcoholic or problem drinker who is suspected of causing perhaps the largest chunk of all fatal accidents.

2. The social drinker, whose blood level usually registers less than most problem drinkers, but still accounts for an important share of highway mishaps.

3. The novice drinker or occasional drinker, whose inexperience with liquor is a contributing factor to some accidents.

4. The young drinker. Some studies suggest that the youthful drinker is causing an increasing number of highway accidents. Of the first 10 auto fatalities this year in Michigan, for example, all were under age 26, and liquor was a factor or suspected as a factor in nine of the cases.

How does one stop these people from mixing their drinks with driving?

In most courts throughout the U.S., judges are still heavily dependent on punitive legal sanctions—fines, license suspensions and revocations, or jail sentences. But because of the hardship on the offender, whose livelihood is often dependent on use of his vehicle (particularly in the Western states with their large distances), juries and courts are reluctant to impose stiff sentences. Moreover, prosecutors, acutely aware of public sentiment, carefully weed out thousands of marginal cases each year, even though they know the defendant is guilty of a road violation. Or they deliberately seek a lesser charge, such as "reckless driving," instead of "driving while intoxicated."

"HEALTH-LEGAL" APPROACH

The resulting "control system" is just not working. In Chicago several months back, a 28-year-old man was slapped with a $20 fine and court costs for staggering drunk in front of a stream of cars at a busy intersection. The very next night he was again arrested—this time for drunk driving.

Last year some 300,000 drivers had their licenses suspended or revoked. Yet, it's believed that as many as 200,000 of them continued to drive illegally.

What's needed, say many jurists, is a multipronged attack on the drunk driver—a "health-legal" approach, as Lyle Filkins of the Highway Safety Research Institute of the University of Michigan has dubbed it. On the one hand, judges should be allowed to impose stiff sanctions for those drivers who respond to punishment—such as social drinkers, occasional drinkers, and young people. On the other hand, rehabilitation should be available for those drivers who need a change in *drinking* behavior more than *driving* behavior.

And that's the rub. Few jurists today have any place to send the problem drinker for rehabilitation.

In many cities I found businessmen and teen-agers, problem drinkers, and hard-core derelicts all thrown indiscriminately together into grim drunk tanks. In one Southwest city I found a middle-aged man lying face down on a concrete floor where he had tumbled from a bunk.

PROGRAMS JUST NOT ENOUGH

There are only about 200 facilities of varying types around the country to handle the problem drinker, including halfway houses and clinics. Only about six cities have major detoxification centers, including important installations at Washington, St. Louis, and Des Moines. Even more significantly, only about six cities have comprehensive treatment programs, including Minneapolis, Atlanta, and the private DePaul program here in Milwaukee.

The federal response has so far been spotty and piecemeal.

The main thrust to date, most experts feel, has come out of the National Center for the Prevention and Control of Alcoholism in the Department of Health, Education, and Welfare. Budgeted at around $4 million annually, the program has dealt with the research, education, and treatment areas.

Rehabilitators maintain that the programs are just not enough. More money is spent each day on liquor purchases in the U.S., they say, than the entire federal government spends on alcoholism treatment in the course of an entire year.

A measure recently introduced into the Senate by Senator Hughes, along with Sens. Jacob K. Javits (R) of New York and Frank E. Moss (D) of Utah, would earmark a more realistic amount of $435 million over a three-year period for a comprehensive alcoholism program, including grants for construction of facilities by state and local communities. It would set up a control agency located most likely in the National Institute of Mental Health (that section is being hammered out in committee as of this writing). The measure would require establishment of prevention and treatment programs for federal employees and armed forces personnel, and also provide that group health and disability policies for federal employees must include alcoholism.

The Hughes bill (S3835) in effect supersedes an earlier, less comprehensive bill introduced several years ago by Senators Javits and Moss. The newer Hughes-Javits-Moss bill has so far snapped up endorsement from close to 50 senators, including a spectrum as diverse as Sens. George Murphy (R) of California, Charles H. Percy (R) and Ralph Tyler Smith (R) of Illinois, and John J. Sparkman (D) of Alabama.

PROPONENTS OPTIMISTIC

Proponents of the Hughes-Javits-Moss bill are optimistic of passage during the next year. They note that the Hill-Burton hospital construction bill—enacted over a veto by President Nixon last month—contained a provision establishing new priorities for treatment of alcoholism within hospitals. In the past most hospitals have tended to shun the alcoholic. The Hill-Burton Law, rehabilitation enthusiasts assert, shows that a national consensus is building toward a broad-based federal rehabilitation program.

The new $18 million program under way at the Office of Alcohol Countermeasures in the Department of Transportation is also geared in great part to an identification—and then control—of the problem drinker. Under the program, announced June 26, demonstration grants have been awarded to a number of communities around the nation: the state of Vermont; Marathon and Sheyboygan Counties in Wisconsin; Nassau County in New York; Washtenaw County in Michigan; King County, Washington; the cities of Eugene and Portland, Ore.; Denver; Seattle; Albuquerque, N.M. and Charlotte, N.C. DOT officials hope the roster can be upped by an additional 20 localities next year.

The imaginative program—a small, but important first step in the control of the drinking driver—will test out some 50 or 60 countermeasures, including use of chemical agents that cause the driver to react unfavorably when he imbibes alcohol, tying gas station operators into special traffic grids so they can check licenes numbers of motorists suspected of being intoxicated, and even special buzzer devices on the cars of drinking drivers that may be activated due to erratic driving conditions.

THE 40TH ANNIVERSARY OF THE VETERANS' ADMINISTRATION

(Mr. PELLY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PELLY. Mr. Speaker, today marks the 40th anniversary of the Veterans' Administration. On July 21, 1931, President Herbert Hoover signed an executive order creating the Administration as a new agency of the Federal Government. Prior to that time, the various benefits established for veterans had been under diverse bureaus which had grown from previous governmental activities.

Today, 4.5 million veterans and dependents receive direct financial aid through the VA, and the number of hospitals totals 166.

This anniversary comes following by 1 day the passage in the House of legislation to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund. Our unanimous vote on this bill yesterday will go a long way toward helping our Nation's sagging homebuilding industry, and at the same time greatly aid the veteran. One of the basic benefits of the GI bill of rights which has been available to veterans of World War II, Korea, and now Vietnam, is the home loan program, and the bill passed yesterday will provide a needed boost.

However, our job is not completed. The conditions in some of our VA hospitals are deplorable, and today, this 40th anniversary of the Veterans' Administration is a good time to reflect on our responsibility and to dedicate ourselves to pioneering new paths to serve in civilian walks of life those who served the Nation in its time of need.

OBJECTIVITY FROM THE SOUTH VIETNAMESE EMBASSY

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, my office periodically receives the "Vietnam Bulletin" a publication of the South Vietnamese Embassy here in Washington. Normally, the contents of this publication range from trivia through hogwash to propaganda.

But, to my amazement, on picking up the most recent issue, I found a sophisticated and objective military analysis of the Cambodian incursion. Among other things, the analysis cautioned against committing the South Vietnamese forces to more than short-term thrusts into Cambodia, lest they overextend themselves and allow the other side to increase its strength in South Vietnam, and thus entrap the Vietnamese army.

The name of the author of the article is not listed. This is unfortunate; it might have been interesting to trace the course of his career as he works his way toward the Con Son tiger cages.

Under unanimous consent, I insert two sections of the article, entitled "Current Strategy" and "Trapper's Trap" in the RECORD at this point.

CURRENT STRATEGY

The Communists naturally know what they are good at. Their current Cambodian strategy appears to be one of two prongs they really know how to exploit. It is the view of this column that they seek at present to

asphyxiate the Lon Nol administration economically and politically while drawing the South Vietnamese Army deeper and deeper into Cambodia, where the role for other allied forces would be minimal and where they think they have a better chance of defeating their enemy, especially if the latter should be foolish enough to take over the territorial defense of an extensive part of the neighboring country.

For students of Vo Nguyen Giap's strategy and tactics, the current military developments in Cambodia present little or any novelty. The top Communist military commander in Indochina had done something similar in past campaigns. By throwing whatever troops he had at his disposal in 1953 against townships in the Thai country and Laos, he succeeded in holding tens of thousands of French troops in enormous traps, thereby reducing to nil the newly acquired mobility of General Henri Navarre's troops. Dien-bien-phu was to be only the final blow to an overextended French expeditionary corps.

The men from Hanoi, once again, apparently think they can induce South Vietnamese generals into committing the mistake made by Navarre. If Saigon should take over the leading role in the defense of Cambodia, its armies will risk being trapped or bogged down. The Communists will then return to the pacified areas of South Viet-Nam the way they reentered the Red River Delta in 1953–54 and mount a scenario reminiscent of what they did 16 years ago to reduce the French government to suing for peace.

TRAPPER'S TRAP

South Vietnamese leaders, it must be said to their credit, fully realize the dangers of getting too deeply involved in neighboring Cambodia. The dozens of military pushes into Cambodia, for all the publicity they receive abroad, are essentially short-term campaigns designed to consolidate political and military achievements on this side of the border. Even such assaults as those against Takeo and Kompong Speu and possibly such other attacks as the Vietnamese may be called upon to mount against Communist units deep inside the Cambodian hinterland are not necessarily deviations from the general strategy of Saigon.

Indeed, so long as Saigon uses its troops as strike forces with no territorial duties, they simply cannot be trapped or bogged down. And if the new Cambodian administration should be able to live through the next few difficult months, a new alliance will certainly emerge from the new conditions in Southern Indochina, possibly resulting in the creation of an immense politico-military trap for the Communist trapper himself.

CAMPAIGN STRATEGY IN SOUTH VIETNAM—MANIPULATE THE BALLOT BOX

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, all of us who run for public office are faced with a number of basic decisions we must make regarding the conduct of our campaigns. Should we emphasize newspaper, radio, or television advertising? Should we attack our opponent or ignore him? Should we concentrate on economic issues, the war, or the environment?

In one of the world's other great democracies, the Republic of South Vietnam for which 50,000 Americans have given their lives, those who run for office must also make decisions on the best way to campaign. The tactics employed by the incumbents are of particular interest to the student of electoral politics.

In 1967 the Thieu-Ky government's campaign strategy consisted primarily of disqualifying every other candidate who had a chance of winning. But now it seems from a recent New York Times article that the government realizes true democracy involves allowing the opposition to run for office.

So the Government's current electioneering places heavy emphasis on ballot-box stuffing, combined with the use of soldiers to advise the peasants on which candidate to choose. In the province discussed in the article, however, these tactics proved insufficient. But the military-appointee province chief rose nobly to the occasion—he simply threw out the vote totals and substituted his own figures.

The object of the exercise was, the province chief said, to prevent the Buddhists from gaining a majority in the provincial council, since they were "proneutralist, and a victory on a national scale might provoke enraged army officers into a coup."

Since the population of South Vietnam is 85 percent Buddhist, this might be said to create something of a problem. But we can be confident that General Thieu who is, we are told, one of the world's four or five best politicians, will continue to display the resourcefulness he has demonstrated in past crises.

I include the article entitled "Vote-Rigging Dismays a Vietnam Province," from the New York Times of July 15, 1970, in the RECORD at this point:

VOTE-RIGGING DISMAYS A VIETNAM PROVINCE

(By Takashi Okal)

SAIGON, SOUTH VIETNAM, July 14—A case of flagrant vote-rigging has discouraged officials and reinforced the cynicism of villagers in a small province along South Vietnam's coastline.

The province cannot be identified because the officials, the candidates and the villagers who told of the incident fear reprisals from the province chief, a military officer on active duty, appointed, like all his colleagues, directly by Saigon.

On June 28, South Vietnam held elections for provincial and municipal councils. The elections were hailed in Government statements as another step in the official policy of decentralization, giving local bodies progressively larger responsibilities. News media considered the elections a useful test of voter sentiment before the more important elections this year and next year for the Senate, the lower house, and the presidency. American observers felt that by bringing out the vote, especially in rural areas, Saigon could demonstrate its control over the countryside in the face of Communist intimidation and disruption.

A 75-PERCENT TURNOUT REPORTED

Nation wide, many American observers considered the elections a success. Out of 6,113,286 eligible, 75.9 per cent voted, according to official statistics. The voting seemed to be reasonably honest, American and other observers said. Communist efforts to disrupt the process were judged, on the whole, to have failed. But in the Province of A——— girdled by mountains and looking out in the blue South China Sea, June 28 and its aftermath were bitterly disillusioning, not only for many voters but also for officials forced to change vote totals.

Information on the vote-changing was provided by local leaders of the Vietnam Quoc Dan Dang one of South Vietnam's oldest political parties, by villagers who voted, by candidates and by certain officials.

As a result of the vote-rigging, these informants said, two of four Buddhists elected to the seven-man provincial council lost their seats to two candidates favored by the province chief.

Since one of these two candidates is a Roman Catholic, and since Catholics hold three other seats on the council, the vote-rigging transformed a Buddhist majority into a Catholic majority. Several Catholic priests and laymen are deeply disturbed over the change, which they fear could lead to a new upsurge of political enmity between Buddhists and Catholics.

Informants said that the day before the election, the province chief called in his civil and military assistants and told them that it was essential to keep Buddhists from a majority in the provincial council. The Buddhists, the province chief reportedly said, were proneutralist, and a victory on a national scale might provoke enraged army officers into a coup. To avoid this, the province chief reportedly said, the officials must see to it that the Buddhists were denied a majority.

The province chief reportedly then told his assistants, who were in charge of the province's 51 polling stations, to increase totals for acceptable candidates by 10 per cent by stuffing the ballot box from time to time, for example during the noonhour when few people come to the polls.

Under South Vietnam's voting system, for each candidate there is a slip of paper bearing the candidate's symbol—a lotus, for example, or a candle, a buffalo or an elephant. Since A——— Province had 29 candidates, a voter received 29 slips of paper and an envelope. Inside a curtained booth, he chose seven slips, put them into the envelope, and dropped the envelope into the ballot box. The other slips were discarded.

To many voters, the names of the individual candidates were meaningless. Many voters did not bother to attend campaign meetings, and many of those that did complained that all candidates promised the same things.

"Candidates, are like birds without feathers," one village voter said. "We, the voters, give a candidate his feathers—each vote being another feather. When he has enough feathers, off he flies—and we never see him again."

A number of voters, especially older people and housewives, simply ask election officials to pick candidates for them—which the officials are happy to do. As one district chief, a colonel, commented: "You journalists make things so complicated. Elections are really quite simple. You can't expect most voters to know who is good and who is bad. Either they don't bother to come and vote, or else they choose their candidates at random. Far better to let us choose the candidates for them."

The province in question is not atypical in South Vietnam and the tampering was generally discreet and, so officials who participated said, confined to 10 per cent of the total vote. Votes were not taken away from any candidate; they were added to those the province chief favored.

Each candidate is permitted to send an observer to watch the voting. In one hamlet, fairly early in the day, an observer, a woman teacher 19 years old, noticed an official slipping something under the table. She challenged the official, and found an envelope of seven slips. The official had evidently been waiting to slip the envelope into the ballot box.

REPORT ON INCIDENT

The teacher demanded that the official in charge of the polling station make a written report on what has happened. This was done.

At the end of the day, the count began, in the presence of the observers. The work was finished about 8:30 P.M. and the officials left, after the hamlet chief and the observers had signed the written report, which included both the totals and an account of the day, including the stuffed envelope.

Back at province headquarters, as officials from the various polling stations began to add their totals, they found that four out of the seven candidates elected were Buddhists, and that two candidates particularly favored by the province chief were trailing so badly that a 10 per cent shift of votes would be insufficient to elect them.

The province chief insisted that two of the four Buddhist candidates be eliminated, to accommodate his two candidates. The president of the election commission, a youthful judge from a neighboring province adamantly opposed this, in the presence of other officials present. The judge said that it was better to declare the whole election invalid than to try to eliminate two elected candidates.

Finally, the account went, the province chief won out. Officials who had been in charge of four or five key polling stations were ordered to go wake up the hamlet chiefs and get them to sign new reports.

NEW FORMS SIGNED

One hamlet chief reluctantly admitted that this had, in fact, happened to him. He had been routed out of bed at 5 o'clock in the morning, during the curfew, when no villagers are supposed to be about except soldiers on patrol. He was told there had been several mistakes of form in the report he had signed and he was asked to sign a new report. Trained through long years to do as he was told, he said, he signed "four or five new official forms." The forms were blank he said.

TELL IT LIKE IT IS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the so-called generation gap has resulted chiefly from a communications breakdown between the youth of America and their elders. It is for this reason that the commencement address, delivered by President Charles E. Perry of the Florida International University, to the graduating class of Broward Junior College on April 30, 1970, is particularly relevant.

President Perry has gained a valuable insight into this question by simultaneously having the responsibilities of a college president and being a member of the "younger generation" in age. I recommend this speech to both young and old as a clear, enlightened, and honest appraisal of this misunderstood problem:

TELL IT LIKE IT IS

(By Charles E. Perry)

President Adams, members of the faculty, distinguished guest, ladies and gentlemen of the Broward Junior College Class of 1970.

I am not going to deliver the typical commencement speech tonight; the kind of speech which applauds you, the members of the graduating class, for the splendid job you have done in getting this far in your academic career; or the kind which discusses how you have overcome hardships and made sacrifices; or how you are going to go on to bigger and greater accomplishments—even though all of these things are true.

I am also not going to give you the traditional commencement address which points out how you will be the leaders of tomorrow, and that overnight you will become a highly paid corporation executive, a successful professional, a top government official, or even a college president.

And I am not going to tell you that life is pleasant and bright, and that once you have the A.A. or A.S. degree in your hand, the world and a high paying job are yours for the asking.

In addition, I am not going to use this special occasion in your life for an oratorical workout to show you how "cool" I am with words. Motherhood, apple pie, George Washington, Abraham Lincoln, and even Babe Ruth will be pushed aside this evening, although they all had their place in traditional commencement speeches.

No, I am not going to talk about these things tonight, because I am going to *tell it like it is.*

Tell it like it is. This has become a notable phrase in our modern-day language, signifying honesty and candor, but often used to the point of being meaningless. Yet, I wonder, if we had been willing to *tell it like it is* a long time ago, and had come to grips with the real priorities in our national life, would we not now be so deeply enmeshed in the problems confronting us today?

In fact, if we dare be so bold to *tell it like it is,* it could result in some unprecedented soul-searching among young Americans who find themselves inheriting a world they did not make, but in which they must live.

Telling it like it is may be very frightening to many older Americans. They see not only questioning and dissent, they see rejection, they see rebellion and, ultimately, they see the possibility of revolution. And it frightens them.

But it also frightens many young Americans because they don't understand why the "over 30" generation is not more concerned about the problems facing this nation of ours. And in a nation that is united by allegiance and by a shared heritage, it is not a hopeful symptom for the future when the old fear the young, when the suburbs fear the cities, when Americans of one color distrust Americans of another color and when votes are cast not thoughtfully, but in fear or in anger.

Accelerating change in this nation is producing a great many new problems and aggravating old ones, leaving nothing untouched, aside from your own personal concerns about just plain living, the changes related to the precarious balance of nations between war and peace—particularly in Southeast Asia, inflation and the high cost of living, the need for more and better jobs, the pollution of our environment, the increasing alienation of our people (young and old alike), the problems of racial injustice, and the darkening shadows of national poverty—face all of us today.

You can say that you did not cause these things—and you will be right. Most of you are not old enough to have to take that kind of blame, but, young as you are, you are now allowed to be full participants in this society of ours. This didn't used to be so. I guess I, myself, am a good example of the new era.

At the age of 32, I was selected to be the first president of the new state university to serve Dade and Broward counties. It is a great honor—and an even greater responsibility. But my point is that it would have been unthinkable to have given someone of my youth this responsibility and authority a few short years ago.

Like all the things we deal with, this change in attitude has two sides to it. It means greater opportunity and a far more significant status in society for people of your age and my age. But it also means the imposition of much greater responsibility at a very early state of adult life.

I don't mean just income or job responsibility. I mean the responsibilities of citizenship. The responsibility for making the kind of choices every adult constantly faces in a free society. When leaders were in their 40's and 50's and 60's, young people in their 20's were considered to be babes in arms. They were not expected to be very responsible in terms of citizenship—and they weren't usually given much of an opportunity to show they could be responsible citizens.

But now that has changed—and I think it has changed for the better. There is no reason whatever—and really there never was—why people of your age and my age could not take and handle this kind of responsibility. We have shown we could in one continuing situation throughout history—and that is in war. Now we have both the opportunity and the obligation to show we can do as much in peace . . . if that condition ever comes to this "war-weary" nation of ours.

What does what I've said so far really mean? How does it affect you and the things you do?

First of all, it means you have to understand the kind of world you are living in. It is no good just being "against" the world or the conditions in it. It has never been very different. It has never been kind or friendly or very peaceful. And this world has only made the bits and pieces of progress we call freedom at the expense of enormous human effort.

That human effort was made not by chance—but by choice. It was exerted by people just like you and me who lived with the belief and the conviction that things could be made better and that they could, in some small way, help achieve that condition. You have the same opportunity; that is, if you choose to take it.

I don't mean being concerned or being dedicated on a short-term basis. That's easy. The tough thing is to be concerned and dedicated all the time, even when your own personal and family demands are increasing or when there is a great desire to say, "the hell with it, let someone else worry about it for awhile."

My friends, there is no someone else. There is only you. No one will pick up the torch you put down. It will just go out and there will be that much less light and that much less fire and that much less effort to make of this world. A slightly better and somewhat more liveable place than it is today.

There are so very many ways of turning your back on the problems of your world. You can become involved in study. You can be concerned only about your own job. You can get immersed in the details of living. You can do all this and still complain, but who will "take up the battle?" Who will be concerned enough to do something about prejudice, about quality education, about justice and equal opportunity, about drug abuse, about inflation, about pollution, on our streets? *You can,* or you can just about the ghetto, about war and about crime give up.

You can take the position that nothing any of us can do will make the slightest bit of difference. And so you will no longer try. You will say you are a good and a fine person—but since the bad and the evil ones outnumber you, you are resigning from the team.

There is really no end to the excuses and, in time, you will see them all used. But I hope you will not yield. I hope you will not use them. I want you to stay just as concerned and just as dedicated as most of you are now. I want you to keep on questioning, to keep on being dissatisfied.

There are solutions to all the problems we face: but it's going to take an enormous and a sustained effort to find them. It's going to take some pretty blind faith and lot of brainpower. And it's going to take a "deep down gut belief" that things in America don't have to be the way they are.

We need to examine our nation's institution—the government, the educational system, the business establishment and so on—but we need much, much more to examine our personal priorities. Institutions are impersonal. They do nothing on their own, much as we may like to think they cause the evils that beset us. It is people who activate institutions. And it is people—people like you and me—who can change them, who can make them responsive.

All of us are aware of what has happened on American campuses since 1960. In the past decade, students have achieved greater personal freedom than in the prior half century. The doctrine of *in loco parentis*, for example, is almost gone. Parental rules governing campus activities are fast disappearing. And this is a result of the fact that students no longer want to be treated like children. They want to be treated like adults, and with that they must be willing to take on certain responsibilities. And in most cases, students have been very capable in assuming this new burden.

The 1960's also included much needed reforms in American higher education and I hope more will come, one of the changes that will greatly assist the learning experience is centered around the concept of giving students a major role in all university programs—from curriculum planning, to governance, to evaluation of programs and professors.

In addition, students are now turning their attention to problems off the campus, their concern about the "real world" will have a tremendous positive effect on the future programs of the nation's colleges and universities. The days when the institutions of higher education can divorce themselves from the problems of our society are over.

For example, last Wednesday, Earth Day, I spoke to an audience in Miami on the role of the urban university in the fight to improve our urban environment. Many activities were held to draw attention to how we are mistreating our environment, and Earth Day turned out to be fairly successful in that regard. But more needs to be done and one day's effort is certainly not going to be enough. Every day is really Earth Day, and I urge you to continue to be concerned about "Planet Earth."

But I hope that your concern for the environment is not based upon the fact that it's "in vogue" to talk about ecology these days. In fact, there are people making speeches now on this subject that did not even know the definition of ecology six months ago.

And I hope that you will not take the easy way out by blaming business and industry for all the problems of pollution and our environment. They have been the "scapegoat" for many attacks, but we must all share the responsibility for these vast problems and we must all work together—education, business, government and private citizens—to solve these complex problems facing our nation.

In addition, I hope that you will not forget that it was the black man that first started to "talk about" the problems of the environment. He was the first to complain about the stench of the ghetto, the lack of clean air and water, and the almost unbearable sanitary conditions that he lived in. But the black man's voice was not heard . . . or if heard, it was not listened to with much sincerity or desire to do something about it.

So, let's not "cop-out" by using the now fashionable jargon of ecology and forget some of the basic problems still facing Americans of all colors . . . whether those are problems related to education, to housing, to transportation, to better and more jobs, and so on.

There are lots of ways to help solve these problems—lots of ways to become involved in the many problems of society and most all of them will show results. Ladies and gentleman of the class of 1970, working to change our nation is a tough job, but by being involved together—businessman, teacher, government worker and citizen—it can be done!

One of the major ways to get involved is to be concerned about government and politics. A lot of people in this nation act as if politics is something "dirty." But in a free society, the political process *is* government, and the way to affect government or to make government responsive to the needs of society is to become involved in politics.

There will probably be on the ballot in November a constitutional amendment to give 18-year olds the right to vote in Florida. *I'm all for it.* But where 18-year olds have been given the right to vote, not too many of them use it. In fact, I'm disappointed to tell you that the percentage of voters under 30 who have used their right to vote is far below those voters over 30. That is not just non-involvement, that is a total refusal to use the most precious right that you and I have in this free nation of ours.

The day you have the privilege of voting, register to vote. Pick a party, *or*, if you don't like parties, pick a candidate. And then go to work for him. Every candidate needs all the help he or she can get, and none can get elected without it. If you want to be involved and see change, get out and work for it!

And when the election is over, don't forget about the people you elected. Keep a check on what they do, and what they don't do. And let them hear from you. No one in America—absolutely no one—has a more sensitive feedback mechanism than an elected officeholder. The problem is that they seldom hear from anyone except paid lobbyists, extremists on the far right or the far left, or from other officeholders. If they hear from you, they'll react. It's all part of the input every officeholder is constantly using, and it affects their votes in city councils, state legislatures, or the congress, and their vote in those governmental bodies affect your lives in many, many ways.

And your involvement will affect the future of Florida. You know, Florida is a wonderful place to live, to work, and to raise a family. It's a state that's among the big 10 of the 50. And it's the fastest growing of the big 10. How Florida grows and how it develops will decide how you and your children and their children will live. It will mean the difference between swimming in clean water or staying out of polluted water. It will mean good schools and good roads and good law enforcement, or bad schools, bad roads, and bad law enforcement. It will mean good jobs, or bad jobs, and possibly no jobs.

These are the kinds of choices you will be making—and, remember, if you do nothing, that is a choice too. *Negative, but still a choice.*

Tonight is a significant landmark in your lives. You will often look back to it as marking a dividing line in the time of your life. I hope you will also look back on it as marking a dividing line in the *tone* of your life. I want the tone of your life to reflect your involvement and dedication. Will you be a lifter or a leaner? A creator or a conformist? A driver or a drifter? These choices are yours, but, remember, the old biblical phrase: "As a man thinks . . . so he is."

In closing, let me say that it is not nearly as difficult for me to *tell it like it is*, as it will be for you to get involved and to stay involved tomorrow, the next day, and all the days that follow. Whether you agree or disagree, are for or against, is not half as important as being involved and taking a stand. This state and this nation are not finished. They are still being shaped and moulded. Don't let anyone—and don't let yourself through non-involvement—deprive you of the right . . . not just the chance, *but the right* to place your imprint on the America that you will leave to a new generation.

MERCURY CONTAMINATION—ADMINISTRATION'S ACTION—PAPER OR REAL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Speaker, Time magazine on May 4, 1970, reported:

> Last week Interior Secretary Walter J. Hickel ordered Federal investigation of all discharges into the Great Lakes' U.S. waters . . . As for mercury, Hickel will stop all lakeside discharges if Governors of the affected states ask him to do so.

Time indicated the action was taken because the suspected ultimate poison methyl mercury constituted a clear threat to human health. Two months later, mercury residues have been found in fish and water in 20 or more States. As a result, last week, it was reported in the press, Secretary Hickel had now sent telegrams to the Governors of the effected States urging them to take strong action against plants which dump mercury into waterways. He further stated that if the Governors did not take action and that if the industrial plants did not stop dumping mercury that he would take action by asking the Justice Department to file suit. The drastic step proposed by Secretary Hickel amounts to public notice that he will not necessarily wait for the Governors to ask him to act before he carries out the water contamination responsibilities of his office which do not require him to ask prior permission of the Governors.

However, the Justice Department a few days prior to Mr. Hickel's statement indicated that it would file suit if requested by the Federal Water Quality Administration, of the Department of Interior, but that it would not file suits under the 1899 Refuse Act against pollution of navigable waters with refuse. Justice contends that it would use the 1899 act against "accidental and infrequent" pollution, however, the Federal Water Quality Administration must handle the mercury situation, because it is purposeful, continuing, and certainly frequent. A day to day dumping by an industrial plant is to be ignored under the strong 1899 Refuse Act by the Justice Department's guidelines to its attorney.

The actions of the Departments of Interior and Justice appear to be too late, too little, and paper thin and considerably less than their mandated responsibilities. We do not need new laws. We need responsible leadership. The mercury contamination problem warrants congressional hearing and I shall seek such a hearing.

UNJUSTIFIED CRITICISM OF PRESIDENT NIXON

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point.)

Mr. GERALD R. FORD. Mr. Speaker, the unjustified criticism of President Nixon by an official of the National Association for the Advancement of Colored

People has drawn an appropriate response from a Negro leader in Michigan, Ulysses W. Boykin. Mr. Boykin's comments were carried by the Michigan Chronicle in its July 18, 1970, edition. I include this news item at this point in the RECORD:

UNJUSTIFIED CRITICISM OF PRESIDENT NIXON

Uly Boykin, president of Urban Community Consultants Inc., black Detroit-based management consulting, research and economic development firm, last week blasted back at black leaders who maintain President Nixon is insensitive to needs and problems of minorities. Quoth Uly: "These critics are blind to the good the President has done. Such (unfounded) criticism is destroying public confidence in the executive branch of the government because of mistakes in policy committed by Democratic presidents who preceded him (Nixon) . . . What does Mr. Nixon have to do to convince my fellow blacks that they have never had a better friend in the White House. He has appointed more blacks to responsible positions, he has made more funds available to black minority business ventures, and he has made good on every promise—a record no other president can match."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. KEE of West Virginia (at the request of Mr. ALBERT), for the 21st of July, on account of official business.

To Mr. ADAMS of Washington, for July 23 to July 27, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHMITZ), to revise and extend their remarks and to include extraneous matter to:)

Mr. BUSH, today, for 5 minutes.

Mr. HOGAN, today, for 5 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. STEIGER of Arizona, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON to revise and extend remarks to be made today and to include certain extraneous matter.

Mr. SMITH of Iowa to include extraneous matter in his remarks made in Committee of the Whole today.

Mr. YATES and to include extraneous matter.

Mr. COHELAN and to include extraneous matter during his remarks in the Committee of the Whole on H.R. 18515.

(The following Members (at the request of Mr. SCHMITZ) and to include extraneous matter:)

Mr. KYL.

Mr. BETTS.

Mr. ANDERSON of Illinois.

Mr. BEALL of Maryland.

Mr. HANSEN of Idaho.

Mr. SNYDER.

Mr. WYMAN in two instances.

Mr. MINSHALL in three instances.

Mr. DERWINSKI in two instances.

Mr. COLLINS in five instances.

Mr. LANDGREBE.

Mr. STEIGER of Arizona.

Mr. HOGAN.

Mr. EDWARDS of Alabama.

Mr. FOREMAN.

Mr. MIZE.

Mr. DON H. CLAUSEN.

Mr. JOHNSON of Pennsylvania.

Mr. WHALEN.

Mr. PELLY.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. RIVERS.

Mr. WILLIAM D. FORD.

Mr. BOLLING.

Mr. EILBERG in two instances.

Mr. JACOBS.

Mr. O'NEILL of Massachusetts in two instances.

Mr. HELSTOSKI in two instances.

Mr. FULTON of Tennessee in two instances.

Mr. WOLFF.

Mr. HANNA in five instances.

Mr. HATHAWAY in two instances.

Mr. STOKES.

Mr. KYROS.

Mr. MARSH.

Mr. DIGGS in three instances.

Mr. BINGHAM.

Mr. PATTEN.

Mr. DINGELL.

Mr. DANIELS of New Jersey.

Mr. RODINO in three instances.

Mr. FOUNTAIN in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:

S. 2104. An act for the relief of Milton Kyhos; to the Committee on the Judiciary.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba;

S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act;

S. 885. An act to authorize the preparation of a roll of persons whose ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Dockets numbered 314, amended, 314–E and 65, and for other purposes; and

S. 3685. An act to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 22, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speakers' table and referred as follows:

2226. A letter from the Administrator, Small Business Administration, transmitting a report on disbursements to small business investment companies during June 1970, pursuant to section 301 of title III of Public Law 91–151; to the Committee on Banking and Currency.

2227. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

2228. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

2229. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

2230. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents, and detonators, and for other purposes; to the Committee on the Judiciary.

2231. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated April 17, 1969, submitting a report, together with accompanying papers and an illustration, on Six Runs River, N.C., requested by a resolution of the Committee on Public Works, House of Representatives, adopted August 16, 1950. No authorization by Congress is recommended as the desired improvement has been approved for accomplishment by the Chief of Engineers under the provisions of Section 205 of the 1948 Flood Control Act, as amended; to the Committee on Public Works.

2232. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated December 24, 1969, submitting a report, together with accompanying papers and illustrations, on Sabine-Neches Waterway, Tex., requested by a resolution of the Committee on Rivers and Harbors, House of Representatives, adopted April 11, 1946, and in response to an item in section 11 of the Flood Control Act approved July 24, 1946. No authorization by Congress is recommended as the desired improvements essentially have been provided under other authorizations; to the Committee on Public Works.

2233. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated November 18, 1969, submitting a report together with accompanying papers and an illustration, on the Inland Route, Mich., requested by a resolution of the Committee on Public Works, House of Representatives, adopted February 24, 1960; to the Committee on Public Works.

2234. A letter from the Secretary of Health, Education, and Welfare, transmitting the first annual report on services to families receiving aid to families with dependent children, pursuant to section 402(c) of the Social Security Act, as amended; to the Committee Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2235. A letter from the Comptroller General of the United States, transmitting a report on potential savings by centralized control of overseas air passenger transportation; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 15560. A bill to amend the Federal Insecticide, Fungicide, Rodenticide Act, as amended (7 U.S.C. 135–135k), to prohibit the importation of certain agricultural commodities to which economic poisons have been applied, and for other purposes; with an amendment (Rept. No. 91–1320). Referred to the Committee of the Whole House on the State of the Union.

Mrs. HANSEN of Washington: Committee of conference. Conference report on H.R. 17619 (Rept. No. 91–1321). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. POAGE (for himself and Mr. BELCHER):

H.R. 18546. A bill to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. BENNETT:

H.R. 18547. A bill to amend title 10, United States Code, to provide for the apprehension, restraint, removal, and delivery of certain persons serving with, employed by, or accompanying the Armed Forces outside the United States, and for other purposes; to the Committee on Armed Services.

H.R. 18548. A bill to amend title 18, United States Code, to subject certain nationals or citizens of the United States to the jurisdiction of the U.S. district courts for their crimes committed outside the United States; to the Committee on the Judiciary.

By Mr. BETTS:

H.R. 18549. A bill to amend sections 902(b) and 902(c) of the Internal Revenue Code of 1954 to reduce the 50-percent requirement to 10 percent between first and second levels and to include third-level foreign corporations in the tax credit structure if the 10-percent test is met; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 18550. A bill to amend the act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 18551. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 18552. A bill to amend section 13 of title 17, United States Code; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 18553. A bill to amend title 38 of the United States Code to extend by 1 year the period in which guarantee and insurance entitlement may be used by World War II veterans; to the Committee on Veterans' Affairs.

By Mr. McMILLAN:

H.R. 18554. A bill to amend section 8 of the act approved March 4, 1913, (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with State and Federal regulatory bodies on matters of joint interest; to the Committee on the District of Columbia.

By Mrs. MAY (for herself, Mr. McCLURE, and Mr. HANSEN of Idaho):

H.R. 18555. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures; to the Committee on Agriculture.

By Mr. OBEY:

H.R. 18556. A bill to amend the National Environmental Policy Act of 1969 to provide for class actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. PELLY:

H.R. 18557. A bill to authorize the President to restore and maintain the military balance in the Middle East; to the Committee on Foreign Affairs.

By Mr. ROSTENKOWSKI:

H.R. 18558. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; to the Committee on Ways and Means.

By Mr. SANDMAN:

H.R. 18559. A bill to establish a Department of Education and Manpower; to the Committee on Government Operations.

By Mr. TALCOTT:

H.R. 18560. A bill to amend section 8c(6)(I) of the Agricultural Marketing Agreement Act of 1937 to permit projects for paid advertising under marketing orders applicable to lettuce; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 18561. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 18562. A bill to reorganize the government of the District of Columbia by the establishment of a Board of Governors to replace the Commissioner of the District of Columbia and the District of Columbia Council, and for other purposes; to the Committee on the District of Columbia.

H.R. 18563. A bill to deem service with the United States-Puerto Rico Commission on the Status of Puerto Rico as service with an executive agency, and for other purposes; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts (for himself and Mr. BETTS):

H.R. 18564. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on olives packed in certain airtight containers; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 18565. A bill to amend section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) to require that airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

By Mr. FALLON (for himself, Mr. HECHLER of West Virginia, Mr. KEE, Mr. BYRNE of Pennsylvania, Mr. KLUCZYNSKI, Mr. JOHNSON of Pennsylvania, Mr. DENT, Mr. MADDEN, Mr. FRIEDEL, Mr. FISHER, Mr. McMILLAN, Mr. DONOHUE, Mr. SAYLOR, Mr. FOREMAN, Mr. OLSEN, Mr. ROONEY of Pennsylvania, Mr. RIVERS, Mr. FULTON of Pennsylvania, Mr. BUTTON, Mr. MOLLOHAN, Mr. DULSKI, and Mr. WATKINS):

H.R. 18566. A bill to amend the Tariff Schedules of the United States with respect to the duties on stainless steel sheets and on articles made from such sheets, to the Committee on Ways and Means.

By Mr. FULTON of Tennessee (for himself and Mr. BROYHILL of Virginia):

H.R. 18567. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges and quality of medical service; to the Committee on Ways and Means.

By Mr. McMILLAN (for himself (by request) and Mr. DAWSON, Mr. FUQUA, Mr. FRASER, Mr. JACOBS, Mr. HUNGATE, Mr. KYROS, Mr. BLANTON, Mr. NELSEN, Mr. SPRINGER, Mr. O'KONSKI, Mr. HARSHA, Mr. BROYHILL of Virginia, Mr. WINN, Mr. GUDE, Mr. THOMSON of Wisconsin, Mr. HALL, Mr. STAGGERS, Mr. JARMAN, Mr. OTTINGER, Mr. PREYER of North Carolina, Mr. CARTER, Mr. HANSEN of Idaho, Mr. HASTINGS, and Mr. HORTON):

H.R. 18568. A bill to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROTH:

H.R. 18569. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR (for himself, Mr. BERRY, Mr. BURTON of Utah, Mr. KYL, Mr. STEIGER of Arizona, Mr. POLLOCK, Mr. McCLURE, Mr. DON H. CLAUSEN, Mr. WOLD, Mr. CAMP, Mr. LUJAN, Mr. ASPINALL, and Mr. HALEY):

H.R. 18570. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 18571. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 18572. A bill to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

By Mr. McCULLOCH (for himself, Mr. GERALD R. FORD, Mr. ASHBROOK, Mr. AYRES, Mr. BETTS, Mr. BOW, Mr. DON H. CLAUSEN, Mr. CRAMER, Mr. MACGREGOR, Mr. McCLORY, Mr. MAYNE, Mr. MINSHALL, Mr. POFF, Mr. RAILSBACK, Mr. SMITH of New York, Mr. TAFT, and Mr. WIGGINS):

H.R. 18573. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents and detonators, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of North Carolina:

H.J. Res. 1318. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. DENNEY:

H.J. Res. 1319. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. GROVER:

H.J. Res. 1320. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. SYMINGTON:

H. Con. Res. 690. Concurrent resolution relating to treatment and exchange of military and civilian prisoners in Vietnam; to the Committee on Foreign Affairs.

By Mr. STAGGERS:

H. Res. 1152. Resolution providing for printing additional copies of House Report 91-1319; to the Committee on House Administration.

By Mr. BROOMFIELD:

H. Res. 1153. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. SYMINGTON:

H. Res. 1154. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 18574. A bill for the relief of Miss Maria Fedelia Martinez Hernandez; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 18575. A bill for the relief of Salvatore Baio; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 18576. A bill for the relief of Mrs. Crescencia Lyra Serna and her minor children, Maria Minde Fe Serna, Sally Garoza Serna, Gonzalo Garoza Serna, and James Garoza Serna; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

428. The SPEAKER presented a memorial of the Legislature of the State of California, relative to Pyramid Lake natural resources, which was referred to the Committee on Interior and Insular Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

550. Mr. PHILBIN presented a petition of the Newton, Mass., Board of Aldermen, calling for a reaffirmed U.S. commitment to a lasting peace between the Arab States and Israel arrived at by direct negotiation and by recognition by the Arab States of sovereignty of the State of Israel, which was referred to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

YOU DARE NOT FAIL—ADDRESS

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Tuesday, July 21, 1970

Mr. COOPER. Mr. President, one of Kentucky's outstanding citizens in the field of industrial development is also one of our State's most devoted friends of education. He is Mr. Rexford S. Blazer, chairman of the board of Ashland Oil, Inc. In a recent commencement address entitled "You Dare Not Fail—You Must Succeed," delivered at Union College, Barbourville, Ky., Mr. Blazer voiced some challenging statements about some of the assumptions many people have made in connection with the present generation of college students. Mr. Blazer, who points out that Socrates and Cato and other ancients were dealing with the youth problem long ago, discusses some of what he calls the divisive myths and slogans such as the generation gap and the establishment.

Mr. President, I ask unanimous consent that Mr. Blazer's address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

YOU DARE NOT FAIL—YOU MUST SUCCEED

(By Rexford S. Blazer)

It has been more than thirteen years since I enjoyed the privilege of visiting this campus on Senior Day to talk with high school students who had been invited to be the guests of Union College on that occasion. At that time I emphasized my feeling that the Commonwealth of Kentucky has many reasons to be proud of Union College; its scholastic standards are notable and many of its graduates have become leaders in Kentucky and throughout the nation.

And I mentioned that even though such occasions as Senior Day and Commencement are primarily for the purpose of honoring students, it is often true that the members of the older generation benefit most from such occasions. For us, there is the very real pleasure and inspiration derived from association with attractive, ambitious young men and women at the threshold of a future bright with promise.

There is, of course, the temptation of an older person to lecture the young. This consideration imposes a duty upon me not to be impossibly boring and long-winded—for I realize that brevity is almost always a virtue. When I was last here I told the story of an uncle who took his six-year-old nephew to church. After the service, uncle said, "And how did you like it, Johnny?" To which his nephew replied, "I liked the music but the commercial was too long." So I'll try to keep the commercial within reasonable balance.

Nevertheless my position on this Sunday afternoon affords me a rare opportunity to congratulate you, your parents and your instructors on this moment of high accomplishment in which each of you has played an important part.

It is good to be invited back to Union College and to see the physical evidence of the great progress which has occurred here during the intervening years. Were this a less formal occasion, I would prefer that we found a comfortable, quiet place and simply sat down and talked. Each of us might profit and our exchange of ideas would be stimulating—at least to me. At heart, I am still a student myself and experience has continued to teach me that what I don't know far exceeds what I think I know.

Within the hour you graduating seniors will make the transition from students to alumni—and the beginning of a new journey toward horizons not yet visible. I wish only that I could make the trip with you and that we could return thirty years hence to ask where we had been, what we had learned, and what had been accomplished.

Although my wish will not be granted, ancient tradition requires that today I issue the charge and endeavor to point a course. I well remember my grandfather's words when I was preparing to leave the University of Illinois in 1928 to hitchhike several hundred miles, first to Kentucky and then to Cleveland, in search of a job. "Many people will offer you advice," he said. "The art is choosing your counselors wisely."

For today I have been chosen as your counselor. Whether this was a wise choice will be for you to judge. One thing is certain: I am honored by the opportunity you have given me.

As a Kentuckian and a senior officer of Kentucky's largest home-based industrial firm, I have strong personal feeling of our Kentucky colleges and universities which are doing such an outstanding job under conditions which are often trying, worrisome and discouraging. I am a serious worker in behalf of my alma mater, the University of Illinois, and of Mrs. Blazer's alma mater, the University of Kentucky; and with great satisfaction I serve as Regent of The University of the South at Sewanee, Tennessee. Mrs. Blazer is a Trustee of the University of Kentucky—only the second woman to ever serve in that capacity—and she served for four years as Vice Chairman of the Governor's Commission on Higher Education in Kentucky. Additionally, she has given leadership and has worked hard in Kentucky and at the national level to bring Educational Television into our homes. So education is of profound interest to our family. Events occurring in recent weeks on college and university campuses across the nation have brought real sadness to our hearts and are to us a matter of deep personal concern.

Commencement addresses at colleges and universities in recent years have become repetitive in theme: Speaker after speaker, from government and education and business, has dwelt on the theme of law and order. Their conclusions have also been practically identical: "Freedom perishes unless law and order prevail." All responsible political segments agree on this thesis—they know that freedom is not free! These are, of course, fundamental truths for any organized society, but it is a mistake to oversimplify. The last resort, as Justice Holmes once observed, for the preservation of social order is the policeman's club. But it must be the *last* resort. Riots and civil disorder will rarely occur where the citizens are in basic accord on fundamental values. But a democratic society is in danger when there is profound disagreement on its underlying assumptions—what might be called its constitutional axioms. Thus, the effort of responsible citizens must be toward accord on the deep issues arrived at through persuasion and reasoned discussion, not through force and violence.

It's essential also in order to preserve our freedoms that we resist the efforts of forces designed to divide us—and having divided us, to exploit us and, eventually, to conquer us. One of the most diabolic of all the techniques of discord is the repeated insistence on "The Generation Gap." Frankly, I don't know where the Generation Gap occurs. Is it after high school? After college? After age 30? Or is the trick of this illusion that it automatically compels the listener—any lister—to identify himself as either young or old, committing him to take sides in a

contest, instead of participating rationally in a discussion?

Teachers of the Latin and Greek classics must be amused: Socrates, Cato, and dozens of other philosophers and critics have pondered over youth and prescribed for its problems only to be succeeded by the young who in turn grew old and raised a quizzical eyebrow at their progeny. Their writing was confined to philosophic observation, without the amplifications of mass media or an opportunity for immediate and direct reply from the young on video tape. It is the accelerated speed of communications in the twentieth century that encourages quick, hot replies in the place of the more carefully considered reactions of the past. All the more reason, I would suggest, for us to preserve communications at all age levels and to reject divisive slogans like "Generation Gap."

The situation is aggravated, I think, by overemphasis on youth as a distinct class in our society. Even in sophisticated circles, there is accepted an oft-repeated fallacy: Half our population is under twenty-five. That's not true, and probably never will be true within our lives. It was true once—very briefly—in 1920. Moreover, our median age is growing older because our birth rate is declining and people are living longer; also an important segment of the under-25 group includes babies still in diapers, school children and immature youth.

But I'm not talking about statistics. I'm talking about the cleavage so erroneously implied—perhaps first popularized in a book about nephew and uncle who exchanged life roles. It was called The Generation Gap.

In truth, there are no such distinct separations of ages—but a continuity of ages. Divisions into classes based upon birth dates are arbitrary and unreal.

And then there is another divisive myth called "The Establishment"—somehow it is no longer the thing to be a "doer". It is considered more respectable to be a "will-doer" (meaning will do in the future), or perhaps an "undoer" which is a fitting name for students who want to undo what has been done by earlier generations. They of the so-called Establishment have made it possible for their children to grow up in a world which, with all its imperfections, is still far better than anything their offspring have yet contributed.

Our generation has had its share of successes and failures—and so will yours. If your generation has more successes and fewer failures, we will say "God Bless You!"—but we feel rather strongly that the shouters, the burners, the rioters of your generation, even though they be only a very vocal minority, should hold their peace, go to work and be satisfied to rest their cause on the results of their own labors—their own successes and failures.

May I say that failure and success are relative terms. Neither exists in a vacuum, but only in relation to specific situations.

We cannot say it has been a failure to take an empty continent and in two centuries convert it into the most prosperous nation in the world.

We cannot say it has been a failure to accept millions of immigrants, most without education, and transform them into millions of prosperous citizens—many of whom have reached positions of outstanding leadership in business, science, education, the professions and the arts.

We cannot say it is a failure to produce the best educational system in the world, and the highest level of advanced education anywhere.

Seldom has there been a success story like ours—and most of it accomplished without excessive bureaucratic controls. It has been the triumph of democracy, and even today our so-called "poverty level" is above the average income of all families in the Soviet Union.

Our country has not failed. Our standards and our levels of aspiration have simply been raised.

But we would be blind if we failed to see that we are passing through something very different at least in degree and scope than we have known before. Some call it a revolutionary age—yet virtually every age of our country has thought of itself in these terms. We are told that the modern revolution was touched off by the explosion in new knowledge—in the first instance, scientifically and technologically based—and that we now face incredibly complicated by-products of this scientific-technological revolution which are mainly political, social, economic and cultural in character.

Others see us reacting mechanically to another social force: the stress of too many people in too little space. Robert Audrey, social anthropologist, goes so far as to imply that a small part of our society may in fact be following the example of the lemming—reacting to congestion with stress symptoms—which, in our case, may include narcotics, antisocial behaviors and other forms of self-destruction.

Oversimplifications of this kind are gravely misleading. Our tendency today to talk in terms of mass morality may in fact be a distraction in itself. For the real problem today is individual morality: You and I are not only our brother's keeper, we are our own keeper.

Our fascination with the mass, with the big generality—with mountainous figures—tends to divert our attention from the rise in individual crimes, individual cheating, individual moral deterioration, and general disruption inspired by individuals. It provides an atmosphere for mob psychology—if others do it, so may I. All manner of vulgarity and aggression is justified in the name of doing the "in" thing and even its most disgusting exponents are dignified by newspaper and TV coverage.

Carried to its limit, the logical progression is to a dictatorship—a total loss of the very freedom for which we strive—as anarchy gives way to the imperatives of order.

The test of your generation could well be whether it can continue the forward progress of this country, while preserving the timeless values on which our civilization rests. If it fails, the alternative is to continue down the road of rebellion, destruction of property, defiance of authority until we must choose between the logical consequences—a country destroyed by revolution and delivered into the hands of International Communism or a homemade dictatorship demanded by the final need for centralized authority to prevent rebellion and mob rule. The clear lesson of history is that violence begets violence.

It is our great good fortune to meet here today, on this peaceful campus, with students, parents, faculty and a college administration under the strong leadership of President Mahlon A. Miller, who together have succeeded in preserving mutual respect and a willingness for each group to play its appropriate part in an institution dedicated to the best interests of our young people.

It is difficult indeed for us to realize that our world and our country and many of our colleges and universities are now in a state of crisis, approaching collapse, and that several have suspended normal functions. As much as we might like to isolate ourselves and our thinking from what is going on around us, we should not do so even if we could. Every one of us is a part of the world and if we would enjoy the ageless wonders and beauties of our world, we must contribute to the limits of our abilities to the solution of its problems which threaten the very future of civilization.

Your intelligence and your skills, your reason, your sensitivity, your active participation will be required in a world which is profoundly insecure—a world which perhaps was never designed to be totally secure in the Great Scheme of things. Security and happiness are never guaranteed—but we can tremendously improve the odds if we proceed intelligently.

And in the final analysis, solutions to our problems, most of which are inherently moral in nature, will not be won by an exploitation of differences but by a fusing of understanding and compassion based on fundamental Christian attitudes.

One could talk for hours about recent campus problems and we could speculate on the future outcome. The Communists told us many years ago that by 1972 every college and university in this nation would be closed by revolution. To our horror, we suddenly realize that this could be true! With hundreds of colleges and universities closed down for many days, or for the balance of the spring semester, there is room to believe that the Communist instigators and promoters of campus violence will do everything possible to keep many of our large educational institutions from opening this fall. If anyone here today doubts that our campus problems are being compounded and our differences magnified, or that the fires of hate among student groups are being fed by the Communist philosophy advocated by representatives of Communist-affiliated organizations which are providing financial support and firearms for the organizers they send from campus to campus—he is gravely uninformed. Documented evidence supporting my statement is freely available.

Those of us who would preserve peace and learning and mutual respect on our campuses are opposed by the same enemy who drew us into the Vietnam conflict. Whatever the merits of our initial involvement in Vietnam, we must now unite in seeking an honorable and orderly disengagement which makes adequate provision for the security of those whom we committed ourselves to defend. Our differences as to methods of de-escalation and ultimate withdrawal are sharply divisive, perhaps because our patience has been sorely tried and we have grown cynical as to our mission. But the national interest calls, above all else, for an end to internal feuds and civil strife. We must find our solution of this desperately urgent problem in a spirit of cooperative unity. Our present condition of anger and hatred for each other is the sure and certain road to a loss of national self-respect and purpose which would leave us helpless before the enemies of freedom.

Likewise, on our campuses nothing is gained by endeavoring to rationalize or justify riots, property destruction and violence. Defiance of the canons of organized life by the disaffected and estranged is practically guaranteed to end in the withdrawal of public support for higher education, with disastrous consequences for us all, but especially for our youth.

Let me tell you candidly how I feel about this so-called younger generation—those who find themselves, willingly or unwillingly, involved in the turbulence of many of our university campuses. These young people are part of a college generation that is probably one of the most idealistic and humane of our history. These young people, to a greater degree than any previous generation, are devoted to racial understanding and justice and to religious tolerance.

I think that the human idealism of so many young people today, immature as their expression may be at times, is nevertheless a reflection of the fact that our world has moved so swiftly in the past twenty years. There has, indeed, been a tremendous ex-

plosion of knowledge, along with instant communications, with the result that this college generation, I believe, includes the best informed, the most worldly, and the best prepared class of graduating seniors that the world has ever known. You have passed your childhood in this postwar era of high mobility and instant communications and to a large degree it may well be that this exposure to a wide variety of American communities and cultural forms lies at the root of your tolerance and idealism. I remain very optimistic that as the great majority of today's young people mature, this idealism will be channeled in increasingly constructive directions, giving rise to a high degree of compassion and social commitment, a merging of our finest cultural traditions, and an exalted personal freedom based upon mutual respect.

If I should endeavor to put my finger on the one critical weakness of this college generation, it would be one that has existed throughout history—the inclination of a minority to follow any leader who promises an immediate release from authority, responsibility or the necessity for continued respect for established conventions. Of course, this willingness of some to be attracted by radical activists is not limited to youth. Labor unions in industry are of genuine value to the workers of this country but the substantial gains which they frequently accomplish for their membership are often overshadowed and destroyed by the acts of unreasoning and radical leadership. Just as the casual union member who is loyal to the purposes and objectives of his employer too often lets union leadership fall into the hands of the more radical and less restrained members, so do the large majority of our college students who just want to be left alone to pursue their education become victims of the more vocal and restless minority who, without regard to merit or experience, are impatient to usurp authority and to dominate the docile mass.

In recent weeks construction workers in New York and thousands of workers elsewhere have demonstrated their unwillingness to tolerate certain students, teachers, and administrators who advocate violent upheaval in our society. This should be no surprise, for these are mature workers who have struggled to earn their places in society, the right to own their own homes and to raise and educate their children in peace. They labor to earn wages and salaries and to pay the taxes that have built and support universities, colleges, courts of law, highways, cities and a thousand other structures and services for the use and welfare of society. And from their taxes are financed a benevolent government that endeavors to protect every one of us in our lives and property and to provide all the social services required for the aged, the sick and the very young. Would anyone expect these stable workers whose labors have done so much to provide the endless opportunities which are available to the succeeding generation, to stand still very long for the irrational irresponsibility of a minority of students, most of whom have never labored a day in their lives, have never paid a penny tax, have contributed almost nothing to the institutions of this country; and who now express their lack of appreciation through obscenities and defiance of authority at every level from college president to the President of the United States?

All of these failures are not with students—some of them are among the faculty and the administrators of some of those institutions which are in trouble. To me, it is ludicrous for corporate and private taxpayers to pay the salaries to feed, house and clothe those administrators who fail to perform the functions of their office; to recompense teachers and professors who use their positions to expound their own biased opinions without recognizing that, in the true spirit of academic pursuit of truth, there are divergent opinions; and to contribute to the cost of the education of those students who dissipate time, defy authority or destroy property.

We have so many other problems confronting us today—pollution, overpopulation, poverty, hunger, neglect—that I can't help but wonder why youth's energy cannot be directed toward solving these problems. I was, for example, greatly impressed earlier today when several students asked to talk informally with me about the pollution problems of the petroleum industry. Here, at their very best, were interested, intelligent and thoughtful young people wanting to broaden the horizon of their own thinking rather than burning down buildings and demanding the right to run our colleges and universities, the right to decide when to have law and order and when to ignore them, and the right to dictate the policies of our nation and to criticize our President and those to whom authority has been delegated through the democratic processes.

To me, it is as simple as this: The college graduates of 1970, perhaps the most outstanding such group this world has ever known, may very well have the capability of assuming increasing responsibilities and making greater contributions sooner than those who have preceded them. The fact that 1970's graduates may be better informed and more mature at this point in their lives, is a tremendous plus for the future of America. This blessing, however, will not give you and your counterparts across the country the right to demand immediate authority or to dictate to others who have more and better experience, have made more contributions and are, therefore, entitled to the right of leadership until you are qualified to take over. Looking back over the forty-two years which have elapsed since I received my degree at the University of Illinois, I am grateful that God, somehow, gave me the patience, the ability and the humility to recognize that the privilege of leadership, and the opportunity and the right to direct others, were goals which I might some day achieve if I was able to labor and to learn and to wait until these marks of progress were earned and, having been earned, were deserved.

If you graduates are able to relate what I have tried to say to all here this afternoon to the tremendous opportunities which lie before this graduating class, along with the frightening risks and dangers which threaten to engulf everyone of us in this nation, I hope you agree that my counsel to you arises from the high respect I have for the vast majority of our young people, for the faculty and teachers who are the mainspring of our educational system, and for our college and university administrators who are working so diligently, often struggling against great odds to maintain the institutions of learning for the benefit of the young people of today and tomorrow.

It is because of the tremendous worth of the vast majority of those who are a part of our educational system; because informed and intelligent young people are our greatest hope for the leadership and preservation of our nation tomorrow; and because of the prayers and compassionate interest of your parents and the sacrifices they have so willingly made to provide educational opportunities for their children, that we must do whatever is necessary to make sure that in the future every American college and university can look forward to pleasant and peaceful commencement exercises. For this is a time when the finest groups of our nation's young people leave behind their college years, sometimes arduous but always happy, to take their places in a world which is often demanding but will always promise just rewards to those who contribute their fair share. May you enter into your responsibilities as adults with a discipline of mind and spirit, a love of learning and a respect for truth and the rational processes by which it is to be discovered, upon which alone a civilized life can be built.

So to you graduating seniors and to all the others who are gathered here because of their sincere interest in you, I say that you represent the finest examples of human aspiration and hope. You are, roughly speaking, the 300,000th generation of mankind. Generations yet unborn, count upon your judgment, your wisdom, your good works. You dare not fail. You must succeed. And as you leave these hallowed halls of learning, remember that what you do and what you say can mark you as the most remarkable and most successful generation of all time.

You will find opportunities wherever you look and you will some day assume the positions of authority and responsibility which have been vacated by the generation which preceded you. And if God in His greatness and wisdom gives you the strength to prevail in your time, then you can expect some day to stand where President Miller, also where Mr. Edward L. Cawood and Mr. Richard Eubanks who are receiving Honorary Degrees, and others of our generation are privileged to be today—looking to the future which, because of your graduating seniors, surely will be brighter and better than ever before. May God be your constant partner along life's road which will be beset with problems and challenges but can reward you with peace, happiness and endless satisfaction!

Thank you for the privilege of sharing this significant occasion with you.

SOUTH VIETNAM IS TASTING VICTORY

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, many times when we are away from a given situation, we can return to it and view it with greater clarity. Columnist R. D. Heinl, Jr., writing in the San Diego Union, has returned to Vietnam following an 18-month absence.

In his article "South Vietnam Is Tasting Victory," Mr. Heinl discusses who is winning, the success of the Cambodian operation, the status of Vietnamization, and the present strength of the Communists.

Having initially advanced the "phase-in phaseout concept" through the creation of a free Asian security organization, and because I feel Mr. Heinl's observations will be of interest to my colleagues, I request that this editorial be printed in the RECORD:

[From the San Diego Union, June 28, 1970]

SOUTH VIETNAM IS TASTING VICTORY

(By R. D. Heinl, Jr.)

Here is South Vietnam, the nearer you approach the front, the brighter things look. Despair and gloom and rumor are always thicker in the rear than among the riflemen.

Combat soldiers know this well. And even in this topsy-turvy war with no precedent, the pall lightens and confusion diminishes

as the distance lengthens from domestic America.

Here, then, are first impressions that registered most vividly on my return to Vietnam after 18 months absence from the war.

1. In the field, the war itself, we are winning. Inside South Vietnam, the Viet Cong fighting (or "main force") units shattered themselves at Tet in 1968, and have been pushed away from the populated areas where a guerrilla army derives its support and sustenance. The remaining fighting units, virtually all North Vietnamese, even in the far south, have also been shouldered back into remote and inhospital sanctuaries. The government has never been stronger in the countryside.

2. The low-risk virtually sure-thing Cambodian incursions proceeded on schedule and lived up to—or exceeded—every prediction except President Nixon's forecast that we would find and overrun some kind of chopstick "Pentagon" in the jungles of Cambodia.

The real military objective of the Cambodian raids—to dislocate the Communists' logistic system in the south—is being handsomely attained.

Out of about 320 enemy base areas painstakingly plotted by intelligence along the far side of the Cambodian frontier, only 70 remain undiscovered.

Meanwhile, like archeologists probing for lost cities in the jungle, our soldiers and the South Vietnamese worked ahead tracing tunnels, opening caches, destroying what they could not haul away, and heaped up enemy documents to be translated and analyzed. Incidentally, they have killed just under 10,000 Communist troops in the process.

No doubt is expressed anywhere that the President's word will not be kept and the last U.S. soldier will be out of Cambodia by Tuesday.

3. Vietnamization has been greatly advanced. In the first place, the capture or destruction of many months' supplies and material (not just the rice, but more important, the weapons and ammunition, all of which come from abroad) incapacitates the Communists for many months to come.

The period immediately ahead—eight months to a year—is the crucial time when ARVN (the Army of the Republic of Vietnam) attains its final buildup and fighting capability and when, correspondingly, it will be most vulnerable to spoiling attacks by the Communists. The sinews of such attacks during the months ahead are what we are destroying in Cambodia.

In the second place, Cambodia has served as a graduation exercise for the ARVN. For the first time in its weary history, the ARVN has taken the field in coordinated offensives, and has surprised itself and highly skeptical foreign observers by doing well.

The professional experience and self-confidence generated within the ARVN at all levels by Cambodia is the best possible practical augury for the eventual success of Vietnamization.

4. The Communists are in every respect—save for the hysteria in some segments of the American public—weaker now than at any point in this long war.

It seems unbelievable today to look back on 1965 when the Viet Cong were in the act of sawing South Vietnam in two from Duc Co, Pleiku, and An Khe to the sea; when every bridge in the delta was out and every village was solid VC; when Buddhist monks were immolating themselves and the government being clawed to pieces by internal factions at each other's throats.

Any negotiated end to the war that would accurately reflect the current state of the struggle would only be a defeat for Hanoi.

Were fighting to end tomorrow on the basis of political and military actualities, Hanoi would not have gained a single one of its stated objectives other than ultimate withdrawal of American forces (which, indeed, will continue ahead, but to our tune and in no fashion to cheer the Communists).

To some, those first impressions will seem euphoric. But it is impossible, after long absence, not to see the changes at first glance and to remember, as well, the 1918 remark by Ferdinand Foch:

"Victory belongs to the side that can hang on for the last 15 minutes."

OUR LIVES, OUR FORTUNES, AND OUR SACRED HONOR

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BEALL of Maryland. Mr. Speaker, former Assistant Postmaster General Edward V. Dorsey wrote an excellent editorial recently in the Postmaster's Gazette. The tribute, for the Fourth of July issue, is a well reasoned and interesting commentary on the principles that have made this a great Nation. I ask that it be included in the CONGRESSIONAL RECORD so that it may receive the attention that it deserves:

OUR LIVES, OUR FORTUNES, AND OUR SACRED HONOR

We have been told (although we have never been able to verify it) that after ". . . The Representatives of the United States of America, in General Congress, Assembled" declared on July 4, 1776 "That these United Colonies are, and of Right ought to be Free and Independent States," Thomas Jefferson, the author of the Declaration of Independence, observed that that event represented man's last opportunity to be free.

It is not difficult to imagine what may have been Jefferson's reasons for such an observation. His knowledge of history, political science, and man's centuries long quest for freedom must certainly have conjured up in his mind's eye a picture of past attempts by people to throw off the shackles of oppression and slavery only to find themselves under a despot worse than before.

Jefferson knew that freedom was a very fragile thing and nothing less than eternal vigilance could protect it so it could prosper and grow. It was this realization, we suspect, that caused him to have the signers of the Declaration of Independence to ". . . mutually pledge to each other our Lives, our Fortunes and our sacred Honor." Nothing short of total commitment would suffice in an undertaking of that magnitude. A study of the men who dared to affix their signatures reveals that many were called on to fulfill that pledge. Had they not done so, we would not be enjoying the freedom we have today. Freedom which we all too often simply take for granted.

There are those in the world who say that our kind of government is doomed to destruction. Nearly two hundred years of historical fact is proof that they are wrong. The forces of tyranny and oppression can never triumph in this country so long as Americans are mindful of their rich heritage and vow to do no less than the signers of the Declaration of Independence ". . . mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

There are many who say there are things wrong with America. No rational human being can argue with that statement. The thing that is *right* with America is that we have never ceased to strive toward the full realization of man's everlasting quest for freedom and equity. A society which proclaims ". . . these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" is not without its problems. But they are problems that a free people can and will solve.

It may appear to some that our striving seems to be less than it should be. Freedom is not an easy task. But then anything that is worthwhile never is. It is an incontrovertible historical fact that we have never ceased our endeavor to rid from our people the fears of want and political and religious persecution and to confidently pass these gains on to the next generation for even greater achievements and accomplishment. This is the strength of America.

There are those that say the only way we can have true freedom is through violence. They mistakenly base this premise on the historical fact that this nation was born out of violence. What they overlook is that out of that violence there evolved a system of government that has proven to be responsive to the people who freely agreed to be governed by it.

Perhaps it can be argued that the response has not been as quick or as full as everyone might have wished but, nevertheless, the response has come. And, there is no reason to believe that it will not continue to respond in the days, years and centuries of the future if we and those who follow continue to use the orderly and political process to make changes. A process that is so much a part of our way of life.

The proclamation of forefathers to ". . . establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity" was not just so much high flown rhetoric. It was and still is the great American charter for human freedom and the good life.

There are some who look upon dissent as a threat to our survival. Orderly and peaceful dissent within our free political system is not a threat but a positive indication of the ultimate strength of our government and the fulfillment of true freedom. Freedom without orderly and peaceful dissent is not possible.

No one is free unless all are free. The very instant that Americans can not peacefully and orderly disagree with their government and use the established political processes to make the changes they want will be the day we pass back across that very thin and fragile barrier that separates a free people from those who live in constant fear and dread of their rulers.

As Americans, we should not allow even one day to pass without pausing to reflect how blessed we have been and each new day ought to start with a resolve that the freedoms enjoyed yesterday are to be protected and extended today.

We are still man's last opportunity to be free and if we allow that opportunity to slip from our grasp, we may never be able to retrieve it. Freedom will exist only as long as we want it to and have the will to protect and defend it. The moment we, as a people, are not willing to ". . . mutually pledge to each other our Lives, our Fortunes and our sacred Honor" freedom, as we know it, will cease to exist.

Do we dare do anything less? Can we afford not to do more? Only we, as a free people and a free nation, can answer these questions.

DOLLARS FOR SCHOLARS

HON. JACKSON E. BETTS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BETTS. Mr. Speaker, an enthusiastic Dollars for Scholars organization recently raised $6,300 in Norwalk, Ohio. I am pleased to call attention to this most worthwhile civic project which I understand is one of 330 Dollars for Scholars chapters throughout the United States. The importance of private initiative and resourcefulness in supporting students desiring to attend college cannot be underestimated. The officers and patrons of this program in Norwalk, which includes hundreds of good citizens, should be commended for providing scholarships to 15 young people.

As part of the promotion for the 1970 fund drive an essay contest was sponsored. The two winners have presented important ideas which reflect on their maturity and wholesome outlook. I am pleased to include these essays so my colleagues might have the benefit of reading these inspiring statements:

[From the Norwalk Reflector, Tuesday, May 19, 1970]

LORD ADDS FEATURE TO BASIC MODEL

(By Bob Mayle)

(EDITOR'S NOTE: Bob Mayle, a senior at St. Paul's High School, won the Dollars For Scholars essay contest at his school with this essay on "The Worth Of An Individual". He received a $25 prize at the St. Paul Band Concert Sunday).

How in the world did God ever happen to make man as individual and priceless as He did? Maybe He started with something basic and added a little extra . . . maybe it was like this . . .

Hello there, Mr. God sir, . . . oh, your friends call you Lord. Well Mr. Lord Sir, I represent Human Being Industries, a subsidiary of General Animal Corporation, and I want to tell you about a new line of products we're coming out with called men. Today we are introducing for the first time our 1970 line in Humans. To keep things simple we offer only two models the "Male" and the "Female," and both sell for the same price. Because Humans are more expensive than other animals I imagine that You're wondering "Why should I spend all that extra money on a Human when I can get any other animal much cheaper?"

Well, let's run down the standard equipment you get with every Human Being. First of all you get a precision body built to last many times the life span of most other animals on the market. Various colors of hair, eyes, skin, as well as types of bone structure and weights, combine to give our product one of its most important assets—individuality. Other companies offer individuals in body styles, but we offer individuals in mental capabilites and personality as well. Personalities, by the way, are a feature available in no other line of animals.

Another standard item which sets Humans above their competition are their beautifully unpredictable emotions. These, together wtih the highest IQ offered anywhere, enable our men to actually help one another and even help other animals. The high IQ of which I spoke before not only enables Humans to communicate effectively, but also enables them to reason things out for themselves, thus removing part of your work as God. Their tremendous capacity for loving can even be channeled toward You!!! Imagine, a creature that can return the love of a god. Notice I said return the love; You've got to be nice to them and maybe work for a few miracles, but they're not hard to keep in line. . . . What!!!!!! You say You're thinking of giving them a soul!???? Going to make them part of You?!!!?! Good grief, aren't they good enough already?!!?? Gee. . . . if You did give them a soul, You could never trade them in. . . . heck, they'd be priceless.

So we see that biologically, man is nothing more than the most intelligent animal on Earth. But by giving us a soul, God put a little of Himself in us. Think of that the next time you're going to hurt someone.

[From the Norwalk Reflector, Tues., May 12, 1970]

BALANCE PRIDE, HUMILITY

(By Charles Derby)

(EDITOR'S NOTE: Charles Derby, a Norwalk High School junior, won a $25 prize for this essay on "The Worth Of An Individual", written for the Dollars For Scholars competition. A winner from St. Paul's High School will be announced Sunday.)

Every person in this world has certain standards by which he is judged in the eyes of his fellow men. Although some individuals do not care about what the rest of the world thinks of them, the majority of people desire to be well liked by others.

Certain characteristics of an individual reflect one's worth in society. Without these certain virtues, a person will have difficulty in obtaining his goals in life. Social life is an important function in this world and to live happily one must get along with other people by using his personality.

Pride is the most important virtue. A person who takes pride in himself will also take pride in his school, his community, his church, his work and everything he undertakes in life. Pride, however, can be a fault as well as a virtue if a person is too proud. Humility is a virtue to balance with pride.

Ambition is necessary for an individual to progress in life. Striving to attain one's goal, be it in work, athletics, or learning, calls for ambition. To get a task done well, a person uses ambition, will power, and determination to overcome the urge to quit. Determination serves as a good foundation in preparing for responsibilities to come later in one's life, a determined person is usually, a reliable person.

A person who contributes to society is marked by still another trait—concern and respect for other people. Such a person has few enemies, and gets along well with other people; he tries his best to make his work enjoyable.

All of these factors help to mold a person's attitude toward life. Too many people consider themselves forgotten and unimportant to others. These people would benefit greatly if they would raise their goals higher in life and try to develop standards that other people admire.

CONTROLLING INFLATION

HON. JOHN KYL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. KYL. Mr. Speaker, we cannot have it both ways.

We cannot control inflation while we spend our way into huge deficits.

The Democrats have been trying this sleight of hand nonsense for two generations now and all they have done is give us inflation, wars, and fancy programs that do not work.

It is time now that they joined the Republicans in facing up to the economic facts of life.

It is time they exercised the responsibility that their majority status calls for.

It is time at last that they began to serve all the people instead of trying to buy them.

Our Nation will be better off if they do.

SCHWEIKER SPORTSMAN AMENDMENT TO EXPLOSIVES LEGISLATION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 21, 1970

Mr. SCHWEIKER. Mr. President, on June 23, 1970, I submitted an amendment to S. 3650, a bill designed to strengthen Federal legislation concerning the illegal use, transportation, and possession of explosives. I have been shocked by the use of bombs and explosives to kill and injure innocent and helpless citizens. President Nixon proposed legislation to crack down on this distressing increase of violence in this country and I fully support this objective. We must have effective tools to fight crime and legislation which will deter these vicious criminals.

The broad scope of this legislation, however, would result in needlessly penalizing law-abiding sportsmen who, because of the expense involved in purchasing ammunition, and as a hobby, handload their own shells which are used for legitimate sporting activities. Many Pennsylvania sportsmen, and I am certain many others around the country, engage in this type of recreation. I am interested in seeing that the much-needed strengthening of Federal law have the effect of deterring criminals from crimes without penalizing sportsmen.

My amendment exempts a reasonable amount of smokeless powder and black powder which is used for sport shooting purposes from the provisions of the proposed legislation. The amendment exempts from the coverage of the legislation up to 25 pounds of smokeless powder and up to 6 pounds of black powder. I am pleased to say that, in addition to Senator SCOTT, who was an original cosponsor of the proposed legislation, the following Senators have joined me as cosponsors of my amendment: Senators BENNETT, BURDICK, CANNON, COOK, COTTON, DOLE, EAGLETON, EASTLAND, FANNIN, GORE, HANSEN, HARTKE, HATFIELD, HOLLINGS, MCGEE, MONTOYA, MOSS, MURPHY, PEARSON, SAXBE, SCOTT, STEVENS, THURMOND, and YOUNG of North Dakota.

CAPTIVE NATIONS

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1970

Mr. STEIGER of Arizona. Mr. Speaker, in 1959, the United States first proclaimed Captive Nations Week, established through an act of Congress. The purpose:

Resolved by the Senate and the House of Representative of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the third week in July 1959 as Captive Nations Week and inviting the people of the United States to observe such week with appropriate ceremonies and activities. The President is further authorized and requested to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world.

"Freedom and independence" are the key words. Each people should have the opportunity to, by majority rule, choose its form of government.

This Nation publicly has stated and states that freedom of choice regarding form of government should be available to all. Free choice is essential. At least 17 other nations share this sentiment and have special observances to show their abhorrence for there being captive nations. In 1967, the World Anti-Communist League, comprising membership from more than 80 countries, adopted a resolution advocating an expansion of efforts to show solidarity with the legitimate aspiration of the captive nations to be free.

Since its inception, after the revolution, the Soviet Union has been an aggressive, expansionist nation. It has forcefully brought once proud, independent nations within its orbit, dominating every aspect of their nationhood, internal, and in foreign affairs.

Various nations, formerly loosely a part of Czarist Russia, were incorporated into the U.S.S.R. after the Bolsheviks took power. Subsequent to World War II, many independent nations were absorbed into the block. Twenty-seven countries have now been forcedly brought within the Communist sphere. Only Burma has ever elected a national Communist government; I do not count that within the 27.

Dominance by the Soviet Union through force has been clearly displayed for years. More than 1 billion individuals live under the sway of communism in the captive nations. The unwillingness of citizens to live under communism has been amply demonstrated. As examples: Ukrainians have long evidenced their unhappiness at absorption into the Soviet Union. The same is true of Latvian, Estonian, and Lithuanian citizens. Between 1953 and 1956, East Germany, Poland, and Hungary all tried to gain a degree of independence. All efforts were crushed. Czechoslovakia is the most recent example showing the length of the Soviet Union's leash—it is not very long.

Thousands of individuals have independently decided to flee their homelands at great personal sacrifice and, usually, danger to themselves—Tibetans, Hungarians, East Germans, and so forth. They have swum, climbed barbed wire fences, crashed through barricades, dug tunnels, or defected through a third nation, as did the former Svetlana Alliluyeva—Stalin's daughter. More than 4 million East Germans alone are estimated to have fled the suffocating embrace of Communist government.

Imposition of Communist will upon residents of these nations is heavy-handed. Those who have read of life in Siberian concentration camps, heard of the Katyn Forest massacre, learned of the flight of Vietnamese from the north to the south, cannot believe otherwise. Czechoslovakia's Dubcek, removed from membership in the Communist Party, and the Soviet Union's Andrei Amalrik, sent to jail, or Zhores A. Medvedev, sent to a mental institution, clearly show the lack of basic freedoms.

It can give no one pleasure to participate in Captive Nations Week observances. It is my hope that there will be no need for such observances soon. Each country should be allowed the right to determine, freely, its own form of government. I am convinced that the repressions of communism are such in all phases of life—political, economic, religious, and so forth—that it would not survive honest elections.

The Soviet Union has frequently displayed its displeasure at the publicity given observances by this Nation and others of Captive Nations Week. The focusing of attention upon the lack of freedom given these nations and their citizens has been beneficial to those United States' citizens that would too easily dismiss the rights and responsibilities of our citizenship and to other nations that have been wooed by communism.

While these nations are enslaved, the likelihood of achieving lasting peace is slender. Therefore, all free men have a vested interest in seeing these injustices eliminated. It is hoped that the Communist system of government will evolve into one displaying true freedom of choice for the peoples and nations involved.

THE DOUBLE STANDARD

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. WALDIE. Mr. Speaker, seemingly there is often times a double standard employed in rendering decisions concerning military court matters. Two of my constituents, Mr. and Mrs. L. R. Hardisty of Rodeo, Calif., were prompted to write me after having seen the two succeeding articles which I am about to call to your attention. The articles were printed in the June 28 edition of the San Francisco Chronicle and concern two different trials.

On one hand, two marines had been tried for the killings at Que Son; one marine was acquitted and the other received a life sentence at hard labor. In another article, my constituents point out that a brigadier general and a major were cleared of charges that they attempted to cover up the alleged Mylai incident.

The articles follow:

Military justice was meted out to the first two Marines tried in Da Nang, South Vietnam, on charges of murdering 16 women and children near Que Son in cold blood. Two more Marines still face trial. Pvt. Michael Schwartz, 21, was found guilty on 12 of 16 counts, sentenced to life in prison at hard labor. A constantly weeping Pfc. Thomas Boyd, 19, who insisted he did not participate in any killing ever ("I was taught 'Thou shalt not kill.' It is never right to shoot at anybody") was found not guilty, and returned to his apparently peaceful Marine life.

In Washington, D.C., Brigadier General George Young, Major Robert McKnight and Colonel Nels Parson were cleared of charges by the Army that they helped cover up the alleged My Lai massacre in South Vietnam two years ago.

A MARINE LIEUTENANT TELLS WHY HE IS FIGHTING FOR HIS COUNTRY

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. LANDGREBE. Mr. Speaker, I would like to insert in the RECORD a portion of a letter that was sent by 1st Lt. Tom W. Swihart to his parents, Mr. and Mrs. Wayne Swihart of Valparaiso, Ind. Tom is presently serving in Vietnam and is, as all can see who read his comments, a very dedicated and patriotic American. In the interest of supporting the brave men now serving in Vietnam, I place this letter in the RECORD and urge my colleagues' attention to its contents:

JULY 4, 1970.

Now I will try to explain why I extended to fight in Viet Nam. It is very hard to express in words. It is not so much for the people over here. I don't think they are environmentally or mentally advanced to the level it takes to understand the democratic process. They are aware of the benefits, but they cannot maintain the means. I cannot justify the why's of being over here as a government. I will say (and I believe strongly in this) that I am an American and an officer in the Marine Corps. I love both my country and my Corps, and I will if necessary give my life for them. The U.S. has given me freedom and opportunity that very few countries can offer. People (especially young people) are not willing to pay the price required to maintain the benefits that the United States gives its citizens. The young people do not realize what it is like to be without the freedom that America offers. A good comparison is an individual working for a firm. The firm offers you vacations, stock options and other benefits all on the condition that one works and maintains the standards and policies of the firm. I work for the Marine Corps. The

Marine Corps works for the U.S. Government. I am in Viet Nam because my Commander-in-Chief says that to maintain the freedom of America we must stop the spread of Communism. I hope that you can understand my way of thinking. I have a job to do! When I feel that I have accomplished all that I can do, I will come home.

1st Lt. T. W. SWIHART.

INFLATION—THE ENEMY WITHIN

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. HELSTOSKI. Mr. Speaker, I believe that many in this body recognize that I have time and again called attention to the damage being done to our Nation, families and individuals by the ever-increasing inflation.

The inflation of this era is one that threatens every program of Government directed at improving and developing all facets of life and endeavor in the United States of America for all of our citizens and the present and future of our Nation.

It is an inflation that is driving people to despair as they dig into their pocketbooks and wallets to pay the everyday costs of living. They see the value of the cash assets they have carefully and prudently assembled over the years for educations, homes, retirements and some of the better things of life drop, drop and drop and with the growing realization the goals they set for themselves and their loved ones cannot be reached because of inflation.

The sleeping national administration may not realize what is happening because many in key positions are people of great wealth. Thus, it is the duty of the Congress to feed, by legislative force if necessary, awakening pills to the President and his financial and economic advisers.

Our constituents are demanding action that will throttle inflation, and I cite just one example of how one citizen feels about the situation by placing in the RECORD an article written by Mr. Leo E. Schwarzstein of Englewood, N.J., in my congressional district:

INFLATION—THE ENEMY WITHIN

(By Leo E. Schwarzstein)

Inflation, the enemy within, is a far more serious threat to our society than would be another nation or ideology against whom we would marshal all our forces, military, social and technological, perhaps even suspending civil rights and liberties for the common aim of defeating said enemy. It is far more dangerous because of its insidious nature wherein the total population of the United States is affected, whatever the color, whatever the religion, whatever the politics.

The common denominator of our society is money—our economic system, indeed, even our government is built on it. But it is the people who are caught in the vise of inflation, for even as they sleep, their money is disappearing. It is not even safe in banks where there are forty million families represented (well over 100 million people). Tens of millions of persons dependent upon Social Security checks (who have spent a lifetime contributing to their personal fund), as well as those on pensions and living off annuities, life insurance, corporate bonds, and veterans' disabilities are finding themselves strangled by the grasp of inflation. Even a man who works all week finds that his Saturday paycheck will not buy the groceries they could have bought on Monday. Patriotic citizens who purchase government bonds find, in seven years hence, that the money they receive from them (which of course includes the interest paid) will not buy what the original investment could have bought at the time of purchase. But what is the government doing to correct this situation?

First of all, why doesn't the government call in all the bonds and stop paying out interest? The savings from the payment of interest would add about nineteen billion dollars to the national budget. Simultaneously there should be a freeze on all prices, profits, wages, and interest, thus halting the continuity of inflation. In addition, taxes should NOT be reduced and the monies used for the control of air and water pollution and in cleaning up the ghettos. Bank interest should be lowered to one or two, thus encouraging larger lending to big corporation for their expansion, which in turn, would supply more jobs, thus reducing the welfare payrolls. One must realize that we haven't been collecting interest in the recent past. Let us compare the national debt of ten years ago with that of today—the larger sum of now does not include the interest that was paid in each of the ten years, so you haven't paid any debt, you haven't paid any interest.

As far as the average working man is concerned, there ought to be profit-sharing as an incentive which would improve not only the quantity of work being put out, but undoubtedly, the quality as well.

Even if these ideas are unacceptable or impractical for some reason I have overlooked, at the very least, wages and prices must be controlled or frozen until the government decides just what it does want to do. But something must be done—the government cannot continue to do nothing, to close its eyes to the agony of the people and deceive us with "cost-of-living index only went up one-half of one percent" nonsense. You have only to go to the market to find out how much things have gone up. And we, the people, must save the government. We must save the economic situation. We must save ourselves—and most of all, we must stop being the silent majority and become very vocal indeed!

The unions recently indicated their diminished faith in the integrity of the greenback by demanding cost-of-living adjustments for their membership, so that no matter what the government does or does not do about the economy, the union member will be protected. Even the mild-mannered postmen were recently driven to desperation by inflation and struck against the government they are obligated to serve. This, alone, should have been a danger signal to those at the helm.

History teaches us that inflationary trends portend extreme reactions—either to the left or to the right. A pauperized people may start to feel that there should be a general distribution and equalization of property, or failing this, a nationalization of same. In case you don't recognize this—it's communism. On the other hand, the German inflation of 1923 produced Hitler, for the nice people had lost faith in their politicians. Sweet words and big promises had failed to tranquilize the situation—as it is beginning to do here. Do we have to wait for a Pied Piper—who may not be benevolent?

In my judgment, both the government and the economic system under which we are functioning will perish unless something is done, and that something done soon. As an ordinary citizen representing no organization, but concerned as all persons of good conscience must be I have some ideas as to possible steps that could be taken to cure this disease called "inflation". But before dealing with specifics, let me say that I consider the present organization of our government, that is, government by elected representatives of the people, as the only truly intelligent and safe form of administration and control—but we may have to give up something to keep it. When a man is stricken and the doctor orders him to bed, restricting his activity and diet, he doesn't talk about civil rights! He has to make a decision—live or die! So it is with us—we may be confronted with the need for such a decision in regard to our economic system. It won't be easy, but it may have to be done. As I said, I have some ideas on how to improve our economic health; I leave it to others to decide on their practicality.

THE NATIONAL BLACK SILENT MAJORITY—THIS IS THEIR COUNTRY, TOO

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, we all realize that the black revolutionaries are a small, though vocal portion of our black population. It is therefore heartening to learn that Negroes who stand for solid American principles have organized a committee called the National Black Silent Majority.

The goals of this committee are admirable, not only for blacks but for all Americans. The purpose of the group and the character of the people who comprise it are recognized in a recent editorial in the Chicago Tribune entitled "This Is Their Country, Too." For the benefit of my colleagues, I request that it be printed in the RECORD:

[From the Chicago Tribune, July 8, 1970]

THIS IS THEIR COUNTRY, TOO

A National Black Silent Majority Committee has been organized in Washington to speak for all those who disavow black revolutionary and militant action. Clay J. Claiborne, newspaper publisher of Atlantic City and national director of the new organization, described its aims as follows:

"We believe that black revolutionaries and militants, upon whom some segments of the news media seem to dote, are not dedicated to progress for our people. Blacks don't want to burn America down. We want to build America—and, like all patriotic Americans, earn enough money to own part of this great nation."

The committee said in a statement, "There are millions of black Americans who work every day, keep their kids in school, have never been to jail, pay their taxes, shop for bargains, have never participated in a riot—but are being shouted down by a handful of black militants."

Constructive activities planned by the Black Silent Majority are to develop a strong two-party system within black voting districts; to support candidates who adhere to principles of constitutional government, law, order, and justice; and to recognize that while no country is perfect, the United States is by far the finest country available to blacks. The organizing members, coming from 22

states, oppose forced busing and communism, as well as crime.

It is gratifying news that there is now a group professing admirable principles which can give expression to what we have always believed to be the outlook of the great majority of blacks who understand that America is their country, too.

RUSSIA'S OVERALL GLOBAL GOALS

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BOLLING. Mr. Speaker, I commend to my colleagues the following interesting piece concerning Russia's overall global goals. Written by Ray Vicker, it appeared in the Wall Street Journal of July 21, 1970:

SOVIETS LOOK BEYOND THE MIDDLE EAST

(By Ray Vicker)

CAIRO, UAR.—In the office of one West European diplomat here a map of the eastern hemisphere stretches on a wall beside an air conditioner which doesn't work. Dozens of pins with colored heads are stuck into capitals of various countries: Green for an unaligned nation, light red if the slant is toward Moscow, dark red for a Peking orientation and blue when the pull is Westward.

Dar-Es-Salaam, Tanzania's capital, has both a green and a dark red pin, reflecting Tanzania's increasing coziness with Communist China. Pretoria, South Africa, has a blue pin only. "A map is a wonderful instrument," says this one time geographer who now serves in his country's diplomatic corps. "Here you can see visually how the Soviet Union and Communist China are both thrusting into the Indian Ocean area confronting each other just as both are confronting the West."

THRUSTING SOUTHWARD

The Soviet Union is indeed thrusting southward in a many-pronged campaign which may be obscured because of the current furor over the Middle East. To be sure, the Middle East does play an important role in that drive. Should the USSR obtain any influence over Arab oil either directly or through providing "advisers" for Arab national oil companies, it would be in position to influence Western Europe's energy supplies. That hope is reason enough for the Soviets to inject themselves into the Middle East.

Yet the Middle East thrust is only part of a broader whole. In the Middle East the Soviets are, first, interested in retaining their position as champion of the Arab cause even should peace come. Second, they want the Suez Canal reopened in a way that doesn't prejudice this first interest.

When this is understood, the overall global goals of the USSR become clearer. Those goals summarized are:

To increase USSR influence in Africa and Southern Asia including the Middle East.

To counteract Communist Chinese influence in that area.

To isolate America and its allies from this area in a sort of John Foster Dulles-style policy of encirclement and isolation. Anything which denied raw materials from this area to the United States or which increased prices of those materials for the U.S. would be a plus for the USSR.

The Soviets realize that to be successful in this policy they must have nuclear parity or superiority to the United States. This they already have achieved, many observers believe. Strategic Arms Limitation Talks in Vienna, if successful, would assure that this situation continues without the need for an arms race which might make it economically impossible for the Soviets to undertake other tasks in its global campaign.

Kremlin leaders realize too that to conduct this campaign the Soviets also must become a naval power equal to or superior to the U.S. While both Britain and the U.S. have sometimes seemed to be downgrading their navies in this nuclear age, the Soviets have been busily expanding first their merchant marine and now their navy. Navies are only obsolete in the nuclear age if nuclear weapons are to be the number one line of defense. The Soviets are gambling that this will not be the case, but that conventional weapons may be a decisive factor in world power relationships for a long while to come.

It is certainly easier to use gunboat diplomacy in a place like Dar-Es-Salaam, for instance, than it is to attempt any nuclear threats. So the highly publicized Soviet Mediterranean fleet is only one part of an expanded navy which steadily grows larger.

Already the nucleus of a Soviet Indian Ocean navy is shaping up too. For years Soviets have used their large deep sea fishing fleet as the eyes and ears for their navy, and last year the Russians gained a foothold at Mauritius, the small Indian Ocean island state which resembles the popular concept of a south sea isle.

Under an agreement, the Soviets are providing Mauritius with modern fishing vessels and personnel to train the Mauritians in deep sea fishing. There are now signs that the Russians would like to get harbor facilities at the Mauritian dependency of St. Brandon island. Currently a cluster of Soviet naval vessels already is located on the broad expanse of the Indian Ocean, though the ships are somewhat handicapped by their distance from home bases.

Certainly, the trend of events in Africa and western Asia has in recent years improved the atmosphere for whatever extension of influence the Soviets contemplate.

In North Africa and the Middle East, leftist governments now rule in the United Arab Republic, Iraq, Syria, Libya and Algeria. In those nations the United States now is associated with "imperialism."

In Aden, capital of South Yemen at the base of the Red Sea, the Soviets already have filled the vacuum left by the departure of Britain. This vital seaport overlooks the entrance to the southern end of the Red Sea. The Soviets through Arab clients support Eritrean guerrillas who are trying to establish a new leftist state on the west side of the Red Sea. Eritrea currently is a province of Haile Selassie's kingdom of Ethiopia.

Russian influence played a role in last fall's leftist revolt in Somalia, the dirt poor, dry nation at the horn of Africa. Somalia's 8,000-man army now has Russian "advisers." The revolutionary council which took power has declared its intention "to develop socialism."

Close to 500 Russian technicians and advisers now are in the Sudan, a nation which also experienced a leftist coup. A $100 million arms deal has been concluded in Khartoum, Sudan's capital, and Soviet military equipment already is pouring into the country.

Thus it is evident that Soviet clients have just about encircled Ethiopia, long a strong American friend in this part of the world. One of the biggest air bases maintained overseas by the United States Air Force is at Asmara, Eritrea. Somalia claims Ethiopia's coastal strip, a contention which the Soviets are likely to support.

CEYLON AND INFILTRATION

At the southern end of the Arabian peninsula Russia is supporting rebels in Dhofar, a province of Oman. This sultanate is strategically located in a position to dominate the southern entrance to the oil rich Persian Gulf. A recent electoral swing leftward in Ceylon has opened that island nation to Communist infiltration from both Russia and Communist China.

The Soviets seem to have the inside track in developing India's Gulf of Cambay oil, while India consistently leans more to the Communist than to the Western camp. Singapore considers granting port rights to the Russians while Russia courts Malaysia using rubber purchases as a lever in political discussions.

It is the growing Soviet influence in that part of the world which helped prompt Britain to reconsider its policy on selling arms to South Africa. The U.S., however, still seems less concerned about the situation, for the Nixon Administration reports it has no intention of following Britain's lead in dropping the arms embargo to South Africa.

Communist China-Russian competition intensifies Soviet interest in the whole vast Indian Ocean area. In East and Central Africa Communist China is building a railroad from Dar-Es-Salaam to Zambia. It is the biggest foreign aid project Red China has ever attempted. With the railroad, one may expect propaganda specialists who will try to undercut both the West and the USSR in that part of the world. The Soviets have been trying futilely to counteract the project with warnings about the dangers of Chinese infiltration.

Recently, President Nyerere of Tanzania laid the foundation stone of a new naval base to be built with Red Chinese help at Dar-Es-Salaam. A diminutive Tanzanian navy consisting of six armed patrol boats already has been supplied by the Chinese. Its crews currently are being trained by Chinese instructors.

Any reopening of the Suez Canal would greatly strengthen the Soviet hand not only in its competition with Red China but with the West. Currently the Soviet east of Suez campaign must be conducted via the long haul around the southern tip of Africa. This slows Russian aid shipments to North Vietnam and inhibits development of the Indian Ocean fleet.

The scope for Soviet troublemaking in this part of the world is virtually unlimited. Kenya may see a struggle for power when elderly Jomo Kenyatta, the nation's first and only president, dies. The Soviets have lost ground lately in jockeying for position there but have not given up hope for a leftist swing.

Ethiopia, too, may see a power struggle when Emperor Selassie passes from the scene. This may be the time when Eritrea flares into a much broader rebellion while Somalia asserts its claim to a big chunk of Ethiopia. Soviet and Red Chinese arms feed rebellions in the white states of South Africa and Rhodesia and in Portuguese held Mozambique and Angola. Saudi Arabia and sheikdoms of the Persian gulf make prime targets for Soviet supported would be rebels.

A BARRIER TO RED CHINA?

The USSR still has not abandoned hopes for creating a southern Asian defense tier as a barrier to Communist Chinese expansion in that part of the world. It will be a lot easier to exert pressure in that direction once the Soviet Indian Ocean fleet becomes a more formidable force. This all adds up to a picture much broader than that supplied only by the Israel-Arab war. The war though, to be sure, has provided a wonderful opportunity for the Soviets to press a broader drive which might be decades behind its schedule had there been no Israel in the Mideast to arouse Arab passions.

The Soviets seem little interested in crushing Israel in the present conflict, some knowledgeable observers here contend. The

Soviets have been clearly emphasizing that nobody now wants to drive the Israelis into the sea, but the Soviets undoubtedly will want to make sure that once peace comes, Suez Canal traffic will never again be subject to an Israeli veto.

It would not surprise some sources here if the Soviets demanded a right to station some troops along the canal, with Egyptian acquiescence of course, when hostilities cease. Failing that, Russia may offer the UAR technical assistance in clearing the canal, and those technicians might wind up on the canal indefinitely.

Having already gone so far as to station some of its military forces in the UAR, Russia is not likely to be turned easily from its overall global goals.

INCREASED RIGHTS AND RESPONSIBILITIES FOR AMERICAN INDIANS

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. FOREMAN. Mr. Speaker, the Nixon administration has recently initiated an interesting, innovative program for the benefit of the American Indian. The gist of the new proposals can perhaps be summed up in President Nixon's special message to Congress when he states that the "Indians can become independent of Federal control without being cut off from Federal concern and Federal support."

The reactions to the President's recommendations have been overwhelmingly favorable. In one such editorial, "More Rights for U.S. Indians," the Sioux City Sunday Journal goes into various facets of this legislation, noting that its adoption would be a giant step forward. I believe that this editorial published July 12, 1970, merits special attention and therefore include it to be printed in the RECORD at this point:

MORE RIGHTS FOR U.S. INDIANS

President Nixon has put his finger on what could well be the right road to improving the status of the American Indian. In a special message to Congress, the President said he was proposing legislation that would empower Indian tribes or tribal groups to take over control and operation of federally-financed programs for their benefit—programs now operated by government employes.

In similar vein, Mr. Nixon also proposed that "every Indian community wishing to do so should be able to control its own Indian schools" by setting up school boards like those in other communities.

Additionally, President Nixon called for increases in federal funds for a number of Indian aid programs and asked Congress to set up a new position of assistant secretary of the interior for Indian and territorial affairs.

"We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group," the chief executive said. "And we must make it clear that Indians can become independent of federal control without being cut off from federal concern and federal support."

Over the years, numerous government programs have been instigated to help the American Indians. Most proved unworkable. Few basic problems were solved. But the approach by President Nixon—to give the Indian tribes the right to control and operate the federally-financed programs affecting them—offers the Indians a real opportunity to guide their own destinies.

Certainly a tribal council would be more alert to the needs of its people than would a bureau in Washington. Responsible tribal leaders acutely are aware of what needs to be done to improve living conditions and opportunities for tribal members.

As we understand it, the Nixon proposal would place in the hands of the tribes or tribal councils the decisions on where and how federal funds should be spent on their reservations. This makes sense. The tribes would be given local autonomy, to a large extent, which they have not heretofore had.

Some sort of federal auditing would be necessary, obviously. But the bulk of the responsibility should be left to the Indian leaders.

This would be a giant step forward. It would encourage more interest on the part of Indians in directing their own affairs; it would give them a chance, which in most instances they have not had before, to spend federal funds where they would do the most good, rather than having them flaked off in salaries for a bureaucracy that historically has shown an inability to do much about improving the Indians' future.

The course has been charted promising change in the direction of the United States policy toward its Indian population. Its implementation is long overdue.

TAKING POLITICS OUT OF THE POST OFFICE

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. SNYDER. Mr. Speaker, I suppose that the same thing means different things to different people.

For example, the administration's policy of taking politics out of the Post Office apparently means that political mail should not be delivered in one post office in the Fourth Congressional District of Kentucky—the district I am pleased to represent.

I offer as evidence a page 1 article from the July 18, 1970, Kentucky Post:

CLARK JUNKS SNYDER'S MAIL—U.S. INSPECTORS PROBE "A STUPID MISTAKE"

(By John Murphy)

Possible negligence and improper conduct in the Newport Postoffice's handling of Congressman Gene Snyder's primary election campaign mail is under investigation by a postal inspector.

Cong. Snyder confirmed yesterday he asked for the investigation several weeks ago when Campbell County constituents complained of late delivery or no delivery at all.

Newport Postmaster James (Bus) Clark admitted to The Kentucky Post yesterday he ordered the discarding and destruction of a portion of undelivered Snyder campaign mail after the May 26 primary.

Told of Clark's order, Snyder declared:

"I am shocked, and think disciplinary action by the Postoffice Department is in order."

Clark, the $15,700 a year postmaster since 1963, told me in an interview, he realizes now his post primary decision to throw out rather than deliver what he considered "useless mail" was a mistake.

"It was a stupid mistake," Postmaster Clark added.

Snyder observed the postmaster does not judge which mail should or should not be delivered.

Postal inspector Howard Hunter spent two days three weeks ago questioning Newport Post office employes about the discarded political mail.

But C. A. Maddux, chief Postal Inspector of the Cincinnati division, said the probe is incomplete and that he could not discuss it.

Snyder disclosed, however, he has received an "interim report" from the Postoffice Department that "negligent and improper action by the Newport postmaster and members of his staff was under investigation, and that appropriate disciplinary action would be taken where warranted."

Until The Kentucky Post talked to Postmaster Clark and then to Snyder, the latter said he was not formally aware that a part of his campaign mail had been destroyed.

"All I knew up to this point," he said, "is that some of it had not been delivered."

Jack Porter, Wilders, outgoing distribution supervisor at the Newport Post Office, said he noted the Snyder bulk mail had been marked received May 25, a day before the primary.

He said he made this discovery on primary election night, May 26, and that he and another postal clerk had distributed 1000 or more of approximately 1800 pieces for May 27 delivery.

"The remainder were gone when I reported to work on May 27," Porter disclosed.

Assistant Mail Superintendent James Merling, Ft. Thomas, a 34-year postoffice veteran, said he noticed several hundred of the Snyder mailing pieces had not been taken from holding trays and sorted for delivery by mail carriers May 26.

But the carriers were already on their routes, he added.

Postmaster Clark said he was notified of the mixup on May 27, the day after the primary, and decided the election mailing piece at that date "was useless."

"There was no political motive involved," said Clark four times elected Campbell County Commissioner as a Democrat. Snyder is a Republican.

Clark continued:

"I'm out of politics, I can't even talk politics since I've been postmaster.

"It was just a stupid mistake. I don't know why, really, I ordered the mailing piece thrown away, except that I considered it at that point of no use to anybody."

Clark said he has never before nor will ever again, make such a decision, even though mail is delayed.

Postmaster Clark explained he talked about the mailing with Merling after the primary and Supt. Harold Wilcox, Ft. Thomas.

"The decision, however, was mine," Clark said, "I don't want to involve these two fine gentlemen."

Clark said another Snyder mailing piece had been received and delivered promptly prior to the Primary.

Cong. Snyder told The Kentucky Post, however, he had alerted some Campbell County constituents after his own investigation revealed his first class mail "News Letter" needed one to two days for delivery in other counties of the Fourth Congressional District, while the delivery required 10 to 12 days in Campbell County.

Clark says normal procedure at the Newport Post Office is to give First Class and "political mail" of any class top priority.

He added, obviously Snyder's primary election mailing piece was not handled promptly, but that he had not been aware of this until after the primary election, which Snyder won 10-to-One.

Stan Sears, Ft. Thomas, a Newport Post

office clerk and president of the United Federation of Postal Workers Local 352, said similar instances of late delivery of third class bulk mail have occurred, but that it always was delivered.

Snyder said he mailed the primary campaign piece to Republican-registered families in Campbell county.

The total could have been more than 10,000, but the majority apparently was delivered, for only about 1800 appear to be involved in the late delivery or discard.

"Somebody owes me some postage," Snyder said.

Merling conjected there are a number of "subs" working in the Post office and that they are not trained in the handling of mail, and could have contributed to the Snyder mail delay.

Clark said to the best of his knowledge the undelivered Snyder mail was thrown into a scrap paper baler and disposed of along with the scrap, which is sold to dealers.

SECRETARY OF AGRICULTURE CLIFFORD M. HARDIN'S ADDRESS AT THE AGRICULTURAL HALL OF FAME AND NATIONAL CENTER

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. MIZE. Mr. Speaker, I was honored to welcome Secretary of Agriculture Clifford M. Hardin to the Second Congressional District of Kansas last Sunday for a tour of the Agricultural Hall of Fame and National Center. Secretary Hardin joined many national agricultural leaders at Bonner Springs to pay tribute to American agriculture—past, present, and future.

While at Bonner Springs, Secretary Hardin delivered a timely and warm address, which I should share with all Members and readers of the CONGRESSIONAL RECORD. The text of the Secretary's address, delivered July 19, 1970, at the Agricultural Hall of Fame, Bonner Springs, Kans., follows:

Chairman Keeler, distinguished members of Congress, ladies and gentlemen:

I am delighted to be with you today, here in the heartland of America, where this shrine is being created for the agricultural industry.

The planners and sponsors, many of whom are present, are to be commended on their decision to build a living memorial to the role of agriculture in the lives of Americans.

This site will be more than a tribute to agriculture's inspiring past, even though historical accomplishment will be shown in the Hall of Fame, in the exhibits and replicas, and in the Pioneer and Indian villages.

Nor will it be solely a representation of agriculture as it is today, although modern farm living and the latest and best in agricultural technology will be depicted.

More importantly, an effort is being made to establish a workable, useful National Center for agricultural progress, I understand, for instance, there are plans for a professional associations office building, and a transportation building, for the use of nonprofit organizations concerned with various aspects of agriculture.

Also, of course, there will be a library and auditorium where agricultural groups of all kinds can meet, hold conferences and exchange information.

A National Center along these lines can offer a balanced blending of historical interest, educational and informational value along with entertainment and recreation, plus a working base for constructive future efforts on behalf of the agricultural industry. This would seem to me to be in keeping with the intent of the Congress when both the House and Senate voted unanimously to grant a Federal charter to this undertaking.

To bring this about is going to take time and patience, plenty of hard work, and lots of money—donated funds, since no governmental financing came with the Federal charter. Somehow, a long-term method of obtaining sustaining funds will need to be worked out. I am convinced that all the effort will be well worth while.

The plans we see coming into reality here are certain to produce benefits of many kinds, not only for agriculture itself but also for the complex of enterprises that supply and serve agriculture or process agricultural products. In fact our whole Nation will benefit because when all is said and done, agriculture and agribusiness exist to serve the 205 million persons who constitute the consuming public.

Agriculture comprises the largest single market for labor and industry. Agriculture employs 5 million people, more than the combined employment in transportation, public utilities, auto manufacturing and the steel industry.

Agriculture is a $50 billion customer of the American economy. Farmers pay more than $4.8 billion a year for tractors and equipment, for example. They pay an annual transportation bill of well over $4 billion to move crops and livestock to market. Out of the total of 17 million trucks in America, more than 3 million are used in agriculture.

Figures like these emphasize that agriculture is a dynamic, essential part of our total economy. It sustains hundreds of agribusiness enterprises that provide jobs for millions of people in cities and rural areas alike.

Much that farmers pay out goes for improved technology—new equipment, better nutrients and pest controls—so that more food of higher quality is produced from less acreage.

Higher performance in producing goods and services is sought by President Nixon's National Commission on Productivity. Agriculture has an incredible record in that regard. Its rate of output per person in late years has gone up twice as fast as that of nonfarm industry. This great increase in individual productivity is one of the reasons that the average American consumer buys his food supply, even today, with the smallest percent of his income in history.

We face a special challenge to see that this capability is maintained. Agricultural people can take pride in the efficiencies achieved in food production. But to the extent that this has occurred at the expense of farm incomes, we must try to obtain corrective action. We must somehow convince our urban friends that the primary function of farm programs is to help farmers share more nearly equitably in the benefits of expanding technology.

The center you are developing here can help bring the role, the accomplishments and the importance of agriculture into better national focus. Here that great story so important in the development of our Nation will be told constantly and kept updated.

And in this heartland region much of the future action will take place. Our population is likely to soar by another hundred million between now and the end of the 1900's. In just the next 10 years a half-trillion-dollar growth in economic activity is expected. It is imperative that people—not the Government—make plans and decisions right now to channel a substantial portion of that activity to rural parts of the Nation in a way to assure orderly, wholesome growth.

As President Nixon says, we have much in America to be proud of, and it's time we talked more about the good things that make America great. Here at this National Center is a good place to talk about, and show, and recreate the things that make agriculture great. This is a good place to bring America's national spirit into meaningful new perspective. I wish you the greatest success as you move ahead.

MAINE WELCOMES ALL ON HER 150TH BIRTHDAY

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. HATHAWAY. Mr. Speaker, I would like to extend an invitation to those of my fellow colleagues who are planning vacation time with their families and have not as yet decided where to go. I would like to make you aware of the fact that in my own State of Maine, events are taking place in which I am sure you would be very interested in participating.

This year, 1970, the State of Maine is celebrating its sesquicentennial year. Individuals, organizations, and communities from all of Maine's 16 counties are joining in numerous celebrations of this anniversary. Because of the natural beauty of Maine's environment, clean air, clean water, and miles and miles of rocky coast, our celebration is uniquely fitted to showing off our land.

I would like to point out just a few of the events which thousands of out-of-Staters have and will be able to view and participate in, in the sesquicentennial year. Such events as lobster boat races, fishing derbies, parades, clambakes, golf tourneys, concerts, flower and art shows, boat cruises, tours of historic sites, and fireworks displays are taking place throughout the remaining year and with each event, there is an opportunity for our visitors to meet and get to know many of the "Mainers" who make the State of Maine so delightful.

The State of Maine has a wealth of history to share with the rest of the country. One-of-a-kind events that have already taken place are such things as the "Pea Pod" races. "Pea Pods" were the first lobster boats and the people have rebuilt them and returned them to the sea. It was an exciting event and one which may not be available in any other spot but the State of Maine.

Another fun event which happens every Friday night until Labor Day is the old-fashioned clambake. If you have never been on a clambake, you know that this is an event not to be missed.

The summer theaters in Maine are famous for their productions, and this year they have dedicated their seasons to the sesquicentennial celebration. For example, the theater at Monmouth will feature the works of a number of great playwrights, with productions such as "The Tempest," "Twelfth Night," "The Lady's Not for Burning," and "Romeo and Juliet." Also, in the Bangor area, the Bangor Symphony Orchestra, which is

the oldest in the country, will premier a sesquicentennial chorale.

For those of you who would like to relax with a fishing pole in your hand, the Tri-State Fishing Tournament will be taking place from September 11 to 13, with the headquarters for registering at the Brunswick Hotel in Old Orchard Beach.

In the Portland area, there are daily cruises, interisland golf tournaments, a small boat regatta, and a log race for motor yachts.

The events are varied and much too numerous to mention here but I can assure you that they are exciting, unique, and enjoyable for the whole family—a genuine vacation special that can be enjoyed in the State of Maine. A few of many of the attractions are listed in a release prepared by the Maine State Sesquicentennial Commission, which appears below.

If you would like any further information on these events, please feel free to contact my office at any time. As a representative of the great State of Maine, and in behalf of the Maine people, I welcome you.

THE MAINE SESQUICENTENNIAL CELEBRATION

In 1776 the 13 American colonies won their independence from England and a new nation began its long and arduous process of social, cultural, and economic development.

At this time Maine was not a state, but rather the northern territory of the State of Massachusetts. And it was not until 44 years later, in 1819, that the people of the sparsely-settled territory voted to separate from the mother state. Soon after the vote took place, a constitutional convention was held in the First Parish of Portland. A constitution was drawn up, presented to the people and adopted. Then, on March 3, 1820, Congress accepted Maine as the 23rd State of the Union under the Missouri Compromise beginning March 15, 1820.

The emphasis this Sesquicentennial year has been on the "Past, Present, and Future." This year's celebrations were kicked off by a joint session of the legislature in January. Since then nearly every day has had Sesquicentennial events of one kind or another occurring throughout the State.

In keeping with the theme of the past, there are several highlights of this year. One of the most successful events to date was the presentation of "The Birth of the State" in March at the historic First Parish in Portland. This play, written by Bowdoin College professor Louis Coxe, reenacts the first constitutional convention in Maine with the actors placed throughout the audience. The play will be reproduced and will be available for distribution to Maine high schools who wish to present the play this fall.

The Sesquimobile, a museum on wheels, is another attraction which will be at Sesquiscentennial events throughout the year. The Sesquimobile, sponsored and funded by the Maine State Sesquicentennial Commission and constructed by the Maine State Museum, is a 40 foot van containing many artifacts and information—both written and audiovisual—about the State of Maine.

Also keeping with the past, numerous historical societies in the State have published historical books concerning Maine and its inhabitants. These publications include: the Pictorial History of the State of Maine, Maine: A Guide "Down East," History Calendar, and the Sesquicentennial Cookbook.

Old-fashioned clambakes are yet another typical Maine event which will be sponsored this summer. Each Friday until Labor Day an old-fashioned clambake will be held on House Island in Casco Bay. During the same period, daily tours will be conducted through historic Fort Scammel on House Island.

A highlight of the year occurred on July 9 when the Maine Statehood Commemorative Stamp was issued in Portland, launching the issuance of 120 millon stamps throughout the United States. The ceremonies featured a main address by Maine's Senator Edmund Muskie.

In contrast to these events linking us with the past, many fishing derbies, golf tournaments, parades and other such events have been scheduled from Aroostook County to Cumberland County.

Fishing derbies include: A Striped Bass Derby, from July 24 to August 2, in Kennebunkport; A Tuna Tournament from July 28 to August 1, in Harpswell; a fishing derby, August 8 and 9, at the State Pier in Portland; and the Tri-State Fishing Tournament, from September 11–13, with the headquarters for registering at the Brunswick Hotel in Old Orchard Beach.

There are four parades scheduled in August. The first is in Kittery on August 2. Two will be held on August 8; one being in Wayne and the other in Norway and South Paris. And on August 15 another will be held at Washington in Knox County.

Golfers will also be able to participate in the celebrations when two golf tournaments will be held in the middle of August. The Maine Sesquicentennial Gold Tournament is planned for August 12–14 at the Riverside Municipal Golf Course in Portland. The Chebeaque Island Golf Tournament will be held at the Great Chebeaque Golf Club on August 13 and 14.

The Maine people are keeping the spirit of the unique alive in their observance of Maine's 150th birthday. There will be a Tailboard Flea Market in Kittery on August 6, a Whaleboat Ocean Race at Kittery on August 1, a reenactment of the Means Massacre at Flying Point, August 2 to August 7 in Freeport, and the Sesquicentennial Covered Bridge Motor Rally starting in the Portland area on October 11.

Unusual and old-fashioned celebrations will be aplenty at Wiscasset, when Fun-Cassett day arrives on August 15. The celebrations include a Nautical Action, Horse Show or Horse Pulling, A Beanhole supper, and an old-fashioned Country dance, an old-fashioned political rally, and tours through historic homes.

In sponsoring many of the year's events, the Maine Sesquicentennial Commission has financed the production of Sesquicentennial glassware, ceramic ware, and jewelry along with a cookbook and a book of the pictorial history of Maine. These first four items may be bought at many gifts shop throughout Maine, while the pictorial history, which is in the process of being printed, will be distributed to various outlets in the State.

The past events and the planned events of this Sesquicentennial year in the State of Maine—from Kittery to Bangor to the towns of "Down East" to Madawaska—has seen man joining man and community joining community in the proud celebration of their State, its beauty and its heritage.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1500 American prisoners of war and their families.

How long?

MRS. VLACHOS VS. THE JUNTA

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. YATES. Mr. Speaker, Mrs. Helen Vlachos recently escaped imprisonment by the present government of Greece and has written a book to describe her experiences. That book has been reviewed by my good friend Christopher G. Janus in the Boston Herald Traveler for July 5, 1970, and I attach it hereto:

". . . BUT WHAT'S A NON-PERSON?"

(By Christopher G. Janus)

(House Arrest, by Helen Vlachos, 183 pp. Gambit $6.95.)

"I see by the papers," said Alice, sipping her morning tea, "that Helen Vlachos, the Greek newspaper publisher and author of 'House Arrest,' has become a non-person in the Greek dictatorship. In absentia, of course."

"Fascinating, absolutely fascinating," exclaimed the Dormouse who was still half asleep but who never wanted to miss anything especially if it sounded like a game. "But what's a non-person, and how do you become one?"

Alice wasn't exactly sure herself but she didn't want to appear ignorant of something she was reading, and anyway she was glad to get a conversation started: "Well, a person becomes a non-person in Greece, in Russia or wherever there is dictatorship by doing something that displeases the dictators—like calling for free elections. They proclaim that such a person's name must never be mentioned in the press or on the air and in very severe cases must not even be spoken in private. If you disobey the dictators you are in danger of becoming a non-person your self."

"This really sounds like cats and mice," said the Dormouse somewhat joyfully, "but what did Helen Black Horse do?"

"It's not Black Horse, though she says that's how many people pronounce her name and it really was her code name when her friends planned her escape from Athens. Her name is Vlachos, and she is one of Greece's most courageous, dedicated women; and she is an excellent writer, too."

By this time the Mad Hatter, who usually felt rather superior at these parties, became interested and he, too, wanted more details.

"First of all," Alice was glad to continue, "Helen Vlachos greatly displeased the Greek dictators because she refused to publish her widely-read morning and afternoon newspapers in Athens so long as there was press censorship in Greece. And at the time she was the only newspaper publisher in Greece who refused to publish."

"Oh, Alice," said the Dormouse, "this is such a puzzlement. Why would the dictators object to her not publishing? I thought all real dictators objected to people doing some things but not usually to not doing them!"

"Let me answer that," volunteered the Mad Hatter somewhat pompously, "it's the kind of a conundrum I like: By not publishing her newspapers, Helen Vlachos vastly in-

creased her non-subscribers. That is, instead of having some 200,000 subscribers who normally read her papers everyday, she had nearly the whole 2 million population of Athens as non-subscribers talking about her because her papers were not there to read. And non-subscribers in England and the United States talked about her too. This of course displeased the Greek dictators very much and made them very mad for with everyone talking about her more and more it became impossible for them to keep her a really genuine and respectable non-person like the hundreds of other well behaved non-persons in Greece."

"Oh, dear," said Alice "this is a very strange conundrum, but since it's Greek, I suppose it's understandable. But I know this made the dictators very angry indeed because they put Helen Vlachos under house arrest for being a non-publisher and that is when she began to write her book 'House Arrest.' "

"But that can't be the end of the conundrum," said the Dormouse somewhat disappointedly, "what else did she or didn't she do?"

"She did something apparently very, very bad," continued Alice. "Instead of being quiet and meek and inconspicuous like you'd expect a proper non-person to be, she somehow managed to get a story printed in an Italian newspaper in which she called Dictator Stylianos Pattakos a clown!"

"Now what's so bad about that," remarked the Hatter, "every day somebody may call Spiro Agnew a clown or something worse and he doesn't mind. He just calls them some name right back like 'effete snobs.' "

"Oh, but it's different in a dictatorship," said Alice feeling quite proud of herself because she had the answer in Helen Vlacho's book. "You can call a dictator a strongman, a brute, a torturer—even a murderer. Those are good, strong words and instill fear in the people, and dictators can't rule unless the people fear them. But if you call a dictator a clown, and if he is Brigadier General like Pattakos who is in charge of all the tanks in Greece—why, that is very serious. For no dictator can risk being laughed at anymore than he can live with the truth. And, he, too, must sleep at night."

The mention of the word sleep was the Dormouse's undoing: "Dear Alice, can you tell us another little story, but softly?"

Alice put down her book and went back to her newspaper, but it semed there was no getting away from the Greek theme. There it was, a report on President Nixon's brother, F. Donald Nixon, and his trip to Greece to conclude a business deal with the Junta. One of his hosts was Stylianos Pattakos, the deputy dictator who led the tanks in the takeover against the legal Greek government in 1967 and who, incidentally, placed Helen Vlachos under house arrest. He described Mr. Pattakos as "very kindly—he was a nice gentleman."

"I wonder," mused Alice, "whether Donald Nixon will be decorated by Mr. Pattakos or will he be made a non-person like Helen Vlachos. True, he didn't call Pattakos a clown, but who ever heard of a 'very kindly, nice gentleman' leading a tank corps. A dictator has got to be careful of his image!"

POEM TO PROTESTORS

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, one of the young men in my district; namely, Sp5c. Clifford R. Srock of Bradford, Pa., has recently returned from Vietnam. While in Vietnam, he found time to write various poems about the war and other related matters, and he very kindly sent me one of his poems, which I think is very well written and represents a true story. I am presenting it because I want to share it with other Members. The poem follows:

TO THE PROTESTORS

As I stand here today at this outpost,
The one we call freedom's frontier,
I think of my girlfriend,
And the ones that I love so dear.
I think of the days that lie ahead,
And my family so far apart.
I think of the things we used to do,
And it causes a hurt in my heart.

My mind goes back to another time,
And I think of another land,
And then my mind returns to now,
And the job we've got on hand.
There are those back in the United States
That hate our presence here.
They hate the war and all the things
That most of us call dear.

They walk the streets and hold up signs,
And damn our presence here.
But when the guns began to shoot,
It's protestors to the rear.
Well, we're not a bunch of heroes,
We're just ordinary men
Standing up to meet the force
Of good old Ho Chi Minh.

Well, if some day we're bombed in war
And their sons are called to go,
They'll look the other way and say,
"Well, son, I didn't know."
"I didn't know that the reds would come
And hit our motherland.
I didn't know that you'd have to die,
In California's sand."

They won't say they marched in streets,
And held up protests signs.
They'll just think of some other way
To hide behind the blinds.
They can't say that they fought in war,
To keep the reds in place.
They'll just say that they did their best
To slow down freedom's pace.

Their sons will go, and some will die
To keep their fathers free.
What an awful thought to bare,
I'm glad it won't be me.
If we have another war,
And I'm too old to go,
I guess my sons will pack their bags
And carry on the show.

But I can look them in the eye,
And never turn aside
And in the final moments
With a heartache deep inside,
I'll just try and hide my grief
And take it all in stride.
I can say to my boys,
"Son, I really tried."

HELICOPTER LANDING FACILITY AIDS ST. ROSE HOSPITAL IN PROMPT TREATMENT OF EMERGENCY PATIENTS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. MILLER of California. Mr. Speaker, St. Rose Hospital, a relatively new institution which has quickly become a center for health care in southern Alameda County, has recently inaugurated a helicopter landing facility on the hospital grounds to aid in the prompt treatment of emergency patients. In cooperation with the California Highway Patrol, which provides helicopter ambulance service from the scenes of accidents, the hospital has installed a "helispot" landing pad to receive injured motorists.

This innovative facility is just another fine addition to the already outstanding emergency service at Saint Rose Hospital. In the 8 years since the hospital first opened its doors in 1962, the number of cases handled monthly in the emergency room has quadrupled.

The hospital, which is located in Hayward, Calif., adjacent to the heavily traveled Nimitz Freeway, is often called upon to provide care for traffic accident victims as well as for other emergency cases.

The new helicopter service was inaugurated on February 18, when the CHP crew and hospital emergency team demonstrated the new service with the help of a mock emergency patient. Since that date it has been a valuable service to the people of my district, and points the way toward imaginative, efficient emergency care.

The hospital's able administrator and president of the board of trustees is Sister M. Antoinette, CSJ. Her guiding hand has been largely responsible for the development and growth of the hospital services.

I would like to include the following article, which originally appeared in the View from St. Rose Hospital, outlining the expansion of the emergency treatment facilities and fine staff at St. Rose:

EMERGENCY ROOM—A STORY OF GROWTH AND TEAMWORK

As St. Rose Hospital reaches out into the community to provide services, local residents look to the hospital as the center for health care. This is particularly evident in the accelerated growth of emergency and outpatient usage by the community. In 1963, the emergency room staff treated approximately 330 patients each month. Over the past seven years, that monthly figure has steadily risen to 1340 patients.

The helicopter landing facility is the latest extension of the services offered by the hospital's Emergency Department which began functioning on the hospital's opening day in 1962. At that time, the department was staffed by nursing personnel with physicians on call 24 hours a day. Within three months, physicians were added to the house staff covering the emergency room from 7 p.m. to 7 a.m. on week days and 24 hours a day on weekends.

In 1969, Dr. John McGiff was appointed director of the Emergency Department with responsibility for providing round the clock physician coverage. Prior to his appointment, Dr. McGiff had been in General Practice of medicine in McLoud for nine years and in San Leandro for seven years. He recently completed a two week course for physicians in emergency medicine conducted by the Harvard University Department of Continuing Education. Offered twice a year, the course is designed to keep physicians current in new developments in emergency room techniques and care. During the course, Dr. McGiff worked daily in the emergency room at Massachusetts General Hospital in Boston.

The St. Rose emergency room, located on

the north-east corner of the hospital, is equipped to handle most all medical emergencies. A heart lung resuscitator, cardioscope, detibrillator, apparatus to treat eye injuries, and an area for minor surgery are included in the vast array of equipment available to treat patients.

Equally vital is the ER team on duty 24 hours a day and especially trained to administer treatment in emergency situations. Backing up the medical staff in the department are Registered Nurses Joanne Cerruti, Eloise Anderson, Norah Bieniewicz, Jean Meacham, Barbara Reeder, Sandy Graham, and Joyce Pettey.

Orderlies Dave Johnson, Al Baca, Kenneth Graham, Thomas Wamer, and Gary Dickson; and Ward Clerks Patricia Pawloski, Linda Carter, Sharon Collett, and Joann Schwertscharf.

THE FULTON-BROYHILL BILL: NATIONAL HEALTH INSURANCE THROUGH THE "MEDICREDIT TAX INCENTIVE PLAN"

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. FULTON of Tennessee. Mr. Speaker, to say that the Nation faces a crisis in health care is neither startling nor original.

We have heard this assessment from President Nixon; from former Secretary of Health, Education and Welfare Robert Finch; from various Members of Congress; and from a host of editorial writers, news commentators, academicians, and health professionals.

There are, in fact, few Americans who would argue the point any longer.

Despite burgeoning governmental programs; the tremendous growth of private health insurance plans in recent years; a $60 billion a year health industry; and a $38 billion outlay annually in private expenditures for their own health care, the people of this country are viewing—with mounting concern—the widening gap between the promises and the realities.

We say that health care is a right, not a privilege.

But the difference between a right denied and a privilege withheld is of little moment to a person who needs health care and either cannot get it when he needs it or cannot afford it when he finds it.

And so we are far from the point where the goal that all of us share—adequate health care for all Americans—seems readily attainable.

But the search for solutions is on.

The problem is no longer whether we assure the right to adequate health care to those who expect it and demand it.

The problem is how we should go about it.

Let us be thankful that there is no shortage of ideas on that score. Already we have a double handful of proposed solutions and the likelihood of a dozen more being introduced in the months ahead.

And whether we are talking about the Rockefeller approach, the AFL–CIO approach, the Kennedy approach, or the approach taken by the Committee of 100, all of them advocate sweeping changes in our health care system.

For all propose, in one form or another, a national health insurance plan.

These plans deserve the most careful scrutiny, Mr. Speaker, as will the alternatives they are certain to generate. For no thornier problem confronts us on the domestic scene, none cries out for a workable solution with more urgency, none poses a greater need for hard, original thinking.

As Victor Hugo once wrote:

> Greater than the thread of mighty armies is an idea whose time has come.

The idea of national health insurance is an idea whose time has come. The question is no longer whether or not we need a national insurance plan. The question is what plan? And when can we develop one that works?

Early in this session—to be precise, in January a year ago—I introduced a bill which seemed to me to have considerable merit.

It stemmed from an American Medical Association concept and was drafted after extensive discussions with AMA spokesmen.

Essentially, my bill took a split-level approach to the problem.

The first part was designed to meet the needs of those presently covered under the title 19 medicaid program. Under the plan, each low-income person or family would receive a certificate for the purchase of a qualified and comprehensive health insurance plan.

This protection would be made available to those unable to pay for health care without cost or contribution to themselves, since the cost of the program would be borne entirely by the Federal Government.

At the second level, tax credits would be granted on the basis of the individual's gross income for the purchase of qualified health benefits coverage. These credits would be based on a sliding scale of gross income and would be larger or smaller according to need.

Since the introduction of that bill, a great deal has happened, Mr. Speaker.

We have held continuous hearings on the Ways and Means Committee from October last year until May of this year.

We have listened to hundreds of witnesses, heard dozens of ideas, and exchanged uncounted hours of dialogue.

Not surprisingly, my own thinking has been modified and rechanneled as a result of the experience.

If it is possible to identify a common concern, shared it seems to me by most, if not all of my colleagues on the committee, that concern is how we are going to control the costs of these programs.

Medicare and medicaid, for example, are beset by soaring costs. And they are limited programs.

How, then, are we to control the costs of an across-the-board national health insurance plan without bankrupting the Nation or wasting billions of tax dollars?

Mr. Speaker, I am introducing today another national health insurance bill which represents, in my view, a vast improvement over its predecessor by reason of the fact that it encompasses a built-in mechanism for cost control.

I am being joined in this by my committee colleague, Representative JOEL T. BROYHILL of Virginia.

Let me outline the measure for you briefly.

"Medicredit," as the AMA has christened it, recognizes that our population falls roughly into three categories.

In the first are those who are unable to pay the cost of adequate health care for themselves or their families.

In the second are those who can pay a portion of this cost—small or large, but depending upon their respective abilities.

The third category consists of those with a reasonably full ability to pay.

For those unable to afford health insurance, the Federal Government would buy basic comprehensive health coverage by providing the individual, or head of the family, with a certificate that could be used to buy hospital and physicians' services.

Similar certificates would be provided for those with a law tax liability—say, $300 or less.

Those with a tax liability above that amount would be given income tax credits upon their establishment of expenditures for qualified health care plans. The amount of the credit would vary with tax liability. For example, a taxpayer with a $500 tax liability would receive 70 percent of the annual premium cost as a credit against the taxes he owed. A family with a $1,200 tax liability would receive 20 percent against its tax liability.

Let me stress that this bill is based on net taxable income rather than gross income, as provided in my original bill. This seems to me an improvement, in that net taxable income screens out inequities in tax liability—thereby reflecting more fairly a taxpayer's ability to pay—and for that reason furnishes a better yardstick of need than gross income.

In order to receive his tax credit, the taxpayer would need to show that he has purchased a qualified insurance or prepayment plan.

A qualified plan would be one where both the benefit package and the carrier or group had been approved by the appropriate State agency, which would follow established guidelines in developing this qualifying program.

A Health Insurance Advisory Board, to be chaired by the Secretary of Health, Education, and Welfare and to include the Commissioner of Internal Revenue and public members, would provide the guidelines necessary to carry out the program; plan and develop programs for maintaining the quality of medical care; oversee the financial aspects of the program; and concern itself with the effective use of available health manpower and facilities. The Health Insurance Advisory Board would report annually to the President and the Congress.

As basic benefits under any qualified plan, medicredit requires 60 days of in-

patient hospital services, including maternity services; all emergency and outpatient service provided in the hospital; and all medical services provided by an M.D. or a doctor of osteopathy, whether performed in the hospital, home, office, or elsewhere. Supplemental benefits could also be provided under the plan and paid for either with tax credits or, in the case of those unable to pay, with certificates.

This approach does away with the need for medicaid, Mr. Speaker. Under title 19, we have been saying—even to the self-sufficient who can clothe, house, and feed themselves—"spend yourselves to the point of indigency, and then we will move in to help."

Medicredit reverses that thinking. It says, in effect, "the Federal Government will see that you get insurance protection against the cost of illness so that you will not be reduced to indigency."

An advantage to the plan is that it takes into account the varying costs of health care from region to region by dealing with commercial insurance companies, Blue Cross, Blue Shield, or any prepaid group plan operating in any part of the country, on the basis of an acceptable program reflecting regional costs.

Before going into the third element of this legislation, Mr. Speaker, let me express my conviction that the use of the insurance mechanism is essential to any successful program of national health insurance. Without Blue Shield, Blue Cross, and the commercial carriers under contract to the Social Security Administration, medicare would have been an administrative nightmare. In fact it becomes increasingly clear that the private sector should be involved even further in the medicare program, as should any other program that seeks to deliver adequate health care at a price Americans can afford.

To summarize, then, the bill does away with the need for medicaid and places all those presently covered by medicaid in the mainstream of health care.

For the higher income individuals and families, the bill offers realistic incentives to purchase comprehensive health care coverage on a voluntary basis.

The bill utilizes to the fullest extent the private carriers and plans and allows the competition of the marketplace to operate in maintaining cost control and insuring quality of care.

Medicare would be unaffected by this bill's passage, for only those under 65 years of age would be covered by medicredit.

Briefly, now, a word on costs and cost controls.

As wealthy as this country is, there are limits to what we can undertake.

An across-the-board national health insurance plan, operated regardless of need, will carry a price tag of sobering size. And no such plan I have yet seen includes—at least to my satisfaction—a mechanism which promises effective cost control of the taxpayers' money.

This brings us to an essential element of medicredit—its provision of peer review.

This bill calls for a constant and unremitting policing mechanism.

The appropriate medical societies would be charged with establishing a peer review mechanism that would, among other things, review individual charges and services, wherever performed; review hospital and skilled nursing home admissions; review the length of stays in hospitals and skilled nursing homes; and review the need for professional services provided in the institution.

The process of ongoing review can have nothing but a salutary effect on the providers of services, thereby cutting down on the occasional or unintentional abuses that would otherwise occur.

Patterns of abuse would be detected, and the abusers either suspended from or excluded from the program. Exclusion could follow action by the Secretary of Health, Education, and Welfare upon the recommendation of the peer review committee.

In the case of fraud, or other clear intentional misconduct, the peer review committee would be expected to bring charges before the appropriate licensing body.

And in the event that a peer review committee was not established by the medical society within a reasonable time, or if established was not functioning, the Secretary of Health, Education, and Welfare, in consultation with the medical society, would be empowered to appoint a peer review committee that would function.

I am frank to admit, Mr. Speaker, that I am chary at this point of offering cost figures on medicredit or any other of the plans now under discussion. We have seen the cost estimates of medicare and medicaid, for instance, drastically underestimated in the past.

I will say this, however:

Medicredit will cost a third as much, or a half as much, as some of the alternatives we have heard proposed. And its total net cost will reflect tax savings to the Federal and State Governments of the money spent on medicaid—about $5 billion a year presently, about $7 billion in projected increases.

Mr. Speaker, I am requesting that this measure be laid on the table for 10 days in order to allow others to study it and, if they see fit, join Representative BROYHILL and me as sponsors.

Let me now summarize briefly the provisions of the bill I introduce—the "Health Insurance Assistance Act of 1970":

HEALTH INSURANCE ASSISTANCE ACT OF 1970—SUMMARY OF PROPOSED LEGISLATION

It is proposed to incorporate in a single bill programs for: (1) the financing of health care for low income persons; (2) cash incentives through tax credits for the acquisition of comprehensive health insurance coverage; and (3) a structured statewide system for peer review of utilization, charges and quality of services. The first two are incorporated under Title I, the last under Title II.

TITLE II—FEDERAL FINANCING OF VOLUNTARY HEALTH INSURANCE

As to what the first two parts of the proposal, the federal government would assist in the financing of medical and hospital care for individuals and their dependents through participation in the cost of insurance policies of their choice—100% premium payment for the low-income groups, and graduated participation in the payment of premiums for other persons, based on their federal income tax liability.

Entitlement to benefits would be determined with reference to federal income tax liability of an individual in a particular year (base year). A health care insurance policy would run for a 12-month period beginning in the calendar year following (benefit year).

PART A—HEALTH CARE PROVISION FOR LOW-INCOME GROUPS

Certificates for health insurance

An individual having a tax liability of $300 or less in a base year would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Insurance purchased with such a full-pay certificate would require no beneficiary participation in health care charges.

The carrier, as defined in the bill, would present the certificate to the federal government for redemption.

PART B—INCENTIVES FOR PURCHASE OF HEALTH INSURANCE

Election of tax credit or insurance certificate

Federal contribution to insurance purchased by individuals under this part of the program would be scaled in favor of low-income taxpayers—from 98% if the taxpayer's base year income tax is between $301 and $325, to 10% when his tax liability exceeds $1,300. A table of allowable percentages for related tax liabilities is included in the bill.

As an example: If in 1970 a family of four has $6,500 of income, and uses the standard tax deduction its tax liability will be $493. The family would receive a tax credit of 73% of the premium cost. If his premium for a qualified health insurance plan or policy is $600, the taxpayer could reduce his income tax liability from $493 to $55 ($493 less $438). The same family with an income of $10,500 would receive a 20% tax credit and reduce the tax liability by $120 (assuming the same $600 premium cost).

A policy purchased under this program will contain deductibles: $50 per hospital stay, and 20% coinsurance on the first $500 of medical services.

Qualification of participating carriers

To participate in the plan any carrier would have to qualify under state law, provide certain basic coverage, make coverage available without preexisting health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be utilized as appropriate.

Health insurance coverage

Basic benefits in a 12-month policy period would include 60 days of inpatient hospital care. To encourage utilization of less expensive facilities, two days in an extended care facility would count as one day of the 60 days allowed. Other basic benefits would include emergency and outpatient services, and all medical services provided by a doctor of medicine or osteopathy. These are minimal requisites to any qualified insurance policy under the program.

A supplemental coverage could provide, in addition, one or more of the following: prescription drugs not otherwise covered, additional days of inpatient and extended care services, blood in excess of three pints, personal health services when furnished or on written direction of a physician, diagnostic and therapeutic services, and catastrophic coverage of all hospital and medical costs, up to $25,000, after the first $300 of incurred expenses borne by the beneficiary.

Health Insurance Advisory Board

A health insurance advisory board of eleven members, including the Secretary of HEW and the Commissioner of Internal Revenue and other persons qualified by virtue of education, training, or experience, would be appointed by the President with Senate consent. The Board would establish minimum qualifications for carriers, and in consultation with carriers, providers and consumers would develop programs designed to maintain the quality of health care and the effective utilization of available financial resources, health manpower and facilities. It would report annually to the President and Congress.

PART II—PEER REVIEW (PRO)

Peer review would be employed as a system of review of utilization, charges and quality of services. As proposed in the bill, the Secretary of HEW would enter into agreements with State Medical Societies for the establishment by the societies of peer review organizations.

In establishing administration within a state, the State Medical Society would appoint a five-member Commission and a nine-member Advisory Council. The Commission would then divide the state into administrative areas, and appoint a three-member Local Review Panel and a five-member Local Advisory Council for each such area. All members of the Commission and of the Panels would be doctors of medicine or osteopathy. The Advisory Council would have consumer, provider, and carrier representation. If the State Medical Society would not or could not establish a peer review organization, the Secretary would create the Commission and carry out the peer review organization provisions within the terms of the act.

Hearing and review

Each Panel would consider and review information supplied by individuals, institutions, hospitals, government agencies, and carriers. Random selection would also be employed for peer review.

When the facts as alleged so warrant, the Panel would have authority to order a hearing of a provider, and the provider would have the right to counsel. If the provider is a member of a specialty or allied health service, a person representing such service would be required to sit with the Panel in an advisory and consultative capacity. On the basis of its determinations on the hearing, the Panel could recommend, but not impose, disciplinary action.

Any recommendation for disciplinary action would be reviewed by the Commission, which could accept, reject or modify it. If the Commission finds that disciplinary action is warranted, it will make such recommendation to the Secretary.

Disciplinary action

The Secretary will review and act upon a Commission's recommendation for disciplinary action and may impose a penalty no greater than that recommended by the Commission, providing, however, that in the case of a first-time penalty, the provider may be suspended from participation in the program for a period no longer than one year. Continued violations giving rise to a subsequent hearing and recommendation for disciplinary action would be punishable by longer suspension or complete exclusion by the Secretary from participation in the programs. Upon showing of course, however, the Secretary could reinstate a provider or reduce the period of exclusion.

The provider would have a right to judicial review of a determination of suspension or exclusion.

Evidence in other proceedings

Evidence and information adduced under PRO and determinations made with respect thereto would not be admissible in any other action, civil or criminal.

Notice to patients

An individual under suspension or exclusion would be required to take steps to advise his patients that medicare (or other federal health program) will not pay or reimburse for his services during the period of his ineligibility.

Protective action and communication

Action of a Commission or Panel member, or the supplying of information in carrying out the purpose of the PRO program, would not be a basis for legal liability.

Reimbursement of expenses; termination of agreement

Expenses of PRO would be reimbursed by the federal government. An agreement to establish and operate a PRO would be terminable by the Secretary if the State Medical Society failed to discharge its obligations and responsibilities thereunder; or by the Medical Society by giving reasonable notice.

WHAT'S GOOD FOR BUSINESS IS GOOD FOR AMERICA

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. COLLINS. Mr. Speaker, who was it a few years ago that made the statement, "What's good for General Motors is good for the country"?

He was a GM executive and proud of his company. But even more he realized that for America to prosper, it is essential to have healthy, dynamic business. Factories must be booming to keep folks busy on full-time jobs.

My friend George Heit in Houston sent me a copy of a speech made by Mr. Geneen of ITT. I read and reread the message last Saturday afternoon as I was working in my office. Mr. Geneen asks a good question, "Who speaks for business?"

We have a good man in Secretary Stans of the Commerce Department. Yet we never have him present testimony or recommendations to the Labor Committee. I have heard many officials from the Labor Department come before the House Labor Committee and explain a bill's effect on labor. But what effect the bill would have on business is not presented by a Government official.

It seems like a sound proposal to have Secretary Stans outline some points. How will the new rules affect production costs? Will it have any inflationary reactions? Does it help us in sales in the world competitive market? Are all Government regulations and redtape necessary?

In Congress a major target for criticism is business. The favorite internal enemy today is bankers. We want to know why bankers charge high rates of interest. We never explain that excessive Government spending is a major cause. We never say that the Government spends and spends and the private sector has only the residual balance. We do not mention that the United States with the best credit has climbed to a rate of 8 percent so industry has to pay more.

Bankers built my hometown. Men borrowed money, built business, worked hard, repaid the loan. Bank loans are essential and good bankers are a community's best assets.

Read the headlines. Who did we blast today? Are we after the oil companies? How many committees are working over the automobile manufacturers? How can the railroads operate their unprofitable passenger business?

Congress does give business some special attention. As a Christmas present last year, we gave American business a most repressive, negative tax burden bill to carry on their sore backs. So, is it a wonder that this spring there is talk of possible recession, narrow operating margins, tight money, and employment layoffs?

Mr. Speaker, I would like to quote some excerpts from the sound address made back in January before the conference board at the Waldorf in New York City by the president of International Telephone and Telegraph, Mr. Harold S. Geneen:

Today we are already into a new decade, but an adjective to be applied to the 1970's has yet to be coined. The "Insatiable Seventies" might be appropriate. The U.S. population now has an unparalleled desire for a higher standard of living, more conveniences, better accommodations, more luxuries and more leisure, and this will have profound effects on the changes businessmen will have to manage.

This insatiable demand results in increased pressures on government, both Federal and state, and on the American businessman. It results in such things as rising interest rates and a tightened money supply, on the one hand, and proposals for a guaranteed annual wage and increased Social Security benefits on the other.

These pressures sometimes produce highly charged and biased emotions, and with few exceptions this certainly has been true in our Federal government recently. We have witnessed threats of wage-price controls, accusations of economic concentration, unfair competition, reciprocity—real or imagined—and reprisals against price rises in basic industries. One glaring exception is the curious silence when labor demands, and often gets, contract settlements far above any increase in productivity.

Those in our society who just want "more" very seldom, if ever, realize that increased productivity is the only method of balancing the books for getting more of anything. With this in mind, we must—at the very outset of the Insatiable Seventies—look at what is really happening before, perhaps, it is too late.

One must step apart from our domestic economy and look at our position in the competitive environment of world competition; that is, competition against other nations and other people; competition which is not fostered, blinded or protected by our own government's internal beliefs or restrictions.

There is a serious lesson to be learned from such a review—a lesson that is particularly pertinent at the outset of the 70's because it implies changes that we have *not* contemplated. That lesson, harsh as it may sound, is that the United States is no longer and has not for some time been winning the war of economic competition in the "arm's length" arena of world competition.

In Europe, the last few years have seen the gorwth of a common market and an EFTA market involving some 300 million people, which is at least 50% larger than our own internal market. Not only have trade and custom barriers within this

market been eliminated, but advanced technology and mass marketing to match the market's size have come into being.

All of this has happened at the same time that improving productivity in these areas has to a large degree maintained its pace with ever increasing labor rates. In Japan, for example, labor rates have moved up explosively in the last 8 to 10 years, rising at 10% a year or more, but productivity in Japan has been improving at roughly the same proportionate rate. Thus, from 1960 through 1967, nominal wages in Japan were up over 200%, and labor productivity was up just under 200%. The result is that labor cost per unit of output in Japan has been roughly constant, and so have Japan's export prices.

The situation in West Germany has more or less paralleled the Japanese story. Wage increases there have not been as rapid, although they have been high, but the important point is that German wage increases have also been approximately matched by productivity gains. As a result, labor cost per unit of output in the German economy has risen only very slightly—at an annual average rate for all industry of 0.8% for the years between 1965 and 1968. So Germany's export prices have also been correspondingly stable.

THE U.S. LOSS OF COMPETITIVE ADVANTAGE

Unfortunately, the United States cannot point to a similar record. We did reasonably well in the first half of the Sixties with regard to the relationship between labor cost increases and productivity gains, but since 1965 wage increases in the United States economy have been higher than productivity improvement by an increasing—and now alarming—amount. As things stand today, labor cost per unit of output in manufacturing (where we should have the best performance) is rising by at least 5% a year and perhaps more. As a result, U.S. export prices have risen nearly 15% since 1962, as a broad average.

In fact, the United States is way down the scale on unit cost performance due to a high absolute dollar increase in labor cost per hour and a very low accompanying relative productivity. The Bureau of Labor Statistics published figures in October showing the increase in productivity for the first 9 months of 1969 to be the lowest in any period since 1956. World market competition as a result has been going increasingly to more competitive economies; the share of the market traditionally belonging to U.S. enterprise is shrinking.

Nor is this competition limited to areas outside the United States. Increasingly we have seen the import, for example, not only of Japanese radios and TV sets, but now increasingly larger ticket items such as automobiles. Moreover, these products are produced at labor rates in many cases approximately one-quarter to one-half those of our Detroit workers, and with productivity effectively balancing their increases in labor costs throughout this period.

GOVERNMENT SUPPORT FOR BUSINESS DECISIONS

Under the circumstances, faced with these alternatives, one would expect that government and labor would be supporting the American businessman both morally and in substance. Perhaps, indeed, there is a lesson to be learned from Japan and Germany. If there is, it is surely the fact that their governments work very closely with their businessmen, supporting them in both risk and entrepreneurial ventures abroad, and in such innovative changes in form, size, and methods of business as they need at home to compete in world markets.

This philosophy of support by government coincides with sound management principles. Government noninterference has a parallel in the way that well-run corporate headquarters give relative autonomy to the line divisions, which have to "carry the ball" and perform, to make their own decisions.

Here in America, however, while the demands of a growing and affluent society increase, and business is further restricted and regulated, the real problem, in my view, is the lack of dialogue between business and its critics. There is in many quarters, I believe, a complete lack of understanding of the pivotal position that the businessman must play in our future, as we move from our former position of unchallenged economic ascendency into the highly competitive world environment of the Seventies. So the future of the American standard of living must rest largely on how successful all businessmen are in meeting the critical problem of unbalanced demand and productivity.

Leadership, intelligence and an understanding of the importance of the success of business' vital role in our future should be coming from our government. But the fact that government often does not lead the electorate with understanding of business is not necessarily strange in our democratic process. Voters vote for people. They do not vote for corporations. And, of course, neither do corporations vote, nor do they have the influence ascribed to them.

MOTIVATING EXECUTIVE PERFORMANCE

We think of America as a nation of entrepreneurs; the phrase "Yankee trader" is a symbol of an enterprising spirit of our people. Enterprise and merit were once the only limits to personal fortune. This "free enterprise" system made America great and powerful. As the world changed, the corporate system evolved, providing a means of amassing strength through a diversity of risks and security.

But mounting inheritance and income taxes weakened the entrepreneurial zing, and Congress was led to provide "professional management" with the incentive of actual ownership through the stock option plan. Today, in meeting increased world competition, we need this incentive more than ever, but we find instead a new tax bill that will penalize the profits of stock options; it will be far more rewarding to become a salaried worker than to identify with risk and performance in the future. Under such philosophy, we may well become a nation of expectant pensioners. The U.S. has dulled its competitive edge, and I am not sure it was even intended—but again, there was no dialogue.

I am not referring to any particular administration, nor to any political party. This tax revision is only one example. What I suggest is that a critical breakdown has developed in the meaningful relationship and dialogue between government and business. So perhaps it would be well to ask the question: *Who in government does speak for business?*

A BUSINESS SPOKESMAN IN GOVERNMENT?

We have a Department of Labor which is readily identified and prominent in the support of labor. We have blossoming varieties of consumer representatives—including a new branch of the Department of Justice—which act in the interests of consumers. We have many bureaus, probes, hearings, commissions and others that act unabashedly for government. But, in a period studded with plans for housing, for civil rights, for beautification, for minimum wages, higher taxes and lots more, where is there any government program of similar scope set up to help business? This is, when you think about it, a strange omission.

We do have a Department of Commerce with a very worthy Secretary as its head, but it acts basically for all of commerce and its many participants. Historically the Department has not represented business, nor interceded for it, with the other branches of the government and Congress. Historically there is even a question as to whether it has been or would be allowed to act in such a capacity.

What business needs is someone who will restore the balance in government by acting specifically for business—creating a forum and a dialogue for the businessman in government—and being wholly supported in this effort by the government itself.

And so I would like to propose that the government recognize the importance of the probelm by making either the Secretary of Commerce or an equivalent cabinet office fully and solely responsible for and responsive to the needs of business. This I believe, could restore the necessary balance.

I make this proposal because I think it is now necessary that a collective voice be given business in this and future administrations, on a level with its peers in government and in the form of a cabinet-level department that will unabashedly and openly speak for business and solely represent it in government. Let the dialogue finally commence—this is nothing less than sound economics and good management, and a necessary step to good planning. For we must prepare for the changes that will take place in the Insatiable Seventies if they are to be managed.

FBI STRUCTURE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. DERWINSKI. Mr. Speaker, Mr. Walter Trohan, the distinguished bureau chief emeritus of the Chicago Tribune, is a close friend of J. Edgar Hoover and is probably as familiar with the operations of the FBI as any newsman in Washington. This is reflected in his laudable column of Wednesday, July 9, on the retirement of Cartha D. DeLoach from the FBI. I believe that Mr. Trohan's personal emphasis as well as his objective comments on the FBI structure is based on thorough knowledge of the subject covered and the obvious respect for the great accomplishments of Mr. DeLoach:

[From the Chicago Tribune]

WASHINGTON REPORT—FBI'S NO. 2 MAN ENDS PUBLIC LIFE

(By Walter Trohan)

WASHINGTON, July 14.—Today marked the first day in private life of a good and faithful public servant—Cartha D. [Deke] De Loach, the assistant to FBI Director J. Edgar Hoover, and a member of the Federal Bureau of Investigation, with time out for Navy service during the war, for 28 years.

No doubt he will be a fish out of water for a time—but a goldfish, as a top executive with the Pepsi-Cola Co.—because the FBI has been a way of life for him for so long. He was a son to J. Edgar and a brother to every good FBI man, and there have been few bad ones, largely malcontents.

When Deke announced his impending retirement, which came on his 50th birthday yesterday, there was a splashing of speculation in liberal circles as to what this might mean to the world's No. 1 law enforcement agency. Many of the deep thinkers on the Left agreed that this could only mean that the FBI was turning in their direction, as tho Deke were responsible for FBI policy.

Nothing could have been more ridiculous, but this nonsense was widely accepted. So long as Director Hoover runs the FBI—and make no mistake about it, he does—the organization will continue to let none but Americans stand guard over our safety to the best

of its ability. Deke would be the first to say this, but he did not choose to become embroiled with men who are forever lunging into thought and generally missing.

The heavy thinkers said DeLoach was ruling himself out as a successor to Hoover. Yet there is no reason why Mr. Nixon or any other President could not pluck De Loach from private life, if he considered his appointment as serving the best interests of the country, and he couldn't be far wrong.

Deke is leaving, as he had planned, for eight reasons—his beautiful wife and their seven children, including an Air Force pilot. One can hardly raise and educate seven children on an FBI salary. So when he became eligible for his FBI pension, after more than 25 years of service and on his 50th birthday, he elected to accept a post which Donald McIntosh Kendall had been holding open for him for some five years.

This day is not entirely Deke's, because much of him will always belong to the FBI and to Hoover. He is the embodiment of the loyalty, the sportsmanship, the personal presence and the devotion to duty that mark the FBI man generally. It is true that he had some fine qualities in a greater degree than his fellows, or he would not have gone so far so fast and enjoyed the trust and confidence of three Presidents and any number of Supreme Court justices, members of the cabinet, senators, representatives and a host of lesser officials.

For his farewell salute at the American Legion, where he has been chairman of the national public relations committee since 1959, men came from all walks of life, from all faiths and of all races. In the interests of accuracy it must be noted there wasn't a single Communist present, nor anyone left of center.

Deke is gone but the FBI is carrying on. His post is being filled by William Cornelius Sullivan, another man of ability and charm. And, if Sullivan should go, Hoover has ranks of dedicated and competent men to choose from. This is the way every good organization should be run but too frequently isn't. There is only one indispensable man in the FBI, and he is the FBI. But we can be thankful he is continuing to make so many capable heirs.

THE ARTS MEAN BUSINESS

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. HANSEN of Idaho. Mr. Speaker, Mr. Robert V. Hansberger of Boise, Idaho, is not only one of the great leaders of business on the world scene today but an equally effective exponent of the arts and the humanities. It was fitting that the Rotary Club of Salt Lake City, home of the world-famous Mormon Tabernacle Choir and Utah Symphony Orchestra, would ask Mr. Hansberger to talk upon business and the arts recently.

I include the full text of his talk in the CONGRESSIONAL RECORD in the hope that Members of Congress and the general public will realize what many businessmen, such as Mr. Hansberger, are doing to business and the arts:

"THE ARTS MEAN BUSINESS"

(By Mr. Robert V. Hansberger, President, Boise Cascade Corp.)

(A speech given before the Salt Lake Rotary Club on Tuesday, May 26, 1970.)

MADAM and GENTLEMEN: It's mighty good to be back. I've always enjoyed talking especially to Rotarians because throughout the countryside, in fact, throughout other countrysides, I've found this is a group that makes things happen.

Maurice, I want to thank you especially for that very warm and very stirring introduction. As a matter of fact, as I listened to you, I decided it was almost the best one I've ever had. The only one that I could think of that might have nosed it out a bit was one that took place several years ago in the mountains of Idaho when I had the privilege and honor of being the commencement speaker for one of our local, small high schools. This was a school in Grandview, Idaho. I left Boise in my automobile for what was supposed to be about a two hour drive. It was a very un-Idaholike day: it was raining; and so it took me just a little bit longer than I expected; and I got to the local gymnasisum just as the ceremony was about to begin only to find that the master of ceremonies, the man who was supposed to introduce me, couldn't get to town because of the weather, and I had to introduce myself. And, Maurice, there were things said about me that night in public that have never been equalled either before or since.

I'd like to make a few comments here—you're kind of a quasi-captive audience—about the relationship between *making* our living and *doing* our living. I think as we have managed to obtain a greater, ever greater *quantity* of human life in our country, the time is here—maybe it's a little more than here—when many of our people are beginning to worry about the *quality* of life.

Not very long ago, business, the arts and community problems were regarded as separate areas of concern. Yet during the recent two years of its operation, the Business Committee for the Arts has gathered considerable evidence to indicate that these supposedly separate fields are being effectively merged.

On the national level, business involvement with the arts has been increasing rapidly. And meetings such as this one today—of businessmen interested in the arts in the Salt Lake Valley—have been held in hundreds of communities throughout the country.

Yet the popular image of the businessman still too often makes him out to be a *boor* and a *philistine*. A recent cartoon, for example, shows one of our mighty captains of industry barging into a sedate gallery and bellowing out, "All right, let's see some of that art that's been beating the hell out of the Dow Jones Averages." Now, as a lot of you who followed the market the last few weeks would agree, that doesn't take very much doing today. Unfortunately, there is a little too much truth in that image. For example, it is now possible for those with no interest in art whatsoever to speculate in programs devoted exclusively to the timely trading of paintings and sculpture.

There is no question that as individual philanthropists, American businessmen have been a sustaining economic force in the arts for a long time. And businesses—more or less consciously—have employed the arts in marketing and manufacturing since the beginning of commerce. However, in the past few years, there has been an increasing recognition that the corporation, itself, has an interest in the condition of the arts in America.

It hardly seems radical now to say that the equality of life, enhanced by the arts, that is available on the community level to our young people, to the disadvantaged, to the elderly, and the great majority with increasing leisure time, should be the concern of *all* segments of society, including business.

In this light, most corporate leaders no longer regard the arts as frivolous or peripheral. Just as the concept of public affairs has expanded beyond simple concern for the corporate image, the potential of the arts is being understood in broader terms than advertising and interior decoration.

Kaiser Industries, for example, undertook a program to recruit, train and dress about two dozen young people as subscription salesmen for the Oakland Symphony Orchestra. These trainees, mostly from ghetto areas, and mostly black, were given contacts with businessmen on all levels. They brought back over 1,400 subscriptions and donations. And their period of training and canvassing gave them contact with the business world they might otherwise never have experienced.

There are two equally important steps for a business to take toward the arts. One is to see the arts as essential functions—as means and ends—of corporate involvement with the life of the community. This is the thrust or the point of the Kaiser idea, and of many other projects that have been undertaken by companies of all sizes across the country.

The second is to recognize that involvement with the arts, when tailored to the needs of a company and a community, can be good for business. While many business leaders are impressed with the importance of the arts in any effort to enhance the quality of life, they are also impressed with the practical ways in which the arts contribute to business itself.

Dr. Frank Stanton, president of CBS and a board member of the Business Committee for the Arts, put this point very well, I think, when he said: "I have never felt it to be a matter of corporate altruism for a company to erect its buildings, or print its publications, or manufacture its products in accordance with high standards of design . . . More is derived of time and effort spent in congenial surroundings than in ugly ones. More attention is invited by the well-designed publication than by the haphazard one. More hospitality is extended by the purchaser, however utilitarian minded, to the beautiful object than to the ungainly one . . . And so," he concludes, "the company that strives for quality in design, that respects the eye of those upon whom it is dependent—employees, stockholders, customers and the community—ultimately benefits most of all."

Many businesses have found that their arts programs helped them to recruit and retain personnel, particularly their highly educated employees who demand adequate cultural facilities for themselves and their families. The design and quality of company properties themselves were naturally an important factor. Many firms making direct sales to the public have long been aware of the usefulness of their involvement with the arts as far as packaging and marketing their products are concerned. In some cases the company's products themselves have been used as materials by artists, who in turn have explored new possibilities for their use.

Any regular reader of magazines over the years has picked up some good quotes from the ads entitled "Great Ideas of Western Man," which have been run by the Container Corporation of America out of Chicago. The relation of these impressive spreads to the aims of the company is no secret. Nor is it anything to apologize for. Container Corporation long has had a very *profitable* history of partnership with the arts in design, manufacturing, and advertising. Its chairman, Leo Schoenhofen, a man I used to work for, says, "A strong association of Container Corporation with fine arts, good design and great ideas helps us to sell our product. It elevates our salesman in the eyes of the people he calls upon, and it predisposes at least some customers to do business with us."

Not all corporations, however, define their interest in the arts in terms of sales. Most companies who are rooted in a community recognize the stake they have in making it an attractive environment. An arts organization which will help to enhance the community, encourage new business develop-

ment and perhaps even attract tourists and the press merits the attention of business in that area. Few companies will now consider a new location which does not offer adequate cultural opportunities. In fact, those communuities with outstanding artistic attractions have used them successfully in advertising and negotiating for new industry. An improved community, which attracts new residents, can only be to the advantage of both business and arts groups.

The Air Preheater Company, for example, initiated a series of live performances by concert artists in the remotely situated community of Wellsville, New York. The series was the first in the town's 110 year history, and was for many residents their only contact with live performing arts. In addition to the regular series, Air Preheater required each of the groups to give a matinee performance for high school students which was paid for by the company. A large number of Air Preheater employees are college trained engineers, and the series was conceived by the company to be an aid in recruiting and retaining and motivating skilled personnel in a community of only 8,000 people.

John E. Sheehan, president and chief executive officer of Cohart Refractories Company, Inc., a subsidiary of Corning Glass Works, reported that Cohart had brought into the Louisville area a number of outstanding young executives and that the "quality of life" in that city had been a fundamental factor in attracting them to the community—it had also helped to prevent other corporations from attracting away the men who comprised the current executive staffs of Louisville's business organizations. Furthermore, he reported, it helped to keep in Louisville, or bring back, the city's maturing youth who go to graduate schools and who, in former years, frequently decided to go to other cities after graduation.

He asked Louisville business people to recognize that support of the arts in Louisville was not a charitable act. "It ought," he said, "to be thought of selfishly by the business community as a way of maximizing profits. It is, in reality, a business expense—not a charitable contribution."

Leaders in the retail industry have also found involvement with the arts to be a natural consequence of their stake in the vitality of the community. Foley's in Houston, The Outlet Company in Providence, and many others across the country offer assistance to the arts in one way or another. Here in Salt Lake City, A. G. Stores has twice received an Honorable Mention in Esquire's contest "Business in the Arts" Awards. By tying the arts in with their advertising, Abraham & Straus and Macy's in New York provide a substantial lift to local cultural organiztions for whom the cost of full page in the New York Times is simply out of the question. And, of course, the ad itself is more interesting for its additional artistic content.

The Reader's Digest has found that support of the arts can play a part in employee, as well as customer, relations. Individual staff members are allowed to designate the recipients of a portion of the Company's donations.

The New York City Center reports that a large number of those who have contributed for the first time under this plan, continue to do so on their own and, in fact, tend to increase the size of their personal gifts as they become more involved with the activities of the Center.

Seen on a national scale, business involvement with the arts has reached impressive totals. For many years, the National Industrial Conference Board has conducted triennial surveys of corporate contributions to all philanthropies. In 1959 and 1962, gifts for cultural purposes were not considered important enough to rate a separate category in the triennial survey. They were included under the heading of "Civic and Cultural Causes"—a category which accounted for only three percent of total corporate giving in 1959. In 1965, the first year in which "Culture" was assigned a separate column, the arts alone received three percent of the total. In that year, 540 companies surveyed gave about $6 million to the arts. In the 1968 survey, published this year, 400 corporations reported grants to the arts of over $13 million, or about five percent of their total giving.

A rough translation of these figures into national terms can be obtained by applying the five percent figure to the estimate for total corporate giving of $900 million computed by the American Association of Fundraising Council. The resulting figure—$45 million—may be a reasonable estimate of philanthropic support of the arts by business in 1968.

However, even this considerable sum is only part of the total, as the triennial survey includes only those commitments to the arts which were reported as contributions. A more detailed survey was sponsored by the Business Committee for the Arts and carried out by the National Industrial Conference Board. The results, published in Business in the arts alone received three percent of the for they indicated that projects in the arts, reported as business expense in 1968, apparently involved expenditures of about $40 million—almost as much as was reported as contributions.

I travel a great deal in connection with my work. I just got back from Iran and Turkey. I travel throughout the country a great deal and frankly, I could say to you from some knowledge here in the Salt Lake Valley, I don't know of another community anywhere that really does as much in promoting and supporting outstanding cultural organizations in proportion to the size of the area as you do right here.

I'm aware of the fact that the very first statewide Arts Commission, or, as you call it, the Utah State Institute of Fine Arts, was established here, the first of any state throughout the country was back in 1890. The next one came along (New York State) as late as 1961. To me, this is an indication of how important the people here in this State and in this Valley feel about an involvement in the cultural quality of life of the area.

You have a great many world-renowned organizations in the arts headquartered here in Salt Lake. Your Utah Symphony is one of the best—certainly one of the best in the world. I had the privilege of hearing it in Boise; I think it's one of the outstanding success stories in the arts of the country.

I want to commend the people here in this area. I think you've set some examples for the rest of the country including Idaho. I hope you keep it up. Thank you.

One firm conclusion of these studies is that business *is* involved with the arts to a substantial and increasing degree. Another is taht support of the arts is not the exclusive property of a few well-known companies. Eight out of ten corporations surveyed contributed operating funds, and four out of ten made capital gifts to the arts. And it is interesting that smaller companies tended to assign a higher percentage of their contributions to the arts than did the large companies.

It would seem to appear from these figures that a substantial beginning has been made. According to the surveys, some eight percent of American corporations made a contribution to the arts in some form or another. The total amount made available in support of the arts in 1968 alone, was something in the order of $85 million, a figure close to that of support by the foundations, and considerably greater than that provided by the Federal government.

But I think it is important to remember that these impressive figures are the result of thousands of instances of local cooperation between business and the arts, such as have taken place here in Salt Lake City. A few national arts orgnaizations, no matter how celebrated, cannot fill the artistic needs of an entire country.

In the final analysis, it is the quality and quantity of the arts that are actually available to people where they live and work that will determine whether the arts can play an effective role in our society. Communities such as Salt Lake City can offer further proof of the proposition that in both an immediate and broader sense, the arts mean business.

DOWN THE BIG ROAD—BY THEIR VOTES YE SHALL KNOW THEM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. STOKES. Mr. Speaker, William O. Walker needs no introduction to my Ohio colleagues—particularly to those on the minority side of the House. As publisher of the Cleveland and Columbus Call & Post, public servant, and exemplary citizen, he has been the conscience of the Ohio Republican Party for half a century.

On July 11, Mr. Walker devoted his entire syndicated column to a discussion of the shameful record our State delegation assembled on the recent vote to extend the 1965 voting rights bill. Over half of our Representatives were recorded against this measure which has been almost unanimously acclaimed as the most effective civil rights legislation ever passed. Twelve of the 13 Ohio "no" votes were cast by Republicans. Mr. Walker was not proud. Mr. Lincoln would not have been, either.

Mr. Speaker, I include herewith the aforementioned article in the RECORD at this point:

[From the Cleveland and Columbus (Ohio) Call & Post, Saturday, July 11, 1970]

DOWN THE BIG ROAD—BY THEIR VOTES YE SHALL KNOW THEM

(By William O. Walker)

In this day and time, it is hard to believe that 13 Ohio Congressmen would vote to withdraw protection from Negro voters in the South, and support Alabama and Mississippi in denying the Federal government the right to supervise registration and giving protection to Negro voters.

But the 13 did. All but one of the 13 were Republicans.

Some weeks ago, Cong. William McCulloch (R) of Piqua, Ohio complained that Ohio Congressmen were not supporting him in his effort to get the Voting Rights Act of 1970 through the House Judiciary Committee and onto the floor for a vote. It is easy now to see why he felt so deserted.

The Voting Rights Act of 1970, was a special target of the George Wallace faction in the South. For it was the original of this 1970 bill that added nearly a million Negro names to southern voting rolls during the past 5 years. It was this increase in Negro votes that made the election of Charles Evers mayor of Fayette, Miss., and, all the other Negroes elected to public office in the South during the past 4 years.

Since one of the sections of the bill provided for Federal monitors at voting booths on election day, thus insuring protection for

Negro voters, the bill was especially repugnant to the old line southern politician, who, for years, has had a free hand in determining who can or will vote.

How any Ohio Congressman, knowing the importance of this bill to the rights of American citizens to vote, could oppose the bill, is beyond me. The only explanation I could figure out was that these Congressmen were either personnally racist, or, are part and parcel of President Nixon's "Southern Strategy" program, which is almost the same thing.

It is interesting to note in checking the voting by state delegations, that Ohio Congressmen furnished the second largest vote against the bill. Texas led with 14 and Ohio was second with 13. Illinois, out of a delegation of 24, cast only 8 against. California cast only 11 against out of its 32 total votes. Pennsylvania cast only 8 against out of its 27 votes. New York state with 41 votes, cast only 5 against.

It is also interesting to note that the states that cast solid votes against the bill, were: Alabama 8; Georgia 10; Kansas 5; Mississippi 5; Nebraska 3; New Mexico 2; North Dakota 2; Oregon 4; South Carolina, 5, 1 absent.

Kentucky, although a southern border state, cast all of its 7 votes for the bill.

The vote on the Voting Rights Act of 1970, is positive proof that the voters of Ohio had better take a good, investigative look into the records of these 13 Congressmen this year. All of them are up for reelection.

The vote of these 13 Ohio Congressmen, indicates the extent the white backlash is permeating this state and the nation. The vote by the states also indicates the source of support Mr. Nixon is getting for his "Southern Strategy program." For instance, Gerald Ford of Michigan, the Republican leader in the House, and a close adviser of Mr. Nixon, voted against the bill. So did Cong. Arends of Illinois, another top Republican leader. Cong. Morton of Maryland, Republican National Committee Chairman, voted against the bill.

Both Congressmen from Columbus, Chalmers Wylie and Samuel Devine, voted against the bill. Buz Lukens, of Middletown, who made such a bid for Negro support in the recent Ohio gubernatorial campaign, voted against the bill. So did Frank T. Bow of Canton. Cincinnati voters should remember Donald D. Clancy, for he too voted against the bill.

The one Ohioan who did the real work for the bill, is Cong. William McCulloch of Piqua. In a letter to me after the bill had been signed into law by President Nixon, Clarence Mitchell, Director of the NAACP Washington Bureau, said:

"Our mutual friend, Congressman William McCulloch, has again demonstrated the power of a good man who is determined to achieve goals that will help his fellow humans. We could not have obtained passage of the bill extending the 1965 Voting Rights Act's ban against literacy tests if Mr. McCulloch had not very early decided that he would seek the extension, even though the Attorney General of the United States did not want a simple extension."

"The Congressman is a great friend to those who are working for civil rights causes, but he is a far greater asset to the Nation, to Ohio and to all who believe in fair play. He is a constant reminder that good will and compassion are enormously effective in bringing about constructive change when they are a part of the make of a man's integrity, skill, intelligence and great personal courage."

So, while some Ohio Congressmen did all they could to keep Negroes from voting, it was another Ohio Congressman who did all he could to not only get the bill passed, but saw to it that it contained the essentials for real protection of Negroes who want to and should vote in the South.

By their votes you should remember them in November.

"A SENSIBLE SOLUTION"

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. HOGAN. Mr. Speaker, as cosponsor of a bill introduced by Representative ANCHER NELSEN of Minnesota, I was particularly pleased to read an editorial appearing in the Washington Post on July 20, 1970.

Congressman NELSEN'S bill (H.R. 18305) would direct the Secretary of State to transfer certain real property owned by the U.S. at the old Bureau of Standards site off Connecticut Avenue to the District of Columbia to be used as a permanent home for the Washington Technical Institute.

The distinguished gentleman from Minnesota, Mr. NELSEN, made a significant contribution to the problems confronting the District of Columbia when he carried the burden in the House during the 89th Congress of enacting into law the District of Columbia Public Higher Education Act, Public Law 89-791, that resulted in the creation of the Washington Technical Institute.

The students of this Institute are, from all reports, getting a good education and the graduates are getting good jobs.

I believe that Congressman NELSEN'S bill is a sensible solution to the problem of insuring that the Washington Technical Institute will have the permanent kind of physical plant to provide growth to the Institution and broad availability to its training and programs. Accordingly, I commend the Post editorial to my colleagues as informative reading matter.

A SENSIBLE SOLUTION

Rep. Ancher Nelsen's (R-Minn.) proposal to let the Washington Technical Institute stay on the former National Bureau of Standards site, along with the proposed new building of the Organization of American States and the foreign chanceries that are to be built there, strikes us as eminently sensible. The institute, which is now only temporarily housed in the old, but still serviceable Bureau of Standards buildings off Connecticut Avenue at Tilden Street, is training young people, most of them from the ghetto, for technical work in the trades, crafts and service industries. From all we hear, it is quitely doing an excellent job under difficult, makeshift circumstances. (All of the first students the institute graduated this June, we are told, are finding employment at good salaries.) Its lease, however, is up in another two and one-half years, which, even in an ideal situation, is obviously not enough time to build a new campus. And the situation that has been officially ordained for the institute at 14th and U Streets in the Shaw area is far from ideal.

A brand new campus would cost anywhere around $70 or $80 million, and where is that money going to come from? The U Street location would displace a large number of people who now live and do business there, and where are *they* to go? Tearing down their homes, furthermore, would deprive the city of the taxes the businesses at the U Street location now pay, and shouldn't the city seek to increase rather than decrease its tax revenue? And to put a predominantly black institution into a predominantly black ghetto area would futher harden segregation, and when are we going to start to integrate this city?

To let the institute stay along Connecticut Avenue right next to the Van Ness subway station (that would reduce the needed parking space), renovate the old Bureau of Standards buildings and build such additional ones as are needed, would save about half of those $80 million and heaven knows how much time and agonizing uncertainty. There is still ample room on the 34-acre site for the OAS and the chanceries, particularly if you add the roughly 30 acres of the Diamond Laboratory across the street that will soon become available. Present plans would use the remaining space for new federal offices for some 5,000 employees. But these plans are still vague and there is no appropriation to build the offices. There is thus no harm done by letting feds look for another site, while the potential harm of buffeting the city's only vocational school about from pillar to post, as Congressman Nelsen put it, could be fearful.

HONOR AMERICA DAY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, most of us have been talking about the success of the Honor America Day which was held in Washington, D.C. The hundreds of thousands of people who came to participate and particularly those who contributed their time, talents, and efforts to promote it, deserve gratitude and appreciation on the part of all Americans as it was a successful day to that extent.

Unfortunately, however, there was a darker side to this Honor America Day experienced by only those who were present. It was disgusting and unforgivable. I am referring to the action of some filthy young punks and misfits who do not appreciate or understand what America is all about and are trying to undo the efforts put forth by loyal Americans on this great day.

Under leave to extend my remarks, I am inserting into the CONGRESSIONAL RECORD for my colleagues and all Americans to read a letter I received from one of my constituents which very vividly describes the unfortunate experience she had on that day. In my reply to her, I stated that while there were many things we are trying to do to solve this problem the best solution, and maybe the only solution, is strict police enforcement of the law to protect the public from disorderly conduct, indecent exposure, and wholehearted support of this police protection by all Americans. If we continue to tolerate this type of activity, we will indeed become a sick America.

Representative JOEL BROYHILL,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BROYHILL: I feel that you, as the representative from our district should be aware of how my family spent "Honor America Day" July 4, 1970. As members of the tax paying, hard working, law abiding citizens, my husband, family and I decided to go to Washington, D.C., to participate in the "Honor America Day" activities. Our four-year-old looked forward to the celebration as she convinced her grandmother to join us. We also invited two

female Mormon missionaries to go with us as they had never seen Washington.

The first thing we saw after leaving the parking lot were three filthy youths with wet, dirty American flags around their necks. They alternately swung them at trees and bushes and then stopped to wipe their feet with them or sop up the sweat on their bodies. My little one wanted to know if she could wet her flag like the big people. My husband asked an officer to do something and he refused.

We reached the monument grounds and settled with people like ourselves who had brought family and friends to join in the festivities while filthy, half dressed and even half nude dissenters who were demanding their rights paraded among us. We were soon joined by a couple who commenced to lie down and demonstrate sex in the raw before 30,000 disgusted onlookers. This was hardly the show I had brought my two children to see and then it started, noise and jeering, beer bottles (one which missed my infant by inches) and then that horrible smell and the pain in our throats as we ran from the tear gas with our screaming infants and our gasping children.

Well, they have had their fun now, we decided as we resettled ourselves for the remainder of the program which we could not hear because of all the noise they were making. Then it began again, louder and with fireworks being tossed flaming into the crowd making it necessary for us to hold our children to prevent their being hurt while the young missionaries made mental notes to write home about and Mr. Hope spoke of 2 billion people around the world viewing the telecast.

Before we could gather our belongings together again, the gas hit us with renewed force & we were forced to leave in the same painful gasping rush as before. We returned home in disbelief. We had to promise our terrified four year old that she would never have to go to "Honor America Day" again before she would sleep.

That is how we spent honor America Day.

I would therfore like to know when the socalled *silent majority* will be heard. When will I be able to sit in the shadows of the Washington monument without exposing my children to flag desecration, nudity, filth, vulgarity and bodily pain & harm.

When will laws be enforced. Or is there no law to protect us from these animals? Is there no law against liberating a truck by pushing it into the pool.

When will my rights be as important as their safety? I too want to be heard. Or do only they have rights?

Until I have the answers to these questions I must join the ranks of "sick America." I will stay away from the district because I am afraid. I don't want to risk my children's safety or expose them to the filth that walks the streets.

What are you doing about this?

CONGRESSIONAL VOTING AND HOW TO CONCEAL IT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. JACOBS. Mr. Speaker, I insert the following editorial broadcast by WFBM–TV in Indianapolis, Ind., on July 13, 1970:

CONGRESSIONAL VOTING AND HOW TO CONCEAL IT

Centuries ago, members of England's House of Commons worked out a plan which prevented kings from knowing how each of them voted.

By 1832, royal reaction was no longer a cause for personal concern and member's votes were made public.

One hundred thirty-eight years later, House members in our own Congress are using the same plan to keep the public just as much in the dark as English kings were long ago.

It's true that you often hear or read how your Congressman voted. And under our Constitution, one-fifth of members present can demand a House roll call—a record vote.

The catch is that the House can instantly convert itself into a committee—the Committee of the Whole—to decide on amendments to important bills. Once this is done, a roll call *cannot* be demanded. There are voice votes. There also are division and teller votes, in which members stand or file past tellers to be counted. But no record is made of how individual members vote, and the standing or marching is done with Congressional backs to the press gallery. Few responsible reporters try to overcome that handicap.

These committee votes are not final, of course. But after the switch back to full-House status, only amendments *which have been approved in committee* are eligible for a final vote.

At this point, if a roll call is demanded many a lawmaker who wasn't present for the *real* decision making hurries to his seat and casts a vote which he thinks will please the folks back home. There's even a system of bells to signal when the critical time has come!

Fifty Congressmen—members of both parties—will try this week to change the rules so that amendments *turned down* in the Committee of the Whole also can be submitted to the full House and a record vote demanded.

We can think of no reason why the public shouldn't know where House members *really* stand on all important issues. If you agree, we suggest you wire your Congressman, or write him at once, and say so.

If you happen to have heard the argument that additional roll calls would take too much time, you might add that Indiana's Legislature has long employed push-button, instant, roll-call voting.

Let's hope that won't take Congress another 138 years.

NATIONAL SERVICE ACT GAINS SUPPORT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BINGHAM. Mr. Speaker, I am reintroducing today the National Service Act of 1970 (H.R. 18025) with 16 additional cosponsors. This brings to 26 the number of Members who have joined together in supporting this drive for a comprehensive revision of the draft.

Those Members who are joining me today in reintroducing this bill are:

BROCK ADAMS, Democrat, of Washington.

SHIRLEY CHISHOLM, Democrat, of New York.

JEFFERY COHELAN, Democrat, of California.

SAMUEL N. FRIEDEL, Democrat, of Maryland.

SAM GIBBONS, Democrat, of Florida.

MICHAEL HARRINGTON, Democrat, of Massachusetts.

WAYNE L. HAYS, Democrat, of Ohio.

MARGARET M. HECKLER, Republican, of Massachusetts.

ROBERT L. LEGGETT, Democrat, of California.

RAY J. MADDEN, Democrat, of Indiana.

JOSEPH M. MCDADE, Republican, of Pennsylvania.

LLOYD MEEDS, Democrat, of Washington.

JOHN E. MOSS, Democrat, of California.

BERTRAM PODELL, Democrat, of New York.

HOWARD POLLOCK, Republican, of Alaska.

ROBERT O. TIERNAN, Democrat, of Rhode Island.

The original cosponsors who joined me on the initial introduction of this bill on June 10 are:

DANIEL E. BUTTON, Republican, of New York.

JAMES D. DINGELL, Democrat, of Michigan.

JAMES G. FULTON, Republican, of Pennsylvania.

SEYMOUR HALPERN, Republican, of New York.

WILLIAM D. HATHAWAY, Democrat, of Maine.

HENRY HELSTOSKI, Democrat, of New Jersey.

THOMAS M. REES, Democrat, of California.

JAMES H. SCHEUER, Democrat, of New York.

FRANK THOMPSON, JR., Democrat, of New Jersey.

Chaos is presently infecting our Selective Service System and it is essential that the Congress enact comprehensive draft reform now. The National Service Act provides such a reform. I have had reprinted the speech I gave on June 10 in which I outline the proposal and include the text of the bill. I would be glad to provide a copy of this reprint to anyone who wishes more details.

Mr. Speaker, draft resistance in the United States has become so widespread and so sophisticated that the Selective Service System seems barely capable of drafting anyone who does not wish to be drafted. Young men with intelligence or education are so keenly aware of draft deferments that they can easily avoid induction while the poor and the uneducated end up fighting the war.

One of the most flagrant areas of draft resistance is New York City. Last year, local boards in the city had to send out twice as many induction notices as there were spots to fill. In the end, after mailing nearly 14,000 induction notices to fill 7,700 spaces, the draft boards were still short 524 men. These figures once again underscore the need for drastic revision of the Selective Service Act this year.

Furthermore, these young men who fail to show up for induction most likely will not be prosecuted and will not end up in the Army. According to Major Thomas M. Maher, head of the legal division at New York Selective Service headquarters, the Federal prosecutors have such a backlog of cases that only a few can be prosecuted. Consequently, about 2 percent of these delinquents will end up in the Army and less than 1 percent in court. The remainder will ulti-

mately submit to the draft process and, strangely enough, virtually all of them will be rejected for physical or mental reasons.

In addition, there are many perfectly legal methods now being employed to avoid service. More people than ever across the country are being rejected for medical reasons. The Nationwide failure rate is running now about 50 percent. In areas of greater antiwar feeling, the rate is even higher. For example in the first four months of 1970, about 67 percent of the people taking draft physicals in New York City failed them. Far from representing a degeneration in public health, the statistics show the increased willingness of young men to use medical reasons, even as minor as certain scalp conditions, to escape induction into the Army. During World War II an object of shame and disgrace to many, the medical deferment has now become a cherished goal of registrants.

There are many other methods now being employed by young men, involving appeals, C.O. status, stretching student deferments, and more complicated medical and psychiatric reasons to avoid induction. I need not elaborate on them. It is evident that, despite the claims of Draft Director Curtis Tarr to the contrary, our present Selective Service System is not working. Each extra day that we in the Congress let this system run will only create more confusion and exacerbate the frustrations of all our young people.

The National Service System, H.R. 18025, represents a workable alternative to the Selective Service System. Young men strongly opposed to a war could choose to serve their country in a useful civilian capacity, resolving the legal dilemma surrounding conscientious objection. Through our experience with such programs as the Peace Corps, Vista, Neighborhood Youth Corps, and others, we know that we can effectively utilize the resources, energies, and abilities of young men. Furthermore, much of the dissatisfaction surrounding the draft could be channeled into productive areas of our society serving an important social purpose.

Mr. Speaker, as the statistics demonstrate, it is evident that the Selective Service System is not working. For the Congress to do nothing to provide a workable system would be a tragedy of lasting importance. Steps must now be taken to halt the increasing student revolt against our inequitable draft system.

The National Service System is a constructive answer to our present draft crisis. Unlike the present system, it is both workable and equitable.

HOME LOAN ACTION HAILED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BIAGGI. Mr. Speaker, the action by this body yesterday to increase the availability of guaranteed home loan financing for veterans and of mortgage credit for home financing in general will be welcomed by the vast majority of Americans who are in the middle- and low-income brackets.

Both of these measures represent steps forward in the continuing effort to help many of our fellow Americans buy their own home. However, further measures are necessary if the tight mortgage money market is to be eased soon.

I am particularly pleased that new mortgage funds will be made available to our veterans. In recent years, returning Southeast Asian war veterans were unable to purchase new homes due to a lack of funds in the mortgage market. This was particularly unfortunate since these veterans were generally in the lower income brackets and could least afford to go to the conventional loan markets.

With this bill, if the Senate concurs, these defenders of peace and freedom will be able to return home and start to participate in the GI benefits to the same extent that those serving in World War II and the Korean war before them were able to do.

The need for housing across the country is reaching a critical stage. Day by day the demand for new housing outstrips new housing starts. However, tight mortgage money has also been a major problem and hopefully these two measures will be a step toward easing that situation.

HON. CLIFFORD DAVIS

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1970

Mr. ABERNETHY. Mr. Speaker, the passing of our former colleague, Clifford Davis, came as a great shock to me and to the Members of this body.

Although Cliff served here as a Member from the great State of Tennessee, down in Mississippi we always looked upon and considered him as much a part of our own State delegation as if he were elected from our midst. He was Mississippi born and Mississippi educated.

Cliff Davis was a highly effective and valuable member of the Committee on Public Works. His interest and activity in flood control, river transportation, harbors and conservation was of tremendous importance and value to my State. In fact, Mr. Speaker, his service on this committee was of great value to the entire Nation.

He was neither partisan nor sectional. He was always ready to consider programs and projects of this kind irrespective of what part of the country was to benefit therefrom. And whenever there was merit and need, Cliff Davis came through with this powerful aid and influence.

Cliff Davis was an attractive man in person, manner, and conduct. He was exceedingly pleasant. He always had a good word, an interesting story, or a warm handshake. He was so interestingly entertaining that there was never a dull moment while in his presence. His political success was not only attributable to the fact that he always served his people well, but he loved to be among people. He undoubtedly knew more people by name than any other public official ever to serve the citizens of the great city of Memphis; and indeed, they all knew Cliff and loved him.

In his passing Mrs. Abernethy and I have lost a great and true friend. We share the sadness that has come to his charming wife, Carrie, and to his family. We deeply sympathize with them.

JOCKO CLARK COMMENTS ON MODERN CONCEPTS OF SEAPOWER

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. RIVERS. Mr. Speaker, one of the acknowledged experts on seapower in the world is the famed Adm. Joseph "Jocko" Clark, USN retired, a renowned carrier commander in World War II and author of two successful books, "Carrier Admiral" and "Sea Power and Its Meaning." In a recent issue of Counterattack, Admiral Clark discusses some important aspects of "Modern Concepts of Seapower."

Because he puts the importance of control of the seas and the importance of the aircraft carrier so simply and so lucidly, I would like to place in the RECORD for the benefit of Members of the House some excerpts from his outstanding discussion:

We have a great sense of pride in the fact that an old friend, Admiral Thomas H. Moorer, the Present Chief of Naval Operations, has been appointed by President Nixon to be Chairman of the Joint Chiefs of Staff. Admiral Moorer, as an advocate of seapower and balanced forces, brings four decades of invaluable military expertise to the top military billet in our armed forces.

The primary mission of the United States Navy is, in summary, to gain, maintain, and assure continued control of the seas, and the air over the seas, as required in our national objectives. This control of the oceans and their airspace is absolutely essential to the security of the United States. This country is an island. We have only two international borders. Two of our states lie overseas. More than 99% of our overseas trade travels by ship. Our nation's military strategy is predicated on a forward posture, with critical reliance placed upon our overseas allies and our own forward deployed forces. Of the 43 countries involved in treaties with the United States, only two of them share a common border with us. There is no current plan for overseas military operations which does not depend on our free use of the seas. In Vietnam to date, over 97% of the supplies have gone by sea. Without free use of the seas, our entire politico-military posture loses its credibility.

The attack carrier is the principal ship of the surface fleet through which our Navy maintains its supremacy at sea. The attack carrier fills this role because it represents air power at sea. History has conclusively demonstrated that naval surface forces cannot survive in the face of a strong air threat without air superiority. The second basic mission of the attack carrier is derived from the principal collateral function of the Navy: to provide tactical airpower for the land bat-

tle. This collateral mission of the attack carrier is shared with the U.S. Air Force within our military strategy. Land-based tactical air is used where protected and provisional bases are available within tactical air range of the objective area. Sea-based tactical air is required where such bases are not available, or to reinforce land-based air where the tactical air requirements exceed that level which can be supported from available land bases. All overseas tactical air support, whether land-based or carrier-based, has at its prerequisite our free use of the seas. The great payload capacity of modern tactical aircraft requires for extended operations the continuous resupply of combat consumables in such bulk that they must come by sea.

The attack carrier provides the means by which airpower can be taken to sea. The carrier can be moved any place on 70% of the earth's surface covered by the oceans, without any international agreements or basing rights, within a radius of more than 600 miles a day and at speeds up to 30 knots. The attack carrier is a floating air base, complete with aircraft, ordnance and jet fuel, required to fly them; command and control facilities to deploy them; shops to support them; and men to maintain and operate them. When carriers are deployed in a trouble spot, they are ready on arrival for a show of force and to carry on limited war, general conflict with conventional weapons, or even nuclear war.

Our new carriers will have an important feature, nuclear propulsion with the advantage of steaming at high speeds for unlimited distances. The Nimitz class will have twice the capacity of the Forrestal class for aviation fuel and fifty per cent more aircraft ammunition.

At the end of World War II the U.S. Navy was supreme on the seas. The Axis fleets had been destroyed and our allies' navies were severely reduced through wartime attrition and post-war economies. The Soviets had no modern forces capable of sustained operations at sea. Since 1950, the Soviet Union has been embarked on a program which reveals an awareness of the importance of seapower and an unmistakable resolve to become the world's most powerful maritime force. For the first time in history, the Soviet Union is using a deployed naval force in support of foreign policy in areas not contiguous to its borders. Its force in the Mediterranean includes warships armed with surface-to-surface and surface-to-air missiles, amphibious ships with naval infantry embarked, and torpedo and missile-armed submarines. In the event of war with Russia, Soviet submarines would constitute a formidable force threatening our use of the seas. We must continue to develop our anti-submarine warfare to deter any overt aggression by the enemy's enormous underseas fleet.

The area of the world covered by our overseas land bases is constantly shrinking. At the end of the Korean War, we had 531 overseas bases. Today we have less than 170. Operational U.S. air bases overseas have declined in number from 105 in 1957 to 50 in 1970. The recent loss of Wheelus Air Force Base in Libya has eliminated the last of an extensive complex of U.S. air bases in North Africa.

The trend towards an erosion of overseas bases indicates that the attack carrier's role in providing overseas tactical air may now be substantially emphasized. The growing capability of the Soviet fleet is an expanding threat to our continued supremacy at sea. Today the attack carrier force is the margin of difference between the two navies. To preclude obsolescence and to maintain the capability of our seapower require a continuous infusion of new ships. The survival of the free world in a nuclear era does not come cheap. Our Navy's unique technology in operating self-sufficient and self-protecting carrier task forces is the foundation of the free world's seapower.

PRICE OF "FREE" TRADE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. EILBERG. Mr. Speaker, during recent days, no one has felt the pinch of our Nation's inflationary spiral more than the American laborer. With rising prices and the prospect of unemployment ever present, hard working men and women have cried out to the Congress to lessen their plight.

Two such groups seeking our aid are the textile and apparel workers: Two and a half million Americans who live in constant fear of losing their jobs because of the unrestricted flow of imports into the United States from abroad.

Last May, after 14 mouths of intensive discussions during which our Government attempted to establish voluntary limits on rising Japanese textile and apparel imports, the Japanese delegation left for home, refusing to conclude an agreement. This action leaves the Congress no choice but to approve the legislation which has emerged from the Ways and Means Committee designed to limit exports and institute an orderly marketing approach for American products.

In the July 1 edition of Justice, the publication of the International Ladies Garment Workers' Union, an editorial entitled "Price of 'Free' Trade" appeared which deals with this problem. With the unanimous consent of my colleagues, I enter into the RECORD the above-mentioned editorial:

PRICE OF "FREE" TRADE

The collapse of U.S.-Japanese talks last month ends a 14-month effort to establish voluntary limits on rising Japanese textile and apparel imports. Over the past months we have documented in detail the spectacular rise of those imports and their increasing threat to jobs and earnings in this country.

Some two and one-half million Americans—many of them women workers, black workers, minority workers—derive their livelihood from jobs threatened by the flood of imports from Japan and other nations. Although they are not the highest earners in our land, their wages are like mountains compared to earnings of their foreign counterparts.

The unbending, take-it-or-leave-it stance of the Japanese negotiators who came to Washington was a great shock to the Nixon Administration. Indeed, it had opposed import quotas and insisted that voluntary limitation could be negotiated. On May 12, Commerce Secretary Maurice H. Stans expressed optimism before the House Ways and Means Committee.

It couldn't be done. After three days of futility, the Japanese headed for home and Commerce Secretary Stans headed back to the committee to tell Chairman Wilbur Mills and his conferees that all had been in vain and that the need for legislated limitations was urgent.

Champions of "free" trade are victims of a beautiful fiction. It exists nowhere in the world; foreign nations are enmeshed in webs of regulations, controls, tariffs, quotas, voluntary limitions and reciprocal deals which they defend in the name of their national interests.

Not the least of these is Japan herself. Largely through our open trade policy and other help, she has admirably lifted herself from the ashes of war to become the world's third largest industrial power. In seeking import limits we are not denying largess to a struggling, impoverished nation. We are seeking to safeguard an average U.S. rate for apparel workers—union and non-union—of $2.31 an hour against a Japanese rate of 39 cents.

Domestically, we have legislated such safeguards within our own nation, embodying concepts of decency into federal minimum wage and maximum hours prescriptions. Yet, it has been held that just because they exist in Japan—even though the product competes in the U.S.—we should accept work conditions worse than those that flourish in vestigial anti-union areas and against which we battled successfully in 1909.

The facts are that two-thirds of our $1.5 billion trade deficit with Japan is in textiles and apparel; that Japan has not been averse to establishing limitations on wool and man-made fiber textiles and products, such as we have sought, with the European Economic Community, Canada, the United Kingdom and other countries; that her own foreign policy is the most restrictive among the major powers.

The McIntyre bill in the Senate parallels the Mills bill in the House. Both should be approved speedily and without fuss. Both bills provide for sharing the market and establish a basis for subsequent voluntary agreements. It is a shame that in view of the import threat to New York's largest industry, the keystone to the state's economy, neither Senator Jacob Javits nor Senator Charles Goodell have come out for these bills.

"Free" trade does not mean chaotic or viciously competitive trade. Our international goodwill has long been clear through aid and good works throughout the world. It needs no defense. And it is not to be measured by a readiness to underwrite low wages and soaring profits for foreign capitalists—or bargain-hunting American retailers—with the bread and butter of American workers and their families.

BIRTHDAY OF HIS IMPERIAL MAJESTY HAILE SELASSIE I—JULY 23

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. DIGGS. Mr. Speaker, as chairman of the Subcommittee on Africa of the House Foreign Affairs Committee, I would like to take this opportunity to extend our warmest regards and best wishes to His Imperial Majesty Haile Selassie I, Emperor of Ethiopia on this his 79th birthday.

His Imperial Majesty has ruled Ethiopia for over 50 years. During his reign, he has proven to be one of the leading architects of African unity and world peace. He gave of himself unstintingly in an effort to bring an end to the civil conflict in Nigeria. His pioneer efforts led to the establishment of the Organization of African Unity in Addis Ababa.

As Emperor of Ethiopia, he has endeavored to achieve objectives which are common to nations dedicated to peace throughout the world. He has improved health and educational facilities and extended the communication system within Ethiopia. These and other comparable efforts have profoundly affected the economic and social development of his proud and ancient nation.

He has also endeavored to strengthen the bonds of friendship and mutual respect which exist between our two nations, a relationship which dates back to 1903 when the first treaty between our two nations was signed. Thus, I take special pleasure in sending greetings and the best wishes of the American people to this dynamic leader who has proven to be one of Africa's truly great statesmen and a guiding force in mankind's quest for world peace.

CAPTIVE NATIONS WEEK—AS RELEVANT TODAY AS 11 YEARS AGO

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, we recently celebrated the 194th anniversary of our Nation's birth. What were we honoring? Why honor America?

Mr. Speaker, we were attempting to do honor to those most fundamental principles which, over the decades, have made this country great and strong and free. We were honoring the determination of our forefathers, the determination of men and women from the most diverse of racial, religious, and ethnic backgrounds who struggled to build a country based on the principles of equality, justice, and humanity—priceless rights which cannot and should not be denied to any living human being.

Yet, as these words are spoken there are 1.1 billion people in over 25 nations who are being denied these basic human rights. These nations, all under Communist domination, are the captive nations of the world.

In July of 1959, the 86th Congress of the United States adopted the Captive Nations Week resolution, now Public Law 86–90, to dramatize the plight of the many European nations which at that time were helpless pawns of the Soviet Union. The 86th Congress was acutely aware of an expanding Communist threat in the world, but at that time we could not predict that the observance of Captive Nations Week would be as relevant today as at any previous time in its 11-year history.

For years we have watched the Soviet orbit of influence grow to a point where their leaders could publicly state that their ultimate goal was complete world domination. I need not dwell on the ruthless suppression of uprisings in Poland and Hungary in 1956. Only 2 years ago the free peoples of the world watched in horror and indignation as Soviet tanks and troops crushed the brief but gallant surge toward freedom by the people of Czechoslovakia. The condemnation which resounded throughout the free world in 1968 had little effect on the Soviet Union, except to allow them the opportunity of expounding the Brezhnev doctrine of limited sovereignity which they used to justify this breach of the Slovak people's human rights.

As we view the world today, the Communist leaders persist in oppressing these nations and encouraging the repression of their people's God-given human rights. Today the threat of communism shadows not just the people of Europe and Asia. Communist influence is spreading also in South America and Africa. We are constantly reminded of the classic Communist tactics of subversion and infiltration with which they still hope to conquer the entire world. We have been told by many world leaders that communism holds no threat to peace, yet there has been no evident change in the nature of Communist control, of its totalitarian trappings, or of its imperialistic tendencies.

For these reasons, the week of July 12–18 was a week of rededication for all of the free people of the world. We must not only rededicate ourselves to the principle that all people should be free, but we must work to give this purpose active and concrete expression here in Congress. It is not enough for us to say that we recognize the problem and then sit by and let this cancer infect countless others. Now is the time to use the force of world opinion to change the lives of millions of captive people.

It is time that the free nations of the world reexamined the nature of Communist domination in those countries which remain under the heel of Soviet oppressive might. It is time we reexamined the kind of life which is characteristic of a Communist-controlled country. We have seen—but too often we forget—the stark border zones, the minefields, the barbed-wired barricades, the armed guardtowers, and watchdogs, combining to create the impression of a nationwide concentration camp. These realities of Iron Curtain life should remind us that the autocratic rule of Communist leaders continues and that the physical, moral, and spiritual enslavement of these people does nothing more than subordinate basic human values to the requirement of maintaining unrepresentative minority regimes in power.

I urge the President and my fellow colleagues to implement this legislation by bringing these atrocities of human denial to the attention of the entire world. The observance of Captive Nations Week is a moral obligation for all of us who profess our belief in freedom, equality, and equal opportunity. We have made progress in achieving civil rights for minority groups in our own country, but let us not forget that our goal is freedom and self-determination for all mankind. The people of the oppressed nations deserve our every effort, through pressure on the United Nations and through pressure on individual governments, to help them gain their inalienable right of independence.

MAINE'S VACATION CRUISES—A NEW ERA

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. KYROS. Mr. Speaker, a new era is beginning for all of our citizens who would enjoy vacationing in Maine: cruising her coast and visiting her villages. I refer particularly to the boom in coastal cruising, as noted in the July issue of a foremost Maine publication, Down East magazine. More exciting blue water cruises are being planned, as articles in the Maine Sunday Telegram also explain. At this point in the RECORD, I would like to include the articles on Maine cruise vacations from Down East magazine and the Maine Sunday Telegram:

[From Down East magazine, July 1970]

NORTH BY EAST

When the oceangoing ferry, *Prince of Fundy*, sails June 20th on her maiden overnight voyage from Portland, Maine to Yarmouth, Nova Scotia she will be inaugurating a new era in water transportation along the down east coast.

Reservations for 1000 passengers and 175 vehicles aboard the new 393-foot, Swedish-owned vessel were booked weeks in advance of her initial run 200 miles across the Gulf of Maine. Not since the "Boston Boat"—the steamships *Camden* and *Belfast*—stopped sailing from Boston to Bangor in the early 1930s have such luxurious accommodations been offered the maritime traveler to Maine. *Prince of Fundy* has cabin berths for 500, two restaurants, dance orchestras, cocktail lounges, gift shops and a casino.

After Eastern Steamship Lines ceased operations in Maine, it was more than twenty years before another large passenger vessel again plied the coast. Then, in 1956, the Canadian National Railway's ferry, the 346-foot *Bluenose*, with a capacity for 600 passengers and 150 vehicles, began her run from Bar Harbor to Yarmouth. She continues to provide daytime service, although in recent years she has had to turn away customers during the peak summer months.

Bluenose and *Prince of Fundy*, however, will not be the only large motor vessels carrying passengers in Maine waters this summer. The *Mount Vernon* of the American and Canadian Lines is due down east in late August on a "mini-cruise" from Rhode Island. She is the first of such cruise ships that may become a familiar sight on the Maine coast. At the instigation of James V. Day of Brewer and Kennebunk, a member of the Federal Maritime Commission, a research firm in Washington, D.C. is studying the feasibility of other large vacation cruise ships operation in Maine and the Maritimes during the summer as they do in Florida and the Caribbean in the winter months.

All signs indicate that the transportation cycle of steamship to railroad and railroad to automobile may be coming full circle; that once more a journey to Maine by water will be as much a summertime pleasure in this modern day as when a steamer's whistle signaled the early morning arrival of the Boston Boat a generation ago.

[From the Maine Sunday Telegram, Oct. 12, 1969]

MAINE'S BUSINESS—STEEL CRUISE SHIP RUNS LIKELY ALONG COAST IN 1970

(By Frank Sleeper)

Maine is likely to have at least one steel cruise ship making one or two runs along its coast next summer. It will be the 110-foot, 98-ton Mount Hope of the American Canadian Line Inc.

Authority for that statement is Luther Blount, president of Blount Marine Corp., Warren, R.I., and also head of the American Canadian Line, who has moved into the cruise business after years of building craft in his big Warren shipyard. He's also considering the construction of a second similar vessel and, if that's built, the Maine Coast will have more American Canadian Line cruises.

Blount says the vessel will stop at Port-

land, Boothbay Harbor, Rockland, Castine, Camden, Bucks Harbor, Seal Harbor and perhaps go on to Bangor.

Actually, Blount had planned a 12-day island hopping Maine coast cruise for the past summer—but because of procedural problems which no longer exist it never came off.

It appears that the Mount Hope arrival on the Maine coast scene is going to be the first tangible result of a speech by James V. Day, vice chairman of the Federal Maritime Commission, March 28, in Portland, in which he proposed a cruise vessel for the Maine coast. But there may be more results.

Edward Langlois, general manager of the Maine Port Authority, and Robert O. E. Elliot, head of the Department of Economic Development's Vacation-Travel Division, set out to look over the field after Day made his suggestion.

On May 7, the two met with representatives of the Moore-McCormack Line at New York. The feasibility of setting up a passenger cruise service starting in Boston and covering a two-week trip along the Maine coast was discussed. The meeting determined the need for a market survey to estimate traffic for such a venture. That survey would be up to someone other than Moore-McCormack, possibly the state.

Later in May Langlois and George W. Garrett, executive secretary of the Greater Portland Chamber of Commerce, met with representatives of American Export Industries Inc. There was some discussion of choosing the Independence or Constitution, not now in use, for such a cruise. Here again, it appears that a feasibility study would be required.

On June 3, Elliot and Langlois met with members of the Diners-Fugazy Sales Corp. to discuss any interest that firm might have in a cruise service along the coast of Maine. Louis V. Fugazy, president of the firm, was among those attending.

Diners-Fugazy officials asked for as much literature as possible about the Maine coast. And they agreed with the other firms that a market study would have to be made before any "major" financial investment was undertaken. It was felt that a smaller vessel than the large Moore-McCormack Argentina or Brazil should be used. The Meteor, 296 feet long and capable of carrying 160 passengers, was suggested.

The matter was also discussed with John W. Harrington, Washington, of Seven Seas Agency Inc., a research consultant firm. Harrington is a friend of Langlois. He recommended a feasibility study, pointing out some of the questions to be asked in such a study. And Harrington further said that the cruise should probably be available yearround, tying in with winter sports.

Then Blount came forward with something more concrete. Obviously, the Mount Hope would show what the demand is for a Maine cruise ship.

There still might be the need for a feasibility study for larger vessels, though Blount might eliminate the need for that by expanding as the demand warranted.

What has happened is that the efforts by Langlois and Elliott have been sidetracked temporarily for the Blount effort. Those efforts, however, may bear added fruit in the long run. Moore-McCormack, American Export, Diners-Fugazy all know that Maine is interested in the possibility of a cruise along its coast. These companies may also see other possibilities involving Maine.

Much credit must be given to Peter T. McLaughlin, vice president of Casco Bay Lines, Portland, for Blount's getting into the act. McLaughlin was at the meeting at which Day spoke and told him of Blount's Mount Hope. And McLaughlin alerted Blount of the desire for a Maine coastal cruise. Blount has built many of the ferries used by Casco Bay Lines.

The Mount Hope went into operation June 1. It took about a year to design it and another year to build it at a cost of about $400,000. The second vessel will probably cost around $600,000, Blount believes. He has had surveys made which show the Mount Hope has a gross revenue per passenger slightly higher than that for an ocean liner.

Falling under regulations for T boats, craft of under 100, the Mount Hope can also be "The larger the vessel is, the more costly it is per passenger," he explains. "The Mount Hope is a better investment than the larger cruising ocean liner. And some of the larger steamship companies are getting interested in it as a result."

Built into the craft is a ramp which is put down on beaches so that swimmers can go directly on the beach. That's in the bow. In the stern is a swimming ramp. Windows go all around the bow in the lounge so you can sit about anywhere in the lounge and see straight ahead. Both vessels will carry 149 passengers, with the Mount Hope sleeping 42 and the new craft, 30.

The coastal cruise wouldn't be in competition with Maine windjammer cruises, Blount says, as it would offer more comfortable and more expensive accommodations. Twenty couples from this state traveled on the Mount Hope the past summer, he reports.

Langlois and Elliot feel such a cruise ship would open up a new market potential here. Those who are more than 60 seem quite interested and, at the same time so do the swingers. An effort would be made to attract foreigners by flying them, for example, to Bangor International Airport and then driving them to the vessel.

Elliot says that some Germans have shown an interest in acreage in Maine to be set up as a hunting and fishing preserve such as they have in their country.

In a survey some time ago, Dynamics Associates of New York showed that the principal classes taking vacations in Maine were relatively well-off middle-aged persons and those who are over-all sportsmen.

Wait a few years and you may see cruise vessels of one kind or another up and down the Maine coast. Mount Hope could be the start of something big.

[From the Maine Sunday Telegram, Apr. 12, 1970]

MAINE COASTAL CRUISE SET FOR AUGUST 30–SEPTEMBER 11

AUGUSTA.—Americans who nostalgically recall cruising from Boston, Mass. to Bangor on regularly scheduled trips of the Eastern Steamship Lines, will have an opportunity this summer to experience its pleasures all over again.

"You can go back," says Luther Blount, Warren, R.I., shipbuilder and owner of the Mount Hope, a modern, Coast Guard approved steel vessel, "and in greater comfort than you enjoyed in those good old days."

Blount, who has operated inland waterway cruises in Florida, as well as from Rhode Island to New York to Florida, and northern trips from Warren, R.I. to points in Canada's Quebec Province, is adding the Maine cruise to his schedule. The dates are Aug. 30 to Sept. 11, 1970.

"Our course is such that we can put into snug harbors each night and, should a storm hit, we can lie at anchor until it blows over," says Blount.

The tentative schedule calls for the trip to begin the evening of Aug. 30, with a cruise through the Cape Cod Canal, from Warren, R.I. The next day's termination point will be Boothbay Harbor, followed by a leisurely run to Rockland, the self-styled "lobster capital of the world."

The fourth day, with the Mt. Hope at dock, there will be side trips on Maine State ferries from Rockland to islands such as Vinalhaven and North Haven. Then, the cruise ship will continue to nearby Camden. Rockport Harbor will be viewed en route, and the vessel will tie up at Lok Marina that night.

On the fifth day the route will be south of 700-Acre Island, with a view of Gilkie harbor. Belfast and Searsport harbors will be circled and Castine will be the overnight destination. That will be followed by a run through Eggemogin Reach to Bucks Harbor. (Nautically, a "Reach" was a stretch of water where a vessel could be sailed on course, with the wind forward of the beam but not enough to compel tacking.) Overnight will be at either Blue Hill or the lobster fishing village of Stonington.

Bar Harbor will be the seventh day's destination and Seal Harbor, the eighth's. The Jordan Pond House in Acadia National Park on Mt. Desert will be visited.

The ninth day's run will be by way of North Haven, Tenants Harbor, Port Clyde or Bath, whichever is the more favorable. The Mt. Hope will be in Portland the next day and will continue toward the home port the day after. The vessel is due to return to its home port about 10 a.m. Sept. 11.

Additional information on the 12-day voyage is available from: American Canadian Line, Inc., P.O. Box 360, Warren R.I. 02885.

THE LEADER IN THE DEED, A WOMAN

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BRAY. Mr. Speaker, the above title is a quotation from Virgil, the first century B.C. Latin poet, and I believe it is an appropriate opening for the subject about to be discussed.

August 28, 1970, will be the 50th anniversary of proclamation of the 19th amendment to the Constitution, which gave women the right to vote. The suffrage amendment had passed the House of Representatives of the 65th Congress on January 10, 1918, but was defeated in the Senate on October 1, 1918. It was passed again by the House in the 66th Congress on May 20, 1919, and by the Senate on June 4 by exactly the needed two-thirds majority.

Ratification by the States had taken an additional 14 months' campaigning. The 36th State was won only after a long and bitter struggle in the lower house of the Tennessee Legislature which ratified by a majority of one vote on August 18, 1920.

The history of the suffrage movement in the United States is not really a long one (historians usually date it as beginning in 1848, when a woman's rights convention meeting in Seneca Falls, N.Y., produced a far-reaching declaration of principles). But it had bitter opposition; the following definition of "woman," written by the caustic American writer Ambrose Bierce and included in his "Devil's Dictionary," was about the mildest ever cited by opponents of the suffrage movement:

"Woman, n. An animal usually living in the vicinity of Man, and having a rudimentary susceptibility to domestication. It is credited by many of the elder zoologists with a certain vestigial docility acquired in a former

state of seclusion, but naturalists of the post-susananthony period, having no knowledge of the seclusion, deny the virtue and declare that such as creation's dawn beheld, it roareth now. The species is the most widely distributed of all beasts of prey, infesting all habitable parts of the globe, from Greenland's spicy mountains to India's moral strand. The popular name (wolfman) is incorrect for the creature is of the cat kind. The woman is lithe and graceful in its movements, especially the American variety. (Felis pugnans), is omnivorous, and can be taught not to talk."

The actual women suffrage movement really began centuries ago, in a variety of ways. Women moved early in history to assert themselves as being a useful, needed, and worthwhile part of the processes and systems that governed them. Lack of official and legal recognition did not seem to bother them a great deal.

One of the earliest examples I can think of is found in the Bible, in the Book of Judges, the fourth chapter. Sisera, commander of a defeated army, was in flight, and sought by the children of Israel. He hid in the tent of Heber and confronted Heber's wife, Jael; but let verses 20–22 tell the story:

Again he said unto her, Stand in the door of the tent, and it shall be, when any man doth come and enquire of thee, and say, Is there any man here? that thou shalt say, No.

Then Jael, Heber's wife, took a nail of the tent, and took a hammer in her hand, and went softly unto him, and smote the nail into his temples, and fastened it into the ground: for he was fast asleep and weary. So he died.

And, behold, as Barak pursued Sisera, Jael came out to meet him, and said unto him, Come, and I will show thee the man whom thou seekest. And when he came into her tent, behold, Sisera lay dead, and the nail was in his temples. . . .

The fact escapes us and may be hard to believe, but even in ancient Rome there was pressure for women's equal rights with men. For examples of this, and other ages, I turn to quotes from Will Durant's sweeping, monumental "Story of Civilization." From volume III, Caesar and Christ:

. . . Even in government the role of women grew. Cato cried out that "all other men rule over women; but we Romans, who rule all men, are ruled by our women." In 195 B.C. the free women of Rome swept into the Forum and demanded the repeal of the Oppian Law of 215, which had forbidden women to use gold ornaments, vari-colored dresses, or chariots. Cato predicted the ruin of Rome if the law should be repealed. Livy puts into his mouth a speech that every generation has heard:

"If we had, each of us, upheld the rights and authority of the husband in our own households, we should not today have this trouble with our women. As things are now, our liberty of action, which has been annulled by female despotism at home, is crushed and trampled on here in the Forum . . . Call to mind all the regulations respecting women by which our ancestors curbed their license and made them obedient to their husbands; and yet with all those restrictions you can scarcely hold them in. If now you permit them to remove these restraints . . . and to put themselves on an equality with their husbands, do you imagine that you will be able to bear them? From the moment that they become your equals they will be your masters."

The women laughed him down, and stood their ground until the law was repealed. Cato revenged himself as censor by multiplying by ten the taxes on the articles that Oppois had forbidden. But the tide was in flow, and could not be turned. Other laws disadvantageous to women were repealed or modified or ignored. Women won the free administration of their dowries, divorced their husbands or occasionally poisoned them, and doubted the wisdom of bearing children in an age of urban congestion and imperialistic wars. . . .

Back in the 13th Century it was considered quite a step forward in advancement of women when the "Laws and Customs of Beauvais" bade a man beat his wife "only in reason." Volume IV, The Age of Faith has this interesting paragraph:

As usual, despite theology and law, the medieval woman found ways of annulling her disabilities with her charms. The literature of this period is rich in records of women who ruled their men. In several respects woman was the acknowledged superior. Among the nobility she learned something of letters and art and refinement, while her letterless husband labored and fought. She could put on all the graces of an eighteenth-century salonniere, and swoon like a Richardson heroine; at the same time she rivaled man in lusty liberty of action and speech, exchanged risque stories with him, and often took an unabashed initiative in love. In all classes she moved with full freedom, seldom chaperoned; she crowded the fairs and dominated the festivals; she joined in pilgrimages, and took part in the Crusades, not only as a solace but now and then as a soldier dressed in the panoply of war. Timid monks tried to persuade themselves of her inferiority, but knights fought for her favors, and poets professed themselves her slaves. Men talked of her as an obedient servant, and dreamed of her as a goddess. They prayed to Mary, but they would have been satisfied with Eleanor of Aquitaine.

And in Volume V, The Renaissance, we find Durant writing:

The Renaissance woman of the upper classes raised her sex out of medieval bondage and monastic contempt to be almost the equal of man. She conversed on equal terms with him about literature and philosophy; she governed states with wisdom, like Isabella, or with all-too-masculine force, like Caterina Sforza; sometimes, clad in armor, she followed her mate to the battlefield, and bettered the instruction of his violence. She refused to leave the room when rough stories came up; she had a good stomach and could hear realistic language without losing her modesty or her charm. The Italian Renaissance is rich in women who made a high place for themselves by their intelligence or their virtue: Bianca Maria Visconti who, in the absence of her husband Francesco Sforza, governed Milan so capably that he used to say he had more confidence in her than in his whole army, and who at the same time was known for her "piety, compassion, charity, and beauty of person"; or Emilia Pio, whose husband died in her youth, but who so cherished his memory that she was never known, through all her remaining years, to encourage the attention of any man; or Lucrezia Tornabuoni, mother and molder of Lorenzo the Magnificent; or Elisabetta Gonzaga, or Beatrice d'Este, or the maligned and gentle Lucrezia Borgia; or the Caterina Cornara who made Asolo a school for poets, artists, and gentlemen; or Veronica Gambara, the poetess and salonniere of Correggio; or Vittoria Colonna, the untouched goddess of Michelangelo.

"The educated women of the Renaissance emancipated themselves without any propaganda of emancipation, purely by their intelligence, character, and tact, and by the heightened sensitivity of men to their tangible and intangible charms. They influenced their time in every field: in politics by their ability to govern states for their absent husbands; in morals by their combination of freedom, good manners, and piety; in art by developing a matronly beauty which modeled a hundred Madonnas; in literature by opening their homes and their smiles to poets and scholars. There were innumerable satires on women, as in every age; but for every bitter or sarcastic line there were litanies of devotion and praise. The Italian Renaissance, like the French Enlightenment, was bisexual; women moved into every sphere of life; men ceased to be coarse and crude, and were molded to finer manners and speech; and civilization, with all its laxity and violence, took on a grace and refinement such as it had not known in Europe for a thousand years.

The point is this, and one which I wish to hammer down in the balance of my remarks, through some historical examples: There has existed throughout history a real contradiction, in that women have always been the models to represent liberty, victory, peace, wisdom, justice, to name a few. Practically all major world religions, regardless of the sex of the figure at their head, have a very strong matriarchal, feminine figure somewhere in the upper pantheon. And, as the following examples show, there are uncounted occasions when women have stepped into a breach that men would not fill, with varying results. The important thing, though, is that they did step into the gap, and they did act, and they did lead men when no other man would do so. Or, like the American Molly Pitcher, at the Battle of Monmouth, they moved in smaller but still highly significant ways—when her cannoneer husband was killed, she took over his position. There is, in the history of the Napoleonic wars, a similar, but much more tragic, incident. After the Battle of Waterloo, in 1815, as the victorious English and Prussians swept over the field, they discovered the body of a beautiful young girl amidst the dead and the wreckage of a French cavalry charge. No one knew then, and no one knows to this day who she was, or why she was there. She was dressed in full uniform and armor of a French hussar. From where her body was lying, it was obvious that she had charged, with the cavalry, at full gallop. She died in a last futile, suicidal rush when Napoleon sent Milhaud's horsemen against the fire and steel of the British infantry, drawn up in those deadly squares that could not be penetrated. Centuries ago a Vietnamese woman led her countrymen in a struggle that ousted the Chinese from Vietnam.

Commanding thousands, or acting alone—it makes no difference, the spirit was there, the spirit has always been there, the spirit always will be there. The following accounts are of four women who left their mark in world history, who stood with courage no one else—man or woman—could or would match:

BOADICEA OF BRITAIN: RUGGED, EARNEST, TERRIBLE

Rome thought Britain was a subjugated land, but now the cry was for revolt, and messengers flitted swiftly over forest paths, while signal beacons flamed from the hilltops.

Tales of Caesar's hasty invasion and re-

treat of one hundred years before were told and retold in the hills and valleys. Now the hated Imperial Eagles had once again come to Britain but this time they had stayed for twenty years. Two decades of smoldering hatred and resentment suddenly flamed up, and the fire spread.

Prasutagus, last king of the tribe of the Iceni, had died. Before his death, hoping to win favor from the Romans, he had bequeathed his kingdom to the Roman state and designated the Emperor Nero as joint heir, along with his two daughters. This was appeasement, 1st Century A.D. style; let us see what the Roman historian Tacitus had to say about Rome's response:

"But things turned out differently. His kingdom was plundered by centurions, and his private property by slaves, as if they had been captured in war; his widow Boadicea was flogged, and his daughters raped; the chiefs of the Iceni were robbed of their ancestral properties as if the Romans had received the whole country as a gift, and the king's own relatives were reduced to slavery."

Revolt! The infuriated Queen Boadicea shrieked the summons; the Iceni had been at one time the most powerful of all tribes, and hitherto the most submissive. No longer; nearly every Briton within reach rallied to her standards. War chariots, so feared and dreaded by Julius Caesar, clattered along the roads; Druids wailed and chanted deep in the sacred groves.

Tacitus, writing of the event, says that "In the year A.D. 61 a severe disaster was sustained in Britain." No one knew at the beginning that 70,000 Roman lives were about to be snuffed out. As Sir Winston Churchill described it: "There followed an up-rush of hatred from the abyss, which is a measure of the cruelty of the conquest. It was a scream of rage against invincible oppression and the superior culture which seemed to lend it power."

One hundred and fifty thousand Britons, maddened with hate for everything Roman, were on the march. In all Britain, there were at the most twenty thousand Roman soldiers, in four legions. And two of these were a good month distant, with the Roman Governor Suetonius Paulinus, off on an expedition to the island of Mona (Anglesey) far to the West.

The British army bore down on its first target, Camulodunum (Colchester), the center of Roman authority and religion. Omens of victory were good—for the Britons. The statue of Victory fell face forwards, as if fleeing from the enemy. Shrieks and cries were heard in the Roman council chamber. The sea turned red; shapes resembling corpses were left on the seashore by the outgoing tide; at the mouth of the Thames a phantom settlement had been seen. And in Camulodunum, a handful of old soldiers, Roman officials, business men, bankers and usurers, with their British collaborators, waited the onslaught. There was not even protection of a wall; again, Tacitus: ". . . it had no walls. That was a matter which Roman commanders, thinking of amenities rather than needs, had neglected."

The Roman imperial agent, Caius Decianus, sent barely two hundred men, incompletely armed. The defenders did not evacuate non-combatants; they placed their reliance on the protection of the temple but built no ramparts nor trenches. Tacitus: "Their precautions were appropriate to a time of unbroken peace."

After two days' seige, the temple fell by storm and the town was put to the torch. Now the Ninth Legion was close at hand, coming up by forced marches from Lincoln, one hundred and twenty miles away. Howling in triumph and drunk with victory. Boadicea's forces swept with a wild scream into the Roman lines. The infantry was massacred to a man; the commander, Petilius Cerialis, was content to escape with his cavalry and take shelter behind the defences of its camp. Catus Decianus, horrified at what had happened, fled to Gaul.

And, by now, on the Island of Mona, Suetonius had paused from his labors in wiping out this last main Druid stronghold to hear the horrible news from exhausted, trembling messengers. The camp was struck, and Suetonius with the Fourteenth and Twentieth Legions moved out through hostile country—at the most, ten thousand men.

Suetonius reached Londinium (London) with but a small mounted detachment and wondered whether to fight there. (This is the first mention of London in all literature, in Tacitus' account.) The commander of the Second Legion, at Gloucester, had been ordered to join him, but, appalled by the slaughter of the Ninth, had not complied. London was large, but undefended, full of Roman traders, British associates, dependents and slaves. There was but a handful of legionnaires.

The citizens begged for Suetonius' protection, but then the news came that Boadicea had wheeled her army towards Lincoln, after Cerialis. Slogging up the road from Wales behind Suetonius were the main forces of the Fourteenth and Twentieth Legions; he had nothing to face Boadicea's hordes, and there was no choice but to move out and leave London. The despair of the inhabitants was frightful to behold; they knew what Tacitus was to write:

"For the British did not take or sell prisoners, or practise other war-time exchanges. They could not wait to cut throats, hang, burn, and crucify . . ."

To this very day, earth-moving equipment, digging into the soil of London for deeper foundations for higher buildings, come upon traces of the holocaust that descended upon the unhappy city, borne with the fury of Boadicea's army. No one was spared; as at Colchester, the slaughter was universal and the city put to the torch. With the smoke of the burning city at its back, the army next stormed into Verulamium (St. Albans) which suffered the same fate. According to Tacitus, in these three cities upwards of seventy thousand were killed.

But by now Suetonius' two legions had joined him, and they prepared for battle "in a defile, with a wood behind him. * * * On the British side, cavalry and infantry bands seethed over a wide area. Their numbers were unprecedented, and they had confidently brought their wives to see the victory, installing them in carts stationed at the edge of the battlefield. * * *" (Tacitus)

Tacitus has also recorded Boadicea's last appearance, and her last words:

Boadicea drove round all the tribes in a chariot with her daughters in front of her "We British are used to women commanders in war." I am descended from mighty men! But I am not fighting for my kingdom and wealth now. I am fighting as an ordinary person for my lost freedom, my bruised body, and my outraged daughters. Nowadays Roman rapacity does not even spare our bodies. Old people are killed, virgins raped. But the gods will grant us the vengeance we deserve! The Roman division which dared to fight is annihilated. The others cower in their camps, or watch for a chance to escape. They will never face even the din and roar of all our thousands, much less the shock of our onslaught. Consider how many of you are fighting—and why! Then you will win this battle, or perish. That is what I, a woman, plan to do!—let the men live in slavery if they will!

On both sides, it was all or nothing, but Roman discipline and tactical skill won the day. It was no quarter—for anyone—Tacitus says 80,000 Britons were slaughtered. Boadicea herself, still regal in her war chariot, with her daughters beside her, took poison.

Sir Winston Churchill summed up Boadicea and the revolt in these words:

Her monument on the Thames Embankment opposite Big Ben reminds us of the harsh cry of "Liberty or Death" which has echoed down the ages. . . . This is probably the most horrible episode which our Island has known. We see the crude and corrupt beginnings of a higher civilisation blotted out by the ferocious uprising of the native tribes. Still, it is the primary right of men to die and kill for the land they live in, and to punish with exceptional severity all members of their own race who have warmed their hands at the invaders' hearth. . .

THEODORA OF BYZANTIUM: WITH HER DEATH THE DARK AGES BEGAN

Her husband, the Emperor Justinian, was the last of the Roman Emperors, seated on the throne of the Caesars, and has gone down into history as "the Great." But Theodora, his wife and Empress, is known as "the Notorious." There is probably not another more mis-named pair in all recorded history, for it was Theodora's hands that grasped the reins of Empire and State when Justinian's faltered, and let them slip from his grasp. It was Theodora's will that refused to break or bend; it was Theodora's voice that lashed the Imperial Council, where men cringed in fear of the howling mobs in the streets of Constantinople that had already turned a good portion of that great city, the "Second Rome," into smoking ruin. It was Theodora who crushed the rebellion within, that threatened to bring disaster greater than that of the barbarians from without.

It was Justinian's misfortune to have selected, for his two top officials, men of undoubted capacity and brilliance on one side, but of a greedy, grasping venal nature on the other. Tribonian, Quaestor of the Sacred Palace, and John of Cappadocia, Praetorian Prefect of the East: an immensely able jurist and greatest scholar of the day, and skillful administrator and a real statesman, respectively. Under their combined mismanagement the provinces, according to an official document of the times, had become "quite uninhabitable." The country was barren of people; fields lay idle; complaints poured into Constantinople about "the wickedness of the officials." Steady immigration swelled the flow of hapless wretches into the capital, adding to the disorder and discontent already there. From this volatile mess sprang, in January 532 A.D., the bloody and nearly-disastrous (for the Empire and what existed of Roman civilization) "Nika" Riot, so-called for the shout of "Nika!" (Victory!) which the crowd roared out as they raged through the city.

On Sunday, January 11, 532, Justinian proceeded to the great Hippodrome for the usual ceremonies opening the season of the Consular Festivals. Muttering and discontent were rife in the streets. The two opposing political factions, the Greens and the Blues, had reached temporary accord, as there were rumors the throne might soon be vacated.

The ceremonies began, and Justinian was acclaimed Autocrator with the usual formulas, "Many years to Justinian Augustus! May you be victorious!" Then, from the Greens, a cry of oppression, and demands to be delivered from their miseries. This led to an acrid dialogue between Justinian and the leader of the Greens and at its completion, the Greens left the arena.

That evening the smoldering Justinian ordered the Praefect of Constantinople to arrest and make an example of seven persons, drawn from both factions. Four were

beheaded; the other three were hung. But the rope broke in the case of two of the latter; an outcry arose and some monks carried the men to the monastery of St. Laurence, and sanctuary. One was a Blue; the other was a Green; this cemented the two factions even tighter together.

The following Tuesday the ceremonies in the Hippodrome were resumed, but both factions clamored incessantly for release of the prisoners. Justinian did not respond; the crowd's passion rose to white heat; its leaders demanded extreme measures. By that evening the Praetorium of the City Praefect, the Chalke Palace, the principal buildings in the square, the Baths of Zeuxippus, the Senate House and the great church of St. Sophia had been set on fire and were reduced to ruins.

The next four days saw the riot swell to outright civil war. Deposition of Justinian was agreed upon and Constantinople, racked and ravaged by the plundering crowds, began to look like a city sacked by an enemy. A contemporary writer declared that "the Empire seemed on the eve of its downfall." An attempt by Belisarius, Justinian's Commander in Chief, to suppress the uprising with a force of barbarian mercenaries had failed and additional fires had consumed the Octagon, the Church of St. Irene, the Hospital of Sampson (with all its patients), the House of Lamps, and the Palace of Lausus, which was filled with irreplaceable art treasures.

By Saturday Justinian had prepared for flight, and a ship was filled with his most precious possessions. On Sunday he made one last appeal to the crowds packing the Hippodrome, but was screeched back to the Palace. The crowds wildly proclaimed a new Emperor (over the protestations of his wife, who saw disaster; over the objections of a Senator, who counseled patience, and over the new Emperor's own misgivings).

The Imperial Council sat in the Palace; Justinian half-heartedly began the debate. His advisors' opinions were half-hearted and contradictory. Then Theodora arose; her words have come down to us from that day:

"Even at this adverse crisis I think the alternative of flight is out of the question. Though he may be permitted to live in safety as an exile, the master of an empire should not survive the loss of his dignity. As for myself, may I never live to see the day when this purple mantle shall fall from me, and when I will no longer be saluted as Empress. Flee if you wish, Justinian; you have money, the ships await you, the sea is unguarded.

"As for me, I stay! I hold with the old proverb which says that the purple is a good winding-sheet, and the throne is a most glorious sepulchre!"

In an instant the mood of the Council changed, and the throne that had rocked so close to disaster was firm and steady once again. It is not known for certain whether or not Theodora gave the orders that followed, but her hand was now on the helm.

All depended on one bold stroke—all or nothing. The Hippodrome was packed with one hundred thousand rioters. There were less than five thousand loyal troops to send against them, and most of these were barbarian mercenaries under the command of Mundus the Goth. The available troops were divided into two brigades: Byzantines under Belisarius and barbarians (Goths and Herules) under Mundus.

Both generals made their way with some difficulty over the ruins of the city until they came to the Hippodrome. The northern gates were held by the rebels, but, on circling the arena, Belisarius saw the southern gates were undefended. On impulse, he hurled his soldiers forward. There is no eyewitness account of what took place, but it was short range, and Belisarius' archers were experienced. The carnage must have been terrible, as long as there were arrows in the quivers, then it was the flickering steel of swords, and the grim veterans of the Avar and Persian wars hacked their way into the enemy.

Mundus had not been idle. The moment he saw how Belisarius was engaged, he stormed through an opposite opening, known, grimly enough, as the Gate of the Dead. Belisarius' men before them; Mundus and his Goths and Herules, wild and fierce with their helmets and shields dressed with heads and skins of wild beasts, and swinging their terrible curved, razor-edge swords that killed at every blow, behind them; the rebels were cut off from all chance of escape.

It was still one hundred thousand against five thousand, the battle rocked back and forth, and then what had been solid unity among the rebels collapsed. The Blues turned from Belisarius and Mundus and fell with equal fury upon the Greens. When it was over, the city was quiet with the silence of 35,000 dead.

It is true, as historians have written, that a few thousand mercenaries provided the arm to establish absolute despotism in the Byzantine Empire. But looking beyond that, to the end of Justinian's reign, the Empire had almost been doubled, and the Mediterranean was once more a Roman lake. Tribonian produced the Justinian Code of Laws, the Pan dects, the Institutes, and the Novella, known together as Corpus Juris Civilis. They affected legal history then and are felt to this day in the legal systems of the world. And Athemius of Tralles, the architect, raised the crowning climax of all Byzantine art, a new St. Sophia, of such spendor that Justinian, gazing upon it after its completion, could say: "Glory be to God, who has thought me worthy to accomplish so great a work! I have vanquished thee, O Solomon!"

Theodora was a child of the streets who rose to the purple of the Empress, and was true ruler of the Empire for the last sixteen years of her life. It has been written of her that:

". . . she was thus responsible for that last brilliant outflaring which for a few years restored the glory of the Empire of the Romans. Before she breathed her last, she knew herself to be mistress of the western world. And with her death this flame of brilliance flickered out; the Dark Ages began from that hour."

Shadjar-al-Durr: Pearl Spray: She Was Sultana, She Was Queen

Sultan Es-Salih of Egypt was dead. The last of the dynasty founded centuries previously by the great Saladin, he had been out of the country when news arrived that the saint-king of the Christians, Louis IX of France, was preparing to invade Egypt in 1249 A.D. Rushed back to Cairo in a litter, he arrived only in time to die. The Egyptian throne was vacant and already the great French galleasses were bearing south from Cyprus towards the Egyptian coast, the oriflamme of France emblazoned on their billowing sails. Es-Salih's eldest son was hundreds of miles away; it would take months to find him and bring him back, and by then it would be too late. Except. . . .

In Arabic, her name was Shajar-al-Durr, translated as Pearl Spray. From either Armenia or Turkey, no one ever knew for sure, she was one of the two great romantic females of Egypt. But unlike her cousin in spirit, if not in blood, Cleopatra, Pearl Spray's life was even stranger, wilder and more tragic. Her first master, the Caliph Mustasim of Baghdad, had been last of a line which had endured for 524 years. Her second, Es-Salih, was last of Saladin's dynasty. But Pearl Spray was to be the first of the dynasty of the Mamelukes, a word meaning "owned," and applied to white, not Negro, slaves. This dynasty was to endure right up into the 20th Century.

She began her role in high circles at the court of Caliph Mustasim at Baghdad and soon, in the manner of the day, passed into Es-Salih's harem, in Cairo. Here she bore him a son, and this automatically made her a free woman, under Moslem custom. She never bore an official title, but she was Es-Salih's favorite, and as courtiers and slaves howled their grief around his catafalque, this remarkable woman was already planning ahead.

The Prophet Mohammed had declared it was a curse for a woman to rule a country, but once the Egyptian people knew they were without a ruler, the country would fall to Louis like a ripe peach.

Louis landed, off Damietta, almost unopposed. The Egyptian commander, the Amir Fakhr ad Din, had decided to withdraw towards Cairo. The officers of Damietta's garrison, disturbed by the retreat, followed him, after burning the arsenal, and Louis took Damietta without firing one arrow or drawing one sword. To Louis, this was a sign of divine favor, as Damietta had withstood his siege for a full year on a previous crusade. The Saint-King's victory was not without its flaws, however; his nobles began looting, and Louis complained bitterly to the Sieur de Joinville that "You could not throw a stone from my house without striking a brothel kept by my attendants."

Already, in Louis' camp, rumors of Es-Salih's death had reached them. So the army of France moved up the Nile, where the Moslems awaited them at the fortified camp of Mansura.

This was not to be another Damietta. Professional Moslem soldiers were superior in the art of warfare; there was the river itself to be crossed, and there was something new: Greek fire. Hurled amongst the French by great war engines, it wrought havoc in Louis' lines. De Joinville wrote of it:

"The Greek fire was like a great keg with a tail as long as a spear. The noise it made was like thunder, and it resembled a dragon of fire flying through the air. At night it gave so great a light that we could see objects in our camp as clearly as in the day."

Frontal assault by the French was bloodily repulsed. It seemed that the paladins of French and English chivalry were at a standstill, but then they found an Arab, who told of a ford below Mansura that would let mounted men cross the river. The great war horses moved out in a column.

Meanwhile, in Cairo, the street mobs were growing restless. They knew of the fall of Damietta, and the fact that fifty-seven of the garrison's officers had been strangled for deserting their post did not placate them. "Where is the Sultan?" they asked each other. "The King of the Franks is almost upon us."

The country must be ruled until the son arrived; so the ex-slave girl sat on the throne and if not in name was queen in fact. The lords of the Mamelukes came into her presence for direct orders; Ai Beg the Kurd, and Baibars the Panther, his one eye twitching, stood ready to receive her commands. When the faint-hearted protested the deception could not go on, she raged at them until they were either heartened by her show of courage, or terrified by her anger. Not since the day of the Prophet, when the wife of Mohammed had shared power, had a woman ruled over Moslems. But Pearl Spray ruled and Louis IX of France never dreamed he was making war on a girl.

Did the Mamelukes need food? She collected taxes and secretly sold jewels, to buy grain for them. What of Ai Beg and Baibars, these two unscrupulous rascals? She promised Ai Beg she would marry him—and never told Baibars. She played high and dangerous stakes, for the country and for herself. If her troops held firm, she might well become Queen of Egypt in name as well as in fact. But if the French broke through, she would be cast aside, like a harem girl who has lost her charm.

Louis' Arab had been right; there was a ford, and early in the morning of February

8, 1250, the King's brother, Robert of Artois, splashed across with his division, consisting of the Templars, the French and the English under William Longsword, Earl of Salisbury.

"Hold the causeway," Louis had ordered Robert, "and no farther." Fourteen hundred French and English were on the opposite bank, and the Moslem guard had fled. "Forward!" roared Robert. De Sonnac, Master of the Templars, grasped at his rein. "My lord bethink thee of the king's command. We must hold to our ranks."

"Abide where thou wilt," snarled Robert. "I shall not hold back."

Longsword spurred up. "My lord, the host of the enemy lies yonder. If we ride on, I warrant we shall not return."

Robert spun in his saddle. "Your crop-tailed English are valiant laggards!" he taunted.

Longsword flared. "No man may say that I dare not set my foot where he will go." He whirled and called to the English; at the same time De Sonnac gave the order to the Templars. With Robert of Artois and the French knights in the van, the heavy cavalry thundered down on the Moslem tents and the streets of Mansura.

For an hour, nothing stood before them. The mamelukes swarmed out of their barracks and were cut down as they tried to form. Fakhr-ad-Din himself dashed from a bath house, out of a barber's chair, where he had been having his beard dyed. Almost naked, he vaulted onto a horse—just as a swarm of knights swept down on him and hacked him to bits. A carrier pigeon was caught at the Nasr Gate, in Cairo, and the message was carried to the palace doors: "Woe to the Faith! The Franks have crossed the river. Fakhr-ad-Din is slain and the standards of the enemy are in the camp of the Faithful!"

It wasn't over yet. The mailed chivalry of Europe stormed into Mansura's narrow alleys, where the streets ended in blind walls, or tiny courtyards, swarming with hosts of Moslems. Crossbows snapped and whistled from rooftops; javelins hissed through the air; rocks and jars split shields and crushed helmets; arrows cut down horses. The crusaders were rapidly split up into small groups, fighting in an unknown town against a raging, ferocious enemy that knew every inch and corner of the battleground.

William Longsword was slain with his men. The Templars stood their ground and did not move an inch; three hundred of them perished with almost all the mounted archers. The Count of Poitiers led his horsemen into a running, slashing battle on a plain outside the town.

Down from Cairo like a thunderbolt crashed Baibars the Panther, one eye alight with the gleam of battle, leading his crack Mamelukes, known as the White Slaves of the River. His counter-attack sliced to pieces the French knights on the Cairo road, and pressed on into Mansura to lend a hand to the butchery there. Robert of Artois was slain; thanks to his rashness, half of the French cavalry was down, killed, missing or wounded. Louis' army had lost its power of attack, and once again carrier pigeons whirred for Cairo. But this time it was with tidings of victory.

The evening before, Turan Shah, eldest son of Es-Salih, had arrived at Mansura, after a long, hard ride from the other side of Syria. He had almost been taken captive at one point (the crusaders did not know he was there) but now, with Mansura won, Turan Shah took command.

Described as more cruel than the Mamelukes and already a prey to many vices at age 25, he was practically a stranger, yet his orders were obeyed without question. He prepared to move against Louis, who dug in and barely held his position.

There were six weeks of sheer horror left for Louis. His lines of communications were cut, and one truly hideous event delivered the final blow. It was Lent, and the Christians were catching Nile fish for their main staple of diet. The Nile was full of corpses; the fish had fattened on these; the crusaders fell ill in a mass.

The attempted break-through on the night of April 5–6, 1250, saw loss of the entire Christian force, either through being killed or taken captive. It was one of the cruelest defeats ever inflicted in all of North Africa. The natives claimed for centuries afterward that the earth was permanently stained crimson. Louis himself was captured and carried away as a prisoner, chained in the house of one Ibn-Lochman under guard of a eunuch.

Pearl Spray had "resigned" when Turan Shah had appeared at Mansura. But the young man's good sense and judgment, if, indeed, he ever had any, deserted him. In the words of the Egyptian historian Makrisi:

"The sultan had confidence only in a few favorities, to whom he gave the chief offices of the state, displacing the old ministers of the late sultan his father. Above all, he showed dislike for the mamelukes, although they had gained the last victory for him. His debaucheries wasted the revenues, and he forced the sultana Shadjar-ad-Durr to render him an account of the riches of his father. The sultana implored the protection of the mamelukes. These slaves, already angered at Turan Shah, did not hesitate to take her part, and resolved to assassinate the prince."

One month after the battle, at a banquet held on the battlefield itself, it was done. The banquet was over, Turan Shah rose and started for his own chambers, when his swordbearer hacked down at his hand, splitting it between the fingers.

"You have attacked me!" he cried in alarm.

"Indeed," was the grim response. "Now you will surely slay us, so it is better that you die!"

Turan Shah fled to a watch tower. His pursuers cast Greek fire into it, and as he fled again from the blazing structure, cut him down and flung his body into the Nile. One of them tore his heart from his body and brought it before the captive King Louis, saying "What wilt thou give me, who have slain thine enemy, who—if he had lived—would have put thee to death?" Louis did not answer.

This time Pearl Spray took over openly. A coin has survived, minted during her reign, with the inscription: "The former slave of the Caliph Mustasim and afterward of Salih, now Queen of the Moslems." She set about to deal with the vanquished enemy at once, in practical and humane fashion.

She collected ransom money for Louis (which was paid by Louis' queen; it is barely possible the two queens met, although this cannot be proven). What remained of Louis and his troops was sent out of Egypt at Pearl Spray's orders, and she began a reign of seven years.

At first she ruled alone, but Mohammed had written that according to tradition "no nation would ever prosper which put its affairs in a woman's hands." Caliph Mustasim of Baghdad was stunned to hear his former slave was now Queen of Egypt. "Had they no men?" was his sneering message to the Egyptian court. And there was still strong opposition from supporters of Saladin's dynasty to Pearl Spray and her supporters, the White Slaves of the River, the Mamelukes.

Ever the politician, Pearl Spray shared her throne with not just one but two male associates. One was Ai Beg; she made good on her promise to marry him. The other was a six-year-old lad of Saladin's line. But of the three, Pearl Spray was the real power.

The boy was kept for two years, then pushed aside, having served his purpose. Next, trouble began between Pearl Spray and Ai Beg. Ai Beg, as one writer put it, "both for pleasure and policy," decided to take for an extra wife a Near Eastern princess of high rank. The temper of the slave-girl who became queen was fiery as ever; Pearl Spray murdered Ai Beg in his bathtub.

Her base of support had always been the Mamelukes, but at this, they were horrified, and abandoned her. Her end came quickly. A gang of slave women fell upon her, battered her to death with their wooden clogs, and cast her body into the citadel ditch.

Her career touched all three continents of the known world: Europe, Asia and Africa. By sheer strength of will, she held together the shaky Egyptian court until it could rally and beat off Louis' attacks. It was her fate to share the intimate hours of the last of two dynasties: that in Baghdad, and that of Saladin, in Cairo; and to bring about the deaths of two more rulers: Turan Shah and Ai Beg.

There is today, still, in Cairo, a small mausoleum which bears her name. Within it is all that remains of the body of Shadjar-al-Durr, Pearl Spray, Armenian or Turkish slave who sat on a throne and whose strength and courage shattered the best of Christian chivalry. I am told that if you go to the market squares of Cairo, and ask of her, from the old men sitting in the sun, they will smile, and nod.

"Ay, verily, she ruled long ago. May Allah give her peace and rest, for, although she was but a woman, verily, she was Sultana, she was Queen!"

Mary Dyer: Faithful to Death

The Puritans were appalled at the arrival of Ann Austin and Mary Fischer, the first Quaker missionaries in Boston, Massachusetts, in July, 1656. To the Puritan, the Quaker expounded the rankest of heresies: God spoke directly to the man who waited quietly and expectantly for His word. As a result of the Puritan reaction to the Society of Friends' missionary activity the General Court of Massachusetts enacted anti-Quaker legislation on October 14, 1656. This legislation provided penalties of whipping, imprisonment and expulsion to members of the Society of Friends who dared to enter the jurisdiction of the Commonwealth; a fine of one hundred pounds levied against ship captains who brought Quakers to the colony; and fines of forty shillings for a first offense, four pounds for a second, and banishment as a third offense against those residents of Massachusetts who defended Quaker opinions.

Mary Dyer did not go to Massachusetts as a missionary nor did she know of the passage of the repressive legislation. She was merely passing through Massachusetts Bay Colony when she and Ann Burden were arrested and imprisoned by the authority of that statute. Ann Burden was in the Bay Colony to settle the estate of her deceased husband who had been a citizen of Boston.

The women escaped the prescribed whippings. However, Ann Burden's goods were confiscated and shipped to Barbados for sale and she was forced to return to England on the ship by which she had arrived. Mary Dyer was held in prison until her husband came from Rhode Island and promised to prevent her from speaking to anyone until they were beyond the Massachusetts boundary.

Almost twenty years earlier the Dyers and several others had been banished from Boston because they were not in harmony with the Massachusetts theology. In 1638, Mary Dyer took Anne Hutchinson's hand and walked out of the meetinghouse with her after Anne heard her sentence of banishment for her defiance of ministerial authority. They moved to Newport, Rhode Island.

William Dyer held several official positions there and became Attorney-General of the

colony in 1649. In 1651, the Dyers went to England where Mary remained after William returned to Rhode Island. There she joined the Society of Friends and became a recognized minister. It was during her return to Rhode Island in 1657 that she was jailed for violating the anti-Quaker statute.

Other Quakers began making visits to Massachusetts Bay and Plymouth Colonies. In the summer of 1657 eleven Quakers crossed the Atlantic in the ship WOODHOUSE. The Friends made repeated trips into the northern colonies, holding meetings and gaining adherents while operating from Rhode Island. In Salem, regular Quaker worship began to be held in the homes of members even though the local magistrates levied fines on the attenders.

Due to the failure of fines and punishments to stamp out the Friends' activity, the General Court passed a more stringent law in October, 1657. It provided that returning Quakers were to suffer for succeeding visits with the loss of one ear, then the other, and finally to have the tongue bored. Women were to be whipped rather than lose their ears. However, for the third offense they would receive the same treatment as that prescribed for the men. Those citizens giving lodging to a Friend were to be fined at the rate of forty shillings per hour of the lodging period. In May, 1658, another law was enacted which levied a ten shilling fine for the admission by any resident of Quaker ways, by either speaking, writing, or attending meetings.

In the following months, three Friends had their right ears cut off and one Friend was given one hundred seventeen blows on his bare back with a tarred rope. Rising public indignation compelled the town authorities to have a physician try to save the Quaker's life. Within a week all the Friends were released from prison.

This action led the clergy of the colony to demand the passage of a law which prescribed hanging for Quakers who returned after being banished. This extreme measure divided the General Court but it did pass 13-12 due to the failure to summon one of the members, who was ill at home, even though he had requested to be sent for if a vote was to be taken. He opposed the legislation on the grounds that a death sentence without a jury trial was against the law of England. An amendment for a trial by jury was added to allay these feelings. This was a mockery of English law since the only question the jury would have to consider was if the defendant was a Quaker—a point the defendants readily confirmed.

After prayerful consideration of the anti-Quaker laws of Massachusetts, four Friends felt an inner command to go to the Bay Colony. Marmaduke Stephenson, William Robinson, Patience Scott and Mary Dyer walked from Rhode Island to Massachusetts where they were apprehended and brought before the Court of Assistants on September 12, 1659. The Court would not recognize the contentions of the accused who claimed the right as peaceable and loyal subjects of England to travel throughout her dominions. The Friends were banished and warned they would be hanged if they returned. The men remained in the Massachusetts area but Patience Scott and Mary Dyer returned to Rhode Island.

On October 8, 1659, Mary Dyer was imprisoned upon her return to Boston. On October 13, Robinson and Stephenson were apprehended. Mary Dyer, Robinson and Stephenson were taken before the Court on October 19. They were asked why they had gone to Massachusetts to which they replied, "In obedience to the call of the Lord." They were sent back to jail and brought before the Court the next day and sentenced by Governor Endicott: "Hearken, you shall be led back to the place from whence you came and from thence to the place of execution, to be hanged on the gallows till you are dead."

Mary Dyer said, "The will of the Lord be done."

"Take her away, Marshal," said the Governor.

"Yea, joyfully shall I go," she replied.

October 27 was set for the execution. The community was stirred by the death sentence. A large crowd gathered for the execution, so large that a bridge broke under the weight of the crowd of spectators returning home.

The prisoners marched from the jail to the gallows accompanied by two hundred armed men, many horsemen, and beating drums to prevent the condemned from speaking to the populace. The three Quakers walked hand in hand, Mary Dyer between them.

"Are you not ashamed to walk thus between two young men?" Marshal Edward Nicholson asked.

"No," she replied. "It is an honor of the greatest joy I can enjoy in this world. No eye can see, no ear can hear, no tongue can speak, no heart can understand the sweet incomes and refreshings of the Spirit of the Lord which now I enjoy."

After the noose was fitted to their necks, one at a time William Robinson and Marmaduke Stephenson climbed the ladder of the "great tree" on Boston Common and the ladder was pulled away.

When Mary Dyer climbed the ladder, her arms and legs bound and her face covered with a handkerchief, she was told of her reprieve. Pleas from the governors of Connecticut, Acadia and Nova Scotia to not hang the Quakers and the plea of Mary Dyer's son for his mother's life had been received by the General Court. On October 18, the day before the execution sentence was pronounced, the Court had ordered: "The said Mary Dyer shall have liberty for forty-eight hours to depart out of the Jurisdiction, after which time, being found therein, she is to be forthwith executed. And it is further ordered that she shall be carried to the place of execution and there stand upon the Gallows with a rope about her neck until the Rest be executed, and then to return to the prison and remain as aforesaid."

She protested she should not live if the wicked laws were not annulled. She appealed again to the magistrates and churchmen but the issue was not resolved. Mary left for Rhode Island the next day "finding nothing from the Lord to the contrary . . . I came at his Command, and go at his Command."

Mary spent the winter on Long Island Sound but in the middle of May she left for Massachusetts, arriving in Boston on May 21, 1660. The law of banishment and the punishment of death for returning was still in force. She was taken before Governor Endicott on May 30 and he again passed the sentence of death on her. "But now it is to be executed. Therefore, prepare yourself tomorrow morning at nine o'clock."

She answered him: "I came in obedience to the will of God at your last General Court, desiring you to repeal your unrighteous laws of banishment on the pain of death; and that same is my word now, and earnest request, although I told you that if you refused to repeal them, the Lord would send others of His servants to witness against them."

On the gallows Mary Dyer was given a chance to save herself if she would promise to leave Massachusetts and never return. "Nay, I cannot. In obedience to the will of the Lord God I came and in His will I abide faithful to death," she replied. Firm in the conviction of her faith and in her mission to Massachusetts, Mary Dyer was hanged on May 31, 1660.

SPACE AND HUMAN VALUES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Dale D. Myers, Associate Administrator of Manned Space Flight, NASA, made a most penetrating commentary on the value of our national space program in a recent commencement address at Whitworth College, Spokane, Wash., on May 24, 1970. Dr. Myers discusses our national space effort as part of our society and its effects on all people of the United States and the world at large. Because of the significance of these comments, I am including them in the RECORD for the benefit of my colleagues and the general public. The address follows:

SPACE AND HUMAN VALUES

(By Dale Myers)

INTRODUCTION

Dr. Lindaman, members of the faculty, and students of the graduating class of 1970. It is a great privilege to be allowed to share in this eventful day for Whitworth College and for my good friend Dr. Lindaman. Commencement is an exhilarating experience and as I well remember at the University of Washington where I graduated—a great relief! And also a time of fond farewell, to friends who last as "best" friends for the rest of your life. And finally, a time to look forward and to project your own future, the future of your nation, the future of Earth, and now (although barely) the future of the universe. I don't plan to give to you the inspirational message which your distinguished President can give so much more competently than I can with respect to the philosophical aspects of space as it affects your life, but I would like to relate to you some of the parallels in circumstances of today's graduating class, and of your alma mater, and the Space Program of the United States, of which I am a part.

With today's commencement, you have accomplished a set of objectives and reached important goals, all of which will be abruptly replaced by a new set of objectives and new goals which now lie before you. Whitworth College shares in your achievement, and yet already it must anticipate the beginning of another undergraduate cycle, and look to its ever-increasing responsibilities to its students and the academic community.

The space program is much the same. The National Aeronuatics and Space Administration accomplished the national objectives set nearly a decade before when men from planet Earth, two U.S. astronauts, Neil Armstrong and Edwin Aldrin alighted on the magnificently desolate surface of the moon last July. In a sense, that landing on the moon was the graduation ceremony of the space program. Your diploma today attests to your readiness to proceed with your efforts to advance the objectives of society. The diploma conferred upon the space program by the President of the United States is now on the lunar module left on the moon and says "We came in peace for all Mankind." It recognized that this nation was ready to undertake more advanced objectives in space for the benefit of mankind.

Many of you in your newly won degree status will be joining with others in the field of education, in church-related pursuits, in government and business, as part of a team to help carry out one of various human endeavors. The space program is also

a team effort by groups of individuals doing myriad tasks. Today, more than 140,000 persons in industry, government, and the academic community (many in the State of Washington) are on the space team that numbered more than 400,000 at the peak of the Apollo Program effort in 1966.

As your academic career has been a major and highly visible undertaking in the eyes of your family and the faculty of Whitworth College, so has been the development of capabilities for the exploration of space a major and highly visible undertaking in the eyes of the nation and the world. And perhaps as a parallel to your own experience as students, the results of the space program have been measured on a scale that seems to proclaim a passing grade is not always good enough. I am sure you gladly accepted the academic challenge, as the space agency welcomed the research and development challenged of opening space to the people of earth.

While the United States, through its space program, has literally been learning how to operate in space, as even the latest moon flight demonstrated, there has been no moratorium on *results* as this nation developed and tested its spacefiring machinery and skills.

SPACE VALUES AND WORLD CHANGE

It is surely the hope of each of you that you will help to shape your community, your state and nation, and even your world. It is my belief that so long as you hold this objective, you cannot but succeed, because the impact of your efforts will be felt. In my judgment, the nation's space program also will succeed in the future as it has in the past, not only because we have carried out manned flights that took us to the moon, and unmanned flights to the vicinity of Mars, but because our space efforts are exerting a profound change upon this nation and the world in many wonderful ways.

Much has been made of the U.S. missions which have sent highly trained men soaring through the weightless void of space to accomplish specific space flight tasks. These missions have been reported on a world-wide scale as no other single events in modern history. From my responsibilities in the aerospace industry and in the manned space program, I am aware that the overall impact of developing the capability to carry out such missions has served to benefit mankind immensely. The public, however, has, in perfectly human fashion, been drawn to and has applauded these spectacular space feats, while less glamorous scientific and technological accomplishments generated by space flight have been quietly accepted or overlooked entirely.

The average citizen is acutely aware of the dramatic achievements of the space program. However, he has not grasped the significance of the overwhelming benefits and values derived from this great undertaking. I am reminded of a statement attributed to Dr. Edward Teller as he compared the potential practical value of space exploration to the voyage of Columbus. He said, "When Columbus took off, the purpose of the exercise was to improve trade relations with China. Now that problem has not been solved to this very day, but just look at the by-products."

The truth is that civilization has been changed by the phenomenon of space flight, both socially and scientifically, both academically and esthetically. The changes are evident in our teaching as well as our technology. Because the impact of space pervades all human endeavor, it will be worthwhile for us to reflect on some of the changes that have occurred because of our national space effort.

SOCIAL CHANGE

It is impossible to gauge the full extent of the human values of new horizons and of new hope for a better world that have resulted from the space program. You are perhaps familiar with the frequent observation that our flights to the moon have demonstrated that men and women of competence and good will can work together within our institutions to achieve almost impossible goals. I am aware of the vast differences and varying degrees of difficulty in achieving various goals of society. In my view, the problem of getting to the moon was easier to solve than many others that are still with us. Yet the space program did marshal some old-fashioned human responses and some tremendously effective management systems to reach its goal of the 1960's, and these inspiring achievements are a valid spur to the National will in other segments of this country's endeavor. Certainly the space effort has provided methods and encouragement to tackle the tremendous social problems around us.

In addition to raising the horizons of man's aspirations, the space program also clarified man's relationship to the universe and to his fellow man. Flying out a quarter of a million miles into space, man for the first time in his history has been able to see himself and his planet in true perspective. Now, through the Apollo flights, mankind perceives the earth as one entity rather than many, many political subdivisions. At the same time, man sees the earth as one small but precious blue gem in the cosmos rather than the center of the universe.

In 400 B.C. Socrates said, "We who inhabit the earth dwell like frogs at the bottom of a pool. Only if man could rise above the summit of the air could he behold the true earth, the world in which we live." Archimedes more than 2,000 years ago had wished "to stand poised in space" that he might view the earth. Yet in the twentieth century Einstein also imagined "an observer freely poised in space." Now, after these millennia, man has reached a vantage point in space from which to view his mother earth. I am convinced that our vantage point in space, the viewing of our "blue gem" in the Cosmos, triggered our sudden responsiveness to the cry for pollution control.

Your distinguished President has observed in his writings that man's ability to see himself and his blue planet will impact every discipline one could name, and will find its way into the thinking of every man concerned with designing the future. He has also noted that a deep moral perspective is needed today to assure that this country's endeavors in space are useful to humanity and not merely technological spectacles. I believe those among you who are becoming teachers must be farther ahead in sensibility and awareness than the industrialist or the engineer, to point out the true significance of our new perspective to the youngsters growing up in the era of space exploration applications.

Space flight, of course, had an immediate impact on education with the launching of the first earth satellite in 1957, the Soviet Sputnik. This first space exploit led to a national reassessment that provided a new impetus to learning for the educators and students of this country—an impetus which pervaded all levels from the earliest grades to the graduate school. Your class from early grade school on, received that impetus. The impact of space has also exerted a moral force, a striving for excellence in the quest of knowledge, that has helped to reshape the entire educational process.

While the U.S. space program has changed the outlook of our citizens, the openness of this country in exploring space also has had its influence upon the peoples of the world. I believe that Apollo 11 brought the people of the world together as never before in history, sharing the oneness of mankind and a pride in the achievement of the crew as members of the human race.

More recently, international unity and concern were generated by the difficulties encountered during the flight of the Apollo 13 spacecraft modules Aquarius and Odyssey on the way to the moon. Indeed, the flight of Apollo 13 was a true odyessy, which Webster defines as "an adventurous journey marked by changes of fortune." The changing fortunes of Apollo 13 rallied the peoples of the world to pray for the crew's safe return, and prompted many nations of different political ideologies, including the Soviet Union, to offer their assistance in recovery operations.

TECHNOLOGICAL CHANGE

The technology which allows our astronauts to venture 250,000 miles from earth was all but taken for granted by the time we flew Apollo 13. Actually great technological advances were needed to develop the aerospace equipment which can carry man reliably around the earth, and outward into new regions of the solar system. The new systems have to perform under conditions once deemed prohibitive, thus casting space in the role of a forcing function for innovation. The space program is actually serving as a cutting edge of technology today, and the space developments of the 1970's will extend this function into the future. In addition to the visible space vehicle systems, are advances in the form of new materials, new processes and techniques, and the advances in computers, communications, and data handling.

The impact of new space requirements on the computer industry provides an excellent example of space stimulated progress. The exploration of space demands is very large computer systems of great complexity, size and speed, plus new flexibility in the use of computers. Such uses include automated checkout for space hardware, real-time monitoring of space missions, aircraft and spacecraft simulator controls, computing planetary trajectories, and modeling global weather patterns. During Apollo missions, on a real-time basis, computers calculate the trajectory to the moon and back, compare three separate solutions for the lunar descent, record and analyze thousands of bits of telemetered spacecraft information, compare these to predicted values to detect trouble, and at the same time monitor the well-being of the crew. To illustrate how the space program's computer needs have grown, the Mercury computer program contained forty thousand "computer words" while the Apollo computer program needs one and a half million, 37 times more than Mercury. The computer industry has met this challenge.

The economic impact of space should not be overlooked, either. Using the computer example again, the U.S. computer industry does about $8 billion worth of business a year and U.S. computer exports have increased 1,400 percent in the first decade of the space age. Industry spokesmen credit the stimulus of space program requirements and space agency support of technological advances for this record. So not only did the space agency get full value from the computers it paid for, but the entire nation is benefiting from the economic and technological contributions of this industry.

The examples of technological progress made through the space program are seemingly endless, in electronics, in materials, and hundreds of other areas. Let me cite just a couple in connection with the automotive industry, perhaps more closely related to our daily lives.

In order to meet the new Clean Air Act, the Chrysler Corporation reworked its automobile ignition systems, designing distributors to operate within much closer limits. To assist in this they called in their own people who had developed the automated checkout and launch sequence equipment for the Saturn rocket that launches the Apollo spacecraft on its journey to the moon.

Today, at the Chrysler Indianapolis plant, every distributor is dynamically tested for final acceptance, on computer-controlled equipment derived directly from the Apollo program checkout equipment.

Another example is an automotive safety device which originated in the shock absorber that is used today on the couches in the Apollo spacecraft. The device is rugged, cheap, resettable, and reuseable. The Bureau of Public Roads has tested it in connection with highway guard rails and found that it cuts down a 60 mile-per-hour impact to the equivalent of a 5 mile-per-hour. Ford Motor Company is now working to incorporate this Apollo device into its automobile bumpers, perhaps on its 1972 models. Allstate Insurance Company already has announced collision premium reductions of 20 percent for cars so equipped.

MEDICAL CHANGE

Turning from aerospace technology to medicine, the biomedical field offers another example of how the nation's space program has impelled change which benefits every citizen. The relatively few manned flights already made have produced enough knowledge to create entirely new concepts of medical procedures and equipment.

Whether the astronauts are flying 200 miles above the earth or a quarter of a million miles out in space, the space agency needs to know how fast their hearts are beating, how much oxygen they are using, how their muscles are reacting to the stresses imposed by their tasks in a weightless environment. In every manned flight, information from a biosensor attached to the body of the astronaut is relayed to a computer, to data screening equipment, and through the space program communications network to the medical team at the Manned Spacecraft Center in Houston. You can be sure that during the first steps on the moon, the Apollo 11 astronauts received considerable attention.

The motive of the space agency in developing the monitoring system was to preserve the lives of the astronauts, but countless other lives are being saved as a result. A recent adaptation of this system is being used in many cities to increase the efficiency of hospitals. Radio-equipped ambulances transporting a heart attack victim use biosensors with spray-on electrodes to transmit an electrocardiogram to the emergency staff so that when the patient arrives both staff and equipment stand ready to administer the indicated treatment. At the hospital, the space-developed electronic sensors for monitoring astronauts now have been adapted to continuously measure the pulse and respiration rates, temperature and blood pressure of up to 64 patients and provide continuous display of the information at a central control station. This single development gives promise of revolutionizing hospitals throughout the world. The same sensors, incidentally, can be used to monitor a patient after he has returned home by communicating an electrocardiogram to his doctor by telephone.

Partially paralyzed patients or paraplegics can now operate a motor-driven wheel chair, turn the pages of a book, change a TV station or call for help—all with a switch which can be operated by eye movement. This switch operates on the principle of infrared reflection from the eyeball which was developed for use by the astronauts when high gravity forces might limit arm and leg movement.

GROWTH OF SCIENTIFIC KNOWLEDGE

Space related science is, of course, not confined to the laboratory. The growth of scientific knowledge afforded by our various space missions is, in fact, one of the primary values being returned by our national efforts in space. And it is very heartening to see our young people taking such an avid interest in this knowledge and in the scientific concepts we use to gather it. I am reminded of Christmas Day 1968 when the Apollo 8 spacecraft was zooming back toward earth faithfully obeying the laws of gravity and action/reaction after its historic moon-orbiting feat. Astronaut William Anders was relaying information back to earth when a ground controller mentioned that his young son had asked him who was "driving" the spacecraft. After a brief pause, Anders replied, "I think Isaac Newton is doing most of the driving now".

Moon and planets

The discoveries from Apollo 11 and 12 have taught us more about the moon than we had previously learned in our entire history. We learned more about Mars from the pictures sent back by the automated Mariner spacecraft last summer than we had previously learned since the invention of the telescope. We might ask if in the process we have subjugated romance to science—the "mysterious moon", the "canals" of Mars. Yes, but we have opened the mysteries of the universe. This newly acquired knowledge of the moon and other planets is helping us to understand more clearly both our own planet and the universe. The moon, in particular, has long been thought to have great potential for interpreting the history of the solar system. Since the surface of the moon has been spared most of the processes of change that occur on earth such as erosion, folding, and cracking, the record of its long history since the formation of the solar system some 4.5 billion years ago apparently has been preserved.

Astronomy

Space astronomy is giving astronomers powerful new tools for investigating challenging questions. Huge radio galaxies, quasars, pulsars, and numerous X-ray sources are still unexplained. This country's space satellites are providing the means for making observations in the radio, infrared, ultraviolet, X-ray and gamma-ray wave-lengths that cannot penetrate the earth's atmosphere. When we recall that our present day knowledge of nuclear energy stemmed from inquiries into how the sun produced its radiant energy, we can speculate that today's space astronomy may eventually also yield results of tremendous practical importance.

Earth resources

Space photography and earth sensors enable us to study the earth and its atmosphere in detail, to search for new resources, to monitor water resources, agricultural activity, and to explore the oceans.

A photograph taken by Gemini of the Western Desert of Egypt was examined by an Egyptian geologist working at the University of California. He saw photographic evidence that mineral deposits in this area (which he personally knew) were at least four times as large as earth-bound research had shown.

An earth fault, amazingly similar to faults in the oil-rich Arabian Peninsula, show up in space photos in Northeast Africa where oil has not yet been found. Considering the high cost of oil prospecting, it seems logical to expect that oil companies may use space investigation as a more economical means of finding oil deposits.

Yet we have just begun to fully realize the vast potential that earth resources satellites have for the betterment of life here on earth.

We now know that observations from space can answer the basic questions that must be answered if we are to make efficient use of the limited resources of our own planet. What causes ocean currents? What untapped food resources are in the sea? What is the status of food crops around the world? Where is the flood potential of snow cover in our mountain ranges? And of prime importance, what and where are the sources of air and water pollution?

METEOROLOGY

Perhaps in the field of meteorology we find the most dramatic example of how our space program is providing direct benefits to the man in the street. Early in the space program, new tools and information systems for weather forecasting were developed and put into operation. These included satellites to track storms, measure wind, record the temperature at different heights, and report on the moisture content of the atmosphere.

The first satellite merely took pictures of the clouds. Now, satellites take pictures not only in the visible light, but also in infrared, and show clouds during the night as well as in daylight. Last year a satellite was launched that could take the *vertical* temperature profile through the atmosphere. This year, the second satellite of this type was launched, with even more sophisticated instruments. Previously it had taken tens of thousands of balloon soundings to get the same information—information that is vital in long range forecasts.

Our weather satellites have the ability to detect and track major storms, hurricanes, and threatening weather patterns, early enough and precisely enough to permit timely warning and decision. Hurricane Camille, last August, was first observed and then tracked by satellite. The hurricane's path, force, and extent were predicted early and accurately enough to permit authorities to evacuate some 70,000 people from the Mississippi and Louisiana Gulf Coast. It is estimated that some 50,000 people might have perished in the devastating storm without early warning and without the credibility provided by actual satellite pictures and data.

United States weather satellites have watched every major storm threatening the nation since 1966. In 1969 alone, 12 Atlantic hurricanes, 10 Eastern Pacific hurricanes, and 17 Western Pacific typhoons were identified and tracked by satellites. In fact, we now have available the first atlas of Pacific cloud and weather patterns covering the period 1962–1969, assembled from data available only by satellite. The Navy uses weather satellite pictures for ice patrols and to schedule Antarctic resupply, and airline pilots at Kennedy Airport routinely receive weather photos of their transatlantic route.

One other point to remember about these weather satellites is that they are inherently global systems. By using automatic readout systems, every nation in the world can benefit from the systems onboard U.S. weather satellites. Over 50 countries are now using our satellites to view daily weather patterns over their own territory—a fine example of how the use of space encourages international cooperation.

COMMUNICATIONS

In the field of communications, we also have seen how the use of satellites has served to draw the world closer together and promote global cooperation. Today, communication satellites supplement cable, radio, or microwave links and literally interconnect every part of our world.

The INTELSAT satellites, controlled by an international consortium, have a capacity of 1,200 two-way telephone circuits or 4 color TV channels. Before satellites, a West Coast-to-Japan cable circuit cost $15,000 per month; today, satellites have reduced the charge of this service to $4,000 per month. Newer, more advanced satellites, to be launched next year, will increase this capacity to 5,000 two-way circuits for transoceanic traffic, providing economical links across the Atlantic, Pacific and Indian Oceans.

One of the more far-reaching effects these satellites will have for the betterment of man is in the field of educational television. In 1973, the United States and India will cooperate in an unprecedented experiment using a space satellite to bring instructional TV programs to some 5,000 Indian villages.

This experiment will be the first large-scale test of instructional television to demonstrate the potential value of effective mass communications in developing countries. India will be solely responsible for the television programming which will be directed toward such subjects as family planning and improvement in agriculture.

I would like to mention a pleasant aspect of the development of our communication satellites. The COMSAT Corporation, where U.S. commercial communications interests are pooled has for several years now ordered its own custom-made satellites and has refunded the space agency for launch services. A true pay as you go status has been achieved where the taxpayer's help is no longer required.

BENEFITS FROM FUTURE PROGRAMS

My discussion of the impact of space would not be complete without looking briefly at some of the future national programs planned for this decade. Today, the country's manned space effort is moving toward multiple programs and away from one single objective as in the 1960's and we are doing it with lower budgets. Our space program for the next decades will be a balanced program composed of reasonable schedules and will be a program responsive to our nation's many competing social needs. The new programs emphasize economy and additional uses of space technology for the benefit of man. These are in addition to the Apollo lunar science program to be completed in the first half of this decade.

The first of these programs is Skylab, which will place an experimental space station in extended earth orbit beginning in late 1972. Skylab will provide the first opportunities for a laboratory environment in space, allowing us to learn more of the earth's resources and the sun's energy. Crewmen will visit the laboratory for one to two months using the Apollo spacecraft for round-trip transportation. The laboratory itself is a modified Saturn rocket stage. Saturn launch vehicles will be used to launch the workshop and the crew separately. This program is based on using Apollo hardware not required for the lunar program.

The reuseable space shuttle, which combines performance characteristics of the airplane and the rocket, is a new development that will offer many economies and benefits later in the decade. The shuttle will be launched into space vertically with its own rocket engines, but will return to earth from space for a horizontal, airplane-type landing on a conventional airport runway. The space shuttle will reduce the cost of payloads by allowing retrieval or repair of satellites in orbit and the transportation of cargo and passengers to and from orbit. It will have a quick response time and significant space rescue capability. Its design will provide for 100 or more flights without major overhaul.

Another new program is the space station, planned for operations in the late 1970's or early 80's. In earth orbit, the space station supplied by the reuseable shuttle will provide additional economic gains and practical benefits. The station will reduce operating costs by its long life, up to 10 years in earth orbit, and its flexibility, combining many operations such as research, applications, and support of space flight operations. It will be designed so many of the crew of 12 people on board will be able to carry out their technical tasks without special flight training. The space station modules may be used in various earth orbits, and ultimately, in lunar orbit or on a planetary mission.

The operation of the space shuttle and the space station will put this country into space operations considerably advanced from today's mission. They will permit a major expansion in the flexibility of space activities and a steady increase in the number of visitors into space. It is possible that someone in this audience could be among those flying up to the space station of the not too distant future. The expanded and more economical flight activities made possible by the space shuttle and space station will open space to a broad range of public, private and international interests.

Progress is expensive—there is no question about that. The programs that I have described when added to the continued forward thrust of the unmanned programs, will cost about $17 per person next year. But the tobacco bill is about the same, and the liquor bill is $24 per person! But I'll guarantee space will yield more for you and your children than a cough or a hangover.

CONCLUSION

While most of my discussion today has focused on the changes that are taking place throughout our daily lives as a result of the national space program, it is tempting at this commencement to ponder the direction of the future. That space and human values are irrevocably linked in many ways has already been established. Yet, in my judgment, it would be impossible for me today to predict accurately the future impact of space on your lives. In 1915, the airplane was 12 years old, the same age as the space program is today. Could we have predicted in 1915 what the future of the airplane would be when enemy aviators in open cockpits were just emerging from the era of saluting each other as they flew by on their reconnaissance flights to the era of throwing bricks at each other. I can say with certainty only that the full impact of this country's progress in the space environment has yet to be felt or even predicted. Magnificent as some of our accomplishments in space have been, they must, in the long run, be considered but a mere beginning. What we learn tomorrow will be of much greater consequence.

Following the flight of Apollo 11, Neil Armstrong very eloquently summarized the first lunar landing mission and theorized on its significance when he stated, "We hope and think that this is the beginning of a new era, the beginning of an era where man understands the universe around him, and the beginning of an era where man understands himself."

Inevitably, as this nation continues the conquest of space, the knowledge gained will enhance the lives of those who receive degrees here today. To an even greater extent, it will enhance the lives of your children, and the lives of future generations on this planet and elsewhere on the frontiers of outer space.

Perhaps the finest note of all was struck by Buzz Aldrin during his return trip from the moon when he read to the listening world from the Eighth Psalm of the Old Testament. "When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou has ordained; what is man, that thou are mindful of him?"

TOUGHER LAW NEEDED AGAINST SONIC BOOMS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. PUCINSKI. Mr. Speaker, when the Department of Transportation appropriations bill was up on the floor of the House recently, I voted against appropriating funds for the supersonic transport, which unfortunately passed.

My views through the years have been consistent in that I have always believed that the SST deserved further study due to a multitude of factors—the high cost of such aircraft whose usefulness to our citizens and a favorable balance of payments are dubious; the studies made by many atmospheric scientists, particularly the National Academy of Sciences, which warn that a fleet of 400 SST's flying an average of four flights a day would inundate the stratosphere with 150,000 tons of water vapor daily, wrapping the earth in a semipermanent cloud cover that would turn it into one big hot greenhouse; the lack of airport facilities to accommodate the SST's; the ecological changes; and the deafening noise.

Concerning the noise factor, I was encouraged to read about an organization called the coalition against the SST, which consists of 23 groups including the Sierra Club, Friends of the Earth and the United Auto Workers Union, which challenge the promises of the administration that we will not have to worry about sonic booms.

The coalition, through its spokesman, Dr. Karl M. Ruppenthal, himself a former marine pilot, has charged that a proposed new Federal antiboom regulation is "full of holes," and urged a tough law banning SST sonic booms over the United States.

Mr. Speaker, on January 3, 1969, I introduced H.R. 1292, which would make it unlawful to operate any civil supersonic aircraft in air transportation through the navigable airspace of the United States which would generate sonic boom overpressures exceeding 1 5/10 pounds per square foot on the ground directly beneath the flight path, and would also make it unlawful to operate any civil supersonic aircraft into or out of U.S. airports unless it can be demonstrated that ground noise levels generated by such civil supersonic aircraft is substantially lower than that generated by long-range subsonic jet aircraft.

This legislation has been pending before the House Interstate and Foreign Commerce Committee and it is my hope that the Committee will hold hearings immediately, for we can no longer wait to get minimum noise standards on the books before we are faced with operative SST's.

We can no longer afford to wait because as Dr. Ruppenthal states, the main result of the SST's, among other things will be the destruction of the few remaining quiet areas in the world, the islands and the seas.

Mr. Speaker, my bill would prevent the destruction of the few remaining quiet areas of the world, as well as the destruction of the United States and its citizenry, and I urge the earliest consideration of H.R. 1292 before it is too late.

WISCONSIN EDITORIALS SUPPORT ANTISECRECY AMENDMENTS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. REUSS. Mr. Speaker, a great many papers in Wisconsin have spoken out edi-

torially in favor of the antisecrecy amendments being offered to the Legislative Reorganization Act with bipartisan sponsorship. I insert a small selection of these editorials in the RECORD at this point:

[From the Wisconsin Press Association]

IMPORTANT ANTISECRECY AMENDMENTS

A group of 22 "Members of Congress, Republican and Democratic, liberal and conservative," are sponsoring a series of important anti-secrecy amendments to H. R. 17654, the Legislative Reorganization Act of 1970, which is scheduled for House action the week of July 13.

"These amendments include recording how members vote on major issues both in committee and on the House floor, opening committee hearings and meetings to the press and the public, and requiring the availability of committee reports and hearings before final House action on legislation," the congressman said in a letter to a number of editors.

"These are important reforms," they added. "But their acceptance will depend, at least in part, on the amount of public visability they receive and the extent to which the public—and the press—demands them.

"Unfortunately, in this regard, there is a tendency in many quarters to look upon reform of House rules and procedures as an internal 'housekeeping' matter of little concern to the public. We are sure you will agree that nothing could be further from the truth; that how the House conducts its affairs can have a significant impact on the lives of the American people and the well-being of the nation."

Standing behind the amendments are Republicans Edward G. Biester Jr. (R-Pa.), James C. Cleveland (R-N.H.), Barber B. Conable Jr. (R-N.Y.), John Dellenback (R-Ore.), John N. Erlenborn (R-Ill.), Charles S. Gubser (R-Calif.), Paul N. McCloskey Jr. (R-Calif.), Thomas F. Railsback (R-Ill.), Donald W. Reigle Jr. (R-Mich.), William A. Steiger (R-Wis.), and Robert Taft Jr. (R-Ohio).

Members of the Democratic Party supporting the amendments are Jonathan B. Bingham (D-N.Y.), John Brademas (D-Ind.), James C. Corman (D-Calif.), Donald M. Fraser (D-Minn.), Sam M. Gibbons (D-Fla.), Ken Hechler (D-W. Va.), Abner J. Mikva (D-Ill.), James G. O'Hara (D-Mich.), Thomas M. Reese (D-Calif.), Henry S. Reuss (D-Wis.), and Morris K. Udall (D-Ariz.).

We can think of nothing more important to the American public than a free flow of accurate information by which Members of Congress can be judged accordingly.

As it is today, the House rules and procedures allow a system which is confusing, unnecessarily secret and, therefore, in violation of the time-honored principle. "The public has a right to know what its government is doing."

We believe the amendments offered by the 22 bi-partisan Members of Congress, if accepted, will add teeth to the Legislative Reorganization Act of 1970.

The public should waste no time in urging their congressmen to support the series of anti-secrecy amendments. Write your representatives today and tell them you back an open government in a democratic society.

HOUSE SECRECY SHOULD END

Twenty-two House members of both parties, including Republican Rep. William Steiger of Oshkosh and Democratic Rep. Henry Reuss of Milwaukee, this week hope to do something about the way the House conducts much of its business in secret and about the methods in which the House often votes without votes being recorded by name. The congressmen have sponsored a group of amendments to a legislative reorganization bill and the amendments should be adopted.

Here are some of the things the congressmen are concerned about:

The House now considers most amendments to legislation while meeting as a committee of the whole when no record votes are taken. Such votes are taken either by voice or by a standing division of the House or as a teller vote as House members file between tellers who count the members. The voter back home, thus, has no official report on how his congressman voted or for that matter whether he was present when important business was being done.

Nearly half of the hearings and meetings of House committees are not open to the public. This includes all of the more than 300 meetings a year of the powerful Appropriations Committee in contrast to the Senate Appropriations Committee which holds about three-fourths of its meetings in public.

With few exceptions, committee votes on key provisions of legislation being drafted are not made public. This is despite a 1946 rule which requires a recording of votes whenever a committee member requests that this be done.

Committee reports are frequently filed too late to be of much use to House members before they are called upon to vote.

House-Senate conference committees, sometimes called the powerful third house of Congress, meet in secret and there is no record of roll calls. Under present rules, conference committee reports can be taken up by the House the next day despite their complexity and debate is limited to one hour.

The anti-secrecy amendments would require recorded House votes on amendments, would require that committee votes be made public, would require a two-thirds roll call vote to close a committee session, and would extend the period between the time House committees and conference committees report legislation and its consideration on the floor.

With its tradition of conducting the public's business in public, strengthened by an anti-secrecy law which applies to state and local government. Wisconsin stands in contrast to the way of doing business in the House. The handicaps to a congressman trying to be informed before he votes also are obvious.

The rules for voting by voice, division of the House, or teller votes in part result from the large size of the House. This explanation once made sense from the standpoint of saving time, but electronic means of recording votes as in the Wisconsin Assembly no longer make this excuse acceptable.

The anti-secrecy reforms probably will lose, ironically by non-recorded votes. But bringing the matter to public attention will be helpful for eventual reform and the effort should continue. Allowing the public to witness how legislation is drafted and informing the people back home how their representatives vote should be the first order of business before the House.

FIGHT AGAINST SECRECY IN THE HOUSE

Twenty-two House members of both parties, including Republican Rep. William Steiger of Oshkosh and Democratic Rep. Henry Reuss of Milwaukee, this week hope to do something about the way the House conducts much of its business in secret and the methods in which the House often votes with votes not being recorded by name. The congressmen have sponsored a group of amendments to legislative reorganization bill which should be adopted.

Here are some of the things the congressmen are concerned about:

The House now considers most amendments to legislation while meeting as a committee of the whole when no record votes are taken. Such votes are taken either by voice or a standing division of the House or as a teller vote as House members file between tellers who count the members. The voter back home, thus, has no official report on how his congressmen voted or for that matter whether he was present when important business was being done.

Nearly half of the hearings and meetings of House committees are not open to the public. This includes all of the more than 300 meetings a year of the powerful Appropriations Committee in contrast to the Senate Appropriations Committee which holds about three-fourths of its meetings in public.

With few exceptions, committee votes on key provisions of legislation being drafted are not made public. This is despite a 1946 rule which requires a recording of votes whenever a committee member requests that this be done.

Committee reports are frequently filed too late to be of much use to House members before they are called upon to vote.

House-Senate conference committees, called the powerful third house of Congress, meet in secret and there is no record of roll calls. Under present rules, conference committee reports can be taken up by the House the next day despite their complexity and debate is limited to one hour.

The anti-secrecy amendments would require recorded House votes on amendments, would require that committee votes be made public, would require a two-thirds roll call vote to close a committee session, and would extend the period between the time House committees and conference committees report legislation and its consideration on the floor.

With its tradition of conducting the public's business in public, strengthened by an anti-secrecy law which applies to state and local government, Wisconsin stands in contrast to the way of doing business in the House. The handicaps to a congressman trying to be informed before he votes also are obvious.

The rules for voting by voice, division of the House, or teller votes in part result from the large size of the House. This explanation once made sense from the standpoint of saving time, but electronic means of recording votes as in the Wisconsin Assembly no longer make this excuse acceptable.

The anti-secrecy reforms probably will lose, ironically by non-recorded votes. But bringing the matter to public attention will be helpful for eventual reform and the effort should continue. Allowing the public to witness how legislation is drafted and informing the people back home how their representatives vote should be the first order of business before the House.

CAMPUS ADMINISTRATORS, CAMPUS RADICALS: WHO IS IN CHARGE?

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. MINSHALL. Mr. Speaker, last May two pieces of correspondence came into my possession, one a letter from the chairman of the Communications Committee of New York University, the other, addressed to Mrs. Minshall, from the president of her alma mater, Connecticut College. We both were struck by the almost identical phrasing in the points made in both letters, as indicated by the portions I have italicized:

FINE ARTS DEPARTMENT, WASHINGTON SQUARE COLLEGE, NEW YORK UNIVERSITY.

DEAR SIR: The faculty and students of New York University's Fine Arts Department of

Washington Square College voted to cancel classes and final exams to support the demands of the National Student Strike as follows:

1. That the United States Government end its systematic oppression of political dissidents and release all political prisoners, such as the Black Panthers.

2. That the United States Government cease its escalation of the Vietnam War in Cambodia and Laos, that it unilaterally and immediately withdraw all forces from Southeast Asia.

3. That the universities end their complicity with the United States war machine by an immediate end to defense research, ROTC, counter insurgency research and all other such programs.

More importantly, the faculty and students did not use the crisis of recent events to gesture protest by closing down the department but, using its facilities, took a positive step toward organizing for peace, working politically and through our constitutional system. To realize this we have printed the addresses of our local representatives and Congressional Committee members, for departmental use and public distribution. To take this letter writing campaign into the community, students set up tables with stationary and these addresses at the Frick Collection, Whitney Gallery, Museum of Modern Art, Guggenheim and Jewish Museums to give visitors the opportunity of writing to politicians. To arouse the public conscience, we have organized exhibits of political art, drawing upon the city's art schools for material. The Chairman of the Fine Arts Department, Dr. Janson, has successfully urged the American Art College Association to communicate its concern over administration policy to the Government. The Curator of the New York University Art Collection, Mrs. Ruth Bowman, has dedicated three of her one hour radio programs over WNYC to discussing the duty of the art world to its society. A representative from our Department has voted in our interests before the University's Strike Coordinating Committee, while, within the Department, the faculty, students and staff have supported a movement before the University Senate to free two weeks in the fall, permitting the University community to participate in political campaigns. We have shared our materials with libraries, art galleries and publications, informing them of our activities; as a result, the staff of the Whitney Gallery has publicized its anti-war stand, the Donnell Library has organized an anti-war exhibit and numerous galleries have closed to register their anti-war view.

Our activities clearly indicate that we are willing and patient to work through the Constitutional and academic structures, and while there have been no formal classes, the joint efforts of students and faculty working for their society has proven to be a genuine part of our education. For this cooperation has done more to unite the generations to work for the national welfare than the attempted coercion toward blind patriotism through verbal intimidation as practised by certain members of the administration. We are convinced that in our times political dissent is the duty of conscientious citizens who have any regard for the sort of nation our posterity shall inherit. We believe that our government can work for the welfare of the people as long as the people make their opinions manifest; the worst we can do is to indifferently tolerate our government's present misguided policies.

JAMES ORTHMANN,
Chairman of the Communications Committee.

CONNECTICUT COLLEGE,
New London, Conn., May 11, 1970.

To Parents, Alumnae, and Friends of Connecticut College:

This is a short report on Connecticut College's participation in the events of last week which will probably enter current American history as "the nationwide student strike." Connecticut entered the protest movement as a college community on Tuesday, May 5. On Monday a dormitory referendum had been taken which demonstrated a large student majority for a strike. In various ways the students made it clear that by "strike" they meant a cessation of all academic routines so that the community could organize on- and off-campus activities to demonstrate its disapproval of, chiefly, the new direction of the Vietnam war. Later on Monday the Faculty voted by a large majority to cancel all classes for the remainder of the week "in order to express solidarity with students' concern over the events in Southeast Asia."

Miss Julie Sgarzi, the President of Student Government, and I appointed a joint steering committee and on Tuesday that coordinating group and its subcommittee on resolutions became the organizing center of our campus activities. At a meeting that filled Palmer Auditorium on Tuesday morning and early afternoon, the community, acting as a new kind of political entity in this college's history, approved of a three-plank platform for the strike.

"Resolved, (1) that the United States government end its systematic oppression of political dissidents, and release all political prisoners, such as Bobby Seale and other members of the Black Panther Party; (2) that the United States government cease its expansion of the Vietnam war into Cambodia and Laos; that it unilaterally and immediately withdraw all forces from Southeast Asia; (3) that the universities end their complicity with the United States' war machine by an immediate end to defense research, ROTC, counterinsurgency research and all other such programs."

The decision whether or not to accept the first part of this resolution was the most anguished moment of our week. When at the end of the morning a vote to amend part one succeeded, our black students and some others left the hall. After lunch the original language was restored, the community rift was healed and strike activities began.

Between Tuesday morning and this Monday morning our campus has been a busy scene of meetings, lectures, panel sessions, letter-writing sessions, and scenes of the comings and goings of student canvassers and visitors from the community and other campuses. Students collected more than 5000 signatures in the New London area to a petition addressed to the Connecticut congressional delegation. A climax was reached on Saturday when over 1100 family visitors came for Parents Day and entered into the debates at various levels of interest and approval.

As of this morning most of us are back at our desks and classrooms and laboratories ready to finish the semester in good order. Sunday afternoon and evening were spent in a community meeting and a Faculty meeting to determine how the nature and the momentum of the strike movement could continue during the last week of classes and the final examinations. The Faculty has offered a group of options for fulfilling the requirements in courses, which a student editorial in this morning's issue of our daily paper calls "extremely flexible!" Attendance at class today has been high.

Not all parents and alumnae will agree with what we have done. But I would defend as correct and straightforward our methods for trying to discover and express the reasonable response of our campus majority. I am aware as never before in the past eight years of the complexity of our educational mission in the sixties and seventies. What I would like especially to emphasize is that it was the collective expression of our purpose, the close, continuing relationships between teacher and student that gave our four days their special quality. I think we are better prepared than we have ever been to keep Connecticut College a vital place for teachers to teach and students to learn.

CHARLES E. SHAIN,
President.

Mr. Speaker, in pursuing this "coincidence" further, I obtained a copy of newsletter No. 3 issued by the National Strike Information Committee on May 5, which I am told on unimpeachable authority is composed of radicals who have created "regional centers" on Brandeis, Grinnell, and Berkeley campuses, their printing presses aided and abetted for almost instantaneous coordinating efforts across the Nation by various ham radio operators and college radio stations.

A copy of a portion of newsletter No. 3 of the National Strike Information Committee follows. The italicized portion reveals the source of those portions quoted earlier from New York University and from the president of Connecticut College. It follows:

NATIONAL STRIKE INFORMATION COMMITTEE
NEWSLETTER No. 3

The National Strike Information Committee has been established as a central clearing house for all information regarding strike activity at high schools, colleges and universities across the country. We are prepared to receive and disseminate strike information at Brandeis University: (617) 8946-000 Ext. 708 and 680. Ham radio communications will be received at K1WGM/1 (Frequency 14.294 MHZ).

The strike has been called in support of the following three demands:

(1) That the United States government end its systematic repression of political dissidents and release all political prisoners, such as Bobby Seale and other members of the Black Panther Party.

(2) That the United States government cease its expansion of the Vietnam war into Laos and Cambodia; that it unilaterally and immediately withdraw all forces from Southeast Asia.

(3) That the universities end their complicity with the U.S. War Machine by an immediate end to defense research, ROTC, counterinsurgency research, and all other such programs.

THE MEANING OF KENT STATE

The nature and context of the recent murders at Kent State bring into undisguised clarity the genocidal policy of the United States government. What is disturbing, however, is that it appears necessary that middle-class whites must be shot down before the revulsion required by innumerable similar acts against people of color can materialize. No longer is it news that politicians and the media respond only when such acts are committed against "clean people," i.e. middle-class whites.

That we can be so deeply repulsed by the murders at Kent State bring into undisguised clue to the pervasive racism of our country's culture. The significance of our present revulsion rests in our historic inability to see, believe, and understand that killing of whites is as much a conscious part of our domestic policy as is the killing of blacks or the despoliation of tiny Asian countries. Our present grief cannot be anything less than the groundwork for a commitment to the eradication of the present policies of the United States, both foreign and domestic.

WHO IS TO BLAME

The toll of death and destruction continues to mount across the nation:

At Ohio State University, where student protesters have been fighting National Guard troops for the last three weeks, 500 people were arrested and 30 hurt in campus disturbances today.

At the University of Idaho, 26 vehicles in

the Lewiston National Guard Armory were destroyed by fire. Arson is suspected.

At the University of California at Berkeley 4 people were arrested in a rockthrowing melee with police.

At Boston College ROTC files were ransacked in a night raid.

At Kent State University in Ohio the death toll stands at four. Three student protesters remain hospitalized in critical condition from gunshot wounds received during yesterday's massacre by the National Guard.

The establishment press, along with President Nixon and Vice President Agnew, have sought to pin the blame for this crisis on the student demonstrators. We reject this interpretation utterly. The responsibility for the present death and chaos across our land rests solely with the repressive posture assumed by the Administration which has clearly demonstrated that it intends to deal with dissent at home in the same way that it seeks to eradicate all traces of just rebellion in the Third World. . . . The recent events prove that the government cannot persecute an unpopular war abroad without the most brutal suppression of the anti-war movement in this country. If this policy necessitates the murdering of protesters on the nation's college campuses, the Administration has shown its willingness to do precisely that. An attempt to indict the victims of this repression for their militant tactics shifts the focus of blame from where it clearly belongs: with the Nixon-Agnew-Mitchell regime in Washington.

BRING THE PANTHERS TO YOUR CAMPUS!

If you would like a spokesman from the Black Panther Party to address a meeting, rally, etc. at your school, call the New Haven Panther Defense Committee at these numbers: (203) 436-1382, 865-6872, 865-6537.

Mr. Speaker, the idea that our young people are actually being encouraged, in some cases, by faculty and administration is appalling. These individuals who are supposed to instruct and to guide our youth too often are encouraging campus violence not just through spineless inaction but by openly calling for radical activity by the student body. This is not a tolerable situation.

I was very pleased to receive a copy of a letter to President Shain from a thoughtful, intelligent young lady, an alumnus of Connecticut College, class of 1959. It is an excellent response and is echoed, I am certain, not only by Americans everywhere but represents the convictions of a vast majority of college students who are trying to pursue a higher education despite the disruptive actions of a few of their classmates, instructors, and even administrators.

Mrs. Brasfield's letter follows:

LYNDHURST, OHIO,
June 8, 1970.

President CHARLES F. SHAIN,
Connecticut College,
New London, Conn.

DEAR PRESIDENT SHAIN: Only eleven brief years ago, I had the good fortune and great honor to serve as President of the Connecticut College Student Government. I was so immensely proud of the campus I served—our academic standards, our fine traditions, our spirit and enthusiasm. We were a patriotic and loyal group—questioning, but not demanding—idealistic, but not completely unrealistic—thinking, but aware of all there was to be learned by the experience which only life could offer us.

President Park, Dean Burdick, Dean Noyes—names I remember, not as "pals" or conspirators in our occasional activities, but persons who were deeply respected. We knocked at their doors with only the most severe problems; we knew their lives were most busy maintaining and enlarging the fine standards of our college. They, along with our parents, expected great things of us; we tried hard to live up to these expectations.

There is no generation gap between myself and the students of today; we are only a decade apart. Our ideas should, by all historical standards, be fairly well aligned. But, unfortunately, this is not the case in many instances; I wonder, in confusion and frustration, how this rapid change has come about.

I remember the gradual arrival of Communistic literature to my mailbox in 1959 and wonder if this became a bombardment of information by 1970. I recall with dismay the gradual withdrawal of rules and regulations from so many campuses in the last ten years; how sad, for we all need guidance in what is an acceptable code of behavior. I find myself forever grateful that my college years were such a good preparation for living my life.

But times have changed and, with them, the college campus. Now, eleven years after walking proudly between the Laurel chain, I receive a letter from my beloved campus on the hill, naming a platform so contrary to the philosophy which generations of Americans have fought to preserve.

I admire the students of today for their deep concern. They are the "Now Generation." But, unfortunately, their answers seem too often selfishly oriented to their "Now" existence than to the future.

For this, they are not completely to blame. I understand that the strike committee had volumes of information available for speedy circulation. Was this ever countered with an opposing philosophy? Students, as always, are so easily led, so carried away by idealistic emotionalism, so quickly caught up in the moment. Was there a calm voice somewhere to remind them that the role of an intellectual community is to study, in depth and with thoughtful deliberation, every aspect of the question at hand? Did they understand the future consequences of their resolutions?

"Resolved (1) that the United States government end its systematic oppression of political dissidents, and release all political prisoners, such as Bobby Seale and other members of the Black Panther Party;"

You state that "the community" accepted this resolution, demanded by a minority of members present, in order to receive unanimity. Do they understand that members of this party have broken the very laws paramount to the smooth running of any civilized society? Bobby Seale is under indictment on charges involving kidnapping and murder of another Black Panther; Eldridge Cleaver was imprisoned for assault with intent to kill! And the Connecticut students support them! Have they not heard that the ultimate goal of these "suppressed dissidents" is the eventual overthrow of our government, and, thus, our way of life? Perhaps posting the enclosed copy of some cartoons from the "Black Panther Coloring Book" would enlighten them on the motives of these people who receive such a generous share of their concern.

"(2) that the United States government cease its expansion of the Vietnam war into Cambodia and Laos; that it unilaterally and immediately withdraw all forces from Southeast Asia;"

I hope that the students understand that they share this deep desire for peace with every other rational American. But, how can they make such a statement unless they are willing to abandon the 1500 American prisoners still in North Vietnam? Have they considered the "immediate" consequences of this "immediate withdrawal". I am afraid that there would result in that country a blood bath which would remain on the conscience of the entire Western world for generations to come.

"(3) that the universities end their complicity with the United States war machine by an immediate end to defense research, ROTC, counterinsurgency research and all other defense programs."

Were the students made to realize that by withdrawing support from these vital areas they jeopardize our entire national security. Are they aware of how many students profit from ROTC and government research programs? Have they considered what the extinction of these forms of education would mean to their peers and to the future growth and security of our great nation?

I am concerned that these major questions were never examined. I wonder if the Connecticut "community" ever considered protesting Hanoi's treatment of American prisoners? Or Russia's invasion of Czechoslovakia? Or the Viet Cong massacre of the people of Hue? Have they ever thought of a resolution to North Vietnam asking:

Why the prisoners' families are not allowed to know the status of their men.

Why North Vietnam will not allow inspection of prisoner of war facilities by the Red Cross.

I am sending a copy of this letter to the members of our Cleveland Club of Connecticut College and to the graduating class of 1959. I am certain that some of them will disagree with the thoughts I have expressed here. But, perhaps my verbalization of a contrary opinion will encourage them to take an increasingly more active stand on the problems of "campus unrest" and the even greater issues of today.

Few people have an opportunity to play such a large role in the future of our country. Such an awesome responsibility demands great courage and wisdom. I pray that you will somehow receive special guidance in this extremely important position.

Most sincerely,

EMILY HODGE BRASFIELD,
Class of 1959.

CAPTIVE NATIONS WEEK

HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1970

Mr. STRATTON. Mr. Speaker, today we mark the 12th observance of Captive Nations Week, a week set aside by unanimous congressional action in 1959 so that all Americans will be reminded of the plight of those freedom-loving people located behind the Iron Curtain.

Since 1920, when the Soviet Union forcefully annexed the Ukraine and seven other tiny nations, Communist powers have continued their drive to their announced goal of world domination. Twenty-three more nations have been placed behind the Iron Curtain, the latest being Cuba in 1960. And if it were not for the presence of the United States, many more peoples would undoubtedly be under the tyranny of communism today.

So it is appropriate to note that 2 weeks ago, the United Nations marked its 25th anniversary and, in spite of the U.N.'s great contributions to world peace, one cannot help but wonder what might have been accomplished if the Soviet Union had cooperated seriously and constructively in using that organization for the genuine maintenance of world peace. Instead, since the founding of the U.N., the Russians have liberally used their

veto power to undermine any peacemaking activities that they felt were detrimental to the Communist cause, and what is even more serious, they vetoed all efforts to give the U.N. the peacekeeping military forces which were obviously a necessary part of its effectiveness as originally envisioned.

Since we last observed Captive Nations Week, 1 year ago, Soviet despotism has shown its true colors with the recent ousting of Czechoslovakia's Alexander Dubcek finally and completely from all government and political positions, though they still have not broken his spirit nor have they apparently diminished his popularity with the Czech people. Mr. Dubcek dared allow a modicum of freedom to the Czech people before the brutal military invasion by the Soviets in 1968 deposed him as head of the Czechoslovakian Government. He now has a very uncertain future and it is anticipated that he may even be tried by the Soviets for various crimes against the people. The verdict of any such trial would, of course, be a certainty before it began.

In this past year, we have seen the Soviets fan the flames of war in the Middle East by their irresponsible action in providing Egypt with Sam II missiles, as well as additional military equipment. The dangers presented by the growing presence of the Russians in the Middle East cannot be overemphasized.

In Southeast Asia, also this past year, the communist powers have shown their determination to bring more people behind the Iron Curtain. The United States and South Vietnam have again been rebuffed after making concession after concession at the Paris talks in their attempts to bring about peace. The Communists are making military gains in Laos and Thailand. And Cambodia, overwhelmed by the North Vietnamese invasion, appears to be all but lost.

What will the world situation be when we observe Captive Nations Week, one year from now. Can anyone continue to doubt the international motives of the Communists?

During the observance let us take time to reassert our commitment to the brave peoples of Poland, Lithuania, Latvia, Estonia, the Ukraine, Byelorussia, Hungary, Czechoslovakia, all who suffer behind the Iron Curtain, and all other people who live under the threat of Communist aggression. The American people are committed to hasten the day that all people are free to speak as they feel, observe the faith they choose in their own way, and decide for themselves how they are to be governed.

UNEMPLOYMENT MAY BE CAUSE OF DISORDERS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. KEITH. Mr. Speaker, as I am sure all my colleagues are aware, the city of New Bedford, in my district, was the scene earlier this month of serious civil disorders. One of the root causes of these disturbances, in my view, was the high rate of unemployment there. Presently, 8.3 percent of the work force is without jobs. This situation can only grow worse if a continually increasing volume of imports is allowed to displace more workers in the textile industry. The situation of shoe-workers in other parts of Massachusetts is equally precarious. Thus, in the absence of a fair and effective triggering device for enough tariff relief and adjustment assistance to be of real help to the shoes and textile manufacturers those of us representing workers in those industries must seek legislated quota relief. In this regard, I applaud the action of the Committee on Ways and Means in tentatively adopting import ceilings for foreign footwear and textile products.

However, Mr. Speaker, what the committee did for New Englanders with one hand, it took away with the other. On the day following the adoption of quotas for shoes and textiles, a majority of the committee voted to make permanent the current oil quotas. Thus, the legitimate needs of shoe and textile workers are being held hostage, pending the further solidification of the oil industry's privileged position.

There is no need for a ceiling on oil imports. It is economically unjustified and it is indefensible from a conservationist point of view. If we exclude petroleum products from foreign sources, then we'll use up our own domestic supply that much quicker.

In my view, the President should have acted on the recommendations of his Cabinet Task Force months ago and abolished oil quotas in favor of a limited tariff system. It is unthinkable that Congress, in the face of the task force's irrefutable logic, should tie the President's hands and wed this Nation permanently to the oil quota system.

Mr. Speaker, oil quotas are becoming increasingly intolerable to New Englanders. Heating oil costs continue to skyrocket. Each winter, it seems, we are faced with a shortage of domestically produced No. 2 oil. The quota exemptions granted by the Oil Import Administration are so limited that a fuel crisis will probably arise again next winter.

Furthermore, the inflated cost of petroleum products is indirectly passed on to consumers. I am informed that several utilities in southeastern Massachusetts are not only paying a king's ransom for crude oil this year but are also faced with shortages of that product. For example, Taunton Light & Gas Co. put out bids recently for crude oil. It could only be guaranteed one third of its needs, and that at a cost of $1 a barrel more than last year.

In another instance, an independent oil terminal operator in my district reports that there have been five increases in bunker oil prices since February, totalling 60 cents a barrel. Now this firm is unable to find bunker oil supplies anywhere. In yet another instance, the Massachusetts Turnpike Authority informs me that it is unable to complete its resurfacing program for lack of asphalt, of which oil is an essential ingredient.

Mr. Speaker, it is incredible that, in view of these shortages of supply and rapidly escalating prices, that the domestic oil industry clings tenaciously to oil quotas and even demands that they be made a matter of statute. I urge my colleagues on the Ways and Means Committee to reconsider their action of last week and strike from the pending trade bill this unnecessary and unjustifiable protection for the oil interests.

HEREDITY AND CANCER

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BURTON of Utah. Mr. Speaker, in the fight against cancer, every new discovery that will help to eliminate this dreaded disease is encouraging and worthy of note. I would therefore like to recognize the work of one of Utah's well-known scientists, Dr. Eldon J. Gardner at Utah State University. In the June edition of the Outlook, his work is described. The article follows:

CANCER RESEARCHER SEEKS ANSWERS FROM GENETICS

Twenty years ago a Utah State University geneticist began studying a form of cancer which appears to be hereditary within a Utah family. All fifty-one living descendants of one woman were studied at that time and six were found to have multiple polyps of the colon which tend to become cancerous.

Today Dr. Eldon J. Gardner, dean of the USU School of Graduate Studies and professor of zoology, is still working with the family, conducting new tests, attempting to answer the question: What is the basic cause of the cancer of the colon which claimed the lives of eight family members within three generations?

Several other abnormal traits associated with the cancer were identified by Dr. Gardner in the early 1950's in the same six people found to have multiple intestinal polyposis. In 1959 Dr. W. G. Smith of Mayo Clinic named Gardner's Syndrome, the only medical syndrome to be named after a geneticist.

Today one or more of these traits have appeared in 28 members of the kindred that now includes 163 members. The abnormal traits include bone tumors, skin lesions, connective tissue lesions as well as multiple polyposis (numerous tumors that often become malignant) in the lower digestive tract.

"A single dominant gene is postulated to be the cause," Dr. Gardner said. "The puzzle is how so many different traits can occur in the same person and be caused by a single gene."

The scientist explained that a single mutation is believed to be the origin because the abnormal traits are found in only one branch of the family—all descended from the woman who died with cancer in 1909.

The syndrome occurs only in families in which one parent has the single dominant gene. "If one parent has the dominant gene, about half of the children also will have it," he stated.

"While the usual high incidence cancer period is between the ages of 45 and 60, cancer occurs earlier in this family," Dr. Gardner said. The youngest family member to die of cancer was 29 and the oldest 54, the average age being 39.

The scientist became involved in studying the family while teaching at the University of Utah. One day he announced to his class

that studies had been made on the inheritance of cancer.

"After class a student said a family in his home town seemed to have an extremely high mortality from cancer of the colon. He offered to introduce me to the family," Dr. Gardner explained.

Dr. Gardner met the family and spent the next two summers, 1950 and 1951, surveying all 51 descendants of a woman in whom the first well-documented case of cancer had been reported.

The woman, who died in 1909, three of her children and four of her grandchildren had died with carcinoma of the colon over a period of 31 years.

"I studied several thousand people because this was once a polygamous family," Dr. Gardner said. Extensive family histories dating back to the 18th century were obtained, and all the evidence available concerning the incidence of cancer of the lower digestive tract was analyzed. Results showed that all cases occurred in one branch among the descendants of the woman who died in 1909, with cancer of the colon.

"I got well acquainted with the family members while driving all of them to Salt Lake City for examinations in the medical center. They have been very helpful and cooperative," the dean said.

He noted that the disease had created sociological problems, as well as medical problems. The deaths early in life caused some children to be reared by relatives and grow up without the usual family ties. "The diseases also have caused economic problems since many family members have had to undergo extensive operations," Dr. Gardner stated.

As a result of the medical tests, six family members, all of whom were found to have multiple intestinal polyps, bone lesions, connective tissue lesions and sebaceous cysts, were treated surgically for multiple polyps. Symptoms of the syndrome other than intestinal polyps were detected in some of the other 51 family members during the first clinical examinations. Most of these have since developed polyps in the colon. In 1962 the entire family was again checked, and symptoms were identified in 24, including several younger family members.

Dr. Gardner said the intestinal polyps did not appear until the teenage years, with the earliest appearing at age 12 in one family member. "The most serious aspect of the syndrome is the polyposis which is known to predispose to cancer of the colon and rectum," the dean stated.

However, the bone tumors and skin and tissue lesions seem to appear earlier than polyposis in the family, he said. The bone lesions can be detected at birth or shortly thereafter, so, a family member in whom these are not found can receive some satisfaction in knowing that he will not have colon polyps. Also, alert parents and physicians can thus arrange for appropriate treatment as soon as warranted.

"We're now trying to get a finger on the basic cause of the traits associated in this syndrome. We hope we're working toward an answer to the question of what this gene is doing to produce several different kinds of abnormal growths in the same individuals."

Research into the mystery is still ongoing. This spring the mouths of family members were X-rayed, and a study of the teeth was made. Results show that all of the family members who expressed the syndrome had serious dental problems—some with whole sets of extra teeth and others with false teeth before the age of 20.

Doctors from the National Institutes of Health are currently conducting tests on urine and blood samples to look for irregularities in the basic hormonal entities.

Two USU doctoral students are assisting Dr. Gardner with his research, Edwin W. Naylor, Gloversville, N.Y., and Allen A. Badgett, Los Angeles. Mr. Naylor has been working with Dean Gardner since winter quarter of 1967, and Mr. Badgett joined the project in 1969.

In its initial stages at the University of Utah, the study was supported by the U.S. Public Health Service. It has since been financed by the American Cancer Society and the Damon Runyon Memorial fund for Cancer Reesarch.

SEPARATE VIEWS ON H.R. 17880—THE DEFENSE PRODUCTION ACT

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. HANNA. Mr. Speaker, I support the extension of the present law and believe the section to expand the inflation fighting powers of the President is urgently needed.

Several persuasive arguments commend themselves to critical thought relative to the placement of such powers in the hands of the Chief Executive. It is clear from the position strongly and successively advocated by the President in the Senate and the House on the Cooper-Church amendment that the administration is unwilling to concede any degree of cooperative responsibility relating to the commitment of our military resources in Southeast Asia or any other troubled spot in the world. Even limited study of the current inflation finds its roots and prevailing strength emanating from heavy military expenditures.

Now, if one agrees that responsibilities should be commensurate with power and authority it follows that the President must be equally strong in commitments to the use of his office as the responsible agency to wield the weapons of inflation fighting which are provided in this legislation and in legislation previously passed by this Congress. It should be noted that the operative period for this legislation has been appropriately restricted to a period of far less than 1 year but within that short time frame great flexibility is allowed to the President. It should not be overlooked that having this specific authority even if it is not used, strengthens the President's authority to encourage voluntary restraints on the part of labor vis-a-vis wages on the part of management vis-a-vis prices. The discouraging experience of almost 4 years of a tight-money policy clearly indicates that further pursuit of this unproductive avenue cannot be justified. Knowledgeable economists and experienced and practical legislators, alike, recognize our present condition as a wage- and price-push inflation. Policies to promote economic stability are the proven answer to such inflation problems. I commend the committee for balancing in this legislation the powers proclaimed by the President with responsibilities now spelled out by the Congress.

In the statement I delivered to the committee, before casting my vote, I explained my opposition to the Uniform Cost Accounting Standards—UCAS—provisions of the original legislation. My statement is printed below. I would like to take this opportunity to commend the committee for their actions and to outline what I believe to be the reasoning behind those actions.

As I noted in my statement, some very serious reservations to the UCAS provisions were expressed by the accountants which appeared to testify on the Senate bill, S. 3302. I do feel the revisions voted by the committee have met these objections.

In specific, the committee has proposed the creation of a five-member board to develop standards and definitions for UCAS and to report their conclusions and recommendations back to the Congress by June 30, 1971. This board will be composed of the Comptroller General, two representatives from the accounting field—to include one with expertise in the field of small business, and two representatives from industry. This board will develop a coherent set of standards and a detailed set of rules which the Congress will then carefully review and consider before promulgating legislation to apply these provisions to the industry.

The instructions to this board also provide for a consideration of the Federal Government's bid procedures to establish what changes, and I am sure there are a number, need to be made in that aspect. With this broad mandate, the findings of this board will dovetail into the report of the Holifield Commission on Government Procurement which should be available at that time. The committee and the Congress will then be able to utilize the results and recommendations of both of these Commissions in their consideration of any future legislative proposals on uniform cost accounting standards.

The text of my statement to the committee follows:

In my judgment the provision for "uniform" accounting procedures should be dropped at this time from this legislation. Although I was persuaded he has made a great contribution to our awareness of practices in procurement that need attention, the present legislation does not, in my opinion, provide the assurance of improvement that matches the probability of new and undesired problems. Further testimony has demonstrated that many companies doing business with the United States Government do not adequately display their cost in a suggested "uniform" accounting as now drafted are of such wide range and serious depth as to dictate caution in accepting this shotgun approach on the twin thin pillars of the Admirals' charges and the G.A.O. blanket support that such accounting requirement is *quote* feasible *unquote*.

I am impressed by the lack of enthusiasm and the absence of positive support for the "uniform" accounting approach expressed by every substantial accounting organization asked to testify. The carefully qualified words to a critical reader clearly expose the lack of confidence generally entertained. Note these quotes from pertinent sources.

1. Dr. Howard W. Wright, Professor and Chairman, Division of Accounting, University of Maryland:

"While I concur in a finding of feasibility, I have grave doubts about the need for a new effort of the magnitude indicated by the proposed legislation and have significant reservations concerning some of the recommendations in the report."

2. The National Association of Accountants:

"We suggest that this effort should have two separate phases. In the first phase, the objective should be to develop a sound conceptual foundation. Standards should be developed as a second phase, which should not be started until the basic concepts have been formulated. If standards are written without reference to an explicit set of concepts, they are likely to be a hodgepodge of inconsistent statements, rather than a coherent set of standards.

"We assume, of course, that the objective is to develop standards, rather than a uniform accounting system of a detailed set of rules. Such straight jackets are completely unworkable."

3. The Financial Executives Institute:

"The uniform cost accounting standards that the G.A.O. believes are feasible have not been identified or defined adequately to provide an understanding of what is contemplated. There is no substantiation that such standards and advance agreements, as recommended in the feasibility study, are economically feasible or practical, or that they would solve the accounting problems associated with applying sound cost principles to government contracts."

Add to this the further problem of establishing the appropriate cut-off points for government requirements and I believe further study and a more restrained approach is both dictated and commended to responsible legislators.

It is with this in mind that I am in support of Congressman Rees' amendment to establish a 5-member board to develop standards and definitions for uniform cost accounting standards and to report their conclusions and recommendations back to the Congress by June 30, 1971. The board will be composed of the Comptroller General, 2 representatives from the accounting field (to include one with expertise in the field of small business), and 2 representatives from industry.

This board will develop a coherent set of standards and a detailed set of rules which the Congress will then carefully review and consider before promulgating legislation to apply these provisions to industry. The instructions to this board also provide for a consideration of the Federal Government's bid procedures to establish what changes, and I'm sure there are a number, need to be made in that aspect of this issue.

As I see it, we should not abandon either our interest in or our pursuit of an acceptable and reasonable method to eliminate the problems pointed out or to avoid the abuses outlined. To my mind, the establishment of this board meets this obligation as well as responsibly responding to the questions raised by the accountant witnesses, which I have noted above.

With this broad mandate, the findings of this board will dovetail into the report of the Government Procurement Commission established by legislation authored by my good friend and colleague, Congressman Chet Holifield. This Committee and the Congress will then be able to utilize the results and recommendations of both of these investigatory bodies in their consideration of any future legislative proposals on uniform cost accounting standards.

LIBERIA'S INDEPENDENCE DAY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. DIGGS. Mr. Speaker, Liberia, the oldest Republic in Africa, celebrates its 123d anniversary July 26. On behalf of the Subcommittee on Africa, I am pleased to extend to President William V. S. Tubman and the people of Liberia congratulations and every best wish for the future.

The history of Liberia is linked to our own. Special ties date from 1816 when the United States and its people gave support to the establishment of Liberia as a home for former slaves. Since that time the American people have maintained a keen interest in Liberia and have been privileged to assist in its development. We have watched with particular admiration Liberia's progress over the last 27 years under the inspired guidance of President Tubman. We are confident of Liberia's future and of the continued close friendship between our two countries.

TAX POLICY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Tom E. Moore of Springfield, Va., recently wrote to me to express his grave concern over what appears to be a tendency developing on the part of the executive branch of our Government to use tax policy as a form of punishment for those who disagree with official policy.

As I believe Mr. Moore expresses this concern quite well, I insert the text of his letter to me at this point in the RECORD:

SPRINGFIELD, VA.,
July 10, 1970.

The Honorable JOEL T. BROYHILL.

DEAR MR. BROYHILL: Several months ago I wrote to you of my concern for the proposal by Mr. Finch, then Secretary of HEW, to tax private schools which exclude negroes. His letter to you written by one of his underlings, was a classic in weasel-winding, explaining that he had no official part in establishing tax policy. Now Mr. Finch is the personal adviser to Mr. Nixon, has had his way, and the Executive Department is determining tax policy which takes the form of punishment for disagreeing with the official policies of the President and his staff.

The power to tax is the power to destroy, has often been said. As the framers of the Constitution were well aware of this truism, they built the safeguard into that document in providing that tax policies were to be set only by the House of Representatives. This safeguard has been pre-empted by fiat.

The basic principle involved in our system is that of representative government, representative of the majority of the citizens. The Nixon administration is unduly concerned about the interests of any noisy minority (blacks, and what have you) that looks as if they might be persuaded by the action and by some major miracle to vote Republican, and to hell with those whose confidence in his leadership and his feeling for Constitutional government put him in office in the first place. It appears to me that every step is moving us closer to a dictatorship. We surely aren't far from it at this moment.

We didn't elect this sort of government; we don't want it, and we will not tolerate it. The taxation of private schools, for any reason whatever, should be put down firmly by the Congress. Waving the flag, "getting together" on the 4th of July, and singing patriotic songs is window dressing, a kind of bread and circuses act, to lull us into complacency while the insidious business goes on unnoticed, like termites gnawing at our vital timbers.

Very truly yours,

TOM E. MOORE.

BRITISH TROUBLED BY CAMBODIAN ATTACKS IN U.S. SENATE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. DERWINSKI. Mr. Speaker, the distinguished international correspondent of the Copley News, Dumitru Danielopol, has just returned from an extensive factfinding tour of the Middle East and Europe and continues to emphasize the obvious fact that the President's effective handling of Southeast Asian problems is indispensable to leadership which is expected of the United States in world affairs. Thus, his commentary in the Thursday, July 9, Aurora, Ill., Beacon-News on British reactions to senatorial attacks on our involvement in Cambodia is extremely significant:

BRITISH TROUBLED BY CAMBODIAN ATTACKS IN U.S. SENATE

(By Dumitru Danielopol)

LONDON.—Even the imperturbable British are shaken by some of our "liberal" Senators.

For centuries it was the British who defended the "Judeo-Christian civilization." Now that the responsibility has passed to the United States, the British look at our actions with special awareness. The thinking Britisher knows from history that what America does will affect the freedom and well-being of the rest of the world.

Such Britishers are very much aware, too, that, had London acted in time in the first decade of this century and again in the 1930s to stop aggression, it might have prevented two world wars.

With their vast experience in the Far East and their first hand appreciation of Oriental psychology, the British are deeply troubled by the violent attacks on President Nixon's Cambodian action, by the Church-Cooper amendment to restrict the President's freedom of action and by the neo-isolationist ideas expressed by the Fulbrights, Mansfields, Hatfields, Kennedys and Pells.

The Cambodia debate in the House of Commons last May, held only a few days before Prime Minister Harold Wilson announced the general elections, reveals some thoughts held by men in power in Britain.

Wilson recalled that the territorial integrity of Cambodia had already been breached by the Reds "systematically and over a period of time."

"No one will underrate the extent to which the danger had escalated before the President was called to make his decision," he said.

Julian Amery, former Minister of Air and newly appointed to Prime Minister Edward Heath's sub-cabinet, pointed up British interests.

"The distance is only 20 minutes flying time between Vietnam and Singapore," he said.

Britain still has deep interests in the area which would be jeopardized if Vietnam was lost. A firm believer in the domino theory—that defeat in Vietnam would lead to the loss of other countries to communism—Amery went on to cite his own experience in the region.

"I was in Laos, in Cambodia, in Thailand,

in Malaysia, in Singapore, in Australia and in New Zealand, a clear consensus that if the Communists prevailed in Vietnam, still more if they prevailed in the rest of former Indochina, they would prevail in the whole area.

"I know that the domino theory is not popular in this country today. . . . (but) it is difficult to find any serious statesman anywhere in Southeast Asia who does not share it.

". . . It is clear that both in China and in the Soviet Union there are domino men, too. They think that if there is a breakthrough in Vietnam and Cambodia, it will spread through the whole area."

Some U.S. lawmakers should listen.

OUTSTANDING EDUCATOR RETIRING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. HELSTOSKI. Mr. Speaker, 32 years ago a young man migrated from Pennsylvania into Bergen County, N.J., and it was one of the most fortunate things that ever happened for the people in my area.

The man who came to New Jersey is Dr. Patrick E. Tedesco who through a career as a teacher, athletic coach, and school administrator did much to help and inspire young people in his years of service at Lodi (N.J.) High School. Dr. Tedesco's work in all areas of community endeavor has been outstanding and particularly with young people.

Now, Dr. Tedesco has announced he will retire from the Lodi school system next year, and in tribute to him, I, as a personal friend and great admirer of his, place in the RECORD an article from the Lodi Independent of July 9, 1970, telling of his outstanding career:

TEDESCO RETIRING IN JUNE OF 1971

Dr. Patrick E. Tedesco, director of Audio Visual Aids at Lodi High School has notified the Board of Education of his plans to resign as of June, 1971. On April 17, 1971, he will be 60 years with 36 years experience in the school profession. He is also a public accountant.

Tedesco came to Lodi in 1938 as a teacher and as a wrestling champion coach. Prior to 1938, he was an assistant athletic coach at Bangor and Waynesboro High Schools, Pa. He introduced interscholastic wrestling at Lodi. He quit as coach in 1945.

Tedesco served as supervisor of secondary education at Lodi from 1948 to 1958. From 1958 to 1969, he served as director of curriculum, and currently he is serving as director of audio visual aids.

GRADUATED RIDER

Tedesco graduated Rider College, Trenton, with a BCS degree. He earned his MA degree at Montclair State in 1946 and his Ph. D. degree at Metropolitan University, California in California in 1959. In addition, he received an honorary degree of Doctor of Letters at Interamerican University, Mexico in 1964; an honorary degree of Doctor of Humane Letters at Philathea College, Canada in 1968 and an honorary degree of Doctor of Laws at James Martin Seminary and College, Hong Kong, China in 1969.

During his high school and college days, Tedesco was an honor student and an outstanding athlete in football, wrestling, boxing, baseball and track. Tedesco is considered one of the world's fastest typists. He established a speed typing championship record of 110 net words per minute at Rider in 1933, which record has not yet been broken.

Tedesco is certified and qualified to hold practically all administrative and supervisory posts in the public schools and colleges of the United States. He has also gained prominence and recognition in the United States as a writer and as a public speaker.

Dr. Tedesco is a well-known native of Roseto, Pennsylvania, adjacent to the Pocono Mountains.

He has also served as one of New Jersey's Democratic political leaders for over 30 years.

NO SHINE LIKE A KAUFMAN SHINE

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. MINSHALL. Mr. Speaker, the July 16 edition of the Wall Street Journal front-paged my friend Ralph Kaufman, who is famed as one whose good work literally shines from coast to coast. If any of my colleagues pass through Cleveland Hopkins Airport without obtaining a Kaufman shine, they are missing a great experience and the best shoeshine of a lifetime. Greg Conderacci's story, which follows, tells why:

A SHOESHINE PARLOR IN CLEVELAND ATTRACTS CLIENTS FROM ALL OVER—NO SHINE LIKE A KAUFMAN SHINE, SAYS FANS OF SHOP IN AIRPORT—CAN HE OUTDO NIXON'S VALET?

(By Greg Conderacci)

CLEVELAND, July 16, 1970—Sometimes it takes a great artist half a lifetime or more to discover his true calling. Joseph Conrad didn't begin writing novels until he was close to 40 years old. Paul Gauguin didn't turn to painting until he was 35.

And Ralph Kaufman didn't start shining shoes until he was 50.

There are those who might doubt that Ralph Kaufman ranks up there with Conrad and Gauguin. They are the people whose shoes Mr. Kaufman has never shined. But to the growing number of customers who frequent Mr. Kaufman's shoeshine shop at Cleveland's Hopkins Airport, there's no doubt that he stands alone as the master of his trade in a world of disappearing craftsmanship.

"Ralph gives the greatest shoeshine in the world—bar none," says John (Long John) Nebel, a New York radio talk show host who boasts of owning almost 50 pairs of shoes. "My shoes are so shiny (after receiving the Kaufman treatment) that they look like they're made of patent leather."

Indeed, Mr. Nebel and many others across the country are so convinced there's no shine like a Kaufman shine that they regularly bundle up their scruffy old shoes and mail them to his shop. There, for $5 a pair, footwear sent in from as far away as New York and California gets the Kaufman treatment.

LIFE INTO LEATHER

"It's like putting new life into a baby," says Jesse Winchester, one of 15 men (most of them part-timers) who work in Mr. Kaufman's parlor. "You have to take a lot of time and just rub life into leather."

Mr. Kaufman, who's now 62, has spent the better part of 12 years perfecting his "super shine" and teaching his 15 bootblacks how it's done. Now, like any man at the pinnacle of his profession, he handles mostly executive duties—riding herd on his workers, checking on a shoe repair shop he also operates, taking care of correspondence about shoes mailed in and assuring visitors that "there's no one who can give you a better shine—not even the President's valet."

Whether the Kaufman shoe shine is really more lustrous than that applied by President Nixon's valet is a question that may never be answered. A few months ago, after hearing recurring reports of the brilliance of Mr. Kaufman's shines, Doug Llewelyn, a Washington radio and television announcer, tried to promote a contest between Mr. Kaufman and the Presidential valet.

No dice, replied the White House. "I don't think the White House wanted word to get around that President Nixon doesn't shine his own shoes," says Mr. Llewelyn. The President's shoes, he says, "are the most highly shined shoes I've ever seen. They look like they're made of glass. I sure would have liked to put them up against a pair shined by Ralph."

Mr. Kaufman got into the shoeshine business when he bid on the lease for a game room concession and shoeshine stand at the airport in 1958. Prior to that, he had jumped from one field to another, working as a mailer in a newspaper plant, dealing in iron and steel scrap and running a hotel. He began his shine parlor modestly with one or two chairs and as his business grew so did his interest in the art of shining shoes.

LIVING HIGH

Clearly that interest has paid off. Mr. Kaufman won't say what he makes, but he's obviously prosperous. He lives in a comfortable apartment in the fashionable suburb of Shaker Heights, owns two cars, is a partner in a thriving three-store shoe repair business, is expanding a fledgling dry cleaning business and, with his three brothers, owns a restaurant.

Mr. Kaufman concedes the $5 price on his "super shines"—he also offers an ordinary 50-cent shine—is high, but he insists he loses money on almost every such job. That's because the $5 shine also includes any needed repairs such as stitching or new heels and soles. He offers that deal, he says, because people talk about it and that's "good advertising."

Harold T. P. Hayes, editor of Esquire, tells of sending a pair of weather-beaten suede boots to Mr. Kaufman with little hope they could ever be made to look respectable. When they were returned, he says, "my secretary put them on my desk and they looked so good I didn't recognize them."

Sometimes customers mail in footwear that taxes even Mr. Kaufman's expertise. James Crismond, a sales executive at a Washington radio and TV station, recently sent Mr. Kaufman a pair of polo boots caked with a mixture of mud, grime and horse sweat. The boots were in such dismal condition, Mr. Crismond says, that no self-respecting bootblack in Washington would touch them. "I told Ralph if they weren't worth fooling with to just throw them away," he says.

"Those boots were a challenge," Mr. Kaufman recalls. A bootblack spent eight hours removing dirt and then started applying brown polish. When the boots finally looked like a Kaufman product, Mr. Kaufman arranged for a high-class delivery man to return them to Mr. Crismond. "I was just passing through the airport and Ralph asked me to do him a favor," says Rep. William Minshall (R., Ohio), who has been a Kaufman customer for years.

Mr. Kaufman's "super shine" is based on the old-fashioned military spit shine, a process that calls for endless periods of circular rubbing over a small area with a damp cloth. First, a Kaufman bootblack removes all the old polish—Mr. Kaufman formerly used the leg bone of an elk for that task but has switched to an electric brush. Then a coat of carnauba wax, made from leaves of palm trees and one of the hardest waxes known, is applied and rubbed with a moist muslin cloth, until it gleams. That process—another

coat of wax followed by another spit shine—may be repeated five or 10 times before Mr. Kaufman is satisfied.

Finally, the finished shine is coated with a special spray that Mr. Kaufman concocted—it contains "alcohol and two other ingredients that I'm not going to tell you," he says—to seal the finish under a scuff-resistant glaze. The shine will last for months, Mr. Kaufman says, "but you got to wipe it off with a clean rag every morning—like religion."

Mr. Kaufman says that many savvy bootblacks use the same carnauba-based polish he uses. Its manufacturer, the George A. Kelly Co. of Lynn, Mass., is secretive about the formula, but says it has been making essentially the same polish since 1900. The trouble with most shines, Mr. Kaufman explains, is that the typical bootblack "thinks all you have to do is run a rag over a shoe." Moreover, he says, too many people use dirty shine rags. "I wouldn't hit a dog with some of the rags they use in New York," he sniffs.

THE QUESTIONABLE UTILITY OF NUCLEAR POWER

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. HATHAWAY. Mr. Speaker, as the national concern over our electric power situation continues to mount, some people are looking to nuclear power reactors for a solution; scholarly research, numerous articles in the news media, however, as well as the past performance and present condition of the nuclear power industry, make the nuclear solution dubious. In recent years, I have emphasized that hydroelectric plants offer a more feasible and viable solution to the power crisis. I maintain that contention today.

Last month, to my very great disappointment, the House refused to include the preconstruction planning funds for the Dickey-Lincoln School hydroelectric project in northern Maine in the public works appropriation bill for fiscal 1971. I am confident that the Senate Appropriations Committee will reinsert the $807,000 for Dickey-Lincoln and that this action will receive full Senate approval. In conference, however, Dickey will encounter the same arguments that private power utilities have advanced now for 5 years and the public need for low-cost, reliable power in New England will again face an extremely difficult test. An abundance of impressive evidence suggests, however, that Dickey's construction should proceed forthwith, not only because of hydropower's proven worth, but also because of the questionable utility of nuclear power.

Recently, another author, Ralph E. Lapp, writing in the New Republic, warned America of its power deficiency. In treating the diverse subject of resource development and in assessing the resource's contemporary condition, he maintained that nuclear-powered electric plants constitute a great challenge to the environment. I am submitting excerpts for inclusion in the CONGRESSIONAL RECORD:

"WHERE WILL WE GET THE ENERGY"

(By Ralph E. Lapp, The New Republic, June 11, 1970)

This summer's power brown-out reminds us that our energy affluence is subject to some restrictions. It should also drive home the fact that the energy providing our heat, light and power is largely gained by chemical destruction of nonrenewable resources. Lights go on, toasters pop, cars run and homes are heated because somewhere fossil fuels are taken from the ground and then made to release their primordial energy through combustion.

Hydropower, so important earlier in the century's electric power history, will probably supply less than five percent of the nation's electricity by the year 2000. This means that 95 percent of our power will be derived from nonrenewable resources, primarily from fossil fuels. It also means that power will continue to be produced through the generation of heat, and that all power plants will have to dispose of their waste heat. This necessity creates the thermal pollution hazard about which so much controversy has centered in the site location of new power installations.

A recent government study of generating plants to be built by 1990 shows that about 500 plants of more than 500,000 kilowatt capacity will be built. Sixty percent of these will be fossil-fueled, but these include most of the lower-powered plants. Nuclear power becomes more efficient in jumbo-size versions. Almost a hundred A-plants of more than two million kilowatt capacity are planned for the next two decades, and nuclear engineers talk enthusiastically about going to much larger power ratings. Unlike coal-fired plants that discharge some of their waste heat up stacks, nuclear plants have no such vent for their unused heat. All the latter must be gotten rid of by cooling water, and this means that nuclear-electric plants constitute a challenge to environmental safeguarding, especially in the huge plants that will turn out ten times the power of most coal-steam units built only a decade ago.

One consequence of the emergence of very high power of electric plants may be the coalescence of utilities into groupings of super-utilities controlling the flow of power over huge sections of the nation. Indeed this power complex may be manipulated by what Senator Lee Metcalf last month called the "galloping oligopoly in the energy industries". Oil companies, for example, have been acquiring interest in major coal companies and have also reached out into the nuclear fuel field. One wonders what kind of competitive spirit will be manifest in the year 2000, if most of the fuel sources are in the hands of a vast energy cartel.

Our society can no longer tolerate a laissez-faire attitude toward energy. Prudent policy requires that we consider not just the physical problems of reserves, conservation and pollution; we need to inquire into the legitimacy of our future energy demands. Most of all, we need to view the energy problem on a national and global basis, welding together an analysis to show how research and development may more suitably solve energy problems on a long time base. In a sense we have to emulate the Dutch who take a half-century look at land reclamation.

The failure to adopt a wise national energy policy may find the United States eventually becoming like Japan—a major importer of fuel to drive its economy. Our fuel reserves, bounded by Canada, Mexico and two oceans, are finite—as is the capacity of our air and water to absorb insult from combustion products. Our energy affluence is not at an end, but it is clearly approaching a crossroad unmarked by signposts, except one—Caution.

IMPORT QUOTAS AND INFLATION

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. BURTON of Utah. Mr. Speaker, there has been a great deal of concern about the effect of import quotas upon inflation. A July 14, 1970 article by O. R. Strackbein in the Washington Post points out that on those products which have had import quotas imposed there was no substantial increase in price, and in some instances there was even a decrease. The article follows:

IMPORT QUOTA THEORY IS EXACTLY THAT

(By O. R. Strackbein)

(Mr. Strackbein is executive director of the Nationwide Committee on Import-Export Policy, a group that advocates protection for American industry.)

Now that import quotas are receiving serious consideration by Congress a veritable chorus of caveats, warning against higher consumer prices fills the air.

The caution is, indeed, supported by classical economic theory which generally leaves itself a convenient escape hatch by way of a hedge. This is under the much-used phrase "other things remaining equal." In other words, import quotas will raise prices if other things do not upset the equation.

The trouble with the theory is that "other things" seldom remain the same. So, the economist is home safe.

One of the best ways to test a theory is to have recourse to pertinent facts in the premises. We may do this quite handily in this instance because the United States has only a handful of import quotas. They are confined with minor exceptions to sugar, wheat, wheat flour, raw cotton, dairy products, petroleum, cotton textiles.

If we trace the price trends of these products the simple pragmatic truth will reveal itself.

Sugar quotas, figured to a decimal point, have been in effect antedating World War II. The retail price of sugar in 1955 was 10.4 cents per pound. By 1968 it had risen to 12½ cents and reached 13.4 cents in April, 1970. This was an increase of 28.8 per cent over a period of 15 years. Consumer prices in general have risen 34.6 per cent since the 1957–59 period, a somewhat later period than 1955, but is the current base used by the Government. Food prices in general rose 32.4 per cent. In other words, the price of sugar lagged behind the general parade.

In the case of wheat and wheat flour both have been under a very strict import quota since 1941. The bushel price of wheat in 1950 was $2.22. In May, 1970, after a long period of decline, it was $1.53, or down a little over 30 per cent in price. Wheat flour also under a strict import quota, had a price of $5.49 per hundred weight in 1950, followed by general stability, ending in January, 1970, at $5.51, an increase of 2 cents in 20 years.

The price of raw cotton has also declined despite a stringent import quota that limits imports to about 5 per cent of domestic production. From a level of about 38½ cents a pound in 1955 the price declined quite sharply in recent years reaching 21.4 cents in April, 1970.

Here are four agricultural products that have been "protected" by import quotas for

years. The price increased in two instances, but in only one was the increase even near the general price rise. In the two other instances there was a sizable decline in price, thus going against the general upward trend.

In the case of petroleum, of which we hear and read constantly, the price increase remained far below the general level despite the import quota. On a base of 100 using 1957–59 as the starting point, the price of refined petroleum products had risen to only 104.2 in May, 1970, compared with a level of 116.8 for all commodities. Coal, a competing fuel on which there is no import quota, meantime rose to 146.9 in the same period.

As for cotton textiles about which much has also been heard recently, only a very modest advance in wholesale price has been registered. On the 1957–59 base as 100, the May, 1970 price was only 105.3, or again far below the general price advance to 116. Cotton textiles have been under an import limitation for about ten years. The price on woolen textiles, which are under no import limitation, rose to only 103.8 during the same period, thus leaving little to choose between their price level, and that on cotton textiles which were under limitation.

Dairy products (milk, butter, cheese) have also been under an import quota for a number of years. By May, 1970 the price stood at 135.4, where 100 represents the 1957–59 period.

This increase was greater than in the wholesale price of "farm products, foods and feeds," as a whole, which, of course, includes wheat and cotton which pulled down hard on the average.

Nevertheless the wholesale price of dairy products did not keep pace with that of pork (hogs) which rose 62 per cent since 1964, compared with 35.4 per cent. Yet pork imports were not restricted. If unlimited imports operate to keep prices down, why the greater rise in pork and coal prices than in petroleum, dairy products, wheat, sugar, etc., which were under import control?

Footwear imports zoomed greatly in recent years as all our ladies know. Imports are now supplying nearly a third of our market. There is no import quota. Yet what happened to footwear prices? They went well above the level for all apparel and distinctly above the rise in dairy prices.

What happens then to the economic theory? The answer: "other things" did not remain the same. Nevertheless the theory thrives and proliferates in the fact of overwhelming contrary testimony.

DAHOMEY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. DIGGS. Mr. Speaker, on the occasion of the 10th anniversary of the independence of the Republic of Dahomey, I wish to extend the heartiest congratulations and best wishes to the members of the Presidential Commission and to the Government and people of Dahomey.

The United States takes pride in the friendly relations it has shared with Dahomey since 1960, and hopes this good feeling and mutual cooperation will continue throughout the coming decades as well.

This Independence Day celebration will be a very special one for Dahomeans. We hope it will be followed by much joy and fulfillment for Dahomey in the years ahead.

HOUSE OF REPRESENTATIVES—*Wednesday, July 22, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D. offered the following prayer:

True justice is the harvest reaped by peacemakers from seeds sown in a spirit of peace.—James 3: 18 (new English Bible).

O Lord, our God, who hast made this earth a grand place in which man can live, reveal to us Thy will and renew Thy love in us that responding to Thee we may learn to live together on this planet in peace and with good will.

Help us to feel Thy presence within us this day seeking to guide us as we determine our decisions and striving to assist us in leading our people along the roads to righteousness, our Nation along the ways of justice, and our world along the paths of peace.

"Incline our hearts with Godly fear
To seek Thy face, Thy word revere;
Cause Thou all wrongs, all strife to cease
And lead us in the paths of peace."

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 3279. An act to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes; and

S. 3889. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for two years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Tuesday, July 21, 1970, he did on that day sign the following enrolled bill of the Senate:

S. 3978. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

PRIVILEGES OF THE HOUSE

Mr. STEIGER of Arizona. Mr. Speaker, I rise to a question of the privileges of the House.

Mr. Speaker, on March 31, 1970, during the present session of Congress, I was, while in Phoenix, Ariz., served with a subpena duces tecum to appear before the Superior Court of Arizona, the next day, on April 1, 1970, as a witness for the plaintiff in the case of *Yuma Greyhound Park Inc.* v. *Samuel Jenkins et al.* (case No. 28609) and to bring with me certain documents referred to therein. I appeared in that court on April 1, 1970, and advised that this was in violation of my privileges as a Member of this House, and in violation of the privileges of the House and its protection guaranteed under the Constitution of the United States.

On May 15, 1970, I was served by the Superior Court of Arizona in the same case with an order to appear and to show cause on May 26, 1970, why I should not answer questions as a witness pursuant to the earlier subpena. Under the precedents of the House, I was unable to comply with the order to show cause without the permission of the House, the privileges of the House being involved. I sent to the desk the order to show cause for the consideration of this body on May 19, 1970.

On May 26, 1970, the court was advised of the privileges of the House and the protection guaranteed under the Constitution of the United States and the court ordered the motion to compel me to appear and answer questions be denied under the above-mentioned privileges and protections.

On June 15, 1970, the Supreme Court of Arizona was petitioned to overrule the lower court's order and on June 30, 1970, the Supreme Court of Arizona saw fit to rule that there was no privilege and issued an alternative writ of mandamus reversing the lower court and ordering it to require me to be deposed at a time and place mutually convenient to the parties.

On July 2, 1970, a judgment was also signed by the chief justice which provided that the deposition should be noticed for a time certain at a place designated by the petitioner.

On July 2, 1970, the Superior Court of Arizona issued an order that compels me to appear in Phoenix, Ariz., on August 3, 1970, in further disregard of the rules of the House.

Mr. Speaker, just as I could not obey the original subpena without the permission of this House, or the order to show cause which flowed from it, I cannot obey this last order which is also the product of that subpena.

I will say that this whole matter is intended to harass me since I have made it abundantly clear that after Congress adjourns there is no privilege from the service of a subpena nor would I assert any privilege.

I will also say that on three separate, recent occasions when I have testified, under oath, concerning Emprise Corp., which has done and is doing business with organized crime, that I have been subjected to cross-examination for a total of over 7 hours by extremely com-

petent counsel including a member of the same law firm which seeks to depose me now.

I mention this because after such cross-examination it had to be apparent I knew nothing of the subject matter of the above captioned lawsuit.

If it is the will of the House that I respond to this last order to be deposed, I will, of course, comply.

I send to the desk the subpena duces tecum, the order to show cause, the order of the superior court of May 26, the order of the Supreme Court of Arizona, the judgment of the supreme court and the order of the superior court directing me to appear on August 3, 1970, for the consideration of this body.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

[In the Supreme Court of the State of Arizona, No. 10082]

YUMA GREYHOUND PARK, INC., PLAINTIFF, *v.* HON. CHARLES L. HARDY, JUDGE OF THE SUPERIOR COURT OF THE STATE OF ARIZONA, SITTING IN AND FOR THE COUNTY OF MARICOPA, RESPONDENT, AND SAM STEIGER, REAL PARTY IN INTEREST

JUDGMENT

In accordance with the opinion of this Court filed on July 2, 1970.

It is herewith ordered, adjudged and decreed that the respondent, the Honorable Charles L. Hardy, shall enter a Rule 37(a) order compelling the Honorable Sam Steiger to appear for a deposition and to answer questions. Such an order shall notice the deposition for a time thirty days removed from this judgment at a place to be designated by the petitioner; but shall provide that upon five days' notice within that time by the Honorable Sam Steiger, the time and place may be changed to any earlier time and any place in the United States convenient to Mr. Steiger.

Done in open court this 2nd day of July, 1970.

LORNA E. LOCKWOOD,
Chief Justice.

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1155

Whereas Representative Sam Steiger of Arizona, a Member of this House, has been served by the Superior Court of Arizona, Yuma County, in the case of *Yuma Greyhound Park, Inc.* v. *Samuel Jenkins, et al.* (case No. 28609) with an order to answer oral interrogatories on Monday, August 3, 1970 at 9:00 a.m. in Phoenix, Arizona, or at such earlier time and at such place convenient to Representative Steiger upon five days notice to counsel for plaintiff; and

Whereas by the privileges of this House no Member is authorized to appear and testify in response to an order of a court but by order of the House: Therefore be it

Resolved, That Representative Sam Steiger of Arizona is authorized to appear in response to the order of the Superior Court of Arizona, Yuma County, in the case of *Yuma Greyhound Park, Inc.* v. *Samuel Jenkins, et al.* at any time when the House has adjourned to a day certain for a period in excess of three days; and be it further

Resolved, That as a respectful answer to the order of the court a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE STATE OF THE ECONOMY

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, yesterday I was on the floor when the distinguished minority leader, GERALD FORD, said, and I quote him:

The economy of the United States is healthy now.

I wonder about that, particularly when that remark was punctuated by the stock market's fall of 11 points yesterday. However, more important than that is the fact that there are too many blue-collar and white-collar workers still unemployed. There are stockholders who have suffered enormous losses in their investments. I get letters from these constituents and I speak with them and others every week. I am sure the distinguished minority leader also gets letters from and talks to his constituents. Mine are still distressed about the state of the economy and I would be surprised if his were not too.

EXPRESSION OF APPRECIATION TO SENATOR HOLLAND

(Mr. HALEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, in recognition of Senator SPESSARD L. HOLLAND'S long, distinguished service to the Nation and especially to the people of Florida, he has been honored in a resolution unanimously passed by the board of directors of the Peace River Electric Cooperative, Inc. I certainly agree with the following resolution and am happy to join in this expression of appreciation to Senator HOLLAND for his devoted years of service to our country:

RESOLUTION

Whereas, the Board of Directors of the Peace River Electric Cooperative, Inc., has met on this day, and

Whereas, said Board of Directors wishes to recognize Senator Spessard Holland for the many years he has spent unflaggingly representing the people of Florida and the United States of America, and

Whereas, Senator Spessard Holland has been a true friend of the Rural Electrification Program and the Peace River Electric Cooperative, Inc.,

Now, therefore be it resolved, that the Board of Directors of the Peace River Electric Cooperative, Inc. express their fullest appreciation to Senator Holland for his great service in the past, and for his continued personal friendship and good health in the future.

Signed this 14th day of July, 1970.

H. E. Durrance, President; J. Lynn Harrison, Vice President; Perry Bush, Secretary-Treasurer; W. V. Stephens, H. Grady Kickliter, Maurice Henderson, Matthew J. Toia, George Helms, Jr., Board Members.

SPENDERS AND NONSPENDERS

(Mr. JACOBS asked and was given permission to address the house for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. JACOBS. Mr. Speaker, yesterday the minority leader took time out from his busy duties—including two picture-taking sessions at the White House for which the House adjourned early yesterday and for which it will adjourn early again today—to attack Democrats in Congress as spenders.

Mr. Speaker, my curiosity got the better of me. Guess what I discovered about "spender" ANDY JACOBS and "nonspender" GERRY FORD?

For fiscal 1970 "nonspender" GERALD FORD supported $200 million more in appropriations than "spender" JACOBS.

For fiscal 1970: "Nonspender" GERALD FORD, $121,365,560,057; "spender" JACOBS, $121,081,036,000; "inflation fighting" administration—which has overspent its entertainment allowance by $100,000—controllable budget request, $135,190,-041,000.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Indiana yield?

Mr. JACOBS. I yield to the gentleman.

Mr. GERALD R. FORD. Of course, I would be very curious to get the figures and the detailed information that the gentleman uses to arrive at his comparison. I am sure that he will be very glad to cooperate and send them to me.

Mr. JACOBS. The gentleman from Michigan can be assured of that.

Mr. GERALD R. FORD. But I suspect, without having any prior information on the figures, that the gentleman has used various attempts at reductions in the Defense Department authorization on appropriations. Is that the case?

Mr. JACOBS. It is not.

Mr. GERALD R. FORD. If that is the case——

Mr. JACOBS. It is not.

Mr. GERALD R. FORD. If that is not the case, then will the gentleman please let me have the benefit of the figures he uses to arrive at his conclusion.

Mr. JACOBS. Delighted to do so.

Mr. GERALD R. FORD. The gentleman from Indiana voted to increase spending on two or three crucial issues, one on the veto of the education bill wherein he wanted to spend $1.2 billion more, and on the veto of the Hill-Burton legislation he also voted to spend additional money in the amount of approximately $350 million plus mandatory spending.

I am just curious to see the figures of the gentleman.

Mr. JACOBS. I do not blame the gentleman for being curious, but let me point out that in determining who supports the most spending, one must examine the total amount supported by each Member, not just individual items, some of which the minority leader supported and I did not, some of which I supported and the minority leader did not. And naturally one hates to admit

he has been beaten. But when it comes to total appropriation spending for fiscal 1970, the minority leader beats me by voting to spend $200 million more than I supported.

STATEMENT WITH REFERENCE TO CHANCES OF A RECESSION

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Now, Mr. Speaker, I am very much interested in my good friend from Michigan who recently made the statement on the White House steps that the chances of a recession were nil.

It just so happens that I happen to be a member of the Joint Economic Committee and a member of the Committee on Ways and Means. The revenue estimates of the Treasury Department are off well over $1 billion. Why? Because unemployment has increased.

One of the big increases in Government expenses this year is in unemployment compensation, because there are more people unemployed.

And, Mr. Speaker, when they are unemployed they do not pay any taxes. The Government supports them.

And how much in taxes do you think the Treasury Department collected from Wall Street today with a $300 billion loss in security values since Nixon became President?

KNOCK, KNOCK, WHO'S THERE?

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, Shakespeare—William, not Frank—once wrote that "a rose by any other name would smell as sweet." The Attorney General, however, tells us that certain provisions of the District of Columbia crime bill by any other name would smell sweeter.

I agree with Mr. Mitchell on one point—the current smell is less than pleasant. However, changing "no knock" to "quick entry" as suggested hardly changes the basic fact that police are being authorized to enter private homes without announcing purpose or authority.

Perhaps we can expect the Attorney General's "name game" to be carried even further. The bill's provision reducing the minimum age for adult criminal prosecution to 16 may yet become the Justice Department's "provision to bridge the generation gap"—or "accelerated maturation." And given the President's demonstrated affinity for football, "preventive detention" is likely to be termed "defensive holding." But if the administration backs the wiretapping provision because it literally "brings us together," it will bug a lot of people.

PERSONAL ANNOUNCEMENT

Mr. BRADEMAS. Mr. Speaker, on Monday, July 20, I was necessarily absent from the House while conducting hearings in Florida's 11th Congressional District on H.R. 17763, a bill to provide nutrition programs for elderly citizens.

Had I been present, I would have voted "yea" on rollcall No. 221 on H.R. 18253, a bill to provide national service life insurance funds to guarantee home loans for veterans.

Mr. Speaker, I would have also voted "yea" on rollcall No. 222 on H.R. 14114, a bill to redefine the area of administration of the National Park Service.

Mr. Speaker, I ask that my position on these two rollcall votes this week be printed in the RECORD.

The SPEAKER. The gentleman's statement will appear in the RECORD.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, JULY 24, TO FILE A REPORT ON H.R. 18546

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture have permission to file a report on H.R. 18546 by midnight, July 24, 1970.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WE MUST INCREASE OUR EFFORTS ON BEHALF OF OUR AMERICAN POW'S AND MIA'S

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am sure the announcement by the South Vietnamese that they will demolish the so-called tiger-cages on Conson Island was welcomed by everyone. I would hope that we would become as concerned and up in arms over the plight of American prisoners of war as we have been over conditions on Conson Island. It would appear to me that if the North Vietnamese were sincere in their criticism of Conson as expressed at the Paris peace talks recently, they would now show good faith and begin abiding by the Geneva Convention themselves. The first step for them to take would be to allow periodic inspections of their POW camps by the International Red Cross. We should also press them to release the names of U.S. servicemen they hold captive and allow the free flow of mail between the prisoners and their families in America.

Three members of the select committee on Southeast Asia met with an official of North Vietnam in Vientiane, Laos, relative to the POW situation. We made a strong plea for humane treatment of Americans they hold. Unfortunately, we were ignored and given no hope our requests would be met.

Mr. Speaker, we must never relent in our efforts on behalf of our American POW's and MIA's.

AMERICAN'S INHUMANITY TO FELLOW AMERICANS

(Mr. WALDIE asked and was given permission to address the House for 1 minute.)

Mr. WALDIE. Mr. Speaker, I join in the concern of the gentleman from Mississippi relative to the lack of response from the North Vietnamese concerning our men held as prisoners of war. On a related subject, it does occur to me that the display we have in the Capitol of North Vietnamese prisoner of war cages demonstrating the cruelties and tragedies that are involved in the holding and treatment of our men by the North Vietnamese might be duplicated by a similar display in the Capitol of American migrant workers' quarters so that visitors to Washington would have a visual example of the cruelties and tragedies involved in the way some Americans are treated by some Americans in this country.

It is my understanding that the replica of North Vietnamese prisoner of war cages was constructed in the Capitol to evoke, from Americans who visited Washington, rage at the cruelty and barbarism of the enemy. That might be a worthwhile objective. It clearly would be equally worthwhile to evoke in Americans an equal rage at the cruelty and barbarism involved in the treatment of American migratory workers by some American growers and corporate farmers.

AMENDMENT TO HEW APPROPRIATION TO INCREASE CHILD WELFARE FUNDS

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, this afternoon if the opportunity presents itself, I intend to offer an amendment to the appropriation bill asking for an increase in appropriations under the child welfare provisions, increasing that amount from $46 million to the authorized amount of $110 million.

I realize there is a lot of talk around about excessive spending, but I wish to point out to the Members of the House that the administration is on record pledging to increase this amount.

The amount has been static for the last 2 years.

Mr. Speaker, this matter deals with the most underprivileged and most deprived children in America—the child welfare children. These are children who live in institutions and who are farmed out to homes in various houses for their upkeep and the Federal Government contributes 6 percent toward their upkeep while the AFDC—the Government contributes 75 to 83 percent.

There is no justification for this disparity in the contribution on the part of the Federal Government because the children we are talking about have no parents and no mother to take care of them and no relatives. They are wards of the State until they reach the age of maturity. They are just shuffled around and completely forgotten. They are youngsters without any political muscle. There is nothing exotic about helping them because nobody gets any publicity by helping these children. But

you and I have a moral obligation to take care of these children.

This Federal Government of ours has spent billions of dollars for lesser causes. Let those who want to oppose this amendment of mine today go home tonight and put their heads down on the pillows and sleep with a clear conscience. I do not see how they can do it. I do not see how the administration can do it. I do not see how anybody can do it.

Mr. Speaker, I certainly hope that we adopt this amendment this afternoon.

APPEARANCE OF RENNIE DAVIS, ONE OF THE "CHICAGO 7," AT THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, an incredible event, a classic insult to patriotic Americans, is scheduled to take place at the Department of Health, Education, and Welfare later this month. Rennie Davis, one of the infamous "Chicago 7," has been invited by Federal employees calling themselves "the Thursday Discussion Group" to expound his views on July 30 in room G–751 of the HEW north building.

The office of James Farmer, Assistant Secretary for Administration at HEW confirmed that they had made arrangements for the group to allow Davis to speak.

Davis, a convicted felon, was found guilty last February of crossing State lines to incite a riot by giving inflammatory speeches. In addition to receiving 5 years for this offense, the radical hatemonger was sentenced to 25 months and 14 days for 23 counts of contempt of court.

This repulsive revolutionist stated on the day he was sentenced:

> We're going to turn the sons and daughters of the ruling classes in this country into Vietcong.

Why should the Federal Government set the stage and provide the audience for Davis' tirades? If an individual wishes to indulge his taste for this vicious venom, let him do so on his own time and not at taxpayer expense. While the first amendment guarantees the right of free speech, nowhere does the Constitution direct the Government to subsidize such drivel. This project should be canceled.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 227]

Ashley	Davis, Ga.	Teague, Calif.
Baring	Dawson	Lukens
Blanton	Dent	Meskill
Brock	Diggs	Monagan
Burke, Fla.	Dorn	Murphy, N.Y.
Burton, Utah	Edwards, La.	Ottinger
Caffery	Foley	Patman
Carey	Gallagher	Pollock
Celler	Gettys	Powell
Chamberlain	Gilbert	Rarick
Chisholm	Goldwater	Rhodes
Clark	Gray	Rivers
Clay	Hathaway	Rogers, Colo.
Colmer	Hébert	Roudebush
Cramer	Hunt	Ryan
Crane	Ichord	Skubitz
Cunningham	Kirwan	Symington
Daddario	Long, La.	Taft

The SPEAKER. On this rollcall 377 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF TERMINATION DATE OF DEFENSE PRODUCTION ACT OF 1950 TO AUGUST 31, 1970

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIDNALL. Mr. Speaker, I am introducing today a joint resolution to extend the termination date of the Defense Production Act of 1950 for 30 days to August 31, 1970. Although the Banking and Currency Committee has completed action on H.R. 17880 and will file a report on Monday, July 27, this extension is still needed. Without it the act will expire on July 30.

The other body has passed legislation—S. 3302—granting a 2-year extension, as our bill would also do, but there are two major points of difference in other provisions of the bill which will require a conference. Because these differences are likely to prove quite controversial, and because the other body has reported to us that it already has a heavy schedule for next week it seems highly unlikely that we can complete action on these bills before July 30, I, therefore, consider the prompt enactment of this resolution to be of the utmost importance.

CONFERENCE REPORT ON H.R. 17619, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1971

Mrs. HANSEN of Washington. Mr. Speaker, I call up the conference report on the bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 21, 1970.)

Mrs. HANSEN of Washington (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. HANSEN of Washington. Mr. Speaker, the conference report on H.R. 17619, Interior and related agencies appropriation bill for 1971, provides total appropriations of $2,028,524,700. This amount is $311,968,400 over the 1970 appropriation and $6,346,900 below the 1971 budget estimate. The conference total is $227,298,000 over the amount approved by the House and $127,200 over the amount approved by the Senate.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield for a question?

Mrs. HANSEN of Washington. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentlewoman for yielding.

Do I understand that the appropriation for the arts and humanities ended up at more than $31 million?

Mrs. HANSEN of Washington. This is correct, $31,310,000. The conferees reduced the sum in conference for the Endowment for the Humanities by $2 million. This does not alter the Senate allowance for the Endowment for the Arts.

Mr. GROSS. That is an increase over the expenditure of last year of about $13 million?

Mrs. HANSEN of Washington. That is correct.

Mr. GROSS. It is $13,400,000?

Mrs. HANSEN of Washington. That is correct.

Mr. GROSS. And the conference report as brought to the House is some $311 million above the expenditures for the Department of the Interior appropriations of last year?

Mrs. HANSEN of Washington. Yes. I would like to explain that the major portion of the increase relates to four activities.

One is in the land and water conservation fund. The conference report provides full funding for this activity. This fund is to acquire recreation land over the United States, as the gentleman knows. The appropriation in 1970 was $131,100,000, and the 1971 appropriation will be $357,400,000. The accelerated funding will curb escalation of land prices, and it will, in the end, save the United States a great many tax dollars.

For the Indian health program, and the Bureau of Indian Affairs, there is a material increase over 1970. But I do want to remind the gentleman that previous appropriations for these activities have been instrumental in eliminating deaths from tuberculosis in Alaska among the Indian population, and I think this is very remarkable.

There is a large increase in the mine

health safety field, which was brought about because of the necessity to provide funding for the observation and supervision of mining.

For Geological Survey, the increase is $6,402,000. A large portion of this increase will be spent on inspectors and inspection procedures in connection with our offshore oil leases. It has seemed to me it is high time for our Government to have the same information that private industry has on those resources, to properly safeguard the leasing procedure.

Mr. GROSS. I might suggest to the gentlewoman there is also a sizeable increase in the amount of pay apparently.

Mrs. HANSEN of Washington. The House has voted increases in pay. May I say that in this bill we do not provide for the last 6 percent increase. This will come later in a supplemental.

Mr. GROSS. That was the next question I would have asked the gentlewoman, whether the last pay increase is included in this bill.

It ought to be apparent to the Members of the House what is taking place as the appropriation bills come through with respect to pay increases and those projected in the future. We are now beginning to pay the bills for the action of the House last year and earlier this year.

Mr. EDMONDSON. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. One of the increases which I believe is deeply appreciated by Indian people all over the country is the increase provided to meet the desperate needs and shortages in the field of medicines and drugs and personnel in the Indian hospitals which are operated by the Public Health Service. I want to thank the gentlewoman for her part in securing those additional funds as a result of this conference.

Mrs. HANSEN of Washington. I would point out that an additional $957,000 is included in the bill for drugs and supplies, which the gentleman discussed with the committee at some length earlier. There is also additional funding of $1,269,000 for hospital personnel. The committee feels not at all apologetic in recommending that this money be expended on behalf of our Indian people.

Mr. HOWARD. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield with pleasure to the gentleman from New Jersey.

Mr. HOWARD. I thank the gentlewoman.

On page 8 of the report of the managers there is an item for appropriation under this bill of $100,000 for research on the red tide in the New York Bight area. This has been a grave problem along the east coast for quite some time, and has been economically depressing to the entire resort area along the central New Jersey shore.

It has been estimated that for full research concerning this red tide menace approximately $400,000 might be needed. It is proposed that funds be requested for research money under the Public Works appropriation bill, under water pollution control.

Will there be enough flexibility with respect to this $100,000 so that it may be used in connection with or in conjunction with any other funds granted by the Federal Government for such a survey?

Mrs. HANSEN of Washington. I would say yes. Customarily good research, particularly in the Department of the Interior, is carried on in an interbureau manner. Therefore a maximum amount of information may come from the minimum amount of money expended, yet using all the money available in the fields of water pollution and water quality research in this field.

No one knows the scope of that problem which is a most difficult research problem.

And I would be remiss if I did not take the opportunity at this time to acknowledge the diligent and helpful efforts of the gentleman from New Jersey in bringing this matter to the committee's attention and obtaining funds for research on the problem.

Mr. HOWARD. I thank the gentlewoman for recognizing the problem and starting the momentum toward providing enough funds to research the problem.

Mr. FULTON of Pennsylvania. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I am delighted to yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. I should like to compliment the conference committee on two items; amendment No. 25, on the Bureau of Mines, and amendment No. 26, on the Office of Coal Research.

There has been some comment in newspapers and magazine articles, and some statements generally, that the administration was intending to close down the Office of Coal Research or to reduce it drastically, and as well to reduce research into minerals exploration and use. I recommend strongly that that not be done.

I would ask if it is not the intent of this committee and of this House that we continue the research which has produced so much in the field of coal and minerals and support for such good institutions as the Coal Research Institute in the Department of the Interior.

Mrs. HANSEN of Washington. Our committee hearings made it very plain that we expect the research to be continued.

Mr. FULTON of Pennsylvania. So there is not in prospect at the present time any particular plan or program within the Congress or, so far as we know, within the administration to reduce the research on minerals, the Coal Institute, or the various research programs in the Department of the Interior?

Mrs. HANSEN of Washington. I would certainly hope that the administration does not not have such a reduction in mind, because I believe it would be disastrous to our energy potential. I know of no such plan by the Congress to reduce research.

Mr. FULTON of Pennsylvania. We can say that specifically as to the legislative intent of the Congress?

Mrs. HANSEN of Washington. That is correct.

Mr. FULTON of Pennsylvania. I thank the gentlewoman very much. I compliment her.

Mr. HALL. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield with pleasure to the gentleman from Missouri.

Mr. HALL. I thank the gentlewoman from Washington for yielding.

I notice in connection with an amendment reported in technical disagreement, particularly amendment No. 42, that we plan to recede and concur in an amendment providing in one case for slippage for construction of one airport at Anchorage, Alaska, and in another case for apparently $712,000 for total construction of an airport at Jackson Hole, Wyo.

I can certainly understand the importance in an appropriation bill for the Interior Department and related agencies of many of these appropriations, but why are we in the airport construction business?

Mrs. HANSEN of Washington. We are not in the airport construction business. The Jackson Hole airport and facilities for the Anchorage airport were deleted from the bill in conference.

Mr. HALL. In other words, the gentlewoman's motion to recede and concur with an amendment will take that out of the report?

Mrs. HANSEN of Washington. That is correct.

Mr. HALL. I thank the gentlewoman.

Mr. MAHON. Mr. Speaker, will the gentlewoman yield to me?

Mrs. HANSEN of Washington. I yield with pleasure to our very distinguished chairman of the Committee on Appropriations.

Mr. MAHON. Mr. Speaker, I want to say that in my opinion the House of Representatives and the people of this country owe a big vote of thanks to the distinguished gentlewoman from Washington; to the distinguished gentleman from South Dakota (Mr. REIFEL) and to other members of the subcommittee for the grand job that has been done on this bill. I know that the gentlewoman from Washington has really afforded the leadership that has made it possible to get an excellent measure enacted into law. She has done a good job and those who have worked with her have done a good job. As chairman of the Committee on Appropriations, I want to offer a special word of thanks and appreciation.

Mrs. HANSEN of Washington. I thank the distinguished chairman of the full committee.

Mr. McCORMACK. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I am glad to yield to the distinguished Speaker of the House.

Mr. McCORMACK. Mr. Speaker, I want to join the distinguished chairman of the Committee on Appropriations in

congratulating the subcommittee on the fine work it has done and particularly in congratulating the distinguished chairwoman of the subcommittee for the excellent manner in which she has handled and always handles these bills and for the effective results she accomplishes. The people of her district are justified in being very proud of the service that the gentlewoman from Washington (Mrs. HANSEN) renders. I am quite sure that at the proper time, when the people go to the polls to vote, they will manifest their complete confidence in and respect for the gentlewoman from Washington (Mrs. HANSEN) by reelecting her by a tremendous majority.

Mrs. HANSEN of Washington. I thank the distinguished Speaker for those kind words.

Mr. ALBERT. Mr. Speaker, will the gentlewoman yield to me?

Mrs. HANSEN of Washington. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, may I echo what the distinguished Speaker has just said and add that the expeditious manner, and I might say the unanimous manner, in which the gentlewoman chaired and managed this bill through the House testifies to the confidence the entire House has in her leadership and the work of her committee.

Mrs. HANSEN of Washington. I thank the distinguished Members of the House for their cooperation and their work and service in the preparation of this bill.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentlewoman yield to me?

Mrs. HANSEN of Washington. I am glad to yield to the distinguished gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to clarify a point with respect to amendment No. 5 in the conference report wherein it states:

> The reduction below the amount proposed by the Senate includes $300,000 for the California Rural Indian Health Board and $150,000 for the California Rural Indian Health Pilot Program.

Now, if I understand that correctly, the request for the $300,000 by the California Rural Indian Health Board is, in fact, included and they can expect the funds to be included in the appropriation bill.

Mrs. HANSEN of Washington. The $300,000 and the $150,000 are not included, but we have said in the conference report that proper guidelines should be established between the Indian Health Service and the Bureau of Indian Affairs and the States. The problem of Indian health in urban as well as rural areas is tremendous, but at the present time there are not sufficient guidelines to provide Indians the same assistance that any other citizen receives within the States.

So, in the conference report we tell them to explore the problem and to develop some guidelines. I can assure the gentleman that the committee will not turn its back on the Indians' health needs.

Mr. DON H. CLAUSEN. Mr. Speaker, if the gentlewoman from Washington will yield further, this does not represent a rejection of the need, but the gentlewoman simply wants to have better guidelines and then you will consider this matter later?

Mrs. HANSEN of Washington. There is not any question at all as to our awareness of the need, but where does the responsibility of the Federal Government in this field lie and where does the responsibility of the States lie?

Therefore, let us draw some guidelines which will give us an indication so to speak of what we should do. It is impossible to do the kind of job that needs to be done across the Nation without establishing these guidelines.

Mr. DON H. CLAUSEN. I want to join in what the distinguished Speaker and other Members have said with respect to the gentlewoman's chairing of this particular piece of legislation and to express my appreciation for the funds allocated for the Point Reyes National Park.

Mrs. HANSEN of Washington. I thank the gentleman from California.

Mr. PICKLE. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Speaker, I simply want to add my thanks for the very efficient and capable manner in which the distinguished gentlewoman has handled this measure. The gentlewoman deserves the thanks of this entire House for this excellent job.

Mrs. HANSEN of Washington. I thank the gentleman.

Mr. KYL. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Iowa.

Mr. KYL. There are several appropriations in this bill totaling many millions of dollars for line item grants to colleges for study and research; is that not correct?

Mrs. HANSEN of Washington. There are many types of grants made to colleges in the field of forestry, commercial and sport fish, water research, mining, et cetera, which various bureaus have established with colleges and universities. For example, the bill provides $50,000 for a grant to Iowa State University for a coal research project.

Mr. KYL. Mr. Speaker, if the distinguished gentlewoman will yield further, is the distinguished chairman of this subcommittee aware of any grants to colleges from the Interior Department that are contained in the blanket appropriation for the office of the Secretary as categories which are not revealed by line item, such as water research and so on?

Mrs. HANSEN of Washington. In the regular bill there are items carried for water research which are cooperative grants to State water agencies.

Mr. KYL. Mr. Speaker, if the gentlewoman will yield for one further question, it is my understanding that the Department has for years had a standing, ongoing, repetitive grant program to colleges but which does not even show up as a part of the Office of the Secretary's expenses.

Mrs. HANSEN of Washington. In the training programs?

Mr. KYL. Yes.

Mrs. HANSEN of Washington. I am not aware of such a program and I trust that the Secretary will continue to be as forthright in the presentation of items of that nature as he has been.

Mr. KYL. Well, if the gentlewoman will yield for one final question, I think this matter might merit some investigation, because it is my understanding that it has been a regular practice year after year whereby the Department of the Interior has granted to a list of 40 colleges in the United States a certain grant each year without any justification whatsoever insofar as the Appropriations Committee is concerned.

Mrs. HANSEN of Washington. The committee will be very glad to investigate this, but I can assure the gentleman that he will undoubtedly find that those grants are for some specific purpose.

Mr. KYL. I hope the distinguished gentlewoman is correct.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DEVINE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 387, nays 3, not voting 41, as follows:

[Roll No. 228]

YEAS—387

Abbitt	Boggs	Clancy
Abernethy	Boland	Clark
Adair	Bolling	Clausen, Don H.
Adams	Bow	Clawson, Del
Addabbo	Brademas	Clay
Albert	Brasco	Cleveland
Alexander	Brinkley	Cohelan
Anderson, Calif.	Brooks	Collier
Anderson, Ill.	Broomfield	Collins
Anderson, Tenn.	Brotzman	Colmer
Andrews, Ala.	Brown, Calif.	Conable
Andrews, N. Dak.	Brown, Mich.	Conte
Annunzio	Brown, Ohio	Conyers
Arends	Broyhill, N.C.	Corbett
Ashbrook	Broyhill, Va.	Corman
Aspinall	Buchanan	Coughlin
Ayres	Burke, Mass.	Cowger
Baring	Burleson, Tex.	Culver
Barrett	Burlison, Mo.	Daddario
Beall, Md.	Burton, Calif.	Daniel, Va.
Belcher	Bush	Daniels, N.J.
Bell, Calif.	Button	Davis, Wis.
Bennett	Byrne, Pa.	de la Garza
Berry	Byrnes, Wis.	Delaney
Betts	Cabell	Dellenback
Bevill	Camp	Denney
Biaggi	Carey	Dennis
Biester	Carter	Dent
Bingham	Casey	Derwinski
Blackburn	Cederberg	Devine
Blanton	Celler	Dickinson
	Chamberlain	Dingell
	Chappell	Donohue
	Chisholm	

Dowdy	Kyl	Reuss
Downing	Kyros	Riegle
Dulski	Landgrebe	Roberts
Duncan	Landrum	Robison
Dwyer	Langen	Rodino
Edmondson	Latta	Roe
Edwards, Ala.	Leggett	Rogers, Fla.
Edwards, Calif.	Lennon	Rooney, N.Y.
Eilberg	Lloyd	Rooney, Pa.
Erlenborn	Long, Md.	Rosenthal
Esch	Lowenstein	Rostenkowski
Eshleman	Lujan	Roth
Evans, Colo.	Lukens	Rousselot
Evins, Tenn.	McCarthy	Roybal
Fallon	McClory	Ruppe
Farbstein	McCloskey	Ruth
Fascell	McClure	St Germain
Feighan	McCulloch	Sandman
Findley	McDade	Satterfield
Fisher	McDonald, Mich.	Saylor
Flood	McEwen	Schadeberg
Flowers	McFall	Scherle
Flynt	McKneally	Scheuer
Foley	McMillan	Schneebeli
Ford, Gerald R.	Macdonald, Mass.	Schwengel
Ford, William D.	MacGregor	Scott
Foreman	Madden	Sebelius
Fountain	Mahon	Shipley
Fraser	Mailliard	Shriver
Frelinghuysen	Mann	Sikes
Frey	Marsh	Sisk
Friedel	Martin	Skubitz
Fulton, Pa.	Mathias	Slack
Fulton, Tenn.	Matsunaga	Smith, Calif.
Fuqua	May	Smith, Iowa
Galifianakis	Mayne	Smith, N.Y.
Garmatz	Meeds	Snyder
Gaydos	Melcher	Springer
Giaimo	Michel	Stafford
Gibbons	Mikva	Staggers
Goldwater	Miller, Calif.	Stanton
Gonzalez	Miller, Ohio	Steed
Goodling	Mills	Steiger, Ariz.
Green, Oreg.	Minish	Steiger, Wis.
Green, Pa.	Mink	Stephens
Griffin	Minshall	Stokes
Griffiths	Mize	Stratton
Grover	Mizell	Stubblefield
Gubser	Mollohan	Stuckey
Gude	Montgomery	Sullivan
Hagan	Moorhead	Symington
Haley	Morgan	Talcott
Halpern	Morse	Taylor
Hamilton	Morton	Teague, Calif.
Hammer-schmidt	Mosher	Teague, Tex.
Hanley	Moss	Thompson, Ga.
Hanna	Murphy, Ill.	Thompson, N.J.
Hansen, Idaho	Myers	Thomson, Wis.
Hansen, Wash.	Natcher	Tiernan
Harrington	Nedzi	Tunney
Harsha	Nelsen	Udall
Harvey	Nichols	Ullman
Hastings	Nix	Van Deerlin
Hawkins	Obey	Vander Jagt
Hays	O'Hara	Vanik
Hechler, W. Va.	O'Konski	Vigorito
Heckler, Mass.	Olsen	Waggonner
Helstoski	O'Neal, Ga.	Waldie
Henderson	O'Neill, Mass.	Wampler
Hicks	Passman	Watkins
Hogan	Patman	Watson
Holifield	Patten	Watts
Horton	Pelly	Weicker
Hosmer	Pepper	Whalen
Howard	Perkins	Whalley
Hull	Pettis	White
Hungate	Pickle	Whitehurst
Hutchinson	Pike	Whitten
Jacobs	Pirnie	Widnall
Jarman	Poage	Wiggins
Johnson, Calif.	Podell	Williams
Johnson, Pa.	Poff	Wilson, Bob
Jonas	Preyer, N.C.	Wilson, Charles H.
Jones, Ala.	Price, Ill.	Winn
Jones, N.C.	Price, Tex.	Wold
Jones, Tenn.	Pryor, Ark.	Wolff
Karth	Pucinski	Wright
Kastenmeier	Purcell	Wyatt
Kazen	Quie	Wydler
Kee	Quillen	Wylie
Keith	Railsback	Wyman
King	Randall	Yates
Kleppe	Rees	Yatron
Kluczynski	Reid, Ill.	Young
Koch	Reid, N.Y.	Zablocki
Kuykendall	Reifel	Zion
		Zwach

NAYS—3

Gross	Hall	Schmitz

NOT VOTING—41

Ashley	Bray	Burke, Fla.
Blatnik	Brock	Burton, Utah
Caffery	Gettys	Ottinger
Cramer	Gilbert	Philbin
Crane	Gray	Pollock
Cunningham	Hathaway	Powell
Davis, Ga.	Hébert	Rarick
Dawson	Hunt	Rhodes
Diggs	Ichord	Rivers
Dorn	Kirwan	Rogers, Colo.
Eckhardt	Long, La.	Roudebush
Edwards, La.	Meskill	Ryan
Fish	Monagan	Taft
Gallagher	Murphy, N.Y.	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bray.
Mr. Rivers with Mr. Crane.
Mr. Philbin with Mr. Cunningham.
Mr. Edwards of Louisiana with Mr. Taft.
Mr. Murphy of New York with Mr. Fish.
Mr. Monagan with Mr. Burton of Utah.
Mr. Blatnik with Mr. Roudebush.
Mr. Caffery with Mr. Burke of Florida.
Mr. Davis of Georgia with Mr. Hunt.
Mr. Dorn with Mr. Cramer.
Mr. Ottinger with Mr. Pollock.
Mr. Rogers of Colorado with Mr. Brock.
Mr. Gilbert with Mr. Rhodes.
Mr. Gallagher with Mr. Meskill.
Mr. Gray with Mr. Rarick.
Mr. Gettys with Mr. Long of Louisiana.
Mr. Ryan with Mr. Diggs.
Mr. Ashley with Mr. Powell.
Mr. Hathaway with Mr. Ichord.
Mr. Eckhardt with Mr. Kirwan.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore (Mr. ALBERT). The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 5, line 18, strike out "$218,645,000" and insert in lieu thereof "$218,678,500".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disengagement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$217,615,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 6, line 9, strike out "$18,935,000" and insert in lieu thereof "$18,800,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$19,885,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 6, line 24, insert the following:

": *Provided further*, That not to exceed $150,000 shall be for assistance to the Wagner South Dakota, East Charles Mix Independent School District No. 102, for planning on addition to the district school facilities".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 7, line 3, insert the following:

": *Provided further*, That not to exceed $365,000 may be used for enlargement, remodeling, and improving the Sioux Indian Museum and Crafts Center, Rapid City, South Dakota."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: On page 10, line 23, strike out "$56,000,000" and insert "$95,000,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$96,600,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: On page 16, line 8, strike out "$45,122,000" and insert "$45,272,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$46,422,000".

The motion was agreed to.

The SPEAKER pro tempore. The

Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 26: On page 17, line 12, strike out "$16,200,000" and insert "$16,500,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$17,160,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

Senate amendment No. 33: On page 21, line 19, strike out "$56,356,000" and insert "$56,705,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$56,840,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 34: On page 22, line 1, strike out "$4,175,000" and insert "$3,497,000".

MOTION BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$4,983,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 38: On page 24, line 7, strike out "$57,670,000" and insert "$58,035,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 38 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$57,990,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: On page 24, line 7, insert: "*Provided*, That $54,000 of the funds herein provided shall be available only upon enactment into law of H.R. 12758, Ninety-first Congress, or similar legislation".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: On page 24, line 10, insert the following: "*Provided further*, That not to exceed $100,000 shall be advanced to the Plymouth-Provincetown Celebration Commission upon enactment into law of S. 2916, Ninety-first Congress, or similar legislation."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: On page 25, line 6, strike out "$16,385,000" and insert "$17,583,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 42 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$16,259,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53. Page 31, line 16, insert:

"CONSTRUCTION

"For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection and utilization of national forest resources and the acquisition of lands and interests therein necessary to these objectives, $14,188,000 to remain available until expended: *Provided*, That not more than $1,300,000 of this appropriation may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513–519)."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the first sum proposed by said amendment, insert "$15,467,700".

The motion was agreed to.

The SPEAKER pro tempore. The clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 56: Page 37, line 9, strike out $1,070,000" and insert "$941,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 56 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$891,000".

The motion was agreed to

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: Page 37, line 9, insert:, and in addition $229,000 of the balance of the appropriation granted under "Land acquisition, National Capital park, parkway, and playground system" are transferred to and shall be available for salaries and expenses:

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 60: Page 40, line 7, strike out "$35,737,000" and insert "$35,-066,000".

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 60 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$34,702,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 62: Page 42, line 20, insert:

"SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

"For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $750,000, to remain available until expended."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 63: Page 43, line 11, insert:

"AMERICAN REVOLUTION BICENTENNIAL COMMISSION

"SALARIES AND EXPENSES

"For expenses necessary to carry out the provisions of the Act of July 4, 1966 (Public Law 89-491), as amended, establishing the American Revolution Bicentennial Commission, $373,000: *Provided*, That this appropriation shall be available only upon enactment into law of H.R. 16408 or S. 3630, Ninety-first Congress, or similar legislation."

MOTION OFFERED BY MRS. HANSEN OF WASHINGTON

Mrs. HANSEN of Washington. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mrs. HANSEN of Washington moves that the House recede from its disagreement to the amendment of the Senate numbered 63 and concur therein.

Mr. GROSS. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. GROSS. Is it correct that there is still no authorization for this particular item?

Mrs. HANSEN of Washington. That is correct.

May I point out to the gentleman that time is of the essence in this connection. The 200th anniversary date is very rapidly approaching and there must be a great deal of planning to be successful in bringing to the country the kind of birthday celebration that this Nation merits and wants.

We felt we should expedite this as much as possible.

I hope the gentleman will accept the committee's explanation and accept our recommendation.

Mr. GROSS. Mr. Speaker, if the gentlewoman will yield further, I simply arose to make the record here today that this has not been authorized and that the House is pursuing, as was attempted in the original appropriation bill in the House, to take unusual action, in fact action that is in violation of the rules.

I simply rose to make the record for to further contest this item would serve no useful purpose. I thank the gentlewoman from Washington for yielding.

Mrs. HANSEN of Washington. I thank the gentleman from Iowa.

Mr. REIFEL. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from South Dakota.

Mr. REIFEL. There are two points I wish to make. First, I join in the complimentary remarks that have been directed to my distinguished chairman by other Members of the House. I wish to say, on behalf of Mr. MCDADE and Mr. WYATT, my two colleagues on the subcommittee, from this side of the aisle, that the record shows that she has always been completely impartial in considering the requests and the needs of the Members on this side of the aisle who have come before our committee.

I believe the record vote of 386 to 3 for adoption of the conference report eloquently speaks to the manner in which this bill has been handled by the distinguished chairman, the gentlewoman from Washington.

My second point involves the concern and interest, and rightly so, in the Indian Americans of this country. President Johnson, when he was in office, made an excellent statement to this body. An equally fine statement has been made by President Nixon concerning the conditions of life of the Indian population and what is needed for them. The distinguished chairman of this committee has no peer in this or the other body with respect to her concern and effectiveness in appropriating necessary funds for Indian programs.

I hope the people in her district and her State, as well as all American Indians across the Nation are aware and deeply appreciative of her interest and concern for them.

Mrs. HANSEN of Washington. I thank the distinguished gentleman from South Dakota, the ranking minority member of the subcommittee. May I say it is with genuine regret that we see him leave the House of Representatives and leave our committee at the end of this session of Congress. It has been a joy and a pleasure to work with him for the people of this Nation, for he has represented the entire cross section of our Nation.

Mr. HALEY. Mr. Speaker, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Florida.

Mr. HALEY. I concur in the statements made by the gentleman from South Dakota in relation to the gentlewoman from Washington. She has certainly acted as fairly as she could in considering the many problems with which she has been confronted. They are varied. We have been trying, and I think we have made progress in this particular field of matters relating to Indians. I have repeatedly said that probably the darkest pages of the history of the United States contained the treatment of the American Indian. I am glad to see that the President of the United States has now come forth with a statement as to the policies of his administration insofar as Indians are concerned. I know that the gentlewoman is well aware of the fact, however, that these are merely the beginnings of programs that we should have had for a long time.

Mrs. HANSEN of Washington. I thank the distinguished gentleman from Florida.

Mr. Speaker, I include at this point pertinent tables relating to the funds provided in this conference report:

INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1971

(H.R. 17619)

Agency and item	New budget (obligational) authority appropriated, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR								
Public Land Management								
Bureau of Land Management								
Management of lands and resources	$81,111,000	$58,940,000	$58,940,000	$58,605,000	$58,605,000	−$335,000	−$335,000	
Construction and maintenance	2,899,000	3,215,000	3,215,000	3,310,000	3,310,000	+95,000	+95,000	
Public lands development roads and trails (appropriation to liquidate contract authority)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)			
Oregon and California grant lands (indefinite, appropriation of receipts)	16,000,000	18,000,000	18,000,000	18,000,000	18,000,000			
Range improvements (indefinite, appropriation of receipts)	1,769,000	1,841,000	1,841,000	1,841,000	1,841,000			
Total, Bureau of Land Management	101,779,000	81,996,000	81,996,000	81,756,000	81,756,000	−240,000	−240,000	

INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1971—Continued

(H.R. 17619)—Continued

Agency and item	New budget (obligational) authority appropriated, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR—Con.								
Bureau of Indian Affairs								
Education and welfare services	$191,445,000	$216,995,000	$217,145,000	$217,178,500	$216,115,000	−$880,000	−$1,030,000	−$1,063,500
Education and welfare services (appropriation to liquidate contract authority)	(1,057,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			
Resources management	60,320,000	66,217,000	65,690,000	64,122,000	64,622,000	−1,595,000	−1,068,000	+500,000
Construction	26,264,000	[1] 18,266,000	18,935,000	18,800,000	19,885,000	+1,619,000	+950,000	+1,085,000
Road construction (appropriation to liquidate contract authority)	(20,000,000)	(20,000,000)	(20,000,000)	(20,200,000)	(20,200,000)	(+200,000)	(+200,000)	
General administrative expenses	5,513,000	5,626,000	5,600,000	5,600,000	5,600,000	−26,000		
Tribal funds (definite)	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000			
Tribal funds (indefinite)	13,204,000	13,204,000	13,204,000	13,204,000	13,204,000			
Total, Bureau of Indian Affairs	299,746,000	323,308,000	323,574,000	321,904,500	322,426,000	−882,000	−1,148,000	+521,500
Bureau of Outdoor Recreation								
Salaries and expenses	3,950,000	[2] 3,975,000	3,825,000	3,995,000	3,895,000	−80,000	+70,000	−100,000
Land and water conservation: Appropriation of receipts (indefinite)	115,572,000	[3] 327,400,000	138,500,000	327,400,000	327,400,000		+188,900,000	
(Appropriation out of the fund to liquidate contract authority)	(15,528,000)	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)			
Total, Bureau of Outdoor Recreation	119,522,000	331,375,000	142,325,000	331,395,000	331,295,000	−80,000	+188,970,000	−100,000
Office of Territories								
Administration of territories	15,196,400	17,409,600	17,350,000	17,380,000	17,350,000	−59,600		−30,000
Permanent appropriations (special fund)	(239,400)	(118,000)	(118,000)	(118,000)	(118,000)			
Transferred from other accounts (special fund)	(292,700)	[4] (367,000)	(330,000)	(367,000)	(367,000)		(+37,000)	
Trust Territory of the Pacific Islands	48,112,000	60,000,000	50,000,000	49,750,000	49,750,000	−10,250,000	−250,000	
Total, Office of Territories	63,308,400	77,409,600	67,350,000	67,130,000	67,100,000	−10,309,600	−250,000	−30,000
Total, Public Land Management	584,355,400	814,088,600	615,245,000	802,185,500	802,577,000	−11,511,600	+187,332,000	+391,500
Mineral Resources								
Geological Survey								
Surveys, investigations, and research	99,990,000	[5] 106,957,000	108,057,000	106,392,000	106,392,000	−565,000	−1,665,000	
Bureau of Mines								
Conservation and development of mineral resources	42,495,000	44,972,000	45,122,000	45,272,000	46,422,000	+1,450,000	+1,300,000	+1,150,000
Health and safety	27,452,000	54,395,000	54,395,000	54,395,000	54,395,000			
General administrative expenses	1,799,000	1,799,000	1,799,000	1,799,000	1,799,000			
Helium fund (authorization to spend from public debt receipts)	24,000,000							
Total, Bureau of Mines	95,746,000	101,166,000	101,316,000	101,466,000	102,616,000	+1,450,000	+1,300,000	+1,150,000
Office of Coal Research								
Salaries and expenses	15,300,000	16,200,000	16,200,000	16,500,000	17,160,000	+960,000	+960,000	+660,000
Office of Oil and Gas								
Salaries and expenses	1,085,000	1,195,000	1,181,000	1,181,000	1,181,000	−14,000		
Total, Mineral Resources	212,121,000	225,518,000	226,754,000	225,539,000	227,349,000	+1,831,000	+595,000	+1,810,000
Fish and Wildlife, Parks, and Marine Resources								
Bureau of Commercial Fisheries								
Management and investigations of resources	27,536,000	27,156,000	28,168,000	27,893,000	27,893,000	+737,000	−275,000	
Management and investigations of resources (special foreign currency program)	15,000	15,000	15,000	15,000	15,000			
Construction	2,325,000							
Construction of fishing vessels	3,000,000	200,000	200,000	200,000	200,000			
Federal aid for commercial fisheries research and development	4,603,000	4,040,000	4,040,000	4,040,000	4,040,000			
Anadromous and Great Lakes fisheries conservation	2,318,000	2,168,000	2,168,000	2,168,000	2,168,000			
Administration of Pribilof Islands	2,774,000	2,774,000	2,774,000	2,774,000	2,774,000			
Fishermen's protective fund	60,000	60,000	60,000	60,000	60,000			
General administrative expenses	896,000	896,000	896,000	896,000	896,000			
Limitation on administrative expenses, Fisheries loan fund	(385,000)	(385,000)	(385,000)	(385,000)	(385,000)			
Total, Bureau of Commercial Fisheries	43,527,000	37,309,000	38,321,000	38,046,000	38,046,000	+737,000	−275,000	
Bureau of Sport Fisheries and Wildlife								
Management and investigations of resources	52,523,000	56,226,000	56,356,000	56,705,000	56,840,000	+614,000	+484,000	+135,000
Construction	4,259,000	2,619,000	4,175,000	3,497,000	4,983,000	+2,364,000	+808,000	+1,486,000
Migratory bird conservation account (definite, repayable advance)	5,800,000	7,500,000	7,500,000	7,500,000	7,500,000			
Anadromous and Great Lakes fisheries conservation	2,311,000	2,311,000	2,311,000	2,311,000	2,311,000			
Management and investigations of resources (special foreign currency program)		100,000				−100,000		
General administrative expenses	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000			
Total, Bureau of Sport Fisheries and Wildlife	66,768,000	70,631,000	72,217,000	71,888,000	73,509,000	+2,878,000	+1,292,000	+1,621,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority appropriated, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
National Park Service								
Management and protection	$53,606,000	$58,021,000	$57,670,000	$58,035,000	$57,990,000	−$31,000	+$320,000	−$45,000
Maintenance and rehabilitation of physical facilities	41,396,000	48,763,000	48,500,000	48,543,000	48,543,000	−220,000	+43,000	
Construction	7,700,000	16,885,000	16,385,000	17,583,000	16,259,000	−626,000	−126,000	−1,324,000
Parkway and road construction (appropriation to liquidate contract authority)	(21,500,000)	(16,000,000)	(16,000,000)	(17,660,000)	(17,650,000)	(+1,650,000)	(+1,650,000)	(−10,000)
Preservation of historic properties	1,640,000	6,950,000	6,801,000	6,672,000	6,801,000	−149,000		+129,000
General administrative expenses	3,580,000	3,605,000	3,580,000	3,580,000	3,580,000	−25,000		
Total, National Park Service	107,922,000	134,224,000	132,936,000	134,413,000	133,173,000	−1,051,000	+237,000	−1,240,000
Total, Fish and Wildlife, Parks, and Marine Resources	218,217,000	242,164,000	243,474,000	244,347,000	244,728,000	+2,564,000	+1,254,000	+381,000
Office of Saline Water								
Saline water conversion	25,000,000	29,373,000	28,573,000	28,573,000	28,573,000	−800,000		
Office of Water Resources Research								
Salaries and expenses	11,281,000	13,312,000	13,181,000	13,181,000	13,181,000	−131,000		
Office of the Solicitor								
Salaries and expenses	5,904,000	7,344,000	6,924,000	7,229,000	7,074,000	−270,000	+150,000	−155,000
Office of the Secretary								
Salaries and expenses	10,614,700	11,954,000	11,353,000	11,771,000	11,563,000	−391,000	+210,000	−208,000
Total, new budget (obligational) authority, Department of Interior	1,067,493,100	1,343,753,600	1,145,504,000	1,332,825,500	1,335,045,000	−8,708,600	+189,541,000	+2,219,500
Consisting of—								
Appropriations	1,043,493,100	1,343,753,600	1,145,504,000	1,332,825,500	1,335,045,000	−8,708,600	+189,541,000	+2,219,500
Definite appropriations	(896,948,100)	(983,308,600)	(973,959,000)	(972,380,500)	(974,600,000)	(−8,708,600)	(+641,000)	(+2,219,500)
Indefinite appropriations	(146,545,000)	(360,445,000)	(171,545,000)	(360,445,000)	(360,445,000)		(+188,900,000)	
Authorization to spend from public debt receipts	24,000,000							
Memoranda—								
Appropriations to liquidate contract authority	(61,585,000)	(71,000,000)	(71,000,000)	(72,860,000)	(72,850,000)	(+1,850,000)	(+1,850,000)	(−10,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,129,078,100)	(1,414,753,600)	(1,216,504,000)	(1,405,685,500)	(1,407,895,000)	(−6,858,600)	(+191,391,000)	(+2,209,500)
TITLE II—RELATED AGENCIES								
Department of Agriculture								
Forest Service								
Forest protection and utilization:								
Forest land management	222,253,000	[8]199,567,000	199,567,000	199,617,000	199,617,000	+50,000	+50,000	
Forest research	43,922,000	45,066,000	45,391,000	45,294,000	45,591,000	+525,000	+200,000	+297,000
State and private forestry cooperation	22,939,000	21,939,000	23,939,000	23,939,000	23,939,000	+2,000,000		
Total, forest protection and utilization	289,114,000	266,572,000	268,897,000	268,850,000	269,147,000	+2,575,000	+250,000	+297,000
Construction	[7]	12,008,000	15,125,700	14,188,000	15,467,700	+3,459,700	+342,000	+1,279,700
Forest roads and trails (appropriation to liquidate contract authority)	(100,570,000)	(115,000,000)	(115,000,000)	(115,000,000)	(115,000,000)			
Acquisition of lands for national forests: Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000			
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000			
Assistance to States for tree planting	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Total, new budget (obligational) authority, Forest Service	290,894,000	280,360,000	285,802,700	284,818,000	286,394,700	+6,034,700	+592,000	+1,576,700
Federal Coal Mine Safety Board of Review								
Salaries and expenses	148,000							
Commission of Fine Arts								
Salaries and expenses	115,000	115,000	115,000	115,000	115,000			
Department of Health, Education, and Welfare Health Services and Mental Health Administration								
Indian health services	105,993,000	113,217,000	114,692,000	118,436,000	117,986,000	+4,769,000	+3,294,000	−450,000
Indian health facilities	20,952,000	17,950,000	17,950,000	19,510,000	18,715,000	+765,000	+765,000	−795,000
Total, Health Services and Mental Health Administration	126,945,000	131,167,000	132,642,000	137,946,000	136,701,000	+5,534,000	+4,059,000	−1,245,000
Indian Claims Commission								
Salaries and expenses	850,000	1,000,000	1,000,000	1,000,000	1,000,000			
National Capital Planning Commission								
Salaries and expenses	[9]247,700	1,390,000	1,070,000	941,000	[9]891,000	−499,000	−179,000	−50,000
National Foundation on the Arts and the Humanities								
Salaries and expenses	1,610,000	2,700,000		2,660,000	2,660,000	−40,000	+2,660,000	
Endowment for the arts	8,250,000	16,090,000		15,090,000	15,090,000	−1,000,000	+15,090,000	
Endowment for the humanities	8,050,000	16,210,000		15,560,000	13,560,000	−2,650,000	+13,560,000	−2,000,000
Total, National Foundation on the Arts and the Humanities	17,910,000	35,000,000		33,310,000	31,310,000	−3,690,000	+31,310,000	−2,000,000

Footnotes at end of tables.

INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1971—Continued
(H.R. 17619)—Continued

Agency and item	New budget (obligational) authority appropriated, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE II—RELATED AGENCIES—Continued								
Public Land Law Review Commission								
Salaries and expenses	$922,000	$171,000	$171,000	$171,000	$171,000			
Smithsonian Institution								
Salaries and expenses	29,365,000	36,367,000	34,987,000	35,066,000	34,702,000	−$1,665,000	−$285,000	−$364,000
Museum programs and related research (special foreign currency program)	2,316,000	4,500,000	2,500,000	2,500,000	2,500,000	−2,000,000		
Construction and improvements, National Zoological Park	600,000	200,000	200,000	200,000	200,000			
Restoration and renovation of buildings	525,000	1,130,000	1,080,000	950,000	950,000	−180,000	−130,000	
Construction	200,000							
Construction (appropriation to liquidate contract authority)	(3,300,000)	(8,897,000)	(5,200,000)	(5,200,000)	(5,200,000)	(−3,697,000)		
The John F. Kennedy Center for the Performing Arts	7,500,000							
Salaries and expenses, National Gallery of Art	3,581,000	3,716,000	3,716,000	3,716,000	3,716,000			
Salaries and expenses, Woodrow Wilson International Center for Scholars	100,000		750,000	750,000	750,000	+750,000		
Total, Smithsonian Institution	44,187,000	45,913,000	43,233,000	43,182,000	42,818,000	−3,095,000	−415,000	−364,000
Executive Office of the President								
Salaries and expenses, National Council on Marine Resources and Engineering Development	700,000							
Federal Field Committee for Development Planning in Alaska								
Salaries and expenses	213,500	263,000	214,000	214,000	214,000	−49,000		
Historical and Memorial Commissions								
Lewis and Clark Trail Commission								
Salaries and expenses	5,000							
American Revolution Bicentennial Commission								
Salaries and expenses	185,000	375,000		373,000	373,000	−2,000	+373,000	
National Council on Indian Opportunity								
Salaries and expenses	286,000	300,000	275,000	275,000	275,000	−25,000		
Federal Metal and Nonmetallic Mine Safety Board of Review								
Salaries and expenses		[10] 167,000		167,000	167,000		+167,000	
Total, new budget (obligational) authority, Related Agencies	483,608,200	496,221,000	464,522,700	502,512,000	500,429,700	+4,208,700	+35,907,000	−2,082,300
Consisting of—								
Appropriations	483,608,200	496,221,000	464,522,700	502,512,000	500,429,700	+4,208,700	+35,907,000	−2,082,300
Definite appropriations	(482,828,200)	(495,441,000)	(463,742,700)	(501,732,000)	(499,649,700)	(+4,208,700)	(+35,907,000)	(−2,082,300)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
Memoranda—								
Appropriation to liquidate contract authority	(103,870,000)	(123,897,000)	(120,200,000)	(120,200,000)	(120,200,000)	(−3,697,000)		
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(587,478,200)	(620,118,000)	(584,722,700)	(622,712,000)	(620,629,700)	(+511,700)	(+35,907,000)	(−2,082,300)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles	1,551,101,300	1,839,974,600	1,610,026,700	1,835,337,500	1,835,474,700	−4,499,900	+225,448,000	+137,200
Consisting of—								
1. Appropriations	1,527,101,300	1,839,974,600	1,610,026,700	1,835,337,500	1,835,474,700	−4,499,900	+225,448,000	+137,200
Definite appropriations	(1,379,776,300)	(1,478,749,600)	(1,437,701,700)	(1,474,112,500)	(1,474,249,700)	(−4,499,900)	(+36,548,000)	(+137,200)
Indefinite appropriations	(147,325,000)	(361,225,000)	(172,325,000)	(361,225,000)	(361,225,000)		(+188,900,000)	
2. Authorization to spend from public debt receipts	24,000,000							
Memoranda—								
Appropriations to liquidate contract authority	(165,455,000)	(194,897,000)	(191,200,000)	(193,060,000)	(193,050,000)	(−1,847,000)	(+1,850,000)	(−10,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,716,556,300)	(2,034,871,600)	(1,801,226,700)	(2,028,397,500)	(2,028,524,700)	(−6,346,900)	(+227,298,000)	(+127,200)

[1] Includes $4,000,000, S. Doc. 91-81, May 13, 1970.
[2] Reflects reduction of $50,000, S. Doc. 91-87, June 2, 1970.
[3] Includes $188,900,000, S. Doc. 91-81, May 13, 1970.
[4] Includes $37,000, S. Doc. 91-81, May 13, 1970.
[5] Includes $1,200,000, S. Doc. 91-81, May 13, 1970.
[6] Includes $14,000, H. Doc. 91-305, Apr. 13, 1970.
[7] Included in Forest Land Management and Forest Research.
[8] In addition, $770,000 transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."
[9] In addition, $229,000, transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."
[10] S. Doc. 91-68, May 11, 1970.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentlewoman from Washington.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the various motions was laid on the table.

GENERAL LEAVE TO EXTEND

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days

in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 18515, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read down to and including line 7 on page 2 of the bill. If there are no amendments, the Clerk will read.

The Clerk read as follows:

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN AND TRADE ADJUSTMENT ACTIVITIES

For payments to unemployed Federal employees and ex-servicemen, as authorized by title 5, chapter 85 of the United States Code, and for necessary expenses to carry out the responsibilities of the Secretary of Labor in connection with trade adjustment assistance activities, as provided by law, including benefit payments to eligible workers, $200,100,000 together with such amount as may be necessary to be charged to the subsequent year appropriation for the payment of benefits for any period subsequent to March 31 of the current year.

Mr. WHITTEN. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, on the 14th day of April 1970, the House adopted the provisions which I had offered, and which had been accepted in committee, to the bill making appropriations for the Department of Education, after refusing to strike them out by instructing the conferees by a vote of 191 to 157. These amendments are as follows:

SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title I of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Subsequent to this vote, in conference with the Senate these provisions were retained and when the matter came back to the House, the conference report, containing the language, was approved by a vote of 357 to 30.

Mr. Chairman, this makes quite clear the feeling of the Congress with regard to the use of force in the areas which these amendments cover, as well as the use of the power of the purse to withhold funds truly needed for education, which the Congress has provided, in order to force schools to voluntarily do that which is not required by the Civil Rights Act of 1964, a right not even claimed to be provided by the administration or the courts.

After consultation with members of the Committee on Appropriations, these amendments are not offered here because they are quite clear and for the Secretary of HEW or other officials to use funds in this bill, appropriated for other purposes, to attempt to evade the intent of the Congress as expressed in these provisions of the bill making appropriations for the Department of Education would be to break faith with the Congress and would certainly not be in line with the reputation for integrity which the Secretary enjoys.

After discussing this matter with members of the committee, it has been decided that, whatever we have provided or should provide, we have to rely on the good faith of the executive department and the courts to carry them out; for, if they cannot be relied on, it is to be doubted if any language could be written which could force them to leave the schools alone or parents and students alone where schools are completely desegregated, as that term is defined in the Civil Rights Act of 1964, because, after all, it is to the executive department that we must look for the carrying out, and the Federal courts to support, these provisions which are set out above and which appear in the conference report of the bill making education appropriations.

Any reading of these provisions would clearly show that they are completely sound and I feel will be followed by this administration not only because of commitments but because the system of education is essential to any organized society; and, unless we return again to putting education first, as these amendments would do, soon we will go down the drain as have other societies in years past.

Mr. Chairman, I thought it well to call these facts to the attention of the Members of the House at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

MENTAL HEALTH

For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), and the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89-793), $368,516,000, of which $15,900,000, shall remain available until June 30, 1972, for grants pursuant to parts A, C, and D of the Community Mental Health Centers Act: *Provided*, That there may be transferred to this appropriation from the appropriation for "Mental Retardation" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 132(c) of the Mental Retardation Facilities Construction Act.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment in the nature of a substitute for the text of the paragraph which begins on line 12 of page 11; and I hereby give notice that if such amendment is adopted I will at the proper time move to strike out the paragraph beginning on line 4 of page 13, the paragraph beginning on line 15 of page 14, the paragraph beginning on line 17 of page 16, the paragraph beginning on line 22 of page 18, the paragraph beginning on line 26 of page 18, the paragraph beginning on line 22 of page 19, and the paragraph beginning on line 6 of page 20.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 11, strike out line 12 and all that follows down through line 2 on page 12 and insert in lieu thereof the following:

"HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

"MENTAL HEALTH

"For carrying out the Public Health Service Act with respect to mental health and, except as otherwise provided, the Community Mental Health Centers Act (42 U.S.C. 2681, et seq.), and the Narcotic Addict Rehabilitation Act of 1966 (Public Law 89-793), $388,516,000, of which $15,900,000 shall remain available until June 30, 1972, for grants pursuant to parts A, C, and D of the Community Mental Health Centers Act: *Provided*, That there may be transferred to this appropriation from the appropriation for "Mental Retardation" an amount not to exceed the sum of the allotment adjustments made by the Secretary pursuant to section 132(c) of the Mental Retardation Facilities Construction Act.

"MATERNAL AND CHILD HEALTH

"For carrying out, except as otherwise provided, section 301 of the Public Health Service Act and title V of the Social Security Act, $261,159,000: *Provided*, That any allotment to a State pursuant to section 503(2) or 504(2) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of section 506 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That $4,750,000 of the amount available under section 503(2) of such Act shall be used only for special projects for mentally retarded children, and $5,000,000 of the amount available under section 504(2) of such Act shall be used only for special projects for services for crippled children who are mentally retarded: *Provided further*, That $5,820,000 of the amount available under section 502(1)(B) of such Act shall be used pursuant to section 510 of such Act for special projects for dental health of children.

"MEDICAL FACILITIES CONSTRUCTION

"To carry out title VI of the Public Health Service Act, and, except as otherwise provided, for administrative and technical services under parts B and C of the Mental Retardation Facilities Construction Act (42 U.S.C. 2661–2677), the District of Columbia Medical Facilities Construction Act of 1968 (Public Law 90–457), and the Community Mental Health Centers Act (42 U.S.C. 2681–2687), $261,521,000, of which $252,200,000 shall be available until June 30, 1973, for grants pursuant to section 601 of the Public Health Service Act for the construction or modernization of medical facilities, and $5,000,000, to be deposited in the fund established under section 626, shall be available without fiscal year limitation for the purposes of that section of the Act.

"NATIONAL HEART AND LUNG INSTITUTE

"For expenses, not otherwise provided for, necessary to carry out title IV, part B, of the Public Health Service Act, $193,479,000.

"HEALTH MANPOWER

"To carry out, to the extent not otherwise provided, sections 301, 306, 309, 311, title VII, and title VIII of the Public Health Service Act, $399,888,000.

"Loans, grants, and payments for the next suoceeding fiscal year: For making, after March 31 of the current fiscal year, loans, grants, and payments under section 306, parts C, F, and G of title VII, and parts B and D of title VIII of the Public Health Service Act for the first quarter of the next succeeding fiscal year, such sums as may be necessary, and obliagtions incurred and expenditures made hereunder shall be charged to the appropriation for that purpose for such fiscal year: *Provided,* That such payments pursuant to this paragraph may not exceed 50 per centum of the amounts authorized in section 306, parts C and G of title VII, and part B of title VIII for these purposes for the next suceeding fiscal year.

"CONSTRUCTION OF HEALTH, EDUCATIONAL, RESEARCH, AND LIBRARY FACILITIES

"To carryout part B of title VII, and part A of title VIII of the Public Health Service Act with respect to grants for construction of facilities, $226,100,000; including, for dental facilities as authorized by subsections (2) and (3) of section 720 of the Act, an amount equal to 20 per centum of the appropriation for construction of teaching facilities for medical, dental, and other health personnel; to remain available until expended.

"NATIONAL LIBRARY OF MEDICINE

"To carryout, to the extent not otherwise provided for, section 301 with respect to health information communications and parts I and J of title III of the Public Health Service Act, $20,269,000 of which $1,842,000 shall remain available until June 30, 1972."

Mr. YATES. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 229]

Alexander	Corbett	Gilbert
Anderson, Tenn.	Cramer	Gray
	Crane	Hansen, Wash.
Ashley	Culver	Hathaway
Barrett	Cunningham	Hébert
Brock	Daddario	Horton
Brooks	Davis, Ga.	Hunt
Burke, Fla.	Dawson	Ichord
Burton, Utah	Diggs	Kirwan
Caffery	Dorn	Long, La.
Camp	Edwards, La.	Lujan
Carey	Eilberg	Meskill
Clark	Gallagher	Monagan
Murphy, N.Y.	Rarick	Sikes
Nelsen	Reid, N.Y.	Steed
Ottinger	Rhodes	Taft
Patman	Rivers	Teague, Calif.
Pollock	Rogers, Colo.	Widnall
Powell	Roudebush	
Price, Tex.	Ryan	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 18515, and finding itself without a quorum, he had directed the roll to be called, when 374 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the Chair had recognized the gentleman from Massachusetts (Mr. BOLAND) for 5 minutes.

Mr. BOLAND. Mr. Chairman, at the outset let me say that this amendment is a package amendment. It is not the intention of myself or others who will be speaking to specific amendments in the package—to offer any backup amendments—if this package amendment fails. I am sure that will be good news to a great many members of the Committee.

Mr. Chairman, the package emergency health amendment that I have offered increases the amount recommended by the HEW subcommittee in nine areas. The total amount of the increase is $360,454,000. The programs for which this increase provides are detailed on page H7006 of yesterday's RECORD. Other members of the committee will speak to specific amendments.

Let me dwell on the amendment that goes to the medical manpower institutional support and student loans. This is broken down into three categories.

First. Institutional support of health schools.

Second. Loans for health professions students.

Third. Traineeships for health professions students.

Under the program for institutional support of health schools, formula grants and special project grants are awarded to schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, veterinary medicine, nursing, public health and the allied health professions.

The purpose of these grants is to increase the output of health professionals, rescue schools in financial difficulties and improve the quality of instruction.

It has been repeatedly stated, and acknowledged, that of all the problems, that combine to constitute, what the President, and many others, have referred to as the "crisis in health," the shortage of trained manpower is generally acknowledged to be the most acute.

The Assistant Secretary of Health and Scientific Affairs, Dr. Robert O. Egeberg, has repeatedly emphasized that—

We—

And he is talking of this administration—

we place the highest priority on the need to overcome the grave manpower shortages that are literally crippling the American health care system.

The amendment I have offered seeks to establish that priority.

The institutional and special project grant programs provide the only direct Federal support to offset the increasing operating costs of medical schools—thus enabling them to expand their enrollments and to improve their educational programs.

Testimony before Mr. FLOOD's subcommittee indicates that the institutional and special project grants are the very lifeline for the advancement of medical education.

This program assists schools in serious financial straits. Sixty-one medical schools, more than one-half of the total in the Nation, have been awarded special project grants on the basis of some condition of financial distress.

Dr. John A. Cooper, the president of the Association of American Medical Colleges testified to the HEW subcommittee that—

The perilous financial structure of our medical schools has now reached such a degree of instability that the whole structure is gravely threatened, particularly the private schools which make up about half of all the medical schools in the country.

Many medical schools have been forced to go into debt. Most medical schools applied to HEW for emergency assistance grants to avoid financial disaster. Several have announced they will be forced to close their doors, if increased aid is not forthcoming.

The amendment I have offered gives them this assistance.

The legislative authority for these programs authorizes a total of $255,500,000 for fiscal year 1971. The administration requested only $147,966,000 and the committee increased this request by just $2,700,000.

The amendment now pending would fund these programs of institutional support to the full amounts authorized, resulting in an increase of $104,834,000.

LOANS FOR HEALTH PROFESSIONS STUDENTS

The program of direct loans to students of medicine, dentistry, nursing, and the allied professions provide students with much needed funds for their professional education.

Fifty-six million dollars is authorized for these loans in fiscal year 1971. The administration requested only $21,610,000—a sharp reduction from the previous year. The committee increased the request by $16 million—still far short of the amount needed and authorized.

The health emergency amendment would fully fund these loan programs by increasing the appropriation by $18 million.

TRAINEESHIPS FOR HEALTH PROFESSIONS STUDENTS

Traineeships are provided to selected students of public health, nursing, and the allied professions.

Thirty-eight million dollars is authorized for these traineeships in fiscal year 1971. The administration requested $22,-

270,000, and the committee made no change in this request.

The health emergency amendment would increase this appropriation by $15,730,000.

Mr. Chairman, this Nation is now facing the stark reality of severe shortages of trained health professionals.

According to information supplied to the committee by the Department of Health, Education, and Welfare, we need now: 50,000 more doctors, 17,800 more dentists, 150,000 more nurses, 266,000 more allied health personnel, 45,000 of them in environmental work.

The crisis is severe and is worsening every day.

If we continue as we are going, the Public Health Service estimates that, by 1980, we will have a shortage of 26,000 doctors, 56,000 dentists, 210,000 nurses, 432,000 allied health personnel.

The amendment I have offered seeks to meet this crisis. It would close the gap—the ever-widening gap—between what we now have and what we need in the health professions.

> People are getting nowhere near the quality of health care they have a right to expect.

Those are the words of former Secretary of Health, Education, and Welfare Robert E. Finch.

HEW officials estimate that 64 percent of the children of the Nation's poor have never seen a dentist. Fifteen million of these children generally receive little health care and little, if any, preventive health care.

The Nation's medical schools can double their enrollments by 1973 without adding to their medical facilities and without hiring more teaching personnel.

The doctor shortage is one reason why people in 17 other countries have longer life expectancies than Americans and why the United States has a higher infant death rate than 13 other countries.

Ninety percent of the problems facing American medicine—inability to get care, high cost of medicine—result because there are not enough doctors.

Mr. Chairman, the amendment I have offered and which will be supported in specific areas by other members of this committee seeks to fill very important and essential needs that we have in the health area.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this pains me—one of my best friends since he and I have been here is my friend, the gentleman from Massachusetts. He knows it, you know it and I know it.

I saw his amendment. I have read it and, of course, heard it read just now by the reading clerk. It is very lengthy and, from the point of view of draftsmanship, very well done. But may I refer to Bobby Burns, a great writer and a great friend of the people from which we spring. I refer more precisely, to Holly Willie's Prayer.

After calling on the Lord not to heed the prayers of others, Holly Willie says:

> But, Lord, remember me and mine wi' mercies temporal and divine.

The context is—and I think you will follow me—yes, I think you will, indeed. There are scenes behind scenes—things behind things.

So I quote:

> Lord, in Thy day o' vengence try him!
> Lord, visit him wha did employ him!
> And pass not in Thy mercy by them,
> Nor hear their pray'r,
> But for Thy people's sake destroy them,
> An' dinna spare!
>
> But, Lord, remember me and mine
> Wi' mercies temporal and divine,
> That I for grace an' gear may shine
> Excell'd by nane;
> An' a' the glory shall be Thine—
> Amen, Amen!

And Amen—Bobby Burns. I hope you want to hear why I oppose the amendment. Certainly I want to tell you.

Mr. Chairman, it pains me to have to oppose the proposals of my good friend from Massachusetts, especially when he has selected such worthy programs and objects. However, the fact is that this bill already makes ample provision for the items which he wishes to increase; in fact, the committee itself increased many of them over the President's budget. Mr. Chairman, we increased the appropriations for the Public Health Service by $208 million over the President's budget request. This bill already increases the Public Health Service appropriations by $313 over the amount available for 1970.

A large part of the money in the gentleman's amendment is for aid to medical schools. We are told that the medical schools are in serious financial difficulty. There is an enormous amount of money in this bill which will ultimately go to the medical schools. There is $150.6 million for institutional support, compared with $147.9 million in the budget, and $128.9 million available in 1970. There is $91.9 million for student assistance, compared with $75.9 million in the budget, and $68 million available for 1970. And there is $126.1 million for construction of teaching facilities, which is the same as the budget request and the 1970 appropriation.

But that is not all, Mr. Chairman. That is far from being the full amount in this bill for medical schools. There is $1,107,048,000 in this bill for the NIH Research Institutes. That is $72.5 million over the budget request, and $131 million over 1970. A very large share of that research and training money goes to medical schools.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. FLOOD was allowed to proceed for 5 additional minutes.)

Mr. FLOOD. I thank the gentleman.

Mr. Chairman, the Federal Government now provides the funds for over 50 percent of the annual expenses of the Nation's medical schools. Yet, we are told, the medical schools are going broke. Obviously, money alone is not the answer. Something else is wrong. I believe that there should be a careful study and a report to Congress on the financial problems of the medical schools, so that we can take appropriate action. The way things are going now, the Federal Government is giving the medical schools more and more money each year, but the schools are getting poorer and poorer.

Now, on some of the other specifics of this amendment:

The amendment would add money for student loans. The committee has already added $16 million over the budget request for medical and nursing student loans.

This amendment would increase funds for traineeships. The bill includes $22,270,000 for traineeships, an increase of $1.6 million over last year.

The amendment would add money for the National Heart and Lung Institute. The committee has already added $6,732,000 over the budget for the National Heart and Lung Institute, and we are $17,430,000 over the 1970 level.

The amendment would add money for a special children's dental program. There is already $180,000 in the bill to get this program started. As a matter of fact, Mr. Chairman, the committee tried to get this program started last year. Last year's report stated—

> The committee is concerned about the lack of a coordinated program for the dental health of children while so many federal dollars are being spent under medicaid and similar programs to treat dental conditions in adults that could have been prevented. The committee will expect that some of the funds provided in this appropriation will be used pursuant to the authorization in section 510 of title V of the Social Security Act relating to special project grants for the dental health of children.

We are for this program and have provided funds to start it. The amendment would give them money for a very sizable operating program before the planning has been done—hardly an efficient way to operate. That type of financing is what has gotten many programs a black eye in the past.

I might add, Mr. Chairman, that program did not get started last year because of the Cotton-Eagleton 2-percent reduction amendment which was placed on the Labor-HEW bill in the Senate, and which the House conferees were instructed to accept.

This amendment by the gentleman from Massachusetts (Mr. BOLAND) would add $80 million for Hill-Burton grants. The committee has already added $122.2 million over the budget request for Hill-Burton grants.

This amendment would add money for staffing community mental health centers. The committee has already added $20 million over the budget for staffing of community mental health centers—for a total of $80,100,000, which is an increase of $32,550,000 over the 1970 level.

Finally, Mr. Chairman, the proponents of this amendment feel it necessary to add $500,000 for the National Library of Medicine. There is $19.8 million in this bill for the National Library of Medicine. Five years ago, the appropriation for the library was $9.7 million. I think that shows that this committee has recognized the needs of the National Library of Medicine.

To sum up, Mr. Chairman, we have conducted months of hearings on this

bill. We went over it carefully, item by item. We felt that there were a number of health and medical programs which were inadequately funded, and we have recommended increases over the budget in these cases. Our job is to try to cut up this pie in a responsible manner. We have to make many, many tough decisions. There are few items in this bill on which some Member of this House could not get up and make a heart-rending appeal for more money.

We understand the problems which are addressed in this "package" amendment, and we have already dealt with them generously but also responsibly.

Mr. Chairman, I trust the amendment will be defeated.

Mr. BOGGS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

Mr. Chairman, like all Members of this body, I dislike finding myself opposing my longtime devoted and beloved friend, the gentleman from Pennsylvania, but I oppose him because the amendment offered by the distinguished gentleman from Massachusetts (Mr. BOLAND) is right. It is not only right from the point of view of the health of this Nation, its physical health, but it is also right from the point of view of the economic health of this Nation.

The gentleman from Massachusetts (Mr. BOLAND) and other members of the committee will point out to the Members in detail the tremendous need for these additional funds for hospitals and medical schools and other health facilities in this country. I do not claim any expertise in that field, but for more than 20 years I have served as a member of the Ways and Means Committee, and today I am a ranking member of that committee. For well over 10 years I have served as a member of the Joint Economic Committee. I consider myself as having been educated by the economists and the others who have come before these committees. I did not do it. They did it for me.

In 1946 this Congress passed the Full Employment Act, which, incidentally, created the Joint Economic Committee. The responsibility of that committee is for the economy of this country. So I direct my remarks to the economic necessity of this bill. I know that we will hear today that this is fiscal irresponsibility. I know that my dear friend, the gentleman from Michigan, of whom I am very fond and to whom I am very devoted, said from the White House steps that prospects of a recession are nil, and I know he will make the argument that Congress here again is defying the will of the President and bringing on increasing inflationary pressures.

Now, let us take a look at the facts. As Al Smith used to say, let us look at the record. This country right now, as I speak to the Members, Mr. Chairman, is in a recession. Euphoric statements emanating from the White House to the contrary notwithstanding, unemployment is going to rise during the remainder of this year. Dr. McCracken, the principal adviser to the White House, testifying before the Joint Economic Committee this very week, flatly conceded that unemployment would increase. Already we have a million more people out of work than was the case when President Nixon became President. Failure of the labor force to grow indicates that there is a considerably larger amount of hidden unemployment, because workers who would normally enter the labor force are discouraged all over this country in trying to find employment. The reduced workweek has cut back on pay. Today a worker buys a home and pays $20,000 for it, but when he is finished, he has paid $35,000 including interest rates. He may lose it because it is mortgaged, and he may lose everything in it, because he loses his job.

Let us take a look at the bulk of President Nixon's deficit. Let us see what it is all about and where it came from. First, let me say this. In their calculations about a balanced budget, there are all kinds of fakery. No. 1, they include a postal rate increase. I have not seen a bill to provide for it. Second, they include a tax on leaded gasoline. It has got no chance whatsoever of being enacted. Third, they talk about a user tax on waterways. It has no chance of being enacted.

These are figures in their projected budget. They are imaginary. They do not exist as practical sources of revenue.

Here is where the problems come from. The $1.8 billion has been caused by increased interest on the national debt, because of the fiscal policies of this administration, trying to rely on monetary policy alone to control inflation.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BOGGS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Chairman, reserving the right to object——

Mr. FLOOD. Mr. Chairman, I was about to ask that.

Mr. HALL. Mr. Chairman, reserving the right to object, is it the distinguished gentleman from Louisiana's intention to address himself to the amendment in the next 5 minutes?

Mr. BOGGS. It is so; yes, sir. I am addressing it right now.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOGGS. Mr. Chairman, I thank the House for its courtesy.

Mr. Chairman, $1.8 billion is the result of increased interest charges. Imagine paying 7.5 percent on Government bonds. That is what the rate is today. That is $1.8 billion.

An additional one-half billion dollars is due to the increased cost of unemployment compensation. What does that mean? That means that there are more people unemployed than we have had in many, many years.

Finally, due to the fall off in business and due to the rise in unemployment, the Government revenues for fiscal year 1970 were under the estimate by a billion dollars. If the President Nixon recession continues, the estimates will be approximately $3 billion off.

I am not pulling these figures out of the air. I have obtained them in the Ways and Means Committee from the Treasury Department.

Mr. Chairman, it is therefore mandatory that we adopt the Boland amendment. It is not only in the interest of the Nation's physical health. Imagine a Nation with a gross national product approaching a trillion dollars saying it cannot build hospitals, it cannot educate doctors, it cannot train nurses. What a shortsighted philosophy. But, Mr. Chairman, the Boland amendment is also in the best interest of the economic health of our country. As I said at the beginning, we pledged full employment in the 1946 act. We do not have it today.

This House, together with the other body, has already acted in the field of water pollution. We increased the President's budget some $150 million to $500 million. And it was a good amendment. The distinguished gentleman from Georgia (Mr. STEPHENS) was very instrumental in respect to that amendment. As the economists say, it is an ideal contracyclical device.

This amendment, the Boland amendment, the Stephens amendment, the override of the veto of the Hill-Burton funds, not only serve social goals that are necessary in this country, but also serve economic goals.

The amendment offered by the gentleman from Massachusetts (Mr. BOLAND) will provide much needed public investment required to counteract the current contraction in the private sphere of our economy. If the minority leader, Mr. FORD, thinks that has not happened, I suggest that he talk to a homebuilder. If he thinks it has not happened, I suggest that he talk to the aerospace industry. If he thinks that it has not happened, I suggest that he talk to the lumber industry in the Far West or in the Deep South.

Mr. Chairman, one of the great Presidents of our Nation, President Roosevelt, came to power at a time when this Nation was at the lowest point in its history.

We had a gross national product then of $54 billion. Today it approaches a trillion dollars. When Franklin D. Roosevelt became President 14 million Americans were out of work, and many of them were literally starving to death. President Roosevelt said this, and I quote him:

> The greatest tragedy about unemployment is that it should exist at a time when there are so many things which need to be done. Surely in a country as great as ours the means can be found to put the unemployed to work doing those things.

Mr. Chairman, we have come a long ways in America. We have a great country. Today it is quite different from those bleak days of 1933 when President Roosevelt stood here on the steps of this Capitol Building and said:

> The only thing we have to fear is fear itself.

But let this be said: There are so many more things that need doing; there are so many slums that need clearing; there are so many rivers that need purifying; there are so many schools that need building; there is so much to do to improve the quality of American life. To argue here that we cannot do this is something that I just do not believe and I do not buy it, and I hope that the Boland amendment will be adopted.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset let me say that I am delighted on this occasion to be associated with the gentleman from Pennsylvania (Mr. FLOOD) and to have as my opponent the gentleman from Louisiana (Mr. BOGGS).

Mr. FLOOD. Mr. Chairman, it is not very often, so I insist that the House be in order.

Mr. GERALD R. FORD. Mr. Chairman, I listened to the gentleman from Pennsylvania and I listened to the gentleman from Louisiana, and, as I said a moment ago, I am far happier being associated with the gentleman from Pennsylvania (Mr. FLOOD) than with the gentleman from Louisiana (Mr. BOGGS) on this issue. I think the gentleman from Pennsylvania (Mr. FLOOD) is far more qualified to pass judgment on the merits of this controversy than my dear friend the gentleman of Louisiana (Mr. BOGGS). The gentleman from Pennsylvania (Mr. FLOOD) spent the better part of 6 months as chairman of this subcommittee analyzing the testimony that has been given by those from the executive branch and outside witnesses. I wish to compliment the gentleman from Pennsylvania (Mr. FLOOD) and the gentleman from Illinois (Mr. MICHEL), the ranking member on our side, for what I think is a first-class job in adjusting and revising some of the recommendations that have been made by the executive branch. These changes have been made in a responsible manner. The pending amendment is irresponsible and should be defeated.

However, if I might make an observation or a comment concerning some of the charges or allegations by the gentleman from Louisiana, let me start out by saying this: We have had this daily political observation and comment, if you can elevate it to that level, by the gentleman from Louisiana about the trouble in the economy. As a consequence I had someone on my staff go back and look at the record. In 1961, 1962, and 1963 I find that nary a word was said about the unemployment figures on the condition of the economy during the Kennedy administration. In 1961 there was a strange silence by the gentleman from Louisiana even though unemployment averaged 6.7 percent in that year under a Democratic administration. The figure of 6.7 percent unemployment in 1961 was almost 2 percent higher than the unemployment figure at the present time.

Mr. Chairman, my researchers have been unable to find a single word from the gentleman from Louisiana in 1962 when unemployment was 5.5 percent under a Democratic administration. Then, I had someone on the staff take a look at the record in 1963 and nary a word from the gentleman from Louisiana about the economic troubles we were having that year when the unemployment rate was 5.7 percent.

So, I assume the gentleman on this occasion is trying to be more than a little political. He could not defend the administration in those days and he is trying to make politics out of the circumstances in 1970.

Mr. Chairman, as a matter of fact, the record shows that today there are 79 million employed Americans, which is 1.5 million more than a year ago. The employment a year ago was the highest in the history of the United States. It is a credit to this administration that we have been able to reduce the military manpower active duty strength in the last year and a half by over 300,000.

It is to our credit that we have been able to absorb so many through employment in other fields of those connected with the defense industries who have lost their jobs in the last year or two.

I might say, as the gentleman from Louisiana well knows, most of the efforts to cut defense spending, to cut space spending, have come from the Democratic side of the aisle. So, if there is any loss of employment in the defense industries or the space industries, the gentleman's political party is responsible for it.

Now, Mr. Chairman, let us talk about the substance of this particular amendment.

The administration recommended $619,742,000 in these nine programs, which represented a reduction of approximately $80 million from the fiscal year 1970 appropriations. Most of that came in what we call the Hill-Burton part of the health and welfare budget. But, at the same time the administration, as it sought to cut down the direct grants programs, provided for the subsidization of interest for hospital construction which is a far more flexible and better way of helping local communities build those facilities that they badly need in your district and my district. In addition, 2 years ago in the housing bill an amendment sponsored by myself provided for FHA financial backing for local, nonprofit hospitals.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent (at the request of Mr. FOREMAN) Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. GERALD R. FORD. The net result is that the administration's request for outright grants programs, the interest subsidy programs, the FHA financing program is a far better way of building more hospitals than a continuation and expansion of the direct grant program under the Hill-Burton Act.

So, Mr. Chairman, in my opinion the administration request for $50 million for this program was justified.

On the other hand, I support the committee and particularly the subcommittee for including the amount that they have allocated in their recommendations.

Now, let me make another statement of fact and let us get the record straight, as the gentleman from Louisiana said. In seven out of the nine programs which we are considering here the administration asked for increases in fiscal 1971 over fiscal year 1970. For this I think the administration ought to be congratulated and not condemned. Furthermore, the committee in every instance in its recommendations either held the line comparing fiscal year 1971 with fiscal year 1970, or increased the amounts made available. The net increase over and above the amount of last year is $87,374,000.

This is a rather substantial increase of about $120 million over the President's recommendation. But I am going to support the subcommittee because, when you take into consideration the other adjustments that they have made in other programs, it seems to me that the committee has wisely used judgment in trying to more properly allocate our available resources.

Let me talk for a minute about the particular amendment offered by my friend, the gentleman from Massachusetts (Mr. BOLAND). If the Committee of the Whole and later the House approves this amendment, it will add $360,454,000, which is a 50-percent increase over the amount that was appropriated in fiscal year 1970. And it seems to me that such an expansion is not responsible or wise at this time. We have a far better solution with the recommendations of the subcommittee under the gentleman from Pennsylvania (Mr. FLOOD) and therefore I hope and trust that we follow his advice and not get into the political atmosphere of my friend, the gentleman from the State of Louisiana (Mr. BOGGS).

Mr. CASEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Who, Mr. Chairman, can be opposed to better medical care? Who could be opposed to more doctors? Is it not a very attractive package we are offered, and they intend it to be. They gave it a very attractive name, an emergency health amendment. You all have been receiving the telegrams, I am sure, saying "Support the emergency health amendment."

Now, let me tell you something: In this bill, counting everything in the bill, there is $77 billion of the taxpayers' money.

Now, I have heard some gentlemen say that they do not know what a billion dollars is. Let me give you one graphic illustration of what a billion dollars is. If you can get hold of enough of them——

Mr. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. CASEY. Not at the moment.

Mr. BOGGS. The gentleman said $77 billion?

Mr. CASEY. Yes.

Mr. BOGGS. Would the gentleman spell that out?

Mr. CASEY. If you read the report, and not on my time, you will find it. Just use your pencil and add it up.

Mr. BOGGS. How much of that is for social security?

Mr. CASEY. You read the report. I am telling you how much of the taxpayers' money is in here. Am I wrong on that?

You are on the Committee on Ways and Means, and that is the committee that raises the social security taxes.

Mr. BOGGS. You are talking about trust funds.

Mr. CASEY. All right. Some of it represents trust funds, but where did they come from?

Mr. BOGGS. They happen to have been appropriated previously; this is just a mere formality.

Mr. CASEY. All right, but the money came from the taxpayers, and that is what I am talking about.

Mr. BOGGS. So what?

Mr. CASEY. Now, as I was saying before I was interrupted, if you can get hold of enough dollar bills, and stack those dollar bills up flat, one on top of another, to the top of the Washington Monument, you will have $1 billion. There are 77 stacks in this bill, 18 of them for this particular program on health and welfare—18 of those stacks.

Does that sound like this committee has been a little tight? Sure, there are portions of this bill that I would like to see larger. But we do have a responsibility to remain within some reason, in spending the taxpayers' money for these very worthwhile programs.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. CASEY. I yield to the gentleman.

Mr. MICHEL. Does the gentleman not have several very eminent medical schools in his own district and is he not quite well acquainted with the needs of those schools?

Mr. CASEY. Yes, sir; and I wish we could give them more money. Everyone of them wants more money. But we have to be within reason. I dare say the other body will add money to this. We never come back with a figure lower than ours whenever we have gone to conference as you well know.

Were we tight with them? Were we tight? Let me tell you this, and this is a fact. I am not talking to you about social security or the trust funds—I am talking particularly about the health and medical appropriations in this bill.

This committee increased that particular section of the bill over $208,960,000. That is almost a quarter of a billion dollars—almost a quarter of the way up the Washington Monument in $1,000 bills.

We increased substantially the following:

Environmental control	$1,800,000
Mental health	21,860,000
Communicable diseases	400,000
Medical facilities construction	92,200,000
Biologics standards	198,000
National Cancer Institute	25,000,000
National Heart and Lung Institute	6,732,000
National Institute of Dental Research	694,000
National Institute of Arthritis and Metabolic Diseases	6,187,000
National Institute of Neurological Diseases and Stroke	$3,835,000
National Institute of Allergy and Infectious Diseases	3,030,000
National Institute of General Medical Science	17,696,000
National Institute of Child Health and Human Development	1,133,000
National Eye Institute	5,300,000
National Institute of Environmental Health Sciences	777,000
John E. Fogarty International Center for Advanced Study in the Health Sciences	918,000
Health manpower	18,700,000
Research resources	2,500,000

I am not critical of my good friend, the gentleman from Massachusetts, for wanting to do more. We all want to do more as well as his colleagues and associates who are cosponsors, so to speak, of this amendment.

I dare say that he and his friends who are advocating this are going to get a shining star in their crown for their attempt to try to put more money in this. We on the committee are going to be called dogs because we will not accept an amendment adding $360 million more.

This bill is $92 million over the budget and $208 million over the budget in this specific field.

Now I do not want to get involved in this political sparring that has been going on here ahead of me. I do not intend to. I hope you will not get involved in it.

I hope you will work as this committee has worked—not as partisan Members of the House, but as people who have a job to do—a job that we wanted to fulfill the best we could and at the same time show some sign of fiscal responsibility.

We have increased this bill. We hear moans and groans about the increases. We think, we feel, and we know, that we have brought to you a bill that you can be proud of, because we have increased it and tried to give priorities where they belong. We made shifts in these funds.

I urge you, do not be stampeded by a classic name of emergency health amendment. Do not be stampeded by the telegrams. You can rest assured that this committee has done a good job and intends to continue to see that our medical schools and our professionals that are to be trained receive the support that they need. I urge defeat of the amendment.

Mr. YATES. Mr. Chairman, I rise in support of the amendment and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, I want to congratulate the sponsors of this amendment to increase funds for health facilities under the Departments of Labor, Health, Education, and Welfare, and related agencies appropriations for fiscal year 1971, and to indicate my strong support for it.

Funds for medical manpower, hospital construction and modernization, community mental health facilities, and other health programs provided for in H.R. 18515 are among the most important of our domestic needs. I was shocked as was the Committee on Appropriations, at the totally inadequate sums suggested for these health programs by the President. I support the action of the Appropriations Committee in increasing the funds available for these programs beyond the President's request. But the crisis that we face in the field of medical care argues strongly for even more generous funding. We can wait no longer to begin to bring our medical care facilities up to standards appropriate to the most affluent Nation on earth. Most importantly, we must develop adequate facilities and personnel to insure that every American has access to a full range of professional medical services.

I am particularly impressed with the need for increased attention to the problem of mental health. The incidence of mental illness is increasing rapidly in our fast-paced society, and only a fraction of those who need care for such illnesses are currently receiving it. The problem of drug abuse is only one example of the extent of mental and emotional disorders requiring professional medical attention.

I not that Mrs. Ruth Bushong Fallick appeared before the committee in support of increased funding for community mental health facilities. Mrs. Fallick is active in a number of mental health organizations and programs in areas of the Bronx, N.Y., which I represent. Mrs. Fallick and many other interested citizens in New York are doing excellent work to expand mental health care opportunities and draw attention to the mental health problem, and I feel strongly that these efforts should be fully and generously supported.

I am also impressed by the need to provide additional support to our medical schools for the training of additional doctors which are already in desperately short supply in many areas of the country.

In view of these considerations, I intend to vote for the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) to increase committee recommended funding for health manpower programs, Hill-Burton hospital grants, community mental health centers, and the National Institutes of Health by $360.5 million.

Mr. YATES. Mr. Chairman, in passing I want to allude to the remarks of the distinguished minority leader only momentarily. I think he needs some new researchers. Apparently they forgot to tell him about the Eisenhower depression in the years 1958, 1959, and 1960, and how much higher unemployment was in those years than it was in the year 1960, 1961, and 1962 to which he referred. The minority leader did not tell the House that unemployment began to decline after the Democrats assumed office in 1960, and continued to decline in the years he mentioned.

Second, if the Nixon administration's recommendation of $50 million for Hill-Burton was adequate, as the minority leader said it was, why, then, does he say he is supporting the committee bill that tripled that amount? That is exactly

what the committee did. Instead of the $50 million that was recommended in the budget, this committee approved $172 million, more than triple the amount the President recommended. If the minority leader is so determined to stay within the budget as he urges the House to do, how can he reconcile that position with his support of the committee bill?

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. YATES. I decline to yield at this time.

Mr. GERALD R. FORD. I thank the gentleman.

Mr. YATES. There has been a great deal of verbiage here about telling us we ought to stay within the President's budget. None of us likes to exceed that budget. And if it provided for America's needs, we would never exceed the budget, but the fact is that the administration's recommendation for various HEW programs did not adequately meet the needs of this country. That is why Republicans and Democrats alike on this committee voted to exceed the President's budget by $92 million.

Today there is much talk about priorities. All of us have our priorities, the programs we consider to be of top level importance. All of us have our hangups about what we consider to be essential—essential enough to justify our going above the President's budget. The minority leader, for example, has a hangup on military matters. He was willing to go $100 million over the budget for planes for the Nationalist Chinese Government. My own hangup is for programing to help our people in health, education, housing, antipollution, the problems of the Nation's cities. I am willing to train doctors, laboratory technicians, and to do it in this bill to provide funds to train doctors, laboraory technicians, X-ray specialists, paramedical personnel, to build medical schools and hospitals, to fight the killers and cripplers of mankind through research programs. That is what the Boland amendment will do in much greater measure than the committee bill.

Our beloved Speaker put it best when he spoke to the House at the time we overrode the President's veto of the Hill-Burton bill. He said:

Certainly an issue is involved. To me it seems whether we are going to vote for dollar values today or for human values—

Dollar values or human values. Yes. That is the issue today.

What is so sacrosanct about the figures in a budget which provides a paltry $50 million for the Hill-Burton program?

What is so sacrosanct about a budget which the committee itself exceeds for at least four different programs? The Appropriations Committee rarely does that.

What is so sacrosanct about an administration budget which we know will not nearly meet the medical manpower shortage?

Do the Members realize the amount available for Hill-Burton in this bill is less than it has ever been before? In spite of what my good friend, the gentleman from Pennsylvania, says to the contrary, that is the truth. In 1968, $293 million was made available for Hill-Burton. In 1969, $258 million was made available for Hill-Burton, $50 million less. In 1970, $172 million was appropriated for Hill-Burton, and the committee put a comparable amount in this year.

I say it is less for a number of reasons. One is the inflationary bite. There is a 6-percent inflationary factor which will decrease the amount available by almost $10 million under last year.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I want to make a comment with respect to the gentleman's most recent remark, because when Hill-Burton was enacted, it was to help the more rural areas of the country get on with hospital construction. It was only in this past year when the legislation was modernized to meet the everyday needs and particularly the urban centers, and that is why we have seen a decline. From this point on, when we can combine the grants with loans, we can provide more than we have ever had before, and we will see these increases.

Mr. YATES. I thank the gentleman. I think essentially his statement is correct except that the fact remains we must deal now with this year and this bill does not do so. The hospital needs of the country have been rising at the same time the Hill-Burton funds have been going down. And the funds are less this year than last and the hospital deterioration grows.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 5 additional minutes.)

Mr. YATES. Mr. Chairman, my good friend, the gentleman from Pennsylvania, talked about the interest subsidization program as expanding Hill-Burton by $166 million. Ask the gentleman from Iowa (Mr. SMITH) about the interest subsidization program, and what it does. Ask him how enormous the interest indebtedness is likely to be. Ask him how the interest subsidization program would work. He told me he was against it, because of the hundreds of millions of dollars of interest costs to be paid over the life of the mortgages, costs that could be saved by expanding the grant program. Direct grants will save money.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, as the gentleman pays mortgage on his house or anything else he borrows for, do we not pay interest on amounts of money?

Mr. YATES. That is correct, but if the gentleman read this morning's paper, he saw in it the item respecting the new increase in the cost of living. He noted, I am sure, that the greatest contributing factor to that increase was the cost of medical care. The interest subsidization program will continue that inflationary trend because it will add to the costs that must be shouldered by those using the hospitals.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from California.

Mr. MOSS. Mr. Chairman, on this interest subsidization when we start looking to the local government, the tax base for the local government does not increase.

Mr. YATES. Of course not.

The Members know what it costs to build a hospital—and I would like to have the attention of my good friend, the gentleman from Illinois (Mr. MICHEL) as we talk of interest costs. Do the Members know what the interest costs are on building a hospital today? They are 8 percent and 9 percent in most States, and they are 12 percent in southern California. How many hospitals will be built when they are faced with that kind of financing? To meet that burden the committee recommends an interest subsidization program that subsidizes only 3 percent of that interest cost. What happens as a result?

The hospital groups which will be building new hospitals or modernizing existing ones will have to pay 5 percent or 6 percent, or 10 percent in a southern California location, over the program subsidy. And who is going to pay those interest costs? The public. They are going to be paid by the people who use the hospitals. As a result, the costs of the hospital care are going to continue to mount and the cost of living index will continue to rise and inflation will continue to plague us.

That is why I say that the Boland amendment, which provides for additional grants and does not require payment of exorbitant interest, is a much more desirable procedure than the one recommended by the committee.

Another factor showing that the amount available for Hill-Burton is less than last year relates to the fact that the authorizing committee provided for a $50 million fund for direct loans for public hospitals of the country. Under the law, the public hospitals cannot use the subsidized interest program. The committee knows that. That is for private hospitals only. And as a result, what happens? $186 million dollars in applications pending with HEW, requests from public hospitals, from county hospitals, from township hospitals and city hospitals.

Does your county or township hospital need modernization? It will have to compete with the private hospitals of the country for the amount of money put in this bill for grants. Mr. Chairman, that is obviously another decrease in the amount made available for the Hill-Burton program.

The action of the committee must be corrected. That is why we offer the Boland amendment.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. MICHEL. In the budget figure there was $30 million for direct loans.

Mr. YATES. But that was stricken out by the committee.

Mr. MICHEL. I appreciate that, because the grant money was increased

from $50 to $172 million. It was just a question there of whether or not the overall figure was going to be in the form of grants or minus $30 million for direct loans.

The gentleman certainly does not mean to leave the implication that all the hospitals around the country are built by Federal grant money?

Mr. YATES. No; I do not.

Mr. MICHEL. Of course not.

Mr. YATES. But the point is that most hospitals need help these days and taking away direct loan funds as the committee did decreases the amount of the grant program to that extent.

The gentleman will recall that I offered an amendment in the committee for almost the full authorizing amount for Hill-Burton, because I believed the House indicated by its override of the President's veto that it wanted adequate money for Hill-Burton. The committee has not done that. I am sure the House wants a greater allocation for Hill-Burton than the committee allowed.

The Boland amendment adds only $80 million, but at least it provides more money than the committee bill, and I am for it.

Mr. MICHEL. Of course, that is an arbitrary figure the gentleman is using. We can shoot the moon.

Mr. YATES. The gentleman is using no arbitrary figure nor am I engaged in shooting the moon. There is an authorizing limitation in the basic legislation, $382 million, I believe.

Mr. MICHEL. The gentleman has no official statistics from the States, other than this overall need.

Mr. YATES. If the gentleman will not take my statement, let me tell the gentleman what this administration's Under Secretary for Health, Education, and Welfare said the overall need was. Is he official enough? He said the need was $11 billion at the present time, and that need is going to go up, not down.

The gentleman knows his testimony well. The gentleman knows what Under Secretary Veneman testified to on the Nation's need for new and modernized hospitals. It was $11 billion. Even knowing that huge sum, the Nixon administration requested only $50 million for this program. That is how the Nixon administration met what President Nixon last year called the greatest medical crisis in our history.

The Boland amendment should be approved.

Mr. BOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment. This is not a question of whether we provide funds for mental health, cancer research, the training of additional physicians, or the construction and modernization of hospital facilities.

The bill contains funds for all of these purposes. It contains more than was recommended by the administration—more than was included in the budget for each of these items. This bill exceeds the President's request for these items by $186 million.

This is a question of politics—nothing else. It is an attempt to force the bill high enough to see if they can precipitate a veto and then campaign that the Nixon administration is antihealth.

Now if that was the only harm that it caused—it would not be too much of a problem. Campaign issues are a way of life for most of us, and—as I pointed out yesterday—the Nixon record for spending for health, education, and manpower speaks for itself. It exceeds that of both the Kennedy and Johnson administrations.

But something other than a campaign issue is involved. Yesterday my distinguished chairman, the gentleman from Texas, emphasized that we should take the Federal budget out of politics.

Why—I will tell you why—the word is inflation. It results from spending more money than we have to spend.

The education bill was $453 million above the amount budgeted.

If we continue to appropriate funds in excess of the revenue-producing capacity of our tax system—as happened particularly in 1967 and 1968—we will produce the same result—the same inflation that we all know takes difficult and painful measures to eliminate.

Inflation that would not help 25 million people fighting a losing battle to make their social security checks cover the cost of living.

Inflation that would not help 9 million people on public assistance.

Inflation that would not help millions of middle-class Americans caught between taxes and an ever increasing cost of living that is only now beginning to level off.

The fiscal year 1971 budget proposed legislation that would provide $4.6 billion of additional revenue. As of today, more than $4.3 billion of those requests have not been acted upon.

For those who are interested only in politics—I remind you that inflation will also be an issue this year.

Those who vote to add almost $400 million to a bill already containing almost $200 million of increases over the amounts requested may also have to do some explaining.

The administration and this Congress have made reductions in military and space expenditures—$6 billion.

We have changed our national priorities and are now spending more for human resources than defense—for the first time in 20 years.

We have taken this action because we are concerned about the health, education, and welfare of our people.

It is this concern that prompted the increases contained in the bill.

Irresponsibly adding almost $400 million to these increases is a very poor course of action at this point in time.

I urge the amendment be defeated.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, with the dramatic discovery of new drugs and their expanding use in State mental hospitals, a virtual revolution has taken place in the care and treatment of the mentally ill people of this Nation. Coincident with the discovery of these wonder drugs has been a brilliant reorganization of our concept of caring for mental patients, one main feature being the development of community mental health centers.

As a result, using these drugs and developing community mental health centers has literally drained off approximately 40 percent of those mentally ill patients who had theretofore been required to be confined to live in mental hospitals.

As if this were not sufficiently dramatic, the number of beds required in our mental hospitals has reduced these past years notwithstanding the fact that an ever-increasing number of people in this country have been diagnosed as mentally ill requiring mental treatment.

In 1963, recognizing this revolution in the care of the mentally ill, Congress acted to assist communities in the development of community mental health centers. This help has come in the form of assistance in capital construction grants as well as paying approximately 30 percent of the staffing costs for these centers.

At the present moment, the importance is not the brick and mortar that would produce new buildings, but rather the skilled and complete staffing of these centers so that the services can be brought directly to our mentally ill on an out-patient basis.

In this year's budget, the administration has unfortunately failed to recommend sufficient Federal expenditures in this area of Federal assistance to the staffing of mental health centers. In his budget for fiscal 1971 the President recommended only $60.1 million. On the other hand, the Appropriations Subcommittee, backed up by the full committee, has recognized the shortcoming of this small budget request and has increased this item for staffing by $20 million, making the total $80 million.

While this action of the subcommittee and the full committee is commendable, it still falls short of the requirements the experts who testified believe must be met in the next fiscal year.

In reviewing some of the testimony and information on this subject it appears to me that there are some 49 community mental health centers that have been recommended for staff funding, but have not been funded for lack of funds. It also appears that there are approximately 80 applications for assistance in staff funding in the pipeline, most of which will be approved before the end of the fiscal year, but for which there will be no staffing funds.

Under these circumstances it was recommended by the National Association for Mental Health, that at least $100 million would be required for Federal assistance in staffing centers ready to go into business in this fiscal year, and the

National Council of Comprehensive Community Mental Health Centers has estimated this sum to be at least $110 million.

Included in this package amendment, therefore, is an additional sum of $20 million which, when combined within the $80 million contained in the bill, should almost make it possible for the Federal Government to honor its commitments to those community mental health centers that are now approved or will be approved in the fiscal year 1971.

Mr. Chairman, most States in this Nation are attempting to move ahead in this development of community mental health centers. Thousands of volunteers, both professional and laymen, are carefully putting together their plans for their earliest possible opening. Eighty more are expected to be approved for staff funding this fiscal year.

It would be tragic, indeed, if any significant number of them could not be opened because staffing funds were not available at the time of approval.

For these reasons, Mr. Chairman, I urge the members of the committee to approve the amendment of the gentleman from Massachusetts (Mr. BOLAND).

Mr. SMITH of Iowa. Mr. Chairman, as was said before, the subcommittee in this bill added $209 million above the budget. Now it has been proposed to add another $360 million, which would bring the total for the bill to $569 million over the budget. It would be so visible as to invite a veto.

Now, I am not against fighting vetoes when we can win, but before we start voting on an amendment like this perhaps we should look at the history of such amendments.

Traditionally we in the House committee have gone through, item by item, and reshaped the HEW appropriation bills according to what we thought the House would want. Then it passed the House substantially in that form. Then it goes to the Senate. If somebody can show a weakness in our bill, he goes to the Senate committee, and the case is made there. They adjust the bill accordingly. Then we go to conference after that, and we come back with a balanced bill that is written by the Congress. Under that procedure we made great progress.

That has been the history until last year. But a year ago next week this subcommittee came to the floor with the HEW bill. Some people—the same people who support this amendment—decided they were going to up it very visibly.

You know what happened then. For the following 9 months from a year ago next week we went up and down the hill with all kinds of motions and resolutions and we ended up in here with a bill in March that had been reduced by the Senate by $347 million below the figure the committee had recommended in July. Lo and behold, the same people were down here with a white flag saying, "Surrender to the Senate." The motion was made to agree to the Senate figure and it carried. Health appropriations were reduced to $115 million below the figure the committee had recommended in July. Now, is this the kind of action that really makes for solid progress in health? We could have gone to conference and gotten the money back in 5 minutes, but they did not want to do that. Surrender to the Senate was the cry at that time, on March 3.

Mr. Chairman, here are some of the items that were reduced, and they are the items in this amendment today. Construction of community health centers, grants, $1.3 million below the amount we had in July. Hospital construction, $82.2 million below what we had in July. Medical-dental student assistance $4.78 million below what we had. Nursing student loans $5.5 million below what we had in July. Is that the kind of friends of health you want to follow again?

Do you want to go down that primrose path with them again and follow the same people and probably end up below what we have in this bill? Before we do that you ought to take a good look at what is in this bill and the procedures we used when we have made progress in this House on health appropriations.

It has been alleged here today that there is a doctor shortage. Everybody admits that. But it does not necessarily follow that money is the answer. In some schools, there are 10 applicants for each medical school slot now. You can give them all free education, and that would not alone increase the number of doctors. Let us get to the cause of not having enough medical services in this country and try to deal with those. That is what the subcommittee did, and that is why we increased 18 items by 209 millions of dollars where we thought it would do some good. We are willing to do more where we believe we can get results and where it can be shown that we will get results. There will be increases in the Senate and we will agree to some of them. But I say that this amendment will not get the results claimed because this amendment does not go to the heart of the problem. We do have good care at a high price in this country for anybody who is seriously ill and who can get to a hospital before they die, but what we do not have is preventive care except for the urban wealthy. In the non-metropolitan areas where 30 percent of the people live, there are only 12 percent of the doctors. Those areas have only 8 percent of the pediatricians. People who work for wages are also in need of preventive care. People that are working cannot afford to take a half a day off to go to the doctor's office. It is not the $10 for the doctor's call as much as it is the $20 or the $30 that they lose in wages each time they do it. They just cannot afford to take the time to go to a doctor's office and wait several hours to secure a tetanus shot for a puncture in the hand.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent (at the request of Mr. YATES) Mr. SMITH of Iowa was allowed to proceed for 5 additional minutes.)

Mr. SMITH of Iowa. Now, the sponsors of this amendment today assume that you can secure enough doctors so that there will be plenty of doctors everywhere. I believe they are just laboring under an illusion. The problem is not as a practical matter solvable that way. It just does not work that way. That is what the witnesses before our committee told us that if we give them all of the money they want, they could increase the turnouts of doctors only 10 percent in 6 years. That is not nearly enough doctors to provide the preventive health care needed. If you are going to labor under the assumption that we can solve this problem with money, you are just mistaken. So what do we do? We import into this country foreign trained doctors. Fifteen percent of our doctors come from foreign countries. They have received 6 years of education compared to nine required in our schools. But have our medical schools been doing what is needed in order to get more doctors and get other kinds of professional people that are necessary so that we can have clinics established in these rural areas under the direction of a doctor in a nearby city, perhaps? No, they have not done that. That is what we need to do. The only hope of substantial improvement in this preventive health field is to revise the whole medical delivery system. We need clinics. We need bachelors of medicine. We need nurse practitioners who can operate a clinic under the direction of a doctor. A clinic where preventive medicine is available near home in off hours for people who work and without long waiting periods. When a patient needs to go to a doctor, the bachelor of medicine or nurse practitioner who knows his own limitations can tell the patient to do so and arrange an appointment. The doctors will not need to be so tied up with work paramedical personnel can do that the patient needs to wait for hours. With more preventive medicine, they won't need to be tied up so much on corrective medicine.

This will require changing some State laws and a new curriculum and courses for health schools. So, instead of pouring more money into the system as it exists now which will not provide what is needed, I say we should reward those that want to make the changes that are needed in this country and we should not continue to assume that increasing the scholarship program can solve the problem.

It requires reform in the medical schools and State laws. An example of what I am talking about is with reference to Howard University. They have a unique opportunity to do something in this health field. They are now operating right here in Washington, D.C. They do not have to change a State law which limits outpatient service by paramedical personnel under some supervision of a doctor as is the case in some of the States. The Congress could make certain changes in the laws if we need to do that. They can do things which they need to do and we have told them we support such programs and have made funds available to them. However, they have not hardly looked at the real problem here. They have not even gone thoroughly into it.

You can look at the hearings and you will see on page 938 of part 4, that they have not made the needed effort to provide personnel for clinics. They have found time and added several social courses but they have not made the effort to add to or change the curriculum so as to provide better medical services.

We will not accomplish the desired results merely by pouring out more money to Howard and other such universities, when they are not moving in the direction that is necessary.

Mr. Chairman, if Members want to support a program to accomplish the objective of more health services, we must have a change in the delivery system instead of merely supporting the present inadequate system.

Mr. Chairman, we increased these 18 items to the extent of $208,960,000. The committee recognizes that we do need facilities and expansion of the present ones. We cannot get more doctors without the facilities, and the increase in facilities is a prerequisite to some extent. But we will not get but 10 percent more doctors of medicine in the next 6 years even with an increase of medical facilities unless the curriculum is reduced for some who will work in a limited capacity.

Mr. Chairman, in my opinion we ought to increase the facilities program more. But, I can assure members that when we come back from the conference with the other body, we will have increased it probably by 50 percent over what is contained in this bill or the amount that is justified.

In addition to that, Mr. Chairman, we need adequate loans for students, not because there is a shortage of students, but for social reasons so that the less wealthy can go to medical school as well as wealthy ones. We need enough so that those people can get into the medical schools and the committee stands for this principle.

We put into this bill a 23-percent increase in loans for medical students and a 130-percent increase for nursing students. And, if they can show they need more, I am sure it will be provided under the committee approach. If needed, we will agree to more in the orderly way these sums have previously been provided until last year. Mr. Chairman, I believe in the usual system for handling appropriations for HEW for under it we have made solid progress. Therefore, I submit that the amendment which is now pending before the committee diverts attention from the real needs and that the way to make solid progress is to pinpoint money toward a new delivery system and for the case against any weakness in the committee recommendations to be made on individual items in the Senate. In the usual way, worthy adjustments will survive.

I urge you to use the procedure which in the past made progress instead of the dramatic big amendment shotgun approach which was used last year when we lost $145 million in the final bill below the amount our committee originally recommended. If any item is shown to be insufficient on its own, we will come back with a conference report that will shape this up and provide some progress instead of going backward.

Do not go down the primrose path on a package amendment again which strikes individual items from the bill or you may end up like last year with some good programs below the amount in the committee bill.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Iowa (Mr. SMITH).

As the gentleman has indicated there are serious failures in the medical delivery system and which must be eliminated. We have to bring more new young men into the medical schools. And we must broaden the social and economic class base of our medical students. That is why I support the amendment which has been offered by the gentleman from Massachusetts (Mr. BOLAND) because I feel that the medical schools are in a crisis from which they will emerge intact only with considerable congressional understanding and support.

Young men in the third and fourth years of their medical college training have to drop out simply because there are not sufficient funds to grant them the needed loans. Next year even more will be turned out of the medical schools at a time when we need every doctor we can train.

Just today a medical school dean told me that the lower-middle and the middle-class students will suffer more this year than last year. Precisely those economically deprived youngsters that we want to get into our medical schools simply cannot get in because they do not have the funds or cannot obtain the necessary loans.

Mr. SMITH of Iowa. Well, we will increase the amount for that purpose to the extent needed in order to provide all the loans they need.

Mr. ROSENTHAL. Yes, but at the present time those loans are in an inadequate amount.

In fiscal year 1969, 39,156 students of all medical professions were aided by the health professions student loan program.

In fiscal year 1970, just ended, this number dropped to 32,203.

Under the administration's budget, that number would have dropped to 28,168.

Wisely, the committee has increased the funds for loans. But anything short of full funding for programs of medical student loans, which will be repaid to the Treasury eventually, is intolerable if we believe our own words, or the President's of last year, about the "massive crisis" of our medical care system.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. COHELAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my good friend and colleague, the distinguished gentleman from Massachusetts (Mr. BOLAND).

The gentleman from Massachusetts has eloquently explained the emergency health amendments. I do not need to tell the Members of this House that the health care system of this Nation is under increasing stress. The recent report of the Committee of One Hundred calling for a national health plan is the latest manifestation of this stress. It is reported that there will be legislation introduced this week that will attempt to get health services into the inner city and into rural areas.

These steps may be feasible, but I submit that they are predicated on the assumption that there will be adequate medical manpower available. Based on the latest estimates from the Department of Health, Education, and Welfare, this assumption cannot be made. HEW projects that by 1980 there will be these shortfalls: 26,000 doctors, 56,000 dentists, 210,000 nurses, and 432,000 allied health manpower.

Some of the elements of the emergency health amendment are primarily directed at this manpower shortfall, and I will explain them. With the funds provided in this amendment, we can narrow the manpower gap.

Before I develop one aspect of the medical manpower section of the health emergency amendment, it is important for the Members to realize that there are other elements in this package. These components are designed to handle critical gaps in the appropriation bill. For example, the funds for Hill-Burton and community mental health staffing are designed to handle crucial demands and needs in hospital construction and staffs of community health centers.

I just want to point out that this package is only $360 million over the committee recommendation, but its significance lies not only in this small dollar increase but in the programs it more adequately funds.

I would like to focus on the funds directly aimed at the medical manpower area.

In fairness, I must point out that the Nixon administration is not unaware of these medical manpower problems. Indeed, Dr. Roger Egeberg, Assistant Secretary of the Department of Health, Education, and Welfare for Health, has suggested that $150 million be appropriated to attempt to close the medical shortage gap. This was supported by the National Republican Congressional Campaign Committee itself in their memo of July 15, 1970. Thus the administration has admitted a problem exists and is attempting to solve it. But I would respectfully suggest that there is no need for new programs. The existing legislative authority is designed to meet these manpower shortages. What is needed now is dollars—money.

Dr. Egeberg put the question squarely:

If the government does not help the medical schools and the medical students soon, we'll have a doctor shortage for the next 20 years.

I applaud the efforts of Dr. Egeberg but I do not feel that, as Members of Congress, we can allow proposed solutions to this manpower medical crisis to be left to the workings of the executive budgetary process.

We in the House know the needs. We have passed the legislative authority and we need now to fund this authority. This is the "crunch." The Appropriations Committee has provided some increases, but more are necessary even to maintain our insufficient health care system.

I know that some Members might argue that there is a problem in the distribution of medical personnel. I agree that there is a problem in this area. But it remains an unassailable fact that if we do not have the necessary medical manpower pool, we cannot work at redistribution. These projections that I have cited indicate a substantial shortfall in needed medical personnel.

Incidentally, I am aware that the President has blasted the "spendthrift" Congress, but I fail to see how any impartial observer could fail to notice that the burden of our anti-inflation policy is being borne by the workingman. I note for all the Executive anguish over increases in vital education funds, social security payments, and hospital construction funds, the administration was not the least bit hesitant to bail out Penn Central or Lockheed.

Also the administration has not forwarded any revenue schemes. As the distinguished chairman of the Appropriations Committee has pointed out over and over again, this initial budget surplus that was hailed by the administration rested on some tenuous economic assumption. But this debating back and forth has little to do with the issue before the House today.

This amendment adds only a meager $360 million to the Appropriations Committee figure. Surely no one could insist that this small, but necessary, figure in a potential trillion-dollar economy will spell economic disaster. But it can be reasonably argued that a breakdown in our Nation's medical system would have disastrous results domestically.

From the medical manpower aspects of this amendment there are two central provisions of this package. The first pertains to the institutional support for schools of public health and students' funds; the second pertains to the construction of medical facilities. The first of these two central medical provisions was explained by the gentleman from Massachusetts (Mr. BOLAND). I would just like to point out that one of the 107 existing medical schools, 43 are in serious financial trouble. They need institutional support. Also there has to be more money for scholarships. According to the latest estimates, it costs $50,000 for 13 years of training to become a doctor. Thus, there is a need for additional loans—not only for doctors but for other medical personnel.

I would like to spend the remainder of my time explaining the second central provision of this manpower package, that is, the construction of medical training facilities. In this package we are asking for $100 million for the construction of medical facilities. This is $33 million less than the authorization but it would be a beginning for the $400 million backlog of already approved HEW grants.

I mentioned the projections for medical manpower for 1980. I could go on with other statistics, but I think it is significant that for every qualified medical school applicant who is accepted, two are turned away for lack of the schools' capacity to train them. In the 1968 legislation, Congress sought to remedy this situation by authorizing substantial appropriations for construction projects over the following 3 years, but unfortunately the amounts authorized have not been appropriated.

For fiscal year 1971, a total of $225 million is authorized for the construction of schools of medicine, dentistry, et cetera. The administration, however, is requesting an appropriation of only $118.1 million, or about half as much as is authorized. This would be understandable if the need for more construction funds was not evident. But this is simply not the case. As of April of this year, applications for construction grants totaling nearly $400 million have been approved by the Department of Health, Education, and Welfare and have been approved for funding, subject to the availability of money. In addition, another $248 million worth of applications have been received and are being reviewed by the Department.

The same sad story is reflected in the administration's budget request for the program of construction grants for schools of nursing. Thirty-five million dollars is authorized. Applications for more than $37 million has been received, but the administration is requesting an appropriation of only $8 million.

This amendment will not cover the projected shortfalls in medical personnel, but it will begin to close this manpower gap.

For example, American medical schools are now admitting 10,000 medical students per year. To meet the current shortage, to keep up with increased requirements for the future, this number of admissions must be doubled as soon as possible. To do this will demand sizable increase in the capacity of the existing schools and the establishment of from 10 to 25 new schools. There still remain five States in the Nation without medical schools. There are many locations throughout the Nation which have both the population base and the academic capability of initiating new medical educational centers.

To deal with this problem will require a substantial expansion of our construction efforts. This must begin with increased appropriations for this purpose. The funds that would be made available by the appropriation now before the House are totally inadequate for this task to be undertaken.

Let me make this perfectly clear. In this bill, the funds provided for the construction of health educational, research, and library facilities total $126,100,000. Of this amount, $94,500,000 would be available for the construction of medical and related teaching facilities; $23,600,000 for dental teaching facilities; and $8,000,000 for nursing and allied health. In contrast to these proposed amounts, this Congress, in passing the health manpower amendments of 1968, authorized $180 million for the construction of medical and related teaching facilities in 1971; $45 million for dental; and $55 million for nursing and allied health, or a total of $280 million. But even more telling than this contrast is the fact that the National Institutes of Health—NIH—now has on hand approved applications for construction assistance from medical, nursing, and allied health schools totaling $400 million at the very beginning of the year for which the administration is requesting, and the committee passed, only $126,100,000.

In the fact of the urgent needs for health manpower, which can be met only by continued expansion of the medical educational plants of the Nation, $126,100,000 is a travesty.

The health emergency amendment would add $100 million to the administration's appropriation request for this urgently needed construction. This $100 million would increase the funds available for the construction of medical and related schools to $170,100,000; for dental schools to $42 million; and for nursing and allied health schools to $14 million, amounting to a total for the appropriation of $226,100,000.

This increase in the appropriation for construction of teaching facilities for these critical health professions is only a minimum measure of response to the urgent need to expand the teaching facilities of this Nation if we are to meet the demand for physicians and other trained health professionals which this country faces.

The figures—the shortfalls—are there for all to see. We need facilities to train doctors, dentists, nurses, and other medical personnel. We must add construction funds to build and modernize medical training facilities. We cannot continue to delay and procrastinate. This package offers tangible and immediate help in lessening our Nation's medical crisis.

Another action by the administration which poses a serious threat to the unified planning and development of the Nation's medical centers is the proposal to transfer support for construction grants to teaching hospitals to the budget item for the Hill-Burton program, which is financed under the appropriation "medical facilities construction." This transfer involves a program reduction of $33 million in the planned obligation level for the appropriation "Construction of health educational research and library facilities" as a result of this transfer between appropriations.

Furthermore, it appears to be the clear intent of the administration to substitute to the maximum extent possible guaranteed loans as a basis of providing construction funds for teaching hospitals rather than construction grants, which is the present pattern of program support in this area. For some unaccountable reason, the Appropriation Committee in its report supports the transfer of teaching hospitals to the Hill-Burton account. This section will have several alarming effects:

First. It will gravely complicate the

process of planning and funding in a coordinate and unified manner the complex array of facilities that now constitute an academic medical center. The whole design of the Health Professions Education Assistance Act was to provide a single source of funds for the educational, research, and teaching hospital facilities required for medical educational purposes. Only through such a single approach is it possible both for the institution to expeditiously and economically plan and carry through its program of construction and for the Federal Government to efficiently review and make judgments about the adequacy and appropriateness of the entire facility complex for which Federal support is being sought.

Second. The transfer to the Hill-Burton account of teaching hospital construction and the prospect of shifting such construction support to loans will, in effect, exclude from access to Federal support for teaching hospitals the several States whose statutes prohibit borrowing or the funding of capital expenditures by depreciation processes. Such State institutions could not utilize guaranteed loan mechanisms; but perhaps even more fundamental an objection to such a proposal is the fact that more teaching hospitals will operate at substantial losses. These losses effectively prohibit them from using the depreciation devices as a means to amortize loans, because these funds are required to cover operating deficits.

In acting on the amendment now before the House, we would like to make it clear that this action constitutes a repudiation of the administration's device to shift this construction support for teaching hospitals to the Hill-Burton budget and any devices of guaranteed loans.

In conclusion, Mr. Chairman, I urge this Chamber to adopt the emergency health amendment today. This House must assume its responsibilities in attempting to alleviate our Nation's critical medical manpower crisis and appropriate this $360 million figure.

I urge an "aye" vote on this amendment.

Mr. LOWENSTEIN. Mr. Chairman, only 2 days ago this Nation celebrated the first anniversary of one of the most extraordinary scientific accomplishments in history. One might expect that a country capable of such a monumental achievement would have long ago mastered the relatively simple scientific problems of keeping newborn babies and their mothers alive. Unfortunately, this is not the case.

The American people spend more per capita on health care than the people of any other country in the world. Yet our public health statistics place us below most Western countries. Among industrial nations, the United States ranks 18th in life expectancy for men, 11th in life expectancy for women, 14th in infant mortality, and 11th in the percentage of mothers that die during childbirth. The death rate for American men between the ages of 40 and 50 is higher than anywhere in Western Europe. The fact is that our unmatched expenditures on medical services and health care are yielding inadequate progress and results. Despite the fact that American researchers have revolutionized medical science several times over, our vital statistics show that being an American may be hazardous to your health.

The demand for extensive health care has drastically exceeded the supply, particularly among the very young and the very old. There is a critical shortage of medical service personnel; it is currently estimated at around half a million positions, and is expected to increase. By 1975, America will need 43 percent more physicians than it had in 1965, but the number of doctors will increase by only 17 percent. Even more dramatic shortages of dentists and nurses are also projected.

These shortages translate into the almost universally experienced crowds, lines, and delays encountered by those trying to see a doctor. They translate into the harrowing frustrations encountered by parents trying to find a doctor to make a house call for a fevered child. And they translate into the incredible fact that approximately 1 out of every 50 Americans cannot obtain the services of a doctor under any circumstances.

The shortage of hospitals, day care centers, mental institutions and nursing homes illustrates another aspect of our present inability to meet the demand for better medical care. The rise in health care costs—in particular hospital costs—are so outrageous that the cost of the cure is in many cases a greater misfortune for the victim than the illness itself. The American Hospital Association recently told the House Ways and Means Committee that the average daily room rate would rise to nearly $100 a day by 1973, and in some teaching hospitals, already exceeds that figure. The costs for physicians' services rose 9 percent in 1967, and the cost of medical care, drugs, and equipment rose by 7 percent that same year. The cost of a major illness is such that 9 out of every 10 Americans are medically indigent. Health expenditures today amount to $294 for every man, woman, and child in the country. For some middle Americans, this means spending 10 to 25 percent of their incomes on health and medical services. For the poor, this means turning to Government assistance programs, or simply failing to obtain help.

The rising demand for medical service, the slow growth in the supply of physicians, the increasing wage costs in hospitals without commensurate rises in productivity, the increasing complexity of medical care, and the need to incorporate new techniques and equipment, have all contributed to the rise in medical prices. Elimination of the problem requires two key steps. We must eliminate the shortage of medical personnel and facilities on the one hand, and improve methods by which an individual can bear the costs of health care on the other.

Today, Mr. Chairman, we have the chance of making some progress. The health emergency amendment will increase the HEW health appropriation by $360,454,000 for use in reducing the health manpower shortage, improving the quality of instruction, and providing grants for needed facilities. This bill will in large measure make up the difference between the amounts this body authorized earlier this year and the sums the administration and the committee now wants it to appropriate. Specifically:

Earlier this year, this body authorized $255,500,000 for institutional support of health schools. Now that the time has come to make an actual appropriation, however we find the administration and the committee requesting only a fraction of that amount.

The program of direct loans to needy students of medicine, dentistry, nursing and other health professions is one of the most crucial steps in fashioning a long-range solution to the shortage, and the administration has requested less than half the authorized amount. This cut comes at a time when our 107 medical schools have files bursting with loan applications. Projecting this cut, only 14 percent of students would be aided in 1971 under the administration budget. Only 2 years ago, 37 percent of these students received financial aid. New students will be forced to look elsewhere for their careers—present students will be forced to drop out of school.

The administration requested less than half of the $260,000,000 authorized for construction of new teaching facilities and improvement of existing facilities. Right now, there are almost $600,000,000 worth of approved but unfunded applications for the construction of medical and dental teaching facilities. The health emergency amendment would provide $226,100,000 as an inroad to the construction backlog.

One of the more hopeful programs Congress has undertaken for assistance in the mental health area is the program for community mental health centers which is designed to reduce the number of patients in mental hospitals by emphasizing outpatient care in the local community. The greatest initial need of these centers is for money to staff the facilities adequately. The committee and administration requests for funds are admittedly inadequate to keep even existing centers operating. To allow such programs to fall short, after extending hope to local communities that they themselves can begin to eliminate the disgrace of mental health treatment facilities, is a retreat which may eventually be paid for by the psyche of the Nation.

We clip the wings, tell the bird to fly, and then wonder why she is grounded.

This country has produced more than enough men and women with the intellectual capacity to meet its medical needs. It is a question of building schools and financially assisting people undergoing the extended and rigorous training. We can begin to do this today by funding projects at a realistic level.

But much can also be done without additional financial assistance to utilize existing resources more efficiently, including: greater use of outpatient clinics and treatment centers to keep expensive hos-

pitalization to a minimum; improvement in design and operation of hospitals with an emphasis on patients doing as much as possible for themselves; greater coordination and integration among the various health services, with an aim toward eliminating duplication of costly equipment.

To help meet the rising costs of medical care, it seems that almost any extension of Government subsidized insurance programs to greater numbers of Americans would be appropriate. Americans already within or nearly within the coverage of the current medicare and medicaid programs probably are the ones in greatest need of assistance. But these programs are far from generous in their provision of benefits. As the New York State Social Services Commissioner George Wyman testified:

> To add a provision for an eligible recipient to pay twenty percent of the cost of the outpatient services is placing a burden on him to pay something which we have already determined he does not have. . . . A study by our department has shown that we are providing care to a significant number of persons who are just above the public assistance levels. We are actually requiring the recipients to spend themselves into poverty.

Obviously, adequate provision of medical services to our poor and elderly Americans should be the first priority of business.

That does not mean there should be room for complacency about our present system of providing medical care to other Americans. Only 50 percent of all Americans have taken out health insurance policies, and many of those policies do not guarantee comprehensive benefits at that. Almost any of the myriad of proposals dealing with subsidized insurance would improve the situation, including several proposals that are being studied by this body. The alarming spiralling of costs demands more than half measures, however. We must develop a comprehensive scheme of insurance that would be the sine qua non to the achievement of a rational allocation of scarce medical resources.

Today we are again at one of those junctures where we can commit our compassion, expertise, and determination to the improvement of the splotchy health record of our country. That some Americans suffer from health problems is inevitable. That some suffer from health problems that could be averted or eased by wiser use of our national resources is a disgrace.

Mr. FASCELL. Mr. Chairman, I rise in support of the emergency health amendment to the Labor-HEW appropriations bill. I particularly endorse the $104.8 million increase in institutional support of medical schools.

Many of the Nation's medical schools have obtained grants which are in danger of not being funded without the new increases. For example, in my home state the University of Florida submitted grant applications for $395,661 in dentistry and $1,950 in pharmacy. These applications have been approved but their future is in serious doubt. Dr. E. M. Papper, vice president and dean of the University of Miami's School of Medicine, has strongly urged support for the passage of this amendment.

In testimony before the Labor-HEW Subcommittee Dr. Roger O. Egeberg, Assistant Secretary of Health and Scientific Affairs, stated:

> We place the highest priority on the need to overcome the great manpower shortages that are literally crippling the American health care system.

Today we have an opportunity to reduce these great shortages. We face a serious health crisis in the near future unless the Congress takes immediate and positive action to increase funds for student loans, medical construction, and other vital programs. I firmly recommend the passage of the emergency health amendment.

Mr. HUNGATE. Mr. Chairman, in his state of the Union message, the President stated:

> America, which has pioneered in the new abundance, and in the new technology, is called upon today to pioneer in meeting the concerns which have followed in their wake—in turning the wonders of science to the service of man.

The efforts of the healing arts will be severely diminished in their thrust and effectiveness if they cannot reach the people for whom they were intended. Our Nation is in the midst of a severe manpower crisis in the health fields. The innovative hospital construction bill recently passed by the Congress will be a hollow monument to our scientific ingenuity if we do not have the physicians, nurses and technicians adequately to staff the new facilities.

The present crisis can only be met by increasing our training capacity for health manpower and strengthening our schools and hospitals which train future physicians. With projected shortages in the health manpower personnel from 227,000 in 1967 to 322,000 in 1975, additional funding above and far beyond the $242,234,000 requested in the President's budget for fiscal year 1971 must be appropriated to attract, train and retain such qualified personnel.

The Budget request of $12,000,000 for direct loans to student physicians means a $3,000,000 cut in loans, and the committee has decided to increase the budgeted amount by $10,000,000. I support the fullest possible funding for direct loans to our student physicians and nurses. I urge support of the Boland-Yates amendment.

Mr. FRIEDEL. Mr. Chairman, I rise in wholehearted support for the amendment offered by my friend and distinguished colleague, the gentleman from Massachusetts (Mr. BOLAND), and I want the entire House to know how deeply I appreciate the leadership that he has shown all of us in this current debate. I know the deep commitment that my colleague has in this important area of health manpower education.

I have, several times over recent weeks, spoken out on this important subject of our need for a new and massive commitment in the area of medical education and manpower training. Just last week, I held a meeting of the entire Maryland delegation with representatives from the affected Maryland institutions in order that we in the House could discuss with them the nature of their problems. At that meeting, representatives from Johns Hopkins University clearly illustrated the plight that this institution faces. The School of Public Health of Johns Hopkins University relies directly upon Federal support for 86 percent of its budget. Fifty-eight percent of Johns Hopkins School of Medicine's total budget is also directly related to Federal funds. Last year this institution, which I submit is world renowned in the field of medical training, incurred a deficit of $2.5 million. There is no doubt that this deficit will continue to grow unless we act with resolution to restore the money that is so badly needed for these programs.

As I have said time and time again, we in the Congress simply must take the proper action to reverse the mistake in judgment that has been made by the administration in submitting to us inadequate requests for funds for these programs. The Nation, and particularly my State must have more trained medical professionals. The hospitals and medical centers in all of our communities are responding to greater requests for community services. This is especially true in those institutions which, like ours in Baltimore, are located in the ghetto areas of the inner city. While these institutions and their dedicated staffs are trying to cope with the grave burdens of the communities in which they are located, they are at the same time attempting to carry out their traditional role in furnishing highly educated and badly needed trained health care professions. We, in the Congress, simply must make a maximum effort today to assist them. By voting for the Boland amendment, we can go a long way in lightening the load that these dedicated institutions are now carrying valiantly and at the same time we will preserve for the Nation's future these most valuable institutions.

I should like to include at this point a letter I sent this morning to Members of the House hopefully clarifying the confusion concerning the allocation of Hill-Burton moneys contained in the bill:

> HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
> *Washington, D.C., July 22, 1970.*
>
> DEAR COLLEAGUE: The House will consider, shortly after noon today, the HEW appropriations bill.
>
> In the debate on the Boland Health Emergency Amendment on the floor yesterday, there seemed to be some confusion about the Hill-Burton portion. For the information of my colleagues, I would like to report the following facts:
>
> 1. The Hill-Burton bill, which the Congress recently passed and then re-passed over the President's veto, authorizes $317.5 million in construction grants for fiscal year 1971. The FY 71 Labor/HEW appropriations bill recommended by the Committee contains only $172.2 million for Hill-Burton construction grants. The Boland Health Emergency Amendment would add $80 million, producing a total of $252.2 million for construction grants—still $65.3 million short of the amount recently authorized by the Congress.
>
> 2. The Director the Hill-Burton program, Dr. Harold Granning, originally recommended to HEW an appropriation of $295 million for

construction grants (see page 981, Part 2, of the Labor/HEW Subcommittee Hearings) for FY 71. Even with the Boland amendment added to the Committee's bill, the appropriation for hospital construction grants would fall $42.8 million short of the amount recommended by Dr. Granning.

3. The amount recommended in the Committee bill for construction grants in fiscal year 1971, $172.2 million, is the exact amount allocated to the States in FY 70 for this purpose and is $95 million less than the amount allocated to the States in FY 69.

The attached exhibit, pages 1034 and 1035 of the Subcommittee Hearings, shows the allocations made to each State under the Hill-Burton formula for FY 69 and FY 70 (the FY 71 column is no longer valid, since the Committee changed the HEW request). The Boland amendment would bring the appropriation for construction grants up to within $15 million of the FY 69 allocations and the amounts allocated to the States in 1969 approximate those for 1971 under the Boland amendment.

Sincerely,

SAMUEL N. FRIEDEL.

EXHIBIT 1

MEDICAL FACILITIES CONSTRUCTION—ALLOCATIONS TO STATES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND RELATED HEALTH FACILITIES

	Fiscal year—		
	1969	1970	[1]1971
Total	267,200,000	172,200,000	80,000,000
Alabama	7,005,701	4,350,943	2,040,991
Alaska	750,000	750,000	250,000
Arizona	2,467,602	1,656,199	716,573
Arkansas	3,891,932	2,554,781	1,151,434
California	14,779,536	10,238,841	5,236,743
Colorado	2,682,931	1,755,543	804,022
Connecticut	2,610,629	1,497,679	647,631
Delaware	750,000	750,000	250,000
District of Columbia	753,261	750,000	250,000
Florida	8,946,150	5,796,957	3,268,453
Georgia	7,685,927	4,903,527	2,480,525
Hawaii	918,430	762,436	283,941
Idaho	1,176,508	883,241	355,560
Illinois	9,624,188	6,123,740	2,966,106
Indiana	6,339,872	3,988,147	2,110,566
Iowa	4,141,118	2,350,760	1,138,468
Kansas	3,208,948	2,030,019	1,040,107
Kentucky	5,803,489	3,665,450	1,583,044
Louisiana	6,408,161	4,250,683	2,037,198
Maine	1,720,767	1,078,682	411,188
Maryland	3,808,534	2,358,744	1,138,676
Massachusetts	6,418,828	3,966,314	1,743,194
Michigan	9,776,282	5,785,780	2,769,911
Minnesota	4,965,955	3,101,058	1,425,570
Mississippi	5,215,299	3,315,171	1,562,563
Missouri	6,522,793	4,094,288	1,878,165
Montana	1,207,709	818,782	309,839
Nebraska	2,129,987	1,214,719	529,698
Nevada	750,000	750,000	256,321
New Hampshire	1,026,781	781,445	295,897
New Jersey	6,780,060	4,311,839	1,926,414
New Mexico	1,627,754	1,160,105	482,599
New York	16,269,443	10,603,987	5,234,727
North Carolina	9,590,783	5,972,147	2,641,340
North Dakota	1,162,397	823,436	311,468
Ohio	12,482,715	7,684,355	3,499,662
Oklahoma	4,070,651	2,643,383	1,264,316
Oregon	2,435,829	1,624,095	728,882
Pennsylvania	15,993,888	9,807,233	3,981,546
Rhode Island	1,106,654	810,289	306,929
South Carolina	5,389,551	3,420,560	1,763,132
South Dakota	1,294,255	850,895	320,803
Tennessee	7,775,041	4,757,268	2,268,206
Texas	17,041,903	10,972,317	5,208,621
Utah	1,525,267	1,136,577	464,868
Vermont	872,692	750,000	251,647
Virginia	7,077,729	4,498,586	1,931,077
Washington	3,563,420	2,267,889	1,068,381
West Virginia	3,640,110	2,290,219	995,913
Wisconsin	5,353,621	3,362,670	1,505,086
Wyoming	750,000	750,000	250,000
American Samoa	69,233	51,175	125,000
Guam	394,908	375,000	125,000
Puerto Rico	7,069,778	4,577,046	2,161,949
Trust territories			125,000
Virgin Islands	375,000	375,000	125,000

[1] Includes $30,000,000 for direct loans.

Mr. DONOHUE. Mr. Chairman, I support and I earnestly hope a very great majority of the Members will approve this emergency health amendment to sensibly and moderately increase the funds, in this Labor and Health, Education, and Welfare bill, for urgently needed medical manpower programs, Hill-Burton hospital construction grants, community mental health centers, and the National Heart and Lung Institute.

These and other item increases in this bill are recommended as the minimum amounts necessary to help relieve the critical national shortages in medical manpower, hospital space, and research projection.

Among the very long and most impressive list of medical and other organizations urging the adoption of this amendment are the Association of American Medical Colleges, the American Public Health Association, the American Dental Association, the Ad Hoc Committee on the Nation's Health Crisis, the AFL–CIO, the UAW, the Urban Coalition, and the Center for Community Affairs.

These, and others, are authoritative and persuasive witnesses by themselves, but most of us in the Congress also have personal knowledge of the extreme shortages that presently exist in medical manpower facilities and research. For instance, in my home city of Worcester, Mass., the new and urgently needed University of Massachusetts Medical School has an approved outstanding, but unfunded, health manpower grant in the amount of $16,540,000 that is vital to the school's operation. The Framingham, Mass., Heart Disease Epidemiology Research Study is being phased out by the National Heart and Lung Institute, for lack of some $100,000 in funding, despite and against the advice and recommendations of the foremost cardiovascular authorities in the Nation who have openly and publicly stated that this heart study is at the peak of its generating point of special and invaluable medical benefit return, for the very moderate investment involved, to the American people; and many hospitals and community centers in our State and region have a woeful lack of space and professionally trained personnel to even come close to responding to the ever-increasing medical care and treatment demands being made upon them. The same situation exists in almost every other area of the country.

Let it be clearly understood that all the respected and responsible authorities, individual and organizational, who are advocating and supporting this amendment are well aware of the economic circumstances that surround us today, and they are not lending their prestige and reputations in favor of an imprudent and unwise projection of government spending. On the contrary, they are striving to focus administration and congressional attention upon the economic and social urgency of establishing and choosing priorities of spending in the public and national interest. They very deeply believe, as so many of us do, that when money is tight, either in the family or a government, basic human needs must come before doubtful and unnecessary material needs.

According to accepted and acknowledged experts, there is a tremendous urgency for additional funds in this bill to even provide for the minimum health requirements of all of our citizens. The increases suggested and recommended in this amendment are rock-bottom amounts and constitute only a "low profile" response to the medical care crisis enveloping our Nation today. No one has to tell anyone in this country about the staggering advances in medical costs, at all levels, that have occurred in our society in modern times and which seem to be almost daily mounting. The funding action we are suggesting now will obviously serve, in the long run, to encourage the quickest possible minimum increase in the desperately needed nationwide supply of health care and will also serve to head off the medical cost spiral that tops the list of inflationary pressures on the current economy. Let us, then, in common sense and common concern, dedicate our efforts, in these times, to continuing reductions in areas of unproductive, doubtful, and not immediately essential exploratory and experimental spending areas while we take prudent and responsible action, here, today, to meet the minimum health and medical care requirements of the great majority of the American people by overwhelmingly adopting this pending emergency health amendment.

Mr. VANIK. Mr. Chairman, I will cast my vote in favor of the emergency health amendment which will attempt to provide increased appropriations for the vital health programs of the Department of Health, Education, and Welfare.

The acceptance of this amendment will be the very minimum that we can do to meet the very real medical care crisis facing America.

The extra money provided by this amendment will do a great deal to provide an increased supply of trained health workers and professional personnel. By increasing the supply of health workers and facilities it will help head off further increases in the spiraling cost of medical care.

We in the Greater Cleveland community are acutely aware of the enormous pressures which exist in the area of medical training. Case-Western Reserve Medical School in my congressional district has been among the most severely affected because of lack of adequate funding. Fortunately, the State of Ohio has provided a degree of emergency funding for this year. But the financial situation at this medical school, and others, for the coming semester is indeed very bleak. Even if this proposed level of funding were to become effective immediately, the shortage of facilities, trained teachers and scholarship assistance is so severe that it will be impossible for our medical schools significantly to increase the number of enrollees because of increased operations costs and development time required to become fully operational.

It is inconceivable to me that the administration would in the name of fighting inflation, seek to cut back the funding for this vital bill, in light of the severe shortage of trained medical personnel and vast increase in the need for medical services. As far back as October of 1965, I pleaded that the Government assist with vastly increased training and scholarship

programs in medical training to meet the predictable increases in need for services because of the implementation of the medicare and medicaid programs. There was no such response.

Simultaneously, large numbers of aging medical training facilities became unusable. Medical services for the general population of this country increased dramatically and what is worse, the number of available skilled medical personnel remained relatively static.

There are, Mr. Chairman, only four medical schools in the entire State of Ohio, the fifth largest State in the Union. I am continually chagrined at the high number of fine, academically talented young men and women who are unable to enter a medical school because the schools' places have been entirely filled. Time and again, Mr. Chairman, these rejected students must turn to other professional studies since it is impossible for them to defer further education while they await an opening at some unspecified time in the future.

Our community and the Nation cannot allow this shameful denial of education and training to continue when we so badly require thousands of doctors and other trained medical personnel to meet present medical service needs.

The money provided for the training of future physicians today, the money provided for expanded health research now, will pay off tomorrow in thousands upon thousands of lives being saved.

We are in a health crisis.

We are the richest nation in the world and yet we permit ourselves to rank 13th in terms of infant mortality.

Seven years ago it was estimated that we needed $3.2 billion to modernize our Nation's hospitals. Today we need $11 billion to modernize our Nation's hospitals.

In manpower, this country needs 48,000 more doctors than it has today. We need 17,800 more dentists; 150,000 more nurses; 266,000 more "allied health personnel"—technicians, therapists, and other medical aides.

Yet we are failing to meet this health crisis.

For example, the President recently vetoed this year's amendments extending the Hill-Burton hospital construction program and providing for an expanded program of emergency room improvement, loans to hospitals for expansion and other needed improvements. Fortunately, the Congress repassed that legislation over the President's veto. Despite this evidence of the Congress's concern for health programs, the administration requested only $50 million for hospital construction grants in fiscal year 1971—the fiscal year that began a month ago. The Appropriations Committee of the House is to be commended for increasing this figure to $172 million. And yet this figure is totally inadequate when you consider that in 1968 almost $300 million was appropriated for this program, $250 million in 1969, and $172 million—the same amount as recommended by the committee for this 1971 fiscal year—in fiscal year 1970. Each year the figure has gone down, but the need, the demand, has gone up.

The following community hospital needs of Cuyahoga County are being deferred because of the severe limitations of Federal funds:

PROJECTS WHICH COULD BE APPROVED UNDER THE HOSPITAL MEDICAL FACILITIES CONSTRUCTION PROGRAM, IF THERE WERE NO LIMITATIONS ON FEDERAL FUNDS—FISCAL YEARS 1971 AND 1972

STATE: OHIO

[Listed by category—Example: All general hospitals listed together, all long-term care facilities, all PHC, etc.]

Category of facility	Location: County	Location: City	Name of facility	New facility	Remodel and replace	Addition	Addition and remodel	Addition and replace	Addition, replace and remodel	Remodel only	Replace only	Beds provided	Total cost	Estimated cost (in thousands) Federal share: Fiscal year 1971	Estimated cost (in thousands) Federal share: Fiscal year 1972
General (equipment only).	Cuyahoga	Cleveland	Cleveland Metropolitan General Hospital.						X				4,100	1,367	
Do	do	Garfield Heights	Marymount Hospital				X					75	[1] 7,500	[1] 1,667	
													[2] 2,500		[3] 833
Do	do	Parma	Parma Community Hospital.				X					[3] 76			
												[4] 16	5,034	1,678	
Do	do	Cleveland	Forest City Hospital				X					[5] 98			
ODH-Medical facility	do	do	do									[4] 102	8,000		2,667
Do	do	Bay Village	Bay View Hospital				X					60	6,000	2,000	667
Modernization	do	Cleveland	Polyclinic Hospital								X	200	9,000		3,000
Do	do	do	University Hospitals							X		304	22,500	7,500	
Do	do	do	St. Luke's Hospital							X		280	1,365		453
Do	do	do	Brentwood Hospital							X		67	1,000		333
Do	do	do	Southwest General Hospital.								X	160	8,000		2,667
Do	do	do	University Hospitals						X				12,500	4,167	
Rehabilitation	do	do	United Cerebral Palsy	X									1,842	829	
Long-Term	do	Warrensville Heights	Brentwood Hospital							X		[5] 51	1,000	333	
Do	do	Chagrin Falls	Divine Redeemer Manor.					X				81	1,500	500	
Do	do	Cleveland	Scidem Nursing Home					X				120	2,400	800	

[1] Phase I.
[2] Phase II.
[3] Additional.
[4] Modernize.
[5] ECF.

In the area of health manpower there has been a similar failure. The administration requested $12 million for direct loans to students of medicine, dentistry, and other professional health fields. This figure is approximately half that carried in the 1970 fiscal year appropriation act. Similarly, the administration requested $9.6 million for direct loans funds for nurses—down $6.7 million from last year. Although this is an area where we desperately need trained professionals and although this is an area where the cost of training is very high, the percentage of students being helped has declined drastically. In 1968, 37 percent of all health professional students were receiving assistance. Under the administration's proposal, that percentage would decline to 14 percent.

The emergency health amendment, a package amendment being offered today and which I hinted to support would provide the following increased assistance in the following areas: Medical manpower institutional support and student loans, health educational facilities construction, Hill-Burton direct grant program, community mental health centers, staffing grants, National Heart and Lung Institute, pilot dental care projects for needy children, grants to medical school libraries.

This is expensive; this is costly. At stake is the quality of health care for each of us and those we care about, now and in the future.

This package amendment, providing additional sums to meet the emergency medical crisis facing the Nation, has been put together after careful study by members of the House Appropriations Committee. The men sponsoring this amendment have given careful study to the Nation's health needs. This extra money can and will be used carefully and wisely to save lives and improve the health of all of us.

I would like to commend the Appropriations Committee for their general support of the National Institutes of Health. The committee has supported each of the divisions of the National Institutes so that the program levels of last year can be maintained and in many cases improved. The administration requested a 6-percent increase in the research components of NIH which, as the committee stated in its report, "is likely not enough to offset the inflation which af-

fects research costs even more than those of other activities." It stated:

For regular research grants, the main source of support for biomedical research throughout the country, the budget allows an increase of less than 3.4 percent. For research training grants, a prime investment in the future, there is virtually no increase at all and funds for research fellowships are actually decreased by 4.2 percent.

The process of slow attrition has already resulted in slowing the pace of research.

The committee demonstrated its concern over this curtailment of research on cancer, stroke, arteriosclerosis, arthritis, diabetes, epilepsy, lobar pneumonia, and countless other terrible and deadly diseases by providing that all NIH research components were restored to at least their fiscal year 1970 program level.

The committee made special increases in the funds available for the National Cancer Institute. It provided $25 million more than the administration requested and nearly $50 million more than appropriated in fiscal 1970. This extra money is particularly important in light of recent findings of cancers caused by chemicals. We are exposed to a large number of chemicals in our polluted environment—and new chemicals are being added to the environment nearly every day. Approximately 1,000 chemicals produce cancers in animals and some 30 of these are cancer causing in man. We must maintain adequate research to detect those chemicals which are cancer causing and to prevent their wide-scale deployment in our industrial society.

The committee is also to be commended for its continued support of the National Heart and Lung Institute. Each year some 160,000 men under age 65 die from heart attacks. It is estimated that this figure could be substantially reduced if arteriosclerosis—the degenerative blood-vessel disease, characterized by a gradual narrowing of vital blood channels by fatty substances—could be prevented or its damage reversed. Recent NIH study on primates has shown that arteriosclerosis can be reversed. A great deal of research remains to be done, however, before we will know whether this process can be reversed in human blood vessels. The money for that research must not be denied.

The committee has also continued support for research by the National Institute of Dental Research. Dental decay remains one of the major American health problems. For every 100 Army inductees, it has been found that 600 fillings, 112 extractions, 40 bridges. 21 crowns, 18 partial dentures, and one full denture are required. The Institute of Dental Research is working on ways of ending the dental decay problem which affects 98 percent of our population. They have been working on methods of protecting teeth, modifying elements in one's diet, and combatting bacteria—perhaps through a new form of immunization.

The list of vital, life-saving research carried on by the National Institutes goes on and on. The National Institute of Arthritis and Metabolic Diseases is working on improvements in artificial kidney processes, on gout, arthritic disorders and diabetes. The National Institute of Neurological Diseases and Stroke has made remarkable gains in the cure of Parkinson's disease and is working in the field of epilepsy. The National Institute of Allergy and Infectious Diseases is doing remarkable work in an effort to be helpful to the some 22 million Americans who are plagued with some form of allergy—and some forms are extremely troublesome and disabling. This Institute is also working on new vacines against viruses, tissue transplant rejection, hepatitis, and lobar pneumonia, the latter of which claims the lives of between 25,000 to 40,000 Americans each year.

The bill before us today continues appropriations for many vital programs. In terms of human happiness, in terms of the removal of human suffering, nothing is more important than the continued, expanded, drive to improve the capabilities and quality of American health care.

We must fight inflation and the spiraling cost of government, but we must also fight against ill health and the crippling and deadly diseases which cut short the productivity and the useful and precious lifespan of man.

Mr. ADDABBO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) to increase the appropriation under H.R. 18515 for the Departments of Labor and Health, Education, and Welfare.

This legislation provides the House with an opportunity to affirm our commitment to a new system of domestic priorities which recognizes social programs, particularly in the health and education fields, as high on our agenda for increased activity. The bill before us today contains appropriations for a number of basic programs, including the Hill-Burton and health manpower programs.

The growing concern in our Nation over the health crisis is warranted and increased expenditures to meet this crisis are urgently needed. The enactment of medicare and medicaid in 1965 have caused an increased demand for health services and have pointed up a critical shortage of hospital beds and skilled nursing across the country. The Department of Health, Education, and Welfare has estimated an immediate need for $11 billion to build new beds and modernize existing beds.

This shortage is a serious problem in the southern part of Queens County, N.Y., where there are no hospitals. The recent closing of Howard Beach Hospital which served 200,000 residents of this area and the conversion of the facility to a drug treatment center by the Governor of New York have aggravated the problem. The only way in which our community can meet the need for hospital beds is through the Federal assistance program. The community itself cannot meet the expense of construction nor can normal philanthropic sources cover this cost.

The Hill-Burton program is the proper vehicle for assuring both the necessary funds and the proper regional planning for health facilities. Unless we fund this program adequately, we will simply make the hospital bed shortage more critical and increase the costs of solving this problem in the future. Construction and modernization requirements have already tripled in the last 10 years.

Manpower needs must also be met by increased appropriations for the shortage of health personnel is the root cause of the health crisis. The statistics have been quoted over and over again. We need 50,000 more doctors, 18,000 more dentists, 150,000 more nurses, and 270,000 additional allied health personnel. These shortages will increase at rapid rates unless we commit ourselves to a meaningful program of action today.

These are some of the serious problem areas which H.R. 18515 should be attempting to solve and I support the Boland amendment as a needed boost to the purpose and intent of this appropriation measure as I supported these amendments in full committee as a member of the Committee on Appropriations.

Mr. HALPERN. Mr. Chairman, I support this amendment to add funds to the Health, Education, and Welfare appropriations bill in order to meet the bare minimum needs of nine important health programs in the Department of Health, Education, and Welfare, and I particularly call attention to the area of mental health care. There is a crisis in health care in this country and we must do something to meet it. The $360 million added by these emergency health amendments will be a beginning of an effort to do something to close the gaps that exist in health care.

It is only a beginning, but it is a step we must take if we are to meet the national goal, as stated by the Nixon administration a year ago:

Effective and dignified health care for every American no matter what his station in life or where he lives.

As that administration report on the Nation's health stated on July 10, 1969:

We cannot accept anything less in this the most affluent society in the world. As long as there are people in this country who are denied essential health services because of poverty, or race, or lack of access for any reason, we have fallen short of our promise as a Nation.

It will be difficult enough, in my opinion, to fulfill the promise of that fine statement even if the amendment is accepted. Without the amendment and the additional emergency funds it will provide, I do not see how we can begin to meet our commitment.

We have many pressing needs in the health area in this country. Our infant mortality rate, while improving, still ranks 16th or so in the world. The infant mortality rate of our nonwhite population is shamefully high and would rank far lower in the nations of the world. We have a shocking shortage of medical personnel. We have a need for twice as many more doctors than we are presently producing. Many of the hospitals of our country, particularly those in our large metropolitan areas, are in a decrepit condition and desperately need

financial assistance if they are to remain open and able to serve their communities. Great municipal hosiptals in Boston, Chicago, St. Louis, to name just a few, are having serious problems maintaining their accreditation because they have not been able to secure sufficient funds to modernize obsolete and wornout facilities.

The emergency health amendments will add the needed funds to help meet these problems. These amendments will also give additional funds to the National Heart and Lung Institutes which is carrying on valuable work in searching for ways of cutting down the toll from the Nation's leading killer, heart disease. These amendments will aid in the construction of educational, research, and library facilities in the various fields of health. Funds appropriated by these amendments will assist the National Library of Medicine in its important programs of support for medical libraries throughout the country.

In addition to providing funds to combat physical illnesses, the emergency health amendments will support the continuing battle against mental illness, our Nation's No. 1 health problem. When one considers that more than one-half of our Nation's hospital beds are occupied by mental patients, the enormity of the problem becomes apparent. Since 1963, when the community mental health centers program began, we have made enormous progress toward the goal of making comprehensive mental health care available to all Americans, at centers not far from their homes.

Continuing provisions for mental health care, however, especially staffing grants must be included or this progress to date will be stymied. Particularly will the development of the community mental health center program suffer if the $60 million currently proposed for staffing centers and $20 million carried over from last year for construction of centers are passed without substantial increase. The former sum is insufficient to continue fully the present staffing commitments and will not enable the operation of a single new center.

Since Queens is the only major borough in New York without a mental health center, I am greatly concerned about the crippling effect such a limiting of funds would have. The proposed Jamaica-South Flushing Mental Health Center will never reach fruition if the increase is not appropriated, and the work of hundreds of concerned Queens residents, and the hopes of thousands will not be realized. It would be indeed sad for the mental health of our communities if such a promising law as Public Law 91–211, passed unanimously by both Houses of Congress, would be thwarted by failure to appropriate sufficient funds to implement it.

Though the need for mental health care is great, at times the cost may be discouraging. However, when the cost is put into perspective and one considers the cost in dollars as compared to the cost in human suffering, it appears that mental health programs are indeed a bargain. We must keep this perspective and continually provide the necessary support.

These are all important health programs, and they do not get adequate funds under the appropriations bill as it has been reported to this body. If we, as a House of Congress, are going to do our part to help fulfill the promise of the United States as a nation dedicated to the idea that health care should be a right accessible to all, then we must support this amendment. I shall vote for it.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks in the RECORD on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) to the bill, H.R. 18515.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOUR OF MEETING TOMORROW

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. tomorrow.

The SPEAKER. It there objection to the request of the gentleman from Illinois?

Mr. VANIK. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I would like to know why we are leaving the House at 4:30 o'clock in the afternoon when we are really in the middle of our workday. Can someone tell me why we are dropping this important discussion in midstream? I would like to know the reason. Why must we adjourn this early and come back early tomorrow morning? Is there any answer to this?

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. GERALD R. FORD. Of course, I accept the comment of the gentleman from Ohio in the spirit in which he asks the question. The answer is that the President of the United States has asked some Republicans, about half of us, to come down to the White House for a reception.

Mr. VANIK. Is that the reason we adjourned early yesterday? I was shocked to find the House adjourning at 4:30 o'clock yesterday afternoon, again in the middle of a very important matter of business. Was there something going on yesterday?

Mr. GERALD R. FORD. Yes; the answer is the same.

Mr. VANIK. I would certainly hope that these items of entertainment or whatever else goes on would occur in such a way that it would not interfere with the business of the House. We are here, first of all, to legislate and to get our business done. I just do not feel happy about having our work terminated in the middle of the afternoon.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I am very happy to yield to my colleague, the gentleman from Indiana.

Mr. JACOBS. I was wondering—I was told that rather than a reception, it was a picture-taking session. Would that be correct? What my father refers to as a sheepdip?

Mr. VANIK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois (Mr. PRICE)?

There was no objection.

HONEST DIFFERENCE OF OPINION

(Mr. KEE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEE. Mr. Speaker, I have just read an article, dated July 11, 1970, written by Mr. Ray Marton, associate editor of the Dominion News, a newspaper published in the city of Morgantown, W. Va.

It occurred to me that the Members of the House would be interested in reading this informative article which substantiates the fact that in America, there is always room for an honest difference of opinion.

While I was not present and, therefore, do not have any knowledge concerning the meeting held in Black Eagle, W. Va., I do fully agree with the report of this meeting as outlined so clearly by Mr. Martin.

The fact remains that there are three members of the board of trustees who administer the United Mine Workers of America welfare and retirement fund. One member represents the United Mine Workers; one member represents the coal producers who pay into this fund from royalties; and the third member represents the public interest and, as such, has been designated to serve as administrator of this program.

As a matter of fact, it is my understanding that when the contract between management and labor is signed, it is required that the name of the members of the board of trustees be included in the contract.

This article further points out that some of those promoting dissension in the coal fields have their eyes and minds on something other than the health and welfare of the miners and, in my opinion, the existing contract should be

honored by both sides in view of the urgent need for the continued production of coal which is absolutely vital to our Nation.

Therefore, Mr. Speaker, I do include this informative article written by Mr. Ray Martin for all to see:

PHONY MINERS IMPERIL NATION

(By Ray Martin)

ATLANTIC CITY, N.J.—It is not possible to cast your eyes down the boardwalk of this oceanfront community, which is celebrating its 100th birthday, and look at the string of lights and assorted devices, which depend on electricity, hence coal, without being reminded of the trouble brewing in the coal fields of West Virginia and other coal producing states.

As the battle cry was sounded in southern West Virginia for a new round of pickets to appear at the mines Sunday night, I couldn't avoid recalling some of the factual discoveries I've made during the past few weeks.

The willingness of some of the persons promoting this strike to distort facts is absolutely incredible.

For instance, miners who met in Black Eagle, W. Va., were told that there could be no increase in pension benefits because W. A. (Tony) Boyle spent UMWA Welfare and Retirement Funds in his campaign to defeat the late Joseph (Jock) Yablonski. This statement was designed, of course, to make the miners madder than a school of piranha fish.

If there was a shred of truth in that particular charge against Boyle, I'm sure that the other two trustees of the UMWA Welfare Fund would have exposed the UMWA president by now and had him placed in a padlocked cell. I suggest that the coal industry and the Fund put that yarn to rest in the following fashion: 1. The industry, through the National Coal Association, prepare a list of company remittances to the Fund starting in 1969 and continuing up to date. 2. That the Fund issue a statement of its income and expenditures for the same period of time, with a detailed accounting for monies spent for other than pension checks and payment of miners' medical bills.

I wonder how many miners and mines were the victims of a fraud when the effort was made to close the mines last month? I use the word "fraud" in its truest sense. Some of the mines were closed by persons who probably never saw a piece of coal, except to shovel it into a furnace—if then. Miners at the various mines would do themselves a favor if they requested to see the picket's dues card.

In that regard, I disagree with the suggestion made by a Wheeling newspaper that Boyle should oust the dissident members of the UMWA. Even if a majority of those involved were card-carrying unionists, such a move wouldn't solve the current problems.

I'm just about convinced that some of those promoting dissension in the coal fields have their eyes and minds on something other than the health and safety of the miners on whose backs they're walking and jumping. Why do they show up at meetings with current lists of coal reserves at electrical power plants? Why are some of them trying to discredit me in the eyes of miners who have fought tooth and nail for increased safety? Why are they trying to drive a wedge between this writer and the Yablonski family? Why are these people trying to divide the loyalties of the miners?

While members of the Yablonski family and I do not agree completely with each other's theories with respect to Jock's murder and a few other items, there's a mutual respect for the right of each of us to stick with our own individual thoughts.

I suspect that one of the major causes of dissension in the coal fields today is the handiwork of a chap who is quite adept at impersonating key personalities on the telephone. The FBI should catch up with this fellow any day now.

As for those persons who are trying to close the mines down as some sort of tangential move related to the cause that Jock Yablonski espoused, I would remind them of his admonitions against striking at the rally at Sophia, W. Va. He did an excellent job at halting a strike that day that some of the very same coal field proachers, who are at work today, tried to foment.

The coal miners of West Virginia and the nation have many valid complaints against their union, some elements of the coal industry and the government itself. With proper action, these complaints can be resolved. Blind obedience and response to persons with ulterior motives is not the course to success, however.

Mike Trbovich, national chairman of Miner's for Democracy, has assured me that he is not a candidate for the presidency of the UMWA, if and when a new election is ordered by the court. This should put to rest one of the gimmicks being used to divide miners in West Virginia.

Kenneth Yablonski, speaking for himself and his brother, Chip, said they have no candidate for the union presidency. "We are not partners to a dictatorship, that's what our father fought. We want the miners to have the right to pick their own candidates," Yablonski said.

J. Richard Lucas of Carmichaels, Pa., will bow out of the picture as President Nixon's choice as the successor to Bureau of Mines Director Jack O'Leary. Besides being too close to the coal industry, key senators decided his span of knowledge was too limited for the post to which he was appointed by the President. A direct announcement of Lucas' withdrawal should also ease tension in the coal fields.

The current best bet as O'Leary's successor is Thomas A. Henrie, director of the Bureau of Mines Metallurgy Lab at Reno, Nevada.

The real shocker of recent days is a decision by Judge Howard F. Corcoran in the U.S. District Court in Washington. He rejected a petition filed by Joseph L. Rauh Jr. which sought to compel the UMWA to pay his legal fees for representing Jock Yablonski during the union's election campaign. During the campaign, Rauh publicly said he was serving as Yablonski's attorney without pay.

In rejecting Rauh's request, the judge said: "This court is not satisfied that the suits instituted by Yablonski and dismissed by the court were intended to or did benefit the union except in the most indirect and theoretical way. Rather, the suits were brought with the primary purpose of aiding Yablonski in his election bid. Accordingly, there is no basis for the award of attorney's fees and they will be denied."

MISUSE OF GOVERNMENT TRUST FUNDS

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, in today's Washington Post, staff writer Hobart Rowen quoted an unidentified White House official who indicated that the deficit in fiscal 1972 may be so large that the administration has started a study of how it might control the so-called uncontrollable portion of Federal spending.

The official is credited with suggesting that among things which might be considered is a suspension of the Government's obligation to pay interest into some of the trust funds.

This suggestion that the Government reduce its expenditure for interest by withholding interest to the social security, medicare, and unemployment trust funds accounts is a reprehensible attack on the integrity of the trust funds. These trust funds belong to the contributors and are set aside for inviolate purposes. To withhold interest on the public debt held by these funds would constitute a betrayal of the trust responsibility.

If it should become Government policy to "rob" the trust funds of their legal and proper interest—the Government will prove itself an unfit trustee of special funds.

The article is as follows:

WHITE HOUSE MULLS BUDGET BASE CUTS

(By Hobart Rowen)

A White House official said yesterday that the administration is so fearful of a large budget deficit in fiscal 1972 that it has started a study of how it might control the so-called "uncontrollable" portion of Federal spending.

The official said that he was willing to attack even the interest on the national debt, normally considered the most automatic cost item in the budget.

"Even if we make just a little dent in it (the interest cost), it would be worthwhile," he said. He suggested that something might be done "on the money management side." Among question which might be raised is the Government's obligation to pay interest into some trust funds.

He conceded he did not know how much might be saved, "but when you're dealing with sums of that size, you have to look at all possible devices." He indicated that a study already has been "launched" at the Office of Budget Management.

He also warned against looking for further budget cuts on the military side, because they would have to occur "in the basic funds for the security of the country." Even if there were to be a Vietnam ceasefire within a few months, he added, virtually no more money would be saved out of the current year's fiscal budget.

"There just isn't very much left that is connected with Vietnam," he said. He added later that "a great deal (of cutting expenditures) has already been done in anticipation (of the end of the war)."

The interest cost of the national debt for fiscal 1971 currently is estimated at $20.8 billions.

Other Government programs considered uncontrollable that the official said would be examined closely for possible savings are: health, social security, farm subsidies, and veterans benefits. In some of these cases, he noted, payments may be based on formulas that are no longer valid. In almost all cases, the Administration would have to go to Congress to accomplish its purpose.

The somewhat desperate move against the uncontrollable part of the budget (estimated to be 68 to 70 percent of the total) is part of an Administration effort to focus attention on its charge that Congress is letting spending get out of hand.

One Administration spokesman said that if Congress continues to pass appropriations bills running far beyond the President's recommendations, "new taxes (for the fiscal 1972 year) will be the only choice."

Another official, however, said "higher taxes would be the very last thing that I want to come to in any circumstances."

Coincidentally, the Administration passed the word that the Housing and Urban Development appropriation, which runs to $1.2 billion above the Nixon recommendation, is "a ripe candidate for a veto."

IT IS TIME TO GET THE FOREIGN MILITARY SALES ACT OUT OF CONFERENCE AND PASS IT SO THAT WE CAN PROVIDE MILITARY HELP TO ISRAEL BEFORE IT IS TOO LATE

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I take this time to express to my colleagues in the House my very profound conviction that we must move swiftly in this Congress to get the Foreign Military Sales Act, H.R. 15628, out of the conference committee and get it promptly enacted into law, because it happens to be the only practical, realistic, and effective way to supply the planes and other armaments which Israel desperately needs to preserve her independence in the Middle East today in the face of Soviet aggressive pressure.

Time, in that vital area of the world, Mr. Speaker, is in my judgment, fast running out.

It has long been obvious that Israel cannot survive in the Middle East against the combined pressure of the Arabs and Soviet military power, unless the United States is prepared to supply Israel—as the Russians have long been supplying the Arabs—with the military hardware, especially the high performance jet aircraft, which are essential for her survival. I have repeatedly urged President Nixon over the past several months to provide Israel with the 50 Phantom F–4 jets which we have promised to deliver to her.

My information today is that we have now begun to release these jets to her, on a dribble-by-dribble basis, surreptitiously, apparently so as not to upset the Russians, who somehow never seem to worry about such niceties. The trouble with this snail's pace supply line is not only that it moves much too slowly to meet Israel's desperate needs. What is even more serious, by keeping our decision to complete our deliveries to Israel secret, we lose all the very beneficial results of letting the Russians and the Arab world know clearly and unequivocally that we are behind the Israelis and do not intend to let them go down the drain for lack of sophisticated, modern military hardware. In other words, we are deliberately throwing away the deterrent power of our action and thereby, ironically, increasing rather than decreasing the chances of war in the Middle East by our pussyfooting tactics.

Once the 50 Phantom deal has been completed, however, we will have run out of legislative authority to finance further sales of military hardware unless the Foreign Military Sales Act is speedily enacted into law. This is the bill the House passed back on March 24, 1970, with an amendment specifically backing up our commitment to Israel and providing the vitally needed legislative authority to provide arms to Israel on other than a strict cash-on-the-barrelhead basis, in fact setting up the working machinery required for us to provide to Israel what she needs and must have to protect herself.

That bill passed the House overwhelmingly by a vote of 351 to 26. Curiously the minority of 26 included my distinguished opponent, the gentleman from New York (Mr. BUTTON) who recently made a mass mailing in the 29th District to voters of the Jewish faith in which he strongly expressed his support for military aid to Israel but carefully refrained from telling these voters of his March 26 vote against the legislation which would provide the practical financing for this assistance, as well as explaining to them how he could at the same time favor aid to Israel yet be opposed to the only piece of legislation which could make that assistance a reality. How one can face two different ways on this issue is beyond me.

But those Members of the House who seem to think you can somehow make bricks without straw will have another opportunity—and I hope it will be an early one—to vote for Israel as well as issue releases for Israel. The Foreign Military Sales Act is the one that was held up in the Senate for 7 weeks while the so-called Cooper-Church amendment on Cambodia was debated at extended length. It is now pending in a House-Senate conference committee where the Cooper-Church battle threatens to delay it even further.

Perhaps if the vital correlation between this bill and the future of Israel were better understood, perhaps if some of those Members who propose to support Israel would also support the legislation that would make this defense possible, instead of voting against it and loading it down with controversial amendments, we might get this measure enacted into law before the situation in the Middle East has deteriorated beyond the point of no return.

FEDS IN THE SCHOOLHOUSE DOOR

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, on Friday of last week Senator STROM THURMOND of South Carolina, in a speech before the U.S. Senate, soundly denounced the Nixon administration's announced policy, proposed by the Justice Department, to send, in the Senator's language "100 carpetbagging lawyers into the South for the purpose of assuring forced integration of public schools."

Mr. Speaker, I join the Senator from South Carolina in his opposition to this proposal which certainly indicates a lack of confidence in school officials in my State and throughout the South in their efforts to abide by the edicts of the Federal courts.

The one thing that we need least in my State is Federal agents snooping around and poking their noses further into the operation of our school system. Alabama officials, from the Governor of my State on down through the county superintendents of education and the members of the county and city school boards are doing their very best to comply with the court orders. I strongly urge the President to rescind this announced intention of the Justice Department.

In connection with this, the Montgomery Advertiser's lead editorial "Feds in the Schoolhouse Door" points up in a most enlightening manner that we have no need for these proposed Federal school watchers.

FEDS IN THE SCHOOLHOUSE DOOR

Back in the early days of school desegregation, southern politicians were properly denounced, in their states and nationally, when they recklessly predicted trouble before schools opened under new integration orders.

We were among those who said this was an open invitation, inciting the lawless. It was designed to be a self-fulfilling prophecy. If individuals didn't take the cues, governors were then obligated to intercede to prevent the "trouble" they had predicted. This happened in Alabama, Mississippi, Arkansas, etc.

That era has largely ended. The South is perplexed and angered to the extreme by sectional enforcement of the law of the land—Dixiland, that is. But as a general statement, most recent school desegregation orders, however resented, have been obeyed.

Now the federal government has announced, well in advance of school opening, that it will stand in the schoolhouse door, by sending platoons of Justice Department attorneys and other gauleiters to the South, including Montgomery.

The announcement was perhaps intended as a deterrent to trouble, but it is of a piece with the aforementioned predictions by southern politicians in years past.

Thus it is an incitement which is unwelcome and unwise, and can only exacerbate the resentment of a people who see themselves beset from all sides by the zealous imposition of Reconstruction II. (Some "southern strategy.")

It would have been normal prudence for the Justice Department to have contingency plans and personnel on standby alert in the event of any efforts by a small band of thugs to frustrate court orders. That is standard procedure.

But to *announce* the dispatch of a kind of new Freedman's Bureau to the Deep South is so provocative we can only conclude that the Justice Department is either very stupid or so intent on having some rebellion to put down it may want one—just as our southern demagogues wanted trouble in those early days of integration.

Montgomery, specifically mentioned as one of the beachheads for the feds, without the prior knowledge of United States Attorney Ira DeMent, is particularly offensive. Time and time again Montgomery has been praised for complying with court orders and for working out acceptable plans. The school board—and, by clear implication, all citizens—has been lavishly complimented by Judge Johnson and the judges of the Fifth Circuit Court of Appeals.

But the integration hawks in the Justice Department have been itching for a piece of the action. Peace and order by compliance are not to the liking of the gung-ho recruits who see in the southern campaign a chance to win their battle stars and ribbons for heroism in a conquered but still hostile province.

We hope and trust they will be disappointed. But we say to them as we said to other demagogues years ago: if there is trouble, you are responsible by reason of deliberate and provocative announcements.

INTRODUCTION OF FOOD STAMP BILL

(Mr. POAGE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. POAGE. Mr. Speaker, this morning the House Committee on Agriculture by a vote of 27 yeas, 6 noes, and one present, favorably reported the general farm bill to which I made reference yesterday. The committee then voted unanimously to instruct the chairman to introduce a food stamp bill which had been approved as to wording and substance some time ago.

I am today introducing this bill and I ask unanimous consent to include at this point a brief summary of the provisions of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The material referred to follows:

FOOD STAMPS

The committee has amended in significant fashion H.R. 12222, the Administration sponsored bill to amend the Food Stamp Act of 1964, as amended. Foremost among the changes are (1) inclusion of an amendment which would require able-bodied adults to register for and, if available, accept employment as a condition precedent to obtaining stamps; (2) to require payment of at least 50 cents per person per month for program participation, and; (3) to require States to pay a small portion of the cost of the program. A brief summary of the measure follows:

Section 1 broadens the policy of the basic Act by recognizing that limited purchasing power is related to hunger and malnutrition.

Section 2 of the bill consists of definition changes occasioned by substantive amendments, the most significant of which are to expand the program to Puerto Rico, and define "elderly" persons.

Section 3 contains authority to simultaneously operate Food Stamp and Commodity Programs, however individual participants are precluded from simultaneously receiving dual benefits.

Under Section 4 the Secretary of Agriculture in conjunction with the Secretary of HEW is directed to establish uniform national standards for participating households. Separate standards for the American Territories newly covered by the Act, are proscribed.

This section also provides that an able-bodied person between the ages of 18 and 65, except those persons responsible for the care of others, register for and accept employment if it is offered as a condition of eligibility for the household of which he is a member to be eligible for program benefits. No person would, by virtue of the requirement, be forced to accept employment at a struck plant.

Section 5 contains authority for establishing the value of coupons with a minimum monthly payment of at least 50 cents per person per month required of each participant. Outside sources would not be precluded from making the required payment. Authority for the purchase of stamps, on other than a monthly basis, is also contained in this Section, however, it would not allow participants to use that vehicle as a means of obtaining more stamps than they would otherwise be entitled to receive.

The educational outreach provision of the bill is contained in Section 6. Under this section State agencies are directed to initiate educational programs designed to inform potential participants of the program. Deductions for public assistance checks for coupon allotments are also authorized under this Section.

Finally, the Section authorizes persons 60 years of age or older who are participating in the program to use stamps to purchase meals delivered to them if prepared by an instrumentality of a political subdivision or a nonprofit organization.

Section 7 amends and strengthens present enforcement provisions.

Section 8 of the bill revises the formula by which the Federal government reimburses State agencies for administrative expenses incurred in implementation of the program. The new formula recognizes the need for insuring prompt hearings for aggrieved households who have heretofore been denied an adequate opportunity to appeal denial of entitlement to benefits of the program.

Section 9 of the bill requires participating States to finance a portion of the amount by which the value of coupons issued to households exceeds the amount paid by such households. The rate of State sharing would be 2½ percent for the first year; 5 percent for the second; 7½ percent for the third; and, 10 percent of the fourth and ensuing years.

Section 10 authorizes open-ended appropriations for the program through fiscal year 1973.

Section 11 contains authority to allow ongoing programs to continue to exist until brought into conformity with this bill and gives the Secretary additional authority to extend food assistance to communities without programs.

Mr. POAGE. Mr. Speaker, the committee will meet tomorrow and it is my hope that we may favorably report this bill.

EXCESSIVE SPENDING LOOMS AS CALCULATED IN CONGRESS

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the big spender label seems to be pinching a little bit, because a lot of the big spenders are squealing and squeaking around here today.

My attention has been invited to an editorial that appeared in the Sunday, July 19, Columbus, Ohio, Dispatch entitled "Excessive Spending Looms as Calculated in Congress." The editorial states:

EXCESSIVE SPENDING LOOMS AS CALCULATED IN CONGRESS

Strange mischief is afoot in the Congress of the United States with regard to needed appropriations to run the federal government. Only one of the 14 bills required to finance national affairs has reached the White House.

There is a growing school of thought that the Democrat-controlled Congress, acutely aware this is an election year, is not as concerned with fiscal responsibility as it is with embarrassing the titular head of the opposite political party, Republican President Nixon.

Leaders of Congress are heard more and more to moan that the President is "ignoring new priorities" while expounding that federal legislators are "responding to the needs of the people."

This is not a new political tactic. In the early 1930s, as the nation was trying to find a way out of the devastating Great Depression, we had a Republican president, Herbert Hoover. And the House was controlled by Democrats.

Then, as now, there were compelling political considerations. And there was mischief. While Mr. Hoover tried to meet necessary obligations, he also attempted to avoid economic disaster by keeping the federal government solvent.

He sought a reasonably balanced budget. Yet, Treasury Department records show that by the time congressional leaders completed their manipulations, federal expenditures were double actual receipts.

Further, they ignored recovery recommendations by the Hoover administration, but revived many of them after the inauguration of a Democratic president, Franklin D. Roosevelt, in 1933. History shows the FDR regime accumulated much credit for its so-called "New Deal."

But history also shows the FDR regime planted the seed for excessive government-spending, a mischief being practiced by too many leaders in Congress today.

A tell-tale example of the current thinking is embodied in the recent hassle over aid to hospitals, a highly-emotional issue. The President favored the measure but not the excessively high figure. And especially, he opposed a stipulation that he be "required" to spend the $2.8 billion total amount within a set period of time. He vetoed the bill, but was overridden by the "new priorities" line of thought.

We are not, as was the case in the early 1930s, fighting our way out of a Great Depression. But there is a very good chance that following a deliberate and calculated path of excessive spending will plunge us into an economic situation far more damaging than a depression.

IN SUPPORT OF H.R. 18573

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. McCULLOCH. Mr. Speaker, on March 26, 1970, I introduced legislation designed to help law enforcement agencies to cope with the menace of bombings and bomb threats which have afflicted our country in recent months. Twenty-eight of my colleagues joined me in introducing the measure. A subcommittee of the Committee on the Judiciary is now conducting hearings on this legislation.

The hearings have demonstrated more than ever the necessity for new measures to control the activities of the anarchists who are using explosives as instruments of terrorism across the land. According to a survey conducted by the Department of the Treasury, between January, 1969 and April, 1970 more than 40,000 bombings, bombing attempts, and bomb threats were reported to law enforcement agencies. The actual bombings, which number more than 4,000 in that period, were responsible for the deaths of 43 people and for $22.6 million of property damage.

The bill which I introduced in March, H.R. 16699, approaches the problem by providing increased penalties and a broadened scope of the existing Criminal Code provision, 18 U.S.C. 837. This is a necessary approach, but not the only one, if we are to solve the bombing problem. In addition to the deterrence of the criminal statute, we must make it more difficult for the criminal to obtain the materials he needs to make his bombs. There is no doubt that the ease of access to explosive materials has been a contribut-

ing factor in the rash of bombings which we have experienced.

The legislation which I introduced yesterday, H.R. 18573, at the request of the Secretary of the Interior is the proposed Explosives Control Act of 1970. It would complement H.R. 16699 by regulating the importation, manufacture and sale of explosives. Major features of the new legislation, which will be administered by the Secretary of the Interior because most explosives are used in mining operations, are:

Issuance of licenses to importers, manufacturers and dealers in the explosives industry.

Issuance of permits to commercial users of explosives.

Licensees must obtain and record positive identification of purchasers of explosives.

Prohibitions on the sale of explosives to minors, felons, fugitives from justice, drug addicts, and mental defectives.

Prohibitions on the sale of explosives to persons, other than licensees or permittees, who are nonresidents of the State in which the sale is made unless they are residents of a contiguous State that permits such a sale.

Penalties of up to 10 years imprisonment for violations of the provisions of the bill.

Mr. Speaker, there can no longer be any dispute about the need for control of the distribution of explosives. I urge my colleagues to give the legislation which I have introduced prompt and careful consideration.

ELIMINATING AN UNEMPLOYMENT COMPENSATION INEQUITY FOR EX-SERVICEMEN

(Mr. CHARLES H. WILSON asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. CHARLES H. WILSON. Mr. Speaker, today I am introducing in the House a bill that will amend title 5 of the United States Code to eliminate an inequity that some ex-servicemen have run into after their discharge from the military. My bill will change section 8502(b) of title 5 to provide that for the purposes of unemployment compensation all the States shall treat accrued leave of ex-servicemen as wages for past services rather than as current wages constituting a bar to benefit payments. In effect, passage of this proposed legislation would alter the treatment for unemployment compensation purposes of ex-servicemen in 28 States. Today these States deny or hold up unemployment insurance benefits to those men again in the civilian labor market, who receive pay for unused accrued leave. Such pay is considered wages and under that rationale these States deny unemployment benefits for a period determined by the number of days of accrued leave paid by the Federal Government.

This situation was brought to our attention by Henry L. Lacayo, president of Local 887 of the UAW in California. It, in turn, had been brought to his attention when one of his local's members was denied unemployment compensation for a 47-day period since he had been paid for 47 days of unused accrued leave—leave to which he was entitled for his 3 years in the armed services, including duty in Vietnam. This young man had resumed his civilian life by returning to work at North American Rockwell where he was previously employed prior to induction into the U.S. Army. Unfortunately, due to economic problems in the aerospace industry and this gentleman's lack of seniority, North American Rockwell was forced to lay him off.

Consequently, he applied for unemployment compensation but was turned down due to the State of California's reading of section 8524 of title 5.

In providing for unemployment insurance coverage for ex-Federal employees and ex-servicemen, it has been the policy of Congress, with respect to the conditions of eligibility for benefits, to require that the provisions of the State unemployment insurance law apply. Section 8502(b) of title 5 of the United States Code requires that:

> Compensation shall be paid by the State to a Federal employee in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation law of the State if his Federal service and Federal wages . . . had been included as employment and wages under that State law.

Section 8521(b) extends the same principle to ex-servicemen.

Congress made an exception to this general rule, however, by specifically requiring that payments for unused accrued leave be deemed to continue the employment of the individual "during the period after the termination with respect to which the individual received the payment." The exception was subsequently deleted with respect to ex-civilian employees of the Federal Government but not with respect to ex-servicemen. An identical provision in both the House and Senate versions of H.R. 14705, a bill to extend and improve the Federal-State unemployment compensation program would delete this exception with respect to ex-servicemen by repealing section 8524 of title 5 of the United States Code.

Repeal of section 8524, however, would only delete the requirement that States deny unemployment compensation to ex-servicemen during periods with respect to which the individual received payment for unused accrued annual leave. It would not provide or require States to provide compensation during such periods. Our bill would require the States to treat accrued leave of ex-servicemen as wages for past services. This, in turn, would necessitate uniformity of treatment of these ex-servicemen throughout the United States and stop a form of discrimination that has resulted in part from Federal Government action.

The State legislatures have taken diametrically opposite views as to unemployment compensation eligibility during periods covered by terminal leave. The laws of 24 jurisdictions consider unused accrued leave to be wages for past services constituting no bar to current benefit payments. The laws of 28 other jurisdictions consider unused accrued annual leave to be current wages constituting a bar to benefit payments; under this concept, the individual is considered to remain fully employed throughout a period with respect to which the unused annual leave is paid and does not become unemployed and eligible to receive benefits until the expiration of such period.

I cannot agree that it was the intention of Congress to penalize ex-servicemen who have honorably served their Nation and who cannot find employment after their discharge. To allow some States to discriminate against these individuals while others take cognizance of the true meaning of payments for accrued leave appears to be a prostitution of the principles underlying such payments. Since we are both in a recession and the number of men discharged from the military grows yearly, revision of existing legislation is necessary. As President Lacayo recently stated:

> To deny unemployment benefits to veterans who have chalked up sufficient earnings to qualify is . . . a heartless attitude and a brutal "thank you" for men, many of whom have recently risked their lives in service to their country.

Passage of H.R. 14705 and the repeal of section 8524 of title 5 was a step in the right direction. Enactment of my amendment to section 8502 would result in the States and Federal Government treating those who have completed military service for the United States in a manner more fitting of our Nation. I urge rapid enactment of the bill introduced today.

URBAN MASS TRANSPORTATION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COUGHLIN) is recognized for 5 minutes.

Mr. COUGHLIN. Mr. Speaker, I believe that in the near future this House will have an opportunity of voting on S. 3154, the Urban Mass Transportation Act of 1970.

In anticipation of that time, I thought Members might be interested in the comments of Mr. James C. McConnon, chairman of the Southeastern Pennsylvania Transportation Authority, and two related editorials. Mr. McConnon's remarks, made before the House Republican Task Force on Transportation on June 6, are most pertinent to the problem of urban mass transit and I recommend them highly to my colleagues.

The items follow:

STATEMENT BY JAMES C. MCCONNON

As Chairman of Southeastern Pennsylvania Transportation Authority, known locally as SEPTA, I appreciate this opportunity to talk with you as you seek to aid the Congress in responding to the urban-transportation challenges of the 1970's.

We in this region, Mr. Chairman, are especially proud of, and grateful to, the "Law-

rences" of your Task Force. These two Pennsylvanians, Congressman Coughlin and Congressman Williams, have worked effectively and tirelessly to improve and strengthen public-transportation facilities in Southeastern Pennsylvania.

Congressman Williams, as you may know, served with distinction for two-and-a-half years as a member of the SEPTA board. Congressman Coughlin was one of the Authority's earliest supporters.

And although he sits on the other side of the aisle in Washington, we would be remiss in not expressing here our appreciation for the efforts in behalf of better transportation of another area worker, Congressman William A. Barrett, Chairman of the Subcommittee on Housing of the House Committee on Banking and Currency.

SEPTA, an agency of the Commonwealth of Pennsylvania, is located near the midpoint of the populous northeastern corridor stretching from Boston to Richmond. It was created to preserve, improve, expand and coordinate public transportation in the City of Philadelphia and the surrounding Pennsylvania counties of Bucks, Chester, Delaware and Montgomery, a region with a population of more than four million persons.

SEPTA's transportation system not only serves this region but also interchanges passengers with the Lindenwold rapid-transit line of the Delaware River Port Authority operating in the South Jersey area. SEPTA also operates bus service in New Jersey and, by contract, bus lines in the State of Delaware.

SEPTA-owned facilities and those with which it has contractural relations embrace 166 routes, with 3,200 vehicles operating more than 270,000 miles daily. On a typical weekday passengers number one million one hundred thousand. These facilities comprise the nation's third largest urban-transportation network and include railroad, subway, elevated, bus, trackless-trolley and surface-rail lines.

In the six years of its existence SEPTA has worked to preserve and, to the extent possible, improve commuter-rail and transit services in the region. This has been a demanding task, calling for the reversal of a downhill course shaped by four decades of belt-tightening and neglect on the part of private transportation operators.

In this task we have had the indispensable support of the Commonwealth of Pennsylvania, the City of Philadelphia and the counties of Bucks, Chester, Delaware and Montgomery. These have supplied the money needed to keep in being essential railroad services, together with certain suburban bus lines. Local funds to match some $23 million in federal grants for improvements to commuter-rail facilities are being provided largely by the same sources. And needless to say, gentlemen, we are most grateful for that federal aid.

The City of Philadelphia and Delaware County, it should be noted, have made available the credit backing that enabled SEPTA to acquire from Philadelphia Transportation Company and Philadelphia Suburban Transportation Company the area's two largest transit networks.

The SEPTA region has made extensive local outlays for public-transportation improvement and expansion. The City of Philadelphia, with SEPTA's financial commitment, is building and planning extensions to its Broad Street Subway system at a cost of well over $100 million. Other locally financed projects have included nearly $50 million in rapid-transit and commuter-railroad improvements, $15 million in surface-lines betterments and the excellent $94-million Lindenwold line.

This metropolitan region has passed the point, however, at which fare-box revenues and the resources of local government are adequate to support acceptable standards of service and equipment. Thus we must look hopefully to the House of Representatives as it considers the Administration's transit-aid legislation embodied in Bill S. 3154 passed by the Senate last February.

This bill, as you know, would authorize $3.1 billion over five years, with contract authority, for capital improvements and demonstration projects. For this all urban transportation operators would be grateful.

Even so, the transportation needs of metropolitan areas are so great that they exceed those S. 3154 could satisfy. Thus our first plea to the members of this Task Force is for favorable action on the Administration's transit-aid legislation, S. 3154, now before the House Committee on Banking and Currency. This legislation, gentlemen, must be enacted, as the first step toward adequate support of the nation's urban transportation systems.

An indication of the requirements of the SEPTA region is given by our six-year capital-improvement program. This program, which includes projects of the City of Philadelphia, totals $613 million. More than $200 million of this amount must come from the federal government.

This program represents a minimum appraisal of the needs of Southeastern Pennsylvania. It includes urgently needed new railroad commuter cars, streetcars and buses; improvements to railroad stations and subway stations, many of them well over a half-century in age; expanded station parking; railroad and rapid-transit extensions, including a line to the airport; an underground connection between center-city commuter railroad terminals; improved communications facilities, and other necessary projects.

Urban-transportation systems are the providers of needed mobility to countless people, chiefly workers, shoppers and students. To lower-income groups, the elderly and the handicapped, they are especially essential.

These systems, however, exert influence well beyond the bounds of transportation. There is scarcely a major urban problem that cannot be eased to some extent by a strong and healthy local-transport structure.

Good public transportation can link low-income jobseekers with employment opportunities, afford accessibility to new and better city housing, cut down air pollution, reduce traffic congestion, ease student tensions, preserve real-estate tax values, minimize the dislocated business and uprooted homes of expressway construction, maintain the vitality of central business districts and bolster the local economy in many ways.

Thus public transportation has a many-sided involvement in urban society and a potential for mitigating some of its most vexing problems. Because of this, and because local resources (which have been generously committed in this region) are not adequate to the task, we believe there is justification for urging the Congress to provide whatever share of the nation's resources is required to support and improve urban-transportation systems.

To us it is clear that this share must be sufficient to meet not only capital needs but operating costs as well. The latter have risen sharply, as wage rates and prices of materials have spiralled upward. There are big-city systems today on which labor costs alone exceed the entire farebox revenue; here in Philadelphia, on SEPTA's city transit division, the labor-cost proportion has reached 80 per cent.

To attempt to meet this situation by slashing service or boosting fares would defeat the very purposes for which public-transportation agencies exist. Such measures would drive away some passengers. They would inflict inconvenience and additional expense on others, many of whom are already hard-pressed to make ends meet. And a still more harmful imbalance would be created between travel by public transportation and by the less efficient and more costly-to-the-community method represented by the private automobile.

For example, the public-support program administered by SEPTA has resulted in a 42 per cent increase over the past ten years in ridership on the region's 13 rail-commuter lines. This is a most significant achievement, brought about during a period when the use of virtually all urban-transportation systems was declining. It would cost at least a half-billion dollars to build the necessary additional highways if these railroad commuters were to travel by automobile, an amount many times greater than the cost of the public-support program.

And so, gentlemen, the very preservation of the values of urban transit systems, to say nothing of the improvement of those systems, depends upon sources of support beyond that of the fare-box.

In a little over three weeks a new Department of Transportation will come into being in Pennsylvania combining, under a single administration, several state agencies now functioning in that field. This department, we are certain, will pursue a policy according full recognition to the needs of transit and commuter-railroad users. We believe that such a policy should make provision for some form of broad-based state-tax support for urban transport. This tax, among other things, would provide local matching funds for federal grants.

In summary I would urge the Task Force to consider the following specific points which we feel are vital to the long-range solution of the urban ground-transportation problem:

1. A substantially greater amount of federal money must be invested in mass transportation. While it is indeed impressive that President Nixon has proposed and the Congress is now considering a federal mass-transportation program providing $3.1 billion for the next five years, which is more than five times greater than the amount of federal spending for this purpose during the past six years, a larger commitment is needed. The major underlying problem we face is the great lack of capital investment over many years, which has not only reduced available operating equipment and reduced service and ridership but has caused the virtual disappearance of the important supporting manufacturing industries so necessary to developing new technology in mass transportation.

2. The amount of local matching funds needed to obtain federal funds should be lowered. Highways funds are available locally on the basis of a 10 per cent investment. There is no reason why mass-transportation funds should require a 33⅓ per cent, or even 50 per cent, local investment. If there is any justification for the expenditure of federal money for mass transportation, and no one denies that there is, then it should not be siphoned on an artifically restrictive basis which prevents its application where most needed.

3. In considering local funds needed to obtain federal monies for mass transportation, full credit should be given for the past investment which a community has made to keep its transportation system alive. The SEPTA region, comprising the City of Philadelphia and the counties of Bucks, Chester, Delaware and Montgomery, has invested hundreds of millions of dollars in capital projects and operating subsidies in order to maintain the network of mass-transportation facilities. This expenditure should be recognized for what it is; namely, an exercise of local responsibility which serves to reduce by vast amounts the outlay of federal money required to rescue mass-transportation systems.

Local communities should be given further credit for the amount of their past local investment in the matching of federal funds.

4. The artificial limitation of 12½ per cent on the amount that any state can receive from federal mass-transportation funds should be removed from Bill S. 3154. The states that have done the most to preserve mass transportation at their own expense, the states which have the greatest total need, such as Pennsylvania, are arbitrarily discriminated against by this artificial limitation. Federal funds should be placed where they are needed to deal with the problem for which they are required.

5. The federal government should continue to recognize and should formally acknowledge the importance of local control of mass-transportation programs. Urban mass-transportation is truly local in nature. While the problem in New York City is similar to the problem in Philadelphia and to the problem in Detroit, Chicago and Los Angeles, none of the urban transportation problems in each of these localities has any effect on any of the others.

The operation of urban transportation is essentially local in nature. This fact has been recognized in Pennsylvania in the establishment of SEPTA under the Metropolitan Transportation Authorities Act of 1963. It was more recently emphasized in the legislation just enacted creating the Pennsylvania Department of Transportation which explicitly provides for local participation in mass-transportation planning and programming.

SEPTA serves as a local regional agency responsive to the requirements of the local governments and people of the region and is further sensitive to local requirements through its cooperation with the Delaware Valley Regional Planning Commission, which is likewise a local regional agency responsive to local problems and needs.

6. The Congress should insist that all revenues derived from intersate activities relating to transportation should be made available in some measure to meet the transportation problems of the region from which the revenues are derived.

In this region the Delaware River Port Authority collects a special use tax in the form of bridge tolls across the Delaware River. It has recently committed these revenues to the construction of the $94-million Lindenwold Line in South Jersey, an important and valuable public-transportation project. These revenues and all similar interstate revenues should be made available on the same basis to enable the regional transportation agencies to deal with their pressing transportation problems.

This Committee, serving as a Task Force on Transportation, is an important acknowledgement of the responsibility of the federal government in this area. It must be recognized that the billions of dollars which are being spent to develop the highway system that the country needs must be met with comparable expenditures for mass transportation.

Public-transportation systems are the only way to deal with the high peak-hour traffic experienced in metropolitan areas. It is a simple fact that an urban expressway generates more traffic than it can carry. It is a corollary to this fact that unless efficient mass-transportation systems are developed in our urban areas, the vast expenditure of federal funds to build highways in these areas will be wasted.

We wish you gentlemen of the Republican Task Force every success in your important undertaking. Thank you.

[From the Philadelphia Evening Bulletin, June 8, 1970]

TRANSIT'S CAPTIVE RIDERS

The welcome emphasis now being placed upon urban public transportation is usually linked to the need for persuading travelers to use commuter trains and buses rather than their automobiles.

But there is a large segment of the urban population for which there is no such choice. This is the group, estimated in and around Philadelphia at more than 500,000 persons, who do not have the use of private automobiles to get to and from their jobs, schools or markets and are thus public transit's captive fares.

Philadelphia's transit engineer, Edison L. Tennyson, makes a needed and telling plea on behalf of these transit riders. And one of the points he makes is that these individuals suffer more as federal and state governments devote their efforts and funds to gigantic highway projects and slight or ignore completely the urgent need for improved public transportation.

Mr. Tennyson suggested to a Republican Party congressional task force on transportation that those who must depend upon public transportation to get from one place to another do not insist upon exotic, supersophisticated cars and other facilities. What the captive riders need, he explained, is reliable, clean and efficient transportation at a price they can afford.

Here, indeed, is a message for the Republican task force to carry back to Washington. The federal government should move at once to correct the present imbalance in its transportation efforts to provide immediate and adequate assistance to the Southeastern Pennsylvania Transportation Authority and to the Penn Central, Reading and other urban transit lines.

The Nixon Administration has proposed a program providing $3.1 billion nationwide for the next five years. A far larger amount of federal money is needed and the annual appropriations should not be dependent upon the moods of Congress.

SEPTA chairman James C. McConnon suggested to the transportation task force that the amount of local matching funds required to obtain federal grants be lowered and that credit be given for past investments made by communities to improve their transit system. These are valid requests. They deserve favorable action in Washington.

The best way to assure that the nation's urban transit systems receive the federal help they need and deserve is to eliminate the separate Highway Trust Fund, which provides assured financing of highway projects, and establish instead a single Transportation Trust Fund.

It is clear by now that the country, and especially its cities, can no longer afford to treat each kind of transportation separately—either in planning or in financing.

[From the Philadelphia Inquirer, June 14, 1970]

BOTH SIDES OF THE RIVER

Equitable allocation of all available revenue for mass transit purposes is essential to the development of a balanced and coordinated system of public transportation in the Philadelphia metropolitan area.

Chairman James C. McConnon of the Southeastern Pennsylvania Transportation Authority made some excellent suggestions in this regard in testimony at a hearing in Philadelphia conducted by the Republican Task Force on Transportation of the U.S. House of Representatives.

The SEPTA chief, warning that local governments are unable to provide all the financial assistance necessary to develop and maintain good public transit at reasonable fares, urged state and Federal officials to give greater recognition to transportation needs.

He noted, for example, that the Federal Government pays up to 90 percent of the cost of highway projects but only one-half to two-thirds of the cost of mass transit programs.

Especially significant, we believe, was Mr. McConnon's comment relative to the distribution of Delaware River bridge tolls for mass transit purposes.

"Congress should insist that all revenues derived from interstate activities relating to transportation be made available in some measure to meet the transportation problems of the region from which the revenues are derived," the SEPTA chairman said.

"In this region the Delaware River Port Authority collects a special use tax in the form of bridge tolls across the Delaware River.

"It has recently committed these revenues to the construction of $94,000,000 Lindenwold line in South Jersey, an important and valuable public transportation project.

"These revenues and all similar interstate revenues should be made available on the same basis to enable the regional transportation agencies to deal with their pressing transportation problems."

Mr. McConnon's point is well made.

Use of bridge tolls to finance the high-speed line in South Jersey is commendable, and there is no doubt that Philadelphia derives benefit from the project, but transit projects on the Pennsylvania side of the river also should share in bridge-toll revenues.

CAPTIVE NATIONS—THE CRY FOR FREEDOM IS BEING HEARD

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, last week we marked the 12th annual observance of Captive Nations Week. We recognized the tyranny and oppression of Communist rule in the once free countries of Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, and Rumania. This observance showed our unified support for the peoples of these dominated lands, who are denied the freedom and basic human rights that we have cherished since our forefathers founded this Nation.

It is gravely important that we continue to demonstrate our solidarity with the 100 million oppressed people of East and Central Europe. Many thousands of American citizens today are refugees from Iron Curtain countries that are continuously purged by the dominant forces of Communist oppression. Many thousands of our people have brothers and sisters, mothers and fathers, and other loved ones still being forced to live under the tyrannical domination in the captive nations of Europe. The only hope for these people is America, the land of the free. This observance afforded us an opportunity to fulfill our moral obligation to the principles of freedom, equality, and equal opportunity, and to give support to those denied these principles. I am heartened that the plight of the captive nations is not forgotten in these times of glamour issues and instantaneous controversy.

There appears to be no end to the oppression in Eastern and Central Europe in sight. The Soviet Union seems willing to take any risk in order to preserve their domination of this bloc of countries. With increased Soviet buildup in the Middle East, apparently risking the outbreak of a major military conflict, it is

appropriate that all Americans show their deep commitment to the plight of the oppressed people of the captive nations dominated by the Soviet Union. This signal of support greatly heartens the people of these nations.

In the town of Ashland, N.H., a captive nations observance saluting America was held Sunday, July 19. A proclamation from the Governor of New Hampshire and messages from the New Hampshire congressional delegation were read. Mrs. Howard Ball of Claremont presided as mistress of ceremonies for the eighth annual observance. Observances of this type that were held throughout our country help to instill hope in the people of the captive nations.

Observances such as those of last week are necessary to show our support for the plight of the oppressed people of the captive nations. However, I feel that the House of Representatives should continue to review the plight of the captive nations. Therefore, I renew my suggestion to establish a Special Committee on the Captive Nations and insert my resolution, House Resolution 349, in the RECORD at this point:

H. RES. 349

Whereas, on the issue of colonialism, the blatant hypocrisy of imperialist Moscow has not been adequately exposed by us in the United Nations and elsewhere; and

Whereas Presidential proclamations designating Captive Nations Week summon the American people "to study the plight of the Soviet-dominated nations and to recommit themselves to the support of the just aspirations of the people of those captive nations"; and

Whereas, following the passage of the Captive Nations Week resolution in 1959 by the Congress of the United States and again during the annual observances of Captive Nations Week, Moscow has consistently displayed to the world its profound fear of growing free world knowledge of and interest in all of the captive nations, and particularly the occupied non-Russian colonies within the Soviet Union; and

Whereas the indispensable advancement of such basic knowledge and interest alone can serve to explode current myths on Soviet unity, Soviet national economy, and monolithic military prowess and openly to expose the depths of imperialist totalitarianism and economic colonialism throughout the Red Russian Empire, especially inside the so-called Union of Soviet Socialist Republics; and

Whereas, for example, it was not generally recognized, and thus not advantageously made use of, that in point of geography, history, and demography, the now famous U-2 plane flew mostly over captive non-Russian territories in the Soviet Union; and

Whereas in the fundamental conviction that the central issue of our times is imperialist totalitarian slavery versus democratic national freedom, we commence to win the psychopolitical cold war by assembling and forthrightly utilizing all the truths and facts pertaining to the enslaved condition of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossakia, Turkestan, North Vietnam, Cuba, and other subjugated nations; and

Whereas the enlightening forces generated by such knowledge and understanding of the fate of these occupied and captive non-Russian nations would also give encouragement to latent liberal elements in the Russian Soviet Federative Socialist Republic—which contains Russia itself—and would help bring to the oppressed Russian people their overdue independence from centuries-long authoritarian rule and tyranny; and

Whereas these weapons of truth, fact, and ideas would counter effectively and overwhelm and defeat Moscow's worldwide propaganda campaign in Asia, Africa, the Middle East, Latin America, and specifically among the newly independent and underdeveloped nations and states; and

Whereas it is incumbent upon us as free citizens to appreciatively recognize that the captive nations in the aggregate constitute not only a primary deterrent against a hot global war and further overt aggression by Moscow's totalitarian imperialism, but also a prime positive means for the advance of world freedom in a struggle which in totalistic form is psychopolitical; and

Whereas, in pursuit of a diplomacy of truth, we cannot for long avoid bringing into question Moscow's legalistic pretensions of "noninterference in the internal affairs of states" and other contrivances which are acutely subject to examination under the light of morally founded legal principles and political, economic, and historical evidence; and

Whereas, in the implementing spirit of our own congressional Captive Nations Week resolution and the Presidential proclamations, it is in our own strategic interest and that of the nontotalitarian free world to undertake a continuous and unremitting study of all the captive nations for the purpose of developing new approaches and fresh ideas for victory in the psychopolitical cold war: Now, therefore, be it

Resolved, That there is hereby established a committee which shall be known as the Special Committee on the Captive Nations. The committee shall be composed of ten Members of the House, of whom not more than six shall be members of the same political party, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as in the case of the original selection.

(b) The committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the committee shall constitute a quorum except that a lesser number, to be fixed by the committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The committee shall conduct an inquiry into and a study of all the captive non-Russian nations, which includes those in the Soviet Union and Asia, and also of the Russian people, with particular reference to the moral and legal status of Red totalitarian control over them, facts concerning conditions existing in these nations, and means by which the United States can assist them by peaceful processes in their present plight and in their aspiration to regain their national and individual freedoms.

(b) The committee shall make such interim reports to the House of Representatives as it deems proper, and shall make its first comprehensive report of the results of its inquiry and study, together with its recommendations, not later than January 31, 1970.

SEC. 4. The committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within or outside the United States to hold such hearings, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

HOUSING: NEW YORK OR SAIGON

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it appears as if we are on the verge of starting another chapter in the sad history of our involvement in Vietnam.

As reported earlier this month, President Nixon, in a letter to President Thieu of South Vietnam, stated that the United States will finance 20,000 new houses each year for the next 5 years for the families of South Vietnamese soldiers. Already our military support of the Thieu regime has drained off countless sums of money as well as thousands of lives while our urgent domestic needs have been neglected.

Despite this, the President has apparently decided that we ought to expand our financial support to other areas of South Vietnam's society in order to prop up a regime that continues to imprison political opponents and balks at independently meeting such pressing social needs as land reform. This is bad enough but when at the same time we are failing to provide decent housing for our own citizens, the logic of our building public housing for the Vietnamese is perverse.

Our 1968 Housing and Development Act contained the recognition that every American family should have a decent home and envisions 26 million units during the following 10 years. But this program has never been fully funded and the houses are not being built because our resources are being spent on overheated military operations particularly in Vietnam. The result is that this country is in the midst of a housing crisis and New York City best illustrates this condition. With over 500,000 substandard housing units in this city, with an estimated 30,000 units being abandoned or demolished each year, Government sponsored public housing has provided the meager number of approximately 1,000 new units per year over the past several years. When compared to the city's estimated annual need of 35,000 to 40,000 new units each year, the proportions of our predicament become clear. Our housing needs can never be met without greater funding from the Federal Government and greater commitment from the administration. Yet this administration has indicated a willingness to finance annually 20 times more housing for Saigon than for New York City.

The result of such a twisted commitment is the continued decay of our urban centers and the continual disillusionment and bitterness of our citizens, of every social class and race, causing the rising tensions in our country. There are 135,000 low-income families in New York City alone on the waiting list for public housing. How long can we ask these peo-

ple to wait? Tens of thousands of our citizens, who could afford moderate- and middle-income housing at reasonable prices find that none is available. Only luxury housing starting at $100 per room is being built. Are the needs of the poor and the middle class to be ignored while our Government builds houses in Saigon? Would it not be better if the White House worried about housing here at home? Would it not be sensible for Secretary of Housing and Urban Development, George Romney, to support full funding for the 1968 Housing and Development Act?

FEDERAL RESERVE REPORT ON THE PROPOSED PENN CENTRAL LOAN GUARANTEE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, slowly the facts about the ill-fated loan guarantee to the Penn Central Transportation Co. are coming to light.

Last night, I received—out of the deep recesses of the Federal bureaucracy—a copy of the long-hidden credit report prepared by the Federal Reserve on the Penn Central Transportation Co.

The reason this report has been kept from public view so long is now apparent. The report makes it plain that the administration had planned to proceed with the loan guarantee despite the most serious questions raised by the Federal Reserve. It is obvious that the administration was willing—prior to a last-hour reversal—to risk hundreds of millions of the taxpayers' money in a highly questionable scheme.

The administration was willing to toss several hundred million dollars into the wind despite the fact that the Federal Reserve made it plain that it was unwilling to certify Penn Central's ability to repay the loan.

The closing paragraph of the credit report of the Federal Reserve Bank of New York states:

> From the viewpoint of protection against possible financial loss, it is our view that the financial risk to the guaranteeing agency cannot be measured at this time in view of existing uncertainties in respect of the available pool of collateral, the nature and timing of legislation and the success of new management in its programs.

Earlier in the same report, the Federal Reserve stated:

> We are not sufficiently informed at this time as to the existence of adequate free collateral to assure that in the event of default by the Company the United States would be able to recover its investment from the sale or other disposition of the collateral within a reasonable time.

Even more important is the fact that the Federal Reserve Bank of New York found that the $200 million or the $225 million being sought under the guarantee was only the beginning of the welfare program for this giant corporation. Significantly, the Federal Reserve report states:

> The cash needs of the Company through the year 1971, could, in our estimation, reach or exceed one-half billion dollars. The proposed V-loan financing in the amount of $200 million maturing on October 31, 1970, of itself, would provide inadequate assistance to the Company and, in all likelihood, merely postpone the institution of proceedings under the Bankruptcy Act.

In short, Mr. Speaker, the Federal Reserve report confirms what many in the Congress suspected—the Administration was not risking just $200 million, but possibly up to a half-billion dollars of the taxpayers' money.

The Federal Reserve report is written in polite terms and in places, it obviously leans over backward to be friendly to its allies in the Administration and to give them every out possible. But in the end, the report makes it plain that the Government is embarking on a highly risky scheme without assurance that the taxpayers will be protected.

Mr. Speaker, it is startling that high officials of the administration would have, for a moment, considered making this loan guarantee in the face of the findings of the Federal Reserve. But this report was in the hands of administration officials at a time when Members of Congress were being lobbied by the administration to support the loan guarantee and to support other legislation providing more funds for the Penn Central Transportation Co. I was called by administration officials urging my support for the loan guarantee; yet, I was not informed that the administration was in the possession of such an adverse report from the Federal Reserve.

The Federal Reserve report on the credit worthiness of Penn Central was necessary under the Defense Production Act and it was flown to Washington by courier on the evening of June 17 and hand carried to officials in the administration. The implication throughout this period was that the administration had received a favorable report from the Federal Reserve and that there was some type of assurance that the Government would be protected if it went through with the guarantee. The Federal Reserve report which I am now making part of the public record makes it plain that no such assurance was contained in the credit findings.

It should be remembered that I, along with other Members of Congress, was informed on Friday morning, June 19—2 days after the Federal Reserve report had reached Washington—that the loan guarantee was to be made by the administration sometime that day. Before the day was out, this approval was withdrawn.

However, the question remains—How could the administration go this far down the road in a plan to throw hundreds of millions of dollars out the window without the slightest assurance of repayment? Who are the officials within the administration who looked at the Federal Reserve report and said, "The public be damned"? What prompted public officials to act in such a manner with public funds? Where are these officials now and what positions of responsibility are they carrying out?

The Federal Reserve report makes it obvious that the high officials for the administration were willing to go along with a plan which placed the Federal Government's rights alongside those of the last class of lenders—the unsecured lenders to Penn Central. The Government would have only had a second lien on the capital stock junior to the existing liens in favor of commercial banks. The Government was being asked to undertake an extraordinary step in the Penn Central case, and it seems that the administration should, at a minimum, have insisted on primary claim to the assets in event of default. All in all, it appears that the administration took a rather casual—if not callous—attitude about the taxpayers' funds.

Mr. Speaker, I am also greatly disturbed by the fact that the administration appeared on the one hand to bring the Congress into its confidence while at the same time withholding essential documents such as this Federal Reserve report. Such a procedure does not enhance the confidence of the Congress in the administration. If the administration wanted our cooperation in this loan guarantee, certainly it was incumbent on it to let us in on the credit findings of the Federal Reserve.

In one of the early reports on the loan guarantee—made at a time when the administration was seeking congressional approval—the Federal Reserve stated:

> The Company's cash needs for 1970 and 1971 to be met through borrowing are great. Such needs could reach or exceed, in our estimation, one half billion dollars. There is no assurance that more will not be needed in years subsequent to 1971. There is no likelihood of early repayment of outstanding or new advances. Indeed, there is no assurance of repayment of those advances over the long term unless there is a fundamental improvement in the operating experience of the Company, coupled with financial assistance in the amount of the estimated need of approximately one half billion dollars and a sufficient period of time in which to correct the underlying situation. Accordingly, given the existing circumstances as set forth in the original V-loan application and the proposed loan terms, we would not have recommended approval of the subject application on the basis of factors normally considered in appraising credit risks.
>
> In our view, further financial assistance to the Company in the limited amount of $225 million would have provided no significant relief to the Company. At best, it would have resulted in a brief delay in the instituting of proceedings under the Bankruptcy Act. The apparent inadequacy of the proposed financial aid to the Company under the original V-loan agreement presented the likelihood of substantial loss to the guaranteeing agency.

One of the most significant points brought out by the Federal Reserve report is the fact that the Federal Reserve did not have the time to carry out a real credit investigation. The Federal Reserve makes this very plain in the following quote:

> The Company is part of a complex holding company structure involving three tiers of holding companies. Many of the assets of the Company and of its affiliates appear to be encumbered by covenants and liens contained in a variety of complex bond indentures and other credit arrangements. We estimate that, to perform the kind of credit analysis that we have performed in the past with respect to prospective V-loan borrowers could take

several months. Clearly, it could not be performed in time for a V-loan to save the Company from bankruptcy proceedings, if the condition of the Company is as represented to us.

Mr. Speaker, there are many other quotes that could be lifted from the Federal Reserve document, but I think the entire report should be read by the Members of Congress. I place in the RECORD a copy of the reports on the Penn Central Transportation Co. as issued by the Federal Reserve Bank of New York and made available to the administration:

FEDERAL RESERVE BANK OF NEW YORK,
New York, N.Y., June 17, 1970.

Re F.R.B. of N.Y. Defense Production Loan No. 392.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, D.C.

Attention: Mr. E. Ralph Massey, Chief, Discount Operations Section.

GENTLEMEN: Reference is made to our letter of June 17, 1970 with which we forwarded copies of an application dated June 16, 1970 for the issuance to First National City Bank, New York, New York, on behalf of itself and a group of participating banks, of a V-Loan Guarantee Agreement pursuant to Regulation V, to cover 100% of a revolving credit providing for advances, under certain conditions, up to $50 million to be made to Penn Central Transportation Company, Philadelphia, Pennsylvania.

We enclose two copies of our summary report dated June 17, 1970 in respect of the application for guarantee of this interim V-loan credit.

Very truly yours,
THOMAS M. TIMLEN, Jr.,
Vice President.

SUMMARY REPORT ON APPLICATION FOR V-LOAN GUARANTEE OF INTERIM FINANCING OF PENN CENTRAL TRANSPORTATION CO. PENDING ISSUANCE OF V-LOAN GUARANTEE IN THE AMOUNT OF $200,000,000 TO THE PENN CENTRAL TRANSPORTATION COMPANY

On June 2, 1970 First National City Bank, New York, New York (the "Agent Bank"), on behalf of itself and a group of participating banks, made application for the issuance of a V-loan guarantee agreement pursuant to Regulation V of the Board of Governors of the Federal Reserve System to cover a proposed loan to be made to Penn Central Transportation Company, Philadelphia, Pennsylvania (the "Company"), a wholly-owned subsidiary of the Penn Central Company, a publicly-owned company. Subsequent negotiations developed a revised proposal for a 100% V-loan guarantee of a loan in the amount of $200,000,000 to mature October 31, 1970 and to be secured, in part, by (1) the pledge of various assets of the Company, (2) the assignment of the Company's accounts receivable, and (3) a second lien on the capital stock of a subsidary of the Company.

This Bank, in its "Summary Report on Application for V-Loan Guarantee in Connection with Loan to Penn Central Transportation Company", dated June 17, 1970, commented on the proposed V-loan as follows:

"The revised terms of the V-loan were developed in the expectation that the outlook for timely legislation affording broad assistance to the railroad industry would be favorable and in the expectation that this loan and other bank loans to the Company would be extended and additional guaranteed loans would be available as indicated above. Based upon the revised terms of the proposal, the expectation of timely favorable Congressional action on the proposed legislation, the recent and proposed changes in senior management of the Company designed to improve its performance and prospects, the V-loan which has been applied for could provide time for a coordinated effort by the Government, the participating banks, and the Company to work out plans designed to restore the Company to health and to enable it to repay the indebtedness at some time in the future.

"From the viewpoint of protection against possible financial loss, it is our view that the financial risk to the guaranteeing agency cannot be measured at this time in view of existing uncertainties in respect of the available pool of collateral, the nature and timing of legislation and the success of new management in its program."

On June 17, 1970, the Agent Bank, on behalf of itself and a group of participating banks, made application for the issuance of a V-loan guarantee agreement pursuant to Regulation V to cover 100% of a proposed loan up to the aggregate amount of $50,000,000 to be made to the Company, to be payable on demand but not before June 29, 1970 and to be secured by specified assets of the Company. The purpose of the proposed $50,000,000 loan is to provide funds to the Company on a short-term basis pending the preparation of the V-loan agreement and other documents required in connection with the proposed $200,000,000 loan. The $50,000,000 loan would be repaid from the proceeds of the $200,000,000 loan. Accordingly, a guarantee on the $50,000,000 loan should be issued only if it is determined that the guarantee will be issued with respect to the $200,000,000 loan.

In view of the information available as to the current cash position of the Company, the proposed $50,000,000 loan appears to be a necessary intermediate step to achieve the objectives contemplated in connection with the proposed $200,000,000 loan and other substantial long-term financing, with Government guarantees, under proposed legislation which, we are informed, is expected to be enacted. From this standpoint, the comments of this Bank with respect to the $200,000,000 loan appears applicable to the $50,000,000 loan.

FEDERAL RESERVE BANK OF NEW YORK,
New York, N.Y., June 17, 1970.

Re: F.R.B. of N.Y. Defense Production Loan No. 391

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, D.C.

Attention: Mr. E. Ralph Massey, Chief, Discount Operations Section.

GENTLEMEN: Reference is made to our letter dated June 2, 1970 with which we transmitted two copies of an application for the issuance to First National City Bank, New York, New York, on behalf of itself and a group of participating banks in process of being formed, of a V-Loan Guarantee Agreement pursuant to Regulation V, to cover 100% of a proposed revolving credit and term loan in the aggregate amount of $225 million to be made available to Penn Central Transportation Company, Philadelphia, Pennsylvania.

We now enclose two copies of our report dated June 17, 1970 entitled Summary Report on Application for V-Loan Guarantee in Connection with Loan to Penn Central Transportation Company, which contains a summarization of the principal terms and conditions of the proposed financing arrangement after giving effect to modifications in a number of substantive respects.

Very truly yours,
THOMAS M. TIMLEN, Jr.,
Vice President.

SUMMARY REPORT ON APPLICATION FOR V-LOAN GUARANTEE IN CONNECTION WITH LOAN TO PENN CENTRAL TRANSPORTATION CO.

On June 2, 1970, First National City Bank, New York, New York (the "Agent Bank"), on behalf of itself and a group of participating banks in process of being formed, submitted to the Federal Reserve Bank of New York an application for the issuance of a V-loan guarantee agreement pursuant to Regulation V of the Board of Governors of the Federal Reserve System, to cover 100% of a proposed revolving credit and term loan in the aggregate amount of $225 million to be made to Penn Central Transportation Company, Philadelphia, Pennsylvania, (the "Company") a wholly-owned subsidiary of the Penn Central Company, a publicly-owned company. In meetings with representatives of counsel for the Company and bank lenders to the Company, it was represented that (1) absent an ability to further borrow money the Company would be unable to meet its current obligations in the early part of the month of June and would be forced into reorganization proceedings under section 77 of the Bankruptcy Act, and (2) existing bank creditors of the Company were unwilling to make further loans to the Company without the protection afforded by a 100% guarantee by the Government.

In subsequent negotiations between the Agent Bank, other major existing bank creditors of the Company, representatives of the Government, and this Bank, attention was focused on a proposal for a 100% V-loan guarantee of a loan in the amount of $200 million of various assets of the Company, (2) the assignment of the Company accounts receivable, and (3) a second lien on the capital stock of a subsidiary of the Company. The terms of the proposed loan were developed in the light of expectations of the enactment of Federal legislation that would result in additional substantial funds being made available to the Company for extended periods with Government guarantees and that the maturities of the proposed loan and of other indebtedness of the Company to commercial banks would be extended for comparable periods. The proposed V-loan would thus serve as interim financing pending the arranging of more substantial assistance for longer periods that would permit the development of plans designed to produce a viable Company at some future time.

This summary report discusses the financial position of the Company, reviews briefly the original V-loan application, and comments on the proposed V-loan that has been developed as a result of the negotiations between the Agent Bank, other major existing bank creditors of the Company, representatives of the Government, and this Bank.

RECENT EVENTS LEADING TO PRESENT FINANCIAL CRISIS

On April 21, 1970, Penn Central Company announced a first quarter loss for 1970 of $62.7 million, sharply greater than the $12.8 million loss in the corresponding 1969 period. Most of the loss in the first quarter was attributed to railroad operations. Following shortly after the disappointing earnings reported for the calendar year 1969, the April 21, 1970 announcement impaired the ability of Penn Central Transportation Company to roll over maturing issues of its commercial paper, close to $200 million of which was outstanding on the date of the announcement of the first quarter loss. Between that date and May 22, 1970, maturities and payments of commercial paper exceeded sales of commercial paper by $78 million. Back up lines of credit provided by banks were utilized to cover maturing commercial paper; those lines have been exhausted. Additional loans to cover subsequent maturities of commerlial paper—$25 million prior to June 30 and the balance of $75 million prior to December 16, 1970—are not available in the ordinary course.

Pennsylvania Company (Pennco), a wholly-owned subsidiary of the Company, had scheduled a public issue of $100 million of 25-year debentures on June 2, 1970. The proceeds from the sale were to be used to

repay a $50 million loan from a group of banks (the Chemical Bank loan) due June 11, 1970, made in anticipation of the sale of the debentures, and the balance was to be made available to the Company. On May 29, 1970, the $100 million debenture issue of Pennco was postponed indefinitely because of inability to market the issue.

SUMMARY OF BASIC PROBLEMS OF PENN CENTRAL TRANSPORTATION CO.

We quote from the representations of the prospective V-loan borrower submitted in support of the application for loan guarantee:

"Penn Central Transportation Company, like a number of other railroads, is in grave economic difficulty. The Railroad's financial condition is accentuated by the relatively large part of operations in passenger service. Penn Central, as the largest railroad in the East, experienced a very difficult two years in 1968 and 1969. In 1969 the loss from rail operations amounted to $220 million, following a loss of $140 milion in 1968. Income of $137 million in 1969 and $116 million in 1968 derived from real estate and subsidiary company operations was used to subsidize the railroad. During the first quarter of 1970 the unfavorable trend in operating results accelerated. Loss from rail operations amounted to $100 million. Thus, in two and one-quarter years the Railroad lost $459 million from rail operations.

"Consolidated ordinary earnings of Penn Central Company amounted to a loss of $22.1 million in 1969 compared with a profit of $68.3 million in 1968. The reduction in earnings for the year was attributable primarily to the deficit of the Railroad. The principal factor which depressed Railroad Earnings in 1969, and in recent years has resulted in a loss from rail operation, is the impact of higher costs that was not covered by freight rate increases. In 1969, the Railroad's wage level increased 7%, or by $74 million. However, it was not until November 18, 1969 that the Railroad obtained a 6% increase in freight rates. As a result additional revenues fell far short of absorbing increases in operating costs. The same lag is taking place in 1970."

PRESENT BANK CREDITORS AND HOLDERS OF COMMERCIAL PAPER

There follows a summary of the major groupings of bank creditors, which in total number approximately 70 institutions.

Penn Central Transportation Co., debtor

1. $300 million secured revolving credit and term loan—First National City Bank, New York, New York, as the lead bank, and 51 other banks, under a credit agreement dated April 1, 1969 which provides for a revolving credit of $300 million available at the prime rate until January 1, 1971, on which date outstanding loans are convertible into a term loan repayable in annual installments from January 1, 1972 through January 1, 1976. As security, the borrower pledged all the stock of its wholly-owned subsidiary, Pennco. Pennco operates as an investment company, with its principal interests in companies not directly related to the railroad operations of the Penn Central System. Pennco's principal investments include holdings in Norfolk and Western Railway Company and other railroads, all of the common stock of Buckeye Pipe Line Company and controlling interests in two real estate development companies, Great Southwest Corporation and Arvida Corporation.

2. $50 million unsecured revolving credit—First National City Bank as the lead bank, and eleven other banks, under a Eurodollar Revolving Credit Agreement dated November 14, 1968, with a maturity of October 31, 1973.

3. $30 million unpaid balance of unsecured loan made by First National City Bank and another bank under a letter agreement dated May 6, 1965, with a maturity of January 31, 1971.

4. $12.5 million in unsecured loans made by Manufacturers Hanover Trust Company, New York, New York, and Cleveland Trust Company, Cleveland, Ohio.

5. $46.5 milion in unsecured loans made by a total of 26 banks under lines of credit arranged by the Company with the individual banks as support to the issuance of commercial paper. Maturities are understood to range from advances payable on demand to advances payable in ninety days.

6. $108.3 million in commercial paper outstanding as of June 2, 1970, held by a large number of banks (in some cases for the account of customers) and other investors, including mutual funds, insurance companies, industrial companies and educational institutions, and maturing at various dates through December 16, 1970.

Pennsylvania Co., debtor

1. $50 million revolving credit provided in February 1970 by Chemical Bank, New York, New York, and nine other banks, in anticipation of, and to be repaid from, the proceeds of the $100 million debenture issue, the sale of which was postponed indefinitely on May 28, 1970. These outstanding loans matured on June 11, 1970 but their maturities were extended on that date to June 11, 1972. Proceeds of these loans were made available to the Transportation Company.

2. $2.5 million term loan due February 1, 1971 made by Chemical Bank and Morgan Guaranty Trust Company of New York.

Penn Central International (N.V.), debtor

1. $59.2 million in loans denominated in Swiss francs obtained from European banks and other lenders, guaranteed by Penn Central Company, and maturing at various dates from February through April 1971.

WEAKNESSES IN PENN CENTRAL DEBT STRUCTURE

The observations in this report concerning the financial position of the Company relate solely to its obligations on commercial paper and under the financing arrangements with banks described above. No analysis or appraisal has been attempted because of time limitations of bonded indebtednesses, obligations under conditional sales agreements and equipment leases, borrowings by real estate development subsidiaries, etc.

The imminent likelihood of acute financial involvement is based upon the inability of the Company to repay its commercial paper maturing during the month of June and subsequently, when its cash resources will be exhausted. The non-payment when due of any obligation of the Company for borrowed money constitutes an event of default under the $300 million credit, and presumably under other credits described or referred to above.

In view of the developing situation, the two major New York City banks which have been lead banks in the financing arrangements established for the Company and its subsidiary, Pennco, proposed to take steps forthwith to better secure the positions of the bank creditors they represented.

PROPOSED FINANCING UNDER ORIGINAL V-LOAN APPLICATION TERMS

In brief, the originally proposed financing in an aggregate amount of $225 million, in part a revolving credit and in part a term loan would have been secured by pledge of the Company's accounts receivable and unbilled revenue, and had an interest rate the same as the prime rate of the Agent Bank (presently 8% per annum), a commitment fee of ½ of 1% per annum, and a maturity of December 31, 1976. The loan proceeds were to be used in meeting the Company's estimated cash requirements, totaling $263 million, for the period from June 1 through December 31, 1970, to cover operating losses, capital expenditures for the railroad, commercial paper maturities and other debt retirement, and miscellaneous cash requirements.

PROSPECTS FOR REPAYMENT

The $225 million financing as originally proposed was represented in the application for loan guarantee as "deemed sufficient on basis of present forecast *for balance of 1970*" (italics supplied), a statement qualified by the Agent Bank's letter of transmittal dated June 2, 1970 questioning whether the Company would be able to borrow any of the additional amount of $25 million to $38 million needed to meet its total estimated needs of $263 million for 1970. The 1971 financial forecast reflects an estimate that $126 million in financing, other than for the acquisition of equipment, would be required to meet the cash needs of the railroad after giving effect to $53.3 million in funds received from the sale of property and salvage and $22 million in advances from subsidiaries.

Representations, related to repayment of the financing, were made with respect to major areas of potential improvement in rail operating results in 1970 and 1971. Stated briefly, these areas are:

1. Two 6% freight rate increases before the end of 1970.

2. Assumption by State and local governments of the financial responsibility for operating commuter facilities.

3. The discontinuance or cutback of long-haul passenger service.

4. Economies effected through reductions in work force.

5. Savings to be realized out of the 1968 merger of the Pennsylvania Railroad and the New York Central Railroad.

We note that the three areas first mentioned, which may hold the greatest prospect for significant improvement in railroad operating results, are in large degree outside the Company's control.

COMMENT

The Company's cash needs for 1970 and 1971 to be met through borrowing are great. Such needs could reach or exceed in our estimation, one half billion dollars. There is no assurance that more will not be needed in years subsequent to 1971. There is no likelihood of early repayment of outstanding or new advances. Indeed, there is no assurance of repayment of those advances over the long term unless there is a fundamental improvement in the operating experience of the Company, coupled with financial assistance in the amount of the estimated need of approximately one half billion dollars and a sufficient period of time in which to correct the underlying situation. Accordingly, given the existing circumstances as set forth in the original V-loan application and the proposed loan terms, we would not have recommended approval of the subject application on the basis of factors normally considered in appraising credit risks.

In our view, further financial assistance to the Company in the limited amount of $225 million would have provided no significant relief to the Company. At best, it would have resulted in a brief delay in the instituting of proceedings under the Bankruptcy Act. The apparent inadequacy of the proposed financial aid to the Company under the original V-loan aggreement presented the likelihood of substantial loss to the guaranteeing agency.

REVISED V-LOAN PROPOSAL

Following submission of the original V-loan proposal intensive negotiations on a virtually continuous basis have been conducted between representatives of the Government, the Agent Bank, and this Bank, together with their respective counsel, to develop terms and conditions for a V-loan agreement acceptable to all parties. In a departure from usual procedures, representatives of the Government participated directly in the negotiations as to the terms of

the proposed V-loan agreement, indicating the readiness of the Department of Defense to guarantee the proposed V-loan if terms satisfactory to the representatives of the Government could be developed. Basic to the development of the terms of the proposed V-loan were the understandings reached as to the need for an extension beyond October 31, 1970 of the maturity of that loan and the extension of the maturities of outstanding bank loans to the Company, as well as the expectation of the enactment of Federal legislation that would make available substantial, additional financial assistance to the Company through a program of Government guarantees.

TERMS

The meetings between the representatives of the Government, the Agent Bank, and some of the major bank creditors and this Bank developed a revised proposal, the principal terms of which are as follows:

Amount of V-loan: $200 million (Revolving Credit).

Guaranteed Percentage: 100%.

Maturity: October 31, 1970, with possible extensions under comparable Government guarantees, until June 1972.

Interest Rate: Prime rate in effect from time to time at the Agent Bank (presently 8%).

Guarantee Fee: The guarantee fee to be paid by the Company (at present, this would be 3%).

Commitment Fee: ½ of 1%.

Collateral: (1) Pledge of various assets owned by the borrower as may be determined to be readily available for pledge and as having material collateral value. (2) Assignment of borrower's accounts receivable. (3) Second lien on the capital stock of Pennsylvania Company (junior to the existing lien in favor of the lenders under the $300 million credit).

The security interest in the foregoing would apply not only to the V-loan but also to all subsequent direct or indirect Government financing to an aggregate of $500 million including the V-loan.

Guarantee by Penn Central Company: There will be a guarantee by the Penn Central Company, owner of 100% of the outstanding capital stock of the borrower, with the guarantee to be collateralized after the $59.2 million Swiss franc loan is paid. All presently existing unsecured bank loans will be similarly guaranteed, and the loans under the $300 million secured credit will also be similarly guaranteed for any deficiency after collection on their collateral.

Standby Agreement: All present bank creditors of the borrower and its subsidiary, Pennco, will agree to standby so long as the V-loan (and any other Government financing) is outstanding and unmatured but in any event for a maximum of two years. The standby would be terminated in the event of insolvency and/or bankruptcy.

Participation in V-Loan Collateral: (1) All unsecured bank lenders (banks providing the loans and credits described in numbered paragraphs 2, 3, 4, and 5 on Page 5 of this report) will share pro-rata, with the bank lenders participating in the V-loan in the collateral enumerated under the caption "Collateral" above. (2) Banks participating in the $300 million credit will also have a lien interest on the assets primarily securing the V-loan and unsecured bank creditors, but only to the extent repayment of the $300 million credit is not obtained from its primary collateral security, i.e., the stock of the Pennsylvania Company.

Other Terms and Conditions: As may be agreed upon by the financing institutions, the borrower, the Guarantor and this Bank, including provisions to assure the normal flow of dividends from Pennco to the borrower (which would, however, also prevent undue transfers of assets from Pennco, and the upward flow of proceeds from the sale of assets by Pennco, to the borrower).

COMMENTS

Penn Central Transportation Company, the largest railroad in the Northeast, has experienced severe operating difficulties since the merger of its two predecessor railroad companies. In the two and one-quarter years to March 31, 1970, losses from rail operations totaled $460 million (on the basis of accounting required by the Interstate Commerce Commission) and although operating income from other than rail operations has reduced such losses, continuing deficits have contributed to the need for financing during 1968 and 1969 aggregating $933 million. The Company cannot raise additional funds in the financial markets in view of the magnitude of its debt obligations relative to the circumstances in which it finds itself at present.

The problems of the Company are deep-rooted and not susceptible of simple and prompt cure. There have been doubts that the Company's management (at least prior to the change in chief executive officers on June 12, 1970) can turn the Company around in its railroad operations so as to substantially reduce the magnitude of its present losses. Its financial condition at present is precarious and proceedings under the Bankruptcy Act could result from the exhaustion of cash resources and borrowing power. In consideration of the extension of further credit, present bank creditors have demanded a 100% guaranty by a Government agency on new advances. In addition, to further secure existing outstanding loans, bank creditors have been demanding additional, collateral in the nature of liens on what perhaps are the most valuable assets from a collateral standpoint.

The Company is part of a complex holding company structure involving three tiers of holding companies. Many of the assets of the Company and of its affiliates appear to be encumbered by covenants and liens contained in a variety of complex bond indentures and other credit arrangements. We estimate that, to perform the kind of credit analysis that we have performed in the past with respect to prospective V-loan borrowers could take several months. Clearly, it could not be performed in time for a V-loan to save the Company from bankruptcy proceedings, if the condition of the Company is as represented to us. We are not sufficiently informed at this time as to the existence of adequate free collateral to assure that in the event of default by the Company the United States would be able to recover its investment from the sale or other disposition of the collateral within a reasonable time. The Agent Bank and this Bank are in the process of appraising the value and availability of a pool of assets of the Company which, on the basis of values reflected on the books of the issuer only, totals in excess of $1.2 billion. The degree of protection such pool of assets, serving as collateral to the proposed V-loan, would afford the guaranteeing agency cannot be determined accurately pending further legal and credit analysis.

As stated above, the cash needs of the Company through the year 1971, could, in our estimation, reach or exceed one-half billion dollars. The proposed V-loan financing in the amount of $200 million maturing on October 31, 1970, of itself, would provide inadequate assistance to the Company and, in all likelihood, merely postpone the institution of proceedings under the Bankruptcy Act. However, in the course of their negotiations with the Agent and other participating Banks, the representatives of the Government expressed confidence in the outlook for the passage of legislation to assist in preserving the country's railroad systems through the establishment of a Government loan-guarantee program. If, as contemplated by the representatives of the Government, such legislation is enacted by the Congress and financial assistance by the Government to the Company is made available for extended periods and in the suggested amount of $500 million, it would seem that the management could have adequate time and funds to effect a major improvement in the Company's situation.

The management of the Company has recently been changed by the replacement of its chief executive officer. In a recent statement the new chief executive described his plans to recruit a new management team, with particular reference to obtaining a proven chief operations officer and a proven chief financial officer. He also discussed his plans for a reduction of 10 per cent in the Company's work force over the next several months, a significant reduction in corporate overhead, and the elimination of unprofitable long-haul passenger service. The prompt accomplishment of these objectives would significantly improve the Company's position.

The revised terms of the V-loan were developed in the expectation that the outlook for timely legislation affording broad assistance to the railroad industry would be favorable and in the expectation that this loan and other bank loans to the Company would be extended and additional guaranteed loans would be available as indicated above. Based upon the revised terms of the proposal, the expectation of timely favorable Congressional action on the proposed legislation, the recent and proposed changes in senior management of the Company designed to improve its performance and prospects, the V-loan which has been applied for could provide time for a coordinated effort by the Government, the participating banks, and the Company to work out plans designed to restore the Company to health and to enable it to repay the indebtedness at some time in the future.

From the viewpoint of protection against possible financial loss, it is our view that the financial risk to the guaranteeing agency cannot be measured at this time in view of existing uncertainties in respect of the available pool of collateral, the nature and timing of legislation and the success of new management in its program.

HE GETS BY WITH A LITTLE HELP FROM HIS FRIEND

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, the Internal Revenue Service has just issued an important ruling. Ordinarily, the public reacts with favor when anyone is successful in eking a favorable determination out of the parsimonious tax bureaucracy. In this case, however, some special facts have come to light which should cause a different reaction.

Over two decades ago Roy Crocker, founder and president of Lincoln Savings & Loan Association of Los Angeles, headed the campaign of an aspiring politician. As a consequence of Mr. Crocker's ambitious activities that politician was elected to the Congress. In the two decades that followed, Mr. Crocker generously supported this rising political star. He supported the candidate in successful bids for the U.S. Senate, the Vice Presidency, and the Presidency of the United States.

In light of Mr. Crocker's erstwhile support for Richard Nixon, I suppose it

should come as no surprise that Mr. Crocker has been made the benefactor of the largess of Presidential power. No one would question the President inviting Mr. Crocker to the White House for dinner. Probably no one would seriously challenge the wisdom of the Presidential decision to reward Mr. Crocker's political steadfastness with an appointment to a high executive or ambassadorial post. However, it would appear that either Mr. Nixon was not content to bestow such humble rewards or that Mr. Crocker felt his long service entitled him to special sinecure. Whichever was the case, Mr. Crocker and the savings and loan which he heads has been rewarded with what must be one of the most extraordinary rulings ever issued by the Internal Revenue Service. President Nixon's longtime fundraiser has been given a special lift in his efforts to raise funds for his business, the Lincoln Savings & Loan Association. Mr. Crocker's savings and loan association has been given a private revenue ruling which permits it to establish a program of tax deferred savings. The association is the only financial institution in the United States with authority to engage in such activity. A number of other savings and loan associations and commercial banks have sought similar IRS sanction. To the surprise of no one their requests have been denied.

The importance of the preferential revenue ruling given President Nixon's old crony is that it permits Mr. Crocker to outbid competitors in the savings market during a period of unprecedented money tightness. The ruling is worth millions to the association Mr. Crocker owns and controls.

The manner in which the ruling was given is particularly revealing. Although it has far-reaching effects on Federal tax policy, the Assistant Secretary of the Treasury for Tax Policy was not consulted before it was handed down. While the ruling has important implications in terms of the Federal Reserve Board's regulation of rates paid by depository intermediaries on savings accounts, there is no record that the Federal Reserve Board was consulted prior to the ruling being issued.

Loyalty is a personal quality which we much respect in our society. However, I fear the President's sense of proportion is—to understate the point—somewhat distorted. His action in bestowing this immense advantage on a political pal is a blatant and arrogant exercise of Presidential power. The act of the President makes clear the high moral tone the President has sought to establish is for public consumption, not personal application.

TENTH ANNIVERSARY OF THE NAVY LAUNCHING OF POLARIS A–1 FLEET BALLISTIC MISSILE FROM THE NUCLEAR SUBMARINE U.S.S. "GEORGE WASHINGTON"

(Mr. ANDERSON of Tennessee asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Tennessee. Mr. Speaker, I would like to call attention to an event that marks a significant anniversary for the American people and, indeed, all the people of the free world. Ten years ago this past Monday, July 20, this country crowned a remarkable technical and industrial achievement when the U.S. Navy launched a Polaris A–1 fleet ballistic missile from the nuclear submarine U.S.S. *George Washington* as it cruised, submerged, off the coast of Florida near Cape Kennedy.

This event was a milestone in U.S. technology, where literally millions of Americans combined their talents and dedication to take the fleet ballistic missile and the submarine which carries it from concept to reality in just 4 years—5 years ahead of the original target date.

But even more significant about that launch of Polaris on July 20, 1960, I believe, was our reaffirmation of tenets upon which this Nation was founded. Polaris was not developed to wage war—it was developed to prevent war. Polaris became the cornerstone of our policy of deterrence—we made it clear that this country would never initiate nuclear war; but we also intended to maintain a force which could rain swift and total devastation on any nation which launched a nuclear attack upon the United States. Thus, Polaris along with this Nation's mix of strategic deterrent weapons has a purpose unique in the history of warfare: to prevent nuclear war.

How successful has Polaris and our policy of deterrence been during the past decade? Our Nation has not been at peace much of that time, but I am confident that the specter of nuclear holocaust is more remote today than it was 10 years ago. The reliability of the FBM weapons system has remained unchallenged. A fleet of 41 nuclear submarines, each capable of carrying 16 missiles, has been built, commissioned and sent on peacekeeping patrols. The more advanced A–2 and A–3 Polaris missiles have replaced the A–1. And Poseidon, a completely new fleet ballistic missile, developed by the same Navy-civilian team which produced Polaris is about to become operational.

We cannot mark this day without sharing a deep debt of gratitude to the thousands of American Navy men who have given a remarkable account of themselves during the past 10 years. When you consider the fact that Polaris sailors have made almost 800 deterrent patrols, which adds up to more than 130 years of submerged time, the enormity of their job becomes evident. Their dedication and sacrifice has made a valid and lasting contribution to this Nation's search for peace.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest producer of honey. In 1968 the United States produced 200,000,000 pounds of honey. This was 2½ times more than the second leading producer, Mexico.

AMERICAN CASUALTIES DROP

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, even a single casualty would be one too many, if this were an ideal world we live in. But the heartening downward trend in the number of Americans killed and wounded in Vietnam is something in which we can all rejoice.

Weekly U.S. casualty reports this month continue to reflect a downward trend, evidence that the destruction of enemy supplies during the Cambodia operation and the success of the Vietnamization program have lived up to the President's expectations.

Statistics show that from the first half of 1968 to the first half of this year, American deaths in Vietnam have been reduced by two-thirds, 66.7 percent. The number of Americans wounded has likewise been reduced by a similar margin, 66.9 percent. Deaths for the first half of 1969 contrasted with the first half of 1968 show a reduction of 38.8 percent; and from 1969 to 1970, by 49.7 percent.

The number of Americans wounded the first half of 1969 as contrasted to 1968 shows a reduction of 25.8 percent; from 1969 to 1970, 55.4 percent. Approximately one-half of those classified as "wounded" are not hospitalized and remain in the field for treatment. The figures for the first two quarters of each year are used because 1970 is only half over.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PELLY, for the week of July 27–31, on account of official business.

Mr. RHODES (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of illness in the family.

Mr. HUNT (at the request of Mr. GERALD R. FORD), until 4 p.m. today, on account of a personal matter.

Mr. CUNNINGHAM, on account of personal affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. FOREMAN), to revise and extend their remarks, and to include extraneous matter to:

Mr. COUGHLIN, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN, and to include extraneous material.

Mr. DON H. CLAUSEN to revise and extend his remarks during the consideration of the Interior Appropriations Conference report.

(The following Members (at the re-

quest of Mr. FOREMAN) and to include extraneous matter:)

Mr. STEIGER of Wisconsin.
Mr. DON H. CLAUSEN.
Mr. GUDE.
Mr. DUNCAN in two instances.
Mr. ROBISON in two instances.
Mr. BROYHILL of Virginia.
Mr. BUSH.
Mr. SCHERLE.
Mr. COWGER.
Mr. ESHLEMAN.
Mr. QUILLEN in four instances.
Mr. WYMAN in two instances.
Mr. BEALL of Maryland.
Mr. WOLD in two instances.
Mr. BOB WILSON in six instances.
Mr. LUJAN.
Mr. BELL of California.
Mr. BRAY in two instances.
Mr. ZWACH in two instances.
Mr. COUGHLIN.
Mr. FOREMAN in two instances.
Mr. WYDLER.
Mr. FISH.
Mr. BYRNES of Wisconsin.

(The following Members (at the request of Mr. DANIEL of Virginia) and to include extraneous matter:)

Mr. JONES of Tennessee.
Mr. WALDIE.
Mr. FEIGHAN in three instances.
Mr. LEGGETT in two instances.
Mr. WILLIAM D. FORD.
Mr. PRYOR of Arkansas in two instances.
Mr. TUNNEY in two instances.
Mr. ANDERSON of California in two instances.
Mr. BOGGS in two instances.
Mrs. CHISHOLM.
Mr. GONZALEZ in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. HOWARD.
Mr. CHARLES H. WILSON.
Mr. HANNA.
Mr. YATES.
Mr. BINGHAM.
Mr. ADAMS.
Mr. O'NEILL of Massachusetts in six instances.
Mr. MATSUNAGA in two instances.
Mr. BLATNIK.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3192. An act to designate the navigation lock on the Sacramento deepwater ship channel in the State of California as the William G. Stone navigation lock; to the Committee on Public Works.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 3889. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for one year the authority of Federal Reserve Banks to purchase United States obligations directly from the Treasury; and

S. 3978. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on July 21, 1970 present to the President, for his approval, bills of the House of the following titles:

H.R. 14452. An act to provide for the designation of special policemen at the Government Printing Office, and for other purposes; and

H.R. 14453. An act to authorize the Public Printer to grant time off as compensation for overtime worked by certain employees of the Government Printing Office, and for other purposes.

ADJOURNMENT UNTIL 11 O'CLOCK A.M. TOMORROW

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 23, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2236. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment for the quarter ended June 30, 1970, pursuant to subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2237. A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of celestite from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

2238. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

RECEIVED FROM THE COMPTROLLER GENERAL

2239. A letter from the Comptroller General of the United States transmitting a report on improvements needed in Federal Aviation Administration procedures for determining excess spare parts, Department of Transportation; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 13543. A bill to establish a program of research and promotion for U.S. wheat; with an amendment (Rept. No. 91-1322). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMS:

H.R. 18577. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BINGHAM (for himself, Mr. ADAMS, Mrs. CHISHOLM, Mr. COHELAN, Mr. FRIEDEL, Mr. GIBBONS, Mr. HARRINGTON, Mr. HAYS, Mrs. HECKLER of Massachusetts, Mr. LEGGETT, Mr. MADDEN, Mr. MCDADE, Mr. MEEDS, Mr. MOSS, Mr. PODELL, Mr. POLLOCK, and Mr. TIERNAN):

H.R. 18578. A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes; to the Committee on Armed Services.

By Mr. FULTON of Pennsylvania:

H.R. 18579. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCCLURE:

H.R. 18580. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low cost energy will be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. MAILLIARD (for himself and Mr. GALLAGHER):

H.R. 18581. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organizations and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

By Mr. POAGE:

H.R. 18582. A bill to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. STAGGERS (for himself, Mr. SPRINGER, Mr. JARMAN, Mr. ROGERS of Florida, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, Mr. SKUBITZ, and Mr. HASTINGS):

H.R. 18583. A bill to amend the Public Health Service Act and other laws to provide increased research into, and prevention of, drug abuse and drug dependence; to provide for treatment and rehabilitation of drug abusers and drug dependent persons; and to strengthen existing law enforcement authority in the field of drug abuse; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 18584. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

By Mr. TEAGUE of Texas:

H.R. 18585. A bill to amend title 38 of the United States Code to provide that no Veterans' Administration hospital or domiciliary facility shall be constructed, acquired, or altered unless such action is first approved by the Committee on Veterans' Affairs; to the Committee on Veterans' Affairs.

By Mr. WYDLER:

H.R. 18586. A bill to provide for fulfilling the manpower needs of the armed services of the United States on a voluntary basis, and for other purposes; to the Committee on Armed Services.

By Mr. BURLESON of Texas (for himself and Mr. JARMAN):

H.R. 18587. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges and quality of medical service; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN (for himself, Mr. ROBERTS, Mr. MCEWEN, Mr. DENNEY, Mr. MILLER of Ohio, Mr. CLEVELAND, Mr. EDMONDSON, Mr. SCHADEBERG, Mr. JOHNSON of California, Mr. PETTIS, and Mr. HAMMERSCHMIDT):

H.R. 18588. A bill to authorize appropriations for the construction of economic growth center development highways and for other purposes; to the Committee on Public Works.

By Mr. DONOHUE (for himself, Mr. HUNGATE, Mr. WALDIE, Mr. FLOWERS, Mr. MANN, Mr. SMITH of New York, Mr. SANDMAN, Mr. RAILSBACK, and Mr. COUGHLIN):

H.R. 18589. A bill to facilitate representation of persons having claims against the United States by legal counsel of their own choosing; to the Committee on the Judiciary.

By Mr. EDMONDSON (for himself, Mr. CLARK, Mr. DON H. CLAUSEN, Mr. HAYS, Mr. MOSS, Mrs. SULLIVAN, and Mr. WRIGHT):

H.R. 18590. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. GREEN of Pennsylvania:

H.R. 18591. A bill to amend section 905 of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. ASHLEY, Mr. BURKE of Massachusetts, Mr. DADDARIO, Mr. HALPERN, Mr. HANNA, Mr. HANSEN of Idaho, Mr. MESKILL, Mr. MIKVA, Mr. MOORHEAD, Mr. MURPHY of New York, Mr. OTTINGER, Mr. ROSENTHAL, Mr. SCHEUER, Mr. STOKES, Mr. TIERNAN, Mr. CHARLES H. WILSON, and Mr. WOLFF):

H.R. 18592. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. BINGHAM, Mr. CHAPPELL, Mr. CLAY, Mr. FARBSTEIN, Mr. FRIEDEL, Mr. HATHAWAY, Mr. HOWARD, Mr. MORSE, Mr. NEDZI, Mr. REES, Mr. RYAN, and Mr. TUNNEY):

H.R. 18593. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MCCULLOCH (for himself, Messrs. BROWN of Ohio, CLANCY, DEVINE, FISH, MILLER of Ohio, SANDMAN, and STANTON):

H.R. 18594. A bill to regulate the importation, manufacture, distribution, storage, and possession of explosives, blasting agents and detonators, and for other purposes; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 18595. A bill to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON (for himself and Mr. TUNNEY):

H.R. 18596. A bill to amend title 5 of the United States Code to provide that for purposes of unemployment compensation the States shall treat accrued leave of exservicemen as wages for past services; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 18597. A bill to aid in the control of drug abuse by establishing a code for the identification of prescription drugs, to be printed on individual tablets or capsules; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan:

H.J. Res. 1321. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. HARVEY:

H.J. Res. 1322. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. MCKNEALLY:

H.J. Res. 1323. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. SCOTT:

H.J. Res. 1324. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years or older; to the Committee on the Judiciary.

By Mr. WIDNALL:

H.J. Res. 1325. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to August 31, 1970; to the Committee on Banking and Currency.

By Mr. WYMAN:

H.J. Res. 1326. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H. Res. 1156. Resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. WILLIAMS:

H. Res. 1157. Resolution making it the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ROBERTS introduced a bill (H.R. 18598) for the relief of John Harwin Parrish, postmaster at Gladewater, Tex., and for Mary James Kates, owner of the Gladewater Daily Mirror, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

429. The SPEAKER presented a memorial of the Legislature of the State of California, relative to public use of beaches on Federal military installations in California, which was referred to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

551. By the SPEAKER: Petition of the House of Representatives, Republic of the Philippines, relative to application of the principle of equal pay for equal work in U.S. bases and foreign private firms operating in the Philippines; to the Committee on Foreign Affairs.

552. Also, petition of the Interstate Oil Compact Commission, relative to the oil import quota system; to the Committee on Ways and Means.

553. Also, petition of the Governor of the Territory of Guam, relative to his endorsement of the recommendations of the Constitutional Convention authorized by the Ninth Guam Legislature to review the Organic Act of Guam; to the Committee on Interior and Insular Affairs.

SENATE—*Wednesday, July 22, 1970*

The Senate met at 11 a.m. and was called to order by Hon. MIKE GRAVEL, a Senator from the State of Alaska.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who art from everlasting to everlasting, we thank Thee for this day, for this hallowed place of service, for work to do and strength with which to do it. Spare us from absorption with things as they are, but give us grace and wisdom to create a world as it ought to be.

Look upon this good land and in these testing times make us wise in every decision and resolute in every action to the end that the righteousness which exalteth a nation may prevail in our ways. Turn us backward to appropriate the enduring values of our heritage and turn us forward to exploit the insights, skills, and wonders of this age—for the making of the unfinished world which is yet to be.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 22, 1970.

To the Senate:

Being temporarily absent from the Senate I appoint Hon. MIKE GRAVEL, a Senator from the State of Alaska, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. GRAVEL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILL SIGNED

Under authority of the order of the Senate of July 21, 1970, the Secretary of the Senate, on July 21, 1970, received a message from the House of Representatives, which announced that the Speaker had affixed his signature to the enrolled bill (S. 3978) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971, and it was signed by the Acting President pro tempore (Mr. ALLEN).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, July 21, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HOLLINGS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks today by the distinguished Senator from Tennessee (Mr. BAKER), the distinguished Senator from South Carolina (Mr. HOLLINGS) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished Senator from South Carolina (Mr. HOLLINGS), there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from West Virginia (Mr. BYRD) for 1 hour.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I take the floor at this time to express my support of the conference report on the District of Columbia Court Reform and Criminal Procedure Act of 1970. In doing so, I wish to compliment the conferees of the Senate and the House in reporting back to their respective houses a conference report which is designed to give law-abiding citizens in the District of Columbia better protection and which is also designed to reorganize the courts and expedite the rendering of justice.

For years now, we have witnessed an ever-increasing rate of crime in the Nation's Capital. Since 1957, Washington, D.C., has risen from 12th place among 16 cities of comparable size, to first place in regard to the crime rate. President Nixon, during the campaign in 1968, referred to Washington, D.C., as the "crime capital of the world," and, although he was criticized for having said it, the appellation was an appropriate one. When we look at the fact that Washington, D.C., with fewer than 1 million people, has many more criminal killings a year than all of England with more than 40 million people, we should, however reluctant we may be to do so, admit that such a notorious and infamous record is one of which we cannot help but be ashamed. Yet, it is one that cannot be denied.

Women are raped on the elevators, raped in the streets, raped in the alleys, and raped in the privacy of their apartments and homes. Gun battles break out in banks and grocery stores and on the street corners. Store owners are shot to death at their cash registers. Women who work in the offices of Members of Congress are hesitant to put in extra hours because they are afraid to walk alone to their cars on the parking lots. Aides to Senators are beaten and robbed on the streets in the shadow of the Capitol Building. Women cower behind padlocked doors and drawn window shades at night and are afraid to venture out on the streets by day. Most areas in the city are unsafe at night, and many areas of the city are unsafe in the daytime. Gangs of foul-mouthed hoodlums roam the streets, taking over the street corners and harassing law-abiding citizens. Many inner-city churches have ceased to conduct evening services and are plagued by vandalism and robberies. Grace Baptist Church at 9th Street and Carolina Avenue SE., announced several months ago that it was moving to the suburbs after a series of attacks on parishioners by groups of youths after evening services. Many downtown Washington stores have added to their security forces in order to reduce attacks on shoppers by juvenile gangs of hoodlums and thugs. Old men and women have been attacked by youths with slingshots. Only last year, an 81-year-old woman who was named District of Columbia "Mother of the Year" in 1963, suffered a broken hip and right leg when she was pulled down a stairwell by a purse snatcher. Government workers are grabbed from behind and knocked down and beaten while being robbed by teenagers. Shootings occur in the schools where students carry everything from steel knuckles and blackjacks to switchblade knives and guns.

Washington, D.C.—your Capital and mine—has become the mecca of the rapist, the mugger, the robber, and the thief—call it the crime capital of the world, if you wish—it is a virtual jungle of fear and crime and violence—in spite of the fact that there are more policemen per capita than in any other city of comparable size in the country.

In calendar year 1962, 1,572 robberies occurred in the District of Columbia, of which 506 were classified as armed robberies; that is, robberies in which a pistol, firearm, or other dangerous weapon was used. Only 7 years later, in 1969, there were 12,423 robberies, including 7,071 perpetrated with a weapon. Of these 7,071 armed robberies in the District, 6,280 involved the use of a gun.

Thus, in a period of 7 years the number of robberies accounted for in the District of Columbia, increased from 1,572 to 12,423.

Similarly, with respect to murder, there were, in 1962, 91 homicides; by 1969 the figure had leaped to 287. Just take a trip to the morgue some Sunday afternoon, if one wishes to see what is going on in the District of Columbia with respect to homicides. I have visited the morgue on several occasions. People are killed with butcher knives, hatchets, and guns. They are set afire after having had gasoline poured on them. Try a visit to the morgue sometime and see for yourselves. It is not a pleasant sight.

During the same period, 1962 to 1969, the incidence of forcible rape had grown from 82 in 1962 to 336 in 1969.

I have said time and time again that the rapist has virtual immunity in this city. I have also said that it is safer to walk the streets of Moscow—insofar as the rapist, the thug, and the mugger are concerned—than it is to walk the streets of Washington, D.C.

I say this, having walked the streets of both cities myself. As a matter of fact, I would say that it is safer—at least as safe, and perhaps safer—to walk in the jungles of the Congo than it is to walk the streets in some areas of the Nation's Capital insofar as the commission of rape, murder, et cetera, is concerned.

These are harsh things to say about the Nation's Capital. But as chairman of the Appropriations Subcommittee on the District of Columbia for 8 years, and as a member of that subcommittee for 10 years—I am no longer a member of the subcommittee—I had the opportunity to see the results of crime in the Nation's Capital over that long period of time. I had the opportunity to study the facts and the statistics, to go out with the police and to see things as they were. So I know whereof I speak and I do not hesitate a moment to state what I believe to be the truth with respect to crime in the city.

Lots of people do not like to hear it. But they will not venture out on the streets in some of the areas of this city in the daytime, to say nothing of the night. Oh, they might go along if they have a half dozen policemen with them. I did the same thing often myself, always with some policemen around.

The truth is that this is a city of fear, a city of crime and violence.

In the last 5 years burglaries have more than doubled, so that by last year the startling figure of 22,992 had been reached.

So, Mr. President, the law-abiding citizen cries out for relief from violence and the fear of violence. And the law-abiding citizens of the Nation's Capital are not alone. Their fears are shared by the millions of tourists who visit this city every year. And it is the responsibility of Congress to act to provide protection for the law-abiding citizens of this Capital and of this country.

A system of justice which does not protect the law abiding has failed in the basic reason for being, and we are very close to failing.

The conference report, while perhaps not what any one of us would most hope for in every respect, constitutes a step forward in the protection of the citizenry of this community and a step forward in the restoration of law in a civilized society. The basic purpose of all government is the protection of society and we have failed miserably in this respect in recent years. In my judgment, the conference report faces up to this fact, and it offers to fulfill that purpose in the Nation's Capital. The conference report is the product of almost 4 months of work by the Senate and House conferees—of which I was not one, of course—and, as a compromise between the originals of the Senate and House versions, I recommend its approval by this body.

It provides desperately needed court reform for the District, and, in addition to the beneficial court reorganization aspects, the conference substitute provides for 17 additional judges to the superior court.

The conference report provides that persons 16 years old and older are to be tried as adults when charged by the U.S. attorney with murder, forcible rape, robbery while armed, burglary in the first degree, or assault with intent to commit one of these offenses.

And why should that not be? They know the difference between right and wrong. They know what they are doing when they are taking a life. They know what they are doing when they are committing rape. They know what they are doing when they are robbing or committing a burglary.

This is a realistic position for the conferees to have taken when one studies the statistics and the facts concerning crime in the District of Columbia.

Persons who commit crimes of violence when armed with a gun or other deadly weapon may, if convicted for the first time for having committed a crime of violence, be sentenced to an additional period of imprisonment up to life, entirely aside from the penalty provided for such crime. A 5-year mandatory minimum penalty upon a second or subsequent conviction is provided, in addition to the penalty provided for such crime, for persons who commit crimes of violence when armed with guns or other deadly weapons.

The so-called no-knock provisions are controversial, but they do not change existing law, except that they merely put into clear statutory form the current law in effect today in the United States, and they provide the additional protection of requiring prior judicial approval of an entry without notice when the circumstances which would justify such entry are known at the time application for a warrant is made.

One of the most controversial features of the conference report is that comprehensive provision which gives judges the authority to take into consideration, in setting pretrial conditions of release, the danger which a person charged with a violent and dangerous crime poses to the safety of the community—and the authority, under certain conditions and proper safeguards, to detain, pending a speedy trial, the chronic "mad dogs" of society who make a profession of violent crime. At the same time, the provisions spell out procedures to afford optimum protection for the rights of an accused who is temporarily detained pending a speedy trial. I believe this to be one of the most important steps that can be taken to combat rampant violent crime, and for good reason.

A year-by-year analysis of the crime figures demonstrates that the District's soaring offense rate most dramatically rose following the 1966 enactment of the Bail Reform Act. That legislation guaranteed to most criminal defendants pretrial release on certain conditions, no one of which could involve the defendant's potential dangerousness to the community. In fact, the judge was simply precluded from considering the factors of dangerousness in determining release conditions for all noncapital criminal defendants under the terms of the Bail Reform Act of 1966.

In 1967, when hearings were held by the Senate Appropriations Subcommittee on the District of Columbia, of which I was then the chairman, testimony disclosed that the District of Columbia courts were being inundated by an increased criminal caseload and all sorts of delaying motions which were demoralizing the courts, the police, the U.S. attorney's office, and Government prosecution witnesses. The prime cause of this was shown to be the Bail Reform Act of 1966—working in concert with the Criminal Justice Act—which, in effect, required the courts to immediately turn back on the streets habitual violent offenders of the most heinous crimes who flouted the whole system of justice by using every tactic to delay their trials while they continued to murder, rape, and rob.

In view of this, is it surprising that there has been a growing fear on the part of the law-abiding public?

When the arraigning magistrate feels he is forced to regularly release back to the streets—on normal or relatively low bail or on personal recognizance—perpetrators of the most vicious crimes, to continue preying on the public until trial—often at some far future date—because the prime consideration is that of assuring presence at the trial, and when no consideration may be given to the safety of the community, then I believe it is time to change the law and without further delay. The present state of the law is proving to be a windfall to the chronic violent criminal, while it is proving to be something of a catastrophe for the law-abiding public and the victims of the criminal element.

This body has an opportunity now, however, to take a step directed toward reversing the skyrocketing statistical trend of violent crimes in the Nation's Capital City. The pretrial detention amendments to title 23 of the District of Columbia Code are aimed at a particular facet of the crime problem with which the judiciary presently has no power to deal; namely, recidivism of arrested criminals whose pretrial release poses a clear danger to the citizens of the District. By giving judges power to insure that certain defendants in certain well-defined circumstances will be unable to prey on the law-abiding citizenry during the period between arrest and trial, a significant portion of criminal activity may be prevented.

It is well known that not all the individual offenses which comprise the totals recited earlier are committed by different criminals. Studies have shown that many offenders tend to repeat their unlawful activities, and some offenders do so at an alarming rate during the period between arrest and trial. A 1968 Metropolitan Police Department study of 130 persons indicted for armed robbery and released during fiscal 1967 determined that 34.6 percent of such released persons were indicted for a subsequent felony committed while released. A review of an investigation of the U.S. attorney's office made by the Judicial Council Committee To Study the Operation of the Bail Reform Act studied 105 robbery defendants indicted and released to await trial in 1968; 63.7 percent of these defendants were rearrested for commission of a new crime while on bail.

Finally, a recently concluded Metropolitan Police Department survey, covering persons arrested for part I offenses during the first 6 months of 1970, determined that 3,007 arrests were made involving 2,743 different persons. Of these, 2,743 different offenders, 239 were arrested more than once during this period, and the 239 accounted for 503 arrests. Furthermore, of the total number of persons arrested—2,743—1,561 had a criminal record prior to 1970, and of this number—1,561—154 were arrested more than once during the first 6 months of 1970.

A few examples of persistent lawlessness permitted under current law, the Bail Reform Act, serve to highlight the breakdown of the bail system to the detriment of visitors to the city and the citizens of the city:

On February 3, 1967, a Peoples Drug store was held up by three men. On February 6, subject "A" and two accomplices were arrested. Subject "A" was indicted for robbery and assault with a dangerous weapon, and was released on personal bond on June 21. On November 9, 1967, a delivery man for the

Kolker Poultry Co. was held up. Subject "A" was subsequently arrested and indicted. Bond was set at $7,500, and subject "A" was released on that bond on February 18, 1968. On December 22, 1967, a Briggs & Co. deliveryman was held up and robbed. Subject "A" was arrested on December 30, 1967, for that offense, bond was set at $2,500, and he was released on that bond on January 12, 1968. On May 23, 1968, a bank was held up and robbed, and subject "A" was arrested on June 1 and indicted. Bond was set in the amount of $10,000 and the defendant was released on that bond on July 15, 1968. On August 15, 1968, another bank was held up and robbed and subject "A" was arrested for that crime 1 week later. Bond was finally set at $75,000 on September 9, 1968, and the defendant remained committed.

Mr. President, a second example of persistent lawlessness permitted under current law was that involving subject "B."

On May 29, 1968, an attempt to rob a Safeway Store was thwarted by an off-duty police officer. Subject "B," who had fled, was arrested on June 11, subsequently indicted, and released on $1,000 bond on June 13. He was later arrested for a robbery and an attempted robbery of the same realty office committed on October 2 and October 15, 1968, respectively. Indictments in both cases followed. On November 1, 1968, the defendant was released on the same $7,500 bond. On October 4, 1968, a drycleaning establishment was held up and robbed. Arrested for this robbery on December 4, subject "B" was released on personal bond on December 10. This defendant was arrested for three other separate robberies committed during the same general period of time. Finally, in February of 1969, the various cases were disposed of in court and the defendant was incarcerated.

Obviously, a system of criminal justice which permits examples of repeated criminal behavior such as these, and many others which can be documented, hardly fulfills its primary purpose of protecting the law-abiding public. Certainly, these subjects by their conduct have forfeited their rights to remain free while awaiting trial. If pretrial detention had been authorized and utilized in these two cases, no less than 10 separate felonies would have been prevented. Think of it. No less than 10 separate felonies could have been prevented in these two cases alone. And, in the case of subject "A," if such detention had been allowed, the court would not have been required to resort to a $75,000 bond in order to protect the citizens of the city, a procedure which, though eminently justifiable, was probably violative of the spirit, if not the letter, of the Bail Reform Act.

It would be a far more honest and reasonable procedure to detain such a person, after full and fair hearing, for no more than 60 days during which time the defendant's trial would be scheduled and held. Statistics referred to earlier indicate that a significant number of criminal offenses would be prevented. The defendant's rights would be protected under the multitude of safeguards incorporated in the bill, including the right to appeal from a judicial decision ordering detention. Most important, however, travesties of justice, such as the examples reviewed above, could be prevented.

In discussing the provisions for detention prior to trial, I make no pretense of giving an erudite expression of the history of the law as it applies to bail or pretrial or other release in criminal matters. I simply wish to point out some facts regarding the background and evolution of Federal criminal law in this respect.

At the outset, I think everyone will agree that the eighth amendment to the Constitution deals solely with "excessive" bail and fines and with "cruel and unusual punishment," and that there is no prohibition in the Constitution against detaining without bail persons charged with crimes punishable by death. It is quite important, it would seem, to keep this in mind. The eighth amendment merely states:

> Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Now, the very same U.S. Congress which promulgated the eighth amendment in 1789, at the same time also enacted a bail statute. The First Congress made a distinction between capital and noncapital Federal crimes and that First Congress provided for bail at some level in all but capital offenses. The pertinent portion reads:

> And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. (1 Stat. 91, Sec. 33.)

So it was this act of Congress, rather than the Constitution itself, which gave the right to bail in noncapital cases.

But let us look at the eighth amendment of the Bill of Rights and this original bail act in the light of history and the conditions of the times in which they were promulgated and enacted.

In this connection, it should suffice merely to point out that at the time the eighth amendment to the Constitution was ratified, practically all of the more serious crimes carried the death penalty, and there was an all too recent history of instances of burning people at the stake, breaking them on the wheel, and all sorts of other inhuman treatment, which forms of punishment were inherited from English law, although practiced to a lesser degree in the Colonies.

As for the severity of the old English law from which our own legal system was derived, it may be said that apparently believing a reign of terror was the most efficient method of keeping the criminal elements under constraint, legislators in those early days inflicted the death penalty almost indiscriminately upon all classes of offenders. Many of the offenses for which persons were executed in those days were little more than what we know now as misdemeanors. Execution in those days seemed the solution for most crimes.

America inherited this attitude of severity, which continued long after the United States became a nation. Harsh repression was the primary policy toward crime in the newly created States.

The same Congress which enacted the original bail law in 1789 also enacted a Crimes Act and prescribed the death penalty for all the more serious crimes over which the Federal Government had jurisdiction. Accordingly, persons accused of such crimes did not have the right to bail. These crimes, under the then rather limited jurisdiction of the Federal Government, included: First, murder; second, treason; third, robbery; fourth, stealing a ship; fifth, a seaman laying violent hands on the commander of a ship; sixth, revolt on a ship; seventh, piracy or robbery under false colors; eighth, accessory before the fact of piracy or robbery—assisting, counseling, aiding, and advising—and even, ninth, forgery, counterfeiting, or uttering of a public U.S. security. Larceny did not carry the death penalty, but it was provided that those found guilty should be fined not more than four times the value of the property stolen and publicly whipped not more than 39 stripes—the Crimes Act of 1790, 1 Statute 112.

At about the time the original U.S. bail law was enacted, the English law, from which our bail provision and constitutional Bill of Rights admittedly stemmed, listed 240-some offenses which were subject to the death penalty.

Even a century later, in 1891, according to House of Representatives Report No. 108, 54th Congress, First Session, 1896, there were 60 crimes punishable under U.S. Federal law which carried the death penalty. Eighteen of these offenses for which the penalty of death could be inflicted were in the civil code under the jurisdiction of the Federal courts of the United States—as distinguished from military and naval codes.

The history of the law in the respective States more or less paralleled the Federal law in the severity of the punishment meted out for most serious criminal offenses, and even well into the present century, the laws of many States still provided for the death penalty in a number of the more serious crimes, such as murder, robbery, rape, treason, arson, burglary, kidnapping, and so forth.

The laws of many States today still provide the death penalty with respect to the more serious crimes such as murder and rape. I think that is rightly so. I think if there were a few executions for premeditated murder and for rape, there would be a greater feeling of safety on the part of the law-abiding citizen when he or she walks or ventures out upon the street in the day as well as in the night.

Some may feel that this is a harsh thing to say. I have witnessed an execution. It is not a happy sight. But, Mr. President, I state my honest belief when I say that if there were some executions for rape in this city, there would be fewer rapes.

Let us think of the victims for once.

Let us think of the victims who undergo an ordeal that is perhaps worse than death, and who, in many instances, suffer death as well. Let it be your sister, let it be your daughter or your wife, and then state how you would feel.

I am a bleeding heart—my heart bleeds for the victims of these atrocious, savage crimes. My heart bleeds for the women who are almost daily attacked in this city, dragged into an alley and raped, with a knife held to their throats. Let there be a few executions and the rapist will not so freely commit his beastly crime.

To cite an example, 2 or 3 years ago there was a Negro woman in this city who was detained for 15 hours and raped by between 15 to 20 different men. Stories of rape appear almost daily in the newspapers of this city—dastardly crimes committed with impunity by savage beasts walking the streets, attacking, raping, and killing innocent, defenseless women.

I say put the rapist in the electric chair, and let women walk the streets again, in safety and without fear.

The point that I was earlier making and which I now reemphasize is that this first U.S. Congress, which in 1789 promulgated the Bill of Rights to our Constitution—including the eighth amendment regarding excessive bail and inhuman punishment, and the fifth amendment relating, among other things, to due process—and which, at the same time, enacted the first bail law, did so under a far different set of conditions and circumstances than those which exist today.

When that early Congress provided, by legislation, that all crimes which were not punishable by death should be subject to bail, in reality, it provided that only relatively minor offenses should be subject to bail, and it excluded from mandatory bail provisions most of the serious offenses simply by making such crimes capital offenses.

It would, therefore, follow—not only as a practical matter, but literally—that in the Federal law—from the beginning and continuing for a century or more—there was no right to bail for those accused of the more serious crimes; and the courts, or judges, in arraigning persons accused of all such serious crimes, could exercise discretion "regarding the nature and circumstances of the offense, and of the evidence, and the usage of law"—1 Statute 91, section 33—as to whether the accused should be detained pending trial.

The result, a harsh reality, was that many of these grievous offenders never had the opportunity to again become a danger to society—for, until their trial, they were detained, and, if found guilty, were hanged. Further, it would seem apparent that the Congress which authored the Bill of Rights and enacted the first bail statute did not consider then that it was infringing upon the rights of those accused in these many serious crimes by denying them the right to bail pending trial.

Another fact which goes to the very crux of the issue, but which seemingly is too often completely overlooked, is that Congress from the outset had, and exercised, the authority to determine the penalties for particular crimes, including those offenses for which the penalty of death should or could be inflicted, and Congress had—and exercised—the authority to determine the classes of cases in which bail should or should not be allowed. This is inherent in the very language of the first Bail Act of 1789 and the Crimes Act of 1790, and there has been no change to the present day. This authority perhaps may best be stated in the language of the 1952 Supreme Court decision in *Carlson* v. *Landon*, 352 U.S. 524, at page 545, in which it was stated:

> The bail clause was lifted with slight changes from the English Bill of Rights Act. In England, that clause *has never* been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. *The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country.* Thus, in criminal cases bail is not compulsory where the punishment may be death. (Italic supplied.)

No reasonable interpretation of the language of the eighth amendment to the Constitution, or the original bail law, could seem to lead to any other conclusion but that there is no constitutional right to bail or pretrial release except within the context of the language of congressional enactment, particularly as it applies to more serious crimes. It would also seem to logically follow that—in spite of frequent references in modern day case law and in legal treatises to the traditional right to bail, or constitutional right to bail—Congress has the right to legislate such conditions as are warranted with respect to pretrial detention, bail, or release of the accused, in serious crimes, who poses a danger to society.

With the passage of time, much of the harsh, repressive attitude toward certain types of crime—which was inherited from the English law but continued long after the United States became a nation—was swept away by growing humanitarian sentiment, and this eventually resulted in more humane forms of punishment and more compassionate prison methods and the use of such corrective methods as probation, parole, and so forth. The number of capital offenses was gradually reduced by legislative changes in the statutes to a few of the gravest crimes. However, as previously indicated, it was not until 1892 that the number of capital offenses in the U.S. civil code was reduced substantially.

At the time Congress enacted laws reducing the penalties for many of the more serious crimes from death to imprisonment, there was no change made in the law with respect to bail—nor would it appear that any legislative consideration was given to bail aspects at the time, the major issue being what effect the removal of the death penalty would have as a deterrent to crime. At least in retrospect, it might even be said that this was a matter of inadvertence. It followed, of course, in accordance with the language of the bail statute, that as soon as the punishment for an offense was reduced from death to a lesser penalty, the offense became bailable at some level.

It does not follow, however, that because Congress changed the penalty for crimes which once carried the death penalty to something less, it could not have changed the bail act to retain the provisions with respect to discretionary detention pending trial which these offenses had once carried when they were punishable by death. Nor would it seem to follow that if Congress neglected to change the bail act or did not see the need at that time, it foreclosed itself from doing so at a later date when changed conditions might warrant it.

Is the crime of robbery, or arson, or burglary, any less serious in its consequences to the victims of such crime today than it was when the penalty was death? Or must Congress reimpose the death penalty in such cases in order to permit the courts to exercise discretion, where the facts warrant, in detaining an accused in a violent or serious criminal offense if his release poses a danger to society? Does not the public have the same right of protection today from the violently lawless or dangerous criminal that it, in fact, had when our first Bail Act was enacted? Or has the protection afforded under those old laws been lost because Congress removed the death penalty for these serious offenses? Does anyone believe that Congress changed the death penalty to imprisonment in certain cases because it felt that those crimes were not serious—or did it do so for humanitarian reasons? When Congress reduced this penalty, was it acting in keeping with the times in imposing more humane punishment for the particular crimes committed, or was it doing so in order to permit the accused to go free on bail? It would seem that the answer to all of these questions is obvious.

With Federal judges, for over 100 years after the passage of the original Bail Act, having clear discretion to fix or deny pretrial bail in practically all of the more serious and violent crimes because such crimes carried the death penalty, it becomes somewhat academic as to whether the reasons for detention were to prevent flight or to safeguard the community. Further, because the yardstick prescribed in the 1789 Bail Act was that in considering whether or not to allow bail or detain the accused, the judges were to look at "the nature and circumstances of the offense, and of the evidence, and the usages of law," it is not surprising, as recent studies have found, that, for 177 years, bail was set in an amount based largely on the crime rather than in an amount which would reasonably assure the appearance of the defendant in court, and that money bail has also been used consistently as a method of preventive detention of persons charged with crimes where it was deemed that their release before trial would pose a danger to the peace and security of the community. This is not

surprising; first, because Federal statutory law in the form of the 1789 Bail Act specifically gave the courts this discretion for a period of 100 years or more, or until the death penalty was changed to imprisonment in many of the more serious crimes, and, second, in addition to this precedent, it seems a sound rule to have related the amount of bail to the gravity of the crime, the weight of the evidence, and, among other things, the danger which the accused posed to the peace and security of the community.

Against this background, to now say that the only reason for setting bail in the case of a chronic violent offender is to reasonably assure that the accused will appear in court, is hardly tenable; or to say that the danger of an accused to other persons or to the community is not a reason which should be taken into consideration in fixing bail in a particular case, or is a lesser reason than the possibility of flight by the accused, also seems to me untenable.

Historically, of course, the primary reason for bail, in that class of cases in which release on bail at some level was called for, was the danger of flight from prosecution. In that class of cases, which, in times past and at the time of the enactment of the 1789 Bail Act, included only the less serious offenses, there naturally had to be some responsible relationship—in the fixing of bail—between the gravity of the crime, the weight of the evidence and the particular circumstances of the particular case, and the amount of bail set in each case.

It might be worthy of note that seemingly there were relatively few appeals from rulings of lower Federal courts on the matter of bail in the first century and a quarter following the establishment of our Federal judicial system, and this would appear to have resulted from the fact that the Federal judges had fairly broad discretion in the matter of fixing or denying bail pending trial, particularly in the more aggravated crimes.

Further, even a quick examination of U.S. criminal case law will reflect that the various refinements which began to expand more explicitly the rights of the accused with respect to bail or release, for the most part, resulted from fairly clear abuses of discretion on the part of judges or courts in refusing bail or in imposing excessive bail in cases where an accused was charged with a relatively less serious offense as computed with a serious crime of violence.

Some of these Federal decisions dealt with cases where bail had been refused outright in a minor offense; had been imposed at an obviously excessive level in relation to the offense; had been imposed arbitrarily without looking at the facts and circumstances of the defendant's particular situation, and so on. There were decisions which held that the purpose of bail was to reasonably assure the defendant's appearance at trial and, therefore, there must be a reasonable relationship between the amount of bail fixed and the possibility that the defendant might flee, all based on the circumstances of the particular case. However, there were also cases which held that the court, in determining reasonable bail, did not have to accommodate itself to the defendant's pocketbook and that if the defendant were unable to make bail set in a reasonable amount, his recourse was to move for trial.

The Criminal Pleadings and Trial Rules Act, enacted June 29, 1940, empowered the Supreme Court to prescribe rules of pleadings and practice, which rules were not to take effect until they had been reported to Congress and a full session had elapsed so as to allow Congress to approve or disapprove. If Congress approved, or made no changes, thereafter all laws in conflict therewith had no further force and effect.

Pursuant to this act, an Advisory Committee on Criminal Rules was appointed under the control of the Court to revise, bring up to date, and codify such rules. In 1946, these Federal Rules of Criminal Procedure were finalized and eventually became law under the act. With respect to bail, rule 46(a), title 18, United States Code, entitled "Right to Bail" and dealing with bail prior to conviction, in substance, restated the original Bail Act; that is, it provided that persons arrested for an offense not punishable by death shall be admitted to bail, and that persons arrested for an offense punishable by death may be admitted to bail, by any court or judge in the exercise of discretion, giving due weight to the evidence and the circumstances of the offense. More pertinently, rule 46(c), dealing with the amount of bail, which subsection was included for the first time as a statutory rule, provided that—

> If the defendant is admitted to bail, the amount thereof shall be such as in the judgment of the commissioner, or court, or judge, or justice, will insure the presence of the defendant, having regard to the nature and circumstances of the offense charged, the weight of the evidence against him, the financial ability of the defendant to give bail, and the character of the defendant.

From this time on, until the passage of the 1966 Bail Reform Act, this was Federal statutory law and it clearly stated the purpose of bail prior to trial was to reasonably assure the presence of the defendant and that, among other things, in fixing bail the financial ability of the defendant to give bail was to be considered. In other words, by the enactment of rule 46(c), Congress, in providing more precise standards for the fixing of pretrial bail, had in effect confined its purpose in all noncapital cases to reasonably assuring the presence of the accused at trial. The 1951 Supreme Court decision in *Stack* v. *Boyle*, 342 U.S. 1, which is much cited, of course, was written within the context of this statutory law. In this case, the Court held that a person arrested for a noncapital offense shall be admitted to bail and cited the Judiciary Act of 1789 and rule 46(a)(1) as authority. In accordance with Federal rule 46(c), it also held that—

> Bail set at higher than an amount reasonably calculated to fulfill this purpose is "excessive" under the Eighth Amendment.

It should be noted, however, that this case was actually decided on the fact that the lower court had arbitrarily set very high identical bail—$50,000—for each of a group of persons accused of conspiracy to violate the Smith Act without looking into the circumstances of the case of each accused, and on the basis that other Communists in an entirely unrelated case had taken flight after conviction. It would further seem significant that, in a separate opinion by Justice Jackson, in which Justice Frankfurter joined, it was stated, in discussing the reasonableness of bail in conformity with rule 46(c):

> This is not to say that every defendant is entitled to such bail as he can provide, but is entitled to an opportunity to make it in a reasonable amount.

There was a substantial increase in the number of appeal cases relating to bail following enactment of rule 46(c), particularly in the 1950's and 1960's. Without doing injustice to the large number of well-written and sound decisions based upon the facts of the particular case, I believe it might be said that, generally, as the number of appeals has increased, confusion has also increased with respect to the priorities to be given the various elements to be considered in fixing bail or other conditions of release in noncapital cases, with the more liberal courts or judges seemingly placing the greater accent upon the financial ability of a defendant to make bond, his family ties, his appearance in court on previous charges, and so forth, rather than upon the gravity and circumstances of the crime charged, the weight of the evidence, and the character of the defendant. Some judges have seemingly gone so far as to hold that a person charged with a serious criminal offense not punishable by death who cannot make bond in any amount, must be released on his personal recognizance because, in his case, any bond would be "excessive" under the eighth amendment to the Constitution. This theory, which is strictly contra to the theory of "reasonable bail," as expressed in Stack against Boyle by Justice Jackson—referred to earlier—and in a number of other cases, would seem to be carrying the matter of absolute logic to an illogical end.

In hearings held in 1967 before me, as chairman of the Senate Appropriations Subcommittee on the District of Columbia, regarding the sharply rising cost of crime and law enforcement, information was developed, as I have already indicated, which would make it appear that the passage of the 1966 Bail Reform Act, while providing an equitable format for quickly releasing the large percentage of persons charged with various types of lesser Federal offenses, had resulted in a rapidly worsening situation with respect to serious crime and a sharp increase in lawlessness in the District of Columbia.

In enacting the 1966 Bail Reform Act, Congress took cognizance of many inequities in the Federal bail system and particularly of the problem of the indigent who, when accused, cannot make bail in the usual amount. In essence, it made the same distinction with respect to capital and noncapital offenses as was made in the original Bail Act of 1789 and rule 46(a)(1) of the Federal Rules of Criminal Procedure. It did not include

any provision which would permit consideration of danger to the community in fixing conditions of pretrial release in a noncapital case. However, it permitted consideration of such danger in considering pretrial detention in capital cases and after conviction in noncapital as well as capital cases. In noncapital cases, it placed the accent on "release" rather than on "bail" and provided a number of alternatives to bail. It sanctioned pretrial release on personal recognizance or upon execution of an unsecured appearance bond, unless the judge, in his discretion, determined that "such release would not reasonably assure the appearance of the person as required," in which event, he might impose one of five additional conditions, or any combination thereof. These conditions included: First, placing the accused under the supervision of another person or agency; second, placing restrictions on travel, associations, or place of abode; third, requiring an appearance bond in a specified amount and a deposit of up to 10 percent thereof in cash or other securities; fourth, requiring a bail bond with sufficient solvent sureties or the deposit of cash; and, fifth, any other condition deemed reasonably necessary to assure the appearance as required, including a requirement that the accused return to custody after specified hours.

The law requires the arraigning judge or commissioner to issue an order containing a statement of the conditions imposed and if the accused, after 24 hours from the time of the original hearing, is still unable to meet the conditions of release, he is entitled to have his conditions reviewed by the judicial officer who imposed them and, unless the conditions are amended and the accused released, the judicial officer shall set forth in writing his reasons for continuing the conditions of release, whereupon the defendant may move to have the order amended, which motion shall be determined promptly, and if the person is still detained, an appeal may be made to a court having appellate jurisdiction.

I will not take time in a long documentation as to why the 1966 Bail Reform Act needs to be amended, or why, as it is operating in conjunction with the Criminal Justice Act, it is contributing to the sharp rise in violent crime and an unacceptable breakdown in the administration of justice. There are many pages of testimony in the 1967 hearings of the Senate District of Columbia Appropriations Subcommittee with respect to crime, congestion in the courts, low police morale, and high vacancies on the force, the implementation of the recommendations of the President's Crime Commission, and related matters, which will attest to this. I shall attempt, however, to point out some of the more significant reasons in support of the need for a change in the law—a change which, insofar as the District of Columbia is concerned, is, in effect, provided for in the conference report.

Mr. SAXBE. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. I am happy to yield to the able Senator from Ohio.

Mr. SAXBE. To what does the distinguished Senator from West Virginia attribute the seeming reluctance of the opponents of the conference report to submit to the courts the question of the unconstitutionality of these two specific provisions? I find that their opposition to the conference report always goes back to the constitutional question, and when one says, "Well, if it is unconstitutional, we have a court for that purpose," yet they do not want that. Has that disturbed the Senator?

Mr. BYRD of West Virginia. I have mixed feelings with regard to this, may I say to my friend from Ohio. I believe that it is the responsibility of every Senator to attempt to interpret the Constitution as well as his best lights will allow him to do so, in voting for or against a bill when the constitutionality thereof may be in question.

I think we, as Senators, have that responsibility. On the other hand, I can see the validity of the point raised by the able Senator from Ohio. Of course, the courts are the last entity. They have the final say. The courts will say. They will rule on this act. I am willing to let the courts rule on it.

Mr. SAXBE. Is this not an area where reasonable men can disagree?

Mr. BYRD of West Virginia. It is, indeed.

Mr. SAXBE. What disturbs me is that here we have a crisis, and anyone who lives in Washington knows that this is a particular crisis, not just Washington but in the rest of the country, that we are outgunned at almost every level of the prosecution. This is something I know from personal experience at the arrest level; that is, the inability of the police to preserve the evidence, to do the legal and proper thing, to part-time and poorly paid prosecutors, and to crowded dockets which make it terribly difficult for even a dedicated policeman-prosecutor combination to get a conviction, or even to bring an accused to trial.

It has been my feeling that rather than a strict concern over the Constitution in all these things, we have set it up as a thing that we shy away from at all costs. In other words, we do not try to go to the extent of the powers granted in the Constitution to fight crime, especially in time of crisis, but rather that we back away from the limits of the Constitution, thereby giving an advantage to the criminal which he is quick to take advantage of.

I have always been convinced that a greater percentage of our law violations comes about because people think they can get away with it. It is all coolly calculated in the minds of those who feel that they can do it, who feel that their chances of being captured is remote, and even more remote is the possibility that they might be convicted, or even tried so far as that goes. Finally, that they will be sent to the penitentiary. We know that the percentage of those actually arrested and who finally go to the penitentiary is less than 10 percent.

I am as much interested in civil rights as I know the distinguished Senator from West Virginia is. I am interested in living within the Constitution in the handling of crime; but I fail to see why we should not go to the limits of the constitutional limitations, which were well considered, rather than to avoid all possible confrontation and, thereby, giving the criminal another advantage.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The time of the Senator from West Virginia has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the able Senator from Ohio—who was once attorney general of that great State—for his observations.

With respect to the point raised regarding court determination of the constitutionality of this measure, I am willing to let the courts do that. But I do feel that, with due respect to those of our colleagues who do not want to vote for the conference report because of what they believe to be its unconstitutionality, it is our responsibility as lawmakers to interpret as well as we can the constitutionality of our own actions. We take the oath to support the Constitution of the United States. I am not quite willing, therefore, to leave it entirely up to the courts, especially the Supreme Court of the United States as it has been constituted in recent years, to have the whole say in determining the constitutionality of every measure we pass here.

Of course, under the Constitution the Court will determine. But I think I have a right—not only a right but a responsibility—to also do some determining here. But what I have attempted to show this morning is that pretrial detention is not unconstitutional but that it is, indeed, constitutional.

With regard to the reference which the Senator made to civil rights, he is indeed a great defender of civil rights. I, too, am a defender of civil rights and equal constitutional rights.

But too often we forget the civil rights of the victims of crimes—the civil rights of the men, women and children in this community to go to the parks, to walk the streets, to go to the grocery store, to go to school without fear of being criminally attacked, mugged, robbed, or murdered. These law-abiding citizens have civil rights, too. I, for one, think that we should give consideration to their civil rights, and I believe that is what we are doing in this conference report.

Mr. President, as a general proposition, under the present 1966 Bail Reform Act, a person who is engaged in serious crime can be—and generally is—released almost immediately to the street after being caught and charged with such a crime, if he can show that he is without visible assets, or has appeared in court on some previous occasion when he was charged with a crime, et cetera, regardless of the fact that he is a chronic violent offender. Under the Criminal Justice Act, if there is evidence that the accused is without sufficient means to hire a lawyer, he is furnished counsel without charge and other costs of his defense are also provided free. Once back in circulation and free to resume his pursuit of

crime, he has little desire to face the consequences of a trial. So, it follows that there are motions for this and motions for that, continuance upon top of continuance, on one ground or another; and there are always reasons why the accused could not be in court on the day set, et cetera, or his rights have not been protected, et cetera, while the police involved in his apprehension and the victims of, and witnesses to, the crime of which he is accused, together with the assistant U.S. attorney charged with the prosecution, come to the court not just 1 day, but more frequently, time after time, ready to perform their various responsibilities under our system, only to find that the case has again been postponed while the defendant is out on the street, thumbing his nose at the law, laughing at the courts and victimizing the public. The results have been frustrating and devastating.

Let me cite some of the evidence and facts adduced at our 1967 hearings on specific aspects of the situation, as well as what has been happening since.

Testimony was received to the effect that there was an increase of 37.9 percent in crime index offenses in the District of Columbia between fiscal year 1966 and fiscal year 1967 (hearings, p. 2838). This was a tremendous increase in 1 year. The crime index offenses are: criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny (over $50), and auto theft. However, the crime of robbery jumped 68.7 percent in this 1 year—from 2,905 to 4,903. That was a phenomenal increase in violent crime, and I suggest that it had a direct relationship to the Bail Reform Act and the manner in which it was operating in conjunction with the Criminal Justice Act. This was not just a 1-year phenomenon, however. Robberies in fiscal year 1968, according to police department figures, jumped another 34.3 percent over fiscal year 1967. In this 2-year period, robberies went from 2,905 to 6,584—for an increase of 3,679 robberies. In other words, the increase in robberies during this 2-year period was more than the total number of robberies reported in fiscal year 1966. Further, the robberies reported committed in calendar year 1968, compared with calendar year 1967, increased 34.3 percent. There were 8,921 robberies in calendar year 1968. If one compares this with the 2,905 robberies reported in fiscal year 1966, one finds that there was an increase of 207 percent in robberies over a 2½-year period, or more than three times as many as were reported in fiscal 1966. This is an intolerable situation.

Now, let us take burglary. There was an increase of 38.6 percent in burglaries reported in fiscal year 1967 over the number reported in fiscal year 1966. There were 9,221 reported in 1966 and 12,789 in 1967—see the hearings, page 2838. In fiscal year 1968, there were 16,378 burglaries reported—another increase of 27.6 percent. In that 2-year period, there was a total increase of 7,157 burglaries.

I do not believe that this just happened. Something in the law-enforcement system came apart, and the finger points to the Bail Reform Act.

With respect to the sharp increase in criminal felony cases on the trial calendar of the U.S. District Court for the District of Columbia, testimony was received from the office of the U.S. attorney for the District of Columbia that as of October 3, 1966, there were 761 criminal cases pending, being handled by 15 assistant U.S. attorneys with an average caseload of 50 cases per trial assistant. As of October 2, 1967, the cases pending had jumped to 1,229, and while 19 assistant U.S. attorneys were working on these trials, the average caseload had risen to 65—see the hearings, page 3257.

With respect to the cause of the increase, a District court judge testified:

> In large part, the situation which exists with respect to the criminal docket has developed over the last year as a result of the operation of the Bail Reform Act in conjunction with the Criminal Justice Act, whereby anyone charged with a crime can be released on low bond or on personal recognizance and a large percentage of the cases will be provided with counsel. It is little wonder that no one pleads guilty until the last moment, or until he is facing trial, or that every device that can be invented is used to delay the date of trial. The statute says the defendant "shall be released," and the only time I can refuse is if I make a finding he might flee the jurisdiction. (Hearings, p. 3269).

With respect to the effect which quick release to the street of those accused of serious crimes or crimes of violence has on the victims of the crimes and witnesses for the prosecution, an assistant U.S. attorney testified:

> It has a very deleterious effect, especially on not only the victims of the crimes but on the witnesses of the crimes who see the victim at the mercy of the defendant in any given case. (Hearings, p. 2870).

There was testimony that because of repeated continuances, many witnesses for the prosecution just failed to show up or washed their hands of the situation after repeated appearances at court, necessitating the dismissal of the case.

There was also testimony indicating that as the result of the number of serious crimes more than doubling in a very short time, which, in turn, inundated the criminal calendar of the U.S. district court, numerous felonies were reduced to misdemeanors and were disposed of in the court of general sessions.

It was apparent throughout our hearings, that the turning back upon the streets of chronic offenders and perpetrators of the most serious crimes on little or no bail—and without regard to the gravity of the crime or the weight of the evidence—had had a most damaging effect upon respect for the law and had resulted in confusing the distinction between minor offenses and aggravated violent crimes and had undermined respect for all authority. Also, testimony was received indicating that the very fact that great numbers of persons charged with serious crimes of violence were released to the streets on their personal recognizance, or on very low bail, had the effect of encouraging others to commit crime.

The Metropolitan Police produced numerous cases where professional dangerous criminals were arrested time after time for the most vicious crimes and remained on the streets, on bond pending trial, where they continued to carry on their usual "profession." Some of the cases which were outlined at the hearings during the short time available were:

The Connie Wilkins case (p. 2871, et seq.), in which the defendant, who was on parole for armed robbery, between May 11, 1965, and September 23, 1966, was arrested 13 times on charges including numerous armed robberies, kidnaping, housebreaking, and shooting it out with the police, and, of course, repeated parole violations, and he still made bond and was released on parole each time to continue his career of crime on the streets.

The Theodore Evans case (p. 2880, et seq.) involved a defendant on parole who, on November 29, 1966, was indicted for armed robbery and was released on $2,500 bond and the parole board notified. On December 29, 1966, he was arrested for grand larceny and carrying a gun. The parole board was notified and he was released on personal bond. On February 22, 1967, he was charged with shooting a boy in the leg. The parole board was notified and he was released on $2,500 bond. On June 6, 1967, incident to the armed robbery of a business establishment, he was shot and killed.

Then, there is the case of the McCulloch brothers (p. 2883, et seq.), wanted in Maryland, Virginia, and Michigan, for armed robbery. In January 1966, they were released in Detroit on $5,000 bond for armed robbery. On November 22, 1966, one of the brothers was indicted by the grand jury in the District of Columbia for interstate transportation of a stolen motor vehicle and related offenses, and was released on $2,500 bond. On November 30, 1966, both brothers were arrested in Alexandria, Va., for armed robbery. They were indicted and bond set. On the same date, arrest warrants from the State of Maryland for three cases of armed robbery were received by Virginia authorities and lodged as detainers. On December 7, 1966, arrest warrants were issued in the District of Columbia charging the brothers with armed robbery of a jewelry store, and lodged as detainers with the authorities in Alexandria. On January 26, 1967, the brothers made bond on the Virginia charges and were transported to the District, where bond was set at $2,500 and the defendants were released upon posting an 8-percent deposit. They were arrested February 3, 1967, on fugitive warrants and returned to Maryland for trial. Each deposited $6,000 security bond and they were released. Three weeks later, one brother, with three others, was arrested in Washington, D.C., for housebreaking, robbery, assault with a dangerous weapon, and kidnapping. He was indicted on April 14, 1967, and on the same date, his brother was indicted for armed robbery and assault with a dangerous weapon. As of August 8, 1967, one of the brothers was at large under the Bail Reform Act and the other was in custody in the District of Columbia by virtue of the pending indictment.

Mr. President, I ask unanimous con-

sent that I might proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, these cases, of course, are now history—and there is always someone who will say that they are isolated exceptions—but, actually, it would be more accurate to say that such cases are happening all the time. To prove this, it is only necessary to pick up a newspaper any day to find that at least one violent offender has repeatedly been charged with one serious offense after another and has continued to be released to the streets to continue his "career."

With respect to releasing dangerous people to the streets under the 1966 Bail Reform Act, a U.S. district court judge testified:

> We do now have this business of reporting to police precincts, and we are getting reports in promptly on them. And last Friday we terminated 13 that had failed to report on the 10th of July to a precinct. But every day I sit in motions releasing people on personal bond that I know are a great danger to the community.

The same judge, in commenting on the fact that an accused could report to a police precinct at 7 o'clock and rob a grocery store at 8 o'clock, advised that:

> . . . reporting doesn't assure anything, but we release these people and I know they are a great danger to the community. (Hearings, p. 2894)

It would appear that the evidence piling up has become conclusive that the social service approach to handling hardened violent criminal offenders will not work and that, regardless of the number of judges appointed—and we should have more judges and more law enforcement personnel—rising violent crime cannot be controlled without a change in the law to give the courts discretion, upon arraignment, to consider the danger the accused poses to the community. The situation has become similar to a contagion which has raged out of control with no preventive serum as yet developed to check it.

We now have had enough experience under the Bail Reform Act to know that it is not working in the manner in which it was hoped, and that the manner in which it is operating has a direct bearing upon the sharp rise in crime and the increase in lawlessness, and there is now ample proof that it needs to be changed. As I have pointed out, the principal reason it is not working is that the Federal statutory law requires that chronic violent criminals who have shown a high probability of danger to society must be released on low bond or personal recognizance because the only yardstick the statute permits in setting bail or other conditions of release is the danger of flight.

Yet, when it is proposed that the statutory law be amended to permit consideration of the danger which such violent offenders pose to society, a chorus of voices is raised protesting that to consider anything other than flight of the accused on pretrial release is unconstitutional; that it violates the traditional presumption of innocence; that it is punishment before conviction; that it is impossible to predict that an accused will commit another crime if released; that it violates the constitutional right of "due process," and so forth.

Such claims, if they have substantial merit, deserve serious consideration, but we know that the law with respect to bail in noncapital cases is not a constitutional right, but a statutory right. The strict presumption of innocence is merely a rule of evidence that comes into operation at the time of trial. It does not require all defendants to be treated as though they were innocent prior to trial. It is the existence of probable cause, based on the weight of the evidence that a person has committed an offense, which justifies his arrest and indictment and the denial of pretrial liberty in certain cases where there are strong reasons for requiring pretrial detention.

We know that pretrial detention has been accepted in capital cases since the Bail Act of 1789, and that such discretion in capital cases was carried over into the 1966 Bail Reform Act. Further, in the exercise of this discretion, the Bail Reform Act of 1966, for the first time, explicitly provides that the danger which the accused poses to society may be taken into consideration. The 1966 Act also permits consideration of such a danger in noncapital cases in determining whether or not a defendant may be detained pending appeal after conviction.

In the matter of due process, the interests of society must be balanced against the liberties of the individual, and restrictions and conditions imposed must be matched with the need to impose them. Nor can a ruling to detain, or to fix other conditions of release of an accused based on the danger he poses to society, be arbitrary or not based on the gravity of the crime, the weight of the evidence, and other circumstances of the particular case. Any defendant is entitled to all of the legal safeguards constituting due process, including a hearing at the time of his arraignment, or a special hearing, so that all appropriate facts may be presented. If, based on facts, the judge, in the exercise of his discretion, determines that the defendant should be detained, or sets reasonable bail which the defendant is unable to make, the defendant has the right to appeal such a ruling and certainly he has a right to a speedy trial. The constitutional guarantee of a speedy trial has become almost meaningless under present conditions, with most of the worst offenders taking every step possible to delay trial. It should be no more difficult for a judge to make a judgment as to whether a defendant poses a danger to society than it is for him to make a determination that the defendant is apt to flee the jurisdiction.

Mr. President, in this regard a judge in the District of Columbia called my office today and said that he had heard on the radio this morning the gist of what I planned to say on the District of Columbia crime bill.

He said that he could not resist calling to say that he unequivocally supports what I was reported as planning to say about the bail system.

He said: "We can literally predict who will commit another crime."

He said the commission of new crimes by men out on bond is a constant story, not the exception.

It would seem established without doubt that the situation which exists today with respect to the chronic violent criminal requires that there be pretrial detention where the facts and circumstances warrant, for, as was stated by a distinguished jurist in my 1967 appropriations hearings:

> Of what value is a system of criminal justice which assures us the most absolute protection from the excesses and errors of the police but renders us more vulnerable to the attacks of those whom the police are charged with restraining?

The conference report allows such pretrial detention in order to "reasonably assure the safety of the community." We must not reject this opportunity—which may not come again soon—to deal an effective blow against chronic criminals who for too long have been permitted to declare open season on defenseless, law-abiding citizens in the District of Columbia.

I urge the adoption of the conference report.

Mr. President, I apologize to Senators who have been waiting to speak. I appreciate their indulgence and patience.

Mr. President, I yield the floor.

Mr. BAKER. Mr. President, no apologies are necessary. The distinguished Senator from West Virginia has done his usual extraordinarily good job in his presentation this morning.

I conceive the thrust of his remarks to be entirely relevant and extremely important to the conference report we are considering today and upon which we will vote tomorrow.

It may be said that there is nothing more important in the administration of our laws than swift, sure, and inexorable justice, and that all the other paraphernalia of preventive detention, high bail, no-knock, or the other provisions of search and seizure, as provided in the U.S. Constitution and in the constitutions of all the States, are only peripheral to the basic issue. The basic issue is the guarantee of a swift and sure trial. If we had swift, sure, immediate justice it would go a long way toward alleviating many problems with which we are forced to contend in this crime package.

As I have said previously on the floor of the Senate, the important thing to remember about the District of Columbia crime bill and the conference report upon which we will vote tomorrow is not that it is new ground, because it is not new ground, but rather that it is the orderly codification and improvement of existing law, much of which we provided, to beef up the administration of justice in the District of Columbia to provide sure and swift justice.

I remember when I practiced law in Tennessee in my younger days which was

shortly after I attended the University of Tennessee Law School, and I was appointed to defend people. After being appointed I had to fight manfully to keep from going to trial the next day. I am sure from personal observation that that had a substantial effect on my client, the defendant, and on me as attorney. The defendant was usually tried and exonerated or convicted before there was any thought of returning to the street and committing another crime. That is the way it properly should be.

Mr. BYRD of West Virginia. I thank the Senator for his comments.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Under the previous order the Senator from Tennessee is recognized for 30 minutes.

DIRECT POPULAR ELECTION OF OUR PRESIDENT

Mr. BAKER. Mr. President, a major item of legislative business yet to be considered by this body is the proposal to abolish the electoral college and adopt direct popular election of our President. I am a cosponsor of and shall support actively Senate Joint Resolution 1, introduced by Senator BAYH, supported by President Nixon, passed overwhelmingly by the House of Representatives, and ordered reported to the full Senate by the Judiciary Committee.

Direct popular election of our President and Vice President is the only system under which we can be certain that no man will be elected President receiving fewer votes than his opponent and under which each citizen's vote will be counted equally with that of all other citizens. Election results will not be distorted by faithless electors, out-of-date census figures, or a one-State, one-vote rule in the House of Representatives. Further, every citizen will have reason to vote for President, even if his State or congressional district is dominated by the opposing political party, and presidential tickets and campaigns will be designed to appeal to all voters in all States. It is only by popular election that all of these beneficial results can be achieved.

Perhaps the most important objection voiced by the opponents of popular election is that it will be disruptive of our federal system and disadvantageous to small, less populated States. Those stating this contention do so because the electoral college assigns to each State as many electoral votes as the State has Congressmen and Senators, and each State has, of course, two Senators, regardless of its population, and at least one Congressman, even if the entire State is far less populated than a single congressional district in a large State.

While opponents of popular vote contend that the apportionment of electoral votes is an integral part of the great compromise adopted by our Founding Fathers as a protective device for smaller States, a reading of the debates and reports of the Constitutional Convention reveals this to be historically inaccurate. The great compromise was adopted to settle the question of representation in Congress and was then later applied, almost as an afterthought, to the electoral college. Small States were offered protection in the choice of the President, not by the apportionment of electors, but by the provision that each State's voice would be equal in the House of Representatives in the event that no presidential candidate received an electoral majority. The Founding Fathers expected that the electoral college would serve as a nominating board and that the House would make the final determination from among the top five candidates. Of course, the system does not work as intended, and most would agree that this particular provision is now a dangerous impediment to the will of the people.

The claim that the present electoral college system favors small States does not stand analysis. It is based, as Prof. James Kirby has stated, upon a simplistic view of voter strength that does not reason beyond the fact that each State is awarded at least three electoral votes causing the ratio of electors to population to range, based upon 1960 approximate population figures, from 1 to 75,000 for Alaska to 1 to 390,000 for California. The deduction is that each Alaskan has about five times the voice of a Californian in a presidental election.

In my view, this is a classic demonstration of the use of figures to distort reality. The fallacy results because of the unit rule under which the popular vote winner in each State is awarded all the electoral votes of that State. With the operation of the unit rule the apportionment of electors in favor of small States is only apparent, not real. The people of the 15 States with the least favorable population to electoral vote ratio inhabit States with 312 electoral votes, and, in fact, the 12 largest States could elect a President with the 281 electoral votes they control. The candidate who carries these large States by even a handful of votes obtains a far greater number of electoral votes than he can obtain by carrying several smaller States by larger popular majorities. As a result of the winner-take-all system, national candidates concentrate their efforts in those larger States in which party competition is vigorous and which are generally carried by one political party or the other by a relatively small percentage of the popular vote.

Obviously, those who contend that the small States have an advantage under the present electoral college system are in contradiction with others who contend that, in fact, the larger and more urban States have such an advantage. Both contentions cannot be right, and, as I have said, I believe it is the small State advantage claim that is factually inaccurate. But I also firmly believe that those who urge retention of the electoral system because of the large State advantage base their argument on the wrong premise; that is, that the Presidency should be urban oriented to offset the alleged rural orientation of the Congress.

The President is the officer of all the people and, along with the Vice President, is the only elected official who speaks for all the people. For this reason I believe that in voting for the President one man's vote should count equally with that of all other men. I do not believe that the election of the President should be weighted toward big States or small States, toward urban interests or rural interests, toward Republicans or Democrats. I believe that the vote should be given to all the people—equally and directly.

Closely connected to the claims that popular election will destroy our federal system and be disadvantageous to either small or large States is the contention that direct election will produce an incentive for widespread voting fraud. In actuality it is the present system that should encourage more voting irregularity. Under the present winner-take-all electoral system a few fraudulent votes can determine the result of the State's entire electoral vote while under the direct system illegal votes would affect only the number of votes involved, thus greatly reducing the likelihood of any effect on the election outcome. Obviously, the possibility of voting irregularities can occur under any system, but I believe fraud is best prevented by a system that is direct, easily understood, and applied to all other elections.

There is yet one other argument by opponents of popular vote that cannot be overlooked. This contention is that direct election, if adopted, would be disruptive of our two-party system in that it would cause the creation of several ideologically oriented parties which might undermine the moderate political tone that has generally prevailed in our country. The underlying basis of this contention is that ideologically oriented splinter parties are presently discouraged because they rarely, if ever, can win a plurality of the popular vote in any State and thus capture the electoral votes of that State.

I have always believed in the tenets of our two-party system and am of the view that our unique two-party arrangement is largely responsible for the success of our form of government. I do not, however, believe that a direct vote of the people for their President would in any way endanger the present workings of our system.

There are many institutional factors which discourage third parties. Electoral laws, campaign practices, social patterns, the high cost of political campaigning, statutory obstacles to getting on the ballot, and the legal status of the two major parties as supervisors of elections in many States all contribute to the difficulty which minor parties have in attaining any degree of national influence or support.

Prof. V. O. Key contends that since the institution of the Presidency, unlike a multiparty Cabinet, cannot be divided among numerous parties to provide a coalition government, the presidential institution is itself a major reason for the evolution and development and the continuation of the two-party system

as we know it in its present national broad-based character. Other authorities assert that our system of electing Representatives by a plurality vote in single-member districts is the underlying basis of our political party system.

I believe that, if anything, direct election will strengthen the working of the two-party system in presidential elections. Since every man's vote will count, regardless of how badly it may be outnumbered at the State or district level, direct vote will encourage two-party competition in every section of the country. Vigorous, active campaigning in those States and areas where elections are closely contested will be as important as ever, but it will be equally important for candidates for the Presidency to seek votes in States where a given candidate has little hope of winning a popular plurality.

Mr. President, there was a time when the concept of the electoral college served a desirable and necessary function. Today the machinery of the electoral college remains; its reason for being has passed. The machinery itself must be eliminated. The system is more than a harmless anachronism; it represents a dangerous impediment to the voice of the people, an unnecessary barrier interposed between the voting citizen and the highest office in the land.

The vast foreign and domestic responsibilities of our President indicate clearly that no man should be called to assume the office without a universally understood mandate to govern and to lead our Nation. Every other official in the country from justice of the peace to mayor to Senator is elected by direct popular vote of the people. So should it be with the President of the United States.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under previous order, the Senator from South Carolina (Mr. HOLLINGS) is recognized.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, it is quite clear that all of my colleagues who have participated in the debate on the pending District of Columbia crime conference report are unified in the objective of passing legislation which will embody the necessary constitutional and procedural safeguards and still provide effective law enforcement provisions. The question that divides opinion on the issues relates to the problem of alternatives. Certainly no one doubts the need for prompt legislation.

The District of Columbia leads the Nation in criminal offenses, including murder, rape, robbery, aggravated assault, larceny, and auto theft. In a city whose population is slightly over 760,000, more than 56,000 felonies were reported in 1969, but only 2.5 percent resulted in convictions. And the crime rate continues to rise. The number of felonies reported in the District of Columbia has risen 122 percent in the last 5-year period.

In my experience, my apartment was twice broken into, my administrative assistant was mugged; from my window of my apartment, I saw a young lady beaten, and my colleague, Senator LEN JORDAN, was attacked in the elevator of the building where we both lived—all within the shadow of the Capitol.

Although the thrust of the legislation is toward combating crime in the District of Columbia, the implications of this legislation are certainly nationwide and it is important that we consider the provisions most carefully. It is equally important that we consider all criticisms carefully in terms of the legal framework of constitutional safeguards.

The distinguished Senator from North Carolina, Senator ERVIN, whom we all recognize as an outstanding constitutional lawyer, and others have raised what they feel are serious questions concerning this conference report, particularly the no-knock and pretrial detention provisions. In view of his announced concern, and my respect for Senator ERVIN's views, I have approached this legislation very thoroughly. I have reviewed the statements, testimony, and the floor debate closely.

One of the major areas of conflict in the debate centers on the pretrial detention provisions. I was especially pleased to note that the vital principle established by the Senator from North Carolina at the time of the passage of the Bail Reform Act has not been altered in the conference report. No financial condition should be imposed on a man's freedom in order to insure the safety of the community. The man's record, not his wallet, should determine whether he will be held. Consequently, pretrial detention will not be imposed on the poor alone in the guise of a high money bond to insure appearance, but on those, rich and poor alike, found after hearing to meet the exacting tests laid out in the bill.

The question of pretrial detention under the bill has been attacked on the ground that it violates the eighth amendment, the time-honored presumption of innocence, and the due process clause of the fifth amendment. In my judgment, it does none of these. The language of the eighth amendment does not expressly deny or grant the right to bail and is, therefore, susceptible to two interpretations.

One interpretation would be that since the amendment does not specifically grant the right to bail, it can be construed to mean that bail shall not be excessive in those cases where it is proper and that the setting of no bail in certain cases would not be excessive.

The second interpretation would be that because the amendment does not provide for the denial of bail, it can be construed to require the setting of bail in all cases with the caveat that it never be excessive. Reviewing the historical background of the amendment, and the available constitutional interpretations, I am persuaded that the eighth amendment does not prevent Congress from defining the classes of crimes in which bail will be denied.

The eighth amendment was embodied in the American Bill of Rights of 1789 and was modeled after the English Bill of Rights, which did not grant the right to bail in all cases. England, the source of our constitutional and legal system, has long permitted pretrial detention in noncapital cases. Just recently, the Chief Metropolitan Magistrate of London testified before the Senate District Committee that in England bail is left to the discretion of the magistrate and that, in practice, bail is refused on four main grounds: First, likelihood of flight; second, interference with or intimidation of witnesses; third, the likelihood that the accused will commit other crimes if released; or fourth, the necessity of protecting the accused. In 1947, the English Court of Criminal Appeal in *Rex.* v. *Phillips*, 32 cr. App. R. 47, stressed particularly the need to detain persons likely to repeat their crimes, and the substantial probability of guilt—the very factors listed in the pretrial detention provisions of the legislation now under consideration by the Senate.

Eleven of the original 13 States enacted bail statutes, wherein six of them denied bail automatically in capital cases. Authority to deny bail in capital crimes remains the general pattern throughout the United States today. In my own State of South Carolina, rape, arson, and burglary were defined as capital cases in which bail was automatically denied. Although the death penalty typically applies only to a limited number of serious offenses today, it seems clear that when the eighth amendment was adopted it clearly permitted pretrial detention. The only Supreme Court decision which discusses the history of the amendment was the 1952 case of *Carlson* v. *Landon*, 342 U.S. 524, wherein the Court stated that the Congress is not prevented by the eighth amendment from defining the class of cases in which bail is denied. The test denying bail, of course, concerns persons charged with crimes of violence whose release would pose a substantial threat of death or injury to others.

Despite this background in Anglo-American jurisprudence, there are many of us who are uneasy with the notion of detaining a man prior to trial even though on analysis the arguments against doing so can be legally refuted. The man, however, is not being detained because of a determination of guilt, but because his release pending trial is found to be sufficiently dangerous to society to overcome the presumption in favor of pretrial release. If we instinctively dislike pretrial detention, we should instinctively dislike even more the repeated instances of defendants who have been freed on bail committing serious crimes while at liberty. The increase in crime and in crimes committed by those on bail necessitates a return to pretrial detention unless we wish to consciously discard an important weapon in the war against crime. Mr. President, at this point, I ask unanimous consent to have printed in the RECORD at the end of my remarks an editorial from the July 15 Charleston, S.C., News & Courier, which makes this point forcefully.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HOLLINGS. The bill now pending permits pretrial detention up to 60 days for defendants charged with dangerous crimes or crimes of violence and detention of drug addicts is to be under medical supervision. The term of detention is, therefore, limited. Additionally, detention is limited to defendants which have been found in adversary proceedings to constitute danger to the safety of the community. It seems clear that when it is judicially determined that an individual's release would seriously endanger the lives and safety of others, the criteria for such release should not be based upon the question of whether or not he is going to show up in court when his trial is called.

We have heard quite a bit about a study of the National Bureau of Standards purportedly showing that 5 percent of that category of persons arrested for violent crime and 5 percent of that category arrested for dangerous crime are rearrested after release from bail for another crime in the same category. In view of the crime statistics we hear, this may seem somewhat low. On closer inspection, however, the NBS report indicated why. Of the 654 persons studied, 29 percent were actually detained on whatever basis, and therefore, not capable of committing crimes while awaiting trial. During the period studied, arrests were made in only 29 percent of the reported offenses in the District. The NBS study suggests that if all the reported cases were cleared by the police—that is, arrests made—the true rate of arrests for those released awaiting trial might have been as high as 40 percent. I refer to the report, page 110. I do not intend to undertake a statistical debate; I merely wish to point out that study or no study we still do not know exactly how many crimes are committed by those awaiting trial. We only know that the addict with a $50-, $75-, or $100-a-day habit must get money somewhere. And we know a significant amount of crime—too much, whatever the percentage—is committed by defendants free on bail. I am persuaded the case precedents in history plus the realities of our experience support the interpretation that although bail may never be excessive there is no absolute right to bail.

As to the violation of the due process clause of the fifth amendment, the Supreme Court stated in 1965:

> The fact that a liberty cannot be inhibited without due process of law does not mean that under no circumstances it can be inhibited.

This was stated in the case of *Zema* v. *Rush*, 381 U.S. 1 (1965) at page 14, concerning the reasonable Government restrictions on the right to travel abroad. The Court went on to state that the test of reasonableness which obviously involves the consideration of the individual's interest in freedom as opposed to society's interest, not only concerns the governmental restriction imposed but also the extent of the necessity of the restriction. In the Carlson case mentioned before, the Supreme Court upheld the denial of bail to alien Communists pending deportation proceedings in the face of the due process argument by stating that the refusal of bail was not arbitrary or an abuse of power under the circumstances.

There is also legislative precedent on the point. Congress in 1964 enacted the District of Columbia Hospitalization of the Mentally Ill Act, 21 District of Columbia Code, section 501, a bill sponsored by Senator ERVIN, which provided for detention in a hospital of individuals believed to be mentally ill and dangerous prior to any court determining the mental illness or resulting dangerousness. I feel, therefore, that the due process clause of the Constitution does not prevent pretrial detention under proper circumstances.

Mr. President, let me address myself briefly to the other matter of which we have heard so much—the so-called no-knock provision of the bill. Here again, the media would lead you to believe that this is a novel provision. Yet, it has been the law for a very long time. The provision now before us, as a general rule, requires that an officer making an arrest or executing a search warrant must knock and announce his identity and purpose. It does, however, permit certain exceptions in what the courts have called exigent circumstances. These are carefully spelled out in the legislation. If the officer has probable cause to believe, first, that notice is likely to result in the evidence subject to seizure being quickly and easily destroyed; second, that notice is likely to endanger the officer or another; third, that notice is likely to enable the escape of the person to be arrested; or, fourth, that notice would be a useless gesture, he may break and enter without notice. The first three exceptions listed are spelled out in *Ker* v. *California*, 374 U.S. 23 (1963). The fourth circumstance was judicially recognized in *Miller* v. *United States*, 357 U.S. 301 (1958) and again most recently in *Bosley* v. *United States*, No. 21, 513, D.C. Cir. (Apr. 9, 1970). In Bosley, the court held that if the police see the suspect sleeping, the door being ajar, they should go in and wake him before stating their purpose—the announcement to a sleeping man being a "useless gesture."

These provisions do depart from existing law in one respect, they require a no-knock authorization in the warrant where possible. While this is a departure, it is one the Senate has already adopted in January of this year in S. 3246, the Controlled Dangerous Substances Act. That legislation authorized no-knock permission in a search warrant for drugs if the issuing judge is satisfied that there is probable cause to believe the property will be quickly and easily destroyed or notice will endanger the officer or another. The pending conference report contains the same authority but adds the positive requirement that if the officer has this knowledge in advance, he must obtain the authorization in the warrant.

Certainly, one of the most insidious types of crime in our society today is the rampant sale or pushing of narcotics. The disposal of narcotics is a very easy matter if the home contains modern plumbing fixtures. All too often, law enforcement officers have been unable to secure an arrest or obtain evidence because drugs "vanish" from the premises during the time they wait for admittance after they have announced their authority and purpose. This is also true of efforts to break up organized gambling.

It seems to me, therefore, that under the present judicial interpretations and the proposed procedural safeguards that are available, the proposed legislation provides a practical and constitutional alternative in handling the criminal problems in our Nation's Capital. I think it is an essential protection for the safety of our law-enforcement officers and a necessary alternative to prevent the proliferation of violence and criminal activity.

There are other provisions that have caused concern to my colleagues. Rather than discuss them in detail at this point, I would only state that I have studied the arguments and do not believe they are at odds with the necessary procedural and constitutional requirements necessary under our judicial system.

As pressing economic and social problems have cried out for solution in the past, Mr. President, Congress has responded with a wide variety of legislation designed to cure social ills and meet new demands. Surely no social ill cries out more for solution than the staggering crime problem in the District of Columbia. In my judgment, the proposed conference report is constitutionally sound and proposes a reasonable step forward in combating crime in our society. The time has come for this Congress to face the responsibilities of securing protection for our citizens. As Aristotle said more than 2,000 years ago:

> The law is order and a good law is good order.

I believe that by this legislation Congress will be properly discharging its responsibility in attempting to establish an orderly society through sound legislation.

EXHIBIT 1

[From the Charleston (S.C.) News & Courier, July 15, 1970]

PRETRIAL DETENTION

After voluminous and often heated testimony before a Senate subcommittee on constitutional rights, the issue of pretrial detention is coming before the U.S. Senate for decision.

The proposal for detention in jail before trial of someone charged with a crime takes the form of an amendment to the Bail Reform Act of 1966. That act was designed to minimize the use of money bond as a means of detention and a barrier to a person's freedom.

In practice, as Richard G. Kleindienst, Dept. of Justice deputy attorney general, has told the Senate subcommittee, the Bail Reform Act "absolutely precludes a trial judge from considering danger to the community in setting conditions of pretrial release in a non-capital case."

Under the act, every defendant charged with forcible rape, arson, kidnaping, armed robbery, burglary, bank robbery and a number of other crimes has an unequivocal statutory right to release before trial, unless

substantial evidence exists that he will attempt to escape jurisdiction of the court.

Those opposed to reforming the act contend that if a person charged with a crime can be detained prior to trial his freedom is being denied without due cause. Those favoring reform offer compelling evidence that defendants released under the Bail Reform Act are free, until their trial, to continue to prey on the community.

"Eliminating money bond," Mr. Kliendienst has said, "does not eliminate the social need to detain those persons who pose a serious threat to the public safety."

This threat has increased since the Bail Reform Act was passed. A survey made by the U.S. Attorney's Office discloses that of 557 robbery defendants indicted during 1968, some 70 per cent of the 345 defendants released before trial were rearrested for a new crime. Pretrial detention could have protected the public against these criminals.

Under proposed legislation, no one would be detained unless (1) he came within one of a group of carefully chosen categories who may pose a danger to society, (2) the judge finds that the defendant cannot be released on any condition that would reasonably assure the safety of the community, and (3) there is a "substantial probability" of the defendant's ultimate conviction.

Sen. Robert C. Byrd, D-W. Va., has said that the Bail Reform Act, passed with the best of intentions, "is proving a windfall to the chronic violent criminal." Society deserves protection against such persons. Until the judicial system can be geared up to speed trials of those charged with crimes against society, pretrial detention seems to provide the only means by which chronic offenders can be kept off the streets.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now transact routine morning business.

Is there morning business?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOWARD BALANCED GROWTH: QUANTITY WITH QUALITY

Mr. JAVITS. Mr. President, I invite the Senate's attention to a report of the National Goals Research Staff of the President, under its Director, Leonard Garment, which has just been submitted. It is a most provocative report and represents an important step in identifying those national goals which raise legitimate challenges to our frequently random adoption of transitional priorities, themselves based on values which may already be outmoded.

Some of the issues raised, such as education and consumerism, reflect the maturing of our understanding of a commitment to the solution of problems of a longstanding nature; but others, such as environment, population growth, and the distribution of our resources, recognize the emergence of problems whose compelling thrust has been but recently perceived.

In identifying the goals which we should seek, the report does not attempt to set priorities; but it does give us an indispensable blueprint on how we may begin to do so, and also stimulates and provokes us into the urgent need for doing so.

It is really a threshold report to the effort to establish national goals. For those purposes, I commend the report to the Senate; and I ask unanimous consent that a summary be printed at this point in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY: TOWARD BALANCED GROWTH: QUANTITY WITH QUALITY

(Report of the National Goals Research staff)

President Nixon established the National Goals Research Staff July 13, 1969. The role assigned to the Staff was to analyze social trends, make projections about the kind of society that could result if present trends continue, forecast future developments and pose alternatives for the future domestic life of the Nation. The Staff did not undertake to set goals or to be a planning office. Rather, it studied and compared a variety of national domestic strategies that are available to the Nation and that can help in making the kind of informed choices essential to guide the processes of change.

The past year's work of the NGRS represented an experiment in supporting the formulation of national policies. One objective of the experiment was to aid in the improvement of the national decision-making processes of public and private institutions by anticipating events rather than by simply reacting to "crisis" situations. A second objective was to provide longer-range concepts of future conditions of our society in the recognition that the choices made today will importantly affect the kind of society we will have in 10, 20, or—in some cases—even 50 years. A third objective was to provide the American people with information which would facilitate their participation in setting the Nation's goals and related policies.

In connection with this third objective, the President directed the Staff to prepare a public report by July 4th of this year. He stated that the report should "serve as a focus for the kind of lively widespread public discussion that deserves to go into decisions affecting our common future."

The report of the National Goals Research Staff takes its central theme from the President's call, in his State of the Union message, for the development of a policy on national growth. The report examines a number of areas of American life where the issues of the nature and direction of growth are being argued. But, increasingly, we have become aware that growth is not enough. We have become alarmed at the threats to our environment posed by industrial and technological progress. We have developed a new and acute awareness that the quality of life cannot be measured in quantitative terms.

Concern has bred alarm, and some have urgently demanded that we call a halt to growth altogether. Yet, as the report points out, our need is not to stop growth but to redirect it. We *can* have quantity with quality. In fact, given our rising levels of expectation, we cannot have quality without quantity. But it is equally true that quantity without quality is no longer adequate either as a goal or as a standard of measurement. Plainly, we need to develop a concept of "balanced growth" and the guidance mechanisms through which it can be achieved on a sustainable basis. Many of the policy debates of this coming decade will be over how we strike the balances.

Making intelligent policy choices becomes increasingly complex as society itself becomes more complex, and as the consequences of various courses of action become more far-reaching and more intricately intertwined.

Though the choices are more complex, our means of making those choices have also been greatly advanced.

The vast increase in scientific knowledge, in technological capability, in our understanding of the economic and social forces that shape our society, all greatly increase both our capacity and responsibility to make intelligent choices about our future.

Of all the advances in our understanding of the ways in which human institutions work, none is more significant than those we now are making in our understanding of the means by which results that we want can be achieved and those we do not want can be avoided.

The report emphasizes that as we choose our goals for 1976 and beyond, it is vital that the process of decision be as broadly based as possible—not only involving the intelligence and the energy of people everywhere, but also inspiring an active sense of participation—"a role for everyone."

This report is meant to inspire debate—and to help give that debate form, direction, and meaning.

If people are to make their wishes felt effectively, it is important that they be aware of what the real issues are—that is, what the real questions turn on, where the "pressure points" are, and what the considerations are that must be weighed in any responsible determination of a particular policy. By presenting some of the emerging major debates in this form, it is the objective of the Report that informed, effective, and constructive discussion of the issues involved will be encouraged on the broadest possible basis.

A summary of each of the chapters of the Report follows:

CHAPTER 1—EMERGING DEBATES

America appears to be at a point of profound change, frequently characterized as that from an industrial society to a "post industrial society"—from a society in which production of goods was of primary concern to one dominated more by services and the generation and use of new knowledge. Consequently, we are in a period of marked social change, one aspect of which is the search for a growth policy to guide that change. This report examines several areas in which the choice of a future growth policy is explicitly or implicitly being debated. Its intent is to use these case examples as a part of a learning experience, as one discrete step in the evolution of a policy of balanced growth, as called for by the President. The approach is analytical and not prescriptive. The purpose is to aid the American people and their representatives in what is assumed to be a long process for evolving a growth policy.

The key substantive areas in which the problem of growth is being debated are: population growth and distribution, environment, education, basic natural science, technology assessment, and consumerism. In general, these topical areas do not correspond to the major social problems with which we are presently concerned, including those of our cities, campus unrest, the Vietnam War, and race relations. These represent dissatisfactions over our performance according to our established priorities.

Probably the major message that comes from the existing debates over a growth policy is not that our institutions have proven incapable of doing their job. Rather, many of our institutions have performed very well the tasks which we set for them a few decades ago. However, in so doing, they have created unanticipated problems with which we must now deal, and they must be reori-

ented toward the tasks that are appropriate in a society capable of a new level of performance. The range of criteria whereby we will judge institutional performance will be broader in scope and longer in time perspective. An essential part of this period of transition is the attempt to shift from a reactive form of public decisionmaking, in which we respond to problems when they are forced upon us, to an anticipatory form in which we try either to avoid them or be prepared to deal with them as they emerge.

It is the hallmark of our country that Americans have adjusted to change while preserving the basic qualities of their institutions. This has happened a considerable number of times in our history. In the course of this history, a predominant theme has been one of economic growth, and an accommodation to a larger population. At no time was economic growth considered so dominant a goal that it obscured all other concerns, but neither was the growth per se viewed as other than a good thing.

Today, for the first time, we find the virtues of economic growth questioned, and this issue is put in popular terminology as one of "quantity versus quality." This is, in the view of this report, a false phrasing of the issue, since the new qualitative goals being proposed and the old goals yet unmet can be achieved only if we have continued economic growth. The issue is better put as one of how we can ensure continued economic growth while directing our resources more deliberately to filling our new values.

A large portion of the explanation for this seems to lie in our demonstrated ability to achieve economic stability and growth in the period following the passage of the Employment Act of 1946. Even though our economy is at the moment in a period of transition, the pervading public and official view is that we are a Nation of growing, unprecedented economic resources.

At the same time that we have become a Nation that can afford to care we have also become a Nation that cannot afford not to care. The past decade has been marked by an emerging sense of conscience for the plight of the underprivileged, an awareness of social and economic problems that are the unanticipated consequence of our past actions, a resolution that we can guide our affairs more rationally, and simultaneously, a broad popular demand for citizen participation in the management of their own fate. While this was happening, we also developed new techniques of decisionmaking whose promise spurred the resolution to run things more rationallly, but whose full potential is incompletely understood or tested.

While this resolution to run our affairs both more rationally and more effectively was emerging, two complicating circumstances arose. The Vietnam War placed a strain on our admittedly large resources and belatedly forced us to recognize the necessity of considering priorities more seriously. And, a more complex model of how to go about purposive action evolved in part from the ecologists' experience with the environment, and in part from our increasing knowledge of social science and our mixed experience in attempting social and political reform.

We thus find ourselves at a point at which the following things are true: We have rising expectations and changing values concerning the goals we should set for ourselves both in resolving existing inequities and in improving the quality of our lives. However, while our resources are large and growing, they are finite and we must set priorities more deliberately. In compensation for this complication we have the promise of more rational methods of public decisionmaking as a way of selecting and implementing our priority goals. But, this must be brought about in a context in which there is greater public participation, and greater recognition of the complexities of the world—both social and environmental—in which we live.

CHAPTER 2—POPULATION GROWTH AND DISTRIBUTION

In a nation that once valued its population size and growth, and in which the phrase "fastest growing" was attached to the name of proud municipalities, the question of overall population size and distribution has come under active debate.

The question of population size in the United States is not Malthusian. The issue is not whether we can feed and clothe a population of any size we can realistically envisage, or even supply it with the expanding amount of energy it may demand. It is rather that of whether a technologically advanced and industrially prosperous nation wants, or can continue to pay the price of congestion and contamination that comes from our overall affluence. It is suggested that our size may be limited by the ability of the environment to absorb the wastes that result from our economic success.

Students of the overall size of our population are in no agreement as to precisely what the size will be by the year 2000, nor on what an optimum population size for a nation such as ours would be. But, more recent projections suggest that the increase in our population over the next 30 years may be considerably less than the additional 100 million that had generally been forecasted. In fact, it may even be that the present rate of increase will slacken off so that we will reach the zero growth rate that some demographers have been advocating.

However, the issue of population distribution is a different matter, and one to be taken seriously regardless of what may be the upper limit of the population size. Our population has been concentrating increasingly, not only in cities, but more and more proportionately into a few rather large urban masses. This has resulted in a lowering of the quality of life in both urban and rural areas. Projection of such a migration pattern is actually a de facto distribution policy since it will affect such decisions as industrial plant location and other types of investment which will make the prophecy of increasing concentration self-fulfilling.

We have before us a set of decisions. One which appears not to be urgent is that of overall-size of the population—even after the effects of a considerable amount of immigration are taken into account. Apropos of population distribution, we need to decide on whether or not we will adopt a deliberate strategy to encourage internal migration to negate the forecasts of ever-growing urban congestion in a few megalopoli. A viable option for such an alternate strategy is a policy of encouraging growth in alternate growth centers away from the large urban masses, coupled with a complementary effort of the use of new towns.

CHAPTER 3—ENVIRONMENT

Man is redefining his relationship to his environment. He has progressed from fearing, to understanding, to using, to abusing, and now to worrying about the physical and biological world about him. Throughout all but the very recent history of the United States, our relationship to the environment has been one of exploitation. We have seen our natural endowment as a source of riches to be extracted and used, or later, to be extracted and processed. Concern for the environment was generally limited to whether or not we were exhausting our inheritance of sources of food, energy, and materials.

The current interest in the environment has two distinctively novel emphases. The first is that the limitations that the environment places on our activities may not be on the input side (sources of food, energy, and materials), but on the output side (a place to dispose of our wastes). The second, which is closely related to the first, is that the environment, in addition to having a limited capacity to absorb wastes, is a complex ecological system in which intervention of an apparently minor sort can, and often does, have far-reaching consequences through a chain of unsuspected reactions.

Both of these aspects of thinking about the environment have important consequences on the way we think about other things. They raise the question of whether or not there may be an upper limit on our economic growth as a consequence of the limitations on how much waste can be absorbed. And, the model of complex ecological systems affects our whole way of thinking about the consequences of our action not only in the enivronmental sphere, but also in the social sphere where we are coming to realize that causation is just as complex.

Some scientists and other anxious citizens assume a doomsday model of the future in which increased economic production will drive us to our destruction. In response, others propose what is called a paradise-regained model which would return us almost to a state of nature. Fortunately, the doomsday model does not forecast that which is inevitable, and the latter, which would probably be unattainable if tolerable, need not be entertained.

A mixed strategy of response to our environmental problems is proposed. We need to expand our inadequate knowledge of ecological systems. But while expanding this knowledge, we must take those measures which we know are called for. We need to consider our current technological and economic alternatives in the light of long-range ecological balance. Additionally, we need to resolve conflicts between our demands for products and services, and the depletion and pollution generated by them.

The market mechanism can and should be used as one of the devices for regulating these demands. Government should play a role through appropriate regulations, taxes, subsidies, and standard setting. Since environmental problems and their solution are of a global nature, we must and are beginning to act in concert with the other nations of the world.

Our environmental problems are a result of our technological and economic successes and of our philosophical view of nature. Now we must learn to use our technology and our economic output better to bring us in harmonious relationship to that environment. As will be found in other sections of this report, it is becoming apparent that the relatively narrow criteria by which we have, in the past, judged technical and economic progress must be expanded to consider a wider range of consequences.

CHAPTER 4—EDUCATION

We have an educational system that is in many respects unparalleled. It has grown in size and resources to the point where we have nearly universal education through the secondary schools and a proportion of our population attending institutions of higher education that is unprecedented. Yet, this system is under severe attack and criticism; it is seen as having been set up to serve the needs of an America that has greatly changed in the intervening years. There are many who argue that it is necessary for the schools to deemphasize quantitative expansion along traditional lines and emphasize adaptation to the needs of a rapidly changing society.

In the past, the public has equated going to school with education. The role of the school was to transmit information and instill traditional values. The society of today is one changing so rapidly that skills and information become outmoded, and traditional values are under challenge. Furthermore, the proportion of information that children re-

ceive from the mass media is so large and the range of values to which they are exposed so diverse that it may well be that the schools should be devoted to giving them the cognitive skills for integrating information, and a framework within which to sort out the diverse values to which they are exposed.

In addition to what may fundamentally be a new orientation demanded of the schools, they are being asked to respond to current problems in two ways. First, it is said that they should be relevant to the needs of the student, which is to say that they should teach him as an individual to be able to deal with contemporary problems. Second, the higher institutions of learning, in particular, are being asked to solve the present problems of society.

The choices with which the schools are confronted involve, on the one hand, teaching problem-solving skills, fostering the development of students as individuals, and conducting problem-oriented research. Or, on the other hand, there is the option of continuing to transmit the old knowledge and values at the primary and secondary levels, and continuing to transmit the traditional knowledge and seeking to develop knowledge for its own sake at the higher levels of education.

By and large, it would seem that we must look for some appropriate mix rather than shift over to a complete doctrine of relevance. In the meantime, we need to develop further understanding of the educational process and of how to evaluate it. We must further develop an experimental posture toward innovation in education which will reflect our basic uncertainty as to how to go about the many problems with which the educational system is faced.

All of the above holds for the educational system at large. With respect to the children of minority groups, we have the special task of ensuring equal educational opportunity, and of understanding and dealing with those special disadvantages which are imposed on them by their environment.

Taken all in all, the educational system, which is the crucial single institution for the development of our citizenry so that they can live happily, shape our system wisely, and contribute to both the direction and rate of its growth, is in a state of severe stress. The educational system is having its own "growth" problems which, if not solved, will have a profound impact on the growth of the Nation as a whole.

CHAPTER 5—BASIC NATURAL SCIENCE

The American scientific establishment has grown and the capacities of its researchers have developed to the point that our capability in basic research has made us preeminent in the world. Having achieved that position, basic natural science finds itself in a crisis of both financial and social support. Historically, Federal funding, the main source of basic scientific research, has been large relative to the scientific resources available to do the work. In the recent past, as the scientific establishment continued to grow, the supply of funds leveled off so that the previous relationship has in effect been reversed. There is too little money relative to the number of scientists involved. At the same time, in the past half decade, scientists and their works began to come under fire as a result of the association of scientists with the military, and with industrial technology which has produced environmental pollution. In concert with these two developments, our national priorities have shifted to the solution of social problems, and basic scientists are being asked to shift their focus of work from the development of knowledge for its own sake to working on basic problems which have relevance for today's social issues.

The result is serious strain on an institution which furnishes us with our most fundamental understanding of ourselves and of our world, and which has been the source from which technology has evolved in recent times to serve economic growth. In the past few decades, we have been very successful in making basic science useful, but now we find ourselves in a crisis as to how to ensure its future usefulness, and of how to balance the long-range utility of basic knowledge with present urgent needs.

One of the major decisions with which we are faced is that of the level of support we will furnish basic science in the future. This is clouded by the problem of making basic research "useful" in the short run. It is in the nature of basic research that answers to practical problems may be found in unsuspected areas of inquiry. Some problem areas, at a given time, have a greater potential for exploitation than others. Setting research priorities on the grounds of probable utility is often a choice of possible short-term benefits against the longer-term ones which might result from a more rapid expansion of the basic pool of knowledge by permitting science to pursue the internal logic of its own development.

What is indeed, and may in fact be developing, is a forum in which the partially conflicting needs for maintaining the integrity of the core of basic research and the practical needs of the society are resolved.

In conjunction with the need to work out an appropriate level and distribution of funding, we must face the fact that an articulate minority are attacking the very rationale and spirit of science and of rational inquiry itself—the most elementary tools man has for the orderly guidance of his affairs.

CHAPTER 6—TECHNOLOGY ASSESSMENT

The Nation's infatuation with technology is at a turning point as profound as that of its relationship to the environment. Historically, we have tended to do that which was technically possible, if it were economically advantageous, on the simple ground that this represented "progress." However, as technology has increased with great rapidity, it has forced on us increasing unplanned social change and environmental problems we did not anticipate and do not want. At the same time, our notions of the complexity of social and environmental problems have made us increasingly cautious with respect to the actions we plan to take. Our level of affluence has given us a longer time perspective within which to assess the consequences of our actions. As with so many other of the debates with which we have been concerned, the technology assessment movement—which embodies this new attitude toward technology—asks us to judge our actions by a wider range of criteria than we have used in the past.

Formally, technology assessment is a term coined in the Congress to label a set of procedures to aid the Congress in making decisions for the orderly introduction of new technology and the evaluation of technology already in use. However, it is better viewed as a manifestation of a larger phenomenon of a decreasing willingness of both the public and its representatives to tolerate the undesirable side effects of things done in the name of progress. The public has protested effectively against the displacement of people by highways, aircraft noise, and the building of new powerplants. Specific actions have indicated that we have the disposition to forgo immediate economic benefits in order to avoid social and environmental costs which once would have been accepted with no more than pro forma consideration. The existence of formal technology assessment, now in both the congressional and executive branches, is to be taken as no more than a specific manifestation of the broader concern.

There are major policy problems with the prospect of doing technology assessment in a formal fashion. One is that of establishing criteria for deciding which among all of the new technologies emerging shall be selected for assessment, and how inspections, standards, and controls shall be established. Another is the extent to which technology assessment shall become a "way of life" in the American economy with increased consideration of the second-order consequences of technology through all strata of decision-making, both private and public. Most general, however, is the problem of how we will manage the impact of the possibility of technology's adverse effects with the demand for new technology to ensure economic development. Among other things, we may have to accelerate our efforts to detect new benign technological opportunities and facilitate their rapid introduction to offset the impact of inhibiting the introduction and use of harmful technology.

CHAPTER 7—CONSUMERISM

American business prides itself in its ability to develop, produce, and deliver a great flow of new technologically sophisticated products of a wide variety. Yet, its very success in this has produced a wave of complaints. There have been consumer movements in the past based on issues of product safety and quality, deceptive practices, monopolistic practices, aesthetics, and so on. However, what marks the new consumer movement as distinctive is that it features resentment that the stream of new products is so large and the differences among products so small that choice among them is said to have been made difficult. Furthermore, it is argued that the technical complexity of many of them is such that the untrained individual cannot evaluate them.

The result has been the evolution of a system of consumer protection which, since 1964, has featured commission and special assistants at the highest levels of Government, increased activity in the regulatory agencies, and finally in 1969, a Presidential enunciation of a "Buyer's Bill of Rights." Laws have been passed and new standards set. Testing procedures have been tightened. Consumer information services have grown.

The anomaly of the present consumerism market is that a highly market-oriented economy has produced a situation, in which it is said by at least an influential minority, that the doctrine of consumer sovereignty—the notion that the consumer can regulate business by his free choices—is no longer tenable for some undefinable but sizable segment of the marketplace. Some extreme manifestations of this position would have a considerable impact on the way our economy runs. Already, the consumerism movement has had an important and probably beneficial influence on business practice. This movement consists of a myriad of small issues, but the large one confronting us is that of developing a proper policy posture that will give the desirable amount and kind of protection to the consumer and, at the same time, preserve a business environment in which the economy can continue to grow.

The consumerism movement has been regarded by some as a fad. It is important to note that the complaints which stimulate the present consumer concerns are an integral part of a technologically sophisticated, market-oriented economy such as we have so deliberately developed in recent decades and which seems certain to continue.

CHAPTER 8—ECONOMIC CHOICE AND BALANCED GROWTH

The search for a policy of balanced growth has major implications for the allocation of economic resources and is crucially dependent upon economic growth. Conventional economic policy goals include full employment, an acceptable rate of growth, price stability, and a satisfactory balance of payments. Added to these now is a new set of

goals under the vaguely defined label of "quality of life." These concerns mirror a desire by many Americans to create a society better able to enjoy what it produces, and to grow in ways harmonious with its physical environment.

The setting of new goals and the establishment of priorities among them are matters of social choice. Economic analysis can help in understanding some of the central aspects of these choices, but it cannot dictate the answers. The choices themselves are those of the people, expressed individually through their private institutions and through their governments. The key choices are among competing ends. Economic analysis can contribute toward the meeting of these ends once they are chosen, and an economic policy of sustained growth can make it possible for more of these ends to be achieved.

CHAPTER 9—TOWARD BALANCED GROWTH

This report is motivated by the President's explicit call for the development of a national growth policy. It is assumed that both the meaning and form of this policy will evolve and that contributions such as this are but steps in that direction. This report takes an inductive approach to the overall problem by identifying a number of issue areas in which it seems meaningful to say that a debate bearing on growth policy is taking place. The issues which were selected are those which the National Goals Research Staff judged would make a distinctive contribution to the Nation's awareness. An example of an exclusion might be that of urban problems, a subject truly essential to our growth, but a matter much discussed by others of greater competence on that topic.

The major lesson to be extracted from the substantive problems reviewed here is the high desirability of an explicit growth policy with a relatively long-term perspective. In instance after instance, it was found that today's problems are a result of successes as defined in yesterday's terms. The object lesson has not been that our institutions are incapable, but that in the past we set performance criteria for them in terms now recognized as too narrow but which at one time were appropriate. We have become widely aware of the second-order consequences of our action, and we have demonstrated our resolution to take them into account when we can anticipate them. What we need is increased ability to anticipate those consequences and an explicit policy framework within which to evaluate them.

The central ingredient in the development of a growth policy will be for the American people to decide just what sort of country they want this to be. This process is in being, as reflected in these debates. Hopefully, this report and other events will serve as vehicles to facilitate discussion and choice. To further facilitate this process, we will have to develop better institutional arrangements for the people to relate to the leadership and better mechanisms of policy analysis to serve all parties.

While it is clear that an explicit growth policy is desirable, it seems equally clear from these debates that it is likely that what will emerge is not a single policy but a package of policies consistent with each other, each designed to meet one or more of our national objectives. This package of policies will shape both the directions of our society and the balance among the many segments of society in terms of priorities and interrelationships. It will not be a set of policies which the government alone can develop and effect. It will be a set of policies which emerge from the decisions of the government and the people, and which, in turn, will affect the decisions of both the government and the people.

APPENDIX A

These are only a few examples of possible developments, many of which have begun or may begin to emerge in the 1970's. Many of these developments may not appear in the 1970's or even later, but the list suggests that, as we view the prospects for our Nation, we must broaden our vision to take into account a variety of developments which will bring many new dimensions of human experience.

As illustrated by these selected trends and forecasts, the 1970's promise to be a decade of extraordinary change. Our Nation in 1980 could be one in which cities are more clogged with immovable traffic, air is less breathable, streams polluted to the point where expensive processes will be necessary to get usable water, seashores deteriorating more rapidly, and our people suffering needlessly from having not developed the necessary institutional arrangements for achieving the promise of this decade of change.

On the other hand, America in 1980 can be a Nation which will have begun to restore its environment, to have more balanced distribution of regional economic development and of population; a Nation which has abolished hunger and many forms of social inequality and deprivation; and a Nation which will have begun to develop the new social institutions and instruments necessary to turn the promises of this decade of change into reality.

If we are to see the second of these possible features realized in the America of 1980, we must begin now to define what we wish to have as our national goals, and to develop in both our public and private institutions the specific policies and programs which will move us toward those goals.

THE ATLANTIC COMMUNITY DEVELOPMENT GROUP

Mr. JAVITS. Mr. President, I invite the attention of the Senate to the development of a company called the Atlantic Community Development Group, of which I had the honor to be the inspirer originally, as chairman of the Economic Committee of the NATO Parliamentarians' Conference, in the early 1960's.

This has become a massive private enterprise effort of mutualization, a consortium of the greatest companies and banks in the industrial world at this time, to assist in the development of Latin America; but the idea is being extended to Asia, where a company already has been organized, and one is in prospect in Africa and one will ultimately come in the Middle East. The success of this enterprise is so critically important as bearing on the validity of the enterprise system as a technique for world development, quite apart from governments, that I commend this study to my colleagues.

Incidentally, the Overseas Private Investment Corporation, which we will organize soon, which has already been authorized by law, though a Government entity, follows the same general idea of stimulating this kind of world activity. It has tremendous consequences in relieving us of budget strain and other disadvantages of the kind of foreign aid we have been carrying on for years, which cannot be displaced, but a good deal of whose work might be done in this way.

I ask unanimous consent that an article on the development of this company, published in the July 11, 1970, issue of Business Week, making reference to its very gifted executive director, Ernst Keller, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE COMPANY THAT NURTURES LATIN BUSINESS

"ADELA is the kind of company that doesn't exist in developed countries, because they don't need it," says Ernst Keller, managing director of the Lima-based ADELA Investment Co. He adds: "There is no problem in finding capital for developing countries—the scarcity is management men."

ADELA (the Atlantic Community Development Group for Latin America) provides both money and management knowhow for Latin American business. Indeed, like available Jones, the multifaceted entrepreneur in Al Capp's comic strip, ADELA will supply just about any financial or managerial service. Keller claims that the company has helped mobilize close to $1-billion worth of investment in Latin America.

Since ADELA was organized in 1964, it has put $82-million in share capital and loans into 99 companies in 19 countries. ADELA organized many of the ventures, ranging from mining and meat packing to steel mills, food retailing, and computer service centers. And for every $1 that ADELA invests in its projects, other companies, banks, and lending institutions invest at least $9.

ADELA and its subsidiary, ADELATEC Technical & Management Service Co., are now working on a series of new ventures:

A company to warehouse, transport, and distribute farm products in Latin America, with Anaheim International of Fullerton, Calif. (Another company, Latin American Agribusiness Development Corp. is looking for ventures. Its partners include Bank of America, Cargill, Inc., Deere & Co., and Gerber Products Co.)

The Jamaica Negril Estates, formed with the Jamaican government's Urban Development Corp. This involves an option to buy a big tract of beach and swamp for a $140-million resort complex, new town, and farm belt. ADELATEC drew up the project and ADELA is talking to potential investors.

A hotel chain called Hotel Associates, with Braniff Airways, Inc. It will cost about $150-million, coming mainly from local investors.

Among other things, ADELA is promoting Latin American economic integration by organizing multinational industrial ventures that exchange materials and products across national borders. It is setting up a holding company to provide services to industrial leasing companies in several countries, and it has spawned a litter of smaller private investment companies in seven Latin countries.

Eventually, Keller hopes to move into mutual funds.

Meanwhile, ADELA nurtures the businesses it has already created by helping with everything from market surveys to financial reorganization. It sells the same services to outsiders.

POWER BACKING

In all this, ADELA is backed by the financial strength and the technical and managerial knowhow of the world's most powerful corporations—239 of the biggest banks and industrial companies in the U.S., Canada, Europe, Japan, and Latin America. They each subscribed up to $500,000 of ADELA's $60 million in authorized capital, and have paid in over $50 million. With such blue-chip backing, ADELA exerts financial leverage far beyond its own resources. It borrows additional funds from member banks, and it gets long-term loans from such sources as the Inter-American Development Bank and Germany's Kreditanstalt für Wiederaufbau. Other investors, local and foreign, take shares in ventures organized by the company; they feel their money will be safe and return a good profit under ADELA's wing.

ADELA was launched with 56 initial stock-

holders, mostly U.S. and European companies, amidst the turmoil in Latin America that followed the Cuban revolution. Senator Jacob K. Javits (R-N.Y.) persuaded the Ford Foundation to finance the study that led to its founding. One aim was to spur economic development by funneling more outside capital into the area; another was to strengthen private enterprise and create a better business climate. Some shareholders thought these were worthy objectives, but were frankly skeptical about ADELA as a moneymaker. In fact, one European banking house promptly wrote off its shares as a straight loss. Nevertheless, ADELA earned profits of $2.9 million in its last fiscal year and paid a 4% dividend to stockholders. Now a similar venture with many of the same shareholders, the Tokyo-based Private Investment Company for Asia, is helping organize and finance companies in developing nations of the Far East.

LEADERSHIP

Keller has put his personal stamp on ADELA. A hard-driving, outspoken Swiss, the 50-year-old Keller had been assistant vice president of W. R. Grace & Co.'s South American division and had founded his own investment firm in Lima.

For ADELA, he recruited a staff that is both young and multinational. Executive Vice-President Eugene R. Gonzalez, for example, is an American born in Chile. Vice-President Desmond Cameron, an Englishman, came to ADELA from Schroder bank in London; Peter Rabbow, one of five ADELA managers, is a German; Arturo Yermoli, an ADELATEC manager, is a Chilean industrial engineer who worked in Argentina. About 40 executives and staff members work out of Lima and 50 are scattered in other offices in Latin America, Washington, and Zurich.

"Keller motivates his people very strongly," says Howard C. Petersen, chairman of Philadelphia's Fidelity Bank, one of ADELA's founders and now its chairman. "I think one of the attractions is that there is a certain relevance in what they do. As a consequence, ADELA can perhaps get better and more strongly motivated men than other companies."

HOW IT WORKS

Keller describes ADELA and ADELATEC as "a service organization and mover of human and financial resources." Staffers in Lima and resident representatives in 13 countries look for investment opportunities. When one is turned up, ADELA converts it into a concrete "bankable" project with feasibility, market, engineering, and financial studies.

"Only then do we become an investment company," says Keller. "We can only provide seed capital. We go around hat in hand getting money from other investors—Latin American, foreign, institutional."

That is not too difficult for a company that has the world's biggest banks as stockholders. "We maintain good contacts with shareholder banks," says an ADELA executive. "So all we do is write an informal, chatty letter describing the project and asking if they are interested. If so, we supply the project study made by our analysts."

In Bolivia, for example, ADELA financed the development of new properties by a small tin mining company, Cia. Minera del Sur. It put up $1 million in loans and equity, and New York's First National City Bank, an ADELA shareholder, loaned $500,000. In Buenos Aires, ADELA financed a major expansion by meatpacker Frigoríficos Argentinos, S.A. (FASA), by lending $1.5 million and placing another $2 million of loans with banks.

IN MANAGEMENT

ADELA's role, though, goes far beyond ordinary investment banking. "One of its major contributions has been on the management side," says Petersen. "If you have the management, the money follows."

Once financing has been obtained, explains Keller, "our services begin again. The project must be planned, programmed, designed, purchased, and installed."

One of the company's biggest projects is Cía. Pino Celulosa de Centroamérica, a $70-million pulp and paper mill that will exploit a vast stand of virgin timber in Honduras. The Honduran government development bank, the Central American Bank for Economic Integration, and the International Finance Corp. are putting up part of the share capital. ADELA and ADELATEC made a preinvestment study and a feasibility study, helped organize the company, obtained financing, and looked for a foreign paper company with knowhow to run the mill. Negotiations are under way with the International Paper Co. to manage the venture and put up 51% of the equity. ADELA will buy $3.5-million worth of shares and sell them off gradually to local investors.

Bringing in Latin partners and taking only a minority interest in companies helps ADELA avoid the charge of "economic imperialism" that is a favorite political issue in the region. Julio Juncosa Seré, president of the fast-growing FASA, says that because ADELA is multinational, it was an attractive source of "impartial credit." Since FASA competes with British and American-owned meatpackers, it was reluctant to have ties to financial groups in those countries. "We had other offers and turned them down," Juncosa says.

In a typical minority investment, ADELA aided Armat Metalúrgica, a Chilean maker of coin blanks, in financing a new plant. ADELA bought a 25% interest in the company for $333,000 and loaned another $250,000. Armat now exports to Israel and Uruguay, and has a contract to supply coins for Argentina's new "hard peso."

ADELA's industrial stockholders participate directly in some of the manufacturing companies it organizes. Germany's Fried. Krupp, for example, supplied equipment and the financing for an Ecuadorian steel rolling mill.

SOME MISSES

ADELA has had some notable failures, among them Promecan, a Peruvian fishing boat builder. The company has overexpanded, and ADELA helped refinance it by buying 40% of its stock for $700,000 and lending it another $1.7-million. Keller also persuaded his old company, Peruinvest, and the Peruvian government development bank to put money into Promecan with the aim of diversifying the company and overhauling its management. Then a crisis hit the fishing industry, customers cancelled their orders, and Promecan went broke.

Says a top ADELA executive: "When we brought Promecan out to breathe, suddenly there wasn't any air." Promecan has gone through bankruptcy now, though, and is back in business with a Japanese partner.

Recently, much of ADELA's emphasis has been on strengthening Latin America's thin financial markets by setting up financial intermediaries. ADELA has launched "financieras" (private investment companies) in a number of countries, and has formed industrial leasing companies in Mexico and Brazil. In Mexico, it is setting up a company that will "warehouse" commercial paper up to five years' maturity by buying and holding it for its own account. In Brazil, it plans to buy into a brokerage house.

ADELA also develops local capital markets by helping family owned companies go public. Last year, it bought out La Cortina, a Venezuelan carpet manufacturer. ADELA plans to convert the company to public ownership by selling shares to Venezuelans.

Now ADELA is starting to promote Latin American exports. The newly created Adela Trade Development Co. will bring together expertise in financing, management, production, packaging, and transport to expand trade within the region and exports to overseas markets. "You are a dead duck if you think only in terms of a local market," says ADELA manager Fortunato Quesada, a former Peruvian diplomat.

In such ventures, the risks are increased by Latin America's political ups and downs. But old Latin hands, like Keller, keep their cool.

Keller says: "There is no question that investors who have not lived in Latin America are being scared off by the present tendency toward greater nationalism—in some cases, quite radical nationalism. But nationalism exists everywhere, with different names. In industrial countries, it is called protecting the balance of payments."

ENROLLED BILLS SIGNED

The President pro tempore announced that on today, July 22, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba;

S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act;

S. 885. An act to authorize the preparation of a roll of persons whose ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Dockets numbered 314, amended, 314–E and 65, and for other purposes; and

S. 3685. An act to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. GRAVEL) laid before the Senate the following letters, which were referred as indicated:

REPORT ON REGISTRY OF MINORITY CONSTRUCTION CONTRACTORS

A letter from the Secretary of Housing and Urban Development, Washington, D.C., transmitting, for the information of the Senate a registry of minority construction contractors (with an accompanying document); to the Committee on Banking and Currency.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on potential savings by centralized control of overseas air passenger transportation, Department of Defense, dated July 21, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in Federal Aviation Administration procedures for determining excess spare parts, Department of Transportation, dated July 22, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED INDIAN FINANCING ACT OF 1970

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for financing the economic development of Indians and Indian organizations, and for other purposes (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED FEDERAL SALARY COMPARABILITY ACT OF 1970

A letter from the Chairman, United States Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GRAVEL):

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 4

"Relative to a national wildlife refuge for South San Francisco Bay

"Whereas, The establishment of a national wildlife refuge for the southern portion of San Francisco Bay to preserve open-spaced and recreational values in the natural environment of the bay for benefits to man and to protect a wildlife habitat of national significance from the increasing threat of urbanization has been endorsed, after extensive studies, by the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, and resolutions in support of such action have been adopted by 23 government agencies of the San Francisco Bay area; and

"Whereas, House and Senate bills to establish the refuge were introduced during 1969 and these bills, which were in committee on the adjournment of the first session of the 91st Congress, will be reintroduced and hearings held on the question of the proposed refuge after January 1, 1970; and

"Whereas, The proposed refuge area of open water, sloughs, tidal, shallows, flats, marshes, saltponds, and upland meadows is a natural habitat for 100 species of water birds and 42 species of land birds and, as a vital part of the Pacific Flyway, is host to thousands of migratory wild birds making the long fall flight from the Arctic to Baja California and South America; and

"Whereas, The South San Francisco Bay region provides the habitat and resting areas for several species of bird and animal life which are on the verge of extinction, and prompt acquisition of land for a national wildlife refuge is essential in view of the continuing pollution and destruction of the natural environment of the region by rapidly expanding urban development; and

"Whereas, The proposed national refuge, carefully managed for the protection of wildlife, would also provide the people of the San Francisco Bay area and of the nation with access to the bay and its wildlife for observation and enjoyment, offering opportunity for picnicking, photography, fishing, and other recreational activities compatible with the primary purpose of the refuge, and would enable students of all ages from elementary school to college to use the refuge as an outdoor laboratory for the study of biology, ecology, history, and sociology; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to establish a national wildlife refuge for the southern portion of San Francisco Bay; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Merchant Marine and Fisheries, to the Senate Committee on Commerce, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION No. 49

"Relative to Pyramid Lake natural resources

"Whereas, Pyramid Lake in the State of Nevada is a unique and beautiful national asset deserving of preservation and protection for the enjoyment of present and future generations; and

"Whereas, The potential recreational and economic value of Pyramid Lake to the people of the State of Nevada and particularly to its owners, the Paiute Indian people whose reservation encompasses the lake, is beyond question; and

"Whereas, Pyramid Lake is a natural geologic sink which receives the flood flows of the Truckee River system and which historically received the entire flow of the river system; and

"Whereas, It is well substantiated that the diversion of Truckee River water over the past sixty years has caused, except for exceptionally wet years such as 1969, the progressive lowering of the level of Pyramid Lake; and

"Whereas, The unique recreational and economic resources of Pyramid Lake are being endangered as its level declines due to the diversion of water from the Truckee River system to meet the many competing demands; and

"Whereas, While uses of water from the Truckee River system in California unquestionably have some adverse effect upon Pyramid Lake, the fundamental problem centers upon the annual average diversion of 241,000 acre-feet of water at Derby Dam in Nevada for use in the Newlands Project and upon the operational criteria adopted by the Secretary of the Interior for the Truckee-Carson River system; and

"Whereas, Stabilization of the water level of Pyramid Lake and the provision of minimum flows necessary to sustain fish life and spawning in the Truckee River below Derby Dam would enhance the lake's fishery resources and create economic benefits to the Paiute Indian people who own the lake; and

"Whereas, A properly developed Pyramid Lake would provide high quality recreation for large numbers of residents of California; and

"WHEREAS, The United States Department of the Interior is charged with responsibility for assuring the protection and wise use of the nation's natural resources and controls in major part the waters of the Truckee River-Carson River system; and

"WHEREAS, The conflicting interests of various bureaus within the United States Department of the Interior have precluded satisfactory resolution of the water management problems of the Truckee River-Carson River system; and

"WHEREAS, These conflicting interests are centered in the Bureau of Indian Affairs, the Bureau of Sports Fisheries and Wildlife, the Bureau of Land Management, and the Bureau of Reclamation; and

"WHEREAS, The level of Pyramid Lake will continue to decline until such time as these conflicts are resolved; and

"WHEREAS, A resolution of the water management problems of the Truckee River-Carson River system is beyond the capabilities of the States of California and Nevada; and

"WHEREAS, The Assembly Committee on Water, in its evaluation of the proposed California-Nevada Interstate Compact concerning the waters of the Lake Tahoe, Truckee, Carson, and Walker River Basins, has concluded that a final resolution of this conflict and of the water management problems of the Truckee River-Carson River system can only be attained through positive action by the Secretary of the Interior; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States and the Secretary of the Interior to take those actions necessary to assure the protection and preservation of Pyramid Lake; and be it further

"Resolved, That the Secretary of the Interior is requested to take immediate action to achieve coordination of the activities of the various bureaus within the Department of Interior in order to solve the problems relating to management of the Truckee River-Carson River system; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Interior and Insular Affairs, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of the Interior."

ESTABLISHMENT OF A JOINT COMMITTEE ON THE ENVIRONMENT—JOINT REPORT OF COMMITTEES ON COMMERCE, INTERIOR AND INSULAR AFFAIRS, AND PUBLIC WORKS (S. REPT. NO. 91-1033)

Mr. JACKSON. Mr. President, the Commerce, Interior, and Insular Affairs and the Public Works Committees today filed a joint report on Senate Joint Resolution 207, a resolution to establish a Joint Committee on the Environment. The report recommends the enactment of Senate Joint Resolution 207 as amended by the committees. A companion measure, House Joint Resolution 1117, has already been passed by the House.

The establishment of a nonlegislative Joint Committee on the Environment will give the Congress a new institution which can provide a continuing overview of both present and emerging environmental problems and can be an important source of data and information for the standing committees of the Congress. This measure has received the careful attention of the Senate committees who exercise primary jurisdiction over environmental matters and its enactment has been unanimously recommended.

The PRESIDING OFFICER (Mr. SCHWEIKER). The report will be received and the joint resolution will be placed on the calendar, and the report will be printed.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary to the Republic of South Africa.

Mr. FULBRIGHT. Mr. President, I also report favorably sundry nominations in the Diplomatic and Foreign Service

which have already appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they may lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Helmut Sonnenfeldt, of Maryland, and sundry other persons, for appointment and promotion in the Diplomatic and Foreign Service.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BROOKE:

S. 4109. A bill for the relief of Santa Bonanno Merlino; to the Committee on the Judiciary.

By Mr. TYDINGS (by request):

S. 4110. A bill to amend Section 8 of the Act approved March 4, 1913 (37 Stat. 974), as amended, to standardize procedures for the testing of utility meters; to add a penalty provision in order to enable certification under Section 5(a) of the Natural Gas Pipeline Safety Act of 1968, and to authorize cooperative action with state and federal regulatory bodies on matters of joint interest; to the Committee on the District of Columbia.

ADDITIONAL COSPONSORS OF BILLS

S. 3252

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent, at the next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of S. 3252, to amend the Internal Revenue Code of 1954, as amended.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Without objection, it is so ordered.

S. 4041

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that, at the next printing, the name of the junior Senator from Illinois (Mr. SMITH) be added as a cosponsor of S. 4041, to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising.

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Without objection, it is so ordered.

S. 4075

Mr. LONG. Mr. President, on July 10, 1970, I introduced S. 4075, a bill to provide for limitation of the importation of sulfur. Since that time, the junior Senator from Texas (Mr. TOWER) has expressed his desire to be a cosponsor of that bill. I, therefore, ask unanimous consent that the name of the Senator from Texas be added to S. 4075 as a cosponsor.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

S. 4099

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Iowa (Mr. MILLER), I ask unanimous consent that, at the next printing, the name of the junior Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 4099, to amend section 2771 of title 10, United States Code, relating to final settlement of accounts of deceased members of the Armed Forces.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

SENATE RESOLUTION 432—ORIGINAL RESOLUTION REPORTED TO PROVIDE ADDITIONAL FUNDS FOR THE COMMITTEE ON APPROPRIATIONS

Mr. RUSSELL, from the Committee on Appropriations, reported the following original resolution (S. Res. 432); which was referred to the Committee on Rules and Administration:

S. RES. 432

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $35,000, in addition to the amounts and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, Senate Resolution 204, agreed to June 16, 1969, and Senate Resolution 315, agreed to February 2, 1970.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on yesterday, July 21, 1970, he presented to the President of the United States the enrolled bill (S. 3978) to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1971.

The Secretary of the Senate also reported that on today, July 22, 1970, he presented to the President of the United States the following enrolled bills:

S. 417. An act to authorize the Secretary of the Interior to convey certain lands in New Mexico to the Cuba Independent Schools and to the village of Cuba;

S. 778. An act to amend the 1964 amendments to the Alaska Omnibus Act;

S. 885. An act to authorize the preparation of a roll of persons whose ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds to pay a judgment in Indian Claims Commission Dockets numbered 314, amended, 314–E and 65, and for other purposes;

S. 3685. An act to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; and

S. 3889. An act to amend section 14(b) of the Federal Reserve Act, as amended, to extend for one year the authority of Federal Reserve Banks to purchase U.S. obligations directly from the Treasury.

AUTHORIZATION OF CERTAIN MILITARY APPROPRIATIONS DURING FISCAL YEAR 1971—AMENDMENT

AMENDMENT NO. 789

Mr. SCOTT. Mr. President, I am submitting today an amendment to H.R. 17123, an act to authorize appropriations for Defense, that I believe each member of this body can join in supporting.

As President Nixon has emphasized, we are moving from a wartime economy to a peacetime economy. This shift in national priorities is unquestionably in the interest of the country as a whole. We must remember, however, the cases of individual citizens whose jobs may be eliminated in this process.

In March, the elimination of 58,600 positions in the Department of Defense was announced. The vast majority of the people displaced by this reduction in force were career civil servants. Future reductions will also involve career employees. To seek new jobs poses a tremendous hardship to these people. Similarly, the Federal Government can ill afford to lose their skills and experience.

The amendment I am submitting would affirm the sense of the Congress to be that government departments and agencies, when filling vacancies, give priority consideration to Federal career employees who have been displaced from positions eliminated in the Department of Defense or other departments or agencies as the result of reductions in force.

My amendment would also declare the sense of the Congress to be that departments and agencies should comply fully with the Presidential memorandum of April 24, 1970, and with the displaced employee program of the U.S. Civil Service Commission, both aimed at effecting priority consideration for displaced employees.

Sufficient normal vacancies occur each year to permit the Government to absorb qualified displaced persons who want to continue in the Federal service. All that is required is a conscientious effort by departments and agencies to place these persons. The Congress should lend its voice to the efforts of the executive branch and the Civil Service to insure that this task is accomplished.

The PRESIDING OFFICER (Mr. SCHWEIKER). The amendment will be received and printed, and will lie on the table.

NOTICE OF FURTHER HEARINGS ON GEOTHERMAL STEAM

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee, I announce that a further public hearing has been scheduled for Tuesday, July 28, on S. 368, to authorize the development of the geothermal steam and associated resources on the public lands.

The Atomic Energy Commission, which has done some extremely interesting work in artificially produced geothermal steam, and the Federal Power Commission have been requested to attend the hearing and make presentations within the immediate future.

It is the committee's earnest hope and expectation that a bill can be worked out very shortly that will insure orderly development of this greatly needed source of energy, which may be relatively pollution-free in many areas, and which will be fair and equitable to the pioneers in geothermal development.

All interested Members of Congress and the public are invited to participate in these hearings. It is requested that the Interior Committee staff be notified by those wishing to be heard.

ADDITIONAL STATEMENTS OF SENATORS

THE 200TH ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE

Mr. BOGGS. Mr. President, 190 years ago three citizens of Delaware—the first State in the Union to ratify the Constitution—made a pilgrimage to the city of Philadelphia.

The journey of one of those signers of the Declaration of Independence provided a dramatic sidelight in our State's history to the daring and unprecedented action in the crucial session of the Continental Congress of 1776.

Delegate Caesar Rodney, who had returned to his home in Dover because of a serious malignancy that had spread over half his face, was notified that the Declaration would be acted upon within 24 hours.

This patriot thereupon got out of his sick bed, and although running a high fever, rode horseback during a stormy, rain-swept night the 80 miles from Dover to Philadelphia, changing horses many times in order to obtain the topmost speed.

Historians Merle Sinclair and Annabel Douglas MacArthur, in their detailed and documented account about the signers of the Declaration of Independence, said of Rodney:

> He had served his province for more than 20 years, and was a recognized leader in the movement to rescue Delaware from British rule.

Rodney arrived in time to sign the Declaration along with two other great patriots of Delaware, Thomas McKean and George Read.

The pilgrimage of that time, in July of 1776, was to Philadelphia, metropolis of the Colonies and having a population of almost 35,000. That city, as historians Sinclair and MacArthur relate, was "the logical meeting place."

It has now been recommended, Mr. President, that Americans—in fact, all citizens of the world—be given the opportunity to journey on another pilgrimage, 200 years later, to the birthplace of our Nation.

Once again, the logical place, as the historians said of 1776, will be Philadelphia.

The commemoration of the 200th year of our freedom—in 1776—will be national in scope and involve every State, city, town and hamlet, and all our territories and possessions.

But the city of Philadelphia, "the city of brotherly love," will be one of the main focal points and the scene of a possible unusual international exposition on a truly universal scale.

Pilgrimages, Mr. President, are one of mankind's oldest and most cherished urges to recapture faith, hope, principles, and ideals.

The American Revolution Bicentennial Commission, created and established by Congress, has submitted to the President its report containing recommendations for the commemoration of one of the most important peaceful—and I emphasize the word "peaceful"—events in world history in this bicentennial decade—the 200th year of our country's history.

The hardworking Commission—of which Dr. J. E. Wallace Sterling is Chairman, and Hobart Lewis, the president and editor in chief of Reader's Digest, the Vice Chairman, and M. E. Spector, the dedicated Executive Director—has, I know, been confronted with many questions.

It sometimes must have seemed as if every American wanted to help commemorate the event but that each had a different idea. Thus, Mr. President, hard decisions had to be made on the basis of fact, on what would be possible, and what was suitable.

The Commission has proposed a national "Festival of Freedom," divided into three major components: First "Heritage '76," second, "Open House USA," and third, "Horizons '76." Proposed commemoration activities of considerable magnitude are outlined for the Washington, D.C., area, Boston, Miami, and other cities.

The Commission was charged by law and by the intent of Congress to propose and oversee a possible world's fair, if the Commission deemed it suitable. I congratulate the Commission in its selection of Philadelphia. The Commission, as Congress intended, will be in charge from start to finish over all national events, including this proposed world's fair and this is as it should be because the Commission has organized or helped organize some 50 State commissions and scores of local bicentennial commissions; the National Commission must coordinate all these activities.

I ask unanimous consent that the brief portion of the Commission's report dealing with the world's fair be included in the body of the RECORD at the conclusion of my remarks.

I also ask unanimous consent, Mr. President, to have printed in the body of the RECORD at the conclusion of my remarks a brief analysis by the American Law Division of the Legislative Reference Service, Library of Congress, of certain responsibilities of the Commission as required by law and congressional intent.

The American Revolution Bicentennial Commission has met its responsibilities thus far in admirable fashion. It has many difficult tasks ahead in this bicentennial era. I am sure that all States and cities are prepared to help, and I know that Philadelphia has and is preparing a broad program for a universal fair.

In this age of plastic and chrome, the Commission has taken particular note of other possible ways in which to commemorate our freedom, not only going back to the past but looking forward to the future, socially and morally as well as materialistically.

I extend my congratulations to the public Commission members, the ex officio Cabinet members and the eight Members from the Congress. And last, but not least, I think the Commission staff, under Mr. Spector's excellent direction, deserves our compliments. These staff members include the Deputy Executive Director, Hugh Hall; the Director of Policy and Planning, Dr. Lynn Carroll, and his assistants, Martha Jane Shay and Nancy Porter; the Administrative Officer, Lamar Whitaker; the Deputy Administrative Officer, Edward T. Simms; the Executive Secretary, J. K. Morrison III; the General Counsel, Gene Skora; Administrative Assistant, Mrs. Particia L. Reynolds; the Special Events Officer, Pat Butler; and the International Affairs Expert, William Blue.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

The American Revolution Bicentennial Commission's report to the President contains the following recommendations and suggestions regarding the possibility of an International Exposition in the City of Philadelphia in 1976 as part of the commemoration of the 200th year of our freedom:

"One facet of such international participation is an international exposition endorsed by the Bureau of International Expositions. The Commission has deliberated seriously and long about international participation. It has been greatly aided by the Department of Commerce which, with the cooperation of other Federal agencies, has carefully studied proposals presented to the Commission by the Cities of Boston, Philadelphia and Miami, and by the National Capital Region.

"As a result of these deliberations and studies, the Commission recommends: that the President commit the full support of his office to a great and imaginative multi-city exposition in 1976 to celebrate the American quest for life, liberty and the pursuit of happiness. There should be no commercially-oriented world's fair in the traditional sense anywhere in the nation during the Bicentennial Era.

"Philadelphia: To recognize that America is the product of many foreign lands, institutions and peoples, the Commission urges the fullest international participation in the fiscal year, 1976. For this purpose, the Commission is aware of the value of a Bureau of International Expositions (BIE) sanctioned event. Accordingly, if Philadelphia, where the Declaration of Independence and the Constitution were signed, will commit itself to an exposition which will have commemorative, historical emphasis, and which is cultural and inspirational, rather than commercial, in intent, the Commission invites that city to undertake the challenge of such an exposition."

Analysis of Certain Responsibilities and Powers of the American Revolution Bicentennial Commission—From the American Law Division, Legislative Reference Service, Library of Congress:

Just how broad the powers of this Commission are, and specifically if the Commission has the sole right to select and recommend to the President a possible site for a World's Fair in 1976?:

"Specifically, the enactment creating the American Revolution Bicentennial Commission sets forth the duties of the Commission as follows:

"(a) It shall be the duty of the Commission to prepare an overall program for commemorating the bicentennial of the American Revolution, and to plan, encourage, de-

velop, and coordinate observances and activities commemorating the historic events that preceded, and are associated with, the American Revolution.

"(b) In preparing its plans and programs, the Commission shall give due consideration to any related plans and programs developed by State, local, and private groups, and it may designate special committees with representatives from such bodies to plan, develop, and coordinate specific activities.

"(c) In all planning, the Commission shall give special emphasis to the ideas associated with the Revolution . . .

"(d) Not later than two years after the date of enactment of this Act, the Commission shall submit to the President a comprehensive report incorporating its specific recommendations for the commemoration of the bicentennial and related events . . .

"(e) The report of the Commission shall include recommendations for the allocation of financial and administrative responsibility among the public and private authorities and organzations recommended for partcipation by the Commission . . ."

Opinion as to the Actual Legislative Intent of the Legislation:

"In reporting the resolution to the Senate, the committee report (S. Rept. 1317, 89th Congress) stated in part:

" 'The Commission would (1) provide a creative and helping hand to State, local and private groups in their commemorations; . . . (3) plan for celebrations at the national level . . .'

"The House committee, in reporting the House Resolution (H.J. Res. 903), adopted an excerpt from the Senate report which included the above quoted language (H. Rept. 1672, 89th Congress).

"This language tends to indicate an intent on the part of the Congress to create a single Commission to plan and coordinate on a most comprehensive basis the commemoration of the American Revolution bicentennial. While World's Fairs usually tend to emphasize material and cultural achievements and forecasts rather than purely historical events, we see no reason why a World's Fair for the year 1976 could not appropriately be oriented toward a commemoration of the most historical events of the American Revolution. It seems to us, also, that because of the special importance that the nature, purpose, and operation of the Fair be fully integrated with the plans of the whole commemoration, the responsibility for recommending the site for such a Fair, if any, should rest with the Commission. The designation of the Secretary of Commerce as an *ex officio* member of the Commission, rather than as the office authorized to make recommendations regarding World's Fairs—which he normally is—suggests that it was contemplated that in this instance the Congress intended that any recommendation concerning a site for a 1976 World's Fair would be made by the American Revolution Bicentennial Commission.

"Further indication of the intent of the Congress was found in the committee reports with respect to the 1967 amendment (Public Law 90–187, 81 Stat. 567). The following excerpt from the committee reports (H. Rept. 509 and S. Rept. 609, 90th Congress) shows that, at least within the Judiciary Committees, the Commission was regarded as authorized to consider the question of a major international exposition:

" 'It appears that the Commission will consider the question of a major international exposition as a part of the bicentennial celebrations. In view of the fact that the Department of Commerce has the major responsibility in the executive branch for fairs and expositions held in the United States, it seems appropriate that the Secretary of Commerce should be an *ex officio* member of the Commission.'

"Thus, it can at least be argued that in enacting the 1967 amendment to the Act of July 4, 1966, the Congress intended that the Commission would be the only Federal agency charged with the responsibility of recommending a World's Fair in 1976 assuming, of course, that such a fair is planned as a part of the program to commemorate the bicentennial of the American Revolution.

"It is pointed out, however, that there is no specific language in the legislation which would give the Commission the *sole right* to select and recommend a site for the World's Fair in 1976."

Dates and Amounts of Authorizations for Appropriations:

"In proposing the legislation enacted as Public Law 89–491 the President recommended an authorization of $200,000 for 'the 24-month period beginning on the date of the enactment . . .' (see H. Rept. 1672, 89th Congress). However, the proposed resolution was amended by the committee on the Judiciary of both the House and Senate to delete the authorization of funds. It was felt in such committees that 'because of the great interest of all Americans . . . the Commission should be privately financed by publice donations' (see S. Rept. 1317 and H. Rept. 1972, 89th Congress). It was not until December 12, 1967, when section 7(a) of the Act was amended that funds ($450,000) were authorized for the Commission for the period through fiscal 1969 (Public Law 90–187). On October 10, 1969, this authorization was extended for one additional year, through fiscal 1970 (Public Law 91–84)."

Dates and Amounts of Actual Appropriations:

"The first Federal funds available to the Commission ($150,000) were appropriated on July 9, 1968, some two years after enactment of the basic legislation (Public Law 90–392). Additional funds, $175,000, were appropriated on October 29, 1969, by Public Law 91–98. Thus a total of $325,000 of the $450,000 authorized through fiscal 1970 has been appropriated."

MILITARY ASSISTANCE TO SAFETY AND TRAFFIC

Mr. TOWER. Mr. President, last Wednesday, July 15, the Secretary of Defense and the Secretary of Transportation announced Project Military Assistance to Safety and Traffic, called MAST, which utilizes military helicopters to speed to hospitals highway traffic victims and others injured far from medical help.

The project is being tried on an experimental basis in San Antonio with the cooperation of the Army's 507th Air Ambulance Company stationed at Fort Sam Houston, the Bexar County Sheriff's Department, and the Texas Department of Public Safety.

Project MAST is designed to test the feasibility of applying to civilian life the technical expertise we have learned in speeding battlefield casualties to medical help. The Defense Department attributes rapid evacuation by helicopter as one reason for a decline in the death rate of wounded soldiers from 4.5 per 1,000 during World War II to 2.3 per 1,000 in Vietnam.

Mr. President, I am pleased to announce that it took only 2 days for Project MAST to prove its worth. At 9:30 a.m. Friday, July 17, David J. Gomez, 16, fell from a truck near Dilley, Tex., and was run over by the truck. He was rushed to a small rural hospital where a doctor determined that only more advanced intensive care facilities could save his life.

Emergency airlift was requested and 1 hour and 35 minutes later an Army helicopter had traveled the 70 miles from San Antonio to Dilley, loaded Gomez aboard, and returned to Baptist Hospital in San Antonio where Gomez underwent immediate surgery.

A hospital spokesman said Gomez would not have lived had he not received intensive care. Gomez remains in intensive care but was reported today in "fair" condition.

Mr. President, Project MAST has proved its worth. Of course, the pilot project will continue in order to assess economic feasibility and other considerations. But no one can assess the worth of a human life. In my opinion, Project MAST paid for itself several times over within only 2 days.

I am hopeful that this program may be expanded to other parts of Texas which can be served by military air ambulances, and to other parts of our Nation as well. In rural areas where intensive medical care facilities are many miles away, air ambulance service can mean literally the difference between life and death, as it was for young Gomez last Friday.

I ask unanimous consent that a newspaper article describing Friday's lifesaving activity, written by Lewis Fisher, and published in the July 18 San Antonio Express-News, be printed in the RECORD. I also ask unanimous consent that a press release issued July 15 and an article written by John Mort and published in the July 16 Houston Chronicle, both describing Project MAST, be printed following the article by Mr. Fisher.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the San Antonio Express-News, July 18, 1970]

HELICOPTER AIRLIFT SAVES YOUTH'S LIFE

(By Lewis Fisher)

A Dilley teen-ager apparently owes his life to the first flight of a military helicopter airlifting a civilian traffic victim Friday morning to a metropolitan hospital.

The military-civilian cooperative effort was announced Wednesday by Defense Secretary Melvin R. Laird and Transportation Secretary John A. Volpe. The San Antonio pilot program was the first in the nation to begin, and Friday's airlift was its first test.

David J. Gomez, 16, was in satisfactory condition Friday night at Baptist Hospital in San Antonio following his flight from Wintergarden Hospital in Dilley.

At 9:30 a.m. Friday, Gomez fell off a farm truck he was riding near Dilley and was run over by the wheels. He was taken to Wintergarden Hospital, where Dr. George Douglas decided that only more advanced intensive care facilities could save Gomez' life.

At 10:30 a.m. Dr. Douglas requested the emergency airlift from Fort Sam Houston and arranged for Gomez' care with Dr. John Williamson, a colleague at Baptist Hospital.

"We were in the air within two minutes," recalled Capt. Samuel B. McLamb, pilot of the UH–IH craft which was one of two on 24-

hour alert at the 507th Medical Company (Air Ambulance) hangar at Fort Sam Houston.

At 11:20 a.m. the helicopter arrived at Dilley. Five minutes later Gomez was inside, along with his mother, Mrs. Olivia Gomez, and his brother Richard. The helicopter took off and set down on the Baptist Hospital's specially-constructed helipad facing Madison Square at 12:05 p.m.

Within minutes Gomez, then in critical condition, was undergoing surgery in the intensive care unit.

Gomez was suffering from a broken left thigh, broken shoulder blade, an eye injury, multiple rib fractures and chest and internal injuries. Baptist Hospital spokesmen said ordinarily he would not have survived.

"Speed was imperative," said Dr. Williamson. "Airlifts like this are tremendous assets."

Co-pilot with Capt. McLamb was Capt. Gary Brownell. Crew chief was Spec. 5 Robert Bohler and corpsman in attendance was Spec. 5 Jeff Geary. All are veterans of medical airlifts in Vietnam.

Noted Capt. McLamb, who plans to enter medical school in September, "This was the same as Vietnam, without the hostile fire."

PROJECT MILITARY ASSISTANCE TO SAFETY AND TRAFFIC—MAST

The following is the substance of a news release being made today.

Secretary of Defense Melvin R. Laird and Secretary of Transportation John A. Volpe today are announcing a joint test program to determine the value of helicopters in providing medical assistance to auto accident victims and other persons needing emergency medical care.

The test program, to be conducted in the San Antonio, Texas, area from July 15 through December 31, will use Army helicopters and medical corpsmen to provide medical assistance to civilians involved in emergency situations. It will utilize techniques developed during the Korean and Vietnam Wars to provide medical aid and evacuation for wounded soldiers.

The rapidity of evacuation by helicopter has been determined as one reason for the death rate of wounded soldiers declining from 4.5 per 1,000 in World War II to 2.3 per 1,000 in Vietnam.

Most assistance is expected to be for victims of highway accidents, but the test will also provide transportation for doctors needed by critically injured or ill persons, especially in remote rural areas.

The Army's 507th Air Ambulance Company, Fort San Houston, will maintain one UH–1 "Huey" helicopter and crew on constant alert to respond to emergency calls. The UH–1 can transport three stretcher and four sitting patients plus flight crew and medical personnel.

Request for assistance by the Army will be routed through the Bexar County Sheriff's Office. Sixteen civilian and two military hospitals in the 10-county area of the test program are to be involved in the program.

It is expected that the program will help determine the effectiveness of communications and coordination systems, training requirements for civilian and military participants, number of missions during an average time period, and the feasibility of the use of reserve Army aviation units.

Decision to initiate the program was based on Departments of Defense and Transportation studies in conjunction with the Departments of Justice and Health, Education and Welfare and other federal, state and local authorities.

MILITARY TO TRY AIR AMBULANCE IN SAN ANTONIO

(By John Mort)

WASHINGTON.—Federal officials announced today a pilot project in which air evacuation methods learned in Vietnam will be applied to civilian emergencies in this country, particularly traffic accidents.

The experiment will be conducted in San Antonio beginning today and lasting until the end of the year.

Military helicopters will be used along with military medical personnel.

The program will work this way:

A law enforcement officer will radio the local sheriff's office requesting a helicopter. Military crews on a standby basis around the clock will scramble and fly to the scene of the accident, emergency aid will be administered and then the victims flown to the nearest hospital.

Medical personnel will radio ahead to the hospital emergency room what kind of injuries have been suffered.

An air ambulance company at Ft. Sam Houston will conduct the experiment in coordination with the Bexar County Sheriff's office.

Four civilian hospitals in San Antonio have helicopter landing pads. There is another at Brooke General Hospital at Ft. Sam Houston.

While the program is aimed primarily at taking care of traffic accident victims, it also would be concerned with flying doctors to treat critically sick persons in remote rural areas and also to bring these sick people in to hospitals.

The project was announced jointly by Defense Secretary Melvin Laird and Transportation Secretary John Volpe.

Laird said that trauma resulting from accidents is the greatest cause of death among persons under 35 years of age.

He said the military has learned in Vietnam that battle deaths can be cut substantially by rapid evacuation of wounded in helicopters.

Laird said federal officials will study "the cost effectiveness" of the pilot project and if it is found worthwhile, similar projects will be conducted in other areas of the nation.

The Defense Department will pay for the program.

Laird said several states and communities have experimented with using helicopters for medical emergencies but often had found the costs of training personnel and of the aircraft prohibitive.

But as the war winds down in Vietnam, he said, many helicopters will become available as surplus.

"Also, we've trained a great deal of military helicopter pilots since 1965. Many of them are returning to civilian life and will be available for this work."

Volpe said if the project works out effectively, the military may continue to provide the air ambulance service for civilian communities.

The San Antonio project will cover a 10-county area. Fifteen helicopters (UH-1s), 21 pilots and 10 corpsmen trained in medical aid and evacuation will be assigned to the test program. Almost all of the men are veterans of Vietnam.

THE TRUE STORY OF ROTC

Mr. GOLDWATER. Mr. President, it is practically impossible for the services to get favorable attention from the press and other media of the country, so in the hope that Senators might be able to know the true picture of ROTC as they see repeated stories of colleges dropping the units that I should like to offer the following statistics.

This is prompted by a report in the press that Trinity College, at Hartford, Conn., and New York University will end their ROTC programs by June of 1971, and that Princeton University and Washington University in St. Louis will end theirs in June of 1972.

To read only this part of the whole story might give the reader the impression that ROTC is in real trouble. Far from it; there are 72 schools awaiting application for Air Force ROTC and 171 have it at the present time. The Army has 279 units, and 40 colleges are awaiting applications.

As a person who acquired his commission in the Army and ultimately in the Air Force Reserve through ROTC, it has long been my suggestion to the branches of the service that any college that does not want ROTC should have it taken away immediately, and every college that we can accommodate should be allowed the privilege of a unit. It does not surprise me that some of the radical left institutions are dropping ROTC, but the services will be far better off without them, and I would not be surprised if a better product were coming forth as commissioned officers.

I ask unanimous consent that an article on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR FORCE WILL DROP ROTC AT FOUR COLLEGES

The Air Force has agreed at the request of four universities to disband reserve officer training corps units at the schools over the next two years.

Trinity College, Hartford, Conn., and New York University will end their ROTC programs by June 1971, and Princeton University and Washington University in St. Louis by June 1972.

OIL IMPORTS

Mr. GRIFFIN. Mr. President, I want to register my strong concern regarding the action taken last week by the House Ways and Means Committee, which, if adopted by Congress, undoubtedly would prevent the abolition of oil import quotas in the foreseeable future.

Of particular concern to me is the effect of such action on the temporary quota which was placed on imports of Canadian oil. While I am far from happy with the 10-month quota placed on Canadian imports, the House Committee action would, in effect, "lock in" a quota system for all oil imports, including Canadian oil, for an indefinite period of time. Despite the fact that, theoretically, the committee action would not prohibit the elimination of quotas or the establishment of high quotas, the net result is likely to be the same.

Such action is not in line with the "interim control" measures announced by the President at the time of instituting quotas on Canadian oil imports and is clearly counter to the recommendations of the Cabinet Task Force on Oil Import Control.

In announcing the imposition of quotas on Canadian oil, the President tempered his action by stating:

It is expected that discussions will continue with Canada looking toward the conclusion of an agreement permitting freer exchange of energy resources between the two countries.

The task force in recommending a changeover from a system of quotas to a

system of tariffs concluded that national security reasons do not exist for restricting Canadian oil imports indicating that such oil "is nearly as secure politically and militarily as our own." Accordingly, the task force recommended:

That, after an appropriate transition, Canadian and Mexican imports be exempt (from higher tariffs) if common energy accords can be arranged with these governments.

Since 1959 when Presidential Proclamation 3279 placed the mandatory oil import quota system into effect, the only restrictions on Canadian imports have been as the result of voluntary agreements between the United States and Canadian governments. Under the House committee action any form of control over oil imports, including voluntary agreements, would not be permissible. All flexibility to the President in dealing individually with different import situations and different national security considerations would be removed.

To underscore the disastrous effect which the House Ways and Means Committee action could have on the consumer, the employees of industries utilizing oil resources, as well as the industries themselves, let me focus on my State of Michigan.

Under the present quota system, the task force determined that the cost to consumers in Michigan in 1969 was $209 million and approximately $5 billion nationally. In other words, each person in Michigan paid $24 in 1969 as the result of quotas on foreign oil imports. For a family of four the cost would be nearly $100.

To be more specific, oil import quotas cost Michigan residents in 1969 over 10 times as much as the State spent on all environmental programs in that year and only slightly less than the total State budget for all higher education assistance or the amount allocated for all welfare payments.

On top of this burden to Michigan residents has been added the restriction on Canadian oil imports from March 1, 1970, to December 31, 1970. At the time when the quota of 395,000 barrels per day on Canadian oil imports into the Midwestern and Eastern parts of the United States was put into effect, the level of daily imports had reached nearly 550,000 barrels. While a portion of this high level is normal in the early winter months, a substantial part is also due to the decrease in the availability of domestic sources for Michigan users, as well as other users in Northern and Midwestern States.

For instance, Michigan crude oil production has declined nearly 40 percent in the last decade and at present accounts for only 27 percent of the demand for crude petroleum in the State. In addition, other domestic resources have leveled off or decreased their supplies to Michigan with the exception of West Texas. However, the cost to Michigan users from this source runs from $0.50 to $1 per barrel above Canadian costs. This oil is the most expensive domestic source for Michigan users.

With respect to gasoline prices, it has been estimated that consumers in the Midwest may have to pay an additional 11½ cents per gallon because of the quotas on Canadian oil imports.

It should also be pointed out that in some instances Canadian crude oil is the only source of supply to Michigan and other Northern States. This is particularly true with respect to manufacturers of petrochemicals, a major product in Michigan. Such producers who are denied access to low-cost Canadian petroleum are forced to pay at least 60 percent more for crude oil and, thereby, cannot realistically compete with foreign producers. In fact, to avoid the restrictions of our present policy, a number of U.S. producers have simply located their new plants abroad. The effect on employment is obvious. Furthermore, indefinite continuation of present restrictions on Canadian imports is likely to lead to the shutdown of additional plants within the State resulting in the layoff of hundreds of employees. In view of Michigan's current high unemployment level, the prospect of further layoffs is not at all pleasant.

While present oil import policies place a heavy burden on Michigan, as well as the entire country, serious adverse consequences may ensue if oil imports can be controlled only through the quota mechanism.

Although our oil import program has always been justified in terms of our national security, and we obviously need to protect our domestic petroleum supply, there should be a limit on what we have to pay for that protection.

Accordingly, I intend to oppose vigorously any measure which requires the exclusive use of quotas to control oil imports. Furthermore, I believe that a better balance can be struck between national security considerations and the economic well-being of the country by adoption of either the Cabinet task force recommendations or some similar system. The American consumer deserves no less.

AMERICAN CASUALTIES DROP

Mr. DOLE. President Nixon's efforts to wind down the war in Vietnam have resulted in not only an overall troop reduction from a high of 532,500 when he took office to the present 413,900, but they also are reflected in the substantial reduction in the number of Americans killed and wounded.

Weekly U.S. casualty reports this month continue to reflect a downward trend, evidence that the destruction of enemy supplies during the Cambodia operation and the success of the Vietnamization program have lived up to the President's expectations.

Statistics show that from the first half of 1968 to the first half of this year, American deaths in Vietnam have been reduced by two-thirds, that is 66.7 percent. The number of Americans wounded has likewise been reduced by a similar margin, 66.9 percent. Deaths for the first half of 1969 contrasted with the first half of 1968 show a reduction of 38.8 percent; and from 1969 to 1970, by 49.7 percent.

The number of Americans wounded the first half of 1969 as contrasted to 1968 shows a reduction of 25.8 percent; from 1969 to 1970, 55.4 percent. Approximately one-half of those classified as "wounded" are not hospitalized and remain in the field for treatment. The figures for the first two quarters of each year are used because 1970 is only half over.

THE ASSAULT ON AMERICAN INDUSTRY

Mr. GOLDWATER. Mr. President, because I know that Senators are deeply interested in the security of our Nation, I invite attention to an extremely fine speech relative to this subject which was delivered July 10 before the Commonwealth Club of San Francisco by Mr. Robert Anderson, president and chief operating officer of North American Rockwell Co.

Mr. Anderson declared that the United States is now in second place behind the Soviet Union in the development of new weapons at a time when the military-industrial relationship in this country is under concerted attack. He concludes with the assertion that this Nation must continue its technological leadership because to default "means the passive acceptance of major risks in our national security.

"And without security all else is fruitless," Mr. Anderson said.

America's defense shield must not be shaped by harangue and denunication and newspaper headlines. It must continue to be forged in the councils of the Presidency, within the Joint Chiefs of Staff, and in the Congress of the United States.

I believe that Senators will agree with me that Mr. Anderson places the whole subject of America's defense establishment with its industrial backing into its proper and reasonable perspective.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE ASSAULT ON AMERICAN INDUSTRY

(Remarks by Robert Anderson, President and Chief Operating Officer, North American Rockwell, before the Commonwealth Club, San Francisco, California, July 10, 1970)

GENTLEMEN: The military-industrial relationship that we hear so much about in this country was not invented in 1968 or 1969.

It has existed for nearly two hundred years, but it's only become a significant factor with the advent of sophisticated weapons systems which demand the closest teamwork between industry and the government.

That teamwork has meant much to this Nation's security.

Yet, despite the high priority we all place on national survival, the defense industry today is being subjected to incredible denunciation. The attack has a violence unparalleled in American history.

Although some of the provocative headlines would have us believe otherwise, most Americans do not believe that large corporations are inherently evil, or that preparation for defense is of itself immoral.

Yet so vehement have been the attacks, that many sincere people are troubled when they read of excessive profits, cost overruns, lack of government control over expenditures, and so on.

We have a two-fold danger facing us in the continued harangue by those who oppose this relationship. The first is the undermining of public confidence in the integrity of defense procurement. The other is the destruction of morale of the dedicated men and women who are part of the defense establishment—whether in government or industry.

The critics have had the field to themselves, confident that there would be no vigorous opposition, and hoping that there would be just silent acceptance of the charges.

To refute that thought is the reason I'm here today. This is the right time and the right audience—American businessmen who can form a serious judgment, not on what is spectacular, but on what is factual.

I can't be entirely objective in my approach, for North American Rockwell is one of the nation's major aerospace contractors and was recently awarded the very large Air Force B–1 weapons system contract.

However, I do believe there are two factors that enable me to take a broad view of the entire controversy. First, North American Rockwell is one of the major aerospace companies that is substantially engaged in both commercial and government activities. Also, in my own case, because I came from the automotive industry less than three years ago, I believe I can view the matter with a new perspective.

Aerospace represents a great portion of American industry. There are one million, two hundred thousand people employed in building this country's military and commercial aircraft, its defense missiles, its space vehicles, its advanced guidance systems and its rocket engines. It's the largest manufacturing employer in the nation.

Aerospace in 1969 had sales of more than 28 billion dollars. Its export sales of more than 3.1 billion dollars made it the biggest industrial contributor to our balance of payments.

The opponents of this business, which has contributed so much to the military security and the economic growth of the country, have rallied around the phrase, "The military industrial complex," giving the words an accusatory ring.

It was General Eisenhower, as you know, who originated the phrase when he urged the nation to guard against "the acquisition of unwarranted influence by this complex," and he has been quoted out of context ever since.

Completely lost in the sound and fury created by those who picked up only the partial statement is the full meaning of his remarks. "A vital element in keeping the peace," General Eisenhower continued, "is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction . . . We can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions." End Eisenhower quote.

It is essential to keep in mind that the role of the military/industrial complex is not in making public policy, but in carrying it out. Viewed in that respect, industry and government must work together toward common goals. It would be a national disgrace if they did not.

Fortunately, the two have always worked together and practically all of us in this room have been witness to the results.

You remember the morning of April 12, 1942, when Jimmy Doolittle lifted the first of his B–25 bomber squadron from the decks of the carrier Hornet and headed for Tokyo. How do you assess the value of Doolittle's bravery combined with the military-industrial effort that placed those bombers at the right place, at the right time?

Perhaps some of you were in the B–17 bombers flying over Germany when the first of the P–51 Mustang long-range fighters drew alongside to afford protection. Who can correctly assess the contribution of the industry that developed the aircraft which helped turn the tide of the air war?

We do not confine our security contributions to aircraft alone. Many of you remember the strident urgency of 1954, 1955, and 1956 when it became known that this nation could very well be on the receiving end of Russian nuclear intercontinental ballistic missiles.

We had the Atlas ICBM propulsion system ready—on time; we had the Thor intermediate ballistic missile propulsion system ready—on time.

These achievements and events are fresh in our minds yet we are witnessing today, with these continous unwarranted attacks on our defense industry, a gradual erosion, a weakening of this nation's defense posture. That, gentlemen, is a matter of grave concern.

John Kennedy, in his inimitable manner, could alert the nation with a ringing statement.

"There can be only one possible defense policy for the United States.

"It can be expressed in one word.

"The word is first.

"I do not mean first, but.

"I do not mean First, when.

"I do not mean First, if.

"I mean First-Period."

End of Kennedy quote.

To the critics, however, the words of Eisenhower and Kennedy are nothing more than rhetoric, and rhetoric which they twist to other ends.

Let's look at some of the charges.

One of these pertains to the size of the defense and aerospace industry. "Most of the big military contractors," they say, "could not survive without weapons business,"—with the implications that corporations are influencing defense expenditures.

True, there are a handful of major aerospace companies almost entirely devoted to government work. However, according to Moody's Industrials, the defense portion of the 25 largest prime defense producers in 1969 accounted for less than one-seventh of their total business. Most aerospace companies are becoming increasingly diversified, with a wide range of commercial and industrial endeavors. Typically, they subcontract half of their prime contracts.

Let me assure you that American industry can survive without the so-called "crutch" of defense spending. Nevertheless, the defense industry is being hurt badly by the ceaseless attack on the integrity of its highly skilled employees who see years of dedicated effort being dismissed as of no importance or as of outright moral harm.

Another belief propagated is that spending for aerospace and defense needs has grown during the past five or six years at the expense of providing for health, income security, aid to the poor, education, and other social programs.

First, let me emphasize that it is the elected representatives of the people, and not industry, who rightfully set national priorities.

The significance of Congressional-established national priorities was stated with great clarity last December by Dr. Arthur Burns, now chairman of the Federal Reserve Board, who said, "The explosive increase of federal spending during (the decade of the '60s) is commonly attributed to the defense establishment, or more simply to the war in Viet Nam.

"The fact is, however," Dr. Burns continued, "that civilian programs are the preponderant cause of the growth of the federal budget. When we compare the budget of 1964 with the estimates for this fiscal year, we find that total federal spending shows a rise of $74 billion, while defense outlays are larger by only $23 billion. . . . Thus, the basic fiscal fact is that spending for social programs now dominates our public budgets.

Dr. Burns' comments are underscored by the fact that in this current fiscal year, we will spend less on defense as a percentage of our gross national product—7 percent—than in any one year in the past 20 years.

Today, an estimated 36 percent of the Federal budget is allocated for defense—this is in contrast with the 61 percent in 1952.

More than half of the defense budget of 77 billion dollars is for personnel and operating costs. Military personnel costs this year are around $23 billion. Another $22 billion goes to operations and maintenance. Less than half is used to procure equipment and services from industry.

Moreover, in those declining percentages there is a hidden fact that could spell acute danger for this nation.

This country is in second place behind the Soviet Union in the development of new weapons system. Let me repeat, we are behind the Russians at this moment.

The Soviet Union has invested the equivalent of $16 billion this year in defense-related research, development and applications. What has the United States allocated?

$13 billion dollars—three billion less than the Soviet Union.

Those figures, by the way, are taken from statements by Dr. John S. Foster, Director of DOD's Defense Research and Engineering.

Continuation of that downward trend, spurred by these relentless attacks, is a direct threat to America's long-time confidence that it can meet any challenge in defense, in atomic energy, or in space.

What adds to the seriousness of this lagging research and development effort is the certainty that never again will we have the luxury of time to catch up if an enemy attacks. Never again will we have the nearly two years between the invasion of Belgium and the sinking of the Lusitania. Never again will we have a year and more between the Battle of Britain and the disaster at Pearl Harbor.

Defense-related research and development is a vital activity.

However, the cirtics are suspicious of any activity, including research and development, because of what they contend are the "fat profits" in aerospace participation.

What IS the profit picture?

The most penetrating and exhaustive analysis of corporation profits was a study by the Logistics Management Institute, a non-profit organization, which compared the profits of 40 companies substantially engaged in defense production, with 3,500 companies not engaged in defense.

The results of this broad-based analysis showed that profit on sales for the commercial and industrial companies was almost double that for defense-related works, and profit on investment in non-defense efforts, since 1963, was 40 percent to 74 percent greater.

Last November, Congress authorized the General Accounting Office to undertake a study and review, on a selected basis, the profits made by contractors and subcontractors where there is no formally advertised competition.

The results of that study will be available at the end of this year, and I am convinced they will support the previous LMI study.

At North American Rockwell, we've had a

striking demonstration of this disparity in percentage of profits. Our Commercial Products Group, last year, had sales which amounted to only 40 percent of the $2.6 billion corporate total—yet that group contributed over 75 percent of our entire corporate earnings.

What could be more graphic than those percentage figures?

Related to this matter of profits is another popular myth about the supposedly low risk involved in aerospace programs. The critics would have the public believe there is no risk in advancing the frontiers of technology; or to the extent there is risk, that the Federal Government underwrites all the risk involved in space and defense programs.

Again, the facts just do not support this belief.

Until recently, when there was a change in the contract ground rules, financial risk had shifted so heavily to the industry side that a company could be betting its corporate existence that it would be able to remain afloat while producing the goods or services required by the Government.

As an automotive man, I was amazed by my first encounter with the Total Package Procurement Concept.

The fixed-price total package procurement process embraces the entire span of a program from concept through development, into production. The concept was supposed to eliminate both schedule slips and unpredictable cost increases. Further, it was intended to balance the contractor's commitment along the thin line between appropriate financial risk, on the one hand, and catastrophic corporate loss on the other.

In practice, the concept not only delayed the procurement of many needed systems and equipment, but it also fostered an utterly unrealistic budgeting process.

The Harvard Business Review referred to this concept as "being at war with reality." It simply did not recognize the facts of life as known by American industry.

Can you imagine an automobile manufacturer contracting at a fixed price to deliver a model 1977 automobile six years from now? And an automobile, let me add, is infinitely less complicated than a modern weapons system.

That's exactly what was asked of the aerospace industry.

Those much-publicized cost overruns were not synonymous with waste; neither were they a symbol of excessive profits. Rather they were the surface reflection of the cost uncertainties inherent in developing and manufacturing advance systems.

No business is ever perfect, of course, but what is never captured in the blazing headlines of cost overruns is the reality of endless changes, of inflation, of the costly impact of solving problems which could not be foreseen. These are the realities which accompany the advancement of technological frontiers.

It was thought in the last decade that these cost risks could be contained by the magic formula of the fixed-price contract. Many companies—and many procurement specialists within the Department of Defense—knew better. Even the procurement policies which were established—carefully read—recognized the distinction between producing a system which had been fully developed and engineered.

Unfortunately the distinction was lost sight of and the policies were applied unrealistically.

Despite all this, if a company wanted to stay in the business, it had to go along. It was like walking blindfolded in a minefield —and we've seen some of the results.

I do not need to recount the story of the many companies which have suffered a severe contraction of profits, and in some cases very large losses.

It is encouraging to note that the unrealistic policies of the past have been recognized by the Department of Defense as just that; unrealistic.

Under Deputy Secretary of Defense David Packard we have new, positive, realistic thinking on this contract question. Recently, he issued a milestone directive that talks common sense regarding improvement in the management of programs, the necessity for practical trade-offs between operating requirements and engineering design, risk assessment, and sensible program scheduling.

The Secretary placed his finger on the solution when he said, and I quote, "When risks have been reduced to the extent that realistic pricing can take place, fixed-price type contracts should be used." End quote.

With the major contracts now being let by the Department of Defense, industry will be able to fulfill its responsibilities more effectively and efficiently than in the past. They allow the latitude necessary in developing these highly complex, highly sophisticated weapons systems, while at the same time giving the Government its full dollar's worth.

The critics who err about the size and influence of defense procurement also err in assuming defense spending is out of control. In fact, one Senator's own words contradict his assertion that, quote "Military spending in the United States is out of control," unquote. This senator also says, "A great many gimmicks should be done away with. The services should reduce or stop, because of their obvious ineffectiveness, such programs as Pert, Pep, Value Engineering, Human Engineering, and the Zero Defects concept." End of quote.

Encompassed by these terms, Pert, Pep, and so on, is a tremendous achievement by both industry and the Department of Defense—the establishment of a systematic methodology to carry out extremely complex tasks. Without these techniques of program control and employee motivation this country would have been unable to field the Minuteman missile, or to land men on the moon, or to carry out a host of other difficult projects.

Let me stress that the very purpose of these advanced management concepts is to save time and money and to produce the best possible product. Their effectiveness is demonstrated by the fact that they are being adopted on almost every complex project in civil construction, and in commercial and industrial fields.

We're not trying to stamp out constructive criticism. We expect it; we can learn from it. But we are entirely opposed to the extremists who aim, not at correction, but at destruction. They want to disband our military establishment, and abandon our defense-related capacity.

John Kenneth Galbraith, for example, has stated that the solution of all our ills is nationalization of the defense industry.

What would be the consequences of nationalization? Another post office operation? In July 1969 Fortune magazine said: "There is some danger that the generally competent and innovative American aerospace industry could become simply a job shop to government." "The companies," Fortune said, "could end up in the situation of the old-fashioned American shipyards, which relegated the design function to the Navy's former Bureau of Ships or to outside naval architects, and thereby lost the production efficiencies that accrue when designs are drawn with productibility in mind." (Close quote.)

To me, nationalization would be national disaster, and I believe the best answer to Mr. Galbraith was the silence that greeted his proposal.

In this troubled world beset by man-made problems in population, in transportation, in housing, in communications, and in pollution, there is need for exactly the type of expertise demonstrated by the aerospace industry during this past year in America.

The problems facing us are gigantic, nation-wide, even world-wide in scope. Their solution will require technical skill and management skill of the highest order. The best management, in terms of inventiveness is in the industry that has built the world's foremost supersonic, trisonic, and hypersonic aircraft; the industry that has developed "miracle" guidance systems; the industry that has ringed this nation with defensive ICBM's, and bridged the gap to the moon.

But I do not want to leave you with the mistaken impression that we stand now as pillars of strength ready to take on all adversaries. We have been hurt by this endless tirade of abuse, and all of us in business must act vigorously to overcome this constant erosion of American defense capability.

We are determined to resist that erosion.

Our positive refutation to the strident, uninformed voices will be our continuing effort to furnish the most efficient and effective systems required for the defense of this nation.

This nation *must* continue its technological leadership. To default, to let that leadership slip away to Russia without further protest, means the passive acceptance of major risks in our national security.

And without security all else is fruitless.

America's defense shield must not be shaped by harangue and denunciation and newspaper headlines.

It must continue to be forged in the councils of the Presidency, within the Joint Chiefs of Staff, and in the Congress of the United States.

The need for a strong industrial base, for a strong, free American industry to help carry out their decisions, is self evident.

In this technological age, let us continue to answer the world-wide technological challenge.

Let the industry that has responded so many times before get on with the job.

Gentlemen, thank you.

GENERAL GEORGE CASEY AND GENERAL NGUYEN VIET THANH—EXAMPLES OF PATRIOTISM

Mr. TOWER. Mr. President, recently our military has received much criticism, I feel that it is important to remember that many of our military men feel a great responsibility to their country and are fine examples of patriotism. I ask unanimous consent to have printed in the RECORD a new commentary concerning Gen. George Casey and Gen. Nguyen Viet Thanh. Both men gave their lives for their countries. Their records of service help to balance the currently fashionable view of the militaristic soldier.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

FRANK REYNOLDS COMMENTARY ON ABC–TV EVENING NEWS, JULY 9, 1970

It seems fair to say that professional soldiers are not at the top of the list of the most admired men in America these days. For many people, just to hear the words, "The generals in the Pentagon", or "The generals in Vietnam", is to think of heartless types concerned only with personal glories, caring nothing about the men they commit to battle.

Perhaps that was not entirely an inaccurate image of high commands in past wars, but it is completely wrong in the present one.

In the last two months, both the United

States and South Vietnamese have lost general officers who were wholely devoted to their profession and to their troops. General Nguyen Viet Thanh of the South Vietnamese Army was killed in a helicopter crash just a few days after the Cambodia invasion began. South Vietnamese generals are generally thought of as a bunch of corrupt smugglers or black market operators and unfortunately some have fit that description.

But there are exceptions. After General Nguyen Viet Thanh died, it was discovered that his entire estate consisted of a few sets of fatigues, one dress uniform, one wife and seven children. No palatial villa by the sea, no Swiss bank account, not even a motor bike.

General George Casey, the Commander of the First Air Cavalry Division, who is now missing in Vietnam was one of those men who had "soldier" written all over him. There was no trace of the martinet in him; he was a man for whom the responsibilities of high command were much more important than its privileges. He accepted all of the first, and abused none of the second.

General Casey and General Nguyen Viet Thanh knew war and hated it, perhaps more than the rest of us. They were splendid examples of military men who are not really militaristic. We don't give them much credit these days as some of us shout and all of us long for peace now, but it is still an imperfect world and the time will certainly come when not only will the George Casey's be needed, they may even be appreciated.

AS I SEE SOUTHEAST ASIA—PAPER BY GENERAL NICKERSON

Mr. GOLDWATER. Mr. President, one of America's distinguished military leaders, after having served many years in Southeast Asia, including duty in China and Korea, culminating his service as commanding general of the 3d Military Amphibious Forces in Vietnam, has written his impressions of Southeast Asia.

He has prepared a paper which has been published by the Supreme Council, 33d degree Ancient and Accepted Scottish Rite of Free Masonry. I have known Gen. Herman Nickerson for many years, and I have watched him in service in Southeast Asia. I know of the tremendous respect and admiration that people in all branches of the service have for him.

What he has written is a short paper that I think could be well read by Senators; therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

AS I SEE SOUTHEAST ASIA

Communism is and has been, from its very beginning, a world revolutionary movement.

Nevertheless, in recent years, there has been a tendency in the free world to minimize the dangers of revolutionary communism due to fragmentation in leadership, the multiplicity of states and parties, the decline in unity of the communist world, and its declining appeal to underdeveloped countries. These factors may very well have slowed the world revolutionary aspect of communism.

However, once communism became firmly established in Russia, it also became expansionistic and imperialistic with the avowed goal of world domination. These basic characteristics of communism have not changed. In fact, with the declining appeal of revolution they have concurrently so strengthened their military position that a military confrontation becomes more possible than ever. Their goal of world domination would be achieved by "peaceful means" (revolution) or, if need be, when the time comes, by the force of arms.

An inherent quality of expansionism is that it will not permit itself to lose what it has already gained, just as a dictator cannot permit himself to mellow. Witness Hungary and Czechoslovakia. The Soviets demonstrated a willingness and readiness to use force to ensure that the tide did not commence to turn against them.

In the Middle East, the Soviets are sacrificing their "ideological pride" in pursuit of their goal of world domination. They have inserted themselves and become dominant in a region where the Czars failed for centuries. They can afford to worry about ideology later. The fact is that they have supplied arms to the Arab nations, not for the sake of supporting the Arab cause, but to promote their long range goal of domination in this area of the world. Rest assured that, if there is danger of their losing their foothold in the Middle East, they will be just as willing to resort to force as they were in Czechoslovakia.

In Vietnam and Southeast Asia, it is again expansionism—whether it is Russian or Chinese type is immaterial—it is communist expansion with the goal of world domination. The Russians may pay lip service to their desires to end the war in Vietnam—but the fact is that they continue to support North Vietnam materially and there are no indications that that support has in any way diminished. The expansionist pressures become more evident every day—in Laos as well as South Vietnam, and the beginnings of the same in Thailand. Instead of debating the credibility of the "domino theory" perhaps we should start becoming concerned about the "house of cards theory"—if we withdraw, all of Southeast Asia may collapse simultaneously.

It is time we recognized the real threat of communism today—it is a godless, dictatorial, imperialistic, expansionistic movement with the goal of dominating the world and each and every success of the communists makes our position more and more vulnerable. We must develop the internal posture necessary to thwart their goal.

Now let's consider the United States' position in Southeast Asia. The U.S. involvement is in response to the plea for help from the Republic of Vietnam. Traditionally we have responded by coming to the aid of people faced with an aggressor in their land. It is a counter-insurgency involvement.

A counter-insurgency is a war of limited objectives. Even with the rules or engagement as we have seen them applied in Southeast Asia, the present action in Cambodia, aimed at eliminating sanctuaries there, is only a logical and proper tactic for the military commander to undertake.

In the northern five provinces of the Republic of Vietnam, called I Corps, the same kind of sanctuaries exist, both in Laos and in the DMZ.

The problem is to understand that the communists will not be forced to negotiate until they have suffered a meaningful military defeat. The North Vietnamese Army occupied Hue and then was completely defeated there in 1968. I know of no victories at all for these invaders unless the temporary occupation of Hue is judged as such. I don't consider Hue anything but a military and political defeat to the communist. Yet, with sanctuaries available, the enemy continues the war with the apparent assurance of their winning coming from American public opinion.

There can be no doubt that the long range objective of the communists is the political domination of Southeast Asia including the old Indo-China area as well as Thailand, Malaysia and even Burma.

Hanoi is waging an aggressive war against the South Vietnamese people in order to bring them under the communist Lao Dong party dictatorship of North Vietnam. Most people tend to forget that there are no South Vietnamese Armed Forces waging war in North Vietnam. On the contrary, the North Vietnamese communists are waging a cruel and tragic fratricidal campaign against the South Vietnamese who are trying to prevent being dominated by military force. There is also the feeble excuse that the communists merely desire to unite the two Vietnams. However, in order to subscribe to the principle of "re-unification by force" we should be made aware of other similar situations. Would it be any more or less abhorrent if West Germany attacked East Germany in order to attain the noble goal of re-unification? What if South Korea and Nationalist China executed an aggressive war against North Korea and Communist China? Are we ready to accept the same principle of forced reunification and support it militarily and financially? Naturally, the principle of forced re-unification is not a valid agreement for naked aggression.

A quick glance at the recent headlines in a daily newspaper and periodicals gives absolute proof of the dishonorable intentions of the communists in North Vietnam. I speak of the so-called "other war" in Laos and Cambodia. Anyone looking at a map of Southeast Asia can instantly see that the undeclared war by North Vietnam against the Laotian people cannot be attributed to forcibly unifying Vietnam. The 3 million Laotian people are not a threat to Hanoi under any stretch of the imagination. The Plaines des Jarres is not relevant to the Vietnam War. Nor can we look the other way with regard to the rights of the Cambodians. When Hitler took such warlike aggressive actions against his neighbors, World War II began. Yet, today lethargy and apathy are the keywords rather than espousing the principle of freedom.

Further to the west, Thailand is currently engaged in a guerrilla war with the communists supported by Hanoi and Peking. Here, North Vietnam cannot use the pretext of unification, imperialism, or any other false banner. The world sees this action as the true indication of the communists' objective to dominate Southeast Asia through wars of subjugation. The North Vietnamese Army is the best equipped and trained land force indigenous to this part of the world today. General Hoan Minh of North Vietnam was quite accurate when he said "The people's war outlook of our party is a new creative development of the Marxist-Leninist ideas of revolutionary violence and revolutionary war." This certainly supports Mao Tse Tung's classic remark that "power comes from the muzzle of the gun," which of course was based upon an old discarded western adage that "might makes right."

The communists do not entertain any illusions concerning a negotiated settlement of the problem of Vietnam. General Do, a North Vietnamese Army general, known to be commanding communist forces in South Vietnam, stated "Our basic intention is to win militarily. We use military victories as decisive factors to end the present conflict. We want to end the war through military victories and not peace negotiations. Negotiations are a form of diplomatic struggle. We are military men and we must concern ourselves with military struggles and not consider diplomatic struggles . . . and even when we are fighting diplomatically, we must multiply our military victories if we want to succeed diplomatically." Thus, it is obvious

that the communists do not desire peace but only to achieve their objective of subjugating South Vietnam.

The basic tenets of North Vietnam's prescription for victory is:

(1) That the U.S. must withdraw all troops without reciprocity.

(2) That the communist military and political forces in South Vietnam must be stronger than the forces of the government of the Republic of Vietnam.

(3) That the communists must dominate the rural areas, important strategic areas and especially the cities. They consider the city areas as the main battlefields where the ultimate decision will take place either through subversion or battles.

In order for them to achieve their goal, they must first destroy the Rural Pacification Program currently being conducted by the Republic of Vietnam Government. They are assassinating hamlet, village and district officials in order to terrorize the people and to disrupt the pacification effort. The communists will then attempt to force a coalition government, and through subversion and, at the opportune moment, seize absolute control of South Vietnam, bringing the people under the dictatorship of Hanoi.

There have been many people in the United States and in other parts of the world who expounded various beliefs and solutions to this conflict. We only have to review our newspapers of 2 and 3 years ago and we will find many who stated that the United States was intransigent and did not desire peace.

Where are the voices that emphatically stated that when the United States stopped bombing North Vietnam, there could soon be productive and meaningful negotiations?

Where are the voices that fervently said that if the United States started to withdraw its military forces fruitful negotiations would result? We stopped the bombing on 1 November 1968 and have subsequently withdrawn 115,000 troops. Where are the fruitful and productive negotiations? Even with 150,000 more troops being withdrawn, what will make the communists talk peace? In prior "wars" we have won a military victory or at least have exerted sufficient pressures on the enemy to cause meaningful talks and actions, such as the return of our prisoners. How do we reduce our strength in men and materials in the Republic of Vietnam and, at the same time, secure the release of our prisoners of war?

The intentions and objectives of the communists in Vietnam and Southeast Asia are very clear. Only the future will reveal whether we know the communists as well as they know us.

Compare all other wars, or police actions, which this Nation has engaged in over the years of our history with this counter-insurgency. How do we secure anything in the way of an honorable settlement, except a stand-off?—a draw? On one side, we will have the North Vietnamese with the Viet Cong guerrillas and infrastructure supported by the communists (Russia and China); and on the other side, the Republic of Vietnam Armed Forces with their elected government officials at hamlet-village levels, supported by the United States. That leaves Laos and Cambodia, the areas where, at present, sanctuaries are assets to the communists and are not considered a part of the counter-insurgency per se. I ask you, how do we force the communists to talk peace under these circumstances? Again, how do we secure the release of our prisoners of war? What is the minimum support for the Republic of Vietnam and for how long?

The U.S. advocates of peace in Southeast Asia at any price may be honest patriots, but I fail to understand their mental processes which conclude that the freedom of the United States is not weighing in the balance. How can these citizens of our country be so unaware of what the communists have told us? World domination is their objective; and that means the defeat of the United States by whatever means—force and violence, murder, lying, subversion of our youth by infiltrating our schools and communication media, to name but a few.

I believe that our President did what he, as Commander-in-Chief, had to do. He cannot preside over the loss of this counter-insurgency; and, at the same time, permit the communists to gain the role of world leadership.

Now that the die is cast for all the world to see, how does this Nation force the decision in its favor? And how do we calm the troubled waters within our borders? The unrest among the students is said to be the honest (emotional and otherwise) motivations and concern of patriotic Americans. I submit that these students have been partially or totally brainwashed—conditioned in their earlier years—by the "commie" line slipped into our public schools. I recall vividly that 20 years ago I became aware of the communist line of reasoning in the elementary schools in one of our very fine public school systems. Have any of you any such memories? Our awareness of communism is something like our pollution ostrich-head-in-the-sand performance, isn't it? We just don't believe that all people aren't reasonable, honorable, and law abiding. We should know better. The average U.S. citizen doesn't understand communism and doesn't care to know that the communists are dedicated to take all steps necessary to win world domination . . . to bury *us*.

Credibility is a fragile commodity but it is made more durable by an attitude of demonstrated respect—respect for the rights of all people, regardless of nationality, race, color, creed, or material wealth. Time may not be in our favor but I submit that the need for respect, demonstrated at all levels of our society, is vital for our survival during this age-gap era. We must make youth know that we, who are over 30, do respect them. The young Americans who fought and are fighting now, in Vietnam, are the bravest of the brave—worthy of the honor and respect of youth and age alike. And the vast majority of these heroes are under 30 years of age!

If we must settle for a *draw* in this counter-insurgency, we can win back part of domestic world opinion, if we can show we really care what our young servicemen and women have done for their country during these years when being in the uniform of our Nation has not been considered the "in-thing" to do.

All these words don't amount to anything without action. The pen has been the winner over the sword recently when the pen has been in the hands of the communists. Why is it that the experiences of military professionals who have dedicated their entire adult lives to the defense of our country do not have the credibility rating they have earned? When you consult a doctor and are told you need a serious operation to save your life, the most you would do would be to ask for another doctor's opinion. If they agreed, you would accept their professional judgment and have the life-saving surgery. On a far higher level in the scale of risk, our top military men have not been heeded, and our national survival *is* in the balance. Can we restore respect for the uniforms of the Armed Forces of the United States and our police in time to retain our indivisible Nation under God?

Consult your leaders. Back your Commander-in-Chief. We must win because the consequences of defeat are unacceptable. As General Eisenhower said in his last public statement: "A camouflaged surrender would result in the United States 'writing off' Southeast Asia for the foreseeable future. We could survive such a catastrophe—but our citizenry should be clear that the whole security system which has maintained peace and freedom for the past generation, would be eroded—if not destroyed—by an American retreat from our commitments in Southeast Asia."

Hanoi has not won on the battlefields of Southeast Asia. Hanoi has not won in Paris. Hanoi has persevered in this war because of its reading of American public opinion. Hanoi can win *only* by the pressures of American public opinion. We must curb our natural impatience; and we must restore credibility through educating ourselves as to the true situation. With an informed American people neither undue optimism nor undue pessimism will prevail. And a substantial majority of the American people will rally behind our President. There is no other honorable course of action.

CAPTIVE NATIONS WEEK

Mr. JAVITS. Mr. President, during this week commemorating the captive European nations, I wish to pay tribute to the courage and determination of the peoples of the captive nations for their continuing efforts to achieve their personal freedoms. In this same month of July, we Americans celebrate our own Declaration of Independence and freedom. At the same time, we do not, and cannot, forget the tragic plight of those East European peoples whose fundamental human rights are still denied them.

It has been 25 years since military hostilities in Europe were concluded and Nazi tyranny finally put to an end. Yet, today, half of Europe stills suffers under tyranny. An entire generation of East Europeans has grown up knowing nothing of individual liberty. Those who fought and sacrificed so much during World War II for their freedom have been deeply disappointed in their hopes and expectations. Even the hopes of the brave Czechoslovakian youths of 1968 have been cruelly suppressed as have the earlier movements in Poland, Hungary and East Germany. That these peoples still hope and work so fervently for release from their bondage is truly an inspiration which commands our sympathy and support.

Recent talk of some sort of European security conference, along with negotiations now proceeding between West Germany and the Soviet Union, Poland, Czechoslovakia, and East Germany, makes it especially important that the United States reaffirm its objective of ultimately seeing freedom restored to Eastern Europe. "Normalization" of relations between East and West in Europe must not be allowed to mean acquiescence in the perpetual denial of human freedom in one half of an artifically divided Europe.

The Brezhnev doctrine of limited sovereignty for Eastern Europe enunciated in 1968 after the Soviet invasion of Czechoslovakia, is not acceptable to free men. The United States needs to continue its resolve to use all the resources of diplomacy, morality, and world public opinion so that freedom is ultimately restored to the peoples of the captive nations.

THE POST OFFICE DEPARTMENT AND ITS ENVIRONMENTAL ACTION

Mr. BOGGS. Mr. President, Postmaster General Winton M. Blount today reported on his Department's efforts to combat the pollution of our environment.

This is the Postmaster General's second announcement within 24 hours concerning the quality of life in our Nation. Yesterday, he announced plans to issue a commemorative stamp that will focus attention on the environment.

This announcement by Postmaster General Blount will cause other Federal agencies to detail their activities in this field. I believe each of us would be interested in such a detailed report.

The Postmaster General has designated Assistant Postmaster General Henry Lehne to coordinate antipollution activities within our mammoth postal system. He has been assisted in this responsibility by a post office environmental coordinator, W. Norman Meyer. In a very short time, these gentlemen have produced most impressive results. I salute them and wish them continued success.

In the area of air pollution abatement, the Department has been particularly active. In many of their installations, they have converted boilers that previously burned coal and low-grade fuels to natural gas and other fuels that result in less air pollution.

This is true in my own State of Delaware. Such action has been taken in the postal facilities in Newark, Georgetown, Laurel, Lewes, New Castle, Rehoboth, and Seaford. The largest postal facility in the State, Wilmington, has not been converted, but it is under the supervision of the General Services Administration.

The Post Office Department operates a fleet of 115,000 vehicles. The majority of them currently are being equipped with modern antipollution devices. Experiments are being conducted with other new antipollution techniques.

The Department also is conducting surveys at the more than 40,000 postal facilities across the Nation to determine better ways to dispose of trash, quell noise, and cleanse air inside large, poorly ventilated buildings. In rural areas, the survey has also extended to an examination of sewage systems, in an effort to insure that the best available sewage treatment techniques are utilized.

Mr. President, again I compliment the Postmaster General and his staff. I also look forward to learning what the other agencies are doing for our environment, as well as future developments within the Post Office Department.

U.S. TECHNOLOGICAL SUPERIORITY

Mr. TOWER. Mr. President, in a recent interview, Dr. John S. Foster, Jr., Director of Defense Research and Engineering of the Department of Defense, expressed his concern that in an emotional effort to cut defense spending we might severely damage our technological and strategic superiority—both of which are vital to our national security. I feel that his remarks are timely and ask unanimous consent that they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Air Force magazine, July 1970]

ARE WE HEADED FOR STRATEGIC SECOND PLACE? TECHNOLOGICAL SUPERIORITY—KEY TO U.S. SECURITY AND SURVIVAL

(A report on an exclusive Air Force magazine interview with the Pentagon's Director of Defense Research and Engineering, by Edgar E. Ulsamer, associate editor, Air Force/Space Digest)

The security and survival of the United States depends on strategic and technological superiority. Yet this country is perilously close to the point of being "second best" on both counts.

These sobering views were expressed to Air Force/Space Digest by the government's ranking weapons technologist, Dr. John S. Foster, Jr., Director of Defense Research and Engineering, of the Department of Defense.

Because of the need to compensate for the Soviets' ability to conduct major research and development programs in total secrecy, a tactical advantage denied the United States, Dr. Foster concludes that "we simply can't survive under parity." He illustrates the practical significance of covert Soviet technological efforts by pointing out that the U.S. intelligence community, in two consecutive years, and to a lesser extent in prior years, had "underestimated" the growth of the Soviet military effort. Ironically, public reaction to warnings by Secretary of Defense Melvin R. Laird concerning the Soviet threat, even though the warnings proved to be understated, frequently was one of incredulity. Mr. Laird was accused of saber-rattling and of overstating the strategic threat to the United States.

The Soviet military momentum, Dr. Foster points out, is manifest in two areas:

Rapidly expanding strategic capabilities. The Soviet strategic offensive inventory is currently being increased by the equivalent of about 700 Minutemen II missiles annually while the total U.S. force level is now, and will continue to be, about 1,700 land- and sea-based strategic missiles. The effect on U.S. security is immediate, and a Soviet first-strike capability by about 1975 is a real possibility.

The steady increase in military and military-related R&D by the Soviet Union, which exceed the combined levels of the Department of Defense, NASA, and the Atomic Energy Commission by about twenty-five percent. The annual rate of increase in the Soviet technological effort continues to range between ten and thirteen percent while the *shrinkage* in the comparable U.S. effort is now, and will continue to be, "several percentage points a year." The effect on U.S. security is long-term, with the Soviet Union seemingly aiming at broad technological superiority over the United States by the end of this decade.

THE STRATEGIC THREAT

The US strategic force level has remained constant since 1965, at 1,000 Minuteman and fifty-four Titan missiles, about 550 strategic bombers, and forty-one Polaris submarines. The Soviet force level, according to Dr. Foster, includes a land-based missile component "significantly larger than ours." It consists of more than 280 SS–9 missiles in operation or in the process of being deployed. SS–9 missile deployment has been averaging about fifty per year. This missile has approximately ten times the payload of the Minuteman II missile, and testing indicates the Soviets may seek to deploy three independently targeted (Multiple Independently Targeted Reentry Vehicles—MIRV) nuclear warheads on each SS–9, each one substantially larger than the single warhead of Minuteman II.

The USSR also has operational or is deploying a total of more than 830 SS–11 missiles and is increasing its inventory of this missile type at an annual rate of about 100. The SS–11 is roughly equivalent to the Minuteman missile in terms of payload.

According to Dr. Foster, the US, for the moment, enjoys a substantial lead over the Soviet Union in sea-launched ballistic missiles. This preeminence is likely to be dissipated by 1974 or 1975 because of the high rate at which the USSR is introducing "Y class" (comparable to the US Polaris class) submarines into its inventory. Nine Y class submarines are currently operational, and an additional twenty-five Y class submarines are known to be under construction. The total payload of all presently operational Soviet sea- or land-launched ballistic missiles exceeds that of the United States by a factor of two. Combined, the Soviet ballistic missile force, as presently configured, can carry three times the nuclear megatonnage that US strategic missiles can deliver.

Beyond sheer numbers, two factors—their ability to survive attack and their ability to penetrate—determine the credibility and efficiency of ballistic missiles in a deterrent role, Dr. Foster emphasizes. As for the first category, all land-based US and Soviet missiles are "hardened" while the two countries' sea-launched ballistic missiles are "dispersed," thereby achieving a form of equality so far as initial survivability is concerned. Survivability of the Soviet land-based missiles is enhanced, however, because the Russians have already deployed "a relatively complete ballistic missile defense, at least in the first phase, around the Moscow industrial area where they emplaced four facilities with about sixteen launchers each." Dr. Foster stresses that on the basis of the best available evidence there is "no reason to doubt the effectiveness of this system."

More important to the security of the United States than this Moscow industrial area system, Dr. Foster believes, is the existence of Soviet ballistic missile defense acquisition and tracking radar ("Henhouse," in NATO parlance) installations located at about "half a dozen points around the Soviet Union and arranged in much the same way that we propose to deploy Safeguard [the US antiballistic missile defense system]." Some of these radar installations are already operational, and others are still under construction, with completion of the system expected in two or three years.

In terms of sheer physical magnitude, the Soviet "Henhouse" radars are described as twice the size of the Pentagon. The fact that the Soviet system's interceptor, the Galosh missile (larger than our proposed Spartan ABM and roughly equal in size to our Minuteman ICBM), is as yet deployed only in the Moscow area, is not surprising, Dr. Foster points out. The radar installation is the long-lead-time component of any ABM system, and the interceptor force, therefore, is not deployed until the radar is close to operational status. Coverage (area defense), in terms of effective interception, extends from the "Moscow system's" phased-array radar acquisition and tracking installations along about a 500-mile radius, according to Dr. Foster.

Presumably this will be true also for the other radar sites if and when the Soviets deploy the Galosh interceptor missile, thereby creating an effective bulwark around most of their ICBM silos and bomber bases.

Somewhat enigmatic in terms of ballistic missile defense is the role of the Soviet Union's so-called Tallinn system, employing the SA–5 surface-to-air missile.

Crediting the Tallinn system with "a rather good capability against aircraft," Dr. Foster

indicates that U.S. defense planners believe it has "only a limited capability against ballistic missiles, when working in conjunction with its own, local radar system.

"I do believe, however, that if the SA–5 system is given information from the large ballistic missile acquisition and tracking radars, then it could have considerable capability in making successful intercepts of incoming ballistic missiles," Dr. Foster says.

Dr. Foster, who has been in his present Department Defense assignment since 1965, emphasizes that the high level of the Soviet ABM efforts is the "primary" reason why "MIRVing" the U.S. ballistic missiles is mandatory. If the U.S. missiles are not given a greater capability to penetrate the growing Soviet ABM system, Dr. Foster stipulates, the credibility of U.S. deterrence is jeopardized. (The secondary reason for MIRVing, he says, is to make "the surviving [after a first strike] sea-based and land-based U.S. missiles more effective.")

In assessing the ballistic missile capabilities of the U.S. and the USSR with regard to "penetrability," Dr. Foster places considerable emphasis on the superior payload and total megatonnage of the Soviets, saying "what counts most in the long run is payload. The way the Soviets have configured their force, this comes to about three times the megatonnage" of U.S. missiles.

THE BOMBER DETERRENT

The third component of the strategic, nuclear forces of the two countries is bombers. The Soviet Union has 200 long-range and 700 medium-range bombers in its inventory at this time. About 300 of the nuclear-range bombers could be deployed against the United States, "either on one-way missions, or by using half of them in a tanker role with the remainder performing two-way nuclear attack roles." In the latter eventuality, the effective Soviet bomber inventory, Dr. Foster says, comes to about 350 aircraft, compared to about 550 US bombers. Both countries either have under development or plan to develop a follow-on advanced bomber.

The Soviet Union, Dr. Foster points out, "is developing a new strategic aircraft which could perform nuclear bombing attacks against the US. The Russians don't have a strategic force of this new type of aircraft as yet, however." The Air Force has just named North American Rockwell Corp. to develop the United State's next strategic bomber, the B–1 (*see April '70 AF/SD, page 37*).

The principal "worry involving the effectiveness of the US bomber force, and I suspect this is equally true so far as Soviet thinking is concerned, is whether the strategic alert force, on warning, can be safely airborne before the missiles of the enemy submarine force, presumably located close to the bomber bases, strike," in Dr. Foster's view.

Vulnerability to submarine-launched missile attack is "more severe in our case than in that of the Soviet bomber force, for reasons of geography. The flight distances involved in [the] case of the USSR are on the order of 2,000 miles if the Russians move their bomber fields inland. This puts considerable restraint on our [range-limited] Polaris submarine missiles. By contrast, even if we were to move all our bomber bases away from the coastal areas, the maximum distance geography permits us to attain would be just about 1,000 miles," Dr. Foster emphasizes.

THE TRIAD CONCEPT OF DETERRENCE

Presently, US policy pivots on three different offensive strategic weapon systems (land-based missiles, sea-launched missiles, and strategic bombers) "employing different technologies and each one capable of providing deterrence by itself." It is the result of the twofold circumstances that "three strings on our deterrence bow are most desirable, on the basis of our experience during the past ten years, [and] because the underlying technologies can indeed give us three viable, separate systems."

Dr. Foster points out that "so far as these three weapon systems are concerned, we don't, and we can't, know everything about their underlying science and technology. From time to time, in the past, we encountered problems and difficulties [with one or the other of these systems] because of changes in Soviet capabilities or because of advances through our own studies and research. These difficulties were of a nature that could cause gross malfunction of a large portion of a particular force. Sometimes the corrections could be made in a matter of weeks or months, and sometimes this required years."

For this reason, Dr. Foster considers it "unacceptable to rest security of America on a single force which for the foreseeable future, would be prone to the same kind of vulnerability through change and technological surprise as has been characteristic of its past."

Dr. Foster, furthermore, is sanguine about "the viability of these three systems in the foreseeable future.

"Bombers can be based on alert and can have sufficient active defense to permit them time and sufficient warning to become safely airborne in case of nuclear attack.

"We have this capability today, and I believe that, through the deployment of our ABM system and the development of the B–1 bomber [which permits substantially greater dispersal and faster flushing], we will have this capability in the future," Dr. Foster points out.

"Further, the bomber has another invaluable feature: It penetrates enemy defenses in a very different way from that use by ballistic missiles. This forces the enemy to deploy an entirely different strategic defensive system."

As to extending the viability of land-based ICBMs well into the 1980s, Dr. Foster considers most "promising among the several approaches under review, a combination of active defense systems and mobility." The Safeguard system, he believes, "is the best way to approach active defense. If the threat should grow to beyond those levels that can be coped with by a full implementation of the Safeguard system around the Minuteman fields, then it would be possible to add—if and as necessary—more, but smaller radars since they don't have to be as capable [for the hard point-defense role] as the current missile site systems, and to increase the number of interceptors," he says.

"On the strength of our present calculations, the cost of intercepting incoming objects is about equal to the cost of developing new offensive systems.

"We can now provide defense systems for less expense than the cost of the Soviet offensive systems. We have to allow, however, for the future possibility of the Soviets developing new penetration techniques that might change this cost ratio around. Looking at the end gain, I suspect that over the years the cost of defense will about equal the cost of offense," Dr. Foster says.

Dr. Foster exudes a high degree of confidence that the United States can, and must, create an effective missile defense system to provide for the survival of several hundred Minuteman missiles as well as of the cutting edge of the US bomber fleet—a surviving force "capable of meting out an unacceptable level of assured destruction on an aggressor contemplating a first strike against the US."

(Dr. Foster rejects as "a complete falsehood" the claim that both sides have enough weapons to kill the other many times and that, therefore, further expansion of this country's deterrent forces is both unnecessary and provocative: "This simply is not true. What is true is the fact that the case for peace or war rests on the prevention of any serious imbalance in capabilities of the potential adversaries," he says.)

THE MOBILE MINUTEMAN FORCE

Studies of how a portion of the Minuteman force can be made mobile have shown "that the technique that looks rather feasible involves either a wheeled or surface-effect (also known as ground-effect machine—GEM) system, which enables the missiles to flee on warning to hardened, underground shelters. There would be many more shelters than there would be missiles, the end gain being that we could construct substantially more shelters than the number of reentry vehicles that the enemy can place on his missiles," Dr. Foster says.

"We consider this to be a favorable exchange ratio because we can build additional target points, *i.e.*, shelters, for considerably less than $1 million, whereas we believe that it costs the Soviets considerably more—by a factor of five to one or even higher—to provide additional warheads" according to Dr. Foster.

As yet undecided is whether such a mobile system should employ special, heavy trucks capable of speeds in the thirty- to fifty-mph range, or surface-effect machines operating in the sixty- to 100-mph range. In the case of a GEM system, about twelve months of special design work would be necessary "before we could proceed with advanced development of such a system, which some planners favor over the wheeled method which has been under study for almost a decade," Dr. Foster says.

The Minuteman missile, Dr. Foster finds, can be adapted "rather directly" to either a wheeled or GEM system, requiring only limited changes to provide for more rapid launch capability and transportability.

THE SEA-LAUNCHED BALLISTIC MISSILE

There is at this time no serious technological threat in sight that would render obsolete the US submarine-launched ballistic missiles, the third component of this country's triad of deterrences, according to Dr. Foster.

"The sea is such a difficult medium in terms of detection that Secretary [of Defense Melvin R.] Laird has concluded that for the next few years our [SLBM] missiles will continue to enjoy relative invulnerability. It is very difficult for a submarine to find another submarine, for a surface ship to find a submarine, or for an air- or satellite-based system to find a submarine. We don't, of course, dismiss the possibility that in the future some new technique might evolve which would make submarine detection easier than it is now. The one worry we have about our SLBMs is the fact that because the sea is such a *difficult* medium, it is very difficult for us to find out just how successful the Soviets are in detecting and tracking our Polaris submarines.

"To assure the continued utility of our sea-based missiles, we are proposing some actions in the Fiscal 1971 budget that will extend the relative invulnerability of the Polaris platform through the remainder of the 1970s," Dr. Foster explains.

But by the 1980s, "we believe it will be necessary to replace the Polaris system with a new platform capable of launching longer-range missiles and with improved submarine characteristics," he adds.

Current study efforts involving an Underseas Long-Range Missile System (ULMS) are "not being pushed very hard at this time," Dr. Foster points out.

THE SIGNIFICANCE OF MILITARY SPACE

The United States, in Dr. Foster's view, enjoys a considerable lead over the USSR in

terms of basic space technology and in applying such technologies to practical military requirements. US programs in the areas of "communications, mapping, warning, surveillance, weather, and other activities directly related to the military have been extremely rewarding. On a short term basis, I believe the continuation of these efforts to the degree that we now propose is well warranted," he says.

As for the requirement of manned military space operations, he theorizes that "over a longer range, we will come to realize that there are military needs in space that cannot be accomplished without placing much larger payloads in orbit [than are being planned now by NASA]. It is much more efficient, and less complex and costly, to perform the whole job in orbit. The main cost of our present communication satellite systems, for instance, is absorbed by ground elements.

"The costs of the ground terminals are determined to a major extent by the capability of the satellite, both in terms of the power that is needed on the ground and the power available in the satellite," he says, adding that for this reason an onboard system could perform the military mission better and more economically.

While he regrets the cancellation of the MOL program, Dr. Foster believes that the current, joint NASA-DoD effort involving a space-transport system, including a two-stage reusable space shuttle, "can be worked out in a manner that is mutually satisfactory." (Current differences of opinion between the Air Force—DoD's executive agency on the program—and NASA center around the military's need for larger payloads, higher orbits, and a substantially increased, so-called cross range, *i.e.*, the ability to maneuver the 707-size orbiter stage in airplane fashion following its return from space. NASA favors a low cross range to facilitate the basic design task.)

Assuming that this controversy will be resolved, Dr. Foster believes that the NASA space shuttle "should be pursued vigorously; the Department of Defense supports it strongly and we believe that, when available, it will be of great use to us."

THE MOUNTING SOVIET R. & D. MOMENTUM

Nothing is as worrisome to US defense planners as the destabilizing influence on our long-term deterrent capability that results from the present high momentum in Soviet weapons development and R&D.

To evaluate the technological capabilities of the US and the USSR, Dr. Foster employs two criteria: the status of technology today, and the current level of R&D effort and its portents.

In the first case, he believes that the United States still has an overall lead on the Soviet Union but that there are a number of specific areas of technology where the Russians are ahead of this country. Among them he cites greater Soviet efforts and experience involving high-yield nuclear weapons in the one-to sixty-megaton range, and space-based experimentation involving high-energy physics. The US lead in most areas of technology, according to Dr. Foster, ranges "from about a year to a few years, which doesn't mean that we will lose all technological superiority that rapidly, since, in certain areas, that might require five or even ten years."

Because of the "cutback in US R&D efforts by a few percentage points annually, and the Soviet increase of between ten and thirteen percent each year—plus the fact that Russia's R&D effort in the area of space, nuclear energy, and direct military matters already exceeds ours by about twenty-five percent—the US is fast approaching the point of becoming second best in terms of total technological capability," Dr. Foster fears.

In sharp conflict with these trends, Dr. Foster points out that "US security depends on our being technologically superior. I don't believe that we can maintain our national security if we have parity or are in second position with regard to research. This is so because the Soviet Union enjoys a veil of secrecy over its R&D effort and weapons deployment. To counter this advantage, the United States simply must be in a position of 'essentially having been there' technologically before the Soviets, so that we can assess the dangers to our security [of a given technological development] and take whatever action is prudent and necessary."

Accentuating the critical imbalance in Soviet and US R&D levels, Dr. Foster emphasizes, is the fact "that we are torn between encroaching Soviet technological superiority and inflation. We are finding that the weapon systems that can be designed, superior as they are to those in the field, extract such a high price in acquisition that we can't afford them. If we are to maintain our security in the years ahead, we will have to do the R&D job at less cost. In the next year or two, perhaps even for longer, we will have to rather ruthlessly squeeze out all unnecessary costs in our weapons development and procurement programs.

"In taking these belt-tightening economy moves, we will have to exercise infinite care to watch that the long-lead aspects of our research and development programs, such as basic research, exploratory research, and some advanced developments, are maintained in the important, critical areas," he stresses.

He cites as an example the explosive area of laser technology with its implication for rapid advances in terms of defense systems as well as for other applications. The U.S., in spite of present budgetary restrictions, is "undertaking an aggressive effort in laser technology," he says, adding "of course we would like to do more if additional monies were available. There is no way of establishing whether the US is ahead of the USSR in laser technology or vice versa."

"We have been running number one for so long that we have become wasteful at times. Also, part of our difficulty at the moment is that we have a larger areospace industrial base than we have budgets to support it. What we have to do is to employ some of the measures [of frugality] that are being practiced by those nations that are currently number two, three, or four, in order not to become number two, three, or four ourselves. If we fail to take those measures, then surely that fate lies ahead for us, too," Dr. Foster warns.

There is considerable room to improve the US management of technology in his view. "In a business as large and as complex as that of aerospace, there is always room for improvement" he says, adding that the Department of Defense, under the aegis of Deputy Secretary of Defense David Packard has just completed a comprehensive document that "outlines the areas where the most progress can be made." These areas, in turn, will require detailed attention by the services, he points out.

The main focus is on "the creation of first-class teams—and people are all-important—to implement the programs, and to delegate to them not only clear responsibility but also corresponding authority to manage." Basically the Department of Defense directs the services to an understanding, "as complete as possible," of any given technological problem before any action is taken and secondly, to the need to concentrate on the "necessary rather than the desirable solutions," he says.

PUBLIC DISREGARD OF THE THREAT

Yet another factor that impinges on the military technology effort of the United States at this time, in Dr. Foster's view, is the historic lassitude the American people have brought to military preparedness during periods of relative peace. This is coupled with the effect of the Vietnam War on public attitudes and the fact "that the growing threats to American security and our ability to deter are not taking shape in areas where the American people can see them.

"The American people don't see the Soviet SS–9s, SS–11s, or SS–13s; they don't see the deployment of Soviet ballistic missile defense; they don't see the Soviet Polaris-type submarines off our coasts; and they don't see the seriousness of the threat facing our allies," he points out. As a result, and in spite "of the uncommon effort by Secretary Laird to release as much tangible evidence of the Soviet threat, certainly more than any of his predecessors have made available to the public," public reaction to the current threats has been impassive, he admits.

In addition, Dr. Foster detects a basic disenchantment with and rejection of technology on the part of a portion of the public, stemming from the facile belief "that the national security situation is getting worse instead of better and that this worsening is due to technology making available weapons of ever-increasing destructiveness."

From this premise, "some people conclude that the only way out is to stop military research and development. The problem is, of course, not quite that simple. Technology, in my view, is not the source of the problem. Technology can be used for good or evil, it can be used for peace or war and, in fact, the first alternative is how America is using it," Dr. Foster explains.

"I believe that we cannot maintain our national security and our freedom without more, rather than less, technology. In order to meet the necessary military capability with a minimum expenditure of our resources and money, we need technology. The only alternative is to buy more and more weapon systems that are obsolescent, which certainly is the least effective way of achieving a given military capability," he argues with considerable conviction.

Given the validity of Dr. Foster's point of view and the persuasiveness of his presentation, this reporter cannot escape the conclusion that, in time, the Congress and the public will come to share his and DoD's thinking.

THE DANGER OF A TRADE WAR

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD the text of my testimony, as ranking Republican member of the Joint Economic Committee, which I presented on Friday, July 17, before that committee on its mid-1970 economic review.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

DANGER OF A TRADE WAR LOOMS OVER U.S. INTERNATIONAL ECONOMIC POLICY

Mr. JAVITS. Mr. Boggs and I have been asked to appear this morning to give our impressions as to the overall international economic situation. The Foreign Economic Subcommittee of the Joint Economic Committee, of which Mr. Boggs is the Chairman and I am the ranking minority member has been holding a series of hearings on various aspects of the international economic scene. These hearings will reconvene shortly after concluding the 1970 mid-year economic review to consider the multinational corporation. The purpose of our appearance here today is to outline for the members of the Committee how the international economic situation appears to us.

The international economic picture presently faces a strange and delicate paradox.

On one hand, there are grounds for optimism, which on the other, a protectionist tide seems to be sweeping the world which, if allowed to go unchecked, will bring only grief and disaster to the world in the form of an international trade war. For while some optimism in the world's financial affairs is warranted, it is so precariously balanced as to be susceptible of being swept aside easily by the angry tide of a trade war. Such a trade war could wreck the structure of international economic cooperation established since World War II and the institutions which have grown up under it. It could destroy the hope for political unity in Western Europe, erode the foundations for political cooperation with Latin America, and make the whole world vulnerable to a depression, to disorganization and to a resurgence of Communist influence in the affairs of men.

This threat overshadows the following recent optimistic developments. A major new international monetary initiative has become operative early this year and seems to be functioning well in its assigned task of facilitating international liquidity. I refer to the creation of Special Drawing Rights, and I note that the United States has received its initial allocation of $217-million in SDRs. Trade relations between surplus and deficit countries appear to be moving towards correction and adjustment reflecting the West German and Canadian revaluations and the French devaluation. Lessening inflationary pressures in the United States and our declining economy and the increased inflationary pressures facing European economies have resulted in a greater U.S. trade surplus in the first five months of this year. This surplus totals $1.13 billion through May of this year or approximately double the 1969 surplus of $638 millions in the first five months of 1969. Some Japanese moves towards the liberalization of their onerous trade restrictions in turn should have the gradual effect of reducing the internationally intolerable surplus position of Japan and alleviating the deficit position of other nations such as the United States.

The Eurodollar market has weathered well the immediate crises of the past year in which the repressive monetary policy in the United States caused massive Eurodollar borrowings by U.S. banks and corporations to meet their liquidity needs. The Eurodollar market proved itself up to the task of keeping the all-important flow of international trade and investment moving.

On the negative side, the balance of payments position of the United States remains weak. The main reason for this is that our trade surplus position is not great enough to cover our other foreign commitments which include Vietnam, foreign military and economic assistance, tourism and foreign direct investment among other items.

But again the picture is not totally dark since we are withdrawing from Vietnam and hopefully the balance of payments saving that will accrue from this troop withdrawal will not be spent in military action or military support in other Southeast Asian countries. As I mentioned, our trade surplus is improving and I look for it to continue to improve since we are farther advanced in our battle against inflation than other industrialized countries. Also, the Federal Reserve's recent wise decision to lift the interest ceilings on certain categories of CD deposits is likely to encourage dollars to stay at home since they can now earn returns comparable to those that can be earned by Eurodollars.

It is also clear that the world has been willing to bear the balance of payments deficit of the United States assuming it does not get out of hand. Dollar redemptions for U.S. gold have not been running at a high rate. Perhaps this deficit can be viewed as the service charge that the world is willing to bear for the use of the dollar as a reserve currency and the Eurodollar as the international currency.

Mr. Chairman, I make this brief survey solely to indicate that the international economic picture is far from being grim. It appears to be far healthier than does our own domestic economy. This has resulted in what can be called a transference of anxieties and scapegoatism in which many people who are afraid of losing their jobs because of the domestic showdown and many firms which are caught in a profit squeeze are blaming their very real woes on the foreigner. This is basically irrational and not borne out by the facts. Rather than to indulge in such fantasies, let us rather take the necessary steps to get this economy moving again, to pass the manpower programs needed to train and employ the unemployed, and to provide the Presidential powers and the trade adjustment assistance to help those individuals and firms genuinely hurt by imports, among other matters.

I emphasize that certain American industries have legitimate grievances in the trade area. Certain American industries are being hurt by a sudden impact of imports; and it is the duty of this Administration and the Congress to assist such industries. However, given today's general economic conditions, there are many other American firms that are being injured not by the sudden impact of imports but by the sudden impact of restrictive fiscal and monetary policies, by rampant inflation in wages, prices, by record interest rates and by a stagnation in productivity and in the vaunted American competitive spirit. For this, foreign nations are not to blame.

This irrationality, this propensity to look for the worst in one's neighbor's yard because one's own yard is undergoing temporary difficulties, this move into quasi-isolationism in an increasingly interdependent world, could result in bringing down the economic system that has served us so well over the past 25 years.

I would now like to outline four areas of specific concern:

1. An ill-advised Administration decision to support quota legislation at the behest of the textile industry, followed by tentative House Ways and Means Committee decisions on the trade bill, are threatening to reverse the liberal trade policies which this nation has followed for approximately 40 years. The result is that the world has moved a step closer to a devastating world trade war, all of this triggered by Japan's past persistence in ostrich-like, head-in-the-sand foreign economic policies.

2. An historic opportunity to re-direct and re-vitalize U.S. foreign aid.

3. The urgent need for a review of U.S. private investment abroad, the magnitude of which has stirred resentment but little understanding at home and overseas. This legislation has led to the growing support of punitive, inward-looking legislation, both in the United States and the European Common Market. This, combined with the retention of outmoded anti-trust laws by the United States, results in a policy combination which may be very harmful to not only U.S. business, but our international balance of payments position as well.

4. International monetary policy stands at the crossroads, and the present calm should be a spur to action designed to prevent future and recurring parity crises and balance of payments disequilibriums that could again threaten the smooth functioning of the international monetary system.

(The following are excerpts of the remainder of Senator JAVITS' testimony.)

TRADE POLICY

While I share Representative Byrnes concern that "political clout" should not be the principal factor which determines which industries secure or do not secure relief from rising imports, I must consider the tentative decision of the Ways and Means Committee to authorize a general restrictive new quota mechanism as unwise and potentially dangerous.

If this indeed does come to pass, the United States will face retaliation—Western Europe and Japan and perhaps other countries already have discussed the specifics of such retaliation—a chain of events that will not redound to the interest of any nation.

Those promoting protectionist legislation are not promoting in my judgment a national interest, but as is their right, of course, a sectional specific business interest.

I must also express my concern about the Ways and Means Committee's tentative decision concerning the American Selling Price (ASP). Repeal of the ASP is a firm commitment made by the Executive Branch of the United States Government. It is widely viewed abroad as the litmus test of the United States' intent as regards non-tariff barriers. The question must be asked how the Congress can even contemplate the opening of general negotiations on non-tariff barriers, if we don't live up to the one commitment we have made to eliminate American non-tariff barriers.

The one ray of light is the announcement that the United States has now agreed to multilateral talks with its main trading partners to discuss the crises in the world's textile markets and that the President's Special Trade Representative and the Under Secretary for Economic Affairs of the Department of State will represent the United States in these talks. These talks perhaps represent the last hope the industrialized nations of the world have to avert a trade war. I urge the representatives of all nations to seek a solution to the difficult problem of textiles in accord with the trade laws that have so well governed the expanding world trade that has benefited us all over the past 25 years.

FOREIGN ASSISTANCE POLICIES

There is growing international concern that foreign assistance is not a priority concern of this Administration and that the lack of Administration leadership will result in further cuts in the already low levels of our foreign assistance programs. This concern is partially attributable to the fact that the President has not yet submitted to the Congress the Report requested in my amendment to the Foreign Assistance Act of 1968.

At this time, I do not feel that this international concern about the Administration's future policies in the foreign assistance area is warranted and I have been assured by the Administration that the President's Report will be forthcoming in the very near future. Also the Overseas Private Investment Corporation, a significant new instrument designed to better promote our foreign economic policies, has already been authorized by the Congress and will come into being in the very near future.

In my view, because of the growing sense of quasi-isolation in the United States which is related to the Cambodian decision and reflected in the trade decisions now being made, it is very important that the President outline for the nation and the world, positive suggestions for a continuing fruitful and meaningful involvement with the developing world through a continuing developmentally oriented foreign assistance program. I am further convinced that Western Europe and Japan are increasingly willing to share the burdens of such a program which will primarily address itself to the growing gap between the have and have not nations. Thus, in the foreign assistance field the President and the Administration now have a rare opportunity to take positive action which over

time would significantly redound by improving the image of the United States in the world.

THE MULTINATIONAL CORPORATION

I suggest that we are lagging in our understanding of the importance of the role of the multinational corporation and the interconnection between American investment overseas and the health of our economy at home. This "lag" in understanding could result in decisions that we could live to regret.

These are not empty words since the Ways and Means Committee seriously considered language which would materially harm the operations of our American subsidiaries overseas without ascertaining the effect this legislation could have on the health of our own economy. I refer to the proposed repeal of Items 806.30 and 807.0 of the Tariff Schedules of the United States which provide that American articles which are exported for assembly and processing abroad are dutiable on their return to the United States only on the value of foreign costs and charges incurred; the American component of the produce is not presently dutiable. I have been informed that through the use of these sections in our Tariff Laws, American companies have found a way to compete with foreign manufacturers. Assembly abroad of American components may have saved and increased American jobs and afforded American companies an opportunity to hold a sizable portion of a market that will otherwise go to manufactuers by default.

To give an idea of the magnitude of our business investment overseas, during the period 1950–1968, U.S. private investment abroad grew from $19 billion to $101.9 billion and overseas private investment in the U.S. grew from $8.0 billion to $40.3 billion; annual growth rates of 10%. Servan-Schreiber forecasts that by the end of 1975 the third biggest industrial power in the world will be United States owned industry in Europe.

This indicates the extent to which the operations of the multinational corporations with their world-wide marketing and production concepts are creating an interdeveloped world economy and are outdistancing the legal framework which still is dwarfed by the rapid growth of the world economy.

INTERNATIONAL MONETARY CONSIDERATIONS

Because of the dollar's role as a reserve currency, and the fact that it is the standard of value for virtually all of the free world's currencies, the United States must assume a passive role in the exchange rate adjustment process. This is to say, we cannot devalue or revalue the dollar in order to improve our position vis-a-vis other currencies. The U.S. economy which might justify an exchange rate adjustment under other circumstances cannot be corrected by the United States through a change in the par value of the dollar.

The Republican members of this Committee, in the JEC Annual Report, stated that any improvements in the situation "must provide for more automatic and less discretionary means for exchange rate adjustment, both upward and downward, in order to harmonize international exchange rates". This is a sound policy.

The need for the growth in global reserves beyond that which could possibly be attained through conventional means is precisely the fact which lay behind the recent ratification and activation of the Special Drawing Rights facility. This Committee can rightfully take credit for helping develop a realization of this fact, and promoting the U.S. position on Special Drawing Rights; I foresee continued leadership by the Committee in this regard in the future. Therefore, I believe the Committee should consider the possible serious consequences of the failure of world reserves to keep pace with accelerating global needs.

One might ask what is the proper level of reserve creation, and what are the consequences of failure to expand world reserves.

The SDR facility marks a breakthrough in reserve creation and in theory should assure us of a means for guaranteeing the growth in world liquidity according to the needs of world trade and payments equilibrium. However, the present rate of SDR creation appears insufficient to do anything more than blunt the further deterioration in this liquidity situation. Estimated needs for additional reserves run as high as $6-billion per year, while the rate of SDR creation is running at an annual rate of slightly over $3-billion. Creation of total new reserves *including* SDR's is also running significantly lower than the need for new reserves.

Perhaps it is expecting too much of SDR's to solve the world's liquidity problems at once, but the demonstrated needs are so great that serious consideration ought to be given to wider use of SDR's when the amounts to be created are next decided upon.

In perhaps a more ominous development, our balance of payments problems now coincide with a growing realization among economists that the U.S. has little control over its balance of payments and that developments in the international monetary scene show a gradual shift away from dependence upon the dollar as a reserve.

What these facts imply is that the world's surplus countries might find it difficult in the future to tolerate continued heavy outflows of U.S. dollars.

The whole area of international capital flows is grossly unregulated, and was never treated thoroughly in the Bretton Woods Agreements. The fact that countries readily turn to a wide variety of capital controls whenever they feel slightly threatened on the international front attests to the need for greater coordination and knowledge in this important field.

Therefore, I would like to commend to this Committee a proposal by former Treasury Undersecretary Robert Roosa, that the United States call for a systematic attempt to formulate some "rules of the game" on international capital flows. This attempt would supplement work which has already been done in the OECD on the liberalization of capital movements; it would address itself to the modern conditions characterized by the increased amount of international business activity and the uncertainties regarding our payments position.

MEDIA MYTHS ON VIOLENCE

Mr. BROOKE. Mr. President, at a time when crime and civil disorders are primary concerns of every American, I believe it is most helpful for us to understand the role which the media can play in building our image of these phenomena.

A particularly useful study in this regard was recently concluded by Miss Terry Ann Knopf, of the Lemberg Center for the Study of Violence, at Brandeis University. Miss Knopf has presented some of her findings in an exceptionally "readable" article in the spring edition of the Columbia Journalism Review.

Through the use of some lively examples, the author demonstrates how misconceptions arise and how the use of "code words" can shape and often distort our understanding of an event. The article offers some suggestions for readers and the working press alike. I commend it highly to the attention of Senators and, indeed, of all Americans. I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDIA MYTHS ON VIOLENCE

(By Terry Ann Knopf)

Several years ago a resident of a small Northern town kept insisting to a local newspaper reporter that a policeman had been shot and killed during a racial disturbance there. The reporter checked and rechecked but was unable to substantiate the story. In fact a policeman had been killed, but in another city. The man simply had heard a garbled version of the story—not an unusual occurrence in the confusion that prevails during crises.

Crisis situations increase the need for news. During most serious disturbances, news media are bombarded with calls from anxious citizens wanting information, clarification, verification of what they have heard. So important is the flow of news through established channels that its continued absence can help precipitate a crisis. In 1968 in Detroit the absence of newspapers during a protracted strike helped create a panic: there were rumors in the white community that blacks were planning to blow up freeways, kill suburban white children, and destroy public buildings; in the black community, that white vigilantes were coming into the area to attack the residents. Gun clubs sprang up in the suburbs; black leaders urged preparation of survival kits. On March 7—nearly four months after the strike began—Mayor Cavanagh had to go on TV to plead for calm.

As racial disorders have become a familiar part of the national scene the media have demonstrated a growing awareness of their responsibilities and a healthy willingness to experiment with new policies and procedures. Technical improvements also have been made. The City of Detroit, for example, has built a press room large enough for 150 people, with independent telephone lines. Operational techniques have been modernized—the Pittsburgh police, among others, have on occasion provided a helicopter for the press. And central headquarters or "press centrals" have been established to help eliminate conflicting reports. Moreover, a number of cities have adopted or revised guidelines for reporting. These guidelines—sometimes formal, sometimes informal—urge that unnecessary interpretation be minimized, rumors be eliminated, unverified statements be avoided, and superlatives and adjectives in "scare" headlines be excluded. One set of guidelines put the matter simply: "Honest and dispassionate reporting is the best reporting."

In accordance with these guidelines, newspapers have tended to move away from the "shotgun" approach—the front-page buildup, complete with splashy pictures and boxscores of the latest "riot" news. Dramatic but meaningless predictions have also largely disappeared. In May, 1967, *U.S. News & World Report* declared that Newark was "not expecting trouble," while Cleveland was voted the city "most likely to explode—again." Cleveland failed to erupt in 1967, but Newark experienced one of the most massive outbursts in our country's history. This kind of journalism is much less common today.

There is also evidence of greater sympathy and sensitivity toward blacks. How far have we come? Consider the following comment from the New York *Times* on July 23, 1919, concerning the violent disorder in Washington, D.C.:

"The majority of the negroes (sic) in Washington before the great war were well

behaved. . . . More of them admitted the superiority of the white race, and troubles between the two races were undreamed of. Now and then a negro intent on enforcing a civil rights law would force his way into a saloon or a theatre and demand to be treated the same as whites were, but if the manager objected he usually gave in without more than a protest."

These changes represent considerable improvement. But serious problems remain. Glaring instances of inaccuracy, exaggeration, distortion, misinterpretation, and bias have continued at every level—in newspapers and newsmagazines large and small, Northern and Southern, liberal and conservative.

The wire services are probably the most under-examined segment of the media, although as much as 90 per cent of the news in some newspapers on a given day may come from the wires. One error in a wire service report from one city may be repeated in hundreds of newspapers and newscasts. In York, Pa., in mid-July, 1968, for instance, incidents of rock- and bottle-throwing were reported. Toward the end of the disturbance UPI in Harrisburg asked a stringer to get something on the situation. A photographer took a picture of a motorcyclist with an ammunition belt around his waist and a rifle strapped across his back. A small object dangled from the rifle. On July 18, the picture reached the nation's press. The Washington *Post* said:

"Armed Rider—Unidentified motorcyclist drives through heart of York, Pa., Negro district, which was quiet for the first time in six days of sporadic disorders."

The Baltimore *Sun* used the same picture and a similar caption:

"Quiet, but . . . An unidentified motorcycle rider, armed with a rifle and carrying a belt of ammunition, was among those in the heart of York, Pa., Negro district last night. The area was quiet for the first time in six days."

The implication of this photograph was clear: The "armed rider" was a sniper. But since when do snipers travel openly in daylight completely armed? Also, isn't there something incongruous about photographing a sniper, presumably "on his way to work," when according to the caption the city "was quiet"? Actually the "armed rider" was a sixteen-year-old boy who happened to be fond of hunting groundhogs—a skill he had learned as a small boy from his father. On July 16, as was his custom, the young man had put on his ammo belt and strapped a rifle across his back, letting a hunting license dangle so that all would know he was hunting animals, not people. Off he went on his motorcycle headed for the woods, the fields, the groundhogs—and the place reserved for him in the nation's press.

More recently, an AP man in Dallas filed a story on a student takeover at Southern Methodist University. The Fort Worth *Star-Telegram* in its evening edition last May 2 put the story on the front page and gave it a banner headline:

"BLACKS SEIZE OFFICE OF S.M.U.'S PRESIDENT—POLICE ARE CALLED TO STAND BY

"DALLAS (AP).—Black students with some support from whites took over the office of the president of Southern Methodist University today and swore to remain until their demands are met. . . .

"Reports from the scene said from thirty to thirty-five students were in control of [President] Tate's office.

"The takeover occurred during a meeting of Tate and a campus organization, the Black League of Afro-American and African College Students."

The story had one major flaw—it wasn't true. While about thirty-five students had met with the university president, they were not "in control" of his office; nor had they "swore to remain" until their demands were met. No such "takeover" had occurred. Glen Dromgoole, a staff writer for the *Star-Telegram*, later reported what really happened. The black students had met with the president for more than five hours discussing recent demands. The talks were more friendly than hostile. (At one point hamburgers were brought in.) By the end of the meeting, agreement had been reached on most of the issues. Apparently the wire service reporter had accepted the many rumors of a student takeover.

Martin Hayden of the Detroit *News* has suggested "an almost mathematical relationship between the level of exaggeration and the distance of news transmission." Edwin Guthman of the Los Angeles *Times* maintains that the early wire service report "is at the crux of the news media's problem." However, it is more likely that instances of misreporting remain a problem at *every* media level. The Lemberg Center for the Study of Violence, in investigating twenty-five incidents in which the news media had alleged sniping, found that, along with the wire services, local and nationally known newspapers bore a heavy responsibility for imprecise, distorted, and inaccurate reporting.

While treatment of racial disorders is generally more restrained today, the news media continue to overplay the more violent or sensational aspects of a story. The central media concern during the disorder at Cornell University last April, for example, was the emergence of the blacks from the student union. A picture of the students carrying rifles and shotguns, splashed across the nation, had a distorting effect on public opinion. The New York *Times* put the picture on page 1, and *Newsweek* used it on its cover the following week. Certain facts were largely ignored: prior to the disorder a cross had been burned in front of a black women's dormitory; the students had heard radio reports that carloads of armed whites were moving toward the campus; when the students emerged from the building their guns weren't loaded. What was basically a defensive response by a group of frightened students came across in the media as a terrorist act by student guerrillas.

Aspects of the disorders are dramatic and do merit extensive coverage. But the media still tend to equate bad news with big news and to confuse the obvious with the relevant. Thus when sixty-five students at Brandeis University took over a building last year it rated a story on the front page of the New York *Times*—despite the fact that there was no violence, that classes continued, and that the university suffered only minor inconvenience. I was on campus then. My only recollection of anything unusual was that on the first day or two an attendant asked to see my identification, and for the next week and a half I noticed large numbers of reporters, press cars, cameras, and other equipment. I sometimes wondered if there weren't more reporters outside than students inside the building.

The *Times*, along with most newspapers, missed the unusual climax at Brandeis. In a war of nerves with the students, President Morris Abram showed consummate skill in handling the situation, remaining flexible on the issues, mobilizing the support of the student body and faculty, and, above all, refusing to call in police. Eleven days after the crisis had begun the students quietly left the building—a dramatic victory for the Brandeis community, a dramatic example of how to handle a university crisis in contrast to fiascoes at Columbia and San Francisco State. Yet the students' departure merely merited a *Times* story about three inches long, well off the front page.

Disparities between the headlines and news stories are another problem. Often much less occurs in the story than the headline would indicate. Last year, for example, some concerned parents in Jacksonville, Fla., removed their children from Kirby Smith Junior High School after a local radio station had broadcast an exaggerated report of a fight between black and white students. The school principal later indicated that "classes continued and there was no panic." Nevertheless the Miami *Herald* headlined its story last April 25: "Moms Mob School After Riot 'News.'" Sometimes no violence occurs in the story, dramatic headlines to the contrary, A story appearing in the Boston *Globe* last May 10 told of a peaceful rally by a small group of students at a local theological seminary. According to the *Globe*, the rally was "brief and orderly." But the headline above the story read "Newton Campus Erupts."

The use of the word "riot" presents another problem because it has no precise meaning in terms of current disorders. *Webster's* defines a "riot" as a "tumultuous disturbance of the public peace by three or more persons assembled together and acting with a common intent." The difficulty is that "riots" have become so frequent and come in so many sizes and shapes as to render the word meaningless. There is something ludicrous about lumping together as "riots" Detroit, with forty-three deaths, 7,000 arrests, and $45 million in property damage, and an incident in which three people break a few store windows. Yet this is precisely what the news media still do. The continued media use of the term contributes to an emotionally charged climate in which the public tends to view every event as an "incident," every incident as a "disturbance," and every disturbance as a "riot." Journalists would do well to drop the word from their vocabulary altogether.

No law says the media have to interpret and not simply report the news, but having assumed this responsibility they have an obligation to make reasonable judgments based on careful analysis. Unfortunately, journalistic attempts in the direction of social science research have been rather amateurish, particularly where new trends and patterns are concerned. The case of the Cleveland "shoot-out" is a good example. On July 23, 1968, an intense gun battle broke out between the police and a group of black nationalists led by Ahmed Evans. Before the disorder was over 16,400 National Guardsmen had been mobilized, nine persons had been killed, and there was property damage estimated at $2.6 million. The Cleveland *Press* on July 24, 1968, compared the violence to guerrilla activity in Vietnam:

"It didn't seem to be a Watts, or a Detroit, or a Newark, Or even a Hough of two years ago. No, this tragic night seemed to be part of a plan."

A reporter writing in the New York *Times* of July 28, 1968, stated:

"It marks perhaps the first documented case in recent history of black, armed, and organized violence against the police."

More recent reports have revealed that the "shoot-out" was something less than a planned uprising and that the situation was considerably more complicated than indicated initially. Unfortunately, following the events in Cleveland, disorders in which shots may have been fired were immediately suspected by the press of being part of a "wave." A series of errors involving a handful of cities became the basis of a myth—that the pattern of violence in 1968 had changed from spontaneous to premeditated outbreaks. Few of the nationally known newspapers and newsmagazines attempted to verify sniping reports coming out of the cities and over the wire services; few were willing to undertake independent investigations; and far too many

were overly zealous in their assertions of a new "trend" based on limited and unconfirmed evidence. Unwittingly or not, the national media had constructed a scenario on armed uprisings.

Although having more time to check and verify reports than daily newspapers, the newsmagazines were even more vocal in their assertions of a "new pattern." On September 13, 1968, *Time* took note of an "ominous trend" and declared that the violence "appears to be changing from spontaneous combustion of a mob to the premeditated shootouts of a far-out few." The story went on to indicate that "many battles" had begun with "well planned sniping at police." Nearly a year later, on June 27, 1969—long after investigation by a task force of the National Commission on the Causes and Prevention of Violence, by the Lemberg Center, and by the New York *Times* (which reversed itself on the Cleveland question) had cast serious doubt about premeditated outbreaks in Cleveland and elsewhere—*Time* still was talking about the possibilities of a "guerrilla summer" and reminding its readers of the time in Cleveland when "police were lured into an ambush." Once started, myths are difficult to extinguish.

The most recent myth created by the media involves an alleged "shift" in racial disturbances from large to small cities. Last July 25 a syndicated reporter for the News Enterprise Association (NEA) noted:

"The socially sizzling summer has begun—but unlike recent history, it seems to be the minor, not the major, cities which are sweltering."

In an article entitled "Riots, 1969 Style," *Newsweek* declared on August 11:

"The traditional riot scenario is still being played out this summer—with one major difference. This season the stage has shifted from the major population centers to such small and disparate communities as Kokomo, Ind., Santa Ana, Calif., Cairo, Ill., Middletown, Conn., and Farrell, Pa."

Last September 9 the New York *Times* captioned a picture:

"New riot pattern: Rioting in Hartford, Conn., last week . . . underscored the fact that smaller cities this summer have had more racial trouble than the big ones."

Similar stories appeared about the same time in scores of other newspapers, including the *Wall Street Journal*, the Baltimore *News American*, the Woburn, Mass., *Times*, and the Pittsburgh *Press*.

In fact, racial disorders occurring over the past few years—not just this past summer—have been concentrated in smaller cities. About 75 per cent of all outbreaks recorded in 1968 by the Lemberg Center's Civil Disorder Clearinghouse occurred outside the 100 largest cities. For the first six months of 1969 and also for the summer no appreciable change in the percentage was noted. Furthermore, many of the cities cited as prototypes of this latest "new pattern"—Hartford and Middletown, Conn., Cairo, Ill.—have had disorders in previous years. The difference is that such outbreaks were completely overshadowed by a few enormous outbreaks in large cities such as Newark and Detroit.

Discovering the origin of these and other myths would be useful—a faulty wire service report, an inept reporter, an unreliable source. But aside from the fact that such a task would be almost impossible, it would miss a central point—that the system of reporting ensures that errors of fact and interpretation may be repeated, compounded, and reformulated as myths. In recent years the various components of the media have become extremely intertwined and dependent upon one another. The wire services, the nationally known newspapers, and the newsmagazines feed one another news and information. While the system undoubtedly speeds the flow of news to the public, it has encouraged a parrot-like character in which the various media segments tend to reproduce rather than examine one another's views.

In this respect the New York *Times'* caption proclaiming a NEW PATTERN assumes greater significance. Prior to its appearance in the *Times*, I talked with Jack Rosenthal, who had been working on a story on the relatively cool summer. When the subject of a new "shift" in violence came up I indicated that such allegations were false and misleading. Rosenthal wrote a thoughtful story, dwelling on police-community relations, civic programs, and the new community spirit among blacks. His story made no mention of a "new riot pattern." Apparently the caption writer had paid more attention to what *Newsweek* and the *Wall Street Journal* were saying than to his colleague at the *Times*.

The failure of the media to tell the complete story in the case of Cornell or the right story in the case of Cleveland goes beyond a lack of initiative or an inclination to sensationalize. It also indicates a bias—one which, notwithstanding Vice President Agnew's declarations, cuts *across* political and geographical lines. The media are not more aware of this bias than is the general public aware of its own. In part, we call it a class bias in that those who comprise media staffs—reporters, editors, headline writers, etc.—are part of the vast American middle class and, as such, express its views, values, and standards.

Both the general public and the media share the same dislike of protestors; both are unable to understand violence as an expression of protest against oppressive conditions; both prefer the myth of orderly, peaceful change, extolling the virtues of private property and public decorum. People are expected to behave in a certain way: they just don't go around yelling and cursing or throwing rocks. Both will grant that it took a revolution to secure our independence and a civil war to end slavery (at least officially), but that was all long ago and somewhat different. The bias also has elements of racism in that color is never far from the surface. It is difficult to say where the class bias begins and racist bias ends. These elements are inseparable and reenforce each other, and both manifest themselves in the thinking of the public and media alike.

A growing body of research shows that racial disorders are a part of the social process. The process includes an accumulation of grievances, a series of tension-heightening incidents such as police harassment, and a precipitating event such as an arrest which crystallizes the tensions and grievances that have mounted—the "last straw" that triggers the violence. The "typical rioter" is young, better educated than the average inner-city black, and more dissatisfied. He wants a better job but feels that prospective employers will discriminate against him. He is likely to be a long-term resident of the city. (In a survey in Detroit, 90 per cent of those arrested were from Detroit, 78 per cent lived in the state, and only 1 per cent lived outside the state.) He is extremely proud of his race and is politically conscious. He is more interested in and informed about politics than blacks who are not involved in a disorder. He is also more inclined toward political activism. (In one survey, nearly 40 per cent of the participants in the disorder—as compared to only about 25 per cent of the nonparticipants—reported having been involved in civil rights activity.) Finally, he receives substantial support from the rest of his community, which does not participate but regards the violence as necessary and beneficial.

As important as the findings in these studies are, they have made virtually no impact on the vast majority of the public. Most Americans continue to believe that violence is caused by a tiny and insignificant minority, that "outside agitators" and "criminal elements" are mainly responsible for isolated outbursts that have little or no social significance. Intellectuals must share a portion of the blame for this situation. Having completed their studies, they have been notoriously reluctant to roll up their academic shirtsleeves and assume leadership in presenting their ideas to the public. There is a trace of condescension in their assumption that good ideas from above will somehow trickle down to the "masses of asses," as one academic I know calls them.

Greater responsibility for the failure to confront the public's resistance rests with the news media. They have failed to commit their power and prestige on behalf of such studies. They have failed to place the ideas before the public and push for reform in an aggressive, effective manner—settling for a splash of headlines and stories initially, and little followup. Instead the media have opted for the status quo, reflecting, sustaining, and perpetuating outworn beliefs of their predominantly white audience.

Historically the notion of plots and conspiracies has always had great currency in this country—and in other countries, too. Prior to the Civil War, Southerners frequently viewed abolitionists as "outside agitators" trying to stir up the happy slaves. Violent interracial clashes during World War I were said to have been instigated by the Bolsheviks, and the outbreak in Detroit in 1913 was attributed to an "Axis plot." The current wave of disorders has been blamed on individuals such as Stokely Carmichael and H. Rap Brown or, for those who like a more international flavor, "Communist infiltrators." In a survey of six Northern cities by the Lemberg Center, 77 per cent of all whites interviewed believed that "outside agitators" were a major contributing cause of disorders. When Los Angeles Mayor Sam Yorty recently blamed a rash of school disorders on a conspiracy of the Black Student Union, the Students for a Democratic Society, Communist sympathizers, and the National Council of Churches, he was following a long—though not very honorable—tradition.

Such allegations are usually made without a shred of evidence, except for an occasional "someone told me so." Nevertheless the media have frequently taken their cues from the public in formulating and circulating such reports. Misinterpretations of the events in Cleveland, along with assertions of a "new pattern" of premeditated violence, are blatant examples of this form of bias. But more often the bias is expressed in more subtle ways. For example, when rumors circulated that "outside agitators" were involved in a disturbance in Omaha, Neb., a news story appearing in the Arkansas *Gazette* last June 27 made reference to the rumors but also mentioned that the mayor had no evidence to support such reports. Yet, the headline above the story read "'Outsiders' Linked to Omaha Rioting."

A look at the way in which the disorders are written up reveals, tragically, that the majority of the media and the public share essentially the same view of the violence—as meaningless, purposeless, senseless, irrational. Media treatment of the disorders following the assassination of Rev. Martin Luther King, Jr., illustrates the point. The sense of loss and injury among blacks at the time of the assassination was extremely great—far greater than among whites. The unprecedented wave of disorders—approximately 200—was expressive of the anger, bitterness, resentment, frustration that black people everywhere felt.

How did the media handle the disorders? Stories in just two newspapers analyzed—the Buffalo *News* of April 9, 1968 (the day of Dr. King's funeral) and the Trenton *Times-Advertiser* one day later—are fairly

typical. No attempt is made to place the violence in a social context. The reference to the assassination of Dr. King is perfunctory, with only a passing mention of his funeral and a few shouts about his death. Value-laden words receive unusual emphasis. The participants are "marauders," not men; they "rove" instead of run; they move in "gangs," not groups; they engage in "vandalism," not simply violence.

We have all grown so used to viewing blacks as stereotyped criminals that it is difficult to picture them in any other role; hence such frequent press concoctions as "roving gangs," "roving vandals," "roving gangs of rampaging teenagers," or, for variety, "a window-smashing rampage of roving gangs of Negro youths." The New York *Times* assertion last July 1 that "roving bands of ruffians" were involved in a disturbance in Middletown, Conn., seems somewhat feeble by comparison. The effect of such treatment by the media is to pander to the public's prejudice, reenforcing stereotypes, myths, and other outmoded beliefs. The media not only frighten the public but confuse it as well.

And let us not forget the effects on the news media. The proliferation of underground newspapers, radical publications, black journals, as well as underground radio stations on FM bands held by churches and universities, indicates that the media are failing to reach certain groups, and that they still lack sensitivity, sophistication, and skepticism commensurate with their important and strategic position.

LAW AND LOYALTY

Mr. HATFIELD. Mr. President, I invite the attention of Senators to the award-winning editorial given by John Salisbury, the director of news and special projects at Portland's KXL radio station. This editorial comment, broadcast over KXL on May 1, 1969, was selected by the Freedoms Foundation at Valley Forge to receive their principal award in the editorial category last February 22.

During a time in our Nation's history when patriotism and loyalty to God and country seem to be discussed only as virtues behind closed doors and in the privacy of one's home, I wish to commend Mr. Salisbury's forthright expression of conviction in these realms. As Mr. Salisbury points out in a refreshing manner, all Americans should avoid the pitfalls of accepting polarization from either the extreme right or the extreme left. Rather, it is time that we as a nation reaffirm our loyalty and trust in the ideals, upon which this country was founded, and redouble our efforts in reestablishing those ideals in the daily affairs of our Nation and our own personal lives.

I ask unanimous consent that Mr. Salisbury's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOHN SALISBURY NEWS COMMENTARY

This is Law Day. It is also Loyalty Day.

Tune me out and turn me off, if you so desire, because I'm going to talk about law—and about loyalty.

It won't hurt much, because I've already been tuned out and turned off by the bullies, brigands and braggarts who have decided law is no longer necessary in America, and who scoff at the very concept of loyalty.

I'm tuned out and turned off by young people in their smart pants and dirty beards who believe, somehow, they've been gifted by a God they claim is dead with some kind of omniscience which gives them sole mandate to cure the world's ills and to rule it by their own laws.

I'm tuned out and turned off by the black militants who believe guns leveled at the wrongs of bigotry will win the rights of equality.

I'm tuned out and turned off by the burners of draft cards and the tramplers of flags who denounce in cowardice the names of the brave who fall in battle—the young men who didn't choose to be there but went anyway, and fought their hearts out and sometimes died believing that if their country was wrong, it went wrong trying to do right.

I'm tuned out and turned off by the far right which suspects everyone else of being disloyal—and by the new left which believes in overthrowing our government, preferring anarchy even above communism.

I'm tuned out and turned off by boys who look like girls and girls who look like ladies of the night—and by members of my generation who think long hair, sideburns and beards really open the lines of communication to their kids.

I'm tuned out and turned off by men who've lost respect for women, and women who've lost respect for themselves—and by the new sophistication which makes it permissable to tell dirty jokes in mixed company.

And I'm absolutely turned off by Polish jokes—or any others which poke unwarranted fun at race, nationality or faith.

I'm tuned out and turned off by educators who can find no way to defend their institutions except by allowing the rabble to take them over—and by professors who prefer the rabble to self-respect.

I'm tuned out and turned off by men of God doing the Devil's work because they're no longer certain where, why or how God works.

I'm tuned out and turned off by the pornographers who use liberty as a cloak for license, proclaiming their right to peddle filth as freedom of the press.

I'm tuned out and turned off by dope pushers destroying a generation of youth while proclaiming marijuana should be legalized and a trip on LSD the only way to fly.

These are some of the things which turn me off.

And what turns me on?

Whites and blacks working together to make things better for everybody.

Kids who organize decency rallies.

Students who go to school to get an education, and educators who educate.

Preachers who identify with God, and are humbled by Him.

Authors who write good books.

Clean-cut boys and pretty girls.

And people to whom law, loyalty, justice and patriotism are not dirty words—people like the great majority of Americans, young, old and middle-aged, who care and will do something about it, like tuning in and turning on to what's right with America, using it as the inspiration for overcoming what's wrong with America.

People who pledge not anarchy—but allegiance!

CAPTIVE NATIONS WEEK

Mr. HRUSKA. Mr. President, this month marks the 11th consecutive year in which we have observed Captive Nations Week, an unfortunate but necessary occasion in which we call to mind once again the plight of 100 million Europeans who suffer political imprisonment at the hands of the Soviet Union.

While we deplore their predicament, we rejoice at their perseverance, their undaunted spirit, and their determination one day to find freedom again.

It was 11 years ago that the Congress enacted a joint resolution inaugurating Captive Nations Week. The late President Eisenhower was the first Chief Executive to proclaim the week.

Since then we have seen a continuation of Communist domination of the countries of east and central Europe. We have seen a callous eradication of the spark of freedom wherever it threatened to burst into flame. We have been oppression which would have long ago subdued a less hardy people.

We know that while the Communists can stamp out the flame of revolt, the spark of freedom continues to live in the breasts of Czechs, Hungarians, Poles, Lithuanians, Latvians, Estonians, Ukrainians, Bulgarians, and Slavs. We know that they await the day when they will rise up and throw off the yoke of tyranny.

These citizens of the captive nations believe as we believe that the most precious freedom is the freedom of self-determined government. The Europeans who settled vast areas of this country, including my own State of Nebraska, cherished this freedom heartily. Their brothers and sisters in Europe have no less love for it, but unhappily are deprived of an opportunity to enjoy the benefits of freedom which we have scrupulously erected and protected in the United States.

We, therefore, observe Captive Nations Week in the hope that our demonstration of concern will hasten the day in which the peoples of these countries join the family of free nations.

None of us will be completely free, Mr. President, until the valiant people of these nations are free.

It would be good for us to stop in our daily tasks and ask ourselves if we really appreciate our inalienable rights. I fear too many of us take them for granted, a most unfortunate assumption. We might consider the pattern of our life in America if we were deprived of the rights of free speech, petition, press, or religion; if our prisons were filled with political prisoners; if few would dare to rise in criticism of their government.

Despite all these impediments to freedom, its stirrings continue to rise in the countries of east and central Europe. The brutal extermination of dreams in Poland, Hungary, and Czechoslovakia will not long deter the people from further attempts to achieve their birthright.

While the Communists rail about freedom in the United Nations, they continue to flaunt its charter proclaiming the principle of "equal rights and self-determination of peoples." At home they continue their hypocritical charade of denying individual liberties and fundamental rights, all in the name of "freedom."

It is not possible to pay a tribute too high, or describe in words too glorious, however, the spirit of the enslaved millions. Their spirit has not been broken, nor will it ever be. The spark of resistance burns fiercely and is bound to break into full-fledged flame again, somewhere, sometime. When it does, I pray,

Mr. President, that it will find support among the free world and among men of principle everywhere.

As we pay tribute once again to these valiant people, hoping that our inadequate words somehow reach across the waters and demonstrate that they are not forgotten, we reassure them they are not forgotten, that they have not been written off as a lost cause, that another day will come in which a stand may be made, and freedom may be won.

When that day comes, Mr. President, we want the people of the captive nations to know we will stand proudly by their side.

TOPSY-TURVY OIL PICTURE

Mr. TOWER. Mr. President, the Sunday, July 19, 1970, Dallas Morning News contains an article entitled "Oil's 'Topsy-Turvy' Picture Poses Federal Action Need," written by Clyde La Motte. In my opinion, the article correctly stated the present world oil situation.

The article pointed out the convergence of several important international factors which should profoundly affect our thinking about our domestic oil policies.

These factors, which are enumerated in the article, have caused a serious national shortage of some types of fuel oil and have caused an increase in the price of virtually all forms of imported oil. I ask unanimous consent that this article be printed in the RECORD.

Thus, the Nation is now "paying the fiddler" for the past "cheap imports" dance. As I have warned on numerous occasions, the Nation must not rely too heavily on cheap imported petroleum. If we should become too reliant on cheap imported oil, I warned that not only would our domestic exploration industry suffer and perhaps even become unable to supply our domestic needs, but also that we could expect long-run shortages and increased prices of this imported crude oil.

I hope that the present shortage will not be alleviated merely by increasing oil imports. This should be only a temporary measure. Rather, we need to increase the economic incentives for our domestic exploration industry to increase its efforts to explore for and develop our abundant reserves.

This will best serve the interests of our national security and at the same time work to alleviate this and future shortages of oil and natural gas.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL'S "TOPSY-TURVY" PICTURE POSES FEDERAL ACTION NEED

(By Clyde La Motte)

WASHINGTON.—A series of rapid-fire developments, including a sudden runaway in tanker rates, may have a profound impact on the oil import control program and on the federal government's handling of petroleum-related issues generally.

Changes, substantial changes, may be made in the very near future to adjust to a topsy-turvy situation.

Several factors have converged in recent months to create energy problems which are now demanding governmental attention.

One of these is the worsening situation in the Middle East which has resulted in a sharp cutback in Libyan oil production and the disruption in the flow of oil through the Tapline system to western markets.

This has caused the soaring tanker rates which have virtually nullified the value of import "tickets" held by U.S. inland refining firms.

That is, there is no advantage at this time in buying "cheap" crude oil in the Eastern Hemisphere because the cost of transporting it by tanker now results in an east coast delivery price of $4 a barrel or more.

Suddenly, domestic crude oil has become more attractive and companies are going all-out to obtain available supplies.

This competition for U.S. crude is likely to force the price of domestic oil up quickly.

Another emerging factor stems from the impact of new, tough antipollution regulations involving standards difficult for much of the domestic supply of coal and heavy fuel oils to meet.

This has sent Midwest utilities and industrial plants in particular scurrying about for the fuel they need to continue in operation.

The near-critical industrial fuel supply in the Midwest has been further tightened by action of natural gas pipelines in that area to reduce or cut off sales to those firms because of the tight gas supply.

The Oil Import Administration recently moved to ease the pinch by setting aside a "kitty" of 9.5 million barrels of residual fuel oil import "tickets" for use by Midwest utilities.

However, the utilities are having difficulty in locating overseas supplies of low-sulfur residual oil. Furthermore, with the high tanker rates, such imports would be highly costly.

One immediate possibility is the importation of crude oil from Canada to be used as a fuel by the utilities and the big industrial plants in Chicago, Detroit, Cleveland and elsewhere in the Midwest.

The crude oil could be brought in despite the ceiling applied earlier this year to imports of Canadian crude into Districts 1-4 because its use as fuel without any processing would enable it to be classified as a product rather than as crude oil. (There is no ceiling in overland imports of products.)

Indications are that this use of crude oil as fuel in the Midwest might result in an increase of shipments from Canada by as much as 200,000 barrels daily. It would be transported from Canada to U.S. Midwest markets through the existing Interprovincial-Lakehead Pipeline System, which currently has some spare capacity.

Ironically, the cost of the crude oil used as a fuel may run higher than the cost of crude for conventional use as feedstock at refineries. The reason is that residual fuel oil prices in the Midwest are already running around $4 a barrel and apparently are headed even higher.

The mounting pressure for more oil generally may well result in some temporary suspension of import controls applying to Canada and Venezuela.

Even this may not help a great deal. There is a question as to how much spare producing capacity Venezuela has available, and there is a similar question regarding transportation capacity to move any large increase of Canadian crude to U.S. markets.

Although the ceiling of shipments from Canada was specified earlier this year to be 395,000 barrels daily for the remainder of 1970, actual shipments have run nearer 600,000 barrels daily into Districts 1-4.

This has been made possible because the ceiling applies to the average for the entire allocation period. Thus, companies could be—and are—importing at a higher rate at present by "borrowing" from the level to be imported later in the year.

In any event, government officials in Washington appear to be convinced now that the country is facing an energy shortage and that vigorous steps will have to be taken to avoid critical disruptions.

Right now there is the prospect that some Midwest steel mills and other industrial plants may be forced to close down temporarily if they are unable to obtain needed fuel supplies. Such a development would put many workers out of a job and would have a big impact on the economy of the comunities involved.

Up until very recently, some government officials have held to the view that the domestic petroleum industry has been crying "wolf" concerning possible oil and gas shortages.

That no longer appears to be the case.

VOLUNTEER ARMED FORCES

Mr. HATFIELD. Mr. President, recently I introduced proposed legislation amending H.R. 17123. The amendment if adopted, would implement the recommendations of the Gates Commission effecting an all-volunteer military. At present, the amendment is cosponsored by Senators GOLDWATER, CRANSTON, SCOTT, MCGOVERN, PACKWOOD, YOUNG of Ohio, DOLE, STEVENS, HARTKE, SCHWEIKER, GOODELL, and MANSFIELD. When the amendment is called up I will offer various modifications to it which will not change the substance of the bill but will merely make it a title of the Military Procurement Authorization Act. So that there not be any confusion I would like to ask unanimous consent that the amendment (No. 765) as it will be modified be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

TITLE VI—VOLUNTEER ARMED FORCES

SEC. 601. The Congress hereby finds that—

(1) the Armed Forces of the United States can be materially improved and strengthened by increasing and improving the economic and educational benefits of the members thereof, by elevating the status of military personnel generally, and by developing and maintaining a system of military manpower procurement based on the free choice of the individual;

(2) involuntary service in the Armed Forces is a discriminatory tax-in-kind upon those persons required to serve because it falls upon a relatively small number of the total population;

(3) the military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system;

(4) a voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower;

(5) the President, the Secretary of Defense, and the Secretaries of the military departments should exercise all authority available to them to promote the success of a voluntary system of meeting the military manpower needs of the Nation; and

(6) the Reserve forces should be maintained at adequate strength levels and should be better trained and equipped to meet emergency combat assignments.

CONTINUED REGISTRATION

SEC. 602. Notwithstanding the delimiting date specified in section 17(c) of the Military Selective Service Act of 1967, the President shall provide for the continued registration under such Act of all male persons in the United States between the ages of eighteen and twenty-six years in order that the involuntary induction of persons under such Act may be reinstituted without serious de-

lay in the event the President determines pursuant to section 603 of this title that such action is necessary and legislation authorizing conscription is enacted pursuant to such deterimnation.

ACTION FOR REINSTITUTING CONSCRIPTION

SEC. 603. If at any time after the termination of induction of persons into the Armed Forces under the Military Selective Service Act of 1967 the President determines that the military manpower needs of the Nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. 604. (a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation through a voluntary program of enlistments. In the exercise of such authority, the Secretaries of the military departments shall, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant service;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay or bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect; and

(7) the institution of any other appropriate actions designed to upgrade the conditions of military service and the States of military personnel generally.

(b) In implementing subsection (a)(2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs should be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than eighteen months after the date of enactment of this title.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

INCREASE IN PAY RATES FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 605. The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this title a revised basic pay schedule for members of the uniformed services incorporating the increases in the basic pay of enlisted personnel and officers listed in the table below and such adjustments in the basic pay of other personnel as the Secretary deems necessary and appropriate to insure equitable pay differences between different grades.

	Enlisted personnel	Officer personnel
Years of service:		
1	$1,700	$1,504
2	1,544	2,031
3	804	1,142
4	727	----------
5	347	----------
6	344	----------
7	233	----------
8	344	----------
9 to 10	258	----------

SPECIAL PAY FOR PHYSICIANS, DENTISTS, AND VETERINARIANS MADE PERMANENT; INCREASE IN SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. 606. (a) Sections 302 and 302 of title 32, United States Code, are amended by striking out "and before July 1, 1971." each time it appears in such sections.

(b) Section 302(1) of such title is amended by deleting the comma after "1947" the second time such date appears therein.

(c) Section 302(b) of such title is amended to read as follows:

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(1) $150 a month for each month of active duty if he has not completed two years of active duty in a category named in that subsection;

"(2) $200 a month for each month of active duty if he has completed two years of active duty in a category named in that subsection;

"(3) $450 a month for each month of active duty if he has completed three years of active duty in a category named in that subsection;

"(4) $600 a month for each month of active duty if he has completed four years of active duty in a category named in that subsection;

"(5) $750 a month for each month of active duty if he has completed five years of active duty in a category named in that subsection;

"(6) $900 a month for each month of active duty if he has completed six years of active duty in a category named in that subsection; or

"(7) $1,050 a month for each month of active duty if he has completed seven years of active duty in a category named in that subsection."

MORE EFFECTIVE USE OF PROFICIENCY PAY FOR ENLISTED MEMBERS

SEC. 607. (a) The Secretary of Defense shall, at the earliest practicable date, promulgate regulations under which the Armed Forces will increase the utilization of proficiency pay authorized by section 307 of title 37, United States Code, for the purpose of attracting and retaining enlisted members who are specially proficient in military skills.

(b) Section 307 of title 37, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) a new subsection (d) as follows:

"(d) Proficiency pay under subsection (a)(1) or (a)(2) of this section shall be made available to enlisted members with critical skills after such members have satisfactorily completed their training in such skill. Proficiency pay under this section shall be paid to enlisted members who qualify therefor without regard to whether they are career members or not."

HOSTILE FIRE PAY INCREASE

SEC. 608. Section 310(a) of title 10, United States Code, is amended by striking out "$65" and inserting in lieu thereof "$200."

COMBAT ZONE PAY

SEC. 609. (a) Chapter 5 of title 37, United States Code, is amended by adding after section 310 a new section as follows:

"§ 310a. Special pay: duty in a combat zone

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of the uniformed services may be paid at the rate of $65 a month for any month in which he was entitled to basic pay and was serving in a combat zone.

"(b) A member may not be paid special pay under this section for any month for which he receives special pay under section 310 of this title, but may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

"(c) The provisions of section 310(c) of this title relating to determination of fact under that section shall apply in the case of the determination of fact under this section.

"(d) The Secretary of Defense shall report to the Congress by March 1 of each year on the administration of this section during the preceding calendar year.

"(e) As used in this section the term 'combat zone' means any area which the President by Executive order designates as an area in which Armed Forces of the United States are engaged in combat."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting immediately below

"310. Special pay: duty subject to hostile fire."

the following:

"310a. Special pay: duty in a combat zone.".

EXTENSION OF TIME WITHIN WHICH REENLISTMENT BONUSES MAY BE PAID

SEC. 610. Section 308(a) of title 37, United States Code, is amended by striking out "within three months" and inserting in lieu thereof "within six months".

TRAVEL AND TRANSPORTATION ALLOWANCES AND DISLOCATION ALLOWANCES FOR ENLISTED MEMBERS IN LOWER GRADES

SEC. 611. (a) Section 406(a) of title 37, United States Code, is amended by inserting ", including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1," immediately after "A member of a uniformed service".

(b) Section 407(a) of such title is amended by striking out "uniformed service—" and inserting in lieu thereof "uniformed service, including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1—".

ENLISTMENTS AND DISCHARGES

SEC. 612. (a) Section 505(c) of title 10, United States Code, is amended to read as follows:

"(c) The Secretary concerned may accept original enlistments in the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, (1) of male persons for the duration of their minority or for a period of two years, and (2) of female persons for a period of two years. The Secretary concerned may accept an original enlistment in the case of any person for a specified period longer than two years, but not more than four years, where the cost of special education or training to be af-

forded such person would make a shorter enlistment period impracticable."

(b) Section 505(e) of such title is amended to read as follows:

"(e) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for unspecified periods and for periods commensurate with the cost of any special education or training to be received by any member, as may be prescribed in regulations of the Secretary concerned. In no case shall the Secretary concerned specify a period of more than four years of obligated service because of special education or training to be received by any member."

(c) Section 509(a) of such title is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 505(e) and".

(d) The Secretary of Defense shall promptly conduct a comprehensive study to determine the term of service which should be required of enlisted members who receive various types of special education or training programs. The Secretary concerned shall, on the basis of the conclusions reached in such study, prescribe by regulation the term of service required to be performed by enlisted members who receive special education or training.

(e) Section 1169 of such title is amended to read as follows:

"§ 1169. Regular enlisted members: limitations on discharged

"Any enlisted member who has completed his original period of enlistment and who has been reenlisted for an unspecified period shall be discharged upon written request, except that—

"(1) the Secretary concerned may refuse to grant a discharge during any period of war or national emergency;

"(2) a member shall be required to fulfill a term of service commensurate with the cost of any special education or training received by him, as prescribed in regulations of the Secretary concerned;

"(3) the Secretary concerned may refuse to grant a discharge to any enlisted member who has been assigned to sea duty or duty outside the United States; or

"(4) as otherwise provided by law."

RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAM INCREASE

SEC. 613. Section 2107(h) of title 10, United States Code, is amended to read as follows:

"(h) Not more than the following number of cadets and midshipmen may be in the financial assistance programs under this section at any one time:

"Army program: 10,000

"Navy program: 10,000

"Air Force program: 10,000."

GREATER UTILIZATION OF CIVILIAN MEDICAL FACILITIES AND PERSONNEL

SEC. 614. (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this Act, formulate plans for utilization, to the maximum extent practicable, of civilian medical facilities and personnel to serve the medical needs of military personnel and their dependents. In formulating such plans the Secretary shall give consideration to more extensive use of a medical insurance program for retired personnel and their dependents and for the dependents of active duty personnel.

(b) The Secretary of Defense shall submit to the Congress the plans formulated pursuant to this section not more than nine months after the date of enactment of this title together with such recommendations for legislation as may be necessary to effectuate such plans.

FORMULATION OF NEW SALARY STRUCTURE FOR THE UNIFORMED SERVICES

SEC. 615. (a) The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this title a new pay structure for the uniformed services. Such pay structure shall—

(1) provide salary schedules of pay which combine basic pay rates and present allowances for quarters and subsistence;

(2) provide for cash contributions to a retirement system similar to the civil service retirement system provided for Federal civilian employees; and

(3) take into account the amount lost as the result of the termination of separate allowances for quarters and subsistence and the amount which will be contributed to a retirement system, including the loss of any tax advantage realized under current law.

The Secretary is authorized to include such other features in any new pay structure as he determines necessary or appropriate to make such pay structure fair and equitable and to attract qualified personnel to the uniformed services.

(b) The Secretary of Defense shall submit to the Congress the new pay structure formulated by him pursuant to this section not later than nine months after the date of enactment of this title.

EFFECTIVE DATE

SEC. 616. The Act shall become effective upon the date of enactment, except that sections 605, 606, 607, 608, 609 and 610 shall become effective on the first day of the first calendar month in which this title is enacted.

EXPLANATION OF WITHDRAWAL OF NOMINATION OF DR. J. RICHARD LUCAS TO BE DIRECTOR OF BUREAU OF MINES

Mr. JACKSON. Mr. President, on July 17 the President withdrew the nomination of Dr. J. Richard Lucas, whose name he had previously submitted to the Senate for its advice and consent to be Director of the Bureau of Mines in the Department of the Interior.

The nomination of Dr. Lucas was greeted with a great deal of interest by many people both in and out of Congress, some of whom opposed him and most of whom supported his nomination.

However, in order to clarify the record concerning this nomination, I ask unanimous consent to place in the RECORD at this point in my remarks a letter of July 8 from Dr. Lucas advising me that he had requested that his name be withdrawn since he did not feel he could meet the committee's requirements relating to the disposal of certain securities he held, my reply to him, and a press release issued following an executive committee meeting on this matter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

VIRGINIA POLYTECHNIC INSTITUTE,
Blacksburg, Va., July 8, 1970.

Senator HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: Regarding my nomination to be Director of the Bureau of Mines pending before the Senator Interior and Insular Affairs Committee, I have now been informed that it is the view of the committee that I will be required to dispose of my foreign, as well as domestic, mining securities so as to avoid any possible conflict of interest.

Initially I was advised by the Solicitor of the Interior Department, both orally and later by letter dated June 22, that I would be required to dispose of my domestic securities, but that in his view he saw no conflict of interest in my retaining my foreign securities during the period I would be serving as Director of the Bureau of Mines. He pointed out, of course, that the final decision in this matter would rest with the Senate Interior and Insular Affairs Committee.

After careful consideration I wish to state that the proposed sale of my foreign securities would represent a substantial financial hardship to myself and to my family.

Under these circumstances and in view of the Committee's decision, I have regretfully requested Mr. Harry Flemming of the White House to advise the President that my nomination be withdrawn.

During the public hearing on my nomination before the Senate Interior and Insular Affairs Committee on May 25, certain charges were made by a newspaper columnist concerning plagiarism in my doctoral thesis. In your position as Chairman of the Committee, you announced that the committee would investigate charges, which I stated at the time were completely unfounded and with not the slightest basis in fact whatever. Because of the important bearing such unfounded charges might have on my future professional and academic career, I would appreciate it very much if you as Committee Chairman, would state for the public record the results of the investigation conducted by your committee into these charges.

Your consideration of the request will be appreciated.

Sincerely yours,

J. RICHARD LUCAS.

JULY 13, 1970.

Dr. J. RICHARD LUCAS,
Department of Mining Engineering, Virginia Polytechnic Institute, Blacksburg, Va.

DEAR DR. LUCAS: Thank you for your letter of July 8 advising this Committee that you have requested the President to withdraw your nomination to be Director of the Bureau of Mines.

The Committee understands the reasons for your decision and we regret the inconvenience that this matter has caused you. We certainly understand the financial hardship the disposal of your securities would represent.

I am enclosing a copy of a press release issued today by the Committee following our meeting this afternoon.

With best wishes.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

PRESS RELEASE OF SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

At an executive meeting of the Senate Committee on Interior and Insular Affairs today, Senator Henry M. Jackson, Chairman, and Senator Gordon Allott, Ranking Minority Member, announced that a letter had been received from Dr. J. Richard Lucas advising Chairman Jackson that he had requested the President to withdraw his name as nominee for the post of Director of the Bureau of Mines.

As is the custom of the Committee when considering nominations, the financial holdings of a nominee are reviewed. Despite the fact that a majority of his securities were foreign, the Committee felt that it would be wise for Dr. Lucas to divest himself of all of

his present stock holdings to avoid even the appearance of a potential conflict-of-interest. Dr. Lucas stated that he was not in a position to make such a divestiture, and the following is quoted from his letter:

"After careful consideration I wish to state that the proposed sale of my foreign securities would represent a substantial financial hardship to myself and to my family."

Senator Jackson said, "The Committee is well aware of the fact that sometimes its requirements for divestiture and adjustment of investments place a heavy financial burden upon nominees; however, we do feel these financial requirements are good public policy and in the long-run best interests of the nominee and the Nation."

At the public hearing on his nomination, the Committee had also taken note of certain newspaper reports referring to allegations of plagiarism in connection with his doctoral dissertation. The Chairman and the Ranking Republican member of the Senate Interior Committee emphasized that not only did their review of the F.B.I. report reveal there was no substance to the allegations, but also, the independent investigation of the Committee yielded further confirmation of the fact that these allegations are totally without foundation, having no basis in fact. The Committee, by unanimous action, felt that it was important that it be made abundantly clear to the public that all of its investigations have revealed nothing that reflects adversely upon the character, integrity, or professional qualifications of Dr. Lucas.

CRITICISM OF THE PRESIDENT

Mr. GOLDWATER. Mr. President, on July 14, I delivered a speech on the Senate floor relative to the problems created by the tremendous size of the Federal bureaucracy. At that time I stated that I did not believe a person who is making government his career and is blanketed under civil service has an automatic right to permanent employment. I stated further that I agreee that every individual, Federal employee or not, has the right to reach a decision on policy matters and give voice to that opinion as an individual and a U.S. citizen. As I put it in my July 14 speech:

Understand, I have no objections to any government worker expressing in the proper forum his feeling or belief about any policy. I object most strenously, however, to the practice of a government official using his position as a government employee to oppose or undermine or refuse to work for the policy of that government.

It will be recalled, Mr. President, that I raised a particular question about a mass meeting held by employees of the Department of Health, Education, and Welfare to protest the administration's policy in Cambodia.

Up until now my opposition has been to the practice of Federal employees openly criticizing the polices for which they work. Now, Mr. President, my criticism is directed also at the propriety of Federal employees making personal attacks upon the President for whom they work.

In this instance we again hear from the Department of Health, Education, and Welfare. According to last night's Washington Star, the Vietnam Moratorium Committee at the National Institute of Health in its latest publication ridicules Mr. Nixon's performance as President in a mock appraisal such as that to which HEW workers are subjected.

President Nixon's performance as Chief Executive was judged as follows:

Quality of work: His work frequently contains an unacceptable percentage of error or shows poor judgment.

Interest in work: Appears bored with his work.

Attendance and punctuality: Takes longer or more frequent breaks than most; tends to take advantage of leave privileges.

Subordination of personal interests: Puts his own interests first, frequently to the detriment of his work.

Flexibility: Very rigid and opinionated; once he gets an idea, it's almost impossible to change him.

Resourcefulness: Has considerable difficulty in dealing with anything out of the ordinary routine.

Judgment: Very erratic in his ability to reach logical conclusions.

Knowledge required by the job: Handicapped quite often in his work because of his lack of knowledge, understanding or information.

Degree of supervision required: Requires constant supervision or direction.

Initiative: Seems to aspire to nothing higher; frequently shirks responsibility.

Productivity: Tends to be a bottleneck in getting the work out.

Persistence: Frequently fails to finish work he has started.

Attempts to improve: Content to drift; generally unresponsive to efforts to help him develop.

The last part of the "performance appraisal" contains the "reviewing officer's" comments, including:

"He has had no new idea in 22 years . . . Talks in cliches . . . Progress on many national problems (e.g., hunger, poverty, racism, pollution, health, etc.) is being held up . . . Requires, but, unfortunately, does not get good supervision or direction . . .

"He has always put Richard Nixon first. His Southern Strategy means that he puts his re-election ahead of racial justice . . . His Cambodia speech was very illogical, clutching at every rationale and excuse in sight to justify his intervention . . . In particular, his having Spiro Agnew smear opponents shows that he has learned nothing in the past 22 years."

Mr. President, I presume this is all meant to be very funny. Certainly nobody could expect any group with such poor taste to be a competent judge of any kind of worker performance, let alone that of the man who holds the toughest, most important job in the entire world. This is a man who passed muster with the American voters and does not hold his job as the result of an appointment or a civil service classification.

But the ridiculing of the President certainly should raise grave questions as to how far Government employees can go in questioning the official policies of the Government and whether, as Government workers, they have the right to criticize the President personally. I am not unmindful of the fact that the whole issue involves the question of freedom of speech and expression. And there certainly is no suggestion here that these precious freedoms be obstructed for any reason whatsoever. The question here is whether this freedom of expression extends to the length of Federal employees using the prestige of their employment to gain greater circulation for their individual views.

Not being an attorney, I do not know how much leeway civil service status gives to Government employees who make it a practice to criticize in public the President and the administration for which they work.

But I can assure you that it is long past time for the Nixon administration to look into this situation. I cannot understand why the administration has not moved to censor or discipline these dissatisfied workers. How long is the White House likely to put up with this kind of insulting insubordination? I am convinced that there is some method through which these workers may be made to realize that they owe a responsibility to the people of the United States who chose the man they so freely criticized. It would be a fine thing if means could be found to rid the government of these troublemakers permanently. They have asked to be fired by their actions, and if they were working for any enterprise other than the government, they would already be out on their ears.

CHURCHES AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, at the hearings on the Genocide convention recently completed by a Foreign Relations Subcommittee, some of the most compelling testimony in support of the convention came from religious organizations. These are the same organizaitons that provided strong testimony in behalf of the convention 20 years ago, when the Foreign Relations Committee first opened its inquiry on this subject.

Unfortunately, Mr. President, their testimony was not heeded then. I hope it will be heeded now.

I ask unanimous consent that the testimony given by the United Methodist Church at this spring's hearings be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE UNITED METHODIST CHURCH

The churches of the United States were deeply shocked and aroused by the terrible toll in suffering and death inflicited by the Nazis upon the Jewish people of Europe and upon other racial, ethnic, national and religious groups just prior to and during World War II. These actions were highly offensive to the religious conviction that, as creatures of God, all persons are possessed of essential human rights which are inherently theirs and which no government or group has the right to violate.

Therefore, The United Methodist Church and its predecessors (The Methodist Church and The Evangelical United Brethren Church) have consistently supported the protection of human rights internationally as well as nationally. The following statements are the position of The United Methodist Church as set forth by the General Conference, the highest authoritative organ of the denomination. The General Conference of The United Methodist Church is a representative body composed of some 1,000 delegates equally divided between laymen and clergy.

"We commend the United Nations for its success in reconciling differences, promoting human rights, lifting the levels of health, education, and welfare, and advancing self-government among the nations . . .

"We urge the early ratification by all nations of the fourteen conventions on human rights developed and approved by the United Nations or its specialized agencies. . . ."

Adopted by the General Conference of The United Methodist Church, Dallas, Texas, May 9, 1968.

An earlier statement of the General Conference of one of the predecessor denominations, The Methodist Church, is even more specific:

"We urge the early ratification by all nations of the conventions on human rights developed and approved by the United Nations, including: The Genocide Convention, The Convention on the Abolition of Slavery, The Convention on the Political Rights of Women, The Convention of the Stateless Person, The Convention on the Abolition of Forced Labor."

Adopted by the General Conference of The Methodist Church, Pittsburgh, Pennsylvania, 1964.

In the light of the preceding statements, we join in urging the Senate Foreign Relations Committee and the Senate as a whole to consent to the accession of the United States of America to the Convention on the Prevention and Punishment of the Crime of Genocide.

BISHOP CHARLES F. GOLDEN,
President.
A. DUDLEY WARD,
General Secretary.
Board of Christian Social Concerns of The United Methodist Church.
BISHOP LLOYD C. WICKE,
President.
TRACEY K. JONES,
General Secretary.
The Board of Missions of The United Methodist Church.

TIME OF CRISIS AT THE SMITHSONIAN

Mr. GOLDWATER. Mr. President, yesterday I was privileged to appear before the House Subcommittee on Library and Memorials, presided over by Mr. FRANK THOMPSON. Amazing as it sounds, his subcommittee is conducting the first legislative oversight hearings which Congress has held on the Smithsonian Institution in over a century.

To my mind, this series of hearings presents a fine opportunity for Congress and the American public to learn more about the Smithsonian and thereby to be in a better position to judge whether it is living up to its obligations to the American taxpayer.

Not many people realize how large the Smithsonian has grown. Few are aware that Congress now appropriates over $40 million each year to finance the Institution's operations. Even fewer people know that the Smithsonian has more than 3,400 employees on its staff, most of whom are paid from Federal funds.

It is the strength of the House hearings that all these facts can be brought into the open. The committee is allowing the inquiry to be made across the board, into every aspect of the Smithsonian's activities, both Federal and private; and I want to congratulate the committee members for the thorough and honorable way the meetings are being conducted.

Yesterday I sought to aid the committee by raising several questions concerning the Smithsonian. In general, my questions were: What is the Smithsonian doing with its approximately 3,400 employees? Where have the increases in positions and appropriations gone? And, have any units at the Institution been overlooked during the term of the current Smithsonian management—a period when the Smithsonian's Federal budget has doubled and the number of permanent employees authorized by Congress has risen by more than 700 positions?

Mr. President, my study of these questions indicates that the Smithsonian has slipped off course a few degrees in its list of priorities. The evidence squarely points to the concluson that both the National Air and Space Museum and the National Museum of Natural History are seriously undermanned and underfunded.

It was my purpose yesterday to call this situation to the attention of the committee in the belief that public exposure of these problems will lead to some constructive steps being taken to solve them.

In order that the large audience that reads the RECORD may be familiar with this subject, I ask unanimous consent that my testimony and related documents be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

TIME OF CRISIS FOR NATIONAL AIR AND SPACE MUSEUM

Mr. Chairman and Members of the Subcommittee:

Please allow me to say at the outset that I think the Committee is doing a significant public service by holding the present series of hearings. By allowing the true character of the Smithsonian to be discussed and examined openly at this forum, in a reasonable and decent way, you and your colleagues are contributing to the advancement of public knowledge about the Smithsonian, as well as providing the opportunity to identify areas where the Institution might better fulfill its national responsibilities.

For indeed it has a heavy debt to the American taxpayer. The direct Federal monies which Congress will appropriate for the Smithsonian's operations, for the 1971 fiscal year, is over $40 million. This includes an increase of $7.6 million for salaries and expenses alone—a rise of 25% in one year.

Since 1964 when the current Smithsonian Secretary took office, the total Federal budget for the Institution has doubled. The number of permanent employees authorized by Congress has jumped from 1348 to 2077—a growth of more than 700 positions in 6 years. What is more, the number of part-time employees has gone up from 18 to 240. On top of this, the Smithsonian employs over 1100 people who are paid from private funds.

The question is, what is the Smithsonian doing with its approximately 3400 employees? Where have the increases in positions and appropriations gone? Have any units of the Institution been overlooked during this period of amazing growth?

Mr. Chairman, the facts must be faced. The Smithsonian has seriously neglected two of its major components. Both the National Air and Space Museum and the National Museum of Natural History are the victims of a shocking lack of attention by the Smithsonian's Top Brass.

This is not a conclusion that I could have reached as late as a few weeks ago. But recently my aides held a meeting with Doctor Ripley's top assistants. The discussions at this conference revealed that the Smithsonian management has little comprehension of the pressing needs of the nation's Flight Museum or the Natural History Museum.

They simply do not understand that each of these museums is going through a time of crisis. Neither the funding nor the personnel of either museum is anywhere near where it should be for these important branches to live up to the role which the American public and their respective professional fields demand of them. In fact, as far as personnel is concerned, these museums are going downhill.

Mr. Chairman, these charges can be documented. First, I will discuss the National Air and Space Museum.

The cogent facts are as follows:

1. The National Air and Space Museum receives an extremely meager share of the Smithsonian's Federal Budget—about 1.7%.

2. The professional and support departments of the Flight Museum are seriously undermanned. It has only 31 people on board.

3. The Museum attracts at least one-third of the visitors to the Smithsonian Park. In fact, an in-house survey by the Smithsonian reveals that nine out of every ten visitors interviewed at the Mall had been to see the Air and Space Museum—a shocking contrast with the miniscule share of funds and employees which the Museum receives.

4. The Museum has no Director. It has had no Director for nearly a year, even though it has been 24 months since the last Director gave notice of his planned retirement.

5. For many years, the Air and Space Museum was not considered to be one of the Institution's science and technology components. Rather it was put into the arts and humanities wing of the Institution.

6. It can be proven that in 1969 the Smithsonian management threatened the Flight Museum and its exhibits with expulsion from the Mall. The Assistant Secretary for History and Art proposed to "get rid of the tin shed" and "get the missiles out of our view."

7. Most Flight Museum exhibits are badly housed, and deteriorating rapidly. The building labeled "National Air and Space Museum" is actually a World War I "temporary" hanger erected in 1917. The other building used for Air and Space exhibits is 90 years old.

8. The program for construction of a permanent Air and Space building is at dead center. In the words of Paul Johnston, the last Director of the museum, the project "may never get off the ground."

Mr. Chairman, I would like to review these facts and to document each of them.

There is no question that the Air and Space Museum is given less than a 2% slice of the Smithsonian's Federal budget. According to end-of-the-year figures, the Museum's budget was cut by the Smithsonian to under $500,000 for the 1970 fiscal year. This is all that the Museum received out of $28.1 million which Congress appropriated for Smithsonian salaries and expenses.

In terms of the Smithsonian's employment picture, the Flight Museum's share is even smaller.

At the April hearings, Under-Secretary Bradley stated that the actual number of permanent employees on the Federal payroll was 1889. At this time the number of employees at the National Air and Space Museum was 30, counting curators, administrators, secretaries, and the support team at Silver Hill. This amounts to 1.6% of the overall Smithsonian staff.

Mr. Chairman, the Smithsonian claims that the Flight Museum had the equivalent of 39 positions filled in 1970 because the Office of Exhibits performed work on some air and space projects. But this completely overlooks the fact that the Office of Exhibits has its own appropriations. This work has been justified before Congress as a separate item in the Smithsonian's budget.

When Congress appropriated money for 41 positions at the Flight Museum, it did not think it was paying for the salaries of peo-

ple in the Office of Exhibits. To turn around now and claim that the Museum had the equivalent of 39 employees muddies the waters. The next thing I know the Institution will be charging janitorial help and guard services against the Museum as well.

Mr. Chairman, the employment picture looks incredible when it is viewed in comparison with the responsibilities of the Museum.

The Historical Research Center of the Museum, which supports the curatorial and exhibits staff by documenting the authenticity of artifact acquisitions, by answering 6000 public inquiries annually, and by running a reference library, has 3 employees. In 1967 it had 5.

The Preservation and Restoration Division at Silver Hill, which handles the assemblage and retrieval of aircraft and astronautical specimens, the maintenance of Museum collections, and the inventory and cataloging of these collections, had 15 employees several years ago. It was down to 14 early this year.

The Curators' professional staff has decreased 50% in the Aero Section—from 4 employees to 2.

And, on it goes. While the Museum could easily justify the need for 50 or more positions at present, the actual number of hands on board is less now than it was in 1966.

If the Smithsonian management intends more than lip service when it calls for the Flight Museum to be the "nation's center for exhibition, education, and research in the history and principles of air and space flight" and the home of the "world's greatest collection of objects related to flight," then I believe the management should release to the Museum the positions that Congress has authorized.

Turning to the visitor statistics, the Smithsonian Information Office reports that 12.4 million visitors came to see the Smithsonian Park in calendar year 1969 and that at least 4.1 million of these persons went through Air and Space Museum exhibits.

Unfortunately, this word does not seem to have gotten through to the Secretariat. At page 894 of the recent House appropriation hearings, Doctor Ripley spoke of only 2 million visitors a year seeing "our air and space displays."

But in truth, there were more than 4 million visitors to these displays in 1969. Approximately 2.3 million persons came to see the exhibits at the Arts and Industries building, and another 1.8 million visitors went through the Air and Space building.

The most striking evidence of the popularity of the Air and Space Museum is found in a "Visitor Survey" conducted by the Smithsonian itself. I can disclose today that the Smithsonian collected over 700 questionnaires from visitors to the Museum of Natural History and the Museum of History and Technology during the winter of 1968. No interviews were taken at the Air and Space Museum.

And yet this survey turned up the following finding:

"In responding to the question on points of interest in Washington, 87.2% had been to the Air and Space Building as compared to 54.4% who had visited the Museum of History and Technology, and 47.1% who had visited the Museum of Natural History."

Here we have a study that was openly biased in favor of visitors to the two museums where persons were being interviewed. Even so, almost 9 out of every 10 persons questioned said they had been to the Air and Space displays. In other words, the Flight Museum had drawn more visitors than either of the two museums where the questions were asked.

All in all, I think the Air and Space Museum has played a remarkable role in drawing visitors to the Smithsonian Park. It does not have a puppet show or other unrelated attraction to bring in an audience, but it is demonstrating a unique capacity to hold public interest on its own merits. The fact that Britain's royal visitors, Prince Charles and Princess Anne, chose to tour the Air and Space collections during their first visit to the Smithsonian is further proof of the remarkable popularity of these exhibits.

Mr. Chairman, one fact that disturbs me greatly is that the Flight Museum does not have a full-time Director. Nor has the Smithsonian ever said what requirements have been set for the position.

The last Director, S. Paul Johnston, was a distinguished fore-sighted individual. A graduate of MIT, he had held a number of prominent positions both in industry and Government as an aeronautical engineer and advisor before joining the Flight Museum team.

Anticipating his retirement, he furnished the Secretary with notice of his planned retirement thirteen months in advance of his target date. By letter dated July 30, 1968, Mr. Johnston informed Doctor Ripley of his decision to retire "as of September 1, 1969."

Uppermost in Mr. Johnston's mind was his wish to pave the way for a successful transition for his successor. His letter specifically asked "that a successor be brought aboard as my Deputy not later than May 1, 1969, to allow for at least four months of overlap."

And yet, as of today the Museum is still without a Director. This fact alone can be interpreted as a lack of interest by the Smithsonian in its Air and Space Museum.

Another fact that offers a clue as to the stature of the Flight Museum is that until a few months ago it reported to the Assistant Secretary for History and Art.

How in the world flight ever got mixed up with the "arts" at the Institution is beyond me. Aeronautics and astronautics derive from, and incorporate, several of the sciences including: mathematics, physics, fuel chemistry, metallurgy, physiology, psychology, biology, astronomy, astrophysics, geology, and geophysics.

The Air and Space Museum should have been put in the Smithsonian's science and technology wing from the start. It is to the credit of the present acting Director that he at last succeeded in having the Museum transferred to the Science branch of the Institution.

There is one more incident that causes me grave concern about the attitudes of the Smithsonian toward the Air Space Museum. The management has denied this to my staff, but I can document the fact that the Assistant Secretary for History and Art wanted to expel the Flight Museum and its exhibits from the Mall. This proposal was made in a memorandum sent by the Assistant Secretary to Doctor Ripley on March 20, 1969.

Please remember that this is the officer who then held the power of supervision over the Flight Museum. His plan expressly called for "using the middle of the Pension Office Building as the next temporary location for Air and Space exhibits, in place of the tin shed, the driveway, and the A & I building."

The idea was to send the Museum to the dilapidated Pension Building where it would be separated from the Mall. Once away, it may never have come back.

Another indication of the rank of the Air and Space Museum within the Smithsonian is the condition of its public exhibits. These displays have not been brought up to modern Smithsonian standards as applied to its other components.

On January 3, 1968, an official report was submitted to Doctor Ripley, which reads: "All NASM exhibits are badly housed, and deteriorating rapidly under heavy visitor wear and tear."

On July 30, 1968, Doctor Ripley was given the following Museum report:

"Most present exhibit areas are a hodgepodge of hardware with little rational relationship, are largely out-of-date and are so shop-worn that they constitute a public embarrassment to the Smithsonian."

Things finally got so bad that the Smithsonian broke the problem at the 1970 fiscal year hearings. The justification sheets of the Institution, dated March 14, 1969, warn that: "The Smithsonian's air and space exhibits have not received a major refurbishing since 1958. They are outdated and shabby and a source of disappointment to many of a million visitors interested in air and space exploration."

Mr. Chairman, there are some positive steps now being taken by the Smithsonian to revitalize these exhibits and I will be watching closely to see that they continue.

The next matter is the most difficult problem confronting the Museum. It is not one that can be solved overnight by a change in priorities, as I believe the others can be.

This is the problem of getting funds for the construction of a permanent building to house the Air and Space Museum.

The problem boils down to money. If Congreses had allowed the project to get started in 1966, when it authorized construction of the building, the total cost would have been in the neighborhood of $40 million. This compares favorably with the $34 million which Congress allowed ten years earlier for construction of the Museum of History and Technology.

But Congress did not permit the building to go forward. The reason for deferring the project is found on page 4 of the report by the Senate Committee on Rules and Administration. The language reads as follows: "The Committee expressly recommends . . . that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam."

That is it. That is the only legislative holdup on the project. It was written in June of 1966, before the first manned lunar landing.

Now that this landmark in the history of mankind has occurred and public excitement about space achievements has catapulted, I believe that there are new and persuasive reasons for moving ahead with the new facility.

In particular, I believe the time is at hand when the American people want to have a decent home for the national Museum where their country's exciting story in air and space can be told.

America's accomplishments in the field of aerospace are monumental. The true value of the inspirational feeling which the story of these achievements can give is beyond any dollar estimate.

Who can place a value on the meaning of the Wright Brothers flight at Kitty Hawk? Who can say the true worth of preserving for future Americans the opportunity to behold the actual aircraft in which Lindberg crossed the Atlantic or the Apollo 11 Spacecraft in which man reached the Moon?

Is the display of our accomplishments and future in air and space worth $40 million? Or $60 million in inflation-swollen dollars?

Mr. Chairman, I believe it is. I believe the American people will agree with me. And, I am hopeful that friends of the Flight Museum can get this story across to Congress.

After all, there is no connection between events in Vietnam and the construction of the Hirshhorn Museum. There was no tie to Vietnam holding up the $2.6 million which Congress appropriated to refurbish the Smithsonian's administrative quarters to look as they did in 1855.

No one proposed a relationship between Vietnam and the $2.4 million which Congress is appropriating for renovation of the Rendick Gallery. No one is suggesting that we

wait until the Vietnam conflict settles down before Congress authorizes $6 million that the Smithsonian management is seeking to build two Bicentennial Pavilions.

In short, it is my contention that the Flight Museum should not be singled out from all other Smithsonian projects and told that its new building must be deferred until Vietnam expenditures ease off.

Furthermore, it is my belief that since Congress imposed this restriction, it is Congress who should bear the moral obligation to provide the additional funds that are required because of the delay. This is important because I believe strongly that the new facility should be constructed exactly as it was planned.

It is a beautiful design. It has been approved by the necessary planning and art commissions. And, architects generally believe it would be a valuable asset to the Nation's Capitol.

But if the building were to be redesigned, all the questions of its size, its relationship to other structures on the Mall, and, perhaps even its very location at the Smithsonian Park, would be reopened. The critics of technological museums would be given a fresh opportunity to tie the project down in a web of new hearings and proceedings. This is why I disagree with the Smithsonian management and the Regents on this important matter.

What I am proposing will not be easy. It will require the participation of the aerospace industry. It will require encouraging Congress to recognize that $60 million is not too large an investment for our Government to make in preserving the heritage of our people in the mainstream of aviation, rocketry, and space history.

But I am convinced that this is a cause that is right. It is a cause that deserves a fight to be made for it. It is a cause that I believe will prevail once Congress is shown how reasonable and worthwhile it is.

Above all else, it is a cause that will require the most energetic, whole-hearted efforts that the Smithsonian itself is capable of mustering. The Smithsonian must convince the American people and Congress that the Flight Museum enjoys a top-priority status within its organization.

Mr. Chairman, at this point I wish to clarify my purpose. It is not to criticize the development of new Smithsonian activities. It is not to say that the Institution should not broaden its interests in the fields of arts, humanities, and public awareness.

The art field is one in which I am deeply committed. For example, I enthusiastically support the National Foundation on the Arts and Humanities. In fact, this year I spoke out three times on the Senate Floor to endorse the extension of the Foundation's life and to urge substantial increases in the funds appropriated to it.

My interest in art dates back as far as I can remember. The Kachina Doll Collection which Rink Kibbey and I gave to the Heard Museum in Phoenix is only one instance of my personal participation in the arts.

My true aim today is limited to inquiring whether the Smithsonian's list of priorities has slipped off course. I ask whether the same level of attention should be given to the National Air and Space Museum that the Institution gives to so many other of its projects?

This question may also be asked in behalf of the National Museum of Natural History. For the evidence is all too clear that this museum, as well, is suffering from a decline in support.

The principal facts are these:

1. The present Director of the Museum of Natural History claims that "Our museum has its back up against the wall." In fact, he warns that "our survival is at stake."

2. The Smithsonian Council, which is a grass-roots body of advisors appointed by Doctor Ripley, has informed the Secretary in writing that "the Council is deeply concerned with the present trend relating to systematic biology as it affects the Museum of Natural History and strongly urges the allocation of additional resources to the Museum to promote this field."

3. The Council of the Senate of Scientists, which represents the professional staff at the Museum of Natural History, has confronted Doctor Ripley with sharp complaints about the decline of support to that museum.

4. The Smithsonian has severely restricted the services provided to the Museum by the Smithsonian's Buildings Management Department. This unit provides indispensable help, such as moving equipment, installing shelves, or dividing an office or work area.

5. The scientific staff of the Museum of Natural History has fallen below the level it was at three years ago.

6. The number of laboratory technicians available to assist the Museum's research scientists has also declined since the 1967 fiscal year forcing individual scientists to lose a heavy part of their time doing manuscript typing, slide preparations, and other work that should be done for them by a support staff.

7. The Institution's Foreign Currency Program request for first priority research projects of the Museum of Natural History is down by 53% from last year—from $336,000 to $220,000.

8. The Museum's research departments are being deprived of several hundreds of thousands of dollars a year in overhead monies which are brought into the Institution through research grants and contracts performed by the Museum's scientific staff, but are spooned off for the benefit of some other Smithsonian components.

9. The Smithsonian's Press Office is unable to provide adequate support help to researchers in natural history because editors who are paid from Federal funds are directed to spend much of their time working on books sold by the Smithsonian to make money for its private funds.

10. The condition of exhibit animals on display at the Natural History building is deplorable.

Mr. Chairman, I would like to offer the following evidence in support of my remarks:

First and foremost, I am impressed with the strong plea that has been made on behalf of the Museum of Natural History by its present Director, Doctor Richard Cowan.

Doctor Cowan was the one shining star at a meeting that my staff held with representatives of the Smithsonian. The fervor with which he promoted the cause of his museum, and his willingness to bare its problems in front of top officials of the Institution, showed me how very important it is to have a strong force at the head of the Smithsonian's museums.

He made no bones about it. As I have mentioned, he announced to all those assembled that the Museum of Natural History "has its back up against the wall."

Mr. Chairman, with a director who is willing to push for the cause of his museum and fight for his men inside the upper echelons of the Smithsonian the way Doctor Cowan does, I do not think it will be long before the Museum of Natural History sees some improvements in its picture. His leadership points up better than anything else the need for a strong director to head the National Air and Space Museum as well.

Mr. Chairman, there is little to add to the recommendation which the Smithsonian Council has made except to say that its action demonstrates a growing sense of concern by the Council. Indeed this may have been the first time they have ever adopted any resolutions.

The fact that the Council felt it had to urge the Secretary to allocate additional resources to the Museum of Natural History is by itself a good reason for Congress to examine the situation.

As Paul Oehser points out in his new book, *The Smithsonian Institution:* "Nearly all the professional staff of the Museum of Natural History engage in systematic research in one form or another."

Thus, increased support for the field of systematic biology, as urged by the Council, would pretty well overlap into every department of the Museum.

Mr. Chairman, with your consent, I will offer a copy of the Council's report for your files with the request that it appear in the record.

Next, I would like to send to the desk a copy of the letter which the Council of the Senate of Scientists presented to Doctor Ripley on May 15th. I also ask that it may be printed in the record.

Mr. Chairman, you will see that the grass-roots scientists are extremely concerned about the trend of events at the Museum.

The scientists mention many of the specific conditions which cause their distress. These include "sharp reductions in services and supplies provided by other Smithsonian units such as the Supply Division and the Library, the continued attrition of supporting personnel, and the failure of our operating budgets to keep pace with overall inflation."

They add: "We respectfully submit that growth in staff has not been taking place within the National Museum of Natural History during the past three years. We therefore see no reason why the already minimal budgetary allowances for collection care should be endangered because of the phenomenal growth in personnel we have witnessed in other Smithsonian offices and bureaus during the same three years. It is unfortunate enough that we have lost many staff positions to other parts of the Smithsonian in this way over the years, but it could be catastrophic to allow the funds allocated for collection maintenance to be cannibalized in the same fashion."

Mr. Chairman, these criticisms can be substantiated.

As to the drop in support services, we can examine the situation at the Buildings Management Department, which provides craftsmens' services, such as carpenters, electricians, and movers. To understand the problems here, I suggest that the Committee ask the Smithsonian to discuss a reported $1.5 million budget overrun in that Department, meaning that this amount of BMD resources went out unbudgeted for certain projects. If this report is accurate, the money had to be taken out of the hide of other projects for which the money had been planned.

As to the decline in positions at the Museum, I would like to quote from the hearings on Smithsonian funds for the 1967 fiscal year. At page 163, Doctor Ripley states: "We have about 111 scientists working in natural history. We have about 90 technicians. All the surveys made by scientific organizations throughout the Government and in the Nation say at the very minimum two technical aides should be assigned to each scientist."

And yet, as of today the number of scientists has dropped to 103. The number of technicians has fallen to 87.

Doctor Ripley has admitted this decline. On page 757 of the April hearings by the House Appropriations Committee, Doctor Ripley's statement reads: "[S]cientific research and curatorial activities in some museums may not be faring as well now as they were in 1968. A good example would be the National Museum of Natural History."

The drop in Foreign Currency research funds is easy to document. My figures are calculated from the Smithsonian's own list

of research projects which are identified at pages 954 through 976 of the recent House hearings on Smithsonian funds.

Another interesting question that the Committee may wish to explore is what happens to the overhead monies that flow into the Smithsonian as a result of research grants and contracts awarded to scientists at the Museum of Natural History.

According to a recent GAO report, the total amount of money derived by the Smithsonian from research grants and contracts runs in excess of $11 million. The question is, where does the overhead portion of these funds go? Is any sizable amount plowed back into the departments and Museum whose reputation attracts the grants and contracts in the first place and whose labors accomplish the assigned research?

Serious doubt has been raised from many different quarters as to whether these overhead monies—which amount to hundreds of thousands of dollars annually in the case of natural history—are used for the support of the Natural History Museum or are transferred into other projects more popular with the Smithsonian management. I think it would be helpful to the morale of the Museum's staff if the Committee could discover the true answer to this question.

Mr. Chairman, the next problem may be one which can best be examined by the Comptroller General. This is the issue of when it is proper to use Federally-appropriated funds to support programs that are intended to make money for the Smithsonian's private funds.

The situation is this. All the editors at the Smithsonian Press are on the Federal rolls. Yet the same people are required to divert a portion of their time to working on books that are for sale by the private side of the Smithsonian. These books are intended to generate revenues for the private funds of the Institution. But there is a serious question whether it is proper for the Smithsonian to use Federal funds to finance its own revenue-producing activities.

The thing that makes this situation curious is that lines had been carefully drawn between Federal editors and private editors under the previous administration.

When Doctor Carmichael was Secretary and Paul Oehser was in charge of the Smithsonian publications arm the editors were clearly identified as being either private or Federal. However, the publications office has been reorganized by the present Secretary and there are no more privately-funded editors left at the office.

Mr. Chairman, the final problem which I hope the Committee will examine relates to the condition of exhibits at the Museum's Hall of Mammals. Many collectors have asked me to protest about the sad shape that these displays are in.

We should remember that a great many of these specimens have been donated to the Smithsonian together with the money to mount them. Also, I believe several of these animals were acquired from Teddy Roosevelt's African safari.

With this important historical tie, and with the knowledge that the exhibits represent the visible side of the Smithsonian to many visitors, I feel this matter is worthy of being reviewed by the Committee.

Again, the answer may lie in a shortage of personnel. As a result of another reorganization done by the current management, I am informed that there is no longer any taxidermic unit attached to Natural History. There used to be one, but it was first moved out of the Museum and then abolished.

Mr. Chairman, I want to close my remarks on a positive note because of my high admiration for the Smithsonian. It is an important force for public awareness, enjoyment and service. It is a great and honored institution, whose reputation opens doors world-wide.

My purpose is not to condemn the Institution or its management. I am merely asking that a fresh look be given to its operations to see if it has steered off course a few degrees. If Congress or the Smithsonian finds that there is some truth in the questions I have raised, then I am confident that responsible and fair men will be ready to take whatever steps are needed to restore a balance to the Smithsonian's list of priorities.

In keeping with this spirit, I would like to offer for printing in the committee's record the full text of two letters which I have received from Dr. Ripley relative to this subject.

REPORT BY SMITHSONIAN COUNCIL, MEETING OF APRIL 25–27, 1970

Resolution One: That the Council continue its examinations of the pattern of objectives and the inter-relations of programs of the Smithsonian so as to advise the principal officers of the Institution and to foster the development of a critical dialogue regarding basic policies in scholarship, education, and national service.

Resolution Two: That the Council should have a Chairman selected from its membership and a secretary chosen from the staff of the Institution.

Resolution Three: In view of the present need to protect and appreciate the diversity of the environment the Council is deeply concerned with the present trend relating to systematic biology as it affects the Museum of Natural History and strongly urges the allocation of additional resources to the Museum to promote this field.

Questions which exemplify the interest and concern of the Council are the following:

1. May the Council receive information on a regular basis about trends in resource allocation and also an analytic digest of the recently concluded visitor survey?

2. Might the Council be brought into a defined relationship with other Smithsonian advisory boards and also the Board of Regents?

3. How does the Smithsonian coordinate its museum activities (in art, for example and with regard to acquisitions especially) with other Washington museums?

4. What shall be the prerogatives and responsibilities of curators regarding exhibits? How can maximum participation be achieved in advance planning of exhibits?

5. How may the Institution guarantee that the objectives announced when new projects are established are not later frustrated through lack of support?

6. How can basic concepts of science (molecular biology, differing cosmologies, puzzling astrophysical objects, continental drift) be communicated to museum visitors?

7. How may the Institution improve communication among its principal officers and professional staff members?

Members of the Council again expressed their appreciaton to the staff of the Belmont Conference Center and to the members of the Smithsonian staff who participated in discussions at this meeting.

Submitted by:

PHILIP C. RITTERBUSH,
Acting Secretary to the Council.

COUNCIL OF THE SENATE OF SCIENTISTS, NATIONAL MUSEUM OF NATURAL HISTORY, MAY 15, 1970

Mr. S. DILLON RIPLEY,
Secretary, Smithsonian Institution,
Washington, D.C.

DEAR MR. RIPLEY: The Council of the Senate of Scientists, National Museum of Natural History, is distressed by the recent announcement that the deficit in Smithsonian funding would be made from reductions in the operating budgets of the various bureaus, with a considerable amount representing the share of the National Museum of Natural History.

Those members of the professional staff at the divisional and departmental levels, charged with the immediate, day to day maintenance and care of the national collections of natural history and anthropological specimens, have felt, perhaps more strongly than any other employee of the Smithsonian, the effects of increased stringency in budget allocations for equipment and supplies, sharp reductions in services and supplies provided by other Smithsonian units such as the Supply Division and the Library, the continued attrition of supporting personnel, and the failure of our operating budgets to keep pace with overall inflation. We feel strongly that our budgetary allocations are currently at an absolute minimum and, therefore, must not be reduced further. The collections are too important a part of our national and scientific heritage, and scientific research and publication are too important a part of the Smithsonian's mission, for us to stand by and witness their derogation in favor of other activities more highly emphasized by the Smithsonian administrators.

We respectfully submit that growth in staff has not been taking place within the National Museum of Natural History during the past three years. We therefore see no reason why the already minimal budgetary allowances for collection care should be endangered because of the phenomenal growth in personnel we have witnessed in other Smithsonian offices and bureaus during the same three years. It is unfortunate enough that we have lost many staff positions to other parts of the Smithsonian in this way over the funds allocated for collection maintenance to be cannibalized in the same fashion. We strongly recommend that deficiencies because of over-staffing in recent years be remedied by reduction of staff in those same areas which have shown extraordinary growth during that time.

LETTERS RECEIVED FROM
DR. S. DILLON RIPLEY
SMITHSONIAN INSTITUTION,
Washington, D.C., June 5, 1970.

HON. BARRY M. GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: I have read your long statement about the Smithsonian, and in particular about the National Air and Space Museum, with very great interest. I regret that I did not have an opportunity to discuss with you your concerns before you delivered your speech. I would have been able to tell you of our continuing efforts in seeking to move forward on this front, and of some of the concrete steps we have taken.

The ultimate construction of a suitable building to house the Nation's air and space collections will be the successful culmination of 24 years of Congressional encouragement and legislative action in the interest of air and space science and history.

Starting with the Act of August 12, 1946, the Congress established the National Air Museum as a part of the Smithsonian Institution. The Congress included provisions for selecting a site for a National Air Museum building to be located in the Nation's Capital. By the Act of September 6, 1958, the Congress designated a site for a building to be on the Mall from Fourth Street to Seventh Street, Independence Avenue to Jefferson Drive. Planning appropriations in the amount of $511,000 and $1,364,000 have been made available to the Smithsonian by the Congress for the fiscal years 1964 and 1965, respectively. One of my first official acts as Secretary was to testify before the Congressional Committees in support of the planning appropriation for the fiscal year 1965.

I recall with pleasure that at the time of my letter of May 25, 1964, on S. 2602, 88th Congress, addressed to Senator Pell, the Chairman of the Subcommittee on the Smithsonian Institution, it appeared that the building might soon be approved for construction. It was so recommended but the bill was not passed by the House after it had been approved by the Senate.

The Congress subsequently enacted legislation approved on July 19, 1966, authorizing the construction of the National Air and Space Museum.

In connection with this authorization, P.L. 89–509, the Senate Committee on Rules and Administration in its report to the Senate stated:

"In reporting favorably on H.R. 6125, the Committee on Rules and Administration noted with satisfaction the letter of May 13, 1966, from Secretary Ripley, giving assurances that funds would not be requested in this session of Congress pursuant to the authorization in H.R. 6125. The committee expressly recommends that funding for the National Air and Space Museum should be deferred even further, if need be, and that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam."

Rather than assume the responsibility for interpreting the wording, "substantial reductions in military expenditures in Vietnam," the Smithsonian Institution continued to seek appropriations for the Air and Space Museum. Funds for construction were then requested in the fiscal year 1966 and fiscal year 1967 budget submissions to the Bureau of the Budget in the amount of $40,045,000 and $40,331,000 respectively, as estimated by the General Services Administration. Both requests were deleted by the Administration prior to submittal of the budget to the Congress. During preparation of the fiscal year 1968 budget, it was decided that an incremental request for construction funds for the foundation and underground parking garage might be more acceptable, following the precedent used by the Public Buildings Service of the General Services Administration to start the FBI Building and the new Labor Department Building. Funds in the amount of $9,500,000 were therefore requested for this purpose in both the fiscal year 1968 and fiscal year 1969 budget submittals to the Bureau of the Budget and each time the item was deleted and not submitted to the Congress.

With the passage of time and unusually sharp increases in construction costs, the GSA was requested to update the construction cost estimate. In January 1968 we were advised by GSA that the building would now cost nearly $56,000,000 and in the next few years would increase to $65 million, if the then planned planetarium were added to the project. This substantial increase in cost led to consideration of reducing the cost by reducing the size of the building and even completely redesigning if necessary.

The Chancellor of the Smithsonian Institution then wrote to the President on November 19, 1969, to inform him of the resolution approved by the Board of Regents on November 5, 1969, as follows:

"Voted that the Board of Regents of the Smithsonian Institution recognizes the intense interest of the American people in the national air and space programs and in the historic flight of Apollo 11 to the Moon and return. The Regents recognize that by Public Law 89–509 the Nation's Air and Space Museum is authorized to be constructed on the Mall on a site designated by Act of Congress. The Regents further recognize that because of substantial increases in construction costs, the building as now designed should be scaled down from its present level of $65 million to a cost level not to exceed $40 million. The Regents, therefore, most respectfully and most urgently request that the President include in his budget for the fiscal year 1971 an amount of $2 million to finance the necessary redesign of this great educational and exhibition center for our air and space exploration."

The Assistant to the President for Domestic Affairs responded to the Chancellor's letter on December 10, 1969, and stated that funds for redesign had not been included in the 1971 budget by the Bureau of the Budget because of budgetary constraints, but that it would be included in a list of appealed items to be presented to the President during his review.

After a discussion of these efforts with me, Regent William A. M. Burden wrote to the President, urging that redesign funds be inserted as an amendment to the Presidential Budget. He stated that his concern "arises from our intense desire to complete the National Air and Space Museum within the years of your incumbency as President. In order to complete such an historic structure in time for 1976 at the earliest, it will be necessary to commence planning for a rescaling downwards in cost of the present approved structure. The nation can save perhaps more than $20 million in completed costs by spending $2 million for replanning now."

"Mindful of the vital need which the Administration faces in cutting costs, it seems to us that this planning item, which could be inserted as an amendment to the Presidential Budget, would be viewed as a prudent investment for the future."

In the interim, the architect has been authorized to prepare a feasibility study to show in outline form the maximum size and arrangement for a building estimated to cost $40 million. This study will be completed in June 1970.

The Smithsonian was subsequently advised that the Senate had requested in 1966 that appropriations for this purpose not be sought "unless and until there is a substantial redirection in our military expenditures in Vietnam." While the military effort in Vietnam is certainly redirected, we were advised, unfortunately the military expenditure level has not lessened appreciably. We were further advised that the President has directed very drastic cuts in all budgets for FY 1971 and that there is no possibility of reinstating this request under the circumstances.

In our submission of the fiscal year 1972 budget to the Bureau of the Budget, we will again request an appropriation of $2,000,000 for planning. We believe that the investment of redesign costs will result in a substantial decrease in ultimate construction costs and thereby increase the prospect of starting construction at the earliest possible date. We consider that an appropriation for redesign would not be in conflict with the previously stated position of the Senate Committee on Rules and Administration. We base this statement on the fact that the reference to the then pending legislation, H.R. 6125, was related to an authorization for construction of the building. Planning had been authorized earlier by the Act of September 6, 1958. Accordingly, I am writing to the Chairman of the Senate Committee on Rules and Administration, asking his concurrence in this interpretation and for his support of our proposed request for planning funds.

In order to provide additional exhibition space for the National Air and Space Museum, pending the construction of a proper museum building for this purpose, a substantial part of the Arts and Industries Building has been assigned to the Air and Space Museum. The exhibitions in this area are of great interest to our visiting public and serve admirably to complement the exhibitions in the adjoining Air and Space Museum hangar.

A number of potential candidates for the position of Director of the National Air and Space Museum have been interviewed. The search continues and we have called upon several of the Regents to assist in suggesting names and in evaluating applicants. The recent appointment of Mr. James E. Webb as a member of the Board of Regents by the Act of May 18, 1970, will provide another Regent with a strong interest in the Air and Space Museum and in the selection of a Director.

In the meantime, Mr. Frank A. Taylor, the senior museum director in the Institution, is serving as Acting Director.

In regard to the proposed Museum of Man, let me say that it was my hope that we could re-establish the Institution's primacy in the field of anthropology that prevailed from the late nineteenth century through the 1930's. I undertook, therefore, to consolidate the Bureau of American Ethnology and the Department of Anthropology to form an intellectual critical mass. In late 1968, sufficient progress had been made in evolving our anthropological programs to warrant the conversion of the transitional Office of Anthropology to the Center for the Study of Man. The Center reinforces and supports the more traditional, collection-based, scholarly activities that go on in the Department of Anthropology with an infusion of scholarship by distinguished ethnologists, social biologists and the like from outside the Smithsonian, including scholars from abroad.

A National Museum of Man would further strengthen the Smithsonian's contributions in the broad area of anthropology, a field that is rapidly undergoing a fundamental change both in the attitudes of its practitioners and in their sightings of new scholarly objectives.

Concerning the personnel of the National Museum of Natural History, I should say that when I came to the Smithsonian I was concerned with our inability to compete with other institutions for highly qualified scientists because of salary levels. Now we have succeeded in attracting a number of highly competent, indeed distinguished scientists to the professional staff in the National Museum of Natural History.

In 1965 we were able to convince both the Bureau of the Budget and the Congress of the merit of providing the Smithsonian with a direct appropriation for research. The appropriation was designed to offset the decline in support that we had been receiving from the National Science Foundation. Since that time, Congress has continued to appropriate funds for scientific research, but unfortunately the level of support has remained static. Nonetheless, the largest percentage of funds from that appropriation has been awarded to scientists in the National Museum of Natural History. In addition, our scientists have been the principal beneficiaries of funds brought into the Institution through our Office of Environmental Sciences, including the units in ecology and oceanography. Also, they have benefited from the Institution's Foreign Currency Program. Finally, there has been the support for research and curation that I have been able to provide from the Institution's limited private resources.

With gratitude, I recall that the Congress provided $18.636,000 for the addition of 512,000 square feet of laboratory space to the National Museum of Natural History. These additions, completed in 1963–65, provided a major expansion in the facilities for scientific research in this museum.

I am most grateful for your interest in the National Air and Space Museum and I would indeed welcome an opportunity to discuss with you the development of a new museum at the earliest possible time.

With all good wishes.

Sincerely yours,

S. DILLON RIPLEY,
Secretary.

(P.S.—A copy of my letter of October 10, 1969, to Senator Jordan on this subject is enclosed.)

IDENTICAL LETTER TO HON. CLAIBORNE PELL, CHAIRMAN, SUBCOMMITTEE ON THE SMITHSONIAN INSTITUTION, COMMITTEE ON RULES AND ADMINISTRATION

OCTOBER 10, 1969.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Widespread public interest in our Air and Space program has been further enhanced by the historic flight of Apollo 11 to the Moon and its return to Earth.

It appears to be appropriate therefore to recall that Public Law 89–509 which was favorably reported by the Senate Committee on Rules and Administration on June 28, 1966, authorizes construction of the National Air and Space Museum. Funds for construction have not been appropriated. In its report to the Senate, the Committee included the following provision:

"In reporting favorably on H.R. 6125, the Committee on Rules and Administration noted with satisfaction the letter of May 13, 1966, from Secretary Ripley, giving assurances that funds would not be requested in this session of Congress pursuant to the authorization in H.R. 6125. The committee expressly recommends that funding for the National Air and Space Museum should be deferred even further, if need be, and that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam."

Current actions to reduce the scale of military operations by the United States in Vietnam now being reported in the press, together with evidence of the strong public interest in the air and space program, lead me to ask for your further consideration of the possibility of initiating construction of the National Air and Space Museum in the fiscal year 1971 or 1972.

The President's deferment of certain Federal construction in the fiscal year 1970 is recognized as a present barrier to Federal construction in general. Nevetheless, the message from the Bureau of the Budget on this subject does not at this time project the deferment beyond the fiscal year 1970.

Construction when started will require four or more years, so that the budgetary effect of the estimated cost of about $50 million will be spread over a time span of five years. The development could be achieved also through successive physical and funding stages, thereby avoiding budgetary peaking. Under this plan of development, there would be undertaken first the substructure, largely occupied by a garage, which could be utilized for public parking as soon as completed, on a fee basis. As a second stage, the central bay of the super structure of the building could be erected and utilized by the public as a major exhibition and educational hall for air and space achievements. As a third stage, the end bays of the superstructure could be undertaken to complete the building as now designed.

Another possibility would be a total redesign to produce plans for a different building of smaller proportions costing less than $40 million.

We are convinced that this great exhibition and educational center will be visited by more than five million of our citizens each year. When constructed, it will serve admirably to record for our people, especially the young, the history of the air and space age as it is being made.

With all best wishes.

Sincerely yours,

S. DILLON RIPLEY,
Secretary.

(P.S.—The visitation to the specimen of Moon Rock now in our old exhibition building amply confirms the vast public awareness and excitement of our space accomplishments.)

SMITHSONIAN INSTITUTION,
Washington, D.C., July 16, 1970.

Hon. BARRY GOLDWATER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GOLDWATER: Thank you for your letter of June 17, 1970, to which I would like to respond in the same spirit of constructive and helpful criticism you have presented.

I, too, am deeply interested and committed to the goal of achieving a balanced program for the Smithsonian.

I have been concerned since joining the Smithsonian with the need to strike a balance by reasserting the Institution's leadership in a number of fields of scholarship and public service in which I believe we have strong historical responsibilities and potential for the future. I believe that in the long term we will be able to achieve the level of recognition and support from both the private and public sectors for our research and curatorial activities that are so badly needed and so well deserved. It has been difficult to win essential budget increases for our fundamental scientific research. It is this fact, I believe, that led the Smithsonian Council to formulate a supporting resolution that was touched on in your letter; we welcome this resolution.

At the same time that we have been trying earnestly to make progress in the sciences, as well as in history and art, the Congress during the last decade has enacted some 20 pieces of major legislation which place additional responsibilities on us. For all of these we are grateful and intend to strive ever harder to support.

In addition to supporting the National Museum of Natural History and the National Air and Space Museum, we have had to stretch our resources to help alleviate some of the very serious problems confronting other scientific units of the Smithsonian, including the Smithsonian Tropical Research Institute, the Smithsonian Radiation Biology Laboratory, and the Smithsonian Astrophysical Observatory. In fact, the portion of available funds applied to our scientific programs is very substantially greater than the amounts made available for programs in history and art.

In any event, I heartily concur in your estimation that the Museum of Natural History needs a sizeable increase in the number of professional and technical aides and for associated expenses.

With regard to the Institution's relationship with the National Science Foundation, let me state clearly that the Smithsonian did not initiate any plan to discontinue the National Science Foundation's grant support for the scientists in the National Museum of Natural History or any other unit of the Institution. On the contrary, this action was initiated in the National Science Foundation, with the consent of the Bureau of the Budget, as a direct consequence of NSF's interpretation of the Independent Offices Appropriation Act for the Fiscal Year 1964. I am enclosing copies of several letters and memoranda to document this fact, including a copy of a personal letter that I sent to a representative of the National Science Foundation while I was still the Director of the Peabody Museum at Yale. That letter was but the first of many efforts on my part to reestablish a full financial relationship between the National Science Foundation and the Smithsonian Institution. In all fairness to the NSF, I need to point out that the Institution has been the recipient of substantial sums annually from the Foundation, despite the restrictive interpretation that has persisted in regard to individual research projects. Currently, we are preparing several additional, carefully conceived programs for consideration by NSF.

Concerning employment at the National Air and Space Museum, I offer the following table and explanation:

POSITIONS

Fiscal year	Allowed by Congress	Apportioned by the Smithsonian	Service provided by Office of Exhibits (equivalent to man-years)	End of the year employment (exclusive of summer tempos)
1968	41	41	----------	45 including 6 on private roll.
1969	42	42	8	34 including 5 on private roll.[1]
1970	41	[2] 33	8½	31.[3]

[1] On July 1, 1968 (start of fiscal year 1969) the National Air and Space Museum (NASM) had a staff (exclusive of temporary summer employees) of 39 fulltime Federal employees and 6 private roll employees. The private roll employees were engaged on the program to select, assemble, and circulate historical spacecraft and related NASA materiel. This was supported by a grant from NASA.

The staff included 10 persons engaged on the design, production, and maintenance of exhibits. During fiscal year 1969, it was decided to transfer the NASM exhibits personnel to the Smithsonian Office of Exhibits (OE) with the understanding that the OE would perform exhibits work for NASM in volume equivalent to or greater than the capability of the section transferred. It was also agreed that in fiscal year 1970 the OE would assume the payment of the salaries of these employees out of the OE budget. The salaries and benefits funds remaining in the NASM as the result of this transfer would be used to convert the private roll employees of the space program to Federal employment at the planned termination of the NASA's support of the program in 1969.

The transfer of the NASM exhibits personnel was made in the interest of efficiency. The immediate supervision of the OE supervisory personnel and the closer scheduling of the services of the central OE shops and supporting units are estimated to have resulted in more work produced. A museum education specialist in NASM was also transferred to the Office of Academic Programs with the understanding that he would work on educational projects of the NASM. At the end of fiscal year 1969, the employment of the NASM was down 11 positions from the start of the year as the result of these transfers.

[2] The apportionment of positions to the NASM by the Smithsonian at the start of fiscal year 1970 was 33 positions which included 28 former Federal positions and 5 new positions funded from savings to the NASM from salaries and benefits formerly paid the transferred exhibits workers.

During fiscal year 1970, the personnel of the Office of Exhibits worked on 12 exhibition projects of the National Air and Space Museum including the continuing replacement of units in the Air and Space Building, counted as 1 project. These projects absorbed 8½ man-years of effort and cost $112,000. It should be mentioned that 2 men on the payroll of the Office of Exhibits are now assigned full time to the maintenance of NASM exhibits which are the best maintained exhibits in the Mall museums.

[3] Through most of fiscal year 1970, the NASM had 31 employees at work and 2 vacancies (the Director and the Director's Administrative Officer). However, as shown, the exhibits work performed at no cost to the NASM means that in 1970 the NASM had the equivalent of 39 positions filled and 2 vacancies.

I fully expect that a new director of the National Air and Space Museum will be selected in the near future. He should begin immediately to plan research and educational programs which can be placed high on the Institution's list of priorities and for which we plan to request appropriations beginning with fiscal year 1972.

Your interest is most welcome and we hope sincerely that you will help us in our efforts to provide adequate support for both the National Air and Space Museum and other scientific bureaus of the Institution.

Sincerely yours,

S. DILLON RIPLEY,
Secretary.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

The PRESIDING OFFICER. (Mr ALLEN). The hour of 1 o'clock having arrived, the Chair now lays before the Senate the pending business which the clerk will state.

The assistant legislative clerk read as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 2 p.m.

The motion was agreed to; and (at 1:08 p.m.) the Senate took a recess subject to the call of the Chair.

At 1:34 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. ALLEN).

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. EAGLETON. Mr. President, no one doubts that there is a crime problem in the District of Columbia.

No one doubts that there is a serious breakdown of the criminal justice system in the District of Columbia.

And no one doubts that it will take legislative action to improve this situation in the District of Columbia.

But the question that responsible public officials must ask is this: Is the District crime conference bill a sound, effective, appropriate, constitutional response to this situation?

As a former prosecutor, an attorney, a member of the Senate District Committee, and a member of the crime conference committee, I emphatically believe that it is not.

I am not seeking to place the blame for this bill on anyone's shoulders. This conference report is the product of a great deal of time and effort. Much of the report is essential to improving the crime situation in this city—and these provisions have been preserved in the District crime substitute bill.

It is nonetheless a bad piece of legislation. Some provisions of the conference report add chaos to confusion, run counter to modern penological theory and smack of repression.

I find somewhat extraordinary the rationale that the "overwhelming bulk" of the bill is noncontroversial—as though the shorter, troublesome portion of the bill will somehow affect District residents less.

Many of the objectionable features of the conference report have become familiar to my colleagues. Preventive detention, juvenile provisions, and mandatory minimum sentences have been debated at length the past several days.

I find still another aspect of the conference report—not so well publicized—which makes it impossible for me to give it my support: the funding provisions.

The conference report provides a one-time Federal payment of $5 million to help defray the costs of the bill. That means that in fiscal year 1971, $3.9 million will be used to pay the costs of the initial phase of the reorganization of the judicial system. The remainder—$1.1 million—is to be used for the treatment of narcotics addicts.

Lest this appear to be a generous authorization, let's examine it a bit more closely.

In 4 years, when the final phase of the court reorganization has been completed and the new judicial system is fully operative, the District of Columbia government will have an annual cost of $8 million for debt service, operating expenses, and the like—costs directly resulting from the court reorganization.

The costs to the city will be $8 million every year for over 30 years. This bill provides only $5 million—and that sum for only 1 year.

Let me emphasize that this is an authorization measure, not an appropriations bill. If we were to provide a reasonable authorization, the Appropriations Committee could—and no doubt would—appropriate below the authorized level in the years preceding full operation of the new court system.

We are asked to approve a permanent reorganization plan. Why then should we stop short of a permanent authorization of sufficient size to pay for it?

Let me turn now to the second critical area for funding in the much publicized fight against crime.

There is no longer any dispute about the intimate connection between drug addiction and crime. That individuals addicted to hard drugs will—indeed, must—steal to support their habits is a truism. Acting on this premise, the Senate passed a major Drug Abuse Control Act last January as part of the President's crime program. But we have yet to face head on the difficult question of treatment and rehabilitation.

The District of Columbia has approximately 10,000 addicts. One local judge has estimated, conservatively, that these 10,000 addicts steal $300 million in money and merchandise each year to support habits averaging $47 per day.

It costs the people about $5,000 to keep an addict in jail for a year—where he receives little or no treatment for his addiction. By contrast, it costs only $2,000 per year to provide him with treatment on an outpatient basis. Consider these facts for a moment: It costs less than half as much to treat a man as to jail him—and the chance that the addict inmate will return to a life of crime upon release is nearly certain.

In recent hearings before the Senate District Committee, Mayor Washington testified that the city will need $20 million to treat each of its 10,000 addicts. If indeed we are dedicating ourselves to eradicating crime in the District, surely this is a primary and essential commitment.

Once again, I remind you that this is an authorization bill, not an appropriations measure. Dr. Robert DuPont, head of the District's Narcotics Treatment Agency, has testified that his Agency's capacity for treatment will be 5,000 to 7,000 addicts by July 1971. I believe that the $10 to $14 million needed to treat these addicts should be appropriated for this program in this fiscal year.

But let us look ahead to the actual needs of this city—to the 10,000 addicted residents—and authorize the funds necessary to eliminate addiction as a cause of social disorganization and crime in the District of Columbia.

To tout any bill as the key to crime control in the District is hypocrisy unless the funds to carry out the court reorganization plan and to deal effectively with drug addiction are provided. The conference report on the District crime bill simply does not meet this requirement.

This failure is yet another reason for rejecting the conference report—and supporting the substitute bill. The substitute measure offers an opportunity to enact the major portion of the conference report without accepting the unwise features. In addition, it provides the fiscal authorization essential to making inroads into the crime problem in this city.

Mr. BROOKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2043. An act for the relief of Keum Ja Franks;

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying);

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 12400. An act for the relief of Tae Pung Hills;

H.R. 13895. An act for the relief of Mrs. Maria Eloisa Pardo Hall; and

H.R. 15478. An act for the relief of Mrs. Fernande M. Allen.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 3889) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 1 year the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 2043. An act for the relief of Keum Ja Franks;

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying);

H.R. 10150. An act for the relief of certain individuals employed by the Department of the Air Force at Kelly Air Force Base, Tex.;

H.R. 12400. An act for the relief of Tae Pung Hills;

H.R. 13895. An act for the relief of Mrs. Maria Eloisa Pardo Hall; and

H.R. 15478. An act for the relief of Mrs. Fernande M. Allen.

RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair, with the understanding that the recess not extend beyond 2:30 p.m. today.

The motion was agreed to; and (at 1:47 p.m.) the Senate took a recess subject to the call of the Chair.

At 2:21 p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. FANNIN).

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. HOLLAND. Mr. President, I understand the business that is ready for transaction is germane to the pending business; am I correct?

Mr. HART. The pending business, I believe, is the consideration of the conference report.

Mr. HOLLAND. Does the Senator intend to speak on that matter?

Mr. HART. Yes, I do.

Mr. HOLLAND. The only reason I raise the question is that the acting majority leader was called from the Chamber temporarily and he asked me to be sure that the rule of germaneness was safeguarded, which I have done.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. HART. Mr. President, I begin by calling to the attention of Senators a telegram that I believe was dispatched to each of us today. The telegram is signed by Roy Wilkens, on behalf of the Leadership Conference on Civil Rights, which is a coalition of 125 national civil rights, labor, religious and civic groups. The telegram was sent to each of us urging rejection of the conference report on the District of Columbia crime bill. The text of the telegram is as follows:

Leadership Conference on Civil Rights urges you vote against Conference Report on the D.C. Crime Bill which exceed all bounds of fairness and constitutionality.

Mr. President, several weeks ago, I voiced my concerns about the House-passed District of Columbia crime bill, then pending in conference along with the Senate's proposals. I stressed my opposition, particularly to the provision dealing with preventive detention, no-knock entry, juveniles, mandatory sentences, and wiretapping.

Now we have the conference report. It is readily apparent that the able chairman of the District Committee and the other Senate conferees have labored long and arduously on behalf of their colleagues. They have obtained a large number of deletions or modifications in the objectionable House provision.

If this were an ordinary program authorization or appropriation bill, Mr. President, all of us would acknowledge that such a conference requires compromise and accommodation. But this is not such a bill. Its provisions endanger the most basic precepts of our constitutional system and implement regressive policies of criminal justice.

Despite repeated claims of a Senate victory, the provisions of the report are still fundamentally unacceptable.

This Senate does not sit to "accept half a loaf" when constitutional guarantees of our individual liberties are at stake. Such moments call for conviction, not compromise.

Mr. President, the present debate should be placed in perspective. Let us remember what is not at issue in the vote on the conference report.

It is not a test of our commitment to the fight on crime. That commitment will be tested far more accurately in a few weeks, when we debate and vote on the nature and extent of Federal assistance to Washington and other cities under the Safe Streets Act of 1968—and when we consider legislation for funding narcotic addiction treatment and rehabilitation centers.

Nor is the vote on the report a test of our willingness to achieve court reform for the District.

No one seriously suggests that those of us opposed to the conference report are any less vigorously committed to the desperate need for such reform. It is not we who are seeking to hold the vital reorganization and expansion of the judicial system hostage to controversial and offensive experiments in criminal law.

Several of my colleagues and I have sponsored S. 4080 as a substitute court reform bill. It includes essentially all of the provisions on court reorganization and the bail agency included in the conference report. It has also been introduced by us as amendment No. 777 to H.R. 914, a House-passed private bill now before the Senate.

Further, we have introduced a strong, but constitutional, series of criminal and juvenile law provisions for the District, S. 4081—which has also been introduced as amendment No. 776 to H.R. 914. Our bill includes those provisions from the conference report which we can, in good conscience, support. It deletes those elements which even the pressing need for court reform cannot justify: First, preventive detention; second, no-knock searches; third, wiretapping; fourth, mandatory minimum sentences; and, fifth, certain undesirable juvenile procedure provisions.

PREVENTIVE DETENTION

Mr. President, no provision of this bill has caused more alarm among those vigilant against erosion of our liberties than has the administration's proposal for preventive detention, which is essentially preserved in the conference report.

By now, the Senate is well aware of the basic issues at stake. Those opposed to such imprisonment for crimes not committed have already reviewed its basic defects:

The grave constitutional questions regarding right to bail; the presumption of innocence until proven guilty; and other elements of due process;

The lack of empirical evidence to justify such a drastic departure from our traditions of criminal justice; and

The inevitable burden of double trials on the already strained judicial system, aggravating the very problem addressed.

I urge my colleagues, before they vote, to reflect once more upon these issues. This Senate has met the challenge of exercising the Nation's conscience before in this session. It must do so again.

At this time, Mr. President, I wish to call particular attention to two specific dangers of the conference report's proposal for preventive detention, which perhaps have not received adequate scrutiny: the possibility of perpetual detention and the scope of detention on the basis of past conduct.

PERPETUAL DETENTION

Proponents of the report have claimed that it limits detention of an accused to 60 days, and that, if he has not then been tried, he would be released pursuant to section 1321, governing conditional release. I submit that the plain language of the conference bill permits the prosecution to seek successive, prolonged periods of detention, and that this loophole sharply reduces the supposed safeguards of the report.

Section 1322, dealing with preventive detention, does state that if the accused has not been tried after 60 days, he shall be treated in accordance with section 1321 which deals with conditions of release. But that is the beginning of the problem, not the answer. The prisoner is still detained at this point. Section 1321 permits his release only if a condition or combination of conditions will ensure the safety of members of the community—the statute speaks of those "conditions of release, if any."

If the court finds that no conditions provide such assurance, and the accused falls within one of several categories, then section 1322 comes into play again,

and the court can entertain a new prosecution motion for another 2-month detention. There is not one word in the statute preventing this, or otherwise suggesting that the accused shall, in fact, always be released after 60 days.

Further, even if the accused is conditionally released under section 1321, the prosecution can seek ex parte to commence another detention hearing under section 1322(c)(2), whenever it subsequently appears appropriate.

Mr. President, I ask unanimous consent that sections 1321 and 1322 of the report be printed in the RECORD at this point.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

"SUBCHAPTER II—RELEASE AND PRETRIAL DETENTION

"§ 23–1321. RELEASE IN NONCAPITAL CASES PRIOR TO TRIAL

"(a) Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required or the safety of any other person or the community. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or the safety of any other person or the community, or, if no single condition gives that assurance, any combination of the following conditions:

"(1) Place the person in the custody of a designated person or organization agreeing to supervise him.

"(2) Place restrictions on the travel, association, or place of abode of the person during the period of release.

"(3) Require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 per centum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release.

"(4) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

"(5) Impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.

No financial condition may be imposed to assure the safety of any other person or the community.

"(b) In determining which conditions of release, if any, will reasonably assure the appearance of a person as required or the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against such person, his family ties, employment, financial resources, character and mental conditions, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings, flight to avoid prosecution, or failure to appear at court proceedings.

"(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release, shall advise him that a warrant for his arrest will be issued immediately upon any such violation, and shall warn such person of the penalties provided in section 23–1328.

"(d) A person for whom conditions of release are imposed and who, after twenty-four hours from the time of the release hearing, continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions received by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed conditions of release is not available, any other judicial officer may review such conditions.

"(e) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release, except that if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.

"(f) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(g) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

"(h) The following shall be applicable to any person detained pursuant to this subchapter:

"(1) The person shall be confined, to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

"(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to prepare defenses or for other proper reasons.

"§ 23–1322. Detention prior to trial

"(a) Subject to the provisions of this section, a judicial officer may order pretrial detention of—

"(1) a person charged with a dangerous crime, as defined in section 23–1331(3), if the Government certifies by motion that based on such person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 23–1321(b), there is no condition or combination of conditions which will reasonably assure the safety of the community;

"(2) a person charged with a crime of violence, as defined in section 23–1331(4), if (i) the person had been convicted of a crime of violence within the ten-year period immediately preceding the alleged crime of violence for which he is presently charged; or (ii) the crime of violence was allegedly committed while the person was, with respect to another crime of violence, on bail or other release or on probation, parole, or mandatory release pending completion of a sentence; or

"(3) a person charged with any offense if such person, for the purpose of obstructing or attempting to obstruct justice, threatens, injures, intimidates, or attempts to threaten, injure, or intimidate any prospective witness or juror.

"(b) No person described in subsection (a) of this section shall be ordered detained unless the judicial officer—

"(1) holds a pretrial detention hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds—

"(A) that there is clear and convincing evidence that the person is a person described in paragraph (1), (2), or (3) of subsection (a) of this section;

"(B) that—

"(i) in the case of a person described only in paragraph (1) of subsection (a), based on such person's pattern of behavior consisting of his past and present conduct, and on the other factors set out in section 23–1321 (b), or

"(ii) in the case of a person described in paragraph (2) or (3) of such subsection, based on the factors set out in section 23–1321 (b),

there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(C) that, except with respect to a person described in paragraph (3) of subsection (a) of this section, on the basis of information presented for proffer or otherwise to the judicial officer there is a substantial probability that the person committed the offense for which he is presently before the judicial officer; and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 23–1321 and it subsequently appears that such person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if such person is outside the District of Columbia, he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules

pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under sections 23–1327, 23–1328, and 23–1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceedings.

"(7) Appeals from orders of detention may be taken pursuant to section 23–1324.

"(d) The following shall be applicable to persons detained pursuant to this section:

"(1) The case of such person shall be placed on an expedited calendar and, consistent with the sound administration of justice, his trial shall be given priority.

"(2) Such person shall be treated in accordance with section 23–1321—

"(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person other than by the filing of timely motions (excluding motions for continuances); or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for such detention.

"(3) The person shall be deemed detained pursuant to section 23–1325 if he is convicted.

"(e) The judicial officer may detain for a period not to exceed five calendar days a person who comes before him for a bail determination charged with any offense, if it appears that such person is presently on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that such person may flee or pose a danger to any other person or the community if released. During the five-day period, the United States attorney or the Corporation Counsel for the District of Columbia shall notify the appropriate State or Federal probation or parole officials. If such official fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 23–1321, unless he is subject to detention under this section. If the person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained pursuant to this subsection.

Mr. HART. Mr. President, in either case, whether a request for additional detention is made prior to release, or subsequent to release, how likely is it that a judge—who has already held the accused subject to detention—will find that during 60 days' detention he has somehow become less dangerous to the community? The answer is all to evident.

The Senate conferees sought to restrict the House proposal that those charged with——

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. TYDINGS. Does the Senator wish to imply by his remarks that if the trial does not go forward within 60 days, the individual is not conditionally released?

Mr. HART. Yes; that he may not be; that he may be further detained.

Mr. TYDINGS. If the Senator will read page 194 of the conference report, he will see the clear language which I have brought out in the debate time and time again, which says that:

The following shall be applicable to persons detained pursuant to this section.

Going down to paragraph (A): "upon the expiration of 60 calendar days, unless the trial is in progress or the trial has been delayed at the request of the person other than by the filing of timely motions," such person shall be treated in accordance with section 23–1321.

Section 23–1321 is the release section under the subchapter II, "Release and Pretrial Detention." Section 23–1321 is "Release in Noncapital Cases Prior to Trial." This was brought out clearly by Mr. Kleindienst, Deputy Attorney General, before the Senate Judiciary Subcommittee. It was spelled out as clearly as possible that section 23–1321, the object of the reference, is the section on pretrial release, not detention. Section 23–1322 is on detention.

I have brought it out here time and time again in the debate. I do not know how much clearer it can be made.

Mr. HART. Section 1321, as I have suggested, is the beginning of the problem, but it does not contain the answer. The prisoner is in detention; is that right?

Mr. TYDINGS. Section 1321 contains the provisions for conditional release. The whole subchapter II is related to release and pretrial detention; 1321 relates to the conditions of pretrial release, as where the issue of dangerousness is brought before the court and the court determines if a pretrial conditional release will protect the community—a release, say, in which the person has to report back to jail every evening, or a release subject to the custody of the bail agent, or a release subject to custody of a priest or a lawyer. All that 1321, of itself, relates to is release.

We do not get to detention until we get to section 23–1322, which is the section having to do with detention.

That is the reason why we specify that, at the end of 60 days, a detained person shall be treated in accordance with section 23–1321, the release provisions. If we meant detention, we would have said in accordance with section 23–1322, the pretrial detention-provision, or 23–1321 and 23–1322.

Mr. HART. Section 1321 permits his release only if a condition or combination of conditions will insure the safety of the community.

In determining which conditions of release, if any, will reasonably assure the appearance—I refer to section 23–1321 (b)—down in subsection (h), which is on page 192, it states:

The following shall be applicable to any person detained pursuant to this subchapter.

Which is part of 1321.

Mr. TYDINGS. I do not know how much clearer we can make it.

Mr. HART. The words I just read are part of this section.

Mr. TYDINGS. I know, but the words the Senator has just read are only part of the overall subsection, the overall section, which relates to the conditions of release.

Mr. HART. If any.

Mr. TYDINGS. Relating to actual pretrial detention, one has to go to section 23–1322. When it comes to these cross-references, one has to take the section as a whole. Release in noncapital cases prior to trial—that is what section 23–1321 is about. That is the first half of subchapter II. Subchapter II is release, on the one hand, and pretrial detention on the other.

Mr. HART. If the court finds that no conditions provide the assurance that is required, what in the statute prevents one from going to the next section? Why is the language so conditional in the release section the Senator emphasizes?

Mr. TYDINGS. Because on page 194 we specify that in the event that the trial does not come on in 60 days, he shall be treated in accordance with the provisions of the release section—not in accordance with the provisions of subchapter II which relate to release and pretrial detention as well. This was spelled in the legislative history before the Senate subcommittee by the Deputy Attorney General. It has been spelled here on the floor time and time again.

I do not see how it is possible to think that the reference to section 23–1321 in the provision on page 194 really means 1321 and 1322 together.

Mr. HART. The Senator from Michigan has just explained how his reasoning gives him that understanding, but let us go on. Even if a person is conditionally released under 1321, the district attorney can seek, ex parte, under 1322(c), detention whenever it appears appropriate. Is not that what the language says?

Mr. TYDINGS. That would be contrary to the direct language on page 194.

Mr. HART. That does not have anything to do with the language on page 194; it has to do with the language on page 193:

The following procedures shall apply to pretrial detention hearings held pursuant to this section:

* * * * *

(2) Whenever the person has been released pursuant to section 23–1321 and it subsequently appears that such person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing.

Mr. TYDINGS. The language the Senator is talking about refers to a person released initially. The language he is talking about does not apply after a person has been held following a pretrial detention proceeding under section 1322, and where the trial has not gone on in 60 days.

Mr. HART. I am reading from the language:

Whenever the person has been released pursuant to section 23–1321 and it subsequently appears.

Mr. TYDINGS. I know. The language the Senator is talking about applies if a person is initially released under 1321. After he has been held for 60 days, if, for some reason or another, the trial has not come about, he is absolutely subject to release under 1321. The Senator is reading about where there has been no pretrial detention under 1322.

Mr. HART. Why does it not say so?

Mr. TYDINGS. It does say so.

Mr. HART. Where?

Mr. TYDINGS. Right here.

Mr. HART. Cite me the page and line.

Mr. TYDINGS. Page 194, subsection (d):

The following shall be applicable to persons detained pursuant to this section.

I do not know how it can be made clearer.

Mr. HART. I hope the court will read the Senator from Maryland and not the statute.

Mr. TYDINGS. All I urge is that they read the statute, page 194.

Mr. HART. Mr. President, I have cited and asked to have included in the RECORD sections 1321 and 1322. I ask additionally now that section 1322(c) be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

"(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 23–1321 and it subsequently appears that such person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if such person is outside the District of Columbia, he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under sections 23–1327, 23–1328, and 23–1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceedings.

"(7) Appeals from orders of detention may be taken pursuant to section 23–1324.

DETENTION BASED ON "PAST CONDUCT"

Mr. HART. The Senate conferees sought to restrict the House proposal that those charged with "dangerous crimes" be detained solely on the basis of the instant charge. Nonetheless, the final conference report still offers the prosecution a field day for obtaining detention of such defendants on the basis of derogatory information short of any criminal record.

The statement of the Senate managers observes that the court must find a "prior pattern of dangerous behavior." But what does this mean? The report itself permits detention if the court finds danger to the community on the basis of "such persons' pattern of behavior consisting of past and present conduct, and on other factors set out in section 23–1321(b)."

Section 1321(b), in turn, lists many factors, including past convictions, and "any record of appearance at court proceedings," and also lists separately "character" and "past conduct." What do "character" and "past conduct" include, in this context, Mr. President?

During the House debate preceding its acceptance of the conference report, Representative HOGAN, for the express purpose of establishing legislative history, gave the "solid position of the House conferees"—unchallenged—on this provision. He said:

It is important to understand just what this new provision requires. It does not require a prior conviction or even arrest for a felony or misdemeanor on the part of the defendant. As explained in the House report, past conduct need not consist of prior involvement with the law.

Mr. HOGAN goes on to sum up the "restricted scope" of this provision as follows:

Through testimony and other reliable sources of information, a judicial officer may be informed of conduct on the part of the defendant which while dangerous to the community never resulted in his arrest or conviction.

Shall we, then, permit a man to be imprisoned before trial on the basis of hearsay information about his character, his companions, or, perhaps, his political activism, which a court finds "dangerous" to the community? No wonder the statement of the Senate managers was constrained to suggest that the "serious constitutional questions raised by any legislatively sactioned pretrial detention" on such grounds "should be fully aired in the decision to adopt the conference report."

The statement goes on to say that the conferees were not convinced that a "narrowly limited and fully protected" scheme of detention was unconstitutional. Mr. President, even assuming that incarceration for crimes never committed could ever pass constitutional muster, this is not my idea of a narrowly restricted, carefully safeguarded system of preventive detention.

It is, rather, a wide open, extremely dangerous departure from the most fundamental principles of our criminal system. It should not be accepted by this body, no matter what the rationale, excuse, or pressure put forth on its behalf.

STATUTORY DETENTION AS AN ALTERNATIVE TO MANIPULATION OF MONEY BAIL

Proponents of preventive detention who are sensitive to these fundamental vices have ultimately been forced to defend it on the ground that the present bail system is just as bad. They argue that detention based on danger to the community is already accomplished through manipulation of high money bail—in clear violation of the Bail Reform Act.

The first answer to this contention is simply that the conference report would supplement, not replace the present improper practices.

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. HART. I yield.

Mr. TYDINGS. The Senator realizes that the Bail Reform Act pertains only to Federal courts, does he not?

Mr. HART. Yes, I do.

Mr. TYDINGS. The Senator realizes further, that in some States, for example, the State of New York, any person charged with a felony can be held under pretrial detention, with no statutory hearings and no pretrial procedures whatsoever?

Mr. HART. I learned that a few days ago here, when the Senator from Maryland and the Senator from New York had an exchange on it.

Mr. TYDINGS. The Senator is aware that a great many States have pretrial detention, with none of the safeguards we have here, for any person charged with a felony?

Mr. HART. If one State or 48 States do it, it is unfortunate.

Mr. TYDINGS. Is the Senator aware that the First Congress of the United States, which drafted the Constitution, lifted word for word from the British bill of rights that excessive bail provision, and the very first bail law provided that persons charged with very serious crimes—all capital crimes, and in those days capital crimes covered a very broad spectrum—need not be released on bail or need not be released prior to trial?

Mr. HART. Capital offenses have always been nonbailable.

Mr. TYDINGS. And the Senator is aware that capital crimes once included everything from armed robbery to burglary to rape to counterfeiting?

Mr. HART. I accept the Senator's statement. Despite some precatory language, there is no reason to believe that bail manipulation—which has gone on in clear disregard of congressional intent and common law limitation on the use of bail—will be seriously inhibited in the case of those who are not detainable under this statute. Nor, for that matter, is there any reason why courts would not be even more likely to attempt such manipulation for persons against whom formal detention had been unsuccessfully sought.

On a more fundamental level, I reject the suggestion that when an act of Congress is flouted, and constitutional rights denied in the bargain—that we must knuckle under, codify these violations and say, in effect, "okay, let us at least make it official and clean it up a bit."

The answer, rather, must be to pose more explicit standards to aid reviewing courts which can check improper use of bail, and, at the same time provide other alternatives to the problem, including speedy trial legislation and expanded supervisory release.

CONCLUSION

Mr. President, these defects, and others which my colleagues have detailed in the conference report cannot be swept aside by efforts to "make legislative history" on the floor of this Chamber. We cannot change the plain language of the report—

even apart from competing "history" laid down in the House—to read as the Senate conferees would have preferred it to read.

Beyond this, the whole concept of preventive detention of the kind proposed in this report is so antiethical to our basic traditions, that no legislative history or specific statutory language would make it acceptable.

The Senate Judiciary Committee has only recently completed the kind of thorough hearings which preventive detention demands, before we are asked to approve it. The administration and the proponents of preventive detention in the House gave it a fast shuffle in the District bill reported by the other body. The full Senate has not yet had a chance to study and debate fully the results of the hearings before its Judiciary Committee.

On such a critical issue, Mr. President, the Members of this body should be able to work their will free from the pressures for court reform which have been used to ram preventive detention through Congress.

Once more, the Nation is watching our action. As I warned several weeks ago, "it is easy to conclude, through frustration or fear, that we must adopt whatever anticrime proposals are offered—and the sooner the better. Attempts to encroach upon the Bill of Rights always invoke the claim of necessity and criminals on the fringe of society may seem less worthy of the Constitution's protection. Yet the peril of each of us lies in the precedent of eroding the rights of any of us."

Mr. President, I urge my colleagues to reject the conference report and to vote for the substitute District of Columbia crime bills which are now ready to be acted upon.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "District of Columbia Crime Bill Assaults Freedom and Intelligence," published in the Detroit Free Press of Sunday, July 19, 1970, which comments unfavorably on the bill now pending before the Senate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AS WE SEE IT DISTRICT OF COLUMBIA CRIME BILL ASSAULTS FREEDOM AND INTELLIGENCE

The administration's bill to combat crime in the District of Columbia is so chilling in its implications that it is incredible that it has advanced so close to passage. Though it is an unvarnished assault on basic American freedoms, it has passed the House and is moving toward approval in the Senate.

The bill includes (1) a provision that permits an accused person to be jailed for up to 60 days before his trial if his record shows in the opinion of a judge, that he would be a crime risk during the pretrial period; (2) a broadening of the wiretapping practices of government; and (3) an extension of the authority of policemen to enter a house without knocking or identifying themselves.

Sen. Sam Ervin, a North Carolina Democrat and a conservative, has had the forensic last word on the bill: "This . . . is as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas . . . a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented . . . an affront to constitutional principles and to the intelligence of the people of the United States."

Never mind the splendid hyperboles. Sen. Ervin makes his point. The bill ought to make any thoughtful American even more purple with rage than the acts of violence and crime that have made members of Congress so willing to restrict our liberties. This, indeed, is a bill to shout down from the house tops.

Are we so frightened of crime that we are willing to sacrifice the sanctity of our home to a policeman's suspicions? Do we really care so little for the privacy of conversations that we are willing to see the tapping of telephones extended? Do we really mean to give a judge the right to slap a man with a previous criminal record into jail without trial if he is considered "dangerous?"

These are questions that must be asked, and they are not academic for any of us. No American can afford to assume that such laws will be used only against clearly definable "criminal types" and not against him. Who is dangerous and who is not? Will a conservative Washington homeowner, for instance, be classed as dangerous and therefore subject to the kinds of police activities being authorized for the district? Will someone who wears his hair long?

We had always felt that the idea of the sanctity of the home would protect Americans from inordinate invasions of privacy. From colonial days we have resisted the nosy intrusions of government into our lives. We have looked on with horror at the reality and later the movie depictions of the invasions by the state into homes in Nazi Germany.

Yet here is the Congress of the United States, urged on by the attorney general and the President, about to pass a bill that is straight out of 1930 Germany. True, it only affects the crime-ridden District of Columbia. But the pattern is spreading.

Somehow it must be stopped, in Congress or in the courts. Surely we cannot approach our 200th anniversary—celebrating Mr. Jefferson and his conferees and the freedom they proclaimed—in such a spirit of repression. It is too much.

Mr. HRUSKA. Mr. President, during the past few days those of us who have listened to the debate on the District of Columbia crime bill have heard numerous charges leveled against the bill by its opponents. Others have answered some of these points. The Senator from Maryland (Mr. TYDINGS) made an excellent defense of the bill yesterday in a speech on the Senate floor. Today I would like to discuss three charges made against the bill which warrant special interest: First, that the no-knock provision in the bill is a departure from well-established practice in this country; second, that section 23–111 of the conference bill is unconstitutional in that it denies a right to a jury trial by permitting the court to make a factual determination as to whether a person has been convicted of a prior offense; and, third, that preventive detention is a recent development, designed especially to cope with the crime problem in the District of Columbia.

First. With regard to the question of no-knock, I ask unanimous consent to have printed in the RECORD a chart which shows that some 30 States in the country, either by statute or by court decision, permit some form of no-knock entry. This indicates to me that no-knock is rather the rule than the exception.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

APPENDIX.—STATES REQUIRING ANNOUNCEMENT OF AUTHORITY AND PURPOSE BEFORE FORCED ENTRY TO EXECUTE SEARCH WARRANTS OR ARRESTS (WITH OR WITHOUT A WARRANT)*

State	Search warrant	Arrests (with or without warrant)
Alabama	Notice required (Code of Ala. 15.108)	Notice required (Code of Ala. 15.153, 15.155).
Alaska	No-knock permitted (Alaska Stat. 12.35.040)	Notice required (Alaska Stat. 12.25.100).
Arizona	Notice required (State v. Mendoza—454 P.2d 140 (1968) allows "no-knock" for destruction exception) (Ariz. Rev. Stat. 13–1446(B)).	Notice required (Ariz. Rev. Stat. 13–1411).
Arkansas	No statute, common law applies	Notice required (Ark. Stat. 43–414).
California	Notice required [1] (Calif. Penal Code, sec. 1531)	Notice required [1] (Calif. Penal Code, sec. 844).
Colorado	No statute, common law applies	No statute, common law applies.
Connecticut	No statute, common law applies (State v. Marino, 152 Conn. 85, 203 A. 2d 305 (1964) allows no-knock for destruction exception to common law announcement rule).	Do.
Delaware	No statute, common law applies (Dyton v. State, 250 A.2d 383 (1969), allows no-knock for destruction exception to common law announcement rule).	Do.
District of Columbia	Notice required (D.C. Code Ann. 25–129(g) (liquor) D.C. Code Ann. 33–414(g) (narcotics) 18 U.S.C. 3109. But an annotation to sec. 23–301, par. 6 states that for search or arrest that the police can break in after an announcement of identity and purpose. There are no exceptions. "Breaking and entering premises without an announcement is clearly illegal and an improper entry renders a subsequent search invalid.")	No provision, common law applies.
Florida	Notice required (Fla. Stat. 933.09) (Benefield v. State, 160 So. 2d 706 (1964) allows no-knock for destruction exception).	Notice required (Fla. Stat. 901.19).
Georgia	Notice required (Code of Ga. Ann. 27–308). The arrest provision states that the police may use force to break into a building and does not require any announcements prior to the breaking. The new search statute does require an announcement before breaking.	No-knock permitted only with warrant (Code of Ga Ann. 27–205).
Hawaii	No-knock permitted if door to house is open. Notice required if door is closed. (Hawaii Rev. Stat., title 37, sec. 708.37)	Notice required (Hawaii Rev. Stat. title 37, sec. 703.11).
Idaho	Notice required (Idaho Code 19–4409)	Notice required (Idaho Code 19–611).
Illinois	No-knock permitted (Ill. Ann. Stat., title 38, sec. 108–8). The arrest statute states that no notice or announcement required for arrest but People v. Barbee, 35 Ill. 2d 407, 220 N.E. 2d 401 (1966) requires announcement before arrest. The search warrant section concludes that notice is not necessary if constitutional standards (of reasonableness) are met. People v. Harfield, 94 Ill. App. 2d 421, 237 N.E. 2d 193 (1968). People v. Macias, 39 Ill. 2d 208, 234, N.E. 2d 783 (1968) allows no-knock for destruction exception.	No-knock permitted (Ill. Ann. Stat. title 38 ,sec. 107–5(d)).

Footnotes at end of table.

APPENDIX.—STATES REQUIRING ANNOUNCEMENT OF AUTHORITY AND PURPOSE BEFORE FORCED ENTRY TO EXECUTE SEARCH WARRANTS OR ARRESTS (WITH OR WITHOUT A WARRANT)*—Continued

State	Search warrant	Arrests (with or without warrant)
Indiana	No statute, common law applies Hadley v. State, 238 N.E. 2d 888, 906 (1968), allows no-knock for destruction exception to the common law rule of announcement.	Notice required (Ind. Ann. Stat. 9-1009).
Iowa	Notice required (Iowa Code Ann. 755.9)	Notice required (Iowa Code Ann. 751.9).
Kansas	No statute, common law applies	Notice required (Kansas Stat. Ann. 62-1819).
Kentucky	do	Notice required (Ky. Rev. Stat. 70.077 and 70.073).
Louisiana	No-knock permitted (La. Code of Crim. Pro. title V(Art. 164)) the new statute on arrests without warrants is broader now and not limited only to felonies.	Notice required (La. Code of Crim. Procedure title V (Art. 224)).
Maine	No statute, common law applies [2]	No statute, common law applies.[2]
Maryland	do [3]	Do.[3]
Massachusetts	No statute, common law applies (Commonwealth v. Rossetti, 211 N.E. 658, 665 (1965) court referred to no-knock for destruction exception to the common-law rule of announcement in dictum).	No statute, common law applies.
Michigan	Notice required (Mich. Stat. Ann. 28-1259 (6)) the search provision had not be included previously	Notice required (Mich. Stat. Ann. 28.880).
Minnesota	No statute, common law applies (State v. Parker, 283 Minn. 127 166 N.W. 2d 347 (1969))	Notice required (Minn. Stat. Ann. 639.33 and 639.34).
Missouri	No-knock permitted (Vernon's Ann. Mo. Stat. 542.390)	Notice required (Vernon's Ann. Mo. Stat. 544.200).
Mississippi	No statute, common law applies	Notice required (Miss. Code of 1942, 2472).
Montana	No-knock permitted [4] (Rev. Code of Montana 1947 (95-809))	Notice required [4] (Rev. Code of Montana 1947 (94-6011)).
Nebraska	No-knock permitted [5] (Rev. Stat. of Neb. 29-411)	No-knock permitted [5] (Rev. Stat. of Neb. 29-411).
Nevada	Notice required (Nev. Rev. Stat. 179.090)	Notice required (Nev. Rev. Stat. 171.138).
New Hampshire	No statute, Common Law applies	No statute, common law applies.
New Jersey	do [4]	Do.[6]
New Mexico	No statute, common law applies	No statute, common law applies.
New York	No knock permitted. (The officer may break open an outer or inner door or window of a building, or any part of the building, or anything therein, to execute the warrant, (a) if, after notice of his authority and purpose, he be refused admittance, or (b) without notice of his authority and purpose, if the judge, justice, or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice, or magistrate may so direct only upon proof under oath, to his satisfaction, that the property sought may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, if such notice were to be given. As amended L. 1964, c. 55, eff. July 1, 1964.) (N.Y. Code Crim. Procedure, sec. 799.)	Notice required (N.Y. Code of Crim. Procedure, sec 175—arrest with warrant—and sec. 178—arrest without warrant).
North Carolina	No statute, common law applies	Notice required (Rev. Stat. of N.C. 15.44).
North Dakota	No-knock permitted if judge so provides (N.D. Code 29-29.1-01)	Notice required (N.D. Code 29-06-14).
Ohio	Notice required U.S. v. Blank, 251 F. Supp. 166 (1966) and State v. Johnson, 10 Ohio Misc. 278, 240 N.E. 2d 574 (1968) allow no-knock for destruction exception). (Ohio Rev. Code Ann. 2935.12).	Notice required (Ohio Rev. Code Ann. 2935.12).
Oklahoma	Notice required (Okla. Stat. Ann. Title 22, Sec. 1228)	Notice required (Okla. Stat. Ann. title 22 sec. 194 (arrest with warrant) sec. 197 (arrest without warrant).
Oregon	Notice required (State v. Cortman, 466 P. 2d 681, 683 (1968) allows no-knock for destruction exception; cites People v. Maddox (Calif.)) (Oreg. Rev. Stat. 141.110).	Notice required (Oreg. Rev. Stat. 133.290 arrest with warrant) 133.320 (arrest without warranty)).
Pennsylvania	No statute, common law applies (Manduchi v. Tracy, 350 F.2d 658 (1965) cert. denied, 382 U.S. 943 allowed no-knock for destruction exception to common law rule of announcement).	No statute, common law applies.
Rhode Island	No statute, common law applies (State v. Johnson, 230 A.2d 831, allows no-knock for destruction exception to common-law rule of announcement.)	Do.
South Carolina	No-knock permitted (S.C. Code Sec. 17-257)	Notice required (S.C. Code Sec. 53-192).
South Dakota	Notice required (S.D. Comp. Laws. Ann. 1967, Sec. 23-15-14) [7]	Notice required (S.D. Comp. Laws Ann., 1967, Sec. 23-22-19).
Tennessee	Notice required (Tenn. Code. Ann. 40.509)	Notice required (Tenn. Code Ann. 40.807).
Texas	No-knock permitted (Vernon's Tex. Stat. Ann. Code of Crim. Proc., art. 18.18)	Notice required (Vernon's Tex. Stat. Ann. Code of Crim. Proc. Art. 15.25).
Utah	No-knock permitted 1967 Amendment to search warrant provisions reads: "Officer may break door or window to execute warrant—Authority. The officer may break open any outer or inner door or window of a house, or any part of a house or anything therein, to execute the warrant: (1) if, after notice of his authority and purpose, he is refused admittance; or (2) Without notice of his authority and purpose, if the judge, justice, or magistrate issuing the warrant has inserted a direction therein that the officer executing it shall not be required to give such notice. The judge, justice, or magistrate may so direct only upon proof under oath, to his satisfaction, that the properly sought is a narcotic, illegal drug, or other similar substance which may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or any other may result, if such notice were to be given." Also see State v. Louden, 15 Utah 2d 64, 387 p. 2d 240 (1963).) (Utah Code Ann. 1953, 77-54-9).	Notice required (Utah Code Ann. 1953, 77113-12).
Vermont	No-knock permitted (Vermont Stat. Ann. 24.302)	No-knock permitted (Vermont Stat. Ann. 24.302).
Virginia	No statute—common law applies	No statute, Common law applies.
Washington	do [8]	Notice required [7] (Rev. Code of Wash. Ann. 10.31.040).
West Virginia	No-knock permitted for structures other than a "dwelling" (W. Va. Code 62.1A-5)	No statute, Common law applies.
Wisconsin	No statute. Common law applies	Do.
Wyoming	Notice required	Notice required for arrest with warrant (Wy. Stat. Ann. 7-165) No statute for arrest without warrant—Common law applies.

[1] People v. Maddox, 204 P. 2d 6 (1956) allow no-knock; people v. Gostelo, 432 P. 2d 706 (1967) for destruction; People v. Rosales. 437 P. 2d 489 (1968) exception.

[2] State v. Martello, 252 A. 2d 316 (1969) allows no-knock as an exception to the common-law rule of announcement "An officer * * * is bound, on demand to make known his authority, but his omission to do so can do no more than deprive "him" of the protection which the law throws around its ministers, when in the rightful discharge of their duty."

[3] Henson v. State, 236 Md. 513, 204 A. 2d 516 (1969) and Waugh v. State, 3 Md. App. 379, 230 A. 2d 596. Both cases allow destruction exception to the common law rule of announcement.

[4] The general arrest statute and the search statute give the right to break in without the requirement of notice. The arrest with or without warrant statutes require notice unless notice would jeopardize the arrest.

[5] "Warrants: execution; powers of officer; direction for executing, in executing a warrant for the arrest of a person charged with an offense, or a search warrant, or when authorized to make an arrest for a felony without a warrant, the officer may break open any outer or inner door or window of a dwelling house or other building, if, after notice of his office and purpose, he is refused admittance;" or without giving notice of his authority and purpose, if the judge or magistrate issuing a search warrant has inserted a direction therein that the officer executing it shall not be required to give" such notice, but the political subdivision from which such officer is elected or appointed shall be liable for all damages to the property in gaining admission. The judge or magistrate may so direct only upon proof under oath, to his satisfaction that the "property sought may be easily or quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, if such" notice be given; but this section is not intended to authorize any officer executing a search warrant to enter any house or building not described in the warrant.)

[6] State v. Juliano, 97 N.J. Super. 25, 234 A. 2d 236 (1967) allows No-knock for destruction exception to common law rule of announcement.

[7] South Dakota recently enacted authority for no-knock warrants.

[8] State v. Young, 76 W. D. 2d 212, 455 p. 2d 595 (1969) allows No-knock for destruction exception.

*From an article to be published in the St. John's Law Review.

Note.—The citations listed in the above appendix are illustrative only and in no way are to be considered as all inclusive.

Mr. HRUSKA. My own State of Nebraska is one that permits limited forms of "no knock." Section 29-411 of the Revised Statutes of Nebraska says:

In executing a warrant for the arrest of a person charged with an offense, or a search warrant, or when authorized to make an arrest for a felony without a warrant, the officer may break open an outer or an inner door or window of a dwelling house or other building, if, after notice of his office and purpose, he is refused admittance; or without giving notice of his authority and purpose, if the judge or magistrate issuing a search warrant has inserted a direction therein that the officer executing it shall not be required to give such notice, but the political subdivision from which such officer is elected or appointed shall be liable for all damages to the property in gaining admission.

Those who decry "no knock" for the District of Columbia go against the practice in a majority of the States of this Nation as well as against the ruling of the Supreme Court of the United States in *Ker* v. *the State of California*, 374 U.S. 23 (1963), which has already been discussed at length by both the proponents and the opponents of this bill. Not only do the States and the courts approve "no knock," but so does the Senate. Three times since December 1969 this body, the U.S. Senate, has approved of "no knock" warrants. It seems to this Senator to be time to stop the argument concerning "no knock" and to move on to other matters.

Second. Last Friday the Senator from North Carolina (Mr. ERVIN) stated that section 23-111 of the conference bill violates section 1 of article III of the Constitution by permitting the court, rather than the jury, to make a determination concerning whether a person has been convicted of a prior offense. This determination, under the terms of the provision, would be made only after a finding of guilt by a jury and would be used only for the purpose of setting the proper sentence.

The practice which section 23-111 would codify is currently the practice in

the District of Columbia. Today, in this jurisdiction, after a jury has ruled on the question of guilt or innocence, it is the court which examines documentation submitted to prove that the defendant has previously been convicted of an offense. The very recent case of United States against Marshall in three separate sections of the majority and minority opinions recognizes that such is the practice in the District of Columbia at the present time. I ask unanimous consent that excerpts from the opinion and concurring opinion in this case by the U.S. Court of Appeals for the District of Columbia Circuit be printed in the RECORD with the relevant portions italicized.

This case indicates to this Senator that the constitutional objection raised against this provision of the conference bill is without substance; but rather that similar practices are engaged in daily by the courts with the approval of the appellate reviewers of these actions.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[United States Court of Appeals for the District of Columbia Circuit, No. 22,485]

UNITED STATES OF AMERICA *v.* ERNEST M. MARSHALL, APPELLANT

(Appeal from the United States District Court for the District of Columbia, on reconsideration en banc)

Decided June 30, 1970

II

A question arises as to the sentence. The crime of carrying a pistol without a license, of which appellant was convicted, is punishable under the terms of 22 D.C. Code § 3204 in the manner prescribed by Section 22–3215. This calls for a fine of $1,000 or imprisonment for not more than one year, or both, unless the defendant has been convicted of the same offense in this jurisdiction or of a felony in any jurisdiction. In such a case the sentencing court has the discretion to impose a sentence of not more than ten years, although the increased term of imprisonment is only authorized and not required. Under these provisions appellant was sentenced as a second offender for a term of imprisonment from two to six years.

The contention is that proof of a prior conviction was not adduced properly. To decide this question the court sua sponte has considered the case en banc.

In *Jackson* v. *United States*, 95 U.S. App. D.C. 328, 221 F. 2d 883 (1955), where, as in the present case, the sentence was imposed under Section 3204, but without proof of the previous conviction in the presence of the accused, we vacated the sentence and remanded for resentence for not more than one year, "unless the Government introduces evidence in Jackson's presence *which convinces the court that*, when he committed the offenses of which he was convicted, he had theretofore been convicted of a similar violation or of a felony."

Jackson, supra, 95 U.S. App. D.C. at 330–31, 221 F.2d at 885. We find no significant distinction between this case and *Jackson*, and we think the position there adopted is sound. The indictment, which we assume was served on Jackson as required by law, recited a prior conviction. His counsel stipulated to the court, though out of Jackson's presence, that the accused had previously been convicted of a felony, and also waived proof of the conviction should the jury find him guilty of the charge on trial.

In the course of its opinion the court stated that the stipulation of counsel was not a substitute for actual proof of a fact which so drastically increases the maximum imprisonment. Such proof which so largely shapes the sentence should be introduced in the defendant's presence, just as the sentence itself must be pronounced in his presence." 95 U.S. App. D.C. at 330, 221 F.2d at 885.

This was the position of the court notwithstanding, as the court pointed out, ". . . Jackson does not expressly attack the sentence as being in excess of that authorized by law, and although he did not move in the District Court that it be corrected, as he might have done under 28 U.S.C. § 2255, the matter of the legality of the sentence may nevertheless be determined on this appeal." 95 U.S. App. D.C. at 330, 221 F.2d at 885.

What occurred in the present case was that the then United States Attorney filed with the Clerk a document called an "Information of Prior Conviction." There is a notation on the Clerk's docket of service of this paper. The document recites that Marshall had previously been convicted twice of carrying a dangerous weapon. During the sentencing proceedings, however, there was no mention of this information or of the fact of prior conviction, and there was no proof of such a conviction in the presence of the defendant.

We are persuaded to adhere to the procedure adopted in *Jackson*. In addition to the reasons there expressed there is another. When the proof is introduced in the presence of the defendant meaningful opportunity is afforded, which might otherwise be unavailable, to enable the accused in the exercise of his right of allocution to advance any reasons he might have why the court should not enlarge the sentence because of his past record.

Rule 32(a), Fed. R. Crim. P., presently provides in part:

"Before imposing sentence the court shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment."

In *Green* v. *United States*, 365 U.S. 301, 304 (1961), it is pointed out that the legal provenance of this Rule was the common-law right of allocution. The Court there interpreted Rule 32(a) as it then existed to require the trial court to enable the defendant—not only his counsel—the opportunity to address the court. The result of this ruling, reaffirmed in *Hill* v. *United States*, 368 U.S. 424 (1962), was that by the 1966 amendments, this requirement was made a part of the Rule. Section 3204 permits but does not require the sentence of a recidivist to be enlarged. A discretion resides in the sentencing judge whether to enlarge the sentence at all or, if enlarged, to what extent within the great range between a one and ten year term. The judge accordingly should consider, inter alia, the circumstances of the prior offense as well as other aspects of the defendant's life. Particularly when a prior offense may permit the sentence to be enlarged tenfold, it is difficult to see how the sentencing can proceed with a meaningful allocution without anything being said concerning the prior offense, as here occurred. Proof in the defendant's presence of the prior conviction, with knowledge thus brought home to him in the courtroom of its possible significance in determining his sentence, alerts him to the opportunity at sentencing of addressing the judge directly with respect to the prior conviction. Even when the fact of conviction is not disputable he may adduce whatever he deems appropriate for the judge to consider in connection with it. As the Supreme Court stated in *Green, supra*, 365 U.S. at 304:

"The most persuasive counsel may not be able to speak for a defendant as the defendant might, with halting eloquence, speak for himself."

We do not deem it essential, in adhering to the procedure adopted in *Jackson*, to determine whether or not it is required by due process of law. *See Oyler* v. *Boles*, 368 U.S. 448, 452 (1962), and *United States ex rel. Collins* v. *Claudy*, 204 F. 2d 624 (3d Cir. 1953).

The judgment of conviction is affirmed. The sentence is vacated and the case is remanded for resentence for no more than one year unless the United States introduces evidence in Marshall's presence *which convinces the court that* when he committed the offenses of which he was convicted he had theretofore been convicted of a similar violation or of a felony.

It is so ordered.

MACKINNON, *Circuit Judge*, concurring in part and dissenting in part: I concur in the affirmance of the conviction and with Part I of the majority opinion but I am unable to concur in the vacation of the sentence and the remand for resentencing as ordered by Part II of the opinion. To do so, in my opinion, would be a completely useless ceremony.

Rule 52(a) of the Federal Rules of Criminal Procedure provides:

"Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded."

In my opinion no substantial right of appellant has been affected. He has never claimed that he is not the same person as the Ernest M. Marshall convicted of the two offenses described in the Information and he makes no showing or claim of any kind that on remand he would be able to introduce any fact that might in any way serve as a basis to compel any alteration in his sentence. Under such circumstances the remand appears as an "idle ceremony" and contrary to the rule announced by our decision in *Kendrick* v. *United States*, 99 U.S. App. D.C. 173, 176, 238 F. 2d 34, 37 (1956), which was written by Judge Miller. I would accordingly affirm the trial court's judgment.

In doing so it should be pointed out that the better practice, which would be prescribed for all future cases, would be for the issue of identity to be satisfied by affirmative admission, stipulation or proof entered on the record in open court in the presence of the defendant prior to sentencing. If the United States Attorney did not take the initiative in this respect the trial judge should determine in an appropriate manner that the defendant is the same person as the one previously convicted. If the defendant denies the prior conviction, or stands mute, *the Government should prove the prior offense to the court by* evidence adduced in the presence of the accused.

Then, having disposed of this case so far as the record before this court justifies, it should be pointed out to appellant that if he believes he has any justifiable basis to question the validity of his sentence (which is not apparent to us on this record) he may do so by motion before the trial court under 28 U.S.C. § 2255. For this purpose his present counsel would be directed to continue to represent him. Upon such motion, if the evidence shows that appellant is in fact the same Ernest M. Marshall who was previously convicted, the trial court may dismiss the motion; if, however, the evidence does not prove that he is the same person as the one previously convicted under the same name, the trial court should then vacate its prior sentence and resentence appellant properly.

In my view the majority opinion mistakenly asserts that this case is controlled by *Jackson* v. *United States*, 95 U.S. App.D.C. 328, 221 F.2d 883 (1955), and not by *Kendrick* v. *United States, supra*.

In this case, Marshall was sentenced by the court on the basis of an "Information of Prior Conviction" filed and served by the Government on September 11, 1968 some 23 days prior to the imposition of sentence on October 4, 1968. The Information stated that appellant had twice before been convicted

of carrying a concealed weapon in violation D.C. Code § 22-3204 (1967). At the time of sentencing counsel for Marshall indicated knowledge of the probation report, termed it "a complete and comprehensive probation report" and recognized its serious implications by observing, "I think the most we can ask is that Your Honor be as lenient as possible under the circumstances." Marshall also personally addressed the court at the time of his sentencing, indicated full knowledge of the probation report and pointed out that ". . . the probation officer hasn't ascertained that I had a probation report written up in Maryland." Thus, since both Marshall and his counsel by their comments indicate they had knowledge of the contents of the probation report, they most certainly had full knowledge that the court had been advised of the two prior convictions. Neither indicated surprise at the sentence of two to six years. After sentence was imposed, it was apparent that Marshall's counsel was not inhibited by the court's action as he immediately requested the court to set appeal bond. So there does not seem to be any more reason to vacate Marshall's sentence than there did the sentence that was involved in Judge Miller's opinion in *Kendrick*.

In *Kendrick* v. *United States, supra,* 99 U.S.App.D.C. at 176, 238 F.2d at 37, the defendant was convicted under the D.C. Code of (1) assault with a deadly weapon and (2) carrying a dangerous weapon. He was sentenced respectively to consecutive sentences of 3 to 9 years and 2 to 8 years. The assault count did not allege that Kendrick had been previously convicted of a similar offense and no such fact was proved on the trial of the case, but after conviction and before sentencing the Government filed an Information alleging two prior convictions of assault with a dangerous weapon. Prior to sentencing no proof was introduced of these convictions or that the Kendrick named therein was identical with the defendant in the proceeding before the court.

On appeal, Kendrick contended that under *Jackson* v. *United States, supra,* he could not be sentenced to imprisonment in excess of one year unless the Government in his presence proves the prior crimes and his identity. However, Judge Miller, who had written the opinion in *Jackson,* also wrote the opinion in *Kendrick* and held that such procedure was not necessary. He pointed out that Kendrick on cross examination during the trial had admitted the two prior offenses, that the same trial judge had presided during one of the prior convictions, that the defendant had not been denied his right of allocution and that there was no showing that Kendrick denied that he had been previously convicted as stated in the Information. Under such circumstances, Judge Miller's opinion concluded, "[T]he production of evidence after verdict and before sentence to show these previous convictions would have been an idle formality." 99 U.S. App. D.C. at 176, 238 F. 2d at 37.

This holding is applicable here and the fact that Kendrick had been previously tried before the same judge on one prior conviction and had admitted both convictions on cross examination does not distinguish it from this case because neither circumstance in *Kendrick* occurred in the context of informing the defendant that such prior convictions were to be used against him to increase his punishment for the instant offense. If certainty that Kendrick had committed the prior offense was the essential feature to the decision in the case that dictated affirmance, then *Jackson* (written by the same judge) would not have been reversed because there was no substantial doubt that Jackson committed the prior stated offenses to which his counsel stipulated and which Jackson at no time denied. The principal fact that distinguishes *Kendrick* (and this case) from *Jackson* is that in *Kendrick* (and *Marshall*) there *was filed and served* an Information prior to sentencing setting forth the prior convictions the Government intended to rely upon to support the enhanced sentence and in *Jackson* no such Information was served or filed. Thus Kendrick (and Marshall) was placed on notice that the court could in its discretion impose an enhanced sentence and this was not done in *Jackson*.

In *Jackson* v. *United States, supra,* appellant's grounds for reversal were twofold: (1) that he was entitled to a jury trial on the issue of the prior conviction and (2) that his trial counsel had improperly represented him to his prejudice by stipulating without his knowledge or consent to the prior conviction. Appellant raised both of these points *affirmatively* on his appeal. On the first point the court held he was not entitled to a jury trial. On the second point that his attorney had improperly represented him *and* because of the absence of any proof of the prior offense, the court placed Jackson in the position he occupied prior to the sentencing by remanding the case for resentencing. Since he had new counsel on the appeal, resentencing thus wiped out the prejudice he claimed had arisen by the improper stipulation of his prior counsel. Thus *Jackson* sought primarily to correct an alleged improper representation by counsel and is plainly distinguishable from *Marshall* on that ground and on the ground previously pointed out that Jackson was never served prior to sentencing with any Information alleging any prior conviction. Also, the premise of the majority opinion that affirmance of *Marshall* would overrule *Jackson* is completely undercut by the fact that the record in *Jackson* indicates that the sentencing on remand was handled in the same manner as in this case. Marshall here makes no claim of improper representation by this trial counsel nor does he claim he was not previously convicted. This latter fact was not considered controlling in *Jackson,* which rather turned on the point that the proof of this point was improperly waived by counsel without appellant's knowledge or consent. *Jackson* v. *United States, supra,* 95 U.S. App. D.C. at 330, 221 F.2d at 885.

Two cases in the Seventh Circuit are also in point on the issue here. *United States* v. *Scales,* 249 F. 2d 368 (7th Cir. 1957) involved a sentence on a narcotics conviction to an enhanced punishment as a second offender under the recidivist provisions of the Boggs Act. Following the conviction the United States Attorney filed an Information in open court setting forth a prior conviction of the defendant on a narcotics violation. As a second offender aggravated penalties were provided for by 21 U.S.C. § 174 (now 26 U.S.C. § 7237(a)). The defendant and his attorney were present in court when the Information was filed but the trial judge addressed no inquiries to the defendant or his attorney and instead immediately proceeded to impose a sentence of seven years' imprisonment which exceeded by two years the maximum punishment provided for a first offense. At no time during the hearing did the defendant or his attorney make any statement relative to the Information or any denial that the defendant was the same person as the one previously convicted. However, following sentencing defendant's counsel requested the court to consider a reduction of sentence on the grounds that defendant was physically handicapped and that there was no evidence he had sold narcotics.

At the time Scales was sentenced the Boggs Act prescribed the sentencing procedure to be followed before the enhanced penalties could be adjudged. Such required the court to be advised by the United States Attorney whether the conviction is the offender's first or a subsequent offense, and in the event it were not a first offense the United States Attorney was required to file an Information setting forth the prior convictions. The statute then specifically required that:

"The offender shall have the opportunity in open court to affirm or deny that he is identical with the person previously convicted. 26 U.S.C. § 7237 (68A State. 860)."

If he denied the identity a trial was required. Following his sentence Scales moved under 28 U.S.C. § 2255 to vacate his sentence on the ground that the above quoted portion of the statute required the court to directly question him on the subject in a manner similar to that on formal arraignment and that since he and his attorney stood mute their silence must be resolved in his favor.

The situation is thus a stronger one than is presented here by Marshall since the statute specifically requires that the defendant have an "opportunity in open court" to refute his alleged identity. There is no similar statute applicable to Marshall's situation. In denying Scales' attack on his sentence, the court's decision stated:

"The court had no obligation to proceed further or more formally unless and until the identity of appellant as the man previously convicted was denied.

"The record also shows that appellant and his counsel were fully aware of what was transpiring in court since counsel immediately asked for a reduction of the sentence *on other grounds.* Appellant had an obligation to inform the court that the allegations of his prior conviction were untrue if he expected to rely upon this for reduction of the sentence at any time. *He had no right to remain silent and later claim that the court should have required him to speak out.*" (Emphasis added). *United States* v. *Scales, supra,* 249 F.2d at 370.

The decision is substantially on all fours with Marshall's case.

In *United States* v. *Kapsalis,* 214 F.2d 677, 685 (7th Cir. 1954), the same court had previously pointed out that the 1951 amendments to the narcotics statutes (the Boggs Act) had simplified the procedure in showing prior convictions of prior offenders by removing the statutory requirements of more formal requirements.

These two cases are also authority for the fact that more formal procedures are not required in the absence of statute.

On this appeal, Marshall contends that the sentence in excess of one year is invalid because the prosecution failed to present any *evidence* that he had a prior felony conviction for robbery.

It is settled law in the District of Columbia that the offense proscribed by D.C. Code § 22-3204 is carrying an unlicensed pistol, and the fact of prior conviction is not an element of the offense, but merely serves to enlarge the penalty and therefore is a matter with which the jury is not concerned. *Jackson* v. *United States, supra.* The existence of the previous conviction in such circumstances is a fact that goes only to punishment. *McDonald* v. *Massachusetts,* 180 U.S. 311 (1901).

Sentencing under such statute to meet the required standard of fairness must be preceded by notice to the defendant of the prior conviction upon which the court may rely in imposing the enlarged sentence and be followed by an opportunity to be heard. Marshall and his counsel had both such notice and opportunity. The notice was contained in the Information duly served on defendant's counsel and the opportunity to be heard was afforded both parties at the time of the allocution immediately prior to sentencing. In the absence of statute, due process with respect to sentencing under this recidivist statute does not demand more. *Compare* sentencing procedures under the Boggs Act, 26 U.S.C. § 7237(c) (2), before and after the 1951 amendments, ch. 666, 65 Stat. 767; *United States* v. *Kapsalis, supra.*

We recognize that the determination of a prior conviction as a basis for an enlarged

penalty is distinct from the determination of guilt of the substantive offense. *United States* v. *Claudy*, 204 F. 2d 624 (3d Cir. 1953); *Moore* v. *Missouri*, 159 U.S. 673 (1895); *McDonald* v. *Massachusetts*, *supra*. This is a proceeding that falls in between the requirements for a full scale criminal trial and a sentencing upon the basis of information contained in a probation report without disclosing any of the information to the one convicted. *See Williams* v. *New York*, 337 U.S. 241 (1949). If, at the time of sentencing under the District of Columbia statute here involved, a convicted defendant denies that he is the same person who committed a prior crime, the Government has the burden of proving such fact. Marshall could have had such proof adduced in his presence if he had denied at any time prior to sentencing that he was the Marshall who had been previously convicted of the robbery offense described in the Information. Furthermore, Marshall and his counsel had an obligation to inform the court when they were before the court for sentencing that the allegations of his prior conviction were denied by him if he expected to rely upon this for reduction of the sentence. They had no right to remain silent, refuse the opportunity afforded them to bring such matter to the court's attention and later claim the court should have required them to speak out. *United States* v. *Scales*, *supra*.

There has never been a denial by either Marshall or his past or present attorney that the Information of Prior Conviction was served prior to sentencing and that they were thus advised of the aggravated sentence that Marshall was facing. Nor was there any intimation by either Ernest M. Marshall or his counsel that the Ernest M. Marshall who was before the court for sentencing was not the Ernest M. Marshall with the two prior convictions described in the Information. Having failed to deny the prior conviction when he and his counsel had the opportunity to do so, the court was entitled to rely upon the Information of Prior Conviction filed with the court and of which appellant had notice by proven service upon his counsel.

For the foregoing reasons it is submitted that the case should be affirmed on the authority of *Kendrick* v. *United States supra; and see United States* v. *Scales*, *supra*, and *United States* v. *Kapsalis*, *supra*. Actually, it seems incredulous that any person would contend that any substantial right of Marshall was infringed at his sentencing when an Information of Prior Conviction had been duly served well in advance of sentencing and was not contested then *or now* by Marshall or his attorney, when Marshall had filed with the court a detailed written statement concerning his conviction and never denied the prior convictions and when both Marshall and his counsel indicated by their remarks at the time of sentencing in open court that they had knowledge of the contents of the probation report which was required to include the prior convictions. To remand a case under such circumstances seems entirely useless.

I am authorized to say that Circuit Judge McGowan concurs in this opinion.

Mr. HRUSKA. Mr. President, there may be some Members of the Senate and, surely, a substantial part of the public who believe that pretrial detention, whatever its merits, is a recent development designed to cope with special crime problems in the District of Columbia.

On two counts, this impression is incorrect. While it is certainly true that the incidence of serious crime in the District has given impetus to recent legislation, pretrial detention is not new, and crime on bail is clearly historic.

From the enactment of the Federal Judiciary Act of 1789, bail has been discretionary in capital cases. Many capital defendants have been detained before trial. One reason for this was that defendants charged with capital offenses had a strong motivation to flee, inasmuch as the alternative to flight could well be death. However, it is also true that capital offenses were generally serious offenses, involving personal injury and violence. Charles Ares, dean of the University of Arizona College of Law, has remarked that:

> No doubt part of the justification for this historic practice [of denying bail to capital defendants] is the fear of further harm to other persons.

In the 1790's, most serious offenses were capital offenses. For example, in addition to murder, capital punishment was imposed for rape, arson, burglary, and robbery in the States of Connecticut, Delaware, Massachusetts, New Hampshire, New York, and Rhole Island. Kidnaping has long been a capital offense. Pretrial detention of persons charged with these offenses is clearly not foreign to American experience. Rape and kidnaping are still capital offenses in many States. Although capital punishment has gradually disappeared, the seriousness of these offenses has not changed.

There is substantial evidence that dangerousness was a frequent consideration in denying bail for capital offenses. Some state constitutions permit the denial of bail for specific offenses regardless of whether they are capital or noncapital. For example, the Constitution of Maine provides in article I, section 10, that:

> No person before conviction shall be bailable for any of the crimes which now are, or have been denominated capital offenses since the adoption of the Constitution, when the proof is evident or the presumption great, whatever the punishment of the crimes may be.

Life imprisonment offenses are not bailable in some States. The Constitution of Rhode Island provides in article I, section 9, that:

> All persons imprisoned ought to be bailed by sufficient surety, unless for offenses punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great.

An equivalent provision appears in the model State constitution, in the Constitution of Florida, and in the constitution that was proposed for the State of Oregon. The new Oregon Constitution was rejected by voters on other grounds.

Bail has been discretionary in New York from colonial times. The New York Code of Criminal Procedure provides in section 553 that:

> If the charge be for any offense other than as specified in section five hundred and fifty-two he may be admitted to bail, before conviction, as follows:
>
> 1. As a matter of right, in cases of misdemeanor, violation and traffic infraction;
>
> 2. As a matter of discretion, in all felony cases; the court may revoke bail at any time where such bail is discretionary with the court.

This statute has been upheld on numerous occasions. See *United States ex rel. Covington* v. *Coparo*, 297 F. Supp. 203 (S.D.N.Y. 1969).

The American Law Institute included a provision for discretionary bail in serious felonies in section 70 of its Code of Criminal Procedure—Official Draft, June 15, 1930. The official reporters for the code were Profs. Edwin R. Keedy and William E. Mikell of the University of Pennsylvania Law School. Advisers included Henry W. Stimson of New York, Floyd E. Thompson of Chicago, Prof. Justin Miller of the University of Southern California Law School, and Prof. John B. Waite, of the University of Michigan Law School.

Professor Waite wrote an article in the American Bar Association Journal discussing the bail provisions of the code. Waite, Code of Criminal Procedure: The Problem of Bail, 15 ABA J. 71 (1929). The relevant text appeared as follows:

> JUDICIAL DISCRETION
>
> The first and fundamental problem is whether courts should be allowed any discretion in respect to release on bail and, if any, of what nature and to what extent.
>
> What discretion judges had at common law does not clearly appear. So early as Edward I a statute forbade judges to release on bail persons charged with certain offenses.[1]
>
> On the other hand, the latter part of this statute, the Habeas Corpus Act[2] and possibly the common law seem to have deprived the courts of any power of discretion to refuse release in case of bailable offenses.[3]
>
> However, under the present English law, courts have practically complete discretionary power as to whether or not they will release an offender on bail.[4] "In exercising their discretion with regard to bail the justices have to consider the nature of the offense, the strength of the evidence, the character or behavior of the accused, and the seriousness of the punishment which may be awarded if the accused is found guilty."[5]
>
> In this country the matter of judicial discretion in respect to releasing on bail is covered by constitutional provision in all but a few states.[6] These provisions are affirmative of the right to bail, rather than restrictive of it, and in general provide that accused persons *must* be released on bail in any and every case, unless the offense charged is treason, murder, or other capital offense. Even in such excepted cases the courts can not refuse to release unless the proof of guilt is evident or the presumption great.
>
> In those states not having such constitutional provisions, a varying amount of discretion is left with the courts. Thus, in New York release on bail is a matter of discretion in all but cases of misdemeanor before conviction.
>
> The framers of the Code had excellent precedent, therefore, for either policy. In England and such states as New York, Maryland and Georgia the judges have a large measure of discretion. In other states they have no discretion. Which policy of the law is the better?
>
> "A man was arrested in Detroit on the charge of picking pockets; he secured release on bail and while the first case was pending he was arrested four additional times for picking pockets and secured bail each time."[7] There have been other equally scandalous instances of continued release of men whose freedom was obviously dangerous to the public.[8] But under laws, such as that of Michigan, *compelling* judges to release, regardless of the circumstances, the courts could not refuse. They can not even protect the public by making the amount of bail required so high as to be prohibitive. The law prohibits setting the amount at more than enough reasonably to assure the presence of the accused. If an accused shows no sign of

Footnotes at end of article.

"jumping" previous bail there is no legal excuse for raising the amount. The court must release him a third or a fourth time.

On the other hand, no particular evil appears to have developed in those jurisdictions where courts are permitted to refuse release when circumstances warrant refusal.

The Code is drawn therefore to permit judges a reasonable extent of discretion.

Section 66 prohibits release of anyone charged with a capital offense if the proof is evident or the presumption great. This is simply the accepted rule, though there are differences of phrasing in the various states. "Capital offense," for instance, might properly be changed to "treason or murder" in states where capital punishment does not exist. A notation in the Code itself calls attention to the propriety of certain changes. Where the proof is not evident or the presumption not great the accused "may" be released on bail in the discretion of a judge of the court having jurisdiction of the offense.

As to offenses less than capital, section 70 reads:

"Any person in custody for the commission of an offense not capital [9] shall, before conviction, be entitled as of right to be admitted to bail, except:

"(a) When he is in custody for the commission of murder, treason, arson, robbery, burglary, rape, kidnapping, or any offense against the person likely to result in death committed under such circumstances that if death should result the offense would be murder.

"(b) When he has been previously convicted of any of the offenses enumerated in clause (a), and such conviction has not been reversed.

"(c) When he was, at the time he was taken into custody, at large on bail charged with any of the offenses enumerated in clause (a).

"(d) When he has been previously released on bail for any of the offenses enumerated in clause (a), and there has been a breach of the undertaking.

"In all cases excepted under this section admission to bail shall be a matter of discretion." [10]

It will be observed that even this investiture of the judges with discretion to release on bail in certain cases would not prevent the Detroit situation referred to above, because pocket-picking is not mentioned as one of the crimes excepted from the general rule that release on bail is a matter of right. It would, however, enable the courts to avoid a similar situation in case of any of the crimes mentioned in the exception. The pick-pocket situation would, however, be *partly* remedied by section 89 which declares that, among other things, "if a person applies for admission to bail who within two years last prior to such application has been, to the knowledge of the person taking bail, convicted of a felony, the undertaking shall contain a condition that such person will not commit any felony during the period of his release on bail."

FOOTNOTES

[1] 3 Edw. I, c. 15, 1275. "And forasmuch as sheriffs and others which have taken and kept in prison persons detected of felony, and incontinent have let out by replevin such as were not replevisable, and have kept in prison such as were replevisable, because they would gain of the one party, and grieve the other; and forasmuch as before this time it was not determined which persons were replevisable, and which not—(certain persons are declared not to be replevisable, and others)—shall from henceforth be let out by sufficient surety, whereof the sheriff will be answerable, and that without giving ought of their goods. . . ." But as to the right of certain courts to release on bail for *any* offense, see 4 Blackstone's Commentaries 299.

[2] 31 Chas. II, c. 2.

[3] 4 Black. Com. *298.

[4] Stat. 11 and 12 Vict. c. 42, sec. XXIII: "Where any person shall appear or be brought before a Justice of the Peace charged with any Felony—(or with certain misdemeanors)—such Justice of the Peace may, in his Discretion, admit such Person to Bail, upon his procuring and producing such Surety or Sureties as in the Opinion of such Justice will be sufficient—" See also 9 Halsbury, Laws of Eng'd., p. 324.

[5] 9 Halsbury, Laws of Eng'd., p. 324.

[6] Such statements as these are made upon the authority of the annotation of the Code, to which readers of this article are referred for specific citation. The annotation contains an admirably complete collocation of constitution and statute references on all phases of this subject.

[7] Sutherland, Criminology, p. 213.

[8] Sec. 11 Jr. of Crim. L., 386, 393.

[9] Section 67 provides that in capital cases where the proof is not evident, etc., the courts "may" release on bail, in their discretion.

[10] An annotation suggests changes in phraseology, appropriate to particular constitutions.

The Code recognizes that even such limited judicial discretion would be unconstitutional in most states and if such constitutions are not changed, offers a substitute, section as follows: "All persons in custody for the commission of an offense not capital shall, before conviction, be entitled, as of right, to be admitted to bail." For citation of the various state constitutions, see the Code, p. 263.

Quite apart from the historic practice of detaining defendants through high money bond, the material cited above demonstrates that proposals to effect pretrial detention are not only widespread but of some vintage.

Moreover, crime on bail has long been a problem. Witness the following paragraph reported in the Journal of the American Institute of Criminal Law and Criminology in 1920:

The case of Frank Rio and his associates is typical. On May 28, 1918, two indictments for larceny were returned against him, his bail fixed at $3,000.00, but on July 2 was reduced to $2,000.00 which he obtained. After being in court 8 times the case was stricken off call on November 5, 1918. Apparently satisfied with this treatment he tried his hand at burglary and on May 7, 1919, was indicted on 3 counts for that. The grand jury having in mind that his former case was not disposed of when he was alleged to have committed the burglaries, went to some length and instructed the State's Attorney to fight any reduction in his bail which was fixed at $25,000.00 on each charge or a total of $75,000.00. Notwithstanding this expressed desire to keep him in custody, the bail was reduced to $10,000.00 in each case and Rio was again free to pursue his profession. On May 28, 1919, he added another indictment to his list—this time for robbery with bail fixed at $5,000.00. This bail he furnished. On July 9, 1919, he was again indicted on one count for burglary and one for larceny with bail fixed at $6,500.00. These cases were running concurrently until he dropped the robbery charge on a verdict of not guilty on October 22, 1919. Thus encouraged he took another chance and on November 14, 1919, was again indicted for burglary and bail fixed at $3,500.00. On March 9, 1920, he was found not guilty of the burglary charge of July 9. The other 7 cases are still awaiting disposition. Had bail been made difficult in the first instance he would not have been free to commit the crimes following and the many continuances granted on motion of his attorney would not have been so desirable had he been living in jail.

In my judgment, the pretrial detention provision in the District of Columbia crime bill is the culmination of many years of study and development. Recent experience has revealed that it is particularly needed in this city at this time.

Mr. JAVITS. Mr. President, I have not addressed myself, except in a very preliminary way, to the District of Columbia crime bill, the conference report of which is before the Senate, because I wished to give myself adequate opportunity to study the bill very carefully as it emerged from the conference. I have now done that.

I have decided to note "no" on the conference report, and I say to the Senate that it is a very close decision and that I am influenced by the following facts.

One, the fact that I do not consider that if we turn down this conference report, that is the end of the matter. I believe that others may controvert it, but it is my profound conviction that within a very short period of time we will get court reorganization, expansion of the bail agency, the public defender system, and certain other administrative and criminal law changes which are, I believe, essential tools in the fight against crime in the District—even if this conference report is rejected. We will find the way to do it.

Two, this is by no means an open and shut case. It is a question of balance as to whether the concern on issues of civil liberties and constitutional law preponderate over the fundamental thrust of a bill designed to deal with a very grave public emergency in the District of Columbia. I have decided the issue on the ground that civil liberties and constitutional rights dictate that my vote should be against it; but I can understand perfectly that the judgment is a qualitative one and is by no means open and shut.

With those statements preliminarily, I should like to submit for the RECORD—and I ask unanimous consent that it be printed in the RECORD—a letter written by the district attorney of Queens County, the second most populous county in New York City, whose name is Thomas J. Mackell, to Senator ERVIN, stating the grounds of his opposition to the preventive detention provisions in the bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DISTRICT ATTORNEY OF
QUEENS COUNTY,
Jamaica, N.Y., July 20, 1970.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights of U.S. Senate Committee on the Judiciary, Old Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: I write this letter in opposition to the Preventive Detention Provision in the pending crime bill for the District of Columbia.

Grounds of my opposition are three-fold.

(1) There is a presumption of innocence for all defendants prior to conviction and this is an essential ingredient of due process of law in the administration of American criminal justice. No one can sanely question the revocation of bail and remand to prison

of any defendant who is arrested for any crime committeed while on bail.

(2) Determination of likelihood of danger to society or self is made to depend on virtually identical criteria as those specified for control necessary to secure court attendance. Thus a defendant who is likely to attend court when required is also a defendant who is not likely to be a danger to society, or himself, under the criteria specified by statute. The converse is also the case: the defendant not likely to attend court when required is also a defendant likely to be a danger to society or himself. The "preventive detention" provision is in effect a repetition, restatement and duplication of the factor of necessary control to secure court attendance. The provision adds nothing but rhetoric to the proposed law of bail in this State.

(3) There are no known standards commanding general acceptability under which it is possible to separate all defendants arrested for felonies (there were 63,566 such defendants in New York City in 1968) into two groups: Those likely to be dangerous to society and those not so likely. Many violent crimes—and particularly murder—are committed by first offenders.

I would suggest three measures to prevent the commission of crime by persons awaiting trial, and at the same time preserve the presumption of innocence prior to conviction.

(a) All cases denied bail while awaiting trial must be disposed of within 60 days, unless a showing of extraordinary circumstances can be made to the court. Such defendants should be permitted release for reasonable periods in the custody of their lawyers for the sole purpose of preparing their defense.

(b) A mandatory additional penalty should be imposed for crimes committed while awaiting trial and released on bail. This would obviate the anticipation of concurrent sentences for such crimes to be served along with the sentence for the original charge. No defendant once arrested and released on bail ought to be permitted to entertain any notion that he has a "free pass" to commit additional crimes prior to disposition of the original charge with no additional measure of punishment in prospect.

(c) A speedy disposition of a criminal case in any State or Federal court is now mandated by the Federal Constitution (*Klopfer* v. *North Carolina*, 386 U.S. 213 (dec. March 13, 1967)).

The major problem in the administration of criminal justice is its non-administration. This happens because of postponement, delay and adjournment, time and again, and still again. The huge investment of community resources; in court, correction, police, probation and prosecution is based upon the faith that subjecting actual offenders to some sort of compulsory treatment will deter would-be offenders. In this manner, prosecution should prevent crime in the long run. The first article of this faith is that there be some relationship in time that is within reason between the arrest of an alleged offender and the disposition of his case. When the arrest-disposition gap becomes an arrest-disposition interval of tiresome months and years, deterrence of potential offenders is nullified. Prevention of crime ceases to be an outcome of prosecution. Crime rates continue to spiral, even though assistant district attorneys appear in courtrooms every day.

It is my experience that cases that are not disposed of within 90 days after arrest are cases that will have unsatisfactory dispositions from the point of view of the People of this State. This is so because over 90 percent of all felony indictments are disposed of by plea of guilty. After three months, a defendant released on bail—even the defendant with a long record captured *in flagrante delicto*—by a curious process of self-hypnosis and suggestion is convinced beyond a reasonable doubt that he is as pure as the driven snow and has never committed the slightest infraction in his entire life. The defendant whose case has aged more than 90 days is not likely to accept a plea of guilty. More delay is occasioned by the necessity of selection of a jury and trial.

The goal of 90 day disposition for all bail cases would go a long way toward preventing post arrest crimes by persons on bail. The current major obstacle to attaining this goal is judicially authorized adjournments.

Very truly yours,

THOMAS J. MACKELL,
District Attorney, Queens County.

Mr. JAVITS. I also ask unanimous consent to have printed in the RECORD a telegram to the same effect from the Committee on Federal Legislation, of the Association of the Bar of the City of New York, by its chairman, Sheldon H. Elsen, also objecting to the bill, especially the preventive detention provisions.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK,
NEW YORK, N.Y.,
July 20, 1970.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

We strongly urge defeat of D.C. Crime Bill in present form particularly preventive detention provisions and commend your efforts in opposition.

SHELDON H. ELSEN,
Chairman, Committee on Federal Legislation.

Mr. JAVITS. Mr. President, I believe that Senators will be interested in the views of these very informed and very distinguished New York lawyers and a public official, in the case of District Attorney Mackell, on this very important question.

Briefly, the things that trouble me about the bill as we have it in the conference report are, as follows:

PREVENTIVE DETENTION

The House bill provided that a person may be detained prior to trial when a judicial officer determines, after a hearing, by clear and convincing evidence, that no condition or combinations of conditions of release will assure the safety of any other person or the community.

Persons subject to the provisions must either be first, charged with a dangerous crime; second, charged with a crime of violence if the crime was allegedly committed while the person was on bail or other release from another crime of violence or was convicted of such a crime within the last 10 years; third, any offense if threats to jurors or witnesses are involved; or fourth, a narcotics addict charged with a crime of violence.

At the hearing, representation by counsel is afforded and there is a right to testify, present evidence, examine and cross examine witnesses. However, the traditional rules of evidence would not apply and testimony given by the defendant could be used for impeachment purposes in any subsequent proceeding.

Persons detained under the bill's provisions, to the extent possible, are to be given an expedited trial. After the expiration of 60 days, the person must be treated in accordance with the provisions of the Bail Reform Act. In certain cases, this would result in the further detention of an individual.

The conference bill modifies the House bill slightly to try and expedite trials of those detained and to eliminate certain minor crimes from the list of dangerous crimes for which preventive detention is provided. However, the conference proposals are not significantly different from the House bill.

The preventive detention proposals raise serious constitutional questions in the areas of due process and the right to bail in noncapital cases. The issue of the constitutional right to bail under the eighth amendment has not been fully resolved by the Supreme Court, although the Court has recognized the traditional importance of bail.

However, serious fifth amendment questions of due process are raised whatever may be the resolution of the eighth amendment question. The proof required at the detention hearing will not be based on objectively reviewable evidence but rather on evidence which can be assembled quickly and which can be speculative since the rules of evidence do not apply. The finding will be a productive one based on that evidence. Preventive detention should not be based on this type of evidence and finding.

Another drawback to the preventive detention proposals is that the courts will undoubtedly become even more congested, with the additional hearings required and attempts to get 60 day trials for all who are detained. The conferees have called for expedited trials and the addition of 25 prosecutors to the U.S. Attorney's office but if trials were to be dramatically expedited as is clearly necessary preventive detention becomes unnecessary. In fact, the conference bill provides for only 17 new judges for the new superior court when the Senate bill called for 23 new judges.

Furthermore, based on the study commissioned by the Department of Justice, preventive detention is not justified. The study shows that 17 percent of all persons charged with a felony and released before trial are rearrested, but only 7 percent are rearrested for a second felony; and only 5 percent of those charged with a violent or dangerous crime under the new standards of the preventive detention provisions were rearrested for a second violent or dangerous crime. It should also be pointed out that these figures deal only with arrests and not convictions.

A final drawback to the preventive detention proposals was pointed out by Charles V. Bennett, former Director of the U.S. Bureau of Prisons who stated that confining people to prisons and jails would only add to the crime problem because of the deplorable conditions that exist, affecting the future behavior of all who are committed.

One possible alternative would be some type of civil commitment with the use of a petit jury. This type of system is used in New York for commitment of the mentally ill, and perhaps it might

dispense with the grave problems of due process and of the eighth amendment with respect to the right to bail, which trouble so many of us in connection with this particular type of relief—preventive detention. However, the New York commitment law has recently been challenged and its legality is in question.

NO KNOCK SEARCHES

The conference bill contains a no-knock provision which authorizes breaking and and entering into premises by law enforcement officers or persons aiding those officers without any prior notice to the occupant with a warrant, or without a warrant if the officer or other person has probable cause to believe that first, the notice would be a useless gesture, second, the notice would likely result in the evidence being destroyed or concealed, or third, the notice would likely endanger the life of the officer or would likely enable the party to escape.

The claim has been made that the case of *Ker* v. *California*, 374 U.S. 23 (1963) justifies the provisions contained in the bill. That case was a 5 to 4 decision which upheld the authority of California police to enter an apartment with a key and without knocking for the purpose of making an arrest. The California statute called for announcement and knocking by police officers but the California courts held that the police conduct came within judicial exceptions which had been superimposed upon the statute.

The majority opinion in the Supreme Court held that the officer's method of entry to make an arrest, which was sanctioned by California case law, was not unreasonable under the fourth and 14th amendments. The opinion was based on the common law exceptions to the notice requirement where exigent circumstances are present, which exception was recognized by the California courts.

The dissent examined the deep historical basis for the rule protecting individuals against unannounced police entries. As early as *Semayne's Case*, 77 Eng. Rep. 194, in 1603 it was recognized that the sheriff should signify his presence and request that the door be opened before breaking in. The courts in the United States have also recognized the fact that a police officer must notify the occupants of a dwelling before he can break down the door. See, for example, *Accarino* v. *U.S.*, 179 F. 2d 456 (D.C. Cir. 1949).

The dissent did recognize that there could be certain exceptions where a prior warning would not be necessary and these were: First, where the persons inside already know of the officers authority and purpose; second, where the officers are justified in the belief that persons inside are in imminent danger of harm; or, third, where persons within are made aware of the presence of the officers and are engaged in activity which justifies the belief that there is an attempt to escape or destroy evidence. The dissent goes on to state that the above exceptions should be confined to those situations where there is a showing that those within were or had been made aware of the presence of the police officers.

I do not believe the Ker case, which was decided by a narrow 5-to-4 margin should serve as a precedent for new wide authority to enter homes without any advance notice. In the first place, the case concerned a situation where an arrest was to be made after observation over a period of time. There was also a search incident to the arrest. Second, the Supreme Court indicated that fourth amendment questions should be decided on a case-by-case basis as the situation arose, which argues against drawing loose rules for the police to follow when breaking into homes to make searches or arrests. Finally, the exceptions to the general rule of announcement before breaking ought to be narrowly construed and should not be codified in language such as "is likely to" which will encourage the police to break in many more cases than at the present time.

The "useless gesture" provision appearing in the Conference report is based on the case of *Miller* v. *U.S.*, 357 U.S. 301 (1958) which held that an entry without a previous announcement was in violation of the law of the District of Columbia and declared the arrest unlawful. The Supreme Court did say that in certain cases, the facts known to the officers would justify them in being virtually certain that the person within knew their purpose so that an announcement would be a useless gesture. However, the officers in the Miller case were found not to have met the test.

It seems apparent that the use of the words "virtually certain" by the Supreme Court meant to restrict the scope of the "useless gesture" doctrine. The conference bill dispenses with an announcement if the officer had probable cause to believe that it would be a "useless gesture" but says nothing about virtual certainty. This seems to go beyond the doctrine referred to in the Miller case.

In view of the long tradition of safety and privacy in one's home from unannounced break-ins on the part of law enforcement officers, it seems ill advised to codify rules for not announcing the presence of police officers which will inevitably be construed quite loosely by the officers on the scene. I believe the better solution would be for the law to remain as it is with those exceptions which have been recognized at law.

WIRETAPPING

The conference bill contains provisions to allow wiretapping and other interception of communication after permission is obtained from a judge. Judicial authority can be sought for any number of offenses such as arson, blackmail, burglary, destruction of property in excess of $200, obstruction of justice, receiving stolen property in excess of $100 and other specified offenses. In "emergency situations," or when an authorization to wiretap is not broad enough, the tap can be conducted by the officer, on his own, with approval sought after the fact. While some protections have been added to the conference bill to protect doctors, lawyers, and clergymen, the provisions would expand considerably the present wiretap authority which has heretofore been used primarily in national security and in organized crime cases. Under the bill, wiretaps can be used in a variety of offenses which are not generally planned in advance and do not lend themselves to detection by the use of such taps. I believe that this is an unwarranted invasion of privacy which will not materially aid in reducing crime.

MANDATORY SENTENCES

The conference bill provides that upon a first conviction of a crime of violence while armed with a pistol or other firearm or imitation thereof, the offender may be sentenced to a term up to life imprisonment. After the first conviction, the bill provides that the offender, upon a subsequent conviction shall be sentenced to a minimum of 5 years and a maximum of three times the minimum sentence normally imposed for the offense, up to life imprisonment. In cases where the maximum is life imprisonment, the minimum sentence may not exceed 15 years.

I believe that it is most unwise to remove discretion in sentencing from judges and to preclude consideration of the individual's background in sentencing. There is no evidence that longer sentences deter crime. In fact, the evidence seems to be that prison inevitably keeps individuals locked into a life of crime. For these reasons the mandatory sentence provisions are most unwise and should not have been in the bill.

JUVENILE PROCEEDINGS

The conference bill proposes that any child 16 or over who is charged with murder, forcible rape, armed robbery, first degree burglary or assault with intent to commit one of these offenses be treated as adult and taken out of the jurisdiction of the juvenile court. There is no reference made to the past record of the child or to the strength of the evidence against the child. The bill also provides for a waiver to criminal court of juveniles 15 years or older who are alleged to have committed what would be a felony if committed by an adult. In order to avoid waiver, it must be shown that there are reasonable prospects for rehabilitation and this places a heavy burden of proof on the child, even though the bill purports to do otherwise. Once waived to the criminal court, the juvennile court loses jurisdiction over the child for all future delinquent acts of any kind unless the case results in no determination of guilt in the criminal court.

In light of the Supreme Court decision in the case of in re Winship, the standard of proof to determine guilt in juvenile cases was changed to require proof beyond a reasonable doubt. However, in hearings to determine whether a child is in need of supervision, the standard of proof is reduced to a preponderance of the evidence. I believe that the same standards of proof should be used in all proceedings relating to the disposition of a juvenile case.

The juvenile provisions of the conference bill also are unsatisfactory in the areas of eliminating the right to demand a jury trial, making unclear the time when the right to counsel attaches, elimination of the provision requiring dismissal of petition when time limitations as to the hearing are not met and providing for preventive detention of juveniles.

In short, the provisions relating to juvenile offenders attempt to treat these offenders more harshly and tend to deemphasize the rehabilitative aspects upon which the juvenile court system is based. I do not believe that crime will be reduced by treating young children as adults and subjecting them to adult prisons. Therefore, the above provisions in the bill relating to juvenile offenders should have been eliminated.

MENTAL COMMITMENT

The conference bill provides that a defendant who is acquitted by reason of insanity shall be automatically committed to a mental hospital. Within 50 days of his confinement, a hearing will be held to determine whether he is to be released from custody. The person confined shall have the burden of proof and shall only be released if the court finds by a preponderance of the evidence that the person confined is entitled to be released from custody.

This provision places a heavy burden on any defendant who raises the question of his sanity at the time of the trial. The proper procedure would be to hold a separate hearing to determine whether a defendant acquitted by reason of insanity should then be committed to a mental hospital. It is quite unfair to require the defendant to prove he is sane in order to avoid commitment to a mental hospital for an undetermined length of time.

IMPEACHMENT OF WITNESSES

The conference bill overturns the rule in the District of Columbia established in the case of *Luck* v. *U.S.* 348 F. 2d, 763 (D.C. Cir. 1966) which allowed the trial judge discretion in admitting evidence of past conviction for impeachment purposes. This present rule allows the trial judge to decide in a case where the defendant takes the stand whether the truth could best be served by allowing the defendant to testify and limiting impeachment by prior conviction or whether the risk of prejudice is so great as to require the exclusion of the convictions. The conference bill would require that the judge admit all felony convictions for impeachment purposes and all misdemeanor convictions reflecting on honesty and veracity, if they are offered for impeachment purposes.

I would not overrule the doctrine of the Luck case which merely gives the trial judge discretion.

COMMUNICATIONS WITH BAIL AGENCY

The conference bill contains a provision which permits information received by the bail agency to be used for impeachment purposes, in perjury proceedings and in trials for offenses committed during the period of pretrial release. This provision would, it seems to me, undermine the effectiveness of the bail agency since defendants would be reluctant to say anything that conceivably could be used against them. The value of this type of information appears small since much other information is usually available for the purpose of impeachment. Thus, this provision probably will do a great deal of harm to the bail agency with a small benefit to be gained in return.

CONCLUSION

I have listed some of the provisions of the conference bill which I find objectionable and generally, while the Senate conferees have worked long and diligently to remove many of the undesirable features of the House bill, the conference substitute still creates too many problems to be acceptable on constitutional grounds. I firmly believe that repressive measures are not the solution to the District of Columbia crime problem but that what is needed are more police and greater use of the many weapons which are already available to the courts, the police, and law enforcement agencies and court reorganization and criminal law changes which can be enacted easily.

Finally, it should be pointed out that the black community of the District, which represents over 70 percent of the population, greatly fears, and distrusts many provisions of the conference bill on the basis of their long experience with the police. The fact that many of the provisions in the bill will be used only in the District at this time tends to them to confirm their suspicions. Police-community relations play a vital role in law enforcement and this bill may tend greatly to undermine whatever good relations may exist at the present time.

For all the reasons I have stated, I believe the proper course is to reject the conference report and to pass S. 4080 and S. 4081 which have also been introduced as amendments Nos. 776 and 777 to H.R. 914. S. 4080 contains the provisions relating to court reorganization, the District of Columbia Bail Agency and the interstate compact on juveniles. S. 4081 deals with criminal law changes and eliminates preventive detention, no-knock searches, wiretapping, and mandatory sentences. It also makes the desired changes in the juvenile provisions and other criminal provisions. The measures will allow the District of Columbia to have an effective crime bill without unduly jeopardizing individual rights. There is good reason to believe that these bills could be expedited through the Congress so that the District would have the benefit of the enlightened provisions contained therein.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. FANNIN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 6, 7, 39, 40, 57, 62, and 63 to the bill, and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 3, 5, 14, 25, 26, 33, 34, 38, 42, 53, 56, and 60 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

INTERIOR DEPARTMENT APPROPRIATIONS BILL, 1971—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. SCHWEIKER). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of July 21, 1970, pages 25232–25235, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER (Mr. SCHWEIKER). Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, as this bill passed the Senate it provided for appropriations totaling $2,028,397,500 for the agencies and bureaus of the Department of the Interior, exclusive of the Federal Water Quality Administration, the Bureau of Reclamation and the power marketing agencies, and various related agencies, including the U.S. Forest Service and the Division of Indian Health.

The conference committee bill provides appropriations totaling $2,028,524,700 for the programs and activities of these agencies. This total is under the budget estimates of $2,034,871,600 by $6,346,900; over the House bill of $1,-

801,226,700 by $227,298,000; and over the Senate bill of $2,028,397,500 by $127,200. The bill as passed by the Senate was greater than the House bill by $227,170,800. However, the Senate considered budget estimates amounting to $229,267,000 which were not considered by the House. If these estimates are disregarded, the bill as it passed the Senate was $2,096,200 under the House bill.

I ask unanimous consent to have included in the RECORD, at the conclusion of my remaks, a tabulation setting out the appropriation for fiscal year 1970, the fiscal year 1971 budget estimate, the House allowance, the Senate allowance, and the conference allowance for each appropriation in the bill.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIBLE. Mr. President, the major changes from the Senate bill were an increase of $521,500 for the Bureau of Indian Affairs; a reduction of $100,000 in the amount allowed for the Bureau of Outdoor Recreation; an increase of $1,150,000 for the Bureau of Mines; an increase of $660,000 for the Office of Coal Research; an increase of $1,621,000 for the Bureau of Sport Fisheries and Wildlife; a reduction of $1,240,000 for the National Park Service; an increase of $1,576,700 for the Forest Service; a reduction of $1,245,000 for Indian Health Services; and a decrease of $2,000,000 for the National Foundation on the Arts and the Humanities. Even with this last reduction, the amount for the National Foundation is very nearly twice as large as the appropriation for last year.

When the Interior Department appropriation bill was before the Senate the matter on which most time was spent was Indian education and health. A total of $5,339,500 was added to the committee's recommendation by the Senate. The House agreed to $3,226,000, or a bit more than 62 percent of that amount. The increase agreed to in conference is primarily for Indian health, especially funding additional personnel and hospital supplies. The increase in the Indian mental program and one-half of the Senate increase for sanitation facilities was also approved.

The appropriation approved for education and welfare services is $24,670,000 over the amount for fiscal year 1970. The amount for Indian health is $9,756,000 greater than the appropriation for last year.

I do think that the position of the Senate on these items was well received and that the Senate conferees were quite successful in maintaining the position of the Senate.

Mr. President, the conference, as has been my good fortune to witness it, was an amicable one. Each side was interested in agreeing on a good bill that would enhance the development of the human and natural resources of our country and not simply in insisting on the allowances of the respective Houses. I appreciate the friendliness of the House conferees, particularly their chairman who was most cooperative.

I pay special tribute to my distinguished colleagues on the other side of the aisle, both the Senator from North Dakota (Mr. YOUNG) and the Senator from Delaware (Mr. BOGGS), who were extremely helpful throughout the course of this particular conference. In addition, I pay tribute to the staff members on both sides of the aisle.

I move that the conference report be approved.

EXHIBIT 1

Agency and item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR								
Public Land Management								
Bureau of Land Management								
Management of lands and resources	$81,111,000	$58,940,000	$58,940,000	$58,605,000	$58,605,000	−$335,000	−$335,000	
Construction and maintenance	2,899,000	3,215,000	3,215,000	3,310,000	3,310,000	+95,000	+95,000	
Public lands development roads and trails (appropriation to liquidate contract authority)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)			
Oregon and California grant lands (indefinite, appropriation of receipts)	16,000,000	18,000,000	18,000,000	18,000,000	18,000,000			
Range improvements (indefinite, appropriation of receipts)	1,769,000	1,841,000	1,841,000	1,841,000	1,841,000			
Total, Bureau of Land Management	101,779,000	81,996,000	81,996,000	81,756,000	81,756,000	−240,000	−240,000	
Bureau of Indian Affairs								
Education and welfare services	191,445,000	216,995,000	217,145,000	217,178,500	216,115,000	−880,000	−1,030,000	−$1,063,500
Education and welfare services (appropriation to liquidate contract authority)	(1,057,000)	(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)			
Resources management	60,320,000	66,217,000	65,690,000	64,122,000	64,622,000	−1,595,000	−1,068,000	+500,000
Construction	26,264,000	[1] 18,266,000	18,935,000	18,800,000	19,885,000	+1,619,000	+950,000	+1,085,000
Road construction (appropriation to liquidate contract authority)	(20,000,000)	(20,000,000)	(20,000,000)	(20,200,000)	(20,200,000)	(+200,000)	(+200,000)	
General administrative expenses	5,513,000	5,626,000	5,600,000	5,600,000	5,600,000	−26,000		
Tribal funds (definite)	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000			
Tribal funds (indefinite)	13,204,000	13,204,000	13,204,000	13,204,000	13,204,000			
Total, Bureau of Indian Affairs	299,746,000	323,308,000	323,574,000	321,904,500	322,426,000	−882,000	−1,148,000	+521,500
Bureau of Outdoor Recreation								
Salaries and expenses	3,950,000	[2] 3,975,000	3,825,000	3,995,000	3,895,000	−80,000	+70,000	−100,000
Land and water conservation:								
Appropriation of receipts (indefinite)	115,572,000	[3] 327,400,000	138,500,000	327,400,000	327,400,000		+188,900,000	
(Appropriation out of the fund to liquidate contract authority)	(15,528,000)	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)			
Total, Bureau of Outdoor Recreation	119,522,000	331,375,000	142,325,000	331,395,000	331,295,000	−80,000	+188,970,000	−100,000
Office of Territories								
Administration of territories	15,196,400	17,409,600	17,350,000	17,380,000	17,350,000	−59,600		−30,000
Permanent appropriations (special fund)	(239,400)	(118,000)	(118,000)	(118,000)	(118,000)			
Transferred from other accounts (special fund)	(292,700)	[4] (367,000)	(330,000)	(367,000)	(367,000)		(+37,000)	
Trust territory of the Pacific Islands	48,112,000	60,000,000	50,000,000	49,750,000	49,750,000	−10,250,000	−250,000	
Total, Office of Territories	63,308,400	77,409,600	67,350,000	67,130,000	67,100,000	−10,309,600	−250,000	−30,000
Total, Public Land Management	584,355,400	814,088,600	615,245,000	802,185,500	802,577,000	−11,511,600	+187,332,000	+391,500

Footnotes at end of table.

EXHIBIT 1—Continued

Agency and item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR—Con.								
Mineral Resources								
Geological Survey								
Surveys, investigations, and research	$99,990,000	[3] $106,957,000	$108,057,000	$106,392,000	$106,392,000	−$565,000	−$1,665,000	
Bureau of Mines								
Conservation and development of mineral resources	42,495,000	44,972,000	45,122,000	45,272,000	46,422,000	+1,450,000	+1,300,000	+$1,150,000
Health and safety	27,452,000	54,395,000	54,395,000	54,395,000	54,395,000			
General administrative expenses	1,799,000	1,799,000	1,799,000	1,799,000	1,799,000			
Helium fund (authorization to spend from public debt receipts)	24,000,000							
Total, Bureau of Mines	95,746,000	101,166,000	101,316,000	101,466,000	102,616,000	+1,450,000	+1,300,000	+1,150,000
Office of Coal Research								
Salaries and expenses	15,300,000	16,200,000	16,200,000	16,500,000	17,160,000	+960,000	+960,000	+660,000
Office of Oil and Gas								
Salaries and expenses	1,085,000	1,195,000	1,181,000	1,181,000	1,181,000	−14,000		
Total, Mineral Resources	212,121,000	225,518,000	226,754,000	225,539,000	227,349,000	+1,831,000	+595,000	+1,810,000
Fish and Wildlife, Parks, and Marine Resources								
Bureau of Commercial Fisheries								
Management and investigations of resources	27,536,000	27,156,000	28,168,000	27,893,000	27,893,000	+737,000	−275,000	
Management and investigations of resources (special foreign currency program)	15,000	15,000	15,000	15,000	15,000			
Construction	2,325,000							
Construction of fishing vessels	3,000,000	200,000	200,000	200,000	200,000			
Federal aid for commercial fisheries research and development	4,603,000	4,040,000	4,040,000	4,040,000	4,040,000			
Anadromous and Great Lakes fisheries conservation	2,318,000	2,168,000	2,168,000	2,168,000	2,168,000			
Administration of Pribilof Islands	2,774,000	2,774,000	2,774,000	2,774,000	2,774,000			
Fishermen's protective fund	60,000	60,000	60,000	60,000	60,000			
General administrative expenses	896,000	896,000	896,000	896,000	896,000			
Limitation on administrative expenses, Fisheries loan fund	(385,000)	(385,000)	(385,000)	(385,000)	(385,000)			
Total, Bureau of Commercial Fisheries	43,527,000	37,309,000	38,321,000	38,046,000	38,046,000	+737,000	−275,000	
Bureau of Sport Fisheries and Wildlife								
Management and investigations of resources	52,523,000	56,226,000	56,356,000	56,705,000	56,840,000	+614,000	+484,000	+135,000
Construction	4,259,000	2,619,000	4,175,000	3,497,000	4,983,000	+2,364,000	+808,000	+1,486,000
Migratory bird conservation account (definite, repayable advance)	5,800,000	7,500,000	7,500,000	7,500,000	7,500,000			
Anadromous and Great Lakes fisheries conservation	2,311,000	2,311,000	2,311,000	2,311,000	2,311,000			
Management and investigations of resources (special foreign currency program)		100,000				−100,000		
General administrative expenses	1,875,000	1,875,000	1,875,000	1,875,000	1,875,000			
Total, Bureau of Sport Fisheries and Wildlife	66,768,000	70,631,000	72,217,000	71,888,000	73,509,000	+2,878,000	+1,292,000	+1,621,000
National Park Service								
Management and protection	53,606,000	58,021,000	57,670,000	58,035,000	57,990,000	−31,000	+320,000	−45,000
Maintenance and rehabilitation of physical facilities	41,396,000	48,763,000	48,500,000	48,543,000	48,543,000	−220,000	+43,000	
Construction	7,700,000	16,885,000	16,385,000	17,583,000	16,259,000	−626,000	−126,000	−1,324,000
Parkway and road construction (appropriation to liquidate contract authority)	(21,500,000)	(16,000,000)	(16,000,000)	(17,660,000)	(17,650,000)	(+1,650,000)	(+1,650,000)	(−10,000)
Preservation of historic properties	1,640,000	6,950,000	6,801,000	6,672,000	6,801,000	−149,000		+129,000
General administrative expenses	3,580,000	3,605,000	3,580,000	3,580,000	3,580,000	−25,000		
Total, National Park Service	107,922,000	134,224,000	132,936,000	134,413,000	133,173,000	−1,051,000	+237,000	−1,240,000
Total, Fish and Wildlife, Parks, and Marine Resources	218,217,000	242,164,000	243,474,000	244,347,000	244,728,000	+2,564,000	+1,254,000	+381,000
Office of Saline Water								
Saline water conversion	25,000,000	29,373,000	28,573,000	28,573,000	28,573,000	−800,000		
Office of Water Resources Research								
Salaries and expenses	11,281,000	13,312,000	13,181,000	13,181,000	13,181,000	−131,000		
Office of the Solicitor								
Salaries and expenses	5,904,000	7,344,000	6,924,000	7,229,000	7,074,000	−270,000	+150,000	−155,000
Office of the Secretary								
Salaries and expenses	10,614,700	11,954,000	11,353,000	11,771,000	11,563,000	−391,000	+210,000	−208,000

Footnotes at end of table.

EXHIBIT 1—Continued

Agency and item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Total, new budget (obligational) authority, Department of Interior	$1,067,493,100	$1,343,753,600	$1,145,504,000	$1,332,825,500	$1,335,045,000	−$8,708,600	+$189,541,000	+$2,219,500
Consisting of—								
Appropriations	1,043,493,100	1,343,753,600	1,145,504,000	1,332,825,500	1,335,045,000	−8,708,600	+189,541,000	+2,219,500
Definite appropriations	(896,948,100)	(983,308,600)	(973,959,000)	(972,380,500)	(974,600,000)	(−8,708,600)	(+641,000)	(+2,219,500)
Indefinite appropriations	(146,545,000)	(360,445,000)	(171,545,000)	(360,445,000)	(360,445,000)		(+188,900,000)	
Authorization to spend from public debt receipts	24,000,000							
Memoranda—								
Appropriations to liquidate contract authority	(61,585,000)	(71,000,000)	(71,000,000)	(72,860,000)	(72,850,000)	(+1,850,000)	(+1,850,000)	(−10,000)
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,129,078,100)	(1,414,753,600)	(1,216,504,000)	(1,405,685,500)	(1,407,895,000)	(−6,858,600)	(+191,391,000)	(+2,209,500)
TITLE II—RELATED AGENCIES								
Department of Agriculture								
Forest Service								
Forest protection and utilization:								
Forest land management	222,253,000	[6] 199,567,000	199,567,000	199,617,000	199,617,000	+50,000	+50,000	
Forest research	43,922,000	45,066,000	45,391,000	45,294,000	45,591,000	+525,000	+200,000	+297,000
State and private forestry cooperation	22,939,000	21,939,000	23,939,000	23,939,000	23,939,000	+2,000,000		
Total, forest protection and utilization	289,114,000	266,572,000	268,897,000	268,850,000	269,147,000	+2,575,000	+250,000	+297,000
Construction	[7]	12,008,000	15,125,700	14,188,000	15,467,700	+3,459,700	+342,000	+1,279,700
Forest roads and trails (appropriation to liquidate contract authority)	(100,570,000)	(115,000,000)	(115,000,000)	(115,000,000)	(115,000,000)			
Acquisition of lands for national forests: Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000			
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000			
Assistance to States for tree planting	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Total, new budget (obligational) authority, Forest Service	290,894,000	280,360,000	285,802,700	284,818,000	286,394,700	+6,034,700	+592,000	+1,576,700
Federal Coal Mine Safety Board of Review								
Salaries and expenses	148,000							
Commission of Fine Arts								
Salaries and expenses	115,000	115,000	115,000	115,000	115,000			
Department of Health, Education, and Welfare Health Services and Mental Health Administration								
Indian health services	105,993,000	113,217,000	114,692,000	118,436,000	117,986,000	+4,769,000	+3,294,000	−450,000
Indian health facilities	20,952,000	17,950,000	17,950,000	19,510,000	18,715,000	+765,000	+765,000	−795,000
Total, Health Services and Mental Health Administration	126,945,000	131,167,000	132,642,000	137,946,000	136,701,000	+5,534,000	+4,059,000	−1,245,000
Indian Claims Commission								
Salaries and expenses	850,000	1,000,000	1,000,000	1,000,000	1,000,000			
National Capital Planning Commission								
Salaries and expenses	[8] 247,700	1,390,000	1,070,000	941,000	891,000	−499,000	−179,000	−50,000
National Foundation on the Arts and the Humanities								
Salaries and expenses	1,610,000	2,700,000		2,660,000	2,660,000	−40,000	+2,660,000	
Endowment for the arts	8,250,000	16,090,000		15,090,000	15,090,000	−1,000,000	+15,090,000	
Endowment for the humanities	8,050,000	16,210,000		15,560,000	13,560,000	−2,650,000	+13,560,000	−2,000,000
Total, National Foundation on the Arts and the Humanities	17,910,000	35,000,000		33,310,000	31,310,000	−3,690,000	+31,310,000	−2,000,000
Public Land Law Review Commission								
Salaries and expenses	922,000	171,000	171,000	171,000	171,000			
Smithsonian Institution								
Salaries and expenses	29,365,000	36,367,000	34,987,000	35,066,000	34,702,000	−1,665,000	−285,000	−364,000
Museum programs and related research (special foreign currency program)	2,316,000	4,500,000	2,500,000	2,500,000	2,500,000	−2,000,000		
Construction and improvements, National Zoological Park	600,000	200,000	200,000	200,000	200,000			
Restoration and renovation of buildings	525,000	1,130,000	1,080,000	950,000	950,000	−180,000	−130,000	
Construction	200,000							
Construction (appropriation to liquidate contract authority)	(3,300,000)	(8,897,000)	(5,200,000)	(5,200,000)	(5,200,000)	(−3,697,000)		
The John F. Kennedy Center for the Performing Arts	7,500,000							
Salaries and expenses, National Gallery of Art	3,581,000	3,716,000	3,716,000	3,716,000	3,716,000			
Salaries and expenses, Woodrow Wilson International Center for Scholars	100,000		750,000	750,000	750,000	+750,000		
Total, Smithsonian Institution	44,187,000	45,913,000	43,233,000	43,182,000	42,818,000	−3,095,000	−415,000	−364,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority, 1970	Budget estimates of new (obligational) authority, 1971	Allowances			Conference allowance compared with—		
			House	Senate	Conference	Budget estimates of new (obligational) authority, 1971	House allowance	Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE II—RELATED AGENCES—Continued								
Executive Office of the President								
Salaries and expenses, National Council on Marine Resources and Engineering Development	$700,000							
Federal Field Committee for Development Planning in Alaska								
Salaries and expenses	213,500	$263,000	$214,000	$214,000	$214,000	−$49,000		
Historical and Memorial Commissions								
Lewis and Clark Trail Commission								
Salaries and expenses	5,000							
American Revolution Bicentennial Commission								
Salaries and expenses	185,000	375,000		373,000	373,000	−2,000	$+373,000	
National Council on Indian Opportunity								
Salaries and expenses	286,000	300,000	275,000	275,000	275,000	−25,000		
Federal Metal and Nonmetallic Mine Safety Board of Review								
Salaries and expenses		[9] 167,000		167,000	167,000		+167,000	
Total, new budget (obligational) authority, Related Agencies	483,608,200	496,221,000	464,522,700	502,512,000	500,429,700	+4,208,700	+35,907,000	−$2,082,300
Consisting of—								
Appropriations	483,608,200	496,221,000	464,522,700	502,512,000	500,429,700	+4,208,700	+35,907,000	−2,082,300
Definite appropriations	(482,828,200)	(495,441,000)	(463,742,700)	(501,732,000)	(499,649,700)	(+4,208,700)	(+35,907,000)	(−2,082,300)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
Memoranda—								
Appropriations to liquidate contract authority	(103,870,000)	(123,897,000)	(120,200,000)	(120,200,000)	(120,200,000)	(−3,697,000)		
Total, new budget (obligational) authority and appropriations to liquidate contract authority	(587,478,200)	(620,118,000)	(584,722,700)	(622,712,000)	(620,629,700)	(+511,700)	(+35,907,000)	(−2,082,300)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles	1,551,101,300	1,839,974,600	1,610,026,700	1,835,337,500	1,835,474,700	−4,499,900	+225,448,000	+137,200
Consisting of—								
1. Appropriations	1,527,101,300	1,839,974,600	1,610,026,700	1,835,337,500	1,835,474,700	−4,499,900	+225,448,000	+137,200
Definite appropriations	(1,379,776,300)	(1,478,749,600)	(1,437,701,700)	(1,474,112,500)	(1,474,249,700)	(−4,499,900)	(+36,548,000)	(+137,200)
Indefinite appropriations	(147,325,000)	(361,225,000)	(172,325,000)	(361,225,000)	(361,225,000)		(+188,900,000)	
2. Authorization to spend from public debt receipts	24,000,000							
Memoranda—								
Appropriations to liquidate contract authority	(165,455,000)	(194,897,000)	(191,200,000)	(193,060,000)	(193,050,000)	(−1,847,000)	(+1,850,000)	(−10,000)
Grand total, new budget (obligational) authority and appropriations to liquidate contract authority	(1,716,556,300)	(2,034,871,600)	(1,801,226,700)	(2,028,397,500)	(2,028,524,700)	(−6,346,900)	(+227,298,000)	(+127,200)

[1] Includes $4,000,000, S. Doc. 91-81, May 13, 1970.
[2] Reflects reduction of $50,000, S. Doc. 91-87, June 2, 1970.
[3] Includes $188,900,000, S. Doc. 91-81, May 13, 1970.
[4] Includes $37,000, S. Doc. 91-81, May 13, 1970.
[5] Includes $1,200,000, S. Doc. 91-81, May 13, 1970.
[6] Includes $14,000, H. Doc. 91-305, Apr. 13, 1970.
[7] Included in Forest Land Management and Forest Research.
[8] In addition, $770,000 transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."
[9] S. Doc. 91-68, May 11, 1970.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BIBLE. I am delighted to yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, when this bill passed the Senate, it included $600,000 for magnetohydrodynamics coal research. In addition, there was $400,000 for this purpose in the Bureau of Mines. Will the distinguished chairman advise me whether this amount was approved by the conference?

Mr. BIBLE. Both items were held in conference.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. BIBLE. I yield.

Mr. MANSFIELD. Mr. President, as I understand it, this will permit appropriate executive agencies to initiate this research in the immediate future, even in advance of the final report of the Electric Research Council task force which is mapping out the long-term MHD program. Is this correct?

Mr. BIBLE. It is my understanding that it is correct.

Mr. MANSFIELD. I have one more question. As I mentioned previously, I think that it is very important that this program be conducted so that funds are used in a concentrated fashion aimed at a pilot plant to demonstrate the feasibility of this process of generating electricity. I would hope the distinguished chairman would agree with me.

Mr. BIBLE. I certainly do. We will follow it closely. I do agree with what the Senator said.

Mr. MANSFIELD. I thank the distinguished Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from the RECORD of July 1, 1970, which reflects a colloquy between the distinguished Senator from Nevada (Mr. BIBLE) and me.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. MANSFIELD. Mr. President, the Interior appropriations bill is traditionally one of the more important money bills for Montana.

I am very pleased that this appropriation for fiscal 1971 includes $600,000 for magnetohydrodynamics coal research and development in the Office of Coal Research. I am also informed there is $400,000 for this purpose in the Bureau of Mines. While my colleague, Senator METCALF, and I had hoped that amount would be larger, we recognize the stringent budget limitations under which we are now operating. I know you will agree that this program, with its promise of coal utilization, lower-cost electricity, and reduction in pollution, deserves larger support as it becomes possible. And I hope you agree that it is very important that this work be begun as rapidly as possible, even in advance of the final report of the Electric Research Council task force which is mapping out the long-term MHD program. The fiscal 1971 appropriation can be put to work right away to begin this important project, and when the task force reports, the long-term program can take up from there.

And I hope you agree, Mr. President, that it is very important that this program be

conducted so that the funds are used in a concentrated fashion aimed at a pilot plant to demonstrate the feasibility of this process of generating electricity. I think it is appropriate for the Government to take the lead in this vital program.

Mr. BIBLE. Mr. President, I agree with the distinguished majority leader. We were very happy to add the item. I think it is a very worthwhile amendment.

Mr. MANSFIELD. I thank the distinguished Senator from Nevada.

Mr. BIBLE. Mr. President, I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, of the several regular major appropriation bills that have passed the Senate thus far, this is the only one that is under the budget and it probably will be one of the few to pass the Senate this year under the budget.

I believe this is due to the very fine work of the distinguished chairman of the committee, Mr. BIBLE, the distinguished ranking minority member, Mr. BOGGS, and Mr. Paul Eaton, one of the ablest staff members I know; Mr. Edmund King, the minority staff member too has been very helpful through all our consideration of this bill. I also want to commend the chairman of the House committee, Mrs. JULIA BUTLER HANSEN, Representative BEN REIFEL, the ranking minority member and their very able staff.

Mr. President, this committee worked long and hard on this bill and dealt fairly with all the interests. In doing so they still kept the bill under the budget which is a real accomplishment.

I commend the distinguished Senator from Nevada.

Mr. BIBLE. I thank the distinguished Senator. In all these bills that move forward in the Committee on Appropriations we have splendid relationships with our counterparts on the other side of the aisle and also our staff members, Mr. Paul Eaton on our side, and Mr. Ed King on the other side.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. MANSFIELD. Mr. President, I wish to aline myself with what the distinguished senior Senator from North Dakota, the ranking member of the Committee on Appropriations, has just said, with one exception. He points out this is the first appropriation bill reported showing a figure below that which was requested by the administration. There will be other bills with reference to which that will be true. And, of course, our work on last year's requests netted the Congress $1.4 billion in savings on items that were requested for this fiscal year.

Beginning Thursday next we will take up the military procurement bill. The distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the committee handling that bill, informs me that that measure authorizes a total that will be $1.3 billion below the budget sum requested by the administration.

May I point out again, just for emphasis, that Congress last year reduced not the Johnson budget request but the Nixon budget request by $6.4 billion—Republicans and Democrats alike—and to say it again—we made allowance for another $1.4 billion cut in requests covering this fiscal year.

I anticipate that the total cuts this year will equal at least those achieved last year by Congress. I must say I am very proud of the part the Senate has played in bringing about these reductions and on this score I do not look and have never looked critically upon this Congress or the preceding 10 Congresses covering the last 20 years. In each of these Congresses, major reductions were taken from administration annual budget requests no matter who happened to be in the White House. So instead of finding fault and pointing a finger at a so-called spendthrift Congress, I wish each Member would stand to commend and congratulate the Senate and the Congress for the diligence and scrutiny exhibited when faced with the budget not only of this President but of every President in the past 20 years. Traditionally, it is a fine record. This Congress will continue and uphold that tradition.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. HOLLAND. Mr. President, first, I thank the distinguished Senator for the able handling he has given this bill in company with the ranking minority Member, the Senator from Delaware (Mr. BOGGS) and particularly to congratulate them on the fact that except for the District of Columbia bill, this will be the first annual appropriation of the session to go to the White House. I think the Senator is entitled to congratulations on that point, aside from the fact that it is a conservative bill in amount and a constructive bill in the things it has accomplished.

I wish to thank the Senator particularly for insisting upon the inclusion of the budget item of $1.5 million for the purchase of lands which I believe will complete the "Ding" Darling Wildlife Refuge on Sanibel Island in Florida. As the Senator knows, I have a little personal interest in that because in a former position, as an executive of the State of Florida, I had the privilege of helping to see that some of the State lands which were badly needed to initiate that project were made available and are still almost the heart of that project.

I want to say that not only does this project bear a distinguished conservationist's name but it happens to be so peculiarly located—on salt water, brackish water, and fresh water, with various types of vegetation, on migration routes, and adjoining a beach which is said to be the best shelling beach on the North American Continent by reason of the peculiar shape of the island and the prevailing winds and the offshore shallows and bars and shallow water. I think this will be one of the outstanding, but small, wildlife refuges in our Nation.

I want the record to show that I think the Senator from Nevada and his distinguished committee are entitled to a large amount of the credit for completing and making available to the American public and to the world this very fine refuge, the "Ding" Darling Wildlife Refuge on Sanibel Island, Fla.

I thank my colleague.

Mr. BIBLE. I appreciate the sentiments of my distinguished colleague from Florida. I think the amount of $1.5 million was completely justified. The House conferees obviously thought the same. That is why the amount is preserved in the bill which we are about to send to the White House.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. BOGGS. I just want to join my colleague the Senator from North Dakota (Mr. YOUNG) in expressing my appreciation to the distinguished chairman of the subcommittee, the Senator from Nevada (Mr. BIBLE), for the outstanding job he has done as chairman of the subcommittee.

It has been a privilege to serve on the subcommittee with him. He certainly has handled the whole matter and all the hearings and the conference in a very businesslike and expeditious way. It has been a great personal pleasure and privilege to serve with him on the committee. I also want to join in the commendation to the staff, Mr. Paul Eaton and Mr. Edmund King, for their kind and always helpful assistance, no matter what the subject was.

I think it is a good bill. The sentiments about it have been well expressed. I am happy we are bringing it to the point where the conference report can be accepted and forwarded to the White House.

Mr. BIBLE. I appreciate the sentiments expressed by the Senator from Delaware. He has been a most helpful ally. This area is completely nonpartisan, and we always operate in that manner.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. BYRD of West Virginia. Mr. President, I want to associate myself with the remarks made by Senators who have complimented the able chairman of the Senate Subcommittee on Appropriations for the Department of Interior and Related Agencies. He is a very diligent, able, and effective chairman. He conducts a very pleasant conference. Those of us who have served as conferees so many times know that conferences can be not only boring but also distasteful and enervating, and we dread them; but, to the contrary, the conference on yesterday was one of the most pleasurable conferences I have ever attended. It lasted a little over an hour. The able chairman of the conference on our side and the able chairman of the conferees on the House side, Mrs. JULIA HANSEN, are both very knowledgeable and congenial, and, as a result, on items of disagreement, they and all conferees worked together well. They and the other conferees tried to be considerate and understanding. So it was an agreeable and enjoyable conference, with everyone working together in a spirit of cooperation and harmony.

The able Senator from Nevada has served his State and the Nation well.

I join in the compliments also to the staff, and particularly to Mr. Paul Eaton, who has been most helpful to all of us.

I thank the Chairman for yielding.

Mr. BIBLE. I thank the Senator from West Virginia.

I, too, want to emphasize, as I did in my opening statement, the very fine, cooperative spirit, particularly of the marvelous and capable and competent Congresswoman from Washington, JULIA BUTLER HANSEN. It was a pleasure to work on the conference with her and other members of the conference. It is a kind of pleasant conference to work on. We all come out feeling better, rather than being angry at each other. I think that is a rewarding experience, particularly in these days.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada that the conference report be agreed to.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will now state the amendments in disagreement.

The assistant legislative clerk read the amendments in disagreement, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$217,615,000".

Resolved, That the House recede in its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the sum proposed by said amendment, insert "$19,885,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 14 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$96,600,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 25 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$46,422,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$17,160,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$56,840,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$4,983,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$57,990,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$16,259,000".

Resolved, That the House recede from its disagreement to the amendment of the Senater numbered 53 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the first sum proposed by said amendment, insert "$15,467,700".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$891,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert "$34,702,000".

Mr. BIBLE. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate, as stated, en bloc.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

Mr. BIBLE. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATIONS ON SULFUR IMPORTS

Mr. LONG. Mr. President, on July 10, 1970, I introduced a bill (S. 4075) to provide for limitations on the importation of sulfur, which was referred to the Committee on Finance. Since that time, the junior Senator from Texas (Mr. TOWER) has expressed his desire to be a cosponsor of that bill. I, therefore, ask unanimous consent that the name of the Senator from Texas be added as a cosponsor of S. 4075.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

Mr. LONG. On June 17, I called the attention of the Senate to the critical situation in which the U.S. sulfur industry has been put, with loss of sales, mine shutdowns, unemployment, and the virtual cessation of exploration for new sulfur reserves. The legislation I have introduced is based upon clear and compelling evidence that, unless corrective steps are taken, events are leading toward the closing of other U.S. sulfur mines and the drying up of the domestic sources of sulfur upon which the Nation now relies.

Mr. President, before discussing the way in which my bill proposes to alleviate this critical situation, let me point out how important sulfur is to our economy. It is a vital raw material for all segments of industry and agriculture. In elemental form or as sulfuric acid, it enters into the production or processing of fertilizers, chemicals, titanium and other pigments, pulp and paper, rayon and film, iron and steel, dyestuffs, vulcanized rubbers, insecticides, fungicides, and many other products. Our country consumes annually more than 100 pounds of sulfur for each man, woman, and child. We use twice as much sulfur as aluminum, five times as much as copper, eight times as much as lead or zinc, and 70 times as much as nickel.

Although vital to our economy, sulfur represents a minute part of the cost of most of the final products it helps to make. For example, a $1 per-ton reduction in the price of sulfur would reduce the cost of a ton of newsprint by only 2 cents, the cost of a ton of galvanized steel by less than a cent, the cost of four passenger tires by only a half cent and the cost of a gallon of exterior paint by only one-tenth of a cent. This same $1 per-ton reduction in the price of sulfur would reduce the price of diammonium phosphate, a popular fertilizer which retails for $80 to $85 per ton, by only 39 cents.

Consequently, changes in sulfur prices do not affect the level of sulfur consumption. Nor do they affect the prices of the end products paid by the consumer. He neither gains nor loses from reductions or increases in sulfur prices. As a matter of fact, although sulfur prices have been declining, fertilizer producers recently issued new price lists increasing the prices of fertilizers.

However, fluctuations in the price of sulfur do have a demonstrable effect on sulfur supply. Historically, higher prices have resulted in stepped-up exploration efforts and the development of new domestic sources. Lower prices, conversely, have retarded exploration and development, and in time have caused shortages.

For a great many years, our domestic sulfur industry has taken good care of the requirements for sulfur of U.S. industry and agriculture. In World War II sulfur was one of the very few products that never had to be rationed or allocated. Our domestic mines supplied U.S. needs in full—and also a considerable part of the needs of our allies. In the Korean war, our domestic sulfur industry again supplied a considerable part of the needs of our allies, although it was necessary to allocate sulfur here at home in order to do so.

U.S. sulfur has long competed successfully against the sulfur mined in foreign countries and has done so without the help of tariffs, quotas or other government support. Now, however, it is facing a new and unfair kind of competition—competition that has nothing to do with efficiency of operation, productivity of workers, wage rates or the other elements generally involved in foreign competition. This competition is that created by the rapidly increasing production of large quantities of sulfur derived as a byproduct from sour natural gas in Canada and being forced into United States and other markets. It is this pressure of Canadian sulfur that is creating chaos in U.S. sulfur markets and providing the U.S. sulfur industry with the most serious threat of its three-quarter century life.

Because the Canadian sulfur must be removed from the natural gas to make the gas salable, the amount produced is dictated not by the demand for sulfur but by the demand for gas. Although sulfur

recovery from sour gas is not new, never before has it occurred as a byproduct in such volume or has it been forced into markets at such diminishing prices.

From the start of 1968, the first year of the current sulfur oversupply, the daily production rate of Canadian recovered sulfur has increased by nearly 75 percent. Canadian production has tripled in the last 6 years and Canada has surpassed the United States as the world's largest exporter of sulfur.

Figures provided by the Department of Commerce show imports of Canadian sulfur in 1969 of 929,000 tons as compared to 655,000 tons in 1965. Production from the Western Canadian oil and gas fields is expected to increase from 3,700,000 tons in 1969 to 4,300,000 tons in 1970. At the present rate, Canadian shipments of sulfur into the United States this year will exceed one million tons.

The large increase in the production of Canadian sulfur, virtually all of which is produced in the province of Alberta, has had an impact on sulfur prices far out of proportion to the quantity involved. Canadian producers and their brokers—in an effort to sell ever-increasing amounts of sulfur in markets which are already fully supplied—have steadily cut prices. According to the monthly reports of the Alberta Oil and Gas Conservation Board, the average net price f.o.b. plant for sulfur produced in Alberta has declined from $33.73 per ton—Canadian dollars—in January of last year to $9.33 per ton in March of this year This is a drop of nearly 75 percent in only 14 months.

The record of what has happened to sulfur prices in the U.S. Midwest market illustrates the effect of this price cutting. According to data provided to me by a U.S. producer, there have been 10 successive price reductions—all instigated by Canadian producers—in this market since June 1968. U.S. sulfur producers, in order to hold what business they could, have had to meet these insistently lower prices of Canadian sulfur.

I understand that the price cutting is continuing and, with the anticipated increase in production of Canadian sulfur, the effects can be calamitous in U.S. sulfur markets.

Already, six sulfur mines in Louisiana and Texas have shut down, with a loss of productive capacity of a million and a quarter tons a year. If the plummeting price situation could be corrected and demand improved, three of these mines might be reactivated. In all probability, the others will never reopen, and we will permanently lose the reserves of sulfur in the ground at those locations. In addition, there are believed to be at least six other U.S. sulfur mines which are operating marginally at existing price levels and which may be required to shut down. Most of the mines still operating have had to cut back. More than 1,000 jobs have already been lost in the U.S. sulfur industry and the jobs of thousands of other sulfur mineworkers are in jeopardy.

In addition, our previously favorable balance-of-payments situation with respect to sulfur has been reversed. The United States in 1969 changed from a net exporting nation to a net importer of sulfur.

Even more important, in the long view, is the curtailment of exploration for new reserves of sulfur in the United States. This curtailment is seriously endangering the national interest with respect to future supplies of a vital raw material. The U.S. Government, which does not stockpile sulfur but depends upon domestic producers' production and inventories, has long recognized the essential nature of sulfur to the national defense and economic well-being.

Mr. President, it seems to me that what we have here is an important domestic industry being threatened with being put out of business by the unfair competition of a foreign byproduct being offered at extremely low prices without regard to production cost or market demand. This domestic sulfur mining industry provides employment and tax revenue to my State, Louisiana, and also to Texas. There is the possibility that—under proper economic conditions—sulfur deposits may be found and developed in other States. New Mexico and Mississippi for example. In all, 25 States produce sulfur from one source or another. The industry, moreover, has nationwide significance for another reason—the paramount importance to U.S. industry and agriculture of having a large and dependable source of sulfur production within our borders. We must not let this industry be destroyed by the caprice of producers whose main concern is not sulfur but rather the products of which sulfur is a minor sideline.

I have attempted to deal with this critical problem by the introduction of S. 4075 to provide for limitations on the importation of sulfur. The limitation would be accomplished by either one of two means: First, quantitative limits on imports based on price levels and allowing for growth in domestic consumption or second, international arrangements or agreements under Presidential action.

Mr. President, I ask unanimous consent that the text of the bill (S. 4075) be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 4075

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. The Congress finds that increasing imports of sulfur into the already fully supplied United States markets have caused grave injury to the domestic sulfur industry and may jeopardize its very existence if permitted to continue unchecked. Such imports have caused mine closings, resulting in unemployment to large numbers of workers. It has also brought to a virtual halt exploration for, and development of, new sulfur reserves. Several sulfur mines are now operating on a marginal basis, may be required to be closed. Because sulfur is an essential item, vital to the well-being of the United States, an immediate remedy for the intolerable conditions prevailing in the sulfur industry must be provided.

SEC. 102. It is the policy and purpose of this Act to provide for the regulation of commerce in sulfur among the several States and with foreign nations so as to foster the maintenance and expansion of an economically strong sulfur industry in the United States and to avoid undue disruption of the markets for sulfur in the United States. This regulation shall be accomplished by the imposition of quantitative limitations on imports of sulfur in accordance with the provisions of section 103 of this Act, or by agreement with other governments or instrumentalities providing separately for limiting imports of sulfur from such nations or instrumentalities into the United States in accordance with the provisions of section 104 of this Act.

SEC. 103. Except as provided in section 104:

(a) The total quantity of sulfur originating in any country which may be entered, or withdrawn from warehouse, for consumption during the calendar year beginning January 1, 1971, shall be limited to the average annual quantity of sulfur originating in such country which was entered, or withdrawn from warehouse, for consumption during the three calendar years 1965–1967.

(b) Beginning with the calendar year 1972, the total quantity of sulfur originating in any country which may be entered, or withdrawn from warehouse, for consumption during that calendar year and during each succeeding calendar year shall be increased or decreased in amounts proportionate to increases or decreases in domestic consumption of sulfur, as determined in accordance with this subsection. Increases or decreases in domestic consumption of sulfur shall be determined by comparing the domestic consumption of sulfur during the preceding calendar year with the average domestic consumption thereof during the two calendar years immediately preceding such calendar year.

(c) All determinations required by this section shall be made by the Secretary of Commerce and shall be published in the Federal Register not later than December 31 of the year preceding that for which a limitation on sulfur imports is established Determinations of consumption for a then current year may represent the Secretary's best estimate.

SEC. 104. The President is authorized to enter into international arrangements or agreements with foreign governments or instrumentalities separately regulating the quantities of all sulfur originating in such nations or instrumentalities which may be entered, or withdrawn from warehouse, for consumption. The provisions of each such arrangement or agreement entered into hereunder shall substantially carry out and implement the declared purposes and findings of this Act and assure the avoidance of undue disruption of the markets for sulfur in the United States. The President shall make such arrangements or agreements effective by proclamation, and is authorized to issue regulations necessary to carry out the terms thereof. The total quantity of sulfur which may be entered, or withdrawn from warehouse, for consumption from any country which has entered into such an arrangement or agreement hereunder shall not be subject to the provisions of section 103 while such agreement is in force and effect.

Mr. LONG. Mr. President, this bill recognizes the grave injury that has been done to the U.S. sulfur industry by the effect of under-priced, byproduct sulfur moving into domestic markets from foreign sources. In its three-quarter century of production in this country, the U.S. sulfur mining industry has never had Government assistance in the regulation of sulfur imports. It has been able to operate productively despite a veritable jungle of restrictions which it encounters in world markets outside of North America. More than 25 countries impose tariffs on U.S. sulfur, some of which merely restrict imports, such as the proposed act would do, or are imposed as revenue-raising agents. Other

foreign restrictions are so high that they constitute a complete embargo against U.S. sulfur. In addition to tariffs, foreign trade barriers encountered by U.S. sulfur include blockade by tariff, embargo on sulfur, discriminatory tariff, restrictive import licensing, and onerous deposit bond requirements. If, in the home market, U.S. sulfur companies are damaged by unfair competition to the extent that they cannot compete, we may well see the demise of the U.S. sulfur mining industry.

I have offered my bill in the hope that, given assistance, the U.S. sulfur mining industry will be able to continue to contribute to the Nation a vital raw material in a sound economic environment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, the Chair lays before the Senate the unfinished business, which will be stated.

The unfinished business was stated as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

The Senate resumed the consideration of the conference report.

Mr. ERVIN. Mr. President, on yesterday I inserted in the RECORD a number of letters and telegrams contending that the District of Columbia crime bill conference report is contrary to basic American principles.

The Nashville Tennessean of July 18, 1970, published an editorial, entitled "Crime Bill Full of Danger." The editorial reads in part:

Some features of President Nixon's crime bill now being considered by Congress would strike at basic constitutional guarantees and should be rejected.

Perhaps the most dangerous recommendation is one that would permit police in some instances to enter homes without first knocking at the door or identifying themselves.

This measure is proposed for effectiveness in the District of Columbia only, but it is being advanced as a model law, possibly to be extended to the rest of the country at a later date.

If there were any valid reason for singling out the District of Columbia for the initiation of this oppressive law, it has not been made clear what it is. Certainly there is no justification for believing the nation should begin to give up its constitutional protections for the purpose of providing short cuts to law enforcement.

I will omit a compliment it pays to me, and I will continue:

It is too early to tell whether Senator Ervin can turn the tide against this unwise bill. But he deserves the gratitude of those who believe it is still possible to have effective law enforcement in the U.S. without chipping away at the basic principles on which the nation was founded.

I have a letter from Mr. D. A. Smith of the Department of History of Yale University, addressed to me, and reading in part as follows:

I want to tell you how fervently I hope your opposition to the "no-knock" preventive-detention anti-crime bill succeeds. The civil liberties which it invades were won after centuries of struggle against arbitrary power, both in Britain and America. To sacrifice them on the altar of "law and order" is a travesty of what law and order ought to mean.

Please accept by heartfelt thanks and best wishes.

Yours sincerely,

D. A. SMITH.

I have a telegram from Mr. Joseph T. Byrne, of Philadelphia, addressed to me, reading as follows:

Re: Anticrime legislation. I strongly implore you and all Senate Members not to vote for this legislation. More positive results may be found in the recommendation of the Commission on the Causes and Prevention of Crime chaired by Dr. Milton Eisenhower. Letter to follow.

Sincerely,

JOSEPH T. BYRNE.

I have received a telegram from the president and executive secretary of the board of directors of the American Civil Liberties Union, of Tennessee, addressed to me, reading as follows:

The board of directors of the American Civil Liberties Union of Tennessee strongly urge that you oppose and vote against the District of Columbia Crime bill, S. 2601. This bill incorporates extended police wiretapping, no-knock policy entry, and preventive detention. All severe and intolerable infringements on individual freedom.

JOHN CLEVELAND,
President.
Mrs. R. W. CHILDERS,
Executive Secretary.

I have received a telegram from the executive director of the Wisconsin Civil Liberties Union, of Milwaukee, Wis., addressed to me, reading in part as follows:

We strongly support your efforts to defeat conference commitee report on District crime bill, especially preventive detention.

EDWARD M. MCMANUS,
Executive Director, Wisconsin Civil Liberties Union.

I have received a letter from Prof. Albert J. Rosenthal, professor of law at Columbia University addressed to me, reading as follows:

I should like to congratulate you for your valiant efforts in opposing the preventive detention and "no-knock" provisions of the District of Columbia Crime Bill.

As a student of constitutional law I believe that both are of doubtful constitutionality. At least as important, however, is the fact that, whether constitutional or not, these provisions are unfair, cruel and completely out of place in a democratic nation.

There is much that needs to be done to reduce crime, both in the District of Columbia and in the nation at large. Such constructive measures as the court reorganization plan are urgently needed. What we do not need, however, are intrusions upon the civil liberties of the citizens, which in the view of most experts won't even contribute materially to a solution of the crime problem.

I would add to what Professor Rosenthal says that attempting to solve the crime problem through the agency of preventive detention is about as wise and practical as attempting to empty the Atlantic Ocean with a quart cup.

Mr. President, last Friday I delivered a speech in the Senate in which I read various provisions of the Constitution. I read the provision in article III which says that all crimes, except charges of impeachment, shall be tried by jury. I read the provisions of the Bill of Rights which declare that unreasonable searches and seizures shall be prohibited and a search warrant can issue only on probable cause. I would say inferentially that probable cause is something that exists at the moment and does not exist sometime in the future, as the no-knock provision of this bill provides.

I also read the fifth amendment which provides that no person can be required to answer for a capital or otherwise infamous crime except upon an indictment by a grand jury.

I also read the provision of the Constitution which declares, in section 6, that in all criminal prosecutions, the accused is entitled to a speedy trial by jury.

I also read the provisions of the fifth amendment which provides that no person shall be compelled to be a witness against himself in any criminal prosecution.

I also read the due process clause and gave its interpretation, as it has been interpreted by the Supreme Court.

So I was somewhat surprised to find in the RECORD this morning the statement by the able and distinguished senior Senator from Maryland, in a speech he delivered, that:

The clear implication of Senator Ervin's remarks was that the provisions on pages 142, 143, 154, and 155 of the conference report constitutes a clear departure from precedent and right thinking.

I did not imply that. I charged that to be true. But the thing that I was rather intrigued about was the next statement of the distinguished Senator from Maryland. He said:

Such, of course, is fiction.

I do not know what the Senator from Maryland meant when he said that what I had said was fiction. I had been reading the Constitution of the United States. I hope the Senator was not referring to the Constitution of the United States as being fiction. I would dislike to believe that any Senator regards the Constitution of the United States as fiction, even if he advocates the passage of a bill that provides that notwithstanding the declaration of the Constitution of the United States that no person shall be held to answer for any capital or infamous crime, except upon an indictment of a grand jury, that a person can be tried for an infamous crime and

sentenced to infamous punishment without ever being indicted by a grand jury.

Let us see whether what I was talking about is fiction. I invite the attention of Senators to the provisions of this bill which appear on page 142. Subsection (a) of section 201 reads:

SEC. 201. (a) Section 907 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–104), is amended to read as follows:

"SEC. 907. (a) If any person—

"(1) is convicted of a criminal offense (other than a non-moving traffic offense) under a law applicable exclusively to the District of Columbia, and

"(2) was previously convicted of a criminal offense under any law of the United States or of a State or territory of the United States which offense, at the time of the conviction referred to in paragraph (1), is the same as, constitutes, or necessarily includes, the offense referred to in that paragraph.

such person may be sentenced to pay a fine in an amount not more than one and one-half times the maximum fine prescribed for the conviction referred to in paragraph (1) and sentenced to imprisonment for a term not more than one and one-half times the maximum term of imprisonment prescribed for that conviction.

This provision says that if a man is convicted of a criminal offense under law applicable exclusively to the District of Columbia, and was previously convicted of a similar criminal offense under the laws of the United States, or any State or territory, he can be punished by imprisonment for 1½ times the maximum term of imprisonment prescribed for the offense.

Under Federal law, a misdemeanor cannot be punished by imprisonment for more than 1 year. Under Federal law, a man cannot be tried for a crime punishable by more than 1 year in prison unless he is indicted by a grand jury.

This first provision of the section provides that where an accused is convicted of a simple misdemeanor punishable by imprisonment for not to exceed 1 year, and he had a prior conviction for a similar misdemeanor in the District, he would be liable to a punishment of one and a half years imprisonment.

The second provision of this section says:

If such person was previously convicted more than once of an offense described in paragraph (2), he may be sentenced to pay a fine in an amount not more than three times the maximum fine prescribed for the conviction referred to in paragraph (1) and sentenced to imprisonment for a term not more than three times the maximum term of imprisonment prescribed for that conviction.

This provides that if a man has committed two previous offenses of the character described in subsection (a) of section 201, he can be sentenced to three times the imprisonment which would be authorized for one conviction, and that would make many cases, under the Code, subject to a punishment in excess of 1 year. If an accused commits a misdemeanor punishable by 1 year's imprisonment after two previous convictions for misdemeanors he would be converted into a felon and be subject to 3 years' imprisonment.

Then it has another provision which says:

No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.

This is another one of the curiosities in this bill. This provision says by implication that if a man has been pardoned for a prior offense on any ground other than the fact that he was innocent of such crime his prior offense will be taken into consideration in determining his punishment. That is a flat violation of the provisions of the Constitution dealing with the pardoning power of the President and, some provisions of State constitutions dealing with the pardoning power of Governors. This is so because a pardon wipes out all future consequences of the crime for which the man is pardoned; notwithstanding this fact, the District of Columbia crime conference report says that unless the pardon is granted on the ground that a man was wholly innocent of the crime for which he was convicted, it will count that crime in determining his punishment despite the decisions of the courts holding that a pardon annuls all the future consequences of the crime. The Supreme Court so held in respect to a presidential pardon in the Klein case.

The third subsection (b) provides:

"(b) This section shall not apply in the event of conflict with any other provision of law which provides an increased penalty for a specific offense by reason of a prior conviction of the same or any other offense."

(b) Such Act is amended by adding after section 907 the following new section:

"SEC. 907A. (a) (If—

"(1) any person (A) is convicted in the District of Columbia of a felony, and (B) before the commission of such felony, was convicted of at least two felonies; and

"(2) the court is of the opinion that the history and character of such person and the nature and circumstances of his criminal conduct indicate that extended incarceration or lifetime supervision, or both, will best serve the public intent,

the court may, in lieu of any sentence otherwise authorized for the felony referred to in clause (A) of paragraph (1), impose such greater sentence as it deems necessary, including imprisonment for the natural life of such person.

Thus, the various subsections of section 201 of the District of Columbia crime conference report provide for increased punishment for habitual criminals. Under it the increase in one category is to the maximum imprisonment for a second conviction an additional 50 percent of the original authorized punishment; and, in a second category an accused who had a conviction of two prior convictions, would be subject to as much as three times the original punishment prescribed for the offense on a conviction for a third offense.

Another provision stipulates that if one is convicted of a felony and at the time of his conviction has been previously convicted of two other felonies, he can be imprisoned for life under this conference report.

The section which undertakes to implement these provisions of the bill is section 23–111. It says:

§ 23–111. Proceedings to establish previous convictions

(a) (1) No person who stands convicted of an offense under the laws of the District of Columbia shall be sentenced to increased punishment by reason of one or more previous convictions, unless prior to trial or before entry of a plea of guilty, the United States attorney or the Corporation Counsel, as the case may be, files an information with the clerk of the court, and serves a copy of such information on the person or counsel for the person, stating in writing the previous convictions to be relied upon. Upon a showing by the Government that facts regarding previous convictions could not with due diligence be obtained prior to trial or before entry of a plea of guilty, the court may postpone the trial or the taking of the plea of guilty for a reasonable period for the purpose of obtaining such facts. Clerical mistakes in the information may be amended at any time prior to the pronouncement of sentence.

(2) An information may not be filed under this section if the increased punishment which may be imposed is imprisonment for a term in excess of three years, unless the person either waived or was afforded prosecution by indictment for the offense for which such increased punishment may be imposed.

There are some curiosities in section 23–111 which are designed to implement Sec. 201. In the first place, it says that the question of prior conviction can be raised by an information, even in cases where punishment will run as much as 3 years. That is a clear violation of the provision of the Constitution which declares that no man can be tried or punished for an infamous offense except upon indictment by a grand jury. Furthermore, it seems to provide for the correction of the charge when made by an indictment, despite the rulings that an indictment cannot be corrected without the consent of the grand jury which returned it.

This provision in subsection (b) of section 23–111 relates to a conviction for a new offense—an offense one has just been tried for and been convicted of. It says:

If the prosecutor files an information under this section, the court shall, after conviction but before pronouncement of sentence, inquire of the person with respect to whom the information was filed whether he affirms or denies that he has been previously convicted as alleged in the information, and shall inform him that any challenge to a previous conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence.

In other words, after the accused has been convicted the prosecution serves an information on him charging that he has been previously convicted of other crimes, and in calling upon him to plead to the information, the court informs him that he must set out anything that invalidates his previous conviction before the sentence.

Then it proceeds in subsection (c) (1):

If the person denies any allegation of the information of previous conviction—

Senators will notice that it says "denies any allegation." This is the information setting out previous convictions and it necessarily sets out that this is the man who was previously convicted.

I continue to read:

(c) (1) If the person denies any allegation of the information of previous conviction, or

claims that any conviction alleged is invalid, he shall file a written response to the information.

I submit that this violates the provision of the Constitution which declares that a man cannot be compelled to be a witness against himself in any criminal case. This provision makes him a witness against himself because it further stipulates, in substance, that unless he denies the allegations of the information about his having been previously convicted, they shall be taken as proved. In other words, he cannot stand mute. He cannot plead not guilty. But if he does not deny them, then his denial is to be taken as a confession on his part that he is guilty of the previous convictions.

Now mark this: The Senator from Maryland says that I was mistaken when I said that this provision places the burden of proof on the accused to show that he is not the man involved in the previous convictions or that the previous convictions were invalid.

Section (c) (1) reads further:

If the person denies any allegation of the information of previous conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information. A copy of the response shall be served upon the prosecutor. The court shall hold a hearing to determine any issues raised by the response which would except the person from increased punishment.

One of the things that would except the accused from increased punishment would be that no such previous convictions were ever suffered by anyone. Another would be that the accused was not the man previously convicted. And if the previous conviction were invalid, he would have to set out in his response the facts showing it to be unconstitutional or invalid.

The court must hold a hearing to determine where the accused is subject to increased punishment. The Conference Report provides that the hearing shall be by the court without a jury and either party may introduce evidence.

That is the hearing upon a charge that the accused has been convicted of previous offenses. And it is a hearing that might result in the accused being sent to prison, for life if he has been convicted of a felony, and has a record of two previous felony convictions.

In other cases, he could be sent to prison for far in excess of 1 year's imprisonment. The report authorizes up to 3 years' imprisonment in cases where the accused has not been indicted by a grand jury. It stipulates that the trial of the prior offense allegations shall be by a judge without a jury.

Mind you, Mr. President, that is a provision under which a man could be sentenced to life imprisonment on a trial by a judge without a jury. And this is a criminal case—not a civil proceeding.

When a man is charged as an habitual offender, he is not being tried a second time for his original crimes of which he has been previously convicted. He is being tried for a new crime whose punishment is increased because he has been previously convicted.

I inserted in the RECORD on Thursday opinions and citations of cases—somewhere in the neighborhood of 25 State cases—which had provisions guaranteeing the right to trial by jury in criminal cases. Those cases hold that the question of whether previous offenses had been committed and whether the present accused was the person who committed those previous offenses were questions of fact for a jury.

Furthermore, those cases hold that those facts had to be proved beyond a reasonable doubt by the testimony. But when the able and distinguished Senator from Maryland replied to what I had said, he said that I was just speaking fiction. If the Senator will read the cases that I had printed in the RECORD, he will find that there is no fiction in what I said. He cannot contend that any provisions of the Constitution of the United States are fiction.

The Senator said I was mistaken when I said that the report put the burden of proof on the accused in violation of the due process clause.

Here is what the report says on that point—subsection (c), subdivision (1) of section 23–111:

If the person—

That is the accused—

denies any allegation of the information of previous conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information.

I have also read the provision which stipulates that the hearing on the issues raised by the response to the information will be held by a judge without a jury.

The Senator from Maryland said I was mistaken when I said that the burden of proof was placed upon the accused.

Subsection (c) of section 23–111 states in words as plain as are to be found in the English language that if the person denies any allegation of the information of previous convictions, or claims that any conviction alleged is invalid, he shall file a written response to the information.

Then it says:

The court shall hold a hearing to determine any issues raised by the response which would except the person from increased punishment.

Manifestly, if the response said that no such previous crimes were ever committed by anyone or that if they were committed, they were not committed by the accused, it would raise those issues. If it said the previous convictions were unconstitutional or invalid, it would raise another issue. All these issues would be issues of fact.

Subsection (1) of subsection (c) of section 23–111 states:

Except as otherwise provided in paragraph (2) of this subsection, the prosecuting authority shall have the burden of proof beyond a reasonable doubt on any issue of fact.

Now, mind you, Mr. President, that states "except as otherwise provided in paragraph (2)" the burden is on the prosecuting attorney. What does paragraph (2) state? It states:

A person claiming that a conviction alleged in the information was obtained in violation of the Constitution of the United States shall set forth his claim, and the factual basis therefor, with particularity in response to the information.

The preceding paragraph had already stated, in substance, that he must set forth that the previous offenses had not been committed or that he had not been convicted of them, or that the previous conviction was invalid. This section states:

The person shall have the burden of proof by a preponderance of the evidence on any issue of fact—

Any issue of fact—what this clearly states as an exception to paragraph (1) or subsection (1) is that the burden of proof is on the accused in respect to any issue of fact. If this is not an exception to the paragraph (1), it is a flat contradiction of paragraph (1) and controls because it is the last legislative provision on the subject.

One of the issues of fact would be denial of previous convictions; another would be denial of the identity of the accused as the person previously convicted; and the third would be any fact or circumstance which invalidated the previous conviction if the accused had been previously convicted. So we have a contradiction. I do not think it is a contradiction because it is stated in paragraph 1 that:

Except as otherwise provided in paragraph (2) of this subsection, the prosecuting attorney shall have the burden of proof beyond a reasonable doubt on any issue of fact.

But paragraph (2) states that the burden of proof shall be on the accused, so that comes within the exception of paragraph (1) and the burden is placed upon the accused to show what is, in effect, his innocence of being a habitual offender and he has to show that he is not a habitual offender by the greater weight of the evidence.

I say that this states what is means when it states in paragraph (1) that the burden is on the prosecution, except as otherwise provided in paragraph (2); and when paragraph (2) states that the burden of proof is on the defendant, that that is in harmony with paragraph (1); but if it is a mere contradiction this shows how careless this act was drawn. Its drafters paid no more attention to its words than they did to the Constitution when they drafted it.

This act is sought to be imposed on the people of the District of Columbia against their will. I have received petitions from over 6,000 people of the District of Columbia opposing the proposal that the Senate approve the conference report. I hold them in my hand.

The Senator from North Carolina asserts that the Constitution of the United States is not fiction. It is not fiction that the Constitution provides in the fourth amendment:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

I assert that a search warrant cannot issue, a no-knock warrant cannot issue, except upon probable cause, and probable cause consists of facts and circumstances

existing at the moment the officer makes an affirmation or oath to get a search warrant. A search warrant cannot issue on the basis of a prophecy of what will exist at some time in the future when the officer undertakes to serve the warrant. Yet that is exactly what the no-knock provision of this statute provides.

The proposal states that the officer must set out facts showing that at the later time when he arrives at the door to serve the search warrant certain conditions are likely to be existing. How can a man know what is likely to be existing in the future?

I have served in the Senate for a long time and I have been watching Senators for a long time. I am well acquainted with the political philosophies of most Senators. This bill states a search warrant can be issued on the prophecy of an officer as to what is to happen in the future. It states a man can be preventively detained on the prophecy of a judge of what the man is going to do in the future.

As well as I know the Senators, I would not undertake to prophesy how any Senator is going to act in the future. I would not even undertake to prophesy how Senators are going to vote on this conference report. There are many peculiarities in the conduct of Senators. In saying this I mean nothing personal. When we were having a hearing before the Subcommittee on Constitutional Rights on preventive detention proposals, the executive officer of the Washington bureau—if that is the correct term—of the American Civil Liberties Union said:

> You cannot exactly pin men down by labels.

Take the Senator from Maryland (Mr. TYDINGS). He is in favor of preventive detention, and he is said to be a liberal. The Senator from North Carolina is against preventive detention, and he is said to be a conservative. So I do not think anyone can predict how Senators are going to act. And I do not think judges can predict how people are going to act in the future. I do not think any officer can prophesy at the time he applies for a search warrant, which may be served hours later and miles away, what is going to happen inside the house after he gets there.

If he had been required to make such predictions as the report requires judges and officers to make, old Jeremiah would have had to go out of business. Law enforcement procedures ought not to require prophesying.

The truth is the provisions of this bill which authorize the issuance of no-knock search warrants upon the affidavit of an officer as to things which are going to happen in the future when he attempts to execute the search warrant is nothing in the world except an effort to nullify and render ineffective the fourth amendment which states:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The fourth amendment is clearly violated when an officer of the law breaks down a door to gain entrance to a building without any notice to its occupants.

Such action is unreasonable. It is an unreasonable search. Human beings are mysterious beings.

I have told this story before on the floor of the Senate. It appears in a book by Marquis James. Archibald, a cockroach, lived in a house inhabited by human beings. When the human occupants of the house had retired for the night, Archie would go into the study, and get on top of the typewriter and dive down on the typewriter keys and write his observations about human beings. On one occasion he wrote this story. He said that during the afternoon the master of the house was coming home and saw a ravenous wolf seize a little lamb and attempt to devour it to satisfy his hunger. The master was so infuriated by the cruelty of the wolf that he slew the wolf and picked up the little lamb and carried it gently home in his bosom. When he got home he slew the little lamb, cooked it, and ate it for supper. Having had a good meal of lamb's meat, he sat down before the fire to meditate upon the universe. While he was meditating upon the universe, he happened to think of how cruel hungry wolves are to lambs and broke down and wept.

Senators speak much about the freedoms of Americans. They boast that every American's home is his castle. They are rightly much incensed by burglars who enter the homes of American citizens without notice to them and against their will. Despite this, Senators arise on the floor of the Senate and advocate a law to make it legal in the United States of America, in the year of our Lord 1970, for officers of the law to enter dwelling houses of residents of the District of Columbia in exactly the same manner that burglars enter those dwellings. They remind me of the man who sat down, after having his supper of lamb's meat, and wept on account of the cruelty of wolves to lambs.

We are going to continue to make it illegal for burglars to break into people's houses in the nighttime without their consent and without notice, but we are going to make it legal for officers of the law to emulate the example of burglars and break into people's houses without their consent and without advance notice to them.

What is a poor occupant to do when he hears someone breaking into his house in the middle of the night? Is he going to wait to determine whether it is an officer of the law or a burglar? I fear not. He is going to be tempted to make a natural human response against the unwarranted intrusion into his house.

Last Thursday I read the concurring opinion of Justice Jackson in a case which arose here in the District of Columbia. In that case officers of the law suspected that certain men who lived in a boardinghouse in the District were operating a lottery. So they went to this house one night and they wanted to surprise the men. The roominghouse was operated by a woman. They pried open the window of that woman's bedroom to enter the house to catch the people that they suspected were running a lottery. They caught the men and they did get some evidence indicating that they were running a lottery.

When the case was tried, a motion was made to suppress the evidence on the ground that the officers of the law had entered the house in violation of the fourth amendment. The Supreme Court sustained the point. Justice Jackson wrote a concurring opinion stating that when officers of the law engage in conduct like that, they bring the enforcement of the law into contempt. He also expressed the opinion, by way of dicta, to the effect that if the woman had shot the plainclothes officer when she saw him prizing up the window of her bedroom to come into her house, her act would not have been punishable because it would have been justifiable homicide. Then he stated that officers of the law should acquaint the occupants of houses of their presence and purpose before entering a house for their own protection. He said if the officer of the law on that occasion had noticed the woman drawing a gun to shoot him, he might have been tempted to shoot her. Justice Jackson added that if the officer had done so he—that is, Justice Jackson—would have disliked to have had the responsibility of persuading the jury that that officer was not guilty of murder.

Why should the Congress pass a bill to encourage officers of the law to break into dwelling houses in the nighttime, without acquainting the occupants of the houses of their presence and their purpose? Why should the Congress do that? Would it not be better for a few narcotic peddlers or a few narcotic addicts or a few criminals to escape justice than to destroy the proud boast of the American law that every man's home is his castle?

Moreover, by passing a law of this nature, Congress would place officers of the law in jeopardy. They would be in danger of being killed by occupants of houses when they undertook to invade the homes of those occupants without identifying themselves as officers of the law. If fired upon, officers would be tempted to reply in kind. By the passage of a law like that embodied in the conference report, Congress would encourage homicides. It would place officers of the law in constant jeopardy of their lives.

I shall not dwell on the other provisions of the bill. I reiterate, however, that I placed in the RECORD last Thursday citations and opinions and decisions of State courts, which declare that when a person is charged with being a habitual criminal because of his convictions upon previous criminal charges, he had a right to have a trial by jury on the question of whether there were such prior convictions and whether he was the man who was convicted on those prior occasions, and that the burden was on the prosecution to satisfy the jury beyond a reasonable doubt from the testimony that the facts on those issues were adverse to the accused.

Why should Congress pass laws in the name of law and order which violate

fundamental principles of our Constitution, freedoms which were purchased for us at a great cost in blood? The American Revolution was fought in large part because officers of the Crown used general warrants as no-knock warrants for invading the homes of the people of Boston.

John Adams attributed the birth of the American Republic to the eloquence of James Otis in opposing such tyrannies upon the American people. He said the eloquence of James Otis in resisting those no-knock provisions that the officers of the Crown were imposing upon the people of Boston breathed the breath of life into the nostrils of the 13 Colonies and that in consequence the child independence was born.

We rebelled against England because its Government imposed no-knock laws upon our people. Many of our people fled from France because they abhorred preventive detention in the Bastille. Despite these things, the Senate is being asked in the year 1970, that it establish no-knock laws and abolish the principle that every man's home is his castle; yea, more, that the United States actually make it legal for an officer of the law to invade the home of a private citizen just as burglars invade those homes, and that, in addition to that, we establish a system like that which provoked the French people into destroying the Bastille, a place which was used by the French Government as a place for preventively detaining persons in France who offended the government.

I have said—and I have had no one point out a single syllable in this bill which shows me to be incorrect in my interpretation—that there is nothing in this bill which provides that any man who is preventively detained is going to be released from preventive detention after 60 days' imprisonment.

All this bill says on that subject is that upon the expiration of 60 days, unless his trial is in progress, the accused will be restored to his status at the time of his arrest and have a judicial officer pass upon the conditions once again whether he is to be released.

Page 194 says this—and this is the only thing it says about what happens to a man after 60 days of preventive detention:

"Such person—

That is, the person who has been preventively detained—

(2) Such person shall be treated in accordance with section 23–1321—

(A) upon the expiration of sixty calendar days.

Now, what does it mean when it says that he is going to be treated in accordance with section 23–1321?

Section 23–1321 says he will go back and be treated just like he was treated originally; that the judge will release him upon his own recognizance, or upon an appearance bond, unless the judge finds that such release will not assure his appearance at the trial, or such release will not reasonably assure the safety of any person or the community

Since a judicial officer has already found those conditions against the accused, he will have no chance of release unless the judicial officer reverses the holding made 60 days before. Indeed, section 23–1321 expressly forbids the judicial officer to release the accused on his personal recognizance or upon an appearance bond, if he finds that such action will not reasonably assure the safety of any person or the community.

Section 23–1321 then specifies that if he finds that, the judicial officer will then determine whether other prescribed conditions, "will reasonably assure the safety of any person or the community." If the judicial officer determines again what was determined 60 days previously, namely, that none of these conditions will reasonably assure the safety of any person or the community, he cannot release him. If this redetermination is made, the provisions of section 23–1321 are exhausted, and the next section 23–1322, comes into play. This section provides for nothing except another preventive detention if none of the specified conditions will reasonably assure the safety of any person or the community.

So under these provisions an accused can be held under one preventive detention order after another, until he is tried or until he dies, or, if he happens to be immortal, until the last lingering echo of Gabriel's horn trembles into ultimate silence.

That is the kind of legislation Congress is being asked to apply to the District of Columbia to enforce the law in the District of Columbia. Instead of providing for reasonable law enforcement, this legislation makes a mockery of the Constitution. It makes a mockery of the fourth amendment's prohibition against unreasonable searches and seizures. It makes a mockery of the provision of the Constitution saying that no person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury. It makes a mockery of the provision of the Constitution which says that all criminal cases shall be tried by a jury. It makes a mockery of the provision of the Constitution which says that no man shall be compelled, in any criminal case, to be a witness against himself.

We are told that this is necessary, that conditions have got so bad here in the District of Columbia that it is essential for such legislation to be enacted. I do not believe this.

The complete answer to that plea was given by one of the greatest statesmen of all time, William Pitt, in the British Parliament, back in 1783, when he said:

Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.

Let us not accept the argument of tyrants, and destroy in the District of Columbia some of the basic rights for which our forefathers died in order that we might enjoy them, just because some people may commit some crimes in the District of Columbia.

Instead of doing that, let us implement the constitutional provision which guarantees the right of a speedy trial by jury. Instead of adopting preventive detention for persons charged with crimes in the District of Columbia, let us provide an adequate number of judges, an adequate number of prosecuting attorneys, and an adequate number of supporting personnel, and then detain the prosecuting attorneys in their offices long enough for them to prepare cases for trial, and detain the judges in the courthouses long enough for them to try the cases. By so doing, we will have prompt administration of justice, and there will be no occasion for preventive detention of the citizens of the District of Columbia.

Mr. President, just one brief further statement. A book has been written about the history of Nazi Germany entitled "The Order of the Death's Head." It contains a chapter entitled "Heydrich And the Gestapo," which includes this statement:

The authority to issue warrants for preventive arrest, and consign men to concentration camps placed a murderous weapon in the hands of the Gestapo. It undermined the rule of law in Germany and all the machinery of judge, solicitor and defence counsel was unable to prevent men suddenly disappearing behind the barbed wire of the concentration camps.

Let us not convert the police officers of the District of Columbia into a Gestapo.

Mr. TYDINGS. Mr. President, the Senate has been debating the President's District of Columbia crime legislation for a week. We who support the legislation have tried calmly and fully to explain the provisions of the bill and answer the criticisms which have been levelled against it.

It is indispensable for reasonable debate that we proceed on the basis of the facts of the bill and not on the basis of fiction.

Time does not permit me to rebut the dozens and dozens of factual errors which have been asserted by critics of the conference report. I trust that my colleagues will reach back yet again and study the conference report, the Senate statement of managers, and the extensive rebuttal which I delivered yesterday afternoon—printed in the CONGRESSIONAL RECORD of July 21, 1970, at pages 25201 through 25212.

I feel that it is my obligation to the Senate, nevertheless, to point out a sample of the plain errors that continue to plague this debate:

My distinguished colleague, the senior Senator from North Carolina, introduced into the RECORD of yesterday afternoon a letter from 12 Yale University law professors, including the outgoing Dean Louis Pollack, attacking, and I quote, "the District of Columbia anticrime bill in the form in which it was reported out by the House-Senate conference committee on July 13."

Mr. President, of the five so-called unconstitutional, unjust, and unwise items mentioned by the professors, three—three out of five—amount to flat misstatements of the facts of what the conference report contains. Much as I respect all of the gentlemen from Yale who authorized this letter, I must warn the Senate once again to measure every statement about the pending report against the actual report language itself and the official explanation contained in the statement of managers:

First, the conference report on S. 2601 does not contain weakened procedural protections for juveniles. Except as to the issue of jury trial—where the modern tendency, endorsed by the action of four-fifths of all the States is to eliminate juries in juvenile cases—the new juvenile code represents in every respect a substantial improvement over the procedures and protections available to juveniles under existing District of Columbia law.

Second, the conference report on S. 2601 does not "establish new categories of harsh mandatory minimum sentences." As I have explained to the point of exhaustion, there is but one mandatory minimum sentence set forth in the entire conference report—the 5-year minimum sentence which applies to second and subsequent armed violent crimes and which is comparable to the 1968 Federal Firearms Act as well as S. 849 passed by the Senate this year.

Third, the conference report on S. 2601 does not require plaintiffs in wrongful arrest actions to pay the attorneys' fees of the defendant police officer, as Senator ERVIN, in introducing the letter into the RECORD, admitted.

On page 25224 of yesterday's CONGRESSIONAL RECORD, Senator ERVIN suggested to the Senate that the criminal law section of the American Bar Association opposes the no-knock provision in this bill. This suggestion is 100 percent unfounded, Mr. President. On the very same page in the CONGRESSIONAL RECORD the verbatim recommendations of the criminal law section are spelled out: Recommendation No. 10 is that the Congress adopt the Senate version of no-knock and also extend the provision to include arrests. Mr. President, the conference report on S. 2601 follows the ABA recommendation precisely.

The distinguished Senator from North Carolina, Senator ERVIN, since the beginning of this debate has suggested that a person may be detained beyond the 60-day maximum simply by repeating the detention procedure. This claim, Mr. President, is contrary to the plain language and clear intent of the conference report. The conference report provides that a detained person's trial must begin within 60 days of arrest or he must be released. Section 23–1322(d)(2) requires that upon the expiration of 60 days, if the trial is not in progress, the defendant must be treated under the release section—I repeat, the release section, section 23–1321, not the detention section 23–1322. This point also, Mr. President, which is as plain as can be, is one which I have made over and over.

Another of the many possible examples of plain misstatements of the bill's provisions by its opponents can be found in criticism directed against the juvenile court provisions of the conference report earlier this week by my distinguished colleague from Maryland (Mr. MATHIAS).

In a chart my colleague inserted in the RECORD of July 20, 1970, at page 25055, the very first item states that under the bill 16- and 17-year-old first-offenders are "irrevocably" sent to adult court. This is untrue. Only 16- and 17-year-olds charged with murder, forcible rape, armed robbery, and first degree burglary—and felonious assault with intent to commit one of these—are sent to adult court for trial. What is most important, they are not sent "irrevocably" to adult trial or anywhere else. Juvenile court jurisdiction is retained as to any other subsequent offense, even if the juvenile is found guilty of the original charge which led to automatic transfer.

Mr. President, of the 12 points mentioned on the chart, four, that is, one-third are in error on the facts.

Mr. President, I respect the concern of those Senators who have spoken out against this bill. I too have shared many of those concerns during the past year and a half I have labored over this legislation. In the process of Senate amendment of the President's legislation and in the conference with the House, we pursued these concerns, eliminated the unwise provisions and produced a solid, effective constitutional piece of legislation which ought to be enacted.

While I understand the concern of the critics, I am at a loss to understand the continued misstatement of many of the bill's provisions, and the unreasonable interpretation placed on others for the sake of argument. I have been severely disappointed by the flagrantly emotional, thoroughly irresponsible and frequently inflammatory rhetoric which has been substituted for reason in too much of the discussion of the bill.

The debate regarding so-called no-knock entry and pretrial detention has been particularly emotional and ironic. Two of the most formidable critics of these proposals—the distinguished Senators GOODELL and MUSKIE—represent States where both these practices are sanctioned by their own State's laws. New York's laws permit widespread pretrial detention and no-knock entry without any of the safeguards provided by this bill. Maine authorizes pretrial detention, without safeguard, in a number of serious cases. And, I am informed that the common-law no-knock entry is not only permitted under Maine's law, but generally practiced in narcotics cases there.

I think a serious study of this legislation and the laws of most States in the Union, including the States which the most vocal critics represent, will indicate that this legislation is a reasonable response to a grave problem clearly consistent with State practice, the Constitution, and individual liberties.

There is repression in this city; but it is not repression by the government and it is not repression by this bill. It is the repression of fear and crime and violence which is destroying homes and families and businesses within the shadow of the Capitol itself. It is the repression which leads people to bar their windows and flee the streets at dark. It is the repression which leads people to keep arsenals and police dogs in their homes for fear of being assaulted, not by the police, but by vicious killers and thieves.

We have an enormously difficult and tragic crime problem to deal with in this city. Its victims know it better than any of us ever can. Our responsibility is to address that crime problem rationally, calmly, and deliberately, and to formulate effective answers to it within the framework of our Constitution and our concept of individual rights and liberties. This bill is that kind of response.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS obtained the floor.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. COOPER. Mr. President, I have not engaged in the debate on the pending conference report. I have not heard all of the speech the distinguished Senator from North Carolina has made today. I have read carefully the full text of the first speech he made in the course of this debate on Friday, July 17.

The Senator from North Carolina should be commended for the tremendous analytical work he has done on this report and for providing the Senate with legal precedents from the Federal courts and many of the State courts.

We have all come to know that the Senator from North Carolina loves the Constitution. He is a deep student of the Constitution. He understands the history of the Constitution—even beyond that, the causes which led to its adoption, and its philosophic basis. He knows Locke and Montesquieu and the great writers and legal scholars of our own country.

I know that we all have a problem on bills such as this, because we are aware of the crimewave in this country. We are very conscious of its depth in the District of Columbia. We are torn by the feeling that we should do everything possible to ameliorate its causes, to provide strict enforcement and speedier justice, and bring to punishment those who are guilty. But we are faced also with the question of whether in trying to deal with this situation, we surrender or abridge the most precious liberties that have been accorded the people of this country or of any other country.

I served as a State judge, both county and circuit, years ago and had some experience with respect to search and seizure and rights in our State constitution, patterned on those embodied in the fourth, fifth, and sixth amendments to the Constitution of the United States. It was during the time of prohibition, and almost every case we passed upon dealt first with the validity of the search warrants.

I have read the section on preventive detention. I know the argument is made that, to a degree, the process will supersede present practices of refusing bail to the accused when considered dangerous is termed a hypocritical system. But there is a distinction when a person is charged with a crime, a grand jury has found probable cause that an offense has been committed by the accused and the question of bail arises.

In the case of preventive detention, no specific crime is charged, but it is a question of whether or not the person is so dangerous that he cannot be permitted to be free. I agree with the Senator from North Carolina that this raises the specter, as he has stated, of the early history in England and of our colonial days, of the detention of ones person by the State, without due process of law.

We have had recent examples. I do not want to exaggerate, because I know they are not entirely analogous, but we saw preventive detention in Germany, under the Nazi rule, and it prevails in Communist countries throughout the world—Russia and in non-Communist totalitarian countries.

I do not know what the courts would hold if this section ever became law, but if it should be held constitutional, it would deny the great principles for which we have stood and which are embodied in the Bill of Rights.

The fourth amendment to the Constitution provides for the right of the people to be secure in their persons as well as in their property—person, as a physical entity, as an intellectual being, a spiritual being, cannot be detained, except by due process of law.

This is one of a series of bills which have applied to the District of Columbia.

When I first served in the Senate it was for only 2 years. The first year I was here—1947—I served on the District of Columbia Committee and the Judiciary Committee. As I recall, in that year a bill was proposed which would have authorized arrest procedure, something which would not have been considered in any State in the United States. That was a bill to authorize an officer to arrest a person, as I recall, practically on suspicion. We were able to defeat it.

It will be recalled that later in the early 1950's a great effort was made to permit the detention of a person for 8 hours before arraignment, and that was defeated.

Now we have the proposal of detention for 60 days and, as the Senator from North Carolina has said, under certain conditions even longer.

I voted against the crime bill 2 years ago with regret because it did have many good provisions in it, because it had some provisions which, in my view, challenged the Bill of Rights and the concept of due process and of human liberty as we have nurtured it in our country.

I believe, with the Senator from North Carolina, that the best method of controlling crime is the quick and sure trial. Many provisions in our codes and some holdings of the courts have the effect of postponing trial. But great improvements can be made by reorganization of the courts to remedy this situation.

Mr. President, this is the only statement I have made during the course of this debate. I see the distinguished Senator from Maryland (Mr. TYDINGS) coming into the Chamber. I have great respect for him. I know what a faithful worker he has been on behalf of the District of Columbia and how faithful his work has been on the Judiciary Committee in trying to reform many phases of our judicial system. He has had great success and he deserves great credit, the commendation of the Senate and the country as a whole.

But for the reasons I have just outlined inadequately, I cannot vote for the conference report.

In closing, let me say again that we owe a great debt of gratitude to the distinguished Senator from North Carolina (Mr. ERVIN).

Mr. ERVIN. Mr. President, let me resume the floor merely to thank the distinguished Senator from Kentucky (Mr. COOPER) for his gracious and generous remarks concerning me.

One of the proudest experiences I have ever had in the Senate was several years ago, when the Senator from Kentucky and I stood together in the fight to make the first amendment to the Constitution effective.

SURVEILLANCE OF DEFENSE PROCUREMENT

Mr. STENNIS. Mr. President, I believe that the Senate will be interested in the activities of the Armed Services Committee during the past year in monitoring defense procurement activities.

Defense procurement has become one of the most controversial and discussed subjects of the day. Its importance is highlighted by the tremendous cost of modern weapon systems and the maintenance of a close surveillance over defense programs authorized by the Congress is a challenging task that has been compounded in recent years by technological difficulties and cost growths associated with the procurement of sophisticated major weapon systems in a period of rapidly rising prices.

To fulfill its responsibility in this field, the Committee on Armed Services, through its Preparedness Investigating Subcommittee, has taken positive action to provide continuous surveillance over the progress of weapon systems procurement.

In January 1969, the subcommittee initiated action to establish a reporting system by the Defense Department covering the cost, performance, and schedule status of major weapon systems. These reports, submitted quarterly, are intended to provide basic data to keep us informed of any significant changes or slippages in cost estimates, production schedules, performance characteristics or other important items connected with the programs and contractual obligations. While these reports do not provide the everyday detailed data needed by a project manager, they are supplemented regularly by requests for additional data. I will discuss this later.

The initial reports were of benefit during last year's consideration of the authorization bill. Improvements were made during the year and the reports now contain useful and valuable data reflecting a fairly accurate status of the programs. Notable improvements made were: the establishment of a consistent basis for acquisition costs; the addition of other costs directly related to the program; a more complete analysis of the cost, performance, and schedule variances; and highlights of recent significant program events. We are continuing to work to make further improvements in the reports.

We now receive quarterly reports on 36 major weapon systems selected as significant ongoing programs, with an aggregate projected program cost of $100 billion. The Department of Defense has expanded the reporting system to cover programs in addition to these selected by us, and these reports are reviewed as the occasion warrants.

These quarterly reports are also distributed to the House and Senate Appropriations Committees, the House Armed Services Committee, and the GAO. The Department of Defense believes that these reports have made a significant contribution in providing timely procurement information and improving its management controls.

After reviewing the data on these reports, the Preparedness Investigating Subcommittee staff has further analyzed a number of the programs.

Mr. President, we now have on the committee highly competent men trained in this field, working under the direction and control of the committee, and I can say that we do have an objective analysis of the status of such programs by competent personnel.

As a result, the committee has obtained an objective analysis of the status of such programs. In selected instances this past year, we were assisted by the General Accounting Office by detailed analyses of several programs prior to hearings on the fiscal year 1971 budget authorization, including the Minuteman and Poseidon missiles and the P–3C and F–111 aircraft programs.

It was my idea from the beginning, when we took up this additional activity, that we could make the greatest contribution by keeping an eye on the progressive developments at each stage of the new contracts and, in that way, I believe, we are exerting a far-reaching influence.

I would like to update the Senate on the latest quarterly report data on the 36 weapon systems. As I have previously stated, these programs have a projected total cost of about $100 billion, and include a projected cost growth of about $19 billion. I do not in any way condone these cost growths, but I do believe that the Senate should understand the situation with respect to them. The fact is that, through fiscal year 1970, only about 34 percent of the projected $100 billion cost has been funded by the Congress. At the same time, some programs are reporting and projecting costs into the 1980 time period. Therefore, while there are certain programs with cost growths that have been funded nearly to completion, the greatest part of the funding for the programs being monitored has yet to be authorized or appropriated. Thus the Congress will have ample opportunity in the future to consider and reconsider the funding of the major portion of the defense procurement activities which we are monitoring.

The quarterly reporting system provides one means for surveillance of major weapons programs, but the committee has other activities to assist in monitoring defense procurement activities.

During the past year the Prepared-

ness Investigating Subcommittee has been looking for improvements by the Department of Defense in procurement contract practices. In view of the controversial aspects of the contracts on the C–5A and F–111 programs, the Preparedness Subcommittee is performing analyses of the contractual aspects of some of the newer programs authorized, including the F–14 and F–15 aircraft contracts. In this we have the able assistance of the General Accounting Office, which is providing an independent analysis of the contractual features. We have also initiated analysis work on the contractual features of the S–3A and AWACS—airborne warning and control system—aircraft programs and plan to follow through on other programs in the next fiscal year.

Finally, Mr. President, I would like to discuss again the findings of the committee during the past year regarding weapon systems cost growths. As I mentioned previously, the cost growth of about $19 billion that we find projected on the 36 weapon systems involved is a projection of costs anticipated to be incurred sometime through the 1980 time period on programs that the Congress will have ample opportunity to review.

Our reviews and analyses, this past year, have helped the committee recognize that a significant problem in this area lies in the "initial planning estimate." In many cases, the estimated cost, performance, and scheduling data being used as a basis for computing cost growths were established long before full agreement was reached within the Department of Defense or information received from potential contractors on the specific design or concept to be used in a particular weapon system. They were merely guesses of cost and performance which had little or no validity.

They were merely guessing—I emphasize that word "guessing"—because they were not even estimates but guesses on cost and performance which have had little or no validity.

I am not trying to assess blame for that. That goes with part of the system. This is an imaginary weapon, existing only in the imagination of our engineers and military men as to what they would like to have here, without any real concept of whether such a weapon could be built, much less its actual cost. The initial figure which finds its way onto the books, being nothing more than a guess—it is not even an estimate—could lead to troublesome situations in the future with reference to that weapon.

With some lack of patience at times, I have called on the Department of Defense to try to be more accurate and concrete with reference to these so-called estimates, but I am convinced now that it is a difficult, one might call it almost impossible, job to get anything to start with about an imaginary ship, an imaginary plane, an imaginary tank, or any other kind of imaginary weapon, to get anything that is respectable at the beginning as to an estimate of its dollar cost.

Mr. President, the committee, during the current year, plans to delve deeper into the establishment of the baseline cost performance and schedule requirements on major new programs that will be presented for next year's authorization, and to examine other problems, such as concurrency, which contribute to real or apparent cost growths on weapon programs.

Mr. President, I can give assurance that the Committee on Armed Services is meeting its responsibility in the surveillance of the procurements of major weapon systems and monitoring the expenditure of funds authorized and appropriated by the Congress in a responsible manner. I believe that the committee is approaching the problem in the procurement of these systems objectively and properly. We have made great strides in the past year. I believe we will continue to make significant strides in the future.

Mr. President, I believe this is part of the responsibility of the committee, to follow through on the funds recommended here on this floor for approval by the Senate. That is exactly what we are trying to do in this colossal undertaking, especially in the Department of Defense. The Department of Defense is trying to cooperate. A great deal has been learned about the wrong type of contracts which have led to so much trouble in the past. The GAO is rendering an outstanding service in connection with its duties and responsibilities in this field.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, there are one or two questions which I would like to discuss with the manager of the bill.

The first question relates to the no-knock provision. I am concerned about one facet of that provision, even though it is my intention to support the conference report. It concerns a situation where an officer holds a valid no-knock warrant but mistakenly enters the wrong abode.

I refer the Senator from Maryland to the incident that occurred recently in his own State when policemen entered the wrong home by breaking down the door. I am sure that there will be mistakes as time goes on. They are bound to occur. I mention this specific incident only for illustrative purposes. The question is in two parts.

What civil remedy does the innocent party have to correct any damage which occurred?

Mr. TYDINGS. Mr. President, the remedy would be the same as the remedy today in the event of a common law no-knock entry under the existing District of Columbia law.

It would be a suit for a wrongful arrest which would be brought against the Metropolitan Police Department, the District of Columbia, and the policemen involved.

As we know, the bill does not enlarge the conditions under which any no-knock entry may be made. It codifies the existing common law and accepts the general rule under which one always announces himself, identifies himself, and states his purpose before executing the warrant. It codifies the present law, but takes the decision out of the streets and puts it in the hands of the court.

Insofar as a wrongful arrest which might ensue, the remedy would be the same as if a wrongful arrest were to occur today under the common law in the District of Columbia. A suit would lie against the Metropolitan Police, the police officer, and the District of Columbia itself. The District would be responsible to pay any damages arising out of the action to the same extent that it is today.

Mr. ALLOTT. It would lie against the individual who did it?

Mr. TYDINGS. The Senator is correct.

Mr. ALLOTT. I was speaking not so much of the wrongful arrest, but rather of the damages that might occur from breaking down a door. The Senator's answer would be the same.

Mr. TYDINGS. That would be part of the provable damages involved in the wrongful arrest.

Mr. ALLOTT. The second part is, Does the Senator know whether the District has established a claims section to handle matters of a similar nature?

Mr. TYDINGS. My understanding is that such a claims procedure does exist, and that it has handled claims along these lines in the past.

Mr. ALLOTT. Mr. President, my second question deals with section 23–1322(b). In that section the drafters have set out numerous criteria for the trial judge to consider in reaching his decision regarding pretrial detention.

I am concerned that even with the considerations provided in the statute, an individual may not receive the personal attention which is so important in arriving at a decision to release on bond or to detain, but rather that the process could evolve into a sort of rubberstamp operation.

I know that the Senator has given this matter much thought. I would appreciate his comments, particularly on this facet of it.

Mr. TYDINGS. The concern of the Senator from Colorado was shared by the Senator from Maryland and all members of the conference between the Senate and the House. For that matter, we incorporated into the bill, when we rewrote it, some 18 important safeguards in the pretrial release and detention section to protect against the fears of the Senator from Colorado, the Senator from Maryland and others.

Let me simply list them for the record.

The first is that the detention eligibility is restricted to persons charged with one of a limited number of specific offenses.

The second is that detention eligibility is further conditioned upon a showing of

prior criminal activities, at the very least consisting of a provable pattern of dangerous behavior.

The third, detention cannot be ordered unless the court holds an adversary hearing.

The fourth, the defendant has the right to counsel at the hearing.

The fifth, the court must find at the conclusion of the hearing, and so state with written findings of fact and conclusions of law subject to appeal, that no condition or combination of conditions of release will reasonably assure the safety of the community.

As a matter of fact, if the Senator will look at pages 191 through 195, he will note that subchapter II is entitled "Release and Pretrial Detention." A substantial part of page 191 and most of page 192 is with respect to release in noncapital cases.

Prior to trial, it provides different kinds of conditional release for dangerousness which will, when the bill is enacted, be realistically available to the judges of the District of Columbia.

Today, the judges of the District of Columbia are forced to make the decision either to completely release an individual, no matter how dangerous he might be, or set the money bail so high that the judge knows the individual cannot reach it. The judge today does not ever face the factor of dangerousness head on.

We spell out in the law that the judge must find that no condition or combination of conditions of release will reasonably assure the safety of the community.

Those conditions include release subject to the supervision of a bail agency, a minister, or other suitable person or organization, the requirement of employment, narcotics testing, or periodic reporting, or release for the working hours of the day but providing that the defendant has to report back in the evening. The court must find that none of these conditions and no conceivable combination of conditions of release would reasonably assure the safety of the community before detention may be imposed.

The sixth, then, is that in making such finding, the court must exhaust a searching list of possible release conditions which, as I indicated, include third-party custody, restrictions on travel, association, or place of abode, daily narcotics use testing, employment requirement, daytime release, and so forth.

The seventh, the expansion of the Bail Agency will make third-party custody a realistic, as well as the preferred, alternative when release on personal recognizance is insufficient.

The eighth, use of money bond in dangerousness cases is prohibited.

So we get away from the hypocrisy existing where defendants do not have any right to counsel or appeal and where the judge arbitrarily sets a high money bail which happened last year in 40 percent of the cases in the District of Columbia. The bond is set so high that the defendant cannot get the money. He must content himself with cooling his heels in jail with no right to appeal for 6, 8, 10, or 12 months until the case comes up for trial.

The ninth. The prosecution must establish that there is a substantial probability of conviction on the preferred charge.

The 10th. An immediate and expedited appeal from a detention order is afforded the defendant.

The 11th. Detention orders are limited to a nonrenewable 60-day maximum period, unlike the 6, 10, or 12 months now faced by persons who sit in jail on high money bond and where the consideration of dangerousness is not visible on appeal.

The 12th. The maximum detention, the 60-day period, is not tolled by timely defense motions. In other words, time consumed by motions count as part of the 60-day period.

The 13th. An expedited trial calendar must be provided for all cases involving pretrial detention.

The 14th. Both the House and Senate Statements of Managers urge appropriations adequate to provide at least 25 additional assistant U.S. attorneys for the District of Columbia, to assure trial in 60 days.

The 15th. A new and expanded public defender service will assure readily available defense counsel to promote speedy trial. Greatly expanded judicial manpower will contribute to the same speedy trial goal.

The 16th. Pretrial detainees must be confined apart from convicted persons.

The 17th. Liberal access to counsel while in detention is assured.

The 18th. Even in detention cases, the defendant may be released for short periods of time under custody to assist counsel in preparation of the defense.

Mr. President, I have tried to outline some of the 18 specific safeguards which I enumerated in my speech yesterday. I went into further detail yesterday. In the drafting of this section we drafted it at every step of the way to provide every type of protection possible. We were not satisfied with the British system or the Canadian system. We wanted to go further. We were not satisfied with the New York State system, where the criminal code allows pretrial detention of any person charged with a felony. We were not satisfied with the system the First Congress adopted in the first bail bill which permitted the automatic detention of anyone charged with a capital crime, and at that time capital crimes included many offenses.

Mr. President, a fair reading of the bill by an objective person will support the statement I make; namely, that the provisions of the bill will actually protect the rights of the defendant as well as provide protection for the public as a whole; that in the long run we will have less people detained in the District of Columbia; the right people will be detained, but they will have had their day in court with an adversary proceeding, as well as a speedy trial within 60 days; and there will not be the hypocrisy of the present system where 40 percent of these accused in felony cases cool their heels because they do not have the money to meet the bond.

Mr. ALLOTT. Mr. President, I thank the Senator for his comprehensive answer, and particularly in delineating the safeguards that have been set up around the preventive detention section of the bill. I think the key to it lies in the adversary proceedings, which goes directly to the question which I posed, dealing with the rubberstamp problem. I feel this is as acceptable an answer as we can come up with in this matter.

Mr. President, in recent days, several prominent newspapers have spoken out in support of the pretrial detention provision in the District of Columbia Court Reorganization and Criminal Procedure Act of 1970. Other newspapers have expressed general support for the bill.

I would like to highlight several salient comments in these editorial statements.

The St. Louis Globe-Democrat remarked that limited authority for "pretrial detention is the only sensible answer to the extremely serious problem of dangerous defendants who have a history of repeating crimes or who are considered dangerous to be at large for other valid reasons."

The Portland Oregonian observed:

> The potential of danger inherent in the pretrial release of some defendants is real. A National Bureau of Standards study published three months ago, focusing on 426 defendants in the District of Columbia, revealed that 17 percent of those charged with "violent crime" and 25 percent of those charged with "dangerous crime" were rearrested while on bail.
>
> Other cities have had similar experiences. Records in Philadelphia for 1969 show that 37 percent of persons arrested on burglary charges, 34 percent of those arrested in robbery cases, and 29 percent of those taken on homicide charges were on bail at the time of the crime.

The Richmond News Leader expressed the important point that—

> Those who oppose preventive detention somehow view judges as ogres who would welcome an opportunity to put every criminal suspect behind bars. The record suggests otherwise. Judges who deal daily with violent criminals soon learn to recognize a hardened criminal when he appears in their courtrooms. These judges also recognize their responsibility to uphold the law, acting as instruments of that law. Arguments against preventive detention suggest that most judges are corrupt and that they have no ability to distinguish a hardened criminal from a first offender, an unjustified insult to the Federal judiciary.

I am confident that judges in the District of Columbia will employ pretrial detention with discretion and restraint. No one seeks unnecessary pretrial detention. The objective is to protect the community when that protection is essential.

Mr. President, I ask unanimous consent to have printed in the RECORD several editorials.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Portland Oregonian, July 21, 1970]

LIMITS ON DETENTION

Two of the Administration's crime control bills currently in Congress have a common controversial provision—pretrial detention of a defendant in a criminal prosecution for a dangerous or violent crime.

Pretrial detention is one of the chief points of debate over S2600 amending the Bail Reform Act of 1966. A similar provision is contained in the District of Columbia Crime

Control Bill which also includes other controverted provisions such as that permitting law enforcement officers to enter a building or room without knocking under certain circumstances.

Pretrial detention and "no-knock" entry have become dirty phrases to some opponents of the legislation. Their implication is that there would be no protection against the abuse of such authority. By no means. Both procedures would be surrounded by limitations.

For example, to effect a pretrial detention in any case, the government would have to proceed against a defendant in a hearing of record. It would bear the burden of producing evidence leading to a judge's finding that "no condition or combination of conditions of release will reasonably assure the safety of the community." A judge's ruling in favor of pre-trial detention would be subject to appeal. Detention would be limited to 60 days.

The potential of danger inherent in the pretrial release of some defendants is real. A National Bureau of Standards study published three months ago, focusing on 426 defendants in the District of Columbia, revealed that 17 per cent of those charged with "violent crime" and 25 per cent of those charged with "dangerous crime" were rearrested while on bail.

Other cities have had similar experiences. Records in Philadelphia for 1969 show that 37 per cent of persons arrested on burglary charges, 34 per cent of those arrested in robbery cases, and 29 per cent of those taken on homicide charges were on bail at the time of the crime.

In 1966, more than two years before the Nixon Administration took office, the President's Commission on Crime in the District of Columbia recommended adoption of legislation to authorize the pretrial detention of those defendants who present "a truly high risk to the safety of the community." The report said, "After considering the opposing arguments, the majority concludes that the courts are presently capable of identifying those defendants who pose so great a threat to the community that they should not be released, and that a constitutionally sound statute authorizing detention in certain cases can be drawn."

The proponents of the current legislation contend that it meets these standards. It should be noted also that as early as 1927 the American Law Institute included a provision for pretrial detention in its Model Code of Criminal Procedure.

Of course, the legal profession is well aware that pretrial detention is already widely practiced by the courts by setting extravagant bail figures, despite the injunction of the Eighth Amendment to the U.S. Constitution that "excessive bail shall not be required." Such practice obviously discriminates against most defendants and in favor of the wealthy, including those supported by a crime syndicate.

The prospect is that both society and many defendants would be better served by a pretrial detention system operating strictly under court supervision and the limitations of an adversary hearing.

Moreover, it should not be ignored that S2600 contains important, non-controversial bail reforms that would make the criminal courts more responsive to the interests of both the accused and the public.

[From the Delaware State News, July 16, 1970]

BALANCING THE PENDULUM SWING

(By Jack Smith)

Strip away all its fancy fixings, government exists to protect people.

Wise public policies preserve our freedoms, keep us from bodily harm, guarantee property rights and preserve justice. These are all forms of protection.

For many complicated reasons the forces of anarchy prevail in this nation. If allowed to continue unchecked, our previous rights and freedoms will disappear.

The American people must not allow a few old men in Congress to block the Organized Crime Control Act of 1969. The lead story Tuesday in this newspaper, by the Associated Press, told the sad tale of how Rep. Emanuel Celler, age 82, is serving the well-meaning but dangerous opposition of the assorted liberals opposing this package.

The criminals in this nation are delighted with this confusion. They look at Congress as a bunch of stupid individuals. They steal, rape and kill. If they happen to get caught, they're released. The present system makes it easy, actually encourages them.

Don't go for this stuff about the danger of repression. It exists, of course, but there's little chance of it now in this permissive society. Those who raise this cry these days are just suckers for those who are destroying the finest nation this world has ever known.

Important in this package of bills that will be passed if the American people put on the pressure is the one (S. 2600) authorizing limited pretrial detention of dangerous defendants.

Don't let the liberal con you on this one. Of course the ultimate answer is speedier trials. But this is not practically attainable. Despite all the money we're spending on our courts, it's a bottomless pit.

As a fellow who once prepared watches and clocks—the trouble is obvious to me. The pendulum in the clock of criminal justice has swung over way to far. There it will stay until the clock is properly balanced. Passage of these crime control laws will help make the adjustment.

Call and wire our Congressman or any you know—today. Balancing the pendulum swing will allow the government to get to its basic job—protecting people.

[From the New York Daily News, July 21, 1970]

BIG LAW AGAINST BIG CRIME

The House last week passed, by a 332–64 vote, the Nixon-backed crime bill for the District of Columbia—a big package of tough measures which it is hoped will become a model for crime-harried cities the nation over.

A Senate vote is expected this week; and we hope the bill may win an impressive majority in Congress' upper house. Or doesn't the Senate want prosecutors and police adequately equipped to defend decent people against criminals and crooks?

[From the Charleston (S.C.) News and Courier, July 15, 1970]

PRETRIAL DETENTION

After voluminous and often heated testimony before a Senate subcommittee on constitutional rights, the issue of pretrial detention is coming before the U.S. Senate for decision.

The proposal for detention in jail before trial of someone charged with a crime takes the form of an amendment to the Bail Reform Act of 1966. That act was designed to minimize the use of money bond as a means of detention and a barrier to a person's freedom.

In practice, as Richard G. Kleindienst, Dept. of Justice deputy attorney general, has told the Senate subcommittee, the Bail Reform Act "absolutely precludes a trial judge from considering danger to the community in setting conditions of pretrial release in a non-capital case."

Under the act, every defendant charged with forcible rape, arson, kidnaping, armed robbery, burglary, bank robbery and a number of other crimes has an unequivocal statutory right to release before trial, unless substantial evidence exists that he will attempt to escape jurisdiction of the court.

Those opposed to reforming the act contend that if a person charged wtih a crime can be detained prior to trial his freedom is being denied without due cause. Those favoring reform offer compelling evidence that defendants released under the Bail Reform Act are free, until their trial, to continue to prey on the community.

"Eliminating money bond," Mr. Kleindienst has said, "does not eliminate the social need to detain those persons who pose a serious threat to the public safety."

This threat has increased since the Bail Reform Act was passed. A survey made by the U.S. Attorney's Office discloses that of 557 robbery defendants indicted during 1968, some 70 per cent of the 345 defendants released before trial were rearrested for a new crime. Pretrial detention could have protected the public against these criminals.

Under proposed legislation, no one would be detained unless (1) he came within one of a group of carefully chosen categories who may pose a danger to society, (2) the judge finds that the defendant cannot be released on any condition that would reasonably assure the safety of the community, and (3) there is a "substantial probability" of the defendant's ultimate conviction.

Sen. Robert C. Byrd, D-W. Va., has said that the Bail Reform Act, passed with the best of intentions, "is proving a windfall to the chronic violent criminal." Society deserves protection against such persons. Until the judicial system can be geared up to speed trials of those charged with crimes against society, pretrial detention seems to provide the only means by which chonic offenders can be kept off the streets.

[From the Indianapolis (Ind.) Star, July 17, 1970]

MAKING CRIME EASIER

One afternoon a man posing as a janitor gained entry to the apartment of a young woman in Washington, D.C., threatened her with a knife, raped her, tied her with a scarf and fled.

He was identified from fingerprints and a photograph as John C. Swann. Swann was arrested and released on personal recognizance four days after the assault.

A month later, Swann, still at large, accosted the rape victim as she left a suburban shop where she worked. He fired four gunshots, one of which wounded her in the left shoulder. Then he escaped.

It was not until nine months later, after he was located and rearrested, that Swann was tried by a jury and found guilty of rape. Subsequently he also was convicted of intimidating a witness.

Washington police files bulge with cases of serious crimes committed by suspects released pending trial on felony charges. Such cases have risen scandalously since a liberal Congress enacted the so-called Bail-Bond Reform Act of 1966. Under this act, defendants charged with forcible rape, arson, kidnapping, armed robbery, burglary, bank robbery, mayhem, manslaughter and assault with intent to kill have unequivocal rights to release before trial, if a judge so decides, without putting up one cent of bail bond money.

As Senator Hugh Scott (R-Pa.) remarked recently, John Dillinger, who robbed at least 13 banks, three supermarkets, a mill, a drugstore and a tavern before he was first captured in 1933, would be guaranteed pretrial release today in the District of Columbia. So would a defendant caught red-handed setting fire to a children's hospital after planting bombs in every public building in Washington.

It is no wonder that this absurd "reform" has been followed by the worst crime surge in the district's history.

Consequently, lawmakers upon recom-

mendations of the Department of Justice have drafted legislation that would provide for preventive detention, after a judicial hearing, of defendants whose release would be dangerous to "the safety of any other person or the community."

House and Senate conferees have agreed to include preventive detention in the D.C. Omnibus Crime Bill, which has at last emerged from conference after months of negotiation, and has been approved by the House. It is now before the Senate, where there is stiff opposition.

A coalition of Senate liberals opposes this move, planning instead to introduce separate legislation for court reorganization. Under the guise of improving court procedures, their measure would have the effect of bypassing the Senate-House Conference Committee working on the Omnibus Crime Bill.

The liberal package would omit the preventive detention provision which means, of course, that dangerous repeat offenders can continue, pending trial, the unrestrained criminality that has converted the nation's capital into a city virtually under siege. Sponsors of the move include Senator Birch E. Bayh Jr. (D-Ind.) and other senators who have consistently fought administration crime-control efforts.

Bayh, at a hearing where he urged rejection of preventive detention, talked evasively of prison conditions, education, housing and employment but he assiduously sidestepped the problem of keeping dangerous repeater criminals off the streets prior to trial. Maintaining his evasion, he expressed the opinion that the problem did not represent a matter for serious concern.

Perhaps to Bayh and his fellow liberals it does not. But it does to those who must suffer the consequences.

In their rush to pose as champions of the underdog, Bayh and his associates display heart-wringing concern for the rights of repeater criminals charged with serious crimes.

They do not seem to feel anything like the same concern for the rights, safety and lives of innocent, law-abiding citizens—the criminals' victims and potential victims.

[From the St. Louis (Mo.) Globe-Democrat July 6, 1970]

PRETRIAL DETENTION FOR REPEATERS

Opponents of the Nixon Administration's proposed amendment of the Bail Reform Act of 1966, which would authorize pre-trial detention of "hard-core" crime repeaters, are resorting to scare tactics in their attempt to block this urgently needed change in the law.

They claim it "smacks of the police state," that it convicts individuals of "probable guilt" and so on.

As a matter of fact pre-trial detention is the only sensible answer to the extremely serious problem of dangerous defendants who have a history of repeating crimes or who are considered dangerous to be at large for other valid reasons.

Some critics of the pre-trial detention proposals say that the complete answer to crime recidivism is to make speedy trials mandatory.

But speedy trials are not the whole answer.

As Deputy Attorney General Richard K. Kleindienst pointed out in testimony before a Senate Judiciary subcommittee, "Professional armed criminals whose sole occupation is to break into homes or stage holdups on the street will still commit crimes while awaiting trial."

"Narcotics addicts who must commit crime to support their habits will commit those crimes while awaiting trial. Incorrigible troublemakers with a manifest streak of viciousness and violence will strike again while awaiting trial.

"Compulsive sex offenders may lose control and commit new crimes while awaiting trial."

Is it really a "police state" tactic to impose limited pre-trial detention on a sex offender who has repeated this crime and in the view of the judge represents a danger to the community?

Locally, it will be recalled that Milton Brookins Jr., accused of being the "phantom rapist" and identified by seven women in St. Louis as the man who raped them, was released on a $12,000 bond after two of the women signed warrants against him and caused his arrest.

While he was out on bond he was accused of forcing his way into an apartment of a young woman to brutally beat and shoot her as he attempted to rape her, and also of attempting to ravish her companion.

In two subsequent trials on charges resulting from this episode, Brookins was sentenced to 60 years in prison for armed robbery and 99 years for assault with intent to ravish.

Again, the question can be asked. Should Brookins have been released on bond after so many women identified him as a rapist?

Pre-trial detention in such cases should be made mandatory to protect society from criminals who have demonstrated by their actions that they are too dangerous to be at large. The time limit of 60 days on such detention seems reasonable.

The District of Columbia Crime Bill reportedly has been stalled in a conference committee by objections of several senators to the preventive detention provision. It is hoped that the conference committee will keep this important section in the final version. This bill could well serve as a model for other cities throughout the nation.

[From the Milwaukee (Wis.) Sentinel, July 16, 1970]

PROTECT SOCIETY

House and Senate conferees have agreed on a District of Columbia anticrime bill that includes a provision for preventive detention—limited pretrial jailing without bond of criminal suspects found to be dangerous.

Under the bail reform act of 1966, a trial judge is absolutely precluded from considering danger to the community in setting conditions of pretrial release in noncapital cases.

Historically, danger to the community has been considered by trial judges who could set money so high as to effect detention—a hypocritical, unreliable and discriminatory procedure.

Now, every defendant charged with forcible rape, arson, kidnaping, armed robbery, burglary, bank robbery, mayhem, manslaughter, and assault with intent to kill has an absolute, unequivocal statutory right to release before trial, unless there is substantial evidence that he will attempt to escape.

This turns loose on society pending trial professional armed criminals whose sole occupation is to break into homes or stage holdups on the street, narcotics addicts who must commit crimes to support their habits, incorrigible troublemakers with a manifest streak of viciousness and violence, and compulsive sex offenders.

Also turned loose are other defendants with special motives to engage in crime while awaiting trial, such as those who may desire to "bankroll" their families for the time they are in prison, or to pay off a bondsman or a loan shark or a gambler, or to simply have a "last fling."

As Deputy Atty. Gen. Richard G. Kleindienst pointed out at a Senate hearing, "Society has the inherent right to protect its members, for limited periods through due process procedures, from persons who pose a serious threat to life and safety . . .

"Today, federal judges are faced with an agonizing decision when a dangerous defendant stands before them. They must either disregard the mandate of the Bail Reform Act by setting bail beyond the defendant's means, or they must shut their eyes to community danger. One course perpetuates hypocrisy; the other course is hazardous to society.

"Open pretrial detention would eliminate hypocrisy from the bail system . . . defendants would be afforded a due process hearing in which they would gain a significant measure of protection against arbitrary determinations."

It is to be hoped that Congress not only will adopt the pretrial detention system for the District of Columbia but that it will pass legislation applying the system to all federal courts throughout the land.

[From the Norman Brewer Report, WMC–TV, Memphis, Oct. 16, 1969]

A proposal by President Nixon to legalize pretrial detention of certain Federal criminal defendants on grounds that they are dangerous is up for consideration in Congress. The plan is controversial. Legal authorities differ on whether it is constitutional—a question the Supreme Court may some day be asked to settle. They also disagree on whether pretrial detention would achieve its purpose—to protect society from violent crimes committed by some defendants while they are free, pending trial on earlier offenses. A House Judiciary Subcommittee is scheduled to hold hearings on the Administration proposal to authorize Federal judges to order pretrial detention of certain defendants after a hearing and compliance with specified conditions. The problem has become acute in the District of Columbia—the only place in which Federal jurisdiction includes street crimes. The D.C. police have reported that 35 percent of defendants indicted on armed robbery—who were released pending trial, were re-arrested and re-indicted on subsequent felonies—mostly armed robberies—before they came to trial in their first cases. D.C. police authorities declared recently that crime in the Capital City could almost be "cured" if 300 hardcore criminals and narcotics users could be put in jail. The records show that not only in Washington, but nationwide, increasing numbers of crimes are being committed by persons already indicted but free on pretrial release. Many are being arrested up to seven times for new offenses while awaiting trial. Libertarians will be screaming about how pre-trial detention of hardcore criminals will violate the American system of justice. But that system is in deep trouble. Isn't it time that some changes were made in it? Changes that balance protection of the innocent with protection of the guilty?

[From the Richmond (Va.) News Ledger, June 30, 1970]

LET THE JUDGES DECIDE

A few days ago in Washington, a traffic patrolman shot and killed a robbery suspect fleeing from a liquor store holdup, after the suspect had shot the patrolman through the chest and neck. Details of the shooting repeat a pattern that has prevailed in the nation's capital since passage of the Bail Reform Act of 1966, under which all suspects charged with other than capital crimes in Federal courts must be released on bond if the judge considers them likely to show up for trial.

Had Federal District judges in Washington been permitted to consider a suspect's record or the likelihood that he would commit other crimes while free on bond, the recent shootout might not have occurred. The suspect in the case, Franklin E. Moyler, had the record of a hardened criminal. He had served two years in jail on charges of assaulting an officer. He subsequently chalked up a number of assault charges: In January, he was charged on four counts, including assault with a deadly weapon, but was released when he posted one-tenth of a $1,500 bond. On June 1, he was charged again with robbery and released on a $2,000 bond. So he was free on June 19 to shoot and to wound a policeman critically.

The latest incident adds yet more imperative reasons for approval of a preventive detention provision included in the D.C. Crime Bill, under which Federal District judges would be permitted more discretion in setting bail. The Tydings Advisory Panel Against Armed Violence recently endorsed preventive detention as "an immediate response to armed violence." The panel found, in its investigation, that one out of every 11 suspects released on bond is charged with subsequent offenses before reaching trial on the first charges. The panel also reported that offenders charged with certain crimes, such as burglary, robbery, and narcotics offenses, are much more likely to be charged with subsequent offenses while free on bond.

The preventive detention proposal has sincere opposition from those who believe that it infringes on the constitutional rights of criminal suspects. After all, they say, the suspect has not yet faced trial on his charges, and therefore he must be presumed innocent and set free until proved guilty. Opponents further contend that only a small percentage of those released actually commit new crimes before their trials, and preventive detention would punish both the innocent and the guilty.

These arguments fail to persuade. In recent testimony before a Senate subcommittee, U.S. District Judge George Hart recounted 14 cases in Washington in which preventive detention would have prevented commission of new crimes by the suspects, all of whom had been charged with crimes of violence. The subsequent crimes included rape, attempted murder, and armed robbery. In Judge Hart's view, the right of society to be protected from crimes of violence justifies approval of preventive detention.

Those who oppose preventive detention somehow view judges as ogres who would welcome an opportunity to put every criminal suspect behind bars. The record suggests otherwise. Judges who deal daily with violent criminals soon learn to recognize a hardened criminal when he appears in their courtrooms. These judges also recognize their responsibility to uphold the law acting as instruments of that law. Arguments against preventive detention suggests that most judges are corrupt and that they have no ability to distinguish a hardened criminal from a first offender, an unjustified insult to the Federal judiciary.

The arguments continue, pro and con, and a great deal of misinformation results. Meanwhile, the crime rate in Washington rose 21 per cent during the first three months of this year over the same period in 1969; the national crime rate rose by 13 per cent. Even the liberal *Washington Post* has recognized that the lack of preventive detention has contributed to Washington's crime problems. With support from both conservative and liberal elements, preventive detention in conjunction with a speedier trial system, may yet prove a highly effective weapon against those who repeatedly threaten the lives and safety of citizens in the nation's capital.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 24 minutes p.m.) the Senate adjourned until tomorrow, Thursday, July 23, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

ONE MAN'S PERSEVERANCE

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. WYMAN. Mr. Speaker, an article appeared in Sunday's Boston Globe that describes the splendid work of Mr. Hugh Tuttle, former mayor of Dover, N.H., in keeping his family's three-century-old farm a prosperous and going concern in the fact of growing urbanization.

Hugh Tuttle's energy, industry, and dedication to his home and his fellow citizens are well known in Dover, N.H., and throughout New Hampshire's First Congressional District. In these rapidly changing, and often confusing times, Hugh's accomplishment serves as an inspiration to us all.

The article follows:

IN AGE OF DISAPPEARING FARMS: HUGH TUTTLE LOVES THE LAND TOO MUCH TO GIVE UP

(By Nathan Cobb)

DOVER, N.H.—It is this simple: Hugh Tuttle loves the land.

For 325 years, the Tuttles have been farming the rich soil of Dover Point, three miles southeast of the center of this milltown of 20,000. The developments that chewed up the other farms along the Point and spit out the box-like houses that replaced them now squat at the borders of Hugh Tuttle's land, and he realizes they will someday invade his own fields.

But he also knows it has been his own ingenuity and foresight that has sustained the Tuttle farm for at least one more generation, thus assuring him he will always be a farmer. And that's all he ever wanted, really.

The success of Hugh Tuttle is ironic. His property has been worked by 10 generations of Tuttles and is the oldest farm in America that has continually passed from father to son. But Hugh's refusal to cling to the past has been its salvation.

Educated in botany at both Harvard and the University of New Hampshire, Tuttle has an advantage over most of his fellow farmers. He not only knows how something grows, he knows why.

As he drives you through his 40-plus acres of salad crops, he is likely to tell you about one of his latest experiments, perhaps the black sheets of polyethylene he is using to warm the topsoil. He has been active in the Soil Conservation Service for nearly 25 years, and he is constantly talking about "a better way."

But the main reason the Tuttle land has not yet gone for housing sits conspicuously beside Dover Point Road at the northwest corner of the farm. It is formally designated "Tuttle's Red Barn," but people hereabouts—who know Hugh as a former city councilor, mayor, acting city manager and state legislator—call it simply "Tuttles." It is the store where Tuttle sells the vegetables they grow, as fast as they can grow them.

"My father always sold to the independent stores," recalls Tuttle, who is 50 but whose bone-thin features, mahogany-colored skin and closely-cropped hair skim a decade off his age. "But then the chain supermarkets came in. They weren't interested in quality, just in buying cheap and selling high. We struggled along for several years and just weren't making enough income. I could see we had to do something."

Tired of paying 40 cents or more on the dollar to a middleman, the Tuttles warily opened their 125-year-old barn as a roadside store in 1956. They were immediately inundated by a quality-starved market that has been growing ever since. The daily appearance of 800–1000 customers who spend around $1200 is not uncommon, a volume of business that is a far cry from the two truckfuls of preordered groceries Tuttle was laboriously delivering to local stores every day 15 years ago.

The unchallenged manager of the store is Hugh's wife, Joan. She defies the stereotype image of a farmer's wife as she rushes about in fashionable bellbottoms and sandals, anxiously checking the loading platform in back for more vegetables or happily discussing four types of strawberries with a customer out front.

All three Tuttle children passed their growing-up summers in the store. But Rebecca, a long-legged blonde who is 17 and will start college in the Fall, may well be spending her last season on Dover Point. And Lucy, 25, lives in Paris, while 23-year-old William Penn Tuttle 3d is working in Boston.

The barn opens for the season with the green lettuce and spinach of late May, runs through the yellow corn of hot summer, and closes with the orange pumpkins of Halloween. Cars fill the parking lot long before the 10 a.m. opening, and many daily pickings are gone by noon. There is no such thing as "day-old," and smart shoppers telephone ahead to reserve certain vegetables.

The atmosphere around the store is chaotic crackerbarrel. The hectic filling of orders is likely to be salted with numerous questions about children, introductions of grandchildren and exchanges of news.

Not only are customers called by name. So are their dogs.

While all this controlled mayhem is taking place at the barn, Hugh Tuttle usually can be found quietly managing his fields. "It's better that way," he smiles. "Sometimes if a customer complains, I take it personally."

The farm now produces some 60 vegetables, everything from Swiss chard to Chinese peas. "We decided we were going to make these meat and potato Yankees like salads, and we've done it," Hugh laughs, His land covers 245 acres (the average U.S. farm being 250), but some 200 of this pasture, hayland, wasteland and the woodland that produces the fireplace logs he sells during Fall and Winter.

He keeps precise records of when, where and what he grows, as well as shortage and excess records. These details will make up his "bible" for subsequent years.

Complicated? "It's either do it this way or mechanize and grow only two or three crops, ship them to Boston, pay off the top, and let everyone make more money than you do," he says flatly.

Hugh Tuttle's day begins at 5:30 a.m., and by 7:30 he is joined by his pickers. Unlike many New England farmers, he has a built-in labor market. Dover is filled with low-income families who are anxious to have their teenagers work in the fields, and the University of New Hampshire is only four miles away. The farm receives some 200–300 work applications every year.

Picking goes on all day, with Tuttle acting as a liaison between the store and fields. When his wife tells him customers are waiting for peas, he hurriedly moves pickers to that area of the farm. Or beans. Or corn. And on it goes.

It was one John Tuttle—"Immigrant John", the family calls him—who first made his way to Dover Point from Bristol, England, in 1632, having been shipwrecked off the coast of Maine along the way. The land

was used only to keep the family alive for seven generations, but the industrial revolution eventually brought cotton mills to Dover and in 1909 Hugh's father began growing vegeables and taking them around to local grocery stores.

"It used to be that the dumbest kid in the family took over the farm," Hugh explains. "But times have changed. There's a revolution in agriculture now. I'll try anything new at least once, and if it doesn't work, well . . ."

A little later he calls out to his 22 black angus beef cattle, the ones he keeps mostly because the local kids like them and because he loves "the look of black cows against the green grass." They come slowly across the pasture, bellowing.

"I'm the only one left along here," he says, squinting up Dover Point rd. "The taxes have tripled during the past 10 years, and I'm paying houselot taxes on much of my land.

"But, of course, all types of American farms are going out of existence at a rapid rate," he goes on, "particularly around the population centers of the East and Far West. And with no population control and no preservation of land for agricultural purposes, I can foresee the day when this country won't be able to grow its own food."

Is time running out on the Tuttle farm? Certainly the family knows that half of America's farm population has disappeared since 1950 and that creeping urbanization has helped swallow up over one-third of the country's farms during the past two decades.

"There's a possibility it may go on another generation," Hugh theorizes, stooping to cut a row of lettuce. "My son has allergies which make living here almost impossible, but I have two daughters, and who knows? They might marry farmers.

"But the only way to survive another generation is via the retail route. The farm just couldn't go on if we were still wholesaling. You see, land values are so high they've made farming almost impossible this close to megalopolis. Frankly, I'm not encouraging anybody to carry on here another generation.

"But this land!" Hugh Tuttle says, setting a box of fresh lettuce in the back of his pickup truck. "This land has a dependability you don't find in people, and that's what I love. I wouldn't have lived my life in the city for anything."

TREATMENT OF PRISONERS ACCORDING TO THE GENEVA CONVENTION

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 22, 1970

Mr. SCHWEIKER. Mr. President, today over 1,400 American servicemen are held as prisoners of war by the North Vietnamese. We have used every available diplomatic channel to persuade that government to provide a list of such prisoners, to indicate their condition, and to permit regular communication between them and their families in accordance with the rules of the Geneva convention.

Whether the requests have come from the United States, from neutral countries, or from international organizations, they have been ignored or rejected by the North Vietnamese Government.

Yet that government is a signatory to the Geneva prisoner of war convention which requires that captor nations, as a minimum, must treat prisoners in the manner we have requested of North Vietnam.

Once again, I urge we renew our efforts to press for minimum justice for American prisoners of war held by the North Vietnamese.

BITTER HARVEST

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. SCHMITZ. Mr. Speaker, I would like to include an article by Father Daniel Lyons, S.J., which appeared in the July 12th issue of Twin Circle magazine. Father Lyons points out the fallacies and bitter harvest of the so-called grape strike.

The article follows:

CHAVEZ REAPS BITTER HARVEST

(By Father Daniel Lyons, S.J.)

I went to the Coachella Valley with Father Cletus Healy late in June to find out the latest developments regarding the table-grape situation. The valley is in the vicinity of Palm Springs, 100 miles east of Los Angeles. We also went to the Bakersfield and Delano area to talk with workers, growers, pastors and other knowledgeable persons to find out all we could. Father Healy will be writing a more detailed account of our latest investigations for our readers, but I am anxious to tell you my conclusions.

First of all, do not think of grape-pickers as an oppressed people. They are the highest paid agricultural workers in the nation. A long-time pastor in Delano told us he had often said to concerned outsiders: "Go out and find a family that is underfed and come back and tell me, so I can feed them." They have apparently never found any. Secondly, do not think the workers are clamoring to join the union. As a union organizer, Cesar Chavez has failed miserably to get workers behind him. Thirdly, do not labor under the illusion there has been a workers' strike against the growers.

Chavez called for a strike against the growers, but he could never get more than a handful of workers to go out on strike. So he hired pickets who were non-workers, and induced hippies, members of the SDS and other characters from the Berkeley campus and elsewhere to picket various ranches. Newspapers and TV crews then interviewed the picket as though they were workers out on strike.

"POISONED" GRAPES

Since a strike is supposed to be a withholding of labor by workers on the job, the effort failed miserably. Chavez then launched a nationwide boycott, but this too failed until recently. Having failed to get the workers behind him, having failed with his strike tactics, having failed with his boycott, he launched a fourth weapon: pesticides. He claimed the growers were using poisonous pesticides, so no one should eat grapes. Then he cynically agreed to waive the poison issue if the majority of growers would sign contracts with him. But he was beaten on the pesticide issue when the State of California Department of Agriculture proved that his charges were untrue.

But Chavez is not a failure. He has succeded in getting hundreds of thousands of dollars from the AFL–CIO. He has gotten millions of dollars worth of publicity. He has successfully formed committees in nearly 100 cities to pressure the chain stores into boycotting table grapes. In Chicago alone he has 40 full-time representatives working on the boycott. He has gotten mayors in such big cities as New York, Boston and Detroit to support his boycott. He has organized pickets all over the country to man the entrances to chain stores with their placards.

Whether Chavez is behind it or not, he has also profited from fires that have been set in scores of sheds, owned by growers in strategic areas, and from hundreds of tires that have been slashed on the cars of grape pickers who have not succumbed to his tactics. He has gotten hundreds of clergymen, and particularly priests, to picket stores and call on store managers to persuade them to boycott grapes. He has also managed to get all the Catholic bishops in the United States behind him officially. Only a few Catholic bishops are actively behind him, but the good name of them all is being used because a bishops' committee was set up and is acting in their name.

COMMITTEE USURPED POWER

As the spokesmen for the bishops' committee, Auxiliary Bishop Joseph Donnelly of Hartford and Monsignor George Higgins of Washington, D.C., said they would do everything they could to organize the table-grape industry. And that is only the beginning, they pointed out. The committee intends to dedicate its efforts to organizing all of the farm workers in America. There is no indication the rest of the bishops had this in mind when they supported the committee on table grapes. As far as we can determine, it is a power the committee simply usurped.

That the name of the U.S. bishops is being used in the campaign to organize the table-grape industry is unprecedented. We have also found it bitterly resented. In the Coachella Valley, for example, 70 percent of the growers are not Catholic. Among them is the head of their association, who is facing bankruptcy because he will not force his workers to join Chavez's union. He met twice with the bishops' committee, but said it refuses to meet with him any further because a bishop on the panel thought he had not been sufficiently respectful. Of course, in the eyes of the grower the bishop was just another pleader for Chavez.

Shortly before he died in Illinois this past May, Father John Coogan, S.J., wrote to Twin Circle that Monsignor George Higgins, who is the dynamo behind the bishops' committee, has spent his life crusading for compulsory unionism. "As far as grapes are concerned, Higgins can take them or leave them," he said. Father Coogan, who taught social science at the University of Detroit for many years, and who preceded this writer as current affairs columnist for Our Sunday Visitor, knew whereof he spoke.

By right, Cesar Chavez should have had to convince the workers they should join his union. He never did. He is about as popular with most of the workers as the seven-day itch. If they oppose his union he sometimes threatens to have the Internal Revenue Service harass them. The union contracts he has signed have forced the workers to pay so many fees, dues and assessments they are all receiving less take-home pay than they were before. And they are forced to pay these sums by having the money taken out of their checks by the employer, under pressure from the union. Furthermore, Chavez is bringing in thousands of workers from Mexico to take the jobs of residents, since so many refuse to join his union even under pain of losing their job. He is constantly advertising for workers on the radio in Mexico, and the workers in California know it. Only ten percent of grape pickers were migrant workers before Chavez came in, and he condemned the importation of workers from Mexico in the past.

MANY WORKERS FIRED

Just as Chavez has never succeeded in getting the worker behind him, so he never

succeeded in getting enough people to stop buying grapes. Where he did succeed is in getting so much pressure on chain store managers that they were afraid to handle his grapes. He succeeded so well with this that he has finally forced many employers to sign a union contract with him. In doing this he never consults with the workers. He merely forces the employer to discharge all those who will not sign up with his union.

From all we could find out by talking with workers and employers, the so-called union elections are a farce. Employers who have signed a union contract have usually done so because the boycott has made it impossible for them to sell their product, so they face financial ruin. The union promises to sell their grapes for them, and it does so by forcing stores to buy grapes with the union label on the box. It then acts as the broker.

The union makes no attempt to contact the workers before it forces an employer to sign a contract. Numerous employers quote Monsignor Higgins as saying: "Either you sign a union contract or we have no recourse but to have the bishops across the country enforce the boycott and make you sign." When employers ask him why the workers are not consulted by the union, the Monsignor declares: "That is not necessary. They can ratify the contract later."

What is so shocking is to have the workers and employers tell you what "ratification" means. It means telling the workers they will be fired that day, or at least within three days, if they do not sign a union card. Those workers unwilling to join the union then leave. That is why you hear that "the workers voted to join the union 70–0." Sometimes the figure is given as "70 to 2," as in a Russian election.

As Father Coogan pointed out, compulsory unionism is what Monsignor Higgins is totally committed to pushing. That is why he and his committee of one or two active bishops talk with the union as though it represents the workers, instead of trying to understand the thinking of the workers themselves. They have determined that compulsory unionism is what should be imposed on the workers, whether the workers like it or not, and whether the workers want this particular union or not. When the bishops' committee talks about "negotiations" they mean compulsory unionism and nothing else.

WORKING CONDITIONS UNCHANGED

No working conditions are changed by the union contract. All they get is $1.75 per hour, plus commission, instead of $1.65 per hour, plus the same commission. If the workers were being underpaid, how has the union helped them? They are getting considerably less money now, after they pay their initiation fees, union dues and assessments. And what is the justice of forcing workers to join a union unless they want it?

The bishops' committee is not listening to the pastors involved or to their parishioners. Large numbers of Catholics have already been alienated from the Church, and thousands of non-Catholics have been embittered by the arbitrary, high-handed actions of the bishops' committee.

A "FIGHT TO THE DEATH"

Chavez describes his movement as a "fight to the death. They destroy our union or we conquer them." He is now moving his hired pickets against the $11 million melon crop in the Imperial Valley. Melons are vulnerable because they begin rotting within three days after ripening. A spokesman for the union said pickets will move from field to field, picketing crops as they ripen. Reports the Los Angeles Herald-Examiner: "Chavez' tactics of intimidation and threats have closed three fields comprising 300 acres of one grower's total of 1,200. The cost to the grower is estimated at $30,000 a day." As usual, none of the workers belong to his union, but he hopes to force the employer to compel them to join.

We expect that of Chavez, but we cannot believe that most of America's bishops would approve of what is being done in their name if they were fully aware of the facts. Coercion of both the workers and employers ill becomes the Church Christ founded.

PROPER NEWS REPORTING AND USE OF MASS MEDIA BY EXECUTIVE BRANCH

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Wednesday, July 22, 1970

Mr. MOSS. Mr. President, on July 10, the distinguished Senator from California (Mr. CRANSTON) addressed the National Broadcast Editorial Conference in Park City, Utah. His speech dealt with the important question of proper news reporting and the use of the mass media by the executive branch. Because of the importance of this matter and the excellent manner in which Senator CRANSTON addressed the problem, I ask unanimous consent that his speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ALAN CRANSTON

Last month, the Senate repealed the Gulf of Tonkin Resolution. In the six years the Resolution existed, more than 50,000 Americans died in Southeast Asia. In those six years, our involvement grew from a few advisors in one country to thousands of troops in three. In those six years, the cost of the war kept us from meeting our urgent domestic needs, and controversy over the war kept our people divided.

The Gulf of Tonkin Resolution was adopted in August, 1964, after President Johnson had appeared on national television requesting what amounted to a blank check to wage war in Vietnam. The request stirred little debate in the press, among the public or in the Senate. CBS News, for example, devoted only two minutes of air time for commentary after the President had completed his remarks. Fred Friendly, who was then president of CBS, later wrote: "I shall always believe that, if journalism had done its job properly that night and in the days following, America might have been spared some of the agony that followed the Tonkin Resolution."

But the press didn't do the job.

The Congress didn't either, and we've gone through six years of agony.

The war drags on.

And a new President goes on television to seek public support as he sinks deeper and deeper into the morass in Indochina.

We dare not repeat the mistakes of 1964. Our nation can't survive another six years like the ones we've just gone through.

Congress must never again turn over its power to the President—it must never again allow the United States to become locked in an undeclared war in a distant corner of the globe.

And the press must never again fail to give the American public the vital information and interpretation it so desperately needs in these complex and troubled times. The press—especially television—must never again let major Presidential announcements go unexplained.

The primary burden of explanation falls on television for two reasons:

First, television is the medium the President uses to take his messages to the people, and it should be, therefore, the chief medium of interpretation of that message.

And, second, television is the largest—and in many cases the only—source of news for the American people.

The importance of television as the country's news source can't be over emphasized. On an average evening, 20.6 million American households—one of every three households in the United States—watch TV network news. The news programs reach more than 40 million viewers a night and there is good reason to believe that many of these men and women only occasionally read a newspaper or news magazine, and never read a journal of opinion.

A study recently published at Harvard revealed that half of this country's adults apparently lack the literacy required to read a newspaper. And a survey by Roper Research Associates a year and a half ago indicated that 59 per cent of our citizens rely on television as their main source of news; 29 per cent said television was their only source of news.

These are sad and disturbing observations. Not because they indicate that television has a large audience, but because they reveal that many Americans are getting all or almost all of their news from a medium that isn't structured to give important events the necessary depth of coverage on a day to day basis.

As Walter Cronkite noted recently, there isn't time in a single news show to develop even basic arguments on all sides of an important issue. The viewer needs a fair background going into the broadcast to get an accurate impression of the day's news. And, unfortunately, most viewers don't have that background.

Because of this situation, television newsmen have struggled for longer news programs, fewer commercials, more investigative reporting, more analysis and interpretation. To a small degree they have been successful. But, in many important ways, they haven't been. And television news has a long way to go before it meets the needs of a public that reads very little.

You and the other journalists in the industry will be partially responsible for how well television develops in the next few years. But, as you well know, not all of the decisions are yours; your best efforts can be thwarted; your best plans reversed.

Television—especially television news—has incredible potential. It could make possible the sort of extended dialogue—that is so extremely necessary today. It could, with a few alterations, provide many sides to many issues. It could allow complete discussion of complex matters. It could be an expanded and essential ingredient in the continued success of the largest and most complicated democracy the world has ever known.

Television *could*.

I'm not sure that it *will*.

I'm not sure because I believe there are men in government and in television itself who want less dialogue, not more. Men who want cleverly packaged Presidential announcements with no interpretation. Men who want to hear simple solutions to complicated problems. Men who fear controversy, don't trust debate, and want the open forum open only as long as it is the platform for ideas they feel comfortable with. If these men prevail, I fear that dialogue—at least dialogue on television—will die in our times.

Our job—mine in Congress, yours in the industry—is to see that they do not prevail.

Our job is to work for more dialogue, more discussion, a greater exchange of ideas and

a broader airing of divergent views on television. It won't be easy. The forces on the other side are powerful. And, I fear, public opinion is with them, not us.

The evidence at hand convinces me and, I know, many others that the Administration has launched a coordinated attack on the press—especially on television. One ultimate goal of the attack is to eliminate dialogue—complete discussion of Presidential announcements—and one tactic it has used is to play on the public's distrust of the media.

The Vice President had led the attack. He has spoken, obviously, for the entire Administration. And he has been aided by a number of Administration officials—from the White House aide who wrote the Vice President's speech attacking television news, to the Nixon-appointed chairman of the FCC who announced he agreed with what the Vice President had said.

In addition, the law and order zealots in the Nixon Administration have—either by design or accident—damaged the news media's ability to gather information. The Justice Department has issued subpoenas to newsmen, and sources have started to clam up. The officials in government who would play fast and loose with some rather basic freedoms—including freedom of the press—have been given new license by the Nixon Administration. And the result, as far as the media's ability to gather information is concerned, has been unfortunate indeed.

One of the main reasons for the Administration's attack on the media is, I think, the Administration's overwhelming desire to circumvent the press—to take its already-prepared message directly to the people.

We shouldn't be too surprised.

This is, after all, how the President was elected. He didn't debate. He didn't subject himself to hard, live, on the air questioning by newsmen. He didn't take any chances. Instead, he was "sold" to the American people. His television appearances were carefully conceived—worked out well in advance to give the impression of dialogue while permitting none of the dangers that are presented by a real, unrehearsed exchange of ideas. Even his election eve telethon was written in advance.

Once in office, Mr. Nixon continued to make good use of television. He allowed ten televised press conferences, and, last week, even conducted a question and answer session with three network newsmen.

Televised press conferences are a well-established aspect of the presidency, and I think Mr. Nixon has had little choice but to conduct them. The press conferences have been infrequent and I believe it is clear they are only a secondary and unavoidable factor in the President's approach to television. The backbone of Mr. Nixon's television operation is the speeches—the safe, sure presentations the President has used 12 times in his first 18 months in office.

He has gone directly to the people—unencumbered by questioners—with slick, carefully prepared reports complete, in recent months, with charts, maps and film footage.

The President has had free television time to make his case in the most effective way he and his advisors could devise. But that, apparently, wasn't good enough. Not only did Mr. Nixon seek to have large chunks of prime television time to give his views, his way, with no questions. He apparently wanted television to carry his speeches with no follow-up, no balance, no interpretation, no analysis of his remarks. Because, when television executives exercised proper journalistic judgment and provided some analysis after the November 3 speech on Vietnam, the Vice President began his rampage.

I think the Vice President's outbursts have been disturbing—particularly since they came from an Administration that pledged to lower its voice and bring us together. But even more disturbing is that the intimidation in the Administration's attacks on the press has been successful in some instances. An editorial in the January 3 *TV Guide* pointed up the situation very well:

Vice President Spiro T. Agnew's scolding of the networks apparently has had the desired result: After President Nixon's Dec. 8 press conference, there was no criticism whatever from commentators who followed him.

I haven't watched every commentary following every Presidential appearance on television. I've seen some criticism in the broadcasts since December. But I've also seen too many instances when post-speech coverage was very brief, and really presented only a skimpy rehash of what the President had said.

The success of the Administration anti-press campaign can be attributed to careful study of where the press is vulnerable. The Vice President found a place when he suggested, in the Des Moines speech, that "perhaps it is time the networks were made more responsive to the views of the nation and more responsible to the people they serve." This hit a sensitive spot, for there is fear among a good many of the people television serves that the network news programs aren't telling it like it is. Indeed, we'd be fooling ourselves if we didn't believe that the Vice President reflects the concern of many, many men and women in this country.

A New York Times sampling last fall showed people who called or wrote to television stations supported the Vice President's views by a two to one margin. A Gallup poll conducted early this year revealed that only 40 per cent of the American public believes television fairly reports social and political issues.

Certainly the press—especially television—can present more sides to controversial issues. It can present more discussion and a greater exchange of ideas—and this will do much to restore the public's confidence. But I doubt that these steps would satisfy the Vice President. He's not concerned with a free press. He's concerned with an acquiescent one.

In his attack on television news, the Vice President quoted this passage from the Supreme Court's landmark Red Lion decision: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

He left out what I believe is a much more meaningful passage from the same decision: "It is the purpose of the First Amendment to preserve an uninhibited market place in which truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by the government itself or a private licensee."

We've seen how committed the Nixon Administration is to creating an uninhibited market of ideas.

We've seen an Administration that wants a monopoly on the market place.

We've seen an Administration that wants its ideas accepted without discussion or interpretation.

We've seen an Administration that views television as a tool to be used only to advance Administration policy.

I believe we've seen an Administration that has no intention of helping to preserve an uninhibited market place of ideas.

But television's record in this area is not all that it might be. In the last year, television networks have been unduly active with the censoring scissors. Joan Baez mentioned why her husabnd was in jail. The statement was censored. Carol Burnett appealed for letters of peace to be sent to Mrs. Martin Luther King. The appeal was censored. Judy Collins criticized Judge Julius Hoffman. The criticism was censored.

This is an uninhibited market place of ideas? I think not.

I think the censors have been working too hard. I think they have trimmed—too much and too often. I think ideas—especially unpopular ideas—deserve to be heard. And it is a serious matter when controversy is snipped out of network television.

It is also serious when network television avoids controversial subjects or waters down their presentation on the air. Early this year, *Variety* reported a long list of television documentaries had been severely trimmed or discarded altogether. The documentaries covered touchy subjects—homosexuals, corruption in Saigon, the military-industrial complex—subjects television news should be looking into. It is sad indeed that network executives decided these controversial subjects could not be presented, or presented fully, on the air.

As I'm sure you know, television policy is a delicate matter in the Senate right now. And, in fairness, I should tell you I am one of a group of Senators who, this week, filed a complaint with the FCC seeking a ruling that network television will provide time for us to respond to the President's television speeches on the war.

The group, consisting of Senators of both parties, is seeking to improve the balance between the executive and legislative branches of government. As you well know, the branches are supposed to be co-equal—but that is obviously not possible when one branch has unlimited access to the Nation's most powerful communication medium, and the other branch has practically no access at all. We were willing to purchase television time to provide a Congressional balance to the President's presentations, but—since NBC initially did sell us a half hour for one show—the three networks have told us they will sell us none. And so, as a last resort, we have turned to the FCC. Without arguing the case, let me only say that I believe a response by us, or by some other informed group, would add substantially to the exchange of ideas about the war. And that sort of exchange is what we should be striving for—on many issues.

I realize the networks face serious financial and programming difficulties in cases like these. Your realization of that fact must be greater than mine. But I also realize that there is a need for more than one voice to be heard on the question of the war in Indochina. I think your voices—the voices of the industry's editorialists—should be heard. And I think the voices of those opposed to the President's policies who are not in the press should be heard also. We need to work harder to establish that uninhibited market place of ideas in which the truth will ultimately prevail.

Here are some things that can be done:

Every instance of interference with the press by the Administration should be well publicized. The first few subpoenas to newsmen when unnoticed for several weeks last year because each publication and television network thought that it was alone and said nothing. This shouldn't happen again.

There should be a national privilege law for newsmen. Subpoenas damage a newsman's ability to gather news and should be issued only under carefully predetermined circumstances.

The proceedings of the House and the Senate should be open, within reasonable limits, to radio and television. And the House should follow the Senate's lead and open committee sessions. It is absurd to argue that the electronic media should cover government and then make it impossible for the media to use its primary tools.

There should be more commentary on television—especially commentary at the local level. It's one thing for a network commentator to appear on national television and discuss how an event affects the Nation. It is something quite separate, and equally important, for a local commentator to appear on local television and discuss the local effects of the same event.

News programs should be enlarged and there should be more time for explanation and background during the show. Several educational television stations are experimenting with an hour-long format that resembles a news meeting between an editor and a group of reporters. The results of the experiments have been very encouraging. I should think that a similiar format might well be adapted to commercial television.

All newsmen should stay skeptical of politicians and government. Thousands of public relations men in Washington are cranking out press releases, manufacturing "news" and creating snazzy images for their bosses and agencies. As a result, the need for a skeptical, objective and thorough press corps is greater than ever.

In all of these—and like changes that have been suggested elsewhere—there is one common thread. It is this: We need more controversy on television—not less. We need more commentary on television—not less. More Americans should have access to the airways. More ideas should be expressed. More opinions given. More sides presented. And more feathers ruffled.

We desperately need to expand our market place of ideas.

Because if we don't expand it, I fear our children may one day come to the market place—and find it closed.

KNBR LOOKS AT THE PERIPHERAL CANAL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. WALDIE. Mr. Speaker, a recent report by the U.S. Geological Survey and linking the water quality of San Francisco Bay with the amount of fresh water outflows from the Sacramento River has caused an enormous amount of concern to be focused on the California State water project.

As proposed, Mr. Speaker, this project would divert up to 80 percent of the normal fresh water outflows that enter the bay to points to the south.

If the contentions of the U.S. Geological Survey report are correct, and there is no real reason to doubt them, then the perils posed to the San Francisco Bay area are quite clear—it will face tremendous problems because of the massive diminution of fresh water outflows.

A recent editorial on San Francisco radio station KNBR contained some insightful and highly pertinent conclusions and, I think, should be of interest to the Members.

The editorial follows:

PERIPHERAL CANAL

The giant California water plan to deliver northern California water to the south has been a multi-billion dollar fiasco from the beginning. The long delays in construction may, however, prove a blessing in disguise. The U.S. Geological Survey has just issued a report on the effect of building the peripheral canal to divert Sacramento River water away from San Francisco Bay. Their findings indicate that without the flushing action of the Sacramento River waters, the Bay would quickly become a stagnant dead sea, similar to Lake Erie. We at KNBR would have to wonder why the original planners did not discover this same information. It would seem that they overlooked or merely closed their eyes to anything that did not further their purpose. In any event, it is clear that the proponents of the water plan must either, one, prove the U.S. Geological Survey wrong, or two, abandon the idea of building the peripheral canal. We realize that this plan is of great importance to southern California, but the destruction of San Francisco Bay is a price which the people of northern California *can* not and *will* not pay.

SCOTT TESTIMONY ON CAMPUS UNREST

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 22, 1970

Mr. SCHWEIKER. Mr. President, last week, the distinguished minority leader (Mr. SCOTT), appeared before the President's Commission on Campus Unrest, headed by another distinguished Pennsylvanian, former Gov. William W. Scranton.

Senator SCOTT spoke eloquently on the need for reasonableness and moderation in an area where too often rhetoric and emotion dominate our attention. Senator SCOTT has shown an understanding of many of the legitimate concerns of young people and has made some excellent suggestions for conduct by young and old alike.

I commend Senator SCOTT's remarks and ask unanimous consent that they be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE HUGH SCOTT, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator SCOTT. Mr. Chairman, I am very honored and pleased to have a chance to testify here before this distinguished Commission, and of course with special reference to the Chairman, whose services to his Commonwealth and the Nation are so well known and so greatly appreciated.

I am glad to make a brief opening statement on an issue which is of primary concern, as you have stated, to this very distinguished Commission. A Commission which is marked by its credentials, its background of civic and academic aplomb, and the very high level of the membership, would guarantee I should think, that it would well and truly satisfy its mandate and provide most useful information and recommendiations.

The distinguished Majority Leader, Mr. Mansfield, and I last May after the Kent State tragedy urged the President to establish a high level commission fully to investigate and report on that incident, and on the general situation of unrest and turmoil which exists on some campuses today.

We said at that time that "We believe sincerely that the Nation would welcome recommendations as to how the present unfortunate situation can be alleviated."

Mr. Chairman, my purpose this morning is simply to express a view as to what is happening, not only on campuses, but to all our people. There has been an intolerable level of intemperance and misunderstanding on all sides which has created an atmosphere of distrust among Americans who find themselves in dissent with each other.

And this rhetoric has built up a heavy turbulence of highly emotional disagreement.

And so we need to retreat from demagoguery with all of its aspects of oratorical fulmination. And I think that it is time that we learn to show each other our humanity and our basic human goodness. And we are going through a time when the diatribes of the left and the polemics of the right are obscuring the broad swath of the middle wave. And the dissenters are to be heard above the tumult.

And yet it is moderation that produces action, wise and reasoned, forward-moving action. The time has come strongly to reassert our broad generosity and spirit of accommodation, and to reassert the strength of that moderate spirit, then, which has been our heritage.

Last November prior to the coming of hundreds of thousands of students from hundreds of campuses to Washington, I suggested then that the solution could include better listening, more compassion, and a willingness to respond and show a sensitivity and an awareness to the problems of the other side, and that the Government should inject some youthful idealism, and that we should not resign Government to the apathetic or the cynical or the coldly mathematical, that we should listen to the young voices of idealism, of hopes for better ways. And I would say now that we ought to have a synergetic system to harness this great potential.

The concern of the student activists is expressed in the search for means to influence the decisions which most directly affect their lives—the war, the draft, the rights of people, the conditions of living.

And student awareness does this generation credit, as does their idealism. Their anger at the system, the Establishment, and often for society, is evidence of this awareness.

At the same time one feels that students generally are more aroused than informed, and often more frustrated than constructively involved. And this Commission will serve to increase the body of information available to us as to where there may be some better ways to establish more acceptable communication between students and the rest of the community.

And perhaps too the Commission may come up with some helpful suggestions as to areas where the Establishment and the alienated students may reach some common ground once certain essential premises are established.

Let us hope that the Commission's efforts will lead to more accommodation, and less confrontation, to more open minds and fewer closed schools. And all of us will wish the Commission well, and I do thank the Commission for its kindness in inviting me to appear before you.

Chairman SCRANTON. We appreciate very much your comments, and also your wishes of good health and wealth to us in what we are attempting to do.

As you know, one of the most difficult things at the moment is the first item that the President enunciated when he established the Commission, which was to identify the causes themselves of the campus unrest.

What is your thinking about what these causes may be, Senator?

Senator SCOTT. I have a feeling that each generation comes into the universities under different conditions of life from any preceding generation. And unbulwarked as yet by experience, desirous, quite naturally, through idealism, for sudden and in fact at times almost instant gratification, they naturally react against the conditions in which they find themselves.

This particular generation, born in a time of what seems to be never-ending war, continuous social conflict, an era where a government of laws appears to have failed to provide a good condition for men, and in the concatenation of the Cambodian expedition, which came undoubtedly with enormously heavy impact, the very sad events at Kent State and Jackson State—I think all of these

things combine to create a mood in the universities unlike anything that has happened before in its intensity.

I have lived and seen all kinds of student unrest. I remember in 1967 at Temple University the excitement developed over the increase in the price of coffee in the cafeteria from 10 cents to 12 cents. There was a brown bag revolt, as it was called, and the students raised their voices in economic consumer protest.

When I attended the University of Virginia the high cost of clothing created a spontaneous reaction across the United States. Most of this Commission is old enough to remember it. But in every campus in America there was a run on overall factories, and students appeared by the scores of thousands in blue denim overalls—and promptly brought the price of clothing down by a good 20 or 25 per cent.

It would be natural, then, for students to feel at this time that their impact can immediately affect the operations of government. And of course their frustration increases when they find that government, the system, representative government in America does not operate with celerity which they demand.

And I think that they threaten to lose confidence in the system because it does not immediately respond to what to them is so crystal clear, the need for change. And they are not yet sufficiently experienced to realize that the previous generations have already recognized that need for change, have done something about it, have made their slow and painful progress forward, have done what they honestly believed was their best, which this generation feels was very poor indeed.

So I think all those things are involved.

If I may name-drop for a minute, concluding the answer, I had a recent talk, just before the general elections in Great Britain, with the Queen. And she asked about student unrest in America. And I discussed it with her in much this vein. And I spoke of instant gratification.

And her comment was, "How odd, and how very much like the emerging nations, to want it all at once."

Chairman SCRANTON. I hope you do not mind if we ask you a series of questions, sir.

Senator SCOTT. Not a bit.

Chairman SCRANTON. But all the members of the Commission wish to do so.

One more question on this line.

Do you see this unrest as stemming—being primarily caused by, characterized as political or economic or cultural, or how do you see it in terms of trying to pinpoint it into a field of endeavor or field of philosophy or field of interest?

Senator SCOTT. I simply do not think it is economic. To distinguish it from other occasions, it arises in many cases among the affluent. It does not seem to have goals of economic alteration. It seems to me to be more of a cultural malaise. As they begin to realize what is going on, they also begin to dislike intensely the way it is happening. And when they say, tell it like it is, they do not like the way it is.

And so obviously it is the best educated generation, and healthiest and strongest generation. They have an advantage over their elders even in height. And they certainly do in education and training. And therefore they see themselves as equipped to handle the world's problems, which is in the nature of youth, before they have grown memories, and of course thereby grown experience.

To characterize it oversimply, I would say cultural.

Chairman SCRANTON. Mr. Ortigue has a question.

Mr. ORTIGUE. Senator, we have heard a great deal from the students indicating that they wish to have the means to be heard, but that frequently they are not heard. Do you have any suggestions to the Commission in terms of the mechanism by which young people who, as you have indicated, have not had the experience, can be heard?

I am specifically concerned that after the tragedies this spring many of the Senators and many of the members of Congress were available to the students. And it is fashionable now to be available. I would like to know, what are your reactions in terms of suggestions for young people to make certain that their concerns are heard?

Senator SCOTT. I think there was some release of tension, when students were heard by members of Congress and by their staffs. And in my case they were heard by myself and my staff literally by the thousands during this period. They demand—and it would be well if we could find means to accord it to them—better ways of being heard within the college system, a greater participation in the planning phase without the semidictatorial powers that at times they demand.

And I am coming to why I think they do it that way.

I have said to groups that we have for years been saying, get involved. And now we have said, do it. And sometimes we then are appalled when they do it to us collectively. And of course that is an ideal way for them to become involved in the political system, to pursue their choice of candidates, their choice of issues.

In the educational system they do need more participation. The sad fact is that if you create a new form of student senate or student faculty cooperation, after they get it there is less tendency to use some of these means of cooperation.

A student at Temple, speaking of that university again, said recently that students do not like to work within the committee system, because when they go to the committees, unless they are angry and arrogant and contentious, they are going to be out-talked. This is a fear that their elders are not going to listen to them.

It also appears that they are not yet quite competent enough to engage in the reasoning process with their elders. They fear that they will be overcome by sophisticated subtleties of logic.

Of course, we need more logic and philosophy in the colleges, perhaps. But I do think all the doors should be open to them where they can participate before they are really ready to control.

Chairman SCRANTON. Commissioner?

Mr. RHODES. I have two questions, Senator.

First, if in fact what we have been seen happening on the campuses in the last year, the gradual growth of a massive student revolt, indicates that a radical outspoken majority of the students are opposed to the administration's policy, do you think, given the Cambodian invasion and the President's war policies, that any activities in Indo-China are worth the disillusion of our society, as indicated by the events of the spring, which all of our knowledge indicates will continue to the fall?

Senator SCOTT. Mr. Rhodes, I would have to respectfully challenge the premises there. Because I do not believe that the values in our society are vitally damaged or inherently defeated by the war in Indo-China.

I do think the war in Indo-China is immoral, but in the same sense that virtually all wars are immoral, that it is unpopular, that it should be terminated as fast as possible. But I think it is more fashionable than reasonable to argue that the cause of this summer of our discontent is directed solely to the war.

I think it was one of the springs that set it up. One wonders why it was not set off sooner at a time when the war was growing rather than at a time when the war was lessening. And it might have been good for this country had this happened about two to four years ago. But obviously it disorders the priorities. Obviously it deters and detains the things that need to be done in this country. But I do not believe that we can ascribe all of our ills to this particular unfortunate situation.

Mr. RHODES. My second question is, we often hear descriptions of the political dissent coming from students. And this Commission is charged with investigating the process of campus unrest, which to some extent begs the question already, I would suggest, and in fact we are almost really more concerned about political dissent, which has more of its sources on the campuses. But why do you think—or do you think dissent in this country against the Administration's policies goes beyond the campuses; and in fact is something which is suggested by simply focusing on the campuses in terms of unrest?

Senator SCOTT. Well, dissent is the history of America. And it is not confined to the young. And when it is not violent, it should be honored. And there is a Jeffersonian precept to go on there. I do not believe that—the dissent today, I will put it this way, is more outspoken, or evident, more voluble. But we have had many periods of dissent in this country where the whole Nation reacted quite suddenly, with dissent against policies, economic or political. This is simply one of those periods in my life.

Mr. RHODES. Thank you, sir.

Chairman SCRANTON. Mr. Ahern?

Mr. AHERN. Senator, what contribution do you think the national Administration can make toward alleviating some of the concerns that students have today?

Senator SCOTT. The contribution of our concern, attention, listening, and invitation for wider participation. As you may know, this is not universally popularly said, but at the White House today there are probably more members of the Ripon Society than of any other organization.

And while I am concerned myself, I refer them to the intolerable excesses of the far right, for example. The White House, in other words, if you go down there, is really peppered with attractive thinking young men and women. We could have more of that in all the government. And those who are their elders would do well to listen to them.

I think the President's action in naming this Commission and recognizing people of different background and different ages is indicative of their concern. You can never really listen enough. But certainly there ought to be more of it.

And then like all administrations, there is the lack of follow-through. Every President has commented at one time or another, I give an order, and then nothing happens. So this Administration is nothing unusual, it gives orders too, and very frequently nothing happens.

Sometimes that is true of their leaders, they give orders to us in Congress, and nothing happens. It is the difficulty of the system.

Mr. CANHAM. Senator, could we get a little specific about the relationship of legislation to this problem. Would you tell us your views about pending legislation and other legislative proposals, what you think the Congress could do to help relieve the situation?

Senator SCOTT. Well, obviously, no repressive legislation—obviously no legislation designed to control people's behavior should be considered. Beyond that I think we in this country expect too much of our laws, and sometimes too little of the people who are responsible for administering it at all levels.

I would not have specific legislative suggestions to make. I would think that we ought to leave the solution of these problems as far as we can to the colleges, referring now to the students, to the colleges, to the faculties, to intercommunity relations.

I think that the Administration can help by supporting continued research into im-

balances in education, to discrimination in education, to the support of the educative process as we are doing in the education bill, where both House and Senate have added funds above and beyond the Administration's request.

But I believe we may be in a period where I would doubt that legislation per se touching on student unrest would be of very much use. The Commission may come forward with a suggestion, but nothing occurs to me.

Mr. CANHAM. As you well know, we have had for some time a system by which a considerable number of student interns come to Washington to work in the summertime and sometimes other times. How would you feel about a really massive enlargement of this participation of students in government, both in the legislative branch and in the executive branch, by which a contact, a first-hand personal relationship could be set up on a really substantial scale between students and the governmental process nationally, and of course State and local as well?

Senator SCOTT. Well, I would welcome it. I have had quite a bit of personal experience with this. I think it would be an excellent thing to do if college credits were to be allowed for this kind of internship, if it were a regular part of the curriculum where those who wished to do it could. I have a dozen interns in my office this year.

Normally we have six to seven. We have had some requests. And we try to divide them among small colleges and large.

We are aware of the women's liberation movement. And we have usually about the same number of ladies and gentlemen. They are fascinated by the entire process. It does the public officials good, because it convinces them as observers that we really work very much harder than the general public would understand or accept. They themselves ultimately become involved in the political process. I have never known a college intern who worked for me who did not later maintain some interest in political life and affairs. And some of them became candidates for public office.

I will give you a very amusing incident. Janet Bond discovered that the old common law position of coroner in the county of Mercer, New Jersey, was elective. So she set up a write-in petition, and got herself elected as coroner of Princeton University. And she found that the only duties she had were the care of shipwrecked sailors. And you would be amazed at the naval change in Princeton after Janet became coroner.

Mr. CANHAM. Could you explore a little further your views about the relationship of students to this fall campaign. Do you think the colleges and universities should suspend for a while so the students can take an active part in the campaign in October? Or what do you think should be the attitude as to this 1970 campaign?

Senator SCOTT. Well, one wonders whether it will become a regular process or not, whether it will continue for all Novembers. I would see no special objection to it. I would prefer that instead of the universities closing down—which I think is a mistake, I think it is a mistake to close the universities for an election, it makes more of an elite of students. They are already elitists. It gives them special privileges not available to the worker in a plant, or to the professional man, to the woman in secretarial work. So that they give a certain advantage which will be resented in other parts of the community.

But if the individual student, if the colleges could arrange for the individual student to take a couple of weeks off to engage in political activity on condition that he makes up the time, that seems to me to be a desirable objective. It has been done to some degree in other countries. It is not unusual in England to go to the dean and explain that you want to be away for a week or so, and you have time to make it up. If the colleges can be sufficiently flexible to accommodate that I would see no objection.

But I do not think you ought to close the whole university because allegedly a majority of the students want to engage in the political process. I know students pretty well. I have taught twice in my lifetime. Five to 10 per cent of them will engage in the political processes, and rest will go off on a lark somewhere.

Chairman SCRANTON. Dr. Derthick?

Dr. DERTHICK. Would you guess that giving the vote to persons of eighteen will in any significant way alleviate the discontent among young people?

Senator SCOTT. Yes. If I can come at this sideways, I think the reform in the draft has already taken some of the pressure off the valve. And students become aware that the draft is a one-year thing, and ultimately it will be succeeded by a voluntary army. It is a release of pressure. The right to vote is a release of pressure.

I have supported the 18-year-old vote reluctantly, because I think 19 is a better age. We have not been given our choice in Congress here, it is either 18 or 21. I think 19 is better.

In a rather extensive survey, I think, in the State of Washington a few years ago, all of the 18-year-olds voted for the 18-year-old vote. But when they reached 19, and 19 to 21, they were overwhelmingly of the opinion that 19 was a better age.

That says something to me. In England in the last generation there were 2.8 million men between the ages of 18 and 21 who might have voted, and only 1 per cent voted.

And therefore two things emerge, I believe, one, that the young people do not exercise the franchise in the proportion their elders do when given it, and, two, they divide about as diversely in this disparate fashion as their elders did.

Mr. ORTIGUE. I want to follow through with reference to the matter of students being heard, because the question of the draft is so important to them and their concerns. Do you foresee relief for students in the immediate future, future relief in terms of the draft?

Senator SCOTT. Yes, in several directions. First, I think the number of draft calls will steadily decrease, for example, for the rest of this year. And this Administration would be very wise not to have heavy draft calls in September and October, both for their purposes and that of the students.

We have a voluntary army pending which may yet be adopted, perhaps not in its present form, but with a provision for ultimately putting the draft on a standby and moving into a volunteer army. And that has a really good chance of being accepted in the Congress.

Moreover, the combat troops will or should be out of Vietnam by next spring or summer. And that would perhaps permit sending only volunteers to combat areas. So that I think all of these will ease the student concern.

And I have noticed among adults that the greatest and most violent rhetoric usually comes from parents of 15-, 16-, and 17-year-olds, those who are about to be eligible for the draft.

Mr. RHODES. Senator, you have said that you are opposed to the legislation to repress the acts of students. Some students have charged that the Industrial Security Act which is now in the Judiciary Committee, and the D.C. Crime Bill which would permit no knock, and legislation with respect to drugs would be used oppressively against them. Students at the University of South Carolina have petitioned me to that extent. How do you feel about those acts?

Senator SCOTT. IST, the Internal Security Act in the Internal Security Subcommittee?

Mr. RHODES. No, there is one about the industrial security in the Judiciary.

Senator SCOTT. I do not know of a bill that touches on industrial security. But if it is the broad overall of the internal security, which is a low number, S. 1, or S. 8, which has been considered off and on this year and last, I have very serious reservations on it, and probably could not support it. I am on that subcommittee. And I have already indicated that I do not like what is going on in that bill.

I think it does have within it the seeds of oppression.

Now, on no-knock, which the House of Representatives considers today and the Senate tomorrow, and the D.C. Crime Bill, both no-knock and preventive detention have become liberal code words. They are knee-jerk words nowadays. And they will not stand up to the assault upon them in my opinion. And I will tell you why.

In the first place, a no-knock is already the law in approximately three-fourths of the States. It is the common law of England. And it certainly means that if you are—if the arresting officer is of the conviction that his life is endangered, or that the evidence is about to be destroyed instantly and on the spot, he may enter without a warrant.

Now, what this bill does, wrought by lawyers and wrought by men who are extremely concerned about the rights of individuals is interpose the judgment of a judge or a magistrate, whichever way it will come out of the Congress, in lieu of the judgment of the policeman.

As it is now, the common law, and in most states the policeman, can knock on the door. Now, if behind that door there is a dealer in heroin, and he has in a little box anywhere from $10,000 to $100,000 worth of this white powder, if there is a knock, the powder goes down the drain in about five seconds. And therefore it is essential to preserve the evidence.

But this new bill, Federal bill, will go much further than most of the States. It would require the policeman not to use his own judgment, but to go to the judge and give the fact as to the reasonableness of the existence of the evidence, and the right to protect society, which in my view overwhelms the rights of the individual.

Under those circumstances, therefore, you have someone responsible above and beyond the policeman, who does not necessarily have the same legal training, the judge.

Now, as to preventive detention, I am not quite as positive on that. It is again an effort to determine whether the rights of society rank higher collectively than the rights of the individual. There a judge could detain a person accused of a crime, and would not normally under the law as written detain a first offender. If there is evidence that that person's previous record of conduct, or conviction of crime, is such that it would be dangerous to the entire community to have him released, and there is a special provision in this bill providing for a special calendar so that these people shall be detained properly and may not be detained beyond this period in jail—there is a constitutional question.

Most of the lawyers in the Congress seem to think it is constitutional, that it does not violate the prohibition against excessive bill.

I have a reservation on it until I have heard all the evidence. But it may be that this is another case where we decide for society rather than for the individual. And when you stop to think of it, that is the case in almost every criminal statute.

Chairman SCRANTON. Have the members of the staff any questions?

Mr. BYRNE. No.

Chairman SCRANTON. Senator, you referred

in your statement to a synergistic system to harness some of this violence that is going on. And yet you do not think that we should involve ourselves in any way in repression. How are we going to get such a synergistic system of harnessing, and why do you think we ought to have it?

And secondly, if we do have it, how can we avoid repression?

Senator SCOTT. Well, your system has in the process of formulation, as I see it, through public opinion already, if one can rely on the survey, some 80-odd per cent of the people have reacted quite violently against violence. I would think that one of the functions of this Commission is to help to establish public opinion and to advance it.

And there are some guidelines—I hate to use this cliché—but some guidelines. And rules of behavior and conduct will emerge and be accepted by society generally, and be recommended to faculty administrators and college presidents. I have in mind, when you speak of the control of violence, that these colleges who resorted to civil relief were often more successful that those who called on the police force, the writ of injunction.

The University of Virginia has adopted, for example, in the midst of violent controversy between the alumni, the student body and the faculty, certain rules of behavior. In other words, if you want to protest, you give a notice in advance, and you do it on certain days and in certain areas of the university, and you are protected, the university is on your side.

If you violate the rules which you have agreed upon in advance—all students are asked to agree in advance—to fail to agree has already outlawed a dozen or two dozen people, perhaps, I do not know what you do with them except to keep an eye on them. But at this university the student body agreed. And they also agreed that they would accept the penalties which came from violating the rules which they were jointly making.

And I think this is one area that you are aware of, that you already know about.

Chairman SCRANTON. If we do come up with some formulas or guidelines, have we got some instances of universities where this has worked? Perfectly frankly, we are looking forward to any instances or cases anywhere in the country where protests and dissents have been handled, and handled well, and at the same time people given an opportunity to vent their spleen on whatever they care to do.

Senator SCOTT. I have only experience with two schools, both of which I once attended. And there they were handled well, and were handled reasonably, and again within the Jeffersonian area of the principle, the University of Virginia and Randolph Macon.

Chairman SCRANTON. Isn't it impossible to make a formula and say, use this over all the country? Aren't there differences?

Senator SCOTT. Oh, yes. There is the widest kind of differences, obviously. And one which would go in an urban environment, a community college, might not go in a sectarian small-town institution. So that I doubt if we could establish with too much specificity a guideline that would apply to everybody. And I think there are some broad rules of behavior which society has long recognized.

And I think the key to it is asking people to abide by it in the first place. Because that is where you identify the outlaws, who certainly regard themselves as Robin Hoods, but you identify them.

Chairman SCRANTON. Secondly, one other question. You say that you do not think that there is basic legislation that could be passed that would be helpful in this field, because if we got into too much of that it would really end up in repression. And yet at the same time it is generally conceded, as we referred to it, that students, at least a lot of them, seemed to be very frustrated by our present political action or lack of political action.

And the political system does not seem to move as rapidly forward in the way they think it ought. Are there any reforms, political reforms that you would advocate, or any suggestions that you would make to us to advocate that would help in this political system to answer some of their questions, if they should be answered?

Senator SCOTT. Well, they have indicated when they come down here that they dislike the unwillingness of Congress to reform itself. They feel that there should be a much better system for avoidance of conflict of interest, for disclosure of holdings, for some change in the seniority system. The problem in Congress is, the longer you stay here the more you tend to like the system.

But it has been recommended in both the House and the Senate that the choice of the committee chairman ought to be made perhaps by the committee itself from among the three or five more senior members, which avoids the brashness of the total newcomer, creating a revolution the first week he is in the Congress, but at the same time gives a width of choice and breadth to selection of committee chairmen, and probably would make them less cocksure of themselves.

A committee chairman in Congress has enormous powers, much more than the chairman of an average committee elsewhere. So they would like to see this system reformed.

They would like to see reforms in the State Legislature, where to the student they seem to be doing little more than voting an increase in salaries or expense accounts.

They would like to see, I am sure, more democracy, as they put it, in the university itself, and in the way in which the university runs.

They would like to have more say about the curriculum. And now I think you are in a highly controversial area in which I am not competent to speak. As I say, I would like to see more logic and more philosophy taught. I would like to see some of the old basically virtuous subjects renovated and restored.

I believe that there is a likelihood that students will better understand the system if we can engage their attention as to what it is we are trying to do with a little more plausibility.

You are not going to engage it by calling them rough names. You are not going to engage it by refusing to talk to them. You may ultimately cause them to listen if you sound more reasonable than their elders have been sounding to them. And then of course the on-rush of time will take care of this college generation, which will become quite logical in about eight to ten years.

Chairman SCRANTON. Mr. Ortigue has one last question, which he says you can answer with a yes or no.

Mr. ORTIGUE. Senator, do you have any indication that there are forces outside of this country that are pushing students within this country, or assisting them in carrying on campus unrest?

Senator SCOTT. I have no evidence whatever. The Communist Party would be missing a big bet if it were not frantically running around the fringe trying to penetrate. But I see no evidence of it.

Mr. ORTIGUE. Thank you.

Chairman SCRANTON. We thank you very much, Senator. We appreciate the time you have given us, and particularly your courtesy in allowing us to have this room. And we welcome anything that you would like to send us at any time, sir, during the course of the deliberations of the Commission.

Senator SCOTT. Thank you, Mr. Chairman.

Chairman SCRANTON. Is Senator Kennedy here?

We are very grateful to have Senator Kennedy before us. I do not think anybody in America is more interested in the problems of youth in America than Senator Kennedy. I do not think I need to introduce him to any of you, or to the City of Washington.

You may proceed as you wish, sir. You may read your statement or comment on it or do anything you wish to and then we would like to ask you some questions.

Senator KENNEDY. Thank you very much, Chairman Scranton.

THE BLOODBATH IS NOW

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. LEGGETT. Mr. Speaker, now that it has become apparent that our Vietnam adventure has helped rather than hindered the fall of the dominoes, and that it has wrecked our economy and destroyed our domestic tranquility, the arguments that the war serves our national interest have gone out of style. The principal argument against accelerated withdrawal has become the danger of the bloodbath might ensue among those adherents of the Thieu-Ky regime who are unable to escape to the Riviera.

The possibility of a bloodbath concerns me deeply. I do not like it all. But as a reason for staying in Vietnam it leaves me absolutely unmoved.

To begin with, there is no evidence that an American withdrawal would produce a greater bloodbath than would a Thieu-Ky victory. Bloodbaths are not a peculiarly Communist phenomenon; the greatest slaughter of recent times was that which followed an anti-Communist victory in Indonesia.

Thieu and Ky, and Lon Nol for that matter, have shown themselves as capable of atrocity as has the other side. And our own effectiveness at ameliorating their savagery has not been impressive.

But more importantly, the bloodbath that is going on right now is far greater than that which could reasonably be expected to be committed by either side after the end of the war. For Vietnam as well as for the United States, the greatest evil is the war itself.

Using figures supplied by the Agency for International Development, columnists Frank Mankiewicz and Tom Braden have put together an interesting analysis in their Washington Post column of July 21, 1970, which I insert in the RECORD at this point:

THE NONCOMBATANT TOLL ALREADY EXCEEDS PREDICTIONS OF VIETNAM "BLOODBATH"

(By Frank Mankiewicz and Tom Braden)

We have the capability to count every last bullet we capture, every grain of rice scooped from the Cambodian sanctuaries, and every week we solemnly list the "body count" of enemy dead, but we publish no figures on the number of noncombatant civilians we kill. There is a good reason—conservative estimates from the field are that we kill more civilians in a year in Vietnam than the Vietcong have since the war began.

For those who like to talk about the "bloodbath" that will ensue if we leave Vietnam, the figures are instructive. Most official spokesmen put at 29,000 the number of innocent civilians killed by the Vietcong since the war began. President Nixon—presumably with better information—put

that figure at 40,000 in his conversation on network TV last week.

But U.S. and South Vietnamese government figures show that there were at least 200,000 civilian casualties in South Vietnam in the past twelve months, including between 50,000 and 60,000 dead. Those figures do not include any civilian deaths in Laos, where our saturation bombing is at a higher level than it ever was against Japan, or in Cambodia, whose civilian population we have only this year begun to expose to our bombing and artillery.

One starts this gloomy study of civilian casualties with official figures of the Agency for International Development (AID). AID finances 43 civilian hospitals in Vietnam, and keeps records of their admissions, as well as those to the military hospitals of civilian casualties. It is only since late 1967 that we have begun to treat Vietnamese civilian casualties at all, although we have been causing them, on a major scale, ever since our bombing and "search and destroy" missions began in 1965.

In the base year of 1967, there were nearly 50,000 civilian casualties admitted for treatment in these AID-supported and U.S. hospitals. On-the-spot investigation by the Senate Subcommittee on Refugees yielded the conservative conclusion that the admission figures were understated by from 10 to 20 per cent.

Testimony by senior AID health officials from Vietnam revealed further that for each casualty admitted to a provincial hospital, there was at least another civilian wounded but not admitted. That is to say, roughly the same number were treated in village or hamlet clinics, at home, or not at all. In addition, there was a conservative estimate that approximately 50,000 Vietnamese civilians died of war injuries before they ever reached a hospital.

All of that adds up to between 150,000 and 200,000 civilian casualties in 1967, of whom between 50,000 and 60,000 died. Those are the figures for 1967, and the comparable figures are higher for each subsequent year, including the current one. In 1967, by the official Pentagon count, there were 3,706 civilians killed by the Vietcong. Since the enemy has no air force at all with which to bomb villages, since it has no navy to shell from off-shore, and since enemy rocket attacks on the cities are infrequent and cause relatively few casualties, the conclusions to be drawn are inescapable and melancholy.

Finally, it must be added in all candor that even this doesn't tell the whole story. Our "body count" of enemy dead in the past twelve months (pre-Cambodia) stands at 138,982. Concealed in that figure, we know at least since My Lai, is a large number of innocent civilians, including women and children.

In support of the argument that a bloodbath would ensue if we left Vietnam precipitously, the Pentagon has now produced a study estimating that some 100,000 South Vietnamese would be killed by the enemy. But even that number is carefully hedged, and assumes the unthinkable possibility that we would make no effort to protect them. But the casualty figures tell another story; the South Vietnamese have had that kind of a bloodbath every year since we made them a part of the Free World.

ON LEGISLATION FOR VETERANS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 22, 1970

Mr. SCHWEIKER. Mr. President, as the junior Senator from Pennsylvania and as ranking Republican on the Subcommittee on Veterans' Affairs, I have long admired the outstanding record of my colleague from Pennsylvania (Mr. SCOTT) in the field of veterans' legislation.

Senator SCOTT, himself a war veteran, is currently backing a number of important bills to assist veterans with their education and medical needs and to provide additional benefits and recognition to the families of deceased veterans.

I ask unanimous consent that a summary of Senator SCOTT's accomplishments in veterans' legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR HUGH SCOTT'S RECORD ON VETERANS' LEGISLATION

One debt this Nation owes that can never be fully repaid is the debt to our veterans. Senator Hugh Scott, a veteran himself, having seen active service in the North Atlantic and the South Pacific, knows that veterans deserve to receive additional benefits.

Senator Scott has always worked for legislation to aid veterans. He has introduced bills calling for additional national cemetery space in Pennsylvania and has called for a rehabilitation allowance for paralyzed veterans. During the 1968 Republican National Convention, Senator Scott was Chairman of the Platform Subcommittee on Human Needs, which dealt with veterans affairs. He wrote the plank which promised aid to returning Vietnam veterans, further assistance to cold war veterans and increased benefits to veterans of previous wars.

The following summary outlines how Senator Scott has worked to assist veterans:

91ST CONGRESS

Legislation

S. 338—To increase the rates of educational assistance allowance paid to veterans.

S. 1205—To provide for a Supreme Sacrifice Medal for widow or kin of deceased.

S. 2800—To provide paraplegia rehabilitation allowance of $100 a month for veterans of World War I, World War II and Korea.

S. 2813—To increase amount payable on burial and funeral expenses for veterans from $250 to $400.

S. 2890—To define "active duty" so as to allow reservist or member of National Guard or Air National Guard of any state to enjoy education benefits.

Votes

Voted to provide additional veterans' education and training assistance.

89TH CONGRESS

Votes

Voted for the Veterans' Pension and Readjustment Assistance Act of 1967.

89TH CONGRESS

Legislation

S. 969—To provide for at least one veterans' service center in each state.

S. 3580—To provide additional readjustment assistance to veterans who served during the Vietnam era.

Votes

Voted to provide education and readjustment benefits to those who served in the southeast Asia theater of operations as determined by the President.

Voted to provide that benefits of the Cold War Veterans' Readjustment Assistance Act be through grants rather than loans.

Voted for the Cold War Veterans' Readjustment Assistance Act.

88TH CONGRESS

Legislation

S. Res. 48—Creating a standing Committee on Veterans' Affairs in the United States Senate.

87TH CONGRESS

Legislation

S. 3289—To grant national service life insurance to veterans heretofore ineligible.

Votes

Voted against reducing by $10 million funds for medical administration and miscellaneous operating expenses of the Veterans' Administration.

86TH CONGRESS

Legislation

S. 688—To provide for establishment of national cemeteries in Pennsylvania.

S. 269—To equalize pay of retired members of uniformed services.

Votes

Voted for the Veterans' Pension Act of 1959.

Voted to offer to veterans of World War II and to veterans of the Korean War an opportunity for one year to take out national service life insurance at their attained age.

Pennsylvania's veterans are receiving greater benefits and more assistance than ever before because of Senate Republican Leader Hugh Scott's efforts over the years. Senator Scott has pledged his continued efforts for the future.

MEET THE CHALLENGE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ZWACH. Mr. Speaker, we are constantly hearing complaints about our system of Government, our universities, our churches, and our environment.

But while we are hearing all that is wrong, the complaintants rarely offer solutions to correct the shortcomings.

This was pointed out in a well-written editorial by Ellis Bloomfield in the Hector Mirror in our Minnesota Sixth Congressional District.

Mr. Speaker, with your permission, and for the edification of my colleagues, I insert Mr. Bloomfield's editorial in the CONGRESSIONAL RECORD:

MEET THE CHALLENGE

We spend an awfully lot of time complaining about our system, our government, our universities, our churches and about how loused up our whole world is. Of course many things really do need changing. We have made and will continue to make many mistakes as long as we are doing things.

It is easy to view our mistake in getting involved in the Viet Nam War, our failure to keep our envionment clean, our raising too large families, our not curbing inflation, our spoiled children and a host of other problems. Most of these problems have been protested by mass demonstrations and other means.

There is a real challenge, now that we are so aware of the problems, and perhaps it can be met in part by some of those graduating this week. That challenge is in finding the solutions.

Demonstrations and protests in the past have certainly brought the problems to our attention, but now we need something more. It takes no guts or brains to join a mass movement and make a protest demonstration. It takes a lot more to work out and propose solutions. We recently heard a speaker who said that we should follow each protest with a proposal.

We do not like pollution but we cannot destroy all automobiles and shut down all of our factories, instead we have to come up with pollution eliminating devices. We must come up with a new powerplant for our cars or clean up the old one. We must devise ways to produce our manufacturing materials without cluttering up the air. There is more of a challenge in this than marching down the street and making demands that factories be closed, which is obviously no solution.

Almost everyone in the country would like to get out of Viet Nam, but not too many workable solutions have been proposed. The logistics of the situation alone prohibit us from simply raising our hands and immediately pulling out. We do not want to commit to slaughter the last 50 or 60 thousand boys over there, especially if we know a few of them personally. Yet there has to be a workable solution for a fast pullout. It would be a challenge for some group to come up with a well worked out plan better than that now being followed. It would probably be adopted and welcomed.

You can go right down the list of things being complained about and ask yourself if you have any solutions. If you do, make them known, if you do not, then think about them. Your voice will be heard far louder than if you "give up" and join the masses who can only take the negative approach and knock the system, without trying to better it.

The world is desperately in need of deep thinking young people who can set their sights on improving their world and do something about it.

KIDNEY FOUNDATION OF CALIFORNIA

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BELL of California. Mr. Speaker, I would like to bring to the attention of my colleagues an outstanding example of volunteer public welfare effort that is taking place in southern California.

The Kidney Foundation of Southern California, headquartered in Los Angeles, an affiliate of the National Kidney Foundation, has just completed a most successful fiscal year—1969–70—in its continuing battle against the Nation's No. 4 killer—kidney disease.

The foundation is a nonprofit, nonsectarian organization supported by public contributions, with volunteers devoting their time and money in a three-prong attack against this often insidious threat to our health. The group sponsors service to aid kidney disease patients with "Project Life Preserver" a program of securing home artificial kidney machines. It supports research to discover causes and seek means of control of kidney disease. Through an educational program the foundation keeps the public informed of ways of early diagnosis of kidney disease and keeps physicians continually alerted to new discoveries by means of literature and an annual medical symposium.

In the last fiscal year the organization funded nine new home artificial kidney machines, making a total of 12 that have now been made available at no cost to needy patients by the foundation. It also earmarked $25,000 for research fellowship grants and established three new volunteer chapters in the western Los Angeles area, the Los Angeles-Long Beach Harbor area, and in San Diego County. Also launched were an at-cost drug bank, transplant donor program, and a pilot kidney disease detection project.

I would like to publicly express appreciation for a job well done by the hundreds of dedicated members, contributors, physicians, and to the 1969–70 board of directors led by Mr. Orville John Hoag, Jr., its president, Dr. Harvey C. Conick, M.D., chairman of the foundation's voluntary scientific advisory council, and to Mr. Leonard Gottlieb, the Kidney Foundation of Southern California's executive director.

MEDICAL CARE AND POCKETBOOKS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ANDERSON of California. Mr. Speaker, in this year of recession every American has been hard hit by the dual tragedies of inflation and unemployment. Perhaps hardest hit of all are those who have had the misfortune of being hospitalized.

Hospitalization has always been a hardship; illness is never easy, but it is especially trying at the present time. Today, with the usual hardships of illness, comes the added problem of paying the astronomical costs of medical care.

Recently, an editorial appeared in the Los Angeles Times commenting on this problem. The editorial states:

There is a growing consensus that something must be done—because for millions of Americans, going to the hospital means going broke or close to it. For many more, good medical care is next to nonexistent.

It goes on to offer some succinct comments on the options before Congress and on the difficult choices which Congress will have to make in order to balance the public's demand for more health protection and the public's predictable reluctance to pay the bill.

Mr. Speaker, I feel that this editorial presents a view which the entire Congress should take into consideration. I insert it in the RECORD:

[From the Los Angeles Times, July 13, 1970]

MEDICAL CARE AND POCKETBOOKS

ISSUE: With medical costs soaring, what role should the federal government play in providing adequate health insurance?

Although Americans spend over $60 billion a year for health care, far more than any other nation in the world, it is almost literally true that a lot of people would as soon die as get seriously ill.

For millions of Americans, going to the hospital means going broke or close to it. For many more, good medical care is next to non-existent.

There is a growing consensus that something must be done—even if that something has to be a national health insurance system going far beyond the existing Medicare and Medicaid programs for the elderly and indigent.

Several bills already have been introduced, ranging from a modest "medicredit" approach backed by the American Medical Assn., to a sweeping proposal that cradle-to-the-grave medical services, financed through the federal government, be made available to every man, woman and child in the United States.

The Nixon Administration is expected to come up with some specific proposals of its own for the next session of Congress.

Despite the growing pressure for action, however, the question is so enormously complex that it may take several years to work out an approach which will alleviate rather than exacerbate the problem.

As anyone knows who has been to a hospital lately, medical costs have been soaring out of sight—partly because the 1966 enactment of Medicare and Medicaid created massively greater demands for health services, and partly because of the pressures for higher pay by nurses and medical technicians.

Even people who have relatively generous medical insurance coverage can be wiped out by a catastrophic illness in the family. The situation is even more tragic for the 24 million Americans under 65 who have no health insurance at all.

It is widely recognized, however, that a comprehensive national health system will produce nothing but still higher medical costs unless it is accompanied by measures to increase the supply and quality of medical services.

This involves the training of more doctors, of course.

In view of many experts, it also involves the large-scale use of so-called paraprofessionals—medical technicians who can take over some of the less complicated functions now performed by physicians.

Finally, it is expected to involve steps to encourage a more effective utilization of equipment by hospitals, and an acceleration of the trend toward group medical practice.

Just how to go about achieving these fundamental reforms is going to require some very close congressional study. The lawmakers need to do considerable head-scratching, too, over the extent to which an expanded federal health insurance plan will supplant private industry's own medical insurance programs.

Last but not least, there is the politically important question of balancing off the public's demand for more health protection and the public's predictable reluctance to pay the bill—a bill which, under the more ambitious schemes, could run up to $40 billion a year.

Since the money can come only out of our own pockets, either in the form of higher income taxes or social security deductions from our paychecks, that is a very large question indeed.

KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. LONG of Maryland. Mr. Speaker, Pfc. Franklin J. Krantz, Jr., a courageous young man from Maryland, was killed

recently in Vietnam. I should like to honor his memory by including the following article in the RECORD.

PFC. FRANKLIN KRANTZ, JR., KILLED AT 19 IN VIETNAM

Pfc. Franklin J. Krantz, Jr., of Route 3, Frederick, died in Vietnam June 13 after being wounded in an enemy ambush a week before, the Department of Defense announced yesterday.

Private Krantz, 19, died at the 12th Evacuation Hospital in Cu Chi, Tay Ninh province. He was wounded by enemy small-arms fire while on patrol somewhere in South Vietnam on June 4, the Defense Department said.

A member of Company A, 1st Battalion, 5th Infantry Regiment, 25th Infantry Division, he had been on duty in Cambodia prior to his being shot, his father said.

Private Krantz had enlisted for three years in the Army in July, 1969, after his graduation from Governor Thomas Johnson High School in Frederick.

He completed his basic training at Fort Bragg, N.C. and had advanced training at Fort Polk, La. He was sent to Vietnam in December, 1969.

In high school, he was a member of the glee club. "His only ambition was to be a radio announcer," his father said.

Private Krantz, who was born in Frederick, is survived by his father, Franklin J. Krantz, Sr., of Frederick; his mother, Mrs. Ronald Garling, of Bel Air; three sisters, Mrs. Susan Shafer and Mrs. Sandra Leigh, both of Frederick; and Candace C. Krantz, of Bel Air; and both grandmothers, Mrs. Henry Krantz, of Frederick, and Mrs. Carl Brinkman, of Orlando, Fla.

VA HOSPITALS SHORT OF FUNDS AND PERSONNEL FOR 1971

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. TEAGUE of Texas. Mr. Speaker, as a result of a recent survey made last week of the 166 VA hospitals by the Veterans' Affairs Committee, it appears that the budget requests made to the Congress for the Veterans' Administration for 1971 fall over $180 million short of what is needed to meet the medical needs for America's sick and disabled veterans. H.R. 17548, which is the Appropriations bill to fund this program, is presently awaiting action by the House and Senate conferees. As the bill stands in conference, the Congress has added a total of $125 million to the requests made by the administration. One hundred million dollars was added by the Senate and I have written to each of my colleagues endorsing the action taken by the Senate.

Mr. Speaker, the wisdom of the House and Senate action is borne out by the survey which the Veterans' Affairs Committee has just completed. I have communicated these results to each one of the House conferees so that they will have the most up-to-date information available as they contemplate accepting the additional $100 million voted by the Senate. It is abundantly clear to me that the House conferees should accept the additional funding voted by the Senate as it appears that dental care for returning Vietnam veterans has been underfunded by over $20 million; hospital equipment budgets have been shortchanged by over $26 million; and VA hospital directors throughout the Nation say they are over $83 million short of funds to hire needed recruitable medical personnel.

Mr. Speaker, the following is a breakdown of the 1971 nationwide deficiencies just compiled by the Veterans' Affairs Committee:

Dental Care for returning Vietnam Veterans	$20,409,707
Community Nursing Care program	7,524,798
Purchase of New Equipment	11,644,159
Purchase of Replacement Equipment	14,667,774
Non-recurring Maintenance & Repair	35,526,747
Recurring Maintenance & Repair	1,982,412
Recruitable Medical Personnel	83,495,450
Other categories (i.e. fees for medical consultants, contract hospitalization, outpatient fee medical, state home program grants, etc.)	5,259,253
Total 1971 VA hospital deficiencies	180,510,300

Mr. Speaker, the following is a State by State breakdown of these figures:

States reporting	Dental care for returning Vietnam veterans	Community nursing care program	Purchase of new equipment	Purchase of replacement equipment	Nonrecurring maintenance and repair	Recurring maintenance and repair	Recruitable medical personnel	Other	Total
Alabama	$728,877	$275,094	$160,116	$404,436	$253,330	0	$1,819,609	$46,016	$3,687,478
Arizona	213,515	33,544	242,430	227,328	386,943	$24,875	794,535	35,527	1,958,697
Arkansas	93,924	22,101	259,186	212,968	522,202	0	587,156	0	1,697,537
California	3,514,650	216,140	1,564,084	2,220,662	5,331,457	310,853	6,965,680	239,573	20,363,099
Colorado	523,340	86,930	155,560	258,670	643,761	92,000	168,183	9,500	1,937,944
Connecticut	692,340	18,003	121,255	96,080	456,704	11,150	1,625,626	0	3,021,158
Delaware	−40	189,964	96,610	41,200	101,730	0	651,907	0	1,081,371
District of Columbia	152,372	98,096	247,350	163,800	374,125	0	2,943,300	27,000	4,005,043
Florida	729,352	306,053	520,933	101,000	43,476	0	3,448,555	40,275	5,189,644
Georgia	695,054	245,544	160,375	3,298	134,760	0	1,830,230	312,749	3,382,010
Idaho	75,728	6,621	0	0	102,613	0	139,967	(−12,004)	
Illinois	643,493	631,007	363,246	623,790	826,029	67,000	4,809,871	183,798	9,378,811
Indiana	177,169	44,712	85,573	78,750	119,313	40,000	908,758	36,034	
Iowa	231,000	290,879	367,812	173,564	232,575	25,000	2,403,426	535,800	4,260,056
Kansas	111,353	84,263	135,400	118,900	2,180,148	95,600	1,114,078	80,695	3,920,437
Kentucky	64,500	36,044	0	0	151,278	0	1,036,422	0	1,288,244
Louisiana	185,999	55,099	515,454	365,470	1,105,978	94,300	1,771,935	100,259	4,194,494
Maine	96,645	0	0	0	0	0	158,235	24,000	278,880
Maryland	98,936	132,740	91,595	18,000	284,450	50,000	608,464	33,600	1,318,785
Massachusetts	554,800	257,814	385,348	328,240	944,274	60,000	2,041,246	20,000	4,591,722
Michigan	1,657,333	231,756	267,291	320,853	5,420,028	123,000	1,538,163	136,338	9,794,762
Minnesota	965,067	217,979	13,000	426,630	320,805	0	630,410	6,400	2,580,291
Mississippi	52,550	135,046	0	0	0	0	724,189	30,963	942,748
Missouri	382,848	68,880	595,073	894,722	1,157,023	123,558	2,024,526	27,100	5,273,730
Montana	171,102	14,421	13,505	28,314	55,210	0	272,820	33,786	589,158
Nebraska	330,408	51,423	75,612	152,914	1,377,685	6,000	865,323	41,825	2,901,190
Nevada	35,678	12,775	11,631	146,552	371,135	0	243,910	2,412	824,093
New Hampshire	71,950	0	40,100	33,475	88,772	0	172,268	25,560	432,125
New Jersey	95,760	235,411	484,010	576,616	790,652	62,595	1,782,106	0	4,027,150
New Mexico	29,322	57,648	96,213	71,302	107,551	0	230,474	150,284	742,749
New York	1,025,718	798,162	2,327,382	3,882,583	6,084,860	292,844	9,963,018	1,112,595	25,397,162
North Carolina	233,456	108,822	261,333	127,944	220,982	0	3,616,200	0	4,568,737
North Dakota	146,095	15,330	0	0	0	0	200,580	10,950	372,955
Ohio	848,446	304,256	222,495	365,828	357,232	155,338	2,133,093	59,640	4,446,328
Oklahoma	317,199	38,520	49,592	241,953	362,841	11,700	965,241	79,346	2,066,312
Oregon	677,400	99,596	383,456	397,934	927,131	51,190	1,455,648	98,520	4,090,875
Pennsylvania	1,025,024	332,371	423,042	608,692	711,169	54,000	5,645,889	82,907	8,883,094
Puerto Rico	50,000	48,000	56,311	0	0	0	1,682,481	121,000	1,957,792
Rhode Island	170,600	0	0	0	0	0	394,070	62,050	626,720
South Carolina	162,608	127,000	99,107	126,616	303,531	0	204,049	111,450	1,134,361
South Dakota	38,400	8,915	28,111	45,470	0	0	178,282	7,602	306,780
Tennessee	247,544	372,261	0	0	144,129	91,470	1,160,236	0	1,986,938
Texas	1,015,352	324,386	303,885	508,923	530,624	60,500	4,724,009	16,700	7,504,379
Utah	83,000	0	75,841	62,125	233,849	40,950	191,090	0	686,855
Vermont	21,475	0	0	0	0	0	293,622	0	315,097
Virginia	151,250	210,824	53,516	134,808	705,377	25,000	753,180	41,860	2,075,815
Washington	312,774	308,302	171,441	104,279	185,578	13,489	1,386,108	703,866	3,186,837
West Virginia	95,000	20,383	99,214	65,456	39,428	0	978,232	0	1,297,713
Wisconsin	840,000	234,451	90,150	369,968	368,491	0	2,310,647	305,357	4,519,064
Wyoming	57,916	25,550	20,221	193,761	466,518	0	367,579	377,920	1,509,465
Total	20,409,707	7,524,798	11,644,159	14,667,774	35,526,747	1,982,412	83,495,450	5,259,253	180,510,300

A METHOD OF DECISIONMAKING AMONG ALTERNATIVES

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BURTON of Utah. Mr. Speaker, I have become increasingly concerned over the way decisions are being made with regard to the use of our resources. Often these decisions are made without a systematic evaluation of any kind. I submit that decisions affecting the allocation of our resources are generally very complex, and require a systematic reconciliation of conflicting goals to arrive at an optimum selection. The weakness of the prevelant decisionmaking approaches is that they have failed to recognize two basic principles of decisionmaking, reported Dr. A. Bruce Bishop in his study on "Socio-Economic and Community Factors in Planning Urban Freeways." These are:

(1) That decisions must be based on the differences among alternatives; (2) That money consequences must be separated from the consequences that are not reducible to money terms; then these irreducibles must be weighed against the money consequences as a part of the decisionmaking process.

Dr. Bishop's study deals with the choices in planning urban freeways; however, his method for comparing and evaluating user and community consequences for decisionmaking among alternatives is useful in all areas of public program decisions. I commend to the attention of my colleagues chapter VI of his study outlining his method as the second in a series of articles dealing with the critical matter of making choices in the allocation of our resources.

The study follows:

A METHOD FOR DECISIONS AMONG FREEWAY LOCATION ALTERNATIVES BASED ON USER AND COMMUNITY CONSEQUENCES

(By Bruce Bishop)

INTRODUCTION

Consequences to users and impacts on affected communities are both recognized as important parts of decisions about urban freeway locations. Often, of course, these decisions are made primarily in response to political pressures without a systematic evaluation of any kind. At the same time, highway planners and analysts have proposed various methods for evaluating these factors in order to provide a basis for improving and expediting the decision-making process. To date, these techniques have generally fallen into one of two groups. The first of these is to apply economic measures such as the benefit-cost ratio. It is primarily based on agency costs and motor vehicle operating and (possibly) time costs. The other technique is some form of point weighting scheme similar to the sufficiency rating. Seldom does either of these methods include more than a few of the many variables relevant to the decision.

A general criticism of either of these approaches is that they have failed to recognize two basic principles of decision making. These are [3]:

1. That decisions must be based on the differences among alternatives.

2. That money consequences must be separated from the consequences that are not reducible to money terms; then these irreducibles must be weighed against the money consequences as a part of the decisionmaking process.

One of several statements which applies these principles to highways and freeways is:

"In many cases, some consequences of decisions among highway alternatives cannot be expressed in terms of money. Furthermore, these 'irreducibles,' 'to whomsoever they may accrue,' are relevant to the decision. In these situations, the 'dollar' answers from the economy study do not dictate the final choice; on the other hand they provide a money figure against which the irreducibles can be weighed and thereby narrow the area of uncertainty with which the decision maker is faced." [4]

This paper proposes and discusses a procedure that is intended to fit these rather simple statements of principle to the complex problem of decision making among proposed freeway locations in urban areas. It offers a structure and analytical tools by which valid comparisons among alternatives, based on these principles of decision making, can be made.

It must be recognized at the outset that decisions about urban freeway locations usually involve a variety of effects that these are viewed and weighted differently by the affected interest groups. At the same time the human mind can at one time encompass and analyze the effects of only a limited number of such relationships. Thus a primary aim of any decisionmaking scheme must be to eliminate as many irrelevant factors as possible, and to provide a means for clearly focusing on and thinking straight about the remaining areas of agreement as well as on the points of disagreement.

REVIEW AND CRITIQUE OF PRESENT METHODS OF ANALYSIS

The present methods for making decisions among alternative freeway locations generally fall into two groups. These are benefit-cost or other economy studies and point weighting schemes. A brief review and critique of each of these approaches follows.

Benefit-cost studies

Engineering economy provides the basis for comparing the direct economic consequences of alternate route locations with each other or with the "do nothing" alternative, which, in this instance, is to continue to use existing facilities. Engineering economic analysis has taken the following forms:

1. Benefit-cost ratios—including incremental benefit-cost ratios.

2. Present worth of benefits minus present worth of costs.

3. Equivalent uniform annual cost.

4. Rate of return—including incremental rates of return.

These methods are presented and discussed by various writers [4] and [14] and others. All of the methods, when correctly applied, will give equivalent answers. To date these techniques have been little used, except on the Interstate System, where they were required by the Bureau of Public Roads. Even these studies often left much to be desired.[5]

The principal difficulties in benefit-cost studies for alternative highway locations in rural areas relate to such factors as estimating future traffic volumes, choosing a proper time period for the analysis, determining appropriate unit values for such items as time, and for methods 1, 2, and 3 (above) specifying the minimum attractive rate of return. Each of these problems has received attention in the literature (see Reference 14 for a summary). In the urban environment, freeways have additional consequences referred to in the literature as community impacts or effects. These often involve values which cannot be quantified in money terms. To date, neither suitable techniques nor adequate data have been developed for appraising the economic effects of these factors; furthermore, it may be inappropriate to quantify some of them. It follows that, in the urban context, economic analysis may give only a partial appraisal of the problem.

Factor weighting methods

Systems of point weightings and numerical ratings also have been proposed as a method of evaluating community impacts. The approach of Jessiman and Brand, et al.[6] is to itemize the objectives to be considered in the selection of the location and, where possible, to define a measure for the objective. Each objective is given a weight which reflects its importance relative to the other objectives. A total of 100 percent is assigned to all the objectives. Points under each objective are given to each proposal according to how well it satisfies the objective; the one best satisfying each objective receives the maximum points allowed; the worst receives none, and the remainder are assigned values between zero and the maximum. Points allotted to each objective are totaled for each proposal; and the one achieving the most points is considered the best alternative.

Hill [7] proposes a similar method of evaluating which he calls a goal achievement matrix. This provides for separate weightings by individual segments of the community; in turn, these opinions are weighted to reflect the relative importance of each group. Other methods of analysis have been suggested by Roberts [9], Shimpeler and Grecco [11] and Schlager [10].

All of these weightings methods violate in some basic ways the two principles of decision making stated earlier. Some of the reasons for this deficiency and some of the difficulties encountered in attempting to consolidate community effects into a single number are as follows:

1. *Finding Common Units of Measure.* The first difficulty is in finding a common unit for constructing a utility scale which can measure all the diverse impacts of a freeway in such a way that they can be combined into a single number.

2. *Assigning the Values.* Any procedure which requires the assigning of subjective numerical values leads to the question of who is to assign them. Clearly, where conflicting interests are involved, the viewpoint taken will affect the values assigned. It is also evident from careful observation of planning studies that values change during the planning process. This is to be expected as the natural result of information developed by the study itself and by the planners' reactions to this information. It follows that the rating scheme itself becomes another variable in the planning process.

3. *Weighting the Interest Groups.* Even if adequate evaluations by various groups can be obtained, the problem of comparing the evaluations or utilities assigned by one individual or group with those of others and deciding how much weight should be given to each still exists. Different members of society have different interests. Inevitably they will value the various objectives at widely varying rates. While the theoretical concept of utility is important, it is severely limited by the fact that to date no way has been demonstrated to measure the utilities of all individuals on some absolute scale. Until such interpersonal comparisons of utility are possible, the aggregation of the preferences of all individuals and groups in society into a single measure cannot be taken to be an objective measuring device.

4. *Complex Decisions Need More, Not less, Information.* In any situation where large amounts of information must be encompassed in a decision, the tendency of decision makers is to aggregate all information relevant to the decision into a single number. While too much information is confusing, too little information or an over-aggregation of information can also lead to incorrect decisions. Too much aggregation sub-

Footnotes at end of article.

merges pertinent information. It masks and covers the true differences among alternatives and leaves no way to identify and contract these differences in decisionmaking. A middle ground is needed where the number of factors in the decision is manageable, and yet all the differences among the alternatives which are pertinent to the decision are shown.

USER AND COMMUNITY FACTORS IN EVALUATING ROUTE LOCATION ALTERNATIVES

To carry out an engineering, economic, social analysis of the effects of freeway location, a basis must be established for evaluating both user and community consequences in making comprehensive comparisons of the differences among alternatives. To accomplish this, three important aspects of the problem must be considered. These are (1) quantification and separation of user and community factors, (2) viewpoint of decision makers, and (3) time period of analysis. Decision makers should include all of these in their analyses if optimal decisions are to be made.

Quantification

Comparisons of the differences among alternatives depends on defining the factors which measure the relative merits of the alternatives. Identification and quantification of these factors are difficult problems. Tables 1 and 2 represent the effort of the authors to develop a list of factors that describe the cost of the freeway and its impact on users and the community. These tables separate the consequences into direct and indirect effects in a manner which, in the authors' opinions, is in best keeping with the second principle of decision making, and with the best current practice in highway economy studies. Table 1 contains the direct effects which are specifically associated with highway construction and use, and Table 2 the indirect effects which fall upon the non-user and the community. The "measures or suggested measures" indicate whether these consequences are presently quantifiable in money terms, or, in other instances, those factors for which there seems to be a good possibility to measure them in some other units. Factors which are seemingly non-quantifiable also are noted. The word "non-quantifiable" is used advisedly since the effects described by the item are real. In time they might be quantified, though not necessarily in dollar values.

User and direct effects. Table 1 lists the items of direct cost of the highway and costs or benefits to the highway user. Items (1) and (2) under the heading "quantifiable market values" are those typically used in the calculation of benefits and costs in the economic analysis of highway projects. The variables listed under (1) the cost of the highway and (2a) vehicle operating costs are readily definable and, given reasonably accurate inputs, are quantifiable in money terms. The same is not true, however, for item (3) travel time savings to non-commercial vehicles and item (4), the non-quantifiable non-market items. These are important in the ledger of costs and benefits to the * * *. Considerable research effort has been devoted to arriving at monetary values for some of these factors. There remains, nevertheless, substantial controversy and disagreement as to the methods for imputing values to these factors, the values to be assigned, and whether or not certain portions of them should be considered at all.[1 2 6 12 13]

In order to avoid confusion, and also to place the analysis on a solid economic basis, the authors recommend that only the "quantifiable market values" (measurable in the market place) be stated in money terms to be included in the economic analysis. This means that travel time savings must be divided into commercial and non-commercial (as indicated by Table 1) segments, using a monetary value only for commercial travel time. Likewise only the identifiable economic costs of accidents are considered on the monetary side of the ledger, avoiding any attempt to place dollar values on loss of life, pain, or suffering caused by accidents. By the same line of reasoning, the authors recommend that discomfort, inconvenience, strain and aesthetic considerations not be stated in money terms.

Factors in Community Impact. Table 2 contains a list of 18 factors which describe the community or non-user effects of freeway route location. They are grouped into four areas: (1) Local Transportation Effects, (2) Community Planning and Environment, (3) Neighborhood and Social Structure, and (4) Community Economic and Fiscal Structure. As indicated earlier, techniques are not available and may not be appropriate for expressing the community effects of freeways in money terms. Quantification of others may not be possible even in non-monetary terms. Table 2 suggests some possible measures for items that appear to be quantifiable. Some of these have been taken from the highway research literature; others are suggestions of the authors. All are tentative at this point.

Footnotes at end of article.

TABLE 1.—DIRECT EFFECTS OF FREEWAY CONSTRUCTION AND USE

Factor	Description	Units	Time period (years)
QUANTIFIABLE MARKET VALUES			
1. Cost of highway:			
(a) Planning	Capital cost and annual cost of planning, constructing, maintaining, and operating the freeway.	Dollar	Not available.
(b) Right-of-way		do	20 to 40.
(c) Construction		do	20.
(d) Maintenance		do	Annual.
(e) Operation		do	Do.
2. Costs (benefits) to highway user:			
(a) Vehicle operating cost (including congestion costs).	Net increase (decrease) in costs of vehicle operation per year.	do	Do.
(b) Travel time savings (commercial)	Net increase (decrease) in travel time, times dollar value of commercial travel time.	do	Do.
(c) Motorist safety (economic cost of accidents).	Net change in expected number of accidents times average cost per accident.	do	Do.
QUANTIFIABLE NONMARKET VALUES			
3. Costs (benefits) to highway user:			
Travel time savings (noncommercial)	Minutes saved per vehicle trip	Minutes or hours.	Do.
NONQUANTIFIABLE NONMARKET VALUES			
4. Costs (benefits) to highway user:			
Motorist safety	Accident-costs of pain, suffering and deprivation	Unknown	Do.
Comfort and convenience	Discomfort, inconvenience, and strain of driving	do	Do.
Aesthetics from driver viewpoint	Benefit of pleasing views and scenery from the road.	do	Do.

TABLE 2.—COMMUNITY EFFECTS OF FREEWAY LOCATION AND USE

Factor	Measures and suggested measures (description)	Units	Time period: Long run	Time period: Short run
Local transportation effects:				
Traffic service to community by freeway—Highway capacity, O-D of trips, major traffic generators.	1. Percent reduction of through traffic on city streets. (Vehicles before, vehicles after)/vehicles before.	Percent	X	
	2. Distance of freeway access from major traffic generators (E. G. academic, business, cultural, administrative centers) or as measured by road user or transportation costs.	Miles	X	
	3. Corridor miles compatible with present or future public transportation development.	do	X	
Effect on local transportation—city street circulation mass and/or rapid transit.	1. Costs (savings) for improvement to city streets to provide for projected traffic volumes if freeway is not built.	Dollars	X	
	2. Net change in parking space available as result of freeway	Number of spaces	X	
	3. Number of interchanges with the community less streets closed	Number	X	
Access to regional facilities—recreation, education, culture, business, and employment.	1. Travel time savings to regional activitiy centers (minutes/vehicles)×(vehicles/day) for each facility.	Minutes per day	X	
	2. Number of trips to community generated from outside	Vehicles per day	X	X
Highway design standards—grades, alinement, and interchange location.	1. Miles less than X% grade	Miles	X	
	2. Miles of curvature less than Y radius	do	X	
	3. Average distance between interchanges	do	X	
Community planning and environment:				
Land use—Land development, changes in use, multiple use, separation of uses.	1. Land for potential development to which access is created	Acres	X	
	2. Miles of freeway separating incompatible land use minus miles dividing compatible uses.	Miles	X	
	3. Miles adjacent to or through land undergoing change in use	Miles/acre	X	
Esthetic impact of freeway on community—depressed or elevated, landscaping, structures.	1. Miles depressed in residential areas plus miles elevated in commercial areas less miles at grade.	Miles	X	
	2. Additional costs of aesthetic improvement in structures and landscaping.	Amount	X	
Noise	1. Increase in DB level weighted by miles residential, and numbers schools, churches, etc., adjacent to freeway.	DB (weighted)	X	
	2. Additional cost of noise barriers in "noise problem areas"	Dollars	X	
Air pollution	1. Net change in noxious exhaust emissions for projected traffic with and without the freeway.	Percent	X	

Factor	Measures and suggested measures (description)	Units	Time period: Long run	Time period: Short run
Neighborhood and social structure:				
Property values—Changes in resale values	1. Increase or decrease (net) over normal trend in property value classified by type of use and distance from freeway.	Dollars	X	
Neighborhood impacts—Displacement and relocation of people, environmental qualities, neighborhood cohesiveness and stability.	1. Number of housing units displaced (or) number displaced as percent of community's total stock.	Number		X
		Dollars		X
	2. Number of people displaced (or) number displaced as percent of community's population.	Number		X
		Dollars		X
	3. Net loss of housing—Units taken (less) vacant replacement housing in same price range with comparable financing (less) new construction planned on vacant land with financing.	Number of units	X	
	4. Cohesive neighborhoods severed by freeway (as determined by mapping neighborhood boundaries and social characteristics).	Number of people	X	X
	5. Neighborhood stability (mobility index, Hill, S.L., and Frankland, B., HRB record 187, 1967, pp. 33-42).	Index No.	X	X
Parks and recreational facilities	1. Acres of parks lost (gained) as percent of total available acres	Percent	X	
	2. Cost of park replacement less compensation	Dollars	X	
	3. Number of parks affected	Number	X	X
Cultural and religious institutions	1. Number of churches taken (or) total attendance affected	Number of churches		X
		Number of people		X
	2. Additional cost of relocation, excess over taking price	Dollars	X	
	3. Improved access or location for new church facilities	Minutes	X	
Historical sites and unique areas	1. Number of historical areas lost (total affected less those relocated)	Number	X	
	2. Value of monument measured by annual visits per year	Visits per year	X	
School system—Attendance boundaries, school environment	1. Net loss (gain) in tax base for school system	Dollars	X	X
	2. Number of schools totally or partially taken (or affected)	Numbers		X
	3. Number of school attendance areas with access to school seriously impaired where boundaries cannot be adjusted.	Number of pupils	X	X
	4. Increase (decrease) in cost of providing school services due to changes in bussing, etc.	Dollars	X	X
	5. Net additional cost to the community of relocating schools affected by freeway (plus) cost of noise reduction in schools adjacent to freeway.	do	X	
Community economic and fiscal structure:				
Effect on tax base—Net change in assessed value of property on tax rolls.	1. Loss of assessed valuation in right-of-way as percent of community total.	Percent		X
	2. Loss of assessed valuation in right-of-way less increase of land values (assessed) due to freeway impact.	Dollars	X	X
	3. Net loss (gain) in tax revenue due to freeway impact	do	X	X
Community services—Police and fire protection, utility services—water, garbage.	1. Net increase (decrease) in costs of providing fire and police protection and water, sewerage, and garbage service.	do	X	
Commercial activity—Wholesale, retail	1. Net increase (decrease) over normal trend in gross wholesale and retail sales.	do	X	
	2. Net number of businesses located (dislocated) by freeway	Number		X
Employment—Creation of jobs, displacement of jobs	1. Net number of jobs located (dislocated) as a result of freeway	do		X
	2. Net gain (loss) in gross earnings from jobs located or dislocated by the freeway.	Dollars	X	X
	3. Net increase (decrease) in job opportunities due to expanded commuting area less jobs available to outside commuting.	Number	X	X

The factors and suggested measures given in Table 2 can be used as a basis for evaluating differences in community impact of various alternatives. It must be recognized that those measures which are given in dollar values are not compatible with the market cost items in Table 1 and therefore cannot be incorporated into the economic analysis. While the list of factors and measures given in Table 2 provides a reasonable means for identifying and measuring community effects, it is also meant to stimulate thought, research, and improvement in the means of describing and measuring community impact. Only by collecting data during route location studies and on the effects of existing freeways will it be possible to properly evaluate the community effects of proposed freeway route alternatives.

Viewpoint as a factor in evaluating community effects

Different alternatives affect the various levels of government, communities, and groups in different ways. Much of today's controversy over freeways results from the failure of one group to appreciate another's values and concerns.

To provide some insight into the principal concerns of the major decision making groups, a research survey was used to evaluate the attitudes of highway planners, community officials, and a sample of citizens in one community, toward the route location factors presented in Tables 1 and 2. A few of the results of the survey are given in Table 3. They show the degree of importance placed on route location factors by these three groups.

TABLE 3.—IMPORTANCE OF FACTORS IN ROUTE LOCATION TO HIGHWAY PLANNERS, LOCAL OFFICIALS, AND CITIZENS

[In percent]

Factor	Division of Highways: Major	Minor	No	Community officials: Major	Minor	No	Citizens: Major	Minor	No
Direct costs and benefits of freeway:									
Cost of highway	95	4	1	86	12	1	81	16	1
Motorists safety/comfort	85	13	2	84	12	2	87	8	1
Travel time savings	52	43	5	55	40	2	61	31	7
Vehicle operating cost	41	54	5	29	48	21	19	50	29
Local transportation effects:									
Traffic service to city	96	4	0	89	8	1	77	20	1
Local transportation	74	20	6	91	7	2	63	31	4
Regional access	50	45	5	65	31	2	55	37	7
Highway design standards	93	5	2	87	11	2	81	15	1
Community planning and environment:									
Land use plans	65	32	3	79	17	2	52	37	8
Esthetics of freeway	69	26	5	76	21	1	42	51	2
Noise	24	67	9	67	28	3	51	42	4
Air pollution	13	52	35	58	33	6	72	22	2
Neighborhood and social structure:									
Property values	65	28	7	72	22	2	59	33	6
Neighborhood impact	54	41	5	59	33	5	40	41	17
Parks and recreation	82	18	0	58	34	6	37	51	8
Cultural/religious center	54	43	3	36	57	4	17	61	18
Historical/unique areas	69	30	1	64	32	2	37	48	11
School system	56	37	7	51	43	5	43	42	13
Community economic and fiscal structure:									
Effect on tax base	30	61	9	49	42	7	48	41	7
Community services	32	65	3	71	25	2	61	34	3
Commercial activity	37	50	13	56	39	3	47	43	6
Employment	41	45	14	56	32	8	60	35	2
Number in sample	54			160			123		

Several of the responses of the three groups, as shown in Table 3, deserve comment. First is the attitude toward vehicle operating costs. They are considered to be of importance by the highway planners; on the other hand, community officials or citizens place practically no importance on them. Second, as expected, the highway planners show less concern for local traffic circulation than do city officials. Third, regarding the factors in community environment such as noise and air pollution, there is much more concern by community officials and citizens than by the highway planners. Finally, the factors reflecting neighborhood and social structure were of much less importance to this particular sample of citizens than to either the highway planners or community officials.

These few examples point out the need for considering the various viewpoints in planning studies. Based on the survey, it might be concluded that, from the local viewpoint, highway planners may be putting much more emphasis on parks, the effects on the school system, and cultural and religious institutions than is necessary. On the other hand, they clearly indicate that, at least in this instance, some factors ranked as important by planners are not valued as highly by local officials and citizens. The factors which are most important will, of course, vary with each individual project. Some means, such as Table 3, should be used to evaluate every project at the conceptual stage with each affected group expressing its principal concerns. Besides the groups included in Table 3, other groups such as school districts and commercial and industrial interests should also be considered. By identifying the factors of greatest concern to each community group, the costs and benefits and the points of agreement and disagreement might be identified. It should be emphasized that the purpose of such evaluation is to eliminate confusion and many of the pointless arguments, and not to assign "weights" to the factors for evaluation of alternatives.

Time period

The time period over which the consequences of the various factors are evaluated is also important. Otherwise short run consequences might be given more weight in the decision as compared to the long run effects, or vice versa. An example might be the community concern that elderly people would be displaced from their homes in a given area. At the same time, the community master plan may indicate that the area is suitable for high density apartments and a survey show that the transition is already underway. In this instance, an appreciation of the time factor is extremely important to a rational appraisal of the possible alternatives.

The right hand columns of Tables 1 and 2 provide space in which the time period can be expressed (in some manner) in order to bring each factor into focus. A decision maker may on this basis be able to "discount" the significance of a factor's impact, conceivably in ways similar to the application of compound interest formulas in the economy study.

COMMUNITY FACTOR PROFILES: A DECISION MAKING TOOL

The approach to decision making among alternatives suggested earlier in this paper pointed out that correct decisions among freeway location alternatives must have two parts: (1) an economy study which includes all items that can be reduced to money terms, and (2) an analysis of all items which cannot be stated in terms of money but which must be weighed in the decision. The approach proposed for analyzing the indirect or community effects of (2) has been called a "community factor profile." In the opinion of the authors, this approach is at least a step toward more rational decision making.

The community factor profile is a graphical description, based on the factors and measures suggested in Table 2, of the effects of each proposed freeway location alternative. Figure 1 is a highly simplified and consolidated version of such a profile for four alternative locations numbered 1, 2, 3 and 4. [Figure 1 not printed in RECORD.] On this figure, each profile scale is on a percentage base, ranging from a negative to a positive 100 percent. One hundred either negative or positive is the maximum absolute value of the measure that is adopted for each factor. Reduction to the percentage base simplifies scaling and plotting the profiles. The maximum positive or negative value of the measure, the units, and the time span are indicated on the right hand side of the profile for reference. For each alternative, the positive or negative value for any factor is calculated as a percent of the maximum absolute value over all alternatives and is plotted on the appropriate abscissa. A broken line connecting the plotted points for each alternative gives its factor profile. For the profiles, factors and measures should be selected which will adequately describe all important elements of community impact. Care should be used in defining factor measures to assure that they are not measuring the same consequences. Otherwise in effect there would be "double counting" and disproportionate weight would be given to those factors. This may result in incorrect decisions.

In order to reduce the complexity of the diagram and, in turn, of the decision making process, the full set of community factors should be reduced whenever it is possible to do so. Two guidelines are suggested for accomplishing this: (1) eliminating all those factors that are not relevant or important to the particular decision, and (2) eliminating all factors where the values are substantially the same for all alternatives. These tests must be acceptable to all parties involved in the study.

It is expected that the profiles will be prepared for each alternative from the viewpoint of each community interest group and will incorporate the factors that are important to that particular group's viewpoint. A composite profile would also be prepared showing the total community effect for each factor. Separate profiles for each alternative could be made on transparent overlays to facilitate the method of comparison proposed in the following section of this paper. In passing it should be noted that research is well under way to provide such displays on a cathode-ray tube activated by a computer. This would permit almost instant recall of any comparisons that seemed appropriate.

METHOD FOR PLAN EVALUATION

Because of the complexity that "real life" factor profiles would often have, a systematic procedure for evaluating and comparing the relative merits of the several alternatives is essential. The method proposed here is that a series of paired comparisons be made using engineering economic analysis and factor profiles as the decision making tools.

First, alternatives 1 and 2 would be compared; then the better of these is compared with 3, and so on. In comparing two alternatives the incremental cost or benefit from the economic analysis is weighed against the differences in community impact between the alternatives as shown by the factor profiles. The decision maker representing each group would appraise the economic and community factors and determine his preference between the two alternatives. After all the paired comparisons among the various alternatives have been completed, there would result preference rankings for each viewpoint in the community. These would be used for comparisons among competing viewpoints in reaching a final decision.

A highly simplified example to illustrate the paired comparison approach is given by the question: "Is it preferable to save $50,000 per year in vehicle operating costs accruing to local residents by adopting a shorter route or to retain a commercial enterprise employing ten people and paying $20,000 per year in property taxes? It is estimated that a substitute enterprise will develop in five years." It is admitted that this example is far simpler than those of the real world where the factor profile would include several elements. Even so, such such comparisons make clear the actual points at issue and may greatly reduce the number of irrational arguments that accompany most controversial decision.

Technique for comparisons among alternatives

The flow chart of Figure 2 depicts the procedure to be followed in making the paired comparison described above. [Figure 2 not printed in RECORD.] Failure to follow some such procedure may result in selecting the less than optimum alternative.

Step 1: Perform Engineering Economic Analysis. Rank the alternatives in order of preference as determined by the economic analysis. This may be done on the basis of maximum net benefits over cost or total and incremental benefit cost ratios or rates of return. Tabulate the net benefits over costs for each alternative.

Step 2: Prepare Factor Profiles. Factor profiles are prepared from the viewpoint of each interest group showing the freeway's impact on each relevant factor for that group. A factor profile is also prepared which shows the total or aggregate effect of each alternative over all communities and groups.

Step 3: Economic and Factor Profile Analysis. Compare alternatives on the basis of the economic analysis and the factor profiles. Eliminate from the set of feasible alternatives any alternative which is dominated by another from the standpoint of both the economic analysis and the factor profile. One alternative is strictly dominant over another if all percentage values of the factor profile of the dominant alternative are greater than that of alternative. This implies that there are no crossovers in the lines of the factor profiles for the two.

Step 4: Paired Comparison of Alternatives. Paired comparisons are made for each viewpoint on the basis of the incremental differences in community effects from the factor profiles, and comparing these with the incremental differences in costs from the economic analysis. Any two alternatives can be paired, but a reasonable beginning would be to pair one of the alternatives having a good factor profile with the preferred alternative from the economic analysis.

(a) Determine the differences between the alternatives for the community factors, and compare the increments of values gained with the increments of values lost.

(b) State a preference between the two alternatives based on the importance to the decision makers of the tradeoffs among the factors.

(c) Check the preference statement against the ranking from the economic analysis. This resolves the question, "Is the alternative preferred in (a) also superior from the standpoint of the economic analysis?" If the answer is "yes" then the preferred alternative is paired with the next alternative selected for analysis. If "no," then the analysis proceeds to (d).

(d) Test the differences in community factors against the excess of costs over benefits. The decision-maker is asking the question, "Are the gains in community factors

worth the additional incremental costs of this alternative?" If the answer is "yes" the alternative of higher cost is preferred because of its higher community benefits. Otherwise, the alternative preferred from the economic analysis is selected and paired against the next alternative for analysis.

Step 5: Continue Paired Comparison Procedure. The procedure (a) through (d) is continued until all feasible alternatives have been included in comparisons. The paired comparisons among the feasible alternatives produce a preferred alternative, and also a preference ranking among all alternatives for each viewpoint if this is desired.

The only constraint imposed on the decision makers in the paired comparisons is that preferences among alternatives must be transitive, i.e. if A is preferred to B, and B is preferred to C, then A is preferred to C. This insures that preferences and decisions are consistent with previous ones, and that the final ranking of alternatives reflects the decision makers' true preferenecs.

In sum, the purpose of the factor profiles and the procedure for analysis is to help the decision maker apply the two basic principles of decision-making: (1) to separate economic effects measurable in dollar values from other consequences, and (2) to compare the differences in alternatives in making decisions. The factor profiles and the method of analysis offer both a visual aid and a systematic procedure for implementing these principles. The construction of the factor profiles does not imply that the area under the curves can be integrated, or the percentage values of factors can be added in order to make a decision. To do so would be to revert to the factor-weighting methods discussed earlier in this paper.

An example application

Consider a freeway route location with four proposed alternatives, with the relevant community impact factors and corresponding factor profiles depicted in Figure 1. The economic analysis in Table 4 provides the following information:

TABLE 4.—ECONOMIC ANALYSIS OF LOCATION ALTERNATIVES

Item	Alternative (in thousands)			
	1	2	3	4
Annual cost	$650	$750	$850	$700
Annual road user savings	1,000	1,200	1,150	1,000
Net benefits	350	450	300	300
Benefit-cost ratio	1.54	1.60	1.35	1.43

Incremental analysis	Incremental		Benefit-cost ratio	Incremental net benefit (cost)
	Cost	Benefit		
4 over 1	50	0	0	(50)
2 over 1	100	200	+2.0	100
3 over 1	200	150	+.75	(50)
2 over 4	50	200	+4.0	150
3 over 4	150	150	+1.0	0
3 over 2	100	(50)	−.5	(150)

The economic analysis indicates that alternative 2 is preferred, since it shows a benefit-cost ratio greater than 1 on the total investment and on all increments of investment. Alternative 1 ranks next, then 4 and 3 have equal desirability from an economic standpoint.

It must be recognized that the rankings given by this analysis can be changed substantially by changing the interest rate, with lower rates tending to favor higher capital investments. This example is based on an interest rate that reflects the minimum attractive rate of return for a particular highway agency.

In examing the factor profiles, we find that the profile of alternate 4 dominates both 1 and 3. Since 4 is equally attractive as 3 in the economic analysis, alternative 3 can be dropped on the basis of the dominance tests. For the first paired comparison, alternative 2, preferred from the economic analysis, is paired with 4, a dominant alternative from the factor profiles. In comparing the differences between these two alternatives, we find that alternative 2 provides 200 acres of developable land and saves 290 housing units and $.58 million in assessed valuation. On the other hand, alternative 4 decreases the average daily traffic on major local streets by 5000 vehicles and saves 25 parcels of industrial property and 2 community facilities. Let it then be assumed that the decision makers agree that alternative 4 is the more attractive of the two, based on the factor analysis tradeoffs.

However, in the economic analysis alternative 2 is preferred to 4 by $150,000 per year, so that additional comparison to the net benefits foregone must also be made. Here it should be noted that alternative 2 costs the agency that will build the freeway $50,000 more per year; on the other hand, vehicle operating costs are $200,000 per year less. It could be that the various groups would therefore weigh the economic consequences quite differently. Assuming that, even with the cost differences, alternative 4 is selected over 2, a similar comparison would be made between 4 and 1.

ADVANTAGES OF THE PROPOSED APPROACH

When a composite analysis of the over-all effects of route location alternatives does not produce a final decision among alternatives because of conflicts of interest among decision groups, then an analysis of factor profiles from the viewpoint of each decision making group can be performed. By separating out those factors that are relevant to each decision making group, and following the procedure for analysis from the flow diagram of Figure 2, a preference ranking of alternatives can be derived for each viewpoint. The rankings and profiles can then be used for resolving conflicts among competing interest groups. In addition, where there are areas of disagreement, the factors responsible for such conflicts, and the reasons for them, can be pinpointed explicitly.

The proposed approach can also serve as a basis for negotiation and compensation. In a political setting, arriving at decisions which are as equitable as possible may involve negotiation and compensation of losers by the gainers. One of two approaches can be taken by decision makers in arriving at final decisions:

1. Selecting the alternative that will distribute the impact as equally as possible among the conflicting interest groups,

2. Selecting the alternative which maximizes the net benefits of both economic and community factors along the entire route.

With either approach the factor profiles can be used as a basis for negotiation and bargaining, and for determining and providing for compensations to communities, groups and individuals to achieve equitable solutions. This becomes especially important in the light of new and proposed legislation respecting public hearings, decisions, and compensation for losses. Recently, the courts have altered the concept of compensating property to one of compensating people when freeway rights of way are acquired. It is not a great step to the concept of compensating communities and groups for losses resulting from freeways. At the same time, provisions might be made to allow communities and groups to make certain concessions and side payments, and adjust community and service district boundaries in order to equalize gains and losses. Such steps as these could do much to smooth the present rocky road to agreements on freeway locations.

SUMMARY

To summarize, the advantages of the proposed factor analysis method of evaluation of freeway locations are as follows:

1. It separates the direct money consequences from the community consequences so that they do not become confused in the analysis;

2. In complex decision making where it is important to have more rather than less information on which to base the decisions, it provides a means by which to display the different factors relevant to making choices;

3. It provides a means for comparing the incremental differences in community factors among alternatives, and contrasting them with the differences in economic costs or benefits;

4. The analysis also provides for separation of viewpoints as well as an analysis of the over-all impact. It shows the incidence of community effects upon community groups, brings out the points or agreement or disagreement among those groups, and serves as a mechanism in resolving those conflicts;

5. Finally, factor identification and factor profiles can be a useful tool during the planning process a) in defining the factors which are important to the community and community groups, b) in establishing goals and objectives, c) as a basis for discussion during the development of alternatives, and d) as a means of evaluating and making decisions among alternatives.

REFERENCES

*The survey used to evaluate the attitudes of planning and decision-making groups toward the factors in freeway route locations was conducted in three parts during September, October, and November of 1968, and April, May, and July of 1969. The first sample included 54 highway engineers and planners in the Los Angeles, San Francisco, and Sacramento offices of the California Division of Highways. The second was a sample of 160 community officials and professional staff including mayors, city councilmen, city managers, city engineers and city planners. This sample was drawn from all the communities of the two major urban areas of California, San Francisco-Oakland and Los Angeles-Orange County, where freeway studies were currently being or had been conducted in the three years 1965–1968. The third was a sample of 123 citizens from four communities in an area of Southern California where a freeway study was recently completed and a route selected. The communities were primarily suburban and residential in nature.

FOOTNOTES

[1] Curry, D. A. *HRB Record* 77, pp. 48–77.

[2] Fleischer, G. A. *HRB Record* 12, pp. 19–47.

[3] Grant, E. L., and Ireson, W. G. *Principles of Engineering Economy.* Ronald Press, 4th ed., New York, 1964, pp. 21–23, 436, 445–448, 456.

[4] Grant, E. L. and Oglesby, C. H. *HRB Bulletin* 306, pp. 23–38.

[5] Glancy, D. M., et al. *HRB Record* 77, pp. 121–132.

[6] Haney, Dan G. *HRB Record* 12, pp. 1–18.

[7] Hill, Morris. *HRB Record* 180, pp. 21–34.

[8] Jessiman, William, and Brand, Daniel, et al. *HRB Record,* 180, pp. 71–80.

[9] Roberts, Paul O. *Transportation Research Forum,* 7th Annual Meeting (1966) pp. 169–183.

[10] Schlager, Kenneth *HRB Record* 238, pp. 153–158.

[11] Shimpeler, R. C. and Grecco, W. L. *HRB Record* 238, pp. 123–152.

[12] Thomas, T. C., *HRB Record* 245, pp. 17–35.

[13] Thomas, T. C., *HRB Record* 35, 1963.

[14] Winfrey, R. *Economic Analysis for Highways,* International Textbook Company, Scranton, Pennsylvania, 1969.

TUNNEY LAUDS KAPPA ALPHA PSI LEADERSHIP DEVELOPMENT PROGRAM

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. TUNNEY. Mr. Speaker, Kappa Alpha Psi Fraternity has undertaken a most laudable task in its guide right service program.

Conceived in 1922, guide right is a year-round program for the educational and occupational guidance of youth in high school and college. It is inspirational in character, as well as a source of information for young men.

Through guide right, Kappa Alpha Psi attempts to place the training experience and friendly interest of successful men at the disposal of young men who need inspiration and counsel regarding their choice of a life's career. And to arouse the interest of the entire community in the problems of youth as they seek to lead useful lives.

To be more specific, the objectives of guide right are:

Helping youth, especially those of high school age, in the selection of courses leading to vocations compatible with their attitudes and personalities.

Assisting students to get employment and progress successfully in their chosen vocations.

Assisting parents in counseling their children by giving the youth an opportunity to talk with people who are successful in their chosen vocations.

Sponsoring entertainment and cultural enrichment activities to give young people respite from the drudgery of the streets.

Informing young people of the values of higher education, assistance available for educational pursuits, scholarships, loans, professional counseling and fellowships. They also discuss the various opportunities in vocations and professions, current labor demands and trends, and the personal, scholastic, and economic requirements for employment.

The Los Angeles alumni chapter of Kappa Alpha Psi has implemented the guide right program through a social action project, the instructional leadership league, referred to as the Kappa League.

The Kappa League embodies the goals of the guide right program, with specific emphasis on leadership development and self-motivation for career achievement.

Since the fundamental purpose of the fraternity is achievement, Kappa Alpha Psi seeks to help the young men of its league achieve worthy goals for themselves and make constructive contributions to their community when leadership roles become their responsibility.

In an article appearing in the Los Angeles Times, on January 30, 1970, staff writer Jack Jones described the Kappa League and its programs:

YOUTHS IN LEADERSHIP LEAGUE TO BE HONORED BY BLACK FRATERNITY

Kappa Alpha Psi Helps Students from Ghetto Prepare for College and Then Gives Them Advice in Choosing Career.

"For a long time, we in the black middle class have been accused of going down our own road and not worrying about our young brothers in the so-called ghetto," said Mel Davis, a Hollywood film studio accountant.

Davis (as social action committee chairman for the Los Angeles alumni chapter of Kappa Alpha Psi Fraternity, directs a one-and-a-half-year-old program to build leadership talent and open the doors to higher education and careers for black male students from several local high schools.

"We feel we are making a contribution to assist our youngsters," said Davis.

"There is self-satisfaction in seeing these young guys come up and head for medical school or business. It's nice to think that in some cases it wouldn't happen if it weren't for us."

SECOND ANNUAL CEREMONY

More than 30 of the young men piled up enough achievement points in a variety of projects presented for honor March 7 in the Biltmore Bowl during the second annual ceremony staged by the black-fraternity-sponsored Instructional Leadership League.

The Kappa League, as it is more commonly called, began with 13 Locke High School students in June, 1968, as part of the national fraternity's Guide Right program.

By the end of the following school year, it had grown to 51 and by now has expanded to include 76 students in the 10th, 11th and 12th grades in seven high schools.

The Kappa League is a strictly run, demanding program which requires its enrollees to plan, execute and report on such projects as discussion groups, educational events and social gatherings.

League members meet every two weeks at the Kappa "Kastle," 1846 South Crenshaw Boulevard and are carefully graded by supervising alumni on their conduct, project performance and abilities to organize their own affairs.

A major thrust of the program is to prepare the young men for college, which involves bringing in undergraduate fraternity members from local universities and colleges to tutor. Alumni aldvisers work closely with high school counselors.

ARRESTED WITH APPLICATIONS

High school seniors in the group are apprised of available scholarships and are guided in writing admittance applications to universities offering the best educational ladders to desired careers.

"If a youngster wants to be an architect, we'll run interference for him and steer him to a successful man in that field," Davis said. "But he has to make his own contact. That's part of his leadership development."

Kappa alumni include men who have made the grade in many fields. "You name it and we have it," Davis said.

Some prominent Kappa alums, he notes, are Superior Judge Bernard Jefferson, Federal Judge David Williams, State Sen. Mervyn Dymally (D-Los Angeles), City Councilmen Thomas Bradley and Billy G. Mills, insurance executives Norman B. Houston and Norman O. Houston, and such sports figures as high jumper John Rambo and basketball stars Walt Hazzard and Wilt Chamberlain.

While the effect of the program on the high school students and their parents have been sharply positive, the impact on the fraternity's undergraduates on several local college campuses has also been noticeable Davis said.

FIVE PHASES

"This has been a lifesaver in rapport between the undergrads and the alums," he said, "They didn't feel we are doing anything relevant to the community. Now they are throwing themselves into this thing."

All activities and projects—such as a January weekend retreat centering on discussion of black equality, sex and drug abuse—are geared to five rigidly outlined phases of the Kappa League program.

These are self-identity (discipline, awareness, appearance . . .); training (academic, career preparation . . .); competition (politics, sports . . .); social (religion, communication, manners . . .) and health education (physical fitness, sex education, drugs . . .)

It was the Kappa League students themselves who ruled out smoking at the meetings and who confiscated drugs from a guest at one of their dances.

The social action committee members of the Kappa Alpha Psi alumni chapter in Los Angeles, who direct the Kappa League, are Mel L. Davis, chairman; Solomon Henderson and Burnell Hayes, secretaries; Earle Carrington, scholarship coordinator; Lloyd Goddard, testing and counseling coordinator; Burnell Hayes, training coordinator; John Merrill, Bernard Johnson Jr., and Lafayette Height, tutorial services coordinators; Edgar Bishop, ways and means coordinator, and Cagney France, identity phase coordinator. Committeemen are Oliver Barnett, Prosper Bullen, Ralph Butler, Gaston Boyd, Tom Bradley, Charlie Jackson, Mel Longmire, Jerrell Stephens and Dave Wilkerson.

They and Kappa Alpha Psi Fraternity are to be commended for efforts to help young men make the most of the opportunities available to them in our society.

THE WATER POLLUTION PROBLEM IN WASHINGTON, D.C.

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BEALL of Maryland. Mr. Speaker, those of us who live and work in the Washington, D.C., area realize the extent of the water pollution problem. One of our Nation's greatest rivers, the Potomac, flows just south of the Capitol, a vivid example of the seriousness of the situation.

My colleague, and close friend, from the Eighth Congressional District of Maryland, GILBERT GUDE, has demonstrated continually his concern about the conditions which lead to the pollution of the Potomac River. Just recently he examined an interceptor which carries waste from Virginia, Maryland, and the District to the Blue Plains treatment plant. His inspection tour disclosed raw sewage overflowing into the river at Key Bridge.

I understand that subsequent information has been supplied to my colleague that indicates that from 20,000 to 100,000 gallons of sewage empties into the river at this location each day—depending on the weather.

Below are an article and an editorial from the Washington Star about this situation. I hope each of my colleagues will take the opportunity to read about these deplorable conditions:

[From the Evening Star, July 7, 1970]

SEWER AT KEY BRIDGE HAS DAILY OVERFLOW

(By Robert Pear)

The D.C. Department of Sanitary Engineering has nicknamed the sewer "Old Faithful," so regularly does it gush raw sewage into the Potomac River at Key Bridge for two or three hours daily.

Rep. Gilbert Gude, R-Md., and Montgomery County Councilman Richmond M. Keeney were dismayed at the sight yesterday as they walked along an inadequate, 3,000-foot stretch of the Potomac interceptor in George-

town, which carries waste from Virginia, Maryland and the District to the Blue Plains treatment plant.

The two Marylanders pledged their support for a new relief sewer, but it is unlikely the proposed 84-inch pipe will be laid unless the District gets a supplemental appropriation of $2.5 million from Congress.

Jean B. Levesque, water services chief of the Department of Sanitary Engineering, said the sewer, on Water Street NW between Key Bridge and 31st Street, has been overflowing for two years.

In dry weather, the sewage spews through a temporary weir and into the Potomac around 2 p.m. almost every day. After rainstorm, the combined sewer often discharges water and sewage all day, Levesque said.

North of Key Bridge the Potomac and Dulles interceptors run parallel. With completion of the Potomac pumping station and the Lincoln Memorial tunnel in 18 months, the two interlopers will extend without interruption from 31st Street south to Blue Plains.

The $2.5 million required to fill in the gap tentatively has been approved by the City Council but Mayor Walter E. Washington says it must wait until location of the Potomac Freeway is finally determined.

The single 48-inch pipe that now links the two dual sections cannot handle the 50 million gallons of sewage that pass through daily, including most of the waste from the Cabin John watershed in Montgomery County.

At peak periods, the sewage flows exposed over the ground for about 25 feet, between a manhole and the interceptor, and then through an underground pipe straight into the Potomac.

A sanitation official estimated the overflow in the river on a dry day at between 20,000 and 100,000 gallons.

Montgomery County will help finance the interceptor through payment of user charges, and Keeney suggested yesterday that construction of the line could be hastened if the county paid a portion of its share in advance.

Gude said the Georgetown pollution hazard indicated again the need for suburban areas to construct small sewage treatment plants of their own.

About half of the 232 million gallons of sewage processed daily at Blue Plains comes from suburban Maryland. The Interior Department has proposed a 67-million-gallon limit on Maryland's input, noting that the treatment facility operates at 10 percent above designed capacity.

GUDE'S WALK

Over a period of years, Justice William O. Douglas' organized walks along the C & O Canal have served the useful purpose of publicizing the great natural assets of that area, and reminding us of the steps still required to conserve them.

For a similar purpose, Maryland's Representative Gude joined a few newsmen and sanitary engineers in a shorter walk the other day to publicize a glaring instance of public neglect in that same area: The overflow of raw sewage into the Potomac River near the canal at Key Bridge.

It is well known that this overflow pours millions of gallons of sewage directly into the river in times of rain. A fact less well known, discovered by the Gude party, is that the overflow actually occurs on nearly a daily basis, even without rain. In response, the congressman is pressuring the District government to expedite its work on a 3,000-foot gap in the giant Potomac interceptor sewer which would correct the fault—transmitting this sewage directly to the regional treatment plant at Blue Plains.

Last month, the District City Council conditionally approved a budget request to Congress for this purpose—the condition being that the sewer job must be delayed until final agreement is reached on the Potomac Expressway, so that the two construction projects can proceed together. If the economics of the situation actually require such a delay, that conclusion, as we have noted before, certainly adds another compelling reason for speeding decisions on the District's deadlocked freeways.

But Gude is right to ask whether, in fact, some means could not be found to allow the sewer work to proceed immediately. We think the point might well be raised when the region's local sanitation officials get together this Friday to try to co-ordinate their sewage programs. Most of the immediate local concern properly involves the expansion of the Blue Plains plant. Even with that expansion assured, however, the sewer gap in Georgetown will continue to pour raw, stinking sewage into the Potomac on a regular schedule, every day.

WHY IS THE SENATE DRAGGING ITS FEET?

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, the Columbia, S.C., State on July 12 asks the necessary question, "Why is the Senate dragging its feet on the family assistance plan?"

This is an editorial that I believe all my colleagues should read. I am inserting it in the RECORD at this point:

WHERE ARE THE REFORMERS WHEN REFORM COMES ALONG?

Daniel P. Moynihan, the White House counselor, warned the other day that failure to get the Administration's Family Assistance Plan approved this year probably would doom welfare reform for a decade. It is a grim thought, considering the horrible botch that passes for "welfare" in our welfare state.

What needs to be asked, though, is why Congress persists in dragging its feet. The House passed the Nixon bill April 16. Here it is July and the Senate Finance Committee, to which the House bill was assigned, has yet to set a hearing date, let alone begin the tortuous process of enactment.

Mr. Moynihan may have put his finger on the problem when he observed that those who like to talk about the need for welfare reform are nowhere to be found when reform is proposed.

"They do not want us to fail," Mr. Moynihan was charitable enough to suggest. "That part of their spirit and goodness survives. But they somehow do not want us to succeed," he went on. "They do not, I sometimes think, want anything to succeed."

Though Mr. Moynihan declined to name names, it is not hard to spot those he had in mind. Conspicuous among them are the various "welfare rights" lobbyists who are forever squawking about the insensitivity of the Establishment and demanding more and more for less and less—but not for fewer and fewer. Mr. Moynihan is too charitable. Their purpose is not welfare reform. It is welfare growth.

Then there are those who, while in favor of reform as an abstract proposition are never heard to suggest any specific improvements. Sen. Russell Long of Lousiana may fall into this category. The senator wants reform in the worst way, but he objects to the Nixon proposal on grounds that, while it includes effective work incentives for the first time in history, it doesn't include enough of them.

The senator may be right. No one is insisting that the Nixon plan is perfect; it might even be a mistake. The President himself concedes that it is no more than the first step in a difficult journey out of the existing quagmire in which countless unfortunates are stuck. If improvements are what Senator Long is after, however, his methods are certainly curious. As chairman of the Senate Finance Committee, he could have scheduled hearings on the welfare bill. Instead he has elected to sit on it for nearly three months.

Maybe the Administration has failed to push the reform measure as far as it might have. But that is not the principal difficulty. If Mr. Moynihan is correct in predicting another decade of welfare degradation and despair, the blame will belong to our listless Senate.

MORE EVIDENCE SUPPORTING THE OIL IMPORT QUOTA SYSTEM

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. WOLD. Mr. Speaker, at the time the Task Force on Oil Imports made its report the point was made that many of its recommendations would not hold up under the harsh light of reality. I was among the many who felt the task force relied too heavily upon academic experts who lacked the firsthand knowledge of the petroleum industry to really do a first-rate report or to conclude with any validity that the oil import quota system should be abolished.

The events of the past few months have already shown the weakness of the report.

The July 15, 1970, issue of the Wall Street Journal has an article entitled "Soaring Tanker Rates Damp Oil Imports and May Force U.S. Gasoline Prices Up."

The article presents first hand evidence that so-called cheap foreign oil may not contribute to lower prices for the consumer. In fact, the cost of foreign oil may end up higher than U.S. produced oil because of increased transportation charges and any number of other variables which cannot be controlled by the United States.

Adequate supplies of petroleum are vital to the security and well-being of our Nation. The only certain means to insure adequate supplies is by developing domestic self-sufficiency.

I include the July 15 article in the RECORD with my remarks:

COSTLIER FOREIGN CRUDE: SOARING TANKER RATES DAMP OIL IMPORTS AND MAY FORCE U.S. GASOLINE PRICES UP

Motorists in the U.S. and Western Europe may soon be paying more for gasoline because a pipeline closedown in Syria and forced production cutbacks in Libya have sent oil tanker charter rates zooming to near records.

The tanker charges, which have doubled since April and quadrupled since this time last year, have bloated the delivered cost of Middle Eastern and African crude oil at U.S. East Coast refineries to 75 cents a barrel higher than the cost of delivered U.S. oil.

Normally the price edge is on the other side. The imported crude usually costs $1.45 a barrel less than U.S. oil.

As might be expected, the price distortion has sharply reduced U.S. imports of foreign oil. And it has narrowed the profit outlook for some inland refiners who customarily obtain a windfall by trading off their oil import "tickets."

But it has sharply raised the profit outlook for such independent ship owners as Aristotle Onassis and Stavros Niarchos of Greece and Daniel K. Ludwig of the U.S., operators of the world's largest private tanker fleets.

The impact is mirrored in domestic production plans. The Texas Railroad Commission, that state's oil regulatory agency, is expected today to raise sharply the amount of oil that Texas wells will be allowed to produce next month.

Louisiana's oil regulatory body, the Conservation Department, has already acted to open up the August flow. Last Friday it announced that the August per-well oil production rate will be the highest since the Suez Canal crisis snuffed off the flow of foreign oil in 1956.

Canada, too, is rushing in more crude. U.S. imports from Canada in the first week of July ran at nearly double the year-earlier rate.

PIPELINE RUPTURE

This latest oil crisis had its beginnings May 3, when a bulldozer under mysterious circumstances rammed into the Trans Arabian Pipe Line in Syria, knocking out the line, which normally carries about 475,000 barrels of oil a day from Saudi Arabian fields to the Mediterranean port of Sidon, Lebanon.

The line carried only about one-sixth of the oil output of Arabian American Oil Co., which is owned 30% each by Standard Oil Co. of California, Texaco Inc. and Standard Oil Co. (New Jersey) and 10% by Mobil Oil Corp. But this was oil that was close to Europe, only a short tanker's run away from Continental refiners.

Fixing the line would be simple enough, company officials asserted in New York. A spokesman said the job could be done "in about 24 hours." But so far, he stated, the Syrian government has adamantly refused to allow company technicians to do any repair work, and the line still sits idle.

Though Arabian American Oil officials are loathe to speculate about Syria's refusal, other Middle East specialists view the government stand as another ploy in the Arab-Israeli war. The line had often been attacked in the past by Arab guerrillas; one section of it goes through the Israeli-occupied Golan Heights. Evidently, by the analysis of some Middle East sources, Syria hopes to pressure the U.S., through the oil companies, to cut off Israeli aid.

Syria, though, was only the starting point for the current oil crisis. Libya has compounded the woes in the past month by ordering seven producers in that country to slash their output some 550,000 barrels a day, or about 15% of Libya's total output. Companies hit there are Occidental Petroleum Corp., Continental Oil Co., Marathon Oil Co., Amerada Hess Corp., the Royal Dutch-Shell Group, Texaco and California Standard.

The issue, by Libyan government account, is conservation. But some oil experts, see this, too, as a ploy, not in the war with Israel but in the war with the oil companies over tax payments.

Europe, as the Middle East's most immediate customer, has made up some of the almost one million barrels a day lost in Syria and Libya by shortstopping oil from Libya and Nigeria that normally would have gone to the U.S.

But Europe has had to do most of its emergency shopping in the Persian Gulf, and therein lies the cause of the tanker rate surge. Because the Suez Canal remains closed by the Arab-Israeli war, all Persian Gulf oil destined for Europe, a six-times-longer journey than the voyage across the Mediterranean from Lebanon to Europe.

The resulting sudden jump in tanker demand has quickly eliminated what had been a traditional summer surplus. And it has sent spot charter rates for a single voyage soaring close to levels prevalent during the Suez crisis of 1956. They are more than half again higher than during the six-day Arab-Israeli war of 1967.

The cost of moving a barrel of oil from the Persian Gulf to the U.S. East Coast has skyrocketed to about $3.25 a barrel; the oil itself in the Persian Gulf area costs only $1.25 a barrel, producing a total cost in the U.S. of about $4.50 a barrel. A barrel of crude oil from Louisiana, by contrast, costs only $3.75 delivered to an East Coast refiner, or 75 cents less.

On the West Coast, too, "Persian Gulf Crude is quite a bit more costly than California crude," a California Standard spokesman says.

PEDDLING IMPORT "TICKETS"

The effect of the high tanker rates has been to render temporarily worthless a "ticket" to import foreign oil. In normal times, inland refineries, which are too far from ports to economically utilize foreign oil, work out exchange agreements with East Coast refiners. They deliver low-cost foreign oil to the East Coast refinery in exchange for receiving an equal amount of high-cost domestic oil at the inland refinery. The value of this swap can be a windfall as high as $1.45 a barrel to the inland refiner.

This gain "often means the difference between a profit and loss" for an inland refiner, said one oil executive. And the smaller the refinery, the greater the impact, under a so-called "sliding scale" that provides quotas of up to 40% of a small refinery's total crude oil processing rate, compared with a big-refinery average of only about 7%.

J. Avery Rush, president of Diamond Shamrock Corp.'s oil and gas unit, said in Amarillo, Texas, his company was having increased difficulty arranging trades for about half its second half oil import quota of about 4,000 barrels a day. "The amount of our quota which we haven't placed yet is large enough for us to be concerned" about its potential effect on second half earnings, he said.

Clark Oil & Refining Co., Milwaukee, said "everything is still up in the air" in its efforts to work out exchange agreements for its second half quotas.

SEEKING TO EXTEND QUOTAS

"A number of companies holding unused tickets are likely to be hot-footing it to Washington in the next few weeks to seek an extension of their quotas," one oil executive said. The quotas are due to expire Dec. 31. During the 1967 world oil supply crisis, however, the Government permitted unused quotas to be used during the following two years.

Some inland companies also have protected themselves against the present situation with long-term exchange agreements. American Petrofina Inc., controlled by Petrofina S.A. of Brussels, said in Dallas it made "most of our deals on a full-year basis" good until next Jan. 1, so it doesn't expect to be hit too hard by the current difficulties.

As the foreign crude costs mounts ever higher, meantime, the big international oil companies continue to cut back on their use of foreign oil at U.S. refineries. "East Coast crude oil imports could fall to as little as 300,000 barrels a day from a normal level about 700,000 barrels daily," one major company predicted. Total U.S. imports of foreign oil other than that from Canada fell to 520,000 barrels a day in the week ended July 3 from 850,000 barrels daily a year earlier, the American Petroleum Institute said.

In the same period, imports of Canadian oil jumped to 609,000 barrels daily from 316,000 barrels a day a year earlier. This was despite the fact that Canadian oil was placed under an official U.S. quota for the first time July 1, limiting imports to an average of 395,000 barrels a day for the last six months of the year. "Companies are borrowing from future quotas to boost Canadian imports now at the expense of November or December," one oilman declared.

Some oilmen were hopeful the U.S. Government could be persuaded to ease restrictions on Canadian oil. Ashland Oil Inc. said in Ashland, Ky., it hopes the Government will foresee the possibility of a U.S. crude oil shortage and allow freer access to Canadian crude.

SPACE AND TOMORROW'S SOCIETY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. MILLER of California. Mr. Speaker, it is a pleasure to offer for the RECORD a speech delivered in Sacramento, Calif., on Monday, July 20, by Karl G. Harr, Jr., president of the Aerospace Industries Association of America. The subject of Mr. Harr's speech is, "Space and Tomorrow's Society." I commend its reading to all those concerned about our national future:

SPACE AND TOMORROW'S SOCIETY

(Address by Karl G. Harr, Jr.)

President Stone, members of the Comstock Club, ladies and gentlemen.

Most thoughtful men and women everywhere must still retain some of the feeling of awe they experienced just a year ago today when Apollo 11 Commander Neil Armstrong cautiously placed a foot upon the moon's surface in that "one small step for a man—one giant leap for mankind."

Nothing that has happened since or will occur in space in the future is likely to have quite the same impact throughout the world as that historic achievement.

At the same time, of course, thoughtful people today have a lot of other things to think about—some of them quite awesome in their potential for good or evil; issues and problems which have intensified in recent years to a point of urgency.

In view of this, I have chosen as a title for this brief address "Space and Tomorrow's Society," and I welcome the opportunity to speak on the interinvolvement between our space activities and our society as a whole. Perhaps some aspects of the relationship may be new to you.

First let us review what has happened in the U.S. space exploration during the year since the first Apollo touchdown. Apollo 11 was completed with great success, and was followed by a near-perfect lunar-landing Apollo 12 mission of longer duration in November. Now four men had walked on the moon, bringing back rock and soil samples and a wealth of other data, and leaving behind a number of functioning scientific experiments.

The Apollo 13 mission in April, although its moon landing was aborted, also made a most important contribution to spaceflight progress by demonstrating to us and an anxious world that our space team could cope with such an emergency. A magnificent performance by the astronauts themselves and by Government and industry personnel on the ground—plus the fact that effective contingency plans for such an emergency had been made far in advance—brought the

Apollo 13 crew back from beyond the moon to a safe splashdown and recovery in the Pacific. Perhaps even more importantly, the danger in which Apollo 13's crew found itself demonstrated as nothing else had the universal identification with space exploration. Many millions of people throughout the world united in a common bond of prayer for their safe return.

The year since Apollo 11 also saw many successes in unmanned exploration, among them the flight past separate regions of Mars by two Mariner spacecraft. Launched a month apart early in 1969, the two craft completed their missions within a week of one another in mid-summer, they too returning a wealth of new information.

Dramatizing how far we have come in space, a less noticed event of the year was the re-entry on March 31 of Explorer I, launched 12 years and two months earlier on January 31, 1958. This spacecraft, America's first satellite as you may recall, weighed slightly over 30 pounds. Nevertheless, it not only discovered the Van Allen radiation belts but it got us going in space competition.

It is neither feasible nor appropriate to go into great detail here about how our space capability has grown in the twelve and one-half years since Explorer I. Just a few indicators tell that story. Our orbital payload weights, for example, have increased 10,000 times, our speed record 13 times, and NASA has successfully launched more than 150 unmanned spacecraft, apart from the manned Mercury, Gemini and Apollo capsules. An even larger number of unmanned satellites have been launched by the military to enhance the national security.

More important to our discussion here, however, is the record of contributions made by the space program to our general economy, to the advancement of our overall technology, and to the improvement of the quality of all our lives. Much has already been accomplished, and much we may look forward to in the 1970s and 80s and beyond—for the benefits we have reaped so far are merely the tip of the iceberg of that potential.

The great bulk of the money and effort that has been invested in space thus far has been applied to the manned flight program, to meet the national goal for the first space decade of landing men on the moon and returning them safely. A quick look at the budget shows that manned flight is continuing to draw the lion's share of the funding, although the ratio is declining.

Apart from the obvious lift to the national morale and the nation's international prestige afforded by the Apollo successes, there are deeper rewards to be found in extending our exploration—manned and unmanned—of outer space. These are for the moment largely intangible. They are very long-range, and involve the acquisition of knowledge of the nature of our solar system and its relationships with other parts of our galaxy, the composition of the moon and the planets and what use can be made of such new knowledge to improve life on earth.

Simultaneously some very tangible and direct benefits to mankind have been and are being accomplished through our unmanned satellites in orbit around the earth. Meteorological satellites have greatly enhanced our ability to forecast the weather around the globe. Communications satellites have not only vastly increased our available channels for private and business communication, but have made it possible to transmit television pictures instantaneously around the world with, among other things, enormous implications for education. Other satellite systems are aiding navigation, geodesy and mapmaking.

Within three years, first launches will be made of earth resources survey satellites. It is expected that these spacecraft alone will produce benefits that within a few decades will cover the cost of the entire space program. They will locate sources of water, oil and minerals that were previously undetected. They will spot forest fires and crop blights, track the movement of concentrations of fish, and aid in control of pollution. It is estimated that savings in agriculture and forestry will amount to more than $2 billion annually in the United States alone.

Another rich area of economic benefits is familiarly known as spin-offs—new products, materials and processes that have come into existence as a result of space research and development and have quickly found application in non-space activities. Whole new families of alloys and plastics, microminiaturized electronics, revolutionary fabrication techniques, previously unattainable standards, tolerances and degrees of quality control—all of these have grown out of space-related work and found their way into other areas of manufacturing. And this story has barely begun.

New products range from homely items like lightweight, indestructible frying pans to new medical equipment adapted from Apollo systems enabling doctors and hospitals to give better treatment to patients.

Thus, although in its beginnings, some 13 years ago, the space program was of no special importance to the national economy, this situation changed rapidly as our national interests dictated that we embark on a truly major effort, with the principal goal of manned lunar landing but with a wide range of supplementary programs.

By the mid-60s the accelerating space effort had created several hundred thousands of jobs, and the aerospace industry—including aviation as well as space and missiles—had become the nation's largest manufacturing employer. It is still number one, incidentially, in spite of the recent fall-off.

Early in the program it became clear that to meet the stern challenge of space flight we would have to achieve new standards of precision, reliability and durability. Breakthroughs in a variety of areas of science and technology were required if the program was to succeed. Government, industry, independent research laboratories and hundreds of colleges and universities were brought into this drive for excellence, and scientists and engineers in a myriad of disciplines found themselves working in close cooperation for the first time.

Far from the least of the important economic outgrowths of the developing space effort was the creation, by necessity, of an entirely new order of systems management capability. Bringing together such highly skilled but widely diversified teams and ensuring that they worked together effectively to overcome otherwise insuperable problems was a new experience that has now supplied us with a priceless national asset. If we will, we can utilize this unprecedented capability to help deal with our compelling domestic needs.

The pressing problems of urban decay, rising crime rates, congested transportation systems, and deterioration of our air, water and soil, require the attention of the best possible technological and managerial skills. No national effort has developed and honed such skills as has the space effort.

So much for a thumbnail review of what we have done and what it has meant to us.

Now let me turn to the ongoing dialogue about the dimensions of our future space effort.

I can remember, because I played a small role in it, the time when the United States had to decide whether or not it would invest in a space effort, and if so, to what degree.

At the time when this fundamental decision had to be made each of its components could be argued, pro and con, only on the basis of speculation.

Limited to such speculation either side could be plausibly argued on such propositions as: a major national space effort will greatly bolster and advance our overall economy; a major space effort is directly related to our international, political and psychological status; it is directly related to our national survival in many ways, and so on.

Because all was speculation in the early days of space, that is, the late 1950s, no one could be faulted too severely for a lack of total comprehension of the significance of such a program.

We do not have any such excuse today. In the 13 years of our national space program much that was then mere speculation has been established beyond peradventure.

Today nobody can responsibly refute the fact that:

1. There is a direct and beneficial relationship between our space effort and the strength and growth of our overall economy.

2. There is a direct and beneficial relationship between our space effort and our standing among the peoples and the nations of the world.

3. There is a direct and beneficial relationship between our national space effort and our national survival.

4. There is a direct and beneficial relationship between that effort and our capacity to address ourselves effectively to all national needs.

In fact, no one really tries to refute these points directly. They cannot. They may snipe at them, poor mouth them and attempt to distort them, but they cannot refute them. Thirteen years has been long enough to firmly establish each of these conclusions, as well as the single overall conclusion that no other challenge to our nation presents anything remotely comparable to space as an opportunity to benefit our whole society by increasing our overall capability to deal with all of our problems. Why then do some people so violently oppose this program?

The fact is, I suppose, they do not really oppose the exploration of space per se. They oppose it simply because they mistakenly view it as a competitor for national resources with programs to which they ascribe a high priority.

This attitude, it seems to me, drives from a most fundamental misconception as to the true nature and effect of the space effort. Far from being a competitor with other programs, our national space effort is the best ally such programs could have. It is essential to them—particularly over the long run. Without the vigorous pursuit of the prudent and practicable programs available to us in our national space effort, I challenge anyone to show how these other objectives could be either sustained or even attained. Probably, in all candor, even this basic fact is appreciated by most of those who favor drastic reduction of our effort. What energizes them really, is that our space effort has at times had so much appeal on so many fronts to so many segments of society, both at home and abroad, that it has loomed at the prime competitor for resources to those who see it as such. Because it is so formidable, assault upon it can be very frustrating. There is no place to get a valid hold, really. This leads to a certain amount of frenzy and some pretty ironic intellectual and logical distortions.

For instance, among the principal detractors are numbered many of those who are most disturbed by what they regard as this nation's warlike and materialistic image both at home and abroad. Yet time and again we have seen how the whole world responds to the astronauts and their achievements. Even those people and governments around the world who are prone to be negative about much in America today are among the first to turn out their hearts and spirits to our space program. We would have to go far back indeed to find goodwill emissaries comparable to the astronauts. Yet this over-

whelming and unique benefit to our national image is hardly credited by those who profess the greatest concern about that image.

This ironic ambivalence goes way back. Let me refresh your recollection, by way of example, about the attitude of many of those principal current detractors during the 1960 election campaign. That election took place a little more than three years after Sputnik, at a time when the U.S. had not very much to point to in terms of dramatic achievement in space. One of the principal points being made by those who are today foremost among our space effort's critics was that U.S. prestige abroad had suffered dramatically and that the principal reason therefor was superior Soviet space achievements and all that allegedly implied.

The kind of frustration that produces such ambivalence also can produce dangerous oversimplification. One so oriented looks at a ghetto and sees a space capsule with a multimillion dollar price tag. Unfortunately such oversimplified emotion-charged disregard for the true nature of what our space effort has meant to us—has had its effect in terms of public support.

But the significance of pointing out the impact of our space effort on our national economy pales by comparison with the real reasons for sustaining a vigorous space effort. This has to do not with Congressmen who vote against the space effort nor editors who write against it. It has to do rather with our space effort's relationship to the fundamental aspirations of our youth.

Here is where today's most dangerous anomaly lies.

As the citizens of tomorrow's society, it is upon our youth that the impact of current national decisions will fall most heavily.

They must be brought to an understanding of the identification between our continued acceptance of this challenge and their ability to fulfill their own aspirations.

We know, because history has so often taught and retaught us, the cost of heeding those who would sell the day to profit the hour. We know that the story of nations, of people, and of whole societies has always been one of struggle between those with faith in the future and those unwilling or unable to face it because of immersion in immediate problems. As Senator Bible recently stated, "Every important advance in the history of mankind would never have occurred if it had been put off until other more immediate needs were handled."

We in America also know that where major technological advance beckons, a nation such as ours, which depends heavily on such advances for its survival, its well-being, its standard of living and even the viability of its free institutions, has but one area of choice. It can opt to accept or reject the challenge; it cannot opt to accept or reject the effects of its decision. We also have learned that technological advance is essentially indivisible. You either opt for it or you don't. If you advance technology in one area you advance across the board; and it is from such overall advance that the power and capability to make choices is preserved to a people.

Senator Monroney once stated particularly well the effects of a contrary decision in the following terms: "Starving technology mortgages the future of our society. Twenty years ago Britain picked immediate social goals over technical progress. Today it is paying the price, lacking the production base to support either social or technical progress."

Our youth must fully understand these facts and do so in terms of their own aspirations. They must appreciate the relationship, again on their own intellectual, economic and social terms, between America's continued acceptance of the greatest challenge earthmen have been privileged to assume and the range of options that will be theirs.

For when all is said and done what is at the root of their statement? What, in their eyes, is the single most important attribute of the society in which they will live as adults? It seems to me there emerges clearly from all their various modes of expression and assertion that they most want a society unfettered by the past. They want to be free to make their own choices, free to determine not only their own life-style but also the scope of their horizons, the range of their options. They fervently seek such freedom. Explicitly and implicitly they demand it.

How can they have any chance for such a society if today's America turns its back on the greatest challenge with which it is presented? If we were to falter now, to let ourselves fall back into a stagnant, static posture based on weakness, confusion and abdication of our responsibilities to the future, we would surely doom any and all of their efforts to achieve such freedom. They must be brought to understand this fact.

America, as other nations, through choice or necessity, have done in the past, would for the first time in its history be closing the lid on the future. Not only would we thereby forfeit the most fundamental attribute we stand for, to our own youth as well as to others. Not only would hope, advance, opportunity, serendipity, faith, curiosity and determination no longer be, as they have always been, distinctive hallmarks of American life. Not only would we be the first generation in our nation's history to condemn our citizens of tomorrow to horizons prescribed by an absence of will, wit and vision. But history has shown us that once one generation makes such a denial of the future, a nation more often than not starts sinking inexorably, like a confused and frightened dinosaur, into the mud of the ages.

Our youth must come to understand that our space effort is no more "competing" with other priorities than the engine of a car "competes" with the seat cushions for design and funding priorities. In a practical sense some accommodations are always necessary, but if they are made at the essential expense of the engine, the seat cushions, no matter how comfortable and attractive they may be, will soon just sit and rot by the roadside.

Now we don't owe our youth prescriptions for their life-style or the scope of their horizons. They wouldn't pay any attention to us anyway. But we do owe them our best efforts to make them appreciate what is involved, and our best efforts to preserve for them the widest possible range of choice.

If when they become adults, when the world is theirs, they decide to sell the day to profit the hour, to remove their society from the mainstream of history, they will have to answer for it to future generations. If they decide to opt out, it doesn't make too much difference what we do now. But if they choose to sustain their growth, their strength and their independence of choice—and every indication is that is just what they will do—who among us will want to justify having deprived them of the chance?

ONE HUNDRED YEAR CELEBRATION—HAMBLEN COUNTY, TENN.

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. DUNCAN. Mr. Speaker, this weekend will be a great occasion for the people of Hamblen County, Tenn. The county is celebrating its 100th birthday.

Today I want to pay tribute to this enthusiastic and hard-working group of people who have contributed so much to the progress and growth of the area. Some of the finest schools and churches can be found in the towns of Morristown, Russellville, Lowland, and Whitesburg. A variety of industry abounds in Hamblen County, and it is a good farming area. Excellent newspapers, banks, and businesses serve the county.

Hamblen County was created on May 31, 1870, and was named for Hezekiah Hamblen. The first settlers had come to the county around 1783 and found a good location to live and farm at the bend of the Nollichucky River.

Morristown, the county seat, is actually older than Hamblen County itself, and the first county court was organized in an old storehouse in Morristown on October 3, 1770.

This weekend Hamblen County will relive some of its early days and will display the progress it has made in the past 100 years. On Saturday Hamblen countians will turn out for a gala centennial parade and the festivities will continue with a special program in the evening. Happy 100th birthday, Hamblen County.

HAROLD H. KAHN LEADS URBAN REFORM

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. FEIGHAN. Mr. Speaker, with the problems of today's cities becoming increasingly acute, the need for effective and dedicated leadership for our metropolitan areas becomes ever more apparent. Citizens' groups and urban leagues can play a significant role in providing and encouraging the kind of leadership which produces solutions to the transportation, environmental and developmental problems which accompany the growth of metropolitan communities.

One example of that leadership and dedication in Metropolitan Cleveland is the work of Harold H. Kahn, one of Cleveland's most outstanding civil leaders and newly elected president of the Citizens League of Greater Cleveland. The accompanying article, from the Plain Dealer of June 3, describes his efforts to achieve a government system for Cuyahoga County, which comprises the Cleveland metropolitan area, which would be more effective in furthering efforts to solve urban problems in that area.

The article follows:

COUNTY REFORM TOP OBJECTIVE OF LEAGUE

The major objective of the Citizens League of Greater Cleveland this year will be adoption by Cuyahoga County voters of the alternative form of county government, Harold H. Kahn, the League's new president, said yesterday.

Kahn, 64, senior partner in the law firm of Kahn, Kleinman, Yanowitz & Arnson, was elected yesterday succeeding F. J. Blake, senior vice president of Central National Bank, who had served the maximum two years. Kahn has been on the league board six years and was vice president last year.

"The solution of such problems as water and air pollution, transportation, storm drainage, sewage and waste disposal are stymied by the lack of a viable county or-

ganization," Kahn said. "Every effort must be made to communicate to the voters of Cleveland and the suburbs the vital importance of reform of their county government as the most basic and fundamental step to progress."

The alternative proposal was defeated by county voters last November. Officials of the Citizens League, and other groups, hope to get enough signatures to put the issue on the ballot, possibly this fall.

The proposal would create an elected administrative head of the county and expand the board of county commissioners from three to seven persons, who woud serve as legislators.

Kahn is a graduate of Glenville High School. He received bachelor's and law degrees from Case Western Reserve University.

He is president of the board of the Jewish Convalescent and Rehabilitation Center of Cleveland and a trustee of the Council of Human Relations, Suburban Community Hospital, Fairmount Temple and the Jewish Community Federation.

He and his wife, Jean, live at 2985 West Belvoir Oval, Shaker Heights. They have two children, Mrs. Evelyn Safran and William H. Kahn.

CULEBRA

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mrs. CHISHOLM. Mr. Speaker, I rise today in order to express an overwhelming feeling of personal outrage and to focus attention upon a situation which is intolerable to those who must live through it and avoidable by those who perpetuate it. The island of Culebra is an inhabited part of Puerto Rico which is currently used by the Navy for extensive bombing and shelling practice. Recent testimony before the House Armed Services Subcommitte on real estate as well as a study by the Puerto Rican Civil Rights Commission, have chronicled the history of U.S. involvement, pointing consistently toward blatant naval insensitivity to the welfare and safety of the Culebran people.

HISTORY

Culebra is a 7,000-acre island, approximately 7 miles long and 3 miles wide lying slightly east of the Puerto Rican mainland. It is one of 76 municipalities of the Commonwealth of Puerto Rico. Culebra's 726 inhabitants, all of whom are U.S. citizens, rely for subsistence almost exclusively on farming and fishing.

The initial involvement of the United States with Culebra began in 1901. At that time, and again in 1902, Executive orders were signed by President Theodore Roosevelt which provided that all public lands on Culebra were to be for the use of the U.S. Government under the jurisdiction of the Navy. Both of these Executive orders were reaffirmed in 1903. Six years later Roosevelt dedicated the cays and islets surrounding Culebra as national wildlife refuges, thus acknowledging the rare ecosystem of the island. By 1911 the residents of San Illdefonso had been evicted by the Navy and had formed the new town of Dewey on the southern part of Culebra. Up until 1936, the U.S. Government had only intermittent contact with Culebra and few complaints from its citizenry. However, it was in that year that the Navy commenced aerial bombings and offshore attacks. On February 14, 1941, President Franklin Roosevelt signed Executive Order 8684 reaffirming the U.S. naval presence and expanding its jurisdiction to include the air space over the island and 3 miles of territorial waters surrounding Culebra. Accessibility to the area was declared to be at the exclusive discretion of the Navy. Severe penalties were established for those who violated naval restrictions.

Throughout the midfifties and into the early sixties, the Navy attempted to gain control of the entire island. They apparently were willing to resettle the Culebrans on neighboring islands in order to facilitate more freedom in their weaponry practice. However, these plans were abandoned when it was pointed out that Puerto Rico's Constitution provides that no municipality can be dissolved unless its citizens vote for dissolution by referendum—The Armed Services Journal, June 27, 1970, page 23.

In 1960, there was a noticeable change in the bombings and shellings—they became both more frequent and more intense. By 1969 weaponry practice averaged 9½ hours per day for 6 days of the week, as well as 3½ hours on Sundays—testimony of Thomas C. Jones, Jr., attorney for the Municipality of Culebra, before the House Armed Services Subcommittee on Real Estate, June 10, 1970. Culebrans were forced to undergo 228 days of aerial rocket fire, 123 days of naval gunfire, and 114 days of strafing by jets—Wall Street Journal, June 10, 1970, page 1. Living in Culebra in 1970 is much like living in London during the German blitzkrieg. Furthermore, accelerated bombings have been planned for 1970. The Navy presently is ahead of its 1969 pace, having already made 17,860 runs to the target this year—Wall Street Journal, June 10, 1970, page 1.

As an added affront to the Culebran people, the Navy has, in recent years, given permission to Venezuela, Great Britain, Brazil, West Germany, the Netherlands, and Trinidad-Tobago to join with the United States in bombing Culebra.

At the present time, there is an acquisition request before the House Armed Services Subcommittee on Real Estate. It seeks approval of a Navy intention to purchase 2,350 additional acres on Culebra for the purpose of expanded bombings and missile testings. It is this request which initially brought Culebra public attention.

The history of U.S. involvement in Culebra is consistently interspersed with a succession of accidents and near misses—notwithstanding contrary assertions and denials by the Navy. In 1935, for example, Alberto Pena Garcia, a 15-year-old schoolboy, was killed when he smashed a USMC grenade with a hammer—The Armed Forces Journal, May 23/26, 1970, page 30. Similar, albeit nonfatal, accidents occurred in 1914 and 1964. In 1946, nine Navymen were killed in an accidental bombing because their office was painted the same color as the bombing target—The Armed Forces Journal, May 23/26, 1970, page 30.

More recently, there has been an increase in the number of near misses. Several 1,000-pound bombs reportedly landed within a few feet of Culebra's shore and remained there unexploded for several days while children played nearby—the Armed Forces Journal, June 6, 1970, page 19. On May 22 of this year, the Governor of Puerto Rico, the Honorable Louis A. Ferre, was fired upon without warning. Ironically, he was visiting Culebra to investigate complaints that naval bombings were dangerous. Richard D. Copaken, counsel for the municipality of Culebra, collected signed statements from lower level Navy personnel concerning this incident. In their statement, they conceded that the red warning flag had not been displayed and that bathers had been seen in the firing area earlier and may still have been there. In fact, three children were in the line of fire and testified to that effect at the June 10 hearings before the House Armed Services Subcommittee on Real Estate. They further attested that during the firing they had seen a boat in the distance—Governor Ferre's.

On this past July 4, a day on which no military activity was scheduled, a Navy Phantom jet made three low passes 10 feet above the water on a fishing boat, dropping a bomb or firing a rocket on two of those passes. Mr. Jose Higuera, the owner of the boat, reported the incident to the Honorable Ramon Feliciano, mayor of Culebra. It is Mr. Higuera's opinion that the incident was done viciously by the Navy.

EFFECTS

As might be expected, the Navy's presence on Culebra has had tremendously detrimental effects—on the lives of the people, the economy of the island, and the ecology of the area.

The influence upon the human environment has been perhaps the most pernicious consequence of naval target practice. Through statements to their attorneys and in testimony before a House subcommittee, the people of Culebra have constantly emphasized the fear and apprehension which has resulted from the continual bombings of their homeland. They are subjected to the noise of supersonic booms, gunfire, rocket fire, and heavy air traffic. As a result, many Culebrans worry about the safety of their families. Thus Mercedez Morales Lopez told Culebra's lawyers:

> There is much insecurity and danger for the children . . . I have certainly been afraid here, and so have the children, including the two-year old.

The naval attacks further manifest their inimical effects on the human environment in the operation of Culebran schools. Learning has been greatly hindered. Carmelo Feliciano, who has been a schoolteacher in Culebra for 13 years, testified at the recent Culebra hearings:

> Teaching in Culebra is an extremely difficult job. The continuous flow of air traffic at low altitudes over the school, helicopters, jets and propeller planes, make an infernal

noise, creating a state of tension and anxiety and rendering virtually impossible to hold the attention of the students. . . . When bombs and shells are exploding, the school buildings tremble with every explosion. You can see fear in the children's eyes. They sit in school as if ready to run at a moment's notice. During the periods of heavy night bombing, students fall asleep in class. They look sleepless and the teachers there know why this is so. Bombing is carried out far past midnight every day and these kids are kept awake by the noise and the tremor caused by the bombs until early morning hours . . .

Due to all this noise caused by Navy aircraft and boats bombing and shelling, and also because they live in constant fear of losing their lives, the students' work at school is very poor. There has not been an honors graduate in Culebra in more than three years. Intelligence tests show a far below normal IQ for Culebran students. I have observed that many of these students have moved out and attend school in the main island of Puerto Rico and their grades are considerably higher at these other schools. The ones that return to Culebra fall back way below in their school work.

Furthermore, there are numerous reports of bomb-related property damage as well as complaints stemming from the inaccessibility of Culebra during its frequent attacks. However, the point need not be belabored. The consequences which result from naval bombardments are clearly deleterious in terms of Culebra's human environment.

A less apparent, yet perhaps equally destructive result of the bombings has been the erosion of a stable Culebran economy. The farmlands upon which the people depend for food have been pillaged by ship-to-shore bombings and aerial attacks. The fishing industry, long a principal support of Culebra, has been significantly harmed. Navy regulations prohibit fishing during bombings and thousands of fish have been found dead in the aftermath of weaponry practice. These harmful effects on the farmlands and fishing industry were recently observed firsthand by my district representative, Victor Robles.

The Commonwealth government has long been aware of Navy plans for expansion in Culebra. Cognizant of this, it has been reluctant to invest in the welfare of the Culebran people and has further damaged the economy of the island. Thus, Culebra's educational, health, and employment facilities are shamefully inadequate. Culebra's per capita income is only $400—notably less than neighboring islands.—San Juan Star, June 6, 1970, page 3.

The ecosystem of Culebra and its adjoining cays and islets is in many ways unique. It provides important nesting grounds for various migratory oceanic birds, including the sootytern, the nobby tern, and the laughing gull. In addition, the Bahama pintail, a rare and endangered species, can be—or used to be—found in the eastern part of Culebra. Navy shelling and bombing have greatly harmed these rare species. Several years ago, for instance, a bomb-related fire in an impact area destroyed 30 acres of nesting grounds—observed by Ricardo Cotte, the Department of the Interior's agent in Puerto Rico.

Moreover, the previously mentioned dead fish are contributing to a gradual pollution of Culebra waters. Its once beautiful cays have become sewers of dead fish. Thus, one of the most noxious, although less conspicuous, consequences of naval bombings is the snail-like, yet inevitable, transformation of the Culebran ecosystem. This ecological transformation will, in all probability, further adversely affect the lives of the people.

ALTERNATIVES

It seems evident that acceptable alternative sites to Culebra do exist but have not been adequately explored by the Navy. Representative JORGE CÓRDOVA, the resident Commissioner of Puerto Rico, has suggested several possibilities—among them, Mona, Monita, and Desecheo. Furthermore, should these sites prove unacceptable, it seemingly is possible to construct artificial islands or platforms exactly to Navy specifications—Armed Forces Journal, June 27, 1970.

The Navy has consistently denied that satisfactory alternative sites exist. However, they have not proffered any suggestions of their own. They are the logistical experts who best understand their own training needs and hence, should be actively involved in seeking and securing a more acceptable training site. Instead they have been content to merely refute those offered by nonexperts. The crucial question revolves around contingency plans. What would the Navy do if they were told by Congress that they could no longer use Culebra? One seriously doubts that the Roosevelt Roads complex would completely shut down. Somehow, it seems, acceptable alternative sites would suddenly appear.

DISCONTENT AND SUPPORT

In the last several months, the Culebran people have vehemently voiced their fundamental dissatisfaction with the current situation. They not only adamantly oppose the Navy's efforts to acquire additional land, but seek to end all bombing activities on their island. These firm convictions can be seen in a recent survey reported in the Armed Forces Journal—May 23/26, 1970, page 29. It found that of the 313 families that were interviewed, 304 wanted the Navy to cease its bombardments. The validity of this survey was recently tested by Thomas C. Jones, Jr., attorney for Covington and Burling. He purposely slanted his study in the Navy's favor, yet still found that 95 percent of those interviewed opposed the Navy's acquisition of additional land and that 75 percent opposed any weaponry testing on Culebra. Demonstrations supporting "Culebra for the Culebrans" have been held both on the Island and on the Puerto Rican mainland—most recently on July 18.

Outside of Culebra, support has been steadily gaining momentum. Puerto Ricans in the Commonwealth itself, as well as their elected representatives both in Puerto Rico and Washington, have been acting in conjunction with Puerto Rican organizations and leaders in New York City to return Culebra to its people. Thus it can be seen that discontent among the Culebran people is both widespread and intense, and that support for their cause is pervasive. So far, however, this support has been ineffective. The bombings go on. That they do, seemingly is an indication of the position of Puerto Ricans within American society. It is ludicrous to think that such a situation could continue anywhere else in this country. The realities of power politics dictate that it could not. Thus Culebra continues to suffer, partly because its citizens are Puerto Ricans and hence, at a distinct political disadvantage.

I unequivocally support the Culebran people in their efforts to regain control of their island and I am fully committed to assisting them by any legitimate means possible. I offer my support and assistance, independent of any political benefits or liabilities the issue may have for me personally, and fully cognizant of Culebra's political implications within Puerto Rico. I support Culebra simply because the Culebrans are right and the Navy is wrong—because I believe, and have always believed, in the fundamental right of people to decide for themselves issues which greatly affect their own welfare.

In keeping with my support of the Culebran people, I have met, and will continue to meet, with representatives from the Puerto Rican community both in Washington and New York, as well as with other U.S. Senators and Representatives who have expressed an interest in Culebra. Our purpose has been to plan effective collective efforts aimed at saving Culebra. Further. I have written to Senator HENRY M. JACKSON in his capacity as chairman both of the Interior and Insular Affairs Committee and the Armed Services Subcommittee on Military Construction. I have urged him to hold hearings to investigate whether or not the Navy should be permitted any future use of Culebra as a weaponry training site.

On July 18, 1970, I sent a representative from my New York office, one who is fluent in Spanish, to personally deliver a statement to the Honorable Luis Ferre, Governor of Puerto Rico. My letter to Governor Ferre reaffirmed my support for the Culebran people and pledged my continuing efforts on their behalf.

I strongly urge you, as colleagues in the House of Representatives and as people interested in fair play, to join with me in supporting the Culebran people. Theirs is a fight for human rights. Reason urges your support; justice requires it.

AROUND THE WORLD FACTFINDING TOUR

HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. COWGER. Mr. Speaker, I recently returned from an around-the-world factfinding tour which included Southeast Asia and the Middle East. I have just completed a report of this tour for my constituents in the Third Congressional District of Kentucky. I would also like

to share my experiences with my colleagues in the Congress.

The following is a description of my visits in Southeast Asia and the Middle East:

AROUND THE WORLD FACTFINDING TOUR

On June 8, I left Louisville for an around-the-world fact-finding tour of Southeast Asia and the Middle East. In November of 1967, I toured several countries of Asia and upon my return made a report to the Congress. President Richard Nixon read our recommendations and asked Congressman Fred Schwengel, of Iowa, and I to return again and to report to him our "observations and recommendations". As before, the tour was made at no expense to the Federal government, but was paid for from private and personal funds.

VIETNAM

I arrived in Saigon after a long 12,000 mile flight, with stops in San Francisco, Hawaii, Guam, and Manila. There was immediately visible improvement in Vietnam since my visit there two and a half years ago. For all practical purposes Saigon is secure and no longer do your hotel windows rattle every night from bombing and gunfire on the outskirts of the city. The de-Americanization of the war is immediately evident with the obvious reduction of American troops in the area. Vietnamization has brought about full mobilization with over one million men under arms in the regular and provincial forces of South Vietnam.

I toured the jump-off bases along the Vietnam-Cambodia border from which President Nixon ordered U.S. ground troops' intervention on May 1. By gunship helicopter I was able to visit almost all of our bases in the Fishhook and Parrot's Beak area. I talked with our troops on Special Forces duty in isolated camps along the border that have been under constant fire from North Vietnamese regulars who crossed the border from Cambodia. The enemy has been using their sanctuaries to inflict rather substantial losses on these outposts.

By helicopter I was able to fly into Cambodia within sight of the Mekong River and touch down at our most forward fire bases. At one encampment I inspected two enemy bunkers where caches of weapons and ammunition had not yet been removed. Our intervention into Cambodia caught the North Vietnamese completely by surprise, not only to the extent that they did not have time to evacuate their supplies and munitions, but their booby traps and deadly land mines were almost non-existent.

I stopped at a fire base west of the Angel's Wing area which was occupied by a combined force of U.S. and South Vietnamese artillery. Their big guns were firing on enemy positions within a twenty-mile radius. Amid all of this thunderous noise, I had a "C" ration lunch with some of our troops in Cambodia.

I was very much impressed with the success of this operation and by the effectiveness of the South Vietnamese troops. Since my visit two and a half years ago, they have been well trained and supplied with our latest equipment. They are tough little fighters who cannot be expected to win all of the battles, but are dedicated to self-help and self-determination.

I also had an opportunity to tour the northern battleground near DaNang, Hue and the DMZ. I inspected our Marine fire bases that protect the giant air base at DaNang. The enemy has changed their strategy from frontal assault to terrorist attacks. I flew to within sight of the Au Shaw Valley where our patrols have almost daily fire fights with smaller elements of North Vietnamese regulars. Again I was impressed by the ARVN forces, under General Lam, who are fighting alongside the remaining Marines and the 101st Airborne Division. Formerly the Marines had this whole sector under their command but most of them have returned to the States under President Nixon's withdrawal program.

Back in Saigon, I had the opportunity to meet with members of the Vietnam National Congress. I visited with the Speaker of the House and attended one of their morning sessions. I had a particularly interesting discussion with the former Mayor of Hanoi, the capital city of North Vietnam, who is now an elected member of the South Vietnamese Senate. I was surprised to learn that almost half of the Senate are from North Vietnam and moved south when the Communists took over control of their country.

Democracy is working in Saigon and surprisingly a free society exists in a war time atmosphere. This is the first time in all history that a developing nation has simultaneously tried to fight a war, attain economic self-sufficiency, install constitutional democracy and move into the twentieth century. I have great respect for the people of South Vietnam.

CAMBODIA

I flew into Phnom Penh, capital of Cambodia, at a time of great crisis. While I was meeting with officials of the American Embassy, and the Ambassadors of India, Singapore and Australia, we could hear gunfire outside the city. The beautiful city of Phnom Penh is completely mobilized with a civilian army with very few rifles. I met with a group of students and faculty leaders who represented 15,000 college and university colleagues who had volunteered for defense of their country. I was deeply moved by their intense patriotism and noted their hatred of Prince Sihanouk.

Unfortunately, much of the truth about Cambodia has not been properly reported by the news media. On March 18 the National Assembly voted unanimously to remove Prince Sihanouk as Chief of State. However, the Lon Nol government is not a new one for he has been Prime Minister for almost a year. From Peking, Sihanouk called upon Red China, North Vietnam, communist elements from Laos, and the Viet Cong to invade his country in his behalf. Contrary to news reports, Prinec Sihanouk has almost no support in Cambodia.

I met with the President of the National Assembly and some of the leaders of the Cambodian Congress. As the only U.S. Congressman or Senator to visit Phnom Penh during this period of crisis, they wanted me to tell the true story in America. They are not asking for U.S. troop intervention, but they are badly equipped to fight a war. We have made available $8 million in arms and ammunition and have supported South Vietnamese troops who came to the defense of Phnom Penh. I was very much relieved to leave Cambodia because the Phnom Penh airport was closed two days after my departure.

THAILAND

I next visited Bangkok, the capital of Thailand. The Thais have had a volunteer army division fighting with us in South Vietnam for several years. There was talk that the famous Black Panther Division from Thailand would be deployed into battle in Cambodia.

Eleven nations from Southeast Asia recently met in Djakarta and called for the territory integrity of Cambodia. The war in Indo-China cannot be properly termed a civil war for it is more correctly an invasion by North Vietnam into its neighboring countries. I was quite aware of a change in attitude since my visit two and a half years ago. There is now a much closer feeling among the free countries of South Vietnam, Cambodia and Thailand.

THE MIDDLE EAST

After a long flight from Bangkok to Bombay and then to Tel Aviv, I landed in Israel. I visited the Israel Ministry of Defense where I received a most unusual briefing on all four borders of conflict. There is almost daily action on all fronts, but by far the most sensitive is the battle area adjacent to the Suez Canal. The interdiction of Russian pilots and sophisticated SA–3 missiles in this zone brings new dangers.

I also visited the biblical City of Jerusalem, which is the capital of Israel. I went to City Hall where I met with their famous Mayor, Teddy Kollek. As always, we found the problems of a big city to be about the same anywhere, except Teddy has the additional crisis of dealing with a war torn country with Jews, Arabs, Moslems and Christians trying to live together in one community.

I next had a meeting with the Israel Foreign Affairs Ministry and then toured the old walled city of Jerusalem, including a visit to the wailing wall at the Temple.

CYPRUS

In order to enter the Arab world from Israel, it was necessary for me to fly to Cyprus. Actually, I had to use two passports and two sets of plane tickets. I landed at Nicosia, the capital of Cyprus, which is an independent island in the eastern Mediterranean and another hot spot in the world. Eighty percent of the population is Greek and twenty percent is Turkish and their nationalism for their home countries erupts into occasional fighting. Twice in 1964 and again in 1967 open warfare existed. Now there is an uneasy peace patrolled by 3,500 United Nations troops from Canada, England and the Scandinavian countries. I drove through no-man's land between the Greek and Turkish armies. Four convoys a day are allowed by agreement to cross through this area, escorted by U.N. forces. The United States plays an important role in Cyprus because both Turkey and Greece are good allies of ours.

ARAB WORLD

First I visited Beirut, Lebanon, where they have the same explosive situation that existed in Jordan a short time ago when the Fedayeen ("freedom fighters") prompted a three-day battle in Amman. There are many Palistinian refugee camps in and around Beirut which are controlled by the Fedayeen. They have been causing most of the border incidents from Jordan, Syria and Lebanon.

After flying over the Suez Canal, the pyramids and the Nile River, I landed in Cairo. In Egypt they have the longest recorded history in the world—five thousand years. President Nasser has tried hard to promote Arab nationalism and unity. He recently escalated the Mideast conflict by shelling the Israeli positions on the east bank of the Suez. There are almost daily air strikes from both sides.

I visited the United States Embassy where there exists the most unusual situation in American diplomatic history. Egypt and the United States severed relations after the 1967 six-day war. Both countries now have Embassy staffs in the other's capital, but under a foreign flag. Our sixteen-man staff occupies the same buildings as before, but each morning we run up the Spanish flag. We are officially recognized as a section of the Spanish Embassy. In Washington, the Egyptians operate under the Indian flag.

From Cairo I flew to Albania, Paris and Washington, D.C. On June 25, I completed the last leg of my around-the-world tour by returning to Louisville.

THE UNITED STATES HAS THREE CHOICES

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. SCHERLE. Mr. Speaker, it is a very easy thing to appropriate more money than is in the budget for any pet social

scheme that comes along and then say, "If you wish to balance the budget, cut defense spending."

It is very easy and very irresponsible.

Those who seek to cut our defense spending down to virtually zero for the sake of building a bigger welfare state are taking us to the brink of war and maybe into war itself, a war we will not be able to win because of their foolish notion that we do not need to be strong to be free.

Mr. Speaker, the United States has three choices. It can continue to spend beyond its income and collapse from within under the weight of a galloping inflation.

It can steal from defense funds in order to finance welfare state spending and fall prey to ruthless forces from without.

Or it can live within its income and strike a reasonable balance between domestic spending and defense spending.

Mr. Speaker, that last course is the course President Nixon has chosen. That is the responsible course.

A SALUTE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the Sheboygan School District has been most fortunate these past 16 years in having as its superintendent, Leslie W. Johnson.

Mr. Johnson has proven himself an excellent educator and has demonstrated his concern for students throughout his years in Sheboygan.

The following editorial from the July 1 edition of the Sheboygan Press both congratulates Mr. Johnson on his retirement and thanks him, on behalf of all of us who know and respect him, for his years of leadership in the field of education:

A SALUTE

Sheboygan is a bit different today—or hadn't you noticed? The end of June has come. July is here and there is a new hand at the helm of the Sheboygan public school district. It is appropriate that we salute Leslie W. Johnson, who has retired as superintendent of schools.

Sixteen years is a long time for a local school administrator. And those 16 years have been difficult years for Wisconsin public school administrators. The state has gone through the throes of school district reorganization. The joining together of school districts has not always been a happy time everywhere in Wisconsin. Under Superintendent Johnson's leadership, there has been a minimum of bickering in the ever-enlarging Sheboygan district and a maximum of striving for better educational opportunities for all. The past 16 years have been years of increasing financial stress. Superintendent Johnson has not sought much plush or finery but he has carefully and quietly stressed the need for quality education and he has never sidestepped the costs of education—be it good education or bad. These past 16 years have been years of urgent need for new buildings, for more buildings, for different buildings, for bond issues, for educational planning and selling. Superintendent Johnson has done well and the evidence is at every hand.

These past 16 years have been years of increasing demands for more and better accomplishments by the schools. Many school administrators have yielded to the pressures and have become budget operators, building planners, or labor negotiators. Superintendent Johnson has given leadership to all of these leadership roles but he has insisted that first and foremost he is an eductator. He has been concerned about boys and girls, about the teaching and learning processes and about genuine accomplishments in the classrooms.

Mr. and Mrs. Johnson have played large and important roles in our community. We are glad that Mr. Johnson is not leaving education completely—education needs the Leslie Johnsons. We are glad that they will continue to live in Sheboygan.

We salute them both and wish them many more happy years among us. We do appreciate what has been accomplished and how it has been accomplished during these last 16 years, the Johnson years.

CONGRESSMAN ESHLEMAN'S LATEST NEWSLETTER

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ESHLEMAN. Mr. Speaker, I am today sending to my constituents my latest newsletter. I am including the contents of that newsletter in the RECORD at this point:

REPORT FROM YOUR CONGRESSMAN
ED ESHLEMAN

CAMBODIAN WRAP-UP

The President made good on his promises. His primary purpose for crossing the border into Cambodia was to hurt the enemy and thus secure—probably hasten—United States withdrawal from Vietnam. He accomplished his goal and got us back out of Cambodia. All the gloomy talk that the war was being expanded and that the United States had plunged into another quagmire proved exaggerated. What was originally a courageous decision by the President became an apparently successful military operation. As more and more American troops come home even the critics may begin to realize the extent of our success in Cambodia.

WHO IS ON SECOND

First there was the McGovern-Hatfield amendment which was stronger than the Cooper-Church amendment which got tangled up with the Byrd amendment which was supposedly hawkish, but which lost, but then was reworded and won about the time that the repeal of the Gulf of Tonkin resolution was being tied to the Cooper-Church amendment which finally was passed in the Senate and was considered a victory for the doves even though the hawkish wording was in it, but when it got to the House, it was rejected—so who's on second?

BIRD'S EYE OBSERVATION

Several months ago I was receiving waves of correspondence from irate constituents who had received some unwanted pornographic mail in their homes. Today I am hearing from almost no one on this subject. Perhaps this is an indication that the anti-pornography laws passed by Congress and the tough anti-pornography drive launched by the Nixon Administration are beginning to take effect.

STUDENT VISITORS

I met with a group of honor students from Lancaster County junior high schools on the Capitol steps several weeks ago. Some picture taking after I talked to them produced the photo on the left.

GOOD NIGHT CHET!

And the babbling brook called the ocean shallow.

PRESERVE AND PROTECT

There is a precious document in Washington which we go to great trouble to protect. So treasured is this single sheet of aged parchment that the bronze and glass case in which it rests is filled with helium gas, protecting it from possible damage from free oxygen. Special filters have been blended into the glass, shielding the document from the ultraviolet rays of sunlight. There is a steel and concrete vault beneath the floor to protect the parchment from fire, bombing, or invasion, with a special mechanism that can quickly lower it into this fireproof-bomb-proof chamber should danger threaten. An armed guard is present at the site 24 hours a day. All of this care is taken to preserve and protect the original copy of the Bill of Rights. These days there are incidents which make one believe that perhaps we should be just as concerned about the preservation and protection of the liberties set forth in this document.

RESPONSIBLE SPENDING

When House and Senate majorities decide that larger expenditures for health and education are justified—and a strong case can be made that they are—the House and Senate should take the responsibility for deciding what other programs are less essential. This kind of responsibility is being shirked. The Johnson Administration demonstrated, at the enormous cost of a serious national inflation which has not yet been controlled, that huge wartime costs cannot be met along with greater domestic spending without weakening the whole economic system. The Nixon Administration has undertaken to trim back budgetary overgrowth by setting a series of priorities. Congress has not followed suit. It would be fine to see health and education funds increased by Congress, if only Congress would show comparable zeal in cutting back other programs. The House and Senate should not be bound by Administration priorities, but should make certain we live within our national budget.

AT THE ROOT

A nationally known news commentator spoke recently on Capitol Hill. He set forth in his talk the things which he believed to be at the root of many of our present national problems. Vietnam, racism, and the generation gap were not on his list because these, he said, were manifestations of more basic factors. Three of these basic factors were listed and deserve, I think, some wider attention. They are: (1) the continued loss of individualism in our mass society, (2) the sharply spiraling and largely untempered flow of technological advance, and (3) the unresponsiveness of government to the legitimate needs of the American people. They are not problems which will be easily programed toward solution or cured with large doses of federal money, but they are the kind of underlying considerations which should influence our judgment as we seek solutions to more visible national dilemmas.

DO NOT SPOIL THE FUN

It is obvious that all of the great problems of our time are not getting solved quickly enough, but it is also a fact that much progress is being made. Yet, even as the steps forward are taken, voices of discouragement are heard, sometimes screaming more loudly than ever. Why? Perhaps a story making the rounds in Washington reveals an answer. It is

a story about an Englishman who met a nationalist revolutionary just before Britain withdrew from India in 1947. "Why do you look so glum?" asked the Englishman. "We are giving you your independence." The Indian replied, "You don't understand. We don't want you to give us our independence. We want to wrestle it away from you."

FORMER COLLEAGUE

The picture at the right was taken in Secretary of Defense Mel Laird's office at the Pentagon. This month I had occasion to talk with him about some matters affecting the New Cumberland Army Depot. However, as might be expected, the conversation also turned to some remembering of Mel's prior service with us on Capitol Hill as a Congressman from Wisconsin.

TO COME HOME

An emerging debate which is likely to become quite bitter in the post-Vietnam era is what to do about the thousands of American young people who have fled into exile to avoid the draft, and the smaller number of servicemen who have deserted rather than face combat duty. To forgive and forget is a charitable pattern deeply rooted in Christian beliefs and yet—aside from the legal issues involved—there are some moral questions which need to be answered. Those who fled to avoid conscription or Vietnam duty set themselves above both statutory and ethical law. For each of them who was not drafted, some other American boy was. For each of them who declined to go to Vietnam, someone else made the trip. It would be intolerably unjust to grant full and unconditional amnesty to those who refused to serve their country when it, rightly or wrongly, called upon them. To do so would be to cheapen the personal sacrifice made by other young Americans who did what was required of them, some at the cost of their lives. I don't think it is necessary to be punitive or harsh in our judgment of those who fled. But their mistake should not go unrecognized. For some—in particular those who because of deeply felt convictions left the country to avoid the draft—our approach should be benevolent but firm. We should require from them two years of alternative service. For those who knowingly, willfully and brazenly deserted their country, we can only hope they will make better Canadians or Swedes than they did Americans.

BUMPER STICKER

Seen in Washington on Honor America Day: "If you don't like policemen, the next time you're in trouble call a hippie."

SLASHING SUBSIDIES

Farm subsidy payments are a basic feature of our national agricultural policy which seems to stress farming by government handout. Our Pennsylvania farmers have condemned this policy on many occasions as disastrous for the man who wants only to market a superior product. There is another factor worth consideration too. Last year the Commonwealth received less than one-tenth of one percent of all subsidy money. In the House of Representatives the unfairness and the failures of the handout approach to agriculture have been acknowledged in recent years. On several occasions the House has voted to limit the amount any one farmer could receive in subsidy payments to $20,000. However, the Senate has always failed to go along with this initiative; that is, until this year. Recently the Senate also voted for a $20,000 subsidy limitation which gives some hope that a more reasonable approach to agriculture may be on its way.

CAMPUS CONCERN

What can the new Presidential commission on college problems tell us? We already know that when political dissent turns criminal the law must be enforced. We know that when the law is enforced it must be enforced legally and with restraint. We know that the independence and integrity of the schools must be protected and that education must reform. We know that an end to the war would help, so would further reforms of the draft, but that these things in themselves are not at the root of campus turmoil. We know that in times of public passion reason becomes more difficult but more necessary to apply. What we know we don't have to be told again. But by looking closely at our schools, perhaps the commission can refine and articulate some of the problems. In so doing it can help the country, the Administration and the Congress to think more constructively about the issues to be faced.

THE SWITCH IS ON

The Nation is gradually being geared from a wartime into a peacetime economy. There are some figures compiled this month in Washington which show the shift. The budget for the Department of Defense has dropped $17.3 billion since 1968. Since June, 1969 Defense Department employment, civilian and military, has been trimmed by 840,000. Defense takes 35% of the total Federal Budget as compared to 43% three years ago. Meanwhile, the spending for other Federal programs has risen $18.4 billion in that three year period.

HEALING DIVISION

That division is a fact of life in our country today cannot be denied. When President Nixon, campaigning in 1968, applauded a young girl's placard which read "Bring Us Together," he hardly foresaw, nor did anyone else, the polarizations now visible in America. The efforts to affix blame for these divisions cannot be helpful in finding solutions. Some meaningful effort toward healing divisions could be helpful. That effort should not be based entirely in Washington. Americans' all of them have always been ingenious problem-solvers. They have often shown that they can see and work toward the larger good; that compassion in communities can be practiced; and that, above all, respect for the individual is the essence of the American dream. The strength and reason available from such insights can enable the United States to deal with division, but even more importantly can enable us to heal division.

LET US LOOK AT THE RECORD, PLACE THE BLAME WHERE IT BELONGS

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. FOREMAN. Mr. Speaker, recently one of New Mexico's leading newspapers properly received and summarized the partisan attacks by those who attempt to place responsibility for today's inflationary problems on the Nixon administration. Many of these same partisans continue to bemoan inflation while at the same time they continue voting for more and more deficit Government spending. Let us look at the record closely, some folks speak and vote against inflation, others only speak, and speak, and speak.

The article follows:

[From the Albuquerque Journal, June 20, 1970]

BLAME WHERE IT BELONGS

Democrats including New Mexico's Sen. Joseph M. Montoya have said they will make inflation and the cost of living key issues in this year's congressional campaigns.

Republicans should welcome that since they can accurately pin the blame on the Democrats who controlled the federal government through most of the 1960s and spawned inflation through spendthrift policies.

Dr. Arthur A. Smith, economist and senior vice president of the First National Bank in Dallas, has some pertinent comments in the June 15 issue of Bank Letter. He notes that Congress has been asked to raise the ceiling on the federal debt by $18 billion to a record high of $395 billion and adds:

"After at least nine of the most prosperous years in our history . . . you might wonder why the federal government was not able to reduce its indebtedness . . . Basically the answer is that there has been no real intention to control the debt—no serious thought of ever paying it off, or even reducing it very much.

"On the contrary, the kind of fiscal policy deliberately followed since 1961 utilized deficit financing as a major stimulant to advance the economy—a policy not even suspended, let alone abandoned, when the Vietnam war accelerated . . . Instead we have stubbornly held to the contention, so strongly emphasized by President Johnson, that we 'can have guns and butter both.'

"The above prodigal fiscal policy . . . has been almost entirely responsible for inflation . . ."

Dr. Smith also states that "inflation has cost (low-and middle-income taxpayers) much more than their share of the taxes that would have been required under balanced budgets . . ."

Even though the Democrat-controlled Congress should be aware of the financial havoc it already has wrought it persists in undermining President Nixon's efforts to balance the budget.

Inflation should be a campaign issue but let's put the blame where it properly belongs.

THE EMERGENCY HEALTH AMENDMENT

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the misery and tragedy of disease has no geographic, economic, or racial boundaries. Cancer, heart disease, diabetes, and other ailments strike equally at rich and poor, black and white, farmer and city dweller, old and young.

This Nation's resources, financial and intellectual, have been and are being used to explore space, to fly faster than the speed of sound, to assist underdeveloped nations throughout the world.

Can we not apply these same resources to make certain that our own people have the necessary facilities and medical personnel available when illness or accidents strike and make hospital or medical care necessary?

The emergency health amendment to the labor, health, education, and welfare appropriations bill for fiscal year 1971 can help us to begin to rationally apply our resources to the very real health crisis faced by all Americans. This amendment would add $360,454,000 for health needs to a bill that totals $18.8 billion. This would add only one-tenth of

1 percent of the total cost of the $18.8 billion bill we are voting on here.

Is it so much to ask that we make this beginning effort toward meeting our Nation's serious health care crisis?

Health care problems continue to worsen, for as health costs continue their upward spiral, health services deteriorate. Today health expenditures per person average $294 a year. For a family of four the average cost is $1,176, or more than 13 percent of the median family income in this country, and about 20 percent of the average annual family take-home pay. But even with these high costs, Americans find it difficult to get critically ill family members into overcrowded hospitals. A shortage of doctors results in long waits in crowded reception rooms or no care at all for the poor. Any mother who has waited an hour or more in a doctor's waiting room with a child that has a high fever knows the anguish that these problems cause.

Our national health statistics are bleak. We rank below most Western nations in general health care. In 1950 our country ranked sixth in infant mortality; today we have fallen to 21st among nations. In 1959 we ranked 13th in male life expectancy; now we rank 18th.

But by far the most immediate problem is the drastic shortage of health personnel. The U.S. Public Health Service has indicated that as of today we need, to meet existing health needs: 48,000 more doctors, 17,800 more dentists, 150,000 more nurses, 266,000 more allied health workers. About 3,000 Americans are attending foreign medical colleges as the United States turns to the schools of other countries, importing every year almost as many foreign doctors as American medical schools graduate. Without the 7,000 physicians coming into the United States every year from abroad, many of our city hospitals would have to close down.

In this amendment we are asking for $138,954,000 in additional funds for medical manpower institutional support and student loans. This is less than the price of a major missile launch but I believe that it is certainly far more important to the welfare of the American public. Is $15 million for the National Heart and Lung Institute too much to add to this appropriations bill? I think not—and for those who do, I would suggest what will be a very sobering visit to the respiratory disease ward of their local hospital. Is $80 million in additional funds for the Hill-Burton direct grant program excessive? The vote on June 25th by the House of 279–98 to override the President's veto of Hill-Burton should indicate not.

President Nixon himself has indicated his awareness of the Nation's health problems. He said: "We face a massive crisis in this area (health care), and unless action is taken administratively and legislatively to meet the crisis within the next 2 or 3 years, we will have a breakdown of our medical care system which could have consequences affecting millions of people."

I will take the President at his word and sincerely urge that we support this emergency health amendment on a bipartisan basis.

ATTORNEY GENERAL MITCHELL SPEAKS ON DRUG ABUSE CONTROL LEGISLATION

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BOGGS. Mr. Speaker, as you know, the Ways and Means Committee has begun hearings on the subject of drug abuse control legislation. On Monday, our committee heard an excellent presentation by the distinguished Attorney General of the United States, John N. Mitchell. Because there is a great need for new legislation in the field of drug abuse control and because this is a matter of such importance it should receive broad, bipartisan support. I am inserting the Attorney General's testimony in the RECORD and calling it to the attention of my colleagues on both sides of the aisle:

DEPARTMENT OF JUSTICE: STATEMENT BY JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES BEFORE THE HOUSE WAYS AND MEANS COMMITTEE ON H.R. 17463 JULY 20, 1970

Mr. Chairman and members of the Committee: I deeply appreciate your invitation to appear before you today to discuss legislation dealing with control of dangerous drugs. I assure you that the need for more effective control is a matter of the deepest concern to the President and to the Department of Justice and to me, just as I know it is to the Congress and the members of this Committee.

In a few weeks the young people of our nation will be returning to school—an event which American parents once looked upon with a smile and a sigh of relief. Today, it is a sad fact that parents view the opening of school with trepidation and concern because the drug traffic—narcotics and pills—has penetrated the school rooms and school yards of America at virtually every level.

It is no exaggeration to say that the drug danger threatens the moral and physical health of an entire generation.

I am accompanied today by Mr. John E. Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, and by Mr. Michael R. Sonnenreich, Deputy Chief Counsel of the Bureau. I would like to address my testimony to the major features of the legislation recommended by the Administration and I have asked Mr. Ingersoll to discuss the more technical aspects of the bill.

On July 14, 1969, the President sent a message to the Congress relating exclusively to the narcotics and dangerous drug problem in the United States. At that time, he expressed the Administration's concern with the serious problem caused by drug abuse and misuse in the United States and outlined ten specific steps the Administration would take as initial counter-moves against this growing national problem.

Mr. Chairman, the President's ten-point program is directed at the many facets of the drug abuse problem. The program calls for new Federal and State laws, new cooperation with foreign governments and increased effort at our borders to halt the flow of drugs into the United States from outside sources; it calls for improved and increased training and resources for law enforcement; and finally, it recognizes that new laws and increased enforcement alone will not solve the drug abuse problem—rather we must also have effective programs of research, public education, and addict rehabilitation. For the convenience of the Committee, I have attached a copy of the President's message to my statement and would like to request that it be included in the record following my statement.

All of these areas discussed in the President's message are vital in our Federal effort to deal with the problem. Today, however, I shall focus my comments principally on the law enforcement aspects of the problem, since this is the area of major concern to the Department of Justice.

Education, research, and rehabilitation are the long-term answers to the drug abuse problem in the United States. But while we plan, prepare, and explore in detail each of these areas, it is important that we regulate the manufacture, importation and distribution of narcotics and dangerous drugs through a logical and enforceable control scheme.

On July 15, 1969, the Administration sent to Congress the proposed "Controlled Dangerous Substances Act." This is the proposal the President promised in his message. This legislation, amended during consideration in the Senate, passed that body as S. 3246 on January 28, 1970 by a unanimous vote—82–0.

In the House of Representatives, there has been a jurisdictional problem of which you are well aware, and the original bill was divided between this Committee and the Interstate and Foreign Commerce Committee. The Subcommittee on Public Health and Welfare of the Interstate and Foreign Commerce Committee commenced hearings on February 3, 1970, and is about to conclude its work on the legislation. This Committee has several drug proposals before it, however, H.R. 17463, introduced by Chairman Mills and Mr. Byrnes, embodies the provisions recommended by the Administration. H.R. 17463 is very similar to S. 3246, which the Administration also endorsed.

Since the introduction of H.R. 17463, representatives of the Administration have had extensive and extended discussions with the Public Health and Welfare Subcommittee. As a result of these discussions, the Administration has endorsed several changes in the provisions of our proposed bill which we believe improve the legislation and resolve the problems that many witnesses raised during the hearings before the Public Health and Welfare Subcommittee. Accordingly, we would like to submit to the Committee later this week a number of recommended changes for H.R. 17463. I have asked Mr. Ingersoll in his testimony to highlight the major areas where we have sought to resolve apparent problems in the Administration's legislation.

Mr. Chairman, if we are to have truly effective drug enforcement, we must have a new Federal law. It is very important that both your Committee and the Interstate and Foreign Commerce Committee reach agreement with regard to the proposed revisions in the drug laws. Without such agreement, we are likely to have divergent Acts emerge from the House of Representatives when our purpose is to unify and clarify the laws into a new code. We stand ready to assist this Committee in any way we can to facilitate your consideration of this legislation and coordination of the work of your Committee and the Interstate and Foreign Commerce Committee. I would now like to briefly mention some of the problems that exist under our present system of narcotics and dangerous drug laws and the design of our proposed legislation to deal with these problems.

First, we presently have a hodgepodge of laws with differing regulatory features for controlling drugs. The disunity of the existing law is the result of piecemeal, ad hoc attempts over the last 50 years, to deal with the problem of controlling dangerous drugs. Beginning with the Harrison Narcotic Act of 1914, nine major pieces of legislation have been enacted in the narcotic and dangerous drug field. An examination of these measures, from the Harrison Act through the Marihuana Tax Act of 1937, through the

Narcotic Control Act of 1956, through the Drug Abuse Control Amendments of 1965, provides both a chronology of our sporadic efforts to deal with a growing problem and an insight into our failure to do so effectively.

In passing these laws, use was made of the power to tax and, more recently, the power to regulate interstate commerce. They represent limited responses to what was deemed to be the given needs of the times. There was no conception of the problem growing to the dimensions it has reached today. Drug abuse has outstripped the growth of our technology and population, while our laws have remained static.

Today we have one Federal agency responsible for the enforcement of these laws, and it must approach its enforcement and regulatory responsibilities with divergent schemes of authority. For example, we have subpoena power as to the narcotic drugs but not as to the other dangerous drugs. We have order forms and quota requirements as to the narcotic drugs and marihuana but not as to LSD and the other hallucinogens. We have registration requirements for the narcotics and marihuana that are different from those of the other dangerous drugs.

We have forfeiture powers as to the narcotics and marihuana but a completely different type of forfeiture for the dangerous drugs such as the hallucinogens and amphetamines. Efficient law enforcement requires both an effective organizational structure and a sound, coherent legal basis. The Administration's proposed legislation—as embodied in H.R. 17463—would create such a structure and basis by providing a single, integrated body of law and derivative regulations based solely on the power to regulate interstate commerce. Controls and other enforcement tools would be interrelated and consistent.

Second, as the result of a series of cases that have arisen recently, namely, the *Leary, Covington, Buie,* and *Turner* cases—we no longer have an effective possession law for the narcotic drugs—except heroin—and marihuana. As I am sure you are all aware, the presumption of illegal importation as to marihuana, cocaine, and the other narcotics no longer exists. While possession offenses are not the major thrust of Federal law enforcement, they are a necessary concomitant to drug conspiracy cases against large-scale traffickers. We need a law that clearly defines possession as possession, and H.R. 17463 does this.

Third, there is ample evidence both in the news media and in scholarly journals that there is a real credibility gap among the population—both young and old—as to the existing penalties for marihuana, the dangerous drugs, and the narcotics. It is often pointed out that existing penalties are out of phase internally among themselves and externally with the rest of the Federal criminal code. This lack of credibility has not only a serious effect on the prosecution and sentencing of defendants, but undoubtedly has also had the more insidious effect of undermining respect for the entire criminal justice system. There is a need for more careful delineation of the entire narcotic and dangerous drug area, both as to substantive offenses and penalties. We believe that the penalties of H.R. 17463 are realistic and an effective deterrent.

The bill makes simple possession of any drug as a first offense punishable as a misdemeanor. In addition, the first offender may receive the benefit of a special provision whereby he may fulfill probationary terms set by the court and earn dismissal of his case and elimination of a conviction record. H.R. 17463 also eliminates most mandatory minimums, to which Federal judges are almost unanimously opposed. Individuals established as professional criminals, however, do face mandatory minimums, and a maximum of life imprisonment and substantial forfeitures. Mr. Ingersoll will go into more detail on the penalty structure, but I can assure you of my satisfaction that these new penalties are both realistic and flexible enough to fit the offense and offender.

Fourth, the diversion of legitimately produced drugs from their normal channels of distribution into illicit sources must be halted. There has been a tremendous upsurge in this kind of diversion in the last five years, and we must tighten the regulatory controls now so that we are not faced with utter chaos in the future. We need a better system of identification of those persons engaged in dealing with dangerous drugs, as well as better methods for inspection and the keeping of records. These are fundamentally law enforcement functions. There are many who say that the dimensions of the drug abuse problem in America today indicate that we are ten years too late in effectively meeting it. Be that as it may, I feel that we must move more effectively into this area of regulation of the legitimate industry *now,* so that the same is not said of us in 1980. I should like to point out that H.R. 17463, as did S. 3246, borrows heavily from the existing narcotic regulatory controls that were shaped by this very Committee. We feel they are necessary and will not hinder the legitimate manufacturers, distributors, and dispensers of these drugs.

Fifth, key inventory requirements under the Drug Abuse Control Amendments of 1965 have expired for most of those drugs, which means that these inventory requirements no longer must be maintained in accordance with law. This glaring loophole must be plugged to facilitate accountability audits to be conducted by Federal Agents. H.R. 17463 closes this loophole by requiring inventories which must be conducted every two years.

Sixth, there is a need for a more flexible import-export control system to trace all legitimately produced controlled dangerous drugs; the Department of Justice must be able to follow the flow of drugs, not just within the United States, but also those drugs leaving the country and coming into it. This new system, which again borrows heavily from the existing narcotic laws, comports with the needs of protecting the public as well as the consumer. It will allow for a system of authorization by and notification of the Department of Justice on all shipments of drugs in and out of the United States, depending on their schedule classification.

Seventh, H.R. 17463 provides new and important law enforcement tools for the investigation of narcotic and dangerous drug cases. It provides for "no-knock". Some 31 States already have this authority.

Mr. Chairman, I would like to take a minute of the Committee's time, while I am on this subject of "no knock," to try to give a better perspective to this type of legislation.

The impression seemingly held by a wide audience is that if "no knock" is enacted into law, which I strongly hope will be the case, a policeman may, on his own decision, enter any private home at any time of the day or night.

Nothing could be further from the truth. Under the "no knock" rule an agent may enter a person's premises without announcing his authority and purpose *only* if he has obtained a search warrant from a judge *and* the judge has been persuaded there is probable cause that evidence will be quickly and easily destroyed or that there is a danger to life and limb of the agent.

I would remind you that we are dealing with cleaver and ruthless drug peddlers, who have no hesitation about taking the life of an agent. And the moment of entry is the moment of greatest peril.

Without "no knock" an agent not only risks his life, but gives the drug peddler the opportunity to destroy the evidence at the same time.

The American people—and the news media which inform them—are fond of catch-words or phrases that neatly sum up what is often a complicated or intricate solution to a pressing problem.

Unfortunately, these shortcuts may often lead to erroneous conclusions or opinions on behalf of our citizens—and, I might add, by many newsmen. Such is the case, I think, with the term "no knock" and its application in our uphill battle against drug traffickers.

If I were to try to supply a phrase to describe this type of operation, I would call it "quick entry," because that is what we seek to do.

I might point out that during the most successful Operation Eagle, conducted by the Bureau of Narcotics and Dangerous Drugs last month, "quick entry" would have proven a valuable tool in four instances, three of which involved the destruction of evidence and one of which involved the safety of two agents.

H.R. 17463 also provides for an administrative inspection warrant procedure that comports with the Supreme Court rulings in the *Camera, See,* and *Colonnade Catering* cases, Since administrative inspections are a prime means of uncovering drug diversion from legitimate channels, such an administrative inspection warrant procedure is vital to effective law enforcement.

The administrative procedures set out in H.R. 17463 have been streamlined, somewhat along the lines of the existing narcotics laws, to insure due process but not cause undue delay in bringing drugs under control. Where a drug has a potential for abuse, there must be a quick procedure for bringing that drug under control, while allowing for an administrative hearing and judicial review.

Lastly, H.R. 17463 allows the Attorney General to deny, revoke, and suspend registrations to insure the integrity of the registration system, and to deny those persons who should not be allowed to deal in these drugs the ability to do so. I might point out that under present narcotic and dangerous drug laws, such authority does not exist, and it is sorely needed.

CONCLUSION

As you know, Mr. Chairman, drug abuse has reached the epidemic stage among our young people. It is a critical national problem that needs all the attention we can focus on it.

Virtually no area of the country has escaped this menace. It has invaded the country estates of our most wealthy families with the same ease that it has involved the most desperately poor. The pusher is just as comfortable and as readily available in the halls of our suburban high schools as he is in the halls of our ghetto apartment buildings.

As I said earlier, schools all across the country are about to reopen for the fall semester. Millions of young people will begin leaving for classes early in the morning, not to return until many hours later. Concerned parents will ask themselves: Is this the day that our son or daughter will swallow a pill or smoke a marijuana cigarette?

Mr. Chairman, this Committee and the Congress can offer an exciting "back-to-school present" to the families of America by moving swiftly on this legislation and letting them know that more effective tools for drug control are on the way. And when these tools become available, I give you my personal assurance that the Department of Justice will use them to the full extent of the law.

COMBATING DRUG ABUSE

(Message from the President of the United States)

To the Congress of the United States:

Within the last decade, the abuse of drugs has grown from essentially a local police problem into a serious national threat to the personal health and safety of millions of Americans.

A national awareness of the gravity of the situation is needed; a new urgency and concerted national policy are needed at the Federal level to begin to cope with this growing menace to the general welfare of the United States.

Between the years 1960 and 1967, juvenile arrests involving the use of drugs rose by almost 800 percent; half of those now being arrested for the illicit use of narcotics are under 21 years of age. New York City alone has records of some 40,000 heroin addicts, and the number rises between 7000 and 9000 a year. These official statistics are only the tip of an iceberg whose dimensions we can only surmise.

The number of narcotics addicts across the tional origin. This union, as well as others United States is now estimated to be in the hundreds of thousands. Another estimate is that several million American college students have at least experimented with marihuana, hashish, LSD, amphetamines, or barbiturates. It is doubtful that an American parent can send a son or daughter to college today without exposing the young man or woman to drug abuse. Parents must also be concerned about the availability and use of such drugs in our high schools and junior high schools.

The habit of the narcotics addict is not only a danger to himself, but a threat to the community where he lives. Narcotics have been cited as a primary cause of the enormous increase in street crimes over the last decade.

As the addict's tolerance for drugs increases, his demand for drugs rises, and the cost of his habit grows. It can easily reach hundreds of dollars a day. Since an underworld "fence" will give him only a fraction of the value of goods he steals, an addict can be forced to commit two or three burglaries a day to maintain his habit. Street robberies, prostitution, even the enticing of others into addiction to drugs—an addict will reduce himself to any offense, any degradation in order to acquire the drugs he craves.

However far the addict himself may fall, his offenses against himself and society to not compare with the inhumanity of those who make a living exploiting the weakness and desperation of their fellow men. Society has few judgments too severe, few penalties too harsh for the men who make their livelihood in the narcotics traffic.

It has been a common oversimplification to consider narcotics addiction, or drug abuse, to be a law enforcement problem alone. Effective control of illicit drugs requires the cooperation of many agencies of the Federal and local and State governments; it is beyond the province of any one of them alone. At the Federal level, the burden of the national effort must be carried by the Departments of Justice, Health, Education, and Welfare, and the Treasury. I am proposing ten specific steps as this Administration's initial counter-moves against this growing national problem.

I. FEDERAL LEGISLATION

To more effectively meet the narcotic and dangerous drug problems at the Federal level, the Attorney General is forwarding to the Congress a comprehensive legislative proposal to control these drugs. This measure will place in a single statute, a revised and modern plan for control. Current laws in this field are inadequate and outdated.

I consider the legislative proposal a fair, rational and necessary approach to the total drug problem. It will tighten the regulatory controls and protect the public against illicit diversion of many of these drugs from legitimate channels. It will insure greater accountability and better recordkeeping. It will give law enforcement stronger and better tools that are sorely needed so that those charged with enforcing these laws can do so more effectively. Further, this proposal creates a more flexible mechanism which will allow quicker control of new dangerous drugs before their misuse and abuse reach epidemic proportions. I urge the Congress to take favorable action on this bill.

In mid-May the Supreme Court struck down segments of the marihuana laws and called into question some of the basic foundations for the other existing drug statutes. I have also asked the Attorney General to submit an interim measure to correct the constitutional deficiencies of the Marihuana Tax Act as pointed out in the Supreme Court's recent decision. I urge Coongress to act swiftly and favorably on the proposal to close the gap now existing in the Federal law and thereby give the Congress time to carefully examine the comprehensive drug control proposal.

II. STATE LEGISLATION

The Department of Justice is developing a model State Narcotics and Dangerous Drugs Act. This model law will be made available to the fifty State governments. This legislation is designed to improve State laws in dealing with this serious problem and to complement the comprehensive drug legislation being proposed to Congress at the national level. Together these proposals will provide an interlocking trellis of laws which will enable government at all levels to more effectively control the problem.

III. INTERNATIONAL COOPERATION

Most of the illicit narcotics and high-potency marihuana consumed in the United States is produced abroad and clandestinely imported. I have directed the Secretary of State and the Attorney General to explore new avenues of cooperation with foreign governments to stop the projection of this contraband at its source. The United States will cooperate with foreign governments working to eradicate the production of illicit drugs within their own frontiers. I have further authorized these Cabinet officers to formulate plans that will lead to meetings at the law enforcement level between the United States and foreign countries now involved in the drug traffic either as originators or avenues of transit.

IV. SUPPRESSION OF ILLEGAL IMPORTATION

Our efforts to eliminate these drugs at their point of origin will be coupled with new efforts to intercept them at their point of illegal entry into the United States. The Department of the Treasury, through the Bureau of Customs, is charged with enforcing the nation's smuggling laws. I have directed the Secretary of the Treasury to initiate a major new effort to guard the nation's borders and ports against the growing volume of narcotics from abroad. There is a recognized need for more men and facilities in the Bureau of Customs to carry out this directive. At my request, the Secretary of the Treasury has submitted a substantial program for increased manpower and facilities in the Bureau of Customs for this purpose which is under intensive review.

In the early days of this Administration, I requested that the Attorney General form an inter-departmental Task Force to conduct a comprehensive study of the problem of unlawful trafficking in narcotics and dangerous drugs. One purpose of the Task Force has been to examine the existing programs of law enforcement agencies concerned with the problem in an effort to improve their coordination and efficiency. I now want to report that this Task Force has completed its study and has a recommended plan of action, for immediate and long-term implementation, designed to substantially reduce the illicit trafficking in narcotics, marihuana and dangerous drugs across United States borders. To implement the recommended plan, I have directed the Attorney General to organize and place into immediate operation an "action task force" to undertake a frontal attack on the problem.

There are high profits in the illicit market for those who smuggle narcotics and drugs into the United States; we intend to raise the risks and cost of engaging in this wretched traffic.

V. SUPPRESSION OF NATIONAL TRAFFICKING

Successful prosecution of an increased national effort against illicit drug trafficking will require not only new resources and men, but also a redeployment of existing personnel within the Department of Justice.

I have directed the Attorney General to create, within the Bureau of Narcotics and Dangerous Drugs, a number of special investigative units. These special forces will have the capacity to move quickly into any area in which intelligence indicates major criminal enterprises are engaged in the narcotics traffic. To carry out this directive, there will be a need for additional manpower within the Bureau of Narcotics and Dangerous Drugs. The budgetary request for FY 1970 now pending before the Congress will initiate this program. Additional funds will be requested in FY 1971 to fully deploy the necessary special investigative units.

VI. EDUCATION

Proper evaluation and solution of the drug problem in this country has been severely handicapped by a dearth of scientific information on the subject—and the prevalance of ignorance and misinformation. Different "experts" deliver solemn judgments which are poles apart. As a result of these conflicting judgments, Americans seem to have divided themselves on the issue, along generational lines.

There are reasons for this lack of knowledge. First, widespread drug use is a comparatively recent phenomenon in the United States. Second, it frequently involves chemical formulations which are novel, or age-old drugs little used in this country until very recently. The volume of definitive medical data remains small—and what exists has not been broadly disseminated. This vacuum of knowledge—as was predictable—has been filled by rumors and rash judgments, often formed with a minimal experience with a particular drug, sometimes formed with no experience or knowledge at all.

The possible danger to the health or well-being of even a casual user of drugs is too serious to allow ignorance to prevail or for this information gap to remain open. The American people need to know what dangers and what risks are inherent in the use of the various kinds of drugs readily available in illegal markets today. I have therefore directed the Secretary of Health, Education, and Welfare, assisted by the Attorney General through the Bureau of Narcotics and Dangerous Drugs, to gather all authoritative information on the subject and to compile a balanced and objective educational program to bring the facts to every American—especially our young people.

With this information in hand, the overwhelming majority of students and young people can be trusted to make a prudent judgment as to their personal course of conduct.

VII. RESEARCH

In addition to gathering existing data, it is essential that we acquire new knowledge in the field. We must know more about both the short and long-range effects of the use of drugs being taken in such quantities by so many of our people. We need more study as well to find the key to releasing men from the bonds of dependncy forged by any continued drug abuse.

The National Institute of Mental Health has primary responsibility in this area, and I am further directing the Secretary of Health, Education, and Welfare to expand existing efforts to acquire new knowledge and a broader understanding in this entire area.

VIII. REHABILITATION

Considering the risks involved, including those of arrest and prosecution, the casual

experimenter with drugs of any kind, must be considered at the very least, rash and foolish. But the psychologically dependent regular users and the physically addicted are genuinely sick people. While this sickness cannot excuse the crimes they commit, it does help to explain them. Society has an obligation both to itself and to these people to help them break the chains of their dependency.

Currently, a number of federal, state and private programs of rehabilitation are being operated. These programs utilize separately and together, psychiatry, psychology and "substitute drug" therapy. At this time, however, we are without adequate data to evaluate their full benefit. We need more experience with them and more knowledge. Therefore, I am directing the Secretary of Health, Education, and Welfare to provide every assistance to those pioneering in the field, and to sponsor and conduct research on the Federal level. This Department will act as a clearinghouse for the collection and dissemination of drug abuse data and experience in the area of rehabilitation.

I have further instructed the Attorney General to insure that all Federal prisoners, who have ben identified as dependent upon drugs, be afforded the most up-to-date treatment available.

IX. TRAINING PROGRAM

The enforcement of narcotics laws require considerable expertise, and hence considerable training. The Bureau of Narcotics and Dangerous Drugs provides the bulk of this training in the Federal government. Its programs are extended to include not only its own personnel, but State and local police officers, forensic chemists, foreign nationals, college deans, campus security officers, and members of industry engaged in the legal distribution of drugs.

Last year special training in the field of narcotics and dangerous drug enforcement was provided for 2700 State and local law enforcement officials. In fiscal year 1969 we expanded the program an estimated 300 percent in order to train some 11,000 persons. During the current fiscal year we plan to redouble again that effort—to provide training to 22,000 State and local officers. The training of these experts must keep pace with the rise in the abuse of drugs, if we are ever to control it.

X. LOCAL LAW ENFORCEMENT CONFERENCES

The Attorney General intends to begin a series of conferences with law enforcement executives from the various States and concerned Federal officials. The purposes of these conferences will be several first, to obtain firsthand information, more accurate data, on the scope of the drug problem at that level; second, to discuss the specific areas where Federal assistance and aid can best be most useful; third, to exchange ideas and evaluate mutual policies. The end result we hope will be a more coordinated effort that will bring us visible progress for the first time in an alarming decade.

These then are the first ten steps in the national effort against narcotic marihuana and other dangerous drug abuse. Many steps are already underway. Many will depend upon the support of the Congress. I am asking, with this message, that you act swiftly and favorably on the legislative proposals that will soon be forthcoming, along with the budgetary requests required if our efforts are to be successful. I am confident that Congress shares with me the grave concern over this critical problem, and that Congress will do all that is necessary to mount and continue a new and effective Federal program aimed at eradicating this rising sickness in our land.

RICHARD NIXON.

THE WHITE HOUSE, *July 14, 1969.*

A TRIBUTE TO THE FLAG

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, in Memorial Day services on Sunday, May 31, in Safford Park, Wollaston, Mass., I had the privilege of presenting an American flag which flew over the U.S. Capitol Building in honor of the men and women of Wollaston who served their country.

A monument was erected with subscriptions contributed by Wollaston residents, business and professional men, and members of Wollaston American Legion Post, which headed the effort to establish the monument.

I include my remarks for the RECORD:

A TRIBUTE TO THE FLAG

There are too many today who do not know what our flag stands for, and it is the American Flag to which countries of the World look and hope. This flag, which we honor and under which we serve, is the emblem of our unity, our power, our thought and purpose as a nation. It has no other character than that which we give it from generation to generation. The Choices are ours. It floats in majestic silence above the hosts that execute those choices, whether in peace or in war. And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us, and of the records they wrote upon it. Traditionally a symbol of Liberty, the American flag has carried the message of freedom to many parts of the World.

I know that the citizens of Wollaston will enjoy having and displaying this most meaningful symbol of our Country's great heritage and will be reminded often of the noble principles it represents.

Mayor James R. McIntyre accompanied me to the ceremony and the following remarks are his:

REMARKS BY JAMES R. MCINTYRE

I am proud to be here as Mayor of a concerned community at this dedication of this memorial at Safford park to the memory of the Wollaston servicemen and women who served their country in time of need.

Little did I realize when as a young boy attending Wollaston School and daily walking by this park, that at some future date I would be here as Mayor of Quincy, addressing a group of my fellow citizens at this dedication of this memorial to those who sacrificed their lives in the cause of freedom.

We owe a great debt of gratitude to them. Those who are not able to be here physically, are here in spirit. We can thank them for the freedom that we possess in this country today, for they have purchased it with their lives. May we long have in this country men and women who are willing to serve their country in time of need. When the day comes that we have young men and women in America who are not willing to answer the call to their country in time of need, then there will be no more America.

I am pleased as Mayor of the City of Quincy, to officially accept this monument which was made possible by the donations of so many members of the Wollaston community; in particular, the Wollaston Legion Post 295; the Wollaston Business and Professional Men's Association; and also the United Commercial Travelers.

PROBLEMS FOR THE AGED

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, the Senate Committee on Aging has called institutional care for the elderly an "imperfect substitute" for independence, stating that "institutionalization" can mean that one way of life is wrenched away while another, far less satisfactory mode of life, is substituted.

In this Nation's 24,000 nursing homes and homes for the aged, institutionalized health care has become a way of life for over a million Americans. Until the past decade, this concept of care was relatively unused. The aged remained at home, with families and friends.

Recent Federal programs, notably medicare and medicaid, have furnished the aged with readily available medical care. But to obtain this care, independence must be sacrificed. Medicare and medicaid payments—which are made to institutions, not people—have become a "bounty," trapping the aged in nursing homes. Other, perhaps more rehabilitative, forms of care are not possible.

In Britain, the situation is somewhat different. There are few nursing homes. Government funds have been channeled instead into other forms of long-term care. One British official summed up feelings in that country:

Our philosophy is that old people want to remain at home, in their own houses, surrounded by their own possessions, their own memories. We don't mind whether it is a good home, a bad home, a tiny home. That's where we believe they should be—where they feel secure, where they've got confidence. It's tempting to think that it's a matter of institutions and that sort of thing. I think it is rather like condemning old cars to the scrap heap.

Human scrap heaps have become profitable business in the United States. And, since making patients well does not tend to make nursing homes rich, rehabilitation within these institutions is minimal.

I believe that Prof. Jules Henry in "Culture Against Man" has summed up rather well the role of the nursing home in our society:

In many primitive societies the soul is imagined to leave the body at death or just prior to it; here, on the other hand, society drives out the remnants of the soul of the institutionalized old person while it struggles to keep his body alive. Routinization, inattention, carelessness, and the deprivation of communication—the chance to talk, to respond, to read, to see pictures on the wall, to be called by one's name rather than "you" or no name at all—are ways in which millions of once useful but now obsolete human beings are detached from theirselves long before they are lowered into the grave.

U.S. Federal dollars were poured into long-term care institutions with little foresight. There was little contemplation of what kind of care would be best, little contemplation of economic, social or medical aspects of the problem.

Those confined to nursing homes have time for such contemplation. A few glimpses:

". . . Although I do not think that the patients suffer for lack of cleanliness or medical care, they suffer so by just being there, waiting for death."

"No matter who they were before—their accomplishments, their stations in life, or whatsoever—most of them quietly wait the end now . . ."

"But the smell, the atmosphere, is what stands out in my mind the most. No disinfectant smell prevailing here. It was mostly covered by urine, and the smell of despair, of loneliness of waiting for the big event of death to end the monotony of the T.V. in the lobby; the wandering without hope; of staring out windows for hours at a time."

"The air was thick with disinfectant and urine and the cries of lonely and sick patients pierced the quiet. It was supposedly a good home yet there seemed to be nothing for the yet-ambulatory patients to do except wander aimlessly, or clutch dolls . . ."

In such an atmosphere, rehabilitation in any form becomes, as Saturday Review recently put it, simply "not a profitable field of investment."

THE THOMAS BATEMAN STORY

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. JONES of Tennessee. Mr. Speaker, contrary to popular opinion, people still care for each other. An outpouring of the human spirit can accomplish wonders, and has, in Jackson, Tenn., and surrounding area. The touching story of how real folks rallied to the assistance of an unfortunate fellow human being is proof that people are the best things we have going for us, after all.

Radio station WDXI in Jackson, Tenn., learned that a 24-year-old resident of Humboldt has been suffering from chronic nephritis. Unable to work, the patient, his wife, and 5-year-old son receive their total income from social security. Doctors advised that the patient's kidney function rate was only 10 percent and would cease to function completely in a very short time. The prognosis was obvious unless an artificial kidney machine and, hopefully, a kidney transplant could be arranged. Since a kidney transplant is not an easy thing to come by—use of an artificial kidney machine costs about $12,000, not to mention the expense and time required to train someone in the use of the equipment. What is a man to do—unable to fend for himself—seriously ill, with a wife and young son?

The family's plight was brought to the attention of WDXI by Mrs. Danny Waynick, president of the Spring Creek, Tenn., Jaycettes.

The organization had undertaken a project to help raise money for the Thomas Bateman family. WDXI, believing citizenship to be a subject best expressed in positive action, set to work.

On Tuesday, June 23, WDXI program director Curtis White and announcer Leonard Fielding read an announcement supplied by Mrs. Waynick. Time: 5:30 a.m. A discussion between the two men followed on their early morning broadcast as to how best try to help a fellow in such difficulty. One offered to give $10 if the other would match it. It was immediately done. They next challenged the audience—5:30 a.m.—to call WDXI and pledge assistance in cash.

Now, WDXI is quite used to excellent audience participation but this time the reaction was instantaneous and overwhelming. The phones started ringing and continued the whole day. People brought money in cash, checks, silver, and varying denominations. By 5 p.m., the amount had reached $3,400 with more coming in. Staff members quickly consulted and decided to keep the opportunity open the next day for the Thomas Bateman project.

On Wednesday, June 24, Jackson and surrounding area kept the human spirit busy. At 5 p.m. the total was $5,700 and counting. The usual jobs of writing, scheduling, news broadcasting, and the countless other tasks performed in a radio station had to be done, but they became secondary in importance. The entire staff devoted itself to the Bateman project sensing that, perhaps for the first time in a long 5 years of sickness and despair, Tom Bateman was seeing a glimmer of hope, $7,500 and counting.

Fund raising in Humboldt, Bateman's hometown, as well as other projects by the Spring Creek Jaycettes continued and the response was gratifying. In fact, the human response in the interest of a young man, seriously ill and discouraged, was simply overwhelming. Over $13,000 has been received and the project is assured of success.

In these days when bad news seems to be the only thing around, a positive response by human beings for one of their own is as cleansing as a breath of fresh, clean air. Several things come to mind.

Thomas Bateman has a new lease on life.

The expensive kidney machine is assured.

A kidney transplant is not as impossible as once seemed.

Mrs. Bateman and 5-year-old Jeff have had their dreams come true.

And, people power is still with us after all.

There may be some who think that all a radio station does is play music, read news and commercials, but you will not find many of those people in Jackson. Of course, WDXI has told its audience for years that citizenship is broadcasting in action. And they believe it. Thomas Bateman is living proof.

A UNIQUE GARDENING PROGRAM

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. GUDE. Mr. Speaker, the task of improving conditions in our country's urban areas is one with which we are vitally concerned. Projects to aid inner-city youngsters have been increasing over the years as concerned citizens realize that the best way to keep children off the streets and free from trouble is to channel their energies into constructive programs. The wealthy must not be thought of as the only ones able to appreciate beauty . . . in particular, young people from all walks of life can learn a deep and desired respect for beauty. It has been proven time and time again in many areas of this country, that places which are cleaned up and beautifully landscaped create respect. And most important, where the people themselves have created this beauty through their own work that beauty will be maintained and perpetuated.

In Washington, a short time ago, a group of concerned citizens joined together to form the Washington Youth Garden Council. Today it is a very successful program serving nearly 1,000 children throughout the city encouraging and supervising them to plant and maintain their own gardens in the District. The program develops a sense of responsibility and maturity for these youngsters in order that they do not feel the need or desire to turn to less productive activities.

The June 21, 1970, issue of the New York Times, carried an article, "Radishes, Lettuce—'All in a Row'" explaining and praising this unique gardening program. Because of the importance of this program the need for it to continue to flourish, I feel this article would be worth reading.

I insert the article at this point in the RECORD:

[From the New York Times, June 21, 1970]

RADISHES, LETTUCE—"ALL IN A ROW"

(By Barbara Dubivsky)

When you are only nine years old and not yet fully won over to the disciplines of gardening, keeping your vegetables "all in a row" can seem an uneven struggle. Weeds spring up where stringbeans should. Beetles and squash borers threaten. And the hot, summer sun beats down relentlessly.

Yet, only a handful of the 800 city children participating in Washington's youth gardens program "quit out." The children derive a strong sense of responsibility toward their tender sprouts.

Under the joint sponsorship and direction of the District of Columbia's Department of Recreation and the Washington Youth Gardens Council (an all volunteer community governing board), the eight-year old program, which is designed to involve city youngsters in all aspects of gardening, operates the year round at 45 locations throughout Washington. Children from all income groups are welcome, but there is a special commitment to those from the inner city.

In many disadvantaged neighborhoods, however, lack of adequate open space limits individualized gardening, the core of the program. Activities in such areas center around horticulturally related projects such as weed and insect collections, garden scrapbooks, potted plants and window boxes. Many of the neighborhood recreation centers, through which the program operates, maintain a club plot, communally cared for, as a green reminder of greater efforts elsewhere.

More and more inner city children are being assigned plots of their own at the National Arboretum. Volunteers provide the necessary transportation. When additional supervisory staff is available, land already donated in the Kenilworth and Anacostia sections of the city will be parcelled out.

The largest concentration of individual gardens, 100 in all, is now located at Twin Oaks, the youth gardens demonstration center at 14th and Taylor Streets in northwest Washington. In this lower middle-class

neighborhood, recruiting is no problem. Children from nearby elementary schools respond gratifyingly when William Hash, program director, visits their classes. In poorer sections of the city, parents not long removed from rural southern backgrounds are often reluctant to let their children do what they still think of as "fieldhand work."

Though the program begins as an after-school activity, it will continue all summer. Youngsters between the ages of 8 and 19 are eligible to join, but 9-to-13-year-olds are most responsive. Mr. Hash finds children under 9 often lack the necessary physical strength to handle garden tools and have not enough experience to follow directions, and the mobility of early adolescence tempts teenagers farther afield.

A graduate agronomist with horticultural experience, young Hash introduces his recruits to the soil by having them finger various samples to differentiate between sandy soil, clay, etc. Lectures and indoctrination movies are kept to a minimum. Hash's theory is that, "children this age learn best by doing."

In the new greenhouse, recently christened by having tulip petals tossed at its windows, children planted seeds last spring, at the proper time, the seedlings were moved outdoors.

While waiting for outdoor planting time, the youngsters draw up their own garden plans. After consulting posted lists of vegetables that grow well, and checking with their parents to make sure these would be acceptable fare at the family table, the young gardeners marked in their favorites on specially prepared plotting paper. Collards, mustard greens, onions, kale, stringbeans and leaf lettuce were popular choices. Almost everyone chose radishes because they grow fast.

Using rulers the children themselves made out of garden labels, they made careful notation how vegetables should be spaced out, onions, 2-inches apart; spinach, ½-inch and how deep they should be planted, kale, ½-inch deep; collard seeds, "sprinkle along."

Before putting seed to ground, the children are trained in careful soil preparation and told that watering, fertilization and cultivation are important steps in producing an onion or a carrot but can as easily aid the growth of weeds. Though they may look pretty, the children are taught that weeds only crowd and weaken productive crops.

Followup instruction is provided by student junior leaders, whose white pith helmets are their symbols of authority. Barbara Cook, wears hers rakishly as she explains to a confused beginner, "if you don't see another plant like that in the row, you know it's a weed." She chastizes another for not pulling weeds out vigorously enough. "I'm ashamed of you. Pull out the root and all or you're going to have the weed right back." At an even more overgrown plot, she can only shake her head in exasperation as a young lad responsible for its condition, tells her, "I guess the devil came to visit it."

Most children are eager and hardworking, and if allowed, would work their plots more than twice a week. When told, "the plants need time to rest," one girl translated this to mean, "you need time for the weeds to come back."

At council rings during the summer morning hours, instruction is given in conservation as it affects one's immediate environment. There is also some nature study, when children learn about insects, which are friends (lady bugs, garden spiders, toads) and insects which are foes (Mexican beetles, squash borers).

Organized with the personal and financial assistance of Mrs. Martin Voege and the estate of Irene Lewishohn Washington's youth gardens has over the years received support from the Sears Roebuck Foundation, a sustaining group of the Junior League of Washington, the American Association of Nurserymen and the Sevin and Rudolph B. Behrend Foundation. Its annual funding comes primarily from the Federal government through the District of Columbia budget's allocation to the Department of Recreation. Private subscriptions are also solicited.

The current Gardens Council chairman, Mrs. Orville Freeman, wife of the former Secretary of Agriculture, would like to raise additional funds to provide for more trained staff. "In an operation like this, you can use volunteers just so far," she observes. Some long range thinking has also gone into offering vocational landscaping scholarships.

Spreading the idea of youth gardens, particularly those supported and encouraged by a council of concerned citizens, also concerns Mrs. Freeman. In this she is supported by the A.A.N., which has produced a brochure which sets out step by step how interested people can start similar projects in their own communities. Free copies are available for the asking from the American Association of Nurseryman, 835 Southern Building, Washington, D.C. 20005.

A PERSPECTIVE VIEW OF THE MIDDLE EAST CRISIS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ROSENTHAL. Mr. Speaker, the situation in the Middle East continues to remain explosive. Soviet military activity is threatening to upset the balance of power and jeopardize the very existence of Israel, the region's only bona fide democracy.

This is obviously not the time when the United States' support of Israel should vacillate. The Soviets and Arabs must be made to understand that the United States will not abandon Israel to those who seek to destroy it as a sovereign state.

For an excellent perspective of the dangerous predicament in the Middle East and what possibly might be done about it, I recommend the reading of the following testimony delivered before the House Foreign Affairs Near East Subcommittee by I. L. Kenen on July 22. Mr. Kenen is a veteran analyst of Middle East affairs and presents a cogent case for continued firm American support of the beleaguered state of Israel:

STATEMENT BY I. L. KENEN, EXECUTIVE VICE CHAIRMAN, AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, BEFORE THE SUBCOMMITTEE ON NEAR EAST OF THE HOUSE FOREIGN AFFAIRS COMMITTEE

In the Near East today we are witnessing a grim spectacle.

Twenty-five years have passed since World War II revealed the destruction of some six million Jews, the degradation of the survivors of that holocaust and the desolation of the Jewish people around the world. At that time, the civilized international community reacted vigorously and, like the League of Nations after World War I, the United Nations reaffirmed the right of the Jewish people to establish its homeland in Palestine, with which it has been linked for thousands of years of recorded history.

But today that homeland is in danger and there is an incredible indifference to its fate.

Today the tiny nation of Israel, with her three million people, is defending herself from the attacks of the Arab states and the Arab terrorists who have waged war against her since her establishment in 1948.

Israel is caught up in the crossfire of three wars: the war between the Arab states and herself; the Arab-Arab conflict between the radical Soviet-supported states and the conservative Western-oriented states; the cold war between East and West, where she finds herself defending the interests of the Free World but without its active support.

The crucial Arab-Israel issue is the Arab refusal to recognize Israel's right to exist. From the beginning, Arab states, in violation of the UN Charter and their UN obligations, have persisted in a state of war against a neighbor. In contrast, Israel has steadfastly offered to negotiate peace treaties.

The United Nations has been powerless to cope with violations and to establish peace.

There is a major reason. The Soviet Union, on the diplomatic and military fronts, backs the Arab states as part of her strategy to dominate the Near East. Whatever may be her intention—whether it is to destroy Israel or merely to exploit tensions to further her own imperialism—is a matter for speculation. What is alarming is that the Soviet Union can pursue this evil policy without effective challenge from any source.

But while the Soviet Union must bear primary responsibility for the long struggle—so costly in life and resources to both Arabs and Jews—our own Government has some share in the blame. Over the years, American policy in the Near East has been equivocal, erratic and inconsistent. We have often reversed ourselves. We have been reluctant to take a strong position. We have been immobilized by doubts and fears. As a result, the Arab states still like to believe that the United States will ultimately abandon Israel.

What explains the U.S. attitude?

First, there is fear that the Arab states may retaliate against America's economic and strategic interests. Second, there is danger that the Soviet Union may gain prestige and power in a polarized Near East. And, third, there are the pressures of special interests concerned with short-term advantage, trying to buy some space and time for themselves by offering up bits and pieces of Israel to appease the Arabs. They like to identify their own interests with those of the United States; they wrap the flag around oil derricks.

These special interests always claim that the United States favored Israel over the Arab states because of pressures exerted by Israel's friends and that we need a more "even-handed" policy.

The record refutes the myth.

The fact is that we have been less than even-handed.

In the beginning, in 1947, the United States reluctantly endorsed the UN proposal for the partition of Palestine. But we did nothing to implement that decision. We failed to help Israel to defend her right to the promised state. Instead, we imposed an arms embargo depriving Israel of military assistance from this country. Then, responding to pro-Arab lobbying in and outside the Government, we reversed ourselves; we tried to set partition aside and to substitute an unrealistic UN trusteeship plan.

Subsequently, the United States recurrently pressured Israel to abandon territories she had won in the struggle with the Arabs. While we gave generous economic assistance to both Israel and the Arab states—and Congress was primarily responsible for initiating that program—we repeatedly refused Israel's requests for arms, even after the Soviet Union began arming the Arab states. We detoured her to other countries. In lieu of arms, we offered guarantees, but these faded into scraps of paper when the time came to carry them out.

We declined to support Israel's pleas for direct Arab-Israel peace negotiations. We failed to challenge the Arab boycott. We imprudently perpetuated the Arab refugee

problem by urging unrealistic repatriation proposals and by failing to insist on resettlement. And often, over the years, we seemed to be in competition with the Soviet Union for the favor of the Arab states, and certain charismatic Arab leaders, like President Nasser of Egypt.

THE ATTITUDE OF CONGRESS

Throughout this period Congress has displayed greater realism on these issues.

The restoration of the Jewish national homeland was supported by Congress in 1922 and again in 1945—and in the post-war debate, a large majority of the Senate and House vigorously favored the same objective; they were reflecting the views of most Americans.

The State of Israel came into being with the help of Congress, which also assisted her remarkable development. It was Congress which initiated the economic aid program for Israel, which called for direct Arab-Israel talks, which advocated resettlement of the Arab refugees, which urged arms for Israel, which sought ot combat the Arab boycott, which questioned our unrequited affection for Nasser.

Regrettably, its views have not always been accepted by the Executive Branch.

Congressional support for Israel is denigrated and disparaged by pro-Arab forces, which insinuate that Congressmen yield to pressures. The implication is that a minority are prejudicing America's interests and that American Congressmen sacrifice judgment and patriotism for selfish political ambitions.

Those who circulate this mischievous slander reflect on the loyalty of Israel's supporters and impugn the integrity of America's political leaders.

The best answer to this smear is that history shows that Congress actually has been right on these issues.

Support for Israel has been consistent with the highest interests of the United States from every standpoint.

ISRAEL'S ROLE

Israel has proved to be a situation of strength in the Near East, resisting the attempts of radical Arab states and the Soviet Union to dominate the region.

The destruction of Israel would permit anti-democratic forces to gain control over every government, every economic resource and strategic outpost.

The first countries which might face a Soviet takeover are the so-called moderate Arab states where the United States has substantial economic interests.

There are many governments in the Near East—Arab as well as non-Arab—which regard Israel as a balancing factor checking the spread of the radical Arab states which are led by President Nasser and supported by the Kremlin. Whatever may be their public posture, they would not grieve if we strengthened our support for Israel.

But further, and of prime importance, Israel is an eloquent advocate of democracy and freedom, informing many people by its example, by its instruction and by its cooperation that independence for the state is not enough—that the individual must also be free and that men can advance to higher standards in a democratic and open society.

Men will defend their institutions from aggression and subversion if they have a stake in their society as free, equal and secure citizens.

We read in the press about the daily exchanges of fire across Israel's frontiers. What we do not read—and what may some day prove of great significance in man's struggle for freedom—is about the daily exchange of learning.

Israel's program of international cooperation today involves some 80 countries all over the world.

Each year more than 1,000 trainees arrive in Israel for courses in agriculture, labor, economics, science and technology—some 12,000 in the last 11 years.

At the same time, Israel annually sends out some 450 experts to help other peoples; 3,000 in 64 countries in the last 11 years.

The program continues despite the war, at a higher rate in 1969 than in 1968.

THE COMMITMENT

In the last few years many Americans have become more isolationist because of reaction to Viet Nam. Some American diplomats have tried to give the impression that we have no commitments to Israel. This trend toward disengagement is predicated on the claim that what happens to Israel is not of vital interest to the United States.

That view has now been challenged by President Nixon's welcome observations on July 1.

Mr. Nixon and his aides have spoken vigorously on the dangers that now confront the Near East. They warned that the situation there is more dangerous than in Viet Nam, that we need to take action to induce the Russians to pull out their forces.

They made it clear that the United States would not permit the arms balance to be tipped against Israel. They differentiated between the aggressive intentions of the Arabs and Israel's desire for peace.

The White House pointed out that the Soviet combat base in Egypt may transform the Mediterranean into a Soviet sea, obstructing the U.S. Sixth Fleet, putting land bases and oil supplies at the disposal of the Soviet Union and endangering moderate Arab regimes, NATO countries and Iran.

WHAT WE CAN DO

The President's views justify full support for Israel at this time.

1. At the very least we should quickly end our inexplicable tactic of withholding military aid at this critical moment. Such aid should be open so that there is no misunderstanding in either the Kremlin or Cairo. If we are diffident and weak the Arab states and the Soviet Union will be emboldened to push their war further. Symbols and tokens are inadequate to block the Soviet advance.

2. The Administration and Congress should consider what can be done to help ease Israel's economic crisis. We have never given any arms to Israel, and grant economic aid to Israel ended almost a decade ago. Israel has had to pay high prices in life and resources to maintain her security and survival. If the Israel citizen is defending the interests of the United States and the Free World, we should not ask him to carry the entire burden alone.

Israel's defense expenditures have tripled since the six-day war. They will approximate $1.2 billion in the current year—about 22 percent of Israel's gross national product, which is three times the proportionate burden borne by the United States. The foreign exchange debt will increase in 1970 by $570 million, reaching a total of $2.7 billion.

Israelis have heavily mortgaged their future. Israel's per capita foreign debt is the highest in the world; the Israelis are assessed extremely high taxes and forced loans.

Foreign currency reserves dropped to about $400 million by the end of 1969—the lowest figure since 1962—and since the trade deficit has risen because of huge defense expenditures, Israel's reserves are descending to a bare working minimum.

It is obvious that Israel urgently needs large-scale economic assistance from friendly foreign governments to maintain economic stability.

I do not need to recall to this Committee that we have given $239 million in grant military assistance to seven Arab states, and that our economic aid and military aid to Greece, Turkey and Iran has been in the billions.

In addition, we have provided billions in aid to strengthen countries which are on the Sino-Soviet periphery. Now for the first time, Soviet military personnel have moved into the Near East, along with huge quantities of sophisticated armaments.

Today Israel faces a much graver threat than ever confronted most of the countries which have enjoyed massive economic and military support from the United States. In the light of our record everywhere else, it is difficult to understand hesitation to provide Israel with assistance.

3. The direct Soviet military involvement in the Near East should be condemned by world opinion. We should mobilize other nations to join in the demand that Russian military personnel withdraw from Egypt. How can the Soviet Union pretend to be a peacemaker in the Big Four talks in the light of her brazen military operations?

4. We should not condone Arab terrorism nor should we reward and encourage it by diplomatic gestures; we should act vigorously to condemn and to combat it. We should withhold assistance from countries which are involved in harboring or subsidizing El Fatah and other guerrilla groups. There is no glamor or heroism in a movement which "resists" Israel by shooting down passenger planes, by murdering civilians in cafeterias and supermarkets, school busses and bus stations. The international community should impose sanctions against countries which provide sanctuary for terrorists who are involved in hijacking or attacks on planes. We should not permit their planes to land at our airports, nor should our planes land at theirs.

5. Above all, we should insist on a real peace. Arabs and Israelis must negotiate treaties. We cannot be satisfied with half-way measures which fall short of a real peace. We should reconsider our involvement in procedures like the big Four talks which enable the Soviet Union to try to dictate the terms of a settlement and to entrench itself as the dominant power in the region.

THE RECORD SINCE 1967

When the six-day war ended back in 1967, there was a real chance for an Arab-Israel peace. Many of us believed that two measures were essential:

1. To promote peace, urge the parties to talk over their differences in direct negotiations;

2. To prevent war, keep the Israelis strong enough to deter the Arabs and the Russians from military action.

To its credit, our Government rejected Soviet pressures that we repeat our 1957 blunder. The United States refused to go along with the Soviet-Arab demand that we pressure Israel to withdraw to the 1967 lines. Instead, our Government endorsed the view that the parties themselves must reach agreement on frontiers, as part of a comprehensive peace agreement.

And it is pertinent to note that more recently, in his television interview on July 1, President Nixon rightly emphasized the need for what he called "defensible frontiers."

The resolution unanimously adopted by the United Nations in November 1967 provided for a UN envoy "to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution."

The resolution meant different things to the differing parties.

1. The Arab states and the Soviet Union have insisted that the resolution obligated Israel to withdraw completely and unconditionally to the 1967 armistice lines.

2. To the United States and to Israel the language and the legislative history showed that the frontiers had to be agreed upon, by the parties.

Both the Arab states and Israel insist that they have accepted the resolution. But while

some Arab governments give lip service to the resolution, Syria, Iraq, Algeria and the terrorist organizations have summarily rejected the document and will have nothing to do with it. Their declared objective is the liquidation of the state of Israel as a Jewish state. Arab leaders have emphasized that they do not commit the Arab terrorists and that these organizations have the right to reject the resolution because it does not satisfy their objectives.

Thus, President Nasser told the Palestine National Council on Feb. 1, 1969:

"The UAR appreciates the resistance organizations' stand in rejecting the Nov. 22, 1967 Security Council resolution, which the UAR has accepted. It is the Palestinian organizations' right to reject this resolution. This resolution may be adequate to eliminate the consequences of the June 1967 aggression but it is inadequate to fulfill the Palestinian destiny."

Can this double interpretation be considered as a sincere acceptance?

The United Nations' attempt to bring the parties together to implement the resolution failed.

The Arabs blamed the Israelis. They insisted that the resolution was self-executing.

If the parties accepted its principles, it would then be up to Israel to withdraw completely. But the Israelis insisted that the resolution was not self-executing and that it was up to the UN envoy to bring the parties together to reach agreement.

The Russians supported the Arab position.

Our Government has supported Israel's stand. This was made clear by former Under Secretary of State Eugene Rostow, who has said on a number of occasions that it was the Russians and the Arabs, not the Israelis, who were obstructing implementation.

On March 1, 1969, at San Francisco, Mr. Rostow said:

The basic obstacle to peace has been the continuance and intensification of terrorist activities supported or condoned by some Arab governments, and the policy embodied in the Khartoum formula—'no negotiations, no recognition, no peace'.

And he went on to say that the UAR—

bears primary responsibility at this time for the stalemate in the Jarring mission. . . . It says that it is ready to implement the Security Council resolution as a package deal. . . . But thus far, at least, it has not made clear its willingness to implement the provision of the resolution requiring it to make an agreement establishing peace, nor its acceptance of any practical procedure for reaching such an agreement with Israel.

THE BIG FOUR TALKS

The Arabs and the Russians had another objective. Because of the stalemate over interpretation, they insisted that the Great Powers draw up guidelines for the Jarring mission. In actuality, the Arabs and Russians want the Great Powers to impose a settlement. They regard the Big Four as an admirable instrument to formulate such guidelines because the United States is outnumbered and outpressured in that forum.

Long ago, in 1964, Sir Bernard Lewis wrote that the Arabs want an imposed settlement "in which, perhaps, Soviet arms would wield the knife, while Western diplomacy administered the anaesthetic."

The Israelis kept appealing for direct negotiations but Arab sympathizers in this country mocked this demand as an insincere tactic to avoid settlement. They oppose direct negotiations for they consider that it would be a humiliation and beneath Arab dignity to sit with the Israelis.

DIRECT NEGOTIATIONS

The call for direct negotiations is not merely a bargaining tactic. Israel learned in 1949, after the successful Rhodes armistice talks, that agreements could be reached when she met directly with the Arab states.

But in 1949 and 1950 the UN Palestine Conciliation Commission yielded to the Arabs at the Lausanne talks and, as a result, the Israelis were in one hotel, the Arabs in another, the UN commission in a third. The parties never met; the negotiations were stalemated for a year and a half. Israel learned its lesson at that time.

A principle is involved. The Israelis believe that if the Arab states are not ready to meet and to negotiate the issues directly with them, they are not really ready to live in understanding and peace. What the Israelis are looking for is more than uneasy coexistence. What they want is a full peace of sincere reconciliation which will end incitement to hate and which will open frontiers to an exchange of goods and goodwill—a cooperative effort toward security and a higher standard of living for all the peoples of the area.

Years ago I heard the leader of the American Friends of the Middle East tell an audience that our duty was to keep Arab and Jew apart—not to bring them together. This curious line drew some support from the Department of State.

In 1961 the Democratic platform called for direct Arab-Israel talks and Candidate John Kennedy announced that he would try to bring the parties to the peace table.

But in the fall of 1961 the U.S. delegation voted at the United Nations against the so-called Brazzaville resolution, which was initiated by Afro-Asian countries and which called upon the Arab states and Israel to negotiate. That negative vote was a blunder which was criticized by many Members of Congress.

We hoped that this strange opposition to direct negotiations had ended in 1967, but there was no sign of it in the diplomacy of this period.

In the summer of 1967, King Hussein could have reached an agreement with Israel if he had entered negotiations with her. But there is no evidence that the United States encouraged the Jordanians to meet with Israelis at that time.

If Hussein had moved, he might have anticipated and averted the growth of a terrorist movement which now shares control over his country, blocks a peace and incites a never-ending war against Israel. Instead of going to Jerusalem, as he might have done, the Jordanian king elected to go to Khartoum in Sudan, where he and Nasser obtained their subsidies from the oil-rich Arab states to sustain their economies and strengthen their war machines.

Early in 1969, the Administration accepted the French proposal for Four Power talks. This meant that the Arab states would no longer be under any need to negotiate directly with Israel. It also meant that the United States would be under strong pressure from the Russians to accept their interpretation of the resolution.

The United States did in fact retreat on a number of major issues. This became evident in the proposals offered by Secretary of State William P. Rogers in December 1969 for Egypt and Jordan. These proposals critically undermined Israel's position in any future negotiations.

I would like to put into the record the policy statement adopted by the American Israel Public Affairs Committee which comments on these proposals:

After the Big Four talks began in 1969, 70 Members of the Senate and 282 Members of the House joined in a declaration which insisted that there could be no half-way measures and that there was no effective substitute for direct talks.

It is no coincidence that just about the time the Big Four began to meet, Nasser was emboldened to denounce the UN cease-fire, which all the parties had accepted, and to open his war of attrition against Israel.

ISRAEL'S ARMS REQUEST

On the Suez front, the Egyptians outgun and outnumber Israel and they inflicted heavy casualties. The Israelis used their highly efficient air arm to silence the Egyptian guns and to reduce the heavy casualty toll.

At the same time, the Israelis renewed their appeal to the United States for additional planes. The French were refusing to deliver Mirage planes which Israel had already paid for. After a long delay, the United States announced in March that it believed that Israel still had a qualitative advantage over the Arab states—even though the Arabs had a four-to-one advantage—and that it would therefore defer action on Israel's request.

This decision was taken despite the news that the Russians had already agreed to install the sophisticated SAM–3s inside Egypt. The State Department said that it had taken this into account, characterizing that new Russian initiative as merely "defensive."

Our country had several reasons:

1. It feared Arab retaliation against U.S. economic interests, specifically the flow of oil and the profits from oil.

2. It hoped that the Arabs might be more receptive to a peace settlement.

3. It hoped that the Russians might similarly curtail the flow of arms.

I do not propose to debate an issue as sacred as oil. But I do recall that both in 1956 and again in 1967, the Arab states realized they were courting economic disaster when they tried to withhold their oil from the West. Moreover, we should bear in mind that Nasser and Hussein would collapse if the oil-rich Arab states had to cut off their subsidies.

Now it is quite possible that the West might suffer short-term losses if it helped Israel, but this short-range prospect ignores the implications of a Soviet diplomatic and military victory. If the Soviet Union is permitted to weaken or destroy Israel, then every state in the Near East will be vulnerable to Egyptian-Soviet subversion and pressures for nationalization.

Israel's existence is *a priori* protection for American oil interests in the Persian Gulf—in Saudi Arabia, in Kuwait and Bahrein, in the Trucial States, and in Southern Arabia and Iran.

The plain fact is that Israel is the only stabilizing factor in the entire Near East—the only factor that keeps the area from flying apart, from becoming a scene of chaos—with the Arab states, goaded on by the Soviet Union, at each other's throats.

Without an Israel, Jordan would long ago have disappeared, swallowed up by either Syria or Egypt, probably the spoils of a war between them. And Lebanon would have gone the way of Jordan. Without an Israel, Nasser and the Soviet Union would be well on their way, through Yemen, to Saudi Arabia and the rich oil fields there and in the Persian Gulf.

Without Nasser's defeat by Israel, he and the Russians would have rushed in to fill the vacuum left by the British at Aden, exposing the oil-rich areas of the southern tip of the Arabian peninsula, such as Muscat and Oman, to their ambitions.

Our negative answer to Israel's request for planes did not produce a more receptive Arab attitude toward the U.S. peace initiative. On the contrary. When Mr. Sisco visited the Arab states, feeling was so high against the United States in Jordan that our Ambassador thought it unwise for Mr. Sisco to enter that country.

On the major issue—the arms race—the Russians soon showed that they had no intention of reducing their involvement. Twenty-five days after the Rogers press con-

ference it was learned that the Soviet Union was sending pilots into Egypt. Obviously, the Russian action was not defensive. The new Russian technicians help in the installation and use of the new missiles which provide an air cover for offensive action along the Canal, while the pilots undertake missions against the Israel air force.

Meanwhile, in Washington, there were reports that the Administration was hesitating to say yes to Israel because there were some doubts about the attitude of Congress. There was a swift answer on Capitol Hill. In a remarkable demonstration of support for Israel, a letter was signed or endorsed by 79 Senators—and there were similar communications to the President endorsed by 239 Members of the House. These letters all urged the Administration to provide planes to Israel.

This was not the first such demonstration. Earlier this year, a declaration calling for direct negotiations and military support for Israel was endorsed by 70 Senators and 281 Representatives.

THE NEW PEACE INITIATIVE

Yet the Administration was still reluctant to grant Israel's request. And on June 25, Mr. Rogers announced a new peace initiative—the reactivation of the Jarring mission and a 90-day truce period during which neither side would attempt to gain a new military advantage. In order to win acquiescence of both sides, the United States will delay action on Israel's request for planes.

It has been widely reported that the United States is using Israel's application for planes as leverage. It is a carrot to be fed the Israelis if they cooperate with our peace proposals; it is a stick to fly the Arabs if they are not. Accordingly we may expect the Russians and the Arabs to stall for time. They will claim to be receptive to the Rogers peace initiative while they continue to prepare to force Israel to withdraw from the Suez Canal.

Both the Egyptians and the Russians want to reopen the Suez Canal—the Russians particularly because they want to send their fleet and shipping from Odessa in the Black Sea to the Indian Ocean, Africa, India and Viet Nam; the Egyptians because the Canal is a money maker. They can do it if they can wrest control of the air from Israel. They can do it if Israel begins to run out of planes.

Nasser said in Libya on June 25:

"The Egyptian army has completed its canal-crossing training, and once the army has acquired a balance in the air, no power in the world can stop it from crossing.

"We will be able very soon to make up for Israel's air superiority by obtaining a balance in the air because we are training hundreds of pilots and obtaining hundreds of planes."

Why must Israel hold the Suez until there is a peace settlement? Because Israel's frontiers are now much shorter and more defensible than they were in 1967. Israel now, for the first time, has defense in depth. Its front lines are far removed from its populated cities.

Today there are more Arab soldiers on Israel's frontiers than in 1967, but the Israelis do not have to mobilize as they did in 1967, paralyzing their economy, for they not only have distance from the Suez Canal front but they also have the depth of the Canal to bar the advance of Egyptian forces.

Meanwhile, there are inspired dispatches which assure us that Nasser is for a peaceful solution—that he does not really wish to drive Israel into the sea.

But on the very day that Mr. Rogers announced his peace initiative, Nasser said in Libya:

"The Arab masses know that their strength lies in their unity . . . and unity means the end of imperialism and its collaborators and the liquidation of Israeli aggression and the Zionist entity."

All Arab calculations are predicated on their hope to intimidate the United States into standing aside.

The involvement of Soviet pilots has diminished—if not eliminated—Israel's qualitative superiority. The Israelis have begun to lose planes in their battle to defend the Suez sky—and prevent an Egyptian crossing. And their older French planes are wearing out.

There have been reports that Israeli is getting some replacements for planes she has lost. I hope this is true. However, we are told that the United States will not announce the extent of any new military supplies to Israel.

But many are asking, why not? Can we deter the Arabs and the Russians from pressing their war to the finish if we do not put them on public notice that we are standing firmly with Israel? Our past experience with the Russians has shown that they will push aggressively into every corner where they encounter no resistance, that they increase arms shipments precisely when we hold back. If we want to stop Russian penetration in the area, we must move to strengthen Israel at once. That is the most practical and most effective deterrent. If the Russians are determined on reckless military adventure, it must be made expensive for them. They must be made to realize that they will have to pay a very high price.

THE OPPOSITION PRESSURE

Unfortunately, there is a school of thought in Washington which argues the other way. They do not want to make it harder for the Russians. They seem to think that we must placate the Arabs and that we will gain popularity among them if we exercise "restraint" in our support of Israel. This, of course, would make it easier for Nasser and his Russian friends.

I know Arabists in Washington who believe that Israel's victory in 1967 was a disaster for the West, for, they argue, it enabled the Soviet Union to pick up the pieces and reinstate Nasser. Some even suggest that the Soviet Union tricked Nasser into war in 1967 in order that he might lose so that the Soviet Union might come in as his savior.

And today there are some who think that we would be better off if we stood aside and permitted the Russians a free hand in the area. They are paralyzed by an obsession with polarization.

I am not debating here with imaginary straw men. Recently, one of our ex-cryptodiplomats, an ex-CIA agent in Cairo, Miles Copeland, published a book which reveals how he and other CIA agents tried to court Nasser in Egypt.

That book is damaging to the United States because it confirms for many Arabs—as well as for Israelis—that the United States had a major objective in the Near East—to build up Nasser as its protege and agent. It is interesting to note Mr. Copeland's views on Phantoms:

In a letter to the Paris *Herald Tribune*, on June 13, 1970, Mr. Copeland reveals that in a recent visit to Washington he was assured that "the principal fear of the Executive Branch . . . unlike those Senators who are up for reelection—is not what the Soviets are doing in Egypt but of what our own Government may be forced by domestic policies to do for Israel."

Mr. Copeland believes that the Soviet Union wants us to supply Phantoms to Israel because that will enable them to win all the Arabs over to their side, to the prejudice of American interests. The implication of Mr. Copeland's thesis is that any military aid we give Israel really helps the Russians. He attributes this view to American diplomats in Washington. Would he turn this around to argue that the way to stop the Russians is to withdraw all aid from Israel and join the Russians in prayers over Israel's memory?

I believe that such arguments impede progress toward peace in the Near East, and are inimical to American interests. For they feed the flames of Arab intransigence. They encourage the Arabs to believe that ultimately a frightened United States will abandon Israel to Cairo.

THE HOPE FOR PEACE

We should not be pessimistic about the prospects of peace in the Near East. It will take a long time before the Arab states become reconciled to Israel's existence and perhaps new Arab leadership will be needed. But I like to think that eventually the people of the Arab world will come to understand that they can live at peace with Israel and that they stand to gain more by reconciliation and peace than by hatred and war.

We need to have positive goals in the Near East. We need to reaffirm principles which offer new opportunity and hope to the peoples there.

Our current policy appears to be based on negative considerations: the avoidance of dangers, the avoidance of a nuclear confrontation between the Soviet Union and the United States, the avoidance of an interruption in communication lines, the avoidance of nationalization, the the avoidance of polarization. But what are we for? We seem to be on the defensive and we seem to be reacting to dangers rather than creating a new climate and environment for the acceptance of ideas and ideals cherished by America and the Free World.

There is a vast difference between Israel and the Arab states. All of them struggled and won independence from foreign domination. But the people in Israel have gained something more than independence for the state. In Israel the people achieved freedom and equality for the individual, democratic institutions to enable them to find self-expression, social security to ensure them a stake in their country. This has not been the case in the Arab world where any experimentation with democracy has been short-lived and where people are ruled by military dictatorship or by feudal and dynastic regimes.

I am not suggesting that the way to peace is for us to promote new coups to overthrow the military dictators and thus to establish democratic societies.

But I do submit that it is our task to stand firmly with those who resist totalitarian aggression and who cherish freedom for the individual and democracy for his community. When the ballot box replaces rule by rifle in the Arab Near East, we may hope for a change in the Arab attitude.

If the Arab states and the Soviet Union continue to defy the UN cease-fire and to prosecute their war of attrition against Israel, it is because they believe that they can weaken both Israel and the United States to the point where our country will feel that it must surrender to what the Soviet Union is pleased to call a political solution.

If we can make it clear that we are enlisted with Israel in the struggle for a genuine peace—and that we are enlisted for the duration and will not waver—the time may come when wiser men will come to power in the Arab lands to lead their people away from destruction and war to genuine cooperation and peace with all their neighbors.

FREEDOM AND DREAMS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. HOWARD. Mr. Speaker, I should like to insert at this time a very poignant editorial from the Asbury Park, N.J., Evening Press.

The editorial discusses essays written by the children of Harlem's Public School

186, on the subject of what freedom means to him. Their comments, their hopes should bring to us all a new dedication to provide the kind of world these children have in mind—a world where, as one child said, a white person who sees a black person would not "make fun of the black person." A world "without rats and mouses."

The Congress has, in past years, made long steps in providing freedom for these children, but there is yet a long way to go—in housing, in education, in equal opportunity. We have the opportunity, the responsibility, to take these next steps.

The editorial follows:

[From the Asbury Park Evening Press, July 15, 1970]

FREEDOM AND DREAMS

If they will listen adults can learn from children, such as the youngsters in the lower grades of Public School 186 in Harlem who were asked to write essays on what freedom means.

To one freedom is a world with unlocked doors. To another it's a city whose parks are safe at night and "a place without rats and mouses."

One boy saw it this way: "Freedom means to me that nobody who is white and sees a black person would make fun of the black person. That you can live in a pretty house. And when a black child is walking and asks a white child to play with her, she won't say no."

Some of the children are in a choral group that has made 11 recordings dealing with their heart-warming concepts of freedom. They sing of their high hopes. Some would like to be president. Others would rather be astronauts.

Adults often reckon wisdom by years. Children express it in dreams that only genuine freedom can fulfill.

EQUAL OPPORTUNITY

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. GIAIMO. Mr. Speaker, we in this Nation sometimes lose sight of the real meaning of the word "equal opportunity" in the heat of public debate and frustration over lingering racial injustices. There are still those who scream "never" in defiance of the law and morality. There continues to be a racist counterreaction from some of those who are rebuffed.

Mr. Speaker, what is at issue here is the matter of whether or not America may fully utilize the talents and capabilities of all her citizens. To the extent equality of opportunity is denied to members of our society, we stand self-crippled and partially immobilized in a strongly competitive, rapidly changing world. I believe most Americans understand this—the rhetoric and venom of the polarizers notwithstanding.

We are just beginning to see our first concerted efforts in behalf of equal opportunity come to fruition. The news is heartening, both North and South.

In the city of Atlanta, a black businesswoman is proving that franchised restaurants are not the exclusive domain of white America.

Geraldine White, a Negro American, owns and operates a nationally franchised restaurant in Atlanta's Westside area near the Atlanta University complex. Mrs. White, this restaurant chain's first black franchise holder in the South, does not see herself as a pioneer. She believes that the black business community's future lies in full participation in the American dream.

I should like to point out that Mrs. White's view is far different from that of the black entrepreneur of the past. His business was based upon service to the black community. His efforts and investments were confined there. He had a guaranteed market there.

Mrs. White believes that it is time for blacks to develop and participate in the economy on the same basis as whites. The key to this is equal opportunity.

The beginning was not easy. Mrs. White grew up in Atlanta's Vine City area, a poverty area remote from the much-talked-about affluent Negro community of Atlanta.

Mrs. White and her husband, Gary, worked up to the proprietorship of a small community grocery store. That beginning success generated their mutual desire for something better. When the Bonanza Sirloin Pit restaurant chain announced plans to develop minority franchising, the Whites decided to try for one.

Mrs. White sold the company on her plan. It granted her the franchise—the impossible dream in the improbable place was off and running. Geraldine White, a charming woman with an easy manner and friendly smile was that rare thing, a natural restaurateur. Taught the management-operations approach in Bonanza's Dallas-based restaurant school, she drew in her entire family and set what bids to be a pattern for minority groups to move into the mainstream of the American economy. Her husband, her children, her sister, her niece, are all employees and a solid sales team in this particular restaurant.

The restaurant opened October 6, 1969, and that beginning, featuring a black businesswoman with a dream—and a restaurant with a popular concept—is now firmly established in the Atlanta scene. Customers, white and black, from the Atlanta University complex and from the business community around the unit are ample testimony that Mrs. White and her restaurant are a solid community asset when it comes to eating time.

The ease with which Mrs. White worked into the pattern of a highly competitive and specialized business deceptively hides the very sound and practical approach she uses to manage and build her business. Bonanza, hard-nosed in its operational aspects to keep its hard-won image, makes no exception for either her race or sex. Mrs. White has her own pattern and rates class A. The company regularly inspects and evaluates her unit, measuring it against the 190-plus other units around the country.

Perhaps the most distinctive feature to her efforts is the simple fact that the unit she operates look like and produces the same quality meal served in the top units all over the United States of America.

Mr. Speaker, the case of Mrs. White carries a lesson that cuts two ways. It provides eloquent testimony to the hard work and perseverence of a black American who was afforded opportunity. Mrs. White was given nothing but the chance to participate as an equal.

It serves notice to those who would resegregate themselves into a black fortress within America that the future lies in full and open participation in a nonracial society. Black racism is as much a dead end as white racism.

Mrs. White is gently but firmly established on a course which is taking her family into the mainstream of the economy and the society.

SOME OBSERVATIONS ABOUT THE OFFICE OF ECONOMIC OPPORTUNITY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. WHALEN. Mr. Speaker, it has become fashionable in some circles to disparage the efforts being made by the Federal Government to combat poverty.

There are those who contend that the administration is insensitive to poor people and minority groups. Some of these critics appear disinclined to look at what is being done to solve the problem of poverty in this country by the Office of Economic Opportunity under the leadership of our former colleague, the Honorable Donald Rumsfeld.

It is at Mr. Rumsfeld's desk that the rhetoric ends and the reality begins. If concrete results are to be achieved in antipoverty programs, idealism must be mixed with pragmatism. I believe that Don Rumsfeld and OEO are making a meaningful attempt to cure this ailment in our society. It is not an easy job and it never has been for OEO from its very inception.

Mr. Nick Thimmesch, the noted columnist, recently discussed what Don Rumsfeld and the OEO are doing in a political environment no less hostile than in the past. For the information of my colleagues, who might not have had an opportunity to read the piece, perhaps the best yet on the subject, I herewith insert in the RECORD:

SOME TRUTH ABOUT THE GOP POVERTY PROGRAM

(By Nick Thimmesch)

WASHINGTON.—The Office of Economic Opportunity, a pale horse limping in limbo in 1968, is now running in directions which please Director Donald Rumsfeld, and this makes some people unhappy.

Critics squawk that Rumsfeld, 37, is gutting programs, ignoring idealistic militants and changing the anti-poverty agency's role from that of advocate to enforcer. Rumsfeld doesn't agree.

"Teddy Kennedy and Fred Harris (the Oklahoma Senator) go around saying that President Nixon doesn't like blacks and wants to end the war on poverty," Rumsfeld said in his second floor office in the White House.

"Part of their future seems to be based on saying that everything is rotten in the country. If people would quit wringing their hands and get to work, maybe we'd make even more progress. How can Congressmen say the President is against the poor, when they cut his anti-poverty budget request by $100 million last year?

"Sure, there's unrest, but black people became cynical about promises long before we took office. We've cut the promises. Sometimes I meet with people (in poverty programs) who are hostile because they've heard the criticism of those who over-promised. Those people usually go away saying they have been fed a bunch of baloney about what we're doing."

After a year in office, Rumsfeld has a young staff which he calls "compassionate and tough-minded." The rhetoric is diminished and poverty is looked at with a colder eye. Instead of confrontation with traditional social agencies, Community Action Agencies funded by O.E.O. are encouraged to cooperate with them. Some lawyers in the Legal Services division are dismayed that Rumsfeld wants them to be more conciliatory and less contentious. Community Action agencies, often riddled with waste and controversy, have been told to shape up.

"I told a meeting of CAP agencies in Tennessee," says assistant O.E.O. Director Frank Carlucci, "that I'd shut them down if they didn't manage themselves right. They responded with a standing ovation. We've changed the attitude. O.E.O. is maturing."

O.E.O. is also involved in a "performance contract" experiment by which an educational firm will be paid on the basis on gains made in math and reading skills by backward students most of whom are poor. This is an idea the late Sen. Robert F. Kennedy unsuccessfully pushed several years ago—the government telling educators, "If you don't produce, no more federal money."

There's also a push for economic development by the poor. O.E.O. funded: a catfish farm in Hancock County, Ga.; a supermarket and modular housing in Durham, N.C.; furniture and rug manufacture by Mexican-Americans and Indians in New Mexico, along with cattle feeding; and the Bedford-Stuyvesant neighborhood project in Brooklyn.

Other innovations are recruiting VISTA volunteers for specific duties rather than for some vague, idealistic impulse; funding a Kentucky program for midwifes; and making a $2 million grant for health manpower development by John W. Gardner's celebrated Urban Coalition, an outfit which so far has operated mostly on the luncheon circuit.

Despite all the noise about cutbacks in anti-poverty spending, the current budget is the same as 1969, and the administration is asking for an increase of $132 million next year. The current $1.948 billion budget shows big increases in health and nutrition; economic development; and research and evaluation. Administration opponents still sharply criticize the $108 million cut from the Job Corps and the $64 million trimmed from the program to get jobs for youth. Vice-President Agnew recently announced an administration request for an extra $50 million for summer youth employment.

What's happening at O.E.O. is that a Republican administration is seeking to employ a low-key, keep-your-voices lowered, practical approach to solving the problems of the poor. Naturally, Democrats who authored and pushed the anti-poverty program are going to squawk. They just don't like the thought of Republicans running such a big program for the poor. Rumsfeld is determined to show them that Democrats have no monopoly on humanitarism. This kind of competition between Democrats and Republicans is good for the nation.

THERE ARE 180 MEMBERS SPONSORING O'NEILL-GUBSER AMENDMENT

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, we will shortly be considering the amendment of the gentleman from California (Mr. GUBSER) and I have proposed to provide for recording of teller votes on amendments in Committee of the Whole. Earlier this week, the gentleman from California (Mr. GUBSER) and I sent Members of the House a letter regarding various aspects of the amendment and noting that it is receiving exceptionally widespread support, including that of the distinguished majority and minority leaders. At that time a total of 141 Members had sponsored the amendment. Since then, the number of sponsors has continued to grow and at this time a total of 180 Members are sponsoring the O'Neill-Gubser amendment. As we noted in our letter, many Members have given this proposal long and careful consideration so as to accommodate all valid concerns and possible problems and the strong showing of support the proposal has received is evidence of its soundness and workability. Mr. Speaker, while Members may continue to sign up as sponsors by calling either my office or Mr. GUBSER'S office, I would like to take this opportunity to list those Members who are sponsoring the amendment to date. I also insert a copy of the amendment and our letter of July 20 which answers questions various Members have raised about our proposal.

The material follows:

SPONSORS OF THE O'NEILL-GUBSER AMENDMENT TO PERMIT RECORDING OF TELLER VOTES

Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Andrews of North Dakoa, Mr. Ashley, Mr. Beall, Mr. Bell, Mr. Bennett.

Mr. Biester, Mr. Bingham, Mr. Blatnik, Mr. Boggs, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Broomfield, Mr. Brotzman.

Mr. Brown of California, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton of California, Mr. Button, Mr. Chappell, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Don Clausen, Mr. Cohelan, Mr. Conable, Mr. Conte.

Mr. Conyers, Mr. Corman, Mr. Coughlin, Mr. Cramer, Mr. Crane, Mr. Culver, Mr. Daddario, Mr. Daniels, Mr. Dellenback, Mr. Denney, Mr. Dennis, Mr. Diggs, Mr. Donohue, Mr. Dwyer, Mr. Eckhardt.

Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Erlenborn, Mr. Esch, Mr. Evans of Colorado, Mr. Evins of Tennessee, Mr. Farbstein, Mr. Fascell, Mr. Findley, Mr. Flowers, Mr. Foley, Mr. William Ford, Mr. Fraser, Mr. Friedel, Mr. Fulton of Tennessee, Mr. Fulton of Pennsylvania.

Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Gubser, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hathaway.

Mr. Hawkins, Mr. Hechler, Mr. Helstoski, Mr. Hicks, Mr. Hogan, Mr. Howard, Mr. Jacobs, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Karth, Mr. Kastenmeier, Mr. Keith, Mr. Koch, Mr. Kuykendall.

Mr. Leggett, Mr. Long of Maryland, Mr. Lowenstein, Mr. Lujan, Mr. McCarthy, Mr. McCloskey, Mr. McClure, Mr. McDade, Mr. MacGregor, Mr. Madden, Mr. Mailliard, Mr. Matsunaga, Mr. May, Mr. Mayne, Mr. Meeds, Mr. Melcher, Mr. Meskill, Mr. Mikva, Mr. Miller of Ohio, Mr. Minish, Mr. Mize, Mr. Mollohan, Mr. Moorhead, Mr. Morse, Mr. Mosher, Mr. Moss, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. O'Konski, Mr. O'Neill, Mr. Olsen, Mr. Ottinger.

Mr. Patten, Mr. Pepper, Mr. Pettis, Mr. Philbin, Mr. Pike, Mr. Pirnie, Mr. Podell, Mr. Preyer, Mr. Pryor, Mr. Quie, Mr. Railsback, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Riegle, Mr. Robison, Mr. Rodino, Mr. Rogers of Florida, Mr. Roe.

Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr. Roth, Mr. Roybal, Mr. Ryan, Mr. Saylor, Mr. Schadeberg, Mr. Schneebeli, Mr. Scheuer, Mr. Schmitz, Mr. Schwengel, Mr. Shriver, Mr. Stafford, Mr. Steiger of Arizona.

Mr. Steiger of Wisconsin, Mr. St. Germain, Mr. Stokes, Mr. Symington, Mr. Talcott, Mr. Teague of California, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Tunney, Mr. Udall, Mr. Van Deerlin.

Mr. Vander Jagt, Mr. Vanik, Mr. Waggonner, Mr. Waldie, Mr. Weicker, Mr. Whalen, Mr. White, Mr. Widnall, Mr. Winn, Mr. Charles Wilson, Mr. Bob Wilson, Mr. Wold, Mr. Wolff, Mr. Wydler, Mr. Zwach.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 20, 1970.

DEAR COLLEAGUE: This week we will offer our amendment to H.R. 17654 to permit recording of teller votes in Committee of the Whole. For your guidance, we are enclosing a copy of our amendment plus a list of its sponsors to date.

As of last Friday, 141 Members had sponsored this proposal. In addition, it has received the support of leading members of both parties, including the personal endorsement of Reps. Carl Albert and Gerald Ford.

We believe this strong showing of support is evident of the soundness and workability of this proposal.

As we have noted, our amendment would permit recording teller votes on major amendments while retaining the present non-record teller procedure for less important amendments. It would also guarantee Members at least 12 minutes to reach the floor to vote.

The amendment is designed to make the least change in present procedures and it has been kept as uncomplicated and simple as possible. For example, while there are several effective and foolproof procedures for recording teller votes, we have purposely avoided specifying any particular method so as to give party leaders and House officials maximum flexibility to develop and implement the *best possible* system.

The "best" system might involve running two teller lines simultaneously, having Members call out their names as they pass the tellers and having the clerks repeat each Member's name as it is checked off on the roster.

Teller votes could also be recorded electronically should the House authorize installation of such equipment.

It is our feeling, however, that the tech-

nical question of *how* to record names should be considered separately from the policy question of *whether* to record them. House rules do not specify any particular method for taking non-record teller votes and we see no reason for doing so with record teller votes.

Another key consideration in formulating our amendment involved the number of Members required to obtain a recorded teller vote. After long deliberation, we decided on 20—the same number as is now required to obtain a non-record teller vote. We believe this will adequately protect against frivolous amendments and that setting a higher requirement would prevent record votes on many important issues and thereby make a sham of this long-overdue reform.

We are aware of the argument that a larger number of Members should be required to obtain recorded tellers in order to protect against politically-motivated amendments. A higher requirement, however, would not prevent a determined effort to obtain a record vote, it would simply delay proceedings by forcing those desiring such a vote to seek quorum calls to get additional supporters on the floor.

We are aware also that a substitute amendment may be offered which, like the original Gubser proposal, would provide for roll call votes in the House on amendments defeated in Committee of the Whole. Such a procedure has several serious drawbacks in our view. It would be extremely time-consuming, it would involve a major change in House procedure, and it could result in complicated parliamentary problems requiring the House to return to Committee of the Whole to reconsider legislation.

Thus we urge that you examine closely any alternatives which may be offered and we solicit your support for our amendment. We and many other Members have given this proposal long and careful consideration in an effort to accommodate all valid concerns and possible problems. We believe we have succeeded and we hope you will agree.

Sincerely,

CHARLES S. GUBSER.
THOMAS P. O'NEILL.

P.S.—If you wish to add your name to those listed in the RECORD as sponsors when this amendment is offered, please call either of our offices.

RECORD TELLER VOTES—O'NEILL-GUBSER AMENDMENT TO H.R. 17654

On page 39 immediately below line 4, insert the following:

"RECORDING TELLER VOTES

"SEC. — Clause 5 of Rule I of the Rules of the House of Representatives is amended to read as follows:

" 'He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be), say Aye;" and after the affirmative voice is expressed, "As many as are opposed, say No;" if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is requested by at least one-fifth of a quorum, he shall name one *or more* from each side of the question to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision. *If before tellers are named any Member requests tellers with clerks and that request is supported by at least one-fifth of a quorum, the names of those voting on each side of the question shall be entered in the Journal. Members shall have not less than twelve minutes from the naming of tellers with clerks to be counted.*' "

And make the appropriate technical changes in section numbers and references.

WAR PRISONERS NEED PUBLIC'S SUPPORT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BOB WILSON. Mr. Speaker, in the June 25, 1970, edition of the Daily Californian an article appeared concerning prisoners of war in North Vietnam. The story tells of a San Diego-based organization that is attempting to arouse public interest in this subject. The organization, the National League of Families of American Prisoners in Southeast Asia, hopes that a public letterwriting campaign will pressure Hanoi into abiding by the terms of the Geneva Convention governing the treatment of war prisoners. With the permission of my House colleagues, I should like to insert this article into the RECORD with the hope of carrying its message to a greater number of concerned citizens:

WAR PRISONERS NEED PUBLIC'S SUPPORT

San Diego County reportedly has the largest concentration of wives and relatives of U.S. servicemen held captive by North Vietnam.

Many of these individuals do not know if their husbands, sons and fathers are alive or dead. Some of them have waited in agony for years for a tiny shred of information about the men taken prisoners by the enemy.

But North Vietnam, despite the most persistent pleas, has been slow to respond with anything more than an occasional gesture toward fulfilling its obligations as a signatory to the Geneva Convention governing the treatment of war prisoners.

The Communist regime has refused even to honor its basic obligation to release the names of the prisoners it has taken. Likewise, it has declined to give the International Red Cross permission to inspect prisoner-of-war camps and has violated the article forbidding prisoners to be paraded or photographed for propaganda purposes. Mail sent to known prisoners of war has been returned.

After years of impatient and fruitless waiting, the relatives of men believed to be prisoners in North Vietnam have launched a campaign to enlist public support for their efforts to get the Communists to abide by the terms of the agreement which they signed.

A San Diego-based organization, the National League of Families of American Prisoners in Southeast Asia, hopes an aroused public will have more influence on Hanoi than it alone has so far been able to muster.

The organization's leaders have reason to believe that public pressure will produce results. They have discovered that the North Vietnamese government usually makes some slight concession when an event, such as the trip to Paris by wives of prisoners, focuses public attention upon its dereliction in honoring the Geneva Convention.

What can the public do?

The league suggests that letters be sent to the Office of the President, Democratic Republic of Vietnam, Hanoi, North Vietnam, via Hong Kong, and to Minister Xuan Thuy, Paris Peace Talks, Paris, France.

Airmail postage, it should be noted, will be 25 cents for the letter sent to Vietnam; 20 cents for the one sent to Paris.

"Write again and again to the leaders of North Vietnam, to news editors both here and abroad, to members of Congress and the United Nations and to ambassadors of foreign nations," the league suggests.

"Americans and the rest of the free world must insist on humane treatment of these 1,500 American servicemen who are in desperate need of YOUR public support. Your voice, your letter, could be the one that makes the difference for them."

Letters should be brief and to the point. They should not be abusive. All that the wives and other relatives ask is that North Vietnam honor the terms of the Geneva Convention which it signed in 1957.

That agreement requires (1) release of names of prisoners held; (2) immediate release of prisoners who are sick or wounded; (3) impartial inspections of facilities used for prisoner detention; (4) assurance that all prisoners receive proper medical care and adequate food; (5) prisoners shall not be paraded or photographed for purposes of political propaganda; (6) belligerents must not use false information about prisoners which would be harmful to the mental health of the prisoners or their families at home; (7) provisions for frequent exchange of mail between prisoners and their families.

So far, Hanoi has spurned pleas by the International Red Cross, U.N. Secretary-General U Thant, dovish U.S. Senators, the late socialist leader Norman Thomas and such anti-Vietnam War groups as SANE (National Committee for a Sane Nuclear Policy).

Whether a public letter-writing campaign will be any more successful remains to be seen. We owe it to the American prisoners to try it and see.

WHY WE SHOULD BE LOYAL TO OUR FLAG

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, Pamela Crumb, a young sixth grader from Cloverdale, Calif., has written a very thought-provoking essay on "Why We Should Be Loyal to Our Flag."

Her essay was judged the best in districtwide competition and second in the State of California in the Veterans of Foreign Wars essay competition.

Pamela is the daughter of Mr. and Mrs. Manuel Crumb.

In my judgment, this young lady has come forward with a very simple and honest statement of her feeling for the flag of her country, and I sincerely commend her for having done so. The essay follows:

WHY WE SHOULD BE LOYAL TO OUR FLAG

(By Pamela Crumb)

There are many Americans today that do not show loyalty to their Flag.

I think we should be loyal to our Flag because it is the symbol of our country.

We should respect our Flag because it reminds us of long ago when early Americans gave their time and lives to make our country free.

We should be loyal to our Flag because of

the many things and freedom it gives us, such as the right to get an education, the right to choose our church, and the right to publish things.

We should be proud of our Flag because it has flown over our nation from the time that our country was a savage wilderness to the present day with our modern skyscrapers.

Americans should be loyal to the Flag because it gives them the right to dream for the future. We can dream for good homes, good schools, for food, shelter and clothing.

Our dream of continued freedom is the most important dream of all. Its the most wonderful thing, to be free, to think, speak, write and worship as we please.

I want to be loyal to my Flag. It represents the greatest nation on earth.

ANOTHER VIEW OF ALLEGED AMERICAN ATROCITIES IN VIETNAM

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, the other day Mr. Thomas C. Piddington, 3606 Colony Road, Fairfax, Va., requested me to bring to the attention of the Congress another and a much often neglected view of the recent wave of charges against American service personnel for alleged atrocities against civilians in Vietnam. In this case it is the view of the serviceman himself. A1c. William K. Piddington, now serving in Vietnam, recently sent his father the following poem, penned by T. Sgt. William O. Hasting, Jr., 377 Transportation Squadron, TSN AB RVN, which Airman Piddington feels should also be included when anyone considers the conduct of American troops in the Vietnamese war:

UNNECESSARILY DEAD

The young man comes from far away
To a land where death is near
He walks in jungles throughout the day
At night he rests in fear.

He was trained by America's best
But his skills are yet untried
In this land he will meet the test
With hopes to pass in stride.

He is told "you will not fire your gun
Till the enemy is defined
For if you kill an innocent one
You'll be court-martialed in no time."

The chopper hovers above the ground
The air is charged with fear
They said this was a V.C. town
Our young man's test is near.

The noise of battle in his ears
His buddies left and right
He tries to conceal his fear
As a figure comes in sight.

His weapon is raised and ready
His heart beat is wild
He forced his aim to be steady
Then he realized it was a child.

He remembered other incidents
And G.I.s now on trial
They claimed it was an accident
But are convicted all the while.

His moments lost in thought
Was his first mistake
But the way this war is fought
One is all it takes.

The grenade landed at his feet
The explosion he did not feel
His god he has come to meet
For a child he did not kill.

Who killed this young man
Was it the ones who trained him
Was it the one who placed a grenade in a child's hand
Or the ones who say "don't shoot first, let them?"

WHITE HOUSE REPORT ON THE PROBLEMS OF THE BLUE COLLAR WORKER

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. PUCINSKI. Mr. Speaker, there have been several articles recently in the press based on the "White House Report on the Problems of the Blue Collar Worker."

These articles were based on the report which apparently has been leaked to certain newspapers but not generally distributed to the public.

I am pleased that I have been able to obtain the report through my own sources.

I am placing it in the RECORD today because I believe it is of paramount importance that this Nation finally awakens to the fact that America's blue collar and white collar workers can no longer be expected to carry the major burden of the cost of Government and get very little in return.

I have said here on the floor of the House, time and again, that many of those in Government have become so obsessed with the plight of the poor and of minority groups, that they fail to realize the problems of America's blue collar and middle-income white collar workers.

It is this middle-income American who carries the greatest burden of taxation, who suffers most intensely the ravages of inflation, and who is consistently excluded from assistance programs because he supposedly earns enough money to take care of his own needs.

Nothing can be more misleading than to believe that the middle-income American worker is without problems or burdens.

I recently made an analysis and showed how a blue collar worker in America, earning $7,000 a year, has only $200 more of spendable income to take care of his wife and three children than a similar family with a husband, wife, and three children who derive their income entirely from public aid.

Is it any wonder that the middle-income American worker of this Nation is in revolt? When you consider that he goes out and works very hard to earn $7,000 a year, and then, in the final analysis, has only $200 more to spend on his family than those who rely entirely on public aid.

I hope all administrators of public agencies and Members of Congress will carefully read the "White House Report on the Problems of the Blue Collar Worker," and I hope the President himself will diligently address himself to the problems of these forgotten, and forsaken, Americans.

"The White House Report on the Problems of the Blue Collar Worker" follows:

THE PROBLEM OF THE BLUE-COLLAR WORKER

The social and economic status of blue-collar workers has become a subject of increasing concern in the last few years. Recent reports have identified the economic insecurity and alienation which whites in this group have felt. What such reports have failed to note is that there are some two million minority-group males who are skilled or semi-skilled blue-collar workers who are full-time members of the work force and who share many of the same problems as whites in their income class. This non-white group also shares the same concern as white workers for law and order and other middle-class values. Many have moved from subemployment to low-income entry-level jobs, but they now feel blocked from further opportunity.

In 1968, 34 percent of all minority-group families were in the $5,000 to $10,000 income category. Of course, on the average, most black families are still not anywhere as well off as white families: The median income of all Negro families was $5,590, that of all white families $8,937. But the point is that both these groups have essentially "working-class" economic and social problems related to wage, tax and government benefit structure for the nonpoor—a fact not given adequate recognition by the media, which, to the extent it emphasizes only the black ghetto, perpetuates a stereotype.

We should recognize:

(1) the common *economic* problem which many blue-collar workers have, of both races (mostly white, of course, in numbers); and

(2) the common *social* problems concerned with housing, education, jobs and personal safety which are related to income class but also are a function of the close proximity of the blue-collar workers to the disadvantaged people.

These two points are worth further consideration.

I. THE ECONOMIC SQUEEZE

Forty percent of American families—including 70 million family members—have incomes between $5,000 and $10,000 a year and might be termed "lower-middle-income." The head of the household is usually a vigorous, fully employed blue-collar worker with heavy family responsibilities although many of this group are also in white-collar or service jobs. It is precisely when his children reach their teens and family budget costs are at their peak that two things happen to the bulk of such male breadwinners:

They reach a plateau in their capacity to earn by promotion or advancement;

Their expenses continue to rise, as the last family members are born, as they become homeowners, as car and home equipment pressures mount, as the children may become ready for college, or support is needed for aging parents.

The American wage and salary structure does not respond directly to this situation, since it is based on the ethic of "equal pay for equal work." It does not provide additions for either growing family size or age (except as it may reflect job seniority); payment is exclusively for work done—the same pay is given to everyone in the same job; and, unlike the situation in many other countries, the wage structure is not supplemented by public payments based on family size, although income tax exemptions give some recognition:

Income needs for a growing family rise faster than are normally provided by advance-

ment. Family budget costs for a two-child family are three times the needs of a single individual, according to BLS, while a typcial semi-skilled steelworker's increase in job level results only in a wage rise of somewhat less than one and a half times.

The result is illustrated by the accompanying table, which portrays the case of a typical steelworker. The worker has some margin beyond his budget needs when he is young, but only if he saves and does not acquire a living standard commensurate with his pay. If he does not anticipate later family needs by adequate early savings—and usually he does not—he begins to be squeezed in his later thirties, and finds himself in deeper straits as his children reach their teens.

Many other industries have fewer promotion opportunities than steel. A study of 11 major industries estimated that one-third of all non-supervisory jobs were "dead-end." The lack of an adequate adult education system geared to workers hinders movement out of these jobs. Relatively few firms have work-site education and few community colleges direct courses for upgrading purposes to blue-collar workers.

Upward job mobility is also hindered by age discrimination against older workers; by lack of detailed, free information about other jobs; and by the high costs of private employment agencies (which often have job openings which the Employment Service does not have).

The result for semi-skilled blue-collar workers as a whole is that, when general wage rate increases are added to increased individual earnings due to promotion, real income has somewhat less than doubled in the past two decades, which is still not enough to meet the cost of the same standard of living throughout the period. Males aged 45 to 54 years in 1968 who had one to three years of high school—the educational level typical of blue-collar workers in that age group—had increased their incomes by only 84 percent between 1949 and 1968.

COMPARISON OF FAMILY BUDGET COSTS AND STEELWORKERS' EARNINGS (1967 BUDGET COSTS AND WAGE RATES)

Age and family status	Family budget costs		Pay grade	Estimated annual earnings	
	Amount	Index		Amount	Index
22—Single	$3,358	100	2	$5,747	100
23—Married, no children	4,538	135	2	5,747	100
28—1 child, under 6	5,627	168	7	6,629	115
38—2 children, older 6 to 15	9,076	270	12	7,510	131
41—2 children, older 9 to 18	10,347	308	15	8,039	140

NOTES

Budget costs and wage rates as of 1967.

Annual earnings are based on hourly rates, with no further adjustments for effect of seniority on immunity from layoffs and opportunities for more overtime and no allowance for the value of fringes.

Grade 15 in the chart is approximately the midpoint of the U.S. steel job evaluation wage structure and is at beginning point of skilled craftsman wage scales.

Family budget costs are based on BLS moderate living standard for a 4-person family, spring 1967, and include occupational expenses, gifts and contributions, life insurance, social security payments, and Federal, State, and local income taxes, in addition to the goods and services for family consumption. For equivalence scale appropriate for total budget—see table A-1, p. 14, BLS Bulletin 1570-2.

The worker who established his standard of living when he was single or first married thus finds that he can maintain it only by:

1. Having saved when he was younger (which he didn't do); or
2. moonlighting on a second part-time job; or
3. having his wife work even in spite of the obstacles to doing so; or
4. continued pressure for wage increases.

If a younger worker has no opportunity for advancement, the entire annual productivity-related rise in wages, about three percent, is needed just to *keep up* with his increasing family needs. If such a worker wants to improve his standard of living he must be able to move up the ladder. The pressure on wages promises to increase as those born in the post World War II baby boom move into their late twenties and early thirties, and thus assume family responsibilities in the next five years. Workers in the 25–34 age group will represent 25 percent of the labor force in this decade.

This problem is intensified by inflation. Since 1965 money wages have advanced *20 percent, but* real earnings measured in true purchasing power remained almost static. These men are on a treadmill, chasing the illusion of higher living standards. Thus their only hope seems to be continued pressure for higher wages. Their only spokesmen seem to be union leaders spearheading the demand for more money wages. They are overripe for a political response to the pressing needs they feel so keenly.

The *tax* structure offers little relief to this worker since it gives only small recognition to family size considerations. Even the Tax Reform Act of 1969 does not provide adequate relief to these families:

A married couple with an $8000 income who has two children will pay $263 less under the new law—which doesn't fully take effect until 1973—than the old one. This fails to bridge the budget gap described above;

Deductions for family members are token in character, even under the new tax law, and provide more at higher income levels than at lower or moderate levels (the $750 deduction is a tax savings of $125 for the person in the 16 to 17 percent bracket and $300 for the person in the 40 percent bracket). Moreover, the size of the tax deductions has no relation to the age of the children, even though budget costs for older children are more than for younger.

There is no provision for tax relief as family education costs rise, either in terms of the $100 a year that it costs to send a child to school or the additional cost of going to college.

Regressive State and local taxes also hit heavily at this group. Average State and local taxes are almost $700, and have increased rapidly in recent years. Moreover, in at least some states income is redistributed from lower-income to higher-income groups to subsidize higher education for the children of the latter.

Government policies on child care designed to enable the wife to work also give little relief. At present, families with income of $6900 or above cannot deduct child care expenses. This figure was set in the Internal Revenue Act of 1964 and is now unrealistically low. Adjusted to current prices the ceiling would be about $8200. Government child care centers under Headstart and Win are for the "poor," and so do not help this group. Their costs for child care (when not provided by other family members) may run from $25 to $40 a week. The Family Assistance Act of 1970 will aggravate this problem. Welfare mothers will receive subsidized child care to facilitate their move from welfare to work. Lower income mothers who seek work and are outside the welfare system will incur the full cost or be unable to add to family income.

Finally, high transportation costs, wage discrimination and lack of education and training also discourage many blue-collar wives from working or minimize their contribution to family income. Yet it is precisely working wives who make very meaningful contributions to the family income, and who have the potential to make even more: In the 40 percent of husband-wife families where wives do work, median income in 1968 was $10,700, compared to $8,200 where they didn't. Part-time employment has almost doubled since 1956 and provides a new opportunity for more women to combine work with family responsibility.

The problem of restricted economic opportunity for the blue-collar worker also spreads into the next generation. The children of this group in our society are not "making it" to the same degree as are children in the middle and upper-middle classes.

Despite the broadening base of college enrollments, we still find marked evidence that the lower-income groups have a much smaller proportion of their children continuing beyond high school. Only one-fourth of the youth in college are from the half of the families with a below-median income. Worse yet, the great majority of high school dropouts are not from the disadvantaged ghetto population. Many white and black school dropouts are from this lower-middle-income group; in some of the urban areas the dropout rate for this group runs about 30 percent. Here we sense the stirrings of a new type of unfortunate cycle, as some of the children of these blue-collar workers are unable to achieve a reasonable entry into productive society. Twenty percent are unemployed in the fall following the year they drop out of school. Present efforts to reduce youth unemployment (e.g., Neighborhood Youth Corps) are geared to disadvantaged youth—not these people.

Other government aids—minimum wage, training, welfare payments—are not for this group because they have presumably "made it," and whatever the government may have done to keep employment and jobs up generally has faded or is overwhelmed.

Economic insecurity is compounded by the fact that blue-collar workers are often the first to feel the effects of an increase in unemployment, feel most threatened by automation, and are also more dependent on sheer physical health for their livelihood than white-collar workers. Yet there is inadequate protection for temporary or permanent disability under State workmen's compensation laws.

There are other dimensions to the problem too: the shortage and high cost of housing; the high cost of medical and legal services, the lack of inexpensive entertainment and recreation facilities (e.g., few summer camps for the worker's children).

All these factors add up to an economic squeeze and insecurity for the working man. We have no package of solutions to deal with this problem. However, in fashioning any attack, certain things should be recognized: (1) that government aid being given to the disadvantaged is sorely needed, and (2) that it would be impossible and undesirable to try to modify the American wage structure; and (3) that almost anything which could be done by the government would cost money.

II. THE SOCIAL SQUEEZE

People working and living close to the margin of economic needs are under constant pressures. These pressures have an economic base but find other outlets, other frustrations of a social nature.

People in the blue-collar class are less mobile, less organized, and less capable of using legitimate means to either protect the status quo or secure changes in their favor. To a considerable extent, they feel like "forgotten people"—those for whom the government and the society have limited, if any, direct concern and little visible action.

Some of the problems which "bug" the blue-collar class include:

Fear of violent crimes. This is a growing

fear of crime in the inner cities and this fear is spilling over to the outer ring of the metropolis—primarily areas where they live. Economic immobility blocks a flight from these conditions.

Class status. Many of these workers are immigrants or sons of immigrants, they feel unsure about their place in the "mainstream" of American society. Some live in mixed neighborhoods—feeling the pressure of constant succession by lower status groups, especially minorities. As the minorities move up a bit, they squeeze these people. Minority inroads in housing, schools, and jobs create fears. They worry over merging of seniority lists, changing entrance requirements for jobs, and lower admissions standards for public schools.

Feeling of being forgotten. These people are most exposed to the poor and the welfare recipients. Often their wages are only a notch or so above the liberal states' welfare payments. Yet they are excluded from social programs targeted at the disadvantaged—medical aid, housing, job training, headstart programs, legal aid, and the like. As taxpayers, they support these programs with no visible relief—no visible share.

Educational level. Since most blue-collar workers have barely completed formal high school education, they have limited leverage to change occupations, and they have limited mobility to use their education as a lever to escape from their economic and social problems. Overt hostility between ethnic and racial groups is probably greater between less educated groups than between more educated groups. Thus, the blue-collar worker is more prone to transfer his economic and social frustrations to racial and ethnic prejudices, and of late to overt hostilities.

Low status of blue-collar work. The American working man has lost relative class status with the growth of higher education. Changes in the nature of the labor force have dramatized the professional and technical experts to the relative detriment of the skilled worker. Skilled workers also have hostility toward those below them at semiskilled and unskilled levels and the feeling is mutual. But all blue-collar workers, skilled or not, have been denigrated so badly—so harshly—that their jobs have become a last resort, instead of decent, respected careers. Manual and skilled occupations have become almost invisible in terms of the propaganda of today. Fathers hesitate—and even apologize—for their occupations instead of holding it up as an aspiration for their sons. This attack has been so strong, so emotional and so unfounded that the workers have suffered a loss of self respect and the nation is suffering a loss of future manpower.

Low status also derives from the working conditions and nature of much unskilled and semiskilled work. Much of it is oppressively tedious, noisy, and mind numbing, with little room for human contact. Research has found a significant relation between poor mental health and such types of work.

Let us examine the problem of the low status of blue-collar work further:

According to union leaders, the blue-collar worker increasingly feels that his work has no "status" in the eyes of society, the media, or even his own children. While the nation has, in recent years, sold the importance of science and technology to our younger people, it has neglected to communicate the importance of some ten million skilled blue-collar workers who are responsible for transforming the ideas of scientists and the plans of engineers into tangible goods and services. These workers make and maintain the models, tools and machines without which industrial processes could not be carried out. They exercise considerable independent judgment and are responsible for extremely valuable equipment and products.

A good auto mechanic, for example, must know hydraulics, pneumatics, electricity, and some chemistry and other skills. Yet many youth learn that status accrues to the white-collar job (and so "prefer" it) even though a job in coveralls, such as mechanic, may pay better. The average mechanic working for a metropolitan auto dealer earns nearly $10,000, yet there is a short supply of them due to lack of interested youth. A recent survey showed that only one out of four male high school seniors wished to work as blue-collar workers, even though almost half of all jobs in the economy are blue-collar jobs.

Schools tend to reinforce this tendency, since most teachers know little about blue-collar work. So do the media; the only publicity given to workers is when they are out on strike and there they are often shown in a bad light.

Adding to the problem is that fact that the long-term narrowing of manual skill wage differentials (temporarily halted) has relatively worsened the position of semi- and skilled blue-collar workers compared to the unskilled. At the same time, high-skilled white-collar workers have been making substantial and publicized improvements in their economic position, with salary increases often far higher than wage increases. Furthermore, the educated workers with college and advanced degrees have been getting the biggest pay gains.

The result is chronic and inflationary shortages in many skilled blue-collar fields; a feeling of "failure" for the many youth who won't get white-collar jobs; exacerbation of racial friction when black youth refuse to take "dirty" blue-collar jobs offered them "by a white society," even when they may be good-paying; and a general resentment by blue-collar workers which is translated into wage demands.

Resentment is likely to worsen with any increase in unemployment, together with a continued push for opportunities for the disadvantaged, plus the addition of returning veterans to the labor force.

III. POSSIBLE DIRECTIONS FOR ACTION

Our attention has been focused on an analysis of the economic and social situation faced by the blue-collar worker and not on private or public steps that might be taken to relieve the pressures he faces. Still, the analysis itself identifies several specific areas of concern:

Upgrading. What can be done to assist the worker in moving out of a dead-end job?

Income. Upgrading will provide more income, but this may need to be augmented by a job for the wife, and perhaps in other ways.

Expenses. The workingman's budget squeeze can be relieved through subsidized housing, transportation, recreation, and education and various kinds of tax relief.

Social Issues. Such things as low status of blue-collar work, poor urban environment, and inadequate medical facilities contribute to a feeling of neglect and should be addressed.

Again, though we have not developed a specific action program, some ideas appear worthy of consideration by the Nixon Administration to reach out and come to grips with many of the basic needs:

1. Job upgrading

The JOBS program is placing a new emphasis on upgrading for both disadvantaged and others but even more manpower services could be provided the blue-collar worker. Much authority exists but imaginative proposals are needed for such things as instruction in plants, community college courses designed to meet specific skill shortages, worker leave of absences, and loans for non-instruction expenses. The Employment Service could do more to help the blue-collar worker get ahead—through such steps as counseling and upgrading, soliciting jobs for experienced workers and opening its offices nights and Saturdays to serve the employed as well as the unemployed.

2. Child care

The Nixon Family Assistance Plan will provide child care facilities for welfare mothers who go to work. Child care facilities might next be provided to slightly higher income groups on a partial fee basis. This would enable many more mothers to work and relieve the costs of child care for those who already work. Steady expansion of part-time employment opportunities can open new avenues for wives to work without neglecting their family role. Tax relief for child care is now limited to families earning less than $6,900 and this could be raised to $10,000 with deductions increased to $900 for the first child and $1,200 for two or more children. This change can be made with little revenue loss. The public pressure for action in this area is expected to mount.

3. Education for adults

The Vocational Education Act of 1968 is already financing evening courses for about three million adults. However, this meets only a fraction of the need. Moreover, above and beyond vocational education, there is a need to allow workers to study for high school diplomas and for two-year community college degrees. For many blue-collar workers and their wives, the result should be new or better jobs and promotions. Increased education also frequently leads to less racial hostility.

4. Higher education for the worker's children

The right to higher education implicit in the President's Higher Education Message for college loans and grants where families are earning less than $10,000 is a significant promise to the blue-collar workers. The President also proposed a $100 million program for training in critical occupations in community colleges. This should be the first step in a steady thrust toward increased Federal support of these colleges which are of such importance to the blue-collar worker's children. These opportunities should be targeted to these people.

5. Tax policy

The Tax Reform Act will give a tax reduction to families earning $5,000 to $10,000. However, this does not go very far in alleviating the squeeze on this group. Revenue sharing should be emphasized since it will tend to help them by raising taxes through the progressive Federal tax system rather than through the regressive local and State systems. In addition, a review should be made of possible further ways to relieve the tax burden on this group, including possibly increasing the amount of the tax exemption for older children, since budget costs for them are greater.

6. Higher status for blue-collar work

Efforts should be made to enhance the status of blue-collar work. Public relations work would help, as would more effective guidance and placement in blue-collar jobs by secondary schools (including more visits by workers to the schools). Other possibilities are National awards for outstanding craftsmen; portrayal of various skilled trades on postage stamps; a series of vocational guidance films for youth, on skilled trades; programs for school teachers to visit plants and officers; training for foremen and supervisors; Federal standards for decent working conditions and/or establishing a Job Environment Subcommittee of the Environmental Quality Council, to investigate oppressive noise, heat, air pollution, and the like.

7. Recreation facilities

Recreation and vacations, a major problem for the blue-collar worker and his family, might be made more available through vest-pocket parks, more development of public lands near metropolitan areas, and mortgage guarantees for low-income creation facilities.

8. Transportation

Automobile expenses are a major expense item to the blue-collar worker. Moderate budget costs for the U.S. automobile owner are more than $900 yearly for replacement, insurance, and maintenance. More mass transit is part of the answer. If "no-blame" auto insurance would reduce costs as much as has been claimed, it might also be helpful.

9. Housing

Action has been taken to pump more mortgage money into the housing market which should increase the houses available to low-income workers and reduce their cost. The most significant potential for reducing housing costs is probably in Operation Breakthrough and other efforts to increase productivity in construction. HUD and the Domestic Council are obvious focal points for policy direction.

10. Disability protection

On the job and off the job accidents are still a major hazard for the working population. New attempts should be made to develop modern temporary disability insurance and workmen's compensation systems.

11. The Federal Government as a model employer of blue-collar workers

The Federal Government should continue its policy of wages comparable with private employment. But it could go beyond this on non-wage matters. It could become a model employer by careful attention to such things as upgrading possibilities, subsidized child care, part-time employment for women, and partially subsidized recreation and vacation facilities for low-income Federal workers.

The White House working group under your chairmanship could develop feasible ways by which to meet the needs of blue-collar workers in some or all of these areas.

JEROME M. ROSOW,
Assistant Secretary for Policy, Evaluation and Research.

RESOLUTION APPROVED

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. LUJAN. Mr. Speaker, the following resolution was unanimously approved at the 1970 New Mexico Republican Platform Convention at Las Cruces, N. Mex., on June 27, 1970:

Whereas, this convention recognizes that the people of New Mexico and the United States want peace and withdrawal from the present hostilities in Indo-China, and

Whereas, it is essential that withdrawal be effected so as to give every possible protection to the lives of our servicemen and the lives of Americans who are prisoners of the communists, and

Whereas, we have an abiding faith in the Constitution of the United States, and in the wisdom of its provision for the separation of the powers of government among the legislative, executive, and judicial branches, and

Whereas, we are convinced that the majority of Americans do support the general policies of the present administration in its efforts to withdraw from the present hostilities in Indo-China as soon as feasible and with the least possible cost of human life and suffering,

Now, therefore, be it resolved: That this convention go on record as supporting the efforts of the present administration to withdraw from the present hostilities in Indo-China as soon as feasible, giving priority in this regard to the ultimate saving of life of both our servicemen and Americans who are prisoners of the communists, the alleviation of further suffering and the achievement of an honorable and just resolution of these unfortunate hostilities.

Be it further resolved that this convention call upon the Congress of the United States to carefully consider and faithfully discharge its constitutional responsibilities in aiding the administration in achieving the above objectives.

BRIDGING THE GENERATION GAP

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BLATNIK. Mr. Speaker, not long ago I had the good fortune of attending the commencement exercises at Ursuline Academy, a girls' school in suburban Bethesda, Md. I say good fortune, because our colleague, the Honorable JOHN S. MONAGAN, delivered a noteworthy commencement address.

We all have the familiar experience of the generation gap which is supposed to be a bridgeless chasm. Yet anyone who was present at this ceremony could have felt the past joyfully joined to the present with each word of the address. In my discussions with parents, teachers, and students I saw little evidence of the so-called generation gap. Moreover, in my discussions with students after the ceremony, I noticed an acumen that could only come from cooperation with teachers.

But the highlight of the commencement ceremony was Congressman MONAGAN's inspiring address. There was no preaching and yet there was something to be learned. There was good humor, and yet prudence and good judgment prevailed. The address was delivered with a deep affection that did not detract from an objective assessment.

In speaking to the graduation class, Mr. MONAGAN was also speaking to his daughter, Parthy. The beautiful feeling and warmth pervaded the entire class, and no doubt made them feel as if he were their own father.

I felt privileged to attend the commencement, and stimulated by the warmth of Mr. MONAGAN's refreshing and beautiful message, I want to take this opportunity to commend his affectionate and yet effective remarks to the attention of my colleagues:

COMMENCEMENT ADDRESS BY
JOHN S. MONAGAN

It is a brave man or a very foolish one who has the temerity to make a commencement speech today.

This is particularly true of a Member of Congress who is the epitome of an Establishment figure. In addition, a Congressman in today's folklore is presented as a figure of fun and a cross between Groucho Marx and Sir Toby Belch. At any rate we are used to dealing with the slings and arrows of outrageous fortune and so for this reason if no other, we may be the only people qualified to make commencement speeches in this year of 1970.

In some ways however, I am in enviable position. I have a captive audience, I have a polite audience. I have an audience schooled in Christian virtues. At least to this point there has been no invasion by Black Panthers or the SDS, nor has anyone grabbed the microphone for a revolutionary tirade.

Yet, one is puzzled to know exactly what note to strike. I have a natural desire to be brilliant because of the presence in this distinguished Class of my talented and lovely daughter, and for her sake alone I would hope to utter winged words that might be classed with those of Ralph Waldo Emerson or at least, Spiro T. Agnew, but the achievement of this goal is difficult indeed in today's climate.

Dean Acheson, in his recent book said that "commencement speeches are a ritual to be endured without hearing." If this were so you could relax and think of more pleasant things but even the elegant Dean was not exact in his comparison since he was introducing a discussion of the famous Harvard speech of General Marshall which sparked the revival of Western Europe and changed the tide of history.

I cannot help think how commencements have changed since I first started attending them. Somehow I always carry memories of potted palms, the smell of fresh varnish and graded files of girls in white dresses, white shoes, white stockings and white hair ribbons and boys in blue serge Knickerbocker suits marching two by two with a tinkling piano playing the "Soldiers March" and "Faust" and a chorus later singing the Barcarole from the "Tales of Hoffman" in two parts.

In those days it was not difficult to select a theme for a commencement speech. Then the road ahead stretched placidly forward into a rosy future. The class motto in Latin might easily have been and doubtless was "per aspera ad astra" and even though it suggested struggle and difficulties, nevertheless the stars of achievement always beckoned their invitation in the attainable distance.

Horatio Alger, the apostle of the Puritan ethic—was no longer a best seller, but his influence lingered on and one might hear in the commencement addresses of those days the echoes of his tales of the clean-living shoe shine boy or the industrious newsie who stopped the runaway horse, saved the life of the little girl with golden hair and was placed on the first rung of the ladder to success by her grateful, bank-executive father.

Some of the titles of his books will give you an idea of what I mean. They were:

Luck and Pluck.

From Farm Boy to Senator.

From Rags to Riches.

Strong and Steady—or Paddle Your Own Canoe.

Tattered Tom—or The Story of A Street Arab.

Ben, the Luggage Boy—or Among the Wharves.

This was the time also of "Frank Merriwell at Yale" a Yale which would not even have known what Black Panthers were—much less have given them aid and comfort.

Those days have long gone.

Today it is noteworthy for a school to have a commencement. Undoubtedly many will not have any ceremonies this year.

The affluent society, instant communications, the omnipresence of overwhelming national and international problems all join to raise questions as to the relevance of our traditional attitudes and our customary observances, and to make difficult the task of one who would pontificate or dogmatize.

No area of our social organization is free today from the thrust of searching questions. All the foundations upon which we have built are being reexamined and tested for their soundness and permanence. Many of our cherished beliefs have been exploded and our prejudgments have been swept away.

Much of this winnowing has been good. Renovation can be profitable if it forces us to sweep out the rubbish and the useless ac-

cumulations and make judgments as to what is necessary to retain and what is surplusage.

This revolution in thinking has left no traditional social unit untouched. Our schools, our universities, our corporations, our legislatures, our military services, our social service institutions and our churches have all felt the winds of change.

We have eliminated much cant and prejudice. We have learned to look through the appearance of things to matters of substance. We have opened up new areas of opportunity. We have abandoned many catch phrases and phony labels. We have discovered new sympathies between people of different races and forged new bonds between different sects with similar religious traditions. We have discovered the dross in material things and have concluded that these alone cannot bring satisfaction of our yearning for heaven.

The revolution which has taken place in the liturgy of our Roman Church may perhaps be taken as a symbol of this all-pervasive change of which I speak.

We have nearly abandoned the Latin service. We have shortened our observances. We have eliminated duplication and unnecessary ceremonial. We have tried to substitute the participant for the passive and even somnolent observer.

And yet.

There are moments when the over thirty (that is the magic line of demarcation) traditionalist has qualms as he sees the bulldozer methodically pressing on its levelling course.

Shall we never again thrill to those majestic hymns of St. Thomas Aquinas—the Tantum Ergo—or the Pange Lingua? Is Palestrina consigned forever to outer darkness? Can the guitar Mass fill the void left by the removal of Hayden or Mozart or William Byrd?

Which is preferable? the traditional Rheims version:

"Consider the lilies of the field how they grow. They labour not neither do they spin and yet I say to you that not even Solomon, in all his glory, was arrayed as one of these," or (the improved version)

"As for clothes, why be concerned: Learn a lesson from the way the wild flowers grow. They do not work. They do not spin. Yet I assure you not even Solomon in all his splendor was arrayed like one of these."

One feels that the revisionists barely avoided saying, "Man, look at them lilies."

The point I make in this connection and in our examination of all the changes that are thrust upon us today is that there is a compelling need for judgment, for discrimination and for the exercise of a sense of historical perspective in deciding where we are heading.

Let us eliminate the shoddy and the superfluous and the second-rate, but let us, for Heaven's sake and our own, retain the sound, the valuable, the tried and the good. Granted that these are value judgments, nevertheless, let us look at our own history and that of the world. Let us profit by our experience and by the tragic fate of other nations.

Let us recall the long, slow climb from barbarism and slavery to a system of laws that protects human freedom and not abandon our hard-won gains in a surge of emotion or a momentary passion.

Perhaps there was some good in the Puritan ethic. Perhaps the Ten Commandments and the seven deadly sins had some validity. Perhaps the Constitution with its Bill of Rights still shines as a beacon to Czechs and Poles and Russians. At least it is worth thinking about before we toss out the whole works.

Renewal Si! Demolition No!

What I am suggesting is that one can easily go over the line from freedom to excess and from change to destruction—without the balance which is provided by history and experience.

The danger, of course, is that we shall come to a time of confrontation if large segments of our population continue to move in contrary directions. The recent parades of the hard-hatted construction workers evidence an aroused conservative reaction.

I also suggest that some bounds be set to criticism as destruction and that, recognizing human frailities and defects, we seek to recreate the consensus which once obtained concerning the worth and relevance of our public institutions.

It may be that we are coming to a time of revulsion against the excuses which have been permitted—as they have never been permitted in responsible societies before (can one imagine the New Haven debacle being allowed in England or in France?)

Students can take over dormitories and can burn banks, but can they run an educational organization or a financial system?

Black Panthers can disrupt court sessions and bring the administration of justice to a standstill, but given their liberty, would they provide a jury system, habeas corpus, appeals, the discovery of evidence and the other guarantees which are now guaranteed to all our citizens.

We can strike down the barriers to the erotic and the sensual in print and on the stage—but can we provide a firm and consistent statement of human goals that will compel admiration and agreement.

These are the real questions which we must face as we struggle to find our way among the contending forces of contemporary life.

In the old days, one would have closed a commencement speech with a series of admonitions or exhortations depending on the cast of mind of the speaker.

This would not do today. General propositions are suspect—and calls to virtue are subject to the pejorative designation of "Victorian morality".

So I shall confine myself to thanking the faculty and students of Ursuline for the pleasure which Rosemary and I have derived from being associated with this School, and to expressing appreciation for the friendships which Parthy has made and for the experiences which she has shared and the knowledge and maturity which she has gained. There has been a tolerance, an inspiration and an understanding on the part of the Ursuline Faculty which are truly noteworthy. There has been a friendliness, a warmth, an enthusiasm and what I might term a "zaniness" about the girls in this school which I find wholly admirable—and I must confess that there have been times when I have wished that I were in the late teen group myself.

Our hope for you, then, is that you will retain permanently something of the special character that is yours today, that this warmth, this enthusiasm, this tolerance, this friendliness, this respect for tradition, and yes, this zaniness of which I have spoken will not be lost—but will be treasured and will be transmitted to others as you go through life.

You have today an idealism, a balance, a self-respect and a reverence that are unique in today's world. May you retain these qualities and may the world regain an appreciation of their value. Perhaps it might not be too much to hope that you could lead the way to such a renovation by your example.

Good luck and God bless you all!

BATTLING JUNK SLAVERY

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ROBISON. Mr. Speaker, the Christian Science Monitor's worthwhile exposé on drug addiction has turned to the domestic ramifications and I am pleased to insert the following article in the RECORD for the benefit of my colleagues. This article makes one appreciate the difficulties faced by the customs agents in trying to stem the flow of narcotics into the country and also the enormity of the task facing the narcotics officers who work in every city trying to break the drug rings. The tone of the article is not hopeful, but then neither are the lives of those who live in the shadow of addiction; but perhaps the realism of the article will help us find the key to successfully stopping the narcotic traffic.

The article follows:

[From the Christian Science Monitor, July 15, 1970]

AMERICA'S DRUG STRUGGLE: II—FREEDOM FROM HEROIN: BATTLING JUNK SLAVERY

(By Gil Scott)

NEW YORK.—They languish in a world of unfaithful enchantment, indifference to the society from which they have become alienated, indifferent to the abuse they have heaped upon their minds and their bodies.

Street corners, doorways, abandoned tenements are some of the communes they inhabit in shared despair.

A boy wrestled in slow motion to keep his body upright as he leaned against a parked car, fighting off the nod, that irresistible inclination to sleep. A short distance away, a man ambled across the street as he jabbed his left hand in one direction and poked his right hand in another, boxing an imaginary opponent while his eyes waged a losing struggle to remain open.

These are heroin addicts, and you can see them huddled in small knots in Harlem or any other ghetto. Here the United States heroin traffic made its first stop. Here heroin addiction is already a third-generation problem.

The craving for heroin takes up practically the whole of an addict's life. In his endless scramble for another "fix," the addict's job, friends, and family become neglected. He often resorts to crime to support his habit, which could cost as much as $75 to $100 a day. This amount is about one-fourth of the value of the goods he has stolen and sold.

When stealing becomes too much for a hassle, many addicts end up as small-time pushers in the traffic as well as its victims.

A longtime Harlem resident called drug trafficking the community's "No. 1 industry."

Many bars and beauty parlors give tacit support to the addict by buying his stolen goods.

"It's the vice that turns people against each other," the Harlemite said. "The tenant upstairs buys the television off the tenant downstairs after it has been stolen by the junkie."

"I'm a dope fiend . . . been using it for 17 years," says a 33-year-old addict, who has spent 11 of those years in prison. "I don't like doing it, because I know it's a thing that places me in the penitentiary yearly. I go to jail every year steady. I'm one of the best thieves out here by everybody's say-so."

SECURITY JOB ASSAILED

He has a wife and four children and says he had to steal about $200 a day to support his family and his habit. He specialized in men's suits.

"If whitey knew what it was costing him, he wouldn't put dope in Harlem," the addict argues. "We get dope from the Mafia, and we pay for it by stealing from the Jewish guys downtown. The thing is continuous."

None of the addicts interviewed believed that the federal, state, or city governments are making serious efforts to stop the heroin traffic.

They were equally critical of the police de-

partment, accusing some of the police of not only doing little or nothing about the drug business, but actually engaging in it themselves.

"A cop will give you two bundles [that he allegedly took from another addict] and tell you to sell it for $200 and the time you are to bring the money back to him," an addict said. "And you'd better be there with the money or he'll get you later! That's why we have no respect for the rogue."

"It's a game," said an addict in Brooklyn's Bedford-Stuyvesant section. "They [the police] know what's happening. They make a lot of money on it themselves."

INVOLVEMENT CALLED ISOLATED

Deputy Chief Inspector John McCahey, commanding officer of New York City's narcotics division, says the addicts' allegations are not supported by facts. "Let's face it. They can't like us. We're depriving them. The only thing the addict looks for is his next fix."

There have been instances of individual police involvement in pushing drugs, but Chief McCahey says they were "exceptions to the rule," adding that "we take steps to prevent that from happening."

But police officials are quick to admit their failure to halt the heroin traffic in this nation's drug capital. Harlem now harbors an estimated 100,000 heroin users.

Police Commissioner Howard R. Leary said that "while arrests have been increasing, the illegal drug trade . . . continues unabated, and we must, as always, face up to realities."

The department has attempted to meet the problem by increasing its narcotics squad from 300 to 700 members within the past year.

Chief McCahey said his unit makes about 3,000 arrests a month, half of which result from an agent's actually purchasing drugs from a seller. The unit also raids and closes down 30 to 40 drug "factories." "And yet, the flow seems to continue," Chief McCahey said.

Part of the problem, says one ex-addict who was on heroin 17 years, is that the police only get to the small-time street pushers. "These guys can't even afford a pair of shoes—they're really just little bums like I turned out to be," he said.

DEALER SOPHISTICATION REPORTED

Chief McCahey said big dealers of heroin and other drugs are sophisticated people with a keen business sense.

He explained that only those persons considered trusted and reliable, in the underworld lexicon, have the connections and are able to buy pure heroin in large quantities from whoever smuggles it into the United States.

If the price for a kilo (2.2 pounds) is $5,000 to $6,000, a dealer can sell it for $11,000 to $14,000 for a quick profit. He has ended his part of a transaction and does not want to have anything to do with street sales, which, according to Mr. McCahey, are the "most vulnerable" point of the operation in terms of chances of being arrested.

Big dealers stay away from the "factories," too, where pure heroin is diluted with milk sugar or quinine, thereby making several kilos of adulterated heroin from the original package.

Instead the "pros" pay others to take the risks.

"I used to get $200 for working three afternoons a week cutting drugs in a Harlem hotel room," said a 15-year-old Puerto Rican girl who has been on heroin since she was 12.

"This business is very fluid," Chief McCahey comments. "An awful lot of people are getting in. On a regular basis, a person gets a good income from it and his chances of being arrested are almost nil."

"There is a tremendous amount of trust at the upper levels and you don't get them to inform. Otherwise our job would be much easier," he added.

"You want to know who's behind the drug traffic? asked a white addict in Brooklyn. "It goes up to big business people . . . people you can't touch in a million years. Ain't nobody, even the president of the United States, going to get close to them. There are so many channels. Dope goes through 10 or 15 people. You cannot stop it."

MAFIA RULE QUESTIONED

William H. Tendy, chief of the narcotics unit of the U.S. attorney's office for the southern district of New York, told a House committee on crime recently that 15 Mafia members control nearly all of this country's dope traffic.

But Chief McCahey said he does not believe that the Mafia is involved directly in narcotics. Its role, he said, is to provide loans for persons engaging in the illegal traffic.

In Harlem, one resident, who has been an outspoken critic of the dope pushers in that community, said a "black and Cuban Mafia" has emerged to reap its profits.

"Heroin is coming into this country in greater quantities than ever before," Chief McCahey said. "Increasing narcotics arrests in this city cannot curb drug abuse as long as tons of heroin are smuggled across our nation's borders each year.

"Large numbers of pushers and dealers are being arrested after painstaking investigations, but these efforts are frustrated by the continued illegal import of drugs which flow endlessly through the organized criminal market and into the bloodstream of a growing addict population."

Nearly 400 persons have perished from drug abuse since the begining of the year, according to the chief medical examiner's office. And the number of known heroin users in the city's high schools increased 400 percent during a 1968–69 period.

The use of heroin has not only increased, it has spread beyond the black enclaves to the city's white high schools, city colleges, and even Columbia University—whose students have access to the same dealers as do Harlem's pusher-addicts.

Some Harlemites point to the spread of heroin to the white community with a sad but ironic hopefulness. "The best way to cure the dope problem is to have some son of a senator or judge get hooked," said an ex-addict working in one of the city's drug treatment centers.

Black community leaders are beginning to mount their own antidrug campaigns. New York State Sen. Waldaba Stewart (D) of Brooklyn is supporting male citizen-action groups that make it their business to approach known pushers and tell them to move out. The Black Panther Party in Queens announced recently that it is prepared to use whatever means necessary to force out "the pusher man."

GROUP PURSUES INFORMATION

A year-old group called Mothers Against Drugs (MAD) urges community residents to record the names, addresses, and license-plate numbers of known traffickers, suppliers, and pushers. MAD then turns this information over to the district attorney's office.

These groups are trying to make a dent in the flow of heroin into their own communities. But they also appeal to federal officials to increase efforts to prevent the drugs from entering the country in the first place.

The Bureau of Customs, a branch of the Treasury Department, has the seemingly insurmountable task of blocking illegal drugs at port of entry. With millions of persons traveling to and from the United States annually by air or ship, every person is a potential smuggler of an illegal narcotic drug.

The Congress recently provided $9 million in a supplemental appropriation which helped increase the customs service and strengthened its investigative powers.

Under what is called the department's accelerated inspection system, which began in early June, customs inspectors at Kennedy Airport, after primary questioning, select 20 percent of the passengers entering the country for secondary examinations and thorough inspections of all their baggage.

CUSTOMS AGENT'S SEARCH POWERS

There are about 300 customs inspectors at Kennedy Airport, which is acknowledged as a major distribution center for drugs.

Customs agents, who belong to the service's enforcement branch, have unusual authority to make a complete search of a person's baggage, personal effects, and his body.

This unit makes wide use of paid informers, some of whom are entitled to 25 percent of the value of the contraband recovered by the government. The amount paid is not to exceed $50,000 for any one case.

"We've had cases where an individual informer, as a result of information furnished to us, has received several hundred thousand dollars," the customs spokesman said.

The department is also conducting experiments on methods of detecting heroin or cocaine, both of which are almost odorless.

But according to Commissioner of Customs Myles J. Ambrose, the results of these efforts are still negligible. Testifying recently before a congressional committee, he said that the stepped-up baggage inspection system has so far failed to make any "significant" gains in curbing heroin smuggling. And tips from informers account for only about 5 percent of the seizures of drugs at customs, the bureau says.

FEDERAL CRACKDOWN CHALKED UP

The Bureau of Narcotics and Dangerous Drugs, a branch of the Justice Department, is the other major federal agency attempting to curb the illegal drug traffic.

Recently, federal agents made raids in New York and nine other cities, arrested 135 persons, and seized heroin and cocaine valued at $2.5 million on the retail market.

The target, said Attorney General John N. Mitchell, was a nationwide ring handling about 30 percent of all heroin sales and about 75 to 80 percent of cocaine sales in the United States.

But heroin is still very much available. "The raid wasn't even felt out on the street," said John Maxwell, an ex-addict who helps at Phoenix House, one of the city's drug treatment centers. "I can see the fellows out on the street copping just as big as life."

According to Justice Department officials, much of the evidence on which the raids were based came about through wiretapping. Mr. Mitchell is seeking new legislation which would allow the searching of dwellings without notice: the so-called "no-knock" law.

USE OF EXISTING LAWS URGED

Some black community leaders say that even without the support of such legislation, local police could effectively harass suspected big dealers.

"Right next door to this drug treatment center is the biggest dope drop in Brooklyn," said Dr. Barry Primm, director of the Addiction Research and Treatment Center in Bedford-Stuyvesant. "Maybe the police can't catch 'Brooklyn Slim' with the drug. But they could get him on something else—like the pile of garbage in his backyard."

According to John E. Ingersoll, director of the Bureau of Narcotics and Dangerous Drugs, his department is hoping for stronger

narcotics laws that would impose stiffer penalties on sellers and stress leniency for youngsters who buy drugs for their own use. Mr. Ingersoll says that the bureau is also "working very hard to get rid of the source in Turkey and France particularly."

But in the end Mr. Ingersoll and other law-enforcement officials suggest that the only way to stop the heroin traffic is to stop the demand for heroin. He stressed the need for more educational programs to deter drug use.

"You've got to get inside the skin of people and turn them off drugs and turn them on to something else—something constructive. People are going to have to resolve their problems without the use of drugs. It's a very, very difficult and frustrating kind of undertaking, but I think we'd better get on with it."

CAPTIVE NATIONS WEEK

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 1970

Mr. FISH. Mr. Speaker, 11 years ago this month the 89th Congress during the administration of the late Dwight D. Eisenhower, designated the third week in July as Captive Nations Week. This year, from July 12 through July 18, the people of the United States and 17 other free nations will again mark that anniversary.

As is pointed out in the Captive Nations Week manifesto of 1970, this week's observance falls just 2 months after the 25th anniversary of one of the most poignant anniversaries ever marked in our time. For it was 25 years ago in May, as World War II drew to a victorious close, that the 100 million people from east and central Europe began to be drawn into the Communist domination of Russia. Even as these once free and independent people were celebrating their liberation from the Nazi tyranny, they were being absorbed by the Communists.

Living in freedom we often forget what a priceless possession freedom is, and that even as we enjoy our freedom much of the world still knows only Communist oppression. Yet the revolts of Hungary and Poland in 1956, and more recently the tragic crushing of liberalizing movements in Czechoslovakia should remind us how much those people held under Communist domination for nearly a generation desire freedom. They show us the sacrifices those brave people held captive will make to possess something we take for granted.

Therefore, this week-long observance of Captive Nations Week should give us all an opportunity to reaffirm, not only our efforts on behalf of all repressed people, but give us also the chance to ponder the danger and suffering that can occur through freedom's loss. Let us this week rededicate ourselves to the principal that all men should be free, and strengthen our spirits with that love for freedom that has marked us as a nation from our birth.

THE MOD CORPS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, on July 9 the Washington Post reported the formation of a national sports committee to help fight drug abuse among America's youngsters. To be known as the MOD Corps, with MOD signifying March on Drugs, five professional athletes were the first recruits in a group expected to reach several hundred. These athletes will make speeches, meet youngsters and explain the dangers of narcotics.

The establishment and growth of drug subcultures among this Nation's youngsters spreads daily. As John Schmitt, center of the New York Jets, stated "when the Jets asked me to talk to some young people a few months ago I was amazed at what I heard. Kids in the early grades, even kindergarten, knew more about drugs than we did—and we thought we were well briefed."

I applaud creation of this committee and hope that more and more athletes will participate in the fight against drug abuse.

For my colleagues' information, I am including the story by Steve Snider into the RECORD:

ATHLETES JOIN MARCH ON DRUGS

(By Steve Snider)

NEW YORK, July 9.—A national sports committee to help fight drug abuse among America's youngsters began forming today under the direction of the MOD Corps—the March on Drugs.

Five professional athletes were the first recruits in a group expected to reach several hundred who will make speeches, meet youngsters and explain the dangers of narcotics:

Rickie Harris, defensive halfback, Washington Redskins—"I went to high school at the edge of the Watts section in Los Angeles and the problem was terrific even then. I escaped because I was busy being an athlete. Yes, I have taken pep pills from a licensed physician to get me through a football game but that's far different than from a pusher on the street. I don't take pep pills any more. And no pain-killers with a needle, either."

Ron Woods, outfielder, New York Yankees—"About 40 percent of the kids in my school at Compton, Calif., were taking drugs. Like Rickie, I stayed away because of sports. The way things are today, with so much around, I don't know whether I could avoid it again without some help."

John Schmitt, center, New York Jets—"I went to a private school on Long Island and the biggest deal was sneaking off for a beer. But when the Jets asked me to talk to some young people a few months ago I was amazed at what I heard. Kids in the early grades, even kindergarten, knew more about drugs than we did—and we thought we were well briefed."

Tom Nieporte, professional golfer—"I have nine children ranging from one to 14 years. I'll do anything I can to protect them. Already I'm amazed at some of the things my 5-year-old son repeats from conversations with older boys."

Mike Bass, defensive halfback, Washington Redskins—"I went to high school in Ypsilanti, Mich., a comparative small, conservative town. Drugs were not a problem. But as Rickie and I went around the country this summer as consultants to the Office of Economic Opportunity, I found that something has been lost by the youngsters. The adults are partly to blame. Between them, they have to find the happy medium."

Norman King, a New York advertising man and chairman of the March on Drugs, said the committee will be expanded to include chapters in all sections of the nation with star athletes being sought for the speakers' bureau.

"The athletes are young," said King. "Kids can relate to them better than they can to adults."

Harris and Bass were winding up a 30-city tour, mostly together but occasionally apart, to explain the new program drawn up by the Office of Economic Opportunity in Washington.

"The OEO is certain that just throwing out a bat and ball for the kids in the summer time isn't going to do much good," Bass said. "We explained the OEO's program on job education to officials and talked to kids. One thing we did was to explain to the youngsters that being a plumber or an electrician or something like that may not be glamorous but it sure can pay off."

Today's youngsters, on the average, are a long way from being blase about sports and athletes, Harris said.

"They still send us lots of fan mail and they're down there after a game for autographs," he said. "If they weren't looking up to us a little bit they wouldn't be wasting their time.

"I think we can do a lot of good in the MOD Corps."

PLANNING FOR MORE PEOPLE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population, of which I am chairman, released its final report on July 8, entitled "Earth Resources and Population—Problems and Directions." I have been delighted to see the positive response that this report has already received. Of particular satisfaction to me was the editorial in the Houston Chronicle last week entitled "Planning for More People." I offer this editorial for the RECORD for the benefit of my colleagues:

PLANNING FOR MORE PEOPLE

The United States may be moving to meet the demands of its rapidly expanding population. But is it moving fast enough?

The House Republican Task Force on Earth Resources and Population has urged the federal government to give emphasis to research and development of potential reservoirs of food and minerals equal to the effort on our space exploration program.

We are exhausting our great stores of natural resources and fuels. Presently we must look elsewhere for more raw materials, for the "potential reservoirs." The sea is one such possible source.

In its final report on the problems of a growing population and its needs, the Task Force, headed by Republican Cong. George Bush of Houston, has stressed the effect of overpopulation on America:

Our cities are overcrowded. They have been

termed "sick" because of it. The resulting friction causes social problems and unrest. Our transportation facilities cannot handle the demands of urbanization.

Fortunately, the United States does not have population problems as severe as many other countries. It can support itself. It produces enough food for its citizens and will continue to do so for many years to come. Yet the increased productivity has been achieved only with fertilizers and pesticides. And they can cause ecological damage.

As we gear our technology to the increase in numbers, we severely strain the environment. How much longer can the earth cleanse itself? No one knows. But at the rate the population has been growing (scientists forecast the world's population will double by 2009) we may find out all too soon.

ROSE L. STURDYVIN, WINNER OF VA'S DISTINGUISHED SERVICE AWARD: MODEL FOR THE NATION

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. MATSUNAGA. Mr. Speaker, rendering assistance to disabled veterans is a delicate matter.

According to Rose L. Sturdyvin, who has been supplying such assistance in Hawaii for 21 years, the disabled veteran needs help, but may resent overt sympathy. Says Mrs. Sturdyvin:

You have to be sympathetic without appearing to be, and help them to help themselves.

For over two decades, Rose Sturdyvin has been helping disabled veterans help themselves, for most of that time as National Service Officer of the Disabled American Veterans in Hawaii.

She was recently honored by the Veterans' Administration as a recipient of their Distinguished Service Award, the highest honor bestowed by the agency.

Mrs. Sturdyvin's story was warmly told in a recent article in the Honolulu Star-Bulletin, and I submit that article for inclusion in the RECORD because I believe she stands as a model for the entire Nation:

SHE HELPS VETERANS GET WHAT THEY DESERVE

(By Kathy Gautier)

If your job title is "national service officer" you have some explaining to do at cocktail parties. It isn't like saying, "I'm a doctor," (or teacher or secretary or high wire acrobat.) Everyone knows what they do.

But being a national service officer for the Disabled American Veterans is something else. Not to mention being the only female national service officer in charge of a DAV office in the United States.

"Basically my job is to counsel veterans, their widows and dependents on the benefits available to them," said Mrs. Rose L. Sturdyvin, who IS the only woman to fill this position in the States. She is in charge of the Hawaii DAV office at 680 Ala Moana Blvd.

"I represent them before the rating board of the Veterans' Administration in matters concerning their claims," Mrs. Sturdyvin continued. "That is my job, supposedly, but I usually end up getting involved in their personal problems too. First they come in for their disability claim, then they tell you, their troubles, anything from their children's education to 'My wife left me and I don't know what to do.' "

Mrs. Sturdyvin last month received the highest honor bestowed by the agency, the Distinguished Service Award, for continuing service in 21 years with Hawaii DAV. She has been head of the office for the last 15.

"I came to this office in 1949 as a part-time secretary," the Honolulu born Mrs. Sturdyvin said. "I never intended to stay but somehow the contacts I made, the people—you get engrossed in helping people and you must stay and stay, so here I am."

Besides helping veterans and widows of veterans, there is another aspect of her job which she considers very important—helping the wives of veterans to help their husbands—tactfully.

"Disabled veterans need help," she said, "and the wives are generally understanding and sympathetic. The problem is that the disabled man—even if he's an amputee—resents help and sympathy. You have to be sympathetic without appearing to be, and help them to help themselves."

As a national service officer, Mrs. Sturdyvin is accredited by the Veterans' Administration to bring cases before the VA rating board in the manner of a lawyer before a court. Accreditation also gives her access to the confidential records of the VA.

Mrs. Sturdyvin emphasized that the DAV is not part of the VA, but a separate organization (chartered by the U.S. Congress in 1920) working out of the VA office.

It is not necessary to go through the DAV to obtain veterans' benefits—application can be made through the VA office directly—but Mrs. Sturdyvin feels the DAV performs a necessary function in making families aware of what is available to them and acting as intermediary.

"Some veterans and widows are unaware of the benefits they can get," Mrs. Sturdyvin said, "such as education through the G.I. bill, job training, education for their children. Also, they don't always know their limitations. A widow of a veteran who dies of a service-connected disability is entitled to full death compensation, but if a veteran dies of a heart condition 20 years later, she cannot receive compensation unless she's below a certain income criterion."

Not knowing this frequently causes problems and panic for widows in the following manner, the service officer said:

A widow who is working receives compensation checks regularly from the VA. She doesn't realize that she is not entitled to the full amount she is receiving. At the end of the year the VA sends her an income questionnaire which she fills out. Then it happens—she gets a letter from the VA office telling her she has received an overpayment of $4,000, and asking her to return the money.

"By then of course she has spent it," said Mrs. Sturdyvin. "And usually she is unable to pay."

At this point, if the widow has contact with the DAV office, Mrs. Sturdyvin steps in and takes her case before the board.

"Usually I've been successful in getting a waiver of overpayment so she doesn't have to pay back the money," she said. "In most cases she can't pay because she's getting so little anyway. Some widows don't know about the service and they borrow, beg or try to get the money somehow."

Cases like this are frequent, she said, although most of them run only to sums in the hundreds, not thousands. Most such problems she thinks could be avoided if the widow consulted the DAV office about her rights, obligations and benefits in the first place.

"Some of them have the attitude that because they have lost a husband or son they are entitled to anything the government gives them," she said.

Twice a widow herself, although not a military widow, Mrs. Sturdyvin finds it easy to sympathize with their problems. Since the death of her second husband, Earl Sturdyvin, former deputy tax director for the State, in 1965, she has lived by herself in a condominium at the Kapiolani Bel-Aire. She has no children.

"I keep busy with organization work," she said, "most of it connected with veterans."

She is a member of the State Executive Committee for the Disabled American Veterans, Department of Hawaii, and has served on the DAV's fund raising drive. She is a member of the DAV Auxiliary, Oahu No. 1, a past president and current member of the VFW Ladies' Auxiliary, a member of the Zonta Club of Honolulu, and former president of the same club's Wahiawa chapter.

She lived in Wahiawa when Sturdyvin operated the Town and Country Lodge, a Wahaiwa restaurant now out of business.

"I didn't have anything to do with the restaurant," she said. "I was too busy here, but I do love to cook. I don't do as much now that I'm alone—occasionally I bake pies and things."

The service officer also knits (she has made several dresses for herself) and loves fashion. Before she was first married she operated her own dress shop.

"But I don't have much time for knitting or much else now," she said. "My job is from 7:30 to 4 supposedly, but really from 7:30 until I'm done."

SOVIET NUCLEAR SUPERIORITY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BOB WILSON. Mr. Speaker, the Sunday, June 28, 1970, edition of the San Diego Union carried an informative editorial reviewing the conflicting views surrounding our position of superiority to the Sovet Union in strategic nuclear arms. This editorial does much to place in perspective the overriding need to support the bolstering of our nuclear arms. The author, Adm. Ruthven E. Libby, USN, retired, attempts to turn the public on to the pressing situation and I feel this commendable effort should be brought to the attention of my House colleagues:

SOVIET UNION GAINING NUCLEAR SUPERIORITY, SAYS WRITER

(By Ruthven E. Libby)

Aesop is probably too square to be read by the youngsters of today, but the oldsters will remember his fable of the race between the hare and the tortoise.

The tortoise won by proceeding steadily, albeit slowly, while the hare rushed ahead and then doped off.

This famous fabler would have been hard put to construct a tale illustrative either of the rise of the Soviet Union to a position of superiority in strategic nuclear arms, or of the mental state of the American public which let this happen. He probably would have likened us somehow to the lemmings.

But, as the House Armed Service Committee said in a report released in late April, "There has not been an arms race; the Soviets have been running at full speed by themselves."

The American public, government officials and our allies have been warned repeatedly of the present situation and informed succinctly of the rapidity with which Soviet superiority is growing. Because of the sources and the number of these warnings, the public cannot possibly plead ignorance. Our refusal so far to act must be ascribed to other reasons.

President Nixon repeatedly has demonstrated his trust and confidence in the members of the armed forces, men and women who have devoted their lives—and often sacrificed them—to defend this nation. As commander-in-chief, he has demonstrated "loyalty down" which is the wellspring of "loyalty up" and the keystone of military morale.

He is unhappy about the tendency of many Americans to view patriotism with scorn, their desire to cut back on national defense, to regard military forces and military spending as inherently evil.

He recognizes the high motives of those who wish to reduce the defense budget in order to improve the domestic environment—but he warns that unless the country has adequate defenses, there may be no environment to worry about. And, he gives us chapter and verse to prove that our defenses, already woefully inadequate, are steadily becoming less so in the face of burgeoning Soviet power.

Both he and Secretary of Defense Melvin Laird have told us that we are now at the point—or very close to it—where we must decide whether we are to continue as a first-class power or settle for a state of subservience to Russia.

Laird has revealed many detailed statistics about the Russians' steadily increasing preponderance in intercontinental ballistic missiles, in SS–9 missiles explicitly designed to knock out our Minuteman silos, in missile-launching submarines, in fractional orbital bombardment systems, in undersea long-range missile systems—in the entire spectrum of offensive first-strike nuclear arms—and in antiballistic missile systems designed to protect themselves against our attack capability.

He has warned us, and the North Atlantic Treaty Organization, that the Soviet momentum in arms development is a grave danger to the survival of the West.

He has warned that if no progress occurs in the Stategic Arms Limitation Talks in Vienna, hard, tough decisions on nuclear arms must be made by the United States, decisions which will require the European members of NATO to shoulder more and more of the burden of their own defense. In return, the NATO defense ministers recognize and are concerned about the continuing growth of the armed forces of Russia.

The House Armed Services Report of April 27 said, "In the last five years the Soviets have increased their strategic offensive missiles from around 300 to 1,500 and have achieved a fourfold increase in the megatonnage of their strategic arsenal.

"The United States, by contrast, is proceeding on a strategic offensive force level that was determined in the mid-'60s and in which no essential change has been made despite a change in the nature of the threat. In the comparable time frame, the United States has reduced its nuclear megatonnage by more than 40 per cent.

"It should be kept in mind that the decision to make MIRV (multiple independently targeted reentry vehicles) a part of the U.S. Minuteman force was made in the 1965 to 1967 time frame. Since this step was considered . . . necessary against the then projected threat, it should be apparent that the continuation of the MIRV and ABM programs are but the continuation of deployment for a deterrent policy adequate to meet the threat as it then existed."

Since this decision was made, the threat has increased many times over. Yet we have done nothing to increase our capability to meet the new threat.

On the contrary, even the continuation of the present limited Safeguard and MIRV programs is in danger from the Senate anti-war coalition.

Last August a 50–50 Senate vote just barely failed to defeat the deployment of even the limited Safeguard program.

This coalition now enjoys a majority in the Senate, and seems increasingly able to convince the public that funding for correction of domestic woes should take precedence over funding for defense, and that money spent on new weapons systems does not really increase our security anyway. Some of the coalition seem convinced that if we bug out of Southeast Asia and unilaterally disarm, peace will automatically descend upon the world.

Perhaps they should be reminded once again of the Communists' dogma that "peace" exists when the Communist takeover of the world is proceeding on schedule, and "lasting peace" will prevail when it has been accomplished.

They also would do well to consider that whatever human frailties may afflict the rulers of the Soviet Union, compassion and failure to take advantage of opportunities to further Communist aims are not included.

Now that the Supreme Court has relieved our young men of any obligation to fight to defend the liberties they have inherited from their forebears who fought to establish and maintain them, our destruction in short order is assured if we fail to bolster our nuclear deterrent to the point that we are not vulnerable to nuclear blackmail.

CONGRESSMAN WYDLER'S 1970 QUESTIONNAIRE RESULTS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. WYDLER. Mr. Speaker, it has become a tradition in the "Fabulous Fourth" Congressional District to send reports of my activities to constituents and, once each year, to ask for their views on important current national issues, by means of a questionnaire. The questionnaire is now in its seventh consecutive year.

I send the questionnaire to every resident who lives in the Fabulous Fourth Congressional District, regardless of party. In this way, I can truly test the prevailing opinion on great national issues.

Once again, many thousands of people of the Fourth Congressional District have answered the questionnaire. The results have been carefully tabulated and I am still busy answering the many comments that have been made to me on the questionnaire returns. The enthusiastic response proves, once again, that people do care about their Government.

I am now sending a copy of the questionnaire results to each home in the Fourth Congressional District. These results show the prevailing opinions in the district.

As for the results, which were obtained mainly in the early spring, three out of every four persons approved the way President Nixon was handling the situation in Vietnam.

More than 90 percent approved a Federal agency to enforce environmental standards, and to make it a Federal offense to send obscene materials through the mails to individuals under 16 years of age. I have sponsored legislation to accomplish both these ends.

Finally, people have rated the control of violence as the No. 1 domestic problem, with pollution and race relations as Nos. 2 and 3.

The complete questionnaire results follow:

RESULTS OF THE SEVENTH ANNUAL "FABULOUS FOURTH" QUESTIONNAIRE OF THE FOURTH CONGRESSIONAL DISTRICT, NASSAU COUNTY, N.Y.

[In percent]

1. The Vietnamese conflict: Do you approve or disapprove of the way President Nixon is handling the situation in Vietnam?

Approve	68.58
Disapprove	20.26
Undecided	11.16

2. The inflationary spiral: Do you approve or disapprove of stronger government controls on consumer spending such as restrictions on the distribution of unsolicited credit cards?

Approve	86.80
Disapprove	9.26
Undecided	3.94

3. The rights of consumers: Do you approve or disapprove of increased budgetary appropriations for the governmental agencies concerned with enforcing food and drug regulations?

Approve	84.72
Disapprove	8.60
Undecided	6.68

Do you approve or disapprove of more stringent regulations with regard to food additives or substitutes?

Approve	88.38
Disapprove	4.38
Undecided	7.24

4. The natural environment: Do you approve or disapprove of specific federal standards for keeping our environment unpolluted with an agency designated to enforce these standards?

Approve	94.80
Disapprove	2.18
Undecided	3.02

5. The welfare reform: Do you approve or disapprove of the President's "family assistance plan"—a federally supported "floor" under the income of American families, irrespective of where they live?

Approve	45.96
Disapprove	33.44
Undecided	20.60

6. The social security system: Do you approve or disapprove of tying social security payments directly to the cost-of-living index?

Approve	80.42
Disapprove	11.22
Undecided	8.36

7. The high cost of college: Do you approve or disapprove of allowing income tax credits for college tuition expenses?

Approve	74.24
Disapprove	19.86
Undecided	5.90

8. The transportation setup: Do you approve or disapprove of federal subsidies to localities with major mass transportation problems?

Approve	63.94
Disapprove	26.68
Undecided	9.38

9. The voting age: Do you approve or disapprove of amending the Constitution to permit 18-year-olds to vote?

Approve	39.66
Disapprove	53.66
Undecided	6.68

10. The post office: Do you approve or disapprove of converting the Post Office Department to a government-owned corporation operating on a self-sustaining basis?

Approve	69.38
Disapprove	16.80
Undecided	13.82

11. The abuse of the mails: Do you approve or disapprove of my bill making it a federal offense to send obscene or pornographic materials through the mail to individuals under 16 years of age?

Approve	93.82
Disapprove	3.34
Undecided	2.84

12. The new federalism: Do you approve or disapprove of the President's proposal for a federal-state partnership with the federal government sharing its revenues with states and localities?

Approve	66.88
Disapprove	12.94
Undecided	20.18

THE DECADE OF THE 1970'S

Please give a numerical rating to these domestic problems indicating the order of priority you feel they should have during the next ten years.

	Number
Race relations	3
Environmental pollution	2
Improved quality of education	4
Population explosion	8
Mass housing	7
Adequate food supply	9
Decay of the cities	6
Mass transportation	5
Control of violence	1
Other	10

CON SON PRISON

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. MOSS. Mr. Speaker, I am happy to inform the House of Representatives that an important news development has been reported from Saigon—important because it reflects another step forward to a more humanitarian world. The Saigon government has anounced that the notorious "tiger cages" at Con Son prison will be demolished—erased from the face of the earth.

I hope the South Vietnamese Government will now move quickly to wipe out the last vestiges of brutality and neglect which have typified many of its other prisons and interrogation centers.

At the same time, we should call upon any Americans in Vietnam who have had a role in this disgraceful picture—whether it be directly or by turning their backs—to cleanse themselves also.

Only then can we demand with a clear conscience that the North Vietnamese halt the inhumane treatment of American and South Vietnamese prisoners of war.

The International Red Cross should now be given open and full access to all prisons and detention centers in Vietnam—both North and South—to determine whether necessary reforms have been taken. They should be allowed to interview any and all prisoners they wish. Their reports should be made public so the full weight of world public opinion may be brought to bear on any remaining injustices.

TEXT OF STATEMENT BY I. L. KENEN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent statement of I. L. Kenen on the situation in the Near East before the Subcommittee on Near East of the House Foreign Affairs Committee. Mr. Kenen is the editor of the Near East Report, a biweekly newsletter on American policy in the Near East, and executive vice chairman of the American Israel Public Affairs Committee, a national organization which conducts public action to strengthen United States-Israel friendship.

Si Kenen has held a responsible position in the American Jewish community over the years. Between 1943 and 1947, he was secretary of the American Jewish Conference. In 1947, when the United Nations took up the Palestine question, he was director of information for the Jewish agency's delegation, and between 1948 and 1950, he served in the same post in the first Israeli U.N. delegation.

Si Kenen has been a newspaperman both in Toronto, Canada, and Cleveland, Ohio. A founder of the American Newspaper Guild in 1933, he was the recipient of the Guild's Heywood Broun Memorial Award in 1943.

Si Kenen is to be complimented for his fine work for the security of Israel and the Israeli people and for his dedication to peace.

The statement follows:

TEXT OF STATEMENT BY I. L. KENEN

In the Near East today we are witnessing a grim spectacle.

Twenty-five years have passed since World War II revealed the destruction of some six million Jews, the degradation of the survivors of that holocaust and the desolation of the Jewish people around the world. At that time, the civilized international community reacted vigorously and, like the League of Nations after World War I, the United Nations reaffirmed the right of the Jewish people to establish its homeland in Palestine, with which it has been linked for thousands of years of recorded history.

But today that homeland is in danger and there is an incredible indifference to its fate.

Today the tiny nation of Israel, with her three million people, is defending herself from the attacks of the Arab states and the Arab terrorists who have waged war against her since her establishment in 1948.

Israel is caught up in the crossfire of three wars: the war between the Arab states and herself; the Arab-Arab conflict between the radical Soviet-supported states and the conservative Western-oriented states; the cold war between East and West, where she finds herself defending the interests of the Free World but without its active support.

The crucial Arab-Israel issue is the Arab refusal to recognize Israel's right to exist. From the beginning, the Arab states, in violation of the UN Charter and their UN obligations, have persisted in a state of war against a neighbor. In contrast, Israel has steadfastly offered to negotiate peace treaties.

The United Nations has been powerless to cope with violations and to establish peace.

There is a major reason. The Soviet Union, on the diplomatic and military fronts, backs the Arab states as part of her strategy to dominate the Near East. Whatever may be her intention—whether it is to destroy Israel or merely to exploit tensions to further her own imperialism—is a matter for speculation. What is alarming is that the Soviet Union can pursue this evil policy without effective challenge from any source.

But while the Soviet Union must bear primary responsibility for the long struggle—so costly in life and resources to both Arabs and Jews—our own Government has some share in the blame. Over the years, American policy in the Near East has been equivocal, erratic and inconsistent. We have often reversed ourselves. We have been reluctant to take a strong position. We have been immobilized by doubts and fears. As a result, the Arab states still like to believe that the United States will ultimately abandon Israel.

What explains the U.S. attitude?

First, there is fear that the Arab states may retaliate against America's economic and strategic interests. Second, there is danger that the Soviet Union may gain prestige and power in a polarized Near East. And, third, there are the pressures of special interests concerned with short-term advantage, trying to buy some space and time for themselves by offering up bits and pieces of Israel to appease the Arabs. They like to identify their own interests with those of the United States; they wrap the flag around oil derricks.

These special interests always claim that the United States favored Israel over the Arab states because of pressures exerted by Israel's friends and that we need a more "even-handed" policy.

The record refutes the myth.

The fact is that we have been less than even-handed.

In the beginning, in 1947, the United States reluctantly endorsed the UN proposal for the partition of Palestine. But we did nothing to implement that decision. We failed to help Israel to defend her right to the promised state. Instead, we imposed an arms embargo depriving Israel of military assistance from this country. Then, responding to pro-Arab lobbying in and outside the Government, we reversed ourselves; we tried to set partition aside and to substitute an unrealistic UN trusteeship plan.

Subsequently, the United States recurrently pressured Israel to abandon territories she had won in the struggle with the Arabs. While we gave generous economic assistance to both Israel and the Arab states—and Congress was primarily responsible for initiating that program—we repeatedly refused Israel's requests for arms, even after the Soviet Union began arming the Arab states. We detoured her to other countries. In lieu of arms, we offered guarantees, but these faded into scraps of paper when the time came to carry them out.

We declined to support Israel's pleas for direct Arab-Israel peace negotiations. We failed to challenge the Arab boycott. We imprudently perpetuated the Arab refugee problem by urging unrealistic repatriation proposals and by failing to insist on resettlement. And often, over the years, we seemed to be in competition with the Soviet Union for the favor of the Arab states, and certain charismatic Arab leaders, like President Nasser of Egypt.

THE ATTITUDE OF CONGRESS

Throughout this period Congress has displayed greater realism on these issues.

The restoration of the Jewish national homeland was supported by Congress in 1922 and again in 1945—and in the post-war debate, a large majority of the Senate and

House vigorously favored the same objective; they were reflecting the views of most Americans.

The State of Israel came into being with the help of Congress, which also assisted her remarkable development. It was Congress which initiated the economic aid program for Israel, which called for direct Arab-Israel talks, which advocated resettlement of the Arab refugees, which urged arms for Israel, which sought to combat the Arab boycott, which questioned our unrequited affection for Nasser.

Regrettably, its views have not always been accepted by the Executive Branch.

Congressional support for Israel is denigrated and disparaged by pro-Arab forces, which insinuate that Congressmen yield to pressures. The implication is that a minority are prejudicing America's interests and that American Congressmen sacrifice judgment and patriotism for selfish political ambitions.

Those who circulate this mischievous slander reflect on the loyalty of Israel's supporters and impugn the integrity of America's political leaders.

The best answer to this smear is that history shows that Congress actually has been right on these issues.

Support for Israel has been consistent with the highest interests of the United States from every standpoint.

ISRAEL'S ROLE

Israel has proved to be a situation of strength in the Near East, resisting the attempts of radical Arab states and the Soviet Union to dominate the region. The destruction of Israel would permit anti-democratic forces to gain control over every government, every economic resource and strategic outpost.

The first countries which might face a Soviet takeover are the so-called moderate Arab states where the United States has substantial economic interests.

There are many governments in the Near East—Arab as well as non-Arab—which regard Israel as a balancing factor checking the spread of the radical Arab states which are led by President Nasser and supported by the Kremlin. Whatever may be their public posture, they would not grieve if we strengthened our support for Israel.

But further, and of prime importance, Israel is an eloquent advocate of democracy and freedom, informing many people by its example, by its instruction and by its cooperation that independence for the state is not enough—that the individual must also be free and that men can advance to higher standards in a democratic and open society.

Men will defend their institutions from aggression and subversion if they have a stake in their society as free, equal and secure citizens.

We read in the press about the daily exchanges of fire across Israel's frontiers. What we do not read—and what may some day prove of great significance in man's struggle for freedom—is about the daily exchange of learning.

Israel's program of international cooperation today involves some 80 countries all over the world.

Each year more than 1,000 trainees arrive in Israel for courses in agriculture, labor, economics, science and technology—some 12,000 in the last 11 years.

At the same time, Israel annually sends out some 450 experts to help other peoples; 3,000 in 64 countries in the last 11 years.

The program continues despite the war, at a higher rate in 1969 than in 1968.

THE COMMITMENT

In the last few years many Americans have become more isolationist because of reaction to Viet Nam. Some American diplomats have tried to give the impression that we have no commitments to Israel. This trend toward disengagement is predicated on the claim that what happens to Israel is not of vital interest to the United States.

That view has now been challenged by President Nixon's welcome observations on July 1.

Mr. Nixon and his aides have spoken vigorously on the dangers that now confront the Near East. They warned that the situation there is more dangerous than in Viet Nam, that we need to take action to induce the Russians to pull out their forces.

They made it clear that the United States would not permit the arms balance to be tipped against Israel. They differentiated between the aggressive intentions of the Arabs and Israel's desire for peace.

The White House pointed out that the Soviet combat base in Egypt may transform the Mediterranean into a Soviet sea, obstructing the U.S. Sixth Fleet, putting land bases and oil supplies at the disposal of the Soviet Union and endangering moderate Arab regimes, NATO countries and Iran.

WHAT WE CAN DO

The President's views justify full support for Israel at this time.

1. At the very least we should quickly end our inexplicable tactic of withholding military aid at this critical moment. Such aid should be open so that there is no misunderstanding in either the Kremlin or Cairo. If we are diffident and weak the Arab states and the Soviet Union will be emboldened to push their war further. Symbols and tokens are inadequate to block the Soviet advance.

2. The Administration and Congress should consider what can be done to help ease Israel's economic crisis. We have never given any arms to Israel, and grant economic aid to Israel ended almost a decade ago. Israel has had to pay high prices in life and resources to maintain her security and survival. If the Israel citizen is defending the interests of the United States and the Free World, we should not ask him to carry the entire burden alone.

Israel's defense expenditures have tripled since the six-day war. They will approximate $1.2 billion in the current year—about 22 percent of Israel's gross national product, which is three times the proportionate burden borne by the United States. The foreign exchange debt will increase in 1970 by $570 million, reaching a total of $2.7 billion.

Israelis have heavily mortgaged their future. Israel's per capita foreign debt is the highest in the world; the Israelis are assessed extremely high taxes and forced loans.

Foreign currency reserves dropped to about $400 million by the end of 1969—the lowest figure since 1962—and since the trade deficit has risen because of huge defense expenditures, Israel's reserves are descending to a bare working minimum.

It is obvious that Israel urgently needs large-scale economic assistance from friendly foreign governments to maintain economic stability.

I do not need to recall to this Committee that we have given $239 million in grant military assistance to seven Arab states, and that our economic aid and military aid to Greece, Turkey and Iran has been in the billions.

In addition, we have provided billions in aid to strengthen countries which are on the Sino-Soviet periphery. Now for the first time, Soviet military personnel have moved into the Near East, along with huge quantities of sophisticated armaments.

Today Israel faces a much graver threat than ever confronted most of the countries which have enjoyed massive economic and military support from the United States. In the light of our record everywhere else, it is difficult to understand hesitation to provide Israel with assistance.

3. The direct Soviet military involvement in the Near East should be condemned by world opinion. We should mobilize other nations to join in the demand that Russian military personnel withdraw from Egypt. How can the Soviet Union pretend to be a peacemaker in the Big Four talks in the light of her brazen military operations?

4. We should not condone Arab terrorism nor should we reward and encourage it by diplomatic gestures; we should act vigorously to condemn and to combat it. We should withhold assistance from countries which are involved in harboring or subsidizing El Fatah and other guerrilla groups. There is no glamor or heroism in a movement which "resists" Israel by shooting down passenger planes, by murdering civilians in cafeterias and supermarkets, school busses and bus stations. The international community should impose sanctions against countries which provide sanctuary for terrorists who are involved in hijacking or attacks on planes. We should not permit their planes to land at our airports, nor should our planes land at theirs.

5. Above all, we should insist on a real peace. Arabs and Israelis must negotiate treaties. We cannot be satisfied with halfway measures which fall short of a real peace. We should reconsider our involvement in procedures like the Big Four talks which enable the Soviet Union to try to dictate the terms of a settlement and to entrench itself as the dominant power in the region.

THE RECORD SINCE 1967

When the six-day war ended back in 1967, there was a real chance for an Arab-Israel peace. Many of us believed that two measures were essential:

1. To promote peace, urge the parties to talk over their differences in direct negotiations;

2. To prevent war, keep the Israelis strong enough to deter the Arabs and the Russians from military action.

To its credit, our Government rejected Soviet pressures that we repeat our 1957 blunder. The United States refused to go along with the Soviet-Arab demand that we pressure Israel to withdraw to the 1967 lines. Instead, our Government endorsed the view that the parties themselves must reach agreement on frontiers, as part of a comprehensive peace agreement.

And it is pertinent to note that more recently, in his television interview on July 1, President Nixon rightly emphasized the need for what he called "defensible frontiers."

The resolution unanimously adopted by the United Nations in November 1967 provided for a UN envoy "to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution."

The resolution meant different things to the differing parties.

1. The Arab states and the Soviet Union have insisted that the resolution obligated Israel to withdraw completely and unconditionally to the 1967 armistice lines.

2. To the United States and to Israel the language and the legislative history showed that the frontiers had to be agreed upon, by the parties.

Both the Arab states and Israel insist that they have accepted the resolution. But while some Arab governments give lip service to the resolution, Syria, Iraq, Algeria and the terrorist organizations have summarily rejected the document and will have nothing to do with it. Their declared objective is the liquidation of the state of Israel as a Jewish state. Arab leaders have emphasized that they do not commit the Arab terrorists and that these organizations have the right to reject the resolution because it does not satisfy their objectives.

Thus, President Nasser told the Palestine National Council on Feb. 1, 1969:

"The UAR appreciates the resistance organizations' stand in rejecting, the Nov. 22, 1967 Security Council resolution, which the UAR has accepted. It is the Palestinian organizations' right to reject this resolution. This resolution may be adequate to eliminate the consequences of the June 1967 aggression but it is inadequate to fulfill the Palestinian destiny."

Can this double interpretation be considered as a sincere acceptance?

The United Nations' attempt to bring the parties together to implement the resolution failed.

The Arabs blamed the Israelis. They insisted that the resolution was self-executing. If the parties accepted its principles, it would then be up to Israel to withdraw completely. But the Israelis insisted that the resolution was not self-executing and that it was up to the UN envoy to bring the parties together to reach agreement.

The Russians supported the Arab position.

Our Government has supported Israel's stand. This was made clear by former Under Secretary of State Eugene Rostow, who has said on a number of occasions that it was the Russians and the Arabs, not the Israelis, who were obstructing implementation.

On March 1, 1969, at San Francisco, Mr. Restow said:

"The basic obstacle to peace has been the continuance and intensification of terrorist activities supported or condoned by some Arab governments, and the policy embodied in the Khartoum formula—'no negotiations, no recognition, no peace'."

And he went on to say that the UAR—

"Bears primary responsibility at this time for the stalemate in the Jarring mission. . . . It says that it is ready to implement the Security Council resolution as a package deal. . . . But thus far, at least, it has not made clear its willingness to implement the provision of the resolution requiring it to make an agreement establishing peace, nor its acceptance of any practical procedure for reaching such an agreement with Israel."

THE BIG FOUR TALKS

The Arabs and the Russians had another objective. Because of the stalemate over interpretation, they insisted that the Great Powers draw up guidelines for the Jarring mission. In actuality, the Arabs and Russians want the Great Powers to impose a settlement. They regard the Big Four as an admirable instrument to formulate such guidelines because the United States is outnumbered and outpressured in that forum.

Long ago, in 1964, Sir Bernard Lewis wrote that the Arabs want an imposed settlement "in which, perhaps, Soviet arms would wield the knife, while Western diplomacy administered the anaesthetic."

The Israelis kept appealing for direct negotiations but Arab sympathizers in this country mocked this demand as an insincere tactic to avoid settlement. They oppose direct negotiations for they consider that it would be a humiliation and beneath Arab dignity to sit with the Israelis.

DIRECT NEGOTIATIONS

The call for direct negotiations is not merely a bargaining tactic. Israel learned in 1949, after the successful Rhodes armistice talks, that agreements could be reached when she met directly with the Arab states.

But in 1949 and 1950 the UN Palestine Conciliation Commission yielded to the Arabs at the Lausanne talks and, as a result, the Israelis were in one hotel, the Arabs in another, the UN commission in a third. The parties never met; the negotiations were stalemated for a year and a half. Israel learned its lesson at that time.

A principle is involved. The Israelis believe that if the Arab states are not ready to meet and to negotiate the issues directly with them, they are not really ready to live in understanding and peace. What the Israelis are looking for is more than uneasy coexistence. What they want is a full peace of sincere reconciliation which will end incitement to hate and which will open frontiers to an exchange of goods and goodwill—a cooperative effort toward security and a higher standard of living for all the peoples of the area.

Years ago I heard the leader of the American Friends of the Middle East tell an audience that our duty was to keep Arab and Jew apart—not to bring them together. This curious line drew some support from the Department of State.

In 1961 the Democratic platform called for direct Arab-Israel talks and Candidate John Kennedy announced that he would try to bring the parties to the peace table.

But in the fall of 1961 the U.S. delegation voted at the United Nations against the so-called Brazzaville resolution, which was initiated by Afro-Asian countries and which called upon the Arab states and Israel to negotiate. That negative vote was a blunder which was criticized by many Members of Congress.

We hoped that this strange opposition to direct negotiations had ended in 1967, but there was no sign of it in the diplomacy of this period.

In the summer of 1967, King Hussein could have reached an agreement with Israel if he had entered negotiations with her. But there is no evidence that the United States encouraged the Jordanians to meet with Israelis at that time.

If Hussein had moved, he might have anticipated and averted the growth of a terrorist movement which now shares control over his country, blocks a peace and incites a never-ending war against Israel. Instead of going to Jerusalem, as he might have done, the Jordanian king elected to go to Khartoum in Sudan, where he and Nasser obtained their subsidies from the oil-rich Arab states to sustain their economies and strengthen their war machines.

Early in 1969, the Administration accepted the French proposal for Four Power talks. This meant that the Arab states would no longer be under any need to negotiate directly with Israel. It also meant that the United States would be under strong pressure from the Russians to accept their interpretation of the resolution.

The United States did in fact retreat on a number of major issues. This became evident in the proposals offered by Secretary of State William P. Rogers in December 1969 for Egypt and Jordan. These proposals critically undermined Israel's position in any future negotiations.

I would like to put into the record (as appendix 1) the policy statement adopted by the American Israel Public Affairs Committee which comments on these proposals.

After the Big Four talks began in 1969, 70 Members of the Senate and 282 Members of the House joined in a declaration which insisted that there could be no half-way measures and that there was no effective substitute for direct talks.

It is no coincidence that just about the time the Big Four began to meet, Nasser was emboldened to denounce the UN cease-fire, which all the parties had accepted, and to open his war of attrition against Israel.

ISRAEL'S ARMS REQUEST

On the Suez front, the Egyptians outgun and outnumber Israel and they inflicted heavy casualties. The Israelis used their highly efficient air arm to silence the Egyptian guns and to reduce the heavy casualty toll.

At the same time, the Israelis renewed their appeal to the United States for additional planes. The French were refusing to deliver Mirage planes which Israel had already paid for. After a long delay, the United States announced in March that it believed that Israel still had a qualitative advantage over the Arab states—even though the Arabs had a four-to-one advantage—and that it would therefore defer action on Israel's request.

This decision was taken despite the news that the Russians had already agreed to install the sophisticated SAM–3s inside Egypt. The State Department said that it had taken this into account, characterizing that new Russian initiative as merely "defensive."

Our country had several reasons:

1. It feared Arab retaliation against U.S. economic interests, specifically the flow of oil and the profits from oil.

2. It hoped that the Arabs might be more receptive to a peace settlement.

3. It hoped that the Russians might similarly curtail the flow of arms.

I do not propose to debate an issue as sacred as oil. But I do recall that both in 1956 and again in 1967, the Arab states realized they were courting economic disaster when they tried to withhold their oil from the West. Moreover, we should bear in mind that Nasser and Hussein would collapse if the oil-rich Arab states had to cut off their subsidies.

Now it is quite possible that the West might suffer short-term losses if it helped Israel, but this short-range prospect ignores the implications of a Soviet diplomatic and military victory. If the Soviet Union is permitted to weaken or destroy Israel, then every state in the Near East will be vulnerable to Egyptian-Soviet subversion and pressures for nationalization.

Israel's existence is *a priori* protection for American oil interests in the Persian Gulf—in Saudi Arabia, in Kuwait and Bahrein, in the Trucial States, and in Southern Arabia and Iran.

The plain fact is that Israel is the only stabilizing factor in the entire Near East—the only factor that keeps the area from flying apart, from becoming a scene of chaos—with the Arab states, goaded on by the Soviet Union, at each other's throats.

Without an Israel, Jordan would long ago have disappeared, swallowed up by either Syria or Egypt, probably the spoils of a war between them. And Lebanon would have gone the way of Jordan. Without an Israel, Nasser and the Soviet Union would be well on their way, through Yemen, to Saudi Arabia and the rich oil fields there and in the Persian Gulf.

Without Nasser's defeat by Israel, he and the Russians would have rushed in to fill the vacuum left by the British at Aden, exposing the oil-rich areas of the southern tip of the Arabian peninsula, such as Muscat and Oman, to their ambitions.

Our negative answer to Israel's request for planes did not produce a more receptive Arab attitude toward the U.S. peace initiative. On the contrary. When Mr. Sisco visited the Arab states, feeling was so high against the United States in Jordan that our Ambassador thought it unwise for Mr. Siso to enter that country.

On the major issue—the arms race—the Russians soon showed that they had no intention of reducing their involvement. Twenty-five days after the Rogers press conference it was learned that the Soviet Union was sending pilots into Egypt. Obviously, the Russian action was not defensive. The new Russian technicians help in the installation and use of the new missiles which provide an air cover for offensive action along the Canal, while the pilots undertake missions against the Israel air force.

Meanwhile, in Washington, there were reports that the Administration was hesitating to say yes to Israel because there were some doubts about the attitude of Congress. There was a swift answer on Capitol Hill. In a remarkable demonstration of support for Israel, a letter was signed or endorsed by 79 Senators—and there were similar communications to the President endorsed by 239

Members of the House. These letters all urged the Administration to provide planes to Israel.

This was not the first such demonstration. Earlier this year, a declaration calling for direct negotiations and military support for Israel was endorsed by 70 Senators and 281 Representatives.

THE NEW PEACE INITIATIVE

Yet the Administration was still reluctant to grant Israel's request. And on June 25, Mr. Rogers announced a new space initiative, the reactivation of the Jarring mission and a 90-day truce period during which neither side would attempt to gain a new military advantage. In order to win acquiescence of both sides, the United States apparently will delay action on Israel's request for planes.

It has been widely reported that the United States is using Israel's application for planes as leverage. It is a carrot to be fed the Israelis if they cooperate with our peace proposals; it is a stick to flay the Arabs if they are not. Accordingly we may expect the Russians and the Arabs to stall for time. They will claim to be receptive to the Rogers peace initiative while they continue to prepare to force Israel to withdraw from the Suez Canal.

Both the Egyptians and the Russians want to reopen the Suez Canal—the Russians particularly because they want to send their fleet and shipping from Odessa in the Black Sea to the Indian Ocean, Africa, India and Viet Nam; the Egyptians because the Canal is a money maker. They can do it if they can wrest control of the air from Israel. They can do it if Israel begins to run out of planes.

Nasser said in Libya on June 25:

"The Egyptian army has completed its canal-crossing training, and once the army has acquired a balance in the air, no power in the world can stop it from crossing.

"We will be able very soon to make up for Israel's air superiority by obtaining a balance in the air because we are training hundreds of pilots and obtaining hundreds of planes."

Why must Israel hold the Suez until there is a peace settlement? Because Israel's frontiers are now much shorter and more defensible than they were in 1967. Israel now, for the first time, has defense in depth. Its front lines are far removed from its populated cities.

Today there are more Arab soldiers on Israel's frontiers than in 1967, but the Israelis do not have to mobilize as they did in 1967, paralyzing their economy, for they not only have distance from the Suez Canal front but they also have the depth of the Canal to bar the advance of Egyptian forces.

Meanwhile, there are inspired dispatches which assure us that Nasser is for a peaceful solution—that he does not really wish to drive Israel into the sea.

But on the very day that Mr. Rogers announced his peace initiative, Nasser said in Libya:

"The Arab masses know that their strength lies in their unity, . . . and unity means the end of imperialism and its collaborators and the liquidation of Israeli aggression and the Zionist entity."

All Arab calculations are predicated on their hope to intimidate the United States into standing aside.

The involvement of Soviet pilots has diminished—if not eliminated—Israel's qualitative superiority. The Israelis have begun to lose planes in their battle to defend the Suez sky—and prevent an Egyptian crossing. And their older French planes are wearing out.

There have been reports that Israel is getting some replacements for planes she has lost. I hope this is true. However, we are told that the United States will not announce the extent of any new military supplies to Israel.

But many are asking, why not? Can we deter the Arabs and the Russians from pressing their war to the finish if we do not put them on public notice that we are standing firmly with Israel? Our past experience with the Russians has shown that they will push aggressively into every corner where they encounter no resistance, that they increase arms shipments precisely when we hold back. If we want to stop Russian penetration in the area, we must move to strengthen Israel at once. That is the most practical and most effective deterrent. If the Russians are determined on reckless military adventure, it must be made expensive for them. They must be made to realize that they will have to pay a very high price.

THE OPPOSITION PRESSURE

Unfortunately, there is a school of thought in Washington which argues the other way. They do not want to make it harder for the Russians. They seem to think that we must placate the Arabs and that we will gain popularity among them if we exercise "restraint" in our support of Israel. This, of course, would make it easier for Nasser and his Russian friends.

I know Arabists in Washington who believe that Israel's victory in 1967 was a disaster for the West, for, they argue, it enabled the Soviet Union to pick up the pieces and reinstate Nasser. Some even suggest that the Soviet Union tricked Nasser into war in 1967 in order that he might lose so that the Soviet Union might come in as his savior.

And today there are some who think that we would be better off if we stood aside and permitted the Russians a free hand in the area. They are paralyzed by an obsession with polarization.

I am not debating here with imaginary straw men. Recently, one of our ex-cryptodiplomats, an ex-CIA agent in Cairo, Miles Copeland, published a book which reveals how he and other CIA agents tried to court Nasser in Egypt.

That book is damaging to the United States because it confirms for many Arabs—as well as for Israelis—that the United States had a major objective in the Near East—to build up Nasser as its protege and agent. It is interesting to note Mr. Copeland's views on Phantoms:

In a letter to the Paris *Herald Tribune*, on June 13, 1970, Mr. Copeland reveals that in a recent visit to Washington he was assured that "the principal fear of the Executive Branch . . . unlike those Senators who are up for reelection—is not what the Soviets are doing in Egypt but of what our own Government may be forced by domestic politics to do for Israel."

Mr. Copeland believes that the Soviet Union wants us to supply Phantoms to Israel because that will enable them to win all the Arabs over to their side, to the prejudice of American interests. The implication of Mr. Copeland's thesis is that any military aid we give Israel really helps the Russians. He attributes this view to American diplomats in Washington. Would he turn this around to argue that the way to stop the Russians is to withdraw all aid from Israel and join the Russians in prayers over Israel's memory?

I believe that such arguments impede progress toward peace in the Near East, and are inimical to American interests. For they feed the flames of Arab intransigence. They encourage the Arabs to believe that ultimately a frightened United States will abandon Israel to Cairo.

THE HOPE FOR PEACE

We should not be pessimistic about the prospects of peace in the Near East. It will take a long time before the Arab states become reconciled to Israel's existence and perhaps new Arab leadership will be needed. But I like to think that eventually the people of the Arab world will come to understand that they can live at peace with Israel and that they stand to gain more by reconciliation and peace than by hatred and war.

We need to have positive goals in the Near East. We need to reaffirm principles which offer new opportunity and hope to the peoples there.

Our current policy appears to be based on negative considerations: the avoidance of dangers, the avoidance of a nuclear confrontation between the Soviet Union and the United States, the avoidance of an interruption in communication lines, the avoidance of nationalization, the avoidance of polarization. But what are we for? We seem to be on the defensive and we seem to be reacting to dangers rather than creating a new climate and environmnt for the acceptance of ideas and ideals cherished by America and the Free World.

There is a vast difference between Israel and the Arab states. All of them struggled and won independence from foreign domination. But the people in Israel have gained something more than independence for the state. In Israel the people achieved freedom and equality for the individual, democratic institutions to enable them to find self-expression, social security to ensure them a stake in their country. This has not been the case in the Arab world where any experimentation with democracy has been short-lived and where people are ruled by military dictatorship or by feudal and dynastic regimes.

I am not suggesting that the way to peace is for us to promote new coups to overthrow the military dictators and thus to establish democratic societies.

But I do submit that it is our task to stand firmly with those who resist totalitarian aggression and who cherish freedom for the individual and democracy for his community. When the ballot box replaces rule by rifle in the Arab Near East, we may hope for a change in the Arab attitude.

If the Arab states and the Soviet Union continue to defy the UN cease-fire and to prosecute their war of attrition against Israel, it is because they believe that they can weaken both Israel and the United States to the point where our country will feel that it must surrender to what the Soviet Union is pleased to call a political solution.

If we can make it clear that we are enlisted with Israel in the struggle for a genuine peace—and that we are enlisted for the duration and will not waver—the time may come when wiser men will come to power in the Arab lands to lead their people away from destruction and war to genuine cooperation and peace with all their neighbors.

APPENDIX II

STATEMENT OF POLICY ADOPTED AT THE ELEVENTH NATIONAL POLICY CONFERENCE OF THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, MAY 11–12, 1970

The alarming intervention of Soviet pilots, soldiers and technicians in the Arab war against Israel has drastically changed the balance of power in the Near East and represents an immediate threat to Israel's existence.

The United States Government should act at once to meet this new danger and to deter the Arabs states and their Russian ally from launching a fourth war against Israel.

We appeal to our Government to provide additional supersonic planes to Israel without further delay. Any postponement will weaken Israel's deterrent military position, materially and psychologically. Delay will make her more vulnerable to attack and, at the same time, fortify Arab resistance to peace negotiations.

The immediate supply of U.S. arms to Israel would serve our national interests and would honor our commitment to preserve the integrity and independence of a staunch democracy.

The people of Israel are carrying a stag-

gering economic burden of war forced upon them by the Arab states and the Soviet Union. We urge U.S. economic assistance to Israel. Israel must not be asked to stand alone and unassisted in her struggle for survival and in the defense of democracy and freedom.

The goal of the United States in the Near East is an Arab-Israel peace. Its achievement requires direct negotiations between Israel and the Arab states leading to binding peace treaties.

Such negotiations have been retarded because Big Power talks have encouraged the Arab states to believe that the Powers would dictate a settlement responsive to Soviet-Arab demands and prejudicial to Israel's security. The militant partisanship of the Soviet Union and France has discredited them as objective participants. Our Government's withdrawal from these talks and their termination would hasten direct negotiations and serve cause of peace.

THE ISSUES

1. The Big Power talks

The Big Power talks began early in 1969 after the United Nations failed to implement the resolution of November 22, 1967, which empowered a UN envoy to work toward an agreement between Israel and the Arab states.

Israel favored direct negotiations to implement that resolution, but the Arab states rejected any talks with Israel, demanding her unconditional withdrawal from all territories occupied in the June 1967 war.

As the Big Power talks began, Egypt repudiated the UN cease-fire on the ground that Israel had refused to withdraw from all the occupied territories.

The November 22 resolution is not self-executing and does not call for total withdrawal. All attempts to make the resolution require total withdrawal were defeated. The intent of the resolution is that withdrawal must be to "secure and recognize boundaries."

For the Big Powers to draft specific proposals prior to negotiations between the parties is contrary to the intent of the resolution.

During the Big Power talks, the United States yielded to strong Soviet-Arab pressures to retreat from its positions with respect to three major issues:

A. Boundaries

In the past, our Government advocated negotiations by the parties to determine boundaries. But in the 1969 proposal for Egypt, the United States called categorically for reinstatement of the old Sinai international frontier. In the case of Jordan, it called for a return to approximately the former armistice lines—with only "insubstantial" changes.

These proposals limit Israel's ability to negotiate secure frontiers. Return to the 1967 lines means retreat to 1967 close-range exposure to terrorism and siege. These lines, far from preventing war, are conducive to war.

Moreover, the U.S. proposals on the Sinai frontier encouraged the Arab states to demand that the United States press for restoring the old international frontier with Syria. This would permit return of Syrian forces to the Golan Heights, making Israel's Galilee and Jordan Valley villages a ready target, and would enable Syria to renew schemes to divert the major sources of Israel's water supply.

B. Jerusalem

While continuing to maintain that Jerusalem should be a unified city and opposing arbitrary return to its partition, our Government now proposes that Jordan become a partner in its administration. Such binational rule is neither equitable nor practical. Jordan merits no reward for 20 years of misrule in Jerusalem, Jordan seized the Old City in defiance of the 1947 UN resolution. Jordan closed the gates to all Jews, as well as to Christian and Moslem Israelis; Jordan desecrated synagogues and cemeteries. Jordan fired the first shots on Jerusalem in 1967—shelling the New City.

Jerusalem is the capital of Israel and must remain a united city. Israel's policy provides safeguards for universal responsibility in matters pertaining to Moslem and Christian Holy Places. Israel had restored the shrines of Jerusalem and opened the Holy Places to peoples of all faiths.

C. Refugees

The United States has proposed that Israel permit the Arab refugees to opt for repatriation to Israel or resettlement in Arab lands, and that an annual quota be fixed between Israel and Jordan.

Mass repatriation would mean the destruction of Israel by a hostile fifth column. The U.S. proposal goes beyond past UN resolutions and feeds irredentist opposition to resettlement, the only realistic solution.

The Arab war against Israel created two refugee problems.

More than 500,000 Jews were forced to leave Arab lands, where they were the victims of discrimination and oppression. Most of them were resettled in Israel.

A similar number of Arabs fled what became Israel in 1948. They fled because Arab leaders destroyed their right to self-determination by starting a war against the UN resolution that would have established an Arab Palestine. While many of these refugees have been settled in other Arab lands, the majority have been denied resettlement and have been exploited as hostages by Arab governments in their war against Israel.

Arab governments must assume their share of responsibility for solving the refugee problem. Arab refugees must be resettled in Arab lands where there is room and opportunity for them to lead useful lives. Israel has announced that she is prepared, even in advance of a general settlement, to enter into international discussions to work out a five-year plan for resolving the refugee problem with international and regional aid.

II. Jews in Arab countries

The remnant of Jews who still remain in Arab countries are victims of imprisonment, torture and murder.

We are dismayed by the refusal of the United Nations to concern itself with this violation of human rights. This indifference becomes all the more shameful in the light of UN preoccupation with unfounded Arab charges of mistreatment of Arabs inside Israel-administered areas. The Arab states must permit Jews to emigrate.

III. Self-determination

Israel's right to self-determination in the ancestral home of the Jewish people was recognized by the international community and confirmed in the decisions of the League of Nations in 1922 and the United Nations in 1947. Israel has been a member of the United Nations since 1949.

Since World War II, 14 Arab states achieved independence and became members of the UN. One of them, Jordan, was awarded a large area of Arab Palestine by the British in 1922, and Jordan seized an additional part of Palestine—the West Bank and the Old City of Jerusalem—in 1948.

The Near East is not a domain reserved exclusively for the Arabs where they may deny self-determination to other nations and veto autonomy and equal rights for minorities. It is a vast region where many peoples, Israelis as well as Arabs, are entitled to self-determination and sovereignty.

IV. Freedom of navigation

International waterways such as the Suez Canal and the Straits of Tiran must be open to the shipping of all nations, including Israel, in conformity with international convention and law. There can be no compromise with this principle.

V. Terrorism

Arab terrorism has gone far beyond Israel's borders. Arab terrorists have attacked civilian aircraft of many flags, murdering and injuring innocent men, women and children. Piracy in the skies must not be tolerated. Sanctions should be imposed against countries harboring terrorists.

From the very beginning, the United Nations has been unable to cope with Arab terrorism—a major cause of the three Arab wars against Israel—which is destroying the possibility of Arab-Israel understanding and which eventually may lead to a fourth war.

CONGRESSIONAL DECLARATIONS FOR PEACE

We call attention to a 1969 Declaration endorsed by 70 Members of the Senate and 282 Members of the House of Representatives calling for direct negotiations as a major goal of American policy.

The 1969 Declaration states:

"We believe that the issues which divide Israel and the Arab states can be resolved in the spirit and service of peace, if the leaders of the Arab states would agree to meet with Israelis in face-to-face negotiations. There is no effective substitute for the procedure. The parties to the conflict must be parties to the settlement. We oppose any attempt by outside powers to impose halfway measures not conducive to a permanent peace.

"To ensure direct negotiations and to secure a contractual peace settlement, freely and sincerely signed by the parties themselves, the United States should oppose all pressures upon Israel to withdraw prematurely and unconditionally from any of the territories which Israel now administers. . . .

"Peace will outlaw belligerence, define final boundaries, end boycotts and blockades, curb terrorism, promote disarmament, facilitate refugee resettlement, ensure freedom of navigation through international waterways, and promote economic co-operation in the interests of all people."

In 1970, Congress reaffirmed these views when a large majority—70 Senators and 281 Representatives—signed a declaration calling for direct negotiations and the provision of arms to Israel.

The American people must persist in the effort to achieve an Arab-Israel peace, which would serve the highest interests of the United States.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

RESOLUTION REIMPOSING THE EXCESS PROFITS TAX

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, the Massachusetts House of Representatives has passed a resolution memorializing the Congress of the United States to adopt legislation reimposing the excess profits tax. I support and urge my colleagues to support the reenactment of the excess profits tax on manufacturers of war materiel.

During the last 6 years, the American economy has been suffering from an inflationary spiral. Recently, the American economy has been undergoing a serious recession. Since the inflation and subsequent recession has been a resulting outgrowth of the war in Vietnam, it seems appropriate that the economic burden of the war be shared by the manufacturers of war materiel which reap the benefits of the war. Nonmilitary manufacturers and American taxpayers have been overburdened long enough.

Emergency measures for raising revenues were enacted during World War II and the Korean war. Since the war in Vietnam is costing every American more than the war in Korea, it seems only equitable that the defense manufacturers which profit most from the war be most heavily taxed. Moreover, with no relief in sight for the continuing recession, the need for more revenue is essential. The increased revenues derived from the excess profits tax could be used for badly needed and long overdue domestic programs.

Higher taxes on consumers, taxpayers, and nonmilitary manufacturers is unacceptable despite the need for more revenue. It is unfair for Americans to assume the full economic burden of the war while some manufacturers of war materiel are allowed to accumulate enormous profits. War operations thrive while most manufacturing operations suffer from such adverse economic conditions as tighter money, less demand, and smaller profits with consequent layoffs. We must not allow this intolerable condition to prevail.

If we are to convert our economy from war to nonwar, as we must, we must divert war industries from becoming preoccupied with the potential profits of war. The interests and incentives in industry which support war must be abolished.

As we all know, military appropriations and outlays are enormous. I am concerned and troubled by poor and inefficient management of defense industries, cost overruns, and the accumulation of tremendous profits by defense industries. The excess profits tax could curtail some of the detrimental conditions which exist in our defense industries. The excess profits tax which was used during World War II and the Korean war did not tax the defense industries which were struggling or making reasonable profits. The excess profits tax, as is name implies, only taxes defense industries which make unreasonable or excess profits. It is for the above reasons that I wholeheartedly support the resolution and commend it to my colleagues.

MASSACHUSETTS HOUSE RESOLUTION

Resolutions memorializing the Congress of the United States to adopt legislation reimposing the excess profits tax

Whereas, Emergency wartime measures for raising revenues were enacted during World War II and the Korean War; and

Whereas, In view of the tremendous financial burden imposed by the Vietnam Conflict on the taxpayers of the Commonwealth and of the United States, and for the purpose of alleviating this burden, the emergency wartime measures for raising revenue by imposing the Excess Profits Tax on manufacturers of war materiel should be reenacted for the duration of the Vietnam Conflict; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States to enact legislation imposing the Excess Profits Tax on manufacturers of war materiel; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of Congress and to the members thereof from this Commonwealth.

House of Representatives, adopted, July 7, 1970.

WALLACE C. MILLS, *Clerk.*

A true copy.
Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

JETS TO ISRAEL

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. LEGGETT. Mr. Speaker, we must sell the Israelis the jets they have asked for.

I am not one of those who believes in exporting arms for the sake of our balance of payments, nor do I believe that every underdeveloped country needs a supersonic air force to protect it from communism while its people starve. In my view, it will be no loss if the Cooper-Church amendment causes the military sales bill to be held in conference forever.

Nor do I believe that the present semi-cold war in the Middle East can lead anywhere but to disaster for everyone concerned.

Nevertheless, in the short run we have no choice. If Israel cannot replace her aircraft losses, she will cease to exist. I am inserting the editorial entitled, "The Time To Help Israel Is Now," from the San Francisco Examiner of July 15, 1970, in the RECORD at this point:

THE TIME TO HELP ISRAEL IS NOW

Judging by our mail, most of our readers agree with us that the Nixon Administration should stop stalling and sell Israel those 125 jet warplanes she has been pleading to buy from the United States.

A move to spur such action now has been launched in Congress. Senators Peter H. Dominick, of Colorado, and Henry M. Jackson, of Washington, have introduced the following self-explanatory amendment to the pending Armed Services appropriation bill:

"The Congress views with great concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement, which cannot be ignored by the United States.

"In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale or guaranty, such aircraft as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East."

We would like to see this amendment passed quickly and unanimously by both houses of Congress.

If you feel the same way, you can help by clipping this editorial and mailing it to your favorite senator or representative.

DRUG IDENTIFICATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ZWACH. Mr. Speaker, I am today introducing legislation to correct a problem which poses a serious danger to the lives and health of all of the American people—the problem of drug identification.

I have just received a report issued by Dr. Charles G. Moertel of the Mayo Clinic. I would like to bring a portion of this report to the attention of my colleagues:

During the year 1968, approximately 100,000 patients were seen at the Mayo Clinic for general medical examinations. The drug consumption of a large random sampling of these patients was surveyed as well as our accuracy in properly identifying these drugs. These figures were then projected to our yearly patient registration. Of the total 100,000 patients, 77,000 were taking one or more oral drugs immediately prior to their clinic examination. 35,000 patients were unable to identify the drugs they were taking. Since many patients were taking more than one drug, there was a total of 51,000 individual drugs which their examining physicians had to attempt to identify. After using all the time and assistance we were able to devote to this task, there still remained 22,000 drugs which we could not identify.

In the time that might be spent identifying five drugs, a complete history could be taken and a detailed physical examination could be performed on one more patient. Consider the fact that we have 51,000 drugs to identify each year. The cost of time spent trying to identify drugs must of necessity be reflected in the medical charges assessed to our patients. But even more important that the economic factors is the influence of 22,000 drugs we could not identify on the quality of medical care we delivered to these patients. For such patients, it is possible that the drug effects may have obscured our diagnostic studies and we may fail to recognize a disease disguised by treatment, or perhaps an illness induced by the drug itself. If we withdrew the unknown drug from the patient we may be taking away vital therapy; if we prescribed therapy in addition to the unknown drug, we may produce a hazardous

compounding of drug effect. Obviously this situation is intolerably detrimental to good medical practice, and this is not a problem peculiar to us alone. It exists in every hospital, clinic, and doctor's office the country over. This situation is both tragic and absurd. It cannot be allowed to continue.

The magnitude of this problem has been recognized and corrective actions strongly urged by medical groups. Although a handful of pharmaceutical companies have voluntarily acted to properly identify their products, it is obvious that this significant hazard can only be adequately eliminated by legislative action.

The lives and health of the American people are at stake, and I believe it is imperative that we act to correct this problem.

OPERATION KEELHAUL

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ASHBROOK. Mr. Speaker, since coming to Congress I have had numerous occasions to criticize the State Department and have recommended a complete review and overhaul of this agency's operations. My preoccupation with State and its much needed revitalization has been acquired over the years and for various reasons. Nor am I the only one by far who has appreciated the need for vast corrective measures. A number of Presidents have been severely critical to the extent that they too called for a revamping. For various reasons and over an extended period of time many others generally recognized the necessity for drastic changes in a department which handles vital international affairs for this Nation.

The case of Operation Keelhaul serves as an excellent illustration of why knowledgeable people have had grave misgivings down through the years with operations at Foggy Bottom. Although taking place in 1945, the depressing story of Operation Keelhaul emphasizes the crying need for vast changes, changes much talked about but to this date not effected.

Briefly, Operation Keelhaul was the code name for the operation which repatriated between 1 and 2 million Ukrainians and Russians, against their wishes, to Russia at the end of World War II. They were prisoners of war and civilians who had fallen into the hands of American liberating forces in Germany, having fled Russia during the war and who were at the end of the war residing in camps in Germany.

Mr. Julius Epstein, now with the Hoover Institution on War, Revolution and Peace at Stanford University, has for years sought to have made public the details of this wholesale repatriation but has been stymied in securing the necessary documents from the Department of Army on the basis of national security reasons. Just recently the Supreme Court refused to review his case for release of the documents, thus ending the avenue of judicial action.

In May 1956, Mr. Epstein appeared before the Senate Internal Security Subcommittee and testified as to State Department involvement in the Keelhaul operation. One can appreciate the magnitude and importance of this case when one recalls the Soviet treatment of its own people, the actual millions of human beings brutally murdered since 1917. It is not at all surprising that some of the repatriates commit suicide rather than return to certain slavery or death. History will probably never record the eventual fates of these unfortunate people, but the record should be made straight as to the sickening and pathetic role played by the United States in this tragic episode. It was for this reason that Mr. Epstein has worked for years to bring the full story to public attention.

I insert at this point excerpts from Mr. Epstein's testimony of May 16, 1956, before the Senate Internal Security Subcommittee and a letter by him appearing in the June 25 issue of the Arizona Republic:

TESTIMONY OF JULIUS EPSTEIN

Mr. MORRIS. Mr. Epstein, will you give your full name and address to the reporter?

Mr. EPSTEIN. Julius Epstein, E-p-s-t-e-i-n, 470 Fourth Avenue, New York, N.Y.

Mr. MORRIS. Where were you born?

Mr. EPSTEIN. Vienna, Austria.

Mr. MORRIS. When did you come to the United States?

Mr. EPSTEIN. On March 9, 1939.

Mr. MORRIS. What is your business or profession?

Mr. EPSTEIN. I am a writer and a foreign correspondent for German newspapers.

Mr. MORRIS. Now, Mr. Epstein, do you have any knowledge of the subject matter which was discussed by a man who has testified before this subcommittee as Mr. Andriyve, about people being in the United States on false papers?

Mr. EPSTEIN. Yes, sir.

Mr. MORRIS. Will you tell us what you know about that and the sources of your knowledge?

Mr. EPSTEIN. This is a very old problem in the United States. There are now 20,000, at least, maybe thirty or forty thousand, former Soviet nationals living in the United States.

They had to falsify their identities in Europe, mostly in German refugee camps, in order to escape forced repatriation behind the Iron Curtain.

Mr. MORRIS. Will you explain that, please?

Mr. EPSTEIN. Yes; I would like to quote our President, who mentioned their case in his wonderful message to Congress, on February 8, 1956, when he said:

"A large group of refugees in this country obtained visas by the use of false identities in order to escape forcible repatriation behind the Iron Curtain; the number may run into the thousands. Under existing law, such falsification is a mandatory ground for deportation. The law should give relief to these unfortunate people."

These are the words of President Eisenhower on February 8.

I understand there is now an amendment pending in Congress which would deal with this problem. But I want to point out——

Mr. MORRIS. Who are these people; these people, I mean, that are the subject of this beneficial legislation?

Mr. EPSTEIN. Ukrainians, Russians, some Poles. You know that according to the Yalta agreement, we had to repatriate these people. They didn't want to go back, even those who were deported by Hitler to Germany from Russia. Millions of them preferred to stay in Germany.

But we repatriated between 1 and 2 million of those people, prisoners of war as well as civilians, against their wishes.

Now, many who are afraid of this tried to save themselves by falsifying their identities.

Mr. MORRIS. Will you explain that? They wanted to conceal the fact that they were Soviet citizens; is that right? Because if they were Soviet citizens, they would have been forced to return to the Soviet Union.

Mr. EPSTEIN. Yes; without any regard to their individual wishes.

Mr. MORRIS. You say there were more than a million people forced to return?

Mr. EPSTEIN. Yes.

Senator JENNER. On what basis were they caused to return?

Mr. EPSTEIN. Well, on the basis of the Yalta agreement on the exchange of prisoners of war and liberated civilians—it was signed under the protest of our Acting Secretary of State, Joseph C. Grew, who, wired our Secretary of State Stettinius, then in Yalta, and warned him against a conclusion of any agreement which could enforce repatriation of prisoners and civilians.

Mr. MORRIS. How do you know that?

Mr. EPSTEIN. I studied very carefully the Yalta documents and I came across a little note, "not printed." A certain document, surprisingly, does not appear in the Yalta papers. So I asked Secretary Dulles to release this diplomatic note to me.

A few days later, I got a letter signed by the Chief of the State Department of Historical Division, Bernard Noble, dated April 28, 1955:

"DEAR MR. EPSTEIN: Enclosed is a copy of the Department's note of February 1, 1945, to the Soviet Embassy relating to prisoners of war. You requested this in your letter of April 11, 1955.

"You also requested a copy of any answer to the message of February 9, 1945, from the Secretary of State, Edward R. Stettinius, Jr., to Acting Secretary Joseph C. Grew. No record of such an answer has been found."

Now, this note, which was presented to the Washington representative of the Soviet Union, Mr. Novikoff, on February 1, 1945, exactly 3 days before the beginning of the Yalta Conference, explained to the Soviet Government which wanted repatriation of Soviet prisoners then in the United States, captured in German uniforms.

Now the State Department, over our Acting Secretary Grew's signature, told the Soviet Government that—

"We will never return these people. We cannot repatriate these people, because this would be a gross violation of the Geneva Convention. They were captured in German uniforms, and the Geneva Convention does not permit us to look behind the uniform."

Mr. MORRIS. What is the date of the Grew letter?

Mr. EPSTEIN. The note was presented to Mr. Nicolai V. Novikoff on February 1, 1945.

Mr. MORRIS. And you say that note was a protest that we would never return these people because a repatriation would be a violation of the Geneva Convention, and that was dated February 1, 1945?

Mr. EPSTEIN. Yes. I quote:

"I would like to outline to you the reasons why, in the opinion of the American authorities, these persons cannot, without presenting serious difficulties, be delivered for shipment to the Soviet Union. It appears to the appropriate American authorities, who have given most careful consideration to this situation, that the clear intention of the Convention," meaning the Geneva Convention of July 27, 1929, "is that prisoners of

war shall be treated on the basis of the uniforms they are wearing when captured, and since the containing power shall not look behind the uniforms to question the citizenships."

Senator JENNER. So our State Department then was aware that returning these refugees by force after 1945 was a violation of the Geneva Convention.

Mr. EPSTEIN. Absolutely. This was not only a violation of the Geneva Convention, but also a complete reversal of the old American tradition of ready asylum for political exiles, because we also repatriated by force hundreds of thousands of civilians.

If you will permit me to read a very illustrative letter which American Ambassador Grew wrote me on September 19, 1955, I will do that.

"I appreciate very much the facts you have set forth about the part I tried to play in the forced repatriation issue. I remember one occasion when as Acting Secretary of State I learned that a ship had already sailed from one of our ports carrying prisoners for forced repatriation. I gave immediate orders which resulted in the ship being held up and returned to port for a thorough screening of those sailors who wanted to return and those who wanted to stay. The figures of the result of such episode are not now before me."

Mr. MORRIS. Now, Mr. Epstein, you read a while ago in the first letter from Mr. Dulles that such a note is not in existence?

Mr. EPSTEIN. Yes; but it doesn't appear in the Yalta papers although the Yalta papers contain about 64 documents which were issued before the beginning of the Yalta Conference. There is a reference in one of the cables to this note. Since there is a little footnote "not printed," I had a feeling that might be an important document which proves in official State Department terms that the forced repatriation of about 2 million anti-Communists, prisoners, and civilians, was a violation of the Geneva Convention.

We do not know who overruled at Yalta this well-established State Department policy.

Senator JENNER. When did you get this letter from Secretary Dulles? Would you read the date of that again?

Mr. EPSTEIN. Yes; on April 28, 1955.

Mr. MORRIS. Mr. Epstein, in other words, may I be sure I understand your position?

You have learned now of the existence of a letter from Mr. Grew dated February 1, 1945, in which he unqualifiedly stated the position of the United States Government to be that they would never permit the return of these 2 million people back to the Soviet Union.

Mr. EPSTEIN. This is not quite correct, Judge Morris. This note deals with the Soviet prisoners of war captured in German uniforms fighting on the west front.

Now, for instance, a lot of people, many other Soviet nationals enlisted in the German Army in the hope that they would get the opportunity to fight against the Soviet Union.

Mr. MORRIS. Were there 2 million of those people?

Mr. EPSTEIN. There were about 1 million of those people, 900,000 to 1 million.

Mr. MORRIS. And Mr. Grew made the point that the United States cannot return them because it would be a violation of the Geneva Convention.

Mr. EPSTEIN. It would be a violation of the Geneva Convention, and also jeopardize our own people. We had many foreign nationals in our own Army who were in fact in exactly the same position. They fought in American uniforms, but they were Germans. We did not want to jeopardize their fate.

Mr. MORRIS. The Yalta Conference was held a few days after that?

Mr. EPSTEIN. Yes; the Yalta Conference opened on February 4, 1945.

Mr. MORRIS. Do you know what happened at the Yalta Conference to overrule the United States position on this matter?

Mr. EPSTEIN. Yes. When it became clear that the British and Soviet were going to sign the agreement on the exchange of prisoners, Grew sent a telegram to Stettinius and told him:

"We cannot sign this; we just delivered an official diplomatic note to the Soviets which explains that we cannot forcibly repatriate Soviet nationals captured in German uniforms.

"In additionl to that, we have many prisoners who were not citizens of the Soviet Union on September 1, 1939."

This is the essence of Grew's telegram of February 7, 1945.

Two days later, Stettinius wired back and informed Grew that we have to sign it because we want our boys, who are now in prisoner-of-war camps in Germany in the Soviet Union, back as soon as possible; that we cannot deal with the intricacies of the Geneva Convention; that we cannot deal with these considerations of humanitarian principles in the Geneva Convention.

Mr. MORRIS. In other words, we acquiesced in yielding up the terms of the convention?

Mr. EPSTEIN. Yes. General Dean signed for the Americans and General Grizlov signed for the Soviets the now famous Yalta agreement on the exchange of prisoners of war and liberated civilians.

Mr. MORRIS. How many people were sent back?

Mr. EPSTEIN. That is a very difficult question, Judge Morris. Nobody knows the exact figure. Maybe the Pentagon knows. But everything concerning the repatriation is highly classified, even now.

I had a lengthy correspondence with the Secretary of the Army and the people in G–2 and so forth, and I couldn't get one paper because they told me they are all highly classified.

In one letter they wrote me, they said that a representative of the Department of the Army will confer with Senator Eastland about the declassification of the key paper. This is a paper called Operation Keelhaul.

Senator JENNER. At this point I want to direct our staff to communicate with the proper officials to ascertain what are the true facts in the position of the United States Government in the breakdown of the Geneva Convention.

Mr. MORRIS. It shall be done, Senator.

Mr. EPSTEIN. May I give you the exact number and title of this document? This is a highly classified document. The number is 383.7–14.1, Forcible Repatriation of Displaced Soviet Citizens, Operation Keelhaul.

This document was issued for internal use only, and is now deposited—at least I hope so—in the Historical Records Section of the Army in Alexandria, Va.

Mr. MORRIS. Is that Keelhaul?

Mr. EPSTEIN. That is right. It was named for one of the most barbaric punishments in the old British and Dutch Navies.

According to Webster, it means:

"To haul under the keel of a ship, either athwartships or from bow to stern, by ropes attached to the yardarms on each side. It was formerly a punishment in the Dutch and British Navies, and a method of torture used by pirates."

[From the Arizona Republic, June 25, 1970]

"TOP SECRET" CLASSIFICATION UNWARRANTED

EDITOR, THE ARIZONA REPUBLIC:

The denial by the Supreme Court to review my legal action "Epstein vs. Resor," as reported in the press June 15, makes the miscarriage of justice in the lower courts final.

By this denial, the Supreme Court declared the "Freedom of Information Act" a dead letter.

The Supreme Court's denial raises the question: "What is the American Congress going to do?"

"Human Events" of May 30 carried an article, "Is the 'Freedom of Information Act' really working?" by Carol D. Bauman. The writer of this article lists "Epstein vs. Resor" among the key lawsuits based upon the "Freedom of Information Act."

Miss Bauman writes: "The appellate court upheld the decision of a lower court denying release of the document. However, Freedom of Information specialists say that the case was significant since it was the first time the appellate court clarified its authority to determine whether information is being 'secret' legitimately.

"Some congressmen are calling for a congressional investigation into the continued classification of the Operation Keelhaul files."

The two lower courts found that non-disclosure was warranted in the interest of foreign policy and national security. They miraculously found so without ever having seen and examined a single document of the three volumes comprising "Operation Keelhaul" (whereby refugees from communism were forcibly returned at the end of World War II).

Material classified on the ground of protecting foreign policy and national security is indeed exempted from disclosure but only if disclosure would really harm American foreign policy or national security, in other words, only if the documents in question were rightfully and properly classified.

According to the "Freedom of Information Act" and a sworn affidavit submitted in court by the act's sponsor and author, Congressman John E. Moss of Sacramento, the intent of Congress was to give the courts the "widest latitude" to examine classified documents—in camera—in order to find out whether they had been properly or improperly classified.

The army itself proved beyond the shadow of reasonable doubt that it was improperly classifying "Operation Keelhaul" documents when the Secretary of the Army, Stanley Resor, the defendant in my lawsuit, suddenly released four documents from "Operation Keelhaul."

Not a single one of these documents warranted a Top Secret classification. In one of these documents, ALCOM, Rome asked for more Russian interpreters. This purely technical document bore for more than 23 years the stamp "Top Secret!"

Why? Would its declassification have resulted in breaking of diplomatic relations, in an outbreak of war or in compromising intelligence data, the only valid reasons for Top Secret classification as laid down by President Eisenhower in his Executive Order 10501?

The American Civil Liberties Union of Northern California stated in its Brief of Amicus Curiae in Support of a Petition for a Writ of Certiorari submitted to the Supreme Court of the United States:

"Finally, the judgment (of the lower courts) makes no sense. How can judges decide important questions without having the crucial facts before them? There was no compelling national interest to be served by precluding not only disclosure but also review in camera of the file.

"A citizen's right to know, a historian's scholarly research, the open disclosure policy of Congress, and the interest, vital to our judicial process, of having an adequate record to review were all sacrificed for a false sense of security."

JULIUS EPSTEIN,
Hoover Institution,
Stanford, Calif.

CONTRIBUTIONS OF THE ARKANSAS WATER RESOURCES RESEARCH CENTER

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, Mr. Aubrey E. Harvey, the director of the Water Resources Research Center of the University of Arkansas, has recently corresponded with me regarding his interest in the enactment of H.R. 15957 and S. 3553, which would amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes. I am pleased to learn that the Water and Power Resources Subcommittee of the Senate Committee on Interior and Insular Affairs, chaired by the distinguished Senator from New Mexico, the Honorable CLINTON P. ANDERSON, held a hearing on July 20 on this proposed legislation.

I would like at this time to direct to the attention of my colleagues a summary of the contributions of the Arkansas Water Resources Research Center. The center is in great need of the increased allotment proposed in H.R. 15957 and S. 3553 if it is to meet the research needs of the State of Arkansas. I hope that the Congress will give its speedy approval to this legislative measure.

Under leave granted to extend my remarks, I include the summary:

ARKANSAS WATER RESOURCES RESEARCH CENTER

CONTRIBUTION OF CENTER TO WATER RESOURCES TRAINING

Number of students trained with equipment and supplies purchased totally or in part with P.L. 88-379 funds—312.

Number of Master's Thesis published in water related fields—15.

Number of new courses in water related fields added to the University of Arkansas curriculum as a result of the Center's involvement in water resources research—12.

Number of reports and journal publications—26.

INVOLVEMENT OF CENTER IN PUBLIC AFFAIRS

The Director of the Center is a member of the Governor's Coordinating Committee on Water Resources under the Office of the Governor.

A member of the research staff has served as chairman of the Arkansas State Committee on Stream Preservation.

Research personnel have served as consultants to a project at the Arkansas Medical Center concerning rapid changes of oxygen level in measurements of reaction rates of flavoenzyme oxidazes.

Research personnel have consulted with the United States Fish and Wildlife Service in regard to the measurement and control of oxygen consumptions by fish in a controlled environment.

Research personnel have consulted with personnel at the Robert S. Kerr Water Research Center at Ada, Oklahoma, in regard to measurement of water quality parameters.

Research personnel have made presentations before the Arkansas Water Resources Planning Committee and have testified before the Parks and Recreations Sub-Committee on Senate Interior and Insular Affairs Committee concerning the need for National Park Service protection of the Buffalo River in northern Arkansas.

Research personnel have consulted with Southwestern Research Associates regarding the study of the dispersion of chloride into Lake Catherine, Arkansas as a by-product from a vanadium mining operation and have also cooperated with Greers Ferry National Fish Hatchery in regard to controlling manganese concentration in the water supply.

Research personnel have consulted with the Water Conservation Service concerning the effect of impoundment on small watershed impoundments constructed under P.L. 566.

Research personnel have cooperated with the University of Arkansas at Little Rock in advising Arkansas Power & Light Company in their long-range study of thermal pollution in conjunction with their nuclear power plant scheduled for operation by 1972.

Research personnel have played an important role in developing water quality standards which were submitted to the Federal Water Pollution Control Administration by the Arkansas Pollution Control Commission.

One publication of the Center concerning sub-surface irrigation has received considerable interest including several international inquiries.

Reports resulting from one project of the Center have been used directly by the Arkansas-Oklahoma Compact Committee. The Committee was formed with the specific purpose of apportioning the joint water resources of Arkansas and Oklahoma.

The Center co-sponsored with Ouachita Baptist University a seminar on the DeGray Reservoir, an impoundment constructed on the Caddo River by the U.S. Corps of Engineers. This seminar was attended by fourteen federal, state, and local agencies and organizations.

WILL ECONOMIC POWER WITHOUT ARMS BE POSSIBLE?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. MATSUNAGA. Mr. Speaker, the wonder that is the economy of Japan since World War II may present the world with a political model as well as an economic one.

A recent editorial in the Honolulu Star-Bulletin pointed out that Japan plans to be an exception to the historical rule that no nation retains economic power without becoming a military power as well. If she can succeed at this, Japan will have lighted the way for other nations toward a path of competition in trade rather than in weapons systems, saving billions of dollars and perhaps an entire civilization.

In the hope that my colleagues and others readers of the CONGRESSIONAL RECORD will find it instructive, I include the full text of the Star-Bulletin editorial of July 4, 1970, at this point:

POWER WITHOUT ARMS

The relative calm in Japan as the government announced its intention to continue in effect its Security Pact with the U.S. is in marked contrast with the stormy demonstrations 10 years ago when the pact went into effect.

The 1960 riots were so violent, it will be recalled, that they prevented a visit to Japan by Dwight Eisenhower, then President of the United States.

A press service dispatch totalling up the number of antipact demonstrators all over Japan as approximately 750,000 conveys a wrong impression of a violently outraged minority.

The truth appears to be that the demonstrations, while substantial, fell far below the hope of their sponsors who had hoped they would be the most dramatic in history. Instead, they were somewhat mild even by contrast with last November's demonstrations over the reversion of Okinawa. They reflect the same mood as last December's elections in which the government won overwhelming support.

For a few years, at least, the U.S.-Japan Pact now seems likely to continue undisturbed. That, hopefully, will be long enough for the U.S. to get itself out of Indochina.

Implicitly, the Security Pact states the intention of Japan not to rearm itself and to rely instead on U.S. protection.

Prime Minister Sato said this week that world history shows that no nation has ever remained an economic power without also becoming a military power.

Japan intends to be the exception to that rule, he said: "It will be a stupendous task but we will do it." Japan's neighbors and the U.S. have almost as much at stake in this effort as Japan itself.

If Japan pulls it off, other nations may also see a way out of the disproportionate arms spending in which the world is now engaged.

CHEYENNE FRONTIER DAYS: THE DADDY OF 'EM ALL

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. WOLD. Mr. Speaker, an estimated 150,000 people from the 50 States and many nations are journeying to Cheyenne, Wyo., for the biggest happening of the year—Cheyenne Frontier Days. It started Tuesday and runs for 6 big days.

The "daddy of 'em all," Frontier Days is the biggest, best, and oldest rodeo in the world. This is its 74th edition.

Frontier Days come on the heels of another event conspicuous in our history: the 80th anniversary of Wyoming statehood on July 10. There is such a close connection between Frontier Days and Wyoming's existence as a State that I think it would be appropriate to have an excellent article written by Pat Hall of the Wyoming Tribune-Eagle, included in my remarks. The article makes clear that statehood was celebrated with as much gusto in Cheyenne as Frontier Days is today:

GREAT DAY 80 YEARS AGO

(By Pat Hall)

"Wyoming is out of the woods," read the telegraph message from Delegate Joseph M. Carey in Washington. In a few days the world will see the new American star."

The date was June 27th, 1890 and the occasion was the passage by the Senate of the bill to admit Wyoming as the nation's 44th state.

Flamboyant editor Edward A. Slack printed

the next day's edition of his Cheyenne Sun in red and blue ink and an enormous rooster crowed on page one—"Wyoming—Ain't She a Bird?"

According to Slack's account, the day had been an unusual one for Cheyenne. Dark clouds had covered the sun and rain poured down in the early afternoon "making the superstitious think it was an omen of disappointment." Crowds had gathered downtown all day, waiting for news of the Senate's vote, the House already having passed the statehood bill on March 27.

"At exactly 3:30 p.m. the dark clouds rolled away from the heavens," Slack wrote, "and the sun shone brightly on the city as the news flashed over the wires from Washington that Wyoming had become a state."

Editors in those days couldn't resist such things as "omens". Looking back through the collection of statehood editions in the files of the Cheyenne Newspapers, it is difficult to sift the real news out of columns of type about omens, political recriminations and damnation of the opposing newspapers.

Slack's reporting of what happened in town is interesting, though. According to him, runners were dispatched from the various newspaper offices to all parts of the town to post copies of the telegram from Carey.

"Then pandemonium seemed let loose. Hundreds of men and boys could be seen running in every direction, shouting and gesticulating as though a cyclone had just struck the city, but their smiling faces soon dispelled any idea of a calamity.

"In less than five minutes, the streets were thronged with people," continued Slack. Boys and men blew bazoos and amid the din of revelry hundreds were hurrying in different directions with bundles of bunting, flags and fireworks. Soon the business portion of the city was a flowing mass of looped streamers and flags and fireworks exploded with repeated concussion."

Slack was an intelligent man who couldn't resist the opportunity to display the prowess of his vocabulary. Reading Slack is a bit like reading today's Times magazine—there are always two or three words in every issue that you've never heard of.

He tells about women and children wearing tri-colored sashes to celebrate the event. "A number of ladies looked very pretty," said Slack, "by arranging the parallel lines of red, white and blue in the form of a vichu on the bosom of their breasts and wearing miniature flags on their cuffs."

The Cheyenne Ramblers rated a mention, too. "They entwined the wheels of their machines with the national colors, eliciting universal admiration. Each member of the club carried a rifle from which they would continually fire blank cartridges like a feu-de-joie as they rode around the business streets in single file."

If you were one of the great unwashed who didn't know what a "vichu" was or what a "feu-de-joie" looked like, it really didn't matter on the statehood celebration day.

Cowboys who were in town galloped back to outlying ranches with the news, Slack reported, and the Union Pacific band started an impromptu parade while the Swedish society carried an enormous stuffed eagle. Other stuffed eagles seemed to appear from everywhere.

"At 4:40 the artillery from Fort Russell galloped up to the state capitol under the command of General Mizner . . . and quickly unlimbered near the south entrance. Forty-three rounds were fired in the direction of the city to represent the number of states in the Union."

Evidently the artillery were poor shots or they were firing blanks as Slack doesn't report that the city suffered any damage.

The exuberant editor goes on to tell about "young and middle-aged persons playing leap-frog on Ferguson Street" (Carey Ave.) and "buggies and carriages . . . burning red fire."

As the day wore on into night, a huge bonfire was started at the corner of Ferguson and 17th Sts. and a number of politicians made speeches from the balcony of T. A. Kent's bank "but it was impossible to distinctly understand what the speakers said on account of the noise."

"At the end of each short speech, the band played a patriotic air, the gun club fired a volley and rockets ascended into the sky."

Slack reported that "Mr. Madison and five or six other colored gentlemen came on the platform and sang an impromptu song about Wyoming's statehood to the tune of "Marching Through Georgia."

In the window of Rhodes & Troxell's store was displayed another stuffed eagle on which was inscribed "Wyoming—No. 43—You Bet, She's a Bird."

(The celebrants were a little premature in naming Wyoming as the 43rd state to enter the Union. A week later, President Harrison signed the bill to admit Idaho seven days before he got around to signing the Wyoming bill.)

Even the Cheyenne dogs showed their patriotism. Slack said many had sleigh bells tied to them and "in some cases their hair was dyed with a succession of red, white and blue circles."

All in all, it was a great day for Wyoming—a day that took about a month to live down.

The city was quiet on July 10, the day that President Benjamin Harrison signed the bill admitting Wyoming into the Union. They were too busy organizing the "official" celebration which came on July 23.

That was the Cheyenne of 80 years ago when the state was admitted into the Union. Though we might say it a bit differently today, the sentiment is still the same: "Wyoming—Ain't She a Bird."

In 1897, only 7 years after our achieving statehood, Frontier Days was held for the first time. Since then the Frontier Days has grown right along with Cheyenne and has helped to give our capital city a prominent place on the American map. It brings together in one arena the top rodeo performers in the business and the best animals in the world. The lure is the largest purse in rodeo and daily crowds of over 20,000 people.

Frontier Days is more than a rodeo; It is a week of thrills, chills and excitement for everyone from the youngest to the oldest. There is something for everyone, including free chuckwagon breakfasts, exhibitions, Indian dancing, parades, and concerts, and just about anything you can name. Frontier Days is a week to relive the frontier spirit which is the basis of so much of America's heritage. It is a bridge between our past and our future.

The whole community of Cheyenne pitches in to put together Frontier Days. To me this is a most significant aspect of the week—watching the whole community working together to make certain that the visitors receive the best hospitality it is possible to offer.

Despite all the other attractions, however, the rodeo is still the feature. More than any man in the West the competing cowboy has a close kinship with the pioneer who opened up this vast land of ours and won it against what seemed like impossible odds.

A rodeo event is more than just a sport; it is an individual test of a man's courage, strength, and pure cussiveness.

In many ways the cowboy of today is markedly different from his ancestor. He is as much a businessman as a horseman. He is as likely to use a jeep, a trailbike or helicopter as he is to use a horse, but still he faces many of the same hardships and trials as did the cowboy during the 19th century. The genesis of the rodeo is in the real everyday workings of the cowboys of the frontier. The summer, 1970, issue of the Good Life in Wyoming contains an article entitled "Rodeo, the Last Frontier." It is an excellent summary of the origins of the rodeo:

Trail drivers were tough men and independent, living in the saddle and sleeping under the open sky. They drove their cattle through drought and dust and blizzard across some of the wildest country man has pioneered.

They knew their cattle as a craftsman knows his tools. They carried guns—to kill coyotes and other range varmints—but they worked with a rope on a horse.

Occasionally they'd hit a trail town where they blew off enough steam in the brief moment of history to keep generations of fiction writers busy ever since. A visit to town, in the long monotony of their lives, was an unexpected pleasure.

Between towns they made up their own amusements. These men created recreation that was typically tough. The hands of the different cattle outfits coming together on the trail bet their scant wages on their skill at riding rank broncs or roping longhorn steers. It was a rough sport for short stakes. The prize—the cowboys' own bets—was held in a hat.

Frontier Days has a long and glorious history. Generations of spectators, generations of riders, have participated in this annual event. I believe, however, this year's edition is going to be the biggest and the best of them all. So I urge everyone with free time and the desire to relive a bit of the Old West to hit the trail for the Daddy of 'Em All in Cheyenne, Wyo.

WHERE WE STAND—LET US LOOK AT THE RECORD

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. FOREMAN. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following:

WHERE WE STAND—LET US LOOK AT THE RECORD

During my recent travels throughout New Mexico, and in reviewing the thousands of returns from my second annual legislative questionnaire, three of the most-often mentioned topics of concern are (1) inflation, (2) the war in Southeast Asia, and (3) domestic disorder. I am pleased to respond with a current review and status report on these subjects.

THE DOMESTIC ECONOMY

The efforts of this Administration, and of a good many Members of Congress from both political parties, has been to taper off inflation without the kind of recession that usually follows the type of wild spending spree our nation experienced in the Sixties.

Although unemployment has been up, close to 5%, it is considerably below the 6.7% unemployment of 1961, just prior to the build-up of troops in Vietnam, and the 5.1% average of 1960 through 1968. Noteworthy, however, is the fact that total employment has hit an all-time record high

this year—over 79 million Americans are employed—total employment is now almost 1½ million higher than it was one year ago.

Real per capita disposable income—what individuals have available to spend after allowing for taxes and inflation—was at the highest rate in history in the first half of 1970.

We are now passing through the first phase of a successful campaign against inflation in which the rate of inflation ceases to rise. As a part of this campaign, the Administration has slowed down the expansion rate of federal spending drastically, from an average rate of 12 percent a year in 1965–69 to 7 percent in 1970 and is projected at less than 4 percent in 1971. This has enabled us to keep the budget close to balance in fiscal 1970 and fiscal 1971. We have achieved this restraint on total federal spending while recognizing important new national priorities with respect to the environment, welfare, transportation and other purposes. To do this, it was necessary to keep firm control of defense spending, cutback less urgent nondefense programs and press for greater efficiency throughout government.

The Administration and Congress have not run for the superficially attractive solution of wage-price controls, which no one would want one month after they had been put into effect. The runaway spiral was set in motion by the "new economics" political doctrine of the 60's which promised lower taxes and inaugurated record federal deficits that sank the government into a *59 billion dollar hole*—culminating in the record-staggering $25 billion deficit in 1968 alone. The new Administration initiated sound, responsible economic policies that gave us a fiscal year 1969 surplus of $3 billion, reduced the annual increase in federal spending by better than 50%, and curbed the *causes* of zooming prices.

SOUTHEAST ASIA

When President Nixon took office last year he inherited a full-scale war in Southeast Asia in which approximately 550,000 U.S. military personnel were engaged. Whether this was a "moral" or "legal" war was irrelevant. It existed and he had to deal with it intelligently. Since that inheritance, he has completely changed the direction, through his Vietnamization Program, from an American responsibility to a South Vietnamese responsibility. There's already been an overall reduction of 125,000 Americans who were committed in Southeast Asia, and there'll be 150,000 less by Spring of next year . . . meaning that one-half of the boys committed to the War in 8 years of the two previous Administrations will have been brought home in the first 2 years of the present Administration.

For all practical purposes, we will have withdrawn our combat troops and the forces remaining will be primarily supply and logistics units. That means we shall have disengaged and turned the fighting over to a well-trained, million-man South Vietnamese Army. Our noncombatants also can come home as rapidly as this Army develops its capability to handle the supply and logistics tasks. There is no magic button here in Washington, unfortunately, which can be pushed and accomplish all these things instantly.

The action against the North Vietnamese Communists in the Cambodian sanctuaries proved extremely crippling to their future ability to interfere with our orderly withdrawal and with the South's developing strength. In excess of 8 million rounds of small-arms ammunition have been seized and over 20,000 mortar rounds, and 2,000 land mines. This and other captured Communist war material will not be used to carry out Hanoi's orders to its troops in the sanctuaries to kill no less than 100 Americans per week to keep the political pressure on Washington. It will not be available to keep us pinned down in a faraway place we desperately want out of.

Some people believe that passing the so-called "amendment to end the war" will make the war disappear. By withholding money, the amendment would restrict how, where, and when action is taken to get us out of this mess. Frankly, I think the idea is dangerous and counterproductive. Hamstringing the President will not make it any easier or quicker to cool off the fighting and breathe life into the Paris talks.

In expressing these views I do not feel at all omnipotent. I have a decent respect for those whose outlook differs from mine. I am prepared to change my mind if I am in error and trust that other people would do likewise. Pride is not important here—ending the war and keeping out of others is. I think it is also important in the dialog on this subject to maintain a decent respect for our country and its President and a balanced perspective on the deep responsibilities of North Vietnam for perpetuating the war.

RESTORATION OF SOCIAL ORDER

I have discussed what we've done to try to bring about order in an inflated economy, and order in a divided world. As I see it, order is not an end in itself . . . it is the only democratic way to more freedom, more justice, more change for the better. In that spirit, let's briefly examine the third great area of concern in which order is necessary . . . in the way we live with one another.

There can be no greater evidence of disorder in society than the sound of gunfire on a college campus. From Kent State to Jackson State, we have seen the citadels of reason turn into fortresses of force, and as a result the nation has witnessed the saddest semester in the history of American education.

However, let's keep the campus disruptions and student violence in the proper perspective. Out of some 2400 colleges and universities in this country, only about 400 of them experienced disruption and/or suspension of the academic program during the recent student unrest . . . and reliable research on the situation reveals that less than 10% of the students were involved in the campus disorders at the 400 affected institutions. Therefore, only 10% of 1/6th, or 1/60th . . . less than 2% are creating 100% of the havoc and doing a grave disservice to the reputation of the overwhelming majority of our fine, respectable young Americans of today.

The hope for order in our society goes far beyond the intelligent use of restraint in keeping the peace; it draws upon the natural revulsion to violence on the part of the American people, which is making itself felt now within every group and each generation.

In this regard, it is a hopeful sign that the increase in crime in this country is beginning to come under control. We are still far from our goal, but the explosive rate of increase has been cut in half. Moreover, one of the greatest contributors to crime, the drug traffic, is under an attack the likes of which it has never seen before. This attack is especially directed at the suppliers and pushers who prey most viciously on our young people.

We've established an effective, capable Department of Justice that is letting the hopheads, thieves, crooks and criminals understand that crime doesn't pay like it once did . . . and as a result of President Nixon's appointments, for the first time in 13 years, the Supreme Court is becoming independent of the activist, liberal coalition which has ruled it.

There are times when the shock of tragedy awaken a people to the futility of violent actions and reactions, and I believe we are going through such a time. This Administration is doing everything that responsive leadership and cool judgment can do, to hasten the return to the tradition of peaceful change.

Admittedly, there are still many perplexing problems and challenges, domestically and internationally, confronting us today. They can be resolved. But it won't be easy. It won't be done by negative thoughts, nor by tearing down, nor by protesting and condemning. It will be done by level-headed, strong-willed, resolute builders who constructively work to make their dreams come true. It can, and will, be done by a united, proud, patriotic nation of free people in a Great Constitutional Republic known as the United States of America.

ORDERLY MARKETING LEGISLATION AND DOMESTIC PRICES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. WYMAN. Mr. Speaker, some rather extreme statements have been made by free trade enthusiasts claiming that the enactment of orderly marketing legislation (the Mills bill as an example) will result in sharply increased retail consumer prices in the United States. One gross example of this has been the claim that passage of this legislation would result in a 30-percent retail price increase for shoes and shirts.

This is not only a ridiculous exaggeration but it is impossible to avoid the impression that it is designedly misleading in its origination. In this connection I commend to the review of those concerned with this legislation a reading of the following fact sheet of the American Footwear Manufacturers Association and the Tanners Council of America:

AMERICAN FOOTWEAR MANUFACTURERS ASSOCIATION, TANNERS' COUNCIL OF AMERICA, INC.

FACT SHEET ON PROPOSED IMPORT QUOTAS FOR SHOES

Why quotas? In less than ten years shoe imports into the United States have increased by 1,000%. In 1969 shoe imports reached 195,480,000 pairs and accounted for 33.7% of U.S. domestic shoe production which was the lowest in 15 years. Imports caused the closing of 72 shoe factories with the loss of more than 19,000 jobs. Shoe imports have increased in 1970 by another 20%. There is one cause and only one cause for the import flood—low wages abroad. Shoe factory workers in foreign plants earn from ⅓ to 1/10 the wages paid in the U.S. Shoe imports represent the export of jobs from U.S. labor intensive industries, jobs that are crucially needed both in urban and rural areas.

The quota principle. Would imports of foreign shoes be stopped or eliminated by the Bill which the House Ways & Means Committee approved? Nothing of the kind. It is only proposed that imports be held to the high water mark of 1967–1969. Furthermore, the House measure would actually permit further growth of imports as the domestic market grows. Foreign shoes, in other words, would remain a major competitive factor in the U.S. It is absolutely not protectionism to urge a realistic foreign trade policy for the U.S.

Import quotas and prices. It is absolutely false to imply or suggest that import quotas will raise prices to consumers. This view is false because shoes will continue to be imported in huge volume and because the domestic shoe industry is an exceedingly competitive business with more than adequate capacity.

Workers and consumers. Without payrolls there can be no consumers. Factory closings in shoes, leather, textiles or other products due to imports will mean reduced income and lower consumption. It is in the interest of the entire economic community, including retailers, newspapers and service industries, to keep production going, to maintain job opportunty in shoes and similar industries. Factory payrolls are the base for consumption. Shoe factories are the major source of payroll income in hundreds of U.S. communities. Shoe factories employ workers from groups where unemployment is greatest.

Productivity. Productivity in the U.S. shoe industry is the highest in the world, 25% to 35% greater than anywhere else abroad. But productivity cannot cross the gap of low wages and child labor in Japan, Taiwan, Hong Kong, Italy, Spain, Greece, Brazil, and a score of other countries. Labor is a principal cost in making shoes. Therefore, wages and working conditions which are not tolerated in the United States give foreign producers a tremendous cost advantage.

Style. The claim has been made publicly that foreign shoes have more style. The fact is that every important new style in the shoe business originates in the U.S. However, new models and patterns designed in America are sent abroad to be made by cheap foreign labor. This has been publicly admitted by shoe manufacturers who assert that they are helpless unless import quotas help equalize competition.

Foreign retaliation. One of the most misleading charges against the principle of reasonable import restraints and quotas is the spectre of foreign retaliation. The truth is foreigners do not buy U.S. products from love of principle. They buy what they need in the U.S. because they cannot get it elsewhere. Therefore, to talk of retaliation or trade war is a gross deception. Furthermore, the U.S. Government has finally acknowledged that almost all other countries discriminate against the U.S. with artificial and illegal trade barriers. For years the U.S. has vainly appealed to countries such as Japan to lower obstacles against U.S. goods. Secretary of Commerce Maurice Stans has pointed out that the U.S. has been the victim of one-sided trade policy and he described the U.S. as "Uncle Sucker."

Adjustment assistance. Opponents of quota legislation argue that other means of relief should be given industries and workers oppressed by imports. They have argued "adjustment assistance" and retraining programs. Question—If jobs are exported on a huge scale for what jobs will workers be retrained? There is only one answer and that is the relief rolls. It is not the answer needed by a viable economy.

The dollar. When the giveaways are deducted from U.S. exports, the U.S. foreign trade balance is in the red. Shoe imports alone added $500 million to the deficit in 1969. If imports are not restrained through reasonable and moderate means the dollar and the U.S. economy will be in jeopardy.

NOTHING SUCCEEDS LIKE FAILURE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. ROBISON. Mr. Speaker, I am including in the RECORD an article written by one of my favorite political humorists, Art Buchwald. In his column titled "Nothing Succeeds Like Failure" Mr. Buchwald points, in his inimitable style, to some of the difficulties and attitudes that seemingly pervade governmental sponsorship of programs—somehow those that fail stay with us, and those that have succeeded.

Mr. Buchwald's article follows:

NOTHING SUCCEEDS LIKE FAILURE

(By Art Buchwald)

WASHINGTON.—Despite everything you hear about the government, there still is plenty of money around for projects. The only trouble is, you can't get the money if you have a plan that works. You must have one that no one is quite sure about.

A vice president of a university system in the Northeast told me about this the other day when he applied for money for a program to run summer schools for students who needed extra help to get into college. He told me the meeting went something like this:

"Now Mr. Haas, from our records it appears that you're applying for a grant of $500,000 to run a summer school project for students hoping to keep up in college this fall."

"That's correct. We did it last year, and it was tremendously successful. We only had a drop-out rate of 6 per cent."

"Oh, dear me. Then this is not a pilot project."

"No, it's not. We know it works."

"What a shame."

"What do you mean what a shame?"

"Well, if this were a pilot project the government would be happy to finance it. We'd be very interested in knowing what could come of it. But we can't very well give money to something that's been proven, can we?"

"Why the hell not?"

"Mr. Haas, we're very willing to fund any educational program, providing it's iffy. But we can't throw money away on things that work. Congress would have a fit."

"I still don't understand why."

"I'm trying to explain it to you. The government has no trouble getting money from Congress for study programs. It doesn't matter how much it costs to study a program; we can get the funds. But once we ask for money for a program that has been proven successful, Congress will be committed to it, and nobody wants that, do they?"

"Suppose that I request the money for a study project. Could I get it then?"

"But you already told me that it had worked last summer. There's no sense having a study of it, if it works."

"I'm not trying to be difficult, but this is a very important project. We are taking in people this year who are going to find it tough sledding to keep up in the fall unless they have some remedial work."

"It's not our fault that your program worked last summer, Mr. Haas. Had it failed, we would have given you a blank check to try it a different way. But we're not here to dole out taxpayers' money for programs that have succeeded.

"Just the other day a superintendent of a public system in the Midwest tried a visual-reading program for his state which turned into a disaster. The machines didn't work, the teachers couldn't handle them and the students lost interest after the first five minutes.

"Did we cut him off? We did not. We gave him another $10 million to find out why he failed. And we're ready to pour in another $10 million if he doesn't come up with answers. The whole department is excited by the failure."

"Is there any possible way of getting the $500,000, knowing what you know about my program?"

"I hardly think so, Mr. Haas. You've made a mess of things as it is. Our motto in the government is 'Nothing fails like success.'"

EXPLOITATION OF FISHERY RESOURCES

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, the Massachusetts House of Representatives has passed a resolution memorializing the Congress of the United States to request the President of the United States to convene an international conference to discuss the unrestrained exploitation of the fishery resources in international waters adjacent to our Atlantic shoreline. Since the fishing banks of our country have been seriously depleted by the unrestrained exploitation of this resource by European mobile fishing fleets, I strongly support resolutions memorializing Congress to request the President to convene an international conference.

I call this deplorable condition to the attention of my colleagues because something must be done to correct this development. Overfishing by foreign fleets has seriously threatened our fishing industry and the livelihood of the fishermen. I am concerned about the fate of our fishing industry, and I am determined to rectify the plight of our fishermen. The fishing industry and the fishermen are not the only Americans afflicted by the increasing overfishing by foreign fleets. The American consumers will also suffer because of the higher price they will have to pay for imported fish and fish by-products. By having to import more fish, our economy would suffer because we would be increasing an already massive balance-of-payments deficit.

I will use the Massachusetts fishing industry as an example of the predicament of the domestic fishing industry. Intensive overfishing by the Soviet fleet has steadily decreased the supply of haddock since 1965. Without conversion to an alternate species—the pollock—the Massachusetts fishing industry would have been destroyed and mass unemployment of fishermen would have resulted. The development of an alternate species has been expensive; however, and complications still exist. To perpetuate the fishing industry, research, promotion of the new species, and vessel conversion had to be accomplished in a short period of time. These problems are indicative of the difficulties facing our domestic fishing industry.

One of the most acute problems has been the inability of our domestic fishing operations to compete with the sophisticated and nationally supported fishing industries of Japan, Korea, and the Soviet Union.

Futhermore, I would like to reemphasize an incident several months ago when Russian ships were dumping untreated sewage and garbage off of our coast. This sewage and garbage eventually came to rest on our shoreline, polluting our beaches and scenic coast. If an international conference were con-

vened, it could study and hopefully deter such disgraceful acts.

It is for the above reasons that I strongly support the following resolution and commend it to my colleagues:

MASSACHUSETTS HOUSE RESOLUTION

Resolutions memorializing Congress to request the President of the United States to take the necessary steps to convene an international conference to discuss the unrestrained exploitation of the fishery resources in international waters adjacent to our Atlantic shoreline

Whereas, The New England fishing banks have been seriously depleted by the unrestrained exploitation of this resource by the European mobile fishing fleets; and

Whereas, The International Commission for the Northwest Atlantic Fisheries has been unable to contain this exploitation; and

Whereas, The traditional employment of the Massachusetts fisherman is threatened with extinction because of this exploitation; therefore, be it

Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to request the President of the United States to take the necessary steps to convene an international conference to establish the rights of its national to the fishery resources of the super-adjacent waters of the continental shelf adjacent to our shores and to establish such rules and procedures as are necessary to conserve, protect and perpetuate these fishery resources for the benefit of the citizens of the United States; and be it further

Resolved, That a copy of these resolutions be sent by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth.

EPITOME OF HYPOCRISY?

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 22, 1970

Mr. BOB WILSON. Mr. Speaker, misinterpretation in all forms is an ever-increasing problem. I have just read a fine article in the Joe Holmes Commentary in which the author, Mr. Holmes, cites examples of this common occurrence. Furthermore, some misconceptions of the city of San Diego, which I represent, are clarified. I should like to share this perceptive article with my colleagues by including it in the RECORD:

Some years ago I worked on a newspaper which had quite a campaign against drunken driving. Always a worthy cause. The kicker in the story was that most of the editorials were written by a newsman who used to stumble into the office completely smashed every evening after he drank his dinner.

It was the epitome of hypocrisy.

My newsman friend comes to mind quite clearly these days as I watch various publications take up the banner of integrity, credibility.

Last Sunday the Los Angeles Times had a lead story on Page One of the United States allegedly paying various Asian nations to send troops into South Vietnam.

The headline said the U.S. was paying mercenaries to fight the war. Obviously the headline was designed to paint the U.S. in the most unfavorable light.

Webster's Dictionary defines a mercenary as one who "serves merely for pay or gain".

If I had not read the rest of Sunday's Los Angeles Times I might have accepted that organization of the loftiest ideals and possibly felt that they had the right to criticize the U.S. Government of dollar diplomacy.

However, the Los Angeles Times has little room to be a critic of mercenary tactics.

One of the supplements to that same Sunday publication was a tabloid section listing all the honor students in Los Angeles schools. On the surface it certainly looked noble. That is, until you turned to page eighteen of the forty page section where the "A" students of such high schools as Sylmar, Taft, Temple City, University City, Torrance are listed and, you find a half page advertisement.

The copy in the advertisement reads, in part, as follows:

"Mr. Bow Herbert, managing general partner and the Employees of the Horseshoe Club and the Gardena Club congratulate the A Students in the Los Angeles area."

The Horseshoe Club and the Gardena Club are two wide open poker gambling palaces, lavishly furnished and very similar to Vegas and Reno establishments on a smaller scale.

Apparently the Gardena gambling clubs wanted to plant the seed early with Los Angeles youth and, obviously the Los Angeles Times was pleased to cooperate.

It is most difficult to believe that an advertisement of a gambling operation in a high school student section was for any reason but "merely for gain".

Who is the Los Angeles Times to accuse anyone else of being mercenary?

I am unhappy over the expenditure of seventy-five cents for the magazine San Diego, a state of mind caused by the lure of a headline.

The headline: "Union-Tribune—Zapped Again".

I read the story and now I know how the housewife purchaser of a movie magazine feels. Her headline lure was likely, "Exclusive—Jackie Kennedy's New Love"—the story on the inside, of course, was about a new puppy in the Kennedy family.

San Diego Magazine's article had about as much zap as an argument between Supervisors Walsh and Austin.

The local magazine devoted one-third of the article to reprints of somewhat ancient writings by Newsweek and Time Magazine. In the trade that would be termed "lazy writing" but since the author was the publisher, there is little likelihood he will be fired.

The remainder of the article deserves some analysis.

San Diego Magazine thought it amusing that Midnite Cowboy won the Academy Award and great acclaim while the Union-Tribune refused to admit it, or any other rated movie existed.

There is no question that production of motion pictures has taken on a new tone today. Filth, degeneracy, abnormality have taken over much of the motion picture industry and any media organization which refuses to perpetuate it is simply reflecting the will of this community.

Stripping away all of the surrounding prose, San Diego Magazine blames the Union and Tribune for:

Not publishing publicity or advertisements about "Midnite Cowboys" and X-rated movie with heavy overtones of homosexuality.

We can only presume that San Diego Magazine is in favor of that new motion picture industry which has "glamourized" abnormality and lewd behavior.

Contributing to the perpetuation of a national image of San Diego as a city dominated by right wing crackpots and the Navy.

If there is any perpetuation of this erroneous concept it is done by such publications as San Diego Magazine.

For the fact that the Navy installations here were shut down, jobs rolls slashed and big vessels of the fleet ordered to other West Coast ports.

What a fantastic distortion of facts. Maybe two Navy offices have been moved, there have not been any major San Diego Naval Installation moved or closed! The Navy payroll in San Diego today is just as great as it was one year ago and as far as major Navy ships are concerned if the writer will check the bay next week he will see the Kitty Hawk back after repairs and the aircraft carrier Ticonderoga arriving to make San Diego her new homeport. If the U–T is being held responsible for the Navy actions in San Diego, they deserve some credit.

For failing to negate the Nixon's administration anti-narcotics activity, Operation Intercept and Operation Cooperation because, in the thinking of San Diego Magazine the Union-Tribune should be dominating National Policy.

In effect what the Magazine says is that the Union-Tribune did not oppose narcotics enforcement. This is some kind of a ridiculous charge.

There are many other areas where San Diego Magazine takes the U–T to task and the points are just as thin.

As a matter of fact, bad journalistic practices, inadequate reporting, suppression, all of the charges filed by the magazine against the newspaper are rampant throughout their very attack.

SENATE—*Thursday, July 23, 1970*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord most holy, our hearts, our words, and our records are open to Thee. Have mercy on us when we have failed Thee. Add Thy blessing to our work which is well done. Now give us faith to count on Thy mercy for the past and to count on Thy power for the future.

Make us Thy servants. Lead us through the crucial decisions of this day so that we may lead others into a brighter tomorrow.

In the name of Him whose life was the light of men. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 23, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, July 22, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NARROWS UNIT, MISSOURI RIVER BASIN, COLO.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 992, S. 3547, and that in its consideration the Pastore rule of germaneness not apply.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered and the bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 3547, to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 3, after line 13, insert a new section, as follows:

SEC. 6. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

At the beginning of line 23, change the section number from "6" to "7"; and on page 4, line 6, after the word "the", strike out "unit and for future costs, if any, incurred under section 2 of this Act." and insert "unit."; so as to make the bill read:

S. 3547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Narrows unit, heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for one hundred and sixty-six thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, potential future municipal and industrial supplies, and for other purposes. The construction, operation, and maintenance of the Narrows unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the Narrows unit shall include the Narrows Dam and Reservoir, fish hatchery and rearing ponds, acquisition and development of the existing Jackson Lake Reservoir, including some rehabilitation of Jackson Lake Dam, for public outdoor recreation and fish and wildlife enhancement, and other necessary works and facilities to effect its purpose.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the Narrows unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

SEC. 3. The Narrows unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 5. To the extent that project water constitutes a supplemental irrigation supply, the provisions of the Act of June 16, 1938, relating to the Colorado-Big Thompson project in Colorado are hereby made equally applicable to the Narrows unit.

SEC. 6. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 7. There is hereby authorized to be appropriated for construction of the Narrows unit as authorized in this Act the sum of $68,050,000 (based upon January 1969 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

Mr. ALLOTT. Mr. President, I wish to express my appreciation to the chairman of the Subcommittee on Water and Power Resources (Mr. ANDERSON) and to the chairman of the full Committee on Interior and Insular Affairs (Mr. JACKSON), for their cooperation and assistance in moving this measure through the committee and bringing it before the Senate.

I also wish to express my thanks to Gov. John Love, the Colorado Water Conservation Board, the Lower South Platte Water Conservancy District, the Bureau of Reclamation, the U.S. Army Corps of Engineers, and the many other interested officials and individuals without whose support and assistance this legislation would not be before us today.

As Senators well know, one of the basic principles of the reclamation program is the detention and storage of surplus or flood flows of water for release and use at times when water is in short supply, thereby putting what would otherwise be waste water to a beneficial use. The project to be authorized by S. 3547 is the exemplification of that principle.

The Narrows unit was originally authorized by the Flood Control Act of 1944, as part of the comprehensive plan for the Missouri River Basin project. However, Public Law 88–442 in authorizing appropriations for the continued prosecution of projects authorized under the comprehensive plan, deauthorized projects not already started with the following language:

No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Missouri River Basin project, whether included in said comprehensive plan or not, which is not hereafter authorized by Act of Congress.

Consequently, a new feasibility study had to be conducted. Public Law 89–561 authorized the Secretary "to complete his analysis and studies and to process reports" on proposals which he anticipated would be substantially complete by June 30, 1966.

The Narrows unit will provide an average total supplemental supply of 140,700 acre-feet of water annually to the project service area. While this additional supply will not completely fill the average annual shortage of 178,000 acre-feet experienced in the Lower South Platte Water Conservancy District, it will move the area very close to a State of water solvency.

It should be noted that no distribution system is being authorized by this legislation. The distribution system already exists and was constructed by the users. This existing distribution system will be used to deliver the water made available by this project.

The physical features of this project include: the Narrows Dam and Reservoir and a fish hatchery. The fish hatchery will take advantage of the unique opportunity afforded by the construction of this dam and reservoir to enhance the recreation, fish, and wildlife enjoyment potential. There is a distinct shortage of recreational opportunities of the type afforded by large bodies of water in the area, as is characteristic of the high plains area of the Nation.

I am informed that the State of Colorado has indicated its intent to agree to administer the areas of the unit for recreation and fish and wildlife benefits, and will bear one-half of the separable costs attributable to those functional benefits, plus interest during construction. The State would also provide for the annual costs of operation, main-

tenance, and replacement in accordance with the provisions of the Federal Water Project Recreation Act.

Periodic floods have caused major damage in the Lower South Platte Valley. The last and perhaps the most serious flood in the history of the State, occurred in June of 1965. Many lives were lost, and property damage, both public and private, exceeded the half-billion dollar mark, statewide. I first introduced legislation to reauthorize the Narrows unit early in the 90th Congress, but due to the fact that there was considerable reconsideration of how best to control the great flood flows that have originated in the Bijou Creek Basin, action on that measure was deferred. The Narrows Dam and Reservoir is on the main stem of the South Platte River, but it is upstream from the confluence of the Bijou Creek and the South Platte River about 3 or 4 miles, and, therefore, provides no control of the Bijou Creek Basin. However, the main stem of the South Platte River poses a serious threat of flood damage due to its very large drainage area. The Narrows Dam will provide substantial protection from this threat.

Mr. President, in my March 4, 1970, introductory statement on this legislation, beginning on page 5970 of the RECORD, I set forth in detail the chronology of events which led to the abandonment of the earlier proposal to construct a diversion channel from Bijou Creek into the Narrows Reservoir, and I wish to incorporate that statement by reference at this time.

Mr. President, the Narrows unit will provide supplemental irrigation water for 166,370 acres of fertile farmland in northeastern Colorado. But, more than this, by insuring a more stable and adequate supply of water, it will help to stabilize the economy of the area. Investments in stabilizing the economies of the towns and small cities of our Nation yield not only economic benefits but many social benefits. A stable economic base is a natural antecedent to a better quality of life for the residents of a given area. In this sense the Narrows unit is an investment, and I believe it to be a very good investment in the future of not only northeastern Colorado and its people but the Nation as well.

By standards generally applied to such multipurpose reclamation projects the Narrows unit enjoys a good benefit-cost ratio—1.89 to 1 for total benefits. However, if one considers the benefits in human terms, its benefit-cost ratio is even more favorable. Benefits such as greater economic stability, greatly increased recreational opportunities, enhancement of fish and wildlife, and greater security from the hazards of devastating floods cannot be adequately measured in dollars and cents. While no one has yet devised a method for measuring such benefits with mathematical precision, these are significant benefits and should not be overlooked in our consideration of such projects.

Additionally, as the Assistant Secretary of the Interior Smith pointed out during the hearings, the project will have the added benefit of improving the quality of water in the South Platte River Basin below the dam.

Mr. President, in light of all the benefits to be derived from this project, and its very favorable benefit-cost ratio, I heartily recommend the Narrows unit of the Missouri River Basin project, and urge the passage of S. 3574, which will authorize its construction.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of the executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

AMBASSADOR

The assistant legislative clerk read the nomination of John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE DIPLOMATIC AND FOREIGN SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

ANNOUNCEMENT OF HEARING ON SENATE JOINT RESOLUTION 209 BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS

Mr. PASTORE. Mr. President, for the information of the Senate, I am today announcing that the Subcommittee on Communications will open hearings on Senate Joint Resolution 209 which would amend the Communications Act so as to require broadcast licensees to provide public service time to authorized representatives of the U.S. Senate and the House of Representatives to present the views of their respective bodies on issues of public importance.

The hearings will begin at 10 a.m. on August 4 in room 5110, New Senate Office Building. In announcing the hearings I have stated that during the past few weeks numerous requests have been made by elected officials and other public figures for an opportunity to present differing viewpoints on issues of public importance. The issues surrounding these requests involve the FCC's fairness doctrine. I expect during these hearings to develop every aspect of this important subject matter so that the committee may be in a position to take whatever appropriate legislative action is necessary.

I am inviting all of my colleagues, and especially I would hope that all members of the Commerce Committee, whether members of the subcommittee or not, will attend the hearings. I expect to hear from the chairman of the Democratic National Committee. I expect to hear from the chairman of the Republican National Committee. I expect to hear from the FCC, the networks, and all interested parties.

I think in this area there is a state of confusion at this time. I think it ought to be resolved once and for all. I am going to have the representatives of the public, the networks, the broadcasting companies, and anyone else interested in the matter present their views to the committee.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. SCOTT. Mr. President, I congratulate the Senator for setting down this matter for hearings. There has been a great deal of controversy about it. Everyone has his own definition of what constitutes fairness. It is important that all sides be heard on national controversies.

It is not an exact parallel, perhaps, when a legislator replies to a President,

no matter how important the legislator might be, or when the chairman of a national committee replies to a legislator or to a President. I do not know whether the principle would be evolved which would lead to some system or theory of matching up the matter of who ought to reply to whom. But I do think the whole thing needs to be clarified.

Charges have been leveled that one of the networks indulges in bias. I suppose that the networks will all vigorously deny it.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator be permitted to continue for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I am sure that the public will, with equal concern and reaction, disbelieve them. However, here is a good chance to explore this matter and to find out whether there does exist any bias in the networks pro or con a political party or political individual and who would probably have the right to cite that situation and bring about a redress.

I am aware of the fact that sometimes the networks on Sundays feature almost entirely the members of one party or the other. I am told the answer to that situation is that it is difficult to get members of one particular party on that Sunday. That may well be the reason.

It would be well to explore the matter. As a member of the Senator's subcommittee, I am very glad to join in this matter.

Mr. PASTORE. Mr. President, this is a very complex problem. The President of the Unted States is the President of the United States, whether he be a Republican or a Democrat. Indeed, he is the President of all of the people of the United States, with the right and responsibility to communicate with them. But there have been instances where certain very delicate areas have been intruded upon that actually create a dilemma for the networks and the broadcasters. Some people resent the particular things that are being said. They dissent and feel that they should be allowed to explain their side of the issue.

I think it is the privilege of the President of the United States to say, "I have sent a bill to Congress on such and such a subject, and the Congress has not done anything about it."

I think the President has the perfect right to express his opinion. But whether the President can make such a statement without someone answering him—that is the important question. Such a statement as "I have sent a bill to the Congress, but the Democratic Congress has done nothing about it," involves getting into partisan politics. That raises a question. That is where the dilemma arises.

I would think that the President is perfectly free to say that if he wants to say it. I cannot stop him. But if we are going to follow the rule that the President of the United States is the President of the United States and speaking for all the people, then we get into an area that is more or less political. We get a popping up of people who resent it.

No one is more sensitive than a politician, especially when he is up for election.

Mr. SCOTT. How true.

Mr. PASTORE. Take the case of Senator MANSFIELD. He was given the opportunity to answer the President of the United States. He gave a very gentlemanly performance.

Mr. SCOTT. I agree.

Mr. PASTORE. Mr. President, Senator MANSFIELD'S opponent in Montana was immediately on all of the stations under the fairness rule for 25 minutes.

We ought to make some sense out of this. I do not know what the answer is at the moment.

Mr. SCOTT. Mr. President, the President of the United States is hardly in a position to get up and demand equal time whenever any columnist or cartoonist tries to do him in. He could hardly do that. It is not compatible with the dignity of his office.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senator be allowed to continue for an additional 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, there is this gray area. Every time the President speaks, he speaks as the Chief Executive of the United States. He speaks also at times as the Commander in Chief of the Armed Forces. At other times he speaks as the head of his party.

At times some Senators might see implications which some may think to be highly political. Most of it may not be.

That decision should not be left in the hands of network presidents, some of whom in my respectful opinion have not always been totally free of a little leaning themselves to one side or the other. Each of them has built for himself his own mental lean-to over the years. It may lean to one side or the other.

It is too much power to put in the hands of the presidents of networks, for them to be the sole judge as to whether the President of the United States is speaking as President, as Commander in Chief, as party leader, or all three.

Mr. PASTORE. Mr. President, that is the reason why we have the fairness doctrine which has been substantiated and affirmed by the Supreme Court. We have section 315 that has to do with equal time. We have the Federal Communications Commission, which is Republican controlled. It has the supervision of the broadcast industry—not the networks, but the broadcasting industry.

I quite agree with the Senator from Pennsylvania. I know how fair the Senator from Pennsylvania is. He is a member of my subcommittee. I would hope that he would come to the hearings. I assure him that there is nothing politically partisan in what I am undertaking. It is bigger than the Senator from Pennsylvania or the Senator from Rhode Island as a Republican or a Democrat. It has to do with informing the public properly. It has to do with informing the President of the United States. It has something to do with maintaining the integrity of the Congress of the United States. All of these items are involved.

There are so many imponderables involved that I worry sometimes as to whether we can legislate on the whole thing. It comes down to the matter that we are all human beings. We all have our own dogmas, our own prejudices. Any strong-minded man must have an opinion of his own. It is hard for him to alienate himself from his opinion.

The Senator from Pennsylvania has been in public life longer than I have been—and I have been in it for 35 years. We know only too well that usually we have a life of responsibility and not a life of glory.

Mr. SCOTT. Not that alone, but I am trying—and there are days when I try more than others—to avoid the situation in which the public would get all their opinions from a great complex of invisible government of networks. The networks are not under the jurisdiction of the FCC as the rest of the broadcasting industry is.

I am just as anxious as is the Senator from Rhode Island to clarify it on a nonpartisan basis and try to make sure that everyone is fairly treated, because, after all, if discrimination and unfairness exist that erodes the whole concept of the democratic structure of Government.

Mr. PASTORE. I agree implicitly with the Senator from Pennsylvania. I hope we can be fair about this, and I expect to be fair. I have no ax to grind and neither has the Senator from Pennsylvania. We should straighten out this matter once and for all because there has been too much feuding going on in the newspapers, and it has solved nothing. We should solve it, if we can. This election is immaterial and the next election is immaterial, but for the future we should straighten out the entire matter.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. GRIFFIN. Mr. President, as another member of the subcommittee, I wish to join in commending the Senator for scheduling the hearings. I am sure they will be useful.

The Senator referred to a bill which would allow TV time for Members of the House and Senate.

Mr. PASTORE. That is the Fulbright bill. Senator FULBRIGHT introduced the measure.

Mr. GRIFFIN. I believe the intent is clear from the colloquy this morning that the scope of the hearings and the testimony would extend beyond that.

Mr. PASTORE. It is as broad as the distance between the Atlantic Ocean and the Pacific Ocean.

Mr. GRIFFIN. The whole subject.

Mr. PASTORE. That is correct.

Mr. GRIFFIN. The distinguished minority leader made reference to the fact that, of course, it is very difficult for the President, who is attacked politically all

the time by various spokesmen, and some of them in Congress. The President is attacked on television and in other forums. Obviously he is not in a position to ask, or would not respond or ask for, equal time in each such situation. I think it is quite obvious—and some people are pressing for this kind of situation—that we could get to the point where every time the President speaks to the people as the President, equal time would be allotted for political attacks against him. That could push a President into a position of not communicating with people as the President, or putting him in the position of communicating only as a politician rather than as the President. I think that would be very unfortunate.

Mr. PASTORE. I do not want that.

Mr. GRIFFIN. We are moving in that direction, as I see it, with some of the demands that have been made.

Mr. PASTORE. That is why we are holding the hearings. We do not want to be pushed into that corner. I might say to my distinguished colleague that it is not only the President who carries this cross of people criticizing him and he has no way to answer every time. The Senator and I have lived that kind of a life for a long time. Let us face it.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute on another matter.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

AMERICAN PRISONERS OF WAR

Mr. SCOTT. Mr. President, as the war in Vietnam continues, and a certain amount of unrest continues to surface here at home, I often think of the sentence from the Book of Jeremiah, chapter 31, verse 29:

> The fathers have eaten sour grapes, and the children's teeth are set on edge.

This may be so, but there is one thing we must remember. Over 1,400 American men are still held prionsers of war by the North Vietnamese in violation of the Geneva Convention. This we must never forget. Let their sad plight, and the relieving of it, be our daily concern.

THE CASE AGAINST DENIAL OF TAX DEDUCTIBILITY OF CONTRIBUTIONS TO PRIVATE SCHOOLS IN THE SOUTH

Mr. ALLEN. Mr. President, a recent editorial in the Montgomery, Ala., Advertiser-Journal makes an irrefutable case against the recent action of the Internal Revenue Service in denying the deductibility, for income tax purposes, of contributions to private elementary and secondary schools in the South.

I have given notice to the Senate that when a revenue measure of any sort comes over from the House I will offer an amendment that, if adopted, would require the continuation of the allowance of such deductions. At that time the issue will be discussed in depth.

In the meantime, I believe that my colleagues would profit by reading this editorial, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Montgomery (Ala.) Advertiser-Journal]

PUNISHING THE HERETICS

The recent Internal Revenue ruling that private schools would not be entitled to tax-exempt status unless they can prove that they aren't "private" at all seems to be an extension of the tax law which properly belongs to Congress.

But let's assume, for the sake of argument, that IRS was legally empowered to do what it did; that it can by administrative ukase decree that private means public and can enforce this. The precedent is thus clearly established for a long overdue ruling on the tax status of some 30,000 foundations—a great many set up as simple tax dodges, others to attempt to change laws or public policy.

The precedent is also set for acting against religious organizations that have much of their estimated $100 billion in net worth invested in wholly unreligious activities—from wineries to skating rinks, parking lots and girdle factories.

Last year, former Commissioner of Internal Revenue Mortimer M. Caplin, in testimony before the House Ways and Means Committee, attacked these church-owned businesses:

"A number of churches have entered into active and aggressive commercial endeavors. One, for example, has become a wholesale distributor of popular phonograph records. Another has acquired at least seven sportswear and clothing manufacturing businesses. Others conduct real estate development businesses, provide petroleum storage facilities and carry on a broad variety of manufacturing enterprises."

There has been little done to penetrate these privileged tax sanctuaries, or those of the foundations, including some run by and for hoods.

Private schools established in the South in recent years will, at best, break even. Many will collapse, and would have before IRS tried to make assurance doubly sure. Few have any taxable profits and rich donors are fast disappearing. There are now so many struggling private schools, even the wealthiest benefactor can't give to one without offending others.

Large gifts had all but disappeared before the IRS ruling. Parents who contribute to building funds for their schools will be penalized, but who cares about them? They are in the group which pays most of the income taxes anyway and have never been accustomed to anything more than piddling exemptions and deductions. (Tuition is not involved, since it has never been a tax-exempt contribution.)

IRS was careful to point out that it wasn't getting into the religious, foundation or fraternal organization thicket. Why not? Because these represent political power and billions of dollars, whereas private school patrons and their benefactors are few, the money involved is relatively trivial, and Negro militants wanted something done about the "white flight" to private schools.

Senator Allen raked the Administration in Congress the other day for ignoring the foundations while concentrating on Southerners who "carry a double burden." They continue to support public schools, Allen said, then pay high tuition rates for the only right of free choice and association left to them.

In May, the Justice Department filed a brief supporting tax-exempt status of all private schools. But an internal squabble in the Administration resulted in a strategic withdrawal.

Columnist David Lawrence asked an irreverent question: How can tax deductions "be justified for gifts to an organization known as the 'National Association for the Advancement of Colored People' and yet be denied when made to organizations which seek to advance the education of white people?"

The doctrine liberal answer would be that this is different because the NAACP has defended minority rights and done nothing unconstitutional. Just so. But the record will show that NAACP has for years, before and after the school decisions, challenged laws and decisions it didn't like.

Parents who send their children to private schools are not doing anything nearly so bold. They are not challenging laws or refusing to pay their school taxes, but merely opting out of the federalized system for reasons they think are good. They are conscientious objectors.

What could be more American than this silent, peaceful dissent, paying for schools they left as well as those they choose to send their children to?

But, as we said at the outset, assume that IRS is right, legally and morally, and that private school patrons and their vanishing contributors are wrong, legally and morally. Then the ukase must be extended to foundations and religious organizations.

The Cathedral of Tomorrow Church of Akron, Ohio, owns the Real Form Girdle Company and a plastics corporation on Long Island. Churches own millions in stock in an infinite variety of companies, including some their own members may think quite sinful. They pay no taxes on their income and their records are not reported.

Writing in Look for May 19, Kenneth Gross revealed that one New York City church had an investment portfolio of $257,000,000; another of $175,000,000.

One-third of the land in New York City is untaxed. Churches and synagogues own most of it. The lowest estimated value of the land they occupy is $726,000,000, but tax experts say a more realistic accounting would amount to at least twice that.

Not all of it is used for non-religious purposes of course, but much of it is. Many churches are landlords and giants of industry and commerce. More than a few are slumlords.

In 1969, Congress would not tamper with the ancient privilege, although the tax reform law did give the churches six years to get rid of businesses unrelated to religious purposes. The grace period will almost certainly be extended indefinitely.

The IRS, following the private school precedent, could crack down now with its own directive. Will it? Of course not. It even exempted religious private schools from its July 10th directive.

We believe in the absolute necessity of public education, but that is not the issue. The issue is whether or not a minority of Americans who choose to remove their children from the system, for whatever reason, are to be tainted with the label of illegality, while thousands upon thousands of infinitely wealthier enterprises enjoy tax-exempt status simply because they are too powerful for IRS to tangle with.

The issue, in essence, is freedom, not money; so little is involved. For political purposes, the Administration has chosen to stigmatize a group of Americans who are dissenting lawfully and constitutionally,

even as they bear the load for both public and private education. As parents, they have elected to pay this price, which most of them can't afford.

Some may be prejudiced, but then prejudice in the purest sense is evident in every religion, every fraternal organization in all groups where people choose to associate with those with whom they have ideological, ethnic, religious or other reasons for common understanding.

Of all these, only one has now been declared a taxable "prejudice"—the desire of parents, for whatever reason, to seek what they consider the best for their children, their dearest possessions. They may be wrong in their beliefs, just as other groups may be; but they alone have been singled out for damnation by IRS, which picks on the weak and blinks at the powerful.

If it is tax money IRS is seeking, it could find, without half looking, so much richer fields as to beggar comparison. But it's not that. IRS has simply been used, willingly it appears, as an instrument of quasi-religious excommunication of heretics.

The secular theology pronounced in Washington is total integration. Those who quietly decide they won't accept the dogma are to be punished by double taxation, a crude perversion of equal justice under the law.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WEAPONS SYSTEMS COSTS—REPLY TO SENATOR PROXMIRE

Mr. STENNIS. Mr. President, I think all Members of the Senate know that I have long been concerned by the question of cost growth in connection with our major weapons systems. For this reason I asked the Department of Defense in January 1969, to establish a system whereby the status of the schedule, cost, and performance characteristics of major weapons systems would be reported to the Senate Committee on Armed Services on a quarterly basis. My concern in this area has continued and our surveillance of the major weapons systems has been intensified.

It was for this and other reasons that I was greatly interested in the comments of the distinguished Senator from Wisconsin (Mr. PROXMIRE) on the floor of the Senate on July 20, 1970, with respect to cost increases of major weapons systems. Since the Senator's comments dealt with a subject matter which is of intense interest to me, I would like to take a few minutes to comment briefly on his statement.

I want to make clear that I admire the Senator from Wisconsin and his work very much, and think that he does a great deal of good in this field. I think in this instance, though, the facts that were given him were somewhat incomplete, and his conclusions, therefore, were not fully justified on the basis of all the facts.

The distinguished Senator stated that the costs of 38 selected major weapons systems had increased by $3.6 billion to $23.8 billion over the planned costs in the 9 months period from June 30, 1969, to March 31, 1970.

That is just a period of 9 short months, and if those figures were the entire story, we would have an alarming and drastic situation indeed.

The Senator added that the figures which he had recited were taken "from a report by the Comptroller General of the United States," which he had earlier requested.

He asserted that "the major cost increases occurred on four programs—Safeguard ABM, P–3C aircraft, Minuteman II, and Minuteman III." He listed a cost increase for Safeguard ABM of $1,754 million; for P–3C aircraft of $291.1 million; for Minuteman II of $464.4 million; and for Minuteman III of $1,142.8 million.

He stated:

> In only one of these 4 systems, Minuteman III, was the cost overrun attributable to any extent to an increase in the number of units purchased. Even in the case of that program a major portion of the added costs was caused by reasons unrelated to the change of the number of units.

I repeat that my remarks today are not intended to be critical of the Senator from Wisconsin in any way. I admire the fine work he has done with his subcommittee. What I say today is merely for the purpose of making the record with respect to these weapons systems clear and complete.

In the first place, most of the figures furnished the Senator by the General Accounting Office represented data obtained from the March 31, 1970, selected acquisition reports—SAR. These are the reports which I mentioned as being established pursuant to my request back in January 1969. Copies of these are furnished each quarter to the Senate Armed Services Committee, the House Armed Services Committee, the Senate Appropriations Committee, the House Appropriations Committee, and the General Accounting Office. The General Accounting Office merely took the estimated cost data off of these SAR's and as it states in a letter to me of July 14, 1970, it "made no audit or verification of the reported data." Some of the systems in the GAO reports are not reported on quarterly SAR's and, therefore, the figures represented a one-time report as of June 1969.

Mr. President, I have already explained how difficult it is to get at the true basis or the beginning of these so-called estimates. Error crept into the Senator's statement, as I see it, because of some incomplete information that he had, although the figures were furnished by the Department of Defense itself.

We should recognize that cost analyses, and the determination of whether or not there has been, and, if so, the extent of, cost growth is a complex, difficult and demanding function. A simplistic approach to the problem simply is not adequate. There must be assurance that apples and oranges are not being compared. Thus it often becomes necessary, in considering currently estimated costs, to make appropriate adjustments for changes in quantities, scope of the work, and performance characteristics. Also, it can be misleading to compare a current "hard" estimate of cost to completion with the "initial planning estimate" made before the specifications and detailed characteristics of a weapon system had been laid down and agreed upon and before the realistic cost data which is necessary for a firm estimate had been developed. If these and other pertinent factors are not taken into consideration, the conclusions can be inaccurate and misleading.

That is exactly what has happened with a great many of these estimates on weapons programs without anyone being at fault, either the Pentagon or the Members who might be using these figures. It is just a failure to take into consideration these hard and difficult problems affecting the original guess—and it cannot be any more than a guess, as I explained yesterday; guess as to what a weapon may cost, long before it has really been conceived or its dimensions or specifications have been settled. The guess occurs at a stage when there is just a concept of a need that is coming up or is going to appear on the horizon.

This proposition, I believe, is made abundantly clear by the history and cost reporting status of several of the programs which the Senator from Wisconsin mentioned in his floor statement. I will comment on one or two.

For example, in citing the increase of $1,754 million for the Safeguard ABM system, the distinguished Senator failed to mention that $1,345 million of this increase results from Presidential approval of the modified phase II Safeguard program, which includes a third site at Whiteman Air Force Base. For the Minuteman II program, the Senator cited an increase of $464.4 million. I would like to point out that $356 million of this amount is for military construction costs that were not in the earlier quarterly reports because of the definition of program costs in effect at that time.

That was certainly not his fault, and I lay no fault at his feet; but the hard fact is that if the Department of Defense had reported all costs on June 30, 1969, it would have shown that $356 million of this amount, as I have stated, was for military construction costs that are entirely apart from the cost of the weapon itself. One of the areas where we have improved the reporting system is requiring the inclusion of total program costs, and when the Department of Defense was not including these items of total program costs, it was creating an error in the thinking of all of us. So we now demand—well, I do not like that word "demand"—and now require that in reporting these costs, they include the total program costs.

The Senator has referred to these increases as program "cost overruns," but I doubt very much that the Senator would consider the program cost decreases that he reports for the F–111 and

C-5A programs to be "cost underruns." And indeed they are not. The point is, Mr. President, that to really have an accurate figure as to overruns, a firm starting point should be established other than the original planning estimate that is made long before the program details are grimly established or the program under contract. The additional point is that adding quantities to a program or enlarging the scope of work such as in the Safeguard program are not properly classified as "cost overruns."

They are just simply additions to the program, like a man starts to build a seven-room house and decides to enlarge it by putting on two additional rooms. That is not a cost overrun; it is just an additional cost because of additions or added buildings that go onto the original plans, added as an afterthought.

I would just like to add one brief comment, Mr. President, regarding the reports on major weapons systems. The Committee on Armed Services is now monitoring some 36 major on-going weapons systems with projected costs estimated at about $100 billion on the latest quarterly reports for the period ending March 30, 1970. The GAO report that Senator PROXMIRE refers to covers 38 weapons systems with a projected cost of about $66 billion. These include such older programs as the Titan III missile and the Mark-46 Torpedo where most of the program funds have already been authorized and appropriated. It is important to emphasize, as I have before, that of the projected cost of $100 billion reported to the Armed Services Committee, as of March 30, 1970—and this is a very important point—only about 34 per cent of the funds have been authorized and appropriated. It is also important to point out that some of these program costs are projections into the 1980 time frame—fully 10 years in advance. That is another reason why they cannot be absolutely certain. But the big point here is that of those amounts, only about 34 percent of the funds referred to, on March 30, 1970, had been authorized and appropriated.

The Senator from Wisconsin, in good faith, states:

> In my judgment, the cost overruns in these programs are largely the result of waste and mismanagement.

He also states:

> They represent public funds that are being used foolishly and that probably ought not to be spent by the Department of Defense at all.

Mr. President, the inference that the funds for all of these programs have been authorized and appropriated should be corrected. Only 34 percent of them have been authorized and appropriated. In fact, Mr. President, the majority of the funds for the current on-going programs have yet to be approved by the Congress.

It is easy to use words. It is easy to have a statement before you, which the Senator had before him, which unadvertently does not give all the facts. I say that it is easy to use words, but I submit that to paste the label of waste and mismanagement on all these funds to which he was referring, when two-thirds of it had not even been appropriated—much less spent—is inaccurate. How could it be called waste, when Congress had not even authorized it or appropriated the funds, and how could it be called mismanagement?

Those words go out on the wires and are put in the columns of the newspapers, they are commented upon by columnists, and the original error goes back to a mistake of fact.

The Senator said that the money was used foolishly. Mr. President, two-thirds of these funds have not even been used. They could not be used foolishly, when they have not been used—that is, two-thirds have not ever been appropriated. The Senator concluded from these erroneous facts that they probably ought not be spent at all. Well, that is a matter of judgment. But I point out that two-thirds of the funds had not been appropriated, and they have not been spent yet.

So I emphasize how easy it is to paste a department of government with labels and charges that are based upon incomplete information. This influences public opinion, but we cannot act on matters unless we have all the facts.

I know that this is error. I have talked with the Senator from Wisconsin a great deal, and he gets a world of information. I know he is always very frank and candid about matters when he has all of the facts and the complete story.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Senator be permitted to proceed for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. I have another matter in mind carried over from last year, and I mention this for the sake of clarity. Last year, a speech was made on the floor of the Senate that did not charge that some $23 billion, I believe it was—a very large sum, in any event—had been wasted, but it was picked up by someone who inferred that the Senator charged waste. I am not referring now to the Senator from Wisconsin.

Then someone else picked that up, and finally many of the columns all read that this $23 billion had been extravagant waste. I found out about that later. I was busy holding hearings and later got into a detailed analysis of it. I found that in those items that were charged to waste were some of the most reliable missiles we had in the early stages of missile programs—the ones we relied on and spanned the gap, and the ones that made the difference. The old Atlas and Titan I missiles, I recall, were on the list. They became outdated and passed into oblivion, but they were the very workhorses of our program for a long time.

When those facts were brought out, only a very small percentage of this large sum could have been charged to waste, and that was merely with respect to cases in which the weapon did not work out well and had to be abandoned. In research, you get part of your money's worth even if a program does not prove to be successful.

I am merely trying to put what I think is the proper light on these matters, particularly in view of the forthcoming debate we will have—and a very good and timely one—on the military procurement bill.

Mr. President, I am furnishing the Senator from Wisconsin a copy of this statement. I came directly to the Chamber from a meeting of a subcommittee at which I had to be the presiding officer, and I did not have a chance to get in touch with him; but I have done so through this statement.

I yield the floor.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 3279) to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes, and it was signed by the Acting President pro tempore (Mr. ALLEN).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment by the Office of Civil Defense for the quarter ended June 30, 1970; to the Committee on Armed Services.

PROPOSED LEGISLATION TO AUTHORIZE THE DISPOSAL OF CELESTITE FROM THE NATIONAL STOCKPILE AND THE SUPPLEMENTAL STOCKPILE

A letter from the Assistant Administrator, General Services Administration, transmitting a draft of proposed legislation to authorize the disposal of celestite from the national stockpile and the supplemental stockpile (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on progress and problems in implementing the Federal Claims Collection Act of 1966, dated July 23, 1970 (with an accompanying report); to the Committee on Government Operations.

RECOMMENDATIONS OF FIRST CONSTITUTIONAL CONVENTION OF GUAM

A letter from the Governor, Territory of Guam, transmitting, for the First Constitutional Convention of Guam; to the Committee on Interior and Insular Affairs.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MUSKIE, from the Committee on Public Works, with amendments:

S. 2005. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes (Rept. No. 91–1034).

Mr. MANSFIELD subsequently said. Mr. President, I ask unanimous consent that the Committee on Public Works have authority to file its report on S. 2005 together with the individual views of the Senator from Florida (Mr. GURNEY).

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. PASTORE, from the Committee on Commerce:

Clay T. Whitehead, of California, to be Director of the Office of Telecommunications Policy.

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission.

Mr. YARBOROUGH. Mr. President, from the Committee on Labor and Public Welfare, I report favorably sundry nominations in the Public Health Service which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Charles M. Bowyer, and sundry other candidates, for personnel action in the regular corps of the Public Health Service.

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 10 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Lt. Gen. John S. Hardy (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. John MacNair Wright, Jr., U.S. Army, to be assigned to a position of importance and responsibility designated by the President, to be lieutenant general;

Maj. Gen. Edward Leon Rowny, U.S. Army, to be assigned to a position of importance and responsibility designated by the President; to be lieutenant general;

Lt. Gen. Ferdinand Thomas Unger, Army of the United States (major general, U.S. Army); and Lt. Gen. Frank Joseph Sackton, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Rear Adm. Fred G. Bennett, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Rear Adm. Dick H. Guinn, U.S. Navy, for appointment as Chief of Naval Personnel;

Rear Adm. Dick H. Guinn, U.S. Navy, for appointment to the grade of vice admiral;

Rear Adm. Ralph Weymouth, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. Ralph W. Cousins, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of admiral while so serving; and

Rear Adm. Gerald E. Miller, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,830 appointments and promotions in the Army in the grade of major; and 2,700 promotions in the Navy in grade of lieutnant commander and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Darrel W. Basom, and sundry other persons, for appointment in the Regular Army of the United States;

Gasper V. Abene, and sundry other officers, for promotion in the Regular Army of the United States; and

Ralph P. Abenante, and sundry other officers, for promotion in the U.S. Navy.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MATHIAS (for himself and Mr. SPONG):

S. 4111. A bill to amend chapter 55 of title 10, United States Code, to provide for the continuation of certain benefits to mentally retarded and physically handicapped dependents of members of the uniformed services after the death of such member or after his discharge or release from active duty for a service-connected disability; to the Committee on Armed Services.

(The remarks of Mr. MATHIAS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 4112. A bill to improve judicial machinery by amending title 28 of the United States Code, to provide for the defense of suits against Federal employees, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. BAKER:

S. 4113. A bill to provide for the return of certain war trophies to Jack D. McKeehan; to the Committee on Finance.

By Mr. JACKSON (by request):

S. 4114. A bill to amend certain laws relating to Indians; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill which appear under a separate heading.)

By Mr. JACKSON (for himself, Mr. ALLOTT and Mr. HANSEN) (by request):

S. 4115. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JACKSON (for himself, Mr. ALLOTT, Mr. FANNIN, and Mr. HANSEN) (by request):

S. 4116. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MONDALE:

S. 4117. A bill to make permanent the provisions of the Agricultural Trade Development Act of 1954, as amended; to the Committee on Agriculture and Forestry.

(The remarks of Mr. MONDALE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4111—INTRODUCTION OF A BILL TO PROVIDE BENEFITS FOR VIETNAM WAR VETERANS

Mr. MATHIAS. Mr. President, last week, on July 17, I reported to the Senate my concern over the present unfortunate situation in which the dependents of a serviceman killed in action can be left without the benefits of special remedial and handicapped medical aid, as provided for in chapter 55, title 10, of the U.S. Code. This section, in part, provides for the diagnosis, treatment, training, rehabilitation, special education, and institutional care if such inflicted dependents while a serviceman is on active duty for at least 30 days. This program, which is contracted by the Secretary of Defense, has my strong and admiring support. We pride our society on our willing and humane acceptance of responsibility for each other, especially the small children who enter our world seriously handicapped. Chapter 55 of title 10 assumes part of that responsibility and I would like to take this opportunity to commend the Defense Department for the administration of the program as currently authorized.

I feel that it would be in accordance, not only with the overall purpose of the present program, but also with the moral obligation of our society for youngsters orphaned by war, to extend this program to include dependents of those servicemen who have died or been disabled in service to their country. There is now no area in veterans benefits which provides for the specialized medical and health care to which I am referring. The medical burdens of a family in such cases are drastically increased. For war widows, such as Mrs. James H. Palmer of Falls Church, Va., medical costs can increase by as much as $150 a month. Such a hardship only compounds the painful adjustments which must be made when a soldier returns disabled or not at all. I feel that we have an obligation to correct such past inequities and to ensure that they shall not occur again.

For these reasons I now introduce the bill with the cosponsorship of the Senator from Virginia (Mr. SPONG), I hope that the members of the Armed Services Committee will share my concern and act expeditiously in support of it.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred.

The bill (S. 4111) to amend chapter 55 of title 10, United States Code, to provide for the continuation of certain benefits to mentally retarded and physically handicapped dependents of members of the uniformed services after the death of such member or after his discharge or release from active duty for a service-connected disability introduced by Mr. MATHIAS, for himself and Mr. SPONG, was received, read twice by its title and referred to the Committee on Armed Services.

S. 4112—INTRODUCTION OF A BILL—AMENDMENT OF TITLE 28, UNITED STATES CODE, TO PROVIDE FOR THE DEFENSE OF SUITS AGAINST FEDERAL EMPLOYEES

Mr. TYDINGS. Mr. President, by the provisions of the Federal Tort Claims Act of 1946, the United States waived its sovereign immunity and provided for redress for damage to or loss of property or personal injury or death brought about by the negligence or wrongful act or omission of a Government employee while acting within the scope of his office or employment. The act provided that the United States would be liable to the injured party for such acts by its employees under circumstances where a private person would be so liable under the applicable State law where the act or omission causing the damage of injury occurred.

As originally enacted, the Federal Tort Claims Act did not provide a bar to an action against the employee personally, although a judgment in a civil action brought under the act would bar an action against the employee for damages arising from the same act or omission—28 United States Code, section 2676. In practice the continued right to sue an employee personally has not provided any additional meaningful protection for claimants.

In 1961 and 1965, statutes were enacted which barred personal action against two classes of Federal employees. In 1961, Public Law 87–258, the so-called Government Drivers Act, was enacted providing that suits against the United States under 28 United States Code, section 1346(b) for damages resulting from the operation of a motor vehicle by an employee of the Government while acting within the scope of his office or employment shall be exclusive—see 28 United States Code, section 2679 (b) and (c) for procedures for its invocation. The 1965 act—Public Law 89–311, 38 United States Code, section 4116—provides similar protection for medical personnel of the Veterans' Administration. Although bills have been introduced in subsequent sessions of Congress to provide other classes of employees with the same type of immunity from personal suit, no final action to provide such protection has been taken.

The time has come to provide such protection for all Federal employees while in the discharge of their official duties. There is no reason why, for example, the driver of a Government vehicle or a Veterans' Administration physician should be so insulated while a physician or lawyer in another branch of the Government stands outside the charmed circle of such coverage, particularly since, as a practical matter, the availability of the personal suit burdens the Government employee without significantly benefiting the potential plaintiff. In the military service, for example, the physician, functioning for the Government in the same manner as his counterpart in the Veterans' Administration must personally carry professional liability insurance or stand under the cloud of possible personal private litigation, litigation from which the Veterans' Administration physician has complete immunity. This untenable situation has an adverse impact on the retention of much needed physicians for career military service.

The bill that I am introducing today, for appropriate reference, will eliminate the present inequity by repealing 38 United States Code, section 4116 and providing all Federal employees with immunity from personal linability in tort through the exclusiveness of a remedy provision contained in the proposed amendment to 28 United States Code, section 2679(b).

In addition, this bill closes another avenue of possible action against a Federal employee by removing the possibility of suit in a State court, when an alternative system of benefits or compensation has been provided. In *Feres* v. *United States*, 340 U.S. 135 (1950), the court held that an injured serviceman was barred from suit under the Federal Tort Claims Act because Congress had provided an alternative system of compensation under chapter 61, title 10, United States Code. While this decision serves under the facts of that case as a bar to suit against the Government, it does not protect the alleged tortfeasor from suit in a State court, despite the fact that the injured party is entitled to or is in receipt of such alternate compensation. This bill clarifies the presently vague state of the law by making it clear that immunity is provided to the alleged tortfeasor, as well as the Government, when an alternate system of compensation has been provided.

The legislation that I am introducing today makes one other improvement in the law, title 28, section 2680(h) in its present form subjects medical personnel, rather than the Federal Government, to personal suit because of a technical assault or battery arising out of the performance of medical, dental, or related treatment or clinical studies or investigations, because of the language excluding suits based on a theory of assault or battery from the coverage of the Federal Tort Claims Act. 38 United States Code, section 4116 provides protection from such claims to Veterans' Administration medical personnel. Section 3 of the bill repeals section 4116 and provides instead such protection for all Government medical personnel, including Veterans' Administration physicians or paramedical personnel, bringing them all under the same protection of the Federal Tort Claims Act.

In my opinion the protection that would be provided by this legislation to Government medical and other personnel, particularly those in the armed services, is long overdue. I hope that the legislation will be enacted this year.

I ask unanimous consent that the text of the legislation be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4112) to improve judicial machinery by amending title 28 of the United States Code, to provide for the defense of suits against Federal employees, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2679(b) of title 28, United States Code, is amended to read as follows:

"(b) The remedy against the United States provided by section 1346(b) and 2672 of this title, or by alternative benefits provided by the United States for injury or loss of property or personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding arising out of or relating to the same subject matter against the employee or his estate whose act or omission gave rise to the claim, or against the estate of such employee."

SEC. 2. Section 2676(d) of title 28, United States Code, is amended to read as follows:

"(d) Upon a certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings deemed a tort action brought against the United States under the provisions of this title and all references thereto. After removal the United States shall have available all defenses to which it would have been entitled if the action had originally been commenced against the United States under the Federal Tort Claims Act. Should a United States district court determined on a hearing on a motion to remand held before a trial on the merits that the employee whose act or omission gave rise to the suit was not acting within the scope of this office or employment, the case shall be remanded to the State court."

SEC. 3. Section 2680(h) of title 28, United States Code, is amended to read as follows:

"(h) Any claim arising out of assault or battery (other than assault or battery arising

out of the performance of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations), false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights."

SEC. 4. Section 4116 of title 38, United States Code, is repealed.

SEC. 5. This Act shall apply to all claims accruing on or after the first day of the third month which begins following the date of its enactment.

S. 4114, S. 4115, AND S. 4116—INTRODUCTION OF BILLS RELATING TO INDIANS, AND ESTABLISHMENT OF AN ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, three proposed bills submitted by the Secretary of the Interior in furtherance of President Nixon's message of July 8 on American Indian Affairs.

Other Senators may wish to join in the sponsorship of these measures, and I will be happy to include their names if they will so advise me.

Mr. President, I ask unanimous consent that the letter from the Secretary of the Interior asking that these bills be introduced be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. BELLMON). The bills will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bills, introduced by Mr. JACKSON, were received, read twice by their titles, and referred to the Committee on Interior and Insular Affairs, as follows:

By Mr. JACKSON (by request):

S. 4114. A bill to amend certain laws relating to Indians.

By Mr. JACKSON (for himself, Mr. ALLOTT, and Mr. HANSEN) (by request):

S. 4115. A bill to establish within the Department of the Interior the position of an additional Assistant Secretary of the Interior, and for other purposes.

By Mr. JACKSON (for himself, Mr. ALLOTT, Mr. FANNIN, and Mr. HANSEN) (by request):

S. 4116. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes.

The letter, presented by Mr. JACKSON, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 2, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are three legislative proposals that are submitted as a part of the legislative package that were discussed by President Nixon in his message to the Congress on Indians on July 8, 1970.

We recommend that each of the proposals be referred to the appropriate committee for consideration and that they be enacted.

We will in the near future submit remaining proposals needed to fully implement the new Indian policy enunciated by the President in his message.

The Office of Management and Budget advises that the enactment of the proposed legislation would be in accord with the program of the President.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

S. 4117—INTRODUCTION OF A BILL TO MAKE PUBLIC LAW 480, THE FOOD FOR PEACE PROGRAM, PERMANENT

Mr. MONDALE. Mr. President, I am introducing legislation to make Public Law 480, the important and highly successful food for peace program, permanent.

Programs carried on under this act are now in their 16th year and the basic legislation expires at the end of 1970.

Last month President Nixon forwarded to the Congress, as required by law, a report on activities carried out under Public Law 480 during the period January 1 through December 31, 1969.

The President, in forwarding the report, described the law's scope and benefits in these words:

> The Food for Peace Program enables the United States to pursue its food assistance goals and development objectives in a number of ways: bilaterally, through concessional sales programs and government-administered donations programs; privately, through religious and charitable voluntary agencies such as CARE; multilaterally, through institutions such as the World Food Program.
>
> In addition, local currencies generated through Title I concessional sales and received through repayments of earlier loans continue to provide balance of payments benefits to the United States by permitting expenditures of U.S.-owned currencies rather than dollars in many countries. Such currencies have also been used to finance projects undertaken to increase our commercial sales of agricultural commodities, and thereby helped to develop an increased market for U.S. agricultural products. These projects helped in 1969 to reverse the downward trend of U.S. farm exports in recent years.
>
> The Food for Peace Program enables the enormous technological capability and productive capacity of American agriculture to be utilized to assist low income countries in developing their agricultural sectors, and in feeding their citizens while they still require outside help in doing so. . . .

U.S. farm products shipped under Public Law 480 programs from its inception, July 1954 to December 31, 1969, totaled $18.6 billion, 23 percent of total agricultural exports during that period.

Wheat and flour accounted for half of the exports under Public Law 480 during this 15-year period. Other products which have accounted for $1 billion or more in exports under Public Law 480 are cotton, $2.1 billion; dairy products, $1.5 billion; rice, $1.2 billion; and soybean oil, $1.1 billion. These basic shipments are saving hundreds of thousands of lives in underdeveloped nations as well as helping U.S. balance of payments.

Sales for foreign currencies accounted for almost two-thirds of the total exports under Public Law 480 during the 15-year period, totaling $11.7 billion. Donations through voluntary agencies totaled $2.4, barter totaled $1.7, long-term dollar and convertible currency credit sales totaled $1.6, and government to government donations for disaster relief totaled $1.1 billion during this period.

In recent years sales agreements have increasingly called for dollar rather than local currency settlements as provided in the more recent amendments to the basic legislation. In the 1969 calendar year 39 sales agreements or amendments were signed having a total value of approximately $1 billion, 34 percent of which involved local currency financing, 49 percent local currency convertible to dollars and 17 percent long-term dollar credit.

Aggressive worldwide market development programs have been undertaken under Public Law 480 throughout its 16-year life. U.S. private trade and producer groups have joined with the Government, investing $96 million in market development programs as a supplement to $116 million made available under Public Law 480. In calendar year 1969, private market development funds of $15.1 million exceeded the Government's contribution of $12.5 million.

These funds have been used to sponsor trade mission tours, participation in trade fairs overseas, and publicity and advertising campaigns. Some 70 private U.S. agricultural trade and producer groups have cooperated with the Government in market development projects which have reached 70 different countries. Largely as a result of these market development programs commercial sales of agricultural products agroad have increased from $3.4 billion in 1960 to approximately $5 billion in each of the last few years.

These increased commercial agricultural exports have contributed importantly to an easing of our balance-of-payments problem. Foreign currencies generated through Public Law 480 sales also yield balance-of-payments benefits to United States. They are used in part to pay the upkeep of embassies and defense installations. These uses of local currencies plus interest and principal payments on dollar credit sales under Public Law 480 amounted to $258 million in 1969.

There are some who point to the sharply increased production of food grains in India, Pakistan, the Philippines and other underdeveloped countries in recent years as an indication that Public Law 480 programs are no longer needed. It is true that food shortages in these countries are not as acute as in earlier years. Imports under Public Law 480 provisions may be as urgently needed in many countries as in earlier years. But the gap between food needs in the less-developed countries and food supplies is still far too wide in many countries. I can do no better than to repeat President Nixon's statement in transmitting his 1969 report:

> The Food for Peace Program enables the enormous technological capability and productive capacity of American agriculture to be utilized to assist low-income countries in developing their agricultural sectors, and in feeding their citizens while they still require outside help in doing so.

These programs must be continued until they have fully achieved their goals.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred.

The bill (S. 4117) to make permanent the provisions of the Agricultural Trade Development Act of 1954, as amended, introduced by Mr. MONDALE was received, read twice by its title and referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSORS OF BILLS

S. 3720

Mr. BAKER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of S. 3720, to preserve nationally televised news and public interest programs.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 3835

Mr. HUGHES. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Ohio (Mr. SAXBE), the Senator from Colorado (Mr. DOMINICK), and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors of S. 3835, the Comprehensive Alcohol Abuse and Alcoholism Prevention and Rehabilitation Act of 1970.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3984

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors of S. 3984, the American Indian Development Bank Act of 1970.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 4104

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 4104, the School Breakfast Act of 1970.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENTS

AMENDMENT NO. 790

Mr. CRANSTON submitted amendments, intended to be proposed by him, to the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

AMENDMENT OF CLEAN AIR ACT—AMENDMENTS

AMENDMENTS NOS. 791 AND 792

Mr. NELSON. Mr. President, today I submit two amendments to the Air Quality Improvement Act, S. 3229. The first measure calls for strict inspection of Federal Government automobiles through periodic testing at various mileage intervals and stopping the production of any model that fails to comply with national emission standards for motor vehicles.

The amendment requires automobile manufacturers to comply with a 50,000-mile warranty provision that would give automobile owners legal standing to have their cars, emitting pollutants above national standards, repaired at the expense of the manufacturer.

In addition, the Secretary of Health, Education, and Welfare is authorized to test production-line cars to determine if the cars comply with emission characteristics of their prototypes. Test procedures for prototypes, production line vehicles and automobiles in use would be required to be geared to differing driving and weather patterns throughout the Nation.

The second amendment would authorize $50 million annually to the National Air Pollution Control Administration for the development of prototype low-emission engines. The funds requested by the administration are inadequate. If we want to develop an alternative to the internal combustion engine in this decade, then we will have to move quickly and decisively.

Earlier in the legislative session I introduced S. 3276, the Low-Emission Vehicle Act, which would ban the manufacture and sale of the internal combustion engine if a low-emission motor could be produced. Motor vehicles account for 60 percent of all air pollution and in some cities, such as Washington, D.C., produce up to 90 percent of the air pollution problem.

If the wind takes a holiday, the result can be disastrous. Los Angeles has already established what are called "red alert" days when parents and schools are advised not to allow children out to play strenuously because of the heavy smog. New York City was threatened by disaster in 1966, and Chicago in 1969. In 1952, heavy smog hung over London and was largely responsible for the deaths of 4,000 persons.

We have for too long been breathing the exhaust fumes of a technological society. It is time we introduced legislation for a consumer's society. The first amendment is similar to a proposal offered recently by the United Auto Workers, Environmental Action, National Audubon Society, Zero Population Growth, Sierra Club, Friends of the Earth, and the Wilderness Society.

Mr. President, I ask unanimous consent that the two amendments be printed, referred to the appropriate committee, and be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. BELLMON). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 791 and 792) were referred to the Committee on Public Works, as follows:

AMENDMENT NO. 791

On page 8, between lines 16 and 17, insert the following:

"MOTOR VEHICLE AND MOTOR VEHICLE ENGINE COMPLIANCE TESTING AND CERTIFICATION

"SEC. 207(a) The Secretary shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under this Act. If such vehicle or engine conforms to such regulations, the Secretary shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe.

"(b)(1) In order to determine whether new motor vehicles or new motor vehicles engines being manufactured by a manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued, the Secretary shall test such vehicles or engines. Such tests shall be conducted by the Secretary directly.

"(2)(A) If, based on such tests, the Secretary determines that such vehicles or engines do not conform with the regulations with respect to which the certificate of conformity was issued, he may suspend or revoke such certificate in whole or in part, and shall so notify the manufacturer. Such suspension or revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification (or manufactured before such date if still in the hands of the manufacturer), and until such time as the Secretary finds that vehicles and engines manufactured by the manufacturer do conform to such regulations. If, during any period of suspension or revocation, the Secretary finds that a vehicle or engine actually conforms to such regulations, he shall issue a certificate of conformity applicable to such vehicle or engine.

"(B)(i) At the request of any manufacturer whose certificate of conformity has been suspended or revoked, the Secretary shall grant the manufacturer a hearing as to whether the tests conducted on the vehicles or engines are appropriate, whether any sampling methods which have been applied are appropriate, or whether the tests have been properly conducted, and make a determination on the record with respect to such suspension or revocation; but suspension or revocation under subparagraph (A) shall not be stayed by reason of such hearing.

"(ii) In any case of actual controversy as to the validity of any determination under clause (i), the manufacturer may at any time prior to the sixtieth day after such determination is made file a petition with the United States court of appeals for the Circuit wherein such manufacturer resides or has his principal place of business, for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his determination, as provided in section 2112 of title 28 of the United States Code. The findings of the Secretary in any public hearing held in accordance with section 554 of title 5 of the United States Code, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(C) The Secretary shall establish methods and procedures for making tests under this section and inform the manufacturers with respect thereto. The methods and procedures established by the Secretary shall take account of varying driving and climatological conditions throughout the United States and shall be reasonably calculated to assure compliance with the emissions standards prescribed under Section 202 under these varying conditions.

"(D) Every new motor vehicle or new motor vehicle engine sold by a manufacturer shall be warranted to have systems or devices for the control or reduction of substances

emitted from the vehicle or engine that are substantially of the same construction and performance as systems or devices, on test vehicles or test engines, for which a certificate has been issued to the manufacturer under subsection (a), and the manufacturer shall furnish with each vehicle or engine written instructions for necessary maintenance by the ultimate purchaser. In addition, the manufacturer shall indicate by means of a label or tag permanently affixed to such vehicle or engine that such vehicle or engine is covered by a certificate of conformity issued for the purpose of assuring achievement of emissions standards prescribed under this Act. Such label or tag shall contain such other information relating to control of motor vehicle emissions as the Secretary shall prescribe by regulation. The manufacturer shall warrant that the system or devices for the control or reduction of emissions from motor vehicles or motor vehicle engines will meet the standards prescribed under this Act.

"(c) (1) In order to determine whether motor vehicles or motor vehicle engines in use do in fact conform with the regulation prescribed under this Act, the Secretary shall test motor vehicles or engines owned by the United States Government.

"(2) (A) If, based on such tests, the Secretary determines that such vehicles or engines do not conform with the regulations with respect to which the certificate of conformity was issued, he may suspend or revoke such certificate in whole or in part, and shall so notify the manufacturer. Such suspension or revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification (or manufactured before such date if still in the hands of the manufacturer), and until such time as the Secretary finds that vehicles and engines manufactured by the manufacturer do conform to such regulations. If, during any period of suspension or revocation, the Secretary finds that a vehicle or engine actually conforms to such regulations, he shall issue a certificate of conformity applicable to such vehicle or engine.

"(B) (i) At the request of any manufacturer whose certificate of conformity has been suspended or revoked the Secretary shall grant the manufacturer a hearing as to whether the tests conducted on the vehicles or engines are appropriate, whether any sampling methods which have been applied are appropriate, or whether the tests have been properly conducted, and make a determination on the record with respect to such suspension or revocation; but suspension or revocation under subparagraph (A) shall not be stayed by reason of such hearing.

"(ii) In any case of actual controversy as to the validity of any determination under clause (i), the manufacturer may at any time prior to the sixtieth day after such determination is made file a petition with the United States court of appeals for the circuit wherein such manufacturer resides or has his principal place of business, for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his determination, as provided in section 2112 of title 28 of the United States Code. The findings of the Secretary in any public hearing held in accordance with section 554 of title 5 of the United States Code, if supported by substantial evidence on the record considered as a whole, shall be conclusive."

On pages 8 through 17, redesignate sections 207 through 213 as sections 208 through 214, respectively.

AMENDMENT NO. 792

On page 2, line 3, after "Sec. 103." insert "(a)", and between lines 9 and 10 insert the following:

"(b) Such section 104 (c) is further amended by inserting after the first sentence the following: "In addition there are authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the two succeeding fiscal years, $50,000,000 for the development pursuant to this section of prototypes of alternatives to the internal combustion engine for the purposes of this Act."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. GRIFFIN. Mr. President, after consultation with the distinguished majority leader, I ask unanimous consent that the Senate stand in recess subject to the call of the chair.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Thereupon (at 11:56 a.m.), the Senate took a recess subject to the call of the chair.

The Senate reassembled (at 11:59 a.m.), when called to order by the Acting President pro tempore (Mr. ALLEN).

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

Mr. FANNIN. Mr. President, I am in support of the District of Columbia crime bill as reported by the conference committee.

There are a few details I would change if the choice were within my judgment, but the measure taken as a whole does accomplish one mission that has been sorely neglected in this critical period.

It reaches those who would abuse constitutional rights.

How long, Mr. President, are we going to continue our full time and attention to protecting the constitutional rights of those who would yell fire in a crowded theater, while we continue to ignore the victims?

Our forefathers created the greatness of this Nation the moment they stood firmly for individual rights and dignity.

But never was there any suggestion that our citizenship carried no responsibilities.

Never was there any suggestion that those who abuse constitutional rights or violate laws to the injury of others, should not bear the responsibility for that abuse and violation.

We must safeguard the constitutional rights of the individual, but that does not mean we must mollycoddle the criminal, or give his constitutional rights higher privilege than those of the victim.

No nation on this earth does a better job in safeguarding constitutional rights for the criminal.

It is about time we do as well for the criminal's victim—whose constitutional rights have been violated.

Mr. President, at least 29 States, including my own State of Arizona, recognize and approve a limited no-knock exception to preserve evidence and assist police.

The no-knock provision in the District of Columbia crime bill has been one of the controversial items, but it is less tough on the criminal than the law recognized in New York, and it basically follows the doctrine set out in the latest decisions of our U.S. Supreme Court.

Therefore, the District of Columbia crime bill goes no further than prevailing and existing law.

In addition, no-knock authority is not something new being created by this bill in the District of Columbia.

Police, armed with a search warrant, now may break and enter, over the occupant's objection, under Federal law. The "knock and wait" is the time-honored procedure, but since common law times, exigent circumstances have authorized no-knock searches and seizures.

Earlier this month, FBI agents raided 13 locations in the Washington area. They knocked and waited—and the occupants at several locations meanwhile destroyed the evidence while the agents stood at the door.

This is one example in which the no-knock provision, if enacted, would have saved the evidence by allowing police to enter without knocking. The provision also would allow no-knocking if there were supporting evidence the occupants would seek to escape, or were armed and dangerous.

What the no-knock provision in the District of Columbia crime bill does is to fix in the statutes the exceptions allowing no-knock entry, and it requires that police must obtain in advance such permission from the court, just as a search warrant must be obtained.

Thus, it spells out clearly the rules to police, and it safeguards the individual by allowing such police exception only with court permission.

Opponents of the no-knock provision have expressed concern that a court that has granted police a no-knock warrant, upon proper showing, would be loath to suppress evidence challenged at trial.

Rather, it would seem to me, a defendant is safeguarded in two respects. First, at the time of the trial he may challenge the initial showing of police to the court in obtaining the no-knock permission, and, of course, he may still challenge the seizure of the evidence by a motion to suppress.

Again, it would seem to me, the individual benefits by the fact that the court will not consider lightly the request of police to "no-knock." A showing must be made to the court to justify this exception.

Concern has been expressed by opponents of no-knock that the court will have to act as a prophet or soothsayer to guess future circumstances in granting no-knock exceptions. They insist that the circumstances cannot be known in advance.

Again, Mr. President, I say that supporting facts must be given to the court. This permission for an exception to "knock and wait" will not be granted carte blanche.

If a criminal in escaping has shot and killed a police officer, certainly it is a fact that the criminal is armed and dangerous. Who wants to knock at the criminal's door and announce a purpose of arrest—then wait for the door to open?

If a known narcotics peddler is heard, when police on an earlier occasion knock and wait at the door, to be scurrying around and flushing the toilet, should this not be ample reason to believe no-knock entry is necessary to preserve the evidence?

Concern also is expressed by opponents that the no-knock provision will spawn shoot-outs, by the sudden unannounced breaking in of a door "in one's own castle."

Mr. President, one can always conjure up circumstances under any rule where some unfortunate result may occur. No democracy is foolproof, else our Supreme Court would have no work to do.

However, Mr. President, constitutional rights and responsibilities are relative matters. Exercise of rights by one individual may abuse those of another. This is an ill-defined marginal area.

Our opponents to the no-knock provision have no easy solution to the experience recently of the two FBI agents who knocked at the door of the wife of a Washington area bank robber and announced their purpose, waiting. They were greeted by a burst of gunfire. Both were killed. Are we no longer concerned with the rights those agents may have had, or their widows and children?

There must be a balancing of rights. The citizens have a right to be protected.

They want to be secure in their person from those with criminal intent. They have the constitutional right to the pursuit of happiness, with safety.

They want to walk peaceably wherever and whenever they have a constitutional right so to do.

And they want those who violate our laws and do violence, to be brought to justice. This too, is a right in our society, and must be balanced with individual rights.

Assuredly, the right to be secure in one's own castle is as long as our history, and that right is safeguarded by requiring judicial determination.

With court order, the landlord today can have the tenant's household goods taken from the tenant's castle and set out on the street—all proper and constitutional. This right of law has not jeopardized the right of a citizen to be secure in his home.

The courts will safeguard the individual from abuse of the no-knock provision as well.

In a sense, the no-knock determination by the court against an individual does no more injustice to the individual than an indictment. It is a step in the process of justice and nothing more. It does inconvenience the individual—but so does the requirement to report and pay taxes.

Mr. President, the distinguished senior Senator from North Carolina has made a capable and persuasive argument in his opposition to the District of Columbia crime bill, and especially the predetention provision.

I may say in sincerity that I sleep easier knowing that the distinguished Senator is safeguarding the Constitution as he so ably does.

However, pretrial detention is not a new concept. As the distinguished Senator noted in citing statistics of those in jail awaiting trial in May 1970, 10 percent had been waiting for a year or more.

Nor is a speedy trial alone the solution. For whatever reason that motivates them, there are criminals whose record and behavior justifies pretrial detention.

It may be that the defendant is a professional criminal with a long record, it may be that he is a narcotics addict who must support his habit by crime, or he may be bent on building a kitty before anticipated imprisonment.

A little more than a month ago, a District of Columbia police officer, father of four, stopped a suspected car matching the description of the getaway car involved in a robbery minutes earlier. The officer, Ronald R. Watson, was critically wounded when a man in the rear seat opened fire. The officer exchanged fire and killed one of the suspects.

The dead suspect was free on personal bond on a robbery charge with a dangerous weapon only 3 weeks earlier, and he was identified as one of two men who had participated in a liquor store robbery the day before he was stopped by Officer Watson.

Mr. President, I ask unanimous consent to have printed in the RECORD the account of this incident in the June 19, 1970, issue of the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WOUNDED OFFICER KILLS HOLDUP SUSPECT

(By Alfred E. Lewis and Martin Weil)

A Washington policeman shot and killed a fleeing robbery suspect at New Jersey Avenue and K Street NW yesterday after the officer had been shot twice by the suspect, police said.

The officer, Ronald R. Watson, 25, of the traffic division, was shot in the neck and chest about 3:15 p.m. after he stopped a Volkswagen that matched the description of the getaway vehicle in a robbery that occurred minutes earlier, police said.

After being hit, Officer Watson fired six shots at two men who ran from the car, police said. They said three of the shots hit and killed Franklin E. Moyler, 23, of 1805 Belmont St. NW who, they said, had shot the officer.

Watson, a District Heights resident and a member of the force for four years, was reported in critical condition at Washington Hospital Center last night. He is married and the father of four.

A second suspect, Richard Frank Newell, 25, of 3531 Jay St. NE, was arrested last night at 7th and S Streets NW, police said. After questioning, police charged him with homicide, and robbery holdup with a gun.

They said he was picked up at 9:30 p.m. by two officers who responded to a call that the owner of a car wanted to report it was stolen. Newell was identified by police as the owner of the Volkswagen involved in the shooting.

Moyler was pronounced dead at Rogers Memorial Hospital at 3:30 p.m. with gunshot wounds in the right shoulder, chest and right arm.

Police said Moyler was free on personal bond after being arrested June 1 on a charge of robbery and carrying a dangerous weapon.

They said he had previously been convicted of robbery and assault on an officer and of assault.

Capsules suspected of being heroin were found in his pockets yesterday, police said. They said $918 was found in the car.

Police said Moyler, who collapsed about 30 feet from the southeast corner of New Jersey and K Streets NW after being shot, had been identified by a witness as one of the two men who earlier yesterday held up the G and B Liquor Store a few blocks away at 300 Massachusetts Ave. NW.

The robbery of the liquor store, in which an undetermined amount of money was taken by two men, one armed, touched off the chase that led to the shottings, police officials said:

This is the account they give:

As the robbers fled the store with the money, Adela Gotkin, co-owner, and one of four persons inside at the time of the robbery, ran from the store in pursuit.

She saw the pair come out of an alley in the 800 block of 4th Street NW in a light tan Volkswagen, with the license plate 697-468.

She returned to the vicinity of the store just in time to flag down three motorcycle officers that had just finished their 7 a.m. to 3 p.m. tours of duty.

Armed with Mrs. Gotkin's description of the getaway vehicle, the officers split up and fanned out through the neighborhood.

One of the three officers was Watson.

Shortly after starting north on 4th Street NW, police said, he caught sight of the alleged getaway vehicle.

At the intersection of New Jersey Avenue and K Street NW he caught up with the car and stopped it in the middle of the street.

Dismounting from his motorcycle, he approached the auto, gun drawn.

He told the driver to turn off the ignition and hand him the keys.

When the driver attempted to pull away, police said, Officer Watson grabbed for the keys.

At that point, police said, the man on the back seat of the car fired three shots at Officer Watson, hitting him twice.

Then, the two men bolted from the auto and ran south on New Jersey Avenue.

Hit in the neck and chest by the suspect's shots, Watson leaned against the left side of the Volkswagen's hood and fired six shots.

Moyler fell about 30 feet from the corner, in the driveway of a service station.

Two bullets hit the window and grille of a taxicab northbound on New Jersey Avenue NW, apparently causing no injury.

A revolver, which police said belonged to the dead suspect, was found in the intersection beside the open door of the abandoned Volkswagen.

Police said that the wounded officer's prospects were improved at the hospital when 23 blood donors responded to a call for six donors of AB negative blood.

Yesterday's incident appears to mark the second year that a Washington police officer shot and killed a man in the line of duty.

The number of such killings declined last year to 6, from 13 in 1968, despite an increase in the size of the force.

After a brief civil disturbance followed one of the 1968 shootings and public outcry fol-

lowed others, one of the city's actions was to issue new guidelines on the use of firearms by police.

The new guidelines state that an officer may fire at a fleeing suspect if the crime involved "an actual or threatened attack which the officer has reasonable cause to believe would result in death of serious injury."

Mr. FANNIN. Mr. President, in another case, the defendant attempted to rob a service station manager, who wrestled the gun from the defendant. In the struggle the gun fired, but no one was injured and the defendant fled. He was arrested a few minutes later.

Four days later, the defendant was released on his own recognizance. Two weeks later, two men robbed a Safeway store. One of the men, brandishing a .45 caliber automatic pistol, was identified as the defendant from photos the next day by a witness to the robbery, though he was not apprehended until 8 months later. On both charges and in separate trials, the defendant was found guilty by juries.

Mr. President, I ask unanimous consent to have printed in the RECORD summaries of five additional criminal cases, which summaries are in the records of the Department of Justice.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

No. 1—KENNETH H. JACKSON

CRIMINAL NO. 190–68

At about 8:00 A.M. on December 26, 1967, John Myers was sitting in his car in front of the Wholesale Auto Parts Store at 1821 14th St., N.W., waiting for the store to open, when he was approached by a man subsequently identified as Kenneth H. Jackson. Jackson pulled a knife, held it to Myers' throat, and demanded his money. When Jackson attempted to search Myers' pockets, the two men struggled and they were observed by Officers Glen Hilton and Burtell Jefferson who were on routine patrol in the area. The officers arrested Jackson and he was released on personal bond the same day in the Court of General Sessions.

CRIMINAL NO. 514–68

Less than three weeks later at about 7:45 P.M., on January 13, 1968, Jane Doe, a sixteen year-old girl, was walking in the 2400 block of Nichols Avenue, S.E., when she was grabbed off the street by three men, dragged onto the Birney School playground near the corner of Nichols Avenue and Sumner Road, S.E., beaten about the face and head with the fists of her assailants, and raped several times. Miss Doe subsequently identified Kenneth H. Jackson from photographs as one of her attackers. Jackson was rearrested and was again released on personal recognizance on March 1, 1968.

Juries returned verdicts of guilty as to both the rape and robbery charges on November 8, 1968 and December 9, 1968, respectively.

No. 2—DANIEL BETHEL

CRIMINAL NO. 1087–67

At approximately 1:00 A.M., on June 19, 1967, Ellen von Nardroff, 38 years old, was awakened in her home at 1852 Irving Street, N.W., by unknown sounds downstairs. She put on a robe and began to leave her bedroom to ascertain their source when she observed the stairwell light go on and heard the breaking of glass. She stayed in the bedroom and shut the door, placing a chair against it as she heard footsteps ascend the stairs. She was unable to hold the door closed as a man, subsequently identified as Daniel Bethel, forced his way into her room, pushed her down on the bed, unzipped his pants and climbed on top of her, trying to force her legs apart. He was unable to make penetration solely because his victim was using sanitary napkins. He then got off her, asked for her money, and took a black purse containing $40.00. He then escaped.

Three weeks later at approximately 4:25 in the morning on July 10, 1967, Ellen von Nardoff's home was again broken into. Following the first break-in, however, she had purchased a twenty-gauge shotgun for her protection, and this time she and a friend held the intruder, again identified as Bethel, at bay until the arrival of the police. Bethel was subsequently released on his personal recognizance for both offenses on October 26, 1967.

CRIMINAL NO. 423–68

At 10:35 in the morning on February 5, 1968, two men entered Karl's Dry Cleaners at 6228 Third Street, N.W. One of the men brandished a .45 calibre revolver and told the store's owner, Norman Gray, to "give me your money," while the other man, subsequently identified as Bethel, went through Gray's pockets, removing some money and a watch. The two men then escaped in Bethel's car.

Bethel subsequently pleaded guilty to housebreaking and robbery on January 22, 1968, in connection with the two entries into the von Nardoff home. He pleaded guilty to the dry cleaning store robbery on October 4, 1968.

No. 3—NATHANIEL LEE, JR.

CRIMINAL NO. 125–68

At 6:25 P.M. on November 20, 1967, three men entered and held-up a McDonald's Drive-in at 1603 Good Hope Road, S.E. One man was armed with a .22 calibre pistol, another with a .38 calibre pistol and the third with a sawed-off shotgun. After taking an undetermined amount of money the men escaped. Nathaniel Lee, Jr., was subsequently identified by two eye-witnesses from photographs as the subject with the .22 calibre pistol. Lee was arrested on November 28, 1967, and was subsequently released on Personal Recognizance on January 30, 1968.

CRIMINAL NO. 462–68

Less than one month later at 2:05 A.M., on February 24, 1968, Larry Wise, a D. C. Transit Driver, was operating his bus in the vicinity of 15th Street and Stanton Road, S.E., when he felt a hard object in his back and was told: "Close the door and drive on straight, or I will kill you." Wise complied and, upon a further demand, turned over his money, his change carrier and his watch to the assailant, who was subsequently identified as Nathaniel Lee, Jr. Lee left the bus at 14th Place and Stanton Road, S.E., and was apprehended and held by a citizen who observed him running from the bus with the change carrier in his hand.

On November 4, 1968, Lee pleaded guilty to both the McDonald's and the bus robberies.

No. 4—JOHNNY L. PETERSON

CRIMINAL NO. 1520–67

Early in the afternoon of November 6, 1967, Hubert Madison, returning from a lunch break while serving as a juror in the Court of General Sessions, was standing in an elevator in the courthouse when Johnny L. Peterson, a defendant in a criminal case in which Madison was sitting, told Madison that the jurors "had better be right on the inside or they will be right on the outside." Peterson was charged with obstructing justice and was released on personal recognizance on January 26, 1968.

CRIMINAL NO. 651–68

Six weeks later at 5:05 A.M., Leon Hladchuk was removing newspapers from his panel truck in front of 3058 Mount Pleasant Street, N.W., when he was approached by three men, struck in the back of the neck by an unknown object, beaten about the head and face by his assailants, and searched for money. Hladchuk fought off his attackers and called the police. Officers Kenneth Brown and Wendell Huffstutler arrested the three men near the scene of the crime and Hladchuk identified one of them as Johnny L. Peterson.

Peterson was found not guilty solely by reason of insanity on the obstructing justice in a non-jury trial on October 7, 1968. He subsequently pleaded guilty to a lesser included offense of Attempted Robbery in the other case on January 9, 1969.

No. 5—JEROME OLNEY

CRIMINAL NO. 735–68

At 3:10 in the morning on March 2, 1968, Hugo Barlow, a D.C. Transit driver, was operating his bus in the vicinity of 14th Street and Independence Avenue, S.W., when he was approached by a subject subsequently identified as Jerome Olney who threatened Barlow with a knife and demanded his money. Barlow and Olney fought, and Olney was arrested a short distance from the scene after leaving the bus. He was released on personal recognizance later the same morning of his arrest.

CRIMINAL NO. 735–68

Ten days later at approximately 10:45 in the evening of March 12, 1968, James Sullivan, another D.C. Transit driver, was operating his bus in the vicinity of 9th Street and New York Avenue, N.W., when a man pulled a knife and placed it against Sullivan's neck with his right hand while holding his left arm around the victim's neck and demanding his money. Sullivan complied and his assailant, subsequently identified from photographs as Jerome Olney, escaped. Olney was arrested on a warrant two days later.

On August 7, 1968, Olney pleaded guilty to the lesser included offense of assault with a dangerous weapon in the Barlow robbery, and to robbery in the attack on the theft from James Sullivan.

Mr. FANNIN. These cases, Mr. President, illustrate that pretrial detention is necessary to safeguard the rights of this society.

However, it is to be emphasized that under the District of Columbia crime bill, such pretrial detention must be determined by the court, safeguarding all constitutional rights of the individual concerned.

In 1966 the Congress enacted the Bail Reform Act, which has decreased reliance upon money bond as a condition for release. The purpose of the 1966 act was to end the discriminatory practice of high bond that caught the poor but did not deprive the liberty of the defendant who could afford the bond.

However, the 1966 act also deprived the courts of any legal authority to hold potentially dangerous defendants.

The trial judge is faced often with a decision against his better judgment for the safety of society by releasing a dangerous suspect to bail, or in the subterfuge of setting high bond—when the money bond only is to assure the appearance at trial of the defendant and not to pass judgment of his behavior.

Recent studies of the bail practices in the District of Columbia show that 30 percent or more of those charged with criminal offense are currently under detention because of their inability to post bond. The detention rate for felonies is 40 percent.

Some consideration should be permissible on the part of the trial judge in the interest of society in cases involving compulsive, notorious, and incorrigible offenders. And that is the purpose of the pretrial detention provision in the bill.

Pretrial detention, Mr. President, is a fact of life and should not be hidden behind the money bail bond system.

A safeguard is provided in the bill that within 60 days the defendant, under pretrial detention, is to be brought before the judicial officer.

The distinguished senior senator from North Carolina has expressed concern that the defendant still might be detained indefinitely without trial.

In view of the statistics cited by the distinguished Senator showing that four District of Columbia detainees in May 1970 had been awaiting trial for 3 years or more, it would appear that the proposed provision, at its worst, would be an improvement over today's procedure. At the end of 60 days, the defendant will be before the court for judicial determination as to his detention.

We cannot overlook that a major change under the District of Columbia crime bill is the reform of the court system in the District of Columbia, and the addition of more judges to speed the trial process and end the backlog.

Mr. President, serious crimes have been rising here in the Nation's Capital at the alarming rate of 22 percent a year. In the past 5 years, the number of reported felonies in the District has risen 122 percent.

I do not wish to repeat crime statistics in the District of Columbia, Mr. President. But to emphasize the frightening aspect, I wish to note that the number of American soldiers killed in Vietnam in the first 6 months this year was only approximately 10 times the number of homicides committed in the District last year.

It means, Mr. President, that we have a war right here at home, a war of crime.

I am convinced that the District of Columbia crime bill will help reduce this sad record in our Nation's Capital.

And it will accomplish this goal by balancing rights and safeguarding constitutional privileges.

I fear that if we do not take action now to approve these reforms, we will only continue to build to the frightening record of crime in the District.

Back in the Civil War crisis, Abraham Lincoln was attacked by his critics—and even by historians today—for being lax on certain constitutional rights.

Lincoln reminded his critics that he had that sacred document, the Constitution, at the White House and that he was guarding it every moment.

Today, every one of the millions of our citizens are watchful that constitutional rights of the individual are protected. If anything, the atmosphere including that in our judicial system has been to lean over backward in preserving such rights.

Such watchfulness must ever be diligent. And I feel assured the District of Columbia crime bill does nothing to jeopardize those rights. I am concerned that we have been going a long way to forget those rights that have been violated of the victims. We must show more diligence in this direction.

Both the no-knock and the pretrial detention must be determined by the court. This is adequate safeguard.

Defense counsel can move to exclude the evidence if there is an absence of facts to allow the court to grant an exception to the traditional "knock and wait" rule, or if the police fail to get prior court authority to no-knock.

Pretrial detention procedure will place greater pressure for speedy trial, with judicial appearance provided after 60 days.

There are many other merits to the bill, Mr. President. One of these is the provision for mandatory sentence of 5 years for second offenders after conviction of a serious crime with a deadly weapon.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FANNIN. Mr. President, I ask unanimous consent that I be permitted to proceed for not to exceed 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. Mr. President, I would like to see a mandatory sentence of 5 years for any conviction of a crime of violence with a deadly weapon. This would place the penalty for misconduct in gun possession where it belongs.

We do not need to penalize the innocent with gun registration, which will not stop deadly weapons from getting into the criminal's hands.

The certainty and sureness of punishment to the criminal for carrying a deadly weapon will provide the type of control that society needs to deal with abuse.

Mr. President, I do wish to note that the mandatory minimum penalty provided for second offenders in the District of Columbia Crime bill also is not new. The Omnibus Crime Control and Safe Streets Act of 1968 provided:

> In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than five years nor more than 25 years and notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

I also support the provision that a person is not excused in using force to resist an arrest when such arrest is made by an individual the person has reason to believe is a law enforcement officer, whether or not such arrest is lawful.

Mr. President, opponents to the bill have expressed concern that innocent persons under this provision my fall victim to an impersonator. By this argument, I fail to see that one who would impersonate a police officer would be dissuaded easily by resistance.

Nor do I see any evil in assisting our law enforcement officers in their duties.

We subject our police officers now to unpleasant duty of law enforcement, verbal abuse, stoning, bodily injury, and the presence of danger to their lives in carrying out their duties. Now, the opponents to this provision suggest we should add on to the shoulders of our police officers the right of the individual to use force in resisting arrest, lawful or not.

Mr. President, I do not know how long we can continue to tell our police officers they must bear, without complaint and as a part of their job, lumps on their heads, broken bones, and verbal and physical abuse—whether they are right or wrong.

If they are wrong, they might expect the public to turn its back upon them. But, here we are suggesting to the law enforcement officers, even when you are right, we will not support you—rather, instead, we will stack the deck for the wrongdoer.

We in Congress have shown concern at the demonstrations on our campuses and in our streets. If we continue to go the road we have, if we continue to fail our law enforcement officers in the proper function, I can foresee the day when they will rise up in a mass and protest.

If our police methods need to be improved, if our police officers need to be better trained and better paid, we must meet those needs. But we cannot continue to heap the burdens and responsibility of growing crime upon our police, without supporting and aiding them. Else, someday they will surely react.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING TODAY'S ADJOURNMENT

Mr. SPONG. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive duly enrolled bills from the House of Representatives and that the President pro tempore or the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HUGHES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

Mr. HUGHES. Mr. President, at this time add my voice to those opposed to the adoption of the conference report on S. 2601, the District of Columbia anti-crime bill.

Like many of my colleagues who are also in opposition to the conference report, I believe that the majority of the provisions in this anticrime bill are of high merit and deserve our full support. Such reforms in the criminal justice system as court reorganization to assure speedier and more competent trials, juvenile law reform, a public defender system, and an improved bail system are urgently needed and long overdue—here in the District and elsewhere in the United States.

However, the provisions that threaten our individual constitutional rights and that run counter to informed modern concepts of corrections and penology are totally unacceptable. I refer particularly to pretrial detention, the expansion of wiretapping authority by police, the provision for no-knock entry of private homes and the lowering from 18 to 16 of the age at which juveniles in certain cases must be tried as adults.

I agree with Senator ERVIN that these and some of the other repressive provisions of the bill constitute a dangerous threat to the fourth, fifth, sixth and eighth amendments to the Constitution.

In our necessary and justifiable zeal to control rising crime in our society, there is a tendency to forget that these basic guarantees in our Bill of Rights protect every innocent and law-abiding citizen in the land—not just the dangerous criminals.

These guarantees also draw the line between our free society and the totalitarian state.

Only in the framework of law can human rights be preserved. However, the purchase of civil order and individual security at the price of justice and freedom is the certain route to the totalitarian state.

One does not have to be a civil libertarian to see the dangers in relaxing our vigilance against repression in our laws. History is full of lessons that prove that a little repression is like a little cancer; it spreads and ultimately destroys the individual rights on which a free society is built.

I am convinced that such provisions as pretrial detention, no-knock entry, and expanded wiretapping are the dangerous beginning of a current trend toward the suppression of our traditional liberties. I also have not been persuaded that they are necessary or would be as effective as pictured by their proponents in the war against crime, to which we are all committed.

I also do not accept for a moment the proposition that we must buy these repressive features or have no anticrime bill at all. As I said earlier, the bulk of the provisions in S. 2601 are sound and urgently needed. The all-or-nothing-at-all notion advanced by the proponents of the bill does not square with my ideas of keeping faith with the people through the legislative process.

I have therefore joined with more than 20 of my colleagues in sponsoring an alternative District of Columbia crime package which retains the good reform provisions of the conference report—court reorganization, bail reform, and the adoption of the interstate compact on juveniles—but eliminates the repressive provisions to which I alluded earlier.

The legal points involved in the District of Columbia anticrime bill have been masterfully handled here on the floor by such distinguished lawyers in the Senate as Senator TYDINGS and Senator ERVIN. Those of us who are nonlawyers in this body are deeply indebted to those members of the bar who have outlined the arguments, pro and con, so lucidly.

We are all aware that the legislation on which we will vote this afternoon is not limited in its significance to the District of Columbia. It will be considered a template for the Nation of long-needed reform in our system of criminal justice. It will have great influence on the legislation and administration of Justice in States and local jurisdictions throughout the land.

With so much at stake, I regret that the most controversial features of the bill, those added by the House, are being considered from a conference report in floor debate, without the benefit of in-depth Senate committee study.

There are some very subtle points involved.

For example, with regard to preventive detention, how long can a man be detained? Is it 60 days—or can it be repeated 60-day periods?

Exactly what is meant by "dangerous" to society? Does it mean that, in the opinion of the magistrate, the individual to be detained is likely to commit a crime if released? Or can it stretch to mean any "socially dangerous behavior," whether criminal or not?

To order detention, the magistrate must find that there is "substantial probability that the person to be detained committed the act."

What constitutes "substantial probability" vis-a-vis the traditional presumption of innocence until proved guilty?

At this late stage in the debate on the District of Columbia anticrime bill, every legal and technical point has been touched upon by colleagues better versed in the law than I am.

It occurs to me that the most useful note I can add is to speak to some of the practical consequences of the repressive aspects of the crime bill as seen by one who has served three terms as Governor of his native State.

The administration of justice, after all, is primarily a State and local responsibility, and I have had some firsthand experience with it.

My distinguished colleague, Senator BYRD of West Virginia, drew an eloquent picture of the imperative need for decisive action to control the disgraceful rise of crime in our National Capital.

It is, of course, a national trend.

According to a recent FBI report, reported crime in the United States was 13 percent higher in the first 3 months of 1970, compared with the same 3 months in 1969.

I believe that all of us—on both sides of this matter—recognize the urgency and share the objective of achieving law and order without sacrificing justice.

The pivotal question is whether or not repressive measures, such as no-knock, preventive detention, and mandatory sentencing, are necessary to make our society law abiding.

And the corollary question is, of course, whether or not the price is too great.

As Governor, I heard from constituents, throughout the years, who demanded that the National Guard be called out for even the most minor civil disturbance.

I believe we are drifting into a trend of thinking in this country that is forgetful of the value of our liberties and how they were won, and that places simplistic faith in force and repression as the only route to achieving law and order.

The truth of the matter is that there is no shortcut to achieving an orderly society.

Threatening oratory, repressive legislation, and the toughest law enforcement with existing public safety facilities are not going to bring us the security from crime that we need and want.

My able colleague from Missouri, Senator EAGLETON, laid this point on the line with reference to the District of Columbia crime bill.

Like most other things we need, the achievement of an orderly society is going to take cash—prudently programed and allocated.

We need more, better trained, and better equipped police. We need upgraded court systems giving speedier trials—and we need to be willing to pay for this reform as well as to legislate it.

We need intensive research into police and corrections systems, and what is being done is not even token.

We need to tend to basic social and economic conditions that are conducive to crime—as has been spelled out by the Eisenhower Commission and numerous other prestigious national study groups whose reports are gathering dust on the shelves.

We need these and many other things that cost money—substantial money—if we are to have an efficient, modern, criminal justice system that will provide the security we want.

According to Lloyd N. Cutler, former executive director of the President's Commission on the Causes and Prevention of Violence, the amount that America invests in the criminal justice system—all police, all courts, all corrections, Federal, State, and local—is less than three-quarters of 1 percent of our national income, and less than 2 percent of all Federal, State, and local tax revenues.

This is barely more than we have been spending on the space program.

Frankly, I think that very few of the people who are justifiably upset by the growth of crime and violence in this country realize how little of our public investment goes for this vital purpose.

In conveying the notion to an expectant public that there is a shortcut to law and order through repressive measures, such as the District of Columbia crime bill contains, we would be doing the Nation a grave disservice.

We will only get security in this land when we are ready to take the massive

measures to overcome the real and basic causes of our insecurity.

Finally, I would point out that the devotion to order in our democratic society does not belong exclusively to those who equate law and order with regimentation and repression.

We need—and must have—security in our homes and streets and places of business for our law-abiding citizens.

But repression is not the answer.

And the price is too great.

It is for these reasons that I urge your support of the alternative District of Columbia crime package which preserves the major reforms contained in the conference report, but with the cancerous threats to our constitutional rights cut out.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRETRIAL DETENTION

Mr. DOLE. Mr. President, many charges have been made with respect to the pretrial detention section of the conference report on S. 2601. My initial reaction to these charges is that they are somewhat short on documentation. If we are to accept and believe them, it would be helpful to have some compelling legal authority at hand.

One charge that is frequently made is that pretrial detention violates the eighth amendment. Opponents of pretrial detention argue that the bail clause in the eighth amendment which states, "excessive bail shall not be required," creates an absolute right to bail in noncapital cases.

Proponents of pretrial detention assert that the eighth amendment prohibits excessive bail whenever bail is set, but that subject to the due process clause of the fifth amendment, Congress may determine that for some serious offenses, bail need not be set as a matter of right.

By themselves, the six relevant words in the eighth amendment are susceptible to either interpretation. Consequently, those of us who are asked to interpret the amendment for ourselves would be greatly aided by citation to authoritative interpretation of the amendment in the past.

The statement of the bill's floor managers provides such authority, which is prefaced with the comment that:

> On the basis of existing authority the conferees could not locate persuasive evidence that a narrowly and fully protected detention alternative violates either the due process clause or the eighth amendment. The prohibitions against excessive bail cannot be read to mandate bail in all cases. . . .

Then the statement cites this authority:

> In *Carlson* v. *Landon*, 342 U.S. 524 (1952), the Supreme Court observed:
>
> "The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases, but merely to provide that bail shall not be excessive in those cases where it is proper to grant bail. When this clause was carried over into our Bill of Rights, nothing was said that indicated any different concept. The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. Thus, in criminal cases, bail is not compulsory where the punishment may be death. Indeed, the very language of the amendment fails to say all arrests must be bailable."
>
> This interpretation was reaffirmed in the recent case of *United States ex rel. Covington* v. *Coparo*, 297 F. Supp. 203 (S.D.N.Y. 1969), in which the Court said:
>
> "Congress could, without running afoul of the Eighth Amendment, . . . provide . . . that persons accused of kidnapping, bank robbery with force and violence, or other serious noncapital crimes are not entitled to bail as a matter of right."

Additional cases can be cited to substantiate this interpretation of the eighth amendment. They include: *Bloss* v. *People of the State of Michigan*, 421 F. 2d 903 (6th Cir., 1970); *United States ex rel Covington* v. *Coparo*, 297 F. Supp. 203 (S.D.N.Y. 1969); *Mastrian* v. *Hedman*, 326 F. 2d 708 (8th Cir.), *Cert. denied*, 376 U.S. 695 (1964); *United States ex rel. Hyde* v. *McMann*, 263 F. 2d 940 (2d Cir.), *Cert. denied, United States ex rel Hyde* v. *Lavallee*, 360 U.S. 937 (1959); *United States ex rel. Fink* v. *Heyd*, 298 F. Supp. 716 (E.D. La. 1968); *Wansley* v. *Wilkerson*, 263 F. Supp. 54 (W.D. Va. 1967); Cf. *Vanderford* v. *Brand*, 126 Ga. 67, 54 S.E. 822 (1906); *People ex rel. Shapiro* v. *Keeper of City Prison*, 290 N.Y. 393, 49 N.E. 2d 498 (1943).

It would appear that proponents of pretrial detention have met their burden of production of authority on this point and that it is time for those on the other side to come forward with equally impressive authority to support their position that "the eighth amendment establishes an absolute right to bail in all noncapital cases." This task should present no difficulty, for the Senator from North Carolina (Mr. ERVIN) has stated repeatedly that—

> Preventive detention is a constitutionally questionable device whose survival depends on a frontal assault of the Eighth Amendment as it has been understood from its enactment. (Emphasis added).

In my judgment, failure to produce an equally impressive list of judicial authority would call for a directed verdict, so to speak, in favor of the bill on this point. Certainly, the legislation is not presumptively unconstitutional.

One additional point opponents of pretrial detention might wish to consider is an exchange which took place in 1965 during Judiciary Committee consideration of Federal bail reform legislation. On page 148 of the published hearings the following is recorded:

> Mr. CREECH. Going back to the Eighth Amendment, to excessive bail and the feeling of some legal authorities that there is a right to bail, do you feel that judges can properly detain a defendant accused of a noncapital offense because he considers the man a danger to the community?
>
> Judge CRAVEN. I will be honest with you. It would be hard to convince me, but if you did convince me that he is really dangerous and that if I let him out he would be likely to kill his wife or mother-in-law, I would not let him out.
>
> Senator ERVIN. I might state on that point, I had a case one time in connection with a suit for false imprisonment of a person who had been detaind on account of insanity. Of course, he did not admit it. And I ran into this proposition that said that on the basis of common law any person has a right to temporarily detain another if there is a likelihood that he will do injury either to himself or to others by violence, until processes of the law can be set in motion for his detainment according to the statute law. And I have no doubt in my mind that if a judge has reasonable grounds for belief that an accused who is before him for the purposes of bail would be likely to commit suicide or be likely to commit a homicide or any violent crime on another, he would have a right to detain him for a reasonable period of time.

The Senator from North Carolina's distinguished record on the bench is well known but something has transpired in the past 5 years to cause him to change an opinion based on experience at virtually every level of his State's judiciary. The logic of his statement seems unimpaired by the passage of time.

At the same time that opponents of pretrial detention are finding authority to support their position, I would be interested to know why they are so certain Congress can authorize the detention of capital defendants but cannot authorize the dtention of noncapital defendants. The six words of the bail clause in the eighth amendment make no distinction between capital defendants and noncapital defendants. Rape is a noncapital offense in the District of Columbia, but a capital offense in the special maritime and territorial jurisdictions of the United States. Why should it be constitutional for the U.S. Government to detain a rape defendant when the offense occurs in a national park or a national cemetery, but unconstitutional to detain him when he commits his offense in the District of Columbia? Why should the State of Virginia, which punishes rape with death, be able to hold a rape suspect without bail while the U.S. Government cannot hold a rape suspect in the District of Columbia? Why was it constitutional in 1966, under the Bail Reform Act, to detain a rape suspect in the District of Columbia when rape was a capital offense here, but unconstitutional for Congress to authorize the same man's detention today?

This question of the Federal Government's power to detain a noncapital defendant is important to the States, because it is generally agreed that the eighth amendment applies to the States through the due process clause of the 14th amendment. I ask unanimous consent to have printed in the RECORD a letter from the Deputy Attorney General to Senator ERVIN on this point at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. If the eighth amendment forbids State governments to detain noncapital defendants, then States that abolish the death penalty would be forbidden to hold even the likes of Richard Speck before trial. Murder defendants in New York, where capital punishment has been largely abolished in practice, are held

routinely before trial. Is this unconstitutional?

In the State of Florida, the constitution authorizes the detention before trial of defendants charged with life imprisonment. The same is true in Rhode Island. The model State constitution has such a provision, and it was recently included in the proposed Oregon constitution.

Opponents of pretrial detention must concede, I think, that if their interpretation of the eighth amendment should prevail in court, these State provisions will be held unconstitutional.

Such a prospect appears to me to be highly undesirable and inimicable with the concepts of federalism and the States rights which are so often held up as fundamental precepts of our Union.

Mr. President, I yield the floor.

EXHIBIT 1

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., June 19, 1970.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: During my testimony before the Senate Subcommittee on Constitutional Rights on May 22, the question was posed whether the "excessive bail" clause of the Eighth Amendment applies to the States through the due process clause of the Fourteenth Amendment. This letter will attempt to answer that question.

Although the Supreme Court has not yet held that the excessive bail clause of the Eighth Amendment applies to the States, the Court has ruled that the "cruel and unusual punishment" clause of the same amendment is incorporated into the Fourteenth Amendment, which applies to the States. In addition, several recent lower court decisions have held that the bail clause of the Eighth Amendment applies to the States. On the basis of this contemporary authority, I am confident the Supreme Court will apply the bail provision to the States when that issue is next presented and that, in the meantime, we should assume the Amendment does apply to state judges in the same way it applies to judges in federal courts. *Ex Parte Watkins*, 32 U.S. 357, 361 (1833).

As you know, the Bill of Rights was drafted in 1789 as a series of limitations upon the power of the federal government, not as a protection of certain rights against action by the States. Consonant with this objective, there are numerous opinions of the Supreme Court holding that the first nine amendments to the Constitution do not apply to the States.

Specifically, in *Collins* v. *Johnston*, 237 U.S. 502, 510–511 (1915), the Court remarked:

"The Eighth Amendment is also invoked, with its prohibition against cruel and unusual punishments; but, as has often been pointed out, this is a limitation upon the Federal Government, not upon the States. *Barron* v. *Mayor of Baltimore*, 7 Pet. 243, 247; *Pervear* v. *Commonwealth*, 5 Wall. 475, 480; *McElvaine* v. *Brush*, 142 U.S. 155, 158; *O'Neil* v. *Vermont*, 144 U.S. 323, 332; *Ensign* v. *Pennsylvania*, 227 U.S. 592, 597."

The Fourteenth Amendment was adopted in 1868. Since the 1930s, the Supreme Court has slowly incorporated the provisions of the Bill of Rights into the Due Process clause of the Fourteenth Amendment, which was designed as a limitation upon the power of the States. Thus, in *Robinson* v. *California*, 370 U.S. 660, 667 (1962), where a California statute made it a criminal offense to "be addicted to the use of narcotics," the Court said:

"We hold that a state law which imprisons a person thus afflicted as a criminal, even though he has never taken any narcotic drug within the State or been guilty of any irregular behavior there, inflicts a cruel and unusual punishment in violation of the Fourteenth Amendment."

Prior to this passage, the Court observed:

". . . [I]n the light of contemporary human knowledge, a law which made a criminal offense of such a disease [namely, mental illness, leprosy, or venereal disease] would doubtless be universally thought to be an *infliction of cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments*. . . . We cannot but consider the statute before us as of but one in the same category." 370 U.S. at 666–667 (emphasis added).

In a concurring opinion, Justice Douglas said:

"The command of the Eighth Amendment banning 'cruel and unusual punishments,' stems from the Bill of Rights of 1688. See *Francis* v. *Resweber*, 329 U.S. 459, 463. And it is applicable to the States by reason of the Due Process clause of the Fourteenth Amendment. *Ibid.* 370 U.S. at 675."

Citing the *Robinson* case as authority, a number of lower courts have now concluded that the cruel and unusual punishment clause of the Eighth Amendment applies to the States. For example, in *Jackson* v. *Bishop*, 404 F. 2d 571, 576 (8th Cir. 1969), Judge (now Justice) Blackmun wrote:

"Despite earlier comments to the contrary . . . the Eighth Amendment's guarantee against cruel and unusual punishments seems now to have come to be regarded as directly applicable to the states through the due process clause of the Fourteenth Amendment. Robinson v. California, 370 U.S. 660, 666 . . ."

Likewise, in *Beard* v. *Lee*, 396 F. 2d 749, 751 (5th Cir. 1968), the court said:

"The Eighth Amendment to the Constitution of the United States forbids infliction of cruel and unusual punishments. Through the action of the Fourteenth Amendment it applies to the States. Robinson v. California . . ."

Thus, there is no doubt that at least one clause of the Eighth Amendment applies to the States. In light of other recent court decisions, there appears to be no reason why the "excessive bail" clause should not apply also.

For example, in *Pilkinton* v. *Circuit Court of Howell County, Missouri*, 324 F. 2d 45, 46 (8th Cir. 1963), a bail case, the court said:

"We take it for granted that, contrary to earlier cases . . . the prohibition in the Eighth Amendment against requiring excessive bail must now be regarded as applying to the States, under the Fourteenth Amendment."

This ruling was followed in the subsequent case of *Mastrian* v. *Hedman*, 326 F. 2d 708, 711 (8th Cir. 1964), a decision in which the Supreme Court denied certiorari. 376 U.S. 965 (1964).

In *Henderson* v. *Dutton*, 397 F. 2d 375, 377 (5th Cir. 1968), Chief Judge John R. Brown of the 5th Circuit wrote:

". . . [S]ince Robinson v. State of California . . . the Constitution prohibits the States from inflicting cruel and unusual punishments [3] . . . [3] And undoubtedly excessive bail as well]."

See also *United States ex rel. Covington* v. *Coparo*, 297 F. Supp. 203, 205 (S.D.N.Y. 1969); *United States ex rel. Fink* v. *Heyd*, 287 F. Supp. 716, 717 (E.D. La. 1968); *Wansley* v. *Wilkerson*, 263 F. Supp. 54, 56 (W.D. Va. 1967); *Dembrowski* v. *State*, —Ind.—, 240 N.E. 2d 815, 817 (1968). This is not an exhaustive list.

On the basis of these recent cases, there is little reason to doubt that the "excessive bail" clause of the Eighth Amendment now applies to the States. Moreover, whatever our differing interpretations of the Eighth Amendment may be, we both agree that the Amendment protects a fundamental right. It would be inconsistent to stress the importance of that right but at the same time argue that the right is not sufficiently fundamental to be incorporated into the due process clause of the Fourteenth Amendment.

Consequently, whatever interpretation is placed upon the Eighth Amendment's bail clause as a limitation upon federal power must also be carried over to apply as a limitation upon the power of the several States. In this connection, I am enclosing with this letter a brilliant opinion by Federal District Judge Edward Weinfeld, who held that bail could be denied to a murder suspect although murder is no longer a capital offense in New York.

Sincerely yours,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

[297 F. Supp. 203]

UNITED STATES EX REL. COVINGTON *v.* COPARO
S.D. N.Y. 1969

Edward Weinfeld, District Judge.

The petitioner, held without bail upon an indictment returned by a New York County grand jury charging him with a triple murder in the first degree, seeks his release by way of a federal writ of habeas corpus unless reasonable bail pending trial is fixed either by the State Court or this Court. Petitioner contends he has an absolute right to bail under the Eighth Amendment to the Federal Constitution, since murder in the first degree is no longer a capital crime in New York State (with exceptions not here relevent).[1] The prosecution, in resisting petitioner's application in the State Court for bail,[2] denied such a constitutional right and also opposed the application on the ground that the three decedents named in the indictment were murdered in a dispute over narcotics; that petitioner had a criminal record; that he is a "professional hired killer"; and that if released on bail was unlikely to appear for trial. The denial of bail was affirmed by the Appellate Division without opinion and the Court of Appeals denied leave to appeal. Petitioner having exhausted the state process on this issue, federal habeas corpus is available to test the legality of his detention.[3]

Petitioner assumes that the Eighth Amendment, binding upon the State of New York under the Fourteenth Amendment,[4] requires that bail be granted as a matter of right in all except capital crimes. The Eighth Amendment, however, does not mention, much less distinguish between, capital and other felonies. It provides only that "excessive bail shall not be required * * *." It is true, as petitioner contends, that some courts have construed the Eighth Amendment to guarantee the right to bail in all but capital cases,[5] but such statements must be considered in the context of the Congressional statute governing bail, rather than as a command under the Eighth Amendment.

The Supreme Court has not spoken directly on the precise issue here presented. However, in considering a statutory provision authorizing the Attorney General to hold without bail alien communists under deportation charges, the Court observed that the Eighth Amendment did not confer a right to bail in every criminal prosecution. The Court also noted that it was within Congressional competence to define those classes of cases in which bail shall be allowed.[6] And from the Judiciary Act of 1789 to the present, Congress has always provided that an accused is entitled to bail as a matter of right in a non-capital case, whereas in capital cases bail is a discretionary matter.[7]

Congressional policy thus far has provided that only capital offenses are not bailable as

a matter of right. However, Congress could, without running afoul of the Eighth Amendment, also provide, for example, that persons accused of kidnapping, bank robbery with force and violence, or other serious noncapital crimes are not entitled to bail as a matter of right.[8] This Congressional power, of course, is confined by the due process clause of the Fifth Amendment. Thus, I am of the view that Mr. Justice Burton, in his dissent in Carlson v. Landon, correctly defined the scope of the Eighth Amendment to "prohibit * * * federal bail that is excessive in amount when seen in the light of all traditionally relevant circumstances. Likewise, it must prohibit unreasonable denial of bail."[9]

And as Congress is free, within constitutional limits, to define the classes of crimes which are bailable as a matter of right and those that are not, so, too, may the state legislatures. While the Supreme Court has not passed upon the direct issue, those federal courts which have are in accord that the Eighth and Fourteenth Amendments do not require the state to grant bail in all cases as a matter of right; all have recognized that a state may constitutionally provide that bail be granted in some cases as a matter of right and denied in others, provided that the power is exercised rationally, reasonably and without discrimination.[10] Thus, it is left to the courts to fix the amount of bail in all cases where it is a matter of right and also in those instances where the court exercises its discretion favorably; but, under the Eighth Amendment, where bail is fixed in either instance, it must not be excessive, and further, where bail is not a matter of right, the court may not arbitrarily or unreasonably deny bail.

New York State provides that admission to bail before conviction is a matter of right in misdemeanor cases and a matter of discretion in all other cases—including a non-capital murder charge, the charge against this petitioner.[11] New York's recent elimination of the death penalty upon conviction of murder in the first degree[12] following a course adopted in other states,[13] manifests an enlightened policy which should be deterred by a legislative concern that reduction of the penalty must automatically result in the granting of bail as a matter of constitutional right.[14] The penalty that may be imposed in the event of a conviction should not be the sole determinant on the issue whether bail is a matter of right; other factors, such as the nature of the offense, to mention but one, are also of substantial significance. No matter what the penalty, a murder charge remains a murder charge; a kidnapping charge remains a kidnaping charge, a rape charge remains a rape charge. Essentially, the basic purpose of bail remains whether, in the light of the nature of the charge and other significant factors, an accused will appear for trial and submit to sentence upon conviction.[15]

The state legislature may define types of crimes so that bail is not mandatory in all cases, leaving the determination of whether an accused is a good bail risk for the courts to decide in the exercise of their sound discretion.[16] And if the totality of circumstances is such that a court is of the view that no amount of bail will ensure the defendant's presence for trial, bail may be refused. A court's refusal of bail in an appropriate case does not trespass upon a defendant's federal constitutional rights under the Eighth and Fourteenth Amendments. In those instances where the court, in the exercise of discretion denies bail, the defendant's right to a speedy trial, a guarantee that prevents undue and oppressive incarceration prior to trial,[17] assumes significance. [18]

Petitioner here is charged with a triple murder; the state contends that he is a hired killer. The state could have found a real danger that petitioner, if released on bail, would take flight from the jurisdiction; that no amount of bail would assure his appearance for trial; also that his release might constitute danger to the community. The granting of bail under such circumstances might well amount to "irresponsible judicial action . . ."[19]

The petition is dismissed.

FOOTNOTES

[1] N.Y. Penal Law, McKinney's Consol. Laws, c. 40, § 125.30, subd. 1(a).

[2] Petitioner moved by a habeas corpus proceeding, as required under New York law. United States ex rel. Hyde v. McMann, 263 F.2d 940, 942 (2d Cir.), cert. denied, United States ex rel. Hyde v. La Vallee, 360 U.S. 937, 70 S.Ct. 1462, 3 L.Ed.2d 1549 (1959); People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 399, 49 N.E.2d 498 (1943).

[3] Brown v. Fogel, 387 F.2d 692, 694 & n. 1 (4th Cir. 1967), cert. denied, 390 U.S. 1045, 88 S.Ct. 1647, 20 L.Ed.2d 307 (1968); Wansley v. Wilkerson, 263 F.Supp. 54, 56 (W.D.Va. 1967).

[4] Pilkinton v. Circuit Court of Howell County, Missouri, 324 F.2d 45, 46 (8th Cir. 1963); United States ex rel. Fink v. Heyd, 287 F.Supp. 716, 717 (E.D.La. 1968); Wansley v. Wilkerson, 263 F.Supp. 54, 56 (W.D.Va. 1967).

[5] E. g., Trimble v. Stone, 187 F.Supp. 483, 484 (D.D.C.1960).

[6] Carlson v. Landon, 342 U.S. 524, 545, 72 S.Ct. 525, 96 L.Ed. 547 (1952).

[7] Rule 46(a), Fed.R.Crim.P.: "(1) *Before Conviction.* A person arrested for an offense not punishable by death shall be admitted to bail. A person arrested for an offense punishable by death may be admitted to bail by any court or judge authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense." See Stack v. Boyle, 342 U.S. 1, 4 72 S.Ct. 1, 96 L.Ed 3 (1951).

[8] Thus, it would be singular if, after the Supreme Court's invalidation of the death penalty in the Federal Kidnapping Act, 18 U.S.C. § 1201(a) (1), on grounds unrelated to bail considerations, United States v. Jackson, 390 U.S. 570, 88 S.Ct. 1209, 20 L.Ed.2d 138 (1968), the Eighth Amendment were to compel the release on bail of all defendants charged under the statute on the ground that their offense was no longer capital.

[9] 342 U.S. 524, 569, 72 S.Ct. 525, 548, 96 L.Ed. 547 (1952); cf. United States v. Motlow, 7 Cir., 10 F.2d 657, 659 (1926) (Butler, Cir. J.).

[10] Mastrian v. Hedman, 326 F.2d 708, 710–711 (8th Cir.) cert. denied, 376 U.S. 965, 84 S.Ct. 1128, 11 L.Ed.2d 982 (1964); United States ex rel. Hyde v. McMann, 263 F.2d 940, 943 (2d Cir.), cert. denied, United States ex rel. Hyde v. LaVallee, 360 U.S. 937, 79 S.Ct. 1462, 3 L.Ed.2d 1549 (1959); United States ex rel. Fink v. Heyd, 287 F.Supp. 716, 717–718 (E.D.La.1968); Wansley v. Wilkerson, 263 F.Supp. 54, 57 (W.D. Va.1967). Cf. People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 398, 49 N.E.2d 498 (1943). See also Bitter v. United States, 389 U.S. 15, 16, 88 S.Ct. 6, 19 L.Ed2d 15 (1967); Richman v. California, 85 S.Ct. 8, 13 L. Ed.2d 17, 18–19 (1964) (Douglas, Cir. J.); Carbo v. United States, 82 S.Ct. 662, 7 L.Ed.2d 769, 774 (1962) (Douglas, Cir. J.); Fernandez v. United States, 81 S.Ct. 642, 5 L.Ed.2d 683, 686 (1961) (Harlan, Cir. J.).

[11] N.Y. Code Crim. Proc. §§ 552, 553.

[12] N.Y. Sess. L. 1965, ch. 321, § 1.

[13] Sec. e.g., Alaska Sess.L.1957, ch. 132, § 1; Me.Rev.Stat.Ann. tit. 17, § 2651 (1964; Mich. CompLaws, § 750.316 (1948); Min.Stat., § 619.07 (1961); R.I.Gen.Laws, § 11–23–2 (1956); Vt.Stat.Ann., tit. 13, § 2303 (1968 Supp.); W.Va.Code, § 61–2–2 (1966); Wis. Stat., § 940.01(1) (1961).

[14] See also legislation, pending in the 90th Congress, that would have abolished the death penalty for all federal offenses, S. 1760, H.Rep. 754, 934, 2305, 9865, 10784, 10874, 12547, and amended the Constitution to prohibit imposition of the death penalty by the states, H.J. Res. 633.

[15] Stack v. Boyle, 342 U.S. 1, 4, 72 S.Ct. 1, 96 L.Ed. 3 (1951).

[16] People ex rel. Shapiro v. Keeper of City Prison, 290 N.Y. 393, 49 N.E.2d 498 (1943).

[17] United States v. Ewell, 383 U.S. 116, 120, 86 S.Ct. 773, 776, 15 L.Ed.2d 627 (1966).

[18] This right, of course, applies to the states and "is as fundamental as any of the rights secured by the Sixth Amendment." Klopfer v. North Carolina, 386 U.S. 213, 223, 87 S.Ct. 988, 993, 18 L. Ed.2d 1 (1967).

[19] Rehman v. California, 85 S.Ct. 8, 13 L. Ed.2d 17, 19 (1964) (Douglas, Cir. J.) Carbo v. United States, 82 S.Ct. 662, 7 L.Ed.2d 769, 774 (1962) (Douglas, Cir. J.). Cf. Painten v. Massachusetts, 254 F.Supp. 246, 249 (D.Mass. 1966).

ADDITIONAL STATEMENTS OF SENATORS

REPLY BY UNITED ARAB REPUBLIC TO PRESIDENT'S PEACE PLAN

Mr. TOWER. Mr. President, we are now receiving optimistic responses to President Nixon's diplomatic initiatives in the Middle East. The Washington Post today reported that the United Arab Republic has replied to the peace plan proposed by the President. Al Ahram, the official voice of the Egyptian Government, published a text of the American peace proposal in its yesterday's edition. Although the text of the peace plan was altered in three specific instances to satisfy certain Egyptian requests, we should all be heartened by the simple fact that Egypt has responded to the proposal.

It now seems evident that the President's statement in his recent television interview to the effect that the security of the State of Israel is in the national interest of the United States has been taken quite seriously by the powers that be in both Moscow and Cairo. If Pravda is indeed correct when it states, as it did today, that Egypt is prepared to recognize the existence of Israel as an independent state, then we may soon envision the beginning of serious peace talks on the Arab-Israel conflict. As everyone who has followed this situation knows, recognition of Israel by the major Arab powers ranks first in the list of demands of the Israel Government.

President Nixon and Secretary of State Rogers should be commended for their effort to encourage meaningful negotiations between the conflicting parties. U.S. policy with regards to the Middle East has not changed: We support the maintenance of state sovereignty and national self-determination for all of the nations of that area of the world. From this basic policy premise President Nixon has embarked on this bold diplomatic initiative. He should be supported and commended by all Americans who pray for lasting world peace.

WATER RESOURCE PROJECTS APPROVED BY THE COMMITTEE ON PUBLIC WORKS

Mr. RANDOLPH. Mr. President, I wish to inform Senators and other interested parties of the various water resource

projects approved by the Committee on Public Works on July 16. These projects will aid in flood prevention and they are valuable to the communities where they will be located.

The projects, approved under the Watershed Protection and Flood Prevention Act, together with the estimated Federal cost, include Spadra Creek, Ark., $1,618,000; Upper Petit Jean, Ark., $3,973,000; Headwaters of the Chattooga, Ga., $2,815,000; North Oconee River, Ga., $2,795,000; Lost River, Ind., $4,883,000; St. Mary's River, Md., $1,484,000; Ppper Turtle River, N. Dak., $2,925,000; Pine Valley, Oreg., $1,711,000; Rocky Creek, S.C., $1,833,000; Hog Creek, Tex., $570,000 and Upper Cibolo, Tex., $941,000.

Also approved by the committee, under Section 201 of the Flood Control Act of 1965, was Mobile Harbor, Ala.—Theodore Ship Channel—which has an estimated Federal cost of $7,254,000.

A NEW POSTURE OF ISOLATION

Mr. GOLDWATER. Mr. President, having lived through that period of history represented by the twenties and the thirties, I can remember very easily and very completely the mood of the country. Eliminating the difficulties caused by a depression that went on and on, and eliminating the existence of the Volsted Act, I would say the dominant feeling of that period was one of isolation from the rest of the world. We were not a world power, in any sense of the word, and not a Military Establishment. After World War I, we went downhill as we are doing today; new weapons were not purchased, as is the inclination of a number of Members of Congress today, and we were very firmly placing our head in the sands of stupidity.

Instead of maintaining a strong posture, we maintained a weak one. Instead of being able to warn Hitler that any overt act on his part would bring us into it, we carefully stayed away from either the preparation or the interest. I have always believed that World War II would not have been fought had Hitler realized that America was strong and ready and willing to help its allies.

Now we jump from that period into the present time, in the interim having fought three wars, and we find the American people, urged on by some members of the Foreign Relations Committee and by other Members of Congress, acquiring a posture again of isolation. We are faced with the explosiveness of the Middle East, and yet we are not equipped or willing to do anything about what might happen there. What might happen, in my opinion, is that Russia could well wind up controlling the Suez Canal, the Mediterranean, the Straits of Gibraltar, the Indian Ocean, and the straits leading into the South Pacific. This would mean the end of freedom of the seas, and it would give Russia control of the waters of the world.

In this dangerous time of history, as we approach debate on the military authorization bill, we find quite a contingent of Congressmen presenting to Congress an elaborate, expensive, and thoroughly developed plan to further downgrade the military strength of our country.

Personally, I think we have gone too far in the cuts the administration and the Senate committee have already made, but to take the suggestions made by the group known as "Peace Through Law" would be a risk that free people cannot afford to take. As we move through these dangerous days there are too few voices being raised to point out the dangers and the ultimate results if we proceed as this weakening group would have us proceed.

One of the most consistent of these voices is Joseph Alsop, who writes again in an extremely knowledgeable way, not only about war and foreign policy, but particularly about the danger of military budget cuts. Another writer who has consistently been aware of these dangers is Mr. Richard Wilson.

I ask unanimous consent that two columns by these gentlemen be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MORE MILITARY BUDGET CUTS WILL IMPERIL FUTURE OF U.S.

(By Joseph Alsop)

The administration's bitter inner struggle over next year's budget, and more particularly, next year's defense budget, amounts to a secret debate on the future of the United States.

To be sure, it is almost heresy, nowadays, to say that grave dangers can arise from the kind of very deep defense-cuts being planned by Secretary of Defense Melvin Laird.

The same view was taken when Secretary of Defense Louis Johnson was making defense cuts that were just as politically motivated. Almost everyone was deeply shocked when the natural result of Johnson's ruthless depletion of American power turned out to be the Korean War.

Secretary Laird, of course, is hacking away at a far larger budget, but he is also doing so in an infinitely more dangerous period. The near monopoly of nuclear weapons that this country enjoyed in Secretary Johnson's time has of course vanished long since.

With reckless shortsightedness, the five-to-one margin in nuclear-strategic weapons that this country still possessed in President Kennedy's time, has also been allowed to vanish. In intercontinental missiles today, the U.S.-Soviet ratio is in fact 1 to 1.2, and it will be 1 to 1.4 in no more than a year or so.

In short, a continuous deterioration of the balance of power between this country and the Soviet Union, had been permitted for some years. All this happened before Secretary Laird got out his little hatchet for the present round of defense cuts.

Furthermore, Laird is swinging his hatchet when Soviet policy has suddenly become marked by a quite new aggressiveness; and there is also every reason to suspect a constant increase of military influence on the Kremlin's decisions. In short, it is hard to conceive a more hair-raising time to cut the guts out of what remains of the national defense.

To give just one example of the dangers, there is the horror story (for it is no less) of the Sixth Fleet in the Mediterranean. Already, the Sixth Fleet has been permitted to decay to a point that can only be called insane, in view of the present deadly peril to Israel.

The Sixth Fleet today has two carriers, with their aircraft. These are its main striking force. Meanwhile, in addition to the large elements of the Soviet navy in the Mediterranean, the Kremlin can count on Alexandria and probably on Lattakieh in Syria, as bases for any number of aircraft, plus any number of missiles the Soviet defense ministerium chooses to emplace.

Reinforcement of the Sixth Fleet is *still* possible, but only on what the military call a "surge basis," which means that the reinforcement, even by as little as two additional carriers, cannot be maintained for more than about four months. This is because of past reductions in the strength of the U.S. Navy.

This is bad enough. The further reductions under the new program of Laird defense cuts will not only somewhat weaken the Sixth Fleet itself, even though its strength is so clearly inadequate in the changed situation, in addition, it will reduce the Navy's capability of "surge" reinforcement very greatly. In eighteen months or more, if the planned cuts are made, the Sixth Fleet may therefore have to be withdrawn from the Mediterranean!

That will first of all amount to turning the Mediterranean into a Soviet lake. Besides Alexandria and Lattakieh, the Soviets are already secretly using the Algerian base of Mers El Kebir. They are pouring Secret Service money into little Malta, in the hope of securing, at some future time, a pro-Soviet government in this island that was "the unsinkable aircraft carrier" of the Second World War.

Neither the French, nor the Italians, nor anyone else at all, can possibly offer any counterweight to the Soviet navy in the Mediterranean in the future conditions above summarized. Of course, turning the Mediterranean into a Soviet lake means, among other things, passing a sentence of death or subjugation on Israel and its people. But that, one must add, will be only the beginning.

Yet the foregoing is only one of several horror stories arising from the secret debate about this nation's future. It is a very hot debate. At least one of the Joint Chiefs of Staff is already known to have exercised every chief of staff's ultimate privilege. He has asked to present his "reclama"—meaning his warning that the defense cuts are going much too far—to the President in person.

This has not been asked for in a great many years, and it should be enough to indicate the terrible gravity of the issues that are now being argued behind closed doors. Yet the President will probably answer he can do nothing, because of the current insanity of most of the U.S. Senate. And in this, the President may well be right.

DREAMERS TALK WHILE SOVIETS CONTINUE ARMING

(By Richard Wilson)

WASHINGTON.—Will we never learn? Airy assumptions about a detente with Russia are being deflated again. Russia's missile buildup is continuing apace. We guessed wrong on her intentions in the Mideast. We have guessed wrong time and again that Russia might aid in a settlement in the Far East.

We guessed Russia was so preoccupied in her conflict with China that the Kremlin would try no new initiative elsewhere. Wrong again.

It is not a good record and it does not encourage confidence in those people in the State Department, the Defense Department, the Central Intelligence Agency and the White House who evaluate Russia's intentions and capabilities.

Anyone who stuck to the commonsense principle that Russian is continuously expanding, or trying to expand, its power and influence would have had a better record of foresight. If a chair is vacant a Russian will sit in it would be a better rule of thumb

than the complicated analyses on which policy has recently been based. There was a power vacuum in the Middle East and the Russians, following nature's laws, moved into it while the United States was heavily preoccupied with a public clamor against an unpopular war.

Now we have the dismal prospect of a confrontation with the already established Russian military presence in the Mideast while we are trying to beat a retreat from Indochina.

Retreating on one front because the American public wants no more of war and breathing defiance on another is not a very comfortable posture for the Nixon administration. The Cambodian operation, it was thought, might have a secondary effect of showing the Russians that Nixon means business.

But an in-and-out operation with the job half-done, while tactically successful, carries little persuasive power when all the reasons for the half-done job are looked at without rose-colored glasses. One of the reasons the job was half-done was that the Nixon administration couldn't carry the American public along with a longer and more complete operation.

The Senate of the United States bears an uncomfortable responsibility in this respect. It has persistently and over a long period of time sought to undermine the authority of the President to provide for the defense of the United States and conduct military operations.

There have been those in Washington, in the Senate and elsewhere, who have been saying that the Russians were tapering off their missile build-up. Defense Secretary Laird now states Russia is, in fact, continuing to set up long-range missiles at a rapid rate. The Soviet Union has also moved a vast army to the Chinese border areas. It has moved its aircraft pilots and missiles to the Suez. It is continuing to supply arms and munitions in large volume to the North Vietnamese.

And so it is the same old story. While the dreamers in the Senate talk about Russia responding if the United States will only cut back its defense effort and get out of Vietnam on prescribed schedule, the Soviet world-wide military deployment continues unaffected and perhaps hastened. It is carried forward with the confidence that grows from nuclear equality or superiority.

This, the President said last February, is "an inescapable reality of the 1970s . . . the Soviet Union's possession of powerful and sophisticated strategic forces approaching, and in some categories, exceeding ours in numbers and capability." As comparative strength is now projected the United States will have deployed 1,054 intercontinental ballistic missiles at the end of this year, and the Soviet Union will have deployed 1,290, which is a dramatic change from the 934 U.S. to 224 Soviet missiles deployed in 1965.

Russia's growing naval strength is another inescapable reality of the 1970s. And the most inescapable reality of all is that the periodic euphoria in which we indulge does not change for a moment the dedicated purpose of the Soviet Union in shifting the balance of world power to its side.

DR. VERNON E. WILSON BRINGS FINE QUALIFICATIONS TO HSMHA

Mr. EAGLETON. Mr. President, recently Dr. Vernon E. Wilson, formerly dean of the medical school at the University of Missouri and vice president of academic affairs there, was appointed Director of the Health Services and Mental Health Administration of the Department of Health, Education, and Welfare.

No man in the Nation is more eminently qualified to fill this key post in the health field than Vernon Wilson, whom I have known and respected for many years. His appointment is truly a case of Missouri's loss being the Nation's gain. Recently Star, the Sunday magazine of the Kansas City Star, contained a story about Dr. Wilson's career and his thoughts on his new job. I ask unanimous consent that the article entitled "Dr. Vernon Wilson's Capital Investment," written by Phillip S. Brimble, and published in the Kansas City Star of July 12, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. VERNON WILSON'S CAPITAL INVESTMENT

(By Phillip S. Brimble)

When Dr. Vernon E. Wilson left the comparative serenity of Columbia, Mo., this month to take over as head of the federal government's Health Services and Mental Health administration in Washington, he was acutely aware of the challenge that job holds.

As head of that agency, Dr. Wilson will be responsible for an annual budget of 3 billion dollars and 25,000 employees. As one friend put it, "Vernon has made the big time."

Not that Dr. Wilson has not been long acquainted with big plans and challenges, having during the last decade been dean of the University of Missouri medical school, Columbia, co-ordinator of the Missouri Regional Medical program, and, more recently, vice-president of academic affairs at M.U.

While dean of the M.U. medical school, Dr. Wilson was instrumental in expanding its enrollment, faculty and services. At the same time he helped forge several affiliations between the school and other health care agencies around the state, such as the St. Louis Baptist hospital, and the Kansas City General hospital.

He helped strengthen the relationship between the school and the state division of mental diseases and aided in the development of the Mid-Missouri and Western Missouri Mental Health centers.

For several years Dr. Wilson has helped in fashioning the Hospital Hill complex, including pushing for the new state medical school for which state funds were recently approved.

The development of the Missouri Regional Medical program, a federally funded and initiated program to bring the latest in medical techniques to the largest number of physicans, was a product of Dr. Wilson's drive to improve the delivery of medical care in the state.

"Frankly," said a Kansas City physician who has long been acquainted with Dr. Wilson's work, "without Vern's drive and the strength of confidence his fellow workers have had in him, the Missouri Regional Medical program would never have gotten off the ground as fast or as successfully as it did."

"Vern is one of those persons who does things, not for the accolades, but because they need doing. His goals are to meet a need, and he just happens to be working in the health delivery system."

A long-time friend believes Wilson's decision to step up to the national-level federal job was influenced in no small part by the fact that Dr. Clarke Wescoe, former dean at the K.U. Medical Center, and another former K.U. friend, Dr. Franklin Murphy, both have attained national prominence. Dr. Wescoe is an executive with a major drug firm and Dr. Murphy is an executive with the Times-Mirror Publishing company.

"If it's something Vernon doesn't lack, it's confidence in himself," said the long-time friend. "I think Vernon believes he has something to contribute to the national picture, and I think he is right."

Wilson is more modest. In an interview recently, he refused to speculate on what impact he might have in his new job.

"At this stage I'm just trying to get the feel of what is under that (Washington) iceberg," Dr. Wilson said.

"Sure, I've got some God and Motherhood aspirations. But I'd sound foolish saying now what I was going to do when I took over. There are just too many people involved. I believe I should first get acquainted with the staff to get their feelings on some of our health problems.

"I acepted the job because this particular agency has all the authority and support to deal with the gut issues in our health care problems. The agency has the staff to do research in the delivery system. I'll want to look at several ways to improve care and at the same time preserve the values of our health care system."

Asked about his personal politics, Dr. Wilson said: "I'm apolitical. I have no politics. I have purposely stayed out of partisan politics and have always voted my conscience."

Wilson would get an argument about his political leanings from at least one acquaintance who described him as "a superb medical politician. You deal with Vernon on his terms. He has a strict sense of the military, a strict table of organization. He is a capable operator."

Capable, he is. Wilson is known around the state political and medical circles as a man who makes things work. A fence mender and systems builder, Wilson has on different occasions been referred to as a "health czar" and "the gray fox" the latter probably because of his gray crewcut, which makes him appear years younger than 55, and because of his wily, quiet way of getting things done.

Wilson trades on the fact that he is a farm boy with a feel for the common man (He was born on a farm in Kingsley, Iowa). He calls himself a blue-collar man at heart, and, he says, this gives him the understanding, from experience, of the viewpoints of patients from every walk of life.

He is equally well-acquainted with the upper echelons of the national medical hierarchy, being a member of the American Medical association's council on medical education and the A.M.A.'s liaison committee on medical education.

The Wilsons will retain their home in Columbia.

"I have tremendous regret about leaving the University of Missouri," said Dr. Wilson. "My family and I have all kinds of roots and ties throughout the state. I have a tremendous sense of loss about leaving."

One thing worries some of Wilson's friends here. They wonder how Wilson, a man accustomed to rising early, working hard, and retiring early, will adjust to the hours and the pace of the big city.

"Vern's accustomed to going to bed by 9 o'clock and Washington doesn't run on hours like that," said one old friend. "Knowing Vern, one is tempted to wonder which will change, Washington or Wilson."

MATURING PROCESS IN OFFICE OF ECONOMIC OPPORTUNITY

Mr. TOWER. Mr. President, I invite the attention of Senators to a column written by Mr. Nick Thimmesch and copyrighted and distributed in June by Newsday, Inc. The article tells of the maturing process now going on at the Office of Economic Opportunity.

I ask unanimous consent that Mr. Thimmesch's column be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME TRUTH ABOUT THE GOP PROGRAM

(By Nick Thimmesch)

WASHINGTON.—The Office of Economic Opportunity, a pale horse limping in limbo in 1968, is now running in directions which please Director Donald Rumsfeld, and this makes some people unhappy.

Critics squawk that Rumsfeld, 37, is gutting programs, ignoring idealistic militants and changing the anti-poverty agency's role from that of advocate to enforcer. Rumsfeld doesn't agree.

"Teddy Kennedy and Fred Harris (the Oklahoma Senator) go around saying that President Nixon doesn't like blacks and wants to end the war on poverty," Rumsfeld said in his second floor office in the White House.

"Part of their future seems to be based on saying that everything is rotten in the country. If people would quit wringing their hands and get to work, maybe we'd make even more progress. How can Congressmen say the President is against the poor, when they cut his anti-poverty budget request by $100 million last year?

"Sure, there's unrest, but black people became cynical about promises long before we took office. We've cut the promises. Sometimes I meet with people (in poverty programs) who are hostile because they've heard the criticism of those who over-promised. Those people usually go away saying they have been fed a bunch of baloney about what we're doing."

After a year in office, Rumsfeld has a young staff which he calls "compassionate and tough-minded." The rhetoric is diminished and poverty is looked at with a colder eye. Instead of confrontation with traditional social agencies, Community Action Agencies funded by O.E.O. are encouraged to cooperate with them. Some lawyers in the Legal Services division are dismayed that Rumsfeld wants them to be more conciliatory and less contentious. Community Action agencies, often riddled with waste and controversy, have been told to shape up.

"I told a meeting of CAP agencies in Tennessee," says assistant O.E.O. Director Frank Carlucci, "that I'd shut them down if they didn't manage themselves right. They responded with a standing ovation. We've changed the attitude. O.E.O. is maturing."

O.E.O. is also involved in a "performance contract" experiment by which an educational firm will be paid on the basis on gains made in math and reading skills by backward students most of whom are poor. This is an idea the late Sen. Robert F. Kennedy unsuccessfully pushed several years ago—the government telling educators, "If you don't produce, no more federal money."

There's also a push for economic development by the poor. O.E.O. funded: a catfish farm in Hancock County, Ga; a supermarket and modular housing in Durham, N.C.; furniture and rug manufacture by Mexican-Americans and Indians in New Mexico, along with cattle feeding; and the Bedford-Stuyvesant neighborhood project in Brooklyn.

Other innovations are recruiting VISTA volunteers for specific duties rather than for some vague, idealistic impulse; funding a Kentucky program for midwifes; and making a $2 million grant for health manpower development by John W. Gardner's celebrated Urban Coalition, an outfit which so far has operated mostly on the luncheon circuit.

Despite all the noise about cutbacks in anti-poverty spending, the current budget is the same as 1969, and the administration is asking for an increase of $132 million next year. The current $1.948 billion budget shows big increases in health and nutrition; economic development; and research and evaluation. Administration opponents still sharply criticize the $108 million cut from the Job Corps and the $64 million trimmed from the program to get jobs for youth. Vice-President Agnew recently announced an administration request for an extra $50 million for summer youth employment.

What's happening at O.E.O. is that a Republican administration is seeking to employ a low-key, keep-your-voices lowered, practical approach to solving the program of the poor. Naturally, Democrats who authored and pushed the anti-poverty program are going to squawk. They just don't like the thought of Republicans running such a big program for the poor. Rumsfeld is determined to show them that Democrats have no monopoly on humanitarianism. This kind of competition between Democrats and Republicans is good for the nation.

COURT REFORM AND SPEEDY JUSTICE

Mr. TYDINGS. Mr. President, every knowledgeable authority on the subject of law enforcement recognizes the compelling need to make the criminal courts of our Nation swift, certain and smooth-running vehicles of justice. I know from my own work in law enforcement as the U.S. attorney for Maryland that better courts mean better law enforcement—that speedy justice can mean safer streets. And I think that it is critically important for those of us in Congress who have been entrusted with shaping our Federal courts to press for legislation that gives substance to the important constitutional principles of fair and speedy justice.

The importance of speedy justice cannot be overemphasized. First, fundamental fairness demands that society give a person accused of a crime the opportunity to quickly prove his innocence and clear his name. Second, fast but fair criminal trials are indispensible to society's interest in assuring that its laws are strictly and quickly enforced against the guilty, and that dangerous criminals are quickly removed from our communities and their behavior corrected. In this regard, it is woefully obvious that today's law-and-order crisis can be attributed in ample measure to the fact that in many of our criminal courts, the principle of speedy justice is more theory than fact.

We know that judicial delay obstructs law enforcement in multiple ways. First and most important, delay serves to increase the time during which additional crimes may be committed by criminals who remain at liberty while awaiting their trials.

Next, delay clearly increases a criminal's chances that either he will go scott free or receive a punishment that is not equal to the seriousness of his crime. Delay works to deteriorate evidence, dull the memories of important witnesses and diminish their interest in seeing justice done, as its cost to them in time, effort and anxiety increases. The prosecutor, seeing his case gradually disintegrating and feeling the pressure of an increased workload, often dismisses the case entirely or accepts a plea of guilty to a lesser offense. This helps explain why nearly half of those arrested for crime have the charges against them dismissed, and why the cases of over 90 percent of those not dismissed are resolved by a plea of guilty.

Finally, the inability of our criminal courts to expeditiously try and swiftly punish the criminal offender diminishes the public's confidence in the criminal justice system as a whole. It corrodes the law's deterrent effect by demonstrating that punishment for criminal violation is not swift and certain but slow and faltering. To those who consider careers in criminality, the percentages begin to appear more favorable as the certainty of retribution for criminal misconduct become increasingly less demonstrable.

Mr. President, President Johnson's Commission on Law Enforcement stated that the period between arrest of a person accused of committing a serious crime to the trial should be no more than 4 months. However, the sad fact is that few of our courts are satisfying this timetable.

In the criminal courts of the District of Columbia, on the average over 6 months is consumed between the time a criminal case is filed and disposed of. Moreover, at the end of the 1969 fiscal year, close to 2,500 Federal criminal cases not involving fugitive defendants, or about 20 percent of all criminal cases pending in Federal court, had been awaiting trial for over 1 year. Hundreds more have been pending over 2 years. According to the Judicial Conference of the United States, these delayed cases represent true "judicial emergencies."

Even more disconcerting is the fact that the existing problem of congestion and delay in our Federal criminal courts is being aggravated by the ever-rising level of criminal cases that are beginning to flood the dockets. For fiscal year 1969, the number of criminal cases, not to mention civil cases, rose 9.3 percent over the number of cases filed in fiscal year 1968. Cases involving robbery have jumped from 851 in 1965 to 1,570 cases in 1969. And the number of cases filed in Federal court for assault in fiscal 1965 had jumped by over 50 percent by the end of fiscal 1969.

Mr. President, as we look ahead to new remedies to solve this mounting problem in our criminal courts, we should not be unmindful of some of the meaningful steps we have already taken toward making justice on the Federal level speedy and fair. I am proud of my own role in that effort. In the last 5 years, as chairman of the Subcommittee on Improvements in Judicial Machinery, I have drafted, floor managed, cosponsored, and worked for the enactment of major innovative court reform legislation. Bringing the courts into the modern era after years of neglect is a difficult, slow-moving process, but we have made some progress:

First. The Federal Jury Selection and Service Act, the first major jury reform effort since Jefferson, which made the Federal judicial system much more fair by eliminating the possibility of discrimination in the selection of jurors by requiring that jury selection be made at random from broad-based source lists. I was the principal sponsor of this legislation, chaired the hearings and managed the bill on the floor. The legislation was signed into law on March 27, 1968.

Second. The Federal Magistrates Act, which reformed the first echelon of Federal criminal justice by replacing U.S. commissioners with a magistrate system,

requiring that all U.S. magistrates be attorneys and meet other standards designed to insure impartiality, and empowering the magistrates to try minor criminal offenders when the accused executes a knowledgeable waiver of both his right to trial before a U.S. district court and any right to a jury trial that he may have. Again I was the principal sponsor of the legislation, chaired the hearings, and managed the bill on the floor. The act was signed into law on October 17, 1969.

Third. The Federal Judicial Center Act, which established an institute to study and develop solutions to the problems of court congestion and delay in the Federal courts, and which has been called by the Eisenhower Commission on the Causes and Prevention of Violence one of the bright spots in a generally bleak criminal justice picture. With Senators McCLELLAN and METCALF, I led the Senate effort for the enactment of this legislation. The bill was signed into law on December 20, 1967.

Fourth. The Omnibus judgeship bill of 1967, creating much-needed Federal appellate judgeships to deal with the increasing delay in the Federal appellate process. Before being reported to the floor, this bill was studied carefully by the Subcommittee on Improvements in Judicial Machinery in hearings which I chaired.

Fifth. The omnibus judgeship bill of 1969, which created 61 Federal judgeships to meet the needs of our expanding Federal caseload. In studying this bill the Subcommittee on Improvements in Judicial Machinery made an extensive review of the problems facing the courts. As a result of this review, I recommended, and the subcommittee and Senate accepted, provisions in the bill that would have enabled the courts to experiment with electronic sound recording, provided them with managerial expertise at the operating level, and otherwise assisted them in speeding the judicial process. Unfortunately, these provisions were not accepted by the House of Representatives. I will continue to work for their enactment. The judgeships, however, were created, and the legislation was signed into law on June 2, 1970.

Sixth. The Bail Reform Act of 1966, which was designed to eliminate from the Federal criminal justice system the archaic, discriminatory system of money bail, under which the wealthy were released from prison pending trial while the poor remained behind bars. We are indebted to Senator Ervin's leadership for the enactment of this legislation. I am proud of the support that I gave him. This legislation was signed into law in 1966.

I think each of these measures has contributed toward making our Federal judicial system more fair and efficient. However, with crime increasing every day and further congesting our already badly clogged criminal court dockets, we cannot afford to rest for one moment on the laurels of our actions of the past. We must move ahead to find new solutions to the serious problems affecting our courts.

Mr. President, the District of Columbia Court Reform and Criminal Procedure Act, which the Senate shall vote upon today, represents another important stride toward the creation of a modern and efficient judicial system. The court reform and reorganization sections, which really are the heart and substance of the bill, were designed to make the criminal courts of our Nation's Capital operate with optimum speed and efficiency.

As chairman of the Subcommittee on Improvements in Judicial Machinery, I am very encouraged by the widespread support voiced in the Senate for the important court reform sections of this bill. I believe this support reflects a growing awareness of the fact that court reform, especially major improvements in our criminal courts, is essential to the waging of an effective war against crime. In this regard, I think it is noteworthy that some of my Senate colleagues, such as Senator ERVIN, have gone even one step further, asserting that speedy justice through judicial reform is the solution to the crime problem gripping the Nation.

Mr. President, I am hopeful that those in the Senate who now are addressing themselves to the issue of speedy justice, will translate their words into action and join me in support of a number of court reform proposals now pending before this body.

Among the court reform bills pending in the Senate, in addition to the District of Columbia court reorganization and crime bill, are: S. 3916, a bill to establish court executives at the operating levels of the Federal court system for the purpose of employing their managerial skills to solve the problems of court congestion and trial delay; S. 3289, the National Court Assistance Act, a bill to provide Federal grants and up-to-date information on judicial reform to State and local courts to enable these courts to improve and modernize their own judicial machinery; S. 4066, a bill to empower the Law Enforcement Assistance Administration to assist civil courts as well as criminal courts; S. 1507, a bill calling for mandatory retirement at age 70 for Federal judges and justices to assure that the Federal bench is manned by judges who can carry a full workload; S. 981, a bill to authorize the District Court of Maryland to sit in the Prince George's and Montgomery County area to facilitate justice in cases originating in those counties.

I believe that each of these proposals would enhance the quality, effectiveness and speed of our Nation's criminal justice system. And in the light of current awareness of the need for judicial reform and speedy justice, I again submit these measures to the Senate for consideration and support.

One additional measure designed to improve our courts is deserving of Senate consideration and support. This is S. 3936, the speedy justice bill, introduced by the distinguished senior Senator from North Carolina (Mr. ERVIN). This bill requires each Federal District Court to establish plans for trying criminal cases within 60 days after indictment, so long as this deadline does not interfere with the accused's right to adequate defense and a fair trial. I wish to register my own support for this measure and encourage my Senate colleagues to do likewise.

Mr. President, without diminishing the importance of the principle of speedy justice, I think that it is important for all of us to recognize that speedy trials, as envisioned by S. 3936 and by my own speedy justice proposals, do not represent a complete cure-all for the crime problems. Even if we succeed in implementing a system whereby trials are held in 60 days, society must still protect itself against demonstrably dangerous defendants who could be roaming our streets during that 60-day waiting period. Indeed, if a man is dangerous, he presents a threat to the community even if released for 1 day. In such cases, I believe that public safety demands that an expedited 60-day trial be combined with the pretrial detention of the dangerous defendant.

Mr. President, I am hopeful that the Senate will move ahead and enact the legislation which is critically needed to enable our courts to satisfy the important principle of swift and fair justice.

ANNIVERSARY OF ARRIVAL OF THE MORMONS AT SALT LAKE

Mr. JORDAN of Idaho. Mr. President, the history of the United States is a story of a sturdy, independent people who tamed a wilderness in the settlement of the West. The vision of Horace Greeley to "go west, young man, go west," was caught by hundreds of thousands of Americans as they sought adventure and a new home for themselves and their families. One of the great epics of that movement was the crossing of the plains in 1846 from Nauvoo, Ill., to what is now Salt Lake City, by the Mormon pioneers. Rooted in the doctrines and organization envisioned by Joseph Smith in Fayette, N.Y., 1830, the Church of Jesus Christ of Latter Day Saints, better known as Mormons, has risen from the original six men to the present membership nearing 3 million. Much of their determination and growth must have been caused by enduring the early persecution of the church which moved from New York to Ohio, to Independence, Mo., where they were driven to Illinois, finally settling in a swampy area which they named Nauvoo. Violence followed them there and reached its peak with the murder of Joseph Smith and Hiram Smith, the prophet and the patriarch of the church, at Carthage, Ill.

Brigham Young, president of the Council of Twelve Apostles, was named president to succeed Joseph Smith, and in the dead of winter crossed over the ice of the Missouri River along with the majority of the church to begin their epic march to what is now Utah. That trek, in adverse weather, with barely food and clothing enough to survive, began a crossing longer in distance than that of Moses and all of Israel. The distance which we so freely traverse by plane and car with all the ease and comfort of

highways and lodging was made by this determined people on foot, in wagon, and handcart. A tragically high percentage did not live to reach the great Salt Lake. Arriving at the top of the mountains overlooking the Salt Lake Valley on July 23, 1846, Brigham Young, at the time himself bedridden with sickness, uttered his now famous words: "This is the place," and on July 24 the Mormons had found their home in Salt Lake Valley.

I pay tribute today on this historic anniversary to the courage, determination, and vision of this pioneer people who have had such a profound influence in the settling of the West, including my own State of Idaho, where the celebration of the 24th of July is a sacred tradition.

Idaho's first permanent settlement at Franklin was a group of young Mormons sent by Brigham Young; and today the Latter Day Saints, as they are known, are a major contributor to the stability and progress of the State of Idaho. It is not surprising that Brigham Young, the organizer, the pioneer, the Mormon prophet, the first Governor of Utah, and one of the most controversial figures of his time, is now honored in Statuary Hall of the U.S. Capitol as one of America's foremost pioneers.

My personal relationship with the Mormon people of Idaho in my many years in public office has led me to commend their firm teachings of honesty, loyalty, and public spirit as citizens of the United States of America.

SCHOOL DESEGREGATION—UNANSWERED QUESTIONS

Mr. SPONG. Mr. President, on Monday I expressed regret that the Supreme Court has left many questions unanswered with regard to school desegregation. Yesterday, the Norfolk-Portsmouth Virginian-Pilot published a letter to the editor from Michael B. Wagenheim.

Mr. Wagenheim is a former chairman of the Norfolk School Board, a former president of the Virginia State Bar Association, and one of the most able practitioners of the law in the Commonwealth of Virginia. His observations parallel some of the thought expressed by me on the floor of the Senate on Monday. I ask unanimous consent that the text of his letter to the editor of the Virginian-Pilot, published July 22, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COURT-CREATED CONFUSION

EDITOR, VIRGINIAN-PILOT:

As a lawyer and former Chairman of the Norfolk School Board, on which I served for about 15 years, I am imbued with a sense of frustration and futility, coupled with apprehension, in attempting to diagnose the attitude of the Federal Courts toward giving our children the best possible education.

Since the Supreme Court's decision in the Brown case some 16 years ago, the public has been treated to some of the most fancy legal footwork and adroit sidestepping in the annals of American jurisprudence. What may have been relatively simple has become confused, and what was already confused has been thrown into utter chaos. A vain effort to reconcile some of the contradictory language in the opinions from the various Federal Courts leads one to the inevitable conclusion that the last of these has achieved the singular distinction of being more confusing than the first.

So here in Norfolk, after 16 years, where do we find ourselves? The U.S. Fourth Circuit Court of Appeals has rejected the Norfolk School Board's desegregation plan, which was approved by District Judge Walter E. Hoffman in a painstaking and scholarly opinion. A new plan must now be devised. The Supreme Court has been reluctant to render any helpful advice, and its previous decisions and rulings have added very little light on the troubled situation.

Compulsory busing simply to force a racial balance does not seem to be the answer. Aside from the financial aspects of the situation, such a disruptive course among small children is hardly calculated to improve the quality of education. Neither blacks nor whites are happy at the prospect of seeing their youngsters carted away from their little friends, neighbors, and playmates to some remote location in a futile effort to enforce a numerical racial balance.

I say let the Supreme Court meet this question head-on in the Charlotte case now on the appeal docket. The baby has been bounced around too often and too long. Parents are disturbed; children are frightened; educators are confused; the City officials are perplexed. Since the Circuit Court of Appeals has said that Norfolk's efforts to carry out a well-defined plan are wrong, the Supreme Court should now speak up in plain, unambiguous and unmistakable language and tell all of us what is right.

If compulsory busing is to become the unfortunate order of the day, let the Court have the courage to say so.

MICHAEL B. WAGENHEIM.

NORFOLK.

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA

Mr. SMITH of Illinois. Mr. President, June 15, 1940, was a tragic day for the Baltic people who have suffered in Soviet captivity for 30 long years.

On that day Soviet Russia seized Lithuania, Latvia, and Estonia by force of arms and 1 year later these cruel masters began the systematic deportation of Lithuanians, Latvians, and Estonians from their homelands to the desolation of Siberia and the terror of Soviet concentration camps.

This year I was privileged to join with the fine Lithuanian community in Chicago for the opening of their Captive Nations Genocide Day exhibition. It is indeed tragic that after 30 years it is necessary to remind the world that freedom has not yet been restored to the Captive Baltic Nations.

Mr. President, the Lithuanian American Community of the USA, Inc., speaking for the Baltic peoples of Lithuania, Latvia, and Estonia, has submitted a statement entitled "Red Terror in Lithuania, Latvia, and Estonia." This document speaks eloquently for itself.

Mr. President, I commend the statement to the Senate and ask unanimous consent that "Red Terror in Lithuania, Latvia, and Estonia" and House Concurrent Resolution 416 be printed in the RECORD.

There being no objection, the statement and resolution were ordered to be printed in the RECORD, as follows:

RED TERROR IN LITHUANIA, LATVIA, AND ESTONIA

(Enslavement of the Baltic States by the Soviets for thirty years)

The Kremlin is fond of saying that Russian imperialism died with the czar. But the fate of the Baltic nations—Lithuania, Latvia and Estonia—shows this to be a cruel fiction. The Communist regime did not come to power in the Baltic States by legal or democratic process. The Soviet Union took over Lithuania, Latvia and Estonia by force of arms. The Soviets invaded and occupied the Baltic States in June of 1940, and the Baltic peoples have been suffering in Russian-Communist slavery for 30 years.

The Balts are proud peoples who have lived peacefully on the shores of the Baltic from time immemorial. For instance, this year marks the 719th anniversary of the formation of the Lithuanian state when Mindaugas the Great unified all Lithuanian principalities into one kingdom in 1251.

The Lithuanians, Latvians and Estonians have suffered for centuries from the "accident of geography." From the West they were invaded by the Teutonic Knights, from the East by the Russians. It took remarkable spiritual and ethnic strength to survive the pressures from both sides. The Balts, it should be kept in mind, are ethnically related *neither to the Germans nor the Russians.*

After the Nazis and Soviets smashed Poland in September of 1939, the Kremlin moved troops into the Baltic republics and annexed them in June of 1940. In one of history's greatest frauds, "elections" were held under Red army guns. The Kremlin then claimed that Lithuania, Latvia and Estonia voted for inclusion in the Soviet empire.

Then began one of the most brutal occupations of all time. Hundreds of thousands of Balts were dragged off to trains and jammed into cars without food or water. Many died from suffocation. The pitiful survivors were dumped out in the Arctic or Siberia. The Baltic peoples have never experienced such an extermination and annihilation of their people in their long history through centuries as during the last three decades. Since June 15, 1940, these three nations have lost more than one fourth of their entire population. The genocidal operations and practices being carried out by the Soviets continue with no end in sight.

Since the very beginning of Soviet Russian occupation, however, the Balts have waged an intensive fight for freedom. During the period between 1940 and 1952 alone, some 30,000 Lithuanian freedom fighters lost their lives in an organized resistance movement against the invaders. The cessation of armed guerrilla warfare in 1952 did not spell the end of the Baltic resistance against Soviet domination. On the contrary, resistance by passive means gained a new impetus.

The Government of the United States of America has refused to recognize the seizure and forced "incorporation" of Lithuania, Latvia and Estonia by the Communists into the Union of Soviet Socialist Republics. Our Government maintains diplomatic relations with the former free Governments of the Baltic States. Since June of 1940, when the Soviet Union took over Lithuania, Latvia and Estonia, all the Presidents of the United States (Franklin D. Roosevelt, Harry S Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson, and Richard M. Nixon) have stated, restated and confirmed our country's nonrecognition policy of the occupation of the Baltic States by the Kremlin dictators. However, our country has done very little, if anything, to help the suffering Baltic peoples to get rid of the Communist regimes in their countries.

The case of the Baltic States is not a question about the rights of self-rule of Lithu-

ania, Latvia and Estonia, since this is established beyond any reasonable doubt, but the question is how to stop the Soviet crime and restore the freedom and independence of these countries. The Select Committee of the House of Representatives to Investigate the Incorporation of the Baltic States into the U.S.S.R., created by the 83rd Congress, after having held 50 public hearings during which the testimony of 335 persons was taken, made a number of recommendations to our Government pertaining to the whole question of liberation of the Baltic States. According to the findings of this House committee, "no nation, including the Russian Federated Soviet Republic, has ever voluntarily adopted communism." All of them were enslaved by the use of infiltration, subversion, and force. The American foreign policy toward the Communist enslaved nations, the aforesaid House committee stated, must be guided by "the moral and political principles of the American Declaration of Independence." The present generation of Americans, this committee suggested, should recognize that the bonds which many Americans have with enslaved lands of their ancestry are a great asset to the struggle against communism and that, furthermore, the Communist danger should be abolished during the present generation. The only hope of avoiding a new world war, according to this committee, is a "bold, positive political offensive by the United States and the entire free world." The committee included a declaration of the U.S. Congress which states that the eventual liberation and self-determination of nations are "firm and unchanging parts of our policy."

At a time when the Western powers have granted freedom and independence to many nations in Africa, Asia and other parts of the world, we must insist that the Communist colonial empire likewise extends freedom and independence to the peoples of Lithuania, Latvia and Estonia whose lands have been unjustly occupied and whose rightful place among the nations of the world is being denied. Today and not tomorrow is the time to brand the Kremlin dictators as the largest colonial empire in the world. By timidity, we invite further Communist aggression.

Recently the U.S. Congress has made a right step in the right direction by adopting *H. Con. Res. 416* that calls for freedom for Lithuania, Latvia and Estonia. All freedom-loving Americans should urge the President of the United States to implement this legislation by bringing the issue of the liberation of the Baltic States to the United Nations. We should have a single standard for freedom. Its denial in the whole or in part, any place in the world, including the Soviet Union is surely intolerable.

HOUSE CONCURRENT RESOLUTION 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Lativa, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Passed the House of Representatives June 21, 1965.

Attest:

RALPH R. ROBERTS,
Clerk.

THE HUMAN RIGHTS CONVENTIONS: THE GAP BETWEEN RHETORIC AND ACTION

Mr. PROXMIRE. Mr. President, all of us in public life have had to face many forms of hypocrisy. The gap between words and action is unfortunately a common ingredient in American politics. Even so, Mr. President, I fail to see why we must continually condone the use of hypocritical statements that fail to meet the exigencies of a serious political problem. I speak here, in particular, of the failure of this Chamber to ratify the United Nations Human Rights Conventions. The Conventions on Genocide, Forced Labor, and Equal Rights for Women were submitted to the Senate in the decade or so following World War II. The Genocide Convention was the first of these, submitted by President Truman in 1949. Now, 20 years later, we have the opportunity to demonstrate that we stand, as a nation, by our words.

Unfortunately, there is not too much face left worth saving on this issue. Over 78 member nations have signed the Convention on Genocide. Our absence from this great list is more than merely a conspicuous absence; it is an acute embarrassment for all of us who believe that the United States has the responsibility to provide moral leadership and initiative to all nations—regardless of their system or ideology. Now, more than ever before, we must take a long look at ourselves and our record.

We must realize as a nation that moral issues are indeed involved in our foreign policy and treaty decisions. Therefore, we must carry into our foreign policy and treaty decisions a sense of ethics and morality. We simply cannot divorce the moral from the hard political issues.

I urge the Senate to ratify the Genocide Convention during this session of Congress.

LOYALTY AND PRIDE OF THE PEOPLE IN THEIR COUNTRY

Mr. FANNIN. Mr. President, I am impressed by the deep sense of loyalty and pride of our working people in their country.

Their pride and loyalty in the greatness of the Nation far outweighs their complaints. Problems they have, but they consider these secondary to the fact that there are those who avoid their duty to their country or who are maligners.

Mr. President, I ask unanimous consent to enter in the RECORD an excerpt from a letter to me from Mr. Herbert P. Voight, of Phoenix, Ariz., who so ably expresses his views:

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

As a foreign born American citizen I am often at a loss for the right words and expressions to make my point and have for that reason refrained writing to my Congressman or Senator in the past, although as father of a son who enlisted in the US Airforce 14 years ago at the age of 17 years I should have the privilege before a native father with a son of the same age, which refuses to serve and defend his country.

I am 100% in favor of the way Mr. Nixon is running the war in Vietnam, which he didn't start, except for one thing. He should give orders to bomb Hanoi and Haiphong out of existence, like the allies did with Berlin in the second World War.

* * * * *

After returning home from the war 1918 to East Germany I have been fighting the communists in Germany on and off in the big industrial Cities as a member of the new German Army and found out one thing, you can lick them, but you can't deal or compromise with them. Ever since I came to the United States in 1926 I predicted the rise of Hitler, as well as the decay in this country and couldn't understand, that nothing was done to stop the trend.

The Unions are much too powerful and making slaves out of the skilled workman, who is forced to pay and pay and carry 2 loafers and unskilled workers on his back. Everybody thinks the country owes him or her something. In my book there is a difference between a legitimate Charity Case and a good for nothing drunken bum, who is on Welfare ever since his schooldays ended. Let's take care of our real honest Welfare Cases, no matter what color or religion, but the hippies, drug addicts etc. put on road gangs and let them clean up our countryside, highways and waterways. Our courts better change their ways of interpreting the laws of the country, whether high court or low court, otherwise the honest people will be asking to be put in jail for two reasons, to be safe from the criminals roaming the streets of the cities and to be better fed and have better living conditions than they can afford on the outside.

Postal Reform should have come years ago, but I think now with the Postoffice Employees unionized we can expect slowdowns, walkouts and demoralization more than ever before.

Election of the president of the USA should be kept as is, but voting for 18 year olds should be permitted only to the ones entering the armed services and those willing to serve but being rejected for physical reasons.

As far as federal assistance is concerned to help families to buy a health Insurance, I would be satisfied if the Government would really stop Inflation, before my last few dollars are out the window, which I saved to live on in my old age. We, my wife is an invalid, unoperable, but can't collect Soc. Sec. manage to get along on $126.60 a month plus $700.00 Interests on Savings a year, living in our son's house, while he is overseas.

You think the president has troubles running the Country and the war, well I have a lot more but just the same, I'm willing to fight for this country yet if my health would permit.

THE URBAN CORPS: DEVELOPING A NEW GENERATION OF LEADERSHIP

Mr. TYDINGS. Mr. President, our urban centers find themselves with all of the problems and few of the resources with which to attack them. It is neither easy nor wise to escape this picture of the urban scene, but let us recognize it as the present-past and turn our attention to the needs of the future.

We need a different approach to our urban problems, more comprehensive than in the past. To effectively combat these problems, we need a new generation of practitioners to assist in this restructuring. These must be today's students. Unfortunately, many of our institutions of higher education are still turning out students trained in the theory of narrow traditional disciplines.

For all of these reasons, I firmly endorse the local Urban Corps student-involvement programs that are being developed in Maryland and throughout the Nation. Such locally-developed and locally-controlled programs serve as an interface between the academic community and urban government. Urban Corps interns have the opportunity to relate theory to reality and to apply their energies directly on problems within their field of interest. Such programs provide a practical experience which simply cannot be matched for those students who will comprise the new generation of practitioners.

In the Baltimore region there are now two Urban Corps programs: the Baltimore Urban Corps, developed and managed by the city of Baltimore, and the Baltimore Metropolitan Urban Corps, sponsored by the Regional Planning Council. The Baltimore Urban Corps works with city agencies and is directed by the office of the mayor, while the Metropolitan Urban Corps deals largely with State agencies. The two programs were independently initiated in the early fall of 1969, and will complement each other.

The Urban Corps in the Baltimore area will provide an educational experience for both the student intern and the city government employer—each gaining a better perspective of one another. In addition, such programs bring the academic community closer to the actual workings of urban government which can only help reduce the often-present alienation between the two.

Urban Corps programs across the Nation would not solve all of our urban problems, however, they are a beginning effort geared toward constructive action and change. I'm very encouraged about the establishment of two Urban Corps programs in my home State and applaud the national effort in helping to redirect our domestic priorities.

I ask unanimous consent to have printed in the RECORD a statement about the Urban Corps, a list of programs in operation or being developed, a Saturday Review article, and a New York Times article.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AN INTRODUCTION TO THE URBAN CORPS

Our cities are faced with an overwhelming variety of serious and complex problems. It is clear that these problems cannot be resolved with our present resources; new sources of talented and motivated personnel must be found to aid in the solution of the crises of our cities.

Our colleges and universities are also undergoing a thorough re-evaluation of their goals. Students are asking for more "relevance" in their educational experience and for the opportunity to take an active part in shaping the future of the society in which they live. Simultaneously, institutions of higher learning are seeking ways of providing genuine service to the community at large. This growing desire to extend the learning experience beyond the campus gates, to test academic theory against the conditions in the real world present a challenge and an opportunity to both government and higher education.

Urban Corps programs meet that challenge by bringing together the city and the academic community through internships in urban government.

An Urban Corps program has four basic objectives:

1. To provide young men and women with the opportunity to participate first-hand in all aspects of urban government;
2. To provide the community with skilled and motivated manpower willing and able to perform important and meaningful assignments in the public interest;
3. To attract into local government the new talent it so urgently requires; and
4. To bring the unique capabilities and resources of the academic community to bear upon the problems of the city.

URBAN CORPS OPERATIONS

Urban Corps students may be involved in every aspect of Urban government. Assignments have ranged from community development and counseling to medical technology and legal research. Every assignment must contain two critical elements, each in sufficient quantity to render the program effective. These are the value of the assignment to the community, and the value of the experience to the student. If the latter is missing, the program becomes an employment service, while if the former is ignored, a truly significant resource is wasted.

Urban Corps students participate full-time during the summer vacation period, and take part in the program on a part-time basis while classes are in session. Increasingly, colleges are offering their students the opportunity to spend one or more semesters working off-campus in a full-time assignment related to their studies and interests.

An Urban Corps is a local program, locally developed and locally run. Each Urban Corps is based upon the specific needs and priorities of the particular community, and can vary in structure and emphasis to most effectively meet local requirements.

An Urban Corps may be a structural part of the city government, frequently a unit of the chief executive's office. Depending upon local circumstances it may also be joined with other related programs, such as youth opportunity or manpower agencies. Some Urban Corps programs are administered by multi-governmental organizations, such as councils of governments or metropolitan coordinating bodies. In a few instances, special purpose corporations, quasi-governmental or educational, have been formed to provide the most flexible home for Urban Corps.

An Urban Corps is a cooperative effort, with local colleges and universities taking an active part in designing the program to develop its educational value as well as meeting the needs of the city.

Once the program is launched, many communities invite more distant educational institutions to take part in their Urban Corps. This is especially useful for the local student who attends out-of-town college, and yet wants to get involved in his home town when he returns on vacation.

FUNDING AN URBAN CORPS

The uniqueness of the Urban Corps concept rests in large measure upon its economic feasibility.

The Federal College Work-Study Program offers a uniquely solid base for funding an Urban Corps.

Administered by the U.S. Office of Education, the College Work-Study Program provides funds to participating colleges for the employment of qualified students, either in work for the institution itself (for example, in the library or cafeteria), or in work in the public interest for a public agency or private non-profit organizations. It is this latter option under which an Urban Corps may obtain this source of support.

Through the College Work-Study Program, up to eighty percent of the student's compensation is provided by the Federal government, with the remaining twenty percent coming from local sources.

The College Work-Study Program has been substantially funded since its creation in 1965. Current authorizations for the program are in excess of $150-million annually, and authorized levels approach the third of a *billion* mark. More than two thousand colleges, universities and vocational schools (including proprietary institutions) take part in the College Work-Study Program, and hundreds more enroll each year.

Student eligibility for assistance under the College Work-Study Program is based on four elements:

1. He must be enrolled as a full-time student;
2. He must be in good academic standing;
3. He must be a citizen of the United States (or file a notice of intention to become a citizen); and
4. He must demonstrate, to the satisfaction of his college, that he needs the income from such employment in order to continue his higher education.

A great many students from various economic backgrounds must work, during the summer or part-time during the academic year, in order to remain in school, and these young people are often clearly eligible for College Work-Study grants. Naturally, priority is given to those students who demonstrate the greatest need.

The twenty per cent share is derived most often from local funds. This may take the form of money already being utilized for part-time or summer employment of college students, or it may entail modest new appropriations to initiate the program. In some situations, the state assists local municipalities in making the match. The College Work-Study Program is also unique among federal programs in that its matching requirement may be met with *other federal funds* (e.g., Model Cities, Community Action Programs, etc.).

Several communities have been able to obtain significant private sector support for their local Urban Corps. This introduces even further flexibility to the program, allowing for the involvement of highly qualified students who may not be eligible for College Work-Study Program assistance, and for the development of supplemental programming to increase the effectiveness of the Urban Corps as a learning experience.

An Urban Corps can be essentially self-supporting in terms of administrative staffing. The students themselves provide a uniquely capable pool of talented and motivated personnel, filling positions ranging from program developers to payroll auditors. Overhead costs may thus be kept to a bare minimum, while the energy and enthusiasm

of the students tends to keep the program dynamic and responsive.

THE HISTORY OF THE URBAN CORPS

The concept of the Urban Corps was pioneered in New York City by Mayor John V. Lindsay. In 1966 the nation's first Urban Corps took form there, with more than 1,000 students from 52 colleges and universities taking part in that initial effort.

Deputy Mayor Timothy W. Costello, who developed the first program, described the Urban Corps as a way to "bridge the gap between our city and its young people." A College professor himself, he stressed the importance of making the Urban Corps an intellectual as well as vocational experience.

The Urban Corps grew steadily in New York, each year adding more students to its enrollment, until in the summer of 1969 more than 3,000 young people took part in the program. Significantly, the desire of city agencies to use this new resource increased at an even more rapid rate, with latest figures showing more than twice as many requests as available students.

THE URBAN CORPS NATIONAL DEVELOPMENT OFFICE

In the fall of 1968 the Ford Foundation provided funds for the establishment of an *Urban Corps National Development Office* to assist cities in the development of their own local Urban Corps programs. During the summer of 1969, the Urban Corps National Development Office was instrumental in stimulating the development of local Urban Corps in more than fifteen cities from Boston to San Francisco. A subsequent renewal of the Ford grant, together with the active support and encouragement of the U.S. Office of Education and various national organizations (such as the International City Management Association and the President's Council on Youth Opportunity), has permitted the Urban Corps National Development Office to expand its efforts to over a hundred communities throughout the nation interested in establishing local Urban Corps programs. In addition, the National Development Office has begun work with several states towards the creation of state-wide student community involvement programs patterned along the Urban Corps model.

The Urban Corps National Development Office provides technical assistance, documentary materials and on-site consultation, all designed to simplify the process of developing a local Urban Corps. The *Urban Corps National News* provides a semi-monthly review of Urban Corps developments throughout the nation, including legal and legislative changes and examples of innovative programing and funding concepts.

Through the support of the Ford Foundation, the assistance of the Urban Corps National Development Office is available without charge to any governmental entity or institution of higher education.

URBAN CORPS PROGRAMS IN OPERATION OR DEVELOPMENT

MUNICIPAL PROGRAMS

Akron, Ohio
Albuquerque, N.M.
Alexandria, Va.
Atlanta, Ga.
Baltimore, Md.
Battle Creek, Mich.
Birmingham, Ala.
Boston, Mass.
Boulder, Colo.
Bridgeport, Conn.
Buffalo, N.Y.
Canton, Ohio
Cincinnati, Ohio
Cleveland, Ohio
Columbus, Ga.
Columbus, Ohio
Compton, Cal.
Dallas, Texas
Dayton, Ohio
Daytona Beach, Fla.
Denver, Colo.
Des Moines, Iowa
Detroit, Mich.
El Paso, Texas
Eugene, Ore.
Fort Lauderdale, Fla.
Fort Wayne, Ind.
Fresno, Cal.
Galveston, Texas
Garland, Texas
Gary, Ind.
Hampton, Va.
Hartford, Conn.
Honolulu, Hawaii
Houston, Texas
Indianapolis, Ind.
Jackson, Miss.
Kalamazoo, Mich.
Kansas City, Kan.
Littleton, Colo.
Los Angeles, Cal.
Madison, Wisc.
Memphis, Tenn.
Miami, Fla.
Milwaukee, Wisc.
Minneapolis, Minn.
Nashville, Tenn.
New Haven, Conn.
New Orleans, La.
New York, N.Y.
Norfolk, Va.
Oakland, Cal.
Philadelphia, Pa.
Phoenix, Ariz.
Pittsburgh, Pa.
Portland, Ore.
Richmond, Ky.
St. Louis, Mo.
San Antonio, Texas
San Bernardino, Cal.
San Diego, Cal.
San Francisco, Cal.
San Juan, P.R.
Savannah, Ga.
Scottsdale, Ariz.
Seattle, Wash.
South El Monte, Cal.
Syracuse, N.Y.
Tempe, Ariz.
Toledo, Ohio
Trenton, N.J.
Tulsa, Okla.
Washington, D.C.
Winston-Salem, N.C.

COUNTY AND REGIONAL PROGRAMS

Baltimore Regional Urban Corps.
Bridgeport Regional Urban Corps (Conn.).
Los Angeles Regional Urban Corps.
Maricopa County Urban Corps (Ariz.).
Miami-Dade County Urban Corps (Fla.).
N.Y.-N.J.-Conn. Metropolitan Urban Corps.
Syracuse-Onondaga County Urban Corps (N.Y.).

STATE PROGRAMS

Iowa.
Massachusetts.
New Jersey.
Pennsylvania.
Rhode Island.
Vermont.

URBAN CORP GOES NATIONAL

Across the Nation, in cities trapped in chronic crisis and mired in tired bureaucracies, there are tasks undone and programs never carried out for lack of funds and talented personnel. In those same cities are thousands of college students looking for ways to put their academic knowledge to practical use.

This past summer seventeen cities—from Boston to Atlanta to Minneapolis—adopted a program designed to meet the needs of both cities and students. The Urban Corps, as it is called, brings undergraduate and graduate students to work in city government on "internship assignments" in a wide range of fields. In Dayton, Ohio, for example, students worked for the Department of Community Development, the Division of Correction, and the Model Cities Planning Council, among others. In Minneapolis, they served as management and research assistants in city planning, the city attorney's office, the police and the parks departments.

The Urban Corps sees to it that these assignments are substantive activities that require the talents of college students, and not just make-work routine tasks. While there is a National Urban Corps office to provide information and help launch programs, each city develops its own plan and contracts independently with colleges and universities. Some cities prefer to use students only in already existing agencies. Others see the new manpower as an opportunity to develop projects long neglected for lack of time and talent. Minneapolis, for instance, needed a street-theater group to develop plays especially for neighborhood audiences.

The program is financed primarily by federal funds through the College Work-Study Program (CWSP). Through the colleges, the federal government provides 80 per cent of the needed money; the city supplies the other 20 per cent. Most of this goes for students' salaries—between $2.25 and $3.25 an hour. The program is student-administered, keeping overhead negligible and allowing a large project to operate on a minimal budget.

CWSP funds are available only to students who could not otherwise afford to stay in college. In a number of cities, therefore, the Urban Corps is seeking funds from other sources to allow a wider range of students to participate. In Atlanta, the Southern Regional Education Board and Atlanta businessmen helped to expand the program.

Urban Corps programs continue through the school year on a part-time basis, and other cities are expected to pick up the idea this fall. Further information can be obtained from Michael Goldstein, Urban Corps National Development Office, 250 Broadway, New York, New York 10007.—B. B. S.

CITY'S "PEACE CORPS" ENDS A PRODUCTIVE SUMMER

In a humid school auditorium in Harlem recently, a drama student from Queens College was staging his first theatrical production, an elaborate musical with sailors, pirates and monsters played by more than 300 excited youngsters enrolled in a city-run summer day camp.

At about the same time, in a crowded room of a rundown Bronx settlement house, a petite Radcliffe senior majoring in government was speaking before a loud and hostile community meeting as a representative of Borough President Herman Badillo.

At Bellevue Hospital, a Yeshiva College sophomore was expertly photographing patterns in cancer cells with an electron microscope.

These young people were members of the New York Urban Corps, a four-year-old city program that enables more than 3,000 students from 150 colleges and universities to work as "internes" in local government agencies and government-sponsored offices.

A U.S.-AIDED PROGRAM

In the program, which ended last Friday, the students earned an average of $2 to $3 an hour for a 40-hour work week. The Federal Government paid 80 per cent of each student's salary and the city paid 20 per cent. The city allocated $450,000 this year to support the organization, which Mayor Lindsay calls New York's "peace corps."

"Involving young people in the city is a good investment," said 49-year-old Martin Rose, executive director of the Urban Corps. "The city agencies know these students might stay on in city government. There

were 10,000 openings in the city for jobs this summer alone."

Impressed by New York's experience, a dozen cities in the country—including Boston, Atlanta and Detroit—started their own Urban Corps this summer.

The program here was marked by flexibility. Some of its participants worked in the city's slum neighborhoods—organizing the poor on a deteriorating Lower East Side block, providing recreation for youngsters in summer school, helping to train the mentally handicapped in city hospitals. Others were involved in city administrative work. Still others found opportunities to further their specialties in the arts and sciences.

MERRICK HAS IT EASY

When he applied for his Urban Corps job last spring, Greg Antonacci, the Queens College drama student, did not expect to be staging an original musical with a cast of 300 restless youngsters.

"David Merrick has it easy!" he said the other day. "I spent hours just yelling 'React! React!' to kids who stood with their hands folded in the middle of a jellyfish attack. I felt more like Vince Lombardi than a stage director.

"But I learned what I could do. I never thought I had it in me to put on that play and I surprised myself. I got those kids to communicate, and I felt proud of their pride."

In the marble hallways of the Bronx County Courthouse, Sandra Ravich, the Radcliffe senior working for the Borough President's office, had a different reaction, however.

"I don't feel I'm making that much of a contribution," she said. "I'm not sure there's much one person can do. Sometimes I'm pessimistic, sometimes I'm optimistic. I think I'm the one who's benefited from this summer, not necessarily anyone else."

AN ENCOUNTER WITH ANGER

An auburn-haired student from Winthrop, Mass., who had never before been in the Bronx, Miss Ravich worked in the section of the Borough President's office that acts as liaison with the county's local Community Planning Boards.

In this capacity, she attended several community meetings, including one in which a group of angry board members was upset because the City Council had voted to open membership on the board to those living outside the planning district. The board members felt Mr. Badillo's office was to blame.

"We all sat around a big table, and, believe me, at first I felt like crawling under it," said Miss Ravich. "But our office wasn't at fault, and I had to help soften the animosity. I learned a lot that night, more than you learn in a government course at Harvard."

While Miss Ravich saw the city bureaucracy function from the inside, four students were working with the residents of East Seventh Street on the Lower East Side, cleaning up a lot for use as a playground, obtaining intercoms for building entrances.

"You learn what a complex thing a block is," said Paul Andrews, a senior at Manhattan College. "We've got hippies, blacks, Spanish-speaking people, students, radicals, a publisher, a Democratic district leader, musicians, lawyers, a doctor—great human resources on one block that people dismiss as a slum.

"What this summer proved to me is that anything people want has to be done by themselves. Massive government programs aren't the answer."

A LOOK AT FUTURE JOBS

For some students the Urban Corps offered a way to learn more about a future profession. At Bellevue Hospital, Mark Rand, a Yeshiva College sophomore, stepped away from the shiny $40,000 electron microscope in a dark room on the second floor of the Pathology Building.

"I always wanted to be a doctor," Mr. Rand said. "But I never before realized the intensity of training that's required. And the dedication! You have to be a scientist and a day-to-day doctor. It takes a long time to reach that point."

Across the city, at the American Museum of Natural History, Cynthia Goddard, a Sarah Lawrence College junior, studied a book on craftwork in ancient Iran.

An anthropology major, she was doing research for Dr. Walter A. Fairservis Jr., curator of Asian ethnology, who wanted to know what craftwork in Iran was known to be indigenous and what was known to have been imported.

"I love the people here," she said. "They're beautiful. For me, the Urban Corps was a chance to really see firsthand the kind of work I probably will do after college."

CRIME IN THE STREETS

Mr. McINTYRE. Mr. President, at a time when the problem of crime is uppermost in our minds, I want to share a most interesting poetic interpretation of the problem by Mrs. Blanche Clark Nevers of Rye, N.H. I think she has expressed, with a good deal of impact, the uneasiness which many people feel as a result of the growing presence of crime in our Nation. She points up, in a different way, the need to act.

Mr. President, I ask unanimous consent to have Mrs. Nevers' poem printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

CRIME IN THE STREETS

(By Blanche Clark Nevers)

Once upon a happier time we welcomed the dusk,
And the hushed awareness of the almost night.
Small voices chirped a litany in the grassy places;
Shy hand clasped hand and the street embraced our steps and our laughter.

Now fear's tenuous fingers claw the darkness,
And, like alley rats we scurry for cover . . .
Leaving the beauty of the night to desecration!

DRAJA MIKHAILOVICH—YUGOSLAV GUERRILLA LEADER

Mr. SMITH of Illinois. Mr. President, for more than 20 years a determined coalition of Americans and Yugoslavian refugees have struggled against overwhelming odds to clear the name and memory of World War II Yugoslav guerrilla leader Draja Mikhailovich.

After the war Mikhailovich was tried and executed by the Tito government for collaboration with Germany.

The Tucson Daily Citizen recently published an article by Richard Felman, an American flyer who safely escaped from occupied Yugoslavia with the aid of Mikhailovich and his Chetniks. I ask unanimous consent that Major Felman's story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Tucson (Ariz.) Daily Citizen, May 16, 1970]

D. MIKHAILOVICH: FATE WAS MERCILESS TO ME WHEN IT THREW ME INTO THIS MAELSTROM

(By Richard L. Felman)

(EDITOR'S NOTE.—Maj. Richard L. Felman (USAF, Ret.) has lived in Tucson the past two decades. He is a former New Yorker. He remains active in numerous ways in his fight to clear the name of Mikhailovich, recently attracting publicity against the Tito-backed entry of a lavish movie, "The Battle of Neretva," in last month's Oscar Award sweepstakes in the best foreign film category. It did not win.)

To the hundreds of us in uniform, home from history's greatest war (which was still unfinished behind us), there was no more beautiful sight in the world than New York harbor.

Drinking in the sights of New York—from shipside was diversion enough as we waited out the seemingly interminable time for anchoring.

I was hungrier for a newspaper than for a Red Cross coffee-doughnut feed and eagerly grasped a New York Times. On Page two, my whole homecoming jubilation was shattered.

There was a dispatch from Yugoslavia: "Marshall Tito announced his Partisan forces had successfully destroyed the large ammunition dump and a railroad terminal at Gorny Milovits after fighting off superior numbers of German and collaborating Chetnik troops."

Not true! I was on that raid. With the Chetniks. It was a Chetnik raid. There wasn't a Red Star—a Tito emblem—within 50 miles!

On April 6, 1941, the savage hordes of the Nazi juggernaut invaded Yugoslavia. Its popular king, Peter II, was smuggled into London to live the unsatisfactory life of a ruler in exile.

The Yugoslav Army Peter had left behind was poorly equipped, a sitting duck for the then exalted Wehrmacht Panzer divisions. Within a matter of days, Adolf Hitler had, for the moment, another country—proud Yugoslavia—in his pocket of world conquest.

Hitler had the country, true. But not its people. Though King Peter had fled he had left behind a man named Draja Mikhailovich, Peter's Minister of War and Commander-in-Chief of the Yugoslav armed forces.

Mikhailovich quickly assembled his makeshift, slingshot army and retreated to the hills. The first great guerrilla leader of World War II began to make himself known. Reports began sifting through the German occupation lines of his spectacular raids on German garrisons, his acts of sabotage and of constant harassment of the Nazis.

Top German staff officers eventually were to admit that Mikhailovich caused so much embarrassment to the invincible Nazi machine that Hitler had transferred four Panzer divisions from the Russian front to wipe him out at all costs; that the pullout of those same divisions spelled the difference in the balance of power on the Russian front and changed the tide of the war.

Since September, 1939, when Hitler overran Poland, no country or people had been able to offer anything more than token resistance to the onrushing Nazi steamroller.

When Mikhailovich took to the hills, and the exploits of his 300,000 beggarly-looking soldiers began resounding throughout the Allied world, it was as if the first flame of hope had lit up the skies of the free world in signal that the great German Army could, after all, be put down.

Americans viewed Mikailovich and his "Chetniks" as the 20th Century David, brazenly challenging Goliath. Newspapers paid tribute with admiring banners. Hollywood issued a box office cinch with its own version of the brave Chetniks. The May 25, 1942, edition of Time magazine emblazoned a

Draja Mikhailovich profile on its cover. Children dropped "Cowboys and Indians" and played "Chetniks."

I knew this man, this legend.

He and his Chetniks saved my life.

At the end of World War II, there were approximately 600 other American flyers who could say the same. Many of them, to this day, are as embroiled as I in a unique mission: to restore the glory of Mikhailovich which, long before the great war ended, was cloaked in undeserved ignominy by the fickle fortunes of international politics which placed the winning of the war above one man's honor. So we believe.

King Peter has twice bestowed coveted decorations on me, and has similarly honored some of the other Americans who still work to clear the name of their beloved Draja.

On Feb. 4, 1944, I won my wings and second lieutenant's commission. I picked up my 10-man crew at Westover Field, Mass., and a shiny, new B-24 Liberator bomber at Mitchell Field, N.Y.

At Morrison Field, Fla., we received our sealed, secret orders to be opened after takeoff. Nervously, we tore them open the instant we were outside the three-mile limit. "Assignment—98th Bombardment Group, 15th Air Force, Italy."

Trinidad, Brazil, Dakar, Marrakesch, Tunisia and, finally, Lecce, Italy.

We began to see what lay ahead of us our first night in Lecce. A bull session developed with the experienced crews . . . three crews lost that day, two the day before . . . 60 per cent crew turnover due to losses the previous two months . . . the neighboring "Fighting 100" completely wiped out.

We were not to remain rookies long. After a lone, brief orientation flight, our ship, which we had christened Never A Dull Moment, was thrown into Rumania, Germany, Yugoslavia, Northern Italy, Southern France, Austria and Hungary—23 missions in slightly more than one month!

We began to feel invincible, despite our share of fighter attacks, engine fires, emergency landings and other scrapes. After a mission to Munich, we counted 212 flak holes in our beloved ship.

Then came Ploesti.

The pre-dawn briefing officer was saying: "Gentlemen, our target for today is the Astro Romano oil refinery at Ploesti, Rumania . . . most heavily defended target in all of Europe . . . the German machine runs on oil; destroy his oil supplies and his entire system collapses . . . Ploesti supplies 80 per cent of the enemy's oil." Descriptions, photographs, number and location of enemy flak guns, enemy fighter bases pinpointed, where to expect our own fighter escort, etc.

And finally, a strange caution.

If we were forced to bail out over Yugoslavia, the briefing officer was saying, we were instructed to seek out "the guerrilla fighter with the Red Star on his hat."

That was our first word that Mikhailovich was no longer the guerrilla darling of the free world. The Red Stars meant Tito's men.

A new intelligence report had just come in from Yugoslavia, said the briefing officer, that Mikhailovich and his Chetnik guerrillas were "cutting off the ears" of downed Allied airmen and turning them over to the Nazis!

At 0513 hours we were off on Mission No. 24. It was a clear, sunny day as the silver ships soared over the deep blue Adriatic. The sky was full of airplanes, 250 of them, B-24s and B-17s. The coastline of Yugoslavia loomed up. We changed course to avert a flak area. Occasionally a plane would drop out of formation and head home with minor engine trouble, but the mighty air armada moved on.

At the Rumanian border, we picked up our fighter escort. To confuse ground tracking stations, we altered our course a few times. Everything was going very well.

Suddenly, 10 minutes out from the target, all hell broke loose! It seemed as if every one of Ploesti's 325 gun emplacements opened up as one. Bombers all around us were exploding or going down in black smoke. Me-109s were coming at us from every direction. The sky ahead was almost solidly black with flak-burst.

"Dear Lord, we've got 10,000 pounds of dynamite on board . . . keep heading for the target and get unloaded . . . hit me later, Jerry, but not until I unload . . ."

We drop the bombs. The plane jumps 100 feet higher with the emptying of the load. We rack over in the direction of home. We spot a single B-17 Flying Fortress in a lonely pattern and know it for what it is: one the Jerries captured intact and used to send up to fly formation with the Americans, who would think it one of theirs. It was calling off our altitude to Jerry's ground gun batteries.

Forty-five minutes later, there was a welcome lull in the fighting—but not for long. The Messerschmitts swarmed back and were all over us before we knew what had happened. Never A Dull Moment lived up to her name as never before. She was riddled with 30-millimeter shells. Half our tail assembly was shot away. Our aileron controls were out. Our rudder was gone. Huge chunks were torn from the left wing and the fuselage. The interphone was kaput and, for a crowning blow, our gas tanks were punctured.

"ABANDON SHIP!"

From 18,000 feet, I jumped—my first bail-out. The 'chute opened beautifully at the right time. I landed in an open field and made a move to get out of harness. It was only then I realized I had been hit and couldn't move my leg.

At that moment I was surrounded—by about 20 peasants, men, women and children. The bearded men kissed me. The women and children kept an awed distance. No red stars. Chetniks! Instinctively, the words of the briefing officer came to mind. I reached for my ears to protect them.

They didn't want my ears. They raised me on their shoulders and carried me about 500 yards to a group of three cabins and laid me comfortably in a small room.

More villagers came and filed by my bed, wearing friendly visages. They brought fruit, flowers and slivovitz, a Serbian 160-proof plum brandy. Music was played, children danced, toasts were drunk. Some slivovitz was poured over my wound and bandages were put on it.

An elderly peasant provided me with a crude crutch, clasped his hands as though saying grace and beckoned me to follow him. He led me to a small wooden structure nearby, which was the village chapel. We both knelt and prayed.

In the late afternoon, Col. Dragisha Vasich came to welcome me. A man of striking appearance, he was about 65 years old, was neatly dressed and had snow white hair and a trim goatee.

Before the war, he had been Belgrade's most noted editor-publisher. Soon after the invasion, he left his home and business and went into the hills. Mikhailovich had made him the Corps Commander of the area I was in. His wife, a former school teacher, spoke English and, for downed Americans, was an invaluable interpreter.

Vasich told me many things that day. How Chetniks cheered each time they saw American bombers overhead. How his people took to the hills in April, 1941. How Mikhailovich, as King Peter's Minister of War, had gathered a guerrilla force of more than 300,000 men. How they had wreaked havoc with the hated Nazi.

How Moscow-trained Tito suddenly was on the scene, declaring himself the representative of the Yugoslav government. How Tito had been virtually unheard of in the overall war effort until the Big Three conference at Teheran in November, 1943.

Stalin, Vasich explained, seized on the opportunity created by the chaotic conditions of wartime occupation and an absent king, insisting the Allies withdraw their support from Mikhailovich and recognize his man Tito. The wily Russian leader already was planning the bloodless addition of another country under his control after the war.

No official announcement was made, but gradually Allied support to Mikhailovich dropped off. Official communiques started to come out of Tito's headquarters and Mikhailovich was abandoned. But the Chetniks carried on.

Vasich explained the Germans were everywhere. There was a Nazi garrison of 500 troops just two miles away; another of 2,000 at 10 miles.

He assigned a bodyguard to me. I was to sleep at all times fully clothed, ready to move at a moment's notice. Chances of evacuation were virtually nil. Mikhailovich would keep in touch with my welfare at all times.

One by one, all but one of my crew members were found by the Chetniks and reunited with me. In each instance, the welcome was spectacular, with embraces, flowers, music, dancing, slivovitz.

We spent a month roaming the hills with different guerrilla bands. For security reasons, our crew never traveled more than three in the same group. We never stayed at one farmhouse or other location more than two nights consecutively. In that month, I must have covered well over 500 miles. And with me every mile was an indelible vision of my first days in the village.

About three days after we bailed out, Col. Vasich received an ultimatum from the nearest German garrison: turn over the 10 American flyers they had seen bail out or the Germans would wipe out an entire village of 200 women and children.

Most of us wanted to give ourselves up, preferring that, with its promise of possible escape opportunities, to seeing 200 innocent persons annihilated. Chetnik leaders would not hear of it.

It was a proud Yugoslav heritage that life without freedom was worse than death. The sacrificial village would rather spare one American flier who could drop one bomb on the enemy than to be spared itself.

The next day, I watched the burning of the village . . . .

Vasich preferred that we Americans take no part in the Chetnik guerrilla activities but he could hardly hold us back.

One night Mihodrag, the personal bodyguard who never left my side, and I joined a group of six Chetniks and stole down to a railroad yard. A railway worker had brought us news that a supply train was due to leave fully loaded in the morning for Rumania.

While the rest of us stood guard, a 15-year-old Chetnik slipped aboard the coal car and added what looked like more hunks of coal. The additions actually were pieces of coal hollowed out and filled with TNT.

The young Chetnik buried them a certain depth among the pieces of real coal—just deep enough not to hit the locomotive's incinerator until it had crossed the border into Rumania. An explosion in Yugoslavia would have meant wholesale retaliatory slaughter there.

Another method of sabotage we used was covering the axle gears of supply trucks, box cars and other vehicles with finely pulverized gravel. Many miles away and many days later, trucks and trains would "mysteriously" break down.

Meanwhile—always—we discussed plans for evacuation.

We had no means of communication with the Allies. Although Mikhailovich had a shortwave transmitter, he no longer was recognized by the Allies. And we had no pre-

arranged code or frequency on which to transmit.

With an increasing Allied offensive, more and more Americans were parachuting into our midst, along with a smattering of Russian, Italian, French, Canadian and British personnel. A pow-wow of ranking American officers decided an evacuation should be attempted. We decided our only chance was to risk a transmission in the clear and in the blind to 15th Air Force Headquarters at Bari, Italy.

"S.O.S. . . . S.O.S. . . . 150 American crew members in need of rescue . . . many sick and wounded . . . advise . . . S.O.S. . . ."

If ever received, the message sent repeatedly for two days was ignored.

With Mikhailovich persona non grata with Allied headquarters, we had to devise a code that would be believed. We came up with one, extremely complicated—and a bit absurd. But it worked.

It involved such things as the third letter in the hometown of the bartender at the Lecce Officers Club for use of the letter A; for B, the fourth letter in the name on the photograph on the Intelligence officer's desk at Brindisi. God knows how it was ever figured out.

All I know is that three days later, a reply came through: "Standby for aircraft 31 July 2200 hours . . ." just two days away.

The next day, cries of "Draja" rose up from our ranks. Heads turned toward a man approaching, surrounded by scores of laughing children. He went with us to a grazing meadow which could serve, if crudely, as a rescue airstrip. There, 1,000 of his troops put on a review in our honor.

Afterwards, we assembled under a huge tree and Mikhailovich, through an interpreter, spoke to us. He sat on a rock and discussed the state of the war with more than 100 bearded, shabbily dressed soldiers of a foreign country.

He stared into space as he related the Yugoslav's love of freedom to that of the American's. Then he expressed his disappointment that the Allied nations had abandoned him to favor Tito, a bitter irony of war which he saw as a deceitful power play by Stalin.

He was aware, he told us, of false reports Tito had broadcast about him. With moist eyes, he appealed to us "take back the truth to your homeland."

Quickly, then, he turned to the task at hand, getting us safely out of Yugoslavia. Within a day he would have more than 8,000 men surrounding the airstrip. If the enemy should discover the plan, his men could hold them off until all our planes were off the ground.

In parting, I insisted he accept my class ring, which he had previously admired. He took it and pressed upon me the ceremonial dagger he had so long carried at his side.

On Aug. 9, after much planning and many heartbreaking nights of waiting while rescuers tested and probed for a safe way to fly us out, evacuations began. It was a colossal success under the most trying circumstances.

In all, 243 Americans, plus an assortment of other Allied nationalities, were flown to Bari, Italy, in waves of C–47s with hordes of Mustang and Lightning fighter plane escorts.

The war in Europe ended in May, 1945.

On March 25, 1946, Tito announced Mikhailovich had been captured and would be tried as a "war collaborator."

Collaborate with the Nazis? Fantastic! I still have in my possession on a poster I ripped from a tree while traveling through Yugoslavia. It was one of many found all around the countryside and in the villages of Yugoslavia. It says, in part:

Reward—100,000 reichmarks in gold will be awarded to the person bringing in, dead or alive, the leader of the bandits, Draja Mikhailovich . . . By the Supreme Commander of the German troops.

I read anew of Tito's plans to try Mikhailovich as a war criminal and felt that someone had to take steps to clear his name, in behalf of the many Americans whose lives he helped to save and, indeed, in behalf of America itself whose engagement in war, I felt, was definitely shortened by the Chetniks' contributions to the frustration of the German war machine.

I went to every major newspaper plant in New York City, receiving dismissals sometimes curt, sometimes polite.

The Journal-American did not dismiss me. It told my story on page 1.

Immediately, letters of support poured in. Other airmen who had been saved by the forces of Mikhailovich volunteered their services. The Archbishop of the Serbian Orthodox Church in New York City wrote me: "It matters not whether Draja lives or dies . . . the important thing is to clear his name."

On April 3, I told my story over the National Broadcasting Company radio network. Soon afterwards, a few of my former buddies and I formed the Committee To Aid General Mikhailovich. In one week we received more than 300 deposits from airmen who had been with us in Yugoslavia.

On April 28, 1946, 20 of us, plus two Canadians, chartered a plane to Washington to plead not for blind amnesty for Mikhailovich but for a fair trial.

We specifically were not claiming to pass judgment on his guilt or innocence, a matter technically beyond our province; we merely wanted to offer the overwhelming evidence we had in his behalf to be presented at his trial.

The reception committee at the airport was impressive—a turnout of more than 2,000 people and a distinguished welcoming committee that included Senators Taft, LaFollette, Wiley, Revercomb and McClellan, along with Mrs. Alice Roosevelt Longworth and Maj. Gen. E. L. Oliver, father of one of the rescued airmen.

The following day we swarmed over Capitol Hill and pleaded our cause to Senators and representatives. An eloquent plea on the floor of the House of Representatives was made by Mrs. Bolton, Congresswoman from Ohio, and is recorded in the May 1, 1946, edition of the Congressional Record.

Although our request to see President Harry Truman was not granted, our efforts were not without results. Shortly thereafter, the State Department sent an official note to the Government of Yugoslavia.

". . . A number of these individuals (U.S. airmen) and others in the United States who were closely associated with General Mikhailovich possess firsthand evidence which cannot but have a bearing upon the charges of enemy collaboration which the Yugoslav authorities have indicated they will bring against General Mikhailovich.

"The United States Government, in these circumstances, is confident that in the interests of justice the Yugoslav Government will wish to make suitable arrangements whereby the evidence of any such persons who may so desire may be presented in the connection with the trial. . ."

Public indignation was rising. A group of prominent Americans took up the cause, forming the Committee For A Fair Trial for Draja Mikhailovich. Among its members were Sumner Welles, Justice Ferdinand Pecora, William Phillip Simms, Dorothy Thompson, Clare Booth Luce, Norman Thomas, Justice Francis Rivers, Miriam Hopkins.

The list of signatories endorsing the cause included approximately two dozen governors and Congressmen. The executive chairman was Ray Brock, then New York Times foreign correspondent.

The State Department sent a second note to Yugoslavia. A reply came back this time. Stonoej Simitch, Yugoslavian foreign minister, advised that the second note and any subsequent notes "would be ignored." (At the time, Yugoslavia was receiving 90 per cent of her economic subsistence from the United States.)

The committee reacted quickly, forming a Commission Of Inquiry In The Case Of Draja Mikhailovich. To hold the inquiry, four of the most prominent jurists in America were appointed—Arthur Garfield Hayes, chairman; Adolph A. Berle, former Assistant Secretary of State; Charles Poletti, former lieutenant-governor of New York, and Theodore Kiendl.

The Commission convened on May 17, 1946, at the County Lawyers Association Bldg., 14 Vesey St., New York. For a full week the Commission heard the evidence. Its full findings, together with almost 600 pages of testimony, were forwarded to the Government of Yugoslavia for presentation at the trial. The Commission's conclusion:

"We are convinced that the testimony given before us is material on the question of the guilt or innocence of General Mikhailovich as a war criminal and that under standards of justice which have been throughout the years, the exclusion of such testimony from the trial of the charges . . . would be so highly prejudicial as to prevent the possibility of his obtaining a fair trial."

An editorial in the New York Times, May 31, noted that the cause of a fair trial "probably is a lost cause . . . (the Tito government) intends to find (Mikhailovich) guilty of collaboration with the Germans and hang him or shoot him.

"This much has been done, however . . . a record has been made for history. That will be small solace for Mikhalovich as he goes to his death. But it will serve to mitigate, if it does not entirely clear, his memory."

On July 10, 1946, Mikhailovich went under trial as a war collaborator and traitor in a courtroom in Belgrade.

Just before sentence was pronounced, Mikhailovich, looking unutterably weary (and drugged, say some of his defenders), stood before the bench and stated his last public words:

"I wanted nothing for myself . . . I never wanted the old Yugoslavia, but I had a difficult legacy . . . I had against me a competitive organization, the Communist Party, which seeks its aims without compromise . . . I believed I was on the right road . . . But fate was merciless to me when it threw me into this maelstrom. I wanted much, I started much, but the gale of the world carried away me and my work."

On July 17, 1946, a Communist firing squad carried out the sentence of the court.

Is that, then, the end of Draja?

Maybe. Maybe not.

True, the wartime quid pro quo between Tito and Roosevelt, Stalin, Churchill is still functioning.

But so is the Committee To Aid General Mikhailovich.

FARMWORKER POWERLESSNESS AND UNEMPLOYMENT COMPENSATION COVERAGE

Mr. MONDALE. Mr. President, for those who have not yet weighed the import of the long series of hearings and investigations by the Migratory Labor Subcommittee on Migrant and Seasonal Farmworker Powerlessness, perhaps an editorial in a recent Washington Post, July 8, 1970, may be helpful.

The editorial urges immediate House and Senate action on the conference report on H.R. 14705, the Unemployment

Security Amendments of 1970. The major thesis of the editorial is that action on the report is essential to meet the serious problem of unemployment because the bill authorizes additional benefits for the unemployed, and extends benefits to workers not heretofore covered. That report, as I have pointed out previously on the floor of the Senate, eliminates coverage of farmworkers from the bill although such coverage had been included by the Senate Finance Committee and confirmed on the floor by a 42 to 36 vote.

Since the filing of the report, I joined with the Senator from Oklahoma (Mr. HARRIS) and the Senator from New York (Mr. JAVITS) in informing the Senate that perhaps the conference report should be rejected in the hopes that the conference committee would reconsider its action in eliminating coverage for farmworkers.

The Post editorial suggests that insistance on farmworker coverage would endanger the entire measure, and that "the bill should not be allowed to fail for want of these amendments." No reason is given for why farmworkers are expendable. Se la Vei.

Mr. President, I shall not at this time belabor the plight and the poverty of this Nation's farmworkers, particularly those who travel throughout this country in search of work and who work to pick our abundance of food. Our hearings on powerlessness during this Congress have adequately described this situation; the television documentary scheduled for July 16, 1970, at 7:30 p.m. will no doubt shed more light on this problem; and, our subcommittee hearings on July 20 and 21 should further serve to enlighten those who do not understand the tragedies of the farmworker's life.

But I do want the RECORD clearly to show yet another example of how the farmworker is expendable in the minds of some, at least, and that meeting the problems of farmworkers is still not a priority item. For that reason I ask unanimous consent to insert in the RECORD at this point, the editorial from the Washington Post of July 8, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT: STILL A SERIOUS PROBLEM

If the decline in the seasonally adjusted unemployment rate from 5 per cent in May to 4.7 per cent in June should mark the beginning of a new trend, it would astonish the chart-watchers. Many economists have assumed that unemployment will reach 5½ per cent on the upward curve that has been in evidence in recent months before a turn for the better can be expected. Others who take a darker view of the general economic climate place the figure at 6 per cent or more. However powerful the hope that these forecasts will prove inaccurate, there is very little to cheer about in the Labor Department's June report.

One reason for the statistical decline was a reduction in the number of unemployed women and teen-agers. But since the labor force showed a shrinkage from 85 million in May to 84.1 million in June, the analysts assume that many women and youths have taken themselves out of the category of jobseekers because the outlook was so bleak. When unusual factors of this kind impinge upon the samples taken by the Labor Department, the adjusted seasonal rate for any given month may convey a quite inaccurate impression.

Certainly there is nothing in the report which relieves the urgency of enacting legislation to extend job-training programs and improve unemployment compensation. The continued stalling of Congress on the unemployment compensation bill is especially curious because the House-Senate conference reached agreement two months ago. The bill is important because it would authorize additional benefits for the unemployed when joblessness has remained at a national level of 4.5 per cent for three consecutive months. It would also extend benefits to 4.8 million additional employees and to a possible 436,000 more state and local employees, if state and local governments should give their approval.

It is said that there is some dissatisfaction in the Senate because the conference committee eliminated two amendments, although one was a rider having no direct bearing on unemployment compensation. The other is an amendment bringing workers on large farms under the system. The bill should not be allowed to fail for want of these amendments. Incidentally, the high unemployment in this period of economic recession also enhances the need for enactment of the bill for protection of workers' rights under private pension and welfare plans, which has made very little progress in either house.

BRISTOL BAY OIL SLICK

Mr. TOWER. Mr. President, last spring it was widely reported that an oil slick in Bristol Bay off the coast of Alaska was responsible for the deaths of 86,000 murres, seabirds. Implied in these reports was that oil companies had caused the oil slicks.

Subsequently, a joint investigation was conducted by the U.S. Department of the Interior and the Alaska Department of Fish and Game to determine the cause of death of these birds.

The report of this investigation stated in part:

The evidence suggests that it (the deaths) was a catastrophe of nature—

And that the birds—

probably died from a combination of starvation and exhaustion which was aggravated by a severe storm that prevented them from feeding during a critical few days. . . . None of the murres examined along the beaches were oil-stained. . . . Gas chromatograph and infra-red scan testing revealed no evidence of petroleum products in any of the samples.

Mr. President, often an accusing finger is pointed at companies in the oil industry as the ones causing damage to wildlife through oil spills and leaks. Regrettably, a few accidental leaks have occurred and these leaks have caused ecological disruptions. The oil companies responsible for these leaks do not desire to avoid blame for such accidents when blame is due them.

But, at the same time, they should not receive the blame for calamities to our precious wildlife when the blame is undeserved.

Therefore, I ask unanimous consent that the "Summary Report on Bristol Bay Murre Mortality," dated April 1970, be printed in the RECORD so that those companies which were blamed will be completely exonerated from any responsibility for the deaths of these birds.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SUMMARY REPORT ON BRISTOL BAY MURRE MORTALITY, APRIL 1970

At least 86,000 common murres died in Bristol Bay, Alaska during a brief period in late April of this year. Although the cause of death may never be completely resolved to everyone's satisfaction, the evidence suggests that it was a catastrophe of nature. The murres, apparently still weakened after wintering in the Bering Sea, probably died from a combination of starvation and exhaustion which was aggravated by a severe storm that prevented them from feeding during a critical few days.

Post-mortem examinations of murres by pathologists from the Bureau of Sport Fisheries and Wildlife research centers in North Dakota and Maryland, the Arctic Health Research Center in Fairbanks, the National Disease Laboratory in Iowa, and the California Department of Fish and Game in Sacramento found no evidence that pathogenic bacteria or viruses contributed to the mass mortality. Foods were not found in the digestive tracts of these birds. Tests for presence of toxins in the small quantities of fluid found in the intestines were inconclusive.

All specimens were emaciated and had no appreciable deposits in subcutaneous, abdominal and cardiac fat tissue. Thirteen of the dead birds varied in weight from 570 to 786 grams. Although comparable weight data were not available for this same time of the year, the 688-gram average weight of these birds was considerably less than the 972-gram average weight for male common murres and 1022-gram average weight for female common murres from Cape Thompson in northwestern Alaska in late June. The weight loss, lack of body fat and some hemorrhaging of the intestines suggest that the birds died from starvation, although all factors that could contribute to starvation may never be completely resolved.

Severe winds and turbulent seas probably precipitated the die-off that was first reported on April 24 by Ken Manthey of the Alaska Department of Fish and Game. During the two preceding days, winds reached peak velocities of 104 mph at Adak and 84 mph at Cold Bay, and winds gusted at lower velocities during this time at other reporting stations within the Aleutian Islands and along the Alaskan Peninsula. Three murres found on April 24 in the town of Cold Bay by residents were taken to the headquarters of the Izembek National Wildlife Range, but the incident seemed insignificant at the time because severe storms often blow pelagic birds inland.

"Wrecks of seabirds," occurrences where seabirds are driven far inland and are often found dead and dying along the beaches as a result of severe storms, have been reported frequently. Leslie M. Tuck, Canadian Wildlife Service biologist, summarized many observations of "wrecks of murres" in his monograph on their life history. Mass mortalities of thick-billed murres during stormy weather have been recorded over Anadyr in Siberia and at the Pribilof Islands, both in the Bering Sea. The most significant record of "wrecks of murres" is that of Beals and Longworth as reported for Unimak Island in 1941; they wrote:

"Between April 2 and 4 numerous dead and sick murres were along all the beaches. We counted 37 dead birds along 3 miles of beach. The condition was general along the strait, we were told. Oldtimers on Unimak told us that this happens every spring and that some years the beach is black with dead birds. Swimming in close to the waterline many of them appeared to be sick or very weak and hardly able to dive in shallow water. Altogether we saw 38 dead birds and 40 or more very weak ones along 3 miles

of beach. For three days before this, heavy winds and snow blew from the southeast."

Apparently "wrecks of murres" are not uncommon in this region, but seldom have the observers had the mobility of those this year who were able to assess the magnitude of loss.

Unresolved reports of oil sheens seen near the coast and a U.S. Coast Guard report of two Japanese trawlers that sank with 36 men aboard 100 miles west of Unimak Island during the severe storm gave rise to early speculation that the birds were succumbing to diesel fuel or gasoline escaping from the sunken vessels. None of the murres examined along the beach were oil-stained. Only one obviously oil-killed bird, a fulmar, was collected by the crews that combed portions of the beach. Organic extracts from samples of feathers taken from the dead murres and of beach sands were analyzed by chemists of the Federal Water Quality Administration's Portland laboratory. Gas chromatograph and infra-red scan testings revealed no evidence of petroleum products in any of the samples.

Tissues from these murres were tested for pesticides. Both DDE (a metabolite of DDT) and hexychlorobenzine were found in such small quantities, each less than 1 part per million, that they were not regarded as suspect causes of death.

Because almost all affected birds were murres, pollutants seemed to be an improbable cause of death. Observations of pelagic birds in the eastern Bering Sea and Bristol Bay indicate that in winter the murres are the most abundant birds, followed by glaucous-winged gulls and fulmars; and from spring through summer there are increasingly larger numbers of kittiwakes, shearwaters, and puffins. The few dead birds of other species found among the murres were in numbers that would be expected following most storms during April.

Perhaps one of the most unexpected findings from the pathological examinations of these murres was the presence of arsenic, 2.77 parts per million, in liver tissue. The significance of arsenic at this level is not known. However, some of the marine organisms upon which murres feed are reputedly concentrators of this element, and arsenic levels of this magnitude may be normal in healthy murres.

Murres (the "urre" of the word murre is pronounced like the "ur" in the word fur) are found throughout the northern hemisphere. Two species, the common murre and thick-billed murre, are found in the Bering Sea and Bristol Bay area. There is considerable overlap in the distribution of these species, but the thick-billed murre tends to have a more northerly distribution than the common murre. Studies of summer distribution of pelagic birds in Bristol Bay show that common murres are most abundant, but winter populations there may contain proportionately more thick-billed murres. Nesting colonies of murres in Alaska are found along rocky portions of the coast from Cape Lisburne, along the Aleutian Islands, to and including the Alexander Archipelago in southeastern Alaska. Some of the Alaska "bird cities," or nesting colonies, may contain tens of thousands of murres. Following the nesting season, when the pair attempts to raise a single young on a precipitous cliff, the birds return to the sea until next year. Murres feed chiefly on small fish, such as capelin, sculpins and codfish; but invertebrates, such as shrimp, mollusks and sea worms furnish a part of their diet.

Leslie M. Tuck ("The Murres," Canadian Wildlife Service, Ottawa; 1960) summarizes the life history of the murres as follows:

"Murres are relatively large sea-birds, weighing on the average two pounds, with sharply defined bi-coloured plumage. They are highly specialized for catching small fish under water. Specialized development for this purpose includes reduction of the length and area of the wing and so great modification of the bones and muscles of the legs that these birds walk very little and very awkwardly. They nest in large, compact colonies on steep cliffs facing the sea.

"Murres are essentially marine species and approach land only during the breeding season. They obtain most of their food by flying *under* water. They are the only seabirds in the Northern Hemisphere which habitually lay their eggs in exposed situations on bare ledges and rocks. They brood but a single egg and yet they are probably the most abundant sea-birds in the Northern Hemisphere.

"There are two species; the common murre (*Uria aalge*), with some tolerance for warmish water, and the thick-billed murre (*Uria lomvia*), largely restricted to arctic waters. They occupy in the Northern Hemisphere an ecological niche similar to that occupied in the Southern Hemisphere by penguins, which they resemble superficially in coloration and postures.

"The habit of nesting in large colonies (some colonies contain more than one million individuals) has made the species of substantial economic importance in some parts of the Northern Hemisphere. Their eggs, and to a lesser extent the birds themselves, have been traditionally used in the Old World for food, and were so used for a brief and overenthusiastic period in the New World. Recent investigations indicate that there is more nourishment in a murre's egg than in the equivalent volume of a domestic fowl's. The utilization of murres, with some minor exceptions, has been outlawed in the New World for more than half a century. Elsewhere utilization has decreased in some places (e.g., Great Britain), remained the same (e.g., the Faeroes), or increased (e.g., Russia). There is no evidence that murre populations are appreciably less numerous today than they were in historical times.

"Nesting murres require scarcely one square foot of territory per individual. Such compact colonies are possible because the food of murres is almost unlimited in summer. Murres provide a vital link in the ecology of the species which are their food. Their excrement, rich in potash, is important to the growth, and so to the abundance of small marine organisms. Their colonies are in many respects the fertilizing factories of the northern seas.

"A murre colony (loomery or bazaar) is an orderly aggregation of birds. It is basically composed of a core of experienced adults, surrounded on the submarginal fringe sites by less experienced birds or those breeding for the first time. Early in the breeding season, mature murres take part in communal displays in the sea at the base of the cliffs. It is believed that those communal displays not only stimulate the birds to breed but enable them to 'synchronize' their breeding cycles so that the maximum number of young are raised in a comparatively short period.

"The eggs and chicks are subjected to many dangers, not the least of which is the likelihood of being knocked off the narrow ledges. The surviving chicks are led to sea, and to comparative safety, by single adults, not necessarily their parents. In other ways also, murres show communal interest in the welfare of the eggs and chicks of the colony."

ANOTHER LOOPHOLE FOR THE OIL LOBBY

Mr. McINTYRE. Mr. President, I never cease to be amazed at the determination of the Washington lobbyists and defenders of the oil industry to find every possible way of extracting a few more unjustified dollars from the hard-pressed American public.

The American motorist who pays an artificially high price for fuel for his car, the conservationist who sees the priceless value of the American environment cheapened by the reckless drilling and transportation techniques which spill crude oil over our shores and valleys, the New England homeowner who each winter is forced to pay protection money to the oil barons in order to shield his wife and children from the bitter northern cold have been joined by a new target of the oil lobby—the American shareholder.

I am referring specifically to the latest proposal of the Nixon administration to place a charge on stockholders—which will, of course, be passed on to their customers—which will be based on all purchases and sales of shares—except shares in oil and gas interests. Once again the oil lobby has found a friend in the administration to speak in special treatment for the oil industry.

While the precise operation of the administration proposal is highly technical, the effect is that any investor, be he a small investor buying five shares of American Telephone & Telegraph, or a wealthy investor buying 10,000 shares of IBM, will have to contribute toward the costs of the administration's proposed insurance program for cash left in the brokers' care. Buyers or sellers of shares in oil rights, while receiving the very same insurance protection, will not be contributing toward those costs, as the program is initially planned.

Two articles in yesterday's Wall Street Journal indicate the growing interest among large brokerage firms in selling shares in oil drilling funds, which the administration proposes to exempt from the costs, but not the benefits, of the proposed insurance program. I ask unanimous consent that these two pieces be printed at the conclusion of my remarks.

Mr. President, I would remind the Senate that the specific types of funds mentioned in the Wall Street Journal article have been the beneficiaries of a special exemption in the Investment Company Act of 1940 for a generation, during which the operators of some of these funds have managed to develop large-scale methods of getting rich at the expense of unsophisticated investors. Last year the Senate finally voted to remove the special oil exemption; that legislation is now in the House.

And now the oil lobbys have come up with this new exemption. I am disturbed at the policy considerations which would lead the administration to seek special protection for the oil industry. I suppose this is the surface evidence of yet another payoff of the sort which has recently been described on the front pages of the Washington Post.

I think that it is worthy of note that the administration proposal was sent up in response to the leadership of the distinguished junior Senator from Maine (Mr. MUSKIE) in the area of broker insurance. His initial proposal, of course, contained no special giveaways to the oil industry of the sort buried in the fine print of the administration proposal.

Indeed, Senator MUSKIE has already questioned the SEC closely about the rationale of the special treatment for the oil barons which the Nixon administration proposes. I join his questioning, and wish to express my determination to rid any legislation which is finally adopted of this unique treatment for the oil industry fat cats who apparently have reason to believe that they can buy their way into the White House.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX REPORT: A SPECIAL SUMMARY AND FORECAST OF FEDERAL AND STATE TAX DEVELOPMENTS

Wary investors eye drilling funds as a tax shelter, alternative to sagging stocks.

Last year's tax law axed some shelters but didn't disturb oil and gas drilling funds—through which petroleum developers raise money by selling shares to the public. "Intangible" drilling costs—the hole-boring expenses that usually consume most of the investor's outlay—remain totally deductible from his ordinary income for tax purposes. (The 22% depletion allowance, down from 27½% prior to the 1969 act is applied to oil income once a well is operating.) Hopeful promoters filed $1.1 billion in drilling offerings with the SEC in this year's first half, up from $685 million in the year-before period. A few funds sell out, but many raise less than half their goal.

"Most people are so pessimistic they won't put money into anything," says one gloomy driller. Moreover, in eroding capital gains, the market slump lessens the demand for tax shelters. And some investors are turned off by the jungle of complex provisions many funds comprise. Skepticism steers many laymen toward funds sold by well-known brokers.

Congress, the SEC tone down threats of regulation as drillers consider self-policing moves. The Oil Investment Institute, a newly formed trade group, adopted a list of "business standards" last weekend.

Gloomy stock brokers look for a silver lining in drilling funds.

"Respected investment banking firms will impart a much higher tone to this business," says an official of E. F. Hutton, which plans to sponsor a $4 million offering for Tesoro Petroleum. Goodbody & Co. raised $30 million of a sought $75 million for Husky Oil in recent weeks. Bache, Bear-Stearns, White-Weld, Goldman-Sachs, Donaldson-Lufkin and Burnham also underwrite drillers or study doing so.

Oil experts advise investors to buy funds offering maximum liquidity, tax deductibility as close to 100% as possible, strict limits on additional assessments, and limited partnership arrangements that avoid unlimited liability. Only people in 45% or higher tax brackets who've first consulted their accountant should invest in oil funds, most authorities say.

GUN CONTROL LEGISLATION

Mr. HATFIELD. Mr. President, many Oregonians have written me to express their dismay or distaste for portions—or all—of the 1968 Gun Control Act.

The proper function of gun-control legislation should be to cope with crime and violence while not treading on the rights of those legitmately using guns. This was the intent of Congress in passing the Gun Control Act of 1968. I opposed and voted against the licensing and registration amendments which were proposed at that time and which were not adopted. I did vote for the act on final passage because the act, without those amendments, seemed to meet the following criteria of mine for realistic Federal gun legislation:

First, it provides support to Federal, State, and local law-enforcement officials in their fight against crime and violence;

Second, it makes no restrictions on the use of guns and ammunition for sports, personal protection, or any other lawful activity;

Third, it does not provide for licensing of individual owners of firearms, and

Fourth, it does not discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes, or provide for imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the act.

The Gun Control Act of 1968, generally speaking, prohibits certain interstate transactions in firearms and ammunition; prohibits sale of firearms and ammunition to persons under 18 and sale of firearms other than shotguns or rifles and ammunition therefor to persons under 21; provides for licensing of firearm and ammunition businesses; prohibits the importation of foreign-made military surplus firearms into the United States; and prohibits gun sales to certain convicts, unlawful drug users or drug addicts, or mental defectives. It does necessitate obtaining by licensed dealers information regarding sales of firearms and ammunition to assure compliance with the act.

The Gun Control Act of 1968 does not prohibit hunting by persons under 18 years of age or by persons of any other age group. Hunting regulations are still a matter of State—not Federal—law. Restrictions on sales of firearms and ammunition are not to be interpreted as restrictions on hunting; information to the contrary which may have been published is incorrect.

At the time, Mr. President, I hoped that this act would assist in fighting crime and violence, and that it would be successful in navigating between the fundamentally opposing interests of freedom of firearm use and regulation of firearm misuse. At the time of passage, I favored a cautious wait-and-see attitude to determine the necessity and/or efficacy of the Gun Control Act of 1968 in general, and to earmark more precisely the specific sufficiencies and inadequacies of the various provisions of the act.

Already Congress has been able to move to eliminate certain portions of the act which were shown as ineffective deterrents to crime. In 1969, I supported an amendment, which ended recordkeeping requirements for shotgun and most rifle ammunition. Passage of this relieved millions of sportsmen from unnecessary harassment and inconvenience. I know that Oregonians who are sportsmen were gratified by this action.

At the present, I am involved in an effort to end another ineffective and burdensome segment of the 1968 act. I am a cosponsor, with Senator MCGEE, of S. 3724, which would remove Federal recordkeeping requirements for .22-caliber rimfire ammunition. This would eliminate the type of gun-control legislation which I believe has proved unnecessary and unwise.

A statement by the Treasury Department illustrates my feelings:

The Department has found that the records required of transactions in sporting type ammunition, i.e., shotgun, rifle and .22 caliber rimfire ammunition, is of little value in law enforcement.

Indeed, the Department knows of no instance where any of the recordkeeping provisions relating to sporting type ammunition has been helpful in law enforcement.

In short, the recordkeeping controls are not effective as a law enforcement tool. They do, however, because of the volume of transactions in sporting ammunition tend to generate criticism from sportsmen and others and detract from the effective enforcement of their provisions of the firearms laws."

S. 3724 is now being considered by the Senate Finance Committee. I intend to work for its adoption.

I am also cosponsoring, with the Senator from Pennsylvania (Mr. SCHWEIKER), an amendment which would protect the legal and lawful activities of the segment of our Nation's sportsmen who handload their ammunition. This amendment is to the explosive control bill and will allow a reasonable amount of smokeless powder and black powder to be exempt from the regulatory provisions of the act. It will retain the effect of deterring criminals from committing crimes without penalizing our law-abiding citizens.

Thus, I stand for a continuous review of the Gun Control Act of 1968 and all other gun laws, and for the swift elimination of those portions of this legislation which prove only an annoyance to decent citizens and are not useful weapons against crime. During this period of review, as in the past, I will vote against further gun-control legislation involving Federal licensing and registration, for it is not the answer to fighting crime.

I ask unanimous consent that my remarks in the Senate on July 15 be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 15, 1970]

"HAND-LOADERS" AND "MUZZLE-LOADERS" IN OREGON

Mr. HATFIELD. Mr. President, recently, I joined the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) as a cosponsor of amendment 728 to S. 3650, a bill designed to strengthen Federal legislation concerning the illegal use, transportation, and possession of explosives. I agree with Senator SCHWEIKER that a new provision in the bill is needed to protect the legal and lawful activities of one segment of our Nation's sportsmen—those who hand-load their ammunition.

I support the goals of the explosive control bill, for I am shocked at recent bombings across the country. The amendment does not conflict with this goal. It does allow, however, continuation of a long-established tradition by those who hand load their ammunition.

In addition, muzzle loaders are able to recreate a sense of history in their activities. In my State, there are five muzzle loading clubs, and I participated at one of their

shoots at Banks, Oreg., while I was Governor. These clubs—the Multnomah Muzzle Loading Rifle Club in Portland, the High Desert Plainsmen, in Bend, the Little Butte Mountain Men, in Medford, the McKenzie Black Powder Club, in Eugene, and the Willamette Longrifles, in Salem—are attracting more Oregonians to their activities. Certainly the explosives control bill is not aimed at these sportsmen.

I believe the amendment does nothing to compromise the bill's goal, while allowing the sportsmen of the country to continue their activities.

THE INDIAN FILM: "A MAN CALLED HORSE"

Mr. McGOVERN. Mr. President, early this spring I was one of the sponsors of the showing of a moving picture depicting the life of the Sioux Indians in the early 19th century. The picture, "A Man Called Horse," has now been released publicly and is being shown throughout the country.

"A Man Called Horse," the recent release of Cinema Center Films, is a film of particular interest to anthropologists concerned with American Indian history and present-day relationships between Indian and non-Indian Americans.

This film depicts a young man of English descent who is captured by an Indian group—the Sioux Indians in the film version—and kept in captivity for a period of time. The young man is slowly socialized to the Indian way of life, his behavior and reactions to his captors-turned-hosts form the essential theme of the film. The film is an interpretive statement about Sioux life circa 1820 presented through the experiences and perceptions of a man who is placed in confrontation with an entirely different way of living. One of the stated explicit aims of the film is to present the details of Indian life as related by observers of the Sioux of that period.

The picture is being released at a time when American Indians have been particularly explicit about their problems in forging an Indian identity in the midst of American life. In recent months there have been several occasions when Indians have stated to anthropological gatherings that more attention should be given to communications about the American Indian heritage expressed in the indigenous languages of the Indian. Indians have further voiced the need of popularizing their history prior to extensive contact with non-Indians, when the Indian was neither an urban misfit nor the product of reservations. Such a history would emphasize neither Indian savagery nor barbarism but the integrity and inherent coherence of an indigenous Indian culture and social organization. It would also underscore the distinctiveness of each Indian nation as a people with its own political conflicts—in this film, the Sioux versus the Shoshone—above and beyond white-Indian struggles. Finally, many Indians have stated the need for accurately documented popular accounts from which the Indian may emerge as a man with a proud past and not just a graft on present-day American culture.

"A Man Called Horse" fulfills some of these criteria. First, it employed among the actors many members of the Rosebud Sioux Tribe in South Dakota. Major portions of the film dialog are conducted in the Sioux language. Second, the film plot centers around a white man's adaptation which succeeds through mutual efforts. This is in sharp contrast to traditional presentations of the unsuccessful Indian against white society. Third, the depiction of the sun vow is not mere sensationalism but is placed within the full context of Indian social and religious requirements. Finally, the conflict between the Sioux and the Shoshone illustrates the history of Indian people prior to the contact with whites.

The film on the whole is a documented, albeit stylized, monument to a way of life which we are urged to understand on its own terms, a way of life which is one of the mainsprings for much that is American Indian today.

Finally, the film is particularly useful as an educational tool. It challenges the viewer to go beyond his notions of Indian barbarism and savagery and to understand religious and social ceremonies within a holistic framework of a working lifestyle. The film can be used in the classroom as a heuristic device in discussing Indian history of the early 19th century: it also illustrates problems that arise when we attempt to create films from historical documents that supplement prose accounts of similar topics. This film has gone a long way from the stereotyped Hollywood western and presents the Indian in a better light. It is an engaging and challenging presentation.

Senators who have a strong interest in American Indian problems will doubtless find this film of interest.

I also ask unanimous consent that a proclamation of the Honorable M. E. Schirmer, the mayor of Sioux Falls, N. Dak., and a proclamation of the Honorable Frank Farrar, the Governor of the State of North Dakota, regarding the film be printed in the RECORD.

There being no objection, the proclamations were ordered to be printed in the RECORD, as follows:

PROCLAMATION, CITY OF SIOUX FALLS, S. DAK.

Whereas, Sandy Howard has the good fortune to read Dorothy Johnson's story, "A Man Called Horse"; and

Whereas, Sandy Howard had the foresight to purchase the film rights; and

Whereas, Sandy Howard had the vision to foresee a film of honesty and realism; and

Whereas, Sandy Howard assembled a staff to produce a film which presents the American Indian and his customs with fascinating realism:

Now, therefore, I, M. E. Schirmer, Mayor of the City of Sioux Falls, do hereby proclaim Sandy Howard an honorary citizen of the City of Sioux Falls and designate Thursday, April 23, 1970, as Sandy Howard Day in Sioux Falls and call upon all citizens to recognize his achievements in producing "A Man Called Horse" so that the entire world can be appraised of the Sioux Indian culture in the early nineteen hundreds.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Sioux Falls to be affixed.

Done in the City of Sioux Falls this twenty-second day of April in the Year of Our Lord Nineteen Hundred and Seventy.

M. E. SCHIRMER,
Mayor.

PROCLAMATION

Whereas, the motion picture, "A Man Called Horse" will be premiered Thursday, April 23, at the West Mall Theatre in Sioux Falls, hosted by the University of South Dakota; and

Whereas, the film represents a pioneering production departure in portraying the Indian People of South Dakota in 1825 as historically accurate as possible; and

Whereas, the film includes South Dakotans in the cast and as technical advisors.

Therefore, I, Frank L. Farrar, Governor of the State of South Dakota, urge my fellow South Dakotans to take note of this event which will bring national and international attention to the state.

In witness whereof, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this 21st day of April, in the Year of Our Lord, Nineteen Hundred and Seventy.

FRANK L. FARRAR,
Governor.

Attest:

ALMA LARSON,
Secretary of State.

FOREIGN POLICY ADDRESS BY THE VICE PRESIDENT

Mr. ALLOTT. Mr. President, on June 24, in Denver, Colo., the Vice President gave a speech which should be read and pondered by all Americans interested in current debate about our foreign policy, and about the role of the Presidency in foreign affairs.

With regard to the evaluation of the limited operations in Cambodia, the Vice President chides those who made rash early judgments and who have remained wedded to those judgments in the fact of conclusive evidence that the Cambodian operations were successful.

With regard to the important debate about the constitutional powers and responsibilities of the President when acting as Commander in Chief, the Vice President is equally sound. He points out that history, theory, and commonsense are on the side of continuing to respect the President's traditional latitude in this role. Moreover, he detects an element of inconsistency in some of the current attempts to saddle the President with unprecedented and unconstitutional restraints.

Since we obviously are far from finished with debate about these matters, and since the Vice President has made a useful contribution to this ongoing debate, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

Tonight I would talk with you about the Presidency as an institution, and of our President as a person of courage and high purpose.

Especially I want us to consider the impact of the long war in Southeast Asia upon the unique and much imitated Presidential form of government and upon the man who bears the tremendous pressures and responsibilities of leadership in that office today.

Since coming into office 17 months ago, the President has made many historic decisions, not a few of these have related to the war in Vietnam—a war which is *not* of his making. None of these decisions has been more difficult than the decision to send American troops into Cambodia. As a member of the

National Security Council, I was present when the President so very thoughtfully measured the dangerous repercussions which the expanded North Vietnamese military activity in Cambodia could have upon our troops and allies in South Vietnam. I saw him wrestle with the various options presented by the situation; the opportunities to wobble and equivocate: I saw him reject the short-run, politically expedient arguments for inaction. I saw him stand up and courageously decide to do what was right for our country, right for history, and most importantly right for our boys fighting in the jungles and rice paddies half a world away.

And so, the time came for the President to announce that American troops were moving into Cambodia in a limited operation to clean out enemy sanctuaries from which Americans had been attacked and killed for five years. At that point, and still today, millions of Americans—a clear majority of Americans—stood with him.

They were Americans of both political parties—patriots who believe that politics stop at the water's edge; that we have but one President at a time; that you back American troops and their Commander-in-Chief when they go into battle.

These Americans—and those who asked their fellow citizens to withhold final judgment on the President's decision—have been proven right.

But, there is a good deal of egg on a good deal of other faces—and it is well deserved.

Let us consider one young Senator who, at the President's announcement, called his decision "madness."

What that Senator rashly called "madness" has turned out to be the most successful military operation of the entire war. We have driven the enemy out of the privileged sanctuaries from which he has outfitted and launched attacks in to South Vietnam. We have disrupted his communications and forced him to flee leaving mountains of war supplies behind—more total supplies, in fact, than we seized during the last entire year of operations within South Vietnam proper.

Lincoln once wrote that they have a right to criticize who have a heart to help. Of what help have these gentlemen who joined in instant and harsh criticism of the President of the United States been to the cause of a just and honorable peace the President is seeking?

One Congressman said that the President's decision was "reckless"; another Senator said, "It was pretty ghastly."

What is reckless, what is ghastly, about capturing and destroying thousands of enemy weapons destined to shell South Vietnamese towns and kill American boys? Mr. Congressman and Mr. Senator—tell us today that it was reckless and ghastly to deny the enemy the use of millions of rounds of ammunition and thousands of rockets and mortars which could have been fired at young Americans.

Another Senator said, "It is now an Indochina War and I see an end to any hope of an early withdrawal."

Will that Senator now come forward and name the country which he blames for expanding the war in Cambodia? Was it the North Vietnamese who attacked neutral Cambodia's little army, encircled its capital and sought to link up sanctuaries into a 600 mile belt of enemy-controlled territory on South Vietnam's flank—or was it the President who responded to that military threat only after repeated warning? Will that Senator now come forward and tell America it was he who was both rash and wrong—and that now, not only will the President's withdrawal program continue, but it also will be sustained in confidence and 50,000 Americans can now surely come home before the 15th of October—and 100,000 more by next spring.

As you read the press and listen to the commentators, you keep hearing this great military success—possibly a victory of watershed proportions as we look to the future—described as a failure by the so-called pundits who are still wedded to their earlier forecasts of disaster. They have painted themselves into a corner and are now either intellectually incapable of evaluating the changed situation or disdainfully unwilling to disavow their past predictions of gloom and doom.

But, of course, it is too much to expect that these men will admit that they were precipitate and wrong—and the President was right.

And where are the Cassandras of the Senate now?

Are they now coming forward to say, perhaps we were wrong; perhaps we spoke too soon; perhaps the operation was indeed a limited one—and has indeed proved a successful one?

No, they are right now trying to forge new chains upon the President's freedom of action—even though the President has clearly demonstrated that he uses his powers responsibly—and use them to protect American lives in Vietnam.

Those who should be apologizing for their irrationalities the morning of May 1 are instead busying themselves trying to hobble the Commander-in-Chief of the Armed Forces—while four hundred thousand of his men remain vulnerable in the field.

Not only are they doing that, but they also are trying to stop us from giving help to other nations who want to defend themselves or to help each other against aggression.

The fact is our United States Senate is today engaged in a constitutional debate of major proportions, derived from amendments designed to undercut the President's authority to conduct this nation's business abroad.

As President of the Senate, I am not permitted to express my views on this issue in that august chamber, so I will air them here.

Historically, we Americans have shown an instinctive distrust of unlimited executive power. We rebelled against royal authority and the Thirteen Colonies began as a loose confederation, without any executive at all. That early experience with group decision-making—where it proved impossible even to raise an army to defend our country—impressed the founding fathers with the necessity of creating an effective executive authority.

A few years later, John Marshall, then a Member of Congress and later a great Chief Justice, commented on the executive role in foreign affairs. "The President is the sole organ of the Nation in its external relations and its sole representative with foreign nations. . . ."

The trend toward increased Presidential authority in foreign policy has steadily evolved as our country has risen to prominence in world affairs. Concurrent with America's growing power and involvement beyond our shores, the pace of events has quickened and communications have become instantaneous. As a result, swiftly moving events may reduce the decision-making process in today's nuclear age to a matter of hours or even minutes. In a complex world of 130-odd sovereign nations, some ruled by dictators uninhibited by popular sentiments or moral constraints, the President of the United States must be able to act quickly and decisively.

Writing in an academic journal in the fall of 1961, one of the favorite Senators of the present neo-isolationist crowd presented the following view on executive authority:

"The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead . . . It is my contention that for the existing requirements of American foreign policy we have hobbled the President by too niggardly a grant of power."

Now, which Senator do you suppose made those learned comments? Not Senator Dirksen. Not Senator Goldwater. It was Senator Fulbright. But he has conveniently forgotten his lofty words about the compelling need for Presidential pre-eminence in foreign affairs.

The Senate was intended by the framers of the Constitution to be a deliberative body not suited to crisis response. Certainly the five weeks so far consumed with debate on the Cooper-Church amendment illustrate the point. Even a threat a couple of weeks ago by the Senate Majority Leader in effect to cut off government funds unless the Cooper-Church amendment was brought to a vote has not hastened Senate consideration of the measure.

In any event, the Majority Leader's threat is beside the point. The Congressional penchant for endless debate has left it with insufficient time and energy to provide the government with funds. Only one appropriation bill has passed Congress. On June 30th all other government activities will legally run out of operating funds, and the Congress will have to pass an extension of past budgetary authority. The Cooper-Church amendment itself is hooked on the Military Sales Bill which seeks authority to expend funds during FY–70—FY–71. Even if the Senate passes that bill by June 30th, which now seems unlikely, it will be a year late—half the bill's life will already have expired.

The Senate's dilatory attention to the Military Sales Bill is extraordinary in one other way. More than half of the money sought in this bill would go to two friendly states in the Middle East, Iran and Israel. Yet the Senate has delayed this bill by extraneous amendments at the very time it is loudly decrying the growing dangers of an Arab-Israeli confrontation and Soviet penetration in the Middle East. It is simply ridiculous to hold up this important legislation—legislation which would assist Israel to pay old debts on equipment bought more than a year ago—while at the same time petitioning the President to provide Israel with more jet aircraft.

When the Senate gets so tangled up in inconsistencies like this, I am sure the nation gives thanks that we have a man of decisiveness and clear vision as our President.

Let me add one other thought—I think the President and his lovely family have brought a great sense of dignity to the White House. The moral and religious qualities which come so freely and naturally to them are a basic, but nowadays often overlooked, part of our national heritage and experience. It is those moral and religious underpinnings which make the President such a strong advocate of peace.

Despite all the rancorous cries of his critics—those self-appointed psychoanalysts of the *true* meaning of every Administration statement—I ask you to accept the proposition that the President *really* means what he says, that the President is genuine and sincere when he talks of the need for peace. Let's suppose, just for the sake of argument, that the President undertook five major peace initiatives, all in accordance with the unsolicited advice he has received from the Senate, and all in accordance with the enemy's stated preconditions for beginning meaningful peace negotiations. Would that not indicate a sincere desire on the President's part for peace? Would that not indicate that the President is not hidebound and stiff-necked in his attitude toward the enemy?

The truth of the matter is that the American Government has already made six concrete proposals which enemy negotiators, and coincidentally some Senators, have demanded. We have conceded the following

major points in an effort to urge forward meaningful discussions on the only issue which really counts—the issue of peace.

President Johnson stopped the bombing of the North.

President Nixon agreed in principle to the withdrawal of all American troops if the North Vietnamese would follow suit.

He announced the unilateral withdrawal of American troops on a phased basis.

He stated that we seek no bases, no military ties, and that we are willing to agree to a neutral South Vietnam if the people of that country freely so choose.

Despite the fact that South Vietnam has held several elections, President Thieu, with our full support, offered to hold internationally supervised elections in which *all* South Vietnamese factions that renounce violence might participate.

President Nixon indicated that in seeking a settlement we would insist on no rigid diplomatic formula or particular form of guarantees as long as the interests of all major South Vietnamese groups were adequately protected.

To date, a stubborn enemy continues to refuse to negotiate seriously. Instead, Hanoi has added two more preconditions for serious peace talks—that the U.S. leave South Vietnam completely, and that we topple the legally constituted government in Saigon on the way out. With preconditions like that, what would be left to negotiate?

These new demands are obviously unacceptable and most disheartening to the President. Still he has not given up in his quest for peace. We continue to remain at the table in Paris despite the abuse and invective—and despite the lack of progress.

The President's sincere desired for peace is manifest in the many other initiatives begun in the past 17 months. We already are engaged in the second round of strategic arms limitation talks with the Russians. We have signed the nuclear non-proliferation treaty and unilaterally renounced the use of chemical and biological warfare weapons. In visiting Rumania, President Nixon became the first American head of state to travel behind the Iron Curtain.

We have also eased restrictions on travel and trade with Communist China, and although talks have been temporarily postponed, the President did initiate discussions with the Chinese in Warsaw after a break of two years. We have sought to defuse the explosive Middle East situation in a variety of forums, including Four Power talks at the UN, and bilateral consultations with the Soviets.

Not all these efforts have yet borne fruit, but they clearly demonstrate the President's earnest desire to reduce tensions in the world.

But, make no mistake about one thing—the President has no intention of giving away the store. He will not compromise our vital interests in some vague hope of achieving "peace in our time" a la Neville Chamberlain.

The President has insisted that our defenses remain strong. To insure the credibility of our deterrent capability—but without jeopardizing the SALT negotiations—the President has gone ahead with the ABM and MIRV missile systems; to maintain the viability of our many treaty commitments—and thus spread the burden of keeping the peace—the President has refused to cut and run on our allies in South Vietnam.

In my view, the President has shown the world that America is strong, but fair; reliable with our friends, and reasonable toward our opponents—unless their aggressive actions clearly demand a firm response.

Let me observe particularly those qualities of decisiveness and courage that we see in foreign affairs are matched equally in the President's approach to domestic questions. As the President noted in his nationwide address on the economy a week ago, it is a sad, but inescapable truth that a country cannot move from a war time to a peace time economy without some pain and dislocation. Our very successes in Asia are having complicated and troublesome repercussions at home. Moreover, we are paying the piper today for mismanagement of the Federal government during the eight years before President Nixon took office—eight years of fiscal irresponsibility in which the Democrats spent $50 billion more than they took in.

Let me assure you, however, that there is nothing fundamentally wrong with this most powerful economy on earth. The President's perseverance in adhering to the hard but necessary policies of restraint will pay off. We will see an economic upturn before the end of the year.

I am confident that the prophets of doom, who were so wrong about the results of the President's actions in Cambodia, will prove equally wrong in their predictions of imminent depression and economic disaster.

In closing, let me say that I am growing terribly weary of America's noisy detractors. If this is such a terrible place to live, if our government is so oppressive and inept, why is there an endless waiting list of people seeking to immigrate to America, and why doesn't the so-called "brain drain" of Europe's brightest scientists and technicians moving to the US to work, run in the opposite direction.?

Today, we, the people of America, should vow to emphasize what is right, what is decent, what is good about our great country.

And let's begin to show some stronger and more vocal support for our President.

One of the deservedly most distinguished members of the Senate, George Aiken, said after the President's briefing on the Cambodian operation, that despite his own doubts, "If (the President's) strategy is successful and we are able to bring the war to an earlier conclusion and have less losses of our men, then we would have to call him a hero . . . as he would be."

Well, let me say to you tonight that is what I would call it—a decision and action of heroic proportions.

CONGRESSIONAL SUPPORT FOR BIG THICKET NATIONAL PARK: REPRESENTATIVES ECKHARDT AND BUSH PROPOSE REAL BIG THICKET NATIONAL PARKS

Mr. YARBOROUGH. Mr. President, for years I have advocated the preservation of the Big Thicket of southeast Texas. Since 1966, I have had bills pending in the Senate to preserve it as a national park. The establishment of the Big Thicket National Park is one of the highest priorities on my legislative agenda. Over the years it has given me great encouragement when individuals and groups have endorsed and supported my efforts to preserve the Big Thicket.

Today, it gives me particular pleasure to welcome two of my fellow Texas legislators to the ranks of those dedicated to the cause of preserving the Big Thicket as a national park.

On Thursday, July 16, 1970, Representative BOB ECKHARDT, of Houston, Tex., announced that he would introduce a bill to establish a Big Thicket National Park consisting of not more than 185,000 acres. On the same date, Representative GEORGE BUSH, also from Houston, announced the introduction of H.R. 18498, his bill for a Big Thicket National Park of not more than 150,000 acres.

The introduction of these bills to establish a Big Thicket National Park of adequate size is very encouraging and heartening, and I welcome with great enthusiasm this support in the House of Representatives by two south Texas gulf coast Congressmen, representing two political parties.

Mr. President, field hearings were held on S. 4, my bill to establish a Big Thicket National Park of not less than 100,000 acres on June 12, 1970, in Beaumont, Tex. The remarkable thing about the testimony at these hearings was the total unanimity of agreement that portions of the Big Thicket should be preserved. The issue discussed was not whether there should be a Big Thicket National Park. The only controversy dealt with how large the Big Thicket National Park should be. The fact that the discussion focused on this issue was most encouraging to me, and I consider it a tremendous victory in my long and often lonely battle to save the Big Thicket. Everyone who has given serious consideration to my proposal agrees that the Big Thicket should be preserved. Now we are able to discuss and attempt to resolve the issue of how large the Big Thicket National Park should be.

The Big Thicket proposal set forth by Congressman BOB ECKHARDT is most interesting and worthy of consideration. The proposal calls for a park of 185,000 acres. Included within this area are all units of the so-called string of pearls and land along the major rivers and creeks in the area.

The other proposal, which is for a 150,000-acre park, is also deserving of careful study.

Mr. President, either of these proposals could be incorporated into the legislation which I have introduced concerning the Big Thicket National Park. My bill, S. 4, calls for the establishment of a park consisting of land and interests in land of not less than 100,000 acres. Thus, while these two new proposals establish upper acreage limits, mine would establish a minimum of 100,000 acres and could go as high as necessary to incorporate additional lands which are worthy of inclusion in the park.

Since the approach of my bill is to establish a Big Thicket National Park with a minimum size limitation of 100,000 acres and does not establish a maximum limitation, either Representative ECKHARDT's or Representative BUSH's proposal would fit within the broad provisions of my bill, S. 4.

I welcome these proposals. They provide for a park of adequate size, and set forth good suggestions as to what should be included in the Big Thicket National Park.

In my opinion, the Big Thicket National Park should contain all of the so-called string of pearls, those unique individual units designated by the National Park Service as representative of the variety of Big Thicket ecosystems. Representative ECKHARDT's bill does include all of these units, while the other proposal omits some of them. The Big Thicket National Park should also include a Saratoga Unit in Hardin County. This unit will consist of approximately

40,000 acres and is bounded by highway numbers 770, 105, and 326. The park should also include the great hardwood forests of the Neches River bottoms, which would be about 60,000 acres. Connecting all of these units will be corridors along the major rivers and creeks which will tie all of the different park areas together. These areas which I have described would total 160,000 acres or even more, depending upon the width of the connecting corridors along the rivers and creeks.

The Big Thicket is basically a mixed southern hardwoods area. The creation of a national park of adequate size does not pose a serious threat to the lumber interests of the area, which are dependent upon pine forests for the bulk of their production.

The plan of some of the lumber interests is to bulldoze away the beautiful hardwood forests of the Big Thicket in order to plant pine trees in the future. My plan would save some of these hardwood forests.

I submit that the Big Thicket is big enough for a park of adequate size, such as I propose, and will still leave enough land for the bulldozers and tree farmers.

Mr. President, again I wish to welcome my two fellow Texas legislators to the battle for a Big Thicket National Park. Their prosopals would create a real park. Their support is sincerely appreciated. I commend them for their action to help save the Big Thicket. This is the first real legislative assistance in Congress in my long fight for a Big Thicket National Park.

The Big Thicket National Park is gaining strength. It is an idea whose time has come.

S. 3671—A MORE OBJECTIVE INTERPRETATION OF NATIONAL LABOR POLICY

Mr. TOWER. Mr. President, on July 21, the privilege was accorded me of being the leadoff witness before the Separation of Powers Subcommittee, Committee on the Judiciary, on S. 3671, a bill I introduced along with eight other Senators earlier this session.

It has now come to my attention that attempts are being made to paint this bill as antiunion. Nothing could be further from the truth. The bill has absolutely no effect on the substance of labor law. It is jurisdictional only. It does not redefine any unfair labor practices. It does not address itself to the relationships existing between unions, employees, and employers. It does attempt to reaffirm the prerogatives of Congress as the source of national labor policy. It does aim at a more objective interpretation of national labor policy.

Those who claim that S. 3671 is antilabor are tacitly agreeing with the critics of the National Labor Relations Board who have contended that the decisions of the Board are biased. If simply shifting jurisdiction over unfair labor practices to the Federal district courts is antilabor, then that is a reflection either on the Board or on the courts. It is either being claimed that the courts can be expected to be antilabor or that the Board has been prolabor. Since all our experience has been with the Board over the past 35 years, I suggest that the later alternative is closer the truth.

This contention is also supported by testimony which was received by the Separation of Powers Subcommittee in 1968 and by further evidence presented the subcommittee this week in hearings. I shall not go into this mass of evidence now. It is there for all who wish to go into this question.

In my own testimony I address myself to this very matter. Quoting from my statement:

> I hope it will not be said that S. 3671 represents an anti-union bias. I think I speak for the cosponsors of S. 3671, as well as for myself, in saying that collective bargaining was the very natural and necessary outgrowth of a social movement based upon contract. As such, it is an institution symbiotically linked to capitalism. On the individual level, it is the ultimate recognition of a system of private ownership of the means of production.
>
> No, if anything, this legislation is designed to include collective bargaining by making its institutions more responsible to the needs of its members, by creating an atmosphere of mutual respect between labor and management within their natural adversary roles, and—perhaps most importantly—reassert Congressional dominance over the Administrative framework.
>
> I want to point out that S. 3671 does not in any way change substantively our body of labor law. What is defined as an unfair labor practice today will still be an unfair labor practice at such time as this legislation may be signed into law. It simply reassigns jurisdiction.

Mr. President, there may be some who for one reason or another will misinterpret the meaning of S. 3671. I suppose that is a problem as old as politics itself and will be with us as long as political issues are debated.

As one who has expressed many times in the past his support of the union movement and even his desire to be a union member were he in a position to join, I state emphatically that S. 3671 is a bill designed to improve and strengthen the union movement by minimizing their failings and maximizing their value to both employers and members.

PRESIDENT BAILEY OF HAMLINE: A REFRESHING PERSPECTIVE ON THE COLLEGE PRESIDENCY

Mr. MONDALE. Mr. President, conditions on our campuses in recent years have given rise to a feeling that the office of a college president is becoming an increasingly embattled one, with the energies of the president becoming devoted more and more to the preservation of order and the protection of his office.

Although I would never disparage the enormously difficult and often trying responsibilities of a college president in these times, I feel that this image is both distorted and probably destructive of our efforts to restore calm and reason to our campuses.

In this light, I was delighted by a short article in the St. Paul Dispatch written by the president of Hamline University, Dr. Richard P. Bailey.

I commend this statement to all Senators as an example of a president and a campus where reason and respect have prevailed, and where a president and a student body are able to look upon one another with admiration, respect, and warm friendship. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the St. Paul (Minn.) Dispatch, June 30, 1970]

THE STUDENTS NEXT DOOR

(By Dr. Richard P. Bailey)

Everyone knows where Hamline's president lives—over there in that big white house with the pillars and the balcony. There are no fences, no alarms, no special police protection, and I own no guns. There is a dog but she barks only at squirrels and bites only dog biscuits. My wife is small and about as threatening as a faculty tea.

I am a sitting duck, exposed, identified, unprotected and vulnerable.

My nearest neighbors are 750 college students, far removed from home and parents. Physically I am closer to more Hamline students more of the time than any other member of faculty or staff. Few citizens in the nation of my generation have a similar residential opportunity; fewer still might want it. It seems a precarious position indeed given the tendency toward violence and disrespect we read about so prevalent among campus youth.

I would like to bask in an heroic role. But that would be dishonest and would bring hoots of derision from my 750 neighbors. The truth is that I feel safer, and probably am, than 99.44 per cent of my fellow citizens who live amid less youthful neighbors.

I have never been threatened, pillaged, derided or molested.

My sleep, alas, has often been disrupted. This spring my zestful neighbors were occasionally noisy and playful well beyond my normal 10:30 time for retiring. They sing, they play hide-go-seek, they explode what sound like firecrackers, they turn the volume of their hi-fi's up to decibels beyond middle-age tolerance, and they move over the campus from here to there and back with joyous sociability after dark. They beep the horns of their cars and squeal their tires.

One night I was awakened at 1:30 by the noise of a touch football game developing on the street just below my bedroom window.

"That's too much," I thought and I pulled on my trousers and assumed by "authoritative air" to express my presidential petulance in person. The game was being joined by other players even as I dressed. They had all finished studying for exams and were enjoying a recreational break before bedtime. Their schedule was not the same as mine. Did that make mine better? I decided not. Removing my "authoritative air" and my trousers I went back to sleep before the game ended.

Certainly they ask favors of me as would any neighbor. They run cords in my windows to light their outdoor dances, they borrow firewood to burn in their lounge fireplaces, they ask me to support their drives and campaigns, they have snowball fights in my yard, they strip my mountain ash tree of its fall berries for chemistry experiments, and once they borrowed my front door. But they also sing Christmas carols to my family, and perform sorority initiation stunts for my admiring 11-year-old.

Never have they been destructive in any way. Never have they purposely annoyed me. Never have they shown any of the disrespect for authority about which you have read so much.

On commencement evening this year as I was retiring I heard the beeping of a horn out on the street below my open window. I

looked out and someone I must identify as a departing Hamline graduate called out:

"So long, Rick!"

It had been a long day and commencement had been momentarily disrupted, you remember, by non-Hamline young radicals. I needed no more youthful demagoguery. My "authoritative air" began to form. . . .

But this was youthful friendship being offered—all of my friends call me Rick.

"So long, Piper," I called as the car and its unknown occupant sped away into the night. And to myself I whispered, "and God bless and keep you, young friend and Hamline—and 2,300 other colleges and universities and this our beloved country—and our neighbors who live beyond the borders of campus and nation."

MR. CHET HUNTLEY

Mr. ALLOTT. Mr. President, let us pause a moment and ponder the hazards of life experienced by Mr. Chet Huntley recently.

It is well known that Mr. Huntley, who is about to leave his position with the National Broadcasting Co., recently gave an interview to Life magazine. This interview quoted Mr. Huntley as saying some very harsh things about the present administration, and specifically about the President and the Vice President.

Now comes Mr. Huntley to say—of all things—that he has not been treated fairly by the media. He has confided to the Bozeman, Mont., Chronicle that he was misquoted by Life.

Mr. President, it is not entirely clear why Mr. Huntley thought the Bozeman Chronicle was the best place to deny the accuracy of an interview which was published in a magazine read by scores of millions of Americans. But be that as it may, it is even more curious that there is only one part of the Life interview which Mr. Huntley does not disavow.

This is the part where Mr. Huntley says some very hostile things about the Vice President. Of course what has mediaman Huntley upset about the Vice President is that the Vice President has said that the media is often unfair.

Evidently Mr. Huntley thinks Life is unfair to him, and it is fair for him to attack Life, but it is unfair of the Vice President to join Mr. Huntley in complaining about the media, so it is fair for Mr. Huntley to denounce the Vice President.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HUNTLEY FINDS LIFE HAS ITS DRAWBACKS

BOZEMAN, MONT., July 21 (AP)—Chet Huntley of the Huntley-Brinkley news telecast says Life magazine incorrectly quoted him as saying it "frightens me" that Richard M. Nixon is president.

In a letter to the Bozeman Chronicle Huntley declared Monday that he actually said he "worried about all presidents of the United States—whether they will stay healthy, whether they can stand the strain, their power, the decisions they make, and our tendency to make monarchs out of them."

In New York, a Life spokesman said, "After reading the account of what he said, Mr. Huntley may have regretted saying it. But there is no question about the accuracy of what was reported. Mr. (Thomas) Thompson's (the Life reporter) notes are available if Mr. Huntley wants to see them."

Huntley, 58, retires from the telecast after the Friday night show and will devote full time to developing a Montana recreational complex.

The newscaster also disowned another quote in the Life interview: "The shallowness of the man—President Nixon—overwhelms me."

In disclaiming that quote, Huntley said he had ventured the judgment that the 1968 campaign, as waged by all candidates, was shallow and that the President's rationale for Cambodia was thin.

"But that was transformed into the statement that I think Mr. Nixon was shallow," Huntley said.

Huntley also denied having said he had "poured Scotch" for President Johnson.

"Well, so it goes," concluded Huntley. "The only reasonably accurate quote was the one about the Eastern Establishment."

In that passage the newscaster was quoted as saying "Spiro Agnew is appealing to the most base of elements" and that the networks had "almost created" Agnew through intensive news coverage.

THE CONGRESS AND THE WAR

Mr. McGOVERN. Mr. President, the constitutional considerations discussed in connection with Senate debate on the Church-Cooper amendment will doubtless occupy our attention again when the McGovern-Hatfield amendment to the military procurement authorization bill becomes the pending business.

That amendment, which would set a definite timetable for withdrawal of U.S. forces from Vietnam, does not seek to make any retrospective declarations on the constitutionality or legality of the war. It does not in any sense pose a legal challenge to the actions of President Johnson or President Nixon in the pursuit of the policies they have deemed appropriate. This is a matter over which there is room for substantial dispute, and many of us have strong feelings on the matter. But we should emphasize that our amendment does not seek to adjudicate the past; that it rather charts a course for the future.

In connection with our discussion, however, I do think it is pertinent to note the fashion in which constitutional issues are being drawn in court tests pending now. I refer specifically to two New York cases, Orlando against Laird in the U.S. District Court for the Eastern District of New York and *Berk* v. *Laird*, Docket No. 35007 in the U.S. Court of Appeals for the Second Circuit.

In the former case, the district court, in denying a preliminary injunction against enforcement of orders that would send the plaintiff to Indochina, concluded that Congress has ratified the war through many legislative acts and particularly through appropriations. It said:

The huge appropriations annually voted to sustain the expanding combat activity cannot be read out of being as extorted by the exigencies created by presidential seizures of combat initiatives. . . . The power of the purse was lodged in the House and the appropriation power was expressly limited when exercised to raise and support armies as part of the conscious constitutional scheme for controlling the Executive's resort to combat activities. Specific appropriation statutes here, as the Government's brief points out, leave no uncertainty about Congressional will and purpose.

The Court said further:

Political expediency may have counseled the Congress's choice of the particular forms and modes by which it has united with the presidency in prosecuting the Vietnam combat activities, but the reality of the collaborative action of the executive and the legislative required by the Constitution has been present from the earliest stages.

In Berk a preliminary injunction was also denied and that decision has been affirmed on appeal. It is interesting to note, however, that the court of appeals remanded the case for further proceedings, calling upon the plaintiff to show first that he does not present an unmanageable political question. If that obstacle is surmounted there apparently will be an inquiry on the question whether congressional action has or has not fallen short of a determinable standard of authorization for the Vietnam war.

On a pending motion to dismiss, it is the Government's contention, in line with the holding in the Orlando case, that appropriations for the war have amounted to authorization. It argues:

The law is clear that "Congress may . . . do by ratification what it might have authorized. . . . And ratification may be effected through appropriation acts . . . (where) appropriation . . . plainly shows a purpose to bestow the precise authority claimed." *Ex parte Endo*, 323 U.S. 283, 303, n.24 (1944 Douglas, J.).

It seems to me that these arguments and holdings have a direct bearing on the amendment. As I read them they say that approval of the appropriations used for the prosecution of a war is equivalent, in practical effect, to a declaration of war.

Mr. President, I have voted for most of the military appropriations bills which have been used for the war in Vietnam. At the same time, going back to 1963, I have firmly opposed our escalating involvement in that conflict. There has been no period of time in which I would have supported a declaration of war in Vietnam. I am sure I have not been unique in the Senate in feeling an obligation to provide full support to the young Americans who have been dispatched to Vietnam, while at the same time believing that they should be brought home.

But it may be that we cannot have it both ways. Regardless of how we construe our votes on appropriations, it appears that the courts, if they reach the question, are likely to treat them as legislative approval for prosecution of the war.

The McGovern-Hatfield amendment to end the war, does no more, therefore, than place directly before the Senate a decision which it has made indirectly each year since the war began. It is a decision we cannot escape, because what the courts are really telling us is that the power to authorize war is not delegable; that we are exercising it even though we may think we are only providing funds to support the troops placed in the field by the President.

Congress not only has the power to review and approve or disapprove the com-

mitment of troops to battle; we have a positive obligation to do so.

It will not do, therefore, for any of us to say that we believe the presence of American manpower in Vietnam should be ended within a certain time but we want the President to do it. Voting the funds is not a neutral act. If we fail to limit their use it will be read as a statement by the Congress that the war should continue.

CANCER DETECTION MUST NOT BE STOPPED

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from New Jersey (Mr. WILLIAMS) entitled, "Cancer Detection Must Not Be Stopped."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CANCER DETECTION MUST NOT BE STOPPED

(Statement by Senator Williams)

Mr. WILLIAMS of New Jersey. Mr. President, the Administration has admitted that by December 31, 1970 it will eliminate funds promoting a program that detects uterine and cervical cancer, which is particularly prevalent among women from disadvantaged neighborhoods. Funds are also being cut that provide training of laboratory technicians to screen results of these examinations and tests.

The test, commonly known as the PAP smear test, is the most accurate method for identifying this cancer—a cancer that can be cured if detection is made early in its progress.

Precious lives will be lost if public knowledge of this testing program is not enhanced. It is doubly tragic because the program has had such widespread success. The public education process will have to be started anew when it is felt enough funds are available to resume saving these lives. It is impossible to understand how we can turn our backs on those who could be saved now.

Mr. President, I protest most strenuously this very dangerous cut in funds. This program saves lives. It is saving them right now. To discontinue public awareness-education is unconscionable.

An article by William E. Howard appeared in the Newark Star-Ledger of July 12th. The author discloses the particulars of this cancellation and comments on the tragic irony of cutting funds that save lives.

NIXON SHUTS OFF PROMOTIONAL FUNDS FOR PAP TESTS

(By William E. Howard)

WASHINGTON.—The Nixon Administration has quietly dropped a medical program to promote the detection of uterine cancer, especially among poor women.

Herbert P. Dunning, administrator of the Public Health Service's cancer control project, confirmed that funds had been cut off as of July 1. He said the $6.1 million annually in grants to encourage the taking of PAP smear tests had been diverted to "other" medical programs.

Also phased out, he said, was a $1.2 million program to train more laboratory technologists in how to screen PAP smears microscopically for cancer cells. Such technicians are in short supply.

Ironically, the dual programs are being abandoned at a time when federal health officials have been telling Congress that far too few American women are availing themselves to the PAP test. Although the test was proven out 30 years ago, and has been widely publicized by the American Cancer Society and the government, federal officials estimate only 20 million out of 60 million women have it done annually.

An American Cancer Society survey earlier this year showed 53 per cent of the adult female population had the test performed at least once. This is a substantial increase over 1961, when only 30 per cent said they had undergone the test. But it still leaves millions unprotected.

Dr. Carl G. Baker, director of the National Cancer Institute, recently told a House subcommittee he felt use of the test was "distressingly low" and that "an insufficient effort" was being made to promote it in ghetto areas where it is needed.

Medical studies have shown women from poor or "disadvantaged" backgrounds to be more prone to cancer of the cervix and the uterus. Doctors relate the disease to having a child early in life.

Dunning said his recently dropped PAP test project had been conducted primarily in inner city areas and had been successful.

"I think we did perform a great service to 2 million women," he said in an interview.

Once detected, uterine cancer usually can be treated successfully by surgery. It is a question of removing it before the cancer spreads to other organs.

The Cancer Society and many physicians advise having the test at least once a year. Some doctors order patients on birth control pills to have it twice a year.

But Dunning said there is some controversy about the protection afforded by annual checkups, noting that "60 million tests a year really are impractical." He said the natural course of the disease shows that it remains localized for some time, perhaps several years. Hence, he said some doctors believe a woman could be adequately protected with a test at two to three-year intervals.

"The chances are, with the lower frequency of tests, we are protecting more than 25 per cent of American women now and the number is increasing," he said.

Dunning said his program began in 1963 as a demonstration project and has been administered regionally by the Public Health Service in grants to hospitals and clinics.

AN EXAMPLE OF POOR POSTAL MANAGEMENT; WEST TEXAS MAIL SERVICE DWINDLES

Mr. YARBOROUGH. Mr. President, I recently received a letter from Mr. B. E. Loyd, the president of Muleshoe State Bank of Muleshoe, Tex., in which he outlines some of the difficulties the people of this west Texas community are having with the mail service. As Mr. Loyd pointed out in his letter, in a town with a population of 5,225 people, it takes 3 days for a letter to be delivered from one place in the town to another, and it is taking 5 to 6 days for a letter from Muleshoe to be delivered to another point in Texas.

This type of mismanagement is inexcusable. However, instead of trying to correct problems such as those described in Mr. Loyd's letter, the administration would rather dismantle the Post Office and turn it into a corporation which would be managed by the same people who cannot effectively manage the Post Office in its present form.

No one denies that there are problems in the Post Office that need solving, however, rather than face the hard task of reforming the Post Office, the administration forces are going to destroy it. Will the present Postmaster be able to administer a postal corporation with better results than he had administered the Post Office? I submit that he will not be able to do so. The passage of the postal reorganization bill may prove to be the worst piece of legislation in the history of this Nation.

Mr. President, I ask unanimous consent that Mr. B. E. Loyd's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MULESHOE STATE BANK,
Muleshoe, Tex., July 8, 1970.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: I am sure that you are aware that we are having considerable difficulty with our mail situation in Muleshoe. It is taking 3 days to get a letter delivered from one business to another here in Muleshoe and taking 5 and 6 days for mail to be delivered to other points in Texas where we used to get mail delivered in 2 to 3 days.

I cannot believe that the Post Office Department can save money by having all the mail sent from Muleshoe to Lubbock to be sorted and then returned to Muleshoe.

We would appreciate very much your checking into this and if anything could be done to help the situation we would be most grateful. Thanking you for your attention in this matter, I remain

Yours sincerely,

B. E. LOYD,
President.

THE INDIAN AS A FELLOW HUMAN BEING

Mr. MONDALE. Mr. President, one of the principal findings of the Senate Indian Education Subcommittee was that the existence of myths and stereotypes about Indians was a significant factor in the public's refusal to accept the Indian as a fellow human being.

The subcommittee recommended that school curriculums must change to reflect the true history and culture of Indians, rather than contribute to the propagation of damaging, derogatory—and untrue—stereotypes.

I do not know how many school officials and teachers have taken that recommendation to heart, but I fear the number is far too small. I think we can get some sense of the problem by looking at the answers given by suburban Minneapolis elementary schoolchildren when they were asked what they knew about Indians.

Their responses: They kill white men. They take scalps. They tell lies and fibs. They are mean. They have funny names. They eat all raw meat.

These were the kinds of answers a University of Minnesota survey team found.

In response to this survey the university is preparing an Indian education college-credit course for viewing on statewide educational television. It is being designed to assist teachers in the preparation of curriculum units. Similar curriculum units will also be sent to districts throughout the State.

This is a significant response to a major problem, and I applaud the university's efforts in this area. I ask unani-

mous consent that a Minneapolis Tribune editorial of July 3, 1970, regarding the university survey and proposed TV course, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE INDIANS AS SEEN IN SUBURBS

What do white suburban grade school students think about Indians? Indians mean big trouble. They killed white men. They take scalps. They tell lies and fibs. They are mean. They have funny names. They eat all raw meat. These attitudes, ironically, were expressed by students at Indian Mounds Elementary School in Bloomington.

The students were asked to write "What I Know About Indians" in a one-page essay as part of a survey by the University of Minnesota's Training Center for Community Programs. The survey produced 643 essays from eight grade schools in Bloomington.

The results, reported recently by the training center, are not all as negative as the expressions by some of the students at Indian Mounds. Pupils at Indian Mounds and other schools also mentioned the injustices inflicted by whites on Indian people, referred to Indians in a positive manner, and expressed admiration for Indians. "We didn't treat them as we ought to," wrote a sixth-grader at Brookside School.

But the generalizations in the essays were negative enough, said the authors of the report, to validate the conclusions of a recent U.S. Senate Indian Education subcommittee study. The subcommittee contended that the public schools present a picture of American and inaccurate. In Bloomington, said the uni- Indians that tends to be uncomplimentary versity report, the students showed a depressing lack of facts about the present condition of Indians. The survey also indicated that some teachers were inclined to single out and overemphasize certain "facts" to the exclusion of the broader picture of past and present Indian life styles.

Although the survey was conducted in Bloomington, the results should not be construed as a specific indictment of that school district. Similar results likely could be found in most school districts of the state. Old textbooks containing distorted references to Indians are still in use. A balanced treatment of Indian history often has not been integrated into the curriculum. Not enough contemporary material on Indians is available to teachers.

As a result of the Bloomington survey, the university plans to offer a nine-credit Indian-education college course on educational television stations throughout the state next fall. The purpose of the course will be to give teachers the tools to develop curriculum units for their classrooms. At the same time, the university will be sending a series of curriculum units, produced by teachers, to all school districts in the state.

These and other efforts should help to prevent what the university report terms "a new round in the old cycle of myth creation and maintenance about the American Indian." But, as the report also points out, the schools can't do it all. Distorted perceptions of the Indian in the white family, peer group and media all help to explain why a Brookside fourth grader wrote, "If I saw an Indian, I'd be scared stiff."

ONE OF NATION'S OUTSTANDING EDUCATORS TO RETIRE

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from New Jersey (Mr. WILLIAMS) entitled, "One of Nation's Outstanding Educators To Retire."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ONE OF NATION'S OUTSTANDING EDUCATORS TO RETIRE

(Statement by Senator WILLIAMS of New Jersey)

Mr. WILLIAMS of New Jersey. Mr. President, I wish to salute one of our Nation's outstanding educators, Dr. Mason Gross. Dr. Gross has announced that he plans to retire after 11 years as president of Rutgers University, the State University of New Jersey.

During his tenure as president, he has guided Rutgers through a period of tremendous growth. But his dedication has not been to growth alone. His overriding goal has been the quality and, most importantly, the relevancy of education.

Dr. Gross has been a precursor; he has set the patterns. When he assumed the role of President, he urged creation of a curricula in Asian and African studies. Today, such studies are commonplace but this was not the situation 11 years ago.

That speech set a pattern which did not vary. Dr. Gross has remained in the forefront of the most innovative educators in America.

To cite all of his accomplishments, would require a major volume.

However, I should like to mention that it was Mason Gross who established the first urban-oriented college in America, the Livingston College of Rutgers University. And it was Dr. Gross who opened the doors of university education to the disadvantaged.

As is true generally of university presidents, Dr. Gross has had his share of problems. And he has met them forthrightly and with success.

Perhaps the finest tribute that could be paid to Mason Gross is to realize that in an age when young people say "Don't trust anyone over 30," he was not only trusted but respected by his students.

While Dr. Gross is retiring as President of Rutgers, I have no doubt that he will continue to lend his great ability and dedication to the cause of quality education in America.

In the meantime, I think the people of New Jersey join in thanking Dr. Gross for a job well done.

How well he served is reflected in editorials which have appeared in New Jersey newspapers.

DR. GROSS SETS DATE

Like most college presidents, Mason W. Gross has not escaped controversy and conflict in this era when educational institutions are undergoing violent upheaval.

Now, after what will be 25 years with the university, including 12 years as president, he plans to step down from his Rutgers post in September 1971, by which time he will be 60 years old and eligible for retirement.

Few will blame Dr. Gross for seeking a quieter and more contemplative life. Although he declares his decision to retire was not influenced by recent events, certainly his view of the burdens he has carried must have undergone changes as the pressures mounted, and along with them, the inevitable criticism.

The dispute with Gov. Cahill over combining Rutgers Medical School with the New Jersey College of Medicine and Dentistry was only the latest of a series of conflicts. Rutgers and its administration have also been targets of criticism, some of it justified and some not, over the Urban University Program and the way it was launched, over discontinuance of ROTC, over student takeovers and other disorders, and over relations with the Legislature and other Trenton officials.

Nevertheless, the tall, scholarly and professorial figure of Dr. Gross has been a popular one on the Rutgers campuses and unquestionably he argued well the case for greater understanding of students' viewpoints and for accommodations allowing youth a larger role in university affairs. He has been a pioneer in pushing for increased focus on the needs of students from disadvantaged groups and in trying to make Rutgers more responsive to the needs of a changing society.

At the same time, Dr. Gross has been a dedicated leader in guiding Rutgers through an 11-year period of unprecedented expansion while it was developing its newly found role as the state university. In the process, it increased its national stature.

For those achievements, and for bearing the recent awesomely difficult burdens with his usual courtliness and grace, Dr. Gross merits gratitude and thanks.

A SUBSTANTIAL LOSS

Dr. Mason Welch Gross at the moment is probably better known to most New Jersey residents for the last two years of his long and distinguished tenure as Rutgers University president than for the previous nine in which the institution had grown appreciably and taken on academic stature.

Controversy has a way of making a celebrity of a person. It was something that Dr. Gross neither sought nor wanted. He was a college president who like numerous colleagues in other universities was caught up in the vortex of violent social change, a mood that was and is deeply rooted in the nation's institutions of higher learning.

Rutgers has been disrupted by demonstrations and protests, but hardly in the clamorous and virulent dimensions that afflicted other universities. And despite the criticism of legislators, Dr. Gross was able to deal with these incidents in most instances with an admirable degree of restraint and understanding.

The period of stress on the Rutgers campus in a fuller, positive sense, was a stern test of the university's administration under Dr. Gross' guidance. And it is apparent that the school not only has survived but has grown with the experience.

The brief tumultuous period in the school's history may currently tend to obscure Dr. Gross' substantial contributions to the school's academic maturity and substance.

But controversy and differences are part of an institution's changing role in a society that is undergoing radical social change. It was apparent that Dr. Gross was acutely cognizant of the new and greater responsibility that American academe has had to assume in this transition. Open enrollment, a program that dramatically broadened educational opportunities for economically disenfranchised students from urban areas, was a major innovation instituted at Rutgers under Dr. Gross' administration.

Any appraisal of his tenure at Rutgers must include his unrelenting and courageous resistance to political incursion of the state university, an issue on which Dr. Gross and legislators have locked horns on a number of occasions. His most recent experience in this area was his opposition to the legislative passage of a measure that would transfer control of the school's two-year medical school to a new statewide medical education board.

This newspaper favored the revamped medical education program initiated by Gov. Cahill to improve the delivery of health care for the whole state, but it recognized that these differences stemmed from genuine conflicts on fundamental issues. Dr. Gross' primary concern was to develop the university's medical school into a four year institution under Rutgers' control; we subscribed to the thinking behind the governor's proposal to integrate medical education because it was addressed to the more urgent problem of meeting health care needs in fullest dimension with available resources.

None of this diminishes the enormous influence he brought to bear during his 11-

year incumbency in which Rutgers has achieved impressive growth, from a relatively small college to a large, multi-campus university that has gained increasing respect in the academic community. His retirement represents a substantial loss in New Jersey higher learning, but even more so for the state university.

ENVIRONMENTAL BILL OF RIGHTS

Mr. MONDALE. Mr. President, since Earth Day, there has been a great deal of talk about the cleaning of our environment and making it livable for future generations. Numerous ideas, many of them sound, have been put forth as suggestions for accomplishing this enormous task.

Yet some of the most basic, yet beautiful thoughts on saving our already ravaged earth, came from Barbara Wadsworth, Richard Perdue, Elizabeth Moran, and the students of Carolyn Roth, biology teacher, North High School in Minneapolis, Minn.

They call it the "Environmental Bill of Rights."

I ask unanimous consent that this effort be printed in the RECORD along with the names of the students who signed the document.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL BILL OF RIGHTS

We, being of sound mind and body, do hereby submit these suggestions, while there is still air to breathe, for an environmental Bill of Rights.

(a) No man shall have the right to pollute another man's property without his consent. Nor shall a man be able to pollute his own property in such a way as to endanger his neighbor's property.

(b) The government shall not have the right to infringe on any man's right to a pure environment, (pure environment being of clean water, air free from major pollutants, land free from corrosive misuse.)

(c) Man shall not be permitted to endanger earth's natural species to the point of extinction.

Phillip E. Demry, Susan Heimkes, Mary Madson, Megan Jones, Edwin B. Mudge, Burnadette Pettiford, Billie Bolden, Brian Babb, Becky Shostrom, and Marilyn Magnuson.

Steve Smith, Sandra Demry, Carol Temple, Simon Bank, Mike Allen, Jim Thompson, Charles Williams, Suzy Burke, Terry Minard, and Karl Hanson.

Steven Peterson, R. Jacobson, Carolyn Carter, Rose Ann Genich, Jane Lang, Bud Brophy, Barb Gilmer, Sandi Gilmer, Debby Anderson, and Debbie Comeau.

Gary Pribyl, Suzanne Murschell, Kenn Masica, Charles Varone, Gary Caviness, Tara Lockwood, Richard Z. Woldorsky, David Steen, Greg Olson, and Kathy Voller.

Lyle Geimendinger, Anita Uruina, Marti Lawrence, Lester Hall, Bill Tollifson, Phillip McElhaney, Larry Shackle, Terry Letourneau, John Duyer, and Barb Wadsworth.

Ray Turner, Gary Gibbs, Linda Heimendinger, Elizabeth Moran, Susan Hartfiel, Elizabeth Dahl, Nancy Stachowski, Roxanne Schmidt, Forrest Little, and Cathy Johnson.

Mary Huseby, Kim Hutchins, Pam Hunter, Richard Hunter, J. Jones, Joan Campion, Rocky Yurch, Peter M. Nikiel, Alan Dupary, and Michael Bellfield.

William Patterson, Joanne Davis, Gerri Johnson, Dave Schmidt, Todd Stenson, Ida Johnson, Jerry Lease, David Baltus, Elizabeth Gordon, Pam Lindquist, Dave Nelson, Lois Edwards, and Richie Campbell.

PUERTO RICO CONSTITUTION DAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from New Jersey (Mr. WILLIAMS) on Puerto Rico Constitution Day.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PUERTO RICO CONSTITUTION DAY

Mr. WILLIAMS of New Jersey. Mr. President, July 25th is a day to honor and salute the people of Puerto Rico, for it was 18 years ago that this small nation achieved Commonwealth status.

The long journey toward self-government, however, was not an easy one. During more than 400 years of its existence—from discovery until United States control in 1898—Puerto Rico was ruled by approximately 140 Spanish governors.

Although not always mistreated, the Puerto Ricans were denied the privilege of self-rule. Even after the United States assumed control following the Spanish-American conflict, Puerto Rican political power did not become predominate. It was not until 1917 that an act of Congress created there the start of a self-governing and free-trading society.

The next several years lead the way to great social change and economic improvement. Governmental dominance was soon channeled through political organizations, guiding Puerto Rico to its first democratic election in 1948, wherein Luis Manoz Marin was elected governor. And on July 25, 1952, climaxing many years of continued determination, a democratic constitution was adopted. Significantly created was a legislative body that has enacted and provided enforcement for all laws, a process that still prevails on this modern and progressive island.

Mr. President, for all Puerto Ricans, Constitution Day is a reminder of the sturdy foundation of their present democratic system. To acknowledge and praise the accomplishments of these people, we in the United States honor the traditions to which all free men aspire.

IS FREEDOM DYING IN AMERICA?

Mr. MUSKIE. Mr. President, Look magazine for July 14 contains an article, written by the noted historian Henry Steele Commager, which is extremely relevant to the debate on the pending bill.

The article is entitled "Is Freedom Dying in America?" In it, the author discusses emerging threats to the freedoms and values enshrined in our Bill of Rights.

One particularly noteworthy passage reads as follows:

Let us turn then to practical and particular issues and ask, in each case, what are and will be the consequences of policies that repress freedom, discourage independence and impair justice in American society, and what are, and will be, the consequences of applying to politics and society those standards and habits of free inquiry that we apply as a matter of course to scientific inquiry?

Consider the erosion of due process of law—that complex of rules and safeguards built up over the centuries to make sure that every man will have a fair trial. Remember that it is designed not only for the protection of desperate characters charged with monstrous crimes; it is designed for every litigant. Nor is due process merely for the benefit of the accused. As Justice Robert H. Jackson said, "It is the best insurance for the Government itself against those blunders which leave lasting stains on a system of justice. . . ."

And why is it necessary to guarantee a fair trial for all—for those accused of treason, for those who champion unpopular causes in a disorderly fashion, for those who assert their social and political rights against community prejudices, as well as for corporations, labor unions and churches? It is, of course, necessary so that justice will be done. Justice is the end, the aim, of government. It is implicitly the end of all governments; it is quite explicitly the end of the United States Government, for it was "in order to . . . establish justice" that the Constitution was ordained.

Trials are held not in order to obtain convictions; they are held to find justice. And over the centuries, we have learned by experience that unless we conduct trials by rule and suffuse them with the spirit of fair play, justice will not be done. The argument that the scrupulous observance of technicalities of due process slows up or frustrates speedy convictions is, of course, correct, if all you want is convictions. But why not go all the way and restore the use of torture? That got confessions and convictions! Every argument in favor of abating due process in order to get convictions applies with equal force to the use of the third degree and the restoration of torture. It is important to remember that nation after nation abandoned torture (the Americans never had it), not merely because it was barbarous, but because, though it wrung confessions from its victims, it did not get justice. It implicated the innocent with the guilty, it outraged the moral sense of the community. Due process proved both more humane and infinitely more efficient.

Or consider the problem of wiretapping. That in many cases wiretapping "works" is clear enough, but so do other things prohibited by civilized society, such as torture or the invasion of the home. But "electronic surveillance," said Justice William J. Brennan, Jr., "strikes deeper than at the ancient feeling that a man's home is his castle; it strikes at freedom of communication, a postulate of our kind of society. . . . Freedom of speech is undermined where people fear to speak unconstrainedly in what they suppose to be the privacy of home or office."

I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS FREEDOM DYING IN AMERICA?

"There are certain words,
Our own and others', we're used to—words we've used,
Heard, had to recite, forgotten,
Rubbed shiny in the pocket, left home for keepsakes,
Inherited, stuck away in the back-drawer,
In the locked trunk, at the back of the quiet mind.
Liberty, equally, fraternity,
To none will we sell, refuse or deny, right or justice.
We hold these truths to be self-evident.
I am merely saying—what if these words pass?
What if they pass and are gone and are no more . . . ?
It took long to buy these words.
It took a long time to buy them and much pain."

—Stephen Vincent Benét.

"Those, who would give up essential liberty to purchase a little temporary safety," said Benjamin Franklin, two centuries ago, "deserve neither liberty nor safety."

Today we are busy doing what Franklin warned us against. Animated by impatience, anger and fear, we are giving up essential liberties, not for safety, but for the appearance of safety. We are corroding due process and the rule of law not for Order, but for the semblance of order. We will find that when we have given up liberty, we will not have safety, and that when we have given up justice, we will not have order.

"We in this nation appear headed for a new period of repression," Mayor John V. Lindsay of New York recently warned us. We are in fact already in it.

Not since the days when Sen. Joseph McCarthy bestrode the political stage, fomenting suspicion and hatred, betraying the Bill of Rights, bringing Congress and the State Department into disrepute, have we experienced anything like the current offensive against the exercise of freedom in America. If repression is not yet as blatant or as flamboyant as it was during the McCarthy years, it is in many respects more pervasive and more formidable. For it comes to us now with official sanction and is imposed upon us by officials sworn to uphold the law: the Attorney General, the FBI, state and local officials, the police, and even judges. In Georgia and California, in Lamar, S.C., and Jackson, Miss., and Kent, Ohio, the attacks are overt and dramatic; on the higher levels of the national administration, it is a process of erosion, the erosion of what Thomas Jefferson called "the sacred soil of liberty." Those in high office do not openly proclaim their disillusionment with the principles of freedom, but they confess it by their conduct, while the people acquiesce in their own disinheritance by abandoning the "eternal viligiance" that is the price of liberty.

There is nothing more ominous than this popular indifference toward the loss of liberty, unless it is the failure to understand what is at stake. Two centuries ago, Edmund Burke said of Americans that they "snuff the approach of tyranny in every tainted breeze." Now, their senses are blunted. The evidence of public-opinion polls is persuasive that a substantial part of the American people no longer know or cherish the Bill of Rights. They are, it appears, quite prepared to silence criticism of governmental policies if such criticism is thought—*by the Government*—damaging to the national interest. They are prepared to censor newspaper and television reporting if such reports are considered—*by the Government*—damaging to the national interest! As those in authority inevitably think whatever policies they pursue, whatever laws they enforce, whatever wars they fight, are in the national interest, this attitude is a formula for the ending of all criticism, which is another way of saying for the ending of democracy.

Corruption of language is often a first sign of a deeper malaise of mind and spirit, and it is ominous that invasions of liberty are carried on, today, in the name of constitutionalism, and the impairment of due process, in the name of Law and Order. Here it takes the form of a challenge to the great principle of the separation of powers, and there to the equally great principle of the superiority of the civil to the military authority. Here it is the intimidation of the press and television by threats both subtle and blatant, there of resort to the odious doctrine of "intent" to punish anti-war demonstrators. Here it is the use of the dangerous weapon of censorship, overt and covert, to silence troublesome criticism, there the abuse of the power of punishment by contempt of court. The thrust is everywhere the same and so too the animus behind it: to equate dissent with lawlessness and nonconformity with treason. The purpose of those who are prepared to sweep aside our ancient guarantees of freedom is to blot out those great problems that glare upon us from every horizon, and pretend that if we refuse to acknowledge them, they will somehow go away. It is to argue that discontent is not an honest expression of genuine grievances but of willfulness, or perversity, or perhaps of the crime of being young, and that if it can only be stifled, we can restore harmony to our distracted society.

Men like Vice President Spiro T. Agnew simplistically equate opposition to official policies with effete intellectualism, and cater to the sullen suspicion of intellectuals, always latent in any society, to silence that opposition. Frightened people everywhere, alarmed by lawlessness and violence in their communities, and impatient with the notion that we cannot really end violence until we deal with its causes, call loudly for tougher laws, tougher cops and tougher courts or—as in big cities like New York or small towns like Lamar—simply take authority into their own hands and respond with vigilante tactics. Impatient people, persuaded that the law is too slow and too indulgent, and that order is imperiled by judicial insistence on due process, are prepared to sweep aside centuries of progress toward the rule of law in order to punish those they regard as enemies of society. Timid men who have no confidence in the processes of democracy or in the potentialities of education are ready to abandon for a police state the experiment that Lincoln called "the last best hope of earth."

The pattern of repression is, alas, all too familiar. Most ominous is the erosion of due process of law, perhaps the noblest concept in the long history of law and one so important that it can be equated with civilization, for it is the very synonym for justice. It is difficult to remember a period in our own history in which due process has achieved more victories in the courts and suffered more setbacks in the arena of politics and public opinion than in the last decade. While the Warren Court steadily enlarged the scope and strengthened the thrust of this historic concept, to make it an effective instrument for creating a more just society, the political and the law-enforcement agencies have displayed mounting antagonism to the principle itself and resistance to its application. The desegregation decision of 1954 has been sabotaged by both the Federal and local governments—a sabotage dramatized by the recent decision of the Justice Department to support tax exemption for private schools organized to frustrate desegregation.

There are many other examples. Pending legislation, including the Organized Crime Control Act of 1969, provides for "preventive detention" in seeming violation of the constitutional guarantee of presumption of innocence; limits the right of the accused to examine evidence illegally obtained; permits police to batter their way into a private house without notice (the no-knock provision); and provides sentences of up to 30 years for "dangerous special offenders." And the government itself, from local police to the Attorney General, persists in what Justice Holmes called the "dirty business" of wiretapping and bugging to obtain evidence for convictions, though this is a clear violation of the right of protection against self-incrimination.

Equally flagrant is the attack on First Amendment freedoms—freedom of speech, press, petition and assembly—an attack that takes the form of intimidation and harassment rather than of overt repudiation. The President and the Vice President have joined in a crusade designed to force great newspapers like the New York *Times* and the Washington *Post* to moderate their criticism of Administration policies, and to frighten the television networks into scaling down their coverage of events that the Government finds embarrassing; a position that rests on the curious principle that the real crime is not official misconduct but the portrayal of that misconduct. Mr. Agnew, indeed, has gone so far as to call on governors to drive the news purveyed by "bizarre extremists" from newspapers and television sets; it is an admonition that, if taken literally, would deny newspaper and TV coverage to Mr. Agnew himself. All this is coupled with widespread harassment of the young, directed superficially at little more than hairstyle, dress or manners—but directed in fact to their opinions, or perhaps to their youthfulness. And throughout the country, government officials are busy compiling dossiers on almost all citizens prominent enough to come to their attention.

Government itself is engaged increasingly in violating what President Dwight D. Eisenhower chose as the motto for the Columbia University bicentenary: "Man's right to knowledge and the free use thereof." The USIA proscribes books that criticize American foreign policy at the same time that it launches a positive program of celebrating the Nixon Administration and the conduct of the Vietnam war through films and a library of "safe" books selected by well-vetted experts. The Federal Government spends millions of dollars presenting its version of history and politics to the American people. The Pentagon alone spends $47 million a year on public relations and maintains hundreds of lobbyists to deal with Congress, and the Defense Department floods schools and clubs and veterans organizations with films designed to win support for the war.

Meantime, the growing arrogance of the military and its eager intervention in areas long supposed to be exclusively civilian gravely threaten the principle of the superiority of the civil to the military power. Military considerations are advanced to justify the revival of the shabby practices of the McCarthy era—security clearances for civilians working in all establishments that have contracts with Defense—a category that includes laboratories, educational institutions and research organizations. What the standards are that may be expected to dictate security "clearance" is suggested by Vice President Agnew's proposals to "separate the [protest leaders] from our society—with no more regret than we should feel over discarding rotten apples from a barrel." That is, of course, precisely the philosophy that animated the Nazi. Military considerations, too, are permitted to dictate polices of secrecy that extend even to censorship of the *Congressional Record*, thus denying to congressmen, as to the American people, information they need to make decisions on foreign policy. Secrecy embraces, not unnaturally, facts about the conduct of the war; Attorney General Mitchell, it was reported, hoped to keep the Cambodian caper secret from Congress and the people until it was a *fait accompli*. So, too, the CIA, in theory merely an information-gathering agency, covers its far-flung operations in some 60 countries with a cloak of secrecy so thick that even Congress cannot penetrate it. The Army itself, entering the civilian arena, further endangers freedom of assembly and of speech by employing something like a thousand agents to mingle in student and other assemblies and report to the Army what they see and hear. This is, however, merely a tiny part of the some $3 billion that our Government spends every year in various types of espionage—more every year than the total cost of the Federal Government from its foundation in 1789 to the beginning of the Civil War in 1861!

It would be an exaggeration to say that the United States is a garrison state, but none to say that it is in danger of becoming one.

The purpose of this broad attack on Amer-

ican freedoms is to silence criticism of Government and of the war, and to encourage the attitude that the Government knows best and must be allowed a free hand, an attitude Americans have thought odious ever since the days of George III. It is to brand the universities as a fountainhead of subversion and thus weaken them as a force in public life. It is to restore "balance" to the judiciary and thereby reverse some of the great achievements of the 16 years of the Warren Court and to reassure the Bourbons, North and South, who are alarmed at the spectacle of judicial liberalism. It is to return to a "strict" interpretation of the power of states over racial relations and civil liberties—a euphemism for the nullification of those liberties.

The philosophy behind all this, doubtless unconscious, is that government belongs to the President and the Vice President; that they are the masters, and the people, the subjects. A century ago, Walt Whitman warned of "the never-ending audacity of elected persons"; what would he say if he were living today? Do we need to proclaim once more the most elementary principle of our constitutional system: that in the United States, the people are the masters and all officials are servants—officials in the White House, in the Cabinet, in the Congress, in the state executive and legislative chambers; officials, too, in uniform, whether of the national guard or of the police?

Those who are responsible for the campaign to restrict freedom and hamstring the Bill of Rights delude themselves that if they can but have their way, they will return the country to stability and order. They are mistaken. They are mistaken not merely because they are in fact hostile to freedom, but because they don't understand the relation of freedom to the things they prize most—to security, to order, to law.

What is that relationship?

For 2,500 years, civilized men have yearned and struggled for freedom from tyranny—the tyranny of depotic government and superstition and ignorance. What explains this long devotion to the idea and practice of freedom? How does it happen that all Western societies so exalt freedom that they have come to equate it with civilization itself?

Freedom has won its exalted place in philosophy and policy quite simply because, over the centuries, we have come to see that it is a necessity; a necessity for justice, a necessity for progress, a necessity for survival.

How familiar the argument that we must learn to reconcile the rival claims of freedom and order. But they do not really need to be reconciled; they were never at odds. They are not alternatives, they are two sides to the same coin, indissolubly welded together. The community—society or nation—has an interest in the rights of the individual because without the exercise of those rights, the community itself will decay and collapse. The individual has an interest in the stability of the community of which he is a part because without security, his rights are useless. No community can long prosper without nourishing the exercise of individual liberties for, as John Stuart Mill wrote a century ago. "A State which dwarfs its men, in order that they may be more docile instruments in its hands . . . will find that with small men no great thing can really be accomplished." And no individual can fulfill his genius without supporting the just authority of the state, for in a condition of anarchy, neither dignity nor freedom can prosper.

The function of freedom is not merely to protect and exalt the individual, vital as that is to the health of society. Put quite simply, we foster freedom in order to avoid error and discover truth; so far, we have found no other way to achieve this objective. So, too, with dissent. We do not indulge dissent for sentimental reasons; we encourage it because we have learned that we cannot live without it. A nation that silences dissent, whether by force, intimidation, the withholding of information or a foggy intellectual climate, invites disaster. A nation that penalizes criticism is left with passive acquiescence in error. A nation that discourages originality is left with minds that are unimaginative and dull. And with stunted minds, as with stunted men, no great thing can be accomplished.

It is for this reason that history celebrates not the victors who successfully silenced dissent but their victims who fought to speak the truth as they saw it. It is the bust of Socrates that stands in the schoolroom, not the busts of those who condemned him to death for "corrupting the youth." It is Savonarola we honor, not the Pope who had him burned there in the great Piazza in Florence. It is Tom Paine we honor, not the English judge who outlawed him for writing the *Rights of Man*.

Our own history, too, is one of rebellion against authority. We remember Roger Williams, who championed toleration, not John Cotton, who drove him from the Bay Colony; we celebrate Thomas Jefferson, whose motto was "Rebellion to tyrants is obedience to God," not Lord North; we read Henry Thoreau on civil disobedience, rather than those messages of President Polk that earned him the title "Polk the Mendacious"; it is John Brown's soul that goes marching on, not that of the judge who condemned him to death at Charles Town.

Why is this? It is not merely because of the nobility of character of these martyrs. Some were not particularly noble. It is because we can see now that they gave their lives to defend the interests of humanity, and that they, not those who punished them, were the true benefactors of humanity.

But it is not just the past that needed freedom for critics, nonconformists and dissenters. We, too, are assailed by problems that seem insoluble; we, too, need new ideas. Happily, ours is not a closed system—not yet, anyway. We have a long history of experimentation in politics, social relations and science. We experiment in astrophysics because we want to land on the moon; we experiment in biology because we want to find the secret of life; we experiment in medicine because we want to cure cancer; and in all of these areas, and a hundred others, we make progress. If we are to survive and flourish, we must approach politics, law and social institutions in the same spirit that we approach science. We know that we have not found final truth in physics or biology. Why do we suppose that we have found final truth in politics or law? And just as scientists welcome new truth wherever they find it, even in the most disreputable places, so statesmen, jurists and educators must be prepared to welcome new ideas and new truths from whatever sources they come, however alien their appearance, however revolutionary their implications.

"There can be no difference anywhere," said the philosopher William James, "that doesn't make a difference elsewhere—no difference in abstract truth that doesn't express itself in a difference in concrete fact. . . ."

Let us turn then to practical and particular issues and ask, in each case, what are and will be the consequences of policies that repress freedom, discourage independence and impair justice in American society, and what are, and will be, the consequences of applying to politics and society those standards and habits of free inquiry that we apply as a matter of course to scientific inquiry?

Consider the erosion of due process of law—that complex of rules and safeguards built up over the centuries to make sure that every man will have a fair trial. Remember that it is designed not only for the protection of desperate characters charged with monstrous crimes; it is designed for every litigant. Nor is due process merely for the benefit of the accused. As Justice Robert H. Jackson said, "It is the best insurance for the Government itself against those blunders which leave lasting stains on a system of justice. . . ."

And why is it necessary to guarantee a fair trial for all—for those accused of treason, for those who champion unpopular causes in a disorderly fashion, for those who assert their social and political rights against community prejudices, as well as for corporations, labor unions and churches? It is, of course, necessary so that justice will be done. Justice is the end, the aim, of government. It is implicitly the end of all governments; it is quite explicitly the end of the United States Government, for it was "in order to . . . establish justice" that the Constitution was ordained.

Trials are held not in order to obtain convictions; they are held to find justice. And over the centuries, we have learned by experience that unless we conduct trials by rule and suffuse them with the spirit of fair play, justice will not be done. The argument that the scrupulous observance of technicalities of due process slows up or frustrates speedy convictions is, of course, correct, if all you want is convictions. But why not go all the way and restore the use of torture? That got confessions and convictions! Every argument in favor of abating due process in order to get convictions applies with equal force to the use of the third degree and the restoration of torture. It is important to remember that nation after nation abandoned torture (the Americans never had it), not merely because it was barbarous, but because, though it wrung confessions from its victims, it did not get justice. It implicated the innocent with the guilty, it outraged the moral sense of the community. Due process proved both more humane and infinitely more efficient.

Or consider the problem of wiretapping. That in many cases wiretapping "works" is clear enough, but so do other things prohibited by civilized society, such as torture or the invasion of the home. But "electronic surveillance," said Justice William J. Brennan, Jr., "strikes deeper than at the ancient feeling that a man's home is his castle; it strikes at freedom of communication, a postulate of our kind of society . . . . Freedom of speech is undermined where people fear to speak unconstrainedly in what they suppose to be the privacy of home or office."

Perhaps the most odious violation of justice is the maintenance of a double standard: one justice for blacks and another for whites, one for the rich and another for the poor, one for those who hold "radical" ideas, and another for those who are conservative and respectable. Yet we have daily before our eyes just such a double standard of justice. The "Chicago Seven," who crossed state lines with "intent" to stir up a riot, have received heavy jail sentences, but no convictions have been returned against the Chicago police who participated in that riot. Black Panthers are on trial for their lives for alleged murders, but policemen involved in wantonly attacking a Black Panther headquarters and killing two blacks have been punished by demotion.

Turn to the role and function of freedom in our society—freedom of speech and of the press—and the consequences of laying restrictions upon these freedoms. The consequence is, of course, that society will be deprived of the inestimable advantage of inquiry, criticism, exposure and dissent. If the press is not permitted to perform its traditional function of presenting the whole news, the American people will go uninformed. If television is dissuaded from showing controversial films, the people will be denied the

opportunity to know what is going on. If teachers and scholars are discouraged from inquiring into the truth of history or politics or anthropology, future generations may never acquire those habits of intellectual independence essential to the working of democracy. An enlightened citizenry is necessary for self-government. If facts are withheld, or distorted, how can the people be enlightened, how can self-government work?

The real question in all this is what kind of society do we want? Do we want a police society where none are free of surveillance by their government? Or do we want a society where ordinary people can go about their business without the eye of Big Brother upon them?

The Founding Fathers feared secrecy in government not merely because it was a vote of no-confidence in the intelligence and virtue of the people but on the practical ground that all governments conceal their mistakes behind the shield of secrecy; that if they are permitted to get away with this in little things, they will do it in big things—like the Bay of Pigs or the invasion of Cambodia.

And if you interfere with academic freedom in order to silence criticism, or critics, you do not rid the university of subversion. It is not ideas that are subversive, it is the lack of ideas. What you do is to silence or get rid of those men who have ideas, leaving the institution to those who have no ideas, or have not the courage to express those that they have. Are such men as these what we want to direct the education of the young and advance the cause of learning?

The conclusive argument against secrecy in scientific research is that it will in the end give us bad science. First-rate scientists will not so gravely violate their integrity as to confine their findings to one government or one society, for the first loyalty of science is to scientific truth. "The Sciences," said Edward Jenner of smallpox fame, "are never at war." We have only to consider the implications of secrecy in the realm of medicine: What would we think of doctors favoring secrecy in cancer research on the grounds of "national interest"?

The argument against proscribing books, which might normally be in our overseas libraries, because they are critical of Administration policies is not that it will hurt authors or publishers. No. It is quite simply that if the kind of people who believe in proscription are allowed to control our libraries, these will cease to be centers of learning and become the instruments of party. The argument against withholding visas from foreign scholars whose ideas may be considered subversive is not that this will inconvenience them. It is that we deny ourselves the benefit of what they have to say. Suppose President Andrew Jackson had denied entry to Alexis de Tocqueville on the ground that he was an aristocrat and might therefore be a subversive influence on our democracy? We would have lost the greatest book ever written about America.

There is one final consideration. Government, as Justice Louis D. Brandeis observed half a century ago, "is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example." If government tries to solve its problems by resort to large-scale violence, its citizens will assume that violence is the normal way to solve problems. If government itself violates the law, it brings the law into contempt, and breeds anarchy. If government masks its operations, foreign and domestic, in a cloak of secrecy, it encourages the creation of a closed, not an open, society. If government shows itself impatient with due process, it must expect that its people will come to scorn the slow procedures of orderly debate and negotiation and turn to the easy solutions of force. If government embraces the principle that the end justifies the means, it radiates approval of a doctrine so odious that it will in the end destroy the whole of society. If government shows, by its habitual conduct, that it rejects the claims of freedom and of justice, freedom and justice will cease to be the ends of our society.

Eighty years ago, Lord Bryce wrote of the American people that "the masses of the people are wiser, fairer and more temperate in any matter to which they can be induced to bend their minds, than most European philosophers have believed possible for the masses of the people to be."

Is this still true? If the American people can indeed be persuaded to "bend their minds" to the great questions of the preservation of freedom, it may still prove true. If they cannot, we may be witnessing, even now, a dissolution of the fabric of freedom that may portend the dissolution of the Republic.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, 5 minutes prior to the vote today on the pending District of Columbia conference report, the Sergeant at Arms be directed to clear the floor and the lobbies of all staff personnel except the staffs of the Secretary of the Senate, the Sergeant at Arms, the secretary for the majority, the secretary for the minority, their assistants, the aides to the leadership on both sides of the aisle, staff personnel associated with the manager of the conference report, and the personnel of the two policy committees, and that such personnel remain off the floor and from the lobbies until the vote is announced, at which time they may be permitted to return to the Chamber.

I further ask unanimous consent that the Sergeant at Arms be instructed to inform those aides, when they do come on the floor, that they are to take seats in the rear of the Chamber and stay seated, or leave the Chamber.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered, and the Sergeant at Arms is so instructed.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The business will be stated by title for the information of the Senate.

The legislative clerk read as follows:

The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the conference report.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. TYDINGS. Mr. President, I yield 8 minutes to the distinguished Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 8 minutes.

Mr. HRUSKA. Mr. President, on July 11, 1969, the Department of Justice sent to the Congress legislation providing for a comprehensive reorganization of the inefficient and antiquated system of criminal justice in the District of Columbia.

There was no dissent at that time, nor is there dissent today, from the position that this proposed reorganization is long overdue and vitally necessary. Indeed, the President of the United States issued a message only 11 days after he assumed office on January 20, 1969, calling for such a reorganization and reform of the criminal justice system in the Nation's Capital.

Today, more than 18 months after the Presidential message and over a year after the introduction of the necessary legislation, the court reform and reorganization are needed more than ever. For the existing system of criminal justice is simply incapable of coping with the local crime problem.

How else can we explain the fact that despite the enormous increase of crime in recent years, the number of felony indictments returned in the District in 1969 was the same as it was 20 years ago? How else can we explain the average 9 month delay in bringing a felony case to trial? How else can we explain the fact that on March 31 of this year, there was a pending backlog in the juvenile court of 6,300 cases?

The conference report of the District of Columbia Court Reform and Criminal Procedure Act of 1970 provides the thorough, basic reorganization needed to remedy these intolerable deficiencies in the existing system. This legislation, the product of extensive hearings, debate and a lengthy Senate-House conference, contains a number of major improvements: First, it provides a major restructuring of the court system, centralizing all local, non-Federal matters in one court. For the first time in its history, the city of Washington has been given a true judicial branch of local government. The number of judges of

this court are significantly increased. To attract more highly qualified lawyers to these positions, their pay and tenure are increased. To protect the system against judges whose behavior threatens the fair and efficient administration of justice, an independent commission of judges, lawyers, and laymen is empowered, after hearing, to remove or suspend judges.

A second, major innovation of this legislation is its provision for a family division within the new court structure. This family division has jurisdiction over paternity suits which, consistent with the modern approach, are made civil matters rather than quasi-criminal.

It also has jurisdiction over intrafamily offenses. Today, for many intrafamily offenses between husband and wife, parent and child, the only court remedy is criminal prosecution and jail. The conference report offers the alternative of a civil action directed at the issuance of a protective order—an equity decree aimed at solving and seeking solutions to the underlying family problem. This will relieve the criminal calendar of cases which are essentially domestic relations matters and also provide real assistance to those who come to the courts seeking help.

The family division will also have jurisdiction over all matters relating to juveniles. In this regard, the conference report contains a comprehensive revision of the code of juvenile procedure, the first such comprehensive revision since 1938. The revised code contains all the due process procedures required by recent Supreme Court cases and indeed goes well beyond these minimum requirements. It specifies the detailed requirements for notice of charges, notice of and the right to counsel and provision for counsel for those unable to afford counsel, prompt hearings on the need to keep a child in custody, factfinding and dispositional hearings with distinct standards of proof and standards for admissibility of evidence, and periodic court review of dispositional orders. These improved procedures will help reduce the present disastrous backlog of 6,300 cases.

A third major innovation of the conference report is its provision for a full-fledged public defender system. The present Legal Aid Agency is only a pilot project. This legislation authorizes the public defender to represent up to 60 percent of adult and juvenile defendants who are unable to obtain adequate representation. This will decrease the heavy burden on the private bar of this city and provide these defendants with skilled, experienced counsel. Representation will be afforded defendants not only in criminal cases, but also in cases involving revocation of probation or parole, civil commitment and release on mental health grounds, civil commitment of drug addicts, and civil commitment of chronic alcoholics. The net effect of this noteworthy provision is to guarantee all persons, however poor, the right to skilled counsel when they are faced with loss of liberty.

The fourth major contribution of the conference report is its comprehensive revision of the code of criminal procedure for the District of Columbia. If the new District of Columbia courts, which will have jurisdiction over all local felony violations, are to provide an efficient, prompt, and fair administration of justice, it is vitally important that they be equipped with a progressive, effective criminal procedure. The present provisions in the District of Columbia Code which relate to criminal procedure are scattered throughout the Code. Many are hopelessly outmoded. Indeed, absent from the District of Columbia Code are a number of provisions for years considered basic to a modern code of criminal procedure. For example, the present District of Columbia Code contains no provision providing a procedure for collateral attack of a criminal conviction. The proposed District of Columbia Code remedies this defect. The present District of Columbia Code does not even contain a provision prohibiting conspiracy. The proposed District of Columbia Code remedies this defect. Antequated procedures for obtaining arrest and search warrants, now covered in various titles in the District of Columbia Code, are modernized and consolidated in one title of the District of Columbia Code.

With all these major innovations and significant improvements in the administration of justice in the Nation's Capital, one would have expected, Mr. President, the speediest possible enactment of this legislation. Each day of delay results in a further deterioration of the administration of justice in our Nation's Capital. Yet, as I have already observed, more than one year and a half has elapsed since the President first called for this legislation.

Why the delay? Why has Congress not enacted this legislation? The answer is clear: opposition to a few provisions of the bill, provisions which critics claim constitute a radical departure from existing law and unreasonably made the citizens of the District serve as a guinea pig for the rest of the Nation. Mr. President, let us examine these isolated provisions singled out for opposition to determine if this criticism is valid.

Opponents criticize the omission of trial by jury for juveniles. How do these critics explain the fact that approximately 40 States do not provide jury trial for juveniles and every single model code of juvenile law has no jury trial?

Opponents also criticize the fact that 16- and 17-year-olds charged by the U.S. Attorney with murder, forcible rape, armed robbery and first degree burglary, offenses punishable by death, life imprisonment, or 30 years imprisonment, are to be treated as adults. How do these critics, Mr. President, explain the fact that over half the States have similar laws reducing the age for juveniles charged with serious crimes such as these.

The opponents of the bill criticize its no-knock provisions as unconstitutional. How then do they explain the fact that no-knock entries have been authorized in the limited circumstances provided for by the bill since the common law in England? How do they explain the passage of legislation in five States which contains less restrictive standards than those in the conference report?

Mr. President, yesterday, I had printed in the RECORD a table showing that 30 States of this Union, either by express statute or by definite case law decision, have no-knock provisions which are in active and constant use within their borders.

How do the opponents explain the fact that the constitutionality of this legislation was unanimously upheld by the highest court in the State of New York? How do they explain the fact that in that case the Supreme Court in 1966 denied certiorari? How do they explain the fact that the District of Columbia Bar Association supports the conference report no-knock provisions? When legislation requires police to obtain prior judicial approval, whereas under present law the police have complete discretion to make a no-knock entry, how do critics explain that this warrant procedure violates the fourth amendment?

The opponents of the bill criticize the wiretapping provisions of the bill. How do they explain, Mr. President, the fact that Congress, in 1968, specifically authorized the States to enact such provisions? How do they explain the fact that the proposed legislation provides more safeguards than those in the Federal legislation? How do they explain the fact that other States have adopted similar legislation? How do they explain the fact that the District of Columbia Bar Association supports this provision for local wiretapping authority?

The opponents criticize the provision making insanity in criminal cases an affirmative defense. How do they explain the fact, Mr. President, that over half the States follow this rule. If this is such a radical departure from existing law, how do these critics explain the fact that this is the rule used for centuries in England?

The opponents criticize the one proposed mandatory sentence of 5 years for a second armed crime of violence. How do they explain the fact that this is the same penalty provided for by the Congress in the Federal Gun Control Act of 1968 and that, therefore, this provision only makes the local law consistent with the Federal law.

Finally, Mr. President, the opponents criticize most strenuously the provision of permitting pretrial detention of dangerous defendants charged with specified categories of serious felonies for a maximum of 60 days. How do these critics explain the fact that all major countries in the world today authorize pretrial detention of dangerous defendants, including those countries which have as great a concern for individual liberties as we do, such as England, Canada, Australia, and the Scandanavian countries? How do these critics explain the fact that England, the source of our law and jurisprudence, has by statute authorized pretrial detention for certain felonies since 1275 and as recently as 1967 authorized pretrial detention on grounds of dangerousness for persons charged only with misdemeanors?

How, Mr. President, do these critics explain the fact that today in the United States every State detains dangerous defendants prior to trial through the hypocrisy of setting high money bail, a procedure which discriminates between rich and poor? How do these critics explain the fact that this detention is not limited to 60 days but can last for months and even years? How do these critics, Mr. President explain the fact that the Bail Reform Act of 1966 permits pretrial detention on the grounds of dangerousness for defendants charged with capital crimes—with no time limit? Since when, Mr. President, is a husband charged with first degree murder of his wife, who can be detained, more dangerous to society than a narcotics addict-robber, a professional burglar, or a psychopathic rapist? How do these critics explain or justify this absurd distinction? How do the critics explain the fact that pretrial detention has been recommended by the President's Commission on Crime for the District of Columbia, two successive committees of the Judicial Council to study the operation of the Bail Reform Act of 1966 in the District of Columbia, and Senator TYDINGS' commission to study armed crimes of violence in the District of Columbia? Do the opponents, Mr. President, prefer continuation of the detention of dangerous defendants through the hypocritical use of money bond or do they prefer the honest, limited detention permitted by the conference report?

The truth of the matter, Mr. President, is that opponents of the conference report have never satisfactorily answered any of the questions thus posed. The reason for their failure to do so is obvious. The provisions they criticize are not radical departures from existing law. To the contrary, they are based on the practice or law of the majority of States or on legislation recently enacted by the Congress. Particularly with respect to the provisions for pretrial detention and no-knock, they represent improvements and reform of existing practice and procedure. Most of them have the affirmative support of the organized bar of the District of Columbia and committees of the local Judicial Council of the United States. Not one of the provisions singled out for criticism by opponents of the bill are opposed by the bar or these committees. They do not detract from this legislation; indeed, they strengthen it and make the need for its passage even more imperative.

In view of the widespread support for these provisions, in view of the reforms and improvements they make in existing law and practice, in view of the enormous need of the Nation's Capital for the benefits of this legislation, I strongly urge my fellow Senators to vote in favor of the conference report.

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator from Nebraska has expired.

Mr. TYDINGS. Mr. President, I yield 2 additional minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 2 additional minutes.

Mr. HRUSKA. Mr. President, in closing, let me say that this afternoon the Senate will be called upon to vote the District of Columbia crime bill up or down. Those are our two choices; there is no other. The vote last week by the other body to approve the conference report discharged its conferees and dissolved the conference. Should the Senate now vote nay this bill is dead for this session. The House of Representatives stands strongly behind the conference version of the bill; its vote of 332 to 64 to approve the measure proves that. Should the Senate now attempt to pass an emasculated version of this bill, it is the judgment of this Senator that the House will amend that bill until it again resembles the conference bill or the even stronger House version of the District of Columbia crime bill. I do not believe that it is the will of the Senate that the District have no crime bill from the 91st Congress.

This bill, if approved this afternoon, will be the first piece of crime legislation to emerge from this Congress. It will provide the President with his first opportunity to fulfill his pledge to stop the rising tide of crime in this Nation. Few will forget, I am certain, the strong support this pledge gained in the 1968 campaign. The Senate has a good record on crime legislation. Most of the administration's proposals have been approved by the Senate and now await action by the other body. Let us not falter; let us not mar that admirable record.

Each of the controversial sections of the bill has been previously approved in one form or another by the Senate, with the exception of preventive detention. Indeed, one of these sections, "no knock" has been voted on and approved by this body three times since last December. By approving this bill today we break no new ground. There exists solid precedent in State and Federal practice today for each of these provisions. Juvenile jurisdiction, electronic surveillance, preventive detention, no knock are each well thought-out, constitutional, strictly limited weapons in the war on crime. Along with the reorganization of the court system of this city which S. 2601 will authorize, the Congress needs to give the judges, the police and the prosecutors the tools necessary to obtain victory over this deadly serious problem. To do one without the other is not to do the job. It is akin to providing troops but denying them arms.

S. 2601 is a monumental bill. The conference version is almost 250 pages long. It will take a great deal of time to implement all of its provisions. Much time has already been lost during the year this bill has been under consideration by the Congress. We cannot afford to wait any longer for court reform and modernization of the criminal code for this city. To vote nay on this bill is to delay for another year or two any progress in this area for the Nation's Capital. We cannot afford, if we are serious in our desire to end crime in this Nation, to wait a single day. I urge each of my colleagues to vote for this conference bill.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the vote two staff members attached to the subcommittee of the able and distinguished Senator from North Carolina (Mr. ERVIN), Lawrence Baskir and Glenn Ketner, be permitted on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time? The time is divided equally and is running.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I yield myself such time as I may use.

Mr. President, Senators and Representatives are by nature and profession political animals. As a consequence they are buffeted by many temptations to take action which at the moment seems to be politically profitable.

We live today in a state of emergency. Crime is rampant and rising. There are demands for drastic legislation to deal with crime.

Since the last presidential campaign was based on the law and order issue in part, I myself have been beset by temptation. But I shall not succumb. I sincerely pray that none of my colleagues will be beset by the same temptation. The siren voice of that old devil, political expediency, has been whispering in my ear, "You had better vote for the District of Columbia crime bill because it is a law and order bill, and it is not politically sagacious or politically profitable for Senators to vote against a law and order bill such as the District of Columbia crime conference report, even to preserve the individual liberties of our people."

I trust that none of my brethren has been subjected to this temptation of the old political devil. I confess that I have been subjected to it.

I have listened to some arguments made which were evidently inspired by this old political devil that say, "Senators had better vote for law and order because that is what is politically expedient at this moment."

It might be of help to some of my colleagues to tell them why I have been able to resist the temptation posed by this political devil which invites all of us who hold political office to consider expediency when it is politically advantageous to do so.

Several years ago I had the privilege of sitting in a joint session of the Senate and the House of Representatives in the House Chamber and hearing one of our original astronauts, Col. John Glenn, make a speech.

During the course of his speech, Col-

onel Glenn made a remark which convinced me that in one respect, at least, the heart of Colonel Glenn and my heart beat in unison. Colonel Glenn said with the eloquence of simplicity, "I still get a thrill when the flag goes by."

When I look at Old Glory, I note that it is red and white and blue. To me, the red in Old Glory symbolizes the blood, the sweat, the tears, and the prayers of all those men and women, both great and small, who have made America free.

To me the white in Old Glory symbolizes the purity of the motives of those who drafted the Constitution to keep America free.

To me the blue in Old Glory symbolizes the obligation which rests upon all of us to be true and to be true blue, if you may, to the sacrifices of those men and those women who made America free and to the handiwork of those who drafted our Constitution to keep America free.

Unfortunately for America the Constitution is an inanimate document in writing. It cannot enforce its own precepts. It depends upon people and especially upon public officials who love it to do that.

If those who occupy high office in this Nation do not love the Constitution enough to take such action as is necessary to make its precepts living principles of government in our land, the rights which the Constitution undertakes to create, the responsibilities which the Constitution undertakes to impose, and the freedoms which the Constitution undertakes to secure become naught except meaningless words on a useless scrap of paper.

If Congress, the President, and the Supreme Court do not faithfully observe the principles enshrined in that written document we call the Constitution, neither our Nation nor any single human being within its farflung borders has any security against anarchy on the one hand and tyranny on the other.

The most courageous and the most intelligent decision the Supreme Court has ever handed down is *Ex parte Milligan*, 71 U.S. 3. It took great courage for the Supreme Court to hand this decision down in the troublous times that prevailed at the time of its rendition. It was at the end of the War Between the States when emotions ran high, and despite this fact the Supreme Court held in Ex parte Milligan that the individual freedoms created by the Constitution wrapped within their protection a man charged with what is perhaps the most heinous of all crimes, disloyalty to his country. This decision is remarkable not only for the time it was rendered, but also because it contains the opinion of the Court and the arguments advanced by the lawyers who appeared for Milligan, who had been sentenced to death by a military tribunal, although he was a civilian, and who had been denied the right of indictment by a grand jury and the right of trial by a petit jury in a civil court.

I mention the fact that the report of this case contains the argument of counsel because it proves, as I have always maintained, that back of every great decision of any great judge stands the argument of a great counsel. If I could be a benevolent dictator of the United States I would require every Senator, and every Representative, as well as every President to read this opinion and the argument of Jeremiah S. Black at frequent intervals.

The argument of Jeremiah S. Black explains exactly how the Constitution came into existence as a written instrument for the Government of this Nation. The great opinion of Justice David Davis explains in unmistakable fashion why the Constitution of the United States was written.

During the course of his argument Jeremiah S. Black had this to say:

> If the men who fought out our Revolutionary contest, when they came to frame a government for themselves and their posterity, had failed to insert a provision making the trial by jury perpetual and universal, they would have proved themselves recreant to the principles of that liberty of which they professed to be the special champions. But they were guilty of no such thing. They not only took care of the trial by jury, but they regulated every step to be taken in a criminal trial. They knew very well that no people could be free under a government which had the power to punish without restraint. Hamilton expressed, in the Federalist, the universal sentiment of his time, when he said, that the arbitrary power of conviction and punishment for pretended offenses, had been the great engine of despotism in all ages and all countries. The existence of such a power is incompatible with freedom.
>
> * * * * *
>
> But our fathers were not absurd enough to put unlimited power in the hands of the ruler and take away the protection of law from the rights of individuals. It was not thus that they meant "to secure the blessings of liberty to themselves and their posterity." They determined that not one drop of the blood which had been shed on the other side of the Atlantic, during seven centuries of contest with arbitrary power, should sink into the ground; but the fruits of every popular victory should be garnered up in this new government. Of all the great rights already won they threw not an atom away. They went over *Magna Charta*, the *Petition of Right*, the *Bill of Rights*, and the rules of the *common law*, and whatever was found there to favor individual liberty they carefully inserted in their own system, improved by clearer expression, strengthened by heavier sanctions, and extended by a more universal application. They put all those provisions into the organic law, so that neither tyranny in the executive, nor party rage in the legislature, could change them without destroying the government itself.

Mr. President, that is the statement of Jeremiah S. Black which portrays in a most lucid manner exactly how the Constitution came into being as a written instrument.

We have the reverse process here in the formulation of the District of Columbia omnibus crime bill. I digress to suggest that it ought to be called the "ominous crime bill."

The drafters of the bill searched through the Constitution and through the constitutional history of this Nation and through the traditions of our people to find the basic rights which will prevent the police officers of the District of Columbia and the courts from practicing tyranny on the people of the District and then proceeded to draft a bill to circumvent or nullify those rights.

"Oh," we may say, "we are just voting on a bill for the District of Columbia." But the Attorney General has made it very emphatic that it is the purpose of the Department of Justice to hold this bill up as a model for all of the States of the Union to follow. And so Senators might well recognize that when they cast their votes, they are voting for a bill which the Attorney General of the United States hopes to have imposed upon their constituents, as well as upon the people of the District of Columbia.

In his great opinion in Ex parte Milligan, Justice David Davis held that Milligan, even though he was charged, in substance, with disloyalty to his country, was entitled to the benefit of constitutional provisions which say that no person can be made to answer for a capital or an otherwise infamous crime except upon an indictment by the grand jury, and that no person can be convicted of a crime except upon the verdict of a petit jury.

Justice Davis had this to say in a statement which explains exactly why the Constitution of the United States was written. It was suggested by Jeremiah Black in his argument that the purpose was to prevent tyranny on the part of the executive branch of the Government and party rage on the part of the legislature, and he was right in so stating. But Justice Davis said this in elaboration on this point:

> For even these provisions (that is, the provisions for indictment by grand jury and trial by petit jury) expressed in such plain English words that it would seem the ingenuity of man could not deny them, are now, after the lapse of more than 70 years, sought to be avoided. Those great and good men foresaw that troublous times would arise when rulers and people would become restive under restraint and seek by sharp and decisive measures to accomplish ends deemed just and proper, and that the principles of constitutional liberty would be imperiled unless established by irrepealable law. The history of the world had taught them that what had been done in the past might be attempted in the future.
>
> the hands of government.
>
> The Constitution of the United States is a law for rulers and people equally in war and in peace and covers with the shield of its protection all classes of men, at all times, under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the government within the Constitution has all the powers granted to it which are necessary to preserve its existence.

The Constitution was intended to cover, as Justice Davis said, all classes of men, at all times, and under all circumstances. And yet we have the proposal now pending before the Senate that these words of Justice Davis be nullified and that the people who are so unfortunate as to reside in the District of Columbia be denied rights which the Constitution intended to protect all American citizens, of all classes, of all creeds,

and of all races, against oppression at the hands of government.

We are told that it is necessary for us to throw provisions of the Constitution into the judicial garbage pail in order to cope with crime in the District of Columbia. I repeat what I have heretofore stated on the floor of the Senate—that the answer to this argument was most effectively made in 1783 in the House of Commons by William Pitt who, on another occasion, opposed a proposal that those charged with collecting a tax on cider be given no-knock powers similar to those which this bill proposes to impose upon the people of the District of Columbia. William Pitt said:

> Necessity is the plea for every infringement of human liberty. It is the argument of tyrants. It is the creed of slaves.

I deny that there is any necessity for a bill containing the provisions to which we object.

We are told that all that the bill does is to codify what is now law. I challenge that statement. They tell us that the bill embodies what the law was in England. We rebelled against England, in part, because England tried to impose no-knock warrants upon the people of Boston. We wrote a Constitution to get away from some English law, and we enacted some statutory laws to accomplish the like purpose.

A few months after George Washington took his first oath of office as President of the United States, Congress enacted the Judiciary Act of 1789, and declared, as a policy of this Government, that every person charged with a Federal crime, other than a capital Federal crime, should have an absolute right to bail pending his trial.

"Oh," we are told, "some judges disobeyed this law, some judges were guilty of hypocrisy in setting bail too high to keep a man in prison." And so it is proposed that we give some kind of sanctity to the hypocrisy of judges by allowing them to imprison men without any bail whatever. The proposal is that this 181-year-old right be destroyed for any person charged with a noncapital Federal crime in the District of Columbia if a judicial officer predicts that he is dangerous to others or the community.

In the ultimate analysis, preventive detention implies that judges are to be converted into prophets, and are to have the power to put men in jail and thus deny them a reasonable opportunity to prepare their cases for trial, in case the judges fear that they might commit some future crime if they are released on bail.

We have obtained much good from the laws of England, but some of the things England offered us we have outlawed. But we did obtain from England the principle that the proud boast of our law is that every man's home is his castle. It is proposed here that we abolish that boast, that we destroy that concept for the District of Columbia; and the Attorney General of the United States, who advocates that, says that we should do so in all of the 50 States of this Union. It is worthy of repetition that when the officers of the British Crown attempted to abolish this principle and to harass the colonists of Massachusetts with general warrants similar to no-knock warrants, the people of Massachusetts rebelled against England and demanded independence from a nation which practiced such tyranny.

I do not care how much sophistry is engaged in on the Senate floor. This bill would authorize the issuance of a no-knock search warrant, which would empower an officer to knock down the doors of the dwelling houses of the people of the District of Columbia if he is willing to make a prophecy—a false prophecy, I say, because he cannot possibly know whether that prophecy will come true. But if he is willing to make a false prophecy at the time he applies for a no-knock search warrant that he knows that specified conditions will exist at the future moment when he undertakes to execute the no-knock search warrant, the bill provides that he can get such a warrant and can knock down the door of a man's house, or otherwise enter it in the manner in which burglars enter private dwellings.

There are also provisions in this bill which would authorize the prosecution and punishment of persons called habitual offenders without a bill of indictment from a grand jury, even when they are to be tried for infamous offenses or are to be subjected to infamous punishments. There are provisions in this bill which declare that habitual offenders shall be tried by the judge without a jury, in violation of two distinct provisions of the Constitution of the United States guaranteeing the right of trial by petit jury.

I could point out other unwise provisions in this bill, such as provisions for mandatory sentences. We elevate men to the high office of judge, and then propose to pass a bill that forbids them to exercise their intelligence in passing sentences, and prohibits them from taking into consideration either the circumstances of the offense or the character or record of the offender at the time they impose the sentence decreed by the legislature.

I do not believe that things of this kind are necessary. Indeed, I know they are not. This bill is based upon prophecy. Preventive detention is based upon the theory that the judge shall prophesy whether a man will commit a future crime if he is released on bail. No-knock warrants are to be issued on the supposition that an officer can prophesy what will happen in the future when he undertakes to execute it.

The proponents of the conference report even undertake to prophesy that the House of Representatives will accept no other measure than this particular bill. I find myself mentally incapable of accepting such prophecy. I do not think that the Members of the House of Representatives are a bunch of prima donnas who say, "We will not allow the Senate of the United States to exercise its judgment or intelligence in this area, and will not agree to any kind of legislation to protect the people of the District of Columbia against crime except that embodied in this particular bill."

Mr. President, I have stated that I was able to resist the temptation which that old devil, political expediency, presented to me to vote for this bill despite its inequities and its unconstitutional provisions. I learned a little poem a long time ago that has been of great help to me in times of stress:

> I have to live with myself, and so
> I want to be fit for myself to know.
> * * * * *
> I don't want to stand, at the setting sun
> And hate myself for the things I've done.

I have spent my life in the law, and I have come to venerate our Constitution. I have come to abhor tyranny. I have come to love fairplay and justice.

If I were to vote for the adoption of this conference report, I would do something which would make me hate myself at the setting of the sun, because I know that this bill is honeycombed with unwise, unjust, and unconstitutional provisions. I shall not attempt to analyze the bill completely. I have done so before in large measure.

This morning the Washington Post published a lead editorial entitled, "How High a Price for a Crime Bill." That editorial said exactly what my colleagues who are associated with me and I have been saying during the debate. The Washington Post editorial declares this conference report is too high a price to pay for this bill; that the Senate should reject the conference report; and then pass the sound provisions of the conference report which are set forth in these other two bills which my colleagues and I have introduced.

All Senators who love the Constitution and fairplay, ought to join us in voting down this conference report and in calling up these measures for passage immediately, and in thus sending them to the House of Representatives. And I predict—though I do not claim to be a prophet—that the House of Representatives will forthwith pass them.

The distinguished Senator from Maryland put into the RECORD several days ago a decision I wrote when I was a member of the North Carolina Supreme Court. I ask unanimous consent to have printed in the RECORD, not only this editorial from the Washington Post, but also my dissenting opinion and the other opinions in another North Carolina case, *State* v. *Bridges*, which is reported in 231 N.C. 163.

There being no objection, the editorial and the opinions were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 23, 1970]

HOW HIGH A PRICE FOR A CRIME BILL

Ever since the administration unveiled its anti-crime program for the District of Columbia more than a year ago, it has been clear that the cost of getting the right tools for the job would be high. The things that the District needs most—court reorganization, juvenile law reform, a working bail system, a public defender—were tied then and are tied now to a host of piggy-back riders which either conflict with enlightened thinking on crime control or infringe upon fundamental civil liberties. The question before the Senate today as it votes on the grab-bag crime bill is whether its worst features are not too heavy a price to pay for the necessary and useful tools that it also contains.

In our judgment, the toll exacted against individual rights and modern penology by the bill as it now stands is too great for the Senate to accept without a fight. A Senate that really wants to do something about crime will defeat the conference report, adopt the cleaned-up versions of the least controversial aspects of that report, get to work immediately on the most controversial matters, and put the burden back on the House of Representatives for responsible, effective crime control legislation.

The trouble with the crime bill as it emerged from conference rests not in its major provisions, most of which are admirable, but in the jokers, the pet theories, tossed in by the Department of Justice and the House District Committee. Senator Tydings labored mightily in conference to strip those jokers out and in many instances he was successful. But he fell short of the goal. In exchange for things they desperately need in the fight against crime, the residents of the District are required by this bill to diminish their individual privacy, the sanctity of their homes, the safeguards provided for their children, and the flexibility allowed their judges in trying to reform their criminals.

If this were the only impact of this legislation, the Senate might be able to hold its nose and send the bill along to the President. After all, it would only affect 800,000 or so people who are plagued with crime and why should they mind a few infringements on their rights and a few misguided provisions? But that is not the only consideration involved in this bill. Those members of Congress who normally shuck their responsibilities as legislators for this city because District bills don't matter back home ought to realize that this bill does matter back home. When the administration first proposed this legislation, it hailed its work as a model for the nation. And if Congress now blesses this particular form of preventive detention, this broad scale authorization of wiretapping, this curtailment of juvenile court, this use of mandatory sentences, and this no-knock provision, it is encouraging state legislatures to follow its lead. In that sense, a vote to apply these provisions in the so-called showcase capital is a vote to apply them sooner or later, in Phoenix and Tallahassee, in Keokuk and Kalamazoo.

What, then, is wrong with this bill? Let us begin with its handling of juveniles. Quite properly, the bill makes it easier for 15, 16 and 17-year-olds to be handled as adults, requiring principally that the juvenile judge determine that there is no reasonable prospect of rehabilitating them in specialized juvenile facilities before turning them over to adult courts. But the bill disregards this standard for *every* 16- and 17-year-old charged with first-degree murder, rape, first degree burglary, armed robbery, or assault to commit those crimes. They are, the bill says, adults, regardless of their prior records, their chances for rehabilitation if handled as juveniles, or their mental condition. Their classmates, if charged with second degree murder, second degree burglary, unarmed robbery, or plain assault, are not adults. Is this equal justice? Is it even-handed application of the principle that juveniles ought to be given the best possible, not the worst possible, chance for rehabilitation? Of course not. (This kind of provision conflicts with the federal government's own model juvenile act, the Uniform Juvenile Court Act, most state laws, the recommendations, of the D.C. Crime Commission, the District government and the Department of Public Welfare.)

That is just one example. There are others. The bill holds out to juveniles the promise of speedy proceedings and does little to ensure them. It takes away a juvenile's right to a jury trial. It authorizes preventive detention for juveniles not only when the judge decides the child needs it but unless the judge specifically decides the child does not need it. It lowers the standard of proof needed to find a child "neglected" or "in need of supervision," thus making it easier to take these non-crime-committing children into custody.

We will touch only briefly on other parts of this legislation.

Wiretapping: This bill authorizes taps not only in limited fields like national security and organized crime but also when a person is believed to have committed arson, blackmail, bribery, burglary, destruction of property, gambling, grand larceny, kidnaping, murder, obstruction of justice, receiving stolen property, robbery, extortion, or drug law violations.

Mandatory prison terms: In the face of recommendations to the contrary by the National Crime Commission, the American Bar Association, the American Law Institute and a tentative new code of federal criminal laws, this bill imposes mandatory prison terms in certain instances.

Recidivists: This bill shortcuts, perhaps unconstitutionally, the procedures used in most states which have such statutes for use against three-time offenders.

Searches: The difference between the interpretations placed on the "no-knock" provision of this bill in the House debate and the Senate debate is so great that it is hard to believe anyone knows what it means.

Preventive detention: We think a bill to permit some form of detention or closer supervision of dangerous suspects in certain situations can be written. But this is not it; the language is too broad and the possibilities for abuse too great.

These, then, are some of the reasons why we believe the costs of this particular crime bill outweigh the benefits it would bestow. They are sufficient for the Senate to be justified in defeating the conference report and following the course urged by Senator Ervin. The proponents of this bill argue that if it is killed there will be no District crime bill this year. But this need not be so. Faced with a cleaned-up version of its own legislation, the House would have to decide whether it wants a decent crime bill or a campaign issue. And the administration would be faced with the same choice.

It is hard, of course, for a senator to vote against an anti-crime bill just now. The voters are eager for action and such a vote is subject to easy demagogic attack and gross misinterpretation. But the solution is simple in legislative terms and the principles are clear. The costs of this particular anti-crime bill are too high—too high in terms of backward-looking penology, too high in terms of individual freedom.

[Supreme Court of North Carolina]

STATE v. BRIDGES, No. 436

Nov. 30, 1949

John Robert Bridges, alias Jack Bridges, was convicted in the Superior Court, Wake County, W. H. S. Burgwyn, Special Judge, of murder in the first degree, and he appealed.

The Supreme Court, Stacy, C. J. affirmed the judgment and held that the charge did not constitute reversible error.

Ervin and Seawell, JJ., dissented.

1. CRIMINAL LAW—822(1)

Charge in homicide prosecution would be viewed contextually to determine whether rights of defendant were prejudiced.

2. CRIMINAL LAW—1173(2)

In murder prosecution, charge that it was for jury to determine whether defendant was guilty of murder in first degree or of murder in second degree, following admonition that defendant was surrounded by presumption of innocence up to rendition of a verdict against him, was not reversible error, as failing to permit an acquittal in case of finding that defendant had committed no crime.

3. HOMICIDE—309(2)

Acquiescence in statement of trial court by defendant and counsel that trial judge understood that jury should not render any less verdict than that of murder in second degree manifested intent to eliminate any question of manslaughter, and did not intend to change defendant's plea of not guilty or to relieve trial court of any duty which law imposed on him with respect to charge to jury.

Criminal prosecution on indictment charging the defendant with the murder of one Keston Norris Privette.

The record discloses that on February 7, 1949, the defendant lured the deceased from his home, bludgeoned him over the head with the stock of a rifle, and buried him, while still alive, in a shallow hole or grave which the defendant previously had prepared for the purpose. He died from suffocation. The defendant and the wife of the deceased then fled to the State of Georgia. While under arrest in that State, the defendant made a confession to the officers in which he freely admitted the atrociousness of the crime and the sordid details of his illicit relations with the youthful wife of the deceased. Under this confession, which is not now challenged, a clear case of premeditated and deliberate murder is fully made out.

While the defendant entered a plea of not guilty, the case was argued to the jury on the opposing contentions, first by the State that a verdict of murder in the first degree should be returned against the defendant, and, secondly, by the defendant that a verdict of murder in the second degree would meet the ends of justice.

In opening his charge to the jury, the trial court instructed them that they were to pass upon the "guilt or innocence of the prisoner" and to say by their verdict the degree of guilt the prisoner has incurred by reason of the homicide in question, "or to say by your verdict that he is not guilty of any crime", as you may find the facts to be from the evidence in the case and under the rule of law which the court will undertake to give you for your guidance.

Then when the court came to consider the different degrees of an unlawful homicide, he addressed the following inquiry to the defendant and his counsel:

"I do not understand—and if I misunderstand I wish now to be corrected—that the defendant contends, either in his own proper person or through counsel, that this jury should render any less verdict than that of murder in the second degree: Is that correct, gentlemen?

"Mr. Holding: That is correct.

"Mr. Ehringhaus: That is correct, sir.

"The defendant bowed his head in affirmation.

"Let the record so show."

Later in the charge, the jury was again admonished that the defendant "comes into court surrounded and clothed with a presumption of innocence which remains around and about him throughout the entire case unless and until the State has satisfied you, the jury, of his guilt beyond a reasonable doubt."

Finally, the court concluded his charge to the jury as follows: "Take the case and say whether or not you find the defendant guilty of murder in the first degree and, if so, whether or not you desire to recommend life imprisonment, or if you find him guilty of murder in the second degree." Exception.

Verdict: Guilty of murder in the first degree.

Judgment: Death by asphyxiation.

The defendant appeals, assigning errors.

Attorney-General Harry M. McMullan and

Assistant Attorneys General T. W. Bruton and Ralph M. Moody for the State.

J. C. B. Ehringhaus, Jr., and Clem B. Holding, Raleigh, for defendant.

Stacy, Chief Justice.

The defendant has been convicted of murder in the first degree, without any recommendation from the jury, and sentenced to die as the law commands in such case. He appeals, giving as his principal reason the failure of the court, in his final instruction to the jury, to permt an acquittal in case of a finding that the defendant had committed no crime. For this position, the defendant relies upon the following cases: State v. Howell, 218 N.C. 280, 10 S.E. 2d 815; State v. Redman, 217 N.C. 483, 8 S.E. 2d 623; State v. Maxwell 215 N.C. 32, 1 S.E. 2d 125; State v. Hill, 141 N.C. 769, 53 S.E. 311; State v. Dixon, 75 N.C. 275. He stresses the Howell and Maxwell cases as being quite pertinent and directly in point.

[1, 2] Viewing the charge contextually, as required by many decisions, we are constrained to hold that it sufficiently meets the objection which the defendant now makes. State v. Truelove, 224 N.C. 147, 29 S.E. 2d 460; State v. Grass, 223 N.C. 31, 25 S.E. 2d 193; State v. Harris, 223 N.C. 697, 28 S.E. 2d 232; State v. Ellis, 203 N.C. 836, 167 S.E. 67.

It is true, a more formal statement of the position would have been in order, but throughout the charge, the jury was admonished that a presumption of innocence surrounded the defendant which remained with him up to the rendition of an adverse verdict against him. Considering the charge as a whole or in its entirety, we think it will do. While it might have been more specific and direct on the point at issue, we are disposed to uphold the trial in the light of the record.

[3] The meaning properly to be ascribed to the responses made by the defendant and his counsel to the court's inquiry during the charge is that there was no element of manslaughter in the case. In this, they were quite correct. There was no intention, however, to change the defendant's plea or to relieve the court of any duty which the law imposed upon him. State v. Grier, 209 N.C. 298, 183 S.E. 272; State v. Merrick, 171 N.C. 788, 88 S.E. 501; State v. Foster, 130 N.C. 666, 41 S.E. 284, 89 Am.St.Rep. 876. The immediate purpose was to eliminate any question of manslaughter. This part of the record may be put to one side as without material significance or bearing on the question here involved.

The question presented perhaps lends itself to much writing, but in the end it all comes to the interpretation to be placed on the entire charge. Construing it as without reversible error, we are disposed to overrule the exceptions and sustain the validity of the trial in the light of the whole record.

No error.

Ervin, Justice (dissenting).

The prisoner claims the right to a new trial on the ground that essential rules of criminal procedure were set at naught on his trial in the court below.

Candor compels the confession that it is not altogether easy to harken to the prisoner's plea. The State's testimony tends to show that the prisoner coveted his neighbor's wife, and slew his neighbor with rare atrocity that his physical enjoyment of the wife's person might be exclusive. The very sordidness of the evidence strongly tempts us to say that justice and law are not always synonymous, and to vote for an affirmance of the judgment of death on the theory that justice has triumphed, however much law may have suffered. But the certainty that justice cannot long outlive law give us pause; and the pause brings again to mind the ancient admonition of our organic law that "a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty." N.C. Const. Article I, Sec. 29.

The system of criminal justice which prevails in North Carolina is a precious heritance from wise law-makers of past generations, who observed that tyranny uses the forms of criminal law to destroy those that oppose her will, and who established certain basic rules of criminal procedure to protect the people against such oppression. They bottomed these rules upon the bedrock proposition that the right to trial by jury is the best security of the liberty of men, and they guaranteed such right to all defendants in criminal actions in the Superior Court by the constitutional declaration that "no person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful men in open court." N.C. Const. Art. I, Sec. 13. It has been held by this Court without variableness or shadow of turning that when a defendant on trial in a criminal case in the Superior Court pleads not guilty to the charge against him, he may not thereafter, without changing his plea, waive his constitutional right to have the jury pass upon his guilt or innocence. State v. Muse, 219 N.C. 226, 13 S.E.2d 229; State v. Ellis, 210 N.C. 170, 185 S.E. 662; State v. Hill, 209 N.C. 53, 182 S.E. 716; State v. Crump, 209 N.C. 52, 182 S.E. 716; State v. Camby, 209 N.C. 50, 182 S.E. 715; State v. Walters, 208 N.C. 391, 180 S.E. 664; State v. Straughn, 197 N.C. 691, 150 S.E. 330; State v. Crawford, 197 N.C. 513, 149 S.E. 729; State v. Pulliam, 184 N.C. 681, 114 S.E. 394; State v. Rogers, 162 N.C. 656, 78 S.E. 293, 46 L.R.A., N.S., 38 Ann. Cas. 1914A, 867; State v. Holt, 90 N.C. 749, 47 Am. Rep. 544; State v. Stewart, 89 N.C. 563.

The founders of our legal system intended that the constitutional right of trial by jury should be a vital force rather than an empty form in the administration of criminal justice. They realized that this could not be if the petit jury should become a mere unthinking echo of the judge's will. To forestall such eventuality, they clearly demarcated the respective functions of the judge and the jury in both civil and criminal trials in a familiar statute, which was enacted in 1796 and which originally bore this caption: "An act to secure the impartiality of trial by jury, and to direct the conduct of judges in charges to the petit jury." Potter's Revisal, Vol 1, ch. 452. This statute, which now appears as G.S. § 1-180, establishes these fundamental propositions: (1) That it is the duty of the judge alone to decide legal questions presented at the trial, and to instruct the jury as to the law arising on the evidence given in the case; (2) that it is the task of the jury alone to determine the facts of the case from the evidence adduced; and (3) that "no judge, in giving a charge to the petit jury, either in a civil or criminal action, shall give an opinion whether a fact is fully or sufficiently proven, that being the true office and province of the jury." This statute is designed to make effectual the right of every litigant "to have his cause considered with the 'cold neutrality of the impartial judge' and the equally unbiased mind of a properly instructed jury." Withers v. Lane, 144 N.C. 184, 56 S.E. 855, 858. Any statement by the judge from which the jury may infer what his opinion is as to the guilt of the accused violates both the letter and the spirit of this statute, and constitutes reversible error. State v. Maxwell, 215 N.C. 32, 1 S.E. 2d 125; State v. Sparks, 184 N.C. 745, 114 S.E. 755.

Those who fashioned the basic concepts of our law entertained an abiding belief that any fair system of criminal justice must insure the acquittal of innocent persons so far as that can be done by human agency. To accomplish this object, they created an unvarying rule that every defendant brought to trial on any criminal charge in any criminal case is to be presumed to be innocent of the crime charged against him. This presumption of innocence attends the accused at every stage of his trial, and shields him from conviction unless it is overcome by evidence satisfying the jury beyond a reasonable doubt of every element of the crime alleged. State v. Maxwell, supra; State v. Carver, 213 N.C. 150 ,195 S.E. 349; State v. Ellis, 210 N.C. 166, 185 S.E. 663; State v. Shipman, 202 N.C. 518, 163 S.E. 657; State v. Spivey, 198 N.C. 655, 153 S.E. 255; State v. McLeod, 198 N.C. 649, 152 S.E. 895; State Allen, 197 N.C 684, 150 S.E. 337; State v. Boswell, 194 N.C. 260, 139 S.E. 374; State v. Tucker, 190 N.C. 708, 130 S.E. 720; State v. Arrowood, 187 N.C. 715, 122 S.E. 759; State v. Singleton, 183 N.C. 738, 110 S.E. 846; State v. Windley, 178 N.C. 670, 100 S.E. 116. A judge commits prejudicial error if he gives the jury an instruction which deprives an accused of his presumption of innocence. Gomila v. U.S., 5 Cir. 146 F. 2d 372; People v. Gerold, 265 Ill. 448, 107 N.E. 165, Ann. Cas. 1916A, 636.

Another basic rule of criminal procedure is embodied in the constitutional assurance that a defendant in a criminal prosecution shall "not be compelled to give evidence against himself." N.C. Const. Art. I, Sec. 11. This clause is the linguistic offspring of the Latin Maxim nemo tenetur seipssum accusare, meaning that no man can be compelled to criminate himself. 14 Am. Jur. Criminal Law, section 144; 22 C.J.S., Criminal Law § 649. The events giving rise to this clause and similar constitutional guaranties in other jurisdictions is epitomized in Brown v. Walker, 161 U.S. 591, 16 S. Ct. 644, 40 L. Ed. 819. The object of this provision is to secure a person who is or may be charged with crime from making conmpulsory revelations which could be used against him or his trial for the offense. State v. Hollingworth, 191 N.C. 595, 132 S.E. 667; La Fontaine v. Southern Underwriters' Ass'n, 83 N.C. 132, 133.

The benefit of these procedural principles must be extended to all men with impartiality and inflexibility if the innocent are to be secured against the hazard of unjust conviction, and the State is to have a government of laws rather than one of men. Even the rain falls upon the just and the unjust alike. To be sure, these rules may on occasion delay the conviction of the guilty, or even permit them to go unwhipped of justice altogether. But that is, indeed, not too great a price to pay for so effective an insurance of the acquittal of the innocent.

This brings us to this question: Were these basic principles observed on the trial of the prisoner in the court below? My interpretation of the transcript of the record on appeal compels me to answer this inquiry in the negative.

The record proper discloses that the prisoner was arraigned in the court below with the ancient and awesome formality which obtains in trials for captal felonies in the Superior Court, and that he thereupon entered a plea of not guilty, which was not withdrawn at any subsequent stage of the trial. Furthermore, the case on appeal shows that he did not take the stand as a witness in his own behalf.

At the beginning of the charge, the court told the jury, in substance, that it was authorized to return one of three different verdicts, i.e., guilty of murder in the first degree, guilty of murder in the second degree, or not guilty, depending entirely upon what it found the facts of the case to be from the testimony adduced. This instruction was clearly correct, for there was no evidence in the case justifying a conviction for manslaughter. But it was nullified in three subsequent parts of the charge, which form the bases for Exceptions Nos. 15, 32, and 33.

Exception No. 15 is addressed to this instruction: "I instruct you, however, that you have the right to render under the evidence in this case one of two verdicts. You may find the defendant guilty of murder in the first degree, or you may find him guilty of murder in the second degree."

Exception No. 32 challenges a portion of the charge in which the court advised the jury that it would be its duty "to render a verdict of guilty of murder in the second degree" in case it did not find accused guilty of first degree murder. Exception No. 33 covers the last paragraph of the charge, which was in these words: "Take the case and say whether or not you find the defendant guilty of murder in the first degree, and if so, whether or not you desire to recommend life imprisonment, or if you find him guilty of murder in the second degree. Take the case, gentlemen."

Soon after giving the jury the instruction covered by Exception No. 15, the court paused in its charge and propounded this question to the prisoner and his counsel in the presence of the jury: "I do not understand—and if I misunderstand I wish now to be corrected—that the defendant contends, either in his own proper person or through counsel, that this jury should render any less verdict than that of murder in the second degree. Is that correct, gentlemen?" The case on appeal recites that counsel for the prisoner thereupon replied: "That is correct"; and that the prisoner "bowed his head in affirmation."

If the jury had been permitted to rely on its own judgment, it might well have had serious doubt as to the probative value of the affirmation of the somewhat unlettered prisoner that it should "not render any less verdict than that of murder in the second degree" in the absence of any indication that he had any notion as to the constituent elements of the several grades of felonious homicide. But the jury was substantially instructed by the court in later portions of the charge, to which the prisoner has reserved exceptions, that the prisoner admitted "he would be guilty of murder in the second degree upon the evidence which has been adduced by the State," and that the prisoner did not deny "that upon this testimony as introduced by the State the jury would be justified in convicting him of at least murder in the second degree."

It is manifest that substantial procedural rights of the prisoner were nullified at his trial.

The court ought not to have made its inquiry of the accused and his counsel in the presence of the jury. The question itself necessarily implied an assumption on the part of the court that the prisoner was not innocent, but, on the contrary, was guilty of no less a crime than that of murder in the second degree. When the court thus questioned the accused in the presence of the jury, it virtually forced an incriminatory admission from him notwithstanding he had refrained from taking the stand as a witness and had a constitutional right not to be compelled to give evidence against himself.

The court gave its opinions as to what the testimony proved contrary to G.S. § 1–180 in the portions of the charge which the prisoner assigns as error. This is true because the jury unavoidably inferred from these instructions that the court knew that the accused was guilty of no less a crime then second degree murder, and strongly suspected that he was actually guilty of first degree murder. Furthermore, the court charged the jury, in substance, in these same instructions that it had no legal power of acquit the prisoner, but was required by the law itself to convict him of either murder in the first degree or murder in the second degree. In so doing, the court deprived the accused of his presumption of innocence, and denied to him his constitutional right to have the issue of his guilt or innocence determined by the jury.

Neither the compulsory affirmation of the accused nor the statement of his counsel can be construed to be judicial admissions excusing such action on the part of the court. These matters did not withdraw this case from the operation of the fundamental principle that so long as a plea of not guilty stands in a criminal action on trial in the Superior Court, the jury alone is empowered to determine whether the testimony be true or false, and what is proved if it be true. State v. Hill, 141 N.C. 769, 53 S.E. 311; State v. Riley, 113 N.C. 648, 18 S.E. 168; State v. Dixon, 75 N.C. 275. The prisoner could not admit or confess away the presumption that he was innocent, or waive the constitutional necessity for having the issue of his guilt or innocence decided by a jury by anything short of a plea of guilty, and no act, omission, or word of his or his counsel could constitute a plea of guilty to any offense embraced within the indictment unless it was accepted as such by the prosecution. There is no such thing in law as an unaccepted plea of guilty. In consequence, the contention of the State that the prisoner made an unaccepted plea of guilty of murder in the second degree, and that such unaccepted plea of guilty destroyed the presumption that he was innocent and disabled the jury to acquit him is untenable both in law and logic.

The State cites State v. Miller, 197 N.C. 445, 149 S.E. 590, 591, where this language is used in the opinion: "The prisoner, who testified that he was not drinking on the day in question, tendered a plea of murder in the second degree, but this was not accepted by the state. The appeal, therefore, presents the single question as to whether the evidence tending to show premeditation and deliberation is sufficient to warrant a verdict of murder in the first degree. We think it is."

The Miller case has no application whatever to the present appeal. An examination of the original record in that action discloses that the trial judge submitted the issue of the guilt or innocence of the accused to the jury under a charge to which no exception was taken, and that the jury convicted the accused of first degree murder after a trial in which all basic procedural rules were obesrved. The only question raised by the assignments of error in the Miller case was the sufficiency of the State's evidence to support the first degree verdict, and the only decision made therein by this Court was that it was ample for that purpose. Both the original transcript and the opinion disclose the absolute accuracy of this ruling. It is true that counsel for the accused in the Miller case announced his willingness to submit his client for second degree murder during a colloquy with the court and the Solicitor occurring in the absence of the jury. This offer was rejected by the Solicitor, and was not communicated to the jury. In truth, it did not figure in the trial in any way whatsoever. The reference to the matter in the quoted portion of the opinion was evidently deisgned to emphasize that the only question under consideration was the sufficiency of the State's evidence to sustain the first degree verdict.

This cause ought to be tried anew in accordance with sound and time-honored procedural practices. It might well be that such a retrial would result in the same verdict and judgment. That possibility should not shape our action. What may be the ultimate fate of the prisoner in his case is of relatively minor importance in the sum total of things. In any event, his role on life's stage, like ours, soon ends. But what happens to the law in this case is of gravest moment. It must be realized that the consequences of the decision of this Court on this appeal will not be confined to the single prosecution which is denominated on the docket as "State versus Robert John Bridges, alias Jack Bridges." Such decision will be invoked in other criminal trials as a guiding and binding precedent. The preservation unimpaired of our basic rules of criminal procedure is an end far more desirable than that of hurrying a single sinner to what may be his merited doom. For this reason, I vote for a new trial, and dissent to the ruling which makes my vote ineffectual.

Mr. Justice Seawell has authorized me to state that he concurs in this dissent.

Barnhill, Justice (concurring).

The dissent filed herein discusses a feature of the case to which no exception was entered and upon which the defendant does not rely in his brief. His counsel excepted for that (1) the court instructed the jury they could return in this case only one of two verdicts: guilty of murder in the first degree or guilty of murder in the second degree; and (2) the court failed to instruct the jury that they could return a verdict of not guilty. These two exceptions are directed to the one assignment of error debated here, to wit, the court erred in that it did not sufficiently charge the jury that it might, and the conditions under which it should, return a verdict of not guilty. This assignment is fully discussed in the majority opinion. In the conclusion there reached I concur.

But what about the rabbit flushed by the dissent? Did the court unduly prejudice defendant in its instructions and by the colloquy with counsel during the charge? Since the defendant's life is at stake, this attack upon the validity of the trial should not go unanswered.

There was uncontradicted and compelling evidence that defendant slew the deceased. It contains no element of mitigating circumstances, and its credibility was not substantially assailed. Wisdom dictated that counsel, to save the life of their client, undertake to persuade the jury that the circumstances of the killing were not such as to establish premeditation and deliberation beyond a reasonable doubt. The record indicated that they, in conducting the defense and in their arguments to the jury, wisely pursued this course. That this was the theory of the defense was admitted here. So I understood.

The court, to be quite sure that it correctly interpreted the theory of the defense, gave counsel for the defendant full opportunity to challenge its instructions based theron, to the end that it might correct them if it was in error. Practically at the threshold of the charge the colloquy between court and counsel, quoted in the majority opinion, took place. No exception was entered then and no assignment of error based thereon is presented here.

Thus counsel, in effect, formally admitted, in open court as well as in their arguments, that the homicide was committed by defendant and that the circumstances of the killing were such as to make it murder in the second degree. To this defendant indicated his assent. In my opinion this is one reasonable interpretation to be placed on the colloquy between court and counsel.

Had counsel so stated at the beginning of the trial, it would have been binding on defendant. That it was made during the progress of the trial does not alter its force and effect. State v. Grier, 209 N.C. 298, 183 S.E. 272. It was a judicial admission made in open court and in the presence of the defendant. It was made at a time and under circumstances which afforded him an opportunity to protest. State v. Redman, 217 N.C. 483, 8 S.E.2d 623. They were authorized to speak for him. The court acted on the admission. That it did so cannot be held for error. State v. Grier, supra.

It is true the defendant did not go on the witness stand, and the colloquy took place in the presence of the jury. But the court made no direct inquiry of the defendant which put him "on the spot" and compelled, or even invited, an incriminating reply. The court did, however, by its inquiry afford the defendant full opportunity to affirm or deny the formal statement of counsel, otherwise

binding on him. This was a thoughtful and praiseworthy effort on the part of the trial judge to protect the defendant in all of his rights.

The formal admission had already been made. It did not require defendant's affirmative ratification. His silence would have given assent, but he elected to affirm. How the action of the court in affording him an opportunity to repudiate it could be prejudicial to him I cannot perceive.

In any event, whether counsel referred to the only possible verdicts to be rendered or to the question of manslaughter, the court, notwithstanding the admission, admonished the jury that it should not convict the defendant of any offense unless it was fully satisfied by the evidence that he committed the homicide charged. This feature of the charge is fully discussed in the majority opinion.

I vote to affirm.

Mr. ERVIN. I pointed out in my dissent in the Bridges case how the accused had had his right of trial by jury frustrated and his right not to incriminate himself annulled, and I concluded, with this expression:

The preservation unimpaired of our basic rules of criminal procedure is an end far more desirable than that of hurrying a single sinner to what may be his merited doom.

The people of the District of Columbia enjoy similar rights under the Constitution of the United States. This bill undertakes to rob them of these and other rights.

I assert it is much more important for the Senate of the United States to preserve these great landmarks of the law, these liberties of the people, and these individual freedoms, than it is to hurry some lawbreakers in the District of Columbia to jail. I appeal to the Senate to reject the conference report; I assure the Senate that we will immediately call up for passage these other bills, which include in their context all of the sound provisions of the report for passage. I am confident the other bills will be speedily passed because I have not heard of a single Senator who is opposed to any of their provisions.

Mr. President, I ask unanimous consent to have printed in the RECORD telegrams, letters, and other statements which I have received expressing opposition to the conference report on the District of Columbia crime bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MORGANTOWN, W. VA.,
July 22, 1970.

Senator SAM ERVIN,
Washington, D.C.:

Urge continued opposition preventive detention measures D.C. crime bill as clearly unconstitutional.

Rev. JOSEPH M. SNEE, S.J.,
Visiting Professor of Law West Virginia University.

NEW YORK, N.Y.,
July 22, 1970.

Senator SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.:

Black Lawyers National Bar Association, in convention, unanimously urges defeat conference District Columbia crime bill.

WILLIAM E. PETERSON,
National Bar Association.

TUCSON, ARIZ.,
July 22, 1970.

Senator SAM ERVIN,
Senate Office Building,
Washington, D.C.:

We strongly support your opposition to preventative detention provision of D.C. crime bill.

C. STEELINK,
Secretary, Arizona Civil Libertys, Tucson Chapter Union.

LOS ANGELES, CALIF.,
July 23, 1970.

Senator SAM ERVIN,
Senate Office Building,
Washington, D.C.:

Support absolutely your position contra crime bill no-knock and preventative detention.

Dean Leo J. O'Brien, Dean Jerald A. Cavanaugh, Prof. George C. Garbesi, Prof. Walter Trinkaus, Prof. Quinten Ogres, Prof. William Coskran, Prof. Lloyd Tevis, School of Law, Loyola University of Los Angeles.

IOWA CITY, IOWA,
July 23, 1970.

Senator SAM ERVIN,
Washington, D.C.:

I urge you to continue your efforts in behalf of your bills, S. 4080 and S. 4081. The passage of these bills will make the District of Columbia an example for the Nation in needed court reform and strong law enforcement without infringement of personal liberties. The District of Columbia will prove that such measures as wiretapping, no-knock entry and preventive detention are not necessary for good law enforcement. Congress should adopt both Ervin bills as soon as possible.

EDWARD MEZVINSKY,
State Representative.

ITHACA, N.Y.,
July 23, 1970.

Senator SAM ERVIN,
Senate Office Building,
Washington, D.C.:

Reject preventive detention. Don't fight crime by impairing our freedom.

Prof. WM. HOGAF,
Cornell Law School.

NEW YORK, N.Y.,
July 22, 1970.

Senator JAMES O. EASTLAND,
U.S. Senate,
Washington, D.C.:

Black Lawyers National Bar Association, in convention, unanimously urges defeat conference District Columbia crime bill.

WILLIAM E. PETERSON,
President, National Bar Association.

CITIZENS COMMITTEE FOR CONSTITUTIONAL LIBERTIES URGE IMMEDIATE ACTION TO DEFEAT PREVENTIVE DETENTION IN THE DISTRICT OF COLUMBIA OMNIBUS CRIME BILL

The Nixon-Agnew-Mitchell team is using crime, fear, political and racial tensions to stampede Congress into legalizing "preventive detention"—blank check for repression and internment against the poor, the minorities, the dissenters.

A tough District of Columbia Omnibus Crime Bill has been reported out of the Senate-House conference committee (7/13/70) with "preventive detention" and other punitive measures intact—despite almost unanimous opposition from leading constitutionalists, bar, civil liberties, black, ethnic and other national organizations as well as major editorial opinions.

This provision would permit a judge to jail for 60 days, without bail, any accused he considers a "danger to the community." Allegedly a crime-control bill, it would violate any defendant's right to presumption of innocence, reasonable bail, a speedy trial and would create a further crisis in confidence in our courts and government.

"A danger to the community" is not a definition of a crime, but a political estimate to be directed against those who will repeat and repeat active opposition to the Administration policies of extending the war and cutting funds for critical urban and poverty needs.

Only with immediate action to defeat "Preventive Detention" in the D.C. Omnibus Crime Bill, can Senators and Representatives reassert their responsibility to protect constitutional guarantees.

YALE UNIVERSITY LAW SCHOOL,
New Haven, Conn., July 21, 1970.

Hon. SAM J. ERVIN, Jr.,
Senate Office Building.

DEAR SENATOR ERVIN: May I congratulate and thank you for the splendid fight you have been waging against certain very unwise, and constitutionally more than dubious, provisions of the District of Columbia Crime Bill?

I take the liberty of enclosing a copy of an article of mine, entitled "How to Beat Crime," which appeared in the *New Republic* for August 30, 1969. The first part of the article, dealing somewhat generally with the narcotics problem, has some relevance, I believe, to the no-knock provisions of the District of Columbia Crime Bill. The latter part of the article, starting on page 11, expresses my opposition to the preventive detention proposal, and my view that in most imaginable circumstances, it cannot be consitutionally applied. I hold, if anything, more firmly now than I did a year ago the views expressed in this article, and am certainly strengthened in my opinion about preventive detention by the knowledge that it parallels somewhat the opinion of so meticulous and devoted a student of the Constitution as yourself.

I happen to be in Palo Alto just now, and I have had the opportunity to discuss both the preventive-detention and no-knock provisions of the District of Columbia Crime Bill with Professor Gerald Gunther of the Stanford University Law School. Professor Gunther authorizes me to say that he has strong doubts concerning the constitutionality of both provisions.

Faithfully yours,

ALEXANDER M. BICKEL.

[From the New Republic, Aug. 30, 1969]

HOW TO BEAT CRIME

(By Alexander M. Bickel)

Mr. Nixon promised to fight crime, and Attorney General Mitchell is doing it. He is doing it, that is, on the assumption that harsh new laws will cut into the crime rate. That assumption is very questionable. The President and Mr. Mitchell will have their fight—in Congress, and even if they succeed there, then for years afterwards in the courts, since some of their proposals raise intricate and close constitutional questions. When the fight is over, the jails which the Administration is doing nothing in particular to reform and improve may be more crowded, some constitutional rights to which the innocent as well as the guilty had previously thought themselves entitled may be a bit bruised and battered, and the crime rate is likely to be about where it is now—on the rise.

The crime rate that matters most, because it puts large numbers of our people in daily fear, is the rate of street and home crime—muggings, robberies and the like. Mr. Mitchell has made two major proposals to deal with it. One is a drug-control act, which has national application, and which is rele-

vant because drug addiction under present conditions results in an insatiable need for money, and hence leads to crime. The other, effective only in the District of Columbia, authorizes preventive detention before trial of persons accused of crime in certain circumstances.

The drug bill is in large part a codification of present federal law, which punishes criminally the distribution or use of drugs for other than medicinal purposes. Nothing is plainer than that this method of dealing with drug addiction has not worked. This is not to say that the problem might not be even worse than it is if the criminal law failed altogether to condemn the use of harmful drugs. But it is clear that condemnation and jail alone have not worked. The theory of the Administration's new bill is that more condemnation and more jail *will* work.

The bill outlaws marijuana, and of course LSD, among other substances, and it authorizes the Attorney General, after opportunity for comment from the public, and upon scientific advice, to outlaw yet other drugs, as well as to exempt some now listed. Penalties are increased, and they are rough, both for distributors and users, with minimum sentences of many years in jail, and with suspended sentences or probation prohibited, except in the case of users who are first offenders. A user is someone who uses, period. A user of marijuana, for example, who gives a cigarette to a friend, or possibly a puff, is also a distributor, and he is subject for a first offense to a minimum sentence of five years, which may not be suspended, and from the service of which he may not be released on probation. And anyone over 18 who hands that cigarette to a teenager under 18 "who is at least three years his junior" gets a minimum of 10 years in jail without probation or suspension of sentence.

No doubt drug pushing is very dirty business and should be stamped out. But Draconian provisions will not stamp out the professional drug pusher, who takes very high risks for very high profits, and who will continue to do so, possibly increasing his prices as his risks rise, thus producing more street crime committed by his customers who have to meet higher costs. The pusher will be stamped out when there are no addicts, or at least when addicts who cannot be cured are given some sort of legal access to the drug they need, so that they have to resort neither to the pusher nor to crime. Pushers also seek to make addicts, to create a market, and they certainly ought to be punished. But the point is that increasing their punishment is no substitute for trying to deal with the problem of addiction and attendant crime, and may be counter-productive.

The drug bill, moreover, treats the habits of what must by now be many thousands of people in the same way as the act of drug pushing. We may feel uneasy about marijuana smoking, and suspect that it is about as bad as cigarette smoking, or even worse, but it is widespread among people who on evidence no worse than is available to Attorney General Mitchell think it harmless, and who exhibit no other criminal tendencies. To punish the act of passing a marijuana cigarette with a mandatory minimum of five years in jail is outlandish as well as brutal. Such a law (compare the Volstead Act) can only be widely unenforced. This is the administration, not of justice, but of injustice.

The other major anti-crime measure, applicable only in the District of Columbia, where alone the federal government has general criminal jurisdiction, is a preventive detention bill. At present, a person charged with any but a capital crime is entitled to be released pending trial, with or without bail, unless a judge has good reason to believe that he will flee and be unavailable for trial. Since lengthy delays before trials are common, the habitual criminal is thus given an opportunity—or at least not deprived of the opportunity—to commit further crimes. There are no very good figures to show how many persons commit crimes while at liberty awaiting trial for an earlier alleged crime, and all indications are that the number is relatively small; but some undoubtedly do, and the Administration's idea is to see that they don't, by holding on to certain categories of them. It is an idea that has also independently attracted Senator Joseph D. Tydings, the Maryland liberal Democrat. The District of Columbia is a small part of the country, even though it has its good share of crime, but if Congress passes such a statute, many states will likely follow suit.

The presumption that an accused is innocent until proven guilty may be established more in popular mythology than in our actual system of administering criminal justice, but it does essentially inform the provisions of the Constitution concerning criminal procedure; and the Eighth Amendment does say that "excessive bail shall not be required," which would suggest an expectation that bail will generally be allowed. So preventive detention of persons accused of crime is constitutionally dubious.

Yet the question in general of whether bail must be granted is an open one. Bail is traditionally denied to persons charged with capital offenses, of which there used to be a great many more than there are now. The explanation may be that no man facing the death penalty can possibly give credible assurance, it is thought, that he will stick around to face it. But the explanation may also have to do with assumptions about such a person's likely behavior while at liberty. As for the presumption of innocence, we commit the dangerously insane because we don't trust their future behavior. To be sure, this sort of preventive detention is civil in nature, not criminal, but how much is in a name? Again, bail in many courts throughout the country is in fact set high when judges and prosecutors think they have on their hands a dangerous criminal who should not be allowed to run around loose. We might as well be honest and above-board about it with a preventive detention statute, and at the same time institute more regular, open and controlled procedures than prevail when a judge follows his intuition and sets high bail. Formal hearing procedures are provided in the preventive-detention bill.

But the constitutionality of the bill is going to be tested in its application in case after case, rather than in general on its face. If it is to pass muster, the Supreme Court must be convinced that a judge who, after a hearing, imposes preventive detention on a person accused of crime has not done so merely on a hunch that he has an ugly customer before him, very likely guilty and dangerous; or merely on the basis of statistics which may prove a great deal about people in the aggregate without in the least predicting an individual's actual behavior. The Court must be convinced the judge has decided on the basis of specific facts relating to the accused, which support a rational judgment, not a guess, that if let out he will commit more crime. And there's the rub. We may be able to tell something about the dangerously insane, although less than we need. But how do we distinguish between one and another mugger or robber, so as to be able to predict rationally before trial, not only guilt with respect to the offense now charged, but proclivity to commit a further offense during a period of liberty before trial? We cannot. Hunch is bound to reign, and to enthrone King Hunch is too great a danger to the innocent; it is wrong, and hence constitutionally also more than dubious. Is it wise to go to such lengths in order to get off the street some potential criminals who, by all indications, are so few in number that the crime rate will hardly know it has been fought?"

There is a narcotic problem, and there is a crime problem. They are connected with each other and with material and psychological conditions in city ghettos. The drug problem does not call for harsher criminal penalties, but for new approaches—difficult and no doubt imperfect—to the treatment of addicts, and for careful legalization of access by addicts to the drugs they need, and will otherwise steal and kill for. Persons who are accused of crime and out on bail will commit fewer crimes in the interval before trial if that interval is shortened, so that it is a matter of days and weeks rather than months and years. That requires more prosecutors and more judges, a more efficient court system. The Administration has introduced a bill to reorganize the District of Columbia court system, which in its broad outlines is a step in the right direction. Grants-in-aid might enable the states to unclog some of their own courts also.

For the rest, until we successfully attack underlying conditions, the crime problem calls for more, better and more professional police work. Our police are ill-paid, ill-trained, ill-equipped and often ill-chosen. The federal government has undertaken to do a little bit, chiefly about training and equipment, in the Safe Streets and Crime Control Act of 1968, and the Administration's request for $297 million in the House Appropriations Committee. There must be much more, more programs and more money. That would be the beginning of a real fight, if not against the causes of crime, at least against its high incidence.

AMERICAN FRIENDS SERVICE COMMITTEE,
July 20, 1970.

To: Senator Hugh Scott, Old Senate Office Building, Washington, D.C.; Senator Richard S. Schweiker, New Senate Office Building, Washington, D.C.; Senator Michael J. Mansfield, Old Senate Office Building, Washington, D.C.; Senator Robert W. Packwood, Old Senate Office Building, Washington, D.C.; Senator Charles H. Percy, New Senate Office Building, Washington, D.C.; Senator William B. Saxbe, New Senate Office Building, Washington, D.C.; Senator Mike Gravel, Old Senate Office Building, Washington, D.C.:

Urge you vote against discriminatory, probably unconstitutional D.C. Crime Bill which sets a chilling precedent for the nation. Experience of Philadelphia indicates overzealous application of law and order techniques not in the best interest of city as a whole. Ervin bill focus on court reorganization, revision of criminal code is correct approach.

CHARLOTTE C. MEACHAM,
National Penal Affairs Program.

BOARD OF SOCIAL MINISTRY,
LUTHERAN CHURCH IN AMERICA,
New York, N.Y., July 22, 1970.

Hon. SAM J. ERVIN,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: At its Fifth Biennial Convention held in Minneapolis, Minnesota, June 25–July 2, 1970, the Lutheran Church in America went on record as opposing the inclusion of preventive detention in federal and state anticrime legislation.

The full text of the convention resolution reads as follows:

"We recognize that crime is a growing problem, and that meeting it requires new and imaginative approaches. The Lutheran Church in America views with grave concern, however, the concept of preventive detention, and expresses its opposition to proposals for allowing such a principle to become a part of the body of law of either the federal or

state court systems in the United States. We strongly urge our members to consider the dangers of possible future applications of deliberate imprisonment without conviction, if once accepted into law. We request the Board of Social Ministry to study possible further actions on this subject."

Inasmuch as a preventive detention clause is the price required for passage of the District of Columbia crime bill, I am writing to urge your negative vote on that bill.

Sincerely yours,

RICHARD J. NIEBANCK,
Secretary for Social Concerns.

P.S.—The text of this letter is one which is being sent to a number of Senators. We know, of course, of your own stand on this issue, and we support you in it.—R.N.

DAVIDSON COLLEGE,
Davidson, N.C., July 20, 1970.

Senator SAM ERVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: I want to commend you for your continued defense of our constitutional standards which seem to be threatened by provisions of the conference version of the District of Columbia Crime Bill. Your willingness to fight these battles has earned you the respect and gratitude of citizens of all states, and it is a source of special pride for those of us whom you represent directly here in North Carolina.

My continued appreciation and best wishes are with you in this important task.

Sincerely,

JON W. FULLER,
Assistant Professor of Political Science.

D'ANCONA, PFLAUM, WYATT & RISKIND,
Chicago, Ill., July 20, 1970.

Senator SAM J. ERVIN, Jr.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: I hope you will oppose adoption of the preventive detention provision in the pending Crime Bill.

It seems clear that such provision would be in violation of the Constitution.

It is the kind of drastic legislation which strikes out in all directions in a panic response to an extremely difficult situation.

This is not a time for losing our heads—or our constitutional rights.

Preventive detention would be a violation of a basic right of a free people.

My thanks to you for anything you can do to defeat it.

Sincerely,

EDGAR BERNHARD.

[From the Nashville Tennessean, July 18, 1970]

CRIME BILL FULL OF DANGER

Some features of President Nixon's crime bill now being considered by Congress would strike at basic constitutional guarantees and should be rejected.

Perhaps the most dangerous recommendation is one that would permit police in some instances to enter homes without first knocking at the door or identifying themselves.

This measure is proposed for effectiveness in the District of Columbia only, but it is being advanced as a model law, possibly to be extended to the rest of the country at a later date.

If there were any valid reason for singling out the District of Columbia for the initiation of this oppressive law, it has not been made clear what it is. Certainly there is no justification for believing the nation should begin to give up its constitutional protections for the purpose of providing short cuts to law enforcement.

The no-knock measure has its supporters and detractors on both sides of the political fence. But perhaps the most effective opponent is Sen. Sam Ervin, noted conservative from North Carolina, who calls the District of Columbia crime bill "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has even been presented."

It is too early to tell whether Senator Ervin can turn the tide against this unwise bill. But he deserves the gratitude of those who believe it is still possible to have effective law enforcement in the U.S. without chipping away at the basic principles on which the nation was founded.

YALE UNIVERSITY,
New Haven, Conn., July 17, 1970.

Hon. SAM ERVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: I want to tell you how fervently I hope your opposition to the "no-knock" preventive-detention anti-crime bill succeeds. . . . The civil liberties which it invades were won after centuries of struggle against arbitrary power, both in Britain and America. To sacrifice them on the altar of "law and order" is a travesty of what law and order ought to mean.

Please accept my heartfelt thanks and best wishes.

Yours sincerely,

D. A. SMITH.

KNOXVILLE, TENN., *July 21, 1970.*

Senator SAM J. ERVIN,
Senate Office Building,
Washington, D.C.:

The Board of Directors of the American Civil Liberties Union of Tenn. strongly urge that you oppose and vote against the District of Columbia Crime Bill S2601. This bill incorporates extended police wire tapping no knock policy entry and preventive detention. All severe and intolerable infringements on individual freedom.

JOHN CLELAND,
President.
Mrs. R. W. CHILDERS,
Executive Secretary.

PHILADELPHIA, PA., *July 16, 1970.*

Re Anticrime Legislation.

Senator ERVIN,
Senate Office Building,
Washington, D.C.:

I strongly implore you and all Senate members not to vote for this legislation. More positive results may be found in the recommendation of the commission on the causes and prevention of crime chaired by Dr. Milton Eisenhower. Letter to follow.

Sincerely

JOSEPH T. BYRNE.

MILWAUKEE, WIS., *July 21, 1970.*

Senator SAM ERVIN,
Senate Office Building,
Washington, D.C.:

We strongly support your efforts to defeat conference committee report on District Crime Bill, especially preventive detention.

EDWARD M. MCMANUS,
Executive Director,
Wisconsin Civil Liberties Union.

COLUMBIA UNIVERSITY,
New York, N.Y., July 21, 1970.

Senator SAM J. ERVIN, Jr.,
Chairman, Constitutional Rights Subcommittee, U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: I should like to congratulate you for your valiant efforts in opposing the preventive detention and "no-knock" provisions of the District of Columbia Crime Bill.

As a student of constitutional law I believe that both are of doubtful constitutionality. At least as important, however, is the fact that, whether constitutional or not, these provisions are unfair, cruel and completely out of place in a democratic nation.

There is much that needs to be done to reduce crime, both in the District of Columbia and in the nation at large. Such constructive measures as the court reorganization plan are urgently needed. What we do not need, however, are intrusions upon the civil liberties of the citizens, which in the view of most experts won't even contribute materially to a solution of the crime problem.

Very truly yours,

ALBERT J. ROSENTHAL,
Professor of Law.

ADA'S NATIONAL BOARD HITS DISTRICT OF COLUMBIA CRIME BILL

The national board of Americans for Democratic Action, beginning a two-day meeting here last night, unanimously passed a special resolution urging the Senate to defeat the D.C. Crime Bill Conference Report.

ADA said the bill would deny basic civil rights of District residents and would become a model for legislation elsewhere. ADA board members said the common assumption that Washington has the highest crime rate among U.S. cities is untrue but said the charge is being used deliberately to pass a bill which is being forced on voteless District citizens unable to mount political resistance to it.

SPECIAL RESOLUTION ON DISTRICT OF COLUMBIA CRIME BILL

ADA urges the U.S. Senate to defeat the D.C. Crime Bill Conference Report. We consider the bill both dangerous and punitive.

The bill has so many repressive provisions that no defender of citizens' rights can possibly support it. Among provisions ADA considers repressive are preventive detention, no-knock home searches, expanded wire-tap authority, mandatory minimum sentences, restricted juvenile court jurisdiction.

ADA does support the provisions for court reorganization and administration, but urges Congress to support these measures as separate legislation.

The oft-repeated lie that Washington, D.C., is the "crime capital" of the country is being used to generate an hysterical response to street crime. Such crime is high in every urban area. Neither in Washington nor elsewhere does such concern warrant a repressive bill such as the D.C. Crime Bill. This bill, being forced upon the voteless citizens of the District because they are unable to resist, would not pass a single state legislature in the country.

This bill should be defeated because it will deny elementary civil liberties to the residents of the District of Columbia, and because if passed it will be used as a prototype for bad legislation throughout the country.

Above all, the bill should be defeated because it proceeds on the assumption that the answer to crime lies in repressive measures. ADA holds steadfastly to the view that the only long-range answer to crime lies in giving every American a decent life and a real stake in our society. And, as short-run measures, we continue to support such nonrepressive programs as better trained and better paid police, speedy trials, rehabilitative prisons, gun control and the like. The D.C. Crime Bill, rejecting both these long-range and short-run measures, accepts the anti-democratic doctrine that crime can be controlled only by eroding our basic values.

[From the New York Times, July 17, 1970]

A BAD PACKAGE

After three months of consideration, a Senate-House conference committee has reported out an anti-crime bill for the District of Columbia which has been variously characterized as violative of no less than five Constitutional amendments and as "a blueprint for a police state." Twenty former Federal prosecutors have found the bill's

chief provisions of "doubtful constitutionality, questionable necessity and demonstrable ineffectiveness."

The measure passed by the House has been somewhat improved in conference, notably by the deletion of an incredible provision that would have required plaintiffs to pay the attorneys of policemen they had sued for false arrest, even when the policemen lost the case. The bill also calls for a much-needed court reorganization, designed in part to speed up the calendar—a highly desirable objective in a city with a grave crime problem and a judicial logjam.

But the bill's most dangerous and unnecessary provisions remain. Policemen would be empowered to enter houses without knocking, not just in the limited and special instances where that is permissible even now, but on what might amount to no more than a hunch that evidence might be destroyed or that those inside might make an armed attack if given notice of the police presence at the door. Shades of Chicago.

The bill would allow a judge to keep defendants in jail for sixty days if on the basis of their records he thought them likely to commit other crimes while awaiting trial. It is true that high bail permits even longer detentions now, but its imposition for reasons other than its legitimate purpose is often overruled by a higher court. The proposed bill would not replace the inappropriate use of bail in any case; it would only add to the injustice. More important, it would for the first time give legal sanction to the undoing of the most fundamental principle in Anglo-Saxon law—that a man is innocent until proved guilty.

Legislation for the reorganization of the District's courts was ready within weeks of President Nixon's inauguration. It is regrettable that Administration forces saw fit to make it part of a dubious anti-crime "package" instead of getting it enacted into law at once. Opponents of the bill in its present form, led by Senator Ervin of North Carolina, hope to defeat it on the Senate floor and start over again with a bill for court reform. That would perhaps do less to gratify the emotions of the hysterical but more to reduce crime in the District.

Mr. TYDINGS. I yield 5 minutes to the distingiushed Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I support the District of Columbia Court Reform and Criminal Procedure Act of 1970. I shall vote for the conference report.

I believe that this bill is a major step forward in meeting the frightful problems that exist in the Nation's Capital. I recognize that its provisions have inspired spirited controversy. I have not participated in the debate until this time because I wanted to satisfy myself that the conference report embodied what I considered to be a constitutional and sound measure.

I recognize that there are honest differences of opinion as to the constitutionality of some provisions of this bill, and if I were convinced—if I had an abiding conviction—that any provision in this bill was unconstitutional, I would not support it. I have every respect and deference for those who may hold a different opinion and who feel that the provisions of this measure are unconstitutional.

As I said a few days ago on the floor of the Senate, when speaking about S. 30, which is now tied up in the House of Representatives in the House Judiciary Committee, where some contend that provisions of the bill are unconstitutional, we can argue here in the Senate about the constitutionality of the bill, and so we can do the same about this bill. Nevertheless, I said, if I had an abiding conviction that any provision of this bill was unconstitutional, I would vote against it. But ultimately we can only decide this for ourselves, individually, at this time. The final decision on constitutionality lies within the province of another branch of Government; and there is no doubt that, if this bill is enacted, the provisions in controversy will find their proper fate under our system, in an opinion and ruling of the Supreme Court.

Mr. President, speaking now for myself, I want to say that I have had now the opportunity to study the conference report, and I want to say that, for myself, I am satisfied that it is a good bill, meriting the support of the Senate and the Nation. The bill contains much that is beyond controversy and which is necessary for the effective administration of justice in the District of Columbia, such as court reorganization, the public defender system, and increased staffing.

In my judgment, however, the other major provisions of the bill that have occasioned much of this debate also deserve support. I believe it would be a serious mistake for the Senate to reject the bill at this time.

The wiretap provisions of the bill, in the main, are modeled on title III of the Omnibus Crime Control and Safe Streets Act of 1968, which the Senate refused to strike from the 1968 act by a vote of 68 to 12. I have since followed closely the administration of title III, not only as a law enforcement tool but also as a shield for citizenry privacy. I am satisfied that that measure has worked well. The basic structure of title III has been perfected and strengthened in this bill. Indeed, the chief differences between it and title III reflect additional safeguards for privacy recommended in the tentative draft of the American Bar Association's standards on electronic surveillance. It is also similar to legislation implementing title III that has been adopted in several States. I believe that the Senate can, without reservation, vote for these provisions, and I heartily endorse them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. I yield 3 additional minutes to the Senator from Arkansas.

Mr. McCLELLAN. I have also examined the so-called no-knock provisions of the bill. Under current law, the police are generally required, with or without a warrant, to knock and announce their identity and purpose before arresting or searching. See generally 112 U. Pa. Law Review 499, 1964. Current law, however, recognizes several exceptions to this principle of announcement. A succinct statement of the rule and its exceptions may be found in the "Restatement of Torts," section 206, comment (d), 1934. It seems to me that the no-knock provisions of this bill largely codify these traditional rules. Indeed, these provisions to protect privacy go beyond existing practice by mandating prior judicial approval where practicable. In this regard, they reflect the recent lead of a number of States—see, for example, *State* v. *Parker*, 283 Minn. 127, 166 N.W. 2d 347 (1969); N.Y. Code of Crim. Pro., section 799 (1964), constitutionality sustained, *People* v. *Delago*, 16 N.Y. 2d 289 (1965), cert. denied, 383 U.S. 963 (1966). The Senate can, I believe, without serious reservation, support these provisions. I shall, therefore, vote accordingly.

Last, I have examined the provisions of the bill that authorize the limited detention of certain dangerous offenders prior to trial. Here, too, I have concluded that these provisions are both constitutional and necessary for the public safety.

Mr. President, bail has never been viewed as an absolute constitutional right. Since the Judiciary Act of 1789, bail has been discretionary for certain offenses. In the Crimes Act of 1790—1 Statutes at Large, second edition, chapter 9, page 112—for example, such offenses as robbery, larceny of goods in excess of $50, forgery, counterfeiting, and embezzling were capital offenses, and bail could be denied at that time to those accused of these offenses. It was in this context that the Supreme Court in *Carlson* v. *Landon*, 342 U.S. 425, 545 (1952) observed:

> The Eighth Amendment does not prevent . . . Congress from defining the classes of cases in which bail shall be allowed in this country.

Only two other questions, therefore, face us, it seems to me. First, can the procedures set out in this measure be squared with traditional notions of due process, and, second, is this measure, if constitutional, necessary for the public safety?

The provisions of the bill that establish the process for holding an accused before trial are carefully and narrowly drawn. In my judgment, however, they meet the test of due process. I need not burden the record with a detailed analysis of them at this time. Only the question of need remains.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TYDINGS. I yield 1 additional minute to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, crime committed by persons out on bail is real, savage, and significant. When Franklin Moyler, a defendant on bond from two armed robberies, critically wounded a police officer last June 18, and was himself finally killed following a third armed robbery of a liquor store, it graphically illustrates the choice that is presented to us by this bill.

Shall we do something about men like Moyler?

We must choose, I suggest, between according a future Moyler an absolute right to pretrial release and the safety of the police officer who will attempt to arrest him and the security of the liquor store proprietor who will be threatened. I think we must choose to protect the safety of our citizens and police officers and their right to be free from criminal assault and violence.

Mr. President, I do not lightly contemplate preventive detention, no-knock

searches or wiretaps, but I consider them to be the distasteful but necessary remedies that must be applied to remove the menacing and dangerous threat that violent and mounting crime presents to our internal security.

Mr. President, I add a personal note. I live in the District of Columbia. I am not voting for legislation that will apply to others but not to myself. I recognize, of course, that it is unlikely that I will be charged with a serious offense of violence or, if charged, considered a danger to the community. But I fully recognize that my apartment conceivably could be broken into by mistake, without announcement, under this statute. My phones or my conversations might well be overheard by mistake on a court-ordered wiretap under this bill. I am, however, willing to pay this price if it can help to restore, in some small measure, to the citzens of our Nation's Capital the protection from the ravages of crime that all our citizens deserve.

I have considered this matter carefully, and I conclude by repeating what I said at the outset. If I had an abiding conviction that anything in this bill were unconstitutional, I would not support it. I respect the viewpoint of others who may feel that way. Nevertheless, Mr. President, the crime situation, not only in the District of Columbia, but also throughout the Nation today has reached such crisis proportions that, as I have said on this floor many times, we must use, we must fashion every tool that we can, within the framework of the Constitution, and make them available to our law enforcement officials and agencies, so that we may begin successfully to combat the menace crime that is endangering the internal security of this Nation.

I shall vote for the conference report.

Mr. TYDINGS. Mr. President, I yield 5 minutes to the distinguished Senator from Louisiana (Mr. ELLENDER).

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator from Louisiana is recognized for 5 minutes.

DISTRICT OF COLUMBIA CRIME BILL NEEDED

Mr. ELLENDER. Mr. President, it has not been an easy task for me to reach a decision as to how I should vote on the pending conference report, on S. 2601, the so-called District of Columbia crime bill.

On the one hand, there has been the obvious and even the desperate need for an effective answer to the crime wave which has engulfed our Capital City for the past two decades. We have before us a bill which deals sternly and at many different levels with a problem which makes our Nation's Capital unsafe for people to live and work.

On the other hand, there are many respectable and knowledgeable Members of the Senate who say that the bill deals so sternly with criminals and with suspected criminals as to violate their constitutional rights. The leader of this group, Senator SAM ERVIN, is one of the most highly respected men in the Senate. He has led the way in protecting the rights of our citizens from undue or unconstitutional invasion by the Government. His arguments have been well stated and are very convincing, and I have no doubt that many Senators will be persuaded by them.

In the final analysis, however, I have found it essential to side with those who see this conference report as the best possible compromise between the House and the Senate on many controversial issues contained in the bill. I understand the conferees required no less than 24 meetings to hammer out this agreement, which the House has now accepted by an overwhelming vote of 332 to 64.

Many contend, with great conviction, as I previously pointed out, that certain provisions in the bill are unconstitutional. I, frankly, do not agree. Such questions and doubts as have been raised on this point by the persuasive arguments of Senator ERVIN and others, I am prepared to refer to the courts once the bill has been enacted. I am sure that if there are provisions in the bill which do violence to the constitutional rights of individuals, the courts will so hold, with very little delay.

In recent years our courts have been all too active and "helpful" in striking down provisions in the law and procedures in our judicial and law-enforcement systems which in my opinion encouraged lawlessness. That we must remedy, and the pending compromise bill will serve well to that end.

Some say that the bill is antiblack. Statistics obtained by the District of Columbia Crime Commission initiated by the former President Johnson refutes the charge in no uncertain terms. It found that 86 percent of all District of Columbia murder victims are black; that 86 percent of all aggravated assault victims are black; that 80 percent of all rape victims are black; that 66 percent of all auto theft victims are black, and that 60 percent of all burglary victims are black.

That being the case, the stern measures contained in this bill which are directed at reducing crime will be of great benefit not to the whites of the District of Columbia but primarily to the blacks. It is plainly not an antiblack bill; it is an anticrime bill.

In those areas where unconstitutionality is charged there are already in the bill itself or in our jurisprudence, clear-cut safeguards against abuse. In addition, if the courts hold these provisions to be constitutional there will most likely be additional guidelines prescribed for their proper and safe application.

The committees of the House and the Senate which handled this bill, and particularly the conferees who worked so diligently to achieve a meaningful compromise have done the best possible job under trying circumstances. The Senate should back them.

I believe that their bill, so far as the courts will allow it to do so, should be allowed an opportunity to change the pattern by which crime has been increasing in the District of Columbia at about 25 percent per year and by which we are able to obtain convictions in only about 3 percent of the felonies committed here.

It is my considered judgment that if the Senate does not favorably, it will be an invitation to criminals to expand lawlessness in the city of Washington.

I urge favorable action on the conference report.

PRIVILEGE OF THE FLOOR

Mr. TYDINGS. Mr. President, I ask unanimous consent that the following Senate staff personnel be permitted to remain on the floor during the duration of this debate and the vote on the pending conference report:

Jim Flug, Burt Wides, Nancy Chasen, Louise Regenbogen, Stan Darling, Rick Tropp, Carolyn Johnson, Malcolm Hawk, Wesley Williams, Jr., and David Cooper.

Also from the Subcommittee on Constitutional Rights: Larry Baskir and Glen Kitner.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I yield 12 minutes to the Senator from Vermont (Mr. PROUTY).

The PRESIDING OFFICER. The Senator from Vermont is recognized for 12 minutes.

Mr. PROUTY. Mr. President, as my colleagues know, I am not a lawyer but as a citizen and a legislator I have a deep and genuine interest in this conference report, because as a layman I feel that it will do much to alleviate problems in the local judicial system and right some grievous wrongs in criminal procedure.

For a week now, Mr. President, I have heard my learned colleagues in this Chamber debate the constitutionality, the desirability, and even the patriotism of the pending conference report. I must confess that I scarcely recognize the bill we reported from conference as it has been described. After months of conference, where we allegedly swapped "a couple of rabbits for an elephant or a donkey," we returned to the Senate with what has been described as a conference report which "kicks the Constitution all over the District of Columbia."

I gather that no Member of this body opposes those parts of the report concerning the reorganization of the District of Columbia courts. I assume that no Member objects to modernization of the court administration. Surely no Member is adverse to the creation of a Public Defender Service or the expansion of the Bail Agency. These are the so-called "good apples" we are peddling and they have found a ready market with many willing buyers. This is the bulk, in substance as well as in fact, of the conference report before us.

What we have heard attacked this week is the very small portion of the report, the so-called "rotten apples," specifically, the no-knock and pretrial detention provisions.

The opponents of the no-knock and pretrial detention provisions have trotted out in support of their position, the wise words and opinions of prophets, statesmen, philosophers, distinguished jurists, and learned men in the realm of constitutional law. The proponents of these measures have supplied endorsements for their position in equal quality

and quantity. The diverse opinions dazzle the mind and befuddle the reason. Confusion has made his masterpiece and this battle of the experts should end in a draw.

We all recognize the problem that we face. The streets and parks of this city have become a jungle of fear. Those who walk the street are the prey of the lawless and the unsuspecting victim of the predator.

We in this Chamber share a common responsibility for a constituency in the District of Columbia. The residents of this city are our constituents as much as are the residents of our home State, and they look to us to speak and act in their behalf. Their welfare is a responsibility we cannot ignore and cannot shirk.

The distinguished junior Senator from Maryland gives us frequently in the CONGRESSIONAL RECORD a list of crimes committed in the District of Columbia on any given day. I doubt that the Members of this body take little more than passing interest in those statistics because those crimes are far removed in most cases from their primary constituency, the home State. If, however, a visiting constituent from the home State meets with foul play here in our own backyard and appears on that growing list—and this is not a rare occurrence—there is an upright demand for full exercise of the law and swift justice. Do we extend to our local constituents on that list the same concern?

How do you explain to the mother of a schoolchild that the accused attacker of her daughter is freely walking the street because to jail him would be a breach of his constitutional right? How do you explain to the victim of an assault and robbery, confined to a hospital bed perhaps, that his attacker is out on the street because the court is powerless to confine him? How do you explain to the parent of a juvenile drug addict that the police know who supplies drugs to his child but they cannot break into his house and surprise him with the evidence before he has had a chance to dispose of it? What justification do you give to the banker who has been robbed by a man already under one, two or even three charges of bank robbery? The explanations about constitutional rights and protection for the accused may make sense in the hallowed halls of justice but those explanations have a cloudy reality to the crime victim outside the restricted limits of that small world.

Are the criminal offenders the only ones whose civil rights should be guaranteed? I think those who respect the law have privileges too and their rights are paramount. It is an old maxim that he who spares the guilty threatens the innocent.

It does not disturb me if a drug distributor is raided or a dangerous criminal is taken off the street. What does disturb me is the fact that a drug distributor or a dangerous criminal is permitted to continue to ply his illicit trade or stalk the streets as a threatening danger to law abiding citizens.

I am not alone in my concern. The majority of the people in this city share my concern, but in their climate of despair they are helpless to do anything about it. We here in this Chamber can do something about it. It is not only within our power to act, but it is our responsibility to act to strengthen the entire criminal law system in this city.

The people of Washington are crying out to us for help. Hear their voice. We can help them. We must help them.

It is important that we bear in mind the adamant attitude of the House conferees on this legislation. In my judgment, if this conference report is not accepted by the Senate today, there will be no court reorganization and anticrime legislation for the District this year, and nothing will have been done by us to stay the rising wave of crime in the Nation's Capital.

Mr. President, in his remarks the other day the senior Senator from North Carolina referred to a colloquy carried on with Associate Deputy Attorney General Donald E. Santarelli at hearings on S. 2600, the Justice Department's Bail Reform Act Amendments. Most of S. 2600, although changed in a few significant details, is contained in the pending conference report. For the purpose of making a complete legislative history I think it would be appropriate to include in the RECORD the full text of that colloquy which took place between Mr. Lawrence M. Baskir, chief counsel of the Subcommittee on Constitutional Rights of the Committee on the Judiciary and Mr. Santarelli. The full text of that colloquy appears at pages 311–328 of the recently printed hearings of that subcommittee. I ask unanimous consent that they be printed in the RECORD at this point.

There being no objection, the text of the colloquy was ordered to be printed in the RECORD, as follows:

STATEMENT OF DONALD E. SANTARELLI, ASSOCIATE DEPUTY ATTORNEY GENERAL FOR CRIMINAL JUSTICE, DEPARTMENT OF JUSTICE; ACCOMPANIED BY EARL SILBERT, OFFICE OF CRIMINAL JUSTICE

Mr. SANTARELLI. S. 2600?

Mr. BASKIR. Yes, sir.

Mr. SANTARELLI. Before we get to the question, Mr. Baskir, if I might make clear for the record that I have been requested to appear here following the testimony of the Deputy Attorney General to respond to specific technical questions in response to problems that have cropped up. Questions of policy were covered by the Deputy Attorney General in his past two appearances, and he has expressed his willingness to return for any further hearings you may have on questions of policy.

I would also like the record to reflect that I am accompanied by Mr. Earl Silbert of the Office of Criminal Justice to assist in the response to these technical questions.

Mr. BASKIR. Fine. It may be difficult to avoid policy questions. I am not sure where the line is. But it is my intention to ask technical questions. If questions arise which you do not feel prepared to comment on, please say so for the record.

Turning to page 14, there two classes of definitions: one entitled "Dangerous Crime" and the other entitled "Crime of Violence."

Are these described crimes all felonies?

Mr. SANTARELLI. It says on lines 14 and 15 of page 14, if the offense is punishable by imprisonment for more than 1 year, it says, similarly, on line 24, one and two of pages 14 and 15, as defined by act of Congress in a State law if the act is punishable by imprisonment for more than 1 year, it is the intent that these are felonies in the Federal system.

I believe there are some oddity offenses in the United States Code which are 2-year sentences that are called misdemeanors, and I believe there are some in some of the States. They are rarities, I understand.

Mr. BASKIR. The phrase that you mentioned, "punishment by imprisonment for more than 1 year," in both cases is meant to modify the entire paragraph and not merely the last category; in the second paragraph, for instance, not merely meant to modify "attempts of conspiracy"; is that correct?

Mr. SANTARELLI. That is correct. The language of "offense punishable by more than 1 year" is intended to modify the entire category.

Mr. BASKIR. Thank you.

Now, moving back to page four, line 17, there is a phrase, "reasonably assure the safety of any other person or the community."

I believe this phrase appears also on page 2, line 7. The second instance is with respect to setting of bail condition. The first instance that I mentioned is with respect to one of the determinations at the preventive detention hearing. There is no definition in the bill of the phrase "reasonably assure the safety of the community or other person." Is there a definition? What does the phrase mean in any particular sense?

Mr. SANTARELLI. It doesn't mean anything different from the literal meaning of the language. We intend the language to be read for what its dictionary, and reasonably believed definition ought to be, and this is the province of the courts to interpret. This is the classic kind of case where reasonable judgment by judicial officers in the course of judicial opinion and interpretation will develop a definition as they do to every other word of language used in statutes.

The plain meaning of that is, on its face, the safety of the community.

Mr. BASKIR. May I ask specific questions?

Mr. SANTARELLI. Certainly.

Mr. BASKIR. I gather "safety" means avoidance of danger and it is easier to use the word "danger."

Mr. SANTARELLI. We would have done so had we not been trapped into the drafting by sticking with the form of section 3146 of the present Bail Act and the affirmative way in which it was set out required us, if we wanted to continue to utilize that law without totally redrafting it, to phrase it in this fashion.

Mr. BASKIR. For the purposes of this discussion, let's refer to the avoidance of danger to the community; is that all right? When you talk about "danger to another person," you are requiring specific proof of a threat of danger to a specified individual, for instance a husband to a wife?

Mr. SANTARELLI. Not necessarily, although that might be the facts in a given case. The wife might appear at the pre-trial bail hearing and say, "Your Honor, he has threatened a million times, and I know he will do it because he has done it before and I am afraid." That might be.

Mr. BASKIR. But it is not required to find specific danger to specific persons. It might be danger to community or people in general?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. I take it from what you said that there need not be any proof. Or to phrase it another way, there need not be a finding of the likelihood of committing another specified crime; is that correct?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. Does that also mean that an individual, let us say, who was arrested for one of those defined crimes in your bill, and who has a long history of committing other crimes of offenses which are not necessarily specified in the list on page 14, and not nec-

essarily felonies, might be considered a danger to the community nonetheless?

Mr. SANTARELLI. He might be.

Mr. BASKIR. You are aiming here at preventing not only additional crimes defined as dangerous in your bill and additional crimes defined as violent in your bill, but additional crimes of any sort whatsoever, is that correct?

Mr. SANTARELLI. Additional crimes of any sort that may be in the judicial officer's opinion dangerous to the community. They are not necessarily the offenses enumerated in the bill. The offenses enumerated are for the purposes of establishing eligibility for consideration for pretrial detention. You must be charged with one of those offenses before your record of dangerousness can be looked to.

Mr. BASKIR. I see. So the danger you are seeking to avoid is not specifically danger of the commission of one of the list of crimes designated by you in your bill on page 14 as dangerous crimes or the list of crimes designated by you as crimes of violence, but the likelihood of any kind of crime in the future that they may possibly commit that a judge feels is dangerous to the community.

Do I rephrase your statement properly?

Mr. SANTARELLI. I am not sure you do, and I am not sure we can phrase it definitely at this point. The consideration for the court is to view, the defendant in the totality of his circumstances, to review his record of conduct, to review his character and attitude and to conclude if from this prior activity and from information that can be adduced, whether or not he will engage in a course of conduct that will be dangerous to the community. That might include offenses not enumerated in the specified dangerous offense category.

Mr. BASKIR. Certainly if the judge found there was a likelihood he would commit another unlawful breaking and entering, he could then validly detain on the grounds this was dangerous?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. If the judge decided the man was, let's say, a kleptomaniac and he engaged in petty shoplifting, the judge could, under your bill, detain this person in order to prevent those subsequent offenses; is that correct?

Mr. SANTARELLI. Or—you know, the line between petty larceny and grand larceny is very difficult to tell, and from the record you don't always know. Specific facts would be adduced in the case of a narcotic addict, for example, that he lives by larceny. Though example, that armed robbery, he may not live by it. We now know that he is a larcenist each day and steals x amount of dollars. Under those circumstances, the court may reasonably conclude that that conduct is dangerous to the community.

Mr. BASKIR. Now, another question to ask—and I am not sure if that is policy or technical. Your responses suggest that certain kinds of activity which a judge might consider dangerous, but you might not, may involve, let's say, the smoking of marihuana. The judge might consider that to be dangerous. A judge might consider obscene photographs of other judges or publication of scurrilous underground newspapers to be dangerous. A judge might consider to be dangerous certain things which are practiced such as political demonstrations, dissenting, violent or nonviolent. He might under this bill consider those activities dangerous and he could make a finding; am I correct, that that is the kind of danger that he would like to correct under this bill? Is that a correct interpretation?

Mr. SANTARELLI. What a judge can do and what he ought to do——

Mr. BASKIR. I am only talking about now, what he can do.

Mr. SANTARELLI. Presumably, such evaluation or conclusion that those activities are dangerous would not be upheld under the appellate procedures here. But a proper answer to that seems to turn that around, and let's see how that operates under the present bail law.

Mr. BASKIR. I am really more interested in what the bill does. I suspect we may be slipping into policies—we are trying to get the facts.

Mr. SANTARELLI. This is a technical question, in fact, very technical.

If a court at the moment chooses, and under our bill, chooses to impose conditions on the release of the defendant, it might impose any conditions reasonably calculated to get the defendant to return to trial, or under our bill reasonably calculated to protect the community from danger.

I think it would be reasonable if the court concluded that the defendant engaged in a course, for example, of continual marihuana smoking and hung around with a number of other people that do so, for the court to impose as a condition on his release that he not smoke marihuana and that he stay out of bad company.

Mr. BASKIR. And that condition is imposed upon the theory that that course of conduct would make it likely he would not appear for trial?

Mr. SANTARELLI. Or that he may be dangerous under our bill.

Mr. BASKIR. And in your circumstances that would make him dangerous under your bill just as under the existing law that could be seen as a tendency to have him flee?

Mr. SANTARELLI. A court could consider such conduct in assessing either the likelihood of flight or likelihood of danger.

Mr. BASKIR. I see.

Mr. SANTARELLI. Now, if the defendant went out and performed the acts prohibited by the court, the court would have the authority to bring the defendant back and establish under the present law additional conditions, or under our proposal, and a recommendation of the ABA, a power to revoke and commit the defendant for violation of the condition of release. If the condition of release violation is of dangerous nature and can be upheld on that basis, then the same theory ought to apply to ab initio cases where the defendant is brought before the court and charged with an offense.

Mr. BASKIR. Under existing law the judge would have to determine that this course of activity had some impact or might have some impact upon his appearance?

Mr. SANTARELLI. Correct.

Mr. BASKIR. In your case it might be the simple conclusion that the smoking of marihuana is dangerous to society or dangerous to another person, and on the grounds of dangerousness detain him straightaway?

Mr. SANTARELLI. The court could say that a petty larcency or petty offense was dangerous to the community, the guy was a drunk driver for example, and this was dangerous to the community. Such a conclusion, however, would be simply unreasonable. I think the conclusion that marihuana smoking is dangerous is unreasonable. But I don't know of any way to prevent courts from being unreasonable.

We predicate everything here on the good faith of courts and the good faith of prosecutors not to allege such information and the good faith of courts of appeals to review these matters and be fair in their judgment. In either case, drunk driving or marihuana smoking would not be of sufficient magnitude, in my opinion, to be dangerous.

Mr. BASKIR. Is there a provision on the review of detention orders which gives a standard of review for appellate judges to use in reviewing decisions of dangerousness?

Mr. SANTARELLI. We looked to the review and saw that there was no standard for appellate judges, under 3148 of existing bail law where capital offenders may be detained under a general concept of dangerousness. We didn't think it appropriate to go beyond that in the case of noncapital offenders.

Mr. BASKIR. That means, I suppose, if a judge determined that marihuana smoking was dangerous under the terms of your bill that might be considered unreasonable. But it would have to approach something on the order of "abuse of discretion" or "gross abuse of discretion" in order to be reversed on appeal; is that correct?

Mr. SANTARELLI. No, that is not the standard presently used in the law on reviewing bail findings and results, nor would it be the standard under our statute. Our bill does not change the existing standard of review.

Mr. BASKIR. What is the standard under existing law?

Mr. SANTARELLI. Any order which results in the detention of a defendant must be supported by the proceedings. Under this standard, I believe that the appellate court merely reviews the reasoning of the trial court's findings and in a sense substitutes its own judgment for what is reasonable. See *Banks v. United States*, 414 F. 2d 1150 (D.C. Cir. 1959). If I might——

Mr. BASKIR. The standard in the act imposed upon a District of Columbia judge is "conditions that will reasonably assure the appearance of the person" before him and the appeal is based upon whether or not those conditions reasonably assure or are unreasonable in terms of assuring appearance. I am not sure how that standard would apply in reviewing a determination of dangerousness, because the determination of dangerousness is not tied to reasonable conditions assuring appearance.

There is no review on the grounds of dangerousness or reasonability of dangerousness under existing law as I see it with respect to persons we are considering here.

Mr. SANTERELLI. There is no question. Mr. Baskir, that the court of appeals of any circuit has the power to review cases under 3148 where defendants may be detained for whatever reason, either flight or dangerousness, and in fact, they do review such convictions. It doesn't say so in your 1966 act.

Mr. BASKIR. If it does not say so in the 1966 act, it will not, because you are amending it, say so with your amendment?

Mr. SANTARELLI. We provide it specifically in our law. The capital defendants detained as dangerous will have the same right of review with the same standard as the 1966 act now provides for those detained because they are likely to flee.

Mr. BASKIR. In effect, you will be relying upon existing practice for these reviews of dangerousness just as the existing law does?

Mr. SANTARELLI. No; we would authorize them specifically by statute in our bill.

Mr. BASKIR. For the record, would you point out the provision in the bill which authorizes that review?

Mr. SANTARELLI. If I might have a minute to do so—I think if you will look at 3147——

Mr. BASKIR. Excuse me, is this in the bill?

Mr. SANTARELLI. Yes, page 9, and read the language of 3147 in conjunction with the existing law. We didn't repeal it and rewrite it, we just amended it to conform to the changes we made in section 3146 and 3146A.

Mr. BASKIR. That does, indeed, provide for review of detention. We are talking about the standard of review.

Mr. SANTARELLI. That is correct.

Mr. BASKIR. And there is no standard of review in your bill. You would have to rely upon whatever standard is in the act?

Mr. SANTARELLI. We have a standard in the existing law, and we enact it to the extent that the proceedings below must support the detention just as in the 1966 law.

Mr. BASKIR. Right. The standard of review under the existing law is reasonability of conditions of release. That does provide for review. That does provide a standard for testing release conditions. But there is no existing

law with respect to standards for reviewing dangerousness.

Now, are there standards of review of dangerousness in your bill?

Mr. SANTARELLI. Under the standard of review which requires that the orders of detention be supported by the proceedings below, the courts have simply determined whether they are in fact reasonable conclusions in the light of the evidence below.

We have seen that in the District of Columbia. See *Banks* v. *U.S., supra.*

Mr. BASKIR. What you are saying is that a district judge may say smoking marijuana or participating in a political demonstration is dangerous to the community. That would be reviewable because you do provide for review?

Mr. SANTARELLI. Findings of dangerousness are reviewable on appeal.

Mr. BASKIR. The standard of whether that is abuse of discretion, that standard is not discussed in your bill?

Mr. SANTARELLI. No.

Mr. BASKIR. And that standard is not existing law. You rely on practice to make sure the standard is reviewable.

Mr. SANTARELLI. But the standard is not abuse of discretion.

Mr. BASKIR. What is the standard?

Mr. SANTARELLI. The standard used is not abuse of discretion, it is one of reasonableness, whether the order of detention is reasonable in light of the proceedings below.

Mr. BASKIR. I see. This discussion, by the way, is built into the record and if the standard is not "reasonable" under existing law, we hope this discussion will make it reasonable.

Mr. SANTARELLI. Courts don't enunciate this standard.

Mr. BASKIR. The statute does not, either.

Mr. SANTARELLI. Correct.

Mr. BASKIR. That is what I was trying to get clear.

Now, just to go back, there is no standard for the judge to use to determine dangerousness in the first instance; is that correct? On page 4, starting with line 14, the judge must find there are no conditions which will reasonably assure the safety of a person, in determining the question of safety, the judge would not have to find lack of safety by "preponderance of the evidence," "by clear and convincing evidence," or any particular standard, according to your bill?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. It could be the record taken as a whole, as low as that?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. Or it could be "beyond a reasonable doubt," as high as that, depending upon the judge?

Mr. SANTARELLI. Well, the question is what is the present standard. We don't, in the statute, change the existing practice on what kind of process the court uses in arriving at its factual conclusion. If it presently looks at 3146 and considers, as in the bail law, what the general background of the defendant is to determine what conditions to impose on him or to detain him if he is likely to flee, we would have the courts continue that same process, only look to an additional factor as they now do under Section 3148, namely, dangerousness.

That is one which has got to be supported by evidence. That is clear from what we say. There has got to be some record of evidenciary findings to support the conclusion.

Mr. BASKIR. How much is not specified in your bill?

Mr. SANTARELLI. That is correct, nor in existing law.

Mr. BASKIR. In the detention hearing, also, there is another finding that has to be made, that is substantial probability the person has committed the offense. There has been some question raised in the hearings as to the use of that term and what it means. Is it a new term showing new balance of evidence or is it another reflection of the instant term?

Does "substantial probability" mean "probable cause?"

Mr. SANTARELLI. No; it means more than probable cause.

Mr. BASKIR. Clear and convincing evidence? I don't want to get into a discussion of imperfect standards, but exactly what it means would be good to get for the record.

Mr. SANTARELLI. No; rather than answer those questions, maybe it would be better to affirmatively state what we think it means, because otherwise we may get it confused with other distinctions that are made. That is, we have set it out in the Law Review article of the Attorney General, and that is that the test is perhaps best compared to the civil test for the issuing of a preliminary injunction, frequently characterized as likelihood of eventual success on the merits, comparable to the civil injunctive test.

Mr. BASKIR. All right.

Turning to page 7, line 3. Upon the expiration of 60 calendar days of detention, the defendant is returned to the bail hearing under section 3146.

Mr. SANTARELLI. Right.

Mr. BASKIR. Except if two things are occurring. One is that the trial is in progress, and the other is stated on line 2; that is, if the trial has been delayed at the request of the person.

Mr. SANTARELLI. Right.

Mr. BASKIR. Does this mean that if the defendant has asked for a continuance then the detention period will be continued; is that correct?

Mr. SANTARELLI. If he has asked for continuance on the day on which his trial was scheduled to come forward he would continue to be detained.

Mr. BASKIR. If he asked for continuance, let us say, 30 days after he was detained, and it was a continuance for one week, would he be detained 60 days plus one week?

Mr. SANTARELLI. No.

Mr. BASKIR. He would be detained only 60 days?

Mr. SANTARELLI. Yes.

Mr. BASKIR. The bill does not specify that.

Mr. SANTARELLI. We consider that to be the clear impact of the language.

Mr. BASKIR. Well, the bill may be interpreted as saying that if the defendant asks for so little an extension as one day that he will be detained indefinitely until the trial occurs. The bill may be read that way. That is why I asked the question.

In other words, his detention will continue if he asked on the 60th day, when the trial is about to begin, for an extension of time?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. His detention will continue for as long as he has asked for extension; is that correct?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. If he asked on day 60 and trial is to begin on day 60, for 1 week extension of time, he will be detained 67 days?

Mr. SANTARELLI. That is correct; if he asks for it.

Mr. BASKIR. I see. If trial is not to occur at the 60th day for some other reason, whatever it may be, and he, on the 60th day, asks for an extension for one week——

Mr. SANTARELLI. I don't understand that.

Mr. BASKIR. I am not sure what the time——

Mr. SANTARELLI. I mean, if on the 60th day his trial is scheduled on the regular calendar of the court for the 70th day——

Mr. BASKIR. That is right.

Mr. SANTARELLI (continuing). And he comes in and says he wants it delayed to the 75th day——

Mr. BASKIR. Yes; wants an extension for 5 days beyond the 70-day period, does he get detained 60 days, 70 days, or 75 days?

Mr. SANTARELLI. I do not believe he can be detained beyond that time.

Mr. BASKIR. What point?

Mr. SANTARELLI. Beyond the 60-day period. At that point.

Mr. BASKIR. In other words, the provision should read, if on the day of the trial the defendant asks for extension of time he can be detained for that additional extension. And in no other circumstance?

Mr. SANTARELLI. No; that is too narrowly read. There may be circumstances in which the defendant may ask for a continuance prior to the 60 days, in which it is an unreasonable request of a dilatory nature that the court can conclude is an unreasonable request, or that the court may not be able to get to the case by the 60th day. It would be unreasonable to make a flat absolute statement that in every case it would operate in the manner that you just discussed.

What we intend is that we be reasonably interpreted by courts to prevent defendants from taking unreasonable actions to encourage the delay of the trial beyond the 60th day and then not pay any penalty for those unreasonable acts. Timely motions, proper motions, corrections will not delay the period of time.

Mr. BASKIR. The reason I asked this question is that the bill says he is to be released at the expiration of 60 days unless the trial has been delayed at the request of the person. From our colloquy it appears that within that phrase you are talking about reasonable delays and delays which are not only asked for after 60 days.

I thought you said at first it was only delays after the 60th day that would trigger extensions—and any extension of time would extend detention for that time.

Mr. SANTARELLI. That is correct, sir. There is a question of reasonableness, Mr. Baskir.

Mr. BASKIR. This bill should read, then "unless the trial has been unreasonably delayed at the request of the person"; is that what you are reading into the phrase?

Mr. SANTARELLI. We have left it to the court's discretion.

Mr. BASKIR. Would you like it to read—because in a markup we might add the word "unreasonable"—"or if the trial has been unreasonably delayed at the request of the person"; is that the way the phrase has been designed?

Mr. SANTARELLI. No; we have preferred to leave it this way because it might be a reasonable request for the defendant on the day 60. It might be a reasonable request—I want 5 more days to do something. On the other hand, the court will say, why didn't you ask for that 5 days ago.

Mr. BASKIR. If he shows good cause for his request, would that extend his period of detention?

Mr. SANTARELLI. Probably good cause is a better test than reasonable.

Mr. BASKIR. If at any time he asks for an extension, and the judge gives it to him upon good cause shown, that request would not extend his detention; is that correct?

Mr. SANTARELLI. I would think that would be what we had in mind.

Mr. BASKIR. Is there any procedure at the end of 60 days—Let me ask you this: what is the procedure generally that will be followed when he is released from jail at the expiration of 60 days?

Mr. SANTARELLI. I think we pursued this earlier when Mr. Kleindienst was here in the beginning, and the simple answer to that is that the defendant would be brought back to court at that time, at the expiration of his 60 days, and be in the same posture as a new defendant coming before the court for the first time for consideration under section 3146 of the bail law.

Mr. BASKIR. Now, does he have to make a motion at the end of 60 days? What act does he have to make at the end of 60 days?

Mr. SANTARELLI. No act, no motions on his part.

Mr. BASKIR. If the jail records show he has been detained and it is the 60th day of that detention, he must be picked up and returned automatically as an administrative matter?

Mr. SANTARELLI. That is correct, the jail would return him to the court. His release would occur through the court.

Mr. BASKIR. Now, section 3146—which we picked up on the discussion with the deputy before and your remarks just now—section 3146, as amended, would require a judge to review the man's record and determine which conditions will assure his appearance at trial. That is existing law, section 3146, subsection (a)?

Mr. SANTARELLI. Correct.

Mr. BASKIR. Section 3146 as amended by this bill, in paragraph (a), also requires a determination of which conditions, other than financial, will assure the safety of the community under section 3146, subsection (a). This is in the first instance, and this is another determination at the bail hearing. As amended by your bill, section 3146, subsection (b) would direct the judge, in determining which conditions, if any, will reasonably assure the appearance of the person or the safety of the community, to review certain kinds of evidence. If the judge determines at this hearing that no conditions will assure the safety of the community, can the judge then go on to section 3146(a) and order a detention hearing the second time around?

Mr. SANTARELLI. Without additional facts, without additional——

Mr. BASKIR. Let us assume that we have the same facts adduced as at the original hearing——

Mr. SANTARELLI. No new facts?

Mr. BASKIR. No new facts, same danger, same determination that no conditions will reasonably assure the safety of the community. Can the judge then order another detention hearing?

Mr. SANTARELLI. No.

Mr. BASKIR. Can you point in the bill to the provision which says that on the second go-around under section 3146, subsection (b), when the judge determines that there are no conditions which will reasonably assure the safety to the community, he cannot then call another hearing for detention for additional 60-day period.

Mr. SANTARELLI. The language on page 7 which referred to earlier at the expiration of 60 calendar days is meant to be singular in its application, and——

Mr. BASKIR. Well, at the bottom of page 6 it says "any person detained shall be treated in accordance with section 3146" as it will be amended, of course, upon the expiration of 60 calendar days of detention. When you go to section 3146, as amended, it seems you are back in the original posture. The judge determines which conditions other than financial will assure the safety of the community. Now, you have determined that no conditions will assure the safety of the community?

Mr. SANTARELLI. Right.

Mr. BASKIR. Then he may order a new detention hearing. The same evidence may be adduced the second time around. To repeat, if the judge determines on the basis of that second bail hearing that detention is required, he may then order a second detention proceeding. I am not sure from the discussion before the Deputy or from our discussion now, what prevents a second ride on the merry-go-round, to use the term used earlier.

Mr. SANTARELLI. Take a look at page 6 at page 6 at the bottom, any person detained shall be treated in accordance with section 3146 of this title.

Mr. BASKIR. That is right. And section 3146, as you would amend it, has an amendment to subparagraph (a), which includes the requirement of a determination of the question of dangerousness.

Mr. SANTARELLI. Look on page 3, line 10, 3146A. That is not 3146. 3146——

Mr. BASKIR. It is reenacted, with amendments.

Mr. SANTARELLI. Continued in the statute and will continue to read 3146.

Mr. BASKIR. When I say "A," I am talking about subparagraph (a) and subparagraph (a) as you have recommended it be amended.

Mr. SANTARELLI. Subparagraph (a) and subparagraph (b) appear only under the large black letters of line 10 of page 3 of 3146.

Mr. BASKIR. That is not correct. Let us go back again.

Your bill starts on the first page. Section 3146 is amended as follows, by inserting the words of subsection (a), "or the safety of any other person or community." In other words, in setting these conditions you would include consideration of both flight and safety.

Then you also, on page 2, if you will follow me, you further amend section 3146, in subsection (b), to read as follows, and you have certain provisions in there.

Mr. SANTARELLI. Right, correct.

Mr. BASKIR. Now, an individual coming up before the judge in the first instance is covered by section 3146 as you have amended it. The first question to determine is whether or not there are any conditions of release which will assure return or protect the community. That is in 3146, subparagraph (a), as you have amended it. If he determines under section 3146, subparagraph (b), as you have amended it, that there are no conditions which will reasonably assure the safety of the community, then he moves into new section 3146A, which is a preventive detention section.

What I am asking you is, if at the end of 60 days the man is returned under the bill and under the law, as you will amend it, can he not be moved into another detention hearing? You say no, and I would like to have for the record your showing where it provides that he cannot be subjected to a second detention hearing and a second 60-day detention order.

Mr. SANTARELLI. As I understand this, Mr. Baskir, if you will read on page 3, line 7 through 9, it indicates that line 10 is to be read as a new section following existing 3146 as amended in the first two and a half pages.

Mr. BASKIR. I understand that; yes.

Mr. SANTARELLI. And that when the statute, when our statute says on page 7, page 6, lines 23, 24, that he be returned, that defendant be treated in accordance with 3146, we do not mean 3146A where the only authority to enter a detention order exists.

Mr. BASKIR. Yes. If you will read 3146A, your new section, it says whenever judicial officer determines that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community he may then move into a detention hearing.

Mr. SANTARELLI. Right.

Mr. BASKIR. Let us move back to section 3146, subparagraph (b), as you have amended it. It says in determining which conditions of release, if any—now, the words, "if any" suggest that there may be none—if in 3146 (b) the judge determines there are none, then your new section, 3146A, comes into operation. What I am suggesting is that if under section 3146 the judge determines the situation is no different on day 61 than on day 1, if the man is just as dangerous as before and if no conditions will assure the continued safety of the community, he is then directed by the United States Code as you have amended it to turn to section 3146A. That says if you find no conditions which will assure safety you may then go in detention hearing.

Mr. SANTARELLI. I followed you twice down that path, Mr. Baskir.

Mr. BASKIR. What breaks the train in the circle?

Mr. SANTARELLI. No. 1, we don't read it in the way in which you do.

Mr. BASKIR. It can be read in the way I read it even though you disagree.

Mr. SANTARELLI. That is not the intent of the statute, and if I am to resort to Mr. Kliendienst's language, we would welcome an opportunity to make that clear. The fact of the matter is when we drafted the proposal and expressed it as I have explained on page 6, we did not intend that there would be any possibility of the court to return to a detention proceeding after having detained the defendant 60 days.

The commonsense reading and commonsense explanation of our bill has been to the effect that will not be permitted.

Mr. BASKIR. You know in adversary proceedings there are no commonsense readings, they are adversary. Is this a reasonable interpretation of your bill? If it is, would you suggest an amendment to make sure that on day 61 there can only be——

Mr. SANTARELLI. I do not think it is reasonable, and we would agree to an amendment making it clear.

Mr. BASKIR. Okay, Fine.

Now, the list of things that the judge is to look at in determining whether or not there are any conditions of release is identical, if I recall, to the list which now exists in law, with one exception, and that is "past conduct."

Mr. SANTARELLI. That is correct.

Mr. BASKIR. Character and mental condition, that may not be in the original law.

Mr. SANTARELLI. I thought we added another word, too, past conduct and——

Mr. BASKIR. My question really is directed to the phrase, "past conduct."

Mr. SANTARELLI. All right.

Mr. BASKIR. Now, the existing statute does discuss the record of convictions?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. It does discuss record of appearance before proceedings or flight, and things of tha nature?

Mr. SANTARELLI. Right.

Mr. BASKIR. What is meant by the phrase, "past conduct" in addition to the things which are already in the law which you would restate?

Mr. SANTARELLI. The plain language of what it says, past conduct.

Mr. BASKIR. This is past conduct in addition to records of convictions?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. Does that mean records of arrests?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. Does it mean his reputation in the community for being bawdy and boisterous?

Mr. SANTARRELLI. No, I don't think that is——

Mr. BASKIR. What does it mean? I don't think his reputation for past conduct is good.

Mr. SANTARELLI. Well, you have loaded the language.

Mr. BASKIR. I am sorry. Past conduct as you phrase it does not mean only convictions. Does is mean more than record of arrest?

Mr. SANTARELLI. Yes, it means conduct in general that can be adduced in an evidentiary proceeding in one manner or another.

Mr. BASKIR. What kind of conduct other than arrest records and convictions?

Mr. SANTARELLI. Any conduct that reflects on the likelihood of defendant's flight or conduct that reflects on the defendant's likelihood of dangerousness to the community. That may be conduct, for example, established by the defendant's wife or mother-in-law or brother or neighbor coming in and saying this guy behaves in the following fash-

ion: Every Saturday night he is drunk and he starts a fight, he has a knife, he has cut people in the past, but he has never been arrested.

That is the kind of evidence that might be valuable, similarly, another person situated in the community may say this defendant is frequently out of town, he travels a great deal, he has family and relatives in other parts of the country, he is a drifter. Past conduct of that nature sheds light to the court in determining whether he is likely to flee or whether he is likely to be a danger.

Mr. BASKIR. When you talk about character, that would permit discussions as to the kind of person he is over and beyond specific things like arrests or convictions?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. Well, if you want to use the word "reputation," by character, by what he is thought to be like in the community, can be shown to be like in the community, that may show something about what his future conduct will be with respect to safety?

Mr. SANTARELLI. Character is already a consideration in the 1966 act.

Mr. BASKIR. But the flight with respect to danger.

Mr. SANTARELLI. Character would be considered also in the dangerous category.

Mr. BASKIR. Okay. Fine.

Now, there are a variety of phrases in section 1A.

Mr. SANTARELLI. Mr. Baskir, I might remind you of my time. I am 10 minutes past——

Mr. BASKIR. Where do you have to be and when do you have to be there?

Mr. SANTARELLI. I have to be—I had to be on the House side at 1:30.

Mr. BASKIR. May I extend the same invitation that was apparently extended to the Deputy Attorney General?

Mr. SANTARELLI. Mr. Kleindienst?

Mr. BASKIR. Perhaps we can continue this at the time, not quite so close to lunch.

Mr. SANTARELLI. Do you have much more? What can I anticipate?

Mr. BASKIR. I am not sure I have very many more, but it seems these have engendered some discussion.

I was interested in particular the meaning of the phrase "to the extent practical" with respect to confinement in separate facilities. Does that turn on the existence of other facilities?

Mr. SANTARELLI. No, what our concern was—we know, as a matter of fact, that defendants prior to trial are now detained in facilities separate from those defendants who are, for example, convicted in the District of Columbia. Those facilities may be just different buildings in the same complex, but they are nevertheless separate.

Our concern was that there are occasions when mixes with a convicted person would be inevitable, such as in the transportation from the jail to the court house or the place of detention to the court house, such as in the cell block behind the courtroom. There are times I would think when, because of the reality of our criminal justice system, it would be impossible to keep the defendants separated at every moment, and so that we put an escape valve in the statute to allow the executive branch or administrative officials some latitude in their detention of the defendant.

But the clear manifestation of that is that he should be kept in separate facilities.

Mr. BASKIR. Now, section 3146B discusses a number of things applicable to the person detained. It says a person who is an addict—this is A, line "e"—may be ordered detained in custody under medical supervision. Is that medical confinement, would you say, in a hospital?

Mr. SANTARELLI. No.

Mr. BASKIR. Does it mean confinement in the jail facility?

Mr. SANTARELLI. Either the jail facility or detention facility, wherever the executive officials decide that their separated facilities will be. But under "medical supervision" means with exposure to medical treatment for whatever manifestations the defendant might have during that period of pretrial detention, withdrawal, acute reactions, comas, and the like.

For the reason that one has to consider that at the present state of the art is such that there can be no meaningful treatment of addiction in such a short period of time, we were very careful in analyzing this before we submitted it and checked with experts of all kinds on the subject of treatment, and they all assured us no meaningful treatment program could be meaningfully undertaken in 60 days.

Mr. BASKIR. The medical treatment is to assist the individual with withdrawal symptoms; is that correct?

Mr. SANTARELLI. And any other manifestation of addiction he may have that requires medical treatment or that ought to have medical treatment. It may be far more than withdrawal.

Mr. BASKIR. With respect to the question of addiction and the like, one of the offenses that will trigger off this detention hearing, there is on page 14, line 12, unlawful sale or distribution of narcotics as defined in the act of Congress.

One question raised was, does that include the use of marijuana.

Mr. SANTARELLI. No, it does not. For that matter, it does not include use of any drug, only rate of specified drugs.

Mr. BASKIR. It does not include the use of marihuana?

Mr. SANTARELLI. That is correct. Marihuana is not in the definition of the act itself.

Mr. BASKIR. As defined by any act of Congress as a narcotic or depressant or stimulant drug?

Mr. SANTARELLI. No.

Mr. BASKIR. Marihuana is not one of those classes, correct?

Mr. SANTARELLI. No, and may I say I have been asked that question, and to clarify it, maybe we ought to say so in the statute. But we did not include marihuana. We didn't add it because we thought that definition was adequate. We would offer it at this point if it would clarify——

Mr. BASKIR. This is the first instance this particular bill has undergone this kind of study, and it may very well require a certain amount—I am sorry, it may very well require some markup, and that is the purpose of this little session at the moment.

Mr. SANTARELLI. I would hope it would have some markup.

Mr. BASKIR. If an individual is charged with a felony as you have listed it on page 14 in the list of crimes and through new investigation the prosecutor's office decides that he should be charged with a different crime, not one of those listed, but equally serious, what would be the procedure? What would be the conditions of that decision?

Mr. SANTARELLI. After he had been detained?

Mr. BASKIR. Yes, sir.

Mr. SANTARELLI. We provide in here that the court—page 7, please, lines four and five—whenever judicial officer finds that subsequent events have eliminated the basis of such detention, it would permit the court——

Mr. BASKIR. Is this automatic procedure? What I am saying is, what are the mechanics?

Mr. SANTARELLI. It could be. we didn't specify mechanics. The bill authorizes the judge on his own to terminate detention.

Mr. BASKIR. How is that generated, obligated on the part of the prosecution, motion by defendant—how does it happen?

Mr. SANTARELLI. We did not spell out the machinery in the statute, as most of the machinery for the administration of justice is not spelled out in the statute. Presumably the court on its own could do so as clearly the indication of that language, presumably a prosecutor who is an officer of the court and representative of society, and certainly the Department of Justice, would be compelled in his obligation to inform the court of any change in the charge, or the defendant on his own could certainly call that to the attention of the court.

All those alternatives are left open.

Mr. BASKIR. On page three, line one, it says the person detained shall be afforded reasonable opportunity for private consultation with counsel.

Mr. SANTARELLI. Yes.

Mr. BASKIR. Is reasonable opportunity—is this a determination by the judge or by the detention facility authorities?

Mr. SANTARELLI. We didn't specify that because we would allow either to do so.

Mr. BASKIR. If the detention authorities decided it was not reasonable cause, then the attorneys appear and——

Mr. SANTARELLI. Then the court should certainly——

Mr. BASKIR. Then you would rely on application of the court to see——

Mr. SANTARELLI. Correct. Of a most informal nature, too. We left that wide open.

Mr. BASKIR. It is not specified. I assumed reasonable interpretation would be informal.

Mr. SANTARELLI. We didn't want to lock it up. If we locked it up with the judge then there would be no availability for correctional institutions to exercise their own wise discretion. On the other hand, if the correctional institution is unwise in its lack of discretion, the court can order it.

Mr. BASKIR. Now, that paragraph goes on to say:

"And for good cause shall be released in the custody of marshal or some other person."

Mr. SANTARELLI. Correct.

Mr. BASKIR. Now, here is a release where the release is not at the authority or discretion of the detention authorities, it must be before a judge?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. What would be required to be shown to the judge in order to secure release?

Mr. SANTARELLI. Whatever is good cause.

Mr. BASKIR. Would this be an adversary proceeding?

Mr. SANTARELLI. They are not as a rule now, nor under this bill, will they generally be adversary proceedings.

Mr. BASKIR. What I am asking is a question that has been asked—if the defendant's counsel comes and says, I need the defendant because I have to bring him over to Joe's Bar and Grill to identify some witnesses, and if it is an adversary proceeding or the prosecution is available, the prosecution will find out what they intend to do in the way of defense.

How could you solve that problem?

Mr. SANTARELLI. I think you have made an unreasonable assumption.

Mr. BASKIR. It is not a position of opposing, it is a matter of showing good cause to the judge. Does the prosecution get to see what the good cause is?

Mr. SANTARELLI. We have not specified that it must. We have left——

Mr. BASKIR. There you run to a danger—however large or small—of good cause being for the preparation of defense, and the prosecution finding, because he is there, because he is asked to be there or because he opposes release or because he sees the papers in the file, what the defendant was going to do during his release period.

Mr. SANTARELLI. That presumes that on the part of the prosecutor, and I don't think we can presume——

Mr. BASKIR. Was the intention of the bill not to have the prosecutor either know of or oppose application of good cause?

Mr. SANTARELLI. No, the intention of the bill is to leave such matters to the sound

discretion of the administration of justice, as worked out between courts and their officers, defense lawyers and prosecutors.

Mr. BASKIR. It is impossible in application for good cause proceeding, I assume, for the prosecutor to decide this man is using——

Mr. SANTARELLI. It is possible for the prosecutor to say anything he wants to, that "the sun is coming up in the north tomorrow, your honor."

Mr. BASKIR. Would that be a reasonable thing to oppose release on the grounds there is no good cause?

Mr. SANTARELLI. It might be reasonable for the prosecution to make whatever allegation or presentation to the court it wishes to. If you will allow——

Mr. BASKIR. It is not unreasonable for the prosecution——

Mr. SANTARELLI. If you will allow me to finish, Mr. Baskir, my answer—it is not unreasonable for the prosecution to make whatever allegation he chooses to consistent with his ethical duties and responsibilities as a representative of the executive branch and the people.

It is the function of the courts to pass judgment upon what is good cause. It is the function of the judge to determine whether the prosecutor's allegations that the defendant should not be released amount to sufficient persuasion that the defendant has not shown good cause to be released.

Mr. BASKIR. Let us return to the start of this question. My question is meant to determine what the intent of the legislation is. The question has been raised in hearings that the requirements of showing good cause for release for the purpose of preparing defense enables the prosecution to get an idea of what the man intends to use for his defense.

Now, what I am asking you is, does the bill permit it? If the bill permits it, but it should not, is it the intent of the bill that the prosecution should not know?

Mr. SANTARELLI. That cannot be answered in the abstract.

Mr. BASKIR. It is a question raised. Is it a true saying that the bill as interpreted permits the defense to be disclosed to the prosecution—would it be unreasonable?

Mr. SANTARELLI. I think it would be unreasonable.

Mr. BASKIR. Is it an unreasonable interpretation of the statute?

Mr. SANTARELLI. I think it would be unreasonable.

Mr. BASKIR. In other words, it is not the intent of the legislation to permit the prosecution to discover what good cause is if good cause has to do with the preparation of defense, because you do not intend the prosecution to know what the man is doing in the way of preparation of defense?

Mr. SANTARELLI. I think that stretches the point, Mr. Baskir.

Mr. BASKIR. I asked the question. I am trying to get an answer.

Mr. SANTARELLI. I have answered it as many ways as I can. There is nothing new here. Defendants presently make such requests for temporary release and prosecutors respond. No abuse is presently cited in this regard.

Mr. BASKER. The answer is, it is left to the discretion of the reasonable decision of the judge?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. It is possible for the prosecution to discover, it would not be unreasonable for a judge to let a prosecution discover?

Mr. SANTARELLI. I do not know what would be reasonable or unreasonable for a court in the abstract.

Mr. BASKIR. Is it your intent that it be unreasonable? What does the bill intend? Does the bill intend that the judge does want it or didn't you want it under your legislation, or do you leave it up to the judge and if the judge determines it is reasonable you are satisfied with that determination?

Mr. SANTARELLI. I believe the court, in the exercise of its wisdom, can judge what reasonable information the prosecutor needs to know to make whatever response the prosecutor needs to respond to the request for release.

Mr. BASKIR. And the intention of the legislation goes along with that decision?

Mr. SANTARELLI. That is right.

Mr. BASKIR. No money bond is permitted under your bill for the purpose of assuring the safety of another person or the community?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. This is on page 2, starting line 1. Is money bond still permitted in our bill on the grounds of flight as it is on existing law?

Mr. SANTARELLI. Yes.

Mr. BASKIR. Is it possible for a judge to determine that detention cannot be justified in the provisions of our bill or would not be upheld upon review because you cannot show the man is dangerous, but the detention is necessary nevertheless?

Mr. SANTARELLI. Necessary for what, flight or dangerousness?

Mr. BASKIR. Dangerousness, and so he can, as under existing law, impose a high money bond and say this is not for dangerousness because we have no detention here, this is for flight, nevertheless the man would be detained because he cannot raise it. Is that possible under your legislation?

Mr. SANTARELLI. Abuse is always possible.

Mr. BASKIR. Is that existing practice?

Mr. SANTARELLI. It seems to be the existing practice.

Mr. BASKIR. This is what the Deputy meant by the hypocrisy situation?

Mr. SANTARELLI. That is correct.

Mr. BASKIR. And this hypocritical operation can still go on under the bill as you would amend it?

Mr. SANTARELLI. Hypocrisy by courts may go on no matter what statutes we pass. What we have done is give the courts an alternative to make a dishonest practice an honest practice, open and reviewable.

Mr. BASKIR. You can eliminate that by prohibiting money bond not only for danger but flight as well. That would—is that possible? You didn't, but that is possible?

Mr. SANTARELLI. Anything is possible, Mr Baskir. We did not do that because it is the overwhelming opinion of people that we contacted, including Members of Congress who were not of our party, and people who have subsequently spoken with us at hearings in the House, that money bond continues to have a value under general suretyship concepts, under the theory for assuring specific performance; namely, return for trial.

Mr. BASKIR. Now, would you object—I will drop that.

At any rate——

Mr. SANTARELLI. Let me add for the record specific materials Mr. Kleindienst intended to submit. They consist of three cases in which the courts of different jurisdictions have expressed opinions that we think are relevant to a consideration of this issue of bail reform and pretrial detention.

Mr. BASKIR. The chairman has asked me to adjourn these hearings until tomorrow morning at 10:30 at room 2228.

(Whereupon, at 2 p.m., the subcommittee adjourned, to reconvene at 10:30 a.m., on Thursday, June 18, 1970, in room 2228.)

Mr. PROUTY. Mr. President, I yield back the remainder of my time.

Mr. TYDINGS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 25 minutes remaining. The Senator from North Carolina has 21 minutes remaining.

Mr. TYDINGS. Mr. President, I yield 15 minutes to the distinguished senior Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, on a number of occasions the President of the United States referred to the fact that he had yet to receive one of his major recommendations on crime legislation covering the District of Columbia. The President was correct.

After today it is my hope that that statement will no longer be correct. If this conference report is agreed to it will be the first comprehensive measure dealing with crime in the District of Columbia placed on his desk. I hope it is signed most expeditiously.

Much has been said about the constitutional rights of individuals; much has been said about how we ought to consider the constitutional rights of society as a whole.

But there are many who ask about the constitutional rights of the raped. About the robbed. And what about the constitutional rights of the maimed? And the murdered? Or do they have any rights?

Mr. President, I know it is fundamental that an individual be presumed innocent until proven guilty. And I know that this is a most serious measure before us. Not being a lawyer, perhaps I am unable to distinguish fine constitutional points. But I have endeavored with all of my ability to face these constitutional points fairly and honestly and to decide them accordingly. If I am wrong in my decisions regarding this conference report no one is to blame but myself. In any case as on all issues of constitutionality the matter will be taken to the courts and a decision will be rendered accordingly.

Mr. President, there is much to be said in favor of the pending anticrime measure. No one, for example, has disputed the merit of the greater share of the law enforcement tools it provides. Revamping many parts of the local criminal code, the creation of a public defender agency, an enlarged District of Columbia bail agency, an expanded and more efficient Court system, are just a few of the features that hopefully will restore needed confidence in the crime-fighting capacities of the Nation's Capital.

Of course—as I have implied already—the measure is not without controversy. And the expressions, no-knock and pretrial detention characterize what most of that controversy has been all about. Nor can these provisions be treated lightly. If they are in fact unconstitutional—as is said by some—then eventually they will receive the same fate accorded any other law enacted by Congress that has similarly been ruled to fall outside the limits of the Constitution. They will be struck down by the high court. In the circumstances and to avoid such an adverse ruling by the Court, these provisions and the others similarly attacked deserve the Senate's and each Senator's most serious attention.

From a constitutional standpoint, the provision that appears most troublesome to me deals with the incarceration of criminal defendants before trial.

Recently, along with what was contained in the debate and the report, I

reviewed an article on this subject appearing in the Georgetown University Law Journal. Its author is Mr. J. Patrick Hickey, a member of the bar of the District of Columbia. In it the whole question of so-called pretrial detention is examined with the closest scrutiny. The many questions about permitting such a procedure are discussed with a great deal of understanding. As an alternative to detention, the author clearly would prefer a procedure that would provide any defendant posing a high risk of crime on bail, a trial that would take place far more expeditiously than is obtainable in today's clogged courts. By adopting the expeditious trial procedure, it is suggested, the whole matter of preventive detention may be avoided since the accused will have had his trial presumably before he is able to commit any crime while free on bail. I ask unanimous consent, Mr. President, that this very fine article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Mr. President, unfortunately, may I say, we are not today faced with a choice of alternatives. We must consider whether on balance the Constitution would allow what is termed the "pretrial detention" section of this particular bill. I am not a lawyer and there is no need to conceal the fact that I approach the resolution of close legal and constitutional questions with some hesitancy. As I said, I have read a great deal and what has most impressed me in reviewing this particular provision in this measure is the fact that there do appear to be sufficient safeguards.

For example, there is a guarantee of a due process hearing, a guarantee of right to counsel, a preliminary determination, the availability of an appeal with dispatch from any adverse ruling and an expedited trial provision which would provide that the defendant, if so detained under this provision, would have to be tried within 60 days. With these safeguards—and I may be wrong—I feel that any constitutional impediments of this provision have been overcome.

As for the no-knock provision of the bill, it seems clear to me that what the conferees have here achieved is a codification of what is recognized as existing law in many parts of this country. Further, it is a procedure that has been upheld by the Supreme Court in the case of Ker against California as being completely compatible with the fourth amendment. In all, about 30 States have provided such no-knock authority. It is available in my own State of Montana.

I am going to support this conference report. I am going to support it because upon examination, I am convinced that the provisions that have been here challenged have been safeguarded to the extent that they are not, in fact, constitutionally impaired. I am going to support it as well because the drastically rising crime rate, Mr. President, has been documented time and time again. To say it bluntly: crime stalks the streets of this Capital and it is imperative that every effort be employed to reduce its tragic consequences.

In this Chamber day in and day out we have talked a good deal about District crime. We have passed a great number of crime proposals. So it is about time that we put together a package that can be sent to the President and again demonstrate that on this issue, the record of this body is outstanding.

Certainly the bill before us does not represent a panacea for crime in the District of Columbia. But it does offer an approach that says to the criminal in terms that are clear and simple that this Nation and this city have committed themselves to an all-out fight against crime in any shape or form. In many ways this pending measure complements the Omnibus Crime Control and Safe Streets Act of 1968. There, the Congress began its all-out effort to assist local law enforcement agencies in the fight. The tools requested were granted. More are provided by the pending measure and more still remain to be provided. Surely we can provide more funds to localities to help them carry on more effectively the fight against crime. And we can make more of an effort and devote more of our resources to rooting out the causes of crime—a matter that has hardly been touched. Even further, we can enact the broad reforms that are so vitally needed in our prisons—institutions which serve today largely as criminal breeding grounds.

I must say, that I noted with some sense of pride the provision of this bill that would impose mandatory sentences in the case of those who choose to use a gun when committing acts of crime and violence. Patterned after the Mansfield gun-crime bill which passed the Senate last November 19, this provision would make the offender serve a separate and additional sentence for the mere act of using a gun. I am delighted that the conferees accepted this provision. I believe it will serve to deter the commission of gun crimes.

Before yielding the floor, I would only add that it would be helpful at this time to again set forth the Senate's outstanding record on anticrime proposals. The Senate has now passed all major crime proposals requested and supported by the administration with a single major exception and two minor exceptions which will be considered this session without fail. The major exception is the proposal that would extend the preventive detention procedure to all Federal courts—not just to the District of Columbia. With certain individual items combined into major bills, the list of these proposals—including the District of Columbia proposals—reads as follows:

Goldwater-Mansfield Anti-Obscene Mail amendment to the Postal Reform Act (H.R. 17923);

Organized Crime Control (S. 30);

Drug Bill (S. 2637, S. 3246).

District of Columbia Court Reorganization (S. 2601);

Public Defender, District of Columbia (S. 2602);

Criminal Law Revision, District of Columbia (S. 2869);

Juvenile Code, revision (S. 2981);

Omnibus Judgeship bill (S. 952);

Federal Immunity of Witnesses (S. 2122);

Sources of Evidence (S. 2292);

Corrupt Organizations Act (S. 1861);

Criminal Justice Act amendments (S. 1461);

Illegal Gambling Control (S. 2022);

Increase Penalties, Sherman Antitrust Act (S. 3036, Senate passage expected this session);

Wagering Tax Amendments (S. 1623, Senate passage expected this session).

Mr. President, I urge as strongly as possible that the Senate complete action on this particular conference report, that the conference report be agreed to and that it be sent to the President. I hope this marks only the precursor of other major steps that will be taken; a precursor of other conference reports which will be forthcoming on this vital question in this session.

EXHIBIT 1

PREVENTIVE DETENTION

(By Patrick Hickey*)

The idea that persons accused of crime should be at liberty until a judicial determination of guilt has its roots deep in the history of the English common law.[1] Freedom, however, was conditioned by requiring that bail be posted in order to guarantee the accused's presence at trial.[2] In the United States, the Judiciary Act of 1789 affirmed this right to pretrial release on bail,[3] and the rationale for withholding the right to capital cases was that no bail would be adequate to insure the accused would appear at trial.[4] Furthermore, within days of the Judiciary Act's passage, Congress proposed the eighth amendment with its prohibition against excessive bail.[5] This guarantee has been interpreted to mean that bail not "reasonably calculated" to secure the appearance of an accused is by the fact alone "excessive" within the meaning of the amendment.[6]

Although the role of bail in the criminal justice system seems clearly established as a deterrent to the flight of an accused, it is equally clear that bail was and is used frequently to meet another assumed need of the system—protection of the community from a defendant during the time it takes the system to operate. This use of bail has been implemented tacitly through the disingenuous device of requiring money bail in an amount beyond the means of the accused,[7] on the ground that a high risk of flight demands such an amount.[8] With the defendant's incarceration thereby assured, both the presence of a "subject" upon which the criminal system can operate and the interim safety of the community from further criminal acts by that particular defendant are guaranteed.

In recent years, the risk of flight has ceased to furnish a realistic justification for most pretrial incarceration, having fallen victim to gradual changes in society, indisputable facts obtained in experimental programs, and the revolutionary Bail Reform Act of 1966.[9] Persons intimately involved with the operation of the criminal justice system became aware that even in a substantial amount, a surety bond affords a defendant scant motivation to appear, since it is nearly always posted by a professional bondsman whose fee—defendant's only personal investment—is not returned, regardless of whether the defendant appears or flees.[10] Furthermore, instances of successful flight to avoid prosecution have become less common with improvements in law enforcement, communications, and identification techniques and facilities.[11] Additonally, studies conducted by

Footnotes at end of article.

the Manhattan Bail Project[12] and by the District of Columbia Bail Project[13] have effectively demonstrated that the chance of flight is a tolerable risk. With speedy verification of certain basic facts about an accused,[14] reasonable assurance that he will appear at trial can be obtained by requiring in some cases nothing more than his personal bond to do so. As the cry for reform of the bail system became more strident, Congress' concern heightened, culminating in passage of the Bail Reform Act of 1966.

Nevertheless, efforts to deal with the problems of the bail system were undertaken in light of its traditional function—prevention of flight. No substantial attempts were made in either the Manhattan or District of Columbia experiments to evaluate the likelihood of additional crimes being committed by persons free on pretrial release.[15] Moreover, while Congress recognized that pretrial detention in order to prevent a person from committing crime while on bail was not unrelated to the topic of bail reform, it expressly disclaimed any attempt to deal with the matter in the Bail Reform Act of 1966.[16]

The time for facing this question, however, apparently has arrived. In early 1969, hearings were held before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee[17] and in October 1969, before a House Judiciary subcommittee[18] to consider proposed amendments to the Bail Reform Act. Meanwhile, the Administration has endorsed preventive detention and introduced in both Houses legislation embodying the concept.[19] Because of the currently intense interest in the issues of "crime on bail" and "preventive detention,"[20] this article attempts to treat in detail certain basic aspects of these issues and to evaluate some of the legislation pending before Congress in light of that treatment. Specifically, inquiry is made into (1) whether crime on bail should be treated as a separate type of crime; (2) the proper definition, incidence of occurrence, and predictability of crime on bail; and (3) the appropriateness of preventive detension as a means to combat crime on bail.[21]

ARREST AS A SEGREGATING PRINCIPLE

In an effort to combat a spiraling rate of crime, both the Government and interested citizens have assumed that offenses committed by persons on bail constitute a separate class of crime with attendant peculiarities calling for special remedial measures. In the context of preventive detention, arrest serves as the identifying characteristic common to all crime on bail. Thus, the initial issue must be whether the occurrence of an arrest should be one decisive factor in determining whether preventive detention may be imposed.

Under the Administration's preventive detention scheme, the occurrence of an arrest has both legal and factual significance.[22] Legally, arrest is the crux of the proposal, since it is the only factor with legal significance separating those persons to whom preventive detention may be applied from other persons at least equally dangerous to the community or from the most law-abiding citizens, who are not subject to the detention procedure.[23] Factually, it is significant because it is used to establish a past act from which to predict a future crime.

The significance of arrest

Legal Significance.—Traditionally, the legal purpose of arrest has been to bring an accused into the criminal justice system in order to answer the charges preferred against him.[24] To achieve this end, taking the subject into custody generally has been thought necessary.[25] Because an arrest involves at least a temporary restraint on one's liberty[26] and because innocent people sometimes are arrested, it is necessary to determine whether arrest is a sound jurisdictional basis for a system of preventive detention. The need to make such a determination, however, does not imply that the legal relationship between the State and one of its citizens is not changed by the occurrence of an arrest. Indeed, the legal consequences flowing from an arrest are already substantial and even when the person arrested is ultimately acquitted, may have a disastrous impact upon his life. A citizen may be seized with such reasonable force as is necessary to effectuate the arrest[27] and if he flees, may even be "executed" by the arresting officer, whether suspected of a capital offense or not.[28] He also receives an arrest record[29] and may be fingerprinted and photographed,[30] the results of which remain indefinitely in the police files.[31] He therefore suffers the accompanying and not insubstantial risk that his "mugshot" will be shown to future victims of crime as a possible culprit.[32] He likewise may be searched by the police[33] and required to submit to various identification procedures.[34] Furthermore, the practical prejudice which may flow from an arrest, although not a legal consequence, cannot be ignored.[35]

The substantial protections with which the law has attempted to circumscribe the arrest power bear witness to its potentially ruinous effects on the lives of citizens subjected to its use. An arrest can be made only when there is probable cause to believe that a felony has been committed[36] or when a misdemeanor has been committed in the presence of the arresting officer.[37] When prior judicial authorization is practical, it is strongly encouraged,[38] and a prompt presentment before a committing magistrate, to determine if there is in fact probable cause to warrant further proceedings, is required.[39] Moreover, a person is permitted to resist an illegal arrest, and the officer attempting to carry it out does so at his peril.[40]

To further deter illegal arrests, the use of even the most trustworthy evidence of guilt, if obtained as a result of such an arrest, is denied to the prosecution, although acquittal of an obviously guilty defendant may result.[41] Even if an arrest is technically legal, the existence of an improper motive on the part of the arresting officer will result in the exclusion of evidence so obtained.[42]

Thus, although interference with a citizen's liberty is tolerated, every effort is made to minimize it, and even limited restrictions on freedom of movement must be supported by a strong showing of need.[43] The need to determine, through a criminal trial, whether laws have been violated justifies this interference, and once guilt has been established, punishment of the offender and prevention of future crimes may also warrant deprivation of liberty. If a principle can be drawn from the historical development of the arrest power and the present structure of the criminal justice system, it is that the right to liberty must be removed by a finding of guilt before society will accept incarceration of a citizen, presumably capable of responding to the law's commands, to prevent future crimes.[44]

There are, of course, many instances in which confinement may follow an arrest without a subsequent trial. Some obvious examples include detention of persons incompetent to stand trial,[45] commitment under some sexual psychopath[46] and hospitalization of the mentally ill statutes,[47] and confinement upon being found not guilty by reason of insanity.[48] The mental condition of such persons makes it unfair to adjudge them criminals, but society requires protection from their potential future acts. An equally important goal of such confinement, however, as the cases involving the "right to treatment" make clear, is therapy.[49] The arrests of such persons, although frequenty the first step in the confinement process, is illegally immaterial as a basis for that confinement and does not justify a curtailment of protective procedures. As one court has held, "[t]he procedure for committing an accused by unconvicted felon [to a mental institution] should contain safeguards at least equivalent to those provided in the procedures for civil commitment."[50] Even during the customary 60-day period for a competency examination in the District of Columbia,[51] the court of appeals has directed that the examination be conducted on an outpatient basis, unless the hospital makes a showing that inpatient observation is necessary.[52] Likewise, a mentally competent person may be confined for a lengthy period without conviction by setting unattainable pretrial release conditons or, in capital cases, by denying release altogether. In these cases the ostensible purpose of such detention is to insure the presence of defendant at trial.[53]

Thus, preventive detention, in its adoption of the arrest as the segregating juridical principle, breaks new ground in two areas: the purpose of the confinement is neither therapeutic nor necessary to the operation of the criminal justice system,[54] and the persons to be subjected to it suffer from no mental abnormality that would distinguish them from other citizens.[55] While the novelty of the principle does not make it per se undesirable, claims of its proponents that preventive detention has an honorable ancestry under our law[56] are at best inaccurate.

Factual Significance.—The arrest of a citizen may also have a factual significance, which increases with the tendency of the public and some officials associated with the criminal justice system to equate arrest with the commission of the acts charged.[57] Although many of the protective rules surrounding the exercise of the arrest power operate to strengthen the factual validity of an arrest,[58] it is important to recognize that such rules are not intended to establish facts as a predicate for punishment.

Quite obviously, the reason for this is that an arrest is not currently viewed as a final factual determination that the person arrested committed the offense charged. Such a finding of guilt is left to ensuing stages of the criminal justice system, specifically to the criminal trial, at which the facts are determined by a jury of citizens and the law by an independent judge. Even with the myriad procedural rights afforded a defendant as he moves through the criminal process, sufficient doubt remains that a substantial program of appellate and collateral remedies is maintained in order to confirm the accuracy and fairness of the procedures utilized. At present, there is no available data to establish with any degree of certainty whether or not most arrests are proper.[59] Nevertheless, although not admitted by its advocates, legislation embodying the concept of preventive detention would make arrest a critical factual stage in the process of determining whether to impose such detention.

The factual significance of arrest in a scheme of preventive detention seems to be its value in predicting future harmful conduct. Specifically, the occurrence of an arrest constitutes some evidence that the accused did a particular act in violation of the law, and since he did it on one occasion, he may do it again.[60] Admittedly, preventive detention proposals do not limit the basis of this prediction to the factual probability "established" by an arrest. A finding must also be made that no conditions of release will adequately assure the safety of the community.[61] It is hard to discern in this finding, however, anything more than a judge's guess that a particular defendant will commit another prohibited act in the future.[62] In some proposed detention classes there is the further requirement of a prior conviction for a similar crime,[63] thus suggesting that a similar earlier act provides additional support for the prediction of future acts.

Also required in order to detain certain classes of arrested persons is a finding that

Footnotes at end of article.

"there is a substantial probability that the person committed the offense for which he is present before the judicial officer." [64] One reason for this requirement is that it serves as an added check on the validity of an arrest—another screening process to rectify police errors. As a predictive basis, however, it is not at all clear that the most recent act is so significant that it should be singled out for searching inquiry.[65] Notwithstanding, the Attorney General has explained that this finding is "critical" not only as the "best possible evidence" of future dangerousness,[66] but also to insure that persons detained are those likely to be convicted.[67] The distressing inference from the latter rationale is that since only criminals would be subjected to preventive detention, the inequities and vagaries of the prediction are less important.

Arrest as an indicator of guilt

As is apparent, the use of an arrest as a critical factor in a preventive detention system raises several substantial questions; one of these is the extent to which an arrest for a particular crime indicates that the person arrested actually committed that crime. In this regard, available information casts substantial doubt on the validity of equating an arrest for a crime with proof that the crime was committed. For example, a major reduction in the number of persons retained in the criminal justice system occurs as charges are processed through the various stages from arrest to trial. The President's Crime Commission noted 467,000 arrests for serious crimes in 1965, but only 160,000 convictions for such offenses.[68] While there are many factors contributing to this reduction, including prosecutorial discertion, inadequate manpower to investigate and prosecute cases, and plea bargaining, it is a reasonable assumption that a substantial portion of the original arrests were in fact erroneous. If this is not the case, it might be better to inquire why so many are escaping justice after being brought into the system. Even when convictions for lesser offenses are taken into consideration, there is a marked disparity between the number of arrests and the number of subsequent convictions. Thus, only 33 percent of the arrests for burglary in 1965 resulted in a conviction of either the crime charged or a lesser offense; [69] for homicide charges, the figure was only 39 percent.[70] Moreover, the group of persons charged by the prosecutor consisted of approximately 70 to 80 percent of those arrested, and the conviction rate of those charged varied from less than 30 percent to greater than 60 percent.[71] Similarly, the D.C. Crime Commission reported that of 6,266 adult felony arrests in 1965, only 981 convictions were secured in the district court.[72] Even if one assumes that the felony cases then pending would all result in convictions, the total (1221) constitutes less than 20 percent of the total number of adult felony arrests.[73]

In addition, policemen are recognized to be under some pressure to "clear" offenses by means of arrests.[74] Moreover, the excitement and tension of the situations in which policemen frequently must operate, as well as the need for quick action, are hardly conducive to accurate fact-finding.[75] Under such circumstances, it would seem undesirable to place the added burden upon police officers that they treat the arrest of a citizen as a factual determination of guilt.[76] Moreover, arrests at times are made without regard to law violation, such as for "cooling-off" a potentially explosive situation, the safety of the arrested person himself, and the quick establishment of innocence by a lineup or other identification procedure.[77] Although imprecise, these statistics and considerations, without more, make reliance upon an arrest as the basis for establishing a reasonable certitude of guilt extremely questionable.

Footnotes at end of article.

CRIME ON BAIL

Since the notion of preventive detention involves a substantial deviation from the usual processes of the criminal justice system, two interrelated premises must be clearly established before deciding that the deviation is warranted: (1) that the amount of crime on bail requires special measures of this nature; and (2) that the potential bail offender can be identified in advance with a sufficient degree of accuracy to make these special measures acceptable. The first premise admittedly raises the question of what incidence of crime on bail would warrant preventive detention. There is obviously no correct answer, but if the extent of such crime is "significant," a deference to legislative judgment would seem appropriate. The second premise is a practical correlative of the first; the size of the needle in the haystack may be determinative of the probability of locating and identifying it.

Defining crime on bail

In evaluating the extent to which crime is committed by persons released on bail, there are certain definitional issues that must be resolved. In the abstract, one coud say that crime on bail means any violation of the law perpetrated during the period of time in which a person who has been arrested is on release from custody with an earlier charge against him still pending in the trial or appellate courts. For crime prevention purposes, however, such a definition is too broad, because it encompasses persons with substantially different legal statuses and offenses with varying impacts upon society. A closer examination of what for purposes of a preventive detention scheme is meant by crime on bail should include an evaluation of the stage of the criminal process at which a person becomes potentially subject to detention, the original charge against him, and the bail offense or offenses sought to be prevented.

The Stage of the Criminal Proceeding.—Although for purposes of analysis potential bail offenders can be separated into three groups based upon the stage of their progress within the criminal justice system, the main focus of the preventive detention debate is upon persons awaiting trial, rather than upon those persons whose trials are in progress or convicted defendants seeking release pending appeal. Once a defendant has been found guilty, both reason and history support a different evaluation of his right to liberty.[78] Imperfect as the system may be, reversals on appeal are the exception rather than the rule,[79] and the sufficiency of the evidence and fairness of the trial procedures are generally deemed adequate.

With regard to a defendant presently on trial, the possibility of interference with the orderly functioning of the judicial process by activities such as witness intimidation or bribery has led the courts to recognize an inherent power to revoke bail and incarcerate for the duration of the trial.[80] Since this power is available for trials already in progress [81] and since the group of defendants affected is not numerically significant in assessing the amount of crime on bail, the need for special legislative treatment is obviated.[82] The relevant group of defendants, therefore, for measuring the amount of crime on bail is limited to those persons awaiting trial.

The Nature of the Original Charge.—If the purpose of preventive detention is to protect society by incarcerating those likely to commit crimes on bail, logically the particular crime for which a defendant is originally charged and for which bail is set bears little relevance to the determination of which individuals should be detained. Society has an equal interest in being protected from the homicide committed by a person awaiting trial for disorderly conduct as it does from a killer-to-be initially charged with robbery. Nevertheless, under the preventive detention schemes proposed, the charge for which a defendant is arrested is made to serve a factual function.[83] An arrest for robbery is taken as some evidence that the defendant committed the act charged, and commission of that act is thought to increase the likelihood of repetition. Assuming the validity of this analysis, preventive detent should be limited to those charges similar to the crimes sought to be prevented.

The Bail Offenses To Be Prevented.—Because the untested remedy of preventive detention deprives a citizen of his liberty on the basis of an uncommitted act, it appropriately should be used, if at all, to prevent only the most serious offenses—those involving violence to the person of the victim. Under this application the definition of crime on bail would be limited to offenses such as robbery, assault, rape, and homicide, and would not include property offenses such as larceny and forgery. Another justification for this limitation is the existence of alternative remedies to rectify injuries to property. Stolen goods can be recovered and returned,[84] insurance protection is available,[85] and in the event of conviction restitution can be ordered as a condition of probation.[86]

Other minor offenses, for which only minimal penalties are imposed, also should be excluded from the group of crimes sought to be prevented by pretrial detention. It would be patently unreasonable to justify detaining a man for months in order to prevent an offense which if committed, customarily would result in a lesser penalty; [87] nor would detention seem appropriate to prevent certain "status" offenses or "crimes without victims," since the need to protect society is less clear, and the interest to be protected less substantial.[88] Thus, vagrancy offenses should not be the type of "crime on bail" sought to be prevented. Similarly, certain gambling offenses and offenses related to private sexual behavior, for which the appropriateness of applying criminal sanctions is in itself questionable, should be exempted.

In sum, crime on bail, as it should be conceived in discussing preventive detention, would be limited to those serious offenses involving personal violence committed while a person is on pretrial release for a similar crime. With this understanding, it is appropriate to inquire as to what information is available concerning the extent of crime on bail as thus defined.

The amount of crime on bail

In 1967, the President's Crime Commission concluded that "the United States is today, in the era of the high speed computer, trying to keep track of crime and criminals with a system that was less than adequate in the days of the horse and buggy." [89] The absence of accurate factual information becomes graphically evident when attempting to assess the amount of crime on bail. Initially, it would be desirable to know at least the number and types of crimes committed by persons on bail; since, however, there is no conclusive evidence of the amount or type of crime on bail,[90] it is necessary to rely on arrest and indictment figures as an indication of the scope of the problem.

Although last year the Hart Committee noted that "estimates of crime allegedly committed while on bail range *from 6% to 70%*," [91] these figures at best reflect the statistical uncertainty of the amount of crime on bail. Giving support to the lower percentage, the D.C. Crime Commission found that only 7.5 percent of those felony defendants released on trial or appeal bonds between January 1, 1963, and October 8, 1965, were rearrested and held for grand jury action on other felony charges allegedly committed while on bail.[92] The percentage of the same group charged with crimes of violence while on bail was 4.5 percent.[93] The Hart Commit-

tee, limiting its figures to pretrial release, reported that of the more than 2,500 persons indicted in the District of Columbia in 1968, 153 (5.9 percent) were reindicted for offenses committed while on bail.[94]

Thus, while certainty is unattainable, present indications are that the total number of felony defendants indicted for other felonies allegedly committed on pretrial release is less than 10 percent of all accused felons on pretrial release. Furthermore, the number of defendants charged with and convicted of violent crimes on bail, whatever the nature of the original felony charge, is probably only about three to five percent. Although the amount of crime on bail that would continue to exist if less stringent recommendations were effected is a highly pertinent question, it is presently unanswerable.

Proponents of preventive detention have taken varying positions on the importance of present statistical evidence of the amount of crime on bail. Both the District of Columbia Crime Commission [95] and the Hart Committee [96] attempted to evaluate the amount of crime on bail in order to support their recommendations for preventive detention, and the Senate Hearings in January 1969, discussed various statistics at length.[97] In August 1969, an administration spokesman, responding to an editorial challenge to the need for preventive detention,[98] relied on both a statistical study indicating that 70 percent of robbery defendants granted pretrial release were rearrested for other offenses allegedly committed while on bond [99] and FBI figures showing that crime in general is committed by recidivists.[100] The accuracy and validity of the former study has been severely criticized as equating arrest with commission of the offense and failing to distinguish the types of bail offenses.[101] The latter information does not appear relevant to crime on bail and seems to suggest that a basic argument in support of preventive detention should be that there is simply too much crime. Although there is no denying that the amount of crime in general is increasing, such an argument avoids the question of whether crime on bail warrants specific and unusual preventive measures.

The latest statement of the Administration's position recognizes that statistics on bail crime are "fragmentary," but relies on estimates of extensive amounts of unreported and unsolved crimes to explain the absence of reliable statistics.[102] The conclusion reached is that "the problem is, by any standard, a serious one." [103] Thus, while initially conceding the relevance of an inquiry into the amount of crime on bail, advocates of preventive detention have now despaired of making a strong statistical case to support their claim of an epidemic of bail crime, and have placed their reliance on the alarming growth rate of crime in general.[104]

Identifying the bail offender

Once the policy decision has been made that preventive detention should be imposed but limited in application to certain serious offenses, the next area of inquiry is the possibility and probability of identifying in advance those persons who, if released on bail, would commit the crimes sought to be prevented. Unless society is willing to tolerate the imprisonment of large numbers of defendants on a random or statistical basis,[105] it is necessary to identify those individuals for whom a judgment can be made that the probability of committing an offense while on bail is so strong that the opportunity to do so must be removed by incarceration. Moreover, in order to instill respect for the fairness and integrity of the criminal justice system, a high degree of accuracy in this prediction must be demanded. To further depersonalize a system already resembling an assembly line would exacerbate the dissatisfaction with the administration of law felt by many citizens.[106] Thus, any decision to enact a scheme of preventive detention must be founded upon a demonstrated ability to predict specific types of future criminal activity, particularly since the person potentially affected has not been convicted of the charge against him, and in the case of a "dangerous crime," [107] may be subject to detention based only upon a policeman's decision to arrest and a hearing that leaves much to be desired.

There is also another reason why the committing magistrate's ability to predict serious crime on bail should be evidenced before implementing a policy of preventive detention. Since preventive detention in operation is a "self-fulfilling prophecy," once in effect it would be impossible to know whether an incarcerated defendant would in fact have committed a serious offense had he been granted pretrial release.[108] It does not take an oracle to predict that the amount of crime on bail will decrease if fewer defendants are released, and such "proof" of preventive detention's effectiveness in reducing crime could lead to proposals for its expanded use.[109]

Even if it can be demonstrated that potential bail offenders are identifiable, it is still necessary to determine the degree of accuracy that should be demanded.[110] Resolution of this issue turns on a variety of value judgments, involving the balance between liberty of the individual and the need for public safety, the cost of detention, the burden upon courts of making detention decisions, and the effect of detention decisions upon subsequent trials and sentences.[111] Nevertheless, the difficult question of the degree of accuracy required is reached only if there is some substantial ability to predict, and such an ability is not only undemonstrated, but instinct with perhaps unsolvable problems.[112]

Predicting that a person will commit crime on bail is further complicated by the requirement of finding that no conditions of release will "reasonably assure the safety of any other person or the community." [113] A similar test is applied currently under the Bail Reform Act for release in capital cases and cases pending appeal,[114] but the Act's broad grant of authority to the court to set release conditions [115] requires a highly speculative inquiry into the etiology of a particular crime before such a finding can validly be made. Thus, if financial motives appear to underlie a defendant's criminal offenses, a release condition requiring him to obtain and maintain steady employment may reduce the likelihood of crime on bail and danger to the community. Because of the subjective nature of the inquiry and the many intangible factors involved, it is difficult to determine what other circumstances the court should consider, such as, for example, the likelihood of a financial crisis in defendant's family as might be caused by unexpected hospitalization expenses or the availability and efficacy of counseling services for a defendant whose offenses are in part the result of psychological problems. Even for the class of persons generally considered the most predictable recidivists—narcotics addicts who commit crimes to support their addiction—the encouraging results of methadone maintenance programs suggest a possible way to break the cycle of recidivous behavior.

Notwithstanding the difficulty and subjectivity of such inquiries, which must be made under present law in assessing the danger posed by defendants in capital cases and cases pending appeal, it is not contended that the likelihood of an accurate prediction is so faint and the prediction should not be permitted. Rather, it is suggested that such speculative predictions, while tolerable when restricted to postconviction release and perhaps to release of defendants charged with capital offenses, are not sufficiently accurate to justify incarceration without conviction under less extreme circumstances.

Moreover, even when investigations have been conducted to determine the ability to predict future violence, the results have been inconclusive. To date, such investigations generally have been in connection with sentencing and parole determinations,[116] in which statistical tabulations, psychological testing, presentence reports, and psychiatric interviews are utilized.[117] Despite ready access to such information, most of which would be unavailable at a detention hearing held at the outset of a prosecution, many authorities on parole and sentencing still disclaim any ability to make a prediction of future violence.[118] Similar disclaimers can be found in the testimony of persons who have studied the crime on bail problem.[119]

Although one might expect advocates of preventive detention to proffer vigorous claims and statistics in support of the purported ability of judges to predict future criminal activity, such is not the case. Furthermore, those claims that are made amount to either unsupported hopes that such predictions can be made [120] or arguments that because predictions are made in administering other aspects of criminal justice, there is no reason not to rely on them in imposing preventive detention, particularly since procedural protections are afforded.[121] More important than the absence of claims, however, is the absence of any proof that a judge can identify those individuals who will commit crime on bail.[122] In addition, no attempt to test this ability has been made, although such tests could be administered without serious difficulty. For example, although utilizing the likelihood of flight standard in determining whether to grant pretrial release, bail-setting magistrates could be asked to indicate on a form those defendants they would have detained in order to prevent bail offenses, the basis for their determination, and any additional information thought necessary or desirable to make such a decision. For those persons released, a followup study would determine the existence and disposition of bail offense charges.[123] Given the ease with which the predictive ability of judges can be tested, it is unreasonable to abandon such a central issue of preventive detention proposals to speculation.

Appeal to the existence of other predictive decisions in the administration of criminal justice is similarly unpersuasive. Parole boards, sentencing judges, and courts setting appeal bonds deal with convicted defendants who no longer have a right to liberty,[124] and authough judges predicting pretrial flight are not dealing with persons already convicted,[125] pretrial incarceration to prevent flight is nearly to the point of being prohibited.[126] Even when detention does result from a prediction of flight, its purpose and justification are to insure defendant's presence at trial, a demonstrably important element in the administration of justice.[127] Embarking upon a system of preventive detention would constitute a significant departure from traditional concepts of criminal justice. To do so when the need is unclear would be precipitous; to do so without any showing that those persons for whom it is designed can be accurately identified would be tragic.

THE ADMINISTRATIVE BILL

Previous legislative proposals

Even before passage of the Bail Reform Act, suggestions for a preventive detention system were being discussed.[128] The D.C. Crime Commission recommended legislation authorizing 30-day detention for any felony who evidenced "a high degree of probability" that if released, he would seriously injure another or be a "grave menace to the physical safety of the public." [129] Likewise, a committee of the American Bar Association, as

Footnotes at end of article.

part of a project to develop minimum standards for criminal justice, considered, but subsequently rejected, a tentative preventive detention proposal.[130]

Under the proposal considered by the ABA committee, imposition of preventive detention for a 30-day period would have been authorized with respect to a defendant charged with (1) a felony committed on bond; (2) a felony involving infliction of or threat to inflict serious bodily harm; (3) any felony if the defendant had been convicted within the preceding five years for a violent felony; and (4) any felony if a "high degree of probability" were found that if released, defendant would inflict or threaten to inflict serious bodily harm in order to intimidate witnesses.[131] An evidentiary hearing also would have been required, at which the burden would be on the prosecution to show the need for detention by "clear and convincing evidence." [132] Furthermore, to deal with the difficulties of predicting violence and to minimize potential abuse, the proposals required that in all cases the court additionally find a "high degree of probability that the defendant, if released, would inflict serious bodily harm on another." [133] Thus, a clear and definite standard was set forth, focusing the magistrate's attention on the particular prediction he was asked to make, and the policy decision of which varieties of danger would justify use of detention was resolved in the proposed statute itself.

The ABA committee, however, in rejecting the concept of preventive detention, recognized both the lack of information concerning the extent of crime on bail and, notwithstanding the clear standard to be applied, the difficulties in predicting criminal behavior during the release period.[134] These inherent problems recognized by the ABA can serve as guidelines for an evaluation of the bills introduced on behalf of the Administration to establish a preventive detention program.

Senate Bill 2600

Classes of Defendants Eligible for Detention.—Senate bill 2600,[135] embodying the Administration's preventive detention proposal, establishes three basic classes eligible for detention: those charged with a "dangerous crime," those charged with a "crime of violence," and those who attempt to intimidate witnesses or jurors.[136] Once a person is found to be included in one of these classes and upon determinations that there is substantial probability he committed the offense and that no release conditions will assure the safety of other persons or the community, detention must be imposed.[137]

With regard to "dangerous crime," the Justice Department claims that the class is "restrictively defined to cover offenses with high risk of additional public danger if the defendant is released." [138] Nevertheless, for defendants falling within this class, neither a prior conviction nor an arrest for other violent acts is required in order to impose pretrial detention.[139] The "high risk" offenses included within this category are robbery and attempted robbery, in which force or threats are involved; burglary and attempted burglary of residences or business premises; arson and attempted arson of residences or business premises; rape, carnal knowledge; and assault with intent to commit either; taking and attempting to take indecent liberties with minors; and felonies charging sale or distribution of narcotic, depressant, or stimulant drugs.[140]

Implicit in the Administration's proposal to impose preventive detention upon those persons charged with a "dangerous crime" is the clear use of an arrest as a factual basis for predicting future violence. One might expect, therefore, a strong showing that persons charged with such offenses commit serious and violent crimes on bail. The claim made, however, is much more modest: "There is . . . some evidence that the recidivision rate among robbers and perhaps burglars is markedly higher than in other categories of crimes." [141] In addition to offering no evidence with regard to the other crimes categorized as "dangerous," by making general reference to a higher recidivisim rate such claim indicates nothing about the offense precipitating the subsequent arrest or indictment. While some meaningful limitation has been imposed upon the definition of "dangerous crimes" by eliminating the pickpocket version of robberies, some of the other "limitations" can be classified only as trivial. For example, arson is limited by exclusion of the burning of crops, fences, woods, and haystacks; [142] burglary, which is "limited" to residences and commercial establishments, presumably excludes entry into stables, steamboats, canalboats, vessels or other watercraft, and railroad cars.[143]

Furthermore, those offenses included in the class of dangerous crimes do not in themselves constitute "proof" that the persons accused would present a high risk of violence if released on bail. Burglars make every effort to enter premises when they are unoccupied. Residential burglaries nearly always occur during the daytime, and burglaries of commercial establishments generally take place at night.[144] A survey of 855 of the 904 housebreakings reported in the District of Columbia during a one-month period in 1965 revealed that only 10 homes were occupied at the time of the offense.[145] A similar survey disclosed that carnal knowledge—intercourse with victims under sixteen—was nonforcible in more than half of the cases examined.[146] With regard to drug offenders, merely witnessing "street-corner addict-pushers," who constitute the vast number of narcotics offenders prosecuted in the District of Columbia, should suggest that more substantial support is needed than conclusory generalizations of their high risk of violence.[147] It is insufficient to say "the tie between narcotics and crime is widely recognized" and "[t]hose persons involved in the sale of . . . drugs are often highly organized and can generally be considered dangerous criminals." [148]

The second group eligible for detention, those charged with "crimes of violence," can be detained only if the alleged offense was committee while on bail, parole, or probation and the prior charge was also a crime of violence; if defendant has been convicted of a crime of violence within the preceding 10 years; or if defendant is a drug addict.[149] "Crime of violence" is broadly defined to include such offenses as robbery, burglary, arson, rape, carnal knowledge, homicide, assault with intent to commit any offense, and felonious attempts to commit the aforementioned.[150] The explanation that accompanies the Administration's bill describes the category of violent crimes as one "firmly tied to past conduct justifying a generalized inference of future dangerousness." [151] Neither support for the "generalized inference" nor a definition of the "future dangerousness," however, are indicated.

Detention of the third group—those who threaten witnesses or jurors—is justified as a codification of existing case law.[152] Since it is a crime itself to threaten witnesses and may result in prosecution for obstruction of justice,[153] detention of such offenders is arguably unnecessary. Nevertheless, the reason for the abandonment of the usual procedure of arrest and prosecution for this offense is not explained. Additionally, if authority is granted to terminate release for violation of release conditions, it would seem that the circle of witness intimidation could be easily broken by simply revoking bond on the original charge for which defendant was indicted. It should be noted that for this category of eligible defendants the criterion for detention is not a prediction that defendant will intimidate witnesses, but rather a finding, based upon clear and convincing evidence, that such acts have occurred. The extent to which defendants who threaten witnesses or jurors would be preventively detained is difficult to estimate; the necessity for such a classification, at any rate, is dubious.[154]

Scope of Coverage.—It is difficult and perhaps impossible to obtain an accurate estimate of the number of defendants who would be subject to preventive detention under a proposal such as in the administration bill, but in any event the number would be substantial, almost certainly more than half of those defendants prosecuted in the D.C. federal district court.[155] Pertinent statistical data suggests this conclusion. In fiscal 1968, 1,737 criminal cases were commenced in the United States District Court for the District of Columbia, of which 1,053 cases are broken down into the following categories: robbery (363), burglary (351), sex offenses (95), and narcotics offenses (244).[156] Admittedly, these four classifications do not precisely parallel the offenses included in the Administration's definition of "dangerous crime." [157] Some of the 363 robbery cases were the pickpocket type, an offense not considered a "dangerous crime" under the Administration's proposed bill; similarly, some of the 95 sex offenses were for sodomy and thus not "dangerous crimes" according to the Administration's definition. Nevertheless, the total number of sodomy offenses was probably minimal, and most of the nondangerous robberies were probably reduced to misdemeanors and tried in the court of general sessions.[158] The great majority of the other charges, however, would be included in the classification of "dangerous crimes" and without any additional finding, result in eligibility for detention.

A substantial number of defendants also would fall within the category of those charged with a "crime of violence" who, within the preceding 10 years, have been convicted of an earlier crime of violence. Based upon a study prepared by the Stanford Research Institute, the President's Commission on Crime in the District of Columbia disclosed that 39 percent of all defendants convicted in federal district court had prior felony convictions for the same charge and that 30 percent previously had been convicted of crimes of violence.[159]

One other factor suggests that the reach of the proposed statute would be broad. Bail determinations are made at an early stage in the criminal process, generally at the time of the initial appearance before a magistrate,[160] but when charge reductions occur, as is frequently the case, it is at a later stage of the proceedings.[161] Under the administration bill, the subsequent reduction of a charge to an offense for which detention is not authorized does not necessarily result in release of a detained individual; rather it only demands that he be treated in accordance with the amended release procedures of section 3146 of the Bail Reform Act.[162] Since it is generally conceded that many judges have been ignoring the commands of section 3146 and detaining defendants by imposing high money bonds on ostensible risk-of-flight grounds,[163] it is not unreasonable to assume that a judge who has ordered a man detained pursuant to the proposed preventive detention bill will attempt to continue the incarceration on the pretext of risk of flight.

Safeguards and Required Findings.—If the problem of crime on bail is centered in a pathological few, it is difficult to justify such a broad grant of detention. Moreover, the proposed bill's procedures and standards for making the detention decision afford little protection against abuse of this power. The bill specifically provides that ordinary standards governing the admissibility of evidence

Footnotes at end of article.

do not apply,[164] and while the defendant is given the right to cross-examine witnesses at the detention hearing, this right is of little value if no such witnesses are presented and the "evidence" consists only of the U.S. Attorney's allegations. Moreover, although the bill requires "clear and convincing evidence," [165] this provision seems to have been added primarily for the sake of appearances, since it applies only to the finding that the defendant comes within the class eligible for detention.[166] Regarding the "dangerous crime" category, clear and convincing evidence can be found simply by reading the information or felony complaint, which would be difficult, if not impossible, to dispute. There would also be little problem in determining whether a defendant has been convicted of a crime of violence within the previous 10 years. With respect to the crucial finding, however, that "no condition or combination of conditions of release . . . will reasonably assure the safety of any other person or the community," [167] traditional evidentiary rules are suspended. This determination requires a prediction of neither specific future violence, as did the statue considered by the ABA,[168] nor a specific future act.

To justify detaining a defendant charged with a dangerous crime or crime of violence, a substantial probability that the defendant committed the offense for which he is under arrest must also be found.[169] Although such a finding is generally relevant to a prediction of future violent offenses, its purpose seems to be to obviate complaints that innocent persons might be subjected to detention.[170] If this is its true purpose, a serious question arises whether due process as a prerequisite to the deprivation of liberty would be violated. In addition, the finding of probable guilt need not even be based upon information disclosed to defendant or his counsel, but only upon "information presented to the judicial officer." [171]

To further protect against abuses in imposing preventive detention, the defendant is entitled to a "hearing," which affords him the right to present information and to cross-examine witnesses if the Government chooses to present any.[172] Nevertheless, defendant's probable guilt may be determined by a judge on the basis of secret information. Furthermore, although defendant has a right to appointed counsel, this right may be forfeited, since the hearing is held immediately unless defendant has the presence of mind to request a continuance until counsel is provided.[173] Thus, serving to induce waiver of the right to an attorney, a premium is placed upon the exercise of such right—immediate detention without a hearing.[174]

One additional finding must be made before detention can be imposed; a redetermination that "no condition or combination of conditions will reasonably assure the safety of any other person or the community" must be made.[175] As described by the explanation accompanying the bill, "[i]n essence this finding is the judicial officer's belief that, if released, the person will pose a danger to the community." [176] Since the danger posed is defined in terms of neither the injury to be feared nor the likelihood of its occurrence and since it is difficult to assign any meaning to the phrase "or the community" except to include protection from offenses *not* involving personal violence, the logical conclusion seems to be that the dangers, for example, of one act of shoplifting and of daily homicides are of equal dignity for purposes of imposing preventive detention. Moreover, attention is not directed to defendant's future acts, which might cause qualms about the ability to prognosticate, but to the adequacy of conditions that have already been judged inadequate to protect against bail offenses.[177]

CONCLUSION

The ABA's committee on minimum standards recognized that "the American court system has never really explored alternatives short of outright detention in an effort to curb crime while on release." [178] As a result of the lengthy study by the Hart Committee on the administration of the Bail Reform Act in the District of Columbia, specific recommendations were proposed to minimize the risk of bail offenses.[179] A year later, however, the Committee conceded that there had been little implementation of its suggestions.[180]

Both advocates and opponents of preventive detention agree that speedy trials would greatly reduce the amount of crime on bail,[181] but while the problem of count delay is substantial, indications are that improvement to the point of perfection is not required in order to reduce the amount of crime on bail. If, in fact, potential bail offenders could be identified in advance, those persons, which would be a limited number, could be selected for expedited trial. A study prepared under the auspices of the Hart Committee found that in almost 50 percent of the cases in which a defendant had been indicted for a felony allegedly committed while on bail for a previous felony offense, the second crime occurred more than 90 days after return of the first indictment.[182] Thus, if trials for those defendants posing a high risk of crime on bail could be held within three months of the first indictment, a considerable amount of crime on bail could be prevented, without the necessity of imposing a broadly encompassing scheme of preventive detention.

In spite of the clear paths available to reduce crime on bail, however, the Administration has chosen the Draconian approach of large-scale punitive detention before conviction. It has done so without any clear showing of need, without guidelines for identifying bail offenders, and without adequate procedures for protecting against abuse. In addition, through the concept of preventive detention it rejects the criminal trial as the fact-finding prerequisite for the imposition of punishment, as well as the more basic principle that imprisonment is not imposed for violations before they occur. Even if a statute in the terms of Senate bill 2600 can survive constitutional scrutiny, it seems highly undesirable as a crime prevention measure.

FOOTNOTES

*A.B., 1959, Carroll College; LL.B., 1963, Harvard University; LLM., 1966, Georgetown University. Associate, Shaw, Pittman, Potts, Trowbridge & Madden, Washington, D.C.; Staff Attorney, Legal Aid Agency of the District of Columbia, 1965–67; E. Barrett Prettyman Fellow, Georgetown University Law Center. Member of the D.C. Bar.

[1] The practice was first codified by the Statute of Westminster 1, 3 Edw. 1, c. 1275).

[2] The writs *de homine replegiando*, mainprize, and *de odio et atia* were used early to protect both the liberty of the subject and the right to bail. *See* 9 W. HOLDSWORTH, A HISTORY OF THE ENGLISH LAW 105–08 (1938).

[3] Ch. 20, § 33, 1 Stat. 91; *see* Foote, *The Coming Constitutional Crisis in Bail:* I, 113 U. Pa. L. Rev. 959, 971–82 (1965)) (discussion of bail in the colonies). The Judiciary Act, however, includes a significant exception for capital offenses. Judciary Act of 1789, ch. 20, § 33, 1 Stat. 91. *See also* The Crimes Act of 1790, ch. 9, §§ 10, 14, 1 Stat. 112 (treason, wilful murder, robbery, and forgery, *inter alia*, are captial offenses).

[4] State v. Konigsberg, 33 N.J. 367, 164 A. 2d 740, 743 (1960). The exception for capital cases thus was "within the traditional historical ambit of bail release." *Hearings on S. 1357, S. 646, et al. Before the Subcomm. on Constitutional Rights and the Subcomm. on Improvements in Judicial Machinery of the Senate Comm. on the Judiciary*, 89th Cong., 1st Sess., 175 (1965) [hereinafter cited as *1065 Hearings*]. *But see Hearings on Amendments to the Bail Reform Act of 1965 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 91st Cong. 1st Sess. 393 (1969 [hereinafter cited as *1969 Hearings*].

[5] The Judiciary Act was passed on Sept. 24, 1789, The Bill of Rights was proposed by Congress to the States on Sept. 25, 1789.

[6] Stack v. Boyle, 342 U.S. 1, 5 (1951).

[7] *See* United States v. Lawrence, 26 F. Cas. 887, 4 D.C. (4 Cranch) 518 (No. 15,577) (D.C. Cir. 1835). In *Lawrence*, Francis Scott Key, then a district attorney, urged setting of a high bond to preventively detain a defendant who, imagining himself to be the King of England, attempted to assassinate President Jackson. The prosecutor's view apparently has not changed with the passage of time. In 1969, the chief of the criminal division of the United States Attorney's Office in the District of Columbia acknowledged a general policy of holding persons accused of threats against the President on high bail until a "mental, criminal and narcotics check" had been run. Washington Post, Aug. 18, 1969, § A, at 1, col. 1. Unreasonable bail also was recently used in Chicago to detain members of the Blackstone Rangers during a "long, hot summer." D. OAKS & W. LEHMAN, A CRIMINAL JUSTICE SYSTEM AND THE INDIGENT 97–98 n. 152 (1968).

In England, the attempt of judges to negate the right to bail by setting excessive sums was one of the complaints precipitating the English Bill of Rights. 1 W. & M. 1, c. 2, § 1(10) (1689); *see* 9 W. HOLDSWORTH, *supra* note 2, at 118–19.

[8] The inequity of making imprisonment before conviction dependent upon the size of a man's bankroll has been highlighted by Supreme Court decisions striking down financial resources as a relevant factor in the administration of criminal justice. *E. g.*, Douglas v. California, 372 U.S. 353 (1963) (appointed counsel); Griffin v. Illinois, 351 U.S. 12 (1956) (right to free trial transcript). *See generally* Longsdorf, *Is Bail a Rich Man's Privilege?*, 7 F.R.D. 309 (1947). This disparity of treatment is exaggerated as delays in the trial process increase.

[9] 18 U.S.C. §§ 3146–52 (Supp. IV, 1969). *See generally* Ervin, *The Legislative Role in Bail Reform*, 35 GEO. WASH. L. REV. 429 (1967); Wald & Freed, *The Bail Reform Act of 1966: A Practitioner's Primer*, 52 A.B.A.J. 940 (1966).

[10] In some instances, bondsmen demand "collateral" in addition to the premium. Collateral, however, is not generally supplied by the accused himself, but by his family or friends.

[11] *See* Note, *Bail: An Ancient Practice Reexamined*, 70 YALE L.J. 966, 973 (1961).

[12] *See* Ares, Rankin & Sturz, *The Manhattan Bail Project: An Interim Report on the Use of Pre-Trial Parole*, 38 N.Y.U.L. REV. 67 (1963).

[13] *See* R. MOLLEUR, BAIL REFORM IN THE NATION'S CAPITAL (1966).

[14] Such factors would include length of residence in the area, employment, and relatives and friends residing locally. The interview forms used in the District of Columbia are reprinted in R. MOLLEUR, *supra* note 13, at A84–A87.

[15] A certain amount of "evaluation," however, was conducted by the various release programs in determining those offenses for which they would recommend a defendant's release. Many of the projects considered only misdemeanor defendants and some only certain misdemeanor offenses. In contrast, the District of Columbia Bail Project considered nearly all offenses as "eligible." *See* R. MOLLEUR, *supra* note 13, at 50–51.

[16] "A solution [to the problem of crime on bail] goes beyond the scope of the present proposal and involves many difficult and com-

plex problems which require deep study and analysis. The present problem of reform of existing bail procedures demands an immediate solution. It should not be delayed by consideration of the question of preventive detention." (H.R. REP. No. 1541, 89th Cong., 2d Sess. 6 (1966). A similar disclaimer was entered by the Senate. S. REP. No. 750, 89th Cong., 1st Sess. 5 (1965).)

[17] *1969 Hearings, supra* note 4.

[18] *Hearings on Amendments to the Bail Reform Act of 1966 Before the Subcomm. on Constitutional Rights of the House Comm. on the Judiciary,* 91st Cong., 1st Sess. (1969). In addition, the Senate Committee on the District of Columbia held hearings in November 1969, on Senator Tydings' preventive detention proposal for the District of Columbia. *Hearings on S. 3034 Before the Senate Comm. on the District of Columbia,* 91st Cong., 1st Sess., pt. 6 (1969); *see* note 177 *infra.*

[19] S. 2600, 91st Cong., 1st Sess. (1969) [hereinafter cited as S. 2600]. All references to the Administration's proposal will be cited to the Senate bill. The proposal, if enacted, would both amend sections of and add sections to the Bail Reform Act of 1966, 18 U.S.C. §§ 3146–52 (Supp. IV, 1969). For the convenience of the reader, these section numbers will also be indicated. For the text of S. 2600, comments of the Attorney General, and an explanatory statement on the proposed amendments, see CONG. REC., vol. 115, pt. 14, pp. 19259–19264. Three days after Senator Hruska introduced S. 2600, Congressman McCulloch introduced an identical bill in the House. H.R. 12806, 91st Cong., 1st Sess. 1969).

[20] *See, e.g.,* R. GOLDFARB, RANSOM 127–49 (1965); PRESIDENT'S COMM'N ON CRIME IN THE DISTRICT OF COLUMBIA, REPORT 513–27, 930–36 (1966) [hereinafter cited as D.C. CRIME COMM'N REPORT]; PRESIDENT'S COMM'N ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: THE COURTS 30–40 (1967) [hereinafter cited as TASK FORCE REPORTS COURTS]; Foote, *supra* note 3, at 963–65; Note, *Preventive Detention Before Trial,* 79 HARV. L. REV. 1489 (1966).

[21] This article does not treat the constitutional status of the right to bail, the presumption of innocence, or the right to due process of law. For a discussion of these issues, see AMERICAN BAR ASSOCIATION PROJECT ON MINIMUM STANDARDS FOR CRIMINAL JUSTICE, STANDARDS RELATING TO PRETRIAL RELEASE 66–71 (Approved Draft 1968) [hereinafter cited as ABA MINIMUM STANDARDS]; Foote, *The Coming Constitutional Crisis in Bail: II,* 113 U. PA. L. REV. 1125 (1965); Mitchell, *Bail Reform and the Constitutionality of Pretrial Detention,* 55 VA. L. REV. 1223 (1969); Note, *Preventive Detention, supra* note 20, at 1498–1505.

[22] Unless otherwise indicated, the system for detention discussed in this article is that proposed in the administration bill, S. 2600, 91st Cong., 1st Sess. (1969). For a detailed discussion of the bill's provisions, see notes 135–77 *infra* and accompanying text.

[23] Other legal factors are relevant to preventive detention, but are not used as the justification for detention. Thus, the fact that a person is already on bond on another charge or is on probation or parole following an earlier conviction may be utilized in reincarcerating him. In such cases, however, detention is based upon violation of the earlier conditions of release.

[24] *See* W. LAFAVE, ARREST: THE DECISION TO TAKE A SUSPECT INTO CUSTODY 3–4 (1965).

[25] *See* Aspen, *Arrest and Arrest Alternatives: Recent Trends,* 1966 U. ILL. L.F. 241, 242. This concept, however, has been the subject of recent criticism. *Id.* at 249–54.

[26] Henry v. United States, 361 U.S. 98, 103 (1959). "It must be recognized that whenever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person." Terry v. Ohio, 392 U.S. 1, 16 (1968).

[27] Costello v. United States, 298 F.2d 99, 100 (9th Cir. 1962).

[28] *See* Rummel, *Right of Law Enforcement Officers to Use Deadly Force to Effect an Arrest,* 15 N.Y.L.F. 749 (1968).

[29] In the District of Columbia, arrest records are required by statute. D.C. CODE ANN. §§ 4–134 to 134b (1967).

[30] Kennedy v. United States, 122 U.S. App. D.C. 291, 293, 353 F.2d 462, 466 (1965); United States v. Kelly, 55 F.2d 67, 70 (2d Cir. 1932); *cf.* Escobedo v. Illinois, 378 U.S. 478, 498 (1964) (White, J., dissenting).

[31] D.C. CODE ANN. § 4–137 (1967).

[32] There is some authority that upon acquittal a defendant can compel either return or destruction of his photograph. *See* Itzkovitch v. Whitaker, 117 La. 708, 42 So. 228 (1906); *cf.* Morrow v. District of Columbia, 417 F.2d 728 (D.C. Cir. 1969), *rev'g In re* Alexander, 243 A.2d 901 (D.C. 1968) (judge has authority to enjoin dissemination or use of arrest record); United States v. McLeod, 385 F.2d 734, 749–50 (5th Cir. 1967) (records of harassing-type arrests of civil rights demonstrators ordered expunged); United States v. Kalish, 271 F. Supp. 968 (D.P.R. 1967); State *ex rel.* Reed v. Harris, 348 Mo. 426, 433, 153 S.W.2d 834, 837 (1941) (innocent person may have fingerprint records and photograph returned).

[33] See Terry v. Ohio, 392 U.S. 1, 17 n.13 (1968) (description of search procedure).

[34] Appearance in a lineup may be compelled under some circumstances even though the suspect has been released on bond. United States v. Allen, 408 F.2d 1287 (D.C. Cir. 1969), *But cf.* Adams v. United States, 130 U.S. App. D.C. 203, 399 F.2d 574 (1968). Legislation recently has been proposed to require suspects for whom probable cause to arrest was lacking to appear for various identification procedures. S. 2997, 91st Cong. 1st Sess. (1969); *see* CONG. REC. Vol. 115, pt. 21, pp. 28896–28900.

[35] An arrested person may have his name associated with a crime by the press. If he has funds, he may be required to pay a substantial fee to a bondsman in order to obtain his release and to an attorney to represent him, and he runs the risk that he will lose his job prior to obtaining release. If the judge believes that he is likely to flee or desires to confine him for other reasons, unattainable bail conditions may be set, and if detained, he generally will be confined in a jail that is in worse condition than a prison. *See* J. CAMPBELL, J. SAHID & D. STANG, LAW AND ORDER RECONSIDERED 574–80 (Report to the Nat'l Comm'n on the Causes and Prevention of Violence, 1969). Professor Foote has noted ironically that after conviction, a prisoner's "standard of living is almost certain to rise." Foote, *supra* note 21, at 1144.

[36] Draper v. United States, 358 U.S. 307 (1959).

[37] Many jurisdictions have statutorily changed this common law rule for selected misdemeanors. *See e.g.,* D.C. CODE ANN. § 23–306 (1967) (possession of burglar tools, dangerous weapons, or lottery tickets); D.C. CODE ANN. § 33–402 (1967) (possession or sale of narcotic drug).

[38] Ford v. United States, 122 U.S. App. D.C. 259, 352 F. 2d 927 (1965) (en banc). *Ford* also notes that in the exercise of its supervisory power, the court can compel resort to a magistrate if "a practice of not getting warrants, even though practicable to do so, was resulting in a significant number of unreasonable arrests, inflicting an injustice upon the immediate victims as well as a strain upon the judicial machinery." *Id.* at 265, 352 F. 2d at 933.

[39] FED. R. CRIM. P. 5; *see* Mallory v. United States, 354 U.S. 449 (1957). Currently there is no procedure for testing the validity of a misdemeanor arrest, although such validity may be decided as an ancillary issue to a ruling on the admissibility of evidence obtained incident to the arrest. The D.C. Circuit, however, recently held in affirming the grant of a writ of habeas corpus that a juvenile being detained pending a hearing on a law violation charge in juvenile court is constitutionally entitled to a hearing on the existence of probable cause. Cooley v. Stone, 414 F.2d 1213 (D.C. Cir. 1969); *accord,* Baldwin v. Lewis, 300 F. Supp. 1220 (E.D. Wis. 1969) This ruling seems equally applicable to misdemeanors, although habeas corpus may be an awkward procedure when compared to a rule 5 preliminary hearing.

[40] *See* Note, *Criminal Law: The Right to Resist an Unlawful Arrest: An Outdated Concept?,* 3 TULSA L.J. 40 (1966).

[41] Beck v. Ohio, 379 U.S. 89 (1964).

[42] Hill v. United States, 418 F.2d 449 (D.C. Cir. 1968); Hutcherson v. United States, 120 U.S. App. D.C. 274, 281, 345, F.2d 964, 971 (Bazelon, C.J., concurring), *cert. denied,* 382 U.S. 894 (1965); Taglavore v United States, 291 F.2d 262, 265 (9th Cir. 1961).

[43] *Compare* Terry v. Ohio, 392 U.S. 1, 24, 29–30 (1968) (showing of need to search for weapon), *with* Sibron v. New York, 392 U.S. 40, 62–66 (1968) (inadequate showing of need to search for narcotics).

[44] In striking down a portion of the District of Columbia vagrancy statute, Judge Robinson quoted with approval the trial judge's characterization of the unlawful purpose of the vagrancy law as "one of preventive conviction imposed upon those who because of their background and behavior are more likely than the general public to commit crimes," and added that the "statistical likelihood that a particular societal segment will engage in criminality is not permissible as an all-out substitute for proof of individual guilt." Ricks v. District of Columbia, 414 F.2d 1097, 1109–10 (D.C. Cir. 1968); *see* Note, *Use of Vagrancy-Type Laws for Arrest and Detention of Suspicious Persons,* 59 YALE L.J. 1351 (1950).

[45] D.C. CODE ANN. § 24–301(a) (1967).

[46] *Id.* §§ 22–3503 to –3511.

[47] *Id.* §§ 21–541 to –551.

[48] *Id.* § 24–301(d).

[49] Millard v. Cameron, 125 U.S. App. D.C. 383, 373 F.2d 468 (1966); Rouse v. Cameron, 125 U.S. App. D.C. 366, 373 F.2d 451 (1966).

[50] Miller v. Blalock, 411 F.2d 548, 549 (4th Cir. 1969) (Haynsworth, C.J.); *cf.* Baxstrom v. Herold, 383 U.S. 107 (1966); Cameron v. Mullen, 128 U.S. App. D.C. 235, 387 F.2d 193 (1967).

[51] D.C. CODE ANN. § 24–301 (1967).

[52] Marcey v. Harris, 400 F.2d 772 (D.C. Cir. 1968).

[53] *See generally* note 4 *supra.* It is generally conceded that judges in fact set high bonds to assure confinement of individuals they consider dangerous. *See, e.g., 1969 Hearings, supra* note 4, at 289; Mitchell, *supra* note 21, at 1237. Indeed, proponents of preventive detention sometimes argue that one of its virtues will be to bring this practice out in the open where it can be controlled. The desirability, however, of legitimizing an illegal, sub rosa practice by adopting it as an express principle seems dubious. Nor does it seem likely that judges who have swallowed the camel of clearly illegal pretrial detention under the Bail Reform Act will strain at observing the procedures of the proposed detention scheme.

[54] As the name implies, the purpose of preventive detention is generally considered to be the protection of society by the prevention of future crimes. Some intent to punish those persons detained for the crimes they would commit if free and for the crime for which they were arrested, however, also appears to be involved. In either case, a strong relation-

ship exists between the purpose of the confinement and the adequacy of the procedures. *See* Rouse v. Cameron, 125 U.S. App. D.C. 366, 368 n.9, 373 F.2d 451, 453 n.9 (1966). *See also* Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963); text at notes 64–67 *infra*.

[55] One exception might be those provisions of S. 2600 dealing with narcotics addicts. *See* S. 2600 § 2[§ 3146 B].

[56] The Hart Committee stated its belief that "[p]reventive detention is an historically recognized principle and is not a novel method of protecting the interests of society." JUDICIAL COUNCIL COMM. TO STUDY THE OPERATION OF THE BAIL REFORM ACT IN THE DISTRICT OF COLUMBIA, REPORT 32 (1969) [hereinafter cited as HART COMM. REPORT].

[57] *See* Comment, *The Administration of Justice in the Wake of the Detroit Civil Disorder of July 1967*, 66 MICH. L. REV. 1544, 1573 (1968).

[58] The preliminary hearing and grand jury procedures in felony cases are examples. Their effectiveness is limited, however, since the grand jury proceeding is non-adversary, and the preliminary hearing is often waived. *See* H. SUBIN, CRIMINAL JUSTICE IN A METROPOLITAN COURT 158 (1966).

[59] Proper, in this context, means that the defendant committed the acts charged and that these acts constitute the offense charged.

[60] This inference is by no means inexorable. Thus, although the D.C. Crime Commission found that the bail offenders studied "tend to commit felonies of the same type as the original offense," it also noted that studies of convicted offenders in the District of Columbia did not indicate a significantly higher percentage of prior violent crimes when the most recent charge was an offense involving violence. D.C. CRIME COMM'N REPORT, *supra* note 20, at 136, 517. Moreover, the President's Crime Commission noted studies of recidivism showing that persons imprisoned for murder, rape, and aggravated assault were *least* likely to commit additional crimes after release. PRESIDENT'S COMM'N ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: CRIME AND ITS IMPACT—AN ASSESSMENT 79 (1967) [hereinafter cited as TASK FORCE REPORT: CRIME].

[61] S. 2600, *supra* note 19, § 2 [§ 3146A].

[62] *See* notes 105–27 *infra* and accompanying text.

[63] Under the Administration's proposal, this requirement would attach to those defendants charged with "crimes of violence." S. 2600 § 2 [§ 3146A(a)]. Nothing within the present concept of criminal justice, however, even suggests that part of the punishment for a present conviction should be future eligibility for detention.

[64] S. 2600 § 2 [§ 3146A(b)(2)(C)].

[65] *See* note 60 *supra*. Richard A. McGee, Administrator of the California Youth and Adult Corrections Authority, has commented that "[e]ven the person who has committed a violent act may stop at one." McGee, *Objectivity in Predicting Criminal Behavior*, 42 F.R.D. 192, 194 (1968). Moreover, a behavioral scientist attempting to make a prediction of future violence might well be more interested in a pattern of behavior than in a single act. If this is a better predictive basis, the required finding should be a substantial probability of particular future conduct based upon several past acts of a similar nature. *See* Minnesota *ex rel.* Pearson v. Probate Court, 309 U.S. 270, 274 (1940); Rome, *Identification of the Dangerous Offender*, 42 F.R.D. 195 (1966).

[66] Mitchell, *supra* note 21, at 1238–39. Elsewhere in the same article, however, the Attorney General notes the "almost universal experience of law enforcement officials" that persons charged with premeditated murder "are the least likely of all offenders to be recidivists." *Id.* at 1236; *see* note 60 *supra*.

[67] Mitchell, *supra* note 21, at 1238–39. The language of the proposed statute requires a substantial probability of guilt, not conviction. The analysis accompanying S. 2600 points out that the "substantial probability" of guilt requirement "is an added protection for the defendant and should bar the possibility of detention in weak government cases." CONG REC. Vol. 115, pt. 14, p. 19264). The suggestion seems to be that detention of a defendant who will be subsequently convicted is appropriate whatever the likelihood that he will commit bail offenses. It is noteworthy in this regard that less than half of all defendants sentenced by federal courts in fiscal 1968 received sentences of imprisonment. DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, ANNUAL REPORT 264 (table D5) (1968).

[68] *See* ABA MINIMUM STANDARDS, *supra* note 21, at 24.

[69] *See* TASK FORCE REPORT: CRIME 39 (table 19).

[70] *See id.*

[71] *Id.*

[72] D.C. CRIME COMM'N REPORT, *supra* note 20, at 240–41.

[73] *Id.*

[74] TASK FORCE REPORT: CRIME 38.

[75] Even when a defendant is caught "red-handed" and properly arrested, subsequent evidence may reveal that his mental state at the time of the offense was below the minimum necessary for criminal responsibility, in which case an acquittal by reason of insanity will result.

[76] A nationwide survey for the President's Crime Commission indicated that nearly half the population thought it better for the police to risk arresting an innocent person in a doubtful case than "to be really sure they are getting the right person" before making the arrest. TASK FORCE REPORT: CRIME 92.

[77] ABA MINIMUM STANDARDS 32.

[78] *Compare* 18 U.S.C. § 3146 (Supp. IV, 1969), *with* 18 U.S.C. § 3148 (Supp. IV, 1969). The legislative history of the Bail Reform Act, however, indicates that even in cases of bail pending appeal, the defendant is "presumptively to be released." H. Rep. No. 1541, 89th Cong., 2d Sess. 15 (1966); S. Rep. No. 750, 89th Cong., 1st Sess. 19 (1965).

[79] DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, ANNUAL REPORT 174 (table B1) (1968).

[80] Carbo v. United States, 288 F.2d 686 (9th Cir.), *cert. denied*, 365 U.S. 860 (1961). For a full discussion of the *Carbo* power in relation to the administration's proposal for preventive detention, see notes 152–54 *infra* and accompanying text.

[81] A recent District of Columbia case approves in dictum consideration of witness intimidation at the pretrial stage. *See* United States v. Gilbert, No. 23,711 (D.C. Cir., Dec. 17, 1969) (per curiam).

[82] Senate Bill 2600, however, does contain special detention provisions for persons who intimidate witnesses or jurors. S. 2600 § 2 [§ 3146A(a)(3)].

[83] *See* notes 57–67 *supra* and accompanying text.

[84] Approximately 64% of all stolen cars are recovered within 48 hours; only 12% are never recovered. TASK FORCE REPORT: CRIME 49.

[85] Although insurance is "usually involved" in cases of auto theft, less than 20% of all other crime losses are covered by insurance. *Id.* at 24, 58.

[86] U.S.C. § 3651 (1964).

[87] *Cf.* ABA MINIMUM STANDARDS 83; Note, *Preventive Detention*, *supra* note 20, at 1505.

[88] *See* Note, *The United States Court of Appeals for the District of Columbia Circuit: 1968–1969 Term*, 58 GEO. L.J. 80, 195–200 (1969).

[89] TASK FORCE REPORT: CRIME 123.

[90] Under a recent grant from the Law Enforcement Assistance Administration, the National Bureau of Standards has been commissioned to undertake an extensive study of bail crime

[91] HART COMM. REPORT, *supra* note 56, at 18 (emphasis added). The initial experience of bail projects suggests that with regard to the group of defendants who are not likely to flee, the amount of crime on bail is negligible. In St. Louis, the rearrest rate was two percent (4/170); in Des Moines, one percent (2/160). The Vera Project in New York City found that only 20 out of approximately 3,200 persons on pretrial releases were rearrested; the District of Columbia Bail Project reported a rearrest rate of 9.5%, but with only about two percent of the total number of persons released rearrested on "serious charges." Note, *Preventive Detention*, *supra* note 20, at 1496.

[92] D.C. CRIME COMM'N REPORT, *supra* note 20, at 514.

[93] *Id.* at 931.

[94] HART COMM. REPORT 19.

[95] D.C. CRIME COMM'N REPORTS 514–20.

[96] HART COMM. REPORT 18–28.

[97] *1969 Hearings*, *supra* note 4, at 88–89, 128–32.

[98] Wall Street Journal, Aug. 29, 1969, at 8, col. 3; *see* Wall Street Journal, July 31, 1969, at 10, col. 1.

[99] HART COMM. REPORT 20–21.

[100] *See generally* FBI, UNIFORM CRIME REPORTS: CRIME IN THE UNITED STATES—1968.

[101] In arriving at the 70% figure, the nature of the offenses involved was not taken into account, and arrests themselves were relied upon as proof that the offenses occurred. A partial reexamination of the data sheets from which this figure was compiled indicated that 27% of the robbery releasees surveyed were rearrested for violent crimes. HART COMM. REPORT 35.

[102] The suggestion has been made, which is undoubtedly correct, that "the precise extent of recidivism on pretrial release can never be fully documented." Mitchell, *supra* note 20, at 1241.

[103] Mitchell, *supra* note 20, at 1241–42.

[104] *But see* note 90 *supra*. According to Senator Ervin, preliminary indications are that there is less crime on bail than previously thought. Washington Post, Oct. 17, 1969, § C, at 4, col. 1

[105] Such an approach is not without constitutional pitfalls. *See* Skinner v. Oklahoma *ex rel. Williamson*, 316 U.S. 535, 543–45 (1942) (Stone, C.J., concurring).

[106] TASK FORCE REPORT: COURTS, *supra* note 20, at 29 (1967); *1969 Hearings* 352 (statement of Professor Foote); *cf.* Comment, *The Administration of Justice*, *supra* note 57, at 1627–30.

[107] S. 2600 § 7 [§ 3152(3)]; *see* notes 138–48 *infra* and accompanying text.

[108] ABA MINIMUM STANDARDS, *supra* note 21, at 69.

[109] *Cf. 1969 Hearings* 32 (statement of Chief Judge Greene, District of Columbia Court of General Sessions). Justice Jackson's warning about the danger of any principle that "lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need," seems particularly apropos in light of the use by advocates of the principle of preventive detention of figures reflecting high crime rates. *See* Korematsu v. United States, 323 U.S. 214, 246 (1945 (dissenting opinion).

[110] Professor Dershowitz has suggested that a 75% accuracy rate would be an adequate basis for a preventive detention plan. *1969 Hearings* 183–84.

[111] *See e.g.*, U.S. ATT'Y GENERAL'S COMM. ON POVERTY AND THE ADMINISTRATION OF FEDERAL CRIMINAL JUSTICE, REPORT 72–77 (1963).

[112] The problems inherent in a prediction of violent crime on bail were described recently:

"Predictions of human conduct are difficult to make, for man is a complex entity and the world he inhabits is full of unex-

pected occurrences. Predictions of rare human events are even more difficult. And predictions of rare events occurring within a short span of time are the most difficult of all. Acts of violence by persons released while awaiting trial are relatively rare events (though more frequent among certain categories of suspects), and the relevant time span is short. Accordingly, the kind of predictions under consideration began with heavy odds against their accuracy. A predictor is likely to be able to spot a large number of persons who would actually commit acts of violence only if he is also willing to imprison a very much larger number of defendants who would not, in fact, engage in violence if released." (Dershowitz, *Preventing "Preventive Detention,"* NEW YORK REVIEW OF BOOKS, Mar. 13, 1969, at 24–25, *reprinted in 1969 Hearings* 816.)

[113] S. 2600 § 2 [§ 3146A(b)(2)(B)]. The court is not required, however, to predict that the defendant will commit a specific crime if released. *See* text at notes 175–77 *infra*.

[114] 18 U.S.C. § 3148 (Supp. IV, 1969); *see* White v. United States, 412 F.2d 145 (D.C. Cir. 1968).

[115] The present authorization under the Bail Reform Act permits imposition of "any other condition deemed reasonably necessary to assure appearance as required." 18 U.S.C. § 3146(a)(5) (Supp. IV, 1969). Although the Administration's bill does authorize consideration of safety to the community in setting release conditions, it does not propose an amendment that would permit the court to fashion new conditions unrelated to appearance for trial, in order to prevent danger. *See* S. 2600 § 1(a) [§ 3146(a)].

[116] *See, e.g.*, McGee, *Objectivity in Predicting Criminal Behavior*, 42 F.R.D. 192 (1968); Thomsen, *Sentencing the Dangerous Offender*, 45 F.R.D. 175 (1968); Wolfgang, *Violence and Its Relation to Sentencing*, 46 F.R.D. 533 (1969).

[117] For an example of the diagnostic problems involved with even carefully planned tests to evaluate a potential for violence, see Sarban & Wenk, *Resolution of Binocular Rivalry as a Means of Identifying Violence-Prone Offenders*, 60 J. CRIM. L.P. & P.S. 345 (1969).

[118] Professor Wolfgang has commented that "[t]he difficulties of predicting violent behavior, even among the small and limited set of persons to be released on parole, preclude efforts to obtain much accuracy or efficiency beyond the operation of chance." Wolfgang, *supra* note 116, at 550–51.

At the 1969 hearings, one witness commented that some future bail offenders are easily identified, stating that "[i]f Dillinger came before you, anybody with three grains of sense knows he is dangerous." *1969 Hearings* 22. The example given was infelicitous: Dillinger's one-man crime wave, which ended with his death in a gun battle with FBI agents, began within months of his release on parole from the Indiana State Prison, thus suggesting that his dangerousness was not particularly apparent to the parole board. *See* D. WHITEHEAD, THE FBI STORY 103–06 (1956).

[119] *See, e.g., 1969 Hearings* 37 (Chief Judge Harold H. Greene), 60 (Bruce D. Beaudin, Director, D.C. Bail Agency), 131 (Mrs. Patricia M. Wald), 226 (H. Subin, Associate Director, Vera Institute of Justice), 227 (Chief Judge Alfred P. Murrah).

[120] *See id.* at 124, 220.

[121] *E.g.*, HART COMM. REPORT 34; *1969 Hearings* 220.

[122] An informal survey of two judges' ability to predict is described in *1969 Hearings* 69–71, 182.

[123] *1969 Hearings* 175–76, (proposal of Professor Alan Dershowitz); *1969 Hearings, supra* note 4, at 206–07 (proposal of Mrs. Patricia M. Wald).

[124] Although consideration of probable recidivism is permitted in such proceedings, between 10 and 20% of those persons released and presumably predicted to engage in future criminal activity did in fact commit additional offenses. Nationally, statistics show that 7.5% of those defendants removed from probation supervision during fiscal 1967 were removed for a "major offense violation" of their probation. The percentage of major violations while on parole for the same year was 20.3. DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, ANNUAL REPORT 154 (table 7) (1968). In fiscal 1966, the figures were 8.5% and 19.6% respectively. DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, ANNUAL REPORT 160 (table 7) (1967).

[125] Such defendants, of course, may have prior convictions, but they are not yet convicted of the charge for which release conditions are being set.

[126] Both in pretrial capital cases, and on appeal, defendants are "presumptively to be released." H.R. REP. NO. 1541, 89th Cong., 2d Sess. 15 (1966).

[127] *See* FED. R. CRIM. P. 43. On the trial court's duty to determine that the absence of defendant is voluntary, see United States v. McPherson, —— F.2d —— (D.C. Cir. 1969).

[128] *See* Note, *Preventive Detention, supra* note 20.

[129] D.C. CRIME COMM'N REPORT, *supra* note 20, at 527–28.

[130] ABA MINIMUM STANDARDS, *supra* note 21, at 83.

[131] Although not relevant to a discussion of the Administration's preventive detention proposal, two other classes of defendants were also eligible for detention: those charged with capital offenses, and those charged with felonies in which there is a high degree of probability that if released, defendant would flee the United States. *Id.* at 85.

[132] *Id.*

[133] *Id.* at 86.

[134] *Id.* at 83–84.

[135] S. 2600, 91st Cong., 1st Sess. (1969); *see* note 19 *supra*.

[136] S. 2600 § 2 [§§ 3146A(a)(1)–(3)].

[137] S. 2600 § 2 [§§ 3146A(b)(1)–(2)].

[138] Letter from Attorney General John N. Mitchell to the Vice President, in CONG. REC. vol. 115, pt. 14, p. 19262.

[139] *Id.*

[140] S. 2600 § 7 [§ 3152(3)].

[141] CONG. REC. vol. 115, pt. 14, p. 19263.

[142] *Compare* D.C. CODE ANN. § 22–401 (1967), *with* D.C. CODE ANN. § 22–404 (1967).

[143] D.C. CODE ANN. § 22–1801 (1967).

[144] D.C. CRIME COMM'N REPORT 85.

[145] Of the ten residents found at home, all were "assaulted in some manner." *Id.* at 86.

[146] *Id.* at 49.

[147] *But see* CONG. REC. vol. 115, pt. 14, p. 19263.

[148] *Id.*; *cf.* D.C. CRIME COMM'N REPORT 568.

[149] S. 2600 § 2 [§§ 3146A(a)(2), 3146B].

[150] S. 2600 § 7 [§ 3152(3)].

[151] 115 CONG. REC. S7910 (daily ed. July 11, 1969).

[152] *Id., citing* Carbo v. United States, 82 S. Ct. 662 (Douglas, Circuit Justice, 1962); Mitchell, *supra* note 21, at 1235, *citing* Fernandez v. United States, 81 S. Ct. 642 (Harlan, Circuit Justice, 1961). Neither of the two cases cited in support of this proposition involved detention during the pretrial period. Moreover, until very recently, no federal court ever had applied the *Carbo* power to detain a defendant for witness intimidation prior to his trial. In December 1969, however, the D.C. Circuit ruled that the courts' inherent power to authorize detention to prevent witness intimidation could be invoked during the pretrial period as well. United States v. Gilbert, No. 23,711 (D.C. Cir., Dec. 17, 1969) (per curiam).

[153] 18 U.S.C. § 1503 (1964).

[154] The clear and convincing evidence of witness intimidation would be more than adequate to support at least an arrest warrant on an obstruction of justice charge.

[155] *But see* Mitchell, *supra* note 21, at 1237, noting that an "informal study" by the Department of Justice indicated that approximately 10% of the defendants charged during a two week period in the District of Columbia would have been eligible for detention.

[156] *See* DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS, ANNUAL REPORT 246 (table D3) (1968).

[157] *See* text accompanying notes 128–30 *supra*.

[158] H. SUBIN, *supra* note 58, at 35–36.

[159] D.C. CRIME COMM'N REPORT 138.

[160] FED. R. CRIM. P. 5.

[161] H. SUBIN, *supra* note 58, at 42–44.

[162] S. 2600 § 2 [§ 3146A(d)(2)(B)].

[163] CONG. REC. vol. 115, pt. 14, p. 19260 (remarks of Senator Hruska); *1969 Hearings* 289; HART COMM. REPORT 16; *cf.* United States *v.* Leathers, 412 F.2d 169, 170. (D.C. Cir. 1969).

[164] S. 2600 § 2 [§ 3146A(c)(5)].

[165] S. 2600 § 2 [§ 3146A(b)(2)(a)].

[166] *Id.*

[167] S. 2600 § 2 [§ 3146A(b)(2)(B)].

[168] ABA MINIMUM STANDARDS, *supra* note 21, app. C, at 86–87.

[169] S. 2600 § 2 [§ 3146A(b)(2)(C)].

[170] *See* notes 64–67 *supra* and accompanying text.

[171] S. 2600 § 2 [§ 3146A(b)(2)(C)].

[172] S. 2600 § 2 [§ 3146A(c)(4)–(5)].

[173] S. 2600 § 2 [§ 3146A(c)(3)].

[174] *Id.*

[175] S. 2600 § 2 [§§ 3146A(a), (b)(2)(B)].

[176] CONG. REC., vol. 115, pt. 14, p. 19264.

[177] Senator Tydings has introduced two bills which although avoiding some of the pitfalls into which S. 2600 has fallen, contain most of its significant defects. The prediction inherent in the bills is the commission of specific crimes, basically those involving bodily harm, robbery, burglary, or witness intimidation, but the required finding is that the probability of those crimes would create such a danger that no condition of release would "provide the necessary protection." S. 546, 91st Cong., 1st Sess. § 2(c) (1969). Both bills, as well as the Senator's statements in their support, fail to deal adequately with the need for preventive detention and with the ability of courts to identify likely offenders. Furthermore, although both bills require an "evidentiary" hearing and findings based upon "clear and convincing" evidence, apparently the rules of evidence would not apply. *See 1969 Hearings* 80, 87, 89–90. Senate bill 3034, which would apply only to the District of Columbia, was the subject of hearings before the Senate Committee on the District of Columbia in November 1969. *See* note 18 *supra*.

[178] ABA MINIMUM STANDARDS 70.

[179] JUDICIAL COUNCIL COMM. TO STUDY THE OPERATION OF THE BAIL REFORM ACT IN THE DISTRICT OF COLUMBIA, REPORT 25–30 (1968).

[180] HART COMM. REPORT, supra note 56, at 14–15, 26–31.

[181] *E.g., 1969 Hearings* 10 (Judge Hart), 41 (Chief Judge Greene), 337 (Chief Judge Curran), 278–79 (Chief Judge Murrah), 353 (Professor Foote).

[182] *See* HART COMM. REPORT. 23.

The PRESIDING OFFICER. Who yields time?

Mr. TYDINGS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Maryland has 19 minutes remaining and the Senator from North Carolina has 20 minutes remaining.

Mr. TYDINGS. Mr. President, I yield 5 minutes to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, the increase in serious crimes and the fear felt by law-abiding citizens for their lives and property are among the most critical problems of the Nation. They are particularly acute in the Washington area. Serious crimes here are reported to be increasing at the rate of 22 percent a year.

In an effort to protect themselves, many law-abiding citizens have erected barriers to their homes and refuse to venture out at night. Many business establishments have either abandoned the city or revised their modes of operations in effort to avoid further robberies, burglaries, and shootings.

Better solutions than we presently have are urgently needed now to check crime and to check also the rising fear of crime. What shall we do about these problems? Certainly we need to attack more vigorously the problems of poverty, education, the crowded and indecent conditions that may be the real cause of crime. But we need also to strengthen our law enforcement and criminal justice system to make it operate fairly and swiftly if it is to serve as a deterrent to crime.

Clearly there is an urgent need for court and law enforcement overhaul here in the District of Columbia, the only particular jurisdiction in the United States where the Congress writes the criminal laws and provides for the criminal justice and law enforcement system.

The Senate is asked to vote up or down on a massive array of proposed legislative solutions which are contained in one package, the District of Columbia crime conference report. My vote reflects my judgment that, taken as a whole, the District of Columbia crime conference bill can fairly reinforce the criminal justice system; and can do so in a manner calculated to make that system serve society more effectively.

The conference report offers several provisions which I believe will be highly beneficial in strengthening the law enforcement and criminal justice system.

Presently the average time between arrest and trial in the District of Columbia is 10 months. For an average, that is too long if the criminal justice system is to be at all effective in deterring crimes. Our system of justice needs to move more swiftly and, therefore, the provisions of the bill providing for court reorganization and adding 17 judges to the Superior Court should serve the highly desirable purpose of providing for speedier trials and a reduction of the criminal case backlog.

The establishment of a Public Defender Agency to provide legal representation for indigent defendants would also serve to expedite criminal trials.

The conference report also provides for an expansion in size and of the role of the District of Columbia bail agency. Under the provision, the Bail Agency will not be limited to its present service as a provider of information about the accused for the guidance of the judicial officer in making a decision as to release conditions. It will also make recommendations on bail alternatives and most importantly, supervise the accused who may be conditionally released.

All of the foregoing provisions in my opinion will make an important contribution to crime deterrence through improving and strengthening the criminal justice and law enforcement system.

Other provisions of this crime package—particularly those involving pretrial detention and "no-knock" warrants—do raise problems as to their wisdom and constitutionality. We might prefer that they were not present in this omnibus measure but improvement has been made in both provisions over what was earlier contained in the House bill and there are also the following considerations.

Police officers today, on their own authority, can enter premises to serve search or arrests warrants without first knocking and announcing their identity, when justified by certain circumstances. As would be expected, when necessary to prevent death or serious injury to a third person, or the officer himself, or to prevent the destruction of quickly and easily destroyable evidence when the policeman's presence is already known and announcement would be useless, a police officer is permitted to dispense with notice.

The District of Columbia crime report provisions on no-knock warrants does not give police officers this authority. They already have it. What the conference report does is require that a police officer obtain judicial permission in advance when he has probable cause to believe that these exigent circumstances are likely to exist at the time of the execution of the warrant.

The goal of the pretrial detention provisions of the District of Columbia crime conference report is to protect the public and its individual members from the danger of potential criminal acts committed by persons charged with prior serious criminal offenses who are at liberty awaiting trial.

In other Western nations with civilized criminal justice systems—most notably Great Britain—pretrial detention has been practiced fairly and effectively. In England, be it murder, rape, bank raid, or the like, they do not allow the man out on bail, but keep him imprisoned if they think he may make another offense and assure that he is tried within 8 weeks—this, according to a high ranking member of England's judicial system as presented by the Senator from Maryland (Mr. TYDINGS).

The distinguished English jurist notes that in their experience—

> It is better for society that criminals or potential criminals should not be let loose pending trial. We do not let them out on bail, although we have in our bill of rights, like you, the prohibition against excessive bail being demanded.

As a matter of fact, neither the concept nor the actual practice of pretrial detention is new in the United States. It has been a long accepted practice under certain circumstances to deny bail to persons charged with capital offenses and thus to detain them prior to trial.

Under the Bail Reform Act of 1966, a Federal Court is authorized to detain prior to trial those charged with offenses punishable by death when release would pose a danger to the community or any other person.

But danger to the community or any other person is not now a factor that can be considered forthrightly by a court in setting financial or other conditions of release for persons charged with other serious and violent crimes.

While under existing law the only stated legal basis for requiring a money bond is to secure the accused's presence at trial, there may be a reason to suspect that courts do in fact consider harm to the community posed by release. When bond is set so high that it cannot be made, an accused is jailed and thus detained prior to trial.

Recent District of Columbia studies show in fact that over 40 percent of felony suspects are detained prior to trial because of inability to post bonds.

Under the District of Columbia conference report, dangerousness to the community, would be a factor for consideration by the Court with regard to release for certain classes of defendants charged with serious offenses. The determination would be based on an appealable adversary hearing of record in which the defendant would be represented by counsel.

To order pretrial detention of the accused for a period of 60 days, the court must find that no conditions under which release could be permitted would reasonably assure the safety of the community and must also find that the Government has established that there is a substantial probability that the accused committed the offense with which he is charged. The cases of persons ordered detained for 60 days must be placed on an expedited trial calendar and given priority.

The pretrial detention hearing seeks to afford due process safeguards for the accused person and at the same time seeks to give a better balance to the rights of society to be protected from the threat of repetition of crime on bail.

I present the foregoing favorable considerations of these two highly controversial provisions so as to demonstrate that they may offer the possibility of fair improvement over existing practices. If unconstitutional, these provisions certainly will be subject to review and can be nullified by the courts. Moreover it is obvious that legislation of this character cannot be perfect in the first instance. We would expect recognition in the Congress of refinements that will be needed.

I do not agree with all the provisions in the conference report, but it is clear to me that unless this legislation is adopted, there will be no legislation this year to expand and improve the courts and the law enforcement agencies that are needed for the District of Columbia.

Mr. ERVIN. Mr. President, I yield 10 minutes to the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Wisconsin (Mr. NELSON).

Mr. NELSON. Mr. President, no matter

how artistically and eloquently the proponents of this measure defend the concept of no-knock entry, preventive detention, and the provisions for wiretapping, the fact of the matter is that the provisions do in fact compromise the constitutional rights of the people of this country, and the conference report ought to be defeated.

Mr. President, there can be no doubt that the increasing crime rate is one of the most serious domestic problems facing our country today. The latest satistics of the Federal Bureau of Investigation indicate that there has been a 13 percent increase in serious crimes in the first 3 months of 1970. This added burden of crime has fallen most heavily upon our cities.

Nowhere are the criminal statistics more appalling than in the Nation's Capital: 56,000 felonies reported in the District of Columbia in 1969; serious crime rising at almost double the national rate; reported felonies having increased 122 percent in the last 5 years. Thus it is apparent that the national commitment to reducing crime can best begin here in Washington, making the District of Columbia an example for the entire country.

S. 2601, the District of Columbia crime bill, which we are now considering, therefore, must be considered as a pilot program to demonstrate the Federal Government's fight on crime to all of the United States. With this expectation, the administration has already sent similar legislative proposals to Congress to apply provisions of S. 2601 to all Federal districts throughout the country.

The District of Columbia crime bill which emerged from conference contains many noncontroversial features that are badly needed in any vigorous system of effective law enforcement—in the District of Columbia and in every other Federal jurisdiction as well. This bill, as it now stands, also contains provisions which are so antithetical to the entire history of American jurisprudence that their inclusion makes this legislation unacceptable.

The Senator from North Carolina (Mr. ERVIN) has ably and carefully documented the constitutional flaws in this legislation. While the bill provides for badly needed court reorganization, a strengthened District of Columbia Bail Agency, establishment of a public defender for the District, and the adoption of an Interstate Compact on Juveniles, it is, in my judgment, totally compromised by the inclusion of such obnoxious features as preventive detention, no-knock entry, mandatory sentencing, broadened wiretapping authority, automatic mental commitment, changes in burden of proof in insanity pleas, procedures for the no-jury trial of multiple offenders, and expanded treatment of juveniles as adults.

It has been suggested that, because the valid and necessary features of this present bill outnumber the objectionable provision, the Senate should swallow its objections and approve the conference report as it stands. It has also been suggested that at some later time the courts can repair any violence done to the Constitution. This is a dangerous concept and ought to be summarily rejected by the Senate. It is also implied that preventive detention of persons charged with crime who may commit another crime, no-knock entry by policemen and unnamed assistants, and government eavesdropping are the prices that we must pay to reduce the crime rate.

I do not agree with these suggestions. There are alternate courses of legislative action which can be enacted in a short time and which will bolster law enforcement without objectionable erosions of constitutional guarantees. I also firmly believe that it is right and proper for the Senate to insist that anticrime proposals be consistent with longstanding American concepts of justice.

There are presently available three legislative proposals which offer effective means of giving the District of Columbia additional tools to prosecute law enforcement. I am referring to S. 4080 and S. 4081, introduced by Senator ERVIN and others as substitutes for S. 2601. These measures incorporate the worthwhile features of the court reorganization plan and changes in criminal law and procedure which were contained in the conference report on S. 2601.

The most needed and uncontroversial features of S. 4080 and S. 4081 include a new superior court which would take jurisdiction over all purely local civil and criminal cases with divisions of flexible size capable of adjusting to exact needs; a system of modern court management, with the centralization of nonjudicial, administrative duties in top-level court executives to invoke more efficient procedure that will clear away paperwork and other delays; substantial increase in judges with provisions for other means for expanding the city's judicial resources; a full-fledged public defender service for the District of Columbia, greatly expanding the size and scope of operation of the existing Legal Aid Agency; and expanded District of Columbia Bail Agency with the authority and manpower to keep a much closer watch on defendants released on bail; and restoration of the Senate's original Federal payment of $48 million to the District to carry out court reorganization and give substance to other crime programs, in particular, efforts to deal with narcotics addiction.

The third legislative proposal which would assist in reducing crime in the District of Columbia is S. 3936, the speedy trial bill. This measure would require each Federal District Court to provide trial within 60 days of indictment or information. The measure would also provide for additional penalties for crimes that are committed during pretrial release and would establish demonstration pretrial service agencies in five Federal districts, including the District of Columbia. In sum, S. 3936 provides a constitutional alternative to preventive detention.

These three bills are sensible anticrime measures for the District of Columbia which I have cosponsored and which I support as substitutes for S. 2601. In addition to excising the questionable provisions infringing on citizens' constitutional guarantees, this legislation would give the District the additional money to begin to make a concerted effort against its No. 1 crime problem—narcotics. These substitute bills deserve expedited consideration and passage in place of the measure now before us.

Since this legislation will mainly affect an unrepresented minority within an unrepresented minority—the black residents of the District of Columbia—it is a proper duty and an obligation of this body to question and object to the infringements of citizens' protections under this bill. Furthermore, we must also consider the example which this bill is intended to make for law enforcement activities in all the States. This bill has vital implications for governmental conduct in every region of the country.

Mr. President, the affairs and activities of men and governments in this country have been controlled and guided for over 180 years by the U.S. Constitution. Its provisions have withstood the tests of time and relevance to an expanding nation. Thus we are the only country in the world that has sustained any form of government under one constitution for so long a period of time.

Over the years this Constitution and its Bill of Rights have faced stiff and critical challenges. This document has remained as the framework of government and the guardian of individual liberty through these tests only because men have taken the responsibility and the opportunity to defend the Constitution all through the continuing stresses and strains of this great and important experiment of man and government.

Today, the Senate is faced with a measure which makes specific attacks upon the rights guaranteed to all citizens by the fourth, fifth, sixth, and eighth amendments to the Constitution and traditional American concepts of justice. In particular, these attacks are embodied in the no-knock entry and preventive detention provisions of the District of Columbia crime bill.

First, the no-knock authority granted in the conference report is broader and less clear than the no-knock power permitted under the Griffin amendment, which I opposed, to the Drug Control Act, S. 3246, passed earlier this year. The language of the present no-knock provision in S. 2601 is therefore at variance with both previous legislative language in S. 3246, and with case law. It has been suggested that the provision merely codifies existing law. If this is so, then why is this provision necessary at all? Also, if existing law concerning no-knock is sufficient, then why has the Federal prosecutor for the District of Columbia claimed that he now cannot do what the new law would permit?

According to the conference report, a police officer needs only a low level of proof to obtain a no-knock warrant up to 10 days before it is to be used. A magistrate must rely upon an officer's judgment which can be far removed in time and place from the point of action. In addition, the use of the no-knock warrant in the conference report is not

restricted to a specific category of crimes such as in S. 3246, the Drug Control Bill, where the no-knock provision can only be used in connection with narcotics felonies. Under S. 2601, no-knock could be used for anything from minor offenses to major felonies.

Under S. 2601, an officer may seek a no-knock warrant if he has probable cause that evidence is likely to be destroyed or an officer's life endangered. There is no reference to any certainty regarding the need for a no-knock warrant, only likelihood. This conjunction of "probable cause" and "likelihood," in effect, is a level of proof requiring only a contingent contingency and would allow an officer to conduct a no-knock search at will, or at best, a reasoned conjecture.

A most curious part of the no-knock provision is that which extends no-knock authority to "any person aiding an officer" in the execution of this warrant. Who is this "any person aiding an officer?" Is he a passer-by? Is he a vigilante? No need has been demonstrated for extending whatever right of unannounced intrusion there may be to private persons. Indeed, the language of the conference report leaves open the possibility of a self-labeled assistant breaking and entering alone on the barest suggestion from an officer or on the basis of what the aide alone interprets as an implied suggestion.

The Ker against California case decided by the Supreme Court established the current common law rules regarding no-knock searches. According to the best interpretation of this ruling, only "exigent circumstances" are sufficient for a no-knock entry. Exigent circumstances by their very nature can only be determined at the place where the search is to be conducted.

Thus the officer has to be at the scene where the search is to be executed before he can know whether a no-knock entry is justified. The words of the bill before us do not reflect this interpretation of the Ker case.

Finally, the present no-knock proposal raises the serious question of offending the fourth amendment which guarantees the right of people "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." There is no more important right secured by the Constitution, and no one has more eloquently stated the case against no-knock entry than William Pitt in debate in the House of Lords 204 years ago, when he stated:

> The poorest man may, in his cottage, bid defiance to all the forces of the Crown. It may be frail. Its roof may shake. The wind may blow through it. The storm may enter. The rain may enter. But the King of England cannot enter. All his force dares not cross the threshhold of that ruined tenement.

As if this no-knock provision is not offensive enough, the conference bill also contains a preventive detention provision. This provision introduces a new element to be considered in the release on bail of a person accused of a crime. Traditionally, the single issue to be considered in setting bail release conditions is the likelihood that the accused criminal will not appear for trial. Under the preventive detention provision, there is to be the further determination as to whether pretrial release in noncapital criminal cases will affect the "safety of any other person or the community." This new factor makes far-reaching changes in the purpose and intent of bail procedures.

This new consideration is an outgrowth of the great concern to keep violent criminals off the street, that is, to prevent further crimes of physical violence before a criminal is incarcerated. The language of the conference bill, however, makes preventive detention applicable to a wide range of persons accused of both nonviolent as well as violent crime. Under the bill, not only can accused murderers, rapists, arsonists, and other perpetrators of physical violence be detained, but so can those accused of "taking or attempting to take property from another by force or threat of force" and those accused of "unlawfully entering or attempting to enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein." This broadens the concept of preventive detention far beyond an intent to prevent further physical violence before trial and destroys the primary intent of release on bail to insure appearance at trial. Although preventive detention may have been intended to be limited to crimes of violence, under this bill it is subject to use as a catchall street cleaning mechanism for those accused of antisocial behavior.

Reference is made in this bill to placing the case of a person preventively detained on an expedited court calendar so as to make a swift test of guilt or innocence of the original charge a part of the process, as in the English system. But there is no assurance that the accused will receive a speedly trial within the original 60-day detention period, as the British system provides. Since consecutive periods of 60-day detention are allowed under this bill, an accused person can be incarcerated for an extended period of time without either release or without trial.

Preventive detention is contradictory to the due process clause of the fifth amendment, since the arrested person is deprived of his liberty on the basis of a probability that he will commit a future crime. This detention is made before and without conviction for the first criminal charge.

Preventive detention also interferes with a person's right of access to counsel and participation in obtaining evidence and witnesses in his own defense as guaranteed by the sixth amendment.

It also violates the eighth amendment prohibition against the use of excessive bail. The historical purpose of the amendment was to make certain that bail is used to insure appearance and not to penalize the accused before conviction. Thus, by implication, the eighth amendment guarantees a right to reasonable bail for noncapital cases.

The arguments which I have considered concerning the issues of no-knock entry into private homes, the preventive detention of accused criminals who may cause further crime, and other provisions of this bill, lead me to the conclusion that there is certainly probable cause that the individual rights of citizens of the District are not only likely to be impaired, but they will be impaired. This constitutional infringement is unacceptable.

I should also like to voice my opposition to the wiretapping provision in this conference bill. With the possible exceptions of national security and organized crime, I am opposed to any use of wiretapping and the invasion of privacy that occurs in a formalized government effort to intercept wire or oral communications. The authority for electronic surveillance given in S. 2601 goes far beyond the limitations of these exceptions when the list of offenses for which wiretaps are permitted reads: arson, blackmail, bribery, burglary, destruction of property of value in excess of $200, gambling, grand larceny, kidnaping, murder, obstruction of justice, receiving stolen property of value in excess of $100, robbery, extortion, and offenses involving dealing in narcotic drugs, marihuana, and other dangerous drugs. This extends the Government's ear far too far.

Mr. President, the issue before the Senate is not whether to do something about crime. Nor is the issue one of preserving the rights of criminals. The issue is how to take strong law enforcement actions consistent with the constitutional guarantees of all citizens.

The no-knock, preventive detention, and wiretapping provisions are not only objectionable on constitutional grounds, but they are repugnant to American traditions and values. One freedom we have always honored is the freedom from repressive governmental action. Freedom from the fear that our life, our liberty, or our property may be arbitrarily taken from us by the State is a founding proposition of this country.

Millions of our citizens or their forefathers came to settle in America to escape the repressive practices in their homeland. They have known the terrible fear of "the knock at the door in the middle of the night." In contrast the United States symbolized a country where people could live in personal security and free from any threat to the security of their household.

I must cast my dissent to any possibility that this security may be compromised in any way. We have protected well against the specter of the "knock in the middle of the night"—we must defend even stronger against the fear of the unannounced breaking down of any man's door.

Nowadays, any legislation traveling the legislative route under the umbrella of "crime control" automatically receives wide public acclaim. No one wants to raise doubts or questions or vote against any such bill, because the public reaction will be adverse.

Grave doubts are being privately expressed by many who will vote for this bill because they view it as too difficult to explain to their constituents. Everyone here was elected to uphold the Constitution—not compromise it. I, therefore, register my opposition to this measure by voting against it.

Mr. President, the Senate has an even stronger alternate legislative plank to

fight crime in the District of Columbia. My support is for the alternate bills to the conference report—S. 4080, S. 4081, and S. 3936, providing speedy trial for those accused of crime.

Mr. STENNIS. Mr. President, every Member of this body, I am sure, and the people of the Nation, owe a debt of gratitude to the Senator from North Carolina (Mr. ERVIN) for the very fine exposition he has made of this troublesome and far-reaching question.

I, too, would like to support a sound bill. I am not indifferent to conditions in the District of Columbia. In a small way, I am a property owner here—of a home, at least. A member of my family has been a victim of some of the lawlessness here. So I am not indifferent to that. I am not a total stranger to law enforcement here.

I spent 5 active years as a district attorney. In that office I did everything from investigating to serving a grand jury. My duties included preparing indictments, advising, and consulting with the grand jury, presenting the evidence, and making arguments to the jury, handled many hundreds of felony cases. I am not boasting, but I got it in the "raw." It was my privilege to serve 10 years on the trial court bench as a circuit judge, with all kinds of criminal cases and with unlimited civil jurisdiction. I have no outstanding record, but I am not a stranger to this field and the problems that goes with it.

I think we are planting seeds of great disappointment in this bill. In the first place, almost everyone has doubts about its constitutionality. When those who doubt the constitutionality of statutes rely on the courts to overturn them, that does more to undermine our Constitution than anything else I know of. I refer to those who believe that the question of constitutionality is purely one for the courts and not for the Congress or State legislatures.

Passing on, Mr. President, because I do not have time to argue this question fully—and many of these very questions have been ably presented by the Senator from North Carolina—the principal argument is that we should pass the bill to help the District of Columbia. I do not think there is any doubt that we are making admissions and lowering the standards of the administration of justice if we pass this bill and it is upheld. We are lowering the standards and we are doing it because the standards have already been lowered in the District of Columbia to the point where there is little effective enforcement of our criminal law. But this bill is not the remedy, just because we have let these conditions build up. This is no excuse to desert constitutional standards. I believe that these conditions were largely caused by the unfortunate changes in the laws of criminal procedure and the administration of criminal justice by the Supreme Court of the United States in its interpretation of the Bill of Rights, such as in the Mallory case, and many others. This bill will not bring about a remedy in that field. It does not touch, topside or bottom, the constitutional questions involved.

Another question is the general widespread permissiveness we have let come about in the District of Columbia and many other places in the country to which it has spread. For years there has been no real will to enforce the criminal law. There has been no positive determination on the part of the people or, it seems to me, on the part of many of the officials. Bandits walk the policemen's beats. The policeman is ridiculed. He is criticized and blasted in public day after day. Furthermore, there is a certain type of permissiveness that has almost gotten out of hand. We should not let it go on. My point is, that condition has to be met by will and determination. Putting more laws on the books is not going to do it.

There may be a need for more judges, but my feeling is that some of the judges could put in more hours a day than they seem to put in. They could do more to pursue cases and know more about the sentences that are going to attach to those criminals than using the system now in use under which someone files some kind of report.

So I believe we are looking in the wrong direction. We want to do something for the District of Columbia, certainly—we also want to do something for the whole country. But I believe we are going to have to reform ourselves first by law enforcement, and developing the will to enforce the law that we already have.

There is no breakdown of criminal procedure, as I see it. As I say, we may need more judges. We may need more law. But I strongly back the Senator from North Carolina (Mr. ERVIN) when he offers us a law that will give immediate relief and bring matters more up to date. His proposal skips all these very highly questionable constitutional matters that are in the bill before us. There are good motives behind those who worked on them. I would not suggest anything. I praise them for the work they have done. But I believe we are going to make the people think that paradise is at hand. We will lead the people of America to believe that we have found the remedy; that we are going to apply it to the District of Columbia first; and then apply it to the rest of the Nation. There is going to be a serious breakdown and a lot of hollering and disappointment.

I think we can take the laws we have, plus the proposals of the Senator from North Carolina, and get a strong public sentiment behind law enforcement officers, and a strong public sentiment behind enforcement of the law and support for the courts.

I remember the old days when public opinion was the basis for support of law enforcement. We must have that to have the juries in the right frame of mind.

I am really disappointed, in getting into this important matter—and it is highly important—to find so little of the things that really would, in my humble opinion, afford us an appreciable remedy.

So I have grave doubts about it, in fact, I just do not believe some of these provisions are constitutional, and if those of us who believe that way are going to surrender and say, "Let the courts decide everything," then who else will stand up for these basic principles?

Another thing I find here, and I have checked somewhat, is that there is no punishment passed out, no real punishment provided for these offenses. In the District of Columbia we do not have enough houses of correction or houses of punishment, or places where the offender may feel a penalty of some kind—I do not mean excessive penalties, but in order for the offender to feel the sting for having committed a crime. I believe that is the necessary remedy. We have always believed that, until recently. But some way, we have slipped into the idea that a man's background, or some other far-off reason, is to control, and he must be more or less protected instead of really punished. I say that is simply contrary to commonsense.

We have purse snatching because it is not unprofitable to snatch purses; and we have these felonies of burglary and larceny and stealing because it is not unprofitable. There is no sting of real punishment.

The Senator from Louisiana has stated that only 5 percent of those who are charged with felonies are ever punished. My goodness alive, if that is correct—and I assume it is—are we going to use that as the justification for the no-knock provision? I think we already have, in practical effect, most of this no-knock provision anyway.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I thank the Senator from North Carolina for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. ERVIN. Mr. President, I yield the remainder of my time to the able and distinguished junior Senator from Maryland (Mr. MATHIAS).

Mr. HARRIS. Mr. President, will the distinguished Senator from Maryland yield me 1 minute?

Mr. MATHIAS. Mr. President, I yield 1 minute to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, Bernard Schwartz, noted constitutional authority, stated in his "Commentary on the Constitution of the United States," that the Constitution:

> Ensures to the person a privileged sanctuary within which he can live his own life, sheltered from public supervision and scrutiny . . . He can retreat therein from outsiders, secure in the knowledge that they cannot get at him without disobeying the Constitution.

Mr. President, this will be less true if the Senate agrees to the pending conference report on the District of Columbia crime bill. Since the founding of this Nation, Americans have always regarded "a man's home as his castle." This cliché establishes the moral, if not legal, basis upon which many traditional and fundamental concepts of American law are based.

Previously, I have expressed my strong opposition to certain provisions of the omnibus crime bill for the District of Columbia. Provisions for no-knock entries by police, "pretrial preventive detention," extensive wiretapping and electronic surveillance, mandatory minimum sentences for certain crimes, and revision of the juvenile code making trial as an

adult mandatory for 15 to 18 year-olds under certain conditions are inconsistent with the constitution and are repressive in both nature and effect.

Authority for law-enforcement officers to break and enter without announcing their identify or purpose has been incorporated in a number of legislative proposals during the 91st Congress, including the Controlled Dangerous Substances Act—S. 3246—the District of Columbia Court Reorganization Act—S. 2601—and the present District of Columbia crime bill—H.R. 16196.

Mr. President, these proposals raise serious questions concerning the meaning and scope of the fourth amendment's protection against unreasonable searches and seizures. On several occasions, the Supreme Court has addressed itself to the problem of "no knock" entry, first in 1958 in Miller against United States and in 1962 in Ker against California. As a memorandum issued by the distinguished Senator from North Carolina (Mr. ERVIN) states:

In *Miller* v. *United States*, 356 U.S. 301 (1958), the Supreme Court held unlawful a breaking and entering by arresting police officers where proper notice was not given. While the Court's decision turned on its application of the governing federal statute, 18 U.S.C. 3109, and not expressly upon constitutional standards, the court discussed the history of the requirement of notice. Mr. Justice Brennan wrote for the majority, "From the earliest days, the common law drastically limited the authority of law officers to break the door of a house to effect an arrest. Such action invades the precious interest of privacy summed up in the ancient adage that a man's house is his castle." Mr. Justice Brennan cited *Semayne's Case* as setting forth the common law rule concerning breaking and entering. He concluded his opinion by writing: "The requirement of prior notice of authority and purpose before forcing entry into a home is deeply rooted in our heritage and should not be given grudging application."

In *Ker* v. *California*, 374 U.S. 23 (1962), the Supreme Court for the first time directed itself to the question of the constitutionality of a "no-knock" entry. It appears that at least eight Justices on the Supreme Court at the time of the Ker decision subscribed to the view that the Fourth Amendment implicitly prohibits unannounced entry in the execution of a search or arrest. The decision of the court in *Ker* v. *California*—affirming a state court's rejection of a contention that officers' failure to give notice was violative of the Fourth Amendment—also pointed to common law exceptions to the rule of announcement. It is the basis for and scope of the exceptions to the universally acknowledged general rule of notice that is specifically at issue in the various legislative proposals for "no-knock" entry.

In this case, the Supreme Court affirmed a California court decision which found sufficient circumstances to justify an exception to the constitutional requirement of notice, held to be incorporated in a California statute. Mr. Justice Clark quoted from *People* v. *Maddox*, 46 Cal. 2d 301 P. 2d 6:

". . . since the demand and explanation requirements of section 844 are codification of the common law, they may reasonably be interpreted as limited by the common law rules that *compliance is not required if the officer's peril would have been increased or the arrest frustrated had he demanded entrance and stated his purpose.*"

The close 5-to-4 vote in the Ker against California case significantly diminishes the majority decision. Justice Brennan and three other Justices held that the majority had recognized "a new and unsupportable exception to the common law and constitutional requirement of notice." Justice Brennan further wrote:

I have found no English decision which clearly recognizes any exception to the requirement that the police first give notice of their authority and purpose before forcibly entering a home.

English and American Courts have both cited the 1603 Semayne's Case as the leading judicial interpretation and application of the maxim that "every man's house is his castle." In that case the Court said:

The Sheriff (if the doors be not open) may break the party's house, either to arrest him or to do other execution of the King's process, if otherwise he cannot enter. But before he breaks it, he ought to signify the cause of his coming, and to make request to open the doors.

Mr. President, the cases clearly refute the arguments advanced by proponents of the no-knock provision of this bill.

Many people, correctly or incorrectly, believe that these provisions threaten their privacy and justify their resistance to law enforcement officers in such cases of forcible, unannounced entry. To be sure, this will not be to the benefit of law enforcement officers or the citizens of our Nation's Capital.

The "preventive detention" provision of this bill also raises grave questions of public policy. It gives cause for serious constitutional questions when considered in light of the eighth amendment guaranteeing "reasonable bail"; the fifth amendment providing for "due process"; and the sixth amendment guaranteeing "access to counsel and the opportunity to participate in the preparation of a defense."

The issue of "preventive detention" fragments current efforts for bail reform. Under existing law preventive detention is already practiced in many instances by the establishment of extremely high bonds. The extraordinary overcrowding of the District jail provides ample support of this fact.

In English law criminal suspects are presumed innocent unless proven guilty. The present bill will subject such individuals to a pre-trial for possible detention which, if such persons are detained, could seriously jeopardize their chances for a fair trial when he is brought before the court. This practice could also add additional burdens to the District's courts which already have substantial backlogs of pending cases.

Further, Mr. President, the Justice Department released a report on April 7 which had been conducted by the Bureau of Standards in connection with the need for preventive detention. The report showed that only 5 percent of all defendants charged with a violent crime during a 4-week study were also charged with a second violent crime while awaiting trial. Another 12 percent of those charged with violent crimes were rearrested while awaiting trial but for less serious offenses. This means then, that 83 percent of those persons committing a violent crime for the first time, were never charged again for a second offense while awaiting trial.

It would seem that accelerated court trials would be far more useful in resolving the kind of programs preventive detention is designed for. Such measures are provided under legislation for reorganization of the District's court system which is also a part of this bill. Additional use could also be made of "third party" supervisors for persons on pretrial release.

Mandatory sentencing provisions are contrary to experience in traditional law and at best, are likely to be counterproductive from the standpoint of law enforcement and corrections. In the area of corrections this provision could have the effect of reducing a prisoner's primary incentive for good behavior and self-improvement, especially when he knows that he has no opportunity for an early release as a result of good behavior.

I am equally concerned about the wiretap and electronic surveillance authority provided for in this bill, and the provision relegating a larger number of juvenile offenders to adult criminal procedures when facilities at the District jail and the Lorton Reformatory are already overcrowded.

Finally, Mr. President, I believe very strongly that it is possible for this body to enact legislation which will provide an effective response to the problems this bill is proposed to solve, and at the same time respect the principles of individual liberty and due process. This can be done if the controversial provisions of this bill are deleted. However, since they are contained in the bill now before us, I will vote to reject the conference report.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, I yield 2 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, the decision we face regarding the conference report on the District of Columbia Court Reform and Criminal Procedure Act is a grave one. One of the most telling measures of the values of any society is the manner in which it treats those who violate its laws and standards. This Nation aspires to a justice rare in human society, a justice which recognizes the precious rights of every individual and which accords humane treatment even to those convicted of the most serious crimes. In seeking to maintain a civilized system of justice and to protect our citizens against the dangers and injuries inflicted by those who flout the law, we must strike a complex and delicate balance. In deciding the fate of this legislation, we are once again obliged to weigh that balance carefully.

All of us know the long and arduous efforts which many Senators and Congressmen have devoted to producing this conference bill. Its provisions for court reorganization and other improvements in the law enforcement mechanisms of the District have justly won the approval of the community and of both Houses of Congress. These elements of the bill ought to be approved forthwith in order

to relieve the critical situation which has persisted for too many years in our crime-plagued National Capital.

I favor most of the provisions of this bill. In the interests of the people of the District, I think we should enact the most effective anticrime program we can devise. I emphatically agree, as a former law enforcement officer, that innovations are required to curb the growing pattern of criminal behavior in this city. Coupled with long-term programs of social reform and development, more potent law-enforcement techniques can reverse the swelling tide of crime which afflicts us all.

Yet the bill before us includes a number of sections which properly invite close scrutiny and which have provoked bitter controversy. The conference committee has certainly made an earnest attempt to meet the objections raised against such provisions as those regarding pretrial detention and the so-called no-knock entry by police.

Nevertheless, serious questions of policy and of constitutionality remain. Particularly in regard to pretrial detention, the concept appears so novel and its potential implications are still so dimly understood that it is difficult to render a confident judgment on precisely what effect such procedures would have. It may be that this procedure would do less damage to our traditional principles of the presumption of innocence in criminal cases and of the requirements of due process, than the procedures which are now being applied through devices like high-money bond and extraordinary delays in trials. But it is possible—and the possibility is too threatening to be dismissed—that this provision would open the way to abuses that are worse than those we seek to correct.

In my opinion, it is quite possible that a suitable procedure of this kind can be drawn—indeed, it is even possible that, if properly interpreted, the present proposal could prove both constitutional and helpful to the twin goals of effective law enforcement and individual liberty. However, doubts remain and I am not personally satisfied that this is the appropriate vehicle for this purpose.

Given these doubts and the extreme importance of the issues at stake, I believe the sound course for the Senate is to reject the conference report and to seek passage of the principal features of the bill which command the support of wide majorities in both Houses. Surely we are agreed that the substantial upgrading of the District's law enforcement and judicial capabilities will, in and of itself, do much to alleviate the intolerable delays in processing criminal cases. Speedier trials will themselves contribute immensely to that expeditious justice which is the heart of an effective program to combat crime.

I think we should reserve for fuller study such concepts as pretrial detention. By severing them from the bill and addressing them through additional hearings and debate, we may be able to satisfy our concerns and to design provisions of this sort in which this community can have high confidence.

At the moment, however, so intense is the division on these issues and so widespread the misunderstanding of the provisions of this bill, that passage of this legislation in its present form would not be wise.

Let us instead take one step at a time. Let us move to provide facilities and resources to assure prompt disposition of the heavy caseload in the District and to improve the law enforcement system's overall capacity to meet the challenge of crime in this troubled city. But let us not further undermine confidence in the system of justice we seek to serve by prematurely introducing procedures which are poorly understood and which could surely benefit from more extensive analysis by the Senate and its standing committees.

In casting my vote against this conference report, I profoundly hope that its rejection will not result in a deadlock between the Senate and the House. I cannot believe that reasonable men on both sides, recognizing the vital need to pass potent anticrime legislation, would sacrifice the essential and accepted provisions of this bill in a senseless contest over debatable proposals which obviously affect the most fundamental realms of individual liberty and constitutional government.

Should the bill pass in its present form, we can expect important court tests in the near future. None of us who questions one or another aspect of this bill should assume that today's vote will settle the issues in any final way. The judicial review to which many provisions of the bill will be subjected affords important reassurance to the community and to the Congress that constitutional rights will be safeguarded. On this occasion, as so often in the past, the splendid strength of our system of checks and balances should encourage all of us to rely on forthcoming judicial evaluations of the dubious provisions of this bill. Men may well differ on the merits and effects of this legislation and we do well to view this measure, not as an inflammatory act of repression, but as exactly what it is—a controversial approach to the problems of criminal justice which we all seek to resolve. I am sure that, should the bill be enacted, the courts will be quick to correct any features which flout the Constitution.

On the basis of my own analysis, I urge the Senate to reject the conference report and to adopt a new bill built principally on the major provisions previously enacted by this body.

Mr. MATHIAS. Mr. President, as we approach the end of this debate, I wish there were time to summarize fully the concerns that have led me to oppose the conference report, and that have led three of the seven Senate conferees to oppose the report and to support alternative legislation to improve the administration of justice and reduce the level of crime in the Nation's Capital.

As President Nixon stated in January 1969, the most urgent need of law enforcement in Washington is court reform. In his first message to Congress on the District of Columbia, the President gave top priority to reforming and reorganizing the court system of the District to eliminate its crippling backlogs, prevent future delays, and insure that justice will be both swift and sure.

After extensive hearings, the Senate District of Columbia Committee responded to the President's request and the city's need by reporting a massive court reform bill, which was approved by the Senate without objection on September 18, 1969. The Senate also passed measures last year to improve procedures for handling juvenile cases, make limited changes in local criminal law, strengthen the District of Columbia Bail Agency, and establish a full-time public defender.

Unfortunately, this enlightened legislation has undergone many substantive changes. These changes create issues which should not be swept under the rug of court reform. They should be considered separately and voted up or down on their own. Yet, the conference report procedure today gives us only two choices: to reject the report, or to swallow it whole. If we reject the report, we can proceed at once to take up the substitute bills which other Senators and I have introduced—bills which would restore top priority to court reform, and would enable us to debate no-knock, preventive detention, juvenile procedures, and other issues point by point. To me this is the course of wisdom, and I, therefore, urge the rejection of this report.

It is the concern of many Senators, as expressed on this floor and privately, that defeat of the conference report would mean that the President's request for court reorganization would be deferred until next year, or that there would be no anticrime bill for the city—a city that has now been awarded the title of national crime capital by bipartisan agreement.

Mr. President, that is a groundless fear. There can be a bill for court reform and it is on each Senator's desk in the form of S. 4080. There can be a bill for revision of criminal and juvenile law, and it is on each Senator's desk in the form of S. 4081. There will be no delay for research and development. The research and development has been done. The bills are in the pipeline. They are ready to go. They can be adopted immediately and sent to the other body, and that is what we ought to do.

Mr. President, this is serious business. The level of crime in Washington rose by over 20 percent this year. We have to address ourselves to the best possible way of eliminating the pollutants of crime and fear of crime from the city of Washington.

Mr. President, some Members of the Senate have devoted impressive amounts of time, energy, and thought to this legislation. I want to commend in particular the contributions of my colleague from Maryland, Senator TYDINGS, and the senior Senator from North Carolina, Senator ERVIN. I also want to note the essential contributions of many tireless staff members.

In considering this bill, we are acting in our capacity as the local legislature for the District of Columbia. I happen to

believe that the residents of Washington should be empowered to elect their own legislators, but as long as we deny the citizens of the Nation's Capital the right of self-government, we have a special obligation to insure that they are not denied any other rights, such as privacy or due process of law.

And I say, Mr. President, that if we were debating this kind of bill for our own States, this would be a different debate. Or if this were nationwide legislation, we would be dissecting it clause by clause. We would be insisting—and our constituents would insist—that we produce a measure which would curb crime without suspending the Constitution. We would consider a man's right to be secure in his home as important as his right to be safe on the streets. We would want to zero in on the real problems of law enforcement, rather than waving a blunderbuss at a whole community.

This body has spent just 7 weeks deciding that the Constitution does not stop at the water's edge. Today, I hope we will decide that it does not stop at the District line.

Mr. TYDINGS. I yield 1 minute to the distinguished Senator from Nevada.

Mr. BIBLE. Mr. President, 1 minute is not much time, but I spoke at length on Tuesday urging full support of this conference report.

The conference report—the bill it brings to the Senate has been thoroughly discussed. The questions raised by the bill have been exhaustively debated. There is no questioning the fact that the proposed court reorganization is urgently needed. The deplorable crime situation in the Nation's Capital will not be stemmed unless the processes of criminal justice are speeded up. This bill will provide the wherewithal to assure swift, fairly administered justice. I think it is a sure step toward making this city a safer place to live and do business. Two issues—no-knock and preventive detention—have raised concerns respecting their constitutionality. These questions have been argued long and thoroughly. I have examined them carefully, and I subscribe to the viewpoint that they are soundly conceived and constitutional.

I urge adoption of the conference report.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. TYDINGS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. TYDINGS. I yield to the Senator from Rhode Island.

Mr. PASTORE. There is a rumor prevalent that the manager of the bill resisted these two very crucial amendments in conference; is that true?

Mr. TYDINGS. The manager of the bill has introduced a pretrial detention provision prior to that introduced by the Department of Justice. The conference report perfected the House provision in a manner in which the chairman of the Senate conferees thought was best, and the House receded and adopted the Senate version of no-knock which passed without a dissenting vote in the Senate last year and passed again in two other legislative forms in the past year as well.

Mr. PASTORE. The next question: Is the Senator convinced, after thorough study, that both these provisions are consistent with our Constitution?

Mr. TYDINGS. I am convinced.

The PRESIDING OFFICER. Will the Senator suspend for a minute?

Mr. TYDINGS. Yes.

The PRESIDING OFFICER. The time is now approximately 5 minutes to the time the Senate is to vote on this issue.

In compliance with the order previously agreed to, the Sergeant at Arms is directed to clear the Chamber and the lobbies of all staff personnel except the staffs of the Secretary of the Senate, the Sergeant at Arms, the secretary to the majority, the secretary to the minority, their assistants, the aides to the leadership on both sides of the aisle, staff personnel associated with the manager of the conference report, and the personnel of the two policy committees, and that such staff remain off the floor and from the lobbies until the vote is announced, at which time they may be permitted to return to the Chamber.

Mr. JACKSON. Mr. President, I have followed closely the debate on the conference report on the District of Columbia crime bill. I have concluded with some regret that the proponents of this conference report have been unable to demonstrate that the many merits of the bill outweigh its obvious defects. I am not convinced that the introduction of such concepts as preventive detention will substantially advance the cause of crime control in the District, but I do know that they raise serious questions of due process which have not been answered to my satisfaction. On balance, there are too many aspects of the bill which raise constitutional and other issues to warrant our acceptance of the conference report.

Legislation has already been introduced in the Senate which deals with the problems of crime and court reform in the District without, at the same time, introducing dubious constitutional concepts. I am cosponsoring this legislation and see no reason why it cannot win the early approval by Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by my colleague from Washington (Mr. MAGNUSON), opposing the conference report on the District of Columbia crime bill, S. 2601.

There being no objection, the statement by Senator MAGNUSON was ordered to be printed in the RECORD, as follows:

Mr. MAGNUSON. Mr. President, while there can be little argument over the rise in crime in the District of Columbia and the subsequent need for a D.C. anti-crime bill this year, I cannot in good conscience vote for a bill containing provisions which I believe to be unconstitutional. Therefore, I oppose the acceptance of the Conference Report on the D.C. Crime Bill (S. 2601).

While I have grave reservations about the wisdom and efficacy of certain provisions in this bill, I am particularly concerned about the preventive detention sections of the bill. After a long and diligent study of both case and common law, it is my belief that preventive detention would violate the "due process" clause of the 5th Amendment and the 8th Amendment's provision that "excessive bail shall not be required." In addition, I have serious questions as to whether or not preventive detention violates a defendant's right to a speedy trial as provided for by the 6th Amendment. At such, I believe preventive detention is unconstitutional, and for this reason I would vote against accepting the Conference Report.

Mr. President, as a former County Prosecutor in the State of Washington and as a current resident of the District, I am well aware of the need for an anti-crime bill in the District of Columbia this year. Thus it is my hope and expectation that the Senate will expeditiously pass the many other fine provisions of this bill, as provided in S. 4088 and S. 4081 which I am cosponsoring and which include sorely needed court reorganization and the establishment of a Public Defender program, so that the streets will once again belong to the people, rather than the criminals.

Mr. SPONG. Mr. President, notwithstanding my reservations about certain of its provisions, I will support this conference report because I believe it represents the only realistic chance we will have in this Congress to begin doing something about crime in the District.

As one of the Senate conferees, I can testify to the strenuous efforts that were made to eliminate such questionable items as pretrial detention and mandatory minimum sentences. But, even though we succeeded in improving the original House provisions, in the end, we were faced with a choice of having a less than perfect bill or no bill at all.

In my judgment, it is the same choice the Senate is called upon to make here. I do not believe we can avoid it by passing another bill which preserves only programs which are acceptable to the Senate conferees. For, just as surely as it passed this report by a better than 5-to-1 margin, the House would amend the new bill to put back those provisions we took out. We would have gained nothing for the exercise except further delay.

Mr. President, although I continue to have reservations about pretrial detention and mandatory minimum sentences and would vote against those measures were they to be acted on separately, I am forced to make an overall judgment on the entire package before us. And, on balance, I find the good far outweighs the bad. In such specific provisions as court reform, expansion of the bail agency and creation of a full-fledged public defender system, I believe the bill makes a valuable contribution to the system of justice in the District.

Mr. President, the need to come to grips with the crime problem in the District is too compelling for there to be any further delay in passing this legislation.

Mr. HATFIELD. Mr. President, the problem of crime in the Nation's Capital has grown to such an extent that it demands the immediate action of Congress without further delay. Many of us and our staffs, regrettably from personal experience, are well aware of this urgent need. Comprehensive reform of the criminal justice system is necessary.

The District of Columbia Court Reform and Criminal Procedure Act of 1970, referred to as the District of Columbia crime bill, represents an attempt to provide that reform. It provides for a reorganization of the court system designed to improve its efficiency and ef-

fectiveness. It increases the number of judges, their tenure and salary. The bill contains a comprehensive revision of the code of juvenile procedure. The criminal code of the District of Columbia has been completely revised and updated. The bail agency has been expanded and the District is provided for the first time with a full-fledged public defender rather than the pilot project it now has.

I wholeheartedly support these reforms of the criminal justice system in the District of Columbia. They are the kinds of reforms which I have long advocated as necessary for the District and, indeed, elsewhere to help the fight against crime.

Mr. President, I am fully aware that this bill also contains some highly controversial provisions, particularly those relating to pretrial detention and so-called no-knock. In view of the widely divergent views people have today concerning crime and how best to cope with it, it is not surprising that such provisions as these are controversial and that opponents have challenged their constitutionality. In today's period of change in court interpretations of criminal laws and the Constitution, I believe that almost any new legislation in this area would be open to conflicting arguments regarding their constitutionality.

I have carefully studied these provisions and the arguments of their supporters and critics. Despite some reservations I have about these two provisions, I intend to vote in favor of the conference report. Delay in enacting legislation is simply not tolerable.

It is my hope, Mr. President, that those responsible for the administration of justice—the police, the prosecutors, and the courts—will use these controversial provisions with wisdom and restraint. Should application of these controversial provisions demonstrate unwarranted infringement of the constitutional freedoms of the citizens of the District of Columbia, I shall support their prompt repeal. I do not expect this to happen. Employed with sound discretion, all the provisions of this conference report will contribute to the improvement of the criminal justice system in the Nation's Capital.

Discussion of this bill has brought out another facet of this problem—that of our corrections system.

Many speeches have been given about our penal system in recent weeks. As Governor of Oregon, I worked to improve our State corrections system, and today we have a women's prison unit, a minimum-corrections complex, juvenile rehabilitation centers, halfway houses and work-release programs. All of these work very well at the State level, and I hope that we could expand work in these areas at the Federal level.

I hope that the discussions on this bill will give needed impetus to the various proposals offering substantial improvements in our penal system. The present allocation of our funds—with the great majority going to the apprehension of criminals and very little to their rehabilitation—must not continue. I hope the Senate can vote in the near future on needed improvements in our penal system.

Mr. TYDINGS. Mr. President, in a few moments the Senate will vote on the conference report on S. 2601, the President's District of Columbia crime legislation.

I am confident the Senate will approve this bill by a substantial majority. In doing so, it will send to the President the first of his major crime proposals to pass the Congress.

I am proud of the Senate's role in this legislation. We passed the Senate version of these bills in prompt order last fall, within weeks of their submission by the President. We worked hard in a long and difficult conference to achieve this sound and effective conference report.

Of the major items of difference between the two Houses, the Senate prevailed on more than a full half; the House on a third; and the balance were resolved by compromise legislation. We successfully eliminated from this legislation virtually all the controversial provisions which the House had added to the President's proposals.

During the past week, we have spoken at great length on the provisions of this bill and the urgent need for its enactment.

No one doubts the need for prompt action on National Capital crime legislation. More than 56,000 felonies were reported in this city last year, but scarcely more than 1,400 felony convictions were obtained in the District's courts. The number of felonies reported in the District has risen 122 percent in the last 5 years, but the percentage of convictions obtained each year has actually decreased during the same period.

This conference bill is a sound, effective, constitutional, and fully safeguarded answer to this crime crisis.

As I predicted when the Senate discussion of this legislation began, debate has centered on the pretrial detention and no-knock sections of the bill. I believe we have demonstrated that these provisions are improvements on the present state of the law.

We have demonstrated how the no-knock provision simply writes down what is already the law as declared by the Supreme Court for the whole United States. The Senate version of no-knock, passed without a dissenting vote in this body last fall, prevailed in the conference and is incorporated in this bill we are about to pass. The conference version of no-knock, like the Senate version, improves on the present law in the District of Columbia, by requiring prior judicial supervision of proposed no-knock entries in every possible case.

We have explained our belief that the pretrial detention provisions of this bill, which are based on the centuries-old British practice, under a bill of rights bail provision identical to our own, are a vast improvement over the unconscionably hypocritical subterfuge of high money bond now in use in every State of the Union, and in the District of Columbia as well, as a pretext to detain dangerous defendants prior to their trial.

We have called attention to the recent National Bureau of Standards study which shows that fully 40 percent of all felony defendants in the District are in fact detained today. This conference report merely proposes that, when a defendant is to be detained because the judge believes he may be dangerous if released, that defendant must be given a full and fair hearing as to his dangerousness, with the right to counsel and to present evidence; that he should have an immediate appeal from any adverse finding; and that he should have an absolute right to release or trial within 60 days of any detention order.

This proposal is not only constitutional, but an enormous reform over the hypocrisy which now pervades American pretrial detention practice.

I believe we have met the reasoned arguments by the critics of these proposals.

But much of this debate has been cast in unfortunately emotional and inflammatory terms. We have heard some well-meaning critics assert that this bill is antiblack. To those who say this bill is anitblack, I say crime in this 70-percent black city is antiblack. President Johnson's District of Columbia Crime Commission tells us that 86 percent of all District of Columbia murder victims are black; 86 percent of all aggravated assault victims are black; 80 percent of all rape victims are black; 66 percent of all auto theft victims are black;and 60 percent of all burglary victims are black. In fact, the only crime of violence which afflicts blacks and whites equally in this city is robbery.

I find no cause to abandon the people of this city or any segment of our population to the morass of crime simply because it may be expedient or fashionable to do so. The most controversial provisions of this bill are among the most vital for protecting the residents of this city from the grinding terror of the dangerous defendant and the malignant pervasion of the city's drug traffic.

We have heard some others, ignoring the 90 percent of this bill which is without controversy, oppose this bill as repressive. There is repression in this city; but it is not repression by the Government and it is not repression by this bill. It is the repression of fear and crime and violence which is destroying homes and families and businesses within the shadow of the Capitol itself. It is the repression which drives people to bar their windows and flee the streets at dark. It is the repression which forces people to keep arsenals and police dogs in their homes for fear of being assaulted, not by the police, but by vicious killers, rapists, and thieves.

We have heard it claimed that this bill should not be enacted because it might serve as a model for the Nation. We have heard the bill described as an "experiment in repression" by critics whose own States sanction no-knock search and pretrial detention practices broader and far less safeguarded than this bill provides. We have heard it described as a "model" for other States by critics who overlook the fact that more than half the States now permit no-knock searches and practice virtually

unlimited pretrial detention through money bond, without the safeguards of this bill.

We have seen the wiretap and second-offense mandatory sentencing provisions attacked as unprecedented by critics who forget Congress authorized this same legislation, without the new safeguards this bill provides, for the entire Nation in the Omnibus Crime Act and the Gun Crime Control Act of 1968.

This legislation will be an example to the Nation, but not by reason of its provisions, which are based on the experiences and practice of other States and prior Federal laws. The example Congress will provide today is the clear message that a government by free people has the determination, within the sacred limits of its time-tested Constitution, to take reasoned, safeguarded steps to meet and defeat a plague of lawlessness destroying the very fabric of its society.

Some Senators have suggested we should defeat this conference report and send to the House a watered-down version of this legislation. They suggest that in adopting the conference report we are somehow knuckling under to the other House.

Having led the Senate conferees, I can guarantee this body that the other House will never accept this suggested alternative. But I do not offer that as a reason to pass this report. We should approve this conference report because it is a sound, constitutional, and effective answer to the crime crisis facing this city.

We have an enormously difficult and tragic crime problem to deal with in this city. Its victims know it better than any of us ever can. Our responsibility is to address that crime problem rationally, calmly, and deliberately, and to formulate effective answers to it within the framework of our Constitution and our concept of individual rights and liberties. This bill is that kind of response.

We have done our job. We have met the President's request. We have provided the bill necessary to answer the crime problem in this city. I urge the adoption of the conference report.

Mr. PASTORE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. (BELLMON). All time on the conference report has now been yielded back. The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio (after having voted in the negative). On this vote I have a pair with the Senator from Nevada (Mr. CANNON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. LONG (after having voted in the affirmative). On this vote I pair with the Senator from Washington (Mr. MAGNUSON). If he were present and voting, he would vote "nay." If I were at liberty to vote I would vote "yea." I withdraw my vote.

Mr. INOUYE (after having voted in the negative). On this vote I have a pair with the Senator from New Mexico (Mr. MONTOYA). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico, (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from New Hampshire (Mr. COTTON), the Senator from South Dakota (Mr. MUNDT), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced, yeas 54, nays 33, as follows:

[No. 248 Leg.]

YEAS—54

Aiken	Griffin	Percy
Allen	Gurney	Prouty
Allott	Hansen	Proxmire
Baker	Hartke	Randolph
Bellmon	Hatfield	Saxbe
Bennett	Holland	Schweiker
Bible	Hollings	Scott
Boggs	Hruska	Smith, Ill.
Burdick	Jordan, Idaho	Sparkman
Byrd, Va.	Mansfield	Spong
Byrd, W. Va.	McClellan	Stevens
Curtis	McGee	Symington
Dole	McIntyre	Talmadge
Dominick	Miller	Thurmond
Eastland	Moss	Tower
Ellender	Murphy	Tydings
Fannin	Pastore	Williams, Del.
Goldwater	Pearson	Young, N. Dak.

NAYS—33

Anderson	Fulbright	McCarthy
Bayh	Goodell	McGovern
Brooke	Gravel	Metcalf
Case	Harris	Mondale
Church	Hart	Muskie
Cook	Hughes	Nelson
Cooper	Jackson	Packwood
Cranston	Javits	Ribicoff
Eagleton	Jordan, N.C.	Stennis
Ervin	Kennedy	Williams, N.J.
Fong	Mathias	Yarborough

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Inouye, against.
Long, for.
Young of Ohio, against.

NOT VOTING—10

Cannon	Magnuson	Russell
Cotton	Montoya	Smith, Maine
Dodd	Mundt	
Gore	Pell	

So the report was agreed to.

Mr. TYDINGS. Mr. President, I move that the vote by which the conference report was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There will be order in the Senate. The galleries will please be as quiet as possible. The Senate will be in order. The Senate is not in order. We will suspend until we have order in the Senate.

The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I have just voted to approve the conference report on S. 2601, a bill to reorganize the courts of the District of Columbia and for other purposes. I want the record to show that I have studied the situation presented by this conference report at great length and with deep misgivings. My respect for the distinguished senior Senator from North Carolina is such and in particular my recognition of his unexcelled capability in the field of constitutional law is so great that I was unwilling to vote for said conference report in view of his deep and expressed conviction as to the unconstitutionality of several portions of that bill in the absence of a conviction of my own as to its usefulness and the very great existing need for many unquestioned provisions of the measure. I think there is substantial reason to expect that the courts may rule in accordance with the convictions and able arguments of the Senator from North Carolina, to eliminate certain sections of the bill as unconstitutional and to limit certain other sections which I shall not discuss at length.

My reason for voting for the conference report, however, is that the bill does contain so many provisions which, in my opinion, will strengthen the enforcement of law within the District of Columbia and that such strengthened enforcement of law is so greatly needed not only for the protection of residents of the District but also for the protection of millions of Americans who visit here every year and the protection of thousands of guests from other nations who come here either as visitors or as officials representing their several countries, that I feel profoundly that these helpful provisions of the bill should be enacted notwithstanding the fact that in my own mind there are serious doubts as to several of its provisions which as I have already said may be eliminated or limited by the opinions of the courts.

It is clear to me, however, that under applicable law and under the structure of this particular bill these questionable provisions, from the constitutional standpoint, are separable—separable—from the main body of the bill which is so badly needed to improve the enforcement of law and the protection of the law-abiding public within the District of Columbia. From the standpoint of better organization of the courts, better jurisdictional and procedural machinery for the courts, and in many respects improvement of the substance of the criminal laws applicable in the District of Columbia I feel that this measure should become law.

I may add that in reaching my decision on this serious question I have not only studied the record of the debate and carefully considered my own convictions, but I have also discussed with some of our colleagues in the other body the possibility of eliminating or limiting in further conference or in separate legislation some of the questionable provi-

sions which have disturbed the Senator from North Carolina as well as other Senators and myself. I have reached the conclusion that the soundest course available was to enact the conference report and I have therefore voted to do so.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1020, H.R. 17123, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to the consideration of the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $292,100,000; for the Navy and the Marine Corps, $2,337,700,000; for the Air Force, $3,225,500,000.

MISSILES

For missiles: for the Army, $1,031,600,000; for the Navy, $932,400,000; for the Marine Corps, $12,800,000; for the Air Force, $1,479,400,000.

NAVAL VESSELS

For naval vessels: for the Navy, $2,276,900,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $182,200,000; for the Marine Corps, $47,400,000.

OTHER WEAPONS

For other weapons: for the Army, $67,200,000; for the Navy, $2,789,000; for the Marine Corps, $4,400,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1971 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,609,200,000;

For the Navy (including the Marine Corps), $2,194,300,000;

For the Air Force, $2,718,000,000; and

For the Defense Agencies, $445,000,000.

SEC. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1971 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

SEC. 203. (a) Funds authorized for appropriation to the Department of Defense under the provisions of this Act or any other Act shall not be available for payment of independent research and development, bid and proposal, or other technical effort costs unless the work for which payment is made is relevant to the functions or operations of the Department of Defense and unless the following conditions are met—

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more that $2,000,000 of independent research and development, bid and proposal, or other technical effort payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such company beginning on or after the beginning of each fiscal year of the Federal Government and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than $250,000 of such payments during their company's last preceding fiscal year;

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement;

(3) no payments for independent research and development, bid and proposal, and other technical effort costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a)(1) of this section, except pursuant to the terms of that agreement; and

(4) the total dollar value of the advance agreements negotiated prior to or during a given fiscal year as required under subsection (a)(1) of this section does not exceed a ceiling to be established annually by the Congress.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a)(1) of this section, but no agreement is reached with any such company or product division—

(1) no payments for independent research and development, bid and proposal, and other technical effort costs shall be made to any such company or product division during the fiscal year for which an agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive; and

(2) the amount of money received by that company for independent research and development, bid and proposal, and other technical effort costs during its last preceding fiscal year shall be included in determining compliance by the Department of Defense with the ceiling established by Congress, pursuant to subsection (a)(4) of this section, for the fiscal year in question.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before January 31, 1972, and on or before January 31 of each succeeding year, setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a)(1) of this section prior to or during the preceding fiscal year, together with the result of those negotiations;

(2) the manner of his compliance with the ceiling established by Congress for the preceding fiscal year pursuant to subsection (a)(4) of this section; and

(3) the latest available Defense Contract Audit Agency statistics on the independent research and development, bid and proposal, and other technical effort payments made to major defense contractors whether or not covered by subsection (a)(1) of this section.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306 (f) of title 10, United States Code.

(e) The ceiling to be established pursuant to subsection (a)(4) of this section for fiscal year ending June 30, 1971, shall be $625,000,000.

(f) Section 403 of Public Law 91-121 (80 Stat. 204) is hereby repealed.

SEC. 204. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation.

SEC. 205. (a) There is hereby established an interagency advisory council to be known as the Interagency Advisory Council on Domestic Applications of Defense Research (hereinafter in this section referred to as the "Council").

(b) The Council shall be composed of the following members:

(1) One member from the Department of Defense, to be designated by the Secretary of Defense.

(2) One member from the Department of Health, Education, and Welfare, to be designated by the Secretary of Health, Education, and Welfare.

(3) One member from the Department of Housing and Urban Development, to be designated by the Secretary of Housing and Urban Development.

(4) One member from the Department of Transportation, to be designated by the Secretary of Transportation.

(5) One member from the Office of Economic Opportunity, to be designated by the Director of the Office of Economic Opportunity.

(6) One member from the Department of Labor, to be designated by the Secretary of Labor.

(7) One member from the Department of the Interior, to be designated by the Secretary of the Interior.

(8) One member from the National Aeronautics and Space Administration, to be designated by the Administrator of the National Aeronautics and Space Administration.

(c) The member of the Council designated by the Secretary of Housing and Urban Development shall serve as Chairman of the Council.

(d) Three members of the Council shall constitute a quorum; and a vacancy in the Council membership shall not affect its powers but shall be filled in the manner in which the original appointment was made.

(e) It shall be the function of the Council to study and evaluate proposed research programs and projects submitted to it pursuant to this section. The Council shall accept for consideration research projects that are of mutual interest to the Department of Defense and one or more of the participating departments or agencies, and, subject to section 204, such other categories of research bearing on important national needs as the Council may specify, including but not

limited to such fields as housing, education, transportation, and pollution.

(f) The Council shall advise the Director of Defense Research and Engineering of the Department of Defense regarding research proposals submitted to it for consideration pursuant to subsection (e) and shall make such recommendations to the Director as it deems appropriate as to the merits of proposals submitted to it for consideration.

(g) The Council shall review the results of research conducted under its auspices and shall advise the Director of Defense Research and Engineering of the Department of Defense as to the desirability of continuing, modifying, or terminating such research activities.

(h) The Secretary of Defense is authorized to make grants to colleges, universities, and other not-for-profit institutions engaged in research and/or development activities sponsored by the Department of Defense for the purpose of supporting selected research programs and projects promising significant domestic benefits. Proposals for such research shall be submitted to and reviewed by the Council. The decision of the Secretary of Defense with respect to which, if any, research proposals approved by the Council will be sponsored shall be final.

(i) The total amount in grants made under this section in any fiscal year shall not exceed an amount equal to 5 per centum of the total funds expended in such fiscal year by the Department of Defense under contracts entered into with colleges, universities, and other not-for-profit institutions for the performance of defense research.

(j) In no case shall any one institution receive more than $5,000,000 under this section in any one fiscal year.

(k) Research grants made by the Secretary of Defense under this section shall be made subject to such rules and regulations as the Secretary of Defense may prescribe after consultation with the Council.

TITLE III—RESERVE FORCES

SEC. 301. For the fiscal year beginning July 1, 1970, and ending June 30, 1971, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000.

(2) The Army Reserve, 260,000.

(3) The Naval Reserve, 129,000.

(4) The Marine Corps Reserve, 47,715.

(5) The Air National Guard of the United States, 87,878.

(6) The Air Force Reserve, 47,921.

(7) The Coast Guard Reserve, 10,000.

SEC. 302. The average strength prescribed by section 301 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever any such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE IV—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION; LIMITATIONS ON DEPLOYMENT

SEC. 401. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

(1) Technical and supporting facilities and acquisition of real estate inside the United States $322,000,000;

(2) Research, development, test, and evaluation facilities at the Kwajalein Missile Range $3,200,000;

(3) Military Family Housing, four hundred units, $8,800,000:

Malmsrtom Safeguard site, Montana, two hundred units,

Grand Forks Safeguard site, North Dakota, two hundred units.

(b) There are authorized to be appropriated for the purposes of this section not to exceed $334,000,000.

(c) Authorization contained in this section (except subsection (b)) shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1971, in the same manner as if such authorizations had been included in that Act.

(d) Within the amounts of the authorizations for military construction for Safeguard, the Secretary of the Army or his designee is authorized to provide for, under such terms and conditions as he may determine, two hundred and twenty-five units of temporary family housing for occupancy on a rental basis by military and civilian personnel of the Department of Defense and their dependents at each Safeguard site in connection with any military construction and installation and checkout of system equipment which is or may hereafter be authorized at a Safeguard site, if the Secretary of the Army or his designee determines that such temporary housing is necessary in order to perform the construction and installation and checkout of system equipment, and that temporary housing is not otherwise available under reasonable terms and conditions.

SEC. 402. None of the funds authorized by this or any other Act may be obligated or expended for the purpose of initiating deployment of an anti-ballistic missile system at any site other than Whiteman Air Force Base, Knobnoster, Missouri; except that funds may be obligated or expended for the purpose of initiating advanced preparation (site selection, land acquisition, site survey, and the procurement of long lead-time items) for an anti-ballistic missile system site at Francis E. Warren Air Force Base, Cheyenne, Wyoming. Nothing in the foregoing sentence shall be construed as a limitation on the obligation or expenditure of funds in connection with the deployment of an anti-ballistic missile system at Grand Forks Air Force Base, Grand Forks, North Dakota, or Malmstrom Air Force Base, Great Falls, Montana.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment.

SEC. 502. Subsection (a) of section 401 of Public Law 89-367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand; and for related costs, during the fiscal year 1971 on such terms and conditions as the Secretary of Defense may determine.

"(2) No defense article may be furnished to the South Vietnamese forces, other free world forces in Vietnam, or to local forces in Laos or Thailand with funds authorized for the use of the Armed Forces of the United States under this or any other Act unless the government of the forces to which the defense article is to be furnished shall have agreed that—

"(A) it will not, without the consent of the President—

"(i) permit any use of such article by anyone not an officer, employee, or agent of that government,

"(ii) transfer, or permit any officer, employee, or agent of that government to transfer such article by gift, sale, or otherwise, or

"(iii) use of permit the use of such article for purposes other than those for which furnished;

"(B) it will maintain the security of such article, and will provide substantially the same degree of security protection afforded to such article by the United States Government;

"(C) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to, representatives of the United States Government with regard to the use of such article; and

"(D) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, any such article which is no longer needed for the purposes for which it was furnished.

The President shall promptly submit a report to the Speaker of the House of Representatives and the President of the Senate on the implementation of each agreement entered into in compliance with this paragraph. The President may not give his consent under clause (A) or (D) of this paragraph with respect to any defense article until the expiration of fifteen days after written notice has been given to the Speaker of the House of Representatives and the President of the Senate regarding the proposed action of the President with respect to such article. As used in this paragraph the term 'defense article' shall have the same meaning prescribed for such term in section 644(d) of the Foreign Assistance Act of 1961. In order to allow a reasonable period of time for the Department of Defense to comply with the requirements of this paragraph, the provisions of such paragraph shall become effective sixty days after the date of enactment of this section."

SEC. 503. Of the total amount authorized to be appropriated by this Act for the procurement of the F-111 aircraft, $283,000,000 of such amount may not be obligated or expended for the procurement of such aircraft until and unless the Secretary of Defense has (1) determined that the F-111 aircraft has been subjected to and successfully completed a comprehensive structural integrity test program, (2) approved a program for the procurement of such aircraft, and (3) certified in a written report to the Committees on Armed Services of the Senate and the House of Representatives that he has made such a determination and approved such a program, and has included in such written report the basis for making such determination and approving such program.

SEC. 504. (a) Of the total amount authorized to be appropriated by this Act for the procurement of the C-5A aircraft, $200,000,000 of such amount may not be obligated or

expended until and unless the Secretary of Defense has submitted to the Committees on Armed Services of the Senate and the House of Representatives a plan for the expenditure of such $200,000,000 and such committees have approved such plan. In no event may all or any part of such $200,000,000 be obligated or expended except in accordance with a plan approved by such committees.

(b) The $200,000,000 referred to in subsection (a) of this section, following the approval of a plan pursuant to such subsection, may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $200,000,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(c) Any payment from such $200,000,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(d) The restrictions and controls provided for in this section with respect to the $200,000,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 505. Section 412(b) of Public Law 86–149, as amended, is amended by inserting immediately before the word "unless" the following: ", or after December 31, 1970, to or for the use of the Navy for the procurement of torpedoes and related support equipment".

SEC. 560. (a) None of the funds authorized to be appropriated by this Act shall be used for the procurement of delivery systems specifically designed to disseminate lethal chemical or any biological warfare agents, or for the procurement of delivery system parts or components specifically designed for such purpose, unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.

(b)(1) Section 409(b) of Public Law 91–121, approved November 19, 1969 (83 Stat. 209), is amended—

(A) by striking out "or the open air testing of any such agent within the United States" in the material immediately preceding paragraph (1) and inserting in lieu thereof the following: "the open air testing of any such agent within the United States, or the disposal of any such agent within the United States";

(B) by striking out "transportation or testing" each time it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof "transportation, testing, or disposal"; and

(C) by inserting "or disposal" immediately after "such testing" in paragraph (4)(A).

(2) Section 409(c)(1) of such public law is amended—

(A) by striking out "deployment, or storage, or both," and inserting in lieu thereof "deployment, storage, or disposal"; and

(B) by striking out "deployment or storage" immediately after "unless prior notice of" and inserting in lieu thereof "deployment, storage, or disposal".

(c)(1) The Secretary of Defense shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam.

(2) Of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.

(3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Secretary of Defense shall request that the National Academy of Sciences submit a final report containing the results of its study and investigation to the Secretary not later than January 31, 1972. The Secretary shall transmit copies of such report to the President and the Congress, together with such comments and recommendations as he deems appropriate, not later than March 1, 1972.

Mr. MANSFIELD. Mr. President, this is the so-called military procurement bill. The opening speech on the bill will be made tomorrow, after the conclusion of the morning business.

Mr. President, there will be no votes tonight that I know of.

ORDER FOR RECOGNITION OF MR. SYMINGTON TUESDAY MORNING NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate meets on Tuesday next, the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized after the disposition of the Journal for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I would like to inquire as to the further order of business after the military procurement bill. I realize that there is some amount of optimism in the inquiry. But I would be curious to know whether it is contemplated that conference reports may be taken up from time to time or other business which would require the attention of Senators, even though there will be a period of debate on the military procurement bill.

Mr. STENNIS. Mr. President, may we have order. I ask that the Senate suspend until we do.

The PRESIDING OFFICER. The Senate will be in order. The Senator may proceed.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is anticipated that the conference report on the education appropriations bill will be taken up some time on Monday next.

It is hoped, when appropriation bills are reported by the full Appropriations Committee, that on those occasions we will go back on the double shift basis and, late in the evening, take up those appropriation bills so that we can become as current as possible in that respect.

As Senators can see, the Calendar is pretty clear. The Senate committees have been working assiduously. The Senate is up on its work. That is about the best I can say at the present time.

Mr. SCOTT. Mr. President, I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program.

The PRESIDING OFFICER. The Senate will be in order.

SENATE PENSION STUDY GETS UNDERWAY

Mr. JAVITS. Mr. President, pursuant to Senate Resolution 360 which, among other things, authorizes the Committee on Labor and Public Welfare to conduct a general study of pension and welfare funds, the Senate Labor Subcommittee, under the joint direction of its chairman and ranking minority member, Senator WILLIAMS of New Jersey and myself, has prepared a detailed 32-page survey from which is being mailed to the administrators of some 1,500 private pension plans representing a broad and varied sample of the private pension industry.

The initiation of this survey is a major step forward in securing key information concerning the structure and operation of the private pension plan system. Much of this information has never been gathered before and yet it is essential if there is to be an intelligent and rational legislative approach to the problems of the private pension industry.

The survey form, which incidentally is designated "Pension Study: Form P–1," specifically explores four vital areas which, in my judgment, will illuminate in an unmistakable fashion what is right and what is wrong with the private pension system. These four areas are: First, the nature of the retirement benefits promised by the plan; second, the requirements that must be met to obtain

these benefits; third, the likelihood of an employee under the plan actually receiving such benefits; and fourth, the adequacy of the funding arrangements made by the plan.

This P–1 form is the product of intensive efforts extending over a period of several months and involving the assistance of experts both in and out of the Government.

In an article written by New York Post Correspondent Anthony Prisendorf, which appeared in the New York Post on Wednesday, July 15, 1970, the form was described as a "unique nationwide survey." Mr. Prisendorf's article, as well as a current series of articles by Associated Press writer Dick Barnes, which are appearing in the Buffalo Courier-Express and other newspapers throughout the country, illustrate in convincing detail the problems that have prompted great concern over the private pension system. As Mr. Barnes points out, thousands of Americans retire each year only to find that they will receive no private pension plan benefits from the plan they may have worked under for many years. The reason is that these private plans are, "a mishmash of low benefits, superstrict qualifying rules, lack of information, and in a few cases, misuse or mismanagement of funds."

I am not surprised to see an escalating concern over a social problem of such appalling dimensions. Since 1967, I have urged the Congress to enact legislation which would bring about minimum standards of fairness in private pension plans and end the self-perpetuating, self-destructive characteristics of the system. About a month ago, I presented statistics compiled by the Bureau of Labor Statistics from which the inference can be drawn that the risk of loss of benefits in private pension plans is abnormally high, so high that but for the fact that the pension issues, as Mr. Barnes points out in his article, are dry and complex, there would doubtless be—and should be—an overwhelming public demand for congressional action to reform these plans.

I recognize, however, that the Congress should not rely on inferences alone, no matter how well-founded, in considering legislative proposals of such major impact. The survey initiated by the Senate Labor Subcommittee will answer this need. It will, for the first time, pin down in precise detail essential facts relative to the adequacy of employee benefit protection under the private pension system.

The continuing spectacle of substantial numbers of retired workers having lost anticipated pension benefits despite having been covered under private pension plans for many years, is a matter that can only be ignored by the business community, labor, pension planners, and the Government at their peril. As United Auto Workers President Leonard Woodcock has perceptively observed in an eloquent letter to all Members of Congress, there is great danger in emphasizing the critical security needs of business—dramatized by recent events involving the collapse of the Penn Central Railroad—while ignoring the equally desperate security needs of the worker. Such a lack of justice in ordering our priorities would inevitably be interpreted, as Mr. Woodcock aptly remarks, as "a politics of class verging on the classic Marxian strain."

As a matter of fact, we have already witnessed a Penn Central debacle in the private pension field. In 1963, Studebaker Corp. closed its operations in South Bend and as a result some 4,400 workers with vested pension rights were cut adrift with only 15 cents for every dollar of pension benefits they had earned, and no meaningful opportunity to earn a private pension elsewhere and there are other cases like Studebaker although perhaps not of the same magnitude.

It is time we stopped thinking about pensions as an esoteric specialty reserved for a select "priesthood" of actuaries, consultants, insurance experts, and other technicians, and started thinking about pensions in human terms. On June 18, 1970, I addressed the International Executive Board and Staff of the Steelworkers on the subject of pension plan terminations and the need for reinsurance which my bill, S. 2167, would provide. In that speech I noted that "the problems of forfeiture of benefits by reason of restrictive requirements or terminations of one sort or another is a very real one, which is exacerbated by the fact that the employees who are being shortchanged by these plans have foregone wage increases in favor of obtaining these retirement benefits." In recent testimony before the House General Subcommittee on Labor, the distinguished president of the United Steelworkers Union, I. W. Abel, stressed:

> That the failure to pay promised and *earned* pensions is as much the exploitation of labor as are long hours and low wages, and that nothing can drain life and hope out of a worker faster than the denial or loss of a pension after a lifetime of labor.

Mr. President, our country has been characterized as an affluent society; yet today there are untold thousands of retired workers living perilously close to the poverty level who feel deceived, betrayed, and even gyped by a private pension system in which they had placed their hopes and their trust. Only the most brutally cynical can now say to these hapless victims: "Well—you should have read the fine print in your pension plan. If you had, you would have realized that your chances of actually obtaining retirement benefits were really quite remote."

There is only one way to answer the mounting cries of resentment and despair over a system that, even assuming the best of intentions, so persistently ignores the human equation. And that is to enact legislation which establishes essential standards of equity for the workers covered by these plans and provides the mechanisms by which their hard-earned pension credits can be protected against economic misfortune. Let us not wait for massive tragedies like the Studebaker closing to proliferate before we are convinced of the necessity for such action. By then our constituents may be asking us to dismantle the private pension system. Let us act now to preserve it.

Members interested in the pension study form of questionnaire—form P—can get a copy from me or Senator WILLIAMS.

I ask unanimous consent to have printed in the RECORD the various newspaper articles and other pertinent material on this subject, including my speech to the United Steelworkers.

There being no objection, the material was ordered to be printed in the Record, as follows:

SENATE UNIT CHECKS PENSION PLANS

(By Antony Prisendorf)

WASHINGTON.—Throughout the country there are probably thousands of retired men and women who, to their utter dismay, found out too late that they didn't meet the fine-print requirements of their private pension plans.

How many such people there are, who they are, and how long they contributed a portion of their salaries to a plan under the misguided assumption that upon retirement they would automatically begin receiving regular benefits—these are some of the questions to be answered in a unique, nationwide survey being made by a Senate subcommittee.

In most cases that have been recorded or brought to an individual Congressman's attention, pension benefits are withheld from retired employes because the workers did not fulfill the demanding longevity requirements for "vesting" rights.

These "vesting" rights represent a worker's non-forfeitable share in the pension plan to which he has contributed over the span of his employment.

ENTITLED TO PENSION

Once vested, the employe is entitled to his pension benefits after retirement, even if he is fired, laid off or otherwise severed from his present job.

But all too often, Senate investigators have found, an employe doesn't attain "vested" status until he has worked steadily for the same employer for 10 years—a relatively infrequent occurrence because of this country's highly mobile and fluid labor force.

Hypothetically, these investigators report, if such an employe worked steadily at the same job for nine years, 11 months and 29 days and was then abruptly fired, he would forfeit all benefit rights to the pension plan to which he had contributed regularly during that time.

A second, less frequent form of retirement trauma occurs when a mismanaged or insufficiently funded pension plan goes bankrupt—as was the classic case at a Studebaker plant in Indiana in 1964—and the employes, though "vested," received little or none of their rightful benefits.

What makes the subject one of growing interest to members of Congress is its dimensions. At present there are an estimated 30 million American workers participating in 33,000 private pension plans.

(The word "private" distinguishes them from the public pension plans offered by the federal government to its employes or even Social Security.)

Of even greater interest to some members of the Senate is that these private pension plans have combined assets of 126 billion, which one specialist on Capitol Hill described as "the largest aggregate to essentially unregulated funds in the country."

Efforts to impose some form of federal regulation are at the heart of the current survey being made by a Senate labor subcommittee, of which Sen. Williams (D-N.J.) is chairman, and Sen. Javits is the ranking minority member.

Subcommittee staff members are now in the process of mailing detailed, 32-page questionnaires to the administrators of more than 1000 of the private pension plans.

"We hope to determine, among other things," the two Senators said, "what benefit rights an employee gets under a plan, what funding arrangements are provided to pay benefits, under what circumstances an employe forfeits his benefit rights, and how likely he is to do so.

"Much of this information has never been compiled before," Javits and Williams went on, "yet it is essential to full understanding of the many problems that confront private pension funds."

According to one knowledgeable Congressional source, little has been done so far because of "massive pressures" brought by just about every side—organized labor as well as the administrators of the pension plans.

Congressional specialists in the area of pension plans are relatively certain that their private misgivings will be supported by the results of the survey.

So, they are already planning to propose, as Javits has in the past, that a uniform vesting requirement be adopted nationwide.

Under the Javits formula, an employee would begin acquiring vested rights after six years in graduated 10 per cent increments each year until he reached full vesting after 15 years.

Moreover, a federal pension commission would be established to administer the programs and to consolidate the piece-meal regulatory functions now performed by the Treasury, and Labor Depts. and the Securities and Exchange Commission.

[From the Buffalo Courier-Express, July 13, 1970]

FEW WORKERS ARE DESTINED TO REAP PENSION HARVEST

(By Dick Barnes)

WASHINGTON.—Thousands of Americans retire each year only to find they'll get no money from the private pension plan they may have worked under for years.

The reason, an Associated Press study shows, is that many of the nation's 33,000 private pension plans are a mishmash of low benefits, superstrict qualifying rules, lack of information and, in a few cases, misuse or mismanagement of funds.

Many other plans are progressive and generous in benefits, so thousands of workers do get the retirement check they expect, particularly if they worked most of their career for one employer in a well-paid industry.

Although the majority of plans are prudently run, criminal activity dots the field.

Mafia names have cropped up in New York trials involving kickbacks for loans from a Teamsters pension fund. Grand juries in Chicago and Los Angeles are probing other pension fund loans.

Beyond such attention-grabbing cases, weaknesses in some pension fund operations leave the elderly with disappointment instead of a retirement check and sometimes a forced shove into poverty rolls instead of economic stability in their waning years.

One expert, for instance, found that only one of every 10 workers covered by pension plans in several low-waged industries would ever receive pension benefits.

Example of frustration abound:

A sheet metal worker from the Northwest who for years alternated between two union locals because of work availability found when he reached age 70 he would get a pension from neither.

A retired hat worker in Manhattan was notified by her pension plan that payments would be suspended for a year because the fund was not taking in enough money.

A business executive quit his firm after 18 years, thinking he had pension benefits he could draw at age 65. But when he went to work for a competitor, his original company canceled the pension right.

A woman who worked 37 years in New York was forced out of her job by a shop shutdown and was told to temporarily withdraw from her union. Later, when she sought her pension, she was told the withdrawal had cost her the pension.

Letters full of such claims of unfairness, broken promises and misunderstandings come regularly to government agencies and officials.

A few of the writers can be helped.

Most can't.

There is little federal or state regulation of private pension plans or their $126 billion in assets.

Annual financial reports must be filed with some agencies. The Internal Revenue Service must approve a fund if it is to be tax-exempt. And federal law prohibits some flagrant types of financial mismanagement.

But funds set their own benefit levels. They determine their own qualification rules. Many select their own well-paid lawyers, consultants and advisers, and make their own investments.

A federal grand jury in Chicago is examining the loans an investment adviser negotiated for the Barbers Union pension fund. Loans with a total face value of $7 million are delinquent—and the fund only has $21 million in total assets.

A Federal grant jury in Los Angeles is probing a $14.5 million involvement by the Teamsters Union's Central States, Southeast and Southwest Areas Pension Fund in a Los Angeles land development. City officials also are involved.

Not all cases involve loans.

For example:

The Employees Savings and Profit Sharing Fund of the Kropp Forge Co. of Chicago purchased 206,318 shares of the company's stock from two departing company officers for $3 a share. The stock was worth $1.875 a share at the time, according to a report the fund filed with the Labor Dept.

The United Mine Workers' welfare and pension fund deposited $67 million one year in a non-interest-bearing checking account in a bank the union controlled, costing the fund more than $3 million in lost interest.

The administrator of the Painters Pension Fund of Suffolk County, N.Y., was indicted on charges of embezzlement and bribery in connection with the purchase of fund office equipment. The same fund paid $19,184 in insurance commissions to a man whose wife worked for the fund. He had little previous insurance experience.

Pension trustees who also were officers of the McCrory Corp., which maintained the plan, purchased shares of McCrory stock for the fund while they sold their own holdings. When the fund quit buying, the stock prices dropped by two-thirds. The fund lost $4.5 million in this and other securities transactions.

A local Teamsters' fund contracted for land in a remote area to build housing for retired people but couldn't get a federally guaranted loan after the government found 20 of the 26 acres were under water and nearly half the rest consisted of a rock outcropping.

Legislation to tighten the fiduciary responsibility of pensions trustees and administrators and to prohibit various self-dealing practices is moving toward passage in Congress.

Some advocates of pension reform are trying to win simultaneous passage for provisions dealing with the broader and stickier issues of vesting and funding.

Vesting refers to the process and qualifications under which a worker becomes entitled to an eventual pension even if he quits his employer before retirement age. Funding refers to the manner in which money is paid into the the pension fund to meet its retirement check obligations.

Vesting and funding issues are dry, complex and subject to wide dispute—yet their human impact is far broader than the more isolated cases of fraud and misuse.

About 30 million workers, less than half of all private wage and salaried workers, are covered by retirement plans. About 3 million retired persons now receive private pensions.

The bulk of uncovered workers is in small businesses.

More than 90 per cent of pension plans are run by the employer.

Almost all of the rest are run jointly by representatives of a union and representatives of a number of small employers who deal with the union.

The employer makes all contributions in nearly three-fourths of the plans. Both employers and employes contribute in about one-fourth, and employes alone contribute in only 1 per cent.

Courts today increasingly label these employer contributions as simply a deferred wage earned by the worker—not a gift from the employer as early pension benefits were considered.

But with this trend has come growing concern about whether the deferred wage will be there when the worker retires.

Thomas R. Donahue, an assistant secretary of labor during the Johnson administration told the Senate Labor Committee:

"In all too many cases the pension promise shrinks to this: 'If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there's enough money in the fund, and that money has been prudently managed, you will get a pension.'

"It is utterly indefensible in a society as affluent as ours that an individual's economic security in his later years should rest on such a flimsy foundation and be so endangered by such an incredible list of 'ifs' and 'maybe,'" said Donahue.

Mario Impellizeri, a New York pension consultant, testified before the House general labor subcommittee this year that his study of 10 plans covering 60,000 low-paid workers "discloses that less than 10 per cent will ever receive a pension benefit."

He found that to be eligible for a pension, a worker had to compile at least 20 years of continuous service ending with his retirement at age 65. Yet annual turnover in the industries studied averaged 25 per cent, Impellizeri said.

Only about one of every six employes covered by the mammoth Western Conference of Teamsters pension plan will qualify for a pension, according to fund officials, despite the fact that they can transfer among any of 13,000 employers and can qualify for some pension rights if they have 15 years of service at age 52.

Merton C. Bernstein, an Ohio State University law professor, gave a Senate committee this interpretation of how pension plans work:

"The losses of many provide the funds with which the pay-off is made to the lucky few—just as at any honest race track."

He listed business failures, reorganizations, mergers, government contract losses and employe turnover all as factors in eliminating workers from pension plans before they qualify for benefits. He estimated that "as few as one out of five may reach the winner's circle."

James Curtis, a Seattle actuary on the board of the National Foundation of Health, Welfare and Pension Plans, Inc., told a congressional subcommittee he thought a pension qualification rate of "one out of two people is going to be more accurate than one out of nine"—a figure cited often by pension reform advocate Rep. John Dent,

D-Pa., chairman of the House general labor subcommittee.

Even for those retirees who do get their pensions, the size of the checks seldom guarantee luxurious living.

A Social Security Administration report predicts that in 1980, 74 per cent of couples and 83 per cent of unmarried persons who get pensions will receive less than $2,000 a year. Not counting Social Security benefits only 2 per cent of couples and 1 per cent of single people will get more than $4,000 annually.

An 11-year study by the Bureau of Labor Statistics shows that an average of 22,500 employees a year are in pension plans which terminate. Some are absorbed into other plans through corporate merger and some are paid accrued benefits. But others are left with nothing.

The biggest termination in recent years followed the shutdown of the Studebaker plant in South Bend, Ind.

Studebaker workers with at least 10 years of service who were 60 or older lost no benefits. But after they were taken care of, there was only enough money left in the funds to give 15 per cent of the accrued value of their benefits to workers with 10 or more years of service who were between 40 and 59 years of age. Workers who were younger or who had less than 10 years of service got nothing.

One Studebaker employe who got only 15 per cent of his benefits was 59 years old. He had worked for the firm since he was 16.

LETTER FROM UNITED AUTO WORKERS PRESIDENT LEONARD WOODCOCK TO ALL MEMBERS OF CONGRESS URGING PUBLIC REINSURANCE OF ACCUMULATED PRIVATE PENSION RIGHTS

JULY 2, 1970.

DEAR CONGRESSMAN: I am writing to you and to the other members of the Congress to urge that at least as much consideration be given to public reinsurance of the accumulated private pension rights of workers as is being given to bailing out both Wall Street speculators whose brokers go bankrupt and the stockholders of the Penn-Central Railroad.

In his June 17 televised addess on the state of the economy, President Nixon told the nation that we are in transition from a wartime to a peacetime economy. Senator Mansfield and economic indicators suggest that the word for our situation is recession. We in the UAW are struck by the fact that whether we are in an economy of war, peace or transition, in recession or what passes for prosperity, the conduct of government and economic affairs remains too largely in the grip of a double standard: all Americans are equal, but some Americans are more equal than others. Walter Reuther used to refer to this double standard as Park Avenue socialism for the rich and free enterprise for the poor. The President's program "specifically addressed to help the people who need help most in a period of economic transition" reflects that double standard. Mr. Nixon called for:

"Establishment of an insurance corporation with a Federal backstop to guarantee the investor against losses that could be caused by financial difficulties of brokerage houses. . . ."

Yet he made no reference to and indicated no support for a long-pending proposal to provide similar insurance to meet the urgent need of wage-earners and lower-salaried workers who stand to lose the protection of privately negotiated pensions if the companies they work for should go out of business before their pension programs are fully funded. Yet the closing of plants and the wiping out of workers' pension rights are an obvious potential consequence of a transition from war to a peace economy, while it is difficult to see any necessary connection between such a transition and trouble in brokerage houses.

Again, the collapse of the Penn-Central Railroad has brought on the spectacle of Administration figures falling over each other in their haste to shore up the managements and to protect the stockholders of the Penn-Central and other threatened lines through massive infusions of Federally guaranteed loans. The Secretary of Transportation admitted that such action to help the Penn-Central management would be "gambling" on "high-risk loans." Nevertheless he attempted to panic the Congress and the country with the hobgoblin of nationalization of the railroads if the risk were not taken. And the President himself, in his June 17 speech on the economy, authorized the gamble by calling for:

"Legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties."

We in the UAW are not in principle critical of financial aid to stricken corporations. Nor are we necessarily opposed to action to protect investors or even speculators from losses stemming from financial difficulties of brokerage houses. Yet we ask: Are these people—the well-heeled managements of conglomerate corporations and others affluent enough to be able to speculate in Wall Street—among "the people who need help most in a period of economic transition"?

We think not. These people may need help, but they certainly need help less than the poor, the unemployed, and millions of aging Americans for whom retirement brings a severe slash in income that frequently means ending their days in poverty.

The President gave a thought to these older Americans in his economic speech, proposing that the Congress tie Social Security benefits to the cost of living. This would be helpful, but tying a poverty retirement income to the cost of living would merely guarantee an unruffled prolongation of poverty.

It is the gross inadequacy of Social Security benefits that has given privately negotiated pension rights such critical importance in workers' hopes and plans for retirement. Yet the President was silent with respect to the plight of the many American workers who own no railroads and possess no stock portfolios to speak of, only a private pension promise that offers them hope of a standard of life in retirement beyond the bare minimum possible under Social Security. Public reinsurance of private pension funds—similar to the insurance provided since the 1930s for bank deposits and akin to the backstop Federal protection the President asks for investors—would bring all of us closer together and nearer to fulfillment of the American dream of which Mr. Nixon spoke to such applause in his address to the Junior Chambers of Commerce.

The number of persons dependent upon private pension plans is far greater than the number of Wall Street speculators and Penn-Central stockholders whose problems have generated the urgent concern and precipitate haste of an army of would-be rescuers. Some 28 million persons are presently covered by private pension plans and it is forecast that 42 million will be covered by 1980.

In contrast to the handful of brokerage firms that have experienced difficulties and the one railroad recently forced into receivership, some 4,000 pension plans were terminated in the United States between 1955 and 1965. These terminations, all too frequently, subjected affected workers to the double tragedy of lost jobs and loss of substantial prospective pension rights at a stage in life when they had little or no opportunity to earn further pension entitlement.

We in the UAW have been pressing since 1961 for an insurance program to protect private pension funds. Delegates to a UAW convention that year, comparing the promissory nature of bank deposits and pension plans, declared:

"Pension plans also represent private promises, this time by employers, which they may not be able to keep if they get into deep financial difficulties before the plans have been fully funded. These plans are so widespread and private pensions to supplement social security have become such an integral part of our system of providing for retirement that their protection must also be accepted as an essential feature of public policy. The catastrophe to the worker who sees the security which his pension rights represent to him swept away by the failure of an employer is just as great as the catastrophe of the depositor who loses his lifetime savings in a bank failure. The solution is essentially the same."

Congress in the relatively prospering early 1960s was not impressed by the reality or urgency of this problem and failed to enact legislation which would have shored up the security of workers' pensions. Then, 5 days before Christmas 1963, the last car came off the South Bend line of the Studebaker Corporation, and as a result some 4,400 workers between the ages of 40 and 59, who had earned a vested pension right through ten or more years of service to the corporation, found that right meaningless when their plant shut down with only enough money in the fund to provide pensions to workers age 60 and over. As a result, workers with as much as 40 years of seniority who, even if they found another job, were too old to start acquiring new pension credits from another employer, were left stranded.

The collapse of Studebaker dramatized the predicament of its workers and of workers in other companies who might also find the paper promises implicit in unfunded pension rights repudiated as a result of plant closings. Still the Congress failed to enact a pension reinsurance law, leaning heavily on the argument that great technical difficulties in framing such a law stood in the way.

As of February 26, 1970, when Walter Reuther made a plea for a pension reinsurance law in one of his last statements to the Congress, the opposition no longer rested on technical difficulties; it was more or less conceded that, as Mr. Reuther said, for a small premium cost spread universally over all plans, they could be protected. The argument had now shifted to the claim that there was no need for such a protective mechanism, since only a small percentage of workers were affected in what was after all but an "incidental failure" of the present system.

Mr. Reuther stated that this is the logic to be expected from a computer but not from a human being. He called for:

"A balanced combination of adequate public and private pension plans, with appropriate public support assuring the fulfillment of expectations of the private sector . . ."

And he stated:

"As the richest nation in the world we cannot continue to deny our older citizens their measure of economic justice and human dignity. We must act now to assure society's promise to present retirees and to avoid the potential failure for even a small number of the millions of workers rightfully anticipating a secure retirement."

The closing down of plants or operations is not a rare occurrence in any industry in our economy. In our own industry, we think of Hudson, Studebaker, Packard, Kaiser-Frazer as well as a host of smaller companies. Nor has it been rare in recent years for plants to close or operations to end, wiping out the hopes of security in retirement for men and women too old to start from scratch on other jobs. In recent years the UAW has been

obliged to close out negotiated pension plans for a variety of reasons: a fire totally destroying the plant; the close-out of a smaller plant bought by a larger company; part of an operation discontinued because an obsolescent plant had become uneconomic. The latest closing of a plant under contract to UAW took place on July 1, 1970, with its pension plan 11 years away from full funding. Among the victims of that closing were a man and a woman, both 52 years old, each with 37 years of service. Because of their age, their entire 37 years with the company were washed out as far as pension benefits are concerned.

When plants are closed down, there is apt to be talk about "the price *we* pay for progress"—yet that price is too often inequitably distributed, entailing, for example, a more efficient operation for the employer but unemployoment and a wiped-out pension promise for the worker. Certainly from the fruits of the progress that we are all supposed to enjoy, assurance can be given that the security of pension benefits will be maintained.

The President speaks of the people who need help in a period of economic transition. But it should be clear that for wage earners and to a somewhat lesser extent for salaried workers, the "transition economy" is not a sometime thing but a permanent aspect of their lives. Blue-collar workers particularly work and live all their lives on the cutting and bruising edges of technological and economic change, in war and peace, in sickness and health, in youth and age. A special White House panel that studied the problems and needs of blue-collar workers has within the last few days transmitted a report to the President urging Administration action to deal with the economic and social needs of such workers, whom the report described as economically trapped and socially scorned. It is primarily these workers and their families, rather than railroad managers and speculators, who need help.

We detect a disproportion in the rationing of the President's concern, a show of preference for a kind of Wall Street or Easy Street welfare state which if indulged by the Congress would come dangerously close to—if it did not actually arrive at—a politics of class verging on the classic Marxian strain.

In this disturbing situation, we feel that the Congress has a stronger role to play and a considerable responsibility to play it. The question of establishing a pension reinsurance system has been in Congressional limbo for years. The President of the United States has asked the Congress to produce legislation to insure investors against their losses. We earnestly hope that the Congress will now see the substantive and symbolic merit of enacting a pension reinsurance law without further unseemly delay. Having thus offered assurance of retirement security to American workers, the Congress could then go on with good grace to consider the security needs of Wall Street speculators.

If we are to bring this country together, we are going to have to curb the impulse of Wall Street socialism in favor of much larger doses of Main Street and back-street democracy—on both sides of the railroad tracks. Treating Americans more equally would facilitate our progress not only toward a peacetime economy but toward a more peaceful society as well. Enactment of a law to protect negotiated pension funds would be one firm step in that direction.

Sincerely yours,

LEONARD WOODCOCK,
President, International Union, UAW.

PRIVATE PENSION PLAN REFORM

The issues involved in pension reform, I know, are of critical importance to you, and your union has been a leader in advocating the correction of serious defects in the private retirement system.

I also know that the Steelworkers Union has been a pioneer in the development of vesting in the pension plans you negotiated so that your members are not subject to total forfeiture of benefits after long years of service, as is so often the case in other industries. And it comes as no surprise to me that your leadership is backing pension plan reinsurance, which I also support. For it is the vested plan which really needs reinsurance the most; there the workers have something to lose. On the other hand, the collapse of a plan in which few if any workers have vested rights is only a "loss" of benefits the workers never had in the first place.

As many of you are aware, I have a strong and abiding interest in the subject of pension reform, having introduced the first comprehensive legislation on the subject, and my desire to secure needed standards with respect to the operation of the private pension system has not diminished. In fact, my conviction that basic regulation is required has become increasingly firm since I first introduced my bill in 1967.

Yet, there has been a growing marshalling of forces aimed at frustrating pension reform legislation. These forces—which include substantial segments of the business community and even some international unions—are quite formidable and it will require great unity and perseverance on the part of the trade union movement if effective reforms are to be realized. This union is to be commended for its effort to communicate to its members and the people the serious dimensions of the private pension issue. But, labor has not at this point sufficiently knit together on the pension reform issues. To counter the opponents of pension reform effectively will require much greater efforts by labor than has been the case so far; this union with others will need to come together to furnish the backing that is required if this legislation is to get off the ground.

Your President has specifically asked me to speak tonight on the subject of pension reinsurance and I intend to do that. But before I do, I wish to give you my general impressions with regard to the pending proposals.

CURRENT OUTLOOK

As you know, there are now pending in Congress fiduciary bills amending the Welfare and Pension Plan Disclosure Act—one of which I introduced in the Senate on behalf of the Administration—and some broader proposals dealing with vesting, funding, reinsurance, etc., including my own comprehensive bill. Hearings on both the fiduciary bills and the broader legislation are being held by the House Subcommittee on Labor. The Senate Labor Subcommittee has not gotten around to holding hearings on this subject, but I have every expectation that such hearings will be held this session.

The Senate Labor Committee is, however, engaged in a study of the United Mine Workers Welfare and Pension Fund, and I am making every effort to see that this study goes into the broader issues of pension reform. I think a substantial body of evidence has been built up in the last few years which amply justifies the necessity for fiduciary standards and, in my judgment, gathering further examples of fiduciary abuses in other funds would simply be cumulative. There is a fairly broad consensus that fiduciary standards are necessary. Even so, whether such a fiduciary bill can be enacted this year remains uncertain; a decisive opportunity certainly would be presented if the House should pass such a measure.

The enactment of fiduciary legislation, however, is just the beginning. There are those who have urged that fiduciary legislation only be enacted as part of a package which covers the other issues of pension reform i.e. vesting, funding, reinsurance, etc. On the other hand, there are those who undoubtedly are willing to go along with enactment of fiduciary legislation provided that nothing further be accomplished. This latter group will probably say that having accomplished fiduciary reform, which as I indicated is not all that controversial, Congress ought to wait and see what happens before doing anything further. This tactic is similar to that employed in prior legislative efforts directed to regulation of pension plans. You may recall that the original Welfare and Pension Plan Disclosure Act was a very weak measure. At that time it was argued that Congress should take just a little step at a time and not rush in all at once. That Act proved to be so worthless that it had to be amended in 1962, and even now it requires further strengthening if it is to be effective; yet nothing has happened for twelve years.

As I indicated when I introduced the Administration's fiduciary proposal, I think the proposal is fine as far as it goes, but I don't think it goes far enough. With respect to matters of vesting, funding, reinsurance, etc., the Administration's bill adopts a "truth-in-lending" approach. New disclosure provisions are proposed which would require pension plans to inform participants as to their rights under the plan, the nature of the vesting provisions, if any, where the plan stands in terms of funding and what the participant would receive if the plan terminated. I think these are good provisions and a worthy improvement to existing law. But they will not cure the more serious deficiencies in the private pension system. "Truth-in-lending" is fine but there have to be usury laws as well.

It is for this reason that, favorably impressed as I am by the Administration's fiduciary proposal, I will continue to work for broader legislation, as represented by the comprehensive bill, including funding and vesting which I have offered.

The pension plan system has achieved great success much of which is due to unions, like the Steelworkers. Certainly the sheer size of the system in terms of accumulated assets is rather awesome.

Latest S.E.C. studies show that as of 1969, pension fund assets, both insured and noninsured, soared to $126.2-billion. These funds are expected to accumulate over $200-billion by 1980.

Paradoxically, there are disturbing defects in this vast system. Chief among these is the fact that, according to the testimony of former Secretary of Labor Shultz, approximately one-third of the 29-million participants covered by private pension plans will never receive a pension from these plans.

At first impression, this stunning disclosure seems incongruous with the statistics revealing the vast resources accumulated by these funds. Closer inspection, however reveals that there are two principal factors responsible for this paradox: First, at least one-half to two-thirds of the plans in existence contain requirements—late vesting for example—with regard to qualification for retirement benefits that are sufficiently restrictive to preclude many participants from any realistic hope of obtaining any benefits; second, layoffs, plant closings and business or technological circumstances resulting in plan terminations often cause participants to lose some or all of the retirement benefits they had anticipated.

PENSION REINSURANCE

The rate of formal plan terminations potentially effecting loss of benefit rights has been estimated by former Secretary of Labor Shultz at about 500 a year, affecting approximately 25,000 participants. I think these estimates may be too low because they are based on formal plan terminations reported to the Treasury Department. I do not believe that they fully reflect the extent of instances sometimes characterized as "partial

terminations," where through plant closing, lay-offs, corporate mergers, etc., a substantial number of participants are separated from the scope of the plan with loss of benefit rights even though the plan continues in existence.

In any event, the problem of forfeiture of benefits by reason of restrictive requirements or terminations of one sort or another is a very real one, which is exacerbated by the fact that the employees who are being short-changed by these plans have foregone wage increases in favor of obtaning these retirement benefits. Regardless of whether the current rate of termination is viewed as large or small in proportion to the total number of pension plans in existence, it doesn't take too much foresight to be concerned about the magnitude of loss that would result if we were to experience a prolonged period of severe economic distress.

A harbinger of what might be in store is represented by current conditions in the aerospace industry. The large lay-offs that have occurred in that industry due to massive cutbacks in defense and aerospace contracts has resulted in an extreme curtailment of pension expectations for many of those who have been unfortunate enough to have been separated from their employment.

I believe that the federal government has a clear responsibility to take into account the effects of its programs on employees engaged in industries dependent upon government contracts. About all the government does now is to see to it that the pension plans of these contractors meet Treasury Department standards and that the employers' contributions to the plans are reasonable. If these standards are met the Government permits the contractor's contributions to be included as a reimbursable item of cost with respect to the defense and aerospace contracts it negotiates.

Since the Government is also indirectly subsidizing the plans in these industries—by tax indulgence—it follows that the Government should insure that these plans are realistically structured and that the pension expectations of the employees are made more secure than is presently the case. I think it is incumbent on those agencies involved to consider ways and means of requiring more adequate standards for pension plans of Government contractors. Among the obvious possibilities are earlier vesting, compulsory participation in reciprocal arrangements and pooling of funds by contractors in the same industry to minimize the risk of termination. There is ample precedent for the use of Government's contracting authority as a basis for setting such standards, and I urge the Administration to take active steps along the lines I have suggested.

The Studebaker closing was the archtype of termination demonstrating the need for reinsurance. It is a dangerous misconception to conclude that reasonable vesting and funding provisions will eliminate Studebaker-type cases. The Studebaker plan had a 10-year vesting provision and 30-years funding. At the time the plan was terminated however, it was only 10 years old, and therefore was not fully funded. That situation can and does still occur, in connection with complete as well as partial terminations, and the only way to provide protection for employee pension rights when it does occur is through a reinsurance scheme such as that provided in my bill. The Steelworkers were among the first to recognize this fact, and I commend you for doing so. I would add that reinsurance cannot stand alone either; funding and fiduciary standards are preconditions for reinsurance.

Also, in the merger-acquisition situation, I understand that, at least in the context of unionized employees, the acquiring company usually has the obligation under the National Labor Relations Act to continue in effect the pension plan and collective bargaining agreement of the company it acquires, and not to terminate either plan or agreement without bargaining it out with the union. I think it is most unfortunate that non-union employees in the merger situation do not have any protection from sudden termination of pension plans and consequent loss of benefits if the plan is not fully funded. The reinsurance provisions of my bill would give such protection, and would also protect your members in those situations where the National Labor Relations Act does not have the effect—because of structural business changes resulting from a merger or acquisition—from precluding plan terminations.

No one is certain, of course, what effect this reinsurance plan would have in the long run upon corporate planning or collective bargaining. If past experience is any guide, the cost of reinsurance should be very low, because the rate of termination of pension plans is relatively low.

If, however, reinsurance should turn one to create terminations and "milk" the reinsurance fund we may well decide, on the basis of that experience, that pension plan liabilities for unfunded pension credits should be made a lien upon the assets of the employer in the merger situation. I believe reinsurance will handle the situation at minimal cost, but we will, no doubt, want to watch very carefully what happens after reinsurance is enacted into law.

It may also be necessary that the regulatory agency concerned with reinsurance possess some authority to prevent the splitting of plans when such a result would penalize substantial numbers of participants, or, to require the merger of plans in certain circumstances where that is feasible, which might be the case in a conglomerate situation. Powers somewhat similar to these have been given to the Federal Deposit Insurance Corporation which is authorized by law, for example, to facilitate a merger or absorption of a distressed bank by another insured bank whenever it can be shown that the disruptive effect and potential losses could be minimized.

To accomplish the goals of pension reform will not be easy. However, much can be done to straighten out the misconceptions of those who believe that further regulation would be an unmitigated disaster for the private pension system. In fact, precisely the contrary is the case. To be perfectly frank, I believe that, for the most part, it does not ultimately matter to the ordinary employee where his retirement income comes from, as long as it is an adequate income and he is not compelled to adopt a standard of living in his old age which is at or below the poverty level.

Accordingly, the life expectancy of the private pension plan system is directly related to whether that system together with Social Security will produce an adequate retirement income for the bulk of our labor force. If the private pension system together with Social Security fails to meet this objective, no amount of rationalization will save it from drastic modification or even replacement. Already, there are critics who would like to see the private pension system entirely jettisoned. I do not agree with these critics. I see great strengths and virtues in the system and I believe it is well worth preserving. But I think that the handwriting is on the wall, and that unless fundamental reforms are undertaken to improve the chances that persons covered by private pension plans will receive an adequate retirement income, there will come a time, not too far away I think, when those who want the system abolished may have their way.

I am hopeful that with your help we can accomplish these basic reforms before it is too late.

UNITED STEELWORKERS OF AMERICA,
Washington, D.C., June 22, 1970.

Mr. EUGENE MITTLEMAN,
% Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR GENE: The Senator gave a very good speech to our staff on Pension Reinsurance. I thought it would be appropriate if he could introduce his speech into the Congressional Record accompanied by I. W. Abel's testimony before the House Education and Labor Committee.

Sincerely,

JOHN J. SHEEHAN,
Legislative Director.

PRIVATE WELFARE AND PENSION PLAN LEGISLATION

(By I. W. Abel)

My name is I. W. Abel. I am President of the United Steelworkers of America. I am testifying in support of urgently-needed federal legislation to protect the pension rights of workers.

My remarks primarily concern the concepts of vesting, funding and re-insurance which are incorporated in H.R. 1045. We wholeheartedly support these proposals which most of my statement concerns but we are also seriously concerned about additional federal regulations to cover the obligations of trustees of private pension plans.

However, I do want to emphasize this point: The passage of the bills covering fiduciary responsibilities is no substitution for the enactment of the principles of reinsurance of private pension plans. The enactment of H.R. 1045, therefore, is of primary importance.

I want to state a few facts about our Union which underscore the reasons for our great concern in this vital area of pensions. No union in the world has as many members covered by private pension plans as does the United Steelworkers of America. Currently we have some one million members who are covered by pension plans negotiated by our Union. Almost 175,000 of our members are now being paid pensions under these negotiated plans. Since our first pension agreements were won in 1950, 275,000 Steelworkers have retired under their provisions. The pension payments under these pension plans are around $125 million a year. Reserves have been accumulated in excess of $3 billion. While these are impressive totals they are not impressive enough to fully guarantee the ability of many pension plans to meet all their obligations if we go into a prolonged period when the economy does not expand.

The federal government has established its concern and responsibility for the protection of workers' private pension rights by the enactment of legislation affecting pension plans. However, this concern has been directed almost wholly at assuring the honesty of pension plan administrators and trustees. This is well and good, and it is necessary, but this does not solve the problem. By all means we should provide for the proper administration of pension plans but—above everything else—we should guarantee that such plans meet their obligations as they fall due. In short, make certain that the pension money is paid when it is supposed to be paid to someone who has worked his lifetime for that pension.

We respectfully urge that three basic features be included in any legislation to insure the soundness and integrity of private pension plans. These proposals go beyond the primary measures needed to insure the proper "housekeeping" of pension plans. We believe our proposals go to the heart of what is required to provide essential protection of workers' pension rights.

Our three basic proposals are as follows:

1. Every pension plan must provide that any worker who leaves the employment of a company will have a vested right to a pension when he retires, based on his years and months of service for the company. This is what we term a deferred vested right.

2. Every plan must be funded so that when a worker becomes eligible for his pension, enough money will have been accumulated in the pension fund to pay him his pension for the rest of his life. This we call pension security.

3. Every worker is entitled to this pension security when the operations of his employer are permanently discontinued. This would be done by a federal pension re-insurance system.

Now, I would like to say a few words about each of these three proposals. First, deferred vested rights.

Pension rights are an integral part of the total compensation a worker receives for his labor. More and more an increasing share of compensation consists of deferred benefits. The best known deferred wage payments include holidays, vacations, insurance and pension benefits. No employer is permitted to avoid or evade the payment of immediate wages. We say that deferred compensation is entitled to the same protection of law because when we negotiate these benefits we do it on the same basis as we do wage benefits.

Second, we believe a worker's right to freedom of movement is seriously compromised if his mobility deprives him of part of his standard of living in retirement. If pension rights are deferred wages, a man who loses these deferred wages because he changes his employment, or has his employment changed, has been unjustly deprived of what is rightfully considered part of his savings. Pension rights accumulated in a pension fund have the same cash value as that part of his wages a worker deposited in a savings account in a bank.

As Professor James Shulz put it in a publication of the Senate Select Committee on Aging: "The older worker who loses his job, for one reason or another, after many years of service but before qualifying for a private pension benefit, has suffered a retroactive pay cut."

Third, the effect of depriving a man of part of his compensation when he changes jobs, is to enrich the employer who was—or should have been—contributing money into the pension fund for the worker's eventual retirement. The proper solution to this area of concern is a proper vesting provision in the law.

Now, to turn to pension security for a moment. What has been included as part of an economic settlement should not be permitted to be used for anything other than what it was intended to be used for. When an employer has agreed to provide an employe with a pension of $300 a month when he has reached retirement age of 65, he has, in effect, agreed to pay him an annuity worth approximately $35,000. Pension negotiations would be a shambles if the value of any pension agreement was not arrived at on the basis of actuarial estimates. An employer who agreed to pay a worker $100 a week for his services and then paid him only $50, would be liable for his failure to live up to his agreement. Why should an employer who agrees to pay a man $300 upon his retirement not be held liable for failure to fulfill his agreement, if he does not regularly put aside the money necessary to meet that agreement?

If Congress fails to provide for the funding of pensions by law, there will be more and more workers who will discover that much of their lifetime of labor will have been in vain if the promised and anticipated pension is not there. There can hardly be anything more crushing to the human spirit, than to labor thirty, forty years—looking forward to retirement with dignity—and then to learn that the hopes and dreams of a lifetime are not to be realized after all. I would also say that, in the event of serious economic problems, the disappointed hopes of millions of Americans who labored in vain anticipation of lifetime pensions will surely prove as powerful social dynamite as any other deeply felt grievances suffered by other segments of our Nation.

Now, for the most important proposal we have made to Congress—legislation to protect workers' pensions by the establishment of a federal pension re-insurance system. A homeowner purchasing his home on time payments surely has the right (if not the obligation) to insure the repayment of the full face value of his loan in the event of his premature death. Otherwise, his family might find themselves homeless even though a part of the indebtedness had been repaid. Our proposal, in essence, adopts the same principle with respect to pension re-insurance. If for example, a company terminates its pension plan prematurely—usually as the result of a permanent shutdown—and if all the payments necessary to fully fund each worker's pension rights have not been made, the re-insurance fund would pay the unfunded benefits. We believe the costs could be properly charged against all pension plans enjoying tax-exempt status. Pension re-insurance premiums should be based on the extent of each pension plan's unfunded liabilities. As the amount of unfunded liabilities decreases, the amount of premiums should also be decreased. Thus, the worker and the employer would both be rewarded: The worker with pension security; the employer with declining premium costs.

It has occasionally been argued that pension re-insurance will discourage the voluntary funding of pension plans. The argument is that there will be no incentive to do so if an employer knows that any unfunded liabilities will be satisfied by the payment of a relatively small premium to the re-insurance fund. The answer to this argument is two-fold: First, as we have proposed, all plans must be required by law to fund their unfunded liabilities by formulas which provide minimum funding standards. There is considerable evidence that most employers are *already* rapidly funding the unfunded obligations of their pension plans. Therefore, the effect of the law will be to compel a minority of employers to do what the majority of soundly-managed enterprises are already doing. Second, a soundly designed program of premium charges will provide for reduced premiums as unfunded liabilities are reduced. However, if neither of these measures eliminate fraudulent schemes, the law should provide for criminal penalties. The penalties should apply to employers who willfully fail to fund, or who terminate a pension plan to secure payments from the re-insurance fund to which their pension plan was not entitled to.

It also has been suggested that unscrupulous pension fund managers will be encouraged to deliberately gamble their pension funds on high-risk ventures. If the gamble pays off, there will be large gains and reduced future contributions. If all is lost—so what? The pension re-insurance fund will take care of everything. I believe this line of argument only strengthens the demand for strictly limiting the types of securities in which pension funds may be invested. This kind of limitation is an essential part of any law governing fiduciary obligations and standards of conduct. Even without pension re-insurance, pension fund investments are presently being mishandled. I doubt, therefore, that a pension trustee who would use pension funds to speculate with other people's retirement benefits, needs pension re-insurance as an excuse for doing so.

Now, I want to conclude my oral testimony with a few, brief comments.

The benefit levels and costs of pension plans are bound to continue to increase in the future. Present pension plans cost in the area of 50 or more cents an hour. The value of these deferred wages alone justifies prompt action by the Congress to establish minimum standards of financial responsibility, and to enact legislation protecting the accumulated pension rights of workers.

I strongly disagree, Mr. Chairman, with those who advocate more study of this serious problem. This Committee, in our opinion, already has enough information to act during this session of Congress.

I concur in the following statement by the Bar Association of New York City:

"Comprehensive federal regulation of pension plans has been shown by actual experience to be necessary. Despite that evidence, regulation has hitherto expired in Congress, primarily, we believe, because important segments of management and labor fear disruptive effects on existing plans and have expressed their fears in Washington. The deep disappointments suffered by individual employes tend to be under-emphasized, particularly when a legislator is led by a continously expanding economy to conclude that those disappointments are not likely to reoccur. We believe that prudence calls for a different conclusion. If a lengthy recession occurs or a single industry founders . . . the effects can be catastrophic . . . Once it is clear that Congress should act, it seems to us just as clear that it should act promptly."

If the Congress were to delay action, it would be disregarding the gathering storms. I cannot underscore enough our feeling of great need for prompt action by the Congress.

I also want to underscore the point that the failure to pay promised, and *earned*, pensions, is as much the exploitation of labor as are long hours and low wages.

By enacting the measures we have proposed, the Congress will recognize that just as there can be no exploitation of a worker when he is a child, or when he is an adult, there can be no exploitation of the worker when he has retired.

I have attempted to emphasize the human element in my remarks because I believe this is the primary consideration. I also have tried to emphasize that nothing can drain life and hope out of a worker faster than the denial or loss of a pension after a lifetime of labor. I would respectfully ask you to think of your own feelings if you suddenly were confronted with the news, upon your own retirement, that the pension money just wasn't there.

Therefore, in conclusion, I again emphasize the importance of prompt action by the Congress.

I deeply appreciate this opportunity to appear before you and to present my views and the beliefs of the United Steelworkers of America on this most vital topic.

SOCIETY'S RESPONSE TO SCIENTIFIC ADVANCE: THE HARD QUESTIONS AHEAD

Mr. JAVITS. Mr. President, with the new emphasis on defining national goals and priorities, and focusing on the issues likely to arise in the foreseeable future, I find it most interesting and reassuring that the Society of Sigma Xi—the Nation's scientific honorary society—recently invited a practicing lawyer, Daniel M. Singer, Esq., to address the society's annual meeting on a subject which might at first seem to be purely scientific but which on closer examination reveals a real need for interdisciplinary discourse.

Mr. Singer raises some really new and puzzling issues, and their implications

are surprising and substantial. Suppose, for example, that a sudden breakthrough in biological science through genetic alteration, drug therapy or organ replacement makes it possible to extend the lifespan of man to 120 years—which is, I believe, a very real possibility. What would that do to our society—which would then be a society in which men and women at "retirement age" would have, nevertheless, an additional 50 or 60 years? What would become of the structure of our business and professional leadership in the context of young men entering fields of endeavor in which their "elders" had another 80 years before retirement? Indeed, what would become of our whole system of public and private pension and retirement plans, which might collapse in bankruptcy if a sudden change in lifespan revolutionized the actuarial assumptions on which the system is based?

Mr. Singer's remarks point up the need for a much closer cooperation and dialog between the social and scientific professions. I take some real satisfaction in the fact that it is a member of my own legal profession who is pointing the way, and I ask unanimous consent that Mr. Singer's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SOCIETY'S RESPONSE TO BIOLOGICAL ADVANCE: AN OPPORTUNITY FOR SELF-CONSCIOUS CHOICE

(By Daniel M. Singer)

When Professor Holzberg dipped down (or reached over) into the community of practising lawyers to find someone to address the Society of Sigma Xi, I felt flattered and cheerfully accepted. And I concluded that at least Professor Holzberg was prepared to listen to mere words, without the benefit of lantern slides, statistical disquisitions or, indeed, the rest of the paraphernalia of traditional scientific discourse. The rest of you will have to bear with me.

Since the law plays an important role in harmonizing social change, perhaps more important than any non-lawyer is willing to admit or to accept cheerfully, it is not wholly inappropriate for me to speak this evening about the impact on society of the new and developing technologies arising out of increasing scientific knowledge. In particular, I want to suggest that the outlines of the impact of advances in the biological sciences can be reasonably well foreseen and that the impact will very likely require major changes in society. Most important, I want to suggest that perhaps uniquely in the history of mankind we have both the time and the wit, if we care to use them, to assess rationally the ethical or value choices inevitably posed by our new technologies, and, if appropriate, to act in accordance with that assessment. I would estimate that we have something more than 14 years in which to do so, but science exhibits an almost predictable fickleness that makes me worry that Orwell may have been overly generous.

(Let me digress slightly to note that I do not believe this to be our most immediate public policy issue. If we cannot do justice domestically, make major strides with regard to environmental pollution and limit drastically our capability for instant and very sophisticated genocide, everything I say tonight will doubtless be moot—save that perhaps the next crowd that makes it out of the second primordial ooze may eventually face the same problems.)

For our present purposes, I think it is sufficient to define "technology" as the harnessing of scientific knowledge to perform tasks perceived by the harnesser as useful.

There are at least three points in the process of technological change where socially relevant choices appear to be possible.

First, there are decisions by individual or very small groups of basic scientists, applied scientists or engineers whether to pursue A or B as a line of inquiry.

Second, having pursued A successfully, there is the choice whether to introduce the New Thing, and if so, how? Historically, the marketplace made or prevented the making of this decision.

And third, having introduced the New Thing into use, society reacts. But society rarely if ever rejects the New Thing. We still cling to the optimistic Nineteenth Century notion that all change is progress and that all progress (especially progress in technology) is good—despite mounting evidence to the contrary. After all, whatever limited success the "good guys" (including me) may have had in slowing down the SST, for example, I doubt that anyone here really believes that we will remain free of SST—indeed we'll probably all choose to fly it when it goes into service. [It should be noted that whatever limited impact U.S. citizen groups may have had in throttling back a domestic SST, their counterparts in France and Russia were even less effective, even though no one but air frame manufacturers and proponents of *la gloire de la patrie* really responded affirmatively to the question "does anyone need it?"]

Let me comment briefly on the first two steps in the process of technological change and then focus the balance of my remarks on the third step—namely, the response of society to the introduction of a new technology—specifically, to advances in biological or biomedical technology.

With regard to the choices by scientists or engineers as to which lines of inquiry seem fruitful or rewarding, there are probably certain ideas whose time has come. The work of others in the past seems (at least from vantage point of the future) almost naturally to require the next step to be taken. And this, I suspect, includes the "bright idea" which historically crops up more or less simultaneously in several places. We all know the story of the decade-long race between the United States and the Soviet Union to concoct a hydrogen weapon. And those of you who have read "The Double Helix" will recognize the joust between Watson and Crick, on the one hand, and Linus Pauling, on the other, as recent evidence for the proposition.

Furthermore, the process of choosing and the pursuit of choices may well be relatively independent of the level of funding. The process and the pursuit are probably much more a function of the peculiar kind of zeal, drive, imagination, dedication and curiosity of the community of scientists than a function of external support. Mendel tended his peas; E did equal Mc; $_2$ and Watson and Crick managed to construct a double helix several years before Sputnik, Congressman John Fogarty and Senator Lister Hill rained manna on the heads of the research community, especially on the biomedical research community. [I recognize, in the current days of budgetary stringency, an element of arch heresy in my suggesting to scientists—especially those in basic research—that they will "do their thing" even without public money. This is not quite my view, given especially the nature of the demands that rob money from education and research. The rate of change may indeed respond to fiscal policy especially in the big hardware technologies and in considering the lead time in the supply of research workers. Suffice it to say that I think my argument is unaffected by alterations of the relevant time scale by a generation or two in either direction.]

For the very same reasons—reflecting the peculiar nature of scientists—it is likewise true, of course, that governmental action has been similarly ineffective in *prohibiting* the inexorable efforts of scientists to describe and explain the natural order. Word did get out, despite papal edict, that the earth was not the center of the universe.

To the extent that I have any personal experience with the working of the minds of researchers, I believe that scientists choose first of all to "do" science, and their choices whether to describe the structure of the double helix or to unlock the information system of the gene are dictated largely by happenstance—"I wonder how it works" or "what will happen if I do thus-and-so?" are the approaches far more common than: "If I do thus-and-so, I can make a light bulb," or "If I learn how it works, I will improve the lot of mankind." Decision-making by individual scientists in this respect is not necessarily rational, nor is the time-scale for doing the work perceived generally as critical. But the decisions are well-informed decisions. They are not, however, self-conscious. such decisions purport to be made without any consideration whether there is a good social end-use—or any end-use—for their efforts. Indeed, any such consideration is probably impossible.

The second step in technological change requires choices whether to put a new discovery (basic or applied) to some practical and public use. Here the marketplace becomes relevant (broadly defined to include producers, consumers, advertising agencies, etc.), and time and money are major factors. Up until quite recently the choice—at least in the private sector—have almost always been made automatically in favor of employing the new technology. Such choices have not been made with any broad participation by those affected by the choice.

And, in general, the option to proceed in a direction most people call "forward" has been exercised with less than precise evaluation of adverse consequences. More importantly, perhaps, it seems always to be the case that doubts with respect to introduction of new technology are resolved in favor of introduction. Of course, there are exceptions, such as when the immediate impact is demonstrably adverse to an important and relevant economic interest (as in the case of the permanent light bulb). I do not know what peculiar characteristic of mankind requires us to act like seven-year olds, and to accept or demand prompt benefits in the absence of meaningful knowledge or risks and costs. (This is not to deny that recently more attention is being given to the consequences of a new technology, generated in part I suspect by the physical crowding we now endure and by the fact that many more people are not only affected by new technologies, but are aware that they are affected.) The point, however, is that decision-making in the marketplace, which should by definition be self-conscious, has in fact been uninformed or ignorant.

Let me now move to my more specific concerns arising out of the truly colossal increase in biomedical knowledge and the readily foreseeable conversion of that knowledge into uses in the public arena. I have no doubt that biochemists and geneticists will continue to tell us more about how living things work and that the public will demand of the government and of an acquiescent industrial establishment that some use be made of this new knowledge. Frankly, it strikes me as quixotic to rail against scientists for learning too much or against the business community for converting that learning into digestible (or indigestible) commodities and offering those commodities to us—unless one is prepared to accept political coercion much more repressive than any we

have considered viable in the past. With some rather obvious and shocking exceptions, no government has for very long prevented its people from doing what they wanted to do. And certainly no technology-based society has successfully prevented (save by inadvertence) the development of new technology, although political or economic policies may have on occasion delayed the utilization of the technology.

I believe the problem we will face with increasing urgency is not how to distinguish rationally between the new technological commodities we should accept and those we should reject. Rather, our problem will focus on the technologies we must accept and adapt, control, or otherwise learn to live with—all within an imperfect political structure where we place a high value on individual freedom and on broad participation in and consent to the governmental process.

Let me start with a rather simple example that has already become of concern to the legal profession. Criminal justice is based in large measure on the notion that, within fairly broad limits, individuals are responsible for their own conduct and, therefore, one's moral sense is not shocked by imposing blame or punishment on persons who elect to violate the established and generally-accepted norms. In addition, it is ideally both possible and desirable to isolate the violators for a period of time so that they may learn, through techniques of criminal rehabilitation, to elect in the future not to violate those norms again. This process takes place after the fact—that is, the law (or, at least, the ideal of law in Western Civilization) assumes that until the norm has been violated the future criminal is entitled to the same measure of freedom from coercive governmental action as are all other people in the community. We have simply not accepted the notion of locking up *potential* criminals, even if we could identify them in advance of their criminal conduct. (The isolation of Japanese-Americans during the Second World War is now widely regarded as an unmitigated outrage and this year Congress will likely repeal the Attorney General's power to repeat that episode.)

However, several geneticists suggested in the mid-1960s, on the basis of their studies of a few prison and mental hospital populations, that there may be a statistically quite significant correlation between the presence of an extra Y chromosome in certain males (who are also tall, pimply and mentally dull) and the occurrence of violent conduct by such males. Can these XYY types be held criminally responsible in any traditional sense, assuming it can be shown that their genetic makeup is such that they are not free agents capable of choosing? If that were the only question, the answer might be fairly straightforward—we simply put them in hospitals (perhaps forever) as we do with other mentally unfit persons whose criminal acts were the product of a mental disease or defect.

But there is more to the problem. It has been suggested that we can predict, with statistical confidence, that an XYY will commit a particularly offensive type of crime. Should society be powerless to act in advance of murder? Shouldn't all males be promptly tested at birth for the presence of the extra Y? Or, why wait until birth—why not test *in utero* and compel an abortion?

I have chosen the XYY phenomenon as the first example for several reasons.

First of all, the example is not hypothetical but quite real and immediate. Criminal defense attorneys interpreted the scientists' suggestion of correlation at much more than face value and quickly "XYY" became legal jargon. Recently a French court convicted a man accused of murdering a prostitute even though he was an XYY. But the sentence was for only seven years. And in Australia a jury acquitted on the grounds of insanity a young XYY who stabbed a 77-year old widow; a doctor had testified for the defense that every cell in the man's body was abnormal. And the lawyers for Richard Speck (the nurse-murderer in Illinois) are claiming now that he is not blameworthy because he too is an XYY.

Second, the social impact of the XYY problem appears to be readily understandable and manageable. If the high correlation is eventually confirmed, rationalizing the new data may require only a little adjustment in the way we handle criminals. The mind does not boggle at such adjustments and no major values or interests of large numbers of people appear to be threatened. And, if the science involved proves to be wrong, society would very likely accept or insist upon the restoration of the *status quo ante*.

Third, it illustrates the inadvertent way in which new knowledge—even without a technology—may force the public to respond. In the early 1960s, studies in Swedish mental hospitals showed an unusually large number of XYY males among hard to manage patients. The data were confirmed in 1965 in Scottish hospitals and maximum security prisons. And in 1968 we had the criminal cases I just mentioned. But I doubt that any of the initial investigators was directly or even indirectly thinking about the fact that the new information might cause disruptions in our criminal justice system.

Last, the example highlights the fact that some choices cannot be ducked or postponed or the data involved carefully analyzed before any action is taken. Courts and juries must decide pending cases. They cannot pick and choose from among all the cases the ones which should be decided and the ones which should be postponed.

A further thought on XYY may put matters in a broader context where very self-conscious societal decision-making is required.

We already know that there will be some number of XYY men who will never commit a crime. Are we to dispose of them as criminals or as insane simply because their numbers are small and, therefore, upon some theory of the greater good, we are willing to compel them to sacrifice their freedom? Does it matter that the statistical correlation is, say, .84 rather than 1.0?

Let me suggest that the statisical difficulty raises several important issues: One issue is the level of certainty of benefit or harm we will require before embracing or delaying introduction of a new technology. It will probably remain true that society will frequently act in a way which, by hindsight, will seem precipitate. But how does one justify failing to act when the probabilities are very high but are less than 1.0? Where we attempt to alter the existing balance of individual freedom and social coercion, we must remain sensitive to the fact that probability statistics will help us predict the outcome of a series of similar events, but will tell us very little indeed about the outcome of particular events. Do you really believe the old story about the man with one foot in boiling water and the other foot packed in ice? When asked how he felt, he responded: "On balance, I feel okay."

Other issues highlighted by—but tangential to—statistical difficulties are common to human experimentation generally. For example, what responsibilities if any, does society have to the necessary mistakes or accidents of medical research and experimentation? What of the casualties of introduction of a compulsory new technology, like fluoridation or PKU tests? One also wonders what ethical norms must be protected and enforced in obtaining the informed consent of human experimental subjects? As life-saving technologies burgeon—especially expensive technologies involving substantial commitment of trained craftsmen—we will be unable for long to avoid the question: "Who shall live and who shall die?" The rich? The smart? The beautiful? The young? or the old? or some of each? and how many? and who decides? and what known value calculus or ethical system is available to guide either the public at large or the Platonic guardians in making such cost-benefit analyses?

The XYY phenomena is a miniscule episode which puts some of the issues in what appears to be a manageable dimension. But the issues raised are common to much of which I will say later and it may be useful to keep them in mind.

Let us now turn to problems not yet upon us which will require far broader adjustments than mere tinkering with the criminal justice system. Until quite recently only life insurance company actuaries and the Census Bureau cared about population grouping at various age levels. All that has now changed. We know that about half the people in the United States are under twenty-five, and some political styles take that fact into account. Likewise people here are generally living longer, and much attention is now paid politically to senior citizens and medically to geriatrics. Science, too, is interested in how we grow old. In several biological research laboratories there are well-advanced cellular studies on the process of aging. I have no doubt that within a decade or two (or perhaps three or four, it really doesn't matter which is correct) through some form of genetic alteration, drug therapy or organ replacements, it will be possible to extend the life span of most people to 100 or 120 years of reasonably good health.

If it should be the case that the life extending technology is relatively expensive, the ethical problems just mentioned will certainly surface as soon as the technology has ceased to be experimental. Who should be permitted to extend his life abnormally? Should some be required to do so? Picasso? The Beatles or John Wayne? Think of the Republican reaction if such an opportunity had been available to FDR? My examples here are facetious only because it may help sharpen the ethical choices inevitably exposed by an expensive technology.

The same issues are evident now in our concerns about delivery of medical services. How can we justify public financing of kidney dialysis or organ transplants for a few people when millions of people could be served prophylactically by the talent and money expended in esoteric medical-techniques?

The facts are, I believe, that the world has become too small and too crowded and people too well-informed and, if you will, too outspoken to suffer that only the rich will have access to a much longer life (or, for that matter have access to psychoanalysts or, closer to home, to lawyers). And these facts force us to examine and articulate our *collective wisdom* to answer the question: "Who shall live?" I stress the words "collective wisdom" because our democratic ideals and sense of fundamental fairness require no less. In addition, much of our future technology will be developed with public funds, and thus the taxpayers and their representatives will have a rightful claim to share the burdens of decision; they will demand it. And, at least absent a major political revolution in this century, any allocation of scarce resources will have to attract a broad consensus to be viable. I have no trouble conjuring up hospital sick-ins to prevent life-lengthening surgery for some rich, powerful, but unpopular person.

But if, on the other hand, it should turn out that our life-extending technology is cheap, the planet as a whole will face a really unprecedented population crisis. (I say "planet" advisedly, because cheap

technologies are not to be contained by national boundaries.) If "who shall live?" is answered: "anybody who wants to," then within a very short time the world population would likely be doubled or tripled, since it is inconceivable that anyone capable of choosing would elect not to take the "life-extending pill" which would assure a substantial extension of a reasonably healthy life.

Assuming we could somehow wrestle with the "gut" survival issues of food and shelter, the economic dislocations would nonetheless be enormous. If the extra years lengthened the retirement years, every pension fund and social security system would very quickly go bankrupt. And if we lengthened the working years, what would all those people do? Unemployment would be substantial, even without considering the funeral directors, casket makers and others who would be technologically unemployed because for several decades nobody would die of natural causes. And, one step further, consider that life-extension might include an extension of childbearing years. Or, alternatively, assume we are unable to extend the span of female fertility but do still further extend the span of male virility. Will we have truly sired a race of old men leching after young women?

I don't pretend to have any answers to those questions. But the facts will force major changes in the way we live; what efforts are perceived as useful, how we spend our leisure and what our values are. In addition, there will be wholly unpredictable consequences. Consider, those of you over 30 with children: What will happen to the ambition and attitudes of young people in a society where parents seem to live forever? My list of questions is by no means exhaustive—a single New England spring afternoon spent in reflection would suggest many more.

I have thus far suggested two examples of science forcing us to think anew about the nature of our social order—the XYY phenomenon, involving no massive research effort or technology but merely a putting together in an unexpected way of existing data, furnishing a new bit of knowledge we can hardly ignore—and the second, life extension, probably involving a substantial technology for which the demand will immediately be universal.

Let me now turn to two examples of what in our youth we called "science fiction" but which we no longer dismiss so casually. The first of these latter examples suggests that what we do in the way of therapy will almost certainly develop for us techniques of prediction, manipulation and control far beyond the therapeutic realm for which those techniques were designed. And my final example—nuclear transplantation—points to the apotheosis of control—and man's infinite capacity for mischief.

I am confident that one of the other things the biomedical community will deliver to us its comparative freedom from disease—not only from the common cold, cancer, heart and lung diseases and epidemics and public health problems of various kinds. We will also be delivered from the range of already known and still unknown genetic abnormalities.

[We will learn, too, a great deal more about presently-known psychological disorders and how to treat them. But I assume that if we retain any creativity or ambition, new forms of mental disorder will occur to keep our psychiatrists and our hospitals well-occupied.]

In speaking about freedom from genetic diseases. I want to borrow heavily from a talk given to the AAAS in December, 1968 by Robert L. Sinsheimer, Professor of Biophysics at Cal. Tech. Sinsheimer does elegant science and is reasonably cautious in projecting the progress of science into a future technology. Let me quote selectively from his remarks, as follows:

"There is today much talk about the possibility of human genetic modification—of designed genetic change, specifically of mankind. A new eugenics has arisen, based upon the dramatic increase in our understanding of the biochemistry of heredity and our comprehension of the craft and means of evolution. . . . For the first time in all time a living creature understands its origin and can undertake to design its future.

"This is a fundamentally new concept. Even in the ancient myths man was constrained by his essence. He could not rise above his nature to chart his destiny. Today we can quite soberly envision that chance—and its dark companion of awesome choice and responsibility. . . .

"I want to use the phrase 'genetic change' in a broad sense—in the sense of altering some physiological and psychological process which we presently believe has been programmed into us through out inheritance. And I will assume that such change might be achieved either in a strictly genetic mode through a change in our inherited characteristics or in a somatic mode, possibly through a change in the time or place or degree of action of our inherited genetic components, or possibly through the somatic addition of genetic components. . . .

"There are in the United States today some 4,000,000 clinical diabetics. Many of these people are kept alive only by repeated frequent injections of the hormone insulin. It is believed that there are likely several million more sub-clinical, not clearly recognized cases with marginal symptoms in the United States. Without these recurrent injections of insulin many of these people would perish. While it keeps them alive the injection of insulin is not the full equivalent of a normal physiological function. Such diabetics are known to be more susceptible to disease, to heart and circulatory illnesses, etc.

"My thesis is that what we might call genetic therapy offers the promise of a much more elegant, and indeed more satisfactory, physiological solution to this ailment."

Sinsheimer then discusses at some length the nature of the protein insulin, the state-of-the-art of synthesis of the gene that directs the pancreas to manufacture insulin, and the clever ways scientists will have for inserting and turning on the gene. He also outlines the prospect that the genetic make-up of the diabetic's children will not be similarly impaired. Sinsheimer concluded his remarks in part as follows:

"The old eugenics required in principle a continual selection—for breeding of the fit, and a culling out of the unfit. The new eugenics would permit in principle the conversion of all of the unfit to the highest genetic level.

". . . The horizons of the new eugenics are in principle boundless—for we should have the potential to create new genes and new qualities yet undreamed. But of course the ethical dilemma remains. What are the best qualities and who shall choose?

* * *

"I know there are those who find this concept and this prospect repugnant, those who fear with reason that we may unleash forces beyond human scale, and those who recoil from this responsibility.

"But I would suggest to those who feel this way that they do not see our present situation whole. They are not among the losers in that chromosomal lottery that so firmly channels our human destinies. This sort of response does not come from the 250,000 children born each year in this country with structural or functional defects, of which it is estimated 80% involve a genetic component. And this figure counts only those with gross evident defects outside those ranges we perforce choose to call natural. It does not include, for example, the 50,000,000 'normal' Americans with an IQ of less than 90.

Sinsheimer concluded by putting on us—namely, on "those who were favored in the chromosomal lottery"—the burden of choosing on behalf of the human race whether, on the one hand, "we will continue to accept the innumerable, individual tragedies inherent in the outcome of this mindless, age-old throw of dice," or whether, on the other hand, "we will assume the responsibility for intelligent genetic intervention."

Sinsheimer's prose is graceful and compassionate. I wish only that he might expand on his repertoire of skills and teach a course in expository writing.

One final example will suffice: until now mankind has had to rely on a rather old-fashioned but quite acceptable method for getting enough information into a female egg to cause that egg to grow into a new human being. We will shortly have a new method which, while not as friendly or interesting, will do the job just as well. The polysyllabic label of this new method is "nuclear transplantation" and was described as follows by Antonie W. Blackler, Professor of Zoology at Cornell, as part of the same AAAS symposium at which Sinsheimer spoke. Blackler said:

"Nuclear transplantation is a technical device which essentially shortcircuits sexual reproduction and permits the generation of species which normally practice sexual reproduction by an artificial form of a sexual generation. The theory of the technique is very simple. The object is merely to replace the normal nucleus of a mature but unfertilized egg with a nucleus taken from a cell of a single parent organism. The technique has been carried out, to date, using salamanders and frogs, and recently the fruit fly *Drosophila* . . .

"In the practice of the technique, a small piece of tissue is taken from the donor animal and chemically disaggregated into its constituent cells. The cells, one at a time, are sucked up into a micropipette such that the cell membrane is shattered. Subsequently, each cell nucleus with associated cytoplasm is injected into an unfertilized egg whose own nucleus has been either manually removed or rendered functionless by ultra-violet irradiation. If all goes well, the egg now develops in the same way as if it had been involved in fertilization.

"The extension of the technique to mammalian material has not so far been performed. Yet I should like to make it clear to you that, while this extension will require something rather more sophisticated than is the case for working with amphibia, and will probably require a term of six or more research scientists, there does not exist any technological barrier which appears insuperable. . . .

"If the technique of nuclear transplantation can be extended to mammals and to birds, then quite definite economic advantages and applications can be looked forward to. Since clones [that is, progeny] of transplant animals have the same genetic character as the original donor, then in the same environment we might reasonably except those animals to be replicates of the parents in terms of their morphology, function and behavior. This would mean that desirable agricultural attributes that turn up from time to time in champion bulls, meat-bearing cattle, milk production and egg-laying could not only be perpetuated in transplant strains, but at least theoretically countless individuas having all the desired qualities could be produced. . . .

"Finally [still quoting from Blackler], the extension of nuclear transplantation to man himself should be mentioned. The production of replicate humans . . . might, from some standpoints be considered entirely suitable. . . . [A] sterile woman could produce her own child, and a handicapped baby might be born anew and whole via a transplantation (provided, of course, that the baby was abnormal not due to some genetic defect but by some developmental accident). Equally,

untrammeled exploitation could lead to bad ends . . .

"At this point we seem to depart from basic science into the world of science fiction. Unfortunately, science fiction has an uncomfortable habit of becoming tomorrow's science."

And now, less than 18 months after Blackler spoke, nuclear transplantation has been achieved in mice—that is, in mammals. We will doubtless soon add to "which person shall live?" the question. "what shall he look like?" And, of course, along with those questions we have a third: "who shall decide?"

Let me return briefly to a footnote I dropped earlier in discussing life-extending technologies. I noted that if the technology turns out to be inexpensive the problem would not be containable by national solutions; some international solutions (or parallel national solutions) would be required. So, too, for regulation of the nuclear transplantation technology. I doubt this nation would for long ignore information that, for example, millions of Chinese women were carrying male fetuses programmed to be tall, bland, aggressive, blue-eyed warriors.

I have referred frequently tonight to the stresses the new biological knowledge will impose on our value systems and on our ethical choices. I do not believe society will opt for anarchy for any long period of time. Society will demand some form of regulation and, in constructing the regulatory scheme, choice becomes inevitable. Will we accept, for example, a society in which the normal condition is sterile, and where one can have babies in the old-fashioned way only by taking a fertility pill—dispensed free by a government, no more than two to a couple? We must somehow decide how much freedom we require and how much coercion we will endure. We will be in the position of the courts in my XYY example—there comes a point where choice cannot be postponed. And what will guide us in choosing will be our capacity to articulate our values—what is fair? what is good? is there some level of suffering required to reserve artistic creativity?—and also our capacity to quantify our values—how many beautiful, or smart, or strong people do we want? and what level of risk or error is tolerable?—or to reject consciously anyone's right so to quantify.

This talk could not properly end without some mention of the role of religion. Historically, one principal function of religion was to articulate society's ethical standards. Confronted with new imperative choices, that role may well expand. In recent years, in both the peace movement and the civil rights movement, religion has attempted to guide public decisions with arguments based on notions of right and wrong in man's relation to man. That experience may be useful in the years to come as others are forced to join in the ethical colloquy.

It is with some trepidation that I have been a mite dogmatic tonight in predicting with carefree abandon the certain course of scientific development. It's a bit outside the lawyer's normal realm, and perhaps another instance of "fools rush in." But one must try to make predictions, and hope for better luck than a distinguished group of scientists and social scientists had in 1937. At that time a Federal National Resources Committee examined the role of science as a national resource, and said:

"Though the influence of invention may be so great as to be immeasurable . . . there is usually opportunity to anticipate its impact upon society since it never comes instantaneously without signals. For invention is a process and there are faint beginnings, development, diffusion, and social influences, occurring in sequence, all of which requires time. From the early origins of an invention to its social effects the time interval averages about 30 years."

The report also sought to evaluate the unprecedented date of technological change during the first third of the twentieth century and discussed the social consequences of the new technologies which had come into being. The scientists also attempted to predict the course of technological progress which could be anticipated in the second third of the century. Their report includes not even a hint of the possible emergence of nuclear technology, radar, computers, or the jet engine, although these came into practice within a few years. In fact, the report suggested that aviation technology had by 1937 largely run its course, and that future developments would lie in safety and comfort rather than speed.

Making predictions is indeed dangerous sport.

I hope that you do not resent my having painted rather broadly in my discussion tonight. Or that I have failed to acknowledge appropriately that most of what I have said tonight was first said or thought of by many others of far greater renown. But I was warned that there is a time limit—and rather than write a book (and read it here tonight) my purpose was to provoke others to do so either to fill the interstices in my argument, or to demolish it. I do hope we have begun a discussion which may, over the years, equip and guide the body politic in coping with some very major problems.

I hope also that you do not resent my having delivered such a lecture to a dominantly scientific group. I recognize that in recent times guidance to the body politic has (or has purported to) come from social scientists, historians, lawyers, economists and practitioners of those arts—called politicians—men who are accustomed to making value choices. And there is a certain comfort in the belief that "there is nothing new under the sun"—that somehow society will adjust without too great strains or hardships to new requirements for survival—in much the same mindless way it has in the past. I happen not to think that observation particularly helpful. Large parts of this planet did suffer through several hundred years we now call the Dark Ages. But those were very different times. Soon, we will no longer be at the mercy of the elements or chance. We will have a qualitatively different power to alter our future. Indeed, I would argue that the quality of life in 1800 A.D. was closer to the quality of life in 1800 B.C. than it will be to the quality of life in 2000 A.D.

I would also argue that the scientific community must play an active role in making the inevitable ethical choices, partly to fulfill the scientist's ancient role as society's principal philosopher, but more importantly because it is essential that the public get the facts straight—what can be done, what can't be done, what may be done, what mistakes are very likely, what uncertainties are sure to haunt any predictions we may make, and what risks are inherent in our choices. Getting the facts straight is surely the minimum scientists should be willing to contribute to the public discourse.

Furthermore, whether they like it or not, scientists are also *part of* the body politic—not above, below, or outside of it. Laymen, standing at a respectful distance, tend still to regard scientists with some degree of awe. At closer range, scientists are very much like people. And while scientists may have a near monopoly on talent, they clearly have no monopoly on wisdom, insight, sensitivity or other humane values. But scientists constitute a growing fraction of the articulate population and what they do affects them and the rest of us. They cannot remain aloof and greet each new public problem and misapplication by abdication. They have a responsibility to become involved as citizens in the sometimes unpleasant business of public argument and decision-making.

Last, I think that, for the health of the scientific community itself, scientists must become engaged now in public undertakings. If scientists—who will continue to startle us with their damnable cleverness—cop out on the problems they create, the public may turn on them and/or they will share the fate of physicists who (probably through no fault of their own) have for a generation been wringing their hands and donning hair shirts to expiate their guilt. The Eahn-Strassmann experiments of late 1938 were, via Meitner and Frisch, reported to the scholarsly American Physical Society by Bohr and Fermi in January, 1939 and six months later Szilard had drafted Einstein's famous letter to Roosevelt. By early 1940 the secrecy curtain (urged by Szilard a year earlier) had foreclosed any public consideration or understanding of the impact of the developing nuclear technology. The people remained ignorant, and the physicists were barred from informing them.

But the fate of the physicists need not be shared by the community of biological scientists. Recent biological advances have suffered (if "suffered" is the right word) from a surfeit of publicity ranging, for better or worse, over all the media. We have been warned and titillated to a fare-thee-well. As I said at the outset, "we have both the time and the wit, if we care to use them." We must now stop protesting the inevitable and commence a disciplined, creative and public effort aimed at articulating our values and harnessing our technology to serve those values. If we fail to grasp the nettle and wrestle the problem directly, we will have only ourselves to blame.

Mr. SCOTT. Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COOK). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INSERTION IN THE RECORD OF STATEMENTS RELATING TO SENATORS

Mr. MANSFIELD. Mr. President, the RECORD for Wednesday, June 10, on page 19124, carries a statement by the junior Senator from Oklahoma (Mr. BELLMON) with certain attached news items.

This insertion in the RECORD by Senator BELLMON is highly unusual, first, because it is critical of another Senator, the distinguished senior Senator from Oklahoma (Mr. HARRIS), and, second, because it apparently was not read openly in the Senate by the junior Senator from Oklahoma but was handed by Senator BELLMON to the Senate Parliamentarian for printing in the RECORD without notice to Senator HARRIS.

Senator HARRIS feels very deeply that the war in Indochina must be brought to an end, but he is one of those who have worked most diligently to keep this from becoming a partisan issue.

The first newspaper item which was attached to the statement by Senator BELLMON and which referred to Senator HARRIS has as its apparent purpose the establishment of an impression that Senator HARRIS only began to speak out

against the Vietnam war during the present administration, when the truth is that he spoke out against it during the last administration, at that time calling for a bombing halt and de-escalation.

The second item referring to Senator HARRIS attached to the statement by Senator BELLMON was a column in which the columnist had quoted Senator HARRIS as saying, "We will hold Nixon responsible if he turns South Vietnam over to the Communists," indicating that Senator HARRIS, as chairman of the Democratic National Committee, was trying to make political capital of the war for his party, whichever way the war went, when the truth is that Senator HARRIS never made any such statement, and the columnist, himself, in a later column, acknowledged Senator HARRIS' denial.

The trouble is that this insertion in the RECORD by Senator BELLMON is of the type which is often made for reprint purposes. Since Senator HARRIS was given no notice and the statement was not read publicly in the Senate, there was no chance to object to the statement or to correct the erroneous impressions it gives. Thus, it is possible that someone could have Senator BELLMON's statement and attachments reprinted and circulated among persons who will have no way of knowing that Senator BELLMON's charges are not accurate and have been answered.

It may be said that the regular procedures for notifying a Senator concerning an attack to be made upon him personally might not apply in this instance, since Senator HARRIS was once chairman of the Democratic National Committee, while also serving as a Member of the Senate.

Many Senators speak outside the Senate and some hold other positions. Each must, obviously, defend his actions and his words.

But when one Senator chooses the forum of the Senate floor and the CONGRESSIONAL RECORD to attack another Senator personally, for whatever reason, then the fundamental procedures of the Senate should be followed, with full prior notification and opportunity for response before such statements and attachments, seemingly uncontroverted, are printed in the RECORD. Basic fairness is required.

Senator BELLMON, himself, once served in the highly partisan position of campaign manager of candidate Richard Nixon's presidential campaign. Another Senator might just as easily place material critical of him in the RECORD because of these activities without giving him notice or an opportunity to answer. I would oppose such procedure.

The procedures of the Senate have grown up in order to prevent one Senator from taking such advantage of another who is absent from the floor. The special method devised for having a statement and attached materials printed in the RECORD without it having to be given orally is purely for the convenience of Senators, and it will have to be discontinued if it is going to be abused. I have notified the Parliamentarian that, in the future, no statements or attached materials are to be received at the desk for printing in the RECORD if they are critical of another Senator, unless they are read openly on the Senate floor, and I admonish Members of the Senate that so much of our orderly operation in this body depends upon procedures which exemplify civility, that criticism by one Senator of another should not be spoken except in strict accordance with the rules of the Senate and only where there is full notice in advance and opportunity for response.

As far as I am concerned, this would apply—and has applied—to all Senators regardless of party.

Mr. BELLMON. Mr. President, as a Member of the Senate, I certainly have no desire to enter into a personal attack on another Senator. However, as a member of the President's party, I feel a responsibility to help keep the record straight. Therefore, I feel that when the President is criticized by the chairman of the opposition party, it is entirely proper and even necessary to speak out.

I do not consider the statement I entered into the RECORD on June 10, 1970, as a personal attack on another Senator. The statement was intended to call attention to the reported intention of the national chairman of the Democratic Party to take partisan advantage of the Vietnam war. My remarks were based on certain published material, including an article by Roscoe and Geoffrey Drummond, dated October 5, 1969, and distributed by the Los Angeles Times Syndicate. It has been alleged that a statement attributed by the Drummonds to the former chairman of the Democratic National Committee was inaccurate and had been retracted. I have corresponded with the Drummonds and they have informed me that there was no retraction of this column or any of its content.

I have in my hand a copy of the letter I wrote to the Drummonds concerning this matter and a copy of their reply. I also have a copy of the column which they had written on this subject and the column which purported to retract the statement in the earlier column. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 2, 1970.

Mr. GEOFFREY DRUMMOND,
Mr. ROSCOE DRUMMOND,
Washington, D.C.

DEAR SIRS: On June 10, 1970, I inserted into the *Congressional Record* references to one of your columns concerning certain comments made about President Nixon's Vietnamization policy. Subsequent to that time a charge has been made that your column contained inaccuracies and that it had been retracted. If this is true, I was unaware of it, and I would appreciate being provided with a copy of a retraction, if one was made.

Your assistance will be greatly appreciated.

Sincerely,

HENRY BELLMON.

LOS ANGELES TIMES SYNDICATE,
Washington, D.C., July 8, 1970.

Hon. HENRY BELLMON,
U.S. Senator, Senate Office Building,
Washington, D.C.

DEAR SENATOR BELLMON: We are pleased to respond to your letter of July 2.

We have enclosed our column of Oct. 5, 1969 which apparently is the one you refer to in your letter to us.

There was no retraction of this column or any of its content.

In a column of Nov. 25, 1969 (enclosed) we did refer to the earlier column. Please see last paragraph as marked.

Hope this helps.

Sincerely,

ROSCOE AND GEOFFREY DRUMMOND.

DYNAMITING THE PEACE

(By Roscoe and Geoffrey Drummond, Los Angeles Times Syndicate, October 5, 1969)

WASHINGTON.—The leaders of the Democratic Party are playing with political dynamite in trying to force President Nixon to withdraw U.S. troops from Vietnam so rapidly as to throw away all prospect of negotiating a peace. They may be the ones who get blown out of the water. That's not important. What is more important is that the United States of America would be hurt—grievously hurt—by this shortsighted, reckless, perilous undermining of what the President is doing to end the war by seeking a fair peace.

No one is suggesting that those who want peace at any price, those who want to withdraw all American forces immediately, regardless of the consequences, should still their protests. All the President and others who are earnestly seeking disengagement *and* a decent peace are asking is that for a reasonable period congressional critics should stop telling Hanoi that it doesn't need to negotiate, that all it has to do is to wait and they—the congressional critics—will see that the U.S. government accepts a no-peace policy.

The Vietnamese war has never been a partisan issue, and attempting to bring it to an end with a fair peace is not a partisan issue. But leaders of the Democratic Party are now trying to make it so. Senator Fred R. Harris of Oklahoma, Chairman of the Democratic National Committee, disclosed this strategy in a candid remark to the press last week. "We will," he said, "hold Nixon responsible if he turns South Vietnam over to the Communists." But simultaneously Senator Harris and Democratic senators like Kennedy, McGovern, McCarthy, Fulbright are continuing to demand such a rapid pull-out of U.S. troops that the end result would be to give the Communists control of South Vietnam. Thus, the national chairman of the Democratic Party is not only acting to make Vietnam a pay-dirt partisan issue but is also seeking to put President Nixon in such a box that no matter what he does he's bound to lose. What he's up to is now in the open. He wants to give the Democratic Party all the dividends he can by joining in the pressure on Mr. Nixon to get American troops out of Vietnam fast. But Harris doesn't intend that the Democratic Party should take any responsibility for an imprudent speed-up of withdrawal. He proposes that if a President gives in to the demand for imprudent speed-up he—not the advocates of speed-up—should be held to blame. In other words, Senator Harris' neat formula is to make Mr. Nixon punishable by the voters if he doesn't yield to pressures to get out quick and also if evil consequences come from yielding to such pressures.

Senators and Congressmen have special responsibility. They know that the President has the constitutional duty to conduct foreign policy and that negotiating peace is the most difficult and delicate act of foreign policy. Heckling and harrassing the President is delaying the peace, not hastening it. Have the Democrats forgotten so soon that Richard Nixon is acting to end a war which he inherited from his Democratic predecessor and which they helped to authorize? Harris and those Democrats he is rallying to put

the voice of his party behind the peace-at-any-price student faculty protests October 15 are playing with fire. It wouldn't matter, if they weren't also undermining the chances of negotiating a just peace.

[From the Philadelphia Inquirer]

NEGRO VOTING TREND BOOSTS REPUBLICANS

(By Roscoe and Geoffrey Drummond)

We want to add a postscript to a recent column in which, though our notes at the time read to the contrary, national Democractic chairman Harris feels we inaccurately stated his views on holding President Nixon responsible no matter what happens in Vietnam.

"What I tried to say and what I have consistently been trying to say," Sen. Harris writes us, "is that I feel the Democratic Party should help to create a climate which will enable the President to bring us out of the war and bring the boys home—without fear of recrimination on the part of the opposition party."

That's good. The test will come when the event takes shape.

Mr. BELLMON. Mr. President, the majority leader's action to require that statements mentioning names of other Senators to be read into the RECORD certainly is appropriate and I support him in his decision. I would have no objection to reading my statement of June 10 into the RECORD. The other method was used to save the time of the Senate and for no other purpose.

Mr. SCOTT. Mr. President, will the Senator yield for a clarification?

Mr. BELLMON. I yield.

Mr. SCOTT. As I understand it, what the Senator from Oklahoma put in the RECORD was a column by the Drummonds, and it was that column which quoted another Senator. The Senator from Oklahoma (Mr. BELLMON) was not himself quoting the other Senator, but was quoting a column which quoted the other Senator from Oklahoma; is that correct?

Mr. BELLMON. The Senator from Pennsylvania is correct.

Mr. SCOTT. Then the Senator from Oklahoma (Mr. BELLMON) inquired of the columnists, the two Messrs. Drummond, whether they retracted the column and the quotation, and they said they did not retract them. They did publish the denial by the Senator from Oklahoma (Mr. HARRIS); is that correct?

Mr. BELLMON. I read the letter that the Drummonds wrote in response to my inquiry. The letter is dated July 8 and it reads:

DEAR SENATOR BELLMON: We are pleased to respond to your letter of July 2.

We have enclosed our column of Oct. 5, 1969 which apparently is the one you refer to in your letter to us.

There was no retraction of this column or any of its content.

(Disturbance in the galleries.)

Mr. SCOTT. Mr. President, I demand that those in the galleries causing the disturbance be removed from the galleries.

(Further disturbance in the galleries.)

Mr. SCOTT. Mr. President, I demand that they be removed.

The PRESIDING OFFICER (Mr. COOK). The Sergeant at Arms will remove the demonstrators.

Mr. BELLMON. Mr. President, the final paragraph of the letter reads:

In a column of Nov. 25, 1969 (enclosed) we did refer to the earlier column. Please see last paragraph as marked.

The paragraph they referred to reads:

We want to add a postscript to a recent column in which, though our notes at the time read to the contrary, national Democratic chairman Harris feels we inaccurately stated his views on holding President Nixon responsible no matter what happens in Vietnam.

"What I tried to say and what I have consistently been trying to say," Sen. Harris writes us, "is that I feel the Democratic Party should help to create a climate which will enable the President to bring us out of the war and bring the boys home—without fear of recrimination on the part of the opposition party."

Then the Drummonds conclude by saying:

That's good. The test will come when the event takes shape.

Mr. DOLE. Mr. President, will the Senator from Oklahoma yield?

Mr. SCOTT. Mr. President, I will defer to the Senator from Kansas.

Mr. DOLE. Let me say that I have read the remarks of the Senator from Oklahoma, and also the quotations from the Drummond column just referred to.

I also recall that on September 27, 1969, an article appeared in the Washington Post where, again, the senior Senator from Oklahoma was quoted as saying:

It is time to take the gloves off on the Vietnam War.

This led to a request by the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT) for a moratorium on making this a partisan issue. He was joined in that request by the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN).

I have reviewed the material, and certainly feel that the Senator from Oklahoma (Mr. BELLMON), as indicated by the Senator from Pennsylvania, did not transgress that fine line, covered by rule XIX. I agree with the majority leader that nothing should be inserted in the RECORD which refers to a colleague, unless it is read on the floor. I agree with that. But I would point out that the statement from the Washington Post attributed to the senior Senator from Oklahoma on September 27, 1969, was commented on by a Member of this body, the distinguished Senator from Idaho (Mr. CHURCH), who indicated:

I want no part in any strategem to convert the Vietnam War into a political club for Democrats to use against Republicans.

The statement was also quoted by the distinguished Representative from Illinois, the Honorable JOHN ANDERSON, a Member of the House of Representatives.

But despite that, I agree the war should not be a partisan issue. We have endured it now for some time under three Presidents, and I think we all recognize that President Nixon is attempting to disengage from Southeast Asia. There has been deescalation of the Vietnam war, and every Member of this body hopes for an early end to the war, whether the President be a Democrat or a Republican, and regardless of our own party.

Several Senators addressed the Chair.

Mr. BELLMON. Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I have no desire to unduly prolong this debate, and I shall not. I would make this observation: We have the rules of the Senate, as well as the precedents and traditions of the Senate, to insure that 100 men and women can, in good conscience, try to get along with one another. Speaking from my short experience of 4 years, I think it is remarkable that the system works so well, especially when we are dealing with difficult and complex issues that bring out the heat and passion of conflict. It is really a remarkable commentary on the Senate that, during its history, there has been so little conflict or so few injured feelings between its Members.

There is no written rule, that I am aware of, that requires a Senator be present on the floor when some other Senator makes a remark about him. I certainly know of no rule that requires a Senator to notify another Senator when he refers to printed matter regarding the other. All of this is in the second or third degree. All of these things are more or less unspoken rules of the Senate, and I respect them. I think they serve a purpose.

But I would point out that the provisions themselves are just as obscure as the situation is here. The distinguished majority leader has made the statement, if I understood him correctly, that the statements referred to in the Drummond column as having been made by the distinguished senior Senator from Oklahoma were not made, or words to that effect. I have no desire to enter into this conflict on its merits. I do not know what the merits are.

I do know, however, that there is room for reasonable minds to differ, and I took it on myself to call Roscoe and Geoffrey Drummond and talked with them, to find out whether or not these statements were made and whether or not they honestly believed them to have been made, and that, therefore, there was reasonable basis for the distinguished junior Senator from Oklahoma to have made the insertion in the RECORD of the Drummond column.

It turns out that the alleged conversation took place at a breakfast, I believe sponsored by Godfrey Sperling of the Christian Science Monitor. There were a number of people there, and, according to Geoffrey Drummond, who was present, both his notes and his recollection were in accordance with the column he printed, which the junior Senator from Oklahoma had printed in the RECORD.

I do not offer that to try in any way to take sides in the argument, but to point out that, just as rules of conduct sometimes involve a close decision, so this issue is not all one way or the other, and there is room for reasonable minds to differ.

Mr. MANSFIELD. Mr. President, will the Senator yield to me?

Mr. BELLMON. I yield to the Senator from Montana.

Mr. MANSFIELD. The point is that there is nothing in the written rules and regulations of the Senate which calls upon or makes it mandatory for one Senator to notify another Senator if he is to be mentioned in any manner which might be considered derogatory, degrading, or demeaning; but, as the Senator from Tennessee has pointed out, a precedent has been established in that respect, and precedent and custom oftentimes achieve the effectiveness of law.

As the Senator has further pointed out, we get by in this body on the basis of amity and comity. I have had the Speaker of the House of Representatives call me several times about remarks made by Members of the Senate relative to Members of the House of Representatives, and the incorporation of such remarks in the RECORD. I have understood the Speaker's point of view and those of Members of the House of Representatives. I have gone to Senators, both Republican and Democratic, and brought up to them the situation as explained to me by the Speaker. They have understood my awareness of it and the need for rectification. They did not do it again. Most of them had been under the impression that this custom and precedent applies only to the Senate and among Senators.

But this body gets by on understanding, cooperation, and a spirit of trying to work together for the benefit, not of our parties primarily, but of the Republic basically; and if we ever lose that sort of feeling between our Members, then I think the institution of the Senate will suffer a tremendous loss.

So I would hope that the Senator would keep in mind that if another Senator is to be mentioned, he at least should be given the courtesy of being notified; as, for example, the Senator from Mississippi, the chairman of the Armed Services Committee, speaking on some subject on which the Senator from Wisconsin had spoken yesterday, did notify the Senator from Wisconsin that he was going to speak about his remarks on yesterday, and, had the Senator from Wisconsin desired to do so, he could have been in attendance and been prepared to answer his remarks.

It is a small thing, but it is an important thing, and means a great deal in the conduct of the affairs of the Senate. It is not simply that the Senator from Oklahoma would be the one who might use a statement of this kind; it might be someone else, because, after all, the RECORD is a public document.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. BELLMON. I am happy to yield to the Senator from Nebraska.

Mr. CURTIS. I ask my distinguished friend, is the alleged statement complained of one that the newswriters wrote without any corroboration?

Mr. BELLMON. Mr. President, I am not sure whether the Senator from Nebraska was in the Chamber when I called attention to the letter that the columnist had sent me in response to my request as to whether or not the statement had been retracted.

Mr. CURTIS. I heard the reference to that. But my point was, did Mr. Drummond, who wrote this column, write it without any corroboration as to what was said?

Mr. BELLMON. Mr. President, there are two Drummonds. Both of them signed the letter. Both of them apparently——

Mr. CURTIS. I mean the two of them.

Mr. BELLMON. There are two of them; yes.

Mr. CURTIS. Yes. My question is this: Did they have any corroboration with reference to the statement that is now questioned? Did anyone else hear it?

Mr. BELLMON. Mr. President, I have not talked with the Drummonds. I have written them a letter. I have their answer. I understood the Senator from Tennessee to say he had talked with the Drummonds, and that there were others present at the meeting. I have no knowledge of this personally.

Mr. CURTIS. The Senator has had no communication with the Drummonds in regard to that?

Mr. BELLMON. Not on that point.

Mr. CURTIS. I thank the Senator.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. ALLOTT. Mr. President, I think this is an appropriate time to discuss this matter a little more fully. Since we seem to be sort of straining at gnats in an attempt to place the junior Senator from Oklahoma in an embarrassing position—I should not say "we" because I am not a part of it—I think we ought to perhaps review a little other of recent history.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. MANSFIELD. I think it should be brought out that, so far as the Senator from Montana was concerned, he kept both the Senator from Oklahoma and the minority leader fully informed, because this is not a very pleasant task, I assure the Senator from Colorado.

Mr. ALLOTT. I am sure it is not.

I recall that just 2 days ago I informed the majority leader that I was going to discuss his statement on finances.

Mr. MANSFIELD. That is correct.

Mr. ALLOTT. He said, "Go ahead," and I did.

But I think this is the time to look at this matter. I agree basically with the thoughts that have been voiced by several Senators, including the majority leader. We live here in a goldfish bowl. We live under great strain and great stress. I do not suppose that there is a Senator who has not at some time said something on the floor which strained the bounds of what he really intended to say.

However, I am reminded that a few short weeks ago, while I was involved in a conference committee on a supplemental appropriations bill, of which the Senator from Rhode Island (Mr. PASTORE) was the chairman, and we were involved in a very heated debate in the old Supreme Court Chamber, the junior Senator from South Dakota took the floor and, during the course of his discussion, called the actions of the senior Senator from Colorado crude, cynical, and political.

As soon as I could get back to the floor, I got a copy of the transcript from the official reporter and made a few remarks and later took some steps, which I will discuss at this time, for a reaffirmation of the record.

I have in my hands Webster's New Collegiate Dictionary. I hope the fact that it is "collegiate" will not cause anybody here to say it is not a valid dictionary. At least, I just picked it up off the table, and it purports to be a true Webster's Collegiate Dictionary. Under the situation in which we find ourselves, I have checked the word "crude," and I find the word defined here as follows, after the pronunciation of it:

> From CRUDUS raw; in a natural state; not cooked or prepared by heat; raw; also not refined; unripe; immature; wanting finish, grace, tact, taste, or other quality characteristic of maturity or culture; rude; a crude substance, specifically petroleum as extracted from the ground in crude oil.

Then I looked up the word "cynical" in this dictionary, and I find the following, after the pronunciation key:

> Fault finding; captious; currish; having the attitude of temper of a cynic; contemptuously distrustful of human nature and motives.

I have not bothered to look up the word "political," because, heavens knows, everyone in this body is here because he is political.

Now I refer to rule XIX of the Senate:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

These words were used about the distinguished Senator from Colorado—I hope he is distinguished—and no voice was raised in the Senate about the use of these very harsh and brutal words in a characterization of the senior Senator from Colorado.

I cannot imagine myself saying to any Senator that he is crude; and if I tell him that he is cynical, I think I am directly attacking his motives. I do not see what other interpretation can be put on it.

So I think we should look at this matter in context, and I would have hoped that at this time we would have had the same high regard for the ethics and the conduct of Senators in the U.S. Senate that we are discussing here today, and in which I completely concur.

There is one other thing: Subsequent to that, I discussed this matter—which was the subject matter of the speech of the junior Senator from South Dakota—with the Parliamentarian. During the course of the debate on that matter subsequently, I called the Parliamentarian of the Senate to the floor and, notwithstanding the ruling of the Parliamentarian, before I ever made a move toward calling up that amendment—notwithstanding the ruling of the Parliamentarian that once an amendment is laid

before the Senate it has no status and that it is the property of anyone in the Senate to call it up if he wishes to do so—the implication was made, on and off the floor, that the Senator from Colorado had somehow done something underhanded in trying to give the Senate a chance to vote on this very, very important amendment—an amendment that has been very divisive in the life of our country.

I now ask the Presiding Officer whether he will inquire of the Parliamentarian if the substance of what I have just said concerning the status of an amendment at the desk is true or untrue.

The PRESIDING OFFICER (Mr. COOK). The Parliamentarian assures the Chair that the remarks of the senior Senator from Colorado are correct: that once an amendment is presented to a bill and it is printed, to lie on the table, it is the prerogative of any Member of the Senate to call that amendment up; and the senior Senator from Colorado is correct.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, I have the floor, but I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Is that the usual procedure?

The PRESIDING OFFICER. The Chair is not sure that that is a proper question to be directed to the Parliamentarian.

Mr. MANSFIELD. Let me say that I do not think that is the proper procedure, that the rest of the Senators usually recognize the priority which the introducer of the amendment usually has; and I am sure the Senator from Colorado would agree with that thesis.

Mr. ALLOTT. I would agree with the distinguished Senator from Montana that it is not the usual procedure. But a lot of things are unusual in the U.S. Senate; and I say, frankly, that I resent having the imputation that the Senator from Colorado somehow did something underhanded. That is the reason I asked for the reaffirmation, as to the status of any amendment at the desk, regardless of who introduces it.

Now, having said that, Mr. President, I do not know who was on the floor at that time, because I absolutely could not be here. But, I was told that I was being attacked on the Senate floor. The Senator from Rhode Island was in a very bitter and critical debate over some items in that bill. The distinguished majority leader knows what the items were. I was supporting him. One of the items, incidentally, was one in which the majority leader was greatly interested.

Mr. MANSFIELD. Yes, indeed.

Mr. ALLOTT. It was impossible to leave the conference at that time. I did come to the floor. I only wish that I had a fine friend on the other side of the aisle who was present at that time who would have thought that it was wrong to say that the actions of the Senator from Colorado were crude, cynical, and political. Perhaps he had not read the dictionary recently. In that case, of course, he might not have realized the whole implication of what the words mean when they are looked up in the dictionary.

I thank the distinguished Senator from Oklahoma very much for yielding to me.

Mr. BELLMON. I thank the Senator from Colorado.

Mr. MANSFIELD. Mr. President, I hope that this colloquy on the floor of the Senate this afternoon will prove to be beneficial in future relationships among all Members.

I would point out again—this is reiteration—that we get by, not so much on the basis of our rules and regulations but on the basis of the unwritten rules and the unwritten regulations—the custom, the precedents, which have grown up and which have been tried and tested and found to be true, not only over the decades but over the years as well—and, pretty soon, it will be over the centuries.

It disturbs me when anything of this nature develops because there are no people I value more than my 99 colleagues in this body, regardless of whether they are Democrats or Republicans. As majority leader, I know that it would be impossible for the Senate to function if the minority leader and I were not to get a certain amount of cooperation, understanding, and flexibility. That has been forthcoming. We think it keeps the Senate from becoming an anarchic institution, which it could easily become because of the tremendous powers inherent in the position of any one Senator—the newest or the oldest.

So now that this is out of the way, I want to assure my colleagues that I will be on the lookout for any future infractions and will not hesitate to publicize them; but may I say that I do not expect there will be any more infractions of this kind. Hopefully, out of this conversation and colloquy will come a better understanding of the Senate and a stronger institution as a result.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, July 24, 1970, at 11 a.m.

CONFIRMATION

Executive nominations confirmed by the Senate July 23, 1970:

DIPLOMATIC AND FOREIGN SERVICE

John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

The nominations beginning Helmut Sonnenfeldt, to be a Foreign Service officer of class 1, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending La Rue H. Velott, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 11, 1970.

HOUSE OF REPRESENTATIVES—*Thursday, July 23, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Restore unto me the joy of Thy salvation: and uphold me with Thy free spirit.—Psalms 51:12.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, make Thy presence known to us throughout the hours of this day. Fill our minds with wisdom, our hearts with love, and our spirits with the desire to walk humbly in the way of Thy commandments.

We are glad that we are American citizens and that we live in this blessed land of liberty. Let no violence, no prejudice, no discord dim our vision of a free people living together harmoniously, working for peace in our world.

Bless our President, our Speaker, our Members of Congress, and all who work under the dome of this Capitol. Bless every individual citizen that the sacred rights of a free people may be ours forever.

In the name of Him who keeps men free we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17619) entitled "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 3, 5, 14, 25, 26, 33, 34, 38, 42, 53, 56, and 60 to the foregoing bill.

CONFERENCE REPORT ON H.R. 14705, EMPLOYMENT SECURITY AMENDMENTS OF 1970

Mr. MILLS. Mr. Speaker, I call up the conference report on the bill (H.R. 14705) to extend and improve the Federal-State unemployment compensation program, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 5, 1970.)

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement at this point in view of the fact that there will be an explanation offered.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 230]

Anderson, Tenn.	Edwards, La.	Mailliard
Ashley	Erlenborn	Murphy, N.Y.
Baring	Farbstein	Ottinger
Blatnik	Feighan	Patman
Brasco	Fish	Pollock
Bray	Gallagher	Powell
Brock	Gibbons	Price, Tex.
Brooks	Gilbert	Pryor, Ark
Burke, Fla.	Gray	Quillen
Burton, Utah	Green, Pa.	Rarick
Byrne, Pa.	Hanna	Reid, N.Y.
Caffery	Hawkins	Rhodes
Celler	Hébert	Rogers, Colo.
Chisholm	Hogan	Roudebush
Clark	Hosmer	Ryan
Clay	Ichord	Scheuer
Conyers	Jones, Tenn.	Sikes
Cramer	King	Stokes
Cunningham	Kirwan	Stratton
Daddario	Koch	Tunney
Davis, Ga.	Kyros	Weicker
Dawson	Long, La.	Widnall
Dent	Lukens	Wilson, Bob
Diggs	Macdonald, Mass.	Wyatt
Dorn	MacGregor	

The SPEAKER. On this rollcall 357 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MAKING IN ORDER CONSIDERATION OF A JOINT RESOLUTION MAKING FURTHER CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, the present continuing resolution expires at the end of this month. Therefore, I ask unanimous consent that it may be in order on any day next week to consider a joint resolution making further continuing appropriations for fiscal year 1971.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 14705, EMPLOYMENT SECURITY AMENDMENTS OF 1970

The SPEAKER. The gentleman from Arkansas (Mr. MILLS) is recognized.

Mr. MILLS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, there were a number of points of difference between the House and the Senate versions of H.R. 14705. However, most of the differences were largely technical. Many of them were necessary in order to take care of problems arising merely from the passage of time since the House acted on the bill last year.

There were, however, several matters in conference which I believe deserve some explanation.

The first two of these relate to the broadening of the coverage under the unemployment compensation program, that is concerning the coverage of small firms and farmworkers under the unemployment compensation program.

The last two concern matters unrelated to the bill.

Mr. Speaker, with respect to the coverage of small firms, the Senate deleted the provision of the House bill which amended the definition of the term "employer." Under present law an employer is defined as a person or firm that employs four or more workers in 20 weeks in any calendar year. The provision of the House bill changed the definition to include persons or firms that employ one or more workers during the 20 weeks in the calendar year, or pay wages of $800 or more in a calendar quarter. The Senate deleted this provision from the bill, retaining the present test of four or more employees in 20 weeks.

The House provision was adopted by the conference report, with an amendment increasing the alternate tax from $800 to $1,500 a year. So in this instance the House prevailed on the basis very largely of the language of the House bill.

Now, Mr. Speaker, with respect to farmworkers who are presently excluded from mandatory coverage under the Federal law, the Senate adopted an amendment extending coverage to persons, other than certain aliens, who work for employers who employ eight or more farmworkers in 26 weeks in a calendar year. The Senate receded on this amendment.

Mr. Speaker, it is my understanding that the gentleman from Michigan (Mr. O'HARA) intends to offer a motion at the proper time to send the conference report back to the conference committee with instructions to include in the bill the language of the Senate amendment relating to the coverage of farmworkers.

Let me say at this point that the House members of your conference committee took a strong position on this issue in view of the fact that there was no provision covering agricultural labor in the version of the bill as it passed the House and because of the experience which the House members in the conference committee had gained in working upon this issue during executive sessions of the Committee on Ways and Means. The Committee on Ways and Means spent many, many hours attempting to agree upon a provision extending employment coverage to farmworkers. Because of the many problems the committee encountered it was unsuccessful in its attempt to adopt a workable provision.

Mr. Speaker, the peculiar nature of the agricultural labor force, which is made up of many migrant and sporadic workers, is the principal cause of most of the difficulties that the committee encountered. Serious objections relating to costs and administration presented themselves due to the makeup of the farm labor force.

Recognizing the many problems that have to be dealt with in order to extend unemployment compensation coverage to farmworkers, the conferees modified another section of the bill to provide that in conducting the research program authorized under the legislation, first attention—now, bear this in mind—first attention be given to coverage of agricultural labor under the unemployment compensation program.

Mr. Speaker, I believe—and I am refering to this requirement for a study—that this is the most prudent course of action that could be taken on this issue at the present time. Although the issue of coverage of farm employment under the unemployment compensation system has been discussed for many years, the problems relating to it have never been adequately dealt with. Even the limited data we have obtained, based on the experiences gained in those few States that have covered agricultural workers under their programs, has not been analyzed as I think it should be. I therefore feel that we should have the benefit of a concentrated study of the issue before we take legislative action to require the States to cover farm workers.

I am sure that we will learn a great deal from such a study, and that on the basis of the knowledge we gain from it we will be able to draft legislation specifically designed to cover such employment under the system in a manner that will take into account the unique nature of farm employment.

Mr. Speaker, let me interpose at this point to point out that under the Senate provision, first of all, in order for a farmer to qualify for coverage it is necessary for him to have at least eight employees working for him in each of not less than 26 weeks in that year. But those are not the only employees who would be covered when once this trigger is released. All of his employees would be covered—not just those eight—but all of them would be covered.

We had no real problem in the committee—we had no real problem in the conference—about covering those employees of the larger farm operations who are permanently or almost permanently employed by the same farm employer, but we had a great deal of difficulty in the coverage of the other sporadic employees who would come under the program as a result of a particular employer being covered.

Now, about half of your farm laborers

are employed in the State of California, and in that State the department of employment has made a study for a State legislative committee, and it is one of the very few that have been made. They point out in the study that short-term and intermittent workers play a major role in the production of California's crops and that even among the farmworkers who are firmly attached to the labor force there is chronic unemployment.

Under the California unemployment tax the farm employers are not paying fully for the benefits received by unemployed farmworkers because the tax rates do not go up as high as the benefit cost rates for such workers. Now, that means, then, that the other employers within the State under the provisions of the Senate amendment would have to pick up the tab for a substantial portion of the cost of covering these farm employees. I feel that this is highly unfair to the other employers in the State.

From information given to us by the Department of Labor in connection with our executive sessions, the benefit cost rate to provide benefits for unemployed farmworkers in California was estimated to be 9.5 percent, while the benefit cost rate for all industries in California was 2.4 percent, and bear in mind there is a top tax rate in that State of 3.7 percent permissible under the law. It would clearly appear from this that the benefit outgo in that State for farm coverage would amount to approximately $40 million per year, whereas agricultural employers, even at the maximum permissible tax rate, would contribute only $20 million toward that cost. Thus, other California employers would have to pick up the tab for the difference.

That is just an instance of one of the many problems that exist in this whole area where we think it is much better for us before we finally legislate to have far more information than we presently have. And that we will have, in our opinion, as a result of the study that the conference report directs shall be made.

Mr. Speaker, there is one amendment that we rejected in the conference that I am afraid—if we go back to conference—we well might have to take in order to have a bill at all.

That has to do with the amendment that was offered, which is not germane to this subject matter, but on which the Senators were most insistent in the conference. That would require the Secretary of the Treasury to issue a special type of savings bond paying—mandatorily paying—6 percent interest.

The Senate in this instance receded. But, if we go back, I am concerned very much about what might happen in conference on this amendment.

Now why am I opposed to the amendment? In the first place, the amendment will drain out of savings accounts which are largely held by your savings and loan institutions many of the deposits in those institutions because none of them that I know anything about have a rate of interest over an extended period of time of 6 percent for the duration of these savings bonds that we have in this amendment.

I think many, many people will go to the extent of taking money they have from their savings out of the savings and loan industry and deposit that money in these bonds at higher interest rates and thereby further reduce the amount of money that is in the savings and loan institutions that can be used for housing.

From what members of the Committee on Banking and Currency tell me, that industry is already in enough of a depression without adding to it by the acceptance of this type of amendment.

The second of the unrelated provisions added by the Senate amends the Securities Act of 1933 and the Securities Exchange Act of 1934 to provide that industrial development bonds the interest on which is excluded from gross income under section 103 of the Internal Revenue Code of 1954 are to be exempted securities. The House receded with an amendment to exclude from the coverage of the Senate amendment bonds substantially all portions of which are to be used to provide residential real property for family units or for the acquisition or development of land sites for an industrial park, unless such bonds would qualify under section 103(c)(6) of the Internal Revenue Code relating to exemption for certain small issues. The conferees did not intend to require registration of any security which is exempt from registration under existing law. Thus, the amendment will not change the exempt status under section 3(a)(2) of the Securities Act of 1933 or section 3(a)(12) of the Securities Exchange Act of 1934 of bonds or other obligations issued by housing or mortgage finance agencies of States or local governments where the programs of these agencies are administered by the agency or by the State or local government.

Mr. Speaker, let me emphasize, if I may, the fact that the conference report we are voting upon today represents the culmination of many months of work on the part of both Houses of Congress and particularly on the part of the Committee on Ways and Means. The legislation contained in this bill was fashioned during many months of work on the part of our committee over a period which started 5 years ago. The committee first took up this legislation in 1965 when it held several weeks of hearings on what was the administration's proposal at that time. The committee went into executive session early in 1966 and rewrote that legislation, producing its own bill—H.R. 15119—which was adopted by the House and later passed by the Senate. That legislation unfortunately died in conference over the problem of Federal standards. The Senate conferees were adamant in their position that the provisions relating to Federal standards that the Senate had adopted should remain in the bill. The legislation we are now acting upon is basically the same as the 1966 bill. I might point out that the 1966 bill passed this House by a vote of 374 to 10 and the present bill passed the House on November 13, 1969, by a vote of 337 to 8.

Mr. Speaker, the legislation contained in the conference report enjoys broad support throughout the Nation. If the conference report is not adopted, it would be a great loss to everyone concerned. The reforms contained in the bill relating to unemployment compensation coverage, the extended benefit program, judicial review, and the bill's other provisions are desired by labor, business, and the State agencies that have responsibility for administering the unemployment compensation program. I, therefore, urge my colleagues in the strongest terms possible not to jeopardize this legislation but to vote against any motion that may be made to send the conference report back to the conference committee.

Mr. Speaker, I think the conference report should be adopted. I do not think it should be returned because there is always the danger that you cannot come back with a conference report that would be satisfactory to all of us because this matter has been before the Congress now for 5 years.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentlewoman.

Mrs. GRIFFITHS. Mr. Speaker, I would like to congratulate the gentleman on this report.

While I have sympathy for those who do not have unemployment compensation, I have been advised that there are 62,000 workers in the State of Michigan who have exhausted their benefits and this bill is needed at once.

Mr. MILLS. The gentlewoman is referring to the extended benefit provision of the bill, which we worked out?

Mrs. GRIFFITHS. Yes.

Mr. MILLS. It will be of tremendous help in the event we have an increase in the amount of unemployment in the years to come.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, I would like my distinguished chairman to tell me about the new provision added to the bill to eliminate the taxation of industrial bonds.

Mr. MILLS. It does not do that at all. That was done heretofore up to the extent of $1 million with one alternative and $5 million with another alternative when a city votes bonds for industrial purposes.

What this amendment does has nothing to do with taxation. It merely says when such an issue is made by a city for this specific purpose, this is not included within the requirement of the Securities and Exchange Commission. The Commission tried to find a way under the existing law to eliminate these bonds from this prolonged and tedious requirement for approval.

But, it could not do so. They said, if the Congress wanted that done, then the Congress would have to legislate. The Senate was most insistent upon this provision. You know the feeling of the House conferees about adding matters that are not related to the bill passed by the House. This is not related to it. The Senate had receded on the bond issue. The Senate was most insistent on this particular provision being included

and it has nothing to do with taxation on those bonds, I will say to my friend.

Mr. VANIK. Mr. Speaker, will the gentleman yield further?

Mr. MILLS. I am glad to yield to the gentleman.

Mr. VANIK. Can the gentleman tell me if there is any Treasury loss under this new provision?

Mr. MILLS. Not at all. It has nothing to do with taxation. It merely states the fact that these particular bonds are to be registered within the commission under the Securities and Exchange Commission Act. It has nothing to do with taxation whatever. That was taken care of earlier.

Mr. VANIK. I thank the gentleman.

Mr. MILLS. Mr. Speaker, I urge the adoption of the conference report.

The SPEAKER. The gentleman from Arkansas has consumed 14 minutes.

Mr. O'HARA. Mr. Speaker, as the distinguished chairman of the Committee on Ways and Means has indicated, it is my intention when the previous question has been agreed to on the conference report to move to recommit the bill to conference with instructions to the managers on the part of the House to agree to the Senate amendment which would provide unemployment insurance coverage of employers of farm labor who employ eight or more workers during each of 26 or more weeks a year. It has been suggested by the chairman that a good deal of the hesitancy of the membership of the Ways and Means Committee and others who entertain doubts about this proposal was occasioned by their fear that the cost of the proposal would be excessive, and there was testimony before the committee to the effect, and I quote that testimony:

> If Unemployment Insurance were extended to nonseasonal farmers, costs could run from 10 to 15 percent of taxable payrolls.

That allegation was based on an experience in North Dakota. I think it is worthwhile to examine some information about that experience that was not available when this question was before the committee.

The North Dakota experience, on which this dire prophecy has been based, involved 121 farmers, that is all, and the 121 farmers altogether employed 148 workers. Not a single one of those 121 North Dakota farmers whose experience serves as the basis for this charge of excessive cost—not a single one of them would be covered by the proposal that I will make today. They were small farmers who would not be covered under this proposal. In fact, costs do not run anywhere near that high in States where we have more experience.

In Hawaii, the only State in which there is full coverage of farm workers under unemployment compensation insurance, you cannot say with exactitude what the cost has been for all of them, but among the portion of them which have chosen to be self-insured, the cost has been very low—less than 2 percent of taxable payroll.

In California, where a large number of big growers have elected coverage, the cost has been 4.5 percent of taxable payroll. And a California study just a few years ago suggests that if all California farmers were covered, large and small, the cost would be less than 10 percent.

But even if we accepted this prophecy of high cost, is that a good reason to deny coverage? If the costs were going to be high, why would they be high? They would be high because unemployment is a frequent occurrence among those workers. They would be high for the same reason they are high for the construction industry: Because their workers are more apt to be unemployed. Are we going to adopt the philosophy that the only workers who ought to be covered by unemployment insurance are those who are unlikely to need such protection?

It has been suggested also that a study will be conducted to see the best way of going about this. The Department of Labor in a letter signed by the former Assistant Secretary for Manpower, Arnold Weber, who has gone over to the White House staff with the former Secretary, Mr. Shultz, has indicated in response to a question about the need for further study:

> The Department felt that there was sufficient data available from earlier studies and experience to demonstrate the feasibility of coverage of large farms. And Secretary of Labor Shultz so advised the Senate Committee on Finance in his testimony on February 5, 1970.

Mr. Speaker, the unemployment insurance system was enacted into law in 1935. Thirty-five years ago the farm workers were excluded from coverage. I would think that 35 years, Mr. Speaker, is a long enough time to study the problem. Perhaps what we ought to do now is to provide just a little bit of coverage, and maybe that is the way we can learn more and the proposal I make provides very little coverage indeed. Less than 2 percent of all farms in America would be affected by this proposal.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman for yielding.

Could the gentleman tell us how many employees and how many farms would be affected by this? I am impressed that the gentleman is talking about farms of only very considerable size.

Mr. O'HARA. The Department of Labor has advised us that 276,000 farmworkers would be benefited by this proposal. I cannot from memory give the gentleman the number of farms, but it would be less than 2 percent of all farms.

Mr. BINGHAM. Mr. Speaker, I thank the gentleman.

Mr. O'HARA. Finally, it has been suggested, Mr. Speaker, that adoption of this change—what I am proposing is to ask the managers on the part of the House to go back to the Senate conferees and take just one more provision from their bill—would somehow endanger the entire bill. Mr. Speaker, if I thought there was the slightest danger that this proposal would endanger the passage of this bill, I would not be in the well of the House at this minute.

As the gentlewoman from Michigan has pointed out, unemployment is today a very serious problem. According to the Governor of Michigan, there are 62,000 Michigan workers who are about to exhaust their unemployment benefits who need the passage of this legislation. I can assure the Members that I feel that need just as deeply as any Member of this House, and I would not make a proposal which would endanger the passage of this bill. Indeed this proposal does not do so. The Senate could hardly object to the House conferees saying we want to take one more provision of your bill that we did not take before. That could hardly endanger this proposal.

Mr. Speaker, the time has long since passed when we ought to show some indication of concern about the systematic exclusion of farmworkers from the laws that we have enacted to protect other workers in this country.

Even though the farmworker is more apt to be disabled on his job than almost any other worker, he is covered by workmen's compensation in only five States.

Even though the farmworker receives the lowest wages of any industrial worker, only some of them are covered by Federal minimum wage laws and those who are covered are covered at a rate 30 cents lower than other workers.

Even though the farmworker is engaged in hard physical labor, the child labor laws which apply to every other industry do not apply to agriculture.

Even though the farmworker is part of the economically weakest group in America, he has no legally protected right to organize and bargain collectively for himself, and a farmworker can be fired or blacklisted for union sympathies.

Even though the farmworker is more apt to be out of work than any other worker in America, he is covered by unemployment compensation only in Hawaii and Puerto Rico.

This is a modest proposal we are making here today. It is unfortunately a water-down version of the Nixon administration proposal of last year. It would cover all too few farmworkers, less than half of the total.

But it would be a beginning, Mr. Speaker, a beginning that is long overdue.

Mr. WATTS. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Speaker, for a long time now the unemployment compensation laws of this country have been in need of revision and change. We tried to move in that direction in 1966, when we passed a bill in this House. At that time the Senate also passed a bill, but no agreement could be reached in conference, so the much needed changes went by the board.

We began the effort again last year, recognizing that some very important changes should be made in the program. Now we have reached an agreement on legislation. It passed the House by an overwhelmingly large margin—337 to 8. The Senate also passed legislation, and we went to conference on the differences.

We have worked out the differences. We come here now with a good confer-

ence report and ask this House to accept it and not endanger enactment of these needed improvements by further conflicts or controversies.

It is all well enough to say, "This is a matter that has been agreed to as a Senate amendment." But let us understand there were other changes which were made in conference, which all become opened up, if the motion to recommit with instructions is agreed to. This will not go back to conference with the conferees limited only to this area. Let us remember that.

All the differences that were ironed out—and I believe they were ironed out, so far as the House position is concerned, in a most satisfactory way—will be open again. I believe that the need for the changes we are making in this bill are so great that we should not jeopardize its enactment into law.

One of the most important changes, in addition to increasing coverage for 4.7 million workers, involved in this legislation is the provision for automatic extended unemployment compensation benefits. The chairman and I have been working for years to try to get this program written into the basic law of this Nation. This will finally have been done if we adopt this conference report today. Let us not jeopardize this goal by sending the report back to conference.

I speak to you as one who tried in the committee to make a start in the area of covering farm workers. There is no question but that this is a most serious problem. I was hopeful we could make a start and experiment with at least covering employees who are comparable to the industrial employees already covered. However, we could not arrive at a satisfactory method for doing so. I tried again in conference to arrive at a reasonable method of covering this type of farm employee.

At the conference we were unable to reach an agreement on this issue. Let me emphasize that the Senate provision for covering farm employees has many problems. Yet if you adopt this amendment to recommit, you instruct us to take verbatum the amendment that the Senate adopted. Yet the Senate amendment is not a satisfactory basis for taking this first step toward coverage of farm employees—a step that I want to take as soon as we can. As I said, I do not see any difference between a large farm operation that has eight or 10 full-time employees throughout the year, and a nonfarm business establishment with the same number of employees. Let us remember, though, that the Senate bill is much broader than that. It covers the full-time employees, but in addition, taxes the employer on a lot of employees he may have on a temporary basis that will never qualify for benefits.

I think the gentleman from Michigan should recognize the difference between the question of requiring an employer to pay a payroll tax on an employee, and the question of whether that employee is going to qualify for a benefit. In agriculture, we have a large number of individuals who work but a very short time during the year—not only a short time for any one employer but in any employment. It is estimated that in 1968 some 70 percent of farm workers worked less than 75 days during the course of the year. They were students and others who may simply have helped out at harvest time. Additionally, 44 percent worked less than 25 days a year, and averaged about 10 days a worker during the year. You can say that you are going to cover them, but all you are doing is imposing a payroll tax on an employer for an employee who is never going to be eligible for benefits. Let us recognize that many of the employees who would be covered would never receive any benefits. Now, that is a good way to promise something and not deliver it. I believe we have to do something better than that. We cannot work out those problems today.

Mr. Speaker, I do not believe it is appropriate to place an additional tax on an already overburdened agriculture unless we are providing a meaningful solution to the problem. I do not think that the Senate bill does that. I hope that the studies and data that will soon be available—some of them under the terms of this bill—will provide a basis for covering agricultural employees with a continuity of employment.

Mr. Speaker, let me point out another problem. The administrative problems are most difficult in covering agricultural employment, particularly with reference to the interstate movement of many workers. Our attention has been directed to the experience of the State of Hawaii. However, the State of Hawaii does not have the problem of workers moving from State to State, which involves determining which employers and what State funds will be charged for benefits, and which State law will govern the amount and duration of benefits. Those are problems that have to be worked out if this Congress is going to take sound action and exert sound judgment in this area.

Mr. Speaker, I speak to you as one who feels most sincerely that we have to make an effort to solve this problem, but I do have to say I think what happened——

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. MILLS. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. BYRNES of Wisconsin. I thank the chairman of the committee for this additional time.

Mr. Speaker, let me say that I think the debate this afternoon on the motion is a good thing. It points out the interest in this subject. In my opinion it gives momentum to an effort to cover our farmworkers on a sound basis. Certainly, many of them need our help and assistance. They are in a sad plight. As one who wants to do that, let me say that it would be a mistake to place this entire bill in jeopardy by sending it back to conference to accept a provision, written into the bill by the Senate, that is not in my judgment a satisfactory solution.

Mr. Speaker, if we had latitude and time, perhaps, we could work something out, but that is not what is being given us. The action recommended by the conferees requiring the Labor Department to give priority attention to studying the problems of extending coverage to agricultural workers is the course we should now pursue.

There are other studies being made, also. Ohio State University and the University of Connecticut are making studies in cooperation with the Department of Labor on the problem of covering the farmworker under unemployment compensation.

Mr. O'HARA. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Michigan.

Mr. O'HARA. Mr. Speaker, I would like to just suggest to the gentleman, if I might, that I think the problems are not quite that difficult. The States decide, of course, who is covered and who is not covered, and we would not want to try to cover anyone who is not employed.

Mr. BYRNES of Wisconsin. Not if we say agricultural workers have to be covered. They have to cover agricultural workers if we require it, just as they are going to have to cover the workers in an establishment with one or more employees in 20 weeks. The States can go further than this; but they must at least meet the requirements of Federal law

Mr. O'HARA. If the gentleman will yield further, we do not propose to change the work test, that is, the individual worker's test, and in California he has to have earned $750 during the base period.

Mr. BYRNES of Wisconsin. And that is why they would not get any benefits. The Senate amendment would tax the employer, but it would not do anything for this poor worker whom you and I both want to do something for.

But I do not think it is a good argument to say just because a tax is going to have to be paid on his wages that he is going to receive benefits, because he still has all the other tests to comply with.

Mr. O'HARA. If the gentleman will yield further, I just think that of course we would not want to cover the housewife who goes out to a farm to work for a few days, or a schoolboy who goes out to work on a farm for a few days; that is not the broad coverage we are after.

Mr. BYRNES of Wisconsin. But why tax the employer, then? Why tax the employer on that person for that person's services? Why put that burden on agriculture?

Let me yield to the chairman, if I may.

Mr. O'HARA. Mr. Speaker, if the gentleman will yield further for just one moment, so that I can make just one concluding statement concerning this—and I appreciate the sincerity of the gentleman on this matter, but I think if the problems were as difficult as the gentleman has described them to be here he would not have supported this proposal the way he has.

Mr. BYRNES of Wisconsin. I never did support the Senate proposal. I tried in conference to develop a workable basis for achieving coverage. I opposed the Senate language and the amendment that the gentleman now wants us to be directed to accept. I opposed that. But

I did try in conference to see if we could not work out some compromise.

Mr. O'HARA. The gentleman did support the administration proposals, did he not?

Mr. BYRNES of Wisconsin. No, I did not. No, I did not. I thought there were problems involved with the proposal, but I thought we might possibly find a proposal we could agree on. I think at one time we did come fairly close to a provision that the administration generally agreed with, and I thought it was pretty much in keeping with what I could agree to.

But if you are talking about the Senate version and about the conference, I did not support the amendment as adopted by the Senate.

The SPEAKER. The time of the gentleman has again expired.

Mr. MILLS. Mr. Speaker, I yield 2 additional minutes to the gentleman from Wisconsin.

Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I merely want to attest to the fact that I remember distinctly that the gentleman from Wisconsin offered certain amendments to the administration's proposal for the inclusion of farmworkers. The gentleman did not vote to support the administration's proposal just as it was presented to us. The gentleman and I both voted for amendments to that proposal, trying to work something out.

Mr. BYRNES of Wisconsin. That is right.

Mr. MILLS. Something that would cover these people who are involved here, but not all of the other people whom the gentleman from Michigan himself says he is not trying to cover, but are covered, as far as the tax is concerned.

Mr. BYRNES of Wisconsin. That is the important part.

Mr. MILLS. That is why we tried to emphasize why we needed some study of the language as to just how we should do this. I think that people who are fully employed and employed for this length of time should be covered, frankly, by these larger operations. I do not think that, because they are covered for these people, that now they shall be automatically taxed for everybody else who works, even if they work one day a year.

Mr. BYRNES of Wisconsin. That is right.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I wonder if the gentleman could tell us specifically the differences in the Senate version and the version which the Committee on Ways and Means voted down, and a version which admittedly was different from the administration's, but more restrictive?

Mr. BYRNES of Wisconsin. I must confess to the gentleman I would not trust my recollection now to state the differences between them. As far as I was concerned I was trying to produce something that was workable, not something that was necessarily part of the administration proposal.

Mr. CORMAN. Mr. Speaker, will the gentleman yield further?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. CORMAN. As I understand it, the Federal law defines "employer" and we leave it to the State law to define the length of time an employee must be employed to be a beneficiary.

I do not recall that in the Committee on Ways and Means we had legislated as to a definition of "employee." Our effort was as to the "employer" admittedly. The motion nearly carried.

Mr. BYRNES of Wisconsin. If the gentleman will remember, we were trying to develop a formula covering employers, based on the number of employees they had for a specific time. The actual tax liability of covered employees would have been further limited by exempting wages during a quarter that fell below a specified minimum. A higher proportion of employees on whom a tax was paid would, therefore, have a chance to qualify for benefits if unemployed. Under the Senate amendment, if an employer has eight employees for 20 weeks and then they have at some point 100 more persons for 2 weeks, he would be taxed on those 100 employees who are never going to get any benefit.

Let me just conclude by saying that I think it would be an error now to jeopardize all of the work that has been involved for at least 3 years by sending this back to conference.

The SPEAKER. The time of the gentleman has expired.

Mr. MILLS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, representing a district which would probably be affected to a greater extent than almost any district in America, I rise to support the motion which will be made by the gentleman from Michigan (Mr. O'HARA).

As one who represents a very large agricultural area, and a substantial part of the largest agricultural producing State in America, I recognize that there are problems in this situation.

My particular area is under considerable attack at the present time and has been for several years in connection with farm labor. We have had peddled across this country a great deal of misinformation about the way we handle our farm labor and the wages we pay.

I may say very frankly that I, for one, vigorously opposed the boycott which has been levelled, and I think most unfairly, against a group of innocent California producers. Yet, on the other hand, for all too long I think we have swept under the rug the problem of farm workers, the people who furnish the labor to make it possible for us to be the best-fed Nation in the world.

This is a subject that I have discussed at great length for a period of a number of years with the farmers who have to pay those taxes we are talking about here this morning.

Unfortunately, the decision made by the Committee on Ways and Means at the time that this matter was under consideration was predicated upon very poor information.

I am not being critical of the gentleman from Arkansas nor of the gentleman from Wisconsin (Mr. BYRNES) because I appreciate the efforts they have both made. They have both talked to me about this and I have discussed this with other members of the Committee on Ways and Means. I appreciate the efforts that have been made.

Unfortunately, their decision was finally predicated upon, and decided upon, bad information pertaining to the State of North Dakota.

Over a period of 16 years, this is the first time I have appeared before the finance committee of the other body. I did on this occasion.

I am not sure that I had any particular influence but I do appreciate the fact that they did insert the Mondale amendment which frankly is far more restrictive as to coverage than that proposed by the Nixon administration.

So it seems to me today that after some 35 years, as has been recited by the gentleman from Michigan, there has been a lot of study in this area, a lot of thought given, and there has been experience. We have had experience in California. Frankly, the experience in California in connection with those farmers who have elected to be covered has been such as to show a far lower cost than that pertaining to the processing industries themselves. At present in my State all the processing areas are covered, the food processing plants, the packing plants, and yet, if you are familiar with them, they operate a few months in the year and they are closed down the balance of the year. Yet those people are covered.

We have shown from experience in California a lower cost for those farmers who have elected to be covered and for farmers who would fall under the provisions of this proposed amendment than the construction industry has in connection with unemployment insurance.

There are a lot of facts, there has been a lot of study given, and I just feel that it is unfair to say in connection with the farmworkers, "Well, we have got to continue to look at it, we have got to continue to study it, we have got to sweep it under the rug."

Let me say in conclusion that we are faced with a situation nationally in which we are simply going to have to recognize that these people are human beings. They are Americans. They are entitled to consideration.

We in California, of course, are faced with a serious situation today, and we have been faced with it for the last several years. I realize other areas of the country have escaped, but your time is coming. These people are entitled to some consideration. Our farmworkers are going union very rapidly. I think they have a right to bargain collectively. As the gentleman from Michigan has indicated, in most cases we have exempted them from various other laws. Now it seems to me that this tiny step should be taken, and the time has come to take

it. I just feel that the excuses that have been offered are excuses that we should no longer have to live with, and that this experience should be gone through with this very narrow coverage of less than 2 percent of the large farms in America.

As I have said, my district is covered on a per capita basis by more of these farms than any other district in America and, therefore, I urge the adoption of the O'Hara motion in order that we might move ahead to correct some of the injustices of the past.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to my colleague from California.

Mr. McFALL. I wish to commend my colleague from California for his statement and for his diligent work on this issue and to say that I join him on this amendment. Our districts have the same characteristic. We are contiguous. We share the same problems, and I believe we need this unemployment insurance coverage for farmworkers.

Mr. MILLS. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. EDWARDS of California. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, today I plead with my colleagues to recommit the conference report on H.R. 14705, the unemployment compensation bill, with instructions to accept the amendment covering a token number, approximately 22 percent of farmworkers. This is a modest proposal and I use the word "plead" advisedly. I would happily deliver these remarks on my knees if that would make them more persuasive and would not offend the decorum of this august place. For I tell you there is not a single action this House could take today that would do more to alleviate human suffering in our land and to erase an ancient injustice. And there is not one argument against this action that will stand up under close scrutiny. But our action today will be scrutinized—and judged—by those who are familiar with the terrible hazards that are part and parcel of the daily lives of our farm working families, by those who are wondering whether such barnacle-encrusted institutions as this can comprehend and treat the illnesses of our society, by that sea of young people to whom we recently extended the vote. But rather than appeal to the political instincts, I would direct this plea to that which is highest and best in each of us—to our concern for our fellow men.

Perhaps my colleagues read in the Washington Post this week the story of the infant migrant child with pus draining from its ear, sucking from a bottle of sour milk. Born of migrant farmworkers, in total innocence, in the very beginning of its life, it was condemned to death or to a life of misery and incalculcable hardship. In weighing the question before us, it would be well if my colleagues would keep this image in mind, the picture of the dying migrant child. In a very real sense, our society is responsible, we are responsible. The child's fate is a consequence of our neglect and abuse. The migrants are the most neglected and abused group in our society, and the most impoverished.

The question now is whether to extend unemployment compensation insurance to some 275,000 farmworkers on 2 percent of the Nation's farms, whether to extend to them the same protection enjoyed by more than three-quarters of the workers in the United States.

At this moment the attention of the Nation is being focused on the plight of our migrant farmworkers, so I will not belabor you here with more descriptions of the hardships and hazards of their lives. I will use the time to answer the objections that have been raised against this measure.

First, the cost. The objection is that it would be too expensive to administer. There is no evidence the cost would be out of line with other industries where coverage is taken for granted. But that question aside, a nation that pays out $3.2 billion annually in farm supports cannot in good conscience deny this minimum benefit to its farmworkers. In California's Central Valley last year, seven major farm corporations received an aggregate of $14 million in farm supports. The Washington Post story referred to above pointed out that the Federal Government spent $419,000 on migrant health services in two counties in Texas during fiscal 1967. During that same period, in the same area, the Government spent $3,564,000 on eradication of disease in animals. In fiscal 1969, the disparity was even greater—$564,677 for migrant health and $5,502,000 to control animal diseases. Such shameful comparisons are plentiful. Since only 2 percent of the Nation's farms would be affected, hardship to the farmer is hardly a valid objection. The third and final objection—that the mobility of the migrant would make it difficult if not impossible for State and Federal agencies to administer the program—is equally invalid but deserves to be answered in some detail.

The popular conception of the migrant farmworker is that he is continuously on the road. That is not the case. Most migrant families travel only 4 or 5 months of the year. The remaining 7 or 8 months they maintain a permanent or semipermanent residence in their home State. Furthermore, 67 percent of all man-days of agricultural employment are attributed to regular and year-round farmworkers. Many of those who do not work full time on large commercial farms find employment in nonfarm jobs near their homes to complete their year-round employment. The migrant farm family, then, is mobile but not rootless. It seeks as much stability as its perilous occupation will allow. By extending unemployment insurance to this group the Government would enhance its stability. The long range benefits both to the farm working families and to society as a whole are obvious. By increasing their stability we would enable their children to have the same continuity in education that the children of other workers enjoy—a continuity that is essential to scholastic success and eventual upward mobility.

Mechanization is further disrupting the migrant way of life, forcing families out of the migrant stream and into urban ghettos where, if they cannot compete successfully for the limited number of unskilled jobs available, they must go on welfare to survive. For many this marks the beginning of family demoralization and distintegration, with all of the attendant social evils of "generational dependency" and delinquency. From a social point of view, from a government point of view, from a human point of view, this is a far more expensive course than the one proposed. We can help break that pattern by extending to these farmworkers unemployment insurance. It will give them the stability all people need to better their circumstances. It will help them to become full-fledged members of a permanent community.

No occupation is more hazardous than that of the farmworker, who must often take his wife and sons and daughters into the fields to eke out enough income to survive the full year. In 1967 there were 2,700 fatal accidents and 230,000 disabling injuries in agriculture. The percentage increase in fatalities and disabling injuries in farmwork led all other industries during the past 10 years. In California, a major agricultural State, the occupational disease rate among farmworkers in 1967 was more than 50 percent higher than the next leading industry and three times higher than the average of all other industries.

But neither statistics nor rational arguments will prevail against closed minds and hearts, so once again I appeal to the humanity of my colleagues. The cost of our failure to act will quite literally be paid in human lives. The cost of our approving this action will be small compared to the benefits to farmworkers and to the larger society.

Mr. MATSUNAGA. Mr. Speaker, as a Representative from the only State which extends unemployment compensation to agricultural workers on a mandatory basis, I rise in support of the motion to recommit to be offered by the gentleman from Michigan (Mr. O'HARA) with instructions to accept the Senate amendment.

Mr. Speaker, the proposal is a modest one, less extensive, in fact, than what the administration itself has proposed. Only farm employers with eight or more workers each, employed for 26 or more weeks would fall under the coverage. The so-called family farm will not be included.

The major objection to this proposal is not that farmworkers do not deserve to be covered, for the virtues of farm workers have been extolled unanimously by Members of this body. It is not that the program would be difficult to administer, for the administration itself has proposed an even more extensive program. The objection is that the cost will be too high.

Let us, then, look at Hawaii's experience. Hawaii's experience shows that the cost to the farm employer has been less—I repeat—has been less than to

the nonfarm employer. In 1964, for example, it was 1 percent to the farm employer on the basis of percentage of the payroll, as compared to 1.6 percent to the nonfarm employer.

In 1965 and 1966 the figures were 1 percent for farm employment and 1.3 percent for nonfarm employment. In 1967 and 1968, for farm employment 1.1 percent of payroll, and for nonfarm employment 1.6 percent. So the experience of the only State, which for 11 years now has had mandatory unemployment compensation for agricultural workers, shows that the cost is far less in the agricultural industry than in nonagricultural industry. This, I believe, ought to dispel all fears on the part of Members who feel that this program would be too costly to be borne by farm employers.

Mr. MEEDS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I gladly yield to the gentleman from Washington.

Mr. MEEDS. Mr. Speaker, there has been much ado made here over the fact that once the employer is covered, he is going to have to pay for employees who do not reach the coverage stage themselves, but is not the same thing true with the industrial employers today who are covered? Once they reach the coverage, they pay for all their people based on their payroll and not on how often people work. Is that not true in industry too?

Mr. MATSUNAGA. The gentleman is correct. In that connection, I might point out that the law presently covers building and road construction workers, and the cost is as high as 10 percent of the total payroll, including seasonal workers. Certainly no one would suggest that coverage of these construction workers should be discontinued because of the high cost.

Even with 15,463 seasonal workers in the pineapple industry in Hawaii, the cost to the employer has been as low as 1.1 percent. This low cost experience in Hawaii's 11-year history of unemployment compensation for agricultural workers would seem to indicate that the cost of extending coverage to agricultural workers as proposed in the Senate amendment would be far less than in the construction industry. For this reason, Mr. Speaker, the agricultural worker should be granted equal consideration.

Acceptance of the Senate amendment would be a prudent but important first step toward giving equal treatment, long overdue to the agricultural worker who forms the backbone of our Nation's economy.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I thank the gentleman for yielding.

I have refreshed my memory on what was said by the gentleman from Wisconsin. There is a difference in the Senate version from that which we voted on in the committee, there was a substantial support in that committee for covering employers who employed eight employees for 26 weeks. Second, we did restrict the people covered to those who earned at least $750 per quarter. There would be almost no hardship to anybody with or without that limitation. Certainly it is a badly needed improvement in the field of farm labor. If we are going to be able to solve our farm labor problems in an orderly fashion, we are going to have to extend the same kind of protection to them that we do to the industrial workers.

Mr. Speaker, I urge a yes vote on the O'Hara motion.

Mr. WATTS. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, we passed this bill, as has been said heretofore, through this House by a large majority. It was passed by the Senate and, among other things, an amendment was put in it, that was ill-conceived, which covers farmers. Certainly everybody recognizes that there are many farm laborers who, under the right kinds of conditions and after appropriate legislation has been enacted, are entitled to the same coverage as some employees of other industries. But this motion that shall be made will adopt a hodge-podge amendment put in by the Senate that will not do what its proponents think it will do and will work a tremendous hardship on the farming industry.

Mr. Speaker, we went to conference. We agreed unanimously, both the Senate and the House, on a conference report that extends coverage under our unemployment compensation system to practically 5 million more people.

In our report we ordered that the Department of Labor make an expenditious and extensive study of the proper way to cover farm labor, so that it will not be a tremendous impediment to our farmers and so that it will do something to help those farm laborers who work for long times and then are laid off from work.

I am sure that they will come forth with a sound program, and perhaps one we can live with.

In addition to that, in Connecticut a university is making a study of the same situation. Ohio University is making a study of the same situation.

I beg the Members not to go off half cocked and adopt something that all of us are going to be sorry was adopted.

Certainly, to put the farmers under unemployment compensation would cost a tremendous sum of money, close to 10 percent of payroll. I do not know anything about the situation in Hawaii. Perhaps there is plenty of work there for the farmers the year round. But that is not the testimony before us by all the State agencies. The Interstate Conference, which represents all the administrators of employment security, meets, and they adopt recommendations that Congress should enact and that the States should enact. They testified before our committee and they said that of all the propositions that were before that conference the one which was most certainly adopted was to not put farmworkers under compensation at this time until a further study was made and a sound method had been developed for putting them under it.

What would be done if we put the big farmers under it? Right off the reel, there will be a big scramble such as is going on today for farm labor. Nearly all of our farm labor has moved to industry as it is. What will happen is that there would be four or five big farmers in a little community, perhaps under it, and all the rest of the farmers, the little ones like me, would be out from under it. The little ones will have the toughest problem in the world of getting any part of that farm labor to work for us, because the other boys are going to have unemployment compensation. They are going to flock to the places where, after they work for a series of farmers for 13 weeks—and farming is the most seasonal of all occupations—they can then draw unemployment compensation for 26 weeks.

I want to reiterate again that once a farmer gets under this, under the Senate amendment, every child and every woman that he employs even for 1 day or 1 week, outside of the eight who qualified him, he is certainly going to have to pay for, as the gentleman from Wisconsin (Mr. BYRNES) correctly stated. He will pay a tax on them, but they cannot draw anything unless they work for him and other farmers long enough to qualify, say, for example, for 13 weeks.

The point was made that this is the same as it is in other industries. Certainly it is. But the farming industry is a very seasonal industry, whereas an industrial-type industry is not. People usually do not shut down plants during the course of a year.

But in respect to harvesting, the wheat harvest, the grape harvest, the tobacco harvest or whatever harvest one might have, it is necessary to call in a lot of extra help. They must have them at that time. They may not need them throughout the year, and they do not need them. But they will have to pay a tax on them just the same, and the workers will get no benefit.

Or, if they are able to work for a total of 13 weeks, which would probably take them through that harvest season, then what would happen? They would immediately be out of work and they would draw unemployment compensation for 26 weeks. Then they could rest for 13 weeks more, and that year would be gone. Then probably they can get another job during the harvest season to cover 13 weeks, and you go through the same rigmarole. There are a great many complications, but after we get the information we need it can be worked out. The time is not right now, until we get the benefit of these studies. If you put them under it now, it will just create chaos. The farmers cannot afford to pay the 10 percent. So what are you going to do? You will make tremendous deficit employers out of them, and you will take every little merchant and every manufacturer and everybody else now under unemployment paying taxes and you will have to go back to the States and precipitately raise those rates of unemployment tax on people who are not creating the problem in order to pay for those seasonal workers who as soon

as the harvest is over are out of work. Moreover, any State that wants to do it today can do so. They can put farmers under it. But that is different from forcing them under it. The Interstate Conference action shows that none of them wanted it. It has been tried and found wanting and will not work. I say to you it would be a mistake to do it and to run the risk of delaying this conference report when many States today are practically out of unemployment compensation. We do have a triggering device for extended benefits in here that will be badly needed, if it is not needed now, in many instances.

Mr. TUNNEY. Mr. Speaker, I am voting today to recommit H.R. 14705, the unemployment compensation conference report, with instructions to extend coverage to farmworkers.

The unemployment insurance coverage which was proposed to the Congress on July 8, 1969, would affect more farm employers and farmworkers in California than in any other State. Nearly half of the workers who would be covered are employed in California.

Thus I think that it should be of substantial interest to the House that farm employers in California are increasingly in favor of Federal unemployment insurance coverage of farmworkers.

There are a number of reasons for the increasing support for unemployment insurance coverage on the part of California farm employers. An important factor is their concern that they may be placed at an interstate competitive cost disadvantage in selling their produce, if California passes a farm coverage law or if they elect to cover their workers.

Thus, in a statement submitted to the House Ways and Means Committee on behalf of approximately 12,000 citrus and avocado producers in Arizona and California, the executive vice president of the Agriculture Producers Labor Committee stated:

> One argument in favor of extending farm coverage on a national basis is that California's cotton, meat, poultry, cheese, wine, citrus, tomatoes, vegetables and melons must be marketed in competition with the same products from other states; that national coverage will eliminate an element of unfair competition between the states in the marketing of these products.

Also, many California employers have found that unemployment insurance is a highly worthwhile part of their labor-management relations. Hence, some 765 farm employers have voluntarily elected to cover their 18,000 workers. They have found that unemployment insurance stabilizes their labor force and results in reduced costs of recruitment and turnover. In other words, their experience has been similar to that of nonagricultural employers. And, these employers have found that the cost of unemployment insurance coverage for their workers has been moderate. In 1968 the benefit cost rate was only 4.5 percent of taxable wages. They have found that they are better able to compete with nonagricultural employers in attracting workers.

Coverage under unemployment insurance would properly place the cost of fluctuations in farm employment on the unemployment insurance program which was designed for that very purpose. Unfortunately, much of the cost of farm unemployment is now met under the welfare program. I know that the House is deeply bothered by the rapidly rising costs of that program.

A change to farmworker coverage under the unemployment insurance program would place covered farmworkers in a more equitable position vis-a-vis the great majority of other workers, in that entitlement to income during spells of unemployment would be an earned right under an insurance program, rather than a welfare grant based on need.

I urge that H.R. 14705 be amended to provide for coverage of agricultural workers, at least to the extent recommended by the President.

Mr. TALCOTT. Mr. Speaker, my State of California provides more benefits for the farmworker, permanent and migrant, than any other State. Working conditions, living conditions, housing, and wages are better in California than most every other State. Even so all of these factors could be improved—and should be.

There should be a system of unemployment compensation for farmworkers—all farmworkers.

I have introduced legislation to provide benefits for farmworkers throughout the United States comparable to the benefits provided in California.

The gentleman from Michigan (Mr. O'HARA) has made an emotional appeal for unemployment compensation for farmworkers. In the past his recommendations in the farm labor field have prejudiced the farmworker and agriculture in general.

This problem is urgent. Legislation is necessary. But facts are more persuasive than emotional oratory.

California has studied this problem seriously for some time and has not yet devised a satisfactory system. Before we pass a Federal law on this subject, we should know a lot more about the facts.

I therefore oppose any parliamentary motion which on the face appears to benefit farmworkers, but which in fact is ill considered, inadequately studied, and not ready for deliberation by the House.

The chairman, the gentleman from Arkansas (Mr. MILLS), and the ranking member, the gentleman from Wisconsin (Mr. BYRNES) have made persuasive arguments for considering the subject of unemployment compensation for farmworkers at a later time to avoid jeopardizing this important bill which is so necessary to so many unemployed workers.

For those who really want to help the unadvantaged farmworker, they can advocate and vote for many other well-known working benefits—minimum wage, disability insurance, better hours and working conditions—which are wholly inadequate in most States.

The proposal for nationwide unemployment compensation for farmworkers is not ready for passage today. It requires more experience and study—but I hope it will come soon.

Mr. LEGGETT. Mr. Speaker. I have here in my hand a resolution by the Associated Farmers of California, Inc. It says, in part:

> Whereas, farm labor in California falls into two general categories: the permanent worker and the seasonal or migratory worker, and
>
> Whereas, the former does not need unemployment insurance and the seasonal worker's motivation would be lost with unemployment insurance,
>
> Now therefore be it resolved that the Associated Farmers of California, Inc. will vigorously oppose in principle any legislation designed to include farm workers under any program of Unemployment Insurance.

I have heard untenable arguments before, but I must say this one wins the mink-lined bathtub.

The farmers say permanent agricultural workers do not need unemployment compensation because their jobs are permanent. Clerks and engineers and civil servants and a lot of other people have "permanent" jobs too, but sometimes they turn out to be not all that permanent. That is what unemployment compensation is for. If we were to follow the Associated Farmers' reasoning, we would have to cancel the entire compensation program for everybody.

The second reason given, that seasonal workers would lose their motivation, is just as ridiculous. The payments will be better than nothing, but they will be small indeed. And they will not continue for more than half a year.

If anyone feels that farmworkers are naturally lazy, that they will work less if unemployment money is available to them—I suggest you try this kind of work for awhile. It is the most grueling, backbreaking work I know of. Whatever else one may say about farmworkers, they are not lazy.

Before I go any further, I do not want to appear to be attacking farmers in general. The Associated Farmers are only one group. Others are more humane and enlightened. The California Farm Bureau in Yolo County, for example, favors a national compulsory unemployment insurance program.

Mr. Speaker, this is something the country needs, and it is a disgrace we did not have it a long time ago. I commend President Nixon and the Labor Department for their stand.

The treatment of farm laborers in this country is something none of us can regard with anything but shame. If there is anyone who was not aware of the inhuman conditions under which farm laborers live and work, Senator MONDALE'S current hearings should be eye openers.

We all know there is only one reason why farm laborers get the short end time after time: they are not powerful politically. We have kept them uneducated, poor, disorganized, and beat down, and there has not been much they could do to press their case. They cannot throw cocktail parties or contribute to campaigns. Most of them cannot even

vote. This is going to change, and as far as I am concerned, the sooner the better.

But right now, we have to give them this unemployment insurance. It will not solve their problems. But it will help. They need it and, as a matter of justice, there is no defensible reason for denying it to them.

The SPEAKER. All time has expired.

Mr. MILLS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. O'HARA

Mr. O'HARA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. O'HARA. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. O'HARA moves to recommit the conference report on the bill H.R. 14705 to the committee of conference on the disagreeing votes of the two Houses with instructions to the managers on the part of the House to agree to Senate Amendment No. 9 extending unemployment compensation to agricultural labor employed by persons who employ eight or more workers during each of 26 or more weeks.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. O'HARA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 170, nays 219, not voting 42, as follows:

[Roll No. 231]

YEAS—170

Adams	Culver	Gonzalez
Addabbo	Daniels, N.J.	Green, Pa.
Anderson, Calif.	de la Garza	Gude
Annunzio	Delaney	Halpern
Ashley	Dent	Hamilton
Barrett	Diggs	Hanley
Bell, Calif.	Dingell	Hansen, Idaho
Bennett	Donohue	Hansen, Wash.
Biaggi	Dulski	Harrington
Biester	Dwyer	Hathaway
Bingham	Eckhardt	Hawkins
Blatnik	Edmondson	Hays
Boland	Edwards, Calif.	Hechler, W. Va.
Bolling	Eilberg	Heckler, Mass.
Brademas	Evans, Colo.	Helstoski
Brasco	Farbstein	Hicks
Brooks	Fascell	Holifield
Brown, Calif.	Feighan	Horton
Burton, Calif.	Flood	Howard
Button	Foley	Hungate
Byrne, Pa.	Ford, William D.	Jacobs
Carey	Fraser	Johnson, Calif.
Celler	Friedel	Karth
Clark	Fulton, Pa.	Kastenmeier
Clay	Fulton, Tenn.	Kluczynski
Cohelan	Garmatz	Koch
Conte	Gaydos	Kyros
Conyers	Giaimo	Leggett
Corman	Gibbons	Long, Md.
Lowenstein	Olsen	Scheuer
McCarthy	O'Neill, Mass.	Sisk
McFall	Patten	Smith, Iowa
Macdonald, Mass.	Pelly	Staggers
Madden	Pepper	Stanton
Mathias	Pettis	Stokes
Matsunaga	Philbin	Sullivan
Meeds	Pike	Symington
Melcher	Podell	Thompson, N.J.
Meskill	Price, Ill.	Tiernan
Mikva	Pucinski	Tunney
Miller, Calif.	Quie	Udall
Minish	Railsback	Van Deerlin
Mink	Randall	Vanik
Mollohan	Rees	Vigorito
Monagan	Reid, N.Y.	Waldie
Moorhead	Reifel	Watkins
Morgan	Reuss	Whalen
Morse	Riegle	Wilson, Charles H.
Mosher	Robison	Wolff
Moss	Rodino	Wright
Murphy, Ill.	Roe	Wyatt
Nedzi	Rooney, N.Y.	Wydler
Nix	Rooney, Pa.	Yates
Obey	Rosenthal	Yatron
O'Hara	Roybal	Zablocki
O'Konski	Ruppe	Zwach
	St Germain	

NAYS—219

Abbitt	Flowers	Nelsen
Abernethy	Flynt	Nichols
Adair	Ford, Gerald R.	O'Neal, Ga.
Albert	Foreman	Passman
Alexander	Fountain	Patman
Anderson, Ill.	Frelinghuysen	Perkins
Andrews, Ala.	Frey	Pirnie
Andrews, N. Dak.	Fuqua	Poage
Arends	Galifianakis	Poff
Ashbrook	Gettys	Preyer, N.C.
Aspinall	Goldwater	Price, Tex.
Ayres	Goodling	Pryor, Ark.
Beall, Md.	Green, Oreg.	Purcell
Belcher	Griffin	Quillen
Berry	Griffiths	Reid, Ill.
Betts	Gross	Rivers
Bevill	Grover	Roberts
Blackburn	Gubser	Rogers, Fla.
Blanton	Hagan	Rostenkowski
Boggs	Haley	Roth
Bow	Hall	Rousselot
Bray	Hammer-schmidt	Ruth
Brinkley	Harsha	Sandman
Broomfield	Harvey	Satterfield
Brotzman	Hastings	Saylor
Brown, Mich.	Hébert	Schadeberg
Brown, Ohio	Henderson	Scherle
Broyhill, N.C.	Hogan	Schmitz
Broyhill, Va.	Hull	Schneebeli
Buchanan	Hunt	Schwengel
Burke, Mass.	Hutchinson	Scott
Burleson, Tex.	Jarman	Sebelius
Burlison, Mo.	Johnson, Pa.	Shipley
Bush	Jonas	Shriver
Byrnes, Wis.	Jones, Ala.	Sikes
Cabell	Jones, N.C.	Skubitz
Camp	Kazen	Slack
Carter	Kee	Smith, Calif.
Casey	Keith	Smith, N.Y.
Cederberg	Kleppe	Snyder
Chamberlain	Kuykendall	Springer
Chappell	Kyl	Stafford
Clancy	Landgrebe	Steed
Clausen, Don H.	Landrum	Steiger, Ariz.
Clawson, Del	Langen	Steiger, Wis.
Cleveland	Latta	Stephens
Collier	Lennon	Stubblefield
Collins	Lloyd	Taft
Colmer	McClory	Talcott
Conable	McCloskey	Taylor
Corbett	McClure	Teague, Calif.
Coughlin	McCulloch	Teague, Tex
Cowger	McDade	Thompson, Ga.
Crane	McDonald, Mich.	Thomson, Wis.
Daniel, Va.	McEwen	Ullman
Davis, Wis.	McKneally	Vander Jagt
Dellenback	McMillan	Waggonner
Denney	Mahon	Wampler
Dennis	Mann	Watson
Derwinski	Marsh	Watts
Devine	Martin	Whalley
Dickinson	May	White
Downing	Mayne	Whitehurst
Duncan	Michel	Whitten
Edwards, Ala.	Miller, Ohio	Widnall
Erlenborn	Mills	Wiggins
Esch	Minshall	Williams
Eshleman	Mize	Winn
Evins, Tenn.	Mizell	Wold
Fallon	Montgomery	Wylie
Findley	Morton	Wyman
Fish	Myers	Young
Fisher	Natcher	Zion

NOT VOTING—42

Anderson, Tenn.	Edwards, La.	Ottinger
Baring	Gallagher	Pickle
Brock	Gilbert	Pollock
Burke, Fla.	Gray	Powell
Burton, Utah	Hanna	Rarick
Caffery	Hosmer	Rhodes
Chisholm	Ichord	Rogers, Colo.
Cramer	Jones, Tenn.	Roudebush
Cunningham	King	Ryan
Daddario	Kirwan	Stratton
Davis, Ga.	Long, La.	Stuckey
Dawson	Lukens	Weicker
Dorn	MacGregor	Wilson, Bob
Dowdy	Mailliard	
	Murphy, N.Y.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hanna for, with Mr. Long of Louisiana against.

Mr. Ryan for, with Mr. Rarick against.

Mr. Daddario for, with Mr. Pickle against.

Mr. Murphy of New York for, with Mr. Edwards of Louisiana against.

Mr. Gilbert for, with Mr. Dorn against.

Mr. Gallagher for, with Mr. Jones of Tennessee against.

Mr. Gray for, with Mr. Dowdy against.

Mr. Dawson for, with Mr. King against.

Mr. Kirwan for, with Mr. Rhodes against.

Mr. Ottinger for, with Mr. Bob Wilson against.

Mrs. Chisholm for, with Mr. Cunningham against.

Mr. Powell for, with Mr. Burke of Florida against.

Until further notice:

Mr. Anderson of Tennessee with Mr. Brock.

Mr. Ichord with Mr. Burton of Utah.

Mr. Baring with Mr. Cramer.

Mr. Davis of Georgia with Mr. Roudebush.

Mr. Rogers of Colorado with Mr. Hosmer.

Mr. Stuckey with Mr. Mailliard.

Mr. Weicker with Mr. Pollock.

Mr. MacGregor with Mr. Lukens.

Mr. Stratton with Mr. Caffery.

Mr. HÉBERT changed his vote from "yea" to "nay."

Mr. LUJAN changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were open.

The SPEAKER pro tempore (Mr. HAYS). The question is on the conference report.

Mr. MILLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 388, nays 3, answered "present" 1, not voting 39, as follows:

[Roll No. 232]

YEAS—388

Abbitt	Beall, Md.	Broomfield
Abernethy	Belcher	Brotzman
Adair	Bell, Calif.	Brown, Calif.
Adams	Bennett	Brown, Mich.
Addabbo	Berry	Brown, Ohio
Albert	Betts	Broyhill, N.C.
Alexander	Bevill	Broyhill, Va.
Anderson, Calif.	Biaggi	Buchanan
Anderson, Ill.	Biester	Burke, Mass.
Anderson, Tenn.	Bingham	Burleson, Tex.
Andrews, Ala.	Blackburn	Burlison, Mo.
Andrews, N. Dak.	Blanton	Burton, Calif.
Annunzio	Blatnik	Bush
Arends	Boggs	Button
Ashbrook	Boland	Byrne, Pa.
Ashley	Bolling	Byrnes, Wis.
Aspinall	Bow	Cabell
Ayres	Brademas	Carey
Barrett	Brasco	Carter
	Bray	Casey
	Brinkley	Cederberg
	Brooks	Celler

Chamberlain	Harsha	Patman
Chappell	Harvey	Patten
Chisholm	Hastings	Pelly
Clancy	Hathaway	Pepper
Clark	Hawkins	Perkins
Clausen, Don H.	Hays	Pettis
	Hébert	Philbin
Clawson, Del	Hechler, W. Va.	Pike
Clay	Heckler, Mass.	Pirnie
Cleveland	Helstoski	Poage
Cohelan	Henderson	Podell
Collier	Hicks	Poff
Collins	Hogan	Preyer, N.C.
Colmer	Holifield	Price, Ill.
Conable	Horton	Price, Tex.
Conte	Howard	Pryor, Ark.
Conyers	Hull	Pucinski
Corbett	Hungate	Purcell
Corman	Hunt	Quie
Coughlin	Hutchinson	Quillen
Cowger	Jacobs	Railsback
Crane	Jarman	Randall
Culver	Johnson, Calif.	Rees
Daniel, Va.	Johnson, Pa.	Reid, Ill.
Daniels, N.J.	Jonas	Reid, N.Y.
Davis, Wis.	Jones, Ala.	Reifel
de la Garza	Jones, N.C.	Reuss
Delaney	Karth	Riegle
Dellenback	Kastenmeier	Rivers
Denney	Kazen	Roberts
Dennis	Kee	Robison
Dent	Keith	Rodino
Derwinski	Kleppe	Roe
Devine	Kluczynski	Rogers, Fla.
Dickinson	Koch	Rooney, N.Y.
Diggs	Kuykendall	Rooney, Pa.
Dingell	Kyl	Rosenthal
Donohue	Kyros	Rostenkowski
Downing	Landgrebe	Roth
Dulski	Landrum	Rousselot
Duncan	Langen	Roybal
Dwyer	Latta	Ruppe
Eckhardt	Leggett	Ruth
Edmondson	Lennon	St Germain
Edwards, Ala.	Long, Md.	Sandman
Edwards, Calif.	Lowenstein	Satterfield
Eilberg	Lujan	Saylor
Erlenborn	McCarthy	Schadeberg
Esch	McClory	Scherle
Eshleman	McCloskey	Scheuer
Evans, Colo.	McCulloch	Schneebeli
Evins, Tenn.	McDade	Schwengel
Fallon	McDonald, Mich.	Scott
Farbstein	McEwen	Sebelius
Fascell	McFall	Shipley
Feighan	McKneally	Shriver
Findley	McMillan	Sikes
Fish	Macdonald, Mass.	Sisk
Fisher	Madden	Skubitz
Flood	Mahon	Slack
Flowers	Mann	Smith, Calif.
Flynt	Marsh	Smith, Iowa
Foley	Martin	Smith, N.Y.
Ford, Gerald R.	Mathias	Snyder
Ford, William D.	Matsunaga	Springer
	May	Stafford
Foreman	Mayne	Staggers
Fountain	Meeds	Stanton
Fraser	Melcher	Steed
Frelinghuysen	Meskill	Steiger, Ariz.
Frey	Michel	Steiger, Wis.
Friedel	Mikva	Stephens
Fulton, Pa.	Miller, Calif.	Stokes
Fulton, Tenn.	Miller, Ohio	Stubblefield
Fuqua	Mills	Stuckey
Galifianakis	Minish	Sullivan
Garmatz	Mink	Taft
Gaydos	Minshall	Talcott
Gettys	Mize	Taylor
Giaimo	Mizell	Teague, Calif.
Gibbons	Mollohan	Teague, Tex.
Gilbert	Monagan	Thompson, Ga.
Goldwater	Montgomery	Thompson, N.J.
Gonzalez	Moorhead	Thomson, Wis.
Goodling	Morgan	Tiernan
Green, Oreg.	Morse	Tunney
Green, Pa.	Morton	Udall
Griffin	Mosher	Ullman
Griffiths	Moss	Van Deerlin
Gross	Murphy, Ill.	Vander Jagt
Grover	Myers	Vanik
Gubser	Natcher	Vigorito
Gude	Nedzi	Waggonner
Hagan	Nelsen	Waldie
Haley	Nichols	Wampler
Hall	Nix	Watkins
Halpern	Obey	Watson
Hamilton	O'Konski	Watts
Hammer-schmidt	Olsen	Whalen
	O'Neal, Ga.	Whalley
Hanley	O'Neill, Mass.	White
Hansen, Idaho	Passman	Whitehurst
Hansen, Wash.	Patman	Whitten
Harrington	Patten	Widnall
Wiggins	Wolff	Yatron
Williams	Wright	Young
Wilson, Bob	Wyatt	Zablocki
Wilson, Charles H.	Wydler	Zion
	Wylie	Zwach
Winn	Wyman	
Wold	Yates	

NAYS—3

Camp	McClure	Schmitz

ANSWERED "PRESENT"—1

O'Hara

NOT VOTING—39

Baring	Gallagher	Murphy, N.Y.
Brock	Gray	Ottinger
Burke, Fla.	Hanna	Pickle
Burton, Utah	Hosmer	Pollock
Caffery	Ichord	Powell
Cramer	Jones, Tenn.	Rarick
Cunningham	King	Rhodes
Daddario	Kirwan	Rogers, Colo.
Davis, Ga.	Lloyd	Roudebush
Dawson	Long, La.	Ryan
Dorn	Lukens	Stratton
Dowdy	MacGregor	Symington
Edwards, La.	Mailliard	Weicker

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Daddario for, with Mr. O'Hara against.

Until further notice:

Mr. Long of Louisiana with Mr. Brock.

Mr. Murphy of New York with Mr. Cunningham.

Mr. Edwards of Louisiana with Mr. Burton of Utah.

Mr. Gallagher with Mr. Hosmer.

Mr. Gray with Mr. King.

Mr. Pickle with Mr. Cramer.

Mr. Dorn with Mr. Lloyd.

Mr. Caffery with Mr. Burke of Florida.

Mr. Rarick with Mr. MacGregor.

Mr. Rogers of Colorado with Mr. Rhodes.

Mr. Ryan with Mr. Weicker.

Mr. Stratton with Mr. Roudebush.

Mr. Hanna with Mr. Mailliard.

Mr. Davis of Georgia with Mr. Pollock.

Mr. Jones of Tennessee with Mr. Dowdy.

Mr. Ichord with Mr. Baring.

Mr. Kirwan with Mr. Powell.

Mr. Ottinger with Mr. Symington.

Mr. O'HARA. Mr. Speaker, I have a live pair with the gentleman from Connecticut (Mr. DADDARIO). If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

ELECTION TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1158

Resolved, That John G. Schmitz of California be, and he is hereby, elected a member of the standing committee of the House of Representatives on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 18515, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read down to and including line 2 on page 12 of the bill and there was pending an amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, our bill is $167,632,000 over the budget, for these programs itemized in the substitute offered by the gentleman from Massachusetts (Mr. BOLAND).

To summarily increase this bill for just these items by another $360 million—or 47 percent—makes a mockery of the deliberations of our subcommittee.

Figures in the gentleman's amendment would appear to bring each of these items up to the full authorizing level, but we have heard the arguments of these full-funding enthusiasts before.

There is always the temptation when this bill comes to the floor for Members to be the champions of a variety of very special causes. And there are some of us who can and have been awarded some very beautifully worded citations and handsomely engraved placques for our efforts. But I am reminded of what our good friend JOHN BYRNES, the ranking member of the tax-writing Ways and Means Committee said just the other evening. He could not recall any instance when a member of his committee or this House was given any kind of special award for raising the taxes to provide all these goodies we are going to bestow upon the people.

Now a large part of the money in the gentleman's amendment is for aid to medical schools, but there is an enormous

amount of money in this bill which will ultimately go to medical schools.

There is $150.6 million for institutional support. A significant increase over the $128.9 million appropriated last year.

There is $91.9 million for student assistance, another increase over the $68 million available for 1970.

There is $126.1 million for construction of teaching facilities.

For the health manpower training program of the NIH, the budget proposed fiscal 1971 appropriations of $382 million, an increase of $31 million over the 1970 funding level. Our committee added another $18.7 million for manpower training, bringing the 1971 amount for this purpose to $401 million—$50 million more than the comparable 1970 figure.

This is not the training of scientists for research work, but the training of professional and paraprofessional personnel who will work directly in patient care.

More than half of the total increase—$26 million—is in the area of student assistance. Under the student loan programs, for example, we will provide loan funds for 19,250 health professions students and 22,300 nursing students. In both instances, the number of students who may be assisted exceeds the budget request by more than 8,500.

But that is not all, Mr. Chairman. Let me continue. There is $1,107,048,000 in this bill for the National Institutes of Health.

That is $72.5 million over the budget and $131 million over 1970. Now a very large share of that research and training money goes to medical schools.

I wonder how many of you actually realize that the Federal Government now provides over 50 percent of the annual operating expenses of the Nation's medical schools.

Let me turn to some of the other specifics of this amendment. It would add money for student loans, but our committee has already added $16 million over the budget request for medical and nursing student loans.

The amendment would increase funds for traineeships, but we are already providing for $22 million plus.

The gentleman would add money for the National Heart and Lung Institute, but we have already added $6.7 million over the budget, and this is $17.4 million over the 1970 level.

The amendment would add money for a special children's dental program, but there is already money in this bill to get this program started.

As for the additional amount for medical libraries, we have $19.8 million in this bill for medical libraries which is double the figure carried in the bill just 5 years ago. So that should give clear indication that our subcommittee has been more than generous over the years on this item.

The amendment would add money for staffing community mental health centers, but our committee has already added $20 million over the budget giving us a total of more than $80 million, an increase over last year of $32.5 million.

And finally, Mr. Chairman, with respect to the add-on for Hill-Burton funds, there seems to be a widespread misconception that Hill-Burton grants are the only form of Federal assistance available for the construction and modernization of hospitals and other medical facilities. This is simply not true.

HEW estimates that approximately $300 million per year is being paid for depreciation reimbursement to hospitals and other facilities through the medicare and medicaid programs. These payments relate directly to capital financing.

The Department of Housing and Urban Development administers a program of guaranteed loans—without an overall authorization ceiling—for the construction of nonprofit hospitals.

In enacting, over the President's veto, the Medical Facilities Construction and Modernization Amendments of 1970, the Congress authorized loan guarantees with interest subsidies for the construction and modernization of nonprofit health facilities.

This Hill-Burton appropriation for fiscal 1971 must be considered against this backdrop.

The newly authorized loan guarantee-interest subsidy program is especially important. Beginning in 1971, the Federal Government, through the Secretary of Health, Education, and Welfare, will guarantee loans made to private nonprofit organizations for the construction or modernization of health facilities at a total amount of loans guaranteed of $500 million per year. This $500 million will be allocated among the States in accordance with their population, financial need, and respective need for construction and modernization of facilities. The Federal interest subsidy is established by law at 3 percent per annum.

Under the bill as reported by our committee, $500 million would be allocated among the States in fiscal 1971.

As in the older Hill-Burton grant program, however, the State Hill-Burton agencies will not approve firm commitments against the entire State allocation during the first year in which it is available. This is comparable to the situation in the construction grant program, where grant funds are allocated to the States in the fiscal year in which they are appropriated, but the majority of these funds are not actually committed at the State level until the following fiscal year. Of the $500 million loan guarantee program, the administration estimates that firm commitments approximating $166 million will be made by June 30, 1971. The remainder of the $500 million is available by law through June 30, 1973.

To summarize, then, our Appropriations Committee has approved: Hill-Burton construction grants amounting to $172.2 million; and, a $500 million loan guarantee allocation for fiscal 1971, of which $166 million is expected to be committed with the $5 million provided for interest subsidy.

I would urge Members to support your committee and vote down this $360 million add-on.

Mr. GIAIMO. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. GIAIMO. I agree that what the gentleman is suggesting should be done in the interest subsidy program and also in the FHA guarantee for hospitals program. But, the fact of the matter is that these are hopeful desires and, in fact, we have no proof that they are going to work effectively, particularly in these days of high interest rates. For example, in the case of the FHA hospital program, the fact of the matter is, and the testimony developed in our appropriations committee this year, shows that this program has been very slow in getting off the ground and as of today there are a total of six insurance commitments, that add up to a total of $42 million.

I know that the gentleman knows there are hospitals in this Nation which could each alone use $42 million for expansion. So this FHA program, although it sounds good and although the purposes are meritorious, are really not making much of an impact on the $11 billion shortage.

Mr. MICHEL. The gentleman well knows if there is a choice between grants and loans, everyone is going to take the grant.

We are just embarking here on a new approach.

You say it is long in coming. And I say let us get on with it as provided in the new enabling legislation. There have been some delays, but I submit it is a good program and we ought to move forward with it and give it a chance to operate.

Mr. GIAIMO. In effect, what we are doing in these programs is to compel them to go out and borrow money at anywhere from 9 to 10 percent, which based upon the millions of dollars involved, means that the hospitals will be paying literally millions of dollars in interest each year when in fact under a direct grant program the Government could get the money cheaper.

The CHAIRMAN. The time of the gentleman has expired.

IN THE OVERALL BEST INTEREST OF THE INDIVIDUAL CITIZEN

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. MAHON. Mr. Chairman, I would like to approach the pending problem from the broad basis of the Nation's welfare, encompassing the 50 States and the more than 200 million American citizens.

The gentleman from Illinois (Mr. MICHEL) spoke of the difficulty of securing loans. Loans are difficult to secure—in significant measure—because overspending by Government has contributed to inflation, tight money, and high interest rates. What is proposed in the pending amendment will, in my opinion, serve to aggravate the already serious situation.

THE NATIONAL DEBT

Twenty-three days ago—on June 30—the national debt was $373 billion. In the

last 4 years—from June 1966 to June 1970—it has gone up by $53 billion. No wonder you cannot get loans for programs. The national debt is now crowding $400 billion. Earlier this year, we voted a $395 billion ceiling.

BUYING POWER OF THE DOLLAR

The buying power of the dollar lost 6 percent last year, calendar year 1969. That is for all of us, including widows, orphans, the rich and the poor—everybody. In the last 3 years, calendar years 1967–1969, the dollar lost 13 percent of its buying power. The buying power of the dollar of the rich and the poor is fading each month, and there are those who would seemingly seek to erode it further.

RECENT BUDGET DEFICITS—APPALLING

Budget deficits in recent years have been appalling. Omitting the trust funds such as those for social security and highways—because they are collected for and pledged only to trust fund purposes—the deficit in Federal funds in the fiscal year 1967 was $9,869 million. In fiscal 1968, it was $28,379 million. In fiscal 1969, it was $5,490 million. In fiscal 1970, concluded just 23 days ago, the latest official executive branch estimate—issued May 19—is $11 billion. It may well be higher when the final tally is made.

For the current fiscal year 1971, $10 billion is the tentative estimate of the executive branch as of last May 19.

For the 5 years, 1967–1971, the Federal funds deficit on this basis is over $64,700 million. And it could very well prove to be $10 billion more than that when the fiscal year is closed out.

There is a distinct possibility that the Federal funds deficit for the current fiscal year 1971 could go as high as $20 billion.

The budget for fiscal year 1972, which will come to Congress next January, could, according to official administration spokesmen, reflect a "massive deficit."

OVERSPENDING—A DISSERVICE TO THE NATION'S BEST INTERESTS

What has all of this to do with the pending amendment and the bill before us? It has a lot to do with it. It has a whale of a lot to do with it.

Sponsors of the amendment assert that they are supporting the poor and the helpless. They say the question is, "Do we favor money considerations or do we favor human values?" I plead that we favor human values above all other considerations, and act in the best interests of the 200 million Americans who rely upon us for leadership.

The inflation to which governmental overspending has contributed mightily and is still contributing tends to destroy the poor. The rich can, and in a measure are, protecting themselves. We vote Federal workers pay raises to help discount inflation. Well-organized union workers can, in part, take care of themselves. But the poor people in the ghetto, the poor people in the rural areas, the people on pensions, the poor migrants, and the great middle-class generally—what about them? Who will take care of them? Will we continue to make their grocery dollar buy less and less for them and their children? Will we?

That is what we are doing as of now.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. FLOOD, and by unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. I thank the gentleman from Pennsylvania. I shall not use the 5 minutes.

THE INDIVIDUAL'S STAKE

What about the stock market? The latest figures I have seen show that one out of every six Americans owns stock of some kind. Why have people lost billions in the stock market? Why have your neighbors lost so much? Why are stocks so low? Many people believe that it is largely because of fiscal uncertainty, inflation, overspending by the Government—not sufficiently heeded by those who are unwilling to lay the hand of restraint upon the appropriation of Federal funds.

If we do not preserve the economic stability of our country, the people who will be hurt most are the underprivileged, the undereducated, the poor and the sick, and the great middle class generally.

An enlightened vote for the poor and the needy and the Nation's welfare is against the $362,000,000 add-on to this $18 billion bill.

I do not see why any Member of this House could not satisfactorily explain his action in the interest of the American people to his constituents, by voting against this proposed add-on to a bill which is already $92 million above the budget requests.

I repeat what has been said in effect by others: I favor restraint not because I wish to save money but because I wish to save people.

As we approach the vote on the amendment, I hope we will keep in mind not just the people who send telegrams—because they have been asked to—and not just certain problems which are difficult to deal with, but as we cast our votes today, let us think of all the people and the Nation next month and next year and 10 years from now.

We must lay the hand of restraint upon our actions lest we falter and fail in the Nation's great hour.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

I believe there is little I can add to the excellent presentation of the gentleman from Illinois (Mr. MICHEL) and the fine address that was made yesterday by the Chairman of the Appropriations Committee the distinguished gentleman from Texas (Mr. MAHON) as well as his remarks of today.

I call the attention of my colleagues to the fact that this bill already provides increases for programs that the gentleman from Massachusetts proposes to further increase. We used to hear so much discussion about how more funds went for defense than for human resources, but today—in the Nixon budget for 1971—human resources are receiving more support than defense. Priorities have been changed, but this isn't the only problem.

Mr. Chairman, the people of America are faced with a real fiscal crisis. We must stop inflation—and every effort is being made by this administration to stop it. No one, I am certain, doubts that inflation also contributes very substantially to the financial problems that face our hospitals, mental health centers, and medical schools. This inflation is the result of 10 years of deficit spending.

If we can stop these deficits, so that interest rates decline, then hospitals will be able to obtain necessary funds through the combination interest subsidized loan and grant programs that are provided in this bill.

There is contained in this bill $172 million for grants, and $5 million for interest subsidies that generate another $166 million in construction loans. This is $348 million available for hospital construction under the Hill-Burton program.

I urge my colleagues to support the committee, which has done such a commendable job. There are volumes of testimony that was heard by this subcommittee that clearly support this bill. This is a record that took hours and hours, day after day, to hear and the recommendations that resulted merit our respect and approval.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. The figures cited by the distinguished gentleman from Ohio and by my distinguished chairman are frightening. This country is bankrupt. The interest on the national debt, just the interest alone, is $20.8 billion.

Mr. BOW. I appreciate the gentleman calling our attention to the amount of the interest—$20.8 billion. Let us reduce this to an amount everyone can understand. We do not always appreciate the magnitude of billions of dollars. But every time the second hand goes around on that clock—every minute—we are spending almost $40,000 for interest on the national debt.

Those who are concerned about human resources should consider what $40,000 every minute would do in housing, hospitals, or whatever else might be important.

It is because of the spending we have done, because of the great debt we have built up that $40,000 every minute is being lost.

I urge my colleagues to support the committee and defeat this amendment.

Mr. GIAIMO. Mr. Chairman, I rise in support of the amendment.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 30 minutes.

Mr. MOSS. Mr. Chairman, reserving the right to object——

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Pennsylvania for the purpose of making a unanimous-consent request?

Mr. GIAIMO. I yield to the gentleman from Pennsylvania for that purpose.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 45 minutes.

Mr. MOSS. Mr. Chairman, reserving the right to object, let me point out that not one single member of the authorizing committee of this House on either side of the aisle has been permitted to utter one word during the debate upon this legislation. There are some of us who are informed and are interested. To cut us off, after the members of the Appropriations Committee have been permitted to extend their time, without objection, for at least an additional 5 minutes, is in my judgment improper.

I therefore object, Mr. Chairman.

The CHAIRMAN. The gentleman from California objects.

MOTION OFFERED BY MR. FLOOD

Mr. FLOOD. Mr. Chairman, I move that all debate on this amendment and all amendments thereto end at half past 3 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania that all debate on this amendment and all amendments thereto conclude at 3:30 p.m.

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 51, noes 26.

So the motion was agreed to.

Mr. MOSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred twenty-nine Members are present, a quorum.

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YATES. Mr. Chairman, I hope this discussion is not coming out of the time of the gentleman from Connecticut.

The CHAIRMAN. I am afraid it is. The gentleman yielded to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Connecticut not be taken from that 1 hour.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GERALD R. FORD. Mr. Chairman, I do not intend to object and, in fact, I strongly favor the action taken by the gentleman from Pennsylvania, but we have consumed an extra 5 minutes through parliamentary maneuvering. I think it would be a good idea to add 5 minutes to the time limitation and make it 3:35.

The CHAIRMAN. There being no objection to the request of the gentelman from Pennsylvania, the gentleman from Connecticut will be recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GIAIMO. Mr. Chairman, it seems to me that I only yielded to the gentleman from Pennsylvania (Mr. FLOOD) for the purpose of making a unanimous-consent request and did not realize that all of this would come out of my time.

Mr. YATES. The time had not been announced.

Mr. GIAIMO. I refuse to yield further on my time.

Mr. MOSS. Mr. Chairman, there was a unanimous-consent request made.

Mr. GIAIMO. Mr. Chairman, I refuse to yield.

Mr. MOSS. And, I reserved the right to object.

The CHAIRMAN. The Chair asked if there was an objection and there was no objection.

Mr. MOSS. Mr. Chairman, I registered an objection and I reserved the right to object.

The CHAIRMAN. The gentleman's objection came too late.

Mr. MOSS. I reserved the right to object and the gentleman to the left of me and the gentleman in front of me heard me reserve the right to object.

Mr. GIAIMO. Mr. Chairman, I refuse to yield further.

The CHAIRMAN. The Chairman ruled on the matter.

Mr. MOSS. It is not a matter of the Chair ruling. I was on my feet and I reserved the right to object very specifically.

The CHAIRMAN. The Chairman wants to be fair.

Will the gentleman state his objection?

Mr. MOSS. I reserve the right to object.

The CHAIRMAN. The gentleman reserves the right to object to what?

Mr. MOSS. To the request of the gentleman from Pennsylvania that the gentleman now in the well be permitted to proceed for the 5 minutes, notwithstanding the fact that his time had, in fact, expired because he had yielded to the gentleman from Pennsylvania and the time had been consumed in parliamentary maneuvering.

The CHAIRMAN. If the gentleman insists that he was seeking to reserve the right to object, the Chair will again put the request.

Mr. MOSS. I do so insist, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman?

Mr. MOSS. Reserving the right to object——

The CHAIRMAN. The gentleman has already reserved the right to object.

Mr. MOSS. That is correct. Then you should ask the gentleman to address himself to his reservation.

Mr. ROSENTHAL. Mr. Chairman, a parliamentary inquiry.

Mr. WAGGONNER. Mr. Chairman, a point of order. The gentleman from California made the reservation.

Mr. MOSS. I want to state my point, if the Chair will permit it.

The CHAIRMAN. Reservations to object are entertained only in the prerogatives of the Chair. The Chair does not recognize the gentleman from California, Mr. Moss, any further unless he objects.

Mr. MOSS. Of course, the gentleman is not going to object to a request to accommodate the Chair and he thanks the Chair for the courtesy accorded him.

The CHAIRMAN. The Chair thanks the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. ROSENTHAL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROSENTHAL. Has the Chair announced the names of the Members who were standing?

The CHAIRMAN. Does the gentleman from Connecticut yield for a parliamentary inquiry?

Mr. GIAMO. The gentleman from Connecticut, with all due apologies, refuses to yield further.

Mr. ROSENTHAL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and twenty-nine Members are present, a quorum.

The gentleman from Connecticut (Mr. GIAIMO) is recognized for 5 minutes.

Mr. GIAIMO. Mr. Chairman, I rise in support of the emergency health amendment offered by the gentleman from Massachusetts (Mr. BOLAND) because I believe that we are facing an emergency in health, health services, and health delivery in the United States.

There is no question—I repeat—there is no question that sufficient amounts of money are not available for our health services. The great subcommittee, chaired by the gentleman from Pennsylvania (Mr. FLOOD) has recognized this fact and has added moneys to the budget requests of the administration. We are not progressing and going forward in our health efforts. We are going backwards.

Reference was made earlier to the fact that we have increased the programs involved in this appropriation—forgetting for the moment the fact that last year, in the parliamentary involvement with education and those other items in the Labor-HEW bill; many of these programs were inadvertently cut down in conference. Therefore, in effect, what we are doing by restoring and by increasing moneys that the administration asks for is merely standing in the same position rather than progressing and going forward. And make no mistake about it—there is a health crisis in the United States. It is here now.

We talk of $172 million for Hill-Burton hospital construction. Is that a lot of money? That is a drop in the bucket, I submit. In my own city of New Haven there is one hospital which today and for the last year has been seeking $30 million; that is one hospital in one city alone, and here we have $172 million for the entire country.

Talk about the loan guarantee programs of FHA, talk about the interest subsidy programs of 3 percent, but they

will not work in today's highly inflationary money markets. In effect, what you are saying to those health institutions is that they are going to have to spend $2 and $3 and $4 million a year; not for health services, not for paramedical personnel, not for beds and buildings, but for interest to banks, insurance companies and other people whose business is the lending of money. Is this going to provide health services to the American people? It is not.

Now, we are told—and I am reminded of the famous line from history, which I will paraphrase, "Oh, economy, how many sins are committed in thy name?"—that we must be economical. We are told that we understand there is a need for more money, but we have to save money. Why do we not hear these same arguments made for limiting the spending of untold billions of dollars for a very questionable defense system like the ABM? Why are not the same arguments made when we are asked to spend billions in farm subsidies, and in other subsidies in this Nation? Right in this bill there is a very questionable appropriation, $2 billion for the OEO. I say to my colleagues, $2 billion for one of the most disgraceful and questionable programs that we have ever enacted into law in this Congress. And yet we are told that we cannot come up with $300 million more in moneys for the greatest priority need of the American people—to improve the quality of American life, the one priority which supersedes housing, the one which supersedes education, and the one which supersedes job opportunities—health care, adequate health care and better health care for the American people.

This is what we are trying to do with this amendment. This is what we are suggesting. This is why we must adopt the Boland amendment.

Last night I was with a group of doctors from the county medical association in my own State of Connecticut, and they told me about the research projects which have had to be curtailed this year, after 5 and 6 and 7 years of work, because of the fact that NIH and the other Federal agencies have literally run out of funding money to continue these projects.

Mr. Chairman, I submit that wisdom demands that we recognize this need as a top priority, and accept this amendment.

The CHAIRMAN. The time has been limited to 3:30 o'clock. The Chair has noted the names of Members who were standing at the time the limitation of time was called.

PREFERENTIAL MOTION OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer a preferential motion.

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Clerk will report the preferential motion.

Mr. YATES. Mr. Chairman, the Chair did not announce the time that each Member is going to be recognized for.

The CHAIRMAN. The Chair will announce the time after the preferential motion.

The Clerk will report the preferential motion offered by the gentleman from New York (Mr. ROSENTHAL).

The Clerk read as follows:

Mr. ROSENTHAL of New York moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from New York (Mr. ROSENTHAL) is recognized for 5 minutes in support of his preferential motion.

Mr. ROSENTHAL. Mr. Chairman, the situation we face now is a classic example of what is wrong with this House.

I suggest, with all humility, and I feel it is presumptuous of me to make this kind of remark to senior Members of the House, but I can only say that I want to share my disgust with everyone who is present on the floor. Many of us have waited for 2 days to speak on this amendment. Many of us have worked for many months, and I, particularly in the field of medical education, on matters we consider of great importance to this Nation. For the last 2 days, Members of the House, and I really find no fault with it, chose to leave the floor at 4:30 o'clock in the afternoon for reasons best known to themselves. Now, when those of us who have equal constitutional rights to speak in this body are allotted a minute of time on a bill of this importance, I think we ought to show our displeasure with this procedure and what we should do is to fold our tent for the week and go home. Maybe over the weekend we can reflect on what we have done. We can reflect on the integrity of the House of Representatives.

How can anyone who shares responsibility in this House move at this time to close off debate when more than 20 Members were standing and asking to speak. Each of them are allotted a minute. It is an absolute disgrace—it is the ultimate abuse of arbitrary power.

None of us can hold our hand up to take our oath of office next time around, if we are lucky enough to be elected, if we engage in this process.

So I would suggest that the wisest and calmest and coolest thing we can do, and so far as I am concerned I want to do it, is to close down for the week. Maybe when we come back on Monday we can, all of us, have a fair amount of time to discuss amendments that we have thought about for weeks, if not for months.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania (Mr. FLOOD) rise?

Mr. FLOOD. Mr. Chairman, I rise in opposition to the motion and yield to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, I oppose the preferential motion because I support the amendments that are now pending before this committee. I support them as a member of the committee that has given equal attention to that given by the subcommittee on appropriations to the consideration of each of these items.

For 14 years, I have served as a member of the Committee on Interstate and Foreign Commerce which has authorized these programs and which has placed the ceilings above which appropriations may not go. We did not act idly. We did not act in ignorance of the needs of this Nation, nor did we act irresponsibly. We are not bleeding hearts nor are we knights in shining armor with amendments hanging on our lances as pendants, as we have been characterized.

I think perhaps the words used by our late beloved colleague, John Fogarty, just 4 years ago, in this Chamber, when he quoted from John Webster, should be requoted:

Gold that buys health can never be ill spent.

It was true then, it is true now, and there is not one man on this floor, on appropriations or otherwise, who will tell me that we are supplying in this program adequate assistance to manpower training, to the construction of medical educational facilities, because they cannot support such a statement. We are not providing. There is a desperate need in this Nation, and as we have been running rapidly in recent years, we have slipped continuously behind. We are not keeping pace with the need. It is a critical need.

Remember, that every person who is ill is a drain on the economy of this country. It is time that we deal with these problems, that we assign them the priorities they must have.

This Nation has the wealth if we use it wisely. We have heard about the boondoggles in defense, SST, and many others. Let us look at a bunch of the weapon systems where we have had tremendous overruns, overruns which would wrap up the entirety of cost of this program. The distinguished chairman of the Committee on Appropriations has spoken about inflation and the stock markets. I happen to chair the Commerce and Finance Subcommittee. I know something about the commodity and security markets of this Nation. Let one tell you that whether you use Government loans, whether you use municipal bonds, whether you use mortgage debt, you are going to be competing in the money market. It is the pressure to construct the infrastructure that puts the pressure on the inflationary factors in our economy. We cannot step back in these fields of health. We must build, and we are going to have just as much, if not a greater inflationary impact—if we go the route of municipal bonds, and with the very high cost of mortgages—10 and 11 percent in my State of California in some areas—or if you go to Government-guaranteed loans, loans which some financial institution must make, I think we ought to look at all the facts. The unmet needs are the

measure of our successes and our failures.

The fact that we can say we are doing more than last year or more than 5 years ago does not prove that we are doing an adequate job.

The CHAIRMAN. The time of the gentleman from California has expired.

The question is on the preferential motion offered by the gentleman from New York (Mr. ROSENTHAL).

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 6, noes 72.

So the preferential motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I share the feelings of the gentleman from New York. I have been waiting for a whole day to say something on this subject, because I think I have something to add—something to add in the sense that I am not opposed to this because it adds $360 million to an already-high appropriation. I am opposed to it because it cannot possibly do what the sponsors of the amendment want it to do. If you add a billion dollars in this amendment to train more doctors, it would not produce a single doctor more in the coming year or the year after that. I know what I am talking about because I come from a State that has over 7 million people and we produced only 70 doctors last year. That is all we produced, mainly because those in charge of the State university establishment there would rather build monuments to themselves than try to train doctors in greatly needed numbers. A change in the system of training medical professional people is sorely needed throughout the country.

The popular course would be to vote for the amendment. The responsible course is to oppose it. This is not an issue as to who is more humane or who cares more about sick people, because I am absolutely convinced that every Member of this House wants to do everything that he can to assure adequate dental and medical care for all Americans.

The gentleman from Massachusetts presented a most articulate, heart-rending plea and I agree with all that he has to say in regard to our national shortcomings for medical, dental and institutional care and I am just as interested as he in correcting those deficiencies. However, those deficiencies cannot be corrected overnight even if every American dollar in the Treasury was appropriated for that purpose today. A real reason exists as to why we do not have enough doctors, dentists, nurses and medical technicians.

A plea was made for more scholarship and loan money and I favor more scholarship and loan money, but if we appropriated a billion dollars for more scholarships and student loans for medical schools it would not produce a single doctor more for the simple reason that every medical school in the country, according to the best information available to me has its September classes filled now and tens of thousands of students throughout the country who wanted to go to medical school have no school to go to.

Let us place the blame exactly where it belongs and in this case I am only going to talk about my own State where we did not even have a State medical school until 1963. Where in 1969 a State of more than 7 million people graduated only 70 doctors and 80 dentists. How did that happen? I can tell you how it happened. It happened because the State turned down a thousand bed hospital-medical school complex in Jersey City that it could have had for $1 and instead chose to build an entire new complex at a cost of more than $100 million. This meant that for 5 long years, while the new complex was under construction—and, Mr. Chairman, that takes us up to the present time—one of the largest States in the Union in population produced practically no doctors.

It has been argued that we need 150,000 more registered nurses in the country and I think that is a low figure. It is a known fact today that if we had no practical nurses, half the hospitals in the Nation would close. We were told 6 years ago in New Jersey that we needed 10,000 more registered nurses and 6 years ago in New Jersey we tried to do something about it. Would you believe, there were fewer nursing schools in New Jersey then than there were 20 years before that date. In 1969 New Jersey had hundreds of R.N. trainee vacancies in hospitals and nursing schools that were not filled. There were 1,000 young women more could have been trained in New Jersey in 1969 under existing programs than were trained. This deficiency was not caused by a lack of money or a lack of facilities—it was caused by a lack of applicants. In these days of prosperity our young women are seeking more glamorous positions and are not as interested in the nursing field as they used to be. This condition, I am told, exists nationwide. So, if we are going to do something here we have to do something to make girls more interested in nursing.

This amendment has a very nice name. It no doubt will be well received by the press, especially the more liberal segments and those of us who oppose it no doubt will be branded as being against the proposition of keeping Americans healthy. I can prove that all the loans provided for in this amendment and all the scholarships provided for in this bill will not produce one more professional in medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, and nursing because with the exception of the field of nursing we already have more applicants than we can take care of.

Addressing ourselves now to the capital construction needs provided for in the amendment and at the outset let me say I would vote for many times the amount requested if it could be prudently handled and build the facilities that are needed or if they could even obligate that much money in fiscal year 1971 under contract—which I know is impossible and so does every Member of this House. This is one of those amendments that is popular, has a nice name, and just as pure as motherhood itself. To oppose it is not politically smart. But the gentleman from Pennsylvania said that his committee, who listened to hundreds of witnesses during months of hearings, provided all the capital funds than can be used in fiscal year 1971. I am sure the gentleman from Pennsylvania and his committee would have approved many times the amount sought by this amendment if the objectives sought by the sponsors of the amendment could be accomplished with more money. For these reasons I have chosen the responsible course of action. I will support the committee bill and oppose the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, it is unfortunate that very few were in the Chamber the day before yesterday when the chairman of the Appropriations Committee spoke of the precarious fiscal situation. He posed the issue correctly. It is not as simplistically suggested—a question of according a higher priority to human needs than financial consideration.

Was it Carlyle who spoke of economics as dismal science? This debate has spawned a familiar argument. If you are talking about a program—sufficiently worthwhile when measured in terms of its goals and objectives—forget about the threat of inflation; ignore economic considerations.

The results would be dismal indeed if we followed that prescription. We simply do not need the stimulative effect of a $20 billion deficit in the context of the present situation when many of us feel we are at a turning point.

The majority whip is critical and says we rely too much on monetary policy. That is not so. It is precisely because we see the necessity of a proper mix and we do not want to impose too great a burden on monetary policy, that we are counseling fiscal restraint now.

It is not that we are less mindful of human needs, or oblivious to the crisis we are approaching in the delivery of health care services.

We need new programs—better programs—but those on this side of the aisle live in a very unreal world where they counsel an add-on above the budget of more than a third of a billion dollars. If we commit now in 1970, resources that we simply do not have, we are going to undercut the very effort we would like to make as soon as possible, hopefully in fiscal 1972, to come up with programs to make basic improvements in our present system of delivering health-care services.

It would be nice if we could wall off, or seal off, inflation in some kind of watertight compartment and say, you can't affect this section of the economy. That simply isn't possible.

Let me give you some concrete exam-

ples of what it has done since 1965 in this very area of health care:

Listen to these figures from the Journal of the American Hospital Association on the average expense per patient day between 1965 and 1970.

The information contained below was secured from Miss Dorothy Rice and Miss Mary McGee of the Division of Health Insurance Studies of the Social Security Administration. They secured this information from hospitals, the Journal of the American Hospital Association—AHA—and the AHA testimony at the October 28, 1969, hearing of the House Ways and Means Committee.

In 1965, the "average expense per patient day" in an American hospital was $44.48. The estimated cost for 1970 is $74.24.

The table below gives the "average expense per patient day" between 1965 and 1970:

1965	$44.48
1966	48.15
1967	54.08
1968	61.38
1969 (estimate)	67.59
1970 (estimate)	74.24

Now hospitals are for the most part nonprofit corporations. They are not out to gouge the public. Their rates are rather the result of general inflation of the increased costs of labor and material, but mostly of personnel costs.

Now listen to these figures on recent hospital construction costs—$57 per square foot.

I believe it is critically necessary that we exercise the kind of fiscal restraint that the President called for last weekend. If we ignore his admonition, the average American is going to get even less in the way of health care.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, we heard a few moments ago from the distinguished chairman of the Appropriations Committee, who spoke about the human values involved in the Boland amendment. I would like to speak about the monetary and financial values, because I think they are important, too.

I am concerned about inflation. I am concerned about the effectiveness of the billions of dollars we spend every year for remedial programs under title I of the Elementary and Secondary Education Act to help our kids learn in school, to help the young people learn a trade, learn skills so that they can become employable, because we all want to get them off the welfare rolls and onto the job rolls and the tax rolls.

Experience teaches us that under title I of the ESEA we have to spend enormous amounts of money on health care, in giving our young children from deprived families the medical and dental care they have shamefully lacked, so they can learn in school before we begin the attempt to educate those kids. And in the Job Corps and other elements of the poverty program we are forced to spend a very great percentage of anti-poverty funds on health care before we can help these young men and women develop their talents and learn a trade.

If we really mean business in our efforts to educate properly all American kids, if we really mean business in our antipoverty efforts to help our young people become economically productive by acquiring the technical skills necessary to hold down a good job, then their health needs must become our first order of business. Unless we provide the health services and facilities to provide a healthy mind in a healthy body—mens sana in corpore sano—we are literally wasting in a futile effort much of the billions of dollars we are spending annually on our remedial education job training and employment programs. We are dooming these programs and these people to substantial and continuing failure.

Such a waste of taxpayers' dollars would be an unthinkable burden on the taxpaying public, and an injustifiable addition to inflationary pressures. Let's provide for America's health needs, if for no other reason, for the reason of simple economics—we simply cannot afford the luxury of doing otherwise.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to this amendment. I will not take the time to cover the individual medical and health appropriations contained in title II of this bill as these were clearly described yesterday by the distinguished gentleman from Texas (Mr. CASEY). Neither will I take the time to cover the increases which have been made in various items of title II which will improve medical and health care in this country as these increases were clearly described yesterday by the distinguished gentleman from Iowa, Mr. NEIL SMITH.

I do want to ask the Members of this House to take a clear look at what the adoption of this amendment really means, and I do want to refute some of the totally erroneous statements made on the floor of this House yesterday.

Title II of this appropriation bill, which is the title providing for appropriations for HEW, is $2,119,302,000 above the fiscal year 1970 appropriation and is $134,100,000 more than the sum provided for in the budget for fiscal year 1971. To add an additional $360,450,000 to the expenditures under title II of this bill would be the ultimate in fiscal irresponsibility.

It is very thoughtful of the sponsors of this amendment to label their amendment as the "emergency health amendment." This is a very catchy phrase, but it is not truly descriptive of the situation in this country today. The fact is that medical and health services are better in this country than ever before. In some cases, medical schools are not accepting all of the students that they could really accommodate and the overwhelming majority of applicants for admission to medical colleges are able to pay their own tuition. In addition, thousands of medical clinics have been established by the medical profession and communities throughout this country where medical attention is available on a prompt and reasonable basis.

I do not believe the figures we heard yesterday about the projected personnel shortages which will exist in future years in the medical and health fields, as these figures were projected by those who have a special interest in these fields. Only several years ago, we were receiving from HEW officials dire predictions about the great shortage of teachers that would exist in the future. This shortage has never developed. Today, in many sections of this country, elementary school teachers, and even secondary school teachers, are having difficulty in obtaining positions.

The fact is that the appropriations contained in this bill will adequately meet the health needs of our country when it is properly supplemented as it should be by State and local money. A comment was made on the floor of the House yesterday to the effect that local governments have reached their maximum capacity to tax. Such a statement is totally unsound because the Federal, State, and local governments receive their tax money from the same sources, the American taxpayer, whether that taxpayer be an individual or a company or a corporation. A more proper statement would be that the American taxpayers have reached a limit of taxation regardless of whether the taxation comes from the Federal, State, or local government.

Further, it is possible for community interests or medical interests, or such interests working together, to build profit-making hospitals and operate these hospitals more efficiently and at a lower cost than non-profit-making hospitals. An example of this occurred in my own congressional district.

A group of doctors got together and each put up a certain sum of money and they built a 50-bed profit-making hospital. Their operation was so successful that they have now expanded to a 200-bed hospital. This hospital pays corporate taxes, local real estate taxes, and all of the other taxes which any corporation pays. At the same time, their costs are actually lower than many nonprofit hospitals in the same area. Also, nonprofit hospitals in my congressional district have been enlarged with only some assistance from the Federal Government. This shows what can be done without soaking the taxpayer.

Also, hospital costs have been dramatically increased but this is largely due to poor administration of hospitals and will not be corrected by appropriating more Federal tax dollars.

Continued deficit spending, as represented by this amendment can only lead to continuing inflation. We have just started to get inflation under control and down from the 6- to 8-percent annual inflation increase we have been suffering, and more deficit spending will accelerate inflation. This inflation did not start with the Nixon administration. We have been suffering from inflation

during successive, prior administrations, to continue the course we are now on in deficit spending will ultimately result in the U.S. dollar being worth little more than the paper on which it is printed.

What do the sponsors of this amendment think will be the plight of the American people when this occurs? If they do not know, I will tell them. Continuing devaluing the American dollar can only destroy our economy, increase unemployment to an all-time high, and make it impossible for our people to obtain proper medical treatment and other necessities of life which they must have. In last night's news media, a respected columnist made the statement:

> Inflation continues around the world but all eyes are on the United States. For if its economy can become adjusted, the effect should be felt in many countries abroad.

Continued Federal deficit spending is the one thing which will prevent our economy from becoming adjusted, and make no mistake about it.

At one time, the full faith and credit of the Federal Government of the United States meant something. It meant that our Government could float bonds for a term of 25 years at interest rates of 4¼ percent and less. The full faith and credit of the Federal Government of the United States today—due to continued deficit spending on the part of successive, prior administrations—means so little that our Treasury Department is being forced to sell bonds and other Federal obligations on terms of 3 years or less and at an interest rate of 7⅝ percent. The deficit spending policies forced on our Federal Government by the Congress is the reason for high interest rates.

While it is fashionable on the part of some Members of this House to blame the "big bankers" for high interest rates, this is just a fallacy. The big banks today are unable to lend money even to their preferred customers when the collateral proposed to be posted for such loans is 110 percent of the amount of the loan.

It is the fact that our Government is borrowing money to refinance over $110 billion of maturing Federal obligations and borrowing billions of dollars of new money, all of this at 7⅝ percent interest, to pay for deficit spending that is causing tight money and high interest rates. In fact, just this week, Federal agencies like the Federal National Mortgage Association, Fannie Mae, borrowed money on the open capital market at a rate of 7.95 percent and is lending this money out in mortgages at 9.2 percent interest rate and charging 4.85 points. This means that when a developer of Housing for moderate-income families borrows $1 million from Fannie Mae, he actually receives $951,500 and pays 9.2 percent interest on the entire million dollars.

It is these conditions, developed by deficit spending which is denying money for housing, pollution control, the redevelopment of our cities, and all of the other programs which are so important to our people.

We heard here yesterday that President Roosevelt helped to get us out of the 1929 depression through the policy of pump-priming, of course, this was at a time when the full faith and credit of our Federal Government meant something and we could easily borrow money. If we have another depression or severe recession, we will not be able to apply the pump-priming process because there will not be any money to borrow and we are already in debt for a sum of money exceeding $374 billion.

Also, who will be hurt the most by the deficit spending represented by this amendment. The people who are being hurt the most are those who can least afford it. We have learned from brutal experience that Mr. Average American Workingman must pay the overwhelming bulk of the taxes and in just 2 years, the annual interest rate on the money we owe will exceed $30 billion as a continuing, increasing item in each annual budget. Deficit spending is actually robbing the great bulk of our taxpayers of money they need to provide for their families.

I urge the Members of this House who have any concern about our economy, sound fiscal programs, and concern about our overall social programs to vote down this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

THE NATION IS FACING A MASSIVE HEALTH CRISIS

Mr. Chairman, I rise in support of the emergency health amendment to the Labor, Health, Education, and Welfare appropriations bill for 1971, which in my view constitutes a minimum response to obvious needs. The Nation is facing a massive health crisis which could well lead to a total breakdown of our health delivery system. Obviously we cannot permit this to happen. We must do something, and we must do it now.

On June 22 President Nixon chose to veto a 3-year extension of the Hill-Burton program despite the fact that there is a $16 billion backlog in health facility construction and that there is a need for 250,000 more hospital beds, 893 public health centers, 872 diagnostic and treatment centers, and 388 rehabilitation facilities. In addition, 460,000 hospital beds must be modernized.

In view of the enormous need for additional health facilities and for modernization of existing facilities, I was pleased that the Congress was able to override the President's veto. The problem now facing us, Mr. Chairman, is one of providing the necessary funding not only for the Hill-Burton program but for the various Federal programs which help train the necessary personnel for existing health facilities and for those to be built in the years ahead.

This is no easy task. It takes many, many years to produce good doctors and dentists. And yet we currently need 50,000 more doctors, 18,000 more dentists, 150,000 more nurses, and over 260,000 more allied health personnel. As our population grows and as we reduce the backlog in health facilities, the need for staffing will become more acute. Indeed, the situation will probably deteriorate before it begins to improve.

In the meantime, Mr. Chairman, the average American must continue to put up with less than adequate medical attention. In fact, in certain areas of the country and among some segments of our population medical and dental care is just not available.

One would think that with the unquestioned need for more health personnel, the number of students being assisted under the student loan program would be increasing. Unfortunately, however, this is not the case. During 1969, 36 percent of students in the health professions received loans. During 1970 the figure was 19 percent. And in 1971 it is estimated that only 13 percent of the students will receive such loans.

Rather than decreasing Federal funds for the student loan program, we need to dramatically increase such assistance. In addition we need to increase funds for scholarships and for work-study programs. How else are we going to encourage the poor and the black to consider careers in the health fields?

As we all know, the inventory of figures which I, and many of my colleagues, have employed in support of the emergency health amendment is only a mathematical representation of our crisis in health care. All too often we limit our discussion to the bricks and mortar issues, but the shortages and the inadequate Federal support are felt in much more human terms. Savings are wiped out; visits to the doctor are avoided; and humans suffer and die for want of prompt medical attention.

Restraining Federal spending is a worthy cause, Mr. Chairman, but is there a higher priority than human health or life itself?

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. THOMSON).

(By unanimous consent, Mr. THOMSON of Wisconsin yielded his time to Mr. SHRIVER.)

The CHAIRMAN. The Chair recognizes the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, I do not intend to repeat what has previously been said in this debate but some items need reemphasis.

It has been repeatedly stated that our bill is way above the budget. It needs to be restated—so Members of the House will be able to vote responsibly on the pending amendment which would add $360 million to the subcommittee bill.

First, I emphasize that our bill represents an increase of $2.3 billion over last year's appropriation.

Second, our bill is $92.9 million above the President's budget.

Now it is proposed to add $360 million which would bring the total of the bill to over $450 million over the budget.

Mr. Chairman, I submit that our Appropriation Subcommittee and the full Appropriation Committee have done a good job with this bill and with all of

the hundreds of items included in the Department of Labor and the Department of Health, Education, and Welfare. We have made needed increases. We have exceeded the President's budget. We have acted responsibly.

Chairman MAHON called our attention during general debate to the absolute need of holding the line on spending and practicing fiscal restraint.

He called our attention to the fact that as of May 19, the Federal funds deficit projection is up to $10 billion.

He called our attention that the Federal funds deficit in this current fiscal year could go as high as $20 billion.

Our committee spent weeks and weeks of time—seven large books of testimony, 7,400 pages of hearings, with scores of private and public witnesses.

Who would know better than those of us charged with the responsibility as to where to make increases—the priorities of allocations of funds and this budget as it relates to all other appropriation bills—both Republican and Democrat.

We are unanimous in our support for the committee bill and in opposition to the Boland amendment.

We urge you to sustain our position.

One-half of that requested as an increase is for construction—bricks and mortar—$100 million for health, education facilities and $80 million for Hill-Burton. This $180 million of increase probably would not be used. This—our committee has found from long, past experience—has been the practice when fiscal restraint is needed.

All of us are aware of the appeal of adding money for buildings and manpower for health care.

The members of our subcommittee have complete information of the needs of better delivery of health care.

As our colleague, the gentleman from Iowa yesterday so well stated, before we go into a crash program to increase numbers of doctors and medical personnel, the system needs change.

I want to direct my colleagues' attention to the testimony presented by Dr. Egeberg on pages 19 through 25 of part 2 of the hearings, available at the committee tables. No one is attempting to deny the serious shortage of doctors in our country today. The point that is being missed, and which is very well stated by Dr. Egeberg, is that we have not found the most effective way to alleviate this shortage. In simple terms, merely pouring more money into a system which has proved ineffective will do more harm than good. By adding more money, we will be telling our citizens that we are attacking this shortage, when in fact we are not.

Until medical schools and our entire medical system is reoriented toward meeting modern priorities and alleviating geographical and professional shortages, more money will merely extend a stagnant situation. Why should these schools change their curriculum and requirements if they receive increasing amounts for the status quo? There is enough money already in this bill for medical school emergencies, that is, to keep them open. I assure you that if individual emergencies arise which cannot be handled from this appropriation, this subcommittee stands ready to consider supplemental requests.

The committee has been asked by the gentleman from Illinois (Mr. YATES) what is sacred about the budget request figures, and I agree with his answer that they should not be sacred. The committee recognized this; we recommended increases in certain areas and decreases in others. That is our responsibility. That is why we had 14 weeks of hearings. At the same time, what is so sacred about the figure of $360 million, which would be added to the committee's increase? On what hearings is this figure based? Where are the already effective systems of health manpower training which are not working because of a lack of this $360 million?

This is not a political question. This is not a regional question. This is an opportunity for the House to act responsibly and wisely. This is an opportunity to look further and deeper into a problem than to just take the easy road of throwing money at it and feeling self-satisfied.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise in support of the Boland amendment.

Mr. Chairman, the emergency health amendments we now consider may be the most important legislation before Congress this year. This importance reflects both the substance of the programs—medical care—and the form of the dispute with the administration: Shall Congress have a role in setting national medical policy?

These amendments interpose a judgment, backed by the Nation's medical experts, that we must now reverse a disastrous trend of temporizing and economizing which has brought us to this situation:

In the 1970–71 school year, medical schools across the country will be accepting or rejecting students on the basis of their ability to pay. This situation has never before developed in the history of American medical education.

A prominent medical school in New York City has removed from its 1970 catalog a statement it has contained for 50 years. That statement assured students that no one would have to leave the school of medicine solely for reasons of inability to pay the tuition.

In the fiscal year 1970 Federal program for loans to medical students, only 35.8 percent of the money requested by students was available to lend them.

Let me remind my colleagues that we are not talking about grants or scholarships. We speak of loans to students who must find, after college, between $20,000 and $25,000 for medical school tuition. If we do not greatly increase the funds proposed by the administration, and even increase the amount recommended by the committee, the situation will be immeasurably worse next year.

Last year, we were told by the administration that another Federal program, the guaranteed student loan program, would take up the slack created by underfunding of the medical student loan program. This has not happened in the past year and it will not happen next year.

Why? Medical students report from across the country that bankers are reluctant to grant loans to students in general in a period of tight money. They are also unwilling to give money to poorer students, to those from rural areas—remote from the banking centers—and to students whose families have not had bank accounts. In short, bankers treat these student loans like any other loans. In a competitive money market, students lose out.

Mr. Chairman, we are in desperate need of remaking our entire medical care system. We must also reconstruct the means of financing medical education and of selecting medical students. Ultimately, we should develop a system which would provide free medical school tuition in return for several years of public service by young doctors.

Until we make those basic changes, however, we cannot let our medical manpower gap increase. The Department of Health, Education, and Welfare estimates that we will need by 1975 40,000 more doctors than our present production plus immigration of foreign doctors will produce. These 40,000 doctors will not be produced either magically or painlessly.

We will start producing more doctors today if we pass these expensive but vital amendments which our country needs so desperately.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

(By unanimous consent, Mr. Moss yielded his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I rise in support of the emergency health amendment. I would especially like to address my remarks to the three phases of the amendment which will provide increases in funding for the dental care projects for needy children, the community mental health centers, and the traineeships for students in health professions.

The dental care pilot projects for needy children authorized under section 510 of title V of the Social Security Act are a small item in terms of cash investment but highly significant in terms of long-term yield. These projects have a double purpose: to give care that is desperately needed by American children and to permit experimentation in methods of delivery in order to discover the most efficient, economical alternatives that are available.

There are literally millions of children in this Nation—in inner cities, in rural areas, and elsewhere—who are receiving no dental care whatever. Nearly half the children in the Nation under the age of 15 have never seen a dentist; we read in yesterday's paper of the terrible depri-

vation suffered, in this regard, by children of migrant workers.

We need to remedy this situation and we need to discover the best ways of doing it. Section 510 is explicitly designed to accomplish both purposes. It was approved by the Ways and Means Committee and this House 3 years ago; it has sat on the books ever since; it has never been implemented. The House Appropriations Committee, last year, issued a clear call for implementation of these projects, but still nothing was done.

What are we talking about in terms of implementation? Six million dollars in the first year. Contrast that, if you will, with the fact that more than $110 million dental care dollars, on the Federal level, are annually paid out under medicaid. Much of that money is spent to repair damage that need not have occurred and would not have occurred if programs like section 510 would be vigorously pursued. It is purely and simply a heedless waste of money. We have approved section 510; we have strongly suggested it be implemented.

It is now time, in my opinion, that we insist that the waste of money stop and that the proper agencies in the executive branch be explicitly directed to get moving on section 510, title V and thus begin a more rational and more economical approach to public expenditures for dental care.

In the mental health field, previous appropriations have allowed mental health centers across the Nation to begin working toward their goal of providing more efficient out-patient care. Without additional funding, their initial progress will be lost and the centers will not be able to continue in operation.

In the 22d Congressional District which I represent, Federal aid from the community mental health program has enabled the San Fernando Valley Child Guidance Center to increase its patient visits per year from 3,000 to 20,000 in a 5-year period. The same facility has been able to increase its hours of concentration to the supporting community from 3,500 hours to 18,000 hours in the same 5-year period.

In addition, staffing grants received under this program have contributed immeasurably to training some 17 psychiatrists, 15 social workers, 12 mental health nurses, and five psychiatric residents at the child guidance clinic—personnel which are the key to the success of the entire program.

A third area which is in desperate need of funds is the program which provides traineeships to selected students of public health, nursing, and the allied health professions.

As the needs for health manpower continue to rise, additional emphasis must be focused on the value of enlarging our allied health program. This is a program which has demonstrated great potential for extending the availability of health services and has indicated potential for providing a substantial return on the money required to implement it.

Casa Loma College, which is also in my district, has recently entered 86 students into its fall program for allied health training. If even one student completes the program, he will earn enough in his lifetime to more than pay for the entire grant received by the college. If eight students complete the program, they will pay enough income tax to repay the Government for the entire grant.

Congress cannot ignore its responsibility for the continuation of these programs. Positive action taken now will go a long way in increasing our nationwide supply of health care and aid in delaying future increases in the cost of medical services. I urge my colleagues to join me in supporting this amendment to assure top quality medical care for all Americans.

(By unanimous consent, Mr. CORMAN yielded the remainder of his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'HARA).

(By unanimous consent, Mr. O'HARA yielded his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

(By unanimous consent, Mr. RIVERS was allowed to speak out of order.)

REVIEW OF THE DRAFT LAW

Mr. RIVERS. Mr. Chairman, I wish to take this opportunity to publicly commend the Special Armed Services Subcommittee which recently completed its investigation and submitted its report to the committee and the general public on the Mylai affair.

The report requires no commentary from me since it speaks for itself. Every member of the subcommittee and its staff by virtue of this candid report have once again earned the continued respect of every Member of Congress, and indeed the American public.

The chairman of the special subcommittee was Congressman F. EDWARD HÉBERT. I am, therefore, happy to announce that upon the conclusion of his special investigation into the Mylai affair, I requested that he convene his Special Subcommittee on the Draft to begin a review of the entire draft law, including its administration, regulation, and judicial interpretation.

Mr. HÉBERT'S subcommittee is now meeting on this subject and I am confident will, upon completion of its review, provide the full Committee on Armed Services with meaningful recommendations for possible future action in this area.

It has been truthfully said that when you want difficult problems solved, you assign them to a busy man. I think what I have just said indicates the type of man EDDIE HÉBERT is. I would like to commend him, in particular, for the special dedication he always gives to any of the myriad of problems that are submitted to him as a subcommittee chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I commend the able chairman of the subcommittee—the gentleman from Pennsylvania—for the bill he brings to the House floor. But the question is not what we have done, but what needs to be done for health research and medical care for the people of this country.

In 1968 over $53 billion was spent by public authorities and private individuals for health care. More research and more medical care would have reduced that expenditure.

In 1967 the workers of the United States lost over $3 billion in wages which would not have been lost if there had been adequate health research and adequate provisions for medical care for these workers.

In 1967 the people who lived, who otherwise would have died but for the research we have had in the past, contributed $1.7 billion in Federal income and excise taxes.

Mr. Chairman, not to speak of what it means to save human life and health in terms of dollars saved, it is economy for this country to spend much more on health research and medical care for our people than we are spending or prepared to spend. This amendment, though itself not adequate for the Nation's needs, will make this bill more meaningful to the people of our country and I hope it will be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise in support of the emergency health amendment introduced by our distinguished colleague, EDWARD BOLAND of Massachusetts. Our colleague, on the floor in debating this amendment, has cited the extraordinary need for these additional moneys which would be used primarily to fund vital health services.

The simple statistic on infant mortality in this country, and this country stands 13th in the world, should shock the conscience of every legislator sitting in this Chamber. With all our technological advances permitting us to be the first to land on the moon, we are not the first in terms of health care. As was pointed out by other of our collagues, our male population has a shorter life expectancy than that of males in 17 other countries. The poor in this country, and I refer now to those who are not on welfare, are the least assisted medically. In my own State of New York the person who is not on welfare and over the age of 21 and under the age of 65 is not eligible for medicaid. And it is that large group of people that I have just described that have been the least assisted by this Congress over the years. The medical schools are suffering and are not able to provide us with a growing physician population to meet the needs of the growing population at large. And many medical schools are in critical financial condition. We have no hesitation in spending billions on military cost overruns and yet we hesitate to provide bare minimums for the health of our population.

Mr. Chairman, I believe in economy but not economy at the expense of

health. There are many areas in the Federal budget and in particular the military, space, farm, and highway budgets that could be trimmed to have many times the cost of this amendment and I therefore urge its adoption.

(By unanimous consent, Mr. KOCH yielded the remainder of his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, this amendment to increase expenditures for health care ought to pass.

Dr. Kenneth M. Endicott, Director of the Bureau of Health Professions Education and Manpower Training, put it convincingly when he testified before the subcommittee 3 months ago. Dr. Endicott said:

> For, as reported by the President and many national health organizations, there is indeed a health crisis. There is a massive shortage of physicians, dentists, nurses, and all types of allied health personnel. Unless very substantial investments to expand training capacity are made now, these serious shortages will persist into the late 1970's and 1980's.

There is no mistaking the extent of this health crisis, and no question about the substantial investments required to deal with it. We must apply our resources to the best of our authorized abilities. To do less would be foolish and shortsighted.

Yesterday a question was raised on the floor as to who is qualified to judge what ought to be spent on health care. That is a legitimate question, but it does not take a genius to see that our medical and dental schools are in serious trouble and that in their present condition simply cannot produce the quantity and quality of doctors and dentists the country demonstrably needs. I am disturbed because some people have discussed this in terms of being just an urban problem, but it is not. I come from a rural district and small community after small community in that district is without a single doctor and even the most populous county in my district has less than half the Nation's average in the number of doctors per hundred thousand population and that national average is terribly inadequate and it results, at least in part, in the shocking health statistics which define the status of our country's health.

In infant mortality this country stands 13th in the world. If we had the same rate of infant mortality as they have in Sweden, 50,000 fewer American babies would have died last year. American males have a shorter life expectancy than males in 17 other countries. Forty-five percent of the population suffers from some chronic disease and the poor have four times the incidence of those diseases as the rest of the Nation. By 1975 the number of visits to doctors in this country will increase by 25 percent. The number of doctors will increase only 9 percent, and yet the medical schools are dying.

The Association of American Medical Colleges reports that 61 out of 107 medical schools in the Nation have been awarded special projects grants on the basis of some condition of financial distress.

Without these emergency transfusions, some schools certainly would have gone under. And half of the 61 were in such critical financial condition that they were in danger of losing accreditation.

Two dental schools, one in Missouri and one in Louisiana, have closed their doors permanently, and six others are reported in danger of doing so. The total operating deficit of the Nation's 53 remaining dental schools is estimated at about $45 million.

Mr. Chairman, our medical schools are straining to increase their enrollments. They will be admitting 30 percent more students this fall than they did in 1963. And they are strained to the breaking point.

At present there are $600 million worth of approved but unfunded applications for the construction of medical and dental teaching facilities. Unless we make a substantial effort to reduce this backlog of expansion projects, we shall be unable to increase our output of health professionals.

And there is another fact to consider. Whether we are for it, or against it, we had better face the fact that some kind of national health insurance program will be facing us within the next 5 or 6 years. The Nation's health care system is inadequate to handle its present burden. Can you imagine how woefully inadequate it will be to meet the needs of that kind of a program even if we budget every dollar that is authorized? We need dramatic action and we need it now. Five years from now we will wish we had adopted these amendments and gone even beyond them.

There seems to be an assumption on the part of some that supporters of this amendment do not care about the Federal budget. The record shows, however, that many of us have tried continually to cut programs that can wait: The SST, the ABM, the space budget, and some parts of foreign aid. I do not apologize for the fact that this amendment asks for an additional $360 million. That is a small fraction of the cost overrun for the C–5A. The moon, superspeed travel, and certain aspects of the foreign aid program can wait, but heart disease, cancer and other diseases do not occur conveniently on a fiscal year basis. They happen every day. If the richest Nation in the world cannot afford to become the healthiest Nation in the world, I do not know who can.

Two weeks ago we overrode the veto of the Hill-Burton authorization bill. All we are asking is that you today put some meaning into that action by voting for the money to finance that override.

(By unanimous consent, Mr. OBEY yielded the remainder of his time to Mr. BOLAND.)

The CHAIRMAN. The Chair recognizes the gentlewoman from Illinois (Mrs. REID).

(By unanimous consent, Mr. GERALD R. FORD and Mr. MICHEL yielded their time to Mrs. REID of Illinois.)

Mrs. REID of Illinois. Mr. Chairman, I rise in opposition to the amendment which would increase appropriations by $360.4 million. As I have pointed out previously along with the other members of my subcommittee we gave all of the items included in the amendment very careful and considerate attention and in almost every instance we have increased the amounts over the President's budget request and provided more money than was available in the 1970 fiscal year. For all health programs, H.R. 18515 will provide a total of $208 million over the budget request and $313 million over the amount available in 1970.

After hearing the testimony and discussing the items in executive session, a majority of our committee felt that the funds we recommended for most of these programs—with the exception of the Hill-Burton program—were all that could be used effectively in this fiscal year. In the case of Hill-Burton hospital construction and modernization, testimony has shown that modernization needs alone could exceed $11 billion. Obviously, it is impossible to provide all of this in a direct-grant program. Therefore, the administration has recommended a new approach of financing by providing interest subsidies. In order to get into this program gradually, our committee added $122.2 million to the direct-grant program while providing $5 million for interest subsidies.

I believe that most of us will agree that all of these health programs have very worthy goals and it would be wonderful if we could proceed to build and modernize all the needed medical facilities and schools at once—as well as provide the needed scholarships and student aid. But, I would remind you once again that in deciding our priorities, significant and overriding points must be weighed. Providing health services is one of the Nation's largest domestic businesses and, even more so than other businesses, it has been hit hard by the effect of inflation. Thus, the importance of curbing inflation must be understood by anyone who sees the dollar spent on such services being continually eroded by inflated costs. We must, therefore, continue to do everything possible to win the battle against inflation and in doing so, we have a responsibility to appropriate funds in ways that will provide the most effective results. In my opinion, we should keep this in mind and, accordingly, vote against this amendment.

MOTION OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, a parliamentary inquiry.

Is it in order for me to move that the Committee do now rise?

The CHAIRMAN. It is a privileged motion.

Mr. YATES. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. YATES and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 8, noes 93.

So the motion was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I am sure that all the Members of the Committee of the Whole House on the State of the Union are happy that we are coming to the end of this debate on this particular amendment. We have had a rather full debate on the amendment over the past few days.

Mr. Chairman, I was struck by the arguments that were advanced here a moment ago by the distinguished gentleman from California (Mr. Moss) and by the distinguished gentleman from Connecticut (Mr. GIAIMO).

The gentleman from California (Mr. Moss) has served for some 14 years on the Committee on Interstate and Foreign Commerce. That committee is interested in this legislation and in this amendment because it has over the past years passed some of the finest health legislation in the history of the Congress. I look with pride on the other side of the aisle upon the distinguished gentleman from Illinois (Mr. SPRINGER) who has been one of those who has been a leader in some of the great landmark health legislation that has been passed out of this committee and passed by the Congress.

I repeat, I was struck by the arguments of the gentleman from Connecticut (Mr. GIAIMO). Simply stated, his arguments were that we ought to reorder our priorities, and that is what we are doing with this amendment, precisely what we are doing with this amendment. The gentleman indicated, I think with good reason, where money could be taken from other programs—other programs—not from those programs that deal with the health of the people of this Nation.

So, Mr. Chairman, as we come to the close of the debate on this amendment, let me quote from the RECORD of the 88th Congress, the second session, the words are those of our late, beloved, and remarkably able colleague, John E. Fogarty—a giant, as any Member who is serving here today knows, who served with him, can tell you—a giant in the field of Government participation in health.

He pointed out, with some degree of modesty, that he had been intimately involved in the development of the HEW programs over the years. He said, and I quote:

> Time and again, and more often than should have been necessary, I have seen the Congress stepping in—because Congress could not do otherwise—to assure the funds to seize present opportunities—as identified by our science leaders to meet the most urgent of these health needs. Largely because the Congress has had the foresight and good sense to take bold action, these health-related programs have flourished. Their effectiveness and high reputation throughout the world are unequaled in the science area.
>
> All of us—each day—count increasing benefits from these programs. I reiterate my conviction that what has been wrought in this postwar effort, in medical research, will emerge as the most significant federal action of our era.

Mr. Chairman, the action we take today is indeed bold action with which to meet the crisis in health that pervades this land. But this great body has taken this kind of action before. It can with reason and with conviction do so again today by voting for the amendment now before this committee.

Mr. MORSE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to my colleague, the gentleman from Massachusetts (Mr. MORSE).

Mr. MORSE. Mr. Chairman, I thank the gentleman for yielding. I wonder if the gentleman is aware that this administration has done a remarkable job already in the reallocation of our resources?

As an example, I will cite the fact that while the Department of Defense budget was 45 percent of the overall Government spending in the last year of the Johnson administration, that it is now 37 percent in this year in the Nixon budget.

Mr. BOLAND. In response to the gentleman from Massachusetts, I believe we can say that the fault lies not alone with the Nixon administration, but with past administrations. We are here today to make our own judgments of what ought to be done in this field. I say that this is the way to do it, and I would hope that the gentleman from Massachusetts would support our efforts in this area.

Mr. MORSE. Mr. Chairman, if the gentleman will yield further, I would also point out, because I am sure that my distinguished colleague from Massachusetts is aware of it, that the Government spending on human resources in the last year of the Johnson administration was 32 percent of the total budget, while it will be 41 percent of the Nixon budget in this Congress this year.

Mr. BOLAND. The contention of those who support this amendment is that we are not spending what we ought to be spending in the health area. There is a crisis in health, and this has been the cry not alone of our President, but the cry of the former Secretary Robert E. Finch, and the cry of the Assistant Secretary for Health and Scientific Affairs, Dr. Robert Egeberg.

There is a crisis in health, and this is the way to meet it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, just about 1 year ago on July 10, 1969, President Nixon walked into the Rose Garden and before the assembled press said this:

> I realized when the administration came in, in January, that we had a major problem with regard to health care, that the problem was primarily one of enough doctors, the quality of the doctors, enough hospital beds to take care of the massively increasing demands in this field.
>
> The report that I have received from Secretary Finch and Dr. Egeberg indicates that the problem is much greater than I had realized. We face a massive crisis in this area and unless action is taken, both administratively and legislatively, to meet that crisis within the next 2 to 3 years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout this country.
>
> I don't think I am overstating the case.

That is what the President said a year ago. "I don't think I am overstating the case." And then, amazingly, Mr. Chairman, he filed a budget that severely underfinanced the health care program, as for example, the Hill-Burton program which was reduced by more than two-thirds of what was appropriated last year. Recommending appropriations which are clearly insufficient is hardly mounting a massive attack on the massive crisis the President spoke about. It is somewhat like throwing a rope 30 feet long to a man who is drowning 50 feet away.

Mr. Chairman, in this year, 1970, medical care is still not available for the people of our country and the committee's increases in the bill were timid for the most part. Timid and less than meaningful. The Boland amendment will take the long step needed to stop the accelerating deterioration of our medical care system.

This country has the brains and the resources to provide the best medical care of any country in the world and we are not doing it. The gap between what we know and what we do is so great that thousands of people die needlessly every year. There is no greater priority than the health of our people and the budget must take that into consideration. The budget must not decide what the needs of the Nation are. The needs of the Nation must govern the budget, and if Federal dollars are to be limited in their allocation, certainly the care of the people of our Nation must come highest in our consideration. I believe there must be an aye vote on the Boland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. FLOOD) to close debate on the pending amendment.

Mr. FLOOD. Mr. Chairman, in these historic Halls many good men have gone down with the ship. I see here another case.

This bill, with the Boland amendment, would sink this House and would destroy many brave men.

Mr. DULSKI. Mr. Chairman, I rise in support of the health emergency amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The need for increased appropriations for health is a matter of clear record before both our legislative and appropriative committees.

The package amendment now pending would increase the health appropriation in this bill by $360,454,000.

It covers added institutional support of health schools, loans and traineeships for health profession students, construction of health education facilities, increased funding for the National Heart and Lung Institute.

Also, initial funding for special dental projects, increased funding for hospital construction grants, increased funding for staffing of community mental health centers, and a small increase in the funding for medical libraries.

AID FOR PROFESSIONS

Included in these collective requests are funds for the health professions. I

would call particular attention to the need for providing assistance in connection with the nursing staffs of Veterans' Administration hospitals.

I am a member of the Subcommittee on Hospitals of the Committee on Veterans' Affairs, which has been investigating the hospital staffing situation.

As a result of on-the-spot investigation by myself, as well as hearings before our subcommittee, it is clear that the ratio of nurses to patients in VA hospitals is dangerously low.

The evidence before our committee is that the employee ratio per patient in VA hospitals is running about 1.5 as contrasted with the ratio in civilian hospitals of at least 2.7.

VA BELOW CIVILIAN MINIMUM

During our subcommittee hearings, a witness from a VA hospital in California pointed out that the State minimum licensing criteria for civilian hospitals is a ratio of 2.5. On this basis, the witness said that if the VA hospital was not a Federal institution it would not be licensed to operate in that State.

It is essential that the Federal Government increase its share of assistance for students in the health provisions. This can be done through loans and traineeships. We also must have additional health education facilities.

Without the facilities and the assistance for students the prospect is that the shortage of doctors, nurses, dentists, and other health professionalists is going to increase to a point of peril to our Nation's health.

While I recognize the need for a control on Federal spending, I do not believe that we can justify the meager appropriations which we have been providing in the past for health manpower.

Mr. Chairman, I support vigorously the pending health emergency amendment and urge its adoption.

Mr. PREYER of North Carolina. Mr. Chairman, during my first term in office, I have served on the Interstate and Foreign Commerce Committee, which developed the authorization language for the Health Manpower Act of 1968.

The United States is faced with a critical shortage of health manpower. More than 50,000 additional physicians are needed now. In 1967, we needed 800,000 registered nurses—yet in 1969, the nursing manpower supply was only 700,000. The demand for health professionals is increasing faster than the supply, especially since we, the Congress, recently passed a hospital construction bill to provide more needed hospital beds.

To meet this need, a program of direct loans to students of the health professions was established by us in 1965. Grants are made to the schools of the health professions who then loan the money to the students most in need. Students of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, and veterinary medicine are eligible. A similar program exists for nursing students.

Despite the students' demonstrated need for and dependence on these loan funds, the administration is requesting only $9,610,000 for nursing students, with a markup to $15,610,000 by the full Appropriations Committee. This figure falls far below the amounts authorized by us under the Health Manpower Act of 1968—$21,000,000—and far below the fiscal year 1971 funds requested by schools of nursing—$27,900,929.

In my own State of North Carolina, the Duke University School of Nursing currently states:

> We receive 175–200 applications for undergraduate study of which we can presently enroll a maximum of 85. Of 303 students in the school, 102 receive financial assistance and the need for aid keeps increasing.

Mr. Chairman, with facts and figures before us, I fully support the Health Emergency Amendment of 1970, and I urge you to do the same.

Mr. COHELAN. Mr. Chairman, the wire services quoted the gentleman from Michigan (Mr. FORD) as citing Mr. YATES of Illinois and Mr. COHELAN of California as the two biggest "spenders" of the House Appropriations Committee.

It is now quite clear that this impulsive attack was an expression of disapproval of the attempts that are being made today to provide adequate health facilities and medical manpower, along with my past efforts in behalf of decent housing for the American people, quality education, and, in general, adequately funding those programs which are designed to improve the quality of life in our cities through those programs which are in desperate need of Federal support.

Such scatter-gun attacks by the administration on big spending will not hide the real issues. An examination of the budget for fiscal year 1971 will make clear that the administration's budget requests for our most important domestic programs were deficient—falling far below the minimal amount necessary for schools, health facilities and manpower, and urban housing.

It is also painfully clear that the administration has made no effort to submit revenue measures designed to alleviate these alleged imbalances and adequately fund our necessary domestic programs. No request for the extension of the surcharge came from the administration. This lack of meaningful revenue measures on the part of the administration was done with the complete knowledge of the budget formulation that the termination of the surtax would remove $10.8 billion from Federal revenues. Also it must be remembered that the President's own economic plan, inadequate though it may be, called for a "cooling off" of the economy. This meant that there would be a reduction in new construction, production, and employment. Thus by the President's own plan it was predictable that tax revenues would fall sharply from last year's figures.

The point is that the administration knew that it would be a budget with a deficit when they formulated it. The administration chose not to ask for the needed revenues which would have helped to offset these financial imbalances. The administration did choose to control—"slash" is a better word—the controllable programs to improve the quality of life in the United States.

I must also note that there has been no discussion by the administration of the two spending categories that have substantially increased the budget outlays over the past few years. The first is in the uncontrollable items such as social security, retirement, medicare, and public assistance.

The estimated increase in uncontrollables from 1970 to 1971 alone is $9.8 billion. I do not specifically object to these expenditures, but merely point out their magnitude in order to gain some perspective on the spending question.

The second category is defense spending. Here we see substantial increases. For example, authorizations for strategic nuclear forces from 1968 to 1971 grew from $16.6 billion to $18 billion. Authorizations for general purpose forces, not including Vietnam, costs grew from $37.5 billion in 1968 to $43.3 billion in 1971. This is a total increase of $7.2 billion, and may I add that it was the Congress that led the way last year in cutting the Department of Defense budget.

Let us look to the comparative figures. On one side we have a growth of $7.2 billion in military spending; yet not one word of caution comes from the White House. Quite the opposite. The administration continually presses forward with programs of dubious value. The ABM is but one example.

On the other side, Congress has been treated to a continual barrage of criticism from the administration for increases over budget requests. But these so-called tremendous increases total a mere $1.884 billion. I want to emphasize that the total increase in educational appropriations and the total suggested increases in health and housing totals less than $2 billion.

I do not want to leave the impression that we have adequately funded these domestic programs. This $1.884 billion increase is only a drop in the bucket compared to the needs in these crucial areas of education, health, and housing. But the real problem is inadequate revenue schemes.

It is instructive to note the magnitude of the total budgetary picture when discussing the questioned congressional action. The budget as submitted foresaw expenditures of $202.2 billion, including cost estimates for a 10-percent social security increase and a $5.2 billion decrease in defense expenditures. On the other side, with the surtax for example, we would have expected revenues of $210.8 billion—leaving a surplus of $8.6 billion.

Why then do we have a deficit? The administration attempts to blame expected deficits on additional expenditures which we see are minimal in relation to the total budgetary picture—$2 billion in a $202.2 billion budget. The answer is clear. The President has refused to suggest or continue adequate revenue producing measures which would have allowed for the increased domestic expenses.

The administration continues to blame the Congress for its own dereliction in the revenue area. Had the surtax been continued the $1.5 billion extra in expenditures resulting from a necessary 15 percent rather than 10 percent increase in social security, as well as the $1.884 billion in additional domestic ex-

penses, could easily have been absorbed in the surplus budget.

Looking at this table, each of us can ask what were the new revenue measures suggested by the administration.

[In billions of dollars]

User transportation charges	0.7
Excise rate extension	.6
Increase in social security	.2
Retirement fund (for new increases)	.1
Total	1.6

Thus, faced with predictable revenue shortfalls—shortfalls built into the Nixon economic plans—the administration did almost nothing to raise new revenues. It became painfully apparent as the revenues from personal income taxes would become offset by increases in unemployment insurance, as corporate taxes fall short of projections because of accelerating recession. It is obvious even to the most casual observer that the highly touted $1.3 billion surplus was just an effort in wish fulfillment and public relations.

According to my information, the Ways and Means Committee has not received official administration proposals for excise tax speedups or an official administration bill for a tax on leaded gasoline. By administration figures, these proposals would add $3 billion to revenues.

The full picture is clearly seen in the following chart:

THE 1971 BUDGET PROBLEM AND HOW IT WAS HANDLED

THE POTENTIAL SURPLUS

Revenues, if calculated for fiscal 1971 at 1969 tax rates (that is, not allowing for the expiration of the tax surcharge), would have been $210.8 billion.

Expenditures, if calculated for fiscal 1971 only on the basis of a 10 percent social security benefit increase, a $5.2 billion military spending cut, and largely uncontrollable increases in civilian spending (including a federal pay raise on July 1, 1970), would have been $202.2 billion.

Hence there would have been a potential *surplus* for program expansion, for tax cuts, or for fiscal policy purposes of $8.6 billion.

HOW THE POTENTIAL SURPLUS BECAME A POTENTIAL DEFICIT

The expiration of the income tax surcharge will result in an estimated revenue loss of $10.8 billion.

The extra 5 percent increase in social security benefits will cost an estimated $1.5 billion.

The total loss of available funds from both these effects will thus be $12.3 billion.

A loss of $12.3 billion in available funds would transform the $8.6 billion potential *surplus* into a potential *deficit* of $3.7 billion.

THE BASIC PROBLEM FORMULATED

Even after a $5.2 billion cut in military spending and without any allowance for program expansion, the budget was threatened with a $3.7 billion deficit. Hence the basic problem became that of turning the deficit into a modest surplus and finding budgetary room for some program expansion to meet urgent needs.

HOW THE ADMINISTRATION HANDLED THE PROBLEM

Six ways were found to reduce expenditures by a total of $7.5 billion.

They were: program reductions, $1.1 billion; postponement of the federal pay raise for six months, $1.2 billion; a reduction in the postal deficit, $0.9 billion; an additional net sale of government mortgages and loans, $2.7 billion; sale of stockpile assets and the Alaska Railroad, $0.8 billion; and transfer of cash royalties from the continental shelf oil escrow account to the Treasury, $0.8 billion.

Three ways were found to increase revenues by a total of $2.1 billion. They were: accelerated tax collections, $1.2 billion; an increase in the social security tax wage base, $0.2 billion; and new user charges, $0.7 billion.

The net effect was to increase available funds by a total of $9.6 billion.

The $9.6 billion increase was used in two ways:

The $3.7 billion potential deficit was converted into a $1.3 billion surplus; this required $5.0 billion.

Existing programs were expanded and new programs were proposed; this required $4.6 billion.

Earlier in this statement and in my remarks made on the floor of the House July 21, I discussed the uncontrollables in the budget. Medicare payments, as one example, increased from the estimated $200 million to $2 billion yearly. This escalatory trend in uncontrollables is not clearly understood by the administration or by the Congress for that matter. One method used by the administration to balance the rise in uncontrollables was an attempted decrease in controllable items. This is an obvious albeit deadly solution for it results in what I call "paralleling" the spending. As budgetary social welfare uncontrollables rose, the administration attempted to cut social welfare controllables. Obviously Congress will not stand for this approach to spending. The domestic programs are acutely underfunded now, and it makes no sense to cut them further because the domestic uncontrollables have expanded beyond expectation. This expansion should be viewed as an indication of the need for more funds and more rational planning, It should not be viewed as an excuse to penalize those whose need is well evidenced.

The administration appears to view the budget as a series of compartments, for example, education, health, military spending, and so forth. Reallocations are made within compartments on a "robbing Peter to pay Paul" basis. This approach is neither fair nor logical. In the short term we must look at the full budget to determine where cuts and additions can be made.

Granted this is difficult as appropriations are considered in the same compartmentalized basis, department by department, agency by agency. They are then voted on a piecemeal basis as they come out of committee. This tends to make for interdepartmental juggling rather than providing a view of the entire structure.

In his budget message, the President did make reference to a macroeconomic approach. He said:

The President's ability to control budget decisions is limited by long-range impact of past decisions as to the nature and dimensions of resource allocation. Budget control can be improved by projecting available resources and potential claims on them. Such projections require assumptions about the future course of economic, legislative, international, and other events and are necessarily rough and arbitrary. Nevertheless, they should be undertaken to present a tentative indication of our future fiscal environment.

This is sound. It expresses general problems in this area.

The President must follow his own dictum, however, for the Congress is and should be willing to gut the essential programs to cut deficits resulting from inattention to new revenue sources and poor administration planning.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) to increase appropriations for health programs under H.R. 18515.

This amendment would provide an additional $104.8 million for institutional support of our medical schools, $100 million for medical training facilities construction, $80 million for Hill-Burton medical facilities construction, $20 million for community mental health staffing, $18.4 million for student loans, $15.7 million for traineeships, and $15 million for the National Heart and Lung Institute, among other things.

It greatly disturbs me when I see public officials from the Chief Executive on down opposing increased funding for the many projects aimed at improving the faltering health services delivery system in this country and increasing research in various health fields.

I am fully aware of the need to control excessive Government spending which feeds inflation, but the Budget Director's slashes should never be permitted to jeopardize the health and well-being of the people of our Nation.

Daily, the testimony concerning the tremendous need for health services among migrant workers pours in. The Hill-Burton program would help build medical facilities in many rural areas to meet the needs of these poor Americans. But the present administration and its supporters in this body would deny the necessary funds for such construction.

And over and over the statisticians point to heart disease and cancer as among the leading causes of death for Americans. Increased funding for the National Heart and Lung Institute would mean that a real cure to these terrible diseases might come about sooner. But the present administration and its supporters in this body would rather buy an SST than the answer to two of our most serious health problems.

And urgent reports are reaching this body of the imminent possibility of many of our leading medical schools closing due to lack of sufficient funds to maintain their operations. This amendment would provide those greatly needed funds and thus protect these important institutions from ruin. But the present administration and its supporters in this body would rather invest in palaces for dictators with misguided foreign aid funds than in the future of our greatly needed medical doctors and nurses.

And all too frequently we hear of growing drug abuse, youth frustration and increasing mental health problems. More mental health centers are needed to meet the growing demands in this area. This amendment would provide the funds necessary to insure adequate staffing to at least keep existing centers open. But this administration and its supporters in this body would rather supply unwanted

and unneeded jets to Taiwan than aid the many suffering mental patients in this country.

What economy is it, I ask, if the patient dies while the doctors quibble over who will pay the bill? Can we afford to count pennies when the health of so many of our citizens, young and old, rich and poor alike is the risk of the ante? What dollar value can one place on the life of a heart attack victim that is lost because researchers lacked the money to cure his disease? Or what is the value of a child's life, lost because no doctors or medical facilities were available to her due to the parsimony of a few politicians?

Mr. Chairman, this measure is properly entitled the emergency health amendment. Our medical schools, hospitals, and medical research institutes are in a crisis. Many Americans can hardly afford to pay for medical services because of the ever-increasing costs. And many more cannot even obtain such services due to a lack of facilities in their area.

I sincerely hope that a majority of my colleagues here today will see the wisdom in providing for at least adequate funding for these programs so vitally necessary to the health of every citizen. I strongly urge the adoption of this amendment and prompt final passage of H.R. 18515.

Mr. STRATTON. Mr. Chairman, I am strongly in support of the emergency health amendment, offered by Mr. BOLAND, to add $360 million to help meet our Nation's grave health crisis.

I flew to Albany, N.Y., this morning to carry out a longstanding commitment to address the Albany Rotary Club on current issues in the Congress. I had planned to return to Washington immediately after that meeting on the 2:10 p.m. plane, so as to be able to vote on the Boland amendment, so urgently needed in the capital district area of New York State.

Unfortunately, due to an emergency collapse of one runway in the Albany county airport, the flight I had been scheduled to take was canceled. I was diverted to a later flight, which arrived, unfortunately, after the crucial teller vote had been cast. As it turned out, of course, my vote would not have been enough to turn the tide, but I am sorry not to have been able to arrive in time to cast that vote, because added funds in the HEW appropriations bill could have meant a great deal in Albany.

We hear the phrase "crisis in health" more and more often today. This is not an empty shibboleth, but rather the naked truth—a harsh reality that affects every American family. Our health care institutions, including medical schools, hospitals, and public clinics, are in a state of financial starvation, and the fiscal 1971 appropriation for the Department of Health, Education, and Welfare does not meet the needs of these institutions. The President has expressed his deep concern for the plight of the health field, but the HEW budget request for fiscal 1971 falls far short of meeting our health care needs. And it is probably true that even if we fund our health care programs to the level of maximum authorization that our health programs will still not be adequate.

Mr. Chairman, I am particularly interested in the health manpower and institutional support sections of the emergency health amendment. There is little doubt that the principal cause of our health crisis is the severe shortage in trained health manpower. The needs in this area grow nearly every day and full funding of the health manpower program is absolutely necessary.

When our country needs 48,000 more doctors, 17,800 more dentists, 150,000 more nurses, and 266,000 more allied health personnel then it is fair to call the present health situation in America severe and unnecessary. It is the responsibility of the Congress to reverse this trend and fund these programs of institutional support to the full amounts authorized.

I understand too that the student loan programs administered under the manpower training programs are in serious difficulty. In 1968, 37 percent of our health professional students received financial aid, but projected figures show that only 14 percent will receive such aid during 1971 under the administration's proposed budget. I believe that all my distinguished colleagues are well aware of the tremendous expense of a medical, dental, or nursing education and the resulting need of financial aid for these students.

Institutional support for medical and nursing schools also falls far below the needs of these schools. In my own area, for example, cuts in Federal aid have severely reduced the effectiveness of several valuable programs and services performed by the Albany Medical College and Albany Medical Center. The importance of these losses to the residents of upstate New York cannot be overemphasized. The situation is exemplified by the decision to eliminate the Clinical Research Center at the College. Fifty percent of the work performed at this research center deals with cancer patients and now, because of a lack of funds, the research center will be phased out of operation. This Boland amendment could rescue the Albany clinical center.

America, then, is faced with a health crisis of major proportions, a crisis that is embarrassing to the United States and uncalled for in light of our great wealth. The time has come now for the Congress to reverse this alarming situation and allocate the funds necessary to start to get our Nation's medical system back on its feet. It is inevitable that some people will get sick, but it is inexcusable and shameful that proper health care cannot be provided to all Americans. No person should have to linger in misery if we have the resources to avoid or at least ease this terrible burden. To do less would be a disgrace. Therefore I trust we can still increase this bill by the amounts contained in the Boland amendment.

Mr. ASHLEY. Mr. Chairman, I support the conference report on Labor-HEW appropriations and the Boland amendment.

The plight of the Nation's medical and allied health professions schools is desperate and deteriorating and the need for more health manpower in my district in Lucas County, Ohio—as well as across the country—in reaching critical proportions. Clearly we cannot leave the sick man to care for himself because we have failed to adequately appropriate funds for health manpower.

In 1968 the Congress called for the critically needed massive increases in health manpower of all kinds and passed a series of laws authorizing funds to assist the schools in meeting the new goals. If national priorities are to be maintained in response to the real needs of our changing society, then clearly Congress must deliver on its promise and fulfill its commitment to making sure that there is enough manpower for every American in need of health care.

In doing this we do not mean to ignore the importance of fiscal responsibility and the need to check inflationary pressures and to achieve price stability. But we must be responsive to this most pressing national need and defer expenditures in other sectors of the economy in which activity can be postponed or eliminated. I would suggest, in the alternative, that the President apply the surgeon's knife to paring such questionable ventures as the ABM, MIRV, NASA, the C–5A transport, the SST and high Southeast Asian expenditures.

The administration's proposed health manpower budget for this year tragically underfunds the programs Congress established. This has subjected health professional training institutions to virtually unbearable pressures. For the most part these institutions have not been able to increase the number of their graduates as rapidly as they need to, and, more threateningly, a number of these institutions may, because of financial distress, no longer be able to continue operating.

Student tuition and fees have already been increased beyond the means of many students, and this has overstrained available health profession student loan and scholarship funds. For fiscal 1971, for example, the health professions schools have requested loan funds of $61 million, while the administration's budget proposal is $21.6 million. The amount authorized by Congress is $56 million. In the meantime, the percent of students assisted in the health professions other than nursing, for example, will have declined from 36 percent in 1968 and 1969 to only 13 percent in 1971 under the proposed budget.

The health manpower programs are essential to our achievement of better health for generations to come. Our investment in them reaps tremendous rewards for the American people and will be repaid untold times in the years ahead. Mr. Chairman, Congress must meet its obligation to the priorities it has already so correctly established, by fully funding the authorizations for health manpower programs.

Mr. RANDALL. Mr. Chairman, I will support the emergency health amendment offered by the gentleman from Massachusetts (Mr. BOLAND) to H.R. 18515, being the appropriations bill for the Department of Health, Education, and Welfare for fiscal year 1971.

Of course, we have heard from the critics of this amendment that it is misnamed and there is no real emergency. That is very easy to say. The true

facts are that there is a very real existing crisis in health care. The word emergency is not just an empty phrase, but a reality. This appropriation bill, H.R. 18515 falls far short of the actual need. As a matter of fact we will be short of the actual need if we funded the maximum authorization which was provided for under the authorization bill.

Now, Mr. Chairman, in this amendment we are really considering two major programs. One is the health manpower program, which, in general, means the training of doctors, dentists, nurses, and allied health personnel. Second is the Hill-Burton program which, as everyone in America should know, provides grants for medical facilities. In recent years Hill-Burton has been a combined modernization and construction program.

Those of us who consider the support of this amendment are mindful of the suggestion by the present administration that the result of the amendment will be inflationary. The valid answer to these critics is that one of the worst inflationary pressures in our entire economy comes from the low supply of health care manpower and hospital facilities. It is the medical costs spiral which has been skyrocketing worst of all. The money in this amendment, while contended to be inflationary, will in fact supply sorely needed trained health manpower and provide for the modernization and construction of new care facilities and thus tend to be a contribution to controlling inflation by reducing the medical cost increases which are certainly at present the most inflationary of anything in our entire economy.

Mr. Chairman, if statistics mean anything we are told we need 40,000 more doctors, 17,800 more dentists, 150,000 more nurses, and 266,000 more allied health personnel. A rather reliable source of statistics is the Public Health Service which points out that unless we make up this gap now, the needs in 10 years by 1980 will be doubled and the shortage will be twice the figures just enumerated. Up to now, we have made no real effort toward increasing our supply of doctors unless it would happen to be the relaxation of immigration quotas to bring in a few foreign doctors. Our medical schools are in financial difficulties. In my own State of Missouri a dental school at St. Louis has closed its doors.

In the field of health manpower training the student loan program is woefully short. Two or 3 years ago over 35 percent of health professional students could receive financial aid. For fiscal year 1971 under the administration budget only 14 percent could receive aid. Under the committee appropriations only about 24 percent could receive aid.

I suppose all of us to some degree, more or less, are provincial and parochial. In Kansas City, Mo., a portion of which it is my privilege to represent, there is an area we call Hospital Hill. We have two present and pressing problems on the hill. The long-cherished dream of having a teaching hospital in Kansas City was recently realized when the University of Missouri medical school was established at Kansas City. Our hard-pressed State of Missouri managed to scrape together over $4 million in State money to be contributed toward the building of this medical school. That institution presently has an application to health manpower for $9 million. Unless the emergency health amendment is adopted this money may not be available.

Also on this same Hospital Hill in Kansas City there is proposed to be built a teaching hospital in addition to the medical school. The good people of Jackson County have voted county bonds; $13 million of this money has been set aside for construction of this hospital. An additional $10 million in Federal funds is sorely needed now. An application is pending for that amount of money from Federal Health Manpower. These figures taken alone may not in themselves be alarming, but the frightening thing is that the present schedule calls for the medical school to accept its first class in September of 1971. It is anticipated that without some construction either this year or next this class will have to use facilities scattered in several area hospitals all over the city.

It was my privilege to talk to a leader in the health area in Kansas City, Homer Wadsworth, who characterized the importance of this emergency health amendment to the Kansas City area in these words:

> This is as important a thing as going on out here anywhere. The new medical school and hospital will give us a chance to build a network of facilities to serve the medical needs of the entire western half of Missouri. At the same time we can build a great institution to train and increase the supply of sorely needed doctors and nurses, not only for our area but the entire Middlewest.

Awhile back we all went through the exercise of first passing the Hill-Burton authorization bill and then repassing it over the Presidential veto. Two-thirds of the Members of this House supported the effort to override the veto. In effect, those who so voted said they were in favor of $317 million for construction grants in fiscal year 1971. The committee bill before us today contains only $172 million for Hill-Burton construction. Even the health emergency amendment offered by Mr. BOLAND, which added $80 million, produced a total of $252 million or $65 million short of what two-thirds of the Members of the Congress said they wanted when they overrode the Presidential veto.

The question can appropriately be asked, Were those voting to pass the authorization bill over the Presidential veto engaged in an exercise in futility? They were unless appropriations are provided pursuant to that authorization.

Inflation caused by Federal expenditures seems to be the central argument concerning this amendment. For my part, I am ready to meet that argument head on with this thought: The cost of hospital care continues to skyrocket. There are millions of middle-class, middle-income people who are faced with not simply a rise in cost of living but the way it is now when they get sick not only do they have a particular disease to try to cure but they are also faced with the specter of another dreaded disease to plague them and that is of financial disaster to the point of bankruptcy because they cannot pay for their hospital care.

Repeating, adequate funding of this kind is spending in the investment of the health of America. Once again, expenditures of this kind may be said to be inflationary but certainly if they can contribute toward holding down skyrocketing costs of hospital care, they deserve our support.

Mr. OTTINGER. Mr. Chairman, I rise to urge my colleagues to vote in favor of the emergency health amendment to the 1971 Labor-HEW appropriation.

I am proud to be a sponsor of the amendment, which is supported by the Association of American Medical Colleges, the American Public Health Association, the American Nurse's Association, the American Dental Association, the Ad Hoc Committee on the Nation's Health Crisis, the Urban Coalition, the Center for Community Affairs, the AFL–CIO, the UAW, and concerned health professionals and private citizens throughout the country.

The emergency health amendment would increase the funds in this bill by $360.5 million, providing absolutely essential support for medical manpower institutional support and student loans, health education facilities construction, Hill-Burton grants, community mental health centers, the National Heart and Lung Institute, pilot dental care projects for needy children, and grants to medical school libraries. Rather than inflate the Federal budget for fiscal 1971, this amendment will serve only to bring the budget request up to 1970 funding levels.

Mr. Chairman, we cannot afford to diminish in any way the Federal commitment to such vital health programs. As our population grows, the need for facilities, health services, and medical manpower has reached crisis proportions. Millions of Americans are doing without essential health care, and it is incumbent upon us to upgrade and expand Government activity before the delivery of health services falls behind the demand irretrievably. It is unconscionable for the administration to forward to the Congress such a minimal budget request, and while the Appropriations committee has moved in the right direction by adding $134.1 million for HEW health and welfare programs, this increase is far short of the goal we should set for ourselves. Even with passage of the emergency health amendment we will still be $65.3 million below the authorization for Hill-Burton construction grants, but it is unthinkable for us to maintain this program at the low levels of the 1970 appropriation.

This is no time to be standing still, Mr. Chairman. The need is acute, and the American people are demanding—and deserve—an acounting. For the sake of all those who are suffering from our shamefully inadequate health services today, and for those generations to come. we have a deep moral obligation to move forward and provide health services for our citizens concomitant with our position of world leadership in other areas. We cannot postpone this important de-

cision, and I urge an overwhelming vote in favor of the Emergency Health Amendment today as evidence of our concern for the quality of life for all Americans.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. FLOOD.

The Committee divided, and the tellers reported that there were—ayes 103, noes 151.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For carrying out, except as otherwise provided, titles I, IV, VII, X, XI, XIV, XVI and XIX of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $8,651,950,000, of which $46,000,000 shall be for child welfare services under Part B of title IV, and $3,000,000 shall be for grants under section 707 of the Social Security Act: *Provided*, That such amounts as may be necessary for locating parents, as authorized in section 410 of the Social Security Act, may be transferred to the Secretary of the Treasury.

AMENDMENT OFFERED BY MR. BURKE OF MASSACHUSETTS

Mr. BURKE of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURKE of Massachusetts: page 22, lines 24 and 25, after "(24 U.S.C. ch. 9)", strike out "$8,651,950,000, of which $46,000,000" and insert "$8,715,950,000, of which $110,000,000",

Mr. BURKE of Massachusetts. Mr. Chairman, I approach this microphone with some misapprehension in view of what has just taken place. However, this is a subject matter in which I have great interest. This amendment should be known as the John Fogarty amendment, because several years ago John Fogarty, who was chairman of this subcommittee, expressed his deep interest in the subject matter, because of the failure of the Federal Government to take its moral part in contributing toward this program in an adequate way.

In fact, the day before John Fogarty passed away, I had a conversation with him out here in the section of the House known as the Cherokee Strip. He said, "Jim, you get the authorization, and I will get the funds when it gets to the Appropriations Committee."

After a great fight in the House Ways and Means Committee, I was able to prevail and have the authorization raised from $44 million up to $110 million annually.

The interesting part is that this appropriation deals with the children under child welfare. These children are the most underprivileged children in America. They are the children without parents and without relatives to take care of them. They are in the hands of the State governments and private agencies on whom they depend for their care.

Despite the fact that the Federal Government contributes from 75 to 83 percent for children under the AFDC program—mind you, those children have at least a mother or some relative to take care of them—these children, who have no political voice, no political muscle, who are wards of the State with no voice whatsoever, the voiceless children of America, have been unable to bring about any increase in this appropriation.

This is a reasonable appropriation. I realize that we are faced with many problems. Under the Johnson administration they promised me they would seek additional funds for this item. Under the Nixon administration they promised me they would seek additional appropriations.

This appropriation of $46 million has remained static not only for the present fiscal year but also for the past 2 fiscal years.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from California.

Mr. BURTON of California. I should like to commend the gentleman in the well, our distinguished colleague, the gentleman from Massachusetts (Mr. BURKE), for his leadership in this area and for his very important effort today to see that these children, children without parents, are given some opportunity to find their way to productive and useful and loving lives.

The proposed increase is very modest, but it is a vital one if we are to give real meaning to the lives of these children who face perhaps a lifetime of sorrow.

I sincerely hope that our colleagues will join the distinguished gentleman from Massachusetts and adopt this amendment to the pending legislation.

Mr. BURKE of Massachusetts. I thank the gentleman.

I should like to point out that as of March 1968 an estimated 644,900 children received services through State and local public child welfare agencies as compared to 607,000 in March of 1967. The total amount of children coming under this program is increasing at the rate of 6 or 7 or 8 percent a year, yet this dollar amount has remained static for 3 years.

I realize that the chairman of the subcommittee, who is in charge of this appropriation bill, has the most difficult job in the U.S. Congress. I realize that he is a man of great heart and great compassion. But I recognize that there has been a failure some place along the line. I do not assess this to him, because of his many duties and the many hours he has to spend with this gigantic appropriation bill, dealing with over $18 billion.

I am using this means here to try to bring to the gentleman's attention and to the attention of the members of his subcommittee a problem which lies within this area. These are children of child welfare, with no parents, and the Federal Government contributes an average of only 6 percent for their upkeep, while for other children it contributes from 75 to 83 percent. It is unconscionable that this great Government of ours does not do more for them.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. BURKE of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to my friend from Pennsylvania, the chairman of the subcommittee.

Mr. FLOOD. Mr. Chairman, I was about to rise—I did rise, as a matter of fact—to oppose the amendment. I suggest that my friend from Massachusetts withdraw his amendment, and then perhaps he could ask me certain questions in regard to the bill.

Mr. BURKE of Massachusetts. I will ask the chairman a question.

Mr. FLOOD. The gentleman will withdraw the amendment?

Mr. BURKE of Massachusetts. If I withdraw the amendment——

Mr. FLOOD. If and when you do?

Mr. BURKE of Massachusetts. I want to apply a little contingency here.

Mr. FLOOD. Why not?

Mr. BURKE of Massachusetts. I realize the hour is getting late.

If I could have the assurance of the gentleman from Pennsylvania that he will press the administration and the Department of Health, Education, and Welfare in this particular problem, if he can convince them, and if we can get the backing of the administration on increased appropriations here, whereby we can bring up the level of care for child welfare—if he can give me that assurance, that before the supplemental budget is passed there will be some action taken by his committee to have a little dialog with the agency involved, to see if we cannot get some funds into this particular item. I would make a move to withdraw the amendment.

May I have that real firm assurance on his part?

Mr. FLOOD. You have that assurance.

Mr. BURKE of Masachusetts. Now, if I can get the assurance of some of your colleagues on the committee, that would help.

Mr. Chairman, I will comply. I am a realist. I know that if we had won the amendment here today, there would be nothing in there to compel the administration to spend the money, and I would rather have the backing of the administration and the committee in its entirety so that when funds are appropriated they will be expended.

Mr. FLOOD. For the purposes of this debate you have the assurance of the committee.

Mr. BURKE of Massachusetts. Thank you.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. O'NEILL of Massachusetts. Mr. Chairman, reserving the right to object, I would like to know if that colloquy we just heard is negotiation, arbitration, or are we writing it officially into the record?

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to answer my good friend and colleague from Massachusetts, because he was a former speaker of the Massachusetts House. He and I understand legislation, and we understand how it can be brought about.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts (Mr. BURKE)?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, $2,046,200,000, plus reimbursements: *Provided*, That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964, and for purchase of real property for training centers: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1971.

Mr. JONAS. Mr. Chairman, I offer an amendment.

POINT OF ORDER

Mr. PERKINS. Mr. Chairman, I was seeking recognition in order to make a point of order prior to the time the gentleman from North Carolina offered his amendment.

The CHAIRMAN. The Chair will entertain the point of order, but the Chair is following the custom of recognizing members on the committee. However, it is in order to make a point of order. The gentleman will state his point of order.

Mr. PERKINS. Mr. Chairman, I make a point of order against the language beginning on page 38, line 25, and on page 39 through line 3. The language reads:

Provided further, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1971.

Mr. Chairman, this is legislation in an appropriation bill and sets aside all the earmarking that we provided for in the Economic Opportunity Authorization Act.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and the Chair therefore sustains the point of order.

POINT OF ORDER

Mr. HALL. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Mr. Chairman, I make a further point of order under this title and under the heading "Office of Economic Opportunity," on page 38, lines 1 through 25, including the colon after the word "grant", predicated upon the fact that this is further legislation in an appropriation bill and that it involves specifically, Mr. Chairman, the phrase on line 14 "and for purchase of real property for training centers:" and other legislation language which is foreign to an appropriation bill.

Mr. Chairman, I will say further that the point of order is not waived by House Resolution 1151 which, of course, was changed by unanimous consent on the House floor to include all points of order against appropriations carried in the bill which are not yet authorized by law are hereby waived.

Mr. Chairman, this is in specific violation of section 602 of the Economic Opportunity Act of 1964, which is contained in the bill, page 38, line 13, which act, according to 42 United States Code, referring specifically to section 602, section 2914 in no place allows for acquisition of land, although it does provide for construction repairs and capital improvements.

For all of these considerations, it is my firm belief that the remainder of this section of the bill under consideration should be stricken, and that the point of order should stand.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. FLOOD. Yes, Mr. Chairman.

Mr. Chairman, as usual I am confused. We have just conceded to the point of order of the gentleman from Kentucky (Mr. PERKINS). I have before me page 38 of the bill. I am looking at line 11 down to line 15. That we have conceded. I have not the faintest idea beyond that of what is in doubt. This must be what my friend, the gentleman from Missouri, has in mind. I am sure it is, and we have conceded to the point of order raised by the gentleman from Kentucky (Mr. PERKINS).

We have no quarrel. But to this specific point, for that reason, of course, I answer, and I repeat for the purpose of clarity that we have conceded precisely the thing which my friend, the gentleman from Missouri (Mr. HALL) has in mind.

I direct the attention of the gentleman to line 11, beginning there, down to the end of the word "centers," and the colon, on line 15.

The gentleman could not possibly have anything else in mind in the point of order, because it could not be.

The CHAIRMAN. As the Chair understands it, the gentleman from Missouri (Mr. HALL), has made his point of order against all language from and including lines 1 to 25 on page 38. Unless the chairman of the committee can cite authorization language, particularly for the language "and for the purchase of real property for training centers" which the gentleman from Missouri has specified, the Chair is ready to rule.

Mr. PERKINS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Kentucky will be heard.

Mr. PERKINS. Mr. Chairman, if I understand the point of order raised by the gentleman from Missouri, the gentleman moved to strike the language on page 38 from what line through what line?

Mr. HALL. The Chair has just repeated it. Line 1, including the title and the heading, down through the colon following the word "grant."

Mr. PERKINS. Mr. Chairman, if I may be heard further, lines 1 through 5 including the amount authorized and appropriated, $2,046,200,000, follows the language in the authorization bill. We do have some new language commencing on lines 14 through 15 that is not in the authorization bill presently, but this is the language that has been carried on previous appropriation bills. The language that I specifically refer to that is not in the authorization bill is on line 14 after "1964," commencing with "and for purchase of real property for training centers."

Now, this language is not in the authorization bill.

The language commencing on line 18 and the rest of the paragraph down to line 21 is language on an appropriation bill, in my judgment, because there is nothing in the authorization bill. But we certainly do not want the amount that is appropriated for the economic opportunity act stricken from this bill. It is in strict compliance with the authorization amendment.

The CHAIRMAN. The Chair is ready to rule.

There are ample precedents for ruling a complete paragraph out of order, if any part of that paragraph is out of order. The gentleman from Kentucky has conceded that part of it is not in order, and therefore the Chair sustains the point of order made by the gentleman from Missouri (Mr. HALL).

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: on page 38, line 1, insert the following:

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, $2,046,200,000, plus reimbursements: *Provided*, That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than

twenty-four months: *Provided further,* That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further,* That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

Mr. MICHEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Mr. PERKINS. Well, let us see what you have in there first.

Mr. MICHEL. If the gentleman will withhold for a moment, I can explain it very simply.

All that I have done in my amendment is to strike out the words beginning on page 38, line 14, "and for purchase of real property for training centers:" and left the balance of the page precisely as it is, except down on line 25, after the word "grant" there will be a period, and the last part of that sentence will be stricken.

Mr. PERKINS. I thank the gentleman for his explanation. His amendment is acceptable to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois (Mr. MICHEL) to dispense with the further reading of the amendment?

There was no objection.

Mr. HALL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HALL. Mr. Chairman, the point of order against the amendment is that all of the language to which the amendment addresses itself on page 38 of the bill, H.R. 18515, has been stricken.

Mr. Chairman, there is no way that we can amend something that is not before the House.

The CHAIRMAN. The gentleman from Illinois (Mr. MICHEL) has offered a separate amendment to insert a new paragraph, and the amendment is in order.

The gentleman from Illinois (Mr. MICHEL) is recognized for 5 minutes in support of his amendment.

Mr. MICHEL. Mr. Chairman, as I understood the colloquy of the gentleman from Missouri when he was making his point of order, he had specific reference to lines 14 and 15, which I deleted in my amendment.

Now over and above that, the last sentence on line 25, page 38, "*Provided further,* That those provisions," inasmuch as that was the language which he cited as being subject to a point of order, I of course offered the amendment deleting that objectionable phrase and I submit that the balance of the page is what has traditionally been carried in the OEO appropriation bill.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

The CHAIRMAN. The Chair will state that it is too late to make a point of order, but the Chair will hear the gentleman.

Mr. HALL. I believe the Chair cannot avoid it, inasmuch as the gentleman has the time and he has yielded to me. I appreciate the Chair's statement. I, too, know that it is too late to make an additional point of order. I simply want to raise a point, and I appreciate the gentleman yielding because I know the last thing he intends to do is to put words in my mouth.

Actually the Chair would confirm the fact that I cited the phrase "and for purchase of real property for training centers" as an example only of unauthorized legislation in this body. If one would want to take the further proviso beginning on line 18, neither is this authorized legislation. Neither is there any other authorized legislation in this area. For this reason it was all stricken. For this reason the gentleman's amendment should be voted down.

The CHAIRMAN. Does any Member wish to be heard in opposition to the amendment? If not, the Chair will put the question.

The question is on the amendment offered by the gentleman from Illinois (Mr. MICHEL).

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 99, noes 31.

So the amendment was agreed to.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. MAHON. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will report the amendment.

PARLIAMENTARY INQUIRY

Mr. JONAS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONAS. May I respectfully remind the Chair that I was recognized, and that the Chair allowed a point of order to intervene only, and I had been recognized. The Chair ruled that since a point of order had been made, the Chair would dispose of the point of order first.

The CHAIRMAN. The Chair respectfully states that the point of order did intervene following the gentleman's recognition. The Chair intends to recognize members of the committee in the order of their seniority. The Chair, therefore, recognized the gentleman from Texas. The Chair will later recognize the gentleman from North Carolina.

Mr. MICHEL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MICHEL. Did the Clerk read through the section concluding with line 3, page 39?

The CHAIRMAN. It is the understanding of the Chair that he did.

Mr. JONAS. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONAS. I respectfully ask the Chair to rule that my amendment does precede the amendment that will be offered by the gentleman from Texas. My amendment goes to line 5, page 38, and my information is that the amendment to be offered by the gentleman from Texas comes at a later point in the paragraph.

The CHAIRMAN. A whole paragraph is open to amendment at the same time. Therefore, the line does not determine the order of the amendment.

Mr. O'HARA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'HARA. As I understand the situation, all the language on page 38 and the first three lines on page 39 were stricken under a point of order.

The CHAIRMAN. The gentleman is correct.

Mr. O'HARA. At that point, following that ruling of the Chair, the gentleman from Illinois (Mr. MICHEL) offered an amendment to the bill which restored a good part of that language.

Is it not correct, Mr. Chairman, that if anyone wanted to amend the langauge of the Michel amendment, he should have offered his amendment while the Michel amendment was pending?

The CHAIRMAN. The gentleman is correct.

Does the gentleman from Texas offer an amendment?

AMENDMENT OFFERED BY MR. MAHON

Mr. MAHON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAHON: After the colon on page 38, line 25, insert the following:

"*Provided further,* That of the sums appropriated under this Act not more than $33 Million shall be spent for the purpose of carrying out programs under section 222 (a) (5), not more than $4,000,000 shall be spent for the purpose of carrying out programs under section 222(a)(8), not more than $3,000,000 shall be spent for the purpose of carrying out programs under Sec. 222(a)(9), and not more than $5,000,000 shall be spent for the purpose of carrying out programs under part A of title III."

POINT OF ORDER

Mr. O'HARA. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. O'HARA. Mr. Chairman, I make the point of order that the amendment comes too late. It should properly have been an amendment to the amendment offered by the gentleman from Illinois, Mr. MICHEL. It now comes too late.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. MICHEL. Mr. Chairman, I would like to be heard on the point of order. It would seem to me, if I understand the language of the gentleman from Texas, it is a new paragraph. It would not come under but would follow the text of my amendment which I offered.

The CHAIRMAN. The Chair does not understand it in that light. The amendment offered by the gentleman from Texas is a continuation of and is an addition to the amendment just agreed to and is in the form of a proviso and is not in the form of a paragraph or new section to the bill.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that I may modify the amendment. I ask that it be an amendment which shall be inserted at the be-

ginning of page 39, as a separate paragraph.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. O'HARA. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair must rule the amendment offered by the gentleman from Texas is out of order.

The Clerk will read.

The Clerk read as follows:

SEC. 408. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Mr. GUDE. Mr. Chairman, I want to commend the committee for its usual thorough review on the HEW appropriations bill, and to single out for special praise the members of the Subcommittee on Health, Education, and Welfare. Recommending funding levels for so many worthy programs in a period of budgetary constraint is surely one of the hardest jobs in the Congress. Our thanks go to the chairman, the gentleman from Pennsylvania (Mr. FLOOD), the ranking subcommittee member, the gentleman from Illinois (Mr. MICHEL), the gentleman from Kentucky (Mr. NATCHER), the gentleman from Iowa (Mr. SMITH), the gentleman from Missouri (Mr. HULL), the gentleman from Texas (Mr. CASEY), the gentleman from Kansas (Mr. SHRIVER), and the gentlewoman from Illinois (Mrs. REID).

I am gratified by the committee's action in adding $92 million for the National Institutes of Health. This action is both hardheaded and courageous. It is hardheaded because the facts show that we are losing ground in medical research because appropriations are not even meeting the rising costs of existing programs. We cannot afford to scrap programs once begun and to risk the dismantling of research teams whose work is a matter of life and death for millions of Americans. I am relieved to see that $25 million of the increase is for cancer research. This mysterious and dreadful disease strikes two out of three American families. The Federal share of cancer research has amounted to 80 percent of total expenditures, and due to rising costs, effective dollars spent on cancer research in fiscal 1970 are only about two-thirds what they were in 1966. The committee's action in the field of research will help to reverse this disheartening trend.

The committee's action is courageous because it is a bold assertion that health is perhaps our highest human priority. Diseases such as cancer are greater killers than war. Debilitating and crippling illnesses make the enjoyment of a full life impossible for many Americans. And American achievements in medical research are a primary source of our prestige as a Nation abroad.

We must reduce Government spending in the many programs which do not affect the well-being of millions of Americans, and do not signal our concern for human life to millions abroad. Let us continue to work to put first things first.

Mr. LEGGETT. Mr. Chairman, I want to take this time at the outset to congratulate the committee on an outstanding bill in the labor, health and welfare subject areas.

As the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. FLOOD), has indicated, $2.3 billion in excess of last year's budget, a total bill of $18,824,000,000, certainly cannot be sneezed at. I want to thank the chairman of the committee and the committee particularly for augmenting the bill in the amount of $2.7 million for health manpower assistance for formula grants for schools of veterinary medicine. The administration proposed to totally cut these funds and I agree with the committee. As I testified before the committee, there is little reason to discriminate in this important subject area.

In addition, I commend the committee for the augmentation in resources for the animal resources program. As the committee indicates, this program has deteriorated from $15.1 million in 1969 to $12.5 million requested in this year's budget by the administration. The committee has responded with a $2½ million augmentation restoring funds to the $15 million 1969 level, an increase of $800,000 over last year's program.

Being very health conscious and while I appreciate the great work done by the committee, I certainly must support further amendments of my colleagues, the gentleman from Illinois (Mr. YATES) and the gentleman from California (Mr. COHELAN) to further liberalize spending in these important subject areas.

Mr. Chairman, money may not be everything, if one has enough of it. If one does not—well, to take one of many examples, there are perhaps 5,500 Americans who are currently in the process of dying because they cannot afford an artificial kidney machine. This is more than five times the number of the lucky few who get the machines.

Why should this be? Why should American citizens be forced to die because they cannot lay out $20,000 for a machine? We have spent billions to put men on the moon; we eagerly set up crash programs for every weapons system we conceivably need and many we do not. But when we turn to the health of our citizens, we suddenly become cost conscious.

Let us look at it another way. The most significant performance indexes of a country's health programs are life expectancy and infant survival. It has been many years since the United States ranked in the top 10 by either of these measures.

Why should this be? Is there any conceivable excuse for it? We are the richest country in the world. We have the biggest gross national product and the highest per capita income. Why do we not have the best medical care in the world?

We have two problems.

First. Medical care is becoming astronomically expensive. We must think of perhaps doing something along the lines of a compulsory health insurance plan or a Kaiser-Permanente-type prepaid group practice plan. Either way, the Government is going to have to subsidize the premiums for those who cannot pay. Senator KENNEDY, the United Auto Workers, and others have recently made some excellent proposals we will need to consider very carefully.

The second problem, to which the emergency health amendment addresses itself, lies in the fact that our health programs would be inadequate to service all our citizens, even if there were no cost problem. We have a shortage of buildings and equipment. But more urgently, we have a shortage of trained people.

The health manpower shortage is severe at present, and it is going to get a lot worse if we don't get on the stick. If present trends continue, in 10 years we will be short 26,000 doctors, 56,000 dentists, 210,000 nurses, and 432,000 "allied health professionals"—veterinarians, pharmacists, optometrists, and so forth.

The proposals of the administration can best be described as not very benign neglect. To cite one of many possible examples, where schools of medicine, dentistry, veterinary medicine, optometry, and so forth, requested $43 million in student loan funds and we authorized $35 million, the administration budgeted $12 million. The Vice President once expressed concern at the thought of being operated on by a surgeon who entered medical school under a disadvantaged-minority program. If we follow his administration's recommendations, he could some day find himself with no surgeon at all.

The emergency health amendment is no cureall. It is not enough. But it will help considerably. It will cost about one-third as much as a single Safeguard ABM complex, and it will go us a heck of a lot more good.

Mr. HUNGATE. Mr. Chairman, in the Labor-Health, Education, and Welfare appropriations bill for fiscal year 1971, two institutions of medical science are deserving of our attention and support: medical schools and community mental health centers.

Sixty-one out of one hundred seven medical schools have applied for grants on the basis of financial distress. Many medical schools are threatened with closing if they cannot obtain special funding. The critical needs of these schools must be met.

The budget includes $60,100,000 for staffing grants for community mental health centers. The committee has added $20,000,000 to the bill for staffing grants for the centers. The amount requested by the budget would not even enable the Health Services and Mental Health Administration to continue obligations on staffing grants already initiated, some witnesses have testified.

One example of a center desperately in need of a staffing grant is the East Central Missouri Mental Health Center, in Mexico, Mo. The center serves a six-county area, nearly 10,000 people. I am advised that the center has a 21-in-patient capacity and the staff sees over 150 people on a regular outpatient basis. In the first 4 months of this year, the center lost in excess of $30,000, and their current monthly losses are running

$8,000. With reference to the East Central Missouri Mental Health Center, Dr. Woodrow Lee, administrator of the Audrain, Mo., hospital says:

Without immediate support from Federal staffing grants, we will not be able to survive.

With the critical shortages we face in medical manpower and hospital space, I recommend the full authorized funding of all vital programs and support for the emergency health amendment.

Mr. YATES. Mr. Chairman, little has been said in the debate about the need for dental research and dental care. This is unfortunate. At long last, there have been breakthroughs in thwarting caries with its attendant pain and destruction. Moreover, 15,000,000 children in our country have never had the care of a dentist, a condition that must be corrected.

The American people pay out of their pockets each year for dental care more than $4 billion, and a $4 billion industry is worth attention, especially when it is realized that some 23,000 Americans sit down each year in a doctor's office and are told they have oral cancer. The condition brings death within a few years, or to others surgery upon their jaws or tongues so that they can never fully resume their normal life—23,000 a year. That is not a small number.

Or, let us consider cleft lip and palate. I do not suppose many people realize that it's disabling and disfiguring and that the correction of it is a long, tortuous process. What may not be known is that one out of every 750 live births in this country is a baby afflicted with this cruel disability, some 6,000 new cases each and every year. If that little baby is not given proper care, I do not care how much ability, energy or aptitude he has, he is not ever going to be a schoolteacher or a doctor, or a salesman, or any of a hundred other careers you can name. Thus, Mr. Chairman, dental disease is not all toothaches and jaw fractures. It is for these things too that the private sector spends some $4 billion a year.

That is the private sector. Government on all levels contributes many more hundreds of millions of dollars. The current Federal estimate is some $300 million a year for all kinds of dental activities. It is questionable whether it is all spent wisely, and that is not only my opinion. It is the opinion of most private dentists. That is the opinion, too, of private dental groups like the American Dental Association. That is the opinion of Federal dentists, and the opinion of Federal dental agencies, unanimously.

If each of us was asked to give an off-the-cuff description of dental disease in this country, all those descriptions would share at least one element: that dental disease is endemic, that nearly everyone is susceptible to it and suffers from it. That is true. What is equally true is that most manifestations of dental disease are not only preventable but readily preventable. Most of us nowadays have enough sense to know that we go to the dentist for preventive care, to have our oral health checked. But we also go for what we think of as such routine services as having teeth pulled, teeth filled, dentures or crowns or bridges fitted.

If preventive care is delivered to people early enough in their life they will be able to maintain sound oral health all their life. In other words, we must concentrate on children, not to the exclusion of other age groups, but as a matter of emphasis. It is a simple matter as well as a sound one. It not only makes professional sense but when it comes to the public programs, it makes fiscal sense as well.

Let me report to you just two statistics from studies for which we must vote funds of dental care under medicaid that nail down this point about fiscal sense. For instance, take dentures, which are in many respects the ultimate failure of a person's dental health since it means there are no natural teeth left at all. In one medicaid study, dentures constituted only 3 percent of the services rendered but consumed 43 percent of the available funds. On the other hand, take a finding in one study with regard to children under medicaid. It shows that more than half the bills for children under 5 years of age were for less than $20.

Obviously, there is a lesson to be learned from this comparison. We need to do some experimentation in differing methods of delivery: do we use the school system, for example, as a focal point for delivery of children's care or do we look elsewhere? We need, as well, to experiment within differing settings for children in rural areas may well need a different structure than those living in the midst of cities.

This entire, commonsense concept made its impression on this House in 1967 and we authorized an amendment to the Social Security Act to begin a series of such pilot experimental projects. In testimony before the Ways and Means Committee, Dr. John Gardner, then HEW Secretary, estimated $5 million as being first-year costs of the projects, which were to run for 4 years. Contrast that sum with the $110 million or so now spent under medicaid for dental services. How much of that $110 million is spent to repair disease that should not have occurred and would have not occurred had we had a sound children's program? How many more years we want to pay out such tens of millions of dollars annually rather than invest a few million for the pilot programs to which I refer?

The Senate, in 1967, followed the lead of the House in approving the concept embodied in section 510. But there the matter has rested. There was no supplemental request for funds in fiscal 1968. There was no request for funds in fiscal 1969. There was no request for funds in fiscal 1970.

However, thereafter, two things were done: first, a modest amount of money was added to the fiscal 1970 budget to begin planning of the projects. The amount was $200,000, one of the smaller sums that will be mentioned during the debate, but not too small for it to be discovered and totally eliminated by the executive branch under the 2 percent authority we gave it last year. A second action was taken in fiscal 1970 when the House Committee on Appropriations, in its report, said to the executive branch, and I quote:

The Committee is concerned about the lack of a coordinated program for the dental health of children while so many Federal dollars are being spent under Medicaid and similar programs to treat dental conditions in adults that could have been prevented. The Committee will expect that some of the funds provided in this appropriation will be used pursuant to the authorization in section 510 of Title V of the Social Security Act relating to special project grants for dental health of children.

Now, surely that is plain language. Surely, no interpreter needs to be hired to tell the appropriate agency what is meant by it. Unfortunately, the Department did not listen and nothing was done.

Now we are in fiscal 1971. What is budgeted for this program, a program to help us put our dental care policies on a rational basis and, in the long run, almost certainly save us a great deal of money? So far as can be discovered, there is no intention to truly implement these projects. There is a vague reference in the Committee hearings to a paltry $180,000 that might be spent on these projects, not nearly enough.

Mr. Chairman, we must begin now. We must insert a reasonable sum in this budget to undertake the dental research that must be initiated.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to advise the Members that I intend to offer a motion to recommit, that will take the form of section 208, which was deleted from the bill, minus the provision where the Secretary had some discretionary authority as to whether or not he could bail out a particular State if it got into any particular trouble.

My motion to recommit will be the precise language of the section which our Subcommittee deleted from the bill before we reported the measure to the full Appropriations Committee.

My amendment would limit payments to the States for social services, staff training, and administrative expenditures under public assistance to 110 percent of the aggregate amount estimated for these purposes for such States for the fiscal year 1970.

Without this provision in this bill, we will have to face up to approximately a $300 million supplemental appropriation.

Unfortunately, at the time of our hearings the last information available to us on public assistance costs were for the November estimates from the States. On the basis of those figures, the Department estimated that inclusion of the 110-percent limitation on social services, administration and training would result in a savings of $45 million.

Throughout the year the States estimates changed and based on the May estimate, the amount of savings had increased to $300 million, although I should point out that none of these estimates take into account the escape clause which would permit exceptions to be made to the 110-percent limitation by the Secretary. These exceptions would of course reduce the amount of savings.

It is difficult to analyze precisely why the estimates of cost have risen.

The November State estimates predicted a 10-percent increase in welfare caseloads for 1971 and a 16-percent increase to cover services, administration, and training. The May estimates indicate that the States expect caseloads to increase by 14 percent and they have proposed a 44-percent increase in services, administration, and training.

This 44-percent increase consists of a 54-percent increase in social services and a 27-percent increase in administration. The 54-percent increase in services is not only precipitous, it is undefined as to its substance, and is questionable on two scores: First, whether or not States which claim they will double their social services program in 1971 have the serious intent to do so; and second, whether they have the capability, if indeed they are serious, to accomplish their objectives.

For instance, Pennsylvania proposed to increase Federal services dollars per AFDC recipient from $37 in 1970 to $152 per recipient in 1971. California would go from $110 to $168 per recipient. Not only do these predictions seem unrealistic, they also indicate the substantial fallacy in the assertion that the principal burden of the limitation will fall on small States just getting started.

In summary, the estimates are probably inflated—at least partially for purposes of demonstrating that the limitation would be extremely burdensome. It is probably true, however, that the final savings will be closer to the $300 million figure than to the $45 million figure in the President's budget. The principal point, however, is that, to the degree that the May estimates are accurate, they reflect a program increase in relation to recipients which is not justifiable in today's fiscal situation.

Our committee report indicates that the limitation would discriminate unfairly against those States which have been slow in developing their programs but are now ready to expand them.

In fact, the majority of the States affected by the limitation and the vast preponderance of the savings are associated with large States which have had programs for a number of years.

The provision permits the Secretary to make exceptions to the limitation when he determines that it would impair in a significant way the effective operation of the program involved. This exception provision can be used for those States which have a good case to make.

One of the principal goals of the new welfare legislation that passed the House was to equalize the level of services among the States. If we permit costs to rise indiscriminately, this will increase the disparity between the States.

Another point which we probably should have recognized long ago is that open-ended appropriations are only justifiable in relation to benefit payments. Conceptually, there is practically no case to be made for applying an open-ended concept to either services or administration.

Now, finally, Mr. Chairman, my amendment would permit a 10-percent increase in funding.

In a restrictive fiscal climate, there is no reason to permit administrative resources to expand by more than 10 percent a year. This would be inequitable in comparison with other Governmental programs at the Federal, State, or local level.

The Social Security Administration, for example, does not receive an annual expansion in its administrative resources commensurate with its workload increases.

By far the biggest increase in recipient workload in public assistance is in large States which already have sizable welfare staff. Like, SSA, they are better able to absorb workload increases.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend from Louisiana.

Mr. WAGGONNER. Does this 110-percent ceiling apply to administrative costs and training costs and benefits?

Mr. MICHEL. No, not to the benefits. I specifically said that we were talking about administration and training.

Mr. WAGGONNER. I thank the gentleman.

Mr. FLOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not blame the gentleman from Illinois for offering this amendment. After all, he has a standard to bear and he bears it well. But this is a bad amendment.

Listen to this: This amendment will adversely affect some 40 States. It will have the greatest adverse effect on those States with the poorest programs and with plans to improve them. It will mean that those States that built up their programs during 1970 will actually have to cut back.

But I think a member of the administration, an assistant secretary of the Department of Housing and Urban Development, in commenting on its effects with regard to model cities probably set forth the case against this amendment better than I can. Let me read from his letter which is dated June 9, 1970:

Possible Consequences Resulting from Passage of Section 208:

Model Cities which are implementing jointly funded programs under the affected titles may be forced to cut back their operations if their FY '71 full-year budget must be equivalent to their partial-year spending in FY '70.

With no new start funds available, Model Cities will be forced to use 100% supplemental dollars for their needed social service projects, thus circumventing programs normally within the domain and expertise of HEW.

And, Mr. Chairman, I am still quoting the Assistant Secretary of HUD. His letter continued:

Without the incentive of funds for implementing programs, much of the effort which has gone into interagency coordination, joint programming and institutional change will produce no results and further efforts will be abandoned.

The hopes and expectations of many neighborhood residents will be destroyed.

Many Model Cities Programs will be seriously hampered in their efforts to make a substantial impact on the social and economic problems of their model neighborhoods.

Supplmental funds will be insufficient to provide the scope of program necessary to meet the needs of residents, particularly for the child care projects which are used as supportive services for manpower components as well as educational opportunities for pre-school children.

Now, Mr. Chairman, here is the Assistant Secretary's conclusions. And I am still quoting his letter:

CONCLUSIONS

The passage of Section 208 of the HEW appropriations bill would reduce the effectiveness of the Model Cities Program by substantially decreasing HEW involvement in a key program area. It would disrupt patterns of interagency cooperation and coordination which have been carefully nurtured in local communities. Furthermore, it would inhibit the development of service programs which would serve as vital support mechanisms for any future Family Assistance legislation.

Mr. Chairman, the motion to recommit should be defeated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I am heartbroken and I cannot continue to read the administration's opinion in opposition to my friend's amendment. I therefore suggest that the motion to recommit be defeated.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FLOOD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOLIFIELD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. I am in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill H.R. 18515 to the Committee on Appropriations with instructions to that committee to report it back forthwith with the following amendment: Page 34, after line 23 insert:

"SEC. 209. None of the funds contained in this title may be used for payments to any State for fiscal year 1971 for services, staff training, and administrative expenses under titles I, IV (part A), X, XIV, and XVI of the Social Security Act which, in the aggregate, exceed 110 percent of the aggregate amount estimated for these purposes for such State for fiscal year 1970."

Mr. FLOOD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 362, nays 14, not voting 55, as follows:

[Roll No. 233]

YEAS—362

Abbitt	Clark	Fraser
Adair	Clausen,	Frelinghuysen
Adams	Don H.	Frey
Addabbo	Clawson, Del	Friedel
Albert	Clay	Fulton, Pa.
Anderson, Ill.	Cleveland	Fulton, Tenn.
Andrews, Ala.	Cohelan	Fuqua
Andrews,	Collier	Galifianakis
N. Dak.	Collins	Garmatz
Annunzio	Colmer	Gaydos
Arends	Conable	Gettys
Ashley	Conte	Giaimo
Aspinall	Conyers	Gibbons
Ayres	Corbett	Gonzalez
Baring	Corman	Goodling
Barrett	Coughlin	Green, Oreg.
Belcher	Cowger	Green, Pa.
Bell, Calif.	Culver	Grover
Berry	Daniel, Va.	Gubser
Betts	Daniels, N.J.	Gude
Bevill	Davis, Wis.	Hagan
Biaggi	de la Garza	Haley
Biester	Delaney	Hall
Bingham	Dellenback	Halpern
Blackburn	Denney	Hamilton
Blanton	Dennis	Hammer-
Blatnik	Dent	schmidt
Boggs	Derwinski	Hanley
Boland	Devine	Hansen, Idaho
Bolling	Dickinson	Hansen, Wash.
Bow	Diggs	Harrington
Brademas	Dingell	Harsha
Brasco	Donohue	Harvey
Bray	Dowdy	Hastings
Brinkley	Downing	Hathaway
Brooks	Dulski	Hawkins
Broomfield	Duncan	Hays
Brotzman	Dwyer	Hébert
Brown, Calif.	Eckhardt	Hechler, W. Va.
Brown, Mich.	Edmondson	Heckler, Mass.
Brown, Ohio	Edwards, Ala.	Helstoski
Broyhill, N.C.	Edwards, Calif.	Henderson
Broyhill, Va.	Eilberg	Hicks
Buchanan	Erlenborn	Hogan
Burke, Mass.	Eshleman	Holifield
Burlison, Mo.	Evans, Colo.	Horton
Burton, Calif.	Evins, Tenn.	Howard
Button	Fascell	Hull
Byrne, Pa.	Feighan	Hunt
Byrnes, Wis.	Findley	Hutchinson
Cabell	Fish	Jacobs
Camp	Fisher	Jarman
Carey	Flood	Johnson, Calif.
Carter	Flowers	Johnson, Pa.
Casey	Foley	Jonas
Cederberg	Ford, Gerald R.	Jones, Ala.
Celler	Ford,	Jones, N.C.
Chamberlain	William D.	Karth
Chisholm	Foreman	Kastenmeier
Clancy	Fountain	Kazen
Kee	O'Hara	Slack
Keith	O'Konski	Smith, Calif.
Kleppe	Olsen	Smith, Iowa
Kluczynski	O'Neill, Mass.	Smith, N.Y.
Koch	Passman	Snyder
Kyl	Patman	Springer
Kyros	Patten	Stafford
Landrum	Pepper	Staggers
Langen	Perkins	Stanton
Latta	Pettis	Steed
Leggett	Philbin	Steiger, Ariz.
Lennon	Pike	Steiger, Wis.
Lloyd	Pirnie	Stephens
Long, Md.	Poage	Stokes
Lowenstein	Podell	Stubblefield
Lujan	Poff	Stuckey
Lukens	Preyer, N.C.	Sullivan
McCarthy	Price, Ill.	Symington
McClory	Price, Tex.	Taft
McCloskey	Pryor, Ark.	Talcott
McDade	Pucinski	Taylor
McDonald,	Purcell	Teague, Calif.
Mich.	Quie	Teague, Tex.
McEwen	Quillen	Thompson, N.J.
McFall	Railsback	Thomson, Wis.
McKneally	Randall	Tiernan
McMillan	Rees	Tunney
Macdonald,	Reid, Ill.	Udall
Mass.	Reid, N.Y.	Ullman
Madden	Reifel	Van Deerlin
Mahon	Reuss	Vander Jagt
Marsh	Riegle	Vanik
Martin	Rivers	Vigorito
Mathias	Roberts	Waggonner
Matsunaga	Robison	Wampler
May	Rodino	Watkins
Mayne	Roe	Watson
Meeds	Rogers, Fla.	Watts
Melcher	Rooney, N.Y.	Whalen
Mikva	Rooney, Pa.	Whalley
Miller, Calif.	Rosenthal	White
Miller, Ohio	Rostenkowski	Whitehurst
Mills	Roth	Whitten
Minish	Rousselot	Widnall
Mink	Roybal	Wiggins
Minshall	Ruppe	Williams
Mize	Ruth	Wilson, Bob
Mizell	St Germain	Wilson,
Monagan	Sandman	Charles H.
Moorhead	Satterfield	Winn
Morgan	Saylor	Wold
Morse	Schadeberg	Wolff
Morton	Scherle	Wright
Mosher	Scheuer	Wyatt
Moss	Schneebeli	Wydler
Murphy, Ill.	Schwengel	Wylie
Myers	Scott	Wyman
Natcher	Sebelius	Yates
Nedzi	Shipley	Yatron
Nelsen	Shriver	Young
Nichols	Sikes	Zablocki
Nix	Sisk	Zion
Obey	Skubitz	Zwach

NAYS—14

Abernethy	Flynt	Montgomery
Ashbrook	Griffin	O'Neal, Ga.
Bennett	Gross	Schmitz
Burleson, Tex.	Landgrebe	Thompson, Ga.
Chappell	Michel	

NOT VOTING—55

Alexander	Esch	MacGregor
Anderson,	Fallon	Mailliard
Calif.	Farbstein	Mann
Anderson,	Gallagher	Meskill
Tenn.	Gilbert	Mollohan
Beall, Md.	Goldwater	Murphy, N.Y.
Brock	Gray	Ottinger
Burke, Fla.	Griffiths	Pelly
Burton, Utah	Hanna	Pickle
Bush	Hosmer	Pollock
Caffery	Hungate	Powell
Cramer	Ichord	Rarick
Crane	Jones, Tenn.	Rhodes
Cunningham	King	Rogers, Colo.
Daddario	Kirwan	Roudebush
Davis, Ga.	Kuykendall	Ryan
Dawson	Long, La.	Stratton
Dorn	McClure	Waldie
Edwards, La.	McCulloch	Weicker

So the bill was passed.

The Clerk announced the following pairs:

Mr. Daddario with Mr. Meskill.

Mr. Murphy of New York with Mr. Cunningham.

Mr. Long of Louisiana with Mr. Brock.

Mr. Edwards of Louisiana with Mr. Burton of Utah.

Mr. Gallagher with Mr. Hosmer.

Mr. Gray with Mr. Pelly.

Mr. Pickle with Mr. Cramer.

Mr. Dorn with Mr. Crane.

Mr. Caffery with Mr. Burke of Florida.

Mr. Rarick with Mr. MacGregor.

Mr. Rogers of Colorado with Mr. Rhodes.

Mr. Ryan with Mr. Weicker.

Mr. Stratton with Mr. Roudebush.

Mr. Hanna with Mr. Mailliard.

Mr. Davis of Georgia with Mr. Pollock.

Mr. Jones of Tennessee with Mr. Kuykendall.

Mr. Ichord with Mr. Bush.

Mr. Kirwan with Mr. Powell.

Mr. Ottinger with Mr. King.

Mr. Mollohan with Mr. McClure.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Gilbert with Mr. Esch.

Mr. Farbstein with Mr. Dawson.

Mr. Mann with Mr. McCulloch.

Mr. Waldie with Mr. Goldwater.

Mr. Gilbert with Mr. Hungate.

Mrs. Griffiths with Mr. Anderson of Tennessee.

Mr. Alexander with Mr. Anderson of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF JULY 27

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of inquiring of the distinguished majority leader as to the program for the rest of this week, if any, and the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. In response to the inquiring of the distinguished minority leader, we have no further business this week. We will ask to go over upon the announcement of next week's program.

The program for Monday and Tuesday is as follows: Monday is District day, but there are no District bills.

During Monday and Tuesday we will continue the consideration of H.R. 17654, the Legislative Reorganization Act of 1970. That will be the total business of the House on Monday and Tuesday insofar as I know, except for a continuing appropriations resolution for 1971, which will be the first order of business on Tuesday.

For Wednesday and the balance of the week the program is as follows:

H.R. 17880, the Defense Production Act Amendments, subject to a rule being granted.

H.R. 18546, the Agricultural Act of 1970, subject to a rule being granted. If one of these rules comes out ahead of the other, we will reverse the order of consideration, if necessary.

H.R. 13100, to extend programs for training in the allied health professions, under an open rule with 1 hour of general debate.

H.R. 14237, to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, under an open rule with 1 hour of debate.

This announcement is made with the further reservation that conference reports may be brought up at any time and any further program may be announced later.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. MATSUNAGA). Is there objection to the request of the gentlemen from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule on Wednesday next may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, may I make this announcement at this stage of the legislative program. I feel it is imperative to finish our program for next week, even if that means meeting on Friday and Saturday. We must do this in order to complete the balance of the legislative business before the recess. I hope all Members will cooperate, as I know all of us want to leave here as scheduled on August 14.

Mr. GERALD R. FORD. Could the gentleman from Oklahoma tell us if he knows of any conference reports that may be coming up on Monday?

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, I know of none, I will say to the gentleman. May I say that I believe the distinguished gentleman from California (Mr. SISK) is here and he might want to add some comment with reference to the program for next week.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. SISK. Mr. Speaker, I appreciate the statement which has been made by the distinguished majority leader in his colloquy with the distinguished gentleman from Michigan, the minority leader, in respect to the program for Monday and Tuesday.

I would simply like to say this—and I appreciate the gentleman yielding for this purpose—it is our hope to put in a full day Monday and Tuesday, with the single exception that has been noted, and by that I mean I would hope no one plans dinner until after 7 o'clock. I say this because as I understand the legislative program from the leadership and the volume of work scheduled between now and the August recess, that these 2 days are probably going to be "it" for reorganization. I say this further to alert Members because many are interested in and concerned about reorganization. Therefore, we have these 2 days during which to do our job and it is my earnest hope that everyone will be here to do that job. I urge that they will be here on Monday and Tuesday so that we can complete action on congressional reform by Tuesday night.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Virginia.

Mr. SCOTT. I would ask the distinguished majority leader if he could tell us what has happened to the unsolicited credit card bill, and if it will be programed for consideration sometime in the future?

Mr. ALBERT. Mr. Speaker, if the distinguished minority leader will yield further, the answer to the gentleman's question is "Yes." We had programed it for this week but, obviously, we cannot get to it. The two bills scheduled for this week, which we are programing again next week, were ahead of the credit card bill on the program. In view of the bills we have added to the program for next week, we could not hope to reach the credit card bill for floor action.

It is not, as we understand from the Committee on Post Office and Civil Service, one of those bills that must be handled immediately, but we do intend to take it up.

Mr. SCOTT. Mr. Speaker, if the gentleman will yield further, as a member of the Committee on Post Office and Civil Service, we receive a lot of mail from constituents who are concerned about this particular bill. It may not be a piece of major legislation, but I would hope that the gentleman would program it at the earliest convenience.

Mr. ALBERT. Mr. Speaker, if the distinguished minority leader will yield further, there is no question but that we will program the bill. We want to do it. I think everyone is for the bill insofar as I know.

I want to add that in addition to the business we have scheduled, there are several privileged matters ahead of us between now and the time we adjourn for the August recess and some of these might be called up.

Mr. GERALD R. FORD. Mr. Speaker, I might add further to the distinguished majority leader that there is one matter that has received sufficient signatures in the discharge process, the so-called Women's Equal Right Amendment to the Constitution. I have heard that the principal proponent of that, the gentlewoman from Michigan (Mrs. GRIFFITHS), has indicated she intends to bring it up, or bring it to the floor on Monday, August 10.

Mr. ALBERT. If the gentleman will yield further, that is what the gentlewoman from Michigan indicated to me, and that is one of the privileged matters. It is of the highest privilege. We have two District bills, and they will be brought up on that same Monday, so those are privileged matters for that day. And, of course, we have another bill that has been in the Committee on Rules long enough to be privileged, and we do have to operate within the boundaries of privileged legislation that might be called up.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I thank the minority leader. It seems to me that in the absence of the gentleman from Iowa (Mr. GROSS), that someone ought to inquire as to what became of Friday this week.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, as far as Friday of this week is concerned, we had hoped that we could meet. We discussed the matter with the various committee chairmen, and they were not prepared to go on with the program.

But I do hope that our admonition will be heeded, that we want to finish the program we have announced for next week, even if it requires a Friday or Saturday meeting. I hope the Members will try to adjust their schedules from now on to meet on Fridays and Saturdays if necessary.

Mr. VAN DEERLIN. Mr. Speaker, if the gentleman will yield further, for one further observation, that was precisely what I did this week. I remember the story of the boy who cried "Wolf," and I will say no more.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield further, we accept the responsibility, because we must, for making the announcement, and we hope that we will get the cooperation of the committees handling the bills to finish them next week. This we must have, and the gentleman knows that.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman.

PUERTO RICAN CONSTITUTION DAY, 1970

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, on July 25, 1952, 18 years ago, the Governor of Puerto Rico, with the approval of our Federal Government, proclaimed the establishment of the Commonwealth of Puerto Rico.

Under the provisions of the constitution adopted on that day by the Puerto Rican people, an elected legislature enacts all Puerto Rican laws. Religious freedom is assured and racial discrimination is unlawful under this constitution.

The Commonwealth constitution, moreover, is considered a model of democratic principles. By its adoption, a semicolonial area evolved from a status of dependency into a condition of partnership with our Federal Government. Puerto Rico thenceforth became fully autonomous in local affairs, and its dignity as a self-governing unit within the national framework could be altered only by the mutual consent of the Puerto Rican and Federal governments.

Today, Puerto Rico's citizens are citizens of the United States, and enjoy practically all of the privileges of statehood except that of national suffrage. In terms of democratic fulfillment, Puerto Rico occupies the highest rank ever attained by an American territory prior to admission to the sisterhood of States. Since 1947, the people of Puerto Rico have enjoyed the right to elect their own Governor, they are permitted to participate in most Federal programs, including social security, and are not subject to pay taxes. On the other hand, their sons are subject to military duty in America's armed forces and their voice is silent in the election of national officers and in the determination of national policies.

The only direct influence the people of Puerto Rico have on the Congress of the United States is through their Resident Commissioner, who has unlimited right to talk in committee and on the floor of the House, but cannot vote in either place. As the House of Representatives continues its deliberations this week on the Legislative Reorganization Act of 1970, it is possible that the law may eventually be changed to give the power of voting in committee and on the House floor to the Resident Commissioner.

I want to take this opportunity to commend Honorable JORGE L. CÓRDOVA, the Resident Commissioner of Puerto Rico, who was elected to serve in the 91st Congress and has done an outstanding job in representing his people since coming to Congress.

The annual observance of Puerto Rican Constitution Day is of great importance because it represents to a proud people an enlightened affirmation of freedom and self-government which they fashioned on their own. The people of Puerto Rico are masters of their own destiny, and over the years, have transformed their land into a showcase of democracy in action.

Moreover, they have accomplished something of an economic miracle, and today, the Puerto Rican economy is the best in Latin America and the average per capita income the highest. The people have lifted themselves up by their own bootstraps to an elevation unattained by the citizens of any other country in Latin America.

Mr. Speaker, in my own Seventh Congressional District of Illinois, reside many, many thousands of Americans of Puerto Rican descent, and as their Congressman, I know firsthand of the many valuable contributions they have made to our community, our city of Chicago, and our Nation. I want to take this opportunity to congratulate them and the people of the Commonwealth of Puerto Rico as they join in this anniversary celebration, and I extend to them my best wishes for continuing peace and prosperity in the years ahead.

POLICE CHIEF IVAN A. ROBINSON OF DOWNEY, CALIF.

(Mr. DEL CLAWSON asked and was given permission to address the House for 1 minute and revise and extend his remarks and include extraneous matter.)

Mr. DEL CLAWSON. Mr. Speaker, occasionally a man with exceptional qualities of leadership and dedication that distinguish him from his peers is appropriately honored by his community. On July 31, 1970, Police Chief Ivan A. Robinson of Downey, Calif., will be recognized for his unusual and above-average contributions to his community, State, and Nation. The event is prompted by his retirement after 30 years of service in the field of law enforcement.

Robbie, as he is affectionately known, gained an international reputation through the use of a documentary film of the Downey Special Enforcement Detail by the Federal Laboratories by the FBI and other law enforcement agencies throughout the United States of America, Canada, Australia, New Zealand, South America, and Mexico. This widespread use attests to the expertise and high training standards in riot and crowd control demanded by Chief Robinson.

This Police Department in Downey, Calif., was established in 1957 when the area became a municipal corporation in Los Angeles County. Ivan Robinson was selected by the mayor and council to be the first police chief of the new city. The story of the organization and development of the department was written up at the request of Mr. J. Edgar Hoover and was published by him in the June 1962 issue of FBI Law Enforcement Bulletin.

Many civic, fraternal, church, and service organizations have been the beneficiaries of his abilities and contributions. The Salvation Army, the Red Cross, the Community Chest, the Boy Scouts of America, the YMCA, Rotary International, Downey Methodist Church, DeMolay, and many others are included in the list.

Mr. Robinson's knowledge and dedication have been demonstrated as president of the Los Angeles County Peace Officers' Association in 1965–66, and in 1968–69 when he served as president of the California State Peace Officers' Association. In both organizations he has held membership since 1949 and served as an officer and on committees involved in every aspect of law enforcement.

Civil defense, California Chiefs of Police, International Association Chiefs of Police, have received contributions of service from Chief Robinson. With all of this extra activity, the city of Downey has enjoyed the service and protection of one of the finest police departments in the Nation.

Mr. Speaker, it is a personal privilege to salute Chief Ivan A. Robinson on the occasion of his retirement and wish him Godspeed and many happy years of continued personal service in whatever endeavor he enjoys.

LEGISLATION TO PROVIDE FACILITIES FOR HANDICAPPED PERSONS

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I am today introducing legislation that would provide tax exemptions for renovation of buildings to provide facilities especially designed for handicapped persons.

This bill provides that a taxpayer owning a business or commercial building may deduct up to $3,000 in taxes for any one building to finance construction of a single access ramp, when no ground level exists, for persons using wheelchairs; a single ramp or elevator to allow persons using wheelchairs to move between floors; and such special equipment as may be required to make a restroom, one each for males and females, accessible to handicapped persons.

Also included as a deduction would be a ramp leading to a walkway in front of a building whenever a curb would ordinarily exist between the parking lot and such a walkway.

We owe our handicapped citizens every convenience to make their daily routine less difficult by providing them with facilities easily accessible to them.

Therefore, I now introduce this bill for consideration by my distinguished colleagues, and urge the expeditious passage of this legislation.

CONCERNING "THE AMENDMENT TO END THE WAR COMMITTEE"

(Mr. SCHERLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHERLE. Mr. Speaker, over in the other House the architects of surrender are busily at work attempting to build support for a new proposal that will insure an American defeat in Vietnam and in the eyes of the world.

They call themselves "The Amendment To End the War Committee."

And they are trying their hardest to tell the Vietcong and the North Vietnamese to hang on for another year and then we will go home and give them what they could not take by force.

They are doing their best to assure the whole world that the American people will not stand up for their friends or their commitments anywhere in the world—not in Vietnam, not in Asia, not in the Middle East, not in Europe, and not in the Americas.

They are doing all they can to assure the world that Americans believe peace

comes before freedom and that the road to world security lies backward through Munich.

To convince the people that they are the only ones who want peace they are running a series of newspaper ads and television spots. They are, in fact, advertising in favor of surrender.

Mr. Speaker, I am sure the Members of this House will not be fooled by their pious tones. Neither will most of the Members of the other House and neither will the American people.

LET THE AMERICAN PEOPLE PARTICIPATE IN PRISONER OF WAR PETITIONS

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, all Americans are deeply concerned about our military personnel who are being held prisoners in North Vietnam. Many dedicated Americans are circulating petitions asking that information be provided by Hanoi about our boys being held and that they be accorded humane treatment under the Geneva Convention.

Just the other day, Mr. Speaker, I saw a Member passing a petition among the Members here in the Chamber. I have personally signed a petition that is being circulated in my district by a dedicated Customs Service officer. We must do everything within our means to help these men. They have done their duty, they have served their country, they have obeyed their orders, and whether we agree or not with the situation as it exists, these are our own flesh and blood.

I know President Nixon is doing all he can as Commander in Chief, but I think we could do more. I think we all know that world opinion is now regarded as important in the decisionmaking of the world powers, and that much of the dissent over the war is considered by the Communists as favorable to their cause.

So now I believe we have here the perfect way for all Americans to join in a humane and charitable effort—an effort we would make even in behalf of a stranger—we can now make in behalf of our own.

Mr. Speaker, I think that the Federal Government—and all State governments—should extend all possible help to those who are circulating such petitions and see to it that Americans are given the maximum opportunity to sign them. Therefore, I would respectfully ask that the President, through an Executive order or in any other appropriate manner—order that these petitions on behalf of our prisoners of war in Vietnam be made available or be allowed to be placed in all Federal offices of the country. I would respectfully ask that the Governors of several States do likewise in all State offices.

This is the least we can do—let the American people have an opportunity to participate in this vital project.

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, veterans hospitals' employees salaries are based upon a national scale. In some instances this places the VA hospitals at a disadvantage since there are not sufficient inducements to draw professionals into VA hospital work. We bear the responsibility of insuring that if VA hospital employees are paid on a national scale there must be other inducements to draw top men into working for our VA patients.

Some of the inducements would be decent hospital facilities, and the expansion of both training and educational activities for VA hospital employees. For this, our Veterans' Administration needs sufficient funds.

When one considers that the VA medical and hospital program provides 13 percent of the medical care for the Nation and is the largest program of its kind, the importance of full funding is clear. It is time to meet this responsibility and insure the continuation of the program and the attainment of the finest medical care for our VA hospital patients.

Moreover, Mr. Speaker, veterans' hospital wages must be realined to provide for the differences in costs of living across the Nation. What may well be adequate wages for a VA hospital worker in one area, may be very inadequate salaries for comparable workers in another part of the Nation. What is really needed is an area wage scale.

VETERINARIANS SERVE, TOO

(Mr. MELCHER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, with a large part of our population in urban centers, most people get to know their veterinarian only when their pet becomes sick or is injured.

Many people do not appreciate that the veterinary profession has a very broad and important role, not only in the production and safeguarding of the food which human beings eat, but that veterinarians have an important role in medical research and control of disease, and particularly those transmissible from animals to man. There are a good many treatments and cures for human ailments, and surgical techniques, which originated in veterinary medicine. Immunological discoveries in veterinary medicine have often paved the way for preventative medicine of great importance to mankind.

I make no apology for an effort on my part to try to enlighten my colleagues in Congress on the role in our society of my colleagues in the veterinary medicine profession.

As a part of that educational effort, I am including in the RECORD the annual address of American Veterinary Medical Association president, Dr. E. W. Tucker, which I urge all of you to read for a better understanding of the interests, and the role in human affairs, of our profession, which is making a very vital contribution to human welfare:

PRESIDENT'S MESSAGE

(By Dr. E. W. Tucker)

Honored guests, distinguished visitors, fellow veterinarians, and your families, I bring you warm greeting from the rest of AVMA and thank you for the honor of speaking to you today at this Planary Session.

I doubt that any other AVMA Presidential Inaugural speech has been delivered in like conditions—with competition from so many diversionary activities here in the heart of the entertainment capital of the world. It would be foolish for me to tell jokes because many complex problems occupy our thoughts and actions in today's world. The news media are obsessed with vivid portrayals of the violence of the Southeast Asia conflict; of the undeclared war in the Middle East; crime in the streets; the black vs. white controversy world-wide; the protests by students everywhere and at all educational levels; the problems and effects of drug abuse; the chaotic environmental pollution puzzle; confusing court and governmental actions; the lack of confidence in "the establishment", and with more demands for government to do all; overpopulation; permissiveness; and hunger.

Add to this list substandard or ghetto housing, ecological problems, incomplete delivery of health care; cancer and infectious diseases, and a host of other topics and I wonder where in the world are we going? How can we solve these urgent problems?

The answers to these questions are beyond my abilities, except to realize that change is inevitable. Each one of us has accepted some change in action or attitude recently and surely more changes are coming. Worldwide unrest affects us just as much as that within our own country and has direct bearing on our lives today and in the future.

You may ask, "Why is he talking about all these things? What have they to do with the AVMA and veterinary medicine?"

My answer is that all these problems concern us as highly educated citizens of our communities. Many of the problems have very direct bearing on our profession, our lives, and our livelihood. We as veterinarians can materially help to solve several of the most important questions now before us.

Of the domestic issues, public opinion polls place fighting pollution second only to fighting crime. Is this a current fad or will there be sustained effort to improve the quality of our air and water? Quoting Dr. Etzioni, chairman, Department of Sociology, Columbia University, New York, N.Y., "The complicated problems that pollution control poses can be handled only in part through a crash program. Public and legislative commitment ought to be built up for a long pull. But even if one day water and air are again as pure as they were before man polluted them, many other environmental problems, from ugly cities to overcrowding—will still be with us.

"Now we should continue to give top priority to 'unfashionable' human problems. Fighting hunger, malnutrition and rats should be given top priority over saving wildlife, and improving our schools over constructing waste disposal systems. If we must turn to 'environment,' first attention should be given to the 57,000 Americans who will lose their lives on the roads in 1970."

To contrast with Dr. Etzioni's quote is this one by Allan Barnes, M.D., Johns Hopkins University, School of Medicine: "Christoper was born August 22, 1969. When he is 35 years old, the world will be twice as populated as it was that August 22nd. When he is 55 years old, the population will again have doubled—making it four times the size it was on the day of his birth. This number, 16 billion people, approaches global saturation. Clearly, if he survives to 65, he will see a population incompatable with life. The genera-

tion which must face population saturation is being born now. When Christoper looks back to see what society was doing to prevent catastrophe, where will he find your name written?"

If, indeed, Christoper does look back he will find the veterinary profession and AVMA were active in making it possible for people to live in 2025. We must face facts today and consider life in future decades.

Babies will continue to be born. These humans need good food, air, and water. Knowledge gained through research at our colleges and farms has made animal protein from meat, milk, and eggs available in adequate quantity to most Americans. Yet changes are rapidly affecting all food animal veterinarians.

For many of us the family farm operation is nearly gone. Successful farming today is big business and big business has little regard for sentiment. Monetary profit is paramount. To reduce or eliminate professional fees may be an objective. Purchase of drugs and biologicals from peddlers is one way to get along for a while, then when real trouble develops, "call the veterinarian," and put the blame on him for not salvaging the herd. That is the way it goes many times in dairy and beef cattle and swine herds.

Of course this is the wrong approach. There are veterinarians who are expert in feed-lot animal care and nutrition. There are others highly capable in disease control and nutrition of dairy cows in large product units. But we need more qualified men for this expanding agribusiness. The challenge of large animal practice still exists.

Large animal clinicians in veterinary colleges have been encouraged to include more information on feed-lot management, and care and nutrition of livestock in concentrated areas. Short courses, illustrated lectures and field tours as part of continuing education show our interest in this developing operation. Research and field observations will continue to provide answers to economical food production.

But several things bother me. First, why do we continue to be at the mercy of real estate developers? Why do we let them transform prime farm land in housing, or plazas, or industrial centers, and permanently remove fertile land from agriculture? Why not encourage developments on poor agricultural land or arid or rocky soil?

Second, what methods will be devised for waste disposal from the feedlots and other concentrated livestock operations? Where will the excreted drugs, pesticides, and bacteria go? Will they travel via natural drainage to brooks, rivers, or lakes? Or will they percolate into the ground water?

Already highway salt is contaminating water supplies in many areas of the northern states. Pesticide pollution of water is not restricted to agricultural or large animal use. What happens to the solutions used for ectoparasite control on small animals? How many gallons of pesticides go into sewerage systems, only to end in lakes, rivers, or the ocean? Why should waste disposal not be of prime concern now? The U.S. Department of Agriculture has pilot study projects underway, but it behooves all of us to contribute what we can to local solutions of these problems.

This brings me to ecology, wildlife, and fish-farming. We know that some rocks on the moon age back to 4.3 billion years, yet we know only a small part of what makes nature "tick." We are woefully lacking in knowledge of wildlife behavior, breeding, nutrition, diseases, and interrelationships. Knowledge of fish culture and propagation is only elementary, yet the fastest growing agricultural enterprise in the southeast is catfish farming.

It is heartening to see the enthusiastic, aggressive approach to the problems of aquatic animal health taken by the veterinary college at the University of Georgia, and to know of other work being done at Texas A&M University, and by individuals elsewhere. However, we need more work at more veterinary colleges on fish and wildlife problems.

The basic knowledge of anatomical relations, physiological chemistry, pathology, bacteriology, virology, and epidemiology make the veterinarian a logical choice to lead a team of workers. Let's get on with the job right now.

Another urgent domestic issue is delivery of health care. To me this term "delivery of health care" encompasses nearly everything having to do with human health—from emergency service to rest homes for the aged; from comprehensive health planning to epidemiology; and from zoonoses to nutrition. This may be a broader viewpoint than that which many people have, but nothing in health delivery is singular—everything is interrelated.

There is no formula, to my knowledge, which incorporates veterinarians in comprehensive health planning. Why not? Veterinarians are important members of research teams and administrative agencies throughout the country, working on problems ranging from cancer research and heart disease to space medicine. Contributions by veterinarians to the solutions of human health problems in the past and at present are known to all of you.

I regret that importance of these contributions was not recognized in February. How some people in our national government could overlook the importance of meat, poultry, and other food inspection by veterinarians in the Department of Agriculture and the military services, forget the reduction of bovine tuberculosis and brucellosis, fail to recognize the actions of the veterinarians in public health and regulatory work, and discard the efforts of academic staff, research, industrial, and food animal veterinarians, is more than I can understand. It was disappointing to read in the budget message that only animal lovers would be upset by the elimination of $2.7 million as institutional grants to colleges of veterinary medicine in fiscal year 1971.

This brings up the big point that veterinarians individually and in all organized groups should let their accomplishments be made known. We must make it clear that foods don't originate in the market place. With 70% of our population living in cities how can we expect these people to know what we do if we don't tell them? I am annoyed each time a cat or dog owner asks with astonishment why cows or pigs need attention from a veterinarian. This shows me that I have failed in client education. More veterinarians must show the broad knowledge they have.

Such knowledge can nicely be applied in comprehensive health planning. Who knows the road, terrain, and people better than the large animal or mixed practitioner? He can also help counsel officials in disaster control programs and can help guide residents on matters of first aid, nutrition, and principles of disease prevention, safety and sanitation by working with social clubs, Scouts, FFA, and 4–H. Counsel to the Board of Health on all problems of animal origin should be a natural.

What has been done about all this? I have asked a Council and staff of AVMA to prepare articles for use in professional and lay publications indicating where veterinarians could be involved. The National Center for Disease Control of the U.S. Public Health Service has been asked to prepare an outline showing where veterinarians could be active in comprehensive health planning. Sustained effort on explanation of veterinary activities should be maintained.

When I was elected as President-elect, I was asked what my objectives were for my term in office. I replied that I had no revolutionary new concepts—rather that I would work to solve existing problems.

Some of these have already been mentioned but I have said nothing about AVMA organizational structure or the mechanics of operation. Now is not the time for detailed discussion of that. But it has seemed to me, for years, that contact between AVMA and members needed vast improvement. Our excellent Journal does a fine job of reporting activities, etc., in the "yellow pages," yet members seem to be relatively poorly informed.

To try to improve the situation, Drs. Herrick, Brown, and I have represented AVMA at all meetings we could attend. Although this is no easy chore, we are happy to learn about local problems, and to discuss affairs with members. Chicago staff is willing and available, too; all we need are invitations to be with you.

We have asked that AVMA Executive Board members be invited to attend the annual meeting of each constituent association in their Districts. In a few Districts we know the board members' attendance is not possible, but in most of them it is possible, and I urge this improved liaison. AVMA depends on strong constituent associations and should help these constituents wherever and whenever possible.

I think we are now working well with the special practice oriented groups; that these will be asked to do more in the future by way of joint meetings and continuing education. I hope that by sensible cooperation among all groups, part of the needless duplication of programs will be eliminated. AVMA certainly can and will help if given the chance. Some speakers, now booked more than a year ahead, are losing their enthusiasm for appearances. We must correct this situation.

About our veterinary colleges. So far I have visited only seven, but I have been impressed by the earnest dedication to work by the faculty members I have met. They are producing graduates well grounded in science and basic veterinary medicine, in addition to doing research.

Faculty members deserve commendation for their efforts in teaching, research, and all the other things they do. Too often we take these people for granted, criticize what they do and what they don't do. New teaching methods enable faculties to expose more information to the students each year. The situation is not perfect, yet praise is in order for what they are doing in these difficult changing times.

Veterinary college students have not received the attention from AVMA that I think they deserve. I want each AVMA student chapter visited each year by an elected officer or other AVMA official; I want to see more financial and moral support of their worthwhile projects; I want to see 100% membership of students in chapters and later in AVMA.

These students have questions which require answers. We will all benefit from the conversations. The students are smart, dedicated, and have goals to be outstanding veterinarians and to improve the profession.

There is no connection, of course, but two hours after I arrived on the Ohio State campus, April 29, the riot broke out. Although we were on the peaceful side of the river, locked University buildings prevented our meeting. In spite of the turmoil elsewhere, veterinary students did show up to hear about the AVMA. It is reassuring to talk with veterinary students and to realize their stability. They should have more help from the AVMA Foundation for scholarship loans and grants. This cannot be done because of low level contributions from members. Only the Women's

Auxiliary has carried its share. I say the Foundation must either be renovated, or let's discard the whole idea. To continue as at present is not complimentary to veterinary medicine.

These points I have made are only a few of those we face today. You have been very patient to listen so attentively. I hope that in your reflective hours in the future you will think of poor Christopher and his problems, how veterinary medicine and you will provide the means for him to reach age 55, and whether your contribution will justify your name being written on the list of those who care.

EQUAL EDUCATIONAL OPPORTUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WATSON) is recognized for 10 minutes.

Mr. WATSON. Mr. Speaker, for the past several weeks news coverage of the hearings conducted by the Senate Select Committee on Equal Educational Opportunity would lead most Americans outside the South to believe that the southern people, black and white, are forms of sub-Americans who should conform without question to massive Federal interference in their school systems while areas of the North should remain free from such discriminatory treatment.

I deeply resent the whole atmosphere under which the hearings were held which were obviously designed to malign the South and were devoid of any objectivity. Even more deeply I resent a liberal Member of the Senate, who knows absolutely nothing about the South, pretending to have all the answers for our region of the country. I am also fed up with the self-righteous, hypocritical double standard that people like the chairman of this committee apply in dealing with social problems of which they know nothing. If the Senator from Minnesota wants to examine in depth social attitudes and prejudices of which he should know a great deal, I respectfully suggest that he tell the Nation about the traditional plight of the Indians in his home State.

The hearings in themselves were a charade and a sham. They were conducted like mocked trials with obviously carefully selected witnesses who were chosen on the basis of what they were expected to say and what the committee wanted them to say. I do not know of an instance since the infamous Reconstruction era of a more blatant example of rigged hearings.

The arguments used by the chairman and so-called friendly witnesses to cram integration down the throats of the southern people were just absurd. But the rhetoric did clearly reveal the extraordinary length that liberals will go to malign anyone who dares to disagree with them, especially if the person disagreeing happens to be a southerner.

Mr. Speaker, it has often been said that the most intolerant and biased individual in our society is a liberal and yet the whole concept of liberalism is one in which free discussions and different opinions are supposedly solicited.

If the fair-minded, thinking people of this Nation need any more proof of example of northern liberal intolerance toward the South, the hearings conducted by the Senator from Minnesota should convince them.

For a century the South has been treated as if it were not even a part of the Nation, and our people have been hounded and criticized for our beliefs. Northern liberal politicians and newsmen have angrily and sanctimoniously denounced us because we dare to have a philosophy which differs from their own.

But, Mr. Speaker, I say this most emphatically, this sick intolerance must cease if this Nation is to survive. The very decline of America can be laid at the feet of northern liberal moral decline and its witchdoctor sociology.

If America is to maintain its greatness and its standards, the South will lead the way. Northern liberals, whose philosophy of permissiveness has produced a scene of rampant dope addiction, rock bottom moral standards, unprecedented lawlessness and a diminished patriotism, have forfeited the right to speak for any section of this country, much less the Nation itself. In fact, if philosophical denunciation is in order, the people of this Nation, regardless of region, should denounce in the strongest terms, northern liberal thoughts and actions, and tell them that we shall have no more of it.

EEOC'S "MORE POWER" GRAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, the authors and cosponsors of H.R. 17555 say this effort to expand the powers of the Equal Employment Opportunity Commission will further promote equal employment opportunities for American workers who are members of minority groups. This conclusion is totally incorrect. I cannot support the principles of this bill.

We must remember that all employment must be based on employee qualifications. This is as it should be. The employee's ability to perform determines the cost and quality of goods produced and services rendered.

I have repeatedly stated that the United States is a land of opportunity for everyone. A high school education is available to all of our youth; vocational-technical high schools have been built by the thousands.

It only follows that youth who are members of minority groups should take advantage of this education in order to qualify to properly compete for all employment.

I know that almost all trade unions have been carrying on active recruitment programs to get minority group youths employed in their apprentice programs. However, the trade unions have not been successful in this effort. Many members of minority groups who pass the most basic apprentice examination either fail to show up for work or last only a few weeks on the job.

Obviously, they are not willing to take the time to properly learn a trade. Many of them would rather receive $10 or $15 less a week on welfare for doing nothing than put forth the effort to learn a trade which would eventually pay them a most substantial income. This same welfare which provides higher payments to fatherless families is breaking up the family structure and this causes more school dropouts.

The obvious advantage enjoyed by minority group members today is illustrated by the fact that colleges and universities are actively recruiting students from the ranks of minority groups. Many colleges and universities have lower standards of admission for minority group students and even subsidize them with scholarships.

I submit that the bureaucratic powers of the Equal Employment Opportunity Commission need no further fattening. It already has enough. Its personnel have made it clear enough that they want more power and that they have been something more than zealous in pushing the power EEOC already enjoys.

For example, I am informed that, back in 1965, only four employees of the Newport News Shipbuilding & Dry Dock Co., then working on the world's largest aircraft carrier, were prepared to charge discrimination. Yet the EEOC summoned the full measure of its power to threaten the company's defense contracts, force a quota system of minority hiring, and compel the employers to sign an agreement that "conditions of the employee's skill and ability" were not "germane" to hiring.

In insisting that "conditions of employee's skill and ability" were not "germane" to hiring, the EEOC is attempting to commit a travesty on our American system. Our American system has long recognized an employee's skill and ability and has rewarded those who increase their skill and ability.

Yet, rather than attempt to stimulate members of minority groups to take advantage of the education available to them and to serve apprenticeships to learn trades, the EEOC would endanger our American system by simply legislating that quotas of minority groups be hired regardless of their skill and ability.

H.R. 17555 would permit EEOC to issue cease-and-desist orders in cases of discrimination allegedly practiced by companies or by labor unions and to reinstate or hire employees and conduct periodic checks to ascertain that EEOC orders are being carried out. Imagine what the EEOC bureaucrats would do with that additional power.

Consider, further, the additional impact of H.R. 17555's providing EEOC with the additional power to directly petition a court of appeals to force a company or a labor union to comply with EEOC's own orders based on EEOC's own prejudged findings of evidence of discrimination.

To grant the Equal Employment Opportunity Commission the power to bypass the Department of Justice in moving to the judicial branch with an executive branch legal action would establish a

dangerous precedent which could lead to other agencies, bureaus, and departments seeking to bypass the Department of Justice.

I think, further, that the effort to give the EEOC the power, as provided in H.R. 17555, to go to court over the head of the Justice Department with EEOC's self-acquired cases against industry and against organized labor is particularly peculiar and suspect in view of a critical fact which, presumably, we are supposed to ignore: The fact that, under title VII of the 1964 Civil Rights Act which H.R. 17555 seeks to expand, the Civil Rights Division of the Department of Justice has been greatly expanded and has been substantially reorganized in the interest of greater effectiveness in the defense of civil rights.

Back in 1957, when the Civil Rights Division of the Department of Justice was established, it was permitted about 15 lawyers. It now has 104 lawyers on the job, with more coming in to bring the Division to authorized strength of 133 lawyers, even as the Division seeks authorization to expand its recently-established Employment Section to 40 lawyers from its presently authorized strength of 30.

I insist that there is absolutely no justification for this effort by EEOC to pressure the Congress into giving it greater powers in the name of "Enforcement" of "Equal Employment Opportunities"—unless, of course, we wish to justify the well-established bureaucratic desire to perpetuate itself in power and to take unto itself ever greater, more authoritarian, power.

Mr. Speaker, I ask my distinguished colleagues to give most serious consideration to this which, to all of us, should be a most frightening—and real—possibility.

FUTURE AUTOMATIC ADJUSTMENTS IN PAY OF FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CORBETT) was recognized for 15 minutes.

Mr. CORBETT. Mr. Speaker, I am today introducing legislation which is officially recommended by the administration to provide for future automatic adjustments in the pay of Federal employees.

In 1962, this Congress established the policy that the pay of our Federal employees should be comparable to the pay of employees in private industry for the same levels and types of work. In the intervening years, we have not had a very good record in implementing this comparability principle.

Several "one-shot" pay enactments in 1964 and 1965 fell far short of achieving full pay comparability, primarily because of the wage-price guidelines then laid down by President Johnson. The 1967 pay bill contained a three-step pay raise which accomplished a reasonable degree of comparability on the effective date of the third pay raise, July 1, 1969. The 6-percent pay raise, retroactive to January 1 of this year, which was recommended by President Nixon and enacted on April 15, 1970, was another major effort to achieve full pay comparability.

However, it is evident that we are not going to either achieve or maintain full pay comparability until or unless we enact a permanent, rational, and orderly means for doing so.

The legislation recommended by the administration is intended to accomplish this objective. At least, it is a very sound basis upon which our committee can work to produce meaningful legislation on the subject before Congress adjourns this year.

For the information of the Members, I am inserting in the RECORD a letter from the Honorable Robert E. Hampton, Chairman of the U.S. Civil Service Commission, transmitting the proposed legislation to the House, a sectional analysis of the bill, and a statement of purpose and justification:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., July 22, 1970.

Hon. JOHN H. MCCORMACK,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: I am transmitting for the consideratinon of the Congress proposed legislation "To amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes." A draft bill, a section analysis of its provisions, and a statement of purpose and justification are enclosed.

In presenting his postal reform legislation, the President proposed new procedures for the adjustment of the salaries of postal workers. It is now important that an improved continuing procedure be established for adjusting the salaries of Federal employees under other statutory salary systems. These employees must be assured that their pay rates will be kept up to date in relationship to salaries paid in the private sector.

This proposed legislation is needed to reduce the time lag between salary surveys and schedule adjustments and to make other improvements in the procedure for applying the pay comparability policy adopted by Congress in 1962. It affords an appropriate role to employee organizations, the President, and the Congress. Employee organizations would be consulted by an agent of the President on the coverage of the Bureau of Labor Statistics survey, the salary comparison process and the adjustments required to achieve comparability with private enterprise salaries. An impartial Advisory Committee on Federal Salaries would review the findings of the President's agent and consider the views of employee organizations with respect to the analysis and pay proposals in the agent's report. This Advisory Committee would report to the President.

After reviewing the reports and recommendations of his agent and of the Advisory Committee, the President would make the appropriate salary adjustments and would report his actions to the Congress. If in any year the President should find it inappropriate to make the adjustments because of a national emergency or economic conditions affecting the general welfare, he would have to present an alternative plan to the Congress before September 1 which would become effective on October 1 unless either House disapproved on or before September 30.

The draft bill contemplates that the first two salary adjustments will be effective January 1, 1971 and January 1, 1972. Subsequently, these effective dates will be October 1 of each year, in order to get into better phase with the budget cycle.

Enactment of this draft bill will build on the precedents set in 1967 and in 1970 (1) by reducing the time lag and (2) by providing for a review of findings by an impartial group. It is necessary to implement properly the sound pay-fixing principles established by Congress in 1962. We urge that it be given prompt and favorable consideration.

The Office of Management and Budget advises that the enactment of this draft bill would be in accord with the program of the Administration.

A similar letter is being sent to the President of the Senate.

By direction of the Commission:

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

SECTION ANALYSIS

(To accompany a draft bill to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal salaries, and for other purposes)

The first section of the draft bill provides that the act may be cited as the "Federal Salary Comparability Act of 1970."

Section 2 of the draft bill amends title 5, United States Code, by revising and restating sections 5301 and 5302, relating to the congressional policy for fixing pay rates for Federal statutory schedules, and by adding a new section 5302a, creating an Advisory Committee on Federal salaries.

The revised section 5301 continues the policy of the Congress that rates of pay for Federal statutory schedules shall be based on the principles that there shall be equal pay for substantially equal work, that pay distinctions shall be maintained in keeping with work and performance distinctions, and that Federal pay rates shall be comparable with private enterprise pay rate for the same levels of work. The pay systems covered by these principles are identified as those for the General Schedule, the Foreign Service, and the Department of Medicine and Surgery of the Veterans Administration.

The revised section 5302 sets forth the procedure for carrying out the policy expressed in section 5301. The major change from existing law is the provision directing the President to make the annual adjustments by October 1 of each year. Similar authority on a temporary basis was, however, given to the President by the pay acts of 1967 and 1970.

Subsection (a) of the revised section 5302 requires that an agent of the President, after consulting with employee organizations, shall make an annual report to the President comparing Federal statutory salaries with private enterprise rates for the same levels of work as reflected in appropriate Bureau of Labor Statistics surveys and recommending appropriate adjustments in Federal salary rates. After considering the report of his agent and the recommendations thereon of an impartial Advisory Committee on Federal Salaries, the President would be required before October 1 of each year to adjust rates of the Federal statutory schedules. These adjustments would be effective on the first day of the first applicable pay period beginning on or after that date. Under existing law, the President makes recommendations to the Congress and the adjustments must be made through the regular legislative process.

Action by the President under revised section 5302 is mandatory. Under subsection (b) in any year that he determines it inappropiate to make the adjustment required by the law because of national emergency or economic conditions affecting the general welfare, he must prepare and transmit to Congress before September 1 in that year such alternative plan as he deems appropriate, and if before September 30 neither House has disapproved, the President's alternative plan shall become effective on October 1. Should

either House disapprove, however, the President would have to make the adjustment required by section 5302, subsection (a)(2), of this bill.

By including specific dates, the provisions in subsections (a) and (b) of the revised section 5302 ensure that actions will be taken and become effective at a time certain and that there will be no retroactive adjustments.

Revised section 5302(c) requires that the President's agent in carrying out its role under subsection (a) must consult with employee oragnizations regarding the coverage of the BLS survey, the salary comparison process, and the adjustments in salaries required to achieve comparability with private enterprise salaries and must include the views of the employee organizations in its report to the President.

Revised section 5302(d) provides that the adjustments made by the President have the force and effect of statute and shall be printed in the Statutes at Large and in the Federal Register and included in the Code of Federal Regulations.

Under the provisions in revised section 5302(e), adjustments in pay rates under this authority would not be equivalent increases for purposes of computing waiting periods for step-increases under the General Schedule.

Revised section 5302(f) authorizes the President, or such agencies as he may designate, to prescribe conversion rules for making pay adjustments.

Revised section 5302(g) provides that other provisions in this section will not impair the authority of agencies to fix rates of pay by administrative action.

The new section 5302(a) of title 5, United States Code, establishes an Advisory Committee on Federal Salaries and prescribes its functions.

Subsection (a) of that section provides that the Committee shall be an independent establishment composed of three members appointed by the President from outside the Federal Government. The Chairman will be designated by the President from among the members. Except for initial appointments, members will serve six-year staggered terms.

Subsection (b) requires that the Committee shall (1) review the annual report of the President's agent; (2) consider such further views and recommendations with respect to the analysis and pay proposals contained in the annual report of the President's agent as may be presented to it in writing by Federal employee organizations, the President's agent, other Federal officials, and such experts as it may consult; and (3) report its findings and recommendations to the President.

Subsections (c)-(e) contain customary provisions for administration of a Committee of this type, including authority for the employment of experts and consultants under 5 U.S.C. 3109 and of such other personnel as necessary to carry out its functions. It also provides that each member of the Committee will receive the daily equivalent of the rate for Executive Schedule level IV for each day he is engaged on work of the Committee and will receive travel expenses, including a per diem allowance, under 5 U.S.C. 5703(b).

Section 2(b) of this draft bill makes conforming changes in the analysis of chapter 53 of title 5, United States Code.

Section 3 provides that the President may make the initial adjustment required by section 5302(a)(2) of title 5, United States Code, as revised by this draft bill, without regard to the provisions relating to the Advisory Committee on Federal Salaries. This authority would be used only if the date of enactment of the legislation should be so near the date on which the President would be required to make the adjustment that it would not be feasible to establish the Committee and allow time for it to become operational. This section also fixes the beginning of the first pay period on or after January 1 as the effective date for the adjustments in 1971 and 1972. In future years the adjustments would be effective in October.

STATEMENT OF PURPOSE AND JUSTIFICATION

(To accompany a draft bill to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes)

The purpose of this draft bill is to provide a continuing improved procedure for adjusting salaries for General Schedule employees, Foreign Service employees, and doctors, dentists, and nurses in the Department of Medicine and Surgery of the Veterans Administration. This legislation is necesary to properly implement the policy adopted by Congress in 1962 for relating the rates in these schedules to salaries paid for similar work levels in the private sector.

As stated in section 5301 of title 5, United States Code, the policy of Congress is that Federal pay fixing be based on the principles that—

(1) There be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.

This draft bill is designed to reduce the time lag between salary surveys and schedule adjustments and to make other improvements in the procedure for applying the pay comparability principle to the adjustment of salaries for these Federal career employees.

Enactment of the salary review and adjustment procedures in this draft bill would afford an appropriate role to employee organizations, the President, and Congress. Employee organizations would be consulted regarding the coverage of the Bureau of Labor Statistics survey, the salary comparison process, and the adjustments in Federal salaries required to achieve comparability with private enterprise salaries.

In addition, employee organizations would be afforded the opportunity to have their views and recommendations with respect to the annual report of the President's agent considered by an impartial body. The proposed legislation would establish an Advisory Committee on Federal Salaries composed of three members appointed by the President from outside the Government service for six-year staggered terms. The Advisory Committee would review the annual report of the President's agent and give thorough consideration to such further views as might be presented with respect to the analysis and pay proposals in that report by unions, professional organizations, and other Federal officials. Upon completion of its review, the Committee would report to the President.

This proposal would vest in the President the responsibility for adjusting statutory schedules each year in accordance with policies established by law. Congress would continue to deal with changes in policy by the usual legislative process.

By giving the authority to the President, action can be completed in a much shorter time following the comparison of Federal and private enterprise salaries. When the President arrived at a decision on what adjustment was needed to raise Federal salaries to comparability with private enterprise rates, that adjustment could be put into effect in a timely manner. Now the President's recommendations must be sent to Congress where the necessary legislative action generally takes a minimum of two or three months and sometimes a much longer period. Especially in times when salaries in the private sector are increasing rapidly, the Federal employee should not have to wait for the adjustment to which he is entitled.

The draft bill fixes a date on or before which the President must adjust the salaries each year. If for reasons of national emergency or economic conditions affecting the general welfare the President should consider it inappropriate in any year to make the adjustment required by law, he would have to prepare and transmit to Congress in advance his alternative plan, and if neither House of Congress disapproved on or before September 30, the plan proposed by the President would become effective on October 1.

The draft bill specifies an October effective date for the adjustments. An exception is made, however, for the first two adjustments. Section 3 of the bill specifies that these adjustments will be effective in January 1971 and January 1972, respectively. The October date is introduced so that the survey schedule may be adjusted to better accommodate to the budget cycle. The time lag between the survey and the effective date of the adjustment would be unchanged. The survey would be made earlier and the adjustment would be made earlier. With the present survey schedule and a January adjustment, it is necessary to seek a supplemental appropriation not only for the current year but also for the next fiscal year.

Federal salary rates must be adequate to enable the Government to employ persons well qualified to conduct its programs; they must be fair to Federal employees and they must be fair to the taxpayer.

Salaries fixed in accordance with the principles established in 1962 meet these objectives. This draft bill reaffirms the established principles and provides improved procedures for carrying them out.

The achievement of true comparability dictates that the annual adjustments be made on a timely basis. The draft bill assures that this will be done by requiring that the President make the adjustments by a certain date.

Congress has established the policies. Congress can by this proposed legislation establish the needed authorizations for the continuing administration of the program. As with any other program administered by the Executive Branch, Congress will oversee the work and consider and enact legislation as needed to change it.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. Over 3 percent of the U.S. population is enrolled in college. Both Canada and the Soviet Union have approximately 2 percent of their population enrolled in colleges.

JULY 25—ANNIVERSARY—PUERTO RICO ATTAINED SELF-GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Puerto Rico (Mr. CÓRDOVA) is recognized for 5 minutes.

Mr. CÓRDOVA. Mr. Speaker, I invite our colleagues to pause with me for a

moment in these proceedings to mark our observance on this Saturday, July 25, of the anniversary of two historical events for Puerto Rico. It was on July 25, 1898, that the first troops of the U.S. Army landed at Guánica on the southwest coast of the island and were welcomed by most of the people of Puerto Rico.

It is an anniversary which has for centuries been observed as an official holiday. Prior to 1898, Puerto Rico, as a part of Spain, celebrated this anniversary as the feast of St. James, the patron saint of Spain, from which country our people derive their culture and language, and with which we shared four centuries of history.

Although Puerto Rico achieved in the early months of 1898 a very substantial degree of self-government granted by the liberal regime which came into power in Spain late in 1898, this newly received measure of freedom had scarcely been implemented when the American troops arrived, and were welcomed as the harbingers of true freedom in the new world.

I must say our people, who by the end of 1899 were practically unanimous in looking forward to joining the Union as a State, and meanwhile achieving self-government as a territory, were grievously disappointed when Congress denied them American citizenship, and reduced them to a colonial status, in the Foraker Act which in 1900 provided the first civil government under the American flag.

Congress finally granted our people American citizenship, and a small measure of self-government, in 1917. The recognition of our rights as citizens progressed some 30 years later with the appointment by the President of the first native-born Governor of Puerto Rico in 1946 and the extension by Congress to Puerto Rico of the right to elect its own Governor in 1947—the first time this right had been acknowledged with regard to any American community other than a State. This was followed by congressional action in 1950 authorizing Puerto Rico to adopt its own constitution, and in 1952 by the congressional approval of the constitution of the Commonwealth of Puerto Rico.

The effective date of the 1952 constitution was July 25, a date deliberately chosen because of its historical significance in Puerto Rico, as the feast of St. James, and as the anniversary of the landing of Gen. Nelson Miles and his troops in Guánica in 1898.

So Mr. Speaker, I invite our colleagues to join all Puerto Ricans, in Puerto Rico and in the mainland, in celebrating July 25 as a date redolent with significance in the history of Puerto Rico, and with the hope which all of us in Puerto Rico share of achieving full self-government.

THE FULTON-BROYHILL BILL: NATIONAL HEALTH INSURANCE THROUGH THE "MEDICREDIT TAX INCENTIVE PLAN"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 15 minutes.

Mr. FULTON of Tennessee. Mr. Speaker, to say that the Nation faces a crisis in health care is neither startling nor original.

We have heard this assessment from President Nixon; from former Secretary of Health, Education and Welfare Robert Finch; from various Members of Congress; and from a host of editorial writers, news commentators, academicians, and health professionals.

There are, in fact, few Americans who would argue the point any longer.

Despite burgeoning governmental programs; the tremendous growth of private health insurance plans in recent years; a $60 billion-a-year health industry; and a $38 billion outlay annually in private expenditures for their own health care, the people of this country are viewing—with mounting concern—the widening gap between the promises and the realities.

We say that health care is a right, not a privilege.

But the difference between a right denied and a privilege withheld of little moment to a person who needs health care and either can't get it when he needs it or cannot afford it when he finds it.

And so we are far from the point where the goal that all of us share—adequate health care for all Americans—seems readily attainable.

But the search for solutions is on.

The problem is no longer whether we assure the right to adequate health care to those who expect it and demand it.

The problem is how we should go about it.

Let us be thankful that there is no shortage of ideas on that score. Already we have a double handful of proposed solutions and the likelihood of a dozen more being introduced in the months ahead.

And whether we are talking about the Rockefeller approach, the AFL–CIO approach, the Kennedy approach, or the approach taken by the Committee of 100, all of them advocate sweeping changes in our health care system.

For all propose, in one form or another, a national health insurance plan.

These plans deserve the most careful scrutiny, Mr. Speaker, as will the alternatives they are certain to generate. For no thornier problem confronts us on the domestic scene, none cries out for a workable solution with more urgency, none poses a greater need for hard, original thinking.

As Victor Hugo once wrote:

> Greater than the tread of mighty armies is an idea whose time has come.

The idea of national health insurance is an idea whose time has come. The question is no longer whether or not we need a national insurance plan. The question is what plan? And when can we develop one that works?

Early in this session—to be precise, in January a year ago—I introduced a bill which seemed to me to have considerable merit.

It stemmed from an American Medical Association concept and was drafted after extensive discussions with AMA spokesmen.

Essentially, my bill took a split-level approach to the problem.

The first part was designed to meet the needs of those presently covered under the title 19 medicaid program. Under the plan, each low-income person or family would receive a certificate for the purchase of a qualified and comprehensive health insurance plan.

This protection would be made available to those unable to pay for health care without cost or contribution to themselves, since the cost of the program would be borne entirely by the Federal Government.

At the second level, tax credits would be granted on the basis of the individual's gross income for the purchase of qualified health benefits coverage. These credits would be based on a sliding scale of gross income and would be larger or smaller according to need.

Since the introduction of that bill, a great deal has happened, Mr. Speaker.

We have held continuous hearings on the Ways and Means Committee from October of last year until May of this year.

We have listened to hundreds of witnesses, heard dozens of ideas, and exchanged uncounted hours of dialog.

Not surprisingly, my own thinking has been modified and rechanneled as a result of the experience.

If it is possible to identify a common concern, shared it seems to me by most, if not all of my colleagues on the committee, that concern is how we are going to control the costs of these programs.

Medicare and medicaid, for example, are beset by soaring costs. And they are limited programs.

How, then, are we to control the costs of an across-the-board national health insurance plan without bankrupting the Nation or wasting billions of tax dollars?

Mr. Speaker, I am introducing today another national health insurance bill which represents, in my view, a vast improvement over its predecessor by reason of the fact that it encompasses a built-in mechanism for cost control.

I am being joined in this by my committee colleague, Representative JOEL T. BROYHILL of Virginia.

Let me outline the measure for you briefly.

"Medicredit," as the AMA has christened it, recognizes that our population falls roughly into three categories.

In the first are those who are unable to pay the cost of adequate health care for themselves or their families.

In the second are those who can pay a portion of this cost—small or large, but depending upon their respective abilities.

The third category consists of those with a reasonably full ability to pay.

For those unable to afford health insurance, the Federal Government would buy basic comprehensive health coverage by providing the individual, or head

of the family, with a certificate that could be used to buy hospital and physicians' services.

Similar certificates would be provided for those with a low tax liability—say, $300 or less.

Those with a tax liability above that amount would be given income tax credits upon their establishment of expenditures for qualified health care plans. The amount of the credit would vary with tax liability. For example, a taxpayer with a $500 tax liability would receive 70 percent of the annual premium cost as a credit against the taxes he owed. A family with a $1,200 tax liability would receive 20 percent against its tax liability.

Let me stress that this bill is based on net taxable income rather than gross income, as provided in my original bill. This seems to me an improvement, in that net taxable income screens out inequities in tax liability—thereby reflecting more fairly a taxpayer's ability to pay—and for that reason furnishes a better yardstick of need than gross income.

In order to receive his tax credit, the taxpayer would need to show that he has purchased a qualified insurance or prepayment plan.

A qualified plan would be one where both the benefit package and the carrier or group had been approved by the appropriate State agency, which would follow established guidelines in developing this qualifying program.

A Health Insurance Advisory Board, to be chaired by the Secretary of Health, Education, and Welfare and to include the Commissioner of Internal Revenue and public members, would provide the guidelines necessary to carry out the program; plan and develop programs for maintaining the quality of medical care; oversee the financial aspects of the program; and concern itself with the effective use of available health manpower and facilities. The Health Insurance Advisory Board would report annually to the President and the Congress.

As basic benefits under any qualified plan, medicredit requires 60 days of inpatient hospital services, including maternity services; all emergency and outpatient services provided in the hospital; and all medical services provided by an M.D. or a doctor of osteopathy, whether performed in the hospital, home, office or elsewhere. Supplemental benefits could also be provided under the plan and paid for either with tax credits or, in the case of those unable to pay, with certificates.

This approach does away with the need for medicaid, Mr. Speaker. Under title 19, we have been saying—even to the self-sufficient who can clothe, house, and feed themselves—"spend yourselves to the point of indigency, and then we will move in to help."

Medicredit reverses that thinking. It says, in effect:

"The Federal Government will see that you get insurance protection against the cost of illness so that you will not be reduced to indigency.

An advantage to the plan is that it takes into account the varying costs of health care from region to region by dealing with commercial insurance companies, Blue Cross, Blue Shield, or any prepaid group plan operating in any part of the country, on the basis of an acceptable program reflecting regional costs.

Before going into the third element of this legislation, Mr. Speaker, let me express my conviction that the use of the insurance mechanism is essential to any successful program of national health insurance. Without Blue Shield, Blue Cross and the commercial carriers under contract to the Social Security Administration, medicare would have been an administrative nightmare. In fact it becomes increasingly clear that the private sector should be involved even further in the medicare program, as should any other program that seeks to deliver adequate health care at a price Americans can afford.

To summarize, then, the bill does away with the need for medicaid and places all those presently covered by medicaid in the mainstream of health care.

For the higher income individuals and families, the bill offers realistic incentives to purchase comprehensive health care coverage on a voluntary basis.

The bill utilizes to the fullest extent the private carriers and plans and allows the competition of the marketplace to operate in maintaining cost control and insuring quality of care.

Medicare would be unaffected by this bill's passage, for only those under 65 years of age would be covered by medicredit.

Briefly, now, a word on costs and cost controls.

As wealthy as this country is, there are limits to what we can undertake.

An across-the-board national health insurance plan, operated regardless of need, will carry a price tag of sobering size. And no such plan I have yet seen includes—at least to my satisfaction—a mechanism which promises effective cost control of the taxpayers' money.

This brings us to an essential element of medicredit—its provision of peer review.

This bill calls for a constant and unremitting policing mechanism.

The appropriate medical societies would be charged with establishing a peer review mechanism that would, among other things, review individual charges and services, wherever performed; review hospital and skilled nursing home admissions; review the length of stays in hospitals and skilled nursing homes; and review the need for professional services provided in the institution.

The process of ongoing review can have nothing but a salutary effect on the providers of services, thereby cutting down on the occasional or unintentional abuses that would otherwise occur.

Patterns of abuse would be detected, and the abusers either suspended from or excluded from the program. Exclusion could follow action by the Secretary of Health, Education, and Welfare upon the recommendation of the peer review committee.

In the case of fraud, or other clear intentional misconduct, the peer review committee would be expected to bring charges before the appropriate licensing body.

And in the event that a peer review committee was not established by the medical society within a reasonable time, or if established was not functioning, the Secretary of Health, Education, and Welfare, in consultation with the medical society, would be empowered to appoint a peer review committee that would function.

I am frank to admit, Mr. Speaker, that I am chary at this point of offering cost figures on medicredit or any other of the plans now under discussion. We have seen the cost estimates of medicare and medicaid, for instance, drastically underestimated in the past.

I will say this, however:

Medicredit will cost a third as much, or a half as much, as some of the alternatives we have heard proposed. And its total net cost will reflect tax savings to the Federal and State Governments of the money spent on medicaid—about $5 billion a year presently, about $7 billion in projected increases.

Mr. Speaker, I am requesting that this measure be laid on the table for 10 days in order to allow others to study it, and, if they see fit, join Representative BROYHILL and me as sponsors.

Let me now summarize briefly the provisions of the bill I introduce—the "Health Insurance Assistance Act of 1970."

HEALTH INSURANCE ASSISTANCE ACT OF 1970

Summary of Legislation: It is proposed to incorporate in a single bill programs for: (1) the financing of health care for low income persons; (2) cash incentives through tax credits for the acquisition of comprehensive health insurance coverage; and (3) a structured statewide system for peer review of utilization, charges and quality of services. The first two are incorporated under Title I, the last under Title II.

TITLE I—FEDERAL FINANCING OF VOLUNTARY HEALTH INSURANCE

As to the first two parts of the proposal, the federal government would assist in the financing of medical and hospital care for individuals and their dependents through participation in the cost of insurance policies of their choice—100% premium payment for the low-income groups, and graduated participation in the payment of premiums for other persons, based on their federal income tax liability.

Entitlement to benefits would be determined with reference to federal income tax liability of an individual in a particular year (base year).

Part A—Health care provision for low-income groups

Certificates for Health Insurance: An individual having a tax liability of $300 or less in a base year would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Insurance purchased with such a full-pay certificate would require no beneficiary participation in health care charges.

The carrier, as defined in the bill, would present the certificate to the federal government for redemption.

Part B—Incentives for purchase of health insurance

Election of Tax Credit or Insurance Certificate: Federal contribution to insurance purchased by individuals under this part of

the program would be scaled in favor of low-income taxpayers—from 98% if the taxpayer's base year income tax is between $301 and $325, to 10% when his tax liability exceeds $1,300. A table of allowable percentages for related tax liabilities is included in the bill.

As an example: If in 1970 a family of four has $6,500 of income, and uses the standard tax deduction, its tax liability will be $493. The family would receive a tax credit of 73% of the premium cost. If his premium for a qualified health insurance plan or policy is $600, the taxpayer could reduce his income tax liability from $493 to $55 ($493 less $438). The same family with an income of $10,500 would receive a 20% tax credit and reduce the tax liability by $120 (assuming the same $600 premium cost).

A policy purchased under this program will contain deductibles: $50 per hospital stay, and 20% coinsurance on the first $500 of medical services.

Qualification of Participating Carriers: To participate in the plan any carrier would have to qualify under state law, provide certain basic coverage, make coverage available without preexisting health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be utilized as appropriate.

Health Insurance Coverage: Basic benefits in a 12-month policy period would include 60 days of inpatient hospital care. To encourage utilization of less expensive facilities, two days in an extended care facility would count as one day of the 60 days allowed. Other basic benefits would include emergency and outpatient services, and all medical services provided by a doctor of medicine or osteopathy. These are minimal requisites to any qualified insurance policy under the program.

A supplemental coverage could provide, in addition, one or more of the following: prescription drugs not otherwise covered, additional days of inpatient and extended care services, blood in excess of three pints, personal health services when furnished on written direction of a physician, diagnostic and therapeutic services, and catastrophic coverage of all hospital and medical costs, up to $25,000, after the first $300 of incurred expenses borne by the beneficiary.

Health Insurance Advisory Board: A health insurance advisory board of eleven members, including the Secretary of HEW and the Commissioner of Internal Revenue and other persons qualified by virtue of education, training, or experience, would be appointed by the President with Senate consent. The Board would establish minimum qualifications for carriers, and in consultation with carriers, providers and consumers would develop programs designed to maintain the quality of health care and the effective utilization of available financial resources, health manpower and facilities. It would report annually to the President and Congress.

PART II—PEER REVIEW (PRO)

Peer review would be employed as a system of review of utilization, charges and quality of services. As proposed in the bill, the Secretary of HEW would enter into agreements with State Medical Societies for the establishment by the societies of peer review organizations.

In establishing administration within a state, the State Medical Society would appoint a five-member Commission and a nine-member Advisory Council. The Commission would then divide the state into administrative areas, and appoint a three-member Local Review Panel and a five-member Local Advisory Council for each such area. All members of the Commission and of the Panels would be doctors of medicine or osteopathy. The Advisory Council would have consumer, provider, and carrier representation. If the State Medical Society would not or could not establish a peer review organization, the Secretary would create the Commission and carry out the peer review organization provisions within the terms of the act.

Hearing and Review: Each Panel would consider and review information supplied by individuals, institutions, hospitals, government agencies, and carriers. Random selection would also be employed for peer review.

When the facts as alleged so warrant, the Panel would have authority to order a hearing of a provider, and the provider would have the right to counsel. If the provider is a member of a specialty or allied health service, a person representing such service would be required to sit with the Panel in an advisory and consultative capacity. On the basis of its determinations on the hearing, the Panel could recommend, but not impose, disciplinary action.

Any recommendation for disciplinary action would be reviewed by the Commission, which could accept, reject or modify it. If the Commission finds that disciplinary action is warranted, it will make such recommendation to the Secretary.

Disciplinary Action: The Secretary will review and act upon a commission's recommendation for disciplinary action and may impose a penalty no greater than that recommended by the Commission, providing, however, that in the case of a first-time penalty, the provider may be suspended from participation in the program for a period no longer than one year. Continued violations giving rise to a subsequent hearing and recommendation for disciplinary action would be punishable by longer suspension or complete exclusion by the Secretary from participation in the programs. Upon showing of cause, however, the Secretary could reinstate a provider or reduce the period of exclusion.

The provider would have a right to judicial review of a determination of suspension or exclusion.

Evidence in other Proceedings: Evidence and information adduced under PRO and determinations made with respect thereto would not be admissible in any other action, civil or criminal.

Notice to Patients: An individual under suspension or exclusion would be required to take steps to advise his patients that medicare (or other federal health program) will not pay or reimburse for his services during the period of his ineligibility.

Protective Action and Communication: Action of a Commission or Panel member, or the supplying of information in carrying out the purpose of the PRO program, would not be a basis for legal liability.

Reimbursement of Expenses; Termination of Agreement: Expenses of PRO would be reimbursed by the federal government. An agreement to establish and operate a PRO would be terminable by the Secretary if the State Medical Society failed to discharge its obligations and responsibilities thereunder; or by the Medical Society by giving reasonable notice.

MILITARY HEALTH CARE TAKES AN IMPORTANT STEP FORWARD

(Mr. RIVERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, yesterday evening, in a quiet and little-publicized ceremony at the Pentagon, Secretary of Defense, Melvin Laird, administered the oath of office as Assistant Secretary of Defense (Health and Environment), to Dr. Louis M. Rousselot.

Dr. Rousselot has been serving as a Deputy Assistant Secretary for Health and Medicine.

The importance of this occasion to the health and welfare of members of our armed services and their dependents cannot be overestimated. Prior to yesterday the Department of Defense had kept relegated to a nonstatutory position the individual responsible for the overall health needs of the armed services.

As a result of the insistence of the House Armed Services Committee, and notwithstanding objections from many sources, the position of Assistant Secretary of Defense (Health and Medical) was reestablished by law in last year's procurement authorization act. A new charter was written for this office and hereafter the individual occupying the office will be responsible for not only health, but environmental problems affecting the armed services.

Dr. Rousselot is extremely well qualified for the position to which he has been elevated. He is an eminent surgeon and was professor of clinical surgery at New York University before coming to Washington to succeed Dr. Shirley Fisk, another noted physician. Others who have occupied this important position, either as Assistant Secretary or Deputy Assistant Secretary, are Dr. Melvin Casberg, Dr. Randolph Lovelace, Dr. Frank Berry, and Dr. Richard Meiling.

I can speak for all members of the House Armed Services Committee when I say we are pleased that Dr. Rousselot has been appointed to this position. We are also pleased that we succeeded in raising this position to a statutory office. Now the physicians, dentists, nurses, and others responsible for the health needs of our armed services will have a champion to whom they can turn who will serve in a statutory office that cannot be eliminated.

I am confident that the wisdom of our insistence that the health needs of our armed services be put under the direct responsibility of an individual occupying a statutory office will prove to be not only a wise move, but will also be of great assistance to the Surgeons General and the various Directors of the health services of our Armed Forces. Yesterday's action may also prove to be a vital and important step toward solving many of the medical, dental and nursing problems of our armed services, not the least of which is assured health care, the retention of competent physicians, dentists, nurses, and all others whose primary duties involve the physical and mental well-being of our service personnal and their dependents.

LEGISLATION TO HELP WIDOWS OF SERVICEMEN KILLED IN VIETNAM

(Mr. RIVERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RIVERS. Mr. Speaker, a national columnist published an article which was

printed in the Washington Post of July 17, 1970, which told the tragic story of the death of Sgt. Maj. James H. Palmer, who was killed as the result of ground fire striking his helicopter while he was on a mission supporting ground troops in Vietnam. Even though Sergeant Major Palmer was recommended for the Silver Star for gallantry, our Government, according to the columnist, "abruptly ended payments to help keep his son in a special school for children with learning difficulties."

The article went on to say that Mrs. Palmer, who has two other children, "must pay $205 a month to keep her 15-year-old son in a special school in Falls Church, Va. If her hero husband had lived, they would need to pay only $65."

The columnist said:

There are 55 other wives like Mrs. Palmer who have lost Government aid for handicapped children because their husbands were killed in action.

Unfortunately, the story is true.

A Member of the other body announced on July 17 that he would introduce a bill to correct this situation.

I would like to remind that Member and also the entire membership of the House and Senate, that the House has on two occasions passed a bill to correct this gross inequity: We first passed such a bill in the 90th Congress on August 1, 1968—only to have it die in the Senate. In this session, we passed H.R. 8413, a similar bill, on February 16, 1970, but as yet, no action has been taken in the Senate.

Let me quote from the report on H.R. 8413:

Section 1079(d) of title 10, United States Code, provides a program of assistance in the case of dependents of a member of the uniformed services who are moderately or severely mentally retarded or who has a serious physical handicap. Benefits include training, rehabilitation, special education, and institutional care. The program is limited to the dependents of active duty personnel. Therefore, retarded or handicapped dependents of personnel in Vietnam would, under the present workings of the law, lose their eligibility under the program when the service member dies while in receipt of hostile fire pay, or from an illness or injury incurred while eligible for such pay. His dependents would continue to be eligible for benefits under section 1079(d) of title 10, United States Code, with the same cost-sharing arrangement, until eligibility is otherwise terminated.

It was only right that the Armed Services Committee report these bills to the House of Representatives to help ease the burden of a widow whose husband has made the supreme sacrifice, and the House in its wisdom, and on two occasions, agreed with your Armed Services Committee by unanimously passing such legislation.

THE C–5A—QUESTIONS BEG FOR ANSWERS—PRESUMPTIONS BEG FOR FACTS

(Mr. RIVERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraeous matter.)

Mr. RIVERS. Mr. Speaker, I have become deeply distressed about the ripple effect that often follows statements and charges made about military programs. Statements are sometimes made which, though perhaps meant to be fair, give a distorted picture because they are based on incomplete or inaccurate information or because those who do not have a deep knowledge of military programs arrive at conclusions which are not correct. These statements and charges are then picked up and repeated through various media and, as a result, false ideas gain wide currency.

I fully appreciate the right of every Member of Congress to utilize whatever resources he may have available to support his position on a contrversial matter.

Because of my concern in this matter, I am going to take the time, despite my reluctance to get into personal debate, to set the record straight on some charges made against the C–5A by the gentleman from Pennsylvania (Mr. MOORHEAD).

Back on December 15, 1969—in the CONGRESSIONAL RECORD, volume 115, part 29, pages 39229–39231—the gentleman from Pennsylvania inserted an article alleging some 25 deficiencies existed on the C–5A aircraft. The alleged deficiencies were listed in brief as findings by the General Accounting Office. The gentleman in question did say:

This should not be considered as an official GAO report.

However, the article left the distinct impression that the alleged deficiencies were findings and conclusions of the GAO on the C–5A as a whole. It was not clear from reading the article that the information supplied was not a complete statement of the GAO, and it was not pointed out, as the General Accounting Office at the time had pointed out to the gentleman, that GAO "could do no audit verification of the information with the short time available." It was also not pointed out that the findings applied only to one specific aircraft, the C–5A No. 9.

There has only recently come to my attention the report which was supplied to the gentleman from Pennsylvania back in December. Because the inference is so different if one reads the complete GAO language rather than the summations put in the RECORD back in December, I am going to insert in the RECORD at this point all of the list of 25 items provided by the gentleman from Pennsylvania, followed in each case by the complete text of the GAO statement. Quite frankly, I think it will be seen that the impression left by the CONGRESSIONAL RECORD article is quite different than that provided by the complete GAO material.

In particular, the gentleman's insertion in the RECORD failed to include the essential qualifying observation of the GAO in the case of most of these alleged deficiencies to the effect that they "were not considered a problem." As a matter of fact, of the 25 alleged deficiencies listed by the gentleman from Pennsylvania, 20 were characterized by GAO as not constituting any significant problem.

I cannot understand why these brief observations of the GAO were not listed by the gentleman. I urge all Members to read and compare each of these 25 items carefully and then to decide for themselves whether the material included in the RECORD represents an adequate effort to give Members of the Congress the whole truth on the issues involved. As I indicated, I am taking the trouble to do this at this particular time because of the wide currency that overstated charges can receive if not answered. The material follows:

TWENTY-FIVE ITEMS ON THE C–5A AND GAO OBSERVATIONS

CONGRESSIONAL RECORD

First. The primary restriction on the airplane is the result of the static wing failure. It is limited to a maximum of 2G's stress which means the cargo compartment may not be loaded with more than 100,000 pounds.

GAO DATA

There is a primary restriction on the airplane because of the static wing failure. Air Force has imposed a safety of flight restriction. It's a supplement to the Operating Manual for the airplane. The restriction is that the A.F. has to fly the airplane at a maximum of 2G stress. This means that the cargo body cannot be loaded with more than 100,000 lbs. of cargo until the restriction is lifted. Not expected to be lifted at time first squadron becomes operational currently scheduled for June 1970. Lockheed thinks it has a satisfactory fix. Present plans are that the fix is to be incorporated in the production line on A/C #34. 1 thru 33 to be retrofitted. Not considered a problem.

CONGRESSIONAL RECORD

Second. There has been a limitation of load imposed in one area of the cargo compartment because of pressurization problems. Like the wing deficiency, this is also a structural problem.

GAO DATA

Pressurization vs. cargo-load—Limits cargo load in one area of the cargo department. Structural problem in this one area. They are currently working on this. No problem.

CONGRESSIONAL RECORD

Third. Failures have been experienced with the engine mounts. Therefore, restrictions have been imposed on engine throttle limits and the plane cannot take off from unimproved runways.

GAO DATA

Throttle of Engine—This restriction is related to a problem of engine mount failures. The restriction limits fuel applied to the engine. This means that airplane can't be flown from unimproved field. This could be a problem. The strike at G.E. No problem now.

CONGRESSIONAL RECORD

Fourth. The speed of the craft has been limited as a result of design problems within the ailerons.

GAO DATA

Air Speed Limitations—Operating manual has a graph of the aircraft speed—has 3 zones (green, yellow & Red). Yellow zone is the outerlimits of the airplane performance envelope. The restriction is that the speed cannot go into the yellow zone. It is due [to] a design problem on the aileron. Have a fix but not fully tested. Expect to be o.k.

CONGRESSIONAL RECORD

Fifth. Problems exist in the terrain-following altimeter. The pilot cannot rely on its accuracy.

GAO DATA

Radar Altimeter—There are a number of these on the airplane. One of these altimeters is a terrain-following altimeter. Is used when airplane flys low to ground. It has some technical problems and pilot cannot rely on the altimeter. No problem.

CONGRESSIONAL RECORD

Sixth. The terrain-following radar has not been tested and cannot be used.

GAO DATA

Terrain-following Radar System—The system is not completely tested. Don't use until it is demonstrated. No problem.

CONGRESSIONAL RECORD

Seventh. Abnormal stress has occurred within the engine fan blades at certain speed settings. These speeds must be avoided.

GAO DATA

Engine Fan Blade Stress Limits—Stress occurs at some specific RPM setting. Engine should not be allowed to stay at this RPM for extended periods.

CONGRESSIONAL RECORD

Eighth. A design problem in the pitch trim flap system prevents full operation.

GAO DATA

Pitch trim system—There are 3 of these systems on the airplane. No one of the three can be operated simultaneously with the others. This is because of a minor design problem. Not considered a problem.

CONGRESSIONAL RECORD

Ninth. A problem exists in the landing gear that prevents the use of cross-wind landing capability.

GAO DATA

Landing Gear Cross Wind Position System—This system permits wheels to be positioned when landing in a cross-wind. Has problems, not fully tested. May have impact on training. Still can be landed in cross-wind normally. Can't teach pilot on how to operate system right now.

CONGRESSIONAL RECORD

Tenth. Problems with the landing gear prevent the use of the "kneeling" capability until a proposed temporary fix is incorporated.

GAO DATA

Forward kneeling—Restricted use—cannot forward kneel the plane. Found problem with nose landing gear when plane kneeled. Found temporary fix, being incorporated. No problem.

CONGRESSIONAL RECORD

Eleventh. The cargo door system cannot be operated in flight. The correction to this problem has not yet been tested. This means the plane cannot be used for parachute drops of cargo.

GAO DATA

Cargo door system limits—Cannot operate door in flight. Have found correction but not tested yet. Don't expect to use airdrop during training. No problem.

CONGRESSIONAL RECORD

Twelfth. The automatic pilot cannot now be used, and as a result the pilot must maintain manual control of the plane at all times.

GAO DATA

Automatic Pilot System—Not to be used. Problem may have been solved, currently testing, expect solution will work. Expect to lift restriction in a short time. No problem.

CONGRESSIONAL RECORD

Thirteenth. Because of the autopilot problem, the automatic throttles do not operate properly.

GAO DATA

Automatic Throttles—This is tied into the automatic pilot system. Tests not completed. Not a problem area.

CONGRESSIONAL RECORD

Fourteenth. The use of the multimode radar has been restricted.

GAO DATA

Multi-Mode Radar—Use of this system is restricted. Not yet completely tested. No problem.

CONGRESSIONAL RECORD

Fifteenth. The pitch augmentation system is not operable in flight.

GAO DATA

Pitch Augmentation—Not operable in flight. Has some problems in system. No problem for training.

CONGRESSIONAL RECORD

Sixteenth. There is a problem with the slat disconnect drive.

GAO DATA

Slat Drive Disconnect—If disconnected in flight, pilot must land or go back to have someone connect it for him. Cannot be corrected during flight. Design problem and disconnection very rare. May affect training.

CONGRESSIONAL RECORD

Seventeenth. The inertial doppler auxiliary computer has not been fully developed or tested.

GAO DATA

Inertial Doppler Auxiliary Computer—Limited use. Not fully developed. Testing not completed. No problem.

CONGRESSIONAL RECORD

Eighteenth. Use of the stall limiter system is restricted.

GAO DATA

Stall Limiter system—Use is restricted. Can't use the warning device to tell when a stall is imminent. Is being improved. No problem.

CONGRESSIONAL RECORD

Nineteenth. The flight director computer has not been completely tested.

GAO DATA

Flight Director Computer—Limited use. Not completely tested. No problem.

CONGRESSIONAL RECORD

Twentieth. There is a problem with power surges in the mulitmode radar in switching from auxiliary to internal power.

GAO DATA

Multi-Mode Radar—When airplane is on ground and using auxiliary power unit, the radar must be turned off before switching to airplane power to avoid surge of power. No problem.

CONGRESSIONAL RECORD

Twenty-first. Then engine anti-icing devices do not operate effectively.

GAO DATA

Engine Anti-icing—The engine doesn't anti-ice efficiently. It is for preventing ice from forming on the engine. Not considered a problem.

CONGRESSIONAL RECORD

Twenty-second. There are mistakes in operating manuals.

GAO DATA

Amplification Emergency Gear Hydraulic System—This is an operating manual deficiency—Doesn't create a problem.

CONGRESSIONAL RECORD

Twenty-third. The nose landing gear signal light does not work.

GAO DATA

Nose landing gear signal—Light in cockpit not functioning properly. Requires pilot to inspect nose landing gear. Pilot has to look and see if gear is in place and locked. No problem.

CONGRESSIONAL RECORD

Twenty-fourth. The go-around altitude system has not been fully tested and limits are placed on its all-weather landing capabilities.

GAO DATA

Go Around Altitude Subsystem—This is part of the all-weather landing system. Has not been fully tested. Not used to fullest limits of its capabilities.

CONGRESSIONAL RECORD

Twenty-fifth. And finally, the automatic liferaft release does not work.

GAO DATA

Automatic Life Raft Release—Raft would have to be released manually. Don't expect [it] to be used in training program. No problem.

MILITARY SPENDING REPORT OF THE MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I think that the hucksters in the Department of Defense not only have outdone themselves but have acted irresponsibly with regard to our national security.

On July 16, 1970, Mr. Jerry W. Friedheim, a deputy in the public information office, announced at a routine press briefing that the military spending report of the Members of Congress for peace through law contained secret information. I would charge that this statement of Mr. Friedheim—if his information is correct—is a severe breach of national security.

The congressional staff study was prepared using only information from public sources. Admittedly, even public sources occasionally print classified information. If there were any published material the republication of which in a congressional study would involve national security, strong, quiet steps should have been taken to delete it. Instead, Mr. Friedheim called attention to the classified information, if it truly is classified, by announcing it in a press conference.

If the Soviet intelligence network had failed to read the New York Times and the relevant trade journals—now they know the straight dope from Mr. Friedheim.

His lack of judgment is appalling. He seems motivated more to intimidate the Congress than to protect the basic security of the country. I for one do not take this matter lightly and think that it would be appropriate for Mr. Friedheim to resign immediately.

I also deplore the casual way in which this whole matter was handled by the Pentagon. Matters concerning the national security should be given top priority attention. If, indeed, the Pentagon felt that there was information in the report that would compromise the Nation's security, strong measures should have been taken to prevent the distribution of the material rather than using it for propaganda purposes.

Let me tell you how long the Pentagon knew about this report and its contents. In early June, one of the few preliminary draft copies of this report in existence turned up in the Pentagon security group.

After this report had been thoroughly reviewed by the supersleuths in the Pentagon who ostensibly think constantly of the Nation's security, copies were sent to selected members of the House and Senate Armed Services Committees on June 20. It was not double wrapped in accordance with security regulations,

and there was no notification made to these members that the Pentagon had submitted them classified information. If the report contained this, handling it constituted serious breach of security on the part of the Pentagon.

It was not until July 8, almost 3 weeks later that Richard Capen, Assistant to the Secretary of Defense for Legislative Affairs almost casually sent a letter to Senator HATFIELD indicating that there was classified information included in the report and that they would await the Senator's instructions on how to deal with these problems.

I charge that this is an irresponsible manner in which to handle a situation if it were critical to the national security.

Why was a letter to Senator HATFIELD—pointing out the existence of classified information—sent to an office in which the staff person who received it did not have a security clearance?

Why was Senator HATFIELD not contacted personally by an official of the Pentagon's security group who could identify the classified portions? The staff person who wrote the section in question could have been contacted and the questionable information could have been deleted immediately. There were limited copies at that time and the probability was high that all of them could have been located and changed.

If the draft was reviewed in mid-June—why did it take the Pentagon 3 weeks to contact Senator HATFIELD?

Regulations affecting the Nation's security are not political playthings to be bent and twisted at will. When these regulations are misused as in this case and when the cloak of security is spread over purely public information in attempts to intimidate Members of Congress—then the proper use of security is weakened. Such abuse unfortunately has led to an increasing lack of credibility in our whole security system. This is intolerable.

I suspect that the security question has again been grossly abused in this case—that this whole question was raised in an attempt to discredit this report and to discourage future efforts by the Congress to become informed on military questions and to arrive at some sort of independent judgment.

I have made a number of calls to Mr. Friedheim and Mr. Capen to ask them to identify to me privately those sections of the report that contain classified material and I assured them that we could cite public sources of the information. It has been a full week now since their charge and my first call, and they have yet to come forth with an itemized list of violations. According to people who are familiar with security reviews it would take a maximum of 8 hours to review our military spending report. So where is the Pentagon with their specifics?

Unless Mr. Capen can immediately come forward and justify his handling of this case he should resign immediately.

This is not the first time that I have encountered the misuse of security classification in the past year to intimidate and hopefully silence criticisms on national issues.

The case of A. E. Fitzgerald, the deposed Air Force cost expert, who was fired by the Pentagon as a result of his testimony before Congress, is probably the most serious case in point. In the spring of 1969, after Fitzgerald's testimony on the C–5A cost overruns, Mr. Seamans, Secretary of the Air Force, told the House Armed Services Committee that Fitzgerald had passed confidential documents to Members of Congress. This was a wholly unsubstantiated and false charge as admitted later by Seamans himself—but was never changed in the public record of that hearing. Seven months later in testimony before the Joint Economic Committee, he told me that he was sorry—that the charge was false. This is a serious charge to make against a person and should not be allowed to pass lightly. Seamans had four months in which to change the record or at least to make a public statement setting the record straight—he never did.

The major point is that the Air Force used a completely false "security" violation charge in an effort to discredit Fitzgerald's accurate and honest testimony. Moreover, this unconscionable tactic worked, at least with the Armed Services Committee. Following Seaman's false charge the members of the committee exhorted Seamans to fire Fitzgerald—less than 6 months later, Seamans announced that A. E. Fitzgerald's job had been abolished.

Once again, the Defense Department is dragging out the red herring of security in order to avoid and obscure the real issues. Once again, ad hominem is substituted for logic. Once again, the taxpayer is being bewildered by a smoke screen of phony security charges. The Pentagon's true purpose is, I believe, to scare off faint-hearted economy advocates.

Well, I have news for the Pentagon. At least some advocates of economy and truth in Government are not going to be scared off.

The Department of Defense has made very serious charges. Here and now, I challenge them to produce facts to back up their charges. If the Department of Defense can prove their charges let them to so, and bring appropriate legal action. If Members of this body who have supported the Pentagon's charges can back up their accusations, let them do so.

At this point, I will yield time to any Member who wishes to present specifics to back up the Pentagon's charges—I will be prepared to answer these charges in the RECORD tomorrow.

If the Pentagon's charges cannot be proved, I suggest that some high-level resignations are in order. In particular, I suggest that Mr. Friedheim and Mr. Capen should resign forthwith.

They appear to be guilty of breaches of security. If the material contained in the staff study, in fact, was not classified then these gentlemen have violated security regulations, for it is a breach of regulations to knowingly classify information that is not classified. If the material is classified, then it was not transmitted in accordance with security regulations. In either case security regulations have been broken.

There appears to be an emerging pattern whereby the Pentagon through the abuse of security regulations more and more seeks to discredit, intimidate, and silence dissent.

This my colleagues is doubly dangerous. It harms those who would oppose the Pentagon, and it stifles criticism and free exchange so necessary to our form of Government. Equally important, it demeans and therefore weakens true national security. The enemy of this Nation lies outside the country, it is not our citizens within.

Those who abuse security regulations, and misuse them ultimately compromise the Nation's security. For these reasons, Mr. Friedheim and Mr. Capen should be called upon to resign on the basis that they have exercised extremely poor judgment in this case.

IMPORTATION OF BEEF

(Mr. BERRY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BERRY. Mr. Speaker, for over a year and increasingly during the past 6 months, we have read in our national news media and heard from a well organized and foreign financed lobby of the need for increased importation of beef into the United States.

This is, I contend, a malign proposal which would bring catastrophic results to our domestic cattle producer. Before the administration or Congress makes any further hasty and unqualified decisions with regard to the abolition of our present quota system, I think we should take an indepth look into the plight of the cattle producer and his importance to our entire Nation.

The production of beef in the United States is big business. It is the largest of the agriculture industries and in 1969 had total sales of $20 billion or 27 percent of the total farm sales. Let me point out at this time that the cattle industry receives not the first penny of Federal subsidies—a unique accomplishment in these times.

Beef is important to the economy of all 50 States. There is some form of cattle production in all States. In several States beef accounts for 60 to 70 percent of the total farm sales. In eight others it amounts to more than 50 percent and in 34 States more than 10 percent. Thirty-five States at the present have more than 1 million head of cattle.

In 1969 there were over 10 million farm employees with a large percentage of them being directly on indirectly involved in the production of beef by way of the beef industries consumption of grain—of which it is the largest single consumer.

To the consumer, beef is the largest single item in the weekly grocery basket. It is little wonder that the housewife feels she has a vested concern in the price of beef.

Domestic production, we see, does have an important role in the economy of our Nation. A prosperous beef industry is a necessity if we are to maintain a healthy farm picture. History has shown us that

prosperity on the farm is an indication of the well-being of the Nation as a whole.

The situation facing the cattle industry today is pure and simply one of their existence being threatened by increasing amounts of beef imports which are serving to disrupt the domestic market. The question facing us is whether as responsible legislators we will sacrifice our domestic producers to satisfy the expansion desires of the foreign exporters of beef or whether we will take action to protect our farmers here at home.

The problem is not a new one. It has been with us for a number of years. By 1958 it had reached serious proportions with the rate of imports increasing nearly three times over the previous year from 249.447 million pounds to 636.397 million pounds. By 1963 imports of beef had skyrocketed to 1,032 million pounds and in 1964 hit a peak of 1,185 million pounds. This latter figure is equal to the combined cattle production in South Dakota, North Dakota, Idaho, Montana, and Wyoming for that year. These are the States that we usually consider to be at the heart of our domestic beef production. Comparing population growth to increase in beef imports in the years between 1957 and 1964, we see that while population rose slightly over 6 percent the rate of increase of cattle imports was nearly 500 percent.

The cause for this sudden and serious increase is twofold. The European Common Market in the early 1960's imposed stringent restrictions on beef imports from nonmember nations. At present they have tariffs of 58 to 118 percent ad valorem on cattle while the United States maintains a 3-cent per pound or 11 percent. This is 47 percent less than the smallest Common Market equivalent.

This action by our European allies forced nations like Australia, whose beef imports account for 50 percent of its total exports, to find another market. The United States because of its large demand and high prices was the natural substitute. The United States at this time had few tariff restrictions and was thus readily available for foreign imports.

The second reason for the notable increase in these 7 years was the technical advancements in refrigeration and the faster and more efficient means of transportation. This is why in the years between 1957 and 1964 beef importation into the United States rose five times what it had previously been. The continued existence of large numbers of our domestic producers was in doubt.

The domestic market was flooded and we had a full fledge crisis on our hands. The market for steers crashed with the result being that large numbers of cattlemen were forced out of business. In the fall of 1962 choice steers were selling for slightly over $30 per hundredweight. By January the price had fallen to $27.27 and in May of 1964 hit rock bottom with a $20.50 price. This is a decline of $10 in a period of less than 24 months. I ask you how many other industries have been accorded such ill treatment and have continued to strive to exist.

The cattle industry was in serious trouble. Gross cash income fell $350 million while the total farm income dropped $700 million. The farm parity ratio dropped to a 75 percent figure in April of 1964. This was the lowest level since the depression years of the 1930's.

The increase in imports to 11 percent of our total production of beef had brought a chaotic state of affairs to the cattle farm. Foreign beef accounted for more than 1 month of our total domestic production or 4.1 million head of beef at 800 pounds in 1964.

The entire economy felt the backlash of this disaster on our cattle farms. The sale of farm equipment, trucks, cars, grain, and other related products suffered with resulting drops in sales of 10 to 50 percent. This was not a regional crisis or one affecting only a minority of our population. It was of national concern and affected the pocketbooks of all Americans.

Senator HRUSKA made a vain attempt during these crisis months to amend the Wheat-Cotton Act of 1964 with a proposal to establish an effective quota on beef imports. This measure that would have been the saving grace for a number of beef producers and a great boost to all others failed in the Senate by two votes—44 to 46.

Later in that year a compromise measure was passed. This "milk-toast substitute" was offered by Senators MANSFIELD and MCGOVERN and was supported by the Democratic administration of Lyndon Johnson. It did nothing but to temporarily relieve the problem and is the primary reason why now, 6 years later, we are faced with another crisis situation. If the Hruska bill had become law, many of today's problems would have been prevented.

The 1964 legislation serves to limit certain quantities of foreign meat—fresh, chilled, and frozen beef, veal, and mutton. The base quota for beef imports was set at 725,400,000 pounds. This was the average for the years between 1959 and 1963. May I point out at this time that a large percentage of our present problem has stemmed from this base figure which in its conception was made to include the tragic year of 1964 which saw imports rise to crisis proportions. Because of this, the base quota in all following years has been out of line with the real situation.

The United States, as always, willing to satisfy the foreign producer, had built into this law a figure that has allowed foreign imports to increase yearly at a rate equal to our domestic production increase. Because of this figure, allowing our overseas competition to share in our growing market, from 1965 to 1969, imports have increased from 848.7 million pounds to 998.8 million pounds, an increase of 27 percent.

In addition the Mansfield-McGovern bill provided a 10 percent override to exist. This trigger figure, 10 percent above the established quota figure, had to be reached for the quota to be implemented. I ask you what was the purpose in establishing a quota at all, if we are going to allow foreign competition to exceed their allowed imports by 10 percent year after year. This has been just another loophole in the 1964 legislation which has put additional hardships on our domestic producers.

In 1968 and every year since, all overseas nations exporting beef into the United States agreed to a self-restraint program which would put total imports slightly below the trigger figure of 110 percent. In 1970 this large figure was to be 1,098.7 million pounds. This is 62.6 million pounds above the established figure or 6 percent of the total imports.

In recent years the beef producing nations of the world have gone to long lengths to circumvent these agreements and their restrictions. These nations apparently feel as though they deserve a larger share of the American market and are willing to disavow their agreements to secure increased profits from the market.

The profits from exporting beef to America cannot be undervalued. For example, Australia, the largest exporter of beef to the United States, yearly receives over one-quarter of a billion dollars from these exports.

Australia and other nations have devised a transshipment plan to get this increased share in the American market. This is a method of using a third nation to actually ship the beef into the United States while in actuality it has originated in a second nation—usually one of the large beef export nations. This allows beef to enter the United States under a third nation's quota and not be counted against the quota of the country of origin.

May I commend President Nixon and Secretary Hardin for their recent actions to curb this illegal method of importation.

In 1970 this problem has again reached crisis proportions. The 1964 legislation has finally been exposed for its many loopholes. During the first 4 months of this year beef imports have totaled 425.9 million pounds or 40.1 percent of the total quota for the year. This can be compared to 318.4 million pounds in 1969 and 295.8 million pounds for 1968 during the same time period.

If foreign shipments continue at the same rate they have established during the first quarter of this year, they will exceed the 110 percent level in 10 months or by the end of September.

It is apparent through the actions of these exporting nations, specifically their rapid shipments, that they feel the United States is prepared to give them a larger part of our market by either not imposing the quota or when the trigger figure is reached revising it or totally disregarding it.

The beef situation here at home has been complicated further by its becoming the whipping post for the gripes of the consumer. A congressional subcommittee of this body recently proposed that the Federal Government set up another of its commissions to determine the amount of beef needed and to then balance foreign imports with domestic production. The Commission is to be composed of six Members of the Senate, six Members of the House, and six appointees of the President. Not a single provision is made for representation of the cattle industry on this Commission which is to determine its future. I contend that this would be unlawful Government control of an industry, and of an industry that has been

able to and will continue to be able to manage its own affairs in an effective manner without outside interference.

The mayor of our largest city has called for unlimited imports of beef into our Nation. He argued that the consumer was unable to pay the high prices for beef and that a policy of free trade with regard to beef would be the solution to the situation and give the housewife needed added savings.

Once again the cattle industry has become the scapegoat for politicans searching for the support of the urban family with total disregard for the livelihood of our rural producers.

If these men for one moment would consider what their pragmatic proposals would do to the cattle producer and eventually to the consumer they would have reservations, I am sure.

Let us look at the price of beef during the past two decades and see just how much the cattle industry has profited from our booming economy. In 1964 the average hourly wage for the manufacturing industry was $1.78 while in April of this year it had skyrocketed to $3.38, or almost doubled. Since 1960 consumer services other than rent have risen 46.3 percent, per capita disposable income is up 63 percent, the cost of all food has increased 29.6 percent yet the price of retail meat has increased only 20.7 per cent and only a small portion of that has gone to the cattle producer.

In 1950 the price of cattle was $29.28 per 100 pounds for choice steers. This year 1970, two decades later, the price has taken a phenominal 3 percent increase to $30.52. If we use the current dollar, with it being in 1970 worth only 60 cents of the 1950 dollar, we see that the figure would fall to $18.31.

It is thus obvious that the cattle producer has not profited from our bountiful economy. Of the 20.7 percent increase in meat prices he has received only 3 per cent. The remaining 17.7 percent has gone to the meat packer and the retail market, much of which has been eaten up by wage increases.

Yet the mayor of New York proposes that we increase beef imports. I will grant that for a time the prices of beef would be lower but this would be the result of over supply. In the long run great increases would be shown. Because of the foreign competition, domestic producers would be driven out of business and America would then become dependent on foreign suppliers who would undoubtedly force prices to skyrocket to a figure they felt was the highest American consumers would pay. How can we expect American industries to compete with their overseas counterparts which often pay hourly wages of less than 30 cents? How can we permit the American housewife to become totally dependent on foreign cattle production for her dinner table?

A second argument for the increase in imports is the fear that the domestic market cannot meet added demands for beef in the coming years.

In 1969 red meat consumption was 182 pounds per person, or the fifth largest in the world. Of this 182 pounds, 110.7 pounds were beef. This is an increase of 25.7 pounds over the 1960 figure. To the average American beef is an important part of his daily food consumption, we see.

Increased production of beef comes from three sources: First, increasing the number of feed cattle through the reduction in slaughtering of calves, second, reduction in slaughter of nonfed steers and heifers and, third, increased production of cattle from birth.

In the area of increased production through decreased slaughter of calves, since 1950 the rate has fallen 50 percent. The slaughter of nonfed cattle has dropped from 5,664,000 to 3,033,000 head. In the increased production from birth, in 1969 there were 330,000 additional head and in 1970 there will be an estimated additional 1 million by the end of the year. This is the first significant change in cattle population in the last 6 years. The cattlemen of American are interested in meeting the additional demand for beef and are actively working to do so.

For a moment let us look at what the USDA estimates our needs to be in the next 5 years. By 1975 they estimate we should need 25.8 billion pounds of beef for consumption. This is computed using the estimates of population growth of 1.1 percent per annum and the estimate of added increase in beef consumption of 1 percent per year.

This would be an additional 4 million head of cattle in addition to our present 110 million. We now have over 1½ million beef producers and if during the next 5 years, each would increase their herds by three cows, we will meet the additional demands. If we give the cattle ranchers a reasonable price incentive and assurance of their future, there is no reason why they cannot meet the need for 4 million more head of cattle.

The price of beef is not unreasonable when one considers the larger extents that all other consumer goods and services have increased. The cattle industry, I have pointed out, can meet the domestic demand of the future. I ask you why then should we give the foreign producers an increased share in the American market when our domestic industry can meet the demands put on it?

In the past 2 years the quota law and related agreements have worked to at least a somewhat effective control of beef imports. They have served to stabilize the volume of imports and have given the American farmer some assurance of what the market will be like. On the other hand they have give the foreign producer a fair share of the American market.

The developments of 1970 have forced us to now consider amendments to the present law—Public Law 88-482 to protect our own cattlemen. They can not endure another crisis like the one in 1963-64. The time is now to enact legislation to come to the aid of our cattle producers.

Under H.R. 9407, my bill, and related bills, a quarterly quota on imports would be established. This would make fluctuations such as those that occurred in the first quarter of this year impossible. It would give the American beef producer an accurate estimate of what he could expect the market to be like in a particular month.

This legislation would abolish the 10 percent trigger figure. Why should we allow imports to reach a level of 10 percent above the quota figure before the quota is put into effect. It would extend the quota to include fresh, chilled, or frozen meat of lamb, swine, all beef and pork sausage and prepared and preserved pork, beef, and veal.

It would maintain the base figure at 725,800,000 pounds but in doing so would eliminate the growth formula which has allowed imports to reach 998,000,000 pounds in 1969.

This bill would change the mechanism which the Secretary of Agriculture is to use to establish the volume of imports. These levels in the future would be set according to recorded levels of imports with the quota being then imposed on the actual level of imports and not the Secretary's estimate.

Finally the bill would provide that all offshore purchases of beef, veal, lamb, pork, and mutton be included under the quota of the country of origin. This would include all purchases by the Department of Defense for our troops at home and abroad.

Congress must take action now to protect our cattle farmers. The recent actions by the President have helped the situation but they have hardly eliminated them.

It is now up to each of us to take actions to protect this very valuable area of American production before time runs out.

Abraham Lincoln once related that:

> He hadn't learned much about economics and especially foreign trade but I do know that if we use American steel to make railroad ties, we have the money and the ties; whereas if we bought the ties from a foreign mill we don't have the money.

In this session of Congress when we are considering all types of tariff restrictions, let us keep these words of our 16th President in mind. Let us never forget that the purpose of our Federal Government is to serve the people of the United States first and foremost. This is not to say that we should follow a policy of protectionism and isolate ourselves from the rest of the world. We all know that foreign imports and our own exports are valuable parts of our economy. But when foreign imports endanger the livelihood of our own domestic producers, as has been the case with the beef industry, it is time for positive preventive steps to be taken.

GOLDEN ANNIVERSARY OF BROADCASTING IN THE UNITED STATES

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, 1970 is the golden anniversary of broadcasting in the United States. A current radio commercial claims 50 years of great accomplishments by broadcasters, and "The best is yet to come." That statement holds true for the overwhelming majority of broadcasters in America, but

there are others who fall so far short of greatness that they cast a blot on the record of the entire broadcasting industry. I believe we have an example of just such a station's performance before the Federal Communications Commission at the present time.

Radio Station KTRG in Honolulu, Hawaii, has been cited for 26 alleged violations of the Communications Act of 1934. It is on open record that the FCC has received numerous and continuous complaints of a serious and substantial nature concerning the operation of KTRG. When one looks further into the "complaints," it is clear that the record of KTRG is shocking. If the 26 allegations submitted by the Chief of the FCC's Hearing Division are true, then surely this license should be revoked immediately.

KTRG is accused of: utilizing access to the public airways to obtain money from members of the Japanese community with threats that otherwise their character will be defamed over the station's facilities; violations of the personal attack rules; violation of the fairness doctrine; and the use of the broadcast facilities for personal benefit—that is, the advancement of the campaign for Governor of Hawaii by KTRG's president, David Watumul. Add to these breaches of duty the allegations that KTRG apparently staged the shutdown of the station in order to spur its listeners into a massive letterwriting campaign to the FCC urging quick renewal of their license, and we have a case of monumental misuse of the public airways.

In the bill of particulars published by the FCC it is further noted that KTRG employed a man who used filthy Japanese language to insult and slander members of the Japanese community. Station KTRG has taken editorial positions on controversial issues of public importance without affirmatively seeking to encourage and implement the presentation of contrasting views. It is further alleged that KTRG has not been law abiding. The station publicized its intention to refuse to comply with the census laws of the United States, and has urged and encouraged others to do the same. The allegations also say that the facilities of KTRG were used to encourage unlawful activities.

If there is any substance of truth to any of these allegations then surely KTRG should not be on the air today. This station showed no desire to ascertain community needs and purposely distorted issues and comments of listeners for their own personal benefit. The actions of this station are an affront to the people of Hawaii, and I find it a personal affront that we in Congress and the FCC allow this condition to continue.

There are too many deserving people who would like the opportunity to use a radio license for the benefit of the community, for us to allow any licensee to continue broadcasting when his performance is so overwhelmingly pathetic. The FCC has said that the complaints against KTRG "raise questions as to whether the licensee has been operating KRTG in conformity with Commission rules and regulations and in the public interest."

I contend that such a statement by the Commission raises questions in my mind as to whether they have any comprehension of the public interest. If they had, the FCC would surely not make such a weak statement concerning KTRG. The FCC has been too lenient for too long on scofflaws and those broadcasters who openly disregard the public interest and corrupt the use of this very valuable franchise. If the Commission hopes to gain any respect as a regulatory agency, it must begin to deal forthrightly with those whose choose to disobey the rules. KTRG should not go unscathed.

I would like to remind my colleagues that over a year ago I brought out how WIFE, a station in Indianapolis, had misused its franchise to broadcast. The WIFE and KTRG cases underscore the inadequacies of the Communications Act of 1934. It is clear that the public has not been served by these broadcasters. They should not be on the air today.

These are the cases that have come to my attention. One wonders just how many other licensees are so prostituted.

It is clearly not in the public interest that the FCC, in the face of reckless disregard of their rules, should treat these cases so lightly. The Congress should not be forced to act as a watchdog over the agency set up to insure that the field of communications is used for the public's interest, convenience and necessity.

The public has the right to have a broadcast industry that attempts to deal fairly with issues and tries to meet community needs. Clearly, WIFE, KTRG, and how many others we do not know, are failing miserably in this regard.

We, as elected officials, must not let such ineptitude exist. These cases are blatant reminders of how our system is failing the people. The Congress is already late in its effort to reclaim communications in America for the people. Let us not drag our feet any longer.

BUCHWALD ON COMMISSIONS

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I wish to report to the House that Art Buchwald tells it like it is.

As chairman of the Special Studies Subcommittee of the Government Operations Committee, I have been presiding over a study into the operations of Presidential commissions. The subcommittee has held two sets of hearings so far this year, which are now available. Additional hearings will be held. They have demonstrated the ephemeral quality of these commissions.

Mr. Buchwald's column of July 23, 1970, in the Washington Post reports on the secret burial grounds of reports and studies made by Presidential commissions. Our evidence indicates that most reports are buried and that individuals who have served on such study groups do feel a deep personal loss when their work has been buried. In fact, we have been informed that our count of past Presidential commissions practically conforms to a count of the headstones in the cemetery. Further, the area appears to contain adequate space for the reports of present and future commissions. Mr. Gottfried Snellenbach, the caretaker of the burial area for Government reports since the Harding administration, is so knowledgeable on the subject of Presidential commissions that we have extended to him an invitation to testify at our next hearing.

At this point in the RECORD, I submit the article by Mr. Buchwald referred to above:

COSTLY REPORTS VIEWED GRAVELY

(By Art Buchwald)

This is a government of reports and studies. No matter what happens in this nation the first solution is to appoint a commission to study it. The commissions take one year, two years, some even longer, and then they make their report to the President. If the President agrees with the report, it's released to the nation. If he or his staff disagrees with it, it's buried. But where?

Just by chance I discovered the secret burial grounds of reports and studies made by presidential commissions. The cemetery is located on a hill overlooking the upper Potomac. It is quiet and deserted, and only the chirping of birds or the call of a hoot owl can be heard.

Mr. Gottfried Snellenbach has been caretaker of the burial area for government reports since the Harding administration, and after I assured him I would not dig up any of the graves, he let me enter the large well-kept grounds.

"We've got some of the great reports of all times buried here," Mr. Snellenbach said. "We've got reports that cost $20 million, and we've got reports that cost $2,000, but in the end they all wind up here, buried 6 feet under."

"Sir, what kind of reports are resting here?"

"It might be better to ask what kind of reports aren't buried here. We have reports on violence, studies on blacks, students, unemployment, the economy, the Communist threat, housing, health care, law and order. You name it, and we've buried it."

"How does a report find its final resting spot in this setting?"

"Well, as you know, the President is always appointing a commission to study something or other, and after the study they're supposed to hand in a report. Now, lots of times the President has no intention of paying any attention to the report, and it's dead before it's even written. Other times someone on the President's staff reads a report handed in by a commission and says, 'This stuff is dynamite. We have to kill it.'

"In some cases the President says, 'Let's release this report to the press and then bury it.' Occasionally a report will just die of heartbreak because nobody pays any attention to it.

"In any case, after the report is dead, it has to be buried, because if you're President you don't want someone finding it at a later date and using it against you.

"So every week each report that has died is placed in a pine box and loaded on a government hearse and brought up here, where we have a simple ceremony before lowering it into the ground.

"If it's a blue ribbon panel report that's been killed in action, we give it a 21-gun salute. Otherwise, we lay it to rest with as little fuss as possible."

"This cemetery goes for miles and miles," I said.

"No one knows how many reports have been buried here by the different Presidents."

"Mr. Snellenbach, this is a beautiful cemetery and very impressive, but why does the government go to so much trouble and expense to keep it up for nothing more than paper reports?"

"You must understand that most of the men asked to serve on the presidential commissions are very important citizens. They spend months and years working on these reports, and they feel very close to them. When their reports are killed or buried, these men feel a personal loss. Many days you will see them sitting here next to the tombstones of their studies, tears rolling down their cheeks. No matter how long you work here, it still gets to you."

MERCURY CONTAMINATION—ADMINISTRATION IN ACTION

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, on July 21, 1970, I brought to the attention of the House the inadequacy of the abatement action involving mercury contamination being undertaken by the Departments of Interior and Justice.

I now wish to report that Secretary Walter Hickel announced on July 22 that he is seeking legal action against 13 U.S. industrial firms for "discharge into the Nation's waterways" of enough mercury to be "a serious hazard to public health." I commend Secretary Hickel for his action.

At the same time it was announced that the Department of Justice representative conferring with Mr. Hickel stated that no firm decision had been made yet, on whether or how to take action.

If the facts disclose that the discharge of mercury wastes is a serious hazard to the public's health, I urge the Department of Justice to bring suit promptly utilizing as grounds for the action the Federal Water Quality Administration Act and the Refuse Act of 1899. Discharge of mercury wastes into our water can be a serious hazard to man and warrants responsible abatement action. The Department of Justice should revoke its present guidelines to its attorneys which allows suits against "accidental and infrequent" industrial polluters but permits day to day dumping of mercury by polluters. The Department should demonstrate initiative and leadership by using the legal tools that the Congress has provided.

THE ANNIVERSARY OF PUERTO RICO CONSTITUTION DAY

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, 18 years ago this Saturday there began one of the most impressive experiments in American history. Truly the date July 25, 1952, marks the beginning of one of the most satisfactory agreements ever reached by this Government with any group of people. For on this day 2,500,000 Puerto Ricans were given assurance of all the liberties and the freedoms enjoyed by their fellow American citizens.

It is small wonder that the people in Puerto Rico and their kinsmen living here celebrate with deep emotion the anniversary of the adoption of their constitution which brought commonwealth status to their delightful island home.

I count it a distinct honor and a cherished memory to have been permitted by the late Speaker Sam Rayburn of Texas to chair the deliberations of this body during the enaction of the legislation which changed Puerto Rico's status of a semicolonial area of virtual dependency to full partnership with our Federal Government.

I recall with deep satisfaction my privileged association with the almost legendary "saint of Puerto Rico," my good friend and former Governor, Luis Munoz Marin. Working month after month with the Puerto Rican people's hero and his many fine associates was indeed a most rewarding and gratifying experience.

This anniversary date is of greater significance to our Puerto Rican neighbors than that of the day in July 1898 when American military forces wrested the island from the four-century domination by Spain.

It is a date of even greater historic significance than the date in 1899 when Puerto Rico was officially ceded to the United States under the Treaty of Paris.

This is true even though the years 1898 and 1899 marked the end of years upon years of hopeless thralldom and abject poverty for every man, woman, and child—a span of slavery years dating back to Columbus' discovery of the area on his second voyage in 1493 and its subsequent settlement by Ponce de Leon in 1508.

Unfortunately, for many reasons Puerto Rico was not granted the status of an incorporated territory which meant that although belonging to this country, she still was not a part of it. It is true that this Government did offer certain rights from time to time on a piecemeal basis.

Thus, it was that with the adoption of the Constitution—a mandate which evolved after months of dedicated joint effort on the part of political leaders of Puerto Rico and the United States, the people of Puerto Rico were given the opportunity to help themselves with the ardent support of this Government.

Gov. Luis Muñoz Marin then began implementing his far-seeing plan called Operation Bootstrap. His vision and his leadership coupled with the magnificent support of his people wrought a miracle within a short time. The plan began raising the annual income by doubling and tripling the pitiful $126 level of 1952 until now it is well over $1,000. Illiteracy has been virtually wiped out, poverty has been significantly reduced, and health conditions so improved that the lifespan has been raised from 46 years to 70 years in just 18 years.

On each visit to Puerto Rico over the years, I have been thrilled with the economic progress and cultural achievements which mark life under the Commonwealth. No amount of praise would do justice to the people who have worked so hard to make Puerto Rico now the "Showcase of the Carribbean." All of us can take great pride that Puerto Ricans are no longer just poor relations but are now well-to-do relatives.

Although Puerto Rico has not solved all its problems, it is devoting concerted efforts by the people and their elected leaders to do so. Much of the success of these efforts is due directly to the fine constitution which spelled out clearly the nature and extent of Puerto Rico's right to govern itself.

The constitution provides for a clear division of the powers within three coordinating branches of government—the legislative, executive, and judicial—and by assuring that each of which checks and balances the other. This gives the people of Puerto Rico maximum protection of their interests and their rights.

Mr. Speaker, too often we here on the mainland think of Puerto Ricans in terms of those who remain in the Commonwealth. We should remind ourselves of the hundreds of thousands who live and work throughout this land. We should remind ourselves of the tens of thousands of Puerto Rican young men who serve their country in our Armed Forces—many of them as volunteers. During the Korean war more than 60,000 Puerto Rican soldiers fought in our armed services of which number over 54,000 were volunteers.

We should remind ourselves of the great contribution which our Puerto Rican citizens are making to our daily lives culturally, politically, and economically. It might surprise you to learn that in New York City alone last year, Puerto Rican workers earned more than $800,000,000 and paid over $60 million in taxes. This in spite of getting too often the most menial jobs because of limited language proficiency and job experience.

Mr. Speaker, I salute the people of Puerto Rico both here and at home. I commend them for making such a success of their efforts under their 18-year-old constitution that they have provided a vivid vindication of the democratic process. They give us living proof that the traditional American way with its belief in human liberty and its belief in government by consent of the governed is workable and satisfactory.

I trust that during this anniversary date each year hence will be marked by the same success and splendid achievements which mark this Puerto Rico Constitution Day.

CONGRESSMAN HUNT INTRODUCES LEGISLATION TO PROHIBIT SALE OF GUN COLLECTOR LISTS BY IRS

(Mr. HUNT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HUNT. Mr. Speaker, I am today introducing a bill that would prohibit the public disclosure of the names and addresses of persons licensed as collectors pursuant to the Gun Control Act of 1968.

It will be recalled that there was considerable concern and public protest when it became known that the Internal Revenue Service was selling, at cost, preaddressed mailing labels of licensed firearms dealers and collectors. My concern, and particularly that brought to my attention by the collectors themselves, involves the essentially private nature of the activity of a gun collector, commonly carried on in his home, and the threat to his security which the widespread dis-

closure of his identity poses. For example, a concerned resident of Columbus, Ohio, brought to my attention the theft in that city of an extensive gun collection from a residence followed by the gutting of the home when the burglars set fire to it as they left. I am not suggesting that there was any causal relationship between the sale of gun collector lists by the IRS and the theft and damage that occurred in this particular instance. However, I am saying that because of the indiscriminate availability of this type of information, the risk of such incidents is immeasurably increased.

In the aftermath of this situation, general legislation was introduced, which I cosponsored, that is designed to limit the sale and distribution of mailing lists by any Federal agency for purposes of commercial or other solicitations. That measure amends the so-called Freedom of Information Act. The bill I am introducing today, however, amends the Gun Control Act of 1968 and precludes any authority for the public disclosure of gun collector lists which might be claimed under the Freedom of Information Act. In my estimation, a careful reading will show that the Gun Control Act did not contemplate the public disclosure of this information, nor does the Freedom of Information Act require it under any stretch of the imagination. That any policy guidelines in this respect are lacking in the Gun Control Act is evident from the fact that identifying information relative to gun collectors has been indiscriminately disclosed in the past in mailing list form.

It is of some temporary consolation that the IRS has discontinued this practice as confirmed in a letter to me from the Assistant Commissioner for Compliance, Donald W. Bacon:

> We have concluded that a list of collectors is necessary solely because the law requires all licensees—not merely those engaged in business—to be furnished the compilation of relevant State and local ordinances. Under our Automatic Data Processing system and within the framework of the Freedom of Information Act, the names and addresses of licensed collectors can be separated from the list of dealers.
>
> Accordingly, in the future the names and addresses of those persons licensed as collectors under the Gun Control Act will not be disclosed.

Personally, I do not feel there should be this loose administrative discretion in such an important matter. The Gun Control Act should not be permitted to become dependent upon the future exercise of this discretionary authority, an insidious form of harrassment that carries with it a high risk of endangering those who are merely complying with the law while engaging in an unquestionably legitimate, although private, activity; namely, gun collecting.

The following Members join me at this time in sponsoring the legislation and urge its prompt consideration: Messrs. CARTER, CLANCY, DON H. CLAUSEN, DANIELS of Virginia, DENNEY, DEVINE, ESHLEMAN, GOODLING, KING, KYL, LATTA, MIZE, SAYLOR, SCHADEBERG, SEBELIUS, and WATKINS.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. JONES of Tennessee (at the request of Mr. OBEY) for today on account of official business.

Mr. HATHAWAY (at the request of Mrs. MINK) for July 22 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RIEGLE) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. WATSON, for 10 minutes, today.

Mr. WILLIAMS, for 10 minutes, today.

Mr. CORBETT, for 15 minutes, today.

Mr. MILLER, of Ohio for 5 minutes, today.

Mr. CÓRDOVA, for 5 minutes, today.

(The following Members (at the request of Mr. WOLFF) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. PATMAN, for 15 minutes, today.

Mr. FULTON of Tennessee, for 15 minutes, today.

Mr. LEGGETT, for 60 minutes, on July 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GUDE, prior to the vote on H.R. 18515 today.

Mr. BIAGGI to revise and extend his remarks and include extraneous matter prior to the vote on the Boland amendment.

Mr. RANDALL to revise and extend his remarks and include extraneous matter prior to the vote on the Boland amendment.

Mr. FLYNT.

(The following Members (at the request of Mr. RIEGLE) and to include extraneous matter:)

Mr. SCHADEBERG.
Mr. DUNCAN in two instances.
Mr. WYMAN in two instances.
Mr. ZWACH in three instances.
Mr. ROBISON.
Mr. LANDGREBE.
Mr. HALL.
Mr. SHRIVER.
Mr. MORSE in two instances.
Mr. BROTZMAN.
Mr. BUSH.
Mr. BROWN of Michigan.
Mr. DON H. CLAUSEN.
Mr. ROUSSELOT.
Mr. STEIGER of Wisconsin.
Mr. LUJAN in two instances.
Mr. HANSEN of Idaho.
Mr. HARSHA.
Mr. HALPERN.
Mr. BOW in four instances.
Mr. HARVEY.
Mr. ASHBROOK.
Mr. MCKNEALLY.
Mr. BROYHILL of Virginia.
Mr. MCDONALD of Michigan.

(The following Members (at the request of Mr. WOLFF) and to include extraneous matter:)

Mr. RODINO in five instances.
Mr. FRASER.
Mr. NIX.
Mr. ANNUNZIO.
Mr. WALDIE.
Mr. ANDERSON of California in two instances.
Mr. LONG of Maryland in two instances.
Mr. BOGGS.
Mr. EVINS of Tennessee in two instances.
Mr. GONZALEZ in two instances.
Mr. WOLFF in four instances.
Mr. TUNNEY in three instances.
Mr. JOHNSON of California in two instances.
Mr. LEGGETT.
Mr. MOLLOHAN in five instances.
Mr. KARTH.
Mr. HATHAWAY in two instances.
Mr. MARSH.
Mr. FOUNTAIN in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. O'NEILL of Massachusetts in two instances.
Mr. FLOWERS in three instances.
Mr. MILLER of California in five instances.
Mr. HAGAN in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3279. An act to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes.

ADJOURNMENT

Mr. WOLFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Monday, July 27, 1970, at 12 o'clock noon.

COMMITTEE EMPLOYEES

JULY 9, 1970.

COMMITTEE ON AGRICULTURE

TO THE CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the "Legislative Reorganization Act of 1946," Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from

January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Christine S. Gallagher	Clerk	$15,098.89
Lacey C. Sharp	General counsel	15,098.89
Hyde H. Murray	Associate counsel	16,967.67
Louis T. Easley	Staff consultant	12,247.88
Betty M. Prezioso	Secretary to general counsel.	8,073.75
Lydia Vacin	Staff assistant	8,073.75
Martha S. Hannah	do	8,073.75
Marjorie B. Johnson	Secretary to associate counsel.	8,073.75
Catherine L. Bernhardt	Calendar clerk	8,073.75
George F. Missibeck	Printing editor	8,747.16
Investigative staff:		
John A. Knebel	Assistant counsel	12,247.88
Mildred P. Baxley	Staff assistant	8,073.75
Fred T. Ward	Assistant staff consultant	8,581.20
Mary P. Shaw	Staff assistant	5,811.02
Doris Lucile Farmarco	do	5,811.02
Doris R. Swischer	do	4,959.24
Bert Allan Watson	do	938.90

Funds authorized or appropriated for committee expenditures	$200,000.00
Amount of expenditures previously reported	88,431.55
Amount expended, Jan 1–June 30, 1970	46,709.13
Total amount expended, Jan 1, 1969–June 30, 1970	135,140.68
Balance unexpended as of June 30, 1970	64,859.32

W. R. POAGE, Chairman.

JULY 15, 1970.

COMMITTEE ON APPROPRIATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession (Standing or Select Committee)	Total gross salary during 6-month period
Paul M. Wilson	Clerk and staff director.	$16,671.35
Kenneth Sprankle	Special assistant	2,091.84
Jay B. Howe	Staff assistant	16,507.32
Robert L. Michaels	do	3,277.47
Robert M. Moyer	do	16,507.32
G. Homer Skarin	do	16,507.32
Eugene B. Wilhelm	do	16,507.32
Samuel R. Preston	do	16,507.32
Hunter L. Spillan	do	15,568.53
Aubrey A. Gunnels	do	15,325.63
Henry A. Neil	do	15,325.63
Francis G. Merrill	do	14,649.68
Keith F. Mainland	Staff assistant to chairman.	14,649.68
George E. Evans	Staff assistant	14,649.68
Earl C. Silsby	do	14,649.68
Peter J. Murphy	do	13,671.65
William G. Boling	do	11,780.24
John M. Garrity	do	11,549.64
Robert Foster	do	11,549.64
Milton B. Meredith	do	9,863.79
George A. Urian	do	8,761.69
Dempsey B. Mizelle	do	8,649.76
Robert C. Nicholas	do	8,593.77
Thomas J. Kingfield	do	8,593.77
Donald E. Richbourg	do	8,456.80
Gary C. Michalak	do	5,717.45
Thayer A. Wood	do	1,233.68
Samuel W. Crosby	Special assistant	16,507.32
Lawrence C. Miller	Editor	11,780.24
Paul V. Farmer	Assistant editor	8,084.96
Francis W. Sady	Administrative assistant	6,597.76
Austin G. Smith	Clerical assistant	6,672.28
Gerard J. Chouinard	do	6,228.13
Judith A. McClure	do	5,464.57
Dale M. Shulaw	do	5,464.57
Daniel V. Gun Shows	do	4,336.57
Randolph Thomas	Messenger	$5,083.75
Gerald F. Meyer	Minority clerk	13,253.41
Enid Morrison	Staff assistant to minority	9,343.21
Naomi A. Rich	Clerk-stenographer	6,008.56
Patrick M. Hayes	do	6,337.93
William J. Neary	do	6,337.93
Mary H. Smallwood	do	6,337.93
Catherine M. Voytko	do	6,337.93
John F. Walsh	do	6,337.93
T. Robert Garretson	do	6,337.93
Jennifer J. Neilson	do	4,417.81
Robert Carrere	do	596.38
Leta M. Buhrman	do	6,337.93
Margaret A. Riley	do	5,089.21
Margarita V. Turner	do	1,056.32
Judith M. Strachan	do	4,347.37
Peggy C. Ehringhaus	do	6,337.93
Jimmy Ray Fairchild	do	6,337.93
Patricia Hutchinson	do	6,337.93
Neta C. Messersmith	do	2,989.59
Winifred A. Pizzano	do	6,337.93
Katherine D. Coupe	do	6,337.93
Barbara B. Blum	do	6,337.93
David H. Kehl	do	6,304.98
Mary Ann Bond	do	1,615.76
Mike Crew	do	4,225.29
Ronald A. Rash	do	5,942.67
William E. Martin	do	5,464.57
Helen W. Philipsborn	do	3,835.66
Keith E. Heiberg	do	1,723.60

Amount of expenditures previously reported	$532,099.96
Amount expended, Jan. 1—June 30, 1970	552,645.28
Total amount expended, July 1, 1969–June 30, 1970	1,084,745.24

GEORGE MAHON, Chairman.

JULY 15, 1970.

COMMITTEE ON APPROPRIATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Surveys and investigations staff:		
Paul J. Mohr	Director	$14,292.69
Cornelius R. Anderson	First assistant director	13,574.81
Leroy R. Kirkpatrick	Second assistant director.	13,103.49
Lillian M. Mackie	Clerk-stenographer	7,151.45
Mary Alice Sauer	do	6,769.20
Agriculture, Department of:		
Diels, M. H	Investigator	2,720.95
Robinson, J. F	do	8,079.74
Strelser, A. J	do	11,546.03
Army Audit Agency:		
Fukutome, B. T	do	11,082.00
Commerce, Department of:		
Kammer, R. G	Editorial assistant	2,731.00
Specht, D. H	Investigator	1,565.67
Defense Contract Audit Agency:		
Herron, M. A	do	11,119.07
Export-Import Bank:		
McNair, K. D	Editorial assistant	2,664.59
Federal Bureau of Investigation:		
Bennett, C. L	Investigator	13,902.72
Bosko, A. P	do	11,959.36
Brummitt, D. A	do	12,925.76
Carson, D. W	do	14,227.84
Currall, W. G	do	13,419.20
Franklin, R. M	do	13,250.88
Funkhouser, P. K	do	10,643.52
Goedtel, J. G	do	13,250.88
Groover, L. C	do	10,647.04
Hanson, J. F	do	13,577.60
Hieronymi, N. H	do	8,953.92
Ivy, C. M	do	13,250.88
Law, W. C	do	14,120.00
McGahey, H. B	do	13,902.72
Magee, E. H	do	$13,902.72
Maher, M. F	do	13,603.52
Michalski, J. E	do	13,250.88
Sanderlin, C. H	do	13,250.88
Schaum, E. V	do	13,250.88
Scully, J. E	do	13,250.88
Shannon, A. J	do	13,902.72
Smith, H. J	do	13,250.88
Szoka, C. E	do	10,277.28
Thompson, I. M	Stenographer	1,370.22
Torrence, R. E	Investigator	13,577.60
Welch, W. H	do	14,227.84
Wood, H. B	do	13,902.72
Health benefits		1,568.38
Life insurance fund		1,169.51
Retirement fund		20,518.30
Health, Education, and Welfare, Department of:		
Meyer, G. F	Editorial assistant	4,214.00
Read, M. J	Investigator	3,977.75
Interior, Department of:		
Thomson, P.	Editorial assistant	4,431.73
National Aeronautics and Space Administration:		
Carey, B. F	Investigator	11,404.36
Dorn, R. J	do	6,668.19
Tariff Commission:		
Taylor, J. A	do	7,010.95
Transportation, Department of: Marikle, H. J	do	3,595.60
Treasury, Department of: O'Brien, D. A	Editorial assistant	4,795.61
Travel expenses		116,421.47
Miscellaneous expenses		365.29

Funds authorized or appropriated for committee expenditures	$1,015,000.00
Amount of expenditures previously reported	364,501.08
Amount expended, January 1, 1970–June 30, 1970	631,593.17
Total amount expended, July 1, 1969–June 30, 1970	996,094.25
Balance unexpended as of June 30, 1970	18,905.75

GEORGE MAHON, Chairman.

JULY 8, 1970.

COMMITTEE ON ARMED SERVICES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John R. Blandford	Chief Counsel	$17,752.50
Frank M. Slatinshek	Assistant Chief Counsel.	17,623.98
Earl J. Morgan	Professional staff member.	17,266.74
William H. Cook	Counsel	17,266.74
Ralph Marshall	Professional staff member.	13,671.66
John J. Ford	do	13,671.66
George Norris	Counsel	13,127.16
James F. Shumate, Jr	do	12,738.31
William H. Hogan, Jr	do	9,015.24
Mary Jo Sottile	do	8,755.28
Oneta L. Stockstill	Executive secretary	10,570.63
Berniece Kalinowski	do	8,600.94
L. Louise Ellis	do	8,600.94
Edna E. Johnson	do	8,600.94
Dorothy R. Britton	do	8,600.94
Doris L. Scott	do	8,600.94
Innis E. McDonald	do	6,453.45
D. Carleen Poole	do	5,596.80
Ann R. Willett	do	5,366.64
Brenda J. Gore	do	5,366.64
Constance E. Hobart	do	4,721.98
Emma M. Brown	do	4,673.03
James A. Deakins	Clerical staff assistant	6,503.30
Issiah Hardy	Messenger	4,664.86

TAFF, ARMED FORCES INVESTIGATING SUBCOMMITTEE (PURSUANT TO H. RES. 105, 106, AND 750, 91ST CONG.)

Name of employee	Profession	Total gross salary during 6-month period
John T. M. Reddan	Counsel	$17,266.76
John F. Lally	Assistant counsel	12,543.87
Richard A. Ransom	Professional staff member.	12,543.87
H. H. Cantus	do	5,967.18
Aibert R. Simonds	do	5,736.84
Rose C. Beck	Secretary	6,453.45
Adeline P. Tolerton	Clerk	5,236.07
Joyce C. Bova	Secretary	4,492.90
Sally Moore	do	1,470.97
Diane Trowbridge	do	1,413.48
William B. Short	Clerical staff assistant	7,060.04
Sanford T. Saunders	Security officer	6,503.29
Kenneth W. Tompkins	Messenger	280.28

Funds authorized or appropriated for committee expenditures H. Resolution 106 and H. Resolution 750	$425,000.00
Amount of expenditures previously reported	141,157.73
Amount expended, Jan. 1, 1970–June 30, 1970	96,901.35
Total amount expended, Jan. 1, 1969–June 30, 1970	238,059.08
Balance unexpended as of June 30, 1970	186,940.92

L. MENDEL RIVERS,
Chairman.

COMMITTEE ON BANKING AND CURRENCY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Paul Nelson	Clerk and staff director.	$17,740.05
Orman S. Fink	Minority professional staff member.	17,740.05
Charles B. Holstein	Professional staff member.	16,474.50
Curtis A. Prins	Chief investigator	14,961.19
Benet D. Gellman	Counsel	16,474.50
Joseph C. Lewis	Professional staff member.	17,673.82
Mary W. Layton	Secretary to minority	9,764.20
Donald G. Vaughn	Assistant clerk	8,269.02
Total		119,097.33
Investigative staff (H. Res. 271):		
Jeanne Abrams	Secretary	5,007.61
Linda M. Barnes	do	3,537.77
Richard C. Barnes	Assistant clerk	7,956.24
Jane N. D'Arista	Research assistant	3,458.12
James F. Doherty	Counsel	15,341.80
Dolores K. Dougherty	Assistant clerk	7,737.96
Carolyn Easter	Secretary	1,135.83
Robert J. Geline	Assistant clerk	5,835.61
Linda Hechtman	do	5,366.63
Helen Hitz	do	8,260.56
Linda L. Hoff	Secretary	4,656.73
Joseph J. Jasinski	Professional staff member.	13,111.39
Laurance G. Henderson.	do	17,673.82
Mary-Helen Kesecker	Secretary	3,930.29
Mary E. Kirk	Assistant clerk	4,656.73
Mildred S. Mitchell	do	8,698.44
Richard Neiman	do	2,131.14
Graham T. Northup	Professional staff member, minority.	16,433.47
Margaret Rayhawk	Secretary	7,118.17
Alicia F. Shoemaker	Secretary to minority	9,499.62
Elizabeth Stabler	Professional staff member.	11,134.51
Peter D. H. Stockton	do	10,790.63
Gary Tabak	Counsel	10,600.98
Lester Carl Thurow	Professional staff member.	2,667.83
Robert E. Torrance	Assistant clerk	4,218.01
Total		190,959.89

H. Res. 271	$442,500.00
H. Res. 783	331,000.00
GAO-authorized adjustment	100.00
Total	$773,600.00
Funds authorized or appropriated for committee expenditures (itemized above)	773,600.00
Amount of expenditures previously reported	327,058.49
Amount expended, Jan. 1, 1970–June 30, 1970	211,357.28
Total amount expended, Jan. 3, 1969–June 30, 1970	538,415.77
Balance unexpended as of June 30, 1970	235,184.23

Wright Patman, Chairman.

JUNE 30, 1970.

COMMITTEE ON BANKING AND CURRENCY, HOUSING SUBCOMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Housing subcommittee (H. Res. 272):		
Anita Allison	Secretary	$3,448.28
Terrence Boyle	Minority research assistant.	4,563.34
Kenneth W. Burrows	Staff director	14,700.50
Jean Clarkson	Secretary	1,613.56
Michael T. Corbett	Assistant clerk	7,797.74
Patricia A. Eley	do	4,779.10
David Glick	Counsel	17,515.96
George Gross	do	15,301.33
Emily Hightower	Secretary	6,099.12
Casey Ireland	Minority staff member	17,515.96
Barbara Kling	Secretary	5,440.09
Margaret J. Leary	do	8,698.44
John J. McEwan	Housing consultant	4,647.24
Gerald R. McMurray	Research assistant	11,380.51
John Nicholson	Minority staff member	8,128.93
Catherine Smith	Secretary	4,242.24
Doris Young	Assistant clerk	8,040.18
Total		143,912.52

Funds authorized or appropriated for committee expenditures (H. Res. 272)	$600,100.00
Amount of expenditures previously reported	228,722.37
Amount expended, Jan. 1–June 30, 1970	150,121.97
Total amount expended, Jan. 3, 1969–June 30, 1970	378,844.34
Balance unexpended as of June 30, 1970	221,255.66

WRIGHT PATMAN,
Chairman.

JULY 4, 1970.

COMMITTEE ON THE DISTRICT OF COLUMBIA

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Hayden S. Garber	Counsel	$13,316.57
Clayton D. Gasque	Staff director	11,472.75
Leonard O. Hilder	Investigator	10,259.64
James T. Clark	Clerk	14,977.41
Othello Steinkuller	Secretary	8,260.56
Betty C. Alexander	do	7,637.15
Peggy L. Thornton	do	7,637.15
Sara Anna Watson	Assistant counsel	$8,093.79
John E. Hogan	Minority clerk	11,998.64
Camille G. Butler	Secretary	4,974.98
Charles E. Jackson	Investigator	4,974.98
Whitney L. Turley	do	8,552.18
Patricia Freedman	Secretary	4,083.20
Michael L. Payne	Temporary clerk-typist	448.35
Marcellus C. Garner	do	438.96

Funds authorized or appropriated for committee expenditures	$100,000.00
Amount of expenditures previously reported	37,255.49
Amount expended, Jan. 1, 1970–July 1, 1970	33,975.92
Total amount expended, Jan. 1, 1969–July 1, 1970	71,231.41
Balance unexpended as of June 30, 1970	28,768.59

WRIGHT PATMAN,
Chairman.

JULY 15, 1970.

COMMITTEE ON EDUCATION AND LABOR—STANDING COMMITTEE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert E. McCord	Chief clerk and senior specialist (Jan. 1–June 21, 1970).	$16,864.78
Hartwell D. Reed, Jr.	General counsel (Jan. 1–June 30, 1970).	17,357.90
William F. Gaul	Associate general counsel (Jan. 1–June 30, 1970).	17,752.40
Benjamin F. Reeves	Editor of committee publications (Jan. 1–June 30, 1970).	17,752.40
Louise Maxienne Dargans.	Research director (Jan. 1–June 30, 1970).	17,752.40
Marian R. Wyman	Special assistant to chairman (Jan. 1–June 30, 1970).	15,034.08
Austin P. Sullivan, Jr.	Legislative specialist (Jan. 1–June 30, 1970).	13,261.31
Louise M. Wright	Administrative assistant to chief clerk (Jan. 1–June 30, 1970).	11,672.57
Minority:		
Michael J. Bernstein	Minority counsel for education and labor (Jan. 1–June 30, 1970).	17,752.40
Charles W. Radcliffe	Minority counsel for education (Jan. 1–June 30, 1970).	17,752.40

Funds authorized or appropriated for committee expenditures	(1)
Amount of expenditures previously reported	$283,224.47
Amount expended, Jan. 1–June 30, 1970	162,952.64
Total amount expended, Jan. 1, 1969–June 30, 1970	446,177.11
Balance unexpended as of June 30, 1970	(1)

CARL D. PERKINS,
Chairman.

(1) Contingent fund.

JULY 15, 1970.

COMMITTEE ON EDUCATION AND LABOR—FULL COMMITTEE INVESTIGATING STAFF

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved

August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeannine M. Anderson	Secretary (Jan. 1–June 30, 1970).	$4,833.50
Carole J. Ansheles	Assistant clerk (June 1–June 30, 1970).	434.64
Donald M. Baker	Associate counsel (labor) (Jan. 1–June 30, 1970).	17,752.40
Goldie A. Baldwin	Legislative assistant (Jan. 1–June 30, 1970).	6,354.95
Dean Gregory Barker	Assistant clerk (June 11–30, 1970).	289.76
Donald F. Berens	Administrative assistant (Jan. 1–June 30, 1970).	10,588.54
William H. Cable	Junior researcher (Jan. 1–June 30, 1970).	3,386.01
Howard Daniel Cohen	Assistant clerk (Jan. 5–31, 1970).	376.06
Elizabeth A. Cornett	Administrative assistant (Jan. 1–June 30, 1970).	8,260.56
Lelia T. Cornwell	do	6,190.27
Stephen J. Dryden	Assistant clerk (June 29–30, 1970).	28.98
Margery H. Engel	Research assistant (June 8–30, 1970).	460.29
Eydie Gaskins	Administrative assistant (Jan. 1–June 30, 1970).	6,190.27
Janet R. Inscore	Secretary (Jan. 1–31, 1970).	101.19
Shirely R. Mills	Secretary (Jan. 1–1–June 30, 1970).	6,918.79
David E. Pinkard	Assistant clerk (June 15–30, 1970).	231.81
David B. Putnam	Staff assistant (Jan. 5—June 30, 1970).	3,887.10
Thomas F. Remington	Assistant clerk (Jan. 1–Jan. 31, 1970 and June 8–June 30, 1970).	767.14
Ruth A. Ruttenberg	Assistant clerk (May 1–May 31, 1970).	434.64
Cathie Sue Shepherd	Assistant clerk (May 18–June 30, 1970).	622.98
Michael D. Sherman	Assistant clerk (June 1–June 30, 1970).	434.64
Mary L. Shuler	Secretary (Jan.1–June 30, 1970).	6,041.51
Jeanne E. Thomson	Legislative assistant (Jan. 1–June 30, 1970).	8,839.23
Nancy J. Tyler	Junior researcher (Jan. 1–June 30, 1970).	2,599.21
Samuel C. Vanneman	Legislative specialist (May 1–June 30, 1970).	1,091.84
John E. Warren	Junior researcher (Jan. 1–June 30, 1970).	4,147.91
Minority:		
Robert C. Andringa	Minority professional staff assistant (Jan. 1–June 30, 1970).	9,921.41
Sheldon J. Batchelder	Research assistant (Jan. 1–June 30, 1970).	3,715.19
Mark Burnstein	do	500.48
Phillip Bursley	Research assistant (June 22–30, 1970).	120.12
Glenda D. Campbell	Secretary (June 1–30, 1970).	507.48
Albert Edwin Clark, Jr.	Research assistant (June 1–30, 1970).	607.06
Robert L. Durst, Jr.	Minority research assistant (Jan. 1–June 30, 1970).	5,203.44
Louise W. Finke	Secretary (Jan. 1–June 30, 1970).	6,536.56
Anita M. Gerhardt	do	5,298.98
Crawford C. Heerlein	Minority clerk (Jan. 1–June 30, 1970).	12,131.06
Will Henderson	Assistant clerk (Jan. 1–June 30, 1970).	4,452.50
Martin L. LaVor	Minorityl egislative coordinator (Jan. 1–June 30, 1970).	10,282.40
Thomas H. Rhodes	Research assistant (Jan. 1–23, 1970).	$391.63
Silvia J. Rodriguez	Secretary (Jan. 1–June 30, 1970).	4,067.08
Dean W. Rudoy	Research assistant (June 1–June 30, 1970).	452.57
Walter J. Sears, III	Research assistant (Jan. 1–Jan. 5 and June 1–June 30, 1970).	708.06
Dorothy L. Strunk	Administrative assistant (Jan. 1–June 30, 1970).	5,127.62
Mary Ann Rospendowski (Wagosh)	Secretary (Jan. 1–June 30, 1970).	4,242.24

Funds authorized or appropriated for committee expenditures 1969–1970	$819,200.00
Amount of expenditures previously reported	307,189.12
Amount expended, Jan. 1–June 30, 1970	184,000.46
Total amount expended, Jan. 3, 1969–June 30, 1970	491,189.58
Balance unexpended as of June 30, 1970	328,010.42

CARL D. PERKINS, Chairman.

JULY 15, 1970.

SELECT SUBCOMMITTEE ON EDUCATION, NO. 1

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Janet Allemand	Secretary (June 26–30, 1970).	$100.06
Christina L. Bitting	Secretary (Jan. 1–June 30, 1970).	4,250.33
Harry J. Hogan	Counsel (Jan. 1–June 30, 1970).	10,600.98
Sally K. Kirkgasler	Research assistant (Jan. 1–June 30, 1970).	4,974.98
Ricki Lynn Ninomiya	Research assistant (June 10–30, 1970).	328.61
Robert L. Short	Research assistant (Jan. 1–Mar. 23, 1970).	1,662.52
Betty L. Shupp	Clerk-typist (Feb. 1–June 30, 1970).	1,774.59
Marilyn Rae Stapleton	Staff assistant (Jan. 1–Jan. 31, 1970).	1,149.33

Funds authorized or appropriated for committee expenditures	$120,000.00
Amount of expenditures previously reported	50,831.40
Amount expended, Jan. 1–June 30, 1970	25,273.55
Total amount expended, Jan. 3, 1969–June 30, 1970	76,104.95
Balance unexpended as of June 30, 1970	43,895.05

CARL D. PERKINS, Chairman.

JULY 15, 1970.

SPECIAL SUBCOMMITTEE ON LABOR, NO. 2

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jeunesse M. Beaumont	Clerk (Jan. 1–June 30, 1970).	$6,403.63
William C. Dell, Jr.	Research assistant (May 1–31, 1970).	500.48
Maryann T. Krzewinski	Assistant clerk (Jan. 1–31, 1970).	310.03
E. Dennis Muchnicki	Assistant clerk (Jan. 1–May 31, 1970).	768.85
Maureen Orth	Research assistant (Mar. 1–31, 1970).	750.15
Effie J. Nicholakis	Assistant clerk (June 15–30, 1970).	160.07
William George Phillips	Staff director (Jan. 1–June 30, 1970).	13,127.16
Daniel H. Pollitt	Special counsel (Jan. 1–June 30, 1970).	3,714.49
Daniel Rutedge Pollitt	Research assistant (June 15–30, 1970).	187.23
Ernest Robinson	Assistant clerk (May 1–June 30, 1970).	214.52

Funds authorized or appropriated for committee expenditures, 1969–70	$120,000.00
Amount of expenditures previously reported	52,102.42
Amount expended, Jan. 1–June 30, 1970	26,346.98
Total amount expended, Jan. 3, 1969–June 30, 1970	78,449.40
Balance unexpended as of June 30, 1970	41,550.60

CARL D. PERKINS, Chairman.

JULY 15, 1970.

GENERAL SUBCOMMITTEE ON LABOR, NO. 3

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Adrienne Fields	Clerk (Jan. 1–June 30, 1970).	$7,435.67
S. G. Lippman	Special Counsel (Jan. 1–June 30, 1970).	3,183.24
John T. Ridilla	Assistant clerk (June 1–June 30, 1970).	300.13
Robert E. Vagley	Director (Jan. 1–June 30, 1970).	14,617.71

Funds authorized or appropriated for committee expenditures 1969–70	$120,000.00
Amount of expenditures previously reported	45,075.39
Amount expended, Jan. 1–June 30, 1970	32,633.55
Total amount expended, Jan. 3, 1969–June 30, 1970	77,708.94
Balance unexpended as of June 30, 1970	42,291.06

CARL D. PERKINS, Chairman.

JULY 15, 1970.

GENERAL SUBCOMMITTEE ON EDUCATION, NO. 4

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved

August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Cynthia A. Crites	Staff director (Jan. 1–Apr. 30, 1970).	$6,223.30
Sharlene P. Hirsch	Education specialist (Jan. 1–Mar. 31, 1970).	5,043.39
John F. Jennings	Counsel (Jan. 1–June 30, 1970).	11,904.48
Alexandra J. Kisla	Clerk (Jan. 1–June 30, 1970).	6,800.67

Funds authorized or appropriated for committee expenditures, 1969–70	$120,000.00
Amount of expenditures previously reported	56,147.33
Amount expended, Jan. 1–June 30, 1970	35,321.65
Total amount expended, Jan. 3, 1969–June 30, 1970	91,469.02
Balance unexpended as of June 30, 1970	28,530.98

CARL D. PERKINS,
Chairman.

JULY 15, 1970.

SELECT SUBCOMMITTEE ON LABOR, NO. 5

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Loretta A. Bowen	Clerk (Jan. 1–June 30, 1970).	$6,868.92
Daniel H. Krivit	Counsel (Jan. 1–June 30, 1970).	12,559.46
Marcia Sue Nelson	Research assistant (Jan. 1–June 30, 1970).	5,572.13
Catherine R. Romano	Secretary (Jan. 1–June 30, 1970).	3,862.22

Funds authorized or appropriated for committee expenditures (1969–70)	$120,000.00
Amount of expenditures previously reported	45,274.45
Amount expended, Jan. 1–June 30, 1970	36,517.12
Total amount expended, Jan. 3, 1969–June 30, 1970	81,791.57
Balance unexpended as of June 30, 1970	38,208.43

CARL D. PERKINS,
Chairman.

JULY 15, 1970.

SPECIAL SUBCOMMITTEE ON EDUCATION, NO. 6

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Jack G. Duncan	Counsel (Jan. 1–June 30, 1970).	$10,469.52
Ruth L. Eliel	Assistant clerk (June 1–30, 1970).	264.51
Mary K. Gillespie	Assistant clerk (June 20–30, 1970).	39.33
Arlene Horowitz	Staff assistant (Jan. 1–June 30, 1970).	4,109.26
Toni Rita Immerman	Assistant clerk (Feb. 23–June 30, 1970).	2,356.86
Ronald L. Katz	Research assistant (Jan. 1–June 30, 1970).	6,403.63
Nancy A. Neilen	Clerk (Jan. 1–Mar. 21, 1970).	1,687.69
Maureen Orth	Research assistant (Apr. 1–May 3, 1970).	1,503.65
Anne W. Risdon	Assistant clerk (June 15–30, 1970).	160.07
Jack H. Schuster	Education specialist (Jan. 13–31, 1970).	585.49

Funds authorized or appropriated for committee expenditures	$120,000.00
Amount of expenditures previously reported	49,456.58
Amount expended, Jan. 1–June 30, 1970	35,023.31
Total amount expended, Jan. 3, 1969–June 30, 1970	84,479.89
Balance unexpended as of June 30, 1970	35,520.11

CARL D. PERKINS,
Chairman.

JULY 15, 1970.

COMMITTEE ON FOREIGN AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Boyd Crawford	Staff administrator	$7,258.42
Roy J. Bullock	Senior staff consultant	17,752.40
Albert C. F. Westphal	Staff consultant	17,752.40
Franklin J. Schupp	do	16,917.85
Harry C. Cromer	do	16,671.35
Philip B. Billings	do	12,985.08
Marian A. Czarnecki	do	16,671.35
Melvin O. Benson	do	14,034.11
Everett E. Bierman	do	13,035.62
John J. Brady, Jr	do	10,744.03
John H. Sullivan	do	10,744.03
Robert J. Bowen	Clerical assistant	6,461.76
June Nigh	Senior staff assistant	12,411.48
Helen C. Mattas	Staff assistant	11,042.29
Helen L. Hashagen	do	10,145.84
Louise O'Brien	do	9,854.43
Dora B. McCracken	do	8,140.92
Jean E. Smith	do	6,436.84
Nancy C. Peden	do	6,144.47
Paula L. Peak	do	7,952.03
Diane Gallagher	do	3,714.49

Funds authorized or appropriated for committee expenditures	$350,000.00
Amount of expenditures previously reported	133,203.25
Amount expended, Jan. 1, 1970–June 30, 1970	75,966.64
Total amount expended, Jan. 1, 1969–June 30, 1970	209,169.89
Balance unexpended as of June 30, 1970	140,830.11

THOMAS E. MORGAN,
Chairman.

JULY 10, 1970.

COMMITTEE ON GOVERNMENT OPERATIONS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Expenses—Jan. 1–June 30, 1970:	
Full committee	$1,856.09
Special Investigative Staff	46,522.82
Military Operations Subcommittee	42,650.36
Government Activities Subcommittee	45,679.37
Intergovernmental Relations Subcommittee	45,261.02
Executive and Legislative Reorganization Subcommittee	38,413.05
Foreign Operations and Government Information Subcommittee	61,651.90
Legal and Monetary Affairs Subcommittee	43,179.45
Conservation and Natural Resources Subcommittee	59,815.22
Special Studies Subcommittee	66,704.59
Total	451,733.87

Name of employee	Profession	Total gross salary during 6-month period
Salaries: Full Committee, Jan. 1, 1970–June 30, 1970:		
Christine Ray Davis	Staff director	$17,752.40
James A. Lanigan	General counsel	17,752.40
Herbert Roback	Professional staff member.	17,752.40
Miles Q. Romney	Associate general counsel.	15,115.06
Lawrence P. Redmond	Professional staff member.	10,236.88
Dolores L. Fel'Dotto	Staff member	8,260.56
Ann E. McLachlan	do	8,006.60
Charlotte C. Bickett	do	7,368.52
John Philip Carlson	Minority counsel	17,752.40
William H. Copenhaver.	Minority staff member (from Mar. 16, 1970).	7,901.47
William P. Russell	Minority staff member (to Jan. 16, 1970).	692.71
Expenses, Jan. 1, 1970,–June 30, 1970: Full committee, Hon. William L. Dawson, chairman: Expenses		1,770.96
Special Investigative Staff, Hon. William L. Dawson, chairman:		
Thomas H. Saunders	Minority staff member.	6,627.95
Clara Katherine Armstrong.	Minority research assistant.	7,368.52
Julia J. Norrell	Research assistant	7,956.24
Catherine S. Cash	Secretary	6,561.48
Annie M. Abbott	do	6,528.23
Alan Kreshtool	Investigator (from May 1, 1970).	1,750.80
Mabel C. Baker	Staff member	4,885.19
John L. Dodson	Clerical staff	4,844.41
Total		46,522.82
Military Operations Subcommittee, Hon. Chet Holifield, chairman:		
Douglas G. Dahlin	Staff attorney	11,019.22
John Paul Ridgely	Investigator	9,824.10
Joseph C. Luman	Defense analyst	9,318.48
Catherine L. Koeberlein.	Research assistant	7,561.60
Kathryn M. Rosenbaum.	Clerk-stenographer	4,770.96
Expenses		156.00
Total		42,650.36
Government Activities Subcommittee, Hon. Jack Brooks, chairman:		
Ernest C. Baynard	Staff administrator	14,649.68
C. Don Stephens	Research analyst	9,282.23
William M. Jones	Counsel (from Apr. 1, 1970).	4,773.60
Irma Reel	Clerk	6,561.48

Name of employee	Profession	Total gross salary during 6-month period
Lynne Higginbotham	Clerk-stenographer	$6,561.48
Michael McGettigan	Investigator	3,450.11
Expenses		400.79
Total		45,679.37
Intergovernmental Relations Subcommittee, Hon. L. H. Fountain, chairman:		
James R. Naughton	Counsel	14,649.68
Delphis C. Goldberg	Professional staff member.	14,649.68
Gilbert S. Goldhammer.	Consultant (Feb. 9–Mar. 24; Apr. 4–May 31, 1970).	5,619.03
Bebe B. Terry	Clerk-stenographer	6,173.27
Marjorie W. Vanderbilt.	do	3,959.24
Expenses		210.12
Total		45,261.02
Executive and legislative Reorganization Subcomittee, Hon. John A. Blatnik, chairman:		
Elmer W. Henderson	Counsel	15,301.33
I. Warren Harrison	Legal assistant	8,454.73
Veronica B. Johnson	Clerk	7,368.52
Gilda K. Calderone	do	3,975.44
Ralph T. Doty	Clerical staff	3,183.24
Expenses		129.79
Total		38,413.05
Foreign Operations and Government Information Subcommittee, Hon. John E. Moss, chairman:		
Vincent J. Augliere	Staff administrator	14,649.68
Norman G. Carnish	Professional staff member.	14,649.68
Jack Matteson	Professional staff member.	13,198.14
James L. Nelligan	Professional staff member (to June 27, 1970).	11,553.64
Harold F. Whittington	Professional staff member (from June 22, 1970).	562.49
Elizabeth Jayne Bodecker.	Secretary	6,561.48
Expenses		476.79
Total		61,651.90
Legal and Monetary Affairs Subcommittee, Hon. Dante B. Fascell, chairman:		
M. Joseph Matan	Counsel (to Apr. 30, 1970).	9,766.46
Charles A. Intriago	Assistant counsel	8,747.16
R. Michael Finley	Professional staff member (from Mar. 1, 1970).	5,831.44
Stuart E. Bossom	Legal assistant	7,826.07
Millicent Y. Myers	Clerk	6,561.48
Frances M. Turk	Stenographer	3,926.28
Expenses		520.56
Total		43,179.45
Conservation and Natural Resources Subcommittee, Hon. Henry S. Reuss, chairman:		
Phineas Indritz	Counsel	14,649.68
Laurence A. Davis	Assistant counsel	12,006.47
David B. Finnegan	do	12,006.47
F. Clement Dinsmore	Legal assistant	6,337.93
Josephine Scheiber	Research assistant	7,544.81
Catherine L. Hartke	Stenographer	6,561.48
Expenses		708.38
Total		59,815.22
Special Studies Subcommittee, Hon. John S. Monagan, chairman:		
Louis I. Freed	Staff administrator	14,649.68
Jacob N. Wasserman	Counsel	13,474.37
Herschel F. Clesner	do	13,419.10
Peter S. Barash	Legal analyst	9,334.96
Charles P. Witter	Staff member	7,729.56
Marilyn F. Jarvis	Stenographer	7,101.58
Expenses		995.34
Total		66,704.59

Funds authorized or appropriated for committee expenditures, H. Res. 214 and H. Res. 752, 91st Cong. $1,750,000.00

Amount of expenditures previously reported 818,791.93
Amount expended, Jan. 1–June 30, 1970 451,733.87

Total amount expended, Jan. 3, 1969–June 30, 1970 1,270,525.80

Balance unexpended as of June 30, 1970 479,474.20

WILLIAM L. DAWSON, Chairman.

JUNE 15, 1970.

COMMITTEE ON HOUSE ADMINISTRATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Julian P. Langston	Chief clerk	$17,752.40
Robert D. Gray	Auditor	13,671.65
David S. Wolman	Personnel analyst	13,671.65
Louis Silverman	Assistant clerk	9,072.08
Gruney S. Jaynes	do	5,464.57
Robert H. Frank	Legal counsel	7,637.15
Dianne S. Gaujot	Assistant clerk	2,798.42
Mary F. Stolle	do	5,956.80
Margaret H. Schuler	do	803.32
Melvin M. Miller	Minority clerk	14,847.81
Judith K. Holes	Assistant clerk	5,244.26
Thomas J. Hart	do	2,478.36
John C. d'Amecourt	Staff director on Subcommittee on Library and Memorials.	8,140.92
Mary Susan Mattson	Assistant clerk	2,621.85
Eric Honick	do	433.59
Gwenda R. Green	do	5,195.29
Thomas A. Tangretti	Printing clerk	5,040.24
Paula Scruggs	Assistant clerk	5,040.24
Stuart G. Weinblatt	do	283.60
Carolyn L. Jana	do	3,568.91
Rita A. Stewart	do	833.55
Marie Alexander	do	3,597.34
Salig Bendit	do	398.81
Alex Sanger	do	800.19
Keith McBee	do	1,967.64

Funds authorized or appropriated for committee expenditures $800,000.00

Amount of expenditures previously reported 84,049.53
Amount expended, Jan. 1, 1970–June 30, 1970 70,543.97

Total amount expended, Jan. 3, 1969–June 30, 1970 154,593.50

Balance unexpended 645,406.50

SAMUEL N. FRIEDEL, Chairman.

JULY 13, 1970.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 19, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Sidney L. McFarland	Staff director and chief clerk.	$17,673.82
William L. Shafer	Consultant on mining, minerals, and public lands.	$16,277.65
Lewis A. Sigler	Counsel and consultant on Indian affairs.	15,584.74
Charles Leppert, Jr.	Assistant counsel and consultant on territorial affairs.	14,425.83
Lee McElvain	Assistant counsel and consultant on national parks and recreation.	11,590.12
Dixie S. Barton	Clerk	8,552.18
Patricia Ann Murray	do	8,552.18
Patricia B. Freeman	do	7,536.46
Susan A. Gardner	do	6,960.33
Kathleen Sandy	do	6,960.33
Salaries paid pursuant to H. Res. 117 and H. Res. 786, 91st Cong.:		
Jim T. Casey	Consultant on irrigation and reclamation.	13,671.65
Miriam Waddell	Clerk	5,810.94
Marston L. Becker	Printing clerk	7,469.26
Edward Gaddis	Messenger	4,250.33

Funds authorized or appropriated for committee expenditures $195,060.00

Amount of expenditures previously reported 78,406.39
Amount expended, Jan. 19–June 30, 1970 32,200.67

Total amount expended, Jan. 3, 1969–June 30, 1970 110,607.06

Balance unexpended as of June 30, 1970 84,392.94

WAYNE N. ASPINALL, Chairman.

JULY 13, 1970.

COMMITTEE ON INTERNAL SECURITY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Donald G. Sanders	Chief counsel	$16,335.08
Alfred M. Nittle	Counsel	13,576.94
Glenn E. Davis	Editorial director	14,585.70
Robert M. Horner	Chief investigator	12,236.46
William G. Shaw	Research director	12,163.14
Juliette P. Joray	Recording clerk	10,411.32
Mary M. Valente	Administrative secretary.	8,617.18
Anniel Cunningham	Chief, Files and Reference Section.	8,082.17
Helen M. Gittings	Research analyst	8,056.98
Lorraine N. Veley	Secretary	6,337.93
Investigating committee:		
Victoria Appell	Clerk-typist (appointed June 15, 1970).	211.09
Margie D. Biggerstaff	Secretary	4,525.26
Daniel Butler	Assistant documents clerk.	4,713.84
Mary Jo Chapman	Clerk-stenographer	3,139.55
S. Janice Coil	Secretary	5,230.65
Harry T. Cone	Information classifier (appointed June 15, 1970).	253.75
Sue Daniels	Information analyst	3,730.47
Florence B. Doyle	Clerk-stenographer	4,115.31
Elizabeth L. Edinger	Editor	7,309.74
Rochelle E. Epstein	Clerk-typist	3,154.12
Daniel R. Ferry	Assistant counsel (appointed, Mar. 1, 1970).	5,836.85
James L. Gallagher	Research analyst	7,754.75
Ruth Ann Gerbec	Information classifier	3,361.97
Isobel Hurwitz	do	3,361.97
Leo William Ivory, Jr.	Assistant documents clerk.	2,917.95

Name of employee	Profession	Total gross salary during 6-month period
Doris R. Jaeck	Information analyst	$4,770.96
Mildred V. James	Clerk-typist	3,345.98
Judith H. Joseph	Clerk-typist (Feb. 3, to June 8, 1970).	2,353.38
Millie Fay Lee	Secretary (resigned Feb. 15, 1970).	1,109.84
Gail B. Lewis	Information classifier	3,361.97
John F. Lewis	Coordinating editor	12,193.39
Kathleen C. Marche	Information classifier (resigned Feb. 15, 1970).	792.91
Virginia Masino	Receptionist	3,455.57
B. R McConnon, Jr	Investigator	8,311.56
Elizabeth B. Medina	Secretary (appointed Mar. 26, 1970).	2,483.56
David E. Muffley, Jr	Documents clerk	4,606.10
Monica Rae Munger	Clerk-typist (resigned Jan. 25, 1970).	422.82
Maureen P. Ontrich	Information analyst	4,193.71
Alma T. Pfaff	Research analyst	4,819.92
Peggy F. Pixley	Editorial clerk	4,770.96
William T. Poole	Research analyst	4,795.44
Robert Poos	Research analyst (appointed May 1, 1970).	2,753.52
Stuart Pott	Investigator	5,568.49
Rosella A. Purdy	Clerk-typist (resigned Mar. 31, 1970).	510.84
Josephine S. Randolph.	Secretary	5,252.40
Audrey Rollins	Secretary (appointed May 18, 1970).	986.39
Herbert Romerstein	Investigator	8,040.18
Stephen H. Romines	Assistant counsel	8,755.29
Karen Sue Russell	Information classifier	3,139.97
Jean W. Rutledge	Secretary	5,522.70
Richard L. Schultz	Associate chief counsel (appointed Mar. 6, 1970).	8,163.93
Richard A. Shaw	Investigator	8,023.39
Thomas Q. Simmons	Investigator (appointed Apr. 6, 1970).	2,880.14
Linda E. Spirt	Clerk-stenographer	4,452.50
Barbara C. Sweeny	do	4,129.05
Neil E. Wetterman	Investigator	7,139.04

Funds authorized or appropriated for committee expenditures	$850,000.00
Amount of expenditures previously reported	366,049.14
Amount expended, Jan. 1, 1970–June 30, 1970	224,605.00
Total amount expended, Jan. 3, 1969–June 30, 1970	590,654.14
Balance unexpended as of July 1, 1970	259,345.86

RICHARD H. ICHORD,
Chairman.

JULY 8, 1970.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Clerical staff:		
W. E. Williamson	Clerk	$17,752.50
Kenneth J. Painter	1st assistant clerk	14,186.00
Marcella Johnson	Assistant clerk	8,422.24
Frank Mahon	Printing editor	9,334.96
Mary Ryan	Clerical assistant	6,661.18
Mildred H. Lang	do	6,661.18
Hazel J. Collie	Staff assistant	8,379.68
Elsie M. Karpowich	Clerical assistant	6,661.18
Edwin Earl Thomas	Staff assistant	6,272.06
Marion M. Burson	Staff assistant (minority).	14,186.00
Professional staff:		
William J. Dixon	Professional staff member.	17,752.50
James M. Menger	Professional staff member.	$17,752.50
Robert P. Guthrie	do	17,752.50
Kurt Borchardt	do	17,752.50
Additional temporary employees under H. Res. 116, 320, and 815:		
Lewis E. Berry, Jr	Minority counsel	17,752.50
Helen M. Dubino	Staff assistant (minority).	13,300.76
Barbara L. Bullard	Clerical assistant (minority).	5,860.32
Darlene B. McMullen	do	3,805.63
Eleanor A. Dinkins	Clerical assistant	6,661.18
F. Martin Kuhn	Staff assistant	11,672.60
Michael A. Taylor	do	11,672.60
Theodore H. Focht	Special counsel	13,898.24
Christine M. Fawcett	Clerical assistant (minority).	4,412.05
Walter J. Graham, Jr	Staff assistant	11,672.60
Joseph T. Kelley	Messenger (from June 15, 1970).	235.68
William S. Townsend	Staff assistant (to C.O.B. Mar. 31, 1970).	5,863.30
James T. Glenn	Staff assistant (from Apr. 1, 1970).	5,836.29
Violet M. McCarthy	Clerical assistant (from Jan. 19, 1970).	4,536.20
Stuart A. Chalew	Clerical assistant (from June 1, 1970).	500.48
Special Subcommittee on Investigations:		
Robert W. Lishman	Chief counsel	17,752.50
Daniel J. Manelli	Attorney	13,292.86
James R. Connor	Staff assistant	12,325.77
Russell D. Mosher	do	4,942.30
Elizabeth G. Paola	Clerical assistant	6,661.18
S. Arnold Smith	Attorney (to Jan. 15, 1970).	813.94
William T. Druhan	Staff assistant	12,752.00
James P. Kelly	Chief investigator	13,292.86
James F. Broder	Special assistant	12,325.77
Robert L. Rebein	Staff attorney	13,292.86
Benjamin M. Smethurst.	Special assistant	13,292.86
Michael F. Barrett, Jr	Attorney (from Apr. 13, 1970).	5,142.27
Mark J. Raabe	Attorney (from Feb. 16, 1970).	8,958.01
Elizabeth A. Eastman	Clerical assistant	5,950.90
Lucy M. Gossett	do	5,950.90

Funds authorized or appropriated for committee expenditures	$1,060,000.00
Amount of expenditures previously reported	444,552.86
Amount expended, Jan. 1–June 30, 1970	276,389.12
Total amount expended, Jan. 3, 1969–June 30, 1970	720,941.98
Balance unexpended as of June 30, 1970	339,058.02

HARLEY O. STAGGERS,
Chairman.

JULY 15, 1970.

COMMITTEE ON THE JUDICIARY

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Bess E. Dick	Staff director	$17,752.40
Benjamin L. Zelenko	General counsel	16,885.48
Herbert Fuchs	Counsel	16,474.50
Garner J. Cline	do	14,497.80
R. Frederick Jett	do	13,356.00
Donald G. Benn	Associate counsel	12,022.00
Jerome M. Zeifman	Counsel	12,092.13
Frances Christy	Clerical staff	9,359.63
Jane C. Caldwell	do	8,584.67
Gertrude Clara Burak	do	7,637.15
Carrie Lou Allen	Clerical staff	$7,226.23
Lorraine W. Beland	do	7,226.23
Roberta E. Eisenberg	do	6,727.67

SALARIES PAID JAN. 1 THROUGH JUNE 30, 1970, PURSUANT TO H. RES. 93, 118, and 780, 91ST CONG., INVESTIGATIVE STAFF

Employee	Position	Salary
Joanne E. Bell	Clerical staff (from May 1, 1970).	$1,200.76
Pearl Chellman	Clerical staff	4,347.37
Stephen R. Conafay	Clerical staff (from June 1, 1970).	344.21
James J. Faris	Counsel	9,020.45
Paul S. Fenton	Associate counsel	7,001.86
Howard W. Fogt, Jr	do	7,309.74
William B. Forti	Economist	10,479.60
Austin T. Fragomen, Jr	Assistant counsel	6,727.66
Mary Shea Gaffney	Clerical staff	4,355.35
Phyllis R. Goldberg	Clerical (through Mar. 11, 1970).	1,431.19
Alma B. Haardt	Clerical staff	6,008.56
Toni T. Harrington	Clerical staff (through Jan. 16, 1970).	367.27
William Thomas Hutton	Assistant counsel	6,119.62
Jane F. Johnson	Clerical staff (from Apr. 20, 1970).	1,568.08
Katherine Ely Kaplan	Clerical staff	4,673.02
Michael Kelemonicl	do	6,337.93
Florence T. McGrady	do	6,337.93
Bernice McGuire	Clerical staff (through Mar. 31, 1970).	2,065.89
Thomas E. Mooney	Assistant counsel	5,835.61
Franklin G. Polk	do	11,672.57
O'Wighten Delk Simpson	Investigator (through May 31, 1970).	4,447.73
Sharon Lee Sites	Clerical staff (from Mar. 24 through Apr. 3, 1970).	262.88
Mary G. Sourwine	Clerical staff	5,613.26
Annelie Tischbein	do	3,975.44
Louis S. Vance	Messenger	4,452.50
Rosalie C. Werback	Clerical staff	3,450.11
John F. Winslow	Assistant counsel	7,574.19

Funds authorized or appropriated for committee expenditures	$500,000.00
Amount of expenditures previously reported	239,455.82
Amount expended, Jan. 1–June 30, 1970	141,921.61
Total amount expended, Jan. 3, 1969–June 30, 1970	381,377.43
Balance unexpended as of June 30, 1970	118,622.57

EMANUEL CELLER,
Chairman.

FUNDS FOR PREPARATION OF UNITED STATES CODE, DISTRICT OF COLUMBIA CODE, AND REVISION OF THE LAWS

A. Preparation of new edition of United States Code (no year):	
Unexpended balance Dec. 31, 1969	$128,170.24
Expended Jan. 1–June 30, 1970	52,716.04
Balance June 30, 1970	75,454.20
B. Preparation of new edition of District of Columbia Code:	
Unexpended balance Dec. 31, 1969	7,632.32
Expended Jan. 1–June 30, 1970	4,870.30
Balance June 30, 1970	2,762.02
C. Revision of the laws, 1970:	
Unexpended balance Dec. 31, 1969	21,140.58
Expended Jan. 1–June 30, 1970	19,446.56
Balance June 30, 1970	1,694.02

JUNE 30, 1970.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profes-

sion, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Robert J. Ables	Chief counsel	$17,752.35
Ned P. Everett	Counsel	14,233.98
Ernest J. Corrado	do	11,664.91
Richard N. Sharood	Minority counsel	12,102.53
Robert J. McElroy	Chief clerk	16,080.77
William B. Winfield	Clerk	11,196.01
Frances P. Still	Assistant clerk	8,649.68
Vera A. Barker	Secretary	8,277.54
Virginia L. Noah	do	7,838.66
Albert J. Dennis	Investigator	9,554.63
Investigations committee staff:		
Ralph E. Casey	Special counsel	17,752.35
Thomas A. Clingan, Jr.	Counsel	14,138.04
Donald A. Watt	Editor	9,039.60
William R. Everett	Assistant clerk	2,125.17
Norman M. Barnes	Investigator	4,779.11
Lucye L. Summers	Secretary	5 810.92
Diane G. Kirchenbauer	do	4,779.11
Jane C. Wojcik	do	6,461.76
Pauline M. Dickerson	do	7,334.93
Ronald W. C. Watt	Assistant clerk	708.39
Joseph S. Helewicz	Investigator	2,004.87

Funds authorized or appropriated for committee expenditures	$310,000.00
Amount of expenditures previously reported	126,365.49
Amount expended, Jan. 1, 1970–June 30, 1970	85,714.80
Total amount expended, Jan. 1, 1969–June 30, 1970	212,080.29
Balance unexpended as of June 30, 1970	97,919.71

EDWARD A. GARMATZ,
Chairman.

JULY 15, 1970.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee staff:		
Johnson, Charles E.	Chief counsel and staff director.	$17,752.40
Bray, B. Benton	Associate staff director.	17,491.08
Martiny, John H.	Counsel	17,491.08
Irvine, William A.	Assistant staff director.	17,491.08
Kazy, Theodore James.	Senior staff assistant.	17,491.08
Fortune, Francis C.	Coordinator	13,040.35
Smiroldo, Victor C.	Senior staff assistant.	14,178.98
Thornton, Elsie E.	Chief clerk	11,132.31
Wells, Barbara M.	Secretary	7,838.64
Simons, Blanche M.	do	7,553.21
Investigative staff, pursuant to H. Res. 268, 301, and 869 of the 91st Cong., 2d sess.:		
Barton, Richard A.	Staff assistant	9,951.58
Bates, Kathryn E.	Secretary	5,654.48
Bebick, Joan E.	do	4,515.95
Borger, Deanne L.	do	5,293.18
Brown, Lorraine L.	do	4,673.02
Ciaravella, Jo Ann	Secretary (from Apr. 20, 1970)	1,843.25
Coultrap, Ray H.	Staff assistant (minority) (from Mar. 1, 1970)	4,269.08
Davis, Stewart A.	Staff assistant	9,397.09
Devlin, Ralph J.	do	12,890.43
Dowd, Maureen B.	Intern (from June 1, 1970)	334.33
Fisher, Mitchell J.	Intern (from June 15, 1970)	$213.55
Fuchs, Thomas	Intern (from June 22, 1970)	104.29
Gabusi, John B.	Staff assistant	10,509.96
Gould, George B.	do	11,672.57
Green, Thelma R.	Secretary	6,337.93
Griffith, Thomas B.	Intern (from June 22, 1970).	97.73
Harding, Delois	Secretary	3,902.63
Hart, Sally	Secretary (to Apr. 15, 1970)	2,725.93
Higgins, Michael A.	Intern (from June 15, 1970).	231.25
Hitchcock, John E.	Intern (from June 1, 1970).	334.33
Howard, Alton M.	Printing editor	8,755.29
Kennedy, Thomas R.	Staff assistant	10,264.56
Lloyd, Max T.	do	15,171.78
Maginnis, Mary E.	Intern (from June 15, 1970)	231.25
Marmon, Victor Ira	do	213.55
Miller, W. Kenneth	do	231.25
Myers, Lois G.	Secretary	5,827.40
Napier, Margaret G.	do	4,673.02
Palmer, Fred D.	Research assistant	7,427.32
Pendleton, Maria R.	Document clerk	7,544.81
Peters, Dorothy L.	Assistant document clerk.	6,445.15
Quigley, Michael A.	Intern (from June 1, 1970).	334.33
Raymond, Anthony J.	Staff assistant (minority).	10,729.94
Rutan, Jeanne	Intern (from June 5, 1970).	528.43
Snipes, Justine P.	Secretary	6,727.67
Ward, Sara L.	do	7,907.20
Williss, Donna L.	do	4,673.02

Funds authorized or appropriated for committee expenditures	$806,000.00
Amount of expenditures previously reported	348,371.56
Amount expended, Jan. 1–June 30, 1970	196,493.32
Total amount expended, Jan. 3, 1969–June 30, 1970	544,864.88
Balance unexpended as of June 30, 1970	261,174.16

THADDEUS J. DULSKI,
Chairman.

JUNE 30, 1970.

COMMITTEE ON PUBLIC WORKS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Richard J. Sullivan	Chief counsel	$17,632.27
Lester Edelman	Counsel	14,058.14
Lloyd Rivard	Engineer consultant	14,585.70
Clifton W. Enfield	Minority counsel	17,183.70
Stephen V. Feeley	Subcommittee clerk	10,866.50
Dorothy A. Beam	Executive staff assistant.	9,734.29
Meriam R. Buckley	Staff assistant	8,222.06
Sterlyn B. Carroll	do	6,403.63
Investigating staff:		
Richard C. Peet	Assistant minority counsel	14,585.70
Ronald L. Martinson	Subcommittee clerk (terminated Mar. 6, 1970).	2,292.69
Audrey G. Warren	Subcommittee clerk	10,434.10
Sheldon S. Gilbert	Associate minority counsel.	9,516.10
Augusta P. Peterson	Subcommittee clerk	8,252.22
Robert F. Spence	do	8,140.92
Joseph A. Italiano, Jr.	Editorial assistant	7,880.66
Erla S. Youmans	Minority staff assistant	7,754.75
Sara B. Hilber	do	5,162.66
Linda L. Williams	do	4,673.02
Nancy Brayer	Staff assistant	$4,606.30
Peggy Lynn Clements	do	4,476.73
Harvey C. Simms, Jr.	Clerical assistant (Jan. 5, 1970–Jan. 23, 1970).	275.44
Maryann D. Conway	Staff assistant	5,810.94
Emily B. Loosier	do	5,268.70
Cynthia J. Van Sant	Staff assistant (as of Apr. 1, 1970).	1,857.24
Rosemari E. Gaughan	Staff assistant (as of May 18, 1970).	862.46
Frederick S. Beckman, Jr.	Clerical assistant (as of June 10, 1970).	322.71
Patricia Maguire	Minority clerical assistant (as of June 18, 1970).	199.77
Special Subcommittee on Federal-Aid Highway Program:		
Walter R. May	Chief counsel	17,482.75
John P. Constandy	Assistant chief counsel.	16,277.65
Salvatore J. D'Amico	Associate counsel	12,279.06
John P. O'Hara	do	12,279.06
Carl J. Lorenz, Jr.	do	12,465.97
Robert G. Lawrence	do	11,360.04
George M. Kopecky	Chief investigator	15,293.20
Sherman Willsee	Professional staff member.	12,279.06
Paul R. S. Yates	Professional minority staff member.	13,584.84
Kathryn M. Keeney	Chief clerk	7,737.96
Stuart M. Harrison	Staff assistant	9,302.02
Mildred E. Rupert	do	6,304.98
Agnes M. GaNun	do	6,107.37
Shirley R. Knighten	do	5,260.55
Martha E. Downie	Minority staff assistant.	5,703.90

Funds authorized or appropriated for committee expenditures:	
H. Res. 259	$486,000.00
H. Res. 801	587,000.00
	1,073,000.00
Amount of expenditures previously reported	492,744.32
Amount expended Jan. 1–June 30, 1970	288,204.71
Total amount expended Jan. 3, 1969–June 30, 1970	780,949.03
Balance unexpended as of June 30, 1970	292,050.97

GEORGE H. FALLON,
Chairman.

JULY 13, 1970.

COMMITTEE ON RULES

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Waller Batson	Professional staff member (P).	$9,903.36
Laurie C. Battle	Counsel (P)	17,752.40
Robert D. Hynes, Jr.	Minority counsel (P)	16,227.23
Mary Spencer Forrest	Assistant counsel (P)	10,049.29
Winifred L. Watts	Secretary (C)	7,600.81
Jonna Lynne Cullen	do	5,738.41
William W. Belcher	Messenger (C) (Mar. 1–June 30, 1970).	720.72
Total		67,992.22

Funds authorized or appropriated for committee expenditures	$5,000.00
Amount of expenditures previously reported	2,407.67
Amount expended, Jan. 1–June 30, 1970	321.00
Total amount expended, Jan. 1, 1969, to June 30, 1970	2,728.67

Balance unexpended as of June 30, 1970.. $2,271.33

WILLIAM M. COLMER,
Chairman.

JULY 9, 1970.

COMMITTEE ON SCIENCE AND ASTRONAUTICS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles F. Ducander	Executive director and chief counsel.	$17,752.40
John A. Carstarphen, Jr.	Chief clerk and counsel.	16,892.93
Philip B. Yeager	Counsel	16,892.93
Frank R. Hammill, Jr.	do	16,220.22
James E. Wilson	Technical consultant	15,487.56
Mary Ann Robert	Secretary	6,777.54
Emily Dodson	do	6,495.02
Carol F. Rodgers	do	6,337.93
June C. Stafford	do	6,337.93
Virginia Robison	do	6,337.93
Investigating staff:		
Richard P. Hines	Staff consultant	15,487.56
Harold A. Gould	Technical consultant	15,487.56
Philip P. Dickinson	do	13,427.04
W. H. Boone	do	16,892.93
William G. Wells, Jr.	do	12,890.43
K. Guild Nichols, Jr.	Staff consultant	8,755.29
J. Thomas Ratchford	Science consultant (from Jan. 11, 1970).	13,269.57
James A. Rose, Jr.	Minority staff	11,664.93
Frank J. Giroux	Printing clerk	7,889.06
Elizabeth S. Kernan	Scientific research assistant.	7,620.42
Denis C. Quigley	Publications clerk	6,337.93
Kieran U. Cashman	Secretary	5,244.26
Martha N. Rees	do	3,634.37
Patricia J. Speed	do	4,673.02
Richard K. Shullaw	Assistant publications clerk.	1,552.86
George J. Feldman, Jr.	Clerical assistant (from June 3, 1970).	280.12

Funds authorized or appropriated for committee expenditures	$700,000.00
Amount of expenditures previously reported	342,595.89
Amount expended, Jan. 1,–June 30, 1970	200,875.55
Total amount expended, Jan. 3, 1969–June 30, 1970	543,471.44
Balance unexpended as of June 30, 1970	156,528.56

GEORGE P. MILLER,
Chairman.

JULY 1, 1970.

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Swanner	Staff director	$17,752.40
Robert G. Allett	Senior staff member	16,039.80
Bennett Wolfe	Assistant staff director	14,178.02
Mariann R. Mackenzie	Secretary	8,982.73
Tempie W. Whittington	Assistant clerk	4,242.24

Funds authorized or appropriated for committee expenditures (H. Res. 204; March 12, 1969)	$20,000.00
Amount of expenditures previously reported	5,656.22
Amount expended, Jan 1,–June 30, 1970	180.80
Total amount expended, March 12, 1969–June 30, 1970	5,837.02
Balance unexpended as of June 30, 1970	14,162.98

MELVIN PRICE,
Chairman.

JULY 15, 1970.

COMMITTEE ON VETERANS' AFFAIRS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Standing committee:		
Oliver E. Meadows	Staff director	$17,673.84
Edwin B. Patterson	Counsel	16,474.50
John R. Holden	Professional staff member.	14,617.74
Billy E. Kirby	Professional aide	14,617.74
George W. Fisher	Clerk	16,474.50
Helen A. Biondi	Assistant clerk	10,229.29
Alice V. Matthews	Clerk-stenographer	7,060.02
Morvie Ann Colby	do	6,860.58
Marjorie J. Kidd	do	6,561.48
Investigative staff:		
Philip E. Howard	Investigator	14,521.80
Audrey A. Powelson	Clerk-stenographer	5,170.80
Patricia J. Wilton	do	5,170.80
Candis L. Graves	do	3,387.35
Helen Lee Fletcher	do	3,081.30
Vance L Gilliam	Records clerk	4,088.64
Russell L. Love	Intern	150.14
Lisa Rae Schulberg	Clerk-stenographer	148.43
Michael McHone	Intern	131.94

Funds authorized or appropriated for committee expenditures	$250,000.00
Amount of expenditures previously reported	95,259.86
Amount expended, Jan. 1–June 30, 1970	59,932.79
Total amount expended, Jan. 1, 1969–June 30, 1970	155,192.65
Balance unexpended as of June 30, 1970	94,807.35

OLIN E. TEAGUE,
Chairman.

JULY 7, 1970.

COMMITTEE ON WAYS AND MEANS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
John M. Martin, Jr.	Chief counsel (C)	$17,673.84
Richard C. Wilbur	Minority counsel (P)	17,673.84
John Patrick Baker	Assistant chief counsel (P).	16,078.07
Robert B. Hill	Professional staff (P)	10,202.34
William T. Kane	do	15,063.80
James W. Kelley	do	14,793.50
Harold T. Lamar	do	14,651.81
Florence Burkett	Staff assistant (C)	6,033.24
Virginia Butler	do	8,056.98
William C. Byrd	do	5,391.12
Mary Clare Fitzgerald	do	$4,795.44
William Fullerton	Staff assistant (C), from Feb. 1, 1970.	12,373.20
Grace G. Kagan	Staff assistant (C)	8,056.98
June Kendall	do	8,860.86
Richard Kirkpatrick	Staff assistant (C), to Apr. 1, 1970.	5,300.49
Jerry Knebel	Staff assistant (C)	5,309.52
Elizabeth Price	do	5,860.32
Jean Ratliff	do	4,606.08
Gloria Shaver	do	7,385.28
Arthur L. Singleton, Jr.	do	7,284.87
Eileen Sonnett	do	6,686.16
Shirley Vallance	do	5,309.52
Carole Vazis	do	5,464.56
Hughlon Greene	Document clerk (C)	6,403.62
Walter Little	do	6,403.62

Funds authorized or appropriated for committee expenditures	$50,000.00
Amount of expenditures previously reported	5,626.60
Amount expended, Jan. 1–June 30, 1970	8,352.46
Total amount expended, Jan. 1, 1969–June 30, 1970	13,979.06
Balance unexpended as of June 30, 1970	36,020.94

WILBUR D. MILLS,
Chairman.

JULY 15, 1970.

SELECT COMMITTEE ON CRIME

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Elkan Abramowitz	Special counsel (May 22 [1]).	2,535.73
Stephen N. Abrams	Press assistant	3,967.27
Weston Adams	Associate counsel (Jan. 21 [1]).	10,617.01
Stuart R. Allen	Chief investigator (May 4 [1]).	3,959.89
Michael Amrine	Research director (Feb. 15 [2]).	2,255.70
Thomas H. Barksdale, Jr.	Special counsel (Feb. 12 [2]).	2,105.58
Avanell K. Bass	Office manager	5,933.59
Leroy C. Bedell, Jr.	Investigator	7,956.24
Beverly Bondy	Secretary	4,088.65
Arthur E. Cameron	Associate counsel and assistant to the chairman.	12,449.09
Marian Canty	Secretary to the chairman.	5,375.15
Frederick B. Collison	Investigator	6,627.95
Alliene E. Correll	File clerk (Apr. 1 [1])	1,987.71
Joseph M. Cribben	Associate chief investigator.	11,672.57
Elsworth D. Dory	Investigator (Feb. 13 [1]).	5,906.26
M. Faye Downey	Secretary (Apr. 1 [1])	1,700.09
Lina Mabel Duran	Secretary	5,301.37
Hazel K. Edwards	Secretary to the executive director (Feb. 16 [1]).	3,851.77
Peter Emmet Fleming, Jr.	Special counsel (June 1 [1]).	3,312.37
Robert H. Fleming	Information director	14,577.74
Paul B. Galvani	Special counsel (May 22 [1]).	2,535.73
Roberta S. Gerson	Secretary to the chief counsel (Apr. 21 [1]).	2,061.64
Mary M. Goulart	Finance officer	5,598.18
Julian Granger	(June 28 [2])	9,231.24
Deborah Hastings	Research assistant	3,120.48
Patricia C. Hester	Secretary (Mar. 1 [1])	3,188.39
Lake E. High, Jr.	Researcher (Apr. 10 [1]).	3,221.89
Rebecca S. Hoffert	Investigator (May 15 [2]).	2,854.22
John F. Kane	Chief hearings officer	10,502.40
John L. Koenig	Investigator (May 19 [2]).	4,506.39
Alvin J. Lorman	Investigator (Feb. 16 [1]).	6,189.63

Name of employee	Profession	Total gross salary during 6-month period
Raphael J. Madden	Research assistant (June 15 [1]).	$311.66
Albert W. Overby, Jr.	Associate counsel (Jan. 4 [2]).	372.17
Paul Louis Perito	Chief counsel (Apr. 1 [1]).	8,749.68
Michael D. Petit	Press officer (Apr. 3 [2]) (May 3 [1]).	7,980.81
Mary G. Poore	Secretary	5,072.88
Andrew Radding	Assistant counsel	7,586.79
Larry Reida	Associate chief counsel	14,193.98
Paul K. Rooney	Special counsel (May 22 [1]).	2,535.73
Alberta E. Sandel	Secretary	3,899.97
Margaret M. Schauer	do	5,040.24
Michael Condon Shea, Jr.	Assistant counsel (May 31 [2])	5,744.88
Susie Stallings	Secretary (Apr. 1–May 1 [2]).	1,590.32
Arnold G. Shulman	Assistant counsel	8,260.56
James F. Southerland	Executive director	14,114.99
Marilyn H. Yost	Secretary (Feb. 15 [2])	1,188.73

Funds authorized or appropriated for committee expenditures H. Resolution 399 and 808	$975,000.00
Amount of expenditure previously reported	317,423.44
Amount expended, Jan. 1–June 30, 1970	306,038.09
Total amount expended, July 1, 1969–June 30, 1970	623,461.53
Balance unexpended as of June 30, 1970	351,538.47

[1] Appointment.
[2] Termination.

CLAUDE PEPPER,
Chairman.

JULY 7, 1970.

SELECT COMMITTEE ON HOUSE RESTAURANT

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Thomas J. Campbell	Staff director	$7,956.24
Judy A. Crowe	Secretary	3,292.51
Total		11,248.75

Funds authorized or appropriated for committee expenditures	$40,000.00
Amount of expenditures previously reported	7,425.81
Amount expended, Jan. 1–June 30, 1970	11,493.45
Total amount expended, August 1969–June 30, 1970	18,865.26
Balance unexpended as of June 30, 1970	21,134.74

JOHN C. KLUCZYNSKI,
Chairman.

JULY 8, 1970.

SELECT COMMITTEE ON SMALL BUSINESS

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Charles E. O'Connor	General counsel	$17,061.86
Marlyn Wilkinson	Secretary	4,258.41
Howard Greenberg	Consultant	16,449.89
William A. Keel, Jr.	Research analyst	16,335.08
Donna M. Santoro	Secretary	3,698.46
Christine A. Santoro	do	3,219.68
Justinus Gould	Counsel	14,920.70
Myrtle Ruth Foutch	Clerk	7,880.66
Thomas J. Oden	Counsel	7,553.21
Bryan H. Jacques	Staff director	17,673.82
Henry A. Robinson	Counsel	14,920.70
Berry C. Williams	do	14,920.70
Joanna G. O'Rourke	Secretary	4,379.69
Melissa Ravenel	do	4,323.10
Myrtle Ruth Foutch	Counsel	8,336.70
Susan E. Driggers	Secretary	3,714.49
Donald B. Roe	Counsel	3,978.12
Linda Kay Wells	Secretary	1,135.83
Carol Ann Fowkes	do	2,511.22
Melissa Jane Dooley	Typist	987.18
Mary E. Owens	Clerk-typist	1,326.06
Jeanne Arnow McNaughton.	Secretary	1,795.11
Wilma Housewright	do	400.09
Patricia Anne Bishop	do	367.38
Edward D. Boyt	Staff assistant	765.28
Fred M. Wertheimer	Minority counsel	12,890.43
Margaret L. Carpenter	Secretary, minority	4,187.13
John M. Finn	Assistant minority counsel.	8,487.23
Bernadette O. Romanesk.	Staff assistant, minority.	3,967.34
Martin Yale Fisher	Staff assistant, minority.	782.23

Funds authorized or appropriated for committee expenditures	$855,000.00
Amount of expenditures previously reported	367,574.04
Amount expended, Jan. 1–June 30, 1970	207,844.16
Total amount expended, Jan. 3, 1969–June 30, 1970	575,418.20
Balance unexpended as of June 30, 1970	279,581.80

JOE L. EVINS,
Chairman.

JULY 7, 1970.

JOINT COMMITTEE ON DEFENSE PRODUCTION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Harold J. Warren	Clerk and counsel	$14,649.68
Charles S. Brewton	General counsel	14,393.84
George T. Ault	Professional staff member	9,981.81
Cary H. Copeland	do	8,140.92
Thomas L. McNamara	do	6,337.93
Mattie I. Echols	Secretary	5,162.66
Steven Marshall Bernard	Clerk assistant	216.62
Lee Sherman Cox	do	216.62

Funds authorized or appropriated for committee expenditures	$118,800.00
Amount of expenditures previously reported	54,451.14
Amount expended, January 1–June 30, 1970	59,256.22
Total amount expended, July 1, 1969–June 30, 1970	113,707.36
Balance unexpended as of June 30, 1970	5,092.64

JOHN SPARKMAN,
Chairman.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

To the CLERK OF THE HOUSE:

The above-mentioned committee or subcommittee, pursuant to section 134(b) of the Legislative Reorganization Act of 1946, Public Law 601, 79th Congress, approved August 2, 1946, as amended, submits the following report showing the name, profession, and total salary of each person employed by it during the 6-month period from January 1, 1970, to June 30, 1970, inclusive, together with total funds authorized or appropriated and expended by it:

Name of employee	Profession	Total gross salary during 6-month period
Laurence N. Woodworth.	Chief of staff	$19,999.98
Lincoln Arnold	Assistant chief of staff	17,945.64
Arthur Fefferman	Chief economist	17,917.42
Nicholas A. Tomasulo	Legislation counsel	15,867.51
Robert R. Smyers	Refund counsel	15,859.30
Dennis P. Bedell	Assistant legislation counsel.	13,591.85
James H. Symons	Statistical analyst	15,216.28
John Germanis	do	12,119.58
Herb Chabot	Legislation attorney	12,418.15
Albert Buckberg	Economist	12,337.66
Michael D. Bird	do	12,340.22
Harrison B. McCawley	Refund attorney	11,672.57
John Broadbent	Legislation attorney	11,203.70
Joseph P. Spellman	do	10,214.10
Anastasia Connaughton	Statistical clerk	9,835.33
Joseph E. Fink	do	9,835.33
Bernard M. Shapiro	Legislation attorney	8,630.11
Joanne McDermott	Secretary	7,265.42
Leon W. Klud	Economist	8,155.26
Carl E. Bates	Refund attorney	7,847.10
Linda Savage	Secretary	5,783.46
Blanche Nagro	Secretary (refund)	5,778.00
Mary W. Gattie	Secretary	5,518.84
Jamie L. Daley	do	5,200.71
June Matthews	do	4,809.02
Linda B. Pruitt	do	4,454.89
Amelia Del Carmen	do	4,681.21
Marcia B. Rowzie	do	4,553.56
Sharon M. Feinsilber	Secretary (refund)	3,805.63
Meade Emory	Legislation attorney (as of May 25, 1970).	2,650.68
Katherine Keller	Secretary (as of June 15, 1970).	203.64
Hollis Dixon	Accountant (through Feb. 15, 1970).	2,064.93

Funds authorized or appropriated for committee expenditures	$607,715.00
Amount of expenditures previously reported (July 1, 1969–Jan. 1, 1970)	297,350.04
Amount expended, Jan. 1, 1970–July 1, 1970	304,515.95
Total amount expended, July 1, 1969–July 1, 1970	601,865.99
Balance unexpended as of July 1, 1970	5,849.01

RUSSELL K. LONG,
Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2240. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated May 22, 1970, submitting a report, together with accompanying papers and illustrations, on Wenatchee, Wash., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 5, 1966 (H. Doc. No. 91–370); to the Committee on Public Works and ordered to be printed, with illustrations.

2241. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Central Oregon Irrigation District, Redmond, Oreg., for a supplemental loan under the Small Reclamation Projects Act; to the Committee on Interior and Insular Affairs.

S. 2242. A letter from the Chairman, Lewis

and Clark Trail Commission, transmitting the Commission's final report, pursuant to Public Law 88–630; to the Committee on Interior and Insular Affairs.

2243. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2244. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 213(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2245. A letter from the Comptroller General of the United States, transmitting a report on progress and problems in implementing the Federal Claims Collection Act of 1966; to the Committee on Government Operations.

2246. A letter from the Comptroller General of the United States, transmitting a report on problems in approving and paying for nursing home care under the medicaid program in California, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 18546. A bill to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes; with amendments (Rept. No. 91–1329). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 1087. An act for the relief of Vernon Louis Hoberg (Rept. No. 91–1323). Referred to the Committee of the Whole House.

Mr. FEIGHAN. Committee on the Judiciary. S. 1703, an act for the relief of Rosa Pintabona (Rept. No. 91–1324). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1704. An act for the relief of Lillian Biazzo (Rept. No. 91–1325). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney (Rept. No. 91–1326). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2976. An act for the relief of Margarita Anne Marie Baden (Nguyen Tan Nga) (Rept. No. 91–1327). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette (Rept. No. 91–1328). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of the XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 18599. A bill to prohibit commercial flights by supersonic aircraft within the United States until the Secretary of Health, Education, and Welfare finds and reports that such flights will not have detrimental physiological or psychological effects on persons on the ground, and to prohibit the escalation of aircraft noise; to the Committee on Interstate and Foreign Commerce.

By Mr. BARING:

H.R. 18600. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy need; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWN of Michigan:

H.R. 18601. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. BROYHILL of Virginia:

H.R. 18602. A bill to increase the authority of the District of Columbia to borrow funds for construction purposes from the U.S. Treasury by increasing from 6 to 10 percent the limitation on the amount of general revenue the District of Columbia is permitted to expend each fiscal year for principal and interest; to the Committee on the District of Columbia.

By Mr. CORBETT:

H.R. 18603. A bill to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EILBERG:

H.R. 18604. A bill to amend the Sherman Act, as amended, by requiring prior notification of price increases in certain industries, and for other purposes; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 18605. A bill to amend the Truth-in-Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. FLOOD (for himself, Mr. BROWN of Michigan, Mr. BURTON of California, Mr. EDMONDSON, Mr. GIAIMO, Mr. KEE, and Mr. STANTON):

H.R. 18606. A bill to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HUNT (for himself, Mr. CARTER, Mr. CLANCY, Mr. DON H. CLAUSEN, Mr. DANIEL of Virginia, Mr. DENNEY, Mr. DEVINE, Mr. ESHLEMAN, Mr. GOODLING, Mr. KING, Mr. KYL, Mr. LATTA, Mr. MIZE, Mr. SAYLOR, Mr. SCHADEBERG, Mr. SEBELIUS, Mr. WATKINS, Mr. MOLLOHAN, Mr. RANDALL, Mr. MCKNEALLY, Mr. PETTIS, and Mr. DOWNING):

H.R. 18607. A bill to provide that the Secretary of the Treasury shall not disclose to the public the names and addresses of certain persons licensed as collectors of firearms and ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 18608. A bill to amend Public Law 875, 81st Congress, the Disaster Relief Act of 1969, and for other purposes; to the Committee on Public Works.

By Mr. MORGAN:

H.R. 18609. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. MYERS:

H.R. 18610. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. PELLY:

H.R. 18611. A bill to provide a temporary program of extended unemployment compensation and a temporary increase in the rate of the Federal unemployment tax; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mr. CONTE, and Mr. SYMINGTON):

H.R. 18612. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEIGER of Wisconsin (for himself, Mr. LOWENSTEIN, Mr. GUBSER, Mr. GUDE, Mr. SMITH of New York, Mr. SNYDER, Mr. STAFFORD, Mr. STANTON, Mr. STOKES, Mr. TAFT, Mr. UDALL, Mr. VANIK, Mr. WIDNALL, Mr. CHARLES H. WILSON, and Mrs. GREEN of Oregon):

H.R. 18613. A bill Voluntary Military Manpower Procurement Act of 1970; to the Committee on Armed Services.

By Mr. STEIGER of Wisconsin (for himself, Mr. LOWENSTEIN, Mr. ADDABBO, Mr. ANDERSON of Illinois, Mr. ANDERSON of Tennessee, Mr. BELL of California, Mr. BIESTER, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BUSH, Mr. CARTER, Mrs. CHISHOLM, Mr. DON H. CLAUSEN, Mr. CLAY, Mr. CLEVELAND, Mr. CONTE, Mr. CONYERS, Mr. COWGER, Mr. DUNCAN, Mr. EDWARDS of California, Mr. ESCH, Mr. FARBSTEIN, Mr. FINDLEY, Mr. FISH, and Mr. FRIEDEL):

H.R. 18614. A bill Voluntary Military Manpower Procurement Act of 1970; to the Committee on Armed Services.

By Mr. LOWENSTEIN (for himself, Mr. STEIGER of Wisconsin, Mr. HALPERN, Mr. HARRINGTON, Mr. HASTINGS, Mr. HECHLER of West Virginia, Mrs. HECKLER of Massachusetts, Mr. LEGGETT, Mr. LLOYD, Mr. LUKENS, Mr. MCDADE, Mr. MATSUNAGA, Mrs. MINK, Mr. MORSE, Mr. O'KONSKI, Mr. OTTINGER, Mr. PETTIS, Mr. QUIE, Mr. RAILSBACK, Mr. ROBISON, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SCHWENGEL, and Mr. SHRIVER):

H.R. 18615. A bill Voluntary Military Manpower Procurement Act of 1970; to the Committee on Armed Services.

By Mr. WYDLER:

H.R. 18616. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the installation in school buses of restraining devices for the protection of children; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (for himself, Mr. BROOMFIELD, Mr. EDWARDS of Louisiana, Mr. FULTON of Pennsylvania, Mr. LATTA, Mr. MCKNEALLY, Mr. PATMAN, Mr. SCHNEEBELI, Mr. STOKES, Mr. VANIK, and Mr. YATRON):

H.R. 18617. A bill to provide partial reimbursement for losses incurred by commercial fishermen as a result of restrictions imposed on domestic commercial fishing by a State or the Federal Government; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM:

H.R. 18618. A bill to establish a National Economic Equity Board to protect the public interest in price stability and the control of inflation; to the Committee on Banking and Currency.

By Mr. CABELL:

H.R. 18619. A bill to establish the Offices of Delegate from the District of Columbia to the Senate and Delegate to the House of Representatives, to amend the District of Columbia Election Act, and for other purposes; to the Committee on the District of Columbia.

By Mr. GETTYS:

H.R. 18620. A bill to amend title 38 of the United States Code so as to provide that monthly social security benefit payments shall not be included as income for the purpose of determining eligibility for a pension under that title; to the Committee on Veterans' Affairs.

By Mr. HARRINGTON (for himself, Mr. SYMINGTON, and Mr. MOSHER):

H.R. 18621. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. LUJAN:

H.R. 18622. A bill to declare that the U.S. holds in trust for the Pueblo of Cochiti approximately 3.308 acres of land; to the Committee on Interior and Insular Affairs.

H.R. 18623. A bill to make certain individuals who participate in civil disorders civilly liable for damages to persons who suffer loss; to the Committee on the Judiciary.

H.R. 18624. A bill to impose an excess profits tax on the income of corporations during the period of military involvement in Southeast Asia, in order to establish a fund to provide for the improvement of the quality of medical care, housing, and education in the United States; to the Committee on Ways and Means.

By Mrs. MINK (for herself, Mr. BROWN of California, Mr. POWELL, Mr. HELSTOSKI, Mr. BINGHAM, Mr. CHARLES H. WILSON, Mr. NEDZI, Mr. LEGGETT, and Mr. PODELL):

H.R. 18625. A bill to amend the Internal Revenue Code of 1954 to disallow any deduction for contributions to elementary and secondary schools which discriminate on the grounds of race; to the Committee on Ways and Means.

By Mr. MIZELL:

H.R. 18626. A bill to amend the Internal Revenue Code of 1954 to allow a current deduction for certain expenditures incurred to make buildings accessible to handicapped persons; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 18627. A bill to regulate travel agents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself, Mr. PERKINS, Mr. ROONEY of Pennsylvania, Mr. SKUBITZ, Mr. SATTERFIELD, Mr. CARTER, Mr. STUCKEY, Mr. KUYKENDALL, Mr. SAYLOR, Mr. JOHNSON of California, Mr. MCCLURE, Mr. KEE, Mr. WOLD, Mr. MORGAN, Mr. MADDEN, Mr. WAMPLER, Mr. DULSKI, Mr. FLOOD, Mr. SLACK, Mr. FULTON of Pennsylvania, Mr. HAYS, Mr. BEVILL, Mr. MOORHEAD, Mr. GRAY, and Mr. WHALLEY):

H.R. 18628. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS (for himself, Mr. MOLLOHAN, Mr. YATRON, Mr. ZION, Mr. TUNNEY Mr. DENT, Mr. SMITH of New York, Mr. MURPHY of Illinois, Mr. OLSEN, Mr. CLARK, Mr. PRICE of Illinois, Mr. MELCHER, and Mrs. HANSEN of Washington):

H.R. 18629. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. WEICKER:

H.R. 18630. A bill to establish an Intergovernmental Commission on Long Island Sound; to the Committee on Interior and Insular Affairs.

Mr. BUSH (for himself, Mr. CARTER, Mr. FREY, Mr. GUBSER, Mr. HORTON, Mr. LUKENS, Mr. MCCLOSKEY, Mr. MOSHER, Mr. PETTIS, Mr. REID of New York, Mr. VANDER JAGT, and Mr. WOLD):

H.J. Res. 1327. Joint resolution to set forth a national policy on the stabilization of the population of the United States of America; to the Committee on Government Operations.

By Mr. MOLLOHAN:

H. Res. 1159. Resolution to express the sense of the House of Representatives that the U.S. maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 18631. A bill for the relief of Mrs. Rosanna Thomas; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 18632. A bill for the relief of Maurice R. Seaquist, Lieutenant Colonel, U.S. Air Force; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 18633. A bill for the relief of Mrs. Andrea Pasion and her minor daughter, Benedicta Pasion; to the Committee on the Judiciary.

By Mr. SMITH of California:

H.R. 18634. A bill for the relief of Satenig G. Shalvardjian; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

430. The SPEAKER presented a memorial of the Legislature of the State of California, relative to teachers' retirement, which was referred to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII,

554. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to an amendment to the Constitution of the United States providing for the item veto of legislation by the President; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

C. G. COMUNTZIS, MORGANTOWN, W. VA., PRESIDENT, 70TH INFANTRY DIVISION ASSOCIATION, WORLD WAR II, SENT RESOLUTION ADOPTED BY THAT ASSOCIATION RELATIVE TO VIETNAM CONFLICT TO THE PRESIDENT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, July 23, 1970

Mr. RANDOLPH. Mr. President, Gus Comuntzis, of Morgantown, W. Va., a good citizen and patriotic American, has sent me a copy of a resolution adopted at the biennial meeting of the 70th Infantry Division Association, World War II, held recently in Reno, Nev.

The resolution, which was sent to the President, was passed by the association unanimously.

Mr. President, I ask unanimous consent that the resolution be printed in the Extensions of Remarks.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE 70TH DIVISION ASSOCIATION RESOLUTION

The 70th Infantry Division Association, PO Box 42, Topeka, Kansas, at it's biennial meeting at the Mapes Hotel, Reno, Nevada on 27 June 1970 adopted the following resolution:

"We, the members of the 70th Infantry Division Association, being Americans first, being civilians who proudly served our country as soldiers in World War II, who fought militarily for the preservation of freedoms and being men who are vitally concerned with regard to the sacrifices of American G.I.s in the sphere of the Vietnam conflict; being Americans who disdain and oppose the expressed apathy, complacency, disloyalty and general lack of patriotism so existent among many of our fellow Americans; being men who support the exercise of eternal vigilance required for the preservation of our God given liberties, do hereby resolve that we support any and all efforts on the part of our elected government, and those of our President in his role as Commander-in-Chief of our Armed Forces, in the necessary performance of military action in Vietnam and Cambodia, provided such action is in the best interest of protecting the lives of American fighting men, would serve the purpose of ending the state of conflict and hasten to secure the release of Americans held as prisoners of war.

Furthermore, we do hereby resolve that our government be so urged towards an objective of concluding the war with honor in Vietnam; but under no circumstances should a peace be concluded without the mutual release of all prisoners of war. To

secure such a goal, may God forbid any compromise with the deceptive pretenses of the enemy.

This foregoing expression of our concern was born because we once served our country as fighting men, at such a time when the country was united in the support of our nation and it's fighting men, and knew and valued this unity on the battlefield and elsewhere. We are firmly resolved and under the unswerving conviction and belief that our men in the Vietnam conflict are entitled to nothing less—any issue with regard to the legality or illegality of the Vietnamese conflict notwithstanding."

During World War II the 70th Infantry Division with a strength of 15,000 men, in addition to being a combat division, trained and provided more than 75,000 men as replacements before departure to the ETO. This association now represents this group of men who live in all 50 states of this nation.

SOME CONCERNS ABOUT NATIONAL SECURITY BY GEN. IRA C. EAKER, USAF, RETIRED

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. FLYNT. Mr. Speaker, Gen. Ira C. Eaker, U.S. Air Force, retired, recently addressed The Air War College, Maxwell Air Force Base, Ala., in the capacity of guest lecturer. I consider his presentation to be masterful and timely. On occasion, I introduce into the CONGRESSIONAL RECORD a speech without being in full accord with what the author of that speech had to say. In this instance I endorse General Eaker's remarks in both substance and form.

There are at least two reasons for that statement. First, I have a very high regard for Ira Eaker, which high regard I have held since we served together in the European Theater of Operations during World War II. Second, several years ago I was invited to be a guest lecturer at the Air War College and many of the thoughts which I expressed at that time were very similar to those expressed by General Eaker in 1970. In at least two instances our language was almost identical and I believe that the thoughts which prompted that language are identical.

General Eaker served his Nation with distinction for many years and as he says in his remarks which follow, for 53 years his major interest and concern has been and is the national security of the United States of America.

Mr. Speaker, it is with pleasure and with my endorsement of its contents that I include General Eaker's address into the RECORD of the proceedings of the House of Representatives:

SOME CONCERNS ABOUT NATIONAL SECURITY

(By Ira C. Eaker)

General Clark, General Blank, Members of The Air War College Graduating Class, Ladies and Gentlemen:

No one here knows what I shall say today and none is responsible in any way for any of my comments. I alone bear the responsibility. This statement, like the warning on the cigarette package, is for your protection and continued good health.

There are two reasons for my presence here this morning. The first is illustrated by a war-time story I heard General Eisenhower tell in the summer of 1944, shortly after his forces crossed the English Channel to free Europe from the Nazis. He went on the night before D-Day to visit the 82nd Airborne Division, a few hours prior to the time it was to parachute behind the German lines. There he saw a little fellow who was obviously very frightened. The boy was probably only 16 years old. He had misstated his age by at least two years in order to be in the service at all. The General, in an effort to reassure the boy, engaged him in conversation. He said, "Son, do you like to fly in airplanes?" The boy said, "No, Sir, I hate it." He then asked, "Do you like to jump in parachutes?" The boy said, "No, Sir, it frightens me to death." General Eisenhower then said, "Well, paratroop units are voluntary organizations, why then are you in an airborne division?"

The boy said, "Sir, I guess I just like to be with people who fly in airplanes and jump in parachutes."

Paraphrasing the frightened little paratrooper, I like to be with military people and especially professional leaders long dedicated to the security of our country.

The second reason for my being here is because my major interest and concern for fifty-three years, since entering the military service in May 1917, has been the national security. I believe our country is in greater danger today than at any time in its history. Despite the fact that it is faced with the most powerful enemy it has ever had, it is now, incredibly, engaged in disarming.

Our people appear unaware of their peril and there is an alarming paralysis of leadership. We have no Churchill or Lincoln with the vision and courage to warn and unite our citizens to the effort required for survival.

It is my hope that by sharing my concerns I can enlist, if not your support in remedial action, at least your thoughtful consideration of some of our problems with possible solutions.

My remarks will fall into three subdivisions, a brief look at the Vietnam War, my analysis of President Nixon's defense policy and some suggestions on what we in the military service could and should do to awaken our people to their peril.

I

It would never occur to me, in speaking to a War College class, not to discuss a war in progress, especially one of the magnitude of the Vietnam War. It is now the longest war in our history; more than six million Americans have been engaged; 50,000 have died and 200,000 have been wounded, and it has cost us more than $100 billion.

I have sometimes summarized the Vietnam War by saying that if we had fought World War II like we have Vietnam, Hitler would control all of Europe today and Japan all of Eastern and Southeastern Asia and the Pacific west of Honolulu.

When a nation with the resources of the U.S. fails to accomplish a military mission against a nation the size of North Vietnam, it must be obvious to the most myopic that there have been errors in strategy or tactics or both.

The first and fundamental error of course was to fight an undeclared war and the failure of our leadership to marshal our resources and obtain popular support, as in our earlier wars (except Korea where we failed to win anything but truce and stalemate).

The next decisive error, made by our political leadership, was to engage in a massive land war where every advantage lay with the enemy and the failure properly to employ naval and air power. This, combined with the creation of sanctuaries for the enemy, and placing unreasonable restrictions on our forces has made victory impossible.

Another major concern about the Vietnam War is the widely held contention that air power has failed in Vietnam. I see or hear almost every day some commentator's statement that "of course air power is ineffective in a guerrilla war."

As a matter of fact it has been clearly demonstrated in Vietnam that air power alone has the quick response and the detection capability to deal effectively with guerrillas. When guerrillas cannot, even in the densest jungle, light a fire to cook their rice and boil their tea without being detected and suffering a rain of bombs, it should be obvious that it was not air power which failed in Vietnam but the fact that it has been employed improperly.

This degradation of air power in this war must not be allowed to prevail for this will adversely affect force structure and weapons procurement in the future. I do not need to labor this point with this audience, since many of you have served in Vietnam and all of you know why we have not long since ended that conflict. But I do suggest that all of us must make a much greater effort to inform our people and convince our leadership of these facts. Otherwise our future security is in certain jeopardy.

II

My next major concern about national security lies in the loss of the deterrent credibility of our strategic posture.

I was deeply concerned during the eight years when McNamara was Secretary of Defense, in his unilateral disarmament program, based naively upon the conviction that the USSR would be happy to follow suit. I thought when it was initiated that it was unsafe and unwise and subsequent events have completely verified this estimate.

At the time of the Cuban missile crisis our strategic superiority was four or five to one. The Kremlin had no alternative but to comply with President Kennedy's ultimatum.

The Politburo learned that lesson well, threw Khrushchev out, and began at once an all-out effort to gain strategic superiority. This they have now achieved. Secretary of Defense Laird recently told a Congressional Committee that Russia's nuclear delivery capability was at least twice that of the U.S. in megatonnage. It is long since evident that the Kremlin is not satisfied with strategic parity, since they continue to improve their strategic posture at forced draft.

In this situation the critical question is: What will the President, our Commander-in-Chief do? Is he aware of the loss of our strategic superiority and what will he do about it? When he was a candidate for the Presidency, Mr. Nixon's campaign speeches expressed grave concern about Russia's growing strategic strength coincident with our unilateral disarmament. It has surprised me therefore that the process of U.S. disarmament has accelerated under the first two Nixon budgets.

This is my present analysis of the Nixon defense policy:

He will go to the country this Fall, in an effort to elect a Republican Congress, by reminding our people that he expressed the hope that we are leaving a period of confrontation with the Reds and moving into a period of negotiation. Since he became President, therefore, he has reduced our defense budgets by more than $10 billion and has not deployed a single strategic offensive weapon, relying upon SALT to provide for our continued security through negotiation. In the meantime, Mr. Nixon will continue to wind down the Vietnam War, reducing by

more than half the extent and cost of that conflict and reducing our armed forces by about one million men, military and civilian.

Whether this plan will be politically effective, resulting in Republican control of Congress, I cannot say, not being a politician or political commentator. But I am certain, having spent fifty years as a Red watcher, that it will not favorably influence Kremlin policy. The USSR will never agree to return to strategic inferiority or parity at Vienna or anywhere else. There is no evidence that they have abandoned their plans for world domination and they know that parity is not the route to success in that area.

Instead of the period of negotiation, for which the President hopes, we shall, I believe, have a period of Red nuclear blackmail. Taking advantage of their strategic superiority, the Reds will begin to show their muscle and make hostile demands. Already since achieving superiority they have become much more aggressive. Their air and sea bases in North Africa, their missiles and fighters in Egypt, their growing naval thrusts into the Mediterranean Sea and Indian Ocean provide unmistakeable evidence of this.

On May 20th last year missile ships returned to Cuban waters and U.S. intelligence reports that Russian bombers are now using Cuban bases.

Faced then with positive evidence of Red truculence and blackmail, President Nixon will go to the American people in his own reelection bid in 1972 reminding our people and all the world that he bent over backward in an effort to support SALT. He even continued our own strategic disarmament for two years despite certain evidences of the Red strategic arms build-up. Since this effort failed, he proposes to begin at once to restore the strategic imbalance. He can point out that since we have twice the economic resources of the USSR we can and will do this without further delay. Such a campaign promise will be very effective as our people will by then have ample warning of the hazard in strategic inferiority, the loss of the credibility of our deterrent posture.

There is a danger in the Nixon defense strategy as I have outlined it. The Reds may not permit our rearmament. Over the Hot Line from Moscow could come this ultimatum: "As you know, Mr. President, we now have your land-based ICBM's well covered with our SS9's. Your own Secretary of Defense has told your Congress that we can destroy 95% of your ICBM capability in a surprise first strike. The only thing we now have to fear is your Polaris and Poseidon nuclear submarines. We now order you to send these vessels into the Black Sea where we can be sure they are disarmed. You will be wise to comply, since each of your subs at sea is now tailed by two of our killer subs which can destroy your ships at will."

In such a circumstance, when the USSR has about the same strategic superiority, four to one, which we enjoyed at the time of the Cuban missile crisis, the President will have no alternative but to comply with the Red ultimatum as Khrushchev responded in 1961.

What can be done to avoid such a tragic surrender?

First, at least half of our bomber force must be on airborne alert at all times. This bomber force must be modernized by the early development of the B–1 including its decoys and missiles.

Next, the Minuteman III and MIRV program must be pushed at maximum effort.

Then these more long-ranged steps must be taken, but initiated now:

The AWACS (Air Borne Warning and Control) system must be expedited.

We must make our land-based ICBM's mobile, putting them on trucks as the USSR is now doing.

The Navy's recommendation for faster, quieter submarines must be approved.

In the meantime the ABM deployment must be expedited. It is obvious that such a system improves the credibility of our deterrent posture. The Reds believe in ABM effectiveness. They continue to develop and deploy such a system.

High on our priority list must be the rehabilitation of our Air Defense Command, including the earliest possible deployment of an interceptor like the F–12, capable in performance and in numbers of dealing with the Red bomber force. For the first time it now exceeds our own bomber capability. They now have two or three hundred heavy bombers capable of reaching any U.S. target and 700 medium bombers which can reach any U.S. target with air refuelling and they have such refuelling capability. The USSR also is now flight-testing a supersonic bomber like our proposed B–1.

Our own bomber force, as all of you know, numbers 450 B–52's now 20 years old plus 150 F–111's, medium ranged bombers which are grounded.

One of the most effective measures to restore the credibility of our ICBM deterrence would be to devise a system for automatic launch, sometimes called launch on warning. If an enemy knew that when his ICBM's were launched it would trigger the release of our own and that the SS9's would hit empty silos, there would be little prospect that even a mad man like Hitler would try a pre-emptive attack.

All the evidence suggests that the USSR is making an extensive effort in space weapon capability. To their FOBS capability has lately been added the launch of a space weapon capable of destroying our reconnaissance satellites. Without our spy satellites our warning vanishes and our deterrent capability entirely disappears. We then become the "helpless, blind giant," recently referred to by President Nixon.

The U.S. must develop a space capability to overhaul, inspect, and, if need be, destroy any enemy space weapon or satellite.

Perhaps our greatest present deficit viz-a-viz the USSR is in research and development. The U.S. program in R&D has become less and less, year by year and it is now considerably inferior, by any measurement, to that of the USSR. This assures the dismal prospect that in the years ahead the Reds will have strategic weapons of superior quality. Herein probably lies our greatest future danger.

With budgets at present levels, each of the armed services must review their weapons needs and established priorities. These priorities must be coordinated at the JCS and DOD levels to insure that they mesh, are reciprocal and eventually will cover the whole security spectrum without duplication.

III

I am aware, of course, as you probably are, that few if any of these courses of action I have suggested as necessary to regain and retain the credibility of our deterrent strategic posture can be taken in the present political climate in this country.

We are now tragically and incredibly, for the first time in our history, witnessing large-scale treason. A traitor traditionally is one who knowingly gives aid and comfort to the enemy. A considerable number of our citizens, some in high places, have been engaged in treasonable acts and statements for some time. They hide behind the legal fiction that we are engaged in an undeclared war and there is therefore no official enemy.

I believe that when some historian of the future does the job on us which Gibbon did on Rome he will find that the first certain evidence of our decline was our tolerance of treason.

Another popular and political manifestation inimical to the national security is the attack on the military establishment and its people. The left-wing spate of invective and antipathy against the so-called Military-Industrial Complex and the demand of many college presidents, faculty members and campus revolutionaries that ROTC be eliminated are two other very dangerous manifestations of this condition.

The determination of pacifist groups and Congressional doves to reduce defense appropriations and deny needed new weapons systems is but further evidence of the dangerous political and popular climate in which we live today. While some of this is, of course, Communist inspired and agitated by the traitors I mentioned earlier, many patriotic citizens simply do not believe that the Reds represent a menace to our present and future security.

In earlier times since World War II, whenever our defenses were at low level and military appropriations were reduced dangerously, the men in the Kremlin always came to our rescue. They invariably made some offensive gesture or took some definite hostile action to warn our people and our leaders of their hazard.

Greece, the blockade of Berlin, Korea, the Cuban missile crisis and the invasion of South Vietnam fall in this category.

Some observers feel the present Soviet leaders are too smart to make that mistake now. I do not agree. I think they are showing more truculence, more muscle and less evidence of a desire for peaceful co-existence and accord than at any previous time. Their expanding fleets in the Mediterranean Sea and Indian Oceans, their missile ships sailing in the Caribbean, their bombers in Cuba and their missiles and fighters in Egypt, give ample evidence of aggressive designs.

The new factor in this warning process is that Russian aggression no longer worries U.S. leaders or disturbs the American people. Those who urge us to continue unilateral disarmament really do not believe the Reds represent a threat to the U.S. or to Free World security.

Now we come to the crux of the matter. What can we who realize our hazards do to awaken our people to their peril?

Military men have a dual responsibility. They must, of course, maintain the highest professional competence. They must at all times be prepared to execute any mission directed by the Commander-in-Chief despite any private opinion or personal hazard.

In addition they must exercise maximum influence to acquaint their fellow citizens with all pertinent facts concerning the strategy, tactics and weapons essential to that security. It is in this area I think we of the military have been most remiss in recent years. I credit McNamara's extraordinary effort to muzzle the military with much of the silence and detachment of men in uniform during the last few years. But McNamara is gone, fortuitously, and leaders of greater wisdom and sounder judgment have replaced him. Military men can regain their citizenship.

In earlier times when we had only a few thousand military officers we made a much greater effort and were much more successful in communicating with our people on all aspects of national security. If we do not return to this effort, achieve greater success and obtain more support and resources for the defense mission we shall not have the weapons, the forces, the budget and the popular support requisite to a safe defense posture.

I am doing all that I can in this area, more than at any time in my life, since the need is now infinitely greater, and I exhort each of you wherever you are and in whatever way you can to inform and influence our people

about what must be their number one concern, the credibility of our defense posture, the security of our country.

I regret that I have not delivered a more cheerful message today. But these are not happy days. They are dangerous times. They call for extraordinary concern and involvement by all patriotic citizens and demand the careful selection of courageous leaders.

The Air Force is not the only military element in our defense system, of course. The land and sea approaches must be protected as well as the air and space frontiers. But there can be no credible deterrent defense posture without an effective aerospace force. For that reason I shall be hoping and praying for your complete success in your future professional careers. As you its future leaders go, so goes the Air Force. As the Air Force goes, so goes the national security.

THEODORE N. VAIL BRONZE MEDAL AWARD

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. JOHNSON of California. Mr. Speaker, I would like to share with my colleagues, another incident involving two modest and quick-thinking men who saved the life of another person. Not long ago, you may recall, I made mention of two Pacific Telephone Co. employees who performed a similar service and were awarded the Theodore N. Vail Award.

This second incident involves two gentlemen, also employed by the Pacific Telephone Co., of Jackson, Calif. Together they saved the life of a 60-year-old woman who had choked on a piece of meat in a restaurant in Jackson.

Messrs. Albert V. Peyus and Francis Warner were together in the Wells Fargo Restaurant when suddenly the owner ran in from another section of the establishment asking the men if they could help a woman who had choked on some food and was now unconscious. The woman, Mrs. William Tam, of Jackson, had been eating dinner when a piece of meat caught in her throat and caused her to gag. She had left the table and went to the restroom, and while there, had become unconscious. The wife of the owner, who had followed her to offer assistance, immediately ran for help. When Messrs. Peyus and Warner reached the restroom they found Mrs. Tam lying face down on the floor. She was cold and her face had turned purple. Breathing had apparently stopped.

By their instantaneous and correct actions, the two men, working as a team, removed the obstructions from Mrs. Tam's throat.

Mr. Warner then placed Mrs. Tam on the floor and administered artificial respiration. Within a few minutes, she started to breathe. At this time, the doctor and ambulance arrived and she was taken to the hospital.

Mrs. Tam said later:

The last thing I remember is running from the table. That was my last conscious thought until later in the hospital after they got me breathing again. I was through breathing completely. The only conscious thought I had while breathing was somebody said I was dead. I guess maybe I was. I remember the doctor's face above mine. I remember nothing more until they got me to the hospital. They deserve an awful lot of credit. Had they not been there, I wouldn't have made it. I was gone, I was really gone. I deeply appreciate.

Certainly these men performed a public service of a type that is too often unpublicized. I am extremely pleased that the Theodore N. Vail Bronze Medal, one of the Bell System's most coveted awards, will be awarded to these two men who displayed quick and clear-minded citizenship which resulted in a life saved.

I know my colleagues in the House of Representatives would want to join in congratulating these two fine American citizens, Mr. Albert V. Peyus and Mr. Francis Warner of Jackson, Calif.

TRIBUTE TO THE HONORABLE JOHN JUNK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ANDERSON of California. Mr. Speaker, the city of Carson, which is in my district, was incorporated just over 2 years ago and has adopted the commendable practice of honoring each of its past mayors with a testimonial dinner at the completion of their 1-year term of office.

Councilman John L. Junk, who finished his term as mayor this past May, will be honored by such a dinner August 8. Mr. Junk served as chairman of the Carson Citizens Committee for Incorporation in 1967 and 1968, the organization which led the successful campaign for formation of the city after several previous attempts had failed.

In recognition of his leadership in that campaign, the voters of Carson elected him to the initial City Council of the city of Carson with a vote tally close behind that of Councilman John A. Marbut who served as the city's first mayor. When Mr. Marbut completed his term as mayor in February 1969, Councilman Junk was selected by the City Council to take the post. Both men were reelected to office during the Carson municipal election this year.

I would like to briefly outline for my fellow Members of the Congress the record of achievement which has led this young man to be honored by his fellow citizens in the city which he has helped bring into being.

Mr. Junk was born 34 years ago in Connellsville, Pa., a small community in a hilly region in the southwest portion of that State. As the eldest of three children, John learned to shoulder responsibility at an early age. He answered the call of responsibility when his country faced a national emergency during and immediately after the Korean conflict by enlisting in the Armed Forces, serving with Army security for 3 years in Korea and in Washington, D.C.

While still in the Army, Mr. Junk met Nancy Brogneaux of Virginia and they were married soon after his discharge. John and Nancy Junk now have two charming daughters, Angela, 8, and Pamela, 6.

The Junks moved to California in 1954 and settled in their present home in 1965. John quickly became involved in the formation of the Leadership Homeowners Association in the then developing tract of homes where they live, later serving as president of that organization.

This was the start of his concern for the well-being of the community which, 3 years later, he was to help incorporate as the city of Carson. The drive for incorporation gained impetus as all homeowner groups in the area came to realize that only home rule could provide the careful attention to the problems of integrating their residential neighborhoods with surrounding industrial and commercial areas. Several unsuccessful attempts to make their concerns known to the county government increased their awareness of this need and, eventually, brought support for the incorporation movement from the Carson Chamber of Commerce, the Dominguez Chamber of Commerce, numerous industrial leaders, and other groups.

As previously noted, John Junk has twice been elected to the city council where he has directed his efforts toward serving the needs of the people of Carson—particularly the small homeowner.

He has been particularly active in the area of improving the city of Carson's park and recreation facilities and directed his energy toward obtaining a Parks in Cities grant under the open space program of the Department of Housing and Urban Development. This grant was approved earlier this month and will provide for purchase and development of two additional 8-acre parks—doubling the amount of park land now in use—to serve the 70,000 residents of Carson. I have been most pleased to work with John and other civic leaders of Carson in helping to obtain approval of this grant.

Another of the major problems facing the city of Carson—and indeed the entire Nation—is that of the deterioration of our environment. Councilman Junk has not contented himself with merely joining in the complaint over the pollution crisis. Instead, he and his fellow councilmen have recently appointed a seven-member environmental advisory commission to help the city council in developing positive answers to the problem and coordinating the citys activities with those of other governmental and private agencies.

A staff representative of the United Auto Workers, Mr. Junk is also vitally interested in improving the working conditions and assuring equal employment opportunities for all of the citizens of his city, State, and Nation. In this connection, he serves as secretary of the Aerospace Apprenticeship and Training Committee for the State of California; is a member of the Los Angeles County Man-

power and Development Training Advisory Committee; and, in 1966, was a member of the Civil Service Selection Board for the State of California.

He is also a member of the Los Angeles County District Attorney's Advisory Committee; the Legislative Committee of the California Contract Cities Association; and the Andrew Carnegie Junior High School Advisory Committee in Carson. Civic organizations of which he is a member include the Carson Lions Club, the Carson Chamber of Commerce, and the Carson Jaycees.

Mr. Speaker, I thank you for giving my colleagues in the House of Representatives this opportunity to join me and the citizens of Carson in saluting John Junk for his many services as mayor of that community.

PUBLICITY PROMPTS VIOLENT DISSENT

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ZWACH. Mr. Speaker, there are a great many people in America, people learned in public relations and human reaction, who believe that if we did not focus the aura of publicity on violent dissent, that violence would soon fade away.

This was aptly demonstrated recently in Minneapolis, Minn., at a church convention where a couple disrobed and approached the communion table nude.

They were ignored, by the congregation, by the press, and by the television cameras. Except for a few editorials, no publicity was given to their stunt. They acted in vain. Whatever protest they were trying to make, it went unregistered.

Mr. Speaker, I think there is a lesson for all of us in this happening. At this point, I am inserting an editorial from the Litchfield Independent-Review in our Minnesota Sixth Congressional District, in the RECORD telling of the failure of this bizarre happening:

THIS COULD BE THE ANSWER

Too much publicity has been made over the sit-in, the demonstration, the confrontation. This is probably part of the reason this minority group participates in doing what they do. They get the headlines, they get opposition from the conservatives, they become some kind of a hero in a warped kind of way.

This is the fault of the Press, TV and Radio. These three medias are trying to sell their individual product. They do not have the future of our country at stake.

Last week there was a big effort to make a scene by two individuals who hoped to disrupt a state church meeting. The two "Goofs" who were the actors in the event surely must feel shame at the outcome. It was at a district meeting of a church group, meeting at the University of Minnesota. The church session was to be ended with a communion service which is fitting and proper. When the service began these two (who were not U of M students or probably not Lutherans) stripped down and appeared at the communion table in the nude. There could be only one reason to do this, to create a riot, a panic or certainly a big problem.

Unfortunately for the two, there was no big problem, they were not thrown out, they were accepted as if they were appearing at the communion table as the more than 800 other communicants.

It backfired, they must really have felt foolish and stupid. This type of person is in the minority and if they were to be treated as a minority and not receive headlines and publicity perhaps they would soon dwindle to where they belong, in a forgotten, not wanted group.

—Litchfield Independent Review.

VFW NATIONAL COMMANDER IN CHIEF RAYMOND A. GALLAGHER LEADS CAPTIVE NATIONS WEEK IN KENOSHA, WIS.

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. SCHADEBERG. Mr. Speaker, in recent years it has been a personal honor to me to be included in a Wisconsin Lithuanian Day ceremony to commemorate Captive Nations Week.

This event, set aside by congressional proclamation to center the attention of the entire world on the cruel fate of oppressed peoples living under the Soviet subjugation, is held annually in Kenosha, Wis., in the First Congressional District which I represent.

This year's program on Sunday, July 19, held at the St. Therese's Parish Park, was highlighted by a magnificent speech by National Commander Raymond A. Gallagher of the Veterans of Foreign Wars. Eugene Bartkus, president of the Lithuanian American Council, Inc., Chicago, also shared the platform.

The Wisconsin Lithuanian Day began with solemn high masses at St. Peter's Church, Kenosha; St. Gabriel's Church, Milwaukee; St. Casimir's, Racine, and St. Therese's, Kenosha. There were special religious services in other churches and synagogues throughout the State.

The program included Lithuanian foods, music by the Bristol band, a flag parade with a VFW contingent, Boy and Girl Scouts, labor union representatives, and civic organizations.

Many of those in the audience at this program were moved by the words of VFW Commander in Chief Gallagher as he related how the Communists continue to deny freedom as they pursue their dream of world domination.

On this occasion, Mr. Speaker, I also expressed my deep concern over the captive status of these countries.

However, the keen insight of Commander Gallagher, a remarkable leader of a great organization of overseas warriors, is worthy of being placed in the RECORD for the attention of my colleagues with the hope that the time will soon come when liberty and self-determination will again be enjoyed by the people of Lithuania, Poland, Czechoslovakia, Hungary, Latvia, Estonia, Bulgaria, Rumania, and other countries.

The text follows:

SPEECH BY VFW NATIONAL COMMANDER IN CHIEF RAYMOND GALLAGHER

It is indeed an honor for me to be in Wisconsin to mark the 11th anniversary of Captive Nations Week, for Wisconsin is the home of former Congressman Charles Kersten. It was through the Kersten Committee of the early 1950s that Communist treachery which led to the enslavement of more than a billion of mankind was exposed. Through his efforts the American people were alerted to the horrors of Red oppression from the Elbe to the Pacific. It was also Charles Kersten who detected the parallel between the assassination of President John F. Kennedy in 1963 and the murders of the Ukrainian leaders in Munich, Rebet in 1957, and Bandera in 1959. As an observer at the trial in Germany of the Soviet agent Bohdan Stashinsky, the convicted killer of Rebet and Bandera, Charles Kersten warned that the Kremlin planned more murders.

There is sadness, too, in coming to Wisconsin. Within the last year one of the towering leaders in the worldwide movement for freedom for all captive peoples, Dr. Roman Smal-Stocki (Smal-Stotski), was taken from our midst. For years he taught at Marquette University and more recently at the Catholic University in Washington. A leader after World War I in his own Ukraine's tragic struggle for freedom, Dr. Smal-Stocki devoted the rest of his life to the right of self-determination and liberty for all men and nations. Without his efforts it is unlikely that the statue of Taras Shevchenko, the poet laureate of Ukraine, would ever have been erected in Washington or unveiled by former President Eisenhower in June 1964, as 100,000 persons joined in tribute to the bard who more than a century ago called for another George Washington to free the victims of Russian oppression.

Two other deaths in recent months have saddened us as well. They were of former Congressman Alvin M. Bentley, of Michigan, and Federal Judge Thaddeus M. Machrowicz (Mackrohvich), of Detroit. Both of these men served valiantly at the side of Charles Kersten as members of his committee.

One of Judge Machrowicz's monumental contributions to the committee was the exposure of the Soviet massacre of 15,000 Polish officers in World War II at the Katyn Forest. These men—all prisoners of war—were killed simply as a class, intellectuals and professional men who would have stood in the Communists' way when they took over Poland.

These three, Dr. Roman Smal-Stocki, Alvin M. Bentley and Thaddeus M. Machrowicz, will be long remembered for their devotion to the cause of freedom.

To you people gathered here today, there is little reason to explain the word freedom. You, having lived under Communist and Nazi oppression or even under other forms of political repression in your native lands, know full well its meaning and its blessings. Far better, I am sure, than most Americans at this period of history can or ever will and I pray that they will never have to undergo your experiences in order to appreciate fully what freedom is.

Unfortunately too many of our people, especially the young, have no understanding of freedom, or, as you do, what it means to be without it—utterly bereft of liberty of any kind. They have taken the cup of freedom from the lips of men who have fought to preserve it and we can only hope that when the time comes for many of our rebellious youth to "pay their dues," they will not be found wanting. If they are, there will be little

hope for civilization as it is known to free men.

I am sure that if any of our young people were to ask a Czech, a Slovak, a Latvian, a Lithuanian, a Ukrainian, a Hungarian, a Pole or any of the others behind the Iron Curtain what freedom means, he would be stared at in shocked amazement.

The people behind the Iron Curtain know what freedom is, even if they have seen precious little of it in recent years. They know, too, that the only thing standing between their Communist rulers and the nearest lamp post is the force of Soviet arms. This has been proven in Czechoslovakia, East Germany, Poland, Hungary and in countless places inside the Soviet Union itself.

Each year since 1959, according to Congressional resolution, the President has set aside a week in July as Captive Nations Week to focus attention on the denial of freedom to men and nations to determine for themselves their own destiny. This condition exists from the Elbe River to the Pacific Ocean and reaches almost to our own shores to Cuba 90 miles off the coast of Florida.

More than a billion human beings are being held prisoner by godless, materialistic Communism, appropriated as a doctrine by the Kremlin to fulfill the ancient Russian dream of world domination. This goal motivated the czars who looked on Moscow as the "third and last Rome" in their expansionist frenzy no less than it did Trotsky, Lenin, Stalin, Malenkov, Bulganin, Khrushchev and now Brezhnev.

The captivity of this vast segment of mankind is an ideal example of the "domino theory" which Vietnam War doves scoff at so knowingly when it is applied to Southeast Asia. But in truth after the Bolshevik Revolution, which overthrew the liberal but great Russian Chauvinist regime of Alexander Kerensky, nations which had become independent of Russia and whose independence was recognized by the Bolsheviks were reconquered one by one. From 1920 to 1924 the Communists seized all of the non-Russian peoples which the old czarist empire had grabbed except Finland, Estonia, Latvia and Lithuania.

In these last four, as in all the others, there were Red invasions and revolutions, but they failed. However, the Russians again tried to seize Finland in the bloody Winter War of 1939–40 and were rebuffed. The unhappy Baltic states of Estonia, Latvia and Lithuania were forcibly incorporated into the Soviet Union early in World War II and hundreds of thousands of their people shipped to Siberia, many never to return and others never to be heard of again. It is to the credit of the United States that this country has never recognized the seizure of the Baltic states and their representatives in Washington are still accorded the same rights as any other diplomats.

One of the most tragic aspects of the denial of liberty to the captive nations is that for the most part they represent ancient civilizations and cultures, far beyond anything the Muscovites ever achieved on their own. Compare any of the Soviets' captives with Tonga, the Pacific island freed a few weeks ago by the British.

Those nations of Eastern Europe which were to come under the Communist heel, but allowed to remain outside the Soviet Union as "people's republic," had had earlier experience with the Communists. Poles, Ukrainians and Romanians under Pilsudski 50 years ago next month threw back the Red hordes at the Vistula and saved Europe for 25 years. The Hungarians overthrew the Communist regime of Bela Kun (Bayla Coon) only, like the Poles, to have Red rule imposed a quarter century later. Czechoslovakia, formed after World War I, had a brief encounter with the Communists in 1920, but this "republic of Presov" was crushed. Liberated largely by the Soviets, though the Americans freed the extreme western end, Czechoslovakia did not come under total Soviet Communist rule until 1948 in an outright seizure of power.

In Yugoslavia the Communists capitalized on the vacuum created by the fighting between the Serbs and Croatians, two heroic peoples with a long history of achievement but who were tragic pawns in great power politics. Bulgaria and Romania were victims of sheer Communist brute force. Much of what is now East Germany was taken originally by American forces, but literally handed over to the Russians as their zone of occupation. China's fate was sealed at Yalta when the Soviets agreed to enter the war against Japan. Now, in Southeast Asia American manpower and that of Asian allies are struggling to prevent one of freedom's last footholds on the Asian continent from falling victim to Communist aggression.

Thus, from the very beginning of Communist rule in Russia, that devilish system showed that it will never halt its drive for power. Stopped in 1920, the Russians resumed their drive to the west in World War II and ever since then they have been fanning out from their base in Moscow.

Too often we in the West do not know how to respond to their moves. When the Russians wave an olive branch, our leaders frequently react as if the millennium is at hand. First, there was disengagement prompted by George Kennan and followed by the specious Rapacki (Rapotski) plan for a nuclear free zone in Europe. Then came detente, another fancy word for surrender. And now the code word for giving up is convergence. All of these have been greeted with huzzahs by the self-appointed "intellectual community" that would be the first to the wall if any of these tricks succeeded.

The enemy is like the mythical hydra. You cut off its head and a new and even more lethal one grows in its place.

There is one spot in which the Reds are the most vulnerable, however. This is among the non-Russian peoples of the Soviet Union—who constitute the majority of the USSR's population now. These are the ones who have been subjected to generations of cultural genocide, forced Russification and the deportation of their populations to the "virgin lands." They are the ones who are the Russians' Achilles heel. An example of this was Khrushchev's violent reaction to the first Captive Nations Resolution in his confrontation with then Vice President Nixon at the trade fair in Moscow in 1959. Most recently was the expulsion of the Washington Post Moscow correspondent Anatole Shub for writing about the discontent of the nationalities in the USSR.

So evident was the Russification of Ukrainian schools that three years ago a group of Canadian Communists who saw the situation for themselves objected so vigorously that the Russians were forced to make changes in the Ukrainian school system.

Unsure of their minorities, the Soviets make sure that their troops are thoroughly integrated to prevent a preponderance of any nationality group in any one unit. At the same time, pains are taken to preclude the stationing of many Latvians in Latvia, Armenians in Armenia, Georgians in Georgia and so forth. A recent Soviet Army film went to great pains to feature troops of non-Russian origin to give false impression of unity.

Unhappily, after all these years, the American people and most of the West fail to realize that the Soviet Union is composed of different peoples and as I mentioned less than half are Russians. For the most part Westerners tend to lump them all under the heading Russian. For one thing it is easier, but it is also an error that could prove fatal for us.

Failure to include the disaffected nationalities inside the Soviet Union in any of our assessments of its strengths and weaknesses would be the same as the Russians or the North Vietnamese ignoring the potential for destruction inherent in a riot or disruption in an American city or on a college campus. And you may rest assured that if they are not directly responsible, they certainly reap the benefits.

Some of our ignorance of the captive peoples can be attributed to the American press. It is simpler for a copy reader to write Russian in a headline if the story is datelined Moscow than to properly identify the subject. How often, for example, was Shevchenko referred to in headlines a few years ago as "Russian Poet?" Such an identification is not only inaccurate but an insult to this Ukrainian hero who devoted his entire life to opposing the Russians.

Another case in point is the trials a few years ago of the four or five writers in Leningrad—all Russians. But how much space has been devoted to the more than 300 Ukrainian intellectuals, the "prisoners of conscience," at least one of whom has been in a Mordovian camp for 25 years?

By contrast, whenever a wild Soviet accusation of "war criminal" is lodged against a former displaced person in the United States or another Western country, he is always identified as a Latvian, Estonian, Lithuanian, Ukrainian or whatever. Whenever it's bad, the national origin is made clear. When it's good, the individual is Russian. Another instance of this was the publication a few years ago of a virulently anti-Semitic book reminiscent of Julius Streicher's fulminations in his prime. In all the commentaries on it, great pains were taken to point out it was published by the Ukrainian Academy of Science, as if anything of this seriousness could be printed without the authority of Moscow.

Another trick to attempt discrediting the captive peoples is to single out the Vlasov army formed by the Nazis from Soviet prisoners to fight the Communists. The implication was that somehow these Slavs and others the Nazis considered subhumans had been imbued with the Hitlerian philosophy of the master race. No thought is given to the fact that these men sincerely wanted to free their homelands of Communist rule. No mention is ever made of the Ukrainian Insurgent Army that fought the Nazis and Communists for nine years or of the guerrillas who did the same thing in the Baltic States. One of the greatest blows the Communists suffered was the wholesale desertion of masses of troops in the early stages of the German invasion, coupled with the support the Nazis received from the people who greeted them with bread and salt as liberators.

Did the Russians or the Communists learn anything from this experience? There is no indication that they did. In fact, if anything, they simply answered by making their system even harsher. Whole peoples—the Chechen-Ingush, for example, were wiped out, an instance of genocide still unpunished. After the death of Stalin, much was made of the crimes of his era, as if his successors somehow wouold emerge as moderate "social reformers" aghast at the terror at the root of their system.

Were there any substantive changes? Of course not. The reality is that the situation has become so bad that a recent writer, Andrei Amalrik (jailed for expressing his opinion, incidentally) asked whether the Soviets will survive until 1984, George Orwell's year of Big Brother. Last year Tartar leaders were imprisoned for demanding their rights as Soviet citizens and one of their

supporters, the retired General Pyotr (Peeoater) Grigorenko, was sent off again to an insane asylum for encouraging their cause. What a commentary on a so-called civilized country—demand your rights as a citizen and you are a lunatic.

The Soviet Union itself is no monolithic force, but a gigantic Potemkin Village implanted in the world's heartland and like a Potemkin Village shiny on the surface but corroded and rotten inside.

It is up to you people to maintain the struggle to expose the true nature of Russian Communism and for all of us in the West to work toward the day when all men will be free to live under a code of laws that will assume every nation its right to liberty and self-determination.

GOVERNORS OF APPALACHIAN STATES RECOMMEND EXTENSION OF APPALACHIAN PROGRAM TO PRESIDENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, with Congress considering the renewal and extension of the important and vital Appalachian Regional Development program, the Governors of the 13 Appalachian States recently urged President Nixon to support the extension of the Appalachian Regional Commission and program.

The appeal was bipartisan, coming—as it did—from seven Democratic and six Republican Governors of the Appalachian States. All agreed on the importance of this program of supplemental assistance—and the need for its continuance.

Because of the interest of my colleagues and the American people in this most important program, I place in the RECORD my recent newsletter, "Capitol Comments," which outlines the accomplishments and achievements, as well as the continuing need, for this great Federal-State program and partnership for progress.

The newsletter follows:

(By JOE L. EVINS, MEMBER OF CONGRESS)

GOVERNORS OF APPALACHIAN STATES RECOMMEND EXTENSION OF APPALACHIAN PROGRAM TO PRESIDENT

As the Congress considers renewal and extension of the Appalachian Regional Development Program, President Nixon this week flew to Louisville, Kentucky, to meet with Governors of the 13 Appalachian states. These Governors unanimously urged the extension of the Appalachian Regional Commission and program. The Commission and all programs authorized by the Appalachian Development Act are scheduled to expire June 30, 1971, with the exception of the highway program which has one additional year of authorization.

The appeal to President Nixon for extension of the program was bi-partisan—seven of the Appalachian Governors are Democrat and six Republican. Policy officials of the Administration are evaluating the program to determine its effectiveness and whether, in their view, the program should be continued, expanded or reduced.

As Chairman of the Subcommittee on Independent Offices Appropriations, which is concerned with funding for the Appalachian program, it is certainly my view that this program has proved its worth and value in its contribution to the growth and progress of our District, State and the entire Appalachian area—and that it should be continued, expanded and strengthened. In our Appropriations Committee Report, we made these observations and comments:

"The program for Appalachia is a joint Federal-State effort to achieve common solutions to regional development. This program has proven to be an excellent example of Federal-State cooperation. The initiative for making proposals is with the State governments and . . . the achievements and beneficial results of the Appalachian program are now beginning to show in the programs of trade schools, hospitals, health centers and in other areas."

Testimony before our Committee by Director John Waters of Tennessee—the capable and energetic Chairman of the Commission—showed that, with the assistance of Appalachian supplemental grants totaling more than $140 million, accomplishments include the following:

Construction of 184 vocational trade schools.

Completion of 202 health centers, hospitals, nursing homes and other health facilities.

Construction of 145 buildings at colleges and universities.

The installation of 105 sewage treatment facilities.

The building of 72 libraries, 43 airports and 24 water and sewer systems, among other vital and important projects—a total of 819 projects—all developed in Appalachia.

This program is locally and state oriented and controlled. The Congress provides the appropriations—the local governments recommended projects to the Governor and his recommendation is necessary to proceed with projects. Our Committee on Appropriations has approved a total of $291,500,000 for the Appalachian program for next year which should contribute to the highest level of development in our area in many years.

BIG SPENDERS IN CONGRESS

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. BOW. Mr. Speaker, it appears that the big spenders are back in the saddle again and they are determined to spend their way into a victory at the polls in November, regardless of the cost to the country in inflation and debt.

Every big spender in the Congress has his own pet project for a select group of people, a project for which the American people will pick up the bill in higher prices.

I think it is well that the American people be warned that the big spender of today is the cause of higher taxes tomorrow—after the election.

Mr. Speaker, I believe it is time for Congress to begin to act responsibly in fiscal matters.

Either we should live within the President's budget or we should raise taxes now to pay for those programs that we think are necessary but that cost more money.

The people already are paying too much in high prices and too much in taxes. It is time to give them a break. It is time to begin to remember the welfare of all the people instead of just the special interest groups.

VOLUNTEER ARMY LEGISLATION INTRODUCED IN THE HOUSE BY 61 MEMBERS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the gentleman from New York (Mr. LOWENSTEIN) and I have joined with 59 of our colleagues in introducing legislation to establish a Volunteer Army based on the recommendations of the Gates Commission.

The bill provides that no inductions will be made after June 30, 1971, termination of the present Selective Service Act.

The Gates Commission found that an all-volunteer Army, first, would cause only a small budget increase, and would be cheaper in real economic terms; second, could be achieved without impairing the Nation's ability to meet existing and anticipated troop level requirements; third, would be adequate to defend the Nation, even against a sudden surprise attack; fourth, would not result in a more militarized society; and fifth, would not vary greatly in ethnic, racial, or economic makeup from the present system.

The Gates Commission was established by President Nixon to "develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer Armed Force." It was headed by former Secretary of Defense Thomas Gates.

This large bipartisan group of sponsors reflects the growing support for ending compulsory military service and establishing a Volunteer Army. Our bill translates into legislation the findings of the Gates Commission which completed the most extensive and objective study of the volunteer military concept.

Representative LOWENSTEIN said:

Implementation of the Commission's recommendations, after its thorough study debunked the myths that have sprung up about the volunteer army, is one of the nation's first priorities. We expect that the diversity of ideology and geography among the co-sponsors will prompt immediate hearings so that Congress will have the opportunity to eliminate the draft with all its inequities.

The bill that Representatives STEIGER and LOWENSTEIN introduced is identical to the one Senators HATFIELD, MCGOVERN, GOLDWATER, and nine other Senators introduced 2 weeks ago as an amendment to the military appropriations bill. Among the major provisions of the measure are the following:

1. Institute a basic pay increase of approximately 50% for the enlisted ranks and approximately 25% for officers.

2. Stop inductions July 7, 1971, the termination date of the Selective Service Act.

3. Have continued registration on a limited basis, the draft to be reinstituted at the request of the President and the joint resolution of the Senate and House of Representatives.

4. Direct the Secretary of Defense to:

(a) Improve and expand utilization of civilian personnel;

(b) Improve and expand specialist education programs;

(c) Improve and expand officer training programs;

(d) Improve and expand recruiting programs;

(e) Provide more effective recruiting programs;

(f) Formulate plans for maximum use of civilian medical facilities including a medical insurance program;

(g) Formulate a new pay structure providing:

(1) Salary schedules, combining basic pay and quarters and subsistence allowances;

(2) Cash contributions to a retirement system similar to Federal civilian employees;

5. Provide for a reserve officer training corps scholarship increase.

6. Increase combat pay from $65 to $200.

7. Increase special pay for physicians, dentists and veterinarians.

(Total budgetary cost: $3.24 billion.)

The complete list of sponsors follows:

COSPONSORS: VOLUNTARY MILITARY MANPOWER PROCUREMENT ACT OF 1970

William A. Steiger, Republican, of Wisconsin, Allard K. Lowenstein, Democrat, of New York, Joseph P. Addabbo, Democrat, of New York, John B. Anderson, Republican, of Illinois, William R. Anderson, Democrat, of Tennessee, Alphonzo Bell, Republican, of California, Edward G. Biester, Jr., Republican, of Pennsylvania, William S. Broomfield, Republican, of Michigan, George E. Brown, Jr., Democrat, of California, George Bush, Republican, of Texas, Tim Lee Carter, Republican, of Kentucky, Shirley Chisholm, Democrat, of New York, Don H. Clausen, Republican, of California, William Clay, Democrat, of Missouri, James C. Cleveland, Republican, of New Hampshire, Silvio O. Conte, Republican, of Massachusetts, John Conyers, Jr., Democrat, of Michigan, William O. Cowger, Republican, of Kentucky, John J. Duncan, Republican, of Tennessee, Don Edwards, Democrat, of California, Marvin L. Esch, Republican, of Michigan, Leonard Farbstein, Democrat, of New York, Paul Findley, Republican, of Illinois, Hamilton Fish, Jr., Republican, of New York, Samuel N. Friedel, Democrat, of Maryland, Edith Green, Democrat, of Oregon, Charles S. Gubser, Republican, of California, Gilbert Gude, Republican, of Maryland, Seymour Halpern, Republican, of New York, Michael J. Harrington, Democrat, of Massachusetts, James F. Hastings, Republican, of New York, Ken Hechler, Democrat, of West Virginia, Margaret M. Heckler, Republican, of Massachusetts, Robert L. Leggett, Democrat, of California, Sherman P. Lloyd, Republican, of Utah, Donald E. Lukens, Republican, of Ohio, Joseph M. McDade, Republican, of Pennsylvania, Spark M. Matsunaga, Democrat, of Hawaii, Patsy T. Mink, Democrat, of Hawaii, F. Bradford Morse, Republican, of Massachusetts, Alvin E. O'Konski, Republican, of Wisconsin, Richard L. Ottinger, Democrat, of New York, Jerry L. Pettis, Republican, of California, Albert H. Quie, Republican, of Minnesota, Tom Railsback, Republican, of Illinois, Howard W. Robison, Republican, of New York, Benjamin S. Rosenthal, Democrat, of New York, Edward R. Roybal, Democrat, of California, William F. Ryan, Democrat, of New York, Fred Schwengel, Republican, of Iowa, Garner E. Shriver, Republican, of Kansas, Henry P. Smith, III, Republican, of New York, M. G. Snyder, Republican, of Kentucky, Robert T. Stafford, Republican, of Vermont, J. William Stanton, Republican, of Ohio, Louis Stokes, Democrat, of Ohio, Robert Taft, Jr., Republican, of Ohio, Morris K. Udall, Democrat, of Arizona, Charles A. Vanik, Democrat, of Ohio, William B. Widnall, Republican, of New Jersey, and Charles H. Wilson, Democrat, of California.

A BILL TO IMPOSE AN EXCESS WAR PROFITS TAX ON CORPORATE PROFITS RESULTING DIRECTLY FROM THE INDOCHINESE WAR

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. LUJAN. Mr. Speaker, today I am introducing a bill to impose an excess war profits tax on corporate profits that result directly from the effects of the Indochinese war on the American economy.

It is patently unjust for a nation to conscript its young men into its service to fight a war, while allowing its corporations to amass extraordinary profits attributable to the distortions of a wartime economy. In order to eliminate such injustice it is proposed that the Congress enact legislation to tax excess profits. Thus, the aim of my bill is to impose an additional levy on these profits.

There is substantial precedent for enacting this legislation. In both World Wars, excess profits taxes were enacted to enable a more complete mobilization of the Nation's productive capacity into the national defense effort. However, there is also precedent for taxing excess profits during an undeclared war of limited objectives. In 1950, Congress passed an equally strong excess profits tax within 6 months of the beginning of the hostilities in Korea.

My proposed bill imposes on all corporations a tax of 37 percent on the amount of their taxable income which exceeds their "normal nonwartime" taxable income. This 37 percent tax will be added to the normal 48 percent corporate tax rate, thus creating an effective rate of 85 percent on all excess war profits.

As it is the aim of my bill to conscript the productive capacities of our Nation's corporations during the period of military operations in Indochina, as the Nation conscripts its young men for the same purpose, this bill is designed to take effect as of January 1, 1970 and to continue until our military operations in Indochina are effectively concluded. Thus my bill provides that the tax will be applied during the "present emergency period." That emergency period includes all taxable years beginning after December 31, 1969, and it shall continue until such time as the actual American troop commitment in Vietnam, Laos, Cambodia, and Thailand is less than 50,000, including offshore naval operations.

In order that only those corporate profits be taxed which bear a reasonable relation to our present military operations, the bill allows a special deduction from a corporation's "taxable income" to determine its "excess profits taxable income." Thus, the excess profits deduction is designed to except from the excess profits tax "normal" profits for the particular corporation. This deduction may be calculated in either of two ways:

(a) The base period method.—The first method of determining the excess profits deduction is to deem profits earned during a period immediately preceding the period of increased military activity as "normal." This method determines the taxable income during a nonemergency base period, and adjusts that income to eliminate any particular abnormalities that occurred during the "base period." The average adjusted taxable income for the base period then becomes the excess profits deduction. The bill sets the base period as beginning January 1, 1961 and ending December 31, 1964. It is planned that this method of determining the excess profits deduction shall be the predominant one used, as it was in past acts.

(b) The return on invested capital method.—In order to assure that no corporation is forced to do business without the potential of receiving a reasonable return on its invested capital, an alternative method of calculating the excess profits deduction is provided. The corporation may choose such method if it allows a great deductiton. Under the return-on-capital method, a corporation is allowed to receive a minimum return on its invested capital without excess profits taxation. This alternative guarantees that corporations whose taxable incomes during the base period (1961–1964) were quite low will not be forced to pay taxes which may appear to be confiscatory. Furthermore this alternative will also make it possible to tax those corporations that were not in existence during part or all of the base period. This bill allows the following return:

Eight percent on the first $5 million of invested capital;

Seven percent on the next $5 million of invested capital;

Six percent on the next $190 million of invested capital; and

Five percent on invested capital exceeding $200 million.

In addition, the bill also fixes the minimum excess profits deduction, regardless of the method of calculation, at $25,000, thus excepting from the levy small or marginally porfitable corporations.

In a major shift from historical precedent, my bill provides that all moneys collected from the imposition of the excess profits tax must be spent to fulfill the stated national commitment to build a vast number of new housing units, and to improve the quality of medical care and education in the United States. As these goals have never been approached in the past due to lack of available resources, this bill may begin to enact a more sensible set of national priorities. This earmarking is necessary to distinguish this bill from an attempt at complete mobilization of the economy for war production.

A further dividend of this bill is that the additional tax-imposed should begin to alleviate oppressive inflation. Historically, excess profits taxes have not been passed on to consumers, probably due to the high rate of taxation imposed which makes it impracticable for a corporation to recover newly taxed profits by raising its prices. The earmarking of the funds collected for domestic uses protects against an increase in unemployment. Thus, this bill will not only spread the burden of waging war more evenly throughout our society, but it will also help stabilize our economy in this most difficult time.

INDIANA DUNES NATIONAL LAKESHORE PROJECT: MORE DESTRUCTION THAN CONSERVATION?

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. LANDGREBE. Mr. Speaker, I wish to insert in the RECORD a "Letter to the Editor" which appeared in the Chicago Tribune of July 19, 1970, written by Mrs. Stanley Florek, Jr., of Beverly Shores, Ind. Mrs. Florek comments on her dealings with the National Park Service regarding the acquisition of her land for the Indiana Dunes National Lakeshore. She is just one among many residents of this area who, while they support the efforts to curb pollution and conserve the natural beauty, are very disturbed that the plans of the Park Service will actually result in more destruction than conservation.

My bill, H.R. 11084, which attempts to deal with this situation is now before the Interior Committee, but has yet to be scheduled for any hearings. As everyone can understand from reading Mrs. Florek's letter, the problem is a serious one and I am hopeful that the Interior Committee will give the legislation I have introduced its prompt attention and consideration. Eight hundred homes are at stake as well as the wasteful expenditure of millions of dollars of taxpayers money.

BEVERLY SHORES, IND.—Regarding *"The Fight to Divvy Up the Dunes" (by A. A. Dornfeld, May 31)*: My home will be condemned in a few months if I refuse to sign a document giving the federal government a free option to purchase it. My town will lose 80 per cent of its tax base when the government devours all but a small portion of it. The Lakeshore Advisory Commission set up by the government to deal with local problems holds secret meetings from which the public and press are barred. The cost of land acquisition will be closer to $60 million than the $28 million originally authorized by Congress; industrial and commercial concerns have received a majority of the funds.

The Save the Dunes Council, propaganda tool of the National Park Service, would have your readers believe that setting up a massive bathing beach and forest preserve expected to serve thousands of people a day will preserve the natural state of the dunes. Garbage! Knee-deep beer cans and trash baskets as far as the eye can see are hardly natural wonders.

I support efforts to curb pollution and preserve natural beauty, but I, among other Northern Indiana residents, will fight the self-annointed conservationists, the Park Service and anyone else who tries to force us to sell our homes to be demolished under the pretense of preserving and conserving. The battle has just begun.

MRS. STANLEY FLOREK, Jr.

AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970 INCLUDED A "HIDDEN TAX"

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. TIERNAN. Mr. Speaker, when the Airport and Airway Development Act of 1970 passed the House after coming from conference, it included a "hidden tax" section which makes it unlawful for airline ticket agents or travel agents to write the amount of tax on tickets.

I have introduced a bill which would repeal this section of the act. In this electronic and modern age, the consumer needs more protection than ever before. The inclusion of the "hidden tax" provision is an affront to all honest Americans.

Tuesday's Christian Science Monitor carried an article which stated that airline ticket agents are as unhappy with this provision as consumers are. At this point in the RECORD I would like to include this article:

LONG DEFENDS AIR-TICKET OMISSION: SENATOR ACCUSED OF PLAYING 'HIDE A TAX'

(By Robert P. Hey, staff correspondent of The Christian Science Monitor)

Flying to that vacation hideaway? If you haven't been there in a while, take along a few extra pennies when you go to buy your ticket. It'll cost you a little more—the tax you pay when you buy domestic plane tickets went up July 1 from 5 to 8 percent.

But, you can't tell that from looking at your ticket. It just gives the total amount you have to pay—doesn't list the amount of the tax. If you want to know how much it is, you have to ask.

And therein lies the nub of a little controversy that's whirling around Washington these days. It promises to get bigger before it slows down.

It's principally over the fact that the amount of the tax cannot be listed on the face of the ticket a passenger buys—as it used to be routinely. There's even a $100 fine if a ticket agent lists the amount.

Travel agents, some passengers, and some members of Congress charge Sen. Russell B. Long, architect of this feature of the tax, with having played "hideatax" from the consumer. Senator Long is principal architect of the provision that the tax amount cannot be written on the ticket.

CONSUMER AID STRESSED

Senator Long flatly denies any nefarious motive. Rather, he says, it is he who is the genuine friend of the consumer. In the first place, he explains, the public only cares about the total cost—and formerly airline prices frequently were advertised without adding tax cost. Now the total cost must be advertised, including but not itemizing the tax.

Secondly, he says, the procedure will shorten lines at ticket counters. His reasoning is that lines in part have resulted from the fact that formerly ticket agents had to write three figures on every ticket—airline price, tax, and total. Now they only write one figure—the total, which he says will help speed the ticketing process.

Airline ticket agents put this down as Louisiana hogwash. "It simply won't make any real difference" insists one graying ticket agent, as two hovering colleagues nod vigorous assent. "Won't save hardly any time." And, he says, some passengers ask about the amount of tax, which takes time to explain.

BILLS SEEK TAX DETAILS

Besides, he says, sometime after the passenger has taken his ticket and left, for the airlines accounting department the agent must laboriously break down the total cost into airline fare and tax, and write this information on the copy of the ticket which the airline retains. Thus the new procedure is not an agent's idea of the ideal.

Several representatives and one senator have introduced bills that would permit airlines again to write the amount of tax on each ticket. One is Rep. Samuel S. Stratton, a New York Democrat, who explains that Congress was trying to hide from the people the amount of taxes we are asking them to pay.

"Nothing could be more disruptive of confidence in our government procedure. After all, this is an age of truth-in-lending. Surely we cannot now try to enjoin similar candor as far as taxation is concerned."

This is the same point the letter-writing public has been making caustically to various congressmen.

Nevertheless, Capitol Hill observers do not expect these bills to be passed this year, with Congress facing so much undone major work. Besides which, many congressmen face a November election which traditionally makes them itchy to hit the campaign trail without prolonging their Washington stay by taking up bills near the end of summer that they don't consider major.

METHOD CRITICIZED

One reason there's so much suspicion of congressional motives is the method by which this decision was reached. Actually it is only one small part of a very large bill, which provides federal money to expand and modernize airports and airport equipment (the tax raise provides some of this money.) There was much congressional discussion over other aspects of the bill when it was being considered in Congress.

During discussion the bill did not contain the present section which makes it unlawful for airline ticket agents or travel agents to write the amount of tax on tickets. (They may, however, tell customers the tax amount.)

That section was added when a small number of senators and representatives held the usual conference to reach a compromise between the differing versions of the bill passed by the two houses of Congress. The conferences are private, not public. Senator Long, who led the Senate conferees, said this section was added during the course of reaching that compromise.

When the compromise version of the bill returned to the House and Senate for final approval the attention of most congressmen and their aides was focused on other aspects of the complex measure.

"To be honest it just slipped by me," ruefully admits a top aide to one senator. "When the bill came back from conference, and I scrutinized it for my senator, I didn't see

this part. That's why he didn't object to it."

But some members of Congress are objecting now. So are travel agents, who say it makes their work harder, and their passenger-clients madder. Some passengers are complaining to Congress, too. Airline ticket agents say it doesn't make any real difference to them—or, really, to the passengers.

As for the airlines themselves, they're basically happy with the bill because other sections provide money for airport expansion. "Besides," says one congressional source, "they've got more and bigger problems to worry about than this . . . and it doesn't actually hurt them in any grand way."

Consumer issues are politically popular nowadays. Some people are complaining about what they call this "hidden" tax. And with elections coming up in November, the tempo of the issue seems more likely to pick up than slow down.

PRISONERS' WIVES SHARE ENDLESS WAIT

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. SHRIVER. Mr. Speaker, the record of North Vietnam's treatment of U.S. POW's is indeed sad. The North Vietnamese authorities have refused to identify the prisoners they hold. Only a limited minority of those men known by the U.S. Government to have been captured have been allowed to communicate with the outside world. Mail even from this small minority has been infrequent and irregular. The sick and the wounded have not been repatriated, nor have they been identified. Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied.

From the reports of the few men actually released by North Vietnam and from other sources has come disturbing evidence that prisoners are being deprived of adequate medical care and diets and that, in many instances, they have been subjected to physical and mental torture.

In North Vietnam the International Committee of the Red Cross has so far had limited success; American POW's cannot be even visited by that organization. On the other hand, the ICRC is represented in Saigon and the delegates are able to visit all prisoner-of-war camps. They also regularly receive nominal rolls of these prisoners.

In the face of such international criticism there have been few breaks in the silence of Hanoi. Hanoi has asserted that our men held as prisoners are war criminals, apparently on the theory that any attacks against North Vietnam or Vietcong forces or facilities are criminal acts and that all military personnel involved in such attacks are criminals. Such assertions are patently absurd. Our men are not war criminals. Moreover, the Geneva conventions and modern international humanitarian law reject any suggestion that the protection of individual war victims, whether soldiers or civilians, is dependent upon moral or legal judgments about the cause for which their government is fighting. The law is there to protect all the victims of war on both sides. All countries have an interest in seeing that it is respected.

The Geneva convention imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard. The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization.

We must not forget these brave Americans, and their loved ones. It is essential that our new chief negotiator at the Paris talks, Ambassador Bruce, continue our Government's efforts to obtain the humane treatment and prompt release of those Americans who are held as prisoners of war.

Under the leave to extend my remarks in the RECORD, I include the following article written by Bob Jordan, staff writer for the Wichita, Kans., Eagle, which effectively describes the anxieties and uncertainties which confront the wives and families of those Americans who are prisoners of war or missing in action. The article follows:

PRISONERS' WIVES SHARE ENDLESS WAIT

(By Bob Jordan, Eagle Staff Writer)

("You have to live with hope, and then if the worst comes, you can start all over again," says Mrs. Neal Oynum, Salina, Kan. "But if I had to wait five years to know that some day he'll come through that door, it would be like the next 24 hours.")

For the wives and families of nearly 1,500 Americans missing in action in the Vietnam war, the opposite of heaven isn't hell, but limbo.

Some women have not heard from their husbands in more than five years. They don't know whether they are wives of widows. Letters and packages are sent religiously, but the wives don't know whether the mail reaches their husbands.

North Vietnam released a list of names last week, saying it was holding only 334 men prisoner. Hanoi's claim was disputed by Defense and State Department spokesmen. Administration officials have said 400 to 800 men are believed held prisoner by Hanoi—and 100 to 500 by the Viet Cong in South Vietnam jungle camps. Other men, shot down over Laos are believed to be held prisoner by Pathet Lao forces.

"Most of the guys on the list we already know about," said one Kansas woman whose husband is missing in action. "I'm sure there were some new names, but I've talked with most of the Kansas wives whose husbands were on the list."

Six Kansans were among the names on the list. Fifty-six Kansas families—12 in Wichita—have men missing in action.

Life for these families is an endless wait, filled with positive hopes, but never a positive answer.

DEEP-RUNNING SHOCK

"I really can't express the tragedy of it all. It's just got to come knockin' at your door," said Mrs. Lawrence Clark, Salina, Kan.

For Mrs. Clark, the knock came at 2:20 a.m. Oct. 18, 1966. A group of military personnel drove seven hours in England to deliver the bad news—"Your husband has been declared missing in action."

Mrs. Clark's husband, a crewman aboard a rescue helicopter, was shot down over North Vietnam 34 days after he went overseas.

"I think my first reaction was shock," Mrs. Clark said. "I thought, 'it can't be my husband. He's been in planes 18 years. It can't be. It's impossible.' "

Within an hour after the news of her husband, Mrs. Clark began to stammer. Doctors have told her it is an emotional release. "I only stammer when I talk about my husband though," she said. "It's hidden so deep in me, you know."

Since that night, she has had "no whisper of anything." M. Sgt. Clark left for Vietnam Sept. 13, 1966. He was scheduled to retire from the service two months after he returned from the war.

"I thought about it all the time at first, but you get into other things to try and forget," Mrs. Clark said. "But no matter how hard you try, things can't seem to change for you.

"Sometimes it gets very difficult—in the daytime you have the children to take care of, but at night, when it's still and quiet, when you're not busy, you think about him," she said. "But you have to push things out of your mind. If I didn't I'd go out of my head by now."

Mrs. Clark's everyday distractions include two children, Steven, 11, and Jan, 8, and a myna bird with a British accent named "Petey."

The Englishwoman makes every effort to keep up the morale around the house. "The kids used to talk about him all the time," she said. "But they don't as much as they used to. I guess they're like normal kids—they're not depressed. I won't let them feel sorry for themselves.

"But still, every now and then they ask, 'Is daddy coming home?' "

When things "get going tough" Mrs. Clark said she imagines how bad the situation could be. "I've been very lucky not to get that final death notice that says 'that's it.' The things you live on are wish, hope and prayer. You just bring up the children like their daddy would have wanted you to."

Mrs. Clark said she often becomes frustrated. "But it's just a passing thing," she explained. "But I still have hope." When the pressures start to get her down, Mrs. Clark whips up her own home remedy—"A nice, hot, strong cup of tea."

Until January 1970, Mrs. Clark said, the government had instructed the wives not to say anything about their husbands, "only that they were missing in action. It was done to protect the men," she added.

"But I firmly believe none (of the prisoners) will be released until every American soldier is out of Vietnam," Mrs. Clark said. Because she is not a U.S. citizen, Mrs. Clark declined to express an opinion about American involvement in Vietnam. But she did comment on the war in relation to the wives and husbands she knows who have returned.

"Each day we stay in South Vietnam we're wondering, 'Is their health ruined for life?' It's a damn shame. I'm a mother and a wife. If I had my way there would be no wars . . . period!

WHY?—WHY?

"I can't vote, I can't say what is right and what is wrong. It's a cruel life, though. I never have met one husband back from Vietnam who said, 'I was proud to be there.' Every day more men are missing, maimed or killed," she said. "Hanoi will not give their names because that's their ace card."

But Mrs. Clark holds a great faith in the American people in general. "If there was a war going on to protect this country, every hippie would fight," she submitted. "I've

met so many men who don't even know why they are there."

Mrs. Clark went to Paris on Christmas day with 58 wives and 94 children in an effort to speak with the Hanoi delegation to obtain some word of her husband.

When the families arrived in Paris, the Hanoi delegation refused to see them. A suggestion by Mrs. Clark that the group be permitted to attend church was believed to be one which finally moved the delegation to admit three wives. "I wasn't trying to persuade the delegation," she said. "I just thought we should be able to go to Mass on Christmas."

The three were told that release was inconsistent with North Vietnamese policy and would be part of the overall settlement of the war, but that names would be released on a "gradual" basis.

Mrs. Bruce Johnson, Salina, one of the three, was asked for a list of husbands whose families made the trip. As they were leaving, she asked a North Vietnamese official what they could tell their children about their fathers.

The official's answer: "Return home and tell your children their fathers are murderers of North Vietnamese childen."

When talking of the prisoners the North Vietnamese referred exclusively to pilots in the North, Mrs. Johnson told the Salina Journal. Nothing was said of enlisted men or prisoners held in the South.

Mrs. Clark believes only two names of noncommissioned officers ever have been released. "That was in 1966," she said. "Out of 1,500 men, that's low.

"You just write and write but you never get answers. But I've just got to hope. It's the only way. More letters keep coming out (of Vietnam). Who knows? Maybe next month I'll get one."

A special kind of tragedy is evident for each of the families sharing the long wait. In the case of Mrs. Patrick Harrold, her little boy, Timmy, was born 17 hours after her husband was declared missing last December.

Six days later, the letters Lt. Harrold had written his wife still were arriving.

Mrs. Harrold, 22, Hays, Kan., said, "On the night it happened, I didn't believe it. I looked at the letters, but I couldn't see through the tears.

"For the first three months I firmly believed he was alive," she said. But a friend who had been with her husband in Vietnam said he thought her husband had been killed.

Like all the wives interviewed, Mrs. Harrold has learned to live with the uncertainty. "That's all you can do, just live with it," she said. "But if I didn't have Timmy I'd just shrivel up and die. Patrick wanted a boy so much and on my way to the hospital I kept my fingers crossed for a boy."

Mrs. Harrold refuses to believe her husband is dead. Lt. Harrold went down over Laos flying a Phantom II combat jet. "I've been told the prisoners there are kept in 20-foot pits and have to live in their own filth and waste," she said.

JOURNEY WITH NO END

"I think it would be easier to know whether he's dead or alive—even if you lose your husband you can pick up the pieces and start over again. But this way you don't know whether you're a wife or a widow and it just continues. There's no end to it.

"There's no way to express how I really feel. It's always present in your mind," she said. "It's a hell on earth. I guess I feel most depressed because Timmy is learning how to do things now (he's 6 months old) and Patrick can't be here to share in it. But the busier I am, the better it is because then I can't dwell on it," she explained.

Lt. Harrold's young wife is a member of the National League of Families, a group intent on promoting public support to get Hanoi to release the names of "all" prisoners held captive in North and South Vietnam and Laos.

She has spoken on television shows and at luncheons to inform people of the league efforts and conditions under which prisoners live.

"I don't definitely believe Patrick's alive," she said, "but the league has restored my hope. Everything I'm doing in the league, I'm doing for Patrick," Mrs. Harrold added.

"The secret to living like this," said Mrs. Carl Karst, Russel, Kan., "is to dwell on the present. You can't live in the past."

Maj. Karst was within seven weeks of coming home when officials from McConnell Air Force Base pulled up in front of the Karst home.

That was 18 months ago. Today Mrs. Karst still hasn't completely adjusted to her husband not being home, which she says is the most difficult part for her and her three children.

"You just have to stay busy," she said. "You're up one day and down the next. It's just one big wait."

Mrs. Karst said she and the children, Cathy, 14, Tommy, 11, and Doug, 6, enjoy looking at the pictures taken when the whole family was together.

"We remember a lot, but you can't do this too much," Mrs. Karst explained. "They (the children) like to look at the pictures and remember daddy.

"There are all kinds of tragedies in the world. We've had a happy family life all along—and the children are aware of the kind of father he's been," she said.

"We haven't had time to feel sorry for ourselves. It's part of their lives."

When asked if she believed her husband was alive, Mrs. Karst replied, "Yes, I really do. But the chances are he could be dead too," she added.

She explained that the plane her husband flew, a Cessna O–2 observer was light and could land in trees over heavy jungle.

"There's been no word at all since he went down," Mrs. Karst said. "They conducted a three-day search and didn't find any wreckage or anything."

The one thing Mr. Karst dreads more than anything is her husband's death. "It's lonely without him," she said. "It's a world made for married people. All you can do is bury yourself in helping the kids lead an active social life."

There are many days when the loneliness seems too much to bear. "It can be only five minutes, but it seems endless. When you hit a rough day it seems like forever," she said.

When she heard the news of her husband Mrs. Karst said she didn't expect it. "But as I look back on it I wasn't surprised. I thought, 'This can't be happening to me.' I guess I was in a state of shock, but still operating. It was a long time before it really sunk in."

Mrs. Karst said the days seem more peaceful now. "I can live each day in more peace," she said. "I can't wish the next three months were over and he'll be home, because it might be the same then."

Mrs. Karst indicated the most frightening thing to her was to think there is no one she can contact who knows where her husband is. But, like all the wives interviewed, she feels his faith and self-determination will see him through. "I feel the Lord is with him," she said.

The soft spoken woman is seeking an elementary education degree at Fort Hays, Kan., State College. She likes small children and would like to teach on the third grade level. She also wants to be prepared if her husband returns from Vietnam disabled.

NOT KILLERS—JUST MEN

Also a member of the League of Families, Mrs. Karst said, "We're striving for American support to bring the men back. American support stopped the bombing. If we can get people steamed up enough about conditions, I think Hanoi will release the names. We just can't forget them," she said emphatically.

"You think of the men over there (in Vietnam) as warmongers—you know, Kill, Kill! But nothing could be more false. They're dedicated family men—just tremendous people with lots of ability. If they can come back they have a lot to live for," she said.

"That's why we have to work for their release, because they can't.

"We all want Carl back so badly," she said, "and that's the perfect ending."

A second briefing is scheduled for October to decide whether there is enough evidence to declare Mrs. Neal Bynum's husband killed in action.

Lt. Bynum was shot down five miles above the so-called "demilitarized zone" Oct. 12, 1969. "The chances of him being alive aren't good," Mrs. Bynum, Salina, said. "I don't know if he is alive, but I think and feel he is."

"Where he went down, neither air rescue nor troops can get in to help," she said. "There was no radio contact, no nothing.

"I knew something was wrong when mother answered the door," Mrs. Bynum recalled of the notification day. "The service told us what to expect. I was scared. Then the officer, a woman, read the letter to me.

"Death never entered my mind. I was numb. Then I heard the words 'missing in action.' It was almost a relief," she said.

"The fact that my husband is gone is always with me," she continued. "But you can't dwell on it. You just live from day to day, hoping your life will someday return to normal."

Lt. Bynum was gone 8½ months before declared missing. There's been no word since.

Positive thoughts and hope are what keep up Mrs. Bynum's morale. "The wife can't say, 'Well, he's dead.' So what would happen if Neal came walking in the door two years later?" she asked rhetorically. "You have to live with hope and then if the worst comes, you can start all over again. But if I had to wait five years to know that some day he'll come through that door, it would be like the next 24 hours," she said.

Mrs. Bynum feels wives with small children have the most difficult adjustment to make. She said the tension she feels reflects on her daughter, Angel, "and you can tell," she added. "Probably children 6 and older have the hardest time comprehending. I just hope Angel's father is home before she reaches that age, because I don't want to answer those questions."

Her top goal now is to have the names of the prisoners released. As a member of the League of Families, Mrs. Bynum has done television spots, speaking engagements and much behind-the-scenes work to drum up support of the American people.

"If the American people care enough about the men held prisoner and North and South Vietnam, and Laos too, if they care enough to write and show their concern, then the names will be released," she said.

"Of course the ultimate wish of the families is to bring the men home. But even if we could get the names released, it would relieve some of the anguish."

Mrs. Bynum said she feels something is going to happen within two years due to the election hopes of President Nixon.

"We have to have hope. I can't live with the thought that someone will come to the door someday with more bad news. I have to have positive thoughts," she said.

She feels strongly that political considerations have no part of the effort to have the names released. "It doesn't matter whether

it's hawk or dove, it's a humane cause," she insisted. "Some of the families have been quiet six long years. It's time someone started speaking out—and loud!"

While people are going through their daily routines, these men are dying, Mrs. Bynum said. "The American people aren't apathetic, but they need to get concerned. It's going to take more than the wives and families to get these men out—it'll take the support of the American people," she continued.

"But," she added, "people will read this article and forget about it the next morning."

The families are opposed to sympathy alone. All they want are their husbands. Their desperate hopes are for the future and dreams are of happier days gone by. The present seems endless as they wait and pray for the day when their husbands walk through the door—safe, and home again.

CRIME COMMITTEE HEARINGS IN PHILADELPHIA

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. NIX. Mr. Speaker, I am pleased to report that the Select Committee on Crime, of which I am a member, had most successful hearings in my home city of Philadelphia. We had a thorough exposition of the local problem by some of our most concerned public officials, examined the Federal programs concerned, and listened to a number of citizen witnesses who were very helpful to us.

Philadelphia has had a unique youth gang problem. Hundreds of young people have chosen organized violence as a means of expression, and the death toll has concerned our citizenry. One unfortunate result, we were told, was that so much effort was being made that there was a sorry lack of coordination, and I joined our chairman, CLAUDE PEPPER of Florida, in pledging renewed effort to help Philadelphia and its citizens.

Press and broadcast coverage of our hearings was so extensive that I can best report to my colleagues by providing some of the newspaper reports. Because many of us share high esteem for Mr. PEPPER, I first submit an editorial from the Philadelphia Daily News which welcomed our chairman to our city:

WELCOME, PEPPER!

Rep. Claude Pepper (D., Fla.) heads the Congressional committee taking gang killing testimony here this week. He is one of the few men ever to serve in the U.S. Senate, be defeated and then return to the lower chamber. His answer about this political curiosity is to remind the interviewer that a fellow by the name of John Quincy Adams was President and then served in the House (in fact, he died on its floor).

Representative Pepper has given notable service to his country and we welcome him to town.

Philadelphia's very able police commissioner, Frank L. Rizzo, was the principal witness of our first session, and we also heard from other official spokesmen. The Philadelphia Bulletin news report, by Henry S. Messaros and Sally Grimes, topped page 1 of that day's paper. The story accurately told of reactions to some of Commissioner Rizzo's statements:

STATEMENTS BY COMMISSIONER RIZZO

Police Commissioner Frank L. Rizzo told a congressional committee here today that Philadelphia needs large sums of outside money immediately to combat a "very critical" juvenile gang problem.

Rizzo was one of several witnesses at a hearing of the U.S. House of Representatives Select Committee on Crime at the Federal Building, 9th and Chestnut Sts.

Large infusions of state and federal funds, he said, would enable him to assign two experts to each of the city's 50 most active and violent gangs. They would try to divert gang energy into constructive pursuits, he said.

GOAL OF HEARING

Rizzo said the city is already spending $3.1 million a year for its Juvenile Aid Division, and $660,000 on salaries for gang control officers.

"Gentlemen it is clearly obvious that outside funds are needed to help combat Philadelphia's gang problem," Rizzo said.

Rep. Claude Pepper (D-Fla), committee chairman, said the purpose of the hearings is to determine whether federal aid would be helpful in the battle against juvenile gang warfare here.

Pepper observed that there has been no noticeable improvement in the situation since an investigation and hearings last year by the Pennsylvania Crime Commission.

NIX AGREES

Rep. Robert N. C. Nix (D-Pa), a member of the committee, agreed that there is an immediate need for money, manpower and talent to halt the violence.

"We will bring before this committee witnesses who have been fighting this battle. We hope to share their thoughts as to proposed solutions."

Rep. William A. Barrett (D-Pa.) introduced the panel of two congressmen and three legal aides to some 75 persons attending the session in a courtroom. Barrett is not a member of the committee.

He said the juvenile crime problem must be attacked by a federal, state and city combination. He promised to work for funds in Washington for such a program.

Managing Director Fred T. Corleto, appearing on behalf of Mayor Tate, said the city has responded to "the limit of its capabilities" to the gang problem. He asked for federal funds under the Safe Streets Act of 1968.

When Corleto finished his statement, Nix asked how much the city is getting now from Washington for gang control. Corleto said the amount was insignificant.

In answer to another question from Nix, Corleto said that last Monday a meeting was held to organize a Philadelphia committee of agencies responsible for dealing with youth problems.

"I am delighted to hear that," Nix said. "There has been too much fragmentation."

SINGLE DIRECTOR

City Council President Paul D'Ortona suggested to the committee that federal aid would allow all programs on juvenile crime to be brought under a single director here.

He blamed the city's urban redevelopment program for much of the trouble, charging that it uproots neighborhoods and throws strangers together in alien environments.

D'Ortona said a large share of the blame can also be placed on the parents, adding that government cannot take the full responsibility for what is happening.

NEED FOR DISCIPLINE

Institutions for the delinquent, D'Ortona continued, are "a farce and a travesty of justice" and fail to rehabilitate anybody.

"Discipline must come back to the schools. Discipline must come back to the homes, and authority given back to the police," he said.

Rizzo was flanked by two aides as he testified. Two huge red placards bearing the insignia of the police department adorned one side of the front of the courtroom. On the other side was a display of guns, knives and other weapons confiscated from juvenile gangs.

Rizzo, who testified for about an hour, told Pepper at the outset: "I'm honored to be here today, but I'm not going before any more committees. It's just a waste of time."

He said much time and money are wasted on official studies, adding: "If we could put money for studies into an action program we could get something done."

BATTLE FOR MONEY

Pepper nodded, saying he had frequently heard "that same pitiful plea."

Every day, Rizzo said, he puts up a battle for money. He agreed to list his needs for the committee in writing.

Nix observed that he is disgusted with competition and the lack of coordination among social service agencies.

"I know of no organization that does more than the police for the community," Rizzo said.

Several spectators protested out loud. Rizzo turned toward the audience and said: "Make them be quiet. If they can't be quiet, put them out."

THINGS QUIET DOWN

Several plainclothesmen got up and circulated about the room. The spectators became quiet.

When Rizzo had testified the city has had 100 juvenile gang killings since 1967, and that the number before that was insignificant. Nix wondered about the reason for this, saying that poverty and a lack of education existed then as now.

"There must be some other reason," Nix said.

"I wish I knew the answer," Rizzo replied.

Rizzo told the committee: "We must have speedy trials for hardcore gang offenders, plus swift and severe penalties for those convicted. Surely, the snail's pace of our judicial system is no deterrent to crime."

The commissioner said the city has 93 organized teen-age gangs with a total membership of 5,300.

BATTLE OVER "TURF"

He said 72 of the gangs are Negro, but that gang fighting is not racially inspired. "In most cases, Negro gangs battle Negro gangs, and whites move against whites."

Narcotics, Rizzo continued, play no part in gang activities. Most of the fighting is over "turf," the area a gang lays claim to.

Referring to his plan to hire 100 experts to work with the 50 most active gangs, Rizzo said they would serve as consultants to gang members, would help them get jobs or special tutoring and, if necessary, clothing and other needs of life.

"I sincerely believe that only with this helping hand treatment can we make effective inroads against the gang problem. As an extension of this program, the police department might, if federal funds were available, assist needy pre-gang age children."

He said he envisioned a police-administered clothing program adding: "It is a sad commentary on our times that some children miss school today simply because they have nothing to wear."

SOCIAL CONCERN

Many agencies should be providing such assistance now, Rizzo said, but they are caught by rising costs and don't have the funds to do it.

"The police department wishes to become involved in these aid programs. We want the public to realize that the police department has a heart, that we're genuinely interested in the welfare of Philadelphians and not simply intent on arresting people."

The New York Times' report on the first day's hearings was also detailed. I was pleased that the Times considered our session worthy of almost a full column's coverage. The Times' story follows:

REPORT ON FIRST DAY'S HEARINGS

PHILADELPHIA, July 16.—Police Commissioner Frank L. Rizzo told a Congressional committee today that the city was in desperate need of outside funds to combat the juvenile gang problem.

Mr. Rizzo said he needed money to enable him to assign two experts to each of the city's 50 most violent gangs.

Philadelphia has had 100 juvenile gang slayings since 1967, he said, and before that the number was insignificant.

Mr. Rizzo says the city has 93 identifiable teenage gangs with a total membership of 5,300.

Commissioner Rizzo was one of several witnesses at a hearing called by the House of Representatives Select Committee on Crime. Representative Claude D. Pepper, Democrat of Florida, is the committee chairman. Mr. Rizzo said Philadelphia was already spending $3.1-million a year for its juvenile aid division, and $660,000 on salaries for gang control officers.

PURPOSE DELINEATED

Mr. Pepper said the purpose of the hearings was to determine whether Federal aid would be helpful in the fight against juvenile gangs in Philadelphia.

He said that there had been no noticeable improvement in the gang situation since hearings in 1969 by the Pennsylvania crime commission.

Representative Robert N. C. Nix, Democrat of Pennsylvania, who is a member of the committee agreed and said that there was an immediate need for money and manpower to halt the violence.

"We will bring before this committee witnesses who have been fighting this battle," Mr. Nix said. "We hope to share their thoughts as to proposed solutions."

Managing director Fred T. Corleto appearing on behalf of Mayor James H. J. Tate said the city has responded to "the limit of its capabilities to the gang problem." He asked for Federal funds under the Safe Streets Act of 1968.

Representative Nix asked Mr. Corleto how much money the city was getting now from Washington for gang control and Mr. Corleto's reply was that the amount was negligible.

Pursuing the extent of juvenile crime here as compared to other cities, Mr. Rizzo's men asked the New York City police department how many juvenile slayings there were there in 1969, he said.

Philadelphia was told the New York had 1,058 homicides in 1969 but did not classify them by age, "which seems a little ridiculous," Mr. Rizzo said.

In reference to his plan to hire 100 experts to work with the 50 most active gangs, Mr. Rizzo said they would serve as consultants to gang members, would help them get jobs and special tutoring and, if necessary, clothing and other needs of life.

"I sincerely believe that only with this helping hand treatment can we make effective inroads against the gang problem," Mr. Rizzo said. "As an extension of this program, the police department might, if Federal funds were available, assist needy pregang age children."

Mr. Rizzo said he envisioned a police-administered clothing program. "It is a sad commentary on our times that some children miss school today simply because they have nothing to wear," he said.

He said many agencies should be providing such assistance now but they are caught by rising costs and insufficient funds.

"The police department wishes to become involved in these aid programs," said Commissioner Rizzo.

"We want the public to realize that the police department has a heart, that we are genuinely interested in the welfare of Philadelphians and not simply intent on arresting people," he said.

The hearings continue tomorrow.

The Philadelphia Tribune, an important biweekly paper, considered our hearings sufficiently important to spread an eight-column headline "5,300 Teenage Gang Members Here, Rizzo Says." Pamala Haynes' story said in part:

TEENAGE GANG

Police Commissioner Frank Rizzo, testifying at the opening hearing of the Select Committee on Crime of the U.S. House of Representatives yesterday (Thurs.), told the Federal panel that this city is plagued with 93 organized teen-age gangs. The gangs, Rizzio said, have 5,300 members.

Of the 93, 72 gangs are black. The largest of these, the Valley Gang, in the 25th and Diamond Sts. area, has 250 active members.

Rizzo told the committee, chaired by Florida Democrat Claude Pepper, that "practically none of the gang fighting is racially inspired."

"Negroes battle Negro gangs and whites move against whites," he said, adding that most of the white gangs are confined to the Northeast and South Philadelphia.

Rizzo described the gang problem in Philadelphia as "very critical" despite what he termed "a slight improvement" in conditions this year.

"So far in 1970, 17 persons, including a nine-year-old girl sitting innocently on her front step, have been slain in gang related rampages. For the corresponding period last year, there were 24 gang related slayings. In all of 1969, 41 persons lost their lives in gang incidents," he said.

Since 1967, police statistics show that 100 persons have been killed by roving gangs in this city.

I next call your attention to a report on judges' opinions as carried by the Philadelphia Daily News, under the byline of reporter Jim Smith:

JUDGES' OPINIONS

Judge Frank J. Montemuro, Jr., administrative judge of Family Court, told the House Select Committee on Crime that legislation is needed to make it a crime to belong to a gang.

"The first step in treating the over-all problem of anti-social gangs is to contain and control the spread of conflict," the judge told the committee hearing in the U.S. Courthouse here.

"Legislation making gang membership a crime would be a basic tool in halting this juvenile anarchy," he added.

Two U.S. congressmen heard testimony throughout the day citing the need of Federal aid to cities to halt juvenile delinquency.

Judge Montemuro summed up most of the witnesses' feelings when he said, "we need mount no massive research. This committee has but to undertake a 15-minute, non-stop drive through our North Philadelphia ghetto area to clearly identify what is urgently required in the areas of housing, poverty, unemployment, recreation, education or racial unrest."

Common Pleas Court Judge Clifford Scott Green in earlier testimony submitted a model for a Youth Services Commission to combat juvenile delinquency.

The commission, he said, would be independent, representative, federally funded and monitoring a complete system of youth services.

Philadelphia had a similar board during the administrations of former Mayors Joseph Clark and Richardson Dilworth, he said.

The commission would serve as a referral agency for all juveniles in trouble, provide services and programs to youth, study the problems of local youth, and collect and analyze statistical information, Judge Green told the congressmen.

In our second day of hearings, we listened to civic workers, educators, and gang members, as reported by Dennis Kirkland in the Philadelphia Inquirer:

DENNIS KIRKLAND REPORTS

Because of gang violence, young people are afraid to go to many public schools and, once there, "are more concerned about their personal safety than their education," the U.S. House Select Committee on Crime was told here Friday.

Robert L. Poindexter, executive deputy superintendent of schools, told the committee that young gangs have had "a tremendous impact on the public schools."

The committee also was told that the Philadelphia Urban Coalition has formed a Youth Development Council which will attempt to organize and coordinate the many "splinter" groups involved in gang work in the city.

Charles Bowser, executive director of the Urban Coalition, also proposed a five-point program calling for deployment of many more gang workers and equipping young "field personnel" with walkie-talkies so they can alert police to potentially violent situations.

William Wilcox, director of the Greater Philadelphia Movement, said the gang situation is a "mental health problem and should be treated with mental health techniques." He suggested that older gang members be "trained in group therapy techniques."

Poindexter, who said he was speaking for vacationing Superintendent Dr. Mark R. Shedd, said the gang problem has "reached alarming proportions and immediate steps must be taken to deal with the situation."

What are needed, he said, are jobs and programs to keep potential dropouts in school.

Bowser told the committee, which is concluding two days of public hearings, that gangs are here to stay. They are an integral part of the society of the city, he said, and will remain so until "an adequate substitute" is found.

These, in turn, should be coordinated with the programs of agencies like the Urban Coalition and Safe Streets, Inc.

Herman C. Wrice, president of the Young Great Society, brought four former gang leaders from Mantua and they spoke in his place.

Daniel Tate, 22, told the committee that gangs fight, for one reason, because they have nothing else to do.

"Basically, there's nothing to do. The average kid has no place to play, no job and no future," he said.

Boys start in gangs at age 12 as "peewees." They travel with the older boys and often carry weapons for older boys on their way to gang wars. Boys between 13 and 18 are called juniors, those between 18 and 21 are junior heads and, thereafter, "old heads."

Ezra Monroe, 23, who said he had been a burglar, told the committee that prison

facilities for juveniles are inadequate and that young boys are taught the "tricks of the trade" by older criminals.

CONGRESSMAN HALL REPORTS FROM WASHINGTON

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. HALL. Mr. Speaker, this week I am mailing to the constitutents of the Missouri Seventh Congressional District my quarterly newsletter, "Your Congressman Reports From Washington." It contains, in addition to a report on the activities of the second session of this 91st Congress, other bits of information that I feel is of interest to all.

The newsletter follows:

YOUR CONGRESSMAN REPORTS FROM WASHINGTON

DEAR FRIEND: Phillips Brooks, a noted pulpit preacher once said, "Do not pray for easy lives. Pray to be stronger men! Do not pray for tasks equal to your powers. Pray for powers equal to your tasks."

This mid-summer of 1970 finds the character of the American people being tested as never before. The tasks that face this nation are indeed formidable, and most certainly will require that the true strength and moral stamina of this Republic emerge, in order that we might properly "face up" to the monumental job of uniting this land that has seemingly been caught up in the conflicts of emotion and confidence.

We must honestly recognize that:

There is no easy way out of Vietnam.

There is no easy way to stop inflation.

There is no easy way to combat crime.

There is no easy way to solve the problem of the "inner" cities.

There is no easy way to prevent pollution.

The fact remains that although solutions may not be easy, solutions, nonetheless must be found. They can only come about by carefully planned programs, the use of restraint, and a united and dedicated people, determined that the responsible way is the only way. Then, they must have the will to work the plan.

For every benefit that the government holds out, one must ask, "What am I required to give up in return?" The answer will usually bring to light that the price demanded is greater than the benefit offered, whether in taxes, or in restrictions of individual freedom and initiative, or in self-respect and moral character.

For the Republic,

DURWARD G. HALL,
Member of Congress.

UNITED STATES HOUSE OF REPRESENTATIVES, 1970: FIRST 6 MONTHS REPORT

RAILROAD RETIREMENT ANNUITY

When passed by the Senate and signed by the President, this legislation will increase by 15 percent the Railroad Retirement annuities. It will be retroactive to January 1, 1970. This action by the House, keeps the Railroad Retirement in line with the Social Security benefit adjustments.

EMERGENCY HOME FINANCE ACT OF 1970

Authorizes $250 million to be used by the Federal Home Loan Bank for short-term and long-term loans to member associations. This legislation will help promote an orderly flow of funds into residential financing. It is estimated that the Act will permit the building of 200,000 new housing units.

DEPARTMENT OF AGRICULTURE APPROPRIATION FOR 1971

Funds were earmarked to provide for the inspection of 100 percent of the "red meat" that is marketed in the United States. It is planned to include poultry in the future. In addition, the A.S.C.S. and S.C.S. received increased funding of about $10 million. The appropriation granted assistance to schools serving free or reduced priced lunches to needy children, and restored the special milk program which will provide 3 billion ½ pints of milk to some 17 million school children.

POST OFFICE REORGANIZATION

The passage of this legislation provides for an 8 percent pay increase for 750,000 Post Office employees. It also assures that postal employees will have the freedom of choice regarding membership in a postal union. Other features include: Removing the Post Office from Cabinet status; permits bond financing for major improvements; calls for the assurance from both labor and management to refrain from any restriction on the use of new equipment devices which might reduce the cost or improve the quality of the postal service, and provided for the retention of existing veterans' rights.

PUBLIC WORKS APPROPRIATION FOR 1971

$1 billion for the construction of waste treatment facilities to help abate water pollution; an increase of $200 million over fiscal 1970.

FOREIGN AID APPROPRIATION FOR 1971

Funds for Foreign Aid have been reduced by $500 million below last year's amount. Even with this huge cut, the Foreign Aid Budget will still top $2 billion. Of special note is the fact that Foreign Assistance Budget has an *unexpended* balance of $18 billion, on which we pay interest.

ITEMS OF SPECIAL SIGNIFICANCE

VIETNAM

As promised, President Nixon has pulled all of our troops out of Cambodia following a highly successful action. Now that the rainy season has set in, the North Vietnamese will find it difficult indeed to re-establish their supply bases along the border. This in effect, *buys time* for the acceleration of the Vietnamization process which will do much to assure the speedy removal of American troops. More than 115,000 have already returned home. Another 50,000 are scheduled to be pulled out by October, and 100,000 more programed to return by Spring.

President Nixon has now appointed David Bruce, a highly regarded former Ambassador, to head our delegation to the Paris Peace Talks with the North Vietnamese. Mr. Bruce will be bargaining from a much stronger position than in the past, let us hope that he will also be more successful.

THE 18-YEAR-OLD VOTE

The President has signed into law the Amendment to the Voting Rights Act that will lower the voting age to 18. At issue is the constitutionality of this procedure. The Constitution leaves to the States, the power to set voting qualifications. The final decision on whether the law will take effect on January 1, 1971, now lies with the U.S. Supreme Court. The Court is expected to rule on the Act when it begins its next session in October.

Presently, only four states have voting ages lower than 21. They include Kentucky, Georgia, Alaska, and Hawaii. Recently voters turned down a referendum to lower the voting age to 18 in New Jersey and Ohio. Oregon voters rejected an attempt to lower the voting age to 19.

TEXTILE IMPORTS

Now in hearings before the House Committee on Ways and Means is H.R. 16920. This legislation is designed to limit 1970 imports of all textile articles and *leather footwear*, by category, to the average annual quantity which entered the United States in 1967–68. After 1970, the permissible level of imports would be adjusted upward or downward annually, in proportion to increases or decreases in domestic consumption. This is vital legislation to the many residents of the Seventh Congressional District who are employed in the manufacture of footwear.

SURCHARGE PHASES OUT

The National economy received a welcome "boost" effective July 1st, when the 5 percent tax surcharge expired. The overall monetary effect will be to increase the collective paychecks of American workers by about $6.5 billion this year. In addition, this year the personal exemption for the taxpayer and spouse as well as the dependency allowance has been increased.

ON PLEASING PEOPLE

To paraphrase Montaigne, the French essayist, "A Congressman has need of tender ears to hear himself freely judged."

Regardless of how careful and conscientious a Congressman may be, someone is almost always sure to misunderstand his actions, and attitudes, and utterances.

When he is conscientiously careful with the taxpayers' money, someone will almost surely say that he is too "tight-fisted." If his views are more conservative than ours, we may assume that he is "too conservative."

When he favors our position, we may refer to him as fair-minded and responsive. When he opposes our position we probably pronounce him prejudiced. And in all honesty, must we not admit the possibility of our condemning in a Congressman, what we condone in a friend? And, the chances are that we ourselves do many things that we resent in others.

When a Congressman does nothing, people oft times find fault with what he doesn't do; when he does *something*, they will find fault with what he does do. While part of the people may applaud what he does part of the time, it is more than probable that part of the people will surely disapprove of what he does at *any* time.

When, therefore, a Congressman is attempting to please other people, he must remember that no mortal man ever lived (and that includes all of us), who has ever pleased anyone all the time—not even himself. No matter what course a person pursues, someone will wonder why he didn't do something different.

Possibly the best thing a Congressman can do is to conduct himself conscientiously according to his best knowledge and sincere convictions and keep his mind always honestly open to the possibility of his own errors—and hope that others will forgive his mistakes, as he is expected to forgive theirs.

Indeed, a Congressman has need of "tough ears" to hear himself freely judged by others.

A TRIBUTE TO MR. DONALD DOUGLAS, A PROMINENT MINNESOTAN

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. KARTH. Mr. Speaker, a prominent Minnesotan is about to retire from active business life.

Mr. Donald Douglas, 3M Co. division vice president and general manager of the Reflective Products Division, has been with 3M for 42 years.

First, let me note that there is nothing unique about anyone retiring after 42 years of service with a company, an organization or for that matter with his Government. It happens every day.

Therefore, the uniqueness of his retirement is not in his length of service. It is Mr. Douglas' contribution to the safety of those who travel America's congested highways.

As leader, vice president, and general manager of the Scotchlite Special Products Division, tens of thousands of lives have literally been saved—not only in the United States of America—but in many foreign lands as well. In fact, he has contributed his lifetime to highway safety.

It is for this reason, Mr. Speaker, that I submit for the RECORD, the incomparable contribution this distinguished businessman American has made to his fellowman and to our society.

LAWYERS GROUP HONORS SUN-TIMES FOR SERIES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. PUCINSKI. Mr. Speaker, recently, the Chicago Sun-Times was named winner by the American Bar Association for its outstanding work on "contributing to public understanding of the American system of law and justice."

The award given by the ABA to the Sun-Times cited an excellent series of articles written by Mr. James W. Singer on legal subjects of public importance.

Mr. Singer himself is a unique person. He is both a lawyer and a journalist, thus possessing those unusual qualities that go into making a successful writer in the field of legal journalism.

Mr. Speaker, I wish to congratulate the distinguished Sun-Times and the equally distinguished Mr. Singer for their outstanding contributions to the public. In this day of mass communications, the Sun-Times and Mr. Singer have provided for the public, in a very readable fashion, an insight into the legal complexities of a variety of issues that face our Nation, which are timely and urgent.

I wish to place in the RECORD today an article concerning the ABA award to the Sun-Times and to Mr. Singer.

Mr. Speaker, the article follows:

LAWYERS GROUP HONORS CHICAGO SUN-TIMES FOR SERIES

The Sun-Times was named the winner Sunday of an American Bar Assn. award for "contributing to public understanding of the American system of law and justice."

This newspaper was cited for a series of articles by James W. Singer on legal subjects of public importance, including the need for more Negro lawyers, Illinois' new income tax law and church-state relations.

Inscribed silver gavels will be presented to The Sun-Times, Singer and other winners at the ABA's 93d annual meeting in St. Louis on Aug. 12.

REPORTER FORMER LAWYER

Singer, 34, is a graduate of Harvard College and the University of Virginia Law School. He joined The Sun-Times last year. Previously, he was on the staff of the St. Louis Post-Dispatch for 1½ years and in private law practice for six years.

Among other assignments for The Sun-Times, Singer covered the trial of the seven accused of inciting riots during the 1968 Democratic National Convention here.

Among other gavel award winners named by the ABA was Parade magazine, a Sunday supplement that appears in The Sun-Times. Parade was honored for an article explaining a new law program for high school students.

OTHER NEWSPAPER WINNERS

Awards went to two newspapers in the 500,000-and-over circulation category—The Sun-Times and the New York Times.

Newspapers in the 200,000-to-500,000 circulation category that won gavel awards were the Washington Evening Star, the Christian Science Monitor and the Louisville Courier-Journal.

Among awards to newspapers of smaller circulation was one to the Kankakee Daily Journal for an investigation of the local administration of criminal justice.

In addition to the gavel awards, the ABA named 20 winners of certificates of merit. Among these winners was Chicago Radio Station WIND for its efforts in gaining new legislation to expunge the record of first offenders who are not convicted.

WHAT STATESMEN MAY DO

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. HATHAWAY. Mr. Speaker, a thought-provoking article appears in the July 11 issue of America magazine which asks the question: "Has politics descended from a consideration of the fitting action to the technical level of the feasible reaction?" The question is asked in the context of the recent United States incursion into Cambodia, but its application is broader.

The article is the work of Francis X. Winters, a doctoral student at New York's Fordham University. I commend it to my colleagues.

A RULE OF THUMB FOR POLITICIANS

The alleged militarization of American foreign policy, coupled with recent events in Southeast Asia, has led to an energetic discussion on the constitutionality of current governmental processes. Yet there is a danger that the larger issues confronting the nation may be lost in the maze of constitutional-prerogative disputes. These larger issues focus on the question of national security, understood in the sense of the totality of human concerns which the nation must respect under pain of disintegration. While pursuing the urgent issues of the division of powers among the branches of government, we may be tempted to forget about the isolation of Americans from other nationalities, which frequently results in policy making from narrow attention to national security. In the hope of keeping the substantial issues in perspective, I would like to suggest some reflections on the technologization of politics.

By "technological" politics I refer to the tendency to confine political discussion within the limits of feasibility studies. Technology asks the questions: "What can we do?" and "How can we do it?" Technological politics asks about the cohesiveness and durability of the consensus behind some policy, while military technology concentrates on the strategic alternatives available to policy makers. Neither the military nor the elected parties to the discussion are confronting the total question of security until they entertain a more difficult question, which technology cannot answer. That further question is not the technical one of capability but the challenge of human dignity: What goals may we seek politically and militarily? What are the means we may use?

Beyond the effort to adjudicate the competing claims of political and military sectors of the American public lies the question of the devaluation of politics itself. Has politics indeed been debased to the level of merely technological considerations, to feasibility studies?

Has politics descended from a consideration of the *fitting* action to the technical level of the *feasible* reaction? Do we notice, for example, in analyses of the Cambodian venture, the prevalence of technical considerations, such as the suggestion, often heard, that if the brief invasion is successful, the plan will have been a stroke of genius? Are politicians as well as military analysts asking the merely technical question: "Have we enough resources to accomplish this?"

Technological politics, which asks the meager question: "What can we do?" rather than the human question: "What may we do?", may be yet another indication of the dominance of social engineering in American life. To the extent that technical considerations are controlling political life in America, the current attempts to balance the claims of political and military influence will be foredoomed, since political and military technology represent two weights on the same side of the scale: that of social engineering.

Up to this point we have asked whether politics has become technological, that is, reduced to the ritual of inspecting the opinion polls, a rationalized search for political portents.

There seems to be little evidence that politicians are asking the more formidable and fruitful question of the human spirit—what a statesman may do without losing his human dignity. Transcending merely technical calculations, a statesman asks the moral question about the limits of human choice: what are those things that a man may never do, under any circumstances, no matter what political advantages must be forgone? In addition to exercising restraint over the military on constitutional grounds, the statesman must exercise self-restraint on the grounds of human dignity.

The difference between the narrow, technological understanding of politics and politics in the larger, human sense lies perhaps in the divergent attitudes toward national security. One might be able to gauge the presence of a metapolitical awareness by asking the politician: "What considerations must be balanced against the enlightened interests of the United States?" If the answer is "None!", the so-called politicians have not yet transcended the level of technology. Until politicians are willing to recognize the equivalent status of other nations, they are not exercising anything more than violence (militarism). At this stage, there is no final difference between political and military considerations.

Recent events in Cambodia, of course, provide an illustrative example of this fatal blurring of political and military considerations. Militarily it seems appropriate to eliminate potential threats to troop withdrawal. Politically it may be feasible to maintain

domestic support for such an operation over a short period of time. Thus, considerations confined to the security of the United States may recommend the Cambodian invasion. Yet security conceived thus unilaterally may prove a false security.

Regardless of the historical judgment to come on the Cambodian strategy, there remains the properly political ("metapolitical," according to Hans Morgenthau) question of human dignity, the capacity of a moral agent to balance his claims against the claims of others. Specifically, the metapolitical question at issue here is that of the territorial integrity of Cambodia. As one of the group of resigning advisors to Henry Kissinger remarked in a press conference: "Somebody forgot to tell the President that Cambodia is a country." Does the United States (either the President or the Senate or both) have the right to violate the territorial integrity of Cambodia? Even though the government has recently given its express consent, this must be interpreted in the context of Cambodia's military impotence.

Furthermore, what are the precise U.S. interests that are being balanced against the considerable weight of Cambodian autonomy? These U.S. interests are often spoken of as "survival." Such arguments that the Cambodian invasion is essential to national security would be palpably absurd in any sense except the diminishment of American casualties during the troop withdrawal. Evidently such a calculation is a unilateral concern for American interests, with no regard for the claims of other nations. The argumentation, indeed, belongs to the same species of "cost-efficiency ethics" that is still used to defend the American use of A-bombs at Hiroshima and Nagasaki.

The metapolitical frame of mind, which is aware that human dignity makes claims that are prior to patriotism, insists that the national security be broadened to include the spiritual security of mutual respect among nations. Such a frame of mind devises a rule of thumb that can serve to balance the claims of competing parties to a dispute. The rule suggests that (excepting those cases where the survival of the nation is indisputably at stake) the legitimate political interests of other nations (such as autonomy, territorial integrity, free trade, and so on) will always coincide with the human (metapolitical) interests of the United States, even though they may not always coincide with our political interests.

The rule of thumb proposed here to measure metapolitical (human) interests is an attempt to express in more neutral language those interests of the nation that have usually been called "moral." Because of the unhappy history of moral discourse in America, the word "moral" is usually taken by policy makers to be equivalent to an absolutism of love that would surrender all claims to national survival. Such an idealistic position has indeed at times (especially between the two wars) dominated the moral discourse of America. Hence it is not surprising that policy makers adopt a condescending attitude to representatives of the "moral interests" in the United States. Yet it is my contention that policy makers who ignore metapolitical considerations do not rise above the stature of technicians. It is because of the contempt into which the moral perspective has (perhaps justifiably) fallen that politics rarely transcends the level of technology in America. An easy-going empiricism, or even cynicism, has grown up on the soil of wishful idealism.

The metapolitical formula proposed here, however, which balances the legitimate claims of other nations against those of the United States, is not a naive one-worldism of the United Nations-garden party variety. Underlying the metapolitical vision is the acceptance (rational or instinctual) of national survival as a valid criterion of policy. According to this formula, no course of action would be entertained that might probably undermine national security. Yet policy makers operating with this formula would ask very hard questions concerning the connection between apparently unjust means (violation of territorial integrity) and the principle of national security.

What, indeed, is required for the national security? Answers to this fundamental political question range from the prophetic call to dismantle the industrial complex (see Sidney Lens, in *The Military-Industrial Complex*) to the Presidential summons to "total victory." Such has always been the variation of estimates about national security, ranging from calculations based on trust to those relying on technology.

The proposal made here is that there is a middle path between the prophetic program of beating the swords into plowshares and the impoverished politics of technocracy. Security, according to this metapolitical analysis, cannot be considered a mere question of technical competence (which can do seemingly anything it can imagine); it is, rather, a question of the human spirit, whose pre-eminence in the evolutionary struggle consists in the capacity *not* to do everything it can imagine.

Security, then, is a blend of technical prowess and the perennial sense of human limitation, the awareness that there are some things that a man may never do, for any advantage whatsoever, at the peril of his own spirit. National security demands that policy makers with a metapolitical perspective keep a firm hand on both political and military factors in the nation. Rather than asking the technical question of what is good for the United States, they must ask the larger question of how U.S. national interests may be balanced against the legitimate interests of other nations.

Asking this metapolitical question is admittedly more hazardous than asking the technical questions of prestige and force. Failing to ask that question, however, may be more hazardous still. That hazard may be as high, as John Gardner suggests, as the disintegration of a nation.

TAX DEPRECIATION POLICY

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, July 23, 1970

Mr. JAVITS. Mr. President, last December during the debate on the Tax Reform Act of 1969, I was concerned, as were other Senators, about the pending outright repeal of the investment tax credit. My concern centered on the fact that the repeal of the investment tax credit removed an incentive to business investment—leading to increased productivity of our economy—without substituting a comparable incentive in its place. The business leaders and tax lawyers with whom I consulted at that time strongly urged that if U.S. industry is to maintain the levels of investment necessary to insure the productivity required by our people and international competitive position of our industries in the decade ahead, that some sort of a continuing investment incentive would be needed. It was repeatedly suggested that the repeal of the investment tax credit, made necessary as a long-run policy the revision of existing tax depreciation policy. At that time, the Under Secretary of the Treasury Charles Walker indicated that he would make available to the Congress a study with respect to tax depreciation policy.

This study has now been made available pursuant to that assurance. As our economy has moved into a mild recession, and as levels of business investment have declined and in many cases declined precipitously, it becomes increasingly urgent that serious consideration be given to the reinstitution of appropriate investment incentives. I share the sentiments of Professor Samuelson, when he stated on July 22, 1970 in testimony before the Joint Economic Committee that the repeal of the investment tax credit was a mistake and unfortunate. This mistake could be rectified by legislation or by the administrative determination to revise tax depreciation policy. I also agree with former Chairman of the Council of Economic Advisers and former ambassador Gardner Ackley who was also a witness before the committee that if revised depreciation schedules are implemented, that consideration will have to be given to balancing out revised depreciation schedules with some increase in existing corporate tax rates. I am also fully aware of the differences of opinion which exist concerning the type of investment incentives that need to be restored to our tax structure.

I feel strongly that this matter of depreciation schedules for new equipment should be given the priority attention it deserves. Secretary Kennedy, in making available to me this report with respect to tax depreciation policy, has initiated the essential first step toward fueling such a debate. I note in Secretary Kennedy's letter which transmits the report, it is stated that the eventual recommendations that will be forthcoming from Treasury on revising depreciation policy will "depend heavily on the levels of Federal expenditures which are to be financed and upon the money and credit policies selected to meet our domestic and international financial needs." Secretary Kennedy also states:

> For the short term, the Administration's continued concern with remaining inflationary tendencies in the economy suggests a cautious approach to tax policy; it would be fiscally imprudent to embark on long range tax policy courses before the weather charts can be drawn with confidence.

I do not agree and I would argue, that in at least one respect the weather charts are sufficiently clear. American business is now facing an increasingly serious profit squeeze as well as a serious liquidity crises. Seriously declining business profits have fueled the stock market decline and contributed to the revenue shortfall which has caused the budget to move into deficit. Future levels of business investment will be an important determining factor as to the depths of the current recession and the time span required to get this economy moving again.

The implementation of revised depreciation schedules now would help the profit margins of our corporations and correspondingly revenue flows to the Treasury could be favorably affected. Such increased revenue flows could help compensate for the revenue loss that

would result from the implementation of such modernized depreciation schedules. The key point is that the implementation of revised depreciation schedules now could play an important role in restoring business confidence and in turn in getting this economy moving again.

I will circulate this Treasury study to interested organizations for their evaluation and comment. When these comments are received, I will again report to the Senate on this vital policy question.

I ask unanimous consent that Secretary Kennedy's letter of July 17 and the enclosure entitled "Tax Depreciation Policy: Measures of Effectiveness and Estimated Revenue Loss" be printed in the RECORD.

There being no objection, the letter and the report were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., July 17, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am enclosing our report with respect to tax depreciation policy as promised in Under Secretary Walker's letter to you of November 25, 1969. The report includes revenue estimates for a number of depreciation liberalization methods. In addition, the report presents an extensive set of measures of investment incentive effectiveness which should prove useful in evaluating these business tax options.

The Treasury is continuing its studies of a wide range of tax policies, including modifications of tax depreciation. These studies are generally addressed to questions concerning the compatibility of the federal tax system with national economic goals in the private and public sectors. Some of these tax policies would raise revenues, and others would reduce them; each would naturally alter the structure of the tax system and its impact on private saving and consumption decisions. Thus, the recommendations which will be forthcoming depend heavily on the levels of federal expenditures which are to be financed and upon the money and credit policies selected to meet our domestic and international financial needs. For the short term, the Administration's continued concern with remaining inflationary tendencies in the economy suggests a cautious approach to tax policy; it would be fiscally imprudent to embark on a long range tax policy course before the economic weather charts can be drawn with confidence.

I hope you will find this tax depreciation report useful in your evaluation of business tax policies. If there is any further assistance we could furnish, please call upon me.

Sincerely yours,

DAVID.

TAX DEPRECIATION POLICY OPTIONS: MEASURES OF EFFECTIVENESS AND ESTIMATED REVENUE LOSSES

This report develops a set of measures of effectiveness of changes in tax depreciation policy as investment incentives and applies them to such commonly proposed changes as: (1) provision of initial allowances; (2) arbitrary shortening of useful lives of assets for tax purposes; (3) allowance of declining balance depreciation methods at three times the straight line rate; and (4) substitution of the full year for half year convention. In addition, consideration is given to the qualitative aspects of abandonment of the reserve ratio test and to disregarding additional amounts of salvage in the determination of allowable depreciation deductions. Estimates of revenue losses associated with a variety of depreciation policy changes are also presented, along with a description of the computer model utilized for their computation.

PART I. FOUR MEASURES FOR COMPARING ALTERNATIVE DEPRECIATION POLICIES

Tax depreciation policy may be described most succinctly as the set of rules which govern the size of annual depreciation deductions allowed for purposes of computing taxable income. These rules, in general, specify that the aggregate of all depreciation deductions which may be taken by a business taxpayer may not exceed the difference between the original cost, or other basis, of the asset and its salvage value, and that this depreciable basis must be apportioned over the estimated useful life of the asset by a consistent method.[1]

Despite the fact that the aggregate depreciation deductions for any asset may not exceed the depreciable basis and is the same under any method, the *timing* of the deductions varies under different methods; and since differences in timing of deductions cause differences in timing of tax liabilities, changes in tax depreciation policy have economic consequences. It is generally understood that tax depreciation policies which permit more depreciation deductions in early years are "worth more" to a taxpayer because they defer his tax liabilities to later years without penalty of interest charges. In this introductory note, assuming an asset which costs $1,000, has an actual useful life of 12 years, and no net salvage value, we develop four measures by which to evaluate four alternative tax depreciation policies. The period of 12 years has been taken for the illustration because it represents the average useful life for depreciable assets used in manufacturing industries, the sector of the economy which is regarded as being highly sensitive to investment incentives. For purposes of constructing these measures, it will be assumed an *after-tax* rate of return of 12 percent is representative, since that is the return on equity reported by all manufacturing companies in the SEC–FTC *Quarterly Financial Report* over the previous three years.

Section A of Table 1 portrays the effect of differences in timing of deductions as among several depreciation methods. Expensing, which is the extreme of "acceleration," allows an immediate write-off of basis; and, with less accelerated methods, the first year deductions range down to $83.33 by the straight line method. By the end of the first half of the asset's life, $500 of deductions would have been taken under the straight line method, but the amount under the sum-of-years digits (SOYD) method would be $730.77.

Considering that, to the taxpayer hypothesized here, each dollar of payment deferral can yield a net return of 12 percent, we may quantify the values of these alternative depreciation policies to the taxpayer as he contemplates the purchase of the $1,000 asset with a 12 year expected life so that they may be compared with each other by discounting each method's depreciation deduction stream to the present at 12 percent. The result is shown in Section B of Table 1. Obviously expending, which has the quickest write-off has the highest present value, shown as $1,000 in the table;[2] and straight line depreciation, which has the lowest present value.

Of course, present values of deductions have no economic content in themselves; they do not directly represent cash payments or receipts. However, under an income tax system, they do affect tax liability and, hence, the accrual and payment of taxes. Reflecting an income tax rate of 48 percent, the second row of Section B shows the differential cash flow effect of depreciation policies on the owner of the asset as he considers purchasing it. The interpretation of these numbers is as follows: if the prospective owner of the asset—who is (1) paying a 48 percent tax and (2) expects a 12 percent return after tax—presented with the choice of no allowance for tax depreciation deductions or of being accorded the privilege of taking straight line deductions, he would be willing to pay up to $247.78 for the privilege of using the straight line method. Alternatively, if he had been permitted only to take straight line depreciation and were asked how much we would be willing to pay for the privilege of using the double declining balance method, his response would be: "Up to $39.74," which is the excess of the present value of DDB *tax reductions* (extra cash flow) over straight line. Similarly he would be willing to pay up to $49.94 for the opportunity to use SOYD depreciation rather than straight line and $232.22 to expense rather than be limited to straight line. These differences in the value of tax deferred associated with different tax depreciation policies are one useful economic measure.

TABLE 1.—COMPARATIVE MEASURES OF DIFFERENCES BETWEEN FOUR DEPRECIATION METHODS APPLIED TO A $1,000 ASSET WHEN THE AFTER-TAX RATE OF RETURN IS 12 PERCENT

Item	With income tax at 48 percent, and allowable tax depreciation			
	Straight line	Double declining balance	Sum-of-years digits	Expensing
A. Tax life=expected life=12 years cumulative depreciation deductions, at end of year—				
1	$83.33	$166.67	$153.85	$1,000
3	250.00	421.30	423.08	1,000
6	500.00	665.10	730.77	1,000
12	1,000.00	1,000.00	1,000.00	1,000
B. Present value of depreciation deductions at beginning of year 1	516.20	599.01	620.26	[1] 1,000
Equivalent present value of reduction in tax liabilities	247.78	287.52	297.72	[1] 480.00
Excess over straight line depreciation		39.74	49.94	232.22
C. Asset price reduction which would be equivalent to tax depreciation more accelerated than straight line		52.85	66.40	308.72
D. Effective tax rate, straight line depreciation as standard (percent)	48	43.3	42.0	0
E. Effective rate of return, straight line depreciation as standard (percent)	12	13.1	13.4	23.1

[1] If it is recognized that tax deductions cannot be effectively taken until tax liabilities are accrued and payable, the present value of the deductions would be $944.91, and the present value of the reduction in taxes would be $453.56.

Section C presents another series of measures of the economic significance—incentive effect—of these depreciation policies. The point of view taken is the following: if, as was basically the case before 1954 when accelerated depreciation methods were authorized by the Internal Revenue Code, we take straight line depreciation as the base from which to measure change, then it can be computed that the benefit from being permitted to use DDB rather than straight line methods is equivalent to a reduction of

Footnotes at end of article.

$52.85 in the price of this $1,000 asset, or a price reduction of 5.3 percent. That is, if the Government had subsidized the sale of this asset to the extent of $52.85 but continued to require the asset owner to use only straight line depreciation (on the diminished basis of $947.15), the asset owner would be as well-off as when he is extended the privilege of using DDB. Or, put another way, the incentive effect of permitting DDB rather than straight line depreciation is equivalent to that which would be produced by a 5.3 percent reduction in the prices of 12 year assets. And, since SOYD depreciation is more accelerated than DDB, a switch to it from straight line is equivalent to a $66.40 reduction in the price of a $1,000 asset, or 6.6 percent.[3] Finally, permission to expense the cost of the asset rather than take straight line depreciation would be equivalent to a $308.72 reduction in price, nearly 31 percent, a powerful incentive indeed.

The same data may also be used to measure the tax depreciation policy differentials as differences in effective tax rates, as is shown in Section D of Table 1. Clearly, if more accelerated depreciation is worth more to the owner of a depreciable asset than less accelerated depreciation, this increased benefit may also be equated to a lower rate of taxation while holding the depreciation method constant. As indicated in Table 1, if straight line depreciation is taken as the basis of comparison, and the nominal tax rate is 48 percent, permitting DDB is equivalent, from the point of view of the owner of the asset, to a reduction in the tax rate of 43.3 percent. That is, in lieu of permitting the use of DDB, a reduction in the tax rate from 48 to 43.3 percent (and still requiring straight line depreciation) would leave the asset owner equally well-off. And, since the difference between straight line and DDB depreciation policies is equal to an asset cost reduction of 5.3 percent (see Section C of Table 1) we may observe that a reduction in the tax rate from 48 to 43.3 percent has the effect of reducing the cost of 12 year assets by 5.3 percent. It is in this sense that a tax rate reduction is also an investment incentive. Again, since SOYD depreciation deductions are worth more than DDB, permitting a switch from straight line to SOYD reduces the effective tax rate to 42 percent. Finally, permitting the capital cost of an asset to be expensed has the effect of exempting the income from ownership of the asset from taxation.[4]

A fourth measure of the differential economic impact of tax depreciation methods, also based on the data of Section B in Table 1, is expressed in terms of rates of return from the ownership of depreciable assets. Once again, taking the straight line depreciation case as a standard of comparison, if the rate of return after taxes at a 48 percent tax rate is 12 percent, the benefit of permitting DDB tax depreciation is equivalent to raising the rate of return to 13.1 percent, an increase of 1.1 points, or more than 9 percent in after tax rate of return; permitting SOYD is equivalent to raising the rate of return to 13.4 percent, an increase of 11.5 percent; and permitting expensing is equivalent to raising the rate of return to 23.1 percent, a 92.5 percent increase in rate of return.[5]

It is worth noting that the increase in rate of investment which might occur in response to the incentives provided by a change in tax depreciation policy, or any other business income tax policy that reduces the weight of taxation on the cost of undertaking investment projects, reflects two distinctive elements. There is, most obviously, an increase in rate of investment due to expansion of kinds of investment which were already profitable enough to be undertaken before the policy change; since these are now more profitable, more will be undertaken. Additionally, many investment projects which were insufficiently profitable before the change now become profitable.

In the example above, for 48 percent taxpayers, projects with a useful life of 12 years, which could only yield after tax rates of return of 10.6 percent when tax depreciation is limited to straight line and hence could not be undertaken because the going rate of return in the market is 12 percent, become eligible for investment if tax depreciation is allowed to be computed by the SOYD method. With no change in the market prices of products or depreciable assets, this degree of liberalization of depreciation would raise the after tax rate of return of such projects to 12 percent and qualify them to be undertaken.

Of course, the extent to which the rate of investment may be expanded for both these reasons is dependent on the expansibility of the supply of savings (capital funds). If desired expansion in the rate of investment does not elicit an increased flow of savings, interest rates (the rates used in discounting future payments) will be pushed upward, and this will dampen the rate of investment undertaken.

The above may be summarized in the following way: In 1954 when tax depreciation was liberalized by making freely available to taxpayers the use of SOYD depreciation, if 12 year assets may be taken as typical of manufacturing machinery and equipment, and a 12 percent after-tax rate of return is descriptive of the opportunity cost of capital, the option to switch from straight line depreciation to SOYD may be evaluated, reading down the column headed SOYD in Table 1, as worth:

a. $49.94 per $1,000 of net assets, in terms of greater cash flow from tax deferral, or

b. The equivalent of a 6.6 percent reduction in the cost of new assets, or

c. A reduction in the effective tax rate from 48 to 42 percent, or

d. An increase in the rate of return from ownership of assets from 12 to 13.4 percent.

Since all these measures are derived from the same data—the differences in present value of varying degrees of tax deferral provided by optional tax depreciation policies—they are equivalents: The greater degree of tax deferral under SOYD as compared with straight line depreciation for a $1,000 asset with a 12 year life is equal to a present value in cash of $49.94, which is the same as a 6.6 percent reduction in the price of the assets, or a reduction in the tax rate from 48 to 42 percent, or to an increase in after-tax profitability from 12 to 13.4 percent. Depending on the way particular investors may prefer to assess the effect of a change in income tax policy, any of these measures will suffice to index the "incentive" effect of a change.

The response to these incentives, however, will obviously not be uniform over all industries. Depreciable assets are only one input to production processes, and the relative importance of this form of capital varies greatly from industry to industry. In some industries, such as primary metals, chemicals, and heavy manufacturing, depreciable assets contribute five times as much to unit product costs as in others, such as textiles; a 6 percent reduction in the cost of depreciable assets will clearly elicit much more response in the former category of industrial enterprises than in the latter.

In Part II, several changes in tax depreciation policy are examined. To the extent each change results in a determinate modification of the time stream of depreciation deductions, the change is evaluated by at least one of the measures developed above. That is, given the present law provisions (including accelerated depreciation), the value of a proposed change—substituting a first year allowance, allowing triple declining balance depreciation, etc.—is measured as an asset price reduction equivalent, a change in effective tax rate, or an increase in "rate of profit."

PART II. TAX DEPRECIATION POLICY OPTIONS

The reasons for modifying the present tax treatment of depreciation range over the entire spectrum of considerations pertinent to tax reform. Since tax depreciation is a major determinant of the effective tax imposed on income from business equity investment, one set of objectives toward which depreciation proposals are aimed is concerned with incentives to investment. This set addresses both generalized concerns that the rate of private investment is inadequate to support a sufficiently high rate of economic growth as well as particular concerns that investment in specific industrial categories is disadvantaged with respect to other categories or to foreign investment. A second set of objectives, not necessarily mutually exclusive of the other, principally addresses basic questions of business income tax structure: the neutrality of present tax depreciation policies with respect to investments in assets of different lives and with respect to the effects of inflation.

A number of proposals to achieve one or more of these objectives is examined in this part. Whenever possible, the investment incentive equivalent of the proposal will be discussed, along with their more important implications for tax system neutrality. No conclusions as to the merits of the options are reached; these can only be arrived at in the context of a budget proposal, including an evaluation of the fiscal impact of particular proposals and the available means for financing them. As an aid to budgetary evaluation, revenue estimates for particular proposals are presented in Part III.

A. Proposals to liberalize tax depreciation, the incentive effects of which are not amenable to quantification and tax revenue estimation

(1) Abandon the Reserve Ratio Test

When Revenue Procedure 62–21, popularly known as "Guidelines," was published in 1962, two purposes were served. On the one hand, the Guidelines presented a simplified set of asset classes with corresponding asset lives that constituted the first revision of "guideline lives" since these had been incorporated in Bulletin F in 1942. On the other hand, Guidelines formalized the application of the reserve ratio test, a mechanical method by which business taxpayers may establish whether the asset lives they are using for tax purposes are consistent with their useful lives as required by Section 167(a) of the Internal Revenue Code.[6] The guideline lives published were not only simplified as compared with the extensive listings in Bulletin F, they were also purposely set at levels below typical, or average, replacement periods, as indicated in industry surveys that had been completed for the revision, rather than at industrial averages as had been the case in Bulletin F. The reason for this departure in Guidelines was the desire to facilitate the adoption of faster replacement policies by business taxpayers in harmony with the economic policy objective of the time to modernize United States industrial plant, which was then thought to be obsolescent.

It was not the intent of Guidelines to simply shorten lives for tax purposes for all taxpayers. It was, rather, intended that taxpayers who had adopted, or wished to adopt, investment policies which resulted in below-average replacement periods should not be penalized by the theretofore traditional tax audit procedure which placed the burden of proof on the taxpayer for "justifying" departures from Bulletin F lives. Thus, the new published guidelines were "short" for the bulk of business taxpayers, but they were admonished that, if they were to use these lives, or any other which might be shorter or longer, they would have to satisfy the reserve ratio test. In order to facilitate changes in investment policy which taxpayers might be induced to make by the new rules, it was

Footnotes at end of article.

announced that the reserve ratio test would not be applied for three years; and to further moderate audit of transitional adjustments of taxpayer investment policy, in 1965 Revenue Procedure 65–13 was published, supplementing Guidelines with a set of rules which enable taxpayers to satisfy the reserve ratio test by trending toward a conformity of tax and actual lives. Altogether, present law tax depreciation policy may be characterized as a set of rules under which taxpayers may freely select from a set of depreciation methods (straight line, double declining balance, sum-of-years digits, etc.) allowable under Section 167 of the Code by which to distribute the cost of assets over their expected useful lives, and they may objectively establish the conformity of their depreciation deductions with their replacement policies by pre-established rules—the reserve ratio test and supplementary transition rules.

Almost from the date of publication of Guidelines, critics have advocated abolition of the reserve ratio test. One body of criticism has centered on the alleged inability of the reserve ratio test to accommodate likely variances in growth rates of individual firms. However, an extensive simulation study published by the Treasury Department in 1968 rebuts these allegations.[7] A more substantial body of criticism is based upon the contention that, in the dynamic world of business investment, the useful life of a depreciable asset is not a physical datum. The useful life depends on the "wearing-out" process, to be sure, but also on prices of replacement assets, expected value of output, capital costs, etc.

Since estimates of useful life made when assets are acquired are likely to be found inaccurate because of changes in the variables noted above, it is arbitrary and constraining on sound investment behavior to bind taxpayers to a historically based reserve ratio test. Since even the reserve ratio test is arbitrary in this dynamic sense, it should be abandoned and replaced by a system of "capital allowance" deductions for tax purposes which are available to business taxpayers by "right."

It is beyond the scope of this report to evaluate this criticism and its implications for tax policy. However some comment on the proposed solution is appropriate here. In view of the admittedly great diversity of replacement policies among firms in the same industry and the still greater diversity between industries, an arbitrary system of capital allowances would necessarily result in inequalities in the tax treatment of private investment. For those taxpayers whose situation is (accidentally) accommodated by the prescribed allowances, no tax benefit would be derived; but for the greater number whose situation is not typical, tax benefits and penalties would result. Even if the periods for allowable cost recovery were sufficiently short that the depreciation deductions of substantially all taxpayers were increased, the degree of benefit to individual taxpayers would nevertheless vary, creating the same inequalities.

An obvious expectation under a system of arbitrary capital allowances is that pressure from those who are either not benefited, or are actually penalized by the existing allowance system, would be continually exerted on the Congress and Treasury to "liberalize" the allowances. (See the discussion below of the benefit to taxpayers of shortening lives and otherwise increasing the present value of depreciation deductions for an indication of the sizable benefits from such liberalizations.)

If the reserve ratio test were abandoned and all taxpayers permitted to use Guideline lives, some undeterminable revenue loss would doubtlessly result as those taxpayers who are now constrained from using the shorter Guideline lives by the reserve ratio test would adopt them. Moreover, this loss would be amplified in the short run if taxpayers were permitted to group their existing assets into Guideline classes and apply to them the higher depreciation rates implied by the Guidelines.

If the reserve ratio test is abandoned and replaced by a system of arbitrary capital allowances, either by amendment of the Internal Revenue Code or by new regulations, the Congress and Treasury Department would be thrust into the role of arbiter of industrial asset replacement policy. By its determination of "the" useful life of particular assets, and assuming prescribed lives would be set intentionally low, the government would be affecting investment incentive. To the extent the economic circumstances in which taxpayers find themselves dictate they should employ asset replacement policies that yield above average actual useful lives within their industrial (guideline) classification, these taxpayers will be benefited by the use of arbitrary capital allowances; but other taxpayers who have found it economic to employ rapid replacement policies and for whom the arbitrary allowances would not permit capital recovery within actual asset lifetimes, would be forced to pay higher effective tax rates. There would appear to be no economic principle by which to justify providing an investment incentive to the former group and a disincentive to the latter. Indeed, this is recognized by advocates of arbitrary capital consumption allowances who generally recommend that taxpayers who can demonstrate that their economic circumstances warrant the use of shorter tax lives than are prescribed by statute or regulation be permitted to do so. But if some business taxpayers are able to justify particulated tax lives, in the interests of tax system neutrality with respect to private investment decisions, *all* taxpayers should do so.

(2) Disregard Salvage Value in the Computation of Allowable Depreciation

Under present law taxpayers are generally limited to an aggregate of depreciation deductions over the estimated useful life of assets no greater than the difference between cost, or other basis, and salvage value. However, in order to minimize taxpayer-Revenue Agent conflicts concerning reasonable estimates of salvage value, Section 167(f) permits amounts of salvage value up to 10 percent of original basis to be disregarded. As a step toward further simplification and liberalization of tax depreciation, it is occasionally suggested that additional amounts of salvage value might be disregarded in computing allowable depreciation; and as the ultimate in simplification, salvage value might be completely disregarded.

The practical import of this proposal is obviously to increase the absolute amount of depreciation deductions available to the owner of a depreciable asset and, thereby, to increase the present value of allowable tax depreciation. Clearly, the value of this benefit, the incentive effect, will depend on whether taxpayers own depreciable assets possessing salvage value that can be disregarded, on their tax rates, on the expected life of the assets in question, and on the depreciation method which they may use. Illustrative calculations of the benefit from disregarding an additional amount of salvage value equal to 10 percent of the original basis are shown in Table 2. The benefits are expressed as asset price reduction equivalents (See Part I), and are shown for taxpayers subject to 22 and 48 percent tax rates, using either straight line or SOYD depreciation methods, and for asset lives from 5 to 30 years. Inherently, this proposal provides greater tax benefits the shorter the asset life and the more accelerated the tax depreciation formula, and in common with all proposals to provide tax incentives via tax depreciation policy, it provides greater benefits to high-tax-rate asset owners (i.e., larger businesses) than to low-tax-rate owners. Since the margin of benefit is so much greater for short lived assets while being restricted to taxpayers who, in fact, have salvage value to ignore it is reasonable to infer that one of the side-effects of such a change in the tax laws would be to stimulate the growth of artificial asset ownership and trading patterns whose only function would be to maximize the amount of tax depreciation deductions.

TABLE 2.—TAX BENEFIT OF DISREGARDING ADDITIONAL SALVAGE VALUE EQUAL TO 10 PERCENT OF ORIGINAL BASIS

Asset life (years)	Asset price reduction equivalent, per $1,000 of original basis, if the tax rate is—			
	22 percent		48 percent	
	Depreciation method			
	Straight line	Sum-of-years digits	Straight line	Sum-of-years digits
5	$18.85	$20.56	$52.92	$59.25
10	14.19	16.96	37.21	46.27
15	11.10	14.30	27.87	37.55
20	8.95	12.28	21.84	31.35
25	7.41	10.72	17.73	26.77
30	6.28	9.47	14.80	23.27

For example, if salvage value were disregarded, owners of assets with, say, a normal useful life of 10 years and a zero salvage value at the end of that period, would find it economically rewarding not to hold title to the asset but, rather, to "lease" its use from firms established for the purpose and who would arrange to "exchange" the asset frequently during the 10 years, each time restoring all or some of the basis. In the extreme, such purely tax avoidance arrangements might permit many capital assets to effectively be expensed. This tendency to create artificial leasing and asset exchange arrangements always occurs when significant amounts of salvage value (in the hands of the asset owner) are ignored.[8]

Due to uncertainty about the extent of disregardable salvage and its distribution among business taxpayers, no revenue estimates could be prepared to indicate the tax loss which might be associated with such proposals.

B. Quantifiable proposals to liberalize tax depreciation

A number of proposals to liberalize tax depreciation policy may be conveniently grouped under the head of "accelerating" tax depreciation. By the methods described in Part I above, these proposals lend themselves to quantification, both as to their quality as investment incentives and as to the probable revenue losses which would be experienced in the event they were adopted. They are reviewed in this section in descending order of their stimulative effect, quantified as: (1) asset price reduction equivalents; (2) effective tax rates implied; and (3) rate of return. In all cases, the standard of reference is to the current situation of business taxpayers assumed to be using DDB methods, able to satisfy the reserve ratio test and following the half-year convention (see below for explanation). It is also assumed that a 12 percent after-tax rate of return is representative of the current situation; thus 12 percent is the discount rate which has been employed to calculate the differential incentive effects of the proposals.[9] And finally, all calculations are based on the assumption that no more than depreciable basis (original basis less salvage) is depreciated.[10]

(1) Provide an Initial 40 Percent Allowance

A method for accelerating tax depreciation is the provision of an arbitrary allowance, usually expressed as a percentage of the original basis of the asset, in the first year of

Footnotes at end of article.

asset ownership. Since this method merely moves a portion of the aggregate allowable depreciation forward in time, it obviously results in acceleration in a manner easily controlled by the size of the initial allowance. The use of an initial allowance, sometimes called partial expensing, may be found in the tax laws of some foreign countries and in the financial accounting practices of domestic corporations. Here we consider the effect of a 40 percent initial allowance, but the measures presented may easily be adapted to smaller allowances by a proportionality factor.

Due to the fundamental characteristic of an initial allowance that a fixed proportion of the depreciation occurs in the initial year, its economic effectiveness increases with the expected life of the asset for which it is allowed.[11] This is shown in Tables 3, 4, and 5: Table 3 shows that, as compared with the situation of taxpayers under present law, provision of a 40 percent initial allowance is the equivalent of an 8.4 percent asset price reduction to 48 percent taxpayers owning 10 year assets but a 15.1 percent price reduction to owners of 50 years assets; and for 22 percent taxpayers, the corresponding asset price reduction equivalents are 3.1 and 6.5 percent. Similarly, in Table 4 it may be seen that the effective tax rate of nominal 48 percent taxpayers would be reduced to 37.9 percent in the case of 10 year assets by a 40 percent initial allowance, and to 36.8 percent in the case of 50 year assets; the corresponding effective tax rates for nominal 22 percent taxpayers would be 15.7 and 15.1 percent. Or, put a third way, Table 5 shows that a 48 percent taxpayer would have his 12 percent rate of return on 10 year assets raised to 14.3 percent by a 40 percent initial allowance, whereas the rate of return on 50 year assets would be increased to 14.6 percent; and as with the previous measures, the 22 percent taxpayer's rate of return shows less beneficial effects, rising from 12 percent to 13.0 and 13.1 percent of 10 and 50 year assets, respectively.

Footnotes at end of article.

TABLE 3.—ASSET PRICE REDUCTION EQUIVALENTS OF SELECTED TAX DEPRECIATION POLICY CHANGES, BY LENGTH OF USEFUL LIFE, FOR TAX RATES OF 22 AND 48 PERCENT

Present useful life, in years	Asset price reduction equivalents, if the tax rate is— 22 percent; Tax depreciation policy options: Full-year convention	300 percent declining balance	40 percent shorter lives	40 percent initial allowance	48 percent; Full-year convention	300 percent declining balance	40 percent shorter lives	40 percent initial allowance
3	1.35	1.16	1.16	1.01	4.04	3.49	3.49	3.04
4	1.24	1.29	2.11	1.39	3.64	3.80	6.22	4.08
5	1.20	1.44	1.87	1.74	3.48	4.18	5.39	5.03
6	1.12	1.55	1.72	2.05	3.19	4.43	4.89	5.84
7	1.09	1.67	2.48	2.35	3.05	4.69	6.96	6.58
8	1.02	1.76	2.27	2.61	2.83	4.87	6.30	7.23
9	.99	1.85	2.92	2.86	2.71	5.06	8.01	7.83
10	.93	1.91	2.73	3.09	2.53	5.19	7.39	8.37
11	.91	1.98	2.54	3.30	2.43	5.32	6.81	8.86
12	.86	2.03	3.06	3.50	2.29	5.40	8.14	9.30
13	.83	2.08	2.87	3.68	2.20	5.49	7.57	9.71
14	.80	2.12	3.33	3.85	2.09	5.54	8.71	10.09
15	.77	2.15	3.11	4.02	2.01	5.60	8.09	10.43
16	.74	2.18	2.92	4.17	1.91	5.62	7.54	10.75
17	.72	2.20	3.31	4.31	1.85	5.65	8.48	11.05
18	.69	2.22	3.10	4.44	1.77	5.66	7.91	11.32
19	.67	2.23	3.44	4.56	1.71	5.67	8.73	11.58
20	.65	2.24	3.24	4.68	1.64	5.66	8.19	11.81
21	.63	2.25	3.06	4.79	1.59	5.65	7.67	12.04
22	.61	2.25	3.34	4.90	1.53	5.64	8.36	12.24
23	.59	2.26	3.16	5.00	1.48	5.62	7.87	12.44
24	.58	2.26	3.42	5.09	1.43	5.59	8.47	12.62
25	.56	2.25	3.23	5.81	1.39	5.57	7.98	12.79
26	.55	2.25	3.06	5.26	1.34	5.54	7.53	12.95
27	.53	2.24	3.28	5.34	1.31	5.50	8.05	13.11
28	.52	2.23	3.11	5.42	1.27	5.47	7.60	13.25
29	.51	2.23	3.31	5.49	1.23	5.43	8.07	13.39
30	.49	2.22	3.14	5.56	1.20	5.39	7.65	13.51
31	.48	2.21	2.99	5.62	1.17	5.35	7.24	13.64
32	.47	2.19	3.16	5.68	1.14	5.31	7.65	13.75
33	.46	2.18	3.01	5.74	1.11	5.26	7.26	13.86
34	.45	2.17	3.17	5.80	1.08	5.22	7.63	13.97
35	.44	2.15	3.02	5.86	1.06	5.17	7.26	14.07
36	.43	2.14	2.88	5.91	1.03	5.13	6.91	14.16
37	.42	2.13	3.02	5.96	1.01	5.08	7.23	14.25
38	.41	2.11	2.89	6.01	.99	5.04	6.89	14.34
39	.40	2.09	3.02	6.05	.96	4.99	7.19	14.42
40	.40	2.08	2.89	6.10	.94	4.95	6.86	14.50
41	.39	2.06	2.76	6.14	.92	4.90	6.55	14.58
42	.38	2.05	2.88	6.18	.90	4.85	6.82	14.65
43	.37	2.03	2.76	6.22	.89	4.81	6.53	14.72
44	.37	2.02	2.87	6.26	.87	4.76	6.77	14.79
45	.36	2.00	2.75	6.29	.85	4.72	6.48	14.85
46	.35	1.98	2.64	6.33	.84	4.67	6.21	14.91
47	.35	1.97	2.74	6.36	.82	4.63	6.44	14.97
48	.34	1.95	2.63	6.40	.81	4.58	6.17	15.03
49	.34	1.93	2.72	6.43	.79	4.54	6.38	15.08
50	.33	1.92	2.61	6.46	.78	4.50	6.13	15.14
51	.33	1.90	2.52	6.49	.76	4.46	5.89	15.19
52	.32	1.89	2.60	6.52	.75	4.41	6.08	15.24
53	.32	1.87	2.50	6.54	.74	4.37	5.85	15.29
54	.31	1.86	2.58	6.57	.73	4.33	6.03	15.33
55	.31	1.84	2.49	6.60	.72	4.29	5.80	15.38
56	.30	1.82	2.40	6.62	.70	4.25	5.59	15.42
57	.30	1.81	2.47	6.65	.69	4.21	5.75	15.46
58	.29	1.79	2.39	6.67	.68	4.17	5.55	15.51
59	.29	1.78	2.45	6.69	.67	4.13	5.70	15.54
60	.29	1.76	2.37	6.72	.66	4.09	5.50	15.58

[1] The price reduction equivalents are computed on the assumptions that taxpayers presently use double-declining balance methods for tax depreciation, that actual lives are sufficiently close to tax lives, that the reserve ratio test would be satisfied, and that the discount rate is 12 percent.

TABLE 4.—EFFECTIVE TAX RATE EQUIVALENTS OF SELECTED TAX DEPRECIATION POLICY CHANGES, BY LENTGH OF USEFUL LIFE, FOR TAX RATES OF 22 AND 48 PERCENT [1]

Present useful life, in years	Tax depreciation policy options: Effective tax rate equivalents, if present tax rate is— 22 percent; Full year convention	300 percent declining balance	40 percent shorter lives	40 percent initial allowance	48 percent; Full year convention	300 percent declining balance	40 percent shorter lives	40 percent initial allowance
3	15.8	16.7	16.7	17.4	38.0	39.6	39.6	40.9
4	17.5	17.2	13.9	16.9	40.9	40.5	34.6	39.9
5	18.3	17.5	16.1	16.5	42.3	41.0	38.5	39.3
6	19.0	17.7	17.2	16.3	43.4	41.3	40.6	38.8
7	19.4	17.9	15.7	16.1	44.0	41.6	37.9	38.5
8	19.7	18.0	16.8	15.9	44.6	41.8	39.7	38.3
9	20.0	18.1	15.7	15.8	45.0	42.0	37.8	38.1
10	20.2	18.2	16.5	15.7	45.3	42.2	39.3	37.9
11	20.4	18.3	17.2	15.7	45.6	42.3	40.5	37.8
12	20.5	18.4	16.5	15.6	45.8	42.5	39.2	37.7
13	20.6	18.5	17.1	15.5	46.0	42.6	40.2	37.6
14	20.7	18.6	16.4	15.5	46.1	42.7	39.2	37.5
15	20.8	18.6	17.0	15.5	46.3	42.8	40.2	37.4
16	20.9	18.7	17.5	15.4	46.4	42.9	41.0	37.4
17	21.0	18.8	17.0	15.4	46.5	43.0	40.2	37.3
18	21.0	18.8	17.5	15.4	45.6	43.1	40.9	37.3
19	21.1	18.9	17.1	15.3	46.5	43.2	40.3	37.2
20	21.1	18.9	17.5	15.3	46.7	43.3	41.0	37.2
21	21.2	19.0	17.9	15.3	46.8	43.4	41.6	37.2
22	21.2	19.0	17.5	15.3	46.9	43.5	41.0	37.1
23	21.3	19.1	17.9	15.3	46.9	43.6	41.6	37.1
24	21.3	19.1	17.6	15.3	47.0	43.7	41.1	37.1
25	21.3	19.2	17.9	15.2	47.0	43.7	41.7	37.0
26	21.3	19.2	18.2	15.2	47.0	43.8	42.1	37.0
27	21.4	19.3	18.0	15.2	47.1	43.9	41.8	37.0
28	21.4	19.3	18.2	15.2	47.1	44.0	42.2	37.0
29	21.4	19.4	18.0	15.2	47.1	44.0	41.9	37.0
30	21.4	19.4	18.3	15.2	47.2	44.1	42.3	36.9
31	21.5	19.5	18.5	15.2	47.2	44.2	42.7	36.9
32	21.5	19.5	18.3	15.2	47.2	44.2	42.4	36.9
33	21.5	19.5	18.6	15.2	47.3	44.3	42.7	36.9
34	21.5	19.6	18.4	15.2	47.3	44.3	42.5	36.9
35	21.5	19.6	18.6	15.1	47.3	44.4	42.8	36.9
36	21.5	19.6	18.8	15.1	47.3	44.5	43.1	36.9
37	21.6	19.7	18.7	15.1	47.3	44.5	42.9	36.8
38	21.5	19.7	18.8	15.1	47.9	44.6	43.2	36.8
39	21.6	19.7	18.7	15.1	47.4	44.5	43.0	36.8
40	21.6	19.8	18.9	15.1	47.4	44.7	43.2	36.8
41	21.6	19.8	19.0	15.1	47.4	44.7	43.5	36.8
42	21.6	19.6	18.9	15.1	47.4	44.8	43.3	36.8
43	21.6	19.9	19.1	15.1	47.4	44.8	43.6	36.8
44	21.6	19.9	19.0	15.1	47.5	44.3	43.4	36.8
45	21.6	19.9	19.1	15.1	47.5	44.9	43.6	36.3
45	21.6	20.0	19.3	15.1	47.5	44.9	43.8	36.8
47	21.7	20.0	19.2	15.1	47.5	45.0	43.7	36.8
48	21.7	20.0	19.3	15.1	47.5	45.0	43.9	36.8
49	21.7	20.0	19.2	15.1	47.5	45.1	43.8	36.3
50	23.7	20.1	19.3	15.1	47.5	45.1	44.0	36.8

[1] The effective tax rate equivalents are computed on the assumptions that taxpayers presently use double declining balance methods for tax depreciation, that actual lives are sufficiently close to tax lives that the reserve ratio test would be satisfied, and that the discount rate is 12 percent.

TABLE 5.—AFTER TAX RATE OF RETURN EQUIVALENTS OF SELECTED TAX DEPRECIATION POLICY CHANGES, BY LENGTH OF USEFUL LIFE, FOR TAX RATES OF 22 AND 48 PERCENT [1]

Present useful life, in years	Tax depreciation policy options: After tax rate of return equivalent, if the tax rate is— 22 percent: Full year convention	300 percent declining balance	40 percent shorter lives	40 percent initial allowance	48 percent: Full year convention	300 percent declining balance	40 percent shorter lives	40 percent initial allowance
3	13.0	12.8	12.8	12.7	14.3	13.9	13.9	13.6
4	12.7	12.7	13.2	12.8	13.6	13.7	15.1	13.9
5	12.6	12.7	12.9	12.8	13.3	13.6	14.2	14.0
6	12.5	12.7	12.7	12.9	13.1	13.5	13.7	14.1
7	12.4	12.6	13.0	12.9	12.9	13.5	14.3	14.2
8	12.3	12.6	12.8	12.9	12.8	13.4	13.9	14.2
9	12.3	12.6	13.0	13.0	12.7	13.4	14.4	14.3
10	12.3	12.6	12.8	13.0	12.6	13.3	14.0	14.3
11	12.3	12.6	12.7	13.0	12.6	13.3	13.7	14.4
12	12.2	12.6	12.9	13.0	12.5	13.3	14.0	14.4
13	12.2	12.5	12.8	13.0	12.5	13.2	13.8	14.4
14	12.2	12.5	12.9	13.0	12.4	13.2	14.0	14.4
15	12.2	12.5	12.8	13.0	12.4	13.2	13.8	14.4
16	12.2	12.5	12.7	13.0	12.4	13.2	13.6	14.5
17	12.2	12.5	12.8	13.0	12.4	13.1	13.8	14.5
18	12.1	12.5	12.7	13.0	12.3	13.1	13.6	14.5
19	12.1	12.5	12.8	13.0	12.3	13.1	13.8	14.5
20	21.1	12.5	12.7	13.0	12.3	13.1	13.6	14.5
21	12.1	12.5	12.6	13.0	12.3	13.1	13.5	14.5
22	12.1	12.5	12.7	13.0	12.3	13.0	13.6	14.5
23	12.1	12.4	12.6	13.0	12.3	13.0	13.5	14.5
24	12.1	12.4	12.7	13.0	12.2	13.0	13.6	14.5
25	12.1	12.4	12.6	13.0	12.2	13.0	13.5	14.5
26	12.1	12.4	12.6	13.0	12.2	13.0	13.4	14.5
27	12.1	12.4	12.6	13.0	12.2	12.9	13.4	14.5
28	12.1	12.4	12.6	13.0	12.2	12.9	13.3	14.5
29	12.1	12.4	12.6	13.0	12.2	12.9	13.4	14.5
30	12.1	12.4	12.6	13.0	12.2	12.9	13.3	14.6
31	12.1	12.4	12.5	13.1	12.2	12.9	13.2	14.6
32	12.1	12.4	12.6	13.1	12.2	12.9	13.3	14.6
33	12.1	12.4	12.5	13.1	12.2	12.9	13.2	14.6
34	12.1	12.4	12.6	13.1	12.2	12.8	13.3	14.6
35	12.1	12.4	12.5	13.1	12.2	12.8	13.2	14.6
36	12.1	12.4	12.5	13.1	12.2	12.8	13.1	14.6
37	12.1	12.4	12.5	13.1	12.2	12.8	13.2	14.6
38	12.1	12.4	12.5	13.1	12.1	12.8	13.1	14.6
39	12.1	12.3	12.5	13.1	12.1	12.8	13.2	14.6
40	12.1	12.3	12.5	13.1	12.1	12.8	13.1	14.6
41	12.1	12.3	12.5	13.1	12.1	12.8	13.0	14.6
42	12.1	12.3	12.5	13.1	12.1	12.7	13.1	14.6
43	12.1	12.3	12.4	13.1	12.1	12.7	13.0	14.6
44	12.1	12.3	12.5	13.1	12.1	12.7	13.1	14.6
45	12.1	12.3	12.4	13.1	12.1	12.7	13.0	14.6
46	12.1	12.3	12.4	13.1	12.1	12.7	13.0	14.6
47	12.1	12.3	12.4	13.1	12.1	12.7	13.0	14.6
48	12.1	12.3	12.4	13.1	12.1	12.7	12.9	14.6
49	12.1	12.3	12.4	13.1	12.1	12.7	13.0	14.6
50	12.1	12.3	12.4	13.1	12.1	12.7	12.9	14.6

[1] The after tax rate of return equivalents are computed on the assumptions that taxpayers presently use double declining balance methods for tax depreciation, that actual lives are sufficiently close to tax lives, that the reserve ratio test would be satisfied, and that the discount rate is 12 percent.

(2) Shorten Useful (Tax) Lives by 40 Percent

In the discussion of the reserve ratio test above, it was noted that a primary motive of proponents of its abandonment is to achieve acceleration of tax depreciation. If the reserve ratio were abandoned and if guideline lives were shortened by 40 percent, the same approximate ratio by which Bulletin F lives were lowered in the Guideline listings published in 1962, the benefits to business taxpayers resulting from the change are also shown in Tables 3–5.[12] In this instance the effectiveness of the policy change again varies with expected life of the asset, but due to the interaction between the depreciation rate and discount rate, the value of the benefit peaks for assets with approximately 20 year expected lives.[13] On the whole, shortening lives still awards the greater incentives to assets with expected lives greater than 10 years than to those with shorter expected lives.

(3) Declining Balance Depreciation Rates Greater than Double the Straight Line Rate

Just as introduction of double declining balance depreciation methods in 1954 accelerated the taking of depreciation deductions, so would an increase in the declining balance rate above twice the straight line rate further accelerate depreciation and thereby increase the present value of tax depreciation deductions. Although in principle any allowable declining balance rate less than unity[14] but greater than twice the straight line rate would produce acceleration, we here examine only the effects of "triple declining balance" rates, i.e., rates three times the straight line rate to be applied to the undepreciated balance. Measures of the effectiveness of accelerating depreciation by triple declining balance tax depreciation (with tax lives assumed equal to expected lives) are also presented in Tables 3–5. As in the instance of arbitrarily shortened lives, due to the interaction between the depreciation rate and the discount rate, the value of acceleration provided by this policy also peaks for 20 year assets.

However, while the incentive effect yielded by triple declining balance depreciation to a 48 percent taxpayer owning a 20 year asset is the equivalent of a price reduction of 5.7 percent (Table 3), or a reduction in his effective tax rate to 41 percent (Table 4), or an increase in his rate of return from 12 to 13.6 percent (Table 5), the corresponding incentive effects are nearly 40 percent greater with a shortening of lives. On the whole, a 40 percent shortening of lives produces a much larger benefit to business taxpayers than does triple declining balance, but both policies are less powerful investment incentives than is the 40 percent initial allowance.

(4) Permit Full Year's Depreciation Deduction in Year of Acquisition

Since most business taxpayers possess numerous depreciable assets, the stock of which is continuously being replaced or added to, taxpayers either must keep detailed property records in order to establish the period of time during a tax year they have owned depreciable assets in order to determine allowable depreciation, or they must consistently follow the simple convention that all assets acquired during a year were acquired at mid-year. This convention, called the "half-year" convention, assumes that assets are acquired at a uniform rate during the year and have been held for half a year, on the average. One way, then, to accelerate the taking of depreciation deductions by business taxpayers is to replace the half-year with a full-year convention. This would move up depreciation deductions a full six months and correspondingly increase their present value. Naturally, as compared with the options previously discussed, this yields a weak investment incentive. Moreover, as may be seen in Tables 3–5, the inherent characteristic of this policy change causes it to provide an incentive which varies inversely with asset life: moving up a 50 year stream of deductions six months can have relatively little effect compared with moving up a five year stream the same six months. This is easily seen in Tables 3–5: For a 48 percent taxpayer with a five-year asset, permitting a full-year convention is equivalent to a 3.5 percent asset price reduction, or a reduction in effective tax rate to 42.3 percent, or an increase in rate of return from 12 to 13.3 percent; the corresponding equivalents for a 50 year asset are an 0.8 percent asset price reduction, an effective tax rate of 47.5 percent, and a rate of return of 12.1 percent.

(5) Summary

As might be expected, depreciation liberalization provides a highly variable set of incentives. With the exception of substitution of the full-year for half-year convention, all conventional "accelerating" policies tend to favor longer-lived as compared with shorter-lived assets. Thus, while depreciation liberalization constitutes a controllable investment incentive, it necessarily induces distortions of the pattern of private investment. Ironically, the distortions are most severe precisely in those instances when investment incentives may be expected to be effective, that is, in those industries which are capital intensive but which differ among each other in the expected useful lives of the assets they employ. Finally, investment incentives provided through tax depreciation policy necessarily favor large relatively to small businesses since so much of the value of the incentive is dependent on tax deferral and, hence, on the nominal tax rate.

PART III. REVENUE ESTIMATES

In much the same way that evaluation of the incentive effects of depreciation tax policies is complicated by a need to compare different time patterns of depreciation deductions, so are estimates of the revenue losses that might result. When a depreciation policy is liberalized, even if the new policy is limited to newly acquired assets, revenue losses mount rapidly, for the assets acquired each year include, largely, replacements of assets which had been subject to the old policy. As a consequence, the rapid growth of assets eligible for the liberalized depreciation generates a large volume of deductions and revenue losses. As the stock of depreciable assets eligible for the liberalized depreciation grow through an average replacement cycle, the bulge of depreciation deductions moderates and, in the absence of sufficiently large net growth in the stock itself, will actually turn down. But, if there is a normal underlying growth trend, revenue losses continue to mount, for the growth in newly acquired assets ensures that depreciation deductions attributable to "young" assets

Footnotes at end of article.

will outweigh those contributed by "old" assets. Thus, estimates of the change in future levels of deductions may be derived only from projections of annual investments and by calculating the effect of depreciation policy changes on depreciation deductions attributable to these investments.

In order to systematize the revenue estimation process and to provide detail which might assist in the evaluation of investment incentive benefits corresponding to the estimates of revenue loss, the Treasury Department has developed a computer model for the purpose. The basic inputs to this model are: (1) a set of estimated 1971 gross investment expenditures, in 62 different asset-industry categories, which are listed in Appendix A and (2) a set of corresponding useful lives, also shown in Appendix A. The investment expenditures are consistent with projections of the Council of Economic Advisors when estimated expenditures for owner-occupied dwellings are eliminated from their estimates. Altogether, the basic investment input to the model estimates a gross expenditure on tax depreciable assets of $126 billion in 1971, 60 percent of which is estimated as expenditures on machinery and equipment, 40 percent on structures. (See Table 6.) And since depreciable basis will grow corresponding to some growth rate, the computer model applies a uniform growth rate of 5 percent to the 1971 figures to derive annual gross investment in depreciable assets beyond 1971.[15]

In computing the revenue losses which will be generated by this fixed composition of future outlays, the computer model employed this logic:

(1) Each depreciation policy change proposal was compared with the present law situation in each of the 62 asset categories to determine the annual differences in depreciation deductions which would result from the change. In computing this change, recognition was given to the fact that, for a number of reasons, not all assets in all categories are depreciated by the most accelerated methods allowed under present law (see Appendix A).

(2) The extra depreciation deductions thus computed were summed and converted into estimated revenue losses by applying an average tax rate of 45 percent. This tax rate has proved reliable in previous business income tax revenue estimations and appears to successfully reflect the composition of corporate and unincorporated businesses as well as the proportion of business income not subject to tax because of carry-forward of operating losses by enterprises.

The estimates of tax revenue loss associated with a variety of tax depreciation policy changes produced by the computer model are shown in Table 7 for specified years, 1971 to 1990; the full listing of estimates by year, 1971 to 1995 may be found in Appendix B. For convenience in appraising the magnitudes of revenue loss estimates, the first row of Table 7 presents a set of present law business income tax revenue estimates; this reference estimate includes taxes attributable to both unincorporated enterprises and corporations and is based upon assumptions which are consistent with those underlying the revenue loss estimates. The sections immediately following review the revenue estimates, and this part is concluded with a brief discussion of the relevance of induced economic growth in an evaluation of these revenue estimates.

Footnotes at end of article.

A. Initial allowances

In Part II the investment incentive effectiveness of a 40 percent initial allowance was noted as exceeding that of the other depreciation liberalization policies examined. Reflecting this, the estimated revenue losses shown in Table 7 are also largest of the options examined. Because initial allowances immediately increase taxpayers' depreciation deductions (and subsequently lower them), the first year effect is considerable, an estimated $21 billion, which is nearly 44 percent of the reference business income tax level in 1971.

TABLE 6.—ESTIMATED 1971 GROSS INVESTMENT EXPENDITURES

[Dollar amounts in billions]

	Total		Equipment		Structures	
	Amount	Percent	Amount	Percent	Amount	Percent
Industry:						
All industries	$126	100	$76	100	$50	100
Percent	(100)		(60)		(40)	
Nonfarm:						
Manufacturing	26	21	19	25	7	14
Percent	(100)		(73)		(27)	
Nonmanufacturing	93	74	50	66	43	86
Percent	(100)		(54)		(46)	
Farm	8	6	7	9	1	2
Percent	(100)		(88)		(12)	

Note.—Individual entries may not add to totals due to rounding.
Source: See app. A.

TABLE 7.—ESTIMATED REVENUE LOSSES ASSOCIATED WITH SPECIFIED CHANGES IN TAX DEPRECIATION POLICY, BY INDUSTRY CATEGORY AND CLASS OF DEPRECIABLE ASSETS; SELECTED CALENDAR YEARS 1971 TO 1990

Item	Estimated revenues (billions of dollars)				
	1975[1]	1975	1980	1985	1990
Total business income taxes, reference estimate[2]	48	58	74	95	121
REVENUE LOSSES					
Total, all industries:					
40 percent initial allowance	21.0	15.9	14.1	15.3	18.2
20 percent initial allowance	10.5	7.9	7.0	7.7	9.1
40 percent shorter lives	2.3	11.2	10.9	12.6	16.4
20 percent shorter lives	.9	4.7	5.3	5.4	7.2
300 percent declining balance	1.7	6.0	6.3	7.3	8.6
Full year convention	4.1	2.6	2.2	2.1	2.7
7 percent investment credit[3]	5.6	6.9	8.8	11.2	14.3
Equipment:					
40 percent initial allowance	12.2	6.8	4.3	4.4	5.6
20 percent initial allowance	6.1	3.4	2.2	2.2	2.8
40 percent shorter lives	1.9	8.4	5.3	4.2	5.1
20 percent shorter lives	.8	3.7	3.1	2.1	2.4
300 percent declining balance	1.3	3.4	2.0	1.8	2.2
Full year convention	3.6	2.1	1.5	1.4	1.8
7 percent investment credit[3]	3.4	4.1	5.3	6.7	8.6
Structures:					
40 percent initial allowance	8.8	9.1	9.8	10.9	12.6
20 percent initial allowance	4.4	4.5	4.9	5.5	6.3
40 percent shorter lives	.4	2.8	5.7	8.4	11.2
20 percent shorter lives	.1	1.1	2.3	3.4	4.8
300 percent declining balance	.4	2.6	4.4	5.5	6.4
Full year convention	.5	.6	.6	.7	.9
7 percent investment credit[3]	2.3	2.7	3.5	4.5	5.7
Total, nonfarm, nonmanufacturing:					
40 percent initial allowance	15.5	12.0	10.9	12.0	14.1
20 percent initial allowance	7.8	6.0	5.5	6.0	7.0
40 percent shorter lives	1.6	8.0	8.1	9.8	12.5
20 percent shorter lives	.6	3.3	3.7	4.2	5.6
300 percent declining balance	1.1	4.1	4.6	5.4	6.4
Full year convention	3.0	1.9	1.5	1.6	2.0
7 percent investment credit[3]	4.2	5.1	6.5	8.3	10.6
Equipment:					
40 percent initial allowance	8.0	4.3	2.7	2.9	3.6
20 percent initial allowance	4.0	2.2	1.3	1.4	1.8
40 percent shorter lives	1.3	5.5	3.4	2.7	3.2
20 percent shorter lives	.5	2.3	1.8	1.3	1.5
300 percent declining balance	.8	2.0	1.1	1.0	1.3
Full year convention	2.5	1.4	.9	1.0	1.2
7 percent investment credit[3]	2.3	2.7	3.5	4.5	5.7
Structures:					
40 percent initial allowance	7.5	7.7	8.2	9.1	10.5
20 percent initial allowance	3.7	3.8	4.1	4.6	5.3
40 percent shorter lives	.3	2.5	4.9	7.1	9.3
20 percent shorter lives	.1	.9	2.0	2.9	4.0
300 percent declining balance	.3	2.1	3.6	4.4	5.1
Full year convention	.5	.5	.5	.6	.8
7 percent investment credit[3]	1.9	2.3	3.0	3.8	4.8
Total, Manufacturing:					
40 percent initial allowance	4.3	3.0	2.5	2.7	3.3
20 percent initial allowance	2.1	1.5	1.3	1.4	1.6
40 percent shorter lives	.5	2.4	2.2	2.2	3.1
20 percent shorter lives	.2	1.0	1.2	.9	1.3
300 percent declining balance	.4	1.6	1.5	1.6	1.9
Full year convention	.9	.6	.5	.4	.6
7 percent investment credit[3]	1.2	1.4	1.8	2.3	2.9
Equipment:					
40 percent initial allowance	3.1	1.8	1.2	1.2	1.5
20 percent initial allowance	1.6	.9	.6	.6	.7
40 percent shorter lives	.5	2.1	1.5	1.1	1.4
20 percent shorter lives	.2	.9	.9	.5	.6
300 percent declining balance	.4	1.2	.7	.6	.7
Full year convention	.9	.5	.4	.4	.4
7 percent investment credit[3]	.9	1.0	1.3	1.7	2.2
Structures:					
40 percent initial allowance	1.2	1.2	1.4	1.6	1.8
20 percent initial allowance	.6	.6	.7	.8	.9
40 percent shorter lives	(4)	.3	.7	1.1	1.7

Footnotes at end of table.

TABLE 7.—ESTIMATED REVENUE LOSSES ASSOCIATED WITH SPECIFIED CHANGES IN TAX DEPRECIATION POLICY, BY INDUSTRY CATEGORY AND CLASS OF DEPRECIABLE ASSETS SELECTED CALENDAR YEARS 1971 TO 1990—Continued

Item	Estimated revenues (billions of dollars)				
	1975[1]	1975	1980	1985	1990
REVENUE LOSSES					
Structures:					
20 percent shorter lives	(4)	0.1	0.3	0.4	0.7
300 percent declining balance	0.1	.4	.7	1.0	1.2
Full year convention	.1	.1	.1	.1	.1
7 percent investment credit[2]	.3	.4	.5	.6	.8
Total, farm:					
40 percent initial allowance	1.2	.9	.6	.7	.8
20 percent initial allowance	.6	.4	.3	.3	.4
40 percent shorter lives	.1	.8	.7	.6	.8
20 percent shorter lives	.6	.4	.4	.3	.4
300 percent declining balance	.1	.4	.3	.3	.3
Full year convention	.2	.2	.2	.1	.2
7 percent investment credit[2]	.3	.4	.5	.6	.8
Equipment:					
40 percent initial allowance	1.0	0.7	0.4	0.4	0.5
20 percent initial allowance	.5	.4	.2	.2	.3
40 percent shorter lives	.1	.8	.6	.4	.5
20 percent shorter lives	.1	.4	.4	.2	.3
300 percent declining balance	.1	.3	.2	.1	.2
Full year convention	.2	.2	.1	.1	.1
7 percent investment credit[3]	.3	.3	.4	.6	.7
Structures:					
40 percent initial allowance	.2	.2	.2	.2	.3
20 percent initial allowance	.1	.1	.1	.1	.1
40 percent shorter lives	(4)	(4)	.1	.2	.3
20 percent shorter lives	(4)	(4)	(4)	.1	.1
300 percent declining balance	(4)	(4)	.1	.1	.1
Full year convention	(4)	(4)	(4)	(4)	(4)
7 percent investment credit[3]	(4)	.1	.1	.1	.1

[1] Revenue estimates for tax policy changes were computed on the assumption changes would apply to property put in place after Dec. 31, 1970. Thus, in the case of initial allowances and adoption of the full year convention, full year benefits are available in 1971; but in the cases of shortened tax lives and 300 percent declining balance depreciation, under the present half year convention, only one-half the annual benefit is available in 1971.

[2] Includes estimates for unincorporated enterprises and corporations electing to be taxed as partnerships under Subchapter S of the Internal Revenue Code. Does not include estimates of reductions in tax payable due to investment credit for prerepeal property placed in service during calendar year 1971, and thereafter, nor due to unused prerepeal credit carried forward. The estimates for 1971 and later years are constructed to be consistent with the basis on which revenue losses were estimated; they assume full employment and an annual growth rate of 5 percent.

[3] It is assumed that the investment credit is only 65 percent effective, as suggested by the experience of 1962–68 under the investment credit for machinery and equipment. Less stringent income limitations on eligibility for the credit and more generous allowance of the credit for assets of shorter life would increase the percentage effectiveness of an investment credit.

[4] Less than $50,000,000.

The revenue losses decline for approximately eight years, at which time the continued effect of the growth rate has begun to offset the effect of diminished depreciation deductions for assets acquired in the initial years of the policy change. By 1990, the 40 percent initial allowance would generate a revenue loss of $18.2 billion, which is then 15 percent of the reference business tax level. A 20 percent initial allowance, which would have half the effectiveness of a 40 percent allowance, has the same time pattern of revenue losses but at half the cost.

The distribution of these tax losses (and the benefits) is shown in Table 8. In the first year, 74 percent of the revenue loss is absorbed by non-farm, non-manufacturing enterprises, and by 1990, a year which is representative of the long run impact, the share absorbed by this sector of the economy has risen to 77 percent. On the whole, the distribution of benefits from this depreciation policy change roughly matches the pattern of investment by sector: manufacturing investment expenditure is 21 percent of the total (see Table 6) and will generate 18 percent of long run tax losses while farm investment expenditure is approximately 8 percent of the total and generates 4 percent of the tax losses. However, investment in structures, which accounts for only 40 percent of estimated annual expenditure on depreciable assets, absorb 69 percent of the 1990 tax loss. The reason for this increasing share of tax losses being attributable to structures is their markedly longer useful life.

TABLE 8.—SUMMARY ESTIMATED REVENUE LOSSES, BY INDUSTRY CATEGORY AND CLASS OF DEPRECIABLE ASSETS, 1971 AND 1990

[Dollar amounts in billions]

Tax policy change, industrial category	Estimated revenue loss											
	1971						1990					
	Total		Equipment		Structures		Total		Equipment		Structures	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
40 percent initial allowance:												
All industries	$21.0	100	$12.2	100	$8.8	100	$18.2	100	$5.6	100	$12.6	100
Percent	(100)		(58)		(42)		(100)		(31)		(69)	
Nonfarm:												
Manufacturing	4.3	20	3.1	25	1.2	13	3.3	18	1.5	26	1.8	14
Percent	(100)		(72)		(28)		(100)		(44)		(56)	
Nonmanufacturing	15.5	74	8.0	66	7.5	85	14.1	77	3.6	64	10.5	83
Percent	(100)		(52)		(48)		(100)		(25)		(75)	
Farm	1.2	6	1.0	8	.2	2	.8	4	.5	10	.3	2
Percent	(100)		(86)		(14)		(100)		(68)		(32)	
40 percent shorter lives:												
All industries	2.3	100	1.9	100	.4	100	16.4	100	5.1	100	11.2	100
Percent	(100)		(84)		(15)		(100)		(31)		(69)	
Nonfarm:												
Manufacturing	.5	24	.5	26	(1)	11	3.1	19	1.4	27	1.7	15
Percent	(100)		(93)		(7)		(100)		(44)		(56)	
Nonmanufacturing	1.6	70	1.3	66	.3	87	12.5	76	3.2	63	9.3	82
Percent	(100)		(81)		(19)		(100)		(26)		(74)	
Farm	.1	6	.1	7	(1)	2	.8	5	.5	10	.3	2
Percent	(100)		(96)		(4)		(100)		(66)		(34)	
300 percent declining balance depreciation:												
All industries	1.7	100	1.3	100	.4	100	8.6	100	2.2	100	6.4	100
Percent	(100)		(79)		(21)		(100)		(25)		(74)	
Nonfarm:												
Manufacturing	.4	26	.4	29	.1	14	1.9	22	.7	34	1.2	18
Percent	(100)		(88)		(12)		(100)		(20)		(80)	
Nonmanufacturing	1.1	69	.8	65	.3	84	6.4	74	1.3	58	5.1	79
Percent	(100)		(74)		(26)		(100)		(39)		(61)	
Farm	.1	5	.1	6	(1)	2	.3	4	.2	8	.1	2
Percent	(100)		(93)		(7)		(100)		(58)		(42)	

Note: Figures may not add to totals due to rounding. Percentages computed on the basis of information from app. B.

[1] Less than $50,000,000.

As the data in Appendix A indicate, structures have a typical useful life of 35 years whereas half the investment in machinery and equipment has a useful life of seven years or less; and just as 35 year assets derive an investment incentive from a 40 percent initial allowance that is more than twice as great as the incentive derived by seven year assets, so does a dollar's worth of investment in the 35 year assets generate more than twice the revenue loss of a dollar invested in seven year assets.

B. Abandonment of the Reserve Ratio Test and Shortening of Tax Lives

Second to a 40 percent initial allowance in investment incentive effectiveness is a 40 percent reduction in tax lives; accordingly, it is second in tax costliness. Due to the operation

of the half year convention, the first year loss is only $2.3 billion, about 5 percent of the 1971 reference business income tax; but, the loss rises to $16.4 billion by 1990 when it becomes 13.5 percent of the reference tax level. Although, in the very long run, a 20 percent shortening of tax lives will result in half the revenue loss of a 40 percent reduction, the revenue losses are less than half even in 1990 The reason for this is that revenue losses do not stabilize at their long run levels until at least one replacement cycle for all assets has been completed; and since structure loom so large in the total depreciable asset base and also have extremely long lives, not until well after the year 2000 would the revenue loss from 20 percent shorter lives reach half the level of that from 40 percent shorter lives.

The distribution of tax losses (and benefits) from shortening of lives is almost identical with that noted above for initial allowances (see Table 8). Non-farm, non-manufacturing enterprises absorb 76 percent of the revenue loss; overall, structures account for 68 percent of the revenue loss.

C. Declining balance depreciation at 300 percent the straight line rate

Somewhat less effective as an investment incentive than a 40 percent shortening of tax lives, but more effective than a 20 percent shortening would be, is the additional acceleration of depreciation deductions provided by the 300 percent declining balance method. It is not surprising, therefore, that the estimated revenue losses that would result from introducing 300 percent declining balance methods range between the two tax life shortening options. The estimated first year revenue loss with 300 percent declining balance depreciation, again kept low by the half year convention, is $1.7 billion, or about 3.5 percent of the reference business income tax for 1971, and rises thereafter to $8.6 billion in 1990 when it would be a little more than 7 percent of the reference level.

Although the distribution of revenue losses under 300 percent declining balance depreciation is not unlike the patterns for the other two depreciation liberaliaztion options portrayed in Table 8, it is noteworthy that the share of the long run revenue loss absorbed by structures is larger, 74 percent as compared with 69 and 68 percent under a 40 percent initial allowance and 40 percent shorter tax lives, respectively. The reason for this is traceable to the present law restriction on non-residential structures' depreciation to that computed by methods no more accelerated than 150 percent declining balance methods. Since machinery and equipment may be depreciated by 200 percent declining balance methods, a change to 300 percent declining balance depreciation is relatively more beneficial to investment in nonresidential structures.

To the extent the distinction between structures and other assets which is presently drawn in the Internal Revenue Code is based upon a real difference between the actual depreciation patterns of the two classes of assets, this serves to emphasize the likelihood that highly generalized changes in tax depreciation policy, or other investment incentives, will unintentionally induce distortions of private investment decisions. Not only do generalized changes have differential incentive effects on different classes of assets due to their differenecs in durability, as was shown in Part II above, but generalized changes will also disturb the relationship between tax depreciation and what might be called "true" depreciation. For example, at the present time there are doubtlessly assets whose economic depreciation, as manifested in established market prices for assets of different vintages, is more closely described by a large first year decline in value followed by a constant percentage decline; [16] presently allowable accelerated depreciation formulas impose a real penalty on the ownership of these assets. At the other extreme would be assets whose economic depreciation, also manifested in established market prices, follows a pattern in which there is little decline in value during the first portion of the asset's life and a progressively increasing rate of decline as it approaches its replacement date; [17] presently allowable depreciation methods confer a positive tax benefit, or bias toward, ownership of such assets. Then a change toward liberalization of tax depreciation policy would relieve the former class of assets of an implicit penalty but augument the tax subsidy to the latter.

D. The full year convention

The discussion of Part II concluded that permitting taxpayers to use the full year rather than half year convention would yield minimal investment incentive effectiveness. Accordingly, the estimated long run revenue cost of such a tax depreciation liberalization is also small, amounting to a mere $2.7 billion in 1990, or a little more than 2.2 percent of the reference business tax level at that time. However, inherent in the characteristics of this proposal is a large first year loss; $4.1 billion, which is 8.5 percent of the 1971 reference level. Since the incentive effectiveness of this policy change is negligible, it would appear that the prime function which might be served by its adoption is to generate a large one-time revenue loss with little or no long run consequences, an action which might be desirable under certain conditions.

E. Summary

Generally, tax depreciation liberalization results in relatively large short term (one to five years) revenue losses. This is particularly true for the initial allowance proposals and the full year convention, since neither is restrained the first year by the half year convention. In the long run, the extent of revenue losses are variable among the options examined, roughly proportional to thier incentive effectiveness. Excepting the full year convention, the policy options reviewed here tend to disproportionately benefit investment in structures, since this is the class of assets with the longest useful (and tax) lives. In all instances, the sectors of the economy which derive the greatest benefit are those included in non-farm, nonmanufacturing (public utilities, transportation, communication, trade, services, real estate and finance), since enterprises so classified for the bulk of investment in tax depreciable assets, particularly structures.

F. Concluding comment on induced growth rate increases and their role in evaluation of tax depreciation policy changes

It will be recalled that the computer model employed to estimate the revenue losses discussed above explicitly assumes the economic growth rate is independent of the stimulus to investment which may be produced by the policy changes examined. The objection may therefore be raised that the revenue estimates presented in Table 7 and Appendix B overstate the revenue losses which may occur, particularly over the period three or more years beyond the date of adoption. A principal reason for considering tax depreciation liberalization is that the result is expected to stimulate investment; a higher investment rate will result in a larger private capital stock; and a larger capital stock will raise the national output to a level higher than it would otherwise have been. If national output in the future has been increased as a result of tax liberalization, surely, so the argument runs, the increased taxes generated by the higher national income ought to be considered in the assessment of future tax revenues as an offset to the losses computed as in this report. Moreover, if the policy changes are being considered in a period of less than full employment, should not the increase in employment and output (which generates higher taxes) that would result from private business response to enactment of investment incentives be accounted for in the revenue estimates?

There is some merit in this criticism of traditional methods of tax revenue estimation with respect to evaluation of business tax policy options as is illustrated in this report.

The difficulty with all this is specifying how much an increase in depreciation deductions would increase the rate of investment. In the first place, a change in depreciation policy would increase the demand for investment goods subject to the changed rules. How much is a matter of dispute. This could mean a net increase of investment or merely a diversion of investment from short to long lived assets. The experience under the investment credit was that much of the response to business investment incentives was diversion of savings from structures (housing and otherwise) to machinery and equipment, since structures were not eligible for the credit. Given some net increase in investment, it is still a matter of some dispute how much this increases real output, and thus the tax base.

A further problem in all this is that there are other things that the government could do to increase investment, including spend more on education, spend more on research, reduce the corporate tax rate, etc. To talk authoritatively about the effect of a depreciation change, one would have to ask what were the growth effects of policies that might otherwise have been implemented with the foregone tax revenues.

A further problem is that some of the depreciation alternatives offered would considerably favor one kind of investment over another. To the extent that some investment is diverted from what would have been more efficient uses, absent the new tax considerations, these could be an offset to induced growth.

In view of the uncertainty surrounding these issues, it seems preferable to simply report how much government would be doing to increase the growth rate if we changed depreciation rules in particular ways. It remains open to supporters of any particular change to present their arguments as to just how much the change would affect the growth rate, and make appropriate adjustments.

FOOTNOTES

[1] Section 167(b) of the Internal Revenue Code authorizes these methods: (1) the straight line method, by which the depreciable basis is distributed over the life of an asset in equal periodic amounts; (2) the declining balance method by which the annual depreciation is determined by multiplying the remaining undepreciated balance by a constant rate, which may be no higher than twice the annual straight line rate except in the case of commercial and industrial structures for which the rate may not exceed 1.5 times the straight line rate for new property; (3) the sum-of-the-years digits method, by which the annual depreciation deduction is that portion of the depreciable basis equal to a fraction, the numerator of which is the remaining years of asset life (including the tax year in question) and the denominator of which is the sum of all the years' digits representing the useful life of the asset; and (4) any other consistent method which does not result in an accumulated total of depreciation deductions during the first two-thirds of an asset's life which is greater than

that which would have resulted from the double declining balance method. Further exceptions to the use of accelerated methods are provided in the case of *used* structures: in general used commercial and industrial buildings and used residential structures with a useful life of less than 20 years may be depreciated only by straight line methods while used residential structures with a useful life of 20 years or more may be depreciated by a declining balance method at a rate no higher than 1.25 times the straight line rate.

[2] For expositional simplicity the entries in the table for expensing neglect the slight discounting necessary to recognize that tax deductions cannot be taken until tax liabilities are accrued and payable. See note 1 to Table 1 for discounted values of full expensing.

[3] There are combinations of circumstances not infrequently encountered in business investment situations under which the DDB method yields a higher present value of depreciation deductions than does the SOYD method. Since the characteristic time pattern of DDB deductions always includes a higher deduction in the first year (see Table 1), for particular combinations of high discount rates and short lives of assets, the DDB method is more beneficial to taxpayers than the SOYD method. More importantly, if salvage value is a significant proportion (15 percent or more, in the cases of assets with tax lives of 10 years or more) of the acquisition cost, or other basis, of the asset, the DDB method is generally more favorable, since the declining balance rate may continue to be applied until the undepreciated balance of the asset equals salvage value: the higher the salvage value, the more quickly will a DDB rate write-off the *depreciable* basis of the asset. In contrast, either the straight line or SOYD method will distribute the depreciable basis over the entire useful life of the asset.

[4] An intuitive explanation of this somewhat surprising result takes the following form: a $1,000 asset will generate some stream of revenues over its life; if the cost is expensed and the tax rate is 48 percent, the net cost of the asset to the owner (ignoring the slight discount of the deduction as above) is only $520, after tax. However, in the future, each $1 of revenue will be taxed fully, with no allowance for depreciation, leaving $0.52 of net return on the $520 investment, the same ratio as $1 to $1,000 as if there were no tax. Incidentally, in those cases, as in minerals taxation, where the total *present value* of expensing and depletion deductions may actually exceed the cost of the investment, the effective tax rate is negative. That is, in some instances the tax rate equivalent of an investment tax incentive is a tax rate less than zero.

[5] Twenty-three and one-tenth percent is also the pre-tax rate of return which yields the after-tax rate of 12 percent used above in discounting cash flows. Since the effective tax rate in the case of expensing is zero, the pre- and after-tax rates of return are equal.

[6] For example, if the firm exemplified in Table 1 above were to possess a large number of 12 year assets each being more or less regularly replaced on schedule, the reserve ratio test would compare his accumulated depreciation deductions with the total value of all his assets. The ratio of the accumulated total deductions to total value of assets would be 50 percent, if he uses straight line depreciation, since that is the ratio of the total cumulated depreciation for each of his assets to their total acquisition cost, or basis. Similarly, the ratio would be 59 percent if he uses DDB, and 65 percent if he uses SOYD. Ratios are presented in Guidelines which also account for growth and allow for variances in retirement dates.

[7] See Richard L. Pollock, *Tax Depreciation and the Need for the Reserve Ratio Test*, Tax Policy Research Study No. 2; Department of the Treasury, 1968.

[8] A simple example may help to clarify the tax avoidance aspects of artificial lease agreements. Suppose that taxpayer A uses automobiles in his business and follows the custom of turning them in after three years. He pays $2,000 for each auto and assumes the turn-in values of these autos are $1,200, $700, and $500 at the end of the first, second, and third years, respectively. Under present law, his depreciable basis, with a three year holding period is $1,300. If salvage value were ignored, his depreciable basis becomes $2,000. However, if salvage value were ignored and he "leased" the car for the same three years and if the "lessors" "exchanged" the car at the end of each year, depreciation deductions for the same car would aggregate $2,000+$1,200+$700=$3,900. Thus, disregarding salvage would confront taxpayer A with the alternative of a present value of $2,000 of deductions if he holds title to the car or a present value of $3,900 in deductions if he were to "lease" the car.

[9] Similar calculations have been made with 8 and 15 percent discount rates but are not presented here. Copies of tables for these rates are available from the Office of Tax Analysis on request. In general, if 12 percent is the overall rate of return on equity, a higher rate would be appropriate for "riskier than average" investment situations, a lower rate for "less risky" situations. Higher discount rates generally *increase* the value of tax depreciation acceleration; conversely, lower discount rates generally decrease acceleration benefits.

[10] Since DDB is the standard of reference, the calculations reflect a switch-over to straight line depreciation of the undepreciated balance when this is favorable.

[11] For a 10 year asset, the initial year's depreciation would be 20 percent of depreciable basis under the DDB method; an initial allowance of 40 percent is double this. For a 50 year asset, the initial year's depreciation is 4 percent of depreciable basis, also under DDB; thus a 40 percent initial allowance would be ten times this. Computations discussed below are based on the assumption that the initial allowance is taken first, then the first year's depreciation (of the reduced basis) is taken. If the allowance were merely added to "normal" first year depreciation (and subsequent deductions reduced accordingly) the contrast between short and long lived assets would be greater.

[12] The reader is cautioned that the calculations assume taxpayers with assets of indicated useful lives in Tables 3–5 are in conformance with the reserve ratio test so that a 40 percent reduction in lives, in fact, benefits them all.

[13] It may be observed in any of the tables that the progression of benefits from a 40 percent shortening of lives is not uniform. This results from the necessity of rounding the shortened lives to the nearest whole year. For example, an asset with an expected life of 10 years would be allowed a tax life of six years, which is 40 percent shorter; but an asset with an expected life of 11 years would be allowed a tax life of seven years (6.6 rounded to 7) which is actually 36 percent shorter.

[14] Section 167 (c) limits the use of DDB to assets with useful lives of three years or more simply because, if the restriction were not imposed, two year assets would be expensed in the year of acquisition, since the DDB rate would be unity.

[15] This assumed growth rate may be compared with the Council of Economic Advisors' estimate of a *real* growth rate of 4.3 percent. In order to accommodate the built-in inflation bias of index numbers, which do not account for product improvement, and since depreciation deductions are based on current prices paid for depreciable assets, it appeared that a 5 percent growth rate is a conservative basis on which to project gross investment in current, rather than real, dollars, but without incorporating extraordinary inflation.

[16] Characteristic assets which would follow such a pattern are those for which installation (and removal) costs are large relatively to total acquisition cost and those, such as automobiles, which appear to give off successively "inferior" services as they age. For an econometric study of automobile depreciation study of automobile depreciation patterns, see Frank C. Wykoff, "Capital Depreciation in the Postwar Period: Automobiles," *Review of Economics and Statistics;* May, 1970, pp. 168–172.

[17] An analysis of office building operating expense and rental income data by Professors Taubman and Rasche suggest that such a pattern is typical for investment in this class of structures. See Paul J. Taubman and Robert H. Rache "Economic and Tax Depreciation of Office Buildings," *National Tax Journal*, pp. 334–346, September 1969.

APPENDIX A

INVESTMENT ESTIMATES AND PRESENT LAW TAX DEPRECIATION INPUTS TO DEPARTMENT OF THE TREASURY DEPRECIATION POLICY REVENUE ESTIMATING MODEL

Type of investment	Estimated gross investment 1971 (millions) [1]	Present law tax depreciation assumptions: Useful life [2]	Present law tax depreciation assumptions: Percent using straight line depreciation [2]
All industries, total	$125,864		
Equipment	75,656		
Structures	50,208		
Nonfarm, nonmanufacturing, total	92,863		
Equipment, total	50,269		44
1. Furniture	2,694	12	
2. Fabricated metal products	1,457	14	
3. Engines and turbines	1,120	17	
4. Tractors	578	6	
5. Construction machinery	$1,974	6	
6. Mining machinery	829	8	
7. Metalworking machinery	712	13	
8. Special industry machinery	1,037	13	
9. General industry machinery	1,478	11	
10. Office and store machinery	5,967	6	
11. Service-industry machinery	2,910	8	
12. Electrical machinery	6,822	11	
13. Trucks and buses	6,806	7	
14. Passenger cars	5,536	3	
15. Aircraft	4,009	7	
16. Ships and boats	556	18	
17. Railroad equipment	912	19	

Footnotes at end of table.

Type of investment	Estimated gross investment 1971 (millions) [1]	Present law tax depreciation assumptions: Useful life [2]	Present law tax depreciation assumptions: Percent using straight line depreciation [2]
18. Instruments	$3,091	9	
19. Miscellaneous	1,511	8	
Structures, total	42,594		[3] 36
20. Industrial	462	28	
21. Commercial and miscellaneous	122	23	
22. ____do	4,338	28	
23. ____do	6,748	35	
24. Institutional, excluding social and recreational	4,548	42	
25. Social and recreational: Institutional	296	42	
26. Social and recreational: Noninstitutional	690	23	
27. Pipelines	201	20	
28. Railroad	566	45	
29. Telephone and telegraph	2,164	17	
30. Other public utilities	6,613	26	
31. Petroleum and natural gas	2,120	14	
32. Residential	13,000	40	(*)
33. All other private	726	28	
Manufacturing, total	25,861		
Equipment, total	19,191		21
34. Furniture	458	11	
35. Fabricated metal products	648	13	
36. Engines and turbines	222	16	
37. Tractors	82	6	
38. Construction machinery	449	6	
39. Metalworking machinery	3,472	12	
40. Special industry machinery	4,010	12	
41. General industrial machinery	$2,451	10	
42. Office and store machinery	2,189	6	
43. Service-industry machinery	284	7	
44. Electrical machinery	1,389	11	
45. Trucks and buses	1,325	6	
46. Passenger cars	352	3	
47. Aircraft	482	6	
48. Ships and boats	39	18	
49. Railroad equipment	66	18	
50. Instruments	1,050	8	
51. Miscellaneous	223	8	
Structures, total	6,670		21
52. Industrial	6,670	35	
Farm, total	7,140		
Equipment, total	6,196		44
53. Fabricated metal products	66	14	
54. Engines and turbines	25	17	
55. Tractors	1,368	10	
56. General industrial machinery	100	11	
57. Service-industry machinery	56	8	
58. Trucks	1,113	9	
59. Passenger cars	871	8	
60. Miscellaneous	84	8	
61. Agricultural machinery	2,513	13	
Structures, total	944		36
62. Nonresidential	944	34	

[1] Office of Tax Analysis estimates for 1971 based on expenditure data furnished by Robert Wasson of the Office of Business Economics, U.S. Department of Commerce.

[2] Based on lives estimated by Allan H. Young, "Alternative Estimates of Corporation Depreciation," Survey of Current Business, April 1968.

[3] It is assumed that 36 percent of the nonfarm, nonmanufacturing structures are depreciated under the straight-line method except that only 20 percent of the residential structures are depreciated under the straight-line method.

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

APPENDIX B.—ESTIMATED REVENUE LOSSES, BY INDUSTRIAL CATEGORY AND CLASS OF DEPRECIABLE ASSET, 1971–95

I. 40 PERCENT INITIAL ALLOWANCE

[Millions of dollars]

Year	Total	Nonmanufacturing: Total	Nonmanufacturing: Equipment	Nonmanufacturing: Structures	Manufacturing: Total	Manufacturing: Equipment	Manufacturing: Structure	Farming: Total	Farming: Equipment	Farming: Structures
1971	21,001	15,522	8,038	7,484	4,280	3,103	1,177	1,198	1,032	167
1972	19,108	14,185	6,684	7,501	3,827	2,639	1,189	1,097	928	168
1973	17,704	13,202	5,668	7,534	3,491	2,288	1,203	1,011	841	171
1974	16,650	12,475	4,891	7,584	3,236	2,016	1,219	939	766	173
1975	15,863	11,954	4,303	7,651	3,032	1,794	1,238	877	701	176
1976	15,130	11,458	3,724	7,734	2,850	1,591	1,259	822	643	179
1977	14,562	11,067	3,235	7,832	2,728	1,445	1,283	768	586	182
1978	14,251	10,880	2,936	7,944	2,656	1,347	1,310	715	528	186
1979	14,114	10,851	2,781	8,070	2,596	1,257	1,339	667	477	190
1980	14,081	10,901	2,691	8,210	2,543	1,173	1,370	636	442	195
1981	14,113	10,985	2,623	8,363	2,506	1,101	1,405	622	423	199
1982	14,246	11,133	2,606	8,527	2,495	1,053	1,442	619	414	205
1983	14,516	11,364	2,660	8,704	2,537	1,055	1,482	615	405	210
1984	14,890	11,638	2,744	8,894	2,626	1,101	1,525	626	410	216
1985	15,336	11,960	2,852	9,108	2,723	1,154	1,570	652	430	222
1986	15,827	12,321	2,973	9,348	2,825	1,209	1,617	680	452	228
1987	16,345	12,703	3,100	9,603	2,933	1,267	1,666	709	474	235
1988	16,909	13,121	3,238	9,883	3,047	1,330	1,717	740	498	242
1989	17,521	13,581	3,391	10,190	3,168	1,396	1,772	772	523	250
1990	18,171	14,070	3,557	10,514	3,295	1,466	1,829	806	549	257
1991	18,861	14,591	3,735	10,856	3,428	1,539	1,889	842	576	266
1992	19,586	15,139	3,921	11,218	3,568	1,616	1,951	879	605	274
1993	20,348	15,715	4,118	11,598	3,714	1,697	2,017	918	635	283
1994	21,151	16,323	4,323	11,999	3,859	1,782	2,087	960	667	293
1995	21,997	16,964	4,540	12,424	4,030	1,871	2,159	1,003	700	303

II. 20 PERCENT INITIAL ALLOWANCE

1971	10,500	7,761	4,019	3,742	2,140	1,552	558	599	516	83
1972	9,554	7,092	3,342	3,750	1,914	1,319	594	548	464	84
1973	8,852	6,601	2,834	3,767	1,745	1,144	601	506	420	85
1974	8,325	6,238	2,445	3,792	1,618	1,008	610	470	383	87
1975	7,932	5,977	2,152	3,825	1,516	897	619	438	351	88
1976	7,565	5,729	1,862	3,867	1,425	795	630	411	321	89
1977	7,281	5,533	1,617	3,916	1,364	722	642	384	293	91
1978	7,125	5,440	1,468	3,972	1,328	673	655	357	264	93
1979	7,057	5,425	1,390	4,035	1,298	629	669	334	239	95
1980	7,040	5,450	1,346	4,105	1,272	587	685	318	221	97
1981	7,057	5,493	1,311	4,181	1,253	551	702	311	211	100
1982	7,123	4,566	1,303	4,264	1,247	526	721	309	207	102
1983	7,258	5,682	1,330	4,352	1,269	527	741	308	203	105
1984	7,445	5,819	1,372	4,447	1,313	551	762	313	205	108
1985	7,668	5,980	1,426	4,554	1,362	577	785	326	215	111
1986	7,913	6,161	1,487	4,674	1,413	604	808	340	226	114
1987	8,173	6,352	1,550	4,801	1,467	634	833	355	237	118
1988	8,454	6,561	1,619	4,941	1,524	665	859	370	249	121
1989	8,760	6,790	1,695	5,095	1,584	698	886	386	261	125
1990	9,086	7,035	1,778	5,257	1,547	733	914	403	274	129
1991	9,430	7,296	1,867	5,428	1,714	770	944	421	288	133

APPENDIX B.—ESTIMATED REVENUE LOSSES, BY INDUSTRIAL CATEGORY AND CLASS OF DEPRECIABLE ASSET, 1971–95—Continued

II. 20 PERCENT INITIAL ALLOWANCE

[Millions of dollars]

Year	Total	Nonmanufacturing			Manufacturing			Farming		
		Total	Equipment	Structures	Total	Equipment	Structure	Total	Equipment	Structures
1992	9,793	7,570	1,961	5,609	1,784	808	976	440	302	137
1993	10,174	7,858	2,059	5,799	1,857	849	1,009	459	318	142
1994	10,576	8,161	2,162	6,000	1,934	891	1,043	480	333	146
1995	10,999	8,482	2,270	6,212	2,015	935	1,080	502	350	151

III. 40 PERCENT SHORTER LIVES

1971	2,284	1,592	1,286	306	546	507	40	145	139	6
1972	6,022	4,238	3,343	895	1,396	1,278	118	388	371	17
1973	8,258	5,829	4,384	1,444	1,871	1,679	192	558	530	28
1974	10,028	7,128	5,167	1,961	2,213	1,949	263	688	649	39
1975	11,224	7,996	5,533	2,463	2,400	2,068	332	828	779	49
1976	11,261	7,884	4,920	2,964	2,460	2,061	399	917	858	59
1977	11,238	7,746	4,281	3,466	2,584	2,120	464	908	839	69
1978	11,288	7,851	3,867	3,984	2,575	2,048	527	862	783	79
1979	11,092	7,941	3,473	4,468	2,374	1,782	593	776	686	90
1980	10,940	8,087	3,165	4,922	2,180	1,514	665	674	572	102
1981	10,865	8,237	2,884	5,353	2,015	1,270	744	614	500	114
1982	10,923	8,439	2,682	5,757	1,907	1,077	830	577	450	128
1983	11,268	8,801	2,626	6,175	1,927	1,003	923	540	398	142
1984	11,846	9,248	2,636	6,612	2,060	1,039	1,021	538	380	157
1985	12,573	9,793	2,695	7,099	2,208	1,084	1,124	571	398	173
1986	13,382	10,411	2,775	7,635	2,364	1,131	1,232	607	417	190
1987	14,153	10,978	2,860	8,118	2,529	1,184	1,346	645	438	207
1988	14,855	11,464	2,962	8,502	2,706	1,241	1,465	685	459	226
1989	15,575	11,956	3,086	8,870	2,892	1,302	1,590	728	482	245
1990	16,352	12,492	3,231	9,260	3,088	1,367	1,721	772	506	266
1991	17,173	13,070	3,393	9,677	3,294	1,435	1,859	809	532	277
1992	17,897	13,614	3,562	10,051	3,446	1,507	1,939	838	558	279
1993	18,525	14,118	3,741	10,377	3,539	1,582	1,957	868	586	282
1994	19,191	14,654	3,928	10,727	3,637	1,661	1,976	900	616	284
1995	19,805	15,132	4,124	11,008	3,740	1,744	1,995	933	646	286

IV. 20 PERCENT SHORTER LIVES

1971	884	620	506	114	200	186	15	63	61	2
1972	2,409	1,713	1,376	337	525	480	44	172	165	6
1973	3,278	2,305	1,756	548	720	648	73	253	242	11
1974	3,837	2,674	1,923	751	846	745	101	317	302	15
1975	4,658	3,285	2,339	946	998	870	128	375	356	19
1976	5,100	3,641	2,499	1,141	1,016	862	154	443	421	23
1977	5,017	3,525	2,187	1,339	1,001	820	181	491	464	27
1978	4,954	3,383	1,846	1,537	1,082	875	207	489	458	31
1979	5,144	3,545	1,804	1,741	1,149	917	232	450	416	35
1980	5,317	3,733	1,776	1,957	1,162	904	258	422	384	39
1981	5,181	3,741	1,558	2,183	1,048	764	284	392	350	43
1982	4,943	3,736	1,356	2,379	866	551	315	341	294	48
1983	4,944	3,845	1,300	2,545	810	460	350	288	235	53
1984	5,158	4,030	1,311	2,719	860	474	387	269	210	59
1985	5,448	4,247	1,348	2,899	917	492	426	284	219	65
1986	5,736	4,460	1,373	3,087	976	510	466	301	230	71
1987	6,026	4,668	1,387	3,280	1,040	531	509	318	241	77
1988	6,370	4,924	1,415	3,509	1,110	555	554	337	252	84
1989	6,773	5,233	1,462	3,771	1,184	582	601	356	265	92
1990	7,208	5,588	1,526	4,042	1,262	611	651	377	278	99
1991	7,679	5,935	1,603	4,333	1,345	642	703	399	292	107
1992	8,113	6,259	1,683	4,577	1,432	674	758	422	307	115
1993	8,450	6,481	1,767	4,714	1,523	708	815	446	322	124
1994	8,758	6,668	1,855	4,813	1,619	743	876	472	338	133
1995	9,089	6,872	1,948	4,924	1,719	780	939	498	355	143

V. 300 PERCENT DECLINING BALANCE

1971	1,657	1,144	848	295	433	382	51	81	75	6
1972	4,064	2,782	1,933	849	1,073	924	148	209	191	17
1973	5,197	3,533	2,198	1,335	1,382	1,143	239	282	253	28
1974	5,755	3,905	2,141	1,765	1,529	1,207	322	320	283	38
1975	6,040	4,126	1,978	2,147	1,576	1,176	400	339	292	47
1976	6,100	4,206	1,715	2,492	1,550	1,078	472	343	288	55
1977	6,112	4,245	1,445	2,800	1,536	996	540	331	268	63
1978	6,183	4,345	1,268	3,077	1,530	925	604	308	238	70
1979	6,262	4,485	1,160	3,325	1,495	830	665	283	205	77
1980	6,346	4,634	1,084	3,550	1,450	727	723	262	178	84
1981	6,433	4,768	1,016	3,752	1,414	635	779	252	161	90
1982	6,555	4,911	977	3,934	1,398	565	833	247	150	97
1983	6,749	5,078	979	4,098	1,429	543	886	242	139	103
1984	6,992	5,246	999	4,248	1,500	564	936	245	137	108
1985	7,256	5,427	1,031	4,396	1,572	590	982	256	143	113
1986	7,525	5,614	1,069	4,545	1,643	617	1,026	268	150	118
1987	7,786	5,793	1,110	4,683	1,713	646	1,067	280	158	122
1988	8,054	5,978	1,155	4,823	1,784	678	1,106	292	166	127
1989	8,332	6,174	1,207	4,967	1,854	711	1,143	304	174	130
1990	8,614	6,373	1,266	5,108	1,924	747	1,178	317	183	134
1991	8,903	5,579	1,329	5,250	1,995	784	1,211	329	192	138
1992	9,196	6,787	1,395	5,392	2,066	823	1,243	342	201	141
1993	9,491	6,997	1,465	5,532	2,138	865	1,274	355	211	144
1994	9,792	7,211	1,538	5,673	2,211	908	1,304	369	222	147
1995	10,101	7,432	1,615	5,816	2,286	953	1,333	383	233	150

VI. FULL-YEAR CONVENTION

971	4,136	2,982	2,525	457	937	877	60	217	209	8
972	3,427	2,452	1,992	459	777	717	61	198	190	8
973	3,113	2,250	1,787	463	680	618	62	184	175	9
974	2,648	1,874	1,406	468	600	538	63	174	165	9
975	2,635	1,884	1,409	475	584	520	64	167	158	9

Year	Total	Nonmanufacturing			Manufacturing			Farming		
		Total	Equipment	Structures	Total	Equipment	Structures	Total	Equipment	Structures
1976	2,676	1,929	1,445	484	579	514	65	168	159	9
1977	2,394	1,747	1,251	496	474	407	67	173	163	9
1978	2,212	1,543	1,033	510	489	420	68	188	171	10
1979	2,140	1,489	963	526	485	415	70	166	156	10
1980	2,150	1,491	947	544	507	435	72	152	141	10
1981	2,183	1,558	993	565	491	416	74	134	123	11
1982	2,117	1,492	904	588	486	409	77	139	128	11
1983	2,072	1,521	908	613	406	326	80	145	134	12
1984	2,099	1,564	925	639	418	334	84	117	105	12
1985	2,148	1,587	952	636	439	351	88	122	109	13
1986	2,252	1,664	999	665	461	368	93	128	115	13
1987	2,360	1,744	1,049	695	481	384	97	134	120	14
1988	2,436	1,790	1,089	701	506	403	102	141	126	15
1989	2,548	1,871	1,138	733	530	423	107	148	132	16
1990	2,664	1,953	1,186	767	556	444	112	155	139	17
1991	2,793	2,046	1,245	801	584	466	118	163	146	18
1992	2,933	2,148	1,307	841	613	489	124	171	153	19
1993	3,079	2,256	1,373	883	644	514	130	180	161	19
1994	3,226	2,361	1,441	920	676	539	137	189	169	21
1995	3,387	2,479	1,513	966	710	566	143	198	177	20

Source: Office of the Secretary of the Treasury, Office of Tax Analysis.

CALIFORNIA EAST SIDE PROJECT QUESTIONS ASKED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. WALDIE. Mr. Speaker, the environmental impact of Federal public works projects is of tremendous importance and it is a most hopeful sign that local and State bodies are now giving public works more scrutiny than in the past.

An outstanding example of this scrutiny has been demonstrated by the State of California Resources Agency and its Secretary, Norman B. Livermore, regarding the proposed East Side project in the Central Valley of California.

In addition, Mr. Speaker, I would hope that similar concern and questions have been or will be asked by Mr. Livermore concerning the devastating impact the proposed peripheral canal diversions will have on the sensitivity balanced ecosystem comprising the delta, the estuary, and San Francisco Bay.

Mr. Speaker, I would like to place Mr. Livermore's questions of the Bureau of Reclamation with regard to the East Side project in the RECORD, along with my own letters on this matter directed to the Bureau of Reclamation and the California State Department of Water Resources.

These letters follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1970.

Mr. WILLIAM R. GIANELLI,
Director, California State Department of Water Resources, Sacramento, Calif.

DEAR BILL: I am sure you are familiar with Secretary Livermore's, "Partial List of Concerns About the East Side Project," submitted to Bob Pafford on July 8, 1970.

I feel that Secretary Livermore has a justifiable cause for concern and I would hope that this concern is shared by the Department of Water Resources.

Additionally, I would appreciate knowing whether similar questions have been submitted regarding the Peripheral Canal, especially regarding the environmental aspects of the project.

Thank you for your immediate consideration of this matter.

Sincerely yours,

JEROME R. WALDIE,
U.S. Congressman, 14th District.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 23, 1970.

Mr. ELLIS ARMSTRONG,
Commissioner, Bureau of Reclamation, Department of the Interior, Washington, D.C.

DEAR COMMISSIONER ARMSTRONG: I have enclosed a copy of several questions regarding the proposed East Side Project of the Central Valley Project sent to Robert Pafford of the Bureau's Sacramento office by Norman B. Livermore of the California Resources Agency.

Mr. Livermore's questions regarding available water supplies, future augmentation and environmental concerns are very well taken and I hope that the Bureau's response will be extensive and prompt.

I would appreciate a copy of the Bureau's response. Additionally, I would be most interested in knowing if similar questions were posed by State Officials with regard to the Peripheral Canal Project.

Sincerely yours,

JEROME R. WALDIE,
U.S. Congressman, 14th District.

PARTIAL LIST OF CONCERNS ABOUT THE EAST SIDE PROJECT

(By Norman Livermore)

I. FISH AND WILDLIFE CONCERNS

1. Should authorizing language include additional assurances for fish and wildlife mitigation?

2. Should authorization of the East Side Project be withheld until a more firm commitment for fish and wildlife enhancement has been developed?

3. (a) What are the detriments and benefits that could be associated with the East Side Project regarding fish and wildlife mitigation and enhancement in the tributaries of the San Joaquin River?

(b) Could the Project provide waterfowl enhancement in the San Joaquin Valley?

(c) What provisions could be made for waterfowl and upland game enhancement on the Canal right-of-way; and for retaining surplus lands acquired with the right-of-way for fish and wildlife purposes?

4.(a) What plan does the Bureau have for releasing water down various streams to satisfy fish and game needs?

(b) How will these water costs be paid?

(c) How will these releases relate to releases from the Peripheral Canal?

5. Some of the material included in the Fish and Wildlife Service report needs to be modified on the basis of information developed since 1965. Do you plan to have the Service revise the report?

II. GENERAL ENVIRONMENTAL CONCERNS

1. Is there enough water available to supply the anticipated demands for water for the East Side Division from supplies that can be developed from existing works and projects authorized for construction and still protect the ecology of the Delta, the Suisun Marsh and other similar areas?

2. What are the alternative sources of water other than imports of North Coast supplies that would be required to make up any water deficiencies in export requirements in order to guarantee ecological protection for the Delta and other areas as outlined in the previous question?

3. What effects would the East Side Project have upon environmental protection requirements of the Lower American River?

4. Has the East Side Project been evaluated to determine compliance with the "National Environmental Policy Act of 1969"? If not, should it not be?

5. Will new studies be needed to conform to the Environmental Policy Act before authorization of the Project?

6. Should not actual, successful operation of the Peripheral Canal be worked out, the net Delta outflow necessary to protect the Delta and San Francisco Bay ecology be determined, and related Delta problems be solved before there is additional, major diversion of water from the Delta as would take place with the East Side Project?

III. ECONOMICS QUESTIONS

1. Will a demand exist for the additional crops that would be grown from water delivered from the East Side Project?

2. What effects would the reduced population projections recently released by the Department of Finance have on the benefit-cost ratio of the East Side Project?

3. What pricing policies would govern the sale of water in the East Side Service Area? Please give examples for irrigation, and municipal and industrial.

4. Has a soil analysis been made as to productivity of proposed new acreages to be irrigated to prove their economic feasibility?

5. Has the Project been evaluated in view of inflation to determine if it is still economically feasible?

6. Should the premises upon which the East Side Report were based be reassessed to determine if those premises are still valid? (i.e., population trends, agricultural needs, alternate water supplies, etc.)

7. (a) Has the Bureau made any firm contracts for East Side Canal water?

(b) What plans does the Bureau have for getting firm contracts prior to authorization and/or construction?

IV. AGRICULTURAL QUESTIONS

1. What effects would the East Side Project have on agriculture in the Delta?

V. LAND USE QUESTIONS

(Illustrative maps would be most helpful in connection with answers to these questions.)

1. This Project will further add to the conversion of private land to public ownership in California. Which U.S. Bureau of Reclamation lands can be disposed of to offset tax revenues heretofore derived from those lands needed for the Project?

2. (a) How much land that is now under cultivation will receive a supplemental water supply from the East Side Project?

(b) Where is this land located?

3. (a) How much new land is to receive a new water supply from the East Side Project and where is this land located?

(b) How much of this new development will be non-agricultural in nature?

VI. DRAINAGE QUESTIONS

1. Why should not the San Joaquin Master Drain question be resolved before the East Side Project is authorized?

2. Would increased irrigation east and north of the San Joaquin River in Merced and Madera Counties cause drainage problems?

VII. MISCELLANEOUS

1. (a) Would authorization of Phase I of the East Side Project obligate the State to support the ultimate stage of the East Side Division?

(b) What is the cost relationship between Phase I and ultimate East Side Project?

(c) What water volume requirements are anticipated for each?

(d) What is the source of water for the ultimate phase?

2. Will the Peripheral Canal be in operation before the East Side Canal? Shouldn't it be?

FURTHER INVESTIGATION NEEDED

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. HARVEY. Mr. Speaker, I recently received a letter from a constituent deploring the conditions which led to the stranding of some 3,500 college students in Europe as the result of the financial failure of a company operating a travel-study program. The frustration and disappointment of these students is understandable and regrettable. Certainly there should be a regulation such as a requirement for performance bonds, to prevent such unfortunate incidents from occurring. I urge the Civil Aeronautics Board to thoroughly investigate this situation and to adopt such a regulation at the earliest possible time. This appears to be one area where the CAB has not cracked down adequately. The Board is, however, to be commended for its increased effort in enforcing charter regulations for scheduled airlines, supplemental carriers, chartering organizations, travel agencies, and individuals alike.

In the same vein, I would like to commend the Civil Aeronautics Board for its recent proposal to tighten up charter regulations. I am astounded that the Board's proposals, intended to prevent an erosion of the charter concept, have come under attack. The Board's proposed regulations are intended to insure that the distinction between individually ticketed service and charter service is properly maintained.

By preventing practices which enable individually ticketed services to be offered under the guise of charters, the Board is carrying out its mandate from Congress to maintain the integrity of charter service.

The law requires the CAB to maintain a system of air transportation which embodies both regularly scheduled service over specified routes and charter service which may be provided within specific geographic areas whenever the demand arises. The Congress has authorized scheduled airlines to engage in both individually ticketed services and charter service. Supplemental airlines have been authorized to conduct charter service only.

It is my understanding that because various methods are now being used by agents and promoters, such as setting up fictitious groups, to offer individually ticketed services under the guise of group travel, the Civil Aeronautics Board has decided to strengthen its charter rules. One step which the Board has proposed to take to prevent these practices is the establishment of new requirements for organizations seeking charter eligibility. By limiting eligibility for charter service to organizations, many of these abuses can be eliminated. Critics have said that the Board's proposed regulations would seriously limit the participation of the public in group charter travel by excluding organization of more than 20,000 members. This is simply not the case. Beyond that, however, it is estimated that on the average each American is eligible for group travel in at least three different ways due to his association with church groups, civic groups, or social clubs.

Any group, no matter how many members it has, may be eligible to establish a charter trip. The CAB proposal merely states that a group with a membership of more than 20,000 is presumed to be open to the general public. If an organization is a bona fide one, however, it need only establish that fact to the CAB, even though its membership far exceeds 20,000.

LIFE MAGAZINE DISTORTS THE HIGHWAY BEAUTIFICATION ACT

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. HARSHA. Mr. Speaker, a leading article in the July 24 issue of Life magazine depicting billboard blight levels a grave and unjust charge against Congress for appropriating only $150 million under the Highway Beautification Act and for the low level of authorizations. It is a glaring example of irresponsible journalism. Congress is accused of failing to fund a program for the removal of signs depicted in the article that are not within the purview of the act.

Stated another way, Congress is faulted for failing to fund a program that is not in legal force and effect. The montage of signs in the lead two-page picture, which is apparently grossly distorted by the compressing effect of a telephoto lens, are in a commercial or business area. With only two exceptions, all of the signs shown in this picture are so-called "on-premise" signs—"signs, displays, and devices advertising activities conducted on the property on which they are located." These are expressly excluded from control under subsection (b) of section 131 of the Highway Beautification Act and there is no authority to appropriate funds for their removal. The two exceptions—presumably "off-premise" signs in a commercial area are subject to control, but such signs are permitted under subsection (d) of the act. Most, if not all, of the signs shown in the other pictures contained in the article are also "on-premise" signs or in a commercial area and, therefore, not prohibited by the act.

The motivation for this reportorial inaccuracy is open to question, but at the very least it is submitted that a publication of this stature that seeks to influence public opinion should do so on an informed basis. A most casual inquiry would have advised the writers of the scope of the existing law.

TUNNEY SALUTES BASEBALL TRIBUTE, THROUGH EAST-WEST ALL STAR MAJOR LEAGUE CLASSIC, TO MEMORY, GOALS AND PROJECTS OF DR. MARTIN LUTHER KING, JR.

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. TUNNEY. Mr. Speaker, organized baseball participated in a unique salute to one of the outstanding citizens in the history of our Nation.

Players, club owners, officials of the two leagues, and the commissioner of baseball participated in making the East-West All Star Major League Baseball Classic—honoring the late Dr. Martin Luther King, Jr., a success. And more than 30,000 fans crowded into Dodger Stadium in Los Angeles on Saturday, March 28, 1970 to see the eastern division team defeat the western division team 5 to 1.

As sportsmanship is defined, the importance of the game is not in winning or losing. It is in playing well. Through individual effort and teamwork, attaining the goal. The goal this day was a salute to the late Dr. King, his ideals, and his nonviolent efforts to make our Nation—and the world—a better place in which to live.

The game had great symbolic significance. It was a most beautiful and meaningful way to begin the first baseball season of a new decade. In the men on the diamond at Dodger Stadium, we had the cream of the crop. The men of several racial backgrounds and cultural heritage who represent the best that baseball, our national sport, has to offer. They represented fulfillment of an Amrican dream, where men in sports are judged on their skills and abilities.

It was not always so in baseball. But

change did come. And baseball is better for it.

As it is in baseball, it can be throughout our society.

Perhaps this was the collective wish of the men—the owners, officials, staffs and players—at the game. I choose to believe that this is what they wanted us of the general public to see as they played in a classic all star game dedicated to a man who did no more than try to make a dream—a most noble dream—come true.

An article by Brad Pye, Jr., sports editor of the Los Angeles Sentinel, captures the spirit of the day:

Today's East-West Major League Classic would have been one of Dr. Martin Luther King, Jr.'s proudest moments.

It would have rated with that day in August of 1963 when multitudes engulfed Washington, D.C., for that great march at which he delivered his now famous "I Have a Dream" speech.

Dr. Martin Luther King, Jr. had many dreams, but the most fervent dream of all was to see a freer America: an America like the one that will be exemplified by some of the best black and white baseball players in the world on the Dodger Stadium field this afternoon.

Dr. King lived, preached and believed in the brotherhood of man. He believed that all men are brothers—black ones, brown ones, white ones, red and yellow ones.

It seems fitting for baseball, from Commissioner Bowie Kuhn on down the line, to have given its blessing to today's game which will be played in memory of Dr. Martin Luther King, Jr. and for the benefit of the foundation which carries his name.

The move to get the U.S. Congress to declare Dr. King's birthday, January 15th, the first national holiday in history—in memory of a black man—hasn't met with success. Baseball, however, can take a bow for making today's Martin Luther King Classic a reality after one false start to get this game off the ground a year ago.

All of baseball—forty or so of the finest in the game—owners, umpires, managers et al.—have banded together to make today's Classic possible.

Dr. King would have loved this day. He was a spiritually filled man. And black, white and all the other colors of the rainbow working together would have caused Dr. King's cup to runneth over.

Dr. Martin Luther King, Jr. was the world's greatest apostle of non-violence and togetherness. He believed that non-violence is the most potent weapon of an oppressed people.

Dr. King believed all violence should be confined to the football field or some other athletic endeavor. He enjoyed the violent world of pro football as much as the next man—but he was a prince of peace otherwise.

It would seem proper for that homerun-hitting man from Atlanta—Hank Aaron—to put one in orbit today.

Dr. Martin Luther King, Jr. was a Nobel Peace Prize winner and in death, most of America is finally coming to the realization that he was for America. By today's demonstration, baseball moves up to the head of the class in this respect.

It is hoped that through this Classic, more people will realize that Dr. Martin Luther King, Jr. was an extremist—an extremist for love, an extremist for justice for all mankind.

Thanks to this timely gesture, baseball joins with black America throughout the world and all other men and women of goodwill to indicate that Dr. King will not be forgotten. His work and his memory will never die.

Dr. Martin Luther King, Jr. had a dream that the bank of justice was not bankrupt. Today's Classic is a demonstration that the "some day soon" he spoke of, when the sons of former slave owners and slaves would work together and walk this earth in peace and brotherhood, has come.

That today's Classic features baseball players of all colors is a living testimony to Dr. King's dream.

It seems apropos that the world of baseball which started integration to working back in 1946 when the late Brooklyn Dodger President, Branch Rickey, signed Hall of Famer Jackie Robinson as the first black player in modern times, should be the catalyst for this tribute to that man from Atlanta Dr. Martin Luther King, Jr.

Bowie K. Kuhn, Commissioner of Baseball, spoke for the organized sport.

Baseball has pioneered integration in professional sports.

It will be 25 years next October that Baseball, through the Brooklyn Dodgers, became the first professional sport in modern times to sign a Negro athlete, thus paving the way for the participation of a host of brilliant black athletes in the National Game.

It seems only right that Baseball should pause today to pay tribute to one of the great disciples of integration and brotherhood, a recipient of the Nobel Peace Prize, Dr. Martin Luther King, Jr.

It seems appropriate too, that the home of the Los Angeles Dodgers which started integration with Hall of Famer, Jackie Robinson, should be the site of today's East-West Major League Baseball Classic in memory of Dr. King.

As Commissioner of Baseball, and as an American, I am proud to give my blessings to this classic which demonstrates that Baseball is democracy at work.

I take this opportunity to commend the Southern Christian Leadership Conference for organizing this Classic and to thank the players for their participation, entirely voluntary, to this cause. I would also like to express my gratitude to the Major League clubs for their cooperation and their financial assistance to assure the game's success.

Joseph E. Cronin, president of the American League of Professional Baseball Clubs, stated:

It is a pleasure for the American League to provide the services of Emmett Ashford and Don Denkinger to help in umpiring the Memorial Martin Luther King Game. I would like to take this opportunity to congratulate players on both squads for their participation in such an ambitious venture.

Charles S. Feeney, president of the National League of Professional Baseball Clubs, said:

On behalf of the clubs and players of The National League of Professional Baseball Clubs, I should like to extend best wishes to you for a very successful Major League East-West All Star Classic Game.

All of us take great pleasure in giving our heartiest endorsement to this game and the very worthy cause for which it is being played.

Peter O'Malley, president of the Los Angeles Dodgers, in whose stadium the classic was played, wrote:

The Los Angeles Dodgers are proud to host the East-West Major League Baseball Classic at Dodger Stadium.

Proceeds from this unique game will benefit Southern Christian Leadership Conference Foundation and the Dr. Martin Luther King, Jr., Memorial Center in Atlanta, Georgia.

It is a game which brings together the outstanding players in Major League baseball for a cause which baseball is proud to support.

The eastern division team roster included Tommy Agee, New York Mets, outfield; Mike Andrews, Boston Red Sox, second base; Ernie Banks, Chicago Cubs, shortstop; Roberto Clemente, Pittsburgh Pirates, outfield; Mike Cuellar, Baltimore Orioles, pitcher; Ron Fairly, Montreal Expos, outfield; Bill Freehan, Detroit Tigers, catcher; Bob Gibson, St. Louis Cardinals, pitcher; Ken Harrelson, Cleveland Indians, outfield; Grant Jackson, Philadelphia Phillies, pitcher; Julian Javier, St. Louis Cardinals, second base; Al Kaline, Detroit Tigers, outfield; Darold Knowles, Washington Senators, pitcher; Tim McCarver, Philadelphia Phillies, catcher; Ken McMullen, Washington Senators, third base; Bobby Murcer, New York Yankees, shortstop; Reggie Smith, Boston Red Sox, outfield; Vada Pinson, Cleveland Indians, outfield; Frank Robinson, Baltimore Orioles, outfield; Ron Santo, Chicago Cubs, third base; Tom Seaver, New York Mets, pitcher; Willie Stargell, Pittsburgh Pirates, outfield; Rusty Staub, Montreal Expos, outfield; and Mel Stottlemyre, New York Yankees, pitcher.

Its coaches were Stan Musial, John McNamara, Billy Martin, and Satchel Page.

Joe DiMaggio, the Yankee Clipper and Hall of Famer, was manager of the winning eastern team.

Members of the western division team were Hank Aaron, Atlanta Braves, outfield; Sal Bando, Oakland Athletics, third base; Johnny Bench, Cincinnati Reds, catcher; Ken Berry, Chicago White Sox, outfield; Ollie Brown, San Diego Padres, outfield; Rod Carew, Minnesota Twins, second base; Orlando Cepeda, Atlanta Braves, first base; Willie Davis, Los Angeles Dodgers, outfield; Chuck Dobson, Oakland Athletics, pitcher; Jim Fregosi, California Angels, shortstop; Tommy Harper, Seattle Pilots, outfield; Reggie Jackson, Oakland Athletics, outfield; Dick Kelley, San Diego Padres, pitcher; Lew Krause, Seattle Pilots, pitcher; Tom McCraw, Chicago White Sox, outfield; John Martinez, Kansas City Royals, catcher; Joe Morgan, Houston Astros, second base; Roger Nelson, Kansas City Royals, pitcher; Tony Oliva, Minnesota Twins, outfield; Pete Rose, Cincinnati Reds, outfield; Ken Tatum, California Angels, pitcher; Maury Wills, Los Angeles Dodgers, shortstop, and Don Wilson, Houston Astros, pitcher.

Its coaches were Don Drysdale, Elston Howard, Sandy Koufax, and Don Newcombe.

Roy Campanella, the great Dodger catcher and Hall of Famer, was manager of the western team.

Emmett Ashford and Don Denkinger were umpires representing the American League. Stan Landes and Mel Steiner represented the National League.

Team members were selected from among ball players accepting invitations to play in the classic. The 24 men who took to the field were selected by members of the Southern California Sportscasters Association and the Los Angeles-

Anaheim chapter of Baseball Writers Association of America. All teams were represented. Only representative of the San Francisco Giants present was Willie Mays, who flew in from Japan for the game. The Giants were in spring training in Tokyo.

Mrs. Coretta Scott King, widow of Dr. King, was:

delighted that so many of the great baseball stars of the country have decided to honor my late husband, Dr. Martin Luther King, Jr., by participating in the East-West Major League Baseball Classic.

My husband would have been deeply moved by this tribute, because he had a keen interest in sports and he was always grateful for the kind of commitment to justice being displayed by the athletes in this Classic. Our four children, who are avid sports fans and participants, are also very grateful for this unprecedented game.

The world of sports has done much to point the way toward realization of our democratic ideals. In every field of athletic competition, players have demonstrated that where there is a will to do so, people can learn to work together, play together, win together, lose together, and travel together as team-mates, without consideration for race, religion, or background.

By supporting this Baseball Classic, you are expressing your solidarity with those of us who are dedicated to preserving the ideals for which my husband gave his life.

On behalf of the King family and the Martin Luthern King, Jr. Foundation, I extend our immense gratitude to those who have made this event possible—the Commisioner of Baseball and his staff; the participating players and the splendid retired stars; the baseball owners, and the thousands of volunteer workers and fans. With your help, we shall one day share in the realization of my husband's dream.

Reverend Ralph David Abernathy, president of the Southern Christian Leadership Conference said that:

Support of this game is a splendid way in which you are participating in the continuation of Dr. King's movement. I wish to extend my special thanks to the Commissioner of Baseball, Mr. Bowie Kuhn, and his staff; to the baseball owners; and to the great players, both active and retired, who have donated their valuable time and their marvelous talents to this unique event.

The benefits from the East-West Major League Baseball Classic are going to the Martin Luther King, Jr. Foundation and the Southern Christian Leadership Foundation, which supports the work of the organization I serve as Dr. King's successor.

The programs of SCLC are open to all regardless of race or creed, and are always conducted in the nonviolent tradition of Dr. King.

Dr. Martin Luther King, Jr. was many men—theologian, minister, scholar, and prolific author.

Born in Atlanta, Ga., on January 15, 1929, Dr. King was the eldest son of the Reverend and Mrs. Martin Luther King, Sr., and the grandson of slaves.

Through his formal education years—and before—Dr. King became painfully aware of the oppression of black people.

A well educated man, Dr. King, after receiving his doctorate in systematic theology in 1955, returned to the South. The young minister soon became the central figure in the modern civil rights movement.

Following the 381-day Montgomery Bus Boycott, Dr. King and Rev. Ralph David Abernathy founded the Montgomery Improvement Association, the direct forerunner of the Southern Christian Leadership Conference, which was established in 1957.

From this time until the date of his assassination in Memphis Tenn., on April 4, 1968, Dr. King championed the civil rights and peace movements.

He was undeniably one of the greatest Americans in history, and known internationally as a leader of growing power and respect. He was awarded the Nobel Peace Prize in 1964, and gained a total of 23 honorary degrees.

The Southern Christian Leadership Conference faces the decade of the 1970's fully dedicated to remain committed in the tradition of its founder-president, the late Dr. Martin Luther King, Jr., to the need for continued positive action and programs pinpointed to obtaining total freedom, full equality and justice, and peace for all men.

As they say in the vernacular of the sports world: "SCLC has its momentum going!"

The East-West Major League Baseball Classic is only one corner of the total picture designed to continue and expand the programs geared to bring Dr. Martin Luther King's philosophy and sincere beliefs into reality.

Through its 13 years of existence, the Southern Christian Leadership Conference has evolved from a regional organization combating racism in the South to a national organization involved in a host of sound programs.

It was founded in January of 1957 as an aftermath of the Montgomery bus boycott of 1955–56, led by Dr. Martin Luther King, Jr. and Reverend Ralph David Abernathy. The boycott paced the modern civil rights movement, and must be looked upon as the steppingstone from which the Southern Christian Leadership Conferenc launched numerous programs, all encompassing the key goal of securing economic development and basic human rights for all peoples.

From this humble beginning, SCLC started to grow. By the end of 1959, SCLC had affiliates in 10 Southern States and 22 cities. Dr. King and Rev. Abernathy the following year assisted in organizing the Student Nonviolent Coordinating Committee. In 1961, came the Freedom Rides. All the while, SCLC continued its work in voter registration, school desegregation and the use of boycotts to obtain desired results.

Two permanent programs of SCLC were launched in 1962—operation breadbasket, an economic arm originally designed to gain new and improved jobs for black people, and the citizenship education program, emphasizing literacy training and voter registration.

SCLC's demonstrations in 1963 against segregation in key southern cities, such as Birmingham and Savannah, led to the vital enactment in 1964 of the comprehensive Civil Rights Act which swept away the old segregation laws.

It was also in 1963 that Dr. King delivered the famous "I Have a Dream" oration at the march on Washington before an assembly of 250,000 persons.

The Nobel Prize for Peace was awarded Dr. King in 1964.

The Selma movement for the right to vote, featured by the 50-mile march from Selma to Montgomery, Ala., highlighted 1965 for SCLC. A total of 50,000 men and women participated in the lengthy march, with the result being the swift passing by Congress of the Voting Rights Act. SCLC followed up with a vast registration crusade which began to change the political life of the South.

In quick succession came the SCLC's participation against the oppression of black people in northern cities—Chicago and Cleveland; the Mississippi March Against Fear; and the establishment in 1968 of the ministers' leadership training program in 15 major cities.

On April 4, 1968, Dr. Martin Luther King, Jr. was assassinated in Memphis, where he had been working in support of a strike by poor garbage workers, and Reverend Abernathy was elected SCLC president.

The past year saw SCLC assist in obtaining higher wages, new respect and the right to organize for poor hospital workers in Charleston, S.C. SCLC also made a dramatic protest against poverty as men were launched to the moon. Demonstrators demanded that the Nation battle poverty with the same kind of skills and resources that went into the space program.

It was in 1969 also that SCLC became a major force in the buildup of the anti-war movement.

Programs, departments and specialized activities of SCLC are:

First. Department of affiliates and chapters: More than 300 local organizations across the Nation are affiliated with SCLC, receiving advice, direct aid and special services.

Second. Citizenship education program: Jointly sponsored by SCLC and the United Church of Christ, geared to develop local community leadership and serve the needs of the poor.

Third. Operation Breadbasket: A comprehensive economic development program dedicated to securing of employment for black people, as well as to assist in the growth of financial and business institutions.

Fourth. Department of voter registration and political education: Continued registration of voters promises a growing voice for the black and poor in all phases of the political process and the society.

Fifth. The Poor People's Campaign: This continuing drive enables SCLC to maintain an informal alliance with other groups, in addition to black people, including American Indians, Spanish-speaking Americans and poor whites.

Sixth. Organizing the working poor: In cooperation with labor unions, SCLC provides staff and resources to help organize this group.

Seventh. Students and youths: SCLC has and will continue to recruit students and other young people for campaigns of massive nonviolent action, enabling young Americans to work in local communities to change the quality and dignity of human life.

Eight. Housing for the poor: SCLC

has sponsored and cosponsored several model housing projects for the poor, featuring use of black architects and builders and the development of attractive, low-cost homes.

Ninth. Working for peace: Although essentially a human rights organization, SCLC has for one of its major concerns the need of peace and worldwide attack on the related evils of racism, poverty, and war. It is one of the strongest forces of the peace movement.

Tenth. Regional offices: SCLC maintains a full-time staff in key cities and communities, constantly available to serve local people.

Eleventh. Special Services: SCLC produces a nationwide radio program, "Martin Luther King Speaks," broadcast on Sundays over a network of 60 stations; publishes a monthly journal, "Soul Force," and stages special cultural, entertainment, and sports projects. The East-West Major League Baseball Classic falls into the sports projects category.

The Martin Luther King, Jr. Memorial Center, located in his home city of Atlanta, Ga., is a shrine of scholarly and cultural endeavors, coupled with appropriate memorials honoring Dr. King and the movement he pioneered and for which he crusaded.

The center has two major locations: One for active scholarship work research and cultural life is located in the vicinity of Atlanta University. The other combines a permanent entombment for Dr. King, a Freedom Hall, the home in which he was born, and the church he served as copastor with his father, Dr. Martin Luther King, Sr.

The first active element in the memorial center is the Martin Luther King, Jr. Library Documentation project, where the papers and other documentary works of Dr. King are being collected. Opened in the fall of 1969, the library is open to serious scholars.

The second element, the Institute of the Black World, opened in late 1969, bringing together black people and resources for the analysis and celebration of the Afro-American and black experience on a level unparalleled anywhere in the world. It is the eventual hope that the institute will offer certificates, degrees, and scholarships.

Long-range projects planned for the center include the museum of Afro-American life and culture, and the institute for nonviolent social change.

In the Auburn Avenue area, adjacent to Atlanta University, is located the entombment place, the Ebenezer Baptist Church, and the birthplace of Dr. King, to be preserved and maintained as an integral part of the center.

The final element of the center is a planned freedom hall where films, tapes, photographs, and other documentary material will be stored for public exhibition.

We were left with unfinished tasks at the passing of the founder, Dr. Martin Luther King, Jr. Through programs such as the East-West Major League Baseball Classic, we help to sustain his works—and those of the Southern Christian Leadership Conference—in quest of a better life for all men. Baseball, the great American pastime, has led the way.

TRIBUTE TO THE AMERICAN FLAG

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. McKNEALLY. Mr. Speaker, I am most anxious that the membership of the House have the opportunity to read and ruminate upon a tribute to the American Flag composed by Monsignor George A. Rosso, Pastor of St. Thomas of Canterbury Church in Cornwall, N.Y.

The lofty sentiments contained in it are made the more significant by the fact that Monsignor Rosso served in the U.S. Navy over a long period of time. He achieved the rank of admiral. Monsignor Rosso was a dedicated naval officer as he is a dedicated pastor. It is inspiring to hear a man of his stature speak so feelingly about the American flag. This is especially so at a time when with great consternation we have watched the symbol of our country reviled and ridiculed. It goes without saying, Mr. Speaker, that Monsignor Rosso bespeaks eloquently the sentiments that most of us harbor deeply within our thoughts and hearts.

When a man with a record of great achievement admonishes us to love our country and to respect our flag, we should harken to his words. I, therefore, for the instruction of all who read this RECORD place this superlative tribute to our flag before the House today:

IN THE SPIRIT OF MEMORIAL DAY—ON THE RED, WHITE, AND BLUE

I guess I am an incorrigible patriot. Every time I see the flag going up the staff and hear the National Anthem I choke up a bit. I suppose it might be called an emotional weakness, but if this is so, I rather like it. It gives me a warm feeling and a sense of gratitude to Almighty God that among the many gifts He has given to me not the least is being able to call America my native land.

When I see that flag I am reminded of many things. I remember going into battle in the South Pacific against the Japanese and seeing and hearing that lovely symbol snapping, there is no other word, in the strong wind of the ocean. I have seen it layed on many and many a casket and had the privilege of folding it and handing it to the next of kin and saying that this was but a small reminder of the debt America owed to one of her dead sons. I have seen pictures of it being hauled down in defeat before the caves of Corregidor in the Philippines.

I saw it waving from the *Missouri* in Tokyo Bay. I have seen it lazily floating from homes and public buildings on the Fourth of July. I have seen literally thousands of tiny flags on tiny staffs sprouting from the graves in National Cemeteries on Decoration Day. And also in our small cemeteries in Cornwall. I have seen those who would destroy it, carry the flag in parades and shout defiance to law and order under its protection.

I have seen it caricatured in Communistic paintings, spat upon and trampled and burned by mad mobs here in the United States. I have marched with it in parades; gave it tribute as it went by in the safe hands of our beloved Marines. Watched it folded ceremoniously by Blue-jackets as the last rays of the sun faded into twilight.

I have watched it climb slowly up the flagpole at the Rose Bowl game as massed bands played the Star Spangled Banner, which is why I am sitting down at this moment writing this. It's my Flag and My Country, and in all my travels over the world I have never found a more beautiful flag or a better country. And if this is chauvinism then call me a chauvinist.

I remember a long, long time ago when I was serving with the United States Marines as a young "make-ye-learn" Chaplain. There was an old Battle Scarred Marine with whom I came in contact, and he seemed to take a liking to me. His name was Lieutenant Colonel Joseph Swinnerton; "Smokey Joe", as he was known in the Corps. He had a face like five miles of bad road and a voice an octave lower than a basso profundo. Yet, he was the epitome of kindness and understanding despite his looks and his voice.

On more than one occasion I went to him for advice and it was always good; something I would use all the years of my life in the service. One day I went to pay my respects to the Colonel and his lady as Navy protocol required. I was received most graciously and the three of us sat in his living room in San Diego and engaged in lively conversation. The radio was playing softly in the background. I was enjoying the visit immensely when all of a sudden Smokey Joe stood up at attention right in the middle of the conversation. I gasped in astonishment and wonder.

It was then, in the sudden silence, that I became aware that a band was playing the Star Spangled Banner over the radio. Joe stood there like a ramrod until the last note died away and then sat down quietly. He looked at me. There was a, well, shy look, I suppose you would call it, in his face as he explained that it was an old habit with him. He never sat during the National Anthem, no matter where he was. I have never forgotten that visit and even to this day, I am tempted and oftimes do the same thing in the privacy of my home.

That was, as I say, a long, long time ago; and he was a young man then. I suppose by this time "Smokey Joe" has gone to his reward. If he has then I say, God rest your soul Joe and thanks for the lesson that Sunday afternoon in San Diego.

Msgr. GEORGE A. ROSSO.

INEQUITY OF TAX STRUCTURE

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, I have been requested to insert into the CONGRESSIONAL RECORD an article written by E. Edward Stephens which appeared in the Evening Star on July 10. The article covers an inequity in our tax structure which would be corrected by the enactment of H.R. 14945 which was introduced by Congressman JERRY L. PETTIS from California:

[From the Evening Star, July 10, 1970]

COUNSEL FOR TAXPAYERS—TAX COURT DENIES A REVERSAL

(By E. Edward Stephens)

DEAR COUNSEL: Last Friday you told about a case where the Tax Court reversed itself. Can you now describe a situation in which this tribunal refused to do so?

Yes. A striking example is the Betty Bell Huelsman decision, filed June 29.

Mr. and Mrs. Alfred J. Huelsman, of Louisville, Ky., filed joint returns for '63, '64, and '65. The Internal Revenue Service later charged that Alfred had embezzled about $100,000 during these years and hadn't reported a dime of it as income in accordance with the Supreme Court's 1961 decision, James v. U.S. So IRS toted up deficiencies of $25,190, and added $12,595 for civil fraud penalties. When it couldn't collect from Al-

fred, IRS went after his wife, Betty, for the $37,785 plus interest.

Dumbfounded, Betty advanced these reasons why she should not be stuck for Alfred's staggering tax debt: (1) they had been divorced since February, 1967; (2) she had to work to support herself and their son; (3) her earnings were meager; (4) she knew nothing about Alfred's alleged illegal activities; (5) she had derived absolutely no benefit from the allegedly embezzled money; and (6) she wouldn't have signed the returns if she had known they were "dishonest." When IRS turned a deaf ear, Betty sought relief in the tax court.

She was barking up the wrong tree. After a short hearing in 1968, during which IRS dropped the fraud penalties, Trial Judge Theodore Tannenwald Jr. ruled against Betty. He said the court had "much sympathy for petitioner's unhappy situation" and was "appalled at the harshness" of its decision. But, he added, "the inflexible statute (section 6013(d)(3) of the Internal Revenue Code) leaves no room for amelioration."

Betty then turned to the Cincinnati-based Sixth Circuit U.S. Court of Appeals. This tribunal (one judge dissenting) decided last October, to give the Tax Court an opportunity to reverse its course. So the Sixth Circuit wrote a pile-driving opinion, and sent the case back ("remanded it") to the lower court "for disposition within the guidelines" of the opinion. Here are three key guidelines that virtually instruct the Tax Court to rule for Betty:

"We are not convinced . . . that the statute is so inflexible that an innocent wife who has been victimized by a dishonest husband must be subjected to an additional appallingly harsh penalty by the United States government."

"Courts very often hold in tax cases, at the insistence of the government, that substance should prevail over form. The form of this case is that petitioner signed in good faith tax returns with her husband which technically made her liable for the tax on their joint income. The substance is that the money which her husband embezzled without her knowledge was not income to her in the usual sense of the word and . . . did not benefit her directly or indirectly."

"It is argued by the government that petitioner's liability is based on a contract and that by signing the contract she assumed a role somewhat related to a surety or guarantor . . . The fallacy of this argument is that petitioner was fraudulently induced to sign a return which she obviously would not have signed had the embezzled money been included in it; and the presence of actual fraud has historically been considered as grounds for relief to the aggrieved party. Moreover, . . . a husband or wife who signs a joint return becomes liable as an individual debtor and not as surety or guarantor."

Amazingly, the Tax Court remained adamant in its June 29 decision despite these unmistakable directions. So the next move is up to Betty. She can try to pay for her divorced husband's crime, or she can appeal again to the Sixth Circuit—if she can scrape up enough cash to finance a fourth court battle in her search for justice.

MARIHUANA—WARNINGS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. COLLINS. Mr. Speaker, marihuana means problems. None of the drug debates solve anything. The extent of physical harm caused by marihuana may be uncertain. But the shattering effect that sale or possession of marihuana may have on an individual's life is startling. The editor of the Dallas Times Herald, Felix McKnight, lists the harsh penalties on marihuana users. Read the Dallas Times Herald editorial that sums up the present serious problem of marihuana. McKnight's statement follows:

Marijuana smokers, particularly the young, should know all the facts and penalties before they light the next cigarette.

It is conceded that the young are weary of being "preached to" but, as the writer commented in recent commencement addresses, we would be derelict if we did not raise a few caution flags for study.

The medical dangers of smoking marijuana are still being debated (without too much reason) but there are other undebatable facts about sale or possession of the drug.

It can radically change—or wreck—a citizen's life. For the following shattering reasons:

1—Possession of, selling or giving marijuana to another person is a felony, both under federal and state law. If a person is convicted under these charges and receives a penitentiary sentence—or even receives probation—he is recorded in police records as a felon. Which means, for the rest of his life.

2—Loss of the right to vote; a voiding of citizenship.

3—Loss of the right to hold many public offices.

4—Loss of eligibility to enter medicine, law, nursing and many other professional areas of postgraduate training.

5—Loss of eligibility for security clearances required in many jobs involving government contracts.

6—Serious impairments of job opportunities, since the fact of a felony indictment is made a part of the credit reference reports and police records.

7—Loss of eligibility for a commission in the armed forces.

8—Loss of eligibility for a Veterans Administration pension.

9—Loss of eligibility to be an officer in a small business investment company—and many other similar business areas.

10—Loss of eligibility to work as an investment adviser.

11—Loss of eligibility for a Civil Service pension or annuity.

12—Loss of eligibility to hold office in any labor union.

Roundup of these penalties should be credited to the Texas Association of Consumer Finance Companies. A very worthy public service.

But to the young, who soon will enter business and professional fields, there are additional warnings.

In Texas, and most of the others, a person loses for his lifetime the right to work in the following trades and professions if he is convicted of a felony:

Law, state banking department, barbering, hairdressing, cosmetology, dentistry, district clerk, funeral director or embalmer, life insurance counselor, nursing, optometry, pharmacy, physician or surgeon, plumbing, membership in a rural credit union, public school teaching.

A further reminder: Anyone convicted of a felony has a permanent police record with the local police, the state police and the FBI. Prospective employers and credit bureaus regularly check these sources when hiring.

The question? Is the arrest and conviction for possession, sale or passing of marijuana worth sacrificing citizenship and opportunity?

This generation—the brightest, healthiest and most promising of all—has mountains to climb to keep this greatest of free nations moving upwards.

It must win the true peace, it must establish true brotherhood, it must conquer cancer and heart disease, it must cleanse the earth of foul pollutants, it must destroy man's distrust of man.

It has work to do and it has all the equipment to do it.

It is unthinkable that it would foul its opportunity by risking felony conviction for the brief and fleeting experience of exposure to marijuana—or any other drug. To prove their right to challenge the "establishment," they could win the gratitude of a nation by suffocating the vile dope pushers who endanger their futures, their very lives.

Some argue that possession of marijuana should become a misdemeanor. But the very cold fact of it is—it is still a felony.

SECRECY IN THE HOUSE NO FIGMENT OF IMAGINATION, BUT A FACT OF LIFE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ROSENTHAL. Mr. Speaker, during debate on the Legislative Reorganization Act of 1970, it has been suggested that recent publicity about secrecy in the House of Representatives is the result of a great campaign instigated by the news media and that the charge of secrecy in the House is nothing more than a figment of the imagination of the news media. I must take issue with that allegation.

I will accept that perhaps the press is sensitive to House secrecy, because quite obviously secrecy in the legislative process hinders the press in discharging its responsibility to the public—the reporting of the activities of the elected Representatives of the people. But to assert that the press has contrived the secrecy issue out of whole cloth is a gross distortion of the facts.

Secrecy is not a figment of anyone's imagination; it is an undeniable fact of life in the House. It is also a well-documented fact of life as a result of an excellent report by the Democratic Study Group. The DSG report has been the basis for many editorials and columns supporting the bipartisan antisecrecy amendments. Some newspapers also reprinted the DSG report, among them the Wall Street Journal.

Mr. Speaker, the Wall Street Journal is not the kind of newspaper that concocts or prints figments of imagination. It has a well-deserved reputation for hard-nosed, accurate reporting of the news. It reprinted major excerpts from DSG's secrecy report in an article by reporter Norman C. Miller because the Journal's editors assessed the report not only as accurate but highly pertinent to the public interest. I agree. I commend the Journal article to my colleagues and I ask that it be printed at this point in the RECORD:

[From the Wall Street Journal, July 14, 1970]

IN THE HOUSE, A HASSLE OVER SECRECY

Congressional rules seem a dry-as-dust subject, yet they have a powerful and pervasive effect on legislative consideration of just about every important issue. Particu-

larly in the House of Representatives, an elaborate array of restrictive procedures has been developed over the decades to shield the decision-making process from public view and understanding. Rules encouraging secrecy in the House greatly enhance the power of chairmen in closed-door committee sessions and enable all Congressmen to escape public accountability for key votes in committee and even on the House floor.

Now, however, the long-entrenched system of secrecy in the House is under vigorous attack from a bipartisan reform group of generally younger Congressmen. They include liberals and conservatives who share a common concern that secrecy is a root cause of the low esteem in which the House is held by voters. A pallid Congressional reorganization bill which reached the floor yesterday gives the reform block a chance to attempt to rewrite House rules to provide for more open debate and decision making. An incisive analysis by the staff of the Democratic Study Group, a loose alliance of more than 100 liberal House Democrats, discusses the dimensions of the secrecy problem and outlines reforms the bipartisan group will urge.

Secrecy pervades the legislative process in the House of Representatives. Arbitrary and undemocratic procedures are so much the rule that they are hardly noticed let alone seriously challenged. Yet secrecy has a more debilitating impact on the House than its well-publicized companion, the seniority system.

Secrecy in the House is corrosive. It undermines the democratic process by denying members information they need to make intelligent legislative decisions and by denying voters information they need to make informed electoral decisions.

It destroys public confidence in the House as a responsive legislative body. It makes the House incomprehensible to the average citizen and contributes to the growing distrust of elected officials. . . .

Secrecy in the House takes many forms. It is closed committee meetings; it is refusal to disclose record votes taken in committee; it is the unavailability of reports and other information about the contents and effect of legislation; it is non-record votes on major amendments during floor consideration of bills; it is closed House-Senate conferences and more off-the-record votes; it is calling up conference reports and other measures for a vote before members have had adequate opportunity to study them. . . .

MANY CLOSED HEARINGS

Nearly half of the hearings and meetings of House committees are closed to the press and public. Most of the closed sessions are held by major committees such as Ways and Means, Armed Services, Foreign Affairs and Appropriations. Indeed the powerful Appropriations Committee holds all of its more than 300 annual meetings and hearings behind closed doors, out of sight of the taxpayers who foot the bill for its actions. The House Appropriations Committee is the only Congressional committee which always meets in secret session. . . . The Senate Appropriations Committee manages to hold 75% of its meetings open to the public and the press. . . .

Most committees open the majority of their hearings to the public, while closing their doors for mark-up sessions in which members vote on various provisions of the bill under consideration. . . . Except for the Education and Labor Committee, each member's vote on key provisions of legislation considered in House committees is withheld from his constituents and the public generally. . . .

Committee reports and hearings are frequently filed too late to permit members adequate time to review them before they must vote on the legislation. Appropriations Committee reports are generally unavailable until a few days before the multi-billion dollar measures are approved by the House. In most instances, transcripts of the closed-door Appropriations hearings—which average over 4,000 pages per bill—are published so late that even members of the Appropriations Committee not on the subcommittee involved do not see them until the day the full committee meets to report the legislation. Similarly, the several thousand pages of Armed Services Committee hearings are usually not made available until the day before floor consideration of the measure begins. . . .

The House considers most amendments to legislation while it is meeting as a committee of the whole, a procedure under which no-record votes are taken. Thus, constituents have no way of knowing how their Representative votes on most major amendments. These votes—regardless of how important—are either by voice or division (in which members stand in place to be counted) or teller (in which members file up an aisle between tellers who count them as they pass). No record is made, however, of how—or even whether—members voted. . . .

All House-Senate conferences (to work out differences between House and Senate versions of a bill) are closed to the public, the press and other members of Congress. Although conferences often significantly alter legislation passed by the two houses, no record of what occurs during a conference or how the conferees vote on the key issues involved is made available.

A LIMIT ON DEBATE

When the conferees reach agreement, they report back to their respective houses. In the House, a conference report may be taken up almost immediately, the only requirement being that it be printed in the record. Thus a report filed for the record at the close of business one day may be called up for debate and a vote at the opening of business the next day. Since conference reports are often obscure and complex and since debate is limited to one hour, such a procedure does not give members adequate time to gain an understanding of the conference agreements before voting to approve or disapprove the measure. Further, even when conference reports are not called up immediately after being reported, they are called up without notice. . . .

Non-record votes and closed committee sessions saddle all members of the House with the poor image that secrecy engenders. Non-record votes reduce participation and make it almost impossible for members to get support for amendments regardless of their merit. Less than one-third of all House members generally participate in non-record votes on amendments and the vast majority of them fail. . . .

Closed committee sessions pose additional problems for members by making it more difficult to reject the entreaties of interests seeking legislation not in the public interest. The lack of early availability of committee reports works to the disadvantage of members by denying them adequate opportunity to make an intelligent evaluation of pending legislation or to draft amendments and seek support for them. This often places members in a position in which there is little choice but to accept the recommendations of the committee which reported the bill.

Closed committee meetings, secret or non-record votes and lack of information prevent the press from meeting its obligation to fully and accurately inform the public about the conduct of public business in the House. Closed committee sessions make reporters dependent on "leaks"—thereby increasing the possibility of misleading reports or outright manipulation of the press through "leaks" designed to favor a particular point of view. . . .

Secrecy gives special interests an advantage over the public interest by permitting professional lobbyists to exert an influence out of proportion to the righteousness of their cause. Finally, the public interest is not served when such major issues as the ABM, the SST, the invasion of Cambodia, school desegregation, civil liberties and air and water pollution are decided anonymously. The poor attendance on many of these votes (in the current session) effectively disfranchised many constituents and in some cases permitted the continuation of programs and policies opposed by the public.

The legislative reorganization act of 1970, scheduled for House consideration in mid-July, provides the first major opportunity in a quarter of a century to attack the problem of secrecy in the House. . . . Numerous amendments are anticipated—including several designed to open House proceedings to more public scrutiny. . . .

One of the major proposals would simply authorize clerks to record the names of members as they pass through teller lines. . . . This is perhaps the most important reform amendment which will be offered. It would not only permit constituents to better evaluate the performance of their Representative, it would also significantly improve member participation in voting on amendments to legislation. Ironically, however, whether such record votes will be permitted will be decided by non-record vote under present procedures.

The public has a right to know how their elected Representatives vote on matters which come before them in committee as well as in the House. . . . The only change in this situation provided by the legislative reorganization bill is a meaningless requirement that committees announce the vote total on motions to report legislation—but without indicating how each member voted.

To provide substantive reform in this area, an amendment to the legislative reorganization bill is being considered which would require that each member's vote on committee and subcommittee roll calls be made public.

The legislative reorganization bill contains provisions stating that committee hearings and business meetings "shall be open to the public except when the committee, by majority vote, determines otherwise."

This language is only slightly different from the present rule and would therefore have little, if any, effect in opening more committee hearings and meetings. . . . An amendment is therefore being considered to require a two-thirds roll call vote to close a meeting or hearing, plus disclosure of the reasons for doing so. This would promote more open sessions while still providing committees with flexibility to close hearings and meetings involving national security matters or other sensitive issues.

THREE AMENDMENTS

Members must be provided with reports, hearings and other information sufficiently in advance of floor consideration of legislation so that they may know what they are voting on. . . . Thus, the following three amendments are being considered in this area:

1. An amendment requiring that the committee report on any appropriation bill be delivered to each member's office at least seven days before House action on the measure. Such a requirement is not unreasonable in view of the fact that appropriations bills involve the expenditure of billions of tax dollars.

2. An amendment requiring that the committee report on any non-appropriations measure be delivered to each member's office at least three days, excluding weekends and holidays, before House action.

3. An amendment requiring that House-Senate conference reports be available to members for at least three days before House action and that advance notice be given when such reports are to be called up. . . .

These amendments would end the practice of developing legislation behind closed doors and then rushing it through the House before

members have had an opportunity to analyze the measure. As the Joint Committee on the Operation of Congress noted in its 1966 report, bills which cannot survive scrutiny are bills that should not be enacted. "The world's most powerful legislature cannot in good conscience deprive its membership of a brief study of a committee report prior to final action," the bipartisan committee noted.

The rules changes demanded by reformers are certain to meet strong opposition from veteran Congressmen of both parties who feel their power threatened. It will be an upset if the reform forces win, and the results would not be immediately apparent in terms of legislative decisions. But a lifting of secrecy would fundamentally enhance the now-paltry influence of rank-and-file Congressmen, at the expense of House elders, and that would be bound to have a lasting impact on legislative decisions.

CAUTIOUS OPTIMISM POSSIBLE OVER MIDDLE EAST SITUATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. BIAGGI. Mr. Speaker, I would like to express a word of cautious optimism over the recent developments in the Middle East. The positive response by the Egyptians to a U.S. proposal for a cease-fire and peace talks gives some hope for the future. However, we are still a long way from a settlement.

Two key elements in the proposal, if accepted, would represent real steps forward. The required recognition of the sovereignty, political independence, and territorial integrity of the countries involved is one essential point on which there can never be a compromise. The second very important element is the provision for a cease-fire and the start of peace talks.

Now, while a cessation of hostilities is necessary if meaningful negotiations are to be completed, there must be sufficient safeguards to prevent a buildup of weapons and missiles in Egypt or her neighboring Arab States. Israel would be foolish to accept even a temporary cease-fire if at the end of such a period it would face a much better equipped enemy army.

As it is, the military balance is quickly shifting to the Arab side. The introduction of Soviet SA–2's is a very grave escalation of the tense situation in the area. Now even the Syrians have the deadly SA–2's and will probably soon have SA–3's also. Libya, too, is getting in the act. The Soviets have shipped large amounts of military equipment, including tanks and troop carriers, to that oil-rich desert country. The French will soon sell them 110 Mirage jets.

These extensive arms buildups pose a very serious threat to Israel's future security. A cease-fire that would not bar arms buildups would be too great a risk for our tiny embattled ally. Until the Soviet Union and its near-puppet Arab governments stop the upward spiral in arms and missiles, Israel has no choice but to continue bombing the missile bases and other strategic installations. Regardless of what may come of the present peace proposals, I firmly believe we must supply Israel with the jets she has requested for her own defense. I would point out we are selling these jets to Israel, not giving them away. Unlike in Southeast Asia, it does not cost the taxpayers 1 cent to help our ally defend democracy and freedom in the Middle East.

As I pointed out in this Chamber several months ago, any settlement in the Middle East must contain guarantees for Israel's security and must be arrived at through negotiations between the countries involved and not as a result of a solution imposed from the outside.

I believe the present proposal embodies the spirit of my letters to the President and the Secretary of State last January. The recent U.S. peace initiative quite clearly points out the need for an eventual face-to-face discussion between Israel and her warring neighbors as central to a final solution. It further leaves the details of a settlement to the parties directly involved.

If the proper guarantees against arms buildups can be obtained, I hope that Israel would seriously consider following through on this move toward peace. I am confident that the wisdom and prudence of the Israeli leaders will guide them to the right decision.

LIMIT AID TO STOP ILLEGAL DRUG EXPORTS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. COLLIER. Mr. Speaker, the importation of heroin and other hard narcotics is causing a catastrophic social dilemma to occur throughout the United States. While this country lends foreign aid assistance to countries such as Turkey, they, in turn, refuse to adequately police a drug traffic that is bringing ruin to a whole segment of our society.

H.R. 18397 may give a partial solution to our insidious drug problem that becomes worse each year. As a cosponsor of this legislation, I would like to offer two WCBS radio news editorials for the RECORD in hope that they will further elucidate the concern that many of us now hold.

The editorials follow:

[From WCBS radio, July 12]

New York City was chosen as the site of recent Congressional hearings on the drug traffic, and for the most unflattering of reasons. The city holds the dubious distinction of housing the country's largest concentration of heroin addicts.

Half of all the addicts in the United States live in New York City.

At the hearing, spokesmen for state and Federal law enforcement agencies and other authorities on narcotics control, repeatedly emphasized one argument: The war against drug addiction is foredoomed, unless the Federal government finds ways to cut off the flow of drugs from abroad.

The South of France is the major European center for the manufacture of heroin. Most of it, until fairly recently, was shipped to the United States—a circumstance that did not appear to disturb to any marked degree either the French people or their government.

But now, addiction has become something of a problem in France itself and penalties for narcotics dealers are becoming harsher there. Even so, there is little visible indication that large numbers of the heroin factories around Marseilles are being closed and their operators put out of business permanently.

The continuing flood of heroin into the United States makes it a problem to be handled as an emergency matter, and at the highest diplomatic levels.

Two Congressmen from the tri-state area see the problem in the same terms. New York's veteran Representative Emanuel Celler and New Jersey's Representative Peter Rodino are sponsoring jointly a different approach to narcotics control. They are introducing a bill that would authorize the President to suspend economic or military aid to any country which fails to take appropriate steps to prevent narcotics produced or processed within its borders from entering the United States unlawfully.

The bill would also permit American assistance in the form of agricultural subsidies to countries where poppy crops are being replaced by others.

A prime target of the proposed law would be Turkey, which receives generous development funds from the United States. Turkey is the original source of 80 percent of the heroin now smuggled into this country.

WCBS Radio urges all Congressional delegations, not only those from the tri-state region, to support the Celler-Rodino narcotics control bill.

[From a WCBS radio editorial, July 9–10]

Heroin addiction in the United States last year cost non-users about two billion dollars in stolen property. The robberies were used to finance a habit that in every way is the costliest of all bad habits.

In New York City, heroin took the lives of 800 addicts last year. Two hundred of those who died of an overdose were children. Drug addiction has become the leading cause of death in New York between the ages of 15 and 35.

The Federal Bureau of Narcotics and Dangerous Drugs has increased its staff of agents in New York and the police department is assigning more and more officers specifically to the narcotics beat. But heroin continues to surge into the Port of New York, by sea and by air.

From where does it come? Almost all of the heroin sold on American streets is manufactured in illegal French laboratories located around the port of Marseilles.

Clearly, the strongest Federal action must be taken to cut off the supply at its major foreign sources. That is, Turkey, Lebanon and Iran, where most of the opium is grown for the American market. And France, where it's converted into heroin.

Washington should take a much firmer line with the governments of all the countries involved in heroin traffic. We should insist on more rigorous and broader inspection of baggage and freight leaving European sea and airports. We should demand evidence of an intensive official crackdown on the heroin factories in France and the poppy fields of the Middle East.

Some American officials concerned with narcotics abuse see this as a simplistic approach. They claim it would achieve little to close down the opium producers and the factories in the offending countries. The growers and the large-scale dealers would simply transfer their operations to other countries.

But the United States has other options. It has economic weapons it could use against a

number of countries in Europe, the Middle East and Asia which display excessive tolerance of their own nationals who are guilty of trafficking in this killer drug.

Congressmen from New York and New Jersey have been considering legislation along those lines. We'll examine their proposed bill in another editorial later this week.

OUR YOUTH TODAY

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. MORSE. Mr. Speaker, I am privileged to bring to the attention of my colleagues a letter I recently received from an outstanding young American, Peter Johnson, of Woburn, Mass., who is president of the Massachusetts State chapter of the Future Farmers of America. He is an extremely thoughtful young man who loves his country and respects the principles on which it was founded, but who is acutely aware of our shortcomings in living up to these ideals, and is sincerely, conscientiously, and responsibly concerned with the future.

The questions he asked reflect the thinking of much of our youth today. He has not sought refuge in the rigid and unproductive extremes of the right or left. Indeed, his is a kind of patriotism on which the very future of our society depends, for he embodies the quotation—often incompletely quoted and incorrectly interpreted—which says "Our country, right or wrong. When right to be kept right; when wrong, to be put right."

Too many of us, out of an inability to keep up with the rapid pace of change in the world, out of weariness with the increasing complexity of problems, or out of a growing rigidity in attitudes that too often comes with age, or perhaps from a fear of questioning values which have guided our lives for so long, look upon those who ask these questions with suspicion.

Yet it is the very freedom to question, and the creative search for the answers, that has sustained this Nation for almost 200 years. I urge, therefore, my colleagues' understanding of the concerns—and the ideals, principles and hopes—which are expressed in this letter:

WOBURN, MASS.,
July 3, 1970.

HON. F. BRADFORD MORSE,
House of Representatives,
Washington, D.C.

DEAR BRAD: As Massachusetts state president of the State Chapter of the Future Farmers of America, I will be down in Washington for the week of July 19–25 for the F.F.A. State and National Officers Conference. Is it possible for me to talk with you at that time?

Ironically, this letter is being written on the eve of our celebration of our Independence. You, along with myself and most others, are for peace. I am also for America. However, I cannot with full conscience support an institution that is based on destruction, death, and hate. That is not America. Peace can occur through productive rather than destructive means.

Being in the field of agriculture, I see the problem with most underdeveloped countries is a badly needed education of necessities in the fields of health and agriculture. Who are we to say to our brother who doesn't want the American form of government that they are wrong? That in itself is not Democratic or American. But we can teach them how to take care of themselves so they can produce and live for themselves while being governed the way they want to. We must realize that America is the United States and not the world. Our world alliances are having us assume powers of the United Nations which is not our purpose. Education is one thing, where forced persuasion is another. Am I wrong to think that learning to kill or even being a member of an institution that is directed this way is un-American?

Amendment II of the Bill of Rights states that a well-regulated militia being necessary to the security of a free state shall not be infringed. Directly, American's freedom is not being threatened. Its form of government is only being questioned by others who feel that their governmental institutions speak better for their society. What we need for a defense army is only a handful of scientists to assume positions with our weapons and a handful of educators to solve questions at our tables. Wars can no longer be solved on a battlefield, for countries are too powerful to allow a handful of men and a piece of land, captured or denied, to determine the outcome of their enmity. The ony thing lost is our brothers and the only thing gained is an ounce of pride. Is it worth it? America can and must afford to be humble in exchange for a living, youthful male public who can direct themselves to a goal of their own—be whatever it is. That is a democracy. A government is by and for the people.

Sincerely yours,

PETER M. JOHNSON.

MURDER OF POLICE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. WOLFF. Mr. Speaker I share the outrage of all civilized men at the sniper killings of two policemen in Chicago last week. By now everyone knows that these two men were doing volunteer work in community relations and this would seem to multiply the horror of these killings. However, as pointed out in an editorial in today's New York Times, this terrible crime has had an encouraging aftermath. I believe that all of us should be made aware of some of the hopeful signals that are a result of the work of these brave and dedicated men. Mr. Speaker, with that in mind, I am pleased to include the following editorial from the Thursday, July 23, New York Times:

MURDER OF POLICE

The police have been and are at the center of so many of the tensions that now roil the nation that individual policemen, police stations and police equipment have become frequent targets of attack by would-be murderers and bombers. It was in this pattern that two Chicago policemen were killed a few days ago by sniper fire from windows in a housing project.

However, this terrible crime had an encouraging aftermath. The victims were white policemen who were participating in a program designed to improve black community relations with the police. The program has apparently had significant success, and the housing project's residents, outraged by the murders, gave important aid to the investigation. Several arrests resulted.

The extremists who think of the police only as oppressors of blacks will no doubt be surprised at this phenomenon. But blacks know that they are the principal victims of black criminals, and that better police protection is one of the chief needs of many black communities. The aftermath of the atrocious murders in Chicago has only emphasized that efforts to improve understanding between police and the blacks are worthwhile, and that revulsion against cowardly crime is restricted by no color lines.

SMALL BUSINESS ADMINISTRATION CIVIL SERVICE POSITIONS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. MOLLOHAN. Mr. Speaker, I want to call the attention of the House to the Jack Anderson column of July 18, 1970, in which he reveals some of the activities now being carried on at the Small Business Administration under the direction, or more properly the misdirection, of Administrative Hilary Sandoval, Jr.

From the experience in West Virginia, I can tell the House that Mr. Anderson's column only begins to uncover the activities of Mr. Sandoval's Small Business Administration. I have never seen such disregard of the civil service or such use of a Government program for political purposes in the more than 20 years I have known Washington.

In West Virginia, the SBA first downgraded their Clarksburg office from regional to district, on the pretext that this would give uniformity of level to the Government department. Then the SBA transferred to Philadelphia the regional Administrator, who had developed a considerable expertise in West Virginia business and finance, and who had built up a solid working relationship with the West Virginia businesses and banking community. I might add that the SBA in this case achieved its objective because the Administrator resigned rather than work in a position where his skills were not being used.

In the same Philadelphia regional office, the SBA now has an attorney from South Dakota who was transferred from the SBA office in Sioux Falls to Philadelphia at no increase in grade. The Philadelphia office is also employing the practice of reducing its employees in grade and transferring them to undesirable assignments in the hope that they will resign so that these employees can be replaced by political partisans of Sandoval's choosing.

Mr. Speaker, these transfers and downgradings do not involve the political or schedule "C" positions within the Government but civil service positions. These transfers do not involve top policymaking positions, and they are not restricted to regional and district Adminis-

trators. The sorry fact is that the administration is reaching down to field office personnel, and in the case of the Small Business Administration, to loan officers and secretaries.

Mr. Speaker, this practice is disrupting the entire Small Business Administration, and it threatens to make a sham of the Government's programs and the civil service system as such. Over the last two decades, through both Republican and Democratic administrations, the Government has attempted to establish a truly effective career civil service throughout the Government to administer our various programs competently and efficiently. We have done so in the realization that career civil service would yield us much better results than a spoils system.

But today, the Small Business Administration and other departments of Government as well, are dismembering the civil service. They are making a sham out of the careers of dedicated public servants, and emasculating the programs they are supposed to facilitate. The American public will pay the price of this arbitrary politics-over-performance policy for it will receive not only ineffective administration of the programs supposed to serve them, but it will also find that fewer and fewer competent men and women are willing to work for so arbitrary an employer.

Mr. Speaker, it is time for us to put a stop to this. The Congress is required to approve funds for every operating agency in Government, and it is time for us to start investigating the employment practices of agencies such as the Small Business Administration and any other department that employs these tactics.

Mr. Anderson's column, "The Washington Merry-Go-Round," follows:

THE WASHINGTON MERRY-GO-ROUND

(By Jack Anderson)

Hilary Sandoval Jr., sometimes called "Hilarious Hilary" by subordinates who retain their sense of humor, has kept the Small Business Administration in an uproar since he took it over 16 months ago. Consider these highlights:

He loaned $41,000 to a Denver dive, called the Body Shoppe, which features topless go-go dancers. This curious cultural investment of the taxpayers' money was justified, said a spokesman, because the go-go bar had been displaced by an urban renewal project.

As evidence that voters who elect Republicans will be rewarded with federal blessings, the Republicans arbitrarily approved a $315,000 loan that the Philadelphia regional office was ready to reject. This happy sum went to Lawrenceville Furniture Industries of Lawrenceville, Va., an enterprise that, unhappily, hasn't paid it back. Our investigation shows that the Republicans took the application away from Philadelphia after learning the regional office wouldn't okay it and forwarded it to Richmond with a Washington endorsement. This was intended as a political shot-in-the-arm for Virginia's GOP Gov. Linwood Holton, say insiders, to help persuade the electorate that it pays to vote Republican.

Sandoval has squandered hundreds of thousands of dollars to move civil service employees, whom he suspected of Democratic leanings, to undesirable posts. The taxpayers were stuck with the moving costs, per diem payments and other incidentals.

Unpublished records show astonishing mismanagement of the Small Business Investment Companies, which Sandoval likes to brag about. In fiscal 1969, with Sandoval in control for a third of the year, there were 1,500 violations by SBICs. Five hundred of them were major. For example, 40 small business investment loans were actually used to finance big business. There were also 62 guideline violations, 56 conflicts of interest and 25 floutings of agreements. During the first nine months of the 1970 fiscal year, another 725 violations were reported.

Sandoval has also boasted that he has loaned out $28 million to minority businessmen. Yet half of these loans were committed by the Democrats before he came to power. The bitter truth is that some of these loans went to poorly-run black businesses, which were given noncompetitive government contracts at far higher costs than the government previously had paid to established firms. Some of the established firms have now been bankrupted by the loss of business.

The House Small Business Committee, headed by Rep. Joe Evins (D-Tenn.), will take Sandoval over the coals at hearings scheduled next week.

TWO DANGEROUS PROPOSALS

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. LONG of Maryland. Mr. Speaker, the rising crime in the District of Columbia has been of deep concern to us all. However, two proposals of the Nixon administration to deal with crime have raised as much concern as the situation with which they deal. I have just read an excellent editorial in the Arbutus Times discussing the hazards of such legislation, and I should like to share this article with my colleagues by including it in the RECORD:

TWO DANGEROUS PROPOSALS

In understandable zeal to reduce the appalling crime rate in the District of Columbia, the Nixon administration has proposed two pieces of legislation that affect basic constitutional rights and should be rejected by Congress.

One proposal, the so-called no-knock law, would empower the police to break down the door of a habitat where authorities strongly suspect illegal drugs are being stored or used.

The other Nixon administration proposal, the preventive detention scheme, would allow the imprisonment without bail of certain persons whose records, in the opinion of authorities, are such that they pose a danger to the public if allowed to be free on bail while awaiting trial for an offense.

The no-knock proposal originated as a means of enhancing the enforcement by police of narcotic laws. Dealers in illegal drugs are crafty. They often get rid of contraband material before police have a chance to search their place. If only police could arrive in the middle of the night and burst in by surprise, the argument went, then their success at stamping out illegal drug traffic would be quadrupled.

It's a perfect example of a bad law being proposed in frustration over the inability to get the goods on a slippery criminal. The constitution of this country plainly declares against sudden searches of a man's home by government authorities, and the procedure of a judge issuing a search warrant before police may enter a dwelling to carry out a search is a basic part of the protections an individual enjoys in the United States. No matter how cautious a police agency may conduct its investigations, there will always be times when mistakes are made. A man's home, as Marylanders often have been reminded, is still his castle. As such it is sacresanct. The no-knock provise must go.

Preventive detention, is a vague term, but it boils down to nothing more than imprisonment without bail in non-capital crime cases. Such a thing is a giant leap backward for America, land of freedom and country where the individual is not trampled underfoot by the state as in the Soviet Union, Communist China and other despotic nations, including these of the right.

These two proposals—preventive detention and the no-knock provise—are being actively pushed by the administration in the sincere beliefs that they will help reduce the crime rate in the nation's capital. Vice President Spiro T. Agnew is among those in the forefront of the battle to get the two new laws, but this time Ted is mistaken.

Fortunately, the same constitution under attack by those proposals established the system of checks and balances in the federal government that will see the defeat of the two proposals. The U.S. Senate so far has resisted the President's attempt to ramrod these measures into law, and a majority of that body shows no sign of weakening. That is good.

PUERTO RICAN DAY CELEBRATED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. RODINO. Mr. Speaker, once again I would like to call to the attention of my colleagues the celebration of Puerto Rican Day.

The Puerto Ricans are among those who have enhanced the diverse and unique traditions which have contributed to our heritage and have made us a multifaceted people.

The Puerto Rican community in my congressional district is a vitally active one, and in the best of America's tradition is playing a major community role in a continuing effort to achieve harmony within the community and in providing the opportunity for the self-realization for all citizens.

I was pleased to share on this occasion once again as my city of Newark celebrated with a statewide Puerto Rican Day parade at which Miss Marisol Malaret Contreras, Miss Universe, and formerly Miss Puerto Rico, reigned.

Mr. Pedro Diaz, president of the parade committee, Luz Miriam Hernandez, executive secretary, Jose Rosario, Pablo Rivira, Anthony Perez, and Marie Gonzalez, parade grand marshal, contributed selflessly to this event as they do to the community at large. I commend and congratulate these dedicated citizens and I am confident of their continued commitment and outstanding service.

RESULTS OF LEGISLATIVE QUESTIONNAIRE

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. BROWN of Michigan. Mr. Speaker, the response of my constituents to my fourth annual legislative questionnaire is most gratifying. The extremely high degree of interest in their Federal Government and the critical issues of today manifested by the residents of the Third District of Michigan compares favorably with any area in our country.

These results demonstrate substantial agreement among a high percentage of my constituents on current critical issues. The highest percentage of agreement is on the handling of campus protest and disturbances. The lowest concurrence is on the question of requiring draftees to serve in combat areas in the absence of a declaration of war.

Substantial support of the Cambodian action ordered by President Nixon is shown; and, most would like to see an elimination or a restriction of the meeting of our military needs by means of the draft.

The 18-year-old vote is still not supported by most and even if it were to be authorized, more prefer that it be accomplished by constitutional amendment than by Federal statute.

Displeasure with the present system of lifetime appointments and voluntary retirement in our Federal judiciary system is demonstrated. In its stead, most would prefer a mandatory retirement age and some opportunity to review the record of a judge or a Justice during his term on the bench.

On the question of pollution, there is general agreement that more needs to be done. A substantial majority of the responses favor an increase in Federal assistance for sewage treatment programs; tax incentives to encourage industry to provide its own pollution control devices and programs; and there is even good support for treating the cost of disposing of wastes as a cost of the product of which the waste is an inevitable consequence.

In order that my colleagues might review the actual answer percentage, draw their own conclusions, and compare the opinions of my constituency with their own, I am including with these remarks the complete tabulation:

[In percent]

	His	Hers	All
Campus disorders:			
(a) Should peaceful protest activities be permitted on campuses so long as they do not interfere with the operation of the school?			
Yes	72	70	71
No	26	27	27
(b) Should student strikes and sit-ins be permitted, if they interfere with operation of the school?			
Yes	6	5	6
No	92	93	92
(c) Should colleges and universities be closed to end or prevent violence?			
Yes	31	32	31
No	66	63	64
(d) Do you think the authorities have been "too tough" in the handling of campus disorders?			
Yes	8	9	8
No	89	88	89
The draft:			
(a) Should deferments be limited to hardship cases only?			
Yes	70	62	66
No	27	32	29
(b) If Congress has not formally declared war, should draftees be required to serve in combat areas?			
Yes	50	42	46
No	45	50	47
(c) Should the "draft" be replaced with an all-volunteer military service, as soon as possible?			
Yes	59	60	59
No	36	33	34
18-year-old vote:			
(a) Should the minimum voting age be lowered to 18 years?			
Yes	34	36	35
No	64	61	62
(b) If the voting age is to be lowered, should it be done by amending the Constitution so that State legislatures can vote on the question?			
Yes	57	56	56
No	33	31	32
(c) Do you believe it is desirable for the Federal Government to have the power to regulate voter qualifications, such as voting age?			
Yes	52	52	52
No	43	41	42
(d) Should each State decide on the minimum voting age for itself?			
Yes	40	37	38
No	56	57	56

	His	Hers	All
Federal judges:			
(a) Do you believe that a mandatory retirement age, such as 70, should be established for Supreme Court and other Federal judges?			
Yes	77	76	77
No	20	20	20
(b) Should the continued occupancy of office by each Supreme Court Justice be voted on by the U.S. Senate every 12 years, or so?			
Yes	75	79	77
No	19	15	17
(c) Should the existing system of lifetime appointments and voluntary retirement be continued?			
Yes	14	11	13
No	81	82	82
Pollution:			
(a) Should much greater sums of Federal money be provided for improved sewage treatment systems?			
Yes	68	68	68
No	25	23	24
(b) Should Federal income tax incentives be enacted to encourage industry to provide its own pollution control devices and programs?			
Yes	70	70	70
No	24	20	22
(c) Should Congress pass additional laws requiring pollution-free products, with increased production costs passed on to consumer?			
Yes	61	56	58
No	31	32	32
(d) Should Congress ban all fuels, ingredients, and materials which cause air and water pollution?			
Yes	40	45	43
No	50	41	45
Southeast Asia and Cambodia:			
(a) Do you agree with the action that the President has taken?			
Yes	75	68	71
No	21	25	23
(b) Do you agree with the action the President has taken so long as it is limited to the purpose, territory, and time that he has stated?			
Yes	67	65	66
No	25	25	25
(c) Do you disagree with the action because you feel it will result in an escalation of the war?			
Yes	17	21	19
No	70	62	66
(d) Do you disagree completely with the President's action?			
Yes	18	21	20
No	72	66	69

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

YOUTH ON THE MARCH

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. HALPERN. Mr. Speaker, a most worthwhile cause was called to my attention recently by a dedicated young student from my district, Diane Janoff, of Forest Hills, N.Y. I was so impressed by the activities of this girl and the other youths who are doing such worthwhile work to combat hunger, that last week in the CONGRESSIONAL RECORD I submitted some background on the Young World Development, part of the American Freedom From Hunger Foundation. I wanted to call such outstanding endeavors to the attention of my colleagues in the Congress.

Recent activity and marches, however, should also be recorded as an indication of the determination of these young people, and the constant challenge they present to us as legislators.

One such march for hunger was held in the late spring, and although Diane was a little disappointed in the amount they raised, a sum well in the thousands was collected to aid those fighting poverty and hunger around the world. Many

hundreds turned out for the march—either to walk or watch—which followed a circular route through Queens, starting and ending at Shea Stadium. Each mile was sponsored by patrons who had been canvassed or who had read about the march in the papers, and the overwhelming enthusiasm demonstrated the increased national awareness to the needs of the poor.

Thanks to programs like Young Development all over the country, the public everywhere is becoming aware that action is needed, and are contributing their time, talent, and money. The money collected from this march was sent to projects that have been set up to administer and conduct food classes on planning balanced diets or cultivating crops. Some of those which received aid were a program in California, Meals for Millions, a rural reconstruction project in the Philippines and a school in Uganda.

Diane is hopeful that more marches will be scheduled for the near future and she is looking forward to setting up a club in Hunter High School where she will be a sophomore. It is because of vision and dedication like Diane's that we will see a brighter tomorrow.

NEW LIFE FOR SENIOR CITIZENS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. FASCELL. Mr. Speaker, I would like to call to the attention of our colleagues a resident of Dade County, Fla., Dr. Federico Castillo. Dr. Castillo, a brilliant scholar and diplomat in his native Cuba, entered the United States in 1962 at the age of 77. Eager to gain useful employment in his new home, Dr. Castillo enrolled in adult education courses in Miami, Fla.

Dr. Castillo, along with many other senior citizens, is not content to remain idle simply because he has passed the first vigor of youth. No better tribute could be paid Dr. Castillo than a recent article by columnist Roger Peterson which appeared in the Miami Herald. The article points out that our senior citizens comprise a large, potentially re-educated work force that should not go unrecognized.

The article follows:

CUBAN SCHOLAR AND DIPLOMAT STARTS A NEW LIFE AT AGE 77

(By Robert Peterson)

Going back to school can prove intensely satisfying to older people with a scholarly turn of mind. It can also impart new knowledges and skills which may enhance employability.

Many past the brush of youth are reluctant to consider returning to halls of learning, feeling their minds aren't sufficiently active. But numerous folks well into their 60s and 70s have tried it and emerged enriched and victorious.

"I'd like to tell you about one of our most remarkable pupils," writes Dr. Keith N. Bennett, principal of the Senior High Adult Education Center in Miami, Fla. "His name is Dr. Federico Castillo. In 1962, when he was 77 years of age, this old gentleman entered the United States from Cuba without a cent in his pocket. Since then his frugal needs have been taken care of by Cuban Welfare, and he receives an income of $60 a month.

"Dr. Castillo had a brilliant background. His education includes doctorates in Law and Social Sciences from the University of Havana. He had been a teacher, a practicing lawyer, and a diplomat, and at one time was president of the Society of Fine Arts in Havana. Coming to the U.S. meant that he had to start all over again.

"He was eager to qualify for a job," continued Dr. Bennett, "and immediately enrolled for adult education classes. He has attended school continually the past eight years and has received two certificates in Techniques of 'Teaching Spanish to English-speaking Students'; a certificate in 'Teaching Spanish,' and certificates in first year bookkeeping and accounting and filing, payroll taxes and conversational English.

"At present he is studying second year bookkeeping and accounting at our center, and firmly believes that when he receives his certificate for this course he will be able to obtain a bookkeeping position.

"His faith seems boundless and all of us who know him are deeply inspired by his optimism and determination to improve himself and make himself employable."

Thanks for writing, Dr. Bennett. A book should be written about Dr. Castillo's saga—his notable career in Cuba and his splendid efforts to launch a new career in the U.S. late in life. He deserves national recognition for his magnificent determination despite his years to acquire new skills to enhance his employability and usefullness to mankind.

LET US PUT THE PRESSURE ON THE PUSHER

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. CONYERS. Mr. Speaker, I would like to call to the attention of my colleagues a matter that threatens the viability of our communities from one end of the country to the other. I refer to the problem of drug addiction. For a number of years this had been considered an inner city problem but now that the use of drugs is accelerating in the suburbs faster than anywhere else it finally has become a problem of national concern. There can be no peace and order in a society caught in the throes of narcotics addiction as we have lately come to realize. My concern has been heightened after meeting with a number of Detroit committees of community leaders, former addicts, and a number of medical experts. Unless we marshal our forces and effectively eliminate the narcotics problem our communities will shrivel to empty shells of fear, hostility, and death.

LET US PUT THE PRESSURE ON THE PUSHER

Let's take a look at the pusher. The drug pusher sells dope to the young and old, the rich and poor, the black and white. He destroys lives.

He is destroying New York City, where half the Nation's addicts live, where their numbers increase between 7,000 and 9,000 a year. He is destroying Washington, D.C., where 20,000 of the city's 800,000 people are addicts, and where as a direct result, crime runs rampant in the streets.

The drug pusher is destroying my community, where 25,000 Detroiters are addicts.

The drug pusher is a festering sore on any healthy community. The pusher is everyone's enemy and nobody's friend. Never has an evil united so many different groups in one cause. The pusher is repulsed by the Black Panthers, despised by religious groups, hated by the Parent-Teacher Association organizations and their members and loathed by the concerned citizen.

There are many agencies treating drug addicts in Detroit: NARCO, Lafayette Clinic, SHAR, Detroit General Hospital, Herman Keifer Hospital, Synanon, MCHRD, the model cities programs, and a score of indigenous programs. By and large they are performing in a dedicated manner under difficult and sometimes near impossible circumstances.

But even if we spent millions of dollars on treatment centers and clinics it would still fail to deal effectively with the narcotics problem.

Is it not about time we faced up to the fact that the drug crisis will continue as long as we permit organized criminal elements to bring into our community increasingly larger quantities of heroin?

To treat the drug addicts and not cut off the supply is like establishing an Alcoholic's Anonymous organization in a nightclub. Trying to cure an addict amidst a sea of narcotics is clearly unrealistic and yet that is what all too frequently we try to do. What is more, this drug traffic could not operate if it were not receiving help from some of those who are supposed to be preventing the flow of narcotics.

IF A 9-YEAR-OLD CAN FIND THE PUSHER WHY CANNOT THE LAW ENFORCEMENT AGENCIES?

Civil rights activist and humorist, Dick Gregory, has with his rapier-like wit gone to the heart of the matter by asking:

If a nine-year-old child can find the pusher why can't the law enforcement agencies?

The answer is simple. Corruption.

Corruption is the method by which organized crime is able to successfully operate in the community.

The primary target of this corruption is local law enforcement agencies. With ineffective enforcement against illegal drugs, the pusher is free to roam the community selling his bags of death.

To deal with the drug menace we need efficient, progressive, and above all, honest law enforcement agencies. We need agencies that will gear their efforts not against the addict, but against what I believe is the greatest evil—the pusher and organized crime.

Only if organized crime is thwarted will we be able to eliminate the pusher. If we eliminate the pusher, half the battle will have been won.

BUT WHAT ABOUT THE OTHER HALF?

Addicts do not commit crimes because they are high on drugs. The addict commits crimes because he is hooked on

drugs. He is like a diabetic whose body needs insulin. But, unlike the diabetic, the addict is forced to commit crimes to feed the disease of addiction that grips his body.

Robbery, theft, and mugging—crimes committed by the addict—are, in effect, crimes against the community. Therefore, it is the total community which must respond to this challenge.

But can our response be effective, intelligent, and humane?

The community methadone maintenance program is an example of a humane response, a humane response because it affords the addict an opportunity to seek relief from the painful task of heroin withdrawal.

The methadone program helps the drug addict in his fight back to normalcy—but unless the rehabilitation is complete—a new job, a new environment, another chance—we run the risk of his slipping back into his old habits.

In Detroit, there are over 1,000 addicts on waiting lists for methadone treatment. Any community with a drug problem as serious as ours ought to be getting all the help it needs from every level of government. But I regret to report that this is not the case. The programs, as I have found them, are uncoordinated and minimal.

What do we really need to do to meet this crisis?

I maintain that no amount of money effectively spent is too much to cut this cancer out of our society. This cannot be accomplished overnight, but with increased understanding and cooperation we will hasten the day when drug addiction is no longer a menace.

URBAN TRANSPORTATION FOR A BETTER ENVIRONMENT—SECRETARY OF TRANSPORTATION JOHN A. VOLPE PRESENTS HIS VIEWS

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. WIDNALL. Mr. Speaker, I should like to take this opportunity to introduce into the RECORD a commentary on a key issue by a key man. The issue is that of urban transportation and its role in our civilization. The man is Secretary of Transportation John A. Volpe, who by his background and his present position is certainly one of the primary sources to whom we should look in our search for the solution to urban transportation problem.

On June 19, 1970, I attended a conference held by the Institute for Rapid Transit in New York City, at which Secretary Volpe gave the following presentation. I was most impressed with his grasp of the situation and the informative manner in which he expressed his views to the conference members. For that reason, I commend this transcript of his remarks to the attention of my colleagues:

REMARKS PREPARED FOR DELIVERY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE BEFORE THE INSTITUTE OF RAPID TRANSIT, AT THE WALDORF ASTORIA, NEW YORK, N.Y., FRIDAY, JUNE 19, 1970

Your theme of "Urban Transportation for a Better Environment" is an idea whose time has come. Jackson may have been the first American President to ride a train, but you can bet your last commutation ticket that Richard Nixon is not going to be the last. This Administration is committed to rail transportation—and I mean urban rail as well as rail "roads"—as essential to balanced transportation for this country.

My enthusiasm for rails today is based upon a hard-headed appraisal of the potential of rail technology.

We know how to make dramatic changes in the quality and dependability of public transportation in our congested cities.

People are starting to realize that our cities can be made both green and prosperous if we design the right access to them. They are beginning to recognize that mass transit can not only determine the prosperity of the commercial core, but can shape the growth of entire urban regions as well.

Just look at the plain facts of the matter. We know that the automobile carries only about one and a-half people on the average trip. 34 cars, with 34 internal combustion engines, carry roughly 50 people in and out of the city. Yet one bus, with only one internal combustion engine, can carry those same 50 people and the new buses we are providing grants for these days all must have anti-pollution devices installed. And, of course, one bus takes up a lot less space than 34 cars.

On the rail transit side, it's a well-known fact that the efficiency ratio between rail and expressway is about 20 to one. Transit uses only one-fourth the land, yet can move 5 times as many people. And costs far less to build, as well!

Public transportation—whether bus, rail, a hybrid, or what have you—conserves green space, makes less noise, and generates far less pollution.

Yes, public transportation is—and can be—a major environmental asset.

And beyond this, public transportation lends itself without question to the application of new space-age spinoff technology. Some of our newest concepts used to be looked upon as science fiction. Well, that day has passed. As I am sure you are well aware, we are applying these new concepts to provide a new kind of mobility for the traveling American.

Take the TACV, the Tracked Air-Cushion Vehicle for instance. We are convinced that in certain special applications the TACV will vastly upgrade our mobility.

We announced just two weeks ago, our intention to build a 16-mile Tracked Air-Cushion system to serve Los Angeles International Airport. I predict the TACV will carry exceptionally heavy, continuous traffic.

It will reach speeds of 150 miles-per-hour. It will be fast, safe, clean, comfortable, and above all convenient. It will cut into the aggravating traffic jams. In my opinion, the Los Angeles TACV will be the greatest breakthrough in the history of world railroading.

And it is just the beginning. We expect to test a 3-hundred mile-per-hour advanced version of the air-cushion train at our new test facility at Pueblo, Colorado within 3 years. Think what this will mean to commuters of the future in speed alone.

Obviously, however, our downtown core areas have start-and-stop needs that require a different, more flexible kind of service; service which is safe, clean, comfortable, fast,—and if it's to succeed, even stylish—but which above all is reliable.

Yes, the essence of public transportation today must be an emphasis on innovation and balance. No transportation mode can be a means unto itself. As I said when I testified before the House Banking and Currency Committee in March on our transit bill, public transportation is an essential means of getting access to jobs, to recreation areas, to shopping facilities, and to a host of other personal endeavors. It is a powerful factor in shaping the quality of urban life.

If urban America is congested and polluted, if there is unrest, if we are unable to deliver a better life to more Americans, one of the prime reasons is that we have not invested enough in rapid transit, bus and subway systems. Every day, literally millions of citizens—and that may include a good many people right in this room—have to ride to and from their work in transit cars and buses that should have been scrapped long ago.

The truth is we got a very late start. Only since 1961 have we had any kind of Federal program in public transportation. Only since 1964 have we had authority to make capital grants for new systems, stations and equipment. Only since 1967 has a Federal Department of Transportation been organized to bring all modes of transportation together.

However, in the last 18 months we have provided seed money for a number of important demonstration projects and helped existing systems retain public confidence during the interim period until broad-based Federal assistance came on line.

For example, we have financed about 1-hundred-million dollars of the new Bay Area Rapid Transit system in San Francisco that will use cars of a completely new design. In March we granted 21-million dollars to the Southeastern Pennsylvania Transportation Authority (SEPTA) with 7-million dollars to follow for the purchase of 144 commuter cars for the Philadelphia region. We have financed extensions to the M–B–T–A in Boston, four new miles for airport rapid transit in Cleveland, helped open 15 miles of rapid transit in Chicago, gave 10.2 million dollars to buy 45 more "Jersey Arrow" self-propelled electric cars for the New Jersey Department of Transportation for use on commuter lines.

And just today I announced a grant of over 20-million dollars to New York Metropolitan Transit Authority. This grant will be used to assist in the purchase of 60 pairs of those 100-mile-an-hour "Metropolitan" electric passenger cars for the Long Island rail road.

This is the first step toward full approval of the M–T–A's application for a grant of 56-million dollars to buy a total of 350 cars.

Conventional rail service, of course, is not the sole answer to urban needs. Just eight days ago, for example, Senator Scott and I announced an 8.7 million dollar matching grant to help design and construct a unique "Teri" (Transit Expressway Revenue Line) system for Pittsburgh. The project will ultimately cost close to 230-million dollars and will meld modern buses moving on exclusive bus lanes with a system of automated, rubber-tired, electric-powered vehicles operating on elevated but unobtrusive concrete guideways.

Even more important than the new technology to be introduced is the concept of the multimodal planning and coordinating of passenger services.

It is incumbent upon the transit industry—in all cases—to think of more than just the transportation of people from point "A" to point "B". You must—and Pittsburgh is a good example—think in terms of airport access, fringe parking lots, feeder systems, and circulatory systems in the central business district.

I think too we can get a great deal more mileage out of some of our existing systems, particularly the subways. The older lines—in far too many cases—do not meet modern standards of comfort, cleanliness,

noise control, and reliability. Well, we're ready to take on that task too.

I am delighted to announce here the final approval of a grant that may well initiate a new phase in the history of the Institute for Rapid Transit as a trade organization.

It is a grant that will enable the I–R–T to respond to the new awareness of environmental challenges. It is a grant that will enable you, as a trade organization, to develop new environmental standards for modern, efficient subways. This is a sizeable grant: It amounts to $1,385,000.

I think the foregoing remarks show our direction at the Department of Transportation these last 16 months. Mass transit ranks high on our priority list, as all of you well know. We have de-emphasized those perennial studies and analyses of so-called "ideal" systems and instead we are trying to develop realistic programs to help the cities right now—today—not ten or fifteen years from now when the problems may be insoluble. We must shorten the delivery time of transit improvements to the riding public.

However, there can't be any transportation improvements across the board in American cities unless our Public Transportation Assistance bill passes the Congress. Just since last August, when President Nixon submitted the bill, another 23 transit companies have folded up, bringing the total in recent years to 258. And more will follow unless we act swiftly!

This one piece of legislation would alleviate traffic congestion and air pollution, boost property values, promote business activity, stop community decay, and assure access to jobs, schools, medical care, and recreation for the millions—the 25-percent—who are too aged, too handicapped, or too poor to drive their own cars. It will open up a real choice for millions or drivers who would like to escape the traffic tangle.

The bill enjoys very broad appeal, as shown when the Senate passed it by a crushing majority of 84 to 4 last February. Few of us would have expected that kind of commitment a year ago. The bill is now in the House hearings have been held by the Banking and Currency Committee, and I have every expectation that they will report the bill out shortly.

With your maximum support the House could act favorably by the end of the summer.

Without your support, the bill is doomed. So I say frankly that if you want this historic act to see the light of day—and I know you do—you will flock to tell your representatives in Congress the stark truth that your cities—and their cities—cannot survive without it. Tell them that every month of delay raises the cost of construction and impedes the task of recovering vital mobility in the hearts of our troubled cities.

Now I want to say a word about local matching shares. I am concerned over the failure of several cities to vote the necessary bonds for the one-third local share required by our two-thirds Federal matching grants. It appears to me that local public officials, transit equipment manufacturers, and local planning bodies, need to do a much better job in getting their cities, counties, and special districts to vote the money for their share of the cost.

The taxpayer can be persuaded. New York state was successful in voting a billion dollars for public transportation improvements in 1967.

And all of the constituent counties and local governments in Metropolitan Washington have voted "yes" for their share of the cost of the Washington Metro. The state of New Jersey has voted some 640-million dollars for transportation improvements. You can hardly expect Congress to fork over the Federal share of the financing if a city can't pay its own share of the tab.

The record on local transit bond issues is not a good one and deserves your most serious attention. Vital bond referenda have failed in Seattle, Kansas City, Los Angeles, and Atlanta. Your leadership is essential to persuade the public of the enormous private and public advantages of modern transit service.

I have confidence that you will supply this leadership. It is certainly vital if we are ever to create better urban surroundings based on balanced transportation systems. We must re-assure the public that we see the big picture.

Since we serve no special interest except the public interest, we should seek always to integrate all transport modes into effective multimodal systems for moving people and goods.

Indeed, the systems approach is our only hope if we are to double the carrying capacity of our transportation system in the next 20 years. We must fully exploit the potential of each of the modes, and make sure that each one contributes to its community.

Mass transit, I believe, is the misplaced key to urban progress, the royal road to a better life for all.

The success of our fabulous interstate highway system shows that we have the national patience, skill and daring to make long-range transportation investments.

And we have done the same for aviation. President Nixon recently signed into law a 10-billion dollar package that will vastly upgrade our nation's vital airways and airports system.

Such actions should give us confidence that we can invest with equal foresight in public transportation. And public transportation deserves no less.

With your help, we expect the year 1970 to be a great turning point in national transportation priorities.

And with national transportation priorities in proper order, we will then have marked what historians may call a major turning point in our concern for civilization.

We have the capacity to ruin our world—and we have the capacity to enrich it. Enrichment—in the most ethical sense of the word—can come if our cities and their transportation facilities reflect balance, harmony, and common sense.

With the continued concern of dedicated organizations such as the Institute for Rapid Transit, that goal can surely be met.

ALABAMA OWES MUCH TO DR. SIDNEY TARWATER

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. FLOWERS. Mr. Speaker, it is with special pride that I call to the attention of my colleagues and others the distinguished career of one of Alabama's truly great citizens, Dr. J. Sidney Tarwater of Tuscaloosa.

Dr. Tarwater is retiring after almost a half century of service to his fellow man in the field of mental health.

In tribute to him, I am pleased to offer for inclusion in the RECORD, an editorial and article both of which appeared in the Tuscaloosa News on July 19, 1970. They eloquently describe this remarkable man and truly reflect the admiration, appreciation and esteem of his fellow Alabamians:

STATE OWES MUCH TO DR. TARWATER

Long service is a hallmark of men who have headed the state's mental institutions. Dr. J. S. Tarwater, who is retiring as superintendent of the state hospitals, has devoted all of his adult life to care and treatment of the mentally ill.

In this work he has made significant contributions to the state. And in his long association with Bryce Hospital and Tuscaloosa he has demonstrated outstanding ability as an administrator and a concerned citizen.

Dr. Tarwater's decision to stay in Tuscaloosa rather than move to Montgomery when the Mental Health Department headquarters was established there is further evidence of his dedication and deep loyalty to this community. Tuscaloosa is fortunate that he has chosen to retain residence here.

As he leaves his position at Bryce Hospital, his statement "we did what we could with what we had" is an appraisal of the state's approach to mental health problems during the last half century. During this time the struggle to provide care and treatment for the mentally ill has been severely handicapped by insufficient funds.

Much more could have been accomplished in the field of mental health. The money problem was a constant handicap. It is a tribute to Dr. Tarwater and his associates that so much was done with so little.

A person less dedicated to the plight of the mentally ill would long since have left the state hospitals. But Dr. Tarwater's great concern for his patients, his deep interest in improving mental health and his desire to serve this state kept him engaged to do the best possible job.

Alabama owes a debt of gratitude to him for his service. Those who attended the testimonial dinner for him Thursday night expressed appreciation for his service, his loyalty.

For Dr. and Mrs. Tarwater, the hope is that the years ahead will provide them with time for activities they can enjoy in an atmosphere free of the pressures and frustrations of a demanding job.

Having devoted all of their adult life to the affairs of the state hospitals, they richly deserve the time ahead they can call their own.

RECOLLECTIONS OF AN INTERVIEW

(By Paul Davis, News Associate Editor)

I walked slowly up that long flight of iron-capped stairs. On the second floor, somewhere, I was to keep an appointment with a man I didn't know and at the moment I really didn't care to meet.

I was in the main building at Bryce Hospital and my appointment was with Dr. J. S. Tarwater—a real, live psychiatrist. I had lived in Tuscaloosa most of my life, but like the majority of Tuscaloosans I had never even been inside the gates of Bryce. Now I was inside the building and there was a lonely feeling in my bones.

This visit was some 10 years ago and having just logged a 20th birthday, I felt somewhat incapable of the task before me. But my newspaper boss had said the mental hospitals would be a part of my beat and to get things started off right I was to interview the state's top mental health official, Dr. Tarwater.

Like most young reporters, I had spent hours the night and day before trying to frame some questions which would make the interview worthwhile and hopefully questions which would partially cover my ignorance.

I had wondered, too, if the good psychiatrist would be able to watch me and discover my secret fears, and learn that I really didn't know what I was talking about. Would he know that I had read all the clippings I could find about the hospital, and looked through the World Book to know some of the good names to drop.

Surely if he were the great man I had heard so much about, he would quickly figure me out. In fact, he might even be offended that The News had sent a boy out to take up his valuable time.

All these thoughts flashed through my mind as I slowly climbed those 20 or so steps. I hoped he would not be in, or that he would be with a patient and have to ask me to sit and wait—at least for a week or two.

At the top of the stairs, there was a beautiful, old clock on the wall, a spacious hall with a floor that had been polished like glass, a water fountain and a receptionist who showed me the way.

And there, sitting behind a massive desk in the dimly lit room was the man, not a monster, just a man. The room was large, paneled in dark, rich wood. The blinds were closed tightly and an air-conditioner hummed in the window. The desk was in perfect order, complete with a silver ashtray.

Dotting the walls were pictures of the great men of psychiatry like Sigmund Freud. I didn't know Sigmund, either. In about two minutes, my case of nerves vanished. The good doctor seemed to know that I needed help and it was provided, abundantly.

And down through the years he continued to provide help, good advice, and on most occasions he showed a bit of humor that only those who knew him best ever see. J. S. Tarwater has been a giant in mental health in Alabama. His depression—the financial variety—lasted too many years. He had the responsibility of building a state hospital system when the philosophy in Alabama was that the mentally ill are to be put away—not to be seen or heard.

There has never been enough money to operate the hospitals he supervised. Yet, somehow, the institutions kept their doors open, a tribute to the man who now steps down as head of Alabama's mental hospitals.

Those who know him best will not soon forget the warmth, compassion, and faith of Sidney Tarwater. He gave Alabama's mentally ill and retarded citizens 46 years of his life.

FISCAL RESPONSIBILITY IN THE WHITE HOUSE

HON. JOHN ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ROUSSELOT. Mr. Speaker, it has been my good fortune to know Casper W. (Cap) Weinberger, a fellow Californian, for several years. From time to time, several of my fellow California Republicans have labeled Cap Weinberger a liberal Republican who really did not belong in their party. Though I have not always found myself in agreement with the former director of finance of the State of California and one-time chairman of the "Little Hoover Commission," I must state that Mr. Weinberger's recent remarks on radio and television provide, I believe, some insight as to the type of philosophical and technical direction that we might expect from Mr. Weinberger in his newly attained position within the framework of the Nixon administration.

Last January Mr. Weinberger was appointed by the President as Chairman of the Federal Trade Commission. Then just recently the President brought him over to the White House as Deputy Director of the new Office of Management and Budget, primarily because he needed a man who would take a hard-nosed look at the budget and at spending proposals.

On July 5, 1970, Mr. Weinberger appeared on "Meet the Press." Unfortunately, his appearance did not receive the type of coverage by the news media I feel it deserved.

I say unfortunately because I am certain that Mr. Weinberger's views, as expressed on "Meet the Press" would have been of great comfort to all those Americans who believe in fiscal responsibility and enforcement of the law and who do not believe that just spending money is the answer to all our problems.

I would like to quote some excerpts from Mr. Weinberger's answers on that NBC program:

Mr. WEINBERGER: There is a great American belief that I think is largely a fallacy, that the more money you have put into a government program the better it will be operated. I think this is true sometimes within very severe limits, but I don't think there is any automatic correlation between more money and better performance.

I think you need vigorous enforcement of the laws we have. I think you need uniform and certain enforcement so you don't have one rule for one or another rule for another.

It does seem to be very necessary that we keep our budget in balance or as close to it as possible. I know this is the puritan ethic in economics, but it is one to which I am quite dedicated, and I think that any actions that are taken knowingly that tend to throw the budget out of balance are bad for the economy in the long run.

In response to a question which clearly wanted Mr. Weinberger to approve precensorship of advertising, he replied:

I would prefer to reach the point that you and I both want to reach, I am sure, of honest advertising by some kind of voluntary acceptance of the fact that dishonest advertising is the worst business in the world.

Here is more:

The idea that you turn immediately to government and the federal government first of all for the solution of all of our problems is basically a false idea arousing false hopes.

Federal expenditures have to be accompanied by the most careful review of the result of that spending to make sure we are accomplishing something, and I believe that we have not accomplished anything near what could be done simply by the infusion of more federal funds.

The federal government hasn't any higher unit of government to turn to for more money and, as a result, we have to be more sure, I think, than anyone else that the people who are suggesting that the solution to all problems is more money, really have some worthwhile proposals to justify the amounts that they request.

I think there is plenty of proof that what has been given (to cities) hasn't been used wisely enough.

Mr. Speaker, I believe it would be difficult for any reasonable man to find fault with Cap Weinberger's views. The President is to be complimented for his choice of Mr. Weinberger for such a high post.

WOMEN IN COMMUNICATIONS

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. HANSEN of Idaho. Mr. Speaker the free press is the anchor upon which many of our other freedoms are based. I want to salute the National Federation of Press Women for its objectives of promoting the highest ideals in communications, the exchange of the ideas and experiences of women in the field of communications and the coordination of efforts on matters of national interest to women.

Recently the 34th annual convention of the National Federation of Press Women was held in New Orleans with an outstanding array of speakers and panelists. Included was one of our colleagues, U.S. Representative EDWIN EDWARDS of Louisiana, who urged the women to present both sides of the communicated story fairly and honestly.

Other speakers included George Stone, vice president and public relations director for J. C. Penney Co., who told of the origin of the annual J. C. Penney-University of Missouri journalism awards. He cited the value of women's pages to the consumer. Others were Liz Carpenter, former press secretary to Mrs. Lyndon B. Johnson; Harnett T. Kane of New Orleans; Mrs. Hodding T. Carter, author and wife of the Pulitzer Prize winning publisher; Turner Catledge, former executive editor of the New York Times; Mary Alice Fontenot; and a number of outstanding speaker panelists.

Astronaut John L. Swigert Jr. of Apollo 13 praised the communications field for complete coverage of the space flights. Lt. Gov. Charles Sullivan of Mississippi told of the disastrous trials of Hurricane Camille and of present problems in the State.

The principal addresses given at the annual awards banquet were by Mr. Al Neuharth, president of Gannett Newspapers of Rochester, N.Y., and Mrs. Charlotte Schexnayder of Damas, Ark., who received the federation's woman of achievement award.

Mrs. Schexnayder's story of the efforts she and her husband made in publishing a country newspaper stands as a model for the strength of America's smaller newspapers. I know from personal acquaintance with most of the publishers of weekly newspapers in Idaho that such workers in communications are fine and delightful people who often work under extreme handicaps to do a wonderful job. Mrs. Schexnayder's comments are excerpted from the complete text of her talk, Being a Country Editor:

With your forbearance, I'd like to tell you what being a country editor means to me.

With just $4,000 capital and a new son, four months old, in 1954, my husband and I bought the weekly Dumas Clarion. Weekly might have been spelled w-e-a-k. It had just 300 paid circulation and was four pages of six columns, two pages of which were frequently the old boiler plate or canned copy. We inherited a hand-fed 50-year-old press, a folder that folded only when it felt like it, and a new, but cranky, linotype.

It was a struggle then as it is now for we have recently purchased a $50,000 offset press and all of the machinery needed to make that conversion.

But nowhere along the way has it been dull.

Many other adjectives might have been used to describe my 25 years in the weekly newspaper business. A fellow Arkansan, Richard Portis, who wrote a best seller, aptly

described weekly newspapering in the two words of his book's title, "TRUE GRIT".

These years have been challenging and exciting. To stay abreast of the technological changes and keep up with the improvements in the Fourth Estate have required continued foresight and initiative. We now have computerized typesetting operations, and the changes are coming so fast that today's techniques become obsolete tomorrow.

This quarter century has been rewarding. Many are the things which have warmed my heart. . . incidents like the 70-year-old man who walked a mile to town to bring me a wilted bouquet in thanks for an editorial I wrote. There is the town library for which I planned the furnishings with the money our scrapbook won in a town contest.

There are the editorials which have moved state officials to call me and make 30-minute telephone rebuttals . . . so that I know I have touched an Achilles heel. There are the stories and follow-up editorials which have opened up secret meetings of the City Council, called for a better school system and constantly hammered at the need for industrial development. To have seen the town's industrial jobs grow from 100 to the present 1000 and to have seen the town's population almost double when all of our immediate area was losing people is to feel that it is a privilege to have been a part of that change.

To have readers come into my office and bring their complex problems for discussion is heartwarming, although I am not likely to be able to solve those problems.

I am reminded of the country correspondent who had great faith in my ability to dress up the facts. She wrote:

"Dear Mrs. Schexnayder, will you please fix up this wedding write-up to sound as well as possible? If you ask me, it was a mess."

Then followed her story: "Mary Smith and Huey Jones were married in the local Baptist Church on Sunday evening which was decorated with red dahlias. Mary came down the aisle of the church with the best man, and poor old Huey came out of the Sunday School room all alone."

Bless these loyal country correspondents who have brightened my days with such gems as:

"Mrs. Jones was called to Chicago to the bedside of her son who was slugged by unknown parties."

When the correspondents fail to brighten my day, sometimes the typos haunt it.

Some wag years ago figured that there were at least two million chances for error in the average weekly newspaper. Multiplied by the 25 years that I have been a country editor, my chances for error have been in figures akin to the national debt.

Some of the boo-boos still haunt me. Once I had to leave the office when the society page went to press, so I let the shop foreman check it over. Some lines were omitted from a wedding, and no one was more chagrined than I to pick up the paper later and read that "the bride was attired in a string of pearls, a gift of the groom." Another time a D was changed to L, and a story read: "The social hour was hell in the Fellowship Hall."

There have been many lighter moments along the way.

The greatest part of my profession lies in the intangibles. Just to be a part of a community and record its heartbeat, to jibe enough to challenge it to change for the better, to stand up for tolerance when it is unpopular are the parts of my life on which I could hang no price tag.

These years have been frustrating and frightening to. I have stood before an irate reader who had a pistol in his pocket and venom in his heart. For my editorials during the Little Rock school crisis, physical violence was threatened to my husband. In that warped person's mind, it was ungentlemanly to threaten a lady. Recently, in the effort to build a new high school by voting a bond issue, my husband and I found ourselves temporarily alone before foes who sought economic reprisal. We never compromised our reasoning that a new high school plant must come, and although we lost the school bond issue as was the case in many places of the nation this year, many of the people of the community did follow the fight for a new school. To feel that one is following the right course and standing for one's conviction is gratifying.

A country editor is a durable lot, as I now attest, and the satisfactions have far exceeded the hard times and the pettiness of some people.

To be able to report the truth is a special charge in these times, and it is an almost sacred one. Much of the nation's course depends upon how well informed are its people. Perhaps not since the days of the American Revolution and the Civil War has the press been so challenged as we are today.

To be able to hear both sides of a controversy and report them fairly and truthfully require professional skill, great stamina and dedication. To avoid being swayed by the crowd demands wisdom and determination. This is as much so in a small town as it is in a great city.

The weekly newspaper is often ridiculed, but during the past score of years, most of the weekly press has changed greatly for the better. We who operate these plants and edit these newspapers are a fiercely independent breed. We cannot be intimidated. The weak can't last as a weekly newspaper where the editor in a sense is face to face with his readers. There is no room for phonies, either, for a small town quickly assesses sincerity and integrity.

I am proud to have been a country editor for 25 years because I think the independence of the country press mirrors the strength of America. Knowing full well that thousands are laboring daily with the same goals as I have—to report the truth and build communities—I salute all of them and share this honor with them.

I am grateful for this honor, just as I am for the quarter century that God has given me in the role as a country editor.

Thank you for an award that I shall always cherish.

Excerpts From Congressman Edward's Commentary—Report Both Sides

There are many ways to communicate and I salute the Members of the National Association of Press Women as one of the last bastions of loyal, patriotic Americans. I know you try to report both sides—and let your readers make their own decisions.

We have just passed the turbulent Sixties and are now entering the unrestful Seventies. It is time for the silent majority to become the eloquent majority. You should point out that only 2% of the American students are involved in the violence reported so widely in our country today.

As one who came from a sharecropper's farm to the halls of Congress, *I object* to those those who seek to tear this country apart and rebuild it without a blueprint. I object because anyone has the privilege and opportunity to do as I have done. So, I urge you as responsible members of the communications field to report not what seems to be happening, but what is actually and factually happening.

Excerpts from the text of Mr. Neuharth's talk follows—

Press and Our Society

Whether you are members of the National Federation of Press Women, members of Sigma Delta Chi, Theta Sigs, or just plain Women's Libs, I'd like to talk with you women tonight about yourselves and your relationship to the profession of journalism and to our society.

I'd like to tell you where I think you are today, in this so-called man's world; how you got there; what you are doing about it; and what I think you should be doing.

First, a comment with which most of you will agree:

It is still pretty much a man's world. Specifically, in our profession, the press is overmanned, especially at the top. Far too many publishers, editors, managing editors, city editors, magazine editors, broadcast station managers, are men.

As a result, most of our news and editorial products are still designed primarily by men, even though they are aimed primarily at women.

That's bad. Bad for you. Bad for our profession. Bad for our society.

Secondly, a comment with which many, or most, of you may not agree:

I believe the fact that this is still so much a man's world is mostly your own fault. This man's world, our own over-manned profession, is ready for you. Too many of you are not ready yourselves.

Let me explain what I mean.

Women today generally fall into three classes.

First, those who are the moderate feminists—or humanists—who want to be a part of this society on an equal basis with men. They want "in."

Second, those radical extremists of the Women's Liberation Movement who are so outraged by society's abuse of women that they seek to escape from womanhood or from society. They want "out."

Third, that great number of women who use their femininity as an excuse for lack of professional success, rather than the advantage which it is. They don't really care.

That third category isn't worth much of our time or attention tonight, but because so many women are in that group, let me give you an example of what I mean.

The women who don't care about reaching the top in business or a profession like to put down other women who have done so and generally draw a wrong conclusion.

I know of no top women in journalism today who got there by sleeping with opportunity. I know of many, many who have failed to get there because they slept through opportunities.

So much for the "don't care" category of women. Let's look at Category 2, the Women's Lib extremists.

They deserve attention, and concern and help. Because what they are saying about society's abuse of women is mostly right; the way in which they are saying it and what they are trying to do about it, is mostly wrong.

These are the women who do judo and hate all men. They view the kitchens as a ghetto. They are so outraged at the historical economic exploitation of women that they not only feel women should be treated equally, but that men and women must be treated totally alike.

We are not alike, of course, and never shall be. We are biologically different. We have different glands and thank the Lord for it. Otherwise there would not only be no men or women, but no human race.

So, the Women's Lib extremists are terribly wrong in their anti-man and anti-marriage ideas. They also are wrong in allowing their voices to be even higher than their aims.

Mostly, they are wrong about men. They are wrong in presuming that man is woman's natural enemy. They are wrong in wanting to escape from society, and from womanhood itself.

Unless they raise their aims and lower their voices, these extremists may actually block the very social changes which they seek.

Well, those are the women who want out, and the women who don't care. Let's turn to those women who, like many—or hopefully most—of you, want "in." You are the ones who can fan those great winds of social change which are ready to sweep across this over-manned world.

The modern, moderate feminists, or humanists, whose aim is as high as their voices, are the key to whether women can really be equals to men in this society. And it is the women in our profession of journalism who have the greatest opportunity to help bring about that social change.

Many of you are working at it. Most of you can do much more.

Because I believe women journalists are the key to this movement, I've visited in recent weeks with a number of women who have moved toward the top—or to the top—in our profession. Let me share with you some of their thoughts:

First, a couple of women writers whose bylines command as much national attention as those of most men.

Ann Landers has achieved fame and fortune writing about people and their problems. Her following is as great among men readers as among women. Her formula? Work!

"I've worked like a dog for 15 years. Seven columns a week, 365 days a year. But I love what I'm doing or I wouldn't be doing it." And, Eppie adds, "no girl ever had better support or more help from the men in our business—a great editor, a generous publisher, wonderful newspaper buddies who passed the word."

Gloria Steinam, one of the really bright new names, brains and personalities, is doing it differently, working outside the structure, freelancing.

She has her unhappy memories of men editors who would give her only assignments "on textured stockings and movie stars." But she stayed with it and now earns a good living and has developed a strong following by writing about such things as politics and other "unfeminine" subjects.

Gloria's advice: "While we're fighting for equal jobs and equal pay, we have to do a little consciousness-changing in ourselves too. Ground down by all the years of conforming to male standards, we need to put some starch in our spines."

Kay Graham, president of the Washington Post Company is a woman who readily acknowledges that she got to the top by accident—her father's newspaper ownership and her husband's death. But she's doing something with it and the Post is one of the country's most progressive newspapers in treatment of women in the newsroom and in the news columns.

Kay says: "The fact is attitudes have to change on both sides. There is great prejudice on the part of the men toward women—possibly less in editorial than in business parts of publishing.

"Women have accepted all this much too long. They have accepted the image of themselves as mentally and physically inferior. Only recently and generationally have they realized that there are no limits to what they can do if they don't accept any limits."

From the publisher's office to the composing room, here's a woman who really took down the "for men only" sign to get her job. She's Mrs. Sue Brown, composing room superintendent—that's right—at the Aiken (S.C.) Standard.

Sue says: "If there is any secret to moving up—whether you are a man or a woman—it is to apply yourself and your abilities." And, she adds, "I often find it easier to supervise men in my department than women."

To illustrate that we at Gannett Newspapers try to practice what I'm preaching, let me tell you about the city editor of our Yonkers (N.Y.) Herald Statesman, Eileen Campion.

Yonkers has a reputation as a man's town—race tracks, mafia manipulations. Eileen's woman's touch handles the most difficult situations on the city desk.

"I haven't had a hint of resentment from men reporters," she says. "The biggest problem was breaking tradition in my own thinking."

On our Plainsfield (N.J.) Courier-News, Rosemary Bachelor, recently named assistant city editor, puts it this way:

"Sometimes we women are our own worst enemies when it comes to getting better jobs. When we start thinking 'nothing I ever do will be good enough because I'm a woman' we are licked. Then we're reacting like a woman, in the old accepted sense. We need to react like a person."

Outside our profession, I heard the whole problem put in perspective just last week by Mary I. Bunting, president of Radcliffe College.

Mrs. Bunting told a group of us that Women's Liberation is 90 years old at Radcliffe, as old as the college itself. She sees the current movement in this light:

"Many women are over-educated for the jobs they are holding, but not fully prepared, psychologically or otherwise, for the really top jobs," Mrs. Bunting says.

Here is another way of putting it. Some months ago, I heard the Rev. Dr. Louis H. Evans Jr. of La Jolla, Calif., deliver a sermon at the White House for President Nixon and guests. His theme: "The Identity Crisis: Who Are You?"

Dr. Evans urged each of us "to paint our own portraits of ourselves, establish our own identity, select our own goals, instead of living by a picture others paint for us, or aspiring just to goals others select for us."

Pretty good advice.

Ann Landers says work.

Gloria Steinam says put some starch in your spines.

Kay Graham says you have accepted all this much too long.

Sue Brown says apply yourself.

Eileen Campion says break tradtion.

Rosemary Bachelor says react like a person.

Mary Bunting says prepare yourself.

The Reverend Evans says establish your own identity.

I say, if you do these things, not only will you benefit, but so will our over-manned profession and our entire society.

I. L. KENEN

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent appendix to the statement of I. L. Kenen on the situation in the Near East before the Subcommittee on Near East of the House Foreign Affairs Committee on Wednesday, July 22, 1970.

"Si" Kenen's work over the years with the American Israel Public Affairs Committee and the Israeli delegation to the United Nations has made him one of the outstanding experts on the past, present, and future of the Near and Middle East. We Members of Congress, as well as the American people, are fortunate to have the benefit of "Si" Kenen's long experience and knowledge on matters concerning the Near East.

The appendix follows:

APPENDIX TO STATEMENT BY I. L. KENEN

In this Appendix there is a discussion of major issues since 1947: the partition fight at the United Nations; boundaries; the arms race; guarantees and commitments; the armistice agreements; the Suez Canal; the role of the United Nations; the Arab refugees.

In 1947, a Special Committee of the United Nations, consisting of the Middle Powers—none of the Great Powers served on that Committee—went to Palestine; it found that Arabs and Jews were both claiming the entire country. It recommended partition of Palestine, offering self-determination and separate states to both the Jews and the Arabs of Palestine. The Arabs rejected the recommendation; the Jews reluctantly agreed to it, although it did not seem to them to be responsive to their historical rights.

Prior to this time, President Truman had endorsed the concept of partition, but when the British brought the issue of Palestine to the United Nations our Government was slow to endorse the recommendation, largely because of the hostility of officials of our Departments of State and Defense and because of the lobbying activities of special interests.

However, the United States finally did vote for partition and the majority of the General Assembly endorsed the plan.

The partition proposal provided for implementation by a special Palestine commission. It also provided that obstruction of implementation would be a breach of the peace which would enable the Security Council to take appropriate action.

The official record confirms that the Arab states resisted implementation. The partition commission never went to Palestine. The UN Security Council failed to act. And the United States, instead of insisting on implementation, offered a plan to delay the partition proposal and to substitute a UN trusteeship.

The U.S. proposal, however, was hopelessly irrelevant because by this time the country was being automatically partitioned into Jewish and Arab areas, as the British withdrew their forces and gave up the Mandate.

On May 14, 1948, the Jewish state came into being in response to the resolution. The Arab states went to war to destroy the new state and to seize and divide Arab areas for themselves.

President Truman recognized Israel within a few minutes after she was established, much to the bewilderment of our Department of State.

But late in 1948, the Department of State endorsed a new proposal brought forward by the UN mediator which would have reduced Israel to a minuscule state by amputating the Negev and other areas. The Department went so far as to threaten sanctions against Israel at that time.

In 1949, the United States again brought pressure on Israel to make territorial concessions to the Arabs, threatening to reconsider its relations with Israel.

In 1956, the Arab-Israel war broke out again and the Israelis advanced to new positions which made their country more defensible. The United States then joined with the Soviet Union in forcing Israel to withdraw to the 1949 armistice lines without requiring the Arab states to renounce bel-

ligerence and to enter into peace treaties with Israel. The decision turned out to be a blunder.

MILITARY ASSISTANCE

There was a strange reticence on the part of our Government to approve Israel's requests for military assistance.

On December 5, 1947, six days after adoption of the UN partition resolution, the Department of State imposed an arms embargo in the Near East. Our Government was not willing to use its authority to prevent a war and to implement the partition resolution. Going further, it was not ready to let Israel have the weapons she needed to defend the new state.

In 1952, Israel asked to be allowed to purchase weapons in this country but the United States refused.

In 1953, the Department of State proposed to provide arms to Iraq and to other Arab states. It requested an appropriation of $100 million for military aid to the Near East. When your Committee learned that it was not intended to supply any arms to Israel, you voted to reject the Administration's proposal. Subsequently, however, Congress did approve a $30 million appropriation and our Government began to grant arms to Iraq, while still refusing to negotiate any military agreement with Israel.

The United States was then trying to cement the Baghdad Pact to establish a Northern Tier defense line to contain the Soviet Union in the Near East. But we excluded Israel from participation, even though she was the one state committed to democracy and even though she was threatened by her neighbors. Iraq, one of the most unreliable states in the area, became a keystone of Middle East defense.

Many Americans were opposed to sending arms to Iraq. Nevertheless, our Government went ahead with it. As a result, President Nasser turned to the Soviet Union for weapons, opening up the Near East to Soviet penetration in 1955.

The Israelis appealed to the United States for arms to counter the new Soviet threat. Our Government recognized the need to maintain an arms balance in the area. But it sent Israel off to France, to Italy, to Canada and to other countries. And in an effort to win Nasser, the United States offered to help Egypt build the Aswan Dam. Our diplomats thought that this would encourage Nasser to restrict his purchases from the Russians.

But our failure to act on Israel's arms request created a vacuum which the Soviet Union then filled with arms for the Arabs.

In subsequent years, the Israelis kept coming back to the United States for weapons because the Soviet Union expanded its supplies to Egypt, Syria and Iraq. It was not until 1962 that the United States finally decided to permit Israel to purchase the anti-aircraft Hawk missile.

Later, when Israel tried to purchase tanks in this country, the Administration referred it to West Germany. And when that avenue was closed because of Egyptian blackmail, there was a secret U.S. understanding to provide tanks to Israel even as we were providing them to Jordan; it did not remain a secret very long.

The Soviet Union always set the pace in the arms race in the Near East. It was encouraged to go forward because of our reticence. It could not lose.

In 1967, after the six-day war, the Administration imposed an arms embargo which lasted 135 days. During this period, while we sat tight and did nothing, the Soviet Union rearmed Egypt, Syria and Iraq.

Those who believe we have favored Israel should take note of the fact that we have extended grant military aid to seven Arab countries totalling $239.7 million and that we have never given arms to Israel.

[In millions of dollars]

Iraq	48.2
Jordan	56.8
Lebanon	9.3
Libya	18.1
Morocco	41.8
Sudan	1.8
Saudi Arabia	35.3
Tunisia	28.4

This does *not* include sales for cash and credit; the figures are not published.

In addition to $56.8 million in military aid, Jordan has received $566.7 million in grant economic aid—substantially more than our grant economic aid to Israel, which totaled $369 million. And the aid figure for Jordan does not include Jordan's share of the $455 million the United States has contributed to UNRWA.

Our country has been generous to other Mediterranean countries which have been menaced by Soviet expansionism.

Greece has had more than $2 billion in grant military aid and more than $1.6 billion in economic aid, most of it in grants. Turkey has had more than $3 billion in military aid and more than $2 billion in economic aid, half grant-half loan. And Iran has had $870 million in grant military aid and $431 million in military credits, as well as $739 million in economic aid.

COMMITMENTS

The Administration always softened its rejection of Israel's arms requests by reassurance that our country would oppose aggression. There were many such commitments.

The Tripartite Declaration

On May 25, 1950, England, France and the United States issued the Tripartite Declaration, in which they sought to allay the concern of the nations of the Near East by guaranteeing stability. This commitment to oppose force or the threat of force was intended to reassure both Israel and the Arab states. Paragraph 3 stated:

"The three Governments take this opportunity of declaring their deep interest in and their desire to promote the establishment and maintenance of peace and stability in the area and their unalterable opposition to the use of force or threat of force between any of the states in that area. The three Governments, should they find that any of these states was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violations."

President Eisenhower reaffirmed the Tripartite Declaration on Nov. 15, 1955.

The Dulles statement

Early in 1956 the United States rejected Israel's request for arms to prevent an imbalance and referred Israel to the French. Yet, at the same time it became known that the United States was supplying weapons not only to Iraq but also to Saudi Arabia. Alarmed by this seeming disregard of Israel's peril, the Senate Foreign Relations Committee opened an investigation into these shipments of arms to Israel's avowed enemies.

Appearing before that body on Feb. 24, 1956, Mr. Dulles sought to reassure his critics with this strong statement:

"The preservation of the State of Israel is what I regard as one of the essential goals of United States foreign policy."

This was followed on Apr. 9, 1956 by a White House declaration:

"The United States, in accordance with its responsibilities under the Charter of the United Nations, will observe its commitments within constitutional means to oppose any aggression in the area.

"The United States is likewise determined to support and assist any nation which might be subjected to such aggression. The United States is confident that other nations will act similarly in the cause of peace."

The 1956 political platforms

Apprehensive of conflict, both the Republican and Democratic parties, meeting in national convention in August 1956, adopted strong platform declarations supporting American commitments to prevent an arms imbalance and to intervene against aggression.

The Republican party statement reaffirmed support for Israel:

"We regard the preservation of Israel as an important tenet of American foreign policy. We are determined that the integrity of an independent Jewish State shall be maintained. We shall support the independence of Israel against armed aggression."

Similarly, the platform of the Democratic party read as follows:

"To prevent war, to assure peace, we will faithfully carry out our country's pledge under the Tripartite Declaration of 1950. . . .

"The Democratic Party will act to redress the dangerous imbalance of arms in the area created by the shipment of Communist arms to Egypt, by selling or supplying defensive weapons to Israel, and will take such steps, including security guarantees, as may be required to deter aggression and war in the area."

In January 1957, President Eisenhower promulgated the Middle East Doctrine which formalized the U.S. commitment. Section 2 of that resolution read:

"The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States."

If there ever was a country that is backed by *international communism* in a war against a neighbor—in every way, economically, militarily and diplomatically—it is Egypt. But it seems that this fact is apparent only to the Israelis. Others pretend that Egypt is independent. They argue that Communists are jailed in Egypt, which is probably also the case in the Soviet Union, and that a devout Moslem could not possibly accept Communist rule—a dogma which ignores the fact that Moslems are compelled to do so in Albania and in some areas of the Soviet Union.

There was turmoil in Jordan in 1957 and on Sept. 10, 1957 Mr. Dulles reassured Israel at a press conference. He said:

"We do not think that there is danger at the present time to Israel . . . Israel has the benefit of the declaration which was made by President Eisenhower in April of last year, 1956, that the United States would come to the assistance of any country that was attacked."

The 1960 platforms

In 1960, the platforms of both political parties again endorsed U.S. commitments against aggression.

The Democratic platform declared:

"In the Middle East we will work for guarantees to ensure independence for all states. We will encourage direct Arab-Israel peace negotiations; the resettlement of Arab refugees in lands where there is room and

opportunity for them; an end to boycotts and blockades; the unrestricted use of the Suez Canal by all nations.

"We urge continued economic assistance to Israel and the Arab peoples to help them raise their living standards. We pledge our best efforts for peace in the Middle East by seeking to prevent an arms race while guarding against the dangers of a military imbalance resulting from Soviet arms shipments.

"Protection of the rights of American citizens to travel, to pursue lawful trade and to engage in other lawful activities abroad without distinction as to race or religion is a cardinal function of the national sovereignty."

The Republican platform declared:

"In the Middle East, we shall continue to support the integrity and independence of all the states of that area including Israel and the Arab states.

"With specific reference to Israel and the Arab nations, we urge them to undertake negotiations for a mutually acceptable settlement of the causes of tension between them.

"We pledge continued efforts to eliminate the obstacles to a lasting peace in the area, including the human problem of the Arab refugees; to seek an end to transit and trade restrictions, blockades and boycotts; to secure freedom of navigation in international waterways, the cessation of discrimination against Americans on the basis of religious beliefs, and an end to the wasteful and dangerous arms race and to the threat of an arms imbalance in the area."

On Aug. 5, 1960, the late President Kennedy—then a candidate—said that the United States should make it "crystal clear" that "we will act promptly and decisively against any nation in the Middle East which attacks its neighbor."

Later, on May 8, 1963, when it appeared that Iraq, Syria and the UAR were about to unite under Nasser's leadership, President Kennedy said:

"Obviously there are political changes in the Middle East which still do not show a precise pattern and on which we are unable to make any final judgments. The United States supports social and economic and political progress in the Middle East. We support the security of both Israel and her neighbors. We seek to limit the Near East arms race which obviously takes resources from an area already poor, and puts them into an increasing race which does not really bring any great security.

"We strongly oppose the use of force or the threat of force in the Near East, and we also seek to limit the spread of communism in the Middle East which would, of course, destroy the independence of the people. This Government has been and remains as strongly opposed to the use of force or the threat of force in the Near East. In the event of aggression or preparation for aggression, whether direct or indirect, we would support appropriate measures in the United Nations, adopt other courses of action on our own to prevent or to put a stop to such aggression, which, of course, has been the policy which the United States has followed for some time."

A joint communique, issued by President Lyndon B. Johnson and Premier Levi Eshkol of Israel in June 1964, contained these words:

"The President welcomed assurances of Israel's deep concern, which the United States shares, for peace in the area.

"He reiterated to Prime Minister Eshkol U.S. support for the territorial integrity and political independence of all countries in the Near East and emphasized the firm opposition of the United States to aggression and the use of force or the threat of force against any country in the region.

"In this connection, both leaders expressed their concern at the diversion of vitally important resources from development to armaments."

It is also pertinent to put into this record the excellent statement which President Nixon made available to our Committee during the 1968 campaign. He said, on Apr. 22, 1968—foreshadowing his recent strong declaration on July 1, 1970:

"The Middle East today stands closer to the threshold of armed conflict than at any period since the June war. Outside of the cauldron of the Middle East itself, this new danger to regional and global peace can be traced directly to Soviet policy in the area—and indirectly to the absence of an effective American counter-policy.

"There is no question but that the Soviets were the losers in the six-day conflict itself. The belligerent Arab states to which they were allied suffered a stunning defeat; a Soviet-trained and equipped army was humiliated on the field of battle and a multi-billion dollar investment in arms and equipment had to be written off.

But if the Soviets were the losers in the six-day conflict, they are the principal beneficiaries of the uneasy post-war truce; and United States interests have suffered to the same extensive degree that Soviet interests have advanced.

"There naval manpower in the Mediterranean has been augmented five-fold since the war. Their client states have been rearmed and equipped with some of the most modern of weaponry in the Soviet inventory. Their influence has grown in the entire Arab and Near Eastern world—from Morocco to Iran—as they have stiffened the spine of the militants with encouragement and arms, established naval bases on the south shore of the Mediterranean, and assumed the leadership of the anti-Israel league in the United Nations. For the first time in history they are in the Mediterranean in power, and solidly entrenched on the World Bridge.

"Confronted with this diplomatic and military policy of expansionism and adventurism on the part of the Soviets, the American response has been halting and lame and ineffectual. Indeed, there seems to be no American policy at all in a region of the world where a single chance spark could ignite a local conflict that could bring the great powers hurtling together in a major confrontation.

"What should American policy be in the area, now that we have paid so dearly for the absence of an effective past policy?

"The first urgency is for America not to allow the balance of power to shift in favor of the militant Arab states bent on a new war. To this end, the United States must see to it that Israel's military strength is never at a level vis-a-vis the Arab militants that will invite a war of revenge, the consequences of which we could not possibly foresee and which at all costs we must avoid.

"Second, the United States must deal directly with the Soviets and impress upon them both the urgency of keeping their client states in check, and the dangers inherent to the peace in any renewal of the kind of wholesale Soviet irresponsibility evident just prior to the recent conflict.

"Third, the United States must take the diplomatic lead in forging an acceptable settlement. Included in the terms of that settlement should be solid guarantees that the currently occupied territories will never again be used as bases of aggression or sanctuaries for terrorism. Access for the ships of all nations through the re-opened Suez Canal and the Straits of Tiran should be guaranteed. It should include recognition of Israeli sovereignty, its right to exist in peace, and an end to the state of belligerency.

"With regard to the occupied territories, it is not realistic to expect Israel to surrender these vital bargaining counters in the absence of a genuine peace and effective guarantee. However, it is also my view that for Israel to take formal and final possession of these occupied areas would be a grave mistake.

"It is my belief from my own visits to Israel and my own talks with her leaders that the one thing that Israel values more highly than the peace she desperately seeks is her freedom and national independence.

"If the United States is to help secure this for the future, then we must strengthen our ties with America's friends in the Arab world. The channels of communication that have broken down must be repaired and the United States must re-establish its position on the side of all of those, Arab and Jew, who are appalled at the prospect of wasting their precious resources on another war.

"To find a just peace in an area of the world that has known only armed truces and three major and bitter wars in a generation is not an easy task. But the United States is not without diplomatic and economic resources, and its private and public men are not without cogent ideas to get directly at the underlying problems of refugees and water. And I think that we cannot wait longer to make the effort."

THE ARMISTICE AGREEMENTS AND THE SUEZ CANAL

After the first Arab-Israel war in 1948, Dr. Ralph Bunche, the UN mediator, undertook to bring the parties together on the island of Rhodes, where they met both directly and indirectly. Ultimately, armistice agreements were signed between Israel and four Arab states, each of which met separately with Israel under Bunche's auspices. This achievement won Dr. Bunche the Nobel Prize. But, regrettably, as often the case with UN declarations, the parties placed different interpretations upon the document.

The Israelis viewed the armistice agreements as stepping stones to peace, which they were intended to be. So did the United Nations. But the Egyptians insisted that the armistice agreements were merely intermissions in a state of war. They argued that they were permitted to remain in a state of belligerence against Israel and that Egypt therefore was justified in closing the Suez Canal to Israel shipping.

In a historic ruling on September 1, 1951, the United Nations upheld Israel's contention when it ruled that Egypt could not block Israel shipping in the Suez Canal. The United Nations thus rejected the Egyptian thesis that it could remain in a state of war. This is the central issue of the Arab-Israel conflict.

But the United Nations has been powerless to enforce its rule. After the 1951 decision, Israel tried to test the issue again. The Soviet Union then protected Egypt from censure by using its veto. Egypt remained free to enforce her blockade, to persist in belligerence.

When the United States and the Soviet Union joined in 1957, after the Suez war, to force Israel to withdraw from Sinai and from Sharm el-Sheikh, President Eisenhower promised, on February 20, 1957, that the Canal would remain open to all shipping. The Administration went on at that time to reinforce the commitment with the Eisenhower Doctrine.

But when we allowed the Soviet Union to write the 1957 settlement in Sinai, we enhanced its influence, and the results were disastrous to the West.

Jordan was compelled to oust its British officers and accept Nasser influence.

Lebanon suffered a bloody civil war aided and abetted by Nasserite agents and propaganda.

Iraq killed its pro-Western leadership in a savage revolt.

As a positive result of the 1956 war, the Straits of Tiran were opened to Israel shipping. This was backed by the reassurances of the maritime powers at the General As-

sembly of the United Nations, where some 17 rose to assert that Israel had a right to send her ships through the Straits. UNEF was placed at Sharm el-Sheikh to see that the Straits remained open.

The Convention on the Territorial Sea and Contiguous Zone, adopted by the UN Conference on the Law of the Seas on April 27, 1958, by a 62 to 1 vote, and effective from September 10, 1964, declared:

"There shall be no suspension of the innocent passage of foreign ships through straits which are used for international navigation between one part of the high seas and another part of the high seas or the territorial sea of a foreign state."

But in 1967 the garrison was blown away by Nasser's boldness and irresponsibility. UNEF was forced to withdraw. Israel's life line to Africa and the Orient was severed. Israel found itself surrounded and besieged on all frontiers.

What became of all the solemn commitments?

We all know what happened. No one was willing to move. Israel was isolated. The six-day war was the inevitable conclusion.

WHAT ABOUT THE UNITED NATIONS?

Since its historic partition decision in 1947, the United Nations has been unable to carry out its will. We who believe in the United Nations and a world of law have been dismayed by its inability to cope with Arab belligerence.

But the fault does not lie with the United Nations alone. The Soviet Union has used its veto in order to block any effective action in the UN Security Council. The United Nations is not a judicial body; it is a parliamentary institution ruled, not by law, but by bloc voting. The Arab states have contrived to control one-third of the votes in the General Assembly with a coalition of Moslem, Arab and some Afro-Asian countries. It is impossible for the United Nations to be an instrument for peace. The agencies established from time to time to deal with Near East problems have tried to maintain the status quo rather than to advance toward settlement.

Meanwhile, the United Nations has become a forum for the dissemination of anti-Israel propaganda because its decisions invariably overlook or apologize for Arab aggression and provocation and censure Israel for her reponses. Our own country has never used the veto except in the case of Rhodesia. Instead of registering opposition to one-sided resolutions initated by the Arab states and advocated by the Soviet Union, the United States has attempted to compete with the Soviet Union for Arab favor. It has gone along with consensus resolutions which write a deplorable anti-Israel legislative history. Such decisions are utilized in propaganda against Israel throughout the world. And Israel has suffered a critical propaganda setback, for it is cast in the role of violator of UN resolutions.

The United States has not gained from this procedure. The radical Arabs have always credited the Soviet Union for their support and initiative and the United States is regarded as an unwilling tool and prisoner of diplomatic and political circumstance.

THE ARAB REFUGEES

Another significant aspect of the United Nations' inability to deal with the problem has been the fact that for more than 20 years the United Nations has maintained centers for the care, rehabilitation and education of the Arab refugees. But it has lacked the determination to settle their problem by the only practical method—that of resettlement.

The Arab refugees should have been resettled in the many Arab lands which have water, oil and soil. They should have been welcomed by their own brethren. Instead, the Arab refugees were compelled to remain in the camps. Work projects which might have integrated them into the countries where they found themselves were opposed by the Arab states.

Instead of accepting resettlement, the refugees were encouraged to insist on repatriation in a ritualistic repetition of an isolated clause—Paragraph 11—in UN resolution 191 adopted in 1948. Those who cite that paragraph out of context, emphasizing the Arab shibboleth of repatriation, overlook the reality that the United Nations clearly intended that any such repatriation should be effected within the context of a peace settlement.

Over and over, Administration officials in and out of the United Nations stressed the concept of repatriation. Yet they knew very well that any mass repatriation would have meant death for Israel.

Throughout this period the United States has been the most generous supporter of the United Nations Relief and Works Agency (UNRWA), putting up more than $455 million—about 65 percent of the total budget—but receiving little credit or appreciation. The Arab states seem to hold the United States guilty of aggression against them and therefore obligated to maintain the UNRWA camps.

As a result of this lack of realism, UNRWA was exploited as an instrument for political action to project the cause of the Palestinian Arabs against Israel.

Now we hear the slogan that the Palestinian Arabs are a nation which is entitled to self-determination. Of course, they could have enjoyed self-determination and established their own state under the provisions of the UN resolution in 1947. But the independent Arab state envisaged in that resolution was denied life by the invasion of Transjordan, Egypt, Syria, Iraq and Lebanon, which wanted to seize and divide all of Palestine among themselves.

The Palestinian Arabs might still have their own state today if they wished to assert their authority in Jordan, which was part of Palestine until 1922. Mr. Winston Churchill then carved Transjordan away from Palestine to placate the angry Hussein family which had been embittered by the French mandate in Syria.

The Palestinian Arabs could take over Jordan and restore its original name—Palestine. Presumably, such a Palestine state could negotiate with Israel for peace and secure borders. Instead, the program of the Palestinian terrorists calls for the establishment of what is euphemistically described as "a secular state of Palestine" in which Arabs and Jews might live in blissful equality. However, the Jewish state, which we call Israel, would disappear under this program. Jews who came after 1917 would have to leave. In other words, the Jewish state would cease to exist.

The irony of the Palestinian declaration is that no such egalitarian state exists anywhere in the Near East today—unless it be the democratic state of Israel. Arab nationalism is intolerant of all minorities—the Copts in Egypt, the Kurds in Iraq, the Berbers in North Africa, the blacks in Sudan. The notion that Jews would have equality in an Arab state is belied by centuries of discrimination and humiliation meted out to the stiff-necked Jews who refused to accept Mohammad's teachings.

Those who espouse the Arab cause against Israel try to argue that the refugee issue is the root cause of the conflict. In truth, the refugee issue arose as a result of the conflict—the refusal of the Arab states to accept the judgment of the international community that the Jewish people had a right to restore their national life in their historic homeland.

The Arabs claim that the Palestinians were the victims of an injustice. But Palestine, it must be emphasized, was never an independent self-governing Arab country; it was part of an Arab empire which dominated the Middle East for just 434 years, almost a full 900 years ago. For ten centuries, Palestine was under alien rule. For much of that period it was a desolate and neglected land of rocky eroded hillsides and mosquito-infested malarial swamps.

The Jews, who did have self-government or a measure of autonomy in Palestine for some 2,000 years, until they were subjugated by the Romans—always prayed for return. There were always some Jews in the country. And when the Jews came to rebuild Palestine more than a century ago, much of the land was owned by a few rich absentee landowners, while the Arab peasants and Bedouin who lived in the country actually regarded themselves as Syrians, not Palestinians. Palestine was then known to the Arabs as southern Syria.

Prior to the Zionist reclamation, which began 100 years ago, Palestine was a country of Arab emigration. Many of the so-called Palestine Arabs are the sons and daughters of Arabs who came into Palestine from Lebanon, Syria, Iraq and Egypt, attracted by the opportunities created by the Zionist restoration.

But the major point that must be stressed is that the League of Nations and United Nations examined these issues and gave their blessing to the restoration of the Jewish homeland.

Moreover, it should be emphasized that the Arabs won their independence in vast areas. There are now 18 Arab countries, as a 1968 State Department document shows. They occupy an area of 4,600,000 square miles, more than 1½ times the size of the continental United States. They are rich in oil, water and fertile land. And they have room. In equity, they who demand self-determination for themselves must concede self-determination for others.

Those who speak glibly of the elimination of the Jewish state and its replacement by another Arab state must ask themselves: Will civilization gain more by the creation of a 19th Arab state than it will lose by the elimination of the one Jewish state, which has once again become the envoy of democracy in the area where democracy was cradled thousands of years ago.

U.S. AID TO ISRAEL

There were two refugee problems in the Near East. While some 600,000 Arabs came out of Palestine, an equal number of Jewish refugees came into Israel in the first three years. Many came from the former concentration camps which were liberated when Hitler lost the war in 1945. Many of them were refugees from discrimination and persecution in Arab countries, where Jews had lived as second-class citizens in squalid ghettos.

In 1951, Israel was trying to cope with this flood and the country was in dire economic straits. Israel requested economic aid from the United States. But the Administration was reluctant to agree because the Arab states were not asking for economic assistance at that time; the Administration feared that it would be accused of partiality toward Israel.

And so it was Congress—your Committee—which took action in 1951, despite reservations by the State Department and over objections of pro-Arab lobbyists who ominously predicted dire consequences for America and American economic interest in Arab countries.

At that time the Administration was asking Congress to approve a grant of $50 million for the relief and rehabilitation of the Arab refugees. Your Committee requested a similar authorization for the Jewish refugees. While the Committee voted equal sums for the two groups, the money was used much differently.

Israel swiftly absorbed and settled refugees; the Arab states forbade work and development projects. And the money given to the UN agency was used primarily for relief and thus to preserve Arab separatism.

We must ask whether it was really right and in the best interests of the Arab refugees themselves to continue to pour money into refugee camps—maintaining the status quo without insisting that the refugees be resettled and integrated into Arab lands.

In subsequent years, your Committee continued to vote generous sums for Israel, and this confidence in Israel was amply rewarded. She has repaid loans. She became a showcase for American aid. And, in turn, she extended technical assistance to many countries in Latin America, in Africa, in Asia and in Europe.

Your Committee realistically affirmed the sensible view that the Arab refugees should be resettled "on lands where there is room and opportunity for them." These declarations are found in many Committee reports, both in the Senate and the House, over the years.

American leaders have long advocated resettlement. But Arab leaders reject it.

In 1954, the U.S. delegation to the UN urged Arab governments to recognize that "the eventual solution of the refugee problem lies in a new and stronger economy for the Arab countries."

This view has been echoed by many UN delegates.

On August 26, 1955, Secretary of State Dulles announced that the United States would be willing to lend Israel funds to enable her to pay compensation and thus facilitate resettlement.

There have been many strong reports by Congressional committees.

"The U.S. should serve notice that it will not support the return of the Arab refugees to their former homes within the boundaries of Israel under existing conditions." (Smith-Prouty House subcommittee—1953)

"A permanent solution of the Arab refugee problem can only be found through rehabilitation and resettlement and the committee has repeatedly expressed its deep concern over the lack of progress in this direction." (Senate Foreign Relations Committee—1955)

"Resettlement in Arab lands with compensation for property left in Israel is, in fact, the only effective and realistic way of solving the Arab refugee problem. The fact is that the Arab states have for ten years used the Palestine refugees as political hostages. Nothing has been done to assist them in a practical way lest political leverage against Israel be lost." (The Humphrey report—1957)

"Unlike refugees in other parts of the world, the Palestine refugees are no different in language and social organization from the other Arabs. Resettlement, therefore, would be in familiar environment." (Hays-O'Hara-Church House subcommittee—1958)

The House Committee on Foreign Affairs said in 1961:

"Progress towards a final solution remains regrettably slow . . . The committee believes that the vast majority of the refugees will eventually have to be resettled in lands where there is room and opportunity for them."

The Democratic platforms in 1956, 1960 and 1964 called for resettlement in countries "where there is room and opportunity for them."

Regrettably, the Department of State did not insist on resettlement long ago. If it had, the Arab states might have been forced to face up to their responsibility. It is ironic that today rich Arab states like Kuwait, Saudi Arabia and Libya provide only token sums for UNRWA, and that the Soviet Union—the great friend of the Arabs—puts up not a single ruble.

Since Khartoum, the three oil-rich Arab states have been making annual contributions of $266 million to Nasser and $112 million to Hussein: $84 million from Libya; $154 million from Kuwait; $140 million from Saudi Arabia.

Yet, over the years, Libya has contributed only $464,000 to UNRWA, Saudi Arabia has given only $3,404,303, and Kuwait has donated only $1,922,860.

The Arab states and the Soviet Union are more interested in war against Israel than in the alleviation of the misery of the homeless Arabs.

THE REFUGEES BECOME SOLDIERS

Some years ago the Arab states started to convert the refugees into soldiers. While UNRWA provided rations, the Arab states offered arms and ammunition.

Your Committee protested against the misuse of UNRWA funds to finance the training of refugee warriors. Objections were voiced at the United Nations. And there was an amendment to the Foreign Assistance Act, drafted by your Committee, which forbade the use of U.S. funds contributed to UNRWA for the purpose of maintaining refugees who were being trained to go to war against Israel. But to no avail. UNRWA "complied" with the mandate of Congress with brazen indirection. It calculated the amount spent on rations for the training of the refugees and it then entered into a side deal with the Arab states to procure additional sums for this purpose so that it could piously assure you that U.S. funds were not being used for this unholy purpose.

Your Committee repeatedly protested the fraudulent use of UNRWA funds for the dead and departed. But UNRWA feared to lay down the law and it was not until 1967, when many of the refugee centers in the West Bank and Gaza were under the jurisdiction of Israel, that there was some real progress toward rectification of the rolls and elimination of ration fraud.

In the meantime, the refugee children were offered a unique education. They were indoctrinated with Hate Israel mathematics, geography and history. An international agency was thus misused as an incubator for a nationalism which was postulated—not on a historic past—but largely on violent Jew-hatred.

There are all kinds of nationalisms—some benign and some baneful. Those who speak glibly of recognizing the Palestinians as a national entity should consider their objectives.

WHAT THE TERRORISTS SAY

Yasser Arafat said on May 5, 1969:

"The main objective of El Fatah is to liquidate completely the political, economic and social existence of the Zionist base."

In Morocco, on Aug. 19, 1969, he said:

"The objective of our war at this stage is to do away with the social, economic and political fortress of Israel in a long and protracted war which must of necessity end in success."

Dr. George Habash, in Beirut, Dec. 22, 1969, said:

"We wage a national democratic war of liberation of a Socialist nature; the objective is to put an end to Israel's existence as a hostile, racist, robber state which is connected with world imperialism."

INCREASE NEED FOR MINERAL SCIENCE AND TECHNOLOGY

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. BURTON of Utah. Mr. Speaker, recently I received a letter from Professor Ferron A. Olson, head of the department of mineral engineering at the University of Utah indicating the need for increased emphasis for mineral science and technology. He stated, that "there is a danger that because minerals production is linked so closely with pollution that irreparable damage will be done in mineral science and technology. I doubt that any citizen in this country is more concerned about pollution than I am but the answer certainly is not to reduce metallurgy research funds from the Bureau of Mines or similar action to reduce research. Pollution associated with minerals can only be conquered through further research in metallurgy, mining and other disciplines in the minerals area."

He continued, "Possibly of greatest concern to me is the manpower situation. On the basis of this I am enclosing a brochure illustrating the upward trend we have caused at the University of Utah in the field of metallurgical engineering. The situation is also the same with regards to mining engineering at this institution. We are very pleased that we have been able to do this. However, to continue this growth in metallurgy it is necessary that we have undergraduate scholarships. I should like to propose that a move be made to have the Government assist with scholarship moneys in mineral science and technology. As the attached brochure points out if used properly scholarships provide a strong base from which students can be drawn into disciplines represented by mineral science and technology.

Last October the Committee on Mineral Sciences and Technology of the National Academy of Sciences issued a report on the subject, "Mineral Science and Technology—Needs, Challenges and Opportunities." Pointing out the serious condition of mineral science and technology in our country, the report indicates a current need of 360 professionals per year in mineral engineering and extractive metallurgy—and a supply of only 175 per year. The report stated that "The country is not running out of mineral resources but out of mineral technology needed for their profitable production and processing in world competition. The United States must change this trend by invigorating mineral engineering education and research."

The brochure and a summary of the National Academy of Science study follow:

A BIG JOB TO BE DONE FOR THE MINERAL INDUSTRIES

The cover chart illustrates the supply of and need for persons with bachelor's degrees in mineral science and engineering in the United States.[2,3,4] The extrapolated curves are sobering and illustrate the problem mineral industries face. As was forcefully stated in a report by the Committee on Mineral Science and Technology to the National Academy of Sciences October 10, 1969:[1] "The country is not running out of mineral resources but out of mineral technology needed for their profitable production and processing in world competition. The United States must change this trend by invigorating mineral engineering education and research."

MINERAL SCIENCE ENROLLMENT UP AT UNIVERSITY OF UTAH

Vigorous proselyting using a scholarship program has reversed this trend of national decrease in production of metallurgical engineers at the University of Utah. It has es-

---

Footnotes at end of article.

tablished and sustained an upward enrollment trend in the period from 1967 to 1969, as shown in Figure 1. Figure 2 shows the growth in undergraduate scholarships required to effect this, but as shown in figure 3 the increased scholarships did not change the fraction of students supported by scholarships since the total number of students was also increased. Retention of students recruited from high schools is excellent, as indicated in Figure 4. The surge of students from the freshman class of 1967 to the Junior class of 1969 should produce a marked increase in metallurgical engineers at this institution, commencing June 1971 as is concluded in Figure 5. Thus, this effective proselyting program based on scholarships seems worthy of support.

RECRUITING SUSTAINS UPWARD TREND

The present technique of recruiting was initiated by the University of Utah Department of Mineral Engineering in January 1967. Counselors or science teachers were invited from eight of the local city high schools to a luncheon in which the scholarship program was explained and the field of metallurgical engineering and its future was clearly presented. Subsequently, members of the departmental staff were assigned to the major high schools in the Salt Lake Valley and some adjoining schools. While various approaches were used by the different staff members, the best results were obtained when the staff member arranged to talk to a number of the top science students at the respective high schools. For example, at a typical high school the assigned staff member has talked for the past three years to groups numbering from 30 to as many as about 80 students, all outstanding science students. These talks are of a scientific or engineering nature, coupled with a brief sales pitch for metallurgical engineering and a comment about the scholarship program. Interested students submit a scholarship application and a week or two later are individually interviewed by the metallurgy staff member to determine the winning scholars.

SCHOLARSHIPS PROVIDE MARGIN OF EXCELLENCE

The scholarship program which is vital to proselyting consists principally at the present time of D.C. Jackling Scholarships; 35 of the present 38 undergraduate scholarships are of this type. With the D.C. Jackling Scholarship, students are awarded tuition scholarships for the freshman and sophomore years, which at the present time is $480.00 per year, and $750.00 per year for the junior and senior years. To maintain the scholarship the students must maintain a "B" average.

Additionally, should the student lose his scholarship, he may regain it when the required grade point average is regained. This rarely occurs, but does stimulate students to remain during the early years of schooling, acting as an incentive until they can really understand the metallurgical engineering field.

It is believed that the marked increase in the number of freshman students not supported by scholarships which rose from 18 in 1966 to 33 in 1968 and 28 in 1969 is largely due to the vigor of the proselyting effort and scholarship program.

Additionally, some high school students not receiving scholarships registered in metallurgical engineering because their peers of superior attainment did. This program not only produced more undergraduates but produced superior undergraduates due to the caliber of students attracted by the scholarships.

SUPPORT REQUIRED TO PRODUCE 20 METALLURGICAL ENGINEERS

On the basis of the results shown in Figures 3 and 4 one can deduce the number of scholarships required to produce a given number of metallurgical engineers, i.e., to produce 20 per year. For this, a conservative retention factor of 0.8 and a basis of scholarship support of 0.4 for seniors, 0.5 for juniors, 0.6 for sophomores and 0.8 for freshmen is used. The support level takes into account the decreasing fraction of students supported as the student progresses. It is at a slightly greater fractional support than shown in Figure 3 because the planned marked increase in students and because the wave of superior students expected requires an increased fraction of support for the upper classes over that given for the students summarized in Figure 3. Also, on the basis of the number of seniors registered each Fall as shown in Figure 1, and the graduates produced the following Spring (Figure 5), the factor of 0.8 is used for the fraction of seniors graduating; this is the same as the retention figure for the undergraduate classes. Thus, to graduate 20 metallurgical engineers, 25 seniors would be required of which 10 would be on scholarships. To produce such a class of seniors would require 30 juniors of which 15 would be supported. Similarly, the sophomore and freshman classes would number 38 and 48 respectively with the respective numbers of scholarships being 23 and 38. This would lead to an under-graduate enrollment four years hence of 141 and require 86 scholarships.

With a program of tuition scholarships of $480.00 for the freshman and sophomore years—followed by added incentive sums of $750.00 for the junior and senior years, the program would cost $48,000.00 per year and require $2,400.00 per metallurgical engineer produced.

Using a figure of $50,000.00, on the basis of possible increased tuition, $2,500.00 would be required per metallurgical engineering produced. This is a reasonable price for industry or other supporters if the desired engineers could be produced.

Should out-of-state students be encouraged as has been recommended,[4] the cost per student would be much greater, depending on the extent of support. Tuition is now $1,265.00 per academic year for out-of-state students and additional help required could raise this to as much as $2,500.00 per year per student supported—or about 4 times as much as for local students. This factor is not considered here but is worthy of study.

AN INVESTMENT IN THE FUTURE

The problem facing metallurgical engineering at the University of Utah is that funds are needed to implement this envisioned and needed growth. The staff and facilities justify such growth. Remember that $10,000.00 should produce at least 4 outstanding metallurgical engineers. Will you consider a grant to the Department of Mineral Engineering at the University of Utah to help accomplish this goal by 1974?

REFERENCES

1. (Cover chart) The production indicated does not take into account the materials engineers produced which caused the two values well above the downward trend in 1956 and 1966.[3]

2. (Cover chart) The predicted need is based on data for the expected increase in need from 1965 to 1976 in metals industries as given in Table 4 of the publication, "Demand for Engineers and Technicians—1966," published as a survey by the Engineering Manpower Commission of the Engineers Joint Council.

3. "Extractive Metallurgy," A report by the Panel on Extractive Metallurgy of the Committee on Mineral Science and Technology made to the National Academy of Sciences, Washington, D.C., 1969.

4. "Mineral Science and Technology—Needs, Challenges, and Opportunities," A report by the Committee on Mineral Science and Technology to the National Academy of Sciences, Washington, D.C., October 10, 1969.

The art, science and technology utilized in the production, upgrading and reduction to primary consumer products of mineral resources is generally termed mineral science and technology. It encompasses the fields of mining, mineral beneficiation, extractive metallurgy, ceramics, mineral fluids production, fuel science and technology, and mineral economics. Together these fields comprise the inner range of a spectrum of science and engineering, dealing with the finding, winning, conversion and utilization of mineral resources, as indicated in Figure 1. The status of mineral science and technology in the United States is the subject of this report, with special attention given to the situation in universities.

Mineral resources are analogous in many respects to agricultural resources. Development of the science and technology as applied to agriculture has been on a large and broad scale for many decades, with continuous federal and state appropriations to a college of agriculture in each state, and strong, well-funded federal and state agricultural organizations. Mineral science and technology has had no such support, with consequent waste of mineral resources, widespread acid-mine-water pollution of streams from abandoned mines, continuing mine disasters, and a falling behind by the United States in the technology of extraction and primary processing of many mineral resources. The U.S. Bureau of Mines has had inadequate funding in recent decades for the task expected of it. Responsibility for federal mineral policy is fragmented. State governments support very little effort in the field; many of the companies that comprise the U.S. mineral industry are small, and few are in a position to engage in or support massive programs of research and development. In fact, only a few major oil companies and a dozen or so metal and ceramic companies can be singled out as major contributors to scientific and technological advances in their own major lines of endeavor.

8 MINERAL SCIENCE AND TECHNOLOGY

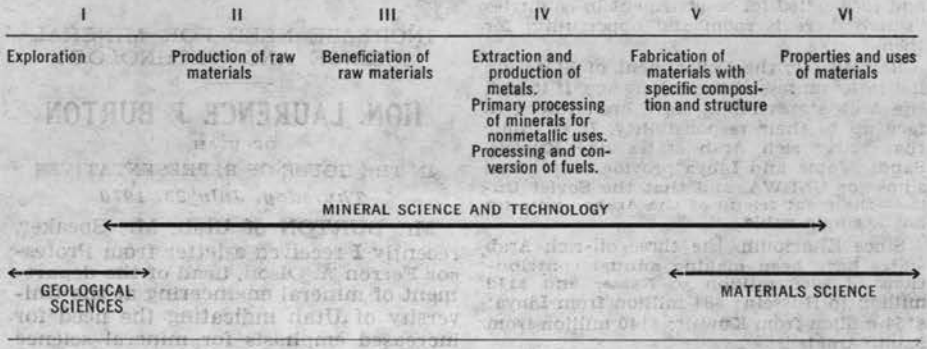

FIGURE 1. Steps in the utilization of mineral-based materials for commerce.

In addition to the need for wise use of our nonrenewable mineral resources, which represent an important trust and responsibility for each generation, it should be of some concern that imports of mineral products have in recent years been rising much more rapidly than exports. The situation is not so much the result of exhaustion of the country's mineral reserves as it is of our not developing the needed technology for efficient extraction, processing, and utilization of the resources we have.

The above situation is generally known, but the United States continues to make no significant move toward reversing the trend of deterioration in mineral engineering education and research in the universities or toward developing an energetic federal and state research-and-development program in mineral science and technology. Of paramount importance at the present time are a strong government program directed at developing the human resources involved (i.e., personnel trained in the fields of mineral science and technology) and a simultaneous program to develop the knowledge needed for the development and wise use of the country's solid, liquid, and gaseous mineral resources. The full resources of the nation, including the many presently scattered throughout the industry, must be brought to bear on coordinated solutions of the national and international problems in the mineral field that lie ahead.

The limited extent to which resources in men and money are being brought to bear on our mineral resources problems, and the present unsatisfactory state of mineral science and technology, can be gathered from the following summary statements on: the present U.S. resources in mineral scientists and engineers; the way the United States is organized to train men and develop the technology in the mineral fields; the funding picture for mineral science and engineering research, and conclusions regarding the status and needs of mineral science and technology in the United States.

RESOURCES IN MINERAL ENGINEERS AND SCIENTISTS

There are approximately 65,000 mineral engineers and scientists in the United States. About 80 percent of these are engaged in research, development, and production in the mineral industries, 7 percent are employed by government, 6 percent are located at educational institutions, and 7 percent have other employment. The total number is increasing about five percent per year, as indicated by membership data of the American Institute of Mining, Metallurgical and Petroleum Engineers (AIME) and the American Ceramic Society. The total graduated each year from mineral engineering and science curricula, however, is not increasing. The total number of B.S. degrees granted decreased to a minimum of 1,267 in 1963–1964 and has recovered only slightly since then, despite inclusion of "materials engineering" degrees with metallurgy in the last two years (see Table 1).

TABLE 1.—NUMBER OF BACHELOR'S DEGREES GRANTED IN MINERAL SCIENCE AND ENGINEERING, 1956–66 [1]

Year	Total	Mining engineering	Petroleum engineering	Metallurgical engineering	Ceramic engineering	Geological engineering
1956–57	1,813	231	650	577	128	227
1957–58	1,982	240	688	670	159	225
1958–59	2,114	239	731	724	177	243
1959–60	1,902	242	597	682	169	212
1960–61	1,724	220	455	720	167	162
1961–62	1,480	193	323	679	149	136
1962–63	1,391	180	228	721	174	88
1963–64	1,267	144	158	686	205	74
1964–65	1,436	146	174	[2] 851	[3] 195	70
1965–66	1,351	138	133	[2] 781	[3] 182	117
Total	16,460	1,973	4,137	7,091	1,705	1,554

[1] Basic source of data is U.S. Office of Education.
[2] Includes materials engineering.
[3] From Ceramic Education Council of American Ceramic Society.

With the production of graduates in the mineral fields static and employment of engineers and scientists in the mineral industries increasing, it is evident that the industry is absorbing increasing numbers trained in other fields despite an expressed strong preference by employees for graduates of mineral engineering and science curricula.

The decrease in total bachelor's degree production during the past decade (Table 1) is alarming and presents a baffling problem to the mineral industries. That there is a relatively small number of graduates per year in mineral engineering as compared with the number of engineers and scientists working in the mineral fields is indicated by a comparison with the field of chemstry. Using figures available in a recent report,[1] the ratio in 1964 of professional chemists in the United States (125,000) to B.S. degrees in chemistry granted that year (8,500) was approximately 15. This ratio for mineral engineering is about 50, meaning that there is only one mineral engineer graduated each year for 50 professionals in the field. Inasmuch as a strong demand is said to exist for B.S.-degree chemists, an exceedingly strong demand must exist for B.S.-degree mineral engineers.

Enrollment in the mineral enginering curricula is discouragingly small at the typical educational institution, commonly a state university, having one or more of these curricula. This low enrollment has caused the demise of bachelor-degree programs in mining at nine universities in the 5-year period of 1962–1967, leaving now only 17 accredited curricula in the country.

Among mineral engineering departments at universities, the median number of upperclass majors in the fall of 1967 varied from 12 in mining to 29 in petroleum engineering. The number in the senior class is about half this number, or 6 to 14. A department having this relatively small number in a graduating class and without large enrollment in "service" courses is considered by modern state universities as being of marginal size. For many of those university departments where the number of seniors is below the median, enrollment must increase or the curriculum will be surely abandoned in the next few years. (See Chapter 6 for further details.)

ORGANIZATION OF EDUCATION AND RESEARCH IN MINERAL SCIENCE AND TECHNOLOGY

UNIVERSITIES

Sixty-two educational institutions have undergraduate curricula in one or more of the mineral engineering fields as listed in the 1967 annual report of the Engineers' Council for Professional Development. A graduate and research program is generally also present. In distribution, size, and organization arrangement these are notably nonuniform. For example, one university has seven separate departments with a graduate and research program as well as an undergraduate curriculum in each of: mining, mineral preparation, petroleum and natural gas engineering, metallurgy, ceramic science, fuel science, and mineral economics; in addition there is a graduate program in solid-state science which is administratively coordinated with ceramic science, metallurgy, and fuel science. On the other hand, 35 institutions have departments in only one of these fields, usually metallurgy. Not uncommonly, research in metallurgy and ceramics is done in a materials science or materials engineering department, in which case the metallurgy research is likely to be entirely physical metallurgy.

Curricula in mining, petroleum engineering, and extractive metallurgy (including process and chemical metallurgy) exist in a relatively small number of universities, typically have few students, and almost half of the graduate students in these three fields are foreign (see Tables 2 and 5, pp. 62 and 65). For example, in the fall of 1967, 17 educational institutions had accrediated curricula in mining engineering. The median number of seniors was approximately six. There were at the same time 19 graduate programs in mining, the median department having eight graduate students with 48 percent of them foreign.

Ceramics and physical metallurgy curricula are in a better position both in number of students and in outside support of research and graduate work. The percentage of foreign graduate students is less—about 14 percent. These two fields are a part of the materials science and engineering wave in education funded especially by the Department of Defense in recent years but also by other federal agencies. The large materials science laboratories established at universities with federal funds almost all emphasize physical metallurgy and solid-state physics. The nonmetallic inorganic materials field (ceramics) has caught only the fringe, and extractive metallurgy has completely missed this development. Established ceramics departments where a strong background, interest, and competence in the field is naturally present have in general been passed over in this large funding of materials science during the past decade.

Fuel science and mineral economics are ordinarily not separate curricula. Both, however, are exceedingly important fields in the future of our economy and should be fostered and financially supported at universities. The Bureau of Mines is well known for its research in both fields and logically should become involved in support of these graduate and research programs in universities.

GOVERNMENT

The Bureau of Mines was established within the Department of the Interior by act of Congress in 1910. This Bureau was clearly intended to serve as the mineral science and technology arm of the federal government. However, there are several other agencies within the Department of Interior that also report, as does the Bureau of Mines, to the Assistant Secretary for Mineral Resources. These agencies include: the Geological Survey, the Office of Coal Research, the Office of Oil and Gas, the Office of Minerals and Solid Fuels, the Office of Water Resources Research, and the Oil Import Administration. Consequently, the Bureau of Mines is organizationally at a level where it finds difficulty in exerting major influence on national mineral policy considerations. Moreover, in recent years the Bureau of Mines has had

Footnotes at end of article.

several directors, some of whom served for relatively short periods; additionally, it has also undergone several internal reorganizations. Further, it has received grossly inadequate financial support for the job to be done.

Many other federal departments and agencies have or can have major impact on the mineral industry through regulations or support: the Tariff Commission, the Federal Power Commission, the Interstate Commerce Commission, the Department of Commerce, the Department of Health, Education, and Welfare, the Department of Transportation, the Justice Department, the Defense Department, the State Department and the Atomic Energy Commission, to name several but by no means all.

Within every state one or more agencies have some jurisdiction over the mineral industry. Every state is concerned with taxation and safety, some are concerned with regulation of production and many are concerned with providing adequate supplies of minerals to attract and to hold industry. Most of the effective state research programs in mineral engineering are operated by agencies affiliated with universities, and in some cases the state research is closely integrated with the state university program. State research in mineral science and technology is commonly directed toward problems of local interest, and in some cases directed toward the advancement of the mineral industries within the state in competition with other states. This arrangement has a particular advantage to the local industries because it allows close association between the localized industry and the research agency. In quality of personnel and facilities, the range within state agencies is from highest quality to inadequate. Also, with only a few exceptions, the level of financial support falls far short of the job that needs to be done within the state.

INDUSTRY

A few of the mineral companies have modern, well-staffed research laboratories. Laboratories of several of the major petroleum, steel, and glass companies are examples. In addition, companies in several of the industries have banded together in an organization to support research for the whole industry, for example, the American Iron and Steel Institute and the Glass Container Research Corporation, with annual expenditures, respectively, of approximately $3,000,000 and $325,000. Companies also turn for contract research to the nonprofit research organizations.

FUNDING OF MINERAL SCIENCE AND ENGINEERING RESEARCH

Research on mineral resources is similar in many respects to research in agriculture. In both cases an agency of the federal government was created with a responsibility for carrying out research—The U.S. Bureau of Mines and the U.S. Department of Agriculture. Fortunately for this country and the world, agricultural research is supported in each state by federal appropriations, a practice begun in 1887 with passage of the Hatch Act, which provided an annual appropriation for the Agricultural Experiment Station established at the land grant college in each state. Unfortunately, no such provision for support of mineral resources research at the land grant colleges or mining schools was made.

Funding of university research in mineral science and engineering is relatively small and comes from a variety of sources. Total extra-university funding of all mineral science and engineering research at universities, exclusive of physical metallurgy, was at an annual rate of only approximately $11 million in the fall of 1967 (see Table 9). The total outside research support of all graduate and research programs in mining departments was $681,000, of which $272,000 was from the federal government. The federal support figure for petroleum engineering is similar, and for extractive metallurgy it is about twice as much. According to a recent NSF report,[2] "On the average approximately $1 million in Federal funds is associated with the award of seven doctorates in science and engineering." Federal support of graduate work in mining and petroleum engineering is therefore sufficient for only two Ph.D's per year nationally in each of these fields if the programs received average federal funding per Ph.D. candidate, and for about four Ph.D's in extractive metallurgy. The NSF figure of course includes programs in physics, oceanography, astronomy and other high-cost research areas. In chemistry the cost is much less; it is estimated that not over $30,000[3] per Ph.D. is contributed by the federal government. In mining and petroleum where there are now granted about 20 Ph.D. degrees per year in each field, the federal contribution per degree is only about $15,000. The federal support per graduate student per year in mining, extractive metallurgy, and petroleum engineering was less than $2,000 in 1967 as compared with approximately $6,000 for chemistry graduate students in 1964.[3] On any basis, graduate programs in mineral science and engineering receive comparatively little federal support, and this may partly account for the lack of attractiveness of mineral engineering to graduate students.

In federal laboratories, research in mineral science and technology is largely the responsibility of the Bureau of Mines. In fiscal year 1968, approximately $36 million was spent (Table 14, p. 83). It is noteworthy that expenditures for research in the Bureau of Mines have decreased from 3 percent of the federal research-and-development budget in 1940 to 0.2 percent in 1968. The Bureau of Mines effort is concentrated in mining, extractive metallurgy, and fuel science and technology.

Comparable industrial research expenditure figures are not available. The Office of Coal Research of the Department of the Interior provided $10.7 million in fiscal year 1968 for contract research and development largely with industrial laboratories. Funds for research and development in 1966 in four broad categories are shown in Table 19, p. 88. Funds expended for research in the mineral industries seem relatively small. Research-and-development expenditures in 1966, expressed as percentages of net sales, were 1.0 percent in petroleum refining and extraction; 1.7 percent in stone, clay, and glass products; and 0.8 percent in primary metals, compared, for example, to 4.0 percent in the chemicals and allied products industries.[4]

CONCLUSION

In past decades the United States has held the lead or has been in an excellent competitive position in virtually all aspects of mineral science and technology. Studies by our panels indicate that this is still true in petroleum production, but in several other fields the United States is losing out. The mineral resources exist. It is the technology of mineral extraction and processing that is not advancing fast enough to keep U.S. mineral production and our mineral industries at the forefront.[5] In addition to mineral production, tremendous opportunities exist for developing the technologies that will make possible better general use of the solid earth, and the United States should be moving on this broad front. A recent report,[6] for example, emphasizes the importance of accelerating the development of rapid-excavation technology, and earlier reports[7] have shown the need for increased geological, geophysical, and geochemical research on the upper layers of the continental crust—research which will provide the long-range, basic information needed for mineral-resource evaluation and also will contribute substantially to mineral technology.

Of particular concern are the deteriorating situation of mineral engineering and science in universities and the lack of an appropriately organized and funded federal establishment for mineral science and technology. Regarding the former, the picture in mining engineering is especially serious. From 1937 until 1962 there were from 30 to 26 accredited university departments teaching mining engineering, and during those years as many as 500 first-degree mining engineers were graduated annually. The erosion since 1962 has become extremely critical, with only 17 departments left in 1967 and only 138 bachelor degrees granted.

At the same time, the demand for mining engineers has remained steady. A sampling of 55 companies in 1964 indicated an estimated 10-year requirement of 162 mining engineers per year for those companies alone.

One of the reasons for low enrollment in mining is that students in approximately two thirds of the states must attend college in another state to obtain a degree in mining engineering. These students ordinarily face the handicaps of paying a higher, out-of-state tuition and of more difficult admission within an out-of-state student quota. More students would no doubt enroll in this field if arrangements were made to eliminate these penalties.

In these fields of mining research, machinery manufacturers and mining companies do research directed toward meeting normal foreseeable commercial needs, but the more basic engineering research that might be done in universities is on a very small scale. Federal funds for modern research equipment and facilities and for graduate-student stipends is a pressing need at the few mining schools remaining.

In the field of nonmetallic materials (ceramics research), a study of published literature by the Panel on Non-Metallic Materials[8] shows that the United States is constantly falling farther behind the Soviet Union in quantity of scientific and engineering papers published in this field. In universities the problem with the nonmetallic materials program is partly one of organization and administrative concepts. The field is one where an interdisciplinary approach is highly desirable. It is a field where coupling with industry is a great advantage for support and stimulation of the university programs.

The position of extractive metallurgy is clearly unsatisfactory. Although the United States occupied a dominant position in this technology before World War II, the major significant postwar developments with few exceptions, have originated abroad.[9] The competitive position of the United States relative to major foreign groups is deteriorating. This worrisome trend will not be easily reversed inasmuch as current research publications show proportionately greater activity in this field in Western Europe, the Soviet Union, and Japan. Metallurgy departments in universities may look reasonably healthy because of current significant support of physical metallurgy by government agencies, but the numbers of extractive metallurgy graduates and the extent of research activity in U.S. educational centers has declined to the extent that effective continuing operation is threatened. It does not appear that current academic, industrial, and government research or student enrollments are adequate to meet the future requirements of our national goals. Federal support through traineeships and research grants to the extractive metallurgy programs still active is an immediate need.

Footnotes at end of article.

Although the position of petroleum engineering in the universities is very similar to that of mining and extractive metallurgy, U.S. technology has maintained its preeminence in the field through the very extensive research carried out principally by petroleum companies. The Committee does not believe that petroleum engineering curricula should be allowed to shrink and disappear. There is, however, a need for a more interdisciplinary approach to the large problem of the extraction, movement, and storage of fluids within the earth's crust and the transmission of these fluids. Combining university work in hydrogeology and petroleum engineering, for example, could be of great benefit for both and could stimulate the development of a larger, broader group of students and faculty with more chance for support from federal and state agencies.

The role of the federal government is bound to be of major significance in the development of mineral science and technology in the United States, as it has been in the field of agriculture, but strong actions must be taken soon to avoid costly crash programs later. The important element is to plan so that we can do things in time and avoid jumping from one crisis to another. Consider the following: (a) The United States is the largest producer, consumer, and importer of minerals and fuels in the free world. (b) By 1985 the nation's mineral and fuel requirements will nearly double (see Figure 2). (c) Facilities to produce the increased supply require, on the average, about 5 to 10 years of lead time and about $100 million per venture to bring them into productivity. (d) Because foreign ores are richer and readily adaptable to proven technology, because foreign labor is cheaper, and because tax and other financial concessions are possible abroad, a substantial part of U.S. exploration and investment for facilities in the future is being made in foreign countries. (e) If present trends continue, the nation's ability to produce minerals from domestic sources will not remain static, but in some cases, will disappear.

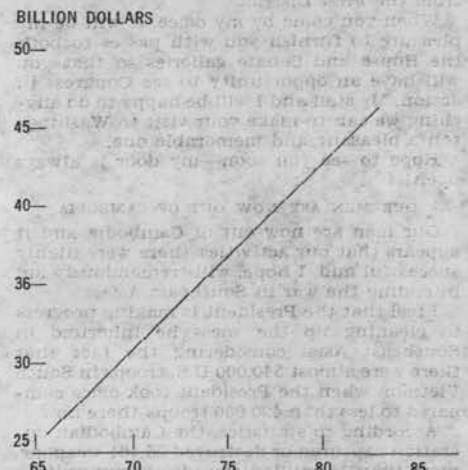

FIGURE 2.—Projected U.S. consumption of minerals (in terms of constant 1966 dollars)

Because of the critical problems facing the nation with respect to future shortages of minerals and the growing dependence on foreign sources of these minerals, it is in the national interest for the federal government to foster and encourage (a) the development of an economically sound and stable mining and minerals industry, (b) the orderly development of mineral resources and reserves necessary to assure satisfaction of industrial and security needs, and (c) mineral science and engineering research to promote the wise and efficient use of the nation's mineral resources.

The desired national mineral technology program should have many elements, such as federal research grant and traineeship programs at universities, a federal matching grant program with states to stimulate local mineral-technology research-and-development activities, and a far greater research effort by the Bureau of Mines on underground environments.

One of the pressing critical needs is a National Minerals Reference Center, located in the office of the Assistant Secretary for Mineral Resources. This should be a central, well-staffed information service to advise legislators and the executive branch of the government and to provide information and analytical services needed by policymakers. At present, efforts in this field are scattered among several agencies, principally the Bureau of Mines, the Geological Survey, the Department of Commerce, the Department of State, the Atomic Energy Commission, the Department of Defense, the Office of Emergency Planning, and the General Services Administration.

The Committee also recognizes the need for a continuing advisory group representing the mineral science and technology community to provide advice on the state and needs of mineral science and technology in the country, to aid in identifying the issues affecting the national minerals posture, and to help in resolving the problems that threaten both the adequacy and the dependability of the nation's supply of minerals and mineral fuels. This advisory group should probably be a part of the National Research Council, with recommendations channeled through normal procedures of the Council. Alternately, this advisory group might take the form of a Minerals Advisory Board appointed by the Secretary of the Interior to provide counsel to the government.

Finally, the Secretary of the Interior should provide the Congress with an annual report on the state of the mining and minerals industry, including a statement of the trend in utilization and depletion of mineral resources, together with such recommendations for legislative programs as may be necessary to meet the mineral demands of the nation in the years to come.

FOOTNOTES

[1] *Chemistry: Opportunities and Needs,* NAS–NRC Publ. 1292. National Academy of Sciences–National Research Council, Washington, D.C., 1965.

[2] "The Dynamics of Academic Science—A Degree Profile of Academic Science and Technology and the Contributions of Federal Funds for Academic Science to Universities and Colleges." National Science Foundation Report No. 67–6.

[3] *Chemistry: Opportunities and Needs,* NAS–NRC Publ. 1292, National Academy of Sciences–National Research Council, Washington, D.C., 1965.

[4] Results of this study appear in *Non-Metallic Materials,* to be published by the National Academy of Sciences, Washington, D.C.

[5] A study of the source of contributions to this technology appears in *Extractive Metallurgy,* to be published by the National Academy of Sciences, Washington, D.C.

[6] "Research and Development in Industry, 1966." National Science Foundation Report No. 68–20.

[7] In this connection, see: "Mineral Resources: Challenge or Threat?" by W. R. Hibbard, Jr., *Science* 160, 143–149, 1968; and "Mineral Shortages," Hearing before the Subcommittee on Minerals, Materials, and Fuels, March 21, 1968.

[8] *Rapid Excavation: Significance, Needs, Opportunities,* NAS Publ. 1690. National Academy of Sciences, Washington, D.C., 1968.

[9] For example, *Solid-Earth Geophysics—Survey and Outlook,* NAS–NRC Publ. 1231, National Academy of Sciences–National Research Council, Washington, D.C., 1964.

REPORT FROM WASHINGTON

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. QUILLEN. Mr. Speaker, I have just completed my special "Report From Washington," which will go out to all postal patrons in my district in a few days, and I would like to make it available for readers of the RECORD. Naturally I am not including the photographs contained in the report, but the cutlines are included.

REPORT FROM WASHINGTON, JULY 1970

DEAR FRIENDS: Since you received my 1970 Report from Washington in February, many important matters have come before the Congress, and I would like to discuss some of the issues with you in this special four-page report.

There are many world and national problems unsolved, but nonetheless, I feel there are several areas where improvements can be made in the 1970's if we continue to work together.

An all-important issue we face as a Nation is improving the quality of our environment. When we consider the environment, we envision fresh air, clean water, plenty of wholesome and adequate natural resources for both industry and recreation with lots of elbow room.

But present day realities force us to also consider the unpleasant aspects of our environment—congested cities, dirty rivers and lakes, polluted air and intense noise.

I am deeply concerned over the conditions of our environmental surroundings, and have joined in co-sponsoring seven bills to help remedy these problems.

Two very important issues I discussed with you in my February report were the Vietnam war and inflation, and they are still of primary concern to all of us.

In my opinion, inflation and the war are the two top problems we must solve. We must assure that a just and honorable peace is speedily obtained in Vietnam, and we must do everything within our power to ease the impact of inflation.

I have always supported the President's withdrawal plan and I will continue to do so because we must constantly work toward the goal of bringing all of our American fighting men back home.

Below and on the following pages, I have discussed other important matters which I hope will be of interest to you.

SOME 60,000 HAVE ATTENDED MY "OPEN DOOR" MEETINGS

When I was first elected to Congress, I said that my door would always be open to all of the people, and I am pleased that this policy has given me the opportunity to assist you with your problems down through the years.

I thoroughly enjoy my "Open Door" sessions, although they involve many hours of hard work, both for me and my fine staff. We set up an office in the courthouse of each county, and I meet with the people on a first-come, first-served basis. Often our lunch consists of a quick snack between visits.

It is certainly gratifying to me that the turnouts have exceeded my expectations. A conservative figure of the number of persons I have interviewed during my "Open Doors" is 60,000. I aso enjoy greeting those who just come by to say "hello."

In addition, I keep my door open throughout the year. I have my office in Washington in Room 102 of the Cannon House Office Building and I also maintain a Congressional

office in Kingsport in Room B–8 of the Post Office Building.

When there is no business scheduled in Congress, I try to come back to the District so I can devote my personal attention to your problems involving the Federal Government.

It has been helpful to me to discuss the current issues facing our country with you on my trips to the District, and it is my pleasure to assist you in every way that I can. Your ideas and suggestions are very important to me, as I want to do everything I can in your best interest.

Some of my colleagues have followed in my footsteps by initiating "Open Door" meetings in their Districts, and I commend them because I feel this is the best possible means to bring government as close to the people as is humanly possible.

So, please remember—my door is "ALWAYS OPEN" to you and your friends.

SOCIAL SECURITY BENEFITS INCREASED—BUT NOT ENOUGH

A 15% increase in Social Security benefits was passed during the closing hours of the session last year. In May, 1970, the House passed another bill providing an additional 5% increase in benefits which will become effective on January 1, 1971, when it passes the Senate. Recipients are now receiving the 15% increase. I was most heartily in favor of these increases and, of course, I voted for both of the bills.

The measure containing the 5% increase—when it becomes law—also increases the earnings limitation from $1,680 to $2,000. This means that a person can earn up to $2,000 without losing any benefits.

During fiscal year 1969–70, it is estimated that $53,366,000 in Social Security benefits was distributed to recipients throughout my Congressional District.

The bill—and I hope the Senate passes it without further delay—makes a number of other changes in the law which the Committee believed were most urgently needed at the present time and which can be financed from funds to be available. The House approved President Nixon's proposal for an automatic increase in benefits whenever the cost of living goes up by 3% or more beginning in 1972.

PERSONAL INCOME TAX EXEMPTION SHOULD BE INCREASED TO $1,200

I was highly pleased when the Senate and House passed a compromise bill to my legislation increasing the personal income tax exemption. However, I was deeply disappointed that my bill increasing the exemption from $600 to $1,200 was not enacted. I voted for the bill increasing the exemption from $600 to $750, over a three-year period, and I assure you I will continue to fight for my bill until a $1,200 exemption is realized.

MY BILL TO REPEAL GUN CONTROL ACT BOTTLENECKED IN COMMITTEE

I am continuing my efforts to get my bill repealing the 1968 Gun Control Act released from the House Judiciary Committee, so there can be a vote on it in the House.

As I have stated before, I am unalterably opposed to any gun control legislation and most of the residents of my Congressional District are too.

I strongly believe that the registration and licensing of firearms constitute an unwarranted invasion of privacy and legislation dealing with this subject should never be enacted into law. I feel the Gun Control Act is bad legislation and has no clear impact on the criminal misuse of firearms.

I also introduced a bill—H.R. 13409—which was enacted into law as a provision in another measure, making it unnecessary to register shotgun shells and ammunition suitable for use only in rifles. Please rest assured that I will continue to fight for the passage of my bill repealing the Gun Control Act of 1968.

COMMUNISM ON THE MARCH

The U.S. State Department's twenty-second annual report on communism says there were 45.9 million members of communist parties throughout the world in 1969—700,000 more than in 1968. This is frightening!

In connection with this report, I would like to say that I am still working on my bill which would prevent communists from working in defense facilities. The measure passed the House and is now pending in the Senate Judiciary Committee.

I have attempted to jar the bill loose from the Senate Committee, as I know how important the passage of this legislation is to our national security.

I feel this is one of the most important bills that ever could be enacted, and I will continue to press for its enactment.

MILK PROGRAM APPROVED

I was extremely pleased when the House passed the bill providing funds for the Special Milk Program for schoolchildren, despite the fact that $5,000,000 was cut from the authorization.

I had hoped the House would approve an authorization of $125,000,000, rather than accept a Senate amendment which trimmed the amount by $5,000,000.

However, the House agreed to accept the Senate bill approving $120,000,000 and I am sure this will do the job for the next fiscal year.

Several months ago, when there appeared some doubt that the bill would be passed, I wrote the Senate Committee in which the bill was pending, asking that the program be continued.

I am pleased that this measure has now been signed into law by the President and that the program will not be interrupted.

FOREIGN AID SLASHED

I was certainly pleased when the House Appropriations Committee slashed next year's foreign aid budget by 25 percent. I have always contended that we should eliminate foreign aid and give more impetus to the needs of the people in America.

My opinion is that while we spend billions of dollars overseas there are many of our citizens who are going hungry and without clothing here at home.

The House Appropriations Committee reduced the Nixon Administration's request by $555 million to $1.6 billion. All of the cut was made in economic assistance.

My feeling in strictly opposing foreign aid is that developing Nations must assume more responsibility for their own welfare. Our wealthy allies should be expected to do more in mutual support of the free world.

It is estimated that the United States will have provided economic and military assistance amounting to a net total of $131.5 billion of which only $28 billion is in the form of loans. The balance of $103.5 billion is in the form of grant aid.

FARMERS DESERVE MORE SUPPORT

The House approved a $7.4 billion money bill for the Department of Agriculture and related agencies for fiscal 1971. The bill provides $2.4 billion for food assistance programs to the needy, including the Special Milk Program, the Food Stamp Program, and the Child Nutrition Program. More than $690 million in the bill will go for pollution control.

Agriculture continues to be one of the most important elements of the economy in the eleven counties of the First District. Earlier this year, I testified before the House Subcommittee on Agriculture Appropriations in behalf of the budget for the Soil Conservation Service.

This program performs an outstanding service for farmers and other land users and has received international acclaim in this respect. It is certainly true that these dedicated men have long been in the forefront of the conservation movement.

It is very important for Congress to help the farmers at every opportunity. Every citizen depends on their valuable services. I will continue my efforts to help them in every respect.

SENIOR CITIZENS NEED A HELPING HAND

Just two months ago our senior citizens were officially recognized for their contributions to their communities and our Nation. I was certainly glad to share in this well-deserved salute, for so many times our senior citizens go unrecognized.

I might point out that our senior citizens helped our Nation win two world wars and overcome the great depression of the 1930's.

Many of them have played leading roles in efforts to wipe out disease and to provide better living and more leisure time for all of us today. I feel we owe them a great debt.

We have moved forward to solving some of the problems facing our senior citizens, but much remains to be done. According to statistics, the Federal Government is spending more than $3 billion annually on programs for them, excluding trust fund payments for Social Security. Social Security funds amount to more than $27 billion.

But inflation is the constant enemy of the aging and this is the area where we must place great impetus.

Retirement benefits must be increased, due to the ever-continuing rise in the cost of living. I have introduced measures to accomplish this and will continue to offer a helping hand.

WELCOME TO WASHINGTON

Whenever you are in Washington, I hope you will come by my office, located on the first floor of the Cannon House Office Building in Room 102—at the corner of New Jersey and Independence Avenues, SE., just across from the Capitol. It's always good to see friends from the First District.

When you come by my office, it will be my pleasure to furnish you with passes to both the House and Senate galleries so that you will have an opportunity to see Congress in action. My staff and I will be happy to do anything we can to make your visit to Washington a pleasant and memorable one.

Hope to see you soon—my door is always open!

OUR MEN ARE NOW OUT OF CAMBODIA

Our men are now out of Cambodia and it appears that our activities there were highly successful and, I hope, will tremendously aid in ending the war in Southeast Asia.

I feel that the President is making progress in cleaning up the mess he inherited in Southeast Asia, considering the fact that there were almost 540,000 U.S. troops in South Vietnam when the President took office compared to less than 420,000 troops there now.

According to statistics, the Cambodian operation captured or destroyed 25,401 weapons, more than 15 million rounds of ammunition and more than 14 million pounds of rice.

Our military advisers in the fields of Cambodia report that the Cambodian operation was a success and, in fact, far exceeded their expectations.

As I pointed out in my introductory remarks of this special report, I believe the Vietnam war is one of the most important tasks facing the Nation. This terrible conflict must be brought to an end so our men can be brought home.

CUT LINES

A visit to the Billy Graham Crusade.—One of my most inspiring and enjoyable moments came the evening of May 28 when I visited

the Billy Graham Crusade in Knoxville with President and Mrs. Nixon and several other members of the Tennessee Congressional Delegation. In the picture above, we are shown together after we deplaned. From the airport we went on to Neyland Stadium for the service which was attended by more than 100,000 persons.

White House visit.—Mrs. Quillen (left) and I had the pleasure of attending an evening at the White House recently in honor of country music star Johnny Cash and Mrs. June Carter Cash. The nationally prominent singer and musician was invited by President Nixon to perform. Cecile and I were also invited by President and Mrs. Nixon and we certainly enjoyed the evening. In the picture above we are shown with the Cashes.

Vice Presidential visit.—The name of Vice President Spiro T. Agnew has practically become a household word throughout the country because of his outspoken position on major issues. I share many of the Vice President's views, and I had the honor of discussing the problem of campus unrest with him recently in his office in the Capitol. The picture above was taken during our visit.

Visit with veterans.—During the Midwinter Conference in Washington in February, I visited with members of the National Disabled American Veterans organization. I am shown here chatting with members who came from as far away as California. I also enjoyed meeting with James E. Collins of Kingsport and others from my District at this meeting. Mr. Collins is a very active member of the DAV and is presently serving on the National Executive Committee.

Awards from all five national veterans' organizations received.—Shown above are the citations and awards I have received from all National Veterans' Organizations. The awards, presented to me for distinguished service in Congress and service to veterans and servicemen, are from (left to right) Veterans of World War I, The American Legion, Veterans of Foreign Wars, AMVETS, and Disabled American Veterans. As a veteran of World War II, I am especially proud of these awards and I will continue to support legislation to benefit veterans and servicemen.

My committee at work.—The members of the powerful House Rules Committee are shown above. I am the fourth ranking Republican member of this Committee which sets the rules on the legislation that goes to the House floor. This picture was taken during a recent session when an important piece of legislation was being discussed.

IN CONCLUSION

Although I was involved in many other decisions and activities during the past few months, I believe the information I have included in this report gives you some of the highlights of this session so far.

In closing, I would like to say that it is my hope that the high cost of living can be lowered, taxes reduced, the war ended speedily and honorably, and that law and order can be restored throughout the land. I will continue to do everything I can to achieve these goals.

Sincerely,

JAMES H. QUILLEN.

CONGRESSMAN ZWACH SCHEDULES MEETINGS DURING RECESS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ZWACH. Mr. Speaker, Minnesota is a land truly blessed. It was endowed by our Creator with a profusion of sky-blue lakes, meandering streams, verdant fields, and stately forests.

Our greatest asset, however, is our people—healthy, long lived, clear thinking, ambitious, God-fearing, thrifty, and hard working.

It is a great privilege for me, and I am highly honored, to have been elected by the people of the Sixth District of Minnesota to be their Representative in the Congress of the United States.

In our congressional district, we have 3,871 lakes totaling more than half a million acres, an average of 134 acres per lake. While most of this water is still unpolluted, clear, blue, and drinkable, problems are arising where the lakeshores are too densely built with summer homes using septic tanks.

As we move into the decade of the 1970's, we must evolve new techniques for disposing of the wastes from these homes. We cannot pollute our lake waters and endanger our bountiful fish life.

Marvelous Minnesota is a delightful place to live. Almost endless recreational opportunities are right outside the door, summer, fall, winter, and spring. The recently passed Resource Conservation and Development Act, which I had introduced, will further enhance these recreational opportunities.

Snowmobiling, a universal wintertime activity, has given birth to whole new industries and has necessitated new courses in our vocational schools.

Boats are almost as numerous in Minnesota as automobiles and again new industry thrives as a result and vocational schools are offering new courses.

Our forests provide a steady income from the harvesting of timber and pulpwood, giving employment to our people in lumber and paper mills. The forests are home for a wide variety of wildlife and a happy hunting ground for our people.

With all of this, the Minnesota Sixth Congressional District is one of the most thoroughly agricultural districts in the entire Nation. We have 32,500 farms on which live some 130,000 people. Each farmworker provides food and fiber for himself and 44 others. Agricultural production in our district provides eventual employment for over 650,000 people. Our farms have 25 percent of Minnesota's dairy cows and 28 percent of our State's pigs. We are a leading producer of corn, soybeans, and flax.

Our public school system ranks among the best. We are a leader in vocational education for those who are not college bound. We are proud of the seven colleges in our district whose graduates take their places among the leaders of our great Nation.

Mr. Speaker, I am deeply grateful for the opportunity to serve the people of this most generously endowed area.

I believe in keeping these people informed about my activities in Congress. Each week I send a news column and one or more news releases to each of our 87 weekly and 9 daily newspapers as well as our 21 radio stations. I also provide a separate weekly radio report for these stations.

So that I can know what my constituents are thinking, each year I send a congressional questionnaire to each of the 134,000 households in our district, asking their opinions on the main issues facing our country. The response to these questionnaires has been outstanding.

As the Representative of this outstanding district, I have considered it my duty not only to be well informed of the opinions of my constituents, but also to be of the greatest possible service to those persons or local governmental units having problems dealing with agencies or departments of our Federal Government.

To close the 1,200-mile gap between these people and their Government in Washington, I hold grassroots conferences each year throughout our district at times when Congress is not in session.

During the time I am in Washington and unable to visit with my constituents in person, I have a competent secretary in our district office in the Federal building in St. Cloud to help them with their requests for aid in dealing with the Federal Government.

This year, during our official August recess, I am again taking time to hold grassroots conferences throughout our district at convenient public buildings. Because of the shortness of the recess, I must confine these meetings to the county seats this year.

I deeply appreciate the fine cooperation of the many public officials who have made these meetings possible by making conference sites available so that I can render this public service.

I have arranged the following schedule. All of the meetings will be held in the county courthouse.

The schedule follows:

SCHEDULE

Tuesday, August 18: 9:00 am to 11:30 am, Kandiyohi County in Willmar.

Wednesday, August 19: 9:30 am to 11:30 am, Redwood County in Redwood Falls.

Thursday, August 20: 9:00 am to 11:30 am, Meeker County in Litchfield; 2:00 pm to 4:30 pm, Wright County in Buffalo.

Monday, August 24: 9:00 am to 11:30 am, Stevens County in Morris; 2:00 pm to 4:30 pm, Big Stone County in Ortonville.

Tuesday, August 25: 9:00 am to 11:30 am, Lac Qui Parle County in Madison; 2:00 pm to 4:30 pm, Swift County in Benson.

Wednesday, August 26: 9:00 am to 11:30 am, Stearns County in St. Cloud; 2:00 pm to 4:30 pm, Benton County in Foley.

Thursday, August 27: 9:00 am to 11:30 am, Crow Wing County in Brainerd; 2:00 pm to 4:30 pm, Morrison County in Little Falls.

Friday, August 28: 9:00 am to 11:30 am, Mille Lacs County in Milaca; 2:00 am to 4:30 pm Sherburne County in Elk River.

Monday, August 31: 9:00 am to 11:30 am, Lincoln County in Ivanhoe; 2:00 pm to 4:30 pm, Lyon County in Marshall.

Tuesday, September 1: 9:00 am to 11:30 am, Yellow Medicine County in Granite Falls; 2:00 pm to 4:30 pm, Chippewa County in Montevideo.

Wednesday, September 2: 9:00 am to 11:30 am, Renville County in Olivia.

Anyone wishing to see me may do so at the location most convenient for them. No appointments are necessary. I sincerely urge individuals and groups to call on me if I can be of help to them in solving any of their problems dealing with the Federal Government.

The knowledge I obtain from these conferences will enable me to render better service, both legislative and personal, to all of the people of our important Sixth Congressional District.

TEMPORARY PERSONNEL SERVICES

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. WOLFF. Mr. Speaker, I would like to call attention to a significant contribution to the small businessmen of our Nation by one of my constituents, William Olsten. As president of the Olsten Corp., one of the largest temporary personnel services in the country, Mr. Olsten is an expert on many aspects of the labor scene, with particular knowledge of temporary help. He has offered the benefit of his knowledge and experience to small businessmen as author of a booklet, recently published by the Small Business Administration, entitled "Pointers on Using Temporary-Help Services."

We are all aware of the precarious position that many small businesses occupy in our economy. They have limited capital and limited credit, limited resources and limited ability to rebound after even a mild slowdown. They suffer from a number of critical shortages, not the least of which is skilled manpower.

Rising payroll costs are aggravating a situation where there is already strong downward pressure on profits. What Mr. Olsten offers is an approach to personnel management that can check the inflating ratio of payroll costs to the total volume of a small business without sacrificing any of the productive capacity needed to keep the business healthy and growing.

"Almost every business needs extra help at one time or another," Mr. Olsten points out in the new SBA booklet, "in order to cope with rush orders, employee absences, seasonal peaks or special tasks." The extra workload puts a strain on the businessman and his employees as well as the budget when overtime is required to meet the emergency.

Rather than undertake the prohibitive expense of staffing a small business to meet these peak periods, Mr. Olsten recommends the use of temporary workers who can satisfy production requirements when and where they are needed. Mr. Olsten notes that these workers may be obtained from temporary-help firms for part of a day or for extended periods, and they are available for a wide range of office, professional, and industrial jobs.

The advantage of using a temporary personnel service shows up in the cost for getting the work done, Mr. Olsten explains. It costs considerably less than keeping extra employees on regular payroll, and it is also more economical than hiring temporary employees directly. But he also points out that in some circumstances—because of employee morale or specific job requirements—it is advisable to meet work emergencies with overtime.

The most efficient use of the efficient management tool that temporary help represents lies in long-range planning, Mr. Olsten emphasizes. Production and personnel emergencies are always there, but they need not turn into wasteful crises. That can be avoided: "Study your production schedules. Note peak periods. Compare this year with previous years. A pattern will begin to emerge, and you'll be able to see where some extra help would have avoided problems and kept your costs down."

In the SBA booklet, Mr. Olsten also advises the small businessman on the important details of how to select a temporary-help firm and the mechanics of requesting and utilizing temporary employees so as to get the most out of the temporary work dollar. The booklet, distilling the experience and advice of Mr. Olsten in the critical personnel area, is indeed a valuable tool for the small businessman.

We can also look beyond the small businessman to appreciate the benefits that temporary work holds out for the employee involved and the Nation as a whole. Temporary workers comprise a significant portion of the labor force, and the large majority of them are women. Typically, they are housewives—or recently widowed or divorced—who cannot or do not have the need to work at a permanent job. They enter the labor market for a number of reasons: to lead a more active and rewarding life; to supplement regular family income that may otherwise be inadequate; to help pay for large expenses such as hospital bills or college tuition; or to buy special items that they would otherwise not afford.

The fact that these women want to join the labor force and find temporary work the most convenient way is certainly a benefit to business and industry that needs their skills. Many of them worked regularly before getting married and need only a brief refresher course, provided free of charge by a number of temporary service firms, in order to bring their skills up to date.

A smaller, but important group of workers who benefit from temporary employment, includes senior citizens and those who retire early. As a supplement to social security or pensions, their earnings allow older people to live more comfortably. More important, temporary work gives them a feeling of being useful, and allows them to lead a more vigorous and active life when they don't want to retire completely. Employers also value older workers because of their dependability and the years of experience they bring to their temporary jobs.

A variety of skills and services are thus mobilized for the mutual benefit of temporary workers, businesses that use them and the entire economy of the country.

SENATE—*Friday, July 24, 1970*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our Father, all the ways of our need lead to Thy throne and Thou satisfieth us early with Thy mercy. As we turn from the tumult and tension of our troubled times, in this quiet moment we pray that Thou wilt "take from our souls the strain and stress, and let our ordered lives confess the beauty of Thy peace."

Grant us, Lord, not the peace of escape from our burdens, but the peace of work well done. Seal our lives against cynicism, doubt, and fear and all the little evils which blight the spirit and break fellowship with Thee and with one another.

Keep us young in heart and mind, growing in all that pertains to Thy kingdom. And may there come at eventide the realization of the prophet's words: *The work of righteousness shall be peace; and the effect of righteousness, quietness, and confidence forever.*

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 24, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On July 17, 1970:

S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders.

On July 18, 1970:

S. 1455. An act to amend section 8c(2)(A) of the Agricultural Adjustment Act to provide for marketing orders for apples produced in Colorado, Utah, New Mexico, Illinois, and Ohio;

S. 3592. An act to amend the Federal Meat Inspection Act, as amended, to clarify the provisions relating to custom slaughtering operations; and

S. 3598. An act to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary

of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes.

On July 20, 1970:

S. 1519. An act to establish a National Commission on Libraries and Information Science, and for other purposes;

S. 3215. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; and

S.J. Res. 201. Joint resolution to extend the reporting date of the National Commission on Consumer Finance.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Commerce.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes; and it was signed by the Acting President pro tempore (Mr. ALLEN).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 23, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, with the forbearance of the distinguished Senator from Ohio (Mr. YOUNG), who is to be recognized now, I ask unanimous consent that at the conclusion of his remarks, there be a limitation of 3 minutes on statements in relation to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

OFFICE OF TELECOMMUNICATIONS POLICY

The assistant legislative clerk read the nomination of Clay T. Whitehead, of California, to be Director of the Office of Telecommunications Policy.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. AIR FORCE—U.S. ARMY—U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force, U.S. Army, and U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Air Force, Army, and Navy nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The assistant legislative clerk read the nomination of Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE ARMY, IN THE NAVY, AND IN THE PUBLIC HEALTH SERVICE

The assistant legislative clerk proceeded to read sundry nominations in the Army, in the Navy, and in the Public Health Service, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

ANOTHER PYRRHIC VICTORY

Mr. YOUNG of Ohio. Mr. President, nearly 300 years before the birth of the Saviour, Pyrrhus King of Epirus defeated the Roman legions at Asculum at heavy costs in lives to his own forces. His name has survived as the symbol of a victory won at a cost so excessive as to make the victory meaningless.

It is evident that in no war in the history of our Nation have we suffered so many pyrrhic victories as in this the longest war waged in the history of our country, and at that an undeclared and immoral war.

Furthermore, not in any war in which Americans fought was there such a policy followed as the body count indulged in by Pentagon officials from 1963 to the present time.

When General Eisenhower and John F. Kennedy were our Presidents, we had military advisers in Vietnam and no combat soldiers. President Johnson made the ruinous decision to expand the war in Vietnam by sending over combat troops to fight in an undeclared war and in a small country 10,000 miles distant from our shores and of no importance whatever to the safety of the United States. This was the gravest blunder ever made by any American President. Due to this, President Johnson, who had been elected by a tremendous margin in 1964, bowed out directly following the New Hampshire primaries.

Richard Nixon claimed in 1968 that he had a secret plan to end the war. Citizens believed him. He was elected our President. That plan is still his secret. Instead of ending the war, he has expanded and escalated it without consulting Congress or even all the members of his Cabinet. Without informing congressional leaders or seeking their advice and, it is said, without even informing his Secretary of Defense, he ordered the invasion or as he termed it intrusion into Cambodia. With approximately 30,000 soldiers and with our huge B–52 bombers accompanied by soldiers of the Saigon militarist regime, we invaded Cambodia whose neutrality we had guaranteed. Up to that time, Americans were not being killed in Cambodia.

In this morning's Washington Post there is a rather hideous picture of an alleged Communist solidier taken prisoner in Cambodia with his triumphant victor standing beside him. The prisoner of war has his head hooded and his hands manacled behind him.

Mr. President, those of us who fought in World War II never saw German prisoners of war manacled, with their heads hooded, or being tortured. The facts are that as a signatory to the Geneva agreement, we pledged humanitarian treatment to all prisoners of war. But, here we can tell from pictures of this sort that we are aiding and abetting the forces of the militarist regime of Saigon in the cruel torture of prisoners of war.

It happens that in 1943 in North Africa, on many occasions I saw German prisoners of war from the Africa corps. Never did I see any of them with their hands manacled or their faces hooded. Frequently they would march with their hands over their heads, but they marched in dignity. They were losing the war. They were prisoners of war, but they were humanely treated.

Mr. President, believe it or not, one dark morning when it was hardly daylight, I was walking along alone, the safety catch on my .45 revolver was still on. Suddenly out of an alley seven big German soldiers came to surrender to me. Fortunately they surrendered to me. I did not order them hooded or manacled.

I was happy, almost unbelieving that they had surrendered. I proceeded along until I came across an American MP and, with a sigh of relief, I delivered the prisoners to the proper authority. We never thought of torturing prisoners in those days.

Now, President Nixon terms our Cambodian invasion the "greatest military success of this war." Here is another pyrrhic victory. At the same time our B–52 bombers are bombing Laos and American Army officers in disguise are in every area in Laos, President Nixon has expanded our involvement so now Pentagon terms this as an Inchochinese war.

We Americans, without any declaration of war by Congress, have taken up where the French, seeking to expand their lush and oppressive Indochinese colonial empire, were compelled to quit when their garrison at Dienbienphu was overrun and captured May 7, 1954.

Pentagon officials have supplied statistics on bodies of Cambodians, Vietcong, and North Vietnamese allegedly killed and rice, ammunition, and weapons reportedly captured. The facts are, Mr. President, before this so-called "quick, surgical strike" into Cambodia, the Vietcong were said to have some guerrilla hideouts along the border areas in the jungles and were said to use paths along the so-called Ho Chi Minh Trail bordering on Laos and Cambodia with South Vietnam.

At the present time, Cambodia, instead of being a neutral area, is occupied by guerrillas of the South Vietnam National Liberation Front and by North Vietnam soldiers. They control eight provincial capitals, ruling all the northeastern provinces and virtually all approaches to the national capital of Phnompenh. Our action has resulted in Prince Sihanouk, long a neutralist, now in Peking becoming a confirmed ally of the Communists. Prince Sihanouk apparently enjoys the support of most of the peasants in Cambodia. The likelihood of a civil war engulfing Cambodia is high. Furthermore, open hostilities are occurring daily between the ill-equipped Cambodian ground forces and our friendly forces of South Vietnam.

For more than 1,000 years, the Vietnamese and the native habitants of Cambodia have been hostile. Those South Vietnamese soldiers who are too friendly to fight alongside Americans, have enjoyed killing Cambodian men, raping Cambodian women, and looting Cambodian villages.

In an effort to offer quantitative proof of the great American victory, military and administration officials quote at will the statistics already too familiar to Americans. What they do not mention is that senior commanders on the scene have estimated that allied forces found only 30 to 50 percent of the material the Communists had stored in the border sanctuaries. The strange variety of materials captured indeed suggests that much was missed.

It is to be noted, for example, that nearly half of the ammunition found by American troops in the so-called fishhook area was .51 caliber antiaircraft rounds, yet in the past, this has been a relatively small item in the Communist arsenal. Of all the rifles captured, only about 2,000 were AK–47's, the basic individual weapon used by the Communists.

In fact, the whole cache-counting syndrome is a waste of time, for, as one officer said: "It can all be replaced with one boatload."

The facts are that most of the Communist forces had foreseen an invasion of the border areas as soon as Prince Sihanouk's neutralist government was overthrown, and had already begun moving out of the area. The bulk of the enemy forces were able to escape with their basic armaments intact. The President claimed on April 30 to be invading the sanctuaries in an effort to capture the main Communist headquarters, COSVN, and yet no mention was ever made thereafter of the results of this move. In fact, COSVN, too, escaped virtually unscathed.

It is also interesting to note that several weeks ago Vietcong forces captured two trains bound for Phnompenh and in one easy blow captured an amount of rice equal to one-fifth of that taken from the sanctuaries in 6 weeks of work by American forces.

It is now evident that as a result of the invasion of Cambodia the war in Vietnam has become the war in Indochina. It is being called that. It has expanded and extended into practically all areas of that part of Southeast Asia. This is done under the authority of President Nixon who said that he had a secret plan for ending the war in Vietnam.

The President says that all American forces have been withdrawn. However, American planes flown by American pilots are still bombing deep inside Cambodia. Thousands of South Vietnamese troops are still operating inside Cambodia, and there is no hint as to when they may leave. The administration claims strong support from Thailand, the country whose own security would be most affected by a Communist victory in Cambodia, and the Thais have made indirect references to sending a few troops. Yet more than 3 months after the Lon Nol government asked for help from its neighbors, Thailand has supplied exactly 10,000 pairs of black socks, 5,000 raincoats, 20,000 mosquito nets, and five American-built, propeller-driven T–28 light planes. It is quite obvious that the rest of Southeast Asia does not see the situation in the same light as the Nixon administration.

Mr. President, despite all these facts, the administration continues to talk of a great military victory in Cambodia. It is apparent that because of the American and South Vietnamese action, regardless of whatever shortrun tactical gains may have accrued, Cambodia has been turned into a new battlefield and its former ruler, a neutralist, has turned to Communist China and has brought in that powerful nation as a friend of the unfortunate Cambodian people.

Before the American invasion, Cambodia was a neutral country which was, despite undeniable Communist presence in a few border regions, maintaining a delicate and precarious position outside the terrible war in Vietnam. Now the prospects are for a protracted war in Cambodia and a long-term enemy presence in a large part of the countryside which will likely result in a bloody civil war.

Mr. President, it is so-called victories such as this which have cost the people of Southeast Asia and the United States so much over the last 6 years. As long as the Nixon administration and the high command in Saigon insist on using the tired rhetoric of military success to cover up defeats and until the administration ceases to dream of a conventional military victory in a war that cannot be won, the prospects for an end to the senseless waste in Southeast Asia are dim indeed.

YANKEE, GO HOME

Mr. YOUNG of Ohio. Mr. President, a Gallup poll, or survey made by the U.S. military command in South Vietnam completed recently and, then suppressed on order from Ambassador Bunker and top U.S. Army officials in Saigon shows 65 percent of the people in all South Vietnam want all Americans out of the country. The American Broadcasting Co. reported that 30 percent had no opinion but 5 percent mostly in Saigon, wanted Americans to stay.

CONSUMERS BEING SHORTCHANGED

Mr. YOUNG of Ohio. Mr. President, the failure of Federal bureaucrats to implement consumer protection laws is shocking and inexcusable. Officials of the National Commission on Product Safety created by Congress recently reported that amendments to the Flammable Fabrics Act passed in 1967 have not "saved a single life, ameliorated a single burn injury, or reduced pain or disfigurement."

Fires involving fabrics cause more than 3,000 deaths and up to 250,000 injuries in our country every year. Many elderly patients killed in the tragic nursing home fire in Marietta, Ohio, last January would be living today except for the flammable carpeting in that institution. Nevertheless, officials of the Commerce Department have failed to take steps to apply even the weak existing flammability standard to dangerous

flammable blankets, bedding and other interior furnishings. Not until recently were special standards set for children's clothing.

The report also accuses the Food and Drug Administration of intolerable delays noting it took 2 years to propose a ban on the highly dangerous poison carbon tetrachloride, a home drycleaning agent. The fact is the FDA's Bureau of Compliance has but one full-time employee responsible for enforcing the banning or labeling of thousands of potentially hazardous products. It is high time that Federal agencies take swift action to enforce laws and protect consumers from unsafe, untested merchandise.

ORDER FOR ADJOURNMENT TO MONDAY, JULY 27, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 4118—INTRODUCTION OF AGRICULTURAL ACT OF 1970

Mr. DOLE. Mr. President, this Nation's farmers urgently need some assurance that a farm bill will be enacted this year, so I am introducing a bill today which is identical to the one reported favorably by the House Committee on Agriculture.

I recognize this bill is far from perfect and that it does not enjoy the support of farm organizations generally and, in addition, recognize the critical importance of passing farm legislation this year.

I have great respect for the House Committee on Agriculture and the leaders of that committee—the chairman, Mr. POAGE, and the ranking Republican member, Mr. BELCHER.

Having served on the committee for 8 years, I am also aware of the difficulties in reaching an agreement on any farm legislation—particularly in the House because that body is dominated by Members from urban and suburban areas.

In my home State of Kansas, and the surrounding States, the wheat that was planted last September and October has been harvested.

The wheat producer must plant his next winter wheat within 60 to 80 days from now. Before planting he must plan and prepare his ground as a seedbed for the crop and comply with the farm program. The present wheat program expires December 31 of this year. How can he plan his crop without knowing the provisions of the farm legislation with which he must comply?

I wish to emphasize the urgency of the passage of a farm program as soon as possible.

As initially indicated, this bill may not be perfect, and I would assume changes will be made by the Senate Committee on Agriculture and Forestry. However, it deserves serious consideration.

It is my hope that introduction of this bill will assure Members of the House and farmers throughout America that the Senate is aware of the need for quick action on farm legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the principal provisions of the Agricultural Act of 1970.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the provisions of the bill will be printed in the RECORD.

The bill (S. 4118) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, introduced by Mr. DOLE, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

There being no objection, the provisions were ordered to be printed in the RECORD, as follows:

PRINCIPAL PROVISIONS OF THE AGRICULTURAL ACT OF 1970

TITLE I—PAYMENT LIMITATIONS

Places an annual payment limitation of $55,000 per farmer for each of the three major commodity programs, wheat, cotton and feed grains.

TITLE II—DAIRY

1. Extends and amends the authority for the Dairymen's Class I Base Plan in federal milk market order areas. It specifically guarantees competitive access to Class I Base Plan markets by established producers outside the market order area. Appeal procedures under present law remain unchanged.

2. Suspends the operation of the mandatory butterfat price support program for farm-separated cream and permits the Secretary to set lower support prices on butter.

3. Extends the Secretary's authority to donate dairy products owned by CCC to the Armed Services and Veterans Hospitals.

4. Extends the Secretary's authority to make indemnity payments to dairy farmers who through no fault of their own have their milk contaminated by and condemned because of the presence of pesticides and residues.

TITLE III—WOOL

1. Extends the National Wool Act of 1954, as amended, through December 31, 1973.

2. Continues the present incentive price of 72 cents per pound for shorn wool and 80.2 cents per pound for mohair for each year of the extension.

TITLE IV—WHEAT

1. Suspends both the marketing quota program for 1971, 1972, and 1973.

2. Provides domestic marketing certificates to farmers participating in the set-aside program in an amount equal to U.S. food consumption (about 530 million bushels annually).

3. Sets the face value of these domestic certificates at the difference between the wheat parity price (currently $2.82 per bushel) and the average price received by farmers during the first five months of the wheat marketing year (which starts on July 1.)

4. Provides for a "preliminary" payment to participating farmers as soon as possible after July 1. This payment would be the amount estimated by the Secretary to be 75 percent of the value of the domestic certificate. The balance of the payment (if any) would be paid in December. If the Secretary's estimate were too high, no refunds by farmers would be required.

5. Continues the cost of certificates to wheat processors at 75 cents per bushel.

6. Authorizes the Secretary to set non-recourse loans to participating farmers from zero to 100 percent of the parity price for wheat.

7. Establishes a "set aside" program under which wheat farmers, in order to be eligible for loans, certificates, and payments under the program, must set aside or divert from the production of wheat and other crops an acreage determined by the Secretary.

8. Authorizes payments to participating farmers for any additional set-aside acreage and for permitting public recreational access.

TITLE V—FEED GRAINS

1. Establishes a voluntary feed grain (i.e. corn, grain, sorghum, and barley) program for 1971, 1972, and 1973.

2. Provides that price support payments to participating farmers on one-half of their feed grain base will be the difference between not less than $1.35 per bushel (for corn) and the average market price for the first five months of the marketing year (which starts on October 1 on corn and grain sorghum and July 1 on barley). In no event, however, would these payments be less than 32 cents per bushel for corn (with corresponding rates on grain sorghum and barley).

3. Authorizes the Secretary to set non-recourse loans at zero to 90 percent of feed grain parity prices.

4. Authorizes additional set-aside and public recreational access payments.

5. Establishes a "set-aside" program under which participating farmers would be required to set aside or divert feed grain or other cropland in order to become eligible for feed grain loans and payments.

6. Provides for a "preliminary" payment of 32 cents per bushel on corn to participating farmers as soon as possible after July 1. If the difference between the average market price and $1.35 were more than 32 cents during the first five months of the marketing year, an additional payment would be made. In no event would refunds by farmers be required.

TITLE VI—COTTON

1. Provides a guaranteed support of 35 cents per pound (middling one inch basis) on the estimated production from 11.5 million acres for the 1971 crop and an equivalent amount for the 1972 and 1973 crops.

2. Makes assistance available to participating cotton farmers through loans and payments. The loan would be 90 percent of the estimated average world price. The payment would be the difference between 35 cents and the average market price for the first five months following the beginning of the marketing year (which begins August 1), but in no event less than 15 cents per pound. No refunds by farmers would be required in the event market prices were greater than 20 cents per pound.

3. Authorizes payments to participating farmers on acreage made available to the public for recreational purposes.

4. Provides for a set-aside of cropland (not to exceed 33⅓ percent of the cotton allotment) as a condition of eligibility for benefits under the program.

5. Establishes a voluntary program under which marketing quotas, penalties, and acreage restrictions would be suspended for three years.

6. Requires participating farmers to plant cotton to receive payments, with two exceptions: (a) if unable to do so because of natural disaster or other condition beyond producers' control; (b) if not less than 90 percent of allotment is planted.

7. Allows the sale of cotton allotments within a State, permits the lease of allotments within a State, and provides for the release and reapportionment of allotments during the 3-year life of this legislation.

TITLE VII—PUBLIC LAW 480

1. Extends without change the provisions of P.L. 480 (the "Food for Peace" program) which authorizes donations and long-term dollar credit and foreign currency sales of U.S. farm commodities to underdeveloped nations. Under the Act most foreign currency sales are scheduled to end by December 31, 1971.

TITLE VIII—GENERAL AND MISCELLANEOUS

1. Continues the "Cropland Conversion" and "Greenspan" (long-term land retirement programs) at an authorized appropriation level of $10 million annually for each program.

2. Continues the current exemption from marketing quotas for boiled peanuts.

3. Permits farmers or other land owners who do not desire to hold an allotment on any crop under a government program to voluntarily relinquish it. (This would be a permanent provision.)

4. Establishes an indemnity program to reimburse beekeepers for losses caused by pesticide residues.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 8 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONGRESSIONAL ACTION ON BUDGET REQUESTS

Mr. PROXMIRE. Mr. President, last weekend President Nixon charged the Congress with contributing to inflation by increasing the Executive's budget requests. The President is picturing Congress as the "big spender." I think he is getting away with murder. I do not think Congress is as big a spender as the President himself. The President hinted that Congress was being irresponsible in the appropriations it has passed. He said:

> There is a persistent and growing tendency to approve increases in expenditures without providing the revenue to pay the costs.

Mr. President, in trying to pin the "big spender" label on the Congress President Nixon was both unfair and historically incorrect. The Congress has, and I am confident it will continue to be, the force in the Federal Government which is preventing irresponsible spending. Since 1946, for the past 25 years, the Congress has in every year made substantial cuts in appropriations below the President's budget requests. This includes every single Eisenhower budget submitted to a Democratic Congress, and that was seven times, and seven times Congress cut the Eisenhower budget, and the Nixon budget last year which the Congress cut.

For a look at who is the "big spender" we need only examine the President's budget requests last year and compare them with the amount Congress appropriated. Congress cut President Nixon's appropriations by $5½ billion. Yes $5½ billion. Of the 14 appropriations bills sent to Congress we cut 10 of them. We cut the Treasury bill, the Post Office and executive offices bill, the independent offices and HUD bill, the Interior bill, State, Justice, Commerce, and Judiciary bill, the legislative branch bill, the military construction bill, the District of Columbia bill, the Defense Department bill, the foreign aid bill, and the supplemental appropriations bill.

And what about this year? The President apparently believes we will spend more than he requested. Well I would like to reassure him that it just is not so. This Congress will cut the President's overall appropriations requests. As of today, the only fiscal 1971 appropriations bill to pass Congress and be sent to the President is the District of Columbia appropriations bill. We cut that bill by a whopping 22 percent. And we will cut others.

It is true that we have been adding to such bills as education and housing. These additions, however, will be more than balanced by cuts in other areas especially the military. I remind President Nixon that the Armed Services Committee has already cut the military authorizations bill by $1.3 billion. And I believe that is only the beginning. I am convinced that bill will be even further reduced when it comes onto the floor.

What we are faced with here is a difference in emphasis. The Congress has taken a more radical turn than the White House. It has turned away from unnecessary military expenses and extravagant programs and toward more emphasis on human resources. What we are discussing here is the difference between hospitals and the C–5A, between food programs for our children and the ABM. The Congress hopes to hold the line on spending while continuing its massive attack on domestic problems.

It is my belief that the administration should be out in front of the move to reorient our Nation's priorities. I think it unfortunate that the President continues to place such emphasis on unnecessary and extravagant programs. It is ironic that while the President is accusing Congress of contributing to inflation he supports projects that, because they contribute to no specific human need, are particularly inflationary.

President Nixon's intentions are good. He is as concerned as we all are with the economic health of the Nation. It is a fact he has joined the reorientation of our priorities. I only wish he had gone further.

But there is one thing I think must be made perfectly clear. In reorienting our priorities the Congress has not become a bigger spender than the Executive. In the last quarter of a century the Congress has consistently reduced the President's requested expenditures. I am so sure that the Congress will again do a responsible job for the taxpayers of this country that, if it does not, I will contribute $1,000 to the campaign of my Republican opponent in this fall's Wisconsin election. Should the Congress not complete work on the budget until after the November 3 election, and if the Congress fails to cut the budget, I will contribute the $1,000 to my opponent's favorite charity.

I do not make this commitment as a long shot or a risk. I am not taking a risk. I do so to make the point that I am confident Congress will cut back the President's request for appropriations. I wish to emphasize that the President was dead wrong when he implied Congress was this Nation's big spender.

The President's remarks are beginning to frame the Congress as a villain in the eyes of the public. Even that completely honest and sensitive cartoonist for the Evening Star, Gib Crockett, has accepted the misconception. In a cartoon this week he portrays Congress as a Sugar Daddy buying gifts for his miniskirted girlfriend—Miss Inflation. A minister with an unmistakable resemblance to President Nixon is shaking his finger, as Miss Inflation tells her Sugar Daddy to "Pay no attention, Daddy—let's keep going." Congress has all kinds of goodies to offer, but the President is depicted as refusing every request for extravagance and trying to caution Congress to hold down spending or inflation is going to pull us down.

Mr. President, through my willingness to contribute $1,000 to my opponent if Congress fails to cut the budget, I am trying to clear up this misconception and it has been reflected in newspaper articles throughout the country, including those by some of the best informed commentators in the country.

I have sent President Nixon a letter telling him of my commitment to contribute to my opponent if his requests are below congressional actions. I hope it will move him to reexamine the role Congress has played in the last quarter century. We have cut back, not increased Presidential requests for appropriations. And we will do so again this year. Of course, we may not cut spending where the President wants it cut but overall we will cut it.

Mr. President, I ask unanimous consent that the text of my letter to President Nixon be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 23, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: While I respect your right to challenge the Congress in its actions, I also respectfully submit that the Congress has done a responsible job in considering fiscal proposals from the Presidents.

In each of the last 25 years, the Congress has reduced the Presidents' budgets. It has always appropriated less than the Presidents have requested. I am sure this Congress will do so again.

I am so positive that I am proposing this: Should the Congress appropriate more than your budget request, I shall contribute $1,000 from my own pocket to the campaign fund of my Republican opponent in this year's Wisconsin general election.

My feelings are strong that the Congress is responsible fiscally. That is why I make this offer. I await your reply.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of Virginia. Mr. President,

I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may speak for 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHOOL DESEGREGATION

Mr. BYRD of Virginia. Mr. President, in its July 22 edition, the Richmond News Leader published an open letter to the Supreme Court, together with several editorials and a sampling of national comment on the subject of school desegregation.

I agree wholeheartedly with the views expressed in the open letter and the views expressed in the editorials.

In the open letter, the newspaper makes the point that education is the proper function of the schools and that classrooms should not be made laboratories for sociological experiments. I have many times made the same point in comments on the floor of the Senate.

The purpose of this open letter to the Supreme Court is to attempt to bring before the Court some of the many problems involved in recent court decisions.

The Richmond News Leader is attempting to bring about an understanding on the part of the Court that many of its decisions are destroying the public school system. The purpose of the open letter is to attempt to have the Court realize many of the practical problems involved in some of its decisions. I feel that this open letter to the Court is a fine public service. I hope it will be effective. I hope that the Court will pay some attention to the views expressed by this outstanding Virginia newspaper.

Mr. President, I know well the executives of the Richmond newspapers. I know how much at heart they have the welfare of the citizens of that community. I know how deeply they want to be helpful to the parents and to the children in the Richmond public school system.

The open letter points out that the freedom of choice plan now in effect for the schools of the city of Richmond has been effective. It has resulted in substantial desegregation without disrupting the educational process.

In my view, freedom of choice is the logical method for the assignment of pupils to public schools. Under freedom of choice, the rights of parents and students of all races are properly safeguarded.

The open letter also notes that compulsory integration, which would be accomplished by extensive busing of students, is a form of reverse discrimination.

The letter comments that "under compulsory integration, all children in Richmond—particularly minority children—would be denied admission to a school by reason of their race." I am convinced that this is correct, and that the same kind of reverse discrimination will occur wherever compulsory busing is forced upon a school district.

The open letter also includes the observation that compulsory busing plans are expensive. It estimates that as much as $4 million might be required to carry out a court-approved plan requiring the busing of Richmond schoolchildren. It is this busing requirement, this busing of children from their own neighborhoods all the way across the city to another area, an area unknown to the children, which the Richmond newspapers are protesting, and it is what the people of Richmond of all races are protesting.

This $4 million, if it is to be spent, might better be used to improve the educational facilities of the city. And the same holds for any other community required to make a large outlay for the purchase and operation of buses.

Another point made in the open letter is that "if compulsory busing were required under an integration plan imposed by the courts, the role of the school in the community would be destroyed."

I think this is an important observation. Schools should be an intimate part of the communities they serve. Children should have the sense of security and identity that neighborhood schools provide. Parents should have easy access to the schools their children attend.

I might say, Mr. President, that I believe parents of all races want their children to go to school as near their homes as possible. They do not want their young children to be sent any farther away from home than is necessary to obtain an education.

Freedom of choice is a fair method for the assignment of pupils. Compulsory busing is an unfair method.

As the News Leader observes:

Children bused to achieve an arbitrary racial mix would be denied the same protection of the law granted those children who would not be bused to achieve an arbitrary racial mix.

All Americans—black and white, in the South and outside the South—pay taxes that support public schools. They have the consequent right to select which schools their children will attend.

Mr. President, I feel that the Richmond News Leader has rendered a fine public service in publishing its open letter to the Supreme Court, together with three excellent editorials and an interesting collection of comments from Negro leaders, the press, government leaders, the Federal courts, and others.

I ask unanimous consent that the text of the open letter to the Supreme Court, together with the editorials and commentary published by the Richmond News Leader, to which I have referred, printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AN OPEN LETTER TO THE SUPREME COURT OF THE UNITED STATES

JULY 22, 1970.

MAY IT PLEASE THE COURT:

This newspaper, seeking to reflect the sense of the people it serves, respectfully requests the Supreme Court to consider what is happening to the nation's public schools as a result of school integration compelled by the Federal judiciary. And it respectfully requests the Court to consider what would happen to public education in Richmond if compulsory busing were required to replace freedom of choice.

On June 30 Judge J. Braxton Craven, Jr., of the Fourth Circuit Court said in a dissenting opinion about a desegregation plan for Clarendon County, South Carolina, "It is true that constitutional principles may not be allowed to yield to community opposition. . . . It is equally true, however, that judges, in fashioning remedies, cannot ignore reality."

Through this open letter we invite the Court's attention to some realities that exist in, and relate to, the City of Richmond:

GOAL IS GOOD EDUCATION

The Court has held that education "is perhaps the most important function of State and local governments." The people of Richmond agree. They are concerned that the quality of education in the Richmond public schools would decline if children were assigned to schools solely on the basis of race.

RICHMOND SCHOOLS ARE GOOD

According to the Virginia Education Association, in the 1968–69 school year (the last year for which complete figures are available) Richmond's public schools ranked as follows:

	Per pupil cost	Student teacher ratio	Average teacher salary	High school dropout rate (percent)	High school graduates entering college (percent)
Richmond	$701	19.8	$7,919	6.4	47
Virginia	619	21.2	7,328	4.5	51
U.S.	696	23.2	7,952	21.5	(1)

[1] Unavailable.

In view of the large number of students from low-income families in Richmond's schools, the drop-out rate is remarkably low. For the same reason, the percentage of high school graduates entering college is spectacularly high; moreover, a high percentage of Richmond high school graduates are awarded advance placement in college.

Richmond's school system is a nationally recognized pioneer in economics education, in technical education, and in foreign language instruction.

NO OFFICIAL SEGREGATION IN CITY

In 1948 the Court held racial covenants in property deeds to be unconstitutional. It is wrong to cite these covenants as evidence of officially sanctioned segregation now.

Indeed, many Richmond neighborhoods already are integrated. The fact that few Negro and white parents have chosen to send their children to distant schools within the City demonstrates their confidence in the neighborhood school system. The Supreme Court never has ruled that racial imbalances resulting from residential living patterns are unconstitutional.

FREEDOM OF CHOICE HAS WORKED

Since 1966 the City has operated under a freedom-of-choice plan with no geographic zones. This plan was authorized by a 1965 consent decree issued by the Federal District Court, and upheld by both the Fourth Circuit Court of Appeals and the Supreme Court. Under that plan, parents had the

choice of sending their children to any school within the corporate boundaries of the City.

Under freedom of choice, Richmond's schools have been integrated:

In 1961, without freedom of choice, only 630, or .01 per cent, of 34,956 school-aged children in the City attended integrated schools.

In the 1967–68 school year—the second year of freedom of choice—19,504, or 44.6 per cent, of the City's school population attended integrated schools by choice of their parents.

In the 1969–70 school year, 21,156, or 50.2 per cent, of the City's school children attended integrated schools.

In fact, in the 1969–70 school year, every white child attending a regular public school in Richmond attended an integrated school.

COMPULSORY INTEGRATION

Is reverse discrimination

In *Brown v. Board of Education*, the Court held that *no* child could be denied admission to a school by reason of his race. Yet, under compulsory integration, *all* children in Richmond—particularly minority children—would be denied admission to a school by reason of their race.

Under freedom of choice, no child in Richmond has been denied admission to a school by reason of his race. In 1969, the Court defined a unitary school system as one "within which *no* person is to be effectively excluded from any school because of race . . ."

Results in resegregation

Washington, D.C., offers the most telling example. Between 1950 and 1967, the number of white children in Washington's schools decreased from 46,736 to 11,784. During the same period the number of Negro school children increased from 47,980 to 139,364. Two years after the school population reached racial parity, the number of Negro enrollment had climbed to 75 per cent. Of 157,565 school-aged children in Washington schools during the past school year, only 8,449 were white.

Similar resegregation can be predicted for the City of Richmond if the enrollment of each school were forced to reflect the racial ratio of 60 per cent black 40 per cent white of the over-all school population A local study of resegregation in the City's Northside showed that whites will stay in schools that are not more than 40 per cent black The record of John Marshall High School, on the City's Northside confirms this finding. In the 1967–68 school year the school's enrollment was 42 per cent Negro. In the 1968–69 school year, the Negro enrollment increased to 51 per cent. In the past year, the school's Negro enrollment reached 60 per cent.

Makes schools social labs

Even today, 16 years after the Brown decision, experts disagree on the value of integrated education. Richmonders accept integration when it occurs naturally. They oppose court-ordered artificial race mixtures, which, by uprooting children of both races, do more harm than good.

The parents of Richmond regard as racist the premise that a Negro child cannot learn unless he is in a classroom with whites. That is an arrogant variation of the notion that a white child will suffer from being in a classroom with blacks. Both notions are perverse.

Has altered role of schools

Under Richmond's freedom-of-choice plan, this City's schools have been almost free from violence.

This has not been the case elsewhere. Studies by the Senate Juvenile Delinquency Subcommittee, the House Subcommittee on General Education, and a private research corporation have disclosed that almost no school above the elementary school level in the nation was free from violence or disruption—most of it racially motivated—during the past school year. Another study by the U.S. Office of Education early this year failed to find a single integrated high school—anywhere—that was not torn by racial conflict.

In such urban areas as Chicago, New York City, and Washington, D.C., racial animosity in the high schools is so intense that only the presence of large numbers of police can assure order. This has turned many schools into custodial, rather than educational, institutions.

COMPULSORY BUSING

Would damage city financially

When compulsory busing plans have been adopted elsewhere, blacks and whites have voted against the busing plans by moving away. The pattern is not a product of race: Middle-income families of both races are leaving the City even now.

In the current fiscal year, $27.3 million has been appropriated for Richmond schools—by far the largest item in the budget. The taxpayers of Richmond support their public schools. Yet if a court-approved plan required the busing of Richmond school children, many of those taxpayers—desperately needed by the City—would leave instead of underwriting the possible $4 million initial outlay for the purchase of buses.

Could delay school opening

Virginia law requires that public schools be open 180 days each year. Delay in opening Richmond's schools, until enough buses could be acquired, would force local children to attend school well into next summer—if not all summer—to meet the 180-day requirement. This would cause many hardships to them and to their families.

As the Richmond case now stands, $16 million in badly needed school construction has been halted by order of the District Court. Further construction postponement will mean increased costs to the City and will result in further overcrowding in the schools.

Is impractical and inconvenient

In the past, the neighborhood school has functioned as a community institution. If compulsory busing were required under an integration plan imposed by the courts, the role of the school in the community would be destroyed. Extra-curricular activities would be curtailed. Children—especially those in kindergarten and elementary schools—would lose the sense of security and identity that their neighborhood schools provide.

Parental contact with schools, and influence on them, would be lost. Parents wishing to talk personally with teachers about their children's education would be severely inconvenienced. When a child became sick at school, his parents would face great difficulty in getting him home.

Many Richmond parents feel that compulsory busing would expose their children to needless risks during peak traffic periods. They also feel that compulsory busing would force their children to spend many hours aboard buses—hours that could be better spent in extra-curricular activities, in the classroom or studying at home.

Is opposed by parents

In a recent referendum in Denver, seven out of ten voters rejected compulsory busing. A more recent nationwide Gallup Poll showed that eight out of nine Americans oppose compulsory busing.

Negro parents and their children have organized boycotts and demonstrations against compulsory busing plans in many communities across the nation.

Many parents do not mind transporting their children by bus to school voluntarily, but they do object to compulsory busing to achieve an artificial racial mixture in the schools.

FREEDOM OF CHOICE IS FAIR

Children bused to achieve an arbitrary racial mix would be denied the same protection of the law granted those children who would not be bused to achieve an arbitrary racial mix.

All Americans—black and white, in the South and outside the South—pay taxes that support public schools. They have the consequent right to select which schools their children will attend.

Under Richmond's freedom-of-choice plan, that right was assured. Under all other plans proposed to the District Court, it would be lost.

The parents of Richmond ask that the Court make explicit the right of a parent to have his children educated in the public schools of his choice.

We beg the Court to do so with all deliberate speed.

Respectfully,

THE RICHMOND NEWS LEADER.

AN APPEAL TO THE COURT

On the page opposite today, this newspaper appeals publicly to the Supreme Court of the United States to make explicit "the right of a parent to have his children educated in the public schools of his choice." We are asking Richmond area residents to sign the open letter, and to return it to us at Box 1–H, Richmond 23201, by August 7. Signed letters will be forwarded to the Supreme Court. Copies of the open letter, together with copies of this page, will be available to the public free of charge in the main lobby of Richmond Newspapers, Inc. Copies will be sent to the President, the Vice President, the Cabinet, all members of Congress, every governor, and every member of the Federal judiciary. Copies also will be sent to syndicated columnists and major daily newspapers. It is our hope that other newspapers will undertake similar projects.

Perhaps this letter is a forlorn endeavor. Surely no one who signs it should expect it to accomplish any miracles. Nor by this letter do we suggest, or countenance, defiance of the law. But freedom of choice is a defensible doctrine. It stands firmly in the tradition of American liberty. We believe the Supreme Court ought to know that under freedom of choice, integration has gone forward in Richmond's schools—albeit at its own insistent pace. We believe the Supreme Court ought to know that under freedom of choice, the high qualtiy of education in Richmond's schools has been maintained. And we believe the Supreme Court ought to know that the people of the Richmond area support liberty—for all races—and oppose force.

The Supreme Court ought to be informed about these things, because the Supreme Court has wrought the Orwellian changes in pupil assignments in the past 16 years. Only the Supreme Court can call a halt to further manipulation of the nation's school children. No matter what the decision in the Richmond case, Federal District Judge Robert R. Merhige, Jr., ultimately will be bound by decisions on school integration handed down by the Supreme Court. Until the Supreme Court clarifies the contradictory and confusing points in many Federal court decisions, it would be impractical for Judge Merhige to do anything in the Richmond case. Pending such a clarifying decision from the Supreme Court, Judge Merhige should reinstate the City's freedom-of-choice plan.

The South has been to Appomattox before. It has experienced adversity and defeat; it knows the name of the game. But no hardship visited on it by the egalitarians—not even the relegation of freedom of choice to the legal ash heap—will warrant the South's retaliating against children, black or white. Richmond area parents want the best possible education for their children; they do not

want incipient race war in the public schools. Those parents understand that unlike claims for equal treatment, demands for compulsory association are neither legitimate nor truthful. They remain convinced that reason will prevail. And they sincerely hope that through full airing of the arguments, the Supreme Court will turn away from anti-rational procustean theories that threaten to tear the social fabric of this nation apart.

A TRAGIC FAILURE

On the right side of the editorial page today, a number of persons, representing a cross-section of the population, express their disillusionment with integration as a first-priority national goal. The impact of their disillusionment is even greater because most of these persons in the past have been fervent advocates of compulsory integration.

Yet they are not afraid to say that their former dedication to integration was misplaced, and that compulsory integration has not worked. *Newsweek* columnist Stewart Alsop appraises the situation on the basis of reality, not idealism, when he calls forced integration a tragic failure. The depth of that failure can be seen in the opposition to forced integration by many prominent Negro leaders.

During the past 16 years since the *Brown* decision, the goals of the Negro race have changed dramatically. At first, the Negro sought integration as a means of social and education uplift, and as a means of bringing about social acceptance on a basis of equality. Now, through forced integration, Negroes find their racial culture and their racial identity threatened, and increasing numbers of them no longer want integration. They want their own schools, in which their culture can be preserved, and they want to exercise control over those schools.

Negro leaders have not hesitated to articulate the change in direction desired by their followers. Negro discontent with integrated schools became explicit when civil rights leader Roy Innis, who has fought long and hard for the cause of integration, said, "Integration is dead." In place of integration, he suggests a return to separate-but-equal schools. He proposes the establishment of two school districts in each urban center, one predominantly white, one predominantly Negro. The majority race in each district would have full control over the schools, and children of both races could attend schools in either district if they wished. In other words, many Negroes, like this newspaper, believe in freedom-of-choice.

Innis' plan for improving the schools where they are by eliminating the racial factor altogether has been well received in the South; it is possible that his suggestion will be implemented in a pilot program in Mobile, Alabama. Predictably, liberal politicians in the North have given him a cold shoulder, because Innis' plan would eliminate the influence of white liberals on the civil rights movement.

The views of a growing number of Negroes in positions of leadership and influence cannot be ignored, for these views are held by a growing number of Negroes. In homogenization through integration, they fear the loss of their identity as a race; they now recognize the importance of maintaining a pluralistic society in which cultural diversities can be preserved.

These Negro leaders represent, not a separationist point of view, but a valid line of reasoning that bi-racialism or co-existence, not integration, offer the Negro race the best future in America. If the courts, the Congress, and the Federal government ignore their appeal to reason, the results could lead to ultimate tragedy for all Americans. Negro and white.

THE PRINCIPLE OF BUSING

In the controversy currently raging about the possibility of cross-city busing for Richmond's school children, the point inevitably is made: About 9,000 children in the city's public schools rode buses to reach their schools during the past school term. The question then comes up: What's the difference, and why worry?

In principle, there is a great deal of difference. During the past four school years, when a freedom-of-choice plan was in effect in Richmond, parents had the right to select what schools their children would attend. If they chose schools too far away from their homes to permit the children to walk to school, they bought school bus tickets, and the children rode buses. In some instances, even when children attended the schools closest to them, those schools still were too far away for the children to walk. A number of other Richmond children rode buses to private schools—again by choice of their parents.

Under court-ordered plans that require city-wide busing to achieve certain levels of integration, however, the Federal court seizes all control over a child's education. The court determines what school each child will attend, and how he will reach it. The parent no longer can exercise even the smallest degree of control over his child's education.

The difference, quite simply, is that free choice gives way to compulsion, by court decree. If a parent uses his freedom of choice in a way that requires his child to ride a bus, that is his own business, and outside the state's domain. But if a Federal court approves a plan requiring that any child be bused—not to gain an education, but to achieve a certain racial mix—that plan can be implemented only through compulsion, and only the state has freedom of choice.

The principle of free choice transcends any sociological hogwash about the value of integrated education, or the arrogant notion that a parent lacks the ability, experience, and knowledge to decide for himself what is best for his own child. Once robbed of free choice, parents lose a vital influence on their children's education, as well as their status of authority in the household. These facts should not be overlooked in any attempt to obscure the important difference between free choice and compulsion on the question of busing.

INTEGRATION IS DEAD: FOCUS TURNS FROM FORCED MIXING TO QUALITY EDUCATION

(This compendium of quotations, gathered from many sources, illustrates the extent of growing disenchantment with the goal of compulsory integration as an end in itself.)

NEGRO LEADERS

Roy Innis, head of the Congress of Racial Equality:

"Integration is dead. Its epitaph has been in the coming for a hell of a long time. Integration came to be viewed by the civil rights aristocracy not as a means to an end, but as an end in itself." (March, 1970).

James Farmer, former head of Congress of Racial Equality, now Assistant Secretary of Health, Education, and Welfare.

"Our objective should be to provide a high-quality education. The real problem is not integration or segregation. It is the quality of education. Busing is not relevant to high-quality education. It works severe hardships on the people it affects. In the South, I found blacks complaining of being bused to schools." (October, 1969)

Ben Holman, head of the Justice Department's Community Relations Service:

"Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom, and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools." (February, 1970)

Julius Hobson, a black militant leader in Washington, D.C.:

"Of course—integration is a complete failure . . . What we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . The schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school. . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue." (February, 1970)

Dan Watts, editor of the black militant publication, *The Liberator*:

"There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. It's a traumatic experience, anyway, for a black kid to be bused clear across town . . . we've got to move away from integration and toward co-existence." (February, 1970)

Mrs. Thelma Miller, head of the New York City district of the New York State Congress of Parents and Teachers:

"Let's stop kidding ourselves about integration. Let's make all schools equally good for all children. Then nobody will mind what school his child attends. People who advocate busing for integration are still living in a dream world." (March, 1970)

Congressman Adam Clayton Powell, of Harlem:

"Young and old alike have become disillusioned with the idea of integration. Many young people in the ghetto do not want to mix with whites or to be bused from their neighborhoods or go to white schools." (February, 1970).

William Cousins, Jr., City Alderman and lawyer, Chicago:

"Since integration seems so remote and unattainable, the best approach at this time is to emphasize improving education in the schools our children now attend—and increasing our community control over those schools." (March, 1970).

THE PRESS

Columnist Stewart Alsop, Newsweek magazine:

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

"Among those who know the realities, that ugly truth is almost universally recognized." (February, 1970).

Vermont Royster, editor and senior vice president of the Wall Street Journal:

"There are many things wrong with the forcible transfer of children from school to school to obtain the 'proper' racial mix. It is, for one thing, wasteful of time, energy, and money that could better be applied to making all schools better.

"To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

"Both are insolent assertions of white superiority. Both spring from the same bitter seed." (February, 1970).

The New York Times:

"Racial fears and resentment are steadily eroding relations between white teachers and administrators and black students in many, possibly most, high schools here. In a few schools this erosion has gone so far as to

create conditions of paralyzing anarchy in which large police detachments have been deemed necessary to keep classrooms functioning and put down sporadic outbursts of violence by rebellious students . . . The widening gulf between white adults and black youths in the schools convinces increasing numbers of blacks and whites that the fading promise of school integration can never be more than a hollow piety." (February, 1970.)

William Raspberry, Negro columnist for the Washington Post:

"It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them . . . Integration was simply a means to an end. Much of the confusion today stems from the fact that the means has now become an end in itself." (February, 1970).

GOVERNMENT LEADERS

Former President Lyndon Johnson, in a letter to 19 Senators who had protested HEW guidelines drawn up contrary to anti-busing provisions of the Civil Rights Act of 1964:

"The guidelines are not designed to compel desegregation beyond that inherent in a fairly working free choice plan, to strike down freedom of choice, or to achieve 'racial balance' . . . In short, the guidelines do not abandon freedom of choice, they seek to guarantee it in fact." (May, 1966).

Columnist Joseph Alsop, *The Washington Post:*

"The terrible fact is that that the Supreme Court's decision in *Brown v. Board of Education* has wholly lost the majority support it unquestionably had in 1954." (February, 1970).

George Romney, secretary of Housing and Urban Development:

"Busing is not the basis for overcoming the vital problems resulting from separation of our people in most communities. It is a superficial compromise . . . I believe that every American school child is entitled to the opportunity to attend a quality school within a reasonable distance from his home." (March, 1970).

Attorney General John N. Mitchell:

"[Every citizen has] the right to reject unreasonable requirements of busing and to send their children to neighborhood schools. [This right] is just as important as the right to all our citizens to be assigned [to schools] without regard to their race." (June, 1970).

Senator Abraham Ribicoff, former Secretary of Health, Education, and Welfare:

"Let us not kid ourselves. Whenever we go across this land, when blacks move in, the whites move out, and if they have children, they move as far away as they can. What shall we do? Shall we chase the whites with buses, with helicopters, or with airplanes, to try to get an equitable distribution?" (February, 1970).

Congresswoman Edith Green, chairman of the House Select Subcommittee of Education:

"We simply cannot afford to let our classrooms turn into battlefields. We really have to go back to quality education and put out emphasis on that." (March, 1970).

President Richard M. Nixon:

"One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society has failed to achieve for itself.

"If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used: that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury . . . If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a pyrrhic victory. (March, 1970).

OTHERS

John Gardner, chairman of the Urban Coalition and former Secretary of Health, Education and Welfare:

"We should proceed to upgrade the schools where they are now, and not sit around waiting for integration that may never happen." (February, 1970).

Rhody McCoy, Negro administrator of the Ocean Hill-Brownsville district in Brooklyn:

"Integration has never worked. What kind of a hypocrite am I to tell black children to do their thing in school and college so that they can take their rightful place in society? Where is that place?" (March, 1970).

James L. Flournoy, a prominent Negro attorney in Los Angeles:

"More and more black people these days are changing their views on integration. Just a few years ago, most of them wanted integrated schools and were willing to accept busing as the only way to achieve this goal. But now they are more concerned over the quality of education their child will get. Blacks are saying that they would rather have better schools in their own neighborhoods.

"Black parents are urged to take more interest in their schools, and in such activities as the Parent-Teachers Association. But they can't do this if their children attend schools halfway across town."

John March, director of public relations for the board of education in Pittsburgh, Pennsylvania:

"The climate has changed. The most militant, outspoken blacks are not interested in integration. They want separation. You wonder how you can justify busing under these conditions.

"This puts the school boards right in the middle. We are under pressure from the State Human Relations Commission to desegregate. But the militants don't want it. The children even segregate themselves in our high-school cafeterias. We have separate black and white areas that the blacks are mostly responsible for creating. The old rules just don't seem to work any more."

Dr. Alan Westin, of Columbia University:

"We've got to make sure that we don't sell out integration where it's been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism" (February, 1970).

William Tinderhughes, associate superintendent of schools in Baltimore:

"There has been a very definite change in thinking about busing for integration in recent years. A few years ago, there was demand for busing. But not now. Parents now are more concerned with the quality of education that their children are getting." (October, 1969).

Dr. Ernest Van Den Haag, professor of social philosophy at New York University, in testimony before a House subcommittee on education:

"This legislation before the committee assumes fundamentally that academically and socially effective classroom groups can be formed by putting back and white students together in larger numbers in a single classroom regardless of their wishes, and that this will improve their education and decrease the differences as well as hositilities which now exist between them.

"Yet such an enforced congregation of two identifiable racial groups, one deprived in relation to the other, does not diminish, but rather increases the divisive forces which now exist between these students, and the consequent increase in classroom tension leads to a substantial decrease in the educational accomplishment of both groups and multiplies the disciplinary problems which detract from the essential student attention required for effective study. If such integration is compelled, as this bill proposes to do, it will injure rather than assist the future educational accomplishment of the nation's schools." (June, 1970).

Alexander Bickel, professor of law and legal history, Yale University:

"To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, any more than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return." (February, 1970).

Dr. John W. Letson, superintendent of schools in Atlanta, Georgia:

"Many of the court orders are self-defeating. This is because of resegregation, which has been Atlanta's experience. Resegregation is evidence to me that someone should take a look at what we are doing: going blindly down a programmed alley to accomplish something when all the evidence suggests that we are not accomplishing it. Why go through all this turmoil and wind up with an all-black city?" (March, 1970).

Robert Finch, Former Secretary of Health, Education, and Welfare:

"You don't solve [de facto integration] by busing—I mean by hiring more buses.

"That's not the best use of your resources. But beyond that, it's not the best educational experience, because to haul young children for an hour or more—across long distances, as you have, particularly in the Los Angeles situation—means that they can't get any tutoring after school, the parents have great difficulty getting to the teacher to talk about their child. . . . It's not good educational policy. So I feel very strongly that those decisions are moving in the wrong direction." (March, 1970).

THE FEDERAL COURTS

Judge John Parker, chief judge of the Fourth Circuit Court:

"[The Supreme Court] has not decided that the States must mix persons of different races in the schools or must require them to attend schools or must deprive them of the right of choosing schools they attend. What it has decided, and all that it has decided, is that a State may not deny to any persons on account of race the right to attend any schools that [the State] maintains. [The Constitution] does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation." (1955).

Fourth Circuit Court of Appeals, in a ruling upholding freedom of choice:

"The present suggestion that a Negro's right to be free from discrimination requires that the state deprive him of his volition is incongruous." (April, 1965).

Fourth Circuit Court of Appeals, ruling in the Charlotte-Mecklenburg County, N.C., case:

". . . All schools in towns, small cities and rural areas generally can be integrated by pairing, zoning, clustering or consolidating schools and transporting pupils.

"Some cities, in contrast, have black ghettos so large that integration of every

school is an improbable, if not an unattainable, goal.

"Nevertheless, if a school board makes every reasonable effort to integrate the pupils under its control, an intractable remnant of segregation, we believe, should not void an otherwise exemplary plan for the creation of a unitary school system." (May, 1970).

Federal District Judge Ben C. Connally, in approving an equi-distant zoning plan for Houston, Texas, that took note of barriers such as expressways and canals:

"A child is not required to swim or fly to school." (June, 1970).

Chief Justice Warren Burger, United States Supreme Court:

"These school cases present widely varying factors: Some records reveal plans for desegregating schools, others have none or only partial plans; some records reflect rezoning of school districts, others do not; some use traditional bus transportation such as began with consolidated schools where such transportation was imperative, others use school bus transportation for a different purpose and unrelated to the availability of a school as to which such transportation is not required.

". . . From what is now before us in this case it is not clear what issues might be raised or developed in argument; as soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented, including whether, as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court." (March, 1970).

SECTION 202 MUST BE SAVED

Mr. WILLIAMS of New Jersey. Mr. President, approximately 2 weeks ago the Senator from Vermont (Mr. PROUTY) joined me in a bipartisan effort to make a last ditch effort to save the section 202 housing for the elderly program.

Thanks to the leadership of the Senator from Rhode Island (Mr. PASTORE), this effort was successful.

Today there are numerous examples of outstanding 202 projects in practically every State.

In my own State of New Jersey, there are eight successful projects with nearly 1,600 units. Two additional projects, which will have more than 300 units, are now under construction in Hazlet and Wildwood.

With the $25 million provided in my amendment, many more desperately needed units can be constructed.

But, the battle is still not won because the House bill appropriates no money for 202. The fate of this amendment will be determined next week when House and Senate conferees meet to resolve differences in the two bills.

The reasons for continuing the 202 program are compelling. As chairman of the Senate Committee on Aging, I have been informed time and time again by expert witnesses, elderly persons, and Government officials that section 202 has been one of the most successful housing programs ever passed by Congress.

During its 10 years of existence, there has never been a default. Approximately 43,000 units are now completed or under construction. It is estimated that about 45,000 older Americans occupy these completed units.

Moreover, the program has enabled persons living on limited, fixed incomes to have comfortable housing and at reasonable price.

In the 1969 Housing Act, the Congress enthusiastically supported the extension of the 202 program by authorizing $150 million for this purpose. This strong mandate, I believe, should be fulfilled.

Today millions of older Americans are in a "no-man's land" with regard to housing. Many have been forced to sell their homes because of prohibitive property taxes and other rapidly rising costs. Yet, high cost apartments make it impossible for them to locate suitable alternative housing.

In the name of millions of older Americans in urgent need of pleasant, reasonably priced housing, I urge the conferees to accept the Senate amendment.

This proposal, I might also add, has the enthusiastic support of numerous organizations concerned about housing for older persons, including:

American Association of Homes for the Aging.

National Jewish Welfare Board.

National Council of Senior Citizens.

National Retired Teachers Association-American Association of Retired Persons.

National Council on the Aging.

National Farmers Union.

Episcopal Church Ministry to the Aging.

National Conference of Catholic Charities.

U.S. Catholic Charities.

American Federation of Labor-Congress of Industrial Organizations.

United Automobile Workers.

Teamsters Union.

Mr. President, I ask unanimous consent that a listing of 202 projects in the various States be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

APPROVED SECTION 202 SENIOR CITIZENS PROJECTS AS OF OCTOBER 1969

(Addresses included only for projects completed and under construction. Location and mailing address for projects are not necessarily the same)

	Number of units
ALABAMA	
Approved:	
Gadsden: Holy Comforter House, Inc.	200
Birmingham: Birmingham Building Trades Towers	241
Under construction:	
Montgomery: John Knox Manor, Inc., 1877 Llanfair Rd., Montgomery, Ala.	151
ARIZONA	
Completed:	
Phoenix: Citizens Towers, 1405 South 7th Ave., Phoenix, Ariz	153
Phoenix: Kivel Manor, 3040 North 36th St., Phoenix, Ariz	120
ARKANSAS	
Completed:	
Little Rock: Parkview Towers, 1200 Commerce St., Little Rock, Ark	136
CALIFORNIA	
Completed:	
Altadena: Friends Retirement Association, 2691 North Lincoln Ave., Altadena, Calif	25
Berkeley: Strawberry Creek Lodge, 1320 Addison St., Berkeley, Calif	150
Compton: St. Timothy Manor, 415 415 South Oleander, Compton, Calif	21
Fresno: Twilight Haven, 1717 South Winery, Fresno, Calif	32
Menlo Park: Peninsula Volunteer Properties, 817 Partridge Ave., Menlo Park, Calif	30
Norwork: Soroptimist Village, 12657 Foster Rd., Norwalk, Calif	46
San Diego: St. Paul's Manor 2635 2d Ave., San Diego, Calif	65
San Diego: Luther Tower, 1455 2d Ave., San Diego, Calif	202
San Francisco: Jones Memorial Homes, Inc., 1640 Steiner St., San Francisco, Calif	32
San Mateo: Pilgrim Plaza, 120 North San Mateo Dr., San Mateo, Calif	56
San Mateo: Park Towers, 700 Laurel Ave., San Mateo, Calif	200
Santa Cruz: Garfield Park Village, 721 Bay St., Santa Cruz, Calif	48
Santa Monica: Santa Monica Christian Towers, 609 Arizona St., Santa Monica, Calif	150
Vallejo: Ascension Arms, 301 Butte St., Vallejo, Calif	75
Pasadena: The Concord, 275 Cordova St., Pasadena, Calif	150
Long Beach: Long Beach Brethren Manor, 3333 Pacific Pl., Long Beach, Calif	297
Palo Alto: Adlai Stevenson House, 455 Charleston Rd., Palo Alto, Calif	120
San Diego: Grace Towers, 3955 Park Blvd., San Diego, Calif	169
San Diego: St. Paul's Manor, 2728 6th Ave., San Diego, Calif	87
Stockton: Casa Manana Inn, 3700 North Sutter St., Stockton, Calif	163
Half Moon Bay: Ocean View Plaza, 1001 Main St., Half Moon Bay, Calif	50
Los Angeles: Pilgrim Tower, 1233 South Vermont Ave., Los Angeles, Calif	112
Oakland: Westlake Christian Terrace, 251 28th St., Oakland, Calif	202
Los Angeles: Fairmount Terrace, 4000 Fairmount, Los Angeles, Calif	109
Costa Mesa: Bethel Towers of Costa Mesa, 666 West 19th St., Costa Mesa, Calif	270
Santa Monica: Westminster Towers, 1220 2d Ave., Santa Monica, Calif	285
Santa Cruz: Garfield Park Village, 721 Bay St., Santa Cruz, Calif	47
Napa: Rohlff's Memorial Manor, 2400 Fair Dr., Napa, Calif	100
Under Construction:	
Oakland: Satellite Senior Homes, Inc., 1512 Franklin St., Oakland, Calif	200
San Francisco: Bethany Center Senior Housing, 580 Capp St., San Francisco, Calif	134
Long Beach: New Hope Home, Inc., 921 East 10th St., Long Beach, Calif	140
Oakland: Printing Specialities Union Retirement Center, Inc., 2267 Telegraph Ave., Oakland, Calif	201
Pleasanton: Pleasanton Gardens, Inc., 363 Saint Mary St., Pleasanton, Calif.	40
Los Angeles: Progressive Home for the Elderly, Inc., 1470 West 50th St., Los Angeles, Calif	141
Los Angeles: Wilnor Corp., 634 South Normandie, Los Angeles, Calif	287
Oakland: Satellite Senior Homes, Inc. 1512 Franklin St., Oakland, Calif	152

CALIFORNIA—Continued

	Number of units
Approved:	
Seaside: Seaside Civic League, Inc	80
San Luis Obispo: Judson Terrace Homes	107
San Diego: Green Manor	151
Los Angeles: E. Victor Villa	46
Belmont: Belmont Retirement Residence	166
Fresno: Twilight Haven	32

COLORADO

Completed:	
Arvada: Colorado Luthern Home, 8001 West 71st Ave., Arvada, Colo	94
Boulder: Golden West Manor, 1055 Adams Circle, Boulder, Colo	115
Canon City: Royal Gorge Manor, 1125 North 15th St., Canon City, Colo	124
Denver: Maltese Cross Manor, 1590 Yates St., Denver, Colo	158
Grand Junction: Monterey Park Apartments, 2120 North 10th St., Grand Junction, Colo	54
Pueblo: Park Central Apartments, 1605 Moore Ave., Pueblo, Colo	48
Colorado Springs: Pikes Peak Towers, 1912 East Lake Blvd., Colorado Springs, Colo	145
Loveland: Big Thompson Manor, Inc., 460 West 3d St., Loveland, Colo	58
Approved:	
Boulder: First Christian Manor, Inc	140

CONNECTICUT

Completed:	
Hartford: Avery House, 705 New Britain Ave., Hartford, Conn	54
Stamford: United Church of Christ Residence, 25 Washington Ct., Stamford, Conn	74
Under construction:	
Bethel: Augustana Homes, Inc., 850 Norman St., Bridgeport, Conn	100
New Haven: New Haven Jewish Community Council Housing, 1050 Chapel St., New Haven, Conn	217
Hamden: Davenport Residence, Inc., 20 Drazen Dr., North Haven, Conn	217
Approved:	
Hartford: St. Christopher Apartments, Inc	101

DELAWARE

Approved:	
Wilmington: Lutheran Senior Services, Inc	204

DISTRICT OF COLUMBIA

Approved:	
Washington: Second New St. Paul Housing, Inc	100
Under Construction:	
Washington: Episcopal Church Home, Friendship, Inc., 1515 32d St., NW., Washington, D.C	200

FLORIDA

Completed:	
Lake Worth: Lake Worth Towers, 1500 Lucerne Ave., Lake Worth, Fla	196
Lehigh Acres: Golden Age Village, Post Office Box 615, Lehigh Acres, Fla	48
Lehigh Acres: Sunshine Villas, Post Office Box 356, Lehigh Acres, Fla	168
Miami Beach: Four Freedoms House of Miami Beach, 3801 Collins Ave., Miami Beach, Fla	208
Orlando: Magnolia Towers, 100 East Anderson St., Orlando, Fla	155
Daytona Beach: Louttit Manor, 229 South Ridgewood Ave., Daytona Beach, Fla	177
Jacksonville: Cathedral Towers, 601 North Newnan St., Jacksonville, Fla	251
Miami: CTA Towers, 1809 Brickell Ave., Miami, Fla	272
Orlando: Orlando Central Towers, 350 East Jackson St., Orlando, Fla	198
Sarasota: Jefferson Center, 930 N. Tamiami Trail, Sarasota, Fla	211
St. Petersburg: Presbyterian Towers, 23 3d Street, South, St. Petersburg, Fla	210
St. Petersburg: Lutheran Residences, 550 1st Ave. South, St. Petersburg, Fla	225
Miami: St. Elizabeths Gardens, 6301 Biscayne Blvd., Miami, Fla	152
Jacksonville: Edward Waters College Senior Citizens, 1864 Kings Rd., Jacksonville, Fla	192
Tampa: Florida Gulf Coast Apartments, Inc., Post Office Box 1313, Orlando, Fla	150
Fort Lauderdale: Gateway Terrace, Inc., 1943 Karen Dr., Fort Lauderdale, Fla	256
Orlando: Kinneret, Inc., 515 South Delaney Ave., Orlando, Fla	168
Tampa: Tampa Presbyterian Community Inc., 4591 Shore Acres Blvd, NE., St. Petersburg, Fla	210
Melbourne: Trinity Towers, 550 Strawbridge Ave., Melbourne, Fla	156
Under Construction:	
West Palm Beach: St. Andrew's Residences of the Palm Beaches, Inc., 708 Harvey Bldg., West Palm Beach, Fla	182
Orlando: First Baptist Housing, Inc., Post Office Box 593, Orlando, Fla	197
Clearwater: Lutheran Residences, Inc., 3810 2d Ave., North, Clearwater, Fla	180
Jacksonville: Cathedral Manor, 333 East Ashley St., Jacksonville Fla	207
Jacksonville: Riverside Presbyterian Apartments, 849 Park St., Jacksonville, Fla	205
Fort Myers: Ft. Myers Presbyterian Community, Inc., 3800 50th Ave., South, St. Petersburg, Fla	180
Deland: Bert Fish Trustees, Inc., Whitehair Building, Deland, Fla	198
Tallahassee: Florida Sunshine Apartments, Inc., care of Office of Comptroller, State Capitol, Talahassee, Fla.	150
Approved:	
Sunny Isles: Sunny Isles Tower, Inc	224
Bradenton: DeSoto Towers, Inc	204

GEORGIA

Completed:	
Americus: Magnolia Manor, Post Office Box 346, Americus, Ga	177
Atlanta: Campbell-Stone Apartments, 2911 Pharr Ct., South, NW., Atlanta, Ga	198
Atlanta: Wesley Woods Towers, 1825 Clifton Rd., NE., Atlanta, Ga	202
Waycross: Baptist Village, Post Office Box 1100, Waycross, Ga	65
Under construction:	
Atlanta: Atlanta Area Presbyterian Homes, Inc., 241 Ponce de Leon Ave., NE., Atlanta, Ga	240
Atlanta: Campbell-Stone Apartments, Inc., 2911 Pharr Ct. South, NW., Atlanta, Ga	196
Macon: Vine Ville Christian Towers, Post Office Box 248, Macon, Ga	196
Approved:	
Macon: St. Paul Apartments, Inc	216
Americus: South Georgia Methodist Home for Aging	50

HAWAII

Under construction:	
Kahului: Hale Mahaolu, care of Old Lihikai School, Kahului, Maui, Hawaii	111

IDAHO

Under construction:	
Nampa: Nampa Christian Housing, Inc., 619 12th Ave., South Nampa, Idaho	65

ILLINOIS

Completed:	
Chicago: Self-Help Center, 908 Argyle St., Chicago, Ill	46
Chicago: Drexel Square Apartments, 811 East Hyde Park, Chicago, Ill	104
Evergreen Park: Immanuel Residences for the Elderly, 6201 North Kirkwood Ave., Evergreen Park	24
Oakbrook: Mayslake Village, 1801 West 35th St., Oakbrook, Ill	175
Peoria: Lutheran Home of Greater Peoria, 7019 North Galena Rd., Peoria, Ill	50
Under construction:	
Belvidere: Parkside Manor, 530 South State St., Belvidere, Ill	100
Approved:	
Peoria Heights: Galena Park Terrace	168
Oak Brook: Franciscan Tertiary Province of the Sacred Heart, Inc	147

INDIANA

Completed:	
Bremen: Bremen Manor, 515 Whitlock St., Bremen, Ind	46
Columbus: Town and Garden Apartments, 428 Pearl St., Columbus, Ind	10
Goshen: Greencroft Central Manor, 2000 South 15th St., Goshen, Ind	86
Evansville: Luther Village Foundation, 828 East Blackford Ave., Evansville, Ill	148
Approved:	
Terre Haute: Wabash Senior Citizens Housing, Inc	25

IOWA

Completed:	
Denison: Eventide Lutheran Home for the Aged Professional Building, Denison, Iowa	51
Eagle Grove: Rotary Ann Home, Box 85, Eagle Grove, Iowa	43
Garner: Prairie View Home, R.R. No. 3, Garner, Iowa	76
Rockwell City: Sunnyview, Rockwell City, Iowa	54
Spencer: Sunset Retirement Home, 111 East 20th St., Spencer, Iowa	51
Walnut: Peace Haven, Box C, Walnut, Iowa	85
West Des Moines: Crestview Acres, 916 Ashworth Rd., West Des Moines, Iowa	100
Des Moines: Plymouth Place, 4111 Ingersoll Ave., Des Moines, Iowa	198
Approved:	
Mason City: Good Shepherd Retirement Apartments, Inc	93

KANSAS

Completed:	
Kansas City: Primrose Villa, 2804 Sewell Ave., Kansas City, Kans	50
Under Construction:	
Topeka: First Christian Church Apartments, Inc., 1880 Gage Blvd., Topeka, Kans	126
Kansas City: Cross-Lines Retirement Center, Inc., 1428 South 32d St., Kansas City, Kans	106

KENTUCKY

Completed:	
Covington: Panorama Apartments, 110 Brent Spence Square, Covington, Ky.	143

LOUISIANA

Completed:	
Shreveport: The Evangeline, 3875 Line Ave., Shreveport, La	62
Under Construction:	
New Orleans: Monsignor Wynhoven Apartments, 1624 National Bank of Commerce Building, New Orleans, La.	201
Approved:	
New Orleans: Christopher Homes, Inc.	154

MAINE

Completed:	
Bangor: Sunset Manor, 686 Broadway, Bangor, Maine	27
Rockland: Methodist Conference Home, 39 Summer St., Rockland, Maine	48
Approved:	
Madawaska: Elderly Home, Inc	48

MARYLAND

Completed:
- Baltimore: St. Mary's Roland View Towers, West, 3838 Roland Ave., Baltimore, Md. 149
- Baltimore: St. Mary's Roland View Towers, East, 3939 Roland Ave., Baltimore, Md. 210
- Silver Spring: Springvale Terrace, 8505 Springvale Rd., Silver Spring, Md. 124
- Baltimore: Memorial Apartments, 301 McMechen St., Baltimore, Md. 283
- Havre de Grace: St. John's Towers, 505 Congress Ave., Havre de Grace, Md. 68
- Rockville: Bethany House, 199 Rollins Ave., Rockville, Md. 274
- Sandy Spring: Friends House, 17401 Norwood Rd., Sandy Spring, Md. 100
- Baltimore: St. James Terrace Apartments, 809 North Arlington Ave., Baltimore, Md. 151
- Baltimore: Concord Apartments, 2500 West Belvedere Ave., Baltimore, Md. 233
- Baltimore: The Westminster House, 542 North Charles St., Baltimore, Md. 302

Approved:
- Takoma Park: Montgomery County Revenue Authority 187
- Silver Spring: United Church of Christ Home, Inc. 31

MASSACHUSETTS

Completed:
- Malden: Salem Towers, 280 Salem St., Malden, Mass. 81
- Quincy: Quincy Point Congregational Church Homes, 1000 Southern Artery, Quincy, Mass. 216
- Melrose: Congregational Retirement Home, 200 West Foster St., Melrose, Mass. 109
- Worcester: Colony Retirement Homes, 485 Grove St., Worcester, Mass. 61
- Haverhill: Bethany House, 100 Water St., Haverhill, Mass. 150

Under Construction:
- Peabody/Beverly Danvers/Salem): North Side Housing Corp., 1 Joy St., Boston, Mass. 321
- Fitchburg: First Parish Housing of Fitchburg, Inc., Post Office Box 503, Fitchburg, Mass. 168
- Springfield: Springfield Hobby Club Housing, Inc., 128 Derryfield Ave., Springfield, Mass. 167
- Quincy: Quincy Point Congregational Church Homes, 1000 Southern Artery, Quincy, Mass. 218
- Falmouth: Cape Cod United Church Homes, Inc., care of Craigville Inn, Craigville, Mass. 85

Approved:
- Boston: Jewish Community Housing for the Elderly 247

MICHIGAN

Completed:
- Ann Arbor: Lurie Terrace, 600 West Huron St., Ann Arbor, Mich. 142
- Charlotte: Kiwanihome, 430 South Cochran Ave., Post Office Box 22, Charlotte, Mich. 51
- Detroit: Rochford Terrace, 3387 Lawton St., Detroit, Mich. 26
- Rochdale Court, 1588 East Lafayette, Detroit, Mich. 70
- Four Freedoms House of Detroit, 1600 Antietam St., Detroit, Mich. 320
- Wyandotte: Wyandotte Apartments, 2455 Biddle, Wyandotte, Mich. 161
- Midland: Cleveland Manor, 2200 Cleveland St., Midland, Mich. 105

Under construction:
- Muskegon: Muskegon Retirement Apartments, Inc., 1201 Jefferson St., Muskegon, Mich. 192
- Detroit: Independence Hall, Inc., 17376 Wyoming Ave., Detroit, Mich. 216
- Clawson: New Life, Inc., P.O. Box 315, Clawson, Mich. 266
- Owosso: Kiwanis Village of Owosso, Inc., City Club, Owosso, Mich. 60
- Troy: Bethany Villa Housing Association, 2601 John R, Troy, Mich. 119
- Saginaw: Saginaw Westchester Village, Inc., 2101 Gratiot Ave., Detroit, Mich 176
- Saginaw: Essex Manor, Inc., 2101 Gratiot Ave., Detroit, Mich. 96
- Flint: Flint Retirement Homes, Inc., 901 East 2d Ave., Flint, Mich. 110
- Detroit: Cathedral Terrace, Inc., 2700 Penobscot Bldg., Detroit, Mich. 238
- Haslett: Capitol Grange Senior Citizens Housing Corp., 5878 Buena Parkway, Haslett, Mich. 100

Approved:
- Lansing: United Church Manors 100
- Detroit: St. Paul's Housing Corporation, Inc. 141
- Flint: Flint Heights Senior Citizens Apartments 196
- Wyandotte: Cooperative Services, Inc. 201
- Inkster: Chateau Cherry Hill, Inc. 192
- Detroit: Martin Luther King Nonprofit Housing Corp. 24
- Oak Park: Federation Apartments, Inc 169

MINNESOTA

Completed:
- Austin: Lutheran Retirement Home, 400 15th Ave. SW., Austin, Minn. 56
- Duluth:
  - "S" Elect Homes, 801 East 2d St., Duluth, Minn. 66
  - St. Ann's Home, 330 East 3d St., Duluth, Minn. 200
- Elk River: Riverview Apartments, 400 Evans Ave., Elk River, Minn. 24
- Glenwood: Glenwood Retirement Home, 719 Southeast 2d St., Glenwood, Minn. 26
- Litchfield: Gloria Dei Manor, 218 North Holcombe St., Litchfield, Minn 38
- Montevideo: Brookside Manor, 804 Benson Rd., Montevideo, Minn. 80
- St. Paul:
  - Wilder Residence Apartments, 508 Humboldt, St. Paul, Minn. 82
  - Redeemers Arms, 313 North Dale St., St. Paul, Minn. 160
  - Central Towers, 20 East Exchange St., St. Paul, Minn. 283
- St. Peter: Estate Apartments, 511 South 5th St., St. Peter, Minn. 20
- Marshall: Lyon County Retirement Home, 200 South 4th St., Marshall, Minn. 53
- Thief River Falls: Valley Christian Home Society, Box 525, Thief River Falls, Minn. 67
- Proctor: Hillside Gardens, 419 7th St., Proctor, Minn. 45

Under construction:
- Litchfield: Augustana Lutheran Homes, Inc., 218 North Holcombe Ave., Litchfield, Minn. 47
- Minneapolis: Ebenezer Towers, 2545 Portland Ave., Minneapolis, Minn. 200

MISSISSIPPI

Completed:
- Tupelo: Traceway Manor, 2530 West Main St., Tupelo, Miss. 101

MISSOURI

Completed:
- Kansas City: Paracelete Manor, 4725 Prospect Ave., Kansas City, Mo. 121
- Concordia: Lutheran Good Shepherd Home, Concordia, Mo. 58
- St. Louis: Council House, 300 South Grand Blvd., St. Louis, Mo. 301
- University City: The Delcrest, 8350 Delcrest, University City, Mo. 144
- Kansas City: John Calvin Manor, Inc., 7859 Holmes, Kansas City, Mo. 100

Under construction:
- St. Louis:
  - Council House Redevelopment Corp., 300 South Grand Blvd., St. Louis, Mo. 303
  - Little Sisters of the Poor, North Side, 3225 North Florisant Ave., St. Louis, Mo. 161

MONTANA

Completed:
- Glendive: Grandview Apartments, P.O. Box 1388, Glendive, Mont. 45
- Plentywood: Montana, Pioneer Manors, 120 East 2d Ave. North, Plentywood, Mont. 31
- Great Falls:
  - Eagles Manor, 12 4th Street, South, Great Falls, Mont. 141
  - Soroptimist Village, Inc., 2200 Alder Dr., Great Falls, Mont. 60
- Helena: Penkay Eagles Manor, Inc., 1616 Euclid Ave., Helena, Mont. 88
- Billings: Lutheran Retirement Home, 3940 Rimrock Rd., Billings, Mont. 119

NEBRASKA

Completed:
- Lincoln: Lincoln Manor, 2626 North 49th St., Lincoln, Nebr. 56

Under construction:
- North Platte: North Platte Odd Fellows Housing Corp., Route 4, North Platte, Nebr 120

NEW JERSEY

Completed:
- Atlantic City: Elliott House, 1200 North Indiana Ave., Atlantic City, N.J. 104
- Clifton: Daughters of Miriam Association, 127 Hazel Street, Clifton, N.J. 120
- Atlantic City: Best-of-Life-Park, 129 S. Virginia Ave., Atlantic City, N.J. 208
- Trenton: Trent Center Apartments, 511-527 Greenwood Ave., Trenton, N.J 229
- Newark: Wesley Towers, 444 Mount Prospect Ave., Newark, N.J. 299
- Paterson: Governor Paterson Towers, 225 20th Ave., Paterson, N.J. 158
- East Orange: Senior Citizens Housing Association of East Orange, % City Hall, East Orange, N.J. 127

Under construction:
- Jersey City: Grand View Terrace, 23 E. Essex Ave., Orange, N.J. 300
- Keyport: Bethany Manor, Inc., 2000 Florence Ave., Hazlet, N.J. 233

Approved:
- Camden: Beth-El Community Apartments 201
- Wildwood: Lions Center 112
- Paterson: The Riese Corp. 159

NEW MEXICO

Completed:
- Roswell: Sunny Acres Senior Center, 1414 South Union, Roswell, N. Mex. 96
- Deming: Kingdom of the Sun Retirement Center, 8th and Buckeye, Deming, N. Mex. 57

Approved:
- Albuquerque: Community Association for Senior Housing, Inc. 121

NEW YORK

Completed:
- Far Rockaway: Seagirt Village, 19–25 Seagrit Blvd., Far Rockaway, N.Y. 257
- New York: Moris Park Apartments, 17 East 124 St., New York, N.Y. 97
- Hempstead: General Douglas McArthur Senior Village, 26 Clinton, St., Hempstead, N.Y. 143
- New York: David Podell House, 181 Henry St., New York, N.Y. 50
- Far Rockaway: Israel Senior Citizens Housing Corp., 19th and Seagrit Blvd., Far Rockaway, N.Y. 256

Approved:
- Syracuse: Bldg. Service Employees Senior Citizens Center 145
- Penn Yan: St. Marks Terrace, Inc. 110

NORTH CAROLINA

Under Construction:
Ashville: Vanderbilt Apartments, Post Office Box 7607, Asheville, N.C.---- 158

NORTH DAKOTA

Completed:
Beach: Golden Valley Manor, Beach, N. Dak---- 54
Fargo: Bethany Towers, 1333 3d Ave. South, Fargo, N. Dak---- 55
Garrison: McLean Manor, Garrison, N. Dak---- 49

OHIO

Completed:
Cleveland Heights: Council Gardens, 2501 Taylor Rd., Cleveland Heights, Ohio---- 92
Dayton: The Lakewoods, 980 Wilmington Ave., Dayton, Ohio---- 265
Dayton: Golden Village, 500 Scranton St., Dayton, Ohio---- 41
Lakewood: The Westerly, 14300 Detroit Ave., Lakewood, Ohio---- 160
Parma Heights: The Educator, 9275 North Church Dr., Parma Heights, Ohio---- 130
Perrysburg: Elm House, 230 Elm St., Perrysburg, Ohio---- 31
Mayfield Heights: Villa Serena, 6800 Mayfield Rd., Mayfield Heights, Ohio---- 242
Mayfield Heights: Schnurmann House, SOM Center Rd., Mayfield Heights, Ohio---- 198
Wooster: College Hills Retirement Village, Post Office Box 762, Wooster, Ohio---- 150
Montpelier: Glenview, R.D. No. 3, Montpelier, Ohio---- 30
Cuyahoga Falls: Cathedral Apartments, Inc., 2700 State Rd., Cuyahoga Falls, Ohio---- 202
Toledo: The Westmoor, 1001 North Byrne Rd., Toledo, Ohio---- 168
Youngstown: Eldercrest Apartments, 8 Ridgeview Lane, Youngstown, Ohio---- 147

Under Construction:
Cleveland: Federation Towers, Inc., Suite 411, Manger Hotel, Cleveland, Ohio---- 278
Cincinnati: Cincinnati Business and Professional Women's Retirement Housing, Inc., 704 Race St., Cincinnati, Ohio---- 136
Lakewood: Lakewood Senior Citizens, Inc., 14300 Detroit Ave., Lakewood, Ohio---- 160
Sandusky: Sandusky Bay Kiwanis Seinor Citizens, Post Office Box 618, 618, Sandusky, Ohio---- 153
Dayton: Dayton-Miami Valley, 2307 Embury Park Rd., Dayton, Ohio---- 159
Cleveland: Villa St. Rose, Inc., 10900 Lake Ave., Cleveland, Ohio---- 202
East Cleveland: Teamsters Housing, Inc., 2070 East 22d, Cleveland, Ohio---- 231

Approved:
Mayfield Heights: Luther House---- 119

OKLAHOMA

Completed:
Cordell: Cordell Christian Home, Post Office Box 249, Cordell, Okla---- 50
Muskogee: Kate Frank Manor, South 33d St., Muskogee, Okla---- 96
Oklahoma City: Superbia Senior Citizens Village, 9720 Stacy St., Oklahoma City, Okla---- 215
Tulsa: Terrace View Apartments, 1729 South Denver, Tulsa, Okla---- 41

OREGON

Completed:
Corvallis: Samaritan Village, 285 N. 35th St., Corvallis, Oreg---- 84
Portland: Westmoreland's Manor, 6404 SE. 23d Ave., Portland, Oreg---- 301
Eugene: Ya-Po-Ah Terrace, 135 East 6th St., Eugene, Oreg---- 225

PENNSYLVANIA

Completed:
Philadelphia: Guild House, 711 Spring Garden St., Philadelphia, Pa---- 91
Philadelphia: Casa Enrico Fermi, Inc., 1300 Lombard St., Philadelphia, Pa---- 288
Pittsburgh: Auba Senior Citizens Apartments, 2700 Centre Ave., Pittsburgh, Pa---- 59
Pittsburgh: Riverview Apartments, 234 McKee Pl., Pittsburgh, Pa---- 108
Harrisburg: Presbyterian Apartments, 322 North 2d St., Harrisburg, Pa.---- 165
Philadelphia: Four Freedoms House of Philadelphia, 6101 North Morris St., Philadelphia, Pa---- 282
Philadelphia: Philip Murray House, 4 North 11th St., Philadelphia, Pa---- 308
Philadelphia: Stephen Smith Towers, 1030 Belmont Ave., Philadelphia, Pa---- 140
Allentown: Episcopal House, 524 Walnut St. Allentown, Pa---- 210
Philadelphia: Brith Sholom Foundation, 3939 Conshohocken Ave., Philadelphia, Pa---- 312
Munhall: Parkview Towers Apartments, 100–113 Caroline St., Munhall, Pa---- 113
Norristown: Jefferson Apartments, 1514 West Marshall St., Norristown, Pa---- 164
Philadelphia: Sidney Hillman Apartments for the Elderly, 215 South Broad St., Philadelphia, Pa---- 278
Philadelphia: Ascension Manor, 911 North Franklin St., Philadelphia, Pa---- 141
Philadelphia: Mt. Olivet Village Corp., Inc., 42d and Wallace Sts., Philadelphia, Pa---- 218

Approved:
New Castle: Lawrence County Bldg. Trades---- 127
Philadelphia: Unico Village, Inc---- 221
Allentown: Phoebe Apartments, Inc---- 131
Philadelphia: Fraternal Order of Police Senior Citizens Apartments---- 106

PUERTO RICO

Completed:
Nuevo: LaCiudad Del Retiro, Nuevo---- 92
Rio Piedras: Altergarten Las Teresas, Rio Piedras, P.R---- 91

Under construction:
San Juan: Residencias Los Jardines, care of Banco de San Juan, Ponce de Leon Avenue, Stop 17, Santurce P.R---- 82
Ponce: Clinica Dr Pila, 1205 Ponce de Leon Avenue, Santurce, P.R---- 96

RHODE ISLAND

Under construction:
East Providence: Trustees of Methodist Health and Welfare Services, Inc., 67 Howland Ave., East Providence, R.I---- 117

SOUTH CAROLINA

Under construction:
Charleston: Episcopal Diocesan Housing, Inc. 480 East Bay St., Charleston, S.C---- 204

SOUTH DAKOTA

Completed:
Alcester: Morningside Manor Alcester, S.D.---- 52
Mitchell: Wesley Acres, 1115 West Havens Ave., Mitchell, S.D---- 45
Spearfish: Pioneer Memorial Manor, 930 10th Street, Spearfish, S.D---- 23
Mitchell: Wesley Acres, Inc., 1115 West Havens Ave., Mitchell, S.D---- 38

TENNESSEE

Completed:
Johnson City: Appalachian Christian Village, 2012 Sherwood Dr., Johnson City, Tenn---- 72
Nashville: Greenhills Apartments, 2209 Abbott Martin Rd., Nashville, Tenn---- 136
Nashville: Trevecca Towers, 60 Lester Ave., Nashville, Tenn---- 207

Under Construction:
Chattanooga: Jaycee Future, Inc., 9th and Terrace Sts., Chattanooga, Tenn.---- 204

TEXAS

Completed:
Dallas: Blanton Gardens, 4829 West Lawther Dr., Dallas, Tex---- 105
Denton: Fairhaven, 2400 Bell Ave., Denton, Tex---- 48
San Angelo: Rio Concho Manor, 401 Rio Concho Dr., San Angelo, Tex---- 153
San Antonio: Granada Hotel, 311 South St. Mary's St., San Antonio, Tex.---- 250
Dallas: Forest Dale, 6139 Monticello, Dallas, Tex---- 207
Dallas: Pythian Manor, 2714 Forest Ave., Dallas, Tex---- 76

UTAH

Completed:
Salt Lake City: Wasatch Manor, 525 South 2d, East, Salt Lake City, Utah---- 198
Ogden: Fellowship Manor, 2334 Monroe Blvd., Ogden, Utah---- 136

VIRGINIA

Approved:
Reston: Fellowship Square Foundation---- 140
Roanoke: Shenandoah Homes, Inc---- 151

WASHINGTON

Completed:
Seattle: Hilltop House, 1005 Terrace St., Seattle, Wash---- 144
Seattle: Four Freedoms House of Seattle, 747 North 135th St., Seattle, Wash---- 309
Seattle: Theodora Home, 6559 35th St. NE., Seattle, Wash---- 115
Vancouver: Smith Towers, 515 Washington St., Vancouver, Wash---- 170
Warm Beach: Warm Beach Manor, Rt. 1, Box 120, Warm Beach, Wash---- 40
Walla Walla: Mike Foye Home, 408 West Poplar St., Walla Walla, Wash---- 28
Yakima: Yakima First Baptist Homes, 515 East Yakima Ave., Yakima, Wash---- 153

Under construction:
Tacoma: Harborview Properties, Inc., 23600 Marine View Dr., Zenith, Wash---- 198
Wenatchee: Wenatchee Immanuel Baptist Homes, Inc., 512 Terminal St., Wenatchee, Wash---- 80

WEST VIRGINIA

Completed:
Charleston: Brooks Manor, 23 Brooks St., Charleston, W. Va---- 60

Under Construction:
Morgantown: Friendship Homes, Inc., Post Office Box 75, Morgantown, W. Va---- 62

WISCONSIN

Completed:
Milwaukee: Cambridge Apartments, 1831 North Cambridge Ave., Milwaukee, Wis---- 104
Wisconsin Dells: Dells Housing, Inc., 225 Washington Ave., Wisconsin Dells, Wis---- 41

WYOMING

Completed:
Cody: Mountainview Manor, 1339 Sunset Blvd., Cody, Wyo---- 47
Powell: Rocky Mountain Manor, 140 North Cheyenne, Powell, Wyo---- 78
Thermopolis: Canyon Village Senior Citizens Housing, Thermopolis, Wyo---- 50
Casper: Skyline Towers, Inc., 300 East Railroad Ave., Casper, Wyo---- 101

Approved:
Golden Manor, Inc---- 26

PROPOSED COAL MINE SAFETY REGULATIONS TO BE OPEN TO PUBLIC COMMENT

Mr. WILLIAMS of New Jersey. Mr. President, on June 29, 1970, I urged the Secretary of the Interior to permit all interested members of the public to comment on proposed amendments to the Department's regulations under the Federal Coal Mine Health and Safety Act of 1969.

I am pleased to inform my colleagues that the Department of the Interior has agreed, by letter of July 21, to open these proposed amendments to public comment.

I ask unanimous consent that my letter to the Secretary and a letter to me from the Acting Secretary, informing me of this decision, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 29, 1970.

The Honorable WALTER J. HICKEL,
Secretary of the Interior,
Interior Building,
Washington, D.C.

DEAR MR. SECRETARY: On Friday, June 19, 1970, the staff of the Senate Labor Subcommittee was invited by your Department to observe a series of meetings, which began on June 22, 1970, between representatives of the Department of the Interior, the Bituminous Coal Operators Association, the National Independent Coal Operators Association and the United Mine Workers of America. The expressed purpose of these meetings was to consider proposed amendments to regulations issued under the Federal Coal Mine Health and Safety Act.

The present regulations were issued on March 28, 1970, to become effective on March 30, 1970. The short notice and lack of opportunity to comment on the March 28 publication contributed material to the administrative problems and confusion in the mine fields, which have developed in the first phase of the administration of the Act.

Although my representative has reported that these meetings are serving a constructive purpose, it is clear they would have been of considerably greater value had they been held six weeks to three months prior to the publication of the March 28 regulations.

It is also clear, however, that several critical deficiencies attach to the meetings. They have been held with no prior public announcement. No record has been made, and participation has been limited. In other words, the statutory safeguards, assuring that all interested parties will be heard, are not being observed.

In view of the growing discontent of the Nation's coal miners and the growing loss of confidence in the enforcemet of the health and safety law, this is a most unfortunate procedure. Because of the adverse criticism and unnecessary problems caused by the failure to allow comment on the March 28 publication of the regulations, to bar comment again would create further doubt as to Interior's ability to administer this Act competently and effectively.

I believe that it is vital, in these tumultuous times in the coal fields, for you to take appropriate steps to assure that the statutory safeguards are applied to these meetings concerning issues of life and death to the Nation's miners, including the broadening of opportunities for interested parties to comment.

Sincerely,

HARRISON A. WILLIAMS, Jr.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 21, 1970.

Hon. HARRISON A. WILLIAMS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This will respond to your letter of June 29, in which you express views regarding our coal mine regulations filed on March 28, 1970, and regarding the meetings we held starting June 22, 1970.

Please understand that we are of the opinion that our issuance of regulations under the Coal Mine Health and Safety Act does not require hearings or requests for comments, except when the Secretary proposes regulations which exceed the requirements of the Act and therefore did not require hearings or comments.

The recent meetings, which began on June 22, were not meant to be hearings. Rather, they were a practical effort to get information which would serve as a basis for our developing more effective regulations which would improve coal mine health and safety.

You will be pleased to know that we now are in the process of republishing a revised set of regulations. They will replace the present ones. Although in our opinion not required, we intend to invite written comments on the rewritten regulations. We believe that such a procedure will enhance understanding, will generate usable suggestions which we can incorporate in the rewritten regulations, and thus will promote the maximum coal mine health and safety results.

We will keep you informed of our progress on these replacement regulations.

Sincerely yours,

FRED J. RUSSELL,
Acting Secretary of the Interior.

THE WALL OF SILENCE

Mr. HANSEN. Mr. President, the wall of silence erected by the North Vietnamese between the 1400 American prisoners of war and their families here still remains.

The North Vietnamese violation of the Geneva Prisoner of War Convention continues, even though that government is a signatory.

But, as Alexander Pope wrote:

"Hope springs eternal in the human breast."

We shall not give up hope that our efforts to persuade the North Vietnamese to obey the convention will in the end prevail.

DRAFT CALLS RETURN TO PRE-VIET SIZE

Mr. HANSEN. Mr. President, I note that the Secretary of Defense yesterday announced that our draft calls for the rest of 1970 will average below 10,000 a month, which will be a return to the level that existed before the escalation in the Vietnam war.

Specifically, this is the lowest monthly draft call since March 1965 when the call was for 7,900.

I should also like to point out that in October 1967, 49,200 of our young men were drafted to serve in our Armed Forces. A goodly percentage of these, perhaps as many as three-quarters of them, were sent to Vietnam; and, on the basis of estimated casualty rates, we would have to assume that approximately 1,000 of these may have lost their lives.

The President of the United States ran for that office in 1968 with the promise to wind down the war.

He is doing it. This is an example of what he has accomplished.

I ask unanimous consent that the article published in the Washington Post this morning on this subject be printed in the RECORD at this point:

[From the Washington Post, July 24, 1970]

DRAFT CALLS RETURN TO PRE-VIET SIZE

Secretary of Defense Melvin R, Laird said yesterday that draft calls for the rest of 1970 will average below 10,000 a month, a return to pre-Vietnam levels.

"In the remaining months of this year," Laird said, in a speech for about 550 students working as summer interns with the government, "I anticipate that draft calls will average below 10,000 per month."

In the past, he has predicted that total draft calls this year will fall between 150,000 and 170,000 young men, compared with the 290,000 drafted in 1969.

Aides said Laird still sticks to that forecast. Through August, draft calls this year have totaled 124,500.

COMMUNICATION FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letter, which was referred as indicated:

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired) (Rept. No. 91-1035).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE:

S. 4118. A bill to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

(The remarks of Mr. DOLE when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. HARTKE:

S. 4119. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of World War I veterans and thier widows; to the Committee on Finance.

(The remarks of Mr. HARTKE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 4120. A bill to protect the public health and welfare by providing for the inspection

of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness; to the Committee on Agriculture and Forestry.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 4121. A bill for the relief of Baptist College at Charleston, Charleston, S.C.; to the Committee on the Judiciary, by unanimous consent.

(The remarks of Mr. THURMOND when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. STENNIS:

S. 4122. A bill for the relief of Nicholaos Demitrios Apostolakis; to the Committee on the Judiciary.

By Mr. ALLOTT (for himself, Mr. DOMINICK, and Mr. HANSEN):

S. 4123. A bill to designate the Chatfield Dam and Reservoir and the Blue Mesa Reservoir as the Edwin C. Johnson Dam and Reservoir and the Eugene D. Millikin Reservoir, respectively; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. ALLOTT when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4119—INTRODUCTION OF THE "WORLD WAR I PENSION ACT OF 1970"

Mr. HARTKE. Mr. President, I introduce today a bill to provide World War I veterans and their widows with badly needed and long overdue pension increases. As each succeeding Congress convenes and adjourns the need for this legislation grows ever more necessary.

The tendency to forget things of the past should not be allowed to cause want and deprivation to those who are heroes now as well as when they fought in the trenches of France. We must do for them at least what we are doing for the present day GI.

Mr. President, each year our World War I veterans are growing older, and their ranks and those of their widows are growing thinner. A man who was only 18 when the war ended will be 70 this year. Those who were 28 will be 80. For them there was no GI bill of rights as there was for the World War II and Korean veterans. They are truly the forgotten heroes. Today there are approximately 1,500,000 World War I veterans. Widows number approximately 1,350,000. Their ranks thin at the rate of over 600 per day. The costs of this bill would be minimal. Yet the economic benefits to those receiving the pensions would provide these forgotten Americans with peace of mind and dignity in their last years. Also, we should not forget the benefit to the economy by the substantial increase in purchasing power represented by this bill. The time is long overdue to grant these veterans and widows the recognition and benefits that are theirs in all fairness.

These men are still living among us. Many of them are in need of the kind of benefits this bill would give, if only to put them on some plane of equality with those who have in more recent times marched to preserve this country and all it stands for.

Mr. President, the bill sets a requirement of 90 days of service or more during World War I for eligibility, or shorter service if it culminated in discharge or release for service-connected disability. A World War I veteran would receive $100 per month if unmarried and with less than $2,400 annual income; or if married and with less than $3,600 income. If the veteran is helpless or blind, or requires the regular aid or attendance of another person an additional sum of not less than $70 per month would be given.

There is also provision for widows of World War I veterans at the rate of $75 per month. But to qualify the widow must have married the veteran before December 14, 1944, or have been married for at least 5 years before his death or be the mother of a child born to them.

This bill represents no bonanza for anyone. The income test sees to that. It provides income for those who really need it. It provides dignity for those barely subsisting on personal or governmental handouts. It will help raise from abject poverty many who are now in their final years. Let us now act to make those last few years—years of security and dignity.

Mr. President, the time is long overdue to provide these veterans and their wives or widows what they have a right to expect.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 4119) to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions of World War I veterans and their widows, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 4120—INTRODUCTION OF THE "FOREIGN DAIRY QUALITY ACT OF 1970"

Mr. NELSON. Mr. President, today I am introducing legislation, for appropriate reference, establishing stricter regulations to prevent unsanitary or badly contaminated foreign dairy products from coming onto the American market.

Food and Drug Administration figures show nearly a 10-percent annual rejection rate for the small portion of dairy imports now inspected.

Our customs officials often check less than 10 percent of incoming shipments of foreign dairy products. Yet, they find contamination of unsafe additives in about one dairy import in every 10 offered to the American market.

American dairy farmers and processors have been for too long on the short end of a double standard because of the strict sanitary standards they must meet.

Farmers and businessmen must invest thousands of dollars for special equipment and buildings to meet local, State, and Federal health regulations.

But we have no assurance that foreign dairy farms and plants whose products are marketed in the United States will be operated under comparable sanitary requirement.

Imposing this financial burden on American dairymen without similar requirements on producers of foreign products which compete directly with U.S. commodities is unfair and discriminatory.

This legislation will require foreign dairy farms and processing plants producing dairy commodities for U.S. consumption to meet sanitary standards set by the U.S. Department of Agriculture.

The quality controls established by this bill would insure that the health of the citizens of the United States is not jeopardized by substandard conditions in other countries.

The U.S. Government maintains a stringent quality control program for all American dairy operations produced for export under U.S.-supported export programs.

In effect we are protecting the health of citizens in foreign countries receiving our products through the food for peace programs and various AID projects, but are failing to apply the same safeguards to dairy imports from many of those same countries.

I ask unanimous consent that the text of this bill be provided at this point in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4120) to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for quality and wholesomeness, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Dairy Quality Act of 1970".

SEC. 2. For the purposes of this Act:

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The terms "dairy products" and "milk products" mean those food products derived from milk, including milk such as butter; cheese (whether natural or processed); dry, evaporated, stabilized, condensed or otherwise processed milk, cream, whey and buttermilk; edible casein; frozen desserts; and any other food product which is prepared in whole or in part from any of the aforesaid products as the Secretary may hereafter designate.

(4) The term "wholesome" means sound, healthful, clean, and otherwise fit for human food.

(5) The term "labeling" means labels and other written, printed, or graphic matter on or attached to the container of any dairy product.

(6) The term "purity" means free from poisonous or deleterious substances which may render the product injurious to health.

(7) The term "quality" means the minimum quality standards defined by the Secretary in accordance with this Act.

(8) The term "administration and super-

vision" means the administrative review of foreign country laws, regulations, and enforcement procedures offered as being comparable to United States laws, regulations, and enforcement procedures, under the provisions of this Act, and the supervision of inspection personnel both here and abroad.

(9) The term "inspection" means the official service rendered by the Department of Agriculture, under the administration and supervision of the Secretary, for the purposes of carrying out the provisions of this Act.

SEC. 3. (a) No dairy product shall be imported into the United States unless it has been inspected and found to be wholesome and unless the foreign farms and plants in which such products were produced, manufactured or processed comply with all the inspection, grading, and other standards prescribed by the Secretary pursuant to the provisions of this Act.

(b) The standards established by the Secretary for any imported dairy product and for the establishments in which such imported dairy product is produced, manufactured or processed shall be comparable to those standards prescribed by the Secretary for the same kind of dairy product produced, manufactured or processed in the United States and for establishments in the United States in which the same kind of product is produced, manufactured or processed whenever the Secretary, in connection with any dairy product program carried out by the Department of Agriculture has established standards for such product and for the establishments in which such product is produced, manufactured or processed. The Secretary shall establish standards with respect to those kinds of imported dairy products (and the establishments in which they are produced, manufactured or processed) for which no Federal standards have been established, and such standards shall be equivalent to those standards heretofore established for other kinds of dairy products and the establishments in which such other kinds of dairy products are produced, manufactured or processed.

(c) The labeling of imported dairy products shall comply with the requirements of the Fair Packaging and Labeling Act and shall be otherwise marked as the Secretary may require.

SEC. 4. (a) For the purpose of establishing comparable inspection requirements and preventing the importation of dairy products produced, manufactured, or processed in foreign dairy farms or plants not approved for inspection by the Department of Agriculture, the Secretary shall, where and to the extent necessary, require such products to be accompanied by a certificate of compliance issued by the exporting country in accordance with rules and regulations prescribed by the Secretary establishing minimum standards as to the quality of the milk, farms, and plant facilities, equipment, and procedures used in the production, manufacture, and processing of such products.

(b) The Secretary shall cause to be inspected, in accordance with such rules and regulations as he may prescribe, all dairy products imported into the United States.

SEC. 5. (a) All imported dairy products shall, after entry into the United States, be subject to the Federal Food, Drug, and Cosmetic Act, and other Acts providing for the inspection, testing, or grading of dairy products to insure their purity and to insure that they are wholesome in the same manner and to the same extent as if such products were produced in the United States.

(b) The Secretary is authorized to prescribe rules and regulations to carry out the purposes of this Act, and such rules and regulations shall provide for the destruction of dairy products offered for entry and refused admission into the United States, unless such dairy products are reexported or brought into compliance within the time fixed therefor in such rules and regulations.

(c) All charges for storage, cartage, and labor wtih respect to any article which is imported contrary to this Act shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such article and any other article thereafter imported under this Act by or for such owner or consignee.

SEC. 6. In carrying out the provisions of this Act, the Secretary may cooperate with foreign governments, other departments and agencies of the Federal Government, and with appropriate State agencies, and may conduct such examinations, investigations, and inspections as he determines necessary or appropriate through any officer or employee of the United States, of any State, or of any foreign government, who is licensed by the Secretary for such purpose.

SEC. 7. (a) The Secretary may prescribe such assessments and collect such fees as he determines necessary to cover the cost of the inspection services rendered under the provisions of this Act.

(b) Except as provided in subsection (a) of this section, the cost of administering and supervising the provisions of this Act shall be borne by the United States.

SEC. 8. There is hereby athorized to be appropriated such sums as are necessary to carry out the administration and supervision of the provisions of this Act.

SEC. 9. Any person who knowingly violates the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 and imprisoned not more than one year, or both.

SEC. 10. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 11. This Act shall take effect 180 days after enactment.

S. 4121—INTRODUCTION OF A BILL FOR THE RELIEF OF THE BAPTIST COLLEGE AT CHARLESTON, CHARLESTON, S.C.

Mr. THURMOND. Mr. President, I introduce a bill for the relief of the Baptist College at Charleston, Charleston, S.C. I ask unanimous consent that it be referred to the Committee on the Judiciary.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be received and referred, without objection, to the Committee on the Judiciary.

The bill (S. 4121) for the relief of Baptist College at Charleston, Charleston, S.C., introduced by Mr. THURMOND (for himself and Mr. HOLLINGS), was received, read twice by its title, and referred to the Committee on the Judiciary, by unanimous consent.

S. 4123—INTRODUCTION OF A BILL IN HONOR OF EUGENE D. MILLIKIN AND EDWIN C. JOHNSON, FORMER U.S. SENATORS FROM COLORADO

Mr. ALLOTT. Mr. President, on May 30, Colorado's former Senator, Edwin C. Johnson, died.

The Denver Post recognized this recent loss in a lead editorial on June 1. In its recitation of his many accomplishments, the following is stated:

In the U.S. Senate—with his equally brilliant Colorado colleague—U.S. Senator Eugene D. Millikin—Colorado had a one-two punch that was remarkable. Millikin was Republican but they saw eye to eye on the issues of paramount relevance to the state and nation.

Gene Millikin died July 26, 1958. There is no doubt of the highly distinguished contributions and service of both Edwin C. Johnson and Eugene D. Millikin and, as the Denver Post editorial points out, though Democrat and Republican, partisan interests were laid aside when it came to the vital questions affecting Colorado and our Nation.

Senator Johnson and Millikin served their State and Nation with great distinction, and it was my honor to have known them both.

Thus, Mr. President, I am introducing today, with Senators DOMINICK and HANSEN a bill to establish monuments to their preeminent dedication and illustrious public service.

The bill we are introducing will change the name of the Blue Mesa Reservoir in Colorado to the Eugene D. Millikin Reservoir, and the name of the Chatfield Dam and Reservoir in Colorado to the Edwin C. Johnson Dam and Reservoir.

Both of these men loved the high Colorado Mountains which overlook the cold clear waters of these reservoirs. Each was committed to, and outstanding in, his work to meet the great challenges of the West including those presented by nature. Each was brilliant in his accomplishments on behalf of proper water conservation and control measures and I deem it highly fitting and proper to name these water conservation features in their remembrance.

It is especially decorous to make this tribute and memorial in a single measure in view of their many united endeavors and common interests.

It should also be noted that each completed his elective public service career at the same time. Ed Johnson retired from the Senate in 1954 after 18 years and then served as Colorado's Governor through 1956. And, in the fall of 1956, Gene Millikin, after 15 years in the Senate, determined not to seek reelection due to his ill health.

Thus it was that the State of Colorado, which had reaped many benefits from the service of these statesmen, suffered a dual loss; it is all the more proper to make this dual memorial.

Mr. President, I send the bill to the desk for appropriate reference to accomplish this purpose on behalf of myself and my colleague, Mr. DOMINICK, and ask that the bill be printed in the RECORD, together with a statement, immediately following my remarks, of my colleague, Mr. DOMINICK.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD together with the statement of Mr. DOMINICK.

The bill (S. 4123) to designate the Chatfield Dam and Reservoir and the Blue Mesa Reservoir as the Edwin C. Johnson Dam and Reservoir and the Eugene D. Millikin Reservoir, respectively, introduced by Mr. ALLOTT (for himself, and Mr. DOMINICK), was received, read twice by its title, referred to the Committee on Interior and Insular

Affairs, and ordered to be printed in the RECORD, as follows:

S. 4123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam and reservoir known as the Chatfield Dam and Reservoir, located on the South Platte River in Colorado, is hereby designated as the Edwin C. Johnson Dam and Reservoir.

SEC. 2. The reservoir known as the Blue Mesa Reservoir, located on the Gunnison River in Colorado, is hereby designated as the Eugene D. Millikin Reservoir.

SEC. 3. Any law, regulation, document, or record of the United States designating or referring to the Chatfield Dam and Reservoir or the Blue Mesa Reservoir shall be held to be a designation of or reference to the Edwin C. Johnson Dam and Reservoir or the Eugene D. Millikin Reservoir, respectively.

The statement of Mr. DOMINICK is as follows:

Mr. President, it gives me great pleasure to join my distinguished senior colleague in sponsoring this bill to commemorate two great Coloradans and Americans. Without question, the service rendered to the people of Colorado by these two men was outstanding in the history of our state and in the country as a whole.

Eugene Millikin served in the United States Senate from 1941 until physical disabilities forced him to retire in 1957. For two years he served as Chairman of the Senate Finance Committee and expended exhaustive efforts to rewrite and codify the tax code. He was also a prominent member of the Interior and Insular Affairs Committee as well as Chairman of the Republican Conference. Renowned for his wit and debating skill in general, Gene was beloved by his fellow members and by the people of Colorado.

Gene Millikin's senior colleague in the Senate for 14 years was Ed Johnson. Although Gene was a Republican and Ed a Democrat, the two Senators' respect for each other and mutual dedication to the people of their State often caused them to join forces in an unusually effective partnership to further the interests of Colorado.

For a continuous period of 35 years, Ed Johnson represented the people of Colorado as Governor, member of the Colorado House of Representatives, Lt. Governor, and for 18 years, a member of the United States Senate. While a member of this body, he was a conscientious and tireless member of the Senate Committee on Military Affairs, Finance, Manufacturing, Interstate Commerce, and Indian Affairs. The esteem in which he was held by the people of Colorado is perhaps best evidenced by the fact that he was undefeated in eleven straight elections. His following was not restricted to the citizens of Colorado alone. On the contrary, his understanding of the problems of water distinguished him in the eyes of citizens of most Western states.

As a man, "Big Ed," as he was affectionately called by all who knew him, was one of the warmest and most sincere human beings it has ever been my pleasure to know. It was indeed a privilege to have known him on a personal basis for some twenty years.

Mr. President, it is only fitting that these two men be honored in the manner this bill proposes. In addition to working extensively and successfully for the Upper Colorado Storage Project, the Purgatory River Dam, and numerous other measures to help solve the water problems of the West in general and Colorado in particular, Gene Millikin and Ed Johnson also accomplished much of the groundwork for the Fryingpan-Arkansas Project which was enacted in 1962 when I was a member of the House and my distinguished senior colleague a member of this body. That is why, Mr. President, I co-sponsor and urge favorable action on this legislation to honor and commemorate these two distinguished former members of this body and honored Coloradans.

Mr. HANSEN. Mr. President, with the permission of the Senator from Colorado, I should like very much to be included as a cosponsor of his bill.

It was my distinct privilege to know both these very fine Senators. I too, held them in high regard, as has just been attested to by the Senator from Colorado; therefore, if it is not inappropriate, I should like to be added as a cosponsor.

Mr. ALLOTT. Mr. President, I know that the distinguished Senator from Wyoming as a former Governor of Wyoming worked with both Senators Millikin and Johnson. and not only in a political sense.

My colleague, Mr. DOMINICK, and I are most happy and believe it would be most appropriate to have his cosponsorship of the bill and, Mr. President, I ask unanimous consent that the name of the Senator from Wyoming (Mr. HANSEN) be added as a cosponsor.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Mr. HANSEN. I thank the Senator from Colorado very much.

Mr. ALLOTT. I thank the distinguished Senator from Wyoming for his support.

SENATE CONCURRENT RESOLUTION 75—SUBMISSION OF A CONCURRENT RESOLUTION TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 2601

Mr. BYRD of West Virginia (for Mr. TYDINGS) submitted an original concurrent resolution (S. Con. Res. 75) directing the Secretary of the Senate to make corrections in the enrollment of S. 2601, which was considered and agreed to.

(The remarks of Mr. BYRD of West Virginia when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 3844

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maine (Mr. MUSKIE), the Senator from Texas (Mr. YARBOROUGH), the Senator from Michigan (Mr. HART), the Senator from Wisconsin (Mr. NELSON), the Senator from New York (Mr. GOODELL), and the Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of S. 3844, the Franchise Full Disclosure Act of 1970.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

S. 4039

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Nevada (Mr. BIBLE) I ask unanimous consent that, at the next printing, the names of the Senator from Alabama (Mr. SPARKMAN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Wisconsin (Mr. NELSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Oklahoma (Mr. HARRIS), the Senator from New Hampshire (Mr. MCINTYRE), the Senators from Alaska (Mr. GRAVEL) and (Mr. STEVENS), and the Senator from Montana (Mr. METCALF) be added as cosponsors of S. 4039, to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 24, 1970, he presented to the President of the United States the enrolled bill (S. 3279) to extend the boundaries of the Toiyabe National Forest in Nevada, and for other purposes.

ADDITIONAL STATEMENTS OF SENATORS

ADDITIONAL DEATHS OF ALABAMIANS IN VIETNAM

Mr. ALLEN. Mr. President, I have previously placed in the RECORD the names of 997 Alabama servicemen who were listed as casualties of the Vietnam war through March 31, 1970. In the period of April 1 through June 30, 1970, the Department of Defense has notified 45 more Alabama families of the death of loved ones in the conflict in Vietnam, bringing the total number of casualties to 1,042.

I wish to place the names of these heroic Alabamians in the permanent archives of the Nation, paying tribute to them, on behalf of the people of Alabama, for their heroism and patriotism. May the time not be distant when there will be no occasion for more of these tragic lists.

I ask unanimous consent to have printed in the RECORD the names and next of kin of these 45 Alabamians.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF CASUALTIES INCURRED BY U.S. MILITARY PERSONNEL FROM THE STATE OF ALABAMA IN CONNECTION WITH THE CONFLICT IN VIETNAM, APRIL 1, 1970, THROUGH JUNE 30, 1970

ARMY

Capt. Willie J. Ridgeway, husband of Mrs. Ingeborg M. Ridgeway, 705 Raines Drive, Mobile, 36609.

Pfc. John L. Smith, son of Mr. and Mrs. John Smith, Route #1, Box 120, Millbrook, 36054.

Sgt. James F. Lee, husband of Mrs. Mattie A. Lee, Route 1, Box 120, Gallion, 37742.

Pfc. Richard L. Higginbotham, son of Mr. and Mrs. Billy L. Higginbotham, 516 Cedar Hill Drive, Scottsboro, 35768.

Pfc. Leroy Nelson, son of Mrs. Eula M. Nelson, Route 4, Box 770, Theodore, 36582.

Spc. 4 Edward E. Howard, son of Mr. and Mrs. Edward Howard, Route #2, Box 42, Tuskegee, 36083.

Capt. Howard R. Andrews, Jr., son of Mr.

and Mrs. Howard R. Andrews, Sr. 3124 Acklen Drive, S.W., Huntsville, 35805.

Maj. George E. Powell, husband of Mrs. Joy M. Powell, 224–B Ruemaison, Mobile, 36608.

Spc. 4 Richard A. Moiren, son of Mr. and Mrs. Freddie F. Moiren, Route 4, Box 503, Mobile, 36609.

Pfc. Albert C. Powell, son of Mr. Albert C. Powell, 5142 Avenue "C", Fairfield, 35064.

Maj. James A. Russ, husband of Mrs. Mattie L. Russ, P.O. Box 143, Daphne, 36526.

S. Sgt. Joseph T. Roberson, husband of Mrs. Gloria J. Roberson, 601 North Maine Street, Enterprise, 36330.

Sgt. Larry N. Jones, son of Mr. and Mrs. Cecil T. Jones, Sr., Route 1, Box 316, Oakman, 35579.

Spc. 4 Willie Austin, Jr., son of Mr. and Mrs. Willie Austin, Sr., P. O. Box 161, Mount Vernon, 36560.

Pfc. Paul D. Brannon, son of Mr. and Mrs. Daniel T. Brannon, Route 1, Newville, 36353.

Spc. 4 Ramon L. Grayson, son of Mr. and Mrs. Nelson Grayson, Route #1, Box 11, Dixon Mill, 36736.

WO1 Lawrence J. Herman, III, son of LTC and Mrs. Lawrence J. Herman, Jr., 103 Wesley Drive, Ozark, 36360.

S.Sgt. James Bush, husband of Mrs. Edna M. Bush, Route #2, Box 211, Mumford, 36268.

Pvt. Jimmy L. Thompson, son of Mr. and Mrs. Major Thompson, Route #2, Box 338–A, Florence, 35630.

Second Lt. Morgan W. Weed, husband of Mrs. Carolie R. Weed, 1807 Woodmont Drive, S.E., Decatur, 35601.

Sgt. John L. Hendon, husband of Mrs. Sharon A. Hendon, Box 424, Carbon Hill, 35549.

WO1 Donald R. White, son of Mr. and Mrs. Florin W. White, 31 Tein Manor, Northport, 35746.

Spc. 4 Edward E. Nisewonger, son of Mr. and Mrs. Roy Nisewonger, Jr., P.O. Box 268, Flomaton, 36441.

WO1 Raymond H. Krug, Jr., husband of Mrs. Clara A. Krug, P.O. Box 221, New Brockton, 36351.

Pfc. Jessie F. Sanders, son of Mrs. Ruby I. Sanders, Hollytree, 35751.

Spc. 4 Frank D. Salter, son of Mr. and Mrs. Alexander Salter, Route 2, Box 333A, Evergreen, 36401.

Capt. Eddie J. Molino, husband of Mrs. Nancy R. Molino, 416 Bryant Street, Brundidge, 36010.

S.Sgt. Cecil C. Shofield, son of Mr. and Mrs. Clary C. Schofield, 1610 Wood Avenue, Florala, 36442.

1st Lt. Claude H. Cargile, son of Mr. and Mrs. Robert M. Cargile, 1200 Wakefield Drive, Tuscaloosa, 35401.

1st Lt. Larry F. Mattingly, husband of Mrs. Chikako W. Mattingly, 1 Hall Drive, Ozark, 36360.

Spc. 4 Dannie L. Hawkins, son of Mr. and Mrs. Claudie C. Hawkins, Route 1, Hanceville, 35077.

Pfc. Ananias Bentford, son of Mr. and Mrs. Eddie D. Stanley, Route 1, Box 63–B, Leighton, 35646.

Pfc. Rodney R. Sanders, son of Mr. and Mrs. Sammie F. Sanders, Route 3, Box 417, Phenix City, 36867.

Sgt. Jerry R. Johnson, son of Mr. Elvis L. Johnson, 331 S. Smith Street, Florence, 35630.

Sgt. Roderick K. Tolbert, son of Mrs. Jessie B. Tolbert, 5308 Avenue "H," Fairfield, 35064.

Spc. 4 Howard L. Williamson, son of Mrs. Cornelle Williamson, P.O. Box 212, Ridge Drive, Opelika, 36801.

First Lt. Grady E. McBride, III, husband of Mrs. Judy G. McBride, 705 Lay Street, Gadsden, 35903.

Pfc. Johnny M. Watson, son of Mrs. Zale H. Watson, 323 Smith Street, Mobile, 36607.

Spc. 5 Jimmie L. Chamblee, son of Mr. and Mrs. James I. Chamblee, Route No. 1, Box No. 297, Centre, 35960.

Pfc. John H. McClendon, Jr., son of Mr and Mrs. John N. McClendon, Sr., Route No. 1, Box No. 333, Fyffe, 35971.

Spc. 4 Jerry D. Carver, son of Mr. and Mrs. Vivin T. Carver, 1602 16th Avenue, East, Tuscaloosa, 35401.

Spc. 4 Clint J. Sims, son of Mr. and Mrs. Brice C. Sims, Jr., 1849 49th Street, Central Park, Birmingham, 35208.

Pfc. Harold Carstarphen, Jr., son of Mr. and Mrs. Harold Carstaphen, Sr., 824 Avenue "C," Gadsden, 35901.

MARINE CORPS

L. Cpl. Frank M. Kitchens, Jr., husband of Mrs. Marcia L. Kitchens, 1604 Cherry Avenue, Birmingham, 35214.

Pfc. Adam Jackson, son of Mrs. Virgestine Jackson, 3456 30th Way North, Birmingham, 35207.

AIR FORCE

Capt. Travis H. Scott, Jr., son of Mr. and Mrs. Travis H. Scott, Sr., 3505 Pelzer Avenue, Montgomery, 36109.

FUTURE FARMERS OF AMERICA LAUNCH COMMUNITY DEVELOPMENT PROGRAM

Mr. PEARSON. Mr. President, this morning the Future Farmers of America officially launched their new build our America community program. I have reviewed the informational literature on this new program and I am very much impressed with the quality and imagination of the material.

I am encouraged and pleased by the commitment of this organization of young people to a most worthwhile and challenging effort—that of strengthening and improving our rural communities.

This new program will do a great deal to encourage and assist tomorrow's leaders in becoming more active and more effective in the development of their local communities.

This is a most timely effort. The Nation as a whole is becoming increasingly aware of the need to improve the economic, social, and cultural conditions of our rural communities. We must improve the quality and quantity of opportunities in our smaller communities so that fewer persons will be forced to migrate to the overcrowded and overburdened metropolitan centers.

The Federal Government can and must provide a range of aids and incentives for rural development but, in the final analysis, much of the initiative must come from the local communities themselves. They must identify their problems and define their future goals for improvement. Our young people will necessarily constitute a major source of this initiative. This program now getting underway will help to substantially increase the number of interested and trained local community leaders.

This program is also timely because it affords young people the opportunity to get involved in community affairs, and to make a genuine contribution of their own. Today's youth are distinguished by their eagerness to participate in solving this Nation's problems and the strengthening of that which is best in our country. This program will provide an excellent avenue for greater youth participation.

Mr. President, this program was developed in cooperation with the Farmers Home Administration of the Department of Agriculture. Therefore, I want to salute and commend not only the leaders and advisers of the Future Farmers of America but also the Farmers Home Administration for its important and critical role in putting this program together.

RANDOLPH VOTES TO STRENGTHEN LAW ENFORCEMENT TO CURB CRIME IN THE NATIONAL CAPITAL

Mr. RANDOLPH. Mr. President, I voted in support of the District of Columbia crime bill.

It provides a total and complete overhaul of the hopelessly inadequate court system in the Nation's Capital and will provide better means for more effective law enforcement. I commend the Senator from Maryland (Mr. TYDINGS) for his well-reasoned leadership in this constructive effort.

The court reorganization provisions are critical to effectuate permanent reduction in the criminal case backlog in the Capital. The bill's codification of portions of criminal law in this city is the first in half a century. The expansion of the public defender service and the bail agency will result in mechanisms to provide adequate representation and supervision of criminal defendants. The second offense minimum mandatory sentencing and wiretap provisions make applicable to local crimes in the District of Columbia penalties and procedures instituted by Congress in previous crime legislation.

Two provisions of the bill have developed into considerable controversy; namely, pretrial detention and no-knock warrants. One of these is a closely safeguarded form of pretrial detention for dangerous criminal defendants, coupled with court reorganization to promote speedy trials and increased bail supervision by an expanded bail agency. It should be emphasized that recent studies have demonstrated that crime committed by persons on court-ordered release is of large enough proportions to be considered of major consequence to law enforcement. The National Bureau of Standards report indicated that 25 percent of persons charged with dangerous crimes and 17 percent of those charged with violent crimes can be expected to be rearrested for further crime while on pretrial release.

The measure conforms the District of Columbia law on search and arrest with Supreme Court decisions which permit a police officer to dispense with the standard notice of his identity and purpose when he serves a search or arrest warrant. Nothing in the conference bill, passed 332 to 64 in the House of Representatives and concurred in 54 to 33 by the Senate, enlarges the authority of officers to search without a warrant. It codifies the Supreme Court decisions which specify that a police officer may enter premises without knocking, when an announcement of his presence and purpose would endanger his life or result in destruction of the evidence for which the court has authorized him to search.

Additionally, the bill increased the number of local trial judges, provides a

modern juvenile code, and provides the temporary assignment of Federal district judges to the local trial bench.

The need for action and the time for action is now. We must curb the increasing crime rate. This measure will provide the comprehensive approach necessary to resolve this crisis.

INCREASE IN TEXTILE IMPORTS AND JOB OPPORTUNITIES

Mr. THURMOND. Mr. President, two recent articles in the Augusta (Ga.) Chronicle, should be of interest to Members of Congress regarding the legislation in the House on textile import quotas.

First, the Chronicle of July 14 contains an article entitled "Textile Imports Balloon." The article indicates that cotton, wool, and synthetic fiber textile imports totaled 355 million square yards in May, up 3 percent from April, and 12 percent above the same period last year.

The Chronicle of July 13 contains another article, entitled "Negro Employment Jump Noted in Textile Industry." This news story showed that Negro employment in the textile industry increased 21 percent to a level of 14.3 percent of the entire industry during the first half of 1970.

Mr. President, both articles are important. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NEGRO EMPLOYMENT JUMP NOTED IN TEXTILE INDUSTRY

WASHINGTON.—Negro employment in the textile industry increased by 21 per cent to a level of 14.3 per cent of the entire textile work force during the first half of 1970, the American Textile Manufacturers Institute reported Sunday.

The institute, using Bureau of Labor Statistics figures, said this non-white textile employment compares with an average of 10.1 per cent of non-white employment in the nation's entire manufacturing industry.

This improvement in Negro employment in textile manufacturing occurred at a time that the textile employment level was declining, the institute said. The institute also pointed out that the non-white employment percentage for all manufacturing remained unchanged during the past six months.

Negro textile employment in certain counties of North Carolina and South Carolina has reached levels above 40 per cent, the institute said.

TEXTILE IMPORTS BALLOON

WASHINGTON.—Cotton, wool and synthetic fiber textile imports totaled 355 million square yards in May, up 3 per cent from April and 12 per cent higher than May a year ago.

For the January-May period, textile imports totaled 1.7 billion square yards, up 19 per cent from the first five months of 1969.

The value of textile imports in the first five months of this year was $710 million while textile exports totaled $286 million.

Imports from Japan, Hong Kong, Taiwan and Korea accounted for 56 per cent of the trade in the January-May period, up 11 per cent from the same months of 1969.

Cotton imports totaled 142 million square yards, 17 per cent above April but 5 per cent less than May, 1969.

Synthetic fiber imports totaled 201 million square yards, down 4 per cent from April's record but 34 per cent above May, 1969.

Wool imports totaled 13 million square yards, down 7 per cent from April and 27 per cent below May, 1969.

IN PRAISE OF MORMON PIONEERS

Mr. CHURCH. Mr. President, at midday exactly 123 years ago today, Brigham Young and his company of rugged pioneers had at least reached their journey's end. In the "Promised Land" of Salt Lake Valley they sensed that they had found their sanctuary. On this day, atop a high plateau overlooking the valley, President Young lay in one of the caravan's 73 prairie schooners, his body weak with mountain fever. The great Mormon leader was raised gently from his bed to view the towering snow-dusted mountains guarding the peaceful plain below and the brilliant blue waters of the lake. Looking out from the plateau, he exclaimed: "This is the place."

The 102 days exodus West was over, leaving far behind the assassins whose bullets had downed their beloved prophet, Joseph Smith, leaving behind those who sought to persecute them for their religious beliefs. The seemingly endless vistas, the constant danger of attack, the scarcity of food and water, the narrow passes, the mountains to climb, the rivers to ford, the bogs to pull through, the timber wolves, the rattlesnakes, the tired, aching muscles, the sickness, the death—all these hardships had led finally to that glorious day.

Hardly resting from the epic march the Mormon pioneers set out with characteristic determination upon a new mission: the establishment of a distinctive community based on the Bible and the teachings of Joseph Smith. Having for the time being outdistanced their human persecutors, these dauntless men and women now pitted themselves against the challenge of a sparse environment. A flinty soil—and several bent plows—led them to build small dams on streams in order to store and divert a flow of precious water onto the parched earth. With tenacity and trial-and-error ingenuity, the Mormon pioneers became the founders of modern irrigation in America.

Their resourcefulness in bringing water to the desert is representative of their success in other areas. While continuing to resist persecution throughout most of the latter half of the 19th century, the Mormons undertook one of the most remarkable colonizing efforts in the history of our country. They assimilated into their intermountain community thousands of European converts, making them immediately welcome and content in their new homeland. They seeded the entire mountain west with towns and cities, and were the first to settle in my own State of Idaho, founding Fort Lemhi in 1855. Five years later they established the first permanent town in Idaho—and the first school—at Franklin, named for a noted Mormon pioneer, Franklin D. Richards.

Nor have the spiritual ancestors of the Mormon pioneers settled for lesser achishments. The faith and vitality of Mormonism of the 19th century still characterizes the church in 1970. Over 4,000 young LDS members give a year or more to the work of spreading the teaching of their church throughout the United States and overseas, where they have proved outstanding citizen-ambassadors for our country as well as for their church. Partially as a result of this missionary work, the Church of Jesus Christ of Latterday Saints now has more than 2.8 million members, an increase of 74 percent during the 1960's. The Mormons continue to offer a model of church service: they are quick to help those members suffering from illness or want, and the excellence of their programs for young people is well known.

The quality of the LDS commitment to education is equally outstanding; the most Mormon State in the Nation, Utah, is also the most extensively educated. Brigham Young University, the keystone of the church's own higher educational system, has grown to more than 25,000 students and, nestled in the tree-shaded foothills of Provo, it is surely one of the most beautiful universities in the world. In my State at Rexburg, Idaho, the LDS Church can take pride in Ricks College, which now enrolls over 4,500 students on an expanding campus where 16 new school buildings have been erected since 1962. The Mormons have also constructed 69 other new schools during the 1960's located chiefly in South America and the South Pacific. The church publishes a magazine in 17 languages and lesson manuals in 21 languages.

The achievements of Mormons in public life are considerable. One has been a presidential candidate, others have played important roles in Congress, and held such prominent executive positions in Government as Chairman of the Federal Reserve Board, Treasurer of the United States, Secretary of Agriculture, U.S. Commissioner of Education, and Secretary of the Interior, serving under both Democratic and Republican Presidents.

In other human endeavors, Mormons have always been at the forefront, whether the contest be for Miss America or for a boxing championship. Just recently a young athlete at Brigham Young University shattered the world record in the men's 440-yard hurdles race. And, in the world of music, who has not been deeply moved by the Mormon Tabernacle Choir?

The accomplishments of the early Mormon pioneers and their modern counterparts have been extraordinary; they have set a high mark in Christian living. Certainly in the period of divisiveness that presently troubles our land, their strong sense of community is exemplary. I am very proud to join with the people of my State and with those of our sister State to the south, Utah, in paying tribute to the Mormons on this anniversary of the arrival of their forebearers in the Great Salt Lake Valley.

DRAFT U.S. SEABEDS TREATY DISCUSSIONS SHOULD BEGIN

Mr. HOLLINGS. Mr. President, in recent years we have seen growing international interest in the resources of the seabeds, particularly as technology has

developed to make seabed resources economically extractable at ever greater depths. Oil, gas, helium, nitrogen, carbon dioxide, water, geothermal energy, sulfur, saline minerals, and manganese nodules on and under the seabeds are among the resources of interest to the United States and other countries.

Facing the United States and other countries as we turn toward use of resources of the seabed and subsoil are many complex problems. Scientific, technical, military, legal, and political issues are raised by our prospective use of the seabeds and incursion into territory to which no nation has a traditional claim of sovereignty or sovereign rights.

The Stratton Commission stated the problem, quoting President Johnson:

> Under no circumstances must we ever allow the prospect of rich harvest and mineral wealth to create a new form of colonial competition among the maritime nations. We must be careful to avoid a race to grab and to hold the lands under the high seas. We must ensure that the deep seas and the ocean bottoms are, and remain, the legacy of all human beings.

In addition, the Stratton Commission cited other objectives that any international framework for minerals exploration and extraction must have:

> It must encourage scientific and technological efforts and the other major capital investments needed for such exploration and exploitation by making it possible to conduct these activities in an orderly and economic manner.
>
> It must give the United States and all other nations a fair chance to engage in minerals exploration and exploitation.
>
> It must minimize the creation of vested interests that will inhibit changes in the framework deemed desirable in the light of unfolding experience with actual exploration and exploitation.
>
> It must seek to avoid and not to provoke international conflict.

While President Johnson's statement and the Stratton Commission's report set forth objectives clearly, the Johnson administration and the Nixon administration did not have a clear statement of policy regarding the ocean seabeds. Indeed, this was the subject of much discussion, and a special study on U.S. suboceanic lands policy was conducted by the Commerce Committee last fall, of which I had the privilege to be chairman. Other committees were also interested. The Senator from Rhode Island (Mr. PELL), of the Foreign Relations Committee, had introduced Senate Resolution 33, and spoke eloquently on the need for clear U.S. policy regarding the seabeds. The Senator from Montana (Mr. METCALF) is chairman of a Special Subcommittee on Outer Continental Shelf of the Committee on Interior and Insular Affairs, and has also conducted extensive hearings late last year and into this spring. Until May 23 this year, the U.S. Government had no position on the seabeds; it was busy formulating one.

On May 23 the President announced a bold, thoughtful and controversial U.S. oceans policy. He proposed that:

> All nations adopt as soon as possible a treaty under which they would renounce all national claims over the natural resources of the seabed beyond the point where the high seas reach a depth of 200 meters (218.8 yards) and would agree to regard these resources as the common heritage of mankind. He proposed establishing an international regime for exploitation of seabed resources beyond the 200 meter limit, providing for the collection of mineral revenues for international community purposes. The treaty he proposed would establish general rules to prevent unreasonable interference with other uses of the oceans, to protect the ocean from pollution, to assure the integrity of the investment necessary for such exploitation, and to provide for peaceful and compulsory settlement of disputes.

Importantly, the President proposed that the treaty provide that coastal nations act as trustees for the international community in an international zone extending from the 200 meter limit to the edge of their continental margin. He also proposed that international machinery to authorize and regulate exploration and use of seabeds resources beyond the continental margins be included in the treaty.

At the same time, the President announced an effort to obtain a new law of the sea treaty, establishing a 12-mile limit for territorial seas and providing for free transit through international straits.

Mr. President, anyone knows that when he holds to the middle of the road he is bound to get hit from both directions. The President's proposal is no exception. Some in the United States have accused the President of renouncing portions of its sovereign territory. And at the recent Pacem in Maribus conference in Malta, representatives from less industrialized countries accused the President of another colonialistic grab.

Those of us who had a chance to study the President's proposal saw many ideas and problems couched in the general language. The President promised that specific proposals would be introduced at the next meeting of the U.N. Seabeds Committee to carry out the objectives of his proposal. We have all waited those specifics, and recently many here on the Hill received copies of a draft of the proposed treaty, which finally puts specific proposals on paper.

I welcome seeing the draft treaty, because now the process can begin in earnest and we can talk specifics. No more do we need vague statements and broad outlines; the draft provides specific approaches to grapple with. But I stress that this is the beginning of a process that is like the legislative process with which we are more familiar. A draft treaty, like a newly introduced bill, is not a final commitment or enactment of law. When proposed and introduced, it begins a process of discussion and negotiation that may or may not result in a treaty.

The exploration and extraction of mineral resources of the seabeds is a complex subject. Any treaty on the subject will necessarily be complex also. A great deal of consultation with Members of Congress and our staffs, with environmental, scientific, industrial, international, and other interests will be necessary before any treaty results.

Mr. President, it is important that these talks begin soon and that the United States be the leader in initiating specific discussions. For this reason I am supporting the President's proposal to introduce the proposed draft seabeds treaty at the August 3 convening of the U.N. Seabeds Committee in Geneva.

I give this support in full knowledge of the controversy that has arisen around the draft treaty. But I emphasize that it is important to begin and important to understand that the present draft is not necessarily the final version that may result. Complex international discussions must begin, and the U.N. Seabeds Committee, in which the United States has a strong voice, is the obvious and proper place for the talks to begin, for the committee represents a broad segment of international interests.

I have had an opportunity to review the draft treaty and there are several reasons why I have concluded that it is in the national interest to begin the international discussions of it now. First, it represents U.S. leadership in an important area in days of waning influence. Second, the draft treaty seeks to rectify an imbalance in the law of the sea that generally works to the detriment of less industrialized countries and countries with no coastlines. It is fair, and in its fairness it protects vital U.S. interests.

It protects national security interests, particularly by proposing an international agreement that would control the excessive creeping jurisdictional claims by certain nations. It protects legitimate interests of U.S. petroleum companies. I was informed that top representatives of U.S. oil interests were consulted as the draft went although various revisions. In fact, counsel for our Subcommittee on Oceanography was present at a meeting at which one of the foremost representatives of oil interests stated unequivocally that oil companies could "live with the President's policy." Representatives of hard mineral companies have also been consulted during the drafting process, and I understand that their interests have been considered and taken into account in the draft treaty. Living resource interests, and scientific interests have also participated and made substantial contributions to the draft. All of these are protected I am convinced.

The proposed treaty has several features that are important and that I want to point out:

It would not turn control over to the United Nations. Coastal states would act as trustees of an international area and would exercise a control and bear responsibilities that are based on a realistic balance between powerful and less powerful nations. The United States would have an effective voice in the international machinery that would be established.

It would provide a mechanism for firm control of exploration and exploitation of minerals such as oil so as not to pollute the ocean environment.

It would provide a mechanism for speedy settlement of international disputes.

It would provide for free and open scientific research, continuing this important freedom of the sea.

It would clearly define the limits of the Continental Shelf and the rights of coastal nations in the area beyond the Continental Shelf over the continental margin.

Despite the fact that the proposed draft treaty is long, complex, and imperfect, it is a good, thoughtful start toward full consideration of the specific issues relating to seabed resources. At some point the Senate may be called upon to give its advice and consent on a seabeds treaty. We would have to know whether the international community would support the President's proposal, to decide whether it is in the best interests of the United States. The time to begin and to find out is now, while the leadership is ours. We should support the President's leadership in this proposal and begin.

Mr. President, in conclusion, I urge that the U.S. representatives to the U.N. Seabeds Committee introduce the proposed treaty at the Geneva meeting in August. And in recognition of the controversy and legitimate concerns many people have about the draft, I also urge that the State Department, the Defense and Interior Departments, and all other affected interests continue full discussions with the Commerce, Foreign Relations, and Interior Committees of the Senate, and with the appropriate committees in the House of Representatives. Together I hope we shall arrive at a sound seabeds treaty.

Mr. President, the distinguished Senator from Washington (Mr. MAGNUSON), chairman of the Committee on Commerce, is necessarily absent today. I ask unanimous consent that a statement by him on this subject be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MAGNUSON

I very much appreciate and support the statement just made by Senator Hollings, the distinguished chairman of the Subcommittee on Oceanography. The points that he makes that we must begin international discussions of a seabeds treaty and must continue full discussions between the affected interests and the appropriate Congressional committees are important.

The uncertainties in the law of the sea regarding seabed resources in the area beyond the 200 meter limit of the continental shelf have been compounded since the Continental Shelf Convention came into force. Now, when technology has advanced to permit mineral exploitation in depths greater than 200 meters, there is an unacceptable uncertainty in the law of the sea that would threaten the security of any economic investment made to extract mineral resources from the continental slope or over the continental margin. We could let the law of the sea develop by custom and by letting nations go out and assert claims the way certain Latin American countries have regarding fishing. Or we could sit down with the many different countries and interests and try to negotiate a rational treaty. Exploitation of seabed resources is too complex and important a subject to let the law of the sea develop haphazardly.

The uncertainty in the law of the sea regarding seabed resources has existed for at least ten years. The pace of individual claims for these resources is accelerating. After long deliberation the President has announced a United States seabeds proposal for introduction at the U.N. Seabeds Committee meeting in August. Rather than risk eroding the leadership the President has exercised, I support the effort to have the President's proposal introduced at the Committee meeting.

I also want it clearly understood that the Committee on Commerce, as well as the Committee on Foreign Relations and the Committee on Interior and Insular Affairs, has considerable interest in this matter and expects to be kept fully informed of the discussions and negotiations on the seabed treaty while they progress. In addition, our Committee expects to continue discussions with all of the affected interests, private and public, as an attempt is made to arrive at a sound seabeds treaty.

SENATOR MILLER ON "CAPITOL CLOAKROOM"

Mr. DOLE. Mr. President, recently the CBS radio program "Capitol Cloakroom" featured the senior Senator from Iowa (Mr. MILLER). Facing questions from three correspondents, our distinguished colleague, a member of the Committees on Finance and on Agriculture and Forestry, and the Joint Economic Committee, provided an incisive analysis of current national issues. The questions focused on an area of the Senator's special knowledge and expertise, the economy, and those who may have missed the broadcast should find Senator Miller's comments interesting and worthwhile.

I ask unanimous consent that the transcript of the July 15 broadcast of "Capitol Cloakroom" be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

CBS CAPITOL CLOAKROOM

Produced by Ellen Wadley.

Guest: U.S. Senator Jack Miller (R-Iowa).

Panel: Bruce Morton, Anchorman; Daniel Schorr; Stephen Rowan.

BRUCE MORTON. Senator Miller, will the economy get better by election time?

DANIEL SCHORR. Senator, will the family assistance plan come out of Congress this year?

STEPHEN ROWAN. Senator Miller, what will the continuing war in Indochina do to the Republicans' hopes of gaining control of Congress this year?

ANNOUNCER. Capitol Cloakroom. From the nation's capital, CBS Radio brings you the 1,123rd presentation of Capitol Cloakroom, a spontaneous and unrehearsed interview with an outstanding public figure. This week's guest is Senator Jack Miller, Republican of Iowa. He meets with CBS news correspondents Bruce Morton, Daniel Schorr, and Stephen Rowan. First we hear from Bruce Morton.

Q—Senator Miller, welcome to Capitol Cloakroom. Our guest is Iowa Republican Jack Miller, first elected to the Senate in 1960, reelected six years later; a member of the Finance and Joint Economic Committees and the Agriculture Committee. Senator, those first two qualify you, I suppose, as as much of an expert as anybody else is these days on the economy. Administration spokesmen keep telling us that things are going to get better. Do you think they'll get better by election time, or do you see the economy as a major issue in this fall's campaigning?

Senator MILLER. I think the economy will be an issue in this fall's campaign. I'm naturally hopeful that it will get a little better but I'm not optimistic about it because I *do* think that when we're moving from a wartime to a peacetime economy, you're bound to have a period of readjustment. There are fewer people working in defense industries now than there were a year ago, and there will be fewer working in the months ahead. There will be fewer people in the armed forces because they're dropping out the numbers in the armed services. And, when you take those factors into account, it looks to me as though we can expect to have an unemployment rate around five percent, perhaps even up to five and a half. And I said myself, a year ago, that after the inflationary binge we'd been on for several years in this country, my knowledge of economics told me that we must expect a period of hurt. Secretary Kennedy stated a year ago that we were paying for our past sins. Now, hopefully, a recession that we would have (and I believe in calling it a "recession") would be a mild one, which might mean five percent unemployed and, hopefully, it would be a short-lived one, which would mean eight or ten months.

I don't see that that eight or ten months' period, if it is a short-lived recession, will be over before the fall elections. And I personally think we'll be doing very well, taking into account the inflationary binge, taking into account the movement from the wartime to a peacetime economy . . .

Q— . . . inflationary binge, Senator Miller?

Senator MILLER. Well, I have to look at who was in control of the Congress. I'm not talking about who was the President because, after all, what the President has to say is just paper and just words. It's the Congress, those in control of the Congress, that implement economic policy, and I must tell you, as you well know, that the Democrats were fully in command of the Congress during those years.

Q—It's almost bound to translate though. It may be that the Democrats were to blame, but people tend to vote on today's bad news. Isn't that going to hurt the Republicans in the fall?

Senator MILLER. Well, I think it's a two-edged sword. I think it depends upon how well-informed the public is. I think it depends upon how well the candidates point up where the responsibility lies. I have always done so in my state; I see no reason why candidates in other states can't do the same thing.

Q—Aren't the Democrats simply going to say, "Well, President Nixon has refused to put into effect any of the proposed controls that we've given him"?

Senator MILLER. Well, of course they will say that but, when you get down to bedrock, the most important thing in this inflation-high interest problem is whether we come out with a reasonably balanced budget. Now, when you have those in control of the Congress exceeding, as of this date, the budget requests of President Nixon by $4 billion, when you had those in control of the Congress run this federal government of ours $25 billion deeper in debt two years ago, I must say that that's where inflation starts. And we've had recent testimony by I. W. Abel, the President of the United Steel Workers, pointing out that wage increases did not really get moving until you had a cost of living increase. And the cost of living increase, or inflation, started right here on Capitol Hill with the inflationary binge, the multi-billion dollar deficit spending binge, by those in control of the Congress. And I think it's high time that the American people understand that the President can make speeches and he can write out anti-inflationary programs on paper, but they're not worth any more than that paper unless the Congress, those in control of the Congress, implement them. Now, let me give you an example of what I'm talking about. Three months ago I was out in Los Angeles on a forum, and James Tobin, a Democrat and former member of the Council of Economic Advisers under President Kennedy, praised—

publicly praised—the Nixon Administration's anti-inflationary program. So, it's a good program, I think, but I must repeat it's no better than the piece of the paper that it's written on unless those in control of the Congress, and I'm of course talking about the Democrats who control the Congress, carry it out. And the most important aspect of carrying that out is to match outgo with income of the federal government.

Q—Well, as Mr. Morton said, the voters are going to look at today's bad news and today's bad news, as you've admitted, in November is likely to be more inflation and a deeper and deeper recession.

Senator MILLER. Oh, wait just a minute. I didn't admit that there's going to be more inflation. Please don't quote me on that. I suggest that we can have an unemployment rate of five percent in November, yes, but I do think that inflation, if anything, will tone down. But I'm not expecting it to tone down very much.

Q—Well, now, you've been blaming the Congress. Mike Mansfield has been saying all year that the Congress cut the President's budget by something like $7 billion last year. Is that wrong?

Senator MILLER. Well, of course that's wrong. This was fully aired out on the floor of the Senate. In fact, it all started back at the time of the HEW appropriations bill, and some of the Democrats were pounding their chests and pointing out that they had cut the Nixon budget—I think it was $5 billion—and they were referring to $135 billion in the budget. They were a little embarrassed when I said, well, after all, the spending budget is up around $200 billion—why are you only talking about the $135? And then it was brought out that on the extra amount over and above $135, they had actually increased the Nixon budget. But as far as cutting the Nixon budget was concerned, that was actually done by the Administration. I'll grant you that, when the original budget came over a year ago, that it was up around $135 billion, but in subsequent weeks, before the Administration came before the appropriations committees, they, of their own volition, cut the budget about $5 billion. So when they came before the appropriations committees, all they were asking was that the appropriations committees ratify the cuts the Nixon Administration had already put into effect. So, I think it ill behooves them to try to tease the public by saying "we" cut the Nixon budget. All they did was to ratify what the administration had already done. But I think it's important to note that in this fiscal year, as of today, those in control of the Congress have exceeded the Nixon budget by $4 billion, and we have several appropriations bills yet to pass.

Q—Getting off appropriations bills, Senator, to what may be future appropriations if the program ever comes about. I guess, for listeners, I'll have to fill in a bit of background before I even ask you the question.

The House, by a large vote, passed the family assistance plan that the Nixon Administration had submitted, intended to overhaul the welfare system by providing a minimum income system accompanied by incentives to work. It came up before the Senate Finance Committee for hearings. The Committee sent it back to the Administration to get some bugs out of it about inequities and lack of smooth incentives. The program has now been sent back. The Senate Finance Committee is going to schedule hearings on it, next week, I believe, but there's a great deal of talk of lack of enthusiasm in the Senate Finance Committee. Conservatives don't like it very much, and the liberals don't like it for other reasons. Daniel Patrick Moynihan says if your Committee will bring it out, he's sure the Senate will pass it. If you don't bring it out, if it isn't passed, it may be the last chance in a generation to overhaul welfare. So, with that brief introduction, what's going to happen?

Senator MILLER. Well, with all deference to Dan Moynihan, I do think that he has, perhaps, exaggerated the matter a little bit. Just because the Congress might not pass something this year doesn't mean they won't pass something next year. And to suggest that we won't do something about a long outmoded welfare system within the next decade because we haven't acted this year, I think is carrying it a little far. But there's no question but what after the hearings, the original hearings before the Finance Committee, and after particularly the excellent staff work that was done in locating the bugs in the bill, that there was some disaffection on the part of even the proponents. I myself, endorsed the idea, the concept, that President Nixon advanced because I think we've been going in the wrong direction on welfare for thirty-five or forty years, and for once we had a President of the United States who came over and suggested a new philosophy, a new approach, which would be designed to get people to want to move out of this welfare cycle that family after family has found itself in. Now, when the bugs showed up, it was found that, although the theory behind this legislation was generally enthusiastically received by both Democrats and Republicans on the Committee—it was found that the bill didn't implement that philosophy because we found cases in which there would be a disincentive to work, where you would find somebody who was earning some money who would receive less overall, counting his earnings and counting other welfare-type programs—food stamps, medical assistance, public housing and so on—he would have received less than if he just sat home and did nothing.

Q—For a certain number.

Senator MILLER. That's what we call disincentive. And so we told the Administration to take this bill back and do a job of correlating all of the various types of welfare-type programs—not only the family assistance program itself but food stamps, public housing assistance, medicare, medicaid—and put them all together and revise this . . .

Q—You don't mean medicare?

Senator MILLER. Medicaid. And put them all together so that they would be able to show us that they had debugged the disincentives from the program. Well, they've done that, I think, although the staff is still going through it to see whether or not they have actually done a complete and thorough job on it. But where I am hung up a little on this is that I look at a schedule, for example, covering Phoenix, Arizona, and I note that they have laid out what would happen as between somebody who earned nothing and somebody who earned $720, and a thousand, and two thousand, and three thousand; and the total take, you might say, that they have with their earnings, with the family assistance plan benefit, with a state supplemental benefit, food stamps, the medical insurance bonus which they're proposing, and the housing bonus under public assistance housing or rent supplements, and so on. And I find that, while there is no disincentive, that the incentive is very low, very slight. For example, somebody who earned a $1,000 out in Phoenix under this overall program might be encouraged to earn two thousand, but if he earned two thousand he would end up with only about $90 net benefit as against just earning a thousand. Now, my question is whether or not that extra $90 is enough of an incentive for a person to take the time and the trouble to earn $2,000 instead of only $1,000. And you'll find a similar closeness between the various stages of earned income—two to three, three to four, four to five—which bothers me. And I don't know whether that's enough of an incentive as between these various income brackets to get the job done that we want to get done. So give them credit for debugging it and taking out the disincentives, but you have to have enough incentive for people to really want to go out and work longer and work harder.

Q—Senator, without going into a great deal of detail on what will be coming up at your hearings, if Republicans like you are still not convinced and the Democrats on the Committee don't seem to be very helpful, do you think that bill is going to come out?

Senator MILLER. Well, no, I don't, but I would hasten to suggest that I do think there are some Democrats on the Committee who are quite open-minded about this and who do definitely want to try to support something that is going to change the philosophy that we've been operating under for a long time. Republicans like me still want to be shown, but I emphasize that I have endorsed the idea from the very beginning and, if it entails some further work to try to provide a greater incentive, or if I can be persuaded that the differences in these income areas are sufficient incentives, then I will support it and I hope my colleagues on the Republican side will do likewise.

Q—But you're saying you don't think it's going to come out this year?

Senator MILLER. No, I haven't said that, and it's possible that it will, but I think it—I've been on the Finance Committee long enough to tell you that you never quite know what the Finance Committee is going to do. I think most of us in there are asking questions and we're not asking questions for the purpose of destroying. We're asking questions for the purpose of trying to be constructive because we do like the philospohy. I don't know of any member of the Senate Finance Committee who hasn't bought the philosophy. The important thing is whether or not the bill squares with the philosophy sufficient so you'll have a majority vote in the Committee.

Q—We were talking earlier of the effect of recession on Republican chances in the November election. The Administration has made it clear that this bill is the centerpiece of President Nixon's domestic program. This would be the one new innovative thing that he had hoped to do before the election. Is the election any factor in your thinking on this?

Senator MILLER. I don't think so because this bill would not be implemented anyhow until next year, so it would have no impact on the . . .

Q—You could talk about it being passed. They made a great deal of talk about the House passing it.

Senator MILLER. You can talk about it being passed, but until actually you have the mechanism in effect I don't think you're going to have much voter effect.

Q—Senator, if my recollection is correct, there are twelve Republican seats and about twenty-three Democratic seats up in the Senate this year. You've got to gain seven to win control of the Senate. Are you going to be able to do it?

Senator MILLER. Well, I have said that I think that if I were inclined to make a wager I would wager that there would be a net gain of Republican seats, but I don't think I would wager that there's going to be a net gain of seven. In other words, I don't think I'd put a lot of money on that. I'm quite confident that there will be a net gain, however. But, as to whether or not you're going to have a net gain of two, four, six, seven, or eight, you're getting into areas where, because of the speed and the intensity of communications today and the developments that take place rapidly around the world and in this country, you can have changes almost overnight right up to election day.

Q—As long as you're betting, which states would you bet are the safest and which perhaps the weakest for the Republicans this year?

Senator MILLER. Well, I don't like to pinpoint, but I do think that there's a very

strong probability that we'll end up with a Republican Senator, another Republican Senator, from Florida, for example. And from Texas. There are other states where you could flip a coin and the outcome could be determined again by developments that take place right up to election day. Wyoming can be a very—can be a toss up.

Q—Senator, let me broaden Dan's original question about Florida a little bit. What kind of Republicans do you see winning this year? Is there a conservative trend? I mean, do you see Charlie Goodell-style Republicans or conservatives or what sort of new Senator? Senator Miller—Looking at the stable of Senate candidates that we have seeking those twelve Democratic seats that you're talking about, I think you'll find that most of them are what you would call moderate to conservative types. None of them arch-conservatives. They'd be moderate to conservative. For example, George Bush in Texas. For anybody to suggest that George Bush is a rock-ribbed conservative just hasn't followed his record down here. On the other hand, he certainly is no flaming liberal. He's a moderate to conservative type, and I think that you'll find that that's the general pattern of our stable of candidates in the election coming up.

Q—If the Senate goes more conservative and if particularly the Republican side of the Senate goes more conservative, do you foresee a challenge to Senator Scott next year?

Senator MILLER. Well, of course, that's always a possibility. One just doesn't know. We're fairly evenly divided in the Senate on conservative, liberal, moderate. If you analyze the voting records of the Republicans in the Senate, I think you'll find they're rather split up three ways: what you would call liberals, what you would call conservatives, and what you'd call moderates.

Q—How would you rate Hugh Scott's leadership? Have you been comfortable with him as leader?

Senator MILLER. Well, I have been comfortable with him. I think he has a horribly difficult problem. You know Senator Dirksen was having a horrible problem before he passed away. There was talk around the Senate that Everett had lost control of things. Well, I don't know that Everett had lost control of things, but we had had some new members come in and they were just not about to take the advice and counsel of their leader. And Hugh Scott simply fell heir to that situation. And you put yourself in the shoes of a leader and he's got three groups of Senators and they're equally divided—a group of liberals, a group of conservatives, and a group of moderates—and you've got yourself one horrible leadership problem.

Q—Not to even mention the problem of working with the White House.

Senator MILLER. Well, I think that from all I understand that Hugh Scott has worked pretty well with the White House.

Q—Even though they occasionally pull the rug from under him?

Senator MILLER. Pardon me?

Q—Even though they occasionally pull the rug from under him?

Senator MILLER. Well, I wouldn't say that they pull the rug out from under the Republican leader any more, if as much, than Lyndon Johnson pulled the rug from under Mike Mansfield.

Q—Did the incursion into Cambodia pull the rug from under some of the Republican candidates this fall, do you think?

Senator MILLER. If it has, I haven't heard about it.

Q—Do you think that there are going to be those who will be seriously affected by that move?

Senator MILLER. I don't think that Cambodia will be an issue in the fall campaign. I think it's a dead duck.

Q—You don't think all this talk of peace candidates, citizens groups, and all that kind of thing is going to have much effect on the fall voting patterns, then?

Senator MILLER. I would doubt it. I can see where it might in certain specific areas such as happened out there, for example, in Jeff Cohelan's district in Oakland, California, but I think you will find it's rather limited. I'd be inclined to guess that it would have more effect on Democratic primaries around the country than anywhere else.

Q—Senator, I'm sorry to interrupt but our time is up. Thank you very much for being our guest on Capitol Cloakroom.

SENATOR SYMINGTON'S POSITIVE RESPONSE TO THE NEEDS OF RURAL AMERICA

Mr. EAGLETON. Mr. President, the plight of Rural Americans in the last quarter century has become increasingly serious. Increased production as well as improved farming methods have multiplied the problems of agricultural workers. Migration to the cities in greater and greater numbers has been the inevitable result. This addition of significant numbers of people to our already overcrowded urban centers has forced us to consider ways and means of developing the resources of rural areas.

Recently, my distinguished senior colleague from Missouri (Mr. SYMINGTON) delivered a thoughtful address on the subject at the dedication of Missouri Rural Electric Cooperatives Headquarters in Jefferson City, Mo.

Mr. President, I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

RURAL AMERICANS IN URBAN AMERICA—THE CHALLENGE

(By Senator STUART SYMINGTON, July 8, 1970)

In recent years I believe it fair to say that most of the nation's attention has been fixed on the plight of our decaying cities and our urban poor. At the same time it would appear just as important, if not more so, that we find solutions to the problems of rural America and its citizens—particularly the poor, the aged, and the unemployed.

Today less than 30 percent of the nation's population is rural; but 46 percent of the people with poverty-level incomes in this country live in rural areas; and 60 percent of America's substandard housing is located in rural regions. Millions of rural Americans are undernourished and ill-clothed. Over 35,000 rural communities are without water systems and 45,000 need sanitary disposal systems.

For too many of our rural citizens the good life is but a dream of an earlier America which counted 19 out of every 20 citizens among its rural population. Today that number has dwindled to 6.

Now what are the basic reasons for rural deprivation?

For the past 300 years, agriculture has been the anchor of rural America. In the last quarter century, however, we have experienced an agricultural revolution. Research, improved fertilizers, increased mechanization, and vast irrigation programs have transformed America's countryside.

Since the end of the Second World War crop production per acre and livestock production per breeding unit have increased almost 100 percent. In 1945, we produced 2.6 billion bushels of corn. In 1969, by contrast, we produced 4.6 billion bushels on one-third fewer acres. In 1945, the average milk yield per cow was 5000 pounds a year. Today it is 9200 pounds.

In the last 15 years productivity has increased by more than 6.6 percent per year—more than twice as fast as productivity in the economy as a whole.

This is a great testimonial to the resourcefulness and ingenuity of the American farmer. As a result, today he is one of our very best foreign exchange earners.

But as agriculture has become more and more mechanized, and as farm yields have multiplied, fewer and fewer people have been employed in agricultural work.

As agricultural employment shrinks, in their search for opportunity rural Americans in ever-increasing numbers have been forced to migrate to our already overgrown cities. Many small communities and crossroads villages which over the years have been sustained by the farmer are dying; and their populations too are streaming into our cities.

In recent years this flow has developed into a flood. Except for developments that create major improvements, such as the Table Rock Dam, most of our counties in the past two decades have been losing population. During this same twenty year period, however, the population of the United States as a whole rose by some 33 percent.

Unfortunately, this migration has only intensified the already serious problems facing our cities. Thousands of rural people arrive in those cities with high expectations; but they lack the skills and education necessary to find adequate employment. Thus, all too many become names on the metropolitan welfare rolls.

If we do not act now, I believe that within thirty years many hundreds more of our small towns will become ghost-towns; and rural America could become a vast empty land, inhabited by a relative handful of agricultural technicians cultivating gigantic tracts with computers and drone tractors.

At the same time, most of our population would thus be further concentrated in huge urban agglomerations, compounding the problems of congestion, pollution and crime.

If we are to prevent this from occurring, there must be genuine recognition of the fact that rural America's problems are urban America's problems; and unless we begin, now, to solve the problems of the countryside, there can be no real long-term hope for our cities.

It would now appear essential to restore an urban-rural balance in America; and this would call for some redistribution of our population across the map of the United States.

Let us begin, therefore, a real and practical effort to revitalize our small towns in effort to accelerate rural development efforts.

I would now present seven possible key elements in a total town and country development program.

First, we should do our best to try to eliminate more of the opportunity gap that exists between urban and rural America. Today a lack of jobs often prevents many individuals who would like to do so from living and working outside the city. But in order to draw new industry to our rural areas, and thereby create new jobs, we will need to have a trained and educated labor force.

Unfortunately, in the past vocational training programs in rural areas have either been too oriented towards agricultural efforts alone or designed with an emphasis on home-economics skills. There is now an urgent need for greatly expanded vocational training programs which will emphasize non-farm job skills, and thereby prepare rural youth for today's highly technical world.

Secondly, we should strive to make our small communities and rural areas more attractive and appealing places in which to live. In this regard, I believe we should consider developing a national "Rural Renewal" program—one similar to our urban renewal

efforts. This would mean loans and grants available for modernizing and refurbishing the fading main streets of small town America; and would also mean sorely needed planning and technical assistance would be available to small towns.

Thirdly, the quality of life in rural areas must also be improved.

Over the years perhaps no other activity has more enhanced rural life than rural electrification. Although electricity was slow in coming to many farms and small towns in the early part of this century, since the Rural Electrification Administration was established in 1935, remarkable advances have been made. In 1935, for example, less than 11 percent of America's farms possessed electricity. Today 99 percent of the nation's three million farms are electrified.

Telephone service has also increased rapidly. As late as 1950, only 38 percent of our farms had telephones; but today over 80 percent of our farm people have this convenience; as do virtually all small town residents.

Missouri has the third largest number in the nation of consumers who benefit directly from the REA program. Of this we should be very proud.

The Rural Electrification program has been the one great incentive for bringing new jobs and new opportunity to America's heartland. Since 1961, it is estimated that over 300,000 new jobs have been created as a result of this superb REA program; and as a result, the standard of living among rural people has increased in recent years.

Much remains to be done, however. Rural America continues to lag behind our cities in terms of modern roads, water and sewer systems, schools, hospitals, and other public facilities.

In the years ahead, therefore, we should make a concerted effort to improve these services and facilities, and thereby lessen the disparity that continues to exist between rural and urban modes of life.

Fourth, I believe that experience demonstrates the construction of Federal reservoir projects can be of inestimable benefit in promoting economic development in rural areas. Not only do reservoirs bring needed flood control, water supply, hydro-electric power, and recreation to rural America, but they bring enormous social benefits as well.

Again I mention Table Rock Reservoir in southwest Missouri as an excellent example of the progress which accompanies reservoir development.

In the short period of 11 years, from 1958 when Table Rock was completed, to 1969, the combined assessed valuation of the seven county Table Rock area climbed from $87 million to $140 million; and as a result of the new investments generated by the reservoir, on June 1, 1966, Taney County was removed from the list of the 50 most depressed counties in the United States.

Surely we will all agree that our expansion of water resource development programs would be a most important step in the promotion of rural development, all across the nation.

Fifth, the possible construction of "New Towns" as is necessary in the case of Pattonsburg offers great latitude for dealing with some of the problems of rural America. This approach could in some cases provide an alternative to the present policy of relatively haphazard national growth. It could also help locate those tens of millions of new Americans who are expected in the coming decades. It could aid cities from many of their worsening problems; and at the same time, act as regional growth centers to stimulate rural development. It is with this thought in mind that I recently called for consideration of constructing some 300 new towns of 300,000 people each by the end of the century.

Sixth, in order to give proper recognition to the problems of rural America, we should consider expanding the Office of Small Town Services in the Department of Housing and Urban Development to sub-cabinet status.

Seventh, for too long we have maintained a policy of two Americas in meeting the complex challenges facing us here at home—one set of programs to deal with urban America, and another to deal with rural America. Today, I believe it fair to say that there is an increasing recognition of the fact that the problems of urban and rural America are so interrelated we must take steps to develop a common national policy for both.

In the United States today, our human resources constitute the foundation of our basic strength. With that premise I know we will all agree that the unfulfilled hopes and untapped resources of rural America present us with a great challenge and a great opportunity. To fulfill that opportunity will take imagination, hard work, and money. Nevertheless the reward we can rightly expect from that vision and effort would be a major contribution on our part to the future security and prosperity of America.

DEATH OF JAMES G. LUCAS, SCRIPPS-HOWARD WAR CORRESPONDENT

Mr. THURMOND. Mr. President, the untimely death of Scripps-Howard Correspondent James G. Lucas is a loss to the citizenry of our Nation.

Jim distinguished himself by accurate and informative coverage of military life during World War II, Korea, and Vietnam. He was the Ernie Pyle of the last two decades.

Mr. President, I feel a personal loss in his passing. I ask unanimous consent to have printed in the RECORD an editorial entitled "Jim G. Lucas," published in the Washington Daily News of Tuesday, July 21, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JIM G. LUCAS

One of many amazing things about Scripps-Howard War Correspondent Jim G. Lucas was that a lifetime of witnessing and writing about the tragedy of wars left him without a trace of inner hardness or cynicism.

He was, until the end, what one speaker said of him years ago in bestowing upon him some particular medal: "A truly modest man—an old Marine with a soft heart."

And he could, and did, write with the best of the journalists of any era.

He undoubtedly saw more combat than any newspaperman in U.S. history. He seemed to be always at the front—until age and a long, losing bout with cancer caused him to return from Vietnam three years ago for the last time. When, for example, Gen. Omar Bradley at a Washington banquet in 1953 awarded Jim with glowing terms the VFW's Gold Medal for conveying the feel of the battlefield in his stories, Jim was on the frontlines in Korea. When he was awarded the 1954 Pulitzer Prize for his human interest stories from Korea, he already was in Hanoi covering still another war. (He was in Hanoi when Ho Chi Minh's troops took over North Vietnam.)

Still, 25 years of frontline reporting in three major wars never shook his belief in the worth of the individual, the value of life, or the love of country.

He never married. He loved young people and there are countless stories of his help to the young, particularly young newspapermen on their first assignment to a war zone. He could, and did, oratorically wave his country's flag at the slightest provocation.

Jim Lucas was a great reporter with a rare gift for chronicling the miseries and joys, heroism and humdrum of the life of the American soldier on the frontlines in three wars.

Thousands upon thousands of ex-GIs will long remember him from the clips of his stories they have pasted in their scrapbooks.

Scores of young newspapermen in the future, we are sure, will be studying his work and seeking to emulate it—just as has been true in the case of Jim's predecessor, Ernie Pyle.

For those of us in Scripps-Howard, it has been an exceptionally rare privilege to have worked with Jim Lucas.

IMPORTANCE OF TRANSPORTATION TO KANSAS

Mr. PEARSON. Mr. President, the importance of transportation to the State of Kansas cannot be overemphasized. Lying in the strategic center of the United States, our landlocked State would be isolated and forgotten but for the highway, rail, and air transportation available to us.

Regrettably, rail transportation in Kansas is rapidly deteriorating and disappearing. Perhaps in a few years the great iron horse that opened our region of the country to westward expansion will serve us no more. Accordingly, the importance of air transportation becomes each day more vital for the growth and potential of our State.

As one who has been keenly interested in aviation for over 20 years, I am particularly pleased by the progress which one air carrier, Air Midwest—a third level commuter carrier—has achieved in increasing and improving air service to Kansas. It has moved aggressively into the air passage market partially abandoned by Frontier Airlines as well as expanding new markets in our region. I have met with the men who are the officers at Air Midwest and I have been encouraged by their imagination and determination to provide adequate and efficient service to my State. I salute them and wish them well.

Indicative of their increasing success, an article published in a recent edition of an aviation magazine, Airline Management and Marketing, highlights the efforts of these men to get this new airline off the ground—both literally and financially.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR MIDWEST: "FLAG AIRLINE OF KANSAS"

In this election year, a lot of politicians would do well to study the "grass roots" support being built up by Air Midwest in Kansas.

Faced with minimum service by some airlines and a pullout by another due to the uneconomic nature of the short-haul routes, Kansans—particularly western Kansans—are doing all they can to keep themselves in the transportation mainstream. That's where Air Midwest comes in.

The company, based in Wichita, started life in 1965 as Aviation Services Inc., a one-plane, one-employe air mortuary/charter operation. The employe (and founder) was Gary Adamson, now president of Air Midwest, which flies one Beech 99 and three Sessna 402s on its scheduled flights, has two 402s for backup and three Cessna 206s for charters.

Although Air Midwest is classed as a

"commuter air carrier," the 70-employe organization, serving 14 cities in four states, is providing "local service" with small aircraft and 133 weekly flights.

"Most of our customers need hub airport connections rather than commuter service," Adamson told AMM/AA. Dubbed "the official flagship airline of Kansas" last year, Air Midwest is providing the only scheduled air transportation from some points, the only frequently scheduled service from others, and the only nonstop service at still others.

Dodge City, a 45-min. nonstop from Wichita, is an example. An agriculture-oriented town of 15,000 with a thriving cattle-sale/meat-packing center, Dodge is now served on a scheduled basis only by Air Midwest, following a Frontier Airlines suspension in 1968. The city also has two trains daily and some bus service.

According to an editorial in the *Dodge City Daily Globe*, the community should support and cultivate the commuters: "Reliance on a major carrier, either to return or remain, is pure folly."

To show its appreciation for the third-level service, Dodge floated a bond issue to extend the airport runway, is building a new ticket counter from funds provided by local businessmen, and kicked in $12,500 as one portion of a five-city, $100,000 loan to Air Midwest for expansion and operating capital.

David B. Ross, executive director of the town's Chamber of Commerce, said: "They're really part of the family in Dodge City. We're aware of their problems and background, and work with them closely because of the mutual advantages."

Dodge isn't alone in that thinking. According to Albert L. Kamas, a Wichita lawyer and member of the state's Economic Development Commission: "We're trying to keep our children in Kansas, but we need something for them to do. So we have to get industry in and industry wants transportation, so we follow 'these kids' (median management age is 30) around." KEDC can't give Air Midwest actual funding, "but it can do almost everything else," Kamas said.

One instance where there was some resistance, but where Air Midwest came out on top, was at Great Bend, an oil products center with 20,000 population and no rail service. Frontier still serves the community with three flights daily, while Air Midwest provides 11. The airport, a former military base has three 8,000-ft. runways and growing business jet traffic.

When Air Midwest first started Beech 99 operations in Great Bend last year, "we actually had people come to the airport to see if the plane would be there when we said it would," said James Pickett, vp-marketing/corporate planning. As of last month, Frontier had applied to suspend service at Great Bend, and Air Midwest told CAB it would fill the breach. Although there was some minority dissent, the city council okayed the move.

If approved, Air Midwest will not only increase the passenger service there, but plans to provide all-cargo service, a big potential money-maker in that area of the state, and to add Air Express.

Air Midwest has "done everything it said it would," Gene Cole, manager of Great Bend's Industrial Development Inc. project, said. "We went through Continental's growing pains, then Central's. All of them outgrew Great Bend."

It might seem a paradox that, in a state boasting "the air capital of the world" (Wichita), selling air transportation would be a problem. But, Pickett said, "our people aren't commuters like they are in the East. Most people would rather jump in their cars and drive three hours to Wichita from western Kansas."

One good method of making sure people become air-transportation-minded is Air Midwest's recent intrastate stock offering. The way the carrier figures it, spreading the ownership is going to gain a lot of additional salesmen. With 360,000 shares going public at $1.25 a share, the stock will be "so widely held we'll gain all that many more people interested in making it go."

The support is by no means limited to Dodge and Great Bend. Other towns in the state, such as Colby and Hays, are building new counters, terminal facilities and navigation aids.

What, in turn, is Air Midwest doing for Kansas? "Our purpose is to serve our customers," said Pickett, "and everything is aimed at that goal." What this translates into is that when Air Midwest has connecting passengers coming in, it waits. The scissoring of flights that takes place at Great Bend every afternoon to make connections to Kansas City or Wichita is a sample. Some customers have to change planes from a 402 to a 99 or vice versa, but "no one complains."

Late last year, when losses started to mount higher than anticipated, the airline initiated a cost-cutting campaign. No part of that, however, affected the primary goal of serving the passenger. By spring, management was pretty well satisfied that the loose ends had been pulled together.

"Every position requires people who can solve problems," Pickett said. "We must have creativity without spending dollars for it." For example, all of Air Midwest's signs at Wichita Municipal, including the one at the carrier's attractive ticket counter, were done by airline employes.

Walter Troyer, Air Midwest's 23-year-old chief pilot and holder of an ATR, was rewriting the crew training manual when we visited Wichita. Troyer said he spends a lot of his time with FAA "trying to work things out. They're just as new in this business as we are. Cooperation with the local FAA man has helped in circumventing some of the problems."

Air Midwest has 20 pilots. Qualifications include a 1,500-hr. total with 200–300 hr. multi-engine time. Age must be between 20 and 25. Every crew member starts as a copilot and upgrading comes in 6–12 months Although pay is low, turnover rate is also low. What pilots may not get in salary they make up for in company stock and being in on the development of a young company.

Maintenance work is performed in a facility at Wichita Municipal purchased from Bevan Radio in 1969. Air Midwest has eight maintenance personnel, a complete engine shop and a 402 spares shop, and is one of the few commuters approved for progressive maintenance on the 99.

A sophisticated marketing approach is not something characteristic of third-levels. But Air Midwest is one carrier that is making a good try.

The airline hired an agency, Crow Advertising, after it changed its name last year. A new image was the goal. The company set aside $30,000 for the campaign for the first year, and arranged for some $24,000 in media tradeouts, but went over that figure. "Everything cost more than we figured," Pickett said. However, the one-time development costs included in the image change are completed.

How does a commuter sell its services?

Going on two-day "sales blitzes," which means pounding on doors of business people in one community.

Giving free airplane rides and refreshments when a new plane is delivered, or a new route started.

Aids to travel agents, such as the new combined gate pass/travel itinerary in Air Midwest colors.

A no-charge, long-distance reservations phone number for people throughout the system when the local reservations office is closed.

A mini-stewardess aboard 99 flights to help passengers with gate connections and information and to serve as a public relations rep.

Air Midwest also takes pride in its growing sophistication in providing customers with wide accessibility to reservations data. An electronic switching system was installed during the winter. An Arinc system is set up at the ticket counter that allows a check of the passenger list before takeoff. Air Midwest is now listed on Braniff's reservations computer, and is planning to work out a similar agreement with Continental.

And, no less than its big brothers who are moving into areas such as hotels and ground transportation to facilitate the passenger's travel, Air Midwest is looking into establishment of airport bus service and involvement in hotel/convention development.

Like most commuters, Air Midwest lost money last year on revenues of $470,000, although it did show a profit in 1968. The loss, according to Adamson, was attributable to the route expansion last year (the carrier added Denver, Omaha, Hutchinson and Colby), buiding its new image and offering "super-excellent" service. With the passenger increase starting up again in March and the cost-cutting measures, Adamson hopes the company will show a profit in 1970 with the additional revenue gained from taking over as sole carrier into Great Bend and Hutchinson.

After the stock offering, which will be used to acquire a second 99, retire the $100,000 loan and as a buffer for operating capital, shares owned by a group of 15 inside investors will be escrowed until the company is able to pay a 6% dividend.

LEADERSHIP OF SENATOR McGOVERN ON HUNGER AND MALNUTRITION INVESTIGATION

Mr. HOLLINGS. Mr. President, the Senate over the years has had many examples of fine leadership on important national issues. No example has been more outstanding, however, than that provided in the past year and a half by the Senator from South Dakota (Mr. McGOVERN) on the issue of hunger and malnutrition which affects millions of our less privileged citizens.

As chairman of the Select Committee on Nutrition and Human Needs, Senator McGOVERN has conducted a searching investigation of hunger throughout the country. This investigation has imprinted the reality of this problem on our national consciousness and has resulted in major food stamp and school lunch legislation being passed on by the Congress.

The distinguishing characteristic of the Senator's leadership has been his determination to stick with this problem until it is actually resolved, regardless of its current popularity with the press. I was particularly pleased to see this quality of leadership recognized in a recent TRB column in the New Republic magazine.

I recommend highly the reading of this column and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRB FROM WASHINGTON

NO BITE

It's a big room paneled in pine with cork floors and hardly anybody in it. The TV

camera lights are on but the crew is reading newspapers. The witness is Dr. Arnold Schaefer, head of the government's National Nutrition Survey that Congress ordered two and a half years ago. A couple of experts sit beside him, one of them seemingly intent on keeping him from saying anything dramatic about hunger. Last year Dr. Schaefer spoke his mind and probably cost the government several million dollars in extra food grants. He is short, sober, middle-aged, prosaic and obviously watching his step. This year he sticks to graphs, tables and a dull text.

Normally a dozen senators sit behind that semicircular dais up front that looks down on the witness, but this time there is just one man there, George McGovern of South Dakota. He is all alone.

All the drama has gone out of it. The country was shocked and incredulous when McGovern and others went out a couple of years ago and showed there is hunger, malnutrition and even starvation in affluent America. But a lot of other excitements have come up since then. Congress ordered a national nutrition survey and this is part of it; today we will hear about two of the 10 states surveyed, Louisiana and Texas. But, it's like counting the ballots where the election is already conceded—old stuff. Yes, there's a direct correlation between poverty and malnutrition; who doubted it? Yes, in counties where the survey has been weighted toward low income groups there is almost complete lack of dental care. (It is interesting, though, to think of an area where 18 percent of all subjects over 10 "found it difficult to bite or chew." Curious, eh?) Then there is that bit about infants and lactating mothers; they are always the ones who show up with iron deficiency anemia, vitamin deficiency and what not. And of course, Negroes and Spanish Americans.

Out of 26 counties surveyed in Texas, 19 have food distribution programs, but only 10 percent of the households in the 19 counties participated. "That's odd; why is it?" asks McGovern as though he didn't know. Well, says Dr. Schaefer almost morosely, suppose a family has income of only $100 a month—then it's eligible for food stamps. But the head of the family must come into town and put down $40 cash to get his $21 food bonus. It's hard for a near-destitute family to rasie $40 cash. It's not easy to get the right papers or to get transportation, or to know when and where. Only 10 percent participate.

Dr. Schaefer says that 40 percent of the children studied in the hungry areas were smaller than a comparable group of kids in Iowa. McGovern tries to put life into it. How about mental retardation? (Scientists know that underfed baby mice are mentally retarded; they think humans are too, and that it's irreversible, they can never catch up.) Dr. Schaefer says that mental tests weren't included. He looks at his colleague as though tempted by an indiscretion. He mutters that so far as he is concerned he thinks undernourished children will score lower; be "harder to teach."

Sitting up there alone McGovern keeps asking questions. He never quits. He lacks the drama of McCarthy; the glamor of Kennedy. He's got no style or wealth. Somewhere out in the Adriatic one time he crash-landed a collapsed B-24 and got a Distinguished Service Cross. But his clothes aren't Fifth Avenue. He's got a slight Midwest nasal accent and kind manner. He doesn't look like a hero. He went to Dakota Wesleyan, and got into politics as a history teacher. He looks like a YMCA secretary.

It is awfully hard to stop men like McGovern. They have iron in them. When they think about hungry children it bothers them. When they go out and find the facts and come back with them then, by golly, before the Senate knows what it's doing it appropriates money—as much as $200 million of it, because McGovern and others won't let up. Will he get his bill through Congress? I don't know. Mr. Nixon had his celebrated "White House Conference on Hunger" which rode off in all directions as expected, and that was *that*. Now the President has more sensational things to spend money on, like Cambodia. But McGovern is still there. "For a quarter of a century," he says in his mild voice, "America has been caring for the rest of the world. The time has come for America to care for its own."

Don't underestimate him.

SLOW APPROACH TO PASSAGE OF APPROPRIATION BILLS

Mr. ALLOTT. Mr. President, the Baltimore Sun of July 14 contains an editorial which expresses a view I have long held.

It concerns Congress' increasingly slow and cumbersome approach to passing appropriations bills.

So that all Senators may read the Sun's stern words, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MONEY GAP

One of the most irritating faults of Congress is its perennial failure to pass appropriations bills on time. The government runs on a fiscal year that begins July 1. More often than not, most agencies start the new year without knowing what they will be allowed to spend that year, because Congress hasn't acted on the 14 major appropriations bills. Makeshift arrangements have to be made. Last year Congress set a record, we believe, by not passing a single appropriations bill until after the new fiscal year started. In fact, it was three months into the year before the first one was finally passed. Seven of the 14 weren't passed until December, or about half way through the year.

The House, which originates appropriation bills, was to blame last year. It only finished up with two bills before the end of the year. This year, everybody agreed last year, was going to be better. For the House, it has been. All but two appropriations bills were sent to the Senate by June 24, a week before year's end. But the Senate has completed action on only four. House-Senate conferences to smooth out differences have been completed on only one. That, by the way, is the one for the District of Columbia, $636 million, or about one-half of one percent of the total to be appropriated.

SENATOR JAVITS ARGUES FOR GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the highlights of the recent hearings on the Genocide convention by a Senate Foreign Relations Subcommittee was the cogent and well-reasoned rebuttal to the major arguments against Senate ratification by the distinguished Senator from New York (Mr. JAVITS). His rebuttal is particularly important today since it comes to grips with the major legal and moral issues of the convention at a time when Senate action on the issue is drawing near.

It has been argued, for example, that the Convention on Genocide would commit the United States to an international treaty—if ratified—at a time when a substantial portion of the American people wish to contract rather than expand their international obligations.

Senator JAVITS' rebuttal was this:

One must distinguish between different kinds of international obligations. It is true that many people have argued that the American military committments should be contracted. This view, however, does not entail the further argument that the development of international law should be halted. Treaties of a great variety of kinds not involving military commitments have been negotiated and have provided for more ordered relations among nations. It is hard to imagine that one would argue against the Genocide Convention on the grounds that it expands American international obligations.

In a further statement, Senator JAVITS answers the question of whether individuals as well as public officials would be subject to trial and punishment for offenses which have always been regarded as matters falling within the domestic jurisdiction of the various nations. In his answer, Senator JAVITS states that the protection of human rights has always been an international concern. The United States has shown that it agrees with this view by ratifying the World War II peace treaties, the United Nations Charter, the Slavery Convention of 1926, and more recently the Supplementary Convention on Slavery, 1967, and the Supplementary on Refugees, 1968.

The Senate must answer a call of conscience in this session. The arguments have been made time and time again for the urgent need to ratify the United Nations Convention on Genocide. The time has long passed us by on this issue. We must act as a responsible deliberative body before it is too late.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The ACTING PRESIDENT pro tempore. The bill will be stated by title for the information of the Senate.

The assistant legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, what is the pending order of business?

The ACTING PRESIDENT pro tempore. The pending order of business is the authorization of appropriations for military procurement, H.R. 17123.

Mr. STENNIS. I thank the Chair.

Mr. President, the Senate now begins the consideration of the annual military authorization bill for fiscal year 1971. I propose today to give an outline of the high points of the bill; the committee's action thereon; and, briefly, some of the major reasons for the items in the bill and the action of the committee.

I expect and I hope that we have a healthy debate on the bill. I do not believe there is reason for unusually prolonged debate. I shall point out the hearings we have had, the availability of the testimony in printed form, and the availability of the report in the course of my remarks. But I do hope that Monday next we can move immediately into consideration of the bill and then on to votes as soon as possible.

This legislation provides the authorization, first, for the procurement of aircraft, missiles, naval vessels, tracked combat vehicles, and certain other weapons; second, for research, development, test, and evaluation for all of the Armed Forces; third, for the fiscal year 1971 personnel strength of the Selected Reserves; and fourth, for the use of defense appropriations for the free world forces in Southeast Asia under certain stated conditions.

This year, Mr. President, as for fiscal year 1970, the bill contains the fiscal year 1971 military construction authority for the Safeguard anti-ballistic-missile system. That is an item that is ordinarily in the other bill. It was brought over for reasons that I shall give later. I shall discuss now the remaining provisions during the course of my remarks.

Heretofore, for the information of the Senate, I have given brief speeches on the floor. One concerns the commitments that we have around the world with reference to mutual security defense compacts.

I also made another speech on the dollar value of our military program today as compared with fiscal 1964. I have also referred to a special subject matter that we dealt with more at length this year. That concerns the item ordinarily called research and development.

That comes under the subcommittee chaired by the Senator from New Hampshire (Mr. McINTYRE). He will speak on that subject, I hope, today and many times later.

I also had a preliminary speech concerning the surveillance that the Senate Armed Services Committee has been giving during the course of the last 6 months over certain major Department of Defense contracts for weapons.

I refer to those now for the information of the Senate. I ask unanimous consent that I may later have printed in the RECORD at this point, the places in the CONGRESSIONAL RECORD where those speeches can be found.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATURE OF STATEMENT

Mr. STENNIS. Mr. President, I emphasize that this general statement on the entire bill must necessarily be in the nature of a summary. The various items in the bill will, of course, be treated in much greater depth as we proceed to debate the separate elements of the bill.

I would also point out that there is before each Senator a copy of the committee report totaling some 121 printed pages along with five volumes of hearings including a separate volume on the CVAN–70 and the appendix.

Mr. President, those printed hearings are not all on the Senator's desks. There are five volumes. One volume is on the desk and the other four volumes are on the racks underneath the desks.

I do not have the total number of pages before me. However, there are more than 2,500 pages of those hearings. I think they are the most comprehensive and completely detailed hearings that we have had in modern times, at least, on this military program. It is all indexed. This is a very valuable aid to anyone who wants to find a particular item.

In addition, there is this 122-page printed committee report which also includes a vast number of tabulations for comparison purposes. I think that any Senator who wishes to do so will find this report a very valuable aid, as will the press.

Every weapons system is identified in these hearings and in the report with something about the nature of it, something about its cost and its relative position in the whole list of weapons.

This report has been filed for some time, and printed copies of the RECORD have been available.

I believe, Mr. President, that every Senator, having this substantive information before him, will be enabled to make a judgment upon every matter of substance. We cannot have it available ad infinitum, of course. But I think Senators are entitled to the substance of the facts, pros and cons. That is what we have tried to do in this report.

We will be glad to furnish any other information that we might have to any Senator. We also have a very competent staff. The staff knows these hearings from beginning to end. They know these weapons.

The staff will be available for any Senator, regardless of that Senator's position on any particular item. The staff will be available to give any Senator a briefing on the facts and such information as we have available. That is part of the process, and it is part of our committee's position.

I want to emphasize that I want everyone to be free to use that source. Of course, other sources are open and available to Senators in such ways as they might wish.

GENERAL SUMMARY IN DOLLAR RESULTS

Mr. President, in terms of procurement and research and development, the bill now before the Senate is 6.6 percent below the amount recommended by the House and 6.7 percent below the Department of Defense request. The House version was reduced by $1.329 billion. The committee is recommending a total of $18.9 billion for procurement and research and development as compared to $20.237 billion recommended by the House and $20.271 billion requested by the Department of Defense. To this amount the committee has added $334 million for Safeguard military construction authorization.

That item was taken from another bill so that both of these items would be in the same bill and in the same debate. This makes the total amount of the bill now before the Senate $19,242,889,000.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, first I warmly congratulate the Senator upon the exposition he has has given of the hearings and of the voluminous report which is available.

There is only one question that I want to ask. I note that there is one Senator, a member of the commitee, who filed individual views relative to the C–5A program. Does that indicate that he was the only Senator who had minority views with reference to the bill?

Mr. STENNIS. He was the only one who submitted minority views for the report. There were others who voted against that item. The best I can recall now, the amendment lost by a vote of 12 to 6.

There was only one Senator who filed minority views.

Mr. HOLLAND. There was some disagreement in the committee relative to the C–5A program?

Mr. STENNIS. Yes.

Mr. HOLLAND. Was there disagreement on the report other than that just mentioned within the committee?

Mr. STENNIS. The general answer to that question is "No." There was a split vote from time to time on various items. We really put this bill together item by item. Each major item was passed on.

I remember that we had a good debate about the amount of funds that would be necessary for research on the B–1, the new bomber. It was a very small amount. We were in disagreement on it. Some favored $50 million. Some favored $100 million. Those who favored the $50 million were in the majority. So that is the amount that is in the bill.

Generally speaking, I think after a division was had, the ABM excepted, it was the intention of the Senators to go ahead and support the items.

Mr. HOLLAND. In other words, the report speaks for an undivided committee in general, and the only Senator filing individual views, the Senator from Pennsylvania (Mr. SCHWEIKER), is not taking issue with the committee in general on the whole report, but only with reference to the C–5A.

Mr. STENNIS. Yes; that is correct. I emphasize that there were divided votes on some items, but many of them were just a question of where did the majority lie, and the others would go along with it. ABM was an exception; there was a division on that, as we had last year, although the Senator from Nevada decided, in view of the fact we had already started it, this was the second section and he would support it as he announced later.

Mr. HOLLAND. Mr. President, if the Senator will yield further, this is a very prestigious committee and it is a committee composed of a group of very fine Senators. I ask unanimous consent that a list of the members of the committee be printed in the RECORD. It is my understanding there are 18 members of the committee.

Mr. STENNIS. The Senator is correct.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ARMED SERVICES

John Stennis, of Mississippi, *Chairman.*
Richard B. Russell, of Georgia.
Stuart Symington, of Missouri.
Henry M. Jackson, of Washington.
Sam J. Ervin, Jr., of North Carolina.
Howard W. Cannon, of Nevada.
Stephen M. Young, of Ohio.
Daniel K. Inouye, of Hawaii.
Thomas J. McIntyre, of New Hampshire
Harry F. Byrd, Jr., of Virginia.
Margaret Chase Smith, of Maine.
Strom Thurmond, of South Carolina.
John G. Tower, of Texas.
Peter H. Dominick, of Colorado.
George Murphy, of California.
Edward W. Brooke, of Massachusetts.
Barry Goldwater, of Arizona.
Richard S. Schweiker, of Pennsylvania.

Mr. HOLLAND. I simply wanted to bring out the matter as to whether there was serious division on the report in general, and I think the Senator has covered that in his answers. I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator from Florida.

I want to be certain now. Another split vote has occurred to me. The Senator from Massachusetts (Mr. BROOKE) proposed certain matters about the MIRV, for instance, and he reserved his rights to present something on the floor of the Senate. He may have some amendments along that line, but I do not know.

Those things are conclusive proof that this matter was really put together by the committee and weighed on the evidence and actual votes taken—not as to everything, not as to all items, but any item that was questioned. I think that most of these major items were explained more than once as we went along, and we had a very thorough discussion.

I thank the Senator.

PRELIMINARY REMARKS

Mr. President, prior to discussing the bill in detail, I would like to make several preliminary observations, some of which have already been covered.

EXTENSIVE COMMITTEE CONSIDERATION

Mr. President, the committee began hearings on this bill February 20 and continued on a systematic basis until June 11, 1970, resulting in printed testimony of 2,715 pages. In addition, there were lengthy hearings and printed testimony on the part of the special Joint Subcommittee to study the CVAN–70 with a special report already published on this matter. I recite the foregoing in order to show the intensive examination extended to this bill this year.

I would also emphasize that the committee was unanimous in its final vote on reporting the bill. I would not imply, however, that all of the committee recommendations were unanimous since many of these decisions were vigorously debated with naturally differing views on some issues on the part of the committee membership.

I wish to acknowledge the cooperation of the entire committee membership. I especially want to thank our ranking Republican member, Senator SMITH of Maine, who will be back with us in a short while. She has been a source of great strength to me in her service and support on this bill as a whole.

I also want to mention the outstanding work of the Senator from Nevada (Mr. CANNON) who was chairman of the Ad Hoc Subcommittee on Tactical Air Power and the Senator from New Hampshire (Mr. MCINTYRE) who was chairman of the Ad Hoc Subcommittee on Research and Development. The work of both of these subcommittees, which will be fully discussed later, was crucial to the outcome of this legislation. They also made quite a contribution last year.

BASIC CONSIDERATIONS INVOLVED

Mr. President, the basic task the committee must perform in this legislation is twofold: first, to decide what major military hardware will be needed by the Armed Forces in the period of from 1 to 7 years ahead; and, second, to project the research and development needs for the period of from 1 to 10 years ahead.

In trying to make a sound judgment, the committee was faced with a number of conflicting considerations. We were acutely aware of the severe financial condition of the Federal Government and the need of recommending the lowest possible authorization consistent with our national security requirements.

At the same time, we are confronted with the grim fact of rapidly increasing Russian strategic forces which could place this country in jeopardy in the years ahead. We all know of the increase in the SS–9's and other types of missiles, their growing naval power, both strategic and conventional, as well as the growing momentum of the entire Russian military research and development program. We are also aware that this country has some sort of mutual defense arrangements with approximately 44 foreign countries. Let me say that I personally favor a thorough review of our commitments, but until these obligations are revised, we must continue to provide the means of honoring them.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD an excerpt from a speech I made on July 16, 1970, entitled, "Defense Budget and Worldwide Military Commitments."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

DEFENSE BUDGET AND WORLDWIDE MILITARY COMMITMENTS

The basic point that I am making today is that, as long as we have these heavy worldwide commitments, we are obligated to provide the resources to meet them. If we are not willing to do this, then we should take prompt action to divest ourselves of at least some of the obligations which we have assumed. The matter of the approval of our treaty obligations was within the primary jurisdiction of the Committee on Foreign Relations, not the Committee on Armed Services. Similarly, any change or reduction in our treaty obligations would be within the jurisdiction of the Committee on Foreign Relations, not the Committee on Armed Services. However, as long as these treaty obligations remain in existence, it is the obligation of the Committee on Armed Services, and the Senate as a whole, to recommend the weapons and other resources which are essential to meeting them.

Mr. STENNIS. Mr. President, the committee, therefore, has the duty of recognizing not only the needs for protecting this country but also the needs arising from our foreign obligations. Underlying all of the issues and problems in this bill, Mr. President, is the overwhelming priority of providing for our national survival. I always want to make that clear. I refer to commitments we have and our obligations to them. Whether I stated it every time or not, the overwhelming priority of providing for the matters in this bill is for our own national survival to be properly protected.

Mr. President, the committee has produced a bill which, in its judgment, adequately meets our defense requirements and the need for austerity.

REDUCED BUYING POWER OF DEFENSE DOLLAR

In emphasizing the austerity of this bill, I would like to make a significant historical comparison. I call this especially to the attention of Senators. In terms of buying power, the procurement and research development recommendation of $18.9 billion before the Senate is 20 percent less than the equivalent authorization bill for fiscal year 1964, the last prewar year. Let me explain. The procurement and R. & D. funding enacted for fiscal year 1964 was actually $14.4 billion. If we add to this figure the additional items which presently require authorization, the fiscal year 1964 figure would have been $18.9 billion which is identical to the figure in the present bill. That is quite a coincidence but that is the way it came out. The factors of inflation and price increases have reduced the buying power of the bill before us by about 20 percent as compared to fiscal year 1964. To put the matter another way, if the factors of inflation and price increases since 1964 were eliminated from the fiscal year 1971 authorization, the present bill would not be $18.9 billion but only $15.1 billion. In reality, therefore, the bill before us represents a 20 percent lower bill in terms of buying power as compared to the 1964 level.

That 1964 level, as Senators know, represented the last fiscal year before the special buildup in Vietnam. That special

illustration there will hold up, and it shows that when an allowance is made for those increases based upon outside factors like inflation and price increases, this bill is comparable to the one in 1964, and in buying power is 20 percent lower.

ITEMS OF SPECIAL INTEREST

Mr. President, I shall discuss several items of special interest in the bill.

REDUCTION OF $334.8 MILLION IN RECOGNITION OF UNUSED PRIOR APPROPRIATIONS

Mr. President, the Committee reduced the new obligational authority in this bill by the amount of $334.8 million in recognition of certain prior-year unused appropriations which the Department of Defense anticipates will not be obligated during fiscal year 1971. In the opinion of the committee these funds should be used if needed in lieu of adding new obligational authority in that amount to the legislation. The committee report itemizes, beginning on page 13, the various categories affected by this decision and discusses the matter in detail.

That $334.8 million, by the way, is almost identically offset by the amount we took out of the military construction bill on the ABM construction program and put over into this bill, solely for the reason that we wanted to get all of that ABM money in the same bill, thus avoiding a duplication of its consideration.

SAFEGUARD ANTI-BALLISTIC-MISSILE SYSTEM

Mr. President, the Safeguard system with the subject of many days of debate last year in the Senate, and an equally intensive discussion will undoubtedly occur in this connection with the pending authorization. At this juncture, I would make the following points with respect to the matter.

First. The committee effected a fundamental policy change in limiting the role of the ABM system to the protection of our land-based strategic deterrent. It was the view of the committee that the present circumstances do not justify the so-called thin defense against a potential Chinese threat. And I would emphasize, Mr. President, that this limitation as set forth is a matter of law since the bill precludes funding at any sites other than the four covering our Minuteman forces.

Funds were approved for four sites: Grand Forks and Malmstrom, both of which have been previously funded; Whiteman Air Force Base; and advance preparation funds only for Warren Air Force Base. The total request for the Safeguard program approved by the committee is $1,349,400,000. This sum includes $334 million for military construction mentioned a few minutes ago. No other funds will be needed for fiscal 1971.

Second. The basic issue posed was whether we need an ABM system at all and, if so, at what time. It was the conclusion of the committee this year, as last year, that this Nation must have an ABM system. We all know from the recent announcement of new evidence of additional SS–9's that the Russian threat is growing ever more serious. The present number of these intercontinental missiles, each of which can carry a 25-megaton warhead, and either under construction or operational, exceeds considerably the number which last year at this time was in evidence of being either operational or under construction.

The next issue is whether there is an alternative ABM system which would be as effective as Safeguard would be available in the same time period, and at roughly no greater cost. The evidence fails to show any such alternative system which would meet our needs. I emphasize that, Mr. President.

As I understand the testimony now, with the exception of two or three, or perhaps a few more—it makes no difference where they testified or when—all the scientists and all the witnesses agree that if the SS–9's are going to continue to increase in number, we must have, if at all possible, an ABM system.

There is no dissent on that basic principle, or perhaps only a very slight one.

That brings us into the question, then, what about this system? There are those who say it is inadequate, and likewise, or unlikewise, at least, there are those who say it is well on its way to being a successful anti-ballistic-missile system.

Allowing for the differences there, a great majority agree that so far this is the best we have, and there is a great abundance of special, respectable authority that this system, being ahead of the others, can be perfected to the point where it will serve the purpose.

Let me point out that, as a general proposition—and I am no authority in this field, but I have been on the committee as long as we have had these major missiles, and each year I have learned about the progress, the setbacks, and the final successes that they have all had—this is not something as to which one can just go to 12th and Pennsylvania Avenue, blow a whistle, and get somebody who can make these missiles and make them work. That was not the way Thomas A. Edison perfected the incandescent lamp. He labored and labored and labored and made many mistakes, but in the end he came forward in an almost miraculous way, and all these years, although there have been some improvements, most of his basic ideas are found therein, as I understand.

So we come down to the proposition of knowing there is an increase in the SS–9's and the almost unanimous feeling that, if that is going on, we almost have to have some kind of system to protect our aggressive weapons. According to what I think is the better estimate, it is the best start we have made, and since I think all agree that time is getting short, it is almost basic that we move on.

Third. The other aspect concerns the relationship of the Safeguard system to the SALT talks. The first question is whether the 1971 increment for Safeguard will jeopardize the SALT talks—I mean our side of the situation in those talks. The committee does not believe this to be the case. On the contrary, a decision not to proceed with a reasonable Safeguard program would seriously weaken the negotiating position of the United States. We would have a situation where Congress would deny to our President the very item—the major item, I believe—of the bargaining arrangement. On the other hand, Mr. President, if the SALT talks should result in a mutual limitation on ABM systems, President Nixon would make the necessary adjustments to our program. Of course, I should add, Mr. President, that by limiting its role to the protection of our strategic deterrent, the anticipated total acquisition cost of the Safeguard program would be reduced from $10.7 to $6.5 billion based on 1970 dollars.

Now, of course, that is an estimate, but relatively speaking, we have enough information to hit somewhere near home base with reference to that estimate; and, basing it on 1970 dollars, which will not allow for inflation, increases in salaries, and so forth, I believe this is a fairly reasonable anticipation of what those costs will be.

These foregoing considerations leave us no realistic alternative but to proceed with the Safeguard program.

Mr. President, the debate on this issue has already started. It starts today, at least. We shall have this subject under discussion perhaps more than any other during our consideration of this bill. But to my mind, it starts again with the idea of cutting the rug out from under the Chief Executive of this Nation at the SALT talks. We all know this is a major issue at that negotiating table. I am not expecting a whole lot to come out of it all of a sudden, or within a few months, or maybe within the next year. I do believe there is a chance that something good will come out of it.

But if we stop now, in midstream, it is just sending a clear call, a clarion message to those on the other side that "Well, after all, the Government of the United States does not know what it wants to do. It is divided and the Executive head of the Government, after going into this matter, has had a setback, now, with reference to the ABM, so he does not speak for the Nation."

That is the first point they would make. The next would be that "No one else speaks for the Nation in matters like this," and the next would be that "We do not have to concede anything, because they have already taken away from him the major matter in which we are primarily interested."

So I invite the earnest consideration by every Member of this body of that major point.

C–5A PROGRAM

The C–5A, Mr. President, which is the largest aircraft ever built, was conceived in the early 1960's for the primary purpose of carrying the outsized equipment—the tanks, large guns, and other items—of our combat divisions. The original program contemplated a total of 120 of these aircraft. This program was reduced, however, because of cost and other factors. In November 1969 the Secretary of Defense announced that the program would be held to 81 aircraft. I approve of that decision and that conclusion. I think it is enough. That will be enough under all the circumstances; and, in fact, I think it is a very satisfactory cutoff point on this particular aircraft.

The fiscal year 1971 budget request totals $622.2 million for the C–5A aircraft including $344.4 million for unfunded prior-year production commitments;

$200 million in contingency funds which is an amount in excess of the contract ceiling as interpreted by the Air Force; $66.2 million for initial spares; and $11.6 million for research and development.

The committee is recommending the approval of these funds subject to two very important statutory conditions I shall shortly discuss.

Mr. President, we had just as well get these figures into our minds. This $66.2 million for initial spares, I think, is a matter of course; we will not have to bother with that any more.

The $11.6 million for research and development is well understood; these planes have to continue to have a certain amount of spending in the fields we designate as research and development.

The $344.4 million I have referred to is for unfunded prior year production commitments. There is no dispute about that amount.

The $200 million in contingency funds, which is an amount in excess of the contract ceiling, as interpreted by the Air Force—that is the item here in contest, one might say. That is the item which will be the major part of the debate on this issue.

This was an unusual contract. I do not defend it, and never have, and I hope we never have another one like it. But we cannot just wish it away; we have this one, and we have to deal with it.

I do not know what will finally be determined by the contractor and the Air Force, or the Department of Defense, as the level of the obligation of the Federal Government. But this $200 million is above what the Air Force says the contractor is due under the contract. They just bring it right out in the open and stand on that, and that is the way I have put it here today. The Air Force could be proved wrong in negotiations or in the courts, but for the time being—and this is an unfinished contract—the Air Force claims the Government is not obligated beyond this $344 million for the 81 planes.

Mr. President, we all are familiar with the controversy surrounding this aircraft and its contractual arrangement. I certainly do not stand on the Senate floor and attempt to defend the so-called total package procurement contract of the C–5A and all the various issues and problems that have arisen during the history of this total package contract.

The issue for the Senate on this matter is how this body should deal with the C–5 program under the present circumstances and at this point in time. The committee has recommended that we go forward with the C–5A program for one basic reason—the need for this aircraft for our national defense.

What alternatives does the Congress have at this time with respect to the program? Let me say first, Mr. President, that the total amount which has been appropriated for the C–5A program—that is, for fiscal year 1970 and prior years—is approximately $3.4 billion. If the Congress should decide that there should be no further program at all—that is, no funds appropriated for fiscal year 1971 for the C–5A—the Air Force would receive about 17 completed aircraft for $3.4 billion, which would be a unit cost of about $200 million each. There are, of course, in the production pipeline literally millions of parts of every description, as well as a number of partially assembled planes. With no further funding, substantially everything that is in the present production pipeline, costing millions, therefore would be wasted.

Mr. President, as another alternative, if only the $344 million is approved, the Government would receive about 30 5–C aircraft for the total program. This sum would finance the program through about December 31, 1970, but no further. Under this alternative, $3.75 billion would have been spent for a unit cost of about $125 million per aircraft.

If the entire $544.4 million is authorized, which of course includes the $200 million in contingency funds to which I have referred, the Government would receive about 42 aircraft, with a cost of about $94 million each. The question of funding beyond the 42 aircraft is not before the Senate at this time since further funding is not being requested. If the program is completed, however, for the total of 81 aircraft, the average unit cost for the entire program will be about $56 million each.

Under that, we would have 81 aircraft costing $56 million each, in round figures. That would include all the cost of research and development for the whole program. So I emphasize, Mr. President, that the cost of the additional aircraft after the $344 million has been authorized will be about $16 million each.

I emphasize that again. The cost of the additional aircraft after this $344 million has been authorized—that is the first item in the bill that I mentioned—then would be approximately $16 million additional for each. We put very effective restrictive language in this bill as a part of this $200 million.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. PROXMIRE. I want to ask the Senator a question about the C–5A. When he said that the cost of additional aircraft after a certain point would be $16 million each, I did not get the precise reference. I wanted to get it correctly.

Mr. STENNIS. I was referring to this money after the $344 million. That would be the $200 million extra we have talked about for this year, and then the sums for next year which are estimated now. It means that the additional cost—all of that added together and figuring in the number of extra planes we are going to get—would be approximately $16 million. But I did not mean to say that the planes would cost only $16 million.

Mr. PROXMIRE. The overall cost, I understood the Senator to say, if we completed the program, would be $56 million for each plane. But the additional cost, if instead of stopping the program without appropriating the $200 million that is asked and all additional sums asked in connection with that—the difference if Congress goes astray would be, as I understand it, $16 million on the planes that could be built, the additional authorizations. Is that correct?

Mr. STENNIS. That is the way it works.

Mr. PROXMIRE. I thank the Senator.

Mr. STENNIS. I do not want to leave any inference—and I am glad the Senator brought that point up—that it would cost only $16 million apiece. And I do not want to leave any inference here when I say that the matter of additional money is not before us now. If this is approved and we go on with the program, it will be before us next year for additional money.

RESTRICTIVE COMMITTEE LANGUAGE

Mr. President, the issue in controversy on the C–5A is the $200 million in so-called contingency funds, which is an amount in excess of the contract ceiling as interpreted by the Air Force. I would note at this point that the contractor does not agree with the Air Force position. Moreover, the committee takes no position on the merits of the contractual disagreement. We are not trying to say which one is right—the contractor or the Air Force. We are not saying it now. Of course, it shall be the duty of the Department of Defense and the Department of the Air Force to represent the Federal Government with vigilance in settling with the contractor as to the contractor's obligation and the Air Force's obligation under the original contract. No one has waived anything. The Federal Government is not waiving anything. The committee does not want to inferentially waive anything. But the committee says that it is the duty of the Department of Defense and the Air Force to represent the Federal Government with vigilance in settling with the contractor as to his obligation and what is the obligation of the Air Force.

The C–5A matter received the most intensive consideration by the committee. In fact, four different hearings were held. Mr. Packard, the Deputy Secretary of Defense, appeared before the committee on three separate occasions in connection with the C–5A. In addition, the Secretary of the Air Force and other military officials testified separately on the matter. The fact is that unless additional funding is authorized, the contractor will be without the financial resources to proceed with the C–5A program after about December 31 of this year. The committee therefore decided, for the reasons I have outlined, to recommend that the program proceed under certain restrictive conditions.

Mr. President, the committee was of the firm view that this $200 million in contingency funds should not be used until there is a complete understanding as to how the $200 million will be utilized. The committee, as a part of the bill itself, is recommending statutory language providing that none of the $200 million will be obligated until the Secretary of Defense has submitted a plan for the use of the $200 million and this plan has been approved by both the Senate and House Committees on Armed Services. In effect, Mr. President, there will be submitted to the two committees for approval not only a plan for the use of the $200 million, but also an overall proposal

as to how the remaining portion of the 81-plane program will be completed. This plan must necessarily set forth what will be the proposed final arrangement between the Government and the contractor with regard to the completion of this program.

That is a matter that the committee, naturally, would not seek and would not like to get into. But this is a situation in which the Government should have this plane. It must utilize the moneys already spent. Someone has to share part of that responsibility, and we decided that we had the history and the staff and the means of getting at this matter, and we, therefore, decided that the committee should assume this responsibility.

The second provision insures that the $200 million in contingency funds will be used only for the C–5A program insofar as the contractor is concerned. I can accurately state that this provision is the tightest statutory language ever drawn from a defense contract with respect to precluding any possible intermingling or diversion of these funds to other programs of the contractor. The Defense Department has indicated that it is in agreement with this restrictive language. That restrictive language will require that, as a part of the plan that Mr. Packard brings back to the committee, it will have to include compliance with this language, so that it is airtight, that this money is going to be used in the channels here that will produce these planes for us.

SOUNDNESS OF AIRCRAFT

Mr. President, with respect to the soundness of the C–5A, a rather complete report by a special group has been submitted to the Department of Defense indicating certain problems with regard to the aircraft. The Armed Services Committee has been assured by the Deputy Secretary of Defense, Mr. Packard, that he is of the firm opinion that the technical problems which have arisen in connection with the plane can be resolved.

With the exception of those categories in that report, everything else about the plane is favorable. It is being flown now extensively and is in the proces of evaluation and testing. I think it has been flown by a member of our committee and perhaps by another Member of the Senate, and those things will come out in the debate. We followed up on this special group, submitting a report; and Mr. Packard, with his open frankness about matters and with his experience, said that that problem can be resolved. Anyway, it is his reponsibility, with the special attention we are requiring to this contract from here on out, to cover not only that point but also to have a plan that covers the other and protects the Government in every way.

In summary, Mr. President, in the interest of wise management and the need for this specialized aircraft for our national defense, the committee thinks that the Senate should proceed to approve the entire funds requested for the C–5A program.

PROCUREMENT

ARMY AIRCRAFT

Mr. President, the committee recommends a total of $292.1 million for the procurement of 814 Army aircraft. I should note that all of these are helicopters, and 600 are of one type—the OH–58 observation helicopter. About 65 percent of this number will be to replace losses, and about 35 percent will represent a modernization program by replacing the older and less efficient types.

NAVY AND MARINE CORPS AIRCRAFT

The committee recommends a total of $2,337.7 million for the procurement of 259 aircraft. This number, Mr. President, represents the smallest number of aircraft procured by the Navy since 1946. By any standard, Mr. President, this is a most austere program, and even with this buy, the average age of aircraft in the Navy inventory will increase rather than hold its own.

I would like to mention several separate items. The Navy aircraft request contains funds of $658 million in the procurement amount for 26 F–14A's. I would observe that this is the new air superiority fighter for the Navy and, as the Senate may recall, is the follow-on for the TFX which was cancelled as a Navy program. That cancellation, by the Navy, and the start of a new plane, was a congressional act.

This aircraft, which is a long-deferred modernization item, will enter the fleet in the 1973–1975 time period and will replace the F–4 which dates to 1955 in terms of technology. The Navy must have a modern fighter capable of air superiority against any potential enemy.

I would also mention that the bill as passed by the House contained $79 million for two of the S–3A antisubmarine warfare carrier-based aircraft. This is a new program, Mr. President, and the committee recommends that this sum be deleted from the procurement account and transferred to the research and development account since these are, in effect, test aircraft and should be more properly in the research and development program.

AIR FORCE AIRCRAFT

The committee recommends an authorization of $3,225.5 million involving the procurement of 375 aircraft. This request represents a reduction of $89.4 million under the House and $148.8 million less than the amount recommended by Defense.

Mr. President, I would emphasize that the 375 aircraft are the smallest number that have been procured by the Air Force since 1935, and I should add also that over half of this 375—that is, the smaller aircraft—are earmarked not for our Air Force, but for the free world forces. Those are small planes and helicopters.

Several items deserve special mention. First, the request of $30 million in procurement funds for the so-called International Freedom Fighter was denied by the committee on the premise that $28 million was authorized in fiscal year 1970 which has not yet been expended. Moreover, in view of the need for austerity for the entire Defense program, this item is not of the highest priority.

Mr. President, the F–111F aircraft also deserves special mention. The bill contains $563.3 million for this item, of which $283 million is for new aircraft procurement and the remainder for prior over target costs and other items, all of which are set forth on page 27 of the committee report. I would emphasize that this is the only all-weather, deep interdiction tactical aircraft that will be in the Air Force inventory.

The Senate generally is familiar with the long history of structural problems on this fighter. Because of the need for this aircraft, however, the committee is recommending approval, but only on two conditions. First, it is on the understanding that the funds in this year's bill will represent the final procurement of this aircraft, and the committee has received a formal statement from the Air Force to this effect. Second, the committee has recommended statutory language which will preclude the obligation of any of the $283 million for new aircraft until certain certifications are made by the Secretary of Defense to the House and Senate Committees on Armed Services insuring that the structural problems of this aircraft have been successfully resolved. In other words, this aircraft must be completely airworthy in every sense of the word before this new money can be obligated. That item has been one of some controversy in the past. It is the last active buy of the old TFX. It is the last one that the committee will approve and the last time the Air Force will request it. One of the big points is that this is the only all-weather, deep interdiction tactical aircraft that will be in the Air Force inventory. There are some there like this, but this will fill out the last part.

MISSILES

ARMY MISSILES

Mr. President, the committee is recommending authorization of $1,031.6 million for the procurement of Army missiles. The largest element in the Army missile procurement account is $650.4 million for Safeguard, which I have previously discussed. Of the remaining items, the largest is $106.3 million for the TOW missile, the Army antitank missile, which is the wire-guided missile that will be used by Army combat troops against enemy tanks.

I would observe, Mr. President, that the committee deleted a $37 million request for the procurement of the Hawk antiaircraft missile in view of the unused prior-year appropriations already available for this item and the only partially successful testing program for this item.

NAVY MISSILES

The committee is recommending approval of $932.4 million for Navy missiles for fiscal year 1971, covering 12 different items.

Mr. President, I would observe that of the total, $559 million constitutes funding for the ballistic missile program—$540.5 million for Poseidon, and $18.5 million for Polaris.

MARINE CORPS MISSILES

Mr. President, the committee is recommending $12.8 million for the Marine Corps missile program. This is a reduction of $14.8 million which represents the deletion of the funds for the procurement of the improved Hawk for the reasons I have already cited in connection with the Army Hawk program. The ground support equipment for this item was not deleted, however.

AIR FORCE MISSILES

Mr. President, the committee recommends a total of $1,479.4 million for the Air Force missile request. The largest single item is $475.7 million for the Minuteman II and III programs.

NAVY SHIPBUILDING AND CONVERSION

The committee recommends an authorization of $2,276.9 million for the Navy shipbuilding and conversion program for fiscal year 1971. This represents $452 million less than the $2,728.9 million recommended by the Department of Defense and is $737 million below the amount recommended by the House, which was $3,013.9 million. In support of the general fiscal year 1971 shipbuilding and conversion program, Mr. President, the amounts recommended, in the opinion of the committee, are the bare minimum which are essential for modernizing the over-aging fleet of United States Navy. Let me emphasize, "modernizing the over-aging fleet."

At the present time, the Navy has about 750 ships in the active fleet and approximately 47 percent of these are over 20 years of age. This country has reached the point where adequate modernization can no longer be delayed if we are to have an effective modern naval force. The entire shipbuilding and conversion program, together with the committee's action on each item, is set forth in the committee report on pages 55 through 60.

In line with the need for austerity the committee did make certain deletions.

The committee deleted an addition of $435 million by the House for five additional naval vessels of various types. These items were not in the President's budget request although the Secretary of Defense did indicate that if the ships were authorized and appropriated for, the funds would be obligated. The Senate committee felt, however, that in view of the necessity for austerity, these ships should not be funded this year.

DISAPPROVAL OF FUNDS FOR NUCLEAR ATTACK CARRIER

The committee has recommended the deletion of funds for the procurement of the lead items in the amount of $152 million for the third *Nimitz* class carrier known as the CVAN–70.

I emphasize, Mr. President, that the committee did not reject the concept of an additional carrier. That was expressly understood by each member of the committee. The committee's action was based on the fact that the executive branch of the Government has not made a firm, unconditional budget request for this item. The request for $152 million was contained in the President's budget. However, the budget message stated that the funds, even if approved, would not be obligated until studies on the need for the carrier had been completed by the National Security Council. The committee, just prior to markup of the bill, requested the Secretary of Defense to provide a final position of the executive branch on the CVAN–70, and we were advised that the position had not been changed. Under the circumstances, the committee did not feel justified in recommending the $152 million in lead funds.

I should also note, Mr. President, that as a result of a provision in last year's authorization bill directing a joint study by the House and Senate Committees on Armed Services on the need for the CVAN–70, a joint subcommittee of the two committees was appointed. Extensive testimony was taken; a subcommittee report has been issued; and the hearings totaling 768 pages have been published.

I would make two observations, Mr. President: First, a majority of the subcommittee recommended the additional carrier, principally on the basis of need for modernity and second, the joint subcommittee made every effort to obtain and seek out all witnesses who might want to testify against the concept of the carrier—and I might add there was some difficulty in this regard.

We did have certain outside witnesses who gave different points of view. Some of those who were thought to be in opposition, however, did not appear. I would observe that we also had testimony from the Senator from Minnesota (Mr. MONDALE) and the Senator from New Jersey (Mr. CASE) on this matter.

Mr. President, I personally made quite an effort to get some outstanding witnesses to appear in opposition to the concept of a carrier.

I remember over the telephone one very outstanding man, who asked to be excused, saying that all he could contribute would be about the same as any other witness. He could give the pros and the cons. And there were some well understood pros on the matter and oft-repeated cons.

That is about the way that any kind of a hearing or investigation of this matter would turn out. Personally, I believe that the greatest single deterrent force we have day after day around the world is the proper presence of these carriers at key points in key areas of the world. They have a tremendous potential. They can be seen by any seaman or by people on the shorelines and have been for years, time after time. That is not to say that we threaten anyone or that we have a reputation of being a Nation that threatens other nations. But I think the psychology of this great power, its availability and movability, is a tremendous factor in maintaining the balance of power in the world in which we are now living.

DELEGATION OF HOUSE LANGUAGE PROBLEMS

Mr. President, on page 56 of the committee report the committee indicated its reasons for deleting three statutory provisions contained in the House bill relating to the shipbuilding and conversion program. These concern, first, the requirement that $600 million of the shipbuilding request be spent only in naval shipyards; second, that no fiscal year 1971 shipbuilding funds be obligated until a recommendation has been received from the National Security Council on the CVAN–70; and, third, the provision requiring that the contract for the DD–963 destroyer program provide for the construction in at least two shipyards.

As I say, these matters are covered in full on page 56 of the report. It was decided after consideration and discussion not to include those. They will be in conference and will have such consideration as the conferees see fit to give to any of them.

The matter concerning the amount of money that would be spent only in naval shipyards, as I recall, is actually usually settled in conference, where it can be done in rather excellent fashion.

TRACKED COMBAT VEHICLES

Mr. President, for the Army the committee is recommending $182.2 million for fiscal year 1971 for tracked combat vehicles. This amount can be compared to $206.2 million in the House bill and $207.2 million in the budget request.

For the Marine Corps and the Navy, the committee recommends the amount of $47.4 million as compared to $48.4 million which is the sum of both the House version and the budget request. This account covers the procurement of tanks, personnel carriers, and other tracked vehicles, all of which are set forth by line item in the committee report.

Mr. President, this category covers the entire Army tank program and I shall devote some brief remarks to the requested programs.

The Army request contains funds for three different tanks. The first is the M60A1 which is the basic standard tank, or what I refer to as the workhorse. The committee is recommending $56.7 million for this item which will permit the procurement of 300 of these tanks.

The next tank is known as the M60A1E2. This is the tank started in 1965 which represented an attempt to adapt the Shillelagh missile to the old model tank, M60A1. Funds have been provided in prior years, but the technical problems have never been resolved. Under the circumstances, the committee has deleted the $12.1 million for further work on this tank. These funds would have continued the effort of resolving the technical problems involved in the marriage of the Shillelagh to the M60A1. The committee was of the opinion that this program was at the point where no further investment should be made and all energies should be concentrated on projecting the M60A1 and on refining and accelerating the development of the MBT–70, the main battle tank. That is the one in the process of researching.

I am able to report to the Senate that all of the investment will not be lost since a substantial number of the chassis for the so-called M60A1E2 tank can be used for the standard M60A1 tank to be produced. The M60A1 program was reduced from $67.6 million to $56.7 million because of the application of savings resulting from the cancellation of the M60A1E2 program.

The last tank item concerns the MBT–70, known as the main battle tank. Mr. President, the bill contains a total request of $77 million for this item—$36 million for research and development plus $41 million for advanced production engineering. This tank, which is still in the development stage, has undergone considerable change as compared to fiscal year 1970. It will be produced independently of Germany and will be on a much

more austere basis as a result of the program reviews which have been undertaken by Mr. Packard, the Deputy Secretary of Defense.

Mr. President, we must have a new tank for the 1975–80 time frame, and the MBT–70 in its revised program offers the only hope of attaining this goal. The committee, therefore, strongly urges the approval of this request for $77 million.

I would like to say a special word on that. Along with other Senators, I made a special effort to get information and try to find out what the trouble was. I think that we got to the bottom of this matter.

We brought one witness back from the Armed Forces in the field, near the Czechoslovakian border. He is an outstanding Army colonel. I had seen him in action as head of the training units over there. He is unusually well qualified from the standpoint of being a field soldier and a fighting colonel to testify on this matter. I especially refer any Senator interested in the matter to his testimony. He was quite convincing in covering this matter.

Mr. President, I shall supply the page number and the volume where his testimony is to be found. The hearings on page 1444 contain the testimony of Col. Paul Baltas on this matter.

OTHER WEAPONS

Mr. President, as a result of an amendment last year to the military procurement bill, there is now a new category which requires an authorization prior to appropriation known as other weapons. In fact, this category covers weapons which serve individuals and crews and for the most part consists of machineguns and rifles. The total request for the Army account for fiscal year 1971 for this category being recommended by the committee is $67.2 million, and for the Navy and Marine Corps, $4.4 million. The only adjustment made by the committee was a slight reduction of $1 million representing a recognition of prior funding already available for this purpose. I would note as a matter of interest that this Army request includes $27.1 million for the procurement of 253,738 M–16 rifles. The committee has eliminated restrictive language added by the House concerning manufacture of the M–16 rifle with fiscal year 1971 funding.

REQUIREMENT FOR AUTHORIZATION OF TORPEDOES BEGINNING FISCAL YEAR 1972

Mr. President, as a result of the development problems that have arisen in connection with the Mark–48 torpedo, the committee has recommended language in the bill requiring that beginning in fiscal year 1972 the procurement of naval torpedoes will be authorized prior to an appropiration, in the same manner as for other weapons now contained in the bill.

RESEARCH AND DEVELOPMENT

Mr. President, I now turn to the research and development portion of this bill. I have already made a separate speech on this feature of this legislation. The Senator from New Hampshire (Mr. McINTYRE) will also treat research and development funding requests in great depth. I hope he has some remarks to make on it today. My remarks at this point, therefore, will be limited to the highlights of the committee's research and development actions.

Mr. President, the committee is recommending a total of $7.016 billion for research and development for the Department of Defense representing a reduction of $385 million below the Department of Defense request and $249.1 million below the House bill. In reality the Senate committee is reducing the research and development programs by a total of $464.1 million or 6.3 percent below the request. There was a transfer of $79 million for two S–3A aircraft from the Navy procurement budget to the research and development account which has reduced the dollar reduction to $385.1 million.

TWO SIGNIFICANT ASPECTS OF RESEARCH AND DEVELOPMENT

Mr. President, I would emphasize to the Senate that out of this $7 billion being reduced only about $400 million goes to basic research. More than $3.7 billion, or over half the entire Research and Development budget, is spent for engineering and operational development programs which involve the actual fabrication of completed weapons systems used for the test program.

Another large segment of the program, about $1.2 billion, pays for the management and maintenance of the Department of Defense test and research and development organization. There are included the salaries of 88,000 civilian personnel—scientists, engineers, and technicians.

That is one of the most extensive and most important aspects of this entire military program. I mention these aspects to indicate the vast magnitude of the Research and Development program.

SPECIAL ITEMS IN THE BILL

Mr. President, the committee report from page 70 through 100 discusses in detail the Research and Development funding requests. I shall mention only several highlights of the committee action.

First. The $17.6 million requested for further development of the Cheyenne helicopter was deleted in view of the committee's approval of $27.9 million for the AX for the Air Force program and $17 million for the Army advanced helicopter technology program.

Second. The committee reduced by $50 million—from $100 to $50 million—the request for development funds for the B–1 advanced bomber for the Air Force. The committee observes that $65 million of funds approved last year remain unobligated.

Third. The committee denied the request for $33.6 million for the subsonic cruise armed decoy because the Department of Defense has delayed the start of this program, and some $8 million of fiscal year 1970 funds approved have not been used.

LANGUAGE PROVISIONS ON RESEARCH AND DEVELOPMENT

Mr. President, there are several language provisions being recommended by the committee, none of which were contained in the House bill, which deserve special mention.

DEFENSE-RELATED REQUIREMENT

The committee has recommended in section 204 of the bill the reenactment of the restriction adopted on the Senate floor last year which prohibits the use of any research and development funds for research projects and studies unless they have a direct and apparent relationship to a specific military function.

This provision sponsored last year on the Senate floor by Senator MANSFIELD has proved to be a very effective and worthwhile control on the defense research and development program and the committee is recommending its reenactment for fiscal year 1971.

INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. President, the committee is recommending a new provision of law for the control of independent research and development within the Department of Defense. This provision now set forth as section 203 is the result of long and intensive hearings by Senator McINTYRE's subcommittee. This activity which has not been the subject of a budgetary control will be under a ceiling of $625 million for fiscal year 1971 as well as under certain other controls set forth in the provision.

DOMESTIC APPLICATIONS OF RESEARCH AND DEVELOPMENT

The bill, as a result of a recommendation by Senator BROOKE, contains a provision set forth in section 205 which will provide for the creation of interdepartmental machinery under which Defense research and development projects, where applicable, may be utilized for civilian domestic purposes. Certain permissive grant authority is also contained in this section.

CHEMICAL AND BIOLOGICAL WARFARE PROVISIONS

The remaining language change for research and development relates to certain provisos regarding chemical and biological warfare: First, reinstating last year's provision prohibiting procurement of delivery systems for lethal chemical and biological warfare agents; second, adoption of provision relating to safety procedures with respect to the disposal of lethal chemical and warfare agents; and, third, proviso directing a study on the ecological and physiological effects of the use of herbicides.

CONTINUED AUTHORITY FOR THE USE OF DEFENSE FUNDS FOR FISCAL YEAR 1971 FOR FREE WORLD FORCES IN SOUTHEAST ASIA

Mr. President, this bill continues for fiscal year 1971, with two modifications, the same authority that has been enacted for each fiscal year beginning with fiscal year 1966, authorizing the use of defense appropriations for the support of the Vietnamese and other free world forces as well as local forces in Laos and Thailand.

Let me first emphasize that this authority does not relate to the use of funds for U.S. forces. These funds relates only to what we call foreign military aid. It does, however, authorize the use of Defense funds for the support of Vietnamese and other free world forces in Vietnam and, as amended by the committee, or certain limited operations in Cambodia and for local forces in Laos and Thailand. This support and related

costs is authorized on such terms and conditions as the Secretary of Defense may determine.

As a matter of historical interest, Mr. President, this provision was adopted for fiscal year 1966 in order to accomplish a merger of funding for the support of allied forces in a combat area with that of the U.S. forces engaged in the same area. This was the practice followed during the Korean war.

Ordinarily this is what we would call foreign military aid, but for the reason given here it has been handled since fiscal year 1966 in this bill. It really is not related to military procurement and authorization. I do not think that they both should be in the same bill, although our committee is not running from the handling of this matter, especially as long as the war is going on. Next year if they insist on putting them both in the same bill. I want our committee to insist on taking it out of the military procurement bill and putting it into a separate bill so that it will be brought here as a separate matter. It is confusing, in a way, in the debate, to have all these items concerning research programs, all the authorizations concerning tanks, airplanes, missiles and everything else, tied in with policy questions on how the war should be operated.

COMMITTEE LIMITATION OF $2,500 MILLION

The bill as passed by the House contained no ceiling on the amount of funds that could be used for the support of free world forces under this authority. The committee has adopted a limitation of $2.5 billion which could be used for this purpose from fiscal 1971 funds. This ceiling is identical to that adopted for 1970 funds.

CLARIFICATION OF AUTHORITY

Since fiscal 1966 a provision has authorized the use of defense funds for the support of the "Vietnamese and other free world forces in Vietnam."

When this bill was before our committee the Cambodian sanctuary takeover was raging as a part of the battle in South Vietnam. The words "in Vietnam"—all this activity was limited to South Vietnam itself—have given rise to some doubt as to whether such funds are available for support of the free world forces outside of Vietnam in the so-called sanctuaries of Cambodia. In order to remove any doubt in this matter the committee deleted the words "in Vietnam" and substituted the words "in support of Vietnamese forces." The reason for this substitution is discussed in detail in the committee report on pages 105 to 107. Our reason was to make clear that this authority did extend to the support of free world forces in border sanctuaries and related operations in Cambodia in order to accomplish protective reaction strikes or to protect U.S. forces in Vietnam. The entire purpose, of course, of any operations in Cambodia would be to accelerate the Vietnamization program or protect the U.S. forces.

It still is a limitation of the use of these funds as far as this authorization goes to matters concerning the taking of sanctuaries and related activities and the protection of our own troops and the carrying out of the Vietnamization program.

The word "Vietnamization" is a rather long word there, but it means that the use of this money must have to have some relationship to the President's program as carried out so far in a broad sense in the recent operation.

I would emphasize, as the report states, that there was no intent to permit the use of Defense appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

I personally did not want us to undertake—not through this method here; I do not favor it under any circumstances that I know of here—to underwrite the sustaining of the Cambodian Government. We already have our hands full.

The committee's basic purpose was to allow a reasonable latitude for operations in these limited areas of Cambodia for the purposes I have already explained.

There was no other plan of operation before the committee. I want to make clear that, as far as I know and believe, the President of the United States has not made any promises to the Government of Cambodia. I do not want to leave any possible inference from what I have said on that score, and I say there was no other plan presented to the committee.

I have said many times that I thought if Asia was going to save itself, it was going to have to be done by the help of Asian nations, one to the other. If there is a good, clean, clear-cut plan for the use of mercenaries—and I do not think that is a bad term—I am not saying I would be opposed to that, but if it is tied in in any way with the underwriting or sustaining of any other government or any other country in Southeast Asia, I think that is beyond our call of duty and beyond the call of reason. As far as any clear-cut plan is concerned with respect to mercenary troops, if the President wants it and is going to be responsible for it, I would not rule that out at all, in my view, as a part of some additional legislature effort.

REQUIREMENT OF CONSENT FOR DEFENSE ARTICLES GIVEN TO THIRD PARTIES BY SOUTHEAST ASIAN COUNTRIES

The bill also contains a provision set forth in section 502(a)(2) which requires notification to and consent of the U.S. Government in the event Southeast Asian countries transfer U.S. defense articles received by them to third countries. This authority is similar to that already contained in existing law with regard to items now furnished under the military assistance program and the military sales program. This provision was adopted following a suggestion of Senator SYMINGTON.

AUTHORITY FOR THE SALE OF AIRCRAFT TO THE STATE OF ISRAEL

Mr. President, the committee in section 501 of the bill has recommended a statutory provision which authorizes the transfer of aircraft and supporting equipment by this country to the State of Israel on the basis of sale, credit sale, or guaranty. The committee adopted this provision on the premise that the special authority was justified in order to provide the State of Israel with a greater means for its own security.

PERSONNEL STRENGTH OF THE SELECTED RESERVES

Mr. President, existing law requires that the personnel strength of each of the selected reserve components be authorized on an annual basis.

For fiscal year 1971 the committee has recommended all of the strengths contained in the House bill and as recommended by the executive branch except for the U.S. Coast Guard Reserve. Except for the Coast Guard the total strengths being recommended for the Department of Defense components total 972,514, with each element as follows:

Army National Guard	400,000
Army Reserve	260,000
Naval Reserve	129,000
Marine Corps Reserve	47,715
Air National Guard	87,878
Air Force Reserve	47,921

For the Coast Guard Reserve the committee has recommended an average strength for fiscal year 1971 of 10,000. The budget submission recommended a zero strength for fiscal 1971 and the House version of the bill recommended a total strength of 16,590.

SUMMARY STATEMENT

Mr. President, the foregoing remarks summarized the various provisions of the pending legislation. It is an adequate bill and it is also an austere bill which represents the minimum in the judgment of the committee necessary to support the increment of hardware and research and development for fiscal 1971.

On that basis, I urge the Senate to give the bill its full support.

Let me say this, in addition. These are not casual things we have in the bill. They have been well considered by the committee membership, all of whom have had some experience in these matters and some of whom have had a great deal of experience. It was determined that, whatever our recommendations were going to be, they were going to be developed on facts and proof by responsible people, and that proof was to be developed by knowledgeable people and checked out, and contrary witnesses called where it was thought necessary. Some of the hearings were open. As many of them are open as we thought possible.

I again call special attention to the report and the testimony, all of which is as complete as could be made under the circumstances.

I repeat again, our staff is ready, and I know they are able, and I know they are willing, to go into any matter with reference to this entire important measure, that any Member of the Senate, off the committee or on the committee, might wish.

In that spirit and on those facts, we are honored to present the bill to be considered by the Senate.

Mr. McINTYRE. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I yield.

Mr. McINTYRE. For the purpose of

emphasis, would our chairman again state the request of the Department of Defense as initially coming to us as opposed to what we are recommending, so that the record will indicate clearly the amount of the reduction that our committee in this particular area is recommending?

Mr. STENNIS. I shall be glad to do that. There are two answers to that question, in this way: We took out of the military construction bill $334 million, as the Senator knows, on the Safeguard. So I will give an answer leaving that change out and then give an answer including it.

The Department of Defense requested for procurement, research, and development $20.271 billion. We recommended for procurement, research, and development $18.9 billion. The House has recommended $20.237 billion for that purpose.

That leaves in the Senate bill for those items $18.9 billion as against the Department of Defense request of $20.271 billion.

However, when we add in the $334 million to which I referred, which we took from another bill for the sake of uniformity in debate and presentation, our bill then contains $19,242,889,000.

Mr. McINTYRE. I thank the Senator. I also wish to commend our distinguished chairman for his fine explanatory remarks concerning this difficult bill, because this undoubtedly signals the debater that will occupy this distinguished body for let us hope not longer than the next 4 weeks.

Mr. STENNIS. I thank the Senator very much, and I thank him for what he did in making this bill possible and for taking part in the debate.

Mr. President, in connection with the Senator's question, I ask unanimous consent that page 8 of the report on this subject, which gives the statistics in reference to this matter, be included in the RECORD at this point.

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

SUMMARY BY MAJOR CATEGORY—ARMY, NAVY, AIR FORCE, AND DEFENSE AGENCIES

[In thousands of dollars]

Procurement	Authorized 1970	Appropriated 1970	Prior year programs to be reauthorized (included in total requested 1971)	Total requested 1971	House: Change from request	House: Authorized	Senate Armed Services Committee: Change from House	Senate Armed Services Committee: Recommended amount
Aircraft:								
Army	570,400	554,400	(2,400)	296,900	−2,400	294,500	−2,400	292,100
Navy and Marine Corps	2,391,200	1,826,200	(35,500)	2,487,700	−35,500	2,452,200	−114,500	2,337,700
Air Force	3,965,700	3,730,800	(59,400)	3,374,300	−59,400	3,314,900	−89,400	3,225,500
Subtotal	6,927,300	6,111,400	(97,300)	6,158,900	−97,300	6,061,600	−206,300	5,855,300
Missiles:								
Army	880,460	831,900	(8,000)	1,094,600	−8,000	1,086,600	−55,000	1,031,600
Navy	851,300	818,800	(7,500)	983,000	−36,400	946,600	−14,200	932,400
Marine Corps	20,100	3,400		27,600		27,600	−14,800	12,800
Air Force	1,486,400	1,448,100	(14,000)	1,544,600	−39,300	1,505,300	−25,900	1,479,400
Subtotal	3,238,260	3,102,200	(29,500)	3,649,800	−83,700	3,566,100	−109,900	3,456,200
Naval vessels: Navy	2,983,200	2,490,300	(150,000)	2,728,900	+285,000	3,013,900	−737,000	2,276,900
Tracked combat vehicles:								
Army	228,000	201,100	(1,000)	207,200	−1,000	206,200	−24,000	182,200
Marine Corps	37,700	37,700		48,700		48,700	−1,300	47,400
Subtotal	265,700	238,800	(1,000)	255,900	−1,000	254,900	−25,300	229,600
Other weapons:								
Army			(1,000)	69,200	−1,000	68,200	−1,000	67,200
Navy				2,789		2,789		2,789
Marine Corps				4,400		4,400		4,400
Subtotal	(1)	(1)	(1,000)	76,389	−1,000	75,389	−1,000	74,389
Total procurement	13,414,460	11,942,700	(278,800)	12,869,889	+102,000	12,971,889	−1,079,500	11,892,389
Research, development, test, and evaluation:								
Army	1,646,055	1,596,820	(18,000)	1,735,900	−88,000	1,647,900	−38,700	1,609,200
Navy (including Marine Corps)	1,968,235	2,186,400	(15,000)	2,212,300	−15,000	2,197,300	−3,000	2,194,300
Air Force	3,156,552	3,060,600	(18,000)	2,927,700	−18,000	2,909,700	−191,700	2,718,000
Defense agencies	450,200	450,000	(5,000)	475,700	−15,000	460,700	−15,700	445,000
Emergency fund	75,000	75,000		50,000		50,000		50,000
Total, R.D.T. & E	7,296,042	7,368,820	(56,000)	7,401,600	−136,000	7,265,600	−249,100	7,016,500
Total procurement and R.D.T. & E	20,710,502	[2]19,311,520	(334,800)	20,271,489	−34,000	20,237,489	−1,328,600	18,908,889
Military construction, SAFEGUARD	12,700	12,700		325,200		325,200		325,200
Family housing, SAFEGUARD				8,800		8,800		8,800
Grand total	20,723,202	19,324,220	(334,800)	20,605,489	−34,000	20,571,489	−1,328,600	19,242,889

[1] Authorization for other weapons not required prior to fiscal year 1971.

[2] Of this amount, $350,000,000 to be derived by transfer from stock funds.

Mr. STENNIS. Mr. President, as soon as I finish yielding for questions, I shall be glad to yield the floor.

I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I, too, commend the Senator from Mississippi for his, as usual, extremely able explanation of a highly complicated bill.

I should like to ask the Senator about the C–5A once again, because I want to get clear in my mind what the issue is. I must say that the Senator and the report of the committee present a very powerful case for going ahead with authorization above the contract, and substantially above the contract.

As I understand it, the original contract called for something like $3.7 billion for 120 planes. If we go ahead with the fourth alternative listed here on page 18, which is the full 81 planes, the cost will be $800 million above that, as I understand it, so that the cost per plane would then be $56 million, which compares with a much lower contract cost, of course, even if the highest figure in the contract were assumed—and the contract was one which had a low and a high estimate involved.

I should like to ask the Senator from Mississippi if either the committee or the Pentagon has given any consideration to securing another tenant, someone else to complete this operation. I ask that question in all seriousness, because this plant in Marietta, Ga., in which the plane is being built is owned 100 percent by the Federal Government, as the Senator knows; the equipment, much of the equipment is owned by the Government; progress payments have been paid to the tune of 90 to 100 percent, including labor costs, and so forth, by the Federal Government.

One could make the case that the Lockheed Co. has not been competent. Certainly it has not been efficient. The costs have been very, very high, and I wonder what consideration has been given to trying to determine, whether some other concern could do this more efficiently, and complete the job more efficiently, especially in view of the fact that the latest report we have on the plane states that it is deficient in some respects, and has had a lot of trouble with its wings, that that may have to be restructured and reworked, and there has been some degradation in its cargo carrying capacity, and so forth.

What consideration has been given to getting another manufacturer?

Mr. STENNIS. Some consideration has been given to the Senator's question. As I recall, he and I talked a little about it one day unofficially, not in debate. Several Senators have discussed this matter with others who are informed in this field, but frankly, the committee relied largely upon Mr. Packard, the Assistant Secretary of Defense. He has given a lot of attention to this matter, as shown in the unclassified part of the record, and he advised against it.

One of the main points is that there is no dispute, it seems, about Lockheed having the skilled men and the know-how; and even though there is a fracture in the wing, which is not unusual, it is a going concern, I mean the wheels are turning and the know-how is there, and to undertake a change of management and a shifting of all this would be a monstrous undertaking. My commonsense makes me back off from it, just on the surface.

Mr. PROXMIRE. That may well be. My question was, however, that it seems to me, in view of the record of Lockheed on the C–5A, that this question ought to be explored. We ought to at least have from the Department of Defense some evidence that they have given the matter consideration to the extent of discussing it, say, with Boeing and some of the other outstanding aircraft manufacturers, to see if there is any possibility that they could step in.

If this were Lockheed's plant and equipment, and they were not receiving Government progress payments that would be one thing; but it is not. It is really a Government operation, with Lockheed management providing a product that is a failure.

Mr. STENNIS. It is a part of Lockheed's nationwide operations, as the Senator knows. It happens that this is an old Government plant, that is true. But this matter is, except for the repetitious making of additional planes, almost over now. The know-how has all gone into it, and the operation, except moneywise, has been rather successful.

Mr. PROXMIRE. Are we really assured? Does the Senator feel very confident that this additional $800 million would be all that would be necessary to get us the 81 planes? Is that pretty definite and clear in the Senator's mind? Of course, he cannot make a guarantee.

Mr. STENNIS. No.

Mr. PROXMIRE. But I am saying, does he feel strongly that there will be no further overrun?

Mr. STENNIS. There is a sum to be added to the figure the Senator has mentioned. The Senator mentioned $800 million?

Mr. PROXMIRE. $800 million; yes.

Mr. STENNIS. $800 million is the best estimate that we now have as to what will be required. As the Senator says, we cannot guarantee it, but we think that is in the neighborhood of being the correct amount. That is the amount we had to admit to ourselves we were passing on, frankly, when we recommended the amount in the bill.

That whole thing, though, as I pointed out earlier in the argument as to the $200 million, is subject to negotiation, and this whole $800 million would be subject to negotiation as between Lockheed and the Air Force and the Department of Defense, as to where the line is as to whose obligation this is, and to what point.

Mr. PROXMIRE. It is clear that $800 million would not be, if we stick by the contract, the obligation of the Federal Government at all. This is an additional obligation beyond the contract, as I understand the committee report.

Mr. STENNIS. No, I do not think we can assume finally that it is going to cost the Government that much, because that is assuming that the obligation has already been defined. The committee does not agree to that, and the contractor claims that it is going to be due more than that sum under the contract, more than the Air Force claims will be due.

Mr. PROXMIRE. The words of the report—just one short sentence—are as follows:

> In other words, after the $344.4 million owed under the contract is authorized, additional funds of $800 million will be required for 50 additional planes resulting in an average cost—

And so forth.

In other words, it seems that this is the present estimate of the committee. The Senator says it may be less than that, but that is subject to negotiation; is that correct?

Mr. STENNIS. Well, we wanted to be certain to present the whole picture to the Senate. So that $800 million there, in our judgment, is the most that it will cost the Government additionally.

Now, if the Lockheed people, though, are able to prove that they are entitled to more money under the contract than the Air Force now admits, then they will have that much, whatever they prove, as a matter of right and not as a contingency. But it is going to cost the Government about $800 million more.

However, as I emphasized, Lockheed claims that it has a right to some of the $800 million under the contract, even.

Mr. PROXMIRE. So that, altogether, after we authorize an additional $344.4 million, which is what the contract calls for, then there would be another $800 million. That $800 million may partly be due under the contract, if this is the court's interpretation; but in any event, that seems to be what is required to complete the 81 planes?

Mr. STENNIS. The Senator is correct about it being the approximate amount that we think now will be required to finish the contract. Negotiation, or the court, will say how much Lockheed is entitled to under the contract.

Mr. THURMOND. Mr. President, will the distinguished Senator yield?

Mr. STENNIS. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the military authorization bill is a very intricate and meticulous one. It has received the most careful consideration in the committee, and at this time, I should like to commend the able chairman for the splendid manner in which he handled this bill in the committee, and also for the succinct and, I think, comprehensive explanation that the able chairman of the Committee on Armed Services has presented here on the floor today.

Mr. STENNIS. I thank the Senator.

Mr. THURMOND. We feel that this bill has received every possible fine combing, and that it should be approved now by the full Senate.

Mr. STENNIS. Mr. President, I certainly thank the Senator from South Carolina, and in the same breath I want to thank him, too, for the very valuable aid that he has given all year in getting at the facts in the case and putting this bill together. His attendance record has been good, and he has expressed himself well, and I hope that he seeks now and obtains the floor and gives us the benefit of his version.

May I mention again our obligation and indebtedness to the Senator from Maine (Mrs. SMITH), who is certainly a big part of this bill. She attended the hearings faithfully and was at every session of the markup. With her usual good judgment, commonsense, and special preparation, we want her to be back before action on this bill is completed.

I yield the floor.

Mr. THURMOND. Mr. President, I speak in favor of the fiscal year 1971 military authorization bill and I commend the able chairman of the Senate Armed Services Committee for his succinct, yet comprehensive, explanation of this important piece of legislation.

Mr. President, notice should be taken of the absence of the distinguished and able ranking Republican on the Senate Armed Services Committee, Senator MARGARET CHASE SMITH of Maine. Senator SMITH had an operation earlier this month, but in recent correspondence with her I was pleased to learn that she is well on the way to a complete recovery.

Her counsel and leadership will be missed during the debate on the military authorization bill, but I hope and expect that she will be able to join us here on the floor prior to final passage. The scene in the Senate will not be complete until this truly remarkable lady is once again at her desk in the front row of this august body.

Mr. President, as the ranking member of the Senate Preparedness Investigating Subcommittee and one of the senior members of the full committee, I can say without fear of contradiction that few pieces of legislation have been studied reviewed, or debated by the committee members more than H.R. 17123. This thorough study was outlined a few minutes ago by our distinguished chairman.

While I support the committee bill, it is not without some misgivings and reservations. It is my opinion that this bill has been cut too much.

The Senate and Congress should not lose sight of the fact that the defense budget for fiscal year 1971 is only 34.6 percent of the total 1971 budget, the lowest percent going to defense since fiscal year 1950.

It should also be remembered that funds allocated for defense by the Nixon administration are down $9.8 billion from the fiscal year 1970 budget submitted by the Johnson administration.

Also, defense spending fell from 9.5

percent of the gross national product in fiscal year 1968 to 7 percent in fiscal year 1971, the lowest share since fiscal year 1950.

The impact of these sharp cutbacks has been felt in both the Defense Department and the defense industry. More than 640,000 employees in defense industries have been affected by the reductions of the past 2 years and 682,000 military and civilian employees have been laid off by the Department of Defense in the past 2 years.

Further, it should be noted that cutbacks in the nonpersonnel portion of the budget are even greater. Purchases of goods and contractual services will decline by over 20 percent from fiscal year 1969 to fiscal year 1971.

With this background it should be easily understood why there is reason for concern in connection with the cuts in the committee bill.

Some programs have been eliminated and others cut back without my support. We should be meeting our responsibilities for our national security in a more adequate manner.

The Senate must remember that Secretary of Defense Melvin Laird and his associates sent to Congress requests for 1971 of some $2.5 billion below last year's budget. Thus, we can see that the Defense budget is falling rapidly despite the continued engagement of U.S. forces in Southeast Asia.

The fiscal year 1971 budget submitted by Secretary Laird totaled $71.2 billion. Of this amount, $20.2 billion fell into the category of military procurement and research and development. The committee bill deals with this $20.2 billion.

Of this amount, the Armed Services Committee cut the requests to $19.2 billion. The committee shifted from the military construction account some $333 million in the Safeguard program so that all of the Safeguard costs could be dealt with in one bill. Thus, the committee made cuts of some $1.3 billion.

One final point on the figures in this budget. Of the $19.2 billion approved by the committee, only about $12 billion is for weapon procurement, the remaining $7 billion being for research and development.

Mr. President, it is worth while to call attention to the fact that when Secretary Laird presented his requests, he called it "a rock bottom budget."

While he fully recognized the obligation of Congress to examine this bill very closely and work its will, he nevertheless issued this warning:

> I believe that the National Security would be jeopardized by any further reductions in our Fiscal Year 1971 Defense budget request.

These are strong words from a former Member of Congress. I am confident that he would not have uttered them unless he felt deeply such caution should be sounded.

Therefore, I say to the Members of the Senate that we are treading on thin ice when it comes to the national security of this country as provided for in this bill. To cut further may well send us plunging into depths from which a recovery would not be easy.

It would be my hope that before any Member of the Senate offers an amendment to further cut the military procurement bill he examine very carefully the consequences of such an action. The Senate Armed Services Committee and Department of Defense should be contacted in order that the Senator have as complete a set of facts as possible, including any secret information which might bear on his amendment.

Mr. President, this bill comes to the floor with the United States still committed to more than 40 nations by treaties or other formal agreements. It is the responsibility of the Senate Armed Services Committee to see that our Defense Establishment is able to meet these commitments as well as to provide for our own defense.

There has been much talk about cutting back on defense and cutting back on military activities abroad. However, the matter of treaty obligations is within the jurisdiction of the Senate Foreign Relations Committee. We cannot cut back too much on one without cutting back on the other.

Personally, I would welcome a review of these commitments by the Foreign Relations Committee. But that is in the purview of that committee. The point I wish to make here today is that so long as these commitments exist, it is the responsibility of the Armed Services Committee to see that we have the defense strength to meet them.

Added to this requirement is the question of the Soviet threat. Today the Soviet threat is far greater than it was 1 year ago. We are scaling down our Military Establishment while the Russians are charging ahead in many areas.

They are building a naval force to control the seas by going underwater. They already have many more attack submarines than the United States. Soviet Navy ships are appearing in waters around the world.

Further, the Soviet Union has passed the United States in the number of intercontinental ballistic missiles and are building more every day as well as deploying them around that country. Their SS–9 missiles are the most powerful of any nation. The United States has not built any new ICBM's for a number of years, although we are converting our older ICBM's to make them more effective and accurate.

Mr. President, in favoring this legislation, I speak in the interests of our national security. In a period during which it is fashionable to attack the so-called military-industrial complex and defense programs, I urge caution less the Senate emasculate our country's defense.

Most of all we must not lose sight of the fact that the weapon systems we are deciding upon today may not actually enter the inventory of the services until 5 or 10 years from now. Thus, we are providing today for our defense in the late 1970's and early 1980's. Who better than the Defense Department can say what conditions might exist at that time? We must be prepared—we must assure the American people that they will not be faced with nuclear blackmail in the years ahead.

Of particular importance is the preservation of our strategic offensive capability. This is the area in which our deterrent capability can assure a long period of peace for the American people and the world. The strategic advantage we have enjoyed since the close of World War II has been allowed to decline under the McNamara policies of the 1960's. The goal then was to permit the Soviets to achieve parity with the United States in this area.

This point has been reached in many areas during the past several years but the Soviets have kept right on building and deploying ICBM's, missile launching submarines, orbiting missiles and other frightening weapons. It is clear to me that they desire superiority, not parity. If we fail to realize this situation and make unwise cuts in this bill our own generation may live under the fear of nuclear blackmail.

Mr. President, those who are attacking the military budget say they are not antimilitary. They contend their interest is merely to save money so it can go to more worthy programs. In this connection, I am puzzled by their lack of interest in examining waste in domestic programs where equally large sums of money are being spent.

No one seems interested in doing a cost analysis of programs initiated by the Office of Economic Opportunity or similar programs. I would like to see some of our domestic programs receive equal and intensive review as that being applied to the military. For several years the Congress has been shoveling out money in domestic areas where the benefits are more pipedreams than reality.

Also, Mr. President, I wish to say a word in defense of our Military Establishment. Our officers in uniform are the favorite whipping boys of critics who have shared neither their responsibilities, risks or sacrifices. They seem to forget that the man in uniform is carrying out the orders of his civilian superiors.

The vitriolic tone of this attack on the military and the weapons builders, all of whom are acting on authority from the Congress and civilian officials was demonstrated in a book review written by a former Member of this body, Senator Joseph S. Clark. This book, authored by one of our colleagues, was seen by Mr. Clark as an expose. He said:

> It exposed, with a devastating array of irrefutable facts, how an incredibly arrogant but equally stupid military-industrial complex, with little regard for integrity, has diverted the major part of our federal tax resources into a wasteful and utterly unnecessary arms race to the great damage of our domestic economy.

These comments by Mr. Clark were placed in the RECORD by another of our colleagues July 9. In referring to the Defense Department he called it a "huge money wasting Goliath." This critical chorus does little to enhance public confidence and does much to obscure the realities of today.

Mr. President, in closing, let me say that no one claims the cost of defense is cheap. It would be wonderful if we could use all this money to build houses, roads, recreation centers, parks, education facilities, and so on. But we must realize that none of these things will be safe or enjoyable in the face of nuclear blackmail.

The recommendations of the Senate Armed Services Committee were decided upon only after a most searching and far-reaching study of the threat and the alternatives. These minimum requirements are needed to deter what we know our enemy is capable of doing, not what he might do. To cut further or delay these needed weapon programs is tantamount to acceptance of mediocrity. Even worse, in some defense areas additional reductions would amount to unilateral disarmament.

Mr. McINTYRE. Mr. President, first, let me commend my distinguished colleague who is today representing the ranking minority member on the committee. I do not believe there is any committee in the Senate that operates with less partisanship than the Armed Services Committee. I have listened carefully to his remarks. I realize some of the vital questions that bother him when we begin to try to reduce what many consider to be the "fat" that has crept into the budget, but I know, speaking for the Subcommittee on Research and Development, that we have tried hard not to cut what we believe are important matters for the future. We have also tried to make the cuts and reductions as selective and as intelligent as possible.

I think, too, Mr. President, that I would be remiss if I did not say a word about our distinguished chairman, to mention the esteem which all of us on the Armed Services Committee hold for the distinguished Senator from Mississippi (Mr. STENNIS), for his leadership, his fairness, and his patience, which are such that it is really a joy and an education to work with him on what is a difficult and complex authorization bill.

Mr. President, it has been my privilege during this past year to serve again as chairman of an ad hoc Subcommittee on Research and Development of the Armed Services Committee.

Serving with me on the subcommittee have been the Senator from Ohio (Mr. YOUNG), the Senator from Virginia (Mr. BYRD), the Senator from California (Mr. MURPHY), and the Senator from Massachusetts (Mr. BROOKE).

In the performance of its duties, the subcommittee devoted over 70 hours to briefings by Defense Department officials in support of the Department's R.D.T. & E. budget estimates. These briefings were supplemented by many additional hours of informal discussion with persons outside the Department with expertise in defense matters. In addition, the subcommittee held 4 days of public hearings on S. 3003, a bill introduced by the Senator from Wisconsin (Mr. PROXMIRE) to revamp Defense Department administration of its contractors' independent technical effort programs.

The R.D.T. & E. program is perhaps the most difficult and challenging of all appropriations to understand, much less to examine and recommend for authorization.

To the layman, it represents a very substantial amount of money—$7.4 billion in this year's administration request—which too often is assumed to be utilized for vague and ill-defined "research."

To the scientist it is the seedbed of knowledge from which grows all of our superior weaponry.

To the man in uniform it is the promise of the future guns, tanks, ships, airplanes, and missiles which he will need to protect our country, our families, and our lives.

But, to those who are responsible for formulating, managing, and executing the research and development program, including the broad range of military organizations and industries which are involved, it represents at all times a balance, within limited dollars, between the basic sciences which advance man's knowledge, the building blocks of technology represented by exploratory and advanced development, the prototypes of new weapon systems which evolve from engineering development, and finally the operational developments which provide complete weapon systems for test and then employment by our military forces.

The fiscal year 1971 request includes some 495 separate and distinct programs, referred to as program elements or budget subactivities. These are divided among the Army, Navy—including the Marine Corps—Air Force, and the various defense agencies.

These 495 programs consist of literally thousands of individual projects which in turn include thousands of tasks and then subtasks. These tens of thousands of single efforts are spread by contract and grant to thousands of companies of all sizes, to colleges and universities, and to not for profit institutions to buy the best brains, skills, and ingenuity which our society produces.

The following is a list of the major categories into which these varied tasks are divided in the fiscal year 1971 request:

[In millions of dollars]

Research	369.6
Exploratory development	897.4
Advanced development	1,112.7
Engineering development	1,406.9
Operational systems development	2,341.5
Management and support	1,167.5
Emergency funds	50.0
Financing adjustment	56.0
Total	7,401.6

Before proceeding to an explanation of the committee's action on this total budget, I would like to say a few words about each of these major categories:

"Research," as its name implies, involves the advancement of knowledge in those areas of the basic sciences with potential military relevance. Contrary to popular impression, only 5 percent of the total R. & D. budget is expended on such research.

The categories of "Exploratory development" and "Advanced development" represent the next two building blocks on the way to procurement items. "Exploratory development" is really synonymous with applied research. It might consist, for example, of work on certain component parts of a possible avionics system for a new aircraft. "Advanced development" involves the final definition of subsystems of new possible weapons systems. It would be here, for example, that the new avionics system itself would finally be put together. "Exploratory" and "Advanced development" consume 12 percent and 15 percent, respectively, of the fiscal year 1971 R.D.T. & E. budget request.

"Engineering development" and "Operational system development" involve the putting together of individual subsystems into major new weapons systems. Which of the two categories a given system falls into hinges on whether a production go-ahead has been given to it by the Department of Defense. Fifty percent, or $3.7 billion, of the fiscal year 1971 R.D.T. & E. request falls into these two categories. Included in them are all the major weapons systems on which our security will depend for the next decade and more.

About 15 percent of the R.D.T. & E. budget, or $1.2 billion is devoted to "Program management and support." These funds pay for the operation, management, and maintenance of the defense research establishment. Included are the salaries of some 88,000 civilian scientific engineering, technical, administrative, and maintenance personnel who man the 130 Government-owned installations also supported by this program. Another 32,000 military personnel engaged on R. & D. work at these facilities are paid from another appropriation.

The "Emergency fund" and "Financing adjustment" involve much smaller funding—$50 million and $56 million, respectively—but considerable attention has been devoted to them by the committee.

The committee has recommended approval of the former and disapproval of the latter. Inasmuch as these decisions were closely interrelated, and because the emergency fund request was the subject of an amendment on the floor last year, I would like to say a few words about our reasoning at this time.

Emergency fund: This account is precisely what its name implies—a pool of money to which the Department can turn to meet emergencies which arise during a fiscal year and which cannot be foreseen in advance. Surely it must be recognized that emergencies—arising perhaps as a result of new data gathered by our intelligence organizations—are an inevitable part of the defense business. Unless a special fund is available to meet such emergencies, they have to be met by a reprograming of funds originally allocated to other programs. Such reprograming can result in a serious disruption of ongoing efforts, with the benefits of the uncompleted research and the services of the men conducting it being lost in the process. It is for these reasons that the committee recommends approval of the Department's $50 million emergency fund request. This action has been coupled, however, with action designed to squeeze well over $100 million of "water" from the Department's R.D.T. & E. budget.

Financing adjustment: The first part of this "squeeze" involves elimination of the financing adjustment. This $56 million request represents the Defense Department's estimate of the amount of R.D.T. & E. funds authorized and appropriated in fiscal years prior to fiscal year 1971 which will remain unobligated as of June 30, 1971. These are funds, in other words, already in the Department's hands

for which no use is planned at any time during the coming fiscal year. Nonetheless, the Department, for reasons set forth in more detail on pages 13–15 of the committee report, has requested reauthorization of these funds. Because no adequate justification of this request has been made, the committee recommends a disapproval of it.

The committee has also conducted a thorough investigation designed to uncover those programs the implementation of which has so been delayed that fiscal year 1970 funds, provided for those programs, have not been used and are available for use in fiscal year 1971. It has then reduced the fiscal year 1971 funds requested for these programs by an appropriate amount. A list of several smaller programs with respect to which this action was taken—for savings of $50.2 million—is shown on page 76 of the committee report. The same principle has played a role in the committee's action on several major weapon systems, among them SCAD and the B–1.

It is the opinion of the committee, and certainly of this Senator, that these actions have been far more effective and efficient in their elimination of essentially discretionary defense research funds than would the elimination of, or a cut in, the Department's "Emergency fund" request.

As I indicated earlier, the R.D.T. & E. budget consists of 495 individual program elements which include literally thousands of projects and tasks. Consequently, despite the familiarity of subcommittee members with many of these programs as a result of last year's work, and despite the expenditure of literally twice the time and effort this year as opposed to last, the subcommittee was obliged to concentrate on programs which fell into the following categories:

First. Large dollars requested.

Second. Large increases over fiscal year 1970.

Third. New programs in fiscal year 1971.

The subcommittee did not attempt to compensate for this inevitable lack of comprehensive coverage by directing broad percentage cuts at those areas of the budget it did not review in depth. It resisted this temptation for several reasons, and it would be well to spell them out at this time.

The first was the subcommittee's awareness of the constantly increasing Soviet research and development program. During the past decade, Soviet research and development in all areas has been growing at a rate of about 10 percent a year, while U.S. research and development across the board has essentially leveled off.

The comparison is even more dramatic when one examines only those research and development expenditures related to military, atomic energy, and space work. During the 1960's, Soviet military research and development increased by about 60 percent while U.S. military research and development increased by roughly 30 percent. And estimates for 1970 show the Soviets ahead of the United States by more than 20 percent in absolute dollar terms.

The validity of these statistics is not without question. And there is no necessary relationship between the amount of funds expended and the quality of work produced. But trends of such persistence should make one pause before slashing away blindly at areas one has not reviewed.

A closely related second reason for the subcommittee's disavowal of broad percentage cuts has been the changes in the size of the R.D.T. & E. budget in the 2 short years of the subcommittee's existence. Last year the budget submitted to Congress totaled $8.2 billion. This year's budget submission was $7.4 billion, a reduction of $800 million in dollar terms, and a reduction of even larger magnitude when the effects of inflation are considered.

The subcommittee was mindful, also, that the bulk of this reduction taken in precisely those areas it did not examine closely. The Defense Department, no less than other bureaucratic complexes, is subject to institutional pressures which often inhibit wise decisionmaking when periods of retrenchment occur. In such periods, it is a natural phenomenon for the services and the Defense agencies to do all they can to protect their largest and most prestigious programs. Cuts are focused, as a result, in the manpower area and in those basic research and exploratory development areas which have little institutional support behind them.

For all these reasons, then, the subcommittee believes that its decision to focus attention on large and fast-increasing programs was entirely proper and justified.

Not only have these large weapons system programs been less closely pruned by the Defense Department itself—they have been a major source of the past mistakes which have focused increasing criticism in recent years on our defense spending generally.

It is here that the cost overruns we have heard so much about have most often occurred. It is here that we have spent billions on highly touted new programs which offered only marginal improvements over those programs they were designed to replace. It is here that we have seen the development of systems so complex and sophisticated that they have never been able to function adequately even in the performance of their primary task. It is here that we have seen costly and undue duplication, as each service has sought its own version of a given system, to avoid reliance on similar systems in the hands of others. And it is here, it seems at times, that we have seen the development of systems, even absent duplication, which add more to the prestige of their service sponsors than to the defense of our country.

It is in the supervision of these major weapon systems developments that not only the Office of the Secretary of Defense, but the Congress as well, must have a major impact. It is on these systems that the subcommittee has focused its attention.

As a result of its investigations, the subcommittee recommended and the committee accepted a total reduction in the funds requested of $464.1 million, or 6.3 percent of the $7.4 billion requested of the Congress. This reduction was partially offset by a transfer of $79 million for the purchase of two S–3A test aircraft from the procurement to the R.D.T. & E. account, where the funds properly belonged in the first place. The resulting net reduction of $385.1 million will provide an authorization of $7.016 billion. This is $249.1 million lower than the amount authorized in the House bill, notwithstanding the impact of the funds transferred for the S–A test aircraft.

The details of the specific reductions made are set forth in the committee report, where they are addressed in far better depth than I could hope to address them at this time. I would like to highlight, however, what I regard as the most significant of these reductions.

First. A cut of $50 million from the $100 million requested by the Air Force for the B–1.

Second. A denial of the $17.6 million requested by the Army for the Cheyenne helicopter, together with a cancellation of the Cheyenne development contract.

Both of these actions are of sufficient significance that I would like to address them separately at another time.

Third. An elimination of the $15.7 million requested by the Army and Air Force for Project Mallard. Mallard is an ambitious international communications program with long term implications in the billions of dollars.

The committee believes it inappropriate for the Department of Defense to embark on an international development program of this nature and magnitude when a militarywide tactical communications system has never been developed for the military services of the United States itself and when the DOD inventory is replete with communications equipment having a lack of commonality.

Fourth. A reduction of $27 million in the $77 million requested by the Air Force for the Minuteman rebasing program. This is a program involving several options, in addition to those being explored under the Safeguard and advanced ballistic missile defense programs, for improving the survivability of our land-based ICBM deterrent.

The $31.6 million of the funds requested are for use in research on hardened silos, with hard-rock silos receiving considerable attention. Hard-rock silos do not appear to be a promising option. Not only would they be terribly expensive, but they would become increasingly vulnerable to improvements in the accuracy of attacking missiles. The committee report directs an orderly termination of hard-rock silo research. This action, if implemented, will insure that we never become committed to the multibillion dollar costs which a hard-rock silo program would entail.

Fifth. A reduction of $20 million in the $158 million requested by the Army for the advanced ballistic missile defense program. This program involves research on the frontiers of ABM technology, and the funds requested represent a substantial jump from the $110 million approved by Congress last year. The bulk of this increase, however, is accounted for by projects devoted to improved Hardsite development, and these projects are fully supprted by the committee.

Sixth. A reduction of $15 million in the $89.3 million requested by the Army for the SAM–D surface-to-air missile program. The effect of this reduction will be to postpone all engineering development work on SAM–D until fiscal year 1972. In conjunction with this reduction, the committee calls upon the Defense Department, during fiscal year 1971, to conduct an extensive review of the system's specifications, with particular emphasis on its horizontal and vertical ranges. Consideration should be given, during this review, to the performance capabilities of the Air Force F–15 aircraft which is planned to be employed in conjunction with SAM–D to assure air superiority to our Army in the field. The objective of this review should be the elimination of all inessential SAM–D capabilities which should result in reduced procurement costs if and when the system is authorized for procurement.

Seventh. A reduction of $1.8 million in the $5.7 million requested for foreign military security environments studies and of $1.3 million in the $4.2 million requested for policy planning studies. This amounts to a reduction of 30 percent in the funds requested for these two social and behavioral sciences study programs. Both of these programs were subject to criticism in last year's debate, on the grounds that the work involved could be undertaken more appropriately by the State rather than the Defense Department. It was hoped that arrangements could be developed during fiscal year 1970 for the transfer of much of this work to State. Recently, an agreement was reached for the joint State-DOD use of some $500,000 of fiscal year 1970 funds. It is the committee's expectation that its action this year will underscore the need for additional such steps both within the State and Defense Department themselves and at the Bureau of the Budget.

Eighth. A denial of the $33.6 million requested by the Air Force for contract definition and initiation of development on the propulsion, navigation, and decoy electronics subsystems of the Subsonic Cruise Armed Decoy—SCAD. While the committee does not contest the importance of this system in improving the penetration capability of our manned bombers, formal approval of the program has not yet been received by the Air Force from the Secretary of Defense, and there is no indication as to when such approval will be given. Assuming that approval is forthcoming, there are $9 million of unused fiscal 1970 funds remaining and these should be sufficient to support requirements during fiscal year 1971.

In addition to its review of the budget request, the subcommittee drafted regulatory language in three areas of interest. These provisions were also accepted by the committee.

There are three provisions dealing with the controversial area of chemical and biological warfare.

The first, section 506(a) is a reenactment of a provision in last year's bill which would continue for another year the prohibition of procurement of delivery systems specifically designed to disseminate lethal chemical agents or for the procurement of delivery system parts or components designed for this purpose. While research and development work on new binary chemical munitions will not be prohibited under section 506(a), its reenactment will insure that no binary or other chemical munitions of a lethal nature are used without the expressed consent of Congress.

A second provision, section 506(b), is an amendment to the permanent restrictions on CBW activities contained in last year's bill. Section 506(b) would insure that the disposal of biological stockpiles which will be required as a result of the President's decision of last November 25, as well as the disposal of any lethal chemical stockpiles determined to be necessary in the future, would not be undertaken until the Surgeon General of the Public Health Service had reviewed the proposed plans for their disposal and determined what precautionary measures, if any, were required to protect the public health and safety. Section 506(b) would insure also that foreign governments were notified prior to the disposal of any biological or lethal chemical agents within their countries. Section 506(b) is necessary, the committee feels, because the disposal of stockpiles was not addressed in the permanent restrictions in last year's bill.

The third provision, section 506(c), calls for a study, to be conducted by the National Academy of Sciences, into the ecological and physiological consequences inherent generally in the use of herbicides and also into the specific ecological and physiological effects which have followed from our use of herbicides as defoliants in Vietnam. Section 506(c) authorizes the use of funds authorized for the fiscal year 1971 CBW program, for use in the financing of this study. The committee believes that such a study is essential in light of the disturbing evidence which has been uncovered in recent years on the possible effects of herbicides. It commends the recent decision of the Defense Department to suspend further use in Southeast Asia of herbicides containing 2,4,5-T.

The other regulatory provisions concern Department of Defense funding of its contractors' independent technical effort and the reenactment, as section 204, of section 203 of last year's bill, prohibiting the expenditure of defense funds on any research projects which lack a direct and apparent relationship to a specific military function or operation. I would like to comment on each of these provisions more fully at a later time.

Mr. President, it has been a privilege to serve again as chairman of the ad hoc Subcommittee on Research and Development.

The subcommittee was aided in its selection of programs for detailed review by the excellent work of the Tactical Air Subcommittee chaired by the Senator from Nevada (Mr. CANNON) and that of the Bomber Defense Subcommittee, chaired by the distinguished chairman of the full committee, the Senator from Mississippi (Mr. STENNIS). In almost all instances, the R. & D. subcommittee deferred to these subcommittees for the review of research and development programs within their jurisdictions. The R. & D. subcommittee deferred, also, in the case of the Army tank program, which was reviewed in great depth by the full committee.

I would like to say a word of thanks at this time, also, to Mr. Hyman Fine of the Armed Services Committee staff and Mr. Ross Hamachek of my own staff, both of whom aided the subcommittee in its often thorough and painstaking review of this extremely complex and intricate budget.

In conclusion, I believe that the committee's actions in the research and development area will provide the Congress with the type of control of research and development expenditures which all of us so strongly desire.

Perhaps the reasons for some of the committee's actions in the area will be unclear to Senators who did not participate in formulating them.

No doubt other actions will give rise to honest differences of opinion regarding their underlying wisdom.

There will be ample time for both clarification and the joining of debate in the weeks ahead. In order that misunderstandings may be avoided and in order to facilitate the process of debate, I would greatly appreciate it if all colleagues with questions or amendments to the R. & D. portion of the bill would bring these to my attention at the earliest possible time.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield to my good chairman.

Mr. STENNIS. I want to again thank the Senator from New Hampshire for the intensive work he has done on the bill. I think his remarks today show how comprehensive that work has been. The Senator and his committee have defined in depth, I think for the first time, this massive part of the bill, covering research, development, testing, and evaluation. He has dug in and has given us a figure for the first time as to how much of it is for basic research and what is the cost of operating the extensive testing facilities that we have so that it is really an understandable item.

An evaluation of the research to be passed on is interesting. When we started out, we did not have any research and development in the bill at all. Then we first started authorizing appropriations for missiles and planes. Then we put in research for planes, missiles, and hardware.

Then we finally ended up by putting in all research. That is when it got so large and made it so difficult to analyze.

I am sure the proof of the work of the subcommitee will live for years. I know it has strengthened the research department rather than restricted it but, at the same time, it is saving money, too. I think that is a milestone in legislative history.

Mr. McINTYRE. I thank the chairman. The Senator from Mississippi already knows how I feel about working with him on the committee.

Mr. STENNIS. I certainly appreciate the Senator's feeling. It is a mutual feeling. I want the Senator to be here during all of the debate.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. PROXMIRE. I, too, commend the Senator from New Hampshire on an excellent job. He has given a clear and incisive picture of military research and development expenditures, and I think has taken a very responsible action on it.

As I understand the Senator from New Hampshire, he cut $464 million, below the President's request, if we allow for comparable figures, a cut of about 6.7 percent.

Mr. McINTYRE. That is about right.

Mr. PROXMIRE. That is a very substantial reduction. I think the Senator and his committee have made a responsible reduction.

I am interested in a statement made in the course of the Senator's speech in which he said the Soviet Union is now spending more on military research in actual dollars than the United States is.

Is that correct?

Mr. McINTYRE. It is. I am not sure about the validity of my precise figures, but I do know that Dr. Foster, who is Director of Defense Research and Engineering, is very concerned about maintaining our strong technological base, and the indications are that the Russians have been moving up considerably in this field.

As I tried to indicate to the Senator from South Carolina, this trend was always in the back of our minds. We did not want to make blind cuts of 7 or 8 or 9 percent in all areas. We tried to go to those areas when we could take a hard look and where we could operate with something more than intuition. We were always conscious of the recent research, development, test, and evaluation efforts of the Soviet Union, and we may be approaching a level of effort in research, development, test, and evaluation below which we do not want to go, particularly when we take into consideration inflation and real dollars. The Defense Department felt that the cuts in this area were very deep. Dr. Foster is quite disturbed about them.

Mr. PROXMIRE. If our level of research is lower than that of the Soviet Union, then it seems to me it is a matter of misplaced priorities by the Defense Department, because, in absolute dollars, there is $72 billion in the overall budget, and military construction, AEC and military aid spending brings overall defense expenditures up to $75 billion. The London Office of Strategic Studies has stated that Russia is spending $40 billion military total, if we adjust both for the lower cost of living and lower salaries paid in the Soviet Union and for the difference between dollars and rubles. So all together we spend almost twice as much as the Soviet Union does on our defense. Yet the Senator from New Hampshire says we spend less in absolute dollars for military research.

Military research is the name of the game. After all, if we are going to have an effective military force, we have to have military research that bears a very large share of all military expenditures.

I would think we would want to reconsider our overall military priorities, perhaps moving some of the resources we have devoted to other military areas into research.

Mr. McINTYRE. That may well be. I think what we all realize on the subcommittee is that we must maintain our technological base and do it in a most efficient manner.

Mr. PROXMIRE. I agree with that wholeheartedly.

I would like to make one other point with the Senator from New Hampshire. This refers to independent research and development. As the Senator knows, I offered an amendment last year, which was accepted in part, very graciously, by the Senator from Mississippi (Mr. STENNIS) and the Armed Services Committee, and it was held in conference. Senator STENNIS suggested I introduce a bill, on which hearings could be held. As the Senator has stated, it is enormously important—$625 million is involved. I understand 95 percent goes to 50 companies, or an average of $12 million to a company.

Of course, it is very lucrative and highly profitable to have thousands of dollars for independent research and development. There is no line item; the accountability has been vague in the past. I am delighted that the Senator, as I understand it, has made this an identifiable item and put a ceiling on it—a ceiling which, as I understand, is below the ceiling we have had heretofore. So I think this is a very commendable improvement over our past operations, and I think the Senator from Mississippi (Mr. STENNIS), the Senator from New Hampshire (Mr. McINTYRE) and other members of the committee, but especially Senator McINTYRE, who is responsible in this area, deserve a great deal of credit and the thanks of the Senate.

Mr. McINTYRE. I thank the Senator. As I indicated to the Senator privately, I shall have a more detailed statement later on I.R. & D. I will say now, however, that most of the committee agreed that independent research and development is one area where we get great value for our research dollars.

Mr. PROXMIRE. What bothers me about the independent research and development is that there is no accountability. We were not able to see what we got, and in case after case, it turned out that the money was spent on matters which have no connection whatever with the military. In one case it was spent on urban development, as I recall. I believe that if the taxpayer is paying for one purpose, he should have the money spent for that purpose devoted to it.

Mr. STENNIS. Mr. President, will the Senator yield to me further on that point?

Mr. PROXMIRE. I yield.

Mr. STENNIS. As long as we are speaking about where the credit goes, the Senator from Wisconsin is entitled to a great deal of credit on the item of research as a whole, and that specific part to which he has just referred, the independent research. In the Proxmire amendment and then in the Proxmire bill, he has not only brought a fine, intelligent focus on and presentation of it, but he has spurred us on in our work as well, and I want to publicly thank him now, as I have already done in private.

Mr. PROXMIRE. I thank the Senator from Mississippi. Surely no one in the Senate can speak more authoritatively than he on the subject of research and development.

Mr. President, what I should like to do this afternoon is try to put this bill in an overall perspective, and try to show the necessity for reductions in the bill, not only from the point of view of our military strength, but of our overall national strength in terms of our having a healthy society and a strong country, which is, of course, of fundamental importance in terms of our trying to defend ourselves.

THE MILITARY BUDGET—MISDIRECTED PRIORITIES

We have before us the military authorization bill, which covers chiefly the future procurement of planes, tanks, ships, guns, and missiles, and the funds we intend to spend for military research and development. Involved are budgetary requests for about $20 billion of the $72 billion military budget for fiscal year 1971.

But in fact we have before us a series of far broader issues. How do we really protect the security of the United States of America? How large a military budget do we need to do this? How does the military budget fit in with the domestic needs of the country and the political, as opposed to our military, needs abroad? What effect does military spending have on our economy?

We should ask what are the real capabilities of our potential enemies How strong are they and how strong can they become? Do we need all the bases we have scattered around the world in order to protect the security of the United States? What are the real purposes of many of the weapons we are asked to authorize? Are they really needed for the security of the United States or do they result from economic pressures, interservice rivalries, or the lack of control of military spending, past and present, on the part of the President, the Defense Department, the Bureau of the Budget, and the Congress itself?

What we need to ask ourselves is whether we are not spending a disproportionate amount of our treasury and our resources on the military establishment.

I say that given the need to protect the country, the capabilities of our potential enemies, the strength of our allies, the social needs we have at home, the cruel effects of excessive military spending on our economy, the requirements for prudence and efficiency in procurement, the need to provide for domestic tranquillity, and the overwhelming importance of gaining from all groups and sections of our society the fundamental support of our government and our system and the democratic processes, we are now spending far too much on the military.

It is my purpose to elaborate many of these points and to argue that issue here today. That is the setting, and in my view, the only setting in which we can

intelligently judge this bill and the military appropriations bill which will carry out the authority in this and previous bills and acts of the Congress.

OUR STRATEGIC FORCES ARE MORE THAN SUFFICIENT

The purposes of our strategic forces are, as I understand it, two in number.

We must be so strong that if an enemy launches an all-out attack on us, we can strike back. He must know that if he does this, he will destroy himself in the process. That is what is called "assured destruction capability."

Mr. President, we have that in spades.

It is unfortunate that we and the Soviet Union rely on a state of mutual terror to prevent an all-out nuclear war. Since they too have the atom and hydrogen bombs and the means of delivering them, the nature of both our deterrence and their deterrence must be such as not to goad each other into a preemptive first strike.

HUGE STRATEGIC ARSENAL

Since 1960 we have spent between $15 and $18 billion a year on our strategic nuclear forces. We have a triple deterrent. We have built up our land-based intercontinental ballistic missiles. There are now some 1,054 of these ICBM launchers.

We have built up our submarine fleet. We have a force of 41 Polaris submarines and at least some 656 SLBM launchers.

In addition to that, we now have some 581 intercontinental bombers capable of delivering nuclear warheads, in our strategic arsenal. None of this is secret. These figures are all outlined in the annual posture statement of the Secretary of Defense.

These three strategic deterrents can deliver some 4,200 nuclear warheads—what are called "total force loadings."

In addition to all of this, we have ringed the Soviet Union with a large number of medium range missiles and we have Navy and Air Force medium range bombers and other tactical aircraft which can also carry nuclear weapons.

CAPABLE OF INFLICTING HORRIBLE DAMAGE

But what do we need to provide an "assured destruction capability?" Secretary McNamara published a damage table in 1968 giving some of the assumptions on which our deterrent is based.

He believed there was an unacceptable level of damage which we could inflict on the Soviet Union after a nuclear attack on us. Such an ability to retaliate would therefore deter them from attack. This has generally been taken as a level of damage which would include 25 percent of the population of the Soviet Union and approximately 75 percent of their industry. Surely that should be sufficient to deter the Soviet Union from attacking us.

According to Secretary McNamara's table, the equivalent of 400 one-megaton delivered warheads could achieve this purpose. That number could wipe out 74 million Russians or 30 percent of their estimated 1972 population. It would also wipe out more than 75 percent of their industrial capacity. This is the horrible state of the world.

TEN TIMES NUCLEAR FORCE NEEDED TO INFLICT UNACCEPTABLE DAMAGE

Without counting medium-range missiles or bombers, or any increase in strength due to the MLRV'ing of either the Minuteman or Polaris submarines, we now have at least 4,200 total force loadings. This is 10 times the number needed to kill 74 million Russians or 30 percent of their population and to destroy 75 percent of their industry.

What I am saying, Mr. President, is that we now have 10 times the number necessary to achieve that destructive capability which Secretary McNamara defined as being sufficient to assure an effective deterrent.

I ask unanimous consent that a table made up from the annual Posture Statements giving the numbers of our launchers, bombers, and force loadings, be printed in the RECORD, together with figures from the damage table first published by Secretary McNamara in January 1968 but updated for the 1972 Russian population.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—U.S. STRIKE FORCES, DOD POSTURE STATEMENTS

	Oct. 1, 1966 (1)	Oct. 1, 1967 (2)	Sept. 1, 1968 (3)	Sept. 1, 1972 (4)
ICBM launchers	934	1,054	1,054	1,054
SLBM launchers	512	656	656	656
Total	1,446	1,710	1,710	1,710
Intercontinental bombers	680	697	646	581
Total force loadings: Approximate number of warheads		4,500	4,200	4,200

TABLE 2.—SECRETARY McNAMARA'S DAMAGE TABLE ESTIMATE OF SOVIET POPULATION AND INDUSTRY DESTRUCTION

[Assumed 1972 total population of 247 million; urban population of 116 million]

1 MT equivalent delivered warheads	Total population fatalities (millions)	Percent	Industrial capacity destroyed [percent]
100	37	15	59
200	52	21	72
400	74	30	76
800	96	39	77
1,200	109	44	77
1,600	116	47	77

MOVING TO INCREASE CAPACITY

Mr. PROXMIRE. Now we intend to increase our destructive capability. Now we are MIRVing certain of our Minuteman missiles and equipping many of our Polaris submarines with multiple weapons.

A very conservative public estimate of the additional nuclear warheads to be added to our strategic offensive weapons as a result of these actions is 5,400. This will bring the total to some 9,600 warheads by the 1974–75 period. And this does not include the additional number of warheads that could be delivered by some 4,000 tactical aircraft and medium range missiles.

DIMINISHING RETURNS

One interesting aspect of all of this is that, according to Secretary McNamara's damage table, a doubling of the number of delivered warheads from 400 to 800 does not double the damage. A doubling of the number of delivered warheads will increase the population fatalities by only 9 percent—or from 30 percent to 39 percent. A doubling of the delivered warheads from 400 to 800 hardly increases the amount of industry destroyed. It raises that figure by only 1 percent—from 76 percent to 77 percent, or a figure which is too small to be important. We double the missiles, but only raise the amount of industry destroyed from 76 percent to 77 percent, or a figure which is too small to be important.

There is, therefore, a very definite law of diminishing returns which operates with respect to the size of our nuclear deterrent.

Yet with 4,200 weapons in our intercontinental arsenal (and some believe we already have more than 6,000) plus those which can be delivered by medium range missiles or tactical aircraft, we are now moving on through this bill and other bills to increase our official nuclear force loadings from 4,200 to 9.600, or by 129 percent.

FANATICISM

As George Santayana once said, fanaticism means redoubling one's efforts after having lost sight of one's aims.

What possible reason is there to move on this way? If 400 delivered warheads will inflict an unacceptable damage on the Soviet Union, why do we need 25 times that many? Why after spending $15 to $18 billion a year to produce this massive destruction and this horrible genie, should we continue to spend $18 billion a year for these purposes?

ARGUMENTS REFUTED

There are two reasons which are often given which I think should be refuted now and refuted outright. One was made by Joseph Alsop, only this week. The other has been made on numerous occasions by the Secretary of Defense, Mr. Laird. I am certain that neither of these able men will confuse an intellectual argument with them as a personal attack upon them, as my only purpose is to attack their arguments and assumptions and not their persons.

Mr. Alsop cites the fact that the "near monopoly of nuclear weapons which this country enjoyed" at the time of the Korean War has vanished. But he also complains that:

> With feckless shortsightedness, the 5-to-1 margin in nuclear strategic weapons that this country still possessed in President Kennedy's time has also been allowed to vanish. In intercontinental missiles today, the U.S.-Soviet ratio is in fact 1 to 1.2, and it will be 1 to 1.4 in no more than a year or so.

He continues:

RATIOS MISLEADING

In short, a continous deterioration of the balance of power between this country and the Soviet Union had been permitted for some years.

There is the argument. What is the answer?

First of all, the figures and ratios may be somewhat misleading, for it appears that Mr. Alsop has left out of his calculations and his ratios our submarine and

bomber fleets, our medium range missiles, and our tactical aircraft. He talks only of "intercontinental" missiles. In addition to that, he has left out the fact that as of the latest posture report, we have 4,200 "total force loadings" as opposed to 1,350 for the Soviet Union, or one-third our number—page 102, Secretary of Defense 1971 posture statement. But let us overlook that. Let us accept the fact that his figures are accurate and are not misleading.

What are we supposed to do about it? We have 10 times the number of deliverable warheads that are needed to inflict an unacceptable level of damage on the Soviet Union. Does Mr. Alsop want us to spend billions of dollars more so that we will have 50 times instead of 10 times the number of warheads we need? And what good would that do? For a few months or years in time, we might once again have a ratio of 5 to 1 over the Soviet Union. But soon they, too, would increase their numbers to a level equal to ours.

Then both of us would have 50 times, instead of 10 times, the number of deliverable warheads needed to inflict an unacceptable amount of punishment on the other.

ENOUGH IS ENOUGH

I would think that enough is enough. We both have enough to blow up the world many times over. Why do we need more in order to match each other in unneeded and excessive capacity?

This is one place where the talk of ratios or the balance of power is both irrelevant and misleading. Enough for Mr. Alsop's argument on that point.

SOVIET FIRST STRIKE DOES NOT EXIST

But Mr. Laird has used another argument. He has said that the Soviet Union is going for a "first strike" capability, and make no doubt about it. On that basis he, too, has argued for this vast increase in nuclear launchers and warheads and other strategic nuclear systems.

But it turns out that the Soviet Union does not have nor is it going to have a "first strike" capability. A "first strike" capability is the ability to knock out our retaliatory forces and to inflict such initial punishment on us that we would be unable to deploy the weapons of our "assured destructive capability."

What Mr. Laird was talking about was the Russians' SS–9 missile, the fact that it may have multiple warheads even though they may not be "independently targetable," and its destructive capacity. But it is not a "first strike" weapon. The Soviet Union does not now have nor does anyone I know argue seriously that it will soon have a "first strike" capability.

The SS–9, if launched, could inflict damage on our fixed land-based missiles. But our submarine-launched ballistic missiles remain invulnerable. Our intercontinental bombers are about as effective as they have been in recent times, and the medium-range missiles and medium bombers and other tactical aircraft are still a powerful backup force to our main strategic systems.

When pressed on this point, Secretary Laird backed down. The Russians do not have a "first strike" capability, as it has always been defined, even with the SS–9.

WE CAN SAFELY CUT STRATEGIC BUDGET

We are now spending $18 billion a year on our strategic forces. The President's budget proposed that amount for next year. The report by Members of Congress for Peace Through Law, of which I am proud to be a sponsor, points out that we can maintain our three separate deterrent forces, keep an overwhelming and awesome assured destruction capability, assure ourselves of more than 7,000 deliverable warheads, and still cut $4 billion from the strategic budget.

That would not only be a "sufficient" deterrent but by any calculation it also would be an "overwhelming" deterrent.

In their judgment and in my judgment we could cut $4 billion from the strategic budget and remain as secure as it is possible to remain in a nuclear world.

As so many have pointed out, if we erect ABM's, MIRV our land-based missiles, procure a new manned strategic bomber, or double the number of our deliverable warheads, we do not increase our security.

As Herbert York so ably proves in his new book, "Race to Oblivion," while the military power of the United States has been steadily increasing, the security of the country has been rapidly and inexorably decreasing.

Under the proposal of Members of Congress for Peace Through Law, we could cut $4 billion from the proposed $18 billion strategic budget and still carry out the research and development for the ABM, the B–1 bomber, and the ULMS system—which, of course, is the newest underwater system and is in advance even of the Poseidon operation—and continue but not speed up the Poseidon MIRV program. All of this would be in addition to our present overwhelming nuclear capability. Why do we need more?

GENERAL PURPOSE FORCES

The Department of Defense, the chairman of the Senate committees, and the Joint Chiefs of Staff have all told us in times past that in addition to the policies for our strategic nuclear forces, we were operating on what has been called the two-plus war strategy. What that meant was that we aimed to have sufficient general purpose forces to fight at any one time a major war in Europe, a major war in Asia, plus meeting a small brush-fire situation or contretemps elsewhere.

This fact was used to justify the huge defense expenditures we have been making. When we argued that the military budget was too large, we were told that nothing substantial could be done about it until we changed our two-plus war strategy. That argument was made here on the floor of the Senate last year, during the debate on this bill, by the distinguished chairman of the Armed Services Committee, Mr. STENNIS.

SHIFT TO ONE-PLUS WAR STRATEGY

But now Secretary Laird has announced that we no longer follow a two-plus war strategy. That has been revised. We now have a one-plus war strategy.

When in turn we have asked why there are no savings in the defense budget due to the shift to the one-plus war strategy, and why the reduction in the budget figures—I will not say reduction in military spending for that has not yet occurred—reflects only the reduction in incremental costs of the Vietnam war, we are given the following answer. We are told that while the two-plus war strategy was in effect, we never appropriated the funds to carry it out. As a result, the military experts argue, the shift from the two-plus war strategy to the one-plus war strategy will not bring any actual reduction in costs. That is what they say.

ONE-PLUS STRATEGY HAS BEEN COSTED OUT

But that is not the case. There are very explicit figures for the cost of the two-plus strategy and the one-plus strategy. Mr. Charles L. Schultze, the former Director of the Bureau of the Budget, has given these costs in detail. In his book entitled "Setting National Priorities, the 1971 Budget," which the Brookings Institution published early this year, those figures are given.

The cost of the two-plus war strategy, given in 1971 prices, is estimated at $44 billion. Mr. Schultze describes three different postures and their costs. As he writes on page 25 of his book:

> First is the possibility of shifting the broad planning assumptions to allow for only one major conflict and one minor one at any one time—or shifting to a low-budget general purpose force.

Mr. Schultze then compares the cost of the one major conflict–one minor conflict assumption with the two-plus war assumption. This is what he says:

> The resulting decline in expenditures would be at least $10 billion a year (at 1971 prices) below the pre-Vietnam baseline of $44 billion, to a level of about $34 billion a year. . . .

SPENDING REQUEST $10 BILLION TOO HIGH

The 1971 budget, however, requests $43.3 billion for our general purpose forces, which is almost precisely the two-plus war figure.

In spite of the fact that the Secretary of Defense has stated that we have shifted from a two-plus war strategy to a one-plus war strategy, he and the President are requesting in the budget we have before us this year enough money to fund our general purpose forces at the level $10 billion higher than needed for a one-plus war contingency.

And this budget, I should point out, also contains $11 billion in additional funds for the incremental costs of the Vietnam war for fiscal year 1971.

If we were to genuinely move from the two-plus to the one-plus war contingency, the 1971 budget should be almost $10 billion below its present estimate.

The question is, why is this budget $10 billion above the strategic estimates on which the Secretary of Defense says it should be based? We now have a one-plus war strategy. But we have a general purpose budget which is $10 billion higher—or something approaching a two-plus war budget.

THE INCREMENTAL COSTS OF VIETNAM

In addition to the budget request for our strategic nuclear forces of $18 billion, and the $43.3 billion budget request for general purpose forces, which is $10 billion above that needed for the one-

plus war strategy, Mr. Schultze estimates that there is an additional $11 billion item in the fiscal year 1971 defense budget for the incremental costs of the Vietnam war. So far as I know there is no argument over that figure. It is essentially the same figure the Defense Department itself uses for the "incremental" costs of the Vietnam war. That is $11 billion.

All of this adds up to just a little more than $72 billion, or precisely what the President requested in his 1971 budget.

SUMMARY

The $72 billion budget the President has requested includes funds for $18 billion in strategic nuclear weapons, $43.3 billion for general purpose forces, and $11 billion for the incremental costs of Vietnam.

Far from a reduction in our overall military forces, it steps up our strategic nuclear forces by providing for phase II of the ABM, by continuing the Poseidon MIRV program, by deploying Minuteman III MIRV's, and by providing funds for a new manned bomber.

It asks for $10 billion more for general purpose forces than the one-plus war contingency should cost. This is true even though the Secretary of Defense has told us are are now on a one-plus war contingency.

What one can conclude is this:

We could cut $10 billion from the present budget and still meet every assumption on which the Secretary of Defense says it is based. We can take them at their word and take their assumptions and still cut it $10 billion.

In addition, we could cut the $18 billion for the strategic nuclear forces in this year's budget by up to $4 billion, and still have more than 15 times the deliverable nuclear weapons which could destroy 30 percent of the Russian population and 75 percent of her industry, or some 7,000 deliverable nuclear weapons.

Based on the administration's own verbal assumptions, we could have a budget of $62 billion instead of $72 billion.

Based on some additional small reduction in the proposed nuclear strategic program, but which would still increase our existing strategic strength, we could cut another $4 billion, or to a level of about $58 billion. And this total amount would include the $11 billion incremental cost of the Vietnam war.

OTHER AREAS TO CUT

There are those who will acknowledge the facts about the 1971 budget but who will nonetheless say that it takes time to shift from old assumptions, to cut back on weapons and manpower, and to bring a shift in policies. They will therefore attempt to justify this year's high level $72 billion budget with these arguments.

Of course, there is something to this. To move from the $72 billion level to a $58 billion level all at once would be a difficult job. It may well be that a smaller reduction would be more possible and practical to accomplish. But we must reduce expenditures.

In addition to the strategic assumptions on which the budget should be based, there are numerous other reasons why we can cut back and should cut back. Let us examine some of those which are not included in the assumption I have just enumerated.

OVERRUNS AND WASTE IN PROCUREMENT

We have shown through hearings and evidence over the last 18 months that there is colossal waste in the procurement programs of the Defense Department.

The General Accounting Office indicated to me last winter that on 38 major weapons systems costing $100 million or more, the increase in costs or overruns had amounted to some $20 billion. Since that time, or in a nine month period, those costs have increased by another $3.6 billion.

Mr. President, as the distinguished chairman of the committee differed with me on the conclusions regarding the increase in cost, I intend to answer the distinguished Senator from Mississippi on Monday next; but I think my original position was correct. I think we can clarify that in the discussion I expect to have with him on this issue on Monday next.

We have yet to find a major weapons system that is not at least 50 percent more than originally estimated. We have yet to find one that has been delivered on time. And we have yet to find one in which the system met its original specifications. Invariably the systems cost more than estimated, are delivered a year or two late, and fail to meet their specifications. The situation with respect to the avionics systems in the weapons is especially bad as detailed in the Stubbing report some months ago.

TIGHTEN PRACTICES

Many hundreds of millions, indeed billions, could be saved through tightening up on procurement practices. But the Defense Department seems intent on firing their efficiency experts who point out, truthfully, the increase in costs rather than changing the system to bring reform.

The imposition of uniform accounting standards could, in the estimate of Admiral Rickover, save $2 billion a year. My amendment to carry that out is in the Defense Production Act which will shortly be in conference. We must fight to keep that provision in the bill. The President supports it. The Defense Department supports it. The Budget Bureau supports it. The GAO supports it, the Senate supports it. I might point out to the Senate that that provision is in jeopardy. It might well be dropped out. It will take a fight to hold it in. It is vital to cutting back on costs.

We need to institute more competitive bidding and to increase the shameful rate of having almost 90 percent of all procurement done on a noncompetitive basis.

There is gold plating in our defense procurement. This is especially true in this age of sophisticated machines and computers and excessively complicated electronic systems. We need to simplify our weapons not only to reduce the cost but to make them work.

PROPERTY AND SUPPLY SYSTEMS

Few people realize that the Defense Department is the largest landlord in the world. It owns over $40 billion of real property based on its acquisition cost. It also holds some $162 billion in personal property, or a total well over $200 billion.

In addition to this, we have 429 major bases and almost 3,000 minor bases scattered in 30 countries throughout the world. Many of these are obsolete. Many of these were established for reasons which may have been right 20 years ago, but which are now outdated. Most of these are leased and do not show up in the real property figures.

But more than 1 million men and some 500,000 of their dependents live on them or near them. The United States hires about 250,000 foreign employees to man them. They cost the U.S. Government about $4.5 billion a year. Of this amount, it is estimated that mechanical maintenance alone costs $660 million a year. They drain about $2.5 billion from the U.S. balance of payments. The time has come when these costs must be pruned. Many of these bases should be closed down. Many of them have outlived their purpose and their usefulness.

TROOPS IN EUROPE

We have some 320,000 troops in Western Europe. The original design for NATO called for our allies to share the burdens and costs of defending Western Europe against a potential Russian attack.

Because of the ravages of the war, our Allies in the early years could not afford to contribute their share economically or militarily. But now they are prosperous. Now most of them have no balance-of-payments problems—or at least not as severe as ours have been. Western Europe has more people than does the United States. Taken together, they are as strong as we are, economically. But they still refuse to carry their fair share of either the military burden or the economic burden for the defense of Europe.

If they are unwilling to do so, why should we shoulder disproportionate burden. I therefore believe that we should withdraw a significant proportion of our troops from Western Europe—as the distinguished majority leader has proposed, with the cosponsorship of many Senators on a resolution—and do it while we continue to provide the nuclear umbrella for NATO as well as air and naval support and a substantial combat presence.

But our obligations to Western Europe have shrunk. The American taxpayer should at long last receive some reduction in this burden.

THE REAL SIZE OF THE SOVIET THREAT

There are those who will say that we cannot reduce our military forces because of the threat from the Soviet Union and China. But what is the size of that threat?

Last year the Joint Economic Committee held a series of hearings on that subject. We called in the leading experts on the Soviet Union. Our panel included both the hard liners and what might be called the soft liners. But all were experts on the Soviet Union, the most outstanding experts, I think, in the Nation.

There was general agreement that the Soviet Union's economic capacity was roughly one-half that of ours. It was agreed that she was putting a disproportionate amount of her resources into agriculture.

In these circumstances, to the degree

that she spends excessive amounts of her national product on the military, it will prevent her from increasing her industrial capacity and her productivity. Thus, while she may spend large sums on the military in the short run, if she does this for any lengthy period of time, she can do so only at reducing her general economic strength.

The Russians are not 10 feet tall. If we are 6 feet tall, then economically, the Russians are 3 feet tall. And the Chinese, in terms of their economic strength, are only 6 inches tall.

A military budget in the $60 billion range should certainly be adequate for the United States to play its proper role in the world.

ECONOMIC AND SOCIAL CONSEQUENCES

But there are additional reasons why we should cut back on military spending. Some are economic; some are social.

Economically, military spending is the most wasteful method or way to spend. When we build a house or train unskilled men, some needed goods are or will be produced or some needed service such as health or education which adds to the productivity of our people is purchased. But when we pay billions for planes, tanks, guns, ships, and missiles, no direct economic need is met. As a consequence this is the most wasteful way to spend money.

All of us agree that a certain amount of this is necessary. But we should all agree that we should do no more than we are required to do. And that means balancing our needs rather than giving every dollar to the military which they demand.

FAILURE TO MEET WAR COSTS INDUCED INFLATION

Furthermore, the failure to pay for the Vietnam war itself through increased taxes or a decrease in other expenditures, was the direct cause of our present inflation. It is hard enough to pay for a war which is popular by increasing taxes or foregoing other expenditures. It is impossible when the war is highly unpopular and vigorously opposed by a very large proportion of the society. Thus military expenditures in general are wasteful and inflationary but the additional military expenditures for Vietnam have been disastrous. The time has come to call a halt to excessive military spending. We must cut back below the President's budget and sharply below.

REORDER PRIORITIES—MEET HUMAN NEEDS

The argument for military budget costs rests not only on the size of our strategic and general purpose forces and on the savings we should make by bringing more efficiency into military procurements.

What is at stake is the very nature of our society and the well being of our people.

Excessive military spending has distorted our priorities. Billions are spent on weapons systems to meet every alleged threat while the President threatens to veto funds for schools and hospitals.

We are urged in this bill alone to bail out a company which has failed to meet every schedule, but we must fight for small sums to end poverty, to build houses.

Our lakes and streams are no longer safe to be used for the recreation needs of our people. Our cities are clogged with highways and automobiles which pollute the air, poison our lungs, and irritate our eyes.

VAST UNMET PROBLEMS

We need a minimum of 11 million new housing units now just to house those who live in rat infested, broken down, dilapidated buildings or which are highly overcrowded.

The crime rate in the country is rising at an unprecedented rate. We need more and better paid policemen. We need to speed up in our court systems. We need better penal institutions. And we need funds to attack the drug traffic.

Unemployment is high and excessive, among both blacks and whites. Conditions in the ghettos are no better and probably worse than during the riots of 1967 and 1968.

Everywhere we look there are vast unmet needs. Meantime we are asked to spend enough on nuclear weapons to double our present capacity, to be prepared to fight 2½ wars abroad, and to carry an excessive military and economic load in Vietnam.

And because of this misplaced and misdirected use of our resources and of our priorities, our society is in disarray.

THREATENS FABRIC OF SOCIETY

Excessive military spending has distorted our priorities. It has threatened the fabric of our society. It has torn the country apart.

There are vast human, economic and social needs which must be met here at home. We must reorder our priorities and reduce the excessive claims of the military in order to redress the balance and meet our glaring social problems. We must follow a course of action which cannot only protect our physical security but which can unite this country again.

The course of action which we should follow to achieve all those ends means that the military budget must be cut and cut substantially. Some of the savings should be allocated into more productive domestic needs—housing, schools, and the fight on pollution. And some of the savings should be returned to the American taxpayer who, because of rising inflationary costs for the goods he needs and rising taxes at the State and local level, has suffered a harsh and unfair burden.

In my judgment this is the way to increase the real security of the people of the United States.

Therefore, at an appropriate time during the debate, I intend to offer an amendment which would place a ceiling on the total amount which the military can spend this year. I am not talking about the total amount in this bill; I am talking about the total amount the Pentagon, the Defense Department, will be empowered to spend. I have not yet determined the exact amount, but after consultation with a number of my colleagues, I intend to take that course of action.

Mr. STENNIS. Mr. President, I wish to say to the Senator from Wisconsin that I enjoyed his remarks. I gave attention to them except when I was called to the telephone. I shall challenge the correctness of some of his conclusions, as well as his figures, but I shall look over his remarks and we will be battling over this matter in days to come.

Mr. PROXMIRE. Mr. President, I appreciate that very much. The Senator is always extremely fair and very accurate. I am somewhat shaken that he would challenge my figures but I think we can get together and determine who is right. Whether the Senator is right or whether I am right, we will both learn something and I am sure we will both benefit from it.

NOTICE OF HEARING BEFORE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be able to read into the record the following notice of hearing by the Senator from Connecticut (Mr. RIBICOFF).

The PRESIDING OFFICER (Mr. HANSEN). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, the notice of hearing reads as follows:

NOTICE OF HEARING

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will hold hearings on Reorganization Plans Nos. 3 and 4 of 1970 on July 28 and 29. On the first day the hearing will be in room 3302 New Senate Office Building at 10 a.m., and on the second day it will be in room 457 Old Senate Office Building at 10:30 a.m.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a notice concerning nominations before the Committee on the Judiciary by the senior Senator from Mississippi (Mr. EASTLAND).

There being no objection, the statement by Senator EASTLAND was ordered to be printed in the RECORD, as follows:

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Juan C. San Agustin, of Guam, to be U.S. Marshal for the District of Guam for the term of 4 years, vice Francisco R. Santos, resigning.

Johnny M. Towns, of Alabama, to be U.S. Marshal for the Northern District of Alabama for the term of 4 years vice Roy Lee Call, retiring.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the Committee, in writing, on or before July 31, 1970, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

(At this point Mr. PROXMIRE assumed the Chair.)

INCREASING AID TO HIGHER EDUCATION

Mr. HANSEN. Mr. President, on behalf of the distinguished Senator from Mary-

land (Mr. MATHIAS), I ask unanimous consent to have printed in the RECORD a statement which he has prepared.

There being no objection, the statement of Mr. MATHIAS was ordered to be printed in the RECORD, as follows:

INCREASING AID TO HIGHER EDUCATION

Mr. MATHIAS. Mr. President, the financial problems of American higher education should be a matter of grave concern to all of us. A combination of factors, including soaring costs and inadequate increases in Federal support, have driven many of our finest colleges and universities into the red for the first time in their experience.

The strains being felt by private colleges in particular are illustrated in an article in yesterday's Washington Post, which reports that many of the fine institutions in Maryland are facing substantial operating deficits and are being compelled to reassess their longrange prospects.

One of our nation's greatest strengths has been our wide range of opportunities for higher education of real quality. If financial problems should significantly narrow these opportunities, we would suffer irreparable national loss. It is incumbent on us, therefore, to examine soberly the alternatives available, and to develop sound strategies for putting American higher education on a durable financial foundation. Approval of this year's education appropriations bill is a first step, but only a first step.

MARYLAND PRIVATE COLLEGES FACE HIGHER OPERATING DEFICITS

BALTIMORE.—Johns Hopkins University has announced that it faces a $4.3 million operating deficit in the coming academic year—the first major deficit in the school's 94-year history.

Hopkins is not alone. Many private colleges in Maryland, as elsewhere in the nation, are having lean financial years.

The president of Hood College in Frederick recently warned that his all-girl institution faced a deficit of up to $300,000 for 1970-1971.

Gaps between income and expenses were also reported by St. John's College in Annapolis, Loyola of Baltimore and Goucher College in Towson.

At Hopkins, Robert F. Kerley, vice president for administration, said that the projected deficit represents 4½ per cent of the university's budget of $87 million.

"At this rate, we cannot be sustained very long," Kerley said. "We'll just have to work harder. We will have to look to the private sector as never before for a commitment to higher education."

In a belt-tightening move, administrators have been asked to make "selective reductions," cutting requests for more instructors, secretaries, technicians and equipment.

Kerley said there have been sharp increases in salaries for both faculty and nonprofessional personnel. At the same time, he added, federal aid is shrinking.

Charles Elzey, treasurer of St. John's, said the liberal arts school in Annapolis will enter the coming academic year $177,000 in the red.

This, he said, is the college's largest deficit in a decade and $100,000 more than in each of the past two years.

"It just means we'll have to go out and raise that much more money," he said.

"We'll be taking a long look at expenses to see what can be cut for the following years. We may have to raise tuition again—it was $3,400 this year. We're going to put off construction of an infirmary-dormitory that was due to start in a few months."

Hood College has increased tuition, and officials there feel the school, where enrollments are dropping, may eventually price itself out of existence.

A similar fear was voiced by Rev. Daniel McGuire, vice president of Loyola, which is facing a $100,000 deficit and has raised its tuition from $1,300 to $1,500.

Elzey, Father McGuire and officials at Hood all say that state-supported institutions with lower tuition charges are becoming more attractive, especially to parents with more than one child to educate in a time of inflation.

Frederick Wehr, director of development at Goucher, said that although the girls' school has "not been badly burned yet," tuition will reach $3,500 this year, up $300.

FREE TRADE AND FAIR TRADE

Mr. HANSEN. Mr. President, in the growing debate over U.S. trade policy in both this and the other body, the local news media has cried foul at the very mention of quota legislation.

Protectionism, they call it, although the legislation proposed would not stop or severely limit imports but merely set some reasonable levels above which imports could be controlled if found to be injuring a domestic industry or its workers.

This issue has been debated for a good many years and the most recent liberalization of U.S. trade laws was in 1962 when the Trade Expansion Act was passed.

Since then we have proceeded to negotiate away what little protection our industry and agriculture had left, and the free traders keep crying for elimination of all barriers.

They would force American industry and agriculture to compete with products from all over the world with little or no customs tariffs or quota limitations on amounts that could be brought into the country.

Free trade advocates claim that any such quota laws, or even the authority granted the President to impose such quotas, would bring on an epidemic of retaliation by our trading partners in Europe, Japan and other parts of the world.

The Washington Post in its frenzy said that the President must veto the trade bill as tentatively approved by the House Ways and Means Committee; that the bill would make a major contribution to inflation; chill prospects for continued expansion of world trade, and abuse the interest of many trading partners among both developed and less developed countries. The Post was almost frantic when the committee included an amendment on oil.

Blazoned across their front page were three top stories—all on oil and its evils as imagined by the publishers of the Post. A story more than 10 years old was dragged out of their morgue and dusted off for resurrection. Even at the time of the alleged incident or since the time of the incident, any connection with the oil import program it attempted to condemn was so remote as to be absurd.

Their contention that the oil import quota system was costing the American consumer billions of dollars a year for petroleum products did not take into account the fact that foreign oil from the Middle East and North Africa now costs more delivered to U.S. east or west coast ports than domestic oil. And were the tariff plan the Post advocates in effect, another $1.35 per barrel could be added to that price.

But even should the Middle East situation stabilize and world oil prices go back to former levels, is it really a bargain?

Inasmuch as England and Western Europe are largely dependent upon Middle East and North African oil, recent events that have resulted in skyrocketing tanker rates and curtailed supplies have already caused higher gasoline and heating oil prices there. Fortunately, the United States is not largely dependent on these sources, but the effects are being felt and may result in shortages and higher prices this winter if the situation continues or worsens.

England and Europe are searching for oil and gas in the North Sea and can appreciate the prospects of more dependable sources.

In an editorial last year, the Financial Times of London commented on the Libyan coup:

> So far, at least, the change of regime seems to have been carried through peacefully and the British Government's speedy decision to recognize the new government was a wise one in circumstances where the Arab radicals have been trying to associate Britain with the deposed King Idris. The oil has also continued to flow. It is to be hoped that this state of affairs continues. However, the coup has once again demonstrated the fundamental instability and political unreliability of the countries on which Britain and most of the rest of the industrialized world, apart from the U.S., depend for oil.
>
> Secondly, security of supply should be given a higher priority than cheapness. In the short run, this means that no one country should be allowed to secure a dominant position among Britain's suppliers. In the longer run it may mean that if relatively expensive oil is discovered either in Europe's offshore water, or elsewhere—the Canadian Arctic, for instance—in a politically secure country, it should be exploited to our advantage if at all possible, even if it is more expensive than oil from the Middle East and North Africa.

So it is amazing to me, in view of recent events that have boosted some foreign oil prices above our own, that some of our own news media, economists and ecologists are not more concerned with more dependable sources of supply—even if it is more expensive than oil from the Middle East and North Africa.

Dr. Wilson Laird, Director of the Office of Oil and Gas of the Department of the Interior, was a U.S. delegate last month to the NATO Petroleum Planning Committee Conference in Brussels.

Laird, whose office is responsible for emergency petroleum planning, reported that tanker rates from the Persian Gulf to the east coast rose last week to $3.30 per barrel.

In May of 1967, before the Suez Canal was closed, the average spot tanker freight cost was 52 cents a barrel. By July, following the 6-day war, the spot rate hit $2.72. The lowest it ever got back to after that was 86 cents in April 1969.

By April of this year, just before the shutdown of Tapline halted the flow of 500,000 barrels per day of Saudi Arabian oil to the Mediterranean, the rate had climbed back up to $1.69 per barrel. The

subsequent closure of Tapline, plus the cutback in production in Libya, brought the rate to $3.30 as of last week, Laird said.

Before the most recent Libyan cutback, Laird reported, there was a "very delicately balanced but still feasible, relationship between shipping availability and requirement."

The problem is still workable, in his view, for the time being. But things are getting tighter, and the future looks ominous as relations between Arab nations and Israel worsen.

The Interior official noted that the United States is importing only about 3½ percent of its total oil supply from Arab nations, about the same as in 1967. Then, as now, East Coast refineries depended on Arab sources for about 20 percent of inputs.

But the loss of this supply, he warned would have serious local and regional problems—more serious than the bare figures suggest.

There is another difference between our ability to respond to an oil crisis today and the capability we had in 1967.

Laird pointed out:

Then, the fields in Texas and Louisiana were able to increase production by a million barrels per day over a period of 7 weeks. This adequately supplied our own requirements and eventually made 25 million barrels available to Canada and Western Europe.

Today, however, production in Texas and Louisiana is already well above the peak rates achieved in August 1967. We are caught in a bind between steadily rising production rates and declining productive capacity.

Also, a report just completed by FPC shows gathering-line bottlenecks would prevent use of 523,000 barrels per day in spare productive capacity in an emergency.

Laird said the Government does not yet know the implications of the takeover of company marketing and distribution facilities by the Libyan Government earlier this month. He added:

It doesn't take a detailed assessment, however, to know that this bodes no good for the future.

Late in June, Laird reported, the petroleum security subcommittee met with representatives of the Office of Oil and Gas, and other Federal agencies, to consider requirements and supply for national security.

A classified report of the committee's finding has gone to the Department of Defense. Laird said:

So we continue to watch and wait as the thunder continues to roll out of the Middle East.

But oil is only one part of the fight over trade legislation, although by far the most important because of national security implications. The bill started out as a textile quota bill but is now being called a Christmas tree bill. Some are saying that import quotas are not in the interest of the United States. Others are saying that addition of anything other than quotas to protect their own regional industries are not in the interest of passing the bill, as it was at first reported as tentatively approved.

I would think the New Englanders who attacked the oil amendment in the bill would, in view of the prices now prevailing for oil from the Middle East, now favor the amendment which would assure that the imports would continue to come in under quotas and not be further increased by a proposed $1.35 a barrel tariff. The tariff is presently 10 cents a barrel. That oil would now be costing more than $5.60 a barrel rather than the $4.25–$4.75 it has been delivering for. And that compares with a domestic delivered price of about $3.75 a barrel.

One of the real trade experts in Washington, D.C., O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy, has recently made a study of the effects of import quotas on domestic prices. His study, I believe, pretty well refutes the arguments that oil product prices and prices of other products under import quota control have risen at a rate higher than the price index for all commodities.

I have been attempting to convince some of my good friends and colleagues of this fact for sometime now, and I hope Mr. Strackbein's review will be more convincing than my argument apparently has been. He includes a number of products including textiles in his study. I ask unanimous consent that Mr. Strackbein's letter to me and his review of import quotas and prices be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NATIONWIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
Washington, D.C., July 6, 1970.

Hon. CLIFFORD HANSEN,
U.S. Senate,
Washington, D.C.

DEAR CLIFF: I thought you might be interested in the attached account of prices on products that are under import limitation by quota or similar device.

The record is rather surprising, considering the general impression created by columnists, editorial writers, etc., to the effect that import quotas mean gouging of consumers.

In the paper I did not trace beef prices since 1964, which was the year the import ceiling was established. From 1964 when the average price was 18.00 the price for the first half of 1970 was 27.78, representing an increase of 54.3%. This looks like a sure case of the effect of an import limitation. However, the price of hogs rose from 14.80 in 1964 to 24.87 for the first six months of 1970. This was an increase of 68.0%. Yet, pork was not subject to an import limitation.

The data are from the Department of Agriculture.

Once more, the theory of import restriction as a price stimulus is not borne out.

With kind regards.

Sincerely,

O. R. STRACKBEIN,
President.

IMPORT QUOTAS AND PRICES—A REVIEW

(By O. R. Strackbein, president, the Nationwide Committee on Import-Export Policy, July 6, 1970)

A constant patter of comment tells us that import quotas will raise domestic prices of the products that are the subject of such quotas.

It should be possible to test the soundness of this unsubstantiated theory. To do so we should trace the wholesale price trends of products that are "protected" by import quotas compared with the price trend in general and the price on particular products that are not so "protected."

PETROLEUM

A favorite whipping boy is oil, or petroleum. An import quota was established in 1958, first on a voluntary basis, followed by a mandatory quota, effective March 1959.

The wholesale price of refined petroleum products expressed in an index form, where 1957–59 equals 100 had risen to only 100.3 in 1968 and 101.8 in 1969. A very recent rise carried the level to 104.2 in May 1970.

This compared with an index for all commodities, where 1957–59 again is 100, of 108.8 in 1968, 113.0 in 1969 and 116.8 for May 1970.

"All commodities," of course, include those on which we have import quotas. Therefore it will be desirable to compare the refined petroleum price level with that of other products that are not subject to an import quota. If we select another fuel, namely, coal, which has no import quota and should therefore not be free to move upward in price because it is not "protected," we find a sharp contrast. The wholesale price index had reached 107.1 in 1968, rose to 116.2 in 1969 and zoomed to 146.9 in May 1970.

Surely if there were an import quota on coal, the quota would be blamed for this runaway price. Obviously other factors were at work.

We find, in other words, that the wholesale price of refined petroleum increased distinctly less than wholesale prices of all commodities and very much less than the price of its competing energy fuel, namely, coal. (For confirmation, see Survey of Current Business, U.S. Department of Commerce, June 1970, p. S–8.)

COTTON TEXTILES

Another product that is the subject of an import quota or its equivalent is cotton textiles. An arrangement was made with Japan alone, effective January 1, 1957, whereby that country restricted its cotton textile exports to this country. This arrangement was superseded October 1, 1961 with the so-called Long-Term Arrangement negotiated under GATT. This arrangement covered some 30 countries and about 90% of our total cotton textile imports.

The wholesale price of cotton products (1957–59 equaling 100) was 105.2 in 1968. In 1969 it remained at 105.2 and in May 1970 stood at 105.8

Once more we encounter a very moderate price rise compared with the general commodity wholesale price-level, which, as we saw, had risen to 116.8 in May 1970. (Reference: same, p. S–9.)

Wool products, which are *not* under quota restrictions, had an index level of 103.7 in 1968, compared with 105.2 for cotton products or only 1.5 below cotton products. The index rose to 104.6 in 1969 but fell to 103.8 by May 1970. It thus stood only 0.1 higher in May 1970 than in 1968. In the case of cotton products the increase from 1968 to May 1970 was only 0.6. Thus there was little to choose between the wholesale price movement in cotton and woolen products. Yet the one was under an import quota or its equivalent while the other was not.

In the case of man-made fiber textile products there was a decline in wholesale prices since 1957–59, accounted for by increased productivity. The index stood at 90.8 in 1968 and moved lower to 89.5 in May 1970.

The downward trend of man-made fiber textile products has been of long standing. Measured on the 1947–59 base, as compared with the 1957–59 base as used here, the wholesale price in 1959 had already declined to 81.1. This was before imports reached a

significant volume. Thus the further price decline on the 1957–59 base to 89.5 in 1970 merely represented a continuation of the cost reduction process that had already dropped prices in the decade of 1949–59 by nearly 20%. (Survey of Current Business, October 1961, p. S–8).

There is nothing in this record to show that the price of cotton textiles rose as a result of the import limitation. In any event the price increase through May 1970 was comparatively modest, lagging distinctly behind the general commodity wholesale price index.

In a pamphlet recently issued by the United States-Japan Trade Council it is asserted (p. 10) that "Textile Quotas Would Have Slight Benefit but Very High Cost."

"In sum," it says, "proposed textile quotas would be enormously costly to the United States.

"Quotas would accelerate inflation, raising clothing prices to consumers.

"They would boomerang against U.S. export sales and harm the economies of port cities," etc.

Against this cry of alarm, the wholesale price trend of cotton textiles of the past ten years while these products have been under import limitation, stands as a complete rebuttal.

SUGAR

Yet another product that is under import quota control is sugar. This quota has been in effect antedating World War II.

In 1955 the retail price of sugar was 10.4¢ per lb. Ten years later (1965) the price was 11.8¢. In 1968 the price was 12.5¢. In 1969 it was 12.7¢ and in April 1970 it was 13.4¢. In 15 years the retail price increased only 28.8%. (Statistical Abstract of the U.S., 1969, Table 512, p. 350; and Survey of Current Business, June 1970, p. S–29.) Compare this increase in retail sugar prices since 1955 with the all-consumer price increase of 34.6% on the 1957–59 base, a period during which all food prices rose 32.4%—also a period during which public transportation cost rose 66.6%, medical care 63.6%. Keeping in mind that 1955, the base of our retail sugar price, antedated the index base of 1957–59 by several years, it is clear that the consumer paid distinctly less for sugar in terms of price increase than he paid for consumer goods in general, or for food in general, and much less than for transportation and medical care which were not pinched in point of supply by an import quota.

It follows that the sugar quota also cannot be used to demonstrate that import quotas raise prices unreasonably, or even as much as the rise in other prices.

WHEAT

Wheat is under a severe import restriction that permits less that 1% of domestic production to be imported, in pursuance of a limitation imposed under Sec. 22 of the Agricultural Adjustment Act in 1941.

The price of wheat (hard winter, No. 2, Kansas City) has fallen quite sharply in recent years. The price per bushel was $2.22 in 1950. In 1955 the price was $2.25. By 1960 the price had dropped to $2.00. In 1968 it had sunk to $1.46 per bushel, and in May 1970 it was $1.53.

Corn is not the subject of an import quota. The 1950 price (yellow, No. 2, Chicago) was $1.50 per bushel. In 1955 the price was down to $1.41. The decline, as in the case of wheat, continued. In 1960 it stood at $1.15; in 1968 it was $1.14 and in May 1970 it was $1.30 (yellow, No. 3, Chicago. The difference from No. 2 is very slight, as note, that in 1968 the price of No. 2 in Chicago was $1.14 while that of No. 3 was $1.11). (See Statistical Abstract of the U.S., 1969, Table 504, p. 343; and Survey of Current Business, June 1970, p. S–27.)

Comparing the price trend in wheat with that in corn we find that from 1950 to May 1970 the price of wheat dropped 31% while that of corn dropped only 13%. Yet it was wheat and not corn that was "protected" by an import quota. The wheat price dropped over twice as much in the 20 years as the price of corn.

Since 1960 the price of wheat dropped from $2.00 per bushel to $1.53 in May 1970, a decline of 23%. The price of corn, by contrast, rose from $1.15 per bushel in 1960 to $1.30 in May 1970. This was an increase of 13%. Thus while the price of the "protected" wheat dropped 23%, that of corn which was not under an import quota, rose 13%.

In comparison with other commodities the price of both wheat and corn has dropped while the other prices rose rather sharply, especially in recent years.

RAW COTTON

The price of raw cotton has also declined. The decline was greater than that of wheat and corn, dropping from some 36¢ per lb. to some 22¢, or by more than 38%. Yet raw cotton imports are limited under Sec. 22 of the Agricultural Adjustment Act to a quantity less than 5% of domestic production. (Statistical Abstract of the U.S., 1969, Table 505, p. 344.) (There is some difficulty in reconciling the Statistical Abstract prices with those in the Survey of Current Business, but the discrepancy is not sufficient to destroy the value of the comparisons).

DAIRY PRODUCTS

With a base of 1957–59 equaling 100, the wholesale price index of dairy products stood at 94.0 in 1955, at 105.0 in 1960. In recent years the price rose to 118.5 in 1966, to 127.7 in 1968 and on to 135.4 in May 1970. This was an increase of 29% since 1960, and compares with an increase since 1960 of 18.6% in wholesale price of "Farm Products, Foods and Feeds," which, of course, includes grains, on which the price, as we have seen, dropped considerably.

Dairy products enjoy an import limitation under Sec. 22 of the Agricultural Adjustment Act, and the price increase has outpaced that of other farm products, as mentioned, but did not outpace wholesale prices of many other products. Dairying has declined quite sharply per capita. Milk produced on farms was less than 1% higher in 1968 than in 1950, despite the considerable increase in population. The number of cows and heifers kept for milk declined by more than 50%. Unquestionably these factors have influenced the price of dairy products much more than the import quota.

The wholesale price of agricultural machinery and equipment on an index base of 100 for 1957–59 rose to 137.4 by May 1970. There is no import quota on this machinery and equipment. Moreover, agricultural implements are duty free! If imports exert such a salutary effect on prices the effect must have failed in this instance.

CONCLUSION

The foregoing recitation can leave little doubt that import quotas have not led to higher prices; indeed, quite the opposite. With the exception of dairy products, with respect to which other powerful factors, such as the public acceptance of oleomargarine, played a large part, the prices on products that are "protected" by import quotas have lagged distinctly behind average prices and far behind prices on some other products that were under no import quota limitation.

The cry that the imposition of import quotas would be costly to consumers is unfounded, and those who continue to raise the cry are guilty of misleading the public.

Mr. HANSEN. In joining with my New England colleagues recently in cosponsoring textile quota legislation, I said, among other things, that another fallacy in the free-trade philosophy is the argument that quota legislation is "protectionist." They say that the American consumer is entitled to the prices at which foreign producers are able to sell their wares in this country.

The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage of a system of adjustment assistance is a wholly unjustifiable philosophy, and represents an amazingly harsh attitude in point of public policy. I doubt that a New York City textile worker would be willing to trade his job for a relief check in order to buy a cheaper shirt made in Japan.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial and must take the consequences. Yet, on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world. This lead is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantage.

We cannot hope to hold our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by slight-of-hand statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

As further evidence of the need for realistic revision of U.S. trade policy, the figures recently released by the U.S. Department of Commerce show a substantial and continuing deficit in the U.S. balance of payments for the first quarter of 1970. That deficit last year amounted to $7 billion and at the rate reported for the first quarter, may well exceed the 1969 figure by the end of this year.

But even these figures do not tell the whole story. Figures used by the Department of Commerce include foreign aid shipments as exports and show imports at their foreign value without including ocean freight, insurance, and other charges. This practice is contrary to that of nearly all other leading nations and results in an understatement of actual costs of our imports by some 10 percent.

Mr. President, this country has been generous in assisting other nations, in financing the rebuilding of Europe and Japan after World War II, in furnishing the technology, money, and even manpower to many so-called emerging nations to establish agriculture and industry of their own. The next step has been that we are then expected to furnish the market for whatever it is they produce—shoes, textiles, oil, beef, electronic components, steel, and so forth.

Measured in relation to exports of all other countries American exports including foreign aid have lost ground in recent years. This means simply that exports from other countries have expand-

ed more rapidly than U.S. exports. In turn this suggests that their goods are more competitively priced in world markets. In 1960 our share of world exports was 15 percent; in 1967 it was 14.5 percent. Had our exports in 1967 enjoyed the same proportion of world exports as in 1960 we would have exported $4.6 billion more in 1967 than we did export or $35.8 billion instead of $31.2.

The irrefutable fact is that we are in a weak competitive position in world markets and in our own market vis-a-vis imports.

The trend since 1960 is unmistakable. A trade policy that was based on competitive conditions as they existed before 1960 is no longer in focus. It is unrealistic.

What does our weak competitive position suggest with respect to our trade policy?

The problem of import competition would be more acute than it is were it not for the $30 billion annual boost to our economy provided by the Vietnam involvement. Since our tariff has been cut to an ineffective level without present hope of reversal, some other instrument for control of our market and employment erosion attributable to imports must be provided.

Enactment of this legislation would provide assurance that imports, despite their cost advantage resulting from lower wages, will not be allowed to run wild and thus disrupt industry after industry. Instead of relying on first aid ministration in the form of adjustment assistance, the injury to our employment and industrial expansion would be controlled ahead of time. Imports would not be awarded the right of eminent domain in our market, but would be given the opportunity to grow in proportion to domestic consumption.

We face an opportunity to adopt a trade policy that would achieve the undoubted benefits of world trade without incurring its unfair and destructive impact on a widening front.

And I hope, Mr. President, that my colleagues from New England will recognize the fact that oil imports last year—controlled and uncontrolled—ran at the rate of almost 30 percent of domestic production. This is twice the rate of 15 percent in the proposed Ways and Means bill which would direct a study by the Tariff Commission to determine whether an industry or its workers were being injured and whether the President should invoke quotas.

I hope my good friends from New England will realize that oil workers in the 31 oil-producing States have already been injured by imports that have affected the rate of exploration and development of new sources of supply to insure our continued self-sufficiency in case undependable sources should be cut off as, indeed, they have been recently. The Senators and Representatives from these 31 States are acutely aware of the effects of oil imports on our domestic producing industry, particularly the small independent operator who, in the past, has been responsible for the discovery of about three-fourths of U.S. reserves of both oil and gas.

If my good New England friends expect the support of those who represent the 31 oil-producing States, they should certainly have as much concern for the workers in the oil- and gas-producing industry as their own textile, shoe, electronic, and sporting goods workers and their fishing industry.

Actually, none of those industries or their products could seriously affect the national security of the Nation should we become overly dependent on foreign substitutes or, at least, not to the extent that a cutoff of oil would mean to the entire U.S. economy.

And, Mr. President, I keep reading in the Washington Post and the CONGRESSIONAL RECORD of the billions of dollars the mandatory oil import program has cost U.S. consumers—some $5 billion a year according to the report of the majority of the Cabinet Task Force on Oil Import Control.

This charge is patently absurd and based on assumptions not even recommended by the majority of the task force. Other studies, Mr. President, have come to the conclusion that the program actually has had a net benefit to the Nation. One eminent economist recently analyzed this assumption in the Oil & Gas Journal. I ask unanimous consent that the analysis made by Dr. Richard J. Gonzalez, "Fiction and Fact," be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

FICTION AND FACT

(By Richard J. Gonzalez)

THE FICTION

Oil-import controls cost $5 billion a year and there is very little offset against this cost for the benefits to consumers and to national security.

THE FACT

The costs and benefits of oil-import controls can be calculated only on the basis of assumptions about what might happen if much more imported oil were used.

Since foreign oil can be delivered to the East Coast and West Coast for less than domestic crude oil, the conclusion is frequently drawn that consumers could save billions of dollars through removal of import controls on the erroneous assumption that everything else would remain the same.

Estimates that oil-import controls costs consumers about $5 billion a year appear absurd in relation to total value of U.S. crude-oil production of $10.3 billion in 1969. They are erroneous because they fail to evaluate (1) differences in transportation costs, (2) the effect on U.S. exploration and supply, (3) the higher prices for domestic natural gas that would result, (4) true economic costs to the nation, and (5) the benefits from the control program.

Domestic crude delivered to the East Coast is put at a disadvantage relative to foreign crude because it must be moved in American-flag tankers. Under current construction and labor costs, use of American-flag tankers may cost twice as much as foreign-flag tankers.

Thus, if security requires that all oil supplies to the East Coast, including imports, be moved in American-flag tankers, the cost saving from foreign oil for the East Coast could decrease by 50% from $1.50 to $0.76/bbl. This is based on a 100% increase in the transportation cost for foreign oil.

But assuming that national security is ignored and domestic oil is moved in foreign-flag tankers, the cost saving would decrease by 15% from $1.50 to $1.28/bbl if the cost of moving oil from the Gulf Coast to the East Coast drops 50%.

With import controls gone, it's most likely that foreign oil will not remain low-priced. A flood of foreign oil into this country would close down U.S. exploration and domestic reserves would dwindle as a result (Fiction-Fact, June 15). The tremendous demand thus imposed on Free World sources of oil inevitably would drive up the price of this oil.

Exploration for natural gas also would decline and the only way this could be averted would be an increase in the price of gas (Fiction-Fact, July 6). The price increase necessary to support exploration would erode any savings from imported oil by 40 to 70%.

There also are economic benefits from higher-priced domestic oil. The estimated cost to consumers of domestic vs. foreign oil is not a total loss the economy.

The report of Charles River Associates showed that cost to the nation is only 20–25% of the estimated cost to consumers from oil import controls.

Consider this situation then: if higher gas costs offset 50% of the assumed consumer savings from removing oil-import controls, and if only 20% of this cost reflects the real economic loss, then the widely quoted $5 billion consumer cost becomes a true cost to the nation of $500 million a year, an entirely different order of magnitude.

One very tangible benefit for the gas industry and consumers deserves emphasis. Gas reserves on the Continental Shelf were estimated at 34 trillion cu ft on Jan. 1, 1968, and these reserves are being produced at about 5% a year. So, about 1.7 trillion cu ft of gas produced in 1968, or 9% of domestic supply, resulted from offshore developments that would have been nonexistent but for oil-import controls. If these supplies of gas had not been available, consumers would have been forced to use less desirable and more expensive fuels.

Mr. HANSEN. In addition to this, Mr. President, those who demand more imports from Canada certainly must not realize that Canada is a net importer of oil herself and is affected by price fluctuations, such as the sudden escalation of the cost of oil from the Middle East and North Africa.

Most of Canadian production is in her western provinces, but most of her refining capacity is in her eastern provinces. Canada has no pipeline connections from her own producing areas to her eastern refineries. She imports as much oil as she exports to the United States and the price of that imported oil has suddenly gone up. Canada may, if this situation continues or worsens, find it to her advantage to use her own oil when the price differential disappears or becomes a minus rather than the plus it has been.

I do not mean to say that we should not develop a common energy policy with Canada which is, undoubtedly, our most secure source. But what I do want to point out is that Canada will certainly take care of her own needs first in an emergency, such as the 1967 embargo of Middle East and North African oil that followed the Arab-Israel war.

And I cannot conceive of the Canadians gazing benignly across the border as the U.S. Treasury rakes off a fat tariff for their oil without taking a cut for themselves. That's another fallacy of the academically inspired tariff proposal. With the ups and downs of tanker rates and the uncertainties of tomorrow in North Africa and the Middle East, we can be thankful that there were some who could foresee the risks involved in the task force—majority—proposal, and

that, finally, others are realizing that cheap foreign oil will remain cheap only so long as we do not have to depend on it.

CONCURRENT RESOLUTION DIRECTING THE SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 2601

Mr. BYRD of West Virginia. Mr. President, at the request of the senior Senator from Maryland (Mr. TYDINGS), I call up Senate Concurrent Resolution 75, which is at the desk, and ask for its immediate consideration. The purpose of the concurrent resolution is to make certain technical corrections in the bill which was passed yesterday in the conference report on S. 2601.

The PRESIDING OFFICER (Mr. PROXMIRE). The concurrent resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 75) directing the Secretary of the State to make corrections in the enrollment of S. 2601.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 75) was considered and agreed to, as follows:

S. CON. RES. 75

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2601), to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In the third sentence of the proposed section 11–1527(a)(3) of the District of Columbia Code (as contained in section 111 of the bill), strike out "subsections (a) and (b)" and insert in lieu thereof "subsection (a) or (b)".

(2) In section 144 of the bill, renumber the paragraphs which follow the first paragraph (12) of such section as paragraphs (13), (14), (15), (16), and (17), respectively.

(3) In section 145(f) of the bill, renumber the paragraph which follows paragraph (13) of such section as paragraph (14).

(4) In section 156 of the bill, reletter the subsections of such section which follow subsection (f) of such section as subsections (g) and (h), respectively.

(5) In section 157(c) of the bill, designate the undesignated paragraph that follows paragraph (1)(B) of such section as paragraph (2).

(6) In section 163 of the bill, reletter subsections (j) and (k) as subsections (i) and (j), respectively.

(7) In the proposed section 23–561(b)(1) of the District of Columbia Code (as contained in section 210(a) of the bill), strike out "subsection (a) of" in the last sentence.

(8) In the proposed section 23–563(b) of the District of Columbia Code (as contained in section 210(a) of the bill), strike out "No" at the beginning of such section and insert in lieu thereof "A".

PROGRAM

Mr. HANSEN. Mr. President, I wonder if the distinguished acting majority leader would give us some indication of the program for Monday and the coming week.

Mr. BYRD of West Virginia. The Senate will shortly adjourn until 12 noon on Monday next. As I recall, no Senators have secured special orders to speak on Monday morning. We will have a period for the transaction of routine morning business, after which the Senate will again proceed to the consideration of the unfinished business, the military procurement bill. It is my understanding the Senate will be debating this measure for some time.

Mr. HANSEN. I thank the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Conference reports on various measures may be brought up from time to time, but this will be worked out by the leadership on both sides.

Mr. HANSEN. I thank the Senator.

ADJOURNMENT TO MONDAY, JULY 27, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 26 minutes p.m.) the Senate adjourned until Monday, July 27, 1970, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate July 24, 1970:

FEDERAL COMMUNICATIONS COMMISSION

Robert Wells, of Kansas, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1970, vice Kenneth A. Cox, term expired.

Sherman Unger, of Ohio, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1964, vice Robert Wells.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 24, 1970:

OFFICE OF TELECOMMUNICATIONS POLICY

Clay T. Whitehead, of California, to be Director of the Office of Telecommunications Policy.

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade of lieutenant general, under the provisions of section 8962, title 10, of the United States Code:

Lt. Gen. John S. Hardy [redacted] FR (major general, Regular Air Force), U.S. Air Force.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designed by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John MacNair Wright, Jr., [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Edward Leon Rowny, [redacted] U.S. Army.

The following-named officers to be placed on the retired list in grade indicated under the provisions of title, United States Code section 3962:

To be lieutenant general

Lt. Gen. Ferdinand Thomas Unger, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Frank Joseph Sackton, [redacted] Army of the United States (major general, U.S. Army).

U.S. NAVY

Rear Adm. Fred G. Bennett, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Dick H. Guinn, U.S. Navy, for appointment as Chief of Naval Personnel for a term of 4 years, pursuant to title 10, United States Code, section 5141.

Rear Adm. Dick H. Guinn, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Rear Adm. Ralph Weymouth, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United State Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Ralph W. Cousins, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of admiral while so serving.

Rear Adm. Gerald E. Miller, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 1972.

IN THE ARMY

The nominations beginning Gasper V. Abene, to be major, and ending Mary H. Yeakel, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 9, 1970; and

The nominations beginning Darrel W. Basom, to be major, and ending Wiley W. Walker, to be major, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 13, 1970.

IN THE NAVY

The nominations beginning Ralph P. Abenante, to be chief warrant officer, W–3, and ending Teresa Caruso, to be lieutenant (junior grade), which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on July 9, 1970.

IN THE PUBLIC HEALTH SERVICE

The nominations beginning Charles M. Bowyer, to be medical director, and ending Steven A. Coppola, to be senior assistant health services officer, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on June 22, 1970.

EXTENSIONS OF REMARKS

A GREAT AMERICAN, SPEAKER JOHN W. McCORMACK, SPEAKS OUT ON AMERICA: TODAY AND YESTERDAY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, in the current issue of U.S. News & World Report, there is an extensive and excellent interview with one of the great Americans of our time—one of the great congressional leaders of all time—our beloved Speaker, JOHN W. McCORMACK.

In this interview and article Speaker McCORMACK, speaking from the historical perspective of 42 years as a Member of the House, recalls famous events and comments upon their effect and impact.

Speaker McCORMACK, for example, gave capsule impressions of our famous Presidents who served during his own service as Congressman.

These are his comments:

President Franklin D. Roosevelt—"The country needed strong leadership and he provided it."

President Harry S. Truman—"A man of strong and decisive mind and he had the capacity to make any decision, no matter how tough, that confronted him."

President Dwight D. Eisenhower—"Success as a great military leader carried that atmosphere and respect for him into the White House."

President John F. Kennedy—"A man of decisive mind with courage, as evidenced by his confrontation with Khrushchev in Berlin crisis and Cuban missile matter."

President Lyndon B. Johnson—"A man of vision, leadership—one of our outstanding Presidents."

President Richard M. Nixon—"Too early to make an appraisal—he showed courage in making decision on Cambodia."

In reviewing the highlights of his distinguished and remarkable career in the Congress, Speaker McCORMACK takes greatest pride in legislation he assisted in passing that has helped Americans realize their hopes and dreams of a better life.

Such legislation includes Social Security, minimum wage, low-cost housing, and personal service to tens of thousands of other persons who sought his assistance.

He concludes the interview:

I'm very thankful that the good Lord put me in a position where I could serve two constituencies—my people back home and the people of the United States.

Remarkable words by a remarkable man.

Because of the great interest of my colleagues and the American people in our beloved Speaker, I insert the article from U.S. News & World Report in the RECORD:

AMERICA: TODAY AND YESTERDAY AS SPEAKER McCORMACK SEES THINGS AFTER 42 YEARS IN CONGRESS

(NOTE.—What real dangers confront today's U.S.? How do they compare with the days when John McCormack entered Congress more than four decades ago? What lessons have been learned? Mr. McCormack has spent more consecutive years as Speaker than any other man. Staff members of "U.S. News & World Report" interviewed the Speaker as he prepared for his forthcoming retirement at the close of this Congress.)

Question. Mr. Speaker, how has America changed in the 42 years since you first came to Washington?

Answer. When I came here in December, 1928, as a young Congressman filling out an unexpired term, there were no serious problems to speak of. The stock market was floating along nicely and Americans by and large were enjoying life. Some of us worried a little about an overextension in construction, but nobody believed that we were heading into a business recession that would rapidly develop into a deep depression. If anybody was worrying about foreign problems, he kept it pretty much to himself.

But then the Depression did come with all its severe problems. Only those of us who actually lived through those years can know what they were like. The country turned to Franklin D. Roosevelt's leadership.

Then a notorious figure in history by the name of Hitler came across the horizon, and the questions in the field of foreign affairs became more and more important. Finally, we were attacked at Pearl Harbor and we got into World War II in 1941, and met the problem of developing our great resources and our manpower, military and otherwise.

After World War II came this challenge that still confronts us: world unrest, with two great nations—Communist Russia and Communist China—trying to undermine other forms of government and further their own cause by any means that will serve their purposes.

So, world problems have increased tremendously in importance since I first came to Washington in 1928.

Question. Are you optimistic for the future of the U.S.?

Answer. Let me answer this way:

I saw what appeasement did in the '30s, when Britain and France let Hitler get away first, with the Rhineland—thinking he'd be satisfied—then Austria. Some of us in America saw to what this arrogant aggression was leading. Winston Churchill in England certainly saw what it meant, but he was like a voice crying in the wilderness. In those days before World War II, nobody agreed with Nazism or Hitler, but so many people in England and the rest of Europe and even in America said: "Well, we can live with him."

Today, I find that there is a tendency in America to misread the significance of international Communism and its designs upon our own country. Arrogant aggression, whether under Nazism or under international Communism, isn't something Americans can ignore and live with.

Question. Is appeasement a danger to the U.S. today?

Answer. I don't think it has reached the stage that prevailed in the '30s, although it's traveling in that direction. You find more and more people are thinking and saying: "Well, we can live with Communism."

I can live with the Communists if they will leave other countries alone. If the people of the Soviet Union want to have a Communist form of government, they have a perfect right to do so. But when they try to impose their form of government upon other nations—using any means, legal or illegal or otherwise—that is where I part with them.

It is possible to have a Communist form of government and get along with non-Communist nations. We are getting along with Yugoslavia. It is a Communist nation, but also highly nationalistic.

But the Soviet and Chinese Communists are just as much bent on world domination today as they ever were. There may be tensions between the two, but they can get together overnight, and they'd both like to see the world dominated by Communism with America isolated.

Then they could fight it out to see who would be the No. 1 Communist nation.

Question. Do you see the Vietnam war as necessary to thwart the Communist strategy you have outlined?

Answer. I think you can argue whether or not we were justified in going in there in the first instance. But we are there, and we have to accept that fact.

If we leave South Vietnam under terms which constitute a peace at any price, the world will know it, no matter how we try to sugar-coat the terms. The effect on the future of the United States would be disastrous. It would be an open invitation to every nation in the free world to hedge its position by making the best terms possible with the Communist powers. And the closer a country is to Russia or China, the more that nation would have to hedge.

Few people realize that Southeast Asia is the first line of defense in the Far East for the United States. If we are forced out, it will be only a short time until we will be driven back to a continental defense line, which is Hawaii and Alaska. Some people can laugh that off. I cannot. That is why I stand for a just peace in South Vietnam—not peace at any price.

Question. Have you supported President Nixon's Southeast Asia policy generally?

Answer. I have taken the courses of action that I thought were in the national interests of the United States. I always try to support the President on foreign-policy matters, whether he is in my party or not. I would expect the same if I were in the White House. I was next in line to the President for 14 months after the tragic assassination of President Kennedy, and while I didn't want to think about those things, naturally I couldn't help asking myself during that time: "Well, what would you do, John?"

Question. Do you think the U.S. will be drawn into the Middle East conflict?

Answer. If we vacillate—take an uncertain position and show a lack of firmness—that could happen. Whether we like it or not, the free world is centered upon the leadership of the United States. If we fail to make decisions when they must be made, we will get into trouble.

I am convinced that you have to deal from strength when you are confronting the Kremlin. You can't flinch. I think President John Kennedy proved that in the Cuban missile crisis in 1962. The Russians backed down then. They have problems of their own The people over there want to live, the same as we do.

So, I say that we've got to be powerfully strong and firm. If there is another Pearl Harbor, we won't have three or four or five years to recover. The next war would be a 24-hour or 48-hour one. I do not like to think this way, but I am realistic.

But, again, I am optimistic for the future. I can see 15, 20 years from now, with the changes taking place in the world, the Soviet Communists might be pleading with us to be their friend. I'm not banking on it, but it could happen. I want to be certain America is strong enough to preserve herself during those 15 or 20 years.

Question. Turning to domestic affairs, Mr. Speaker: The Federal Government has grown

tremendously during your 42 years in Congress. Has it become too big?

Answer. Government has got to bring justice to its people. That is one of its first duties. As the United States has grown and become more and more industrial, problems have multiplied until they are very serious and challenging.

I think we are meeting those problems with what I call dynamic democracy. The progressive legislation that Congress has passed—I have in mind such things as Social Security, minimum wage, low-cost housing, etc.—is necessary for social justice in our changing society.

I can see in the near future where our problems are going to grow more and more as a result of advances in the field of science, and their impact upon the nation's economy and the ability of an individual to get a job. That's why I was instrumental in establishing a Committee on Science and Astronautics in the House so we could have a group of legislative specialists—not scientists—to help direct the transition that is bound to take place.

Question. So you feel Congress has changed with the times—

Answer. Yes. The pressure of business has increased, the issues are more important, the number and scope of bills introduced have risen greatly, and the importance of committees has grown.

For all practical purposes, we've developed into committee government. Theoretically, Congress acts as a whole in enacting legislation. But the committees have become more and more prominent because of the pressures upon members and the legislative branch. That was inevitable, and it is a good thing.

Members of the Congress who are assigned to a committee become deeply interested and dedicated to the business of that committee. And the staff of any committee is very, very important to its success. Good staff members are invaluable.

Question. Does a Congressman have time today to serve the needs of his home district when he has to devote so much time to national and international affairs?

Answer. Well, that comes down to each individual. Some of us devote more time to study, some devote more time to their committees, some to the needs of their home districts.

The great majority of the members of Congress meet the challenges and the tasks that confront them. They give untiringly of their time in committee work, on the floor, in conferences, studying legislation—at night as well as during the day—studying in other areas—all in order to develop their thoughts on the important matters coming before the Congress.

Question. Should there be more members of Congress?

Answer. I wouldn't recommend more members of the House. As far as the Senate is concerned, the Constitution determines its size; we're wedded to two members from each of the States.

Question. Do you think the caliber of Congressmen has improved during your service in the House?

Answer. I don't want to say that the caliber of members has improved over the past. I'm very proud of the men I serve with and I respect them very much. It's not that they are of higher quality than members in the past. Rather, it's that they rise to and meet the greater demands and pressures of the present.

THE WAY SENIORITY REALLY WORKS

Question. Mr. Speaker, the seniority system is often criticized.

Answer. The seniority system, to begin with, is misunderstood. First, it is not a formal rule. It is a practice and a custom. It applies to both parties and in both the House and the Senate. Now, most people don't realize that. When the chairmanship of a committee becomes vacant, the Committee on Committees recommends to the Democratic caucus that custom be followed and the next man in line—in terms of length of service—is designated as chairman. The full caucus has the power to overturn that recommendation. So the caucus is the master. The Committee on Committees is the servant.

Question. Does the caucus often overrule the Committee on Committees, Mr. Speaker?

Answer. No.

Question. Has it ever?

Answer. It has. It did in the case of a chairman and two or three members not long ago. It's unnecessary to mention their names. But it has been done—and in recent years, too—when a couple of men did not support the Democratic nominee for President, but openly supported the Republican nominee. Another case involved the chairman of an important committee.

Question. So the seniority system is sometimes suspended—

Answer. Yes. Very rarely, but the power exists. The fact that it hasn't been done often doesn't take away the power of the caucus to do it.

Question. What is your view of suggestions made recently that the seniority system be abolished, or at least modified?

Answer. I've always taken the position that, if anyone could show me a better method or practice or custom, I would support it. But I haven't seen one yet.

Under the seniority system, you know what your rights are—even those who want a change. Every member of a committee wants seniority up to the chairmanship. If you tried to take all seniority away, you'd have a revolution in Congress.

It really comes down to a question of chairmen. All the opposition to seniority revolves around one or two chairmen who have caused dissatisfaction among some members.

One of the methods suggested is that chairmen be selected from the first two or three men in seniority on a particular committee. If that practice were adopted, you'd have the worst kind of lobbying possible.

You can imagine what the bankers of the country and the big industrialists of the country would do if the present chairman of the Committee on Banking and Currency—Wright Patman, of Texas—had to be elected. They'd do everything they could to defeat him.

You can imagine what the intense lobbying would be like on the election of a chairman of the Education and Labor Committee.

You can pick out any number of other committees—Ways and Means, Judiciary, Post Office and Civil Service, Federal employes are very much interested in the latter Committee. They would want to get their man in there. If they didn't think the one who's next in line was their man, there would be a tremendous pressure job.

But to go even deeper than that:

Back not so many years ago, the first Negro chairman in Congress—Bill Dawson, of Illinois—became chairman of the Committee on Government Operations. It happened I was senior to him on that Commitee at the time. However, I returned as Majority Leader.

Now, I could have been Majority Leader and still stayed on as chairman of the Committee under the custom followed in those days. But I wouldn't do it. I stepped aside, and Congressman Dawson became chairman.

But I didn't resign from that Committee, as I did from the Ways and Means Committee some time before. I stayed on the Government Operations Committee to show how proud I was to step aside for Congressman Dawson, a great American of the Negro race, and how proud I was to serve under him as chairman.

Suppose we had elected a chairman, and Bill Dawson wasn't chosen. Do you think there is any American of the Negro race or any other decent American who would not feel strongly that he was defeated because of the color of his skin?

Suppose a vacancy had occurred in a chairmanship in the days when the Klan was very strong. What if the man in line for the chair in seniority happened to be religiously a Catholic, and was defeated. You couldn't satisfy any decent American but that he was defeated because of his religion. Or suppose one was of Jewish blood—the same thing.

Events like that could cause very acute divisions among our people.

Any kind of rule we have—no matter how perfect it is in theory—is not going to be perfect in actual operation, because we're not perfect ourselves. The question is: Which system most nearly approximates perfection and fairness? As I see it—with complete respect for those who disagree with me—the seniority system is the best I've seen to date.

Question. Do many in Congress question the seniority rule seriously?

Answer. I don't think there are so many in Congress as there are among the public, because the other side of the case is not widely publicized: that a Democratic caucus is not bound by what the Democratic Committee on Committees recommends. I'll agree it's difficult to overrule, but the caucus has the power—always has.

Look at the high type of men you get under the seniority system: George Mahon, chairman of the Appropriations Committee; Bob Poage, Agriculture Committee; Mendel Rivers, Armed Services; Wright Patman, Banking and Currency; Carl Perkins, Education and Labor; Wayne Aspinall, Interior and Insular Affairs—no man knows interior and insular affairs better than Wayne Aspinall—these are all dedicated men—Harley Staggers, Interstate and Foreign Commerce, tremendous job; Melvin Price of Standards of Official Conduct; Olin Teague of the Veterans' Affairs Committee—those and all the other chairmen are top-rate men. And there is Wilbur Mills, Ways and Means Committee—everybody respects him as one of the most able men in Congress.

Thomas Morgan, Foreign Affairs; John McMillan, District of Columbia; Sam Friedel, House Administration; Emanuel Celler; Judiciary; Edward Garmatz, Merchant Marine and Fisheries; Thaddeus Dulski, Post Office and Civil Service; George Fallon, Public Works; William Colmer, Rules; Richard Ichord, Internal Security; Chet Holifield, Joint Committee on Atomic Energy—are all great chairmen, chairmen who do outstanding jobs.

Question. Mr. McCormack, how long have you served as Speaker of the House?

Answer. When I step down at the end of this Congress, I will have served nine years, starting in January, 1962.

Question. How does that compare with length of service by previous Speakers?

Answer. I have the longest continuous service of any Speaker in the history of the country. I rank second to Sam Rayburn in total years in the Speaker's chair. He became Speaker in September, 1940, but his service was interrupted by the 80th (1947-48) and the 83rd (1953-54) Congresses, when Republicans were in control.

All told, as Majority Leader and as majority whip—positions I held before becoming Speaker—I have had 30 years of continuous leadership in the House. That is the longest such service in the entire history of the United States.

WHAT THE SPEAKER DOES

Question. Just what are the duties and responsibilities of the Speaker?

Answer. The office of the Speaker of the House is one of four established by the Constitution of the United States. The other three are President, Vice President and Chief Justice. No other offices are specifically provided by the Constitution.

The Speaker is also an active member of the House. Unlike similar positions in many parliamentary governments, the Speaker can take the floor of the House and enter into debate, as I often do.

One of the Speaker's principal duties is as parliamentarian, to make sure that the rights of all members, regardless of party, are scrupulously protected. If I ever lean over backward, it is in protecting the rights of the minority.

The Speaker, by virtue of being the only legislative office established by the Constitution, occupies the No. 1 legislative position. It is his duty always to protect the prerogatives and responsibilities of the House of Representatives—and the entire Congress for that matter—under our form of government, calling for division of powers among the executive, legislative and judicial branches.

I think it is correct to say that the Speaker of the House does occupy the second most powerful position in our Government. In theory, the Vice President is second to the President, but in actual terms of power and influence in our Government, the Speaker ranks second. I don't say that to downgrade in any way the office of the Vice President. That is just the way it is.

Question. President Nixon the other day referred to you as the "first man in the first office in the land." What did he mean by that?

Answer. What he meant was that when our Government first met after the Constitution had been ratified, the first official to be sworn in was the Speaker of the House. The President was sworn in later.

Question. As Speaker, how do you exert your influence?

Answer. Through respect and friendship.

Question. The personal touch with members?

Answer. Yes, that's involved, of course. A very important part of this job is communication.

Question. Do you handle the exercise of power differently than, say, Sam Rayburn did when he was Speaker?

Answer. Speaker Rayburn followed pretty much the same course as I do. I believe in the appeal to reason, in being firm in the performance of my duties, but not in being arbitrary or dictatorial. I believe in the affirmative approach—talking to the need for the legislation. If it is a party matter, I stress the importance of party loyalty. I have never had any difficulty in using this approach.

Question. How much control do you have over the legislation that comes before the House?

Answer. The programing of bills is very simple. When a bill is introduced, it goes to the appropriate committee. Hearings are held and the committee votes on the bill. If it is approved, the bill is reported out of committee. Then it goes to the Rules Committee, and finally is brought out on the floor of the House.

We—the Majority Leader and I—don't program a bill without consulting the chairman of the committee from which the bill came. If he prefers to have a bill come up a week later, we co-operate with him. It may be that you haven't got enough votes to pass the bill right away, but if you wait you probably could round up the necessary votes.

It is very, very seldom that there is any difficulty in the programing of legislation.

Question. Suppose some members challenge the leadership on an issue. How do you force them to back down? Is withholding favors one way?

Answer. No, that's not involved. If a man honestly entertains his views, I respect him even when we are in sharp disagreement. I do not believe in the punitive system.

When Joe Cannon was Speaker of the House (1903-11) things were different. In those days, the Speaker appointed members of committees and that led to an abuse of power that brought about a revolution in the House. The members stood the abuse of power as long as they could; then a coalition of Republicans and Democrats came together and brought about reform. The lesson is that the Speaker should always be careful not to put himself in a position, even unintentionally, where he will misuse the power given to him as a trust.

COOPERATING WITH REPUBLICANS

Question. Do you co-operate at all with Republican leaders in the House?

Answer. Yes. Our relationship is friendly in every sense of the word. On a close vote. I'll often go to the Leader or the whip on the other side and say: "How many of your votes are we going to get on this bill?" If they know, they will tell me. And if it isn't enough—say, the Republican Leader says he thinks there will be 15 votes from his side of the aisle for the bill, and I know that we need 25—then I'll be hollering that we need 40 Republican votes to win. But I'll cash in for 30. That's all part of the game, and the relationship across the aisle is very cordial.

Question. Are the Republican estimates usually accurate?

Answer. Not always. As a matter of fact, I have one or two friends on the Republican side who are not in a position of leadership but whose estimates have been awfully good throughout the years. That is understandable, because it's difficult sometimes for leadership to get a good idea of just where all members stand.

Question. Do you tell the Republican leaders how you think Democrats are going to vote on a given issue?

Answer. Yes, certainly.

Question. By what process is the Speaker elected?

A. The Democrats pick a candidate in what we call our caucus and the Republicans pick one in their conference. If there is more than one candidate in either party's voting, the ballot is taken in secret so that members can vote their judgment and their conscience without hesistancy.

Of course, it is a foregone conclusion that the party in power will elect the Speaker when the two candidates come before the full House. That is one vote where all Democrats can agree. And the same goes for Republicans.

Question. So the Speaker is not chosen on the basis of seniority—

Answer. Oh, no.

Question. Were you opposed in the Democratic caucus for the Speaker's job?

Answer. Nobody ran against me until the last time, when we organized the new Congress in January, 1969. I figured that I would get about 180 or 181 votes in that contest. The final vote was 178 for me and 58 for my opponent.

WHY RETIREMENT WAS POSTPONED

Question. Mr. McCormack, why did you decide to retire from Congress?

Answer. Actually, I made that decision nearly two years ago at the time of the 1968 election. I very nearly decided not to run at that time for re-election. I have always thought there is no such thing as the indispensable man. There are a lot of fine public servants in my district who would render trustworthy service here. If we have to rely on the principle of indispensability, then we are in trouble.

Question. But you did decide to run in 1968—

Answer. Yes, and I made that decision because 1968 was a presidential-election year. Whether right or wrong, I felt that if the Speaker of the House, a Democrat, did not announce for re-election, it would look as though he was fearful of a Democratic defeat. To put it in plain language, I would have been walking out on my party. So I ran and was re-elected to the House, and I stood again for Speaker and was elected by the Democrats in the House. But I made up my mind in 1968 that I would retire in 1970.

Question. Until you announced your retirement, though, you had given every indication that you planned to run in 1970—

Answer. You see, if I had announced my retirement too early, I wouldn't have been able to maintain a position of influence necessary to secure passage of legislation. That's why I waited as long as I did. I probably would have waited a little longer, except for the law in Massachusetts which requires candidates to take out nomination papers and get the necessary signatures by a certain date if they are going to run for office.

I felt in justice to those who might have the ambition to succeed me that I should announce when I did so that they could make their plans.

Question. Mr. Speaker, during your 42 years in the House, how many Presidents of the U.S. have come and gone?

Answer. When I came to Washington in December, 1928, Calvin Coolidge was in the White House and served three more months until Herbert Hoover was inaugurated in March, 1929. After that came Franklin D. Roosevelt, Harry Truman, Dwight Eisenhower, John F. Kennedy, Lyndon B. Johnson, and now Richard Nixon.

So I have been in this House during all or part of the Administrations of eight Presidents.

Question. Which of those Presidents has made the greatest impression on you?

Answer. That would be a hard question to answer, because they all impressed me. Any man elected President of the United States is the choice of the people of our country. To merit that choice, he has to have impressive credentials.

Franklin D. Roosevelt was elected when the country was faced with its worst depression. We needed strong leadership, and he provided it. During his Presidency, Hitler rose to power and started World War II, and had to be put down—and Franklin Roosevelt met that test.

Question. How do you size up the other Presidents under whom you served?

Answer. Harry S. Truman, during his years as President, showed he was a man of strong and decisive mind, and he had the capacity to make any decision, no matter how tough, that confronted him.

The success of President Eisenhower as a great military leader carried that atmosphere and respect for him into the White House. He enjoyed my friendship and respect, as well as the other Democratic leaders of the House and Senate. We saved his recommendations on quite a few occasions.

The tragic death of President John F. Kennedy shortened his period of service as President. He was a man of decisive mind with courage, as evidenced by his confrontation with Khrushchev in the Berlin crisis and the Cuban missile matter. I strongly supported him in his decision.

President Johnson carried through extraordinarily the Kennedy-Johnson programs in civil rights, education, conservation—showing vision and leadership in co-operation with the Congress. In the field of foreign affairs, he indicated great courage and leadership, which place him as one of our outstanding Presidents.

President Nixon has been in office for 18 months—too early to make an appraisal. However, whether one agrees or disagrees with the Cambodian decision, he showed his courage in making it.

HIGHLIGHTS OF A LONG CAREER

Question. Looking back over your congressional career, what are your most vivid memories?

Answer. Standing out in my memory, of course, is the part that I was able to play in securing passage of important legislation

that involved the hopes and dreams of the average person. I'm proud, too, of standing up and voting for the defense of our country, because I think this is essential to assure America's preservation.

The greatest pleasure I get out of life is in serving people. That means not only in helping to pass legislation involving such things as Social Security, minimum wage, low-cost housing, but being in a position to serve the needs, in a personal way, of the tens of thousands of human beings in my district and elsewhere.

I'm very thankful that the good Lord put me in a position where I could serve two constituencies—my people back home and the people of the United States.

A NEED FOR MORE EFFECTIVE CONTROL OF DISRUPTIVE ELEMENTS IN OUR SOCIETY

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. LUJAN. Mr. Speaker, in times of extreme chaos and change such as today, it is more necessary than ever for established authority to render itself effective in controlling disruptive elements. As the forces of anarchy grow ever shriller, as disruptions and confrontations take an increasingly larger toll of both property and life, it is imperative for Government to assert its authority and control.

From September 1969 to February 1970, according to FBI Director J. Edgar Hoover, there were over 375 demonstrations on 76 college campuses. Damage approached $1,400,000. During a similar period, according to the same report, "incidents of violence throughout the country involving fire bombings, sniping, and unprovoked or ambush attacks on police officers" as a result of racial disturbances "markedly increased."

Numerous social and political commentators have pointed out the necessity for maintaining authority in the face of increasing vandalism. For this reason, therefore, I am especially concerned with the necessity for legislation making individuals who participate in civil disorders civilly liable for damages to persons who suffer loss. To this end I am introducing a bill to amend chapter 12 of title 18 of the United States Code by adding the following new section:

Whoever, as a result of his participating in a civil disorder, is convicted of a crime against the United States, shall be liable in a civil action for the full amount of damages sustained by any person who receives damage or injury to his person or property as a result of such civil disorder. Any person who receives such damage or injury to his person or property may bring such civil action in any district court of the United States in which the defendant resides or is found, without respect to the amount in controversy, and shall recover, in addition to the damages by him sustained, the cost of the suit, including a reasonable attorney's fee.

It is only a matter of justice that those individuals who suffer property loss by the destructive and disruptive actions of others be compensated for their loss by the offender. It is necessary to the survival of Government by law that those responsible for public disorder be held responsible for their actions.

I strongly suggest, therefore, that this legislation be given the most urgent and immediate consideration.

AGAINST SECRECY IN CONGRESS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. PUCINSKI. Mr. Speaker, in an editorial written on July 13, the Chicago Sun-Times placed into proper perspective the reasons why we should abolish secrecy in Congress.

The editorial appropriately points out the dilemmas facing many Members of Congress and the obstacles placed in their way in carrying out their duties. It points out also the need to abolish secrecy so that the public may be better informed on how their Representatives voted and why.

I believe that votes should be recorded and shall support passage of the Legislative Reorganization Act.

Many Americans have often said that they have taxation without representation. It is my hope that if we can pass the Legislative Reorganization Act and abolish secrecy, that our citizens will say that they have taxation with representation, and a better government in the process.

Mr. Speaker, the excellent Sun-Times editorial follows:

AGAINST SECRECY IN CONGRESS

For many years this newspaper has argued long and often for the public's right to see and hear the deliberations of its elected officials. Illinois now has on its statute book a law requiring all public meetings to be public, including committee meetings, with certain reasonable exceptions.

We therefore are particularly pleased that the anti-secrecy movement is taking hold in Congress where members have notoriously ignored the people's right to know.

This week action is scheduled in the House on H.R. 17654, the Legislative Reorganization Act of 1970. A group of Congressmen, including Illinois Republicans John N. Erlenborn and Thomas F. Railsback, are sponsoring amendments which would require a public recording of how members vote on major issues both in committee and the House floor. They would open committee hearings and meetings to the press and public, and require publication of committee reports and hearings a reasonable length of time before final House action is taken.

House members now can avoid putting themselves on record on a final vote on an issue by permitting passage by a voice vote (all in favor say "Aye") or by a standing vote in which members are counted but not recorded individually.

The public is entitled to know how its individual members vote on major issues and it is entitled to even more than that. It is entitled to know the reasons behind their votes and this means that the voters are entitled to hear the arguments made in committee meetings.

Unless there is such a free flow of information to the public, the democratic process is handicapped.

One of the most secret of the House committees is the one labelled Ways and Means, in which all government spending originates. (In the Senate, virtually all appropriations hearings are open.)

It has been argued that secrecy is needed in such House committees so that members may not be inhibited about speaking up and asking questions, thereby, perhaps, exposing ignorance of the subject.

Secrecy is argued for appropriations subcommittees on the grounds that it is necessary to prevent "raids on the treasury." We don't follow that argument. It seems to us that raids on the treasury might better be prevented by letting the public see what's going on.

In a special report, the Democratic Study Group, which has been working to modernize government and the political parties, noted that what the secrecy process does is concentrate the "power of the purse" in the hands of a few men. It denies the taxpaying public an opportunity effectively to influence national priorities and makes a farce of the principle of representative government. Even congressmen who are not members of the particular subcommittees are barred from them.

The Democratic Study Group says:

"The only real opportunity afforded other members of the House to influence an appropriations measure is during floor consideration. However, after months of closed-door committee consideration, this stage of the appropriations process is telescoped into a few days with the predictable result that members can do little more than rubberstamp the committee decisions."

Surely the public expenditure of billions of dollars should not be the private business of a few influential congressmen. Nor should the public be held at arms length as the House debates life and death and dollar issues and then votes them up or down in virtual anonymity.

We salute the courageous band of innovating congressmen who are trying to let some light into the capitol.

KEEP GAS TAXES FOR ROADS

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ZWACH. Mr. Speaker, there has been a proposal offered by one of our colleagues to divert from the highway building program some of the funds collected from gasoline taxes on highway users.

I oppose such a proposal. I trust the committee will never move it to the floor of the House for consideration.

Our Federal system of highways still is far from complete. Let us keep the user funds for the purpose for which they are presently dedicated.

Mr. Speaker, with your permission, I would like to insert in the CONGRESSIONAL RECORD an editorial on this subject which appeared in publisher Ed Morrison's Morris Tribune.

This editorial, I believe, is indicative of the feelings of our people in the Minnesota Sixth Congressional District:

KEEP GAS TAXES FOR ROADS

There is a move in Congress at the present time to divert from the highway building program some of the funds collected from gasoline taxes on highway users. The Minnesota Good Roads Association opposed the effort, as well they might.

Highway needs are such that taxes collected on gasoline should be spent for better roads, at least for the time being. Good highways are the solution to movement of traffic in and about the rural areas. Unfortunately, however, the same thing can not be said about highways in the metropolitan areas.

So while there is need to establish some expressways in and about and around metro areas, the experience of Los Angeles would indicate that simply building one freeway after another does not solve the problem. The congestion on the freeways when they get overloaded almost defies description. Traffic can grind to a virtual standstill for hours.

Nor can there be much doubt that exhausts from highway vehicles contribute substantially to the smog problem large cities are experiencing. On the basis that simply building freeways does not solve the traffic problems of metro areas and does contribute to the smog problem, there might be some justification for taking a portion of highway user taxes from those areas for work on abatement of automotive pollution as well as supporting alternate means of transportation.

What this all boils down to is that the original concept of an interstate system of super highways, by-passing all the congestion of major and minor communities, still makes as much sense as ever. The idea of super highways criss-crossing metro areas in order to provide commuter service in those areas appears to be of questionable merit. Seeking a better solution to this problem seems reasonable.

MOUNT VERNON: A LIVING MONUMENT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ANDERSON of California. Mr. Speaker, one of the highlights of Prince Charles and Princess Anne's recent visit to Washington was their visit to Mount Vernon.

Mount Vernon, home of our first President, serves as both a monument to that great man and a living reminder of our country's beginnings. With its stately columns and majestic grounds, it gives us a glimpse of the quiet splendor which George Washington loved so much. Anyone who visits Mount Vernon is struck by its beauty, and at the same time, feels a closeness with the past—a harmony with history—which remains with him long after he has left the picturesque plantation.

Mount Vernon is more than an example of an age gone by, it is an inspiration to all Americans and, indeed, to all men who cherish freedom. It is inspiring because it reminds us that George Washington, despite all the fame and adulation he gained in his lifetime, remained a man who cherished peace and dignity—who treasured home and family. It is inspiring because, in its majestic simplicity, it symbolizes the Government, and the country, that its owner helped to build and lead.

Today, there is still another reason to praise Mount Vernon. The staff has proven to be both courteous and efficient. Many of my guests who have visited Mount Vernon have remarked about the excellence of the personnel. I would like to single out for special praise Mr. Charles C. Wall, the resident director, and Mr. Frank H. Hammond, the administrative assistant, both of whom have been especially helpful.

A PERCEPTIVE GADFLY

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. FRASER. Mr. Speaker, for the past 18 years, Mr. I. F. Stone has been observing and reporting on our Government. Through his newsletter, I. F. Stone's Biweekly, he has diligently and effectively pointed out contradictions, inconsistencies, and misstatements on the part of elected and appointed officials, to the benefit of us all.

The Wall Street Journal on Tuesday, July 19, 1970, traced Mr. Stone's career in journalism in an article titled "Gadfly on the Left."

I congratulate Mr. Stone for his effectiveness and success and commend the article to all of my colleagues:

I. F. STONE ACHIEVES SUCCESS, RESPECTABILITY BUT KEEPS RAKING MUCK

(By A. Kent MacDougall)

WASHINGTON.—I. F. Stone, tireless pamphleteer and senior leftist, is at age 62 coming into success and respectability. He has sought neither and is uncomfortable with both.

"It's a little embarrassing," he says.

After toiling for 17 years on his newsletter, I. F. Stone's Bi-Weekly, he is now being discovered by young and old alike. The liberal-to-radical young are looking to him as one of their few respected elders. Their moderate elders are saying perhaps he has been right all along in his ceaseless criticism of U.S. war and armaments policies.

The circulation of Mr. Stone's $5-a-year newsletter has nearly tripled, to 60,000, in the past five years. He now is being read in all the best places. Forty subscriptions are sent to Capitol Hill offices, and the White House is among the recent subscribers.

Mr. Stone is no longer ignored by the people he attacks. Vice President Agnew, in criticizing the press, has lumped the newsletter with the New York Times and the Washington Post. The Bi-weekly, the Vice-President has said, is "another strident voice of illiberalism." David Eisenhower, the President's son-in-law, stayed away from his own graduation ceremonies at Amherst College last month because Mr. Stone was the commencement speaker.

Who's Who in America has recently reinstated Mr. Stone, after dropping him during the McCarthy era; a spokesman for the book says he doesn't know why Mr. Stone had been dropped. The New Yorker magazine recently quoted extensively from a speech he made last March at a Madison Square Garden peace rally. He now is a frequent guest on television talk shows. And a Canadian film-maker is producing a 25-minute documentary on him.

NO LUNCHES WITH VIPS

But success and respectability don't seem to be spoiling Isidor Feinstein Stone. The maverick muckraker continues to rake muck. Nearly every issue of the four-page Bi-Weekly punches a hole in some policy statement or decision that much of the Washington press corps has taken at face value.

He still avoids friendships with Government officials. "They're all nice guys—even Nixon—but that's irrelevant," he says. He sees a danger in getting too cozy with news sources. "You've really got to wear a chastity belt in Washington to preserve your journalistic virginity. Once the Secretary of State invites you to lunch and asks your opinion, you're sunk."

Mr. Stone, who also writes frequently for the New York Review of Books, has two part-time editorial assistants now, but he puts out the Bi-Weekly almost singlehanded. Izzy Stone's forte has always been research, and he still spends much of every day reading periodicals and looking up facts. Each day he reads 10 newspapers, ranging from Le Monde to The Wall Street Journal, and he regularly culls dozens of magazines, including Air Force & Space Digest, the Economist and Peking Review. His home, a comfortable house in an upper-middle-class neighborhood in Washington's northwest side, is jammed with periodicals, Government documents and some 7,000 books. He works at home.

I. F. Stone remembers most of what he reads. Thus, when Defense Secretary Melvin Laird tells a Senate committee that Russia is "the only country in the world that has actually fired an ABM at a missile," Mr. Stone digs out an old hearing transcript that quotes Mr. Laird's predecessor, Clark Clifford, as telling the same committee that "as long as seven years ago we demonstrated we could with confidence destroy single incoming missiles." Mr. Stone also finds old newspaper clips disclosing an Army announcement of shooting down a missile with an ABM.

When he isn't pointing out contradictions, he is criticizing. He doesn't mince words. "Laird is Washington's biggest liar since John Foster Dulles," he wrote in May. And he is often eloquent. ". . . (President) Hoover like Nixon evaded decisions by appointing fact-finding commissions and then in turn evaded the facts when found," he wrote last month.

THE DEAF REPORTER

Mr. Stone attributes his habit of close reading and attention to detail to years of almost total deafness. "I went deaf in 1938, and it improved my reporting. I couldn't hear what was said at briefings and hearings, so I'd go around the next day to study the transcript. I'd catch things the guys who had listened and written on deadline had missed," he says. "Governments lie, but they don't like to lie literally. They use corkscrew sentences and disingenuous statements, and you have to read these documents as though they were mortgage contracts drawn by a shyster lawyer."

Operations in 1964 and 1965 restored Mr. Stone's hearing, and he doesn't even need a hearing aid today. He wears thick glasses—the steel-rimmed spectacles give the plump and rumpled Mr. Stone almost an owlish resemblance to Benjamin Franklin—and had to have a serious eye operation in 1967. He also suffered a heart attack in that year, but his health has been generally good since then and he vows to continue the Bi-Weekly for eight more years, until he is 70.

The world doesn't breathlessly await each new issue of the Bi-Weekly. Decision makers don't postpone decisions until reading Izzy Stone. Some respected people in Washington—liberals and conservatives—claim his words carry no weight.

Some other respected people here say that Mr. Stone is simply wrong on most counts. William S. White, syndicated political columnist and Pulitzer Prize-winning author, says: "I like and respect him. He's a man of complete sincerity and integrity. I just think he's terribly wrong. He has a manic obsession against the use of power, particularly military power."

Yet there is evidence that I. F. Stone's is an influential voice, and is becoming ever more so. Tom Wicker, political columnist and associate editor of the New York Times, says the Bi-Weekly and the underground press have influenced the daily commercial press "to be less officially oriented than we once were." Mr. Wicker says Mr. Stone is "one of the best writers and most courageous and perceptive journalists in town. Before any of us had the courage to think for ourselves, rather than take what the President said (at face value), he was doing it."

Mr. Stone says many Washington reporters still swallow Government pronouncements whole. He isn't invited to background briefings, and he says, "I have a hell of a lot of time by not going." Briefings are usually brainwashings, he claims, "attempts to sell the Government line and to shape the news." And he adds: "Establishment reporters undoubtedly know a lot of things I don't. But a lot of what they know isn't true."

Mr. Wicker, a reader of the Bi-Weekly since the early 1960s, is clearly a fan of the publication and its editor. Mr. Wicker says that Mr. Stone "has shown, more than most, the profound influence that personal journalism, divorced from big organizations and expense accounts, can have." Mr. Wicker says he used to think that Mr. Stone "was fairly far out, but not anymore."

Mr. Stone admits that he is not as "far out" as he was as a youth. In his adolescent days, he read Jack London, Peter Kropotkin, Karl Marx and other revolutionary writers and considered himself "a communist-anarchist." Today he calls himself, "half a liberal, half a radical."

I. F. Stone has been involved in personal journalism ever since his adolescence. As a 14-year-old in Haddonfield, N.J., Izzy Feinstein (he added the "Stone" later) and a schoolmate published a five-cent monthly, The Progress. The paper was complete with ads, poetry and editorials attacking William Randolph Hearst and defending the League of Nations, and young Izzy peddled it around town on his bicycle. But his father, a Russian Jewish immigrant who owned a dry goods store in Haddonfield, ordered a halt after the third issue because it was hurting his son's school work.

Young Izzy was not a very good student. "I wanted to go to Harvard, but I finished 49th in my high school graduating glass of 52," he says. "The University of Pennsylvania had open enrollment and had to take me." He was a philosophy major at Penn but dropped out in his junior year and never finished college.

"I was a New Lefty before there was a New Left," he says. "I didn't cut my hair, tie my ties or believe in college degrees. I believed you shouldn't do anything unless it was spontaneous and genuine."

Mr. Stone worked for Camden, N.J., and Philadelphia dailies in the late 1920s and early 1930s. After a stint on the New York Post, he went to Washington in 1940 as correspondent for the Nation magazine and subsequently for three ill-fated New York dailies—PM, the Star and the Compass.

When the Compass folded in 1952, Mr. Stone tried unsuccessfully to get his old job on the Nation back. Newspapers also seemed uninterested in hiring him. Inspired by the earlier success of crusading journalist George Seldes' newsletter In Fact, he launched the Weekly (changed to Bi-Weekly in 1967) with 5,300 customers obtained from his old newspapers' subscription lists.

A CHECK FROM EINSTEIN

Early subscribers included Eleanor Roosevelt, Bertrand Russell and Albert Einstein. Mr. Einstein's $5 check for a one-year subscription is framed and on display in Mr. Stone's home.

Though the Cold War climate wasn't hospitable to Mr. Stone's new venture, he experienced no McCarthyite-style harrassment. "I was fortunate enough to be born in a country with a tradition of a free press," he says. "There are very few countries in which you can spit in the eye of the Government and get away with it. It's not possible in Moscow."

Mr. Stone is as harsh on the Communists as he is on the capitalists. "I used to think that abolition of private property was the answer," he says. "I lost that faith when I saw what has happened in the Soviet bloc. The worker is more exploited there than in Western welfare states." A recent Bi-Weekly charged that "the liberation of 1917 has become a new enslavement." Mr. Stone said: "The Soviet Union today is like a huge company town with company unions and a company press." After Mr. Stone's only trip to Russia in 1956, he wrote: "This is not a good society and it is not led by honest men." That verdict caused 400 readers to cancel their subscriptions.

He has infuriated other readers with his defense of the Warren Commission Report on the assassination of President Kennedy. "I don't believe in the conspiracy theory of history," he explains. "I rejected the rightist theory of a Communist conspiracy, and I couldn't accept the leftist theory of a plot to kill Kennedy."

But the worst shock Mr. Stone has given his readers was his criticism of Israel. He has visited Israel eight times and has written two books favorable to Zionism and Israel's fight for independence. But since the Arab-Israeli War of 1967, he has warned that the new nation is in danger of losing its soul. "A besieged and militaristic Israel, if not overwhelmed from without, will be destroyed spiritually from within," he wrote recently. His solution is compensation and resettlement of Arab refugees in an Arab Palestine that would be federated with Israel, with Jerusalem the joint capital.

NO SELF-HATE

Several American Jewish magazines have attacked Mr. Stone's stand on Israel, and some subscribers have accused him of feeling self-hate as a Jew. "That's not true," he says. "I feel quite comfortable about being a Jew."

Readers also found surprising his attack on Ralph Ginzburg after the Supreme Court upheld his conviction as a publisher of pornography. Mr. Stone, long a champion of civil rights and First Amendment freedoms, now concedes, "I feel kind of bad about that." He says that what Mr. Ginzburg did "was so mild" compared with the sex publications flooding the country today. "We are getting more civilized about sex; on the other hand, so much of the stuff today is vile and horrible that I hate to have children see it. It's good for kids to learn something behind the barn," Mr. Stone says.

Mr. Stone admits to a generation gap between him and his three children, but it's not the usual kind of parent-child chasm. In this case Mr. Stone is the liberal. His children are political moderates, he says. (But a niece, Kathy Boudin, is a radical. Authorities have been seeking her since an explosion last March that destroyed a suspected bomb factory operated by radicals in Greenwich Village. The explosion killed three persons. Miss Boudin was said to have been seen leaving the site.)

If his own children don't embrace his every thought, some college youths do. His talk at Temple University last April had to be moved to bigger quarters because of an overflow crowd. The Amherst students picked him as commencement speaker (and the college gave him an honorary degree) and Penn's prestigious Philomatean Society chose him to give its annual oration this year, at which time he delighted in pointing out that the same group had turned down his bid for membership when he was a freshman at Penn.

AN I. F. STONE SAMPLER

WASHINGTON.—I. F. Stone is a master of the pithy putdown. A sampler:

Lyndon B. Johnson—"He was a New Dealer when that was the road to power, he became a conservative when that was the way to stay in."

Richard M. Nixon—"Indecisive, weak and tricky, with neither the statesman's vision nor the politician's finesse."

Eugene McCarthy—"A dilettante in politics as in poetry."

Attorney General John Mitchell and other Washington hardliners—"Nothing is more dangerous than weak men who think they are tough guys."

THE RADICALS' HERO HITS BOMB-THROWING TACTICS

WASHINGTON.—I. F. Stone is a favorite among college radicals—"a major hero in the radical pantheon," according to Life magazine—but he is critical of some radicals' bomb-throwing tactics.

"Burning America down is no way to Utopia," he says.

What is the solution? He seems less sure than ever. "Lifelong dissent has more than acclimated me cheerfully to defeat," he wrote not so long ago. "It has made me suspicious of victory. I feel uneasy at the very idea of a Movement. I see every insight degenerating into a dogma, and fresh thoughts freezing into lifeless party line. Those who set out nobly to be their brother's keeper sometimes end up by becoming his jailer.

"Every emancipation has in it the seeds of a new slavery, and every truth easily becomes a lie."

MRS. PETER DORN NAMED OUTSTANDING CITIZEN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. RODINO. Mr. Speaker, I am proud to join the townsmen of Bloomfield in saluting Mrs. Peter Dorn for her selfless and able efforts in behalf of the entire community for which she was so deservedly named "Outstanding Citizen of the Year." And, I am pleased to bring to the attention of my colleagues a recent editorial from the Independent Press citing her achievement:

OUTSTANDING CITIZEN OF THE YEAR

As we looked at Mrs. Peter Dorn standing in the rain under an umbrella as she received the Outstanding Citizen of the Year Award from Carmine DiIorio, Commander of the Miles A. Saurez Post 711, V.F.W., our mind swept back over the years and recalled how faithfully this indefatigable woman of our town has handled the various projects she has been associated with.

Mrs. Dorn received the award at the Fourth of July celebration on Foley Field.

She has served as president of the Junior Woman's Club. She was vice-chairman of Bloomfield's 150th anniversary celebration. She was the designer and compiler of the Scrap Book which brought national awards to Bloomfield in 1967 and 1969. She was trustee of the United Fund and the Bloomfield Federation of Music, president of the Friends of the Library, president of the Bloomfield Historical Society, and organizer of the Sacred Heart Library Guild and the Bloomfield Historical Museum.

Mrs. Dorn was a wise choice of the committee selecting the Outstanding Citizen of the Year.

A UNIVERSAL OBSERVANCE: OFFICIAL SQUARE DANCE WEEK, SEPTEMBER 7–13, 1970

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. GAYDOS. Mr. Speaker, for generations now many of this Nation's ethnic groups have dedicated themselves to perpetuating the customs and traditions of their native lands. They have handed down from father to son, mother to daughter, the traditional dress and music of many lands. They schedule festivals or observances to commemorate their lineage and keep alive their heritage.

The United States, while still a relatively young nation in the history of the world, nonetheless has compiled its own special customs and traditions. In the world of music, for instance, we are credited with giving birth to the blues, New Orleans style. The square dance, historically linked with the opening of our western frontiers, is enjoyed by hundreds of thousands of Americans today and its popularity increases each year.

This year, for the first time, the American Square Dance Society, working in cooperation with member associations, is seeking formal recognition on the local, State, and national level. They have asked the week of September 7–13, be set aside and observed as "American Square Dance Week."

A constituent in my 20th Congressional District of Pennsylvania, Ronald Meisl of 1910 Ola Avenue, Glassport, has asked me to support the society's request for a national salute. Mr. Speaker, I do so with the greatest of pleasure and I urge my colleagues to do likewise.

The article follows:

A UNIVERSAL OBSERVANCE: OFFICIAL SQUARE DANCE WEEK, SEPTEMBER 7–13, 1970

For many years, groups of square dancers in different parts of the United States have acted independently in requesting heads of local, city and state governments to proclaim an Official Square Dance Week. Some have met with success and square dance weeks and months have been declared in different areas and at various times throughout the year, ranging from several in February to quite a few in the late Summer and early Fall.

In an effort to consolidate energies and increase the effectiveness of this idea, The Sets in Order American Square Dance Society would like to suggest a combined effort for 1970. Just imagine the impact that would be felt if a majority of cities and states across the land all set aside the same time as a period in which to salute the national pastime, American Square Dancing.

Before settling on a plan, considerable study has been made of past efforts. While in some areas an entire month has been recognized, the majority of cases would indicate a weeklong observance. The question then: just which week might be most appropriate?

SELECTING A TIME

Over the past twenty years square dancers have come to realize that generally speaking the square dance year begins in the early Fall. Clubs in many areas, dormant over the warm summer months, open their doors with the end of the vacation season, coinciding perhaps with the beginning of school in the various areas. This, too, appears to be the prime time for starting new dancer classes. To be sure, some classes start at other times during the year, however almost without exception when the warm weather begins to subside, callers and clubs start putting out the promotional material necessary to bring in new dancers.

SECOND WEEK IN SEPTEMBER

For this reason we would suggest that an ideal time would be the second week in September. This would mean an observance starting with Monday, September 7th and ending with Sunday, September 13th, 1970.

During this time the energies of square dancers through their clubs and associations could be directed by focusing the attention of non-dancers, of civic groups in the area, of church, recreational and educational bodies, to the purpose, fun and philosophies of the Great American Dance.

It is suggested that each area, working independently, solicit the mayor and city council and obtain proclamations on a local basis. Perhaps your mayor is already a square dancer. If not, make opportunities during the coming months to approach him, to invite him to a club dance and to drop the hint that his official proclamation for that second week in September will be most appreciated.

Quite frequently official declarations by local government heads receive prompt and impressive attention in the local newspapers, on radio and on television. So start your thinking in this direction.

Not stopping here, clubs and individuals working through their area associations would do well to start a similar drive aimed at their state's highest executive—the Governor. We are fortunate that several of our Governors are aware of American Square Dancing and in the past have indicated their interest by proclaiming a state-wide Official Square Dance Week. In other areas you may want to start your promotional build-up now. Invite the head of your State Government as well as members of your state's legislature to be guests of honor at your Spring festivals and other big dance events. In this way you will be setting a favorable impression that may lead to an official proclamation later on.

By working a minimum of six months ahead on a project of this magnitude you will be treating this promotion in a business-like manner. An official proclamation carries much weight with it. If you are ready to start new beginners classes during the week of September 13th or soon thereafter, you will find that the official proclamation, together with combined efforts of all square dancers, will indeed attract the attention of the press, radio and television in alerting the area's citizens.

A most effective procedure would be for various associations to plan an entire "square dance package" and then coordinate callers groups, clubs and individual dancers so that everyone may play a part in this all-out drive to stimulate the activity. A publicity program of this type is of little advantage if it is not followed up with action. What is the sense of a good sales talk on any product if we are not ready to make the product available?

There are many ways to set up a week's celebration. Perhaps your dancers groups may decide to start the week out with exhibitions to which the public is invited. One-night-stand type of dances, sponsored by various clubs in cooperation with area churches, local P.T.A.'s, or Service Groups, will bring all of these units into the official observance and will drum up enthusiasm that can lead to many new dancers enrolling in the classes.

Be sure that you are prepared with promotional material telling the non-dancers what this activity holds in store for them. Make certain that posters project the idea of *friendly* square dancing. Hand out fliers and cards showing the newcomers *where, when* and *how* to sign up. Perhaps an open-house night at your regular club with a program built around a display of square dancing fun will do much to "sell" the idea. This affords you a great opportunity to explain that the club is the center and hub of this activity.

There are so many ways that a saturation program of this type can be effective. With groups everywhere participating wholeheartedly they can focus the general attention to this activity in a way that no independent project could hope to achieve.

Over the coming months we will publish additional "ammunition" designed to help build toward your official Square Dance Week. A committee from each area association could easily find itself occupied on almost a full-time basis between now and September in preparing for such a program.

Undoubtedly, in each square dance group are some who have special talents in the line of writing letters to local and State government officials. As a guide to them and to those who may lack confidence in writing this type of letter we have prepared samples which you'll find on these pages. You may use all or part of any of these as you wish, adapting them to fit your own area situations.

WHY STOP NOW?

As long as we're about it, let's at the same time consider tying this all together on a national basis with a direct request to President Nixon to proclaim this same period as American Square Dance Week.

The serious approach being given today by our government to the fields of recreation, physical fitness and national pride would indicate a ready-made acceptance for the idea of an observance for American Square Dancing. It's worth a try. So here is what we suggest.

On the official letterhead of your club, caller's group or dancer's association start your campaign now in requesting official recognition during that second week in September. Letters to your representatives in Congress and your Senators, telling them that you have written the President and perhaps enclosing a copy of the letter and asking that they get behind this project should bring positive results.

Never before have square dancers attempted such a comprehensive saturation program. By working together in this way we certainly have a far greater chance of success than we might enjoy by working independently.

We know what benefits square dancing has brought to all of us and to our friends. We know that there are many more like us who need and would enjoy this pastime. So, with this in mind and with the knowledge that a campaign of this type will bring square dancing into the lives of many not yet dancing let's act on this one and see if by working together we can't bring about miracles.

AN EXCHANGE IDEA

We would like to know if your club, group of clubs or association plans to take part in doing what it can toward recognition of this second week in September. Plans for posters and other promotional material are now in the works and will be sent to groups and publicized in this magazine in coming months. Your ideas and suggestions that will help to make this campaign a success are welcome.

PREPARE YOUR OWN CAMPAIGN

There are many ways to write to local and state and national leaders. This sample is but one hypothetical suggestion. The best results of course will occur when many varied and more personalized types of letters are utilized. Start now to collect the names

of your city and state officials to whom special letters may be directed. Do you know your representatives in Congress? Now is a good time to start your preplanning and prepare your own campaign in this direction:

YOUR TOWN SQUARE DANCE ASSOCIATION.

YOUR GOVERNOR,
Capitol City,
Your State.

DEAR SIR: American Square Dancing with its very special appeal for young and old alike is fast becoming the great, true, American participation activity. Here in (your State) more than (number) groups, large and small, representing (number) thousand dancers, enjoy this traditional American pastime in a spirit of friendliness and good will. In addition, unknown thousands of school children in this State enjoy Square Dancing as not only a great American pastime, but a recreation that is second to none.

In recognition of the growth of this activity, we are throughout the State observing American Square Dance Week, September 7 to 13, 1970. Because of the important part American Square Dancing plays in the lives of so many, we respectfully request that you, as the Chief Executive of (this State), proclaim this week, September 7 through 13, 1970 as "Official Square Dance Week".

Square Dancers everywhere will thank you for this recognition and, with open hearts, welcome you at any time to any of our activities, so that you may see first-hand the part it plays in the lives of so many.

Sincerely,

_____.

PUERTO RICAN CONSTITUTION DAY

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. DADDARIO. Mr. Speaker, tomorrow marks the 18th anniversary of the island of Puerto Rico's incorporation as a Commonwealth within the United States. On July 25, 1952, the Congress ratified a constitution, drawn up by representatives elected by the Puerto Rican people, which created the Commonwealth of Puerto Rico, granting her a unique status in the American system of government.

In commemorating this holiday, we should all remember the ingenuity and determination of the Puerto Rican people in their centuries-old struggle to develop the resources of their island, the freedoms of their people and the growth of their economy.

Discovered by Columbus during his second voyage on November 19, 1493, Puerto Rico remained under the rule of Spain until ceded to the United States in 1898. Since that time, the island has made significant progress toward the eradication of the poverty and disease that has plagued the people for centuries. Let us also remember that much more is left to be done, and let us dedicate ourselves to the completion of that task.

Since the inception of "Operation Bootstrap," a program for industrial development put into effect in 1947, Puerto Rico has made impressive gains in her efforts to adjust to an industrialized world. Her factories are expanding and multiplying at an extremely rapid rate and the careful planning that goes into their construction is keeping Puerto Rico largely free of the environmental problems that confront the mainland.

And so, I know that all Americans join me in saluting the people of Puerto Rico on this, their native holiday. I am sure that with the continued attention of American Government and business, Puerto Rico will continue to grow and prosper.

THE MILITARY DRAWS A BEAD ON DRUGS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. ROBISON. Mr. Speaker, I am pleased to insert in the RECORD a collection of three articles found in the July 22, 1970, edition of the Christian Science Monitor dealing with the problem of drug abuse in the military. This problem is of particular meaning and concern to me since it was one of the problems uncovered by the House Select Committee, of which I was a member, during our recent trip to Southeast Asia. As the report of that committee pointed out, although efforts are being made to control the availability of drugs, "a stick" of marihuana can be purchased for pennies on almost every Saigon street corner."

No doubt there are different reasons explaining the use of marihuana by combat soldiers as opposed to its use by young people at home; but whatever the reason, we must take appropriate measures to protect these young men from the dangers of drug abuse.

The articles follow:

AMERICA'S DRUG STRUGGLE: III—THE MILITARY DRAWS A BEAD ON DRUGS

(By Michel H. Mathis)

(NOTE.—Admission by the United States military services that they have a drug problem on their hands is an important step toward its solution. This page offers eyewitness looks at the problem in Vietnam and stateside, plus a report on what the services are doing about it.)

VIETNAM

BOSTON.—It was only my second night in Vietnam. An Army pickup truck had just delivered me and another private to the top of a sandy slope overlooking Cam Ranh Bay.

Halfway down the slope, a cluster of orange specks huddled beside a trail leading to the bay shore and our guard post.

Starlight soon revealed the vague outlines of United States soldiers and defined the orange specks as the glowing tips of cigarettes. A breeze brought the pungent smell of "pot."

Unsure how to handle the situation, I reported the pot party to our "officer of the guard" over the guard post telephone. He soon roared up to the crest of the slope in his jeep, shooed the off-duty soldiers away, and quickly disappeared in pursuit of other errands.

That was my first lesson on drug use in Vietnam: The Army didn't enforce its threats of fines, disciplinary action, and even courts-martial for drug use—at least, not if it could avoid doing so.

The following day I learned that the participants in that evening "pot party" had disregarded orders to stand by for a jet flight scheduled to return them to the United States. As a result, they had missed it. That was a quick second lesson: To some GIs, a drug experience becomes even more attractive than catching the "freedom bird" home.

Three weeks later I got my first infantry assignment. "Watch out," the veterans of even a few weeks' field experience warned. "Don't let anyone catch you fooling around with 'pot' out here."

They knew how quickly a "pot-caused" lapse of alertness could bring tragedy for both the careless soldier and his nearby companions. So a kind of "common law" among the foot soldiers in my unit banned marijuana from combat or field operations. Lesson No. 3.

But behavior in the more secure base camps was a different story. Despite the efforts of military police, local Vietnamese workers made "pot" readily available to anyone who wanted it.

Our commanding officers apparently felt they had little choice but to turn their backs on marijuana use. Soldiers knew their cooperation was essential to their commander in combat. Often they exacted a price for it—freedom to disregard authority when not in combat. Some translated that into freedom to smoke "pot."

This leniency pervaded even military courts. Only rarely did a commander press charges against a man accused only of using marijuana. Occasionally, in flagrant cases, our battalion's legal officer tried. But the courts repeatedly turned him away.

To discourage "pot" use, the Army issued a mild measure of propaganda—slogans, posters, occasional newspaper editorials, and briefings by officers. But in my unit marijuana was accepted as an inevitable part of noncombat life in Vietnam.

Many Vietnam veterans thus have returned with a radical new degree of tolerance—if not actual affection—for drugs.

STATESIDE

(By Curtis J. Sitomer)

MONTEREY, CALIF.—Private H.—an Army recruit here at Fort Ord—has been "shooting horse" since the ninth grade.

His heroin habit and a history of petty crime brought him in frequent conflict with the law before entering military service. In fact it was a juvenile judge who finally gave him a choice between detention and the Army.

Now Private H. is in the Fort Ord stockade. He was court-martialed for selling and using narcotics on base. At the end of his sentence, he will receive a bad-conduct discharge.

Cases like Private H., while not uncommon here, are atypical. The majority of drug abusers on the base, who tend toward the "softer" drugs like marijuana, don't get caught. GI users here say they experience little difficulty obtaining these drugs. The post is near Monterey, Big Sur, and San Francisco, all key drug markets on the West Coast.

Selective prosecution

According to Army regulations, possessors of marijuana are subject to general or special court-martial and could be sentenced to a maximum of five years' imprisonment. The penalties are more severe for peddling and possessing the "hard" stuff—heroin, opium, morphine.

But the Army is selective in its prosecution of drug users and employs maximum discretion in meting out punishment.

"A relatively small number are actually tried," reports Lt. Col. Orrin R. Strabley, staff judge advocate at Fort Ord.

"There's a lot of difference between a man who experiments with drugs and one who sells to another," Colonel Strabley points out. "We consider an offense involving sale more serious than possession," he adds. "And we also want to know if this is a first offense or a repeat."

Francis Heisler, a civilian attorney who de-

fends many drug cases at Fort Ord, says: "For simple possession of marijuana now, a soldier would probably get a summary rather than a general court-martial." While the latter carries a maximum jail sentence of three to five years, conviction in the summary court-martial results in 30 days in the stockade, at most.

Nonpunitive approaches

Military officials at Fort Ord are beginning to develop some nonpunitive approaches to the drug problem.

The installation maintains psychiatric and medical facilities to aid drug abusers. "We have the equivalent of a general hospital—with social workers, psychiatrists, as well as MDs," says Col. John L. Bradley, post surgeon. "And if a man is motivated toward overcoming, we'll give him every chance."

But Fort Ord does not screen the trainees for those in need of help. And the post surgeon admits that there is little time during the 12–16 week basic training operation to effect an extensive rehabilitation program. On occasion the Army has referred drug users seeking help to veterans hospitals in other areas after they have left Fort Ord.

The base also has a drug-information program. But Army officials and soldiers here seem equally unenthusiastic about it.

Film's worth questioned

"We show a 30-minute film to all units when they arrive," says a Fort Ord information officer. "It's scary—and only incidentally informational," he confides. "I'm against these things. They only tend to stir things up."

Lectures and panel discussions on drug abuse also are held from time to time—at the discretion of company commanders.

Mr. Heisler and some of his associates believe that known habitual drug users shouldn't be accepted into the military service in the first place.

Military brass here—although they hedge on this point—appear to lean to this view.

"Let's put it this way," says Provost Marshal E. W. Corcoran. "How would you like to be riding in an airplane with a pilot who was subject to LSD flashbacks?"

WHAT IS BEING DONE ABOUT IT?

(By George W. Ashworth)

WASHINGTON.—For years, the American military services have maintained that drug abusers were an insignificant portion of the service community. Now, with more reliable statistics filtering in, the services are becoming aware that this is just not true.

Defense Department officials estimate that between 25 and 30 percent of all United States servicemen worldwide have at least experimented with drugs. In Vietnam, estimates run up to 70 percent.

Certain the Vietnam war has aggravated the situation:

Many men enter the service already on drugs. Then they are sent to Vietnam, where "opium dens" abound and where some of the world's most potent marijuana is grown abundantly.

Last year, U.S. military investigations of marijuana use worldwide totaled 19,139. More than a third of these—6,490—were in Vietnam.

The figures for dangerous drugs (like amphetamines and barbiturates) were 3,357 worldwide and 833 in Vietnam—nearly one-quarter of the total.

The problem of hard narcotics (like heroin and other opiates) was less Vietnam-focused: Worldwide there were 1,871 investigations. Of those only 243 were in Vietnam.

Defense officials admit that, with many cases undetected, these figures disclose only a portion of users.

In any case, the number of investigations has been soaring annually.

In the case of marijuana, for example, there were only 522 investigations in calendar year 1965; 3,096 in 1966; 5,536 in 1967; 11,507 in 1968, and 19,139 in 1969.

RATE CONTINUES TO RISE

The rate is still going up, although the rise doubtless results to a certain degree from growing service awareness of the drug problem and increased endeavors to find its extent.

Dr. Joel Kaplan, the former commander of the 98th Medical Detachment Neuropsychiatric Team at Nha Trang in Vietnam, estimated to a congressional subcommittee:

"Toward the end of my tour in Vietnam we were becoming aware that some of the younger officers were beginning to use marijuana. I was informed by a number of patients, who were warrant officers and helicopter pilots, that there were quite a number of warrant officer pilots who were using marijuana and other drugs."

Dr. Kaplan estimated that between 50 and 80 percent of all Army personnel in Vietnam had used marijuana at least once:

"The hard figures show that approximately 3,500 of the soldiers that were seen during my year's tour in Vietnam were using marijuana and other drugs heavily. The other drugs that I refer to include barbiturates, opium, amphetamines such as "speed," LSD on occasion, sniffing glue, and using the pellet of the darvon capsule."

A total of 1,064 soldiers in the 173rd Airborne Brigade were surveyed by Maj. John J. Treanor, the brigade surgeon and chief medical officer. He found that 32 percent reported they had never used marijuana, and 37 percent said they had tried it once or twice but not since. Fifteen percent said they had used it once or more a week, and 16 percent said they had used it "about every day" or more often.

Major Treanor said, "What we have seen clinically is a majority of rather incapable, frustrated, poorly educated, passive-aggressive personalities complicating the many problems they already have by becoming involved with the use of marijuana."

Education programs

The services say they are engaged in troop education programs on the problems marijuana and other hard drugs can cause. Some of the harmful effects of marijuana are already apparent. But defense sources say the education programs are hampered somewhat because there is little solid research into the effects of marijuana on human beings. The National Institute of Mental Health is conducting research, but until the findings are available, officials say, the education program cannot be as concrete as desired.

According to defense sources, the drug-abuse problem may be handled in the future along these lines:

Education and refresher training programs for those vulnerable, as well as for commanders, leaders, and military families.

The disciplinary system will be revised to place much greater emphasis upon correction and reclamation of servicemen with drug problems, particularly casual users and experimenters.

If money can be made available, the services may do much more rehabilitation of hard users before dismissing them from service. For casual users and experimenters, the hope is to develop coordinated counseling programs that will allow them to remain in the service. Defense authorities hope for federal and state cooperation in rehabilitation.

So far, the Air Force has taken the lead in rehabilitation efforts. That service has one program to return to duty users who have been sentenced to confinement through court-martial action. Another program has been developed to rehabilitate drug offenders subject to administrative discharge.

More and more, the Air Force is treating experimenters in their own units or in other nearby units.

Punishment in the service has not been uniform. The Navy, which views shipboard drug use as use on duty, has taken the hardest line on drugs. Last year that service gave 3,800 honorable, general, and undesirable discharges to drug abusers. An additional 2,000 were kept in service if it appeared that they were experimenters, who generally were only involved with marijuana or amphetamines. Navy sources optimistically say that about 95 percent of the 2,000 stopped using drugs.

Rear Adm. J. W. Albrittain, the Navy deputy surgeon general, told a drug-abuse symposium that if early indications for 1970 remained constant, "we will have something over 11,000 cases, and approximately 4,500 people discharged from the Navy or Marine Corps for drug abuse in 1970."

"Privilege" talks prohibited

The services are telling their commanding officers that they have a moral obligation to educate the servicemen about drugs. Officials believe that as the knowledge and experience are gained, the depth and scope of the training now given will be improved. Aware that drug use is often an outgrowth of other personal problems, emphasis is being placed on what is called total person improvement. The idea is that if personal problems are relieved, much of the inclination to experiment with drugs will vanish.

At least at the highest levels, the emphasis now is upon counseling and rehabilitation. But many drug users in the service still face punishment and dishonorable discharge if they are found out.

Defense officials believe the crucial step in coming to grips with the drug-abuse problem will be to change the rules so that servicemen can feel free to seek help. At present, the drug user is assured a "privileged" discussion only with his chaplain. If a man goes to a doctor, the physician is obligated to make a report to the man's commanding officer.

The commanding general of Fort Bragg, Lt. Gen. John J. Polson, has taken a step that may be a harbinger of new approaches to come. In a unique experiment, the general has set aside two wards of the base hospital for the treatment of drug addicts. Ten drug users are currently being treated. The general is also considering opening a house on post where soldiers may meet to discuss their drug problems.

The services generally realize that punitive measures alone will not solve the drug problem. But just as military officials now are moving toward rehabilitation, they also are moving to cut off drug supplies.

In Vietnam, for instance, the services are working with other federal agencies to detect drugs being mailed to the U.S. So far the programs have yielded drugs as well as hand grenades and dangerous weapons.

Pictures taken

On some days, every package sent through military post offices in Vietnam is checked, and better records are being made of senders and their packages. The Air Force, for example, is taking pictures. According to defense officials, interception of contraband from GIs overseas has been reduced to a trickle. While 132 items were seized in a typical week in mid-March, that figure had been reduced to 18 in a recent week.

But while the general direction of defense efforts to cope with the drug problem are clear, the specifics remain to be determined. A special task group now is looking into the overall drug problem in the services and methods of prevention and rehabilitation. The report of that group will be finished in about a month.

MANY GIs EXPERIMENTED

(NOTE.—The following dispatch is not bylined in order to protect the identity of the soldier involved.)

BOSTON.—Ex-Private M. J. began smoking marijuana a few months after he was drafted. Midway through his Army tour of duty—which ended with an honorable discharge—he began selling "pot," too.

As a clerk at Fort Ord in California, he smoked marijuana first thing in the morning, on his way to and from the mess hall, during work breaks, and after supper until bedtime in his barracks. He says he was "perpetually stoned" for three months—and never got caught.

At another post one of his pot-smoking companions was a military policeman.

After M. J. bought his first kilogram (2.2 pounds) of marijuana in San Francisco, he was in business. He bought kilos in brick form for $90 or $100 from a middleman in the city, then broke it down into lids at Fort Ord and sold enough to cover his own costs.

"I wouldn't have sold at all if I hadn't been smoking so much," M. J. says. "I was an amateur. I smoked up most of my profits. I guess you could say I was addicted."

He stressed that there was no organized drug business at Fort Ord—just individual GIs selling, as he did, to support their habits. He said LSD was used by soldiers at Fort Ord and some opium was used at Camp Roberts on nearby Hunter Liggett Military Reservation.

According to M. J., many GIs experimented with pseudo drugs and with pills passed out surreptitiously by medics in the hospital dispensary.

"We'd try any pill we could get," he says, "even if we knew nothing about its effects. They were free, so we thought 'why not?' Some people were looking for 'better' means of escape from personal problems or Army hassles. People who are upset will do irrational things sometimes."

The availability of drugs and the desire to be sociable do more to encourage drug use among servicemen than loose discipline does, M. J. says. But he adds that the latter is an important factor.

"Fort Ord was an open post, and discipline was loose. Every guy in my barracks either smoked marijuana or could be trusted not to tell, and most of the smoking was done in the squad leaders' rooms."

MANHASSET, N.Y., MAIL CELEBRATES ANNIVERSARY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. WOLFF. Mr. Speaker, I know my colleagues recognize, as I do, the important role that weekly newspapers play in the lives of thousands of communities across this Nation.

One such paper that is well read and appreciated by its neighbors is the Manhasset, N.Y., Mail which is ably edited and published by Mrs. Florence Luther. The Mail is celebrating its 44th anniversary this month and Mrs. Luther has written a timely editorial for the anniversary.

Because the Manhasset Mail is a fine example of a vital and popular weekly newspaper and so much a part of its community, I would like to extend my remarks and include Mrs. Luther's editorial in the RECORD at this point:

YEAR NO. 44

The Manhasset Mail this month began its 44th year of publication. The first issue appeared on July 8, 1927, under Editor and Publisher Donald Cooper. In the fall of 1930, Mitchell Luther purchased the Mail and was editor and publisher until his death in February 1957, at which time his wife Florence M. Luther, present editor and publisher, assumed ownership. In 1960 the sister paper, The Port Mail, was started and in 1961, the two papers changed to offset publication.

A weekly newspaper is an integral part of a community. A weekly newspaper takes pride in its faithful coverage of local events and the residents it serves. The Mail also takes pride in never having missed an issue in 44 years—although an occasional issue caused a red face here and there.

A much talked-about incident concerned Mitchell Luther, highly respected editor who campaigned often for the betterment of the community, and who, after a successful battle for a stop sign, at a busy intersection, was forced to report that he was given a ticket for failing to stop at said sign.

Another incident the staff would rather forget was an announcement of a wedding, complete with description of the bride's dress, which appeared a week early.

Last year the Board of Education "Loosed" retiring member Mrs. William G. Story—and did so in a three column banner headline.

There were good times, too. For instance, in 1957 when the Miracle Mile by-pass was cancelled, the Mail put out an extra edition and rushed it down to the station for the convenience of evening commuters (the Luther children helped) only to find that the news had been announced on commuter radios and had traveled from car to car.

However, considering everything, it's been a good 44 years and we hope subscribers enjoy the weekly editions as much as the Mail enjoys serving the public.

We look forward to many more years—with pride.

SANDOVAL STANDS SEIGE AT THE SBA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, today in my office, I received the annual report for 1969 of the Small Business Administration. The report, like most Government reports, describes with a great deal of praise the work of the Small Business Administration and their accomplishments in 1969. It seems ironic to me that this came into my office today, for very recently an administrative farce came to my attention, a situation in the Boston Regional Small Business Administration Office that has the markings of high comedy, except that it is not in the least bit funny.

On April 21, 1970, Anthony Chase, General Counsel of SBA, indicated that there was a surplus of attorney positions in the Boston region of SBA. He also noted that region 4, with headquarters in Atlanta, Ga., was understaffed. The recommendation was made that four of the attorney positions in Boston be reassigned to the Atlanta region. The foregoing sounds like a very reasonable administrative decision. Perhaps a bit callous in transferring four people from one end of the country to another. However, it is much more than callous, it is hypocritical and stupid.

We all know the great deal of criticism of the SBA, of its funding and backing of some useless ventures and of businesses that could in no way be classified as small. We know equally well that the needs of small businesses in this country are great, and that a truly efficienct SBA could accomplish a great deal of good.

The Boston Regional Office of SBA is acknowledged to be a very fine organization. The attorneys and the entire staff are very able and knowledgeable people and are very much concerned about the problems of small business and the small businessman. However, if people were needed in the Atlanta region and not in Boston, and the latter part I doubt, perhaps an argument could be made for transferring some of these extremely able people to region 4 if they were willing to be reassigned. However, I would like to draw the attention of my colleagues to some developments of this reassignment. One lawyer in Boston was terminated and four were reassigned. Of those that were reassigned, one man, 67 years old, had served 12 years with SBA, has been a grade 14 for the past 4 years and is considered the finest lawyer in or out of Government. He has had more than 24 years of Government service and at one time was the head of the legal staff of the Reconstruction Finance Corporation. He left Government in 1950 to go into private practice and returned to the SBA in 1958 at the request of that Administration.

Another lawyer, a woman, age 63, has had more than 35 years in Government service, 22 of them with the Reconstruction Finance Corporation and 13 years with the SBA. She has handled all types of legal cases for the SBA and everyone in the region is backing her complaint against reassignment because she is acknowledged to be an experienced, skilled and able attorney and extremely knowledgeable in real estate law. The other two attorneys are equally qualified and experienced.

I mentioned that one lawyer has complained about reassignment. Because of this complaint, reports had to be given explaining the reason for reassignment and the choice of personnel. This is the material I would like to bring to the attention of my colleagues. It is farcical and an insult to all civil service employees and contrary to every rule of fair treatment in Government service. The four people chosen for reassignment had all had long experience in the Boston region and had roots in the Boston area. The youngest of these men is 62. As the report states, "This was by design, not coincidence." "We never expected that any of the individuals would accept reassignment to region IV. However, we thought that offering them reassignment would be a good face-saving device to allow them to retire gracefully without the onus of having been kicked out."

I find this insulting and the actions of the SBA arrogant. There is duplicity in this action and cowardice, and I find this extremely offensive. A statement of Winifred Jeffers, personnel specialist, reorganization task force, supports the action taken by SBA and tries to justify

the decision to reassign these four lawyers. Miss Jeffers tries to make a good case for this action, but unfortunately the last paragraph of her statement ruins her entire argument and grants that the entire action was useless. Her report ends "Subsequent to the reorganization of region IV, we discover that they were not prepared to accept the transfer of the four lawyers from Boston. It was necessary, therefore, to grant extensions on the reassignment dates of all the lawyers affected. The reassignment date of all four lawyers has been extended to September 1, 1970."

It has further come to my attention that the SBA in Washington is attempting to avoid complaints to the Civil Service Commission by the Boston lawyers by offering positions in SBA regional offices around the country. The SBA knows that the Boston attorneys have a very strong and valid case against reassignment and it is using lucrative offers in an attempt to prevent this case from being appealed any further.

I am going to discuss this action with members of appropriate committees in the Congress, but I would like to call the attention of all my colleagues at this time to this ridiculous action.

I think my colleagues would also find an article from Business Week very interesting. I enclose the article from the July 18 issue of Business Week describing the very serious difficulties in the SBA:

SANDOVAL STANDS SIEGE AT THE SBA

At a recent public gathering, Senator Strom Thurmond (R–S.C.) hailed Hilary Sandoval, Jr., as "the greatest administrator in the history of the Small Business Administration." Few others have expressed such enthusiasm, however, since Sandoval took over more than a year ago.

The agency's traditional constituents, the white small businessmen, complain to Congress that "you can't get a loan if you aren't black" (though two-thirds of the loans still go to whites). Blacks, however, complain the Administration programs for black capitalism is "peanuts," despite a definite increase in loans.

Democrats on the House Select Committee on Small Business are holding hearings next week to size up Sandoval's record, and they are loaded for bear. Among other things the committee will probe, says Chairman Joe L. Evins (D–Tenn.), is "whether the SBA's energies and resources are being frittered away, as recent reports to the committee indicate, on inefficient fringe programs." The group is disturbed that Sandoval has gone through four deputy administrators in little more than a year.

And the signs are unmistakable that the White House has not been much happier with Sandoval, a former newspaper distributor from El Paso, Tex.

UNDER WRAPS

Sandoval got off to a bad start when his hand-picked special assistant, Albert M. Fuentes, was sentenced to five years on a charge of trying to take a $50,000 kickback on a loan. (The case is still on appeal.) And Philip Pruitt, a Negro whom Sandoval picked to head the minority lending program, resigned with a blast that the Administration was not really interested in black capitalism.

Since then, the White House has kept Sandoval more or less under wraps. When a package of three new proposals to aid small business was unveiled, it was Commerce Secretary Maurice Stans, not Sandoval, who held the press conference. The proposals had actually been drafted at Commerce; SBA was not even told about its own legislative program until the day before the announcement. And Commerce, rather than the SBA, has gotten much of the credit for the two programs that the Administration cites as its showpieces for black capitalism, even though the SBA has all the authority to make the actual loans.

The new Minority Enterprise Small Business Investment Company program (MESBIC), designed to attract big corporate investment in minority companies, is run by Stans while the SBA puts up the money. (Even so, only 11 of the 100 MESBICS that Stans expected to have in business by June 30 have materialized.) The program to get franchises for minorities is split between Commerce and the SBA, with both agencies trying to persuade big franchisers to take on black businessmen. Public announcements about the program usually come from the Commerce Dept., though, again, it is the SBA that actually makes the loans, and the rivalry between the two agencies appears to be hurting the black capitalism effort. Only a couple of hundred franchises went to minority businessmen in the fiscal year just ended.

"Something has to be done about it," says a source in Congress familiar with the situation.

POWDER KEG

The White House's effort to keep a check on the SBA led to a real blowup earlier this year. The Administration assigned a Stans lieutenant, W. Donald Brewer, to be deputy administrator of the SBA and for months nobody could figure who was in charge. One junior official caught between conflicting orders from Sandoval and Brewer got it point-blank from Brewer. "Are you working for Sandoval or for me?"

Finally, according to reports, Sandoval decided to have it out with the White House. Either he or Brewer would have to go, he said. About that time, a full-page ad appeared in the *Los Angeles Times* from a group of Mexican-Americans thanking President Nixon for appointing one of them, Sandoval, to a top Administration job. And Senator John G. Tower (R-Tex.) warned the White House that his dismissal would seriously hurt Republicans with the large Spanish-American electorate in Texas. Brewer was promptly appointed to the Interstate Commerce Commission.

"Sandoval would have been in a lot of trouble right from the beginning if it hadn't been for Tower," says Representative Silvio Conte of Massachusetts, top Republican on the House Small Business Committee. "Tower is chairman of the Senate GOP Campaign Committee and nobody's going to touch his boy." He adds, however, that "over-all," he thinks Sandoval has done "a pretty good job."

LIQUIDATION

A prime cause of the internal turmoil in the SBA has stemmed from Sandoval's almost Gilbert-and-Sullivan efforts to get rid of entrenched career appointees, many of whom are protected by civil service.

Wilfred J. Garvin, the agency's chief economist, arrived one morning to find all his pictures of previous administrators stacked on his desk. On top of the stack was an application for retirement. Garvin is still there and Sandoval is now trying to abolish the whole economic research office. Congress is fighting it.

Directors of regional offices have been offered lower-level jobs or transfers to distant cities. The director of the Columbus (Ohio) office, son of the city's Democratic mayor, was transferred to Salt Lake City. He quit. The Salt Lake City chief, who had once run against a Republican congressman, was shipped to Cleveland. Altogether, about half the 60 regional directors have departed one way or another. Moving expenses have amounted to $250,000, and the House committee wants to ask Sandoval about this.

"Morale around this place is really lousy," says Joseph Foster, who heads the agency's local of the government employees union. Membership in the union has doubled since Sandoval became administrator.

Sandoval's distrust of career employees has sometimes seemed a bit excessive. Employees not in his inner circle, for instance, were ordered to turn in the magnetic cards that enable them to get into the building after hours. When one top Democratic holdover was removed, the lock on his office was changed before nightfall.

GOOFS

Nor have relations with Congress been very smooth. When the SBA's citizens advisory committee met in Washington, Sandoval invited Representative George Bush, a Texas Republican who is not on any small business committees, to address the group and neglected to invite the top committee Republican, Conte, until later. When Conte learned he was second choice, he declined. And Sandoval bitterly attacked Democratic Senator Ralph Yarborough, chairman of the Senate Labor Committee, in a speech to a Texas GOP county convention. That was all right, except that a release about the strictly political speech was distributed on government stationery, which is illegal. "Somebody goofed," a spokesman acknowledged.

Stories of other peculiar goings-on circulate in the agency. Sandoval brought his personal priest with him from Texas for a few months and installed him in an office next to his own, in full clerical garb, as an unpaid consultant. A Sandoval aide who briefed the staff on how to set up regional meetings emphasized that one job was to arrange a complimentary hotel suite for the administrator; General Accounting Office agents have been investigating those arrangements. And armed Pinkerton guards were hired to cover a meeting hall (to guard the movie projectors, a spokesman said); now the bills cannot be paid because hiring private guards is forbidden.

"Actually, it's too bad about all the Mickey Mouse stuff going on," says one defender of the Sandoval regime, "because Sandoval really is working terribly hard." He has stumped the country, driving home to directors of local offices the point that their futures depend on how well they perform on minority lending. And he is credited with speeding up aid to businesses wiped out by Hurricane Camille.

HIGH MARKS

The banking community has found some satisfaction, too, in Sandoval's efforts to give local offices more authority to approve loans. The delays in loan processing have been a perennial gripe with bankers. Sandoval is trying out a pilot program in several cities to speed delivery; if the SBA does not veto loan applications within three days, they are considered approved.

Much of the SBA's success depends on persuading banks to make loans with SBA guarantees, since the agency has little money of its own to lend. But bankers have not been overly impressed with Sandoval personally. "He's terribly bland," says one top representative. The House committee feels that Sandoval's lack of rapport with bankers is a serious problem.

Just how good the agency's loan record is will be disputed in the committee. The total amount of loans going to small business has averaged about $61-million a month in 1970, about the same rate as when Sandoval took office in March, 1969. Critics charge that since the agency has moved from lending its own money to simply guaranteeing bank loans, it should be possible to increase the flow. Agency spokesmen counter that in a period of tight money, keeping the loan rate from falling constitutes a good performance.

And Sandoval can point to a one-third increase in the rate of loans going to mi-

norities, up from about $10-million a month to an average of $13-million for the first five months of 1970. Loans to Spanish-Americans have doubled; loans to blacks are up 18%. About one-third of all loans are now going to minorities.

Sandoval can expect to face some questioning from the committee on the agency's program of procuring government contracts for minority companies. He has succeeded in getting a larger number of contracts set aside for minority businesses. But the Defense Dept. is complaining that of $32-million assigned to the SBA for letting, only $15-million has been placed. "With 60 staff people working on the program there haven't been many results," says a Congressional source.

"The basic trouble," says a Republican in Congress who declines to be identified, "is that the black capitalism program has yet to get much priority attention from the White House."

CONSERVATIONIST SAYS EROSION IS NATIONAL MENACE

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. MOLLOHAN. Mr. Speaker, the Federal Government has many unsung heroes whose day-to-day work is done with dedication and concern and goes largely unrecognized by the rest of us.

Such a man is Mr. Law Helmick who is a district conservationist with the U.S. Soil Conservation Service in Fairmont, W. Va.

Mr. Helmick handles all types of problems in Marion County and is well respected and thought highly of by the people he serves.

The following article appeared in the West Virginian and was written by Frannie Hoffman.

It is a fine column, honoring distinguished persons from the Fairmont area, and Miss Hoffman could not have chosen a finer subject for this column than Mr. Helmick.

My congratulations and sincere thanks to both Mr. Helmick for his dedicated service and to Miss Hoffman for telling the public about this distinguished conservationist:

CONSERVATIONIST SAYS EROSION IS NATIONAL MENACE

Question. In the matter of conservation, what would you say is the most important problem in this country?

Answer. In my estimation, it's the stabilization and conservation of our top soil. This has been our prime purpose since the SCS was started in 1935. It actually was started in 1933 with the old soil erosion program.

Question. Please explain.

Answer. Soil erosion is a menace to our national welfare, and the SCS was set up to provide permanently for the control and prevention of soil erosion and thereby preserve our national resources.

Question. What's being done about it?

Answer. This is being handled by flood control measures, reforestration and revegetation of all areas subject to erosion by any cause, as well as a conservation education program.

Question. Who handles this in Marion County?

Answer. Our staff is responsible for the work here.

Question. Does your program involve water pollution and air pollution, as well?

Answer. Water pollution, yes. Air pollution, no.

Question. With what type of water pollution is the SCS concerned?

Answer. The pollution that's caused by siltation. This involves silt washed into the streams from such bare areas as strip mines, road construction, eroded farmlands, and residential building developments.

Question. What's done to prevent this?

Answer. Working through the Monongahela Soil Conservation District, we developed plans for stabilization of these areas, usually through tree planting and-or

Question. Who actually carries out these plans?

Answer. The landowner, or the land developer or operator.

Question. About how large an acreage would you say has been covered in this program in Marion County?

Answer. At lease half the Marion County acreage.

* * *

Question. What about your watershed program?

Answer. We are presently working on a flood control program for the Upper Buffalo Creek watershed establishment of a good vegetative cover.

This involves 12 earth-fill dams. We have one completed, are working on the second, and making plans for starting the third in the near future.

Question. When will the entire project be finished?

Answer. It's scheduled for completion in 1975.

Question. What benefits will be derived from this project?

Answer. It will prevent the annual flooding of Mannington, Rachel, Farmington and other areas along Buffalo Creek extending into Fairmont.

Question. Are any other watershed projects planned for this area?

Answer. Yes, the Prickett's Creek watershed program. In about two months we should have the work plan for this project completed.

Question. What do the plans call for?

Answer. Construction of an earth-fill dam at a location which will prevent flooding of communities along the creek which includes Winfield, Meadowdale and Viola.

Question. What are the estimated costs for both these projects?

Answer. The Upper Buffalo Creek project will cost about $3.5 million. We won't have an estimate of the total cost for Prickett's Creek until the work plan is completed.

Question. Are federal and state funds involved in these projects?

Answer. Both federal and state funds are being expended in the Upper Buffalo Creek project and will be involved in the Prickett's Creek project, as well. In addition, the Marion County Court and the City of Mannington, as well as various individuals, are contributing toward the Buffalo Creek project.

Question. Do you work in cooperation with other agencies in regard to conservation?

Answer. Yes. We work closely with the Agricultural Stabilization and Conservation Service, the cooperative extension service of West Virginia University, and the Farmers Home Administration.

Question. How does the conservation picture in Marion County appear now?

Answer. In my estimation, it is very bright. This type of service has increased over the years since we first started working with farmers. It now includes all land users, urban as well as rural, and recreation areas as well as farms. I think most Marion County residents are conservation-conscious and, fortunately, have the financial ability to carry out good conservation practices. There are other counties in the state which are not as fortunate in this respect.

Question. Are SCS services available to everyone in the county?

Answer. Yes. We are willing and able to offer assistance in the way of soil information and assistance in soil conservation to groups and individuals.

Question. How large a staff does the Marion County office have?

Answer. In addition to myself, we have another soil conservationist, a conservation technician, part-time student helpers in the summer, and an engineer and two assistants in a project office devoted to the Upper Buffalo Creek Watershed and Prickett's Creek Watershed projects.

Question. How long have you been with the SCS?

Answer. Since 1953. I was assigned to the office in Braxton County when I joined the service. From there I was sent to Clay County in 1954, then to Marion County in 1957.

Question. What did you do before you joined the SCS?

Answer. I was with the cooperative extension service in Roane County for about three years.

Question. What sort of training have you had for this work?

Answer. To start with, I grew up on a farm. Then I attended West Virginia University where I took courses pertaining to agronomy and soils, and was graduated from there in 1950 with a bachelor's degree in agriculture. I have also taken graduate courses in agriculture at WVU.

PUBLIC LAND LAW REVIEW REPORT STRESSES NEED FOR EXPLORATION BY PRIVATE FIRMS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. BURTON of Utah. Mr. Speaker, I commend to the attention of my colleagues an article in the July 1970 issue of the Independent Petroleum Monthly, and an article from the American Mining Congress' news bulletin dated June 26, 1970, both of which comment on the public land law review commission report. The articles follow:

PUBLIC LAND LAW REVIEW REPORT STRESSES NEED FOR EXPLORATION BY PRIVATE FIRMS

(Historic study says U.S. should encourage mineral search on domain in preference "over some or all other uses," and rely on private sector. Federal control of Shelf production rates urged)

The Public Land Law Review Commission last month submitted its monumental report to the President and the Congress. In the area of Mineral Resources, it recommended that:

1. Public land mineral policy should encourage exploration, development, and production of minerals on the public lands.

2. Mineral exploration and development should have a preference over some or all other uses on much of public lands.

3. The Federal Government generally should rely on the private sector for mineral exploration, development, and production by maintaining a continuing invitation to explore for and develop minerals on the public lands.

In the case of national parks and national monuments, the Commission recommended continued exclusion, with development of

mineral reserves there to come only in future emergencies.

Slap at noncompetitive bidding. The report recommended changes that would broaden the range of competitive bidding for mineral leases on public lands. At present, public lands outside of known geologic structures are leased noncompetitively.

The Commission would extend competitive bidding to land on which there have been relinquished or forfeited leases or permits, or where there is a reasonable indication of "good prospects for success."

In the so-called "upland" federal areas, as distinct from the Outer Continental Shelf, the Commission said leases should be awarded on a "competitive" basis "whenever competitive interest can reasonably be expected."

Thus, the Commission proposes eliminating known geologic structures as the lone standard for competitive bidding.

WOULD ASSERT SHELF PRORATION

In the Outer Continental Shelf area, the Commission called for federal prorationing. It urged the Secretary of Interior to follow through with federal prorationing procedures first suggested in the late 1960's by Stewart L. Udall, at that time Secretary of Interior.

Limitation of the rate of production is "an integral part of mineral production management," the Commission said. While prorationing has been frequently attacked on charges that it is a "system of price fixing by states," the Commission said, "the courts have sustained the systems on the grounds that they serve a legitimate conservation purpose, even though they have had an incidental effect on prices."

HISTORIC STUDY

The Commission, since July 1965, has been studying laws and policies, as well as practices and procedures in their administration, concerning public lands in the United States.

Representative Wayne N. Aspinall (D.-Colo.) has served from the inception of the Commission as chairman. H. Byron Mock, a presidential appointee from Salt Lake City, Utah, has been vice chairman, and Milton A. Pearl has been director of the Commission's day-to-day activities.

The Independent Petroleum Association of America has cooperated with the Commission. H. A. (Dave) True, Jr., former IPAA president, and an independent operator in Casper, Wyo., has been a member of the advisory committee to the Commission during its 5 years of deliberation.

IPAA's Public Lands Committee at its midyear meeting in Denver authorized a 5-man subcommittee to review and consider the Commission report, and make pertinent recommendations to the full committee covering the issues raised concerning the oil and gas industry and the public domain.

David Schaenen, Billings, Mont., is chairman of the subcommittee. Other members are: Bruce Anderson, Houston, Tex.; W. T. Blackburn, Denver; John M. Kelley, Washington, D.C.; and Edward N. Litman, Casper, Wyo. Warren A. Morton, also of Casper, is chairman of the Public Lands Committee, and is an ex officio member of the subcommittee. Dave True is an adviser. William I. Powell, IPAA administrative vice-president, is committee secretary.

VITAL ROLE OF DOMAIN

The Commission said the American people today are "feeling the pressures of an enlarging population, burgeoning growth, and expanding demand for land and natural resources." They "have an almost desperate need to determine the best purposes to which their public lands and the wealth and opportunities of those lands should be dedicated.

"Through the timely action of Congress, and through the work of this Commission, a rare opportunity is offered to answer that need."

Federally owned land amounts to 755,368,055 acres, or 33.3 percent of the total U.S. land area of 2,271,343,360 acres. Oil production on Federal land (other than the Outer Continental Shelf) in 1968 amounted to between 6 percent and 7 percent of the national total and was valued at over $570 million. This figure does not include recent discoveries in Alaska which are not on Federal lands.

"Perhaps of even more importance," said the Commission, "is the fact that large areas of the public lands not yet drilled are deemed favorable to the occurrence of oil and gas. Over 64 million acres of Federal land were under lease for oil and gas in 1968, of which over 90 percent was in the Western contiguous states and Alaska."

COMPETITIVE LEASING

The Commission said that where certain mineral conditions are known to exist, the present leasing system requires competitive sale of exploration and development rights.

"We have concluded that these competitive sale requirements are too narrow in scope," the report said, "particularly in the case of oil and gas. It appears to the Commission that competitive leasing would be appropriate:

"1. In the general area of producing wells.

"2. For land covered by relinquished or forfeited leases or permits.

"3. Where past activities and general knowledge suggest reasonably good prospects for success."

And the Commission added: "To achieve the objective of this recommendation, the administrator should have the authority to segregate public land from mineral exploration for a short period of time. At the end of the prescribed period exploration rights should be available noncompetitively in the same manner that we have recommended with regard to other minerals.

"Adoption of this recommendation would eliminate the need for the simultaneous filing system currently in effect. Similarly, this would eliminate the known geologic structure as a standard for competitive allocation of oil and gas leasing rights."

(Leasing recommendations—in Chapter Seven, "Mineral Resources"—will be one of the many areas of the report to be analyzed thoroughly by the IPAA subcommittee.)

DEPEND ON PRIVATE INDUSTRY

The Commission said it is "satisfied that private enterprise has succeeded well in meeting our national mineral needs, and we see no reason to change this traditional policy. Existing Federal programs to develop nationwide geological information should be continued and strengthened."

These Federal programs should serve, the report added, to identify general areas favorable to mineral occurrence with detailed exploration and development left to private enterprise.

"The efforts of private enterprise will be effective only if Federal policy, law, and administrative practices provide a continuing invitation to explore and develop minerals on public lands."

And the report added: "We recognize that mineral exploration and development, and production will, in most cases, have an impact on the environment or be incompatible with some other uses. By its very nature, mineral activity alters the natural environment to some degree, and if no such impact were to be tolerated, it would be necessary to prohibit the activity. Mineral exploration, development, and production are essential to our national economic and strategic well-being, however, and such activities cannot be barred completely.

"We believe that the environment must be given consideration, but regulations must not be arbitrarily applied if the national importance of the minerals is properly weighed."

WANTS FEDERAL CONTROL OF OIL, GAS PRODUCTION IN SHELF AREAS

In discussing the Outer Continental Shelf, the report recommends "that in the interest of conservation the Federal Government promulgate and administer its own rules for controlling the rate of production from Outer Continental Shelf oil and gas fields."

It noted that in January 1967 the Secretary of Interior announced his intention to promulgate rules for the regulation of oil and gas production from the Shelf, including independent prorationing. The announcement has never been implemented, "and the Commission urges that it be done."

Outer Continental Shelf crude oil production now exceeds 8 percent of the U.S. total. Proved reserves are 2.9 billion barrels of oil and natural gas liquids and 30.3 trillion cubic feet of gas. Estimates suggest that undiscovered recoverable reserves are in a range of 34 to 220 billion barrels of liquids and 170 to 1,100 trillion cubic feet of natural gas. And in dollar value, the Shelf has already contributed substantially to the U.S. Treasury. Receipts as of June 30, 1968, from the sale of leases on the Shelf and from rentals and royalties totaled over $2.7 billion.

And the Commission recommended: "Complete authority over all activities on the Outer Continental Shelf should continue to be vested by statute in the Federal Government. Moreover, all Federal functions pertaining to that authority, including navigational safety, safety on or about structures and islands used for mineral activities, pollution control and supervision, mapping and charting, oceanographic and other scientific research, preservation and protection of the living resources of the sea, and occupancy uses of the Outer Continental Shelf, should be consolidated within the Government to the greatest possible degree."

COORDINATION WITH STATES

The Commission noted that in its deliberations there was a strong sense of need for coordination between the Federal Government and the affected states. This concern is reiterated in many parts of the report.

"While asserting the need for Federal conservation control of the Outer Continental Shelf, we recognize that there must be close coordination between the Federal Government and the adjacent states."

"Any limitations proposed by adjacent states should be taken into consideration by the Federal Government in determining the amount of production allowable from wells on federal leases.

"But, state production regulations have been developed from data related to dry land and shallow tidewater regulation. As Outer Continental Shelf production moves into deeper waters, economic and technical comparability between state production, which is in shallow waters or on dry land, and deep water production becomes more remote.

"At some point, it becomes doubtful that it will be in the interest of the Federal Government or the lessee to require compliance with state allowables. Therefore, the Federal Government should have an independent, flexible system of allowances to meet the variety of conditions which may be experienced."

OVERALL RECOMMENDATIONS MADE BY THE COMMISSION ON PUBLIC LANDS

The Commission report, entitled "One Third of the Nation's Land," lays down 17 recommendations of basic underlying principles to guide future policy concerning public lands. They are:

1. The policy of large-scale disposal of public lands reflected by the majority of statutes in force today be revised and that future disposal should be of only those lands that will achieve maximum benefit for the general public in non-Federal ownership, while retaining in Federal ownership those whose values must be preserved so that they may be used and enjoyed by all Americans.

2. An immediate review should be undertaken of all lands not previously designated for any specific use, and of all existing withdrawals, set asides, and classifications of public domain lands that were effected by Executive action to determine the type of use that would provide the maximum benefit for the general public in accordance with standards set forth in this report.

3. Congress should establish national policy in all public land laws by prescribing the controlling standards, guidelines, and criteria for the exercise of authority delegated to executive agencies.

4. Congress assert its constitutional authority by enacting legislation reserving unto itself exclusive authority to withdraw or otherwise set aside public lands for specified limited-purpose uses and delineating specific delegation of authority to the Executive as to the types of withdrawals and set asides that may be effected without legislative action.

5. Public land management agencies should be required by statute to promulgate comprehensive rules and regulations after full consideration of all points of view, including protests, with provisions for a simplified administrative appeals procedure in a manner that will restore public confidence in the impartiality and fairness of administrative decisions. Judicial review should generally be available.

6. Statutory goals and objectives should be established as guidelines for land-use planning under the general principle that within a specific unit, consideration should be given to all possible uses and the maximum number of compatible uses permitted. This should be subject to the qualification that where a unit, within an area managed for many uses, can contribute maximum benefit through one particular use, that use should be recognized as the dominant use, and the land should be managed to avoid interference with full fulfillment of such dominant use.

7. Federal statutory guidelines should be established to assure that Federal public lands are managed in a manner that not only will not endanger the quality of the environment, but will, where feasible, enhance the quality of the environment, both on and off public lands, and that federal control of the lands should never be used as a shield to permit lower standards than those required by the laws of the state in which the lands are located. The Federal licensing power should be used, under statutory guidelines, to assure these results.

8. Statutory guidelines be established providing generally that the United States receive full value for the use of the public lands and their resources retained in federal ownership, except that monetary payment need not represent full value, or so-called market value, in instances where there is no consumptive use of the land or its resources.

9. Statutory provision be made to assure that when public lands or their resources are made available for use, firm tenure and security of investment be provided so that if the use must be interrupted because of a Federal Government need before the end of the lease, permit, or other contractual arrangement, the user will be equitably compensated for the resulting losses.

10. The United States make payments in lieu of taxes for the burdens imposed upon state and local governments by reason of the Federal ownership of public lands without regard to the revenues generated therefrom. Such payments should not represent full tax equivalency and the state and local tax effort should be a factor in determining the exact amount to be paid.

11. Statutory authority be provided for the sale at full value of public domain lands required for certain mining activities or where suitable only for dryland farming, grazing, domestic livestock, or residential, commercial, or industrial uses, where such sale is in the public interest and important public values will not thereby be lost.

12. Legislation be enacted to provide a framework within which large units of land may be made available for the expansion of existing communities or the development of new cities.

Until some experience has been gained in the various mechanisms that might be utilized and a national policy adopted concerning the establishment of new cities generally, Congress should consider proposals for the sale of land for new cities on a case-by-case basis.

13. Statutory authority be granted for the limited disposition of lands administered by the Forest Service where such lands are needed to meet a non-Federal but public purpose, or where disposition would result in the lands being placed in a higher use than if continued in Federal ownership.

14. Legislation be enacted to provide flexible mechanisms, including transfer of title at less than full value, to make any federally owned lands available to state and local governments when not required for a Federal purpose if the lands will be utilized for a public purpose.

15. Generally, in both legislation and administration, the artificial distinctions public domain and acquired lands of the Federal Government should be eliminated.

16. Responsibility for public land policy and programs within the Federal Government in both the legislative and executive branches should be consolidated to the maximum practicable extent in order to eliminate, or at least reduce, differences in policies concerning the administration of similar public land programs.

17. In making public land decisions, the Federal Government should take into consideration the interests of the national public, the regional public, the Federal Government as the sovereign, the Federal proprietor, the users of public lands and resources, and the state and local governmental entities within which the lands are located in order to assure, to the extent possible, that the maximum benefit for the general public of the United States is achieved.

BROAD APPROACH URGED

The Commission is composed of six persons having no connection with the Federal Government, appointed by President Johnson; six members appointed by the Senate; and six appointed by the Speaker of the House of Representatives. The 18 members appointed Representative Aspinall as their chairman.

In a joint statement, Chairman Aspinall, Vice-Chairman Mock, and Director Pearl said that they are "satisfied" with the Commission's report and recommendations because "we can now move forward to modernize and simplify the public land laws while at the same time assuring equity both to all those directly interested in the public lands and to the Nation as a whole."

[From American Mining Congress' News Bulletin, June 26, 1970]

UTAH MINING ASSOCIATION: PUBLIC LAND LAW REVIEW COMMISSION SUBMITS ITS REPORT

After almost six years and the expenditure of over $7 million, the Public Land Law Review Commission on June 23 submitted its Report to the President and to Congress. The report, which is some 342 pages in length, is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at $4.50 per copy. It contains 18 statements that the commission lists as "basic concepts and recommendations for long-range goals," 137 specific recommendations that are numbered and over 200 unnumbered, supplemental recommendations that appear in italics.

The commission recommends that the policy of large-scale disposal of public lands be revised and that, in the future, disposals be made only to achieve maximum benefit for the general public. As another basic principle, the commission states that the United States shall receive full value for the use of the public lands.

In its recommendations regarding mineral resources, the commission states that federal policy "should encourage exploration, development and production of minerals on the public lands. . . . Minerals exploration and development should have a preference over some or all other uses on much of our public lands." However, Congress should continue to exclude some classes of public lands, such as national parks, from future mineral development, but federal agencies should make mineral examinations which will provide reliable information on lands recommended for exclusion as well as those where mineral activity is already excluded.

The commission recommends that the Mining Law of 1872 be modified to establish a system which incorporates the desirable features of this Act as well as the leasing laws. "Unless a public land area is closed to all mineral activity, we believe that all public lands should be open without charge for nonexclusive exploration. . . . However . . . different conditions should prevail if the prospector desires an exclusive right," or if significant surface damage may result.

In this regard, the commission recommends the following:

"Whether a prospector has done preliminary exploration work or not, he should, by giving written notice to the appropriate federal land management agency, obtain an exclusive right to explore a claim of sufficient size to permit the use of advanced methods of exploration. As a means of assuring exploration, reasonable rentals should be charged for such claims, but actual expenditures for exploration and development work should be credited against the rentals.

"Upon receipt of the notice of location, a permit should be issued to the claimholder, including measures specifically authorized by statute necessary to maintain the quality of the environment, together with the type of rehabilitation that is required.

"When the claimholder is satisfied that he has discovered a commercially minable deposit, he should obtain firm development and production rights by entering into a contract with the United States to satisfy specified work or investment requirements over a reasonable period of time.

"When a claimholder begins to produce and market minerals, he should have the right to obtain a patent only to the mineral deposit, along with the right to utilize surface for production. He should have the option of acquiring title or lease to surface upon payment of market value.

"Patent fees should be increased and equitable royalties should be paid to the United States on all minerals produced and marketed whether before or after patent."

Additional and clarifying commission recommendations—

In regard to legal requirements for the discovery of valuable minerals: "Federal land agencies are poorly equipped to judge what is a prudent mining investment, and this issue should be closed when the mineral explorer is prepared to commit himself by contract to expend substantial effort and funds in the development of a mineral property."

State claims: "Congress should establish a fair notice procedure to clear the public lands of long-dormant mining claims."

Uniform federal requirements: Discovery work required by state law often serves no useful purpose. "Federal statutes should fully prescribe uniform methods."

Common varieties: "Congress should define or list those minerals to which the location-claim and leasing systems apply and provide that all other minerals be subject to sale under an act similar to the Materials Act."

In regard to the mineral leasing system, the commission recommends that:

Competitive sale of exploration permits or leases should be held whenever competitive interests can reasonably be expected.

Prospecting permits and leases should apply to all leasable minerals unless expressly excluded by the administrator in accordance with legislative guidelines.

All rights and obligations, including those related to maintenance of the environment, of mineral explorers and developers be clearly defined at the outset of their undertakings.

Provisions of existing law prohibiting the apportionment of royalties and imposing minimum production requirements on each lease should be modified to permit unitization of public land coal leases.

Restrictions upon the leasing of public land coal deposits to railroad companies should be removed.

The commission also recommended that legislation be enacted to authorize legal actions by the government to acquire outstanding claims or interests in public land oil shale subject to judicial determination of value. It also urged that some oil shale public lands be made available now for experimental commercial development by private industry.

In regard to geothermal steam resources, the report states that "Congress should provide a specific policy of leasing geothermal resources in which fair and reasonable consideration is given to the equities of holders of asserted prior rights who expended money and effort."

The report urges that "restrictions on public land mineral activity that are no longer relevant to existing conditions should be eliminated so as to encourage mineral exploration and development and long-standing claims should be disposed of expeditiously."

The commission recommends that the Forest Service be merged with the Department of the Interior into a new Department of Natural Resources.

As a parallel to the consolidation of public lands programs in the executive branch, the report recommends a consolidation of congressional committee jurisdiction over public land programs into a single committee in each house of Congress.

A major chapter of the report is devoted to "Public Land Policy and the Environment." The report states that "those who use the public lands and resources should be required by statute to conduct their activities in a manner that avoids or minimizes adverse environmental impacts, and should be responsible for restoring areas to an acceptable standard."

As to withdrawals, the commission recommends that "large scale limited or single-use withdrawals of a permanent or indefinite term should be accomplished only by act of Congress. All other withdrawal authority should be expressly delegated with statutory guidelines to insure proper justification for proposed withdrawals, provide for public participation in their consideration, and establish criteria for Executive action."

Rep. Wayne N. Aspinall (D-Colo.) is chairman of the commission and chairman of the House Interior Committee. He has indicated that his committee intends to hold hearings in 1971 on legislation designed to implement the commission's report.

THE LONG BINH BOONDOGGLE

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 30, 1970

Mr. HECHLER of West Virginia. Mr. Speaker, CBS radio and television carried a very informative report by Morley Safer from Vietnam on July 17, 1970. These reports concerned the swollen number of support troops at Long Binh base and the "lovely war" which these support troops are fighting. As Mr. Safer quite correctly points out, the two field hospitals at Long Binh have saved the lives of thousands of men evacuated to Long Binh from the field. Yet, there is an amazing story of the useless activities and plain Army waste of taxpayers' money which is going on at Long Binh.

It seems incredible that it takes 22,000 native Vietnamese employees, trucked and driven to the base every day, to take care of the many needs of the 27,000 American support troops "to help out with kitchen duties, act as chambermaids, telephone operators and even as prostitutes in Long Binh's two on-base brothels." Mr. Safer somewhat more delicately referred to the massage establishments in his television broadcast covering the same subject.

The story of Long Binh underlines the fact that there are many support troops there or elsewhere in Vietnam who really ought to be sent home, even though the comforts of Long Binh with its air-conditioned bowling alleys, swimming pools, and many facilities no doubt are far superior to what the average GI will return to when he is rotated back. There are hardships, of course, such as the shortage of football referees which prompted the advertised appeal for referees aired by the Armed Forces Radio Network. No doubt the broadcast of these details will result in some changes, hopefully, when the Army discovers that the searchlight is being directed at some of this surplus manpower and the high fashion in which tax money is being expended to keep them happy. The following is the text of Morley Safer's July 17 radio report:

CBS REPORT

I am Morley Safer, CBS News, Long Binh. As the U.S. withdrawal continues on schedule, they are building bowling alleys in the combat zone of Long Binh. I'll be back with more details of just what a lovely war a fighting man can have in Vietnam . . .

Bowling alleys are the least of their problems here. The more serious one is the problem of finding qualified football referees. That's so acute they have taken to the Armed Forces Radio network to appeal for referees and are now offering a course in refereeing to anyone interested. Football is just one of the activities offered to the 27,000 who live the air conditioned combat life at Long Binh. The men at Long Binh are part of the huge support system that the U.S. Army feels is necessary to keep a modern military machine functioning.

But support soon ceases to be support and becomes an almost absurd Parkinsonian nightmare. For example: A platoon will need, let's say, x number of men to support it, give it bullets, rations, the vitals of warfare. But x times two support troops are needed to support the support troops. By the time you have support for the support for the support troops you have, roughly speaking, Long Binh Base. Twenty-seven thousand men live in Long Binh. They are supported by 22,000 Vietnamese who come on the base each day to help out with kitchen duties, act as chamber maids, telephone operators and even as prostitutes in Long Binh's two on base brothels. In turn, the Vietnamese need a support system to keep their support system functioning. Many people of Long Binh do jobs that are vital. They do them courageously, efficiently and quietly. The two field hospitals have saved the lives of thousands of men "med-evaced" from the field into Long Binh, but many more are boondoggling. For examples, the information officer here, a colonel, has a staff of 45, two of whom put out Long Binh's magazine called "Up Tight". The good colonel admits that the other 43 have very little to do. But somewhere there's a paper that says Long Binh must have a staff of 45 in the I–O shop.

Webster's International Dictionary defines a boondoggle as a trivial, useless or wasteful activity. It would be a mistake to condemn Long Binh as a gigantic boondoggle, but if someone wanted to compile a big glossary of small boondoggles, he need search no further than the air conditioned jungles of Long Binh.

I'm Morley Safer and this has been Correspondents' Report on CBS radio.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, July 27, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the beauty of the Lord our God be upon us.—Psalms 90: 17.

God of grace and God of goodness, in the glory of another day, throbbing with the loveliness of summer, we pause in Thy presence with hearts aflame with the beauty about us—the blue skies, the green fields, and the flowers in bloom. May this beauty be a sacrament in which we become more aware of the greatness of Thy spirit.

Bless these Representatives of our Nation. Give them wisdom and guidance in all their deliberations. Endow them with pure motives, patriotic endeavors, and unselfish service. Lead them in leading our people in the ways of righteousness and peace. So shall we, looking up to Thee, learn to laugh and love and live, to the glory of Thy holy name.

We pause in sorrow as we think of the passing of our beloved colleague, MIKE KIRWAN. We thank Thee for the great contribution he made to our country serving so well and so faithfully in Congress. May the memory of his grand spirit linger forever in our hearts. Comfort his family with Thy presence and strengthen us to carry on the work which now must be done without him.

In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, July 23, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to amendments of the House to the bill (S. 2601) entitled "An act to reorganize the courts of the District of Columbia, and for other purposes."

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3547. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes; and

S. Con. Res. 75. Concurrent resolution directing the Secretary of the Senate to make corrections in the enrollment of S. 2601.

THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. FEIGHAN. Mr. Speaker, I have the sad duty of announcing to the House the death of our beloved friend and colleague, the gentleman from Ohio (Mr. KIRWAN). MIKE KIRWAN died early this morning at Bethesda Naval Hospital after a long illness.

Funeral arrangements have not been completed and will be announced when finalized.

Mr. Speaker, in order that all Members may have an opportunity to participate in eulogies to our late colleague, I ask unanimous consent that on next Tuesday, August 4, 1970, at the conclusion of the legislative business and special orders previously entered into, I may be permitted to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE LATE HONORABLE JOHN KUNKEL

(Mr. SCHNEEBELI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHNEEBELI. Mr. Speaker, it is my sad duty to inform the House of the death early this morning of our former colleague, John Kunkel, of Harrisburg, Pa.

John served nine terms in the Congress, beginning with the 76th Congress in 1939, and then, after a break between 1951 and 1960, he returned with the 87th Congress in 1961 and served through the 89th Congress until January 1967, when he retired. John Crain Kunkel was the grandson of a Member of the 34th and 35th Congresses, great-grandson of two other Members who served early in the 19th century, and was a great-great-grandson of Jonathan Dickinson Sergeant, a Member of the Continental Congress. There are few Members of Congress who have had such a rich tradition of service to their country in the Halls of Congress.

John attended the Phillips Academy at Andover, Yale University, and Harvard Law School. In his native Harrisburg, he served in almost all the positions of civic responsibility, and has been for many years, one of its outstanding and leading citizens. The name John Kunkel inspires tremendous confidence and great respect in Harrisburg, where he was active to the end.

John was one of the leading life masters in contract bridge and he maintained an active interest and participation in this game. He was recognized nationally as one of the country's top experts.

John Kunkel was a kind man who was totally committed to being a benefactor to his community. His "open door" policy was well known to all his constituents, whether they were visiting in the Washington area during congressional sessions, or at home in Harrisburg over weekends. He was most sympathetic to the needs and complaints of those whom he served and, especially, he was an enthusiastic champion of civil service employees and put forth much effort toward improving salaries, working conditions, and other benefits for the many employees working and living in his congressional district. His legion of friends is proper testimony to his concern for the welfare of his fellow man, and he lived a good and full life. His community, the State of Pennsylvania, and the Nation have all suffered from his passing, and his thousands of friends mourn his death.

To his wife, Kitty, and to his family, Mrs. Schneebeli and I express our deep sympathy in this tragic loss.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Arizona.

Mr. RHODES. I wish to join my colleague and friend from Pennsylvania in the sympathy which has been expressed for the Kunkel family over the death of John Kunkel.

As a distinguished Representative in this House, John Kunkel earned an enviable reputation for integrity and industry in the service of his people.

He earned the friendship and the esteem of his colleagues. The memory of our association with John Kunkel will be cherished by those who enjoyed that privilege.

The life and service of John Kunkel was a tribute to all who invested him with their confidence.

So, while we share in genuine sorrow at his passing, and in sincere sympathies to his loved ones, we would also acknowledge the worthy works of this noble public servant, and rejoice that we were permitted to walk a brief way with him.

(Mr. RHODES asked and was given permission to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I was saddened to learn of the death of John Kunkel, who was a very good friend of mine. I knew him as a very intelligent and distinguished colleague, one of the brightest men in the House. His keen intellect was further evidenced by the fact that he was probably the best bridge player ever to serve in Congress. He was my friend, and I join the gentleman from Pennsylvania in extending sympathy to his loved ones.

Mr. SCHNEEBELI. I thank the gentleman.

GENERAL LEAVE TO EXTEND

Mr. SCHNEEBELI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on the life, character, and service of our late former colleague, John Kunkel.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DIRECTING SECRETARY OF THE SENATE TO MAKE CORRECTIONS IN THE ENROLLMENT OF S. 2601

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 75).

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 75

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 2601), to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In the third sentence of the proposed section 11-1527(a)(3) of the District of Columbia Code (as contained in section 111 of the bill), strike out "subsections (a) and (b)" and insert in lieu thereof "subsection (a) or (b)".

(2) In section 144 of the bill, renumber the paragraphs which follow the first paragraph (12) of such section as paragraphs (13), (14), (15), (16), and (17), respectively.

(3) In section 145(f) of the bill, renumber the paragraph which follows paragraph (13) of such section as paragraph (14).

(4) In section 156 of the bill, reletter the subsections of such section which follow subsection (f) of such section as subsections (g) and (h), respectively.

(5) In section 157(c) of the bill, designate the undesignated paragraph that follows paragraph (1)(B) of such section as paragraph (2).

(6) In section 163 of the bill, reletter subsections (j) and (k) as subsections (i) and (j), respectively.

(7) In the proposed section 23-561(b)(1) of the District of Columbia Code (as contained in section 210(a) of the bill), strike out "subsection (a) of" in the last sentence.

(8) In the proposed section 23-563(b) of the District of Columbia Code (as contained in section 210(a) of the bill), strike out "No" at the beginning of such section and insert in lieu thereof "A".

Mr. HARSHA. Mr. Speaker, will the gentleman yield

Mr. McMILLAN. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I thank the gentleman from South Carolina for yielding.

Mr. Speaker, I have asked the gentleman to yield in order that I may inquire about a point of information. As I understand it, this resolution only provides for technical changes that are necessary to make the conference report adopted by the House and the other body conform to the law. Is that correct?

Mr. McMILLAN. The gentleman is correct. These are technical amendments necessary to the enrollment of the bill.

Mr. HARSHA. Mr. Speaker, if the gentleman will yield further, there are no substantive changes in the legislation as passed the House on the adoption of the conference report?

Mr. McMILLAN. No changes whatsoever.

Mr. HARSHA. I thank the gentleman.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

CARLISLE SENIOR HIGH SCHOOL BAND WINS NETHERLANDS WORLD MUSIC FESTIVAL

(Mr. GOODLING asked and was given permission to address the House for 1 minute.)

Mr. GOODLING. Mr. Speaker, we hear too much about the deadend kids in America today and not enough about the good guys. I would like to read a telegram that came to my office just a few minutes ago.

Honored to inform you that Carlisle Senior High Band, Carlisle, Pennsylvania, representing the United States at the World Music Festival in Kerkrade, The Netherlands, has won first place in all three divisions entered.

Eighty-four youngsters from Carlisle raised $70,000 to make this trip, which to my way of thinking is a remarkable achievement. By some strange coincidence, the Boeing 707 on which they departed was the Carlisle Clipper.

They appeared in three different divisions. The first was a concert division, then the parade division, and then the show competition. In the show competition, out of a possible 180 points, this Carlisle band scored 175½ points, the highest ever made in this festival.

I will be having more to say on this particular achievement when I get more details, but as I said at the beginning, I think it is time we start playing up some of the good things rather than the bad things that are happening in America today.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17548, INDEPENDENT OFFICES AND HUD APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on H.R. 17548, the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE LATE HONORABLE MICHAEL J. KIRWAN

(Mr. MAHON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MAHON. Mr. Speaker, America has lost a great and good man in the passing early today of the Honorable MICHAEL J. KIRWAN, of Ohio.

The Committee on Appropriations, of which he was a distinguished member for almost 28 of his nearly 34 years as a Member of the House of Representatives, has lost a valued and great friend.

The committee met at noon today and adopted a resolution on the life, service, and character of our late and beloved friend, MIKE KIRWAN.

I include a copy of the resolutions for printing in the RECORD:

RESOLUTION OF THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE OF REPRESENTATIVES ON THE LATE HONORABLE MICHAEL J. KIRWAN, OF OHIO

Whereas on July 27, 1970, the Honorable MICHAEL J. KIRWAN, full of years and full of honors and in his 34th consecutive year as a Member of the United States House of Representatives, answered the last roll call and joined the Congress of the Hereafter; and

Whereas Mr. KIRWAN was one of the most devoted, respected, and beloved Members ever to serve in the Halls of the House of Representatives; and

Whereas Mr. KIRWAN, through his nearly 28 years as a Member of the Committee on Appropriations, recognizing the serious neglect of the precious and priceless natural resources of our Nation, became America's legislative champion of conservation with an unexcelled dedication to the protection, preservation, and development of these resources, thereby lifting up a standard for others to follow; and

Whereas throughout his 27 years of service on the Subcommittee on Appropriations for the Department of Interior and Related Agencies, including 13 years as its Chairman, Mr. Kirwan vigorously and successfully supported more adequate provision for the education, welfare, health, and resource development of the American Indian, for the preservation and development of our national park system, our national forests, our fish and wildlife and mineral resources, and management of the great public lands of the West; and

Whereas during his 15 years as a member of the Subcommittee on Appropriations for Public Works for Water, Pollution Control and Power Development, and Atomic Energy Commission, including the last 6 years as its chairman, Mr. KIRWAN provided outstanding leadership in expanding the essential water resource development of the country, including flood control, pollution control, water supply, power generation, navigation, irrigation, and recreation; and

Whereas the thousands of completed public projects and facilities, yielding innumerable benefits to this and coming generations, are living testimony to the foresight, perserverance, and persuasion of Mr. KIRWAN; and

Whereas Mr. KIRWAN, a deeply religious man, prideful of his humble beginnings and epitomizing what Emerson had in mind when he said that America was but another name for opportunity, was possessed of those qualities of honesty, simplicity, candor, and genuine goodness of character which gained him the respect and love of his colleagues and a national circle of friends; and

Whereas Mr. KIRWAN, over his long years of ceaseless effort and dedication, contributed mightily and lastingly to the building of a better America; and

Whereas surely time will surround the work of his hands with a lasting veneration; Now, therefore, be it

Resolved, That we, the members of the Committee on Appropriations, sharing the universal feeling of grief at the loss of this truly great American and legislative champion who has crossed the river to rest in the shade, extend our deepest sympathy to Mrs. Kirwan and others of the family, to his relatives, and others of that wide circle of admiration and universal respect; and, be it further

Resolved, That these resolutions be entered in the journal of the committee, a copy sent

to Mrs. Kirwan, and that arrangements be made to include a copy in the appropriate ceremonial proceedings of the House of Representatives.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 234]

Adair	Dickinson	Meskill
Alexander	Diggs	Minish
Anderson, Calif.	Donohue	Monagan
Annunzio	Edwards, Ala.	Nelsen
Arends	Edwards, La.	Ottinger
Ashbrook	Esch	Pelly
Ashley	Farbstein	Pickle
Baring	Fish	Podell
Belcher	Ford, Gerald R.	Pollock
Biaggi	Ford, William D.	Powell
Blatnik	Fulton, Tenn.	Price, Tex.
Brasco	Galifianakis	Purcell
Brock	Gallagher	Randall
Brooks	Gilbert	Rarick
Brown, Calif.	Grover	Reid, N.Y.
Brown, Mich.	Hagan	Robison
Brown, Ohio	Halpern	Rodino
Buchanan	Hanna	Roe
Burlison, Mo.	Harvey	Rooney, Pa
Burton, Utah	Hastings	Rostenkowski
Bush	Helstoski	Roudebush
Byrne, Pa.	Hull	Rousselot
Caffery	Ichord	Ryan
Carey	Jonas	Sandman
Celler	Kee	Scheuer
Clark	King	Snyder
Clay	Kleppe	Staggers
Conyers	Landgrebe	Stokes
Corman	Landrum	Stratton
Coughlin	Lloyd	Symington
Cramer	Long, La.	Taft
Crane	Lowenstein	Teague, Calif.
Cunningham	Lukens	Tunney
Daddario	McCloskey	Vanik
Davis, Ga.	McEwen	Watkins
Dawson	Macdonald, Mass.	Watson
de la Garza	MacGregor	Weicker
Delaney	Mailliard	Whalley
Denney	Mann	Wiggins
Dent	Meeds	Wright
Derwinski		Wydler
		Zwach

The SPEAKER. On this rollcall 307 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERSONAL EXPLANATION

Mr. BEALL of Maryland. Mr. Speaker, I was unavoidably absent during rollcall No. 233 on the bill H.R. 18515, the Labor-HEW appropriations bill. I would like the RECORD to show that if I had been present I would have voted "aye."

THE DELICATE SITUATION IN THE MIDDLE EAST

(Mr. PEPPER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, I am sure that all of have noted the efforts of our Government to find a way to bring an end, and a peaceful end, to the dangerous situation in the Middle East.

There are encouraging prospects that our efforts may be successful. We all hope and pray that they will be.

On the other hand, I am sure we all sympathize with the delicacy and the difficulty of the problem that the people of Israel face, and have to contend with in view of the fact that the Russians are now in the area helping the Egyptians not only with their own materiel but with their own personnel, and there is always the possibility that the Egyptians with the assistance of the Russians will take advantage of a cease-fire to prepare for, or to bring further aggression against, the Israelis in the future.

So while our Government is carrying on these efforts I am sure we are aware of the responsibilities we must face if, having induced the Israelis to give up their present policies they should suffer some gross danger or disaster. We would be wise, I believe, while hoping and working for the best to be prepared for the worst in case there is duplicity or deceit on the part of the Egyptians and the Russians.

PRESIDENT NIXON VISITS NORTH DAKOTA

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, North Dakotans are proud that President Nixon and four members of his Cabinet including Secretaries Hardin, Hickel, Romney, and Stans plus several top members of his White House staff came to North Dakota last Friday. The President came to visit and hear from area leaders about rural problems and rural development. The candidness of the discussion was exemplified by those who attended. Good seed has been sown for planning methods to stabilize and strengthen the economy in rural America.

We are proud to have had you in North Dakota, Mr. President.

Thank you for coming.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Monday, July 20, 1970, the Clerk had read through section 116 ending on page 35, line 20 of the bill.

If there are no further amendments to this section, the Clerk will read.

The Clerk read as follows:

COMMITTEE MEETINGS DURING SESSIONS OF THE HOUSES OF CONGRESS

SEC. 117. (a) Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190 (b)) is amended to read as follows:

"(c) Except as otherwise provided in this subsection, no standing committee of the Senate shall sit, without special leave, while the Senate is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. In the event of the absence of either of such leaders, the consent of the absent leader may be given by a Senator designated by such leader for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 5 of rule XXV of the Standing Rules of the Senate.".

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the reading of the first portion of section 117 dealing with the other body be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The Clerk will read the remainder of this section.

The Clerk read as follows:

(b) Clause 31 of rule XI of the Rules of the House of Representatives is amended to read as follows:

"31. No committee of the House (except the Committee on Appropriations, the Committee on Government Operations, the Committee on Internal Security, the Committee on Rules, and the Committee on Standards of Official Conduct) may sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 35, line 24, strike out "(2 U.S.C. 190(b)" and insert in lieu thereof "(2 U.S.C. 190(b))".

The committee amendment was agreed to.

Mr. SISK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I will not take 5 minutes, but I would like to call to the attention of the Committee and concerned Members that this does represent some change in procedure. Heretofore, for a committee to sit during general debate, unanimous consent had to be obtained on the floor of the House at the time that they sought to sit.

This language, of course, in a change in rule XI, does make it possible for any committee to sit during general debate without the permission of the House.

It does make it impossible, of course, without special leave, for any committee to sit when the House is operating under the 5-minute rule; that is, during the time we are in the amending stage of a bill, such as we are at the present time.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Did I correctly understand the distinguished gentleman from California to say that the amendment would also make it possible for any committee to sit without unanimous consent during the amendatory process; that is, under the 5-minute rule?

Mr. SISK. No. If I left that impression, I want to correct it. They could not sit while the House is operating under the 5-minute rule or during the time the bill was under amendment, but the amendment would provide for that opportunity when the House was in general debate only.

Mr. HALL. I thank the gentleman for clarifying his statement.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LEGISLATIVE REVIEW BY STANDING COMMITTEES

SEC. 118. (a) (1) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

"LEGISLATIVE REVIEW BY SENATE STANDING COMMITTEES

"SEC. 136. (a) In order to assist the Senate in—

"(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enacement of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee of the Senate shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

"(b) Each standing committee of the Senate shall submit, not later than January 2 of each odd-numbered year beginning on or after January 1, 1973, to the Senate a report on the activities of that committee under this section during the Congress ending at noon on January 3 of such year.

"(c) The preceding provisions of this section do not apply to the Committee on Appropriations of the Senate.".

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 136. Legislative oversight by standing committees."

and inserting in lieu thereof—

"Sec. 136. Legislative review by Senate standing committees."

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that reading of the first portion of section 118, which pertains to the other body, be dispensed with and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any amendments? If not, the Clerk will read.

The Clerk read as follows:

(b) Clause 28 of rule XI of the Rules of the House of Representatives is amended to read as follows:

"28. (a) In order to assist the House in—

"(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.

"(b) Each standing committee shall submit to the House, not later than January 2 of each odd-numbered year beginning on or after January 1, 1973, a report on the activities of that committee under this clause during the Congress ending at noon on January 3 of such year.

"(c) The preceding provisions of this clause do not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct.".

AMENDMENT OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN: On page 39, immediately below line 4, insert the following:

"DEBATE TIME FIVE-MINUTE RULE FOR AMENDMENTS

"SEC. 119. Amend clause 6 of Rule XXIII of the Rules of the House of Representatives to read as follows:

"6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate only upon the pending amendments, or upon pending amendments thereto (which motion shall be decided without debate); but this shall not preclude further amendments, to be decided without debate.'"

And ask unanimous consent that appropriate technical and conforming changes be made in the table of contents and other provisions of H.R. 17654.

Mr. ERLENBORN. Mr. Chairman, my amendment would amend the present rules of the House relating to limiting debate on amendments. I believe that we have all had experience during deliberations of the Committee of the Whole when a motion was made to limit to a particular period of time—20 minutes, 30 minutes, whatever might be included in the motion—the amount of time that could be spent on entire sections or titles of bills, and then often we would find that there are many amendments offered to that section or title. As a result the ridiculous situation would occur where a Member had an amendment that he had worked on, that he was serious about, and did not even have an opportunity to explain the amendment. I know; it has happened to me, and it has happened to many Members where your amendment would then only be read and you did not have an opportunity to explain it or have any debate.

The pending amendment would provide that the motion to limit debate would not apply to an entire section or an entire title but only to the pending amendment. By unanimous consent we could limit debate as to an entire section or title, but by motion we could limit it only to the pending amendments.

In this way any Member who had an amendment to offer would have an opportunity to explain his amendment. If there were not sufficient interest in it to continue with the debate, the time could be limited, but at least the Member offering the amendment would have 5 minutes and would have an opportunity to explain his amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I rise in support of the gentleman.

I remind the Members that a number of years ago we were caught in a situation like this in debate on a minimum wage bill. An amendment was offered by the gentleman from Missouri, Mr. Smith, to make technical changes. He never had an opportunity even to discuss the amendment, nor was there an opportunity even to ask about the amendment. We adopted the amendment. Then we found that we had excluded 14 million workers who previously were covered by the minimum wage law from the law by the amendment, and we had to cure that action in the other body.

The gentleman has a good point. We have seen this happen time and time again on the floor. I congratulate the gentleman on his amendment.

Mr. ERLENBORN. I thank the gentleman for his support.

I conclude merely by saying that we often refer to the House of Representatives and to the Congress as the greatest deliberative body in the world. I believe we make a travesty of that when we follow a procedure which requires Members to vote on an amendment without it being explained or debated.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Massachusetts.

Mr. CONTE. I certainly want to join the gentleman from Illinois. Later on I will offer an amendment, when we come to the section which deals with Members offering motions to table. This is a nondebatable issue. Recently I was clobbered in the press because, on the civil rights Whitten amendments, when the gentleman from California (Mr. COHELAN) offered the amendment I wanted to speak on the amendment, and some Member moved to table. There is no way in the world one can establish any legislative history in that manner.

I believe this is a very good amendment. I will support it. I will offer an amendment later on, in respect to the motion to table.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from California.

Mr. SISK. I should like to ask the gentleman, with reference to the statement made by the gentleman from Massachusetts, whether there is anything in this amendment that has to do with a motion to table.

Mr. CONTE. This is an amendment offered by the gentleman with respect to an amendment offered by some Member of the House when the Member cannot speak on his amendment. How can he explain the amendment? At that

point he may have to submit something under a unanimous consent agreement, which some interpret as an abuse of the rules of the House.

Mr. ERLENBORN. In explanation, the gentleman from Massachusetts explained that he intended later to offer an amendment concerning the motion to table. This is not included in my amendment.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Minnesota.

Mr. FRASER. After reading the amendment, I am not certain how it is intended to operate. The gentleman suggests that a motion would be in order to close all debate only upon the pending amendments; that is, those amendments which had already been offered, is that right?

Mr. ERLENBORN. Yes; and it goes on to say, "or pending amendments thereto".

Mr. FRASER. When the word "or" is used, does the gentleman mean to say that is an alternative possibility?

In other words, one could close debate only on the pending amendments to the amendment? I am not clear as to how the language will work.

Mr. ERLENBORN. It is my intention, as is the practice now, in respect to an amendment which is pending, to which there may be offered a substitute amendment, or amendments to the pending amendment, which are also pending and under debate, that debate as to all of them could be limited by the motion in respect to the pending amendment and amendments thereto.

Mr. FRASER. But this would not enable the House by a majority vote to cut off debate on a paragraph or upon a section.

Mr. ERLENBORN. That is the intent, to prohibit a limitation of debate by motion as to a paragraph, a section, or a title, so that each amendment would have an opportunity to be explained and debated.

Mr. FRASER. In effect, this would permit at least 5 minutes of debate on every amendment, since it would not be in order to cut off debate until after debate started on the amendment; is that right?

Mr. ERLENBORN. That is correct.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

I am not altogether sure that I fully understand the intent of the gentleman on the amendment. I should like to have the attention of the gentleman from Illinois (Mr. ERLENBORN) in connection with this.

I think we are all interested in being given proper time to discuss subjects that are of importance in debate on any legislation. However, in our attempts to make certain of that, we certainly do not wish to bring about a situation where dilatory tactics could be carried on and make it impossible to proceed expeditiously with legislation.

As I understand it—and I will be glad to yield to the gentleman to answer this question—once an amendment has been offered, after a section has been read, then no motion would be in order to set a time certain to close off debate on that section or paragraph. Is that what this language means to say?

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. SISK. Yes. I am glad to yield to the gentleman.

Mr. ERLENBORN. Yes. That is exactly what this language is intended to say. The motion to limit debate would be effective only as to an amendment and not to an entire section, paragraph, or title. So that every amendment would have, as the gentleman from Minnesota properly stated, at least 5 minutes of debate.

Mr. SISK. I recognize that we sometimes have occasions where a series of amendments may be desired to be offered or be on the Clerk's desk regarding a section, a paragraph, or a title. If the majority votes to close debate, we do not have the opportunity to debate each amendment individually. Again we must keep in mind, it seems to me, that the important matter here is to give the majority the right to work its will at all times. I believe, in view of that, we are taking what I believe to be a rather dangerous step. I recognize and sympathize with what the gentleman is trying to do. However, let me say that I could visualize all kinds of dilatory tactics by the offering of a whole series of amendments where, for example, it would become almost impossible to close off debate simply by providing for amendments at the Clerk's desk in great numbers.

Of course, as the gentleman well knows, he remembers that not too long ago we had a bill where there were 30 or 40 amendments at the Clerk's desk. That is the only reason why I oppose it at this time. It is not a matter that has been brought to the subcommittee's attention. I saw the amendment for the first time a couple of minutes ago. I will say, with no criticism intended of the gentleman, that most of the amendments, or many of them, have been submitted to us and we have had an opportunity to make some study of them.

Unfortunately, we have had no opportunity to study this amendment, and it involves a change in the rules of the House, which are very delicately balanced, and brings into focus some of the real questions and concerns that the subcommittee has. On that basis, without further study, I would oppose the amendment and hope that the committee will vote down the amendment.

Mr. ERLENBORN. Will the gentleman yield further?

Mr. SISK. Yes. I yield to the gentleman.

Mr. ERLENBORN. Let me say that I would be less than honest if I did not agree with the gentleman that there could be an abuse where dilatory tactics could be used, but I think this has to be offset by the fact that under the present rules there is also an abuse where we are not a deliberative body but are voting on things without having an opportunity to know what they are. Five minutes of debate, on an amendment, I do not think is too much.

Mr. SISK. Let me say that I recognize that there are abuses both ways. That is why it seems to me this subject is worthy of study. I hope that the committee will not be overly hasty in adopting this kind of an amendment, because it is not an amendment that we have had an opportunity to study heretofore. I am very fearful that we could get into real dilatory tactics. Though I sympathize with the gentleman and would be happy to look at it again, I do not agree with it.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I respect the argument made by the distinguished gentleman from California, the chairman of the subcommittee, and surely there is merit to it, but I believe that the other side of the coin deserves as much discussion. As we have said earlier here, this may be one of the most important amendments to this bill, because we have seen time and time again when Members who have made an extensive study of a subject and have an amendment offered in good faith that is not dilatory or designed to obstruct the operations of the House have been prevented from debating it.

In other words, it is an amendment that the Member has carefully worked out and he attempts to get recognized, but under our procedure here he cannot get recognized very often until the members of the committee handling the bill are recognized because they have priority.

So as a result, the work which a Member has put into an amendment and one which he believes will improve the legislation goes down the drain and is lost.

Mr. Chairman, I would think every Member of this House who respects his own rights as a Member of this House to make whatever contribution or contributions he wishes to make to this legislation, should indeed support this amendment. I say this because as I stated earlier I recall very well here during the debate on the minimum wage bill the gentleman from Missouri, Mr. Smith, who is now a member of the TVA, offered an amendment. There was no opportunity whatsoever to discuss this amendment under the present rules of the House and in haste the House adopted the amendment. However, I also recall the next day very vividly the red-faced gentleman standing in the well and denying it was his intention to take from coverage or to exclude 14 million workers who had been covered for many years under the minimum wage law.

This is the kind of thing that happens around here more often than we want it to happen.

Mr. Chairman, I believe this amendment would cure that type of situation. With reference to the question of dilatory tactics, the House has many ways in dealing with those who want to be dilatory and obstruct the House in working its will. I think there are other tools available to the Members of the House with which to deal with that problem.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I am

sympathetic with the gentleman with reference to the offering of this amendment, but I would hope that the amendment would be defeated.

Mr. Chairman, there is an amendment which will be offered later on which will go in the direction of the Erlenborn amendment. But I think the chairman of the subcommittee, the gentleman from California (Mr. SISK), has made a very valid point about the abuse that could come about as a result of dilatory tactics if the pending amendment is adopted. Therefore, I would hope that the concept embodied in the amendment which will be offered at a later time and on which a great deal of thought has been given, to the effect that an amendment which has been printed in the RECORD in advance would be granted time would be a better method of attempting to achieve the goal which I am sure the gentleman from Illinois (Mr. ERLENBORN) is attempting to achieve and will also permit the House to work its will on legislation.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I want to echo the sentiments which have been expressed by our colleague from Wisconsin. There are two problems with reference to this proposed amendment. It seems to me that it would not enable the House to move effectively when it needs to and it opens the way to dilatory tactics.

There is a more carefully drawn amendment which will seek to protect Members on amendments when they are placed in the RECORD at least 1 day before which would deal with this problem more effectively.

Moreover, I think this is probably going too far too fast without enough consideration having been given to the pending amendment.

I think the problem is clear. However, I do not think this is the wisest solution.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to echo the thoughts which have been expressed by the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Minnesota (Mr. FRASER) to the effect that there is an amendment that will be coming up under a different section of this bill which states if a Member does have an amendment in which he is interested, he can have that amendment printed in the RECORD the day before the bill is to be taken up, and if that amendment has been printed in the RECORD at the direction of the Clerk, that amendment is then guaranteed a minimum of 10 minutes debate. In this way only those amendments that are well thought out the day before would qualify to be allotted time during debate.

I hope, therefore, we will defer this amendment and take up the other amendment which would guarantee limited debate time on any given amendment.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman.

Mr. PUCINSKI. What would the gentleman do in the case of an amendment which develops as a result of an amendment that has been adopted?

In other words, very often we have here on the floor of the House a very fluid situation where a piece of legislation takes a sudden turn in a different direction because an amendment has been adopted.

Then a Member of the Congress wants to offer another amendment to that amendment, but under this procedure he would be foreclosed and precluded because he would not have anticipated the amendment being needed and, therefore, was unable to have the amendment printed in the CONGRESSIONAL RECORD in sufficient time.

Mr. REES. But they could do so with a little thought to have it prepared ahead of time and printed in the RECORD and, therefore, they could have sufficient debate on it. But I think the gentleman will agree that in every parliamentary body you have to have some kind of a motion to cut off debate, and if we do away with it in the Congress we will be on this floor morning until midnight all the way through the year.

I think the amendment to be proposed is a reasonable compromise.

SUBSTITUTE AMENDMENT OFFERED BY MR. RAILSBACK TO THE AMENDMENT OFFERED BY MR. ERLENBORN

Mr. RAILSBACK. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK as a substitute for the amendment offered by Mr. ERLENBORN: On page 39 of the bill, at the end of line 4 add the following:

"Clause 6 of Rule XXIII of the rules of the House of Representatives is amended by adding at the end thereof the following new sentence:

" 'However, if debate is closed on any section or paragraph under this clause before there has been debate on any amendment which any Member shall have caused to be printed in the CONGRESSIONAL RECORD after the reporting of the bill by the Committee but at least one day prior to floor consideration of such amendment, the Member who caused such amendment to be printed in the RECORD shall be given five minutes in which to explain such amendment, after which the first person to obtain the floor shall be given five minutes in opposition to it, and there shall be no further debate thereon; provided, that such time for debate shall not be allowed when the offering of such amendment is dilatory.' "

And make the appropriate and necessary technical changes in the bill.

Mr. RAILSBACK. Mr. Chairman, this is the amendment that was referred to by my colleague, the gentleman from California (Mr. REES), to the amendment, and that was referred to by my colleague, the gentleman from Wisconsin (Mr. STEIGER). It directs itself to the same problem that I believe my friend and colleague from Illinois was addressing himself to; namely, that there should be an opportunity when a person serves advance notice, and then offers an amendment, to at least have the assurance of a minimum of time to explain the amendment. He should have 5 minutes to explain it, and then there would be 5 minutes guaranted to an opponent to debate the amendment.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. Let me just finish my statement, and then I will be glad to yield to the gentleman.

I think the difference between our amendment and that offered by my colleague, the gentleman from Illinois (Mr. ERLENBORN), is that we provide some assurance against any kind of an unnecessary delay of any kind, delaying tactics, and we do this in a twofold way. No. 1, we require that in order to be given this privilege and this assurance of 5 minutes debate that it shall be printed in the RECORD at least 1 day in advance of action by the Committee of the Whole House on the State of the Union. In addition to that, there is now further language that would permit the Speaker or the Chairman of the Committee of the Whole House on the State of the Union in his discretion to rule that an amendment of this type is dilatory.

So that with that in mind I believe we have provided some assurances that a meaningful, constructive amendment will at least be assured of 5 minutes of explanation by the sponsor of that amendment, and at the same time we recognize that the opposition should also have 5 minutes to debate its merits.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the distinguished gentleman.

Mr. SISK. Mr. Chairman, I thank the gentleman for yielding.

I am trying to get a copy of the amendment, which I have not seen. I want to ask the gentleman about the language of the amendment that has to do with being dilatory.

As I understand the language, this procedure would be followed unless the amendments were found to be dilatory. Am I generally paraphrasing that correctly?

Mr. RAILSBACK. There is a double requirement here. I think personally the first requirement is very useful which requires that the Member offering the amendment must have it printed in the RECORD also at least on the day before. Then if he complies with that requirement he will have available this procedure so long as it is not dilatory. It would be up to the Speaker to determine if it is dilatory.

Mr. SISK. As I said, I understood the amendment was to be proposed granting this privilege for amendments that have been placed in the CONGRESSIONAL RECORD, which means at least that there was 24 hours notice given.

But the thing that concerns me really is that last phrase—provided that such time for debate shall not be allowed when the offering of such an amendment is dilatory.

Would the gentleman cite—and I recognize again that this places a responsibility upon the Speaker or upon the Chairman of the Committee of the Whole House on the State of the Union, what he would assume to be dilatory in connection with this?

Would the gentleman assume, if some

Member had inserted, say 20 amendments in the RECORD, that that might be considered dilatory? I am trying to get just exactly what the gentleman has in mind in connection with that.

Mr. RAILSBACK. I appreciate that and I think the chairman's questions are legitimate.

Let me say, first of all that this language was added at the request of some Members who thought perhaps there ought to be some language of this kind. This last phrase was not in the original amendment that we intended to offer.

But I would assume just as you have mentioned, where somebody sticks in a rather substantial number of amendments which, say, may be repetitive or many not be substantially different, I would think under those circumstances that maybe the Speaker would say that they were dilatory or at least that some of them would be held to be dilatory in nature.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PUCINSKI. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, soon we will see the logic of the gentleman from Illinois (Mr. ERLENBORN).

I cannot think of anything worse that we can do in this Chamber than to give the Speaker or the Chairman of the Committee of the Whole House—with all due respect to the Speaker or the Chairman—that kind of broad power to make a decision on a Member's bona fide and serious action with reference to amendments that they are dilatory and to knock them out.

We have a rule of germaneness and we have ample precedents to rely on whenever the Parliamentarian rules on amendments being nongermane.

But for us to adopt a rule here where the Chairman could knock an amendment out of the box because in his judgment your action is dilatory—it seems to me is contrary to the very purpose of a legislative body.

I think each of us as Members of this Congress has a responsibility to his constituents and to our fellow colleagues in Congress to conduct himself in a manner that is meaningful and not dilatory.

There are many ways to deal with a Member who would engage in that kind of dilatory tactic. But I do not think you would want to write this into the law to say that a well meaning amendment and serious amendments are going to be knocked out because they are considered dilatory by the Chairman.

Futhermore, it occurs to me that the gentleman offering the substitute has not addressed himself to what we have seen here time and time and time again—and that is as to amendments that develop in the course of writing a bill on the floor.

This happens very often. Amendments are offered. Very often legislation takes an entirely different direction as a result of a single amendment that the House has adopted in good faith. So any Member should have an opportunity if, in his judgment, he can improve legislation to offer an amendment at that point, and at least be given a minute or 5 minutes to explain the amendment. All the gentleman from Illinois is offering in his amendment is an opportunity for this House to hear the author of a meritorious amendment state his case. We have seen this time and time again affect legislation passed by the House simply because we did not have an opportunity to state the case for the amendment.

I would hope that the substitute would be defeated and that the Erlenborn amendment will be adopted.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Minnesota.

Mr. FRASER. I was interested in the gentleman's remarks about the power conferred on the Speaker to find that the author of an amendment is dilatory. I wonder if the gentleman is familiar with rule XVI, paragraph 10, of the current rules of the House which provides that "No dilatory motion shall be entertained by the Speaker." The power conferred in the rules goes to the making of the motion itself, and this substitute provides for the finding that the offer of a series of amendments is dilatory. It would not cut off the amendment, but would only cut off the debate time, which is currently cut off altogether. It seems to me that you might rather consider the broad power now given to the Speaker under the current rule before you worry too much about cutting off debate time on such an amendment.

Mr. PUCINSKI. Rule 16 does not apply to proceedings when the House is setting as a Committee of the Whole House and a member other than the Speaker as presiding. I had hoped that the legislation before us now, and upon which we have spent so many days, was designed to improve the operations of the House. I do not see that the substitute amendment would make any significant contribution. If anything, it would tighten the noose more tightly. I was hopeful that when we get through with this process, the legislation that would finally emerge would be such as to make the House more responsive, more effective, and more democratic. That was our hope. I do not agree with my friend from Minnesota.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I would like to ask the gentleman what he proposes we do if some Member, for one reason or another, should decide to delay the progress of legislation.

Mr. PUCINSKI. We have often heard on the floor, when a Member through amendments tries to move in a dilatory manner, the cry of "Vote, vote, vote, vote!" and the House works its will.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GIBBONS. Mr. Chairman, I rise in support of the Railsback amendment, and move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. GIBBONS. Mr. Chairman, the Railsback amendment is a good substitute to the amendment offered by the gentleman from Illinois (Mr. ERLENBORN). Mr. ERLENBORN's amendment would subject the House, if someone wanted to be dilatory—and I doubt that it would ever happen here—to a less dilatory tactic, particularly by submitting amendment after amendment. But Mr. RAILSBACK's amendment is carefully drawn, I believe, to protect the House from dilatory tactics. It would be in the decision of the Chair, but it would allow a Member who had conscientiously offered an amendment, who had presented the amendment for printing in the CONGRESSIONAL RECORD in advance of the debate, to have at least 5 minutes to explain his amendment, and if there is opposition to that amendment, then the opposition could have 5 minutes to say their piece against that amendment, and then all time would cease, as far as that amendment was concerned. The Chair would be granted the same latitude, as the gentleman from Minnesota has pointed out, that the Chair already has under existing rules to cut off dilatory tactics. That is all that the Railsback amendment would do. It is a good, sound amendment, and I think it ought to be adopted.

Mr. BOLLING. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. BOLLING. Mr. Chairman, the members of the subcommittee which dealt with this matter are going to have to make a decision at some point as to whether to be very blunt or not. I think all of us are prepared to favor amendments that have not been considered by the subcommittee, and I think we have some kind of choice as to whether to be extraordinarily kind about all the offerings that come along in the process. I am not sure that this will be of any particular value to the House. So I propose to be fairly blunt. Clearly, the substitute is a great improvement over the original proposal.

The maker of that original proposal conceded in the debate of his own free will that it did lend itself to dilatory tactics. It does not "lend itself"; it makes them inevitable. It could very well be called the conversation versus action amendment. It would visit upon this particular parliamentary body the inability to act.

I know of no effective parliamentary body in the free world—not just in the free world, but anywhere—which does not reserve to itself, to its majority, the right to act.

The amendment as proposed by the gentleman from Illinois (Mr. ERLENBORN) would prevent this institution from acting. It would not charge the Speaker under the present rules with any duties. It would charge the various Chairmen of the Committee of the Whole under most circumstances with very difficult duties.

I do not know how many times the various gentlemen on the floor have seen a Speaker declare a tactic to be dilatory, but they take a very long time to do it, because to say that a Member is being dilatory is to say a good deal, and Speakers are very careful. I have seen one wait a dozen hours before he did it.

I believe it is very clear that it is important to preserve to the majority the right to act. The proposal of the gentleman from Illinois (Mr. RAILSBACK) only puts that burden on a series of chairmen; but that is a great burden.

I submit that it is very important in a country that believes in government of law by majority that we retain the fundamental principle.

The truth of the matter is that if a majority feels that an individual should have the right to be heard, that majority can always withhold its vote. It is very clear that in this institution we have the right of a majority to hear anybody we please.

I believe we make a great mistake when we start adopting amendments which were not considered by the committee and found satisfactory, when we adopt them in the process of writing a bill when there are very grave doubts as to their end result.

I personally feel we would be well advised not to burden this bill either with the substitute or with the original version. Clearly this is an attempt in good faith, I know, by both gentlemen to improve the bill, to improve the process. But there are those in the institution who desire to see this bill so loaded that it cannot possibly pass. I fear that this is the kind of amendment which will lend itself to the argument that the bill is too loaded to justify its passing.

I hope that the amendment and the substitute will be defeated.

Mr. FRASER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes. I want to say, first of all, I agree with much of what the gentleman from Missouri says. I believe before we change the procedures of the House on a matter of this kind, we ought to look fairly carefully at what we are proposing to do.

But I want to make the point again that there are two safeguards in the substitute which are not in the original proposals. One is that the amendment must have been printed in the RECORD at least the day before. If there is to be a dilatory tactic pursued, it means that someone who is proposing to pursue a dilatory tactic must spread a series of amendments in the RECORD where they can be examined. I believe, on their face, one can ordinarily tell if they are going to be dilatory. If they are, the Chairman of the Committee of the Whole can rule out of order, not the amendment, but the debate.

Now, Mr. Chairman, the other point I want to make is that in our effort to loosen slightly some of the restraints that fall on Members who work very hard and conscientiously to prepare amendments and suddenly find themselves cut off without a single word or a single minute to explain their amendments—in our efforts to try to deal with that problem we ought not to be so hesitant that we do not move forward at all. If it should turn out that even this very limited enlargement of the right of a conscientious Member at least to explain an amendment on which he worked hard and diligently, if it turns out that problems arise, then I for one would support an action by the Committee on Rules which would put further restraints on that right. In other words, this is not the end of the story but is a limited encouragement to protect the right of that Member where it turns out that even with safeguards there is an abuse that develops. I do not think this will happen, but if it should, the Committee on Rules can come back and say that we tried it and we found that a problem exists and therefore we propose to go back to the original procedure or to put other restraints on it. But let us not hold the line too tightly here where it is clear that there is a failure in the procedure to protect the right of a Member to explain an amendment which he has worked very hard on for a long time.

Mr. SISK. Mr. Chairman, I rise in opposition to the Railsback substitute amendment. I will not take the 5 minutes. I think the House is ready to vote on it.

I recognize the fact of what is being sought to be done here. I rise only to say this: I recognize that we are trying what I understand is an experiment in working on the rules of the House. There was a good deal of discussion many months ago about bringing Title I of this bill to the floor under a closed rule on the basis that the rules of the House were delicately balanced and there was real concern about how good a job we might do on it in attempting to write House rules, as delicately balanced as they are, on the floor of the House. It was decided by the Committee on Rules to bring this here under an open rule somewhat as an experiment. Again I wish to say, as I have said before, your subcommittee, as well as the Committee on Rules, certainly does not possess all wisdom. I am sure that there are many improvements that could be made that we did not consider or did not suggest, but I do raise the question here that this is in an area that affects the operations and procedures of the House on the floor of the House and could tend to cause a substantial delay in the procedures of the House in considering legislation. I think the very fact that the matter has been brought here under an open rule, would lead us in this case to vote down both the substitute and the original amendment offered by the gentleman from Illinois (Mr. ERLENBORN). Then we can proceed to look at these problems at some later date and see what might be done in a way which I think would not bring as great concern to the House. Therefore, Mr. Chairman, I ask for a no vote on both amendments.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to point out just very briefly that the vice of the present situation, which these amendments attempt to correct, is that right now we can close the debate on an amendment which has not ever been offered so that really when we vote, we have no idea what the author of the amendment has in mind or even wants to do. It does not seem to me that it is very drastic to correct that.

I see the problems with the amendment which has been offered by the gentleman from Illinois (Mr. ERLENBORN) and the substitute here merely says that if a Member thinks enough of his amendment to print it ahead of time that at least he will get 5 minutes to tell us what it is and after he has done that and there has been one 5-minute reply thereto, that is the end of that debate. But at least when we vote, we will know what is contained in the amendment.

So I suggest that the substitute is a rather limited and mild attempt to correct the situation which is really pretty bad as matters now stand.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Missouri.

Mr. BOLLING. If the gentleman listens to the amendment as it is being read, presumably, the gentleman will be able to tell what is sought to be accomplished through the adoption of the amendment.

Mr. DENNIS. The gentleman from Missouri is undoubtedly much more capable than the gentleman from Indiana, but I will confess to the fact that I have listened to many lengthy amendments being read and still have had only the foggiest notion as to what they were about.

Mr. BOLLING. Mr. Chairman, if the gentleman will yield further, the amendments are reported by the reading clerks in a very clear manner.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Indiana.

Mr. JACOBS. If what the gentleman from Missouri says is true, then we do not need to have any debate on any amendment. I might add that the arguments which have been made against the substitute and the amendment say, in effect, that the minority should be seen but not heard. That is contrary to my understanding of what the Constitution says and to the rules of the House. This is supposed to be a country where it is safe to be unpopular and where the minority can be heard even if the majority does not want it to speak with reference to an amendment. I thought that this is what this country was all about.

Mr. DENNIS. I will say that it is most agreeable to me to hear my colleague from Indiana say that, because it is on rather rare occasions that we agree. I will say further to the Committee that when you have a situation where the gentleman from Indiana and I agree, then it almost has to be right.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Illinois (Mr. RAILSBACK) for the amendment offered by the gentleman from Illinois (Mr. ERLENBORN).

The substitute amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. ROGERS OF FLORIDA

Mr. ROGERS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Florida: Beginning on page 39, after line 4, insert the following:

"SEC. 119. That Rule XXI of the Rules of the House of Representatives is amended by adding a new subparagraph as follows: No bill or joint resolution of a public character making an appropriation shall be finally passed, and no amendment of the Senate to, or report of a Committee of Conference on, such a bill or resolution shall be agreed to, unless the vote of the House is determined by yeas and nays."

Mr. ROGERS of Florida. Mr. Chairman, I shall not have to take 5 minutes to explain this amendment. It is a very simple amendment.

This amendment will provide that every appropriation bill voted on in the House will be by a record vote so that the people at home will know how every Member in this House votes on every appropriation bill. I think this will assure that great study and thought and thorough examination will be made of every appropriation bill by each Member.

Mr. Chairman, when one looks at the record one will find that billions of dollars have been passed by this House and the Congress without a record vote. I think that emphasizes the necessity for this amendment.

I remember when I introduced this back in the 90th Congress, I checked into it and in the last session some $50 billion had been appropriated without a single record vote. And I daresay this session will not be much better because of the five bills already passed that I checked on, amounting to $23 billion, they were all passed without a record vote.

So, Mr. Chairman, I would hope that those who are interested in modernizing our rules and making it possible for the people at home to have a record of what we do, will vote in favor of this amendment.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I have done a little research into this matter, and it is a very interesting study indeed to see what we have done with respect to nonrecord votes on appropriation bills.

For instance, in the second session of the 91st Congress, we passed with nonrecord votes appropriations for the legislative branch, the Office of Education, independent offices, and HUD, Interior, Transportation, District of Columbia, Agriculture, Public Works, continuing 1970 and continuing 1971. As I say, all of these were passed with nonrecord votes.

As a matter of fact, in the past four years the House of Representatives has taken action on 72 appropriation bills. Of these, 30 were passed by nonrecord votes for a total of approximately $59.4 billion.

Mr. ROGERS of Florida. Mr. Chairman, I thank the gentleman for his contribution, and again I would urge a favorable vote on this amendment so that we can have a simple rollcall vote on all appropriation bills.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. HAYS was allowed to speak out of order.)

FUNERAL ARRANGEMENTS FOR THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. HAYS. Mr. Chairman, in regard to the funeral arrangements for our late colleague, the Honorable MICHAEL J. KIRWAN, I have been asked to announce that the funeral will be held at 10:30 a.m. on Thursday morning at St. Brendan's Church in Youngstown, Ohio.

The body will be taken to Youngstown and calling hours will be from tomorrow evening at 7 p.m. continuing on Wednesday afternoon and evening at the Fox Funeral Home located at 4700 Market Street in Youngstown, Ohio.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, again I would assume that I am probably not considered as on the side of the angels on this question, at least in the minds of certain people, but again this goes back to the right of the majority to work its will.

As far as I am personally concerned I have no objection to being on record on any issue, whether it be appropriations, or any other issues that are before us. There are many policy issues in which people are very much concerned about where their Representatives stand.

As far as a rollcall vote on any particular type of legislation, as I understand this amendment calls for it only in connection with appropriation bills. Again it seems to me that this would or could produce a slowdown in the procedures of the House.

It is entirely possible that all major bills should have rollcall votes—and let me say that I believe in most cases most bills do have a rollcall vote. I have found that in connection with the Committee on Appropriations, the chairman of that committee, and the subcommittee chairmen, generally do request rollcall votes on final passage, and it seems to me that in most cases they are allowed.

As far as this particular amendment is concerned, I recognize that it is not going to wreck this bill. It seems to me it simply encumbers us and produces a further loss in time, and slows down activities, and it precludes the rights of the majority of the Members on the floor to make a determination on a matter that is pending at that time.

On that basis, Mr. Chairman, I oppose the amendment offered by the gentleman from Florida (Mr. ROGERS).

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am very glad to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I would like to say that it seems to me the present procedure we follow is consistent.

If we are not to be permitted to attend appropriation hearings, perhaps no one should know how we voted on the bill.

Mr. SISK. I appreciate the comments of my good friend, the gentleman from Missouri. Let me say, I am not altogether sure that his comments are apropos. The theory being, of course, possibly that if we have not been at the hearing that we do not know what is in the bill. I doubt that because I think most of the Members do read the report and they know what is in a bill.

As I say, any time a majority wants a rollcall vote, in most cases, and at any time some single Member wants a rollcall vote in cases where there are not 218 Members on the floor at the time, then any one Member can make the point of order against the vote on the ground that a quorum is not present and get a vote. Of course, we find this situation quite regularly and I think under the present procedure of the House, it is the most appropriate way to act.

Mr. DELLENBACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I listened with great care and respect to the words of the gentleman from California (Mr. SISK) as he said what he had to say about this particular proposal.

I recognize that the thrust of his argument is essentially one of saving time. I respect that which he is seeking to accomplish. Some of the proposals which will be made in the way of amendments to the present bill are aimed at that very same point so far as a quorum call is concerned. But when it comes to this vital question of dealing with appropriation measures, I commend the gentleman from Florida (Mr. ROGERS) for this proposal. I listened with very real interest and approval to the argument made by the gentleman from New York (Mr. CONABLE).

Let us understand that it is strictly a matter of appropriation bills that we deal with. We do not vote frequently on appropriation bills.

In the first session of the 91st Congress, as the gentleman from New York (Mr. CONABLE) pointed out, there were only seven votes which were nonrecord on final passage of an appropriation measure. At 30 minutes of time for each recorded vote, it would have been only 3½ additional hours at the most.

In the second session there have been 10 appropriation bills which we have passed without a rollcall vote and at the most this would have been only 5 hours of additional time.

When it comes to this critically important portion of our function, namely, to speak out on the spending of literally billions of dollars, there is nothing which we do and in which our respective constituents should be more interested and more entitled to know exactly where everyone of us stands than on this point.

Mr. Chairman, I commend the gentleman from Florida (Mr. ROGERS) for this particular proposal, and I urge the adoption of this amendment.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think before the Members vote on this amendment, we should perhaps have an example of what we are voting on.

The gentlewoman from Washington came back with an appropriation con-

ference report just last week. There was a vote to adopt the conference report. Following that there were 19 amendments, and then there was a motion to recommit and then final passage. Under the provision of this pending amendment, that would have been 22 rollcall votes that would have been required that afternoon on that conference report and on those amendments. Needless to say, we would have been here until midnight.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. HAYS. I would just like to point out further, and I do not know where the gentleman from Oregon (Mr. DELLENBACK) has gone—but he made a point that there were 10 votes on appropriation bills which were not rollcall votes.

I do not recall each one of them, but I recall three or four in which no Member, including the gentleman who spoke so eloquently for the amendment, asked for a rollcall. So obviously if nobody asked for it, there is apparently no one who is really making a pitch for a rollcall, for they are not even interested enough to be here and ask for the rollcall. It seems to me if they really wanted one, they should have been here and have at least said so. Then if the House had turned them down, they would have had something to complain about.

But not having asked for the rollcall, they really have nothing to complain about.

Mr. SMITH of Iowa. The gentleman is quite right. If on any one of the amendments there was not a single Member who wanted a rollcall and who would attempt to get 20 percent to agree, he must not think it had great national interest.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Minnesota.

Mr. FRASER. I concur in what the gentleman has said. It seems to me that when we are concerned about the public's right to know, what we are trying to do is to determine whether enough Members have enough interest in the matter to ask for a rollcall. In that event, there should be access to a record of how Members voted. If there is not that much concern about the matter, then to propose that this House spend an additional half hour on a rollcall in which nobody has any concern is simply to burden the legislative process.

I would hope that the amendment would not be adopted, because it seems to me it would not add anything.

Mr. SMITH of Iowa. It would mean a half hour for each rollcall. If there were 20 rollcalls that would be 10 hours.

Mr. FRASER. I agree with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. ROGERS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'NEILL of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL of Massachusetts: On page 39, immediately below line 4, insert the following:

"RECORDING TELLER VOTES

"Clause 5 of Rule I of the Rules of the House of Representatives is amended to read as follows:

" 'He shall rise to put a question, but may state it sitting, and shall put questions in this form, to wit: "As many as are in favor (as the question may be), say Aye;" and after the affirmative voice is expressed, "As many as are opposed, say No;" if he doubts, or a division is called for, the House shall divide those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one or more from each side of the question to tell the Members in the affirmative and negative; which being reported, he shall rise and state the decision. If before tellers are named any Member requests tellers with clerks and that request is supported by at least one-fifth of a quorum, the names of those voting on each side of the question shall be entered in the Journal. Members shall have not less than twelve minutes from the naming of tellers with clerks to be counted.' "

And make the appropriate technical changes in section numbers and references.

(By unanimous consent, Mr. O'NEILL of Massachusetts was allowed to proceed for 5 additional minutes.)

Mr. O'NEILL of Massachusetts. Mr. Chairman, the amendment I am offering today in behalf of myself and Mr. GUBSER of California and also 180 other sponsoring Members of this Congress provides for a record teller vote in the Committee of the Whole.

Mr. Chairman, I offered this amendment when we were having the markup of the bill and it did not prevail. We lost by a vote of 6 to 6. At that time I served notice that when the legislation came to the floor of the House I intended to offer it again. I am happy that CHARLIE GUBSER has joined with me and that we have had such a tremendous response from our colleagues. At this point I would like to list all the cosponsors of my amendment:

SPONSORS OF THE O'NEILL-GUBSER AMENDMENT TO PERMIT RECORDING OF TELLER VOTES

Mr. Adams, Mr. Addabbo, Mr. Anderson of California, Mr. Anderson of Illinois, Mr. Anderson of Tennessee, Mr. Andrews of North Dakota, Mr. Ashley, Mr. Beall, Mr. Bell, Mr. Bennett.

Mr. Biester, Mr. Bingham, Mr. Blatnik, Mr. Boggs, Mr. Boland, Mr. Brademas, Mr. Brasco, Mr. Broomfield, Mr. Brotzman.

Mr. Brown of California, Mr. Burke of Florida, Mr. Burke of Massachusetts, Mr. Burton of California, Mr. Button, Mr. Chappell, Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Don Clausen, Mr. Cohelan, Mr. Conable, Mr. Conte.

Mr. Conyers, Mr. Corman, Mr. Coughlin, Mr. Cramer, Mr. Crane, Mr. Culver, Mr. Daddario, Mr. Daniels, Mr. Dellenback, Mr. Denny, Mr. Dennis, Mr. Diggs, Mr. Donohue, Mr. Dwyer, Mr. Eckhardt.

Mr. Edwards of California, Mr. Edwards of Louisiana, Mr. Eilberg, Mr. Erlenborn, Mr. Esch, Mr. Evans of Colorado, Mr. Evins of Tennessee, Mr. Farbstein, Mr. Fascell, Mr. Findley, Mr. Flowers, Mr. Foley, Mr. William Ford, Mr. Fraser, Mr. Friedel, Mr. Fulton of Tennessee, Mr. Fulton of Pennsylvania.

Mr. Gibbons, Mr. Green of Pennsylvania, Mr. Gubser, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hathaway.

Mr. Hawkins, Mr. Hechler, Mr. Helstoski, Mr. Hicks, Mr. Hogan, Mr. Howard, Mr. Jacobs, Mr. Johnson of California, Mr. Jones of Tennessee, Mr. Karth, Mr. Kastenmeier, Mr. Keith, Mr. Koch, Mr. Kuykendall.

Mr. Leggett, Mr. Long of Maryland, Mr. Lowenstein, Mr. Lujan, Mr. McCarthy, Mr. McCloskey, Mr. McClure, Mr. McDade, Mr. McFall, Mr. MacGregor, Mr. Madden, Mr. Mailliard, Mr. Matsunaga, Mr. May, Mr. Mayne, Mr. Meeds, Mr. Melcher, Mr. Meskill, Mr. Mikva, Mr. Miller of Ohio, Mr. Minish, Mr. Mize, Mr. Mollohan, Mr. Moorhead, Mr. Morse, Mr. Mosher, Mr. Moss, Mr. Nedzi, Mr. Obey, Mr. O'Hara, Mr. O'Konski, Mr. O'Neill, Mr. Olsen, Mr. Ottinger.

Mr. Patten, Mr. Pepper, Mr. Pettis, Mr. Philbin, Mr. Pike, Mr. Pirnie, Mr. Podell, Mr. Preyer, Mr. Pryor, Mr. Quie, Mr. Railsback, Mr. Rees, Mr. Reid of New York, Mr. Reuss, Mr. Riegle, Mr. Robison, Mr. Rodino, Mr. Rogers of Florida, Mr. Roe.

Mr. Rooney of Pennsylvania, Mr. Rosenthal, Mr Roth, Mr. Roybal, Mr. Ryan, Mr. Saylor, Mr. Schadeberg, Mr. Schneebeli, Mr. Scheuer, Mr. Schmitz, Mr. Schwengel, Mr. Shriver, Mr. Stafford, Mr. Steiger of Arizona.

Mr. Steiger of Wisconsin, Mr. St Germain, Mr. Stokes, Mr. Symington, Mr. Talcott, Mr. Teague of California, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Tunney, Mr. Udall, Mr. Van Deerlin.

Mr. Vander Jagt, Mr. Vanik, Mr. Waggonner, Mr. Waldie, Mr. Weicker, Mr. Whalen, Mr. White, Mr. Widnall, Mr. Winn, Mr. Charles Wilson, Mr. Bob Wilson, Mr. Wold, Mr. Wolff, Mr. Wydler, Mr. Yatron, Mr. Zwach.

The record teller vote is a simple thing, conducted much like regular teller votes, only with a record printed of how each Member voted.

When I proposed this in the Rules Committee, I said it was a controversial measure. It is. But it is a very necessary and very fair measure.

Every Member knows of the important work done in the Committee of the Whole.

Often the most important parts of a bill—and usually the most controversial sections—are decided upon in amendment form. And there is no record of how Members vote.

The ABM, the SST, the invasion of Cambodia, were all dealt with in the Committee of the Whole, in nonrecorded teller votes.

This is not a good system. It is not fair, and it subverts the integrity and reputation of the House and its Members.

This is a public body a representative body. But because of habits and customs—many of them outdated—through the years, the decisions of this body have been hidden from the very people we represent.

The secrecy of the Committee of the Whole has allowed too many Members to duck issues, to avoid the perils of controversial votes. But that is not in the spirit of this Nation, nor of this Congress.

Our duties to the Nation and to the people we represent make this amendment necessary. We are primarily and most importantly legislators. And if the work of legislation can be done shrouded in secrecy and hidden from the public, then we are eroding the confidence of the public in ourselves and in our institutions.

For instance, on May 6 during debate on the military procurement authorization, three amendments were offered that gave the House its only opportunity to address itself to the Cambodian invasion. These amendments—on a subject that was tearing at the seams of the Nation—were disposed of in teller votes, with no record for the scrutiny of the public.

The ABM, the SST, preventive detention, funds for waste disposal—all of these issues have been decided on teller votes. There is no record for posterity, and we cannot be held accountable by the voters.

This is simply and clearly not right.

There should be no one among us who is not willing to go on record on the vital issues of the day. There should be no one among us who is unwilling to go to his constituency on his record—his true record, based on the important votes in the Committee of the Whole.

Votes on final passage, on previous questions, on recommital, are only part of the record.

In courts of law, witnesses are asked to tell the truth, the whole truth. This amendment will helps us do that.

The whole truth means that we must have a record on amendment votes. This amendment will do that. I believe it is fair, it is necessary, and it is in keeping with democratic principle and representative government.

It is interesting because Members of Congress have known for about a month that the amendment was going to be offered, and I have had so many of you come up to me and say, "What are you doing? Are you becoming a reformer? Are you going to change the whole system around?"

I have been in politics or in public life for more than 35 years. I never considered myself a reformer. I do not know exactly what a reformer is. To me if one has a private opinion that the rules and regulations of the Congress should be changed, he should act upon that belief.

I am one who believes in speaking out. I have done so through the years. I believe the public is entitled to know how I vote on the issues and I constantly report to them and tell them how I vote.

I believe every Member should report to his or her constituency as to how he or she votes, and the complete record should be available for public scrutiny.

All I am asking for is a simple change in the rules. One may have the teller votes, but if one so desires, one may ask for tellers with clerks.

Last year, for example, during the period from July 1, 1969, to July 1, 1970, there were 113 division votes and 73 teller votes taken on amendments offered in the Committee of the Whole. Fifty of the teller votes were not preceded by division votes. Thus, the number of amendments voted on by division and teller votes totaled 163.

Actually, going over the list of the 73 teller votes that took place I find about 18 or 20 on which I believe the people of America, the people at home, want to know and are entitled to know how we stand. These were major, vital issues.

As examples, there are Cambodia, Vietnam, the SST, the MIRV, the ABM, and things of that nature. In my particular area they would like to know how we stood on the Dickey-Lincoln project. That is only a local matter, but to the people of the New England area, it is important. I have announced how I voted on it, despite the fact that we had teller votes, and there was no record on it.

In this day and age I believe the people are entitled to know how we vote on legislation, not just on the entire bill, but on the all-important amendments.

During the year 1968 there were 63 teller votes. If one had been able to ask for teller votes with clerks during the year 1968, I say they would have only been asked for about 15 times. There were 15 really national, earth-shaking decisions on which the people at home should have known how you felt about them and how I voted and how you voted. But there is no record, for these issues were disposed of in amendments.

During the last year, on the division votes that we took, 28 amendments were approved and 85 were rejected. On the teller votes we took last year, 53 were rejected and 20 were approved. That is out of the 73 teller votes we took last year.

If we were recording these votes, if the people at home knew how we actually voted, I believe we probably would have had some different results. Probably we would have passed more pieces of legislation.

We have a habit here, through our rules and regulations and our habits, of protecting each other. But this can be to the detriment of the Nation. This amendment seeks to avoid that.

One of the great problems confronting the Nation today is the student turmoil. It is not only because of the war; it is because of dissatisfaction, alienation and mistrust. They talk about all the priorities. Yes, we are reeking with priorities; there is no question about it. But they do not know how you vote and how I vote and how we stand on the issues. No one knows who is on what side, because there is no record. We must go on record, have a public accounting of where each of us stands on each issue.

Here we are, Mr. Chairman. We bind the people of America. We say whether they are going to war. We regulate taxes. We set up crime bills. All the power is in this Congress, yet we are not willing to tell the people at home how we vote.

Actually, what do you vote on? A motion to recommit or final passage. How many times in history has the statement of Wilson been repeated that the Congress in committee is the Congress at work. The work is done in committee, where it is done under committee rule, and under those rules the public doesn't know where we stand. It is not fair to the people of America. There is no question in my mind about that. It is just not fair to the people of America.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. CONABLE. I would like to commend the gentleman for his amendment and say that I intend to support it.

I would like to ask him if he does not think one of the very important side effects of his amendment would be to encourage participation in the amendment process beyond that which we have under our present system. Does he not think that the Members would be much more likely to be on the floor if there is a chance of their being recorded with respect to the amendment?

Mr. O'NEILL of Massachusetts. I certainly agree with the gentleman. There is no question in my mind. If the Members know that the people at home will know how each of us is recorded on an issue that is of real importance, then there will be more dialog and more Members on the floor.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to my distinguished colleague from Massachusetts.

Mr. BURKE of Massachusetts. In line with what the gentleman from New York just said on his amendment, I notice that your amendment calls for each Member on each side of the question to be introduced in the Journal. I was wondering if you do not believe it is important that we also list the names of the absentees.

Mr. O'NEILL of Massachusetts. That is all right with me, as far as that procedure is concerned. It is just a simple matter of deduction. If you are not recorded as voting, then you were obviously absent.

Mr. BURKE of Massachusetts. If the gentleman will yield futher, I know it is a matter of deduction, and of course I am going to support my good colleague from Massachusetts.

Mr. O'NEILL of Massachusetts. I want to thank the gentleman.

Mr. BURKE of Massachusetts. But I would be reluctant to support it unless we list the names of the absentees, because they are usually the cause of the outcome of the teller vote by failing to be present on the floor of the House. There are so many reformers around here, and I am not referring to my good friend from Massachusetts now but those who are writing their great position papers, who are never on the floor of the House. If we list the names of the absentees, it might be possible to get some of them over here once in a while to vote on some of these matters.

I want to say it is my intention when the proper time comes to offer an amendment to the amendment offered by the gentleman from Massachusetts which will also list the names of the absentees.

Mr. O'NEILL of Massachusetts. I want to thank the gentleman.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I am happy to yield to the gentleman.

Mr. HAYS. I agree with the gentleman's position that there ought to be recorded votes. I am not in complete agreement with how you go about it, but one thing that really troubles me in view of the eloquent statements that

you made about secrecy is, does not the gentleman have any amendment or can we get an amendment that will enable us to get tax bills up here where we can vote on the amendments and have some record votes? The way it is now they come out of the Committee on Ways and Means with record votes and come here under a gag rule and you cannot get an amendment up let alone get a record vote on it. I think they are the most important pieces of legislation of all. I do not know how the gentleman votes in the Committee on Rules because, again, that is a secret vote and whether he votes to send them here under a gag rule I do not know, but it seems to me that is the basic place to start if we are really out to abolish secrecy in this body.

Mr. O'NEILL of Massachusetts. To answer the gentleman, I have voted through the years, excepting on the last bill, I have voted through the years for a closed rule on taxes, based on that argument that 435 Members could not write a tax bill because there would be so much lack of germaneness, and each Member would have his particular interest.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. O'NEILL of Massachusetts was allowed to proceed for 5 additional minutes.)

Mr. O'NEILL of Massachusetts. In the last bill I did vote for an open rule in view of the fact that it came out as a reform package and I did not think it was a reform package at all. You may recall I said that the ocean labored and brought forth a periwinkle. I did not think much of that bill and I did vote for an open rule at that time.

However, if the gentleman is interested in having a matter of that type brought up here, why not offer an amendment to that effect?

Mr. HAYS. You are talking about writing the tax bill on the floor. You are now engaged in changing the rules of the House on the floor. I do not know anything that is more delicately balanced than the rules here to protect minorities and majorities alike. I do not see why a tax bill could not be written this way. I take it from what the gentleman says about the last tax bill that he has had a change of heart. In view of the delicate exposition against secrecy here, I hope we can count on him that we will not get any more gag rules.

Mr. O'NEILL of Massachusetts. Well, I want to thank the gentleman from Ohio and the gentleman can be assured that I will have his thoughts in mind when the next tax legislation comes up.

Mr. Chairman, it has always been interesting to me to see the history which has been written in the Congress of the United States. We are witnessing history now. But it is an incomplete record, and an unreliable one.

Mr. Chairman, the last three Presidents of the United States all served in this body, Mr. Nixon, Mr. Johnson, and Mr. Kennedy. And, if someone were writing the memoirs of any one of them on the important issues of the time in which they served in the Congress of the United States, one would have to surmise or guess how they stood on the vital questions of the day, because there would be no record, unless they put something in the RECORD themselves as to how they stood.

The history that we make here, believe me, is just a shallow portrayal of what is being done because all you can do is vote on motions to recommit or on final passage.

Mr. Chairman, the real crux of the matter, to be honest with your constituency and to yourself, is to vote on the issues. And that is done in the Committee of the Whole.

Mr. Chairman, we are talking about unrest in this country today and in my opinion a great deal of that unrest is caused by the fact that the people feel this Congress is not living up to the expectations which they have of the Congress and they feel that the Congress constantly protects itself.

How do you deal with a young fellow, for example, when he says that when we argued the question of Cambodia we were given 43 seconds to address the House. Or there may have been a teller vote and we all walk through the middle aisle, but he says, "I do not know how you voted because there was no record vote."

It is hard for the people of America to understand that on the great problems of this Nation they do not know how their Congressmen vote. It is not right.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. Yes, I am glad to yield to the gentleman from New Hampshire.

Mr. CLEVELAND. As one of the cosponsors of this amendment, I certainly support it. I have heard one criticism which I think has some validity and that is that there might be some Members who would not be apprised as to precisely what the amendment contained which would be subject to a teller vote.

So, I propose later to offer an amendment to your amendment to simply require that it would be printed at least 1 day in the RECORD prior to a vote thereon. The big ticket vote, the big issues such as the ABM and the SST amendments on which we all feel we should be recorded could certainly be covered by amendments published at least 1 day prior to the expected day of the vote. I think this would protect the Members so they would be sure of knowing more precisely what they were going to be recorded on.

Therefore, I would very much hope that the gentleman from Massachusetts and other sponsors of this amendment would accept such an amendment. Just as the public has a right to know how we vote, I think we have a right to be apprised in writing as to what we are being recorded on.

Mr. O'NEILL of Massachusetts. As I have watched the development of this legislation in the last 2 or 3 weeks and seeing amendment after amendment being adopted, I am wondering if there is not more than one way to skin a cat. I am wondering if we are going to weight it down so that it will sink.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

(By unanimous consent, Mr. O'NEILL of Massachusetts was allowed to proceed for 5 additional minutes.)

Mr. O'NEILL of Massachusetts. Mr. Chairman, I would hate to think that that will happen to this legislation. I would hate for it to happen to this particular amendment.

Mr. Chairman, I do not know how many Members have come up to me and said, "I have a perfecting amendment to your amendment." If we are going to have so many perfecting amendments offered to this amendment, then I am beginning to wonder about it. I hope my amendment goes through without any amendments whatsoever, for amendments can also dilute, distort, and change, as well as improve.

Through the years, as I said, we have protected ourselves. Too often that protection has been a disservice to the public. I do not think we need perfecting amendments to protect ourselves.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield at that point?

Mr. O'NEILL of Massachusetts. I am delighted to yield to my colleague, the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Now, my good friend, the gentleman from Massachusetts, is not going to tell me that he is not going to support my amendment?

My amendment is helping his amendment.

Mr. O'NEILL of Massachusetts. Mr. Chairman, let us examine our consciences and let us look at ourselves. We have gone along here, I think, with a smug complacency throughout the years, at least that, and probably with a colossal ugliness, because we have been able to do what we wanted to do and protect ourselves.

You know, the more I think of this legislation and of this amendment, the more I wonder how the Congress of the United States got away with it all the years that they did without being forced to report back to their people on the major issues that befall the Nation. I just cannot understand how they have done it throughout the years.

Also may I say this: that I think it is true that these reforms run in cycles. We had a reform after World War II. We had another reform, I believe it was in the early 20's, and then we had reform back in 1911 or 1912, about that time.

Government runs in a pattern like that, whether it is the National Government, the State government, or whether it is in your local townships. And the people rise up about every 20 or 30 years and demand change. I think that they have risen this year, and I think that this is the main thrust; they want a report from their Representatives.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I thank the gentleman in the well for yielding.

I am sure the gentleman in the well knows that I supported him when he offered his motion in the Committee on

Rules, and I join him today in supporting the proposition that he now advances.

In fact, I think the gentleman in the well is being far too modest when he disclaims the title of a reformer. I think that the gentleman in the well and the gentleman from California (Mr. GUBSER) both thoroughly deserve the title of reformers when they espouse what is basically very fundamentally a far-reaching change in our present rules of procedures.

I just have one interesting observation to make, and that is that in talking with various members of the Fouth Estate in passing about this particular amendment offered by the gentleman in the well, that I think it is very interesting in that they said that it is going to be pretty hard to dramatize or to make much of an impression upon the minds of the public—and it seems to me that very comment says something about our present procedures in the House, and that we, therefore, ought to be willing to do the things that will make the things we do in the House of Representatives more understandable and more meaningful to the people of this country.

I think that will be the net effect of what the gentleman proposes, and that is why I support it.

Mr. O'NEILL of Massachusetts. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Chairman, I would like to associate myself with the remarks of the distinguished gentleman from Massachusetts (Mr. O'NEILL). I do not see, really, the analogy between a closed rule on a bill out of the Committee on Ways and Means, and this legislation, although I would advocate, as does the gentleman from Ohio, open rules on all legislation. I think if, as the gentleman from Ohio suggests, it is possible to write tax legislation on the floor of the House out in the open, then certainly it is possible even more so for us to reform our rules out here in the open, and to cause record votes on substantive matters which would be the result of the amendment of my distinguished friend, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL of Massachusetts. Mr. Chairman, I thank the gentleman.

Mr. GUBSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

(By unanimous consent, Mr. GUBSER was allowed to proceed for 5 additional minutes.)

Mr. GUBSER. This is an historic amendment to an historic bill.

I hope the bill does not get smothered or suffocated by an overabundance of kindly amendments because it is very necessary to the future of our parliamentary system of government.

I am proud to have originally sponsored an amendment which attracted a number of cosponsors. For this reason, I was asked to cosponsor this amendment with the gentleman from Massachusetts (Mr. O'NEILL).

This has been referred to as the antisecrecy amendment. The word "secret" carries with it a sinister connotation—an intent to deceive—an intent to mislead.

In defense of this House of Representatives and its very long and proud history, I would like to say that nonrecorded teller votes have not been for the purpose of deceit. Rather, they have been a carryover from the days when sessions of the Congress lasted a few short months and it was necessary to expedite proceedings. It is a relic of a passing era where the Federal Government was limited, and did not entwine itself so intricately with each individual citizen and his welfare.

Those days are gone and they will never return. Today we deal in a highly complex relationship between the people and their government. The responsibility of serving in the Congress is now a full-time, year-round job—and we are not limited by a shortage of time. We should and we can take the time to let the public know how we vote on each and every issue.

So I prefer to designate this not as an antisecrecy amendment but as the truth amendment. The truth, I would remind you, is the full truth and the whole truth.

You all know the biblical saying, "And the truth shall make you free." I cite it now because of the connection between the word "truth" and the word "free." Truth is the essence of free government and of freedom itself.

As truth disappears, the vacuum that is left is filled with varying degrees of despotism. Can anyone point out a free nation which lost its liberty under circumstances where the truth prevailed under the absolute sense?

Right at this moment the basic institutions of this Nation itself, and especially the Congress, face a crisis which, in my opinion, is more serious than any foreign or domestic enemy ever presented.

It is not just American youth that has lost faith in the Congress. Our press corps, both privately and in print, show disdain for this great parliamentary body. The executive branch often considers the Congress as an albatross. The taxpayers are up in arms. The poor, the rich, men of all races, and almost everyone view the Congress with a minimum of high regard—to borrow a phrase from one of our departed colleagues.

Now good arguments can be found to rebut the opinion and the views of each group. But one point they all make, and one for which there is no rebuttal is the absence of the full truth in teller votes.

If truth is the voice of freedom, it falls silent when the House votes by tellers.

The body politic today needs some strong medicine. I am here urging you not to adopt the substitute which will be offered and not to dilute that medicine to the point where it would be ineffective in bringing about a cure.

I am one of those who originally offered practically the same proposal as the substitute motion.

I have now studied it carefully, and believe there are certain defects in my original proposal. Therefore, for the remainder of my remarks I shall address myself to the shortcomings of the substitute.

Some say that by requiring that a greater number of Members request a recorded vote we would be protected against frivolity and the use of deliberate delaying tactics. The O'Neill amendment requires the same number of people to ask for a teller vote with clerks as is required for a teller vote. If that number is proper for a teller vote, why is it improper for a teller vote with clerks?

Some people say we ought to have an electronic device to speed up the teller voting process which the O'Neill amendment proposes. I do not think we ought to waste our time in determining how we shall take the record vote. The question before the House is, Should we take a record vote? We can do that under the O'Neill amendment with an electronic device if we wish to. The committees involved can concern themselves with this question at a later date and we can determine how we are going to record after we have determined that we will record.

The substitute would be terribly time consuming. It would involve two rollcalls in almost every instance, as well as one teller vote. Instead of a recorded teller vote taking a period of 12 minutes, the substitute would give us a possibility of three votes, the probability of two, and a certainty of one recorded rollcall vote.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from California.

Mr. SMITH of California. I think the gentleman may be under a little misapprehension that the substitute which the distinguished gentleman is talking about will be offered. It is not germane, that is, the one which would require defeated amendments to be voted on in the House. That will not be offered at this point because it is not germane.

Another substitute will be offered on electronic voting. I want to be certain that you are not talking about my substitute when you are talking about that particular one.

Mr. GUBSER. No. I am happy to learn that the substitute I was referring to will not be offered. However, I shall continue to address myself to some of the defects, because those defects are the basis of the very arguments which are being used against the O'Neill amendment.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I must warn the gentleman that if I yield, I will have to ask for an extension of time.

Mr. BOGGS. Mr. Chairman, I will have to object if the gentleman so requests.

Mr. GUBSER. Then I cannot yield.

Mr. HAYS. I just wanted to correct the record, if the gentleman will give me a second.

Mr. GUBSER. Surely, I yield to the gentleman from Ohio.

Mr. HAYS. Just to say that a substitute will be offered. I have it and I am going to offer it.

Mr. GUBSER. With the substitute we would have an impossible parliamentary complication of matters before the House. Suppose an amendment were defeated in the Committee. Suppose subsequently another amendment were adopted which was contradictory to the defeated amendment. Then suppose you

go into the House and the House reverses the Committee of the Whole and adopts the amendment which was previously rejected. Then you would have a situation of a bill containing two contradictory provisions. The only thing you could do would be to pull up stakes and go right back into the Committee and straighten the whole mess out. The O'Neill amendment would bring a clean bill to the House. It would deliver a finished product and in which all parts would be consistent with other parts. So I do not believe we should unnecessarily complicate the O'Neill amendment.

I could go on and talk further about what kind of amendments would be eligible for the rollcall vote in the House. Will it be the amendment as originally introduced? Will it be the final modified version which is defeated, or will it apply to all amendments, including substitute amendments? You will create nothing in the world but unmitigated confusion if you go back into the Committee and ask for recorded rollcall votes on defeated teller votes. So I urge the House to stand fast and adopt the O'Neill amendment without an amendment.

Mr. Chairman, the time has come when the people's business should not cower in the dim light of only half the truth. If our system is to survive it must receive the spotlight of the full truth and the whole truth.

Mr. BOGGS. Mr. Chairman, I rise in support of the amendment, and I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. The gentleman from Louisiana requests unanimous consent to proceed for an additional 5 minutes. Is there objection to the request of the gentleman from Louisiana?

Mr. HAYS. Mr. Chairman, I reserve the right to object in order to inquire of the gentleman if I did not see him on his feet saying he was going to object to the gentleman from California (Mr. GUBSER) asking for additional time.

Mr. BOGGS. I may have said that.

Mr. HAYS. In that case, Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Louisiana is recognized for 5 minutes in support of the amendment.

Mr. BOGGS. Mr. Chairman, I might say to my good friend, the gentleman from Ohio, that the gentleman from California had already had 10 minutes, but I appreciate the gentleman's courtesy.

Mr. Chairman, in my judgment this is indeed a historic day. This is a day which will make the House of Representatives truly relevant.

As is the case with so many of the rules of this Chamber, the procedure known as teller voting is deeply rooted in the legislative process. Its origin can be traced centuries ago when the British Parliament devised it as a method of voting the will of the people while escaping the wrath of a powerful and vengeful monarch. One hundred and thirty-eight years ago, when Parliament no longer had reason to fear the Crown, the system was reformed to permit a public record of votes. Unfortunately, with never a King to fear and only the public to serve, the rule has been retained in the House of Representatives. We did so because we said it helped expedite the often slow legislative process. Unfortunately, it has also been used a shelter from the public eye.

I do not believe representative government can afford the luxury of a shelter from the public eye. The American people are entitled to know the recorded judgment of each Member on the great issues of our time. We cannot ask our people to respect our institutions unless the institutions themselves are self-critical and self-reforming.

As majority whip, it is my responsibility to inform Members of legislation pending on the floor and to encourage their attendance whenever votes are taken. In my opinion, teller voting, as it is now conducted, is a hindrance rather than an assistance to the majority whip. Important amendments are often adopted or defeated in the Committee of the Whole House by a small fraction of the total membership of the House. The truth is, the system of teller voting is a major contributor to absenteeism. This proposal to record teller votes would be a major step toward encouraging the full participation by all parties in forging the law of the land. In this respect, This amendment would be a great assistance to the majority and minority whips, and I think to the fair and full operation of the legislative process.

We hear a great deal of talk these days about the unresponsiveness of our institutions. The founders of this country never intended its institutions to be inflexible and set in their ways. The architects of our Government intended its three branches to be capable of growth and continuous self-renewal. This is the real import of this bill and the real significance of this amendment. For these reasons, I support this amendment and I urge all my colleagues to do so also.

This is not a liberal amendment. It is not a conservative amendment. It is not a Republican amendment. It is not a Democratic amendment. It is an amendment for this House of Representatives.

When the people and the media say that this House has ceased to be relevant, then, Mr. Chairman, if true, American democracy has ceased to be relevant.

When the people assert that the House of Representatives is not representative, then the last best hope of mankind has been lost. Because if we are not representative, then no institution is.

I have given my life to this Chamber. I love it and the Republic for which it stands. Come September 10, I will observe the 30th anniversary of my first election to the House. I came here when I was 26 years of age.

Today I am proud of the fact that I have a son who wants to come here, too. He believes that service here is a high calling. With all due deference to my colleagues on the Republican side, I hope that he is elected. I am doing everything I can to help him. He thinks the House is relevant. I think it is relevant.

But I know that this system of teller votes is not relevant. I have served for 15 years here as whip or as deputy whip, and there have been countless occasions when I have spent hours and days attempting to get members to come here and do their duty and walk through that teller line and vote.

I know this so-called hanky-panky in the cloakrooms. I know how some conservatives say, "Well, we can make a deal with the liberals." And some liberals say, "we can make a deal with the conservatives." And the beat goes on.

Well, we really do not govern that way. Those deals seldom have worked out. The pressures are too great on both sides on major issues.

All we are saying by this amendment is that the archaic system adopted some centuries ago to protect the Members of Parliament from despotic kings should be abolished in the House of Representatives of the United States of America as it was in the House of Commons many years ago.

We are saying, "Let a man stand up and be counted." What is wrong with that? Tell me what is wrong with being counted if one is a Representative. If you do not want to be counted, why did you come here in the first place, and why do most of us seek to return to this historic Chamber?

Finally, one last thought. A story is told in history about one of the great men who helped found this country, Alexander Hamilton.

Hamilton brought a visitor into the gallery of the old House Chamber, now Statuary Hall. The visitor sat with Hamilton and noting the pandemonium on the floor, which you frequently see in this body even as of this day, questioned Mr. Hamilton, "What goes on there?" And Hamilton replied, "There, sir—there, sir, the people govern."

Well, here, Mr. Chairman, almost two centuries later, the people must continue to govern. Let us support this amendment.

Mr. HOWARD. Mr. Chairman, I rise today in support of the amendment offered by my colleagues, the gentlemen from Massachusetts and California, to H.R. 17654, the Legislative Reorganization Act of 1970, to allow the recording of teller votes.

The practice of not recording votes in the Committee of the Whole was necessary at one time in the British Parliament to preserve the independence and integrity of that body. I submit the practice was never necessary in the United States and should be abandoned now. Indeed, the practice was abandoned in England 138 years ago.

The real issue here is not the modernization of House procedures, but rather the right of the American people to know how their elected Representatives vote in Congress. In this very session we have seen crucial votes on such vital issues as the antiballistic missile system, the supersonic transport, and Vietnam policy cast under various cloaks of anonymity, the most significant being the teller vote procedure.

Accountability of elected officials to the people was one of the guiding principles of the founders of this Nation, and it has continued to be one of the hallmarks of a government of a free people. Just a few

years ago, proposals to lengthen the term of office for Members of the House to 4 years were forwarded with some vigor. One of the chief arguments against that movement was the notion that the 2-year term was purposely designed to keep the Congress responsive to the people by forcing the Members to stand for election frequently. Fears were raised that 4-year terms in the House coupled with the 6-year terms in the Senate would cut off a significant means of popular control over the Government. Those arguments carried the day then. The logic behind them is even more valid now when applied to unrecorded teller votes. If the electorate cannot even know how a Member votes on important amendments, how can they intelligently exercise their power to vote?

The issue is clearly presented. We must not shirk from our responsibilities to the people we represent. Today we can assure an inquiring public that they have the right to know what really happens in this Chamber. Mr. Chairman, the credibility of this institution is on the line. The choice is clear, and I urge my colleagues to join me in making this the last necessarily secret vote on the House floor.

SUBSTITUTE AMENDMENT OFFERED BY MR. HAYS FOR THE AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. HAYS. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Substitute amendment offered by Mr. HAYS for the amendment offered by Mr. O'NEILL of Massachusetts: On page 47, after line 5 and before line 6, insert the following:

"RECONSIDERATION BY ROLLCALL VOTES OF AMENDMENTS DEFEATED IN COMMITTEE OF THE WHOLE HOUSE

"SEC. 123. Rule XXIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"'9. When any measure is reported from a Committee of the Whole House, it shall be in order, immediately after the order for the engrossment and third reading of the measure and before consideration of the question of final passage, for any Member, who has proposed an amendment to that measure in the Committee of the Whole House which has been defeated by teller vote, to offer a motion, which shall require for adoption the affirmative vote of at least one-fifth of a quorum, demanding the reconsideration of that amendment by rollcall vote taken in the manner provided by rule XV. Such motion is of the highest privilege and shall be decided without debate. If, upon reconsideration by rollcall vote, the amendment is adopted, then the amendment shall be deemed to have been read in the third reading, and shall be included in the engrossment, of that measure.'."

Mr. GIBBONS. Mr. Chairman, I want to raise a point of order against the consideration of this amendment at this time.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GIBBONS. Mr. Chairman, as I understand the substitute, the substitute is addressed to rule XXIII of the House, whereas the current amendment, the one offered by the gentleman from Massachusetts (Mr. O'NEILL), is addressed to rule I. The O'Neill amendment primarily deals with procedures under consideration in the Committee of the Whole, whereas the substitute primarily deals with matters in the House rather than in the Committee of the Whole. That is the main substance of my objection.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. HAYS. I would like to be heard, Mr. Chairman.

Mr. Chairman, I think the situation we are in now is indicative of the difficulty in amending the rules on the floor. What I am trying to do and what this amendment would try to do is to substitute the procedure for defeated amendments, or not substitute but use exactly the same procedure for amendments that are defeated as we now have for amendments that carry.

I have consulted the best legal counsel I can around here, and they say that this is the way to get at it. If it is all right to ask for a separate vote on an amendment that passes and get a record vote, I would like to have a record vote if anyone desires it—and a substantial number of people, one-fifth of a quorum, support it—I would like to get a record vote on that amendment which is defeated.

What I would like to do is to have the vote in the regular way with a rollcall vote. I am not sure that passing between tellers and having the Clerk write down the names is going to be very accurate. As a matter of fact, maybe we ought to reverse the situation and have the press sit over here where, when you go through the tellers, they can check it. Turn the lounge upstairs over to the taxpayers and let them earn their money.

Or, perhaps, we ought to reverse the teller lines. I do not really care which way we do it. You can go ahead and have Clerks to record the teller votes, but you are not really going to cure it by having people walk through the tellers with their backs to the press and with a Clerk writing down the names of the Members, a Clerk who may or may not get them correct. I would like to see us take some action in the interest of accuracy with respect to this matter.

Further, Mr. Chairman, I want to say that I yield to no one insofar as being willing to go on record. I suspect I am on record as much as anyone in this body. A lot of times when we ought to have a record vote, I announce where I stand. Some of my enemies have said about me, "I do not like him much, but at least you will never have any doubt about where he stands."

Mr. Chairman, the issue is how do you do it and how it can be accomplished in the most accurate way.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Yes, I yield to the gentleman from Illinois.

Mr. ARENDS. Does the gentleman mean that a defeated amendment on a teller vote would receive when back in the House the same treatment as the adoption of an amendment that has been agreed upon by a teller vote?

Mr. HAYS. I will say to the gentleman from Illinois that it would have the same possibility of adoption being voted on by a record vote, by a rollcall vote, which will be printed in the RECORD.

Mr. ARENDS. Mr. Chairman, if the gentleman will yield further, then there really is not much use of going into the Committee of the Whole House on the State of the Union?

Mr. HAYS. Well, I do not know. Maybe not. Maybe we should legislate everything on the floor of the House with a quorum of 218 being present.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. YATES. After the adoption of a successful amendment in the Committee of the Whole, any Member may ask for a rollcall vote on it once the committee goes back into the House.

As I understood the amendment which has been offered by the gentleman, it says that the vote must be called for by the Member offering the amendment in the Committee of the Whole. In other words, he must be the one who offers it later on?

Mr. HAYS. Well, I do not care if he were the one asking for a vote on it or anyone else asking for a vote on it. That is a minor detail.

Mr. YATES. But, if that particular Member is not present at the time the Committee of the Whole House on the State of the Union dissolves itself and goes back into the House, can another Member ask for a vote?

Mr. HAYS. I had intended it to be that way.

Let me say in conclusion, everyone is talking about the rules being too restrictive, but some of the very people who are complaining about it do not mind raising a point of order so you cannot get a vote on this. I know it is out of order and I concede the point of order.

The CHAIRMAN (Mr. NATCHER). The point of order is conceded.

The point of order is sustained.

SUBSTITUTE AMENDMENT OFFERED BY MR. SMITH OF CALIFORNIA FOR THE AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. SMITH of California. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. SMITH of California as a substitute for the amendment offered by Mr. O'NEILL of Massachusetts: On page 42, immediately below line 20, insert the following:

"RECORDED TELLER VOTES IN THE HOUSE THROUGH THE USE OF ELECTRONIC EQUIPMENT

"SEC. 122. (a) Clause 5 of Rule I of the Rules of the House of Representatives is amended—

"(1) by inserting "(a)" immediately after "5."; and

"(2) by adding at the end thereof the following new paragraph:

"'(b) In lieu of a teller vote conducted under paragraph (a) of this clause, a recorded teller vote through the use of electronic equipment to record the names of the Members voting in the affirmative and of those voting in the negative may be required on any question by the Speaker, in his discretion, or by at least one-fifth of a quorum either as an original demand or as a substitute for tellers named or demanded under paragraph (a) of this clause. The Clerk of the House shall list, in alphabetical order

in each category, the names of those Members recorded as voting in the affirmative, the names of those Members recorded as voting in the negative, and the names of those Members not voting. Such list shall be entered on the Journal and published in the Congressional Record.'.

"(b) The contingent fund of the House of Representatives is made available to provide the electronic equipment necessary to carry out the purposes of the amendment made by subsection (a) of this section. Notwithstanding title V of this Act, the provisions of this subsection shall become effective on the date of enactment of this Act."

Mr. SMITH of California. Mr. Chairman, I had to offer this in the nature of a substitute because it was impossible for me to place it within the language of the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL). This does not in any way affect the purpose or intent of the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. GUBSER) and that so many of the Members are in support of.

It simply provides, in my opinion, a better way to bring about the teller vote, and a more accurate way. It does add, in addition to it, to the previous amendment, the recording of those voting in the negative so that those in the affirmative would vote, those in the negative would vote, and those not present would be recorded.

It will require you to be on the floor of the House, where we should be if we have a teller vote. This I have no objection to, and I am perfectly pleased to record any vote, but that is where we should be, and that is the purpose of our being here.

The subcommittee considered a number of suggestions along this line, and we came to the conclusion at the particular time that probably we were a little premature, because the House Committee on Administration had been working quite diligently on this overall electronic situation. But as time developed on the situation it became clear that apparently a majority of the Members wished to be recorded on a teller vote.

So I made a study of this subject, and obtained information. Here is how my proposal would work.

Upon the demand for a recorded teller vote, the Members would file up the center aisle the same as they do now. We can have one of two things. Two machines, as I understand it, are available. I have not had the time to see them, but I am told they are available.

We could have one machine on one side that would record the "no" votes, and another machine on the other side that would record the "yes" votes; or we could have a machine on both sides that would record the "yes" and "no" votes.

Now, let me explain it to you in this way: You will have a magnetic type card, the same as the card that is made for you now to identify you, and you would just have your number that you have now, just below your license plate. That can all be recorded with the machine and the machine will take that number and will record your name such as for me, SMITH, California, with my number, and the "yes" or "no." If we do not have the "yes" or "no" we can have the name and number, and then have the machine for "yes" on one side, and the machine for "no" on the other side. But if you have a "yes" or "no" machine on both sides, then one end of the card will have to be "yes" and the other end of the card will be "no." I think the simplest way would be to have one machine on each side.

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. If the gentleman will secure me an additional 5 minutes, I will be happy to yield to the gentleman.

(On request of Mr. O'NEILL of Massachusetts, and by unanimous consent, Mr. SMITH of California was allowed to proceed for 5 additional minutes.)

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I shall be pleased to yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I would ask the gentleman how would this protect the Member of Congress who forgot the card to insert into the electronic device?

Mr. SMITH of California. The question is: How would we protect any Member who forgot his name card. The answer is that that Member could not vote that day, until he got another card.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think there is considerable merit in the proposal of the gentleman from California in coming up with an up-to-date procedure of electronic voting. I wonder if the gentleman from California intends to propose also an advance to electronic voting on the record rollcalls of the House in addition to the use of the device for the teller votes?

Mr. SMITH of California. First of all, I think that it should be done. The Committee on House Administration has been looking into the matter, and I think they were out to see it in operation in California, where we have it in the California State Assembly, and where we had it at the time I was there some 14 years ago.

Of course, we only had 80 members instead of 435. But I think you have to come to electronic rollcall voting and teller voting.

Incidentally, I might say to the gentleman from Massachusetts that I made a rather flip answer that a Congressman who forgot his card could not vote. And I really think he should have the card with him, and he should vote, which is really what the whole thrust of this is. But I do think it probably could be worked out, that is, a Member who had forgotten his card could have his name recorded. But this just provides for a record vote by a card. Frankly, I had not considered the matter of what would happen in the event of a card being lost. He would probably have to be issued a second one, with an "X" on it to show that it was a second card.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. WHITE. In answer to this problem, what we would have to do is to keep duplicate cards up there with the Clerk, and if a Member lost his card he would go up and pick up the card and vote and return it.

Mr. SMITH of California. So in any event you have this small box on the side and Members would go through and vote and on a computer it would be counted and tallied and immediately available at the desk to show how many and who voted for and against. This would provide accuracy in teller counts.

The actual cost, as best I can estimate of the two types, one is a small type to handle only the electronic teller voting system and does not go into the overall rollcall vote and the like. They are about the size of a breadbox—two of them. This cost runs approximately $750 per month. It is sort of a small typewriter attached to the side of the box and prints the name on it with a piece of paper.

A teller system also could be set up using an existing computer, and there is one at the Library of Congress. It is a little more expensive to utilize.

This would probably cost a little more—possibly about $1,200 per month.

So far as I am concerned, if we are going to have a teller vote, and I am all for it, I would think we could proceed in a way where we get an accurate count.

In this particular, let me bring this to your attention. The bill we are considering, of course, will not become law until such time as it is passed by the other body and signed by the President. If we proceed with this electronic equipment, which I think we are eventually going to come to, if this can be introduced and if Members support it, it can be introduced as a separate resolution and taken before the Committee on Rules and we could come down and get started immediately on it so we might have it available for use at the beginning of the next session, if contingent funds are provided in this particular measure so we can get started on it.

It seems to me preferable to get an accurate vote and it would save a considerable amount of time rather than have a clerk on each side who may say—SMITH down to BOLLING and back to Mr. SISK and check off the "yeas" and "nays." In this way there could be a confusing and inaccurate situation.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. ARENDS. Under your proposition, then if some individual does not go through the teller line at all, does not vote either way, it will show in the RECORD then that he is absent?

Mr. SMITH of California. It shows that he has not voted on that teller vote—the same as a recorded vote or a quorum call.

Mr. ARENDS. But each teller vote

would be so recorded in the RECORD the next day?

Mr. SMITH of California. That is right.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. McCLORY. My understanding of your amendment is that it would authorize this change in the rules so that teller votes could be recorded through electronic equipment. It does not specify the details you have outlined as to some of the capacities and that would be up to the House administration.

Mr. SMITH of California. That is as to the use of electronic equipment on a record vote.

Mr. McCLORY. The gentleman knows that I intend to offer an amendment. I regard the use of electronic equipment in the recording of quorum calls and rollcall votes that would be of the same nature. The teller vote amendment substitute that you are offering is along that same line; is that correct?

Mr. SMITH of California. Along the same line except I think your amendment takes on a much bigger subject and more difficult than just a teller vote with two little machines.

Mr. McCLORY. I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I notice in reading the text of the amendment that at no point do you specify a time such as the time period specified in the O'Neill-Gubser amendment. Am I correct that there is no maximum or minimum time?

Mr. SMITH of California. There is no time in this amendment for two reasons. In the first place, it would become effective if it goes into the bill at all after it is passed by the Senate and signed by the President.

Then it is written into the rules and that means forthwith.

Mr. STEIGER of Wisconsin. The O'Neill-Gubser amendment has in it a 12-minute period in which a Member could go from his office and reach the floor to be recorded on a teller vote.

Mr. SMITH of California. No time is provided like that in this amendment.

Mr. STEIGER of Wisconsin. May I ask the gentleman from California as to how he handles the problem of a Member who may be meeting with and involved with constituents in his office handling business in his office and who could not be on the floor at the time the teller vote was demanded and who, therefore, would not be able to reach the floor in the period of time in which he then could be recorded?

Mr. SMITH of California. There is no provision. We would write that into the rules of the House on this amendment.

Mr. BOLLING. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Minnesota for a question.

Mr. FRASER. The question I would like to address to the gentleman from Missouri is this: I favor electronic voting, not only for teller votes, but for any voting procedure in which Members are recorded. But what I would like to ask the gentleman is about the failure of the Smith substitute to provide any minimum time in which Members can get to the floor to participate in a teller vote. The O'Neill-Gubser amendment does provide a minimum of 12 minutes.

So far as the gentleman knows, is the pending amendment intended, in effect, to force Members to stay on the floor if they want to participate, or what is the reason for failing to provide in the amendment a minimum time period?

Mr. BOLLING. I will yield to the gentleman from California to answer that question.

Mr. SMITH of California. My amendment does not provide any time limitation. At the time the amendment was drawn up I did not know that the O'Neill-Gubser amendment provided a time. We will have exactly the same time under my amendment as we now have under the rules as the rules exist today.

Mr. FRASER. Mr. Chairman, will the gentleman yield further?

Mr. BOLLING. I yield to the gentleman from Minnesota.

Mr. FRASER. I think a study of teller votes would show that on the average about half of the House participates; that is, 190 to 200 Members vote. This means that on the average recorded teller vote the other 200 would be recorded as "not voting," unless they were on the floor at the time tellers were ordered or sufficiently close by. The O'Neill-Gubser amendment does seek to deal with that question, by providing a minimum of 12 minutes. I would like to see electronic voting, but I am not sure that we want to make this other jump, this other change of procedure, which would force Members to stay on the floor.

Mr. SMITH of California. Twelve minutes on each teller vote would delay the actions of the House to a large extent, in my opinion.

(On request of Mr. JACOBS, and by unanimous consent, Mr. BOLLING was allowed to proceed for 5 additional minutes.)

Mr. MARTIN. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Nebraska.

Mr. MARTIN. I should like to point out, in relation to the colloquy of a moment ago, that on most of the major issues that we have on the floor we do have extended debate in the Committee of the Whole and, as a consequence, it is notable procedure to set a time limit for a vote and to cut off debate at that time. I think it is the responsibility of Members to be present on the floor of the House at the time of that vote. That procedure occurs on most of the major amendments offered to legislation.

Mr. BOLLING. I thank the gentleman.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California.

Mr. GUBSER. As one Member who has served in a State legislature where every vote was taken by an electronic device, I can well recall numerous instances in which that electronic device was out of order. Since the amendment offered by the gentleman from California (Mr. SMITH) does not provide any alternative to the electronic device, suppose we had a mechanical failure and had a very important and timely issue before the House at the time. Would we not have boxed ourselves in?

Mr. BOLLING. I would not attempt to answer that question.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. We would have recorded votes only when they are requested with tellers. Every teller vote would not necessarily be recorded under the amendment.

Mr. BOLLING. Does the gentleman from Illinois desire that I yield?

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman from Illinois.

Mr. ARENDS. I would like to have the gentleman from Missouri express his opinion as to whether he feels that one-fifth in case of an amendment being adopted or one-fifth in the case of an amendment being defeated is fair, and whether the record vote should be had on the basis of the same one-fifth.

Mr. BOLLING. I will answer the gentleman when I proceed in my own way. I will deal with that question.

Mr. ARENDS. I thank the gentleman.

Mr. BOLLING. Mr. Chairman, I would like to speak to the Smith substitute to the O'Neill-Gubser amendment.

This is a very interesting legislative situation. I believe in all frankness we should say that the subcommittee and the Committee on Rules were overrun by the interest of the Members in having record votes on amendments.

There was extraordinarily little interest in the subject when we had our long hearings and consideration, but there developed in the past few months a tremendous amount of interest. It became apparent that probably a majority of the House did wish to have recorded votes on amendments.

Although I am not putting any words in the mouth of the gentleman from California (Mr. SMITH) who speaks very well for himself, I believe it is safe to say that his amendment is an attempt to improve on the proposal offered by the gentleman from Massachusetts and the gentleman from California in terms of the realities. This institution has had great difficulty not with the integrity of its clerks but with the accuracy of its clerks. We remember the trouble that we have had. The purpose of moving to electronics is to see to it that we have accuracy, a foolproof system which will not be subject to any charge that the votes were rigged. And that charge has been made, and not wholly and satisfactorily answered because of the difficulty of a

clerk in seeing to it that he is absolutely 100-percent accurate.

Personally, I favor a complete move to electronic voting. I am not proposing such an amendment, because it carries with it so many complexities. If one goes to electronic voting in toto, there is absolutely no justification for perpetuating the Committee of the Whole House and its quorum of 100, because pretty inevitably we are going to arrive at the time when Members will know that we will be voting on amendments; they will be on the floor of the House waiting the recorded votes on amendments, and the whole method of the operation of the institution will change.

I believe we should come to that. I believe we will come to that. It will massively change the way in which this institution works. But I so strongly favor that we be on record on any amendments offered that I have not offered such a proposal for fear that it would kill any hope of taking a step forward.

I believe that we have the opportunity to give the people of the United States their right—their right to know how their Representatives vote on issues of importance to them. The best way we can do that is to adopt the Smith of California substitute.

I do not believe that any amount of time to vote will satisfy all Members. I believe that we can very well be expected to be here on the floor in the amendment stage of an important bill, as we have not been on this bill. I believe we can be expected to give it serious consideration.

Therefore, I propose to vote for the Smith of California substitute. If it passes, of course, that will be that. But if it is defeated, I propose to vote for the Gubser-O'Neill of Massachusetts amendment, because I believe this issue—the issue of having a record vote on all amendments—is the one critical issue that faces us here on the consideration of this matter and which has been given enough thought to justify its adoption now.

Mr. MOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to speak in support of the Gubser-O'Neill amendment and to point out the fact that in my judgment there are two failures in the Smith substitute. One gives to the very nature of the equipment and the high potential, even among the most sophisticated of electronic gear, to break down. As my colleague from California (Mr. GUBSER) pointed out, there is no alternative method, because it says:

> In lieu of a teller vote conducted under paragraph (a) of this clause, a recorded teller vote through the use of electronic equipment.

That leaves no alternatives. Then every Member of this body knows that you are on committees and tied up in committees that are meeting in violation of the rules of the House, where they may not get, even by unanimous consent, the right to meet when we are in debate under the 5-minute rule, but nevertheless they do meet.

I have had the experience of the gentleman from Louisiana in attempting to bring Members to this floor. I know how widely dispersed they are. Time is necessary to permit the Members to come over and vote on a teller vote that is going to occur very rapidly.

I think underlying both of the proposals is the fact that we are finally facing up to the need, the gentleman from Missouri (Mr. BOLLING) said, the right of the people to know. But there is a need for the people to know, also. There is a need to know how we represent them; there is a need to know how we vote in order that an honest evaluation of our effectiveness as a Representative may be made by the voters in the election. I think it would give more body and more substance to the dialog in election campaigns if the people had the knowledge of what we actually do in our workshop. The Committee of the Whole is the workshop of the House.

Just 3 years ago Congress passed an act which is called the Freedom of Information Act. This applies to the executive departments and to the independent agencies, but it does not apply to the Congress.

I think there is no area of information in this Government where there is a greater need or a firmer right to know about what happens than the votes that we cast individually here in the Committee of the Whole House on the State of the Union as we march down the teller line. That is where a lot of mischief is done legislatively. That is where it is possible to confuse the folks back home. It is the vote that you cast there. Your side did not prevail, so on the recorded vote, when you go back into the Committee of the Whole House a different complexion is taken on by the Member. That is a form of duplicity. This body is too great to resort to duplicity in dealing with the people it represents.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I am pleased to yield to my colleague.

Mr. GUBSER. I will ask the gentleman's opinion on this point. As I read the O'Neill-Gubser amendment I see nothing in the language which would prevent the use of an electronic device as an aid to the clerks in taking these teller votes electronically. Does the gentleman agree with me?

Mr. MOSS. I agree with you completely.

Mr. GUBSER. Therefore, the Smith substitute is unnecessary.

Mr. MOSS. I think it is unnecessary, however desirable it is that we go to electronic voting. I hope that we do at the earliest possible moment not only for teller votes but for the entirety of the business of the House.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the written record shows that the amendment I offered in the Committee on Rules was defeated by a vote of 6 to 6. There was no offer at that time, as I recall it, of any electronic voting or anything of that nature. I am fearful of the fact that there are those among us who would like to have a recorded vote but they are going to think twice about this entire matter when they leave here this afternoon. We are probably not going to finish this bill for at least a few days and perhaps not by the time this week is over. They will start thinking about the fact that, certainly we are elected to legislate, but we also run a public service agency, we also try to take care of the economy of our areas and try to take care of the funds for our districts, I know that I have a thousand and one problems that confront me as a Congressman.

You have a thousand and one problems that confront you as a Congressman. It is absolutely impossible to be on this floor at all times. I do try to get on the floor when the important issues are pending such as the ABM or the MIRV or the SST, or other issues of national importance or something in which I am interested that affects my district. I am on the floor as much as possible, but I am not here constantly. I am just the average Congressman and all of you act exactly in the same manner as I do.

Mr. Chairman, on the 73 teller votes that we had last year, we only had an average of 190 people on the floor as against the teller votes on the floor the year before when we had an average of 203.

Mr. Chairman, I say to you that this amendment, the amendment which was offered by the gentleman from California (Mr. GUBSER) and myself, gives you time to get on the floor. It gives you at least 12 minutes to get over here. I am located at the farthest end of the building in the Rayburn Building and I can time myself to get over in time to vote.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. Yes; I yield to the gentleman from California.

Mr. GUBSER. The gentleman heard me, as his coauthor, a moment ago state that it was my opinion that the language of your amendment would allow the employment of an electronic device.

Could I ask the gentleman, as the principal author of the amendment, is that the gentleman's point of view?

Mr. O'NEILL of Massachusetts. Would our language permit that?

Mr. GUBSER. Your language as it is written, could, if the House saw fit to do so, use an electronic device?

Mr. O'NEILL of Massachusetts. Would you restate your question?

Mr. GUBSER. The point I am trying to make is that if your language passes and becomes a part of the rules of the House as it is now, the Committee on House Administration could forthwith authorize an electronic device and we could under your language use it?

Mr. O'NEILL of Massachusetts. The gentleman is right. Our amendment allows for any method of recording the votes.

There is a passage contained in this bill providing for a study to be made into the question of the use of electronic

devices. As a matter of fact, the amendment offered by me and cosponsored by the gentleman from California says that upon the adoption of this amendment, notwithstanding title V of this section, the provisions of this subsection shall become effective upon the date of the enactment of this amendment. In other words, on the day when this is enacted, with your amendment how are you going to have a teller vote, with clerks or electronically, when the equipment will not be here?

As I have stated before, as I analyze the bills, in 1968 there were 63 teller votes and last year there were 73 teller votes. There was never in either one of those years more than 20 important amendments on which you would want to be recorded so that the public would know how you had voted. I don't see that electronic equipment will be used a great deal if it is just for the recorded teller vote. So, you want to put in electronics equipment, but I say let us, first, accept electronic voting for the entire Congress for all matters, and if you accept this amendment the teller votes would become part and parcel of the entire package.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. There are two points I would like to make. One is, I think the gentleman's analysis is correct and I am going to support his amendment. But I think he will find, if it passes, there will be a lot more teller votes than before because there will be a chance to get on record.

Second, I am going to offer an amendment—and I hope someone interested in reform will not make a point of order against it—a very simple amendment to the amendment which has been offered by the gentleman from California (Mr. SMITH) to the effect that on teller votes there shall be 12 minutes elapse from the time the vote is called until it is announced—or does the gentleman favor such procedure? I am for the Smith amendment because I think it helps your amendment and makes its accuracy almost infallible.

Mr. O'NEILL of Massachusetts. Is not the reasonable thing to do is to wait until this Congress accepts or decides it will have electronic voting? Therefore, let us not add the burden of the cost of putting in a separate device that will, perhaps, cost almost $1 million.

Mr. Chairman, I would hope the amendment which has been offered by the gentleman from California (Mr. SMITH) will not be adopted at this time.

AMENDMENT OFFERED BY MR. CLEVELAND TO AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. CLEVELAND. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND to the amendment offered by Mr. O'NEILL of Massachusetts: Prior to the technical amendment, insert the following new language as a new provision to clause 5 of rule 1:

"*Provided further,* That no demand for recorded teller vote may be made on any amendment unless such amendment shall have been printed in the RECORD prior to its consideration."

Mr. CLEVELAND. Mr. Chairman, I support the O'Neill-Gubser amendment. This amendment I am offering is an attempt on my part to improve their amendment.

I think a point of departure in discussing this amendment briefly, are the remarks just made by the gentleman from Massachusetts (Mr. O'NEILL). The gentleman spoke eloquently in support of his amendment and the need of the 12 minutes elapsed time to give a Member who has other things to do for his constituents, time to get to the floor. And this is quite true.

But I hope the gentleman from Massachusetts will also consider the plight of the Member who is working for his constituency in his office, or in an agency downtown, or in a committee room, I hope that the gentleman will consider the plight of that Member when he arrives on the floor.

The whole purpose of his amendment, so far as I understand it, and as I support it, is this: That the public has a right to know how a Congressman stands on an important issue. And it is because of this that I support his amendment, I feel strongly that the public should know, and I am glad to take that position.

But I do think it fair to point out to my friend and colleague, the gentleman from Massachusetts (Mr. O'NEILL), that there are times when some of these amendments are drafted on the back of a piece of paper, and they are floating around somewhere here on the floor, and it is not always possible for all Members to know precisely the amendment they are voting on in a teller vote.

I simply require, by my amendment, that if somebody feels that this procedure is important enough and invokes it, then they will have to prepare that amendment at least 24 hours in advance, and have had it printed in the RECORD where all can see it.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I want to conclude my remarks, and then I will be glad to yield to the gentleman.

The whole purpose is to protect the Congressman and to protect the public as well. If the public wants to have the right to know how all the Congressmen voted, and as I have said they should have that right, then as a corollary is the right to have in writing the precise issue.

So I feel that if there is an amendment on which there is a recorded vote, then certainly it is important to prepare it in time, and put it in the CONGRESSIONAL RECORD for all to see.

Now, Mr. Chairman, I will be happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, what the gentleman from New Hampshire is attempting to do is certainly a desirable thing to do, but it is totally unworkable and impractical because one amendment provokes another amendment.

While you are in the process of legislating, as we are now, the need for a factor of time to be added to the Smith substitute, it cannot be done, as the gentleman proposes, because when you are trying to amend an amendment you do not have 24 hours' advance notice.

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. Mr. Chairman, let me say this to you: That the trivial things of today are the important things of tomorrow. I do not think it is right that we should not have an opportunity to record votes on amendments that we have not known of 24 hours in advance, because although it may appear trivial today, it may actually be very, very important, but, by virtue of the fact that we did not have access to it 24 hours in advance, we could not have a recorded vote. I think this would be wrong.

Mr. Chairman, I hope that none of the amendments I have seen so far will be adopted.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I sympathize with what the gentleman is trying to do, but I submit that what he is attempting is difficult to do.

Supposing you submit an amendment, but you do not feel that it is sufficiently important to warrant a recorded teller vote, and you propose it to the committee. Then let us suppose that there are Members who feel it is sufficiently important to have a recorded teller vote, and so, perhaps, do the majority of the Members of the Committee. Since it had not been printed then, under your amendment, I am afraid that it would be impossible to have a recorded teller vote, even though the majority of the Committee wish to have a recorded teller vote.

I regret to tell the gentleman that I have to oppose the amendment.

Mr. THOMPSON of Georgia. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we speak of the public's right to know. The gentleman who just preceded me spoke of the right of Congress to know.

I had proposed to offer an amendment, but because of the parliamentary procedure, I could not offer it at this time because I think we have had one too many amendments so I could not do it. But I think my amendment will provide an answer and satisfy both parties in this area.

Should the recorded teller vote amendment carry, I will offer an amendment which will provide that before any vote is taken which is a recorded vote, on the demand of any one Member, there shall be distributed to the Members of the House of Representatives a printed copy of the amendment or the substitute being voted upon.

Let me emphasize this point to you. If you are in your office and you are talking to constituents, you get over here and you come over here at the 11th min-

ute, having 12 minutes to vote, then you have no time to find out really what you are voting on. If you are going to be recorded on an issue, you certainly should know what the issue is about and what you are voting on.

This amendment would simply provide that we would have in effect a small printing press in one of the rooms off the floor.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman.

Mr. FRASER. I sympathize with what the gentleman is interested in and I know that there are other amendments concerning the problem.

The argument that the gentleman is using suggests that it is OK to be ignorant of what the amendment is as long as you are not on record and only when you are going on record is it essential that you understand what is being voted upon. I am sure the gentleman does not intend that.

Mr. THOMPSON of Georgia. May I answer the gentleman in this way. To be perfectly frank with you, the proposal of the gentleman from California (Mr. SMITH) is far superior to the one that would allow you or myself or anyone else to stay in our offices and make it over here at the last minute and record a vote. The reason it is superior is because it would in effect require your presence on this House floor at all times because you would have to be over here or you would not know when the vote was going to be taken, and being present you would know what this is all about.

But if the gentleman from California's amendment does not carry, there is no need for your being on the floor because you will have 12 minutes to be recorded and most Members are concerned about whether they are recorded or not.

You will have more Members voting if it is a recorded vote than if it is not a record vote.

The point is simply this—rushing over here at the last minute, you do not know what you are voting on. This would provide that if you are to have a record vote, you would be at least handed at the time you come in a copy of the amendment you are voting on. I submit that the time in providing this would only be a very few minutes to provide 435 copies.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman.

Mr. GUDE. Mr. Chairman, I want to commend the gentleman on the amendment he has proposed.

We used a similar system of distributing amendments to members when I was in the Maryland Legislature and I see no reason why we cannot have the same system in the U.S. Congress. I think it would be an excellent addition to the Gubser-O'Neill amendment of which I am a cosponsor. Next to doing away with the seniority system, I believe a system of recording teller votes is the most progressive reform we can institute in this bill. It would be a step which will do much to build and strengthen public confidence in our democratic system in the 1970's.

Mr. THOMPSON of Georgia. I thank the gentleman. But the amendment has not been offered as yet and it may not be because of the parliamentary procedure. But immediately after the vote, should the vote be successful I intend to seek recognition of the Chair for the purpose of offering the amendment.

Mr. SISK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I take this time to see if there is some possibility of agreement we can reach to vote on some of these amendments. As members of the committee know, so far we have not sought to cut off debate. I am not proposing to cut off debate now. I do not propose to offer a motion. But in order to provide for orderly consideration, it seems to me, in view of the fact that we now have an amendment, a substitute, and then an amendment to the substitute, I would like first to see if we can get an indication as to how many Members would like to speak on the Cleveland amendment. I am referring now only to the Cleveland amendment, because I am going to ask unanimous consent that we reach some agreement on time on that amendment if we can.

I wish to make it clear, Mr. Chairman, that I am not attempting to cut off debate on the O'Neill amendment or the Smith substitute. I am simply trying to bring about an orderly agreement as to how many Members actually desire to speak on the Cleveland amendment. Could we get an agreement to vote on that amendment?

Mr. Chairman, I ask unanimous consent that all further debate on the Cleveland amendment close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I have an amendment to the amendment.

The CHAIRMAN. The Chair informs the gentleman that an amendment to the pending amendment would not be in order at this time.

Mr. WHITE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. If I wished to amend the Smith of California amendment, what nature of amendment would be in order at this time?

The CHAIRMAN. A germane amendment could be offered to the O'Neill amendment after the Cleveland amendment is disposed of and a germane amendment of the Smith substitute could now be in order.

Mr. WHITE. I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I respectfully oppose the Cleveland amendment. It seems to me that we want to avoid burdening this very important amendment to the Rules Committee bill with too many technicalities and additional problems for the Members to achieve a recorded teller vote. The basic O'Neill-Gubser amendment is a sound amendment. It would permit a good deal of latitude for working out the various technical problems that have been suggested. For that reason I oppose not only the Cleveland amendment but all amendments and susbititutes to the O'Neill-Gubser amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I merely want to take this time to say that I am opposed to the Cleveland amendment. I intend to offer an amendment later that will clarify the O'Neill-Gubser Amendment. My amendment would include a listing of absentee membership on the teller votes. If the Smith amendment is adopted, there will be no need of my amendment, but my amendment will be voted on first, as I understand the parliamentary situation. I realize there are many Members who do not want to list absentee Members, but if we are going to be honest about it, if we are going to have courage, if we are going to separate the men from the boys, then the Committee will adopt my amendment to list the absentee Members on these teller votes.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I just want to add my concern about the Cleveland amendment. I think that would introduce serious complications into what would otherwise be a fairly simple and orderly procedure.

Mr. Chairman, I should like to make a point on the main amendment which is pending. In the O'Neill of Massachusetts-Gubser amendment there is every opportunity to use electronic equipment, which I hope we will install soon. It provides the underlying framework for a workable system, and does not make it dependent upon the electronic equipment working itself.

I am fearful that such dependence is one of the deficiencies in the draft before us known as the Smith of California substitute. If the O'Neill of Massachusetts-Gubser amendment is adopted and we get electronic equipment, there will be no problem. The electronic equipment can be used without further amendment to the rules.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the O'Neill of Massachusetts-Gubser amendment and in opposition to the other amendments.

I remind the Members that as a member of the Committee on House Administration—and I believe my position will be confirmed by other members of the committee—I can say we are keenly aware of the many problems discussed here. I am sure if this amendment is passed, the many problems to which attention has been called will be resolved

in that committee and brought back to the House for complete resolution.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I rise reluctantly in opposition to the Cleveland amendment, because I am very much in sympathy with its objectives. I have been troubled in the past by the absence of the text of amendments considered in the Committee of the Whole. At my instance, I believe, the Clerk did install a small copying machine at the desk here, which does make copies available. Perhaps a larger machine should be installed.

I am seriously worried, however, about the effect of the Cleveland amendment in adding to the complexities of the teller recording problem, particularly in respect to the text of an amendment proposed one day and printed in the RECORD, which might very well be amended on the floor the following day. Such an amendment, as I understand the gentleman's amendment, would not be subject to a recorded vote.

In the interests of simplicity the proposition as put forth in the so-called O'Neill-Gubser amendment—and both gentlemen are very much to be commended—should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I rise in opposition to the Cleveland amendment. I believe it would put an unreasonable amount of inflexibility into the whole House procedure here. It would require that someone almost be clairvoyant, that he be able to anticipate almost exactly what amendment would be voted on.

I point out how unworkable it would be, because if the amendment of the gentleman from New Hampshire (Mr. CLEVELAND) were amended here on the floor, we could not get a record vote on that, if we tried, because he had not published it in advance.

I believe it is just an unworkable procedure. I urge support of the O'Neill of Massachusetts-Gubser amendment and defeat of the Cleveland amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I ask for a vote on the amendment, and I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND) to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The amendment to the amendment was rejected.

AMENDMENT OFFERED BY MR. HAYS TO THE SUBSTITUTE AMENDMENT OFFERED BY MR. SMITH OF CALIFORNIA

Mr. HAYS. Mr. Chairman, I offer an amendment to the substitute amendment offered by the gentleman from California (Mr. SMITH).

The Clerk read as follows:

Amendment offered by Mr. HAYS to the substitute amendment offered by Mr. SMITH of California: On page 42, immediately below line 20, insert the following:

"RECORDED TELLER VOTES IN THE HOUSE THROUGH THE USE OF ELECTRONIC EQUIPMENT

"SEC. 122. (a) Clause 5 of Rule I of the Rules of the House of Representatives is amended—

"(1) by inserting '(a)' immediately after '5.'; and

"(2) by adding at the end thereof the following new paragraph:

"'(b) a recorded teller vote through the use of electronic equipment or other means to record the names of the Members voting in the affirmative and of those voting in the negative may be required on any question by the Speaker, in his discretion, or by at least one-fifth of a quorum either as an original demand or as a substitute for tellers named or demanded under paragraph (a) of this clause. The Clerk of the House shall list, in alphabetical order in each category, the names of those Members recorded as voting in the affirmative, the names of those Members recorded as voting in the negative, and the names of those Members not voting. Said voting period shall not terminate until the expiration of at least twelve minutes from the commencement of said teller vote. Such list shall be entered on the Journal and published in the Congressional Record'.

"(b) The contingent fund of the House of Representatives is made available to provide the electronic equipment necessary to carry out the purposes of the amendment made by subsection (a) of this section. Notwithstanding title V of this Act, the provisions of this subsection shall become effective on the date of enactment of this Act."

Mr. HAYS. Mr. Chairman, I had announced I would offer this amendment. The gentleman from Texas (Mr. WHITE) subsequently showed me an amendment which was almost identical. We merged the two amendments, and I offer this both in my name and in his.

What this does very simply is to put in the 12-minute period that is in the O'Neill-Gubser amendment. It allows the Smith amendment to stand as it is for electronic equipment. We put in the words "or by other means," which we thought we had to in order to cure it as being basically for electronic equipment. We put in a 12-minute period so that Members will have time to get over here. Now, this does not require it to be printed or anything else, but it operates exactly, exactly as the O'Neill-Gubser amendment would operate except that we have, in our opinion, in the Smith substitute a much more accurate system for recording votes.

Somebody has objected by saying that this would be too complicated. It seems to me it would be less complicated, because each Member could have a coded card, which as he went through the no box or the yes box, as the case may be, he would slide in and it would instantaneously record that he voted either yes or no, with his name on it, because his name would be on his card and it would be printed with it, so there would be no possibility of error. It would work, and you could have a printout, I believe they call it, almost instantaneously, also. So the names of all those people voting one way or the other would be recorded.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. If the gentleman's amendment is agreed to, as I understand it, and I myself was about to offer the same amendment as the gentleman now offers, it would mean that the procedure described under the O'Neill amendment would be still effective, would it not?

Mr. HAYS. Yes.

Mr. MATSUNAGA. And it also means that an objection raised earlier to the Smith amendment, that it would not give Members sufficient time to get here to the floor, is eliminated by allowing 12 minutes for Members to get to the floor from the time the telling has begun?

Mr. HAYS. The gentleman has put it exactly.

It seems to me that this amendment will cure the principal objection to the Smith amendment and the Smith amendment will, in my opinion, make the O'Neill-Gubser amendment better because it will insure its absolute accuracy.

Mr. MATSUNAGA. Mr. Chairman, the amendment offered by the gentleman from Ohio would certainly improve the Smith amendment and deserves support.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Illinois.

Mr. ARENDS. This is more of a statement than a question.

I am hoping in the consideration of all of these matters that when we do go to an electronic voting system here, that somehow we can do so without putting up something like a large baseball scoreboard in this beautiful House. I hope that a device can be worked out which will not in any way spoil the looks of this lovely Chamber.

Mr. HAYS. As I envision it, I can say to the gentleman, under the able chairmanship of the gentleman from Louisiana (Mr. WAGGONNER), a subcommittee of the Committee on House Administration has been studying this whole matter and has made some recommendations and is prepared to make some more if this bill does not take the ball game away from us.

What I envision is a simple little box somewhere back there on the aisle on each side where one will be marked "yes" and the other "no." When you walk by it you simply slide your coded card in and it records your vote. It is not difficult. I have a coded card now which probably does a job which is much more difficult physically. You slide it into a little box so big and it opens up the garage door where I keep my car. If you do not have the card, you cannot get the garage door open. If you do not have your coded card here, you cannot vote. You have to have it with you. Of course, someone brought up the fact that you may forget it. It is a simple device and, knowing the people where I rent the garage, they would not have it if it were very expensive, so I do not think that that is a big factor, either.

Mr. GUBSER. Mr. Chairman, I would like to ask this question for information. Under the gentleman's amendment,

would it be possible to have a record teller vote by any means other than electronic?

Mr. HAYS. I think it would be because we have the language "by other means," and that is put in there in case the electronic equipment breaks down. In other words, you could substitute something in a hurry.

AMENDMENT OFFERED BY MR. BURKE OF MASSACHUSETTS TO THE AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. BURKE of Massachusetts. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. BURKE of Massachusetts to the amendment offered by Mr. O'NEILL of Massachusetts: In the amendment offered by Mr. O'NEILL of Massachusetts before the words "shall be entered in the Journal" insert the following: "and the names of the absentees".

Mr. BURKE of Massachusetts. Mr. Chairman, this is a very simple amendment. I believe that the sponsors of the O'Neill of Massachusetts and Gubser amendment inadvertently neglected this provision in their amendment. It merely calls for a listing of those who are absent and not voting. This is in the amendment offered by the gentleman from California (Mr. SMITH).

Mr. Chairman, I realize we have a lot of reformers, a lot of "do-gooders" and a lot of crusaders but I do not believe I fall into either of those categories. However, I believe there is one thing we should be here and that is as capable and honest as we can possibly be. If this amendment which has been offered by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. GUBSER) is adopted, at least let us list the names of those absent and not voting, because on every teller vote which I have seen around here there have been possibly 200 to 250 Members absent. Why should those people be protected day after day, week after week and year after year? Under the type of amendment which has previously been offered they could be absent all year and the only Members who would be recorded would be those who are present and voting.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Texas.

Mr. WHITE. Does the gentleman's amendment state "those Members absent"?

Mr. BURKE of Massachusetts. Absentees.

Mr. WHITE. Now presently the RECORD is recorded as to Members "not voting." It does not say "absent and not voting." A Member could be present and not vote on that particular issue but would be recorded as not voting.

Mr. BURKE of Massachusetts. I would be willing to accept an amendment clarifying that situation.

Mr. WHITE. I do not have such an amendment drawn at this time nor the wording of the gentleman's amendment. I would like to study further the amendment which the gentleman has offered.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. As I understand the parliamentary situation, if the amendment that I offered to the Smith amendment prevails and then if the Smith amendment which the gentleman has offered. is that right?

Mr. BURKE of Massachusetts. That is right.

Mr. HAYS. I think the simple way to handle this is go ahead and vote on my amendment and pass it and then pass the Smith substitute, as amended, and then pass the Gubser-O'Neill amendment, as amended by the Smith amendment.

Mr. BURKE of Massachusetts. The only trouble with that is that if the Smith amendment is defeated, then I will not have the opportunity to offer my amendment again.

Mr. HAYS. Will the gentleman yield at that point?

Mr. BURKE of Massachusetts. Yes, I yield further to the gentleman.

Mr. HAYS. If the Smith substitute is defeated and the Gubser-O'Neill amendment is defeated then the gentleman will have an opportunity to offer his amendment.

Mr. BURKE of Massachusetts. I think once it is defeated, that is it. I do not think you can offer the amendment twice for the same purpose.

Mr. HAYS. It seems to me the time the gentleman should offer his amendment is after we have a vote on the Smith substitute.

Mr. BURKE of Massachusetts. I have had difficulty getting the floor all afternoon——

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. In view of the colloquy between the gentleman in the well and the gentleman from Texas (Mr. WHITE), I ask unanimous consent that permission be given to the gentleman from Massachusetts to change his amendment to strike the words "those absent" and insert in lieu thereof the words "those not voting."

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. BURKE of Massachusetts to the amendment offered by Mr. O'NEILL of Massachusetts: In the amendment offered by Mr. O'NEILL of Massachusetts before the words "shall be entered in the Journal" insert the following: "and the names of those not voting".

Mr. MAYNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to the Legislative Reorganization Act which has been offered today by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. GUBSER) proposing to permit record teller votes in the Committee of the Whole. I am pleased to be a cosponsore of this important amendment and strongly urge its adoption.

We have before us this week the first comprehensive proposals to reform the Congress, and to modernize its machinery and strengthen its role in over two decades. The enactment of this legislation, including such amendments as may be added, will substantially improve our ability to represent our constituents more efficiently. H.R. 17654 reflects the dedicated efforts of many Members over the years, combining the suggestions offered by such groups as the Republican Task Force on Congressional Reform, the Joint Committee on the Organization of Congress, the Members and staff of the House Rules Committee, and by many other concerned Congressmen and individuals seeking to improve this branch of Government.

In my view it was most unfortunate that the House Rules Committee did not incorporate into this bill the vital language proposed by the distinguished Member from California (Mr. GUBSER), proposing to permit rollcall votes in the House on amendments defeated on teller votes in the Committee of the Whole. I have been happy to join the gentleman from California (Mr. GUBSER) and many other colleagues, in introducing this compromise amendment which is now before the House. It will authorize recording of teller votes if sufficient Members so demand, thus permitting record votes on major votes while retaining the present nonrecord teller system in the Committee of the Whole for less important amendments. Upon one-fifth of a quorum—20 Members—supporting a call for a record teller vote, Members would walk thrcugh one of two teller lines which would record the name of the Member as being for or against the motion or amendment. The lines would be open for at least 12 minutes, assuring Members in their offices or elsewhere on the Hill an opportunity to reach the floor in time to have their positions recorded. The result of the record teller vote, including the names of those voting for and against the question, would be reported in the CONGRESSIONAL RECORD.

Recording teller votes in this fashion would take but 12 to 15 minutes, compared to 6 to 12 minutes for nonrecord teller votes and 30 to 45 minutes for rollcall votes. This would certainly encourage greater voting participation as the names of absentees became a matter of public record.

The public is surely entitled to know how elected Representatives vote in Congress, including their position on major amendments. An informed electorate is America's best guarantee for the future of our constitutional system, and the cornerstone of our democratic processes. Failure of the Congress to make such votes a matter of public record, has contributed to a growing gap of confidence in the Congress as an institution and in its ability to relate and respond to the problems of this generation and of the future.

The historic reason for the secrecy of

anonymity of votes in the Committee of the Whole, the need in 17th-century England to protect Members of the British Parliament from the wrath of the King, no longer exists. Since the 1830's the British Parliament has provided for record teller votes. We are some 1½ centuries late in taking such action today.

This record teller vote amendment is a reasonable and appropriate method of meeting a pressing need, and its adoption is imperative.

Mr. SMITH of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have no objection to the Hays amendment to the Simth substitute. I have discussed the situation with the gentleman from California (Mr. SISK) and with the gentleman from Missouri (Mr. BOLLING), and they both tell me it is all right, when I made the statement that we were willing to agree to the amendment.

Mr. SISK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time at this point to again seek some unanimous consent in connection with this matter that is before us. We all recognize that this matter of teller votes and a recording of the votes is very important. However, we are now approaching 4 o'clock. As some of you may or may not recall my indications of last Thursday that we have today and tomorrow to debate this bill, and if this bill has not been completed by tomorrow afternoon or evening, the indications are that we will be here in September or later on to take care of the matter. All I am suggesting is that we have an agreement to cut off debate so we can complete this bill by tomorrow. So I would hope that we could get some unanimous accord for when we can vote on the amendments and the substitute and amendments thereto.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Chairman, the gentleman has mentioned that we are approaching 4 o'clock, and I wonder if it would be out of order for the Committee to continue past 4 o'clock now that we have taken care of the problem of the picturetaking?

Mr. SISK. If the gentleman will again refer to my remarks made last Thursday, I indicated that I would hope that no Member would expect dinner until after 7 o'clock, either tonight or tomorrow night, and I am still hoping—although I do not want to be left here alone—that we can proceed expeditiously with this matter.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I think that there are some uncertainties about the exact language of the amendment offered by the gentleman from Ohio (Mr. HAYS). I wonder if, before we limit time, if a parliamentary inquiry might be presented to clear that up?

Mr. SISK. I yield to the gentleman for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. FRASER. Mr. Chairman, will the gentleman yield for the purpose of a parliamentary inquiry.

Mr. SISK. I yield to the gentleman.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. FRASER. Mr. Chairman, in the Hays amendment, as it is found at the desk, the first line of paragraph (b) appears to be stricken, plus several additional words on the following line. But in checking with the Clerk, he did not read that matter stricken, and I understand from the gentleman from Ohio (Mr. HAYS) that he did not intend that it should be stricken.

Mr. Chairman, I simply want to find out what the status of the amendment is in that respect.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Ohio (Mr. HAYS) to the substitute amendment offered by the gentleman from California (Mr. SMITH).

The Clerk reread the amendment.

Mr. FRASER. Mr. Chairman, will the gentleman from California (Mr. SISK) yield for a further parliamentary inquiry?

Mr. SISK. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, I would defer to the author of the amendment.

Mr. SISK. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HAYS) to make comment.

Mr. HAYS. Mr. Chairman, it is my understanding, and again this is the situation you get into, on the very technical matter of changes in the rules when this is done hurriedly. But it is my understanding, you do not have this in lieu of a teller vote but you have it upon demand. In other words, you can have a teller vote and if somebody is not satisfied, you can have a record vote. Or if before you have an optional teller vote someone demands a recorded vote, you can get up and say so and if enough people support you—you get that.

So the words "in lieu of" seem to be unnecessary because this gives some flexibility, that you can have a vote either way. But it makes sure that you can have a record vote if anybody wants a record vote.

Mr. FRASER. Mr. Chairman, will the gentleman from California yield?

Mr. SISK. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, the purpose of this inquiry is that originally the intention, I believe, of the authors of these various amendments has been that you can have only one vote—one teller vote—and either it is going to be a nonrecord teller vote or, if before the teller vote is started somebody demands a record vote, that recorded vote would be in lieu of the nonrecorded teller vote.

That is the significance, I think, of striking that language, that then you could have two teller votes, one nonrecorded and one recorded.

I just want to make clear that the gentleman means to make that substantive change. I am not sure I favor the change, but I just want to know what the intent was.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WAGGONNER. Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. SISK) may proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SISK. Mr. Chairman, I yield to the gentleman from Ohio (Mr. HAYS) to explain further his amendment.

Mr. HAYS. Mr. Chairman, again let me say to you, I think by striking out the words "in lieu thereof" you would have the possibility, as the gentleman from Minnesota has said, of having two teller votes.

But on the other hand we might preclude the possibility of having a recorded vote if you had the other vote which went very substantially against or for and they saw it was going to be unnecessary. What I am trying to do here is to provide a recorded teller vote using the language of the Smith amendment, and I really do not think it makes all that much difference, but I think the idea in striking out the "in lieu of," from the advice I got, was that it would make it possible to get a recorded teller vote in any event, and that is what I think we are all after.

Mr. SISK. Mr. Chairman, I would like to renew my unanimous-consent request. As I said, I am not trying to cut anyone off. I ask unanimous consent that all debate on the O'Neill-Gubser amendment and all amendments and substitutes thereto close at 4:45 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DENNIS. I object.

Mr. SISK. Mr. Chairman, I ask unanimous consent that all debate on the O'Neill-Gubser amendment and all amendments and substitutes thereto close at 5 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, we now have before the Committee the O'Neill-Gubser amendment, the Smith substitute, the Hays amendment to the Smith substitute, and finally the Burke amendment "to separate the men from the boys." What I am afraid of in all this discussion is that in our desire to secure the basic principle of recorded teller votes, if we adopt the substitute or any of the amendments that have been offered, somehow or other we are going to be scrambling the issue of electronic voting, which I think is an important and separate issue in and of itself, with the other basic issue of making sure that we have embedded in the Reorganization Act in unmistakable language the fact that there shall be recorded teller votes.

Frankly, my objection to the amendment offered by my distinguished colleague of the Rules Committee, the gentleman from California (Mr. SMITH) is that it goes into too much detail to prescribe the electronic aids that will be used to tabulate the vote. As I read and understand the O'Neill-Gubser amendment, even though it may imply a manual recording of the vote because it makes reference to clerks, certainly there is enough latitude within that amendment that they could employ electronic aids of any kind to assist them, to assist the clerks in carrying out their assigned function of recording the teller vote.

Mr. Chairman, I supported the O'Neill-Gubser amendment when it was offered in the Committee on Rules many weeks ago by the gentleman from Massachusetts (Mr. O'NEILL). It is absosolutely vital to take this opportunity to demonstrate to the American people that we are willing to be recorded on the important issues that confront the Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, I rise in support of the Gubser-O'Neill of Massachusetts amendment. I concur with the gentleman from Illinois (Mr. ANDERSON) who just spoke, that the Gubser-O'Neill of Massachusetts amendment appears to offer everything necessary to accomplish the same objectives as the clarifying amendments just cited. It raises a question as to whether those amendments are actually necessary and thus I believe they ought to be respected.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I rise to support the amendment by the gentleman from Massachusetts (Mr. O'NEILL) and the gentleman from California (Mr. GUBSER) to permit the recording of teller votes in the House of Representatives.

I am in support of this amendment and opposed to other amendments to this amendment above all because at the present time the method in which the Members of the House vote on amendments frustrates the public's right to know.

When the House sits as a Committee of the Whole to consider legislation, no rollcalls can be obtained on any amendment that does not pass. That means a Member can vote for any number of amendments which may cripple a water pollution bill, or render ineffective a civil rights bill or fail to provide adequate funding for hospital construction or programs for the elderly, and then he can turn around on final passage and vote for the bill he has just voted to emasculate by amendment. While on record he can pose as a champion of environmental protection, of the elderly and of the sick, he has in fact voted against their very interests.

The fact is that the least meaningful vote a Member casts is often the one on final passage. This isn't right, it is not healthy and it should be changed.

This amendment may seem like a radical departure for the House of Representatives, a legislative body which has voted in secret on teller votes since the establishment of our Republic and the creation of the Congress itself. I can understand also that many Members of the Congress may find it easier to legislate in secret. I do not believe this is so.

Before my election to the House just over a year ago, I served in the Wisconsin State Legislature for 7 years. During my service there, I got used to its practice of holding open public meetings on everything except personnel matters or land purchases—markup sessions on bills, public hearings on all legislation, meetings of the joint finance committee, and debate on all matters which came to the assembly floor.

This system did not cripple the Wisconsin legislative process. And although many politicians did not consider it particularly convenient, it certainly is the best system for the press, which must report the public's business, and for the public itself if it is to have any accountability toward those it elects to public office.

The amendment now before this House would open windows for public view of the legislative process. I believe the public wants its institutions to be more open and candid and honest. If the House hopes to regain the public confidence without which no institution can long endure, then it must recognize the public's desire for an open legislative process, and it must accept this amendment.

(By unanimous consent, Mr. OBEY yielded the remainder of his time to Mr. GIBBONS.)

PARLIAMENTARY INQUIRY

Mr. GUBSER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GUBSER. In the event that Members do not consume the time allotted to them, does that mean we will vote earlier than the time certain, 5 o'clock, or that debate will be extended until the time certain?

The CHAIRMAN. When the call of the list of Members is completed, the Chair intends to divide the time equitably, and should there be no further requests for time the Chair might put the question before 5 o'clock.

Mr. GUBSER. In other words, if a number of Members do not use their allotted time and we have exhausted the list prior to 5 o'clock, we will vote at that time?

The CHAIRMAN. If no other Member desires to speak, the gentleman is correct.

Mr. GUBSER. Mr. Chairman, a number of Members have gone back to their offices, and I am going to have to put on a quorum call if that is the case.

The CHAIRMAN. Does the gentleman make the point of order that a quorum is not present?

Mr. GUBSER. No, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, considering the series of amendments which are pending, this is like the rabbit who went in one hole, went all around underground, and finally came out at the same place, because if we adopted all the series of amendments, with all the hiatuses, and everything else they have in them, we would finally come out some place with the O'Neill of Massachusetts-Gubser amendment.

For that reason I am going to support the O'Neill of Massachusetts-Gubser amendment, because it is sound, it is well thought out, and we are not going to get confused by leaving in or taking out some of these other provisions.

The amendment offered by the gentleman from Ohio (Mr. HAYS) to the substitute amendment offered by the gentleman from California (Mr. SMITH) brought that amendment almost around garage, they would not have it if it were full circle, almost 360 degrees back to the O'Neill of Massachusetts-Gubser amendment. Then, when my friend from Massachusetts separated the men from the boys, he added a little more sweetening to the cake.

But there is no need for all this. All the things that have been talked about here today can be done under the Gubser-O'Neill of Massachusetts amendment. There is no prohibition in the Gubser-O'Neill of Massachusetts amendment as to using electronic equipment. All types of electronic equipment can be used under that amendment. It provides ample time for Members to get to the floor. It will not tie them down to carrying a card or something of that sort.

For that reason I believe the Gubser-O'Neill of Massachusetts amendment should be adopted.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New York.

Mr. ROSENTHAL. I do not see anything wrong with the Burke of Massachusetts amendment. Would the gentleman comment on that?

Mr. GIBBONS. It is just not necessary. We are going to record who voted "aye" and who voted "no." If a Member did not vote either "aye" or "no," he must have not voted. That is all there is to it.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Why does the gentleman want to protect the absentees?

Mr. GIBBONS. I do not want to protect the absentees. I am not really opposed to the amendment; I just do not believe it adds anything to this.

The gentleman says that you can use electronic equipment under the Gubser amendment. I do not see how, because it says "clerks." But then he objects to electronic equipment because he says you would have to carry a card to vote with that. If you have electronic equipment, you will probably have to carry something to identify you to the electronic machines. If you can do it under the Gubser amendment, the objection is not valid, but are you sure you can do it under the Gubser amendment?

Mr. GIBBONS. Yes. I am sure we can. There will be other amendments offered here that will clear up any doubt in anybody's mind, but I am sure you can do it under the Gubser amendment now. It is entirely possible.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, I support the Hays amendment. It is an alternative that allows a Member on the floor to rise and make a motion for a recorded teller vote by electronic system or other means. If the electronic system is not working the committee can devise an alternative method that will be efficient. It takes care of the problems in the original Smith amendment as to time. There is a 12-minute period to allow Members to come to vote. Seven minutes is all that is required for any Member to come from any building on the Hill.

Mr. Chairman, I support the amendment because I think it is the answer to the immediate problem.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Chairman, I support the O'Neill-Gubser amendment.

I should like to use my time by way of parliamentary inquiry to attempt to establish whether or not if the Smith amendment as amended by the amendment by Mr. HAYS could not be offered as a separate and additional amendment after the passage of the O'Neill amendment. If it adds an alternative and additional means of recording votes it would appear to me that it would be a matter that is in addition and not in conflict with the O'Neill-Gubser approach, and that we might resolve this matter without placing these two amendments in competition with each other.

The CHAIRMAN. Is the gentleman stating a parliamentary inquiry?

Mr. ECKHARDT. I should like to state it as a parliamentary inquiry, which is as follows: As I understand the Smith amendment as it is sought to be amended by the Hays amendment, all it would do is say that in addition to providing a manually recorded type of vote by the method that is provided in the O'Neill amendment, it would also provide an electronic record type of vote. Now, if I am correct in that assumption, would it not be in order, if we should vote down the Hays amendment to the Smith amendment, to offer this as an additional provision subsequent to the passage of the O'Neill amendment?

The CHAIRMAN. The Chair would like to inform the gentleman in answer to his parliamentary inquiry that if the amendment offered by the gentleman from Ohio (Mr. HAYS) is voted down and the substitute offered by the gentleman from California (Mr. SMITH) is voted down, then another germane substitute would be in order.

Mr. ECKHARDT. Then, may I ask further that in the event this course of events occurs and instead of offering a substitute we should pass the O'Neill-Gubser amendment, would it be in order to offer as an additional section a provision for electronic equipment as an alternative, that is, as a supplementary means of recording the vote?

The CHAIRMAN. The Chair would like to inform the gentleman in answer to this parliamentary inquiry that when the O'Neill amendment is disposed of, then certainly additional germane amendments would be in order as new sections of the bill.

Mr. ECKHARDT. Would that include an addition that might embrace the present content of the Smith amendment?

The CHAIRMAN. The Chair will not be able to pass upon that inquiry at this time.

The time of the gentleman from Texas has expired.

The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise to indicate my own support for the original O'Neill-Gubser amendment that is now pending with various related substitutes and amendments thereto.

I am sympathetic to the amendment offered by the distinguished gentleman from California (Mr. SMITH), but I feel very strongly that there is a weakness in that amendment; namely, the failure to provide that there is no time period during which a Member could get from his office or elsewhere to the floor. It seems to me this is the largest single reason why the Smith substitute ought not to be adopted.

Mr. Chairman, the Hays amendment, which comes somewhat closer because it contains a time element, I am also concerned about.

Thus I will vote in opposition to the substitutes that are pending to the amendment—to the O'Neill-Gubser amendment—and support the amendment offered by the gentleman from Massachusetts and the gentleman from California in their original amendment.

This has to be counted as a highwater mark in this House in an effort to assure our constituents their right to know how their Representatives have voted on the important issues pending before the Congress.

Mr. Chairman, while there have been objections to the voting procedures in the Committee of the Whole for a long time, these have gained in intensity during the past year. Presently, groups have taken to sitting in the galleries seeking to identify which Members voted on various teller votes. Several Representatives have complained that these spotters have made mistakes in their tallies. This is to be expected, given the distance between the spotters and the tellers, the fact that notes cannot be taken, and the rapidity with which the votes are taken. The press, which presumably would be one of the groups most interested in determining who voted how on these votes, is located in the worst possible location to do so.

There is no question that the fact that teller votes are not recorded is beneficial to some Representatives on certain issues. Anonymity is assured and they can vote without fear of interest groups or constituents finding out. While this may allow the Member to vote his conscience without fear of retribution, I think on the whole the system is a bad one. For one thing, it discourages participation.

The turnout rate for teller votes is significantly below that of rollcall votes. Teller votes are not counted in any interest group's voting tallies. Not only does the present system discourage participation, it encourages secrecy and deceit. Members can vote one way in the Committee of the Whole and another in the full House without their constituents knowing. Some will say that the teller procedure enables the Member to vote his conscience and avoid pressures which would be placed upon him if a vote were recorded. I think this is false for two reasons. In the first place, any amendment which passes the Committee of the Whole is subject to a rollcall vote in the full House and so the Member's position can be determined at that stage. But more importantly, I believe that the philosophy behind such an argument is contrary to what I perceive to be the job of the Congressman. We are paid by our constituents to stand up and be counted. As Harry Truman once said:

If you can't stand the heat, get out of the kitchen.

As for the specifics of the O'Neill-Gubser amendment, I recognize that there have been numerous proposals about how to obtain the desired objective. After much discussion, a bipartisan group of members concluded that the pending amendment was the best approach. The amendment provides for the retention of nonrecord teller votes but it allows one-fifth of a quorum to get a record teller vote. A record teller vote would take precedence over nonrecord votes, but in any case only teller votes would be taken on a given proposition.

The proposed amendment allows the Clerks of the House flexibility in how they think the change can best be carried out. I believe that whatever method is worked out no additional clerical staff would be required.

The teller lines would remain open for 12 minutes, thus insuring that a Member who was in his office would have sufficient time to make it over to the floor to be recorded. Because the names of those voting for and against the amendment as well as those not present would be recorded in the CONGRESSIONAL RECORD, as is presently the case with rollcall votes, I believe that participation in teller votes would increase markedly. This would encourage Members to take more interest in the proceedings of the Committee of the Whole, and perhaps foster greater attendance during debate in the committee.

Adoption of this amendment would eliminate the practice of various private groups using the motion to recommit as an indimation of a Member's position on a given issue. Many Representatives have been inaccurately portrayed as for or against some measure solely on the basis of their vote on the previous question on the motion to recommit. I, myself, have had this experience. To remedy this situation and to allow our constituents to know how we stand on the major issues of the day, I urge acceptance of this

amendment. It is time we pulled of the curtain of secrecy that covers too much, far too much, of the House's operations. If the Members of the Senate and the members of nearly all State legislatures can stand the heat of being recorded on the key issues of the day, I think the Members of this body can do no less.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, if the Hays amendment to the Smith substitute to the O'Neill-Gubser amendment as possibly amended by the Burke of Massachusetts amendment means what I think it does, I do not understand it.

Mr. Chairman, I rise in support of the O'Neill-Gubser amendment and hope it is adopted.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. PEPPER).

(By unanimous consent, Mr. PEPPER yielded his time to Mr. O'NEILL of Massachusetts.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL of Massachusetts. Mr. Chairman, I wish to thank the gentleman from Florida for yielding me the time.

There is an old saying, "Beware of Greeks bearing gifts."

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I am pleased to yield to the distinguished gentleman from Indiana.

Mr. BRADEMAS. I want to say to the gentleman that this is one Greek who is bearing the gift of his very strong support and cosponsorship of the gentleman's amendment and will oppose all amendments thereto.

Mr. O'NEILL of Massachusetts. I thank the gentleman for those remarks.

We had an opportunity in the committee when reading the bill, by a vote of 6 to 6, to adopt this amendment, but it did not prevail.

The gentleman from California could have offered his amendment or at that particular time voted with the majority and offered it at a later date.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Ohio.

Mr. HAYS. Well, the amendment. I am trying to improve upon the amendment to make it more certain.

I simply gave you notice in a fair way that I was going to offer a substitute for a rollcall record of teller votes or by the clerks writing down the names.

Now, that makes it a more foolproof method. I am all for a recorded vote.

Mr. O'NEILL of Massachusetts. I am very, very grateful for the statement of the able and learned gentleman from Ohio.

Nevertheless, I am afraid at this particular time that if the amendment as offered by the gentleman from California (Mr. SMITH) as amended by the amendment offered by the gentleman from Ohio (Mr. HAYS) is adopted it will do harm to all our efforts. Basically it looks as though it accomplishes exactly what I am looking for, but what I am afraid of is this: this bill is not going to pass today. We are going to rise this afternoon. We will probably rise tomorrow afternoon, and the Lord knows when we will get final passage on this legislation that the gentleman from California (Mr. SISK) and his committee have so diligently and so ably worked on.

As the time goes by I begin to think that the people out in the hallway are going to say "You know, the basic idea was all right, but perhaps we made a mistake by going along with electronic voting on this. It is going to cost a quarter of a million, or a half a million or three-quarters of a million or a million dollars to put some kind of an electronic gadget in here in order to record teller votes. You know, the Congress has not made a complete study as to whether we ought to have this whole Chamber realtered so that we can have electronic votes on rollcall votes. I think that perhaps we have acted at an inopportune moment. Perhaps we ought to let the bill go down the drain.

I have great respect for the gentleman from Dallas. I know he has evidently the hope that this legislation will go through, and I think perhaps that some Members may be a little naive when they get tied up with the machinations and procedure. I am afraid somewhere along the line this amendment is going to be scuttled. That is what I do not want to see happen.

To be perfectly truthful, let me say this to you, so everybody in the House will understand: When a man wants a teller vote he stands and he asks for a teller vote. If he gets 20 people to stand, when we are in the Committee of the Whole, he can have that teller vote. Now, if he wants a teller vote with clerks, he asks for a teller vote with clerks.

I said earlier that I believe there were 73 teller votes last year. Surely there will not be 73 recorded teller votes; there will only be recorded votes on about 15 or 17. So there is not this great fear that we have to be all present on the floor constantly, because with every teller vote that will be recorded, there will be sufficient time for Members to reach the floor and this will not occur on every amendment. There will be recorded teller votes only when the individual asks for clerks.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ROSENTHAL yielded his time to Mr. O'NEILL of Massachusetts.)

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I would ask the gentleman from Massachusetts if I am correct in my analysis of what could take place under the parliamentary situation that if the amendment offered passes without an amendment—and I hope it will pass without an amendment—that if that passes there is strong likelihood of a vote on that amendment, because if the amendment passes there is good likelihood that someone is going to ask for a recorded vote when we go back into the House.

Mr. O'NEILL of Massachusetts. Oh, yes, certainly, I would say "Yes."

Mr. ROSENTHAL. If that assumption is correct, then there will be a record vote so that then the best thing we can do is have the amendment in its simplest terms so the public can understand exactly what amendment we are voting on when the recorded vote comes up. And if we introduce the problem of electronic voting a Member might be able to say "I was in sympathy with the O'Neill-Gubser amendment, but voted against it because I had some question about the feasibility of the electronic voting system."

Mr. O'NEILL of Massachusetts. The gentleman has hit it right on the head. The point that I tried to make in the four and a half minutes I had, he has very succinctly stated it in the 30 seconds time he had.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman.

Mr. BURKE of Massachusetts. Do you not also believe that Members will have an opportunity to vote against the Gubser-O'Neill amendment if that amendment does not provide for the listing of those who are absent and not voting?

There are many Members of this House who feel that there has been too much underground opposition to my amendment.

Mr. O'NEILL of Massachusetts. Mr. Chairman, I must say that once my colleague gets his teeth into something, he does not let go.

The CHAIRMAN. The Chair recognizes the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, it seems to me that the affairs of Congress have been the subject of debate for years. What is most encouraging here today is that the Congress, specifically the House of Representatives, is examining its own conscience. While there are differences of opinion and different points of view and different proposals, I think they are all motivated by a desire to achieve meaningful reform.

In the last analysis, however, it seems to me that the amendment which provides the simplest and surest route for that reform is the O'Neill-Gubser amendment. I feel strongly that the public has a right to know. But I also feel that the Member has great difficulty today, when so many of our substantive issues are disguised in parliamentary procedure in stating his position. The Member who genuinely wishes to express a point of view has difficulty achieving a clarity of position.

The O'Neill-Gubser amendment makes this situation abundantly clear and proposes a remedy. For this reason, both for the public's protection and for the clarity of position that the Member wishes and deserves to achieve, I strongly support it.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I

have been in this Chamber a very short time. I rise in support of what I consider to be a most significant step in the direction of better informing the public that this body has taken.

The lack of information of the local press and between them and those who cover them from a national view in the public part of our activities is appalling. I wish I could be more adjectival in describing it.

I think I am naive enough to believe in the Stevensonian concept of our role being one that is directly representative of the body politic.

I think the effort being made by Representatives of O'Neill-Gubser this afternoon, which I support in its simplest form, is an ample start in the right direction.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Illinois (Mr. MIKVA).

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts (Mr. HARRINGTON)?

There was no objection.

The CHAIRMAN. The gentleman from Illinois (Mr. MIKVA) is recognized for one-half minute.

Mr. MIKVA. Mr. Chairman, I rise in support of the O'Neill-Gubser amendment. It will put the elected representatives on record on the issues on which the people have a right to know and judge. An end to the secrecy of votes on amendments is a perfecting of the legislative process that is long overdue.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, there is only one issue of substance before the committee this afternoon and that is—are we for or against the proposition of being recorded on the teller votes, which, generally speaking, are some of the most important and meaningful votes that we cast here in this body?

There is one easy, simple way to be recorded in favor of being counted as present and recorded on the teller votes and that is to vote for the O'Neill-Gubser amendment and to vote all the other amendments down.

Mr. Chairman, the Hays-Smith substitute at best accomplishes absolutely nothing that cannot be accomplished under the O'Neill-Gubser amendment because the O'Neill-Gubser amendment will permit electronic voting if later we so see fit, and it provides for a time element in which to get to the House and vote, which is the added feature provided in Mr. HAY's amendment.

At worst, however, the Smith-Hays amendment can confuse the issue and keep us from seeing the very simple point. The thing to do here, if you are in favor of being recorded on teller votes, is to keep it simple and keep it straight, and to vote for the Gubser-O'Neill amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I am pleased to announce that things are back to normal, because I disagree with my colleague from Indiana on this.

First, I would like to say, Mr. Chairman, that this is a committee and this is a House of great patriots who would do anything at all for their country—except work late tonight, except work last Friday, except give up picture-taking sessions and work the night before or the night before that. I for one am prepared to stay here until midnight tonight. I would like to see those Members who are not willing to work until say, 11 or 12 o'clock tonight on this bill, which everybody has described as so important, stand up and let us see who they are.

Is there anyone here who would not be willing to work until midnight tonight? Four, five, six, seven—that is, by the way, a nonrecorded vote.

Mr. Chairman, it pleases me that the majority wants to work late tonight, so I am sure we shall.

Everybody knows that the gentleman from Massachusetts and the gentleman from California, for both of whom I have tremendous admiration, are the authors and caused this amendment to come to this floor. And I congratulate them both.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

PARLIAMENTARY INQUIRIES

Mr. FRASER. Mr. Chairman, I would like to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRASER. Would it be in order that we might have a vote now on the Burke amendment?

The CHAIRMAN. If there are no other speakers on the list that the Chair has that was taken down at the time of the request of the gentleman from California (Mr. SISK) to limit debate, then that would be in order. If there are additional speakers on the list who want to speak to the Burke amendment to the amendment of the gentleman from Massachusetts (Mr. O'NEILL), they could be heard, at this time.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. The Chair means if there are no further speakers on the Burke amendment; does he not?

The CHAIRMAN. That is correct; on the Burke amendment. In order to clarify the question, are there other speakers on the amendment offered by the gentleman from Massachusetts (Mr. BURKE) to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL)? Are there any other speakers on that amendment? If not, the Chair at this time will put the question.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. BURKE), as modified, to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The question was taken; and the Chairman, being in doubt, the Committee divided, and there were—ayes 52, noes 22.

So the amendment, as modified, to the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, acceptance of the Burke amendment will certainly not harm and perhaps may strengthen the O'Neill-Gubser amendment, so I think we are in good shape. I understand that the gentleman from Michigan will offer a further amendment to the O'Neill-Gubser amendment to make clear that electronic devices would be in order. This would then give us a fundamentally sound amendment which would do everything the Smith amendment would do, with or without the Hays amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, they say there is nothing so powerful as an idea that has found its time, and I think today we are seeing that happen in this House—a revolutionary and most desirable change to which practically everyone is agreed. We are truly striking a blow to improve our democratic system.

The only question that remains is how this is to be done. It seems to me that the case has not been made for the Smith substitute, that is for going beyond providing for recorded teller votes and taking the further step at this time to electronic voting.

I see no need for the complications surrounding the Smith of California substitute and the Hays amendment to it, which has raised some confusion.

A question has been raised about whether the count on a recorded teller vote can be accurate without that. Surely there are ways which can be devised to have an accurate count. Surely in any case a Member who says he was wrongly counted will have the privilege—just as he now has as to a rollcall vote—of coming back to the floor later to ask unanimous consent to have the RECORD corrected. That gives full protection against any inaccuracy.

A simple way to assure that the record on a teller vote be accurate would be to have a clerk stand behind each teller with a tape recorder, and the Members could state their names on the tape recorder as they go through.

In any case the simple amendment is the best approach in this case. I hope the O'Neill of Massachusetts-Gubser amendment will be resoundingly adopted.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

(By unanimous consent, Mr. HOLIFIELD yielded his time to Mr. O'HARA.)

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. O'HARA).

AMENDMENT OFFERED BY MR. O'HARA TO THE AMENDMENT OFFERED BY MR. O'NEILL OF MASSACHUSETTS

Mr. O'HARA. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The Clerk read as follows:

Amendment offered by Mr. O'HARA to the amendment offered by Mr. O'NEILL of Massachusetts: Strike out "shall be entered in the

Journal" and insert "shall be recorded by clerks or by electronic device and shall be entered in the Journal".

Mr. O'NEILL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Massachusetts.

Mr. O'NEILL of Massachusetts. I shall be happy to accept that amendment to the amendment I offered with the gentleman from California (Mr. GUBSER).

Mr. O'HARA. I thank the gentleman.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from California.

Mr. GUBSER. The gentleman's amendment is exactly compatible with the intent of the gentleman from Massachusetts (Mr. O'NEILL) and myself, and I certainly am willing to accept the amendment.

Mr. O'HARA. I thank the gentleman.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from California.

Mr. SMITH of California. I should like to have the amendment read again.

The CHAIRMAN. Is there objection to the request of the gentleman from California that the amendment be reread?

There was no objection.

The Clerk reread the amendment.

Mr. O'HARA. Mr. Chairman, this amendment is designed to make explicit the clear implication of the O'Neill amendment, that the teller votes provided for under the amendment can be recorded by electronic device, if that is the method provided by the House. My amendment makes it clear that the names are recorded. Tellers can be recorded by clerks manually or by electronic device at the option of the Speaker and at the direction of the House.

The CHAIRMAN. Are there any Members whose names are on the list who would like to speak to the O'Hara amendment to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

If not, the question is on the amendment offered by the gentleman from Michigan (Mr. O'HARA), to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The amendment to the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, I should like to extend my congratulations to the Committee and to the gentleman from Massachusetts (Mr. O'NEILL), and to the gentleman from California (Mr. GUBSER) who have come up with what I believe is an important and monumental change in the rules of the House.

I think, however, it is unfair to label any attempt to change or improve upon the O'Neill-Gubser amendment as merely an attempt to frustrate the bill or the amendment itself. I spoke to the gentleman from Ohio (Mr. HAYS) on many occasions. He indicated to me his desire to improve upon the Gubser amendment. I think his amendment does, in fact, improve upon it, because it will give those Members an opportunity actually to cast their vote in 12 minutes should a recorded vote be required and be necessary.

I think it is important at this time also to note that under the chairmanship of the gentleman from Louisiana (Mr. WAGGONNER) we have been investigating electronic voting for the past month, and it is entirely possible, by the time this bill is finally passed in its completed form, we will be able to report to the House a complete program for electronic voting.

So, Mr. Chairman, I think the amendment offered by the gentleman from Ohio (Mr. HAYS) does not in effect frustrate the amendment but improves upon it.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, I see nothing wrong with recording teller votes by electronic means. That is why I shall now support the O'Neill-Gubser amendment as amended by Mr. O'HARA of Michigan. I will also support at the proper time an amendment to record all record votes and quorum calls by electronic means. Much time every legislative day, is wasted by the present method of recording votes, many of which take as much as 30 minutes to conclude.

So, if the Members are in favor of recorded votes—why not have the most modern, fastest way—electronic voting on all votes.

(By unanimous consent, Mr. BROYHILL of North Carolina yielded his remaining time to Mr. ARENDS.)

Mr. ARENDS. Mr. Chairman, immediately after the adoption of the O'Neill amendment, if such is adopted, I want to offer an amendment adding the sentence that when we go back into the House from the Committee of the Whole any amendment that has been adopted by a teller vote or defeated by a teller vote shall have a difference in this respect: On the adoption of the amendment it take 20 percent or one-fifth to ask for a recorded vote, but on any defeated amendment that if a vote is requested we ask for one-third of the membership to rise in order to get a vote. I believe we ought to make a distinction between an approved or disapproved teller vote amendment.

I hope this will have the consideration of the House, and I want to offer this at the present time.

The CHAIRMAN. Does the gentleman from Illinois desire to offer this amendment at this time?

Mr. ARENDS. Yes, Mr. Chairman, I offer the amendment.

AMENDMENT OFFERED BY MR. ARENDS TO THE AMENDMENT OFFERED BY MR. O'NEIL OF MASSACHUSETTS

The Clerk read as follows:

Amendment offered by Mr. ARENDS to the amendment offered by Mr. O'NEILL of Massachusetts. After the last sentence of the O'Neill amendment add the following new language:

"When any measure is reported from a Committee of the Whole House, it shall be in order, immediately after the order for the engrossment and third reading of the measure and before consideration of the question of final passage, for any Member with respect to any amendment which has been defeated by teller vote in the Committee of the Whole, to offer a motion, which shall require for adoption the affirmative vote of at least one-third of a quorum, demanding the reconsideration of that amendment by roll call vote taken in the manner provided by Rule XV. Such motion is of the highest privilege and shall be decided without debate. If, upon reconsideration by roll call vote, the amendment is adopted, then the amendemnt shall be deemed to have been read in the third reading, and shall be included in the engrossment, of that measure.".

Mr. O'NEILL of Massachusetts. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. O'NEILL of Massachusetts. I do not think the gentleman has clearly in mind what my amendment does. My amendment—actually, the only change in the present rules that we have is that if before tellers are named any Member requests tellers with clerks—and I emphasize "with clerks"—then the amendment says as follows: "and that request is supported by at least one-fifth of a quorum, the names of those voting on each side of the question shall be entered in the Journal. Members shall have not less than 12 minutes from the naming of tellers with clerks to be counted."

There is nothing in my amendment that says anything contrary to what the gentleman says. We just follow the regular rules. Unless in the Committee of the Whole an amendment is adopted, you cannot have a rollcall vote. If it is defeated, you cannot have a rollcall vote.

Mr. ARENDS. I am not changing the gentleman's amendment, but I am adding to it so that we may differentiate between an adopted amendment and a rejected amendment by teller votes, making it a requirement that one-fifth will stand to get a vote on an adopted amendment and one-third will be required to stand to get a vote on a defeated amendment by a teller vote.

I am attempting to differentiate between the two because I feel there should be some addition made in the language.

Mr. ALBERT. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. Of course I yield to the distinguished majority leader.

Mr. ALBERT. The gentleman it seems is confusing the meaning of the amendment. The amendment does not change the rule about voting in the House on defeated amendments.

Mr. ARENDS. I added new language to the amendment.

Mr. ALBERT. Mr. Chairman, if the gentleman will yield further, does the gentleman want to put that language in the bill at this point?

Mr. ARENDS. Yes. I think that is the best thing to do.

Mr. ALBERT. The gentleman wants to require votes on defeated amendments?

Mr. ARENDS. Yes. If one-third of the Members stand and ask for it. I do not think we should have one-fifth standing for a vote on an accepted amendment as

against one-third standing for a nonaccepted amendment.

Mr. O'NEILL of Massachusetts. Mr. Chairman, further pursuing my point of order, on page 27 of the publication "House Rules and Manual" under that section of the Constitution of the United States it says:

> * * * and the Yeas and Nays of the Members of either House on any question shall, after the Desire of one-fifth of those Present, be entered on the Journal.

Mr. Chairman, the gentleman from Illinois is trying to change the Constitution.

Mr. GIBBONS. Mr. Chairman, in support of the point of order which has been made by the gentleman from Massachusetts (Mr. O'NEILL), and if the Chair has not made up its mind, I would say that the gentleman from Illinois' amendment is subject to the same point of order that the Chair sustained on the amendment which was offered by the gentleman from Ohio (Mr. HAYS).

Mr. ARENDS. I would say that this amendment is slightly different to the amendment offered by Mr. HAYS.

The CHAIRMAN (Mr. NATCHER). The Chair is prepared to rule.

Insofar as the constitutional question raised by the gentleman from Massachusetts is concerned, of course, the Chair would not pass upon that.

The amendment offered by the gentleman from Illinois (Mr. ARENDS) provides for the recording of teller votes. The pending amendment offered by the gentleman from Massachusetts also provides for the recording of teller votes. Therefore, the Chair overrules the point of order and recognizes the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, I am simply trying to say to the House that when there is an adopted amendment by a teller vote there is the requirement that only one-fifth of the membership of the House must rise on that teller vote, but on a defeated amendment, I think that one-third should be required to obtain a vote on such defeated amendment by teller vote.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I favor the O'Neill-Gubser amendment. I think it is a practical amendment. I do not think, however, there is anything wrong with the Hays amendment. In fact, if you were going to pass the Smith amendment, you would be in a real bad bind without the Hays amendment. So I hope no one turns down the Hays amendment on the theory that it is going to be something that is not constructive. I say this because turning down the Hays amendment might mean you would have no vote. You might be on the telephone or you might be having a sandwich and you would be unable to cast your vote. The Hays amendment is certainly a good amendment to the Smith amendment. I favor the O'Neill-Gubser as the best approach, however.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Chairman, I really have no objection to either approach which has been made, but it seems to me that the most practical approach is the substitute offered by the gentleman from California, as amended by the amendment of the gentleman from Ohio (Mr. HAYS).

From time to time we have seen Members rise in the well of the House to ask that a certain rollcall be corrected. If you want to see confusion take place, and the arena opened up for mistake after mistake in recorded votes on the votes of any Member on any given issue, the method of letting the tellers with the help of clerks record those votes will probably cause more confusion and more errors in the tallying of votes than any method yet devised.

With the addition of the amendments offered by the gentleman from Massachusetts (Mr. BURKE) and the gentleman from Michigan (Mr. O'HARA) to the O'Neill-Gubser amendment, the difference between the two approaches seems to be the difference between tweedledee and tweedle-dum.

Mr. Chairman, it appears to me that the best approach is the Smith substitute as amended by the Hays amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I think we have spent a lot of time with the angels on the head of a pin here. I do not believe it really matters how the vote is taken, whether it is taken electrically or by clerks, or by putting beans with your name on them in a bottle. I do not think it matters whether we have 12 minutes or 11 minutes or 10 minutes or 15 minutes. I think that it does not matter whether we have 15 recorded teller votes or 73 recorded teller votes; what does matter is the principle that the teller votes be recorded.

I think that it is obviously going to make our job a lot harder. There are 125 people not here today. There will be probably 250 people not here when we take our vote that will make our democracy better.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I support the O'Neill-Gubser amendment for having recorded teller votes, I support the Burke amendment to that amendment which provides for the recording of those who do not vote. I also support the O'Hara amendment to the O'Neill-Gubser amendment which provides that such a vote may be electronically taken. I shall vote against the substitute amendment solely because I think the question of electronic voting has been pretty well settled by the changes in the O'Neill-Gubser amendment. I am not for the Arends amendment at this time because I see no reason at this point to go into the question of whether there is to be a provision for a vote in the House on an amendment defeated in the Committee of the Whole House. I think we should consider that provision separately, and not at this point. Furthermore, now that we have amended the rules to provide for recorded teller votes while sitting as a Committee of the Whole House on the State of the Union there is less reason, in fact there may not be any, to provide for a record vote in the House of an amendment defeated in the Committee of the Whole. Therefore I am opposed to the Arends amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, as one of the cosponsors of this amendment to permit the recording of teller votes in the Committee of the Whole, I want to commend the gentleman from California (Mr. GUBSER) and associate myself with the remarks he has made here today.

While much has been said about the so-called secrecy aspects of the teller vote, I was particularly impressed with the gentleman's remarks regarding the history of the teller vote and I certainly agree with him that its original intent was not to "deceive," as the word "secret" so emphatically implies, but to further expedite sessions of Congress that, in those bygone days, lasted only a few months. If the teller vote was, in fact, intended to be a secret, then I submit it was one of the most poorly kept secrets ever conceived.

Instead, the main thrust of this amendment, in my judgment, is to strip away the outgrowth of suspicion, doubt, and demagogery that surrounds the teller vote by revealing the whole truth about what is actually being voted on and how each Member was recorded on the measure. In addition, I believe passage of this amendment will speed up this outmoded voting procedure and permit the people of this country to know exactly what is being considered.

The much maligned teller vote has been the subject of continuing controversy, distortion and exploitation for many years, and the reform offered by this amendment is long overdue. I strongly support passage of the Gubser-O'Neill amendment as a better method of recording votes so there cannot be any further misrepresentation of the votes cast.

I strongly believe in the American principle that holds to the view that elected representatives be held in strict accountability to the people they are privileged to serve. At a time when people demand to know, and rightly so, what their Government is doing and how they are being represented, it is our duty and responsibility to clear away any and all obstacles toward that goal. It is for this reason that I believe this distinguished body will respond to that challenge here today and pass this much-needed reform amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman I rise in support of the O'Neill-Gubser amendment. Speech after speech has condemned the current practice of unrecorded teller votes in the Committee of the Whole House. Indeed, a stranger to

these Chambers might wonder how so detestable a practice, and one so widely denounced, could survive so long.

As a declared cosponsor of the amendment now under consideration, I find this display of near unanimity a sharp and pleasant contrast to the anonymity with which the House shrouded itself earlier this session on such important issues as the supersonic transport, antiballistic missiles, the Cambodian incursion, and school desegregation.

There is an old law school truism, the Latin version of which I will not attempt, to the effect that when the reason for a law changes, the law also should change. As I understand it, the practice of nonrecorded teller voting in the Committee of the Whole was first adopted by the British Parliament so that its Members could vote their consciences without incurring the wrath of the King. For some reason or other, while no such fear of King, Queen, or President existed among the founders of our system in our House of Representatives, they adopted the teller-voting practice of the British Parliament. In the 1830's the Parliament itself, having been freed from the fears of the King, abolished this practice of nonrecorded teller voting. Why then do we here in this body continue this archaic practice?

Mr. Chairman, the activities in which we as representatives of the American people engage in this House are not solely our business; they are the business of the Nation's people; and the American people have a right to know how their business is being conducted and by whom.

Mr. Chairman, there are those who would argue that the O'Neill-Gubser amendment, if adopted and implemented, would make it more difficult for a Member to consider national, as opposed to district, interests, when he casts his vote. Certainly a Member of Congress has a duty to look beyond the opinion polls in determining what is best for this country. As Edmund Burke told the electors of Bristol almost 200 years ago:

> Your representative owes you not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

But even if we assume that Burke was right and voters chose their representatives on the basis of their capacity for wise judgment, the voters must at least know of the instances in which that judgment has been exercised. The O'Neill-Gubser amendment would provide a record of such instances in the Committee of the Whole House, where today there is none.

Speaking now on the Smith substitute amendment and the Hays amendment to it, I must say I was fully prepared to support the Hays amendment, which would remove the objectionable features of the Smith substitute. I was also prepared to support the Smith amendment if the Hays amendment to it were adopted. However, now that the O'Hara amendment, which I supported, has been adopted, there is little, if no, difference which I can see between the O'Neill amendment, as amended by the O'Hara amendment, and the Smith substitute, as amended by the Hays amendment. I intend, therefore, to support the O'Neill-Gubser amendment, as amended by the O'Hara amendment, and to vote against all other amendments. I urge my colleagues to do likewise.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman. I rise in support of the amendment offered by our distinguished colleagues (Mr. O'NEILL and Mr. GUBSER). That amendment would require that teller votes be recorded so that names of Members voting and how they voted would appear in the CONGRESSIONAL RECORD and be available to the public. At the present time, as we all know, many amendments are killed in the Committee of the Whole House on the State of the Union in unrecorded teller votes—which oftentimes would have been adopted had they been subjected to a recorded vote.

There are those among us who refuse to vote for strengthening amendments to a bill, and then when voting for the weaker bill on final passage protest that the bill is not as strong as they would have liked. We must use this opportunity to prevent such deception. Whatever our point of view is—and we obviously have a plethora of different positions—each of us must have the courage to stand behind his own position with his name in the RECORD. Our constituents are entitled to know how we vote at those times when the key formative votes are being taken on legislation before it is finally voted up or down.

If this amendment ultimately becomes law, I believe it will be one of the more significant acts of the 91st Congress, and will affect, for the better, much of the legislation thereafter enacted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, it seems to me we are very close to a sensible conclusion on this important issue. We have come along the path strewn with many split hairs, but the denouement is going to be better than many of us dared hope.

I trust the majority of the Members will support the O'Neill-Gubser amendment as amended. It seems to me that we may be putting too much confidence in electronic voting as an antidote to the possibility of fraud. I think we can proceed best under the broad outlines of the O'Neill-Gubser amendment, and certainly electronic recording should be something that we should study very carefully as we go down the path toward fully recorded votes.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from Louisiana (Mr. WAGGONNER).

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WAGGONNER. Mr. Chairman, I introduced the proposed rules change that we are talking about this afternoon in the 88th Congress and have reintroduced it in succeeding Congresses. I appeared before the Committee on Rules when they were holding hearings last November the 13th, and I suggested the rules change which I believe we are now about to adopt.

Mr. Chairman, I support the O'Neill-Gubser amendment. I do so for much the same reasons which have been set forth by others today which time will not allow me to repeat but basically because it will produce better legislation.

For a while I though I was going to support the Smith substitute, as amended by the Hays amendment. But with the adoption of the O'Hara language, it appears to me that that language is now redundant.

I can assure you that the House Committee on Administration is going to make a recommendation about a change in the method of voting in this session of the Congress. Give us a chance to produce a system which can be used, and used successfully, not just recording teller votes but in recording teller votes and all other votes that might occur, whether they be on final passage or whatever. We can do something that will be satisfactory, and I believe the House will benefit from it. I believe the mood of the House is to move from the present system of voting. And I think we should.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I am very pleased to hear the statement by the gentleman from Louisiana (Mr. WAGGONNER), that his committee is going to report an electronic voting procedure in this session of the Congress.

As I look at the RECORD, we had measures on file since the 63d Congress and the 64th Congress and the 75th, 77th, 79th, and 88th Congresses.

I think it is time we moved ahead from the covered wagon days to the 20th-century age.

I personally am going to support the Hays-White amendment to the Smith substitute in place of the Gubser-O'Neill amendment as modified by the Burke-O'Hara amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN) for 1 minute.

Mr. CORMAN. Mr. Chairman, I urge support of the O'Neill-Gubser amendment. We have all had it in writing for a long time and we understand it. I doubt that anyone knows the full impact of the Smith substitute with all its proposed amendments.

I would like to call the attention of the House to something that happened in California during the last primary. A man spent $200,000 to attempt to defeat a Member of this House. He spent much of that money misinforming the constituents how that man had voted on a teller vote. He lied. Then he had the audacity to offer a $5,000 reward to anyone who could prove in writing that he was wrong. That is the kind of misinformation that we find ourselves con-

fronted with. The public and the Members of this House will be best served by a yes vote on the O'Neill-Gubser amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER) for 1 minute.

Mr. GUBSER. Mr. Chairman, today we have been provided with a classic example of a parliamentary body employing the technique of debate and compromise and arriving at a consensus.

Let us make a meaningful comparison. Take the Smith amendment as amended by the Hays substitute. Then take the O'Neill amendment as amended by the Burke and O'Hara amendments.

You have two proposals that are practically identical. It is a case of tweedle dum and tweedle dee.

The only difference is that the O'Neill amendment as amended by Mr. BURKE and Mr. O'HARA is clear. We heard one colloquy during the debate today which clearly indicated that some of the words in the hastily drawn Hays substitute to the Smith amendment are still subject to interpretation.

So in making the decision to do something, let us take the clear language of the O'Neill amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, first let me say that all I sought to do with my amendment was very simple. That is to guarantee the Members 12 minutes to come over here—nothing more and nothing less.

The Smith amendment makes the electronic voting mandatory, as I understand it, unless it breaks down, with the amendment I offered.

The other amendments make it permissive.

I have no pride of authorship about it. I am not arguing from a point of view so that I can say that I did it or I did not do it. I want all of you to know that all I wanted to do was to guarantee Members a chance to get over here. I think that is guaranteed now, so I really think, as the gentleman from Minnesota (Mr. FRASER) has said, it does not make much difference which amendments are defeated or passed; if you pass the Smith amendment with my amendment, you come out at the same place.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Chairman, when this matter was first brought to our subcommittee, we decided that it should be left for the Committee on House Administration and that we would not make a recommendation. The recommendation by the gentleman from Massachusetts (Mr. O'NEILL) was made in the Rules Committee on the day we were getting ready to vote out the bill. I thought we should have electronic equipment. I had the amendment which I offered prepared by legislative counsel and the Library of Congress, which had it perfected.

I told the gentleman from California (Mr. GUBSER) that if he would consider electronic equipment, I would cooperate with his amendment. I told him about a week ago. I have accomplished my purpose here. I think the amendments are now identical except paragraph (b) of the substitute. I would be pleased to support the Gubser-O'Neill amendment as now amended, because they have worked so hard, and I would like them to have the pride of authorship.

There is one difference, Mr. Chairman, and that is the paragraph in my substitute amendment which would provide money upon signing of the act, and we would not have to wait until next January when the law would go into effect.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK) to close the debate.

Mr. SISK. Mr. Chairman, this has been an excellent debate on a very important subject. I wish to commend everyone who has taken part. The gentleman from Ohio (Mr. HAYS) and the gentleman from California, my colleague (Mr. SMITH) have achieved their purpose, as has already been conceded here. I wish to compliment them on bringing the O'Neill-Gubser amendment into a form that seemingly all of us can support. Therefore, to that extent, as I said, this has been a most productive debate.

Mr. PEPPER. Mr. Chairman, this amendment to permit negative teller votes on amendments offered in the Committee of the Whole to be recorded so that our constituents and the people of the country will know how we voted on amendments, many of them of the most serious importance, is one of the most important proposals this House will be called upon to determine. The people have a right to know how we voted on anything pertaining to the public business, to the discharge of our duties as the people's representatives, whether the vote we cast is in Committee or when the House is in regular session or whether the Members are meeting in the Committee of the Whole House on the state of the Union. The precedent of having votes in the Committee of the Whole without them being recorded was adopted in the House of Commons in England hundreds of years ago when the members of the House of Commons had to meet in secret to keep the speaker from telling the king how the members voted on revenue bills the king wanted the house to enact.

To avoid the Speaker, the Commons believed, from reporting on their vote to the king, the Commons met secretly, elected their own chairman in whom they had confidence—who would not report to the king how they voted—and decided how they were going to vote on revenue measures the king was pressing them to enact. But the House of Commons, where the practice of having unrecorded votes in the Committee of the Whole originated, abolished this rule more than 100 years ago. Yet this House, for whatever reason, is still following that old outmoded rule. Some of the most important votes we cast are in the Committee of the Whole when we walk down the aisle in a teller vote and vote no on an amendment which under present rules is not recorded. While people in the gallery can see whether a Member votes yes or no, how the Member votes can always be a matter of uncertainty. The Member can claim that the observer who said he saw how the Member voted was mistaken. So there should be a record of how we vote when we vote against important, meaningful amendments to bills which are offered when the House is in the Committee of the Whole.

The people have a right to know how we vote, whether it be for an amendment or against an amendment offered to a bill. Under present rules if an amendment is adopted in the Committee of the Whole, there can be a record vote when the Committee of the Whole rises and the House resumes sitting. Why should the same rules not apply to a vote a Member casts in a teller vote against an amendment, if a feasible method can be found under which negative votes on an amendment can be recorded without it taking too much time in a body as large as the House. This problem is resolved by the O'Neill-Gubser amendment. If the required number of Members ask for a record teller vote then the clerks of the House, who know all the Members, will simply stand at the end of the line through which Members go voting yes and then no in separate lines and record the votes cast for and against an amendment and enter in the votes in the record with a notation made in the record of those who were absent. Thus, we can even in this large body have recorded negative votes on important amendments without it taking appreciably more time than is taken by teller votes now. Moreover, the O'Neill-Gubser amendment allows 12 minutes for one to go through the line and be recorded so as to give a Member time to come to the floor from his or her office.

We in Florida have a law enacted by our legislature and affirmed by our supreme court that all public bodies must conduct their business in the open. We call it "Government in the sunshine." That is a good rule. I would like to see all votes in committee and on the floor either in the House or in the Committee of the Whole recorded. This amendment goes a long way toward that end in the House.

I hope that the House Committee on Administration will soon report to the House a rule which will make due provision for the use of electronic equipment in voting in the House such as we have in our State legislature, with appropriate safeguards for the Members. The O'Neill-Gubser amendment as amended now would permit the electronic recording of teller votes if that procedure is provided and determined by the Speaker. So the O'Neill-Gubser amendment is clear, it is right, it is feasible. I hope, therefore, it will be adopted and will give it my hearty support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ARENDS) to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. HAYS) to the substitute

amendment offered by the gentleman from California (Mr. SMITH).

The amendment to the substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California (Mr. SMITH) to the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. M'CLORY

Mr. McCLORY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 39, immediately below line 4, insert the following:

"RECORDING OF ROLLCALLS AND QUORUM CALLS THROUGH ELECTRONIC EQUIPMENT

"SEC. 119. (a) Rule XV of the Rules of the House of Representatives is amended by adding at the end thereof the following new clause:

"'5. In lieu of the calling of the names of Members in the manner provided for under the preceding provisions of this rule, upon any roll call or quorum call, the names of such Members voting or present may be recorded through the use of appropriate electronic equipment. In any such case, the Clerk shall enter in the Journal and publish in the Congressional Record, in alphabetical order in each category, a list of the names of those Members recorded as voting in the affirmative and those Members recorded as voting in the negative, or a list of the names of those Members voting present, as the case may be, as if their names had been called in the manner provided for under such preceding provisions.'

"(b) The contingent fund of the House of Representatives shall be available to provide the electronic equipment necessary to carry out the purpose of the amendment made by subsection (a)."

(By unanimous consent, Mr. McCLORY was allowed to proceed for an additional 5 minutes.)

Mr. McCLORY. Mr. Chairman, in the course of the debate on the last amendment, we had a great deal of discussion of the subject of electronic voting and the recording of votes by the use of electronic equipment.

What my amendment would do is to merely make it permissive for the House to adopt an electronic system for recording rollcall and quorum call votes. The amendment would recognize on the part of the House that we can utilize electronic equipment effectively in connection with such rollcall votes and quorum calls. It does not require any particular system or device. It makes the electronic method permissive. It provides an alternate system by which we can record these votes and hopefully save a great deal of the time of the House in connection with these time-consuming oral rollcalls and quorum calls as required now under rule XV.

This is not a new suggestion by any means. It was recommended to the House in 1914, and has been the recommendation of a number of committees. I might say that in 1914 it was rejected because it was reported that the House did not need to save time. It was pointed out in the minority views at that time that there was no need for the House to save time, because the House was completing its work before the Senate, and also it was felt that the use of any such electronic equipment was incompatible with legislative work.

I am sure we recognize now that to adopt a modern system, a modern method, of recording our votes, will enable us to save time for our multitudinous other legislative duties. Such a change is consistent with the entire purpose of the Reorganization Act.

I cannot help but feel that this amendment would be a signal to the American people that we are determined to modernize our methods and procedures to the end that we can perform our jobs in a more efficient and less time-consuming manner.

I should like to point out that a report on this subject was made by a member of the original Reorganzation Committee, the gentleman from Missouri (Mr. HALL). It is also the subject of legislation at this session introduced by the gentleman from Florida (Mr. BENNETT), and the gentleman from Wisconsin (Mr. DAVIS).

I know that the Committee on House Administration has already undertaken studies. I know that the Clerk has made recommendations to the Committee on House Administration, and I feel that this amendment is an expression of support of the House for the work of the Committee on House Administration and perhaps to emphasize the need to bring their recommendations to the floor of the House in the form of a more specific and detailed change at the earliest possible time. It does not specify a particular system.

Mr. Chairman, may I say that there are some fears that somehow we are going to spoil the appearance of this Chamber. This is something I certainly do not want to do. I would like to point out that there are methods now by which you can have a clear, frosted glass panel with no names appearing on it, but upon which the names will appear electronically only at the times that the rollcall vote or the quorum call is occurring.

The question also has been raised as to whether or not we will have to assign seats. We do not have to have assigned seats in order to locate activating buttons or devices for indicating our votes. We can have stations or tables at which the activating buttons may be placed. There are a great many details that can be worked out, but first of all we have to grant the authority for such an alternate system. That is the entire purpose of the amendment I am offering. It is an alternate method of voting on rollcalls and quorum calls other than the laborious system required under rule XV of the present rules.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I very strongly support the amendment offered by the gentleman from Illinois. It seems to me that the Congress ought to be at least as up to date as many State legislatures which have already installed electronic voting and thereby brought their procedures up to date. We waste so much time on this floor by rollcalls and quorum calls. I think we can logically extend what we have done through the amendment offered by the gentleman from Massachusetts (Mr. O'NEILL) to provide for electronic voting on the floor. I commend the gentleman from Illinois and all of his associates who are supporting this amendment.

Mr. McCLORY. I want to thank the gentleman from West Virginia first of all and point out that the system we are capable of installing here can be an improvement over any of those already in existence in the various State legislative bodies.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New York (Mr. PODELL).

Mr. PODELL. I am a member of the subcommittee which has been doing some investigation into the field of electronic voting for some time. We certainly wholeheartedly support an amendment which would give to the House electronic voting.

The question I have to ask relates to one word in your amendment which says that the House may prescribe electronic voting. Will you tell us why the word "may" rather than "must" or "shall" has been inserted in your amendment?

Mr. McCLORY. The word "may" is in there so that the House through its organized committees can proceed to complete its work and so that we can record votes in that way. However, under my amendment it would not be necessary to record votes and rollcalls electronically, nor would we necessarily record all votes in that way. These are questions to be determined at a later time when details of the system are worked out.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Wisconsin (Mr. DAVIS) who is the author of a bill before this House on this subject.

Mr. DAVIS of Wisconsin. Mr. Chairman, I want to express my strong support of the amendment offered by the gentleman from Illinois and to commend him for the leadership he has taken in this matter.

I think his wording is the correct one because it will help us to get this job done rather than trying to dictate that it must be done at a particular time.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I, too, Mr. Chairman, want to congratulate the gentleman in the well for the leadership that he has displayed on this issue.

The language is permissive. It is designed to encourage rather than to frustrate the work being done on this

in the Committee on House Administration. It will clearly express the desires of the House and will be helpful to the Committee on House Administration in carrying out its work.

Mr. BELL of California. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I am glad to yield to the gentleman from California.

Mr. BELL of California. I want to commend the gentleman for his leadership in proposing this amendment.

I rise in support of it. There is nothing that is needed more in our legislative process than an up-to-date system of voting. Electrical, electronic, or mechanical systems are now being used in so many of our State legislatures throughout the Nation. Our outdated system is placing us behind the times and delaying our legislative process. It is of utmost importance that our national legislative process be at least modernized enough to equal the capabilities of most of the State legislatures of our Nation.

The time factor with our legislative load is such, that it alone demands a more facile handling of legislation.

Mr. Chairman, I think it is very important that we have an electronics voting system in the House of Representatives.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman from Illinois for yielding. Let us go right to the wording of the gentleman's amendment, the very guts of it. You say "in lieu of calling of the names." I have always understood "in lieu of" to be "in place of," and I do not see how we could call the roll any other way except electronically if the reading of your amendment follows the language as I read it.

Mr. McCLORY. It is so worded as to continue to permit the calling of the names as already provided in rule XV. Upon a rollcall the names of such Members may be recorded through the use of electronic equipment in place of doing it as at the present. In other words, we would be permitted to do it in that way. That is the meaning of it. I had this drawn by the Office of Legislative Counsel and I requested it to be drawn in that way.

Mr. GIBBONS. In other words, when the gentleman says "in lieu of," the gentleman means we do have an alternative method of doing it?

Mr. McCLORY. We would have an alternative way if this amendment is adopted.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. As I interpret this proposed amendment, I interpret it as one which provides for an optional method of voting not in the Committee of the Whole as we are now, but in the whole House; is that correct?

Mr. McCLORY. That is correct. This is for quorum call votes and rollcall votes.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Florida, a Member who has been in the forefront of this effort.

Mr. BENNETT. I want to congratulate the gentleman from Illinois upon his leadership in this effort and say that everyone who has experienced electronic voting as I have in the State legislatures knows that this represents a step forward.

Mr. BELL of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Illinois to provide for a plan for up-to-date electronic voting in this body.

That the efficiency of voting procedures in this House is exceeded by the majority of State legislatures is an anachronism we can no longer tolerate.

Over a century ago the technology existed for speeding up our dismally slow rollcalling procedure.

For more than half a century, legislation to improve this system has been pending—no action scheduled.

But our opportunity to remedy the present situation, however late in coming, does exist today.

We must act on this opportunity.

Mr. Chairman, a corporate manager who, year after year, refused to institute a procedure which would save countless hours of executive time would soon be replaced by his board of directors—or the board would be replaced by the stockholders.

We are in essence our own managers—and our own board of directors.

But our "stockholders," the taxpayers and citizens of this Nation, are at a relative disadvantage when it comes to initiating changes in our procedures.

It is they, however, who are so greatly affected when our time, our quality of decisionmaking, is hampered by the inordinately wasteful system which cuts into our deliberative floor work by as much as one-fourth.

When the First Congress convened in 1789, there were 65 Members of the House of Representatives.

Each represented a constituency of approximately 60,000 individuals.

In those days the Congress annually wrestled with a total Federal budget of about $5 million.

Since then, that budgetary workload has increased 40,000 times—to the present $200 billion level.

But we do not need those figures to know that the demands on our time have increased in a geometric progression—our nearly year-round sessions tell us that.

Mr. Chairman, the very reform bill we are presently considering, and many of the amendments which are being offered to it, will themselves increase even more the burden of time required for floor action.

The Gubser-O'Neill amendment, for example, which I strongly support, can add a considerable amount of time to the voting process.

We must find a method of speeding up this legislative process.

If we do not, a year will not be long enough to enact our business.

To be offered a reasonable proposal which would provide us with countless additional hours to perform the job our constituents elected us to perform and not to act on it, would represent the height of irresponsibility to our citizens and to ourselves.

Mr. Chairman, I urge most strongly that we approve the pending amendment.

AMENDMENT OFFERED BY MR. LEGGETT TO THE AMENDMENT OFFERED BY MR. M'CLORY

Mr. LEGGETT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT to the amendment offered by Mr. McCLORY:

After the word "rollcall" on line 4 strike "or".

After the word "present" strike the word "may" and insert the word "shall".

After the words "electronic equipment" insert the following: "commencing with the opening of the second session of the 92d Congress.

"The automatic voting procedures shall be established by the Clerk with the advice and counsel of the House Administration Committee which will meet the following minimum criteria:

"All foregoing votes shall be—

"(a) Recorded within a maximum 15 minute period of time, and

"(b) Supervised, such that the integrity of the voting system will be preserved".

Thereafter strike the words "In any such case,".

Mr. LEGGETT. Mr. Chairman, my amendment to the amendment offered by my colleague from Illinois (Mr. McCLORY) is very simple, and will bring this body under appropriate safeguards 18 months to come into the 20th century with appropriate modern machinery.

The amendment would require and authorize the Clerk of the House, with the advice and counsel of the House Administration Committee—particularly the Waggonner subcommittee—to install a system that would be as secure or more secure than the pending system and that would allow the completion of a rollcall or quorum call in a maximum of 15 minutes.

Gentlemen, I think we are all too busy to spend 25 percent of our total floor time in the recording of our vote or presence under the very cumbersome procedure now in effect.

In one of the flyers I sent around to every Member of the House, I said that my amendment could save you 2 hours a week. This amendment could do better than that.

Let us look at the record of the past three sessions of this House. How much time were we in session? How much time was required for rollcalls and quorums, but not including standing and teller votes?

An analysis of the time spent follows:

1967

Time House Convened: 868 hours, 16 minutes.

Time Calling Roll (includes both Roll Calls and Quorum Calls): 201 hours, 9 minutes, equaling 22.3%.

Average time for Roll Call was 27 minutes.

1968

Time House Convened: 726 hours, 36 minutes.

Time Calling Roll (includes both Roll Calls and Quorum Calls): 198 hours, 32 minutes, equaling 27.8%.

Average time for Roll Call was 27.8 minutes.

1969

Time House Convened: 747 hours, 21 minutes.

Time Calling Roll (includes both Roll Calls and Quorum Calls): 172 hours, 11 minutes, equaling 23%.

Average time for Roll Call was 29.3 minutes.

Source: Annual report of House Reading Clerks to the Clerk of the House.

The enactment of the pending amendment could change all this. A maximum time of 15 minutes would be provided for each voting procedure. The Clerk would be mandated with appropriate advice and counsel of the House Administration Committee to create and deploy a system—a system whereby each Member could perhaps individually pick up his electronic card—like a charge plate or bank card or thumbprint—and could vote yes or no and visually observe on an electric panel or sedate screen his vote. This he cannot do under the present system.

He could visualize his colleagues' vote before he voted if he so desired. This he cannot do under the present system. The leadership could visually observe the whole board were they interested in effecting a voting change during the 15-minute period.

We would effectively get rid of dead time—that time after the bells ring when we continue to sit in our office until after the second bells ring to move to the floor.

Mr. Chairman, do you realize that on every rollcall the Clerk calls out 1,000 names—1,000 chances for human error—2 times 435 plus recognition of 200 Members many times in the well of the House.

Consider the value of the time lost—the average time for a rollcall is 30 minutes, of late 45 minutes—we could save half of this time.

If this rule had been in effect last year, every Member of the House could have saved 100 hours to do people's business or anything else. At $20 per hour, that would equal $2 million of productive work saved for the people.

We would be creating more democracy on the floor—more time might mean more votes on important issues and more time to express the will of this House.

This is not a new concept. I include in the RECORD at this point the testimony of colleagues Ron Cameron and Winfield Denton as presented to the Joint House-Senate Committee in August of 1965:

STATEMENT SUBMITTED BY HON. RONALD BROOKS CAMERON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, distinguished members of the committee, I doubt that any of us take issue with the memorable description of Congress as set forth by Josiah Quincy, of Massachusetts. To us, as it was to him, it is "this solemn assembly, the representatives of the American people, the depositary of their power, and in a constitutional light, the image of their wisdom."

I also doubt that any of us would express these democratic values in the form of rigid and unchanging rules, precedents and procedures. For few rules, perfect as they may seem, can remain valid and static over a period of time. Like nations, they cannot stand frozen in antiquity, unmoved by the fresh currents of contemporary needs and demands.

I do not think that when the Founding Fathers met in Philadelphia they meant to decree every rule or procedure as sacrosanct, shrouded in absolute wisdom, exempt from any true test of relevancy to the present.

True to itself as a living institution, Congress in its historic course has wisely rejected this view. Through each generation of legislators, the House has evolved, devised and adopted its rules in response to the needs and conditions of the times. Nowhere is this better illustrated than in our continuing attempt to cut down on timewasting procedures, a trend which is indeed the highlight of internal rulemaking decision by the House. As Woodrow Wilson observed, "Congress is a business body and it must get its business done."

The economic and social development that transformed the United States from an 18th century agrarian society of 4 million people into today's complex Nation of nearly 200 million inhabitants created new needs and new problems, many of which required corresponding Federal responsibility.

The need for the House to keep pace with these developments—complicated by an increase in House membership from 106 in 1790 to 435 in 1910—compelled the Congress to economize its time. Debate was limited by adoption of the 1-hour rule and the 5-minute rule. Procedures were repealed, revised, and abbreviated, and they were all aimed at expediting and bringing debate to an ultimate vote.

It is in recognition of the need to continually search for timesaving procedures that I respectfully urge the committee to examine the feasibility of electric voting as a substiture for the present system of oral rollcalls, a system which cripples and constricts while it exasperates, a system which is appropriately described as the greatest single waste of time on Capitol Hill.

If adopted, an electric voting system will bring to the House greater speed and accuracy in conducting rollcalls, more time for careful deliberation of the matters before us, and a more dynamic and impressive demonstration of democratic legislative activity.

Examine, for a moment, what happens in a typical rollcall under our present system.

The insistent summons of three bells usually finds us in the midst of multifarious committee and office work. As we sprint from our offices and hearing rooms, the tally clerk starts to call the roll. For the benefit of those Members who fail to respond the first time, the roll is ordered repeated. In both cases names are called out in a slow, droning fashion, each second, each syllable stretched, to allow the tardy among us to arrive and vote. Then follows an interlude wherein Members inquire of each other how they voted. Votes are sometimes changed. Pairs are sometimes found and registered. Latecomers frequently get on the record by convincing the presiding officer that they didn't hear their names called or were unavoidably detained on an urgent matter.

What of time spent on this activity of attendance and voting? During the 6-year period from 1958 to 1963 there were 632 rollcall votes in the House. The average legislative day during this period lasted about 4 hours. Figuring an average rollcall at 40 minutes, 111 full legislative days were consumed on rollcall votes alone.

During this same period, the House had 725 quorum calls. Figuring an average call at 22 minutes, the House used 69 legislative days on this activity.

Thus a total of 180 legislative days were spent on rollcalls and quorum calls over a 6-year period. In terms of a 5-day week, House Members spent more than 8 months just responding when their names were called.

And what of costs?

During the 88th Congress the House was in session for 334 days. More than 2 months—68 legislative days, to be exact—of our time was consumed with rollcalls and quorum calls. Computed from fiscal 1965 legislative appropriations, the cost of each daily session was slightly more than $64,000.

Thus, $4.4 million was spent on rollcalls and quorum calls during the 88th Congress alone. It cost each of our constituencies $10,000 for us to respond to our names.

Surely, in view of the President's pledge to provide increased economy in government, in view of the House's responsibility to insure that the American taxpayer gets a dollar of value for every dollar spent, it is incumbent upon us to prove that economy begins at home. How better can we show this than by increasing the efficiency of legislative procedures?

With electric voting machines, rollcalls could be disposed of in a matter of 10 to 12 minutes—including sufficient time for Members to arrive on the floor—saving a full half-hour on every call. Members would have more time to attend to constituent problems, more time for committee work, more time to discuss and debate the great issues which come before us.

The mounting volume of bills and resolutions introduced each session—more than 15,000 in the 88th—demands that Congress seek more rapid and efficient methods of disposing of its business.

The Senate is having similar problems and the distinguished majority whip is conducting his own personal campaign to have electric voting devices installed. He has been quoted as saying, "Why should the Senate waste all that time?" I feel I must ask the same question of the House.

The idea of electrical voting is, of course, not novel. Thomas Edison first developed such a system in response to what he felt then to be a necessity. Literally scores of bills incorporating the same idea were introduced in the 63d, 64th, 75th, and 77th Congresses, and every Congress from the 79th to the 88th. In fact, exactly a half century ago a House subcommittee presented a favorable report on the matter. It was the majority view that a "system can be adopted which will save time, encourage the regular attendance of Members and insure absolute accuracy in registering and recording the votes of Members * * *."

Support for the proposal was registered before a joint congressional committee in 1945, a Senate committee in 1948, and another Senate committee in 1951. The proposal has been supported by the CIO, the League of Women Voters, and the National Planning Association.

Since 1916, many State legislatures have had electrical rollcall systems installed in their chambers. As a member of the California Assembly for 4 years, I, and many of my colleagues in the State's congressional delegation, used such a system. It served us well.

It has served other lawmaking bodies equally well. The State legislatures of Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, North Dakota, Ohio, Tennessee, Virginia, Washington, West Virginia, and Wisconsin have found their electrical rollcall systems satisfactory from all points of view.

The following are typical comments from legislators who have used such systems:

"It is worth at least $100,000 a year to the people of Virginia * * * it saves time, it is accurate, and it is attractive. If the system were installed in the Congress, it could do twice as much work in half the time and save the Nation millions of dollars."

Another Virginia delegate says "it enables us to dispose of the calendar in about one-fourth of the time that was used prior to its installation."

A North Dakota assemblyman reports that "every member was more than pleased with the machine. As a matter of fact, it is worth 10 times what it cost the state."

Another State legislator says that he likes "the fact that a member's vote on any question is public and open from the time it is cast. The only question in my mind is how other legislative bodies, including our Congress, gets along without this excellent machine."

A New Jersey assemblyman calls it a "great timesaving device and it eliminates the monotony of interminable rollcalls."

From another legislator: "I believe that it would take at least 120 days under the old rollcall system to carry out the work which we now do in 50 days under the electric rollcall system."

These are but a few of many individual endorsements for electric voting machines. I am sure that those of us who have served in State legislatures where the system is in use can give additional testimony of support.

On an international scale the system has won acceptance in the United Nations. A special U.N. committee charged with improving General Assembly procedure visited the New Jersey Legislature, spent several hours inspecting and discussing the system, and returned to New York fired with enthusiasm As a result the General Assembly voted 51 to 10 to install an electric voting mechanism, and this was completed several months ago.

In addition to saving time and money, there is another important advantage, immeasurable but significant, which would accrue to the Congress with installation of an automatic voting device. Each year tens of thousands of American children and adults, and foreigners too, visit Washington to view the greatest representative assembly in the world. Unfortunately, too many of them go home unimpressed—and often disappointed—with what they see.

Why?

In large measure because they are subjected to the dull drone of a dragged-out oral rollcall.

There can be no question that visible and instantaneous results of electrical voting would sharpen visitor interest in legislation under discussion, and help dispel the myth that our membership is composed of 435 old men and women who are still nodding their way through the 19th century.

In my judgment an electric rollcall device would—rightly, and essentially—also become a tool of the deliberative process of the House.

I think most of our colleagues would agree that, under the excuse of saving time by dispensing with rollcalls, many measures are accepted and rejected through procedures which avoid recording how each Member voted. Installation of an electrical voting machine would discourage this practice and promote more record votes. In my opinion this is something strongly to be desired.

With vital legislative matters more subject to record votes, it can be expected that more than a handful of Members would be present on the floor during debate. Decisions heretofore made only by a minority would become more representative of the total membership.

Presence of a majority, debate participation by a majority, and voting by a majority are bound to more truly reflect public sentiment. Knowing that their votes will be a matter of record, Members could certainly be expected to respond more readily to responsible constituent opinion, to acquire a congressional voting record that is more representative of the people, a record which more accurately conforms to the expressed beliefs and ideals of their communities. In my judgment, anonymous voting does not inspire the same responsiveness to public attitudes and the same realty to the common good.

Electrical voting, of course, means simultaneous voting.

To some, this may be politically disadvantageous.

However, these disadvantages are not wholly respectable.

A Member who may wait to learn how the vote is going before sounding his yea or nay will certainly be discomfited. So, too, the Member who may prefer to avoid putting his vote on record on measures which may be politically embarrassing. Anonymity is always a good aspirin for political headaches.

Simply put, the issue is: Shall we perpetuate the convenient anonymity of unrecorded voting at the expense of the people's right to know?

Shall we deny them easier access to our voting performance?

Shall we deny them their right to compare our stands on the issues with their needs and ideals?

Now, what of the arguments against the system?

There are those who allege that nothing would be accomplished by speeding up House voting because we generally finish our business before the Senate and then must wait for the other body to catch up.

However, I submit that any time saved from floor voting need not be spent in idle waiting. More time could be spent processing legislation in committee, into action on thousands of bills left unconsidered each year because of time limitations, into carrying out our responsibilities as the personal representative of constituents who have legitimate grievances and demands to make of the National Government.

There are those who will contend that the wisdom of hurrying legislative work is questionable. Agreed. But I hasten to point out that the objection wrongly assumes that any saving in time resulting from electrical voting necessarily detracts from the prudent deliberation called for in the consideration of bills. Decisionmaking on bills and amendments occurs in committee and during floor debates, not in the act of voting.

And there are those who might argue that committee work would suffer because electric voting will compel continuous attendance by Members. I do not find this an accurate appraisal of the congressional process. Save for two committees, meetings are usually held before the daily floor sessions commence. Also, Members would be given sufficient notice before an electric rollcall vote is actually taken. Under this arrangement, Members would not necessarily have to be in continuous attendance.

Congress through the years has responded to the need of doing its business in efficient fashion. I believe the time is again at hand for Congress to meet the demands of the day.

Where in 1860 there were only 400 bills to discuss, now we find no less than 15,000 legislative items to consider each year.

Where a century ago each Member had only 40,000 citizens to represent, today we have an average of 400,000 constituents to serve. The pressure on Congress from the vast industrial complex of American economic life, the proliferation of our society into a thousand fields, steadily increases rather than reduces the House's basic need to save time.

Beyond these considerations, however, my appeal today involves fundamental values which govern our democratic system. When confronted with the issue of adopting electrical voting in the United Nations, the Soviet Union fought the proposal. Communists believe that the system will strengthen the representative functions of the General Assembly and reduce the anonymity of unrecorded votes, an anonymity which allows the Soviet Union and its satellites some degree of protection from public censure.

Electrical voting, as I have tried to show, will inspire each Member of Congress to be more deliberate, more involved in floor debates and voting, and more conscious of the full import and significance of his vote.

Electrical voting will contribute to more responsible and more representative decisionmaking.

It will save millions of dollars.

It will afford every citizen of this country an opportunity to examine our voting records and judge us accordingly.

The historic achievement of the House of Representatives as a democratic institution is its capacity to reflect the views of the country accurately, rapidly, and responsibly, as well as the willingness of its Members to submit to the closest scrutiny by the people. My request today proceeds from this basic character of the House.

Thank you, Mr. Chairman.

STATEMENT OF HON. WINFIELD K. DENTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Representative DENTON. Mr. Chairman and members of the committee, I can truly say that I am happy to appear before you today to express my views concerning the organization of Congress. As my testimony will all be geared toward a speeding up of certain legislative procedures and with the ultimate goal of conserving the most valuable time of the Members of Congress, I shall continue that goal by making this address as brief as possible.

Although there are many Members of Congress who have been here much longer than I, I feel that I have been here long enough to use personal expereince as one criterion for my recommendations to this committee, which are—

(1) That automatic vote recording and tabulating machines be installed in the House of Representatives; and

(2) That Congress enact a law calling for the primary election of all Members of Congress to take place on the same day.

I have introduced legislation which would accomplish both these things.

Let me substantiate my stand in this way: I am sure that you all have realized that the legislative process is taking longer and longer, and that you have more and more mail to answer, and that committee hearings are taking more and more time. I think the last two elections we had demonstrated that we had to campaign when we ought to have been in Congress. It is very hard to campaign, because you cannot set up meetings. You felt like you were acting surreptitiously in getting out to campaign, and people might say: "Why are you campaigning when you ought to be in Congress?" On the other hand, the man you are running against is out campaigning for a whole year. That means that the Members of Congress have about 2 or 3 or 4 weeks in which to campaign, and your opponent has a full year, which is not very fair.

And then our committee meetings take longer and longer. We have problems with our constituents—we have many more problems with constituents than we used to have.

And the newspapers say a good deal about our traveling, but I feel that on the two committees that I am a member of, it is absolutely impossible to perform my duties of these committees unless I travel more than I did before.

Is there any one of you who would not welcome more time to take care of your business? I know that I certainly would like to have a 28- or 30-hour day in order that I could spend more time on the various functions to which I must tend. I think I must have at least 20 visitors who come into my office every day. That is a great many more than it was when I first came here.

Well, let's look at what we do. During this

session of Congress, so far, there have been 236 rollcalls in the House of Representatives. And we can anticipate some 250 to 300 before the session is over. At any rate, of the 236 rollcalls, 117 were votes on pending legislation and 119 were quorum calls. Taking a figure which I feel is conservative I assigned a time consumption of 45 minutes for each vote and 30 minutes for each quorum call. The total amount of time spent on these calls was more than 147 hours.

Now, if we were using 20th century methods of automatic vote recording and tabulation, the actual time consumed could have been cut to approximately 4 hours instead of 147 hours.

Now, I know that one of the excuses given for not having automatic equipment in the House is that the calling of the roll gives Members time to get from their office, or wherever else they might be, to the floor. When I first came to Washington, I remember they said they did not want to have voting machines, because a man could be any place in Washington and, leaving when the rollcall started, he could get there in time. They could not do that with the traffic conditions as they are today. I know that I have tried that, and I know that it just does not work.

At any rate, we could allot a 15-minute waiting period between the time a vote is called for and the actual recording of the vote, or pushing of the buttons. If that were the case, I am sure that we could all get to the floor from our offices or from committee rooms. Now, if that had been the standard procedure during the session so far the total time consumed in those 236 rollcalls would still have been less than 80 hours.

Gentlemen, could you have used an additional 68 hours in your office or committee rooms this year? I get the 68 hours by taking 15 minutes off and giving you time to get there. I know that I could have used the 68 hours. Do you realize that that is, in terms of a 5-day workweek, better than a week and a half of 8-hour days? Or a full 14 days of normal House activity of approximately 5-hour sessions. This means about 3 weeks, or perhaps closer to 1 month that could be saved. I say to you that the time has come for us to take some action. In this complex world we live in today we cannot afford the luxury of leisurely calling the roll any longer. Time is too important and we should be putting it to better use.

Now, there is one more important aspect of automatic vote recording versus the rollcall method. And that is the impression we are making on the public.

Many of you will recall the days years ago when it was unusual to find visitors in the galleries. Today there is hardly a day but which there are more visitors than the galleries can hold. I hate to go past the galleries to one of my committee meetings which is right in back of the galleries. It is hard to get through, because so many people are waiting to get into the galleries of the House of Representatives.

And I honestly believe we are creating a bad impression on our constituents through the slow, time-consuming rollcalls and the impression of utter confusion that reigns at such times. I noticed yesterday—I thought about this—that the galleries were full, people were waiting to get in. The rollcall was going on, the Members were all walking around, and it was taking time and wasting time. I believe that the quick, efficient method of automatic vote recording would give the impression of an alert, modern, and capable body. That is the type of impression I think we should give. After all, we don't go back home to campaign in a horse and buggy; why use antiquated methods here?

Currently, automatic voting machinery is in use in the legislatures of more than 20 of our States. We have them in Indiana. Mr. Chairman, I served in the legislature some years ago, and I always had a bill in to have voting machines put in the legislature. We never had them while I was there. They have them now, and they tell me that they would not be without them today. I am sure if you put them in the House that you would never be without them. You would be as pleased with them as our State legislature is in the State of Indiana.

Surely visitors who have seen a State legislature and the efficient appearance given them through the use of these machines must be taken aback when they see the antiquated rollcall method being used here. And I imagine that at some time or other many of you have had errors made in your vote through the rollcall method. The automatic method, gentlemen, is completely accurate. And we should keep in mind, too, that of all States that have adopted these machines, none has abandoned them; again attesting to their efficiency.

A final point about voting machines, is that they would undoubtedly, through saving time, cut some of the extraneous costs of running the Congress and thereby save some money. I mean that while Congress is not in session, it does not cost as much as when it is in session, and by voting machines so far this year we would have saved 3 weeks' time, and probably before we get through it will be a whole month's time.

Now the other point I want to make is the waste of time caused by various States holding their primary elections on different days. There are some 30 different dates on which primary elections are held. By tradition and by consent, there are no rollcalls held on these days so that Members who must be absent to vote or to campaign will not be penalized. Normally, the day prior to such an election, and often the day following, are lost because of travel time.

Again, gentlemen, that is at least 31 valuable days lost to Congress; that is, in an election year.

Time which we could well put to good use, either to deliberate more fully matters before us, or to handle on the same day, we would lose at a maximum only 3 days every other year. I have been told that it was not within the constitutional power of the Congress to do this. I have looked up the law, and I have very little doubt that we have that right constitutionally. It is within the constitutional powers of Congress to set such a primary voting date and I urge that this committee recommend such action.

The authority is given in section 4 of article I of the Constitution which provides as follows:

"The Times, Places and Manner of Holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to Places of chusing Senators."

Pursuant to the authority granted in the foregoing provision of the Constitution, Congress adopted the following provision found in the United States Code, title 2, section 7:

"The Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States, of Representatives to the Congress commencing on the 3d day of January next thereafter. This section shall not apply to any State that has not yet changed its days of election, and whose constitution must be amended in order to effect a change in the day of the election of State officers in said State. [Italics supplied.]"

Through the Constitution, Congress has decided that the general election will be held on a certain day. You can see how bad that would be if we did have general elections held on different days. Congress has taken care of that. Do they not have the same power in primary elections? I do not think there is any doubt about it. In the *Newberry* case, with which most of you are familiar, the Supreme Court so held, that this power did not extend to the Congress, and then a case came up from Louisiana, and the Court held that it did.

In *United States* v. *Classic* (313 U.S. 299), at page 1038 of the 61 Supreme Court Reporter, the Court held that primary elections were elections within the foregoing provision of the Constitution—it is a very lengthy discussion, but it is summed up this way:

"For we think that the authority of Congress, given by section 4, includes the authority to regulate primary elections when, as in this case, they are a step in the exercise by the people of their choice of representatives in Congress."

Gentlemen, as I said in the beginning, I want to conserve the time of the Members of Congress, so I shall go no further at this time. However, I will gladly answer any questions which you may wish to pose.

Cochairman MADDEN. Thank you, Congressman Denton, for your fine and concise statement. It will make, I am sure, a major contribution toward not only streamlining and consolidating the operations of the Congress, but it would be a great step in economy, too, so far as the cost of operating Congress is concerned. My figures indicate we waste a great deal of time on quorum calls and rollcalls—almost 70 days on rollcalls alone. Am I correct?

Representative DENTON. I think you are. I think you had it very conservatively. Of course, I have only figured about—well, 7 months. Of course, that year we ran 12 months; I think that is about right. You would have saved nearly 2 months that year, and in an average year you could save at least a month.

Cochairman MADDEN. Of course, the situation that you mentioned that the Members would object on account of the fact that they would have to come from their offices or committee rooms to answer a rollcall or a quorum call. Could there be some method worked out whereby the Members could get a warning call by a bell ringing—ringing the bell for 5 minutes before the possible rollcall?

Representative DENTON. I thought 15 minutes ought to be enough time for them to get over here. I noticed this morning that I came from my office in the Rayburn Building in less than 15 minutes. I left a quarter to 10, and I was here just a little before 10 o'clock.

Representative HECHLER. You have a subway.

Representative DENTON. I think we ought to install the subways for the other buildings. I think that would be another help in speeding up matters. That does save some time.

I think that if you did put in voting machines, that you should put in subways to the other two buildings.

Cochairman MADDEN. In connection with your recommendations on installing modern electrical equipment for quorum and roll calls, of course, I think the majority of the Congress would be happy to have that, and some solution can be worked out on that problem. A great number of the witnesses who have been before this committee have stated that there is a need for a change in congressional procedures.

Representative DENTON. Yes.

Cochairman MADDEN. Now, we have practically just taken office when we are only a year from our next primary.

Representative DENTON. Yes.

Additionally, I insert at this point in the RECORD the report of the Clerk of the House on electronic voting, dated April 1, 1969.

[A report prepard by the Clerk of the House for the Committee on House Administration]

ELECTRONIC VOTING FOR U.S. HOUSE OF REPRESENTATIVES

In a continuing effort to find ways of increasing the efficiency and improving those systems and procedures now existing in the House, research has been conducted to provide an automated approach to Member voting in the House Chamber. The purpose of this report is to provide a complete orientation of the various approaches and concepts related to electronic voting and offer a recommendation for implementation.

I. Steps taken by the Office of the Clerk

The problem of electronic voting has been intermittently looked at for over a year and a half. At given opportunities, members of the Clerk's staff have visited several State Capitols and viewed those systems in the State legislatures. The systems operating in State legislatures are not electronic but electrical-mechanical and were found to be limited and outdated. Many of them have been in operation, without modification, for over a quarter of a century.

The House should have a modern system that meets not only the voting needs, but all other unique requirements related to Floor activity.

To attain this goal, we have solicited Requests for Proposals (RFP) to the computer and electronics industry, to provide us with a realistic approach to a modern system of electronic voting consistent with the present and future needs of the House, without any, or a minimum degradation of the aesthetic environmental and traditional dignity of the House Chamber. A copy of the RFP is attached as enclosure No. 1.

For the past several weeks, we have reviewed the proposals submitted by industry. The results of this review are contained in this report.

II. Major points to consider

Before a definite approach to electronic voting is determined and a particular vendor is given the contract, a decision must be made with regard to the following procedural points:

A. Roll Call—(Alphabetical calling of names) The continuation of a roll call to take a vote or quorum and using an electronic system of recording the vote, will offer some advantages such as instant verification with displays, computer interface for quick retrieval and analysis, error reduction, but it will *not* reduce the voting time.

B. Simultaneous Vote—All Members present in the Chamber voting from individual voting stations will provide all the benefits of an automated system in addition to saving a substantial amount of time. With this approach the vote can be taken in *three minutes* rather than thirty.

C. Time Limit Vote—A compromise to A and B above would be the allowance of time, say 15 or 20 minutes, from the time the bells ring to the close of the vote. This approach will provide all the benefits of automation and reduce somewhat the time it takes presently to take a vote.

Note: B and C would require a change in the Rules.

D. Type of Display—With reference to the display of Members names and vote condition, there are two approaches, *full* and *partial*. A full display is one in which all 435 Members names are permanently fixed in the Chamber. A partial display is one that displays only 8 to 10 Members at any given time. That is, as a Member votes, his name and vote condition appear for a short time and "crawl" off the display as other Members names appear and vote. More detail will be given below. Consideration of A, B, and C above, will influence the type of display desired.

III. Major components of an electronic voting system

A. Input:

With a Roll Call—Should the vote be taken by calling the roll, the Clerk will input all vote conditions (yeas and nays and presents for quorum calls) into a single console or input terminal. As a Member calls out his vote, the Clerk will press his name and a yea or nay to record that Member's vote. The Clerk's action of inputting the yea or nay automatically results in the Member's name and vote condition to appear on a display, be stored in a computer or on machine readable media, appear on a hard copy for permanent record, and changes the running total of yeas and nays appearing on the display.

This console must be simple to operate in order to quickly respond to any vote changes, late voters and above all, eliminate to the maximum, the possibility of error.

It must have the capability to input all the statistics of the bill, such as the bill number, sponsor, short title and amendments.

A disadvantage of this type of input in addition to its being time consuming, is that we still have to rely on the Clerk's hearing the Member's response so it will be recorded properly. Of course, with an electronic voting system the Member can verify his vote instantly by viewing the display and bringing any corrections to the attention of the Clerk.

B. Simultaneous and Time Limit Vote—Two general approaches are individual voting stations and voting stations strategically located throughout the Chamber.

1. Individual voting stations could be: A three button "pad" fixed to each seat with the Member having to use a key or "personalized credit card" to open his station. The three buttons would be yea, nay, and present. When a button is depressed, it could illuminate in perhaps green (y), red (n), and white (p). If it is not desirable to carry a key or "credit card", all the voting stations could be opened and closed by a main switch at the Speaker's rostrum. This approach will require assigned seats for Members while voting.

2. Strategically located voting stations would be: "Touch-Tone" pads similar to the one on your telephone. Each Member would be assigned a three digit code by pressing those three digits on the pad then pressing yea, nay, or "zero" for present. The computer would identify the Member by his three digit code and record his vote.

The use of a station that accepts a specifically coded card by which the computer could identify the Member and record his vote. In this case, the Member would put in his card and press the button marked yea, nay, or present. Assigned seats would not be necessary with this input approach.

In either approach, when a Member presses a button to vote, that vote is automatically displayed next to his name in the Chamber, it is stored in the computer or on machine readable media, for retrieval and analysis, put on a hard copy for permanent record and the vote totals on the display boards are adjusted accordingly.

Vote security should be a consideration when studying an input approach.

C. Output—Output is broken down into three areas, display, hard copy, and computer storage.

1. *Display*—The purpose of a display is to insure the accuracy of vote recording by providing a real time visual check of the Clerk's input or that of the individual Member's vote input.

In addition, it provides descriptive information such as bill number, sponsor, short title, and the dynamic status of the vote to the Members, the press and others.

The types of displays are as follows:

a. Scoreboard—All 435 names appearing on at least eight large fixed panels on the east and west walls of the Gallery. This is the most difficult problem involved in a system. The displays should not upset the decor of the Chamber and should be so designed as to blend in with it.

The scoreboard uses 4 inch letters having the Member's names in three columns in each of four panels in the Gallery. Next to each Member's name will appear the condition of his vote, yea, nay, or present. These conditions can be in green (y), red (n), or white (p). Due to the large number of Members, the names would have to be split into Democrats on one side (Republican side) of the Chamber, and Republicans on the other (Democratic side), to insure adequate visibility with existing distances.

The scoreboard display is applicable for roll call voting or simultaneous voting.

A second and separate display is required with the scoreboard display to show the statistical data.

The balance of displays covered are partial displays. That is, they show only eight to ten Members names at any given time. Utilizing a crawl" effect, as a new name appears on the bottom line, all the other names move up, while the top name disappears. One part of the display contains the statistical data while the other part shows the names and vote conditions.

This approach is not very practical when used with a simultaneous vote, and is somewhat limited for roll call votes.

b. Window flaps—Panels containing rows and columns of windows. The letters are formed by "flaps" in these windows, which are computer generated.

c. Electro-magnetic light reflecting—The letters are formed by small reflector discs. When power is applied to a disc, its reflector side spins outward. The computer generates the proper discs to form the letters.

Visibility on both b and c is good, but the panels that contain them are not very attractive and would require a cover while not in use.

d. Cathode Ray Tube (CRT)—A CRT is similar to a TV screen. All the information appears on the screens which would be strategically placed throughout the Chamber. In addition, the installation of a number of TV monitors throughout the Chamber would depreciate the decor of the room.

e. Large Screen—A large screen on each of the north and south walls using high quality front throw projectors located in the attic of the Chamber. The quality of the letters is excellent even in a lighted room. All fixed and dynamic data would be projected on the screen.

Advantages of this system are that amendments to bills on the Floor could be typed into the Clerk's console and projected on the screen. The projectors can accept video from off the air, a TV camera or video tape recorder to project any picture material desired on the Floor.

2. *Hard Copy*—Permanent record of the vote, individual and total, will be made on a hard copy off a teleprinter, pre-printed punches paper or photo electric recorder, immediately after the vote is closed.

3. *Computer Storage*—The voting results would be stored in the computer for retrieval at anytime. This voting information can be analysed to provide any breakdown needed such as individual total vote, geographic totals, type of legislation totals and others.

D. Computer/Special Electronics—Make up the heart of the system.

IV. Manufacturers

The Clerk has on file a list of vendors with a summary of their approach and costs.

V. Cost

The costs of the system proposals range from $81,000.00 to $600,000.00.

VI. Recommendation

The importance of procuring the highest quality system which meets all our present needs and those anticipated needs of tomorrow, cannot be overstressed. A system with

optimum reliability, simplicity of operation and conformity to the aesthetic and traditional environment of the Chamber is necessary.

It is therefore recommended that a system be installed with individual voting stations for each Member, a full display board containing all names, a projector and screen display system for statistical data, running totals and the capability to display amendments immediately and a CRT input for the Clerk.

It is further recommended that a CRT, driven by the system, be placed in the offices of the Speaker, the Majority and Minority Leaders, the Whips, the Parliamentarian, the Clerk of the House, and others, as desired. This will allow these offices to follow closely all activities of the Floor from their offices and allow the Clerk, who would be responsible for the system, to monitor the condition of the system.

Although this approach involves more than one vendor, it is recommended that only one contractor be responsible for the installation of the whole system.

If this approach is acceptable, it is recommended that a small pilot system be built and demonstrated to the Committee. The pilot system should include a typical voting station and a display module. Also, the Committee should see a demonstration of the projector-screen system.

Adequate time should be allowed from award of contract to completion of the project to insure long dependable performance. A minimum of nine months should be considered.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to my colleague from California.

Mr. BURTON of California. Mr. Chairman, I rise to commend the gentleman from California, and to associate myself with his remarks, and to urge that this very important amendment be adopted.

The most vital single thing that any of us in this Congress need is time. This is going to free time for us to do the other important matters and the other important duties we have as Members of the Congress.

Mr. LEGGETT. I thank the gentleman for his support.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I have great sympathy with what the gentleman is attempting to do here, but there is one aspect of this amendment which is not made clear. It is my understanding of the language of the amendment offered by the gentleman that the only way a record vote could be taken if the language of the gentleman is adopted would be by electronic means.

What would you do if the electronic device broke down?

First of all, is this true, and if so, what is the remedy if the electronic device should break down?

Mr. LEGGETT. I think the same procedure as we followed in the State legislature; we ask unanimous consent to manually record it in the record. That is all we do. I mean, this happens all the time. You do not have a deadlock. If you want to write in an amendment as we did in the White amendment to the Smith amendment, of course we could do that. I do not believe it is required, but certainly it would not deadlock the House. We could proceed under the manual method.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. LEGGETT. I yield further to the gentleman from Colorado.

Mr. EVANS of Colorado. In a further colloquy on this question of the voting machine breaking down, I have had a conversation with the gentleman from New Jersey——

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. WAGGONNER, and by unanimous consent, Mr. LEGGETT was allowed to proceed for 2 additional minutes.)

Mr. EVANS of Colorado. If the gentleman will yield further, in a discussion with the gentleman from New Jersey on this very issue, he raised a very interesting point, and I would like to submit it to you.

If the vote is taken, or is going to be taken, and the machine breaks down, the gentleman says the remedy for that is to ask unanimous consent to suspend the rules and take the vote in another fashion.

Suppose it is a vote that I do not agree with and I object. The only thing you can then do is to agree that the rules be suspended. But you could not vote on that because the device does not work. What would you do under those circumstances?

Mr. LEGGETT. I think probably 40 of the legislatures in the States that have automatic or mechanical or electrical machines in effect have been able, as you are going to have on this, they have been able to handle that particular situation.

Mr. EVANS of Colorado. If the gentleman will yield for one comment, I am not so much worried about the machine as I am about the provision of the language. I am very much in sympathy with it.

Mr. LEGGETT. Certainly, if the gentleman has a perfecting amendment that would accommodate, I would be pleased to accept it.

Mr. SCHWENGEL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. SCHWENGEL. Mr. Chairman, I have listened intently to the argument and the gentleman has presented a very persuasive case for electronic voting.

I am the ranking member on the subcommittee dealing with special House administration, and I can assure the gentleman that the House Administration Subcommittee has been working on this diligently.

We have had a staff that has probably spent several thousand man-hours in studying it already.

We have had a committee visit California particularly and other places to visit electronic voting.

So there is no question about our desire and our interest. But we also recognize the very serious problem you have here, and the fact that we have a larger number, and also some special problems.

Already it is going to limit time. Your amendment will be impractical because I think you have changed the word "may" to "shall"—and the date to next January; is that right?

Mr. LEGGETT. No; a year from January—18 months.

Mr. SCHWENGEL. That sounds a little more practical and even then that might stymie us but not too much. But I just want to assure the gentleman that the subcommittee is working on this and we are going to bring something here just as soon as we can.

Mr. REES. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the committee, I urge Members to vote for this amendment because I feel that if we do not mandate electronic voting, we are never going to get it. It is being studied. It was being studied last year. It was being studied the year before. It was being studied long before I was born. I think it has been studied to death.

I served in the California State Legislature for 8 years. I do not think our voting machine ever broke down more than once or twice and when it did it was for 15 or 20 minutes, because it got overheated. That voting machine was put in there when I was about 12 years old. It is a very good voting machine.

Those Members who have served in a legislative body of that type know that in one morning of voting there can be about 20 or 30 votes because the voting is on a lot of small bills. But here, if we have two or three votes in a day, it is a big issue. Sometimes we may go a week without a vote.

If the technology is not here, then what has happened to technology? We have a man on the moon. We have the SST's and we have all of these things. Can we not put a little board on the wall here? Can we not have a little box here where we can vote "yes" or "no" or "present"?

I think the technology is available and I feel that if we do not do something about it now and say that in 18 months we shall have electronic voting, it is going to be 18 years, and maybe 20 years, and maybe 50 years before we ever get around to doing it again.

I am glad that the committee went to California and studied the problem. They could have asked about 10 of us who served in that legislature for our advice and experience, because we have used the system.

I think the only way is to really mandate this and vote for the Leggett amendment so that we have a target date of 18 months, and we can put everything in, and we can worry about the esthetics and everything else. But in 18 months we can have electronic voting.

Mr. Chairman, I urge an "aye" vote on the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I support what the gentleman from California is saying. I think the only way that this can be attained is to do it and to mandate it. I, therefore, plan to sup-

port the Leggett amendment. I have been officially informed that 37 out of the 50 State legislatures now have electronic voting. I repeat, can we not in Congress be at least as up to date as 37 out of the 50 State legislatures? I think we can do it. I hope the Leggett amendment is supported and adopted.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Maryland.

Mr. GUDE. I merely wish to support the comments of the gentleman from California on the Leggett amendment. The gentleman spoke of the members of the committee having gone to California to study the equipment there. I point out that we have electronic voting in Annapolis and it works perfectly. I hope the amendment will be adopted.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman. Is it the gentleman's understanding that the 18-month time prescribed by the Leggett amendment to the McClory amendment would preclude an earlier installation than 18 months? Is there a technological barrier?

Mr. REES. I believe the Leggett amendment states "shall be installed" by X date, and X date would be the beginning of the second session of the next Congress.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. REES. I yield to the gentleman from Texas.

Mr. WHITE. Perhaps the point about which I shall speak has been covered before. I observe that the McClory amendment, as proposed to be amended, states in essence that the negatives and the affirmatives shall be recorded, and those voting "present." We presently have a system whereby those present can also be recorded. We have a negative vote, an affirmative vote, and we have a category of "present," not "or." I wanted to point out that deficiency in the language.

Mr. REES. There may be minor deficiencies. Remember that these are amendments to the House Rules. If we find a deficiency in the House Rules, we can bring a resolution before the Rules Committee and have it on the floor practically the same day.

Mr. WHITE. All you would do would be to place those who wanted to be recorded as "present" among those also recorded?

Mr. REES. Yes.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, I believe that anyone who has been around here for awhile will realize that what the gentleman who just preceded me says we can do cannot be done, or else we would not have this proposed reform package of rules here today under the circumstances that we do.

Let us get one thing in proper perspective. Nobody has been studying, except in the 91st Congress, anything having to do with an electronic voting device.

Let us get some other things in proper perspective. All the voting devices which exist in every one of the State legislatures are either electrical or mechanical. None of them are electronic. The Committee has been working just in the 91st Congress.

What we have just done in the previous amendment was to adopt an amendment which provides a record vote, utilizing either of two alternative methods in recording teller votes in the Committee of the Whole. What we are talking about now has nothing whatever to do with the functions of the House in the Committee of the Whole. What we are talking about now has to do with the operation of the House and the recording of votes when we are in the Whole House out of Committee.

Let us devise something that can work in both places. Let us meld the two. Let us have a little bit of opportunity to provide something that will work in the Committee of the Whole and in the Whole House. Do not be swayed by the fallacious argument that you can go to the Rules Committee and bring back a rules change almost the same day. You know it cannot be done. It never has been done and it never will be done. The Committee on House Administration has been working just in this Congress. The Committee on House Administration is going to bring back some proposals, some recommendations to this Congress.

I want to tell you what we found out. I did not go, but some of the committee went to California and to Washington State. They told me that the legislators out there told them that there was more hanky-panky with the voting devices out there than we have with our system. There are two criticisms of what we are doing: We use too much time, and sometimes there is some hanky-panky. You cannot eliminate either problem but you can reduce them to a minimum.

We have to be practical. We have to think about a system that will work. We must be realistic.

How many Democrats are in the House of Representatives today? It was 244, I believe—before we lost our esteemed colleague from Ohio, tragically enough, last night.

How many seats are there on this side of the aisle? There are 224. And there are 224 over there.

What sort of system will we use? We do not have assigned seats so we cannot have individual stations. We will develop one that will work, after we give it proper study? We have a mandate from the Congress, I believe, to provide a recommendation. We can proceed to do it under the language of the McClory amendment. We can dovetail that with what was proposed and adopted here today in the O'Neill of Massachusetts-Gubser amendment.

If the Members want something that will work, and will be better for this Congress, just give us an opportunity to put it all together. I suggest it would be far better for us today to reject the Leggett substitute for the McClory amendment and to go ahead with the McClory amendment, and let us proceed, in due time and with haste.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from Texas.

Mr. ROBERTS. I thank the gentleman for yielding. The proposer of the amendment stated that it would give 15 minutes' time, and it would take 2 or 3 minutes to get the total. That is 18 minutes.

Mr. WAGGONNER. Let me say that there is nothing in the amendment which has to do with time.

Mr. ROBERTS. It takes 27 minutes now. That means at the most it would save 9 minutes. On 100 votes, saving 9 minutes for each, that is 900 minutes a year, at a cost of $200 million. I believe we could wait until we can get a machine to do the job.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Illinois (Mr. McCLORY)

Mr. McCLORY. I thank the gentleman for yielding and for his expression of support. It seems to me that the gentleman's argument is very valid.

Is it not true that if we adopt an electronic method of recording votes on rollcall votes and quorum calls, we will need detailed changes in the rules in order to accommodate ourselves to this alternative system that would be developed?

Mr. WAGGONNER. There is no question about it. Everything we are doing here today is going to project some other rules changes.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I am happy to yield to the gentleman from California.

Mr. LEGGETT. I compliment the gentleman for the good work he is doing with his Mechanical Data Processing Subcommittee. I presume the reason why we have not gotten through the electronic rollcall recommendations is that the gentleman has been spending so much time with the data processing procedures up to now during the 91st Congress.

I am pleased to have the assurance of the gentleman that this committee, and the subcommittee of which he is chairman, will make recommendations during this Congress. With that in mind, I believe I will take his assurance. I know he is doing good work. He has several subcontracts out now for data processing.

I rely on that, and I am willing to withdraw my amendment to the McClory amendment at this time.

Mr. Chairman, I ask unanimous consent to do so.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. JACOBS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when I rose on the floor a moment ago, I asked about changing

the wording in the McClory amendment from the word "may" to the word "shall" because I was so very much interested in bringing about a mandate on electronic voting to the House, and I thought that language was necessary and important.

As the debate has developed, a number of things did come to my mind, as well brought out by the chairman of the subcommittee, the gentleman from Louisiana (Mr. WAGGONNER). We have spent many, many hours of intense work on the question of electronic voting and on the question of mechanical voting. We did go to California.

I have seen electronic voting in New York State, in the Empire State. About 4 years ago in New York State we installed an electronic voting system.

I can tell the Members something they do not know. It has not been working. It is not working to this day, because the system under which the State uses the electronic voting is wrong. I do not believe we ought to bog ourselves down with a mandated kind of system.

As to the system in California, the gentleman from California (Mr. REES) might be well informed. That system has been criticized generally by the members of the legislature out there as being a means for members to play, as they call it, Russian roulette with the results.

There is a problem because the tote board would give individuals an opportunity to change their vote back and forth and before you knew it votes began switching until the Speaker finally banged his gavel down.

Mr. MILLER of California. Will the gentleman yield?

Mr. PODELL. I yield to the gentleman.

Mr. MILLER of California. So that credit will be given where credit is due, this system used in the California Legislature—and I was there 2 years after it was installed, preceding Mr. REES by a few years—was adopted from the system invented and installed in the Virginia Legislature.

Mr. PODELL. I thank the gentleman from California.

I would like to say this, and then I will be glad to yield. I think there are a number of problems with voting procedures, as we have seen in various States of the Union. I do think these problems can be and will be overcome. I certainly believe, however, that there are many questions such as the length of time during which you will be required to vote, or the matter of identification of the individual voting, or who votes for whom and whose card goes into the slot in the voting system, and so forth. So I take the position that the amendment introduced by the gentleman from Illinois (Mr. MCCLORY) in its present form is the better of the two. I think it should be adopted in its present state, and if there are any changes, we can subsequently do that by amending the rules.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I respect the gentleman from New York's judgment. I would like to ask him this question: Is not 18 months enough of a period of time to work out any possible bugs in this system? That is all the amendment offered by the gentleman from California (Mr. LEGGETT), does. It allows 18 months. It seems to me that is certainly a long enough period to work out the necessary details in order that we have an effective and workable system which we can definitely install rather than making this permissive and having it lost in the shuffle.

Mr. PODELL. The amendment offered by the gentleman from California provides for electronic voting. You may have a difference between electronic voting as brought out by the gentleman from Louisiana (Mr. WAGGONNER) and mechanical voting and electronic voting. I have never seen an electronic voting system as it is supposedly envisioned and in operation as yet with a computer take out of the result for an immediate result, which we hope to have here. Whether or not this is better than the voting system or procedures now used in many of the States we do not know. I think we do require the time. I certainly feel we should not be mandated by anyone here.

Mr. HOWARD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, although we may be in favor of electric voting, we cannot vote for this amendment this afternoon because it has one loophole that has been discussed and which must be cleared up. One person can prevent the House from voting and close the House down at any time. If an amendment is to be voted upon or a final passage vote is to occur and the electronic mechanism breaks down, then the only alternative is to ask unanimous consent that we vote orally or manually. If I thought the amendment would pass and I were against the amendment, I would stand up and object to that unanimous-consent request, at which time the chairman of the committee would then move that we vote manually or orally. That can be voted on by a voice vote or a division vote or a teller vote. When we just passed an amendment for the recording of teller votes, Mr. O'NEILL stated under his provision that could be and probably will be done electronically. So we will be in a position of trying to have an electronic teller vote on a machine that does not work on a motion that we vote manually because the electronic machinery is out of order.

Mr. MCCLORY. Will the gentleman yield?

Mr. HOWARD. I am happy to yield to the gentleman.

Mr. MCCLORY. If the gentleman is talking about my amendment, my amendment provides an alternative or additional method of recording votes on quorum calls and rollcall votes and would still leave the existing rule XV the way it is in case the Speaker wanted to have the rollcall that way.

It also, of course, leaves us with the alternative that we may want to record those who want to vote "present" in the present form and also with reference to pairs under the existing system. So, we are merely providing an additional method to the existing system for quorum calls and record rollcall votes by employing the proposed time-saving device of an electronic system for recording such votes and attendance.

Mr. HOWARD. If a Member wishes an electronic vote and wishes to call for it and the mechanism is not working, then how is that person to be deprived of having the right to vote the way he wishes—not the substantial number that you need to rise for that vote?

Mr. BURTON of California. Mr. Chairman, few Members have worked any harder than our colleague in the well, the gentleman from New Jersey, in improving the rules of the House.

I would submit that the issue before the House is a very simple one and that is this: Do we not want to make it perfectly clear that we will require some kind of automatic voting? If that does prevail, I am sure we will have no difficulty within the time frame spelled out in the amendment which goes through calendar year 1971 to effect this procedure.

I am sure that collectively we will have no difficulty ironing out any wrinkles, real or imaginary, in the basic thrust of the amendment which is to make it clear, first, that this procedure be required for the recording of votes; and, second, that it be clear that it is done within the time frame, to wit, sometime before the beginning of the second session of the 92d Congress. That is the issue before us. Whether or not there may or may not be some minor inadequacies in the thrust of the amendment, I am sure if the amendment is adopted this House will direct its will sometime during the next year and a half to perfect that omission.

Mr. HOWARD. I will state to the gentleman from California that should such an occasion arise this will come before the Rules Committee. Would it be the intent of the Rules Committee, if it finds itself in this kind of a bind, to have a resolution brought before the House so that we would not be in a position of one person objecting to a unanimous-consent request that the Committee would have to rise no matter what time of day it is or merely whether he was invited down to the White House to have his picture made for campaign purposes?

Mr. SISK. If the gentleman will yield, I am not clear as to just what the question is that the gentleman has directed to me.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes, I yield further to the gentleman from California.

Mr. BURTON of California. I will state to the gentleman from California (Mr. SISK) that the gentleman from New Jersey (Mr. HOWARD) wants to know that if this amendment is adopted requiring some kind of mechanical procedure by the second session of the 92d Congress, and the Rules Committee finds out that it is possible for one man to absolutely stop the House from voting on a matter, would the Rules Committee not bring to the floor between now and that time legislation to deal with that specific problem?

Mr. SISK. Mr. Chairman, if the gentleman will yield, let me say that I am only one member of the Committee on Rules. I would assume that if we have passed a bill that got us into a trap, I am sure the Rules Committee would take action in an effort to correct it.

Mr. SCHWENGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take this time to particularly commend those who are interested in what the Committee on House Administration is working on. We have been working diligently not only on this question but on a program of data processing, information retrieval system and an evaluation system.

The argument presented by the gentleman from California (Mr. LEGGETT) was a persuasive argument for the system and this gives great encouragement to the committee. We are just as interested in bringing something to this House as soon as possible as you are.

However, we recognize, as has already been indicated, that there are special problems relating to this situation, and whatever we have we want it to be the very best, the most accurate, and the most reliable.

Second, we are working on some other matters, as the members of the subcommittee know, and as the gentleman from New York (Mr. PODELL) knows very well because he has been coming to this study group with the task force, that would be far more valuable to us than even electronic voting—although that issue has very high priority—in order to properly coordinate the program and the ideas we have in mind, to properly equip the House with information that is available to them, but through data processing, through evaluation systems and retrieval systems, we have got to have some time to coordinate a pretty big program for the House.

So I think it may prove to us a handicap in the interest of objectivity that the gentleman wants, and I am glad he has agreed to not pursue his amendment.

But I do want to assure the Committee that we are vitally interested, very interested, and if the amendment offered by the gentleman from Illinois (Mr. MCCLORY) passes, I am sure this will quicken the interest of the subcommittee. And I am quite sure from what I know now that we can have the kind of installation the gentleman calls for without sacrificing too much of the other programs we are working on that can also benefit the House and the country, as we all want to do, I am sure.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I want to commend the gentleman and the subcommittee for their vigorous efforts in this field.

Let me ask the gentleman a question: Does the gentleman think the development of a system whereby we could complete the vote in a 15-minute period is out of reason?

Mr. SCHWENGEL. No, I believe not, at this point, and I think maybe we can even have a shorter time than that.

Mr. LEGGETT. Likewise, does the gentleman believe that an 18-month development period is within reason, or is reasonable, and will result in a possible installation?

Mr. SCHWENGEL. It is not impossible, but then if we should run into special problems we might well have to sacrifice on certain things, and not be able to give you the kind of installation that we would want, and that we deserve to have, if we had a little more time, if it is necessary.

Mr. LEGGETT. I certainly hope that the committee takes early action on this matter, however, and further consideration where necessary.

Mr. SCHWENGEL. I can assure every Member of the House that the McClory amendment will quicken the interests of the committee, and spur the committee. We are working extra hard, I am sure, and hope that we will come up with one that is equal to the need here.

Mr. MCCLORY. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from Illinois.

Mr. MCCLORY. Mr. Chairman, I want to commend the gentleman from Iowa, and also I want to commend the gentleman from California (Mr. LEGGETT) and others who are supporting this position. Because I also hope we can get this electronic voting equipment in the earliest possible time. I do feel that the amendment that I have offered will be an expression on the part of the House in support of this principle of electronic voting in the full House.

I am hopeful that we can give this as a signal and as an expression of our desire to adopt this modern system at this time in this bill.

Mr. SCHWENGEL. Very briefly, Mr. Chairman, two points:

One, many of us, and many of the Members of the House, and probably most of them, have been interested in a more effective Congress, and this will help bring this about, I am sure. But also, second, we need to bring prestige back to the body. We can do this if we are able to take advantage of the tremendous collection of information in store for us in the Library of Congress that we cannot possibly use at this time adequately and efficiently, and effectively, because we do not have the data processing equipment to do it.

So, when this total program is developed you will see an involvement again of the equity that we envision in government, and we will not be dominated, directed and influenced so much by the executive, but more by the facts at hand, and what the situation reasonably calls for. I am glad to see this interest here, and I urge the adoption of the McClory amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to first compliment the gentleman from Louisiana, (Mr. WAGGONNER) and his committee, because I know that they have spent a great deal of time studying the whole matter of electronic aids for the House of Representatives.

You hear a lot of talk about electronic voting and mechanical voting and other kinds of voting. You hear talk of retrieval systems. That may be an unmixed blessing. Just imagine if we had a retrieval system and you could retrieve some of the speeches that have been made here today. What a disaster that would be.

I suppose that there has been more misinformation given out in the course of the debate on this bill than anything I have heard of in the long time I have been a Member of the House.

I do not see him on the floor and I hesitate to mention his name. But the very distinguished and learned gentleman from Iowa (Mr. MAYNE) got up and read a short dissertation, to which incidentally I did not make a point of order and it is in violation of at least two rules of the House, if you will read it, which gave an impression—and it was factually correct—but it gave an impression that the British Parliament was far ahead of us—150 years he said—because the British Parliament has had a recorded teller vote for 150 years.

Well, that is right. I probably know as much about the British Parliament as he does. They go into what they call a division lobby on both sides—with their backs to the press, I guess—and there is a record made of who goes into the division lobby. That is an improvement on our system—or is it?

There has never been a rollcall vote in the history of the British Parliament. Nobody has even been able to sit up in the gallery and hear the names called and hear somebody vote "aye" or "nay." If you cannot recognize the Members from the back as they walk into the division lobby, you are going to have to wait until the next day when the RECORD comes out, to find out who voted how.

Now this body is not perfect, and I am the first to admit it. I think there are a lot of things we ought to do, to do things better. But I am not sure that one of them is playing illuminated bingo with a board with a lot of lights on it—where people can change their votes—and where somebody can pass their key or their card or what-have-you to somebody else to vote for them when they are not here. This is done in my State, I am told. Whether that is an improvement or not, I do not think we ought to mandate it here today.

You know, I almost had a notion to make a point of order. I do not know if there are 100 people here or not. But if there are, there are not over 102 or 103. But I did make it. I did not want you to think I was so vain that I wanted a quorum here to hear my speech.

But where are all of the people who were desirous of working on this bill? Some of you stayed here, as I have done, but a lot of them are gone. It is only a few minutes until 6 o'clock. Some of the very people who were saying we should stay here until midnight I do not see around.

Mr. JACOBS. I am right here.

The CHAIRMAN. The Committee will be in order.

Mr. HAYS. You are just one and I said, "some of them." I would like to get in my speech the fact duly recorded that the

gentleman from Indiana (Mr. JACOBS) was one of the proponents in favor of staying here until midnight and he is on the floor—and he is awake.

But I just think this is a pretty poor way to legislate on something as important as this.

I am not on the subcommittee. I am not talking for myself. But we have some pretty dedicated people on both sides on that subcommittee and they are working and they are moving. I got a resolution through here one day, and let me say that, with about 30 Members on the floor.

I offered a resolution to appropriate a half million dollars for this committee to let contracts and to get under way. We got that through without a quorum and without a rollcall vote or anything else. But I submit to you, I think I was the only one who voted for it. Frankly, when they asked for the "ayes" and "noes," nobody voted "no"—so it carried.

But I want to say to you that I do not think we ought to be sitting here this afternoon with about 100 people present talking about whether or not we are going to use electronic voting equipment. I think we ought to wait for the committee to finish its study. They are going to come up with some recommendations. They have contracts let. They will do the job if we give them the chance.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. CLEVELAND. I think you have been a little bit hard on the Members of the House. You have talked about some of the Members having gone. But knowing of your great admiration for the fourth estate, I wonder why you also do not look up in the galleries and comment on the splendid attendance up there.

Mr. HAYS. I will tell you this. I saw a Member here today making a speech who was so busy looking at the gallery and turning away from the microphone that you could not hear what he was saying. I am very much aware of how many friends I have in the press gallery, and I do not really care whether my friends in the press gallery are few in number or not. They are going to say whatever they like to say. What I say is going to be in the CONGRESSIONAL RECORD, and it is not going to be revised because I do not do that sort of thing. I feel that I can stand here and say what I want to say, and if the grammer is bad, the fellow who is taking it down will correct that, and the rest of it can go. I do not want it sent to my office. I will not revise it. It will be in the RECORD tomorrow for any of my friends, either in the press gallery or on the floor who missed it, to read.

I am asking you again not to adopt these amendments tonight.

Mr. SISK. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I hope that we might reach some agreement on debate. I do not desire to cut anyone off.

Before I make a unanimous consent request—and I might say to my friends that you may be seated for a few minutes if you like—this is a question of considerable importance. I appreciate the comments of my colleague and friend from Louisiana (Mr. WAGGONNER), and also what the gentleman from Ohio (Mr. HAYS), has just said. Basically, they are talking about some of the very logic that your subcommittee used in determining not to get into some of these subjects at that time.

I might say to anyone who would consider enlightenment that our subcommittee did discuss with various people interested in electronic equipment this whole problem. I wish to express appreciation to Mr. WAGGONNER for the fact that he had his task force come up and meet with our subcommittee and discuss with us some of the things that they were doing in connection with a study of electronic equipment, the progress they were making and some of the ideas that we had in mind. Because of the work the Committee on House Administration was doing, particularly the Waggonner subcommittee, your subcommittee felt that it probably was inappropriate, and not timely at the time, to actually attempt to amend the rules to make provision for electronic voting at this time.

I find no particular objection to the amendment offered by the gentleman from Illinois (Mr. MCCLORY). As I understand, it makes permissive the use when and if the Committee on House Administration makes certain recommendations. I would assume that the Committee on Rules would probably have to provide for additions to the rules, maybe, to fit the occasion, but I would have to oppose the amendment offered by my friend and colleague from California because I think it would create a situation that could lead to grave consequences. Therefore, I urge that it be voted down.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Ohio.

Mr. HAYS. The gentleman from California (Mr. LEGGETT), has already tried to withdraw his amendment, which was objected to, but I think in fairness to him, after the explanation of the Committee on House Administration and Mr. WAGGONNER'S explanation, he is satisfied with the progress that is being made. Somebody seemed to have misunderstood what I said. I said that I was against being mandated, which did not mean that I was against the permissive amendment, but I am against being told that we have to operate under a deadline. It may turn out that we will beat the deadline in the House Administration Committee, and if we can come up with a foolproof system, we will present it. I hope the committee can. I am not against it if we can devise one that will work. But I want to be reasonably sure that it will work better than what we have now, and that the public will really have a better opportunity to know than they have now, because I still think, with people sitting here, saying yes or no, everybody in the House checking on them and seeing it is the proper person who is responding, it is pretty foolproof.

Mr. SISK. I thank the gentleman from Ohio for his remarks, with which I agree. I appreciate the efforts of the gentleman from California (Mr. LEGGETT).

Mr. Chairman, I ask unanimous consent that all debate on the original amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Members will be recognized for approximately two-fifths of 1 minute each.

The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Thank you, Mr. Chairman. I yield back that one-fifth of 2 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I appreciate the generous support of the Members. While I sponsored this amendment, it is an amendment which expresses the views and hopes of a great many Members.

I believe the amendment is an expression on the part of a great many Members, and not just the sponsor. By adopting this amendment we are giving clear evidence to the American public that the House of Representatives is determined to apply modern systems and techniques in the performance of our work as the Nation's lawmakers. Adoption of this amendment is, indeed, an historic event in the life of this great legislative body.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. MCCLURE).

Mr. MCCLURE. Mr. Chairman, I rise in support of the McClory amendment and in opposition to the Leggett amendment, and I yield back my remaining time.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I hope that the Leggett amendment will be adopted. If not, I hope that the McClory amendment will receive resounding support.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I rise in opposition to both amendments. I do not believe we ought to do away with the present system.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I simply want to take these 24 seconds to express my appreciation to the gentleman from California (Mr. LEGGETT), for his understanding of what our Committee on House Administration is attempting to do to provide an updated system of voting. I appreciate his willingness, once he gained this understanding, to be willing to withdraw his amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, again I

commend the gentleman from Louisiana for his good work. I want to renew my request once again to withdraw my amendment. I believe it does very little good at this time to lose an amendment of this importance. I believe we have a commitment from the gentleman that we will move ahead in the subject area. That was my total motivation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I am very grateful for the generous allotment of time.

I might say the reason I objected to the unanimous consent request of the gentleman from California to withdraw his amendment is that the Members of the Special Automatic Voting Committee who have spoken here have all seemed to be against the idea.

That shakes me just a little bit.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I wish to say "thank you" for the evidence of support the committee now has to move forward in this very important area.

For the benefit of the Californians, perhaps they would be interested in knowing that the firm having one of the most responsible contracts and important assignments, already granted by the committee, is based in California. That ought to give some assurance that we will do a thorough job.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I rise in support of the pending amendment. I interpret the legislative history to be that by this permission granted in the rules we support the efforts of the task force and of the committee to give us an updated voting system and all other systems they are now working on for the benefit of the Congress.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I rise in support of the McClory amendment. With this amendment and under the leadership of the House Administration Committee, we are taking a major step in modernizing the voting system in the House. This joins with the splendid reform taken earlier today through recording the teller voting system. If this bill accomplishes nothing else, it will go down in the history of the House as a monument to its foresight in meeting the challenges of the last third of the 20th century.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I am pleased to support the amendment providing for an electronic voting system in the U.S. House of Representatives.

My bill, H.R. 397, introduced on the first day of the 91st Congress, January 3, 1969, would provide for a device to record and count votes in the House of Representatives. I appeared before the House Administration Committee in support of the bill last year and I believe it should be included in the legislation before the House today.

One of the first bills I introduced when I came to Congress in 1949 was a bill for electronic voting procedures in the House. Having served in the Florida House of Representatives prior to World War II, I knew from experience that a system to mechanically count members' votes was practical, efficient and effective.

I have seen the report of the Clerk of the House on electronic voting, and believe it is a good report and it has carefully considered all of the problems and ramifications of the proposed system. My legislation would authorize the recommendations of the Clerk.

The chairman of the House Standards of Official Conduct Committee, Congressman MELVIN PRICE of Illinois, urged the House Administration Committee to approve an error-proof voting system for the House of Representatives. I applaud this recommendation and believe the House should have an electronic voting system.

Voting procedures used now in the House of Representatives are, in my opinion, antiquated, time consuming, and dangerous to our democracy. The recent case of irregularity in voting is a prime example of the possible threat to the continued public confidence and veracity of the House of Representatives. Mistakes in voting are noted frequently. The time of a rollcall lasts from 30 to 45 minutes. We are playing roulette with the most important gift of our democracy—a Representative's vote for his constituents and his country.

The space age demands a modern system for recording a Member's vote, not a horse and buggy method that is subject to error and misuse of the public trust.

I urge the House to approve an electronic voting system.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I rise in support of the McClory amendment.

I quite understand why the gentleman from California (Mr. LEGGETT) withdrew his amendment under the circumstances, but I wish that we were in a position to adopt that amendment, because I think what this House needs and what is perhaps becoming clear today is the pressure of time to get this job done.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK), to close debate on the amendment.

Mr. SISK. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MCCLORY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 39 after line 4 insert:

"SEC. —. On demand of any one Member prior to any record vote on any amendment, substitute or amendment thereto, wherein Members are individually recorded, there shall be distributed, to each Member present, a printed copy of the amendment or substitute being voted upon."

Mr. THOMPSON of Georgia. Mr. Chairman, this is the amendment about which I spoke some 2 hours ago when we were considering whether we were going to have recorded teller votes. In substance, what the amendment does is simply this: It provides that if there is to be a recorded vote, you have some 12 minutes to get over here and vote. During this time there will be printed a copy of the amendment and when you come through the door, rather than asking what is this all about because I have not been on the House floor and I do not know what is going on, and having someone try to tell you in one or two words what the complicated amendment is about, you will in effect be handed a copy of it. This is done in many State assemblies and senates throughout the United States. The time needed to print 400 or 450 copies is a very short period of time. In fact, when there is an amendment during the debate the amendment can be printed and be ready for distribution to the Members. I say this: While the public has a right to know, I think it is also clear that we have a right to know what we are voting on. This will give us the opportunity to know what we are voting on before we actually cast our vote on an amendment when it is a recorded teller vote.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, in this day of data retrieval and electronic voting and many of the other things in which we have engaged ourselves today, would the gentleman visualize under his amendment that one could sit at his desk and have a miniature automatic data retrieval system on his desk with a facsimile printed out to show what is under consideration before the Congress and then push a button yea or nay without making a trek to the floor of Congress?

Mr. THOMPSON of Georgia. I do not know about not making a trek to the floor of Congress, but I do know this: When I was in the Georgia State Senate we had demonstrated an IBM typewriter which kept the bill constantly updated. The computer was located in California, but as an amendment was offered it was typed out so that we could see it in substance and if someone would add a word in the fourth line between the fifth and sixth words, it would type it out in that order so we would have an understanding of it.

I think there is no question in any student's mind but what this is certainly

feasible at this time. I would like to point out the fact that we are not only in the dilemma of trying to enforce teller votes on the one hand to make it possible for our constituents to know how we voted, but on the other hand to make it possible for the Members to better understand what they are voting upon. This is a part of the problem.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from New York.

Mr. CELLER. I think there is considerable efficacy in the amendment besides the fact that it will enable the Members to know the import of the amendment. It would be of great merit and value to the floor manager of the bill and the chairmen who are handling it on the floor to know exactly what amendments are pending before the committee. Ofttimes when you floor manage a bill, suddenly an amendment is offered and in the excitement that prevails sometimes in the Committee it is very difficult to comprehend and understand the nuances of the amendment. In this way the chairman of the committee or a floor manager of the bill will be able to understand in advance of what he will do with reference to that amendment. If the amendment is to be opposed, he will then have some ammunition with which to oppose it. If the amendment is to be adopted in his opinion, he will have sufficient evidence to explain to the Members why the amendment should be adopted. In that sense, it would be of great value so that amendments, when offered, can properly and maturely be considered. Therefore, this amendment which has been offered by the distinguished gentleman who now has the floor should be adopted.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Chairman, I support the gentleman's amendment. It accomplishes what I intended it to do with an amendment of my own earlier this afternoon, but it was voted down because of the possibility that the purpose of the amendment then pending might be defeated.

Mr. THOMPSON of Georgia. I thank the gentleman from New Hampshire for his contribution.

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I well understand the amendment which has been offered by the gentleman from Georgia to afford the Members a certain amount of time within which they can vote. The time limitation in the amendment is 12 minutes. I am not so sure that this is the appropriate amount of time. I can only say to the gentleman that we envision, perhaps, even a more rapid method of voting in certain instances and under perhaps certain circumstances on quorum calls and so forth.

However, there is one additional problem that does present itself. The gentleman envisions an immediate printout every time a Member presses a button which would afford that Member immediate knowledge of the exact result?

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield, no; my amendment does not envision an immediate printout. I was asked whether or not something of this sort was within the realm of the technology we had available to us.

We had a demonstration, as I mentioned, in the Georgia State Senate along this line. What my amendment would do would, in effect, be when you offer an amendment you would have it printed and during the debate it would be distributed to the Members—400 or 500 hundred copies—very, very rapidly and printed very rapidly, and we would be speaking and voting on a certainty and not on what we think may be the question involved.

Mr. PODELL. In other words, the gentleman is not referring to the results, but merely to the actual amendment itself?

Mr. THOMPSON of Georgia. That is correct.

Mr. PODELL. I would like to say that I congratulate the gentleman on a very wonderful suggestion and recommendation and I certainly trust that when our computer-retrieval operation is in full force and effect such will be the case.

I certainly envision that this is entirely possible, but I recommend that the gentleman leave this to the discretion of the Committee on House Administration, who have been doing a tremendous amount of work in this area, and we hope to come out with perhaps the very thing that the gentleman does recommend.

As to whether it is possible, in an instantaneous printout, for 435 Members of the House, I do not know. I certainly would hope that that would be the case. But I would suggest that, rather than going into the various problems that would be presented, that we leave this to the Committee on House Administration, so that at the time if the system to be arrived at is not satisfactory perhaps we can improve upon it.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I agree with what the gentleman from New York (Mr. CELLER) has said, and I strongly support the amendment of the gentleman from Georgia. I think it makes a lot of sense, and if it makes sense I do not see why we should not adopt it now, without further delay.

I thank the gentleman for yielding.

Mr. SMITH of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would appreciate it if the gentleman from Georgia would get to the microphone, because my objection is because I do not understand what the language in this amendment said.

The gentleman showed something to me this morning, but I just received a copy of this just now, and I have not had a chance to study it.

The gentleman says that on demand of any one Member prior to a record vote. Is the gentleman talking about a teller record vote that we just passed, or is the gentleman talking about a record vote in the House on an amendment which we have adopted in the Committee of the Whole House, and when the Speaker says "Is there a separate vote demanded on any amendment?" And perhaps an amendment has a separate vote demanded, or possibly on two or three amendments. Is that what the gentleman means, or does the gentleman mean by a record vote, a teller vote?

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentleman will yield, this is precisely the same wording that I showed the gentleman earlier.

It may be that perhaps we should insert the wording, and I would ask unanimous consent that this be done, that when meeting in the Committee of the Whole House on the State of the Union and a record vote is taken, on which individual Members are recorded, and reword the amendment to state, if the individual Member is recorded on the record vote.

I do not know whether it applies in the House or in the committee, so I would like to ask if the gentleman will yield for this purpose, and I would like to ask unanimous consent that this amendment be corrected to apply to the Committee of the Whole.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Chairman, if this amendment is read will the gentleman in the well lose his time on the floor?

The CHAIRMAN. The Chair would like to inform the gentleman from Iowa that this will not come out of the time of the distinguished gentleman from California.

The Clerk will report the modified amendment.

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HAYS. Mr. Chairman, my parliamentary inquiry is this: If the unanimous consent of the gentleman from Georgia does not prove beyond any doubt that his amendment would not work if is were passed?

The CHAIRMAN. The Committee will be in order.

The Clerk will re-report the modified amendment offered by the gentleman from Georgia (Mr. THOMPSON).

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 39, after line 4, insert (a new section):

"SEC.—. When the House is meeting in the Committee of the Whole on demand of

any one Member prior to any record vote on any amendment, substitute or amendment thereto, wherein Members are individually recorded, there shall be distributed to each Member present, a printed copy of the amendment or substitute being voted upon.

Mr. SMITH of California. Mr. Chairman, at least that clarifies to some extent what we are talking about.

This presents one of the problems that the subcommittee faced during the entire consideration of this legislation, and that was to get the appropriate wording in—the if's, but's, and's and commas, colons, semicolons, and all of the other necessary language in order to write it correctly to change the rules of the House.

Here is an amendment that has just been offered. It may be a good thing. But the only recorded vote that we actually will have in the Committee of the Whole will be a recorded vote that we just now passed in the Gubser-O'Neill amendment. That will not be effective until the legislation becomes law, if it does, on January 1971, unless the Committee on Rules acts in some other way prior to that time.

I agree with the gentleman from New York (Mr. CELLER) that it would be nice to have a copy of an amendment. I have been facing that problem during the consideration of this bill.

I do say in all seriousness, we should be careful before starting to add anything to the rules that has not been studied clearly and checked with the appropriate sources to see if it is written in accordance with the rules.

So I would suggest that this not be passed at this particular time.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. HAYS. That is one of the problems, as I understand it, that the Subcommittee on Electronic and Mechanical Equipment is studying, whether or not there is a device available that will take an amendment, handwritten or otherwise, and make a copy of it and provide 450 printouts, and how quickly they can do it.

There has been a lot of argument around here that they want to speed up things. Suppose we find no machine that can do this in under 20 minutes? What do we do then? Are we going to go in recess for 20 minutes while they are being printed?

I think it would be better to leave it to Mr. WAGGONNER'S subcommittee to find out if this is practical. They want to use it if it is rather than to write again something in here that we will have to live with whether it works or not.

Mr. SMITH of California. If any one Member on any amendment or substitute amendment thereto wanted to, he could keep us all day before we start voting on three or four amendments and it is not going to help our situation.

Mr. GROSS. Mr. Chairman, will the gentleman yield ?

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. I think in connection with this amendment, and the way some of these amendments are being adopted, we ought to explore the possibility of making a copy of the amendment available to each Member in his office so he would not have to leave his desk and then push a button so that he can vote over there. That way it would insure that he would not ever have to come to the floor of the House.

Mr. SMITH of California. I think that can be done electronically.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. THOMPSON of Georgia. The gentleman from Louisiana, I believe, the chairman of the subcommittee, and I do not see him on the floor at present, but I do have every confidence that if asked he will look into this matter. I, for one, resent bitterly as a Representative of some 500,000 people that I am called to vote on matters on the floor of the House, and when I step in here I do not have the time to know what the item is and I have to rely on somebody's verbal representation of it. I want a printed copy and, Mr. Chairman, I ask unanimous consent to withdraw the amendment with the understanding that the committee does have this under consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that his amendment be withdrawn?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. REUSS).

Mr. HAYS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAYS. For the purpose of having a count, so we will know exactly how many Members we are legislating with, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and four Members are present, a quorum.

AMENDMENT OFFERED BY MR. REUSS

Mr. REUSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REUSS: On page 39, immediately following line 4, insert the following and renumber the subsequent sections accordingly:

"SELECTION OF CHAIRMAN OF HOUSE STANDING COMMITTEES

"SEC. 119 Clause 3 of rule X of the rules of the House of Representatives is amended to read as follows:

"'3. At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof, who need not be the Member with the longest consecutive service on the Committee; in the temporary absence of the Chairman the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman; and in case of a permanent vacancy in the chairmanship of any such committee the House shall elect another chairman.'"

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. REUSS. Mr. Chairman, we come at last to the issue of seniority. The amendment before us, which is cosponsored by Mr. VANIK, Mr. REES, Mr. MACGREGOR, and others, would merely take existing rule X, which provides that the House shall select one member from each standing committee to be the committee chairman, and add the words "who need not be the member with the longest consecutive service on the committee."

The amendment would not prohibit the most senior member from being selected chairman. It recognizes that the expertise which comes from time is difficult for younger members to match. But it does say that length of service shall not be the sole and exclusive consideration in selecting committee chairmen. It does say that a wooden application of the seniority custom is a luxury we can no longer afford.

Nor does the amendment require any particular method of selecting chairmen. It leaves it to the parties, each of which, incidentally, has appointed a blue ribbon committee, the Julia Butler Hansen Committee and the Barber Conable Committee, to study the modalities of the seniority rule. If a party wishes the chairman to be selected by the members of the committee, that would be consistent with this amendment. If a party prefers that the chairman be selected by the party caucus, that would be consistent with the amendment.

The particular method of selecting chairmen ought, in my judgment, to be left to party practice and custom. But the principle of selection should not be solely an internal House party proposition.

The House of Representatives as a body represents the American people, and the American people have a right to know how the House as a body stands on the issue of seniority.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's yielding. I believe he has answered my question; namely, is it not within the province of the conference or the caucus of any party, whatever it is called, to make these decisions concerning seniority within their own group meetings?

Mr. REUSS. That is the sense of this amendment. We simply say that seniority need not be the sole and exclusive consideration. The amendment leaves it to both the parties to work out the details and the modalities.

The authors of this amendment believe that congressional reform should include a look at the seniority system. We should not spend weeks on a congressional reorganization bill and neglect seniority. Let us take, therefore, this modest step.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman in his amendment uses the phrase, "and so on." What is the meaning of "and so on"?

Mr. REUSS. The amendment adds only the words, "who need not be the Mem-

ber with the longest consecutive service on the committee." That is all there is to the amendment. It simply says that seniority is not the sole consideration.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Florida.

Mr. FASCELL. As a matter of fact, those words are the same words which are now in the rules dealing with the question of acting chairmen of committees, are they not; "and so on"?

Mr. REUSS. Yes. The words "and so on" are in the existing rule. I did not perpetrate them, and they do not occur in the amendment language I suggest.

Mr. GROSS. If the gentleman will yield further, here are some other words of art: "as the case shall happen." The words are "as the case shall happen." Do things just happen?

Mr. REUSS. That also is in the existing rule X. Not a word of that has been changed. I did not conceive it to be my function to clean up extraneous matter in the rule.

Mr. WALDIE. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California.

Mr. WALDIE. Is it fair to assume that the purpose of the gentleman in suggesting this amendment is to indicate his own conviction, and to permit an opportunity for those who share that conviction to express themselves that the seniority system is not in the best interests of the organization of the House?

Mr. REUSS. That is correct. It is my own view that this body should select the ablest, the best, and the most just men as the chairmen of its committees, just as it exercises that power with respect to the Speaker of the House.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. How does the gentleman change existing rules? There is nothing in the rule now which requires the use of seniority, is there?

Mr. REUSS. That is correct, but the amendment I propose would signal to both the parties that in their deliberations, whatever modalities they may select, they must not rely exclusively on seniority.

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have enjoyed many privileges in this House. I have profound respect for the Speaker of the House. I have profound respect for this legislative body.

While I was a professor of political science at several institutions, including Columbia College, Barnard College, Princeton University and Marshall University, I used to contend that the seniority system in Congress was a practical and workable system largely because there was no worthwhile alternative. The first year I came to the House of Representatives, in 1959, the freshman Congressmen were treated to a breakfast at the old Senate chamber and were addressed by the venerable Speaker of the House, the late and great Sam Rayburn, as well as the man who later became President of the United States and was at that time majority leader of the U.S. Senate, the Honorable Lyndon B. Johnson. Speaker Rayburn, either during his prepared remarks or in later informal remarks—I forget which—stated what I felt then was a truism, that we might not like the seniority system when we first came to Congress, but we would get to like it more and more the longer we served in Congress.

I have found just the opposite to be the fact. I am now serving my sixth term and have been nominated for a seventh term which I shall serve, God and the voters of the Fourth Congressional District of West Virginia willing. The Congress has been mighty good to me. I now serve as chairman of the Subcommittee on Advanced Research and Technology of the House Committee on Science and Astronautics. Yet the longer I serve in the Congress, the more evils I see in the seniority system, which puts a premium on those who can survive, election after election, regardless of their ability, their responsiveness to public attitudes, and their philosophy as it relates to the policies of their political party. Being a strong supporter of party responsibility, I feel that when a committee chairman can rule his own committee internally without due and full regard to all of the committee members, and when a committee chairman can defy his own political party's policy, then the seniority system shows its defects.

Although I agree that the caucuses of the two parties should devise any system they prefer for the selection of their committee chairman, it seems to me that the Reuss amendment raises high the standard that seniority need not be the only criterion by which a committee chairman is selected. The American public is entitled to know that we in the House of Representatives feel that no reorganization of this body is complete unless it tackles one of the central issues which disturbs the people—the seniority system in Congress.

As we proceed in this debate, it may be that other proposals will be offered which I will support. For the moment, I believe the amendment of the gentleman from Wisconsin (Mr. REUSS) is worthy of wide support, and I intend to support it.

SUBSTITUTE AMENDMENT OFFERED BY MR. SCHWENGEL FOR THE AMENDMENT OFFERED BY MR. REUSS

Mr. SCHWENGEL. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The Clerk read as follows:

Amendment offered by Mr. SCHWENGEL as a substitute for the amendment offered by Mr. REUSS: On page 39, immediately following line 4, insert the following:

"ELECTION OF CHAIRMEN AND MINORITY LEADERS OF HOUSE STANDING COMMITTEES

"SEC. 120. Clause 3 of Rule X of the Rules of the House of Representatives is amended to read as follows:

"'3. (a) As soon as possible after the commencement of each Congress, the senior member of the majority party on each standing committee shall call an organization meeting of all the members of the committee for the purpose of electing the chairman of the committee and the minority leader for the committee.

"'(b) If an organization meeting of any committee has not been called as provided in paragraph (a) within thirty days after the commencement of the Congress, a majority of the members of such committee may call the organization meeting by notifying the Speaker in writing of their desire to hold such meeting. Upon receipt of any such notification the Speaker shall specify the time and place for the meeting and may designate any member of the committee to act as temporary chairman.

"'(c) The senior member of the majority party on the committee shall act as temporary chairman at any such organization meeting unless the Speaker designates the temporary chairman as provided in paragraph (b). A majority of the members of the committee who are members of the majority party, and a majority of the other members of the committee, shall be required to be present to constitute a quorum.

"'(d) The first order of business at any such organization meeting shall be the election of the chairman of the committee. The three most senior members of the committee who are members of the majority party shall be regarded as having been nominated for the office of chairman. Tellers shall be appointed by the temporary chairman, one from among the members of the committee who are members of the majority party and two from among the other members of the committee. Voting shall be confined to members of the majority party, and shall be by secret written ballot.

"'(e) After the chairman of the committee has been elected an installed, the next order of business shall be the election of a minority leader for the committee, which shall be accomplished in the same manner as in the case of the election of the chairman except that (1) the tellers shall be appointed by the chairman, two from among the members of the committee who are members of the majority party and one from among the other members of the committee, and (2) voting shall be confined to members of the committee who are not members of the majority party.

"'(f) In case of a tie vote for the office of chairman or minority leader at any organization meeting, a new vote shall be taken, and only those involved in such tie vote shall be eligible for election on the second ballot. In case of a tie vote between those eligible for election on such second ballot, a third vote shall be taken, and in case of a tie vote on such third ballot the senior member among those eligible shall be regarded as having been elected. If two or more of those still eligible have equal seniority, one of them shall be designated by the Speaker as the chairman of the committee (if the election is for the office of chairman) or designated by the minority leader of the House as the minority leader for the committee (if the election is for the office of minority leader).

"'(g) In the temporary absence of the chairman of any standing committee, or of the minority leader for such committee, the member from the same party who is highest in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman or minority leader, as the case may be.

"'(h) In case a permanent vacancy shall occur in the office of chairman of a standing committee, or in the office of minority leader for such committee, another chairman or minority leader shall be elected at the next regular meeting of the committee. Such election shall be conducted in accordance with the provisions of paragraphs (d), (e), and (f) of this clause insofar as those provisions are applicable to an election involving the office in which the vacancy exists.'"

Mr. SCHWENGEL. Mr. Chairman, this amendment is a result of much study

and counsel with people of competency and embodies a principle we have recognized here for a long time, which is the principle of recognizing seniority. The amendment is necessarily long to take care of the problems that may arise. It is actually a pretty simple procedure. It provides that the minority and majority committee members will elect by secret ballot the chairman and ranking members of the committee from the three most senior members within the committee. This will assure that we will have men of experience and competency and will also assure us that we will deal adequately, I think, with some of the evils that have existed under the present system.

And, there have been some evils, as you know, and I can testify from personal experience as to that.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. SCHWENGEL. I yield to the gentleman from California.

Mr. BURTON of California. Mr. Chairman, I listened carefully to the amendment of the gentleman from Iowa. Some of my colleagues have stated that this is not a perfect solution. I fully agree with that. But this I say to my colleagues: If we are going to see that the debate on the issue of seniority is to be meaningful, we are going to have a meaningful debate if we adopt the proposal of the gentleman from Iowa, because it is a departure from current practice. That will, then, no longer leave the entire burden up to those of us who want some change to come up with a perfect solution. We will merely have to come up with a solution, perhaps, a little more stringent when we adopt the rules again next January than the more modest proposal of the gentleman from Iowa.

So, therefore, I would urge my colleagues who have been saying they want to have some change in our rules to support this proposal, not because it is ideal, but because it alters the balance, the preponderance of the evidence and the weight of the evidence that is going to have to be sustained by the moving party to an entirely higher ground of debate.

Mr. Chairman, I am serving on the seniority committee on the House side. I am not sure but what the proposal does not carry within it more harm than the good it cures, but I am absolutely certain that the amendment which has been offered by the gentleman from Iowa that retains the integrity of both the parties in terms of their own deliberative process, retains the integrity of each of the committees, is a significant step forward, first, from what we have now; and, second, will assure that when both parties caucus when we meet in January they will have to come to grips with the seniority issue.

So for the reasons I have stated, not because this proposal is necessarily perfect, but merely because it is a long step forward, I would urge every Member on this floor who wants to have a meaningful opportunity to debate this question, to support the gentleman from Iowa.

Mr. SCHWENGEL. I thank the gentleman very much.

Mr. Chairman, I want to point out that at the present time we select our chairmen in a sort of arbitrary manner and as matters now stand it is possible for them to act virtually in a dictatorial manner as chairmen, although few usually do. I want to say, and I believe this to be true, that the vast majority of the ladies and gentlemen who are chairmen will continue to be chairmen because they are serving well. But they will have to be elected by the Members with whom they serve.

Now, Mr. Chairman, there will be exceptions and I am sure there would have been in the committee that I was assigned to as a member when I came here. The chairman of that committee came from a district that was safe, but you can check the record and find that he was absent 95 percent of the time. Also, under the present tradition the chairman selects the staff and the working force. In this instance we finally discovered that nine members of the staff never lived in the District of Columbia and only one ever came here for committee business.

Mr. BOLAND. Mr. Chairman, I want to express my support for the O'Neill-Gubser amendment to record how Members vote in teller votes taken in the Committee of the Whole. Such votes are in effect cloaked in secrecy: only a head count is taken; the people do not know how any individual Member voted. The only way a constitutent can tell how his Congressman voted—or whether he voted, for that matter—is through a long vigil peering over the rail of the visitors' galleries above the Chamber. Even then, the stream of Congressmen eddying through the center aisle is so confusing that anyone would find it hard to pick out individual Members. Such voting practices violate the democratic principles of American life, defying the people's right to know and eroding their confidence in the Congress.

The Committee of the Whole is itself a hoary anachronism. Granted, it hastens the legislative process by demanding a quorum of only 100 instead of the conventional 218. Granted still further, it saves time through limited debate and other parliamentary devices. But the outright ban on rollcall votes no longer serves any legitimate purpose. Created by Great Britain's Parliament centuries ago, Committee of the Whole voting procedures were designed to shield members against the King's revenge. In 1832, however, Parliament scrapped the secret teller vote when the throne's power had waned. Yet the U.S. House of Representatives—it had borrowed the Committee of the Whole from England in the late 18th century—still lovingly embraces the secret teller vote. We are lagging almost 150 years behind Great Britain in reforming Committee of the Whole procedures. It is time we caught up.

Teller votes in the Committee of the Whole are taken on legislative amendments of more than routine significance. Once the committee rises and reports legislation to the House, of course, any Member can demand a rollcall vote on an amendment accepted in committee. But defeated amendments—and the vast majority of amendments offered in the Committee of the Whole are defeated—are not so honored. The rules, in fact, explicitly bar rollcall votes on rejected amendments. And the people, therefore, simply do not know how their representatives vote on main key amendments each year.

Recording teller votes would abruptly end injustices like this. First—and most significantly—record teller votes would meet the public's right to know, the cornerstone of the democratic process. Second, they would encourage better attendance in Committee of the Whole sessions—attendance that often falls below half that recorded after perfunctory quorum calls. Third, it would bolster public confidence in the House as a representative body. Fourth, it would discourage committees from yielding to special interest provisions.

Arguments against the record teller vote—that it might delay legislation, for example, or that it might demand a Member's continuous presence on the House floor—can be rejected out of hand.

They are simply not valid. I trust the amendment offered by our colleagues (Mr. O'NEILL and Mr. GUBSER) will be adopted.

Objections to the bill as a whole, for that matter, are valid in only a few instances. The Legislative Reorganization Act of 1970 is the first measure of its kind to reach the House floor since 1946. The product of many years of experience and practice, the bill is designed to clear away much of the confusion and secrecy in the legislative branch of American Government.

Congress established the Joint Committee on the Organization of Congress in 1965. Senator Mike Monroney and Representative RAY MADDEN, cochairmen of the committee, filed a report proposing reorganization in the 90th Congress—a report that came to be the basis for S. 355 and H.R. 2594.

The Senate passed S. 355 in 1967, but the legislation was objectionable to the House, especially to Members who disliked its changes in committee jurisdiction.

In May 1970, H.R. 17654 was reported by the Rules Committee, the final product of a special subcommittee headed by Representative SISK.

This bill is the one on which we are to vote. This is not a narrow partisan issue. It is one on which we should stand, and vote, together.

I urge the bill's passage.

Mr. VANIK. Mr. Chairman, I am pleased to cosponsor the amendment offered by my distinguished colleague from Wisconsin (Mr. REUSS) to provide that the chairman of each standing committee need not be the Member with the longest consecutive service on the committee.

Ours is a Government of laws and not men. Congress should be governed by rules and not men.

The Constitution and the laws of the

land contemplate each Congress as a new and separate entity. Legislation does not carry over from one Congress to the other—neither should one Congress commit another on either seniority or rulemaking authority.

The rules which we adopt should be directed toward providing a sense of equality to those who serve only for a short time—whose contribution must be quickly made within the framework of their term.

Under the Constitution and the laws of the land, the most junior Congressman is presumed to be equal to the most senior. The rights of seniority are arbitrary. The rights of seniority are usurped at the expense of other Members.

Our purpose should be to give every Member of the 92d Congress the full measure of his rightful share of responsibility and authority. As a Member of a new Congress, he should have a right to select leaders and be considered for leadership and the making of rules.

The great majority of the Members of Congress are men who have served or who will serve less than four terms. Some of our great leaders have been developed through service and seniority, but we can never calculate how many we have lost or how many we have suppressed.

Many Members who serve for only a short time are brief in service not because they are not qualified, enterprising, or of good judgment. It may be that they lacked only the ability to compromise for survival—a process in aging and seniority which gradually tends to erode the idealism with which most Members start and which only a few can safeguard through seniority.

A new Member gets elected to this Congress with high hopes, with great expectations, with idealism, with dedication and high purpose.

Very suddenly after his arrival, he is appalled for he receives the prerequisites of his office and gradually begins to learn that he is not an equal Member of Congress. He is subordinate, he is less than others, he is junior.

He sees the power of leadership, the awesome power of committee chairmen, those—who decide in their own usurpation of authority—what bills shall be considered and when they shall be considered, and how. He sees klieg lights when his chairman and important witnesses appear, but he is never in them. He is in their shadow. When the time arrives for his important questions, the press is gone, the room is empty. His part comes after the curtain has been dropped.

He sees the fiefdoms of committee chairmen, subcommittee chairmen, men whose profundity stems from power rather than from wisdom. He sees the power of ranking committee members who are consulted while he is not. He sees the fiefdom of the powerful committees which he can never see in action because they are exclusive and secret to him.

He learns soon that some Members of his same Congress—equal Members to the body to which he has been elected—are cleared for secrets he does not share. That almost all of the business of some committees are total secrets to which he is not entitled. He learns that five or six men in a subcommittee can transfer the spending of billions of dollars under circumstances in which he is not informed.

After all of this, he is shocked by the sudden discovery of his insignificance. He awakens to learn that he is a nobody in the citadel, and he never comes to realize that he and the other nobodies in the Congress are indeed the great majority who have let the power drift and accrue in the hands of a few who have usurped it. The Congress itself, the world's greatest showcase of representative government, if shown inside out, would reveal itself as a process of questionable democracy where few have usurped the power which, indeed, belongs to the many.

It is not seniority alone that dwarfs the new Member. It is the custom which is not part of the law. It is these customs and traditions which are outside of the law and the Constitution, which have developed the Congress into an institution at least one and one-half generations behind the times it is intended to serve.

Mr. HECHLER of West Virginia. Mr. Chairman, I strongly support the amendment to eliminate secret voting in committee of the whole on teller votes, and I am proud to be a cosponsor of this amendment. "The public's right to know" is a phrase which has been frequently mentioned and best describes the effort which nearly 200 Members of this House are cosponsoring.

I am also very happy to note that electronic voting will be permissible in recording teller votes. I support the O'Hara amendment which makes this practice in order and will substantially speed up orderly processes in the House of Representatives.

Mr. Chairman, this is a very significant amendment on which we are voting this afternoon. For too many years, the Congress has lagged behind the State legislatures, and is certainly far behind the executive branch in its use of the most modern electronic equipment. The installation of electronic or other equipment for voting would save endless hours, help regularize the schedule of activities in the House, and make it easier for all Members to cope with the mounting work load in Congress. There is an expression in law "time is of the essence"; for a Congressman, time is our great limiting factor, and is the most precious commodity we possess. This reform will furnish us with that most valuable of all items which we find in such short supply: time.

Mr. BENNETT. Mr. Chairman, I hope to introduce an amendment to H.R. 17654, to provide that in all calls of the House the doors shall not be closed except when ordered by the Speaker.

It would read as follows:

On page 40, immediately following line 22, insert the following:

"CLOSING OF THE DOORS IN CALLS OF THE HOUSE

"SEC. 120. Clause 2 of rule XV of the Rules of the House of Representatives is amended by striking out ', and in all calls of the House the doors shall be closed, the names of the Members shall be called by the Clerk, and the absentees noted;' and inserting in lieu thereof ', and in all calls of the House the names of the Members shall be called by the Clerk, and the absentees noted, but the doors shall not be closed except when so ordered by the Speaker;".

Mr. Chairman, the rule requiring the closing of the doors was to prevent Members from leaving the floor to prevent the conduct of business. The actual effect of the rule at present is to make it difficult for a Member to enter the Chamber to become a part of the quorum. If the old rule is still sometime needed in the future, my amendment would allow the Speaker to order the doors closed in such a case.

Mr. SISK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, had come to no resolution thereon.

GEN. LEW WALT PAYS FINAL TRIBUTE TO JIM G. LUCAS

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, on July 23d memorial services were held at Gawler's in Washington for Jim G. Lucas, the Nation's best-known war correspondent.

Highlighting those services were the brief, eloquent remarks of General Lew Walt of the U.S. Marines, who "shared a foxhole" with Jim in Vietnam not long ago.

General Walt's remarks tell the story of Jim Lucas and of the Nation's loss in his death at 56. I believe every Member of this body who knew and admired Jim, and the thousands of Americans who followed his writing regularly, will appreciate the General's words as they were delivered on July 23. The full text follows:

MEMORIAL REMARKS OF GENERAL LEW WALT

The last time I saw Jim Lucas a few days ago he asked if I would say a few words at his memorial service.

Three years ago Jim and I shared a foxhole along the DMZ in Vietnam. The enemy's artillery shells were hitting in our area. Jim turned to me and said, "I am not afraid to die but I love to live. I believe God has a plan for me and that's good enough."

The typewriter of Jim Lucas is still today but its echos will continue on. We gather here this evening to pay tribute to a very dear friend, a deeply loved uncle and brother.

We also pay tribute to Jim as a great reporter and author whose works were characterized by moral courage, utmost candor, constant objectivity, and above all, by his superb dedication and exceptional talent. He is a Pulitzer winner, twice winner of the Ernie Pyle award and recipient of many other awards in the field of journalism. Integrity and Jim Lucas are synonyms.

We also honor Jim as a distinguished, dedicated and loyal Marine and winner of the

Bronze Star medal. He liked best to be on the front line, under fire and sharing every danger with the G–I Joe. It was under these conditions he wrote his greatest stories and earned the undying admiration and love of millions of our fighting men in three wars. He was there on the front lines at Guadalcanal, Tarawa, Iwo Jima, Korea and finally in South Vietnam. He spent three years in Vietnam and strove valiantly to explain that war to the American people. He didn't feel he was successful—this bothered him deeply but he never lost faith in our cause nor with the gallant Vietnamese people whom he admired and for whom he felt a great compassion because of their great sacrifices in the cause of freedom.

Finally, we honor Jim as a great American—loyal, dedicated, honest and compassionate. He loved his country and spent his life serving it—he was a patriot of the highest order.

I, personally, am going to miss Jim, deeply and sincerely as will so many of his friends throughout the world. As President Nixon so ably stated: "He will be deeply missed but affectionately remembered".

NORWEGIAN EXPLORER THOR HEYERDAHL MAKES SHOCKING DISCOVERY OF POLLUTION FOULING THE HIGH SEAS

(Mr. HOWARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOWARD. Mr. Speaker, the Norwegian explorer, Thor Heyerdahl, has just crossed the Atlantic Ocean in the *RA II*, a papyrus reed boat, thereby proving that the ancient Egyptians could have visited the new world before Columbus.

On Friday evening I had the pleasure of meeting Mr. Heyerdahl and discussing his journey with him. The most shocking discovery he made during the crossing was the tremendous amount of pollution fouling the high seas. Indeed, the problem was so acute that on several days the crew refused to bathe in the ocean. For many days Mr. Heyerdahl and his crew saw no man, only man's garbage.

Most of the pollution comes from ocean-going ships which cleanse their oil tanks at sea and dump garbage and debris overboard. For centuries the peoples of the world have considered the oceans, because of their vastness, impossible to pollute. Apparently, as Mr. Heyerdahl reports, that is not the case.

Mr. Speaker, this is only the most recent exposition of the increasingly disturbing problem of international environmental pollution. The key fact is that no international body is able to regulate the conduct of polluters on the high seas. Many national and international bodies, several of them from the United Nations, are studying isolated aspects of the problem, but no organization coordinates their efforts.

On July 8, 1970, I introduced House Concurrent Resolution 763 calling upon the President, as the Nation's chief spokesman in foreign affairs, to convene an international conference of the leading industrial and shipping nations for the purpose of creating an international environment agency. This agency would act as a clearinghouse for information, coordinate research, and eventually establish and enforce international standards on environmental matters.

The United States cannot stand alone in the fight against pollution. The problem is one of all mankind, not of just one or two nations. The nations of the world must put aside their parochial differences and work together to conquer pollution. The United States can and should be the leader in bringing these nations together.

On Wednesday, I will reintroduce my bill and I ask my colleagues on both sides of the aisle to join as cosponsors. With a strong show of support, we can move toward passage of this legislation and an effective fight against pollution on an international scale.

ROOT OF TROUBLE IS ON CAMPUSES

(Mr. SMITH of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of California. Mr. Speaker, continually we see efforts to shift the blame for campus violence from those who are responsible for it to the President or any other handy scapegoat who can be found.

However, efforts to blame the President for the failures of the leaders of the academic community and for the irresponsible actions of a few students are wrong.

A recent editorial in the San Diego Union points out that "at the very taproot of the problem, however, is weak administration."

I insert this editorial in the RECORD:

STUDY SHOULD FOCUS ON MILITANTS—ROOT OF TROUBLE IS ON CAMPUSES

If the first footprints of evidence are an indication we can expect little of startling nature from the current blue-ribbon presidential commission that is studying causes of campus unrest.

Preliminary testimony at hearings of the commission has included opinions that the rioting on campus can be attributed to the war in Vietnam, Selective Service, or to the fact that youth has no voice in government.

As certainly as the sun rises tomorrow, we will hear also that students are unhappy with the courses they are offered, that their elders do not communicate with them, that the campuses reflect the strife of the society at large and that the lack of ethnic studies generates discontent.

Perhaps all are valid complaints to a degree. However, we would hope that the commission will not be deluded into concluding that these are the root causes of our campus trouble.

It is important, we believe, for the commission to begin its eventual deliberations with the premise that it is not studying the majority of students, but only a militant cutting edge.

Most of the more than 6 million students on the college campuses work within the system, whether they are happy about Vietnam, ethnic studies or the character of their provost. Most of the physical and psychological abuse of the colleges is the handiwork of a minority and it occurs on but a small percentage of the campuses in the United States of America. Further, the militant testing of the college system would continue whether or not there were a Vietnam problem.

Surface roots of the campus violence are among the immature, bored students, as S. I. Hayakawa, president of San Francisco State College, testified.

Among the deeper roots are the students on campuses who should not be there at all because they are not qualified. Recent testimony to the California Board of Regents indicated this may be as many as 35 per cent of the students in some institutions.

Still deeper roots are the permissive instructors who encourage students to make trouble, perhaps join them in militant activity and finally reward them with good grades.

At the very tap-root of the problem, however, is weak administration that permits all of this to go on, and even acquiesces to the lowering of academic standards for admission to encourage more of it.

If we look to the origins of the trouble, we will see that "unrest" on the campuses began in 1964 at the University of California at Berkeley when administrators, the faculty and the regents capitulated to students led by militant faculty members who deliberately broke the rules. At that time the regents discussed, but did not adopt, a code for students that would require them to "assume an obligation to conduct themselves in a manner compatible with the University's function as an educational institution."

If such a code were enforced for all students in the United States, presidential commissions on campus unrest would become but a bad memory. For the fact of the matter is that such unrest will not be cured in Washington, but on the campuses themselves.

PRIDE IN OUR YOUTH

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, as we observe the turmoil and uncertainty which prevails both within our Nation and beyond it, we naturally become concerned with what the future holds for this world. Personally, I believe that much depends on the moral fiber of our citizenry. If it is strong and dedicated to the perpetuation of the traditions of our great country, then we have little to fear.

During the month of June I visited a number of schools and participated in several Flag Day ceremonies and commencement exercises. It was indeed heartening to observe the fine quality of the vast majority of our youngsters. This served to bolster my confidence in the ability and the intention of today's students to do what is right and just. I feel certain that as they develop into adulthood they will be endowed with a quality of character in which we can take great pride.

Speaking of pride, I am reminded of how proud I was of two students on the elementary level when I became aware of their remarks. I want to share them with my colleagues.

Nancy Harrington, a graduate of St. Joseph and St. Bridget's Grammar School, in Syracuse, N.Y., had this to say:

We live in a country, the United States of America, that is not only beautiful but it has prospered. The United States has a great history too. It has a past of which we can be proud.

Certainly, the history of the United States

is the story of a great nation created from a vast wilderness in an unbelievably short time. It is the story of a nation founded on the principle that all men have a right to "life, liberty, and the pursuit of happiness."

Five hundred years ago, not a single European settler lived in the land that is now the United States. Even as recently as 200 years ago, the United States of America did not exist.

But, during those 200 years, the United States has developed its unique culture and grown to maturity. Its Founding Fathers wrote the world's most lasting constitution. Hardy pioneers crossed the continent. Scientists experimented with inventions in every field. Brother fought against brother in a deadly civil war. Business men poured millions of dollars into growing industries. Wave after wave of immigrants found a common loyalty in their new homeland without losing their individuality. In more recent years, statesmen turned their attention to world problems, without losing sight of national ones. We are truly the inheritors of a great nation.

Our legacy—the triumphs and achievements of the best men each generation has to offer. Generations of men working together, building on work, of all those who came before them. My generation too will make contributions hopefully toward the aim of making peace among men. Men working as a team for the good of all. We can wipe out hunger and disease, free starving minds and bodies—clean the air—bring the generations together and the races of people living together as one. If we don't pull together then perhaps there will be chaos—soft rain on a planet without life. Our world—the victim of men who could not and would not work together.

If we in America want peace, as our history has shown that we have fought for it, we will have to start at home and then eventually it will spread to the rest of the world. We have to overcome our own problems before we try to tackle the problems of the world. When the tensions of the world have been relieved we will be able to live as God meant us to live in harmony with our fellow man. We will have to remove all prejudices against minority groups. Unless this is done we will never be able to live together as one working together to achieve peace.

As I see it, we are graduating into a great new decade of discoveries and scientific advances, that should help us to progress toward living peacefully with our fellow man.

Our generation believes that we can live in peace together. My generation will never give up hope as long as we can see the smallest spark of light directing us to the door of peace.

Let us pray that we will be the key that will open this door and give us the peace which was proclaimed two thousand years ago—Peace on earth—good will to men! Let there be peace on earth!

Mary Gettino, a sixth-grade student at St. Charles of Borromeo School, in Syracuse, offered these remarks:

MY FAVORITE PATRIOT

My favorite American Patriot is Nicholas A. Gettino. Perhaps you have never heard of him. This is because he is my father.

Nicholas A. Gettino was born in Syracuse, New York on June 12, 1922. He enlisted in the Air Force when he was twenty years old. After months of training as a second lieutenant he was a qualified navigator on a B24.

His crew of ten men were stationed in Italy. They flew many bombing missions. On one of his earlier missions he and his crew bombed several docked German submarines in the ports of southern France. On this mission he was shot down but, the pilot landed the plane safely. They returned to base in a week. Many of his other missions were to destroy the oil fields of Ploesti, Romania. The reason why the oil fields were the major target for bombing was that this was the Germans supply of fuel. On his forty-fourth mission he was shot down over Yugoslavia. He was picked up by the Germans and sent to a prison camp. After ten months, he was liberated by General Patton's Forces.

Upon his return to the states, he could have been honorably discharged from the Air Force, because of his experiences. However, because of his love for his country he stayed in the Air Force. He married Mary Burns in 1945 and continued in the Air Force for another year.

Now, Nicholas A. Gettino is a retired Major in the Air Force. The work he does now, concerns the defense of his country. He has tried to teach his seven children the love of their country and has succeeded in doing so. My oldest brother is now in the Air Force following in the steps of his father.

This is why I think my father is truly a great patriot.

BILL TO ALLOW DISCLOSURE OF AIRLINE TICKET TAX

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BROTZMAN. Mr. Speaker, on May 21, 1970, President Nixon signed the Airport and Airway Revenue Act of 1970. On the whole, I believe the Members of Congress can be proud of this legislation which will provide for the expansion and improvement of the Nation's airport and airway system.

However, Mr. Speaker, when the revenue provisions of the bill were considered by the Senate Finance Committee, an unfortunate amendment to conceal the 8-percent ticket tax from the ticket purchasers was added. This amendment was approved by the Senate, and was retained in the bill by the conferees. Because of the importance of improving the Nation's airport facilities, I, along with a nearly unanimous House, voted to accept the conference report.

Now that the important substantive parts of the bill have been passed and signed, I believe that the Senate amendment requiring concealment of the airline ticket tax should be repealed, and I am introducing legislation to accomplish that.

Section 7275 of the Internal Revenue Code provides that airline tickets shall not show separately either the amount paid for the air fare or the amount of the tax on the ticket. Furthermore, section 7275 states that airlines may not advertise ticket prices without including the tax in the advertised figure. Those who violate the provisions of section 7275 are guilty of a misdemeanor and are subject to a $100 fine.

My bill repeals that part of section 7275 which conceals the airline ticket tax. It goes on to state that airline advertising which includes a statement of price must either include the ticket tax in the quoted price or clearly indicate that the applicable Federal taxes are extra. Under my bill, disclosure is maximized. The passenger will know what part of his fare is actually for tax, and at the same time, airline advertising will have to conform to basic notions of disclosure.

The rationale behind the Senate Finance Committee's amendment is a bit obscure. However, a reading of the floor debate in the Senate suggests that the amendment will prevent passengers from being misled into thinking that the fare alone represents the total ticket cost and that passengers will not have to wait in long lines to have their fares and taxes separately computed.

Mr. Speaker, I have waited in a lot of lines at airline ticket counters, but I have never gleaned the impression that showing the airline fare and the ticket tax as separate items leads to any delay.

Even if there is an immeasurable amount of time saved at the ticket counter, a quite measurable amount of time is lost later since the tax must be shown on the auditor's and agents' copies of the ticket. Thus, section 7275 has a double barrel effect: it conceals the ticket tax from the passengers and it creates a new maze of bookkeeping problems for airlines' personnel and travel agents.

As for being misled, I believe it is quite clear that section 7275 is the culprit and not the prior practice. I am not aware of ever having heard a complaint from someone who felt they had been misled because their ticket price stated separately the fare and the tax. On the other hand, since section 7275 went into effect, I have had numerous complaints from people who feel they are being misled as to the magnitude of the airline ticket tax.

Another section of the Airport and Airway Revenue Act raises the ticket tax from 5 to 8 percent. This increase was necessary for the Nation to develop the type of airport system it must have to accommodate the rapidly increasing reliance on air travel. I am sure that most travelers are quite willing to pay this additional tax because they know that they, as the users of the Nation's airports, will be the chief beneficiaries. But, Mr. Speaker, they are entitled to know how much tax they are paying.

There has been a lot of discussion about truth in lending and truth in packaging. Indeed, the Congress has passed legislation to require fuller disclosure in these areas. I believe there should also be truth in taxation. Nobody likes to pay taxes, but they are necessary, and when they are imposed, the public has a right to know.

PRESIDENT NIXON AND THE STUDENTS: THE REPORTS OF DR. ALEXANDER HEARD AND DR. JAMES CHEEK

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, President Nixon is to be commended for having several weeks ago named such distinguished educators as Dr. Alexander Heard, chancellor of Vanderbilt University, and Dr. James E. Cheek, presi-

dent of Howard University, to serve as his consultants and advisers on problems on the American university campus.

Last week, on July 23, 1970, the White House released the texts of a summary by Dr. Heard of his views of his assignment and of several memorandums that he and Dr. Cheek, his coadviser, sent to the President during their temporary term of service from May 8 to June 30.

Because the statements of Drs. Heard and Cheek are so significant and thoughtful, indeed, eloquent, I hope that not only the President but that Members of Congress will read them as well.

Mr. Speaker, I insert at this point in the RECORD the texts of these memorandums to President Nixon, as reprinted in the New York Times of July 24, 1970, followed by an article in the same newspaper by Robert B. Semple, Jr., and an article by Eric Wentworth in the Washington Post of July 27, 1970, on the same subject.

The material follows:

[From the New York Times, July 24, 1970]

TEXT OF TWO MEMORANDUMS TO NIXON ON STUDENT UNREST

(NOTE.—Following are the texts of a memorandum from Dr. Alexander Heard, chancellor of Vanderbilt University, to President Nixon, summarizing what the temporary adviser to the White House had learned about student attitudes toward the Nixon Administration, and of recommendations of Dr. Heard and a co-adviser, Dr. James Cheek, president of Howard University, regarding campus unrest.)

MEMORANDUM: A STUDENT'S VIEW

This memorandum addresses three questions we have heard discussed around the White House about student attitudes and their relationship to Administration policies. We have sought to compress here the views of a "composite" student.

Something like these views are held by significant numbers of activated students, although obviously not by all such students. We report these views as an aid to understanding the questions being asked, not to imply their validity nor to question their validity.

I

Why do the President and disaffected college youth have trouble "communicating" about Vietnam? At least four factors are at work.

First, the President uses words that mean one thing to him but something different to many students. For example, he has emphasized that he and students both want "peace." By "peace," students mean an end to the killing immediately.

To them the President seems to mean not that, but "a just peace" and "self-determination for South Vietnam," which they see as probably meaning maintenance of a pro-American regime in Saigon, continued U.S. military presence in Southeast Asia, and whatever military action is necessary to produce these ends.

Exacerbating this difficulty is the belief of many students (shared, it is fair to say, by many nonstudents) that the course we are on has no real chance of success. They do not believe Hanoi can be induced to negotiate. They find unthinkable using enough military power to force Hanoi to negotiate.

They believe the longer we keep fighting the more difficult the U.S. position becomes at home and before world opinion. They believe our leaders must understand this, and consequently when those leaders do not act accordingly by "getting out," they must be either blind or evil. Frustration to the point of fury builds up from watching us follow, at an enormous cost in human life, a policy they believe to be leading nowhere.

Students' argument

When the President explains that we must act in Cambodia to protect the lives of American fighting men, they argue that it would be better protection to bring them home.

The President's admirable remarks in St. Louis on June 25, 1970, showed insight into student idealism and compassion for their anxieties. The phrase "to win peace," however, does not describe a proper goal in the eyes of some students.

Second, what the President regards as successes, students often regard very differently. Reducing the troop level in Vietnam by sometime in 1971 to something over 200,000 men seems to many in Government a formidable achievement. The President so proclaims it.

Yet to the young, who face the draft and think on the time scale of youth, these withdrawals seem wholly inadequate. Their attitude should not be mistaken for that of a draft-dodger in World War II. They are not seeking to avoid personal danger. Rather, they abhor personal involvement in war they perceive as "immoral."

Hence, a plan to have a troop level of over 200,000 men next year, and possibly indefinitely, seems intolerable—to the point that some of them say they would prefer to kill and be killed in a revolution at home to being involved in an immoral war abroad.

Third, to some students, the President appears not to understand the nature of the crisis that has come over the country. He speaks of "deep divisions" in the country. But "deep divisions" suggests a serious disagreement in a stable society, a matter of different groups holding different opinions, whereas students perceive the situation in radically different terms.

They see not just differences of opinion, but rather the whole social order as being in a state of erosion.

In the St. Louis speech, the President said, "We should do something about it and not allow that division to become something that eventually could erupt and destroy a society."

The student says the division is already erupting and destroying the society.

The President's visit to the Lincoln Memorial on May 9 was a splendid act. Reports got about, however, that the President passed pleasant queries about surfing and football. That offended students who felt immersed in a national tragedy, like telling a joke at a funeral.

Fourth, and this really underlies the other points, the President and some students proceed from vastly different assumptions. The President says, "America has never lost a war," as if "winning" or "losing" were the important consideration.

He seems to them to hold attitudes derived from the cold war, such as the domino theory and to view Communism in Southeast Asia as a source of danger to America. Wrongly or rightly, many of our best-informed students do not share these assumptions.

The President speaks of maintaining "national honor" and implies that this can be done through military power. Students distressed with the failure of their country to achieve all its ambitious ideals at home and abroad think of "national honor" as something yet to be attained.

They see the Vietnam war and its effects at home as obstructing fulfillment of their concept of national honor. Just as an earlier generation fought in World War II to preserve the nation's ideals, they want to end the war to help attain the nation's ideals.

The President presents the goal of "self-determination" for South Vietnam as a rationale for our military involvement. To students the cost is too high, so much too high as to make the war "immoral."

A faculty member wrote from . . . "At the root of the opposition to the war in Indochina is the moral revulsion to the carnage undertaken in our name. Peasant societies are subject to the most awesome destructive technology that man can devise; hugh areas are depopulated into free fire areas; defoliants, pesticides, and herbicides scorch the earth, and bomb craters create a moonscape; great masses of people are uprooted from their ancestral lands and turned into refugees in their own countries, and war spares neither the elderly nor the women and children. Surely such death and devastation are out of proportion to whatever objective we might hope to achieve."

II

Why are students not impressed by Soviet atrocities such as the invasion of Czechoslovakia?

The apparent insensitivity of students to Soviet actions and to evils in the Soviet system is at least partly explainable by considerations like these:

First, they feel that by the wrongness of our own policies, such as the war in Vietnam, we have lost our moral standing to condemn other countries.

Second, there is an obsession with our own problems, a feeling that our own crisis should occupy all our attention.

Third, the fear of Communism is less than existed a year ago.

Students perceive the Czech invasion as one more evil action by a powerful imperialist government, but they don't perceive it as a threat to the United States. Since the Sino-Soviet split, they see Communism as consisting of different and often competing national governments and styles.

The Russians appear to repress their satellite countries, but students see that fact as parallel to American domination in its sphere to influence (the Dominican Republic, Guatemala, economic exploitation, etc.)

They see the Russians as no better than we, maybe not as good, but feel more responsibility for our actions than for those of foreign powers.

III

How do they compare the United States with other countries generally?

Instead of viewing the United States as in competition with other great powers, or as being potentially threatened by them, the students we speak of tend to be suspicious of all national powers, including the United States.

As the President said in his "State of the World" message on Feb. 18, 1970. "Today, the 'isms' have lost their vitality—indeed the restlessness of youth on both sides of the dividing line testifies to the need for a new idealism and deeper purposes."

A generational loyalty appears to develop, a loyalty to young people internationally, that transcends national loyalties.

A tendency toward an absolutist conception of moral values helps to make it impossible for these students to be satisfied with the comparative superiority of the U.S. in striving for social justice and equality.

Rather than emphasize what is good about America, most students emphasize what could be better about America (which frequently appears to be merely an emphasis on what is wrong with America.)

Therefore, any form of injustice and inequality, such as is evident in our racial problems, is taken as an indictment of the entire social system, regardless of its improvements over the past or its relative superiority over other societies.

NOTE ON RECOMMENDATIONS

Detailed recommendations were made to the President on a number of subjects. Some of them proposed particular assignments for named individuals. Implementation of some of the proposals might be handicapped by making them public. All of the recommendations, like the comments on campus conditions reported above, were drafted as private communications to the President.

Among the subjects on which we made recommendations are the following:

A. That the President increase his exposure to campus representatives including students, faculty and administrative officers, so that he can better take into account their views, and the intensity of those views in formulating domestic and foreign policy.

B. That the President designate a senior staff member in the White House to have special responsibility for White House liaison with higher education.

C. That the President arrange for the considerable knowledge of higher education already available in United States Government gencies, especially the Department of Health, Education and Welfare, to be put more readily at his disposal.

D. That the President increase his exposure to representatives of the black community and other racial minorities.

E. That the President take initiative welcoming young people into political and governmental processes.

F. That the President initiate an assessment of youth opportunity programs in the Federal Government, looking toward their enrichment and better utilization.

G. That the President take steps to improve two-way communications with the campuses of the country through activities in which he, White House staff members and others in Government participate.

H. That the President and others undertake to understand the fears of "repression" among certain groups in our country and to understand the realities underlying those fears.

I. That the President use the moral influence of his office in new ways designed to reduce racial tensions and help develop a climate of racial understanding.

J. That the President increase involvement of blacks in domestic policy formation and develop an ongoing Federal mechanism for research and action on minority problems.

K. That the President act immediately to provide additional student aid funds for the coming academic year to economically disadvantaged students.

L. That the President seek to provide special additional assistance during the coming academic year to those institutions primarily serving black youth.

M. That the President make a long-term commitment to assist predominantly black colleges and universities to enable these institutions to increase their enrollment and improve their academic programs.

From time to time, Dr Cheek and I have made other recommendations to the President, orally or in writing.

[From the New York Times, July 24, 1970]

NIXON IS ADVISED TO HEED STUDENTS—HEAD OF CAMPUS UNREST UNIT PRAISES COLLEGE YOUTHS IN REPORT TO THE PRESIDENT

(By Robert B. Semple, Jr.)

WASHINGTON, July 23.—President Nixon's special adviser on campus unrest urged the President today to undertake serious efforts to improve his awareness of student attitudes and to take them into account when formulating foreign and domestic policies.

This recommendation was coupled with an equally strong plea asking Mr. Nixon to use the moral leverage of his office to ease racial tensions and give blacks some sense that the national Government understands and cares about their problems.

These and other recommendations were contained in a statement by Dr. Alexander Heard, chancellor of Vanderbilt University, who served Mr. Nixon as a consultant on campus problems from May 8 to June 30.

The statement was released by the White House late this afternoon, and consisted of a summary from Dr. Heard of his thoughts about the usefulness of his seven-week mission, a summary of his activities, and a series of revealing private memorandums that he and his co-adviser, Dr. James E. Cheek of Howard University, sent to the President during their term of service.

A single theme dominated the 40-page documents and tied together its various strands:

The student revolt, the authors insisted throughout, may seem baffling and chaotic to outsiders but underneath it is a deep moral commitment, a seriousness of purpose, to eliminate what the students genuinely believe to be the weaknesses of American society.

To this basic theme the authors added a corollary subtheme—never explicitly stated, but always close to the surface. Given the integrity, idealism and passion of the students, they suggested, the Administration would be well-advised to listen to them and ill-advised to attempt to make political capital of the disturbances they cause.

Dr. Heard seemed to be under no illusions that it would be simple to bridge the gap. He pointed out that the perceptions of the men who run the country as to what is important, and the priorities of the next generation are radically different.

He noted, for example, that the concept of an "honorable" settlement in Vietnam, important to the President, strikes the student generation as insane because, in its view, American participation in Vietnam is itself dishonorable.

Similarly, Dr. Heard reported, the country's leaders tend to believe that American society can be made whole again by patchwork methods and by drawing the alienated into the system; the students, meanwhile, are resisting the system itself and regard "the whole social order as being in a state of erosion."

NIXON'S CONCERN CITED

In an introductory statement, Mr. Heard said that Mr. Nixon had displayed serious concern over campus developments during the course of nine private and semiprivate discussions, as well as "a searching interest in what we had to say about campus beliefs, attitudes, and behaviors."

In addition, he went on, Mr. Nixon had already undertaken a variety of useful steps. He said that he and Dr. Cheek had recommended that the President sign the voting rights bill, revoke the tax-exempt status of segregated private academies, ask the Justice Department to intervene in Jackson, Miss., during the weekend of the burials of the youths killed at Jackson State, confer privately with a range of campus officials and students, and undertake other efforts to soothe campus passions.

Mr. Heard conceded that the President might have undertaken these initiatives without prompting from his two campus advisers, but he professed himself "pleased with these responses."

But in the first four memorandums that he and Dr. Cheek sent the President—dated June 19, over six weeks after the Cambodian invasion, the shootings at Kent State, and the subsequent uproar—Dr. Heard relayed to Mr. Nixon his serious doubts as to whether the President and his senior associates grasped even at that late date the dimensions or the spirit of the campus revolt.

"We do not believe that our national government really understands that a national crisis confronts us," Mr. Heard wrote the President.

"The condition cannot be conceived as a temporary abberational outburst by the young, or simply as a 'campus crisis' or student crisis.' Because of its immediate and potential consequences, the condition we face must be viewed as a national emergency, to be addressed with the sense of urgency and openness of mind required of national emergencies."

Mr. Heard buttressed this assertion with a portrait of what he described as "a large and important segment of students." He did not contend that this segment represented the entire student population, which he described as "intensely polarized," but he said that it embraced a surprising number of students of normally moderate and conservative points of view.

The portrait he drew—based on interviews and surveys—suggested a campus community driven leftward by the Cambodian venture, full of integrity and idealism, acutely conscious of its own separate identity, increasingly disaffected by what it regarded as official "repression"—including, Dr. Heard noted, "sledgehammer statements by public officials impugning the motives of dissent"—and the unresponsiveness of Government to student concerns.

WARNING ON INDOCHINA

Dr. Heard went on to say that he had been advised that "events of this summer" would determine "which colleges and universities open this fall, and under what conditions." He warned that any further widening of the war in Indochina would "make it impossible for some institutions to operate normally."

Dr. Heard said that he had made detailed recommendations to the President privately, revealing only the general areas in which he thought the President could take steps to ease tensions. They ranged from broad exhortations to the President to open himself to campus views, to specific sugegstions to provide more Federal funds for poor students and welcome more young people into government service.

[From the Washington (D.C.) Post, July 27, 1970]

NIXON TOLD OF STUDENT POWER

(By Eric Wentworth)

The attitudes of college students, like those of blacks, are "uniquely important" to governing the United States in the 1970s.

Their importance can be found in one of history's fundamental lessons: that time and again, the power of ideas has triumphed or other political, military or other forms of power.

This message was buried in the memoranda that Alexander Heard gave President Nixon during his brief term as adviser on campus problems. But it may well be the most significant advice that the Vanderbilt University chancellor offered.

"Time and again in the world's history," Heard told the President in a July 16 memorandum, "ideas have prevailed over other forms of power, from the teachings of Jesus through those of Tom Paine and Karl Marx to those of Adolf Hitler.

"Intellectual power is at work in new ways in the United States," he wrote. "New ideas are challenging established ways—which is the most important fact of all to be acknowledged and understood."

In effect, Heard was telling Mr. Nixon that counting votes is not enough, that conventional rulebooks may not apply, that the President must reckon with signs of potential revolution—peaceful or otherwise.

As for the students themselves, the chancelor saw them as idealistic sometimes to a fault, and as feeling rebuffed and overly burdened—the draft, for example—by the rest of society.

"Though often emotional and egocentric," he wrote to the President on June 19, "the passions of idealism produce not only brave heroes on the battlefield but also determined fighters in the struggles for social change.

"Whatever one may think of its origins or consequences, the idealism of college students toward domestic and overseas problems embraces an increasing willingness to abandon the conventional postures of national and personal interest."

To an "extraordinary" degree, Heard said in that memorandum, students are coming to view themselves as a separate class in American society. This "new fact of political life," he added, may become an enduring part of the national power spectrum.

"For effective national government," he continued, "this constituency requires attention and understanding" such as other groups—farmers, organized labor, veterans, blacks—have claimed.

At the same time, Heard wrote, the student constituency "has much ambition, much energy, and more future than the others." The Cambodian incursion, he continued, "catapulted" student's growing class consciousness "into something approaching a national political movement" including many previously moderate or apolitical young people.

The killings at Kent State University and Jackson State College have helped instill "feelings of fear and persecution . . . among students in general," he added. Indeed, he wrote, "One senses that from the best of our young comes the worst of despair."

Such words are not the rhetoric of some apologist for radicalism. Heard may be a Democrat, and he was clearly trying his best to awaken President Nixon to what he saw as a national crisis.

But the 53-year-old Georgia native is a professional political scientist, the author of several books including a widely respected work on campaign finances.

His statements to the President were based on seven years at Vanderbilt, service on the American Council on Education's Special Campus Tensions Committee this past year, and—since May 8 when he was invited to the White House—talks with countless students and educators, questionnaires returned from 193 campuses and a special student opinion poll by Louis Harris.

Heard wrote the President on June 19 that the campus upheavals in May were "leaving students more sensitive politically, more determined to take a part in the governmental process, and feeling more deeply about a range of issues."

A "significant proportion" say they will direct their energies through established political channels including campaign work for peace candidates this fall, he reported. But, he warned, for many it was a case of giving the existing system "one more chance."

"If those efforts are condemned," he wrote, "or receive no encouragement, and apprehensions about the war continue to deepen, then, as President James Hester of New York University put it, 'We can expect the hard-core radicals to gain influence and increasingly violent demonstrations to take place.'"

Heard later noted that college presidents are often made the scapegoat—even fired—when student disruptions cause a campus to "come apart."

"Similarly," he warned the President bluntly, "if the U.S. has a sustained, serious, national campus crisis, an unwelcome share of the 'responsibility' may be assigned to you simply because there is a problem and you are in office."

Heard recommended, among other things, that the President "increase his exposure to campus representatives . . . so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

And he advised Mr. Nixon to "take initiatives welcoming young people into political and governmental processes."

Before, Heard might have added, it's too late.

THE GUBSER-O'NEILL AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I rise in enthusiastic support of the Gubser-O'Neill amendment and am privileged to have been identified as an original cosponsor of the highly laudatory step toward democratizing our legislative processes.

The public has every right to know how a Congressman votes on amendments to bills many of which are vital to the legislation. I have seen some amendments actually take the guts out of a bill and I have seen others that have put real substance into legislation. Often the key test of a Congressman's position is on such key votes. Yet, there is no record whatsoever of how he votes in such instances. The purpose of this bill is to make recorded rollcalls on amendments.

A number of citizens and groups have raised a very legitimate point regarding meaningful and important teller votes which are not a matter of record.

The absence of a recorded vote on specific issues has created a situation where individual groups now place their own interpretation on the strictly procedural vote on the previous question. This is a dangerous practice because it is subject to numerous interpretations and, furthermore, transfers minority rights to the majority.

Congress as an institution is under attack. The charge of "secrecy" is a valid one and we should move forthwith to correct what is wrong.

The antiquated teller system has outlived its usefulness. As long as it continues, Congress will be under attack and there will be some validity to the "secrecy" charge leveled against it. Every citizen has the right to know how his Congressman voted. I trust this amendment will win overwhelming approval.

HAS SOUTHERN CALIFORNIA FAILED IN AIR POLLUTION CONTROL?

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 5 minutes.

Mr. HOSMER. Mr. Speaker, as a Californian, I have always taken a certain amount of pride in the fact that this State leads the Nation in the application of air pollution control legislation and technology. Most of what the Nation and the Federal Government know about air Pollution control they learned from California, particularly Los Angeles County.

Now comes evidence that despite its landmark efforts, southern California largely has failed to achieve reasonably adequate control over one quality of its air. This is disheartening news, both for southern California and the rest of the Nation. Certainly, if southern California is failing, so too, are the other regions of the country.

Gilbert Bailey, the environmental and pollution expert with the Long Beach Independent, Press-Telegram, has recently concluded an important series of articles on California's attempts to bring the problem of air pollution under control.

I invite the attention of my colleagues to this series. The articles follow:

HAS SOUTHERN CALIFORNIA FAILED IN AIR POLLUTION CONTROL?

(By Gilbert Bailey)

PART I

There is no adequate air pollution control program in the Los Angeles basin.

There is no such thing as a no-smog day here. Every day the same poisons are belched into the air, and even on those rare days when the winds cleanse, or the rains wash the air, and Catalina can be seen, air pollution is with the millions who live here.

On a May day, when the air pollution control district had predicted no smog, a yellow-brown cloud lay over Los Angeles, clearly visible from a small plane. The cloud thinned over Orange County, but it never totally disappeared.

An Independent, Press-Telegram survey of air pollution in the Los Angeles Basin, and of the activities of the Los Angeles Air Pollution Control District, reached the following conclusions:

1. The Los Angeles Basin's struggle against air pollution, one starting in 1948, is a failing effort;

2. Air pollution, despite predictions otherwise, will get worse, not better, unless new regulations are adopted and enforced, soon;

3. Autos, while producing 50 per cent or more of the air pollution in the basin, have been assigned more than their fair share of the blame, obscuring other sources of pollution;

4. Further control of industrial pollution sources is a necessity, if air pollution is to be controlled within the basin;

5. The Los Angeles Air Pollution Control District has in the past issued unwise predictions of future success. It addition it has used and is using pollution statistics open to serious question.

6. There is no adequate air pollution control program at present in the Los Angeles Basin, and whether such a program will be instituted is doubtful.

A false picture has been drawn of smog in the basin, a picture partially the fault of the air pollution control district, and partially the fault of the news media.

"Smog is the most misused word in the English language," said Robert L. Chass, Los Angeles air pollution control officer. "There are many different kinds of air pollution."

On Nov. 1, 1969, a day picked at random, Long Beach had the following pollutants in the air (in parts per million parts of air): .11 parts of oxidants, above state standards; .56 parts of nitrogen oxides, above state standards; .34 parts of nitrogen dioxide, above state standards; .12 parts of sulphur dioxide, above state standards; 28 parts of carbon monoxide.

Photochemical smog, the air pollution produced from the invisible gases spewed out by automobiles and oil refineries, and then cooked by the sun into the usual eye-irritating Los Angeles summer brew of air, is but one of the poisonous stews we breathe.

Sulphur dioxide, one of the basic ingredients of "killer smogs" in London, New York and elsewhere, comes from sources other than automobiles, and the standards for sulphur dioxide were exceeded in Long Beach 20 per cent of the time during 1968.

In the winter sulphur dioxide and particulates, tiny pieces of liquid and dry dirt, create a different brew, one which limits visibility and can hurt the lungs, a brew for which more than just the car is responsible.

No area of the basin is exempt from air pollution. While the offshore breezes often blow pollutants out of the Long Beach area, sometimes those breezes reverse and bring

all of the basin's pollutants into Long Beach, where they can be trapped with the native pollutants by an inversion layer.

"Air pollution and its fallout on soil and water is a form of domestic chemical and biological warfare. There is no full escape from such violent ingestion, for breathing is required," said Ralph Nader in his task force report on air pollution.

The Los Angeles basin does not yet have an adequate defense for this biological and chemical attack.

PART II

Twenty-two years ago Los Angeles County began its war against air pollution.

On March 22, 1970, Louis J. Fuller, retiring Los Angeles county air pollution officer, declared victory.

"There is nothing much left for me to do here," he said as he quit.

On May 17, 1970, the basin's first smog alert of the year was declared by the Los Angeles Air Pollution Control District. More alerts followed as spring turned to summer.

A declaration of victory in the war against smog is roughly as meaningful as a declaration of victory in Vietnam, as every resident and visitor to the basin knows.

But Los Angeles County through its 22-year-old antismog district has spent $60 million in fighting smog. The district is cited throughout the world as a model smog fighter. Yet smog continues.

What happened?

Two things. First, growth continued, growth that canceled the effects of the controls installed. Second, not enough, or effective enough controls were established.

There is no indication today either that the growth will be stopped or that effective controls will be established.

Robert L. Chass, now air pollution control officer for Los Angeles County, does not claim victory.

"I have tried to point out that the district has a hell of a lot to do," he said. "I've told the oil refineries and the foundries they look like hell and they've got to clean up."

He said the district is studying tougher controls on scavenger plants, the plants which take sulphides from other sources and further refine them.

However, he and the district still put most of the blame, 80 to 90 per cent, on the auto.

"Our opinion is that it is mostly from the auto. It is an opinion," he said.

The air pollution control district is a creature of the Los Angeles County Board of Supervisors. The county supervisors are responsible for smog, and its control, or noncontrol.

The supervisors meet every so often as directors of the smog control district. They appoint the head of the district, now Chass. They also appoint a three-man hearing board to grant variances from air pollution control requirements.

Complex, sometimes tough and lengthy regulations of stationary sources, primarily industry, have been instituted. Industry has spent millions of dollars on air pollution control equipment.

The district fields 71 inspectors and three field testing teams looking for violations of air pollution regulations.

Since 1964, 1,747 violation notices have been issued to stationary sources (compared to 9,022 such notices issued by the San Francisco area pollution control district).

At the same time the special hearing board, meeting three times a week for about an hour each time, has the power to grant variances from the air pollution district's regulations.

The board is headed by Delmas Richmond, an attorney. He is joined by Wendel, W. Schooling and Robert L. Daughery, both engineers. Each member gets $50 a meeting.

The meetings are held on the sixth floor of an old wreck of a county building in downtown Los Angeles. Although the offices are but a block from the city's major newspaper, they are rarely—perhaps once a year—visited by the press or public.

Instead, employes of the air pollution control district, a deputy county counsel, attorneys for the applicants, and the applicants are all that are present for the granting or withholding of variances.

For the year ending July 1, 1969, the board granted 225 of 323 variance requests. There are 65 variances outstanding as of May 1, 1970 (latest figures available) out of roughly 9,000 permits granted to air polluters.

Chass is satisfied with the board.

It can't fault the board. "It is a quasi-judicial body. Only such a body can weigh equities," said Chass.

"We have a tremendous responsibility," said Richmond. "We could shut down industries employing thousands of people, causing all sorts of economic harm."

A glance through the list of variances shows Advance Galvanizing Co., Allied Chemical Corp., Atlas Galvanizing Co., Continental Can Co., Fresno Paving Co., Lever Brothers Co., Southern California Edison Co., Stauffer Chemical Co., Union Oil Co.

A check of three meetings of the board showed the complexity of the issues.

For example, oil companies must shut down equipment for repairs. The equipment does not meet standards immediately after it is restarted. As a result the major oil companies are almost continuously before the hearing board for variances.

As long as a variance is pending, the air pollution district, as a matter of policy, does not cite for violations.

The performance of the board is difficult to judge.

The overall performance of the Los Angeles Air Pollution Control District is easier to judge.

It was formed to end smog. It has not done that job in 22 years.

However, it has slowed the spread of smog. In all probability, without the district the Los Angeles basin would be unlivable.

PART III

The automobile has been blamed for almost all the Los Angeles basin's smog problems, yet there would be smog, even if all the cars on all the freeways disappeared tomorrow.

Robert L. Chass, air pollution control officer for Los Angeles County, estimates that the auto contributes between 80 and 90 per cent of the area's air pollution.

However, two University of California scientists, R. F. Sawyer and L. S. Caretto, both assistant professors of mechanical engineering at Berkeley, have claimed otherwise.

They said the auto's share of total air pollution in the Los Angeles basin is closer to 50 per cent than the 88 per cent, officially claimed by the Los Angeles Air Pollution Control District.

Autos contribute only 13.6 per cent of the sulphur dioxide in the air—an ingredient in smog which has killed elsewhere—and 41.3 per cent of particulates, a second ingredient in killer smogs, according to the air pollution control district's own figures.

"Industry and power plant sources of air pollution are much more important than has been commonly acknowledged," said Sawyer and Caretto, writing in "Environmental Science and Technology."

"A Southern California Edison Co. statement that only one per cent of the Los Angeles area air pollution comes from their plants is grossly understated," they added.

By weight, at least according to district figures, which can be questioned, the auto does produce 88 per cent of the air pollutants, 11,920 tons out of 13,530 per day.

However, the auto tonnage includes 9,470 tons of carbon monoxide.

Carbon monoxide is a colorless, odorless non-reactive gas. It does not contribute to photochemical smog, although it does cause significant problems of its own.

Carbon monoxide does not contribute to that which the average resident considers to be air pollution—eye irritation, visibility reduction, or odor.

Much higher concentrations of carbon monoxide are allowed under current state and federal standards, than are allowed for other gases.

If the carbon monoxide tonnage is subtracted from the total figure of pollutants poured into the air, then industrial sources are almost equal to the auto as a smog producer.

Air pollution sources are strange, hard to recognize, and even harder to control. Consider the amount of gasoline spilled with the fumes going uncontrolled into the skies every day, at every service station in Los Angeles County. The Bay Area is now studying controls of such spills.

"The numbers game, weight, is like comparing apples to oranges," said Chass.

"The media always wants a comparison. As a result the public has a distorted view of smog," he added.

However, Chass sticks by his claim that the auto is the primary, almost the only, villain in air pollution in the Los Angeles Basin.

And "Profile of Air Pollution Control in Los Angeles County," the official publication of the district, said:

"The tables, graphs, and charts in this section show that air contaminants from motor vehicles comprise approximately 90 per cent of the uncontrolled emissions in Los Angeles Country. . . . It is estimated that stationary (primarily industrial) sources now contribute slightly more than 10 per cent of the total air pollution tonnages emitted daily in Los Angeles County."

Chass pointed out that the auto probably produces 95 percent of the air pollution in downtown Los Angeles, where there are few industrial sources, and a tremendous concentration of cars.

He also pointed out there are three air pollution areas within Los Angeles with distinctive problems—the Long Beach area, downtown Los Angeles and the southeastern portion of the county.

Sulphur dioxide readings are consistently higher in the greater Long Beach area than elsewhere in the county, as are nitrogen dioxide readings. The larger number of refineries, power plants and chemical plants in the area must play a more important role in air pollution than has been previously acknowledged.

In addition these industrial sources contribute significant amounts of hydrocarbons and oxides of nitrogen to the air, the makings of photochemical smog.

The auto is a relatively minor source of sulphur dioxide. It provides less than half of the particulates that cloud our skies, and even in the area of hydrocarbons, the cause of photochemical smog, more than 30 per cent comes from other sources, according to the Los Angeles Air Pollution Control District.

Let no one be mistaken: The automobile plays a vital role in air pollution. It must be controlled before air pollution can be ended.

However, industrial, stationary sources, must also be brought under further controls, and soon, if clean air is to return to the Los Angeles Basin and "killer smogs" are to be avoided in the southland.

PART IV

Air pollution in the Los Angeles basin is going to get worse, if for no other reason than because automobile emission controls don't work.

In fact present controls have done more harm than good. And the American public,

which is paying for those controls, has not gotten its money's worth.

Robert L. Chass, Los Angeles County air pollution control officer, has predicted the skies over the Los Angeles basin will start to clear by 1976, if current auto emission standards are met.

"We have no reason to believe they will be met on the basis of the record," he added.

The controls installed in the 1960s decreased the discharge of hydrocarbons, when they worked, but increased the discharge of nitrogen oxides.

Both are smog ingredients, but nitrogen dioxide may be even more dangerous than the hydrocarbons.

"Nitrogen dioxide is twice as dangerous as sulphur dioxide and 320 times as toxic as carbon monoxide," estimated Ned Groth, Stanford University researcher, basing his findings on state standards.

If present state standards are met, the emission of oxides of nitrates will decline by 1980 to the amount discharged in 1960, Chass said.

"This is progress?" he asked in testimony before the Environmental Quality Study Council.

What happened?

"It happened only because Detroit chose to go that way. The State Motor Vehicle Control Board didn't do its job," Chass explained in an interview.

Detroit in the 1960s installed auto control devices which did decrease the emission of hydrocarbons, but increased the emission of oxides of nitrogen by 50 per cent.

Detroit had partially controlled the faucet pouring out one kind of poison, but had increased the amount pouring out of a second poison faucet.

The Los Angeles basin, therefore, is worse off today than it was before controls were installed.

That is but part of the story.

Ralph Nader's task force on air pollution reports the following testimony from Dr. John Middleton, head of the National Air Pollution Control Administration:

"Very often 75 to 80 per cent of the cars failed to meet (air pollution control tests) and they missed the target by 15 to 20 per cent. . . . It is a high percentage of cars and that fail."

Rep. Paul Rogers, D-Fla., said of Middleton's testimony:

"They (the public) have expended a billion and a half dollars and 80 per cent don't meet it (the federal standards). That's incredible."

The Congressional testimony continued.

Rep. Rogers: "But they are not working. Eighty per cent don't even work. So I don't know how good the emission control is."

Dr. Middleton: "It is not as good as it should be."

Federal officials in Washington, D.C., said but one model of car had an 80 per cent failure. Overall the average of failure was a little over 50 per cent.

One federal official added, "Air pollution authorities are discovering as they measure total exhaust emission on a mass basis that both California and federal calculations are low. The auto industry has taken advantage of this error and it's hard to believe they did so unknowingly."

He would like to see a program established whereby Detroit would be required to furnish cars at various stages of use on a regular basis for actual testing. In addition he believes that both Los Angeles and the federal government should base estimations only on actual tests, not calculations.

The problem of motor vehicle controls was put another way by Department of Housing, Education and Welfare assistant general counsel Sidney Saperstein, in a memo reprinted in the Nader report:

"In short the purchaser of a new motor vehicle is paying for something that he may not be getting—and the federal government, to which he looks for assurance that he is obtaining value for his expenditure, is not fullfilling its obligation to protect his interests."

A final comment, also from the Nader report, may sum up the situation.

"I wouldn't call the program (of auto emission controls) fradulent: I'd call it farcical," said Edward Tuerk, assistant commissioner of the National Air Pollution Control Administration.

Chass of the Los Angeles District has two answers for the problem:

1. Legislation requiring every auto to be tested on the assembly line on a go or no-go basis to make sure the emission control device works;

2. Legislation requiring the auto manufacturers to guarantee the control system for 25,000 miles.

Legislation has passed the State Assembly and is pending in the State Senate which would levy a $5,000 fine on auto manufacturers when their devices don't work.

"If the requirements presently on the books are met on schedule, projections show that there should be a noticeable reduction by 1976, and by 1985 photochemical smog should virtually disappear in Los Angeles County," Chass said.

There is no guarantee that will happen.

PART V

On a not-so-clear day in San Francisco, the official of the Bay Area Air Pollution Control District glanced out the window across the Bay 20 miles towards Oakland.

"We are calling this a medium smog day," he said. "We have a combined pollution index which takes into account all types of air pollution."

The air was dirty, but the Oakland and Berkeley hills were visible, if dimly, 25 miles away.

In Los Angeles such a day would be listed as a no-smog day.

It may be that a comparison between air pollution conditions in Los Angeles and San Francisco is an unfair one. Even so, such a comparison appears to be productive.

On the basis of statistics of air pollution source emissions—who is putting what into the air—released by the two districts Los Angeles' air should be far cleaner than it is, for according to those figures less sulfur dioxide is produced here than in the Bay Area, and the figures for particulates (small pieces of dirt) are almost the same.

The hard tests, the actual tests of air quality show a different story.

The following table shows the number of days in which air quality standards were exceeded in the Bay Area and in the Los Angeles area during 1968 (latest figures available).

Ozone:	
San Francisco	66
Los Angeles	188
Nitrogen dioxides:	
San Francisco	7
Los Angeles	132
Carbon monoxide:	
San Francisco	0
Los Angeles	6
Particulates:	
San Francisco	3
Los Angeles	166
Sulfur dioxide:	
San Francisco	0
Los Angeles	[1] 115

[1] Figures for 1969, 1968 figures not available.

Yet, Los Angeles claims almost 50 percent less sulfur dioxide, one of the key ingredients in "killer smogs," is produced in the basin than in the Bay Area, despite the huge refinery, chemical plant and power plant complex in the southwestern-Long Beach area.

The figures are: 444 tons a day in the Bay Area, 225 tons in Los Angeles.

The two districts' regulations covering sulfur dioxide emissions differ. However, Los Angeles had 115 adverse days, the Bay Area none in 1969.

The second comparison is even more perplexing.

The difference between Los Angeles' low estimation of sulphur dioxide emissions and high concentrations in the L.A. area—estimates versus hard figures—might possibly be accounted for by different weather conditions in the Bay Area and the Los Angeles Basin, with the Bay Area's sulphur dioxide being dispersed by winds.

However, the winds are not dispersing the Bay Area's ozone and some other pollutants.

If the Los Angeles estimations of emissions are underestimated, then the basin is being done a disservice. Only if the correct figures are available on emission can the basin act to correct its pollution.

Los Angeles claims that its 3.9 million cars produce 45 tons of particulates daily. The Bay Area says its 2.2 million cars produce 40 tons.

The comparison is even more mysterious because both sets of cars are governed by the same regulations—California state law on motor vehicle emissions.

And both districts say they base their figures on Air Resources Board tests.

Robert L. Chass, Los Angeles County air pollution control officer, was questioned about the figures.

Q. Are your figures accurate, or the San Francisco figures inaccurate?

A. Let me say this of the basis for the Bay Area figures. We see them the same as you do. We haven't sat down with the Bay Area people. We have no basis to say their figures are right or wrong. . . . I am not in a very good position to reply. I don't have their data.

Chass added there had been no communication on the figures between the districts and he said the San Francisco District had not contacted the Los Angeles District. However, the I,P-T learned that the question of the discrepencies had been brought to the attention of the State Air Resources Board by the San Francisco District. No reply was received.

Chass said the district's emission figures are checked by the Air Resources Board.

Q. How do you estimate your emissions?

A. "Motor vehicles are tested by the Air Resources Board. Stationary sources are tested by stack tests. Emission factors have been established over the years. . . . The Los Angeles Air Pollution Control District has more test data than the rest of the world combined."

Chass made one more point:

"Bad data in air pollution is worse than no data."

A suit was filed earlier this year in federal district court claiming the district lies in its air pollution predictions, but the suit was thrown out of the federal court because of a lack of jurisdiction.

Chass flatly denies the district has ever lied. He was angered by the suit, and by a story appearing in these newspapers, which noted conditions on a day in May and said the Los Angeles Air Pollution Control District was "lying as usual" when it predicted no smog.

"This district has never lied; print that," said Chass.

Since the suit, but not because of it, according to Chass, the district has changed its predictions to include visibility factors and ozone, instead of just eye irritation.

In fact, the district does not lie in its

predictions, it just doesn't tell all of the problem—sulphur dioxide, carbon monoxide, or that a lot of smog comes from other sources than the automobile.

As Chass said, "Bad data in air pollution is worse than no data at all."

PART VI

Smog can kill. It may be killing today in the Los Angeles basin.

Every year thousands of Los Angeles basin residents are told by their doctors to leave the basin for reasons of health.

Those who suffer from bronchial asthma, chronic bronchitis, and pulmonary emphysema are particularly hard hit by smog, according to the National Tuberculosis and Respiratory Disease Association.

The difference between the lungs of the person exposed to air pollution and those of someone living in clean air is explained in Ralph Nader's task force report on air pollution:

"On the autopsy table it's unmistakable. The person who spent his life in the Adirondacks has nice pink lungs. The city dweller's are black as coal."

Sulphur dioxide and particulates have been common to past "killer smogs," according to Robert L. Chass, Los Angeles air pollution control officer.

"Doctors found that when the daily levels of sulphur dioxide were between 0.2 and 0.4 parts per million, the number of excess deaths in New York City ranged between 10 and 20 persons," Nader reported.

The current California standard for sulphur dioxide is .04 parts per million parts of air over a 24-hour period. That standard was exceeded 115 days in the Los Angeles basin in 1969 with heavy concentrations being reported in the Long Beach area.

"Killer smogs," or "air pollution incidents," have been reported throughout the world. The major incidents include:

Meuse River Valley, Belgium, December 1930, 60 dead;

Donora, Pennsylvania, October 1948, 6,000 ill, 20 dead;

London England, December 1952, 4,000 dead;

New York City, 1953, 1962, 1963, and 1966. In 1963 an estimated 405 died from air pollution and in 1966 a total of 168.

No such smogs have been reported in the Los Angeles basin. The nature of photochemical smog, common to Los Angeles, although associated with respiratory diseases, has not yet been clearly linked with death by medical researchers.

However, some medical researchers have predicted killer smogs for the basin. They have, so far, refused to release their evidence until it is published in medical journals.

One such researcher, Dr. Kenneth Watt of the University of California at Davis Environmental System Group, has flatly predicted a killer smog in Long Beach for the winter of 1975–1976. He also named Pasadena, Lennox and Azura as danger areas. He said his group will publish its research in the fall.

Watt not only fears heavy concentrations of sulphur dioxide and particulates, tiny piece of solid and liquid dirt, and also photochemical smog, including increasing levels of nitrogen dioxide.

"It is frightening," he said about the higher levels of nitrogen dioxide, higher levels caused by motor vehicle control devices intended to decrease smog. "Nitrogen dioxide may be the most medically dangerous."

The National Tuberculosis and Respiratory Disease Association associates smog coming primarily from autos but definite medical links have not yet been established.

Dr. Watt pointed out a problem in associating death with air pollution in the basin. Air pollution hits hardest old men, second hardest aged women. However, Los Angeles and Orange counties have an extra large number of young women, making statistical comparisons difficult.

Chass of the Los Angeles County Air Pollution Control District disagrees with Watt on his prediction of killer smogs.

"He has no more basis in saying that than the man in the moon," Chass said.

But Watt counters with the concentration of sulphur dioxides in the greater Long Beach area from refineries and power plants, along with concentrations of particulates.

Watt also pointed out that the offshore breezes which usually blow smog out of the Long Beach area reverse themselves sometimes, bringing the basin's smog into Long Beach. Combined with local pollutants and a winter inversion layer, the mix could be deadly, he said.

Two unreleased studies by the state show the extent of the sulphur dioxide and particulate problems in the southwestern Los Angeles-Long Beach area.

In Long Beach the state sulphur dioxide standards were violated 20 per cent of the time during 1968.

In the area of particulates the highest reading was "measured in the southern part of Los Angeles County, where most of the refineries and power plants in addition to the Los Angeles International Airport are located, and where the emissions of particulate matter have been estimated to be the highest."

In order to meet current sulphur dioxide and particulate standards the amount of sulphur dioxide in the air must be reduced by 64 per cent and the particulates by 54 per cent.

Whether Dr. Watts dire predictions of killer smogs come true or not, there is still a lot of cleaning of the skies to be done, before they become healthy again.

PART VII

Air pollution can be halted in the Los Angeles basin, and the air returned to the quality of 1940, or earlier.

The quality of the air coming into the basin, cleansed as it is by 5,000 miles of oceans, is the best in the world. All that has to be done is to control the pollution sources, all of them, within the basin itself.

There is no such comprehensive control program witness today's skies.

On the basis of interviews with pollution control experts at as many levels as possible, and on the basis of the information reported in this series, the following air pollution control program on individual, county, state and federal level, is recommended, not as a final solution, but as a start.

First, every Los Angeles basin resident should have his motor vehicle emission control system tested, and possibly repaired. Atlantic-Richfield, as a special service, is making such tests available free at selected shopping centers.

Second, while so-called smog free gasolines are relatively ineffective in fighting air pollution, lead-free gasoline should be purchased whenever possible. Even so, working control devices are far more important than the type of gas used.

Lower horsepower cars should be purchased.

Care should be taken in the use of the auto and other pollution causing machines, including use of an over-abundance of electrical appliances, which create need for smog-producing powerplants.

Finally, if the basin resident is concerned about air pollution, he should contact his representative on the board of supervisors—the man directly responsible for smog in the basin—his state legislator, and his representatives in Congress to demand action.

On a county level the board of supervisors should institute a full-scale review of the operations of the Los Angeles Air Pollution Control District to determine why after 22 years and $60 million in expenditures, there is still smog in the district and what can be done about it.

The district's operations, its special hearing board, and its regulations are all fit subjects for such review.

In addition the district's statistics, open to question as they are, should be verified by a thorough scientific study of air pollution in the basin possibly conducted by such an air pollution control laboratory as the one at the University of California at Riverside.

The Los Angeles Air Pollution Control Officer Robert L. Chass should be instructed to draft further regulations of industry, including the oil refineries, chemical plants, power plants and foundries. Chass is already reviewing regulations concerning high sulphur dioxide emitters, but further regulations are needed. Controls of service station gas spills should also be instituted.

The final recommendation is that the district require air polluters to monitor and report their pollution to the district, at least the emission of sulphur oxides, and lead and fluorides and all other contaminants possible, as is done by water polluters.

Beyond the scope of the district, a rapid transit system, similar to the Bay Area Rapid Transit District, is needed. Voters should support such a district, if they wish to breathe healthy air.

On a state level, as well as on a Congressional one, legislation should be passed, as recommended by Chass, for all motor vehicle control devices to be tested on a go, no-go basis on the assembly line, and for the auto makers to guarantee the devices for no less than 25,000 miles.

Second, the state should divert gas tax funds, now used only for highways, to rapid transit and to fighting air pollution. A state constitutional amendment could authorize the diversion, or a bill by State Senator Alfred Alquist to raise the gas tax could accomplish the same objective.

Finally, the state and the federal government, should require auto manufacturers at their own expense to provide cars for testing on a regular basis and conduct actual tests of car emissions at various mileages on a mass basis to determine the actual level of pollution.

On the federal level, Congress should pass legislation to require all air polluters to report their pollution and to require all air pollution control bodies, using any federal funds, to report the sources of pollution within their jurisdiction. Such legislation will be offered in the United States House of Representatives shortly by a group of California Representatives, headed by Don Edwards, D–San Jose.

At present federal air pollution control inspectors do not have the right to enter private property to check on violations. They should be given that right.

In addition additional powers should be given to the National Air Pollution Control Administration so that it can step in when local or state governments fail to control pollution.

The federal standards on carbon monoxide, particulates, nitrogen oxides and hydrocarbons should be strengthened and Detroit should be told to clean up the auto or face increasing economic penalties.

Leaded gasoline should be phased out as Detroit changes its engine to no longer require such gasolines.

Finally, the federal government should help finance additional air pollution research and necessary rapid and mass transit sys-

tems. Again such funds could come out of gasoline taxes.

This program is incomplete. It is only a start—and some of it may be impractical—but it is a start.

There could be a stronger program: Cease building new roads, use the funds for rapid and mass transit, tax cars further until they are no longer practical to drive while providing other means of transportation. At the same time require polluting industries to either shut down or stop polluting.

The decision on whether there will be air fit to breath in the Los Angeles basin should not lie in the hands of the polluters, or even the politicians. It should, and does, lie in the hands of the people, who make their wishes known by action, or inaction.

Clean air has been the birthright of all mankind. It no longer is; instead the child born today must breath poison. But for how long?

What do you want to breathe?

ANNUAL LIMIT OF $20,000 ON SUBSIDIES PAID TO AN INDIVIDUAL FARMER

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. COUGHLIN) is recognized for 5 minutes.

Mr. COUGHLIN. Mr. Speaker, we have a remarkable opportunity this week to serve the people of the United States by cutting expenses without hurting the people this particular program is designed to help. We can do this if we take the long-needed step to stop stuffing the silos of corporate farmers with the tax moneys of all Americans. We can do this by placing a $20,000 annual limit on subsidies paid to an individual farmer.

Unlimited and unwarranted subsidies contributed beyond reason to the $3.7 billion total in farm subsidies for 1969. Each year that the Congress refuses to end this costly and unjust practice of no-limit subsidies, contributes to an erosion of its own credibility.

I intend to support an amendment to establish the $20,000 maximum when the agriculture bill is brought to the House floor this week.

Although the House Agriculture Committee has recognized that the no-limit subsidy program cannot be condoned, I feel the compromise itself cannot be justified. By setting a $55,000 annual limit per crop, the committee has devised a system that still could run up to $165,000 a year for giant farms which want to produce wheat, feed grains, and cotton.

I am not comforted by public statements that only a few farms could take advantage of the new program to obtain all the benefits. It seems relatively easy for the corporate farmer to change his programs so he still could obtain $165,000 yearly in subsidies which never were meant for him.

Agricultural subsidies originally were developed to help the struggling farmer and the small farmer. If the Congress ever should get the message from the people, it is this—immediately end the monumental agricultural boondoggle.

The millionaire farmer and the corporate farmer do not merit nor should they receive the largesse of Government tax moneys contributed by citizens who are already cornfield-high in Federal, State, and local taxes.

My own 13th Congressional District of Pennsylvania contains much farm and rural lands. It is interesting that preliminary results of my 1970 questionnaire poll show that agricultural subsidies are cited as the number one area in which less money should be spent. No one farmer in Montgomery County received more than $20,000 in 1969.

In Pennsylvania itself, only nine farmers received more than $20,000 each, with the largest subsidy amounting to about $40,000. It seems obvious that the $20,000 figure certainly will afford the necessary support to the farmers who merit it.

Too often, we, as Congressmen, criticize Government bureaucracies for refusing to change or cut back programs that have proven too costly, ineffective, and outmoded. Now we have the opportunity to take our own medicine by drastically altering this expensive program that enriches the wealthy farmer at the expense of all other citizens.

I believe I can urge this approach, not only because of the number of farms in my congressional district, but because I have applied this rule to other programs in my own area. Whether they were defense or welfare programs, I have recognized my responsibility to try to eliminate the unnecessary and ineffective for new and sounder approaches.

By adopting the $20,000 farm subsidy limit, we can effect—through a tightly administered program—about $300 million in savings. This is a substantial saving and it is an act that would help restore the Congress credibility as a responsive and responsible institution of Government.

THE ISSUES—LET'S LOOK AT THE RECORD

The SPEAKER. Under a previous order of the House, the gentleman from New Mexico (Mr. FOREMAN) is recognized for 60 minutes.

Mr. FOREMAN. Mr. Speaker, in a sincere effort to openly review and frankly discuss several of the issues recently acted on, or soon to be considered, by the Congress, I take this time to summarize some of these matters with our colleagues and other interested citizens.

It has been, and will continue to be, my aim to carefully study all of the information, for and against, every issue before it comes to a vote here in the House. Some of the questions I have in my mind as I review a bill are: First, is it in the best interests of my country, my State, and my constituents? Second, is it constitutional? Third, can we afford it? Fourth, what are the views of the people I represent insofar as this legislation is concerned? Fifth, is this a legitimate function of the Federal Government—or is it the right and responsibility of the people? Sixth, is it fair to all concerned?

I do not vote for or against a bill simply because the administration or the political party leadership is for or against it—I vote the way I do, because after weighing all of the facts available to me, I sincerely believe it to be in the best interests of my country and my constituents.

As to the matter of specific legislation, I am pleased to discuss my views on several important bills as follows:

GUARANTEED ANNUAL WAGE

I have some very serious reservations about H.R. 16311, the guaranteed annual wage welfare programs. Admittedly, the present welfare program is costly and inequitable—however, I believe this bill would move us in the wrong direction because it will probably add several million more persons to the welfare rolls, more social workers, more Federal control, bureaucracy, and dependence at an estimated additional annual taxpayer cost of $4 billion, or more, than we are now spending. Our objective should be to seek a reduction, not an increase, of overloaded welfare rolls. We should work to reduce the cost and control of government by the enactment of programs that encourage individual work, incentive, and responsibility—not reward nonproductivity and irresponsibility. We need to work toward more jobs and permanent job security rather than permanent relief.

We cannot spend ourselves into affluence; we must earn our way by our individual effort. Regardless of what some may say or think, we live under a system where the people support the Government; the Government does not, and cannot, support the people. The Government is not a creator of wealth; it gets its money from people who work and pay taxes, and we are fooling no one but ourselves when we think otherwise.

My son, Kirk, summarized the situation very well with his question, "Who's gonna pull the wagon if everybody gets in to ride?"

Most Americans who work for their living have little sympathy for the concept that every man should be guaranteed an income by the Government, regardless of whether he can or will work. A Federal Government-guaranteed annual income will destroy self-reliance, individual responsibility, self-respect, and the incentive to work. Therefore, in good conscience, I cannot support or vote for this program that I sincerely believe can eventually destroy the moral fiber of the United States of America.

EDUCATION PROGRAMS

Considerable discussion evolved over the proposed reductions in Health, Education, and Welfare appropriations—and President Nixon's efforts to halt inflation and restore the value of our dollar. No one is more deeply concerned about the need for reductions in Government spending programs than I am—and I always have been. However, when it comes to the education of our children and the Government's commitment to our federally impacted school districts that have budgeted these funds, and are depending on them for their operations, then I must support our school districts. I have in the past, and I will continue to do so in the future.

If we must make reductions in the overall appropriations program, then we

should carefully consider a reform of our costly welfare system, a reduction in our wasteful foreign-aid program, increased efficiencies in military expenditures, and a realinement of some of the ineffective OEO programs as good places to make needed cost cuts. That is why I supported education funding over the Presidential veto.

THE 18-YEAR-OLD VOTE

Mr. Speaker, during my campaign for election to Congress, I pledged to reflect the views of the citizens of New Mexico—and, further, when I took the oath of office, I swore to support and defend the Constitution. Now, from this base, let us take a look at the issue of the 18-year-old vote.

I have always said that I would vote to submit to the several States a constitutional amendment fixing the voting age at 18. Recent campus riots have not changed my mind because I would not penalize the vast majority for the transgressions of a small minority. However, I am opposed to a simple Federal statute. I am opposed for two reasons: First, I consider such a statute unconstitutional; second, even if constitutional, such a statute, as distinguished from a constitutional amendment, is unwise.

Article 1, section 2, provides that those voting for Federal officers—representatives—"shall have the qualifications requisite" for those who are eligible to vote for members of "the most numerous branch of the State legislature". The 17th amendment contains the same language as it applies to those voting for U.S. Senators.

Implicit in that language is the acknowledgment that States are authorized to fix voter qualifications in both State and Federal elections. There is no language in the Constitution or the amendments to the Constitution which says otherwise. Indeed, three of those amendments—the 15th, 19th, and 24th—which deal with voter qualifications in all elections—race, sex, and the poll tax—acknowledge that the power to fix voter qualifications cannot be taken from the States except by constitutional change.

Even if Congress has the constitutional power to lower the voting age by simple statute—which I dispute—this does not mean that it is wise for Congress to exercise that power. It is, I believe, unwise for three reasons:

First, it is unwise because it would cast a cloud of uncertainty over the 1971 elections. Even if the court tests could be concluded and a judgment of constitutionality rendered before January, it might come too late for voter applicants in voter registration periods preceding elections scheduled early in 1971.

Second, a Federal statute is unwise because it would tend to erode the federal system. In the last 5 years, 20 States have rejected propositions to lower the voting age, one of them twice. Last year, the citizens of New Mexico voted down a new constitution that would have permitted lowering the voting age. On my 1969 annual legislative questionnaire poll on this matter, the citizens voted 2 to 1 against this provision. This year, 15 States have the proposition on their ballots. For the sake of the federal system, is it wise for the Congress, even if it has the raw power to do so, to veto the will of half the States?

Third, a Federal statute with a built in constitutionality court test is unwise because it confronts the Supreme Court with an impossible dilemma. If it sustains the statute, the Court will be accused of amending the Constitution by judicial fiat. If it declares the statute unconstitutional, the Court will be blamed for frustrating the expectations of 11 million young Americans between the ages of 18 and 21.

It is, I repeat, unwise to expose the Court to such needless abuse. It is unwise to encourage and then perhaps disappoint the young men and women of our country at a time when they are already concerned about the broader gap between promise and performance.

The wise course, the safe course, the unchallengeable course, the tried-and-true course, is to amend the Constitution in the manner which the charter itself provides.

CONGRESSIONAL REFORM

I believe reform and improvement is a vitally necessary part of growth and development. Modernization and reform of the congressional process is in order and has my support.

The "people's right to know" must be honored and protected. Except for matters involving our national security, congressional committee proceedings should be open to the public. While recorded teller votes may consume additional time. I certainly have no objection to placing my name on the record on every vote of the public's business.

These basic concepts and reforms seem to find general acceptance among most Members of this House—but there are other proposed specific changes that will probably encounter strong resistance. Because of these, I seriously doubt that a meaningful reform measure will be finalized this year.

HILL-BURTON HOSPITAL PROGRAM

I support the Hill-Burton program of Federal assistance for the construction of needed hospital facilities and improved health standards. The goal of increasing hospital beds is even more critical today than it was when this program was instituted.

In terms of money made available for hospital construction, we approved almost double the amount for fiscal year 1971 as compared with fiscal year 1970. This House approved $172.2 million in construction grants; and, a $500 million loan guarantee allocation for fiscal year 1971, of which $166 million is expected to be committed with the $5 million provided for interest subsidy. This also gives an improved hospital construction position for the smaller communities.

Earlier, I supported the President's veto of an authorization bill, originally approved as an acceptable bill by the House, but later altered in the Senate by the mandatory spending language of the Yarborough amendment—an amendment which restricted Presidential leeway in spending. I will continue to support a sound, effective Hill-Burton program within our ability to finance it.

POLLUTION CONTROLS

Mr. Speaker, no New Mexican wants Los Angeles smog to choke Las Cruces or Roswell. No New Mexican wants our rivers and streams to get in the same shape as the Potomac River or Lake Erie which died in its own filth a few years ago.

I want to make it clear that I support adequate Federal pollution laws and enforcement. Pollution does not respect State boundaries.

Unless and until we have fair and equitable standards, which can probably be improved best on a regional basis, there is likelihood of penalizing industries and municipalities in one State which has good antipollution laws when a neighboring State does not have adequate laws.

THERE ARE OTHER KINDS OF POLLUTION

The quality of life goes beyond the issue of air and water pollution.

There is the pollution of inadequate education, of street crime, of poverty, of racial conflict—the pollution of young minds and bodies with narcotics and dangerous drugs and, smut and pornography.

The Government and the courts themselves sometimes may even contribute to this pollution. There is no better example than the present struggle over the survival of neighborhood schools and the insidious ideas of compulsory busing of students to achieve racial balance. We cannot improve the quality of life by arbitrary, unworkable decrees that destroy neighborhood schools.

In the battle against the pollution of our young people's minds, I strongly support effective, tough Federal laws and administrative measures that are being utilized to crack down on the dope pushers and halt the importation of drugs into this country. And, I am grateful and appreciative of the concern and positive attitude of the SOS youngsters who are working to help understand the tragic dangers of drug abuse and the pitfalls and heartaches of narcotics experimentation.

SPENDING PRIORITIES

I support the request that the Congress establish a firm ceiling on total expenditures which would apply to the Congress as well as to the President. This will protect the taxpayer and the consumer and require both the legislative and executive branches of Government to determine priorities and live within the established ceiling.

In President Nixon's 1971 budget, for the first time in 20 years, spending for human resources—health, education, welfare, retirement programs, and so forth—will exceed defense spending. In 1962 under President Kennedy, the Federal Government spent 48 percent of its budget for defense and only 29 percent for human resources. By 1968, the comparison was 45 percent to 32 percent. This fiscal year only 37 percent goes for defense and 41 percent for human resources.

President Nixon's 1971 budget calls for more than $83 billion to be spent for domestic social programs while defense spending is moving down to $73 billion.

The budget includes $3 billion for elementary and secondary schools, $1.5 billion for higher education, $1.2 billion for vocational and other special education, and $2.7 billion for manpower training. Health programs in the Federal budget add up to $14.9 billion. And initial cuts of $12 billion in defense already have been made.

FOREIGN AID PROGRAM

Mr. Speaker, never before in the history of mankind has there been demonstrated such shortsighted generosity as our expensive, badly executed, unrealistic, uncontrolled, and uncontrollable foreign aid giveaway program. This is the only Federal aid program I know of that does not exert Federal control along with the granting of Federal funds.

Since its inception, we have dished out $199 billion, counting the interest we have paid on the money we have borrowed to give away, to over 100 of the 120 nations on the face of the earth, and we have less international respect and fewer friends than we did when we started this runaway boondoggle.

IMPORTANT TRUTHS

The public debt of the United States stands at more than $360 billion. The annual interest alone on that debt is more than $18 billion.

Interest on Federal borrowing is now more than 7 percent. Compare this with the rate at which loans are now made under foreign assistance—2 percent for the first 10 years and 3 percent for the next 30 years.

Federal taxes are at their highest level to say nothing of State and local taxes. We hear with increasing frequency of a taxpayers' revolt. If the taxpayers knew the full story of the extravagance and waste in this program, the threat would be even more real.

Three countries that have been receiving, and will continue to receive, funds under this bill—Thailand, Korea, and Taiwan—are now lending money to the United States at 6-percent interest.

Let us tell these hard truths to our constituents and see what kind of a response we get on how to vote on this grab bag.

CONCERN FOR THE HUNGRY?

To those who ask me, "Do you not care about the poor or the hungry people of Africa or India?" I reply, of course, I am concerned about them, but I am more concerned about the poor overburdened taxpayers of America who are stuck with the bill for the irresponsible waste involved in these aid programs. At a time when we have millions of hungry and uneducated Americans in our own country, why do we not give them some aid? How about feeding them and educating them, first? Why do we not look after our own family before we start trying to raise the living standards of the world?

PROPOSED SOLUTION

We must initiate drastic reductions in foreign aid in all instances, except where technological and military assistance is necessary to the defense of the free world and is economically advantageous to the United States. We must initiate some tough-fisted management over it. We must use commonsense on our administration of it and curb its waste and mismanagement.

We can do this by restricting grants to the careful distribution of surplus farm products to friendly underdeveloped countries to fill hungry bellies, by providing needed medicines to the sick, and by providing technological assistance and instruction to those who show a willingness and desire to help themselves. Our money and equipment sent to countries needing help should be only to non-Communist countries, and this should not be grants; rather it should be in the form of sound, hard, reasonable interest-bearing loans, backed up with collateral, and to be repaid according to a specified, sensible, businesslike schedule.

Mr. Speaker, it is an unforgivable disgrace, indeed, for a country with a national debt greater than all the countries of the world combined, to continue to tax our people to give away our goods to try to buy friends among people who readily turn against us when the till goes empty and the chips are down. Any supporter of this wasteful throwaway program, who has one hungry child or one depressed business in his district, should hang his head in shame if he continues to vote funds that are to be so irresponsibly spent. How absurd, how ignorant can we get when we throw our money away so foolishly?

LISTEN TO AMERICA

Across this great land of ours, Mr. Speaker, are millions of proud, independent, hard-working, flag-loving patriots who still love our country, support our Government and believe in the basic constitutional principles of limited government and free enterprise that made us what we are today.

I respectfully urge my colleagues in the Congress and our national leaders, regardless of their political party affiliations, to give heed to the voice of the heartland of America. This is a great, wonderful, productive and proud land. Do not kill it with an overly powerful paternalistic central government and socialism which has brought about the downfall of other nations.

Cultivate it, encourage it, and praise our country; do not ridicule and condemn it. With all its problems and imperfections, it is still the finest country ever known in the history of mankind.

Let us rededicate ourselves to the task of preserving our freedom, our heritage, our constitutional rights and principles and our great Nation "under God." Let us get back in balance again, economically and spiritually, and let us place the welfare of this great country ahead of political considerations.

VETERANS: AN UNFULFILLED DEBT

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

Mr. HAMILTON. Mr. Speaker, the second session of the 91st Congress has only partially met its obligation to the Nation's veterans.

Congress has taken several helpful steps, but several more must be taken to meet our obligation.

Already in this session two major pieces of legislation have been signed into law. In the last 4 months the House has passed and sent to the Senate seven additional major pieces of legislation.

LEGISLATION ENACTED

It is now public law that under the veterans' education assistance programs, certain categories of veterans are entitled to an increased allowance. An average overall increase of 34.6 percent is provided. The costs of schooling have risen sharply since the days of World War II and the Korean conflict; therefore, educational assistance to veterans had to be increased accordingly. Enactment of this piece of legislation represents a significant congressional effort to provide new and special programs to attract and assist educationally disadvantaged and academically deficient veterans under the GI bill.

One of the more important pieces of veterans legislation which has been signed into law is the serviceman's group life insurance amendments. The law increases the amount of insurance under the serviceman's group life insurance—SGLI—program from the present $10,000 to $15,000.

BILLS PASSED BY THE HOUSE

The House recently sent to the Senate a bill modifying the reporting requirement and establishing additional income exclusions relating to pension for veterans and their widows. Additionally, it liberalizes the oath requirement for hospitalization of veterans. This liberalization follows the trend established by similar liberalizations authorized for widows seeking social security benefits, or civil service retirement benefits. It is a logical and equitable extension of present law.

Recently, the House approved a new home loan financing bill. Investment of up to $5 billion in assets of the national service life insurance fund will be provided to purchase mortgages from private lenders for financing of veterans home loans of $30,000 or less. Enactment of this bill will make more capital uniformly available for investment in guaranteed loans during the next 5 years. It will assist the growing number of post-Korean veterans to finance their home purchases.

The House passed several measures increasing direct monetary benefits to veterans: First, a bill increasing the automobile allowance for seriously disabled service-connected veterans from its present $1,600 to $2,500; and second, a bill extending for 2 additional years the authority of the Administrator of Veterans' Affairs to set interest rates at a level necessary to meet the mortgage market for guaranteed and insured loans to veterans. These bills, of course, are measures to equalize veterans benefits with the rising cost of living and the inflationary conditions of the economy generally.

Finally, the House has approved, three bills extending medical care and benefits to veterans: First, a bill furnishing outpatient care and other medical services

to any veteran who is in need of attendance by another person, or who is permanently house bound; second, a bill authorizing transfer of a veteran who is hospitalized under the VA auspices for a non-military-connected condition and who has received maximum benefit from such hospitalization, to a public or private institution for nursing home care at Federal expense; and third, a bill to achieve a more effective and improved administration of the program for sharing of certain specialized medical resources with community medical facilities.

This I believe has been a creditable record. I am proud of supporting all five of these bills on the floor of the House. However, it is important to realize that our obligation has not been completely fulfilled. The words of Teddy Roosevelt are very timely in this respect:

No other citizen deserves so well of the Republic as the veteran. They did the one deed which, if left undone, would have meant all else in our history went for nothing. But for their steadfast promise, all of our annals would be meaningless, and our great experience in popular freedom and self-government would be a gloomy failure.

Let us honor our obligation to these veterans by approving the following pieces of legislation.

LEGISLATION CONGRESS SHOULD ENACT

The 91st Congress should add the following legislation to the books before it adjourns.

WORLD WAR I VETERANS

During the course of our efforts to provide veterans with necessary benefits, we have overlooked the special needs of our veterans from World War I. There are presently two bills pending in the House which should be approved: First, a bill providing for significant increases in the monthly rates of compensation for veterans with service-connected disabilities, second, a bill increasing the rates of pension payable for non-service-connected disability or death to veterans of World War I and later conflicts, or to the widows and surviving children of such veterans. Additionally, income limitations applicable to such pensions should be revised so as to increase the number of income categories and raise the maximum amount of other income an individual may have while still remaining eligible for some pension.

VIETNAM VETERANS ASSISTANCE

The House should pass a measure permitting servicemen on active duty to qualify for veterans education assistance benefits after 180 days of service. Incentives should be provided for returning veterans to encourage their participation in the job market. For example, the scope of veterans educational assistance benefits should be extended to cover programs of education required as a condition of certain loans from the Small Business Administration.

VETERANS PATENTS

I have introduced a bill providing for the extension of the term of certain patents of persons who served in the military services of the United States. No legislation has been approved since World War II dealing with this problem. Veterans deserve extensions of time for patents they have not been able to exploit because of military service. It is only equitable that these privileges now be extended to all veterans. Rather than considering this question anew following the end of each conflict in which we participate, let us now extend the provisions to all veterans who have not benefited from previously enacted legislation.

HEALTH CARE

I feel that the historic right of veterans to prompt and adequate health care has been jeopardized by funding cuts. Funding deficits in the Indiana Veterans' Administration hospitals of some $1.4 million in fiscal year 1970 posed the prospect of curtailment of care to our veterans with battle wounds or service-connected disabilities. Consequently, I am supporting the funding level for the Veterans' Administration medical program as voted by the Senate. The Senate voted an additional $100 million over the House appropriation. For several years the Veterans' Administration has been in an impossible budget squeeze between higher medical costs without a proportionate increase in funds and staff personnel. Therefore, the additional $100 million is essential for a modern medical program for veterans.

In fiscal year 1971 we will spend nearly $9 billion to provide services and benefits for America's 27.5 million veterans who make up nearly 18 percent of this Nation's population. I believe the legislation passed during this session, and the legislation we hope to pass, will insure that this country is living up to the responsibility it owes to the fighting men on whom we all depend.

Let us live up to this obligation and responsibility by approving these remaining pieces of veterans legislation.

SENATE COMMITTEE ACTION ON BANK HOLDING COMPANY LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, as many members of the House know, during the last session of Congress, the House Banking and Currency Committee spent many days and weeks working to produce sound legislation to regulate one bank holding companies. Admittedly, this was a complex and controversial task. But the result, I believe, was reasonably sound legislation as it passed the House of Representatives on November 5, 1969, and was sent to the Senate for action.

To be sure, lobbyists on all sides of this issue were hard at work during House consideration of this most vital piece of legislation. However, it seems to me at least that the House did itself credit by ignoring much of the pressure and passing a bill that was in the public interest.

On July 7 the Senate Banking and Currency Committee ordered reported its version of H.R. 6778, to amend the Bank Holding Company Act of 1956. To the surprise of many, including both representatives of the banking industry, as well as representatives of businesses most threatened by the expansion of nonbank activities of bank holding companies, the bill ordered reported by the Senate committee strongly favored certain nonbanking corporations controlling a single bank. Thus, the Senate committee bill would permit a privileged group of corporations to carry on precisely the kind of activity—the mixing of banking and nonbanking activities—that was sought to be prohibited in the original proposals for amending the Bank Holding Company Act.

Even the American Banker, the trade publication of the banking industry, is highly critical of this very unusual action. The respected business publication, Business Week, in its July 18, 1970, issue was also highly critical of the Senate committee's action. How the Senate committee action evolved is discussed in an excellent article appearing in the July 18, 1970, issue of the National Journal.

At this point in the RECORD I insert the National Journal article and the editorials from Business Week and the American Banker:

[From the National Journal, July 18, 1970]

FINANCIAL REPORT: BANK LOBBY SCORES IN SENATE WITH SECOND EFFORT ON ONE-BANK HOLDING BILL

(By Frank V. Fowlkes)

In getting the Senate Banking and Currency Committee to erase every tough clause in the House-approved one-bank holding company bill, banking lobbyists have once more demonstrated the importance of what football fans know as "the second effort."

The Senate Committee version of the bill, reported out on July 7:

Discarded a House "laundry list" of proper banking activities which would have kept banks from operating travel agencies or selling most insurance and put limits on their sale of data processing services.

Replaced the "laundry list" with language which permits banks to engage in any activity "functionally related" to banking, a phrase for which no legal or working definition yet exists. (*See "definition" box.*)

Permitted holding companies to retain subsidiaries that are not "functionally related to banking as long as they were acquired before a "grandfather" date of March 25, 1969. The House bill required divestiture of such holdings acquired after 1956.

Gave holding companies up to ten years to sell subsidiaries not related to banking if they were acquired after the "grandfather" date.

Exempted holding companies with bank subsidiaries whose assets are less than $3 million or less than 25 per cent of the company's net assets.

BACKGROUND

Bank holding companies first became a congressional issue in 1954. At that time, the Federal Reserve Board, which was trying without success to control holding companies under existing law, asked Congress for more power.

The bill: The next year the House gave the Fed authority as pass on all bank holding company acquisitions. The Senate, however, exempted holding companies which owned only one bank. In conference, the House agreed, and the bill containing the one-bank loophole became law in 1956. President Eisenhower remarked when he signed the bill that he was pleased with the regulation but not with the one-bank exception.

The loophole was to help small town banks, which Congress felt would go out of

business if not permitted to affiliate with non-banking companies. But the big banks quickly took advantage of it.

By 1969, seven of the eight largest banks in the nation were controlled by holding companies. They simply converted the management of their companies into holding companies, with the banks themselves becoming subsidiaries.

This tactic exempted them from Fed regulation in acquiring non-banking affiliates, and they began major acquisition programs.

Every year between 1958 and 1965, the Fed recommended bringing the single-bank companies under the law. The House tried to do this with its Holding Company Amendments of 1966, but the proposal was rejected by the Senate.

Plugging the hole: Alarmed by the fact that the nation's largest commercial banks were taking advantage of the loophole, both Rep. Wright Patman, D-Tex., chairman of the House Banking and Currency Committee and the Nixon Administration in 1969 introduced bills to close the loophole.

The Administration bill, the weaker of the two, would have prevented one-bank holding companies from acquiring firms not "functionally related" to banking. It also would have forced them to shed any nonconforming acquisitions made after June 30, 1968, the so-called "grandfather date." The Fed, the Comptroller of the Currency and the Federal Deposit Insurance Corp. would have divided regulatory authority over one-bank holding companies.

Patman's bill—Essentially on extension of the 1956 law to one-bank holding companies, the Patman bill would have required acquisitions to be "so closely related to the business of banking as to be a proper incident thereto."

The Patman language, identical to that in the 1956 law, was opposed by the holding companies as more confining that the "functionally related" alternative. Moreover, the Patman proposal would have forced one-bank holding companies to divest themselves of all nonconforming acquisitions made after passage of the 1956 law. Patman proposed to give complete regulatory authority to the Fed—traditionally the toughest of the three bank regulators.

Committee action—Lobbyists followed House committee action closely through the hearings and a precedent-setting open committee markup session. A veteran committee staff member said he had never seen one bill attract so much attention. When the committee completed its work in June of 1969, the banks and the holding companies appeared to have won a victory.

The bill the committee reported was clearly closer to the Administration bill than to Patman's and more liberal than either. Under the committee bill, all holding company acquisitions made before Feb. 17, 1969 were to be exempt.

House reversal—Victory for the banks was short-lived, however. High interest rates and the banks resulting public disfavor aided a strong lobbying push by groups who feared increased competition from the holding companies—chiefly travel agents, insurance agents and data processors. And, on Nov. 5, the House reversed the direction of the committee bill and approved an even tougher version that the Patman original.

The final House version required one-bank holding companies—with minor exceptions—to get rid of all non-bank-related subsidiaries acquird since 1956. In addition, it specifically prohibited their entry into the following businesses: mutual funds, travel agency, insurance, data processing and property leasing. The Fed was given sole regulatory authority.

As an added twist of the knife, Patman in the floor debate took pains to see that the legislative history would record that the House intended the prohibitions against entering nonbanking fields to apply to single banks as well as to holding companaies.

SECOND EFFORT

The House bill represented a serious setback for the banking and holding company interests, but it has been a long time since legislation favorable to banks has been voted out of the House.

Bank lobbyists expect to lose House votes and seek to make up for the losses in the Senate Banking and Currency Committee, where ranking members are more favorably inclined toward banks and the staff is a traditional training ground for bank lobbyists.

Moratorium hope: Moreover, this time the banks and the holding companies saw a reprieve in the offing.

Several weeks before the President was due to release his Feb. 2 Economic Message, word spread through banking circles that a Presidential commission would be named to study the nation's financial structure.

Further, it was rumored that the announcement would be accompanied by a request for a legislative moratorium on the one-bank holding company issue pending completion of the study. A moratorium would have killed the House bill.

The moratorium request never came. For weeks, Sen. John Sparkman, D-Ala., chairman of the Senate Banking and Currency Committee, waited for the Administration to commit itself on whether it wanted hearings. Finally, on April 21, under strong pressure for action from holding company opponents, Sparkman announced that the Senate committee would begin hearings May 12.

Gathering forces: After their setback in the House, the banks and the holding companies set about making sure the experience was not repeated in the Senate. As a first step, the American Bankers Association, the principal banking lobby, hired James B. Cash, a former professional staff member of the Senate Banking and Currency Committee. The addition of Cash gave the ABA two lobbyists with committee connections. ABA general counsel Matthew Hale is a former general counsel for the committee.

To consolidate the nation's bankers in opposition to the House bill, the ABA began issuing a newsletter called *Capitol Current*, devoted entirely to informing bankers of progress on the one-bank holding company bill. The second issue, dated Dec. 23, told bankers that the ABA was "using all available resources to fight for equitable treatment in the U.S. Senate."

Permissible activities: The overriding concern of the ABA in lobbying the Senate committee was to loosen what banks and holding companies considered a straight jacket—a list of prohibited activities contained in the House bill.

The ABA favored language permitting bank entry into any field "functionally related" to banking. The Administration had supported this language in testimony before the House committee—and was to do so again in the Senate—but potential holding company competitors opposed it, fearing future liberal interpretations by the Fed.

Key language—The "functionally related" language was also promoted by former chief clerk of the Senate Banking and Currency Committee John H. Yingling, who told *National Journal* the phrase was the heart of the bill. Yingling is a lobbyist for the First National City Bank (a holding company subsidiary), the Association of Corporate Owners of One Bank and an adviser to the Boston Co. House staff members consider him among the most effective of more than 20 registered bank lobbyists.

On the other side of the issue, lobbyists for interests which would have enjoyed "laundry list" protection under the House bill argued for its retention or, alternatively, for reversion to the "closely related" language of the 1956 Act. Among those urging more restrictive language was former Attorney General Ramsey Clark, who wrote and visited committee members on behalf of Automatic Data Processing Inc.

Committee vote—According to one committee staff member, however, the interests seeking laundry list protection were "in complete disarray." Clark's appeal, he noted, was "a case of too little too late." The committee, in executive session, voted 11–4 against substituting "closely related" for "functionally related."

Voting for "functionally related" were Sparkman; Thomas J. McIntyre, D-N.H.; Walter F. Mondale, D-Minn.; Ernest F. Hollings, D-S.C.; Harold E. Hughes, D-Iowa; Alan Cranston, D-Calif.; Wallace F. Bennett, R-Utah; John G. Tower, R-Tex.; Charles H. Percy, R-Ill.; Charles E. Goodell, R-N.Y.; and Robert W. Packwood, R-Oreg.

Voting for the more restrictive "closely related" language were Edmund S. Muskie, D-Maine; Harrison A. Williams, D-Del.; William Proxmire, D-Wis.; and Edward W. Brooke, R-Mass.

WILLIAMS AMENDMENT

The most controversial and suprising development in the Senate committee was adoption of an amendment offered by Williams which effectively exempted conglomerate holdings of bank subsidiaries from the bill.

The Williams amendment exempted from the act's strictures those holding companies which own only one bank, provided the bank meets at least one of two requirements:

Its total net assets are less than $3 million.

Its total net assets are both less than $50 million and less than 25 per cent of the combined assets of the parent company.

The Williams amendment, on which no record vote was taken, was similar to a draft circulated earlier to the staff and members by Robert Oliver, the lobbyist for Sperry & Hutchinson, the green stamp company which is also a one-bank holding conglomerate.

Amendment critics: During committee debate on the amendment, Proxmire read letters from both the Fed and the Justice Department critical of the exemption.

Robertson—Fed Vice Chairman J. L. Robertson stated his belief that "the approach of the amendment is totally inconsistent with the purposes of the Act." "I am aware," he added, "of no reason for treating a conglomerate bank holding company different from a congeneric one, insofar as the potential evils of combining banking and nonbanking businesses are concerned."

Justice—For the Justice Department, Assistant Attorney General for the Antitrust Division Richard McLaren, who directs Administration anti-conglomerate activities, wrote: "The proposed amendment would, in our opinion, substantially negate the intended effects of the proposed bill to bring one-bank holding companies within the coverage of the Bank Holding Company Act of 1956." The distinction between conglomerate and congeneric holding companies, he added, "appears to bear little relation to the dangers that could result from the transfer of economic power from banking into other activities."

No Treasury position: The position of the Treasury was different. In a letter to Proxmire written June 30, the same day as those from the Fed and Justice, Treasury Under Secretary Charls E. Walker said that "enactment of the Williams amendment . . . would not defeat the basic purpose of the legislation." The Walker letter came as a surprise to committee staffers who had been told earlier by Treasury Deputy General Counsel Roy Englert that the Treasury would probably oppose the amendment.

Transcript deletion: The Williams amend-

ment created considerable acrimony on the committee and among the staff. During hearings on the proposal, Proxmire referred to it contemptuously as the "green stamp amendment;" a reference that was deleted from the transcript because of Williams' objection.

Companies exempted: No one has as yet ascertained exactly how many holding companies will be exempted by the Williams amendment, but a list prepared by an ad hoc lobbying group, the Association of Traditional One-bank Holding Companies, included a minimum of 26 firms.

Texas exclusion: During the executive markup session, Tower tried to alter the Williams amendment to raise the $50-million upper limit on bank subsidiaries' net assets to $100 million. The attempt, which failed, would have permitted the Texas Commerce Bank of Houston to be included under the exemption.

C.I.T. PROVISIONS

Another company which the Williams amendment did not benefit was the C.I.T. Financial Corp., which owns the National Bank of North America with assets of over $100 million.

C.I.T. lobbyists gave highest priority to an amendment which would give a holding company the longest possible time to divest itself of holdings which the Fed might in the future rule were not "functionally related." Specifically, C.I.T. sought an automatic ten-year grace period, and an additional three years at the discretion of the Fed. The law now allows only two years, but permits the Fed to grant an additional three years for divestiture.

Other changes: C.I.T. had other modifications on its shopping list:

It wanted the bill to permit holding companies to continue to make nonconforming acquisitions during the divestiture period as long as they got rid of either the banking or the non-banking subsidiaries by the end of the period.

It wanted holding companies to be able to shift functions between its various subsidiaries.

It wanted holding companies to be able to continue to make acquisitions in lines of business in which they were already engaged, rather than being confined to internal expansion as recommended by the Administration and prescribed in the House bill.

It wanted the law to specify Level 2 of the Commerce Department's Standard Industrial Classification Code to be used to define lines of permissible businesses for holding companies subject to the act. The code consists of four groupings of companies considered to be "lines of business."

Level two divides industries into more general categories than levels three and four, and therefore would give a holding company greater freedom in choosing its activities.

Odom's role: The chief lobbyist for C.I.T. was Lewis G. Odom, a former Senate Banking and Currency Committee staff director who lives in Montgomery, Ala. Odom moved into the Carroll Arms Hotel across the street from the committee offices while executive sessions were in progress.

All of the changes Odom sought—with the exception of the request for Level 2 classification—found their way at least in modified form into the committee print of the bill. (The committee print is the document from which the committee works in marking up the final draft of a bill. Control of what goes into the print confers a tactical advantage since a majority of the committee must be swayed before changes can be made.)

Drafting the print: The drafting task fell to Banking and Currency staffer Hugh Smith, a Sparkman aide. Smith solicited the help of Assistant to the Board of Governors of the Federal Reserve Board Robert L. Cardon, who worked on an earlier draft bill in early June. According to Cardon, the draft he submitted called for a five-year divestiture period, not the ten-year period which the committee print prescribed.

With the exception of Smith, no one on the committee staff ever saw the Cardon draft. Alan Lerner, vice president and general counsel for C.I.T., was not sure he had not seen it. "I may have seen something like that, though I don't recall it being specifically from the Fed or from Bob Cardon," he told *National Journal*. "There were so many pieces of paper floating around down there, people were showing me my own drafts and asking me what I thought of them." Lerner did recall, however, that he had seen at least one proposal for a divestiture period of five years.

Committee action: In the markup session, the committee dealt with CIT provisions as follows:

The divestiture period was set at five years, with another five available at the Fed's discretion.

On a Proxmire amendment, future acquisitions in areas where the company already did business were forbidden unless the company divested itself of its bank.

The option to sell either the bank or the non-banking subsidiaries at the end of the divestiture period was retained; but a Proxmire amendment gave the Fed authority to block interim acquisitions deemed contrary to the purposes of the act.

The right to shift functions between subsidiaries was retained.

Nothing was specified as to how lines of business should be defined.

MAJOR REVISIONS

Some of the remaining major changes in the bill were made for particular bank situations and others were made to cover all bank holding companies.

Grandfather date: During the holding company bill's travel thus far through Congress, the barometer of its harshness as seen from the bankers' point of view has been the grandfather clause.

The Administration asked for a date of June 30, 1968. The House committee agreed on Feb. 17, 1969. The full House moved it back to May 9, 1956. In the Senate committee, the date was again advanced, this time to March 24, 1969.

For many conglomerates the change will be unnecessary boiler-plate if the Williams amendment sticks, because it would exempt them from the act anyway. But if the Williams amendment is dropped either on the floor or in conference, the later date could be significant for companies which made non-conforming acquisitions between June 30, 1968 and March 24, 1969. A partial list of such acquisitions follows:

General American Transportation Co. acquired LaSalle National Bank, Chicago ($374 million in deposits) on November 19, 1968.

Sperry & Hutchinson Corporation acquired State National Bank, Bridgeport, Conn. ($320 million in deposits) on September 30, 1968.

National Lead Company acquired Lakeview Trust & Savings Bank, Chicago ($284 million in deposits) on January 15, 1969.

Baldwin-Central Inc. acquired Central Bank & Trust Co. of Denver ($209 million in deposits) in mid-1968.

C.I.T. acquired three X-ray and hospital equipment firms in the second half of 1968.

Gulf & Western acquired Associates Corporation of North America (which owns First Bank & Trust Co. of South Bend) on July 31, 1968.

An attempt in executive session to hold the grandfather line at Jan. 1, 1969, was defeated by a 9–3 vote, with Muskie, Hollings and Proxmire in the minority.

Union Bank amendment: A sidelight to the issue of the grandfather date was the case of the Union Bank of California. The Union Bank, an aggressive one-bank holding company, had acquired an insurance brokerage firm in June of 1969, too late to be "grandfathered in" by the Senate bill.

The bank contended that it had entered into a binding commitment to acquire the bank in January 1969 and therefore should be permitted to retain it. Former Senate Minority Whip Thomas H. Kuchel was retained as a lobbyist to push for the necessary changes in the language.

Despite opposition by the Fed, the committee adopted an amendment offered by Cranston making a binding commitment tantamount to acquisition for purposes of the act.

Bank of America amendment: Another provision, which was pushed by Bank of America lobbyist Robert James, and which got into the bill at the committee print stage, permitted U.S. holding companies to acquire non-conforming foreign businesses which do more than 50 per cent of their business abroad. A Proxmire amendment altered this language to require that any business done in the United States must be only incidental to the foreign business. James told *National Journal* that the Bank of America had no particular foreign acquisition in mind.

Boston Safe Deposit and Trust Co.: A Brooke amendment, pushed by lobbyist John Yingling, provided that, for purposes of the act, an institution is not defined as a bank unless it engages in commercial lending. Virtually the only bank which does no commercial lending and therefore fits the description is the Boston Safe Deposit and Trust Co., a subsidiary of the Boston Co. The effect of the amendment is to exempt the Boston Co. from the bill.

Labor Union amendment: An additional amendment lobbied into the bill in part by Esther Peterson, for the Amalgamated Clothing Workers Union, would exempt banks owned by labor unions. The largest union-owned bank is the National Bank of Washington, which belongs to the United Mine Workers of America. Mrs. Peterson, who committee staffers say "virtually camped on the doorstep," is a former special assistant to President Johnson for consumer affairs.

Tie-in amendment: An amendment offered by Brooke and accepted by the committee gives private litigants the right to sue for treble damages in instances where bank subsidiaries of bank holding companies engage in tie-in practices, such as making patronage of another subsidiary a condition for granting credit.

The anti-tie-in provision of the bill is the only one intended to apply to single banks as well as to bank holding companies. The Senate bill differs in this respect from the House measure, in which all prohibitions are intended to apply to both banks and holding companies.

Standing before Fed: The Senate bill would answer one grievance of bank holding company competitors by granting them standing to appear before the Federal Reserve Board to appeal holding company acquisitions. In a recent Denver case in which a holding company had sought to acquire two insurance agencies, the board overruled one of its hearing examiners and granted standing to competitors of the agencies who opposed the acquisition.

OUTLOOK

The key to the outcome of the one-bank holding company bill will be Sparkman's selection of a Senate conference delegation.

"Selection of the conferees is vitally important," said a Senate staff source. "It will be the tip-off as to what Sparkman intends to do with the bill."

Should Sparkman pick a seven-man delegation, seniority will dictate that it be composed of a majority of Senators who oppose

major pro-holding company provisions in the Senate committee's bill. He can avert this by naming a five-man delegation, bumping Muskie and Brooke from the conference.

A five-man delegation, composed of Sparkman, Tower, Bennett, Williams and Proxmire, would result in majority support for all major provisions of the bill as reported by the committee. A seven-man delegation, however, would divide as follows:

Functionally related: As evidenced by the executive session vote, Sparkman, Tower and Bennett would support the committee language, while Williams, Proxmire, Brooke and Muskie would favor the "closely related" language proposed by Patman.

Williams amendment: A five-man delegation would back the committee provision exempting many conglomerates, but a seven-man delegation would include at least three—Proxmire, Muskie and Brooke—who oppose the exemption. In addition, Tower, whose vote could tip the balance to 4–3 against the amendment, is unhappy with the Williams amendment because its $50 million ceiling on the exemption to too low to cover the Texas Commerce Bank of Houston.

Grandfather date: A seven-man conference would include both Proxmire and Muskie, who opposed the March 24, 1969, grandfather date in the vote during executive session. In addition, it would include Brooke, who missed the committee vote but opposes the late date. The fourth vote necessary to make a majority could come, sources close to the bill say, from either Bennett or Tower, either of whom might support reversion to the Administration's original proposal of June 30, 1968.

[From Business Week, July 18, 1970]

KEEPING THE BANKERS IN BUSINESS

Regulation of one-bank holding companies has been one of the hardest-fought issues in a session of Congress that has produced some spectacular fights. Late last year, bank-hating Representative Wright Patman, chairman of the House Banking & Currency Committee, caught the industry's lobbyists asleep and rammed through a bill that was tough to the point of viciousness. Last week, when the Senate Banking Committee produced its rewritten version of the bill, the lobbyists obviously were wide awake. The Banking Committee's idea of regulation is so lenient that it comes close to being no regulation at all.

The principal virtue of the Senate bill is that it would not try to rewrite history by making banks divest themselves of all the nonbank businesses they have acquired in recent years. The effective date would be Mar. 24, 1969, the day the Nixon Administration first sent one-bank holding company legislation to Congress. The House bill, by contrast, would roll the date back to 1956.

The Senate bill, however, leaves far too much latitude when it prescribes the sort of businesses that the one-bank holding companies could enter. It would let them go into anything "functionally related" to banking, with the governors of the Federal Reserve Board deciding just what that meant.

The Senate bill, moreover, would allow many of the manufacturers, retailers, and conglomerate corporations that own a bank to ignore all rules and keep making acquisitions as before. This provision, sponsored by Senator Harrison Williams (D-N.J.) has already come under attack from Richard W. McLaren, chief of the Justice Dept's. Antitrust Div.

The job for the Senate, when the bill comes to the floor, clearly will be to nail up the loopholes and produce a bill designed to keep banks in the business of banking. The argument that bankers, the custodians of other people's money, should be bankers and not travel agents or insurance salesmen gains force with each day that passes. In a time of falling business and tight credit, a bank should have its assets concentrated in the banking business, not spread all over the map. If the legislation does not establish that point once and for all, it might as well not pass.

[From the American Banker, July 21, 1970]

COMPLETE REVERSAL OF PURPOSE

The version of the one-bank holding company bill delivered up by the Senate Banking Committee surprised almost everybody except the lobbyists for the conglomerates who engineered it.

And well it might. For now that some of the shock has worn off, the Senate committee's bill can be discerned as a complete reversal of the primary purpose of one-bank holding company legislation.

The main idea from the outset was to reaffirm the important line between commerce and finance, which, in the judgment of many leaders both inside the banking industry itself and among its regulatory officials was becoming dangerously blurred. There was great concern expressed over the risk of permitting the two to blend into a combination which could create serious problems of concentration or economic power.

Bankers, for their part, also were thoroughly disgruntled over the fact that nonbank corporations were perfectly free to take over banks, but banks were not allowed to take over non-bank corporations. And while there was some desire expressed by some bankers to reciprocate in kind and drop all barriers, the preponderant view among banking industry leaders has been that it would be better if banks could be protected from being taken over by non-banks, and left free to develop as banks, and not as subordinate parts of commercial or industrial conglomerates.

But the bill that the Senate committee has produced ignores all that reasoning. Commercial conglomerates that own banks now will be able to keep them, and, within a wide latitude which rules out only very large banks as potential targets, commercial conglomerates also are given a green light to go right on adding banks to their collections.

Compounding the inequity is the fact that holding companies in which banks are the leading elements still would be denied the right to acquire any but organizations functionally related to banking.

That would be fair enough if the commerical conglomerates were told to keep hands off banking; but under the terms of the Senate committee bill, the commercial conglomerates are given a broad hunting license and the banks a severely restricted one. And that is not fair at all.

It may be flattering in a way that the commercial conglomerates have demonstrated such determination and skill in pressing their case to hold on to the banks that they have already acquired, and to keep the way clear for further acquisitions. But such enthusiasm also shows just how useful they think it is to have a bank as part of the combination. Obviously it is highly beneficial to any commercial or industrial organization to have a bank of its own. There is something special about it, and the special relationship clearly is important enough to fight hard to keep.

And it strains the imagination to envision such a fight being fought entirely in the interests of the general public, which the banking industry, in its quasi-public role, with duties and privileges carefully established by law and regulatory policy, is designed to serve.

Banking was put in a bad spot by the bill which was passed by the House last fall, which would restrict far too severely the activities of banks; but it could be put in an even worse spot by the passage of the Senate committee version, which would liberalize far too much the activities of those who would take over banks.

The industry could come out of this legislative gauntlet fettered, or defenseless, or even both. The need for a clear definition of areas where banks may function and grow, and a clear line across which nonbanking institutions may not encroach, has been gaining industry acceptance ever since one-bank holding company legislation was first proposed nearly two years ago. But the emergence of this second clear threat to the industry's integrity now should make that need bright and clear even where it never was before, in the mind of every member of the industry.

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION BILL (H.R. 17555)

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, the Committee on Education and Labor has voted to report H.R. 17555, to further promote equal employment opportunities for American workers. Section II amends title VII of the Civil Rights Act of 1964 by authorizing the Equal Employment Opportunity Commission to enforce the prohibition against discrimination based on race, color, religion, sex, or national origin in the Federal Government.

The need for legislation to protect the employment rights of women in the Federal service has long been pressing. Numerous instances of sex discrimination have been brought to my attention that impugn the claim that the Federal Government is an equal opportunity employer. The ugly facts are that where it does exist in government our agencies have adopted spurious reasons and rationale to continue this discrimination against women.

It is time for the Federal Government to live up to the same requirements we are imposing on private industry. The only way to do this is to enact H.R. 17555 and empower the EEOC to enforce the law through cease-and-desist orders.

I hope my colleagues of the House will take the time to read a few sample cases which I have tried to battle through the various agencies. All of these women whose cases I took are not constituents of mine, but I was so outraged to read of their treatment that I started in 1966 to try to help them without the benefit or assistance of a single Federal agency. About all these 4 years of effort on my part have produced is permission for husbands of overseas employees to shop in the commissary.

I refer specifically to employees of the overseas dependents schools system, which is charged with the responsibility of educating the dependents of our military serving abroad. The rights of teachers and others employed in this system have not been protected by existing law, by Executive order, by regulations, or by the agencies determining their employment and the conditions of their employment.

In urging my colleagues to help eliminate sex discrimination in the Federal service by voting in favor of H.R. 17555, I cite for their benefit the existing legal

authority that may be presumed to protect Federal employees from sex discrimination, and evidence that such authority has not been used to protect against sex discrimination in the Federal service. Instead it has been cited to promote it:

[From the Civil Rights Act of 1964 (Public Law 88-352), sec. 703(a)]

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

EXECUTIVE ORDER 11478—EQUAL EMPLOYMENT OPPORTUNITY IN THE FEDERAL GOVERNMENT

It has long been the policy of the United States Government to provide equal opportunity in Federal employment on the basis of merit and fitness and without discrimination because of race, color, religion, sex, or national origin. All recent Presidents have fully supported this policy, and have directed department and agency heads to adopt measures to make it a reality.

As a result, much has been accomplished through positive agency programs to assure equality of opportunity. Additional steps, however, are called for in order to strengthen and assure fully equal employment opportunity in the Federal Government.

Now, therefore, under and by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is ordered as follows:

Section 1. It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all persons, to prohibit discrimination in employment because of race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive department and agency. This policy of equal opportunity applies to and must be an integral part of every aspect of personnel policy and practice in the employment, development, advancement, and treatment of civilian employes of the Federal Government.

Section 2. The head of each executive department and agency shall establish and maintain an affirmative program of equal employment opportunity for all civilian employees and applicants for employment within his jurisdiction in accordance with the policy set forth in section 1. It is the responsibility of each department and agency head, to the maximum extent possible, to provide sufficient resources to administer such a program in a positive and effective manner; assure that recruitment activities reach all sources of job candidates; utilize to the fullest extent the present skills of each employee; provide the maximum feasible opportunity to employees to enhance their skills so they may perform at their highest potential and advance in accordance with their abilities; provide training and advice to managers and supervisors to assure their understanding and implementation of the policy expressed in this order; assure participation at the local level with other employers, schools, and public or private groups in cooperative efforts to improve community conditions which affect employability; and provide for a system within the department or agency for periodically evaluating the effectiveness with which the policy of this order is being carried out.

Section 3. The Civil Service Commission shall provide leadership and guidance to departments and agencies in the conduct of equal employment opportunity programs for the civilian emloyees of and applicants for employment within the executive departments and agencies in order to assure that personnel operations in Government departments and agencies carry out the objective of equal opportunity for all persons. The Commission shall review and evaluate agency program operations periodically, obtain such reports from departments and agencies as it deems necessary, and report to the President as appropriate on overall progress. The Commission will consult from time to time with such individuals, groups, or organizations as may be of assistance in improving the Federal program and realizing the objectives of this order.

Section 4. The Civil Service Commission shall provide for the prompt, fair, and impartial consideration of all complaints of discrimination in Federal employment on the basis of race, color, religion, sex, or national origin. Agency systems shall provide access to counseling for employees who feel aggrieved and shall encourage the resolution of employee problems on an informal basis. Procedures for the consideration of complaints shall include at least one impartial review within the executive department or agency and shall provide for appeal to the Civil Service Commission.

Section 5. The Civil Service Commission shall issue such regulations, orders, and instructions as it deems necessary and appropriate to carry out this order and assure that the executive branch of the Government leads the way as an equal opportunity employer, and the head of each executive department and agency shall comply with the regulations, orders, and instructions issued by the Commission under this order.

Section 6. This order applies (a) to military departments as defined in section 102 of title 5, United States Code, and executive agencies (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and to the employees thereof (including employees paid from nonappropriated funds), and (b) to those portions of the legislative and judicial branches of the Federal Government and of the Government of the District of Columbia having positions in the competitive service and to the employees in those positions. This order does not apply to aliens employed outside the limits of the United States.

Section 7. Part I of Executive Order No. 11246 of September 24, 1965, and those parts of Executive Order No. 11375 of October 13, 1967, which apply to Federal employment, are hereby superseded.

RICHARD NIXON.
President of the United States.

AUGUST 8, 1969.

PRESIDENT'S MEMORANDUM OF MARCH 28, 1969, TO HEADS OF DEPARTMENTS AND AGENCIES ON EQUAL EMPLOYMENT OPPORTUNITY

The concept of nondiscrimination is inherent in the Civil Service Act of 1883, which calls for a Federal service based on merit and fitness alone. "Nondiscrimination" was broadened by President Eisenhower to "equal employment opportunity" with his issuance of Executive Order 10590 in 1955. In the years that followed, other Executive orders designed to insure equal opportunity in the employment, development, advancement, and treatment of employees of the Federal Government have been issued. This series of Presidential directives reflects continuing support for this program at the highest levels of Government.

I want to emphasize my own official and personal endorsement of a strong policy of equal employment opportunity within the Federal Government. I am determined that the executive branch of the Government lead the way as an equal opportunity employer.

Although under the leadership of the Civil Service Commission significant progress has been made towards the goal of equal employment opportunity, much remains to be done. Accordingly, I have directed the Chairman of the Commission to make a thorough review of all present efforts to achieve equal employment opportunity within the Federal Government and to report back to me on or before May 15, 1969, with recommendations for desirable policy and program changes in regard to those efforts.

Meanwhile, I want every reasonable effort made to insure that the Federal Government is an equal opportunity employer. I further urge you, if you have not already done so, to communicate your personal support for this program to all officials and employees of your agency.

RICHARD NIXON,
President of the United States.
THE WHITE HOUSE, *Washington, D.C.*

WILL NOT HIRE MARRIED WOMEN

First. Mrs. H. R. and Mrs. R. M., teachers at Ramey Base Schools, Ramey Air Force Base, P.R., were denied the possibility of being hired in the continental United States for work overseas because they were married women. The Air Force justifies this discriminatory practice on the presumption that married women cannot be reasonably expected to fulfill their agreement.

If one is hired in the continental United States for work overseas, one is subject to the benefits of a transportation agreement which provides many additional perquisites such as a living quarters allowance and use of medical and dental services, school facilities for their children, sales commissary, base exchange, and recreational facilities.

Because Mrs. H. R. and Mrs. R. M. could not be hired in CONUS, they received none of the privileges accompanying the transportation agreement that is freely awarded to all male stateside recruits, married and unmarried. They were consequently denied the use of the base's medical and dental services as well as exchange, commissary, and recreational facilities.

According to Air Force regulations, a married female teacher cannot be hired in the continental United States unless her husband is also employed at Ramey Air Force Base, but if he is so employed she still cannot be hired under Ramey regulations. The Air Force letter explaining this discriminatory policy follows:

DEPARTMENT OF THE AIR FORCE,
Washington, June 17, 1969.

DEAR MRS. MINK: This is in further reply to your letter to the Secretary of the Air Force regarding benefits to which locally recruited employees at Ramey AFB, Puerto Rico, are entitled.

Department of Defense Directive 1400.6 requires maximum hiring of persons available locally before civilian employees are transferred from or recruited in the continental United States (CONUS). The hiring of civilians in the CONUS for overseas duty is generally limited to those possessing required skills and qualifications which are not available locally. Except in emergency conditions, an oversea commander is not permitted to

request recruitment of United States citizen employees from the CONUS until his command is able to provide adequate on-base facilities which are not otherwise available.

The employees recruited from the CONUS serve under a transportation agreement. Additionally, there are a few employees locally recruited overseas who have a bona fide place of residence in the United States and meet the restrictive eligibility criteria for a transportation agreement. The commander has the responsibility of providing them with adequate facilities on base if they are not otherwise available.

Under Air Force regulations, the commander in an oversea area may determine the feasibility of permitting personnel, other than military members and their dependents, to use base facilities and to establish limitations. This applies to the commissary as well as the facilities supported by nonappropriated funds, e.g., the base theater, exchange, and recreation sports facilities. The policies of Ramey AFB commander are in accordance with the governing laws and implementing regulations and appear to be equitable and appropriate. His policies also provide equal treatment for male and female civilian employees since entitlement is determined by recruitment circumstances rather than sex. Granting base privileges to local recruits, other than as currently authorized by the base commander, would violate the general concept that base facilities must not compete with local private businesses.

Personnel at Ramey AFB serving under a transportation agreement are authorized to use the medical and dental services, school facilities (children of locally hired teachers may attend tuition free), sales commissary, base exchange, golf course, skating rink, theaters, bowling alley, gymnasium, horseback riding stables, hobby shops and Aero Club.

All employees are authorized to use the eating facilities, base library, financial and postal services, the chapel and the education services. Depending upon their grade, they may apply for associate membership in the officers or noncommissioned officers open messes.

Employees of other federal agencies which are supporting Ramey AFB activities, and of entities such as Cornell University officials assigned to the Arecibo, Puerto Rico Observatory and Inter-American University, that are under contract to the Air Force, are granted the same base privileges as Air Force civilian employees if they are serving under a transportation agreement. Locally hired employees of these agencies/entities are afforded the same base privileges as locally hired Ramey AFB employees who are not serving under a transportation agreement.

Ramey AFB has over 800 Air Force appropriated fund civilian employees, including teachers, who are United States citizens. Six hundred and fifty-three, locally hired, are not eligible for full base privileges. Of these, 40 teachers as well as 31 school support and 40 nonschool employees claim CONUS residence but are not eligible for a transportation agreement.

Air Force regulations, equally applicable to males and females, stipulate that normally we do not hire in the CONUS for oversea assignment either a single person with dependent children or the wife or husband of military or civilian personnel stationed or about to be stationed in the same country in which the applicant desires employment. One reason for this limitation is that the CONUS recruit must be eligible to sign a transportation agreement with a reasonable expectation of complying with the conditions of the agreement. Our experience reflects that accompanying spouses are not overseas for the primary purpose of government employment, usually resign from employment to go with their sponsors leaving the area and are not as stable as single employees recruited in the CONUS. Of course, the wives before going overseas may send an inquiry to the oversea base for employment consideration upon arrival or may be hired locally after arrival. In fact under DOD policy they receive preferential consideration.

The current Ramey Base School Policy Manual provides for the employment of teachers who are husband and wife if both possess outstanding qualifications and are accepted by the superintendent of schools. Those with dependents are not discouraged from applying for positions. Yet a married female teacher will not be hired from the CONUS unless her husband is also employed by Ramey AFB at the same time in an appropriated fund position as a stateside hire. Furthermore, as a general rule, a single applicant with dependents will not be hired from the CONUS.

We hope the foregoing information will serve to clarify this matter for you.

Sincerely,

B. M. ETTENSON,
Colonel, USAF, Chief, Congressional Inquiry Division, Office of Legislative Liaison.

WILL NOT HIRE OVERSEAS

Second. Mrs. E. M. W., a teacher at Ludwigsburg Elementary School, had applied for overseas hire at Lowry Air Force Base, Colo., and at the Pentagon, and was rejected because she was a married woman. Assured that she could be hired locally, she traveled to Europe with her husband in 1964.

The fact that her employment determined the location of her family was repeatedly evidenced by her accepting a substitute's position at Ludwigsburg in April 1965, her accepting a 1-year position in Izmir, Turkey, in December 1965, and her traveling to Italy on her own with her husband and then accepting a position at Ludwigsburg by mail and returning to Ludwigsburg to assume that position in September 1967.

If the denial of a continental U.S. contract or its equivalent, with its attendant privileges, to married female employees in case No. 1, is predicated on the supposed unreliability of such employees because their spouses determine the location of the family, then the rationale of such discrimination did not apply to this case.

Yet Mrs. W.'s application for living quarters allowance, renewal agreement, and tuition-free enrollment of her dependent children in Department of Defense schools was denied. This time the rationale was that her presence overseas was not due to her Government employment—a requirement applicable to men as well as to women. All she had to do was to be overseas because of her job; in other words, to be hired in CONUS.

What the rationale does not state, however, is that the system will not hire women in CONUS but will hire men. Again, the effect is to deny these privileges to women. The letter setting forth this policy follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., January 16, 1970.

Hon. PATSY T. MINK,
House of Representatives.

DEAR MRS. MINK: I regret that we have not been able to make a more prompt reply to your letter of September 12 regarding the teacher in the overseas school, Mrs. E. M. W., and the fact that her employing agency has denied her certain job-related benefits. The delay resulted from the fact that we did not limit our inquiry to Mrs. W.'s case, but used her case as a means of examining the general question as to whether the quarters allowance regulations (the Standardized Regulations of the Department of State) are discriminatory against the female sex.

After examining the regulations and discussing them with Commission officials and a representative of the Department of Defense, I am satisfied that the regulations are not discriminatory. They no longer contain separate provisions relating to "a married woman employee"; all references having been changed to "a married employee". We are assured by the representative of the Department that all married employees, whether male or female, are treated exactly alike under the regulations. For example, if all other qualifying factors are met, section 031.13 of the regulations authorizes a quarters allowance to a marrried employee "residing with his or her spouse" when "he or she is the member of the household whose job determines the location of the family" and "he or she is the only member of the household receiving a quarters allowance from the United States Government."

Mrs. W's complaint is actually not based upon an allegation of sex discrimination. She questions the fairness of the regulations because they continue to deny her a quarters allowance even though she is a career employee with four years' service by reason of the fact that when she was hired her presence in the foreign area was not directly attributable to her Government employment. This fact has nothing to do with either sex or whether or not the employee is married. Indeed, a married male employee in the same situation would also continue to be disqualified for a quarters allowance. While we understand Mrs. Wagoner's objection that this fact continues to disqualify her even after her several years of service, this is not a matter of sex discrimination covered by Executive Order 11478.

I hope the foregoing will clarify both Mrs. W.'s case and the nature of the Standardized Regulations.

Sincerely yours,

IRVING KATOR,
Director, Federal Equal Employment Opportunity.

CANNOT HEAD HOUSEHOLD

Third. Mrs. K. C. M., a teacher at Baumholder American High School, was denied living quarters allowance and transportation privileges upon her appointment in August 1968, because she went overseas to be with her working husband and not for the sole purpose of employment with the U.S. Government. Later she became head of her household and the source of 51 percent of her family's income, however, her request was again denied.

Now she is told that her status as a dependent wife, ineligible for Government housing, cannot be changed except by the death of her husband or divorce, and her status as a local hire, ineligible for a travel agreement and living quarters allowance, cannot be changed even though it was and still is impossible for her to be hired in the United States as a married woman.

JUNE 22, 1970.

Memorandum for Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

Subject: Congressional inquiry concerning entitlement of a teacher in Germany to certain overseas benefits.

This is in reply to your memoranda of 15 and 25 May 1970 in which you requested in-

formation on which to base a reply to an inquiry from Congresswoman Patsy T. Mink on behalf of Mrs. K. C. M.

At the time of Mrs. M.'s appointment in August 1968, the determination was made by the Command that she was not eligible in her own right for a living quarters allowance or transportation This determination was in accordance with the Joint Travel Regulations and the Department of State Standardized Regulations (Government Civilians, Foreign Areas) which provide these benefits only to those individuals whose reason for being in the area is employment with the United States Government. Mrs. M. came overseas to be with her husband, who is an Assistant Field Director with the American Red Cross in Germany.

On 7 April 1970, Mrs. M. submitted a request for renewal agreement travel under the provisions of the Joint Travel Regulations. She was informed that she was not eligible for renewal agreement travel since she did not have a basic travel agreement. When advised of this determination, Mrs. M. was told that she could file a grievance.

We have been advised by the U.S. Dependents School, Europe that Mrs. M. has filed a Type I grievance dated 14 May 1970 appealing the decision that she is not eligible to receive either a living quarters allowance or transportation to the United States at government expense.

Army's grievance procedure provides for a review and decision on the appeal first, by the local command and, if this does not result in the requested relief, then by the intermediate command. In the event an appeal which involves application of a Headquarters Department of the Army regulation, is not resolved to the employee's satisfaction within the command, the major command headquarters forwards the appeal with full documentation to Headquarters, Department of the Army, for consideration and final decision. Placement of Mrs. M.'s appeal into Army's established grievance procedure will assure that her efforts to obtain a living quarters allowance and transportation will be given every possible consideration under the established eligibility criteria. . . .

* * * * *

JOHN G. KESTER,
Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs).

The Equal Employment Opportunity Commission denied jurisdiction over this matter in the following letter:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
Washington, D.C., June 2, 1970.

Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: Thank you for your letter of May 12, 1970, concerning Mrs. K.C.M.

Title VII of the Civil Rights Act of 1964 gives the Equal Employment Opportunity Commission authority to act on complaints of employment discrimination based on race, color, religion, sex or national origin involving private employers. We cannot, however, assert jurisdiction over agencies of a state or Federal government. Thus, I regret we would not be able to handle your constituent's complaint.

I would suggest that your inquiry be directed to the Office of the Chief of Legislative Liaison, Department of the Army, at the following address: Lt. Col. Carl B. Lind, Chief, Congressional Inquiry Div., Office of the Chief of Legislative Liaison, U.S. Dept. of the Army, The Pentagon—2C630, Washington, D.C. 78381.

If I can be of further assistance to you in any way, please do not hesitate to contact me.

Sincerely,

GEORGE WALLRODT,
Director of Legislative Affairs.

MALE INCOME SUPERIOR

Fourth. Mrs. J. G. M. a civil service employee since 1952 and a teacher at the overseas dependent school at Weisbaden, married a retired Air Force officer in 1966. She then became ineligible for the bachelor's quarters she had been occupying and was declared ineligible for Government family housing because, as long as her husband remained physically and mentally competent, he was considered the head of the household regardless of her providing the bulk of their family income.

A male teacher is authorized Government family housing or a full "with family" housing allowance even though his wife may be earning a greater salary than he is. Even the Civil Service Commission admitted the reason for denying similar rights to a female teacher sounded "fictitious." The rationale for this discrimination is set forth in the letters that follow:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C.

Mrs. J. G. M.,
APO New York.

DEAR MRS. M.: As indicated in our letter, 31 December 1968, we are replying to your 15 November 1968 question about eligibility requirements for Government family housing. We are sorry that an earlier reply was not possible.

You advise you now receive the full (with family) living quarters allowance, because of a change in regulations. This resulted from the Department of State's 11 August 1968 revision of the "Standardized Regulations (Government Civilians, Foreign Areas)" to allow the family quarters allowance to the eligible married employee (male or female) residing with spouse (no longer requiring proof of dependency of the male spouse). This change had no effect on the criteria for assignment to Government family housing as distinguished from eligibility for family quarters monetary allowance.

The standard of eligibility for assignment to family housing is in paragraph 1h, Air Force Regulation 30–6 (not AFR 30–20 referred to in your letter) namely, in order to be eligible for family housing, personnel must be accompanied by dependents. This standard contemplates dependency in fact, that is, support. As to showing that dependency in fact exists, however, a husband is not generally required to prove that he supports his wife whereas a wife is required to prove that she supports her husband.

An explanation of the reasons for these rules may be helpful. The Department of Defense requires that Government family housing in foreign areas be allocated in accordance with a standard of eligibility which provides reasonable and equitable treatment to both military personnel and civilian employees recruited from the United States. Based on a requirement of the law, dependency standards have been established for male and female military members in order for them to be eligible for family housing. In the case of a female military member, this requirement means that the spouse of the female member must be in fact dependent upon her. In consonance with both this legal requirement and the Department of Defense requirement, therefore, dependency standards applied to male and female military personnel are likewise applied to male and female civilian employees in determining eligibility for assignment to family housing.

Moreover, because the law imposes upon the husband the duty of providing a home and support for his wife, dependency of the wife is presumed without proof where a lawful marriage is established. On the other hand, the law does not generally obligate a wife to support her husband or provide him with a house and thus the dependency of the husband is not presumed from the fact of marriage but must be proved. However, in an appropriate case such as where a husband refuses to discharge his legal duty of supporting his wife, a husband may be required to prove that he does support her in order to be entitled to various benefits, and this proof may be required notwithstanding the general rule under which dependency is presumed.

The dependency standard in AFR 30–6 applies to both male and female military and civilian personnel. Because of this and the rules described above, the distinction between the sexes is not considered to be discrimination based on sex in the equal opportunity sense, but rather to be a distinction based on marital obligation.

Sincerely,

ECKEHARD J. MUESSIG,
Chief, Legislation and Regulations Branch, Classification and Regulations Division, Directorate of Civilian Personnel.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., September 25, 1969.

Hon. PATSY T. MINK,
House of Representatives.

DEAR MRS. MINK: This refers to your letter of September 10, 1969, asking whether correspondence from the Department of Defense concerning the entitlement of Mrs. J. G. M. to assignment to Government family housing overseas meets the intent and purpose of Executive Order No. 11478. Specifically you question whether the dependency standard which is applied by Air Force regulations to married female employees in the assignment of family housing overseas constitutes discrimination because of sex which is prohibited by Executive Order No. 11478.

I do not question that a good argument can be made that there has been discrimination in agency regulations or practices which have resulted in differences in payments or allotment of perquisites for married women and for married men. However, I do not believe that we can equate discrimination against married women with discrimination because of sex within the meaning of Executive Order No. 11478.

In cases arising under the Civil Rights Act of 1964 the courts have recognized that discrimination because of sex means discrimination between women as a class or group and men as a class or group. (See *Bowie* v. *Colgate-Palmolive Co.*, 272 F. Supp. 332 (S.D. Ind. 1967); *Cook* v. *Dixie Cup Div. of American Can Co.*, 274 F. Supp. 131 (W.D. Ark. 1967); and *Cooper* v. *Delta Air Lines*, 274 F. Supp. 781 (E.D. La. 1967), where the court held that the airline's refusal to employ married females as stewardesses did not violate the Act's prohibition against discrimination because of sex; that Congress did not ban discrimination in employment due to one's marital status; and "The discrimination lies in the fact that the plaintiff is married. * * *".)

Thus it appears that agency regulations which provide for lesser allowances for a married woman than for a married man do not discriminate solely because of sex, i.e., because she is a woman, but because she is a *married* woman. In this connection attention is invited to H.R. 469, a bill "To provide equality of treatment for married women employees of the Federal Government and for other purposes" introduced by Mrs. Griffiths on January 3, 1969. The basic concept in this pending legislation is that a *married* woman is discriminated against not because she is a female but because by law and tradition the spouse and children of a married woman are not regarded as her dependents. While the distinction here may seem more fictitious than real (i.e., that it is her sex that creates the difference in de-

pendency treatment), there is, nevertheless, a distinction that cannot be disregarded.

I believe that you will agree that any attempt to use Executive Order 11478 to reach regulatory married-women dependency differences would be an extension of the sex discrimination prohibition that is too drastic to be supportable. Accordingly, I believe that Executive Order 11478 has no application to agency regulations or practices which result in discrimination against married women.

Please do not interpret the foregoing as any lack of sympathy on our part for the type of discrimination referred to by Mrs. M. All we are concluding is that Executive Order 11478 is not the proper vehicle to rectify this matter. The Commission has been asked by the House Post Office and Civil Service Committee to report on H.R. 469. Our position on the various sections of the bill is still being developed, but I am confident we will endorse the bill's general objectives.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C.

Hon. PATSY T. MINK,
House of Representatives,
Washington, D.C.

DEAR MRS. MINK: This is in further reply to your letters of 29 August 1968 and 10 September 1968 concerning the granting of commissary privileges to the husband of Mrs. J. G. M.

We have now been advised by the Department of the Air Force that Mrs. M. is entitled to commissary privileges for her husband. However, due to an error in the interpretation of the regulations, the Commander, Wiesbaden Air Base, Germany, denied the privileges. The Air Force is taking necessary action to correct this error.

By letter dated 11 June 1968, all major commands of the Air Force were notified as to the policy decision of the Department of Defense concerning the granting of commissary privileges to the spouse of a female employee without a requirement for a showing of dependency.

Your interest in bringing this matter to our attention is appreciated. We are concerned that the decision be fully understood and properly administered.

Sincerely yours,

CARL W. CLEWLOW,
Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

HUSBAND'S STATUS PARAMOUNT

Fifth. Mrs. R. W. and Mrs. C. E. were recruited in the United States to teach in the Department of Defense overseas dependents schools system, were subsequently transferred to Augsburg Elementary School, and married foreign nationals.

As a CONUS hire each should have been deemed eligible for living quarters allowance, and as head of household determining the location of her family, each qualified for government housing.

Nevertheless, the husbands' prior residence in Augsburg was used as justification by their civilian personnel officer to cancel their wives' eligibility on the basis of USAREUR Regulation 210–50; that is, "For married female personnel (military or civilian) the husband's status will determine eligibility for housing."

This regulation and its interpretation deprived these women of rights and privileges granted outright to men under identical circumstances.

INELIGIBLE FOR BENEFITS

Sixth. Mrs. W. L. O., a teacher at American High School, Ankara, is married to a Turkish national, who is judged ineligible to use the U.S. military hospital and recreational facilities, although the foreign national wives of male teachers are eligible for these benefits.

The basis for this ruling is contained in a December 17, 1968, memorandum from the U.S. Air Force Office of Legislative Liaison to the Deputy Assistant Secretary of Defense—Civilian Personnel Policy—Office of the Assistant Secretary of Defense—Manpower and Reserve Affairs:

Mrs. O. asks why her husband is not eligible to use the United States military hospital when the Turkish wives of United States citizen government personnel are automatically granted this benefit. AFR 168–1, 1 July 1966, as amended specifies the limits for providing medical care in Air Force facilities for United States citizen civilian employees and their dependents outside the United States, It defines such dependents to include: "(1) Wife who is not an employee of a federal agency. (2) Husband who is physically or mentally incapable of supporting himself." This is based on Section 1072, Title 10, United States Code, which is applicable to military personnel. Since AFR 168–1 extends medical privileges to spouses of female civilian employees on the same basis as those of female military personnel, the policy appears to be equitable and reasonable. Mr. O. works to support himself; hence, he does not qualify as Mrs. O.'s dependent for this purpose.

In this policy, discrimination against women is accomplished by imposing additional requirements for women to obtain benefits for their spouses.

"EXPEDITIOUS" CORRECTIVE ACTION

Seventh. Mrs. C. I. N., a librarian at Andersen Air Force Base, Guam, is married to an unemployed American studying under the GI bill. Her husband was denied Air Force medical care by SAC headquarters on the basis of AFR 168–1, paragraph 34(a)2, which provides that medical care for the husband of a civil service employee outside the United States is available only if he "is physically or mentally incapable of supporting himself." The promised expedited decision has not been forthcoming. The spouse of a male civilian employee is eligible for medical care under any circumstances.

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 13, 1970.

Hon. PATSY T. MINK,
U.S. House of Representatives,
Washington, D.C.

DEAR MRS. MINK: This is a further interim reply to your letter of October 2, 1969, requesting information regarding medical care for husbands of Air Force employees.

We have pointed out to the Air Force that any differential treatment of the dependents of male or female employees would come into question under Executive Order 11478. We have now been informed that the Air Force Surgeon General is exploring extending eligibility requirements for medical care to include husbands of Air Force employees.

We will be in touch with you again when this matter is finally resolved. We have asked the Air Force to expedite its decision.

Sincerely yours,

IRVING KATOR,
Director, Federal Equal Employment Opportunity.

MUST PROVE RIGHTS

Eighth. Mrs. L. R. M., a teacher at Baumholder American High School, married an American in November 1969, and applied for family housing. As head of household, she was required to submit evidence to document the fact that she was providing more than 50 percent of her family's income.

Under identical circumstances, a married male teacher qualifies for family housing without being required to document his wife's dependence, and his wife could in fact earn more than the husband and still be his dependent.

This is one of innumerable instances of this kind of sex discrimination against a married female employee. To be eligible for housing or other privileges granted without condition to married male employees, she must establish the dependency of her spouse.

WOMEN LOSE BENEFITS

Ninth. Mrs. H. P. was single when she was recruited in the United States for a teaching position at Wurtsmith Elementary School, Clark Air Force Base, effective July 1967. After her marriage in 1968 she was declared ineligible for living quarters allowance because it was alleged that it was her husband's job rather than hers which determined the location of the family in the area.

This ruling violated not only Executive Order 11478 but also the State Department's own standardized regulations. Yet Mrs. P.'s grievance went unredressed for almost 2 years, until the Comptroller General of the United States rendered the following decision:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

Mr. CECIL DRIVER,
NEA Director for Overseas Education Association, Vandenberg Elementary School, FPO New York.

DEAR MR. DRIVER: Reference is made to your letters of March 18 and March 21, 1970, concerning alleged discriminatory practices based upon sex in the application of section 7 of Public Law 86–91, 73 Stat. 213, 216, with particular reference to the cases of Mrs. H. P. and Mrs. R. H.

Section 7 provides, in part, that:

"(a) Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to quarters, quarters allowance, and storage as provided by this section.

"(b) Each teacher (other than a teacher employed in a substitute capacity) shall be entitled, for each school year for which he performs services as a teacher, to quarters or a quarters allowance equal to those authorized by the act of June 26, 1930 (5 U.S.C. 118a)." [Now 5 U.S.C. 5912]

The Standardized Regulations (Government Civilians, Foreign Areas) of the Department of State, issued pursuant to delegated authority and in effect from October 13, 1963, to August 11, 1968, provided, in pertinent part, as follows:

"031.13 MARRIED WOMEN EMPLOYEES

"a. A quarters allowance may be granted to a married woman employee residing with her husband (or, if not legally separated, is working in such proximity that a common dwelling could be maintained only if

"(1) she is the member of the household

whose job determines the location of the family at the post or in the area, and

"(2) she is the only member of the household receiving a quarters allowance from the United States Government.

"b. If a married woman employee meets the provisions of section * * * 031.13a she may be granted the 'with family' rates of allowances and the supplementary post and education allowances only if her husband is 51 percent dependent upon her for support. Otherwise, she may be granted only the 'without family' rate of temporary lodging, living quarters, post, foreign transfer and home service transfer allowance."

The above regulations were revised August 11, 1968, to read as follows:

"031.13 MARRIED EMPLOYEES

"A quarters allowance may be granted to a married employee residing with his or her spouse (or, if not legally separated, is working in such proximity that a common dwelling could be maintained) only if

"(1) he or she is the member of the household whose job determines the location of the family at the post or in the area, and

"(2) he or she is the only member of the household receiving a quarters allowance from the United States Government."

We note that the regulations prior to October 13, 1963 (at least from April 2, 1961), were more restrictive in that they precluded payment of a living quarters allowance to a married female employee when her husband was physically and mentally capable of self support.

While we recognize it can be argued that the regulations as they existed prior to August 11, 1968, were discriminatory in that they applied only to married women, nevertheless, we must decline to make any determination with respect thereto at this time. The regulations were in effect for many years and applied without any question being raised as to their discriminatory aspect. They were amended on August 10, 1968, so as to be equally applicable to males as well as females and from that date would not appear to be susceptible to any allegation of discrimination. There are pending in the Court of Claims several cases involving married employees of the Federal Government in the Canal Zone wherein it is alleged that a regulation denying tropical differential to married women employees unless their husbands are incapable of self support, or 51 percent dependent upon their wives, or are legally separated, is discriminatory and, therefore, invalid. For example see *Agnes M. Anderson et al.* v. *United States*, Ct. Cl. No. 206–68, filed July 19, 1968. Finally, the Executive order precluding discrimination in Federal employment because of sex was not issued until October 17, 1967. (E. O. 11375).

Apart from any question of discrimination, however, the facts of record indicate that application of the regulations in the case of Mrs. P. was arbitrary and contrary to the underlying intent and possibly so in the case of Mrs. H. . . .

* * * * *

With respect to Mrs. P.'s claim for living quarters allowance and foreign post differential for the period August 11, 1968, through February 22, 1969, the record shows that Miss H. S. (later Mrs. P.), was recruited for a teaching position at Clark Air Force Base, effective July 30, 1967, under circumstances entitling her to living quarters allowance and post differential. On January 20, 1968, Miss S. married Mr. P. who worked for Air America, Inc., Because Mr. P. had been in the area longer than Miss S. and because his income was greater than hers, it was administratively concluded that it was his job rather than hers which determined the location of the family in the area.

The uncontrovertible fact of the matter is, however, that the P. family was in the area of Clark Air Force Base because Mr. P. and Miss S. met there. It is one thing to assert that Mrs. P., or any other person, is in an area by reason of her husband's job where she has accompanied her husband to his job site. It is quite another to make that assertion where she independently prior to her marriage arrived at the site in connection with her own employment and chose to marry while there. In the latter case her presence in the area is at least equally as much related to her employment as to her husband's.

Accordingly, instructions have been issued to allow Mrs. P. the "with family" quarters allowance (plus foreign post differential) on and after August 11, 1968. . . .

Copies of this letter are being sent to Congresswoman Patsy T. Mink and to the Secretary of the Army.

Sincerely yours,

R. F. KELLER,
Assistant Comptroller General of the United States.

These cases prove how real the need is for effective enforcement of a nondiscriminatory policy. Here in summary is the "run around" a woman is now faced with as a teacher in the overseas dependent schools system:

First. A married woman is not eligible to be hired as a stateside recruit because she cannot be reasonably expected to comply with the conditions of the agreement. She is presumed guilty.

Second. A married woman cannot qualify for quarters allowance unless she can prove her job determines the location of her family.

Third. A married woman who first went overseas to be with her husband, but who later became head of the household and the source of 51 percent of the family earnings still is not eligible for quarters allowance, because she was a local hire and not a stateside recruit. The only way for her to qualify for Government housing is if her husband dies.

Fourth. A single woman who was recruited stateside and later married overseas, and now provides the bulk of the family income, is ineligible for quarters as long as her husband is physically and mentally competent, because he is presumed to have the marital "duty" to provide for her support.

Fifth. A single woman recruited stateside who later married overseas is ineligible for quarters allowance because her husband had a "residence" overseas prior to the marriage and his "status determines the eligibility."

Sixth. A single woman recruited stateside who married a Turkish national is ineligible to have her husband cared for in a military hospital or use recreational facilities although foreign national wives may have these privileges. He is declared her dependent for transportation purposes but not for eligibility for medical care. The Air Force regulations state that to be eligible you have to be a "wife" or a "husband who is physically or mentally incapable of supporting himself."

Seventh. A single woman recruited stateside and subsequently married to a veteran who is now a full-time student under the GI bill on Guam, was denied medical care for her husband on the grounds that he could be eligible only if "physically and mentally incapable of supporting himself."

Section II of H.R. 17555, as approved by the Committee on Education and Labor, provides:

SEC. 11. Title VII of the Civil Rights Act of 1964 (78 Stat. 253; 42 U.S.C. 2000e et seq.) is amended by adding at the end thereof the following new sections:

"NONDISCRIMINATION IN FEDERAL GOVERNMENT EMPLOYMENT

"SEC. 717. (a) All personnel actions affecting employees or applicants for employment in the competitive service (as defined in section 2102 of title 5 of the United States Code) or employees or applicants for employment in positions with the District of Columbia government covered by the Civil Service Retirement Act shall be made free from any discrimination based on race, color, religion, sex, or national origin.

"(b) The Equal Employment Opportunity Commission shall have authority to enforce the provision of subsection (a) and shall issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities hereunder, and the head of each executive department and agency and the appropriate officers of the District of Columbia shall comply with such rules, regulations, orders, and instructions: *Provided*, That such rules and regulations shall provide that an employee or applicant for employment shall be notified of any fiscal action taken on any complaint filed by him thereunder.

"(c) Within thirty days of receipt of notice given under subsection (b), the employee or applicant for employment, if aggrieved by the final disposition of his complaint, may file a civil action as provided in section 715, in which civil action the head of the executive department or agency, or the District of Columbia, as appropriate, shall be the respondent.

"(d) The provisions of section 715 shall govern civil actions brought hereunder.

"(e) All functions of the Civil Service Commission which the Director of the Bureau of the Budget determines relate to nondiscrimination in government employment are transferred to the Equal Employment Opportunity Commission.

"EFFECT UPON OTHER LAW

"SEC. 718. Nothing contained in this Act shall relieve any government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution, statutes, and Executive orders."

LEGISLATION TO PERMIT INTERCHANGE OF RETIREMENT CREDITS BETWEEN CIVIL SERVICE AND SOCIAL SECURITY

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I am introducing legislation today to correct a serious inequity in our social security and civil service retirement systems.

My bill would provide for an exchange of retirement credits by persons who, at different periods during their employment careers, work for both the Federal Government and private industry. While working for the Government they are covered by the civil service system, and while working in private employment they are covered by the social security system.

The objective of my bill is to permit such employees to retire at age 65 under

either system and receive retirement benefits equal to what they would have received had they worked during the entire period under that system.

This interchange of retirement credits between the civil service and social security systems would help hundreds of thousands of individuals who are eligible for reduced or no retirement benefits under either system because they split their employment between the two systems.

Since there is presently no provision for an interchange of credits, many people who have been employed for years are unfairly penalized simply because they worked under two different retirement systems.

My bill is partly based on the recommendations of the Social Security Administration made last year in a report, "Relating Social Security Protection to the Federal Civil Service." The report was directed by the House Committee on Ways and Means in the committee report on the Social Security Amendments of 1967.

The report found that considerable mobility exists between Federal and private employment. In the 5 years from 1963 to 1967, an average of about 400,000 employees a year either entered or left Federal employment covered by the civil service retirement system.

About one third of those who left Federal employment had 5 or more years of Government service and thus were qualified for either a lump sum refund of their contributions to the civil service retirement fund, or a deferred annuity payable at age 62. The other two thirds, with less than 5 years of Federal service, did not have the deferred annuity option and had no choice but to accept contribution refunds.

Of those who separated after 5 or more years of coverage under civil service, but before retirement, more than three-fourths voluntarily withdrew their contributions soon after separation and thereby lost all rights to benefits under the system. These benefits may be regained only if a worker reenters Federal employment and is again covered by the system.

Thus, the great majority of those leaving the Government before retirement lose their benefits under the civil service system. For their retirement security, they must depend in most cases on social security.

Since retirement benefits under the social security system are related to length of time in covered employment, it is clear that many persons who leave the Federal service do not in their retirement years receive benefits corresponding to their actual total work contribution to the national economy.

Similarly, since the civil service retirement system is weighed to reward long periods of service, those who enter Federal employment after years under social security lose the benefit of their previous employment. They are treated by the Government as short-time employees eligible only for civil service benefits based on the portion of their work that was with the Government.

Under my bill, all employment under either system would be counted toward retirement. Those affected would fall into three categories: First, those who under present law are eligible for retirement under one system but not the other; second, those who are eligible under both systems, but whose benefits under either are less than they would be is credits for both systems were combined under one system; and third, those eligible under neither, but who would be eligible for one if credits were combined.

In any of these three instances, my bill would allow the employee to select whichever option would give him the most benefits. Thus, a person with less than 5 years of civil service employment but who is eligible for social security retirement, could count his civil service credits toward social security to receive a higher social security retirement payment. Similarly, a person eligible for relatively low retirement pay under either social security or civil service could count all his employment toward either system, and an employee who is presently ineligible under either system could count all his work under both to qualify for retirement under one of them.

Similar provisions are made in the bill for survivors of deceased workers. The survivors are able in each of the three instances previously outlined, to select coverage under whichever combination of social security and civil service credits gives them the most benefits. Unanimous consent of all eligible or potentially eligible living survivors is required, or else present law applies.

Any choice made by an individual or his survivors under the bill would be irrevocable, and no request could be made if a refund or withdrawal of employment contribution had been made unless it is redeposited with interest.

Last, the bill provides for an exchange of funds between the social security and civil service retirement systems to reflect decisions made by individuals under this legislation to retire under one system or the other.

My bill does not provide for exchanges of credits for those who retire before the age of 65, since this would introduce extensive complications in the operation of both retirement systems and require attempts to equalize benefits among the numerous groups and types of employees affected. Nor does it affect the much smaller Federal staff-retirement systems such as the Foreign Service and Central Intelligence Agency retirement systems, or retirement systems of State and local governments. These systems, and the whole areas of worker's disability compensation and medical benefits, should be the subject of similar corrective legislation.

While this legislation does not solve all the inequities arising from the mobility between Federal and private employment, it is intended to resolve the largest single area of deficiency. By enacting this bill, we would insure that our employees are not penalized for spending parts of their careers in both areas of service.

NATIONAL PARK WILDERNESS STUDIES 5 YEARS BEHIND SCHEDULE

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, when we enacted the Wilderness Act in 1964, it was properly regarded as an act of historic importance in preserving areas of the American wilderness. Indeed, this is the promise and potential of this important program, but the 1964 act really only provided the opportunity. It remains for areas of wildness to studied, proposed, and individually approved by Congress to become legally designated and protected as part of the national wilderness preservation system.

To accomplish this, to bring deserving and suitable areas under wilderness protection, we established a 10-year program for orderly reviews of potential wilderness lands by the agencies, the Bureau of Sport Fisheries and Wildlife, the Forest Service, and the National Park Service. The reports on each of these reviews, as approved by the President, were to be submitted to Congress by September 3, 1974, the 10th anniversary of enactment of the Wilderness Act. The reviews were required to be conducted on all suitable areas under criteria set forth in the act. To assure that the procedure was effected in an orderly fashion, the law required—and the agencies testified they could meet—the following timetable: the first third of the reports to be submitted by the President by September 3, 1967; two-thirds by September 3, 1971; the total thus completed by 1974.

For the most part the Bureau of Sport Fisheries and Wildlife and the Forest Service have maintained this schedule. But it is increasingly apparent that something is seriously blocking orderly progress of the wilderness reviews for areas of our national park system. In the fifth year of the 10-year schedule, we have received only five proposals from the National Park Service. That is five out of 57 park areas to be studied, leaving 52 reviews to be completed and reports submitted by the President in a little more than 4 more years.

Mr. Speaker, something is wrong in the Department of the Interior. It is apparently something common to the present administration and the one preceeding. Both administrations have professed strong interest in and commitment to the purposes of this wilderness preservation program. Yet, the National Park Service is years behind schedule. The practical results are to frustrate the will of Congress, to leave many areas properly requiring wilderness protection by statute unprotected from further development, and to place the President technically in violation of the law.

Let me hasten to add that President Nixon has personally expressed his own interest in the proper protection of wilderness. Secretary Hickel has expressly directed that the Park Service get their reviews back on schedule. But performance has followed neither the promise nor the directive of law.

These facts are plain and incontrovertible. It is clear that the preservation of parkland wilderness as provided for in the Wilderness Act is essential. In point of fact, one might interpret the apparent footdragging of the Park Service as an expression of disenchantment with this program, which would be only greater reason for assuring park area statutory protection as wilderness. Literally thousands of citizens from all walks of life and in every part of this country have supported this program and have taken a personal part in the administrative wilderness proposal hearings which have been held. I am one who supports the program. I do not believe Congress intended the designation of park wilderness areas to be a mere academic exercise, or as a low priority program that would give administrators of the National Park Service something to do on winter afternoons. No, this program vested in Congress the power and opportunity to fix firm and lasting limits on the extent to which the remnant wilderness of our parks might be further developed. Under the procedures of the Wilderness Act the initiative was with the agency, providing opportunity for their cooperation and input to the congressional decisions. If this agency is unable or unwilling to give us the cooperation required, then perhaps we shall have to find a more direct means to accomplish the goal so widely supported by the people of this country for so many years.

Someone has suggested that the planning of our parks is what is holding up this program. I can understand how that could happen, if the Service waits until 3 or 4 years have been spent in drawing up the greatly detailed master development plans for each park before initiating and finalizing their wilderness proposals. That could be why the President and the Congress have been kept waiting.

But such a procedure has the cart firmly ahead of the horse—which, of course, illustrates nicely why locomotion is so problematical. Indeed, such a procedure could be used as a deliberate means of frustrating the will of Congress. Obviously, detailed development plans are not prerequisite to wilderness decisions, which rest upon concepts of appropriate park zoning that are the earliest prerequisites to any development plans. Wilderness decisions are, in my view, prerequisite to any plan for further development of park wild lands, as the wilderness decision is intended to be a framework and limit on development that can assure that some wilderness will be retained.

Mr. Speaker, I have risen to discuss this matter because I believe it is an important, priority program and because I have become alarmed by the failure of performance that this record indicates. I am a friend of the parks and of the Park Service, and it is a friend of that great agency, sympathetic to their problems, that I raise this issue. I know my concern is one shared by many members of the Committee on Interior and Insular Affairs on which I am honored to serve. Recently the matter was aired with Departmental officials at a committee hearing. As I was unable to be present, I have written directly to Mr. George Hartzog, the Director of the National Park Service, asking for a prompt explanation and an indication of the steps he is taking to rectify the situation. I include my letter in the RECORD at the conclusion of my remarks.

Mr. Speaker, I want to see the Wilderness Act properly and promptly fulfilled, and with it the promise to which we have committed ourselves, to assure an enduring resource of wilderness for all the people forever. I believe the directive of Congress is clear and I will evaluate the response to my letter on those grounds. I intend to keep a close watch for prompt remedial action to get back on and to meet the 1974 schedule. If that will now mean some rejuggling of the Park Service planning operation, then it is clear that planning operation needed rejuggling in any case.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 6, 1970.

Mr. GEORGE B. HARTZOG, Jr.,
Director, National Park Service, Department of the Interior, Washington, D.C.

DEAR MR. HARTZOG: Questioning at a recent meeting of the House Interior Subcommittee on National Parks and Recreation brought out that the National Park Service is behind schedule in designation of wilderness areas within our nation's parks.

Since it was the intent of Congress that this program be concluded within 10 years from the time of its start, it appears there will have to be a major change in Park Service procedures to accomplish this goal. One problem is the excessive delay caused by the preparation of master plans. I believe that the speedy designation of wilderness areas under the Congressional mandate requires a simplified approach on master plans which would allow far greater progress on the wilderness areas. I am aware that sufficient funding has been provided for this purpose.

I would appreciate your indication of what affirmative actions the Park Service will undertake to meet the Congressional objective.

Very truly yours,

PATSY T. MINK,
Member of Congress.

SOME HIGH GRADES FOR LORTON

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, today's Washington Post contains an editorial with some encouraging news about the college study program at the Lorton Reformatory. In its first 15 months of operation, inmate interest and grades in courses such as sociology, English, and algebra have been high. Many of the graduates have enrolled in further education programs at District colleges upon release.

The report of the President's Task Force on Criminal Rehabilitation stressed, among other problems, the "enforced idleness" and the dearth of any adequate level of vocational training in our prisons. Education and job training should be the heart of the correctional system, if it is ever to be worthy of the name. I am delighted to see that Lorton has received grants from LEAA to expand this promising program. I am also delighted that operation of the Lorton Reformatory will continue to be under the direction of the District government where it belongs.

The editorial follows:

SOME HIGH GRADES FOR LORTON

The Lorton prison complex gets written up fairly regularly in our town's newspapers, more often than not in accounts addressed to the host of problems besetting correctional institutions across the country—living conditions, prisoner behavior and all the related investigations. It is a pleasant twist, therefore, to read about the great success Lorton is having with its college study programs. In the first 15 months of operation, grades and inmate interest have been high.

In the last academic year, 161 men in the 1850-man complex—105 adults and 56 youths—have been offered 32 college courses. During a typical quarter, 50 inmates took three freshman courses each, from sociology to algebra, English, economics and literature. Officials say the concentration of grades was in the A and B range and, according to instructors from Federal City College who conduct the courses, the students performed better than students at FCC.

The follow-up results are impressive, too. Of those students who left Lorton on parole, 80 per cent enrolled in FCC or the Washington Technical Institute, where their credits were transferred—and only three returned to prison. It is no wonder that the federal government is now tripling its funding for these programs, which will permit enrollment to increase to perhaps 20 percent of the inmate population. The new grant from the Justice Department's Law Enforcement Assistance Administration is for $73,140, a modest figure in terms of most program costs. With a contribution of $48,760 more from the D.C. corrections department, some 360 or more men may be enrolled. In the concern about crime—and education—this is money well spent, and a tribute to the success at Lorton.

STATEMENT OF HON. JOEL T. BROYHILL, REPUBLICAN, OF VIRGINIA, ON INTRODUCTION OF LEGISLATION TO REVISE PAY STRUCTURE FOR POLICE FORCES AT WASHINGTON NATIONAL AND DULLES INTERNATIONAL AIRPORTS

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, a critical situation involving the safety of the public and airline passengers prevails at the Washington National Airport and the Dulles International Airport. The preservation of law and order at National Airport has become an impossibility and is in a fragile marginal status at Dulles. The police forces at both airports have deteriorated to the point where dealing with the skyrocketing increase in crime and violence is no longer effective. This does not even attempt to include extreme cases which can and do arise involving airport and airliner piracy, hijackings, murder on a mass and individual basis, bombings, riots, violence, sabotage, wildcat strikes, and assassination.

The recent severe piracy of a TWA jet involving Dulles Airport points up the extensiveness of this situation as nothing else could. Every duty and overtime Dulles police officer was involved in that action, leaving the entire balance of the airport and roadways uncovered. A severe fatal head-on collision of a bus and car has taken place since the TWA piracy. All officers risked their lives in the piracy action, and two, undoubtedly saved the lives of the 59 people aboard by shooting out the tires and preventing the

second takeoff. Had the plot been larger, involving airport sabotage and more participants, it could have been carried off, due to shortage of police. All of the preceeding refers only to the Dulles Airport police.

Even more recently Washington National Airport experienced a disaster situation, a situation, give or take a few feet or seconds, could have erupted into a major Washington disaster. A cargo jet prop transport, carrying radioactive material among other things, fatally crashed just short of the runway at National Airport while in a diving left turn, killing the pilot and copilot. Quite conceivably the plane could have traveled about 600 feet further and crashed into the crowded George Washington Memorial Parkway and possibly impacted, in its slewing left heading, five to 30 or 40 autos and/or buses resulting in a very heavy loss of life and casualtise; or a few hundred feet further on the airport site, causing a far heavier committment of airport police and loss of airport security and traffic control due to denudement of already short forces—because of the low police wage crisis.

The airport police ambulance, fire, crash and rescue equipment, and airport police cruiser arrived first at the crash scene and established police, crash, and public security and took necessary emergency rescue action, had there been survivors. Geographical crash scene jurisdiction rested with park police who arrived within minutes for a fine coordinated joint security action, which continued for days. Airport police also provided complete night security with on scene duty officers. The huge holiday eve airport traffic plus the added load of the crash scene traffic jam required airport police manning of all intersections, strategic aerodrome entrances, extra security areas, crashed aircraft remains and other points. Manpower shortages due to the critical low wage situations forced recall of off-duty personnel, early call of the oncoming shift and then severe overtime work requirements for all police for the next 48 hours. The lack of full roster force, had this disaster erupted further, would have been indefensible by all concerned.

It has become necessary to enact on a crisis basis legislation in order to bring the Federal police forces at National and Dulles up to strength and technical and physical qualifications required. The present Federal police situation at National and Dulles can only be described as pitiful. It is about as far as being representative of what the Federal Government should provide at the only two model national airports which the Federal Government itself operates.

The Federal Police Department at both airports must meet criminal situations involving air piracy, murder, extortion, rape, riots, sabotage, grand larceny, as well as the more usual police functions of traffic control, assault and battery cases, car theft, and the maintenance of public safety and order. These police also coordinate with the surrounding police forces of neighboring and overlapping jurisdictions including Federal, State, county and city police forces. However, no other police forces, including the FBI, possess the highly specialized airport operational training that the airport police do.

Even though engaged in the personally hazardous, physically dangerous and highly responsible police work, they are compensated so poorly that their wages are comparable to clerical, labor, and janitor forces.

As a result, these police departments are deteriorating at an ever-accelerating, and in fact amazing rate. They are unable get any new recruits. There is no dependable recruit training program even if new people were available. They are saddled with attempting to recruit from old age brackets and career retired personnel.

At National Airport where there are 41 officers on board, 10 short of their allowance of 51, 11 officers are 40 and 14 are over 50. In the past 5 years there has been one recruit under the age of 25. At Dulles no one under 25 has ever been recruited.

Dulles has 37 police on board as against an original authorized strength of 55 officers. At some point it was administratively decided, and since the quota could not be filled anyway, that the strength should be reduced to 45. In other words, 18 under original strength and eight under the administrative cutback strength.

Dulles Airport police has lost 43 officers who left for better paying positions as well as three who are deceased.

National Airport has lost 42 officers in the past 5 years for similar reasons, in most cases.

Dulles during this same period has been able to find only 29 replacements. National lost 11 officers in the past year alone. There is no recruitment of young men. They simply will not go to work for the low salary. Thus there is no training program or career planning for young police officers at either airport.

In short, death and low pay attrition has already succeeded in partially destroying both forces, dangerously impairing their present effectiveness and has them on the way to virtual elimination in the relatively near future.

The police pay scale at both airports is by far the least in the entire Washington metropolitan area. It is not even comparable with the U.S. Park Police, for example, which has similar responsibilities and types of duties. Park Police, of course, are being paid at the level of the Metropolitan Police as are the White House Police, this by special act of Congress.

At National and Dulles a grade 4 police trainee starts at only $5,853 per annum. The police private at grade 5 starts at only $6,548. It will be noted that the grades 4 and 5 are the usual Federal classifications for clerks, typists, or stenographers.

The Washington, D.C., Metropolitan Police Department, the U.S. Park Police and the White House Police—by act of Congress—start trainees at a salary of $8,500.

The U.S. Capitol Police—by act of Congress—start trainees at $8,120, which increases to $8,816 in only 60 days, upon completion of training.

The National Zoological Park Police—by special act of Congress—start police privates at over $8,000 per annum.

The Alexandria Police salary starts at $8,665.

The Arlington Police start at $8,174 for high school graduates or $9,494 for college graduates.

The Fairfax County Police start at $8,604.

The Montgomery County Police start at $8,591 for high school graduates and $9,947 for college graduates.

The Prince Georges County Police start at $8,216.

It is proposed to reestablish the grades of police corporal and police lieutenant. This will provide for better coverage and rank located where appropriate. Too many times now a police private is in charge, including in charge of other privates. This does not work. The danger to the public is vastly increased due to the very poor rank structure. A structure so bad that career opportunity is nil. A private has to wait for one of three or four sergeants to die or retire before he can even compete with all the other privates for the job—in other words, an inordinate number of years between any chance of promotion.

On the occasion of the first airplane bombing or shootout, or piracy, hijacking and/or resulting mass murder of passengers and/or public in general on National or Dulles, the first firebomb in the hangar or multimillion-gallon gas dump, or the crowded terminals, there will be great haste to get that barn door closed after it is too late. Such a catastrophe at the Washington airports is being invited by the low security level and its occurrence should be considered imminent, from events that have recently taken place.

Mr. Speaker, I believe it is apparent that vigorous and immediate action is required to upgrade the quality and retainability of the police at National and Dulles Airports. In my mind the surest way and the quickest way to accomplish the overhaul that is required to avert disaster is to make the pay of the force at these airports competitive with other police forces in the surrounding area.

To accomplish this, I am today introducing a bill directing the Secretary of Transportation to revise the pay structure of the police force of the Washington National Airport and Dulles International Airport so as to bring the pay scale of these police into line with that now paid the police force of the National Zoological Park. While not as high as the pay of the Metropolitan Police Department the new scale will attract and retain good policemen, which I am sure this House recognizes is an urgent requirement. I urge early consideration and adoption of this legislation.

LET US GO ON THE RECORD—NOT RHETORIC

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DEVINE. Mr. Speaker, one of the most unfortunate political campaigns in our Nation's history is going on today, aided, abetted, and encouraged, if not

initiated, by some Members of this House.

That is the effort to make Negro Americans believe that President Nixon is anti-Negro and that his is a racist administration.

This attack, led by some Negro Democrats, appears to be nothing more than an attempt to persuade Negroes that the Democratic Party is the only party that seeks racial equality.

It is an effort that is both dishonest and despicable. It is despicable because in an era of trouble and turmoil it seeks to turn black against white and to polarize our Nation along racial lines.

It is dishonest because the Nixon administration has worked hard and steadily to equalize education and educational opportunity, to end discrimination in the building and construction trades, to bring black Americans into high-level posts in the administartion, to provide business opportunities for Negroes, and in every other way to insure that they become a part of the American mainstream. It is one thing to make constructive criticism and urge further constructive action. It is quite another to seek to denigrate and belittle those efforts for purely personal and political gain.

PIONEER DAY, 1970

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, last Friday, July 24, was observed in Idaho and many other parts of the Nation as Pioneer Day. It is fitting that we honor the hardy band of Mormon pioneers who entered the Salt Lake Valley on July 24, 1847, under the leadership of Brigham Young. This event marked the end of a long and difficult journey and the beginning of one of the most momentous chapters in the history of our country.

The Mormon pioneers suffered persecution and were forced to leave their homes and endure great hardships in their westward trek. They crossed the mountains and plains in search of freedom and opportunity to build anew and to practice their religion.

These early pioneers laid the foundation in the rugged mountain country on which an empire has been built. The Church of Jesus Christ of Latter Day Saints has been a powerful and positive force in the building of our Nation. Within a few years following their arrival in the Salt Lake Valley, the Mormons had established hundreds of communities in Idaho, Utah, Nevada, Arizona, Wyoming, and California. Their membership and influence has since spread to all parts of the Nation and many parts of the world.

When the Mormon pioneers came west they were poor in material goods. But, they brought with them boundless energy, resourcefulness, a willingness to work hard, and to sacrifice. By applying these qualities of character to their task they contributed greatly to the material progress of the Mountain States. They caused the desert to bloom and the valleys to become productive.

They also left another legacy of much greater value to the Nation, particularly during this time of national crisis. They were sustained by a deep faith in God, a willingness to work together and to help each other. They set an example that this generation of Americans could do well to follow.

With the same faith, courage, and vision that enabled the early pioneers to overcome the difficulties they faced, we can also overcome the problems that confront the Nation today.

Mr. Speaker, we are deeply indebted to the pioneers for their contribution to the building of America. We can best honor those who entered the Salt Lake Valley 123 years ago, however, by learning and applying in our own lives and in our own day the lessons their experiences has taught us.

STATUS OF THE OFFICE OF COAL RESEARCH IS CLARIFIED

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, it is with a considerable sense of relief that I report to you and our colleagues on the status of the Office of Coal Research. As you may recall, a few weeks ago rumors began to circulate to the effect that the Office was going to be phased out of existence. As the author of the bill which created the OCR back in 1960, I was naturally concerned about the future of the coal research activities by the Federal Government.

Mind you, I was not concerned because my "pet project" was being considered for the scrap heap—rather, my concern was for the thousands of miners and hundreds of coal companies whose lives depend on a bright future for the coal industry. Coal research is going to guarantee a bright tomorrow for the Nation's most basic commodity.

Now that the rumor about the demise of the OCR has been scotched, I do not believe any value would be gained by dragging up the machinations within the Department of the Interior which produced the report, which in turn, produced the rumors.

It is my pleasure to read to you today a letter I have just received from the honorable Walter Hickel, Secretary of the Interior Department, wherein he assures us that the Federal Government's efforts in coal research will go forward. The Secretary said in part:

I have no intention of decreasing our emphasis or commitment toward programs for coal research.

That sentence succinctly lays the cards on the table, clears the air, clarifies the issue, and reassures our coal industry that its future will be bright. I know our colleagues will be interested in the full text of the Secretary's letter and I would like to have it added to my remarks at this point:

THE SECRETARY OF THE INTERIOR,
Washington, July 27, 1970.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: I am aware of your strong concern over the future of coal and mineral research programs.

Let me make it quite clear that this Department is not seeking a reduction or decrease in emphasis in coal research programs. I will personally determine the policy formulation for these important research efforts in the Bureau of Mines.

While the budget for Fiscal Year 1972, is, of course, still in the formative stage, I believe that the continuation and encouragement of coal research is vital toward maintaining and improving both a quality environment and a strong energy position for the Country. I have no intention of decreasing our emphasis or commitment toward programs for coal research.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

FEDERAL TAX SECRECY

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, when the House of Representatives considered the conference report on the Airport and Airways Development Act of 1970, only a few Members of the House were apprised of the provisions added by the Senate in the conference which prohibited the airlines under penalty of fine from identifying that portion of the air fare which constitutes the Federal tax.

This incredible action resulted from rules of the House which did not provide adequate time for proper review and discussion.

It is ludicrous for Congress to suppress information concerning the level of Federal taxation wherever it occurs. To correct this action, I have introduced legislation which will strike out the prohibition and penalty to carriers listing the Federal tax separately on air fare schedules. In my judgment, penalties should be made to apply to anyone who would suppress information relating to Federal taxation.

Following is correspondence which I have directed to the Civil Aeronautics Board concerning this problem and their response listing new fare schedules to principal cities and the applicable Federal tax:

JULY 1, 1970.

Hon. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board,
Washington, D.C.

DEAR MR. CHAIRMAN: The announced policy of your Board granting the airlines the privilege to round out air fares to the next highest dollar imposes an arbitrary and indefensible burden on the commercial airline traveler.

This policy has the effect of providing an inequitable and unbalanced fare increase to those passengers who must pay fares several pennies into the next dollar. In some cases, fares are increased as much as ten percent. This kind of arbitrary fare increase policy to eliminate coin change handling by airline ticket offices is ridiculous and should be immediately suspended.

I am also distressed with the language that was inserted in the Conference Report on the Airport and Airways Development Act of 1970 which prohibits the airlines under penalty of fine from identifying that portion of the air fare which constitutes the federal tax. Congress never intended a concealment of the federal tax in air fares. From what I can determine, the language was inserted in the Conference Report at the request of the airlines to save the airlines the added expense in calculating fares by separately computing the federal taxes.

In order to provide the public with the full information as to the breakdown between fare and airline tax under the new schedules, I would appreciate receiving from your office a complete breakdown of the new air fare schedules between the 100 major cities of America, along with the breakdown of the federal tax applicable to those fares so that a proper table can be placed into *The Congressional Record* for distribution to the American people.

The taxpayer is certainly entitled to know what portion of his charge for air travel represents tax and what portion represents cost of service.

In my judgment, it is unconstitutional for the Congress to enact legislation providing for the concealment of federal taxes applicable to a product or a service. It certainly is against the public interest.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

CIVIL AERONAUTICS BOARD,
Washington, D.C., July 24, 1970.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN VANIK: Thank you for your letter concerning the Board's action regarding the temporary rounding of fares taken on June 18.

As you know, this matter was occasioned by the Airport and Airway Development Act of 1970 which increased the Federal tax on tickets from 5 percent to 8 percent and required that the ticket price be stated inclusive of the tax. Previously, the fares and the tax were stated separately. The carriers have long stated their fares exclusive of tax in whole dollar amounts. Adding the new tax and stating the price on a tax-inclusive basis would generally produce fares in odd dollar-and-cents amounts unless these fares were rounded off.

The Board considered that the whole dollar policy was administratively efficient and convenient to the public and the carriers and should be continued. Continuing it, however, under the circumstances would entail changing the tariffs, whether the fares were rounded to the nearest whole dollar or the next higher whole dollar. Given the enactment of the Law on May 21, 1970, the carriers' tariff filings on June 4, 1970, and the necessity of adding the tax after June 30, 1970, changes in the tariffs could not be made within the normal 30-day public notice period. Accordingly, the Board had to determine whether it would waive this period, as it has the authority to do.

Given the likelihood that rounding the fares off in some fashion would ultimately be approved, the Board majority concluded that unless the notice period was waived, the public would be faced with two apparent fare adjustments in short succession, one on July 1 and the other as soon as three weeks later, with all the public misunderstanding and extra carrier expense this would entail. However, since waiver of the notice period would mean a change in tariffs without benefit of public comments, the Board majority decided to make its approval effective only for two months, to allow for adequate time for orderly receipt and consideration of comments on making the rounding off permanent.

The basic question, then, was whether the rounding off should be to the nearest whole dollar or the next higher whole dollar. Board staff estimates are that either method would produce an increase: $7 million in annual revenues under the nearest whole dollar method, $49 million under the next higher whole dollar method. This analysis is based on the fares in the top 40 passenger markets as shown in the passenger origin-and-destination statistics for 1968, representing approximately 23 percent of the total domestic passengers in 1968. Of these 40 markets under the rounding to the nearest whole dollar method, fares in 23 would be rounded up, 15 rounded down, and 2 would be in whole dollars and hence would not be changed.

It might be of interest to know how the fares are computed. First, the present fares are increased 8 percent, then rounded up, and then 8 percent is backed out to produce the new fare. This method produces a slight additional tax for the Airport and Airways Trust Fund. Here are examples:

Step 1	Present fare	$42.00	$44.00
	Add 8 percent	3.36	3.52
	Total	45.36	47.52
Step 2	Round up [1]	46.00	48.00
Step 3	Back out 8 percent	3.41	3.56
	To derive tax and new fare	43.59	44.44
Step 4	Additional revenue	.59	.44
Step 5	Additional tax	.05	.04

[1] Total charge to appear on tickets and in advertising.

In response to your request, I am enclosing a listing of the top 100 markets in 1968 showing the fare, tax and total charge in each. I am also enclosing for your information a copy of the Board's letter approving the fare increases and the Board's press release on the approval.

Sincerely,

WHITNEY GILLILLAND,
Acting Chairman.

AIR FARES AND TRANSPORTATION TAX EFFECTIVE JULY 1, 1970, IN THE 100 TOP-RANKED DOMESTIC MARKETS IN TERMS OF NUMBER OF PASSENGERS

Market	1-way coach fare	8-percent tax	Total charge
1. Boston to New York	$20.37	$1.63	$22
2. New York to Washington	22.22	1.78	24
3. Chicago to New York	51.85	4.15	56
4. Miami to New York	72.22	5.78	78
5. Los Angeles to San Francisco	30.56	2.44	33
6. Los Angeles to New York	142.59	11.41	154
7. Las Vegas to Los Angeles	23.15	1.85	25
8. Detroit to New York	38.89	3.11	42
9. New York to San Francisco	142.59	11.41	154
10. New York to Pittsburgh	29.63	2.37	32
11. Cleveland to New York	34.26	2.74	37
12. Chicago to Los Angeles	107.41	8.59	116
13. Buffalo to New York	26.85	2.15	29
14. Boston to Washington	33.33	2.67	36
15. Chicago to Detroit	23.15	1.85	25
16. Chicago to Miami	77.78	6.22	84
17. Chicago to Minneapolis	30.56	2.44	33
18. San Francisco to Seattle	49.07	3.93	53
19. Chicago to St. Louis	24.07	1.93	26
20. Chicago to Philadelphia	48.15	3.85	52
21. Los Angeles to Seattle	65.74	5.26	71
22. Honolulu to Los Angeles	[1] 94.00 [2] 110.00	3.00 3.00	97 113
23. Atlanta to New York	53.70	4.30	58
24. Boston to Philadelphia	26.85	2.15	29
25. New York to Rochester, N.Y.	24.07	1.93	26
26. Chicago to Washington	44.44	3.56	48
27. Hilo to Honolulu	24.07	1.93	26
28. Chicago to San Francisco	107.41	8.59	116
29. Chicago to Cleveland	28.70	2.30	31
30. Dallas to Houston	23.15	1.85	25
31. New York to Syracuse	21.30	1.70	23
32. Boston to Chicago	59.26	4.74	64
33. Los Angeles to Phoenix	30.56	2.44	33
34. New York to St. Louis	60.19	4.81	65
35. Miami to Philadelphia	68.52	5.48	74
36. Honolulu to Lihue	17.59	1.41	19
37. Philadelphia to Pittsburgh	25.00	2.00	27
38. Chicago to Kansas City	33.33	2.67	36
39. Baltimore to New York	20.37	1.63	22
40. Honolulu to San Francisco	[1] 94.00 [2] 110.00	3.00 3.00	97 113
41. Detroit to Miami	75.00	6.00	81
42. Denver to Los Angeles	58.33	4.67	63
43. Honolulu to Kahului	17.59	1.41	19
44. Chicago to Pittsburgh	33.33	2.67	36
45. Dallas to New York	87.04	6.96	94
46. Portland, Oreg., to San Francisco	41.67	3.33	45
47. Boston to Miami	80.56	6.44	87
48. Chicago to Denver	62.04	4.96	67
49. Fort Lauderdale to New York	72.22	5.78	78
50. Minneapolis to New York	68.52	5.48	74
51. Houston to New York	$89.81	$7.19	$97
52. Los Angeles to Sacramento	32.41	2.59	35
53. Cincinnati to New York	43.52	3.48	47
54. Dallas to Los Angeles	79.63	6.37	86
55. New York to Tampa	67.59	5.41	73
56. New York to Providence	18.52	1.48	20
57. Boston to Los Angeles	148.15	11.85	160
58. Los Angeles to Washington	135.19	10.81	146
59. Hartford to New York	15.74	1.26	17
60. Reno to San Francisco	20.37	1.63	22
61. Columbus, Ohio to New York	37.04	2.96	40
62. Detroit to Los Angeles	118.52	9.48	128
63. Denver to New York	99.07	7.93	107
64. New Orleans to New York	76.85	6.15	83
65. Portland, Ore. to Seattle	17.59	1.41	19
66. Atlanta to Miami	44.44	3.56	48
67. Los Angeles to Philadelphia	139.81	11.19	151
68. Detroit to Philadelphia	36.11	2.89	39
69. Los Angeles to Portland, Ore	58.33	4.67	63
70. Indianapolis to New York	48.15	3.85	52
71. Chicago to Indianapolis	19.44	1.56	21
72. Detroit to Washington	32.41	2.59	35
73. Houston to New Orleans	27.78	2.22	30
74. San Francisco to Washington	135.19	10.81	146
75. Chicago to Dallas	56.48	4.52	61
76. Los Angeles to Minneapolis	94.44	7.56	102
77. Denver to San Francisco	65.74	5.26	71
78. Kansas City to St. Louis	23.15	1.85	25
79. Chicago to Cincinnati	24.07	1.93	26
80. Las Vegas to San Francisco	34.26	2.74	37
81. Philadelphia to Washington	17.59	1.41	19
82. Miami to Washington	63.89	5.11	69
83. Dayton to New York	41.67	3.33	45
84. Kansas City to New York	72.22	5.78	78
85. Miami to Tampa	21.30	1.70	23
86. New York to Seattle	142.59	11.41	154
87. Los Angeles to San Diego	15.74	1.26	17
88. Cleveland to Miami	71.30	5.70	77
89. Atlanta to Chicago	44.44	3.56	48
90. Dallas to San Antonio	24.07	1.93	26
91. Albany, N.Y. to New York	17.59	1.41	19
92. Boston to San Francisco	148.15	11.85	160
93. Charlotte to New York	41.67	3.33	45
94. Pittsburgh to Washington	21.30	1.70	23
95. Chicago to Columbus, Ohio	26.85	2.15	29
96. Los Angeles to St. Louis	97.22	7.78	105
97. Cleveland to Philadelphia	31.48	2.52	34
98. New York to Norfolk	27.78	2.22	30
99. Seattle to Spokane	22.22	1.78	24
100. Boston to Detroit	46.30	3.70	50

[1] Applicable Monday through Thursday.
[2] Applicable Friday through Sunday.

Source: Civil Aeronautics Board Origin and Destination Survey of Airline Passenger Traffic covering year 1968 for determination of 100 top markets.

THE COAL MINERS OF WEST VIRGINIA

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, after 18 months of prodigious work, a team of West Virginia University graduate students have produced an outstanding team report on "Coal Mine Health and Safety in West Virginia." As one who neither supported, sponsored, nor participated in this study, I believe I can state objectively that this is not only one of the most exhaustive accounts of coal mining ever written, but the analysis and conclusions are sound. The report rips the veil from the incestuous relationship between many coal operators, the United Mine Workers Union Boyle-Titler leadership, various Federal officials, and those in authority who have continued to tolerate the outrageous conditions under which coal miners live and work.

J. Davitt McAteer is the chief editor of this study which has just been completed. I am proud to insert into the CONGRESSIONAL RECORD a summary of the findings of this report, along with several news articles concerning the report which appeared in newspapers over the past weekend:

COAL MINE HEALTH AND SAFETY IN WEST VIRGINIA

(By James Davitt McAteer)

The Report of Coal Mining Health and Safety in West Virginia is the result of a year and a half of study that involved numerous methods of investigation, most prominent of which were hundreds of interviews with miners, coal operators, union officials, state and federal agency officials, and many others.

The study was funded by the following people:

The Carbon Fuel Coal Company, Charleston, W. Va.

The Erwin-Sweeney-Miller Foundation, Columbus, Indiana.

The Field Foundation, New York, New York.

Arch A. Moore, Governor, West Virginia.

Jennings Randolph, Senator, West Virginia.

John D. Rockefeller IV, Secretary of State, West Virginia.

Ralph Nader, Washington, D.C.

United Mine Workers of America, Washington, D.C.

U.S. Department of the Interior, Bureau of Mines, Washington, D.C.

These contributors are not the authors, publishers, or proprietors, of this report and are not to be understood as approving or disapproving, by virtue of the grant, any of the statements made or views expressed herein.

The chairman and editor of the report is James Davitt McAteer, who conducted the report during his third year of law student at West Virginia University. It was completed last week. The other member of the study group present is Julie Domenick.

1. Coal mines can be made safe if the companies are willing to pay for it. Some companies have significantly better safety records than others. In most cases, this is a direct result of a willingness to spend money and upgrade their safety education programs. Unfortunately, the vast majority of coal companies would rather pay a few more dollars in Workmen's Compensation premiums than risk reducing their profit margins by the amount necessary to safeguard the life and limb of the worker.

Time after time, we found specific instances of coal operators ignoring minimum safety standards in order to maximize production. Production must become a secondary consideration with safety paramount. This can only be done by making accidents more expensive than safety. Strict laws with adequate penalty provisions, which include civil liability for safety violations that result in injuries, should be given serious considerations.

2. The United States Bureau of Mines has been negligent in enforcing the Federal Health and Safety Act of 1969 and has thwarted the intention of Congress by declining to enforce specific sections of the Act. It seems clear that President Nixon is treating the miners of America with conscious disregard by allowing his Administration to refuse to enforce the law by vacillating in the appointment of an independent, strong Director for the Bureau of Mines. It is recommended that the Bureau of Mines begin vigorous and reasonable enforcement of the Federal Health and Safety Act. Safe mines are as necessary to the nation's well being as safe streets are.

3. The Federal Government should stop subsidizing the coal industry. Coal is a profitable industry. Profitability in coal is above 15% and, according to experts, net profit is currently more than $1 per ton—this amounts to more than $117 million in net profit each year in the coalfields of West Virginia alone. There is clearly little need for federal welfare payments to coal operators in the form of depletion allowances and production and utilization research. In 1969, the American taxpayer spent more than $53 million for coal research aimed, not at improving safety, but rather at increasing production. This should stop. Instead, the government should commit funds for safety research aimed at protecting the health and welfare of the more than 120,000 long neglected American coal miners.

At the present time, the government is spending at a ratio of $5 to assist coal companies to increase their profits and only $1 for the miner's health and safety—these priorities are in need of drastic revision. It is our belief that coal profits are such that, in a free enterprise system, the federal government should not subsidize production oriented coal research.

4. The State Department of Mines has never carried out its obligation to protect the miner's health and safety. Unless and until the unofficial "appointment committee" of coal operators and union officials, who in effect, select the Director of the State Department of Mines, is eliminated and the Governor is in a position to appoint an individual whose primary concern is the health and safety of the miner—someone like John O'Leary (former Director of the Bureau of Mines), there is little chance of improvement.

Inasmuch as members of last year's graduating class from the University School of Mines, were able to command salaries of $14,000 per year, Department of Mines salaries must be made competitive with industry if the caliber of men needed to fulfill its function is to be attracted and retained. Until this is done we can expect little in the way of advancement.

There is a pressing need to totally reorganize the entire State Department of Mines so that its primary concern is that of the miner's health and safety.

5. The State Government should stop subsidizing the coal operators. In 1968, coal companies had gross revenues of $725 million in West Virginia alone. The state government gave those companies welfare payments totaling more than a quarter of a million dollars in the form of support to Coal Research Bureau at West Virginia University, the production-oriented School of Mines, the administrative cost of the gas refund tax, and the Department of Highways policy of paving private roads to isolated coal mines. At the same time, the coal operators were benefitting from these welfare subsidies and paid a total of $17 million in state and county taxes in 1969. The state and county governments collected less tax revenue from one of the state's largest industries than they received from liquor and cigarette or liquor taxes in the same year. Taxes on coal should be raised to reflect the true worth of the natural resource being removed.

The counties of West Virginia should begin evaluating mineral rights at higher, more equitable rates. At the present time, county assessments of these rights are extremely low. Some counties still charge only $44.00 per acre of coal producing land, even though the coal is worth $30,000.00 or more. It is this underassessment of land that produces tremendous profits for the absentee landlord corporations that could just as easily serve as a tax base for improved schools, roads and improved health and safety research. Any one who has spent time in West Virginia is fully cognizant of the need to upgrade these services.

There is no justifiable reason why coal companies should continue to pay a pittance in local property taxes. Our studies indicate that in 14 of the major coal producing counties in West Virginia, more than 44% of the land is owned or controlled by coal or coal affiliated companies. Although these companies may have been considered economically weak during the 1950's and early 1960's, they make handsome profits today and have made such profits, just as they have in every other period of coal's prosperity by removing irreplaceable resources from the land without the slightest pretense of paying their fair share to local governments. Their recently found efforts at public relations cannot hide the scars and wounds they have made upon this state and its people. It is little to ask that local property taxes be raised sufficiently so that the companies' employees and the people residing in this state, at whose expense these companies continue to operate, provide sufficient local property taxes so that they may have decent schools and local services.

In addition, a state severance tax of at least 50 cents a ton of coal should be enacted at once. Such a tax would not only require the coal industry to pay its fair share of mineral extraction, but would also partially compensate for past damages to the people and land of West Virginia. The coal barons have ravaged the land and called it progress; they have polluted the streams in the name of free enterprise; they have blighted the landscape with abandoned coal tipples, coal camps, and mining wastes and called themselves "progressive employers"; and more important, they have blatantly disregarded the lives and welfare of their workers in the pursuit of profit. This must be stopped. The few pennies such a tax would add to the nation's electric bills (no one is naive enough to think that the companies would absorb it) is little to ask for the past degradation the state has and continues to suffer. An alternative would be the institution of a National severance tax similar to that proposed by Senator Metcalf. This would equalize the tax rate among all coal producing states so that no one state will have a competitive advantage. Such a tax would be collected by the Federal government, and most of it would be rebated to the states to be used for local purposes.

6. Mr. Louis Evans, director of safety for the United Mine Workers of America, should resign. His replacement should be by someone who will work vigorously for mine safety.

Since the days of John L. Lewis, the UMWA has neglected its duty to protect the health and safety of its miners. One of the most shocking discoveries of this report was the gross abdication of responsibility by both the national and district level officials of the UMWA for the health and safety of the membership. The failure to initiate educational and training programs, financial irresponsibility, the total lack of internal democracy, the failure to push for health and safety. Legislation, the collusion with coal operators, the nepotism of top union officials, the violation of the Landrum-Griffin Act, all would indicate that the UMWA does not have the best interests of the men it represents as a priority.

W. A. "Tony" Boyle only joined in the battle for black lung legislation after the rank-and-file miners had won the major part of the battle. The UMWA, under Boyle, did not work vigorously for the Federal Health and Safety Act and more importantly aren't working for its enforcement in the mines today.

The Justice Department should immediately set up a special task force to investigate the alleged misuse of funds from the UMWA health and welfare fund. It is also recommended that the Department of Labor join with the Justice Department in an investigation of the UMWA's internal policies which allegedly are in direct and open violation of the Landrum-Griffin Act. The UMWA, once a great union, is in shambles. It is a union run by a few for a few. It is a union to which production has become as important as it is to the operator. How ironic, that the plan for tonnage royalty payments, envisioned by John L. Lewis as answering the miner's years of misery, has developed into a system whereby operator and union put production above the miner's most immediate need—a safe place to work.

Coal miners, who pay a goodly portion of their paycheck in union dues, deserve leadership that will work with, and not against them.

7. State laws relating to mining are grossly inadequate and should be strengthened. The state Legislature, which has been controlled to a great extent by coal interests, has enacted laws favoring the coal operator and forgetting the coal miner. New laws are needed. Too often, past laws have been drawn up in back rooms by unofficial "advisory" committees of coal executives and union district officials who eliminate the more stringent safety requirements (because they cost money and could slow down production) before they reach the Legislature. Such practices must stop. West Virginia desperately needs strong state mine health and safety laws that are oriented to protect the miner.

8. The West Virginia Laws governing coal mining are in many instances inadequate and in many instances even a detriment to the operation of safe mines.

The West Virginia Legislature, either through ignorance or acquiescence to coal lobby efforts, or both, have written laws which so blatantly favor the coal operator and disregard the miner that one must assume that it is by design, rather than chance.

The writing of new laws can no longer be under the control of the unofficial advisory committee consisting of operators and union officials. The Legislature has been and continues to be duped into believing that they have Legislative and Rule making power in the coal mines. The real power continues to lie with the coal operators and production oriented union officials.

It is recommended that a complete revamping of the State mining law be undertaken along the lines of the new Federal Law irrespective of this "unofficial" committee's wishes.

9. The congressional mandate in the Federal Mine Health and Safety Law is clear. They intended that new and more stringent standards be established.

Yet President Nixon has disregarded Congress's intention by his actions; he has ignored the miners of our country. He has, in effect, rejected Congress's wishes and has acted more in line with the wishes of large coal mining companies.

To fail to appoint a Bureau Director for the six most critical months in its history, is atrocious, but further to appoint a man who sadly lacked a history of strong safety and health activity is despicable. If the President's posture toward Black Americans has been termed benign neglect, the attitude toward our coal miners can well be termed calculated indifference.

It is recommended that President Nixon appoint a Director of the Bureau who has a past record of strong safety advocation. This time the President should appoint as if his life depended on it because the nation's coal miners' lives do indeed depend upon it.

[From the Washington Star, July 25, 1970]

NIXON ACCUSED OF NEGLECTING EFFORTS FOR COAL MINE SAFETY

(By Fred Barnes)

A group which conducted a major study of the coal industry today accused President Nixon of "conscious disregard" of coal miners by failing to enforce mine health and safety laws.

"If the President's posture toward black Americans has been termed benign neglect, the attitude toward our coal miners can well be termed calculated indifference," the group said in a lengthy report.

The group, made up mainly of law students at West Virginia University, was financed in its year-long study of the coal industry by a grant from the U.S. Bureau of Mines and by contributions from Ralph Nader and the United Mine Workers.

In the report, President Nixon is charged with thwarting the intent of Congress by allowing the sweeping coal mine health and safety law enacted last year to go unenforced.

"He has, in effect, rejected Congress's wishes and has acted more in line with the wishes of large coal mining companies," the report said.

It also critized the President for demanding the resignation of Bureau of Mines Director John O'Leary last spring. It termed the nomination of mining professor J. Richard Lucas as his replacement "despicable."

Lucas, who recently withdrew his name for consideration, was described by the report as "a man who sadly lacked a history of strong safety and health activity." The group urged the President to appoint a mines bureau director "who has a past record of strong safety advocation."

"This time the President should appoint as if his life depended on it, because the nation's coal miners' lives do indeed depend upon it," the report said.

The main thrust of the report was that the coal industry, the mines bureau, state governments, the United Mines Workers and even the miners themselves put first priority on producing coal and deal with hazardous conditions in the mines only as an afterthought.

Health and safety standards in the mines are much higher in countries such as England, Czechoslovakia and Germany, "where the working conditions of the coal miner are closely monitored by governmental agencies," the group said.

The report concluded that the leaders of the UMW "have deserted the rank and file" by failing to push for strong health and safety laws and not backing miners in their efforts to improve conditions at individual mines.

Coal corporations were attacked in the report for placing the "responsibility for safety on the miner, on nature or God. . . . Neither management nor the owners have encouraged safe practices or directed efforts to eliminate hazards."

"The question is not whether safety is possible; it is whether the companies are willing to spend money to save lives," the report said.

Except for a revolt of West Virginia miners last year over the issue of "Black Lung," the majority of miners "have shown minimal interest in working for improved safety and health conditions," the report concluded.

"They have remained apathetic and silent in face of the failures of the companies, their union, their state and federal legislators. Their failure to take a more active role in seeking improvements in their condition is incomprehensible and inexcusable," it said.

[From the Charleston (W. Va.) Gazette-Mail, July 26, 1970]

VAST INDIFFERENCE SEEN FOR SAFETY OF MINERS

(By Don Marsh)

A report made public Saturday accuses union, industry and government of being indifferent to the health and safety problems of West Virginia coal miners.

The report was prepared by a group composed primarily of college students. Members conducted an investigation modeled on that of "Nader's Raiders."

Ralph Nader, creator of the concept, contributed to financing the project.

The idea of the investigation was conceived by J. Davitt McAteer, 26, a 1970 graduate of the West Virginia University College of Law.

McAteer said he decided to act for a variety of reasons. "The big one was the Farmington disaster and the failure on the part of everybody to bring about a better result. The laws and the people who wrote the laws had nothing to say and the university in the largest coal producing state, only 35 miles away, could only send notes down saying 'we're sorry'."

"I was turned off by the whole thing and after I got into it I realized that neither the university, nor state government nor the coal industry had really got into the problems of solving safety and health problems."

McAteer said a 10-page proposal was written and contributions were solicited. Contributors included Nader, Carbon Fuel Co. of Charleston, Erwin-Sweeney-Miller Foundation, Gov. Moore, Sen. Jennings Randolph, Secretary of State John D. Rockefeller IV, the United Mine Workers and the U.S. Bureau of Mines. About $9,000 was collected.

The staff included McAteer, Julie Domenick, a WVU graduate student; William Tantlinger, a law student at the university; Linda Hupp, a 1969 graduate of the WVU law school; Peter Graze, a third year medical student at Harvard; Kathleen Graze, a second year medical student at Tufts and Mike Adams of Charleston, a newspaper reporter.

The team prepared a massive report—689 pages with appendix. It was filled with criticism of public and private responses to the dangers of coal mining.

The report contends that the coal industry is oriented toward production and that those most closely involved are willing to accept an inordinately high number of accidents and an unacceptable level of illness.

The report said industry likes to show that the accident rate is going down when compared to production. But on a more stable basis—that of man hours worked—there has been no significant change in accident rates in several years.

West Virginia has the worst accident rec-

ord among major coal producing states. In 1967, one in 500 miners working underground was killed and one in seven was injured seriously enough to be reported.

One suggestion as to why West Virginia's safety record is poorer than other states is because of inadequacies of the State Department of Mines, the report said.

The report argues that pneumoconiosis—black lung—is an identifiable disease and is widespread. For a variety of reasons—including conservatism of doctors and members of the medical occupational disease board—miners have a hard time getting compensation.

The report said that West Virginia mining laws are poorly written and poorly enforced. Of the law, it quotes an unnamed mining inspector as saying, "It's just a bunch of writing. It's good guidelines if you want to follow it but it doesn't mean a thing if you want to avoid it."

It said it learned that while the Governor appoints the chief of the Department of Mines the actual selection is made by an informal committee composed of representatives of the United Mine Workers and operators of large coal companies. The two agree on a candidate they can "live with" the report said and recommend his name to the Governor. "This method of appointment may explain in part the lackluster performance of the department and their prevailing attitude."

The report also said there are indications the department is too pro-institutional. ". . . An inspector must live with the department, live with the coal operator and live with himself. When the squeeze is on, the first one of the three to go is himself," an inspector is quoted.

The report said the coal industry is economically profitable but indifferent to safety when it comes to spending money for research. In fact, the report said, the industry depends almost wholly on government for research of all kinds. The report said federal authorities spend $5 for production research to every $1 for health and safety research. The report estimates the industry makes about $1 profit for every ton of coal sold.

The United Mine Workers' record is equally bad, the report said. ". . . It is imperative to note that the logical protector of the miner, the United Mine Workers of America, has failed significantly in developing safer and healthier working conditions and has done even less in the field of health and safety research."

The report said that government in West Virginia has consistently subsidized the coal industry by undertaxing it and by such acts as refunding gasoline taxes to its trucks and building roads to its property.

In 1968, more state taxes were collected from the sale of either whisky or cigarettes than was collected from the coal industry, the report added.

It suggested that the state impose a severance tax of 50 cents a ton on coal production and that realistic assessments be made of coal property and that it be taxed at 50 per cent of its true value as other property is. (As an example, the report said acreage owned by a coal company in Marion County is assessed at 50 cents an acre. The actual value of the land is estimated to be between $25,000 and $31,000 an acre.) In 14 major coal producing counties, more than 44 per cent of the land is owned or controlled by coal interests.

The severance tax would pay for damage done by the industry, the report said. "The coal barons have ravaged the land and called it progress; they have polluted the streams in the name of free enterprise; they have blighted the landscape with abandoned coal tipples, coal camps and mining wastes and called themselves 'progressive employers'; and more important they have blatantly disregarded the lives and welfare of their workers in the pursuit of profit. This must be stopped."

The report was equally critical of the union. It called for the resignation of Louis Evans, director of safety for the UMW. His replacement should work more vigorously for mine safety, the report said.

"One of the most shocking discoveries of this report was the gross abdication of responsibilities by both the national and district level officials of the UMWA for the health and safety of the membership. The failure to initiate educational and training programs, financial irresponsibility, the total lack of internal democracy, the failure to push for health and safety legislation, the collusion with coal operators, the nepotism of top union officials, the violation of the Landrum-Griffin Act, all would indicate that the UMW does not have the best interests of the men it represents as a priority," the report added.

[From the New York Times, July 26, 1967]

NIXON CRITICIZED ON MINE SAFETY

(By Ben A. Franklin)

WASHINGTON, July 25.—The Nixon Administration was charged today with "calculated indifference" to the "unnecessary and avoidable" hazards of life in the nation's coal mines.

The Administration's handling of the four-month-old Federal Mine Health and Safety Act of 1969 was described as "atrocious" and "despicable" in a 690-page report prepared over an 18-month period and released here today by a team of graduate student researchers.

The researchers were sponsored in part and guided by Ralph Nader, the consumer and safety advocate, who endorsed their report.

J. Davitt McAteer, a 26-year-old graduate of the University of West Virginia Law School who headed the seven-man research team, stood next to Mr. Nader at a news conference this morning at the Mayflower Hotel.

Mr. McAteer said that after all the furor over mine safety that followed the last major mine disaster in November of 1968, "the question is whether or not the miners' chances of survival have been appreciably improved, and we think that they have not."

Coal mine accidents have taken more than 100 lives so far this year.

BLAME IS SPREAD

The report, which one Government mine safety official called probably the most exhaustive research document ever assembled on the subject, parceled out the blame widely for the "incomprehensible, inexcusable" working conditions in the coal industry.

The masses of charts and tables and more than 1,000 interviews with miners, mine operators, Government officials and union leaders focused on West Virginia, the leading coal-producing state. But Mr. McAteer contended that his team's findings were indicative of coal mining nationally. He noted that West Virginia mines had the highest accident rate.

The report charged timidity, confusion and "sham" in much of the Federal and State safety enforcement activity in the mines. It also criticized Congressional and State legislatures for setting work standards that it said were designed to reduce the added costs of safety provisions for the mine owners.

The report reserved its largest criticism, however, for the 110,000 member United Mine Workers of America for its alleged failure to adopt an "adversary posture" in demanding the enforcement of mine safety regulations.

INDUSTRY ASSAILED

Mr. McAteer assailed industry leaders for "an attitude that production and profit must be maximized at the expense of safety."

The report said that 14 of West Virginia's largest coal-producing counties, in which 44 per cent of the land is owned by coal interests, were assessing coal lands for tax purposes at $44 an acre although the coal alone might be worth up to $32,000 an acre.

The report called for the resignation of Lewis Evans, director of the United Mine Workers' two-man safety division.

The three U.M.W. districts in West Virginia, they said, had reported total expenditures of $14 in 1968 for safety "education and publicity" among the rank and file.

Partly because of "a lack of union leadership," the researchers said, "the majority of miners have shown minimal interest in working for improved safety and health conditions."

"They have remained apathetic and silent in the face of the failures of the companies, their union, the state and Federal legislators," the researchers said.

Mr. McAteer said that he might have revised this language had he known that thousand of miners in Ohio, Pennsylvania, West Virginia, Virginia and Kentucky would stage a series of disruptive wildcat strikes this summer to protest the lack of militant safety enforcement in the mines and to express grievances against their union.

OTHER HIGHLIGHTS

Mr. McAteer's report also urged the following:

A liberalization of workmen's compensation awards to the disabled and to widows that would "make accidents more expensive than the cost of safety" and thus motivate reforms:

An end to the 53-million-a-year federally financed research program to promote coal production and sales and using the money to develop safety technology:

A sweeping reassessment of undertaxed coal lands and a 50-cent-a-ton extraction tax on coal.

Mr. McAteer's research group was not formally along "Nader's Raiders" based in Washington under Mr. Nader's direction. But the two groups cooperated closely.

[From the Charleston (W. Va.) Gazette, July 26, 1970]

MOORE AGAIN DEALT BLOW, THIS ONE BY NADER OVER MINE ASSESSOR VETO

WASHINGTON.—Consumer crusader Ralph Nader said Saturday that Gov. Moore has vetoed the appointment of a young law school graduate to the State Tax Department because of his report on coal mine health and safety in West Virginia.

J. Davitt McAteer, a 26-year-old graduate of West Virginia University, is the chief author of a report made public Saturday that declares West Virginia coal mines are the nation's most dangerous.

In addition, the report on "Coal Mine Health and Safety in West Virginia," charges that the blame for the dangerous conditions is shared by almost everyone, including miners and their unions.

Nader said that as a result of the report, Moore has refused to approve the appointment of McAteer to a $12,000-a-year job as mine assessor for the State Tax Department.

That shows, Nader commented facetiously, that rewards come fast for diligence and the search for truth.

McAteer told newsmen in Charleston that Tax Commissioner Charles Haden had given him "the preliminary okay" for the job, "but the Governor's office said no."

He said that he had no immediate plans, "except to get married next Saturday."

Moore was one of the co-sponsors of the 689-page report. Others included Secretary of State John D. Rockefeller IV, the United

Mine Workers, the U.S. Bureau of Mines, Jennings Randolph, D-W. Va., the Carbon Fuel Co. of Charleston, the Erwin-Sweeny-Miller Foundation of Columbus, Ind., and the Field Foundation of New York.

The seven-member team headed by McAteer is not one of the Nader's Raiders teams, Nader said, but an independent group of students "home-bred" and "home-grown" in West Virginia.

Rep. Ken Hechler, D-W. Va., who neither sponsored nor participated in the report, praised the "initiative, objectivity and perception" of McAteer.

He said the report "rips the veil from the incestuous relationship between the coal industry, the . . . leadership of the United Mine Workers, the ineffective federal and state mine bureaus, and those in authority who continue to tolerate the outrageous health and safety conditions suffered by coal miners."

[From the Washington Post, July 26, 1970]

WEST VIRGINIA MINE CONDITIONS ASSAILED

(By Philip D. Carter)

A panel of young West Virginians yesterday raised a monumental indictment of coal mining health and safety conditions in their state.

Their 689-page study, "Coal Mining Health and Safety in West Virginia," concludes that mine owners, leaders of the United Mine Workers union, state and federal agencies and President Nixon all share blame for the highest rates of mining deaths and injuries in the nation.

Similar charges repeatedly have been made by other advocates of stringent measures for the protection of miners.

But the scope and depth of yesterday's report were probably unique, and so was its backing and authorship. The 18-month study was prepared primarily by West Virginia college students with under $9,000 in funds granted by consumer advocate Ralph Nader, state officials, the Department of the Interior, two private foundations, the mine workers union and a coal company.

The report's conclusions were released at a Washington press conference at which Nader introduced the study's 26-year-old principal author, former University of West Virginia law student J. Davitt McAteer.

Nader, who said he had nothing to do with the report's preparation, accused the state's coal companies of "a form of institutionalized cruelty and injustice that can only be possible in a colony."

He also accused West Virginia's Republican governor, Arch A. Moore, of vetoing the appointment of McAteer to a $12,000-a-year job as a mineral assessor with the state tax department. Moore, Nader pointed out, was one of the sponsors of the report.

"The rewards come early," he said with heavy irony, "for dedication, diligence and fact-gathering within the state of West Virginia."

There was little in the study to please anyone connected with the coal industry.

"Coal mines can be made safe if the companies are willing to pay for it," the report declared. But "time after time, we found specific instances of coal operators ignoring minimum safety standards in order to maximize production." Reversing that pattern, the study declared, will require "adequate penalty provisions," including civil liability.

Present law includes the Federal Health and Safety Act of 1969, passed in the midst of a national furor caused by the death of 78 miners in a Farmington, W. Va., mine explosion.

The U.S. Bureau of Mines, the report charged, "has been negligent in enforcing" the act and has "thwarted the intention of Congress" by declining to enforce parts of its safety provisions.

"It seems clear," the report declared, "that President Nixon is treating the miners of America with conscious disregard" by not requiring enforcement of the law and by "vacillating" in the appointment of an aggressive new director of the Bureau of Mines. The post has been vacant for six months.

The report demanded that the federal government stop "subsidizing" the "profitable" coal industry through "federal welfare payments" in the form of depletion allowances and some forms of research.

"In 1969, the American taxpayer spent more than $53 million for coal research aimed, not at improving safety, but rather at increasing production," the report declared. The study called for change in federal priorities, with greater concentration on the health and welfare of miners.

The report similarly indicted the state's department of mines for neglecting miners' health and safety, and accused the state government of "subsidizing" the industry in a variety of ways.

The report called for higher county tax assessments on coal producing land. "Our studies show that in 14 of the major coal producing counties in West Virginia, more than 44 per cent of the land is owned or controlled by coal or coal affiliated companies," the study said.

The report also recommended immediate enactment of a state severance tax of 50 cents on each ton of coal. In the study, net profits were estimated at from 80 cents to $1 per ton of coal, as against the 21 cents per ton recently claimed by the West Virginia Coal Association.

The tax, said the report, would represent a "fair share for mineral extraction" and would also "partially compensate for past damages" by the industry.

The proposed tax, the study predicted, would be passed on to consumers in the form of higher prices. As an alternative, the study proposed a national severance tax, which would equalize the tax rate among all coal producing states and thus ensure that none would suffer a competitive disadvantage.

The report also called for the resignation of UMW safety director Louis Evans and accused the union and its president, W. A. (Tony) Boyle, of being indifferent to mine safety.

"The UMW, once a great union, is in a shambles," the report declared. "It is a union run by a few for a few." The study asked for immediate creation of a Justice Department task force to investigate the alleged misuse of funds from the unions health and welfare fund.

The report also demanded revamping of the state's "grossly inadequate" mining laws, which now "so blatantly favor the coal operator and disregard the miner that one must assume that it is by design, rather than chance."

At yesterday's press conference, author McAteer said that he sought backing for the study after the Farmington mine disaster. The Fairmont, W. Va., native—both of whose grandfathers, he said, once worked for coal companies—said he had been "appalled at the lack of concern" about the explosion.

"The best that people involved can say is that it was an act of God," he said. Not satisfied with that answer, he sought and won backing for the report. Six of McAteer's contemporaries, most of them students from West Virginia, aided in the study, which required "thousands" of interviews with miners, extensve legal and legislative research and on-the-spot surveys of mine conditions.

Rep. Ken Hechler (D-W. Va.), a strong advocate of stricter mine regulations, encouraged the study and was present at yesterday's press conference. Later he issued a statement strongly endorsing its "analysis and conclusions."

McAteer made it clear that the group does not consider itself part of "Nader's Raiders," as Nader's group of consumer researchers have come to be known. "We're McAteers Racketeer's," he said.

SENATOR CITES SUFFERING OF WEST VIRGINIA COAL MINERS

A senator who sponsored a new coal mine safety law cited reports yesterday of "human suffering and tragedy" among West Virginia coal miners that he said stem from mismanagement of a union fund.

Sen. Harrison A. Williams Jr. (D-N.J.) said he has been told that hospital beds and oxygen tents were removed from the homes of some miners who were incurably ill with black lung disease.

He said he was told injured miners "totally immobilized in body casts" have been sent home, helpless, from hospitals.

Those examples, Williams said, are some of the reasons why his Senate labor subcommittee will hold hearings in Charleston, W. Va., next Thursday and Friday on the United Mine Workers Pension and Welfare Fund.

Charges of mismanagement of the fund by the UMW have helped trigger a wildcat strike in the coal fields, Williams said.

[From the Sunday Star, July 26, 1970]

STUDY ACCUSES UMW OF "DESERTING" MINERS

(By Fred Barnes)

A group which conducted an 18-month study of coal mining conditions in West Virginia has accused the leadership of the United Mine Workers of siding with the coal industry and of neglecting the health and safety of coal miners.

Union leaders "have deserted the rank-and-file," the group concluded in a 689-page report issued yesterday.

UMW President W. A. (Tony) Boyle and his lieutenants "did not work vigorously for the Federal Coal Mine Health and Safety Act (passed last year) and more importantly aren't working for its enforcement in the mines today," the report said.

Ironically, the study, made by a group of graduate students at West Virginia University, was financed in part by a $500 grant from the UMW.

U.S. BUREAU SCORED

Other financial supporters of the study, such as the U.S. Bureau of Mines and West Virginia political leaders, also were sharply criticized in the report.

Meanwhile, a senator who sponsored the new coal mine safety law cited reports of "human suffering and tragedy" among West Virginia coal miners which he said stem from mismanagement of the UMW pension and welfare fund.

Sen. Harrison A. Williams Jr., D-N.J., said he has been told hospital beds and oxygen tents were removed from the homes of some miners who were incurably ill with black lung disease.

He said he was told injured miners "totally immobilized in body casts" have been sent home, helpless, from hospitals.

"DENIED PENSIONS"

"In addition, we have received letters detailing cases of miners who worked for 30, 40 and 50 years and who paid their union dues, yet found when the time came to retire they were not eligible for pensions."

Those examples, Williams said, are some of the reasons his Senate labor subcommittee will hold hearings in Charleston, W. Va., Thursday and Friday on the pension fund's operation.

Yesterday's report said the close ties between the union and the coal industry began in 1950 when then-UMW head John L. Lewis

decided "to orient the policies of the UMW toward the increased production of coal and the improvement of the competitive position of the industry."

JOB VETO CHARGED

With the coal industry booming today, "the major coal companies no longer need the consistent support of the UMW but . . . the miners do," it said.

J. Davitt McAteer, a recent graduate of West Virginia University and the chief author of the report, said the study and its conclusions had already cost him a job with the West Virginia state government.

He said he was hired several weeks ago as assistant director of local government relations in the state tax commission office. But a few days later, he said, he was vetoed for the post by Gov. Arch Moore, who had earlier contributed more than $200 for the study.

The report drew praise from Rep. Ken Hechler, D-W. Va., a persistent crusader for mine safety. "The report rips the veil from the incestuous relationship between the union, coal industry and government agencies," Hechler declared.

The overriding contention of the report is that the federal and state governments have joined the union and coal industry in fostering coal production at the expense of miners' health and safety.

[From the Huntington (W. Va.) Herald-Advertiser, July 26, 1970]

COAL MINING IN WEST VIRGINIA BLASTED

A young crusader team declared Saturday that West Virginia's coal mines are the nation's most dangerous and the blame is shared by almost everyone involved—including the miners and their union.

The report, issued after a year-and-a-half study, accuses President Nixon of calculated indifference in enforcing the 1969 mine safety law and of failure to appoint a strong head of the Bureau of Mines.

Consumer crusader Ralph Nader appeared at a Washington news conference with the report's chief author, J. Davitt McAteer, endorsed the report and accused the coal industry of depleting the state's resources with "institutional cruelty . . . only possible in a colony."

The seven-member team headed by McAteer, a recent law school graduate at West Virginia University, is not one of the "Nader's Raiders" team, Nader said, but an independent group of students "home-bred and home-grown" in West Virginia.

But Nader was a sponsor of the project and encouraged it, he said.

Nader said that as a result of the report Gov. Arch A. Moore of West Virginia has vetoed McAteer's appointment to a $12,000-a-year job offered him by Tax Commissioner Charles Haden as mine tax assessor for the state.

That shows, Nader commented with irony, that rewards come fast for diligence and the search for truth.

Moore was listed as one of the project's sponsors along with the United Mine Workers, the U.S. Bureau of Mines—both criticized in the report—Sen. Jennings Randolph, D-W. Va., the Carbon Fuel Co. of Charleston, W. Va., the Erwin-Sweeny-Miller Foundation of Columbus, Ind., and the Field Foundation of New York.

McAteer later told an afternoon news conference at Charleston's Kanawha Airport that the basic premise of the report is that coal mines can be safe if companies are willing to pay for it.

The report accuses Nixon of "treating the miners of America with conscious disregard" because he is vacillating in appointing an independent, strong director of the Bureau of Mines. The job has been vacant since John F. O'Leary was not reappointed in March. Richard Lucas was appointed but withdrew his name.

Nixon, the report said, "has, in effect, rejected Congress' wishes and has acted more in line with the wishes of large coal mine companies."

The report says the West Virginia Legislature, the United Mine Workers and the State Department of Mines all are dominated by the coal companies and that as a result there are grossly inadequate state laws and the coal mines not only do not pay their fair share of taxes but are subsidized. The report calls also for an end to the federal subsidy.

All factions seem more interested in improving production than safety, McAteer writes in the 689-page report which calls this incomprehensible and inexcusable.

As for the miners, the report said:

"Other than the Black Lung strike of 1969, the majority of miners have shown minimal interest in working for improved safety and health conditions. They have remained apathetic and silent in the face of the failures of the company, their union, their state and federal legislatures."

The study was touched off by the Farmington, W. Va., mine disaster in November 1968 that cost 78 lives.

The team says it picked West Virginia to study because it has the worst record of all coal states, as compared with neighboring Pennsylvania's safety record which "appears to be much better."

In West Virginia, the report said, "the chances are one in six that a non-supervising miner working underground will be injured each year. The chances are one in 24 that he will be killed. In addition to this, the possibility of contracting respiratory disease is much greater than the national average or that of his non-mining neighbor."

The report has high praise for the federal mine inspectors as "competent, diligent and conscientious men" respected by the miners.

But the federal Bureau of Mines inspectors, the report said, "are unable to successfully carry out their jobs because of limitations on their authority and most importantly because of restrictions placed upon them by the bureau's hierarchy.

"Only under the directorship of Director John O'Leary did the bureau ever begin to fulfill its protective role with the passage of the new act on Dec. 31, 1969. It was felt that a new era would be embarked on in America's coal fields. But President Nixon has indeed raised doubts as to whether we will embark on a new era, or whether we will simply lower our voices as to the miners' plight."

As for state mine inspectors, the report says, they are captives of "a board of company executives and union officials who would be expected to frown on strict enforcement of the law."

"He must refrain from being too much of a threat to the operators or risk losing his job or being transferred to another district," the report says.

"The miner, whose health and safety are his responsibility, doesn't trust him and moreover, often considers him an enemy. The companies see him as a nuisance, to be dealt with, and dismissed as quickly as possible. He is in a situation of having all friendly enemies and no friends."

Among its conclusions, the report urges that the federal and state governments stop subsidizing the coal industry, saying "in 1969 the American taxpayer spent more than $53 million for coal research aimed, not at improving safety, but rather at increasing production."

At the same time, the report said, "there is no justifiable reason why coal companies should continue to pay a pittance in local property taxes." The tax rate on coal, it said, has "remained the same for 23 years while nearly every other tax rate in the state has risen."

As for the union, the report said the UMW "once a great union, is in shambles. It is a union run by a few for a few. It is a union to which production has become as important as it is to the operator."

UMW President W. A. 'Tony" Boyle "only joined in the battle for black lung legislation after the rank-and-file miners had won the major part of the battle," the report says. It added that now UMW isn't working for the enforcement of the Federal Health and Safety Act.

Louis Evans, director of safety for the union, should resign, the report says, and be replaced by someone who will work vigorously for mine safety.

While praising the new federal mine safety law as the best yet, the report says the federal government lacks authority or enforcement power necessary to promote health and safety in the mines.

Saying the coal companies have a substantial influence over state legislators, the report says the legislature has done little to protect miner health and safety.

The report concludes that "coal is a healthy industry, is profitable and can look forward to a strong future."

UMW FUND MISMANAGED, SENATOR CHARGES

WASHINGTON.—A senator who sponsored a new coal mine safety law cited Saturday reports of "human suffering and tragedy" among West Virginia coal miners which he said stem from mismanagement of a union fund.

Sen. Harrison A. Williams Jr., D-N.J., said he has been told hospital beds and oxygen tents were removed from the homes of some miners who were incurably ill with black lung disease.

He said he was told injured miners "totally immobilized in body casts" have been sent home, helpless, from hospitals.

"In addition, we have received letters detailing cases of miners who worked for 30, 40 and 50 years and who paid their union dues yet found when the time came to retire they were not eligible for pensions."

These examples, Williams said, are some of the reasons why his Senate labor subcommittee will hold hearings in Charleston, W. Va., next Thursday and Friday on the United Mine Workers Pension and Welfare Fund.

Charges of mismanagement of the fund by the UMW have helped trigger a wildcat strike in the coal fields, Williams said.

Although the public hearing announcement was made earlier, Williams did not detail the reasons for it until Saturday.

His aides were in Charleston last week lining up witnesses who could detail some of the alleged suffering stemming from pension and welfare fund mismanagement, Williams' office said.

[From the Parkersburg (W. Va.) News, July 26, 1970]

AUTHOR FIXES BLAME FOR MINING HAZARDS

(By Harry J. Lorber)

CHARLESTON, W. VA.—James Davitt McAteer, author of a 689-page report on coal mine health and safety in West Virginia, Saturday blamed coal operators and the federal and state governments for existing safety hazards in mines.

He charged all have "ignored minimum safety standards in order to maximize production."

Speaking here at a news conference, McAteer called for the federal and state government to stop subsidizing the coal industry, saying there is little need for a depletion allowance when the companies gross $725 million a year.

McAteer, a recent graduate of West Virginia University's School of Law, has been working on the report since October of 1968. It was presented in Washington Saturday by consumer champion Ralph Nader, one of nine sponsors of the study, including Gov. Arch A. Moore of West Virginia, Sen. Jennings Randolph, D-W. Va., West Virginia Secretary of State John D. Rockefeller IV, and the U.S. Bureau of Mines.

The 25-year-old Fairmont native decried the "negligence" of the Bureau of Mines in enforcing the 1969 Federal Coal Mine Health and Safety Act, saying "they have thwarted the intention of Congress by declining to enforce specific sections of the act."

Part of the reason for this, he said, is the Nixon administration's failure to come up with a new director of the bureau, since the dismissal of John F. O'Leary in March.

"These have been the six most critical months in the bureau's 60-year history," McAteer said, "yet Nixon has failed to appoint somebody to take over the directorship."

The State Department of Mines also came under fire in McAteer's report. McAteer claimed the department has never carried out its obligations to protect the miners' health and safety, and won't unless the unofficial "appointment committee" of coal operators and union officials is eliminated, and the governor "would appoint an individual whose primary concern is the health and safety of the miner."

McAteer called for total reorganization of the mines department.

McAteer strongly urged a state severance tax of 50 cents per ton of coal, saying it's time counties "get their fair share" of property owned by coal companies.

"There is no justifiable reason why coal companies should continue to pay a pittance in local property taxes," he said. "Their recently-found efforts at public relations cannot hide the scars and wounds they have made upon this state and its people."

The proposed severance tax, he said, would not only require the coal industry to pay its fair share for mineral extraction, but partially compensate for past damages to the people and land of West Virginia.

"The coal barons have ravaged the land and called it progress," he said. "They have polluted the streams in the name of free enterprise. They have blighted the landscape with abandoned coal camps and mining wastes and have called themselves 'progressive employers'."

But more importantly, they have blatantly disregarded the lives and welfare of their workers in the pursuit of profit. This must be stopped."

McAteer, obviously upset over the findings of his report, angrily lashed out at the United Mine Workers Union and especially its president, W. A. (Tony) Boyle.

"The UMWA, under Boyle, did not work vigorously for the federal health and safety act," he exclaimed, "and more importantly, isn't working for its enforcement in the mines today."

McAteer was sympathetic with a wildcat strike led by the Disabled Miners of Southern West Virginia.

"It's certainly understandable why these men are upset," he said. "They work hard, and depend on that welfare check when they get hurt. Now they find that it isn't there. They feel they're at the end of the road, and their only alternative is to make their grievances known by any means that will draw attention to their plight."

[From the Wall Street Journal, July 27, 1970]

NADER-STUDENT STUDY FINDS NUMEROUS ABUSES IN WEST VIRGINIA MINES

WASHINGTON.—A student study of health and safety conditions in the West Virginia coal industry charged numerous abuses.

These ranged from indifference to health and safety dangers on the part of major companies to inadequate taxes on coal production and failure of the state to collect taxes already authorized, the study said.

The 689-page analysis, conducted principally by West Virginia University law students affiliated with consumer advocate Ralph Nader, strongly criticized the industry and the West Virginia state government. It also said that United Mine Workers of America and the Nixon Administration should share in the blame for coal-industry conditions.

Miners themselves, described as "apathetic and silent in face of the failures of the companies, their union and their state and Federal legislators," were faulted for their own "incomprehensible and inexcusable" failure to seek improvements in their conditions.

Many of the students' points have been raised in the past by critics of the West Virginia coal industry, which dominates the state economically and politically. Following a press conference, Mr. Nader expressed the belief, however, that the thick document would prove a blueprint for changes in the state to be sought by coal miners. He noted the recent wildcat strikes in West Virginia mines over health and safety issues and predicted that more would occur.

Summarizing its findings of coal-company practices, the students' report declared, that "time after time" they found coal operators ignoring minimum safety standards to maximize production. "Unfortunately, the vast majority of coal companies would rather pay a few more dollars in workman compensation premiums than risk reducing their profit margins by the amount necessary to safeguard the life and limb of the workers," the report said.

The report accused President Nixon of, in effect, rejecting the wishes of Congress expressed in the tough 1969 coal mine safety law and acting "more in line with the wishes of large coal mining companies." It termed "atrocious" the President's failure to appoint a Bureau of Mines director following the forced resignation of Democratic holdover John O'Leary.

Moreover, the report continued, it was "despicable" of the President to seek to appoint "a man who sadly lacked a history of strong safety and health activity"—a reference to Richard Lucas, a Virginia professor of mining engineering who recently withdrew his name while his confirmation was pending before the Senate Interior Committee.

The report dedicated considerable space to proving that West Virginia is taxing coal operators too little. It recommended that county real-estate assessments on coal producing land be increased "for improved schools, roads and improved health and safety research." Under-assessment of land "produces tremendous profits for the absentee landlord corporations," the report stated. It also urged that a state severance tax of "at least 50 cents a ton of coal should be enacted at once."

According to the students' reasoning, the severance tax would be justified as a means of requiring the coal industry "to pay its fair share for mineral extraction" as well as "partially compensate for past damages to the people and land of West Virginia" resulting from coal mining.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KEE (at the request of Mr. ALBERT) for July 27 on account of official business.

Mr. KING (at the request of Mr. RHODES) for the week of July 27, 1970, on account of personal business.

Mr. RYAN (at the request of Mr. HOWARD) for the week of July 27, 1970, on account of illness.

Mr. REID of New York (at the request of Mr. RHODES) for the week of July 27 on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to.

Mr. FEIGHAN, Tuesday, August 4, 1970, for 1 hour, to revise and extend his remarks, and to include extraneous matter.

(The following Members (at the request of Mr. FLOWERS) to revise and extend their remarks and include extraneous material:)

Mr. HAMILTON, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. ROSTENKOWSKI, for 60 minutes, July 28.

Mr. PRYOR, for 60 minutes, August 3.

(The following Members (at the request of Mr. RUPPE) to revise and extend their remarks and include extraneous material:)

Mr. HALPERN, for 5 minutes, today.

Mr. HOSMER, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. COUGHLIN, for 5 minutes, today.

Mr. FOREMAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Extensions of Remarks of the RECORD, or to revise and extend remarks was granted to:

Mr. HOWARD, to revise and extend his remarks on the O'Neill-Gubser amendment immediately after the remarks of Mr. BOGGS today.

(The following Members (at the request of Mr. RUPPE) and to include extraneous matter:)

Mr. WEICKER in three instances.

Mr. WYATT.

Mr. SCHERLE in five instances.

Mr. DERWINSKI in two instances.

Mr. FOREMAN in two instances.

Mr. HOSMER in two instances.

Mr. RHODES.

Mr. WYMAN in two instances.

Mr. CHAMBERLAIN.

Mr. BUCHANAN.

Mr. SCHMITZ in two instances.

Mr. FULTON of Pennsylvania in four instances.

Mr. PRICE of Texas in two instances.

Mrs. DWYER in three instances.

Mr. CONTE.

Mr. BOW.

Mr. MIZE.

Mr. AYRES.

Mr. MORSE.

(The following Members (at the request of Mr. FLOWERS), and to include extraneous matter:)

Mr. CULVER in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. CORMAN.
Mr. OTTINGER in three instances.
Dr. DENT.
Mr. BINGHAM in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. HELSTOSKI in two instances.
Mr. GONZALEZ in two instances.
Mr. HAWKINS in three instances.
Mr. HAMILTON in 10 instances.
Mr. BRASCO.
Mr. PEPPER.
Mr. MOSS.
Mr. EDWARDS of California.
Mr. HATHAWAY in two instances.
Mr. CELLER.
Mr. BROWN of California.
Mr. ASHLEY in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. MAHON in two instances.
Mr. DIGGS in five instances.
Mr. ROSENTHAL.
Mr. EDMONDSON in two instances.
Mr. BOGGS in two instances.
Mr. CHARLES H. WILSON.
Mr. UDALL in two instances.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2601. An act to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on July 24, 1970 present to the President, for his approval, a bill of the House of the following title:

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. FEIGHAN. Mr. Speaker, I offer a resolution.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 1161

Resolved, That the House has heard with profound sorrow of the death of the Honorable Michael J. Kirwan, a Representative from the State of Ohio.

Resolved, That a committee of 54 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The SPEAKER. The Chair appoints as members of the Funeral Committee the following Members on the part of the House:

Mr. FEIGHAN, Mr. ALBERT, Mr. GERALD R. FORD, Mr. BOGGS, Mr. MCCULLOCH, Mr. HAYS, Mr. AYRES, Mr. BETTS, Mr. BOW, Mr. ASHLEY, Mr. MINSHALL.

Mr. VANIK, Mr. DEVINE, Mr. LATTA, Mr. ASHBROOK, Mr. CLANCY, Mr. HARSHA, Mr. MOSHER, Mr. STANTON, Mr. BROWN of Ohio, Mr. TAFT, Mr. LUKENS.

Mr. MILLER of Ohio, Mr. WHALEN, Mr. WYLIE, Mr. STOKES, Mr. MAHON, Mr. MCMILLAN, Mr. RIVERS, Mr. WHITTEN, Mr. ABERNETHY, Mr. MADDEN, Mr. PHILBIN, Mr. ROONEY of New York, Mr. SIKES.

Mr. MILLER of California, Mr. MORGAN, Mr. PRICE of Illinois, Mr. EVINS of Tennessee, Mr. DELANEY, Mr. STEED, Mr. KLUCZYNSKI, Mr. BOLAND of Massachusetts, Mr. EDMONDSON, Mr. O'NEILL of Massachusetts, Mr. RHODES, Mr. FLYNT.

Mr. FLOOD, Mrs. GRIFFITHS, Mr. MCFALL, Mr. CASEY, Mr. SMITH of Iowa, Mrs. HANSEN of Washington, Mr. ADDABBO.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

The SPEAKER. The House stands adjourned out of respect to the memory of our late beloved friend and colleague.

ADJOURNMENT

Accordingly (at 6 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 28, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2247. A letter from the Deputy Assistant Secretary of Defense (International Security Affairs), transmitting a semiannual report on the implementation of section 507 (b) of the Foreign Assistance Act of 1961, as amended, pursuant to that act; to the Committee on Foreign Affairs.

2248. A letter from the Director, Federal Mediation and Conciliation Service, transmitting the 22d annual report of the Service, for the fiscal year ended June 30, 1969, pursuant to section 202(c) of the Labor Management Relations Act of 1947; to the Committee on Education and Labor.

2249. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the provision of facilities and services for the public at White Sands National Monument, N. Mex., for the period January 1, 1970, through December 31, 1974, pursuant to 67 Stat. 271 as amended (70 Stat. 543); to the Committee on Interior and Insular Affairs.

2250. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2251. A letter from the President, National Safety Council, transmitting the annual audit report of the Council for 1969, pursuant to section 15 of Public Law 259, 83d Congress; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2252. A letter from the Comptroller General of the United States, transmitting a report on the need for increased control over local currency made available to the Republic of Vietnam for support of its military and civil budgets, Department of Defense, Department of State, Agency for International Development; to the Committee on Government Operations.

2253. A letter from the Comptroller General of the United States, transmitting a report on examination of financial statements of the accountability of the Treasurer of the United States, Department of the Treasury, for fiscal years 1968 and 1969; to the Committee on Government Operations.

2254. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for savings by reducing the paperwork involved in Department of Defense bus travel; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 17880. A bill to amend the Defense Production Act of 1950, and for other purposes; with amendments (Rept. No. 91–1330). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 7521. A bill to reauthorize the Riverton extension unit, Missouri River Basin project, to include therein the entire Riverton Federal reclamation project, and for other purposes; with amendments (Rept. No. 91–1331). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 9804. A bill to amend Public Law 394, 84th Congress, to authorize the construction of supplemental irrigation facilities for the Yuma Mesa Irrigation District, Arizona (Rept. No 91–1332). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 13001. A bill to amend the act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project; with amendments (Rept. No. 91–1333). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91–1334). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 18635. A bill to amend section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising, and for other purposes; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 18636. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in

the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. FOLEY:

H.R. 18637. A bill to amend the act of August 24, 1966, relating to the care of animals used for purposes of research, experimentation, exhibition, or held for sale as pets; to the Committee on Agriculture.

By Mr. WILLIAM D. FORD:

H.R. 18638. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. GRIFFIN:

H.R. 18639. A bill to repeal chapter 44 of title 18, United States Code (relating to firearms), to reenact the Federal Firearms Act, and to restore chapter 53 of the Internal Revenue Code of 1954 as in effect before its amendment by the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 18640. A bill to provide for financial participation by the United States in the construction of the Taft Memorial Library in Kfar Silver, Israel; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself and Mr. BURTON of California):

H.R. 18641. A bill to amend the Fish and Wildlife Coordination Act to provide additional protection to marine and wildlife ecology by providing for the orderly regulation of dumping in the coastal waters of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. HARSHA:

H.R. 18642. A bill: The Mercury Pollution Control Act; to the Committee on Public Works.

By Mr. HECHLER of West Virginia:

H.R. 18643. A bill to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEITH (for himself and Mr. SPRINGER):

H.R. 18644. A bill to require travel agents to post performance bonds to assure the performance of travel services in interstate or foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 18645. A bill to provide that the United States make payments on claims of nationals of the United States against the government of Czechoslovakia based on awards made by the Foreign Claims Settlement Commission, and for other purposes; to the Committee on Foreign Affairs.

By Mr. McFALL:

H.R. 18646. A bill to establish a Doctor Corps; to the Committee on Interstate and Foreign Commerce.

By Mr. OTTINGER:

H.R. 18647. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. PODELL:

H.R. 18648. A bill to amend title II of the Social Security Act to reduce from 20 to 15 the number of quarters of coverage which an individual must generally have had within a specified 10-year period in order to qualify for disability insurance benefits and the disability freeze; to the Committee on Ways and Means.

By Mr. POLLOCK:

H.R. 18649. A bill to amend the act of July 13, 1970; to the Committee on Interior and Insular Affairs.

By Mr. PREYER of North Carolina:

H.R. 18650. A bill to amend the Internal Revenue Code of 1954 to permit taxpayers to treat certain capital expenditures incurred in making buildings accessible to handicapped persons as expenses not chargeable to capital account; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 18651. A bill to amend the Truth in Lending Act to require that statements under open and credit plans be mailed in time to permit payment prior to the imposition of finance charges; to the Committee on Banking and Currency.

By Mr. VIGORITO:

H.R. 18652. A bill to compensate certain growers, manufacturers, packers, and distributors for damages sustained by them as a result of their good faith reliance on the official listing of cyclamates as generally recognized as safe for use in food prior to the unexpected action taken by the United States restricting their future use in foods and drinks; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 18653. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 18654. A bill to require Presidential reports concerning U.S. military units on foreign territory, in order that the Congress may fulfill its primary responsibility for the commitment of the Nation to war, and for the regulation of its Armed Forces; to the Committee on Foreign Affairs.

By Mrs. MINK:

H.R. 18655. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. CHARLES H. WILSON:

H.R. 18656. A bill to require the Secretary of Health, Education, and Welfare to conduct a study and investigation of the effects of the use of pesticides, and for other purposes; to the Committee on Agriculture.

H.R. 18657. A bill to authorize the U.S. Commissioner of Education to establish educational programs to encourage understanding of policies and support of activities designed to enhance environmental quality and maintain ecological balance; to the Committee on Education and Labor.

H.R. 18658. A bill to establish a Commission on Population Growth and the American Future; to the Committee on Government Operations.

H.R. 18659. A bill to reorganize the executive branch of the Government by transferring functions of various agencies relating to evaluation of the effect of certain activities upon the environment to the Environmental Quality Council, and for other purposes; to the Committee on Government Operations.

H.R. 18660. A bill to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States, consistent with environmental protection; to the Committee on Interstate and Foreign Commerce.

H.R. 18661. A bill to coordinate national conservation policy by establishing a Council of Conservation Advisers, and for other purposes; to the Committee on Rules.

H.R. 18662. A bill to amend the Atomic Energy Act of 1954 to permit a State, under its agreement with the Atomic Energy Commission for the control of radiation hazards, to impose standards (including standards regulating the discharge of radioactive waste materials from nuclear facilities) which are more restrictive than the corresponding standards imposed by the Commission; to the Joint Committee on Atomic Energy.

By Mr. BROYHILL of Virginia (for himself and Mr. SCOTT):

H.R. 18663. A bill to revise the pay structure of the police forces of the Washington National Airport and Dulles International Airport, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MAHON:

H.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes; to the Committee on Appropriations.

By Mr. SAYLOR:

H.J. Res. 1329. Joint resolution providing for the designation of the second week of September of each year as National Square Dance Week and square dancing as the national dance of the United States; to the Committee on the Judiciary.

By Mr. CONTE:

H. Con. Res. 691. Concurrent resolution relating to treatment and exchange of military and civilian prisoners in Vietnam; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Georgia:

H. Res. 1160. Resolution amending the Rules of the House of Representatives relating to financial disclosure to require financial reporting by certain members of the press galleries of the House of Representatives; to the Committee on Standards of Official Conduct.

By Mr. FULTON of Pennsylvania:

H. Res. 1162. Resolution to change House rules relating to election of committee chairmen; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H. Res. 1163. Resolution establishing a Select Committee on Technology and the Human Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BURTON of Utah introduced a bill (H.R. 18664) for the relief of John J. Owens, Doris I. G. Owens, Anthony John Owens, Hilary Mary Owens, Jeremy Norman Owens, and Jenny Michelle Owens, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

431. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the Los Angeles-San Diego transportation corridor, which was referred to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

555. By the SPEAKER: Petition of 170 participants at the 50th Anniversary Conference of the Women's Bureau of the Department of Labor, relative to equal rights for men and women; to the Committee on the Judiciary.

556. Also, petition of the board of directors, National Restaurant Association, Washington, D.C., relative to enforcement of the law and protection of human rights; to the Committee on the Judiciary.

557. Also, petition of Mrs. Allen Blanchard, Helena, Mont., and others, relative to appointments to the U.S. Supreme Court and other Federal benches; to the Committee on the Judiciary.

SENATE—*Monday, July 27, 1970*

The Senate met at 12 noon and was called to order by Hon. CHARLES H. PERCY, a Senator from the State of Illinois.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who art the source of our life and the end of our pilgrimage, we praise Thee for Thy presence with us all our days. Send us now to our tasks with fresh vigor and noble purpose.

Keep our country and our people in Thy hand. Heal all divisions and preserve us from inward strife. May this Nation be a beacon of hope to all who seek freedom and all who honor Thy name. May we so live as to bring judgment upon evil doers. Make us worthy to mediate Thy grace to all who seek righteousness and justice. Keep us generous and kind but always firm and resolute in the right.

In the Redeemer's name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 27, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. CHARLES H. PERCY, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. PERCY thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. PERCY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 75) directing the Secretary of the Senate to make corrections in the enrollment of S. 2601.

HOUSE BILL REFERRED

The bill (H.R. 18515) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, July 24, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF MICHAEL J. KIRWAN, REPRESENTATIVE FROM OHIO

Mr. YOUNG of Ohio. Mr. President, it is with a feeling of sadness that I announce the death of Congressman MICHAEL J. KIRWAN, of Ohio, at the Bethesda Naval Hospital.

MIKE KIRWAN was serving his 34th consecutive year in the Congress, representing the 19th Ohio Congressional District, commencing with the 75th Congress.

It is with a feeling of pride I inform the Members of this Chamber that MIKE KIRWAN was my close personal as well as a political friend for nearly 40 years.

As a young boy, MIKE KIRWAN worked in the coal mines and later as a very young man for the Pennsylvania, Lehigh Valley, and also Southern Pacific Railroads and as a yardmaster for the Youngstown Northern Railway. During his youth he traveled extensively in our country, particularly throughout the West working in wheat and oil fields, on ranches, and in lumber camps. In World War I, he served in combat in France. He became a sergeant in the field artillery and won decorations from our Government.

Mr. President, as a soldier MIKE KIRWAN learned devotion and as a laborer in the mines and fields he developed a sensitivity and compassion for the weak, the unfortunate, and those who toil with their hands.

In the House of Representatives, MIKE KIRWAN served as a member of the Rivers and Harbors Committee and from 1943 he served as a member of the Appropriations Committee.

He was first elected to the 75th Congress in 1936 and thereafter to every succeeding Congress and by ever-increasing majorities.

Congressman KIRWAN had very little formal education. It was necessary for him to work in the coal mines at an extremely early age. He became a self-educated and very knowledgeable man. During his years as Representative in Congress from the 19th Ohio District he spoke out in support of Democratic candidates and Democratic causes not only in every area of Ohio but in many States in the Midwest and Far West. He was a forthright and blunt speaker. He never dodged speaking out for unpopular causes. He spoke with sincerity and eloquence.

He was a sincere, honest, and industrious public servant in the House of Representatives. Due to that the 19th Ohio District, long regarded as a Republican stronghold reelected him from 1938 to 1968 by ever-increasing majorities. Last year MIKE KIRWAN announced his retirement and that he would not seek reelection. This was due to his failing health.

MIKE took great pride in bringing about the erection of dams throughout every area of the United States. Whether any particular dam has been named after him I do not know, but I do know that there are hundreds of dams, highly needed at the time, which were erected due to MIKE KIRWAN's efforts and leadership. These are his monuments.

Congressman KIRWAN was first elected to the House of Representatives in 1937. He was appointed to the Committee on Appropriations in January of 1943. He became a champion of conservation, including national parks and mineral resources, and made great efforts for the improvement of the welfare and education of the American Indian. He wanted every Indian child in our Nation to have the opportunity to have a good common school education which, due to economic conditions, was denied him.

Congressman KIRWAN was on the Sub-

committee on Interior Appropriations from 1955 to the present time. From 1965 to the present time, he was chairman of the Subcommittee on Public Works Appropriations. He was influential in pollution control and dealt with the officers of the Corps of Engineers and TVA officials. He was extremely influential in flood control in the Missouri River Basin.

Long before the present generation became aware of the problem of pollution, MIKE KIRWAN was fighting for the preservation of forests, national parks, and fish and wildlife while serving as chairman of the Subcommittee on Interior Appropriations. At the time of his death, he was chairman of the Subcommittee on Public Works Appropriations. He also served as chairman of the Democratic Congressional Campaign Committee from 1947 to the present time.

MIKE KIRWAN was devoted to his wife and children and grandchildren in addition to the public service. He and his wife, the former Alice Kane, were the parents of two sons and a daughter. In addition, he and his wife were blessed with 20 grandchildren.

Mr. President, MIKE KIRWAN, above all, was a man of integrity. He was a man whose word and fairness were unquestioned in the Congress of the United States.

The citizens of Ohio have lost a tireless and dedicated citizen. Congress has lost an able and productive legislator. All of us who knew MIKE KIRWAN have lost a loyal and trusted friend.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I wish to join the distinguished senior Senator from Ohio in what he has just had to say about our late colleague, MICHAEL J. KIRWAN, of Youngstown, Ohio. He was, in the words of the distinguished Senator, a man of the people. He was a man who had little formal education but who had a great deal of commonsense.

I feel a personal debt to MIKE KIRWAN, because when I first came to the House 28 years ago, an attempt was made by the Army Engineers to use Flathead Lake for irrigation purposes in the Bonneville area during the course of the Second World War.

I went to MIKE KIRWAN and, because of his great assistance, we were able to thwart the desires and the plans of the Army Engineers. Out of that came the authorization for Hungry Horse Dam, which was finally completed and which saved Flathead Lake. This was achieved as the result of the astounding momentum applied by MIKE KIRWAN. Without him it might well have been a different story.

The distinguished Senator mentioned the fact that many dams were built because of his interest.

I can personally testify to that because in addition to saving Flathead Lake, he was responsible in large part for the Libby Dam now under construction, and also for the Yellow Tail Dam which is practically completed at the present time.

So MIKE has been a good public servant. His loss will be felt. It will be a long time before anyone will be able to fill his shoes. He has left behind enough in the way of monuments to make his mark and to remind the people of this Nation that he was a great public servant who worked in their behalf.

Mr. STENNIS. Mr. President, I wish to join the sentiments expressed in remarks regarding the late MIKE KIRWAN and his remarkable record in Congess. The people of this entire Nation, in my opinion, owe a debt of gratitude to him for his fine attention to details, as well as his vision, with respect to public works projects throughout the land. He gave unstintingly of his time, not only taking care of his district but also the affairs of this Nation in an able, remarkable, unselfish, and distinguished way. The people can well be thankful that he lived, and in such a fine constructive way.

I know his soul will find a lasting reward.

URBAN SCHOOL DISTRICTS MEET ON UNANSWERED DESEGREGATION QUESTIONS

Mr. SPONG. Mr. President, one of the greatest domestic problems of the moment concerns our public schools. Confusion, uncertainty, and doubt exist over constitutional requirements, court rulings, Federal policies, and sound education procedures.

The 1970–71 school year is almost upon us, yet school districts throughout our Nation do not now know the conditions under which they will have to operate this fall. In fact, the two largest municipal school systems in my State are in this position.

Moreover, the need for a law with equal application throughout the United States—a fact about which I spoke last Monday—is becoming more apparent.

In view of the common problems, 11 school districts representing areas both inside and outside the South met this past weekend in Charlotte, N.C., to discuss possible alternatives. As a result of this meeting, the school districts adopted a resolution which contains two principal parts. First, it reaffirms the agreement of the school districts that segregation by race has no place in education. Second, it specifies that the school districts do not believe that arbitrary racial balance in each school and busing to achieve racial balance are required by the Constitution.

The resolution also recognizes the responsibility of professional educational organizations and school districts to assure that consideration is given to sound education procedures in the court proceedings which are underway.

Mr. President, I should like to read the text of a telegram from the Charlotte, N.C., meeting which includes a resolution:

Here is the text of a resolution adopted in Charlotte on Saturday by representatives of eleven large urban school districts including Cincinnati, Ohio; Norfolk, Virginia; Pontiac, Michigan; Winston-Salem, N.C.; Denver, Colorado; Chattanooga and Memphis, Tennessee; St. Petersburg (Clearwater), Florida; Houston, Texas; Richmond, Virginia; Charlotte, N.C.

It is agreed that segregation by race has no place in education, both because it is unconstitutional and because it is educationally unsound. Chief Justice Burger has recently outlined a national problem when he stated: "As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented including whether, as a constitutional matter, any particular racial balance must be achieved in the schools: to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the court." The answers to these questions will have far reaching impact on public education and must be resolved as quickly as possible and in such a way as to promote the best possible education for our students.

To conclude that the answers to these questions require arbitrary racial balance in each school and busing to achieve racial balance is to make a decision not required by the constitution. This would be an educational decision without appropriate regard for the educational impact of the decision and without regard for the many factors involved in a good educational program. While some school boards and some State legislatures might decide that it is good public policy to achieve racial balance by busing or by any other means, it is quite a different thing to say that this is required by the constitution. Once it becomes a constitutional mandate it becomes frozen and unchangeable, whereas sound educational policy requires the trial of many different approaches and flexible decision making to meet new problems as they arise from time to time.

Professional associations and large urban school systems ought to follow pending lawsuits in this area very closely. Where these key educational issues are before the Supreme Court, professional associations and large urban school systems ought to supply amicus curiae briefs to bring to the attention of the Supreme Court the educational considerations involved in the analysis of the Chief Justice's questions.

WILLIAM E. POE,
Chairman, Charlotte-Mecklenburg Board of Education.

REQUEST FOR FAIRNESS DOCTRINE TO APPLY TO SPOT ADVERTISEMENTS ON AMENDMENT TO END THE WAR

Mr. DOLE. Mr. President, I have today released a partial list of television stations which have been requested to provide air time, without cost, to present the viewpoint of those opposing the so-called amendment to end the war.

I have written the television stations currently running or scheduled to run spot advertisements purchased by the Amendment To End the War Committee.

Under the fairness doctrine, a broadcasting station is required to present contrasting views on all issues of public controversy. That obligation to broadcast opposing views applies, regardless of the availability of paid sponsorship.

I have received a number of responses from television stations throughout the country indicating a willingness to schedule, without cost, spots presenting

the viewpoint of those who oppose the amendment to end the war.

I ask unanimous consent to have printed in the RECORD a partial list of some 60 broadcast and television institutions now running the so-called amendment to end the war spots along with my letter to those stations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTER SENT TO BROADCASTING STATIONS RUNNING "AMENDMENT TO END THE WAR" ADVERTISING SPOTS

I have been informed you are currently running a spot schedule purchased by the "Amendment to End the War" Committee in support of the McGovern-Hatfield Amendment to the Military Procurement Authorization Act.

The Fairness Doctrine, as you know, requires that you present contrasting views on all issues of public controversy. The obligation to broadcast opposing views applies, regardless of availability of paid sponsorship.

Therefore, comparable air time, without cost, to present contrasting views on the "Amendment to End the War" (Amendment 609 to H.R. 17123) is respectfully requested.

Since Senate consideration of the Amendment is pending, I urge immediate consideration of this request.

Sincerely yours,

BOB DOLE,
U.S. Senate.

PARTIAL LIST OF BROADCASTING STATIONS RUNNING "AMENDMENT TO END THE WAR" SPOT ADVERTISEMENTS WHICH HAVE RECEIVED ATTACHED LETTER

Boise, Idaho: KTVB, KBOI.
Idaho Falls, Idaho: KIFI, KID.
Twin Falls, Idaho: KMVT.
Dodge City, Kansas: KTVC.
Pittsburg, Kansas: KOAM.
Topeka, Kansas: KTSB.
Wichita, Kansas: KTVH.
Bowling Green, Kentucky: WLTV.
Lexington, Ky.: WBLG.
Paducah, Ky.: WPSD.
Grand Rapids, Mich.: WOOD.
Jefferson City, Mo.: KOMU, KRCG.
Joplin, Mo.: KODE.
K.C., Mo.: KCMO, WDAF.
Springfield, Mo.: KTTS, KYTV.
St. Joseph, Mo.: KQTV.
St. Louis, Mo.: KSD.
Las Vegas, Nev.: KORK.
Reno, Nev.: KCRL, KTVN, KOLO.
Manchester, N.H.: WMUR.
Albuquerque, N.M.: KOAT, KGGM, KOB.
Roswell, N.M.: KBIM.
Bismarck, N.M.: KFYR.
Fargo, N.D.: KTHI, KXJB, WDAY.
Pembina, N.D.: KCND.
Eugene, Oregon: KVAL.
Medford, Oregon: KMED.
Portland, Oregon: KGW.
Providence, R.I.: WTEV, WPRI.
Burlington, Vermont: WVNY.
Harrisonburg, Va.: WSVA.
Richmond, Va.: WTVR.
Roanoke, Va.: WSLS, WDBJ.
Bellingham, Wash.: KVOS.
Seattle, Wash.: KING, KIRO.
Spokane, Wash.: KREM, KXLY, KHQ.
Yakima, Wash.: KIMA.
Beckley, W. Va.: WOAY.
Blue Field, W. Va.: WHIS.
Charleston, W. Va.: WCHS.
Clarksburg, W. Va.: WDTV.
Parkersburg, W. Va.: WTAP.
Huntington, W. Va.: WSAZ.
Wheeling, W. Va.: WTRF, WSTV.

PAID TELEVISION ADVERTISING FOR PURPOSES OF LOBBYING

Mr. DOLE. Mr. President, many have doubts about Members of the Senate using paid television advertising to lobby their colleagues in behalf of a legislative cause, however worthy.

A commentary by Frank Reynolds on ABC evening news of July 7 indicates that this concern goes beyond the Senate and into the media itself. I ask unanimous consent to have Mr. Reynolds' commentary printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

FRANK REYNOLDS' COMMENTARY

Television commercials are now being shown on stations across the country—urging viewers to express their support for the McGovern-Hatfield amendments to end the war in Viet Nam.

There is nothing new about whipping up public support for, or opposition to legislation pending before the Congress. The full page newspaper ad, usually signed by everybody who contributed to its purchase is an established fixture, and I suppose there is nothing intrinsically wrong with using television for the same purpose. But may be there is something not quite right about it, too.

Whether we like it or not—television is—"Show Biz." Is it right to use show biz techniques—perfectly proper for selling products—to sell ideas and issues?

There are those, and I'm one of them, who believe we now have entirely too much Hucksterism in the selling and packaging of political candidates—but apparently the same approach is to be used in the selling and packaging of public positions on nothing less than the nation's foreign policy. And no doubt on other questions, as well.

Suppose, someday the Congress is considering a bill to raise taxes, and the people opposed to it decide to strike at the minds of the voter through his children?

Captain Kangaroo fades from the screen and on comes some joker—probably wearing a cowboy suit—who then pleads with the kiddies to remind daddy to write his congressman and make sure those bad men in Washington do not take away the money daddy spends on ice cream, or candy bars.

It could happen.

I have nothing against television commercials. Frequently, they are better than the programs they interrupt, and my choice for TV's man of the year is that poor slob who had to keep saying—

"Mama, Mia, that's a spicy meat-a-ball!" But unless something happens, he may one day be persuading us, not to buy this or that, *but* to decide on matters somewhat more momentous. And even in the television age, the country may need statesmen more than salesmen.

THE REDUCTION OF PRESIDENT'S BUDGET REQUESTS BY CONGRESS

Mr. MANSFIELD. Mr. President, I am happy to state once again that this Congress, both the Democratic and Republican Members, have together cut the President's budget request for fiscal year 1970 which ended June 30, almost a month ago, by $6,370,937,390, and that in addition, based on the second supplemental bill which passed Congress some weeks ago, Congress—both the Republicans and the Democrats—reduced the President's budget request in that instance by an additional $461,947,690.

I am happy also to note that last year Congress—both the Republican and the Democratic Members—made an allowance for a reduction of $1.437 billion in this fiscal year and that last week Congress—both the Democrats and the Republicans—passed the Interior appropriations conference bill which had a reduction of $6 million—million that is—that the bill now before us, the authorization bill for military procurement already provides a further reduction of $1.3 billion and the Senate is only beginning its consideration.

Last Tuesday the Democratic Policy Committee unanimously agreed that the White House charge that this Congress has exceeded White House requests for spending was totally erroneous and unfounded. The committee noted—to the contrary—that President Nixon's spending requests from the Congress for fiscal year 1970 had exceeded by $6.4 billion what Congress approved.

In other words, Congress reduced President Nixon's requests for spending by more thant $6.4 billion. It is true that in a few specific areas Congress added more appropriations than President Nixon requested. That was true in fields of health, education, antipollution control, poverty, and urban renewal. But at the same time Congress more than compensated for these additions by making larger cuts in President Nixon's spending requests for foreign aid and expenditures of the Defense Department.

In the face of such a record, it is difficult to envision just how Congress can be labeled "spendthrift" when it reduces President Nixon's—not President Johnson's—specific requests by $6.4 billion during his first year in office. On top of that, during the consideration of the fiscal year 1970 budget, Congress also reduced President Nixon's request for fiscal year 1971 by an additional $1.4 billion—a savings for fiscal year 1971, the year we are in now, which Congress has available to use in connection with appropriations measures it is now considering. In other words, it was a $1.4 billion savings for fiscal year 1971 made prior to the consideration of spending requests now under consideration.

In addition, Congress reduced the President's second supplemental budget request for fiscal year 1969 by $461,947,690, for a grand total of reductions so far of $8,269,883,080.

It is anticipated Congress will make similarly large reductions as it examines the spending requests it now has under consideration from President Nixon. It is always assumed that in the appropriations process Congress will make certain additions and subtractions with respect to specific item. This is a question of priorities—of where we allocate our resources—and just as last year, Congress may find the priority needs of this Nation today lie more in the fields of health education, the environment and poverty

assistance and less in foreign aid and Department of Defense requests.

In any case, it is clear that on balance Congress will again reduce the total sum requested by the administration for spending. It will do so in an effort to bring this Nation out of the economic crisis in which it finds itself.

Mr. President, I ask unanimous consent to have printed in the RECORD a table of figures bearing on what I have said, which was prepared by the Committee on Appropriations. I wish to say, before the request is considered, that what Congress has done it has done on a bipartisan basis. It is not just the majority which is responsible for these cuts, but the Congress, both Democrats and Republicans and they all deserve a great deal of credit for what has been done in this respect.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[SENATE APPROPRIATIONS COMMITTEE PRINT]

ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY IN APPROPRIATION BILLS, 91ST CONG., 1ST SESS. AND 91ST CONG., 2D SESS. AS TO LABOR-HEW APPROPRIATION BILL, H. R. 15931, AND FOREIGN AID APPROPRIATION BILL, H.R. 15149—AS OF MAR. 5, 1970

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	Budget requests considered by House	Approved by House	Budget requests considered by Senate	Approved by Senate	Public Law	(+) or (−), Public Law amounts compared with budget requests to Senate
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Bills for fiscal 1970:						
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	$2,314,714,000	$2,272,332,000	$2,314,714,000	$2,280,195,000	$2,276,232,000	−$38,482,000
(Memoranda: Total, including authorizations out of postal funds)	(8,821,727,000)	(8,779,345,000)	(8,821,727,000)	(8,787,208,000)	(8,783,245,000)	(−38,482,000)
2. Agriculture (H.R. 11612)	6,967,562,050	6,806,655,000	7,237,562,050	7,642,797,650	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,380,413,600	14,909,089,000	15,512,969,600	[2] 14,985,449,000	15,111,870,500	−401,099,100
(Fiscal year 1970 amounts only)	(15,205,413,600)	(14,734,089,000)	(15,337,969,600)	[2](14,985,449,000)	(15,111,870,500)	(−226,099,100)
4. Interior (H.R. 12781)	1,390,096,500	1,374,286,700	1,390,856,500	1,382,766,900	1,380,375,300	−10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,335,634,200	2,475,704,600	2,382,354,700	2,354,432,700	−121,271,900
6. Labor-HEW (H.R. 13111 vetoed by the President, Jan. 26, 1970)	(16,495,237,700)	(17,573,602,700)	(19,834,125,700)	(21,363,391,700)	(19,747,153,200)	[4](−86,972,500)
(Fiscal year 1970 amounts only)	(16,495,237,700)	(17,573,602,700)	(18,608,125,700)	(20,245,811,700)	(19,747,153,200)	[4](+1,139,027,500)
7. Labor-HEW (H.R. 15931 signed by President Mar. 5, 1970)	18,608,125,700	19,381,920,200	19,834,125,700	19,381,920,200	19,381,920,200	[5]−452,205,500
Senator Cotton amendment Sec. 410; 2 percent reduction				−346,776,624	−346,776,624	−346,776,624
(Fiscal year 1970 amounts only)	(18,608,125,700)	(19,381,920,200)	(18,608,125,700)	(19,381,920,200)	(19,381,920,200)	(+773,794,500)
8. Legislative (H.R. 13763)	311,374,273	284,524,057	372,152,949	342,310,717	344,326,817	−27,826,132
9. Public works (and AEC) (H.R. 14159)	4,203,978,000	4,505,446,500	4,203,978,000	4,993,428,500	4,756,007,500	+552,029,500
10. Military construction (H.R. 14751)	1,917,300,000	1,545,559,000	1,917,300,000	1,603,446,000	1,560,456,000	−356,844,000
11. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,095,019,630	2,090,473,630	2,147,152,630	2,143,738,630	+53,265,000
(Fiscal year 1970 amounts only)	(1,840,473,630)	(1,875,019,630)	(1,840,473,630)	(1,947,152,630)	(1,929,738,630)	(+89,265,000)
12. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	188,691,000	228,842,000	173,547,000	168,510,000	−60,332,000
(District of Columbia funds)	(751,575,300)	(683,106,300)	(752,944,300)	(657,064,000)	(650,249,600)	(−102,694,700)
13. Defense (H.R. 15090)	75,278,200,000	69,960,048,000	75,278,200,000	69,322,656,000	69,640,568,000	−5,737,632,000
14. Foreign assistance (H.R. 15149)	3,679,564,000	2,608,020,000	3,679,654,000	2,718,785,000	2,504,260,000	−1,175,304,000
15. Supplemental (H.R. 15209)	298,547,261	244,225,933	314,597,852	296,877,318	278,281,318	−36,316,534
Total, these bills—						
As to fiscal 1970	134,719,895,614	128,021,451,220	135,200,040,881	[6] 129,106,910,091	[6] 128,829,105,491	[6] −6,370,935,390
As to fiscal 1971	425,000,000	395,000,000	1,651,000,000	200,200,000	214,000,000	−1,437,000,000
Total, 1970 bills including 1971 amounts	135,144,895,614	128,416,451,220	136,851,040,881	[6] 129,306,910,091	[6] 129,043,105,491	[6] −7,807,935,390
Bills for fiscal 1969:						
1. Unemployment compensation (H.J. Res. 414)	$36,000,000	$36,000,000	$36,000,000	$36,000,000	$36,000,000	
2. Commodity Credit Corporation (H.J. Res. 584)	[3] 1,000,000,000	[3] 1,000,000,000	[3] 1,000,000,000	[3] 1,000,000,000	[3] 1,000,000,000	
3. 2d supplemental (H.R. 11400)	4,364,006,956	3,783,212,766	4,814,305,334	4,459,669,644	4,352,357,644	−$461,947,690
Release of reserves (under Public Law 90-364)	(82,463,000)	(82,766,000)	(79,999,000)	(80,230,000)	(80,230,000)	(+231,000)
Total, 1969 bills	5,400,006,956	4,819,212,766	5,850,305,334	5,495,669,644	5,388,357,644	−461,947,690
Cumulative totals	140,544,902,570	133,235,663,986	142,701,346,215	[6] 134,802,579,735	[6] 134,431,463,135	[6] −8,269,883,080

[1] In round amounts, the revised (April) budget for fiscal 1970 tentatively estimated total new budget (obligational) authority for 1970 at $219,600,000,000 gross ($205,900,000,000 net of certain offsets made for budget summary purposes only), of which about $80,700,000,000 would become available, through so-called permanent authorizations, without further action by Congress, and about $138,900,000,000 would require "current" action by Congress (mostly in the appropriation bills). Also the April Review of the Budget contemplates budget requests for advance fiscal 1971 funding in 4 items totaling $1,661,000,000.

[2] Reflects reduction of $175,000,000 for Appalachian highway program for 1970 and $175,000,000 for advance funding for 1971. Authorization Act provided for contract authority in lieu of new obligational authority, with payments for liquidation to be appropriated later.

[3] Shifted from fiscal 1970 budget a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

[4] Although a reduction in the budget estimate of $86,972,500 is reflected in the total column of the bill, it must be made clear that the budget estimate column to the Senate includes $1,226,000,000 advance funding for ESEA for 1971 whereas none of these funds were included in the conference agreement. Deducting the $1,226,000,000 from the budget estimate column gives a comparison for fiscal year 1970 only and reflects the conference agreement over the budget estimates in the amount of $1,139,027,500.

[5] The budget estimate column to the Senate includes $1,226,000,000 advance funding for fiscal year 1971 for ESEA denied by the Congress

[6] Includes reduction of $346,776,624 in the Cotton amendment, Section 410 of Labor-HEW appropriation bill, H.R. 15931.

Mr. PROXMIRE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. NELSON). The Senator's time has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. PROXMIRE. Mr. President, I commend the majority leader for the speech he has made and the action which has been taken by the Democratic Policy Committee in demonstrating and documenting beyond any question that Congress last year and for the last 25 years has cut the request of whatever party had control of the White House. Congress cut the Johnson requests, the Kennedy requests, the Truman requests, and the Eisenhower requests consistently. Of course, last year, as the distinguished majority leader said, we cut the request by President Nixon sharply.

However, I notice that the release by the Democratic Policy Committee was published on about page 27 of the New York Times and back somewhere in the other newspapers. I noticed the President's charge received first-page headline treatment in nearly every newspaper in the country. If one talks to well-informed Americans, including many Members of Congress, they say Congress is spending more than the President and and that it is the President who wants to hold down spending. It is important that the majority leader has brought these facts to the attention of the public and we must continue to do it day after day until we get through to the American people.

I wish to ask the Senator if it is not true that the first appropriation bill to pass Congress and go to the President was the District of Columbia appropriation bill. I am aware of that because I handled it. There was a cut there of about 22 percent or $189 million below the President's request.

Mr. MANSFIELD. Yes. I forgot to mention that. I am glad the Senator has called attention to that for the RECORD.

Mr. PROXMIRE. On the basis of last year, when in 10 of 14 appropriation bills the cut was $5.5 billion, can the Senator give a figure based on the largest estimate?

Mr. MANSFIELD. That figure would be $6,370,935,390 plus $461,947,690 cut

out in the second supplemental request, plus what Congress did last year in making an allowance for a cut this fiscal year which is underway of $1,437 million. So the grand total is $8,269,883,080.

Mr. PROXMIRE. I was so convinced that the Senator from Montana is correct that we will reduce the Nixon request this year, that last week I said on the floor of the Senate that if Congress did not reduce President Nixon's request I would personally contribute to my Republican opponent's campaign the sum of $1,000 and he could have that sum out of my pocket to help him defeat me in the coming election. I thought that was kind of a spectacular proposal. I did not expect it to be a national story but I did not see anything at all about it in the newpapers.

I do not know how we can correct the impression some of the American people have. My staff and I sat up several nights trying to think of some way to dramatize this situation. It galls me that that situation exists after all the efforts by the majority leader, the minority leader, Democrats and Republicans, when the President can go on television and call Congress "spendthrift" and get away with it. What can we do? The Senator has made a very well documented speech. There is no answer from the other side, although the Senator from Kansas (Mr. DOLE) is present and he usually undertakes to answer almost anything Democrats say; and the Senator from Illinois (Mr. PERCY), and the Senator from Michigan (Mr. GRIFFIN) were here. We cannot get the story across to the American people. The public is convinced that Congress is spending money like a drunken sailor and that only the President is holding back the flood waters.

Mr. MANSFIELD. Mr. President, may I be recognized again briefly?

The PRESIDING OFFICER. The Senator from Montana.

Mr. MANSFIELD. May I say, before I yield to my distinguished colleagues on the other side, that I have emphasized that these cuts were made by both Republicans and Democrats. There is nothing partisan about this. It is something which we have done, and for which we are entitled to some credit.

May I say, by the same token, that the President is entitled to a bit of credit because of the fact that he reduced expenditures last fiscal year in excess of $3 billion.

So I would hope that, instead of throwing the ball back and forth, we would continue to work in tandem, to work together, so that in that way we can both face up to our responsibilities, bring about the necessary reductions in expenditures and appropriations, and do so on the basis of a close examination of priorities, of balance and emphasis which I am happy to note the administration is likewise undertaking.

I am delighted to yield now to the distinguished Senator from Illinois (Mr. PERCY).

Mr. PERCY. Mr. President, I appreciate the distinguished majority leader's yielding to me.

I was astounded to find the distinguished Senator from Wisconsin complaining about not being able to get "visability" for anything. It is just literally impossible for me to open any Chicago newspaper without reading about the Senator from Wisconsin. The Chicago Daily News is running every day a full-page extract of the distinguished Senator's book. I do not want to plug the book necessarily, but I think it is on the right track in many instances.

I have served on several committees with the distinguished Senator from Wisconsin, and I found there was a great "visibility" about him. So when he says he has great difficulty getting "visability," I point out that he certainly does not take second place to anyone in the Senate in emphasizing the points he makes. I say that with admiration, because I think many of the things he has had to say should have been said and brought to the attention of the American public.

What I would like to get "visibility" for is that not only is the administration trying to present a prudent budget, but it has suggested that we in the Congress should tap new sources of revenue, and that we ought to raise revenues to match our expenditures, and if we do not raise revenues to match our expenditures we are going to have deficits; and we all know that those deficits come out of the hide of housing. We all know that whatever deficit we have rolls over the field of housing, because deficits require refinancing, which causes interest rates to go up, and it all comes out of the housing field.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. When we need an increase of $1.3 billion in revenues, and the President presents a bill to Congress to tax leaded gasoline, which even the oil companies say is a good bill, because this puts a premium on the kind of gasoline which is polluting the atmosphere and enables them to price their product more realistically to provide a nonpolluting product, I do not see why the Congress cannot face up to its responsibility and pass that tax.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. MANSFIELD. Has the President requested Congress to act on legislation containing that tax, or has he just talked about it?

Mr. PERCY. To the best of my knowledge, he has requested Congress to act on it.

Mr. MANSFIELD. I know of no legislation sent to the Finance Committee or the Ways and Means Committee requesting a tax on leaded gasoline. I know of no legislation sent to the Post Office and Civil Service Committees requesting an increase in first-class postage, which I think the President has suggested. So suggestions do not count. I assume when he sends up his budget he has it all figured out as to just how income will match outgo, and that he is doing so on the basis of the tax situation as it exists at the time the budget is sent up.

Mr. PROXMIRE. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. PROXMIRE. First, with respect to the response the Senator from Illinois has made, the Senator from Illinois did not answer at all the statement that Congress has cut appropriations. The Senator from Illinois merely made some response about the publicity the Senator from Wisconsin is getting from a Chicago newspaper which is serializing his book "Report From Wasteland."

That is the first point. Second, he says we ought to raise taxes. The President is not emphasizing that very much. He is wisely, from a political standpoint, putting his stress on Congress cutting down spending.

Is the Senator from Illinois in agreement that Congress is reducing spending, that we have cut down this and previous administration's requests, and that we have a record of reducing the President's requests? Does he agree with that record?

Mr. PERCY. I feel, if we set the record straight, that this administration has done more to cut expenditures of the very kind the distinguished Senator from Wisconsin has been emphasizing, and after all these years this is the only administration I have had experience with that has done so. Certainly, the whole idea of moving our capability from a 2½-war capability to a 1½-war capability has enabled it to work toward a reduction in our Armed Forces of about 750,000 men. That means a cut of approximately $10 billion to $12 billion.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I made a speech on Friday on this very point. I said the administration has stated that it has changed its policy from a 2½-war capability to a 1½-war capability, but that there is nothing in the budget which reflected this. Any reduction in the Defense budget is as a result of the reduction of activities in Vietnam, for which President Nixon deserves a great deal of credit. But he did not put into effect the assumption that he is operating on the basis of one war instead of two wars. He is still approaching it on a two-war basis as far as strategic and tactical forces are concerned.

Mr. PERCY. Does the Senator deny that the Nixon administration has again reduced American troops in Europe by another 10,000 troops, plus their dependents?

Mr. PROXMIRE. That is from 320,000 to 310,000 troops?

Mr. PERCY. No; that is about 300,000, and it is the lowest number we have had there in 25 years.

Mr. PROXMIRE. That is a 2- or 3-

percent cut. It is not a cut that accommodates itself to a big change in policy.

Mr. PERCY. Would the Senator care to report on cuts that have been made in military installations in Wisconsin, because I can testify to cuts made in the State of Illinois, cuts we must absorb provided we are taking our fair share. This administration has more courage than any previous administration had in my experience in cutting back in some 300 congressional districts, many of which military installations had been kept there by sheer force of some congressman who said, "Cut every place but you cannot cut in my congressional district."

Mr. PROXMIRE. As far as Wisconsin is concerned, we have almost no military installations. We lost Truax Field in Madison under Secretary McNamara. However, the city council in Madison passed a resolution praising Mr. McNamara for cutting out that military installation. They did that although it meant a cut in payrolls in Madison.

Mr. PERCY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. PERCY. I want to yield to the Senator from Arizona (Mr. GOLDWATER).

Mr. PROXMIRE. The Senator from Illinois still has not answered the question. The statement made by the Senator from Montana is that Congress has been cutting appropriations below President Nixon's requests, as it has every President's requests. This point has not been answered by the Senator from Illinois. All he has talked about is bases in Illinois and bases in Wisconsin. No Senator has been able to document the serious charge made by President Nixon, against the Congress and it is a serious charge.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. The distinguished Senator from Wisconsin knows full well that the Nixon administration has presented a tight, tough budget. He knows also that this administration has done more to reduce the proportion of that total budget absorbed by the military, and to increase the proportion for humanitarian programs, than many administrations in the past.

Mr. PROXMIRE. This is not a tight budget for the military, for space, or for the SST.

Mr. PERCY. So this administration has submitted a tough budget, prudently conceived, that is putting a realistic ceiling on the limit on spending; and in addition to that, the administration knows—and the distinguished Senator from Wisconsin knows—that on this floor, in night sessions and days sessions, we have added hundreds of millions of dollars to bill after bill, beyond what the administration has asked for. In addition, we have refused to come up with the added revenue that the administration has asked for in the form of a leaded gasoline tax, accelerated estate and inheritance taxes, and other revenue measures that the administration has introduced, including its urgent request that if we are going to raise payrolls and raise wages in the Post Office Department, we increase first-class postage, second-class postage, and third-class postage; and these are politically difficult recommendations to make.

They have asked for an increase of 33⅓ percent in third-class postage and 50 percent in second class. These are concrete steps this administration has taken to attain a fiscally sound policy, and we are helping defeat that fiscally sound policy on the floor of the Senate practically every time we get an appropriation bill before us.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PERCY. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. To back up what the Senator from Illinois has been saying, I do not think it is incumbent upon the Republicans to defend the charge the President has made. I do not think that the Democrats can make any case at all to the contrary. In fact, I think the great increase in the food stamp program, the great increase in HEW—in fact, almost every domestic bill we have had this year has been upped on the floor of the Senate.

I should like to add a couple of items as to what the present administration is doing in the general field of defense. I do not happen to agree with it all, but almost 200 ships will be taken out of the fleet this year, greatly reducing the Navy's strength. We have greatly reduced the total "buy" of the F–111, consequently reducing the number of squadrons. We have reduced the "buy" of the C–5A. In fact, $7 billion will be taken out of the defense budget this year. In addition to that, the subcommittees and the full Committee on Armed Services of the Senate have made further reductions.

So I think the President is correct in accusing not only the Democrats during this administration, but the Democrats prior to this administration, for the troubles we have.

Contrary to what the distinguished Senator from Wisconsin has said, the Vietnam war is not the cause of inflation. The inflation was caused by unnecessary domestic spending during the Kennedy and Johnson years, and we are now catching up with it. I intend to address myself at greater length to that subject sometime in the near future, but I thank the Senator from Illinois for his observations, which I think are eminently correct.

Mr. PERCY. Mr. President, while I hasten to state that I would hate to ever get partisanship into a colloquy on the floor of the United States Senate, but to point out a factual point, it is the $60 billion of deficit financing that we had in, particularly the latter years of the Johnson administration, which caused the present inflationary problems we are facing.

Mr. PROXMIRE. I agree with that. The Senator is correct.

Mr. PERCY. The witnesses before the Joint Economic Committee and the Banking and Currency Committee, whether they be Democrat or Republican, have testified that when you run a deficit of $25 billion in 1 year, and refuse to face the fact that you have a war going on that needs to have the public taxed to pay for it, and you think you can have guns and butter at the same time, someone is going to have to pay for it some day. Unfortunately, the burden falls on the Nixon administration to balance the budget, to stop inflation, and to grind down the war. If those are partisan remarks, so be it, but they are factual, and I daresay the Senator from Wisconsin would not attempt to refute them.

Mr. PROXMIRE. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. May I say to the distinguished Senator from Illinois that in the process of making what was a beautifully irrelevant speech he and the Senator from Arizona have made some statements with which I think we can all agree. His last statement is certainly correct. The Johnson administration did have a series of large budget deficits. Certainly at least the one of fiscal 1968 or fiscal 1969, a $25 billion deficit at a time of high interest and inflation, was I think a great mistake.

I would also agree with the Senator from Illinois that Congress has increased some of the budget requests made by the administration.

But, this has little or nothing to do with the point.

The argument made by the Senator from Montana is that overall, when you consider all of the appropriation expenditures overall, domestic spending, general spending, and so forth, Congress cut President Nixon's budget last year by $6.3 billion, according to the latest figures I have here, and that has not been challenged by the Senator from Illinois.

Congress cut every Eisenhower budget, every Kennedy budget, every Johnson budget, and I say that this year, if Congress does not cut President Nixon's budget, I will contribute $1,000 to my opponent's campaign.

If the Senator from Illinois, the Senator from Arizona, the Senator from Kansas, or perhaps the Vice President, would wish to make a similar offer that if Congress does not cut the President's budget, the administration will contribute something to me, I would be happy to accept it.

Maybe if the President cannot cut spending below the Congress, the Vice President will run with me from my house to the office some morning, a matter of 5 miles. He is quite an athlete, a noted golf and tennis player, but he has not demonstrated his running ability. Maybe that would be a satisfactory return to me for my willingness if Congress fails to cut Nixon spending to contribute $1,000 to my opponent's campaign.

At any rate, I have not heard any of the able Republican Senators say they believe Congress will not cut below President Nixon this year. Will the Senators surrender on that point?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. PERCY. Mr. President, we all want to respond to the Senator.

Mr. DOLE. Mr. President, would the Senator agree to play golf with Mr. AGNEW?

Mr. PROXMIRE. I will even do that. I will even do it without a helmet, I am so sure that Congress is going to go below the budget.

Mr. DOLE. That is the point I am making.

Mr. PROXMIRE. That is the acid test, I think. If nothing else demonstrates my sincerity, that ought to do it.

Mr. DOLE. The Senator from Wisconsin is certain he has a sure thing; and, he says, we have cut every President's budget. So I hope that is not his final offer. Also, there was a front page story about the charges made by the Democrats, that they are not spendthrifts, recently published by a newspaper in my State. I have read it very carefully——

Mr. PROXMIRE. Is that a weekly newspaper, or a daily?

Mr. DOLE. It is a daily, which I read from cover to cover. Almost every day the Senator's name is in it.

Mr. PROXMIRE. Mr. President, it must be a great paper. I think its editor should be cited.

Mr. DOLE. But I want to say to the Senator from Wisconsin, as the Senator from Arizona has said, it is not necessary to document the charges made by President Nixon. We all recognize there have been cuts—and bipartisan cuts. There have also been increases in many programs. They have not generally been bipartisan. These are the areas we will call attention to sometime later this week on the Senate floor.

HENRY JACKSON: A STATESMAN OF UNCOMMON QUALITY

Mr. STENNIS. Mr. President, the July issue of Reader's Digest contains a highly complimentary, and well-deserved tribute to one of our colleagues and to his senatorial record: the junior Senator from Washington State.

The article in the Reader's Digest, written by Ralph Kinney Bennett, is entitled "Henry Jackson: 'A Statesman of Uncommon Quality'."

The article briefly reviews the background, accomplishments and life of a man whom the President himself characterizes as an American of great credit not only to his party but, more important, to his country.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HENRY JACKSON: A STATESMAN OF UNCOMMON QUALITY

(By Ralph Kinney Bennett)

The afternoon session of July 17, 1969, was one of the most extraordinary in the history of the U.S. Senate. The galleries were empty. Only Senators (95 of them) and a handful of Senate officers sworn to secrecy were in the chamber. The controversy over President Richard Nixon's anti-ballistic-missile (ABM) system had reached its denouement. Senators opposing the ABM had called for the secret session in order to display a classified Pentagon chart which profiled a potential Soviet-American missile exchange. If the public could see this chart, opponents boasted, it would "overwhelmingly" oppose the ABM.

Clustered around the chart, the Senators listened quietly as the anti-ABM position was spelled out: ABM's complex of missiles and ultrasophisticated radars would not work as a system; one of the radars was too expensive and too vulnerable to attack; and, ultimately, the whole system could be smothered if enough intercontinental ballistic missiles (ICBMs) were fired at it. It appeared that the opponents of ABM were going to carry the day.

Meanwhile, Sen. Henry M. Jackson had walked into the chamber, carrying penciled notes and a black looseleaf notebook, tab-indexed to the top-secret material it contained. The stocky Democrat from Everett, Wash., was about to put his reputation for perceptive thinking on national defense, nuclear warfare and Soviet-American confrontation to the test. For most of the 48 hours preceding this secret debate, Jackson had briefed himself intently on the bewildering intricacies of missile and anti-missile strategy. Now he rose to address his colleagues in his rich baritone voice: "I think the sensible thing to do is to follow through on the chart." He proceeded to do so, disposing of the faulty arguments that had been based upon it ABM *would* work, he declared. It would strengthen the President's hand in arms-control talks with the Russians. It would not be easily overcome by Soviet missiles, since it could be adapted to meet considerable increases in the Soviet missile arsenal.

The Senator spoke firmly, pausing frequently to answer questions. Some opposition Senators remarked that Jackson was countering their argument with information on the Soviet offensive-missile buildup that they did not have.

"There is nothing mysterious about the intelligence information I got," he answered. "It is available to every Senator."

Smarting opponents said they would call another secret session to refute Jackson's remarks. But they did not and two weeks later ABM passed the Senate by a single vote, and was soundly backed in the House. "Jackson's speech was clearly the turning point," said Sen. Robert Packwood (R., Ore.).

NO LABELS

It was a victory for the White House, and the general in the field was a Democrat who, as one of his home-state newspapers pointed out, "did it against what appeared to be his own best political interests," thus proving himself to be "a statesman of uncommon quality."

Such an accolade embarrasses 58-year-old "Scoop" Jackson (the nickname, from a cartoon character, has stuck since he was four years old). But, as one of the most powerful members of the Senate, he has risen above partisanship many times to advocate a sensible American defense posture.

Once described by a newsman as "a fair-minded, clean-cut Jimmy Stewart type, who speaks his mind but is never doctrinaire," Jackson also has an enviable record in another area of vital national interest—conservation and the environment. His credentials date back through a score of bills, including sponsorship of the Land and Water Conservation Fund, the National Scenic Rivers Act and the Redwoods National Park Act. "There aren't too many U.S. Senators beloved by both the Audubon Society and Pentagon colonels," notes *Government Executive* magazine.

Jackson shuns labels and tries to take a realistic approach to each issue as it arises. After the signing of the Nuclear Test Ban Treaty in August 1963, for instance, President John F. Kennedy urged swift Senate ratification. Kennedy knew that "Scoop," the fellow he played softball with when they were bachelors in Georgetown, would sway votes if he approved it. But Jackson insisted that safeguards accompany the treaty: continued underground testing, maintenance of nuclear-weapons research, improvement of test-detection methods, and the ability to resume testing quickly in the event of a Soviet violation. "Fresh in my mind," he said, "was the sudden breaking of the nuclear-testing moratorium by the Soviets two years before."

The Kennedy people didn't want to rock the treaty boat, Jackson insisted. Finally, the safeguards he demanded were agreed upon, and on September 24 the treaty was ratified by a margin of 14 votes. The Associated Press reported: "Jackson's removal of himself from the doubtful list enhanced the chances for ratification of the pact by a substantial margin above the necessary two-thirds majority."

SOMETHING WRONG

Jackson was a freshman Senator when he first gave notice that he would play an active role in defense matters. At Kwajalein Island in the Pacific during some 1952 atomic tests, he met an "unconventional, ascetic-looking Navy captain" named Hyman Rickover.

When he learned later that this outspoken and brilliant man had been denied promotion twice, partly because of his "crazy" ideas about atomic submarines, Jackson spoke up in the Senate Armed Services Committee: "There is something wrong with the Navy's thinking and its promotion system if a man like this is passed over." Jackson won his fight. Rickover was promoted, and went on to help make the nuclear submarine a major part of our defense system.

In 1955, disturbed by the then half-hearted American ICBM program, Jackson worried that the Russians "would make a quantum jump and come up with a rocket delivery vehicle." He urged that our ICBM development be put on a wartime basis.

Prevailing on Sen. Clinton P. Anderson (D., N.M.) to join him, he drafted a letter to President Eisenhower, promoting him to undertake a full-scale briefing on the matter for the first time. Two years later, in 1957, the Russians surprised the world with the powerful rocket that launched Sputnik. Colleagues then began listening more closely to Senator Jackson, and American ICBM efforts were greatly accelerated.

The man who had been Vice President at the time of the missile letter later paid high praise to the man who had been so far-sighted. In 1968, President Nixon asked Jackson to be his Secreary of Defense. Jackson declined, for reasons that have remained a confidence between him and the President.

KREMLIN PULSE-TAKER

Senate liberals, familiar with Jackson's long voting record for civil rights, Medicare and other progressive measures, often find his energetic advocacy of military preparedness and wariness of communism disconcerting. Jackson, on the other hand, feels that some of his fellow Senators are overly sanguine or badly informed on the communist threat. "They said the ice was breaking in Eastern Europe; then Russian troops marched into Czechoslovakia." (Jackson predicted this invasion months before it happened.) "They said Vietnam was a civil war, then found out about all those North Vietnamese troops in Laos and Cambodia. Now that doesn't sound much like a civil war, does it?" In fact, he wrote an article for the Seattle *Times* years ago, in which he foresaw the movement of North Vietnamese

troops into Laos and a reaction of Cambodia away from threatening communists. "It's not clairvoyance," Jackson comments. "It's just making a judgment from available intelligence."

In four books, many speeches and articles,* he has taken the erratic pulse of the Kremlin. His National Security Subcommittee has generated a continuing flow of scholarly, direct reports on such subjects as the character of Soviet leadership, the ominous Brezhnev doctrine of Soviet intervention, and Soviet and Communist Chinese methods of "negotiation." The Vancouver, Wash., *Columbian*, a newspaper which has differed with Jackson on many issues, notes: "However much one may disagree with the Senator on military-foreign matters, one must admit that he backs his arguments with facts and logic."

MUTUAL RESPECT

In a state noted for its ticket-splitting and independent voters, Jackson has a perfect election record. Descendant of a pioneer Washington family of Norwegian ancestry, he was elected prosecutor of Snohomish County at age 26, just three years out of University of Washington Law School. Elected to Congress in 1940, he spent six terms in the House, and was elected to the Senate in 1952, defeating an incumbent Republican despite that year's Eisenhower landslide. Elected again in 1958, by 319,000 votes, he topped that margin in 1964 with a 538,000-vote plurality.

The secret of his popularity? "The people respect him," says Stanley Golub, a Seattle businessman and one of Jackson's closest friends. "And they know it's a mutual respect. He cares about people."

Jackson starts his work day at about 6:30 a.m. with an hour and a half of reading the paper work he brought home with him the previous evening. Then he battles rush-hour traffic on the way to the Capitol in his battered white 1961 Chevrolet for a morning of committee meetings. As chairman of the Atomic Weapons Subcommittee of the Joint Atomic Energy Committee, he listens to a secret briefing on nuclear-warhead development. Later, at the Interior and Insular Affairs Committee, which he chairs, he discusses Alaskan native land claims with an aide, then sits down to hearings on his National Land Use Policy bill, which would establish a system of priorities for the use of our most valuable and limited resource.

After the hearings, Jackson asks about one of the girls on his staff who is ill. "Does she need anything? Is somebody going to stop by and see her?" Then he meets with some lumbermen about a conservation bill that they fear will hurt the logging business, one of the biggest in his state. They know he talks tough. During the controversy over his proposal to create a national park in the heavily forested North Cascades Mountains, he told a gathering of lumbermen: "It is a mistake for anyone in the forest industry to retreat to a position of adamant opposition to all proposals to preserve part of our national heritage." Yet he has also been blunt about what he considers conservationsts' sometimes knee-jerk reactions: "Every time a tree is cut, a mineral mined, a dam constructed or a road built, the public interest is *not* being attacked."

THIRTY-POUND OFFICE

When he travels to his home state, Senator Jackson carries his "office" in a blue-canvas satchel bulging with about 30 pounds of notes and documents. The plane trip is a time to catch up on extra reading or to go over prospective legislation, speeches and committee reports. He makes notes with thick black lead pencils which always seem to disappear and show up later in the hands of two eager artists—his seven-year-old daughter, Anna Marie, and his four-year-old son, Peter. (Jackson's name in Washington, D.C., society pages usually had "eligible bachelor" appended to it until 1961, when he married Helen E. Hardin, a beautiful woman with a graciously candid sense of humor.)

But moments with wife and children are relatively rare in the life of a man whose solid reputation as a lawmaker is based on action. He is not a legislative dilettante who quickly tires of a bill and lets his staff see it through. Jackson's push for his National Environmental Policy Act (which requires, every government and commercial endeavor to be approached in light of its possible consequences to the already tortured environment), for example, involved three years of almost daily personal work. All the while, he fought head-to-head battles with lobbyists from the Atomic Energy Commission, the Corps of Engineers and other federal agencies and industrial interests.

"You can't say to people you'll move your plant to another town if they don't like the smoke, because today the *other* town won't have you," he told business representatives. "You've got to deal with the *problem*." When the House began gutting his bill, he got on the phone to Rep. John Dingell (D., Mich.), its floor manager. "I don't know how he did it," says Bill Van Ness, special counsel for the Senate Interior Committee, "but the bill came through with just about all Jackson wanted. He's a fighter."

When the Veterans of Foreign Wars held their convention in the nation's capital early this year, they presented Jackson with their Congressional Award. President Nixon had come to the award dinner to deliver an address, but he also took the time to deliver a tribute to the Senator. Said the President: Henry Jackson is "a man who in his public life has spoken not as a partisan but as an American, a man who is a great credit not only to his party but, more important, to the United States of America."

*See "Russia Has Not Changed Her Ways," The Reader's Digest, June '69.

AMERICAN PRISONERS IN NORTH VIETNAM

Mr. PERCY. Mr. President, over 1,400 American men are still held prisoners of war by the North Vietnamese, under conditions that violate the Geneva Convention.

While it is perhaps true, as Seneca said, that the sun also shines on the wicked, this particular North Vietnamese policy casts a shadow on the very tenets of civilization itself. Surely all civilized men, of whatever nationality, look upon this policy of the North Vietnamese with nothing but contempt and revulsion.

POLICE-COMMUNITY RELATIONS IN CHICAGO

Mr. PERCY. Mr. President, last week in Chicago I attended the funeral service of Sgt. James Severin, a police officer who had served with great distinction on the Chicago police force. I met with his family, and attended the funeral with the wonderful family of Patrolman Anthony Rizzato, who was buried the next day, his wife, Rose, daughter, Rosa, son, Anothony, brother, Nick—also a patrolman—and his wife.

These two fine men were shot in the back as they walked in an open field near a public housing project, the Cabrini-Green public housing project.

I should like to make several comments on this tragic incident in the life of the great city of Chicago.

We have tried very hard to establish communications between the community of our minorities in Chicago and the Chicago police. I feel certain that much more can be done and will be done in the future than has been done in the past. But these two men volunteered to serve as part of a team in a volunteer group with a "walk and talk" mission to improve police-community relations in the area. They were shot by men who occupied an empty apartment in the public housing project. Our public housing projects throughout the country have become areas of very high incidence of crime. The people who live in these public housing projects live in fear.

I am delighted that the measure passed by the Senate and the House, which came out of our respective Banking and Currency Committees, contains a provision—which I strongly supported—which made it illegal ever again for public funds to be used for the construction of high-rise public housing for families with children. This type of housing provides too heavily concentrated, dense populations for families with children. For 30 years we have been trying to solve a housing problem on one side and creating a whole series of social problems on the other side. We are making changes, and we are making changes to try to better understand the nature of our law-enforcement problems in the high density areas of our urban communities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. I ask unanimous consent that I may proceed for 2 additional minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed in the RECORD two editorials published in the Chicago Tribune of July 21, 1970, one entitled "Police Restraint" and the other entitled "The Reign of Terror in Public Housing."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

POLICE RESTRAINT

The behavior of Chicago police in the investigation and manhunt which followed the fatal shooting of two of their associates at the Cabrini-Green public housing project has to date been admirable. Their restraint and coolness are especially commendable in view of the provocation offered the force. The victims were their own, and policemen can be expected to make an emotional response in these circumstances. But they have not.

Three suspected snipers who gunned down Sgt. James Severin and Patrolman Anthony Rizzato with shots in the back as they walked in an open field near the project are in custody. A fourth surrendered yesterday. The shots were fired from windows of an unoccupied flat in Cabrini-Green. The two dead officers had volunteered for a "walk and talk" mission to improve police-community relations in the area.

Moreover, police who retrieved the bodies of the two policemen were themselves the targets of sniper fire from the project. That, too, could have contributed to tension, but

the police reacted with the highest standard of professionalism.

Especially encouraging was the cooperation they received from law-abiding residents of the housing project, who live in fear under the threat of intimidation by criminals. Police Supt. James B. Conlisk paid tribute to these responsible citizens, more than 100 of whom called or gave information. They have no more use for gang members and assassins than anybody else. Conlisk also made this appeal:

"It is time for the people of this community to rise up and erase this cancer that is eating at the very heart of this country. This is a prime example to get them to come forward and exert pressure to cast out those who are responsible for these dastardly murders."

Despite the crime at Cabrini-Green, the superintendent plans to continue the walking missions to communicate with the predominantly black citizens of the area and to persuade them that the police are on their side and only are interested in eradicating anti-social elements which prey upon them.

We feel that it is especially commendable that black policemen cooperated with the Rev. Jesse Jackson, national director of Operation Breadbasket, in seeking peaceful surrender of the only suspect still at large, and this was achieved with his surrender yesterday. It was their desire to avert more violence. We agree with the Rev. Mr. Jackson that the suspected killers are entitled to lawful processes of justice and that "trial in the streets" is by all means to be abhorred.

So far police conduct in the wake of an atrocity against brother officers has been a model of restraint. This example of responsible police work can contribute greatly to confidence between the police and the black community.

THE REIGN OF TERROR IN PUBLIC HOUSING

The murder of two policemen by snipers firing from Cabrini-Green housing project raises grave questions about the operations of these gigantic welfare institutions. More than 300 apartments at this project are vacant because people are afraid to live there. Similar conditions prevail at some other buildings of the Chicago Housing Authority. Shootings, robberies, rapes and vandalism are so commonplace that the buildings evidently are controlled not by the authority but by criminal gangs.

The CHA already has spent millions to hire private guards of its properties, but Charles R. Swibel, chairman of the authority, says he is going to Washington to ask for a $7 million grant to enlarge his security force. It would be better if Congress and the federal executive department took a new look at the basic idea of public housing and its results in the last 30 years.

The only good excuse for public housing was to take care of families displaced by public improvements. Perhaps there was a further excuse in the years when thousands of families fled to northern cities as they were displaced from farms of the south.

Now, however, the highway building and other public improvement programs have diminished and the migration from the south has slowed. There has been little or no population growth in the core cities of metropolitan areas in the last 10 years.

Is there any good reason, therefore, for worsening social conditions among the residents of subsidized housing projects in the the cities? A majority of those residents want to live in peace with their neighbors. Many of them are ambitious, eager to help their children raise their standard of living.

For the sake of all the ambitious, self-respecting families, the housing authority ought to eject troublemakers and those who are unwilling to observe the decencies of a civilized society. Such a move would make much more sense than hiring more guards to protect the innocent from the criminals.

It is now clear that it was a mistake to build huge concentrations of multistory public housing. It has also been demonstrated that it is not buildings that make slums, but people. To a large extent the public housing program has been subsidizing the slum makers and penalizing the most deserving families by setting income limits.

A thoro reexamination of the whole program is long overdue.

Mr. PERCY. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Terror at Cabrini-Green," published in the Chicago Daily News of July 20, and a thoughtful article written by the columnist Mike Royko, entitled "A Shovelful of Bad Thinking," published on the same day in the same newspaper.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

TERROR AT CABRINI-GREEN

There is savagery loose in Chicago—no milder word can describe what happened Friday at the Cabrini-Green Homes. And yet the community must keep this tragic happening in perspective.

This is not, first, a matter of black against white, and this is true even though the snipers who killed Officer Anthony Rizzato and Sgt. James Severin were presumably black.

It remains true in the fact of the bitterly ironic fact that the two officers were at the homes on a mission designed to improve relations between the police department and the Cabrini-Green neighborhood, the scene of so much violence and street-gang terror.

Our reporters relate that the Cabrini-Green families, themselves, were stunned and horrified and gave police every co-operation in the search for the snipers. And this is logical. Through the years these families have been the main victims of the savagery wrought by a handful of terrorists.

So rather than being taken as evidence of a widening gap between the races, this tragedy should serve as a shocking reminder of the problems the races share.

The roots of the problem run deep—in young people so alienated that they live in another world, a jungle where they lead their own violent existence under their own primitive laws, at constant war with the society they despise. On the South and West sides of Chicago, these alienated youths are mainly black. And because blacks are handy—and individually defenseless—most of the victims are black, though the maiming or killing of a white policeman has become some special badge of prowess.

The Chicago Police Department has incurred a frightful toll of casualties in trying to protect the community, and especially the black community, against these savages. Its job has been harder because the black community has both distrusted the police and feared the retribution of the gangs.

Now the reasons for co-operation have once more been made shockingly clear. There can be no safety here for anyone so long as the predators can rely upon the community's fearful acquiescence. There is a long road ahead at best; if blacks and whites do not work together, it will have no end.

A SHOVELFUL OF BAD THINKING

(By Mike Royko)

Richard J. Daley had been mayor only two days when he stood on a vast stretch of empty city land, holding a silver-painted shovel in his hand.

"This is my first official act as mayor of Chicago," he told the hundreds of people who stood there with him. "Let's do more and more of these fine things for the people of the city."

Then he thrust the shovel into the ground and turned the first clods of dirt, while the cheers of the people rolled across the emptiness.

It seemed like a fine thing for the people, as he put it, at the time of the ceremonial ground-breaking, April 22, 1955.

The old slum buildings that once covered the land had been bulldozed and the city would put up high-rise public housing projects and fill them with poor families.

Some people warned against it, saying that cramming thousands of poor families into 20-story buildings was dangerous. Some day, they warned, the high-rises would be far more evil than the rickety slums they replaced.

But the high-rises were the most practical "land use," which was another way of saying that going up was the best way to put the most blacks into the smallest space. That way, they wouldn't be spilling out of their black part of town.

So last Friday, two policemen lay dead near the spot on which the mayor had stood 15 years earlier, so full of optimism that the Cabrini-Green project and others like it were the answer to the black housing problem.

Where he had broken the ground, other policemen were hugging the ground while gunfire whined down at them from the beehive buildings. Others crouched or leaned across their squad cars, scanning the windows of the high-rises through the telescopes on their rifles.

For some, it wasn't a new experience. The sound of sniper fire has become as familiar in Cabrini-Green as the roar of the jets in the suburbs.

There have been times when bullets, and hand-thrown objects, rained down from the apartments, for days on end. During a riot, a fireman described being between the skyscraper slums as something like "standing in a waterfall of bottles."

It's even more dangerous inside than outside, where there is at least space to run. Riding the elevators in the buildings may be the most dangerous form of transportation in this city. "I'd rather drive without brakes on the Dan Ryan," said a black man who lived there until he could find a flat in a conventional slum. Police have been trapped in stalled elevators and fire-bombed from above. Tenants have been murdered, raped and robbed on them.

But the tenants ride them, because that's the only way, besides the stairs, to get "home." Anyway, the stairs aren't much safer, and it's not easy to climb 5, 10 or 15 flights every day.

Besides the people who live in the project, the police are the only real experts on Cabrini-Green, because they are the only outsiders who go in there regularly. The minds that conceived the place, built it, filled it, now turn to the police to tend it.

And so the police have become the only link between the rest of society and the people who live in the nightmare world of noise, heat, crowding, violence, poverty and ignorance.

They are expected, somehow, to keep under control something that is inevitably explosive as a nuclear reaction.

That's why the two uniformed men were walking there, in the open, a couple of blue targets on a baseball field, strolling where thousands of eyes could see them from the high buildings.

Neither of them—Sgt. James Severin and Patrolman Anthony Rizzato—were even policemen when the ground was broken for the project. Neither of them had anything to do with creating the project.

More important, neither could do anything about it.

They can't offer jobs or training to black youths, because they don't represent the big all-white trade unions. They can't offer a way out of the project, because they are not part

of the real estate power structure that controls the city's housing patterns for its own profits.

All they could do is gutsily walk around, try to make friends and persuade people that a white man in a uniform is not necessarily an enemy or an oppressor. By now, everyone has read that both men volunteered for it because they had social consciences. My best friend grew up with Severin and said that even in grammar school "he was the kind of kid who wanted to help people. He thought being a cop was the way to do it."

But they didn't belong there. It was a nice idea, but, as Rizzato's brother, also a policeman, said: "Look what it got him." The brother is right. In this stage of the urban war we are in, it's asking too much for a policeman to play good-will ambassador for society, at least in any situation where he doesn't have an even chance.

They could be two of the most decent policemen in the city, as they apparently were, and they would still be nothing but a couple of white heads on blue uniforms to the emotionally brutalized young men of the high ghettos, just as the nicest black kid in the city couldn't dare walk through Cicero or Bogan without expecting violence.

We've come too far in the wrong direction to expect the Officer Friendly approach to work in places like Cabrini-Green, the Taylor Homes, or any of the towering ghettos that are more heavily populated than many suburbs. When they were built, out of ignorance and political cunning, we took a giant's step in the wrong direction.

Unless the people who have the power to make changes are willing to walk there, and hold out something besides their hands, men like Severin and Rizzato shouldn't be expected to.

Maybe nobody should walk there, or live there. Maybe just once, this bigness-crazy city should recognize that something is too big and that something smaller would be better, and should tear those damn places down.

The man who breaks ground for that kind of project will be looking beyond the end of his shovel.

Mr. PERCY. Mr. President, the death of these two men cannot be reversed. The tragedy that has been brought to their families cannot be relieved by anything that I might say here.

I felt privileged to be able to be within the confines of these fine families for a day and to better understand from them the problems that law-enforcement officials have in this country, particularly in urban areas. But what we can do is to dedicate ourselves to try to solve the problems that are brought up by these recurring incidents.

On the same occasion, I visited a Japanese-American girl, Carol Yumata and her parents at a Chicago hospital. A few nights before, her throat had been slit in the Palmer House Hotel, and she had witnessed the murder of a friend of hers in the Palmer House.

These incidents of crime must be stopped, and I dedicate myself, once again, as a result of having been privileged to be with these families who have had tragedy rained upon them, to do everything humanly possible to find a way in which we can have freedom in this country, freedom of the kind we should have—freedom from fear; not just the political freedom, the educational freedom, and the vocational freedom that were the foundations of this country and the reasons we were formed, but freedom from the fear of crime for all citizens, whether they be black or white, young or old, whether they live in cities or even in rural communities. Crime is far too prevalent in American life and must be arrested.

PURPLE MARTIN CAPITAL NEWS OF GRIGGSVILLE, ILL. NOTES BIG THICKET BATTLE; URGES SAVING BIG THICKET IN TEXAS

Mr. YARBOROUGH. Mr. President, an article concerning the proposed Big Thicket National Park appeared in a recent issue of the Purple Martin Capital News of Griggsville, Ill. This publication is a monthly conservation paper, and the article on the Big Thicket shows growing national interest in the preservation of the Big Thicket. The people of America are becoming increasingly aware of the need to save this beautiful and unique area.

The article, entitled "Save the Big Thicket," is an excellent one. It describes the proposed Big Thicket National Park which would be established by my bill, S. 4, I recommend the article to all interested conservationists.

Mr. President, I ask unanimous consent that the article by Mrs. Hazel C. Green, "Save the Big Thicket," in volume 5, No. 6, of the Purple Martin Capital News from Griggsville, Ill., dated June 24, 1970, at page 9, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAVE THE BIG THICKET

(By Hazel C. Green)

Save The Big Thicket! For going on 60 years now, people who recognize and are aware of the beauty, uniqueness, and ecological values of an area, have been trying to save a part of The Big Thicket of Texas. As Ethel Osborne Hill said Friday, June 12 in Beaumont, Texas, at the Senate hearing on Senator Yarborough's Bill S 4 to create a Big Thicket National Park: "I'm one of the members of the original Big Thicket Association, which died off because everybody died but me". (She's 92 years YOUNG). The present Big Thicket Association is the prime mover in the recent efforts to save some of what's left of the Big Thicket.

Senator Ralph Yarborough of Texas introduced the first Big Thicket bill (S 4) in October 1966 and each successive year since. The Senate hearing in Beaumont Friday, June 12, 1970, was the first real breakthrough we've had on our efforts. Senator Alan Bible, chairman of the Subcommittee on Parks & Recreation held the hearing which was very successful. Some 35 witnesses, mostly scientists and conservationists who have studied the Big Thicket for many years were heard and many scientific papers were submitted for the record testifying to the great value of this area. Stands taken by them were for 100,000 acres or more of a chain of unique park areas and natural preserves (called "String of Pearls") linked by environmental corriders along the areas streams roadways, as shown by the accompanying map (not printed in Record).

The lumber interests and Chambers of Commerce plugged for a stingy 35,500 acres of these selected areas, isolated and unconnected. These important park and ecological areas would soon be ruined by drainage and alterations by the everencroaching "development" and lumber-cutting.

Senator Bible, who was unusually complimentary to the proponents of the larger park, said several significant things:

1. The question was not should Texas have a third national park, but how large should it be and how much should it cost.

2. That he thinks he understands all the issues, and one is that it is urgent to get it now, and that it is important not only to Texas but to all of the United States.

3. This meeting demonstrates what has made America the great nation that it is.

4. He will ask the National Parks System to make a recommendation to the Department of Interior and Congress within 30 days after a 14-day waiting period from date of this hearing, for further letters and expressions from the people for the record.

5. Senator Bible (and Senator Yarborough) urged all people in America to write immediately to the National Parks Service and their Congressmen in Washington, D.C., urging that as much of this wilderness wonderland to be preserved as possible.

What and where is the Big Thicket? Some say it is more a state of mind than any well-defined area. In fact there are so many "defined" areas depicting the Thicket that you can take your choice of its exact coverage. Most agree that it has dwindled from a 12-county area of three million or more acres, to four counties and around 300,000 acres.

Dr. Francis E. Abernethy of Stephen F. Austin State University in Nacogdoches, edits a fascinating book: "Tales From the Big Thicket." He says there are about as many stories about where the Thicket is as there are about what is in it. "It is roped off from the general public by briars and ty-vines and by myrtle and yaupon thickets that you have to crawl through on your hands and knees. And I hope it stays that way" . . . "The Big Thicket is still thick, and its depths are still as mysterious and forbidding as they were when the first settler came to live on corn and sweetpotatoes, bear meat and venison. The little black angry bees still hive in the hollows, and the buck deer leave their big scrapes on the dim woods trails. Wild hogs that can rip a man from ankle to appetite still root for mast in the pin oak flats. And if you are desperate enough, here is one last place where you can find a hiding place till the trouble blows over".

Actually, it is an area of East Texas predominately hardwood and pine forests; rivers, bayous, creeks; springs, bogs, swamps and seeps; of prairies, hills, and canyons, rocks, and sand; and such a diversity of plants, rare molds and mosses, and ferns, of other vegetation that they have never all been counted and identified. Wild animals and some not so wild; birds—land and water—, including the long-lost ivory-billed woodpecker; and people, natural and warm and hospitable, and from whom have come five of the governors of Texas. And this I know—it can get ahold of you and once you go there, you can't wait to go back.

Here is a treasured area such as is found no where else in America according to the scientists and ecologists, being hacked up by lumbermen oil companies, and real estate promoters at the rate of 50 acres a day—the last 300,000 acres of it fast being destroyed, and a lot of it deliberately. Much of vital ecological, historical, and archeological importance has been lost forever, but we can save some of it, if we all act NOW.

If you want to see what it is like, there is a colored slide show produced by the Lone Star Chapter of The Sierra Club. It is available to organizations and groups free for nothing, if you pay the postage. You will need a Kodak Carousel projector, tape recorder, and screen. This powerful 35 mm film in picture and narrative, describes this unique biological cross roads of North America; its origins, legends, history, effects of civilization on it, and the acute situation in which Big Thicket finds itself today. Write for the film giving two or more suitable dates to: Don Wigley, Bank of Texas, P.O. Box 53270, Houston, Texas 77052.

SENATOR ERVIN, GALLANT DEFENDER OF THE CONSTITUTION

Mr. YARBOROUGH. Mr. President, during my 13 years in the Senate, I have admired the distinguished and able senior Senator from North Carolina (Mr. ERVIN) for his courageous and vigorous leadership in defense of our constitutional liberties. I regard Senator ERVIN as the most outstanding constitutional authority in Congress.

A recent newspaper article about the distinguished Senator appeared in the Houston Chronicle. The article, by Gregg Herrington of the Associated Press, is entitled "To Thousands, Senator Ervin Is Last Hope Against Police State," and is found in section 1, page 5, of the July 26, 1970, issue of the Chronicle.

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO THOUSANDS, SENATOR ERVIN IS LAST HOPE AGAINST POLICE STATE

(By Gregg Herrington)

WASHINGTON.—Sen. Sam J. Ervin, a homespun North Carolina Democrat, is attracting a following that stretches across the breadth and ideology of the country.

The affable 73-year-old Tar Heel, whose foremost guide is the U.S. Constitution, is receiving thousands of letters from people who tell him he is their last remaining hope against a computerized police state.

Last week, while the veteran of 16 years in the Senate was unsuccessfully fighting the District of Columbia crime bill as a document "as full of holes as a mangy dog is of fleas," the anticomputer mail stacked up in his subcommittee on constitutional rights.

Letter writers say they are alarmed over Army computer banks on antiwar demonstrators, federal snooping into library records to determine who is reading books on explosives, and customs agents opening personal mail from overseas.

"Freedom of the individual is one thing I've always fought for," Ervin said, "And, yes, I'm really concerned about us losing it.

"In the case of the District of Columbia crime bill," he said, "you've got the President of the United States wanting to repudiate a law put into effect by the First Continental Congress—the right to bail."

The reference was to preventive detention, that part of the bill which will allow a judge to hold a defendant without bail if the judge thinks he might endanger society if freed.

Ervin is equally contemptuous of the no-knock provision permitting warrant-armed police to break into a residence unannounced if there is reason to believe narcotics or other evidence would be destroyed if they waited for the occupants to answer the doorbell.

"It's better for a few people to get away with narcotics than to destroy the rights of all citizens," Ervin said. "I believe a man's home is his castle."

In a Senate speech against the crime bill last week Ervin said with typical emphasis "one of the great hungers of the human heart has been for a place where a man could retreat to converse with his God and family without molestation."

Some other Ervin views;

On pornography: Ervin believes local community standards should dictate, not the Supreme Court.

On Vietnam: Ervin says "you shouldn't go into a war unless you're going to win it. We could have won it long ago."

On women's liberation: Ervin said some feminists' demands are "about the same as requiring a man to nurse his baby."

Anyway, he said, in his own home Margaret, his wife of 46 years, "lays down the law."

SENATOR NELSON INVESTIGATES DRUGS

Mr. YARBOROUGH. Mr. President, a recent article concerning investigations made by the distinguished Senator from Wisconsin (Mr. NELSON) into practices of the drug industry raises some very serious questions about what should be done to protect peoples' lives and livelihood.

Senator NELSON'S investigations demonstrate that great discrepancies exist when the activities of drug companies in this country are compared to what the same companies do in other countries. In brief, while citizens in other countries are more likely to be harmed by inadequate warnings on their drugs, American citizens are more likely to be overcharged for the same drug.

It was learned from these investigations that it is not an uncommon practice for American drugs to be marketed in other countries, without disclosing known dangers of those drugs. These warnings are required to be given to American consumers but the companies do not give the same warning on the same drugs in countries whose laws are less sophisticated than ours.

Mr. President, this practice raises a serious question as to our responsibility to citizens of other nations for drugs produced in and exported from this country by U.S. companies.

The article also points out that while the citizens of the United States are better warned about their drugs, they often pay much higher prices for the same drug.

It is obvious that the same drug produced by the same company does not decrease in danger as it crosses a national border, nor does it seem appropriate that its value should change so radically by virtue of crossing that border.

Mr. President, I ask unanimous consent that the article by Mr. Morton Mintz, entitled "Medical Safety Is Geographic," published in the July 12, 1970, issue of the Washington Post, on page C1 be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICAL SAFETY IS GEOGRAPHIC

(By Morton Mintz)

Suppose your child has a sore throat. You take him to a doctor. Will the doctor prescribe a potent antibiotic that could kill the child?

The answer to that question may depend on whether you happen to be in the United States or another country.

If the physician is in practice here—and if he reads and heeds warnings that the Food and Drug Administration requires the manufacturer to put in labeling and promotional materials in the United States—he will not prescribe such a medicine.

But if he practices abroad, he may prescribe the drug for the simple reason that the very same manufacturer withholds from foreign physicians the warnings he is forced to give to American physicians.

A drug company doctor must learn that "when a drug has been found too dangerous for use in this country, he can approve its use in other countries where the laws are less stringent and people have less protection," Dr. A. Dale Console, former medical director of E. R. Squibb & Sons, told Sen. Gaylord Nelson (D-Wis.) last year.

"He must learn, when a drug has been found useless on one side of the Rio Grande, it can be sold as a panacea on the other side," Dr. Console added in a letter.

ABOUT 42 VARIETIES

As a specific example, he cited Marsilid, a Roche Laboratories antidepressant. The DFA removed it from the American market in January, 1961, after reports of 53 fatal and 193 nonfatal cases of liver damage in users. Drugs "with similar therapeutic usefulness, but with greater safety were available," the agency said.

But four years later in Mexico, Console said, "I went to a drugstore and after some difficulty in giving Marsilid the proper Spanish inflection, I was offered a bottle of the drug over the counter (a common practice in Mexico)."

Spokesmen for the pharmaceutical industry, while stopping short of claiming to be observing the Golden Rule, sometimes vigorously defend their conduct.

"I will match the integrity and the morality of the pharmaceutical industry with that of our accusers any time," Foster Whitlock, chairman of the Ortho Pharmaceutical Corp., told the Rutgers Pharmaceutical Conference two years ago.

And the Upjohn Co., which no longer can sell in the United States an antibiotic combination called Panalba, says that it has informed foreign medical authorities of the circumstances and left a decision up to them. The product is sold abroad as Albamycin-T.

The classic case of a double standard for a medicine involves the potent antibiotic chloramphenicol. Various companies sell it throughout the world under a bewildering variety of at least 42 trade names, including Alficetyn, Chloramsaar, Juvamycetin, Leukomycin and Paraxin.

But in the United States and numerous other countries in Asia, Europe and Latin America, chloramphenicol is almost synonymous with Chloromycetin, the trade name of Parke-Davis of Detroit and far and away the most popular brand.

The firm has massively promoted Chloromycetin to physicians. Many of them like to prescribe it because it is relatively freer of minor side effects than rival antibiotics that, like chloramphenicol, are effective against a broad range of infections.

Parke-Davis began marketing Chloromycetin in 1949. Abroad, the firm sells it directly or through licenses or joint ventures with foreign firms.

Much more frequently than other broad-spectum antibiotics such as tetracycline, Chloromycetin can be lethal—a fact that became known almost 20 years ago. With this in mind, the FDA approved a labeling for Chloromycetin that recognizes it as the preferred antibiotic, or "drug of choice," for a mere handful of people—victims (not carriers) of typhoid fever—and as an alternative medication for another handful, the victims of other relatively uncommon infections of the salmonella species.

Every year, however, millions of people in the United States and millions more in foreign countries—in most of which drugs are sold without prescription—take Chloromycetin capsules. Still others receive it by injection.

But medical scientists have testified before Sen. Nelson's Monopoly Subcommittee that even in this country, 90 to 99 per cent of the prescriptions for Chloromycetin are needless—written either for diseases for which no medicine is effective or for diseases that can be treated by safer medications.

On the basis of exhaustive studies by the California Department of Health and the California Medical Association, Chloromycetin causes a fatal blood disease in one user in 24,200 to 40,500, depending upon dosage.

The disease is aplastic anemia. It destroys the ability of the bone marrow to manufacture blood components. It is usually fatal.

Parke-Davis includes the estimated death rates in the FDA-required labeling. It omits them from foreign labeling.

NEEDLESS DEATHS

The rates indicate that among the millions of people who take Chloromycetin every year, hundreds needlessly die. In the United States alone, an estimated four million persons have taken Chloromycetin in a single year, and, according to the California statistics, between 98 and 165 of them died as a result.

Whether here or abroad, the victims, often children, and their families were unaware of the danger or the promotional lures that may have led physicians to prescribe chloramphenicol.

In Japan, Chloromycetin is available without prescription and is extremely popular. Some thanks surely is owed the promotional exuberance and ingenuity of the supplier, Sankyo Co., Ltd.

Sankyo's labeling describes the product as a "beautiful two-layer tablet, sepia-colored on one side and yellow on the other."

A translation of the labeling also discloses that although Sankyo considers Chloromycetin "a remarkably ideal antibiotic," it has fortified its tablets with no fewer than seven B-complex vitamins. Medical scientists unhesitatingly denounce such a mixture as scientifically preposterous. But Sankyo's labeling says:

"Since the vitamins in the drug are rationally distributed, the drug is capable of controlling symptoms of vitamin B deficiency, thus strengthening the resistivity of the body to infection and increasing its recuperative power."

The labeling recommends Chloromycetin in a long list of diseases for which the FDA and Parke-Davis say in the American labeling, no data to substantiate effectiveness exist.

These diseases include measles, whooping cough, ulcerative colitis, shingles, and chicken pox.

Only "in rare cases" may aplastic anemia occur, the Japanese labeling says. There is no acknowledgment that it is usually fatal.

A FOREIGN VENTURE

A similar situation prevails in other countries, including Italy. The story goes gack to the 1950s. At the time, Dr. Console, now in private practice in Princeton, was medical director of E. R. Squibb.

Replying to a list of questions submitted by Sen. Nelson at the request of Sen. Jacob K. Javits (R-N.Y.), Console recalled that in 1955 his firm was considering the possibility of foreign marketing chloramphenicol under its own label, as a Parke-Davis licensee.

"I was presented with the prospect of . . . making all the excessive claims for the drug and excluding a warning statement since it was not required in the countries in which sale (was) proposed," he said.

"I refused to approve the tentative copy and made it clear that I would tender my resignation before I would approve the copy," Console's letter continued. The proposed arrangement never materialized.

Last year, Console and his wife, who is also a physician, were in Italy. There, they made a study of psychiatric, medical and drug practices in communities ranging from a small hamlet in Sicily through medium-sized cities, such as Bologna and Florence, to Rome.

In the medical schools and teaching hospitals, the hazards of chloramphenicol are "well appreciated," Console told Nelson in a second letter last September. Yet practicing Italian physicians continue to prescribe it so often that it ranks in popularity with tetracycline and penicillin.

Console said he was appalled to find that the brochure inserted by Parke-Davis in each package urges use of Chloromycetin in "infections of the respiratory apparatus caused by bacteria and viruses," as well as in surgical, urinary and intestinal infections.

". . . insofar as chloramphenicol is concerned, the practices I observed from 1951 to 1957 (while at Squibb) have not changed one iota," he continued. "The increasingly strong warning statements required by the FDA are for American consumption only and we are forced to the conclusion that a drug that is dangerous for Americans is eminently safe for Italians."

A confrontation about this kind of discrepancy occurred on Capitol Hill Nov. 29, 1967. At the time, most of the approximately 2,500 words in the FDA-approved prescribing instructions for Chloromycetin were, in one way or another, negative or ominous.

The labeling begins with a warning that, for emphasis, is typographically boxed. Pointing out that Chloromycetin can cause aplastic anemia, the blood disease, even in short-term use, the warning goes on to say:

"Chloramphenicol must not be used when less potentially dangerous agents will be effective."

In the boxed warning and later in the labeling, the following statement is underlined:

"It must not be used in the treatment of trivial infections or where it is not indicated, as in colds, influenza, infections of the throat; or as a prophylactic agent to prevent bacterial infections."

At another point, the same message is paraphrased in capital letters.

At a hearing before the Nelson subcommittee, the witness was Leslie M. Lueck, Parke-Davis' director of quality control. With him was Lloyd N. Cutler, special counsel for the Pharmaceutical Manufacturers Association.

Lueck had come to present evidence that his firm's version of chloramphenicol capsules enters the bloodstream in the therapeutically useful amounts with greater speed than chemically similar, less expensive generic versions.

Nelson showed Lueck a two-page Chloromycetin advertisement in the Journal of the American Medical Association. The FDA-required warnings, set in small type, filled most of one page.

Are the warnings "justifiable," Nelson asked.

Lueck's answer was, "Yes, I think they are. I think they are very adequate."

Nelson then proceeded to contrast the promotion of Chloromycetin in the United States and Britain, where, in January, 1967, the Committee on Safety of Drugs had told British doctors of 24 reported chloramphenicol deaths in the past two years.

Emphasizing that it did not know "how many cases have occurred but have not been reported," the British committee said that the 24 cases accounted for 80 per cent of all fatal blood diseases in patients taking antibiotics. Yet 54 times as many prescriptions were written for other antibiotics as for chloramphenicol.

". . . chloramphenicol should never be used systematically for the treatment of trivial infections," the committee said.

NO WARNING AT ALL

Nelson next showed the Parke-Davis witness an ad for Chloromycetin that had run in the British Medical Journal on Feb. 11, 1967. This was about a month after the Committee on Safety's bulletin and nine days before the ad in the Journal of the AMA.

That advertisement "does not have any warning in it at all," Nelson said. "How do you explain that?"

Lueck really couldn't explain it, having conceded to the senator that the effect of the antibotiotic "is the same on people in other countries as it is here." But Lueck did have a defense: Parke-Davis "has always met all the requirements, the legal requirements, of whatever country we distributed our products in . . ."

American laws require that drugs exported from the United States must comply with the law of the country of destination. Thus, for example, the FDA regulates the labeling (and the safety and efficacy) of Chloromycetin that Parke-Davis produces at a plant in Puerto Rico for the United States—but it cannot regulate the Chloromycetin synthesized at the same plant for Latin American countries.

Recently, the FDA asked the State Department to warn physicians throughout Latin America that Parke-Davis has created "a potentially hazardous health situation" by labeling Chloromycetin to overstate the benefits and understate the perils, much as in Italy, Japan and elsewhere.

After The Washington Post disclosed the FDA request to have American embassies alert physicians in Latin American countries. Parke-Davis asked to meet with the FDA. The company requested—and the FDA agreed—to add a sentence to the message the agency had drafted for the State Department, saying that Parke-Davis would change the Latin American labeling to bring it into line with that in the United States.

At the Monopoly Subcommittee hearing in November, 1967, Sen. Nelson told Lueck, the Parke-Davis executive, that meeting the requirements of other countries raises "a very serious moral question."

"It sure shocks me," Nelson said. "What the witness says is we will meet the standards of the country where the drug is sold. That means, of course, there is not a single underdeveloped country in the world that has any defense against the exploitation of their people for profit by an American corporation that does not warn them of the serious, mighty serious, possibly fatal consequences here."

The senator went on to ask:

"Do you mean to testify that your company will stand on the proposition that we will send drugs to Tanganyika, we will send to Latin American countries, we will send to all the underdeveloped countries in the world and since they do not have any standards we will fool them all we can, and make a great big profit and never tell doctors that there is a risk of serious blood dyscrasias (abnormalities)? Is that what you are telling the committee?"

Lloyd Cutler, special counsel for the drug industry organization, interceded to enter a general denial.

"You are indicting every drug company in Great Britain and the United States," he told Nelson heatedly.

The senator replied that he "would be pleased to indict on moral grounds" any company that would do what Parke-Davis had done in selling Chloromycetin abroad.

But elastic promotional standards neither begin nor end with Parke-Davis or Chloromycetin. Consider Merck & Co.'s Decadron (dexamethasone), which went on the market in the late 1950s as an anti-inflammation hormone used mainly for rheumatoid arthritis.

The late Sen. Estes Kefauver, at a hearing of the Senate Antitrust Subcommittee,

showed John T. Connor, then president of Merck, a Decadron ad that claimed, "No steroid side effects."

"This particular ad is used by our international division," a flustered Connor said. Dr. Augustus Gibson, the firm's director of medical research, then acknowledged the claim to be "not true."

Several years later, a Merck entourage appeared before Sen. Nelson to testify about indomethacin, a successor to Decadron that is sold here as Indocin and in about 100 other countries as Indocid. At the time, the FDA-approved labeling recommended indomethacin principally for rheumatoid arthritis, but—on the ground that evidence of safety and efficacy was insubstantial—not for numerous other diseases.

Nelson, at a hearing on May 3, 1967, asked Merck President Henry W. Gadsden about "your standard of guidance for advertising" in a country lacking a regulatory agency or sophisticated medical community.

"Our standard of guidance, sir, is whatever has been approved by the scientists of Merck as appropriate medical positioning of the product," Gadsden answered.

Nelson said this troubled him. Many companies "may not be as conscientious as Merck," he said.

A couple of months before the hearing, Abbott Laboratories ran an ad in the Journal of the AMA for Enduron, a thiazide diuretic used to combat high blood pressure and congestive heart failure. In removing excess fluid from body tissues, Enduron had the advantage of causing "less potassium loss" than rival thiazide diuretics, the ad claimed.

The FDA, which at this time had not yet abandoned vigorous enforcement of the drug advertising regulations, compelled Abbott to send a "corrective letter" to physicians saying that the agency considered the ad misleading.

But a year after sending the letter to doctors in the United States, the firm was making the repudiated claims to doctors in Canada and, possibly, elsewhere.

Meanwhile, the FDA and a group of 30 specialists in infectious diseases retained by the National Academy of Sciences-National Research Council have ruled the Upjohn Co. product Panalba hazardous. On the principal ground that its mixture of two antibiotics, tetracycline and novobiocin, had no advantage over its ingredients used separately, it was also ruled ineffective.

Mainly because of the needless administration of its novobiocin component, the FDA has estimated that the medicine needlessly injured hundreds of thousands of persons in the United States every year, a few of them fatally.

After resisting all the way to the Supreme Court the FDA's attempts to take Panalba off the market, Upjohn halted sales of the drug in the United States a few months ago. Elsewhere, however, the company continues to sell the mixture as Albamcycin T In 1969, foreign sales totaled $10 million.

In Kalamazoo, Mich., an Upjohn spokesman said, "In every case, we have advised competent health and registration authorities of everything that has transpired in the United States in regard to the Panalba case. "We have left it up to them to judge whether we should continue to sell the product in their country," the company told The Washington Post.

"Our action in regard to Panalba in the United States was based on our respect of a regulatory order. In no way does it alter our opinion in regard to the efficacy and safety of the combination antibiotic products."

PRICED HIGHER HERE

In pricing, as Sen. Kefauver was the first to bring out, it is often Americans who are disadvantaged. One example involves Serpasil, the CIBA brand of reserpine, which is widely used to lower blood pressure. The company's price to pharmacists for 100 tablets in the 0.25-milligram dose was $4.50 in the United States—but $1.05 in Bonn, $1.19 in London, $1.24 in Bern, $152 in Rome, $1.56 in Vienna, $1.60 in Rio and $3 in Mexico City.

Another example is Thorazine, the Smith Kline and French brand of chlorpromazine hydrochloride. This is a potent tranquilizer discovered by the French firm of Rhone-Poulence. SKF, the exclusive licensee in the United States, charged pharmacists $6.06 for 100 25-milligram tablets.

But a State Department survey made for the Nelson subcommittee showed that the price to druggists for the same product was $1.08 in London and Paris, $2.52 in Teheran, $2.53 in Rio, $3.48 in Vienna and $4.80 in Mexico City.

Selling in lots of 1,000 to the U.S. Defense Supply Agency, SKF charged the government $32.62. At the same time, the exclusive licensee in Canada, Bell-Craig, was charging $2.60—one-twelfth as much—in sales to the Canadian Department of Veteran Affairs.

MR. WILLIAM RANDOLPH HEARST, JR., COMMENTS ON THE MIDDLE EAST CRISIS

Mr. YARBOROUGH. Mr. President, an editorial on the Middle East situation by Mr. William Randolph Hearst, Jr., has come to my attention. The editorial provides some insight on the continuing crisis and suggests that the United States should act in consert with our NATO Allies and Japan in efforts to stand up to Russia in the Middle East.

I recommend to the Senate this editorial by William Randolph Hearst, Jr., entitled "Arab Canal Crossing—All-Out War," which appeared in the July 12, 1970, issue of the Hearst newspapers.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARAB CANAL CROSSING: ALL-OUT WAR

(By William Randolph Hearst, Jr.)

TEL AVIV.—Having completed the Asian part of a quick trip around the world this weekend finds us in the Middle East—which many diplomatic crisis watchers think is now the world's greatest danger spot.

We, Joe Kingsbury Smith, our chief foreign writer, and my son Willie, who has just crossed over the adult threshold, arrived here in the Miami Beach of Israel at dawn—which was 4:45 a.m. to be exact—after a 17-hour flight from Hong Kong, via Bangkok, Colombo and Bombay.

Waiting for us at the airport was a friend of previous visits, Sam Becker, representing the Israeli government, who whisked us away to the attractive seashore Dan Hotel, where Joe and I stayed on our first visit to Israel in 1955.

On the drive in from the airport, there were impressive signs of the construction that has been going on in recent years despite the fact that Israel has been in a virtual state of war since 1967, when it scored a smashing victory over the Arabs in the six-day war, but found no peace.

New office buildings and apartments have sprung up like mushrooms in what was once a virtual shanty town of old wooden houses. A few of these relics of the original Jewish colony that settled in Tel Aviv shortly after the turn of the century still stand, but they are barely noticeable in the midst of the modern, tree-lined city that this one-time heap of sand dunes has become under the dynamic drive of the Jewish people.

Evidence of what this energetic race is doing to build up its national home and turn the once barren Palestine into fertile land can be seen in the eucalyptus, pine and cypress trees that one sees along the airport route. They are part of the 100 million trees planted in Israel since the Jewish state was established in 1948.

One would never realize in the peaceful atmosphere of Tel Aviv that Israel was still fighting for its existence, with almost daily border clashes in the war of attrition that the neighboring Arab states are waging against it.

We found here the same apparent calmness that seemed to prevail when we were in Saigon and in the war-threatened Cambodian capital of Phnom Penh. It has been my experience that people in danger areas are much less jittery than those who are far away from the scene of danger.

That the Middle East is a powder keg with a rapidly burning fuse there is no doubt. The fuse may fizzle out, or it may be stamped out, if the Western powers have the good sense, courage and determination to stand up to the Soviet Union.

If Russia's rulers think the West, and especially the United States, will do nothing to protect Israel and their own vital interests in the Middle East, then the fuse might spark an explosion that could rock the world.

From our talks with General Moshe Dayan, the brilliant Israeli Defense Minister who master-minded the swift victory over the Arabs in 1967, and other knowledgeable people here in Israel, it was apparent that nobody really knows what the Soviets are up to in their latest moves in Egypt. These include the installation of Soviet SAM Two and SAM Three antiaircraft missiles in the Suez Canal Zone.

Seen from the Israeli side, the situation makes me think of a man sitting in a room in which there is a burning fuse leading to another inaccessible, mysterious room. You don't know whether the fuse is going to fizzle out when it gets to that other room, or whether it's going to set off a powder keg, the size of which is unknown.

Two things are certain, though. One is that the situation in the Middle East is deteriorating. The other is that if the Soviets don't restrain Egypt, it is going to get worse.

There is genuine fear among the Israeli leaders now that Russia is going to let Nasser attempt a major crossing of the Suez Canal with the aim of driving the Israeli forces back from the east bank.

The Kremlin is believed to be intent on re-opening the Suez Canal for a number of reasons. The closure of the Canal has meant a prolongation of up to 38 days for Soviet supplies to North Vietnam around the South African cape route.

It is also believed the Soviets want quicker access for their warships to the Indian Ocean and the Persian Gulf as part of their long-range plan for extending Russian influence in that area and filling the vacuum being created by Britain's military withdrawal from such strategically important spots as Aden.

Another factor is thought to be Soviet concern over the outcome of its ideological dispute with Red China, and a desire to flank China by establishing a naval presence in the Indian Ocean.

Israeli military leaders suspect that the installation of Soviet missiles in the Canal Zone areas is intended to overcome Israel's air superiority and thus pave the way for an Egyptian crossing of the Canal in force.

The Israelis are confident that if the United States will keep them supplied with an adequate number of the latest Phantom fighter-bombers—they are thinking in terms of dozens, not hundreds—and other anti-missile equipment, such as electronic jamming for radar, they can handle any Egyptian attempt to cross the Canal providing the Soviet Air Force does not intervene directly in the fighting.

They are willing as they always have been to pay for whatever they get, but they do want long term credits because they are facing financial difficulties at the moment.

If the Russans do intervene the Israelis assert they will not hesitate to attack them and to fight as long as they can hold out. However, they realize they cannot alone take on indefinitely the Soviet Union as well as the Arabs.

Therefore, they are hoping the United States will say, in effect, to Russia: "Don't intervene directly because if you do, we will be forced to do so."

Israel's leaders are convinced that kind of a warning would deter the Soviets, since it is doubted that Russia wants to risk another Cuba-type confrontation with the United States.

I believe that we have got to stand up to Russia in the Middle East, but I don't believe we should have to do it alone. Western Europe is dependent on the Middle East for 80 per cent of its oil requirements. Nearly 90 per cent of the oil Japan consumes comes from that area. Our NATO allies and Japan should join with us in any diplomatic or military action that is deemed necessary to deter the Soviets from recklessness in the Suez Canal area.

We have been told in no uncertain terms here that if Egypt attempts a major crossing of the Canal, it means all-out war insofar as Israel is concerned.

It is time somebody steps on that fuse—quickly.

THE BUDGET AND APPROPRIATIONS BY CONGRESS

Mr. GRIFFIN. Mr. President, earlier in the morning hour today, a colloquy took place among the distinguished majority leader, the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Illinois (Mr. PERCY), and other Senators, concerning the extent to which Congress cut or did not cut President Nixon's budget for fiscal year 1970.

The discussion would not be complete without reference to an excellent statement delivered by the distinguished Senator from Colorado (Mr. ALLOTT) on July 21, reported in the CONGRESSIONAL RECORD on page 25219. I shall not repeat in full what he had to say, but I would like to read a paragraph or two from his remarks:

Taking the narrow issue of appropriations alone, it has been argued that the Congress itself cut the Nixon budget by $7.6 billion in certain areas of governmental appropriations, added roughly $2 billion to other areas of appropriation, for a total aggregated reduction of $5.6 billion.

Not so, says Representative GEORGE H. MAHON'S Joint Committee on Reduction of Federal Expenditures, in its report on the impact of congressional actions and inactions of the 1970 fiscal year Federal budget. As shown in the following table, this Congress cut a $5.9 billion surplus by $46 million.

Mr. President, Senator ALLOTT had the table printed in the RECORD at that time; and I ask unanimous consent that it be reprinted in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

BUDGET SUMMARY—A SUMMARY OF FISCAL YEAR 1970 AND FISCAL YEAR 1969 FEDERAL BUDGETS—REFLECTING CONGRESSIONAL ACTIONS AND INACTIONS AFFECTING THOSE BUDGETS DURING THE FIRST SESSION OF THE 91ST CONGRESS

[In millions of dollars]

Summary totals	Budget authority (obligational and lending authority) (1)	Budget outlays (expenditures and net lending) (2)	Budget receipts (3)	Budget surplus or deficit (4)
Fiscal year 1970:				
Net total budget estimates as submitted Jan. 15, 1969	210,116	195,272	198,686	+3,414
Net total budget estimates as corrected by the new administration	211,412	196,921	198,686	+1,765
Net total budget estimates as corrected and revised to Apr. 15, 1969	205,901	192,899	198,686	+5,787
Net total budget estimates as revised and amended to date	[1] 204,201	[2] 192,880	[1] 198,800	+5,915
Adjustments for interfund and intragovernmental transactions and applicable receipts	+13,714	+13,714	+13,714	
Total gross budget estimates	217,915	206,599	212,514	+5,915
Budget estimates not requiring further action by Congress (previously enacted or permanent)	80,712	114,896	202,712	
Prior year's budget authority		(85,165)		
Current (1970) budget authority	(80,712)	(529,731)		
Budget estimates requiring action by Congress	137,203	91,703	9,802	
Effect of congressional action on budget estimates (net changes) to Dec. 23, 1969:				
House	−3,687	+362	+158	−204
Senate	+2,512	+767	−2,173	−2,940
Enacted	[3] −837	[3] −1,569	−118	+1,451
Effect of congressional inaction on budget estimates (see supporting table No. 3 and pt. 1 of supporting table No. 4)	+1,313	+1,232	−265	−1,497
Total net effect of congressional action and inaction, 1st sess., 91st Cong	+476	−337	−383	−46
Fiscal year 1969:				
Net total budget estimates as submitted in January	194,620	183,701	186,092	+2,391
Net total budget estimates, as revised	196,030	185,588	186,492	+904
Net total budget estimates, as changed by congressional action	195,568	185,263	186,492	+1,229
Actual net total as enacted by Congress and reported by the Treasury	195,568	184,769	187,843	+3,074

[1] Budget authority estimates have not been revised since the May 20 withdrawal of $1,700,000,000 for the previously proposed social security program.

[2] The summer review of the 1970 budget reflected revised budget outlay estimates at $192,860,000,000 and revised budget receipt estimates at $198,800,000,000. The revised outlay estimates reflect many increases and many offsetting decreases on which full details are not available. Since revised detailed estimates were not transmitted to the Congress, it must be assumed for scorekeeping purposes that the Congress was working with the Apr. 15 budget appropriation and outlay estimates.

[3] Includes the effect of the Labor and Health, Education, and Welfare, and the foreign assistance appropriation bills, on which Congress has not taken final action, in the amounts approved by the committees of conference.

Mr. PROXMIRE. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. I yield.

Mr. PROXMIRE. The table to which the Senator from Michigan refers, as I understand it, is the one that was put together by Representative MAHON; is that not correct?

Mr. GRIFFIN. The Joint Committee on the Reduction of Non-Essential Expenditures, which is chaired by the distinguished Representative from Texas, Mr. MAHON.

Mr. PROXMIRE. Does the Senator from Michigan argue that the table indicates Congress did not reduce President Nixon's budget request for appropriations for fiscal year 1970?

Mr. GRIFFIN. As the Senator from Wisconsin well knows, because this debate has raged month after month after month, it depends on which budget one is talking about.

When President Nixon took office, he inherited a budget left by President Johnson. If we refer to that budget, which President Nixon submitted shortly after taking office, we come up with one set of figures——

The PRESIDING OFFICER (Mr. HUGHES). The time of the Senator has expired.

Mr. PROXMIRE. I ask unanimous consent that the Senator from Michigan may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. After President Nixon had been in office awhile and had time to study the budget, he revised it and then, as I recall, there was a second revision by the Nixon administration, so that all of these various revisions must be taken into account.

I think it is quite well established that no administration can spend money that Congress does not appropriate. If we in the Congress have been doing such a good job in cutting budgets over the years, it is rather strange that the United States seems to be going further and further into debt year after year after year.

I believe I heard one of the speakers say a little earlier that Congress cut each of the Johnson budgets. I recall one year in the Johnson administration that there was a deficit of well over $20 billion. We certainly must have done a great

job in Congress in cutting the budget in that particular year.

Mr. PROXMIRE. I agree with much of what the Senator says. I agree that we did not do the job we should have done. All I am saying is that we cut every budget year after year of the President, so that if we did a poor job, the President did an even poorer job and that, of course, must include the incumbent President.

I am talking about action by Congress in fiscal 1970 on revising the budget by President Nixon. The last budget he sent down was reduced by $6.3 billion and overall by $7.8 billion below what President Nixon requested.

Mr. MANSFIELD. I should like to join the Senator from Wisconsin by making a few comments in addition to those already made on this subject. I am sorry I missed most of the initial remarks of the acting minority leader. But I do want to emphasize that the figures I submitted were the final verified figures published by the Committee on Appropriations. That Committee is composed of both Democrats and Republicans and as has been confirmed by the acting Chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER), they were figures based not on the Johnson budget but on the Nixon revised budget.

As I recall, President Nixon reduced the original Johnson budget by around $5 billion, and what the Congress did was to reduce the Nixon budget by over $6 billion—$6,370,935,390; plus, for this 1971 fiscal year, $1,437,000,000; plus, going back to the year just completed 1970, the second supplemental—H.R. 11400—we reduced that measure by an additional $461,947,690 under President Nixon's request.

So, if we want the actual figures of what this Congress has done, and this applies to the Republican side of the aisle as well as to the Democratic side of the aisle—it was a bipartisan cut—the total effect of what Congress has done in reducing President Nixon's requests for spending is to have cut $8,269,883,080 out of those spending requests.

I think that Congress—members of both parties in Congress—should be proud of this accomplishment.

I have also indicated that I am proud of what the administration has done, because President Nixon has reduced in excess of $3 billion from projected expenditures. I want to give him full credit for doing so.

If we will work in tandem, together, we can face up to this problem and accomplish a great deal, rather than throw the ball back and forth to one another creating situations which belie the facts.

Mr. GRIFFIN. Mr. President, if I may have 2 additional minutes, I want to say for the benefit of the majority leader that I inserted into the RECORD a table prepared by the Joint Committee on Nonessential Federal Expenditures, chaired by the distinguished Representative from Texas (Mr. MAHON), a table with which the majority leader is familiar—and which was included in a speech delivered by the Senator from Colorado (Mr. ALLOTT) last week. In light of the colloquy, which had developed earlier today, I believed it appropriate to call attention to the pertinent remarks which the Senator from Colorado made on July 21.

If the distinguished Senator from Montana does not agree with Representative MAHON of Texas and has some other figures from the Senate Appropriations Committee, of course, we are entitled to take a look at those, too.

Mr. MANSFIELD. May I say that I almost always agree with the distinguished chairman of the House Appropriations Committee, but I never disagree with the distinguished acting chairman of the Senate Appropriations Committee who, I think, is just as efficient and effective and as conversant with figures as is any Member of Congress in either body.

I was unable to listen to the remarks of the distinguished Senator from Colorado last week, although he told me ahead of time that he was going to make his remarks. I had another engagement. I want to repeat that it was my understanding afterward, however, that he had gone back to the original Johnson budget and used those figures, whereas what we have tried to do was to begin with the Nixon revised budget for 1970.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I would like to express my appreciation to the distinguished majority leader for the focus in which he has put this colloquy this morning. I am certain that my friend, the distinguished Senator from Wisconsin, would agree with me.

We have a joint problem, the administration and Congress and the American people, to do everything we can to cut expenses.

What concerns me is that when we look at the end result, instead of achieving that goal, by cutting out money for health needs, hospital requirements, educational needs, and supplementary food for the poor and save money in less sensitive areas.

It is for this reason that I pledged several months ago when I began to realize that instead of a $1.3 billion surplus, we were going to have a $1.3 billion deficit by the administration's own statement in fiscal 1971 and I predict a deficit of something like $6 billion unless we do something about this.

I pledge my support where we can effect a reduction of at least $4 billion in spending.

I have enumerated $989 million that we can cut on items of this kind in the Defense Department. All other agencies of the Government can purchase abroad if there is a 6 percent to 12 percent differential, but the Defense Department cannot purchase abroad unless there is a 50 percent differential. We require that 50 percent of our agricultural products under Public Law 480 be shipped in American bottoms.

Later in the day, during the discussion on the military procurement bill, I intend to discuss food procurement. We spend $7 billion in purchasing food for the Army, Navy, and Air Force.

I think that we can save 14 percent through sensible consolidation and eliminating the jealousy which exists between the Army, the Navy, and the Air Force which results in the setting up of food service for the most part on a company basis rather than on a consolidated basis.

There is a great deal that we can do to cut unnecessary spending. We are all in accord with that and we will then have more money to spend in the areas in which it is needed.

Mr. MANSFIELD. Mr. President, it strikes me that the reason for the deficit this year will be due to the fact that in certain areas of the economy—in housing, for example, in which the Senator is well versed, in lumber and related industries—there is a—severe recession. It will mean a serious loss of revenue. When you add to that the fact that we have in excess of 5 percent of our working population unemployed, it means that there will be far less income to the Government.

Certainly there has been a miscalculation here, although an honest one. Certainly none of the experts could foresee that these events would occur.

The point that I emphasize again, and I cannot emphasize it too strongly, is that what we have done here we have done together, Republicans and Democrats, and what we want to do is to work with the administration, as the Senator from Illinois has stated several times. The idea is that together both branches can contribute to the process—the executive by paring the expenses down there and the Congress by reducing the appropriations up here. In that way, we will be able to try to bring about a leveling of the economy.

One of the places that can be touched and touched deeply—and the Senator from Illinois has mentioned this time and time again—is the $14 billion out of the defense budget which it costs to maintain approximately 525,000 American troops and dependents in Western Europe. That is apart from the salaries and the benefits we pay to the Germans who are employed in our installations.

I would hope that the 6,000-man withdrawal from the Philippines, the 20,000-man withdrawal contemplated from Korea, and the further reductions in the offing for Vietnam would be followed in due time, and shortly, by substantial withdrawals from Western Europe, as well.

I think—I do not know—that the administration is moving in that direction. And if they are, they will have my full support.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the Senator from Illinois has spoken about cutting spending. It is most appropriate to point out that when we consider the pending bill, anyone who is looking for an opportunity to cut spending will have that opportunity in spades in the next few weeks as we consider the pending bill.

The pending bill would provide $19,242 million. As a matter of fact, that is below President Nixon's request by about $1.3 billion.

Here is the issue. What spending do we want to cut? Over all, in the aggregate, I think our argument is overwhelming. We did cut the budget requests by our previous actions in the 1½ years this Congress has been in session, as the distinguished majority leader has pointed out, by more than $8 billion.

It is true that many of us have voted for funds in the health and welfare areas above the President's requests. I plead guilty to that.

The fact is that with respect to overall expenditures, especially in the military area, the position taken by most Members of Congress, both Republicans and Democrats, has been to cut the amount well below the budget requests.

I am sure that the Senator from Illinois and other Senators will have an opportunity to vote on an amendment which some of us will offer to cut the President's request. That would reduce military spending overall by several billion dollars.

It seems to me that this is the most important opportunity for Senators to demonstrate whether they really believe in economy. Here is where we will get the biggest cut of all.

The Senator from Illinois and other Senators have referred to many instances in which Congress has gone above the President's request. In some cases it was by several million dollars and in some other cases it was by several hundreds of millions of dollars. We can do that consistent with fiscal responsibility by cutting the military budget by $7 billion and we are going to have the chance to do that.

Mr. PERCY. Mr. President, I wonder if the Senator from Wisconsin is prepared to indicate in what form his amendment will come. Would this be a 10-percent cut in the defense budget?

Mr. PROXMIRE. No; we are trying to develop an agreement between Democrats and Republicans who believe in reducing the defense budget overall, on a responsible and realistic figure.

We would like to get some indication of what they think would be a realistic budget cut. We have not decided whether it should be a 10- or a 15-percent cut.

This bill represents a cut below the President's request.

I feel that we should have an opportunity for Members of Congress to go on record on the matter of reducing the overall money spent.

We would like to get from the Senator from Illinois and other Senators their viewpoint on how much they feel would be a sound and responsible cut.

Mr. PERCY. Mr. President, is there any feeling on the part of the distinguished Senator that if we go at it in this apparently simple way and cut 5 percent or 10 percent across the board that we would really be abdicating our responsibility and shifting the burden to the Defense Department to decide what programs should be cut? Should we not address ourselves to specific programs?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, should we not afford the Members of Congress an opportunity to vote on specific reductions rather than on some overall catchall which really leaves no responsibility in our hands as to what programs are to be cut.

We would not know what is being reduced; whereas an amendment on a specific system, whatever it might be, gives us a chance to analyze, appraise, and hear the opinions of experts and members of the armed services and evaluate the effect on the reduction in that area.

Mr. PROXMIRE. Last year we tried to make cuts on the basis of reducing specific weapons systems. We were successful to a modest extent and we were able to make some cuts. This year the feeling is that we would do better with an overall reduction. Many people feel this is a more responsible way for Congress to act. Former Comptroller of the Defense Robert Anthony, for instance, testified that this is much better because the Department of Defense has hundreds of experts who concentrate on trying to give us the strongest military force we can get, and if we can give them discretion to live within a modest sum, they can give us a military force with more firepower, mobility, and effectiveness than if we tried to cut sharply in one area and not in other areas. Of course, an argument can be made for the other approach, but we believe this is the best way to proceed.

Mr. PERCY. I cordially invite the Senator, if he is in the Chamber at the time, to join me when I discuss the subject of food for the Army, Navy, and Air Force and what I think is the unnecessarily wasteful way in which this is being handled. I would welcome the Senator's comments. I would be happy to provide now an advance copy of my text to the Senator and his staff so they might study it. I look upon the Senator as an expert in reducing waste in connection with unnecessary expenditures. This is a bipartisan effort. This system has been in existence under both Democratic and Republican administrations. I hope this administration takes the initiative in facing up to the problem. This is the kind of expenditure we can cut in the budget.

Mr. PROXMIRE. I hope to be in the Chamber when the Senator makes his presentation.

Mr. ALLOTT. Mr. President, if it is true—as Jefferson said—that error of opinion may be tolerated where reason is left free to combat it, then certain comments of the senior Senator from Wisconsin on the floor of the Senate last Friday may be open to fair comment.

The distinguished Senator said that President Nixon, and I quote "is getting away with murder," in his charge that Congress is contributing to inflation by increasing the President's budget request. In order to avoid being labeled "big spenders" the Senator would have us examine the President's budget request last year and compare that with the amount Congress appropriated. On the narrow issue of appropriations matters alone, the senior Senator from Wisconsin concludes that Congress has been more frugal than the President due to the fact that Congress cut the President's appropriation request by $5.5 billion.

I cannot help but wonder how this kind of analysis squares with the conclusion of Congressman MAHON, the chairman of the House Appropriations Committee, that the total net effect of congressional action and inaction of the first session of the 91st Congress was to reduce President Nixon's $5.915 billion surplus for fiscal year 1970 by $46 million.

Much as I regret to mention again the facts and figures of the distinguished chairman of the House Appropriations Committee—facts and figures which I have repeatedly introduced into the RECORD—I feel that I must once again make mention of certain realities.

As Chairman GEORGE H. MAHON mentioned in his 1971 budget scorekeeping report—staff report No. 7—as of July 9, 1970:

A. BUDGET AUTHORITY FOR FISCAL 1971

1. *House* actions to July 9, 1970 on all spending bills—appropriations and legislative—have *increased* the President's requests for fiscal 1971 budget authority by $7,486,977,000.

2. *Senate* actions to July 9, 1970 on all spending bills—appropriations and legislative—have *increased* the President's budget authority requests for fiscal 1971 by $4,335,950,000.

3. *Enactments* of spending bills—appropriations and legislative—to July 9, 1970 have *added* $457,434,000 to the President's budget authority requests for fiscal 1971.

B. BUDGET OUTLAYS FOR FISCAL 1971

1. *House* actions to July 9, 1970 on all spending bills—appropriations and legislative—have *added* a net of $2,955,063,000 to the President's total estimated outlays for fiscal 1971.

2. *Senate* actions to July 9, 1970 on all spending bills—appropriations and legislative—have *added* a net of $2,555,752,000 to the President's total estimated outlays for fiscal 1971.

3. *Enactments* of spending bills—appropriations and legislative—to July 9, 1970 have *added* $191,934,000 to the President's total estimated outlays for fiscal 1971.

Mr. President, there is a curious and damaging blind spot in some of the economic analysis that takes place in this Chamber. Sometimes some Senators seem to think that if they cut an expenditure they have done all that is necessary for fiscal responsibility. This is not true. It neglects one basic fact. This is the fact that any expenditure—however moder-

ate, however responsible—must be matched by corresponding provisions for raising revenues.

The problem is this. There is a phenomenon which the economists refer to as a "revenue shortfall." You have a revenue shortfall whenever revenues fail to amount to the total that was expected when expenditures were being planned. Obviously when a revenue shortfall occurs, one of two things must happen. On the one hand, responsible authorities can revise downward their judgment of permissible expenditures. On the other hand, a deficit can be allowed to occur.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for another 10 minutes.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator is recognized for an additional 10 minutes.

Mr. ALLOTT. Mr. President, the important thing to notice is this. If we want to avoid a substantial deficit at any time, then we must be prepared not just to cut expenditures but to allow our cuts to be governed by a close and careful projection of any possible revenue shortfalls. Moreover, the phenomenon of a "revenue shortfall" is not just a challenge to cut the budget. It is also, and equally, a challenge to see that all responsible measures are taken to generate revenues equal to the amount of the shortfall.

Mr. President, this is why it is fair to say that pruning the budget is only half the task for a responsible Congress. The other half—which is often less conspicuous, and is often more unpleasant—is the raising of revenues. In this regard it is necessary for us to face the fact if an intolerable budget deficit should result in fiscal year 1971, it will be attributable in part to congressional inaction on matters which would result in increased revenues.

One aspect of the President's message upon which the senior Senator from Wisconsin is curiously silent has to do with this question of the willingness of Congress to assume the responsibilities for the generation of adequate revenues. In his statement of July 18 entitled "Congressional Action and Government Spending," the President stated:

For fiscal year 1971, which began July 1, this administration transmitted to the Congress a budget calling for expenditures of $200 billion, and estimating revenues at $202 billion. If the Congress continues in its present pattern of proposed increases in expenditures, the total for this fiscal year will actually reach a substantially larger figure.

Some $3.5 billion of increases are caused by mandatory and virtually uncontrollable rises in costs—such as increases in the interest on the national debt ($1.8 billion) and in public assistance (over $500 million). The major pay increase for Federal employees added $1.4 billion over the amount originally budgeted. Some increases are the result of necessary new programs. But much of the total increase is due to threatened Congressional action or inaction.

On the receipts side of the ledger, the Congress has failed to provide necessary revenue. By its action on the tax bill last year, the Congress had already reduced projected revenue for fiscal year 1971 by $3 billion and for fiscal year 1972 by $5 billion below my request. Beyond this, the Congress has as yet failed to take action on my proposals for a tax on lead use in gasoline, an advance in the time of collection of estate and gift taxes, and an increase in postal rates. The Congress must produce action on these measures, or we can expect to collect much less than the $202 billion estimated in February.

And that is not all. The 1971 expenditures are an inevitable springboard for the budget of 1972. Unless the present trend is corrected by the Congress, the resulting 1972 spending could produce a massive deficit.

To underscore the President's concern—and to legitimatize it perhaps by referring once again to the facts and figures of the distinguished chairman of the House Appropriations Committee—I am forced to quote from his 1970 budget scorekeeping report—staff report No. 14—wherein he stated, and I quote, "Total net effect of congressional action and inaction of the first session, 91st Congress" was to reduce a $5.915 billion surplus by $46 million.

I do not think this is difficult to comprehend, but in all honesty, I am beginning to understand what Swift meant when he said, "complaint is the highest tribute heaven receives."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the budget summary which appeared on page 3 of Chairman MAHON'S 1970 budget scorekeeping report—staff report No. 14—entitled "Budget Summary: A Summary of Fiscal Year 1970 and Fiscal Year 1969 Federal Budgets—Reflecting Congressional Actions and Inactions Affecting Those Budgets During the First Session of the 91st Congress."

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

BUDGET SUMMARY—A SUMMARY OF FISCAL YEAR 1970 AND FISCAL YEAR 1969 FEDERAL BUDGETS—REFLECTING CONGRESSIONAL ACTIONS AND INACTIONS AFFECTING THOSE BUDGETS DURING THE 1ST SESSION OF THE 91ST CONGRESS

[In millions of dollars]

Summary totals	Budget authority (obligational and lending authority) (1)	Budget outlays (expenditures and net lending) (2)	Budget receipts (3)	Budget surplus or deficit (4)
Fiscal year 1970:				
Net total budget estimates as submitted Jan. 15, 1969	210,116	195,272	198,686	+3,414
Net total budget estimates as corrected by the new administration	211,412	196,921	198,686	+1,765
Net total budget estimates as corrected and revised to Apr. 15, 1969	205,901	192,899	198,686	+5,787
Net total budget estimates as revised and amended to date	[1] 204,201	[2] 192,885	[2] 198,800	+5,915
Adjustments for interfund and intragovernmental transactions and applicable receipts	+13,714	+13,714	+13,714	.....
Total gross budget estimates	217,915	206,599	212,514	+5,915
Budget estimates not requiring further action by Congress (previously enacted or permanent)	80,712	114,896	202,712	.....
Prior year's budget authority		(85,165)		
Currently (1970) budget authority	(80,712)	(29,731)		
Budget estimates requiring action by Congress	137,203	91,703	9,802	.....
Effect of congressional action or budget estimates (net changes) to Dec. 23, 1969:				
House	−3,687	+362	+158	−204
Senate	+2,512	+767	−2,173	−2,940
Enacted	[3] −837	[3] −1,569	−118	+1,451
Effect of congressional inaction on budget estimates (see supporting table No. 3 and pt. I of supporting table No. 4)	+1,313	+1,232	−265	−1,497
Total net effect of congressional action and inaction, 1st session, 91st Congress	+476	−337	−383	−46
Fiscal year 1969:				
Net total budget estimates as submitted in January	194,620	183,701	186,092	+2,391
Net total budget estimates, as revised	196,030	185,588	186,492	+904
Net total budget estimates, as changed by congressional action	195,568	185,263	186,492	+1,229
Actual net total as enacted by Congress and reported by the Treasury	195,568	184,769	187,843	+3,074

[1] Budget authority estimates have not been revised since the May 20 withdrawal of $1,700,000,000 for the previously proposed social security program.

[2] The summer review of the 1970 budget reflected revised budget outlay estimates at $192,860,000 and revised budget receipt estimates at $198,800,000. The revised outlay estimates effect many increases and many offsetting decreases on which full details are not available. Since revised detailed estimates were not transmitted to the Congress, it must be assumed for scorekeeping purposes that the Congress was working with the Apr. 15 budget appropriation and outlay estimates.

[3] Includes the effect of the Labor and Health, Education, and Welfare, and the foreign assistance appropriation bills, on which Congress has not taken final action, in the amounts approved by the committees of conference.

Mr. ALLOTT. Emphasizing the fact that the 90th Congress has "turned away from unnecessary military expenses and extravagant programs and toward more emphasis on human resources" the distinguished Senator from Wisconsin tries to dramatize the emergence of reordering priorities by placing into close juxtaposition spending on hospitals and the C–5A as well as food programs for our children and the ABM.

Mr. President, I do not want to belabor the RECORD with the fact that military programs such as the ABM, the C–5A, the TFX, and the Cheyenne helicopter were creatures of the 1960's. I do want to underscore the fact, however, that in the search for adequate appropriations for human resources that the decade of the 1970's was launched by President Nixon's budget which called for spending 37 percent of the budget for national defense and 41 percent for human resource programs. As the President pointed out in his statement of July 18, these sharply reversed priorities were accomplished only by a massive change in emphasis and with specific cuts in military and space expenditures by some $6 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for 10 minutes longer.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ALLOTT. Mr. President, I believe that both the Congress and the President can take some credit in this question of reordering priorities. I simply feel, however, that the efforts of the President and Secretary of Defense Laird have simply not been given the credit they deserve in this instance. Last week I referred to the record of the 90th Congress, first session, on appropriation matters alone. With regard to defense appropriations in the first session of the 91st Congress, I think it is important to highlight these significant facts:

On January 15, 1969, President Lyndon Johnson submitted his last budget. It called for Department of Defense new obligational authority of $80.645 billion and $79.0 billion in expenditures.

On March 19, 1969, Secretary of Defense Melvin Laird testifying before the Senate Armed Services Committee proposed a reduction in defense spending of $2.170 billion in new obligational authority and a $0.500 billion reduction in expenditures for fiscal year 1970. This would have the effect of reducing defense requests for new obligational authority to $78.475 billion and reducing expenditures to $78.5 billion.

On April 15, 1969, President Nixon formally submitted to Congress amendments which would reduce defense new obligational authority by $3.103 billion in lieu of Secretary Laird's $2.170 billion, and reduce defense expenditures by $1.113 billion in lieu of Secretary Laird's reduction of $0.500 billion.

Thus, President Nixon's April 15 revisions to President Johnson's fiscal year 1970 budget reduced defense new obligational authority to $77.542 billion and reduced defense expenditures to $77.887 billion.

On June 10, 1969, Secretary of Defense Melvin Laird appeared before the Senate Subcommittee on Defense Appropriations in support of President Nixon's revised budget and reiterated President Nixon's request for a reduction in defense new obligational authority to $77.542 billion and a reduction in expenditures to $77.887 billion.

On August 21, 1969, Secretary of Defense Melvin Laird announced at his press conference that he had further cut his 1970 program by an additional $3 billion, thus lowering 1970 expenditures to $74.887 billion; this additional $3 billion was over and above the April reductions of President Nixon.

Mr. President, since the congressional rule of thumb measurement states $3 of new obligational authority reductions are necessary to achieve a $1 expenditure reduction—I might say there might be some quarrel with that figure; the former Secretary of the Treasury and the former Economic Adviser to the President, Gardner Ackley and Secretary Fowler, are its sources—and, since the Nixon administration accomplished an expenditure reduction of approximately $4 billion by the above-cited reductions, it is clear that Congress would necessarily have had to reduce new obligational authority by an amount not less than $12 billion to achieve actual spending reductions accomplished by the Nixon administration.

Mr. President, I think it is of paramount importance to put the question of national defense expenditures in its proper perspective as it relates to current Federal budget priorities. In this issue facts rather than opinion assume a critical role.

Let me cite some of these facts as they appear in the special analysis prepared by the highly respected institution—which obviously owes no allegiance to any political party—the American Enterprise Institute for Public Policy Research. In their recent publication entitled "U.S. Government Finances: A 22-year Perspective 1950–71" at page 21 they state the following as it relates to budgetary programing for national defense:

Reductions in national defense outlays programmed in the proposed 1971 budget, if they materialize, will lower defense spending in 1971 by approximately $14 billion, in terms of 1969 consumer prices, below the defense spending level of 1969.

Defense outlays budgeted for 1971 total $73.6—down $7.7 billion from the 1969 level. However, the $73.6 billion figures converts into $66.8 billion when expressed in 1969 prices. That is, deterioration of the purchasing power of the dollar expected to continue through 1971 lowers the budgeted figure to $66.8 billion, which is $14.4 billion less than actual defense outlays of $81.2 billion in the 1969 base year.

As indicated by the accompanying chart and the tabular data, average per capital shares of defense outlays, in 1969 prices, are estimated to drop from $404 in 1969 to $325 in 1971.

Budgeted reductions apply relatively uniformly to the three major components of the defense budget—compensation of personnel, operation and maintenance, and procurement of military hardware and other supplies.

I ask unanimous consent to have this chart printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

	Outlays in current dollars (millions)					Per capita outlays in 1969 prices				
				Estimates					Estimates	
	1967	1968	1969	1970	1971	1967	1968	1969	1970	1971
Military functions:										
Personnel [1]	$19,787	$21,954	$23,818	$25,158	$24,104	$108.77	$115.62	$118.51	$117.13	$106.51
Operation and maintenance	19,000	20,578	22,227	21,500	19,650	140.45	108.73	110.60	100.10	86.83
Procurement	19,012	23,283	23,988	21,550	18,799	104.51	122.62	119.36	100.33	83.07
Research, development, etc	7,160	7,747	7,457	7,300	7,382	39.36	40.80	37.10	33.99	32.62
Military construction	1,536	1,281	1,389	1,124	1,154	8.44	6.75	6.91	5.23	5.10
Other	1,114	2,695	−864	15	267	6.12	14.19	−4.30	.07	1.18
Adjustments	−152	−165	−135	−140	−163	−.83	−.86	−.67	−.64	−.72
Total military functions	67,457	77,373	77,877	76,505	71,191	370.82	407.49	387.50	356.20	314.57
Military assistance	858	654	789	495	600	4.72	3.44	3.93	2.30	2.65
Atomic energy	2,264	2,466	2,450	2,461	2,411	12.45	12.99	12.19	114.6	10.65
Defense—related activities	−17	139	260	119	−52	−.09	.73	1.29	.55	−2.3
Offsetting receipts	−481	−116	−138	−150	−572	−2.64	−.61	−.69	−.70	−2.53
Total national defense	70,018	80,517	81,240	79,432	73,583	385.25	424.04	404.23	369.83	325.14

[1] Including pensions.

Mr. ALLOTT. Consider these charts concerning the relative importance of defense expenditures during the past decade. I ask unanimous consent to have the charts printed in the RECORD.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

[Dollars in billions]

Fiscal year	Dollars for defense	Percent of Federal budget
1960	$45.9	49.8
1961	47.4	48.8
1962	51.1	47.8
1963	52.3	46.9
1964	53.6	45.2
1965	49.6	41.9
1966	56.8	42.2
1967	70.1	44.3
1968	80.5	45.0
1969	81.2	44.0
1970	79.4	40.1
1971	73.6	36.7

The following are the facts about the nondefense origin of increases in the Federal budget during the last decade:

Government spending, nonmilitary and military, 1960–1968

[In billions]

1961	$97.8
1962	106.8
1963	111.3
1964	118.6
1965	118.4
1966	134.6
1967	158.2
1968	178.8

Nonmilitary spending

[In billions]

1961	$50.4
1962	55.7
1963	59.1
1964	65.0
1965	68.9
1966	77.9
1967	88.2
1968	98.3

Total increase (up 95 percent) $47.9 billion.

Military spending

[In billions]

1961	$47.4
1962	51.1
1963	52.3
1964	53.6
1965	49.6
1966	56.8
1967	70.1
1968	80.5

Total increase (up to 70 percent) $33.1 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLOTT. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, my efforts today are certainly not intended to justify every single budget request President Nixon has made during this Congress. Obviously there are items in any budget of any President over which reasonable men may differ.

On the other hand, it has been my intention to try to put two or three matters in perspective. The first has to do with the question of the adequacy of appropriations for national defense. The pending military procurement authorizations bill will clearly provide a forum for further discussion on this matter. The second matter has to do with the willingness of this Congress to act upon the revenue proposals of the President. The President has been most constructive in his efforts to send up legislation which would serve to reduce budget authority and outlays during this Congress. In fact, Mr. President, legislation which would serve to reduce budget authority and outlays was notoriously neglected by the first session of the 91st Congress. A total of $1.3 billion in budget authority reductions and $1.2 billion in outlay reductions were transmitted to the Congress but not acted upon.

Mr. President, I ask unanimous consent that a chart setting forth legislative proposals to reduce budget authority and outlays which were pending at the adjournment of the 91st Congress be printed at this point in the RECORD. Again, this is material prepared by Representative MAHON's committee.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SUPPORTING TABLE NO. 4.—LEGISLATION AFFECTING THE FISCAL YEAR 1970 BUDGET

PART I. LEGISLATIVE PROPOSALS TO REDUCE BUDGET AUTHORITY AND OUTLAYS[1]

[In thousands of dollars]

	Estimated reduction				
	Revised budget (Apr. 15, 1969)	As transmitted to date	House action to date	Senate action to date	Enacted to date
PENDING AT ADJOURNMENT OF THE 91ST CONGRESS, 1ST SESSION					
Department of Agriculture:					
Consumer and Marketing Service:					
Consumer protective, marketing, and regulatory programs (S. 568, H.R. 7444):					
Budget authority	−113	−113			
Outlays	(−113)	(−113)			
Removal of surplus agricultural commodities (S. 816, H.R. 13193):					
Budget authority					
Outlays	(−2,900)	(−2,900)			
Farmers Home Administration—Direct loan account (S. 815, H.R. 11604):					
Budget authority					
Outlays	(−292,000)	(−292,000)			
Department of Health, Education, and Welfare:					
Social and Rehabilitation Service:					
Grants to States for maintenance payments (S. ——, H.R. ——):					
Budget authority	−30,000	−30,000			
Outlays	(−30,000)	(−30,000)			
Grants to States for medical assistance (S. ——, H.R. ——):					
Budget authority	−126,000	−126,000			
Outlays	(−126,000)	(−126,000)			
Department of Housing and Urban Development:					
Mortgage credit:					
Government National Mortgage Association (S. 2864, H.R. 12937):					
Budget authority	−500,000	−500,000	[2]	[2]	
Outlays					
Department of Labor:					
Longshoremen omnibus bill (S. ——, H.R. ——):					
Budget authority	−3,475				
Outlays	(−3,475)				
Post Office Department:					
Proposed rate increase (H.R. 10877):					
Budget authority	−591,400	−591,400			
Outlays	(−591,400)	(−591,400)			
Department of Transportation:					
That the following programs be financed from trust funds rather than Federal funds: Highway beautification, traffic and highway safety, State and community highway safety programs, motor carrier safety, forest highways, and public land highways:					
Budget authority	[3]				
Outlays	[3]				

Footnotes at end of table.

[In thousands of dollars]

	Estimated reduction				
	Revised budget (Apr. 15, 1969)	As transmitted to date	House action to date	Senate action to date	Enacted to date
PENDING AT ADJOURNMENT OF THE 91ST CONGRESS, 1ST SESSION—Continued					
Veterans' Administration:					
Compensation and pensions:					
Veterans service-connected compensation (TB) (S. ——, H.R. ——):					
Budget authority	—46,000				
Outlays	(—46,000)				
Veterans non-service-connected compensation (railroad retirement exclusion) (S. ——, H.R. ——):					
Budget authority	—66,000	—66,000			
Outlays	(—66,000)	(—66,000)			
Other (duplicate burial benefits) (S. ——, H.R. ——):					
Budget authority	—54,000				
Outlays	(—54,000)				
Loan guarantee revolving fund (S. ——, H.R. 11703):					
Budget authority					
Outlays	(—123,500)	(—123,500)			
Total, pt. I:					
Budget authority	—1,416,988	—1,313,513			
Outlays	(—1,335,388)	(—1,231,913)			

[1] If positive legislative action is not taken on each item, budget authority and budget outlay estimates carried in the Budget will be increased by the amounts indicated.

[2] Successor bills S. 2864 and H.R. 13827 do not include this item.
[3] Shift between funds; no budget effect.

Mr. ALLOTT. The President has once again sent up legislative proposals to reduce budget authority and outlays in fiscal year 1971. A total of $2.2 billion in budget authority reductions and $2.3 billion in outlay reductions would be generated as a result of favorable action on the President's program in this area. Congress has already taken some action in this regard but, as can be seen from the table below, there are many legislative proposals which have not yet received congressional action.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD "Legislative proposals in fiscal year 1971 budget to reduce budget authority and outlays" as it appears on pages 15 and 16 of the 1971 budget scorekeeping report—staff report No. 7—dated July 9, 1970.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SUPPORTING TABLE NO. 4.—LEGISLATIVE PROPOSALS IN FISCAL YEAR 1971 BUDGET TO REDUCE BUDGET AUTHORITY AND OUTLAYS [1]

[In thousands of dollars]

Authorization request (title or purpose)	Cost estimate, 1971 budget	House action to date	Senate action to date	Enacted to date
Fiscal year 1970:				
Post Office Department (H.R. 10877, S. ——):				
Budget authority	[2] —156,000			
Outlays	[2] (—156,000)			
Total, fiscal year 1970:				
Budget authority	—156,000			
Outlays	(—156,000)			
Fiscal year 1971:				
Funds appropriated to the President:				
Expansion of defense production (H.R. 17880, S. 3776):				
Budget authority				
Outlays	(—67,616)			
Office of Economic Opportunity (H.R. 13472, S. 2838):				
Budget authority (transfer)	(—622,000)			
Outlays (transfer)	(—689,300)			
Department of Agriculture:				
Consumer and Marketing Service:				
Consumer protective, marketing and regulatory programs (H.R. 16264, S. 3593):				
Budget authority	[3] —4,577			
Outlays	[3] (—4,547)			
Removal of surplus agricultural commodities (H.R. 16264, S. 3593):				
Budget authority				
Outlays	[3] (—1,542)			
Federal Crop Insurance (H.R. 16264, S. 3593):				
Budget authority	([3])			
Outlays	([3])			
Department of Defense—Civil:				
Corps of Engineers:				
Recreational boat harbors (H.R. 16264, S. 3593):				
Budget authority	([3])			
Outlays	([3])			
Department of Health, Education, and Welfare:				
Social and Rehabilitation Service:				
Grants to States for public assistance (H.R. 16264, S. 3593):				
Budget authority	[3] —235,000			
Outlays	[3] (—215,000)			
National Institutes of Health:				
Health manpower—veterinary medicine (H.R. 16264, S. 3593):				
Budget authority	[3] —3,000			
Outlays	[3] (—100)			
Office of Education:				
Elementary and secondary education—impact aid reform (H.R. 16264, S. 3593):				
Budget authority	[3] (—392,000)			
Outlays	[3] (—196,000)			
Department of Labor:				
Wage and Labor Standards:				
User charges (longshoremen) (S. 3629, H.R. 16589):				
Budget authority				
Outlays	(—3,475)			
Post Office Department:				
Proposed rate increase (H.R. 17070, S. 3842):				
Budget authority	[2] —1,568,000	[4] —784,000	[4] —784,000	
Outlays	[2] (—1,568,000)	[4] (—784,000)	[4] (—784,000)	([5])

Footnotes at end of table.

SUPPORTING TABLE NO. 4.—LEGISLATIVE PROPOSALS IN FISCAL YEAR 1971 BUDGET TO REDUCE BUDGET AUTHORITY AND OUTLAYS [1]

[In thousands of dollars]

Authorization request (title or purpose)	Cost estimate, 1971 budget	House action to date	Senate action to date	Enacted to date
Department of Transportation:				
Coast Guard:				
Reserve training (H.R. 16264, S. 3593):				
Budget authority	[3] (−15,000)			
Outlays	(−15,000)			
Federal Railroad Administration:				
Alaska Railroad—sale (H.R. 16264, S. 3593):				
Budget authority	[3] (−100,000)			
Outlays	[3] (−100,000)			
Veterans' Administration:				
Compensation and pensions:				
Veterans service-connected compensation—TB (H.R. 13437):				
Budget authority	−46,000			
Outlays	(−46,000)			
Veterans non-service-connected pensions—Railroad retirement (H.R. 13438):				
Budget authority	−6,000			
Outlays	(−6,000)			
Other veterans income security programs—burial benefits (H.R. 13436, S. ——):				
Budget authority	−54,000			
Outlays	(−54,000)			
Medical care—private insurance (H.R. 16264, S. 3593):				
Budget authority	[3] −40,000			
Outlays	[3] (−40,000)			
Direct loan revolving fund (H.R. 11703, S. ——):				
Budget authority				
Outlays	(−125,000)			
General Services Administration:				
Sale of stockpile surpluses:				
Various legislation (17 bills):				
Budget authority		−180,000	−180,000	[7] −180,000
Outlays		(−180,000)	(−180,000)	(−180,000)
Various legislation (5 bills):				
Budget authority	−250,000			
Outlays	(−250,000)			
Total: [5]				
Budget authority	−2,206,577	−964,000	−964,000	−180,000
Outlays	(−2,313,664)	(−964,000)	(−964,000)	(−180,000)

[1] If positive legislative action is not taken on each item, budget authority and budget outlay estimates carried in the budget will be increased by the amount indicated.
[2] Includes effect of proposals announced in H. Doc. 91-313, postal reform message.
[3] Included in proposed Federal Economy Act (H. Doc. 91-263, H.R. 16264, S. 3593).
[4] Assumes half-year delay in rate increase.
[5] Does not reflect certain legislative proposals, shown in parenthesis above, which have no effect on the overall Federal budget, such as shifts between departments and agencies, between Federal and trust funds, or which technically do not require legislation to effect proposed reduction.
[6] Subject to or in conference.
[7] Pending signature.

Mr. ALLOTT. The last item that I want to mention today has to do with the action of Congress on revenue proposals submitted by the President which affect the fiscal year 1971 budget. The reductions achieved in the fiscal 1970 budget do not take account of the revenue portion of the ledger. President Nixon asked that whenever a Member of Congress displayed the imagination to introduce a bill that calls for more spending, he should also display the courage to introduce a bill raising the taxes to pay for that program.

Since Congress has succeeded in reducing revenues to a level below expenditures, clearly the administration is not to be faulted for its attempts to maintain some order of balance.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table entitled "Revenue Proposals Affecting the Fiscal Year 1971 Budget," which appears at page 14 of Representative MAHON's 1971 budget scorekeeping report—staff report No. 7.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUPPORTING TABLE NO. 3—REVENUE PROPOSALS AFFECTING THE FISCAL YEAR 1971 BUDGET

[In millions of dollars]

	Estimated receipts for fiscal year 1971	Congressional action on fiscal year 1971 revenue proposals to date: House	Senate	Enacted
Revenue estimate in the fiscal year 1971 budget	202,103			
Revenue estimates as revised by subsequent proposals and reestimates	204,109			
Adjustments for interfund and intragovernmental transactions and applicable receipts	16,928			
Total gross receipts	221,037			
To be derived from existing revenue legislation	216,415			
Estimated revenues to be derived from proposals in the fiscal year 1971 budget: [1]				
Excise taxes-extension of present rates (H.R. ——):				
Automobiles	260			
Telephone service	300			
Social security—increase wage base (H.R. 17550)	205	204		
Unemployment insurance—increased benefits (H.R. 14705)	[2]	194	194	[4] 194
Railroad retirement (H.R. 15733)	104			[5]
User charges:				
Aviation services (H.R. 14465, P.L. 91-258)	370	331	318	322
Highways (H.R. ——)	259			
Other (H.R. ——)	24			
Subtotal, revenue proposals in the 1971 budget	1,522	729	512	516
Estimated revenues to be derived from other proposals:				
Estate and gift taxes—acceleration (H.R. ——)	1,500			
Proposed tax on lead used in the manufacture of gasoline	1,600			
Ad valorem tax on cigars (H.R. 1002)		[4] −21		
Wagering tax amendments (S. 1624)			[4] 17	
Currency writeoff (S. 3825)	[3]		228	
Total, revenue proposals	4,622	708	757	516

[1] Without congressional action on each item, estimated receipts will be reduced by these amounts.
[2] No effect on fiscal 1971 revenue: $153,000,000 in 1972, $668,000,000 in 1973, and $719,000,000 in 1974.
[3] Request assumed budgetary impact in fiscal year 1970.
[4] Committee action.
[5] Subject to or in conference.

Mr. ALLOTT. In conclusion, Mr. President, let me observe that just as it is a dangerous game to assume that only the defense appropriations bill must be reduced, so, too, is it misleading to fail to take into account the revenue producing side of the ledger. Congress and the President have tried to reorder spending priorities, emphasizing new domestic opportunities. On the other hand, Congress has not yet acted on the revenue producing side of its responsibilities. For the record, I want to assure my colleagues that I will keep inserting Representative MAHON's scorekeeping reports into the

RECORD so that everyone can be on notice as to the action or lack of action which is taking place on this aspect during this session of the 91st Congress.

Mr. President, I ask unanimous consent that the statement by the President entitled "Congressional Action and Government Spending," dated July 18, 1970, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL ACTION AND GOVERNMENT SPENDING

I am issuing this statement today because I view with deepening concern the course of events in the Congress affecting the expenditure of the taxpayers' money. There is a persistent and growing tendency on Capitol Hill to approve increases in expenditures without providing the revenue to pay the costs. For just one example, the Congress seems on the verge of approving an education appropriation bill that provides nearly half a billion dollars more than I requested.

Given this situation, it is time to face some hard figures and some troublesome possibilities and to strive for solutions.

Our Federal budget totals over $200 billion. If we allow these outlays to overshoot the basic revenue-producing capacity of our tax system—as happened particularly in 1967 and 1968—we will produce the same result: inflation of a magnitude that will take difficult and painful measures to eliminate.

In fiscal year 1970, which ended June 30, we worked very hard and effectively—in the midst of continuing controversy—to hold the expenditure line. As a result, any deficit will reflect a short-fall of revenues from the adjustment of the economy to policies designed to combat inflation.

For fiscal year 1971, which began July 1, this administration transmitted to the Congress a budget calling for expenditures of $200 billion, and estimating revenues at $202 billion. If the Congress continues in its present pattern of proposed increases in expenditures, the total for this fiscal year will actually reach a substantially larger figure.

Some $3.5 billion of increases are caused by mandatory and virtually uncontrollable rises in costs—such as increases in the interest of the national debt ($1.8 billion) and in public assistance (over $500 million). The major pay increase for Federal employees added $1.4 billion over the amount originally budgeted. Some increases are the result of necessary new programs. But much of the total increase is due to threatened Congressional action or inaction.

On the receipts side of the ledger, the Congress has failed to provide necessary revenue. By its action on the tax bill last year, the Congress had already reduced projected revenue for fiscal year 1971 by $3 billion and for fiscal year 1972 by $5 billion below my request. Beyond this, the Congress has as yet failed to take action on my proposals for a tax on lead used in gasoline, an advance in the time of collection of estate and gift taxes, and an increase in postal rates. The Congress must produce action on these measures or we can expect to collect much less than the $202 billion estimated in February.

And that is not all. The 1971 expenditures are an inevitable springboard for the budget of 1972. Unless the present trend is corrected by the Congress, the resulting 1972 spending could produce a massive deficit.

It has become almost a cliché to say that all we need do to resolve this dilemma with regard to our Federal budget is to cut space and defense outlays and "change our national priorities." Let's set the record straight. We *have* changed out national priorities.

In the budget that I proposed for fiscal 1971, spending for defense is exceeded by spending for human resources for the first time in 20 years. In all of the last three administrations, military spending ran far above spending for other purposes. In 1962 under President Kennedy the Federal Government spent 48 percent of its budget for defense and only 29 percent for human resources. By 1968, the comparison was 45 percent to 32 percent. My budget for 1971 sharply reversed these priorities. It calls for spending 37 percent for defense and 41 percent for human resources programs. To accomplish this massive change in emphasis, military and space expenditures were cut by some $6 billion.

As a former Member of the House and the Senate, I fully understand that the Members consider appropriations and spending bills one at a time. The trouble is that the total of the parts, each in itself attractive and even meritorious, is too large a figure. Unless the Congress makes a very special effort to look at the total picture, the Members may not fully appreciate the overall effect of their fiscal actions.

In raising the issue of budget deficits, I am not suggesting that the Federal Government should necessarily adhere to a strict pattern of a balanced budget every year. At times the economic situation permits—even calls for—a budget deficit. There is one basic guideline for the budget, however, which we should never violate: except in emergency conditions, expenditures must never be allowed to outrun the revenues that the tax system would produce at reasonably full employment. When the Federal Government's spending actions over an extended period push outlays sharply higher, increased tax rates or inflation inevitably follow. We had such a period in the 1960's. We have been paying the high price—and higher prices—for that recently.

We must not let that happen again. It need not happen. Responsible government cannot let it happen. This is a time when the taxpayers of the United States will not tolerate irresponsible spending. The Congress should ask itself in every case: Will this new expenditure, when tied to all the others, require increased taxes or cause a deficit which would bring about an increase in prices? The Congress must examine with special care those spending programs which benefit some of the people but which really raise taxes and prices for all the people.

Recently I signed into law a bill fixing a "ceiling" on Federal spending for the current fiscal year. I accept that ceiling and intend to live under it. But the Congress, by making exceptions and approving measures with mandatory spending provisions, has made a travesty of this legislation.

I now ask the Congress to establish a *firm* ceiling on total expenditures—a ceiling from which only specific and genuine "uncontrollables" such as interest on the public debt would be exempt—a ceiling within which the President can determine priorities—a ceiling that would apply to *the Congress* as well as to the Executive. This will require of the Congress—as well as the President—the hard task of adjusting and pruning individual program outlays to hold their total within this ceiling. With this we can reassure citizens generally that Washington will not take spending actions that will impose on their future incomes the burdens of ever increasing tax rates. With this we can pursue vigorous policies of expansion to achieve full employment, rapid improvements in our material levels of living, and a more stable dollar.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. PROXMIRE. I am happy that the distinguished Senator from Colorado has made this speech today. I think it is most useful and enlightening, and it is in accordance with the speech made previously, I believe on July 21, by the distinguished Senator from Colorado.

I think it is clear that there is a sharp difference between the statistics put into the RECORD by the Senator from Colorado, taken mainly from the chairman of the House Appropriations Committee, Mr. MAHON, and those put into the RECORD by the majority leader, the Senator from Montana (Mr. MANSFIELD). The difference, I think, is based on several things.

First, the Senator from Colorado is putting in legislative and appropriation spending actions. The Senator from Montana has been putting in appropriation actions.

Mr. ALLOTT. I believe that in the first remarks of the distinguished majority leader, it was mostly in comparison with the 1970 budget of President Johnson.

Mr PROXMIRE. No, indeed. That is not correct. The Senator from Montana made it clear that his actions related to the revised Nixon budget.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I would like to make that point clear. I have tried to make it time and time again.

The distinguished Senator from Colorado was kind enough to inform me that he was going to make a speech commenting on some statements I had made relative to congressional reductions in the budget. Unfortunately, I was absent on official business and I did not get to hear the speech by the distinguished Senator.

I was fully aware of the fact that when the present President came into office, he was confronted with the Johnson budget. What he did was to hold up that budget, bring about a revision, and reduce it something on the order of $5 billion, as I recall. He is to be commended for such action.

All the facts and figures I have stated and put into the RECORD, however, have to do with the revised budget offered by President Nixon. They did not concern the Johnson budget in any way, shape, or form. I want to make the record very clear in that respect.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. I was rechecking that. The Senator is entirely correct.

Mr. MANSFIELD. I thank the Senator.

The PRESIDING OFFICER. Does the Senator from Wisconsin wish the floor?

Mr. PROXMIRE. Yes.

Mr. President, the difference is that in part, at least, the Senator from Colorado was talking about legislative as well as appropriations spending actions. The Senator from Colorado has been on the Appropriations Committee for a long time, longer than I have—I have been on it 6 or 7 years, and he was on it before that—and he is aware of the fact that very often Congress will pass rather extravagant legislative authorization bills and then not appropriate the funds for them.

In my view, the appropriation action by the Appropriations Committee, and

especially by Congress, is the decisive action to determine whether or not Congress is going to expend the funds. For this reason, it seems to me that it is perfectly fair and proper and accurate and reasonable for the majority leader to make the kind of comparison he made between the President's request and the final action on appropriations by Congress.

Of course, there are exceptions to that. Certainly, if legislative action mandates expenditures without going through the appropriation process, then I think the Senator from Colorado's position would be correct, to the extent that Congress goes above the President's figure.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the expiration of the morning hour at 2 p.m., the unfinished business not be laid down until the morning business is closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ALLOTT. I think that what the Senator has said is true. Unfortunately, I think that the legislative committees have been prone to think more in terms of what would be ideally desirable in putting the limitations on their authorization rather than what is possible and practical. However, we see the situation then when an appropriation committee lives up to its complete responsibility—the Senator understands what those responsibilities are as well as I do—and says that an authorization of $1 billion simply cannot be accommodated this year because $500 million is all we can possibly fit into the budget, then we hear the argument or, as Senators have heard and as I have heard 500 times this year, "Look what the legislative committee did. We authorized so much and the Appropriations Committee has refused to finance it." I do think—and I am not being critical of my friends on the legislative committees, as I am on one—that we try to watch it. We could operate more effectively as a Congress if, instead of figuring out what could be spent under any circumstances, the legislative committees would try to be more realistic in their authorizations——

Mr. PROXMIRE. I wholeheartedly agree with——

Mr. ALLOTT. Because the Appropriations Committee does try to do its job.

Mr. PROXMIRE. I want once again to call the attention of the Senator from Colorado to the fact that the measure suggested by the majority leader and by the Democratic Policy Committee is a measure of how Congress finally votes on appropriation measures for 1970 and, to the extent we have done so, for 1971. On that count, Congress has cut decisively by several billion dollars—in fact, overall by over $8 billion—below what President Nixon's request was. We are not spending more than the President requests, but less on appropriation measures, which is the final test.

In the second place, the Senator from Colorado did contend that the Nixon administration has cut defense spending. They may have cut defense spending and I think there is every evidence that they will cut defense spending, but to date I call to the attention of the Senator from Colorado the fact that expenditures by the Pentagon and the Department of Defense in fiscal 1970 for goods and services are higher by $150 million than they were in 1969.

This is, in spite of the very sharp cut made in the 1970 budget by Congress, below what President Nixon requested and far below the 1969 appropriations.

What I am saying is that the final action really is not in Congress but depends upon how much the President wants to spend out of what we appropriate and out of the unobligated balances in past years. On that test, President Nixon has used the unobligated balances so as to maintain a high level of military spending right into 1970.

Mr. ALLOTT. If the distinguished Senator will look at page 60 of the budget brief, he will see a cross-hatched table, placed there at the instance of some of us several years ago, which shows the flowthrough from the present appropriations and the flowthrough from past appropriations to the present. The table illustrates exactly the figure I used, which is that at this time of year it takes a $2 cut in appropriations to effect a $1 cut in expenditures. If we do not pass the appropriation bills, as we have not, until October or November, it takes a $3 cut in appropriations to effect a $1 cut in expenditures.

But the point I have been trying to make, which I do not think the distinguished majority leader made in his remarks, relates not only to matters concerning expenditures, new obligational authority, and legislative authority. I am also trying to put into perspective the fact that there has been a distinct shortfall in revenue-raising measures, as witness the terrible tax bill we passed last fall.

Mr. PROXMIRE. The Senator has spoken several times about the shortfall in revenue. What shall we do? Increase taxes? Does the Senator from Colorado take the position personally that we should increase taxes; that he would vote for a tax increase for insurance in the area of lead gasoline, as the administration has proposed?

Mr. ALLOTT. I would probably vote for most of them, yes; but I am looking at a supporting table of Representative MAHON'S.

The PRESIDING OFFICER (Mr. BOGGS). The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. I ask for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. The tables, which I think the Senator has seen, are of total appropriation bills. I do not know how we will ever tackle the question—it is obvious we have not done it over the past 2 years—by putting an expenditure ceiling on the President and starting to meet our responsibilities.

Mr. PROXMIRE. Directly, yes, in the event we cut military expenditures by some $5 or $6 billion. Last year we cut $5.5 billion. If we do that, the net effect of the action by Congress will be to reduce the upcoming budget this year, as we did last year. Does the Senator still persist in the belief that we would have to increase taxes under those circumstances?

Mr. ALLOTT. Yes; unless we actually provide revenues for some of the shortfalls, as for example, the increase in salaries and the other items I mentioned.

Mr. PROXMIRE. What bothers me very much is that we have had testimony before the Joint Economic Committee that if unemployment increases to 6 percent—maybe it will not, and we all pray it will not—but if it does, then on the shortfall, there will be a drop in tax revenues; and if on top of that we increase taxes further, we will simply drive ourselves into a recession and get into a position where it will be the deficit will deepen.

Mr. ALLOTT. There is a point, I will agree, where that is true. I do not think we are in danger of getting to a 6-percent unemployment rate figure at present. I cannot see it in the present projections. Maybe the Senator can. But there is a point where the principle the Senator states is true. If we raise taxes too much, it will drive us further down the road toward a recession.

Mr. PROXMIRE. I thank the Senator very much. As I said when I first began speaking, I think that these remarks have been most helpful in giving us a better and broader understanding of what this subject is all about, because there are conflicting figures concerning it.

Mr. ALLOTT. While we talk about the unemployment figure, I should like to call the Senator's attention to the fact that—I do not have the figures right at hand—I think total employment in this country today is approximately 2 million more than it was a year ago.

Mr. PROXMIRE. The Senator is about correct, I believe, but my understanding is that, for each of the past 4 months, the rather shocking realization is that the employment figures, that is the number of working Americans, have gone down, so that today 4.6 million Americans are out of work. There is the seasonal adjustment to be considered, and with that adjustment, it works out to a 4.7-percent figure, which from all the testimony I have heard from Mr. McCracken, Chairman of the Council of Economic Advisers, the Secretary of the Treasury, and others indicates that they expect a further unemployment increase, as do most Government economists. It might not go up to the 6 percent. But this is a serious economic matter as well as a matter of fiscal responsibility.

Mr. ALLOTT. The figures I gave the Senator were predicated by me in the defense and space-related fields, were they not?

Mr. PROXMIRE. What figures are those?

Mr. ALLOTT. The unemployment figures.

Mr. PROXMIRE. They were overall. The overall figures. 4.7 percent out of work. They cover all Americans, when we talk about employment. Employment in this country has actually dropped further.

Mr. MANSFIELD. Mr. President, while the distinguished Senator is on the floor, I should like to proceed for about 3 minutes to make the matter perfectly clear as best as I can. I tried to point out to the Senate, before the distinguished Senator from Colorado arrived in the Chamber, that I was getting a little bit tired of having the ball thrown back and forth and having Congress accused of being "spendthrift" or of being "big spenders," and the like.

What I am trying to emphasize is the fact that for the past 25 years every Congress under every President has reduced the President's budget request. What we did this year in Congress we did together, Republicans and Democrats alike.

By the same token, I also gave the President full credit for taking the initiative himself and, in the last fiscal year, for reducing expenditures in excess of $3 billion; and, furthermore, for reducing the Johnson budget by in excess of $5 billion. So that the President is doing his share in the administrative end of the Government in the executive branch.

We are also doing our share here. We can point with much pride to our record in this department. Rather than throwing the bill back and forth, accusing Congress of this, that, and the other thing, it would be far more constructive if we would continue to work together as a team, in cooperation, and in partnership. We can achieve a lot more and carry out our responsibilities, to the end that we may continue to be proud of our efforts regardless of party in Congress.

I want the RECORD to show that I think as much credit should go to the executive as I think we have earned here in the Congress. But up here it is a nonpartisan question. The Democrats and Republicans together, and not the majority party, should be given credit for the reductions which have been made.

SENATOR SMITH OF MAINE RETURNS TO HER SENATE DUTIES

Mr. GRIFFIN. Mr. President, during the past several weeks the Senate has not been the same without the presence and perception of the distinguished senior Senator from Maine.

There is a happy note on the news ticker today. I am pleased to read it to the Senate:

Sen. Margaret Chase Smith, R-Maine, was to return to work today following two weeks of hospitalization in New York City where she underwent right hip surgery.

The senator underwent what doctors termed "total hip replacement" July 8, at the Columbia-Presbyterian Medical Center. She was released from the hospital last Friday and returned to her Washington home.

Doctors prescribed limited activity for Mrs. Smith during the next two weeks. This will permit her to spend a few hours in her office several days each week.

I know that I speak for all of her colleagues on both sides of the aisle when I say that we are delighted and very pleased that the distinguished senior Senator from Maine is back among us after what can only be described as a very remarkable recovery.

We look forward once more to her cheerful presence and her wise contributions to the deliberations of this body.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. MANSFIELD. Mr. President, may I say that this is most pleasant and most unexpectedly good news.

I am delighted that in such a short period after such a serious operation, the distinguished senior Senator from Maine is back in her office and doing her job with the dedication, the integrity, and the devotion which are her hallmarks.

The acting minority leader said it rightly when he said that he spoke in behalf of all Members of the Senate, both Democrats and Republicans, concerning our pleasure at the news that MARGARET SMITH has recovered so nicely and is back with us and once again able to perform her functions and duties with the usual skill and aplomb which mark her work.

It is good news indeed.

We are delighted that Senator SMITH of Maine is back on the job again. I am surprised, pleasantly, that she was able to return so soon.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. PERCY) laid before the Senate the following letters and communications, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE INTERSTATE COMMERCE COMMISSION (S. Doc. 91–95)

A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1971, in the amount of $3,313,500 for the Interstate Commerce Commission; to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE LEGISLATIVE BRANCH (S. Doc. 91–96)

A communication from the President of the United States, transmitting an amendment to the budget for fiscal year 1971, in the amount of $791,634 for the legislative branch; to the Committee on Appropriations, and ordered to be printed.

PUERTO RICAN-VIRGIN ISLANDS TRADE STUDY, A REGULATORY STAFF ANALYSIS

A letter from the Chairman, Federal Maritime Commission, transmitting, for the information of the Senate a study entitled "Puerto Rican-Virgin Islands Trade Study, A Regulatory Staff Analysis" (with an accompanying document); to the Committee on Commerce.

REPORT OF LEWIS AND CLARK TRAIL COMMISSION

A letter from the Chairman, Lewis and Clark Trail Commission, transmitting, pursuant to law, a Report of the Commission dated October 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

CENTRAL OREGON IRRIGATION DISTRICT, REDMOND, OREG.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application by the Central Oregon Irrigation District of Redmond, Oreg., for a supplemental loan under the Small Reclamation Projects Act (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for increased control over local currency made available to the Republic of Vietnam for support of its military and civil budgets, Department of Defense, Department of State, and Agency for International Development, dated July 24, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements of the accountability of the Treasurer of the United States, fiscal years 1968 and 1969, Department of the Treasury, dated July 27, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems in approving and paying for nursing home care under the medicaid program in California, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated July 23, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF CIVIL AIR PATROL

A letter from the National Commander, Civil Air Patrol, transmitting, pursuant to law, the annual report of the CAP for the year 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE FEDERAL MEDIATION AND CONCILIATION SERVICE

A letter from the Director, Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report of the Service for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. PERCY):

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"ASSEMBLY JOINT RESOLUTION No. 41

"Relative to the public use of beaches on federal military installations in California

"Whereas, Of the 1,072 miles of California coastline only 353 miles are publicly owned and available for recreation, and the demand for public access to the beaches of this state is great; and

"Whereas, Fifty-eight miles of beaches, although publicly owned, are closed to public recreation; and

"Whereas, The federal government now prohibits public access to beaches on approximately 56 miles of California's beach frontage; and

"Whereas, Most of this acreage is located at Camp Pendleton in San Diego County,

Vandenberg Air Base in Santa Barbara County, and at Fort Ord in Monterey County; and

"Whereas, Many of the military operations utilizing these beach areas could be shifted to other areas on the same base and thereby allow California citizens to use these publicly owned beaches; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States to direct the appropriate federal officials to allow public access to California beaches located within military installations; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Defense, the Chairman of the Federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 42

"Relative to the protection and restoration of estuaries and wetlands and federal lands

"Whereas, Ninety percent of California's population lives in the coastal zone of California upon 8 percent of the state's land area; and

"Whereas, The major alterations to California's lands and waters are taking place in the coastal zone; and

"Whereas, This zone contains unique estuarine habitat, including marshes, mudflats, and other wetlands that are in scarce supply and irreplaceable; and

"Whereas, These areas support a great variety of fish and wildlife resources and have other public values of national and statewide significance; and

"Whereas, Many of the remaining estuaries are located on federal military lands; and

"Whereas, Some of these estuaries on federal lands have been dredged or filled by federal authorities and in other estuaries federal authorities have allowed dredging and other alterations by local communities; and

"Whereas, Increasing demands are being placed on the military to alter these lands for other purposes; and

"Whereas, the federal 'Estuaries Inventory Study Act' (Pub. L. 90–454) has as its objective the protection, conservation, and restoration of the nation's estuaries; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take appropriate action to assure that permanent protection is given to all existing estuaries and wetlands on federal installations in California and to assure that such estuaries and wetlands already damaged will, where feasible, be restored; and be it further

"Resolved, That the Legislature respectfully memorializes the President of the United States to direct the responsible federal officials to advise the Legislature of actions taken to provide permanent protection to these estuaries and wetlands or to restore such estuaries and wetlands which are already damaged; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Chairman of the Federal Council on Environmental Quality, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 4124. A bill for the relief of Soccorso M. Tecce; to the Committee on the Judiciary.

By Mr. FONG:

S. 4125. A bill for the relief of Ulrich Paul Kruggel; and

S. 4126. A bill for the relief of Delfina Ranjo Lagasca; to the Committee on the Judiciary.

By Mr. JAVITS:

S. 4127. A bill to provide emergency authority for the guarantee of loans to aid business enterprises to meet temporary and urgent financial needs; to the Committee on Banking and Currency.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF BILLS

S. 3960

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maryland (Mr. TYDINGS), I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Texas (Mr. YARBOROUGH), be added as cosponsors of S. 3960, the Mass Transit Financing Act of 1970, to permit States to use highway trust fund money for mass transit purposes.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 4031

Mr. BOGGS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 4031, the National Catastrophic Illness Protection Act of 1970.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 4079

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from New York (Mr. GOODELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wisconsin (Mr. NELSON), the Senator from Alaska (Mr. STEVENS), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 4079, to increase the authorization for annual contributions in aid of low-rent public housing.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 4083

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Colorado (Mr. DOMINICK) and of the Senator from Washington (Mr. MAGNUSON) be added as cosponsor of S. 4083, to modify and enlarge the authority of Gallaudet College to maintain and operate the Kendall School as a demonstration elementary school for the deaf to serve primarily the National Capital region, and for other purposes.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 793
RESTORATION OF NECESSARY COAST GUARD RESERVE STRENGTH

Mr. WILLIAMS of New Jersey. Mr. President, I submit an amendment to H.R. 17123, the military procurement authorization bill presently before the Senate, and ask that it be printed.

The amendment is a simple one. It changes the Senate Armed Services Committee authorization of 10,000 officers and men for the Coast Guard Selected Reserve by substituting 15,000 officers and men as a personnel ceiling.

I believe this figure to be amply justified by the continuing and growing responsibilities of the Coast Guard in port security and safety, icebreaking, vessel inspection, security patrolling of our coasts, ASW surveillance, marine and air safety, search and rescue, navigational aids, military preparedness, and disaster assistance. I shall have further supportive remarks when the amendment is called up for consideration by the Senate.

It has been brought to my attention that the peacetime role of the Select Reserve is to be substantially increased and that members may be called to active duty in the case of national emergencies and natural disasters. It is also my understanding there will be an increased emphasis on this peacetime role in training these reserves. At this time of increased danger of severe ecological damage it will be of great reassurance to know the Coast Guard and its Reserves are capable of swift response in the event of coastal pollution emergencies and threats to marine life.

I also serve notice, Mr. President, of my intention to offer, if necessary, an amendment to the Department of Transportation appropriations bill not yet reported. I shall argue for funding sufficient to support a reserve program for training and maintaining the personnel authorized by this amendment.

I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. DOLE). The amendment will be received and printed, and will lie on the table;

and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 793) is as follows: "strike out '10,000' and insert in lieu thereof '15,000.'"

STRENGTHENING OF FEDERAL CONTROL OVER PESTICIDES—AMENDMENTS

AMENDMENT NO. 794

Mr. HART. Mr. President, I submit several amendments, intended to be proposed by me, to S. 3866, a bill to strengthen Federal control over pesticides, and request that they be printed in full in the RECORD.

As originally introduced, S. 3866 was designed primarily to confer additional authority over pesticide registration on the Department of Health, Education, and Welfare or, put another way, to provide an independent check on the decisions of the Department of Agriculture regarding such registrations. It was felt that an agency whose primary mission was the promotion of agriculture ought not to be given exclusive control in an area where agricultural and public health considerations often diverge.

In the past months, there have been two significant developments which prompt me today to propose a shift in the bill's major focus. First, the administration has proposed extensive organizational changes in the area of environmental protection. The proposed transfer of ultimate control over pesticide registration from the Department of Agriculture to the new Environmental Protection Agency was obviously inspired by considerations similar to those which prompted S. 3866 and, if approved, most likely will produce somewhat similar results. As a consequence, the need for the reorganizational provisions of S. 3866 has markedly lessened.

The second development has been the demonstration at hearings before the Subcommittee on Energy, Natural Resources, and the Environment of other glaring inadequacies in the pesticide regulatory framework. Several witnesses have testified to the effect that even in the case of the most benign administration of Federal pesticide laws, those laws are destined to permit intolerable practices.

In light of both the diminished need for legislative reorganizational initiatives in the pesticide sphere and the demonstrable inadequacies of substantive pesticide law, it is proposed to change the major function of S. 3866 from reorganization to substantive improvement of the pesticide regulatory scheme. The amendments I introduce today, while scarcely attempting to remedy all the deficiencies of current pesticide legislation, are designed to correct what I believe to be the most significant weaknesses. It may be helpful at this time to enumerate these weaknesses and to summarize what the amendments attempt to do about them.

One of the most serious problems with existing regulatory procedures arises from the almost total absence of legislative criteria for approval or disapproval of any given pesticide. As a result, the principles governing pesticide registration have varied from regulator to regulator, leading to misunderstandings and inconsistent approaches to the problem. The Department of Agriculture testified at our hearings that a reasonable doubt as to the safety of a pesticide is cause for cancellation of its registration. The Department of Health, Education, and Welfare rejects this test, admitting to reasonable doubts about many pesticides it advises should be left on the market. Both departments agree that only in the case of an imminent hazard to the public will suspension of a registration ensue, but they disagree completely on the definition of "imminent."

What is needed is clarification. Guiding principles must be set down so that no matter who is administering the law—the Department of Agriculture, the Department of Health, Education, and Welfare, the Department of the Interior, or the Environmental Protection Agency—Congress mandate to that Administrator will not be misinterpreted.

Yet when we attempt to set down such principles, we become aware of the enormity of the problem which confronts us. As Dr. Jesse Steinfeld, the Surgeon General of the Department of Health, Education, and Welfare points out, there are indeed some doubts as to the safety of virtually all chemical pesticides in common use. To abandon them all because of those doubts would be to choke off much of our food supply and other comforts with which we would not want to part. On the other hand, our reluctance to move against all such chemicals should not shade over into a reluctance to move against any. We cannot, consistent with our responsibilities to ourselves and to future generations, just throw up our hands and ignore the dangers posed by chemical pesticides merely because those dangers are so widespread. What we must do, I feel, is to acknowledge the inconclusiveness of scientific knowledge about these chemicals and, recognizing that certainty is not within our grasp, play the probability game. We must face up to the realization that products now being used conceivably may destroy us one day, and then go on to attempt to maximize our chances for survival.

The criteria which I propose today for the removal of pesticides from the market are in line with this orientation. Under those criteria, continued use of any pesticide would be banned whenever there exists, first, a reasonable doubt as to the safety of the pesticide and, second, other reasonable alternatives about which there are less serious doubts. Underlying this approach, of course, is the recognition that whereas doubts may exist as to the safety of all pesticides, those doubts may vary considerably as to their seriousness. Given this state of affairs, common sense dictates that we do everything we can to minimize the admittedly necessary risks inherent in pesticide use. S. 3866, as amended, is designed to enact this objective into law.

Testimony in our subcommittee hearings suggests that the approach envisioned by S. 3866 is not now being followed within the Departments. According to Dr. Steinfeld, the Department of Health, Education, and Welfare feels the need to be "fairly secure" about the danger of a pesticide before it will advise the Department of Agriculture to suspend its use. Since HEW does not consider the utility of the pesticides it examines, it follows that ordinarily it will not know much about the alternatives which may be available to accomplish similar purposes. The Department of Agriculture is aware of these alternatives, but in the past has not advocated substitution of one pesticide for another unless prodded by HEW's concern for safety.

What is left out of this picture is the possibility of removing pesticide A from the market when there are doubts, although inconclusive, about its safety and when there are fewer doubts about pesticide B, a reasonable alternative. HEW will not act in this situation, assuming the data do not "fairly securely" establish a hazard. USDA will probably not act if HEW does not push them. And yet is not this a situation where we want to move against pesticide A? Are not the risks that we run by using A when B can get the job done just as well, needless risks? It is the conclusion of S. 3866 that they are and that they should be avoided in all cases.

The proposed amendments attempt to provide additional clarification of congressional mandates by defining explicitly the term "imminent hazards." Although the "imminent hazard" test traditionally has served to delineate those hazardous substances which require immediate suspension from the market—as opposed to removal following drawn-out administrative procedures—there has always been considerable dispute as to the term's precise meaning.

At our subcommittee hearings, the Department of Agriculture offered a definition of the term which greatly limits the Department's authority to act. "Imminent" was equated with "immediate" or "threatening to happen now." The problem created by this definition is that it renders the Department powerless to control dangers which arise indirectly from certain pesticide uses. For one, it rules out immediate suspension of use on food crops, since crops treated with even the most deadly of pesticides will not be eaten "immediately" after spraying.

Whereas it seems unthinkable that Congress would ever have intended to so limit the Department, it should be made clear that it is not now its intention to do so. In setting down a clear definition of "imminent hazard," it seems sensible to reflect back to Congress original objective in using the words. They arose, it appears, as a response to the lengthy procedures normally required by Federal law to effect removal of pesticides and other hazardous substances. The Congress recognized that cases would arise under both the Hazardous Substances Act and the Federal Insecticide, Fungicide, and Rodenticide Act in which the continued use of a dangerous substance pending the administration of those procedures would unduly jeopardize the public. In both acts, the contingency to be protected against was described as an "imminent hazard."

In light of this objective, I would argue that "imminent" ought to be defined in terms of the length of time normally consumed by the procedures in question. If the public is to be protected at all times, the administering authority must be permitted to dispense with normal procedures for removal whenever damage may result before those procedures have run their course. By defining an "imminent hazard" as one which "if it damages man or the environment, is likely to do so prior to the time normally required to carry out the procedures" authorized by the act, S. 3866 would insure that an adequate response to danger is always within the capacity of the Government. It would also expressly reject the Department of Agriculture's definition as one which occasionally would rule out any such response.

The amendments which are proposed today are designed also to bolster the effectiveness of suspension and cancellation actions entered into by regulatory authorities. Under existing law, although pesticides which have been suspended by the Department of Agriculture may not be shipped in interstate commerce, those on retail shelves at the time of suspension may continue to be sold without violating any Federal law. At our hearings we have seen that the herbicide 2,4,5–T, which is now suspended for certain uses, is still freely sold for those very uses. Whereas the Department of Agriculture testified that nearly all manufacturers of 2,4,5–T have agreed to recall existing stocks of suspended products, evidence was produced to the effect that at the time of the hearings they had not yet done so. In light of this evidence, it seems unreasonable to continue to rely on voluntary compliance in an area where the risks of non-compliance are so great. It is therefore proposed that the sale of any pesticide which has been suspended or banned be made criminal.

A related problem inherent in existing law arises when stocks are recalled and later relabeled. Since relabeling of suspended products is permitted, products which have been banned for some but not all uses may continue to appear on retail shelves. Moreover, consumers who have used such products in the past and have enjoyed the results may continue to buy them and use them for suspended uses without committing any Federal violation.

S. 3866 attempts to deal with this problem by rendering the misuse of any pesticide illegal. The threat of penalties for misuse, it is thought, is a necessary complement to the control of pesticides through labeling. Although pesticide labels may continue to go unread in spite of such penalties, the pesticide user should be made aware that he ignores those labels at his peril.

To reiterate, the deficiencies in our scheme of pesticide regulation are numerous, and S. 3866 is not designed to cure them all. Yet the original bill and the amendments I introduce today do push in the direction of important, and I believe essential, changes. It is my hope that a sufficient number of my colleagues will find them worthy of their endorsement and support.

The PRESIDING OFFICER (Mr. DOLE). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (No. 794) were referred to the Committee on Commerce, as follows:

On page 1, line 3, after "section 2(f)(2)", insert "of the Hazardous Substances Act".

On page 1, beginning with line 8, strike out all through line 4 on page 2 and insert in lieu thereof the following:

"(B) any economic poison which the Secretary by regulation classifies as a 'banned hazardous substance', and the Secretary shall so classify an economic poison (i) whenever there is a reasonable doubt as to the safety of the economic poison for man or the environment and there are less serious doubts as to the safety of any reasonable alternative to such poison or (ii) whenever the protection of man or the environment otherwise requires; or (C)".

On page 2, line 19, strike out the quotation marks.

On page 2, between lines 19 and 20, insert the following:

"(s) the term 'imminent hazard' means any hazard or potential hazard referred to in paragraph (q) of section 2 which, if it damages man or the environment, is likely to do so prior to the time normally required to carry out the procedures under subparagraphs (2) or (3) of that paragraph."

On page 2, strike line 5 through line 14, and insert in lieu thereof the following:

"(c)(1) section 2(q)(2) of such Act is amended by striking out "clause (B)" and inserting in lieu thereof "clause (C)".

(2) Section 2(q)(2) is redesignated as section 2(q)(3).

(3) Section 2(q) is amended by inserting immediately after subparagraph (1) the following:

(2) Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the procedures relating to cancellation as prescribed in section 4 of the Federal Insecticide, Fungicide and Rodenticide Act, which shall be administered by the Secretary: *Provided*, that if he finds that an economic poison presents an imminent hazard to man or the environment, he shall, by order published in the Federal Register, give notice of such findings and thereupon such economic poison shall be deemed to be a "banned hazardous substance" pending the completion of procedures relating to the issuance of such regulation. Whenever the Secretary has not issued a regulation with respect to an economic poison pursuant to clause (B) of subparagraph (1) of this paragraph, the Secretary of Agriculture shall cancel the registration of such poison pursuant to section 4 of the Federal Insecticide, Fungicide and Rodenticide Act whenever he finds that either of the conditions enumerated in such clause are present: *Provided*, that if he finds that an imminent hazard to man or the environment exists, he shall suspend the registration pursuant to section 4 of such Act.'"

On page 2, line 22, strike out "subsection" and insert in lieu thereof "subsections".

On page 2, line 25, strike out the quotation marks.

On page 2, after line 25, insert the following:

"(j) The sale or offer for sale of any economic poison which has been designated a 'banned hazardous substance' and which has moved in interstate commerce.

"(k) The sale or offer for sale of any economic poison which has moved in interstate commerce and for which there is in effect no registration under the Federal Insecticide, Fungicide and Rodenticide Act."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 774

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the names of the Senator from Ohio (Mr. YOUNG), the Senator from Tennessee (Mr. GORE), the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. HUGHES), the Senator from Oklahoma (Mr. HARRIS) and the Senator from New Mexico (Mr. MONTOYA) be added as cosponsors of my amendment No. 774 to S. 3619, to create within the office of the President an Office of Disaster Assistance which would authorize the Small Business Administration to make loans to disaster victims to prevent the dispossession or eviction of any person from his residence as a result of the foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written, of the property which is such person's residence.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

THE LOCKHEED C–5A—DEFENSE GIANT

Mr. YOUNG of North Dakota. Mr. President, there has been an unusual amount of publicity, most of it adverse, with respect to Lockheed's C–5A plane being acquired by the Air Force.

The cost overrun has been very sizable, but percentagewise, not by as much as some of the other big procurement programs of the Department of Defense. Few, if any, question the quality of this C–5A. It is a superb plane. Lockheed, its maker, has lost heavily in providing this plane for the Air Force.

Mr. President, one of the most factual articles I have read with respect to the C–5A and cost overrun was written by staff writer Michael Getler, and published in the Washington Post of Sunday, July 26. The information contained in the article is very factual and the kind, I believe, in which Members of Congress and the public generally would be greatly interested.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAN DEFENSE GIANT BE ALLOWED TO FOLD? LOCKHEED: DILEMMA FOR UNITED STATES

(By Michael Getler)

An Agena rocket pushes a Samos satellite into orbit around the earth, enabling its cameras to scan the earth below for signs of new Russian SS–9 missile sites. The Agena is made by Lockheed.

Days later, the Samos ejects its packet of top secret film and a specially equipped C–130 transport plane snares it over the Pacific and heads for home in Hawaii. Lockheed manufactures the C–130.

What Samos misses, high flying SR–71 and U–2 reconnaissance planes often obtain. Those planes, and their world famous designer, C. L. (Kelly) Johnson, are from Lockheed.

Off the Florida coast, Navy technicians are preparing a Poseidon missile for its first un-

derwater test shot on Monday. Lockheed produces the Poseidon missile.

At Charleston (S.C.) Air Force Base, a big C–141 jet transport takes off for Vietnam while ground crews ready the huge C–5A transport for its first European runs next month. Both planes carry the Lockheed trademark.

This scenario is real. What seems unbelievable, however, is that the nation's top defense contractor ($2.07 billion in total sales in 1969), and the archetype of the vaunted American industrial-technological base, is now facing a potentially fatal financial crisis.

As Lockheed's problem unfolds, it sends new shudders through an aerospace industry already shaken by a $3-billion dip in sales last year and the loss of more than 200,000 jobs. Among Lockheed's fellow aerospace giants, there is little smugness. "There, but for the grace of God, go I," is the attitude expressed.

In its broadest terms, the question is whether American defense needs require the government to keep a faltering defense industry afloat as a matter of national security or whether such companies should suffer the classical free enterprise penalty for failure to keep solvent—corporate death or merger with a healthy partner.

The Lockheed case is special, however, because the firm claims the government is at fault through "unrealistic" contracting procedures since abandoned by the Pentagon.

The case is also not without irony. Lockheed's C–5A excesses are not the biggest ones ever to hit a single program. Other defense contractors have had similar problems but have escaped through a system whose principal objective for years has been to get the weapons the country needs and worry about the details later. Yet Lockheed got caught in a new contract and a new era.

Ironically, had the company and the Air Force been less secretive during the early stages of trouble, many Pentagon observers believe the Congress, as it has in the past, would have been understanding.

Instead, the C–5A exploded upon Lockheed and the Air Force as a scandal, and the outcome for the company, the military and the country is still mixed up in the debris.

Pentagon officials privy to Lockheed's critical cash flow problem believe two key questions will determine whether the company that has delivered more than 31,000 airplanes and 1,000 strategic missiles to the armed forces in its 38-year history will face either takeover or bankruptcy in the next several months: 1) Will the Senate go along with the House authorization of $200 million in contingency funds for the C–5A in the military spending bill now on the floor? and 2) Can the firm raise an estimated $250 million from private sources without government guarantees to see it through first deliveries of its commercial L–1011 airbus in the fall of 1971?

Most observers believe that Lockheed could survive failure to get either government authorization for the $200 or the $250 million from private sources, but they think it would be fatal to the company in its present form if it got neither.

On Capitol Hill, some staunch foes of the C–5A and high military spending believe bankruptcy might be a good thing, a catharsis for the industry which would bring more efficiency.

One economist and C–5A critic, Richard Kauffman of the Joint Economic Committee staff says there is no hard evidence that Lockheed's going into bankruptcy would have an adverse effect on the national economy. Unlike Penn Central, with assets of $8.5 billion, Lockheed's assets come to about $1.27 billion.

Others, including Sen. William Proxmire (D-Wisc), a relentless and influential critic, prefer to view the prospect of a government rescue of Lockheed, as "setting a bad precedent," serving notice to aerospace contractors who overextend themselves that the taxpayers will bail them out.

The Pentagon is worried about this too. A comptroller there says, "We don't want companies lining up demanding help on the basis of a government-financed solution to Lockheed's troubles. We can't make our procurement process some idle procedure. It has to be credible."

A. E. Fitzgerald, the Air Force efficiency expert who first disclosed publicly a billion-dollar overrun on C–5A costs before Congress and who has since been fired by the Pentagon and hired for Proxmire's committee staff, sees the forthcoming decisions "as a watershed that will determine whether this company or others like it will remain as free entrepreneurs, taking the risks, or become wards of the state. This is such an important precedent that it might be worth whatever difficulties arise to enforce the contract."

Lockheed employs some 97,000 workers in 12 plants, including 20,000 at Marietta, Ga., home of the C–5A and represented by Sen. Richard B. Russell, the aging but prestigious chairman of the Appropriations Committee. The first also uses thousands of subcontractors.

High officials in the Pentagon, Congress, and probably the White House, look upon the idea of a bankrupt Lockheed with horror. They fear massive disruption of the critical Polaris, Poseidon and Samos programs, splitting up of design teams working on a new super-secret spy satellite and possible successors to Poseidon, both of which could play major roles in any future arms control environment.

Such fears could prove academic, since the Lockheed Missiles & Space Co. that handles all those projects has long been a profitable, well-managed operation and the parent company's prime revenue producer (an estimated $9 billion in sales in the 10 years). Advocates on both sides of the question expected that Lockheed Missiles and Space would survive intact under almost any arrangement.

The issues, however, go beyond giving government aid, even temporarily, to a stricken corporate Goliath.

The government is virtually Lockheed's only customer (89 per cent of sales in 1969) and the firm does have several programs critical to both deterrence and arms control which conceivably could be harmed by a company-wide bankruptcy crisis.

The contracting procedures under which the firm rolled up huge cost overruns have now been officially discredited by a new Secretary of Defense, and the legal status of Lockheed's claims against the government on those contracts remains unresolved. Sen. Russell, in a recent floor speech defending the C–5A and Lockheed's performance in supplying defense needs in the past, questioned "whether it is appropriate for the Senate to sit in judgment on the degree of punishment to be meted out when the legal case is not yet settled.

And Lockheed's Board Chairman Daniel J. Haughton has asked: "Can we find an equitable solution in a climate antipathetic to defense expenditures?"

Of four so-called Total Package Procurement contracts let during the McNamara years, Lockheed won three—the C-5A, the Army's Cheyenne helicopter and a portion of the Sram missile produced by Boeing.

Of some $770 million in claims filed by Lockheed against the government and now in negotiation or litigation, all but $174 million arise from these programs. Under this system a company promised to develop and produce a new piece of equipment for a fixed price. Many complained later that it was really beyond the skills of any manager to bid accurately on a 10-year project with potential engineering unknowns and in an inflationary economy.

"But," as one man says, "they were the only games in town then, and we all bid on them." Even Fitzgerald admits that Lockheed "was extremely unlucky. In the past, bailouts have been handled routinely, though clandestinely, through the change order routine."

Now, new development contracts are being awarded on a cost-plus basis, which the Pentagon hopes will lead to less risk for the manufacturers and better airplanes for the pilots. Fixed-price contracts are used for production.

Should Congress turn down the $200 million contingency fund for the C-5A, the Defense Dept. estimates Lockheed will run out of money at the Marietta Plant in January after 31 of the 81 planes ordered by the Air Force have been built. Some critics assert there isn't enough outsized cargo in the military to justify all of the mammoth transports, but the Pentagon doesn't agree.

Deputy Defense Secretary David Packard told the Senate Armed Services Committee late in May that "our objective is not to preserve the company, but to preserve the capability we need to get our equipment."

If the C-5A production line stops in January, Packard calculates it will have cost the government $3.7 billion to get 31 airplanes, or about $120 million apiece. By spending another $800 million for the remaining 50 airplanes over the next three fiscal years, including the pending authorization, Defense Comptroller Robert C. Moot says, the cost will come down to $55 million each—still, he maintains, at no profit for Lockheed.

A denial of C–5A money may not, by itself, bring Lockheed down, however. There would still be termination costs and litigation pending on its current C–5A claim, estimated at between $435–500 million. Defense officials say that Lockheed could benefit from the fact that the C–5A contract was the first of its kind and, in their view, legally complex. These officials estimate Lockheed might wind up losing some $85 million to $90 million if the project ends in January.

Government officials watching the situation closely say the L–1011 airbus is even more critical. And, aviation experts worry that Lockheed's prospects of obtaining financing be affected by the troubles with the government, plus the assault upon its technical credentials implicit in the Army's cancellation of the Cheyenne—also being appealed. Thus far, 173 airbuses are on order.

Though broad plans for putting the needed money together to save Lockheed have been reported, the company insists that nothing has been agreed to, and the Pentagon says nothing has been submitted yet. The plan is reportedly tied to approval of the $200 million C–5A authorization, yet that authorization specifically restricts that money to the C–5A, and defense comptrollers say they can make sure it doesn't get into the L–1011 till. Lockheed's detractors have questioned that point in the past.

The plan also reportedly calls for a government-backed loan of $100 million from the banks, but here there is a road block in the form of an amendment to the Defense Production Act limiting loans to $20 million and outlawing their use to prevent bankruptcy or insolvency.

Congress has already rebelled against a similar proposal to help Penn Central.

Without financial support for Lockheed from the private sector, Packard told the Senate Armed Services Committee, "there is no solution short of reorganization under Chapter 10 of the bankruptcy laws." Precisely what would happen under those circumstances is hard to predict, except that the government would be certain to protect its programs and probably take control of the Marietta plant.

For its part, Lockheed says: "Any conclusions from the current situation surrounding the company that the result may be bankruptcy or a split-up of operating divisions is highly speculative and also highly unlikely to occur."

When pressed on this point, Lockheed's friends and foes tend to agree. Even Fitzgerald, in his peppery style, says, "I fully expect the Air Force negotiators to take a dive on bailing them out. They'll enforce the contract, but will probably change it first."

A VOLUNTEER ARMED FORCE

Mr. SCOTT. Mr. President, next month the Senate will consider the Hatfield amendment to the military procurement authorization bill, proclaiming an end to the draft next year. As a cosponsor of that amendment, and of previous legislation to end the draft, I reiterate once again my strong support for the initiation of a volunteer army as soon as possible.

As a sign of its good intent, I suggest that the Administration demonstrate its desire to create an all-volunteer armed force by gradually replacing those draftees who are presently serving in Vietnam with volunteers. It is inequitable enough, in my opinion, to be drafted under a hodgepodge of nebulous regulations and unworkable procedures. I do not believe that it would be an overstatement on my part to point out that a good deal of discontent among the young is due to the policy of sending draftees to Vietnam.

I think it entirely possible to begin implementing a volunteer army concept immediately as a way toward ending the draft. By sending only volunteers to Vietnam to replace those soldiers whose tours of duty in Vietnam have ended, the administration can take the lead. It can visibly demonstrate that the volunteer concept is a viable one.

I have been consistent in my belief that we must move to eliminate the draft entirely. Congress has a unique opportunity to demonstrate its sensitivity to one of the greatest and most legitimate gripes of our young. The draft is antiquated, unacceptable, inequitable, and basically unworkable no matter how streamlined a lottery system we develop. A better future standby draft system could be structured. Moving to a volunteer army will present some difficulties. Nevertheless, we must attempt to implement the recommendation of the prestigious Gates Commission Report as quickly as possible. Terminating the policy of sending draftees to Vietnam is the first step to ending, or at least phasing out, the draft system next July when it expires. Its renewal in its present form is hardly desirable. Presidential adviser Daniel Moynihan has called the draft "a way of getting amateurs to do a job for which we should be willing to employ professionals." I believe that by assuring the American people and particularly our young that draftees will not be sent to Vietnam, we will be taking the first step toward ending the draft.

We can raise an effective armed force through voluntary means. Certainly the proposal entails administrative and fiscal problems. The challenges will be great. But the volunteer army concept is not new. It can be made to work.

Certainly if this country wants to remain on an even keel domestically, we must move to end the draft. I would hope that the draft could be ended in Vietnam on a gradual basis within a year. This would really be the first step toward implementing an all-volunteer armed force.

SECRETARY VOLPE PLACES TRANSPORTATION SYSTEM IN PERSPECTIVE

Mr. RANDOLPH. Mr. President, there is a growing awareness in this country of the importance of a sound, balanced transportation system.

Unfortunately, there are a number of popular misconceptions about the development of this system and the Federal Government's role in it. These erroneous impressions frequently result in unnecessary obstables to orderly development of a national transportation system.

Hon. John A. Volpe, who has performed with vigor and imagination since becoming Secretary of Transportation last year, provided new insight into the scope and challenge of American transportation in a letter published yesterday in the Washington Post.

Mr. President, so that this statement can be more widely disseminated, I ask unanimous consent that Secretary Volpe's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTERS TO THE EDITOR: VOLPE ON PRIORITIES

In your July 13 issue, Herblock wielded his drawing pencil against government spending for transportation. In this one his battered "U.S. Taxpayer" had been left in the dust by vehicles labeled "Government Handouts to Aircraft Industries," "Trucking and Highway Lobby," and "Railroads."

Now, hyperbole is the cartoonist's cutting tool and nobody can deny that Herblock uses it well. But just in case some of your readers fail to discount his artistic exaggeration I'd like to present a few facts for the record.

We have in this country more than 200 million people spread across 3½ million square miles of land. Every one of those people, whether he is a taxpayer or not, is a transportation user. Trucks, railroads, aircraft, pipelines, ships, barges move about two trillion ton-miles of freight a year—to house, feed, clothe, educate, medicate, transport, employ, and entertain those millions of Americans. The demand for goods and services grows as our population increases by about 6,000 a day. We conservatively estimate that we will have to double the carrying capacity of our transportation system long before the end of this century unless there is a sharp reversal of growth and distribution trends.

Transportation in the United States is at a point of crisis. We will sink or swim according to what we do in this decade. A viable transportation system—a far cry from what we have today—is absolutely necessary if we are to meet future needs for movement of people and goods. It will cost billions of dollars. We can provide it or we can let traffic come to a halt in our cities, at our airports and on our railways.

President Nixon's new program, effective this month, will put our airport/airways development pretty much on a pay-as-you-go basis, with the users paying the costs. Trucks—through user charges—continue to pay a large share of the cost of a world-envied highway network that ties our nation together. For many years the railroads have provided a substantial share of the national transportation service without any significant government financial assistance. It's vital that we keep them operating—they hauled about 765 billion ton-miles of goods and raw materials in 1969.

One of our big jobs in the relatively new Department of Transportation is to formulate a long-range national transportation policy that will give that poor battered taxpayer a smoother ride while keeping him supplied with the necessities of life. Concurrently, believe me, we're working on myriad short-range programs to give him "the most bang for his buck" (and I'm sure the staff laboring diligently on noise abatement is going to be unhappy with that phrase).

JOHN A. VOLPE,
Secretary of Transportation.

WASHINGTON.

RETIREMENT OF LT. GEN. JOHN SPENCER HARDY

Mr. STENNIS. Mr. President, on August 1, 1970, Lt. Gen. John Spencer Hardy will retire from the U.S. Air Force after over 33 years of dedicated service to his country.

Since 1968, he has been serving as Commandant of the Industrial College of the Armed Forces, engaged in training the future leaders of our Armed Forces in the advanced skills that will be required of them in carrying out their responsibilities. He has done an outstanding job in this assignment, as in all others in the past. Certainly he is preeminently qualified by his experience and personal characteristics to have held this position of leadership.

A graduate of Centenary College, General Hardy was commissioned a second lieutenant in 1937. In World War II he served as A–3 of the 8th Air Force, in England and Italy. He continued to serve in a succession of assignments of steadily increasing responsibility, including commander of the 36th Air Division, of Keesler Air Force Base, of the 3d Air Force in England, and of Allied Air Forces in Southern Europe.

To each assignment he brought all the fine qualities which have made him such a valuable officer—dedication, diligence, intelligence, and integrity. At all times, he has made it a point to become a part of the community in which he was serving, and in his associations with civilians his personality and character made him an outstanding representative of the Armed Forces. Further, those splendid qualities and his activities made him a positive part of the social, civic, and religious activities of the entire community in which he lived. He has been a top level all around professional military man of exceptional ability and achievement, and also an outstanding citizen and civic leader. In all of those endeavors he has been ably assisted as well as inspired and encouraged by his truly wonderful wife, Mrs. Hardy. I am also proud to claim them as personal friends.

His decorations, all richly deserved include the Distinguished Service Medal, the Air Force Distinguished Service Medal, the Legion of Merit with two oak leaf clusters, and many others.

I am sure that Senators join me in congratulating General Hardy on the completion of his distinguished military career, and in extending to him and Mrs. Hardy every good wish for the future.

COMMENCEMENT ADDRESS BY SECRETARY HICKEL

Mr. CASE. Mr. President, Secretary of the Interior Walter J. Hickel recently gave the commencement address at Stevens Institute of Technology in Hoboken, N.J.

In his address, Secretary Hickel stressed the value of youth, and especially of the graduating engineers, directing their capabilities and creativity toward our toughest environmental problems. He urged them to stand up and be heard on these problems even though their views may be unpopular and may make some people uncomfortable.

Mr. President, I believe that the Secretary's message should be of interest to Senators and ask unanimous consent that it be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SECRETARY OF THE INTERIOR WALTER J. HICKEL

I am proud to be at Stevens Institute today.

The honorary degree you have graciously bestowed on me is the symbol of a profession which holds a key to the quality of our future.

The engineers must help save us from ourselves, and I am honored to be included in your ranks.

We have been experiencing an age in which all obstacles were taken as challenges.

Halted by rivers, we built bridges and tunnels.

Pitying the hungry, we developed a powerful agricultural industry.

We built vast cities to house the millions of our fellow men.

In meeting these challenges, we tore minerals from the earth, denuded forests, wasted soil, fouled rivers, and filled the air with stench.

We were *almost* undone by our victories.

But man "the master" is finally learning that the earth will not tolerate a "master race."

Nature has rebelled against our intolerance and our pursuit of just *our* needs without regard for *hers*.

However, we are starting to change this dream of power and to make amends—to contribute to a life in harmony with our environment.

We *need* our cities.

We *need* our tunnels and bridges.

We *need* our farms, our industries and our highways.

But the task before us in 1970 is to harmonize these needs with nature's.

To me, this challenge is an exciting and demanding frontier, and one which could provide a "new commission" for America's engineers.

We are confronted with a new world of questions and a new set of values.

For example, how can we make electric power without polluting the air with fumes or damaging the marine ecology through thermal pollution. . . .

As just one possibility, the Interior Department has been negotiating for a preliminary study of an offshore, *submerged* nuclear power station.

We know that this concept has not been proven.

But the increasing power requirements of the nation and emerging problems relating to thermal pollution demand that we explore every possible approach.

We want to determine the environmental impact of a 1000-megawatt nuclear power plant placed on the seabed at a depth of about 250 feet, several miles offshore.

We will place particular emphasis on the effects that heated power plant cooling water might have on marine ecology.

Of course, when we talk of "thermal pollution," we're talking *only* about heated water—not "radioactive water."

The cooling water used in these plants never contacts anything remotely radioactive because sealed systems are used.

But the plants do create considerable waste heat—and this is carried off in the cooling water.

What we want to do is get far more accurate data on ocean currents and temperatures, which vary widely at different depths and distances.

Then—through skillful discharge of this heated water we can *improve* the fisheries resources in areas where the water may be too cold.

In this way, we do not stop progress. Rather, we enhance both progress and the environment.

We turn a problem into a "plus."

Let's seek the same sort of "pluses" so we can transport ourselves and our goods without smothering our cities in smog. . . .

So we can mine minerals without permanently scarring the earth. . . .

So we can manufacture the millions of products we need, without fouling our rivers with wastes.

Many critics blame our advanced environmental pollution on our advanced technology.

In a sense, they are right.

For example, the automobile, a vital element of the nation's economy and growth, has now reached a point of being counterproductive because of all the pollution it causes.

And as far as automobiles are concerned, anyone who knows me, knows that I have rather strong views about them! . . . And the need to move far more Americans by rapid, mass transit—rather than in automobiles.

We are moving millions of Americans—*but one at a time*—and *single-car-by-single-car*—into our city centers every day.

And we have turned the highways into our cities into such sluggish arteries—and they are so frustrating to drive during rush hours—that they threaten to kill the "patient" they serve: the city itself.

But there are answers . . . if we look for them, including in other nations.

For example, United Press International reports from Moscow, that construction is under way on a *240-mile-per-hour monorail* to the airport in Kiev.

While motorists are taking an *hour* to get to the airport, the monorail will make the trip in *eight minutes*.

. . . And travelers will go there in quiet, clean comfort.

A positive approach to meeting needs—while *improving* the environment, through projects such as these monorails, would *prove* that we do not suffer from *too much* technology, or *too many* engineers.

But instead, we suffer from too much "short-term" technology bred only to the service of man's more *immediate* appetites.

However, in a new spirit of reverence for the planet we have used so badly, this generation of graduates from Stevens can be in the vanguard of a new breed.

Your task is nothing less than the creation of a whole new civilized industrial technology, to replace the brute machine that raised so much ecological hell.

Creating that technology is a challenge that demands the best our nation can produce.

We must "rethink" every machine, every tool, every technique in the light of the needs of the ecology of the earth.

At the same time we must find fresh ways to meet the staggering material demands of the human race in the foreseeable future.

In the Department of the Interior, part of our job is to forecast demand for minerals and mineral fuels—keystones for our industrial society.

The predictions are alarming.

By the year 2000 we will annually consume twice as much petroleum as we do now;

Two thirds again as much iron;

Two and a half times as much copper;

Two and a half times as much silver;

Three times as much phosphorus, and twice as much coal.

During the next 30 years there will be a premium on rapid and economical retrieval of these minerals.

This adds even greater urgency to overhauling our techniques for mineral recovery, if we are to meet our consumer demands without desecrating our natural heritage in the process.

It is an engineering challenge without parallel in history.

I look to your generation.

Youth's great gift is creativity. You possess minds and spirits free enough to view the world without preconceptions.

If you refuse to sell out to security or expediency, you will be more inventive, more flexible, mort responsive more daring than those who are weighed down by decades of "know-how."

I believe that the environmental crisis *can* be solved.

It is a challenge to greatness which will call forth the finest qualities from our people. In a nation beset by grave problems, we cannot turn a deaf ear to those best equipped, in many ways, to save us.

America's young are brimming with new values and approaches, and these must be heard.

For it is you who will have to live with the solutions—good or bad—to our nation's problems long after my generation has gone.

Last month in Tennessee, President Nixon touched on an extremely vital point when he said:

"The younger generation in America is enormously interested—not simply in the pursuit of a good living—but also in those causes that are beyond self."

Speaking at a rally of the Reverend Billy Graham, the President was referring to the deeper values which many of today's youth are reaching for.

And the President made it clear that he believes that the young people of America have something to say.

And I was proud when he continued, "I want them in the high counsels of the government of this country."

The question is, how can you best make sure your ideas and beliefs have an *impact* on national policy?

If you have an idea which you believe has merit, how do you make it heard?

If you dissent, how do you do it?

If you are in government, how do you respond to opposition?

The effectiveness of a democratic society depends upon its ability to accommodate dissent;

To provide an orderly process by which disagreements can be worked out and wrongs righted;

And the structure of the system modified in the face of changing conditions.

The problem is to strike a balance between ability to change and social stability.

Today there are some who maintain that government and its institutions are so vast they can no longer respond to the needs of the people.

And in recent years, increasing numbers of Americans have taken to the streets to express their views on basic issues.

And more and more a few young Americans claim that civil disobedience is a necessary instrument for effecting needed social change.

What they fail to see, is that the challenge in front of us is to make the channels

built into our government system adequate to the task of national renewal.

Today, many Americans are going through a crisis of conscience, and the tactics of a *few* have encountered angry opposition.

Millions of other young Americans, who might sympathize with some or the *goals* of their fellows, cannot accept their *methods* of seeking change.

The difficult problem is to maintain perspective. The issues have reached a stage of polarization.

When all is said and done, civil disobedience tends plainly to impair its operation.

It's too bad—to use an understatement—that men, so often, are hostile to each other.

But this is nothing new, and when man first appeared on this planet two million years ago, he was nearly helpless in a hostile environment.

Self-protection was the primary need.

This drive has remained his overriding concern. Self-defense has escalated from the club to the China Wall to the massive machinery which now stands poised and ready to destroy all life on earth.

The price of protection is high.

Clearly, *some rearranging of this nation's priorities is in order.*

As we make the shift from security to opportunity, our attitude toward dealing with the environmental crisis will change.

If we approach the task reluctantly, it will not be done well.

We must answer this challenge as we took the engineering challenges of the past:

As an opportunity to show that man has the capacity and the will to be a responsible steward of his natural habitat.

Then we will do a job of which future generations can be proud.

For example, we must inventory and catalogue all our public lands—our waters, our continental shelf, our beaches, our forests and prairies.

It is time we decided what is the highest and best use of a forest, for example.

Is it to be cleared for yet more homes and factories? Or would a higher use be as a park?

In the past, our values have been strictly monetary. New criteria are needed which can put an appropriate value on natural beauty and recreation.

But it would be a serious mistake to leave the responsibility for caring for our environment entirely in the hands of government.

Fortunately, this is not the prevailing attitude in the country, and thousands of individuals and scores of industries are beginning to take spontaneous initiative.

I urge you, as engineers, to "link up" with these individuals and industries.

Use your talents to tackle the really tough problems of our times.

And so I say to you: Never be afraid to stand up and say what you think!

Your views may be unpopular. They may make some people uncomfortable.

But, believe me, you have friends—in government, in industry, in the educational establishment.

Don't allow yourselves to be polarized on the issues.

Most of them today are *not* simply "yes or no" . . . "night or day" questions.

Winning people over is a much more mature, and in the long run, a far more effective way to change society than alienating people.

Your Earth Day activities at Stevens, I understand, were an excellent example of this, as you aimed at educating the public to the menace of environmental damage.

You told people what *they* could do about pollution.

Bringing people together in the name of a vital cause which affects all of mankind is the highest science of our times.

It is a science which—I am confident—will be mastered by the engineers who sincerely dedicate themselves to shaping and building the future.

SENATOR RANDOLPH URGES SUPPORT FOR SENATE JOINT RESOLUTION 207—ESTABLISHING A JOINT CONGRESSIONAL COMMITTEE ON THE ENVIRONMENT

Mr. RANDOLPH. Mr. President, evidence of the mounting crisis in the environment is undeniable. It is so pervasive and well documented in the hearing records of the Committee on Public Works and the Subcommittee on Air and Water Pollution and other committees that disagreement occurs only with respect to the degree of its seriousness. Without question, of the many threats to civilization, the continuing deterioration of environmental quality must be placed among the major concerns of civilized man, along with war, hunger, disease, poverty, racial antagonisms, and crime.

The basic conflict is between the long-term environmental goal of preserving and enhancing the quality of the environment and short-term economic interests. This conflict must be minimized. Long-term economic viability and interests may well be contingent on achieving environmental goals. In the short run, environmental controls may be costly, but in the long run they will prove beneficial to industry and the public it serves.

Concern is for the environmental impact of technology as it affects man's thinking, health, work, living habits, and individuality. The objective is management of our waste effluents to produce benefits by design, rather than by accident. Only in this way can we provide for the maintenance of environmental quality.

The complexity and character of environmental problems is reflected in the environmental policies established by the Committee on Public Works in the fields of air and water pollution, solid waste disposal, highway beautification, and economic development, and other areas. These policies that set forth in the Environmental Policy Act, exhibit a concern not only for those environmental elements on which man depends for his subsistence, but also a concern for scientific, esthetic, educational, recreational, and other values.

In formulating these policies, Congress perceived the environment as broader than any single discipline and requiring a coherent and effective public policy. In shaping this policy Congress has tried to dispel any concept of the environment—air, water, or land—as an infinite reservoir with an infinite capacity to assimilate the wastes of society. Our resources are limited, and we have overdrawn our bank account.

Congress has defined three principles for inclusion in a national environmental policy: First, the development of an environmental enhancement program; second, the initial responsibility for carrying out such a program rests with State and local governments; and third, a straightjacket of Federal standards and Federal enforcement ought to be avoided in dealing with environmental quality.

These principles are embodied in numerous Federal statutes. As general principles rather than detailed instruction, they reflect the nature of environmental problems which are not static but ever-changing. Existing statutes permit a flexible, responsive approach to environmental quality and pollution control.

This year Congress provided for the creation of the Council of Environmental Quality and the President's Office of Environmental Quality. These functional organizations can aid significantly in the coordination of the environmental quality programs of this Nation and a greater utilization of existing resources. The proposed Joint Committee on the Environment will bring to the legislative branch a similar effort to achieve a more coordinated and coherent effort.

Mr. President, I ask unanimous consent that excerpts from hearings before the Committee on Public Works concerning environmental quality be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM HEARINGS ON ENVIRONMENTAL QUALITY

During the past 6 years, in the course of its work on environmental quality legislation, the Committee on Public Works has become increasingly concerned with the impact of federally aided programs and activities on the environment.

The following quotations from hearings and reports illustrate the extent of the committee's concern.

"During the 88th Congress, the Senate Committee on Public Works found an increasing amount of its activity shifting from the consideration of traditional project legislation to substantive matters. Increased emphasis on the conservation of air and water resources has been answered by means to prevent pollution. Increased concern for lagging economic growth in certain areas of the Nation has produced public works programs designed to aid economic development. Our highway program is being examined for its total community value.

* * * * *

"Rivers and harbors measures, themselves, are less and less simple one-purpose projects. Previous Congresses set the stage we are moving onto now where comprehensive planning and multipurpose developments are required. The interrelationship of water resource development with economic growth is becoming more the rule than the exception as demonstrated by the Appalachia bill reported by the committee.

"The Appalachia bill marks a sharp departure in the responsibilities of the committee which first began with consideration and the passage of the Accelerated Public Works Act.

"Appalachia is the first extensive legislation identifying dams, reservoirs, roads, sewage treatment plants, sewers, buildings, and other public works as the physical requirements for economic growth. Accelerated public works recognized the value of public works as an antidepression measure. Combined with Appalachia the building of public works provides not only immediate employment but the means for longterm general improvement." (Summary of Legislative Activities, Committee on Public Works, U.S. Senate, 88th Cong., p. v.)

AIR AND WATER POLLUTION

The concern of the Committee on Public Works for environmental quality led to the establishment of a special subcommittee on

air and water pollution during the 88th Congress on April 30, 1963.

"The national water pollution control program has for its primary objective the enhancement of the quality and value of the Nation's water resources. This can only be done by preventing, controlling, and abating water pollution.

"The Federal Water Pollution Control Act is the basic statutory authority for Federal participation in the national program. The act authorizes the administration and conduct of programs directed to the achievement of the important national water quality goal. The bill provides for specific expression of the act's purpose to establish a national policy for the prevention, control, and abatement of water pollution through effective administration of its comprehensive authorities." (Federal Water Pollution Control Act Amendments of 1965, S. Rept. 89–10, p. 4.)

"(1) Authorize the initiation and acceleration of a national research and development program for new and improved methods of proper and economic solid waste disposal, reducing the amount of waste and unsalvageable material and recovering and utilizing potential sources of solid waste, and provide technical and financial assistance to State and local governments and interstate agencies in planning, developing, construction, and conduct of solid waste disposal programs.

"(2) Provide that not to exceed 25 percent of funds appropriated for this purpose may be made for grants-in-aid, or to contract with, public or private agencies and institutions and to individuals for research and training.

"(3) Authorize grants to State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of disposing of solid waste. * * *

"(4) Encourage cooperative activities by States and local governments in connection with solid waste disposal programs, encourage planning, and encourage the enactment of improved, and, so far as practicable, uniform State and local laws governing solid waste disposal.

"(5) Authorize up to 10 percent of funds available for the solid waste disposal program to be used in connection with the grants for support of air pollution control programs of the Clean Air Act. Grants would be made in an amount of up to two-thirds of the cost of making surveys of solid waste disposal practices and problems within the jurisdictional areas of appropriate agencies, and development of solid waste disposal plans. * * *" (Clean Air Act Amendments and Solid Waste Disposal Act. S. Rept. 89–192, p. 2–3.)

"Requires that any Federal department or agency having jurisdiction over any building, installation, or other property shall discharge waste only in compliance with standards * * *

"Authorize appropriations to be made to the appropriate Federal departments or agencies for the installation, maintenance, and operation of water pollution control facilities which have been designed to meet standards prescribed * * *

"Authorizes the Secretary of Health, Education, and Welfare, upon request by a department or an agency, to train personnel to operate and maintain water pollution control systems.

"There are provisions in existing law which authorize training in technical matters relating to the cause, prevention, and control of water pollution to personnel of public agencies and other persons of suitable qualifications. However, the committee is concerned that such authority may not be construed or utilized for the purpose of developing skilled personnel to operate and maintain treatment plants, particularly in new facilities.

"Would provide for a system of reporting to the Secretary of Health, Education, and Welfare by the Federal department or agencies which have jurisdiction over buildings, installations, and other property, and which discharge waste. In addition, the Secretary of Health, Education, and Welfare would report to the President and the Congress with respect to effectiveness of actions taken by those Federal departments or agencies in controlling water pollution.

* * * * *

"Requires that all Federal departments and agencies cooperate with the Department of Health, Education, and Welfare, and with air pollution agencies in controlling air pollution discharges from any Federal building, installation, or property. Further, the Secretary of Health, Education, and Welfare is authorized to establish classes of potential pollution sources for which any Federal department or agency would be required to obtain a permit from the Secretary before discharging any matter into the air.

"Authorize appropriations to be made to the appropriate Federal departments or agencies for the installation and maintenance of air pollution control devices as are certified by the Secretary of Health, Education, and Welfare to be adequate to meet the limitations on emissions prescribed by him. In addition, it directs such Federal departments or agencies to request funds to make necessary installations to meet the limitations for allowable emissions.

"Require that, after the effective date of this section, no Federal department or agency shall construct, prepare for use, or expand facilities without the inclusion of air pollution control measures which the Secretary of Health, Education, and Welfare considers to be adequate.

"Authorizes the Secretary of Health, Education, and Welfare, upon request by a department or an agency, to train personnel to operate and maintain devices or other means of preventing or controlling air pollution.

"Provide that Federal departments or agencies keep the Secretary of Health, Education, and Welfare informed of air pollution control practices in effect at buildings, installations, and other property under their jurisdiction. They are also to inform the Secretary of the absence of, or failure to institute, practices necessary and adequate to correct deficiencies and the reasons therefor. In addition, the Secretary is to report each January to the President and the Congress on the status and effectiveness of actions taken." (Federal Installation, Facilities, and Equipment Control Act, S. Rept. 89–128, pp. 10–11.)

"The prime purpose of the proposed legislation is to strengthen the Clean Air Act, to expedite a national program of air quality improvement, and to enhance the quality of the atmosphere to protect the health and welfare of our citizens against long-term hazards and immediate danger. Considerations of technology and economic feasibility, while important in helping to develop alternative plans and schedules for achieving goals of air quality, should not be used to mitigate against protection of the public health and welfare.

"The objective of S. 780 as amended is to achieve clean air, and to do so through the establishment of sound objectives and feasible timetables. The committee's hearings indicated that those who contribute to air pollution share with all Americans the objective of cleaning up the air, and that the differences of opinion expressed were addressed primarily to how that objective best could be accomplished. Through a full understanding of the etiology, the probabilities, and the severity of health and welfare hazards involved and with the strengthening of the technological and economic capabilities for abatement in both the public and private sector of our economy, the needs of public health and welfare without serious or excessive economic dislocation can be met.

"This legislation contains imaginative and far-reaching opportunities for air pollution control and abatement, but the bill is complex, as are the problems of environmental control. The problem of air pollution is neither local nor temporary. It is a universal problem, and, so long as our standard of living continues to increase, it will be a permanent threat to human well-being.

"S. 780, as amended by the committee, will provide a comprehensive, broad-based attack on the Nation's air pollution problem while expanding the potential of control technology and identifying the health and welfare effects of air pollution. Its objective is the enhancement of air quality and the reduction of harmful emissions consistent with maximum utilization of an expanding capacity to deal with them effectively. At the same time, it provides authority to abate any pollution source which is an imminent danger to health, by whatever means necessary." (Air Quality Act of 1967, S. Rept. 90–403, p. 2.)

"The President's Executive order on water pollution and section II of the Federal Water Pollution Control Act are both directed at water pollution control activities by Federal agencies.

"Nuclear powerplants are licensed by a Federal agency and therefore can and should be expected to conform with applicable water quality standards and a concept of water quality enhancement.

"But the committee has found that Federal agencies are not assuming the proper leadership role—that often their activities actually condone pollution rather than encourage water quality enhancement.

"Thermal pollution is only one case. There are numerous Federal agencies which need to exercise more leadership both in their own activities and in the activities over which they are responsible.

"Only in this way can the Federal effort in pollution control appropriately relate to the expanding vigor of the State programs. This expanded Federal role is especially essential, at a time when, because of a serious national budgetary restriction, full Federal funding of construction activities may not be possible." (Opening statement at hearings of the Senate Committee on Public Works on Thermal Pollution, 1968, pt. 1, pp. 1–2.)

"While water quality standards, now set and approved for most interstate waters, will cause installation of such control facilities as are necessary for compliance, serious question has been raised regarding the role of Federal agencies which authorize or assist such activities without requiring compliance with applicable standards.

"In order to ascertain the extent to which Federal agencies are conducting such activities, the committee began, early last year, hearings on the role of the Atomic Energy Commission relative to control of waste heat discharges from federally licensed nuclear powerplants. The hearings indicated several important problems.

"1. The Atomic Energy Commission does not consider its legislative authority sufficient to condition licenses relative to water quality standards for other than radioactive materials;

"2. The AEC regulations specifically prohibit intervention or testimony on the subject of pollution other than radioactive discharges;

"3. State agencies charged with water pollution control responsibility question their ability to require control of nuclear powerplant waste heat discharges once that plant

has been licensed for operation by a Federal agency, believing that the existence of the Federal license might preempt State regulatory authority;

"4. Thermal pollution is of sufficient concern to require consideration prior to final selection of a steam electric powerplant site both because of the potential adverse effect of heated water discharges on the receiving streams and because of the land requirements associated with construction of cooling facilities if required; and

"5. Waste heat discharges can seriously and adversely affect the ecological balance of the receiving waters and, though much remains to be learned about these effects, a sufficient body of evidence exists to establish standards and require control.

"The information received during the hearings suggested a need for the Federal Government to become involved at an early stage in water quality control by entities which receive Federal authorization or assistance.

"On September 16, the subcommittee invited comment on the extent to which the electric utilities industry should consider environmental hazards in selecting powerplant sites. This question resulted from information developed during the hearings pointing out—

"1. Few utilities have considered ecological effects of waste heat discharges either in relation to site location or operation of thermal generating stations;

"2. Little, if any, investigation has been made by most utilities to determine ecological background of receiving waters;

"3. Use of existing cooling technology for other than conservation of water has not been considered by utilities until after intense public pressure has been exercised; and

"4. The general assumption seems to be that any risk of adverse ecological effects associated with thermal pollution be taken by the public rather than the utility.

"However, the correspondence which follows indicates that ecological effects are of significant importance to warrant early consideration in a utility's decision to construct new steam electric generating facilities." (Summary statement on hearings of the Senate Committee on Public Works on Thermal Pollution, 1968, pt. 3, pp. 975–976.)

"What we are talking about is adding something to the environment that is not now added. Now, if it happens to be harmful we may be doing something that is irrevocable. If it happens to be good, so much the better. But by withholding any discharge or any such addition to the environment we are making no impact and that is the ideal situation to maintain until you get the answers. Unfortunately, we do need the additional energy, so we have the problem of how in the period during which we are trying to find the answers we minimize the possibility of harmful effects.

"The fact that in some cases you may get beneficial effects does not necessarily justify taking the risk of harmful effects when you can withhold both until you get the answer.

"* * * * *

"We are going to have an argument in each case as to whether or not we know enough to impose a restriction. Well, I think that increasingly we have to take the point of view that if we don't know enough, then we don't know enough to permit the discharge.

"If the point that we don't know enough justifies not imposing control, then it seems to me it also justifies not permitting the discharge.

"At least I think we ought to take that perspective on every one of these plant location decisions. I don't think we can afford to take a position that until we know specifically what the harmful effects are, we have to assume that there is enough good to build a plant.

"I think that is a wrong perspective. I think that we have to enlarge our area of knowledge as fast as we can so that we won't deprive ourselves of the necessary electrical energy, but I don't think we can just leave it an open door to permit this kind of development to continue without any restriction or restraint simply because we don't know all we ought to know about the harmful effects.

"This is a change of perspective and I think we have to arm the Federal agencies and the State agencies, as we would under this legislation, with enough restraining authority so we just don't plunge headlong into a lot of problems that will plague us once we begin to know the full implication of what we have done." (Comment by Senator Muskie at hearings of the Senate Committee on Public Works on Water Pollution, 1969, pt. 1, pp. 42–43.)

"Legislation has been enacted to deal separately with the control and abatement of air, water, and land pollution. The enhancement of environmental quality has become a major national goal. The committee has now turned its attention to the need for environmental planning. As existing sources are brought under control, management of wastes and environmental quality can become a reality. As this possibility evolves, a policy must be defined relating to the responsibilities and rights in the use of air, water, and land resources.

"The need for a policy relating to use of the air, inland, and coastal waters, and land resources is highlighted when it is realized that any single form of waste can be transformed to another form during handling and disposal. Solid waste, for example, may result in gaseous wastes when incinerated, liquid wastes when ground in garbage grinders, or remain as solid waste materials disposed of in landfills. This is but one example which suggests the need for an integrated policy for all forms of wastes rather than separate policies for solid waste disposal, air pollution control, and sewage disposal.

"A policy of environmental quality management for all forms of wastes is clearly required. Such a policy need not suggest that the administration of these programs be combined, but in the absence of a combined administration, the need for an overall coordinated policy is even more urgent." (Summary of Legislative Activities; Committee on Public Works, U.S. Senate, 90th Congress, p. 45.)

"Environmental Quality

"During the second session, the subcommittee held hearings on "Environmental Quality Management and Waste Management Research." Legislation has been enacted to deal separately with air pollution, water pollution, and solid waste disposal, but a congressional policy directed at their interrelationship is less precise. These hearings provided an initial look at this interrelationship and the need to define a public policy relating to the responsibilities and rights in the use of air, water, and land resources.

"These hearings provided an initial look into two areas. First, is there a need for a policy relating to the use and degradation of the air, inland and coastal waters, and land resources of the United States?

"Second, are the current Federal research management policies and practices in air and water pollution, and solid waste disposal adequate to the problem? Enacted legislation requires the establishment and implementation of air and water quality standards on prescribed time schedules. Current technology will reportedly satisfy many immediate objectives such as municipal waste water treatment of control of airborne particulates. These hearings provided an initial look at long-term needs and the adequacy of control technology to insure compliance with prescribed time schedules. Particular attention was given to improvements in Federal research management practices which might expedite development of control technology." (Summary of Legislative Activities, Committee on Public Works, U.S. Senate, 90th Cong., pp. 61–62.)

"RIVERS AND HARBORS AND FLOOD CONTROL

"Public works for many years has been synonymous with flood control. But recently the simplicity of a flood control project has given way to the necessity of considering much more than a single factor when developing a reservoir program. As a result public works is becoming more and more a matter of water resources programing.

"The Federal civil works program under jurisdiction of the Corps of Engineers, embraces the works for improving rivers, lakes, coastal areas, and harbors of the United States in the interest of navigation, flood control, hydroelectric power development, water supply, pollution abatement, recreation, beach erosion control, and other allied water purposes, which the committee has approved and the Congress authorized for accomplishment by the Corps of Engineers, Department of the Army." (Summary of Legislative Activities, Committee on Public Works, U.S. Senate, 88th Cong., p. 5.)

"It has long been recognized that flood control is only one of the purposes for which our water resources should be developed. Congress has recognized that full consideration should be given to a desirable improvement for the use and control of all the water resources, in the committee, the projects and basin plans included in this bill give full weight to the navigation possibilities; the development of hydroagricultural uses; the utilization or recreation potentialities in connection with reservoirs; and preservation of fish and wildlife; the abatement of stream pollution; the improvement of water quality; and the provision of improved sanitary facilities. The committee feels that a program for flood control and navigation would not be comprehensive or in the best interests of the Nation unless all these factors were considered." (River and harbor, beach erosion control, and flood control projects, S. Rept. 87–2258, pp. 3–6).

"We are no longer just concerned with flood prevention—but with the multiple aspects of reservoir development—including water supply hydropower development, recreation, and other multiple uses made possible by large storage dams.

"Water is a precious commodity. It is becoming more apparent each year—that we cannot afford to waste, pollute, or in any way destroy this natural resource.

"Therefore, it is of paramount importance that in our plans for controlling destructive flood waters, we fully utilize all the waters stored in a manner that will provide releases for conservation purposes—such as power development, industrial and domestic water supply, recreation, and pollution abatement.

"The Congress has asked the Corps of Engineers to look into comprehensive river basin planning, as the best means of fully developing our water resources." (Opening statement at the hearings of the Senate Committee on Public Works, on Public Works Authorizations, 1965, pt. I, pp. 1–2.)

"In this work we are dedicated to the principle of providing the best use, or combination of uses, of these resources in the service of the economic and social welfare of the Nation.

"* * * * *

"The disciplines and techniques of economics, political and social science, and public administration, as well as engineering, bear importantly in the solution of the complex resource development problems of our

present-day society. In our role as public planners we are striving to provide the insight and leadership necessary to bring all the pertinent disciplines and techniques into focus on these problems.

"The test of any planning lies in the soundness of the action programs it defines. In down-to-earth terms this means that in the field of water-oriented planning we must devise effective ways of meeting needs—both immediate and long term—for domestic, municipal, industrial, and agricultural water supply; water quality control; navigation; hydroelectric power; flood control; land and beach stabilization; drainage and salinity control; hurricane and tidal flood damage control; outdoor recreational activity, including that associated with preservation and enjoyment of open space, green space and wild areas of unique natural beauty or special interest; and fish and wildlife conservation and enhancement. These factors all are considered in our project proposals. * * *

"As we approach the borderline between water abundance and water deficiency in many parts of the Nation, and strive to catch up in those areas where we already have crossed this border, it becomes clear that the pace of our planning and development activities must be increased. In addition to the pace imposed by growing demands, there is the added pressure of complexity. With few exceptions the day of single-purpose project planning is a thing of the past. Multiple-purpose planning now is the rule of the day." (Testimony of Maj. Gen. Jackson Graham, hearings of the Senate Committee on Public Works, on Public Works Authorizations, 1965, pp. 15–16.)

"In water development it is not enough to consider measurable market values. We must also look beyond them. Water is related to public health, to outdoor recreation, and to the beauty of the landscape. * * *

"If the assessment of values to be taken into account in project design is difficult, so are the technical engineering aspects. A variety of engineering and natural science specialists are required to design and operate a modern water facility. * * *

"In my opinion the policies and administrative arrangements which evolved out of the earlier period of our history have not yet caught up with the kind of water management task now confronting us. * * *

"I am not suggesting that a Federal agency or combination of Federal agencies should be clothed with this kind of authority nor am I suggesting that all water resources management reponsibilities be turned over to State or regional organizations. But I am indicating that some combination of policies and administrative arrangements that can institute these measures in a coordinated fashion is essential if water resources management is to provide American society with the full potential benefits inherent in the resources with which we have been endowed."

Testimony of Irving Fox, Resources for the Future, hearings of the Senate Committee on Public Works on Public Works Authorizations, 1965, pp. 30–31.)

"HIGHWAY BEAUTIFICATION

"Many millions of us have been disheartened as we have traveled about the country and have seen hillsides stripped of their foliage, roadsides littered with trash, streams polluted. Some citizens, no doubt have felt that "uglification"—this desecration of the land and water—was a necessary price we must pay for industrial progress, and a necessary byproduct of the tremendous growth in our population. Others, fortunately, have not given up so easily and, in fact, have recognized that our growth in population and our economic development are factors which make it absolutely essential that we take positive action to preserve our natural resources. We have come to realize that we do not have unlimited land and water. Of necessity, many of us are going to be crowded in urban places. We must work together to make these places as pleasant and attractive as possible.

"* * * * * *

"Our concern is with damage inflicted unnecessarily, which could be avoided, by consideration of all aspects of the problem, not merely those of the highway engineers." (Testimony of Louis Prentiss, American Roadbuilders Association, hearing of the Senate Committee on Public Works, on Highway Beautification and Scenic Road Program, 1965, pp. 165–173.)

"It might seem to the casual observer that little harm would result in constructing a superhighway along the stream's course or in straightening a curving section of roadway by crossing and culverting, or channelizing and relocating a stream, or dredging a streambed to secure gravel for aggregate or to straighten and speed up the flow of runoff waters. The effect that most folk overlook is the great damage that accrues from violent disruption of the aquatic habitat.

"* * * * * *

"I think engineers, biologists, everyone working with resources of one kind or another, seek public approval, and want to do the best job they can. They often have to persuade some people to look at other values. This is essentially what we are trying to do here, to provide a basic force on the highway engineers and builders to consider these matters seriously so we will have a harmonious balance. (Testimony of Richard Stroud, Sport Fishing Institute, hearings of the Senate Committee on Public Works on the Highway Beautification and Scenic Road Program, 1965, pp. 438–455.)

Soil erosion control

"The Committee on Public Works, through the activities of its Subcommittee on Air and Water Pollution, has become increasingly concerned with siltation as a form of water pollution. Suburban home builders and highway builders are among the worst sources of this form of pollution, and yet government, whether Federal, State, or local, can hardly impose control measures on the private construction industry when it ignores prudent soil erosion control measures within its own area of responsibility. The committee therefore urges the Secretary not only to implement the provisions of the committee amendment, but also to take steps to minimize the time in which unsurfaced highway construction projects are subject to the erosion of wind and water." (Federal-aid Highway Act of 1966, S. Rept. 89–1410, p. 38.)

Preservation of parklands

"[It is] the national policy of the Federal-aid highway programs to preserve Federal, State, and local parklands and historic sites and the beauty and value of such sites. The Secretary is directed not to approve any Federal-aid highway project which requires the use of such lands unless (1) there is no feasible alternative to such use, and (2) the project plans include all possible provisions to minimize harm to affected parkland and historic sites. The committee recommends that this policy be extended to include wildlife refuge areas as well." (Ibid.)

"The committee is firmly committed to the protection of vital parklands, parks, historic sites, and the like. We would emphasize that everything possible should be done to insure their being kept free of damage or destruction, by reason of highway construction. The committee would, however, put equal emphasis on the statutory language which provides that in the event no feasible and prudent alternative exists, that efforts be made to minimize damage. To that end, the amendment contained in section 114 of S. 3418, as reported, which would expand the definition of 'construction costs,' should be helpful.

"The committee would further emphasize that while the areas sought to be protected by section (4) (f) of the Department of Transportation Act and section 138 of title 23 are important, there are other high priority items which must also be weighed in the balance. The committee is extremely concerned that the highway program be carried out in such a manner as to reduce in all instances the harsh impact on people which results from the dislocation and displacement by reason of highway construction. Therefore, the use of park lands properly protected and with damage minimized by the most sophisticated construction techniques is to be preferred to the movement of large numbers of people." (Federal-aid Highway Act of 1968, S. Rept. 90–1340, pp. 18–19.)

Urban Impact of Highways

During 1967 the committee reviewed Federal policy relating to urban highway planning, location, and design.

"Most people realize how important highways are to the continued social and economic development of our Nation. Highways have proven to be one of the great contributors to our system of communication, as well as transportation. When people are able to move freely, safely, and conveniently from place to place, the resulting exchange of information, goods, and services works to the benefit of the entire national community.

"* * * * * *

"We hope through these hearings to come to an understanding of what is being done and what can be done in urban highway construction to make highways a force for improved environment rather than as a factor which accentuates the already existing elements of decay, disruption, and displacement." (Opening statement at hearings of the Senate Committee on Public Works, on Urban Highways, 1967, Pt. 1, pp. 1–5.)

"First, we must apply to all capital improvement programs a full accounting of their social and environmental costs and build into all of these programs the means of meeting these costs;

"And second, we must design all capital improvements to serve more than a single purpose so that full social and environmental benefit is extracted from such public investments.

"The application of these two principles to the highway program, I believe, is clear. The cost accounting applied to urban highways until now has been deficient in that the ledger shows the costs of the program only in terms of acquisition, design, and construction. It does not show such real and tangible costs as the additional street and storage capacity required at points of egress; the taking of land from the tax rolls; the dislocation of the people in the highway's path; the reduction in value of adjacent property, the division and disruption of neighborhoods stemming from insensitive location; and the visual blight resulting from insensitive design.

"* * * * * *

"I believe, and I will return to the point, that the highway program should include all the costs of building an urban highway, including those that I have itemized, and pay a fair share of these costs. To put it another way, I believe that the highway program, and the highway user, should meet the consequences of the powerful and potentially disruptive act of highway building in the city." (Testimony of William Slayton, Urban America, at hearings of the Senate Committee on Public Works, on Urban Highways, 1967, Pt. 1, pp. 5–21.)

"We had to take available published data, much of it very primitive indeed, but I think any examination clearly must include not only factors of physiographic and slopes and so on, bridge crossings points, but really must include social factors and resource values too, and the development I think of a humane and civilized route selection method will concentrate I think not on engineer-

ing considerations but matters of man, institution, and resource values." (Testimony of Ian McHarg, University of Pennsylvania, at hearings of the Senate Committee on Public Works, on Urban Highways, 1967, Pt. 1, p. 61.)

"In the view of the committee, the emphasis of the Federal Highway Administration on the development of multiple land and air rights use, as an integral part of urban highway planning design, is well placed. We encourage the Department of Transportation, the Federal Highway Administration, and individual State highway departments to give continued strong support to this so-called joint development concept.

"The significance of the concept's potential value is impressive in terms of savings to the public, of more productive land use in densely populated or highly concentrated urban areas, and of prevention of haphazard development along the highway right-of-way.

"The public saves from joint development because, on its behalf, the highway department eliminates costly severance damages associated with acquiring a highway right-of-way through partial takings of land. Instead, the parcels are acquired in their entirety for fair price, and the unused portions either developed or sold for development." (Federal-aid Highway Act of 1968, S. Rept. 90–1340, p. 8.)

Urban highway planning

"There is almost universal agreement on the need to approach the complexities of urban highway planning and development with all the professional and scientific expertise available. For too long, highways were designed, located, and constructed as single purpose projects. They were built to serve the needs of traffic and, in many cases, without regard to their disruptive effects on urban environment. Use of joint urban development as well as other techniques has done much to correct the situation. The committee believes that improvement in the overall coordination of highway projects is taking place.

"• • • • • •

"It should produce the basic mechanics needed, to provide a better evaluation of urban transportation needs in terms of social, esthetic, and economic values. It must be pointed out, however, that the approach must be classified as experimental. The committee is also aware that an approach such as this, will tend to prolong the completion of the Interstate System while these extensive studies take place.

"There is no doubt that the knowledge gained in these efforts, will provide a foundation for new methods and techniques to assist in solving our complex urban transportation problems." (Federal-aid Highway Act of 1968, S. Rept. 90–1340, pp. 11–12.)

"ECONOMIC DEVELOPMENT

"Over the years, the steeply sloped Appalachian farms have remained relatively unproductive and have undergone severe erosion. The resulting denuded slopes have marred the scenic beauty of the land, contributed to widespread siltation of its streams, and have thus impeded the development of the great potential for recreation and tourism.

Most of the small crop farming now practiced in Appalachia is on a marginal basis and too frequently provides only a bare subsistence living for the small farmer. It is, however, unrealistic to expect every small Appalachian farmer to give up his farm immediately—an act which would largely result in simply transforming rural poverty into urban poverty. Also, many of the small farmers of the region, especially the elderly ones, are deeply rooted in the land and prefer to live out their years on the farm, rather than become public welfare clients in the towns and cities. Thus, a coherent and equitable Appalachian development program must provide for restoration of the land under its present inhabitants and enable them to realize what benefits the land can furnish." (Appalachian Regional Development Act of 1965, S. Rept. 89–13, p. 11.)

Water resources

"An abundant annual rainfall in Appalachia gives the region a water resource potential that can be found in few other areas of the country. Unfortunately, this potential has never been fully realized, and all too often, water acts as a curse rather than a blessings in Appalachia.

"With proper control and management, Appalachia's water resources can become the region's most precious natural asset, providing almost unlimited opportunities for recreational activities and incentives for industrial development (*18*)." (Appalachian Regional Development Act of 1965, S. Rept. 89–13, p. 15.)

Mine area restoration

"Much of the Appalachian landscape has been ravaged by the mining of coal. Former practices of both strip mining and deep mining operations have eroded the hillsides, polluted the streams, and endangered the lives of thousands of people. Though present enlightened management practices have made great progress over former years, the abuses of past coal mining practices serve as a major deterrent to industrial and recreational development in Appalachia." (Appalachian Regional Development Act of 1965, S. Rept. 89–13, p. 16.)

THE PRESIDENT'S TELEVISION INTERVIEW

Mr. SCOTT. Mr. President, nearly a month ago the President of the United States had a television interview with three of our Nation's top commentators. It was broadcast throughout the country. I am sure that all our citizens listened to the broadcast with the greatest of interest. It bore directly upon our foreign policy and upon matters which for a decade have been at the forefront of our national interest.

The President prefaced the question-and-answer session of the interview, which was the main portion of it, with a very brief announcement in which he named Ambassador David Bruce as chief of the U.S. delegation to the Paris peace talks with North Vietnam. Ambassador Bruce is well known as one of America's top foreign service officers, a gentleman of the highest attainments. He eminently fulfills all the possible criteria which could be suggested for the chief of our delegation.

This appointment is clearly a signal to Hanoi that the United States is continuing to seek initiatives toward a peaceful solution to the war in Southeast Asia.

The main body of the television program, of course, was devoted to the interview with Howard K. Smith, Eric Sevareid, and John Chancellor. By agreement, the subject of the discussion was confined to the Vietnam war and directly associated matters. It was conditioned only by the fact that all participants are sincerely devoted to the improvement and betterment of our country.

There were no holds barred on the questions. The interview was live and unrehearsed. There were no planted questions on the part of the administration and, although it is to be supposed that some prior preparation was individually made by all four parties, it was entirely ad-lib. The public heard from the lips of the President and his interlocutors, without any interpretations or staff intervention, exactly what they asked and how he responded.

It has been commented in several places that the questions were searching, that no punches were pulled. It is also clear that the President was answering them carefully and clearly.

It is also evident that, whatever the political beliefs of the participants were, politics did not enter into this discussion. Perhaps the television interview was a device, as I have heard it called. What is not a "device" these days? The position of the President regarding our policy for Vietnam should be conveyed to the public as often as necessary. A television interview is of course not the only means the President might have used. He could also have given a written or press conference report to the Nation as he has done at other times. Or he might have given a background interview, or caused to be published a State Department or White House policy paper. All of these he has done. The television interview was a good choice, in my opinion, for it captured the attention of the audience and at the same time had the effect—once removed of course—of permitting further questions and discussion as points suggested themselves. I hope he will continue to employ this technique when it is appropriate.

Mr. President, the text of the President's television interview has not previously been printed in the RECORD. I think it belongs there as a permanent record of what he had to say at this time in our history. I therefore ask unanimous consent that the complete text of the President's television interview of July 1, 1970, be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

"A CONVERSATION WITH THE PRESIDENT ON FOREIGN POLICY"

The PRESIDENT. Good evening. Before turning to our panel for their questions, I have a brief announcement. After consultation with the Secretary of State and other senior advisers, I decided to name Ambassador David Bruce as Chief of our Delegation to the Paris Talks.

Ambassador Bruce, as all of those who have studied our foreign policy know, is one of America's most distinguished diplomats. He is a Democrat, but he has served five Presidents, Democrat and Republican, with great devotion and great ability. He is the only Ambassador in our history who has been Ambassador to Germany, Ambassador to England, and Ambassador to France.

He will meet me in San Clemente along with Ambassador Habib, who is Chief of our Delegation, acting at this time, and the Under Secretary of State Alexis Johnson on Saturday, July 4th.

There along with Dr. Kissinger we will discuss the situation with regard to the talks as they presently exist. Then on July 11th, he will meet with Secretary of State Rogers, in London, as Secretary Rogers completes his Asian trip and will stop briefly in Britain on his way back to the United States.

Ambassador Bruce will have the opportunity then to meet with the National Security Council in the middle of this month, perhaps about the 15th of July, and is arranging his affairs so that he will be able to go to Paris and take over as Chief of the Delega-

tion on the 1st of August or shortly before that time.

We believe that in appointing Ambassador Bruce we have selected a man who is superbly qualified to conduct these negotiations. He will have great flexibility in the conduct of his talks. We hope that this move on our part will be reciprocated by a similar move on the part of the North Vietnamese in attempting to find a peaceful solution to the war in Vietnam.

Now, with that brief announcement we will go to the questions.

QUESTIONS

Mr. SMITH. Mr. President, in your report on the Cambodian operation yesterday, you said you were going to emphasize the route of negotiated settlement again, and I gather this is the first step.

About other steps, (a) have you had any signal from Hanoi that they are more willing to talk than they have been in the past, and (b) do you have any new proposals to put to them to make a negotiated settlement more attractive?

The PRESIDENT. We have had no signals from Hanoi directly or indirectly that their position of intransigence has changed. They still insist that their condition for a negotiated settlement is complete withdrawal of our forces and the throwing out of the government in South Vietnam as we leave.

On the other hand, we believe that they will be interested in the fact that we are appointing a new chief of delegation, because on several occasions not particularly from them, but from third parties who have talked to them, they have indicated that they felt that we should appoint a new chief of delegation.

We have now appointed one and we hope that they act. As far as new proposals are concerned, I think it is important for us to know what our proposals are because we have made some very forthcoming proposals.

First, we have offered to withdraw all of our forces if they withdraw theirs, and to have that withdrawal internationally supervised.

Second, we have offered to have cease-fires throughout the country, and have those cease-fires again internationally supervised.

Third, and most important, we have offered to have free elections throughout the country, internationally supervised. We have offered to have the supervisory bodies be ones in which the Communists can participate as well as those representing the present government in South Vietnam, and we have offered on our part, and the South Vietnamese Government has offered on its part, to accept the results of that election, even though those results might include Communists in some positions, or Communists in some power.

We believe that these offers are very forthcoming, and I should also say that in private channels we have elaborated on these offers.

Finally, I should also point out that we have not made our proposals on a take-it-or-leave-it basis. Ambassador Bruce will be in that position. He will be in a position with his new instructions to tell the opposition that we have laid these proposals out, we believe they are the formula that should provide the basis for a negotiated peace, but that we are willing to see whether we can narrow the gap between their position and ours.

There is only one matter that is not subject to negotiation, and that is the right of the South Vietnamese to determine their own future.

That is one of the reasons, for example, that the speculation with regard to our having changed our position and agreeing possibly to now offer a coalition government, a negotiated settlement, imposing a coalition government, that speculation is not correct.

It is not correct, because if we were to negotiate with the North Vietnamese and decide that we would have a coalition government and impose it on the South Vietnamese, that is a government without their choice.

If the South Vietnamese on the other hand in the free political process should choose Communists as well as non-Communists and out of that should come a government that is mixed, that is up to them.

But we will not impose a coalition government against the will, and without the consent of the people of South Vietnam. But except for those two conditions, Ambassador Bruce will be free to negotiate in a very flexible manner on our proposals or on theirs.

Mr. CHANCELLOR. Mr. President, we are all pleased to be here with you tonight. As you know, the networks have standing requests for interviews of this kind with you. I would like to know why you have chosen this technique at this particular time.

THE PRESIDENT. We have, as you know, Mr. Chancellor, numbers of requests to do everything from press conferences to individual interviews, and the like. I noted, of course, that in the previous administrations this technique was used first by President Kennedy, and I thought very effectively, you remember, after his first year in office. President Johnson used it twice and I thought also in a very interesting and effective way.

I have not yet used this technique. It seemed to me that this would be useful now and incidentally, it is useful for another reason. I have followed some of what has been referred to as the instant commentary and I do know—after my press conferences—and I do know that one of the difficulties with press conferences—and some of you have been very kind in referring to the style of the conferences, not always to the replies—but one of the difficulties is that an individual does not get to follow up a question.

Now this allows that. So by taking the subject of foreign policy, by picking the anchormen of the three networks, by having a chance for a little bit longer answer and a chance to follow up, I thought we could give our television audience a chance really to get to the depths of our foreign policy thinking which you can't do when you are up there trying to, in 28 minutes, answer 24 times.

Mr. SEVAREID. A lot of things have been happening in the last few days and some in the United States Senate.

THE PRESIDENT. Yes, I know.

Mr. SEVAREID. Do you feel that you can give categorical assurances now that we will not send ground troops back into Cambodia no matter what?

THE PRESIDENT. Mr. Sevareid, as you recall, I indicated when this operation was begun 2 months ago—incidentally, it seems much longer, a lot has happened in those 2 months and a very great deal has been achieved, in my opinion—but I indicated then that once we had completed our task successfully of cleaning out the sanctuaries that then it would not be necessary and I would not consider it advisable to send American ground forces back into Cambodia.

I can say now that we have no plans to send American ground forces into Cambodia. We have no plans to send any advisers into Cambodia. We have plans only to maintain the rather limited diplomatic establishment that we have in Phnom Penh and I see nothing that will change that at this time.

Mr. SEVAREID. You can't foreswear in a final way——

THE PRESIDENT. I realize that anybody listening to an answer——

Mr. SEVAREID. That is what the Senate seems to want.

THE PRESIDENT. I think that anybody hearing the answer that I have just given would certainly get the impression and would incidentally be justified in having the impression that the President of the United States has no intention to send ground forces back into Cambodia, and I do not believe that there will be any necessity to do so.

When you say, can I be pinned down to say that under no circumstances would the United States ever do anything, I would not say that, but I will say that our plans do not countenance it, we do not plan on it, and under the circumstances, I believe that the success of the operation which we have undertaken, as well as what the South Vietnamese will be able to do, will make it unnecessary.

Mr. SMITH. Mr. President, one of the things that happened in the Senate last week was the rescinding of the Gulf of Tonkin resolution by the Senate. Mr. Katzenbach, in the previous administration, told the Foreign Relations Committee that resolution was tantamount to a congressional declaration of war. If it is rescinded, what legal justification do you have for continuing to fight a war that is undeclared in Vietnam?

THE PRESIDENT. First, Mr. Smith, as you know, this war, while it was undeclared, was here when I became President of the United States. I do not say that critically. I am simply stating the fact that there were 549,000 Americans in Vietnam under attack when I became President.

The President of the United States has the constitutional right, not only the right, but the responsibility to use his powers to protect American forces when they are engaged in military actions, and under these circumstances, starting at the time I became President, I have that power and I am exercising that power.

Mr. SMITH. Sir, I am not recommending this, but if you don't have a legal authority to wage a war, then presumably you could move troops out. It would be possible to agree with the North Vietnamese. They would be delighted to have us surrender. So you could——

What justification do you have for keeping troops there other than protecting the troops that are there fighting?

The PRESIDENT. A very significant justification. It isn't just a case of seeing that the Americans are moved out in an orderly way. If that were the case, we could move them out more quickly, but it is a case of moving American forces out in a way that we can at the same time win a just peace.

Now, by winning a just peace, what I mean is not victory over North Vietnam—we are not asking for that—but it is simply the right of the people of South Vietnam to determine their own future without having us impose our will upon them, or the North Vietnamese, or anybody else outside impose their will upon them.

When we look at that limited objective, I am sure some would say, "Well, is that really worth it? Is that worth the efforts of all these Americans fighting in Vietnam, the lives that have been lost?"

I suppose it could be said that simply saving 17 million people in South Vietnam from a Communist takeover isn't worth the efforts of the United States. But let's go further. If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do, and it would be very easy for me to do it and simply blame it on the previous administration, but if we were to do that, I would probably survive through my term, but it would have, in my view, a catastrophic effect on this country and the cause of peace in the years ahead.

Now I know there are those who say the domino theory is obsolete. They haven't talked to the dominos. They should talk to the Thais, to the Malaysians, to the Singaporeans, to the Indonesians, to the Filipinos, to the Japanese, and the rest. And if the United States leaves Vietnam in a way that we are humiliated or defeated, not simply speaking in what is called jingoistic terms, but in very practical terms, this will be immensely discouraging to the 300 million people from Japan clear around to Thailand in free Asia.

and even more important it will be ominously encouraging to the leaders of Communist China and the Soviet Union who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas.

The world will be much safer in which to live.

Mr. SMITH. I happen to be one of those who agrees with what you are saying, but do you have a legal justification to follow that policy once the Tonkin Gulf Resolution is dead?

THE PRESIDENT. Yes, sir, Mr. Smith, the legal justification is the one I have given, and that is the right of the President of the United States under the Constitution to protect the lives of American men. That is the legal justification. You may recall, of course, that we went through this same debate at the time of Korea. Korea was also an undeclared war, and then, of course, we justified it on the basis of a U.N. action. I believe we have a legal justification and I intend to use it.

MR. SEVARIED. Mr. President, you have said that self-determination in South Vietnam is really our aim, and all we can ask for. The Vice President says a non-Communist future for Indochina, or Southeast Asia. His statement seems to enlarge the ultimate American aim considerably. Have we misunderstood you or has he or what is the aim?

The PRESIDENT. Mr. Sevareid, when the Vice President refers to a non-Communist Southeast Asia that would mean of course, a non-Communist South Vietnam, Laos, Cambodia, Thailand, Malaysia, Singapore, and Indonesia. That is the area we usually think of as Southeast Asia.

This is certainly something that I think most Americans and most of those in free Asia and most of those in the free world would think would be a desirable goal.

Let me put it another way: I do not think it would be in the interest of the United States and those who want peace in the Pacific if that part of the world should become Communist, because then the peace of the world, the peace in the Pacific, would be in my opinion very greatly jeopardized if the Communist were to go through that area.

However, referring now specifically to what we are doing in Vietnam, our aim there is a very limited one, and it is to provide for the South Vietnamese the right of self-determination. I believe that when they exercise that right, they will choose a non-Communist government. But we are indicating—and incidently, despite what everybody says about the present government in South Vietnam, its inadequacies and the rest, we have to give them credit for the fact that they also have indicated that they will accept the result of an election, what the people choose.

Let us note the fact that the North Vietnamese are in power not as a result of an election, but have refused to indicate that they will accept the result of an election in South Vietnam, which would seem to me to be a pretty good bargaining point on our side.

Mr. CHANCELLOR. Mr. President, I am a little confused at this point because you seem in vivid terms to be describing South Vietnam as the first of the string of dominoes that could topple in that part of the world and turn it into a Communist part of the world, in simple terms.

Are you saying that we cannot survive, we cannot allow a regime or a government in South Vietnam to be constructed that would, say, lean toward the Communist bloc? What about a sort of Yugoslavia? Is there any possibility of that kind of settlement?

THE PRESIDENT. Mr. Chancellor, it depends upon the people of South Vietnam. If the people of South Vietnam after they see what the Vietcong—the Communist Vietcong have done to the villages they have occupied, the 40,000 people that they have murdered, village chiefs and others, the atrocities of Hué—if the people of South Vietnam of which 850,000 of them are Catholic refugees from North Vietnam after a blood bath there when the North Vietnamese took over in North Vietnam—if the people of South Vietnam under those circumstances should choose to move in the direction of a Communist government, that, of course, is their right. I do not think it will happen. But I do emphasize that the American position and the position also of the present government of South Vietnam, it seems to me, is especially strong because we are confident enough that we say to the enemy, "All right, we'll put our case to the people and we'll accept the result." If it happens to be what you describe, a Yugoslav type of government or a mixed government, we will accept it.

Mr. CHANCELLOR. What I am getting at, sir, is, if you say on the one hand that Vietnam—South Vietnam is the first of the row of dominoes which we cannot allow to topple, then can you say equally, at the same time, that we will accept the judgment of the people of South Vietnam if they choose a Communist government?

THE PRESIDENT. The point you make, Mr. Chancellor, is one that we in the free world face every place in the world and it is really what distinguishes us from the Communist world.

Again I know that what is called Cold War rhetoric isn't fashionable these days and I am not engaging in it because I am quite practical, and we must be quite practical, about the world in which we live with all the dangers that we have in the Mideast and other areas that I am sure we will be discussing later in this program.

But let us understand that we in the free world have to live or die by the proposition that the people have a right to choose.

Let it also be noted that in no country in the world today in which the Communists are in power have they come to power as a result of the people choosing them—not in North Vietnam, not in North Korea, not in China, not in Russia, and not in any one of the countries of Eastern Europe, and not in Cuba. In every case, communism has come to power by other than a free election, so I think we are in a pretty safe position on this particular point.

I think you are therefore putting, and I don't say this critically, what is really a hypothetical question. It could happen but if it does happen that way we must assume the consequences and if the people of South Vietnam should choose a Communist government, then we will have to accept the consequences of what would happen as far as the domino theory in the other areas.

Mr. CHANCELLOR. In other words, live with it?

THE PRESIDENT. We would have to live with it, and I would also suggest this: When we talk about the dominoes, I am not saying that automatically if South Vietnam should go the others topple one by one. I am only saying that in talking to every one of the Asian leaders—and I have talked to all of them; I have talked to Lee Kuan Yew (all of you know him from Singapore of course), and to the Tunku from Malaysia, the little countries, and to Soeharto from Indonesia, and of course to Thanom and Thanat Khoman, the two major leaders in Thailand—I have talked to all of these leaders and every one of them to a man recognizes, and Sato of Japan recognizes, and of course the Koreans recognize that if the Communists succeed, not as a result of a free election—they are not thinking of that—but if they succeed as a result of exporting aggression and supporting it in toppling the government, then the message to them is, "Watch out, we might be next."

That's what it really is. So, if they come in as a result of a free election, and I don't think that is going to happen, the domino effect would not be as great.

Mr. SEVAREID. Mr. President, what caused the change in plans about the South Vietnamese troops remaining in Cambodia? On April 30th you said they would come out about when ours came out, and they are apparently building big bases and intend to stay. What happened in the meantime to change this?

THE PRESIDENT. When I spoke on April 30, Mr. Sevareid, I pointed out that we would be out, as you recall, and we kept that promise, despite—there is some speculation to the effect that we would have advisers in, or this, that, and the other. All Americans are out and, answering your earlier questions, we have no plans and have no expectation that any Americans would go back in.

With regard to the South Vietnamese, I pointed out on April 30th that our air support would stop and there would be no advisers with the South Vietnamese, that any activities of the South Vietnamese after we left would have to be on their own.

Now what they are doing in South Vietnam, and I checked this just before the program tonight as to the numbers, there are approximately 40,000 North Vietnamese in Cambodia at the present time. There are approximately 8,000 South Vietnamese. What they are doing is cleaning out some of the sanctuary areas that were not completed when we left.

They are not building substantial bases. What they are really doing is simply providing the basis on which they can stop the North Vietnamese from coming back into the sanctuary areas, and I think that is their responsibility and their right.

Mr. SEVARIED. Mr. President, to what extent are we really committed to preserving this new government in Cambodia, which is a rather shaky one? What would we do, for example, if the capital city of Cambodia is in imminent danger of getting into Communist hands?

THE PRESIDENT. It is well for us to understand exactly what our relationship to Cambodia is. Let me compare it with Thailand.

With Thailand, we have a treaty, and if Thailand comes under attack, that treaty comes into force. The same is true, of course, of Australia, New Zealand, the Philippines. Cambodia is in the same category as Indonesia. It is a neutral country. It is a nonaligned country. We have no treaty with it.

As far as Cambodia is concerned, our only commitment to Cambodia is the commitment that the United States for 190 years has had to the principle of international law that a country that chooses to be neutral should have its neutrality respected.

Now that means that we are furnishing, as you know, small arms to them for their own defense. It means that, in addition to that, we are trying to give them the moral support that we can. We are supporting the initiative of the 11 Asian nations who are attempting to stand with that government in its neutrality, but as far as military support, the United States moving forces into Cambodia for the purpose of helping them defend against enemy attack—that we are not required to do under treaty and that we do not intend to do.

MR. SMITH. Mr. President, also about Cambodia, in your last press conference, I believe you were asked what distinguished this operation from escalations that occurred in past administrations, and you said this is decisive in nature.

Now, when one thinks of a decisive military operation, one thinks of things like the battle of Stalingrad, or D-Day. Do you think that this is really decisive for the Vietnam War, or does it just gain time—what?

THE PRESIDENT. Mr. Smith, I remember your broadcast, as a matter of fact, from

England, as I recall, at the time of Stalingrad and D-Day and the rest, and I think you will agree that as we look at it in the perspective of history, we think Stalingrad was decisive, and also that D-Day was decisive.

However, at the time that they occurred, immediately thereafter, we couldn't be sure. Now, looking at this particular operation, it is in my view the most decisive action in terms of damaging the enemy's ability to wage effective warfare that has occurred in this war to date.

Whether it will be as decisive as Stalingrad was or as D-Day was, I am not prepared to say. Only history will tell.

I do know that any action which captures and destroys over 12 months of the enemy's small arms ammunition supply, over 14 months of their mortars, over 4 months supply of rice, in addition to the very considerable number of enemy personnel that were killed and captured, approximately 15,000 that that is a very effective blow.

How decisive it will be remains to be seen.

I will say it is decisive in a couple of other ways. It does make it possible for us to go ahead with assurance on our withdrawal program of 150,000 more, which will be completed during the spring of next year, and it does give us more assurance that the South Vietnamese now, for the first time tested in battle by themselves against the North Vietnamese, can handle themselves, that Vietnamization can work and will work, and that we can get out, and they can stay in and hold their own.

Mr. CHANCELLOR. Mr. President, can I ask you about the plans for withdrawal far down the road? There are 419,000 American troops now in Vietnam—I believe that is the figure—and 260,000 will be there in the spring of 1971 according to your withdrawal formula.

But what happens after that? Will we find ourselves in the position where we will have to keep a couple of hundred thousand men there logistically for some period of time or, sir, do you believe that we should pose that threat to the North Vietnamese that they might have to wait another 10 years while we had 200,000 men in South Vietnam?

The PRESIDENT. I suppose that question becomes particularly apropos when you think of Korea, because in Korea we still have 50,000 men and it has been 17 years since the Korean war was over.

In terms of South Vietnam, I think we could put it, however, in another way. We are prepared by negotiation to bring out all of our forces and have no forces at all in South Vietnam if the enemy will negotiate, if they will withdraw theirs.

We are confident that the South Vietnamese can defend theselves if there is a mutual withdrawal of outside forces.

Now, if they do not agree to it, then we still have a plan which, as for its long-term goal, is to withdraw all of our forces. However, it will be in stages.

As you know, what we are withdrawing now are primarily our ground combat forces, and the majority of our ground combat forces will be out during the spring of next year. The 265,000 will—that number, of course, will be a majority of our ground combat forces.

Now, when it comes to naval forces and air forces which require more sophisticated training and the rest, it will take a longer time to get them out, but I again come back to this proposition. Our long-term goal is to get them all out, and short-term, if the enemy is willing to negotiate with our new Ambassador, we will get them all out within a year, if they are willing to negotiate.

Mr. SEVAREID. Mr. President, you have always refused to set a definite terminal date for our final withdrawal from Vietnam on the grounds the enemy would just sit and wait and never negotiate at all, as I understand it.

But, your advisers always say to us that it would be better for the North Vietnamese to negotiate while we are still there rather than face Saigon alone later on.

If that is the case, then why not set a definite terminal date to encourage them to negotiate, knowing we will leave?

THE PRESIDENT. I think the argument that if we just set a terminal date as to when we are going to get out that this might, in reverse, encourage them to negotiate, I don't think it will stand up. I think it is a good debating point to make and perhaps we could say that the debating point we have made on the other side is just that, but I don't believe it is.

Let me put it this way: Put yourself in the position of the enemy. Also, put yourself in the position of an historian—and all of you are historians; you study these matters and you write about them, you think about them, and you commentate upon them. You will generally find that negotiations occur, negotiations which end war, only when the balance of power changes significantly, only when one party or the other concludes that as a result of the shift in the military balance they no longer have an opportunity to accomplish their goal militarily and therefore, they had best negotiate.

Now, I think one of the positive benefits of the Cambodian operation is that it has changed the military balance. How much it has changed in the minds of the enemy remains to be seen.

I do not say it has changed it enough so that they will negotiate. I think it might help. Only time will tell. But putting myself—again, looking at the enemy, I am convinced that if we were to tell the enemy now, the North Vietnamese, that within, as for example, the McGovern-Hatfield resolution, that by the end of this year all Americans will be gone, well, I can assure you that the enemy isn't going to negotiate in Paris at all. They are not going to talk. They are going to wait until we get out because they know that at the end of this year the South Vietnamese won't be ready to defend the country by themselves.

But if, on the other hand, the enemy feels that we are going to stay there long enough for the South Vietnamese to be strong enough to handle their own defense, then I think they have a real incentive to negotiate, because if they have to negotiate with a strong, vigorous South Vietnamese Government, the deal they can make with them isn't going to be as good as the deal they might make now.

Mr. SMITH. Sir, talking about troop withdrawals, American troop withdrawals, on June 3d you said that if the other side took advantage of our troop withdrawals and intensified their attacks, you would be prepared to take strong effective measures to meet that situation.

Now, in view of the explosions of wrath on the campus at the Cambodian affair, do you think you could re-escalate even temporarily the fighting as you seem to say you might if you had to?

The PRESIDENT. Well, Mr. Smith, when we talk about re-escalating the fighting, I think we have to be precise about what we mean. First, I have already indicated in answer to Mr. Sevareid's first question that we have no plans to go back into Cambodia.

And, incidentally, I am not as bearish as some commentators have been about the future of Cambodia. If I could digress a moment, I think this is a question that our listeners would be interested in—Cambodia's chances of surviving as a neutral country are infinitely better now than they were on April 30th. And they are better, first, because the North Vietnamese have a 600-mile supply line rather than a 40-mile supply line back to the sanctuaries which we have destroyed.

They are better, also, because the Cambodian Government has far more support among the people, and the reporters from Phnom Penh generally have reported that. They are better, too, because the Cambodian Government also has support from the 11 Asian nations, representing 300 million people, and I think also they are better for the reason that the South Vietnamese have been very effective when they have taken on the North Vietnamese in the Cambodian area.

They have posed a rather considerable threat to them. I do not suggest that it is still not a fragile situation. It is difficult. But it is possible for them to survive.

Now coming back to your question, first, when you talk about re-escalation, we do not plan to go back into Cambodia. We do plan, however, and I will use the power—I am going to use, as I should, the air power of the United States to interdict all flows of men and supplies which I consider are directed toward South Vietnam.

That is in my role of defending American men.

Now let's look at the other possibilities of the escalation. For example, we have a bombing pause in the north, as you note. As you also note, one of what was called the understandings when that bombing pause was entered into was that American reconnaissance flights could take place over North Vietnam so that we could determine whether or not they were planning a new attack, and those reconnaissance flights were supposed to be immune from attack.

Now consistently the North Vietnamese have been shooting at those planes. In fact at the time we embarked on the April 30th operation, I ordered some attacks on some sites in North Vietnam which had been shooting our planes.

If those attacks should now develop again, I will, of course, use our American air power against North Vietnam sites that attack our planes.

That is my responsibility, to defend American boys—American men, our boys when they do come under attack.

Now when you talk about re-escalation in other terms, I do not see that presently as a possibility, presently in terms of what the North Vietnamese may be able to do and what we would do in action to it.

But I want to leave no doubt on one score: I am concerned, as all you gentlemen have been concerned, about the dissent on the campuses, and among a great many thoughtful Americans that are for peace, as I am sure all of you are, and as I am. Sometimes people say, "Well, was it really worth it?" Right after I made this report, one of the members of the press said, "Do you think it was all worth it?"

And my answer quite candidly is this: There are no easy choices in the position I hold, as you well know, particularly when it is one like this. I knew there was a risk, the risk of dissent, and I knew that a barrage of criticism would come not only from the campus but from many others as well.

So I had to weigh that risk. I had to weigh the risk of dissent from those who would object if I did act, against the risks to 435,000 American lives who would be in jeopardy if I did not act, and as Commander in Chief, I had no choice but to act to defend those men. And as Commander in Chief, if I am faced with that decision again, I will exercise that power to defend those men.

It will be done, and I believe that the majority of the American people will support me then, as a majority of the American people, even in this difficult period, have seemed to support me.

Mr. CHANCELLOR. Mr. President, in your report on the Cambodian incursions you described again in vivid terms the dangers of a Communist-controlled Cambodia with its long frontier along South Vietnam and the ability that the enemy would have if the Communists controlled it, to wreck our program of Vietnamization and many other

things in South Vietnam. But some of us I think are more apprehensive than you seem to be this evening about the chances for survival of the Lon Nol government. I surely don't question your information, sir, but people do worry that that government may topple, that Sihanouk may come back, that there are an awful lot of Communists troops in that country.

What will we do then if we have this hundreds of miles of open frontier? Would you then think that we could mount an international rescue operation or would we have to be drawn in again?

THE PRESIDENT. Mr. Chancellor, the hypothetical question that you have posed, shows, it seems to me, very clearly why as Commander in Chief I had no choice but to move in the sanctuary area. Just think what the situation would be that we would confront if the Communists were to take Cambodia and if they had—they, rather than we, had the 14 million rounds of small ammunition and the 190,000 rounds of mortars and recoilless rifles, and all the rest. It would mean that the position that we would be in, and our troops would be in, extremely difficult and more difficult than was previously the case because they not only would have the sanctuaries but they would have the back country to back it up and they would also have the Port of Sihanoukville open and over 50 percent of the material in the sanctuaries came in through that port. Now you come to the second point. Now that we have cleaned out the sanctuaries, let us suppose—and what you are putting is a hypothetical question and a hypothesis I do not accept, although it is a possibility, because nobody can be sure, it is a fragile situation—if the Communists despite the support that the present government in Cambodia gets for its neutrality, if they should nevertheless topple it, what do we do? The answer is that we continue in our course in South Vietnam to defeat the enemy there, and the South Vietnamese, who are now a very formidable fighting force, will certainly see to it that the sanctuary areas are not again occupied. That is a very real threat to whatever Communist activities might be engaged in in Phnom Penh.

Mr. SEVAREID. Mr. President, in view of the Cooper-Church Amendment passed yesterday in the Senate, do you feel now obliged to suspend the negotiations with Thialand about our paying and equipping their troops that they were going to send into Cambodia? I think this is forbidden as far as the Senators are concerned.

THE PRESIDENT. Fortunately, our Founding Fathers had great wisdom when they set up two Houses of Congress.

Mr. SEVAREID. So, you're going to wait and see what——

THE PRESIDENT. Oh, yes. Let me say with all due respect to both the House and the Senate—and as you know, I started in the House and also served in the Senate, and I have great respect for the Senate, I served there 2 years as a Senator and presided over the body for 8 years as Vice President—but I think the performance of the Senate over the past seven weeks, going up and down the hill on Cooper-Church, has not particularly distinguished that august body, and the Cooper-Church that came out was not a particularly precise document, and was somewhat ambiguous.

Now, fortunately, it now goes to the House and the House will work its will on that amendment, and then it goes to conference and, of course, the conference, which most of our viewers don't think of as being a very important body, that is probably the most important legislative entity that we have in our Government. Because there they take the differences between a House and a Senate bill, things that were done, for example, that went too far in one direction or too far in another, and they work them out. And I believe that the conference of the Senate and the House, when they consider all of these factors, will first be sure that the power of the President of the United States to protect American forces whenever they come into attack is in no way jeopardized. Even Cooper-Church recognizes that to an extent. And second, that they will recognize that the Nixon Doctrine, which provides that the United States rather than sending men will send arms when we consider it is in our interest to do so, arms to help other countries defend themselves. I believe that the conference will modify Cooper-Church.

MR. SEVAREID. How do you take it yourself, this action of yesterday? The Senate majority. Do you take it as a rebuke, a warning, an expression of mistrust in your word as to what you are going to do in Cambodia? How did it hit you?

THE PRESIDENT. The action of the Senate is one that I respect. I respect, I know the men in the Senate. Take the two authors, Cooper and Church. They are good men. They are very dedicated to peace. So am I.

There is one difference between us. I have responsibility for 440,000 men. They don't.

And I intend to do what is necessary to protect those men, and I believe that as far as the Senate is concerned that, while I will listen to them, I will pay attention to what they have said, I am going to wait until the House acts, until the conference acts, and I believe that the action, the joint action of the House and Senate, will be more responsible, I will say respectfully, than the action of the Senate was.

I don't consider it a rebuke, and I am not angry at the Senate. It won't pay. They have the last word sometimes—or many words.

MR. CHANCELLOR. Sir, you said in your report that you had unambiguous knowledge of enemy intentions in Cambodia just after April 20, April 21, 22, 23. It has been asked, and I think it is valid to raise it here, could you, in these early days in that week, before you decided to move on the 30th of April, have consulted with certain key Members of Congress?

THE PRESIDENT. Well, as a matter of fact, when we talk about consultation, you can do it formally or you can do it informally, and I can assure you, Mr. Chancellor, I consulted with a great number of people between April 20th and April 30th, including Members of the Senate and Members of the House.

Now, let's come to perhaps really the thrust of your question, and I think this is perhaps something that many of our viewers and listeners would ask: Well, in ordering American men to join with the South Vietnamese, and incidentally, this was 60 percent South Vietnamese, 40 percent Americans, but we carried a very important part of the load—in ordering that kind of an action, why didn't I go to the Senate, for example, and the House and ask for their approval?

Well, now let us suppose we had done that. It took them 7 weeks for Cooper-Church. Let's suppose it had taken 7 weeks. What would have happened? Well, first, all of this year's supply of ammunition that we have acquired would have been gone out of the sanctuaries, or even worse, what might have happened is that the rather fearsome defensive barricades that they had in these sanctuaries would have been ready for us, and we would have lost not just 330 men—that is too many to lose in two months, and that is all we lost in Cambodia—we would have lost 3,000 or 4,000.

As far as I am concerned, I had to think of what was right, what was necessary, what would save American men, and the element of surprise was important.

Now let me also add this. If this had been what some thought it was, an attempt to expand the war into Cambodia, to launch a war into Cambodia, then of course, I would have gone to the Senate. You can be sure that in my administration we are not going to get involved in any more Vietnams where we do not get the approval of the Congress. I will not do this because I think we need Congressional support for our actions, and I trust we do not have to go to the Congress for that kind of support.

But when we have this limited, very precise action which was limited in terms of the time, limited in terms of 21 miles as far as we were going to go, and which had for its purpose the protecting of American lives, I had to take the action when I did, and I did not think it was wise to give the enemy the advance notice, the strategic warning, which would have taken away the surprise and would have cost us lives.

MR. CHANCELLOR. Sir, aren't we at the crux of the argument now that is going now in the country that the Executive Branch, according to the Legislative Branch, or at least one body of it, ought to be limited, they say on the Hill, in what it can do in ordering American troops to be used in many different ways around the world? I think we would all benefit, sir, if we could explore your views in a general way on that.

Do you feel that in the modern world there are situations when the President must respond against the very tight deadline or for reasons of security in using American troops crossing a border with them when he cannot, under reasons you yourself have described, consult with the Legislative Branch?

The Constitution says they declare war and you, sir, run it.

THE PRESIDENT. Another good example of course is the Cuban missile crisis. President Kennedy had a very difficult decision there and two hours and a quarter before he ordered—and I thought with great justification and great courage—before he ordered the blockade, the use of American men to blockade Cuba, he told the Senate and the Congressional leaders. Now, why didn't he give them more time? For a very good reason he did not give them more time.

It was imperative to move soon with some surprise and some impact or the possibility of a nuclear confrontation might have been greater. That is one example. I trust we don't have another situation like Cambodia, but I do know that in the modern world, there are times when the Commander-in-Chief, the President of the United States, will have to act quickly. I can assure the American people that this President is going to bend over backwards to consult the Senate and consult the House whenever he feels it can be done without jeopardizing the lives of American men.

But when it is a question of the lives of American men or the attitudes of people in the Senate, I am coming down hard on the side of defending the lives of American men.

MR. SMITH. I can see a clock on the wall which indicates we haven't got a lot of minutes left. I want to ask you about the Middle East.

Mr. George Ball wrote an article in last Sunday's New York Times Magazine section in which he suggested that the Russians were bold enough to move into the Middle East because we were bogged down in Indochina.

Do you accept that concatenation of the two events?

THE PRESIDENT. As a matter of fact, Mr. Smith, Mr. Ball should know something about that because he was there when he got bogged down in Indochina as you recall, as Under Secretary of State. I did not hear his comments at that time indicating that that was the problem.

Now, the second point that I would make is that if the United States, after this long struggle in Vietnam, if we do what Mr. Ball and some others apparently want us to do—just get out, without regard to the consequences—I do not see the American people and the American Congress then saying that

if we couldn't do what was necessary where the lives of American men were involved in Vietnam, that we will do what is necessary because we are concerned about Israel or some other state in the Mideast.

You cannot separate what happens to America in Vietnam from the Mideast or from Europe or any place else. That is why European leaders—some of them don't say it publicly, but privately they all know how much rides on the United States coming out of Vietnam, not with a victory over North Vietnam, but with a just peace because if the United States is humiliated or defeated in Vietnam, the effect on the United States is what I am concerned about, the people of the United States. And I think we'll see a rampant isolationism in this country in which we will not do what we should do in other parts of the world.

If I can turn to the Middle East briefly, because I think we should spend a moment on it, if you other gentlemen would like. I think, and I say this respectfully, that some of the columnists and commentators—and I read them and listen to them both with respect—and some of us in political life have a tendency to look at the Middle East too much in terms of the Israeli-Arab struggle. We look at Israel, a strong free nation in the Middle East and we look at its neighbors, its aggressive neighbors, the UAR and Syria, and we see this struggle and we say, "Are we going to give planes to Israel and are the Russians going to give them to the UAR? And how are we going to have a settlement between Israel and the Arab states?"

If that is all there was to it, it would not be as difficult a problem as I am going to put it. I think the Middle East now is terribly dangerous. It is like the Balkans before World War I where the two super powers, the United States and the Soviet Union, could be drawn into a confrontation that neither of them wants because of the differences there.

MR. SEVAREID. Mr. President, I believe the Russians today at the U.N. are circulating some new ideas about approaching peace negotiations in the Mideast. Is there anything you can tell us about this?

THE PRESIDENT. I haven't had a chance to study them yet, but I will say this, that any propositions that the Russians or anybody else circulate that would offer a chance to cool it in the Middle East would be helpful, because when you look at the Middle East, it is not just a case of, as I say, Israel versus the Arab states, but the Soviet Union is now moving into the Eastern Mediterranean.

The Mideast is important. We all know that 80 percent of Europe's oil and 90 percent of Japan's oil comes from the Mideast. We know that the Mideast, this area, this is the gateway to Africa, it's the gateway to the Mediterranean, it's the hinge of NATO, and it is also the gateway through the Suez Canal down into the Indian Ocean.

Now, under these circumstances, when we then look at it in terms of Israelis versus Arabs, moderate Arabs versus radical Arabs, and whoever would think that there would be somebody more radical than the Syrians, within the radical Arab states, Fedayeen that are more radical, the super-radicals—when we think of all these factors, we can see what a very difficult situation it is. Now what should U.S. policy be? I will summarize it in a word. One, our interest is peace and the integrity of every country in the area.

Two, we recognize that Israel is not desirous of driving any of the other countries into the sea. The other countries do want to drive Israel into the sea.

Three, then, once the balance of power shifts where Israel is weaker than its neighbors, there will be a war. Therefore, it is in U.S. interests to maintain the balance of power, and we will maintain that balance of power. That is why as the Soviet Union moves in to support the UAR, it makes it necessary for the United States to evaluate what the Soviet Union does, and once that balance of power is upset, we will do what is necessary to maintain Israel's strength vis-a-vis its neighbors, not because we want Israel to be in a position to wage war—that is not it—but because that is what will deter its neighbors from attacking it.

And then we get to the diplomacy. The diplomacy is terribly difficult, because Israel's neighbors, of course, have to recognize Israel's right to exist.

Israel must withdraw to borders, borders that are defensible, and when we consider all those factors and then put into the equation the fact that the Russians seem to have an interest in moving into the Mediterranean, it shows you why this subject is so complex and so difficult.

But we are going to continue to work on it, and I can assure you the fact that we are in Vietnam does not mean that the United States is not going to give every bit of its diplomatic and other energies to this subject as well.

MR. CHANCELLOR. Very briefly, Mr. President, would you say that the situation in the Middle East is as dangerous to the United States as the situation in Vietnam?

THE PRESIDENT. Yes. The situation in Vietnam, fortunately, has reached the point where we are embarked on a plan which will get the United States out, and which will bring a just peace.

It will succeed. That I know.

Second, the situation in the Mideast is more dangerous, more dangerous because it involves, and this is not the case in Vietnam, a collision of the super powers.

Neither Communist China, in my view, nor the Soviet Union will have a confrontation with the United States about Vietnam, although many have feared that. But it has not happened, and it will not happen, in my opinion.

But in the Mideast, because of the things that I have mentioned earlier, this tremendous power complex, it is not only the cradle of civilization, but it also, as we have already indicated, this is the area that controls so much of the world's people and the world's resources.

The Mideast, being what it is, is a potentially dangerous spot, and that is why it is in the interests of the United States and the Soviet Union to work together to bring this particular danger spot under control.

MR. CHANCELLOR. Mr. President, I want to thank you very much for being with us tonight.

Thank you.

THE PRESIDENT. Thank you. I wish we had more time.

BUSINESSLIKE PROCEDURES IN THE POST OFFICE

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Greybull, Wyo., Standard and Tribune concerning the businesslike procedure of the Post Office Department which seems to be finding more and more ways to save less and less money by reducing postal services to the American people.

From time to time I have been asked why I insisted, as chairman of the Committee on Post Office and Civil Service, on the retention of a strong role for the Congress in postal operations. The present administration's position, ironically though nevertheless accurately described in the attached editorial, is a part of my answer: When the people's chosen representatives in Congress no longer have the legislative power to insure that the Post Office remains a true public service, the businesslike activities described in this newspaper would be but a glimpse of what changes could be wrought in the Post Office.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHO NEEDS A CORPORATION?

The Post Office has announced it is eliminating Sunday service in second class post offices like Greybull and Basin in an effort to reduce operating costs. In doing so, the Post Office is following the lead of most of the businesses in the world who don't pay help and who turn off the lights at least one day a week if not two. So the decision is based on sound business practices. And the influence of the corporation idea for post offices may already be here.

The new air conditioning the Greybull post office is getting (see front page story) won't have to run on Sunday now and if you project those savings over the next 25 years you can see that an idle air conditioner on Sunday for six months out of the year will prolong the air conditioner life by 14.2 per cent. So before they ever put this in, the post office has saved money on it!

It seems to us, though, that if the post office department is giving up the philosophy of through rain and snow and gloom of night, there are a few other labor and time saving ideas they could put into effect to go along with the no-Sunday-service idea.

How about only putting the mail halfway in the boxes for instance? Thus, we who pull out the mail would be doing at least half the work.

Or leave a six inch strip of snow on the sidewalk during the winter. Don't shovel it off at all and thereby save the life of the mechanical snowplow by some 18 percent. If you alternated the strip one year on one side and one year on the other, it would also spread out the wear and tear on the concrete and that ought to be worth something.

Or let's drop off one of those zip code digits and have only four numbers instead of five. That automatically eliminates 20 per cent of all the work connected with zip codes since there would only be four numbers to write or read. The amount of postal effort saved in this simple dropping of one zip code number would be staggering! And I'm surprised the post office hasn't thought of it.

This is the same principle as that clever innovation on abbreviating states that the post office is using now like "Wy." for Wyo. and "Co." for Colo.

And if the post office carried this further so only one-half as many lines on the post mark would be used now it would result in substantial savings in ink and metal wear.

Or maybe the size of the stamps should be reduced by one-seventh or the number of those little holes on the perforation cut down to every other one.

Who needs a corporation to run the post office when all this efficiency could be working for us right now!

SENATOR COOPER ADDRESSES THE COMMITTEE OF 39

Mr. BOGGS. Mr. President, the distinguished senior Senator from Kentucky (Mr. COOPER) recently visited my State to speak at the annual dinner of the Committee of 39.

The Committee of 39 is an organization of citizens in the State of Delaware dedicated to the goal of good government. Their bipartisan efforts to foster public interest in State and local government have had a beneficial effect in our State.

The message that Senator COOPER

brought to them in his remarks was most provocative. He discussed the Nation's involvement in Southeast Asia, particularly as it relates to the broader question of America's constitutional response to its treaty commitments.

In order to permit Senators an opportunity to read Senator COOPER's observations, I ask unanimous consent that his speech to the Committee of 39 be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN SHERMAN COOPER, REPUBLICAN OF KENTUCKY, AT THE ANNUAL DINNER OF THE COMMITTEE OF 39, WILMINGTON, DEL.

It is a great honor to be invited to speak to the Committee of 39 and your guests. Your continued efforts in the cause of good government are well known, have accomplished much and have encouraged other citizens throughout the nation.

I am honored also to be in the company of my colleagues, Senator Williams and Senator Boggs.

John Williams was the first Senator I met when I came to the Senate in 1947 for a two year term. He is one of three Republicans and nine Democrats remaining in the Senate of the 98 I met at that time. Acknowledged as the foremost fiscal authority in the Senate, he has saved untold billions of dollars for our country. Without vindictiveness, he has brought to the attention of the Senate, wrong doing in both the Congress and the Executive branch and he has been faithful to the high standards he has set for himself. I sit next to him, I admire him and the best I can say is that he will be sorely missed by the Senate and the people of our country.

Hale Boggs has continued for the country his fine work as your Governor. His ability, judgment and integrity were quickly recognized and today he serves on three important committees: Appropriations, Post Office and Civil Service and Public Works. In the last Committee, he is the ranking Republican of the Subcommittee dealing with Pollution Control.

Six years ago, before pollution, environment, and ecology had become household words, Senator Boggs began his work in this field. He had played a leading role in the development and approval of major bills dealing with air and water pollution, the protection of our territorial and inland waterways against the discharge of oil and other pollutants, and now he is working on a solid waste control bill. He works with patience, with reason, and with good judgment and an openness of mind, which mark him as outstanding in the Senate.

It is difficult to know what I should talk about this evening. There are so many issues of concern to all of us, the state of the economy, the contradictions of affluence and poverty, the hostility within our society between generations and between races—all are troubling and difficult of solution. The threat of war in Southeast Asia and in the Middle East is constantly before us.

The war in Vietnam remains the chief concern of our country. The length of American involvement, its casualties—323,000 of whom 50,000 are the dead—extricating the United States from the war despite the endeavors of Presidents Johnson and Nixon, and now its extension into Cambodia have deepened its uncertainities.

It is not my purpose this evening to repeat the arguments of the past about Vietnam. Rather I would like to introduce for your consideration a problem which the lesson of Vietnam has fastened upon the Congress and one which deserves the consideration of the people of our country.

It is the problem of determining whether the involvement of the United States in war, in a particular situation, is necessary for the security of the United States and its people. It is the problem of whether a determination to enter war should be made by the President alone or by the President and the Congress. They are issues which have troubled the Congress and the people during the life of the Republic.

The Constitution provides that the Congress has the authority to declare war, to raise and support Armies and a Navy, to suppress insurrections and repel invasions. It provides that the President shall be Commander-in-Chief of the Army and Navy of the United States and of the Militia of the States, when called into service of the United States.

The notes of members of the Constitutional Convention distinguished the power of the President from that of the King of England, who had the power to declare war, and to raise armies and make war. But throughout our history, the exact war powers of the President and the Congress have not been determined and probably cannot be determined with exactitude.

In cases of sudden attack upon the territory of the United States or upon any considerable body of U.S. forces, the President has, without doubt, the authority and the duty to repel the attack.

But a new situation has evolved since World War II which makes the determination of whether war is necessary for our security and who shall make the determination much more difficult, and it is to this issue I speak this evening.

To illustrate this new situation, I believe it will be helpful to review briefly the progressive involvement of the United States in Indo-China.

The United States has been involved in Vietnam since World War II. During World War II we gave assistance, through Nationalist China, to Ho Chi Minh in support of Vietnamese resistance to the Japanese. After the war, we contributed about $2 billion to the French, as they stubbornly insisted on imposing again their colonial rule in Vietnam.

The United States did not subscribe to the Geneva Accords of 1954. But it began in that year a program of economic assistance and limited military training to the Government of South Vietnam. In 1962, the United States expanded its forces in South Vietnam as the Viet Cong and North Vietnamese enlarged their war against the Government of South Vietnam. Gradually our forces grew from 650 in 1960 to about 17,000 in 1963, to a peak of 513,000 in 1969. Our forces were fired upon, the Congress approved in August 1964 the Tonkin Bay Resolution, and the United States had become fully engaged in the war.

I do not believe that our actions were immoral, as some have charged. The purposes of our country were good—to assist in the protection of South Vietnam against aggression from the North, and to support self-determination. But I do not believe the war was, or is, necessary to protect the security of the United States. I doubt that any of the four Presidents of this era, or the Congress, or the people, foresaw or desired that the United States would become involved in a large-scale war on the land mass of Asia. But the fact stands out that progressive series of decisions and actions over a period of nearly twenty years had forestalled a clear-cut decision by the President, or by the President and the Congress, that the defense of South Vietnam and our engagement in a great war were necessary to the security and best interests of the United States.

This process of progressive involvement to a point of engagement in war, without any express prior commitment by our government, can occur again, and in situations where our national security and interests are not actually threatened.

I would like to indicate two areas in which such a situation could develop.

The first area will be found in our obligations under the collective security arrangements to which the United States is a party—and I may say the essential party—since our chief wartime allies, Great Britain and France, are disengaging themselves from their responsibilities under the treaties.

The period following World War II, viewed by the United States and the West as an opportunity for world stability, was considered by Stalin's Soviet Union as another stage in its struggle with the Western democratic nations.

The collapse of Nazi Germany brought the Soviet armies into Eastern Europe. The fall of Nationalist China, the attack upon South Korea and the possibility of a thrust from Communist China toward Southeast Asia, caused the United States to enter a wide range of bi-lateral and multi-lateral mutual defense agreements designed to contain the Soviet Union and Communist China. They are eight in number and include 43 nations. Among them are the NATO, SEATO and ANZUS and Inter-American multi-lateral treaties with Japan, Korea, the Philippines and Nationalist China.

While these treaties differ in certain respects—particularly NATO, which recites that an attack upon a tremendous area designated by the treaty shall be considered an attack upon all the parties—they are similar in substance.

In essence, the treaties state that an aggression, by armed attack against *any party* to the treaty would endanger the safety of all, and that each party—including of course the United States—would act to meet the danger "in accordance with its constitutional processes."

The term "constitutional processes" is not defined or spelled out in the treaties. And the reports of the committees and the debates in the Congress on its meaning show marked disagreement. Does "constitutional processes" mean that the President, acting as Commander-in-Chief, could commit the forces of the United States to the military assistance of another treaty country? Or does it mean that the President shall consult with the Congress, to determine whether the dispatch of American forces is essential to the security of the United States as well as the other country, and that he will not commit forces until the Congress has given its approval, either by a declaration of war or by a joint resolution of the Congress?

In fact, as the situation exists today, it may be too late to come to the Congress. For in addition to Vietnam, American troops are stationed in Korea, Thailand, Japan, Nationalist China, the Philippiness, and, of course, in Western Europe. If our troops in any of these countries should be attacked, the President, as Commander-in-Chief, has the constitutional authority, and the duty to protect them. This could expand into war, without the "constitutional process" ever being exercised by the joint action of the President and the Congress.

I have raised questions. Now, we must consider if there are ways, imperfect of course, by which we can help avoid a progressive involvement in the affairs of another country to the point where, locked in by prior action and statements, the United States may find itself in war even though our national security is not at stake.

The presence of our armed forces in another country obviously presents the greatest danger of engagement in war. Senator Symington's subcommittee of the Senate Committee on Foreign Relations has been making a very thorough examination of the status of our armed forces around the world and the necessity of their presence in for-

eign countries. The Administration is making the same sort of examination. Both branches are beginning to consider the orderly reduction or withdrawal of our forces from other countries consistent with the protection of our security.

There are disagreements about the areas from which forces should be withdrawn, and I must admit I have my exceptions. I do not believe there should be a drastic reduction in our forces in Europe at the time when the SALT talks with the Soviet Union and talks between West and East Germany are going forward, and when talks between the NATO and Warsaw Pact countries upon mutual reduction of armed forces in Europe are in prospect, and while the danger in the Middle East exists.

The size of our forces in other countries is a significant factor. Our involvement in war in Vietnam began in 1963 with the introduction of substantial American forces. The Congress should insist that no substantial forces, even as military advisors, should be deployed in another country without its approval. Welcomed at first, they become the focus of nationalist opposition—as, similarly, foreign troops would be in the United States.

My examples thus war, other than Viet Nam, have dealt chiefly with situations where we are not yet involved in war. As I have stated, I believe there are few situations, other than nuclear attack, where the President does not have ample time to come to the Congress for its approval of a war decision.

It is much more difficult to determine the constitutional powers of the Congress and the President, when we are in war. In war, the President as Commander-in-Chief, has wide powers to conduct the war, to direct the armed forces and, of course, to protect their security. Congress may disagree with his decisions, but there is little that it can do to challenge his decisions except by the denial of funds to the armed forces. This is a very difficult course to follow, for one must think of the security of those who fight, those who are patriotically obeying the orders of their government.

The United States Senate in several initiatives last year made an effort to assert its constitutional power to join in war-making decisions. By a nearly unanimous vote, it approved the "National Commitments Resolution". In brief, the resolution states that the use of the armed forces of the United States, or the promise of their use, to another country, upon the territory of another country, shall not be deemed a national commitment of the United States unless explicitly agreed to by the President and the Congress through a treaty, statute or joint resolution.

Again, in 1969, an amendment to the Defense Authorization Bill, denying funds for the use of American forces in support of Laos or Thailand, was adopted by the unanimous vote in the Senate, but was not accepted by the House. Later, in December, an amendment to the Defense Appropriations Bill was adopted by both the Senate and House denying the use of funds for American ground forces in Laos. The intended effect of the amendments was to insure that before American forces could be committed to the defense of these countries in war, the President must secure the approval of the Congress.

As I said at the outset of my talk, I am not here to argue the merits or demerits of the war decisions that have been made in Vietnam in the past, but rather to suggest ways to avoid such wars. I have supported the Vietnamization policy of President Nixon as it represented a clear change from past policies. And, whatever our intentions may have been about becoming involved in the war, I think it reasonable to say that the Government of South Vietnam and at least a part of its people must have considered that twenty years of support and promises of support by our leaders and the approval of the Tonkin Bay Resolution indicated a purpose to assist in their defense.

Now the Vietnam War has extended into Cambodia, and this leads me to a difficult issue we face in the Senate today, and which will be repeated during this session of the Congress.

The operation in Cambodia if considered standing alone is probably a classic military operation. It is one which may fall within the authority of the President as Commander-in-Chief to protect our armed forces. The President has stated that he does not intend to become involved in a war for Cambodia and that it is his purpose to withdraw our forces within a time period of seven weeks. I respect his statement but as the lesson of Vietnam informs us, even beyond the control of the President—such as a change in government in Cambodia or the introduction of larger Vietnamese forces or "volunteer" forces of other countries—may alter our position in Cambodia.

In this situation, where no obligation of any kind to Cambodia exists, I believe that the Congress has the authority to ask that no war for Cambodia or any longer war in Cambodia shall be undertaken without the approval of both Houses of Congress.

This position is embodied in an amendment to the Military Sales Act upon which the Senate will vote within a week. It probably will present a constitutional clash between the powers of the President and those of the Congress. And I do not know what the outcome will be. The possibility of such a clash has been examined by many distinguished constitutional scholars during this century and all have agreed that there is no definitive answer expect that the Congress and the President must consult fully with each other, must respect each other, and must make accommodations in the national interest.

I will end on this note because it seems to me that it is the only response to many of the serious problems and conditions which trouble our country today. There are divisions and very serious ones between our people about the war in Vietnam, between the poor and the well-to-do, between the white and nonwhite citizens, between the young and the older generation. There is need for communication, for understanding, for action to meet the needs of our people, there is need for tolerance and respect for each other.

There are difficult problems and dangers in the world, as there are at home. Southeast Asia, the Middle East and the nuclear arms race, which unless halted, threatens the destruction of civilization as we know it.

The people of the United States from the beginning have organized the rule of law and justice in our country. Its preservation, its strengthening, are the objectives we pursue as the only sane alternatives to violence at home and power and war in the world. Over 50 years ago, Justice Holmes said in a speech:

"I have no belief in panacea and almost none in sudden ruin. I believe with Montesquieu that if the chance of battle has ruined a state, there was a general cause at work that made the state ready to perish by a single battle."

I believe that most of our people believe, as your work has expressed, that some first principles exist beneath our framework of law—call them spiritual, moral or ethical as you choose. If in times of stress they do not seem to prevail, it is the continued effort to make them effective that gives purpose to our lives and sustains the hope of peace and justice.

THE FITZGERALD CASE: 8 MONTHS OF INACTION AT THE JUSTICE DEPARTMENT

Mr. PROXMIRE. Mr. President, on November 22, 1969, I wrote to the Justice Department asking them to investigate the intimidation and firing of A. Ernest Fitzgerald, the former Air Force cost efficiency expert. On November 28, just 6 days later, the Justice Department responded that—

> After we review the transcript, a determination will be made as to whether the evidence presented justifies further action by the Department. We will let you know when our review and appraisal of the case is completed.

On December 30, 1969, I received a further letter of reply from the Justice Department. In that letter I was assured that—

> When all available evidence is received and reviewed, a definite conclusion will be made as to whether the facts show a violation of the Federal criminal code.

Mr. President, 246 days have now passed since my original letter to Attorney General Mitchell. How long does it take the Justice Department to receive and review—all available evidence? Exactly when will the promised "determination be made as to whether the evidence presented justifies further action by the Department"?

It appears clearly on the basis of the facts that A. Ernest Fitzgerald was fired because he testified as to the truth before a congressional committee. It seems to me it should not take the Department of Justice 8 months or the great amount of time it has taken them to determine if they have a case against an official in the Department of Defense.

When the Department of Justice wants to, it can act in the matter of weeks, or even days. What is taking it so long to make up its mind in this case?

FEDERAL REVENUE SHARING

Mr. SCOTT. Mr. President, it is time once again to invite the attention of Senators to the administration's proposed legislation enacting the Federal revenue-sharing principle.

The President recently indicated a "strong desire" to secure enactment of such legislation this year.

Since the strength of our local governments rests largely with their fiscal capability and capacity, we in Congress must contribute to improving that capability. We should enact, immediately, a system of Federal revenue sharing with the State and local governments.

Revenue sharing simply is a means of federalizing the Federal income tax base—sharing it directly with hard-pressed local governments. We now have a fiscal mismatch, and the revenue capacity of local government is severely strained.

I cannot think of an objective more fundamental to the Nation's interests than insuring that we have strong local government.

Our federal system has served us well, but we need to design better systems for delivering Federal program assistance. As our domestic problems grow more complex, the solutions do not lie in a single Central Government in Washington. The solutions lie in renewing the capacities of the other levels of government to make the most effective use of our resources and to provide machinery that can respond effectively and directly to problems as they arise. Americans are not only frustrated with the performance of governmental institutions, but also with the unresponsiveness to local concerns.

I see little letup in future needs of State and local governments in this decade. The demands on local governments and the rising costs of government services are severely straining local budgets. We are facing a local government fiscal crisis which threatens the domestic problem solving fiber of our Nation.

True and meaningful help to these hard-pressed local governments can come through Federal revenue sharing. We can use revenue sharing as a pressure valve to relieve fiscal imbalance among local governments and to provide an injection of fresh funds to those governments which are closest to the people.

I believe it is time now that this Democratic Congress get on with the business of establishing Federal revenue sharing as President Nixon has proposed and as I have called for many times before.

I ask unanimous consent to have printed in the RECORD a statement entitled "Questions and Answers on Revenue Sharing Proposals."

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ON REVENUE-SHARING PROPOSAL

1. Q. *What is the purpose of this proposed legislation?*

A. The ultimate purposes are:

To restore to the States their proper rights and roles in the Federal system with a new emphasis on local initiative and discretion;

To provide both the encouragement and the necessary resources for local and State officials to exercise leadership in solving their own problems;

To restore strength and vigor to local and State governments;

To achieve a better allocation of total public resources.

2. Q. *Why do State and local governments need revenue sharing?*

A. One reason is due to what Senator Scott calls the "fiscal mismatch." Federal tax receipts, based largely on incomes, tend to grow faster than the economy. At the local level, the reverse is true. State and local revenues, based heavily on sales and property taxes, do not keep pace with economic growth, while expenditure requirements for education, health, welfare, and other local services tend to exceed such growth.

3. Q. *But doesn't the Federal Government provide aid to State and local governments already?*

A. Yes. Federal grants to State and local governments will amount to $24 billion during fiscal year 1970 and an estimated $28 billion in 1971. But this assistance is being distributed through a confusing array of nearly 500 separate program authorizations. A basic objective of revenue sharing is to supplement the existing Federal aid effort with broader and less conditional fiscal assistance. In this manner, both funds and the responsibility for their proper allocation will be transferred to the States and localities.

4. Q. *But if some "surplus" revenue develops at the Federal level, why not reduce the Federal tax take—leaving the field open for States and localities?*

A. This is not a matter of sending back to the States "excess" Federal revenues left over from Federal program requirements. Revenue sharing should be viewed as an *expenditure* for a basic national purpose—strengthening the financial base of our Federal system of government. It shouold be evaluated with other expenditure programs and assured delivery to State and local governments.

5. Q. *How much money is to be shared?*

A. The size of the total fund to be shared will be a stated percentage of personal taxable income—the base on which Federal individual income taxes are levied. To provide for an orderly phase-in of this program, the FY 1971 percentage will involve new obligational authority of $275 million for the last quarter of the year—or $1 billion on a full-year basis; subsequently fiscal year percentages will be increased annually up to a permanent one percent for fiscal year 1976 and thereafter. On this basis, we estimate an appropriation for fiscal 1976 of about $5 billion.

6. Q. *The initial amount of revenue sharing does not sound like much, particularly when it is split up among 50 States and thousands of cities and counties. Wouldn't this just be a drop in the bucket for most communities?*

A. Given the current and near-term budget outlook, there were, realistically, two alternatives for introducing revenue sharing: (1) either delay introducing the plan until funds are available to begin a full-scale program, or (2) establish the plan now and provide for phased increases as budget resources permit. The second course of action is clearly preferable. With all the competing claims for limited Federal revenues, it is important to establish the principle of revenue sharing as soon as practicable.

7. Q. *Can the States and localities depend on this flow of funds to be regularly appropriated?*

A. In order to provide for the assured flow of Federal funds, a permanent and indefinite appropriation will be authorized and established for the Department of the Treasury, from which money will be automatically disbursed each fiscal year, as required by the revenue sharing act.

8. Q. *How will the funds be distributed?*

A. The funds will be distributed from the Federal Treasury to the 50 States and the District of Columbia. Each State will receive an amount based on its share of national population, adjusted for the State's revenue effort. The revenue effort factor provides the States with some incentive to maintain (and even expand) their efforts to use their own tax resources to meet their needs. Revenue effort is the ratio of total general revenues collected by State and local governments in a given year to the total personal income of that State.

9. Q. *Will the States be required to share some of this distribution with their local governments?*

A. Yes. The allocation of a State's share among its general units of local government will be established by prescribed formula. The proportion which an individual local government will receive corresponds to the ratio of its own revenues to total State and local government revenues in the State.

10. Q. *Why are these particular distribution formulas used?*

A. Distributions based on revenues raised have several important advantages:

They make allowance for State-by-State variations in preferences; they tend to be neutral with respect to the current relative fiscal importance of State and local governments in each State; they provide a method for allocation among government units with overlapping jurisdictions.

11. Q. *By sharing revenues with every city, county, and town, is the effectiveness of this plan diluted too much?*

A. We are unable to find an acceptable or logical point at which revenue sharing funds should be denied a local government. Some proposals would exclude all cities and counties of less than 50,000. All local governments are faced with fiscal pressures, often especially acute for small communities, and all deserve specific inclusion in the revenue-sharing program.

12. Q. *What restrictions or qualifications will be imposed on the use of these funds?*

A. There will be no program or project restrictions on the use of these funds. One purpose of revenue sharing is to permit local authorities the programming flexibility to make their own budget allocation decisions. Each State will be required to meet minimum reporting and accounting requirements.

13. Q. *Are State and local governments able to establish proper social priorities for the allocation of their revenue sharing funds?*

A. The answer can be obtained by examining the pattern of State and local spending. From their own revenue, they have consistently spent the lion's share on education, health and hospitals, and public welfare.

14. Q. *How do the various State, county, city and other local officials view this revenue-sharing proposal?*

A. Senator Scott has had numerous discussions with Governor Shafer, Lt. Governor Broderick, mayors, and county officials on this proposal. There has developed a remarkable degree of approval. Revenue sharing has now been enthusiastically backed by the national associations of governors, mayors, county commissioners, and other State and local leaders.

15. Q. *How much of a new administrative apparatus will be required to administer revenue sharing?*

A. None. The plan has been designed to operate almost automatically, avoiding any requirement for the establishment of any new Federal bureau or agency. The whole purpose is to avoid Federal controls and to increase the fiscal discretion available to State and local governments.

RUTGERS JOURNAL OF COMPUTERS AND THE LAW

Mr. CASE. Mr. President, I wish to commend the initiative of a group of students in Rutgers University Law School who have compiled a series of articles and published a book entitled "Rutgers Journal of Computers and the Law."

I am told that the Journal, published this spring, is the first of its kind.

The Journal is in the form of a forum for the presentation of outstanding articles that treat subjects involving computers, automation, and the electronic data processing industry, in their interaction with the law and law making. Such topics as computers in legal research, data processing, law office management, computer utilities, and time sharing are given extensive exposure.

An article of particular interest to Members of Congress is entitled "Congress: The Three Dimensional Chessboard," written by Robert L. Chartrand. Chartrand points out ways in which, in the midst of today's information explosion, Congress could effectively use computers to systemize data.

The systemization, Chartrand explains, could be broken down into categories such as delineation of the problem, summaries of existing programs, related written commentary, and listing of legislation.

Computers are currently being used by the House Committee on Banking and Currency, which reports that they are extremely helpful to its work. The committee notes that the use of computers has saved its members and staff a great deal of time and effort. It believes that as soon as Members of Congress become aware of the potential benefits of computers, computer usage will become widespread.

The editors of the Rutgers Journal of Computers and the Law, who intend to publish similar editions twice each year, deserve congratulations for an important contribution in a field too often neglected.

FULL FUNDING FOR HEALTH MANPOWER PROGRAMS

Mr. PELL. Mr. President, much has been said about the health crisis which faces our country today. Yet while much is being said, as usual, not enough is being done. It is for this reason that the health appropriations bill now pending in committee is of such importance.

Contrary to the traditional explanation of the cause of inflation, inflation in health costs is due to a lack of money rather than an excess of money. That is, unless increased funds are committed to health manpower, the inflation in our health system, which is due to a lack of adequate health manpower, will continue to exist.

Extra dollars for health manpower is an anti-inflationary step. I would urge that health manpower programs be fully funded.

I ask unanimous consent that an editorial regarding health manpower funds, published in a recent newsletter of the American Medical Association, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HEALTH FUNDS

Congress' eagerness to override President Nixon's veto of the Hill-Burton hospital construction bill may prove to be an indicator of things to come.

It is heartening to see Congressmen express concern about health appropriations. They will have a chance soon to express themselves on legislation of far more importance to the nation's health care system than the Hill-Burton measure.

Now pending before Congress is appropriation legislation to expand medical education facilities and increase the number of physicians. The American Medical Association has asked Congress to appropriate:

The full $225 million authorized under the Health Professions Educational Assistance Act. The Administration's request was for $118 million. The AMA has pointed out that there already is a backlog of approximately $400 million in medical school construction applications.

$30 million for health research facilities and $11 million for medical libraries—the full amounts already authorized by Congress, although the Administration has not requested any appropriations in either category. Said AMA: "Construction of educational facilities is very closely related to construction of facilities for research and medical libraries. Failure to meet the need will inevitably restrict efforts to increase enrollments."

All of the $168 million already authorized for institutional grants, special improvement grants, and the physician augmentation program. The Administration has requested appropriations totaling $133.65 million.

The shortage of health manpower is acknowledged by almost everyone. Figures—most commonly alluding to a shortage of 50,000 physicians—are frequently bandied about, and most experts feel the manpower problem is one of the most important factors in the nation's health care delivery problem.

The importance of the appropriations described above, as the AMA told Congress, is that these funds could mean the salvation of some medical schools which are "in precarious financial balance" and are having problems maintaining their present enrollments. The general institutional and special improvement grants are particularly important because the money involved can be applied directly to the medical schools' educational programs.

With all the public attention directed toward health care, it is to be hoped that Congress will consider medical education and research as important as hospital construction. Sen. Warren Magnuson (D., Wash.), the chairman of the Senate Health Appropriations Subcommittee, put it well when his group opened hearings on the budget of the Health, Education, and Welfare Dept.:

"No crisis, either at home or abroad, deserves higher priority than this. . . . The budget requests of the Administration this year simply are not adequate to cope with the crisis" and "represent a tragic neglect of the true needs of the American people."

The AMA has urged Congress to give health care primary consideration in the budget for the next fiscal year. The lawmakers must act to meet the nation's crisis in health manpower.

SENATOR JAVITS ARGUES FOR THE GENOCIDE CONVENTION—II

Mr. PROXMIRE. Mr. President, I turn again to the cogent arguments for Senate ratification of the United Nations convention against genocide that were made by the distinguished Senator from New York (Mr. JAVITS). In his rebuttal to various arguments against ratification, Senator JAVITS addressed himself to the meaning and overtones of the term "genocide."

Many critics of the Genocide Convention believe the term "genocide" is not sufficiently defined in the treaty. Some have suggested that for genocide to be committed an entire group must be wiped out. But Senator JAVITS points out that it is entirely legitimate that the term "genocide" be defined in terms of the overall purposes of the convention. "Genocide" was a new term in 1948 and the definition in the convention represented the international consensus on its meaning.

Senator JAVITS asks:

(Do many of our critics) really believe that an entire group must be wiped out before it is fair to say that genocide has occurred? This view would seem extreme.

An additional argument that Senator JAVITS refuted during the Foreign Relations Committee hearings on genocide was that which dealt with sovereignty of the States. For instance, some have argued that this international treaty would supersede all State laws and practices inconsistent with them and thereby deprive the States of the power to prosecute and punish in their courts acts condemned by articles II and III of the convention. But Senator JAVITS demonstrates that the convention is not self-executing:

The Convention is clearly non-self-executing in view of the requirement of article V to enact the necessary implementing legislation. This administration intends to await enactment of such legislation by the Congress before depositing our ratification and thus becoming a party to the Convention. If there is supersession of any inconsistent State laws, it will be by the Federal legislation, not by the convention. It is difficult to imagine in what way any existing State law or practice could be inconsistent with the Convention.

The enactment of implementing legislation for the Genocide Convention by the Congress need not automatically preclude the States from prosecuting the acts proscribed by the Convention. Whether or not a congressional act preempts an area of law depends on the intent of Congress. If, as could be reasonably argued, Congress did not intend completely to fill this area of law, States would be free to continue to act in this area. To ensure that States would still have such freedom, the Congress could provide in its implementing legislation that nothing in that legislation should be construed as indicating an intent on the part of Congress to occupy, to the exclusion of State or local laws on the same subject matter, the field in which the provisions of the legislation operate.

DEATH OF HERMAN D. KENIN, PRESIDENT, AMERICAN FEDERATION OF MUSICIANS

Mr. PELL. Mr. President, it is my sad task to bring to the attention of the Senate the death of Herman D. Kenin, president of the American Federation of Musicians. As both president of the union for 12 years and vice president of the AFL-CIO, Mr. Kenin was tireless in his efforts to bring to the musicians and other entertainers in our country needed job security and benefits. I personally held the highest regard for Mr. Kenin.

He was an initial and continuing supporter of the legislation of which I was the sponsor, together with the senior Senator from New York (Mr. JAVITS), which brought about the eventual establishment of the National Endowment for the Arts. Indeed, his work in this area through the years was recognized when he was appointed to the Council of the Endowment. I would also be remiss if I did not recognize Mr. Kenin's other efforts in support of the various pieces of social legislation which came before the Committee on Labor and Public Welfare.

Mr. President, those who knew Herman Kenin valued him as a friend and a loyal supporter. To his family and to his union my sincerest sympathy. I ask unanimous consent that two obituaries be printed in the RECORD.

There being no objection, the obituaries were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1970]

HERMAN D. KENIN, MUSICIANS' CHIEF—UNION PRESIDENT SINCE 1958 DIES—WON TV PACTS

Herman D. Kenin, president of the American Federation of Musicians for the last 12

years, and a vice president of the A.F.L.–C.I.O., died yesterday in his room at the Hotel Lombardy here, apparently of a heart attack. He was 69 years old and lived at 14 Northfield Drive, Westport, Conn.

Mr. Kenin, a slim, dapper man with a hairline moustache and a thin crop of gray hair, guided the 300,000-member union through one of its most difficult periods. He was largely responsible for negotiating agreements with the major television networks and film studios, which over the years became the musicians' major employer and major source of unemployment.

Movies, television, radio and the recording business during the years from 1958 on spread music nationwide in a flood of melodies. At the same time, producing the music called for fewer and fewer musicians.

UNION MAN BY BIRTH

Mr. Kenin was born in Vineland, N.J. His father was a member of Samuel Gompers' Cigar Makers Union, the union that formed the core of the American Federation of Labor years later.

The younger Mr. Kenin attended Reed College in Portland, Oreg., and after three years as a night student at Northwestern College of Law, was admitted to the Oregon Bar.

During his college years he played the violin with the George Olsen orchestra. Later he headed his own band. During the twenties and into the Depression his band played hotel, radio and club dates on the West Coast.

Years later he acknowledged that his violin playing was not outstanding.

"I was so bad I had to become a band leader," he said.

After passing his bar examination, Mr. Kenin kept up his membership in the Local 99 of the musicians' union, and in 1936 he was elected its president.

He was invited to fill an interim post in the Federation's International Executive Board in 1943, and was subsequently re-elected to regular terms on the board.

ELECTED BY ACCLAMATION

In June of 1958 he was unanimously elected head of the union upon the recommendation of James C. Petrillo, who retired after 18 years in the union presidency.

One of Mr. Kenin's first acts upon taking the $45,000 a year job was to push through an amendment to the union's constitution that abolished the president's dictatorial powers to annul any by-law or provision of the constitution at will.

At his death, Mr. Kenin was a member of the executive council of the A.F.L.-C.I.O., international secretary of the Entertainment Trade Unions organization, and treasurer of the A.F.L.-C.I.O. Council for Scientific, Professional and Cultural Employees.

During his tenure in office, the federation became a major force in efforts to establish the National Endowments for the Arts and Humanities, won a long battle in Congress to reduce the 20 per cent cabaret tax, established pension funds for musicians, persuaded television networks to eliminate foreign music in their programs, and set up scholarship programs.

Back in 1936 a friend in New York wrote to Mr. Kenin in Portland, asking him to advise a young woman who was coming to Oregon to open a dance studio. Three months later Mr. Kenin wrote back that he had advised the young woman, Maxine Bennett, to marry him.

He leaves his wife, two sons, Herman David Jr., and James Bennett, a brother, Frank K., and a sister, Mrs. Fanny Kenin Friedman.

Funeral arrangements were incomplete last night.

[From the AFL–CIO News, July 25, 1970]

MUSICIANS' PRESIDENT HERMAN D. KENIN DIES

NEW YORK.—AFL–CIO Vice Pres. Herman D. Kenin, who guided the Musicians to new heights in membership and program, died in his sleep at a hotel here. He was 69 and had been AFM president since 1958.

A message of sympathy from Federation Pres. George Meany and Sec.-Treas. Lane Kirkland expresed "deep sadness . . . at the tragic death of our colleague and warm friend."

His years of service to the AFM, they said, were matched "by his service to the entire trade union movement." The message recalled that "to every assignment he brought calm and thoughtful competence, and deep compassion for his fellow man."

Kenin was "a true trade unionist and a fine gentleman, and we shall miss him," the federation officers said. They conveyed "our sincere regret" to AFM officers and members and the family. Survivors include his wife, Mrs. V. Maxine Kenin, sons David and James, brother Frank K. and sister Fanny Friedman, Portland, Oreg.

The family asked that instead of flowers, memorial tributes be sent in Kenin's name to Reed College, Portland, Oreg 97202.

To meet the emergency caused by Kenin's death, Sec.-Treas. Stanley Ballard and the officers called a special board meeting for July 29.

In his lifetime Kenin combined a career as violinist, orchestra leader and practicing attorney to become an influential labor leader. He had been an AFM officer since 1943.

Born in Vineland, N.J., he was the son of a member of the Cigar Makers when it was headed by Sam Gompers. He went to school in Portland, attended Reed College, and in 1930, following three years as a night student at Northwestern College of Law, was admitted to the Oregon bar.

During his college and law school days, Kenin played with the George Olsen Orchestra, then led his own band on hotel, radio, theater and club dates on the West Coast. He practiced law starting in 1931 but kept up his membership in AFM Local 99, and in 1936 was elected its president.

Kenin gave up his law practice at the request of AFM Pres. James C. Petrillo in 1943 to become a board member of the union. He was elected president in 1958 succeeding Petrillo and helped guide the 300,000-member union during its period of greatest growth.

Under his leadership the union became a major force in efforts to establish the National Endowments for the Arts and Humanities. Also it won a long battle in Congress to reduce the 20 percent cabaret tax, established pension trust funds for musicians, persuaded television networks to eliminate foreign-produced music from their programing in favor of "live" domestic music, achieved major gains in salaries and conditions for symphony musicians, and set up scholarship and student-aid programs like the world-renowned Congress of Strings.

He was largely responsible for negotiating agreements with the major television networks and film studios, and with recording firms that fortified the role of the musician in those industries.

Kenin's death brought messages of sympathy from several world labor groups. Sec.-Gen. Arturo Jauregui of the Inter-American Regional Organization of Workers—ORIT—cabled "heartfelt condolence on the death of a great leader and devoted trade unionist, also . . . a valued friend."

Kenin played a leading role in founding the Inter-American Federation of Entertainment Workers and the International Secretariat of Entertainment Trade Unions. He was past president and, at his death, treasurer of the AFL–CIO Council for Scientific, Professional & Cultural Employes.

SLEEPING BEAR DUNES NATIONAL LAKESHORE

Mr. HART. Mr. President, this is the year for Sleeping Bear Dunes National Lakeshore to become a reality. It is a testament to the conscientious work and cooperation of many public-spirited people—citizens and officials—that the controversy once involved has been so well reconciled. It has been a long effort, but one in which all who contributed can take deep satisfaction.

Recently the Legislature of the State of Michigan memorialized Congress, urging the enactment of the Sleeping Bear Dunes bill this year. As the legislators said:

Early action to save this area for enjoyment of future generations has been recognized as desirable by the President of the United States, the Governor of Michigan, the Michigan Natural Resources Commission, the Michigan Tourist Council and numerous non-governmental organizations and individuals.

Such action would clearly be in the interests of the State of Michigan, its citizens and its economy.

The great dunes and associated landscape are a treasure of national value. If we can make the lakeshore a reality and continue to broaden the cooperative involvement of all concerned in its realization, we can secure for the future this imposing yet intimate legacy of the Great Lakes landscape and shoreline.

I ask unanimous consent that the concurrent resolution of the Michigan Legislature be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE CONCURRENT RESOLUTION NO. 390

(A concurrent resolution memorializing the Congress relative to the establishment of the Sleeping Bear Dunes National Lakeshore)

Whereas, A survey of the vanishing Great Lakes shoreline was made by the United States Department of Interior during 1957 and 1958; and

Whereas, This survey revealed three outstanding areas, all of them in Michigan, worthy of incorporation and protection in the National Park system; and

Whereas, One of these areas and the one nearest our population centers is at Sleeping Bear Dunes in Leelanau and Benzie counties; and

Whereas, This beautiful area is deserving of national recognition and preservation for the benefit of future generations in the rapidly growing lake states region; and

Whereas, Legislation to this effect, modified to safeguard the property rights of homeowners, has been before the Congress for ten years, and is now sponsored by all nineteen Congressmen from the State of Michigan; and

Whereas, Early action to save this area for enjoyment of future generations has been recognized as desirable by the President of the United States, the Governor of Michigan, the Michigan Natural Resources Commission, the Michigan Tourist Council and numerous nongovernmental organizations and individuals; and

Whereas, Such action would clearly be in the interest of the State of Michigan, its citizens and its economy; and

Whereas, The legislature is aware of Act No. 168 of the Public Acts of 1966 of the State of Michigan which requires the state to reimburse certain counties for lands which will be purchased by the federal government for use of the Sleeping Bear Dunes National Lakeshore and the legislature will take appropriate action to nullify the provisions of the act relative to the necessity of the federal government purchasing the necessary lands for the project; now, therefore be it

Resolved by the House of Representatives (the Senate concurring) That the Congress is hereby respectfully urged to authorize the establishment of the Sleeping Bear Dunes National Lakeshore in Michigan; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each member of the Michigan delegation to the Congress.

DEATH OF FORMER PRIME MINISTER ANTONIO SALAZAR OF PORTUGAL

Mr. PELL. Mr. President, I have just read with very real sadness of the death of former Prime Minister Antonio Salazar of Portugal.

He was a man of tremendous principle. To me, he epitomized the Portuguese qualities of honesty and fidelity. Although occupying the highest positions in his nation for almost 40 years, he followed a personal and frugal life. Whether one agreed or disagreed with all of Salazar's policies, one admired him as a great human being.

During the years of World War II, when neighboring Spain was acting as unofficial Axis ally and permitting German submarines to base out of Vigo, Salazar kept Portugal scrupulously neutral.

I well remember how I was permitted to be appointed a delegate of the Portuguese Red Cross in order to try to get supplies across the Iberian Peninsula and France to British prisoners of war in Germany. The Portuguese did all they could to help. But the Spaniards arrested me twice on my way across their territory.

Finally, I remember the admiration and regard my father, the then American Minister to Portugal, had for Salazar in those years prior to and at the beginning of World War II.

Salazar was a man who once spurned his job and returned to Coimbra University when he felt he was not adequately supported. He considered his job as a trust and carried it out as such.

Few men of as noble character have lived in recent years.

ADMINISTRATION STALLS ON WOMEN'S RIGHTS

Mr. BAYH. Mr. President, on May 5, 6, and 7 the Subcommittee on Constitutional Amendments, of which I serve as chairman, held extensive hearings on Senate Joint Resolution 61, the equal rights amendment. The amendment would provide that "equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex."

For 47 years the amendment has been pending in the U.S. Congress. Indeed, the hearings we conducted last month were the first time the amendment has received congressional hearings in 14 years. Generations of American women—and men—have suffered untold discrimination because we have failed to extend the benefits of the 14th amendment to those who suffer not because of race or religion or national origin but because of their sex. I am glad to say that we are moving now in this important area, and I hope that we will be able to enact the equal rights amendments in this Congress.

Mr. President, we heard support during our recent hearings from a very wide range of witnesses. We heard support from some of the groups who have been fighting discrimination since before the passage of the 19th amendment—for example, the National Women's Party. We heard support from some of the newer activist organizations such as the National Organization for Women and the Women's Liberation Movement. And while some members of organized labor still oppose the equal rights amendment, we heard that some labor organizations have for the first time endorsed the amendment.

But one expected source of support was missing from our hearings. One voice was strangely silent—the voice of the executive branch of the U.S. Government.

Our subcommittee repeatedly asked the administration to testify in support of the amendment. We repeatedly asked the President to send us a witness who could tell us where he stands on this important question, or at least to send us a statement of his position. We were unable to obtain a witness from the administration. And we have still been given no clear statement of the President's position. I do not understand why President Nixon has been so reluctant to endorse this amendment and to support an effort to move against discrimination so fundamental.

Mr. President, in addition to the administration's failure to take a position on the equal rights amendment, our hearings disclosed another matter in which the President has stalled on the question of women's rights. After his election, President Nixon appointed a Task Force on Women's Rights and Responsibilities. On December 15, 1969, the Task Force completed and forwarded to the President its final report. After repeated criticism for their delay, the White House finally released this report in June of this year, almost 6 months later—and thoughtfully dated it "April 1970."

The Task Force report contains a series of well-thought-out recommendations. It recommends the establishment of an Office of Women's Rights and Responsibilities, with a director reporting directly to the President. It recommends a White House conference on women's rights on the appropriate occasion of the 50th anniversary of the ratification of the suffrage amendment and the establishment of the Women's Bureau in 1920. It recommends an increase in the appointment of women to high Federal positions and specific instructions for Cabinet officials and agency heads to enforce this policy.

The report also recommends a series of six specific Cabinet level sections by the executive branch. And finally, the report recommends that the President endorse and support 11 specific items of Federal legislation—beginning with the equal rights amendment.

These recommendations constitute as careful and well-thought-out a program of affirmative action to secure women's rights as I have ever seen. But the great tragedy, Mr. President, is that the administration has dragged its heels in implementing the report's major recommendations. Indeed, the President has still failed to give us a plain endorsement of the equal rights amendment. And this weekend brings us new reports of the refusal of the Secretary of Labor to extend affirmative action guidelines for Federal contractors so as to apply to discrimination on account of sex as well as racial, religious, and other forms of discrimination.

As Anne Crutcher wrote recently in the Washington Daily News, the White House effort on women's rights adds up to "more task than force." And as to the President's position on the Task Force recommendations:

On these tender subjects, the President doesn't say yes and he doesn't say no. White House spokesmen said yesterday that he's been on record for years in favor of women's rights. Presumably, only a politician's desire to have it both ways keep him from saying he hasn't changed his mind.

Women make up more than half of our population today. And I am convinced that today's American women will no longer be content with the kinds of petty slights and major institutional discrimination that have too often characterized our country in the past. When we deny any citizen equal educational opportunity, when we limit any person's property rights, when we inhibit anyone seeking the most rewarding employment for which he or she is qualified, we do so at great expense to America. These limitations are an insult to fundamental human dignity. And they are a waste of the most valuble natural resource our country has—the energy and skills of its people. These are basic principles that have been recognized and enthusiastically endorsed by many Members of the House and Senate—Republicans as well as Democrats. I hope that the President will soon realize that we cannot afford to stall any longer in eliminating discrimination on account of sex from American life.

Mr. President, I ask unanimous consent that the text of the Task Force report, entitled "A Matter of Simple Justice," be printed in the RECORD, along with five recent newspaper articles criticizing the administration's position on women's rights.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

A MATTER OF SIMPLE JUSTICE

(The Report of The President's Task Force on Women's Rights and Responsibilities, April 1970)

PRESIDENTIAL TASK FORCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES

Washington, D.C., December 15, 1969.

The PRESIDENT,
The White House, Washington, D.C.

DEAR MR. PRESIDENT: As President of the United States, committed to the principle of equal rights for all, your leadership can be crucial to the more than half our citizens who are women and who are now denied their full constitutional and legal rights.

The quality of life to which we aspire and the questioning at home and abroad of our commitment to the democratic ideal make it imperative that our nation utilize to the fullest the potential of all citizens.

Yet the research and deliberation of this Task Force reveal that the United States, as it approaches its 200th anniversary, lags behind other enlightened, and indeed some newly emerging, countries in the role ascribed to women.

Social attitudes are slow to change. So widespread and pervasive are discriminatory practices against women they have come to be regarded, more often than not, as normal. Unless there is clear indication of Administration concern at the highest level, it is unlikely that significant progress can be made in correcting ancient, entrenched injustices.

American women are increasingly aware and restive over the denial of equal opportunity, equal responsibility, even equal protection of the law. An abiding concern for home and children should not, in their view, cut them off from the freedom to choose the role in society to which their interest, education, and training entitle them.

Women do not seek special privileges. They do seek equal rights. They do wish to assume their full responsibilities.

Equality for women is unalterably linked to many broader questions of social justice. Inequities within our society serve to restrict the contributtion of both sexes. We have witnessed a decade of rebellion during which black Americans fought for true equality. The battle still rages. Nothing could demonstrate more dramatically the explosive potential of denying fulfillment as human beings to any segment of our society.

What this Task Force recommends is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment, we believe, is necessary to healthy psychological, social and economic growth of our society.

The leader who makes possible a fairer and fuller contribution by women to the nation's destiny will reap dividends of productivity measurable in billions of dollars. He will command respect and loyalty beyond measure from those freed from second-class citizenship. He will reaffirm, at a time of renewed worldwide emphasis on human rights, America's fitness for leadership in the community of nations.

His task will not be easy, for he must inspire and persuade government and the private sector to abandon outmoded attitudes based on false premises.

Without such leadership there is danger of accelerating militancy or the kind of deadening apathy that stills progress and inhibits creativity.

Therefore, this Task Force recommends that the President:

1. Establish an Office of Women's Rights and Responsibilities, whose director would serve as a special assistant reporting directly to the President.

2. Call a White House conference on women's rights and responsibilities in 1970, the fiftieth anniversary of the ratification of the suffrage amendment and establishment of the Women's Bureau.

3. Send a message to the Congress citing the widespread discriminations against women, proposing legislation to remedy these inequities, asserting Federal leadership, recommending prompt State action as a corollary, and calling upon the private sector to follow suit.

The message should recommend the following legislation necessary to ensure full legal equality for women:

a. Passage of a joint resolution proposing the equal rights amendment to the Constitution.

b. Amendment of Title VII of the Civil Rights Act of 1964 to (1) remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and (2) extend coverage to State and local governments and to teachers.

c. Amendment to Titles IV and IX of the Civil Rights Act of 1964 to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex.

d. Amendment of Title II of the Civil Rights Act of 1964 to prohibit discrimination because of sex in public accommodations.

e. Amendment of the Civil Rights Act of 1957 to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex.

f. Amendment of the Fair Labor Standards Act to extend coverage of its equal pay provisions to executive, administrative, and professional employees.

g. Amendment of the Social Security Act to (1) provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and (2) provide more equitable retirement benefits for families with working wives.

h. Adoption of the liberalized provisions for child care in the family assistance plan and authorization of Federal aid for child care for families not covered by the family assistance plan.

i. Enactment of legislation to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain.

j. Amendment of the Internal Revenue Code to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amounts paid to a housekeeper, nurse, or institution for care of children or disabled dependents.

k. Enactment of legislation authorizing Federal grants on a matching basis for financing State commissions on the status of women.

4. The executive branch of the Federal government should be as seriously concerned with sex discrimination as with race discrimination, and with women in poverty as with men in poverty. Implementation of such a policy will require the following Cabinet-level actions:

a. Immediate issuance by the Secretary of Labor of guidelines to carry out the prohibition against sex discrimination by government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented.

b. Establishment by the Secretary of Labor of priorities, as sensitive to sex discrimination as to race discrimination, for manpower training programs and in referral to training and employment.

c. Initiation by the Attorney General of legal actions in cases of sex discrimination under section 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs by the Attorney General in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparities based on sex.

d. Establishment of a women's unit in the Office of Education to lead efforts to end discrimination in education because of sex.

e. Collection, tabulation, and publication of all economic and social data collected by the Federal government by sex as well as race.

f. Establishment of a high priority for training for household employment by the Secretary of Labor and the Secretary of Health, Education, and Welfare.

5. The President should appoint more women to positions of top responsibility in all branches of the Federal government, to achieve a more equitable ratio of men and women. Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Respectfully submitted,

VIRGINIA R. ALLAN,
Chairman.

Elizabeth Athanasakos, Ann R. Blackham, P. Dee Boersma, Evelyn Cunningham, Ann Ida Gannon, B.V.M., Vera Glaser, Dorothy Haener, Patricia Hutar, Katherine B. Massenburg, William C. Mercer, Alan Simpson, Evelyn E. Whitlow.

The President today announced the establishment of the Task Force on Women's Rights and Responsibilities, with Miss Virginia R. Allan, former President of the National Federation of Business & Professional Women's Clubs as the Chairman. The task force will review the present status of women in our society and recommend what might be done in the future to further advance their opportunities.

The members of the Task Force on Women's Rights and Responsibilities are:

Miss Virginia R. Allan, Executive Vice President, Cahalan Drug Stores, Inc., Wyandotte, Michigan.

Hon. Elizabeth Athanasakos, Municipal Court Judge and Practicing Attorney, Fort Lauderdale, Florida.

Mrs. Ann R. Blackham, President, Ann R. Blackham & Company, Winchester, Massachusetts.

Miss P. Dee Boersma, Student Govt. Leader, Graduate Student, Ohio State University, Columbus, Ohio.

Miss Evelyn Cunningham, Director, Women's Unit, Office of the Governor, New York, New York.

Sister Ann Ida Gannon, B.V.M., President, Mundelein College, Chicago, Illinois.

Mrs. Vera Glaser, Correspondent, Knight Newspapers, Washington, D.C.

Miss Dorothy Haener, International Representative, Women's Department, UAW, Detroit, Michigan.

Mrs. Laddie F. Hutar, President, Public Affairs Service Associates, Inc., Chicago, Illinois.

Mrs. Katherine B. Massenburg, Chairman, Maryland Commission on the Status of Women, Baltimore, Maryland.

Mr. William C. Mercer, Vice President, Personnel Relations, American Telephone & Telegraph Co., New York, New York.

Dr. Alan Simpson, President, Vassar College, Poughkeepsie, New York.

Miss Evelyn E. Whitlow, Attorney at Law, Los Angeles, California.

OFFICE OF WOMEN'S RIGHTS AND RESPONSIBILITIES

It is recommended that the President establish an Office of Women's Rights and Responsibilities, whose director would also serve as a special assistant reporting directly to the President.

The goal of equality for women is tied to that of a better world for all. The Task Force strongly urges that this objective be given the visibility and priority of entrusting it to an official at the President's right hand.

There has been no individual or office at a sufficiently high level to assume effective overall responsibility for Federal legislative and executive action in the area of equal rights and responsibilities for women, or to set an example for State and local governments.

Establishment of this office in the White House with an adequate staff would offer concrete evidence that the President of the United States is committed to the urgent need for action and is assuming leadership.

The Director of the Office of Women's Rights and Responsibilities would coordinate recruitment and urge consideration of qualified women for policy-level Federal positions.

She would seek new ways to utilize the female sector for the national benefit and to engage women in the hard tasks, challenges, decisions, and experiences through which capabilities are stretched and leadership is developed.

As the President's representative she would seek to inform leaders of business, labor, education, religion, State and local governments, and the communications media on the nature and scope of the problem of sex discrimination, striving to enlist their support in working toward improvement.

She would chair the interdepartmental committee comprised of top level representatives of those departments and agencies with programs and functions significantly affecting women's rights and responsibilities.

The Interdepartmental Committee would review and coordinate Federal programs for the purpose of assessing their impact on women and girls and would recommend policies and programs to Federal agencies and to the President. It would oversee implementation of the President's program for equal opportunity in the Federal service.

She would serve as executive secretary of the advisory council on women's rights and responsibilities, which serves as a link and a clearinghouse between government and interested private groups. The Council should be comprised of men and women broadly representative of business, labor, education, women's organizations (youth and adult), and State commissions on the status of women.

The Task Force commends to this Office for early consideration a number of important problems, on which the task force did not make recommendations for lack of time or lack of jurisdiction. They are listed in Appendix A.

WHITE HOUSE CONFERENCE ON WOMEN'S RIGHTS AND RESPONSIBILITIES

It is recommended that the President call a White House Conference on Women's Rights and Responsibilities in 1970, the fiftieth anniversary of the ratification of the suffrage amendment and establishment of the Women's Bureau

Major objectives would be to bring together a representative group of the Nation's men and women

To encourage American women to participate more fully in American life and leadership; to create an awareness of their responsibilities as citizens;

To examine present laws and mores that influence or determine the status of women;

To educate women on a positive course of action for achieving equal rights and responsibilities.

The Director of the Office of Women's Rights and Responsibilities, with the advice of the Presidential Advisory Council referred to in Recommendation 1, would plan the structure and program of the conference.

Topics for discussion would include among others: education (including continuing education), counseling, abortion, childhood education and care, women in politics, employment, legal discrimination, volunteer careers, the creative women, women in tomorrow's world, consumer protection, and women as catalysts for peace.

A plan of this nature emphasizes positive action by the President and demonstrates a genuine awareness of the problems facing women. Coupled with corrective legislative action, it would be a deterrent to the radical liberation movements preaching revolution.

MESSAGE TO CONGRESS PROPOSING LEGISLATION

It is recommended that the President urge passage of the equal rights amendment to the Constitution

The proposed Equal Rights Amendment reads as follows: "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

Passage of the so-called "Equal Rights Amendment" would impose upon women as many responsibilities as it would confer rights. The task force views this objective as desirable.

It is ironic that the basic rights women seek through this amendment are guaranteed all citizens under the Constitution. The applicability of the 5th and 14th amendments in parallel cases involving racial bias has been repeatedly tested and sustained, a process which has taken years and has cost millions of dollars.

The Supreme Court, however, has thus far not accorded the protection of those amendments to female citizens. It has upheld or refused to review laws and practices making discriminatory distinctions based on sex.

These include the practice of excluding women from State universities, a law requiring longer prison sentences for women than for men for the same offense, and a law prohibiting women from working as bartenders (but not in the less lucrative jobs as waitresses in bars).

At the State level there are numerous laws regulating marriage, guardianship, dependents, property ownership, independent business ownership, dower rights, and domicile, which clearly discriminate against women as autonomous, mature persons.

A number of discriminatory State laws have in the past four years been declared unconstitutional by the lower courts, but no case has reached the Supreme Court.

A constitutional amendment is needed to secure justice expeditiously and to avoid the time, expense, uncertainties, and practical difficulties of a case-by-case, State-by-State procedure.

Some effects of passage of the equal rights amendment:

It would guarantee women and girls admission to publicly supported educational institutions under the same standards as men and boys, but it would also require women to assume equal responsibility for alimony and support of children (within their means, as is the standard applied to men). Women presently bear these responsibilities in some States, but not in all.

It would require that women not be given automatic preference for custody of children in divorce suits. The welfare of the child would become the primary criterion in determining custody.

It would require Federal, State, and local governments to grant women equal opportunity in employment.

It would render invalid any current State laws providing longer prison sentences for women than for men for the same offense.

It would impose on women an obligation for military service. They would not be required to serve in functions for which they are not fitted, any more than men are so required.

Once the equal rights amendment is ratified, the burden of proving the reasonableness of disparate treatment on the basis of sex would shift to the United States or the State. Presently the burden is on the aggrieved individuals to show unreasonableness.

The mere passing of the Amendment will not make unconstitutional any law which has as its basis a differential based on facts other than sex. It will, in the broad field of rights, eliminate discrimination. It would make unconstitutional legislation with disparate treatment based wholly or arbtrarily on sex.

Past opposition to the Equal Rights Amendment has been based to a considerable extent on the fact that it would invalidate State laws regulating the employment of women only. Since these laws are disappearing under the impact of Title VII of the Civil Rights Act of 1964 and State fair employment laws, opposition will be much less and may evaporate in the light of information developed at hearings.

The Equal Rights Amendment has been endorsed by Presidents Eisenhower, Kennedy, Johnson, and Nixon.

Title VII of the Civil Rights Act of 1964 Should Be Amended To.—Remove the burden of enforcement from the aggrieved individual by empowering the Equal Employment Opportunity Commission to enforce the law, and extend coverage to State and local governments and to teachers.

Title VII of the Civil Rights Act of 1964 has made significant gains in promoting nondiscriminatory practices in industry in hiring and promotions. However, the enforcement provision of Title VII are inadequate. They place the main burden of enforcement on the individual complainant. The Equal Employment Opportunity Commission's authority is limited to conciliation efforts.

Less cooperation can be anticipated in arriving at a satisfactory resolution of a discrimination complaint when there is knowledge that the Commission's power is merely exhortative. Conciliation efforts have been unsuccessful in more than half the cases in which the Commission found that discrimination had occurred.

In addition, the Commission should be budgeted to provide an adequate staff of investigators, field officers, and other professionals to carry out its responsibilities.

Two bills in Congress would give the Commission enforcement powers. Both would relieve the individual complainant of the burden he now bears in most cases. The Administration bill (S. 2806) would confer upon the Commission the authority to institute enforcement actions in the Federal district courts. S. 2453 also removes the burden of enforcement from the complainant by providing an interim administration proceeding before it or an employer would have recourse to court action.

While the Task Force agreed that the Commission should have enforcement authority, most members were not prepared to choose between the two methods.

With respect to part 2 of the recommendation, Title VII exempts from coverage States and their political subdivisions [see subsection 701 (a), (b), (c), and (h)].

Section 702 exempts educational institutions with respect to the employment of individuals to perform work connected with the educational activities of such institutions.

There seems no reason to exempt State and local governments. As representatives of all the people, they are under an obligation to provide equal employment opportunities.

There is gross discrimination against women in education. For example, few women are named school principals. In the school year 1966–67 75% of elementary school principals were men. In 1964–65 men held 96% of the junior high school principal positions while a survey of high schol principals for the academic year 1963–64 showed 90% to be men.[1] There is a growing body of evidence of discrimination against women faculty in higher education.

Title IV and Title IX of the Civil Rights Act of 1964 should be amended to authorize the Attorney General to aid women and parents of minor girls in suits seeking equal access to public education, and to require the Office of Education to make a survey concerning the lack of equal educational opportunities for individuals by reason of sex

Discrimination in education is one of the most damaging injustics women suffer. It denies them equal education and equal employment opportunity, contributing to a second class self image.

There have been enough individual instances and limited surveys publicized recently to make it apparent that substantial discrimination does exist. For example, until forced to do so by legal action, the New York City Board of Education did not admit girls to Stuyvesant High School,[2] a specialized high school for science with a national reputation for excellence. Legal action recently has forced the State of Virginia to admit women to the University College of Arts and Sciences at Charlottesville.[3]

Higher admission standards for women than for men are widespread in undergraduate schools and are even more discriminatory in graduate and professional schools. For this reason counselors and parents frequently guide young women into the "feminine" occupations without regard to interests, aptitudes and qualifications.

Only 5.9 percent of our law students and 8.3 percent of our medical students are women,[4] although according to the Office of Education women tend to do better than men on tests for admission to law and medical school.

Section 402 of Title IV, passed in 1964, required the Commissioner of Education to conduct a survey of the extent of discrimination because of race, religion, color, or national origin. Title IV should be amended to require a similar survey of discrimination because of sex, not only in practices with respect to students but also in employment of faculty and administration members.

Section 407 of Title IV authorizes the Attorney General to bring suits in behalf of persons denied equal protection of the laws by public school officials. It grants no new rights. While no case relating to sex discrimination in public education has yet reached the Supreme Court, discrimination based on sex in public education should be prohibited by the 14th amendment. The President's Commission on the Status of Women took this position in its 1963 report to the President.[5] Section 902 of the Civil Rights Act authorizes the Attorney General to intervene in cases of this kind after a suit is brought by private parties. Both section 407 and section 902 should be amended to add sex, and section 410 should be similarly amended.

Title II of the Civil Rights Act should be amended to prohibit discrimination because of sex in public accommodations

Title II of the Civil Rights Act of 1964 provides that "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodations, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin."

Injunctive relief is provided for persons whose rights are violated, and the Attorney General is authorized to initiate suits in patterns or practice cases and to intervene in suits filed by individuals.

Discrimination because of sex is practiced primarily in restaurants and bars. While the Task Force does not consider this the most injurious discrimination against women today, it is wrong in principle.

The State of Pennsylvania and the City of Pittsburgh have amended their human rights legislation to prohibit discrimination because of sex in public accommodations.

The Task Force recommends amendment of sections 201(a) and 202 by adding "sex," between "religion" and "or."

The Civil Rights Act of 1957 should be amended to extend the jurisdiction of the Civil Rights Commission to include denial of civil rights because of sex

The Civil Rights Commission is authorized by section 104 of the Civil Rights Act of 1957, as amended (42 U.S.C. 1975c) to

study and collect information concerning legal developments which constitute a deniel of equal protection of the laws under the Constitution because of race, color, religion, or national origin or in the administration of justice;

appraise the laws and policies of the Federal government with respect to equal protection of the laws under the Constitution because of race, color, religion, or national origin or in the administration of justice;

Serve as a national clearinghouse for civil rights information.

The Commission is also authorized to investigate deprivation of voting rights because of race, color, religion, or national origin; but this function is of little concern in sex discrimination since there is apparently no concerted effort to deprve women of their voting rights.

Deprivation of equal educational opportunity and enforcement of laws prohibiting sex discrimination in employment are of great concern, however. The hearings and reports of the Civil Rights Commission would help draw public attention to the extent to which equal protection of the laws is denied because of sex. A clearinghouse for civil rights information is also needed.

Perhaps the greatest deterrent to securing improvement in the legal status of women is the lack of public knowledge of the facts and the lack of a central information bank.

For example, laws in Connecticut and Pennsylvania requiring longer prison sentences for women than for men for the same offense were declared unconstitutional in 1968.[6] There is now no Federal organization with responsibility for exploring and publicizing the extent to which this and other inequalities in the criminal law and practice, such as those involving abortion, exist in the United States.

"Sex" should be inserted after "religion" wherever the word appears in section 104(a) of the Civil Rights Act of 1957, as amended, including paragraph (1) relating to voting rights. While there may be no problem with respect to voting rights, an overall pattern of prohibiting discrimination based on sex should be consistently sought.

The Fair Labor Standards Act should be amended to extend coverage of its equal pay provisions (i.e., the Equal Pay Act of 1963) to executive, administrative, and professional employees

The original legislative proposal for an equal pay law, as drafted by the Labor Department, did not exempt executive, professional, and administrative employees. At no point in the legislative process was it proposed to make such an exemption.

When the Congress decided that the equal pay requirement should be administered by the Wage and Hour and Public Contracts Divisions of the Labor Department, the equal pay bill was made an amendment to the Fair Labor Standards Act which the Department administers. The exemptions of the Fair Labor Standards Act then automatically applied to the equal pay provisions. One exempt category covers executive, administrative, and professional employees.

Women in professional, executive, and administrative positions have the protection of Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment because of sex, as well as because of race, color, religion, or national origin. Title VII, however, does not permit a complainant's identity to be withheld from the employer, as it can be under the Fair Labor Standards Act.

This is particularly important to women who have achieved professional, executive, and administrative positions, which they are very reluctant to endanger. Such women do not have the protection against reprisal provided by union contracts. Furthermore, Title VII at present includes no enforcement authority for the administering agency.

Thirty-six thousand other women (and a few men) have been awarded $12.6 million in wages since the law went into effect in 1964, including $4.6 million awarded 16,000 employees in the 1969 fiscal year.[7]

It would be necessary to amend section 13 of the Fair Labor Standards Act (29 U.S.C. 213) so that this exemption of section 13 does not apply to section 6(d).

The Social Security Act Should Be Amended To.—Provide benefits to husbands and widowers of disabled and deceased women workers under the same conditions as they are provided to wives and widows of men workers, and provide more equitable retirement benefits for families with working wives.

The emergence of a new pattern of family economic interdependence has been accompanied by an awareness of inequities in the social security program as they apply to families where the wife works.

Under current law a wife or widow receives a benefit based on her husband's earnings without meeting any test of dependency. A husband or widower of a woman worker is entitled to a benefit only if he proves he receives one-half or more of his support from his wife.

The family protection provisions of the social security program were based on the sociological conditions and climate of the 1930's. In 1940, 14.7 percent of married women were in the labor force; in 1968 the percentage had increased to 38.3 percent. In these families the wives contributed on the average 26.6 percent of the family income. In 25.6 percent of such families, the wives contributed 40 percent or more of the family income. In most of the families where the wife was in the labor force, the husband's yearly income was below $7,000.[8] The percentage of two-income families is increasing and more and more frequently the family standard of living is based on two incomes.

The death or disablement of a wife in a two-income family will leave the husband with increased responsibility for the children and less income with which to meet the needs. With almost two-fifths of all husband-wife families following a new pattern of economic interdependence, it is time for the social security program to adapt to the new sociological conditions and climate. Changes to recognize the new-type family began with a series of amendments in 1950 which provide benefits to children of working women under the same conditions as for children of working men.

Social Security Act provisions for automatic benefits for wives of retiring male workers lead to a second type of inequity. In

Footnotes at end of article.

1939, a benefit was provided for the wives of retiring men workers—on the assumption that the wives were dependent and it cost more for a family to live than for a single person. If the wife is entitled to a benefit based on her own earnings, she has to choose between the two. In 1950 this benefit was provided for dependent husbands of women workers. The benefit for wife or dependent husband is 50 percent of the worker's benefit with a maximum of $105 per month.

Thus a wife who has worked for many years and contributed to the social security system may receive no larger benefit than if she had never worked. For example, a wife who never worked under social security would get a wife's benefit of $105 at age 65 if her husband had the maximum average monthly earnings of $650. If the same wife had worked and paid contributions on average monthly earnings of $120, she would be entitled at age 65 to a benefit of $81.10, plus an additional wife's benefit of $23.90, for a total benefit of $105—the same as if she had not contributed to the social security system.[9]

The present provisions also result in situations where a retired couple who have both worked receive less in benefits than a couple where only the husband worked and had the same earnings as the combined earnings of the working couple. If, for example, only the husband had worked and had average earnings of $650 a month—$7,800 a year—the benefits paid to the couple at age 65 would be $323 ($218 to the husband and $105 to the wife). By contrast, if the husband and wife each had average earnings of $325 a month, or $3,900 a year—combined annual earnings of $7,800—their benefits will be lower—$134.30 each, or a total of $268.60.[10]

Proposals for giving greater recognition to working wives' social security contributions have been made by the Social Insurance and Taxes Committee of the President's Commission on the Status of Women[11]; by the Citizens' Advisory Council on the Status of Women[12]; and by Congresswoman Martha Griffiths in H.R. 841.

The administration should urge Congress to adopt the liberalized provisions for child care proposed in S. 2986 for inclusion in the Social Security Act (section 437 of title IV). The administration should also support authorization of Federal aid for child care for families not covered under the family assistance plan, with at least a modest appropriation in 1970

Lack of adequate child care facilities has been found to be a major deterrent to solution or even significant progress in providing greater education opportunities for children, reducing the welfare burden, giving greater dignity and self-respect to mothers on welfare, filling critical manpower needs in shortage occupations and providing real freedom of choice in life style for women.

Every Federal and State study of the status of women has referred to the necessity for expanding child care facilities.

Department of Labor manpower experts cite lack of child care as the most serious single barrier to job training of employment for low-income mothers.

Our national goal should be:

1. A system of well-run child care centers available to all pre-school children. Athough priority would be given the needs of low-income working mothers, the facilities should be available to middle income mothers who wish to use them.

2. After-school activities for school-age children at all economic levels who require them.

The National Advisory Council on Economic Opportunity estimated this year that 700,000 migrant children need day care. Only 13,000 spaces are available.

The Council found that 1,373,000 economically deprived children could have benefited from participation in full-time Head Start programs. Only 213,000 spaces were funded this year.[13]

The Task Force endorses the Administration's plan for increasing facilities for care of pre-school and school age children, with priority for low-income and welfare families.

In addition, we recommend that the Administration support legislation to authorize Federal grants for developing child care facilities for families at all income levels, with at east a modest appropriation.

The funds would be used to construct child care centers, expand existing care programs, renovate facilities, assist States in improving their licensing standards, train professional and sub-profressional staff, research, food programs, and a comprehensive study of existing child care programs at Federal, State, and local levels.

H.R. 469 and H.R. 466 should be enacted to guarantee husbands and children of women employees of the Federal government the same fringe benefits provided for wives and children of male employees in those few areas where inequities still remain

A number of the laws and regulations governing fringe benefits of Federal employees are, like the social security program, based on the assumption that a wife is dependent on her husband except in those few cases where he is unable to work when it is recogized that he may be dependent on her. The facts demonstrate that in the 38.3 percent[14] of all husband-wife families where the wife works, there is interdependency, and the dependency concepts applicable to the traditional family are not viable (see recommendation 3(g) for additional relevant facts).

Under the civil service and foreign service retirement systems, for example, the surviving husband of a deceased woman employee is not eligible for an annuity unless he is incapable of self-support because of physical or mental disability and has received more than half his support from the deceased woman[15] employee. The surviving spouse of a deceased male employee is automatically eligible for an annuity.

There are inequities in quarters' allowances for employees serving overseas and in eligibility freed attendance at dependents' schools.

There are similar differences in treatment of military personnel.

To correct these inequities the Interdepartmental Committee on the Status of Women considered and endorsed H.R. 643 introduced by Congresswoman Griffiths in the 90th Congress. This bill had been drafted by the Civil Service Commission at the request of the Congresswoman.

H.R. 469 of the 91st Congress is identical to H.R. 643, and H.R. 466 would correct the same problems in the military personnel systems.

The Internal Revenue code should be amended to permit families in which both spouses are employed, families in which one spouse is disabled and the other employed, and families headed by single persons, to deduct from gross income as a business expense some reasonable amount paid to a housekeeper, nurse, or institution for care of children or disabled dependents

This proposal differs from present provisions of law in the following respects:

The present deduction is a personal deduction from taxable income. It is of no benefit to the taxpayer for whom the standard deduction (now generally 10 percent of gross income up to a maximum of $1,000) is more advantageous than itemizing allowable deductions for charitable contributions, interest on mortgages and loans, medical expenses, taxes, and casualty losses. Taxpayers who are not homeowners are not likely to have enough personal deductions to exceed the standard allowance; therefore, they receive no, or a very reduced, benefit from a personal deduction. The Task Force believes it would be more equitable and more rational to deduct the expenses from gross income as a business expense.

Under present law a husband-wife family benefit from the deduction only if their income does not exceed $6,600 with one dependent or $6,900 with two or more dependents. The Task Force proposal eliminates this limitation on income. There is no income limitation on the single head of household, and there seems to be no good reason for limiting the deduction to low-income husband-wife families.

The present law does not permit single men with disabled dependents in their care (such as parents) to take this deduction although single women in the same situation are covered. The Task Force believes both should be covered.

The present law does not allow men or women with disabled spouses requiring care at home or in an institution to benefit from this deduction. Such a couple can deduct only expenses for care of "dependents," which by definition does not include spouses. This also seems irrational and inequitable and the Task Force believes that if care of the disabled spouse is necessary to enable the other spouse to be gainfully employed, the expenses of such care typically should be deductible to the same exteut that expenses for care of "dependents" is deductible.

The existing law limits the deduction to $600 for one dependent and $900 for two or more. The Task Force finds that corrective action is needed, but additional economic data would be required to establish the level of deduction.

Legislation should be proposed authorizing Federal grants on a matching basis for financing State commissions on the status of women

Since 1962 every State, the District of Columbia, Puerto Rico, the Virgin Islands, and several cities have established commissions on the status of women. Although most were unfunded or inadequately funded, 38 commissions or successor bodies are still functioning. These 38 do not include women's divisions created by statute in Louisiana and New Jersey, which are not yet operational. The Governor of Ohio also has recently issued an executive order establishing a yet to be staffed women's unit in the State government. Other governors are committed to reactivating their State commissions.

In most of the States the commissions are still independent bodies. In a few States, a women's unit, usually with a citizens' advisory committee, has been established in a permanent part of the State structure—in the Governor's office, the Department of Human Rights, the Department of Community Affairs, the Employment Security Department, or the Labor Department.

Few commissions have received sufficient staff assistance or funds to carry out their programs as recommended in the *Handbook for State and City Commissions on the Status of Women*, prepared by members of the 1967 Midwest Regional Conference of State Commissions.[16] The need cited there include: a headquarters office with funds for a chairman or executive secretary, phone, files, postage, office supplies and equipment, transportation to meetings and conferences, surveys and pilot projects, and publication of reports.

Only seven of the commissions receive any regular State appropriations—Alaska, $5,000; California, $44,210; Illinois, $5,000; Kentucky, $25,000 (plus $15,000 grant for a research project); Maine, $2,000; Michigan,

Footnotes at end of article.

$11,500; and North Carolina, $3,000. The New York Women's Unit in the Office of the Governor is best staffed, having 11 salaried employees.

The many positive contributions of the commissions in a variety of fields are documented in progress reports of the Federal Interdepartmental Committee on the Status of Women and in reports of conferences of the commissions, all available from the U.S. Department of Labor, Women's Bureau.

Their durability under adverse circumstances and through changes in State administration further demonstrates that they are needed and useful. With the growth of commissions on university campuses, the State groups will have another function—to give technical assistance to the younger women and to see to it that the concerns of university commissions are effectively brought to the attention of the Governors and State legislatures.

The Task Force recommends that one of the first assignments of the Office of Women's Rights and Responsibilities be to develop a legislative proposal for Federal grants to State commissions and to State government units having the same functions. The grants should be made under standards that will encourage growth of university commissions.

POLICY OF EXECUTIVE BRANCH RESPECTING SEX DISCRIMINATION

The executive branch of the Federal Government should be as seriously concerned with sex discrimination as race discrimination and with women in poverty as men in poverty

The testimony and published data received by the Task Force indicate that long-established policies of Federal agencies base their efforts to alleviate poverty and discrimination on the assumption that race discrimination is more inflammatory than sex discrimination.

Sex bias takes a greater economic toll than racial bias. The median earnings of white men employed year-round full-time is $7,396, of Negro men $4,777, of white women $4,279, of Negro women $3,194. Women with some college education both white and Negro, earn less than Negro men with 8 years of education.[17]

Women head 1,723,000 impoverished families, Negro males head 820,000. One-quarter of all families headed by white women are in poverty. More than half of all headed by Negro women are in poverty. Less than a quarter of those headed by Negro males are in poverty. Seven percent of those headed by white males are in poverty.[18]

The unemployment rate is higher among women than men, among girls than boys. More Negro women are unemployed than Negro men, and almost as many white women as white men are unemployed (most women on welfare are not included in the unemployment figures—only those actually seeking employment.) [19]

Unrest, particularly among poor women and college girls, is mounting. Studies show that 39 percent of the rioters in Detroit were women and in Los Angeles 50 percent were women. The proportion of women among the arrestees was 10 and 13 percent, respectively.[20] Welfare mothers are using disruptive tactics to demand greater welfare payments. Radical women's groups, some with a philosophy similar to that of the Students for a Democratic Society are mushrooming on college campuses.

Essential justice requires the Federal government to give much greater attention to the elimination of sex discrimination and to the needs of women in poverty. The following specifications are recommended as a beginning.

The Secretary of Labor should immediately issue guidelines to carry out the prohibition against sex discrimination in employment by Government contractors, which was added to Executive Order 11246 in October 1967, became effective October 1968, but remains unimplemented

The first Presidential executive order prohibiting discrimination in employment by employers operating under Government contracts was issued in 1941. Each Administration has continued its existence in various ways. Organizations and women's groups have been on record supporting the inclusion of the word "sex" in this order since its inception. This pressure was persistent and it grew in numbers over the years.

The 1963 report of the President's Commission on the Status of Women took cognizance of this problem but recommended its correction by a separate executive order stating the principle of nondiscrimination but without the enforcement possible under the executive order covering other phases of discrimination.[21] A minority report was issued by a member of the Committee on Private Employment of the President's Commission on this recommendation.[22] The President never acted upon the recommendation.

The Commission also recommended:

Appropriate Federal, State, and local officials in all branches of government should be urged to scrutinize carefully those laws, regulations, and practices which distinguish on the basis of sex to determine whether they are justifiable in the light of contemporary conditions and to the end of removing archaic standards which today operate as discriminatory.[23]

After Title VII of the Civil Rights Act of 1964 clearly established that sex discrimination in employment was contrary to public policy, the executive order on government contracts was revised and reissued on September 24, 1965, as Executive Order 11246 without prohibiting sex discrimination.

Not until two years later, after extensive concern had been expressed by women's groups and other organizations, was the order amended to prohibit sex bias. The effective date was October 17, 1968, one year after the date of issue, to permit the Labor Department adequate time for developing policy.

It was not until January 17, 1969, that *proposed* guidelines were issued, with interested persons allowed 30 days in which to comment. Many women's groups and organizations responded with impatient requests for immediate issuance. After some time oral hearings were scheduled for August 4, 5, and 6, 1969. Women's groups and organizations, ranging from radical to conservative, testified. All urged immediate implementation of the sex discrimination provision of Executive Order 11246.

It is imperative that revised and updated guidelines be issued immediately and the Executive Order vigorously enforced.

The Secretary of Labor should establish priorities as sensitive to sex discrimination as to race discrimination in manpower training programs and in referrals to training and employment

A disadvantaged individual for manpower program purposes, "is a poor person who does not have suitable employment and who is either (1) a school dropout, (2) a member of a minority, (3) under 22 years of age, (4) 45 years of age or over, or (5) handicapped." [24]

Being female is not considered to be as much of a handicap as belonging to a minority group, despite economic data clearly indicating the contrary (see the economic data with recommendation 4).

The definition of "disadvantaged individual" would not include a white woman on welfare unless she were a school dropout, under 22 years of age, 45 years of age or over, or handicapped. This definition clearly needs to be revised to include all women who are poor and who do not have suitable employment.

In the on-the-job training programs conducted under the Manpower Development and Training Act only 31.7 percent of the 125,000 trainees in fiscal year 1968 were women. The on-the-job training is particularly important because the placement rate is higher than for institutional training programs.[25]

In the JOBS (Job Opportunities in the Business Sector) program, only 24 percent of those hired were female. This program is for the disadvantaged only. As of November 1968, 54,000 employee-trainees were in projects funded by the Labor Department.[26]

Of the 33,000 enrollees in the Job Corps in June 1968, only 29 percent were female.[27]

Young men have the additional advantage of military training, with 100,000 below-standard young men receiving training every year, in addition to the training the military provides for poor young men who meet the normal standards.[28]

The Government's failure to accord a higher priority to training of women either in civilian or military programs is unjust and is socially very costly.

The number of unemployed young women, age 16 to 24, has risen from 268,000 in 1947 to 697,000 in 1968. (The unemployment rate for young women has increased while decreasing for young men in this age range.[29])

Without any question the growing number of families on Aid to Families with Dependent Children is related to the increase in unemployed young women. For many girls living in very poor or disorganized families, the inability to find a job means turning to prostitution or other crime—or having a child to get on welfare. Potential husbands do not earn enough to support an unemployed wife.

The stability of the low income family depends as much on training women for employment as it does on training men. Only through employment of both partners can such families move into the middle class.

The task force expects welfare rolls will continue to rise unless society takes more seriously the needs of disadvantaged girls and young women.

The Attorney General should initiate legal actions in cases of sex discrimination under section 706(e) and 707 of the Civil Rights Act of 1964, and intervention or filing of amicus curiae briefs in pending cases challenging the validity under the 5th and 14th amendments of laws involving disparity based on sex

Although the Justice Department has participated in more than 40 cases of racial bias, it has not intervened in behalf of an individual discriminated against because of sex, except in one case on a procedural point.

The Justice Department, likewise has not given aid in any case in which women are challenging the constitutionality of State laws discriminating on the basis of sex—with one exception *White V. Crook,*[30] in which race discrimination was also a factor.

A former Attorney General, who was a member of the 1963 President's Commission on the Status of Women, not only signed the commission's report but sponsored the following recommendation:

"Early and definitive court pronouncement, particularly by the U.S. Supreme Court, is urgently needed with regard to the validity under the 5th and 14th amendments of laws and official practices discriminating against women, to the end that the principle of equality becomes firmly established in constitutional doctrine.

Footnotes at end of article.

"Accordingly, interested groups should give high priority to bringing under court review cases involving laws and practices which discriminate against women.[31]

Women will be skeptical of the Administration's commitment to equality as long as the Justice Department refuses to act.

The Commissioner of Education should establish a women's unit in his office to lead efforts to end discrimination in education because of sex

Discrimination in education is so widespread that we believe a special unit in the Office of the Commissioner is needed to focus public and agency attention on the facts and effects of discrimination against women in education.

The percentage of graduate degrees awarded women is lower than in 1930, when women received 40 percent of all masters degrees. They received 34 percent in 1966. Fifteen percent of doctors degrees in 1930 went to women, but only 12 percent in 1966.[32] University commissions on the status of women organized by women students are surveying the numbers of women students and faculty members and finding strong evidence to support their personal observations. Other evidences of discrimination are stated under recommendation 3(c).

Functions of the unit should include the following:

To collect data now available on the status of women and girls as students and as faculty and administration in secondary schools and schools of higher education and to plan and coordinate a survey to fill the gaps;

To give technical assistance to State and university commissions on the status of women and to other organizations actively concerned with status of women in education;

To invite such organizations as the Association of American University Professors, American Council on Education, Association of American Colleges, and the Association of Governing Boards of Colleges and Universities to cooperate in identifying and securing corrective action on discrimination against women as members of faculty and administration;

To work with Federal, State, and local officials, with professional organizations, and with the Parent-Teachers Association to improve the quality of counseling of girls and women;

To become a clearinghouse of information on women in education and counseling needs of women;

To speak for the needs of disadvantaged girls within the educational community; to lead efforts to break down the legal and attitudinal barriers to all types of vocational training for girls; to encourage establishment of vocational training in household skills;

To see to it that counseling institutes sponsored by the Office of Education include a substantial segment on the special counseling needs of women, needs growing out of societal attitudes and institutions that constrict the aspiration of girls and keep from them knowledge of the great choice of roles open to them;

To find means of assuring that the financial needs of part-time students are given appropriate priority in allocation of money available for financial assistance.

As a result of the testimony of numerous witnesses, which provided convincing evidence of discrimination against women as students and as faculty and which included many specific suggestions for governmental leadership action, the Task Force concluded that the Office of Education should have a women's unit, whose director would report to the Commissioner, to give leadership to public and private efforts to eliminate discrimination in education.

All agencies of the Federal Government that collect economic or social data about persons should collect, tabulate, and publish results by sex as well as race

Government studies, publications and press releases frequently obscure the degree of economic handicap women suffer and its consequences. Sometimes results of studies are published for males only or for males and females combined. Sometimes the data are structured so as to ignore gross differences by sex.

For example, the Bureau of the Census published a summary of major highlights of the March 1969 Current Population Survey.[33] The following tables do not include data by sex: "Median Earnings in 1968 and 1967 by Occupation of Longest Job During Year—Civilian Males 14 Years Old and Over with Earnings" (page 5), "Persons Below the Poverty Level by Color: 1959–1968" (page 6), and "Percent Distribution by Years of School Completed for Persons 20 Years Old and Over" (page 9). A table on page 4, "Median Family Income of Negroes as a Percent of White Family Income" should have included median family income by race of families headed by women and families headed by men.

While later detailed publications will include data by sex and race, the summary will be the publication most useful to the general public. When its tables do not include sex breakdowns, one has to dig into a number of detailed publications in order to get the most basic kinds of data relating to sex discrimination.

Another example of ignoring the economic situation of women is "Welfare Reform Charts: 1969 Legislative Recommendations" published by the Department of Health, Education, and Welfare.[34] Although almost two-thirds of the adult poor are women and although a much higher proportion of those adults on welfare are women, the publication never mentions this fact or even uses the word "women."

One item in this publication reads "There are over one million families headed by fathers who are working full time and earning less than the average AFDC–UF payment for families without other income." The number of such families with women heads should have been given as well.

Although one of the key features of the proposed family assistance plan is a great expansion in day care centers to make it possible for mothers to get training and employment, there is no chart on day care and none relating to training and employment of women.

The Equal Employment Opportunity Commission, the agency charged with enforcement of legislation forbidding discrimination in employment, has published a three-volume report[35] based on a survey of numbers of persons employed in the private sector by industry, occupation, sex, and race. One can examine this whole report and never find a table or narrative statement that compares the employment situation for white men, Negro men, white women, Negro women. There are not even any tables comparing white women with white men or Negro women with Negro men.

The tables are all based on comparisons of minority men with white men, minority women with white women. The underlying assumption of this appears to be that sex differences in industry and occupational distribution of white men and white women are insignificant or perhaps that these differences do not result from discrimination. It is submitted that this assumption begs the question, because it is only from such facts that the discrimination if any can be spotted and then analyzed.

An analysis of the data by Princeton University, under a grant from the Commission and the Department of Labor, used an extraordinarily sophisticated and confusing methodology, which obscured sex discrimination in employment. Much emphasis is given this analysis in the report.

The Princeton group constructed "an index to show the relative standing of each racial group based on how many were employed in low- or high-paying occupations".[36] Actually they constructed two indexes—one for males and one for females. The "standing" of Anglo males was arbitrarily given a value of 100 and minority males were compared. In separate tables Anglo females were assigned an index of 100 and minority group females were compared with the Anglo females. This methodology avoids acknowledging that in all earnings information, whether overall, by occupation, or by education, white women rank below Negro men and way below white men. For the report to be a proper foundation upon which to base an opinion the standing of Anglo females to Anglo males and minority males and of minority females to Anglo males and minority males should be set forth.

All statistics on employment published by any Federal agency should show breakdowns by race and sex for every factor analyzed. Study designs should be based on the principle that sex discrimination is illegal and immoral.

The Secretary of Labor and the Secretary of Health, Education, and Welfare, should give training for household employment a high priority in manpower training

Through the leadership of the Women's Bureau, a National Committee on Household Employment was established in 1965. Seven experimental and demonstration training programs have been funded in Alexandria, Virginia; Boston, Massachusetts; Chicago, Illinois; Manhattan, Kansas; Philadelphia, Pennsylvania; Pittsburgh, Pennsylvania; and New York, New York.

The following results are reported: improvement in the attitude and performance of workers and the regularity of their employment, increased wage potential, and better employee and employer attitudes and satisfaction. Employer training has been included in some programs and it is recommended for inclusion in all programs.

The Task Force recommends making such programs widely available under the Manpower Development and Training Act and the Vocational Education Act.

Funds shoud be earmarked by the Secretary of Labor from the national account (unallocated reserve) of the Manpower Development and Training Act budget.

The Committee establishing guidelines under the Cooperative Area Manpower Planning System (CAMPS) should be directed to give a high priority to such training.

State employment service offices should be required to give more attention to placement of household workers and determining manpower needs for household employment.

The Commissioner of Education should encourage the States to provide for training in household employment and home-related arts in their secondary and post-secondary training programs.

We recommend that consideration be given by curriculum planners in the Departments of Labor and Health, Education, and Welfare to including training in driving and home maintenance and upkeep, outside and inside. Elderly couples and individuals are an increasing market for household services, and need services of this kind, as do families with working mothers. Training in such skills would enable the employee to earn higher wages.

Footnotes at end of article.

EQUALIZATION OF POLICY-MAKING RESPONSIBILITY IN THE FEDERAL GOVERNMENT

The President should appoint more women to positions of top responsibility in all branches of the Federal Government, to achieve a more equitable ratio of men and women—Cabinet and agency heads should be directed to issue firm instructions that qualified women receive equal consideration in hiring and promotions.

Wise utilization of the Nation's human resources dictates that the responsibilities of leadership in America be distributed more equitably between our men and women citizens.

The United States has not capitalized fully on the skills, abilities, and special insights of women, particularly at the leadership level. When half the population is rendered virtually non-contributory in fashioning policy, the loss of balance and perspective is self-evident, tragic, and wasteful.

Shutting out any group stifles its urge to contribute, depresses its concept of self worth, and ultimately discourages the striving for excellence.

Where so large a proportion of citizens is involved, the damage to national pride and achievement can be far reaching and can call into question the Administration's basic fairness.

The present pace of appointments of women to high Federal positions should be accelerated, to reflect their numerical strength more realistically, and as an incentive and symbol of the Administration's commitment.

To do so, the President and his Cabinet should place stronger emphasis on appointments based on merit rather than sex, and whenever possible urge the private sector to follow suit.

In making appointments the "showcase" approach or tokenism should be avoided. Women should not be confined to the so-called distaff area but brought into the dynamics of policy development.

The existing bank of qualified women economists, lawyers, politicians, jurists, educators, scientists, physicians, writers, and administrators has the intellectual capacity to meet the most exacting demands.

Under present social and economic attitudies, relatively few of these professionals have been accorded the same public recognition as similarly qualified men, but they can and should be located.

The direction of a program staffed by volunteers often develops administrative and managerial skills of a high order.

For this reason standards and assumptions regarding the qualifications of women for high office should be reassessed with a view to capitalizing on these assets.

When the other recommendations in this report are implemented hopefully they will serve to reduce roadblocks now hampering women at lower levels, thus speeding an upward flow of talent and offering more choice to government talent scouts when women are sought for leadership roles.

MINORITY VIEWS OF DOROTHY HAENER ON EXTENSION OF FAIR LABOR STANDARDS ACT

I am strongly of the opinion that this Task Force should have adopted the following recommendation:

The Fair Labor Standards Act should be amended to extend its coverage, without exceptions, to every job within the reach of Federal authority. In particular, household workers and all other low-paid workers in the United States should be paid not less than the Federal minimum wage.

As recently as February 1968, an estimated 10 million workers in this country earned less than $1.60 an hour. Most of these workers were in agriculture, retail trade, and the services—particularly domestic service. Of the estimated 2.2 million employees in domestic service—the overwhelming majority of whom are women—86 percent, or more than 4 out of every 5 workers earned less than $1.00 an hour.

In considering the plight of these low-paid workers, it should be kept in mind that even in the case of persons covered by the Federal minimum wage of $1.60 an hour, an individual working full time, on the basis of a 40-hour week, earns only $3,328 a year.

These figures are well below the present poverty income level of $3,600 per year for a family of four as defined by the Department of Agriculture for "emergency or temporary use when funds are low." It would appear reasonable that the employer through adequate wages rather than the taxpayer should be expected to support the estimated 10,000,000 *working poor* who make less than $1.60 an hour. Even $1.60 an hour ($3,328 per year) is far below the $5,550 guaranteed income recommended for a family of four by President Nixon's recent White House Conference on Food, Nutrition, and Health.

The efforts of the Women's Bureau to give proper status and dignity to household employees through training and better working conditions would be aided greatly by coverage of employees under the Federal Fair Labor Standards Act. The lack of coverage under this and other labor standards legislation is one of the factors denying household employment appropriate dignity and status, as well as better pay and working conditions.

The Task Force cannot justify failure to take action on "lack of time or jurisdiction." The Task Force discussed on several occasions the question of Federal minimum wage. At least two recommendations were presented to the Task Force dealing with this question. A number of speakers in their presentations discussed minimum wage, and one speaker was specifically invited to speak to the Task Force on this subject.

The recommendations of the Task Force dealing with poverty make it self evident that the Task Force could not have made those recommendations without considering the problem of minimum wage. On a task force dealing with women's rights and responsibilities, it would seem one of the basic responsibilities is to speak for those who don't have a voice to speak for themselves.

I am of the firm opinion that the knowledge brought by the speakers, the discussions the Task Force had, and the knowledge generally available was fully sufficient for the task force to have taken a position.

In an effort to be reasonable in my proposed recommendation I did not include an increase in the minimum wage of $2.00 an hour.

Had I any anticipation at all that the Task Force would not adopt the recommendation, I would have included an increase in the minimum.

COMMENT OF THE CHAIRMAN REGARDING MINORITY STATEMENT

At many points in its deliberations, the Task Force did consider the massive problems of the "working poor". Several of the recommendations made in the report specifically attack certain of these problems. Extension of the Federal minimum wage to all workers is a complex matter of such pervasive effects throughout the national economy that the Task Force did not feel it was ready to make a specific recommendation without further intensive study.

APPENDIX A

Problems commended for early consideration to Director, Office of Women's Rights and Responsibilities

1. Extension of Federal Fair Labor Standards Act, particularly to household employees.
2. Methods of changing attitudes.
3. Abortion.
4. Social security benefits for women divorced after fewer than 20 years of marriage, for dependents of single persons, and for aged widows and widowers.
5. Civil service classification standards for "women's" occupations in the Federal service.
6. Deterrents to training of women employees of the Federal government.
7. Inequities in the unemployment insurance system.
8. Reemployment after childbirth and insurance against medical expenses and lack of income.

FOOTNOTES

[1] Research Division, National Education Association.

[2] *De Rivera* v. *Fliedner*, Sup. Ct. N.Y. Civil Action, 00938–69. Resolved by administrative appeal.

[3] *Kirstein et al.* v. *University of Virginia*, E. C. Va. Civil Action No. 22069–R.

[4] Executive Secretary, Association of American Law Schools, 1968. Association of American Medical Colleges, 1967.

[5] President's Commission on the Status of Women, *American Women*, p. 45, 1963.

[6] *Daniels* v. *Pennsylvania*, 232A, 2d 252; *U.S. ex rel. Robinson* v. *York*, 281 F. Supp. 8 (D. Conn. 1958).

[7] Unpublished figures from Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 1969.

[8] Unpublished data from Bureau of Labor Statistics, U.S. Department of Labor.

[9] Citizens' Advisory Council on the Status of Women, *Report of Task Force on Social Insurance and Taxes*, p. 70, 1968.

[10] Ibid., p. 72.

[11] President's Commission on the Status of Women, *Report of Committee on Social Insurance and Taxes*, p. 36, 1963.

[12] See 8 above, p. 77.

[13] Office of Economic Opportunity, *Continuity and Change in Antipoverty Programs*, Second Report of National Advisory Council on Economic Opportunity, 1969.

[14] Unpublished data from the Bureau of Labor Statistics, U.S. Department of Labor.

[15] 5 U.S.C. 8341 and 22 U.S.C. 1082.

[16] University Extension, The University of Wisconsin, *Handbook for State Commissions on the Status of Women*, 1968. Available from Women's Bureau, U.S. Department of Labor.

[17] U.S. Department of Commerce, Bureau of the Census: CPR–60, No. 60, Table 11 and Table 4.

[18] U.S. Department of Commerce, Bureau of the Census: CPR–60, No. 55.

[19] U.S. Department of Labor, Bureau of Labor Statistics, *Employment and Earnings*, Vol. 15, No. 7, January 1969, Table A–1.

[20] Fogelson and Hill, *Who Riots? A Study of Participation in 1967 Riots*, July 1968. Published in *Supplemental Studies for The National Advisory Commission on Civil Disorders*, p. 233.

[21] President's Commission on the Status of Women, *American Women*, p. 30, 1963.

[22] President's Commission on the Status of Women, *Report of the Committee on Private Employment*, 1963.

[23] President's Commission on the Status of Women, *American Women*, p. 45.

[24] U.S. Department of Labor, Manpower Administration Order 1–69 of January 16, 1969.

[25] U.S. Department of Labor, *Statistics on Manpower: A Supplement to the Manpower Report of the President*, Tables F–2 and F–5, March 1969.

[26] U.S. Department of Labor, *Manpower Report of the President*, p. 94, January 1969.

[27] See footnote 9 above, Table F–15.

[28] See footnote 10, p. 119.

[29] See footnote 9 above, p. 18, Table A–12.

[30] 251 F. Supp. 401.

[31] President's Commission on the Status of Women, *American Women*, page 45, 1963.

[32] Women's Bureau, U.S. Department of Labor *Fact Sheet on Trends in Educational Attainment of Women*, April 1968.

[33] U.S. Department of Commerce, *Selected Characteristics of Persons and Families:*

March 1969, Series P–20, No. 189, August 18, 1969.

[34] U.S. Department of Health, Education, and Welfare, *Welfare Reform Charts, 1969 Legislative Recommendations*, October 1969.

[35] Equal Employment Opportunity Commission, *Equal Employment Opportunity Report No. 1: Job Patterns for Minorities and Women*, 1968.

[36] Ibid, page 6 of Volume 1 of Equal Employment Opportunity Commission Report.

[From the Washington Daily News, June 10, 1970]

MORE TASK THAN FORCE: NIXON AND WOMEN'S RIGHTS

(By Anne Crutcher)

After months of unofficial needling and official hesitation, the report of the President's Task Force on Women's Rights and Responsibilities is out. So are the Labor Department's guidelines for keeping sex discrimination out of government contract work.

What does it all add up to? Not much, really, in the absence of strong backing from the White House.

The Task Force, made up of 11 women and two men (assorted college presidents, government officials, and business people, a lawyer, a judge, a journalist, and one representative each of organized labor and youth) agrees that American women don't have equal rights and that they ought to.

To help give women equality, the Task Force wants the President to set up an Office of Women's Rights, to call a conference, and to press for new laws and surveys designed to locate discriminatory practices and put a stop to them. The Task Force Report also calls on the President to appoint more women to high government jobs. It asks a bigger Federal investment in day care centers and training of household help.

The Labor Department's guidelines spell out a few of the discriminatory practices to be banned in any firm with government contracts—His and Her want ads, separate seniority lists, different retirement rules, unequal wages and hours. The guidelines also specify that women must not be denied jobs because of their martial status or the ages of their children.

On these tender subjects, the President doesn't say yes and he doesn't say no. White House spokesmen said yesterday that he's been on record for years in favor of women's rights. Presumably, only a politician's desire to have it both ways keeps him from saying he hasn't changed his mind.

Meanwhile, everybody knows that without a specific word from the seat of power, Task Force pieties about Democratic Commitments and Great Untapped Human Resources mean very little.

Even with a strong Presidential indorsement, it is hard to see how anti-discrimination measures can do much more than drive discrimination underground. Employers may stop being so frank about how they don't hire women for the executive suite or the weight-lifting department, but there still may not be many openings.

[From the Washington Post, June 14, 1970]

PRESIDENT IS CRITICIZED BY WOMEN

A small group of militant women yesterday accused President Nixon of "abdication of responsibility as the leader of our country" for his failure to meet with delegates to the 50th anniversary conference of the Labor Department's Women's Bureau.

The conference had invited Mr. Nixon to address its 800 delegates at their banquet Friday. The President, who is in Florida, sent a telegram of regrets and best wishes to the Bureau's director, Elizabeth Duncan Koontz.

Instead the conferees were invited by Mrs. Nixon to an 11 a.m. reception on the White House lawn. This infuriated some members of the National Organization for Women (NOW). They made their feelings known to the press but not to the First Lady, who posed for pictures with delegates and signed autographs during the hour-long reception.

"The President saw the Boy Scouts yesterday, but all we got was a tea party," commented NOW Chairman Wilma Scott Heide of Pennsylvania.

[From the Washington Evening Star, June 15, 1970]

TEA INSTEAD OF TALK

(By Toni House)

To many of the 800 women who came here last week to get action on equal rights, ending up with tea and sympathy at the White House was a big disappointment.

The women, delegates to the Women's Bureau 50th anniversary conference, were annoyed they were offered light refreshments on the mansion South Lawn and a chat with First Lady Pat Nixon, when what they wanted was a nitty-gritty talk with the President.

Some, of course, were delighted to be serenaded by the Marine Band, sip punch, and shake hands with Mrs. Nixon.

But others expressed their displeasure to members of the press and each other, saying they were "insulted," "disappointed," "frustrated."

INSULTED

Lucy Komisar, vice president of the National Organization for Women (NOW), said she was "insulted and outraged," that the President, who was in Florida, had declined to address the group when he had "met with the Boy Scouts yesterday (Friday) and they're not even voters."

"This is a major American problem and it is frightening to us that he thinks so little of use," she continued.

Glorida Muzeurza of Washington, said she thought the President should have seen them, especially since they paid their own expenses for the conference.

Mrs. Edna Richards, president of the North Carolina Association of Class Room Teachers, said she was "disappointed" the President was not present and would "only forgive" him if "he is working on Vietnam or poverty."

Wilma Scott Heide, national NOW board chairman, circulated a petition, signed by a large number of delegates, calling on Mrs. Nixon to become women's "representative in the White House."

About 200 conference delegates even stayed away from the White House reception in protest, and others did not go through the receiving line.

Some who did shake hands with Mrs. Nixon voiced their unhappiness over the President's absence. "He's a very busy man," said the First Lady. He works 18 hours a day. Both of us have always supported equal rights."

And, although she did not mention it in her opening remarks, Mrs. Nixon instructed Women's Bureau Director Elizabeth Koontz to inform the conference both she and the President are in favor of the Equal Rights Amendment, support of which has been in the Republican platform since 1940, she said.

Support of the Equal Rights Amendment was the hottest topic on the floor once the delegates returned to the Washington Hilton to conclude their conference.

A minority statement, signed largely by AFL–CIO unions and a few students, was offered, objecting to "the obvious effort to use this conference to win support" for the amendment "without providing adequate opportunity" for discussion.

The statement objected to the amendment because it would knock out so-called "protective" labor legislation (limits on women's working hours, weight lifting and such).

Despite the dissent, a motion by Margurite Rawalt to endorse passage of the amendment was passed overwhelmingly.

Other final conference action called for the repeal of "all laws restricting the right to abortion"; the establishment of a national system of child day care centers; the immediate implementation of the President's Task Force on Women's Rights and Responsibilities recommendations; and the elevation of the Women's Bureau director to assistant secretary of labor for women's resources.

The conference also called for the administration to establish the elimination of racism and sexism as top priorities and endorsed the National Welfare Rights Organization's $5,500 minimum income campaign.

[From the Washington Post, June 21, 1970]

WOMEN CHARGE PROMOTION BIAS

Women attending a conference of Federally Employed Women here yesterday contended that the government continually discriminates against them in promotions.

They charged also that the Civil Service Administration is not doing all it can to secure better opportunities for them.

Federally Employed Women, a 2-year-old organization of women working for the government, asserts that only 1 per cent of all women in government employment hold a Civil Service grade of 13 or higher and that 80 per cent are in grades 1 to 6.

In comments directed at James E. Johnson, vice chairman of the Civil Service Commission, several women claimed that federal supervisors preselect people for promotion and sometimes bypass merit system procedures.

Johnson, who was invited to the conference as a panelist, said he did not believe proper procedures were being by-passed and asked that any such cases be reported to his office.

Johnson did not explicitly deny there was discrimination against women in the government. But he countered the charges by saying that, as a Negro, he had undoubtedly suffered discrimination and was sympathetic to their problems.

The conference also heard that a gap in the comparative earnings of men and women is widening. A 1968 Department of Labor study was cited to show that in 1955 women earned 64 per cent of the salaries earned by men and that in 1968 they earned only 58 per cent.

The keynote speaker at the two-day conference, Sen. Marlow W. Cook (R-Ky.) told the women that he doubted that a bill calling for an equal rights for women amendment to the Constitution would be passed by this Congress.

Similar bills had been in Congress since 1923, he said.

The organization has grown from the 16 members who began it here in 1968 to more than 1,000, according to Daisey Fields, national president.

Dr. Bernice Sandler, a psychologist at the Department of Health, Education and Welfare, said she believes the women's movement was growing because women have learned from the struggles of the Negro.

"Like the Negro stereotypes," she said, "women are supposed to be childlike, lack ambition, be happy in our places—either on the plantation or at home.

"We are called 'girls' even at 60 years of age, the way Negro men were referred to as "boys'."

[From the Washington Post, July 27, 1970]

WOMEN CHARGE FEDERAL RUNAROUND

(By Elizabeth Shelton)

Secretary of Labor James D. Hodgson turned down a request Saturday that measures to combat job discrimination among minorities immediately be applied to women.

Hodgson told a delegation of 10 women representing organizations as diverse as the National Association of Women Lawyers, Zero Population Growth and the Women's Liberation Movement that he will have to take "a much closer look" before he makes a commitment.

He questioned whether the same standards can be applied to women workers as to minority groups.

Hodgson barred the press from the confrontation but sent them a statement later that he is in "full accord" with the women's rights organizations' job objectives. "It is just the method of achieving them," according to Pat Gannon, deputy information officer who briefed the press.

However, members of the group who took notes during the meeting quoted Hodgson's remarks as follows:

"We have no intention of applying literally exactly the same approach to women in Order 4, which was designed for racial minorities."

The Labor Department directive, known as Order 4, published in the Federal Register in February, requires federal contractors and subcontractors to take affirmative action to recruit and train minority members for jobs. It requires them to notify the government of their goals and to set timetables for compliance.

Women's organizations have been insisting that the word "sex" be included in the order's listing of "race, religion, color and national origin" as conditions for affirmative action programs.

Hodgson, according to his spokesman, agrees that "in some instances they (women workers) are a minority."

Gannon said Hodgson will have a position paper ready for the women's organizations next week.

The women emerged from the conference charging a "runaround." They suggested that the secretary instead prepare a position paper for the guidance of federal contractors, firmly barring discrimination.

"We feel the guidelines (which Order 4 seeks to implement) are weaker than either the Equal Pay Act or Title VII of the Civil Rights Act of 1964," Dorothy Haener, representative of the United Automobile Workers Union, also said.

Miss Haener said after the meeting, "We made it clear that a position paper issued to us is useless. The position paper should be made to all government contractors. We want the affirmative action program to include 'sex.'

"We feel the secretary's refusal is a repeal of Executive Order 11735," she added. That executive order prohibits companies performing contracts at taxpayers' expense from discriminating in hiring and employment policies against women as well as members of ethnic minority groups.

Dr. Ann Scott, federal compliance co-ordinator for the National Organization for Women, called Hodgson's approach "naive, uninformed and frankly stupid."

"This unwillingness to listen to women is part and parcel of this administration's attitude toward women," she said.

The spokeswomen for the group said that it is impossible to disassociate race from sex in discriminatory hiring practices. There is a higher rate of unemployment among white women than among black men, according to the recent report of the Presidential Task Force on Women's Rights and Responsibilities. The group lowest on the ladder where jobs, wages and unemployment are concerned is comprised of black young men and girls.

Most of the women who are discriminated against are members of other minorities, so they are "doubly discriminated against," Miss Haener said.

Miss Haener told Women's Bureau Director Elizabeth Duncan Koontz, who happened into the Labor Department lobby as the group was departing: "We told him we were interested in working within the system but that reactions like his were making it increasingly difficult."

TO BRING THE FEDERAL GOVERNMENT HOME TO THE PEOPLE—HEALTH DELIVERY AND COSTS

Mr. HARRIS. I have been conducting a series of public hearings in Oklahoma to bring the Federal Government home to the people. I have particularly concentrated upon those issues which hit the average taxpayer, the working man and woman of my State, hardest.

On July 8, 1970, I held a very important public hearing in Tulsa, Okla., on the subject of delivery of health services and rising medical costs.

These hearings were exceptionally well attended, and the testimony which I heard was well prepared and useful.

It is obvious, Mr. President, that we must improve considerably the health delivery system of America, and that we must inaugurate a new system for assisting our people with medical costs.

Lately, the President has indicated that he will recommend next year the enactment of a national health insurance program for people of low income. I support this concept but, once again, if we do only that, we will leave out the man in the middle, the person who is too well off to be eligible for special programs, such as health programs, but not well enough off to be able to fully assume all of the burden of health care expenses by himself.

It is obvious, too, from the hearings which I held in Oklahoma that the enactment of a national health insurance program, alone, which I support, will not be sufficient to meet the mounting health crisis in this country, unless we also greatly increase the medical and paramedical personnel available and expand health facilities.

I intend to have the full transcript of this hearing printed in the RECORD and see that it is delivered to the chairmen of the Senate Finance Committee, the Senate Appropriations Committee, the House Ways and Means Committee, the House Appropriations Committee and each member of the Senate Finance Committee, as well as to bring it to the attention of others who will be making important decisions in regard to this vital subject.

Today, Mr. President, I ask that the first portion of the testimony received at the Tulsa hearing, which has now been transcribed, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC HEARING ON HEALTH DELIVERY AND COSTS, TULSA, OKLA., JULY 21, 1970

OPENING STATEMENT BY SENATOR FRED R. HARRIS

Let me say that I am impressed very much by the overflow crowd here this morning. I appreciate that a great deal because it shows your immense interest in the subject of these hearings.

This hearing is a continuation of my efforts to bring the federal government home to the people. I have received letters from hundreds of Oklahomans telling me of the financial problems caused them by the costs of medical care.

Those without health insurance or without enough, and who are unable for one reason or another to qualify for Medicare or Medicaid, often suffer near financial ruin. Those with health insurance policies sometimes learn, to their sorrow, that their coverage falls short of increased medical costs.

I am particularly interested in the average working man and woman and the difficulty they are having making ends meet in regard to medical costs.

Many wage earners are having a tough time right now because of high prices and a shorter work week, and rising hospital and medical costs hit them especially hard.

Also, they and other people of average income always have hanging over them the possibility that a major illness can completely wipe them out financially.

These are particular problems which you all know about very well. Many of you are directly involved in the medical profession, in hospitals, or in other aspects of the medical problems that we're going to be talking about today.

The Senate Finance Committee, on which I serve, has jurisdiction over government programs of financing health care and we will be considering legislation in this field very soon this session.

This record will be transcribed, and I will personally get it to the Chairmen of the House Ways and Means Committee, the House Appropriations Committee, the Senate Finance Committee and the Senate Appropriations Committee, and each member of the Senate Finance Committee, as well as present it on the floor of the Senate so that what you say here and what other Oklahomans say here will be taken to those who can make the decisions.

It is imperative that more and more people feel that somebody is listening—that the federal government, that the Congress, that those who make decisions at the federal level are interested in what you have to say. This is the purpose of this hearing.

Fred Gipson, here, is my Legislative Assistant working particularly in this field and with the Senate Finance Committee.

Again, I will say how grateful I am that so many of you are here to speak about our joint desire to provide solutions to these problems. This is a positive kind of hearing. What we are interested in is finding solutions, what we can do together to solve the problems that Oklahomans and others are experiencing in regard to health costs.

I appreciate those who helped set up these hearings. Let me thank in particular the Executive Director of the Tulsa Area Health and Hospital Planning Council, and I would like to ask him, Mr. Schlezinger, to get our hearings started with whatever statement he cares to make.

TESTIMONY OF IRA H. SCHLEZINGER, EXECUTIVE DIRECTOR OF THE TULSA AREA HEALTH AND HOSPITAL PLANNING COUNCIL

Thank you Senator. Before I make any formal comments, I would like to express a sincere and real gratitude on the part of Oklahomans for the opportunity to express some of our concerns and commitments to the provision of health care on a statewide, national, and regional basis. I think, as the size of the crowd indicates, there is an obvious commitment to a better—though we obviously have a good degree of health care being provided now—but to a better and more effective delivery. I have an idea that the testimony given today will assist you as Senator to develop the type of legislation that we will be

needing down the road to reach this type of system.

Without question, the 1970's will continue to see what is often alluded to as a "crisis" in the provision of medical care. The adequacy, availability, acceptability, and expense of health services are now considered by both providers and consumers of care to be of highest national priority. If one is to believe but one-tenth of what is published both nationally and locally, one must assume that by 1975 there will be a clearly defined national policy on the provision of health care. Such a policy may well result in a program comparable to that of Medicare and Medicaid, but all-encompassing in scope and flying under the banner of National Health Insurance. A number of approaches and programs have already been proposed and, in some instances, have been implemented on a limited-scale demonstration basis. Some of these approaches, in my opinion, do no more than support the status quo, while others advocate an almost totally socialized system of medical care.

It is not the intent of my testimony to make judgments as to the validity of the various approaches, or to propose alternative schemes. It is the intent, however, to make some general comments and raise some questions that should be resolved before any Congressional action on national health policy is taken.

It is recommended that any statement of national policy on cost and availability of health care meet the following objectives:

1. National health policy should first and foremost place emphasis on detection and prevention. No individual should be placed in a situation where they hesitate to seek medical care because of fiscal or philosophical restraints. Any policy that has the effect of forcing individuals to seek medical care at only critical or acute stages in order to assure proper entry into the system and payment for services, is not in the best interest of either the consumer or the provider.

2. National health policy should be responsive to changes in public preference regarding the method of delivery of care. Providers of health care can no longer stand in isolation is making the determination of where national and local resources should be directed as it affects personal health services. Emphasis on ambulatory care, home care, medical education, rehabilitation and other related programs as determined by the public must be considered and hopefully incorporated into any developed policy statements.

3. National health policy should be as comprehensive as is fiscally and administratively feasible without placing impossible demands on existing resources. Policy should not encourage limits and exclusions in coverage that will make the cost of health care an excessive financial burden on any individual or family. This does not imply that there should not be charges for medical care, but simply that no family should be forced to spend more than a pre-determined percentage of its income in order to obtain quality health services on a regular basis.

4. National health policy when formulated should encourage efficiency, economy, coordination, and cooperation in the actual delivery of services between the public and private sectors. The financing system should include incentives to maximize efficient and effective use of hard-pressed health resources. Incentives should be developed that emphasize and motivate locally initiated services of a regional nature where appropriate rather than duplication of facilities, services and manpower. The financing method should also encourage cost consciousness in the planning and programming of services by physicians, patients, and provider personnel on a local, state and national basis.

5. National health policy when developed must be easily administered. A policy that requires complex administrative procedures or encourages arbitrary decision-making at either the National or regional level will not accommodate or satisfy either the consumers or the providers of care, and thus becomes a luxury we can ill afford.

A number of questions in addition to the concerns and objectives already outlined must be resolved before a policy of National scope can be effectuated.

For example, if government is to become the major purchaser of care what are the ramifications for privately owned, privately operated hospitals and long-term care facilities? What will the role of the voluntary health agency be?

How will public accountability be assured under an expanded national policy, and to what extent will governmental ownership, actual or implied become either necessary or inevitable?

How will balance be obtained between the increased demand for medical services under an expanded national health policy and the availability of services in terms of manpower and facilities?

Will there of necessity be restraints placed on demand and if so, how will these be determined? If constraints become necessary, will they favor acute care over long-term care, catastrophic medical needs over preventive medical care, self care vs. rehabilitative care, and how will the priorities be established?

How effective will co-insurance, co-payments, or deductibles be in terms of continuing demand?

What will the role of the private sector be in terms of administration in the increasingly governmentally subsidized health care economy? What can and will be the appropriate role of the private agency in a publicly mandated program?

Can there, should there, and will there be an effective marriage between the private and public sectors in terms of economic support of the health care system?

These are just some of the questions that must be considered and eventually answered before national policy can be formulated. Because of the complex nature of the issue, with particular emphasis on the fiscal, social, and economic implications, the question must be given careful and continuous thought and study before a policy is formulated. Most people will agree that the ultimate national health policy will establish both public and private patterns of care that will affect the delivery system for at least the next decade.

Once again, on behalf of planning agencies in general, and the Tulsa Area Health and Hospital Planning Council in particular, may I express our appreciation for this opportunity to make our concerns known.

Senator, we have on a number of occasions through interested consumers and providers of health care noticed the tremendous gaps in the delivery almost from a fiscal standpoint. A lot of people in Oklahoma and other areas of the nation are just not receiving medical care because of a personal hesitancy to seek out medical care based on an inability to pay. There have to be some changes based on the economic aspects of health care delivery. I'm hoping and I am optimistic that as a result of these hearings today we will see some of these changes.

Senator HARRIS. What is your present situation in regard to hospital space in Tulsa now and what would you project in regard to the future?

Mr. SCHLEZINGER. Hospital space, I think, is manifested in a number of different ways. If you are talking about acute-care beds, we're probably in fairly decent shape for now and the immediate future. If you're talking about specialized types of services, there is a tremendous need in the Tulsa area for a diversity of services. We have one institution now which is in the process of developing rehabilitation and extended care facilities. We have another institution that's talking about the development of self-care units. These are the types of services that the Tulsa community, the Tulsa region, definitely needs in order to develop a continuum of care which is the type of care which is in fact needed for a region of one-half million people.

Senator HARRIS. I appreciate very much your counsel.

Next, I would like to call on Dr. Tony Puckett, who is Chairman of the Health Council of the Central Oklahoma Economic Development District. Dr. Puckett, I understand that you have a number of people with you, and we'd appreciate your introducing them and being sure that we know that they're here, and, then, we'd like to have your statement.

TESTIMONY OF TONY PUCKETT, M.D. OF SHAWNEE, OKLA.

Senator Harris, I thought we would introduce these people just before their presentation if this is satisfactory.

I am presently serving as Chairman of the COEDD Health Commission and I am a practicing physician in Shawnee; I practice obstetrics and gynecology. I think it might be beneficial if we told you a little bit about the Health Commission of the Central Oklahoma Economic Development District (COEDD).

The Health Commission of the Central Oklahoma Economic Development District, or C.O.E.D.D., was organized in 1966 under the Inter-local Cooperation Act that was designated and funded by the Economic Development Administration of the Department of Commerce. By the criteria established by the U.S. Department of Labor, the C.O.E.D.D. area has continuously qualified as an economically depressed area due to the high unemployment, low per capita income, and/or out-migration of population. C.O.E.D.D. is predominantly a rural area located between two metropolitan cities, Tulsa and Oklahoma City. It contains 40 towns in eight counties which have a population of approximately 215,000 people. C.O.E.D.D. was initially funded in 1968 by the Department of H.E.W., as an area-wide comprehensive health planning agency. During these past two years, considerable time has been spent in organizing the proper mix of providers and consumers of health services, representing both the private and public segments of health care. This organizational process involves the active participation of 200 residents in the C.O.E.D.D. area who have participated in 13 grass-roots health planning task forces, or local health planning task forces.

From the task forces, elections were carried out which brought about the organization of a 38-member Health Commission. We feel that the partnerships have helped the program carried on through C.O.E.D.D. as a dynamic process. Through our cooperative effort, we have succeeded in documenting our health needs and we have succeeded in documenting our needs in terms of health facilities, service and manpower. We recognize that our area has health problems that are similar to other rural areas, that the health needs, *at times*, going unmet and that our other resources, both human and financial, are limited and difficult to expand. We are aware, as is your committee, that simply more money into the current program is not the solution.

We have documented many areas of overlapping services between both the private and governmental segments of medical care in our area and have come to realize that unless a comprehensive and unduplicated system of health care is developed, that the

cost will continue to be greater than necessary to provide service and meet the health needs in our area. The C.O.E.DD. Health Commission was happy to accept the invitation to present testimony before this committee for consideration, in hopes that as the Senate and Congress labor over the legislation that directs the delivery and financing of health care for many Americans, the needs of the particular residents of C.O.E.D.D. will be met.

We will present testimony to the two points to which we were requested to address ourselves; one, the subject of National Health Insurance and, two, a delivery system which would be adequate and compatible to meet the needs of people living in rural areas, which is essentially the C.O.E.D.D. area. The Commission feels that National Health Insurance is an inevitable development.

We hope National Health Insurance will bring about some reasonable order and adequate health care for all disadvantaged Americans.

A summary of a survey taken in our area regarding National Health Insurance is attached to our submitted printed document for your perusal. The sentiment of the area is socio-economically classed within the C.O.E.D.D. area by the Health Commission. We would hope the development of a program of National Health Insurance that would eliminate the multiple areas of reduplication of many federal programs for providing care for those disadvantaged Americans, including the Indian, the Veteran, and Medicare recipients.

It is our impression from our work in the C.O.E.D.D. area, as well as representation in the National Health Forum in February and in multiple other health commissions from other rural areas, that a delivery system must be one designed in the area and from the area to meet the needs of the people and not be a system taken from larger metropolitan, high population density areas which, at the present, do not seem to be adaptable in overall form to our area. In other words, the delivery system should be flexible and designed by the areas which will use the system.

We have been interested and worked with and for the Indian segment of our population for sometime and have asked Mr. Arthur Rolette, a member of the Absentee Shawnee Indian Tribe, who serves on our Health Commission, to make some brief statements about the Indian Health Care problem. He is immediate Past-Chief of the Absentee Shawnee Tribe and is a member of the Advisory Council for the Shawnee Unit of the Indian Health Service. He is on the Board of OIO and CAP. Mr. Rolette owns and operates a Grade A Dairy and has been a most active member on our Commission. Mr. Rollette.

TESTIMONY OF ARTHUR E. ROLETTE, ABSENTEE SHAWNEE INDIAN

There are many things the Indians of this area are in need of. But, the most important to me is a hospital to serve the Indians. It has been pointed out more than once, to the Public Health Service Department of Indian Health Service, that Indian hospitals in the state are all, more or less, 100 miles away for the Indians living in Central Oklahoma. This distance becomes an important factor to us, the Indians, when we are seeking health improvement or care by hospitalization.

Indians feel a hospital is a great need in Central Oklahoma and make this hospital their one request. This request should be supported by the representatives of the people in Congress.

Public Hospitals are available to Indians, but money problems present some difficulty and most Indians rely on the Indian hospital for inpatient care.

As Dr. Puckett says, I am a member of the Health Commission and along about the last quarter we get short in money at Public Health. We send our patients to a public hospital or they go themselves. Sometimes they cannot pay their hospital bill and it creates a problem for us. I don't think it's the hospital's fault or the doctor's that they don't accept these patients because sometimes they get paid for their care and sometimes they don't. So that's one of the problems we have.

I have a list of the Indian population in our area. As the Senator said, we only had short notice. Running a dairy you don't moonlight, so I didn't have much time to prepare anything.

Right now we have three doctors at the Shawnee Indian clinic, and we need four. We have three small clinics also. But they are gaining 100 patients a month at our clinic and the doctors say they are not going to be able to take care of all of them. What we do need are two more RN's, some office workers and another dentist. The dentist is about three months behind and he only treats the children, though he will pull a tooth for adults. But other than that he just takes care of children.

In my opinion, I think we should have some sort of a change. We have government doctors and I think they should work with the doctors in town. They used to take their turns on weekends, but now they don't. They are on duty, or are supposed to be on duty 24 hours a day, but they only work five days a week. Now I think if they would cooperate with the doctors in Shawnee, they'd get along better. Work right in the hospitals with them. I'm sure that Dr. Puckett and all would work with them.

INDIAN POPULATION—CENTRAL OKLAHOMA ECONOMIC DEVELOPMENT DISTRICT APRIL, 1960

County	Number Indians	Percent total
Creek	1,137	2.8
Hughes	1,397	9.2
Lincoln	184	1.0
Okfuskee	1,067	9.1
Pawnee	565	5.2
Payne	310	.7
Pottawatomie	1,742	4.2
Seminol	2,343	8.4

District total, 8,743. Oklahoma total, 64,689. District percent of State population, 13.5 percent.
Source: Oklahoma Employment Security Commission "Indians in Oklahoma", September 1966.

Senator HARRIS. Thank you very much. We were successful in getting the Senate to adopt an amendment to the appropriations for the Department of the Interior which added $3,776,000 to the appropriation that had been recommended by the Senate committee for Indian health. Part of that $3,776,000 that we added in the Senate is for increased personnel and for drugs and supplies, which are short, as you know, in many of the Indian hospitals of our state and of the country. So, I hope that we will be able to keep that amount, or at least part of it, in conference with the House of Representatives. I think that you have made a strong case here which will be helpful to us in trying to get these funds. I appreciate your being here. Thank you.

Dr. PUCKETT. The next person I would like to introduce to bring testimony is Mrs. Mabel Ashley. She's a housewife; she's an active member of our Health Commission; she's the secretary-treasurer of the Creek Farmers Federal Credit Union; she's been active in the Eastside Youth Center at Bristow; and she is quite active in multiple youth activities in the Bristow area.

TESTIMONY OF MRS. MABEL ASHLEY OF BRISTOW, OKLAHOMA

Senator Harris, Dr. Puckett, and others here. I am here to talk about the health needs of the poor. Health education is really what we need most. Even with access to the Health Department, many people just won't go to the Health Department. We have clinics, but the vast majority of them stay at home. I remember when we had the rubella program and we had to go out and almost go to each door and find out if the children had had their immunization shots. Then we had to make provisions to get these children to the clinic.

Family planning plays an awfully important part in the health needs of the poor because a very large family suffers more if any disaster comes.

Family counselling would be a great advantage among the poor because the majority of them don't know how to use what they have. They can't take their natural resources and provide for a month until their next welfare check comes. They need proper counselling from the Welfare Department or the case worker or whoever could help these people in managing their money. The check comes on the first of the month and by the fifth of the month the money is gone. They get surplus foods but many just do not know how to prepare them so they are edible.

Also, it would be good for welfare people or low-income people if they could make extra money without this being taken from their welfare check. With no reflection on the Welfare Department, I think the Welfare Department and all these other agencies have a tendency to make liars out of people because they tell them they are going to get $100 a month and have a specified number of things for them to spend this $100 for. If the $100 doesn't go where it should go, the recipient goes out and gets a job and everything that he makes he is supposed to report—nobody is going to report that because they think it is going to be taken away from them, and they're just not going to do it. If it were specified that they could work and this money be taken for the needs that they have, I think that this would be a good thing.

We have a dentist in our county and a number of our health departments have dentists but they can only do emergency work and we need dental care among the poor.

Glasses are one of the greatest needs for the poor—both children and adults. And in order to find out how many of the welfare recipients or low-income people need these you almost have to go from house to house to find out because they don't have the confidence to come and say they need this.

A means should be provided for drugs for persons discharged from mental institutions. The cost of medication is so high that recipients can't pay the money and so this ends up costing the state more because these people have to be recommitted.

Also for people on Medicare and welfare there is a ten-day stay in hospitals and when the ten days are up many of the patients are not ready to be discharged. Before he can go into the hospital he has to have the $50 deductible that has to be paid. There are many families who don't have this. Working for the Credit Union, I find out that some of our members are welfare recipients and they have to borrow the $50 so they can go into the hospital, and they don't really have the money to pay it back, and if they are ill for a long time they are completely ignored. They have no way of paying this back, so we need to have something done about that if there is anyway possible.

We need a recreational place for our low-income people because "all work and no play makes Jack a dull boy." The children and even older people need recreation. Everybody needs some form of recreation. Our young people are on the streets. They are dropouts. We don't have anyway to cope with this.

Also we need money to see if we can do anything about the low-income people who still don't have sewers and their outdoor privies are inadequate. Some of them don't have water where it is available. Many peo-

ple are too shy to talk about things like this. There was a survey made and our worker in our County Health Service went from door to door to see how many outdoor toilets there were. I don't know what the evaluation was, but I think it was kind of high. It would be good for the government to know about these things and maybe we could get something done. I thank you.

Senator HARRIS. I appreciate your statement very much.

Dr. PUCKETT. I would like to introduce Mr. Leon Noss, hospital administrator and member of our Facilities Committee who serves in reviewing proposed facilities for our COEDD area. He is going to present a statement relative to the hospital's problem in a rural setting.

TESTIMONY OF MR. LEON NOSS, ADMINISTRATOR, SHAWNEE MEDICAL CENTER HOSPITAL

The nineteen hospitals of this eight county area share the concern of Rolette and Mrs. Ashley and the problems that they have mentioned as well as the many other problem areas of health delivery and the receipt of health services that we do face in our area. Certainly we and the hospitals and our physicians want to develop a delivery system that can meet many of these needs. We believe that the hospitals and the physicians in our area have the ability to contribute to the solution.

These hospitals and physicians are located near the homes of these people, in the various towns in our area. They are already in the physical location which will permit these people to receive their many health needs faster and at less expense. Thus the hospitals and the private physicians can serve as the front line of attack on these health needs. But governmental health programs have so split our delivery system, and penalized these small hospitals through the reimbursement methods, that we are in a severe struggle for financial existence. Our ability to provide charity or other services for which we do not receive full payment is severely limited by the large per cent of services we already provide under Medicare and Medicaid contracts at less than cost.

Indian Health Service, VA, and Military programs do not permit most of these people to utilize their local hospital or physician as covered health services. The people are segregated into groups and sent off to a facility which is financed to provide services to their particular group. Government thus creates a duplication of facilities as well as a hardship for these people if they are to receive needed health services. The vast majority of these needed services could be met by the local hospital and local physician at much less cost. Why not let the Indian, VA, and Military hospitals and physicians compete with us under a unified health insurance plan. The quality of care will soar, and more needs will be met at less cost

Under the present Medicare and Medicaid programs, where health services are covered for another segregated group of citizens, the hospitals in our area are providing a large per cent of their services. But these hospitals are not being adequately paid for these services. We not only are not paid our billed charges, we are not even paid for all of our costs. No business can long exist if its costs are not even paid.

Perhaps the philosophy of government is the most difficult part for the health providers, hospitals, doctors, etc., to understand. Large investor owned companies lobby and fight to receive government contracts because these produce large profits to be shared by the investors. Apparently government feels that these companies should receive a profit for producing such items as airplanes, helicopters, guns, etc. But the philosophy changes when government wants to buy health services. For these they are unwilling to even pay cost. In either case the government is purchasing services or products for the public well-being. Surely health care is as important as guns.

If the current financing methods under Medicare and Medicaid are also used for National Health Insurance, then a number of the community hospitals in our area will be forced to close, and the local physicians driven into the urban centers.

These hospitals serve a population where a large percent of the people are presently covered by Medicare or Medicaid. Up to 88% of the services are utilized by these people. But the hospitals do not receive 100% payment for these services. Instead they receive only about 88% from both Medicare and Medicaid. Thus there is a large loss to be made up by the private paying patients.

For the physician, he can live in one of our rural communities and receive $350.00 for a particular surgical procedure. But this same physician can move to an urban center such as Oklahoma City, and receive $550.00 for that same surgical procedure. Can you then understand why physicians do not want to go to the rural communities?

I have tried to say two things. First, government, through its programs, is splitting our health delivery system and penalizing our people while it says it wants to eliminate duplication and provide better personal health care to all citizens.

Second, government needs to apply a similar philosophy to its health care purchases that it uses for other purchases for the public, at least to the extent of paying its full share of costs.

I urge you, on behalf of the health and welfare of the people of our 8-county area, to give consideration to our needs in your future deliberations.

Senator HARRIS. I will.

Dr. PUCKETT. I would like to touch on just three points. Mr. Noss has pretty well, I think, made the case for the hospitals. We are including a survey from the various hospitals regarding their reimbursable costs under Blue Cross-Blue Shield, Medicare, Medicaid, and private plans and you can peruse that at your leisure. I think it will certainly document completely the statements which Mr. Noss has made regarding reimbursement problems the small hospitals are having, and this is based on the number of beds and is statistically valid.

Number two, I think Mrs. Ashley touched on one point which we haven't said a lot about. Any type of national health insurance is not going to be of value if the recipients are not able to have the drugs in order to cure the ailments. So we feel that there must be some financing by some means at least for payment for drugs for the people.

Mr. Rolette has presented the Indians' case; in our area in order to get health care the Indians are segregated in a separate facility. We at the Health Commission feel that if he were able to choose, because he were adequately financed through some type of insurance or otherwise, if he could choose either the Indian service, private service or any other service, or even set up his own, based on the fact that he could fund it by utilization, that the Indian would receive a continuum of excellent care. And so we would suggest that either a hospital, or funding these people where they could go where they want to go is a solution to that particular problem.

Let me thank you for the opportunity to present testimony and we are available to answer questions at any time or to expand upon any of the points which we have made, should your committee desire this.

Senator HARRIS. I appreciate very much your excellent statement on behalf of the Health Commission of the Central Oklahoma Economic Development District.

ADDITIONAL TESTIMONY PRESENTED BY THE COEDD HEALTH COMMISSION TO THE U.S. SENATE COMMITTEE ON FINANCE

The COEDD Health Commission is honored in presenting testimony before the U.S. Senate Committee on Finance and expresses its gratitude to Senator Fred Harris for making this democratic process possible. The Central Oklahoma Economic Development District, hereafter referred to as COEDD, was organized in 1966 through the provisions of the Internationel Cooperation Act. The initial motivating forces behind this organization, were the local problems of high unemployment, poverty, and out-migration of population. Through monies, administered through the Economic Development Administration of U.S. Department of Commerce, assistance has been provided in planning and action to alleviate these above described problems. However, it soon became apparent to the 215,000 citizens living in the rural area and in the 40 cities and towns within this eight-county area that more jobs were not necessarily the solution to all of the needs identified in the planning process. It becomes further apparent that a *comprehensive process,* involving planning for total development of the region including functional areas of physical, social, and economic needs, must be implemented immediately if the planning process is to be responsive to the problems of the local people.

In 1968, COEDD was funded through the provisions of P.L. 89–749, referred to as the "Partnership For Health" legislation. During the past two years, the COEDD Health Commission has been organized, consisting of 38 members, who have been elected by 13 "grassroots" Health Planning Task Forces. This Commission has, by working with the public and private segments of health care and consumer, as well as provider interests, studied and documented many of the health needs of the area. COEDD, being a rural, depressed area, recognizes the likelihood of a "health crisis" in the near future. Our health needs are many, our problems are critical and limited human and financial resources demand that a comprehensive process be developed, whereby maximum utilization of health resources, facilities, services and manpower, may be attained

Some areas of concern documented by the Commission include:

1. Fragmentation and duplication among segments of the health service delivery system

2. Differences in health status of population in accordance with socioeconomical standing

3. Out-dated and improperly utilized health facilities

4. Increased cost of health care

5. Increasing shortages of Health Manpower—medical and paramedical

Many parties are increasingly advocating a Universal National Health Insurance program as one solution to the health care crisis. A recent survey conducted throughout COEDD [1] indicated that over 12% of the low income families are neither covered by government health programs nor participate in a prepayment plan with a private health insurance company. Furthermore, the quality of coverage varies among many area prepaid programs and does not, in many cases, meet the health needs of the individuals and families. Due to increased financial burdens being created by the health crises, a large number of area households now favour National Health Insurance. The Health Interview Survey conducted throughout COEDD, shows the present level of support and opposition for a universal insurance program by socioeconomic strata. It also indicated that

[1] Exhibit A.

a significant number of households were undecided.

If Congress, with all of its wisdom, decides that Universal National Health Insurance is in the best interest of America, then the COEDD Health Commission volunteers its assistance in expressing areas that we are most concerned with, particularly our level of expertise regarding present health problems and about a workable health delivery model for rural America.

Today, health is not a basic right in COEDD. Many discrepancies exist in availability and accessibility to health services among our people. Gaps exist within and between the many fragments of the health system. Significant differences exist in the health status in accordance with socioeconomic standing, culture, and race. The people of COEDD feel that hospital charges are too high, while another study recently conducted [2] indicates that major discrepancies exist today in the cost items allowable by major third-party payment plans, and significant differences exist in their levels of reimbursement. Unless corrective action is taken by Congress, programs, such as the Medicare and Medcaid program, will bankrupt and force the small, rural hospital to close its doors. The hospitals in rural areas such as COEDD, because of the high numbers of persons over 65 and the Medicaid-Welfare load, depend upon Titles 18 and 19 for the majority of their total annual budget.

The Indian citizen is denied access to adequate levels of care because of inconveniently located facilities and shortages of health personnel. Continuity of service is nonexistent for Indians living in COEDD. Why does the Federal Government continue to duplicate facilities and services and to operate a completely segregated system of health care for Indians?

The COEDD Health Commission recommends that in communities, such as Pawnee, Oklahoma, that future consideration be given toward building and equipping a joint community health facility that will meet the needs of all area citizens and that the different levels of government discard any plans for continued duplication of facilities and/or services for the Indian and Non-Indian populations. We also recommend payment for services rendered, whether they provided by the private segment or public, be made to all levels of government or to the private segment through such a National Health Insurance Plan.

In summary, the COEDD Health Commission maintains that an effective and workable "Partnership" must be developed between the public and private segments of health care. It is important that both partners, as well as consumers of health services, have an equal voice in shaping the destiny of America's Health Care System. It is possible to preserve the patient-physician relationship and to provide for free choice by all people of physician, institution or agency rendering health care as cherished in our democratic society, and still; to develop a comprehensive delivery system that will promote the qualities of life, including health care wanted to all people. This is a great undertaking. Together, let's start now to build this "Partnership"; one that is economically responsive to the various needs of the patient.

[2] Exhibit B.

EXHIBIT A—TABLE OF RESULTS, COEDD HEALTH INTERVIEW SURVEY [1]—JUNE 1970

Socioeconomic stratum	Percent of households with health insurance				Opinions of household respondent regarding national health insurance (percent)		
	Private	Government	Both	None	Favor	Oppose	Undecided
High	58	24	13	5	24	48	28
Middle	51	32	12	5	42	32	26
Low	37	40	11	12	57	24	19
Rural	55	24	13	9	46	36	18

[1] Sample population selected at random from households among rural and urban areas of COEDD. All communities above 1,000 population were stratified into socioeconomic frames in accordance with a precise, valid methodology developed by NCDC, U.S.P.H.S., DHEW. Collection of data was a door-to-door process by teams of experts formally trained in proper interviewing techniques.

I. Size of COEDD Survey Population	2,500 households.
II. Composition of sample:	
A. Urban:	
1. High socioeconomic stratum	348 households.
2. Middle socioeconomic stratum	348 households.
3. Low socioeconomic stratum	768 households.
B. Rural	1,036 households.

EXHIBIT B—SUMMARY OF THIRD PARTY REIMBURSEMENT EXPERIENCES AMONG COEDD HOSPITALS, JULY 1, 1970 [1]

	Under 30 beds	30 to 50 beds	50 to 100 beds	100 to 150 beds
Average cost paid/patient day:				
Blue Cross	$45.44	$55.24	$53.59	$57.80
Medicaid	$38.57	$45.65	$50.70	$53.80
Medicare	$40.67	$44.28	$51.27	$44.57
Average percent occupancy/total patients:				
Blue Cross	10.6	11.7	17.0	16.0
Medicaid	8.9	11.7	7.0	5.0
Medicare	59.6	55.8	46.0	42.5
Average percent of billed charges paid by:				
Blue Cross	99	97	99	95
Medicaid	89	85	90	85
Medicare	86	87	94	85
Regional median average of reimbursement from:				
Blue Cross			97	
Medicaid			87	
Medicare			88	

[1] Figures taken from most recent annual audit.

UNDER 30 BEDS				
Hospital number	1	2	3	4
Blue Cross:				
Gross bill charges	$28,061	$35,898	$29,519	$38,307
Expense recognized	$26,850	$34,565	$29,159	$28,039
Cost paid/patient day	$46.95	$46.03	$44.16	$44.64
Occupancy (percent)	12.42	12.14	8.29	9.8
Paid percent billed charges	95	96	100	99
Medicaid-welfare:				
Gross bill charges	$13,519	$24,852	$12,547	$48,278
Expense recognized	$13,391	$22,516	$12,141	$41,875
Cost paid/patient day	$45.56	$28.90	$40.81	$39.02
Occupancy (percent)	6.52	12.60	4.1	12.4
Paid percent billed charges	99	90	96	86
Medicare:				
Gross bill charges	$124,229	$143,273	$142,721	$236,905
Expense recognized	$124,528	$138,531	$137,612	$214,674
Cost paid/patient day	$43.27	$39.46	$39.32	$40.66
Occupancy (percent)	63.84	56.78	57.1	61
Paid percent billed charges	100	96	96	90
Total occupancy, Blue Cross, Medicaid, Medicare (percent)	82.78	81.52	69.49	83.20

30 TO 50 BEDS					
Hospital number	5	6	7	8	9
Blue Cross:					
Gross bill charges	$38,617	$16,129	$66,142	$30,215	$425,896
Expense recognized	$38,617	$16,129	$63,454	$29,902	$391,889
Cost paid/patient day	$59.80	$48.56	$45.30		$67.33
Occupancy (percent)	18	4.52	14.8	11.7	9.88
Paid percent billed charges	100	100	95	98	92
Medicaid-welfare:					
Gross bill charges	$83,191	$30,802	$49,933	$23,085	$406,819
Expense recognized	$58,466	$24,369	$37,671	$22,516	$360,819
Cost paid/patient day	$37.19	$30.89	$48.32	$49.95	$61.91
Occupancy (percent)	24	10.72	8.6	8.4	6.9
Paid percent billed charges	70	79	75	97	88
Medicare:					
Gross bill charges	$546,626	$245,847	$300,000	$130,469	$406,819
Expense recognized	$393,383	$194,483	$237,000	$125,323	$366,361
Cost paid/patient day	$36.97	$36.29	$44.26		$60.59
Occupancy (percent)	44	72.79	51.7	53.2	57.65
Paid percent billed charges	71	79	79	96	90
Total occupancy, Blue Cross, Medicaid, Medicare (percent)	86	88.03	75.1	73.3	74.43

50 TO 100 BEDS				100 TO 150 BEDS			
Hospital number	10	11	12	Hospital number	13	14	15
Blue Cross:				Blue Cross:			
Gross billed charges	$135,638	$39,597	$330,897	Gross bill charges	$146,016	$204,075	$343,119
Expense recognized	$135,638	$42,333	$297,119	Expense recognized	$143,694	$173,402	$340,273
Cost paid/patient day	$46.45	$56.52	$67.82	Cost paid/patient day	$43.08		$72.52
Occupancy (percent)	17	10	25	Occupancy (percent)	12.9		19.28
Paid percent billed charges	100	100	89	Paid percent billed charges	98	84	99
Medicaid-Welfare:				Medicaid-Welfare:			
Gross bill charges	$72,946	$33,062	$66,164	Gross bill charges	$81,882	$156,689	$82,365
Expense recognized	$71,755	$28,699	$56,677	Expense recognized	$80,287	$96,517	$78,405
Cost paid/patient day	$36.70	$64.70		Cost paid/patient day	$42.91	$43.34	$75.17
Occupancy (percent)		9.1	5	Occupancy (percent)	7.2		4.92
Paid percent billed charges	98	86	85	Paid percent billed charges	98	62	95
Medicare:				Medicare:			
Gross bill charges	$338,332	$252,125	$450,763	Gross bill charges	$560,072	$933,426	$691,817
Expense recognized	$338,003	$244,329	$389,173	Expense recognized	$575,577	$566,162	$640,415
Cost paid/patient day	$45.50	$43.10	$65.21	Cost paid/patient day	$39.33	$39.87	$54.51
Occupancy (percent)	41	60	39	Occupancy (percent)	56.8		48.27
Paid percent billed charges	99	96	86	Paid percent billed charges	102	61	92
Total occupancy, Blue Cross, medicaid, medicare (percent)	58	79.1	69	Total occupancy, Blue Cross, medicaid, medicare (percent)	76.9		71.84

Senator HARRIS. Mr. Reid Hutchens, Jr., who is President of the Southern Oklahoma Development Association Health Advisory Council, is with us. Reid, we appreciate your coming up here and will be glad to hear from you at this time.

TESTIMONY OF MR. REID HUTCHENS, JR. OF TISHOMINGO, OKLA.

Thank you Senator. My report will be divided into two parts. The first is the health care system and the second will be on the high cost or the reason for the high cost of hospitalization.

The Southern Oklahoma Development Association and the Health Advisory Council appreciate the opportunity to express the following concerns regarding the health care system.

Congress, in consort with the U.S. citizens, must guide by law and economic incentive, the health care system toward a balance between maintenance of individual health through preventive care as opposed to the present single focus on disease, treatment, rehabilitation and exotic services as related to hospital confinement.

To achieve this balance, the health care system must provide a continuity of health supervision from birth to death as defined by a health planning process for a given geographical area and/or population density.

Recent experience with health programs promulgated by Congress and interpreted by Washington standards have proven that rural Oklahoma may not be able to take advantage of well-meaning laws and in some cases find the programs in conflict with the area's best interest.

Example (1) Hospital reimbursement comparison attached. Hospitals in south-central Oklahoma have a Medicare occupancy of 53%—79%—42%—62%—51%—56%, etc. Medicare pays 85%—72%—83%—76%—71%—75% of the billed charges.

These hospitals in a rural poverty area are going broke by the imbalance of Medicare patients. If, however, the reverse were true, a situation which does exist in the more densely populated areas, so that Medicare occupancy was 30% or less, the hospitals could afford to care for the Medicare patient.

Example (2) Comprehensive Health Planning. P.L. 89-749, written in 1966, was a creative piece of legislation suggesting that there should be a partnership for health which would recognize the local input into the planning process. Today all programming still comes from Washington down, telling us how to plan and what to plan.

Congress, in consort with the U.S. citizens, can make personal health care more feasible and more accessible by striving for a coordinated health care system, giving all U.S. citizens the right to choose their health provider and facility.

At the present time we have segregated health care systems. We have health care systems for:

The American Indian.
The Veteran.
The military personnel and dependents.
The poor.
The aged.

If Congress determines that a national health care system is in the best interest of all citizens, then all citizens should be equal under the law and not be forced to seek health care in a manner prescribed by law due to his background.

In the development of Medicare the Congress should be commended for passing into law this outstanding piece of legislation. They provided hospital care to millions of Americans that were unable to obtain needed hospitalization.

However, the Congress failed to pick up its fair share of the bill.

As a result of Medicare you are seeing hospitals in Oklahoma getting into serious financial difficulty and the cost of hospital care skyrocketing. Medicare can certainly be blamed for a major part of this high cost of hospital care. I was told a while ago that—I don't know how accurate the information is—that as a result already of Medicare, thirty-five hospitals in Oklahoma have closed their doors and soon thirty-five more will.

The Congress passed the law and said that they would pay for hospital care for the patients on a reasonable cost basis. The first two years two percent was added to the reasonable cost figure. This was dropped by law July 1, 1969. Congress also said that bad debts would not be considered as a part of cost. The Social Security Administration said that out-patient service, nursery, obstetrics, pediatrics and accelerated depreciation would not be considered as reasonable cost. When you take all these items out you take out the biggest expense items in normal hospital operation.

In the Tishomingo Hospital we had to hire extra help as a direct result of Medicare. This was additional professional nursing people, medical records personnel, office personnel and auditing expense. In the last fiscal year we ran 53 percent Medicare patients. This is the normal average for Eastern Oklahoma hospitals.

Senator HARRIS. How were those handled before Medicare? Did those people get care before, or do you know?

Mr. HUTCHENS. Well I would say that a lot of people got some care that they were not getting under Medicare. Some of them maybe had welfare, some of them had other kinds of insurance, some of them were able to pay their own—take for example my mother. She is not a wealthy person by any means but she is financially independent. She has been in the hospital the last two years with Medicare picking up the bill. She could pay for it herself, she has the money, but the government picks it up.

Senator HARRIS. The insurance program under Medicare?

Mr. HUTCHENS. Medicare picks up her bill. She could pay it out of her pocket. She has the money.

Senator HARRIS. There are a good many people I trust that could not.

Mr. HUTCHENS. Yes, there are several. Medicare has served a purpose but let me see where they're wrong. When we ran 53% Medicare patients you only picked up 53% of the costs of this extra help. What I'm saying here, if we had to hire this lady here to keep records as a direct result of Medicare, and we ran as an average 53% Medicare patients, the government only pays 53% of her salary.

In our hospital we charged Medicare patients $268,708 but you only recognized $227,690 as expenses. This difference of $41,000 had to be transferred to the remaining 43% of our patients. I might stop here and say in comparison of bills, Medicare paid us $35.21 to take care of their patients a day, Medicaid or welfare paid us $41.77, and Blue Cross paid us $47.43. Welfare patients accounted for 16% so this only leaves 31% to absorb the cost you refuse to recognize. Blue Cross patients accounted for 8% of our business and they paid us 100% of our bill charges. In simple terms here is what has happened. We had to shift the expenses that Medicare failed to recognize to 31% of our patients causing us to raise our prices at an unusually high rate. Also the Congress put us under wage and hour and this also caused additional hospital expense.

The *Daily Oklahoman* quoted you yesterday as saying, "Every day I receive letters from Oklahomans telling me of the disastrous financial problems brought about by the high cost of medical care." The people are right in advising you of this matter. This is where a major part of the blame lays and this is with the Congress.

If the Congress creates a National Health Insurance Program with the same attitude as Medicare you will see either hospitals closing their doors or increasing their bill charges at a far greater rate than either of us could imagine.

Most hospitals are non-profit community serving organizations.

If we hold down our bills we either go broke, or discontinue giving service to Medicare patients. If we do this we are failing in our purpose in the community. If we don't raise our rates and try to exist we must go to the ad valorem taxpayers for relief. This would be disastrous as we are eight to nine times larger than county government. We

had no choice but to shift the burden of cost to this small percent.

Senator, I would urge every effort be made on your part to remove the administration of Medicare from the bureaucrats in Washington to either the state or area level. This would also apply to say future Health Plans or government health programs.

The administration of any program from the bureaucrats in Washington removes the one most important thing—the local problem.

On December 1, 1969, I visited with John Veneman, Under Secretary of H.E.W., discussing the reimbursement formula and asking for help. He was most understanding, and even said that he could see where Modesto, California, his home town, would have different problems than the greater Los Angeles area. He also understood our area as having different problems from the highly industrial states where Medicare patients may be as low as 20 percent versus our 53 percent, and Blue Cross running as high as 55–60 percent versus our 8 percent. If we had 20 percent Medicare we too could make it and absorb it.

Mr. Veneman could also see and understand this problem. But he said there was no way to write a program for different areas. He also promised some relief, some came but not enough. We had to increase our rate again on February 1, 1970 because of Wage and Hour. If unemployment compensation is passed it will be necessary again to increase our rates.

I think you will agree with me that metropolitan and rural areas have different situations. This is why I advocate either state, area or local level administration of Medicare or any other government health field. Under Medicare we are required to hire our own auditor. This is good. We are also audited by a firm from Ada, a Medicare auditor. We are audited again from Tulsa, a Medicare auditor. We are audited again in Baltimore, and subject to audit from G.S.A. which answers only to Congress with no statute of limitation. It is estimated that auditing expense has already exceeded $1 billion for Medicare.

Here is why we are on top of the problem in Oklahoma and we are further advanced than most other states. In 1967, Oklahoma hospitals had completed 100% of their audits and with a 99% settlement. The regional area was only 92% with 74% settlement; the national average was 89% with 60% settlement. In 1968, Oklahoma again had completed 100% of their audits with 97% settlement versus regional 74% audits with 28% settlement and a national average of 66% of the audits with only 26% settlement. In 1969, already Oklahoma as of December had completed 47% of their audits with 31% settlement; regional areas only 21% had completed audit with 7% settlement; and the national area 20% had completed their audits with 4% settlement. Your colleagues in Congress will soon be catching hell—just as soon as the audits are completed.

Senator HARRIS. That won't be anything new. (laughter)

Mr. HUTCHENS. I would like very much to come to Washington and appear before the subcommittee or full committee to discuss how they are breaking all hospitals in the nation where we have a high percentage of retirement personnel or people of the rural areas.

I wrote you last week asking for your support of a "Cost Containment Program in Oklahoma Hospitals" that was presented yesterday to the Social Security Administration in Baltimore by the Oklahoma Hospital Association in cooperation with the welfare program and Blue Cross. Again I would like to urge that you go all out and support that program so we can survive a little longer.

Also, on behalf of the Southern Oklahoma Development Association, I want to thank you for your help in overriding the President's veto of the Hill-Burton funds. Do you have any questions?

Senator HARRIS. That's it. Thank you very much. I appreciate that very much and I think that you made some awfully good points. We obviously have to have programs to provide for people who couldn't otherwise get medical care. I think we ought to be fair about the basis on which we pay. Furthermore, I don't believe that we ought to pay people less than an adequate wage whether they work in a hospital or laundry or wherever. But we ought to recognize that when people are paid proper wages that that increases cost to some degree. So I appreciate what you've had to say and I think it will be very helpful to me and to the committee.

ADDITIONAL TESTIMONY PRESENTED BY THE SOUTHERN OKLAHOMA DEVELOPMENT ASSOCIATION

Description of area

110 miles East to West; 85 miles North to South; 6,883 square miles.

Total population of entire District: 170,000 (Source: 1960 U.S. Census.)

Three largest communities: (10 counties) Ardmore—20,679; Ada—14,311; Durant—10,920. (Source: (Population) U.S. Census, preliminary release, May 22, 1970.)

Historically, economic base dependent on farming and ranching.

Income levels: 44% of population derive a total annual income of $3,000 or less; 67% are under $4,999.

Per Capita Personal Income: SODA Average—$2,407; Okla. Average—$3,328. Source: 1960 U.S. Census.

Education: Median education level for entire area is 8.8 years.

Minority groups: 8.9% of total population (District) consist of American, Indian, and Negro.

Age: U.S. Average—29.5; median age of SODA area—34.7 years old.

Counties with the younger population are: Garvin, Carter, Pontotoc.

Description of health manpower

Physician providing patient care/100,000 population: U.S.—132/100,000 population, Okla.—106/100,000 population, SODA—74/100,000 population.

Total—123 MD & DO in the SODA area.

Dentist providing patient care/100,000 population: U.S.—47/100,000; Okla.—*35*/100,000; SODA—24/100,000.

Professional Nurses providing patient care/100,000 population: U.S.—313/100,000 population; Okla.—188/100,000 population; SODA—100/100,000 population.

Total—169 active Registered Nurses.

Age—4% under 25 years old, 20% 25–34, *22% 35–44, *36% 45–64.

Education—81% Diploma.

Active—78%.

Inactive—22% (½ of inactive are retired due to age or family).

Field of Employment—63%—Hospitals, 14%—Public Health, 7%—Nursing Home.

Description of health facilities

General Hospitals: 13 institutions with total of 811 (plus) hospital beds in 9 counties (Note: This excludes recently completed and planned facilities.)

Hospital size range from 20–150 beds.

Accessibility—Evenly distributed within the area.

Long-term Facilities: (Nursing Homes) 55 institutes with total of *2000* (*plus*) beds in 10 counties.

Nursing Home size range from 30–100 beds.

Other: (State facilities) Okla. State Veterans Hospital—Sulphur—231 beds, Okla. School for Deaf—Sulphur—enrollment fluctuates around 220, Pauls Valley State School—600 (Plus).

County Health Department: 10 units, one in each county staffed with varying levels of personnel, such as: nurses, home health aides, sanitarians, and physicians.

Limited voluntary agency services.

Description of health services

Limited to basic institutional care and minimal safe water and sewer systems and housing facilities.

Local colleges and educational facilities have limited curriculum and programs to develop or promote health manpower for the area.

Local public school curriculum have limited curriculum to develop and promote an optional level of health knowledge which could promote and improve health status in the area.

Out-patient services for acute illness and early detection of disease are limited to private physician practices during office-hours and to hospital emergency rooms facilities and personnel after hours.

There is limited to no available care for mental health problems in the area.

COMPARISON OF 3D PARTY PAYMENTS TO HOSPITALS IN SODA AREA, HOSPITAL SIZE, FROM 30 TO 150 BEDS

Hospital	A	B	C	D	E	F
Gross billed charges	$49,242	$57,219	$263,203	$27,437	$24,379	$50,954
Expenses recognized by Blue Cross	$49,242	$56,138	$237,049	$27,437	$24,379	$50,954
Paid by Blue Cross per patient day	$47.43	$59.03	$63.86	$57.13	$28.99	$49.09
Occupancy (percent)	8	7.6	13.52	10.0	7.9	9.7
Paid percent of billed charges	100	98	90	100	100	100
Medicaid:						
Gross billed charges	$102,362	$84,645	$114,704	$31,704	$95,890	$70,859
Expenses recognized by Medicaid	$81,779	$68,884	$99,002	$25,470	$68,537	$67,355
Paid by Medicaid per patient day	$41.77	$41.84	$55.96	$40.68	$26.79	$46.70
Occupancy (percent)	16	13.1	6.13	13.3	24.9	13.5
Paid percent billed charges	80	81	86	79	71	95
Medicare:						
Gross billed charges	$268,708	$553,324	$741,414	$171,315	$207,948	$295,973
Expenses recognized by medicare	$227,690	$403,404	$613,917	$131,159	$148,529	$222,782
Paid by medicare per patient-day	$35.21	$40.34	$53.17	$47.38	$28.06	$36.98
Occupancy (percent)	53	79.3	42.05	62.4	51.6	56.4
Paid percent billed charges	85	72	83	76	71	75

Note: Average percent of billed charges paid by Blue Cross, 98 percent; average percent of billed charges paid by medicaid, 82 percent; average percent of billed charges paid by medicare, 77 percent.

Senator HARRIS. Has Gary Theilan from the Oklahoma City Planning Council come in yet? No?

Gene Pace is here representing Jack Boyd, Director of the Oklahoma State Health Planning Agency, who will be filing a statement later on. Gene, do you want to add anything at this time?

Mr. PACE. Not at this time, thank you.

Senator HARRIS. All right. I appreciate very much your being here.

I would next like to call on Mr. William Roderick, Director of the Pipeline Industry Benefit Fund.

TESTIMONY OF MR. WILLIAM RODERICK, DIRECTOR OF THE PIPELINE INDUSTRY BENEFIT FUND

Senator Harris and ladies and gentlemen. I'd like to preface my remarks here this morning to say that I wear a number of hats as I stand before you. I am the administrator of a National Health and Welfare Plan, which covers Pipeline employees doing work under the United Association of Journeymen, Plumbers and Pipefitters across the country. We have eligible members in all the states. We pay hospital bills and medical bills in all the states. I'm also the President of the Tulsa Labor Council. Of course, the official position of the AFL–CIO, as well as of the independent unions throughout the country, is for the preservation of the health and the well-being of our people. We in the labor movement have, in most cases, adequate health care. We find ourselves having to negotiate further, though, to keep abreast of the inflationary trend of hospital costs. I'm also a member of the Tulsa Area Health and Hospital Planning Council. I do not speak for them this morning but I am a member, and I am aware of some of the problems we have locally. As administrator of the Fund for the last four years, of course I have firsthand knowledge of the rising health costs and care costs that we have. We have some 6,000 members and their families who are eligible for benefits and we pay claims in each state in the Union. We see quite a difference in the inflationary trend and rise in costs of health care.

Our actuary just completed a report for fiscal year ending February 28, and we found that to provide the benefits that we do for our members—and we are a self-insured entity and we do not have anyone under writing us and we pay out of our own reserves, our Taft-Hartley trust—if we were to go to a carrier to underwrite the coverage we provide for our people, which we feel in great part is better than most places, it would cost in the neighborhood of $900 a year to purchase this type of coverage. This includes a vision plan; a dental plan; complete out-patient benefits; hospitalization (we pay the semi-private room rate); we pay unlimited miscellaneous expenses while they are in the hospital; we have a disability benefit in connection with this. We pay according to a schedule on dental benefits. But to purchase this and to provide the coverage that we do for our members, it would cost in the neighborhood of $900 a year premium for each of these people. And we feel like we are doing a very good job for our members. However, the position that organized labor has taken down through the years is that an investment in human resources—which is education and health—is an important investment. Even though we are real fortunate in being able to provide as well as we do for our people, many people across this country of ours do not have adequate health care.

The point was made in regard to the employees of hospitals going under the minimum wage. It's noted that if a person on the minimum wage worked 52 weeks a year and earned around $3,700 he would still be in the poverty group in our country. I can see the problems that he would have in trying to provide adequate health care for himself and family. I pulled two folders from our claim files yesterday. There was a maternity claim incurred in December of 1968 and a maternity claim which was incurred in May of this year—some 16½ months later—in a local hospital here in Tulsa. I noticed that the room and board charges had increased 15%; the miscellaneous fees while in the hospital increased over 30%. Realizing that probably both confinements were not equal, they were equal in the number of days that they were in the hospital, seven days in each of these cases. But there was a 30% increase in miscellaneous fees and a 15% increase in room and board. I realize the problems Medicare and Medicaid are creating, and I don't overlook that we have been doing a very good job in providing health care for elderly people, the indigent and the people who cannot provide, the disabled. So I don't think we can be critical of the program for what we have done. I also feel that those people, regardless of their financial standing in our country today, should have the best health care that our medical people and our scientific people can provide.

I feel that there are many problems that we have throughout the nation and that those assembled here are trying to deal with these problems in an effective way. It is the feeling of the AFL–CIO, people in organized labor, that there are slipshod methods and methods that are not coordinated; economies that we could practice; people who are not receiving optimal care as far as medical services are concerned; that all of these are problems that we have. Controls on hospitals and economy, even on the physician in some cases, should be put into effect and a national plan should be instituted in the United States to assure that every citizen, regardless of his race, his creed, his color, is entitled to the best health care available. Thank you.

Senator HARRIS. Thank you very much, Bill, for a very good statement.

Next, we have Jack McGee, who is President of the Communications Workers of America, here in Tulsa.

TESTIMONY OF MR. JACK M'GEE, PRESIDENT LOCAL 6012, COMMUNICATIONS WORKERS OF AMERICA, TULSA, OKLA.

Thank you, Senator. I am trying to present the consumers side of National Health Insurance.

My name is Jack D. McGee, and I am the President of Local 6012 of the Communications Workers of America, here in Tulsa.

I appreciate this opportunity, both as a citizen and a Unionist, to give you my views on National Health Insurance.

We have needed National Health Insurance in this country for a long time, we need it now, and we need it badly.

There is no way to avoid the fact that our system for delivering health care to the people is so grossly inadequate that we ought to be ashamed of ourselves.

I can only speak as a patient—a consumer of health care—and as someone whose work as President of a Union Local keeps him informed of the problems of other workers who are consumers of health care. So I feel that I should back up my views on how inadequate the health care system is with statements for some authorities.

The first authority I would like to quote to you recently said:

"We face a massive crisis in this area and, unless action is taken both administratively and legislatively to meet that crisis within the next two years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout this country."

That was President Nixon speaking, after he had read a report prepared by then Secretary Robert Finch of HEW, and Assistant Secretary Roger Egeberg.

Another authority said 60 percent of the American people were getting good health care, and the problem was getting it to the other 40 percent. That was President Gerald Dorman of the AMA.

President Dorman may have been trying to make a positive point by saying 60 percent get good care, but we have to look at the negative side—at the 40 percent—and that is an awfully large percent—who are not getting good care.

I would also like to mention to you that there are several strong forces at work in our society today which should be taken into account when National Health Insurance is discussed.

One is consumerism. The other is environment. Both are dominant in the 1970s. Both are strongly linked to health care delivery. We all are consumers of health care and we all have discovered—I hope not too late—that we have tampered too much with our environment and nature is reacting in a way that greatly affects our very existence, let alone our health.

There is one more aspect to this.

An attitude is growing among many Americans to rise up and protest whenever they feel that an injustice is taking place. Just a couple of weeks ago thousands and thousands of Italian-Americans from the Eastern United States marched on FBI headquarters in New York, claiming the FBI was picking on them. For better or for worse, we are in an era of protest.

Now, when you tie together the consumer movement, the environment movement, and the tendency to protest, it isn't hard to visualize thousands of Americans marching on the AMA if they feel that will get them some of the improvements and benefits they feel an American citizen should have.

The people know that technological advancements in health care have been chalked up beyond anyone's dreams.

Polio has been eradicated, organs have been transplanted, machines keep the heart working at a proper pace, hospitals have dozens of devices that didn't exist only a few years ago.

The people have read about this, and seen it on television.

It created expectations—simple expectations, such as not having to sit in a waiting room for half a day just to get an overpriced prescription, and not having to mortgage everything you own to cover some catastrophic illness in addition to your insurance.

Those expectations have not been fulfilled.

You have the details, and the statistics, so I will not repeat them.

But we all know that health care costs are rising faster than anything else.

We all know that some Americans have never seen a doctor or a dentist.

We all know that millions of Americans are not protected or are underprotected by health insurance.

And we all know that when we get sick most of us are going to have to spend hours sitting in a doctor's waiting room until he gives us a fast five minutes and that overpriced prescription.

The statistics and the facts are all in the Finch-Egeberg Report, and the January issue of Fortune articles in "Our Ailing Medical System," also give the sorry details.

There is a solution to this problem. It is National Health Insurance.

There is a bill before the House Ways and Means Committee—HR 15779, introduced by Rep. Martha Griffiths of Michigan—which does the job working people are interested in, not just for themselves, but for all Americans.

If that bill is passed, we will have in this country a health care delivery system that covers everybody for everything they need in health care. We won't have it over-

night, because there is a lot of rebuilding to do on the system, but we will have it.

I am sure that you are familiar with HR 15779, so I will not go into its details. I would rather talk about its objectives.

It would provide universal protection.

It would provide the full spectrum of benefits, from spectacles to psychiatry.

And, it would stop the rise on costs of health care at the terrible rate they are going up now.

A fully functioning system under the Griffiths bill would see the replacement of the fee for service system—or the piecework system as some call it—for a contract system of payment. This would come about through the great growth of pre-paid comprehensive group practice plans, which the bill makes no bones about encouraging. And, wherever we have pre-pay group practice we have preventive medicine—which is an important cost cutting factor.

A few years ago the President of my Union, Joseph A. Beirne, served on the President's Commission on Health Manpower.

I would like to recall to you a comment he made in the Commission Report of 1967, regarding comprehensive pre-pay, group practice plans. He said:

"The overwhelming evidence produced by the panel study . . . as well as the discussion of the members of the Health Manpower Commission suggest the properness of recommending favorably the extension of comprehensive pre-paid group health care plans.

"In addition, the discussions and study of the Health Insurance Plan of Greater New York as well as the three years of experience of the Federal Health Benefit Program show quite clearly the compelling evidence supporting the view that group practice plans bring about the most economic delivery of medical services. The Commission should take a forthright stand in support of group practice plans."

Early this year, the Nixon Administration started moving toward this view.

At least part of the movement was caused by the doubling of Medicare and Medicaid costs in the last four years, but the major incentive was the demonstrated ability of pre-pay group practice to provide more and better health care at less cost than fee-for-service solo practice.

The Administration program is called Medicare Part C.

Under Medicare Part C, as the Administration envisions it, groups of health care dispensers would contract with the government, on an annual fixed fee per person basis, to provide both preventive and curative care to Medicare and Medicaid enrollees.

We know that it's a long haul from a proposal to action, but the significance is the Administration's recognition that more care, for more people, can cost less under pre-pay group practice.

My view is that if pre-pay group practice is going to do a better health care job for Medicare and Medicaid recipients, won't it also do a better job for every individual in this country?

I would like to mention a few additional general principles involving National Health Insurance.

I think no physician should *have* to participate. Patients should be free to choose any health care system they want. There should be no interference with clinical practice. The Griffiths Bill ensures that practitioners should be able to participate—to contract with the program—on an individual basis, part-time, full-time, and of course, in groups. The Griffiths Bill ensures that because this would be so new in so many areas of the country, the program should provide funds for planning efficient comprehensive health care delivery and it should provide funds for initial staffing of projects. The Griffiths Bill ensures that benefits should include physical exams, surgery, office visits, hospital calls, house calls, eye care, prescription drugs, rehabilitation and physical therapy, hospitalization and skilled nursing home care. There should be no limit on hospitalization and skilled nursing home care. Children should receive complete dental care until they are 16.

The national health insurance program should be administered by a board which represents all of the interests involved—health care, labor, management, government. That board would set the per capita rate.

The board should have a health care advisory council made up of people in health, and a consumer advisory council, made up of people who know health care needs.

The Griffiths Bill ensures all of these points.

A few minutes ago I mentioned the part the national mood plays in this matter, and there is another point under that topic that I want to submit to you as pertinent.

This country is bedeviled with some massive problems.

There is the war in Vietnam. There is a diminishing economy, there is urban blight, there is bitterness between the races.

As a consequence of all this, many people have developed the feeling that government as we know it, and want to preserve it—representative government—won't work any more.

If the health professions, along with the other segments of society who care, can develop a real health delivery system, we will have shown that at least in this area representative government will work.

We will have shown that divergent views can be brought into agreement.

I believe that representative government in a pluralistic society can work.

Labor has also believed in national health insurance for a long time. It is nothing new in many European countries, which, as you knows, often come up with better health statistics than our country.

The first bill to establish national health insurance here that I know of was introduced by Senator Robert Wagner in 1939. It was introduced again in 1943, 1945, 1947, and 1949.

It's time had just not come. Medicare was actually a stopgap.

We have all heard the quote from Shakespeare's Julius Caesar, which tells us:

"There is a tide in the affairs of men, which, taken at the flood, leads on to fortune; Omitted, all of the voyage of their life is bound in shallows and in miseries."

I hope the Congress will not bind itself in the "shallows and miseries" of worn out objections to National Health Insurance.

I am aware of some of those "shallows and miseries" because an assistant to President Beirne, Louis B. Knecht, has made several speeches to medical groups on National Health Insurance, and he has collected the questions from the audiences. Some of them revive the old "socialized medicine" theme song that the AMA harped on for so long in opposition to Medicare. Some are cogent, but others are equally inane, but I think it would benefit everyone interested in better health care for all people to see them, and some answers which have been prepared to them.

I would like to submit them as part of my remarks.

Thank you again for this opportunity to present a consumer's side of National Health Insurance.

Q. Would an individual be able to select a particular doctor in group practice under your concept of National Health Insurance?

A. Yes. The freedom of an individual to select a doctor is preserved. The National Health Insurance program I envision would ensure that any individual could select his or her own physician, just as they do now. No one would be assigned to a particular physician. In group practice programs which now exist a patient selects a physician in the program as the personal physician, and deals with that physician. If the patient needs the services of a specialist his own physician would refer him to one in the group, but that would only be parallel to the present system—not different from it.

Q. You said that within your scheme of National Health Insurance that it would provide the patient free choice of physicians and that the physician could participate as much or as little as he chooses in the system. If the physician chooses not to participate what other alternatives would be available to him or to the consumer?

A. Any physician who chose to remain completely aloof from the National Health Insurance program could do so. He would attract his patients from those who wish to remain his patients regardless of the program. Obviously, the degree of participation by physicians cannot be predicted. Hopefully, it will be very high. And probably a very high percentage of people who are health care consumers will want to participate. That would generate high participation by physicians.

Q. Would labor object to complete socialization of medical care a la Great Britain?

A. Labor supports the National Health Insurance program currently in Congress (Griffiths' bill) which preserves free enterprise. Labor considers itself the major force preserving the free enterprise system in the United States now, despite management's anti-consumer and anti-labor attitudes, which generate antipathy toward the system on the part of many working people.

Q. How can National Health Insurance, which would add to the demand without increasing the resources of an already overburdened system, be expected to contain costs? Without tremendous investments in facilities and manpower to make more services available, is it realistic to believe that those who pay the premiums, taxes and dues will be anxious to share the scarce resources which will be in greater demand under National Health Insurance?

A. The National Health Insurance program recognizes all of these pertinent points. Take them one at a time. First, we know that many Americans are not receiving the health care they need and so we may expect them to seek it under a National Health Insurance program. The "overburdened system" described by the questioner would get an additional burden, and he asks how costs could be contained with this happening. The answer is that costs would be contained in several ways. A National Health Insurance program would encourage preventive care—keeping the patient healthy rather than waiting until the patient becomes ill and then curing him. It would reward efficient quality care and penalize unneeded surgery and hospitalization. It would encourage the general development of pre-pay group practice plans which for the past 20 years have shown, as the President's Commission on Health Manpower concluded, that health care can be delivered under group practice at savings of 20 to 30 percent. The system of "usual and customary" payments for care would be superseded by a system under which groups of doctors would contract to provide care for people under a per capita budget. This budget would not be developed by government decree, but by the determination of health dispensers on what is fair compensation. The physicians and the hospitals participating would then be responsible for delivering care, on a quality basis, within the budget.

Q. In view of your position in favor of fixed fees for physicians, is your union in favor of wage controls by the federal government?

A. The issue of wage controls and price controls is often debated within organized

labor as a means of reversing inflation, but the situation usually resolves itself into the general acceptance of the fact that there would be a lot more wage control than price control. On the pertinent aspect of the question—"Fixed fees for physicians"—the questioner is in error. National Health Insurance does not contemplate a fixed fee for physicians. What would be fixed would be the per capita fee which each contractor with the program would agree to accept to provide total care for those covered in the contract. If X County Medical Society agreed to cover everyone in X county then the members of the X County Medical Society would receive the per capita for everyone covered, and decide how to divide up their revenue among themselves. Some of the members of the society might be paid on a fee basis, others might be paid on an hourly basis, others might be paid on a different basis. The important point is that reimbursement would be up to the contractors—per capita would be set by a board which would include health service dispensers.

Q. What is a good living? Salary, hours worked per week for the physician?

A. A good living is that income which provides a worker with the resources to purchase essentials, with the resources which enable him to give his family the amenities which make their lives comfortable and interesting, and with the resources which make their lives secure. The labor movement has been fighting for these elements since its inception. Certainly anyone who works should feel safe under standards of living which labor set as ideal.

Q. Basic need for good health is availability for equal opportunity in the labor field. Is labor going to fight for this with equal vigor as it is for fee on case (fee for service) in medicine?

A. Labor believes that it has led the fight, that it is leading the fight for equal opportunity, and it will continue to fight for equal opportunity.

Q. Can you expand on the better European Health Statistics, i.e., number of hospitals built in Great Britain since 1945?

A. There are generally accepted statistics which show the most industrial nations have better infant mortality rates and other health rates than the United States. Just taking infant mortality, we were sixth in the world in 1950, 11th in 1960, and by 1969 we had dropped to 18th. A comparison of hospital beds added, not just hospitals built, would be a more accurate statistic, but since England was desolated by bombing during World War II, that figure would not be an accurate indicator of comparative health care.

Q. What happens to the solo practitioner with your proposed comprehensive plan? How much would your all-inclusive National Health Insurance plan cover? Where would you get the physicians to participate on a voluntary basis?

A. The solo practitioner would have many choices—to remain in solo practice, to participate in the program part-time, to participate in the program full-time as an individual, or to participate in a group either full-time or part-time. The program would cover every conceivable type of health need, including dental care up to the age of 16. It would not include custodial care. Hopefully, many practitioners would want to participate, but the program also provides funds for planning efficient health care delivery, expanding medical education and stepping up construction of needed facilities.

Q. Why do you think the total number of subscribers has declined in the HIP of New York? The lack of growth of the Detroit health foundation of the auto workers? The lack of significant growth in the health care concept?

A. All impartial studies show that people favor the group practice concept and that it is the best, least costly way to get more and better health care delivered to the greatest number of people. If membership is declining in a major group practice program, or if one is not growing, certainly the reasons should be explored. The pre-pay group practice concept has been held back for several reasons, one being that in some states political pressure has made it illegal. Another reason is that many people have never heard of it.

Q. In your speech you mentioned the recent report of the Senate Finance Committee. Would you care to comment on the technical respectability of this report? Have you considered the implications of making such statements out of context?

A. The Senate Finance Committee would not have issued its report, condemning some doctors for making huge profits in medicare and medicaid, without being absolutely certain that it could back up every charge it made. It would be foolish for the Committee, one of the major Committees of Congress, and the Senate's tax authority, to make these charges without being able to document them. But just as important as that is whether or not the comments in the speech were out of context. The speech said clearly, "we have all read that hundreds of doctors have made exorbitant profits out of medicare and medicaid. Of course, thousands did not.

"Doctors, like labor leaders, don't get written up for being honest."

The statement clearly said that hundreds of doctors made unconscionable profits, but thousands charged fair fees and did not. That would seem to be as firmly in context as this controversial matter could be placed.

Q. When we have national prepaid group health insurance and all doctors are on salaries, will the CWA guarantee the doctors the right to strike for legitimate grievances, or will we be grouped with teachers and letter carriers? Will the right to strike be restricted to the AFL–CIO?

A. Organized labor considers the right to strike a universal right of all workers, but also considers it a course of action which is taken only as a last resort. For instance, police officers are considering affiliating their associations with the AFL–CIO, and while there is no formed policy at this writing it is the general opinion that an entire police department should not go out on strike. The matter of public safety is involved. But with letter carriers, it is a matter of public comfort. It is also a matter of public comfort with teachers. So each instance must be judged on the merits of the situation. Hopefully some day the doctors of the nation will want to participate in the national labor movement as part of the AFL–CIO, so they may deliberate their strike role from within organized labor.

Q. After pointing out the shortcomings of the Senate Finance Committee report, you then proceeded to parrot the atypical, sometimes erroneous features of the report, and used this evidence as support for compulsory national health insurance. The Philadelphia Inquirer, in a recent anti-medicine series of articles, calculated that if all MD fees were cut by 50 percent, this would result in lowering of national expenditures for health by only .8 percent. How would national health insurance solve the problems of manpower shortage, distribution, etc.? Wouldn't your proposal further aggravate these problems?

A. The reference to the Senate Finance Committee report has been discussed in answer to a previous question. Every available piece of evidence shows that comprehensive pre-pay group practice cuts medical costs considerably more than the figure quoted from the newspaper series. The problems cited by the questioner would be solved because health care delivery for the first time would be put on an efficient basis—something which does not exist now. The program recognizes the shortages of health manpower, and the numbers of people who now have no access to health services, and recognizes that these factors must be built into planning the overall program. The proposed legislation specifically provides for additional health manpower and additional facilities, and also provides for research into establishing efficient methods of delivery.

Q. Aside from infant mortality statistics (which are controversial), what other indicators are there which demonstrate health care is better in certain European countries than in the United States? Significant differences?

A. From 1950 to 1965, the United States dropped from thirteenth to twenty-second place in life expectancy for males. The life expectancy for females dropped from seventh to tenth place.

Q. What methods do you suggest be utilized to provide the enormous sums of capital needed to provide the facilities which would be required to fill the demand created by a national health insurance program?

A. Presently, the Hill-Burton Act is the major federal source of funds for Health care facility construction. It has been mainly used in rural areas and smaller cities. If necessary, it should be modernized and augmented to provide the facilities that are needed. If an additional source of revenue is required the abolition of mineral depletion allowances, with other tax reforms, could provide the funds needed for health care.

Q. Do you feel that the medical professions should be organized as unions with the same rights?

A. All working people should have the same rights, and if the medical professionals should determine that they want to participate in organized labor, along with many other professionals, they would certainly be welcome into the AFL–CIO.

Q. Who would, in fact, who could, administer a National Health Insurance program? What about its great cost?

A. The National Health Insurance program should be administered by a board which represents all of the interests involved—health care, labor, management, government. It should have two major advisory councils, a health care advisory council made up of people in health, and a consumer advisory council made up of people who know health care needs. Costs for health care now run $60 billion plus a year. The suggested program would be financed through contributions in Social Security form by employees and employers, and by Treasury revenue. In the long run, national health insurance will be more efficient than the present inefficient system.

Q. A National Health Insurance system would aggravate an already staggering demand for health care services What do you suggest to meet this problem?

A. The program recognizes that many people are not now receiving health care, and built into it are measures to develop answers to this problem, such as expanded training of health practitioners, added facilities, and better systems of delivering care. But in the long run National Health Insurance would decrease the average number of hospital days per patient, and other current health waste through its basically more efficient methods.

Q. Two problems of highest priority to the medical profession are health care manpower shortage and health care costs. These were not created unilaterally by the medical profession and they will not be solved in a unilateral manner. I would like to hear more of an expression from the nonprofessional consumer and labor as to their responsibilities in these areas.

A. Certainly the non-medical profession member of society has an obligation to make sure that adequate sources of professionals are available, and that all segments of society are contributing to keeping the costs of health care down. Pre-pay group practice would do this by providing for training, and by operating more efficiently than solo practice with fee for service.

Q. If there has been this great demand for group practice health insurance coverage, why it is that only 5 percent of the people have purchased this coverage when offered?

A. Most people do not know there is such a thing as pre-pay group practice, and in some states it is illegal to even establish it. The latest really comprehensive program has been set up in the new community of Columbia, Md., and, under the aegis of Johns Hopkins in Baltimore, it is tremendously well received.

Q. How can you blame the medical profession for the high cost of Medicaid-Medicare when our fees have been set and frozen as of January 1969? What would have been the reaction of organized labor to such an action being taken without right of arbitration?

A. Impartial analysis have shown that under Medicare and Medicaid there has been a high incidence of unneeded hospitalization and treatment, so that regardless of the fee, it is the unnecessary use of these two programs which has created high costs. But it must also be remembered that some physicians have made inordinately high incomes from the programs. Whenever organized labor participates in a government program it does under the conditions set by legislation or administratively.

Q. How many physicians are members of your executive Board to protect the public from labor's selfsh dominance?

A. There are no physicians on the Executive Board of the Communications Workers of America—only communications workers elected by their fellow members. For a parallel the governing body of the American Medical Assn. is a good example. It has no members of organized labor—only physicians chosen by their fellow members. Regarding "selfish dominance"—if seeking decent wages and working conditions and job security through unions is selfish dominance, then how else are working people to secure those justifiable goals?

Q. Under pre-paid programs do you feel the delivery of health care will be improved, if at the present people demand attention on a fee for service basis beyond the capacity of the individual or group? Will not the facilities be under a greater strain?

A. This point has been covered in answer to a previous question. Basically, the development of a health care delivery system based on pre-pay group practice would, when fully operational, provide the care the citizens of the nation need.

Q. Under National Health Insurance you advocate "free choice" by patients, and "participation" or "non-participation" by physicians. How could a physician possibly have any practice at all if he did not "participate" in a National Health Insurance program?

A. Physicians could participate solo, in groups, part-time, or full time. A nonparticipating physician would have to draw his patients from those people who do not want to take advantage of its benefits. The questioner raises an interesting point—he obviously believes the National Health Insurance program would be so popular with the public everyone would want to utilize it.

Q. Since a major problem in expanding wide spectrum health care to all people is the marked lack of available services, what will be the effect of a dramatic change in the delivery system without subsequent increase in actual delivery of services?

Just what percentage of increase in available services can be expected through improved efficiency, recruitment, etc., in the 70s?

A. This point has been covered in answer to a previous question. Basically, the development of a health care delivery system based on pre-pay group practice would, when fully operational, provide the care the citizens of the nation need.

Q. How would you propose Group Practice Coverage of communities of 3,000 isolated from large cities by distance?

A. Small communities which do not have enough people to keep more than one or two physicians busy of course could not support a pre-pay group. But a doctor could still participate in the program in these towns, as a solo contractor. The problems of economically depressed communities would be alleviated, because the program would provide revenue for physician compensation in those communities.

Q. What do you think is the cause of breakdown in medical delivery care?

A. The basic cause is the continuation of a system which just developed without planning—without taking into account population growth, technological advances, and rising expectations by the people.

Q. Have you considered the possibility that "your" *solution* is chiefly the *problem?*

A. The National Health Insurance program may be "the problem," to some, but to those who today are denied the benefits of health technology it will not be the problem, and to those who are beset with bills and high insurance costs for medical coverage it will not be the problem.

Q. How can you ignore the problems encountered in government health service in other countries—namely, Britain, Canada, etc.—1. Loss of physicians to "free enterprise" countries; 2. No new hospital construction for 12 years despite need for more beds; 3. Abuse of plan by recipients resulting in: a. long waiting in offices; b. up to 2 yrs. wait for elective surgery; c. actual lowering of medical standards for a large number of persons; 4. High cost for administration and bureaucratic featherbedding.

A. There is no relationship between the health care plans of Great Britain and other countries which have socialized medical systems, and the American proposal for National Health Insurance. The American proposal is a method of financing medical care while maintaining free enterprise. In England the government owns the hospitals and pays the hospital staff salaries, which would not be so under the American proposal. The British system pays private physicians on a per capita basis, but under the American proposal organized groups of societies would contract with the government on a per capita basis, and the members of the group would decide themselves how to divide up their revenue. They could decide to pay themselves on a fee for service basis out of the revenue of the group, or on a salary basis, or on a per capita basis. It would be entirely up to them. Individual physicians practicing solo could contract on a per capita basis.

Q. The plan for National Health Insurance as proposed by Mr. Knecht is identical to the British N.H.I. The British plan has resulted in a poor and a deteriorating standard of medical care. The care is inferior to the American system. What changes are being proposed to avoid the failures of the British system if we have N.H.I..?

A. There is no relationship between the health care plans of Great Britain and other countries which have socialized medical systems, and the American proposal for National Health Insurance. The American proposal is a method of financing medical care while maintaining free enterprise. In England the government owns the hospitals and pays the hospital staff salaries, which would not be so under the American proposal. The British system pays private physicians on a per capita basis, but under the American proposal organized groups of societies would contract with the government on a per capita basis, and the members of the group would decide themselves how to divide up their revenue. They could decide to pay themselves on a fee for service basis out of the revenue of the group, or on a salary basis, or on a per capita basis. It would be entirely up to them. Individual physicians practicing solo could contract on a per capita basis.

Q. Cost estimates—Re: National Health Insurance?

A. A study is now underway to determine projected costs. Presently Americans are spending more than $60 billion a year for health care, and a significant portion of the population does not receive adequate care. The study would have to reflect all of the factors involved, such as the part of the costs which would go to providing care to those who are not now receiving it.

CONCLUSION OF MORNING BUSINESS

Mr. GRIFFIN. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. BOGGS). The Chair lays before the Senate the unfinished business which will be stated by title.

The BILL CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

CALL OF THE ROLL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FULBRIGHT. I object.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 249 Leg.]

Boggs	Fulbright	Percy
Byrd, W. Va.	Griffin	Proxmire
Dole	Mansfield	Stennis
Ervin	Pell	

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Sen-

ator from Connecticut (Mr. RIBICOFF), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. FANNIN), the Senators from New York (Mr. GOODELL and Mr. JAVITS), the Senator from Florida (Mr. GURNEY), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Kentucky (Mr. COOPER) is necessarily absent attending the funeral of a friend.

The Senator from Oregon (Mr. HATFIELD) and the Senator from Idaho (Mr. JORDAN) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Aiken	Hansen	Pastore
Allen	Harris	Pearson
Allott	Hart	Prouty
Anderson	Holland	Randolph
Baker	Hollings	Russell
Bayh	Hruska	Saxbe
Bellmon	Hughes	Schweiker
Bennett	Inouye	Scott
Bible	Jordan, N.C.	Smith, Ill.
Burdick	Long	Sparkman
Byrd, Va.	Magnuson	Spong
Case	McCarthy	Symington
Church	McGee	Talmadge
Cook	McGovern	Thurmond
Cotton	McIntyre	Tower
Curtis	Metcalf	Williams, N.J.
Dominick	Miller	Williams, Del.
Ellender	Mondale	Yarborough
Fong	Muskie	Young, N. Dak.
Goldwater	Nelson	Young, Ohio
Gravel	Packwood	

The PRESIDING OFFICER. A quorum is present.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the selected reserve of each reserve component of the Armed Forces, and for other purposes.

Mr. PROXMIRE. Mr. President, on Thursday the distinguished Senator from Mississippi (Mr. STENNIS) made some comments in response to a speech I gave on the floor of the Senate on July 20, 1970, concerning cost increases of certain major weapons systems.

In my speech, I pointed out that the costs of 38 selected major weapons systems are now $23.8 billion above the planning estimates for those programs. Moreover, the total represents a $3.6 billion net increase for the same weapons just between June 30, 1969, and March 31, 1970—in other words, a $3.6 billion increase in only 9 months.

The Senator from Mississippi does not quarrel with my figures, which he readily concedes to be true. The point that he makes is that the question of cost growth "is a complex, difficult, and demanding function." He goes on to say that a simplistic approach to the problem of why the costs of weapons increase is not adequate. For example, it is necessary to take into account "changes in quantities, scope of the work, and performance characteristics."

My distinguished colleague also states that comparisons of a current "hard" estimate of cost to completion with the "initial planning estimate" can be misleading.

My purpose today is to discuss each of these matters, for apparently the Senator from Mississippi believes that my earlier statement was both simplistic and misleading.

First, it needs to be recalled that in the past 2 years, Congress has begun to scrutinize weapons procurement and military spending in a way and to a degree that has not been done for a long time. For more than a decade, the Pentagon has been getting what amounts to little more than a blank check from the legislative branch. Weapons have been developed and produced that turned out to be dismal failures. Funds have been spent that should never have been spent. Mismanagement, waste, and inefficiency in defense procurement and defense production have been conspicuous and rampant.

Yet, only a few years ago and until recently, there was an illusion of maximum efficiency and unlimited need in this area. A curtain of national security completely separated the Pentagon from the public and from most of us in Congress, and military procurement was almost completely insulated from scrutiny or criticism. Thanks to the work of the efforts in Congress over the past 2 years, the curtain has been raised somewhat. No one has illusions about military procurement any longer.

The facts are that nearly every major weapons system held up for close examination has been shown to be ridden with cost overruns, or technical performance failures, or delivery slippages, and some programs are plagued with two or all three of these problems. They cost far more than they were supposed to cost. They perform well below the standards which were established for them when they were originally authorized, and they were delivered late. Defects and breakdowns in the procurement system can no longer be characterized as exceptional. They are the rule.

As a result of investigations of such fiascos as the C–5A aircraft, the Defense Department has finally been required to provide to Congress on a quarterly basis information about its weapons purchases. I must point out, however, that this information is provided in classified form only to the four appropriations and authorizations committees of the Senate and the Houpse with jurisdiction over the armed services. If one is not a member of one of these committees, he does not get this information from the Pentagon.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. I thought the Senator and the Joint Economic Committee had such reports available. Is that not so?

Mr. PROXMIRE. This was not to be the case. The GAO was following the law that we passed last year, when we acted on this bill, and it was to be made available only to those four committees. We did get at my special request however, in unclassified form, the information we put in the RECORD 10 days ago.

Mr. FULBRIGHT. I say to the Senator that this is the same sort of thing we run into in the Committee on Foreign Relations—all the failures of the Government and of the State Department and of the Pentagon, and of course they are many, are classified.

While the newspapers and other media get some of the information around, it is unofficial and always subject to question by the officials. So doubts are created about whether or not the information is accurate.

This is becoming a scandal. Senate committees cannot have hearings and publish them any more without their being gone over by the Executive for any kind of supposed classified material. Classification—making things secret—now means concealing the delinquencies of our own Government primarily from the American people. These things are not secrets from our enemies.

Mr. PROXMIRE. Certainly, there should not be any secrecy as to the actual costs. I can see why troop deployment and perhaps the performance of a weapons system might be classified. But when you get down to costs, which is what I was asking about, it should be unclassified and should be released promptly to the public—the taxpayer—and to Congress. We have to have that information if we are going to act intelligently on it.

Mr. FULBRIGHT. Exactly. That is one of the great obstacles to discussion and action on the part of the Senate—the lack of clear official and positive information.

I hope the Senator will pursue that matter further.

While I am on my feet, I want to say, with reference to studies as to the cost overrun of the C–5A, the Senator from Wisconsin is primarily responsible for those studies. Of course, he knows that that has been said before, but it cannot be said too often that he and the committee of which he is the distinguished chairman have contributed more than anyone else to the enlightenment of the Senate and the country on these matters.

Mr. PROXMIRE. I appreciate that. Dick Kaufmann, the staff member on

that committee, has done a marvelous job, as has Ernest Fitzgerald, who was with the Pentagon and is now working for the committee. He has also helped greatly.

Mr. President, for this reason, I have urged the General Accounting Office to provide to Congress the same information in unclassified form on a regular basis. Frankly, I had assumed last year that the procurement data would be forthcoming from the GAO on a quarterly basis and that it would be provided to every Member of the Congress and that it would be made available to the public. Earlier this year, I learned that this was not to be the case, and that although GAO had made one report on "The Status of the Acquisition of Selected Major Weapon Systems," based on information dating back to June 1969, in February 1970, another such report would not be made until much later in the year. I, therefore, asked Elmer Staats, the Comptroller General, to provide me with the cost information so that the previous report could be brought up to date. The GAO did provide me with the information and I immediately made it available to the public.

It came as no surprise that in only 9 months the costs of the 38 weapons systems had increased substantially, for one reason or another. In those instances where the increase was due to an increase in the quantity of the item being procurred, I made that clear. In those instances where a change in quantity was not a factor or was not the sole factor, I also made that clear.

The Senator from Mississippi makes the point that most of the increase in the cost of the Minuteman II program is attributed to military construction costs that were not in the earlier reports provided by the Pentagon and that "one of the areas where we have improved the reporting system is requiring the inclusion of total program costs." I say to the Senator from Mississippi—whom I told about this speech I am making and gave him a copy of it and he has it and expects to come into the Chamber shortly—that for years the Pentagon has systematically minimized the costs of military procurement by failing to include all the costs properly chargeable to each program. The fact that the Air Force now admits that $356 million for construction should be considered part of the Minuteman II program is little consolation to the American taxpayer who has had to support that construction or will support that construction regardless of the Air Force's bookkeeping system.

I would also point out to the Senator that the Pentagon continues to obscure the true costs of its weapons by concealing the fact that major items of cost have been excluded from its reports. To cite only one other example, the Navy until recently reported only nominal cost increases or cost overruns on the DE–1052 destroyer escort program. Last June it reported a mere $1 million increase. After I pointed out the omission from the Navy's cost breakdown for this program, it modified the totals so that it now shows a $184 million increase. But what the Navy still fails to do is include in the cost of that destroyer program the antisubmarine helicopters which had been developed and produced for it. This helicopter program, called DASH, has cost at least $275 million. It has, however, been canceled because of poor performance and cost overruns. It so happens that 411 of the 750 helicopters purchased were lost before the program was canceled.

I might also point out that last year the Subcommittee on Economy in Government heard testimony on the Minuteman program.

That testimony revealed the same pattern of cost overruns and other problems which are apparently the hallmarks of all major weapons procurement. The attention of the Senator from Mississippi is invited to the testimony on Minuteman contained in the hearings of the Subcommittee on Economy in Government on "The Military Budget and National Economic Priorities," part 2. In my judgment, the Minuteman program has one of the highest cost overruns, and is one of the most poorly managed of our major weapons programs. Minuteman II and Minuteman III alone show increases in cost from approximately $6 billion from the original planning estimates to over $10 billion as of the current estimates through program completion, or a net cost increase of $4 billion. There is abundant evidence of waste and mismanagement on this program.

The Senator from Mississippi, in his remarks on my initial disclosures, mentioned the F–111 and the C–5A in his speech. Of course, these are two of the best known disasters in the recent history of military procurement. The cost overruns in both cases have been so ridiculously high that the Air Force has had to reduce the quantity of its purchases lest it run out of funds for other programs. Despite the reduction in quantity of the F–111 and the C–5A, both programs will cost the American taxpayer vastly more than was originally estimated or bargained for. Think of that. Here is a situation in which both programs are reduced sharply as to quantity and, in spite of that, the overall cost will be more than was estimated originally for the much higher quantity. Both programs will fail to meet original technical performance specifications. Both programs suffer delivery delays. So on every important criteria, they are failures.

The distinguished Senator asks whether the cost decreases in the most recent report for the F–111 and the C–5A, decreases accounted for by the most recent quantity cutback, should be considered "cost underruns." That question, I respectfully submit, rubs salt in the wounds of the taxpayers who have had to put up with both disasters. The fact of the matter is, as I pointed out in my earlier statement, the Pentagon has taken credit for cost reductions due to quantity cutbacks on both of these programs in its cost reports to the General Accounting Office. The F–111 program was decreased by over $1 billion, and the C–5A program was decreased by $521.9 million, both decreases due to quantity reductions. There is no question that we can always decrease a program by merely producing less. But when we talk about reducing costs, that is not exactly what we have in mind.

I pointed out in my original statement that the net cost overruns for the 38 programs reported on would have been almost $3 billion higher but for the reductions that the Defense Department took into account because of such quantity cutbacks.

A question has also been raised about the alleged cost overruns on the Safeguard ABM program. It is asserted that the costs of Safeguard have increased because a third site has been added. The implication, I suppose, is that adding a site or enlarging the scope of a program should not be considered a cost overrun. I would point out, however, that getting the nose of the camel into the tent, prior to moving it all in, is one of the oldest techniques of weapons salesmanship used. Only last year, the Secretary of Defense was testifying to the Senate Armed Services Committee that the way to find out whether Safeguard would work would be to go forward with phase 1, that is, the first two sites. It was clearly implied, in my opinion, that there would be no phase 2 or a third site, until phase 1 was deployed.

Here is what Secretary Laird said on May 22, 1969, a little more than a year ago, just before we began debate on the military procurement bill to decide whether we would go through with Safeguard:

> So to those who are concerned about whether the Safeguard system will work, I would say let us deploy phase 1 and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapons system is first deployed. Since it will take five years to deploy the first two sites, we will have ample time to find the solutions through our continuing R&D effort to any operational problem that may arise. And only then will we be in a position to move forward promptly, and with confidence, in the event the threat develops to a point where deployment of the entire system becomes necessary.

Thus, on May 22, 1969, Secretary Laird was saying:

> Let us deploy Phase 1. Let us complete it. Let us finish it. Let us see how it works and after that decide whether to go ahead.

That is the argument for deploying phase 1, that we need to get this in operation to really test and determine whether further deployment of ABM's would be wise.

Now, I interpret this statement to mean that the Pentagon would go forward with only the first two sites and that it would not ask for a third site for some time. The Secretary mentioned 5 years, and he also indicated that evidence of a new threat would be required before the system was expanded. But that, it now seems clear, was to get the nose of the Safeguard camel into the taxpayer's tent.

Of course, this year we are being asked to proceed in the pending bill with the taxpaper's tent. Of course, this year we are being asked to proceed in the pending bill with the Safeguard.

Moreover, evidence has now been brought to light of cost increases on the Safeguard program that have nothing

to do with the addition of a third site and that can only be considered as a cost overrun. The Pentagon has already conceded that the full program costs of Safeguard have gone up from the $9.1 billion estimate given to Congress last year to $10.7 billion this year. This increase is explained by the Pentagon as a result of inflation, the "stretch-out" in the time until deployment can be completed, and design changes and more detailed estimates.

In other words, Safeguard is increasing by more than $100 million per month. These facts were developed in the April hearings before the House Subcommittee on Department of Defense Appropriations, and they are indisputable. As Chairman GEORGE H. MAHON stated in those hearings:

> With this recent cost increase history, how can Congress have any confidence in the Safeguard cost estimates?

The Senator from Mississippi refers to the initial planning estimate as only an original "guess." In his words, "It cannot be any more than a guess." The guess, it is stated, occurs at a stage when there is just a concept of a need that is coming up or is going to appear on the horizon.

Thus, it is said, the current estimates to completion should not be compared with the initial planning estimates.

If the initial planning estimate is indeed nothing more than a guess, then I am happy to know this fact, and I hope everyone else in the Senate will take note of it next time that a Pentagon spokesman testifies in support of a newly proposed weapons program. I would also hope that when one of these spokesmen comes forward with nothing more than a guess to justify a request for millions of dollars to initiate a new program, that the Members of the Senate will refuse to authorize or appropriate such funds until the Pentagon can back up its proposal with something better than a mere guess as to its future costs. It is incredible, and I can think of nothing more simplistic, for the United States Senate to accept guesswork when it comes to the cost implications of new weapons systems. That is the way we have been authorizing weapons systems, and once we authorize several million dollars, we are told that we do not want to waste that and that we had better authorize more or everything we have already spent will be gone. Perhaps, in the future, all planning estimates of the Department of Defense should be clearly labeled as "guesses" in the posture statement of the Secretary of Defense, in the testimony of the representatives of the Defense Department before the committees of Congress, and in the Pentagon's selected acquisition reports.

The difficulty, of course, with the guesswork thesis is that initial planning estimates are very often presented to Congress not in terms of guesses, but in terms of certainty and not doubt. They are put forward to elicit congressional and public support for new weapons programs. They are offered for the purpose of obtaining public funds to support military projects, and they are often a variation of the camel's nose technique. The idea is to get a program started with public funds, and frequently this means minimizing or intentionally underestimating its future costs.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. Mr. President, I again congratulate the able senior Senator from Wisconsin for the service he has rendered the American people in analyzing the great and growing costs of defense.

In my opinion, our national security depends on three major items.

First is the physical capacity to destroy any enemy that attacks us; and certainly that he knows we have that capacity.

Second is a viable economy together with a sound currency.

Third is the moral fiber of the people because of their faith in their Government.

I have mentioned that before. An outstanding publisher in the middle of the State editorialized that there was a fourth major item, the will, the determination of the people to defend. I think that will goes along with the moral fiber that the two go together.

I had printed in the RECORD last year the fact that tens of billions of dollars had gone down the drain as a result of all services, corporations, and universities falling in love with the missile business, one might say; and seeing it as a new way to create work—in some cases work on weaponry badly needed; in some cases work on which, in my opinion, there was argument as to whether it was really needed or not; and in some cases work which, to me, seemed to be unnecessary.

As the able Senator from Wisconsin knows, I am a member of his committee, the Joint Economic Committee, and proud of that fact. It is a bipartisan committee which has attacked these problems of waste most intelligently over recent years. It has rendered a great service to the people. Without getting into it this afternoon, I intend to make a talk tomorrow about another aspect of this backbreaking overall budget.

May I ask the Senator who, along with his able staff, has been working hard on these matters for some time, whether there is any reason why the cost accounting aspect of national defense should be different in the procurement of military weapons, or military activities, than that of other Government departments?

Mr. PROXMIRE. There should be no difference. As the Senator will recall, the Senate passed the Defense Procurement Act with an amendment providing for uniform cost accounting standards to be applied throughout the defense industry, which Admiral Rickover estimated would result in a savings of $2 billion. There are differences in the estimate of the amount that may be saved. However, this is something that we need and need very badly.

Let me comment on what the Senator has said with respect to what we need in terms of national defense. I think it is so important.

I completely agree with the Senator from Missouri, a former Secretary of the Air Force, and a man with enormous experience in business as well as in the top echelons of Government, when he says that it is essential that we have the military capacity to defend this Nation. I agree that no Senator would vote for any reduction which would endanger that capacity.

In addition, we have to recognize that we need a viable economy that would make it possible for us to have in the future the kind of military strength which is essential.

It could be that, if we were to make very unwise and foolish decisions in the military area, we could hurt our economy badly.

There is not any question that the actions of the Government, both in the way of acting on military expenditures and military actions abroad, could have a profound effect on our people, the young people, and split and divide and embitter our people and weaken our country far more than the failure to have a particular weapons system.

Mr. SYMINGTON. Mr. President, I am sure the Senator has read the testimony of the Nation's largest banker, Mr. Lundburg; also Mr. Watson, head of IBM, whose brother Mr. Nixon recently sent as our Ambassador to Paris and whose testimony agrees with that statement of the Senator from Wisconsin.

When a businessman, I soon found that the first thing to do is find out the facts, and costs are facts under sound accounting principles.

We have found difficulty in obtaining information on overseas commitments from the General Accounting Office.

They find difficulty in obtaining information as to just what it is we do with the over $100 million a day we put out, counting Europe and all other places abroad. That is $1,100 a second for every second the Senator and I have been talking on this floor.

We know we have serious problems in such areas as housing, education, pollution, and so forth; and I refer not only to my State but also to the Senator's State and other States. It seems incredible we could go into a program to build 20,000 houses for military families in a foreign country, when in my town of St. Louis last year we built 14 single-unit homes.

It is correct, is it not, that the Comptroller General, nominated by the President for 15 years and can only be removed by impeachment, is considered the watchdog of the Congress? Based on the Senator's knowledge as the head of the Joint Economic Committee and ranking member of the Committee on Banking and Currency, I ask if there is not some obligation on the part of the executive branch to submit facts and figures, costs, at the request of the General Accounting Office. Is that not standard practice under our system?

Mr. PROXMIRE. The Senator is correct. I am appalled by this disclosure, which has been made by the Senator from Missouri, that the General Accounting Office was not able to get information from the Department of Defense regarding the cost of overseas bases.

Mr. SYMINGTON. Primarily the fact that information was wanted with respect to what was done with the taxpayers' money, planned payment of money to other people, which did not get to those people.

We have a letter of protest from the General Accounting Office stating their report could not be made in the way it should be made because of their inability to get information they considered necessary; information any banker or businessman would consider essential to a proper report.

Mr. PROXMIRE. The Constitution gives Congress the authority over expenditures. We cannot escape that responsibility, and we cannot discharge it intelligently, realistically, or responsibly unless we have the information.

Mr. SYMINGTON. Where along the line did we lose it—the authority with the responsibility?

Mr. PROXMIRE. As far as the Department of Defense is concerned we lost the authority over the years. Of course, in wartime it is difficult. There are classified expenditures that have to be concealed, as they were in World War II.

The Senator from Missouri has been here for a long time and has greater wisdom than I but it seems to me we were awfully slipshod in the late fifties and early sixties in not insisting on an accounting in detail from the Department of Defense and insisting that if they did not give it to us, we were not going to spend the money; and until they gave it to us, they would not have the money.

Mr. SYMINGTON. I am glad the Senator has brought up that point. This is something that has been going on a long time.

Once we had the bomb, and no one else did, and most all the gold. It did not make much difference how much money we wasted. No one worried too much about it. But now we have serious financial problems, and it would seem we must get our house in order if we are not going to enter into some form of economic chaos.

Mr. PROXMIRE. I certainly do agree.

Mr. SYMINGTON. I thank the Senator for making a fine contribution to the security and prosperity of our country.

Mr. PROXMIRE. I thank the Senator.

Once many millions of dollars have been spent on the program, however, the Congress and the public are hooked, and it becomes too late to terminate the program.

My own view is that so long as the Department of Defense persists in using initial planning estimates in order to create support for any weapons programs, it ought to be held accountable for every dollar increase over those initial planning estimates. If the Senator from Mississippi sees fit to accept the excuses of the Pentagon that its original planning estimates are only guesses, and do not form a basis of comparison with current estimates or final costs, that is OK with me. Possibly he would prefer to use the contract definition cost estimates as the basis for comparison. Possibly he would prefer the estimates adjusted for quantity changes as the basis for comparison. If he wishes either of those two measures, then we can speak of increases or overruns of from $15 to $16 billion on the 38 weapons programs, rather than an increase of $23.8 billion.

But I believe we are deluding ourselves and deceiving the public by providing excuses and escape hatches for the Defense Department to crawl out of. It ought to be held accountable for the money it wastes, no less than any other Government agency.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. The last sentence intrigues me. How would the Senator propose that the Department of Defense be held accountable for the money it wastes?

Mr. PROXMIRE. How do I propose that they be held accountable for the money they waste?

Mr. FULBRIGHT. The Senator stated: "It ought to be held accountable for the money it wastes." This has puzzled me. In what way does the Senator propose to hold them accountable?

Mr. PROXMIRE. The only effective way to hold them accountable would be to make it a condition of our appropriation that there be disclosure on their part as to how much money they are spending for what and with what results. If they do not do that they are not accountable to us.

Mr. FULBRIGHT. When you are confronted with the answer that, "These are only guesses," I do not see how to do it except not to give them the money until they come up with something better than guesses.

Mr. PROXMIRE. I would think most American citizens with good commonsense would argue that if someone would say, "I guess this will cost you $1 billion or $500 million," they would feel it would not be intelligent for Congress to go ahead. We should insist that they give us more than a guess. They should say, "This is what we estimate to the very best of our ability. We are standing by this and if changes occur we will keep you apprised. We are responsible for this estimate."

When a weapons system is authorized for, let us say, $1 billion, and later it develops the cost will be $1.5 billion or $2 billion, perhaps in the first case we would not have appropriated any money at all, or authorized any money for the program, if they realized what the cost would be. It seems to me we would have insisted on more than a guess, but we should have a very firm estimate.

Mr. FULBRIGHT. In the case of the ABM it is not only a guess as to what it would cost, but there is a wilder guess as to whether or not it will work. In all of the testimony last year and again this year practically every scientist of any consequence not employed by the Pentagon stated that he did not believe Safeguard would work even the present state of the art. They were willing to acknowledge that if you had far longer and more efficient research, possibly some usefulness could be found for it, but under the present state of the art they did not believe it would work. The Russians have apparently had the same experience with their own system.

Under such circumstances I do not see how you can hold the Pentagon accountable, unless you do not give them the money. If you do it in the face of that kind of testimony, you do so on the wildest kind of guess. There is no way to hold them accountable when they admit they are guessing about it. They will then come back next year, tell you it is twice as much, and say, "You authorized it in the first place in the face of the statement it was a guess."

Mr. PROXMIRE. First, I think that when the Senator from Arkansas says it may work or not, that is one issue. Any Senator who thinks it would not work should not vote for it.

Mr. FULBRIGHT. I say we should not go on guesses.

Mr. PROXMIRE. If they are guessing on cost, that is another consideration. If it is a guess we should insist on a responsible estimate.

Mr. ULBRIGHT. There is only one way to do that and that is not to give the money until the evidence is conclusive, until the Senator and others are no longer in doubt, and until they go further and say, "This is not a guess."

Mr. PROXMIRE. I would agree almost entirely. I do not think the evidence has to be conclusive, because sometimes it cannot be absolutely conclusive; but it ought to be clear that it is a responsible, carefully thought out, detailed estimate. The Pentagon has ample staff to make that kind of estimate, not a guess, but based on a careful cost study, with the kind of increases that can be anticipated, and not a guess.

Mr. STENNIS. Mr. President, will the Senator yield on that point?

Mr. PROXMIRE. I yield.

Mr. STENNIS. I thank the Senator for yielding. I shall be brief on this. The Senator used the words, on page 10 of his speech, "if the Senator from Mississippi sees fit to accept the excuses of the Pentagon that its original planning estimates are only guesses." That is a quotation. The Senator from Arkansas, as I understand it, has referred to the word "guesses" as if they were guesses that the Pentagon used, or that these figures originally were only guesses. Let me point out for the record, and for the benefit of Senators, that nothing I said was anything about the Pentagon's guessing or the Pentagon's saying they were guesses.

The Senator from Mississippi said the original figures did not have the firmness or dignity of estimates; that it was a misnomer; and that they were, in my opinion, more guesses, or a little more than guesses, or that it was guessing. I say that based on years of sitting around the table, hearing testimony over and over again, about various new concepts of weapons of the future. As I pointed out the other day, it is more of an imaginative concept to start with, in the fertile mind of someone, trying to anticipate the needs 10 years hence, and he conceives ideas for a weapon. That is the beginning. I have had them tell me that they could not give a figure at that stage that would be an estimate. Someone around

that same table might insist on their giving some kind of figure, because we wanted to get at the thing the best way we could. Someone has to make a start on a weapon—the militarists or scientists—and then someone on a Senate committee or somewhere else has to have enough faith to say, "I think we had better start. We do not know whether it will count yet, but we have to start."

Mr. PROXMIRE. I think the Senator from Mississippi makes a very good point. Of course, we have to have a start. There has to be the initial phase, where experts are required to imagine a program, or engage in research. I do not object to that. But I say when we come to the point where we authorize a certain quantity for a certain weapon, it is at that point that they must make a responsible estimate, not a guess. At that point, it must be more than a guess. It was that which I understood the Senator from Mississippi to call a guess.

Mr. STENNIS. No. I am glad the Senator has made that remark. I was addressing myself to the initial figures that appear in the records, and that was when it was largely an imaginative thing based mainly on the concept of the weapon. When we move away from that point to where we are ready to enter production they can be far more accurate. We are having overruns even on those figures. But my point is that it is unsound, or certainly unfair, to go back to the figure on the original concept. I remember a time when there was insistence on a figure, when it proved to be highly inaccurate, without anyone being at fault.

Let me go further. Who could put in an estimate, or who did put in an estimate, on what the atomic bomb that was dropped on Hiroshima was going to cost? Who made an estimate way back in the early days about what the Polaris missile was going to cost? I do not know what the record would show, but no one had vision enough to know to make an accurate estimate on that. It is a case of a ship or bomb or plane at that point being largely imaginative.

Mr. PROXMIRE. We provide millions and millions of dollars, and in fact billions of dollars, for military research. At that point they are not line items, it is simply money to be expended in research to find out whether a plane is feasible, for example, whether it will work, and what it will cost. It is after that when they come to us for planning and at that point, when they ask us to commit the Congress to a weapons systems development program that they should tell us in what quantity, and give us a reasonable sound and firm estimate not a guess. We have 38 major weapons systems, $23 billion in excess of the initial planning estimates. As the Pentagon pointed out, this is more than a 60 percent overrun. It was 50, but it is now 60. Every major weapon system is in an overrun condition. It seems to me we have a situation in which we should insist on accurate, responsible estimates, to begin with; the time has come for us to stop authorizing program after program, which is permitting the spending of billions of dollars without the kind of reliable estimates we should insist on.

Mr. STENNIS. If the Senator will yield to me briefly, there is a study panel, headed by a very eminent businessman, Mr. Fitzhugh, whose report may be out soon. I have had only slight conversations with him, but I think the report takes up and discusses the very matter we are debating. The Senator will find it is virtually impossible to get any figure in those early stages that will in any way stand up. I do not know what the recommendation of the report is going to be, but I hope he hits this very hard, because he is an outstanding businessman and he can help us.

This very matter worries me, and I think it worried Mr. McNamara, and I referred to him as one of the brightest minds I have known, a vigorous and active mind. All of this will come out in the report.

Mr. PROXMIRE. I will be interested in finding out what the Fitzhugh panel reports. Mr. Fitzhugh, chairman of the panel, is head of one of the largest companies in the country, the Metropolitan Life Insurance Co., which has loaned over $1 billion to defense contractors and owns stock of tens of millions in defense contractors. Eight of the fifteen members of the panel are deeply involved in defense contracts. In fact the average involvement is over $100 million. Of the remaining seven members of the panel, they have qualifications which are somewhat questionable. One, Buddy Young, was a great football player at the University of Illinois. There are several very fine ladies on the commission. It is not the kind of commission that would inspire confidence that it make an objective, competent study of our procurement policies. Furthermore, the staff of that commission is power loaded. Its chief is Mr. Buzhardt, who is staff assistant for the Assistant Secretary of Defense. He is paid by the Pentagon. So I do not think that we are going to get a report that is very critical of defense procurement from the Fitzhugh panel.

Mr. STENNIS. I was addressing myself to one specific point: I think he has been concerned about this very thing that we are all concerned about.

I thank the Senator very much for yielding to me. I want to point out that these things are not easy. I know when I first came here, a man who was pointed out to me as a very eminent man, an adviser to the President—it was told me that he knows more about the ICBM concept of things than anyone around here—that gentleman later told me it was an impossibility, that it cannot be done, no such thing, it cannot happen, neither can the H-bomb.

Well, he is a very eminent man, but he was mistaken.

I want to make clear, in conclusion, that it was not the Pentagon that used the word "guess." I was the man.

Mr. PROXMIRE. The Senator might very well be accurate. I do not disagree. That is the trouble with it, however; it is a guess. At this stage, when you get your planning estimate, it should be more than a guess. We have spent billions on research. When they tell us they want a certain number of planes, tanks, or missiles at this point, that estimate ought to be reasonably accurate. But we have found out, again and again and again, that it is an underestimate, and that we have been persuaded to go along with a weapons system and authorize enormous sums for it, only to find out that it will cost enormous sums more than the amount we authorize.

Mr. STENNIS. Will the Senator yield to me once more to illustrate one thing?

Mr. PROXMIRE. I yield.

Mr. STENNIS. These things come up in different ways. For years, we had the old Navy version of the TFX. They would not work properly, but still the Defense Department was asking for a great many. Secretary McNamara approved it.

Finally, we called in the naval officers and said, "What have you got on a new plane as a substitute?"

They did not have much, but we thought it was well to go on and recommend to the Senate what has become the F–14. That was purely a congressional action, but we felt like we ought to act.

That plane has been accepted, and now the F–14, as the Senator knows, will be the most modern thing in the world, if it works out. There will doubtless be some overruns, but we had to go on and act.

So that illustrates somewhat the other side of the picture, where Congress was getting ahead of the Pentagon, so to speak.

I thank the Senator.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me for a moment?

Mr. PROXMIRE. Yes, indeed.

Mr. FULBRIGHT. I think the analogy of the atomic bomb example is a sound one. The atomic bomb did not cost very much in the first place. In the second place, the research on the atomic bomb had been going on for 50 years or longer. Einstein had foreseen the development of atomic energy in his theoretical calculations. He and a number of other eminent scientists thought it was feasible. It was not just something thought up by the Pentagon and put out as a guess—by whoever calls it that. I think it is very sound reasoning—the atomic bomb was developed from nothing.

The ABM is a horse of quite a different color. There is no scientist or no group of scientists comparable to those who were engaged on the atomic bomb who believe there is, even at the present time, a chance of success with the present design. We had all this last year; it is in the RECORD. Dr. Panofsky, one of the leading authorities, came and testified, and we had a number of others. There is no need to call off the entire list. Kistiakowski, York, and others—practically every eminent scientist not employed by the Pentagon testified that it would not work. There is no division of opinion about it, outside of the employees of the Pentagon.

So we are not saying that the Pentagon should not continue research on this matter. We are saying they should not spend all this money on deployment when they have no more than a wild guess as to whether it will work or not.

Other things lend credence to this point of view. When we have Dr. Foster, the head of research and engineering at the Pentagon, being less than candid with the committee, and when we then have two eminent scientists testifying that what Dr. Foster said was not true, it does not help our confidence much. And many of these schemes seem to have originated with Dr. Foster and his colleagues at the Pentagon.

So I think it is exceedingly wasteful to proceed with phase 2 or 3, of Safeguard when it is no better developed than it is, especially in view of the statement by the Secretary of Defense quoted by the Senator from Wisconsin. Last year the Secretary of Defense assured us we would not go on with the second phase until we had the results of experience with phase 1. The Senator read the statement; it is on page 7.

So it appears that from 1 year to the next, we cannot rely on anything they say about it. This seems to me to be a terrible state of things. Of course—it was over my objection—the Senate just barely authorized phase I. Now they come in with phase II despite as the Senator well points out, what the Secretary said.

I would say that quotation constituted an assurance that they were not going to try to proceed with the next phase before they had proven the first. Many of us believed last year that they did not need the first phase; they could use the facilities already at Eniwetok for further development.

The ABM involves many times more money than was spent on the atomic bomb. The difference in the two situations in that the atomic bomb had real, genuine, first-class scientific research behind it, and with first-rate, independent scientific minds saying that it had a very good basis for working.

Mr. PROXMIRE. Would not the Senator from Arkansas construe this remark by the Secretary of Defense on May 22 to mean that he felt we should not go ahead until we have proved it? Let me read that once more:

> So to those who are concerned about whether the Safeguard system will work, I would say let us deploy phase 1 and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapons system is first deployed. Since it will take five years to deploy the first two sites, we will have ample time to find the solutions through our continuing R&D effort to any operational problem that may arise. And only then will we be in a position to move forward promptly, and with confidence, in the event the threat develops to a point where deployment of the entire system becomes necessary.

What else can he mean?

Mr. FULBRIGHT. I think a fair sense of the meaning would be, "Give us this phase and we will not even ask for the next one until we have proved it will work."

Mr. PROXMIRE. And certainly, with the close vote last year, or a tie vote, I think it was this kind of assurance by the Secretary of Defense that resulted in their getting this deployment.

Mr. FULBRIGHT. Let me point out another thing about this kind of system as opposed, for example, to the Minuteman, or some of the helicopters, or a gun like the M–16. Such things are subject to being tested in such a way that you can tell whether they work. In other words, you can fire a Minuteman from point X, and if it hits point Y, 5,000 miles away, you can be pretty sure it is accurate.

But there is no possible way to test the ABM under operating conditions. Its operating conditions exist only in wartime, that is, against incoming missiles loaded with nuclear weapons, and some of which are exploding.

These are some of the questions that experts like Panofsky raise. They point out that there is really no feasible way to test the Safeguard systems by setting up a base in North Dakota or Montana.

A more feasible place, if there is any, of approximating Safeguard's real operating conditions would be at a testing ground such as Eniwetok. There one might possibly detonate some kind of explosion more closely akin to those which might occur in actual conditions. But even that is very dubious.

Mr. PROXMIRE. The Senator is correct. The Secretary of Defense was telling us that deployment would give us some information, but we do not now seem to be even waiting for that.

Mr. FULBRIGHT. Yes. But the information would be very limited. This seems to me like the worst kind of deception, to come in and make a plea like he did last year, get his first phase, and then, within a year, come back.

This program has been plagued with this same thing throughout. It started out as the Sentinel, and when it became obvious under the Sentinel label that it was no good, they changed its name, and thus apparently hoped to change the whole thing. They have changed its mission back and forth—general area defense, the hard point defense of the Minuteman, thin systems and thick systems, so that every time a Senator or anyone else brings up a convincing argument that whatever immediate concept they are considering is worthless, and they are afraid they will lose the vote in the Senate, they change the concept, and we start all over again. This year they changed it. They change it a couple of times a year. It is an utterly fantastic concept.

This has never been applicable to any other weapons systems of which I know. The nearest thing I can think of is the TFX, to which the Senator has referred. That was the point of a long and exhaustive hearing on the part of the Committee on Government Operations. I think almost everything the Committee on Government Operations alleged about the TFX proved to be true. I think that most of them are still grounded; perhaps a few of them are flying.

Incidentally, on the TFX, I want to tell the Senator from Wisconsin something. Recently, an official from the Australian Government was here. We sat in the rear of the Chamber, talking about the TFX. He said that the Australian Government had ordered some TFX's.

I think it was quite a number. They had ordered perhaps 50 or 100 and had made a downpayment of part of the cost, some $150 to $200 million, I believe it was.

He said:

> Your government is going to take my government for $150 million.

I said:

> What do you mean?

He said:

> They are refusing to refund the downpayment to us. We don't want those planes anymore.

For various reasons—the same reasons the Senator knows and we all know—the Australians want to cancel the order for the TFX's.

It is now called the F–111. They changed the name. Whenever anything goes wrong, they change the name. When an F–111 goes down—the wings fall off—they change it to the F–14, and it is a new concept with a new name—just as the Sentinel became Safeguard, and next year it will be something more euphonious than Safeguard.

This is a terrible way to do business, especially on guesses. That is what is happening with the ABM. They have no idea what the real mission is even today. Most recently, the Armed Services Committee, if I understand correctly, says that none of this money is to be authorized for an area defense against China. They say—I think it is in the RECORD—that this money is to be only for hard point defense for missile sites for Minuteman; and the very same day, in a different context, you have Dr. Kissinger, the principal adviser to and spokesman for the President, saying, "We are considering restricting ABM to the defense of Washington if the Russians only want it for the defense of Moscow."

The Russians are apparently considering or talking about a proposition that would amount to only an area defense of Washington versus an area defense of Moscow. Since neither our system nor the Russian system is workable, and nobody really trusts them, it does not make any difference. But so goes the argument. As we are considering this authorization, the Soviets are apparently ready to give up the hard point defense. Yet the committee says the United States should have only the hard point defense. They seem to believe that has greater appeal at the moment. This is how vague and indefinite the whole concept is.

I conclude by saying that the Senator from Wisconsin is absolutely right. This whole thing ought to be confined to research until we get to a point where the Pentagon can do more than guess. I congratulate the Senator. I think that what he is doing is a great service to our country.

Mr. PROXMIRE. I thank the Senator.

Mr. President, how can Congress have any confidence in any of the Pentagon's cost estimates? The answer is, not until we find out much more of the truth about military procurement, not until we rid ourselves of the simplistic notion that national security and military spending are too sacred to be scrutinized, and not until we refuse to be misled by the techniques of concealment and confusion practiced so well in this area.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. STENNIS. Mr. President, I express regret that the word "deception" was used here with reference to the testimony of Secretary of Defense Laird. I do not believe the Senator from Arkansas really intended to accuse him of outright deception.

The Senator from Wisconsin has correctly quoted on page 7 of his speech that the Secretary used the words "5 years." But the whole import of his testimony of last year with reference to the ABM was that this was approximately a 5- to 7-year program, in terms of total deployment, as then estimated generally by the witnesses—not only the Secretary but others as well—that a possible completion date for the system would be from 1974 to 1976. I know that in debate I usually use the year 1975. At that time it was 6 years.

So even though one interpretation of the word here, in the quoted paragraph, is for 5 years, and then we will go into another site, it is possible to interpret it that way. But I submit that from a reading of all of the Secretary's testimony and that of the other witnesses, and our debates here, we understood that this was going to be a program of 6 to 7 years and would complete the whole system of 12 sites as then contemplated. I know I understood it that way, and I want the record to show it.

Mr. PROXMIRE. Let me read this language of the Secretary:

> So to those who are concerned about whether the Safeguard system will work, I would say let us deploy phase 1 and find out. Only in this way can we be sure to uncover all of the operating problems that are bound to arise when a major weapons system is first deployed.

Further on:

> And only then will we be in a position to move forward promptly, and with confidence . . .

I do not know how I could interpret that anyway except that the Defense Department would complete phase 1 and then, on the basis of their experience with the completion of the deployment of phase 1, be in a position to assure Congress that they could proceed responsibly or not proceed. So that if we proceed this year to authorize the second phase, site 3, then it seems to me that we are acting without getting the full value of the experience they have had in deploying phase 1 to sites 1 and 2.

Mr. FULBRIGHT. I certainly do not see how it possibly could be read any other way.

Mr. PROXMIRE. What have we found out so far?

Mr. FULBRIGHT. We have not found out anything so far.

Mr. STENNIS. We have found out that it works so far—1 year.

Mr. PROXMIRE. It works in what way?

Mr. STENNIS. In the research and the development.

Mr. FULBRIGHT. They have not deployed it and found out that it works.

I want to say, with regard to deception, that I made reference to Dr. Foster. Dr. Foster made a flat statement before the Committee on Foreign Relations that a certain panel of experts had stated that Safeguard would do what—I cannot remember the exact language—the import was that it will do what the Pentagon expects of it. He was pressed for the names of those on the panel, and he named two men. Both, as it turned out, were deeply offended that he had left the impression that they, being reputable, first-class scientists, had made any such findings.

If that is not deliberate deception, I do not know what it is; because he told the committee—under great pressure, I will admit—we were asking him to cite some people not in the employ of the Pentagon who had given any support to his theory about the ABM's reliability. After all, it is not popular to take issue with the Pentagon. At least one of them, I know, was in a university which received vast sums of money for research. It is a courageous thing to take issue with the Pentagon on such a matter. Most professors, or anyone else for that matter, would rather remain silent and just let it go by. But these experts, themselves, were very eager to put the record straight, and I commend them for it.

I do not know of a better word one can use. In fact, deception is the most polite one I can think of. There are many other words that may be more expressive and should be used.

Mr. STENNIS. If the Senator will yield for one sentence, I know nothing about that testimony. I was not familiar with it. The Senator was referring to Secretary Laird——

Mr. FULBRIGHT. That is correct.

Mr. STENNIS. When he used the word deception?

Mr. FULBRIGHT. I referred to both. I do not consider this a deliberate deception, such as Dr. Foster's testimony, as I read his language, would seem to involve. I was not going to inquire whether he takes full and sole responsibility for asking for phase two—maybe he opposed it, I do not know—I do not know enough about it; but this statement, I would say, is inconsistent with the request for phase two. In that sense it is. Last year I did not believe, as the Senator stated a moment ago, that he understood we were agreeing to authorize this whole program up to 1975, including 12 sites. I do not think the Senate believed that when it voted on it last year by a majority of one.

Mr. STENNIS. I merely said it was contemplated last year, and all the debate and testimony was that this program would go through in 5, 6, or 7 years, if it was continued, showing that it was inconsistent with the 5-year waiting period.

I think the Senator from Wisconsin has given a possible, reasonable interpretation. It was an isolated paragraph of the Secretary's statement. I think I said that at the beginning, that I said overall I share the Senator's concern about trying to get a fairly active figure as soon as we can, with allowances for inflation and increased wages, and so forth, with reference to these expensive programs. But if we are not going to have it, not going to proceed at all until we can get one that is fairly correct, then we will not have any more new weapons, because that would kill them in their tracks.

Mr. PROXMIRE. What I was referring to was the fact that we had testimony from top naval officials that the Pentagon and defense contractors are playing games with Congress and deliberately underestimating weapons systems, knowing full well that they will cost more.

Gordon Rule, one of the top procurement officials, said that, and I asked him, "You mean they are lying?" And he said they are being disingenuous. Whether it is disingenuous or calculated prevarication, there is an understandable effort on the part of defense contractors on the one hand, and the champions of a particular weapons system on the other, to make a deliberately low estimate. They buy in. That is what we are concerned with. We want the taxpayer and the Congress to be treated honestly, so that we must criticize these overruns and insist that this system that lures the Congress into weapons systems at phony bargains, perks it up.

Mr. STENNIS. I have said that we have got to get a better way to get at this matter and I think we are making some headway. The Senator from Wisconsin has helped us make some headway.

One reference, if I may, to the ABM, because Dr. Panofsky said it would work. I have very great respect for Dr. Panofsky and the many other fine and foremost scientists that we have. They are very valuable to us. But, at the same time, I am told by knowledgeable people that those scientists, some of them who were at Los Alamos the very day the atomic bomb was first tested, believed and so stated the very morning of the test, "I do not think it will work." They did not believe it was worth a continental.

Mr. PROXMIRE. I thank the Senator. Mr. President, I yield the floor.

REORGANIZATION OF MILITARY FOOD SERVICES

Mr. PERCY. Mr. President, as we open debate today on the military procurement authorization bill, there is much concern about the level of spending for military purposes and the heavy costs of new weapons systems recommended by the Department of Defense and about the relative requirements for both defense and domestic matters.

The administration has certainly pointed out, and I believe absolutely correctly, that it has made a switch in our national priorities, has reevaluated where the country is going, and what the needs of the country are, and has deemphasized military spending as related to the gross national product and the percentage of our national budget as against our domestic needs. The pendulum is swinging toward nation building at home, and I think rightly so.

Excruciatingly painful decisions that have to be made, however, as to what priorities to switch in the budget, bring to mind the great necessity to face a critical analysis of what we are spending in the military.

I think also, as we look at the size of the military appropriation bill, we must take into account that recent reports have indicated this Nation may be facing a Federal budget deficit as great as $10 billion in fiscal 1971. No extensive educa-

tion in the field of economics is needed to realize that this adds up to more financial troubles for our already struggling economy. A deficit of this magnitude would be added fuel for the rampaging fire of inflation to feed upon.

President Nixon has been trying to control inflation, but it is not his fight alone. Each of us must do as much as possible to control this unhealthy trend of Government deficit spending.

It was for this reason that I announced that I was undertaking a campaign to identify areas of excess fat in our budget where we can save money. My goal is to find areas where we can save at least $4 billion in fiscal 1971. Toward this goal I have already called for cuts amounting to $989 million. Each of us has a direct responsibility to do that which is necessary to hold our budget in line. The President is doing what he can, and we in the Senate must share the responsibility in this task.

The President rightly stated in his message of July 18:

> This is a time when the taxpayers of the United States will not tolerate irresponsible spending.

There is a need today for all parts of our Government, plus the private sector to join in our attempt to keep our budget as low as possible. Today, I would like to direct my remarks to the several military services.

Last December, the White House Conference on Food, Nutrition, and Health, made many very worthwhile recommendations. Four of their recommendations dealt directly with the military food services. One pointed out that traditionally, going back at least to the days of Custer, companies of soldiers would eat together and fight together in that size unit. This tradition has been carried on to today. By far the majority of messhalls in the services can only accommodate 200 men. An example of the resultant inefficiency is Fort Bragg which has 110 messhalls, each with its own staff and its own equipment. The White House conference, as one of its recommendations, recommended that messhalls be consolidated.

The other recommendations of the conference included consolidation of all food production facilities on each military base; studying the feasibility of purchasing foods now processed on military bases such as pastries and meats; and studying the feasibility of replacing some military personnel with civilian workers.

Now, Mr. President, admittedly, it is not very exciting to talk about messhalls and other aspects of the military subsistence programs. Usually, we can talk about weapons systems that are far more interesting and far more controversial. However, this subject of food in the military becomes far more interesting when one considers the amounts of money involved.

If the four recommendations of the White House conference were carried out, they could result in a yearly savings of possibly as much as $1 billion, which would amount to 14 percent of the annual cost of $7 billion to feed our armed services.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield at that point?

Mr. PERCY. I yield.

Mr. PROXMIRE. That is a very impressive estimate. I want to be sure that I understand that the Senator said if we put into effect the four recommendations of the White House Conference on Food and Nutrition, the savings could be as high as 14 percent or $1 billion.

Mr. PERCY. That is correct. The conservative estimate would be one-half billion dollars but the potential of one billion dollars is certainly there. I know that the distinguished Senator, from his own experience, recognizes that when one goes after reductions and economies and consolidations, and tries to eliminate duplication and overlapping, to get away from some of the old practices of the past, that 14 percent is a modest figure, or one billion dollars.

Mr. PROXMIRE. I do not mean to be facetious but the Senator talks about cutting the excess "fat" out of the military. I think the cut the Senator discusses in the food budget of the military by 14 percent or one billion dollars could be construed as one way of cutting the fat from some of those who eat in the military mess halls. I am sure he is serious about that, but I wanted to be sure that he is not misunderstood, that we can have the same amount of food without any diminution in cost or in food value, or in any other way, and still reduce spending by the military on food by one-half a billion to one billion dollars.

Mr. PERCY. That is absolutely correct. As I pointed out earlier, one of the recommendations was to get away from the tradition in the military that goes back to the days of Custer of having soldiers of a company eating together. In these days of new type warfare and the new way of organizing our personnel, we should get away from having a majority of the messhalls in all of our services that can only accommodate 200 men. That is certainly inefficient. We can set up facilities to feed men on a mass basis.

Mr. PROXMIRE. Mr. President, I think that is a very good example. Some people would criticize this proposal on the grounds that one of the things we have in abundance is food. We have a surplus of food and store it in surplus with the Commodity Credit Corporation.

As the Senator from Illinois has pointed out, this would be a more efficient way of providing the same quantity of food but economizing on personnel, and facilities, with the overall result of saving hundreds of millions of dollars.

Mr. PERCY. Mr. President, it is essentially in the area of organization. But this does get to the procedures.

We know that the Army, the Navy, and the Air Force operate separate bakeries and separate facilities of all types. We know that they ran a dairy farm out of Annapolis, I think. The need for our having cows maintained by the military and milking the cows is long since gone.

Mr. PROXMIRE. I think the dairy farmers of Wisconsin would agree with the Senator from Illinois on that.

Mr. PERCY. It would be far more efficient to do it in Illinois and in Wisconsin than to have the military services able to have the luxury of having their own dairy farms. We cannot be competitive when we have an inplant operation. Having been in manufacturing, I had a principle on manufacturing that the budget director of our company was required to get competitive bids from outside in addition to procuring bids from internal operations. In other words, if we had a casting plant, he had to get competitive bids from other competitors rather than always placing the business with an inplant operation.

We drove out of business the inefficient operations inside the plant. What we have to do in military procurement is to be competitive. We cannot be competitive when we place orders always with our own internal operations.

We have probably the most sophisticated and most modern military machine in the world. And we have probably one of the most inefficient, antiquated and wasteful military food distribution systems. There is no reason military food service should not be as efficient as the military service it serves.

This is not a controversial issue. We are not debating our national strategic priorities, or our military deterrent. We are only talking about bringing the military feeding system into the 20th century, and applying cost-effective methods.

One would think that because of the mundane character of this issue, it would be accomplished with comparative ease. And one would think that at a time when we must try to cut our expenditures in every area possible as quickly as possible, that this would be accomplished with speed. But it has not been and so we ask the question, "why not?"

Mr. President, the answer to that question disturbs me quite deeply, as it should disturb every Member of this Chamber, and every person concerned about holding our budget line.

The reason that there has been no progress in this area is due to tradition and what is called "command prerogatives." In civilian terms, it is due to petty jealousies between the various military services.

Although I know, and I know that the distinguished Senator from Wisconsin knows, a herculean effort has been made in the reorganization of the Defense Department with one Secretary of Defense overseeing the operations of our various service agencies, there is still a tremendous amount of in-service rivalry. That is something which in the spirit of gamesmanship is commendable. But when it occurs because each department has to have its own facility, that is a disservice to the country.

I was procurement officer for aviation fire equipment for the U.S. Navy and its Air Corps. I was literally shocked at the parochial attitude maintained within the military service in an effort to keep equipment away from another service that might be competitive. They would

say, "Don't let them have our equipment. Let them develop their own. Let them get it in some other way." Who was the "them?" We were in the midst of a war. I kept thinking that the "them" ought to be the enemy. But the enemy many times turned out to be the other branch of the service which, when one fights them on the football field is understandable, but when one is in the same war and on the same battlefield is not understandable.

So I say regretfully that petty jealousies between the various military services is impeding efficiency in this area.

When we are talking about finding the money and spending a billion dollars, I point out that it is a lot easier to save a billion dollars than to raise the additional revenue to get a billion dollars for some new program.

The services are used to operating their own subsistence programs the same way they did a hundred years ago. They balk at any suggestion to modernize. It is for this reason that there has been no progress in implementing the recommendations of the White House conference. The different departments within the Department of Defense have pushed and cajoled to get the Services going, but they have been stymied by a lack of cooperation.

They have finally succeeded in getting the services to sit down and talk with each other starting July 27 at Fort Lee, Va. How much will come out of this meeting no one can say.

Mr. President, the time has long passed when we can stand idly by and watch the services squabble at a cost of $500 million to $1 billion to the American taxpayers each year. Secretary Laird should issue the necessary orders as soon as possible, and the various armed services should get the starch out and lean over backwards, if necessary, to carry out the recommendations as swiftly and as efficiently as possible.

We must not allow petty jealousies to be one of the reasons that we face a deficit as large as $10 billion. We should start now in this area to save at least $500 million of the $1 billion potential that could be saved annually by simple modernization and cooperation by the military.

Mr. President, with this $500 million item today, I have now identified $1,489,000,000 that could be saved in fiscal 1971. I pledge that I will continue to go over our budget with a fine-tooth comb to point out those areas where we can cut down on our expenditures by as much as $4 billion. The task of stopping inflation is one that each individual and each segment of society must share along with our President.

I agree with the distinguished Senator from Wisconsin that our responsibility does not begin when we just tax people and appropriate the money and say to the Executive, "You go spend it."

We have an overseeing responsibility which is not working in conflict with the administration, whether it be Democratic or Republican. We have an overseeing responsibility for seeing that there is a cooperative effort among the agencies.

I just assume that every single member of the administration is interested in having as efficient and effective a way of doing business as possible. I hope that the Secretary of Defense will feel that we realize that in this body when we say to him, "Let's put the heat on the services." Because this means that with the heat on the Department, he can say, "Look, the Congress wants this money spent more efficiently and effectively. Get rid of the jealousies and the petty differences. Let us have an effective and efficient spending of the money. That means overcoming some of the oldtime practices and modernizing every aspect of the armed services and not just the aspects of advanced technology and military assistance."

Mr. PROXMIRE. Mr. President, I congratulate the distinguished Senator from Illinois on an excellent speech. I think it is especially timely because many of us have criticized the military for spending too much money concentrated in the procurement area and not in the operations area.

Here is a fine example of how we can save in that area. It would be hard to develop an amendment to this bill to get at what the Senator is after in connection with a cut in the food operation. I think that would not be the best way to go about it. The overall reduction of several billions in funds available to the Pentagon is designed to get at this problem. If we could justify our cuts here and in other areas, where other Senators will bring up waste and unjustified spending, it seems to me we would be able to make a responsible reduction in the overall budget.

Mr. PERCY. In reply to the distinguished Senator I must prefer to try to identify specific areas and then, if possible, put in amendments to cover those areas.

Mr. PROXMIRE. The Senator has identified an area and identified it very well. The Senator said the administration is beginning to do something about it. That would be today, because today is July 27.

Mr. PERCY. That is today. That meeting should be going on now.

Mr. PROXMIRE. The administration is working on it, and, as the Senator said, we should work with the administration on this sort of thing.

If there is an amendment in this area I shall support it but I think the overall approach would be best for this particular problem.

Mr. PERCY. I thank the Senator for his comments.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. PERCY. Mr. President, I ask unanimous consent that I may be permitted to proceed for a period of not to exceed 6 minutes on a subject somewhat related to the current bill but which I would consider to be, in the strictest sense, nongermane.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEANINGFUL NEGOTIATIONS ON INDOCHINA

Mr. PERCY. Mr. President, as I commented earlier, as we proceed in the debate on the military procurement authorization bill, there is a great deal of concern about the level of spending for military purposes, about the heavy costs of new weapons systems recommended by the Department of Defense, and about the relative requirements for both defense and domestic needs.

Fundamental to the problem of gigantic appropriations for defense is the immense cost of the Indochina war and the high cost of maintaining our military contribution to the North Atlantic Treaty Organization.

For several years I have contended that the nations of Western Europe should share the burden of America's huge military commitment to NATO. Now, 25 years after the end of World War II, 300,000 American troops are still stationed in Europe, 220,000 of them in West Germany alone. In addition, there are 242,000 American dependents and 14,000 American civilian employees in Europe. The total cost to the American taxpayer is $14 billion a year, and there is a balance-of-payments deficit of $1.5 billion a year.

Fortunately, it now appears that the nations of Western Europe have agreed in principle to make budgetary contributions in support of American forces stationed on the Continent. The terms are to be worked out and implemented by July 1, 1971, I believe as a start the United States should receive reimbursement of about $1½ billion annually—the balance-of-payments deficit we now sustain.

The other major consumer of defense money is the Vietnam war, the cost of which has gone as high as $30 billion in a single year. Since the advent of the Nixon administration, this cost has declined, thanks to troop reductions. But the war still costs nearly $20 billion a year. The war drains our Treasury, distorts our national priorities, alienates our youth, divides the Nation. Most important of all, it costs more American lives every day and it delays the repatriation of the American men held captive in North Vietnam.

The United States has already lost nearly 50,000 killed and suffered a half million wounded in 9 years of fighting. The people of Vietnam have suffered many times more casualties.

In view of this tremendous cost in lives and treasure, and at a time when the war is accelerating throughout Indo-

china, I believe we need a bold move to stop the fighting and to start meaningful negotiating. Since every war ends by surrender or negotiation and, since there will be no surrender in Indochina, I urge that we initiate real negotiation now, rather than thousands of casualties later.

Therefore, I suggest that the United States should now propose the appointment of a United Nations representative to meet with all parties to the Indochina war in an effort to arrange a 90-day truce and to reach an agreement on the form of an international peace conference. In making this suggestion, I am drawing on the example of President Nixon's Middle East peace proposals by emphasizing truce and negotiation with United Nations help. Whatever the ultimate result of the administration's Middle East proposals, I believe that the President and Secretary of State Rogers deserve immense credit for seeking to arrest the deterioration of conditions in the Middle East at a very dangerous time. Every day it appears that the wisdom of these proposals is going to be borne out by the overwhelmingly response they have received.

During a truce in Indochina, it would have to be understood that the belligerents would not take advantage of the cease-fire to improve their military positions. I would expect, too, that in this period all prisoners of war, both Vietnamese and American, could be repatriated.

I firmly believe that a political settlement in Indochina is vastly preferable to a legislated, fixed-time withdrawal, because it would end the war, not just end American participation in the war.

I have been deeply committed to the accomplishment of a negotiated solution of the war since mid-1966 when I proposed an all-Asian peace conference on the problem of Vietnam.

In the past, North Vietnam has rejected peace initiatives emanating from the United Nations. But this is a different situation since the initiative I propose would not come from the United Nations. It would come from the United States. United Nations involvement would be as an instrumentality assisting the belligerents to find the basis for ending the conflict.

Should the North Vietnamese find any United Nations role unacceptable, the proposal could be altered to provide for representatives of the International Control Commission—from India, Canada, and Poland—to make the initial overtures toward arranging the truce and the form for an international conference.

At an international conference on Indochina, the United States could propose that all foreign troops, including American and North Vietnamese, should be withdrawn from South Vietnam on a fixed schedule starting as soon as agreement could be reached on mutual withdrawals. Similarly, it could be proposed that foreign forces be withdrawn from Cambodia and Laos under the same conditions. The International Control Commission or the United Nations could supervise and substantiate the withdrawals. Hopefully, it could be agreed that withdrawals would be completed within 6 months.

I have no preconceived notions about the form an international conference on Indochina should take, although an all-Asian conference or a reconvened Geneva Conference would have to be considered. A U.N. representative, or ICC representatives, in consultation with Asian non-Communist and Communist leaders, and with England, France, the United States, and the Soviet Union, would be able to determine what type of conference might be generally acceptable.

Recently, President Nixon made an excellent move in appointing Ambassador David K. E. Bruce to the U.S. chief negotiator in Paris. Ambassador Bruce is known for his intelligence, tact, understanding, and diplomatic skill, characteristics which should be immensely helpful in dealing with the North Vietnamese and the National Liberation Front. In making my proposal for an enlarged international conference on Indochina, I in no way mean to cast doubt on his ability to make the Paris talks more substantive and meaningful. In fact, I would assume that Ambassador Bruce would represent the United States in such a conference. However, the Paris talks now bear the burden of 2 years of failure and it is possible that a new forum with broader participation would have a better chance for success. Moreover, an enlarged conference would be better equipped to achieve a solution for the whole of Indochina.

Before concluding, let me reiterate the substance of my proposal today. I am recommending that the United States should propose the appointment of a United Nations representative to meet with all parties to the Indochina war in an effort to arrange a 90-day truce and to reach an agreement on the form of an international conference.

I invite the consideration of this proposal by my colleagues, by the administration, and from opinion leaders in the country. I would welcome other suggestions and proposals as well, so that new thinking may be brought to bear on the question of how to end the war in Indochina.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I ask unanimous consent to have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. I might add, Mr. President, in accordance with a custom I have always tried to follow in any matter affecting our foreign policy or military posture, I discussed this matter with the administration. I first discussed it with Ambassador Habib in Paris several weeks ago, and then, some week or 10 days ago, I wrote a letter directly to Secretary Rogers on this matter. I have every indication from the administration that they do not object to my making this proposal at this time.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, let the RECORD show that had I been present, I would have objected to the request of the able Senator from Illinois to transact routine morning business, because it violated the Pastore rule concerning germaneness.

Mr. PERCY. Mr. President, may I reply to the distinguished acting majority leader?

Mr. BYRD of West Virginia. I yield.

Mr. PERCY. Mr. President, in the interest of facilitating the work of the Senate today, I do want to indicate that there was an indication that my remarks were not germane. I spoke to the Senator from Mississippi (Mr. STENNIS) earlier and I spoke to the Senator from Wisconsin (Mr. PROXMIRE) as to their advice in the matter. They indicated that apparently there were no more speeches to be made on the pending bill, and that they were sending for the Senator from New York (Mr. JAVITS), and that it was customary, under those conditions, to request unanimous consent. We could not locate the majority leader; therefore, to facilitate the work of the Senate, we asked unanimous consent and got it. But I understand the reason for the germaneness rule.

Mr. BYRD of West Virginia. I thank the able Senator. I was not aware that all other Senators had made their speeches and that no other Senator wanted to speak today on the pending business. On that basis, I would not have objected, but would have asked that the pending business be temporarily laid aside. I merely make this statement so that the RECORD may be clear. I again thank the Senator.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF CONFERENCE REPORT ON EDUCATION APPROPRIATION BILL TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the close of morning business on tomorrow, the conference report on the education appropriation bill be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4127—INTRODUCTION OF THE PROPOSED EMERGENCY LOAN GUARANTY ACT OF 1970

Mr. JAVITS. Mr. President, a short while ago the financial markets of this Nation and the world were rocked by the bankruptcy of Penn Central, one of the largest corporations in the world. This bankruptcy has been preceded by widespread reports of financial difficulties being faced by leading corporations in the aerospace field, by major automobile manufacturers, and by various brokerage houses. These developments, having already received widespread publicity, are but the tip of an iceberg which is the "liquidity crisis."

We see press reports that there is a frantic maneuvering for short-term money at Lockheed, that McDonnell Douglas has deferred a $100 million public offering of 4-year notes, because of high interest rates; that American Airlines cut to $47.9 million from $79 million a public offering of 18-year certificates and had to pay 11-percent interest—a tremendous tax on the airline and the people who fly the airlines; and that Pittsburgh-Fort Wayne omitted a dividend because of the uncertainty of rental payments from Penn Central. Analysts for Salomon Brothers and Hutzler have described the market for medium and lower-rated securities as "quite thin"; Business Week reports that "newcomers to the market now have trouble floating their issues"; and Newsweek wonders after "Penn Central, Who Next?"

It would be inaccurate and simplistic to blame this "liquidity crisis" solely on poor management, as some have attempted to do. Even as to the U.S. Government, did not a Treasury debt refinancing almost go down the drain in the midst of the Cambodian invasion, to be saved only by a massive rescue operation by the Federal Reserve? The Federal Government as well as private corporations can have problems rolling over indebtedness in the uncertainties of the present economic climate. Many basically sound corporations with good management are facing this problem, having been caught in the squeeze of repressively tight money and costlier labor, raw materials and other operating costs at the very time when sales and profits are declining and taxes are increasing—because of the repeal of the investment tax credit. As a result of these factors—most of which are totally beyond the control of individual corporations—the credit standing of many corporations has deteriorated. Debt re-financing, in turn, has become increasingly difficult, particularly because—as Secretary Kennedy stated last Tuesday—corporate management has been relying on "less liquidity and more ability to borrow short-term funds."

Yet, because of a deteriorated credit availability—and despite the fact that the Federal Reserve under the wise leadership of Dr. Arthur Burns is pumping dollars into the banking system—many corporations cannot get the short-term credit they need at any price. They are suddenly considered to be credit risks. Smaller, less established corporations face a widening yield spread between the highly rated bonds being floated by large corporations, and lower rated bonds they are attempting to float. In other words, those corporations that are less able to borrow have to pay more for their money.

It is clear that the continued ability of certain large businesses to operate is very much in the national interest. It would have been tragic for our economy and for the national security of the United States if the Penn Central bankruptcy had seriously disrupted the essential commercial paper market—and paralyzed companies dependent on it for operations. We are fortunate that this did not happen, but what worries me is that it could have happened. What worries me more is that this Nation did not—and still does not—have an emergency economic "war power" to insure that steps can be taken to prevent the economically unthinkable from happening during a time of economic emergency.

It is also clear that continued essential operations of many small corporations is in the national interest and that widespread small business failures could have macroeconomic implications—that is, implications for the health of the entire economy.

My recent conversations with financial leaders have convinced me that the economy has just skirted the edges of economic disaster and that for some days it was a matter of touch and go. The immediate crises may well be behind us, although it is still too early to know for sure. We should now take the necessary legislative steps—to ensure it does not again descend upon us and again catch us unprepared either 3 months or 3 years from now. It would be most unwise to leave the Federal Government unarmed without the economic "war power" needed to combat a liquidity crises. And, I am convinced that a full-blown liquidity crises cannot be ruled out so long as the present unstable economic conditions remain in effect.

That this possibility is a clear and present danger was reinforced when Dr. Arthur Burns, Chairman of the Federal Reserve System, felt it necessary to state publicly before the Joint Economic Committee only last Thursday that—

> In the highly unlikely event that a liquidity scramble developed, the Federal Reserve would use all the authority at its command to ensure that unusual demands for liquidity were satisfied.

While Dr. Burns expressed confidence in the workings of the financial system, he stated:

> Prudence requires that we consider what additional precautionary measures might be advisable.

He continued:

> The Congress might also give consideration to the feasibility of establishing a Federal program to guarantee loans to necessitous borrowers. This possibility should, of course, be explored very cautiously. It would be a disastrous mistake to use Federal monies to keep unsound firms from failing or to substitute public for private tests of creditworthiness, or to convey the impression that the Federal Government will bail out loosely-managed or speculative enterprises. But there may be a role for Federal guarantees in helping basically sound firms that experience temporary financial distress to find access to funds, where the alternative might be a degree of financial dislocation inimical to the national interest.

I ask that we consider the implications of the fact that Penn Central could have brought down the commercial credit market like a house of cards and that the Federal Government lacked the necessary emergency powers to shore it up.

A snowballing liquidity crisis is a national concern. It could wreak havoc in Sioux City, Iowa, or Macon, Ga., as well as in the great financial centers of New York, Chicago, Atlanta, Dallas, and San Francisco. We must insure that it does not happen.

Mr. President, pursuant to this situation, and in view of the fact that we have no RFC now, as we did in the depression of the 1930's, I introduce a bill in the Senate which will provide the administration with the economic war power needed in times of economic emergency. I urge all Members of the Congress to consult with the administration and with the Federal Reserve on the need for such a bill. I urge them to talk to the businessmen—large and small—in their districts concerning the liquidity squeeze and the implications this squeeze can have for their constituents.

Basically, the bill would authorize the Secretary of the Treasury to guarantee loans made to certain businesses which are in necessitous circumstances, the continuance of whose operations is vital to the national interest. This guarantee authority would have a life of 1 year, by which time the Secretary must submit to Congress a report together with recommendations on the need for establishing a permanent Emergency Loan Guarantee Corporation. That Corporation, if recommended, and not vetoed by either House of Congress, would succeed to the Secretary's loan guarantee authority.

The Secretary cannot act indiscriminately under the provisions of the bill. He would be bound by a number of safeguards.

First. No guarantee could be made under my bill unless the Secretary certifies

in writing that the loan to be guaranteed is necessary, considering the purposes of the bill; that the loan cannot otherwise be obtained on reasonable terms and conditions; that there is reasonable assurance of repayment, and that failure to provide a guarantee would in effect shut down the business seeking the loan.

Mr. President, I believe this is critically important, because I believe in wringing the water out of corporations which have extended themselves, made unwise decisions, or had bad management, under bankruptcy or any other proceeding.

But, Mr. President, there are some companies—and Penn Central is one of them—where we cannot afford, as a nation, to allow them to stop operating. Yet that is exactly what Penn Central faced, with a $20 million payroll coming due every week, and no means to meet it when the trustees in bankruptcy stepped in.

The Secretary would also be required to certify that the purposes of the loan to be guaranteed must further the economic health and welfare of the Nation or a region thereof, and that the business of the enterprise to be assisted is of a nature which makes assistance appropriate in furtherance of the purposes of this bill. What these two conditions mean is that the business must be imbued with the public interest, and one whose failure would seriously affect the economy of our country or the well-being of a particular area such as a city or a populous county; it could conceivably be a business undergoing reorganization under the Bankruptcy Act, so long as all the necessary conditions are met. They further mean that the purposes to which the guaranteed loan would be put must be carefully scrutinized before any guarantee is made; that these purposes must be productive and must be such as to help restore or maintain the economy of the Nation or the region.

Second. Before making a guarantee the Secretary would consult with the chairman and the ranking minority members of the Committees on Banking and Currency of the Senate and the House of Representatives. An appropriate analogy here is the consultations which the Federal Reserve Board carries on with the FDIC and the Federal Home Loan Bank Board before making changes in interest ceilings under regulation Q.

Third. The Secretary would be subject to ceilings on the amount he can guarantee. He must justify to Congress any guarantees—or series of guarantees to one borrower—which exceed $20 million in any 1 year, and such guarantees are subject to congressional veto; also, the maximum aggregate amount outstanding of guaranteed loans cannot exceed $5 billion.

Fourth. The Secretary could impose any conditions on the borrower he deems to be appropriate. This safeguard is intended to prevent the loan from merely enabling the borrower to siphon funds out of its productive enterprises for use in such activities as mergers and acquisitions, increased dividend payments, debt repayment, and so forth.

Fifth. The Secretary would be bound by the policy directives of a Loan Guarantee Policy Board, which also would be established by my bill. My intent in setting up this Board is to have some fully independent authority exercise overall supervision of the guarantee program. The Board would be directed in the bill to establish the general policies which shall govern who is eligible and who is ineligible for guarantees. These policies would be published and, of course, subject to public scrutiny. In particular, the Board would have to define the national or regional economic interest involved in granting or denying a guarantee. The membership of the Board would consist of a Chairman to be appointed by the President, the Chairman of the Federal Reserve Board, and the Secretary of the Treasury.

Sixth. The Secretary of the Treasury is given visitation powers sufficient for him to insure that any guaranteed loan was being used for the purposes for which it was made.

To summarize, the bill contains two guarantee authorities: the first, in the Secretary of the Treasury, would start immediately upon passage of the bill and last for 1 year. The second, if sent to the Congress by the Secretary, would permanently reside in the loan guarantee corporation. The circumstances I have described require an immediate guarantee authority, with appropriate safeguards, and this is why this authority is temporarily vested in the Secretary of the Treasury. I believe that the question of whether we need a permanent guarantee authority is one that can be deferred for the present time. It needs more study, and even if a permanent authority is called for, the details of the permanent guarantee corporation would require some months of planning. This is the reason for the 1-year period given the Secretary to come up with his report and recommendations.

While the safeguards which surround the Secretary's guarantee authority certainly suggest some of the details which he must specify in recommending a permanent emergency loan guarantee corporation, the bill purposefully does not bind the Secretary to any particular design in setting up this corporation. Obviously, the Secretary's work in this regard would get careful scrutiny, since Congress will have veto power over a proposal to establish a corporation. Also, I would expect the Secretary to consult with appropriate Members of Congress as his work on the corporation proceeds.

Considering the urgent and present need, the bill is, I believe, a modest one. It is, in effect, a limited liability program, and contains safeguards sufficient to prevent the guarantee authority from becoming a giveaway. It would act to supplement the many guarantee programs already on the books in such a way as to restore confidence at the time of a severe liquidity crisis.

In effect, Mr. President, this is an RFC in a modern sense, for today's conditions, and should deal adequately with the problem of an absence of liquidity, where the continued operation of individual enterprises is essential in the national interest.

Mr. President, there was great fear in the financial community, and justifiably so, of a chain reaction which would be set in motion by the inability of even the best corporation to get the necessary short-term funds with which to operate, and there was a great slow-down in payments of accounts receivable, which indicated a hoarding by individual concerns of dollars which they needed in order to operate temporarily when they could not borrow, and hence could not pay their bills on time.

Such a chain reaction, Mr. President, can bring down the economy, solely because of an erosion of confidence, and because we do not know how to help ourselves. Hence this guarantee authority, Mr. President, is a very critically important standby facility to help tide us over such moments of the gravest peril to this country.

Mr. President, I am very much honored that the Chairman of the Federal Reserve Board, for whom I, and I know many other Senators have the greatest respect, has endorsed this approach, and I very much hope it may have early consideration, as an important element for strengthening the economic vertebrae of the United States, by the appropriate subcommittee of the Committee on Banking and Currency.

I send the bill to the desk and ask that the text of the bill be printed in the RECORD in addition to my introductory remarks which also explain the terms of the bill.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred, and, without objection, the bill and the explanation will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 4127) to provide emergency authority for the guarantee of loans to aid business enterprises to meet temporary and urgent financial needs, introduced by Mr. JAVITS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a) The Congress finds—

(1) that the liquidity necessary to keep the nation's economic system operating and productive continues to grow rapidly and that the effective functioning of the capital markets is a prerequisite to meeting these liquidity needs;

(2) that the capital markets have been unable to satisfy such needs on reasonable terms and this inability leads in given cases to severe regional or national economic disruption and liquidity crises; and

(3) that the existence of a loan guarantee authority in the Government is necessary to the national interest to stabilize capital markets during those times when, like the present, urgent and temporary financing cannot generally be acquired on reasonable terms.

(b) It is the purpose of this Act to provide authority for emergency financial assistance in the form of loan guarantees to

aid business enterprises to meet temporary and urgent financial requirements which, if not met, might seriously impair the ability of such enterprises to produce goods and services, and might seriously affect the economy of the nation or a region thereof.

EMERGENCY LOAN GUARANTEE AUTHORITY

SEC. 2. (a) In furtherance of the purpose of this Act, the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") is authorized upon terms and conditions prescribed by him, and after consulting with the chairmen and ranking minority members of the Committees on Banking and Currency of the Senate and the House of Representatives, respectively, to make commitments to guarantee and to guarantee any financing institution against loss of principal or interest on any loan to a business enterprise for the purpose of assisting that enterprise to meet temporary and urgent financial needs which if not met (1) could seriously impair the ability of the enterprise to produce goods or services for the public, and (2) could adversely and seriously affect the economy of the nation or a region thereof.

(b) No guarantee of a loan shall be made under this section unless the Secretary finds and appropriately certifies that—

(1) the loan is necessary to carry out the purposes of this Act;

(2) the loan is not otherwise available on reasonable terms and conditions;

(3) there is reasonable assurance of repayment of the loan;

(4) a failure to provide a guarantee of the loan under the authority of this section would seriously impair the ability to produce the goods and services of the enterprise in behalf of which the guarantee is to be made;

(5) the business of the enterprise to be assisted is of a nature which makes assistance under this section appropriate in furtherance of the purposes of this Act; and

(6) the loan to be guaranteed will be applied to productive purposes which are necessary to the economic health and welfare of the nation or a region thereof.

(c) The Secretary shall require such security for guarantees and such agreements regarding management of the components of the tnterprise to be assisted as he may deem appropriate. An enterprise in reorganization pursuant to the Bankruptcy Act is not ineligible to receive a loan guaranteed under this section if the Secretary makes the findings and certifications required by subsection (b).

(d) The Secretary shall consult, as necessary, with any business enterprise which has received a loan guaranteed under this section concerning any matter which may bear upon the ability of such enterprise to repay the loan within the time fixed therefore and reasonable protection to the United States; and otherwise to assure that the purpose of this Act is being carried out.

(e) (1) The maximum obligation of the Secretary under any loan or loans made to any one borrower within any one year which is guaranteed under this section shall not exceed $20,000,000 unless—

(A) prior to making such guarantee the Secretary submits to the Congress a full and detailed report of the circumstances requiring the guarantee in the case of the particular enterprise and the justification therefor in furtherance of the purposes of this Act; and

(B) a period of thirty calendar days of continuous session of the Congress following the date on which such report is submitted to the Congress elapses, and during such period there is not passed by either the Senate or the House of Representatives a resolution stating in substance that the Senate or the House of Representatives, as the case may be, does not approve the proposed guarantee.

For the purposes of paragraph (B), in the computation of the thirty-day period there shall be excluded the days on which either the Senate or the House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

(2) The maximum obligation of the Secretary under all outstanding loans guaranteed under this section shall not exceed at any time $5,000,000,000.

(f) (1) Payments required to be made as a consequence of any guarantee under this section shall be made by the Secretary from the loan guarantee fund established pursuant to subsection (f).

(2) In the event of any default on any loan guaranteed under this section and payment in accordance with the guarantee is made by the Secretary, the Attorney General shall take such action as may be appropriate to recover the amount paid by the Secretary, with interest, from the defaulting borrower or other persons liable therefor.

(3) The Secretary shall prescribe and collect a guarantee fee in connection with each loan guaranteed under this Act. Sums realized from such fees shall be deposited in the loan guarantee fund established pursuant to subsection (f).

(g) (1) There is established in the Treasury a loan guarantee fund to be administered by the Secretary. The fund shall be used only for the purpose of the guarantee program authorized by this section, including the payment of administrative expenses. All fees paid in connection with such program shall be credited to the fund. Moneys in the fund not needed for current operations may be invested in bonds or other obligations of, or guaranteed by, the United States.

(2) There are authorized to be appropriated to the loan guarantee fund such amounts as may be necessary to provide requisite capital. In the event there are insufficient moneys in the fund to meet obligations of the fund, the Secretary shall transfer to the fund such sums as may be necessary to fulfill such obligations. The Secretary may use, for the purpose of making any such transfer, the proceeds from the sale of any securities issued under the Second Liberty Bond Act are extended to include such transfers to the fund. There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to repay such transfers. Interest on sums so transferred shall be paid from time to time, at a rate determined by the Secretary, from fees credited to the fund.

(h) There is created a Loan Guarantee Policy Board which shall consist of a chairman appointed by the President, with the advice and consent of the Senate, and the Chairman of the Federal Reserve Board and the Secretary of the Treasury as members. The Board shall establish general policies (particularly with respect to the national or regional economic interest involved in the granting or denial of applications for guarantees under this section and with respect to the coordination of the functions of the Secretary under this section with other activities and policies of the Government) which shall govern the granting or denial of applications for guarantees under this section.

(i) Any Federal Reserve Bank is authorized to act as fiscal agent of the Secretary in the making of contracts of guarantee under this section and in otherwise carrying out the purposes of this section. All funds necessary to enable any such fiscal agent to carry out any guarantee made by it on behalf of the Secretary shall be supplied and disbursed by or under authority from the Secretary. No such fiscal agent shall have any responsibility or accountability except as agent in taking any action pursuant to or under authority of the provisions of this section. Each such fiscal agent shall be reimbursed by the Secretary for all expenses and losses incurred by it in acting as agent on behalf of the Secretary, including (without being limited to) the expenses of litigation.

(j) (1) Except as provided in paragraph (2) and (3) of this subsection, this section and all authority conferred thereunder shall terminate upon the expiration of one year after the date of enactment of this Act, or upon the establishment of an Emergency Loan Guarantee Corporation pursuant to section 3, whichever is the earlier.

(2) If, at the expiration of one year after the date of enactment of this Act action on the Emergency Loan Guarantee Corporation is still pending before the Congress, the authority conferred under this section shall continue until such action is completed or upon the establishment of the Corporation, whichever is the earlier.

(3) The termination of this section and the authority conferred thereunder shall not affect the disbursement of funds under, or the carrying out of, any contract, guarantee, commitment, or other obligation entered into pursuant to this section prior to such termination, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out pursuant to this section.

REPORT; ESTABLISHMENT OF EMERGENCY LOAN GUARANTEE CORPORATION

SEC 3. Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Congress a full and complete report of his operations under section 2, together with his recommendations with respect to the need for the establishment of an Emergency Loan Guarantee to provide for the continuation of a loan guarantee assistance program comparable to that authorized under section 2. If the Secretary recommends the establishment of such corporation, he shall, at the time of submitting such report or at anytime thereafter but prior to the expiration of one year after the date of enactment of this Act, submit to the Congress a charter for the organization of such corporation. Such charter shall take effect, and the Emergency Loan Guarantee Corporation shall become a body corporate with the powers stated in such charter, upon the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which the charter is transmitted to the Congress, if between the date of transmittal and the expiration of such sixty-day period there has not been passed by either the Senate or the House of Representatives a resolution stating in substance that it does not approve the proposed charter or the establishment of the proposed corporation. For the purpose of the foregoing, there shall be excluded, in the computation of such sixty-day period, the days on which either the Senate or the House of Representatives is not in session because of adjournment of more than three days to a day certain or an adjournment of the Congress sine die.

PROCEDURE WITH RESPECT TO DISAPPROVAL RESOLUTIONS

SEC 4. The provisions of sections 910–913 of title 5, United States Code, shall be applicable with respect to the procedure to be followed in the Senate and House of Representatives in the exercise of their respective responsibilities under sections 2 (d) and (3) of this Act; except that references in such provisions to a "resolution with respect to a reorganization plan" shall be deemed for the purposes of this section to refer to a resolution of disapproval under sections 2 (d) and 3.

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the New York Times of yesterday, similarly approving the concept with respect to the loan guarantee bill.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FAILING COMPANIES

The nation is facing a problem that it has not confronted to a comparable degree since the Great Depression: what should the Federal Government do about private enterprises that are failing?

This issue has emerged dramatically with the bankruptcy of the Penn Central Railroad, the threat to the financial solvency of the Lockheed Aircraft Corporation, and the liquidation or merger of a number of failing stockbrokerage firms.

These three cases have greater differences than similarities. Admittedly the threat to railroad companies, aircraft producers and stockbrokers—as well as to companies in other fields—was intensified by the prolonged economic slowdown and liquidity squeeze. Although that threat is not yet over, there is reason to believe that the greater flow of money and credit to the economy will in the months ahead prevent a widening wave of business failures. The country is almost certainly not on the brink of anything resembling the universal disaster of the Great Depression of the 1930's.

In the actual circumstances, it would be most unwise for the Government to launch a massive and indiscriminate policy of bailing out private companies that are in trouble. A genuine question arises when an industry is providing an essential public service, viz., the railroads; but even here, as in the specific case of the Penn Central, we do not feel the Government should be called on to provide the hundreds of millions of dollars that would have been needed to save it from bankruptcy. The railroad can continue to operate under its court-appointed trustees.

But the most able trustees in the world will not be able to solve the problem of the Penn Central if existing Government regulations or the structure of the transportation market bars the way to an effective managerial and technological solution. Regulations barring the company from setting competitive rates appropriate to the cost of the services provided or from the trying new approaches to combine rail with other modes of transportation have to be relaxed.

The Penn Central case can be used as a crucial experiment in determining whether a more viable solution to national transportation problems can be found. If the experiment fails, then there may have to be full nationalization of this railroad—and perhaps of others as well.

The Lockheed case is quite different. Lockheed has been involved in a risky business; its customers are not only the United States Government but many domestic and foreign airlines. Government has a job to do in easing the transition problems for the workers affected, but in the long run there is no basic public interest in preserving a competitive market.

The failure of stockbrokers is still another type of case. Here the problem is more analogous to that of commercial or savings banks, which are holding other people's money. The Federal Government should certainly help develop insurance schemes (like the Federal Deposit Insurance Corporation for the banks) to protect individual investors from mismanagement by stockbrokers, but this need not involve propping up the individual stockbrokers.

Thus, different cases of impending failure or actual bankruptcy need to be handled differently. Federal Reserve Chairman Arthur F. Burns and Senator Jacob Javits of New York have proposed a new Federal agency to guarantee loans to credit-worthy businesses that are having difficulty in borrowing money through normal banking channels. This proposed agency has been likened to the old Reconstruction Finance Corporation that was created during the Hoover Administration and heavily used by the New Deal to keep sinking corporations afloat in the Depression.

The loan guarantees of any such agency should be strictly limited to companies clearly essential to the national interest. Companies should not be bailed out just because they are big or because they produce a defense product—if other companies that are viable and better managed can produce it. The United States must not slide into a highly inefficient form of collectivism under the pretense of preserving a private enterprise economy.

FARM BILL SHENANIGANS

Mr. WILLIAMS of Delaware. Mr. President, in the July 23, 1970, issue of the Washington Daily News there appeared an excellent editorial entitled, "Farm Bill Shenanigans."

This article calls attention to the decision of the House Agriculture Committee and the Department of Agriculture to support a $55,000 ceiling per crop under the new program.

Recently the Senate passed a $20,000 ceiling per farm—on all crops—and this proposal is now in conference as a part of the Agriculture appropriation bill.

On previous occasions the House has likewise approved a $20,000 limitation, and its acceptance as a part of the new agriculture program would result in an annual savings of at least $250 million per year more than would be saved under the committee action.

There could be no possible justification for increasing this limit, particularly at a time when our Government can only pay these subsidies with borrowed money; and should this legislative proposal come before the Senate a determined effort will be made to reduce the ceiling to not exceeding the $20,000 limitation per individual or corporate type farmer.

I ask unanimous consent that the editorial referred to be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FARM BILL SHENANIGANS

Two weeks ago the Senate decided to clamp a $20,000-a-year lid on the amount any farmer could get from the government for taking part in the federal crop control problem. It was a good idea, calculated to save the taxpayers $300 million to $400 million a year.

But now the bill is in the House of Representatives—and some rather strange (if predictable) things are happening.

Instead of a $20,000 lid, the House Agriculture Committee has recommended a $55,000 lid of the next three years. And instead of $20,000 per farmer, the lid would be $55,000 per crop.

Thus, a farmer—theoretically at least—could get $55,000 for not raising wheat, $55,000 for not raising cotton and another $55,000 for not raising feed grains.

Save $300 million? The latest estimate is $58 million, and even that is doubtful if the big corporate farmers find ways to divide their land and collect separate subsidies for each parcel.

Already exempted from the proposed lid by the House committee are the farms owned by states and municipalities. This means, for example, that Montana could continue to get $640,000 a year from Uncle Sam for not planting crops on state-owned land.

There is always the chance, of course that the $20,000 subsidy limit approved by the Senate will be accepted by the House, as it should be. In fact, the House has accepted (and the Senate rejected) a $20,000 limit twice before.

But the chairman of the House Agriculture Committee, Rep. W. R. Poage, D-Tex., says the big guns of both parties favor the higher figure.

And Agriculture Secretary Clifford M. Hardin, who apparently speaks for the Administration, says he'll oppose any lid lower than $55,000 per crop.

Even a $55,000 ceiling is better than the present unlimited subsidy program, which permitted seven corporate farms to collect more than $1 million apiece (one collected more than $4 million) from the taxpayers last year.

But the shenanigans will continue as long as the federal government spends billions ($3.7 billion last year) to jack up farm prices by keeping crops out of production.

At some point, Congress is going to have to phase out the subsidy program and let the farm markets find its own level. Then there won't be any need to build loopholes into the law

MEDICARE AND MEDICAID ABUSES

Mr. WILLIAMS of Delaware. Mr. President, recently the Finance Committee has been holding extended hearings on abuses under the medicaid and medicare program. Recently, under date of July 23, the Comptroller General submitted to Congress a report on the operation of the medicaid program in the State of California. I shall ask that appropriate excerpts from this report be printed in the RECORD. It points out that in a series of nursing homes which were spot checked in that State they found there were many instances where the medicaid program was being charged for the care of patients after they had died and been buried, and in other cases charges were continued after the patients had been discharged and moved back to their homes.

There were other instances of duplicate payments under medicaid and medicare for the same services.

I ask unanimous consent that pages 16, 17, 18, and 19 of the report to the Congress on problems in approving and paying for nursing home care under the medicaid program in California by the Comptroller General of the United States be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

APPROVAL OF CARE AFTER PATIENTS' DEATH OR DISCHARGE

We noted that, in some cases, Medi-Cal Consultants (or other county representatives) approved requests for additional nursing home care even though the patient had died or had been discharged from the nursing home.

As noted earlier (see p. 10), nursing home operators are required to notify the Consultant within 48 hours of the death or dis-

charge of Medi-Cal recipients. Such notice was to be given through the use of form MC 171. Although information on the termination of care to patients was being provided to the Consultants within the specified 48 hours, we noted instances where the information relating to the death or discharge of patients was apparently not being used by Consultants in acting upon subsequent requests for the approval of nursing home care. Consequently, Medi-Cal Consultants approved some requests for nursing home care even though the patient had died or had been discharged from the nursing home. Following are several examples of nursing home care approved after the patient's death or discharge for future periods of time.

Medi-Cal patient	Date of death or discharge	Date additional nursing home care was approved	Number of days elapsed between date of death or discharge and date of approval [1]
A	Jan. 10, 1968	Apr. 23, 1968	104
B	Nov. 14, 1968	Mar. 24, 1969	130
C	Aug. 18, 1968	Sept. 17, 1968	30
D	Dec. 3, 1968	Jan. 8, 1969	33
E	Mar. 5, 1969	Mar. 26, 1969	21

[1] The nursing homes in these cases did not bill the Medi-Cal program for services beyond the date of death or discharge of the patient.

We recognize that it seems improbable to have a nursing home, on one hand, notify the Consultant of the death or discharge of a patient and to have that same nursing home, on the other hand, subsequently request and obtain the Consultant's approval for the continuation of nursing home care. Nevertheless, this situation occurred and further illustrates, in our opinion, the ineffectiveness of the present system of controls in approving nursing home care under the program.

PAYMENTS AFTER PATIENTS' DEATH OR DISCHARGE

Our review revealed that nursing homes claimed, and were paid under the Medi-Cal program for, nursing home care after the patients had died or had been discharged from the nursing home. This condition, in our opinion, was caused in part, by the failure of the Department of Health Care Services to adequately assure itself that the fiscal agent had established adequate controls to preclude such payments.

Of 260 Medi-Cal recipients who had received nursing home care, we found 22 cases in which nursing home operators were paid for periods of time after the recipients' death or discharge. Our selection of the cases reviewed was made of all recipients for whom services were recently terminated and for whom records were available in the 10 nursing homes at the time we made our visits. The number of days of care for which these nursing homes were paid after services had been terminated ranged from 1 to 21 days, and the amount of payments ranged from $11 to $289. In total, 123 excess days claimed resulted in excess payments of $1,577. The following schedule presents this information for each county.

County	Nursing homes visited	Number of patient cases examined	Number of cases in which payments were made for periods after death or discharge	Excess	
				Days claimed	Amount paid
Alameda	2	53	4	24	$330
Fresno	2	21	1	16	188
Los Angeles	4	128	9	30	354
Santa Clara	2	58	8	53	705
Total	10	260	22	123	1,577

In 20 of the above 22 cases, neither the nursing home nor the fiscal agent was aware of the overpayments, and in two cases, the nursing home—upon discovery of the error—had initiated action to offset the excess amounts paid against subsequent claims. Officials of the fiscal agent advised us that they would make the necessary adjustments for the excess amounts paid in the cases we identified. The following schedule shows the range of excess days.

Number of excess days paid:	Number of recipients
1	12
2 to 10	5
11 to 20	4
21	1
Total	22

HEW has not issued any specific guidance to the States on the payment policy to be followed in paying for care on the date of admission or the date of discharge. Department of Health Care Services officials advised us that, from the beginning of the Medi-Cal program, it had been their policy to pay nursing homes for the date of admittance but not for the date of death or discharge of the patient. Although this policy had not been included in the Medi-Cal regulations, these officials advised us that the fiscal agents had been informed of this policy on several occasions since the inception of the program in March 1966. In November 1966, Hospital Service in Southern California advised the nursing home operators located in its geographical area that payment would not be made for the last day of nursing home care. Hospital Service of California officials, on the other hand, advised us that they had not issued such a statement to the nursing homes operators in its area. Hospital Service of California officials stated, however, that their claims examiners were instructed to disallow claims for the last day of care. These officials added that they were aware that this policy had not been consistently applied by their claims examiners.

In discussing the cases of overpayment with the various nursing home officials, we were told that the excess claims were generally caused by errors made by their clerical staff and the fiscal agents' inconsistency in paying claims. Fiscal agent officials advised us that they had processed these claims because they had no way of knowing that a patient had died or had been discharged and that the claims were submitted on an approved form MC 170.

Under existing procedures, the fiscal agents must rely solely upon the nursing home operators to submit accurate information relating to the period of time for which nursing home care is provided to the program recipient. Such information is not submitted to the fiscal agent from any other source (such as the county social worker or Medi-Cal Consultant), nor are any periodic examinations performed by the fiscal agent for the purpose of ascertaining when service to a recipient was discontinued.

Mr. WILLIAMS of Delaware. In addition, Mr. President, I am referring this report to the Attorney General with the suggestion that this appears to be a clear indication of fraud and that appropriate steps be taken.

Also I call attention to the laxity of administration under both medicaid and medicare which did not detect these dual billings and the overcharges until after the General Accounting auditors called it to their attention.

There is no excuse for this loose management on the part of the Government agencies.

HOW TO WIN AND STILL LOSE

Mr. HANSEN. Mr. President, the business and finance section of yesterday's New York Times contained a lead article about this country's oil industry.

It proves to be highly interesting reading and serves as an excellent summary of where this vital industry finds itself today.

The article, by William D. Smith, deals with oil imports, tanker rates, and the tragic possibility of a natural gas shortage in this country.

Because the above subjects are ones on which I have spoken on the floor of the Senate, because of their importance to the State of Wyoming in particular and to the viability of the oil industry in general, the article has more than passing interest for a number of us.

All in all, Mr. President, the New York Times article is an important one and serves to point up the situation in which we find ourselves. It is vital, I believe, that more persons within the Congress and elsewhere fully understand the consequences of possible executive and legislative actions.

I ask unanimous consent that the article by Mr. Smith be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. OIL INDUSTRY REGRETS IT WAS RIGHT

(By William D. Smith)

If an industry could have a facial expression, the United States oil industry would be wearing a bitter-sweet smile.

The smile would be a result of having seen recent events prove some of its serious forecasts and urgent warnings correct.

The pleasure, however, is mitigated by the pain that the industry is nonetheless suffering from having seen its predictions come true.

Throughout the long and heated political controversy over oil imports, the industry has maintained that foreign sources of petroleum were relatively undependable and that their lower-than domestic price levels could be quite ephemeral. For this thesis oilmen were raked over the political coals. The price of Middle East crude oil is now at least 75 cents a barrel more than domestic.

For more than a decade oil and gas producers have warned that Federally set "low" natural gas prices would dampen the incentive to look for gas and thus produce a future shortage. Again this was treated as a totally self-serving ploy.—"There is a shortage of natural gas today," Secretary of the Interior Walter Hickel reportedly explained.

John Emerson, energy economist of the Chase Manhattan Bank recently went even further, "Never before in this century have

we faced such serious and widespread shortages of energy. These shortages are upon us now."

The industry warned that rushing into low-sulphur anti-pollution legislation and regulations might produce supply problems.—There appears a very good chance that there will be a shortage of low-sulphur residual fuel oil this winter, forcing cities and corporations to choose between lack of heat and power and the present practicality of recent anti-pollution laws.

Being correct, at least on the surface level, gives the industry no reason to gloat. In each instance it is costing the oil companies money. If they pass on the cost, as they probably will have to, it cuts into what little affection the public has left for the industry.

"No one will remember that Senator Kennedy or Senator Muskie and other so-called consumer representatives have advocated policies that have often ultimately resulted in higher costs. They will only blame us for raising the price of gasoline or heating oil," a vice president and counsel for a major company commented last week.

The executive's statement is probably too one-sided. The present situations are the result of many complex forces; some alterable, some not.

Nonetheless, some politicians and academicians, past and present, may have been guilty of thinking that a big desk and pet theories were a substitute for the hard facts of industrial life.

There is a very good chance that by fall the American consumer may be paying more for gasoline, natural gas and residual fuel. This means that the cost of running his car, his home and his factory will cost more.

These major impacts on the battle with inflation have not gone unnoticed in Washington although it appears that no major constructive actions have as yet occurred.

The leap in the price of overseas crude oil is a result of soaring tanker costs. Few analysts expect these costs to go down in the very near future.

But if tankers are the central reason, the Arab-Israeli war is the underlying cause.

On May 3 in Syria, the Trans Arabian Pipeline was knocked out of commission by an errant or deliberately aggressive bulldozer. The Syrian Government has not allowed its repair, preventing 500,000 barrels a day of Saudi Arabian crude from reaching the Mediterranean.

At the other end of the Mediterranean the Libyan Government cut back oil production by 15 per cent, or 500,000 barrels a day.

The loss of almost 1 million barrels a day of oil west of Suez and close to world markets has strained tanker capacity. Replacement of this oil with oil from the Persian Gulf around South Africa takes six to eight times the tanker capacity.

CHARTER RATES RISE

Spot charter rates have risen to their highest level since the 1956 Suez crisis and are more than 50 per cent higher than during the 1967 Arab-Israeli war.

Persian Gulf oil is now coming into the United States at about $4.50 a barrel compared with Louisiana crude delivered to East Coast refineries at $3.75.

There is no chance of a shortage, however, because Texas and Louisiana will increase their production to meet the need. There is a very real chance of consumer price increases.

The Oil and Gas Journal, a trade publication, reports that Professors Phillip Areeda and James McKie, two of the chief advocates of sharply increased oil imports, have now backed off considerably from that position.

F.P.C. REGULATION UPHELD

The natural gas supply and demand controversy is a far older argument. In 1954 the Supreme Court ruled that natural-gas producers were subject to Power Commission. In 1960 the regulatory agency began fixing well-head prices for all gas sold interstate. The Supreme Court upheld this right again in 1965 despite vigorous cries of outrage from producers, who said it would kill incentive to drill.

Time has proven the oilmen right. Wildcat drilling dropped 40 percent between 1956 and 1968. Geophysical activity fell 56 percent.

Some of the drop off may have been artificial; just to show the Government. Nonetheless the results are uncontestable. In 1969 the United States proved reserves of natural gas fell 12,241 trillion cubic feet, the largest in the nation's history.

The previous record drop was in 1968, when they fell 5,548 trillion cubic feet. These are the only declines in the history of the industry.

POSITIONS CHANGED

The F.P.C. is now trying to rectify the situation by raising prices. Some of the people who supported the lower prices several years ago are now in the forefront of those pushing higher prices.

The Interior Department is trying to speed up lease sales of suspected gas fields, but is running into opposition from Conservationists. But even if this opposition is overcome, it will take from three to seven years for these areas to begin producing.

In the meantime Canadian sources of gas can be tapped although Canadian-American relations on energy matters are at an all-time low. Liquefied natural gas quite possibly will reach this country from Algeria, Nigeria or Venezuela. Contracts have already been signed to import Algerian L.N.G., but the Algerian Government's recent nationalization of American oil company properties puts this source of L.N.G. in a very questionable position.

SUPPLY OUTLOOK TIGHT

The supply outlook for this winter is tight. Industry sources say that there will be enough to heat homes, but that the industrial market, which accounts for about 50 percent of total sales, may be in bad shape. Many distributors already have been forced to impose severe limitations on new industrial loads, and there is a real possibility that deliveries to existing customers may have to be curtailed, according to J. W. Heiney, president of the American Gas Association.

It would seem almost certain that consumer prices will have to go up, and possibly sharply.

The crude oil reserve situation is not much better, according to the American Petroleum Institute. Last year crude oil reserves dropped to 29.632 billion barrels, the lowest level in 15 years.

The A.P.I. explained the situation simply by saying that lack of incentives had led to a long and steady decline in exploratory drilling during a period of mushrooming production and consumption.

The oil industry in recent weeks seems to have won a lot of points, but through no fault of its own, it well may be losing the game.

MANY BACK TRADE BILL

Mr. HANSEN. Mr. President, yesterday in the business and finance section of the Washington Post, appeared a most illuminating article entitled, "Many Liberals Back Trade Bill."

The measure, H.R. 16920, introduced by Chairman WILBUR MILLS and 225 other Representatives is designed to provide for orderly trade and, as Stanley Ruttenberg points out, many of the bill's supporters believe that passage of this important legislation is not inconsistent with advocacy of a liberal trade policy.

As the article notes—

In short, supporters of the Mills bill who believe in liberalized trade perceive some very real and urgent problems that require attention. Opponents of the Mills bill simply refuse to recognize that the period of reconstruction following World War II has long since passed, that this is now 1970, and that the economies of our major trading partners have been rebuilt and are flourishing; and that, despite such changed circumstances, these nations retain a variety of barriers to trade which the critics of the Mills bill tend to brush aside as if they were inconsequential.

Mr. President, I commend to my colleagues this article which exposes many of the myths concerning world trade today, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 26, 1970]

MANY LIBERALS BACK TRADE BILL

(The author of this article, former assistant secretary of Labor, is now a manpower consultant in Washington. One of his clients is the Amalgamated Clothing Workers of America, which supports textile quota legislation.)

(By Stanley Ruttenberg)

It is perhaps a sign of the times that many organizations and individuals normally aligned with advocates of liberal trade policies now find themselves charged with protectionism. They are the target of criticism by erstwhile allies because of their support for H.R. 16920, the bill introduced by Chairman Wilbur Mills of the Ways and Means Committee and 255 other congressmen designed to provide for orderly trade in textile, apparel and leather footwear.

Among analysts and observers who have, for any length of time, been close to the trade scene, none of this should have come as a surprise—not the Mills bill; not the support that it has evoked among those who are truly committed to expanding world trade and certainly not the attacks that have been leveled at both by those who regard themselves as the only true defenders of the faith.

This latter group may reject the idea, but the plain and simple fact is that many of those who have been supporting H.R. 16920 believe as I do that such a posture is not at all inconsistent with advocacy of a liberal trade policy.

The bill that was introduced by Chairman Mills—himself a long-time free trade advocate—is considered by its supporters to be the best way to assure continued expansion of trade between nations. Strangely enough—and to the dismay of the critics who have from the outset viewed the bill as the potential opening salvo of an all-out trade war—liberal trade advocates have lent support to H.R. 16920 in order to forestall the wave of protectionism and the resulting trade war that they feel would be certain to materialize if the ideological rigidity of the critics is permitted to prevail.

In short, supporters of the Mills bill who believe in liberalized trade perceive some very real and urgent problems that require attention.

Opponents of the Mills bill simply refuse to recognize that the period of reconstruction following World War II has long since passed, that this is now 1970, and that the economies of our major trading partners have been rebuilt and are flourishing; and that, despite such changed circumstances, these nations retain a variety of barriers to trade which the critics of the Mills bill tend to brush aside as if they were inconsequential.

For example, the value added tax prevalent in countries of the European Economic Community has the effect of raising prices on imports and reducing prices on exports; Japan

not only restricts the free flow of capital, but also maintains import quotas on scores of key commodities; the United Kingdom restricts coal imports; the variable levy and price-support arrangement employed by the EEC for agriculture is its adaptation of the American Selling Price principle; the EEC and the United Kingdom have agreements with textile-producing Asian countries effectively controlling the flow of textiles. And this does not even begin to exhaust the list of "exceptions" to the principles upon which free trade and reciprocity are based.

It is not enough to offer as the rationale for policy, as do the critics of the Mills bill, that the United States should do what is right regardless of the behavior of others. The possible adverse consequences of such a policy—on jobs and income, and in the almost-certain trade war that can ensue—are too great.

The upsurge in textile and apparel imports over the past decade has been tremendous, particularly with respect to products of manmade fiber and especially during the latter part of the decade. By the end of the decade of the 1960s, U.S. imports of textile and apparent products were in excess of $2.1 billion per year—more than double their level in the early part of the decade. So far as products of manmade fiber are concerned, import volume—measured in square yards—rose by more than 200 per cent between 1965 and 1969 alone, while the apparel portion of that import volume grew by 500 per cent.

If the critics of the Mills bill are accurate, this uncontrolled flood of textile and apparel imports should have rebounded to the benefit of American consumers by holding down prices. The available evidence points in the apparel direction.

Price increases of apparel items were responsible for more of the total increase in the Consumer Price Index during the latter part of the decade—when the volume of imports was ballooning—than during the first part of the decade.

It stands to reason that the domestic apparel industry, in which average hourly earnings in 1969 were $2.31, cannot be expected to compete successfully with imports produced by labor which is paid as little as the U.S. equivalent of 26 cents per hour (as in Hong Kong) or 39 cents per hour (as in Japan). American producers in this labor-intensive industry simply do not have a countervailing advantage in technology with which to overcome the advantage in labor costs that these kind of wage rates give to foreign competitors.

Critics of the Mills bill have been inclined to reject any suggestion of job losses due to the growth of textile and apparel imports, but they ignore the hundreds of thousands of jobs—more than 200,000 in apparel alone during the 1960s—which would have been created in the absence of the imports.

Without adequate safeguards, imports will continue to grow at an excessively rapid rate, undercutting both jobs and labor standards without necessarily benefitting the consumers. To delay recognition of this reality—and the development of a thoughtful remedy—will not eliminate the problem. Rather, it will assure that the eventual response and reaction—and there will be one—will be that much more explosive.

A GROWING DANGER

Mr. HANSEN. Mr. President, the Arizona Republic recently printed an editorial entitled "Will Young America Destroy Its Heritage?" which has a great deal of food for thought.

The editorial, dealing with America's youth and the way some of them have protested in recent months, carries an important statement.

I commend it to the attention of my colleagues and all of those who have an opportunity to read the RECORD, and I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILL YOUNG AMERICA DESTROY ITS HERITAGE?

Although less than 10 per cent of American youth has been participating in the violent, senseless protests about their own colleges and universities, there is a growing danger that the noisy, militant leaders of America's young revolutionaries will lure more and more students to their cause.

The vast majority of students are serious-minded young people striving to get an education. They have, so far, refused to enter into the "gory glee" of hell-raising on the campuses. But no leadership among the silent majority of students has arisen to challenge the revolutionaries.

The president of the student body at a large university was elected by a vote of 1,000 to 300. Only 1,300 out of 23,000 students voted in that election. They simply weren't interested in the militant program of the radical leaders. However, the student who was elected president claims that he represents the entire student body, and demands a voice in the Board of Regents' meetings, in spite of the fact that 90 per cent of the students wanted no part of his program.

Unless the students who believe they go to college to get an education rather than to start a revolution begin very shortly to organize and challenge the revolutionaries on the campus, they may find they have sat silent while their precious heritage of freedom and opportunity goes down the drain in a blazing, destructive, senseless revolution led by leaders who don't know what they want or what they would do with it if all their demands were granted. They want a noisy voice in everything, but beyond that they know not what they are shouting about.

A sober observation about America's youth recently came from England, where the editor of the London Daily Telegraph declared that no generation of young people ever had so great a heritage of freedom and opportunity as today's American youth.

Under the caption "Revolt of the Pampered," the editor of the London Daily Telegraph wrote:

"America is the victim of its national myth. It entered history proclaiming the rights of man; its Constitution is aimed at fostering freedom at all costs. Its young have been brought up largely on an educational theory which attaches supreme importance to self-expression. Is it odd that it should lead the world in rebellion or that its volunteer forces should sometimes lack the virtue of unrelenting discipline? Yet one marvel does defy explanation. Why should America's pampered and idolized student youth, living in a country that enjoys freedom and prosperity in unprecedented degrees, turn all its righteous anger, not against the despotisms that rule most of the rest of the world, but against America itself?"

FAMILY PLANNING AND POPULATION RESEARCH ACT

Mr. JAVITS. Mr. President, I make reference to the passage of S. 2108, the family planning and population research bill, through the Senate, which was passed on July 14, on the Consent Calendar.

I invite attention to the problems which were inherent in the bill, which went through the Committee on Labor and Public Welfare, of which I am the ranking minority member, and to the resolution we made of a very difficult difference of opinion on a center for population and family planning as contrasted with a particular official in the Department of Health, Education, and Welfare who would be in charge of this activity.

I commend to my colleagues another significant provision of the bill which made it very clear that family planning services shall be provided only on a voluntary basis, shall not be a prerequisite or impediment to eligibility for or the receipt of other benefits or participation in any other programs of financial or medical assistance of the United States.

Mr. President, I feel that this is a model example of voluntarism to deal with any feeling of restraint or inhibition which any person might have because of religion or other belief.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING ADJOURNMENT OF THE SENATE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages and duly enrolled bills from the House of Representatives, and that the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed and that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will shortly adjourn until 10 o'clock tomorrow morning.

There is a special order under which the Senator from Missouri (Mr. SYMINGTON) will address the Senate tomorrow for a period not to exceed 30 minutes, immediately after the disposition of the reading of the Journal, following which there will be a period for the transaction of routine morning business, and after

which the Senate will proceed to the consideration of the conference report on the education appropriation bill. I have discussed the matter with the able Senator from Washington (Mr. MAGNUSON), and it is hoped that we may get started on the education appropriation conference report by or before 11 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 55 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, July 28, 1970, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 27, 1970:

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service Information officers of class 2, consular officers, and secretaries in the Diplomatic Service of the United States of America:

John P. Clyne, of the District of Columbia.
Horace G. Dawson, Jr., of Louisiana.
Isa K. Sabbagh, of Maryland.
Theodore A. Wertime, of Pennsylvania.

Now Foreign Service officers of class 3 and Secretaries in the Diplomatic Service, to be also consular officers of the United States of America:

Larry W. Roeder, of California.
Orme Wilson, Jr., of the District of Columbia.

For appointment as Foreign Service information officers of class 3, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

Rober W. Barr, of Illinois.
Fred Becchetti, of Arizona.
Brian Bell, of Nevada.
Donn M. Chown, of Michigan.
Vytautas A. Dambrava, of the District of Columbia.
Stuart Halpine, of Connecticut.
J. Frederick Hartley, of Florida.
Peter H. Jacoby, of Washington.
Miss Marilyn Johnson, of Massachusetts.
Boulos A. Malik, of the District of Columbia.
Edward H. Mattos, of California.
Arthur J. McTaggart, of Indiana.
R. Ellsworth Miller, of California.
Robert W. Mount, of Nevada.
E. V. Niemeyer, Jr., of Texas.
Melvin L. Rizzie, of Massachusetts.
Joseph J. Sandel, of the District of Columbia.
Sterlyn B. Steele, of California.
Joe B. Vogel, of Texas.
Richard A. von Glatz, of Illinois.
Stanley A. Zuckerman, of Texas.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Ralph C. Meima, Jr., of Maryland.
Julian C. Nicholas, of the District of Columbia.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Bruce Ian Bertram, of Wisconsin.
Hugh L. Burleson, of Maryland.
Frank A. Chiancone, of New York.
John H. Corr, of Virginia.
Leland W. Cross, of Michigan.
Samuel P. Dieli, of Michigan.
James H. Feldman, of Tennessee.
Forrest Fischer, of Illinois.
Frank P. Florey, of Colorado.
John P. Foster, of New Hampshire.
Jack W. Gallagher, of Pennsylvania.
Robert W. Garrity, of Massachusetts.
Philip F. Gould, of the District of Columbia.
David L. Gray, of Illinois.
Miss Elinor Green, of New York.
F. David James, of Virginia.
Thomas M. Martin, of New York.
William F. Miller, of Pennsylvania.
Herwald H. Morton, of Illinois.
Phelon D. Peters, of California.
Robert B. Sandin, of Massachusetts.
John C. Scafe, of Kansas.
Harrison L. Shaffer, Jr., of Colorado.
Earle W. Sherman, of California.
Conrad S. Spohnholz, of Indiana.
Miss Diane Stanley, of Vermont.
Phillip F. Thomas, of Tennessee.
John H. Trattner, of Virginia.
John J. Tuohey, of New Jersey.
David Wei-Tsi Wang, of New York.

For reappointment in the Foreign Service as a Foreign Service officer of class 5, a consular officer, and a secretary in the Diplomatic service of the United States of America:

Edmund T. DeJarnette, of Virginia.

For promotion from Foreign Service officers of class 6 to class 5:

John A. Barcas, of New Jersey.
Miss Sheila-Kaye O'Connell, of Massachusetts.
Stephen H. Whilden, of California.

For appointment as Foreign Service information officers of class 5, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Bruce Albright, of California.
James F. Channing, of Virginia.
Vance C. Pace, of Utah.

For promotion from Foreign Service officers of class 7 to class 6:

Nicholas S. Baskey, Jr., of Ohio.
Taylor Edward Clear, of Louisiana.
William H. Dameron III, of Georgia.
James W. Eighmie, Jr., of the District of Columbia.
Thomas Howard Gewecke, of Illinois.
Edward W. Gnehm, Jr., of Georgia.
George A. Gowen III, of North Carolina.
Hugh G. Hamilton, Jr., of Kansas.
Daniel T. Hickey, of Pennsylvania.
Michael R. Jackson, of Washington.
John F. Keane, of New York.
Ira R. Kornbluth, of the District of Columbia.
Sherwin W. Liff, of Illinois.
Randolph I. Marcus, of New York.
Robert Bruce McMullen, of Illinois.
John P. Modderno, of Maryland.
Warren P. Nixon, of Iowa.
Michael P. Owens, of Texas.
David A. Ross, of New York.
Ints M. Silins, of the District of Columbia.
Harry L. Stein, of New Jersey.
Tain Pendleton Tompkins, of the District of Columbia.
Benjamin Tua, of the District of Columbia.
Daniel F. Waterman, of New York.
Thomas Gary Weston, of Michigan.

For promotion from Foreign Service information officers of class 7 to class 6:

John P. Harrod, of Ohio.
Edward W. Holland, Jr., of New Jersey.
David H. Lambert, of California.
Miss Susan E. Lowe, of Pennsylvania.
Robert Petersen, of Ohio.
Jonathan L. Silverman, of New Jersey.
Larry R. Taylor, of Washington.
Robert K. Thomas, of Oklahoma.
Miss Carol E. Wilder, of Georgia.

For appointment as Foreign Service information officers of class 6, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Miss Caroline Dunlop Millett, of California.
Ernesto Uribe, of Texas.

For promotion from Foreign Service officers of class 8 to class 7:

Ralph M. Buck, of Florida.
Miss Susan Jo Crane, of New York.
John Seabury Ford, of Ohio.
Christopher G. L. Jones, of the District of Columbia.
William A. Krug, Jr., of California.
David Jordan Mangan, Jr., of Wisconsin.
Luciano Mangiafico, of Connecticut.
Bennett A. Marsh, of New Jersey.
Miss Mary Helen Maughan, of Utah.
David Norman Miller, of Nebraska.
David J. Peashock, of Pennsylvania.
William H. Siefken, of Texas.
Earl Douglas Weniger, of New York.
Lyn F. Wheeler, of the District of Columbia.
Franklin Miller Zuttermeister, Jr., of Florida.

For promotion from Foreign Service information officers of class 8 to class 7:

C. Roy Fleming, Jr., of Tennessee.
Miss M. Kathleen Schloeder, of Virginia.

For appointment as Foreign Service officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Edward Gordon Abington, Jr., of Florida.
Robert Thomas Banqué, of California.
John S. Boardman, of Ohio.
John V. Brennan, of Oregon.
George A. Chester, Jr., of California.
Claude L. Clement, of New York.
Michael Congdon, of Virginia.
Roger L. Dankert, of Nebraska.
Miss Lynne Bray Foldessy, of Pennsylvania.
Edward F. Fugit, of Illinois.
John Michael Garner, of Texas.
Cameron R. Hume, of New York.
Gilbert Matthew Johnson, of Michigan.
Harvey Lampert, of California.
Paul V. Ray, Jr., of Wisconsin.
David E. Reuther, of Washington.
David Roger Telleen, of Michigan.
Arlen Ray Wilson, of Wyoming.
Richard H. Zorn II, of Illinois.

For appointment as Foreign Service information officers of class 7, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Miss Janet E. Collins, of Virginia.
Joseph S. Fazekas, of Maryland.
James W. Findley, of Virginia.
Robert B. Geyer, of Pennsylvania.
Robert F. Le Blanc, of Montana.
Miss Rosalind E. Leonard, of New York.
Donald J. Planty, of New York.
Stephan Strain, of New York.
John A. Swenson, of Wisconsin.

For appointment as a Foreign Service officer of class 8, a consular officer, and a secretary in the Diplomatic Service of the United States of America:

Thedore Eugene Strickler, of Pennylvania.

For appointment as Foreign Service information officers of class 8, consular officers, and secretaries in the Diplomatic Service of the United States of America:

Miss Betsy A. Fitzgerald, of Connecticut.
Gerald E. Huchel, of Illinois.
John R. Mankowski, of Wisconsin.

Foreign Service reserve officers to be consular officers of the United States of America:

Daniel Alhimook, of Maryland.
Edwin F. Atkins, of the District of Columbia.
James A. Higham, of Massachusetts.
Edwin J. Pechous, of Illinois.

Foreign Service reserve officers to be consular officers and secretaries in the Diplomatic Service of the United States of America:

Archie M. Andrews, of Virginia.
David V. Bernal, of Texas.

V. Harwood Blocker III, of Virginia.
Oliver B. Bongard, of Minnesota.
Robert E. Brown, of California.
Paul M. Byerly, of Virginia.
Paul J. Byrnes, of the District of Columbia.
George W. Cave, of New Jersey.
John E. Chere, of Virginia.
Miss Margaret Clapp, of Massachusetts.
Stephen L. Conn, of Maryland.
Gustaf Coontz, of Massachusetts.
Friedrich R. Crupe, of Maryland.
George W. Ford II, of Maryland.
Fritz H. Giesecke, of Virginia.
Hugh G. Haight, of Maryland.
John F. Hasey, of Virginia.
George T. Kalaris, of Maryland.
Donald K. Kanes, of Maryland.
Walter J. Kaufman, of Virginia.
Arthur W. Lewis, of Vermont.
Robert W. Magee, of Maryland.
Miss Mary E. Marchany, of the District of Columbia.
Samuel L. Martin, of New Jersey.
William E. McCarthy, of Virginia.
John W. Mertz, of Virginia.
George A. Naifeh, of Texas.
Harry L. Orr, of Michigan.
Peter D. Orr, of Washington.
Robert E. Owen, of Wisconsin.
Lawrence A. Penn, of New York.
Richard K. Pyle, of Rhode Island.
Howard E. Shetterly, of Ohio.
Miss Joan V. Smith, of the District of Columbia.
Gordon R. Sterner, of the District of Columbia.
Robert F. Thompson, of Virginia.
Robert E. Tierney, of Virginia.
Norman H. Tolman, of Massachuestts.
Kenneth F. Wesolik, of Maryland.
Robert H. White, of Virginia.

Foreign Service officer to be a secretary in the Diplomatic Service of the United States of America:

Robert C. Ames, of Pennsylvania.

Foreign Service staff officers to be consular officers of the United States of America:

Miss Elizabeth Ann Bowen, of North Carolina.
George D. Clee, Jr., of Connecticut.
Miss Margaret M. Cooney, of Rhode Island.
Miss Marilyn Crocker, of California.
William H. Deardorff, Jr., of Virginia.
Condit N. Eddy, Jr., of New York.
Joseph F. Fagan, of Pennsylvania.
Peter D. Guadagno, of Virginia.
Miss Ovsanna Harpootian, of Rhode Island.
Irvin Hicks, of Pennsylvania.
James S. Huffman, of California.
Richard B. Jackman, of Virginia.
Joseph A. Malpeli, of Pennsylvania.
Edsel B. McCowan, of Alaska.
Miss Luby H. Miles, of Tennessee.
James W. Mitchell, of Virginia.
Miss H. Elizabeth Nussbaum, of Illinois.
Walter John O'Grady, of New York.
John D. Parker, of California.
Duane A. Rames, of South Dakota.
Miss Margaret E. Rea, of California.
Miss Eleanor M. Ridge, of Massachusetts.
Louis P. Russell, of the District of Columbia.
Robert L. Scott, of Oklahoma.
Paul Solomon, of California.
John H. Stein, of Rhode Island.
Dan J. Thal, of Virginia.
Malcolm L. Trevor, of Florida.
Elias K. Zughaib, of Maryland.

IN THE ARMY

To the Senate of the United States:

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. Herbert R. Hackbarth, SSAN [redacted].
Brig. Gen. James M. Roberts, Jr., SSAN [redacted].
Brig. Gen. Leonard S. Woody, SSAN [redacted].

To be brigadier general

Col. Richard C. Allgood, Jr., SSAN [redacted] Quartermaster Corps.
Col. James W. Dunham, SSAN [redacted] Field Artillery.
Col. Charles L. Easterday, SSAN [redacted] Medical Corps.
Col. Rogers B. Finch, SSAN [redacted], Quartermaster Corps.
Col. Orville K. Fletcher, SSAN [redacted] Infantry.
Col. Naiff H. Kelel, SSAN [redacted], Military Police Corps.
Col. Robert D. Upp, SSAN [redacted], Judge Advocate General Corps.

The Army National Guard of the U.S. officer named herein for promotion as a Reserve Commissioned officer of the Army, under the provisions of title 10, United States Code, section 593(a) and 3385:

To be brigadier general

Col. Wilbert A. Allen, SSAN [redacted], Armor.

The Army National Guard of the U.S. officers named herein for appointment as Reserve Commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. Jack W. Blair, SSAN [redacted], Adjutant General's Corps.
Brig. Gen. Larry C. Dawson, SSAN [redacted] Adjutant General's Corps.
Brig. Gen. John N. Owens, SSAN [redacted] Adjutant General's Corps.
Brig. Gen. Alberto A. Pico, SSAN [redacted] Adjutant General's Corps.

To be brigadier general

Col. Ferd L. Davis, SSAN [redacted] Infantry.
Col. Van Hixson, SSAN [redacted] Field Artillery.
Col. Rafael Rodriguez-Ema, SSAN [redacted] Infantry.
Col. Theron F. Stimson, SSAN [redacted], Field Artillery.
Col. Ronald R. Woodin, SSAN [redacted], Signal Corps.

IN THE NAVY

Vice Adm. Ralph W. Cousins, U.S. Navy, for appointment as Vice Chief of Naval Operations in the Department of the Navy pursuant to Title 10, United States Code, section 5085.

EXTENSIONS OF REMARKS

SENATOR HUGH SCOTT'S RECORD ON EDUCATION LEGISLATION

HON. WINSTON L. PROUTY

OF VERMONT

IN THE SENATE OF THE UNITED STATES

Monday, July 27, 1970

Mr. PROUTY. Mr. President, in the decade of the sixties, Federal aid to education expanded vastly. While most communities now spend up to 70 or 80 cents of each local tax dollar on education, the role of the U.S. Government in education is very significant. The U.S. Office of Education provides leadership by fostering innovation and giving added basic support in many areas.

The Senator from Pennsylvania (Mr. SCOTT) has consistently supported increased Federal aid to education. He recognized the need to supplement State and local funds in order to provide the best possible education for our Nation's citizens, young and old. He also works to insure that Federal programs are responsive to local needs.

As the Republican leader, Senator SCOTT continues to support increased Federal aid to education. Because of his efforts in the past, Pennsylvania now receives greater educational assistance than ever before. In the future, Senator SCOTT will continue his efforts to insure a quality education for all children.

As the ranking minority member of the Education Subcommittee, I have always been gratified by the leadership Senator SCOTT has demonstrated in the field of education. His record is a most impressive one.

I ask unanimous consent that Senator SCOTT's record on education be printed in the Extensions of Remarks.

There being no objection, the record on education was ordered to be printed in the RECORD, as follows:

SENATOR HUGH SCOTT'S RECORD ON EDUCATION LEGISLATION

86TH CONGRESS

Legislation

S. 924—To establish for educational purposes, priority in award of television channels.

S. 1016—To provide for a 5-year program of assistance to school districts in meeting debt service on loans for construction of urgently needed elementary or secondary public school facilities.

Votes

Voted to authorize funds to pay principal and interest annually coming due on *school* construction obligations in the aggregate principal of $4 billion and allocating for each of the next 4 years $1 billion for school purposes.

Voted to increase authorized appropriations to $15 per school-age child.

Voted to authorize allocation of up to $600 million for school construction in each of the next 5 fiscal years.

87TH CONGRESS

Legislation

S. 3477—To provide program to assist States in general university extension education.

S.J. Res. 205—To propose amendment to U.S. Constitution permitting offering of prayer in public schools.

Votes

Voted to expand the utilization of television transmission facilities in our public schools and colleges, and in adult training programs.

Voted to withhold authorized funds from any State or school because of segregation.

Voted for the Mutual Education and Cultural Exchange Act of 1961.

88TH CONGRESS

Legislation

S. 259—To allow income tax deduction for certain amounts spent in providing a higher education for self, wife, dependents.

S. 1316—To establish a National Council on the Arts and a National Arts Foundation.

Votes

Voted *not* to reduce vocational education authorizations and *not* to eliminate programs for residential vocational schools and work-study grants.

Voted for the National Defense Education Act.

Voted to allow church-owned, operated or controlled colleges and universities to be eligible for Federal loans and grants.

Voted for the Higher Education Facilities Act of 1963.

89TH CONGRESS

Legislation

S. 2067—To increase educational assistance allowances to war orphans.

S. 2778—To provide financial assistance for the education of orphans and other children lacking parental support.

S. 2921—To provide a special school milk program for children.

S. 3405—To provide for sharing of Federal tax receipts with States for purposes of education.

Votes

Voted to liberalize the formula providing financial assistance to local school agencies for children of low-income families.

Voted for the Elementary and Secondary Education Act of 1965.

Voted for the Higher Education Act of 1965.

Voted to provide $5.2 million for matching grants to the States for community development training programs.

Voted to propose a Constitutional amendment to allow voluntary prayer in public schools.

Voted for the Elementary and Secondary Education Amendments of 1966.

90TH CONGRESS

Legislation

S. 2871—To broaden and expand food service programs for children under the National School Lunch Act.

S. 1033—To provide assistance to States for development and construction of comprehensive community colleges.

Votes

Voted to extend for 2 years: (1) the school disaster program, (2) authorization for school construction in federally impacted areas, and (3) the coverage of the Elementary and Secondary Education Act of 1965 for children attending Department of Defense schools and Indian children.

Voted to increase by $14.9 million funds for the Teacher Corps.

Voted for the Higher Education amendments of 1968.

Voted to authorize $50 million for Fiscal Year 1969 and 1970 for school lunch programs.

Voted for the Vocational Educational Amendments of 1968.

Voted to increase by $10 million funds for the school dropout prevention program under the Elementary and Secondary Education Act.

91ST CONGRESS

Legislation

S. 1788—To asssit in removing financial barriers to the acquisition of a post-secondary education by all those capable of benefitting.

S. 2422—That the Secretary of HEW shall prescribe maximum rate of interest allowed for student loans.

S. 2579—To authorize Commissioner of Education to make Vocational Education Opportunity Grants.

S. 3850—To provide for emergency assistance to the Nation's medical and dental schools.

Votes

Voted for the Insured Student Loan Emergency Amendments of 1969.

Voted to increase school aid for federally impacted areas by $60 million.

CHANCELLOR ALEXANDER HEARD OF VANDERBILT UNIVERSITY REPORTS TO PRESIDENT ON CAMPUS UNREST

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Miss Mary McGrory, the distinguished columnist of the Washington Star, recently assessed a report prepared by Chancellor Alexander Heard, of Vanderbilt University, for President Nixon concerning student unrest.

Miss McGrory's analysis is perceptive and penetrating and because of the great interest of my colleagues and the American people in this matter I place Miss McGrory's column in the RECORD.

The article follows:

YOUNG GRIPES IN NIXON'S LAP

(By Mary McGrory)

The 40 pages of the extraordinary document Chancellor Alexander Heard of Vanderbilt University left at the White House as he departed can be summarized in a sentence: The President is wrong, the students are right.

He has been obtuse and maladroit in dealing with them, says Heard. He has been willfully and woefully out of touch. He has failed to recognize a "national emergency" of his own making.

The students, on the other hand, have shown the qualities he should have—commitment and compassion. They may be egocentric and emotional, and sometimes intolerant, but they are, for the most part, idealists, and their opposition to the war is not based on their draft status.

No report in the annals of special adviser literature has been so unsparing. Heard and his colleague, Dr. James E. Cheek, president of Howard University, had the run of the administration and 11 hours with the President. They saw and heard little to make them hope that the President learned the lesson of Cambodia, although they list in a paragraph some positive actions, like the signing of the 18-year-old voting bill and the withdrawal of tax exemptions from "segregation academies," which may or may not have been of their prompting.

The trouble, as the pair from academe see it, begins and ends with the President. Only he can set it right.

DIFFERENT LANGUAGES

The President and the young are talking different languages. He addresses them in Cold War rhetoric which has no meaning for them.

Obviously, the President addressed to them a complaint familiar to White House staffers: Why did the youth not erupt in moral indignation over the Soviet invasion of Czechoslovakia as they did over the Cambodian incursion?

Heard explains: "They feel that by the wrongness of our own policies, such as the war in Vietnam, we have lost our moral standing to condemn other countries. Second, there is an obsession with our own problems, a feeling that our own crises should occupy all our attention. Third, the fear of communism is less than existed a decade ago."

They lay waste the President's contention that the war is not the overriding grievance of the students. In his famous morning-after-Cambodia outburst at the Pentagon, the President said that if it wasn't the war it would be something else, "you name it."

THE "SALIENT"

The war, says Heard firmly, may not be the only issue, but it is the "salient" issue. And if the President expands it, or takes action that looks that way, then forget any normal activity on the campuses next fall.

Nixon's dawn visit to the students who had come here to demonstrate against the Cambodia invasion is praised as "a splendid act." But the choice of his subject matter—surfing and football—was calamitous.

"That offended students who felt immersed in a national tragedy," says the inexorable Heard, "like telling a joke at a funeral."

At the White House, the fear of repression among students is put down as "paranoia." Not according to the visiting specialists. They tell the President that the arrests of students and faculty "after your speech in Knoxville for 'disrupting a religious service' is taken in evidence, as are the attacks by construction workers on students in New York and on the veteran and his family in St. Louis."

They tell him, in effect, to stop playing games. He has to do the right thing and admit it. This would seem to be a reproach for such things as presenting the Family Assistance Plan, which is aimed at helping poor blacks, as an exercise in welfare reform and managerial efficiency.

"Policies adopted and steps taken that respond to the concerns of the disillusioned must be recognized and understood by them as doing just that—if their confidence is to be restored."

REMARKABLE PASSAGE

And in one remarkable passage, Heard warns the President about the dangers of know-nothingism. "Intellectual power ought not to be forgotten," he writes, and the words are underlined.

The White House may be startled at the vehemence of the report. Heard's associates will not. They had promised that he would not tell the President what he wanted to hear, and recall he said he would be the White House emissary from the campuses, not to them.

The hawks and the hardhats will be enraged at this stiff lecture but students should hail it. They might have written it themselves.

There is no comfort for the President. Congress is not mentioned. Neither is the vice president. "Sledge-hammer statements by public official impugning the motives of dissent" are cited, but from the context, they could be the President's own.

Peace in the generational war is up to him, Heard says, and he better get right to the negotiating table.

WHAT AMERICA MEANS TO ME

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Monday, July 27, 1970

Mr. BOGGS. Mr. President, recently the Wilmington Lodge of Elks No. 307 of Wilmington, Del., held a Flag Day ceremony.

Mr. Thomas Schranck, president of the Building Trade Council of Delaware, was the principal speaker at the occasion; and I believe his address is a most appropriate one.

Also, the Wilmington Lodge of Elks conducts an annual essay contest. This year's winners were: Miss Evelyn Ewing of Claymont, Del., and Mr. James H. Trask, Jr., of Wilmington, Del. Their

short essays on "What America Means to Me" are good evidence of our young people's faith in this country and their determination to solve its problems.

Mr. President, I ask unanimous consent that Mr. Schranck's address and the two essays be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ADDRESS BY J. THOMAS SCHRANCK

Exalted Ruler, Members and Guests of the Benevolent and Protective Order of Elks.

Today all across this great land of ours, many high sounding words of praise will be heaped on our flag and on those who individually or collectively performed great acts of Bravery on and off the Battlefield acting under this Banner. It is meet and right that this should be done. Let us today reaffirm allegiance to our Flag and to what it represents, Justice, Freedom and Democracy.

Let there be no question of our support of our Servicemen no matter where they may be, in Viet Nam, Cambodia, the Far East, Europe, or right here in our land. Let there be no question of our prayers for their safe return to their Loved Ones. Let there be no question of our abiding sympathy to the families of those who will not return and our everlasting gratitude to those who have served us in all our worldly troubles. Those who have served in armed conflict remember well the surge of pride and the tingle of the spine when our National Banner was unfurled on the Battlefield and the High Seas. Today let us examine how we as Americans can help to serve our Flag better and bring to all in this Land, Justice—Freedom and Democracy.

Our Nation is troubled as never before. Crime runs rampant in the streets—murder, arson, rape, muggings and holdups are commonplace. Let us support meaningful action on the part of National, State and Local Governments to attack the root causes of this problem, unemployment, inadequate housing, poor education, and by active participation help to eradicate this problem, how better to serve our flag.

Some of our Youth, and we seem to have lost the ability to communicate with them, burn schools, smash and destroy and yes, riot in the streets. Let us seek to listen to their problems and offer solutions to them rather than dismiss them with a wave of the hand and an admonition to grow up, they cry out to us in their frustration and despair. Let us actively participate in solving this problem and by so doing eradicate it. How better to serve our Flag. A Vocal minority of the Black Community join together to smash, burn, loot and riot in their frustration and anger over real or imagined problems their communities face. Let us actively participate in finding solutions to these problems and by so doing eradicate them. How better to serve our Flag.

Our Nation agonizes over our involvement in Asia, the impending conflict in the Middle East and elsewhere. Let us actively participate by communicating with our elected leaders and letting them know our thoughts on these foreign matters that divide and dismay us and by active participation find a lasting solution towards peace on this Earth for us, our children, our children's children for all time to come. How better to serve our Flag.

As I sat contemplating what to say here today, an old Patriotic Song came to mind and I jotted some thoughts of mine between the lines and with your permission would like to read them to you.

My County Tis of Thee—Tis of Thee I speak to friends and neighbors and all others who will listen, Tis to Thee I pledge my undying love and faith. Tis on Thee the hope of the World rests.

Sweet Land of Liberty—Liberty to go where I please, when I please, to speak what I please without transgressing the Rights of others, to pursue any goal that you have made attainable, Liberty to walk with kings or paupers or to walk alone with you.

Of Thee I Sing—I sing to the high heavens my praise of You, I sing of the opportunities granted me and all Americans, I Sing of the never ending quest for equality that You have charged us to deliver.

Land Of The Pilgrims Pride—Pilgrims of yesteryear as well as today—down through the years seeking freedom from oppression and tyranny and finding that freedom in the Arms of that Great Lady in the Harbor of New York.

Land Where My Fathers Died—Some in Peace and Happiness, some in the bitter anger of war here and elsewhere, but wherever and however with a desire I am sure to serve You.

From Every Mountain Side—From the Mountains, The Hilltops, the Plains, The Prairies, the Cities, The Towns, the Hamlets.

Let Freedom Ring—Let Freedom Ring for all the World to hear and as hope springs eternal, we pray that around this planet we inhabit let Freedom Ring.

How Better To Serve Our Flag.

WHAT AMERICA MEANS TO ME

(By Evelyn Ewing, Claymont High School, Claymont, Del.)

"I was born an American, I will live an American, I shall die an American."[1] America is certainly the greatest nation on earth. I do not mean to say that it is perfect. It has its share of ignorance, cruelty, bigotry and hatred. At times these evils seem to be overwhelming. But in spite of everything wrong with America today, there remains a certain vitality in the spirit of the people which triumphs over contempt. Unkind words and heartless deeds seem only to renew and strengthen the ideal of Americanism. Generosity, love of justice and faith in mankind are fundamental in America. With these ideals as guidelines and universal peace and harmony as goals, the "American Dream" must surely be realized.

WHAT AMERICA MEANS TO ME

(By James H. Trask, Jr., Salesianum School, Wilmington, Del.)

America is a land of dreams. The United States is the embodiment of a dream of our founding fathers. Their dream, a dream of equality, of opportunity, of brotherhood, of freedom, is the guiding light of the people of this nation. In reality, however, a dream becomes complex. No government or society could ever be expected to be perfect because of the imperfection inherent in man. As flaws in the system appear, therefore, they must be remedied—no flaw is so large that the system itself cannot correct it. Through our errors, through our moments of trial and tragedy, we as a nation have learned and progressed. And we must proceed, for certainly we must strive for that unattainable perfection. We must be careful, however, not to let our interests in the progress of technology overstep those of the progress of humanity. This is the America I see.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

---

[1] Daniel Webster, Speech, July 17, 1850.

FELLOWSHIP OF RECONCILIATION REPORTS FINDINGS OF SPECIAL MISSION TO VIETNAM

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. HAWKINS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: The report of a special factfinding mission composed of delegations from the United States, Australia, New Zealand, and the Netherlands, will be of particular interest to my colleagues who have been made aware during the past few weeks of the true situation in Vietnam.

The report follows:

STATEMENT OF FELLOWSHIP OF RECONCILIATION—VIETNAM FACTFINDING MISSION

We have just returned from Saigon where we completed an 8 day special factfinding mission inquiring into reports of growing expressions for peace in South Vietnam and intensified political repression.

We were joined in Saigon by delegations from Australia, New Zealand, and the Netherlands.

In Vietnam we met 18 hours a day with representatives of the religious communities, lawyers, labor leaders, writers, student groups, women's groups, intellectuals, and politicians. We talked with rice farmers in the field. We met with Vietnamese and American soldiers, and several members of the American press. We also met with U.S. Deputy Ambassador Samuel D. Berger.

The situation we discovered in Vietnam is both much worse and, at the same time, more hopeful than we had anticipated. Political repression is extreme. We discovered police and police agents are everywhere. We learned that when Vietnamese speak out for peace the government jails them on the pretext that anyone who opposes the government must be pro-Communist. It is common for Vietnamese who criticize the government to be arrested under the An Tri law, which allows people to be imprisoned on a renewable basis from 6 months to 2 years without trial. Many Vietnamese, especially students in the last 3 months, have been tortured at interrogation centers and prisons like Con Son and Thu Duc. We saw the bruises of the victims and we heard several of their direct accounts of the incredible torture by the U.S. supported Thieu/Ky regime from ex-prisoners and from mothers and wives of youths who are now in prison.

Newspapers which dare to carry news critical of the government frequently are confiscated by the police before they reach the stands. While we were in Vietnam, a daily issue of the English language newspaper, Saigon post, was confiscated because it carried excerpts from Secretary of State Rogers' speech in San Francisco in which he made reference to the possibility of coalition government in Saigon.

The hopeful side of our report is that we believe that a way to achieve peace exists short of military victory for either side. The strongest desires of the Vietnamese people are for peace and self-determination. Our meetings with many important groups in

South Vietnam have convinced us that they will continue to struggle for these twin goals in spite of the hardships of the war and the severe measures of repression by the Thieu/Ky regime. The military power of the United States cannot be underestimated, but neither can the determination and capacity of the "other side." Some form of interim government must be found which could be acceptable to both sides. Obviously, this cannot be the government of Thieu/Ky since it is so closely tied to the United States and continuation of the war. Again and again we were told by Vietnamese that the most important step the United States could take for peace is to withdraw support from the Thieu/Ky regime. This would allow for the formation of an interim government of reconciliation, acceptable to both sides which would be able to negotiate the withdrawal of U.S. forces, certainly an essential objective to Vietnamese, and at the same time develop the basis for a genuine and workable coalition government for South Vietnam.

We believe that is the only alternative to continuing the slaughter of the Vietnam war. The United States must withdraw its support from the present warlike and repressive regime or acknowledge its commitment to pursue the war, not merely against the "other side," but against the vast majority of Vietnamese, sometimes silenced, sometimes courageously speaking-out, who want their country free, free of war and free of foreign domination. There will not be peace in Vietnam until there is a government of peace in Saigon.

The special delegation from the United States included Dr. David Hunter, deputy general secretary, National Council of Churches; Charles Palmer, president, National Student Association; Sister Mary Luke Tobin, superior general, Sisters of Loretto, representing Catholic Peace Fellowship; Sam Brown, former coordinator, Vietnam Moratorium Committee; Dorothy Cotton, director, citizenship education program, Southern Christian Leadership Conference; Bishop Paul Moore, Jr., Episcopal Diocese of New York; Rabbi Balfour Brickner, director of Interfaith Activities, Union of American Hebrew Congregations; Bernard Lafayette, executive staff, SCLC; Timothy Butz, student at Kent State University and a Vietnam veteran; and Ron Young of the Fellowship of Reconciliation, coordinator of the U.S. delegation.

PORTRAIT OF AN INDIAN CHIEF: CHIEF FULTON BATTISE OF ALABAMA-COUSHATTA TRIBE

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Monday, July 27, 1970

Mr. YARBOROUGH. Mr. President, the Alabama-Coushatta Indian Reservation is the only reservation in Texas. The reservation is located on U.S. Highway 190 between Livingston and Woodville. This is within the Big Thicket area of Texas. The reservation is on the northwestern corner of the proposed Big Thicket National Park. The reservation is home for a far-sighted group of Indians who are making a determined and successful effort to improve their economic situation through tourism.

The pleasure of visiting the reservation has been mine on several occasions. I am very proud to be an honorary member of the Alabama-Coushatta Tribe. My most recent visit was with the distinguished senior Senator from Nevada (Mr. BIBLE) and Mr. George B. Hartzog, Jr., Director of the National Park Service, on June 12, 1970. The people of the reservation honored us with ceremonial dances, a scenic tour of the reservation, and a view of their arts and crafts center. The visit to the reservation was a highlight of a helicopter and automobile tour of the Big Thicket which we took in connection with the field hearings on S. 4, my bill to establish a Big Thicket National Park of not less than 100,000 acres.

A newspaper article about Chief Fulton Battise, the leader of the Alabama-Coushatta Tribe, appeared in the July 26, 1970, issue of the Houston Chronicle, in section 1, page 25. The article is by Margie Kirkland and is entitled "Portrait of an Indian Chief."

Mr. President, I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PORTRAIT OF AN INDIAN CHIEF, LEADER OF ALABAMA-COUSHATTA TRIBE

(By Margie Kirkland)

LIVINGSTON.—What's it like to be an Indian chief nowadays? Is a chief as important as his rank suggests? Does he portray the fierceness that little boys take on when they play cowboy and Indian games? Is there any power in the role of chief? Or does he carry the title like an honorary doctorate?

Getting to know a 20th century chief may be as difficult as it was in pioneer days—especially if it's to be a verbose acquaintance.

"Chief Kina," who in the workaday world is Fulton Battise, is leader of the Alabama-Coushatta tribes, which live on Texas' only Indian reservation, 17 miles southeast of Livingston.

He is 61, stocky, dark and a bit sad-eyed. His expression at times changes into that of a shrewd warrior of an innocent brave. More often, he looks stern and unyielding.

Battise was elected chief by his people. The position is not handed down through inheritance. Sylestine Cooper was "first chief" until January of this year, when Battise received the war bonnet in ceremonies at the main ground of the reservation.

The "main ground," or Indian Village, is a complex of tourist attractions. There is a museum, snack bar, barbecue stand and a war dance area. It's a small part of the more than 4000 acres that make up the reservation. The tourist center is a busy place and a good source of income for the tribes.

There are around 400 inhabitants on these 4000 acres.

The chief is Alabama, not Coushatta, although the tribes are considered cousins and have a long history of cohabitation. They are peaceful, friendly and independent. The two tribes differ slightly. History records that in the past, Coushatta people have been by nature more war-like and impetuous than the Alabamas.

Battise said that formerly the chief was responsible for knowing the forests and location of springs. He had to be skilled in hunting. And, of course, he presided over council meetings.

Today the role is much the same, with emphasis on council meetings. They meet twice monthly to discuss problems and make decisions. The duties of the council are similar to those of any small city council.

Chief Kina has an assistant, or second chief—his cousin, Emmitt Battise. Also of the Alabama tribe, Emmitt teaches in the Rusk public school system, where he also is baseball coach.

The chief is a day laborer at Camden Plywood Co., a sawmill 15 miles from the reservation. He has been employed at Camden for 23 years, off and on, as a log cutter. Numerous other members of the tribes are employed there.

Chief and Mrs. Battise live in a small house two miles from Indian Village. The house is surrounded by a split rail fence erected by Battise himself.

They have a daughter, Zatha, who teaches music in elementary schools at Tucumcari, N.M. She is a graduate of Southeastern Colleges, Durant, Okla., and spends summers with her parents.

Chief Kina looks most comfortable when he wears his war bonnet. Although not an original one from a century ago, it is a good reproduction of the chief's headgear worn at early-day powwows. His wife made his ceremonial costume.

The tribes have special occasions when he dons this regalia. At these times, Battise is every inch a chief. It is there, showing plainly, mirrored in his eyes and somber countenance.

Asked about his philosophy of life, Chief Kina replied: "All I know is what I began to know in 1918 'til now. We living in a better way. And, we looking forward to having better place. White people been good to us and we are proud of it."

Battise is a peculiar blend of pride and humility. Concerning his own education, he said: "I never finished high school. That is why I am nothing."

Not everyone shares this view. Fulton Battise is in a position to prove himself wrong. He's making new friends for his tribes. He's trying to move with the times.

The Alabama-Coushatta people are receiving more recognition than ever before. Other Americans are beginning to let them mean something—not only for the heritage of their past, but for their unique place in present-day Texas.

CAPTIVE NATIONS WEEK

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. HELSTOSKI. Mr. Speaker, the people of the United States have lived in freedom for 194 years, and living in that freedom we often forget what a priceless possession freedom is, and while we enjoy it, much of the world only knows Communist domination and oppression.

The 86th Congress, in 1959, proclaimed Captive Nations Week to be observed during the third week of July of each year. This observance is used to show to our captive brethren in eastern and central Europe the American solidarity in expressing our concern for those who remain in subjugation throughout the world.

The initial reaction to this Captive Nations Resolution was an angry response from the Russian Government, denying that proven fact that there were enslaved countries dominated by Soviet Russia or Russian puppet governments.

For 11 years now, we have observed Captive Nations Week. We have been bringing the plight of these subjugated people to the attention of the world for too long a time. It is important that we continue to take such action which will bring an annual recollection of the realities of Russian denial of freedom and

liberty to over a billion individuals, whose God-given right is life, liberty, and the pursuit of happiness.

The Captive Nations Weeks manifesto of 1970, points out that this year's observance falls just two months after the 25th anniversary of the victorious close of World War II, yet a generation of people in eastern and central Europe do not know the full meaning of liberty and freedom.

Captive Nations Weeks will always serve an important purpose. It will stand as a reminder that there must be created an atmosphere for peace in the world in which the people of both Communist and free nations will have the right of self-determination in establishing their government and in choosing their way of life.

As long as there is a solitary nation under the domination of an oppressor, we must continue to seek every possible solution to obtain justice and freedom for all.

It is my hope that in the very near future we will see the observance of Captive Nations Week fall into disuse, to see a brighter day for those presently denied the rights and responsibilities of free citizenship and freedom of their own choice.

This Nation has publicly stated and continues to reaffirm its position that freedom of choice regarding the form of government should be available to all peoples. Free choice is the essential part of this sentiment in which 17 other nations joined to show their abhorrence for the existence of captive nations. In 1967, the World Anti-Communist League, comprising membership from more than 80 countries, adopted a resolution advocating an expansion of efforts to show solidarity with the aspiration of the captive nations to be free.

Oppressed people have traditionally turned to us for hope and inspiration. During Captive Nations Week we must reaffirm our promise to remain firm against further Communist usurpation in the world, and to do all within our power to work for the ultimate liberation of every captive nation.

The National Captive Nations Committee, the Assembly of Captive European Nations, and the individual nationality organizations of the countries under the dictatorial regimes of the Communist bloc merit our speaking out on this subject more than just once a year. What has happened and is happening to the less fortunate peoples must remind us that we have no perpetual immunity from aggression.

Mr. Speaker, at this point of my remarks, I would like to include Captive Nations Manifesto for 1970 as proclaimed by the Conference of Americans of Central and Eastern European Descent.

The manifesto follows:

CONFERENCE OF AMERICANS OF CENTRAL AND EASTERN EUROPEAN DESCENT MANIFESTO FOR CAPTIVE NATIONS WEEK 1970

Captive Nations Week, established by the U.S. Congress on July 17, 1959 (Public Law 86-90), will be observed this year during the week of July 12 to 18, for the eleventh consecutive year. Each year, observances marking this signal event are held throughout the country, serving as a powerful reminder to the American people not to forget the captive nations or to approve their permanent captivity under Communist enslavement.

The Conference of Americans of Central and Eastern European Descent (CACEED) is an organization of American citizens of Central and Eastern European background whose countries of origin—Bulgaria, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Ukraine—are presently under Communist domination and are denied fundamental human rights and national liberties.

CACEED supports all the captive nations, and calls on all Americans to manifest their public support for the captive nations in their unequal struggle for national self-determination and the restoration of their national independence. Public Law 86-90 defined the plight of the captive nations in the following words:

". . . The imperialistic policies of Communist Russia have led, through direct or indirect aggression, to the subjugation of the national independence of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Romania, East Germany, Bulgaria, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Vietnam, and others . . ."

Every year, since observances of Captive Nations Week have been held throughout the length and breadth of the United States, the official Soviet press and mass communication media in the Communist-controlled countries have untiringly attacked the Week as an instrument of the Cold War aimed at disturbing "peaceful coexistence" between the USSR and the United States.

This is a typical method of Communist propaganda by which Moscow and its satellites are trying to conceal their great concern over Western interest in the captive nations. Moreover, the captive nations movement has grown steadily, enlisting the staunch support of several countries of the free world, including the Republic of China, Korea, Turkey, West Germany, Argentina and Australia.

The worldwide captive nations movement received powerful and fresh impetus with the brutal and unprovoked invasion of Czechoslovakia by Soviet and satellite troops in August, 1968, and the subsequent enunciation of the "Brezhnev Doctrine," which claims that the Soviet Union has a "legitimate" right to intervene in the internal affairs of any "socialist" country.

There is no doubt that the "Brezhnev Doctrine" indicates Soviet determination to continue the oppression of the captive nations and to trample underfoot their fundamental human rights, although these rights to self-determination and national sovereignty are expressly set forth in the Universal Declaration of Human Rights, adopted unanimously by the U.N. General Assembly on December 10, 1948. The "Brezhnev Doctrine" further ascribes to the USSR a "mandate" to intervene at will in the internal affairs of neighboring states, in direct contravention to the principles enunciated in the Atlantic Charter and the Charter of the United Nations.

The contention of this spurious "doctrine" that Central and Eastern Europe is the exclusive domain of Moscow should be categorically rejected by the free world as immoral, imperialistic and dangerous to world peace.

Despite the Sino-Soviet conflict and the Russian fear of Red China, Moscow is doing everything to help Hanoi in its present war against South Vietnam and the United States. Only a few days ago the Kremlin announced that far-reaching agreements had been reached between Moscow and Hanoi, resulting in a large increase of material aid to North Vietnam by the USSR.

In the Middle East, the Soviet Union is continuing to push forward. The strategic meaning of these actions is that expansion of Communist Russia's military presence and political influence would become an unchallengeable fact. The USSR is attempting to undermine U.S. power there and become a "champion" of the Arab and Moslem worlds with the ultimate objective of subverting the entire area and subjecting it to eventual Communist domination from Moscow.

There has hardly been any change in the status of the captive nations since the last observance of Captive Nations Week in 1969. This year's observances will be held a few months after the 25th anniversary of the termination of the war in Europe—at which time the Nazi totalitarian domination over vast areas of that continent was eliminated. But for millions in Central and Eastern Europe, as well as the peoples of the USSR, Nazi domination has been replaced with brutal and ruthless Communist rule and Soviet Russian colonial hegemony.

Soviet leaders, in attacking U.S. foreign policy would have us believe that all is well and orderly in the USSR and its far-extending Communist empire. Yet developments occurring daily behind the Iron Curtain speak of something else. In Poland, the Communist regime stifles intellectual and economic life, and continues its violation of human rights on a large scale. In Czechoslovakia, the Soviet-backed new regime has re-imposed censorship, curtails travel, and has made the country a faceless puppet of Moscow. In Romania, which is often described as following an "independent" course, there exists police repression, total control over intellectual and artistic life, and economic strangulation. Attempts by the people of Hungary and Bulgaria to secure more freedom and the enjoyment of human rights have been stubbornly opposed by the Communist regimes. In Estonia, Latvia and Lithuania, Moscow continues to exercise its oppressive policies, and the official course of Russification becomes an ever-increasing threat to the ethnic structure of those nations. In the Ukraine, the largest non-Russian captive nation in the USSR, arrests and trials of hundreds of intellectuals continue, while the Communist regime openly persecutes members of the Catholic, Protestant and Jewish faiths. Even in Russia proper, youth and writers demanding more freedom are being arrested and confined to mental institutions.

In observing Captive Nations Week this year, we:

(1) Express our full support for U.S. policy in Southeast Asia and elsewhere in resisting Communist aggression and attempts at world domination; at the same time we ask that the U.S. Government adopt a firm policy with respect to the USSR and its subservient Communist regimes of Central and Eastern Europe by challenging and denouncing their persecution and oppression of the captive nations.

2) We accuse the USSR of crass violation of its solemn promises of freedom and independence for the nations made captive during and after World War II, such as Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland and Romania.

3) We denounce the Soviet government for the destruction of the independence of the Ukraine and other non-Russian nations inside the USSR, and for depriving them of the right to national self-determination.

4) We condemn the Communist celebration of the 100th anniversary of Lenin's birth and its sponsorship by UNESCO and the U.N. Commission on Human Rights, which bestowed international honor upon the originator of Communst terror and genocide.

5) We denounce the Communist enslavement of Albania, China, North Korea, North Vietnam, Tibet and Cuba.

6) We appeal to the U.S. Government and all other governments of the free world to

undertake measures in the United Nations to insure that the "Declaration on the Right of Peoples and Nations to Self-Determination," adopted in 1952, the "Declaration on Granting of Independence to Colonial Countries," adopted by the U.N. on October 14, 1960, and the Universal Declaration of Human Rights, adopted on December 10, 1948, are applied to all the captive nations as enumerated in the U.S. Captive Nations Week Resolution of July 17, 1959.

7) Finally, we appeal to the American people to take an active part in the Captive Nations Week observances of July 12–18, 1970 and to manifest their unstinting support and sympathy for the just aspirations of all the captive nations of Europe and Asia, to express their full understanding and to pledge them moral support in their unequal struggle for freedom and national statehood.

The Rt. Rev. Msgr. JOHN BALKUNAS,
President, Conference of Americans of Central and Eastern European Descent (CACEED).

JUMBO JETS POSE PROBLEM FOR LIGHT AIRCRAFT

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, July 27, 1970

Mr. SPONG. Mr. President, for all the advantages they may bring, the new generation of jumbo jets poses a serious problem for light aircraft which venture into their wake.

According to a recent Federal Aviation Administration study, the air turbulence that streams off the wingtips of some of these giant jets is capable of "rolling over" smaller aircraft following as far behind as 2 or 3 miles.

Mr. President, this wake-turbulence hazard is produced by many of the commercial jet aircraft flying today, but it is most pronounced in the new generation of jets just coming into operation or off the assemby lines. The Boeing 747, for example, develop wingtip vortices about twice the strength of those coming from the Boeing 727. The new three-engine air buses will create a wake-turbulence more than twice that of the Boeing 737.

This phenomenon presents a significant safety hazard of the unwary private pilot, and it raises the question of whether our airport and air traffic systems are adequate to deal with it.

Mr. President, I ask unanimous consent to have printed in the Extension of Remarks of the RECORD an article entitled "Vortex Danger Underestimated," published in the AOPA Pilot of July 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the AOPA Pilot, July 1970]

VORTEX DANGER UNDERESTIMATED

(By Lew Townsend)

Wake turbulence, one of the most unwelcome hazards for pilots, to say nothing of their passengers, has been vastly underrated in the past, according to details recently released on a Federal test program involving the B–747 and other "heavy generators." The detailed findings require an updated list of pilot recommendations for dealing with the phenomenon.

Emphasizing the importance are new assessments by FAA, based on the test program, that general aviation aircraft can encounter up to a 75° forced roll rate when penetrating, within three miles or less, the wingtip vortices created by the B–747 and other aircraft grossing over 500,000 pounds.

"This fact is very important to the lighter aircraft, from an engineering view," said FAA's William M. Flener, director, Air Traffic Service. It is important, he said, "because, with the structural capability of the aircraft to stand that type of aileron or roll rate, some aircraft just cannot stand up structurally.

"In other words, what we're saying is, under certain circumstances, a light aircraft would break up structurally."

The wingtip vortices, or wake turbulence, of the B–747s and other large jets are capable of throwing out of control practically all general aviation aircraft, and the bulk of aircraft in the current airline fleet, it was related. Concern over airline aircraft extends up to and includes at least the 90-passenger DC–9 jetliner.

Flener, along with James F. Rudolph, FAA director, Flight Standards Service, provided the FAA's new assessment of wake-turbulence dangers. They revealed that the testing program uncovered some major erroneous beliefs about wake-turbulence characteristics.

One of three major findings was that the wind velocities within the wingtip vortices created by the B–747 and certain other large jets are far greater than FAA officials had anticipated they would be, or had been given credence to that they could be.

They also surfaced the fact that, contrary to long-held beliefs, the wingtip vortices of the big jets *do not dissipate* when they are formed in the higher altitudes around 30,000 feet, where most airliners normally cruise during their en route stages between large airport terminals. The wingtip vortices in the higher altitudes remain intact, complete with their compact balls of high-velocity winds churning in circular fashion.

If they could be seen, which they cannot, unless the jets are giving off an inordinate amount of engine smoke or are kicking up dust near the ground, the wingtip vortices might be likened to huge replicas of ancient reading scrolls. The rolled up portions at either end of the scrolls are the two wingtip vortices.

The third major finding, and also completely opposite from what FAA engineers earlier believed, was that the wingtip vortices do not descend downward ad infinitum. After they take shape aft of the tail, they descend in their scroll-like formation at a rate of about 450–500 f.p.m., as previously thought, *but they then level off somewhere between 700 and 900 feet below the flightpath of the generating aircraft.*

Stating that the vortices are 50 to 65 feet in diameter, Rudolph reported, "It does start breaking up in *certain* atmospheric conditions . . . but, in essence, this vortex does not continue to descend on down ad infinitum as the earlier [research] papers indicated.

"And, in the lower altitudes, in the lower atmosphere below 5,000 feet a.g.l., it does in fact start to break up. The environmental conditions working on it break it up. In the higher altitudes, however, this breaking up does not necessarily take place. But in the higher altitudes where it does not break up at all, we're talking about 30,000 feet."

Though stating wingtip vortices do begin dissipating below 5,000 feet a.g.l., there was no specific information on how long it takes for the "breaking up" process at these altitudes, nor how complete the dissipation is. There also was no specific word on the breaking-up characteristics of wingtip vortices generated by the big jets between 5,000 and 30,000 feet. The testing program was in two parts, with the first phase completed in February [April PILOT, page 34]. It was indicated the missing information would be sought in the final phase of the testing program, with results made public possibly in August.

Results of the first-phase testing, according to FAA, confirmed that wingtip vortices begin taking shape off the wingtips. As the wings plow through the air, wakes of disrupted air spill off the wingtips and create progressively growing wakes, much like the wakes created by the bow of a boat in motion.

Air wakes, however, drift back and toward the aft of the tail, fall in-trail behind the generating aircraft, and join together to produce two large and separate air masses of high-velocity winds, the wingtip vortices. Completely the reverse of what was earlier believed, FAA said the two vortices remain linked together by air currents and do not spread farther and farther apart behind the generating aircraft, as do the wakes behind a boat. The distance between the two swirling air masses of the B–747 is about 200 feet, FAA said.

Though failing to provide any estimates of the wind velocities within the vortices at the higher altitudes, FAA did give estimates of those created by various types of large aircraft when they are flying as slow as 150 knots at sea level in a maximum takeoff configuration. It earlier had been determined that the intensity—wind velocities—of the big jets' wingtip vortices is greatest when the aircraft are flying comparatively slow and during the landing and takeoff phases.

The calculated "vortex strength" of various airline aircraft ranged from 2,355 feet per second, for the 98,000-pound British Aircraft Corporation 111 (BAC–111), to 7,700 feet per second for the 710,000-pound Boeing 747. A chart accompanies this article, listing the calculated vortex strengths for all major types of airline aircraft. It also includes the calculated vortex strength for the still-to-fly Boeing SST, a supersonic aircraft that has been under fire in Congress over FAA's role and that of the Government in financing its development and manufacture.

According to FAA, the Boeing SST will create wingtip vortices having wind velocities on the order of 11,200 feet per second, about 1½ times that of the B–747, and nearly three times that of the 302,000-pound Boeing 707–300, an aircraft now in wide use.

The potentially increased dangers to other aircraft operations from the SST wake turbulence can readily be seen by the fact that the B–707–300 itself, as well as some other existing aircraft, already unleashes vortices capable of literally knocking a large number of today's smaller aircraft right out of the skies.

The B–747 and the coming SST, however, are only two of an especially troublesome trio of Boeing aircraft, where wake turbulence is concerned, it was learned. The third aircraft drawing FAA's attention is the B–727. Like the B–707–300, the B–727 currently is used extensively by a host of airlines. The B–727 is unique in that it sports tail-mounted engines, as opposed to the more conventional wing-mounted engines.

FAA officials said the wake-turblence tests showed that the B–727's wingtip vortices are disproportionately greater in intensity than those spawned by comparably sized large jets. "For some unknown reason," said FAA, "that airplane develops a very high vortex. And we guess it's the tail-mounted engines, but we don't know why."

Flener reported the FAA was not considering the establishment of special restrictions on those aircraft creating the largest safety hazards to other aircraft operations. Rather than confine and limit such aircraft operations, the FAA indicated that if the big jets' wake turbulence caused problems, the agency

would restrict and/or eliminate operations of those aircraft the big jets endanger.

Such an approach was viewed as deviating from past governmental practices in almost all fields of endeavor, where curbs and restraints are placed on known dangerous persons and activities to guard the general public from unnecessary harm.

Flener strongly indicated that at some point in the future the FAA would attempt to publicly embark on a program of "splitting out" and prohibiting certain aircraft from using airports and airspace now used or planned for use by the big jets. The "splitting out" process probably would be based on a still undefined program of "aircraft compatibility," it was said.

In connection with such a program, and likely the yardstick for bringing about such a radical change within the air transportation system, is a new formula FAA said it developed from the tests for determining capability of aircraft to withstand wake turbulence. Without delving too deeply into the formula, it can be said that the formula has led FAA officials to believe that the larger the wingspan of an aircraft, the greater its ability to cope with the high-velocity winds with the vortices created by the "heavy generators." Currently, heavy generators are designated as those having a gross takeoff weight of 300,000 pounds or more.

Though the final portion of the wake-turbulence tests had not been completed at the time of FAA's recent reassessment, Flener and Rudolph left little doubt that previously established five-mile separation standards between "heavy generators" and general aviation aircraft would soon be increased to at least seven miles. Changes in flight rules to accommodate the B–747 were detailed in an April PILOT article entitled "B–747 Turbulence Represents Danger."

In presenting the reassessment, Flener said, "One of the things that we feel we honestly must do, and do as thoroughly as we can, is get the word to everybody, particularly the general aviation pilot . . . The 'name of the game,' as far as the pilot is concerned, is just 'use more caution than you have used in the past,' because this bird [B–747] develops something much stronger than anything we've encountered before—this bird and some others."

Rudolph, who described most of the details of the testing program, as well as provided new tips for pilots, said, "The en route is not the problem. The problem is in the final approach and in the whole traffic area." He, like Flener, contended that though the vortices are now known to remain completely intact and in scroll-like formation at high altitudes, the odds were minimal that another aircraft would hit them in the en route stages.

Regarding the airport terminal area, and specifically the final approach, Rudolph reported, "The vortex does descend from the airplane [and contact the ground] and it does roll out. In a no-wind condition, the vortex from the right wingtip rolls outward to the right, and the left vortex rolls outward to the left. It rolls out at about five knots.

"Now, what happens when you put a crosswind on it? Well, they [earlier researchers] predicted for us what would happen. And it happens just that way, so we still have problems with parallel runways that are close together, such as those at Los Angeles and San Francisco [LAX and SFO]. With a slight cross-wind, this vortex will actually move right out and across the parallel runway where another aircraft may be landing or taking off adjacent to and close to the heavy generating aircraft [on the main runway]. There is a point where this crosswind will get above 15 knots—and I wish we knew exactly what this is, but we have not been able to find out yet—where above 15 knots, and in that area, the vortex is destroyed and no longer becomes a concern to us.

"Visualize vortices 50 to 65 feet in diameter, very tight vortices that have velocities in them of 140 feet per second—*tangential* velocities, that is—and put a small airplane in it. If he gets into it, he'll get thrown out of it. And he won't stay in it at three miles. If he gets into it, he'll get thrown out the way he drifted into it."

Continuing, Rudolph related, "The final approach to the airport is a point of concern to us . . . If you were to fly in a no-wind condition, or if you were to fly with a slight headwind condition and you stayed right on this airplane's [big jet's] flightpath, or right on the glideslope if you're shooting the guideslope, you might in fact encounter no vortex.

"If you had a slight tailwind, or quartering tailwind, the vortex could be blown above the airplane's flightpath," he noted, then, emphasizing his first three words carefully, added, "Boeing tells us, from their limited testing program, that someplace around 70 feet [when jet is 70 feet a.g.], on approach or takeoff], we need not concern ourselves with it because the vortex is no longer wrapped up tight—it is very loose.

"We do not necessarily disagree or agree with them," Rudolph said of Boeing's evaluations. "The vortices do settle behind the airplane [unless blown above the flightpath by tailwind or quartering tailwind—Ed.], they do draw together to about a quarter to a half a span [wingspan], and they do sit there on the ground. And, in a still-wind condition, they have been measured to sit in there for 160 seconds."

Flener said that VFR pilots are on their own in assuring avoidance of the invisible wingtip vortices, and that FAA's air traffic controllers would play only a minimal role in aiding pilots in the terminal area. In many of our big airports today," he said, "the tower is way to hell and gone at the far end. We have to place the dependence upon the pilot, particularly the general aviation pilot, to be aware and understand what this [wake turbulence] is. The controller is not in a position to make a determination, hour after hour, aircraft after aircraft, as to what he [the pilot] should or should not do."

Controllers have been instructed to provide position reports on the "heavy generators" to VFR pilots in radio contact, Flener said. Limited frequencies and controller personnel, of course, preclude the possibility that every aircraft can be in radio contact with controllers at all times and thereby be constantly advised as to the location of the big jets and their dangerous wake turbulence.

Asked whether controller assistance was worded in FAA instructions as they "shall" provide position reports on the big jets, or whether they "can" provide it on a workload-permitting basis. Flener said, "They *shall*."

"Remember," he added, "we're talking VFR. When we're talking instrument conditions and radar separation, the responsibility is the controller's. But, you see, under VFR the pilot is on his own as far as his separation. He makes his own determination as to how far back he should be. We're still placing the responsibility on the pilot, as far as that VFR pilot is concerned. We can't do anything else. There are too many of them, and there's such a volume of traffic at some of these locations. We spoonfeed a great deal of the system as it is today, and were trying to place the responsibility where it belongs."

In the way of a quickie recommendation on wake turbulence, Flener offered, "Land high and long. Take off quick and climb high." The main thing for VFR pilots to learn, it was pointed out, is that they now should maintain a greater distance between themselves and the "heavy generators" than they have in the past.

Following are comments offered by Rudolph that were interpreted as updated recommendations for pilots, general aviation pilots in particular, for coping with airborne wake turbulence:

FLIGHT AT LOWER ALTITUDES

"As far as the general aviation man is concerned, if he's in the lower altitudes and he encounters one of these heavy generators, I would not want him to fly underneath it at a couple of hundred feet, or even two, three, four, or five hundred feet. I want hom to evade it. I don't want him to be flying under the flightpath of the big generator."

SINGLE RUNWAY OPERATIONS

"The worst condition will be with a quartering crosswind of about five knots from either side. These vortices come down and [in a no-wind condition] spread outward at about a five-knot progression. You put a five-knot wind on either of them [wingtip vortices]—it almost cancels its movement out and it will blow right upon that runway and will lie up there. It takes someplace up to 160 seconds for it to clear out."

INTERSECTION TAKEOFFS

"If the heavy generator is taking off and it goes through the intersection without rotation—the nosewheel is still on the ground—there is no vortex, because vortex is only generated when you put lift on the wings. If he goes through the intersection and rotates further down the runway, the only thing you have to concern yourself with is the jet blast of the engines [see chart on these pages]. If he [big jet] rotates *before* reaching that intersection, it will take at least 160 seconds to clear out of there."

STANDARD TAKEOFFS AND LANDINGS

"On landing, as long as the pilot stays above, or at least on, the generating aircraft's flightpath—in a no-wind condition—he can follow the same flightpath. He shouldn't land below it, because if he does, he's going to have one whale of a ride, if he doesn't have an accident. In the takeoff phase, the best procedures here have been printed in the AIM, and if these disciplines are not maintained, we're in trouble."

The FAA officials reiterated that the big jets' heaviest wakes are generated when they are in a clean, or near-clean, configuration, such as with maximum takeoff weight, takeoff flaps, and full power. Flener stressed that the direction of the wind should now mean more to the average pilot, based on the new wake-turbulence information revealed by the recent tests.

"That wind means more to him now than it did before, because it means that vortices are moving one way or the other," Flener said, referring primarily to takeoff and landing operations. He said good takeoff procedures behind heavy wake generators include a wheels-up position prior to the point where the preceding heavy jet rotated. "Plus, if he's got a good strong wind, move over to the side of the runway that's pertinent [upwind] and take off that way. The same on landing. If he knows that he's got a crosswind and this aircraft lands ahead of him, then move over the edge of the runway in lining up. Get over to that side of the centerline where the vortices are going the other way.

Asked about the crosswind effect aloft, Rudolph replied, "The crosswind aloft moves the vortex if it's in the higher elevations where the environmental conditions—the temperatures of the ground—are not affecting it. [Earlier FAA statements indicated the "higher altitudes" referred to here are those above 5,000 feet a.g.l.—Ed.] The velocity of the wind at 30,000 feet takes the whole

system and just moves it out. It literally stays information behind the generator until the wind floats it out of the way. And the farther it floats, the better we like it."

On possible FAA recommendations to manufacturers to beef up aircraft structures to withstand the intense winds in the vortices and the resulting excessive roll rates, Rudolph said, "Structural strength doesn't have anything to do with it, basically, because you're talking about wingspan [as being the key factor in being able to withstand the vortices]. You're going to lose control of the airplane if you get tied into one of these things real close-in," he warned general aviation pilots.

Rudolph also provided a description of what happens when two separate sets of wingtip vortices are created by jets making successive takeoffs or landings. "The two vortices don't combine to produce one vortex system of greater intensity," he said. "In fact, if one is stacked on top of the other, the more the better, because the heat and tension from the second one destroys the original one.

"They are humping this thing, remember [full throttle on takeoff], and the vortex starts descending immediately upon leaving the wings, at its rate of about 450 f.p.m. [descent rate varies slightly, based on aircraft weight], and this vortex system will never be found on the generating aircraft's flightpath. So, you can clear lightplanes one right out on top of the other, and those vortices from the heavy generators, lying on top of each other, are just fine with us. They tear each other up."

Flener said the FAA planned to update wake-turbulence information in the AIM to reflect the new knowledge about wingtip-vortex behavior and other details learned from the recent tests involving the B-747 and other aircraft. He helped stress the new importance that should be given this aspect of safe flight operations by announcing that FAA also planned to add specific questions relating to wake turbulence in future tests for receiving pilot certificates.

VORTEX STRENGTHS [1] (150 KNOTS IAS AT SEA LEVEL)

Aircraft	Gross takeoff weght	Wingspan	Vortex strength (in feet per second)
BAC 111	98,000	88 feet	2,355
B-737	107,000	93 feet	2,433
DC-9-30	108,000	93 feet 3 inches	2,500
Trident	143,000	98 feet	3,086
CV-880	184,000	120 feet	3,243
B-727	169,000	108 feet	[2] 3,309
B-720	213,000	130 feet 10 inches.	3,439
B-720B	230,000	do	3,705
B-707-100	247,000	do	3,988
B-707-100B	258,000	do	4,165
C141	316,000	159 feet	4,203
CV-990	246,000	120 feet	4,335
B-707-300	302,000	145 feet 9 inches.	4,375
DC-8-61	325,000	148 feet 5 inches.	4,644
DC-8-30	314,000	142 feet 5 inches.	4,677
B-707-300-B/C	323,500	145 feet 9 inches.	4,759
DC-8-62	335,000	148 feet 5 inches.	4,771
VC 10	335,000	146 feet	4,853
DC-8-63	355,000	148 feet 5 inches.	5,056
B-52	488,000	185 feet	5,580
L-101I	409,000	155 feet	5,581
DC-10	410,000	do	5,595
C5A	764,000	222 feet	7,260
B-747	710,000	195 feet	7,700
Concorde	385,000	84 feet	9,650
B-2707 (SST)	750,000	141 feet 10 inches.	11,200
B-70	530,000	105 feet	10,675

[1] Source: FAA.
[2] Despite calculated figure for B-727, FAA officials said "for some unknown reason" this aircraft develops wingtip vortices having higher wind velocities than comparably sized jetliners. No estimates other than that shown here were provided.

A YOUNG BOY COMBATS POLLUTION

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. McDONALD of Michigan. Mr. Speaker, I have just forwarded to the Treasury of the United States the sum of 48 cents in the form of a quarter, two dimes, and three pennies. The money, Mr. Speaker, came from Clayton Edmonds, a young Walled Lake, Mich., boy who wanted me to spend it to combat pollution. He collected the money in a door-to-door campaign in which he claimed he was unsuccessful. He wrote:

I didn't do so good. I got 48 cents from three houses out of five and am sending it to you to help stop pollution.

But Clayton's interest did not stop at collecting money for a cause in which he had faith. He said he went around, and I quote:

Picking up garbage and other stuff.

It is this sort of personal commitment, and only this sort of commitment which will make any attempts against pollution meaningful. The Congress can legislate against pollution by major industry; the Congress can legislate against pollution by municipalities; the Congress can even legislate against individual pollution. But until each of us accepts the responsibility for his own actions, pollution will not end. Clayton, at his young age, has already shown his willingness to shoulder this responsibility. But how many other Claytons are there in this Nation? Millions? Thousands? Or only hundreds? Who among us has not witnessed the effects of litter and garbage on our city's streets? Our Nation's highways? Who is it that litters the landscape thusly? Everyone denies guilt, yet everyone must share in the blame. Water is in critical supply in many areas of this country. Yet those who most vigorously tout the cause of pollution will not part with the many creature comforts which use copious amounts of that precious liquid.

Electricity is another item which is in short supply. And again many save-our-environment elocutionists list their grievances against the pollutors in air-conditioned comfort, refusing to yield a modicum of comfort to reduce the demand for electric power.

I present this young boy's letter to be reprinted in today's RECORD. There are other Clayton Edmonds, I know. But by inserting his poignant letter in the RECORD, my colleague and many others will have the opportunity to see for themselves this eloquent plea for our environment.

In addition to this action, I have forwarded a letter to the President asking that he establish and help promote a national environmental campaign giving the same emphasis to it that is given to the Easter Seal, March of Dimes, and other national campaigns. Each year a poster child is selected who most typifies the problem identified with each particular drive. I propose that the environmental campaign use Clayton Edmonds as its poster child the first year.

Clayton Edmonds is not just a Walled Lake boy. He is the Johnny Appleseed of environment. I would hope that Clayton's 48 cents be considered seed, and grow into a nationwide, personal commitment against pollution.

Clayton's letter follows:

JULY 7, 1970.

DEAR MR. McDONALD: My name is Clayton Edmonds. I live in Walled Lake.

On Earth Day, 1970 we went around picking up garbage and other stuff.

And after that I went around collecting money, I didn't do so good. I got forty 8 cents from three houses out of five and I am sending it you to help stop pollution.

LOSS OF HOWARD HEIMBACH

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, in the loss of Howard Heimbach, we in Pittsburgh have lost a warmhearted leader with a friendly and human approach toward everybody. Howard Heimbach made friends easily and had the fine characteristic of being a top level Pittsburgh executive with many loyal friends and the ability to give much in time and energy on outside projects and the welfare of our people.

Howard Heimbach was vice president and executive assistant to the president of Rockwell Manufacturing Co. He previously held positions with the company as vice president, headquarters personnel, and administrative vice president. Howard and his wife, Dorothea, lived at 926½ South Aiken Avenue, Shadyside.

He is survived by his wife, Dorothea; and a daughter, Mrs. Norman C. Logan (Ada) of Wilmington, Del.; three grandchildren; and two brothers, Dr. Alvin Heimbach of Altoona, Pa., and William Heimbach of Washington, D.C.

Howard was president and director of the Chamber of Commerce of Greater Pittsburgh in 1969, a director of the Pennsylvania State Chamber of Commerce and a director of the Better Business Bureau of Greater Pittsburgh, Inc., the Hospital Planning Association of Allegheny County, a director of the Pittsburgh Urban Transit Council, and a director and vice chairman of the Allegheny Housing Rehabilitation Corp. He served on the Antitrust and Trade Regulation Committee and was recently appointed to the Government Operations and Expenditures Committee of the National Chamber of Commerce.

Mr. Heimbach was a member of the Pennsylvania Governor's Commission on Charitable Organization, the State Advisory Board for the Neighborhood Assistance Program, the Advisory Committee of Pittsburgh Labor and Industry, and the Advisory Committee of Pittsburgh Home Rule Charter.

He also was a member of the World Affairs Council of Pittsburgh, the American Management Association, the Na-

tional Industrial Conference Board, the American Ordnance Association, the Harvard Business School Association, the Dartmouth Alumni Association, the Masonic Order and the Pennsylvania Society.

Prior to joining Rockwell in 1960, he headed his own industrial relations consulting service. He was formerly vice president of industrial relations at the National Electric Products Corp. in Pittsburgh and personnel relations manager of Kaufmann's Department Store, Pittsburgh.

From 1946 to 1948 Heimbach was assistant director of personnel relations for the General Cable Corporation, New York. As a commissioned officer of the U.S. Navy he headed the employee relations branch of the Office of Industrial Relations, Navy Department, Washington, D.C., from 1944 to 1946. He was also employed as labor relations manager for the Dravo Corp., in Wilmington, Del.

After graduating from Dartmouth College in 1930, he attended the Harvard Business School. He acquired specialized training at Columbia University, Bureau of Personnel Administration and the American Management Association.

He was a member of the Duquesne Club and the Longue Vue Club, both in Pittsburgh; and the Capitol Hill Club in Washington, D.C.

I am enclosing for the CONGRESSIONAL RECORD the excellent statement on Howard Heimbach from the Dartmouth College 40th year report:

DARTMOUTH COLLEGE

HOWARD ANDERS HEIMBACH

Vice President and Executive Assistant to the President, Rockwell Manufacturing Co., 400 North Lexington Ave., Pittsburgh, Pa. Residence: 926½ South Aiken Ave., Pittsburgh, Pa. 15232.

Heimie has been with the above firm since 1960, and is involved with personnel, public relations, and long-range planning. He left his job as Director of Personnel with Kaufmann's Department Store in 1956 to become Vice President for Industrial Relations of National Electric Products Co. From 1959 to 1960 he was self-employed as an industrial relations consultant.

Heimie has been a director, vice president, and president (1969) of the Chamber of Commerce of Greater Pittsburgh, as well as a director of the Pennsylvania Chamber of Commerce, the Allegheny Rehabilitation Corporation, the Better Business Bureau of Greater Pittsburgh, the Hospital Planning Association of Allegheny County, A Modern Constitution for Pennsylvania, Inc., and the Southern States Industrial Council. He is also a member of the Pennsylvania Governor's Commission on Charitable Organizations, the Advisory Board of the Neighborhood Assistance Program (under the Community Affairs Department), and the Advisory Committees for Pittsburgh Home Rule Charter and for Allegheny County, Pennsylvania Department of Labor and Industry. He serves on the Antitrust and Trade Regulation Committee of the National Chamber of Commerce.

Heimie published "Responsibility for Change" in *The Iron Age* in 1963 and "Central Staff Coordination in a Decentralized Company" in *Atlanta Economic Review in* 1964.

On August 27, 1934 he married Dorothea Guja (Pratt Institute) of Brooklyn. They have a daughter, Ada (Connecticut College), who is Mrs. Norman Logan, and three grandchildren.

THE 18-YEAR-OLD VOTE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. FOREMAN. Mr. Speaker, during my campaign for election to Congress, I pledged to reflect the views of the citizens of New Mexico—and further, when I took the oath of office, I swore to support and defend the Constitution. Now from this base, let us take a look at the issue of the 18-year-old vote.

I have always said that I would vote to submit to the several States a constitutional amendment fixing the voting age at 18. Recent campus riots have not changed my mind because I would not penalize the vast majority for the transgressions of a small minority. However, I am opposed to a simple Federal statute. I am opposed for two reasons. First, I consider such a statute unconstitutional. Second, even if constitutional, such a statute, as distinguished from a constitutional amendment, is unwise.

Article 1, section 2, provides that those voting for Federal officers—representatives—"shall have the qualifications requisite" for those who are eligible to vote for members of "the most numerous branch of the state legislature."

The 17th amendment contains the same language as it applies to those voting for U.S. Senators.

Implicit in that language is the acknowledgment that States are authorized to fix voter qualifications in both State and Federal elections. There is no language in the Constitution or the amendments to the Constitution which says otherwise. Indeed, three of those amendments (the 15th, 19th, and 24th) which deal with voter qualification in all elections (race, sex, and the poll tax) acknowledge that the power to fix voter qualifications cannot be taken from the States except by constitutional change.

Notwithstanding what appears to have been the clear intent of the authors of the Constitution, some argue that Congress can fix voter qualifications by simple statute. Here is the substance of that argument:

The equal protection clause of the 14th amendment prohibits any State law whose purpose is discrimination. Under the 1966 Supreme Court decision in Katzenback V. Morgan, the 14th amendment prohibits any State law whose effect Congress finds discriminatory, even when the purpose was nondiscriminatory. And under section 5 of the 14th amendment, Congress has the power, when it makes a finding that the effect of State laws is discriminatory, to adopt "appropriate legislation" to cure the effect.

Thus, it is argued that if Congress makes a finding that 21-year-old voter laws passed by the States have the effect of discriminating against 18-year-old citizens, Congress has the power to adopt a statute fixing the voting age at 18 in all elections, Federal and State.

So the argument goes with respect to literacy tests, such an argument may be plausible. Congress can reasonably make a finding that the effect—if not the purpose—of such testing is discrimination. Unequal educational facilities may deny some citizens an equal opportunity to become literate and therefore voter tests based on literacy could be said to have the effect of offending the equal protection clause of the 14th amendment.

The same is true with respect to residency requirements in presidential elections. Congress can reasonably make a finding that the effect of State residency laws is discrimination against new residents who, because they have moved from one State to another in the months preceding a presidential election, have lost their vote under the laws of the State from which they moved.

Although I am conversant with the arguments to the contrary, it is difficult to see how Congress can reasonably make a finding that 21-year-old voter laws have either the purpose or effect of discrimination. An arbitrary age line must be drawn somewhere, and how can it be argued that whatever age a State chooses is more discriminatory than any other? Everyone has an equal opportunity to attain the age of 21. Indeed, to make a finding that denial of the franchise to those under 21 has the effect of discrimination would be to violate the norm set by the 14th amendment itself. In section 2, the 14th amendment mandates a loss of representation in the U.S. House of Representatives in the same ratio as the State denies the right to vote to persons over the age of 21.

Even if Congress has the constitutional power to lower the voting age by simple statute—which I dispute—this does not mean that it is wise for Congress to exercise that power. It is, I believe, unwise for three reasons:

First, it is unwise because it would cast a cloud of uncertainty over the 1971 elections. Even if the Court tests could be concluded and a judgment of constitutionality rendered before January, it might come too late for voter applicants in voter registration periods preceding elections scheduled early in 1971. All elections, primary and general, legislative and municipal and even popular referendums are covered by the proposed statute. Even if the new age requirement could be timely applied to all elections, if it should be ignored, either willfully or innocently by some voting registrar in some remote precinct, and if the result of the election might have been thereby affected, there could be chaos. If the election were a bond referendum, no lawyer could safely certify the bond issue.

Second, a Federal statute is unwise because it would tend to erode the federal system. In the last 5 years, 20 States have rejected propositions to lower the voting age, one of them twice. Last year, the citizens of New Mexico voted down a new constitution that would have permitted lowering the voting age. On my 1969 annual legislative questionnaire poll on this matter, the citizens voted 2 to 1 against this provision. This year 15 States have the proposition on their ballots. For the sake of the federal system, is it wise for the Congress, even if it has the raw power to do so, to veto the will of half of the States?

Third, a Federal statute with a built-in constitutionality court test is unwise because it confronts the Supreme Court

with an impossible dilemma. If it sustains the statute, the Court will be accused of amending the Constitution by judicial fiat. If it declares the statute unconstitutional, the Court will be blamed for frustrating the expectations of 11 million young Americans between the ages of 18 and 21.

It is, I repeat, unwise to expose the Court to such needless abuse. It is unwise to encourage and then perhaps disappoint the young men and women of our country at a time when they are already concerned about the broader gap between promise and performance.

The wise course, the safe course, the unchallengeable course, the tried-and-true course, is to amend the Constitution in the manner which the charter itself provides.

SUNSHINE IS THE BEST DISINFECTANT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. BRASCO. Mr. Speaker, ours is an open society. It is a pluralistic society. Its strength lies in its institutions. Those institutions remain viable only as long as the majority of our citizens retain a meaningful belief in them. As long as Americans feel that their institutions are responsive to the wishes of the people, we shall endure and prevail.

Everyone will admit freely that today there is a crisis in our institutions and the faith people have in them. No institution is more basic than the Congress—in this case the House of Representatives, which we have the privilege of being a part of.

Over the past year or so, the Nation has been awakened to the fact that in more than one way the House—this House—our institution—has been less than responsive to the requirements of modern times.

The Nation has read one article after the other on how this institution is lacking. One of the most pertinent and irrefutable accusations has to do with the fact that the House operates with too great an emphasis on secrecy, with too great an imbalance of power and too little attention paid to the wishes of the majority of its Members. In effect, this House of the people has been operating all too often in an undemocratic manner.

We cannot pretend to stand for pluralistic democracy for the Nation if we daily deny the democratic process in our deliberations and procedures. This is what is going on each day, nonetheless. It is folly to deny the need for reform. We only add fuel to the fires already being set by reactionaries of every stripe who have a vested interest in the failure of democracy. They anticipate reaction, claiming our lack of response as reason enough for seeking the overthrow of the society we are all a part of. Reform on our part in response to a proven need is to cut short the fuse of rebellion, to cut short those who seek the defeat of democracy.

Such reform can only be accomplished through existing institutions; it can only be accomplished through reform of them, beginning with the rules and procedures of the House of Representatives. We must let the people and their news media see what is transpiring here in their name, rather than shut them out in the name of fear of breach of security. This is their House, and they have a right to know what is happening here.

I believe that every vote that is meaningful must be recorded so the people will know how their elected representatives voted. Recorded teller votes are an essential reform. There is no excuse in the world why any Member of this body should be afraid of allowing his constituents to know how he voted. I favor the recorded teller vote.

The 3-day conference report layover is another essential reform. Often the conference between House and Senate results in a measure that is considerably different from the version we pass. Often the conferees disregard their instructions, even refusing by their makeup or decisions to reflect the wishes of the majority of this body. It is imperative that this body have a chance to study conference reports rather than be required to vote on them immediately.

Open committee sessions are not even negotiable as far as I am concerned. More than 40 percent of all committee sessions of the House are now closed to the public. It is also true that this trend is accelerating . . . fewer sessions of committees, where the really meaningful business of the Congress is transacted, are open to the public. This is, in effect, a denial of the democratic process, rather than an affirmation.

Disclosure of record votes in committees is another laudable effort to let the people know what is going on in their name within the committee structure. Often the people at large have no knowledge of what is happening. When other Members of this body return home, they are asked how such a thing could have occurred . . . how such a bill passed. We are often at a loss as to a reply. It is imperative that other Members of this body be informed of what committees decide and how they arrive at these decisions. For these reasons alone, disclosure of record votes within the confines of committees is essential.

This House is often a cumbersome thing. Its size does not allow for too many lengthy debates. It is often necessary for us to pass legislation swiftly in the interests of time. Nevertheless, there must be greater time for debate on motions to recommit. Too many times the wishes of the majority of Members and the people they represent have been closed off because of the limit on debate in such cases.

The last reform is elementary participatory democracy . . . guaranteed debate time on amendments. To close off debate is to negate the entire democratic process. To close off bills from amendment and discussion, as has often been the case in this body, is to deliberately enrage significant segments of the public. There is often good reason for the cries of outrage vented by many American citizens. When we do not reflect their wishes . . . even in the discussion and amending process . . . we are courting destructive dissent rather than constructive amendment and compromise.

Mr. Speaker, this House really should have little to hide from the people. The national security argument has been worked to death. Recently, an article in the Wall Street Journal by Dr. Edward Teller, no raving liberal, attacks secrecy for its own sake. We defeat our own purposes by being overly secretive.

By closing the House of the people to those very same people, we only alienate growing segments of society, stifle the democratic process and undermine the foundations of the institution and Nation we all love so deeply. If we do not take the initiative in instituting reform, we merely reaffirm the worst that has been stated about the lack of progressivism in the Congress. We add strength to the arguments of the radical revolutionaries among us. We contribute to the erosion of this House and its role.

History's pendulum swings in inexorable, wide arcs. Power swings away from the legislative branch to the executive, and then back again. Strong Presidents take power to themselves at the expense of the Congress. Weak ones lose it back to assertive Congresses.

In recent years, the legislative branch, particularly the House, has been watching helplessly as its power has drained away to the executive branch. However, by concentrating power in the House, we take it away from the broad number of Members. In effect, the mass of the House becomes less responsive because of the inner concentration of ability to act and respond.

We end up by becoming weaker as a body—as a branch of Government. We become less able to counterbalance the executive branch because we make ourselves weaker. Only by willing, internal reform can we reverse the trend—make the House stronger through greater diffusion of power to individual Members. If we make each Member stronger through fairer distribution of initiatives, we allow Members to reflect the wishes of their constituents. There is a great spread of pressure upon the House, and a broader expression of the wishes of the people of this country.

If we do not reflect the will of the people, which calls out for reform, we condemn ourselves and this institution to worse than failure—we pronounce it—and ourselves by inference—irrelevant.

REPEATING McCARTHYISM

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. RHODES. Mr. Speaker, the Washington Star on Saturday night carried a letter to the editor that defined the term "McCarthyism." I believe it needs repeating in the light of some of the smears being leveled against President Nixon these days:

McCarthyism: a tired cliche of the radical left; Pavlovian in its origin; evil in its purpose; slanderous in its implications and intentions, but meaningless except as an instrument of deliberate smaer and vilification as accepted by the empty minds for whom it is intended.

Mr. Speaker, in recent weeks we have seen a resurgence of this kind of McCarthyism in the area of racism that does full justice to that definition. I refer to attempts by a few Democrats to tar President Nixon with the brush of prejudice, of racism, and of indifference in the matter of equal rights and equal opportunities for all Americans.

Mr. Speaker, a check of the record easily proves the falseness of those charges, leveled by some, both inside and outside of the Congress. But then those who indulge in McCarthyism of either the left or the right have little regard for the truth or for the reputations and sensitivities of those they malign or for the damage they can do.

DICKEY-LINCOLN NEEDED

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. HATHAWAY. Mr. Speaker, I suspect that officials of New York's Consolidated Edison Co. would welcome at this time the presence of the Dickey-Lincoln hydroelectric power project.

The recent failure and shutdown of New York's largest power generator, the million-kilowatt "Big Allis," coupled with other recent large-scale electric utility failures, has proven once again the need for the kind of reserve power that Federal hydroelectric facilities such as Dickey can provide.

Consumers of electricity in New York and the Northeast again face the threat of power shortages, inconveniences, and the danger to property and life which would accompany a massive blackout.

The Ravenswood failure all but eliminates Con-Ed's reserve capacity, and another breakdown or a heat wave could place New York and several neighboring States in an emergency situation.

What will it take in the way of such emergencies before Congress begins a needed all-out effort starting with construction of the Dickey project, to fill the obvious power gap in the Northeast? The need for doing so is so great and its emergency nature so obvious that the major private power producers and other former detractors of hydroelectric plants must be beginning to see the light.

The current crisis demands swift and immediate congressional attention and action. Many rely on nuclear power as a solution. In numerous statements to the RECORD, I have revealed the dubious character of this solution. In its stead I have advocated hydroelectric plants as a more viable solution.

I was greatly disappointed by the House's refusal to include the $807,000 for the Dickey-Lincoln hydroelectric project preconstruction funds in the public works bill for fiscal 1971. I am confident, however, that the Senate Appropriations Committee will reinsert these funds and that this action will receive full Senate approval. After conference, the matter will come back to the House for another vote.

In a recent statement to the RECORD, I included a July 13 Newsweek article warning of Consolidated Edison's inadequate power facilities as well as the ever-increasing possibility of mechanical breakdown. A July 23 article in the Washington Post demonstrates the veracity of the Newsweek predictions. In the hope that my colleagues find it both interesting and informative, I am submitting a Washington Post article on the same subject for the RECORD:

FAILURE SHUTS BIGGEST N.Y. GENERATOR

(By Robert K. Warner)

New York's City's largest generator has failed, dealing a second major blow to the city's already overburdened electric power system.

The million-kilowatt "Big Allis" generator at Ravenswood, Queens, was shut down Tuesday night because of an electrical fault in a high-pressure turbine. A smaller 275,000-kilowatt nuclear plant at Indians Point failed in late June, and neither is expected to be working again until September.

A Consolidated Edison Co. spokesman said the Ravenswood failure "all but eliminates" the utility's reserve capacity, which stood at about 13 per cent before the breakdown. The Federal Power Commission recommends a reserve capacity of 20 per cent.

An FPC engineer said New York's power situation "is not yet in an emergency," but he warned, "It doesn't take much at this point to upset the applecart. A heat wave, for instance, could cause serious problems."

Con Ed said that if such an emergency arose it could buy enough electricity from neighboring power pools to meet peak demands.

Last March, however, before the current breakdowns, Con Ed had warned that "A prolonged hot spell and unusual mechanical difficulties this year could require power conservation methods," such as small decreases in voltage or short blackouts in different areas of the city.

The failure of the Ravenswood generator, which accounts by itself for more than 10 per cent of Con Ed's capacity—cuts the utility's remaining installed capacity to about 7.5 million kilowatts, 225,000 kilowatts short of estimated peak demand.

Yesterday, New York City's electric demands were about 6,400,000 kilowatts, well within Con Ed's generating capacity. The highest demand so far this summer has been about 7 million kilowatts, the company said.

The utility has buying agreements with a number of electric power pools, in New York State, New England, Canada and the Middle Atlantic States. The Con Ed spokesman said the company has "firm commitments" to buy up to 520,000 kilowatts to supplement its own power.

In a crisis, Con Ed might also buy electricity from adjoining power pools such as Pennsylvania-New Jersey-Maryland Interconnections (PJM), the pool that includes Potomac Electric Power Co.

An official at PJM said the pool could provide as much as 400,000 kilowatts for Con Ed "in an emergency situation, as long as the 12 companies in PJM had adequate reserves."

PJM's reserve capacity now stands at about 8 per cent, after the failure of an 820,000-kilowatt plant in Keystone, Pa., on July 12.

"We would not weaken PEPCO or any of our other utilities to get power to New York," the PJM official said. "But I don't know how far we might cut our reserve capacity if there was a serious emergency."

IN THE NATION: NO SALE ON PREVENTIVE DETENTION

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. DIGGS. Mr. Speaker, under unanimous consent, I include the following article from the New York Times of July 19:

IN THE NATION: NO SALE ON PREVENTIVE DETENTION

(By Tom Wicker)

WASHINGTON, July 18.—Rarely if ever does a member of Congress or any other politician have to face a clear-cut choice between going down in flames for virtue or going to bed with the devil. Few choices are ever that simple for anyone, and one of the classic examples of recent times is the District of Columbia crime bill now before the Senate.

Not, of course, that anyone elsewhere in the nation cares what happens to the 800,000 voteless, helpless, hapless residents of the District; and the nation's history is replete with instances of the callous indifference of the rest of the country to the plight of those who live in its capital—a large majority of whom are black. The D.C. crime bill is nevertheless important as a sort of blueprint—a dress rehearsal or a pilot program for what the jingoes of law enforcement hope to do to the rest of the nation.

What they hope to do is chilling—preventive detention of those who *might* commit a crime if released on bail; "no-knock" searches and seizures; expanded police wiretapping; a lowering from eighteen to sixteen of the age at which juveniles must be tried as adults; stiff mandatory sentencing provisions. Anyway you look at it, these sections make the D.C. crime bill punitive and raise grave constitutional and libertarian questions.

On the other hand, this massive document—about 400 pages long, leading Senator Edward Kennedy to say that the courts would be "clogged for years unraveling the bill's mysteries and undoing its mischief"—does provide a desperately needed court reform for the District, as well as a public defender system.

THE LINKAGE

The trouble is that the House is attempting to force the acceptance of such measures as preventive detention by coupling them to the generally approved court reform; and Senator Joseph Tydings of Maryland, the bill's Senate sponsor, has warned his colleagues that those who are under the "dangerous illusion" that the House will agree to a simple court-reform measure are "only kidding themselves."

No doubt they are; but Senators can play that game, too. If the House will not accept a court-reform bill devoid of preventive detention and other evils, the Senate has the power to let the whole D.C. crime bill die a well-deserved death. That would be preferable to passing it as it is.

The case of preventive detention alone is enought to justify this contention. If a suspension of the presumption of innocence is allowed to imbed itself in the processes of law enforcement in the District, we are going to be stuck with this dubious doctrine for years to come—because, as Senator Charles Goodell pointed out, "This legislation may well be setting a precedent for the rest of the country." That is precisely what it is doing and the best reason why it ought to be opposed.

In the first place, preventive detention is class legislation, particularly in the District, where its burden will fall with precision on the black people. As the foremost victims of a discriminatory social system the blacks pro-

vide the heft of the street criminals who are most likely to be jailed "preventively."

DIFFICULT TO JUDGE

In the second place, no judge can determine accurately, even in the adversary hearings set up by the D.C. crime bill, who may go out and commit a crime, and who may not. In one limited survey conducted here, of 2,776 persons who came before Federal District Court, 207 or 7.5 percent were charged with committing a new crime while on bail; but only 124 or 4.5 percent were charged with a crime of actual or potential violence. By what means could these 207 or 124 persons have been certainly identified in advance?

In the third place, the courts are already so overcrowded that trials are delayed for years, which is the basic cause of the high rate of recidivism here and elsewhere; and the D.C. crime bill would over-burden courts further with the hearings necessary to impose preventive detention.

In the fourth place, prisons and correctional institutions are physically too jammed to accommodate easily the preventively detained; and so, far from reducing crime, further incarceration of defendants in these squalid institutions, with their inadequate rehabilitation programs and their populations of hardened criminals, homosexual aggressors, and mentally deficient persons, makes new criminals rather than correcting old ones.

In the fifth place, those preventively detained in prison, all of whom will already have been charged with one crime, will be materially damaged in the preparation of a defense against that charge; and in the sixth place, they will thus become pushovers for "plea bargaining"—an arrangement in which defendants plead guilty in return for a shorter prison term. Such bargaining circumvents rather than insures due process, and justice itself.

In the seventh place—although one hesitates to mention it in the current climate of fear and hysteria—preventive detention in all too many cases will wrongfully deny liberty to innocent persons. That fact alone should cause the Senate to tell the House that if preventive detention is the price of a D.C. court reform, it's no sale.

YOUR COUNTY—A NEW TOWN DEVELOPER

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. ASHLEY. Mr. Speaker, Mr. Bernard F. Hillenbrand, executive director of the National Association of Counties, recently testified before the Housing Subcommittee on my bill, H.R. 16647, the proposed Urban Growth and New Community Development Act of 1970.

In his testimony, Mr. Hillenbrand discussed the important role that counties would play as developers of new towns if the bill is enacted. He has incorporated much of his noteworthy testimony in a recent editorial for the National Association of Counties newsletter and I commend it to the attention of my colleagues.

The editorial follows:

YOUR COUNTY—A NEW TOWN DEVELOPER

(By Bernard F. Hillenbrand, NACO Executive Director)

Your county can join the wave of the future and become a "New Town" developer. That is, it can if the New Community Development Act of 1970, drafted by a House subcommittee under Congressman Thomas L. Ashley, becomes law.

The legislation is the outgrowth of a two-year Ford Foundation financed study, conducted by the National Association of Counties and our sister organizations, the National League of Cities, the U.S. Conference of Mayors, and several other key groups. NACO Past President James Aldredge represented NACO. In our final report entitled, "New City," we assembled a list of major recommendations for a national urban growth policy and new towns legislation. Most of the proposals have been incorporated in the Ashley legislation (H.R. 16647).

From our point of view, the most important aspect of the legislation is that it would make it possible for the county, as a public body, to sponsor a new town.

COUNTY AS SPONSOR

The idea of counties being a sponsor of new towns was suggested to NACO by James Rouse, the private developer of a new town in Columbia, Maryland, and one of the most knowledgeable individuals of the new towns concept.

Rouse points out that most counties already have the machinery necessary to be an effective new towns sponsor. Among the county's most important facilities is the power of planning and zoning, which were never available to private developers. Control of vital public works and services such as water and sewers, recreational areas, airports and roads, hospitals and schools, etc., are the responsibility of many counties, and are essential ingredients in the development of a new community.

However, the most significant asset of the county is the power of eminent domain which allows for the orderly development of large tracts of land including public utilities. The experience of private developers is that there can be a single individual who refuses to sell his land at more than adequate compensation, and thus endangers the entire plan. Eminent domain, used responsibly by the county, would correct this hold-out situation.

Financial controls are already a part of the county's administrative function; and, as a municipality, it has the power to receive grants and developmental funds and the right to enter into legal contract.

Within the county are policemen, firemen, prosecutors, judges and administrative personnel, all charged with the responsibility of protecting, regulating and controling functions and services of the county.

The property tax is also a major problem that private developers agree may continue to diminish the possibility of private new town development. It's simply beyond the financial capability of even giant industries to pay property taxes of non-productive land, as it awaits revenue-producing development. This situation would not occur if a public body were the new town sponsor.

COMMUNITY DEVELOPMENT CORPORATION

We believe the heart of this legislation is the creation of a National Community Development Corporation (NCDC), within the Department of Housing and Urban Development patterned after a similar mechanism now in operation in New York State. The NCDC would be the triggering mechanism to approve a county as a sponsoring agency. It would work with the county, giving technical assistance and planning grants to develop the overall plan. It would then be a coordinating mechanism to channel public and private loans, grants and community facilities into the area.

KEY PROVISIONS

Of special interest are:

1. payments-in-lieu of taxes to local government during the development period;
2. 75% federal funds for planning;
3. technical assistance resources;
4. New Towns-in-town on vacant public and private land and in "air rights" over public facilities;
5. development of fringe areas suffering from economic depression;
6. public-private cooperation;
7. a national body, the Council on Urban Growth, to develop suggested national urban growth policies;
8. truly balanced communities: at the outset economic, racial and social integration, which if maintained, would never result in racial confrontation;
9. an economic base as the only true base for a new town and an employment potential for every kind of worker; and finally,
10. the maximum participation by small home builders.

NIXON HITS DEMOCRATS' SPENDING AS DIVERSION IN SLOW UPTURN

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. BOGGS. Mr. Speaker, in recent weeks we have enjoyed a continuing and lively dialog in this Chamber on the subject of the Nation's economy.

It is right that we should discuss this subject, for the plight of our economy is a subject of concern to every American citizen. Growing unemployment, skyrocketing interest rates, galloping inflation, combined with increasing signs of economic recession permit few of our people the luxuries of contentment or apathy.

In the interest of enlightening our dialog, I am inserting in the RECORD a column by Joseph Kraft which appeared in last Thursday's Washington Post. Mr. Kraft makes a thoughtful analysis of the interplay between contemporary economics and politics, and I wish to call it to the attention of my colleagues on both sides of the aisle. The article follows:

[From the Washington Post, July 23, 1970]

NIXON HITS DEMOCRATS' SPENDING AS DIVERSION IN SLOW UPTURN

(By Joseph Kraft)

Hardly anybody disputes President Nixon's recent claim that the economic recession has "bottomed out." So why, instead of pointing with pride at its own record, is the White House viewing with such alarm the "big spending" habits of the Democrats?

The answer is that the coming economic upturn recovery is going to be slow and painful to the point of looking like a continuing recession. And the reason has been presented with exceptional clarity by Professor Otto Eckstein of Harvard in testimony to the Joint Economic Committee of the Congress.

Professor Eckstein's thesis is that the steps taken to slow the recent decline leave few actions available to hasten recovery. The upshot is a "stretched recession" apt to last from 1969 through 1971.

In the Eckstein view, the downturn which began last year was caused by four main factors. First, as usual in periods of economic softness, there was a falling off in consumer spending. On top of that came unusually slow growth in state and local spending, a drop in defense spending, and a fall in housing starts.

Left to themselves, these factors could have precipitated a truly sharp recession—with employment falling off dramatically and

profits declining by as much as a third. But the Nixon administration, true to its philosophy of "gradualism," took deliberate measures to ease the pinch.

Under Arthur Burns, the Federal Reserve which had previously tended to hold money supply in check during periods of economic decline, raised the amount available at a rate of 4 per cent between February and May. At the same time, federal taxes were decreased. And in that atmosphere, business continued to plan large outlays for new plant and equipment.

The result was an exceedingly mild recession. Profits fell only 10 per cent. The number of jobless rose slowly to a point only slightly above what economists in the early Kennedy years set as a target for recovery. And the statistical evidence of decline in Gross National Product was so ambiguous that the turn-around occurred before it was absolutely certain there had been a recession.

But all the medicine used to ease the patient's pain has left the cabinet bare of drugs to stimulate a brisk recovery. A tax cut, for instance, would probably foster increased spending in the private sector. And the new Deputy Director of the Budget, Caspar Weinberger, seemed to point in that direction in a press conference on July 16.

But yet another tax cut would leave the federal government short of funds for essential domestic and foreign services. So President Nixon, in his press conference Monday, and Budget Director George Shultz, in congressional testimony Tuesday, knocked down any tax cut speculation.

Another shot in the arm could come from further easing of the money supply. That could lower interest rates, thus pushing housing and outlays by local and state governments.

But any big rise above the 4 per cent level would have severe inflationary impact. Indeed, for technical reasons the Federal Reserve Board curtailed the growth of the money supply in June; and now the administration is huffing and puffing just to get Dr. Burns to bring the rate of increase back to 4 per cent.

What this means is that the upturn will be feeble. Unemployment will probably hang at about 5 per cent for the next year or so. Profits are due to stay flat. And the growth in Gross National Product will not be impressive.

That kind of recovery, whatever its economic justification, is not exactly political magic. So when election day comes round, the voters will probably be more in a mood to distribute blame than cheers. And that is why the White House, rather than getting in position to gather bouquets, is doing what it can to set up Democratic spending as a target for the rotten eggs.

ROCKWELL EXECUTIVE LAUDS SPACE PROGRAM

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. PRICE of Texas. Mr. Speaker, on July 15 Mr. James L. Daniell, vice president, marketing services, North American Rockwell Corp., gave a most interesting talk on the U.S. space program to the Washington Rotary Club here in the Nation's Capital.

Mr. Daniell took what I think is a quite novel approach to evaluating the space program; he discussed it in light of the Rotary Club's four-way test, a procedure by which the club evaluates various issues and programs of interest to its membership. The four-way test involves posing and answering certain quesions with regard to a subject under consideration; three of which apply to the space program—First, is it fair to all concerned? Second, will it build good will and better friendships? And third, will it be beneficial to all concerned?

Mr. Speaker, in his remarks Mr. Daniell made it abundantly clear that this Nation's space program more than meets the four-way test. I think his thoughts are of particular interest because Mr. Daniell represents North American Rockwell Corp., the corporation that has contributed so much to man's efforts to conquer space. I commend his remarks to the attention of my colleagues.

The speech follows:

AMERICA'S SPACE PROGRAM TAKES THE ROTARY TEST

Thank you President Glenn for having me here to talk to the Washington Rotary Club. It is a sincere pleasure for me to have an opportunity to speak to a group of your stature. My subject for today deals with a topic that is very much in the public consciousness these days. It is getting a great deal of media coverage, it is a major political question, and it is a subject that will influence the course of your lives.

Rather than talk about the space program in some of the more customary terms, I thought I could turn the tables a bit and discuss it in terms of the Rotary Club Four-Way Test. In the Rotary Four-Way Test, there are three questions that could apply: First, is it fair to all concerned? Second, will it build good will and better friendships? And third, will it be beneficial to all concerned? So, for the next few moments, I am going to talk to you about America's space efforts and examine them in the light of those three questions from the Rotary Four-Way Test.

Leading off with, is the space program fair to all concerned? . . . let's talk about fairness to the taxpayer. After all is said and done, it is the taxpayer that is supplying the money that has put our space vehicles on the moon, and it is the taxpayer who must pay the bill for our future efforts, whatever they turn out to be. It's only fair then, that it is to the taxpayer that the first accounting for the program must be made.

The space budget request for 1971 is for 3.3 billion dollars, for a stretched-out, decelerating program. This is 12% under the 1970 budget, which in turn, was less than the 1969 budget. It is worth pointing out that the space program in general, and the Apollo series in particular, have been among the best managed, major government efforts ever undertaken in the history of this country, and as a matter of fact, in the history of the world.

Think back for a minute to 1961 when President Kennedy first established the landing of men on the moon as a major national goal. Shortly after that, in 1962, and seven years before the actual landing, a National Aeronautics and Space Administration official predicted the cost of achieving a manned landing on the moon at 20 billion dollars. As you all know, the landing took place on July 20, 1969, and when the figures on the cost of achieving the objective were totaled, they came to 21.3 billion dollars, only a 5% variation over a period of seven years. That, gentlemen, I think you will agree, is very good estimating and very excellent management of a major program over a pretty long term.

In addition to judging the fairness of the space program in terms of what is accomplished for the taxpayers' dollars, there is another kind of accountability that is worth considering. That is, is the space program fair to *all the nation* and *all the people* of the world?

One good measure of the fairness of the space program in relation to the people of the world is the fact that it has been carried out openly and with complete disclosure, not only with our own media people, but with foreign media representatives as well. America's approach to her space program has been, that, this is an effort of world significance to be shared with all of the people that populate the earth. There is not a nation of the world that has not had the opportunity to observe and examine the different elements of this country's efforts in space.

The obvious and very significant contrast to the way the Russian space program has been conducted is an important lesson that has largely been lost on many people in this country and particularly many of the younger people who are so concerned with the system of government that we have.

Another test of the fairness of the program is how widely its economic impact is felt. On this score, over 90% of the NASA procurement dollars goes to private industry and over 163 million dollars went to small business firms. During 1969, 48 states as well as your own District of Columbia participated in NASA work. All told, 1,289 different companies, 203 universities and 69 non-profit organizations were involved one way or another in the contracting.

The next question in the Four-Way Test is, will it build good will and better friendships? In answering that question, I believe we must give special credit to the men who have manned the vehicles that the United States has sent into space and the teams that have successfully been on the moon and returned. The incredible ability that these men have demonstrated represent the best qualities of this nation. Above all, with all the skill and concentration that has been required by these astronauts, they have achieved their marvelous accomplishments with great humility, humanity, and in many instances, with a beautiful sense of humor.

Despite all of the pressures on the crews of our space vehicles, they have been willing to take the time to bring the message home to all of the peoples of the world that efforts in space are important to them as well as to the United States. Perhaps the number of miles that these men have traveled outside of the United States talking about our space program and representing our country have been just as important as the miles that they have traveled in space exploration and in traveling to the moon and back. A check with NASA reveals that over the past years our astronauts have traveled over a million miles to spread the message of good will inherent in our space efforts. I suggest to you gentlemen, that the good will and friendships that they have developed internationally are a most significant fringe benefit from which future generations in this country will continue to benefit. This aspect alone of the space program is a positive, affirmative answer to the test, will it build good will and friendships?

But, beyond the good will and international friendship generated by the astronauts, there are other reasons why the space program is building good will for us throughout the world. Already, scientists from 73 nations are involved in our space programs and these joint ventures have resulted in international agreements for further cooperative programs. Sixteen international satellites have been agreed upon and ten of these have already been placed in orbit with Britain, Canada, Italy, and France taking part. We have agreements with 19 countries for a variety of sounding rocket projects. Additionally, many countries have built their own ground receiving stations so that they

can benefit from data transmitted from our weather satellites.

The final item in the Four-way Test is, is it beneficial to all concerned? Let me outline a number of the beneficial by-products of space development which have great implications for all Americans as well as other people in the world. First, consider the laser beam, which is a direct result of materials and technology associated with the space program and which is proving itself quite valuable in the treatment of eyes, particularly detached retinas. The laser beam will also soon be part of a major non-wiring communications system which will be used more and more in the field of communications technology.

New mineral locations are being uncovered as a direct result of space activity. Recently, for example, one of North American Rockwell's geologists used Gemini 2 photos to locate a mineral deposit in the middle of the Egyptian desert that had been unknown previously. The geologist's study of the photos revealed that most of the oil fields in the Middle East lie on previously undetected earth faults. This is a fact that is of considerable interest not only to geologists, but to the oil producers of the world as well.

From space, we can detect the beginnings of huge insect infestations which have plagued man's crops since the beginning of civilization. From outer space, we can trace the movement of marine life, which is essential if we are to harvest the ocean for badly needed supplies of nutrition, particularly protein, in the future. This type of information and use of space technology will be a great boon to developing nations in the future.

The transfer of aerospace technology to present-day commercial applications is also astounding. To date, more than 12,000 technology items with commercial applications have been uncovered and put to work. Many of these applications are being used now in the rehabilitation of crippled children, manufacture of automobiles, ships and airplanes, as well as in hospital work.

Systems management techniques which evolved from management of the complex space program are now being used in crime prevention, in urban affairs, and in transportation planning.

These preceding benefits from America's space program are by no means all, but they are representative of the ways the space program has benefited all of us and they also demonstrate that, the space program is providing important means for solving many of the most serious problems of the human race today. How these capabilities are used in the future, and to what degree, remains to be seen but the fact that I want to drive home with you is that the technological and scientific means of solving many of the world's most pressing problems are now in our hands and they are in our hands because of the exploration, development, sweat, and investment that have gone into America's space efforts.

If America's space program measures up as well as I think it does to the Rotary Four-Way Test, I hope you will also agree with me that it is worth pursuing and it is worth pursuing vigorously. However, we are now hearing prominent people in high places calling for the end of manned space flights. The risk is too great, we are told. Where would America be today if she turned back in the face of great risk in the past? There would probably be no civilization west of the Allegheny Mountains, for example. I'm sure on every wagon train there were men urging that the train turn back, that the risk was too great. But they did go forward and history proves that their efforts and sacrifices were well worthwhile.

For just a few more minutes, I would like to give you a quick view of what we might anticipate in the future for the space program, because there are some very exciting and important future achievements that we are currently working toward in space.

Topping the list of goals which have been approved by the President are two unmanned "grand tours" of the solar system to begin in the late 1970's. The special vehicles involved in these voyages of scientific discovery will be commanded by a computer which will be capable of making repairs, alterations, and modifications of the space craft as they move into space, according to Dr. Payne, head of NASA.

One tour will begin in 1977 with Neptune as its ultimate objective. It will take four years for this part of the tour to be completed. The craft will orbit Jupiter, and then head out to Uranus, another four year journey. After orbiting Uranus, it will set out for Neptune arriving in 1988.

The second tour will be launched in 1979, with Pluto, our most distant planet, the objective at the end of a 3.7 billion mile flight. On the way, it will swing by Jupiter in that same year, and Saturn in 1980, reaching Pluto in 1985.

About 1978, we can look for the first launch of a nuclear propulsion rocket, an essential program if man himself is ever to journey to the distant planets.

For the short term there are four additional manned Apollo moon flights on order. Apollo 14 is scheduled to fly next year. In 1971 Apollo 15 and Apollo 16 will fly with 16 carrying the first lunar rover vehicle which will allow the astronauts to roam up to 25 miles outward from their lunar landing craft. In 1972, Apollo 17 will be launched.

Apollo flights will be suspended then while emphasis is put on Skylab, an experimental space workshop where astronauts will be able to work up to 56 days at a time. Skylab is a forerunner of the space station which will be bigger. We have the hardware for Skylab and the space station is now in the design stage. In describing this program in a front page feature on the 2nd of July, The New York Times referred to it this way: ". . . the future the National Aeronautics and Space Administration sees flowing from this project involves massive space stations to orbit the earth for ten years and manned mission to Mars taking two or three years."

The final, tiny paragraph of the Times feature makes a point that I will not belabour: "The Soviet Union has indicated that it may be orbiting large space stations in the next five years. The recent Soyuz flights are presumably forerunners to such missions."

Interspersed throughout the major United States projects I have described will be flights to Mercury, Mars, Venus, and Jupiter.

This is indeed an ambitious program, but if the program measures up as well as I believe it does, particularly in terms of the Rotary Four-Way Test, then you and your children are going to reap rich rewards in scientific and human progress, rewards that will provide for a quality of life that may seem like a distant dream today. But if the realization of this dream seems somewhat remote as we sit in this room this minute, remember how remote the idea of landing a man on the moon was in 1960 . . . Just ten years ago. And now, stretch your minds and imagine where American space program can take us by 1980. Gentlemen, I hope I'll meet you there.

FLOOD INSURANCE FOR TOPEKA—GOOD PROTECTION AT REASONABLE COST

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. MIZE. Mr. Speaker, our colleagues with long and distinguished service in the Congress know there is no occasion more gratifying than the implementation and efficient administration of laws to protect the public interest, promote private enterprise and protect private property—especially when those laws originate in the committee on which they serve.

My service on the Banking and Currency Committe has been relatively short—only 6 years—but I am deeply pleased that our National Flood Insurance Act of 1968 is well on the way to full operation.

The past 2 years have been devoted to comprehensive studies of flood-loss statistics in an effort to determine appropriate premium rates for high-risk areas. Following the guidelines of our committee, the Department of Housing and Urban Development is now prepared to underwrite premiums for flood insurance in metropolitan areas where high water has historically ravaged the community, thus making private insurance an unacceptable risk without Federal assistance.

Now, beginning in August, the citizens of Topeka will be able to purchase flood insurance at very reasonable rates. This insurance will protect private homes and businesses. It will promote commercial development and provide the people of Topeka in flood-prone areas with the sort of protection from natural disaster that each American deserves.

Under leave to extend my remarks at this point in the RECORD, I will include for interested readers an analysis of the National Flood Insurance Act of 1968, and an article by Sue Webster that appeared in the Topeka State Journal, on page 1, July 22, 1970. These items follow:

NATIONAL FLOOD INSURANCE ACT OF 1968

Under this act, the Secretary of HUD is authorized to establish and carry out a national flood insurance program to enable persons to purchase insurance against losses resulting from physical damage to or loss of real property or personal property arising from any flood occurring in the United States. He is directed to encourage and arrange for maximum participation in the program by insurance companies and other insurers, and by related agents, brokers, and organizations.

The act provides for the operation of the flood insurance program as a joint venture between the Federal Government and the private insurance industry (with the industry participating on a risk-sharing basis). However, as an alternative, the Secretary may, if necessary, operate the program without the companies participating on other than a fiscal agency basis.

The Secretary is authorized to borrow up to $250 million from the Treasury to carry out the insurance program. A National Flood Insurance Fund is established for making payments authorized by the bill, including premium equalization payments and reinsurance for losses in excess of losses assumed by insurance company pools formed to provide flood insurance.

Coverage will be available initially for one- to four-family dwellings and small business establishments but it is to be extended to additional types and classes of property as found feasible by the Secretary. In the case of dwellings, the insurance limit, where the rate is less than the full risk rate, will be $17,500 for any single dwelling and $30,000 for a two- to four-family structure plus $5,000 per dwelling for contents. Small business properties can be insured for up to a total of $30,000 for the structure and $5,000 for the

contents of each individual business. These limits may be doubled upon the payment of full premium rates for the coverage in excess of such limits by the insured property owner.

After June 30, 1970, no new flood insurance coverage can be provided in any area unless an appropriate public body has adopted permanent land use and control measures which the Secretary finds are consistent with the criteria he has prescribed for land management and use in flood-prone areas.

The face amount of flood insurance coverage outstanding and in force at any one time is limited to $2.5 billion.

The Secretary of HUD is authorized to undertake studies for the purpose of determining the extent to which insurance protection against earthquakes, or other natural disaster perils, other than flood, is not available, and the feasibility of such insurance protection being made available.

FLOOD INSURANCE HELP OFFERED

(By Sue Webster)

Topekans will be able to buy federally subsidized flood insurance beginning in August, James Schlegel, city-county planning director, announced today.

"It is our understanding that anyone living in the city limits can purchase this insurance from their local broker," he said.

Topeka is only the second city in Kansas to participate in the federal program. The other city is Fairway in Johnson County.

To enable residents to buy the insurance, the city commission passed a resolution May 25 stating its intention to initiate flood plain zoning. The zoning must be in effect by Dec. 31, 1971. The zoning will insure that only flood-proof buildings are built in areas which are continually flooded.

Keith Krause, head of the State Water Resources Board, said the Department of Housing and Urban Development, which is handling the program, has set regulations on rates and the amount of insurance which can be purchased.

Insurance at the federally subsidized premium rate may be purchased in amounts up to $17,500 for single family homes and up to $30,000 for two- to four-family homes on structured rates from 40 to 50 cents per $100 of insurance, depending on the value of the structure.

The premium for a $17,500 home probably would be about $70 annually.

Contents may be insured up to $5,000 with rates ranging from 50 to 60 cents per $100 of insurance.

For small business coverage, federal subsidized premium rates also will be graduated at 50 cents per $100 for properties valued up to $30,000 and increasing to 70 cents per $100 for properties valued at $60,000 or more. Contents would be insured at the rate of $1 per $100 up to $5,000 maximum.

Krause explained that if the damage caused by the flood is greater than the amount the premium will cover, the government pays the difference.

Krause added it was his understanding that if a home or business was damaged to a great extent in one year, the property would have to be vacated or made flood-proof.

In other words, a homeowner whose property was wiped out would not be paid again if he rebuilt in the same area and was flooded the next year.

The program is planned to encourage individuals who live in flood-prone areas to pay at least part of the cost of insurance against flood damage in order to reduce the need for special disaster relief measures.

By requiring the city to set up flood plain zoning, the government also is interested in advising prospective developers of the perils incident to building in the flood plain area.

According to a HUD bulletin on the flood insurance, homes which are in flood plain areas when the areas are identified, will be eligible for a lower-than-normal rate made possible by the government subsidy.

The bulletin adds, however, "structures which are erected in an area after it has been identified as a flood plain area . . . will be insurable only at the full risk premium rate."

Therefore, when the city finalizes its flood plain areas, if a developer goes ahead and builds in that area, he will have to pay the full risk premium.

Planning staff and city engineers are working on drawing up the flood plain areas in Topeka and determining what types of buildings could be erected without being damaged by flooding.

It is possible one of the plains would be the Ward-Martin drainage area in the western section of the city.

Another area could be along Shunganunga Creek, whose drainage area takes in almost all of Topeka on the south side of the Kansas River with the exception of the Ward Martin drainage area.

In flood plain zoning, the most restrictions on construction would be in the areas closest to the creeks.

ALL MEDIA PLEASE COPY: LOWER RATES FOR CANDIDATES

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. UDALL. Mr. Speaker, I am sure most of my colleagues share my annoyance with newspapers, radio, and television stations which see political campaigns as opportunities for extra profits at the expense of those involved in the political process. And therefore I am sure they will be interested in an important precedent that has been established by one newspaper in Arizona.

Through the years I have noted that the rate charged political candidates by many papers and stations is the highest rate on the rate card. In many cases, there is a special political rate which is higher than any other class of advertising.

Since political advertising invariably requires cash in advance—something not required of other advertisers—the justification for these higher rates is hard to find.

Mr. Speaker, the thing that is most disturbing about this is that the money spent in political campaigns represents the contributions of ordinary citizens having an interest in their government. They cannot even take a tax deduction for the money they contribute. Yet a great many newspapers and broadcasting stations in this country see these contributions as some kind of gravy train to be exploited for profit.

Having observed these practices for many years, I was most pleased recently to come across an editorial in the Scottsdale Daily Progress, of Scottsdale, Ariz. Its publisher, Jonathan Marshall, hopes the idea will catch on around the country. So do I.

Without objection I will include the editorial at this point in the RECORD:

[From the Scottsdale Daily Progress, Scottsdale, Ariz., June 20, 1970]

LOW RATES FOR CANDIDATES

Over the years it has become traditional for the media to charge political candidates maximum rates for advertising. We think the tradition is wrong. The cost of campaigning is high enough as is.

Political ads are frequently a little more trouble than others, but the difference is not enough to justify higher charges.

Most candidates make a financial sacrifice to run for office. They are performing a public service, and they are essential to the success of our democratic system. For these reasons we believe that candidates deserve to be helped and not penalized.

From now on the Progress will have a new political advertising rate. Instead of charging our one-time open rate of $2.10 per inch, as in the past, candidates will be charged only $1.35 per inch, which is our special rate for churches, civic groups and non-profit organizations.

HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS, and I wrote to President Nixon indicating our concern for the President's failure to give audience to black representatives or consideration to the problems of black Americans.

It is important to point out, I believe, that a memorandum from the President's own special advisory counsel on student unrest was made public July 24 which indicates similar concerns. Chancellor Alexander Heard of Vanderbilt University, leads off the June 19 memorandum to the President by saying:

We do not believe that our national government really understands that a national crisis confronts us.

Chancellor Heard leaned heavily on the necessity and urgency for President Nixon to listen to blacks, to gain exposure to blacks, and to respond and use his office to develop a climate of racial understanding.

I believe, Mr. Speaker, that the President could show good faith with his advisory counsel by inviting audience with black elected officials and representatives—for a start. We anxiously await a reply from the President indicating his view of the need to invite or to accommodate black views and concerns.

For the interest of my colleagues, I submit a copy of our letter to the President.

I also submit for their attention an article from the Washington Post of July 24 wherein the memorandum of the advisory counsel is discussed. The material follows:

JULY 23, 1970.

DEAR MR. PRESIDENT: The patience of many black Americans is exhausted. The Constitution gave us our rights. The Civil War confirmed those rights. Court decisions have documented them. Acts of Congress over the last decade elaborated upon them. Unfortunately, the policies of your Administra-

tion have tended towards limiting those rights.

In your inaugural address you stated, "To go forward at all is to go forward together This means black and white together, as one nation, not two." But your course of the past 18 months, in our opinion, is destined to destroy all possibilities of unity and brotherhood. The dream of complete racial equality cannot become a reality in the absence of a firm commitment from you, our Nation's leader, to attain that goal.

Since you assumed office, you have traveled to all corners of the earth emphasizing your concern for many problems and pledging American efforts towards solutions. But you have not come to black America. Race relations have not improved since the request of black Members of Congress to bring their concerns to you, but have advanced to a more critical state. If this country is to enjoy internal domestic tranquility, it is imperative that you have an audience with the legitimate and representative leaders of black America to discuss the grievances of 25 million black citizens. The request and invitation should come from you.

Of equal importance, you have not gone to white America with the case for racial equality or for civil rights.

White Americans look to their President for what is right. You can inspire white America to embrace and work for changes in society which will appropriately accommodate the full rights of black Americans. To date, you have not responded to this fundamental obligation. You have not used your powers of leadership to move this country forward to "one Nation."

Mr. President, when nine black members of Congress indicated five months ago our desire and willingness to bring black American concerns to you, we were turned away in a manner which showed disrespect for our offices and callous disregard for our views.

When questioned about your April response to the black House Members, Presidential Assistant John Erlichman was reported by Time Magazine to have replied,

"We try not to permit opportunists to use the Presidency as a grandstand. That group has been going around, with Adam Clayton Powell, holding hearings and taking extremist positions. This looked to me like a set up."

We are disturbed and distressed that you would permit that kind of allegation to be made with reference to men who have been elected within the legitimate processes of this system to represent American citizens in the United States Congress.

Since April 18, when we were advised your schedule would not permit your meeting with us, you have issued nineteen comprehensive policy statements without touching upon a policy for the improvement of race relations. You have taken your concerns to the American public via the television media during prime broadcasting time, but you have not acknowledged that the problem of separate and "unequal" societies moving steadily and dangerously apart deserves equal time.

Mr. President, the national dialogue on black/white relations has consisted of charges and countercharges which produce further confusion and serve only to solidify the prejudices and frustrations of racial conflict.

It is appropriate, we believe, that you be reminded of your words as well as of your deeds. On February 14, 1969, shortly after assuming office, you stated.

"I hope that by what we do in terms of dealing with the problems of all Americans, it will be made clear that the President of the United States is an elected official, has no state constituency, he has no Congressional constituency, he does not represent any special group, he represents all the people. He is a friend of all the people."

Black Americans have waited and have observed. We have learned that there is no virtue in endless patience. We have observed that it contributes to injustice and is construed as "political impotency."

The important question is not whether an individual black person or black group believes the policies of your Administration are "anti-black" or not. It is a question of whether you, Mr. President, can justify economic, social and political policies which are clearly detrimental to the welfare and survival of 25 million black Americans.

We note that you have had a record 30,600 personal guests at the White House. Mr. President, the time has come for you to invite discussion with the black elected officials and try to come up with answers to the number one problem confronting this country.

WILLIAM L. "BILL" CLAY.
AUGUSTUS F. HAWKINS.
LOUIS STOKES.

[From the Washington Post, July 24, 1970]

CAMPUS ADVISERS ASK NIXON TO HEED STUDENTS, NEGROES

(By Eric Wentworth)

President Nixon's special advisers on campus unrest have recommended that he and his White House staff develop a better grasp of the intense political and social concerns among university communities and racial minorities.

"We do not believe that our national government really understands that a national crisis confronts us," one adviser, Chancellor Alexander Heard of Vanderbilt University, told the President in a June 19 memorandum on student attitudes.

"The condition," Heard told the President on that occasion, "cannot be conceived as a temporary, aberrational outburst by the young, or simply as a 'campus crisis' or a 'student crisis'."

Heard said last night in a telephone interview "I believe the President and his associates are much more fully aware of the scope and the depth of concerns on the campuses and in the black community than they were two months ago." He declined to take any special credit for this fuller awareness.

In a summary statement which the White House released yesterday with several memoranda by Heard and President James E. Cheek of Howard University during their two-month tenure as presidential advisers, the Vanderbilt chancellor also said that Mr. Nixon had shown "serious concern . . . openness and a searching interest in what we had to say."

Heard's summary statement outlined a number of recommendations which he and Cheek had made. Some of these advised the President to:

"Increase his exposure" to campus spokesmen, "so that he can better take into account their views, and the intensity of those views in formulating domestic and foreign policy";

Gain more exposure also to blacks and other racial minorities, and "use the moral influence of his office in new ways" to reduce tensions and develop a climate of racial understanding;

Provide more aid for needy students and primarily black colleges in the coming academic year, and make a long-term commitment to help the growth and quality of those colleges;

Take steps to include young people in politics and government, and increase blacks' involvement in developing domestic policy;

Seek to understand the fears of "repression" among some groups, and "the realities underlying those fears".

Robert H. Finch, White House counselor, told reporters that Mr. Nixon has already acted on one recommendation for high-level staff liaison with the academic world. Finch said that he would play that role.

Finch also said that aid to 116 black colleges through the Health, Education and Welfare Department would be boosted to $100 million from $80 million through reprogramming funds in the new fiscal year.

Finch said other recommendations would be studied.

The chancellor wrote that on numerous occasions the President acted in accord with his and Cheek's recommenadtions—though he declined to assess what influence their recommendations had. He mentioned Mr. Nixon's signing the voting rights bill, and the Internal Revenue Service abolition of tax exemptions for segregated private academies, among others.

On other occasions, Heard continued, proposals "for one reason or another" were not followed. He cited his own suggestion at the outset that Mr. Nixon meet with members of the American Council on Education's Special Campus Tensions Committee. The panel, chaired by Sol M. Linowitz, published a detailed report in April.

Heard made it clear that his statement did not include all the recommendations that he and Creek had made to the President. "Implementation of some of the proposals," he stated, "might be handicapped by making them public."

But the fact that a number of recommendations were made clashed with remarks Tuesday by unidentifiable "White House sources" that Heard's and Cheek's role was primarily to provide the President and his staff with information and to educate them about campus problems.

4–H IN THE GHETTO

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, as you know, the 4–H clubs have provided over the years a magnificent opportunity for youth to practice those qualities of good citizenship and to learn those skills which would make them useful and productive members of our rural community. Quite recently, the scope of our 4–H clubs has taken on a wider view. These youngsters are now applying their energies to the problems of our cities and urban areas realizing that the well-being of rural America depends in great measure upon the health of our cities. For that reason, it gives me great pleasure to place before the House a statement by Miss Dianna R. Dennis entitled "4–H in the Ghetto." I commend it to my colleagues, and I congratulate Miss Dennis for her insight and dedication to the problems of her fellow man. Her statement follows:

4–H IN THE GHETTO

(By Dianna Dennis)

In the special report, the Urban 4–H Staff Institute states, "If 4–H is to have a viable, growing, on-the-move kind of program, it is necessary to look beyond rural America, to the towns and cities, where a growing majority of youth, especially unreached youth, live."

4–H is one of the few organizations that can possibly reach and help the estimated 15 million young people living in poverty today. This is because the main goal is youth development and the only rule is that a

person goes out and does the things that will help youths develop to their full potential.

There are tremendous unmet needs in our cities. Lower income families need something that can teach them—something that will bridge the communications gap between one person and his neighbor, rich and poor, educated and not-so-educated. 4–H can do this and more.

What the 4–H program must do, is try to reach those who have the lack of proper food and medical care; whose recreational and personal needs are not always met; and who lack the benefit of a good education. It must relate to young people who have known more failures than successes in school and community. They are those who have been subjected to prolonged economic or social deprivation and may have learned a repertoire of responses that protect their integrity as persons—thus their behavior is characterized by hostility to authority, generally termed insolence; by caution in relating to or being uncommunicative with strangers; and by having difficulty in concentrating on tasks that seem irrelevant, useless and without immediate tangible rewards. 4–H must show that it is truly concerned, and this can only be done through working and communicating directly with the people.

The overall purpose of the current Inner Cities programs is, and I quote, "To develop, implement, conduct, and evaluate a meaningful educative program to help disadvantaged youth in central cities lead more enjoyable and productive lives." In trying to achieve this goal, the program is also trying to help young people appreciate the fact that someone cares. Through reading projects, the young people are broadening their education without the hassles of a formal classroom. They are also learning to communicate more effectively with others, and learning the need for a formal education.

Practical learning experiences are emphasized, so to help the young people develop individual responsibility, and to prepare them for employment. Work-study programs have been set up as experience for employment, and also to acquaint the youths with, not only the resources available in their community, but the people responsible for them—the elected representatives.

4–H creates an atmosphere to provide experience in the democratic procedures, in contrast to the autocratic or authoritarian climate so prevalent in most low-income families. It gives an opportunity for young people to share their experiences with others. It develops the leadership qualities in young people, that would otherwise be lost, by involving them in planning and conducting their own meetings and projects. Older youths have even more opportunity through the "teen" or "jr" leaders programs.

Through Conservation, Home Beautification, Flower and Garden projects, youths can learn to improve their surroundings by learning lawn care, landscaping, and even "ornamental horticulture". These can stimulate youths to try and clean up their surroundings, and rejuvenate their neighborhood. Exploratory experiences, such as indoor gardening, are offered in plant and soil science projects, and can open new horizons for the underprivileged youth. Trips to farms and rural communities may prove to be firsts for many, and will show them another side of life.

Health and Physical Fitness can be stressed through Foods-Nutrition, Bicycle Safety, and organized active sports programs. In cooperation with Health Departments, Social Welfare, and other groups, programs in Child Care and Sex Education may be worked out. Young people and their families can learn how to make effective use of surplus foods products. Recreational activities can be organized by 4–H'ers for reaching other people in their communities. Art and Music Projects offer new outlets for young peoples' creative abilities.

4–H can prepare youths for improved family and home life. Clothing and cooking projects are directed at making the girls better homemakers. Youths can improve their own food supply through vegetable projects. Programs can be centered around the home, and give the youths a chance at their own Home Improvement. 4–H can be used as a vehicle to build communications between parent and child.

In order to start in a community, news of a 4–H program should be physically introduced. Telephoning alone will help one's efforts for a beginning. Meeting the community personally will give its members the feeling of being wanted. The leader of a 4–H club in an underprivileged area must have an understanding of the child in order to develop an understanding by the child of this world and his place in it.

"Inner City" 4–H programs have been started in many major cities across the United States. In New Jersey, successful programs are working in Trenton, and New Brunswick.

The main thing to remember is that if we don't work with the less advantaged, we are depriving ourselves of understanding a segment of our own democracy. Let's live up to our motto and let's "Make the best better"!

FUEL INDUSTRY WARNINGS ARE COMING TRUE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. EDMONDSON. Mr. Speaker, a very timely article by Mr. William D. Smith appeared last Sunday on the front page of the New York Times' business and finance section.

The Times' article accurately points out that many of the warnings voiced by the oil and gas industries in recent years against our increasing reliance upon foreign fuel sources, and against Government policies which destroy industry incentive for exploration and development, are today coming true. In 1969, U.S. natural gas reserves suffered the greatest reduction—12.2 trillion cubic feet—in the Nation's history. Mr. Smith warns consumers that a significant increase in gasoline and natural gas prices will come this fall.

Mr. Speaker, several witnesses before the House Mines and Mining Subcommittee's recent oil import hearings testified as to the tremendous savings available to the American consumer if only we would increase our dependence upon Middle Eastern oil. The Times' article tells a different story—that the current average price per barrel from the Mid-East is 75 cents greater than the same domestic barrel of crude; that at this time it is cheaper to supply the east coast of the United States with a barrel of crude shipped from Louisiana ($3.75) than it is to import Persian Gulf Oil, at $4.50 per barrel.

I commend Mr. Smith on his very perceptive analysis of the causes behind many of our most severe energy problems, and I include his article in the RECORD for the benefit of my colleagues:

U.S. OIL INDUSTRY REGRETS IT WAS RIGHT

(By William D. Smith)

If an industry could have a facial expression, the United States oil industry would be wearing a bittersweet smile.

The smile would be a result of having seen recent events prove some of its serious forecasts and urgent warnings correct.

The pleasure, however, is mitigated by the pain that the industry is nonetheless suffering from having seen its predictions come true.

Throughout the long and heated political controversy over oil imports, the industry has maintained that foreign sources of petroleum were relatively undependable and that their lower-than-domestic price levels could be quite ephemeral. For this thesis oilmen were raked over the political coals. The price of Middle East crude oil is now at least 75 cents a barrel more than domestic.

For more than a decade oil and gas producers have warned that Federally set "low" natural gas prices would dampen the incentive to look for gas and thus produce a future shortage. Again this was treated as a totally self-serving ploy.—"There is a shortage of natural gas today," Secretary of the Interior Walter Hickel reportedly explained.

John Emerson, energy economist of the Chase Manhattan Bank recently went even farther, "Never before in this century have we faced such serious and wide-spread shortages of energy. These shortages are upon us now."

The industry warned that rushing into low-sulphur, anti-pollution legislation and regulations might produce supply problems.—There appears a very good chance that there will be a shortage of low-sulphur residual fuel oil this winter, forcing cities and corporations to choose between lack of heat and power and the present practicality of recent anti-pollution laws.

Being correct, at least on the surface level, gives the industry no reason to gloat. In each instance it is costing the oil companies money. If they pass on the cost, as they probably will have to, it cuts into what little affection the public has left for the industry.

"No one will remember that Senator Kennedy or Senator Muskie and other so-called consumer representatives have advocated policies that have often ultimately resulted in higher costs. They will only blame us for rising the price of gasoline or heating oil," a vice president and counsel for a major company commented last week.

The executive's statement is probably too one-sided. The present situations are the result of many complex forces; some alterable, some not.

Nonetheless, some politicians and academicians, past and present, may have been guilty of thinking that a big desk and pet theories were a substitute for the hard facts of industrial life.

There is a very good chance that by fall the American consumer may be paying more for gasoline, natural gas and residual fuel. This means that the cost of running his car, his home and his factory will cost more.

These major impacts on the battle with inflation have not gone unnoticed in Washington although it appears that no major constructive actions have as yet occurred.

The leap in the price of overseas crude oil is a result of soaring tanker costs. Few analysts expect these costs to go down in the very near future.

But if tankers are the central reason, the Arab-Israeli war is the underlying cause.

On May 3 in Syria, the Trans Arabian Pipeline was knocked out of commission by an errant or deliberately aggressive bulldozer. The Syrian Government has not allowed its repair, preventing 500,000 barrels a day of Saudi Arabian crude from reaching the Mediterranean.

At the other end of the Mediterranean the Libyan Government cut back oil production by 15 per cent, or 500,000 barrels a day.

The loss of almost 1 million barrels a day of oil west of Suez and close to world markets has strained tanker capacity. Replacement of this oil with oil from the Persian Gulf around South Africa takes six to eight times the tanker capacity.

CHARTER RATES RISE

Spot charter rates have risen to their highest level since the 1956 Suez crisis and are more than 50 per cent higher than during the 1967 Arab-Israeli war.

Persian Gulf oil is now coming into the United States at about $4.50 a barrel compared with Louisiana crude delivered to East Coast refineries at $3.75.

There is no chance of a shortage, however, because Texas and Louisiana will increase their production to meet the need. There is a very real chance of consumer price increases.

The Oil and Gas Journal, a trade publication, reports that Professors Phillip Areeda and James McKie, two of the chief advocates of sharply increased oil imports, have now backed off considerably from that position.

F.P.C. REGULATION UPHELD

The natural gas supply and demand controversy is a far older argument. In 1954 the Supreme Court ruled that natural-gas producers were subject to Power Commission. In 1960 the regulatory agency began fixing wellhead prices for all gas sold interstate. The Supreme Court upheld this right again in 1965 despite vigorous crys of outrage from producers, who said it would kill incentive to drill.

Time has proven the oilmen right. Wildcat drilling dropped 40 per cent between 1956 and 1968. Geophysical activity fell 56 per cent.

Some of the drop off may have been artificial; just to show the Government. Nonetheless the results are uncontestable. In 1969 the United States proved reserves of natural gas fell 12,241 trillion cubic feet, the largest in the nation's history.

The previous record drop was in 1968, when they fell 5,548 trillion cubic feet. These are the only declines in the history of the industry.

POSITIONS CHANGED

The F.P.C. is now trying to rectify the situation by raising prices. Some of the people who supported the lower prices several years ago are now in the forefront of those pushing higher prices.

The Interior Department is trying to speed up lease sales of suspected gas fields, but is running into opposition from Conservationists. But even if this opposition is overcome, it will take from three to seven years for these areas to begin producing.

In the meantime Canadian sources of gas can be tapped although Canadian-American relations on energy matters are at an all-time low. Liquefied natural gas quite possibly will reach this country from Algeria, Nigeria or Venezuela. Contracts have already been signed to import Algerian L.N.G., but the Algerian Government's recent nationalization of American oil company properties puts this source of L.N.G. in a very questionable position.

SUPPLY OUTLOOK TIGHT

The supply outlook for this winter is tight. Industry sources say that there will be enough to heat homes, but that the industrial market, which accounts for about 50 per cent of total sales, may be in bad shape. Many distributors already have been forced to impose severe limitations on new industrial loads, and there is a real possibility that deliveries to existing customers may have to be curtailed, according to J. W. Heiney, president of the American Gas Association.

It would seem almost certain that consumer prices will have to go up, and possibly sharply.

The crude oil reserve situation is not much better, according to the American Petroleum Institute. Last year crude oil reserves dropped to 29,632 billion barrels the lowest level in 15 years.

The A.P.I. explained the situation simply by saying that lack of incentives had led to a long and steady decline in exploratory drilling during a period of mushrooming production and consumption.

The oil industry in recent weeks seems to have won a lot of points, but through no fault of its own, it well may be losing the game.

S. 30

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. CELLER. Mr. Speaker, a subcommittee of the House Committee on the Judiciary has been conducting searching and extensive public hearings on the proposed Organized Crime Control Act (S. 30). This legislation has prompted marked reaction and concern in the legal community, and has been analyzed and reported upon by a number of outstanding and respectable bar associations as well as individual attorneys and Federal judges. In the 7 days of hearings held on this proposal to date, the judiciary subcommittee has received testimony or statements recommending amendments or indicating opposition in whole or in part from the Judicial Conference of the United States, the Board of Governors of the American Bar Association, the Association of the Bar of the City of New York, the New York County Lawyers Association, the National League of Cities-United States Conference of Mayors, professors of law, and others. The charges of vague and unworkable draftsmanship and constitutional unsoundness fully warrant the patient scrutiny which the subcommittee is devoting to this complex and far-reaching proposal.

There has been substantial confusion, I believe, in what the Organized Crime Control Act really does provide and what it may, as presently written, actually accomplish. Several amendments have in fact even been proposed by the Senate sponsor of the measure and the Department of Justice, both of whom recommend passage of the legislation. An article appearing in the July 27, 1970, issue of Time magazine provides some insight into the complexities of this legislation. In view of the importance of informed opinion on the part of the Members on this vitally important proposal, I believe it may be helpful to reprint the Time magazine article in the CONGRESSIONAL RECORD:

PUBLIC SAFETY AND PRIVATE RIGHTS

"If we get the tools from Congress," Richard Nixon promised the country just one month ago, "we will use them and we will reduce this rate of crime." The President was addressing himself to a major national concern, but not one of the Administration's 20 major anticrime bills has yet become law. The main reason: bipartisan fear that many of their provisions would jeopardize the rights of the innocent without really giving much practical aid to the forces of law and order.

Last week a House-Senate conference committee agreed on a crime bill for the District of Columbia with its most controversial provisions intact, and the House promptly passed it. Just as promptly, the Senate reopened a vigorous debate. One of the most vociferous opponents is a Democrat who is frequently sympathetic to Administration causes. But North Carolina's Sam J. Ervin Jr. has long been convinced that much of the measure is "as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas." Meanwhile the governing board of the American Bar Association, after a special meeting in Chicago, expressed reservations about parts of a separate bill aimed at subduing the organized underworld. Originally devised by another Democrat, Arkansas's John McClellan, the mobster measure was expanded with the help of Justice Department staffers and whisked through the Senate in January. Legal experts have now detected a startling number of sleeper clauses. Their objections have provoked close scrutiny from the House Judiciary Committee.

No-Knock. The D.C. crime bill puts heavy emphasis on strengthening police power to gather evidence. The Fourth Amendment guarantees a person's right to be "secure" against "unreasonable searches and seizures." But what is reasonable? The measure would expand police authority to use bugs and wiretaps against suspected drug pushers, violence-prone radicals, bribers and blackmailers. Critics insist the measure's inclusive language might permit scrutiny of the traditionally privileged conversations between lawyers and clients, doctors and patients, or priests and penitents. Under another provision, policemen could enter private homes without knocking if they had reason to believe that a warning would allow suspects to destroy evidence or prepare for a shootout.

The most violent opposition to the D.C. bill stems from its acceptance of preventive detention—a procedure that another Administration bill would apply to all federal courts. Some alleged offenders released on bail are rearrested for fresh crimes during long waits for trial in the clogged D.C. courts; preventive detention would permit judges to hold potentially dangerous suspects for up to 60 days. The effort to check recidivist crime, critics charge, would surely result in denial of bail to some innocent suspects, and to others who would not commit further crimes. Moreover, detention hearings might jam the courts still further. Repeater crimes could be cut more fairly, the opposition argues, by surveillance of bailed suspects and speedier trials. In fact, some of the bill's best sections take just that approach. Bail supervision would be expanded and $5,000,000 allocated to add 17 trial judges and merge three separate court systems.

McClellan's anti-mobster bill is advertised as an attempt to deal with the frustrations that police and prosecutors meet in dealing with organized racketeers. Recent Supreme Court decisions have knocked down such heavyhanded police practices as raids without search warrants, third-degree interrogations and indiscriminate wiretaps. Even evidence developed as a result of leads from illegal techniques is not admissable in a trial. If a defendant thinks the Government has used forbidden tactics in developing its case against him, he can ask to see all the raw material in order to establish his right to have it thrown out—which occasionally has made prosecutors turn over to mob lawyers years of tap-recorded phone conversations.

The bill would weaken the legal deterrence to unconstitutional police work. A judge

could not disclose any illegally obtained material unless the defendant convinced him that the revelation would be "in the interest of justice." Indeed, if the specific crime for which a defendant was being tried took place five years after any general evidence was improperly obtained, leads derived from that evidence could not be challenged at all.

Official Lawlessness. Such a time limit on rights is clearly unconstitutional, argues the Association of the Bar of the City of New York. With the proliferation of electronic data banks, an association report charges, prosecutors would be encouraged to maintain illegal files on suspects and use the leads after a five-year wait had "cleansed" them. Legal authorities claim that the proposed law is not really needed by prosecutors anyway; when they have justification for thinking that crime is going on, they can make most searches and tapes by obtaining warrants first. Says Herman Schwartz, a wiretap-law expert at the State University of New York at Buffalo: "The provision blows a hole in the entire fabric that the Supreme Court has woven to deter official lawlessness."

Though the measure increases the authority of prosecutors to make witnesses talk by granting them immunity from subsequent prosecution, those who remain silent could be given up to three years in jail for contempt, with no trial and with virtually no chance of bail if they appeal. More might be accomplished by another provision of the bill that authorizes money for protecting witnesses too fearful of revenge to testify. Nor is there much controversy over a section authorizing injunctions against entire gangster-run enterprises which could confiscate their property or require them to sell it off.

Bonus Sentences. Both bills proposed stiff sentences for offenders. In the District of Columbia, judges would be prohibited from giving less than five years to anyone convicted of a second armed crime. The organized crime act would let federal judges anywhere give up to 30 years to criminals who had two previous felony convictions or whose crime was part of a vague "pattern of criminal conduct." This would permit not only long terms for mobsters convicted of penny-ante crimes, but it would also let judges impose bonus sentences for alleged conduct that was never proved in a trial. It also gives judges immense discretion in cases not involving organized crime. The New York City bar association contends that a youth who got a suspended sentence on a marijuana conviction and served a few days in jail for unlawful assembly during a demonstration could get a 30-year stretch long afterward for an income tax violation—even if the tax charge normally carried a penalty of only three years.

Some opponents say they would accept many of the Administration's proposals if they were redrawn in such a way that they could not be turned against those whose offenses are trivial—or merely unpopular. Others go further. In a democracy, they say, mobsters have rights too. The most trenchant criticism against both bills is that they tinker with the tools of law enforcement instead of attacking more basic problems: crime-breeding courts and prisons, social inequities and public complacency about vice and corruption.

APPROPRIATIONS HEARINGS VOLUMES RELEASED

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. MAHON. Mr. Speaker, the Committee on Appropriations has released the following committee hearings volumes in recent weeks:

One additional volume—Defense, part 7 (testimony of Admiral Rickover)—is yet to be released.

Copies are available to Members and others at the committee room, H–218, Capitol Building, extension 2771, as long as the supply lasts.

Bill and volume	Released
Labor-HEW:	
Pt. 6—Related agencies (includes Office of Economic Opportunity).	Tuesday, July 7.
Pt. 7—Testimony of Members of Congress and other individuals and organizations.	Saturday, July 11.
Defense:	
Pt. 6—Research, development test, and evaluation; and various other items, including the Secretary of Defense and testimony of Members of Congress and other individuals and organizations.	Monday, July 27.

THE CIVIL AERONAUTICS BOARD AND AIR FARES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. MOSS. Mr. Speaker, I am inserting in the RECORD today two letters I have directed to the Honorable Secor D. Browne, Chairman of the Civil Aeronautics Board, concerning domestic passenger air fares. The letters follow:

JULY 14, 1970.

Hon. SECOR D. BROWNE,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: In view of the decision of the United States Court of Appeals for the District Court of Columbia Circuit rendered on July 9, 1970, relating to domestic passenger air fares, I am writing to make the following requests:

1. That there be no *ex parte* communications of any kind between the Board and any of the carriers regarding rates. In particular, should there be any meetings scheduled between the carriers and any members or employees of the Board, I would like to be informed promptly in order that I may make my views known. I should also like you to send promptly to me and my attorneys, Stanford G. Ross, H. David Rosenbloom, and Ronald B. Lewis, of Caplin & Drysdale, 1101 Seventeenth Street, N.W., Washington, D.C. 20036, copies of any communications with respect to rates directed by any of the carriers to any member or employee of the Board, and vice versa.

2. That the Board notify me and my attorneys of any and all actions taken by the Board in connection with this case; in particular, I ask that we be informed promptly of any and all proposals for remedying the present unlawful fares, whether instituted by carrier filings or by the Board's own actions.

I have asked Mr. Ross to send a copy of this letter to the attorneys for all domestic air carriers subject to the Board's jurisdiction.

Sincerely,

JOHN E. MOSS,
Member of Congress.

JULY 22, 1970.

Honorable SECOR D. BROWNE,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: I wanted to let you know that I appreciate your having called upon me on Monday, on your own initiative, to acquaint me with some of the thinking that is going on at the Board regarding possible changes in Board procedures for the future. As to those proposals you are considering which would require legislative change, we of course stand ready to give them thorough consideration when they are presented in concrete form.

You understand, however, that in our capacity as litigants in the case currently pending before the U.S. Court of Appeals for the District of Columbia Circuit we intend to pursue fully the rights we believe inure to the public under the Federal Aviation Act. Until the issues involved in that case are fully determined, we shall continue to act as litigants representing the interests of the traveling public as a class and to pursue the case vigorously. We have instructed our attorneys to advise us as to appropriate methods of following up on the Court's decision to gain the relief for the public which we believe the decision requires.

I am sure you understand the difference in my roles as a Congressman and as a litigant in the case and appreciate the fact that I intend to discharge both my responsibilities to the best of my ability. I want you to know that I understand your roles both as a litigant in this case and as a Government agency's principal official who is charged with the continuing conduct of the affairs of the agency. Naturally, any communications between us dealing with the issues raised in the litigation in which we are engaged, as opposed to the possible changes in the Board's future procedures which we discussed Monday, are to be made only in proceedings conducted on the record.

Again, I thank you for coming by and will be pleased to consider further any legislative proposals that may come out of your thinking.

Sincerely,

JOHN E. MOSS,
Member of Congress.

WARNING TO AMERICANS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. WYMAN. Mr. Speaker, Adolph Hitler told the world what his objectives were in "Mein Kampf." Either the world did not believe him or they considered him incapable of becoming the danger to world peace that history eventually recorded. Stopping Hitler's legions cost millions of lives, billions of dollars, and untold human suffering.

Today, right here in the United States, the Black Panther organization publicly declares its intention of revolution by violence. Not only does this group distribute pamphlets describing how to make bombs and explosives at home, but in not so thinly veiled language it advocates using them on whitey the pig.

In an introduction to a publication of March 1, 1968, entitled "Essays from the Minister of Defense (of the Panthers) George Murray" the so-called minister of education of the Panthers states flatly:

> What we believe in is armed revolution, a permanent revolution, the creation of as many Viet Nams as are necessary to defeat U.S. racism and imperialism throughout the world.

Freedom does not and cannot include the right to destroy freedom itself in this

country. There is no constitutional right of free speech that gives any individual or any organization the right to inflame, incite, advocate, and teach subversion of our Government and our way of life. This must be applicable to all in America regardless of race, color, or religion, or we are plain darned fools.

The same applies to Messrs. Rubin and Cleaver and all who deliberately tell inflammatory lies about the United States of America with intention to pit brother against brother, black against white, have against have-not in a life and death struggle marked by violence. No Supreme Court worthy of the name would stand quiescently by while the last great free nation on earth goes up in flames from this abuse of freedom of speech. These individuals should be indicted and convicted for sedition and subversion of both State and Federal Governments. And they should not be admitted to bail if when once permitted bail they do as the Chicago 7 have, and violate the conditions of that bail.

In this connection the following column by William Buckley, Jr., and writings of the Black Panther organization suggest a 1970 model Mein Kampf, paperback edition. They are a caution to all Americans and a signal to the Justice Department to prosecute.

The material mentioned above follows:

JERRY RUBIN'S SPONSORS

(By William F. Buckley, Jr.)

I do not care about the depravities of Jerry Rubin, who is one of the lost souls sentenced at the Chicago conspiracy trial, except that he is a fellow human being, bent on destroying himself, preferably in cinemascope. But I do care very much that Jerry Rubin should have found a panderer this side of the underground.

Mr. Rubin's book is called "Do It!" Do what? Well, whatever you like, provided it involves enormous amounts of drugs, sex, protests, obstructionism, obscenity, and the killing of non-members of the sect, hereinafter called pigs, Mr. Rubin went all the way to Algeria to get an introduction for his book from Eldridge Cleaver. He could not have gone to a more appropriate person to open the gates to Mr. Rubin's lower intestine for the long long passage ahead.

Mr. Cleaver, the spiritual leader of the Black Panthers, urges that "the people" "rise up and kill pigs and destroy their power." From his asylum in Algeria (he is wanted by the courts in California to resume his sentence for rape), he recalls as the sweetest moment of his politically active life, the shoot-out at Oakland when "the shadow of death was created by the blaze leaping from the barrel of a gun. A pig white lay dead, deep fried in the fat of his own b———." The hyphens are mine.

Rubin's book has only the single virtue that it confirms the hypocrisy of many of the activists. He reveals quite unabashedly that their campaigns are often based on consciously invented lies. "Our tactic was exaggeration. Everything was 'the biggest,' the most massive.'" His use of obscenity is so witless as really to all but drive it out of fashion. One thinks of Norman Mailer's "Why Are We in Vietnam," and is tempted to advocate legislation that will forbid printed obscenity by those who, if one may say so, debase it. The book is filled with drawings and photographs of porcine nudes who could not have qualified to pose for Sunshine and Health. They all look like Jerry Rubin, and one begins to suspect that in those circles the love is free because they couldn't possibly sell it.

So much for Rubin. What about the distinguished firm of Simon and Schuster? Listen to what is printed on the back jacket—by the publishers. "This book will become a Molotov cocktail in your very hands." (Who wants a Molotov cocktail in his very hands?) "Jerry Rubin has written the Communist Manifesto of our era." (If that's the case, Hair! is the Paradise Lost of our era, and our era may as well give up.) "This book is the most important political statement made by a white revolutionary in America today. Do It! is to be danced to. Read aloud. Studied. Memorized. Debated. Burned. Swallowed. Eaten. But most important, after living through the experience of this book, take its final advice: Do it!" the promotion editor who wrote that, you see, tries to swing by using the words, "swallowed, eaten."

It is not to come out for censorship to wonder at the sponsorship of this book. Though arguments—very sound arguments—could certainly be mustered for suppressing a book which incites to sedition, and arson, and killing, and which is guilty of criminally libelous charges against named individuals, my own disposition would have been against suppressing these pages of human and political ordure. But I want my dirty pictures sold to me by dirty little men and hidden in Russian easter eggs. Not passed out ceremoniously by men and women who pride themselves on their contributions to thought and literature and who regularly publish great tracts of prose devoted to the maintenance of humane standards.

So, Simon and Schuster will make themselves a hundred grand or so from the publication of this book, forever reminding us of Lenin's wry dictum that when the last of the bourgeois is hanged, a capitalist will sell the rope. I shall think of Simon and Schuster when I think of Jerry Rubin, as no doubt will the estates of Bertrand Russell and Winston Churchill, and Charles de Gaulle and Malcolm Muggeridge and Joseph Alsop, who no doubt will wonder at the company they keep.

STATEMENTS OF BLACK PANTHERS

Political power grows out of the barrel of a gun.

Everyone must be a guerrilla.

Hot town—pigs in the streets . . . but the streets belong to the people! Dig it?

1. No Horse Playing in the office.

2. No one is authorized to be in the office unless on business.

3. Security measures must be maintained at all times.

4. The office must be kept clean, neat and orderly at all times.

5. No unauthorized calls will be made on the office phone.

6. Only persons working in the office will be allowed to eat in the office.

7. Office hours 10 A.M.—10 P.M.

8. No one is to tamper with office equipment unless authorized.

9. All visitors and members on official business must report to the receptionist.

10. No unauthorized person is allowed behind the counter.

11. No one is to stay in the office overnight unless authorized by the O.D.

"We are advocates of the abolition of war . . . we do not want war; but war can only be abolished through war and in order to get rid of the gun it is necessary to take up the gun." (Chairman Mao.)

[From the Black Panther, Mar. 28, 1970]

ORGANIZING SELF DEFENSE GROUPS—I

In organizing self-defense groups at this stage of the struggle the most important consideration is whether or not the person to be incorporated into the group understands fully that what he or she is doing is the right thing to do. At this stage of the struggle if any members of a self-defense group are weak minded or do not understand that the only way to put an end to brutality & murder by this racist power structure is to organize self-defense groups & counter-attack, practice has shown that if this weak minded person is ever captured he or she will certainly not be able to withstand the methods of persuasion used by the fascist pigs and they will talk, give up information. So the first priority for any self-defense group is to be armed ideologically.

Because of the consequences, if anything goes wrong during an operation, members within the group must mantain a face to face relationship, get to know each other's strengths and weaknesses thoroughly, and participate fully in the planning of operations. Liberalism at this level can cost the lives of comrades and/or jeopardize the success of an operation.

At this time self-defense groups should have no more than four to six members. The struggle at this time requires no operation that can't be handled by four to six people. Also security is sacrificed the larger the group. At this time self-defense groups should be formed all across Babylon, North, South, East and West. However, at this time groups must work autonomously. Under no circumstances should any group seek out and try to make contact with another group. Due to the fact that this level of struggle is in its embryonic stages and fools, agents and provacatures are scattered all across Babylon if autonomy is maintained when a member of a group is captured he or she will only be able to give up information on one group, their own.

Know the enemy. At this time the pigs have three things going for them:

1. Communication
2. Mobility
3. Information

C.M.I.

When planning any operation the pigs' C.M.I. must be taken into consideration when planning tactics.

Part No. 2 will appear at a later date and will deal with self-defense weapons and training.

Counter-Attack D.C.

[From the Black Panther, Apr. 6, 1970]

ORGANIZING SELF DEFENSE GROUPS—II

B.P.P.

Know the enemy. At this time the pigs have three things going for them:

1. Communication—C
2. Mobility—M
3. Information—I

When planning any operation, the pigs' CMI must be taken into consideration in planning tactics.

Due to the brainwashing done by TV, movies, comics, etc., there are a lot of incorrect ideas about firearms that must be cleared up. The first thing to understand is, there is no one piece (gun) that covers any and all situations. Although they show pigs on TV and in the movies killing people a block away with a snub-nose .38 revolver, in reality this is not very practical and shouldn't even be attempted unless you are an expert's expert. From seeing too much Wyatt Earp and Mat Dillon too many people think that if they have a hand gun either pistol or revolver that they are ready for anything. All that is necessary to give you a different perspective is to examine the armament of the pigs that occupy our Black communities anywhere in Babylon. When you do that you will discover that most pig cars have at least one .12 gauge pump or automatic shotgun, one or two semiautomatic or automatic assault rifles, one or two bolt-action rifles with a scope mounted for sniping purposes, and, of

course, the pigs have strapped on at least one handgun either an automatic pistol or a revolver. In San Francisco, the S.F. Tactical Squad members carry two handguns, their standard service revolve plus a second handgun which is their personal preference, in many cases an automatic pistol. So at this time let's examine these three types of weapons—the shotgun, the rifle, and the handgun.

.12 GAUGE SHOTGUN: the pigs use the shotgun, either pump or semi-automatic, loaded with 00 buckshot generally in crowd situations such as rebellions. The standard load is nine (9) buckshot pellets per shell, however there is the magnum load of 12 pellets per shell. These magnum loads are to be used only in magnum shotguns. If you use magnum loads in a regular shotgun, you might not live to tell it.

The pigs also use slugs, 1 giant lead ball. In the plans the Berkeley pig dept. had drawn up to attack National Headquarters of the Black Panther Party, they intended to use slugs to knock the armor plate off of our windows and to knock out the doors. This photograph shows what slugs used by Chicago pigs did to the steel plate on the door of our office there.

There is also a tear gas shell now designed to be fired from a .12 gauge shotgun.

Every Black home should have at least one .12 gauge shotgun to be used to protect the door. Use 00 buckshot and it will deal with any criminals trying to enter uninvited. Cuban guerrilas used shotguns very successfully in the revolutionary war led by Fidel Castro. They would set up ambushes close to roads usually only a few feet away and shotguns loaded with 00 buck would have a devastating effect upon the occupants of cars and/or trucks.

There is one thing about shotguns that possibly can be viewed as in our favor at this time that is that the barrel is smooth inside so it doesn't put any marks on the pellets; therefore, the pigs can't make an investigation based on ballistic marks.

Handguns: There are two types, semi-automatic pistols and revolvers. There are so many different brands and calibers, I will only deal with what I consider to be the best choices.

.357 Magnum revolver made by either Colt or Smith & Wesson. It holds six shots and with armor piercing ammo is supposed to crack an engine block. Many pig departments have switched or are switching from .38 special to .357 magnum. The less powerful .38 special just can't match the .357. There was an incident where a brother was defending himself against a pig and fired at the pig with a .38 special. The bullet hit the pigs badge and was deflected. Had the brother been using a .357 magnum that would have been one bar-b-cued pig.

9MM automatic pistol. Although pistols are called "automatic", they really are semi-automatic. The trigger has to be pressed for every shot. I recommend the Browning 9MM automatic. It comes with a 13 shot magazine. If you put one in the chamber that means 14 shots available. If you're up against someone with a 6 shot revolver, they will have to reload 2 times and you've still got two shots left. You can also purchase a 21 shot magazine. That's a lot of fire power for a handgun.

.45 Automatic pistol. This is still the sidearm issued to the U.S. fascist military troops. They also can be purchased in stores. There also seems to be a lot of these available in the streets. Check with your local street merchants.

Even if you have the finest self-defense weapons they are no better than clubs if you don't know how to use them. By the same token if you practice, it is possible to get good enough to kill elephants with a .22. However with enough practice with the above mentioned weapons and being armed ideologically with the invincible thought of the Black Panther Party, it is possible like the Panthers who were attacked in Los Angeles in December to be a match for one hundred.

Counter Attack D.C.

Part #3 at a later date will deal with training.

[From the Black Panther, Apr. 18, 1970]

TRAINING—III

Know the enemy. At this point the pigs have three things going for them.

Communication—C

Mobility—M

Information—I

When planning any operation, the pigs' C.M.I. must be taken into consideration in planning tactics.

Practice—Practice—Practice—Practice—Practice—Practice—

In order to perform well in your work on all levels it is necessary to practice, the more you practice the better you perform. Don't think just because you read something you can do it. You can memorize a book on how to drive a car but until you get behind a wheel and practice you still can't drive.

The first things to understand before you ever put a round of ammo in a chamber are basic safety rules. 99% of all accidental shootings happen with guns that aren't "loaded" and/or by people that say "I'm sorry, I didn't know it was loaded." Therefore, rule #1 is: the first thing you do when you pick up a weapon is check to see if it is loaded, keep your finger off the trigger and follow the following procedure. Point gun away from area where someone could possibly be shot. If it is a revolver swing out the cylinder; if it is a pistol remove the magazine and pull back the slide. Even after you have unloaded the gun or see that it is unloaded treat the gun in the manner as if it were still loaded. Never touch the trigger unless you are practicing trigger squeeze (explanation later), firing on training ground or dealing with the enemy. Never point a gun at anyone you don't intend to shoot. I can't stress these points enough, they seem simple enough; however, people that generally haven't had any experience with pieces violate these rules constantly. If I am ever shot accidentally by some idiot it will be very difficult to suppress the desire to blow his or her head off, providing I'm only wounded.

The next step is to learn to disassemble and assemble your pieces, also care and maintenance. Due to the fact that self-defense activity will not be limited to daylight hours you should learn to break your piece down and assemble it even in the dark. Your life depends on it. So do it.

The RIFLE: The bolt-action rifle in .30-06 or .308 (7.62 MM Nato) with a four (4) power scope (or better) mounted is a sniping weapon. A specialist piece. This virulent (deadly) combination is for one purpose, and one purpose only—to fire ONE well placed shot. So each self-defense unit needs only one such weapon at this time. There is nothing else to say about that.

The assault rifle is either semi-automatic or preferable one that can be fired either semi-automatic or fully automatic. The limit here is that posed by the limit of the enemy's arsenal. Here we will discuss the most common seen in our communities carried by the gestapo pig forces. The AR-15 caliber .223 is the semi-automatic civilian model called "sporting" model of the M-16 used in Vietnam. The M-16 fires either semi-auto or fully auto. After the lives of many brothers were lost in Vietnam because the weapon was new and untested, it has now been de-bugged and is fairly reliable. It can be found on all military bases and some gestapo police arsenals. The AR-15 was taken off the public market and has been replaced by the AR-180 caliber .223. The AR-180 does not appear to be as good as the AR-15. However, many pig departments are stocking up on them.

Another very good assault rifle is the M-14 caliber 7.62 MM Nato (.308 in English). This is a very good weapon although it has been replaced by the lighter M-16 in the fascist military. Most national guard units, at least here in California, are equipped with the M-14. Check your local National Guard availability.

The Thompson Sub-Machine gun if in good working order is very reliable in .45ACP caliber. It fires either semi or fully auto. One rewarding feature is it uses the same ammunition as the .45 automatic pistol cutting down on the variety of ammunition necessary for your stash. Check your local police/mafia arsenal.

Finally the age-old M1-Garand caliber .30-06. Very good, plenty of them around, heavy and accurate way out, easy to get and plenty of ammo around. Check your pawn shops and gun shops also some national guard units and college ROTC units have them readily available.

The M1-30 caliber carbine? Use it for target practice and training.

Assault rifles are to be used in fire fights, more commonly known as shoot-outs. People waging wars of liberation around the world also use assault rifles to annihilate (wipe out) their enemy's in ambushes and in counter attacks against fascist military outpost.

After you've gotten this down, the next step is to learn how to aim and fire your weapons properly. All of this is to be done before you ever put your first round of ammo in the chamber, the first thing to deal with is proper sight alignment. Sight alignment is lining up your front sight with your rear sight correctly. Your front sight lined up with your rear sight and both lined up on the target is calld the "sight picture." The correct sight picture basically is having the front not too high or too low, not to the right or to the left, but having the target resting on top of the front sight. The sight picture will not always appear perfect, but if the correct sight picture is understood practice will bring improvement.

The next thing to get down with is trigger squeeze. That's right you squeeze the trigger, you don't pull it or jerk it, contrary to what ever you saw on t.v., trigger squeeze is a process of putting slow steady pressure on the trigger until a shot goes off. If you try to anticipate the shot, you will jerk and mess up your aim.

One other thing to watch for is movement of your piece which comes from breathing, which also messes up your aim. One method of breath control is to take a deep breath, let out half of it, hold the rest of it then begin your trigger squeeze.

It would be ideal if you could incorporate into your group a veteran of the pigs' military service. Veterans are of great value and assistance in helping with the above training also when you are ready to begin practice with live ammunition. When practicing with live ammo make sure your location is where you won't be hassled by pigs. Actual combat conditions can be deadly as a training ground. When practicing with live ammo, remember it is valuable. Don't just start popping caps for the heck of it; the whole purpose it to prepare yourself to be "a Match for One Hundred" which will only come about as a result of correct practice.

One thing to guard against is flinching. Flinching is caused by being intimidated by the sound and kick of your weapon. With proper trigger squeeze and breath control, you won't have any problems with flinching. If you have problems keeping all your shots in a fairly small group or if you have a problem just getting your shots on the target anywhere you are probably flinching. Have someone watch you as you fire and they will

be able to tell you whether or not you are flinching.

The basic thing in the training of members of a self defense group is to know how to handle fire arms of all types, hand guns, rifles, shotguns, machine guns, etc.

The use of different types of ammunition and explosives should be considered also. Part #4 of this series will deal with some recipes.

All Power to the People D.C.

[From the Black Panther, Apr. 18, 1970]

RECIPES—IV

ORGANIZING SELF-DEFENSE GROUPS

I will begin by pointing out that we must not allow the racist power structure to define our struggle. What I mean is the language that we use like everything else in this society is in the service of the racist capitalist bandits. They control the educational institutions, the news media and the means of production to turn out all the educational material. We sometimes are trapped by the rhetoric (words) of the slavemaster. In our 400 year struggle for survival it has been the guns and force manifested in the racist pig cops that occupy our communities that directly oppress, repress, brutalize and murder us. So for us to talk about survival we must talk about self-defense against this brutality and murder that is defined by the racist power structure as justifiable homicide. So when a self-defense group moves against this oppressive system, by executing a pig by any means, sniping, stabbing, bombing, etc., in defense against the 400 years of racist brutality and murder this can only be defined correctly as self defense. The slavemaster, however, through his lackeys and puppets calls it 'terrorism', the work of crazed men, criminals, insane killers, etc. We must define our struggle not the pigs. Carlos Marighella, an urban guerrilla in Brazil who was assassinated Nov. 4th 1969 just one month before Fred Hampton and Mark Clark, says, "the accusation of assault or terrorism no longer has the pejorative (negative) meaning it used to have. It has acquired new clothing, a new coloration. It does not factionalize, it does not discredit; on the contrary it represents a focal point of attraction."

"Today to be an assailant or terrorist is a quality that ennobles any honorable man because it is an act worthy of a revolutionary engaged in armed struggle against the shameful military dictatorship and its monstrosities.

So with that, I say this, all self-defense groups must strike blows against the slavemaster until we have secured our survival as a people and if this takes shooting every pig and blowing up every pig sty then let's get on up.

Below are some recipes that might help some of you get started.

SELF-IGNITING MOLOTOV COCKTAIL

Caution: Potassium chlorate is very volatile, it can ignite almost spontaneously in this mixture. It can be ignited or detonated by a single spark, or excessive heat or merely by the friction of stirring the ingredients together. So use plastic or wooden utensils for mixing. Do not use metal. Use extreme caution.

Mix 3 parts of potassium chlorate with 2 parts of sugar. Add water to make a solution. Take a large sock, soak in the mixture then dry. Keep dry sock away from heat.

Away from the area or after you have thoroughly cleaned the area where you handled the above mixture take a fifth wine bottle and fill ⅓ to ¼ full of sulphuric acid. Fill the rest of the way up with gasoline. Pour the gas slowly, it could bubble and heat up. Cap the bottle tightly. To make sure it doesn't leak you should test it first with water. To cap the bottle it is preferable to use a stopper with a rubber plunger because acid eats plastic and metal. Don't shake the bottle hold it upright. When ready to use, put the bottle in the sock soaked in the chlorate sugar mix and knot the sock at the top. Throw at target. When it hits and the glass breaks it will explode as the sulphuric acid contacts the potassium chlorate and sugar mixture on the sock. The gasoline will spread the flame. The principal behind this fire bomb is when sulphuric acid comes into contact with a mixture of potassium chlorate and sugar there is an explosion that gives off a lot of heat. The more potassium chlorate the more expolsive, the more sugar the more heat. For your information, this fire bomb will work even if the mixture on the sock is wet. However, it is more volatile when dry.

One more warning. Before placing bottle with gas and acid into sock make sure outside of bottle is clean and is not contaminated with acid.

PEOPLE'S HAND GRENADE

Take a used empty aerosol (spray) can, pull off the little plastic spray device, and with a hammer and nail pound the little plastic nipple down into the can. Widen the hole large enough so that large shot can be inserted through the hole. Fill with ¾ black powder and ¼ shot, small headed nails or anything to use for shrapnel. Insert fuse well into can and leave about 1½ inches outside. If fuse is too short, you will blow yourself up. If the fuse is too long, when you throw it, it could be thrown back at you. If thrown in the open, it will kill within a 25 foot radius and maim within 100 feet. I suggest that you familiarize yourself with this weapon by practicing with a sand filled dummy. Try this and see how long the fuse that you use takes. For a strictly anti-property grenade fill can with black powder and don't use any shrapnel. The greatest advantage in this type of grenade is that you can legally buy all the ingredients needed. Buy black powder from your local gun store reloading counter. You've probably got some spray cans around the house.

Reproduced here is a list of books available with many more recipes and technical information.

Use what you got to get what you need. D.C.

Books can be purchased at Normount Armament, Box 211 Gas, Forest Grove, Oregon 97116 U.S.A.:

Japanese Infantry Weapons.
German Infantry Weapons.
U.S. .30 Carbines, M1, M1A1, M2 and M3.
U.S. Garand Rifles M1, M1C, M1D.
U.S. Springfield Rifles M1903, M1903A1, M1903A3, M1903A4.
U.S. Rifle 7 .62mm M–14.
U.S. .45 Pistols and Revolvers.
Machineguns and Gunnery for Machineguns (U.S.).
Mortars and Mortar Gunnery (U.S.).
The Lewis Light Machinegun.
The Browning Hi-Power Pistols.
The Parabellum ("Luger") Pistol.
The Thompson Sub-Machineguns.
Use and Installation of Boobytraps.
Guerrilla Warfare and Special Forces Operations.
Operations Against Irregular Forces.
Guerrilla Warfare: A Method (Che Guevara) and Special War (Nguyen Van Hieu).
Leader's Guide for Operations in Southeast Asia.
Colt .223 AR–15 Semi and Fully Automatic Rifles (M–16).
U.S. Shotguns, All Types.
M1917 "Enfield" Rifle.
Ranger Training.
Evasion and Escape.
Hand to Hand Combat.
Explosives and Demolitions.

ESSAYS FROM THE MINISTER OF DEFENSE

INTRODUCTION

"Essays From the Minister of Defense" is a collection of truths, principles and beliefs practiced by the Black Panther Party. The writings come from the pen of Huey Newton, the Minister of Defense of the Black Panther Party but the spirit of the writings, the faith expressed and the undying love for black people exhibited therein comes from the souls of colonized black people. The people are the heroes.

The Black Panther Party is a vanguard party for we Africans in U.S. What we believe in is armed revolution, a permanent revolution, the creation of as many Viet Nams as are necessary to defeat U.S. racism and imperialism throughout the world. As you read "Essays From the Minister of Defense" you will begin to understand the principles for the armed revolution that is beginning in the U.S. If you carry out the principles, you will be a people's warrior, and will be bringing black people and the oppressed people everywhere closer to freedom, justice, and equality throughout the world. The Minister of Defense is currently held in Alameda County jail.

Our slogan is Huey will be set free by any means necessary and if he is not set free the sky is the limit. (George Murray, Minister of Education, Black Panther Party.)

IN DEFENSE OF SELF DEFENSE

(By Huey P. Newton)

Introduction: Huey P. Newton's column in the Black Panther newspaper was entitled "In Defense of Self Defense." The following articles by the Minister of Defense were taken from those columns.

"In Defense of Self Defense," June 20, 1967

Laws and rules have always been made to serve people. Rules of society are set up by people so that they will be able to function in a harmonious way. In other words, in order to promote the general welfare of society, rules and laws are established by men. Rules should serve men, and not men serve rules. Much of the time, the laws and rules which officials attempt to inflict upon poor people are non-functional in relation to the status of the poor in society.

These officials are blind to the fact that people should not respect rules that are not serving them. It is the duty of the poor to write and construct rules and laws that are in their better interests. This is one of the basic human rights of all men.

Before 1776, white people were colonized by the English. The English government had certain laws and rules that the colonized Americans viewed as not in their best interests but as a colonized people. At that time the English government felt that the colonized Americans had no right to establish laws to promote the general welfare of the people living here in America. The colonized American felt he had no choice but to raise the gun in defense of the welfare of the colonized people. At this time, he made certain laws insuring his protection from external and internal aggressions from governments and agencies. One such form of protection was the Declaration of Independence, which states: ". . . whenever any government becomes destructive to these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundations on such principles and organizing its powers in such forms as to them shall seem most likely to effect their safety and happiness."

Now these same colonized white people, these ex-slaves, robbers, and thieves, have denied the colonized black man the right to even speak of abolishing this oppressive system which the white colonized American created. They have carried their madness to the four corners of the earth, and now there

is universal rebellion against their continued rule and power. The Black people in America are the only people who can free the world, loosen the yoke of colonialism and destroy the war machine. As long as the wheels of the imperialistic war machine are turning there is no country that can defeat this monster of the West. But Black people can make a malfunction of this machine from within. Black people can destroy the machinery that's enslaving the world. America cannot stand to fight every Black country in the world and fight a civil war at the same time. It is militarily impossible to do both of these things at once.

The slavery of Blacks in this country provides the oil for the machinery of war that America uses to enslave the peoples of the world. Without this oil the machinery cannot function. We are the driving shaft; we are in such a strategic position in this machinery that, once we become dislocated, the functioning of the remainder of the machinery breaks down.

Penned up in the ghettos of America, surrounded by his factories and all the physical components of his economic system, we have been made into "the wretched of the earth," who are relegated to the position of spectators while the white racists run their international con game on the suffering peoples. We have been brainwashed to believe that we are powerless and that there is nothing we can do for ourselves to bring about a speedy liberation for our people. We have been taught that we must please our oppressors, that we are only ten per cent of the population, and therefore, we must confine our tactics to categories calculated not to disturb the sleep of our tormentors.

The power structure inflicts pain and brutality upon the peoples and then provides controlled outlets for the pain in ways least likely to upset them or interfere with the process of exploitation. The people must repudiate the channels established as tricks and deceitful snares by the exploiting oppressors. The people must oppose everything the oppressor supports and support everything that he opposes. If Black people go about their struggle for liberation in the way that the oppressor dictates and sponsors, then we will have degenerated to the level of grovelling flunkies for the oppressor himself. When the oppressor makes a vicious attack against freedom fighters because of the way that such freedom fighters choose to go about their liberation, then we know we are moving in the direction of our liberation. The racist dog oppressors have no rights which oppressed Black people are bound to respect. As long as the racist dogs pollute the earth with the evil of their actions, they do not deserve any respect at all, and the rules of their game, written in the people's blood, are beneath contempt.

The oppressor must be harassed until his doom. He must have no peace by day or by night. The slaves have always outnumbered the slavemasters. The power of the oppressor rests upon the submission of the people. When Black people really unite and rise up in all their splendid millions, they will have the strength to smash injustice. We do not understand the power in our numbers. We are millions and millions of Black people scattered across the continent and throughout the Western hemisphere. There are more Black people in America than the total population of many countries that now enjoy full membership in the United Nations. They have power and their power is based primarily on the fact that they are organized and united with each other. They are recognized by the powers of the world.

We, with all our numbers, are recognized by no one. In fact, we do not even recognize our own selves. We are unaware of the potential power latent in our numbers. In 1967, in the midst of a hostile racist nation whose hidden racism is rising to the surface at a phenomenal speed, we are still so blind to our critical fight for our very survival that we are continuing to function in petty, futile ways. Divided, confused, fighting among ourselves, we are still in the elementary stage of throwing rocks, sticks, empty wine bottles and beer cans at racist cops who lie in wait for a chance to murder unarmed Black people. The racist cops have worked out a system for suppressing these spontaneous rebellions that flare up from the anger, frustration, and desperation of the masses of Black people. We can no longer afford the dubious luxury of the terrible casualties wantonly inflicted upon us by the cops during these spontaneous rebellions.

Black people must now move, from the grassroots up through the perfumed circles of the Black bourgeoisie, to seize by any means necessary a proportionate share of the power vested and collected in the structure of America. We must organize and unite to combat by long resistance the brutal force used against us daily. The power structure depends upon the use of force within retaliation. This is why they have made it a felony to teach guerrilla warfare. This is why they want the people unarmed.

The racist dog oppressor fears the armed people; they fear most of all Black people armed with weapons and the ideology of the Black Panther Party For Self Defense. An unarmed people are slaves or are subject to slavery at any given moment. If a government is not afraid of the people it will arm the people from foreign aggression. Black people are held captive in the midst of their oppressors. There is a world of difference between thirty million unarmed, submissive Black people and thirty million Black people armed with freedom and defense guns and the strategic methods of liberation.

When a mechanic wants to fix a broken-down car engine, he must have the necessary tools to do the job. When the people move for liberation, they must have the basic tool of liberation: the gun. Only with the power of the gun can the Black masses halt the terror and brutality perpetuated against them by the armed racist power structure; and in one sense only by the power of the gun can the whole world be transformed into the earthly paradise dreamed of by the people from time immemorial. One successful practitioner of the art and science of national liberation and self-defense, Brother Mao Tse-tung, put it this way: "We are advocates of the abolition of war, we do not want war; but war can only be abolished through war, and in order to get rid of the gun it is necessary to take up the gun."

The blood, sweat, tears and suffering of Black people are the foundations of the wealth and power of the United States of America. We were forced to build America, and if forced to, we will tear it down. The immediate result of this destruction will be suffering and bloodshed. But the end result will be the perpetual peace for all mankind.

"In Defense of Self-Defense," July 3, 1967

Historically, the power structure has demanded that Black leaders cater to their desires and to the ends of the imperialistic racism of the oppressor. The power structure has endorsed those Black leaders who have reduced themselves to nothing more than apologizing parrots. They have divided the so-called black leaders within the political arena. The oppressors sponsor radio programs, give space in their racist newspapers, and have shown them the luxury enjoyed only by the oppressor. The Black leaders serve the oppressor by purposely keeping the people submissive and passive—non-violent. At any moment that these so-called Black leaders respond to the cries of the suffering and downtrodden, unemployed and welfare recipients who hunger for liberation by any means necessary.

Historically, there have been a few Black men who have rejected the handouts of the oppressor and who have refused to spread the oppressor's treacherous principles of deceit, gradual indoctrination and brainwashing, and who have refused to indulge in the criminal activity of teaching submission, fear, and love for an enemy who hates the very color black and is determined to commit genocide on an international scale.

There has always existed in the Black colony of Afro-America a fundamental difference over which tactics from the broad spectrum of alternatives Black people should employ in their struggle for national liberation.

One side of this difference contends that Black people are in the peculiar position where, in order to gain acceptance into the "mainstream" of American life, they must employ no tactic that will anger the oppressor whites. This view holds that Black people constitute a hopeless minority and that salvation for Black people lies in developing brotherly relations. There are certain tactics that are taboo. Violence against the oppressor must be avoided at all costs, because the oppressor will retaliate with superior violence. So Black people may protest, but not protect. They can complain, but not cut and shoot. In short, Black people must at all costs remain non-violent.

On the other side of the difference, we find that the point of departure is the principle that the oppressor has no rights that the oppressed is bound to respect. Kill the slavemaster, destroy him utterly, move against him with implacable fortitude. Break his oppressive power by any means necessary. Men who have stood before the Black masses and recommended this response to the oppression have been held in fear by the oppressor. The Blacks in the colony who were wed to the non-violent alternative could not relate to the advocates of implacable opposition to the oppressor. Because the oppressor always prefers to deal with the less radical, i.e., less dangerous, spokesmen for his subjects. He would prefer that his subjects had no spokesmen at all, or better yet, he wishes to speak for them himself. Unable to do this practically, he does the next best thing, and endorses spokesmen who will allow him to speak through them to the masses. Paramount amongst his imperatives is to see to it that implacable spokesmen are never allowed to communicate their message to the masses. They are never allowed to communicate their message to the masses. Their oppressor will resort to any means necessary to silence the implacables.

The oppressor, the endorsed spokesmen, and the implacables form the three points of a triangle of death. The oppressor looks upon the endorsed spokesmen as a tool to use against the implacables to keep the masses passive within the acceptable limits of the tactics he is capable of containing. The endorsed spokesmen look upon the oppressor as a guardian angel who can always be depended upon to protect them from the wrath of the implacables, while he looks upon the implacables as dangerous and irresponsible madmen who, by angering the oppressor, will certainly provoke a blood bath in which they themselves might get washed away. The implacables view both the oppressors and the endorsed leaders as his deadly enemies. If anything, he has a more profound hatred for the endorsed leaders than he has for the oppressor himself, because the implacables know that they can deal with the oppressor only after they have driven the endorsed spokesmen off the scene

Historically, the endorsed spokesmen have

always held the upper hand on the implacables. In Afro-American history, there are shining brief moments when the implacables have outmaneuvered the oppressor and the endorsed spokesmen and gained the attention of the Black masses. The Black masses, recognizing the implacables in the depths of their despair, respond magnetically to the implacables and bestow a devotion and loyalty to them that frightens the oppressor and endorsed spokesmen into a panic-stricken frenzy, and they leap into a rash act—murder, imprisonment, or exile—to silence the implacables and to get their show back on the road.

The masses of Black people have always been deeply entrenched and involved in the basic necessities of life. They have not had time to abstract their situation. Abstractions come only with leisure. The people have not had the luxury of leisure. Therefore, the people have been very aware of the true definition of politics: politics are merely the desire of individuals and groups to satisfy first, their basic needs—food, shelter and clothing, and security for themselves and their loved ones. The Black leaders endorsed by the power structure have attempted to sell the people the simple-minded theory that politics is holding a political office; being able to move into a $40,000 home; being able to sit near white people in a restaurant (while in fact the Black masses have not been able to pay the rent of a $40.00 rat-infested hovel.)

The Black leaders have led the community to believe that brutality and force could be ended by subjecting the people to this very force of self-sacrificing demonstrations. The Black people realize brutality and force can only be inflicted if there is submission. The community has not responded in the past or in the present to the absurd and erroneous, deceitful tactics of so-called legitimate Black leaders. The community realizes that force and brutality can only be eliminated by counter force through self defense. Leaders who have recommended these tactics have never had the support and following of the downtrodden black masses who comprise the bulk of the community. Grassroots—the downtrodden of the Black community, even though they rejected the handpicked handkerchief heads endorsed by the power structure, the people have not had the academic or administrative knowledge to form themselves in long resistance to the brutality.

Marcus Garvey and Malcolm X were the two Black men of the twentieth century who posed an implacable challenge to both the oppressor and the endorsed spokesmen that could be dealt with in any other way than precisely the foul manner recorded by history. Malcolm in our time, stood on the threshold with the oppressor and the endorsed spokesmen in a bag that they couldn't get out of. Malcolm, implacable to the ultimate degree, held out to the Black masses the historical, stupendous victory of Black collective salvation and liberation from the chains of the oppressor and the treacherous embrace of the endorsed spokesmen. Only with the gun were the black masses denied this victory. But they learned from Malcolm that with the gun, they can recapture their dreams and bring them into reality.

The heirs of Malcolm now stand millions strong on their corner of the triangle, facing the racist dog oppressor and the soulless endorsed spokesmen. The heirs of Malcolm have picked up the gun and, taking first things first, are moving to expose the endorsed spokesmen for the Black masses to see them for what they are and always have been. The choice offered by the heirs of Malcolm to the endorsed spokesmen is to repudiate the oppressor and to crawl back to their people and earn a speedy reprieve or face a merciless, speedy and most timely execution for treason and being too wrong for too long.

"In Defense of Self Defense: The Correct Handling of a Revolution," July 20, 1967

Most human behavior is learned behavior. Most things the human being learns are gained through an indirect relationship to the object. Humans do not act from instinct as lower animals do. Those things learned indirectly many times stimulate very effective responses to what might be later a direct experience. At this time the black masses are handling the resistance incorrectly. The brothers in East Oakland learned from Watts a means of resistance fighting by amassing the people in the streets, throwing bricks and molotov cocktails to destroy property and create disruption. The brothers and sisters in the streets were herded into a small area by the gestapo police and immediately contained by the brutal violence of the oppressor's storm troops. This manner of resistance is sporadic, short-lived, and costly in violence against the people. This method has been transmitted to all the ghettos of the black nation across the country. The first man who threw a molotov cocktail is not personally known by the masses, but yet the action was respected and followed by the people.

The Vanguard Party must provide leadership for the people. It must teach the correct strategic methods of prolonged resistance through literature and activities. If the activities of the party are respected by the people, the people will follow the example. This is the primary job of the party. This knowledge will probably be gained second-hand by the masses just as the above mentioned was gained indirectly. When the people learn that it is no longer advantageous for them to resist by going into the streets in large numbers, and when they see the advantage in the activities of the guerrilla warfare method, they will quickly follow this example.

But first, they must respect the party which is transmitting this message. When the Vanguard group destroys the machinery of the oppressor by dealing with him in small groups of three and four, and then escapes the might of the oppressor, the masses will be overjoyed and will adhere to this correct strategy. When the masses hear that a gestapo policeman has been executed while sipping coffee at a counter, and the revolutionary executioners fled without being traced, the masses will see the validity of this type of approach to resistance. It is not necessary to organize thirty million Black people in primary groups of two's and three's but it is important for the party to show the people how to go about revolution. During slavery, in which no vanguard party existed and forms of communications were severely restricted and insufficient, many slave revolts occurred.

There are basically three ways one can learn: through study, through observation, and through actual experience. The black community is basically composed of activists. The community learns through activity, either through observation of or participation in the activity. To study and learn is good but the actual experience is the best means of learning. The party must engage in activities that will teach the people. The black community is basically not a reading community. Therefore it is very significant that the vanguard group first be activists. Without this knowledge of the black community, one could not gain the fundamental knowledge of the black revolution in racist America.

The main function of the party is to awaken the people and to teach them the strategic method of resisting the power structure, which is prepared not only to combat the resistance of the people with massive brutality, but to totally annihilate the black community, the black population.

If it is learned by the power structures that black people have "x" amount of guns in their possession, this will not stimulate the power structure to prepare itself with guns, because it is already more than prepared.

The end result of this education will be positive for Black people in their resistance and negative for the power structure in its oppression, because the party always exemplifies revolutionary defiance. If the party is not going to make the people aware of the tools of liberation and the strategic method that is to be used, there will be no means by which the people will be mobilized properly.

The relationship between the vanguard party and the masses is a secondary relationship. The relationship between the members of the vanguard party is a primary relationship It is important that the members of the vanguard group maintain a face-to-face relationship with each other. This is important if the party machinery is to be effective. It is impossible to put togther functional party machinery or programs without this direct relationship. The members of the vanguard group should be tested revolutionaries. This will minimize the danger of Uncle Tom informers and opportunists.

The main purpose of vanguard group should be to raise the consciousness of the masses through educational programs and certain physical activities the party will participate in. The sleeping masses must be bombarded with the correct approach to struggle through the activities of the vanguard party. Therefore, the masses must know that the party exists. The party must use all means available to get this information across to the masses. If the masses do not have knowledge of the party, it will be impossible for the masses to follow the program of the party.

The vanguard party is never underground in the beginning of its existence, because this would limit its effectivness and educational processes. How can you teach people if the people do not know and respect you? The party must exist above ground as long as the dog power structure will allow, and hopefully when the party is forced to go underground the message of the party will already have been put across to the people. The vanguard party's activities on the surface will necessarily be short-lived.

This is why it is so important that the party make a tremendous impact upon the people before it is driven into secrecy.

At this time, the people know the party exists, and they will seek out further information on the activities of this underground party.

Many would-be revolutionaries work under the fallacious illusion that the vanguard party is to be a secret organization that the power structure knows nothing about, and the masses know nothing about, except for occasional letters that come to their homes by night. Underground parties cannot distribute leaflets announcing an underground meeting. These are contradictions and inconsistencies of the so-called revolutionaries. The so-called revolutionaries are in fact afraid of the very danger that they are advocating for the people. These so-called revolutionaries want the people to say what they themselves are afraid to say, and the people to do what they themselves are afraid to do. This makes the so-called revolutionary a coward and a hypocrite.

If these imposters would investigate the history of revolution, they would see that the vanguard group always starts out above ground and is later driven underground by the aggressor. The Cuban Revolution exemplifies this fact; when Fidel Castro started to resist the butcher Batista and the American running dogs, he started by speaking on the campus of the University of Havana in public. He was later driven to the hills. His impact upon the dispossessed people of Cuba was very great and received with much re-

spect. When he went into secrecy, Cuban people searched him out. People went to the hills to find him and his band of twelve. Castro handled the revolutionary struggle correctly. If the Chinese Revolution is investigated, it will be seen that the Communist Party was quite on the surface so that they would be able to muster support from the masses. There are many areas one can read about to learn the correct approach, such as the revolution in Kenya, the Algerian Revolution, Fanon's The Wretched of the Earth, the Russian Revolution, the works of Chairman Mao Tse-tung, and a host of others.

A revolutionary must realize that if he is sincere, death is imminent due to the fact that the things he is saying and doing are extremely dangerous. Without this realization, it is impossible to proceed as a revolutionary. The masses are constantly looking for a guide, a Messiah, to liberate them from the hands of the oppressor. The vanguard party must exemplify the characteristics of worthy leadership. Millions and millions of oppressed people might not know members of the vanguard party personally or directly, but they will gain through an indirect acquaintance the proper strategy for liberation via the mass media and the physical activities of the party. It is of prime importance that the vanguard party develop a political organ, such as a newspaper produced by the party, as well as employ strategically revolutionary art and destruction of the oppressor's machinery. For example, Watts. The economy and property of the oppressor was destroyed to such an extent that no matter how the oppressor tried to whitewash the activities of the black brothers, the real nature and the real cause of the activity was communicated to every black community. For further example, no matter how the oppressor tries to distort and confuse the message of Brother Stokely Carmichael, Black people all over the country understand it perfectly and welcome it.

The Black Panther Party for Self Defense teaches that in the final analysis, the amount of guns and defense weapons, such as hand grenades, bazookas, and other necessary equipment, will be supplied by taking these weapons from the power structure, as exemplified by the Viet Cong. Therefore, the greater the military preparation on the part of the oppressor, the greater is the availability of weapons for the black community. It is believed by some hypocrites that when the people are taught by the vanguard group to prepare for resistance, this only brings the man down on them with increasing violence and brutality; but the fact of the matter is that when the man becomes more oppressive, this only heightens the revolutionary fervor. The people never make revolution. The oppressors by their brutal actions cause the resistance by the people. The vanguard party only teaches the correct methods of resistance. So, if things can get worse for oppressed people, then they will feel no need for revolution or resistance. The complaint of the hypocrites that the Black Panther Part for Self Defense is exposing the people to deeper suffering is an incorrect observation. People have proved that they will not tolerate any more oppression by the racist dog police through their rebellions in the balck communities across the country. The people are looking now for guidance to extend and strengthen their resistance struggle.

FEAR AND DOUBT

(By Huey P. Newton, May 15, 1967)

The lower socio-economic Black male is a man of confusion. He faces a hostile environment and is not sure that it is not his own sins that have attracted the hostilities of society. All his life he has been taught (explicitly and implicitly) that he is an inferior approximation of humanity. As a man, he finds himself void of those things that bring respect and a feeling of worthiness. He looks around for something to blame for his situation, but because he is not sophisticated regarding the socio-economic milieu and because of negativistic parental and institutional teachings, he ultimately blames himself.

When he was a child, his parents told him that they were not affluent because "we didn't have the opportunity to become educated," or "we did not take advantage of the educational opportunities that were offered to us." They tell their children that things will be different for them if they are educated and skilled, but that there is absolutely nothing other than this occasional warning (and often not even this) to stimulate education. Black people are great worshippers of education, even the lower socio-economic Black person, but at the same time, they are afraid of exposing themselves to it. They are afraid because they are vulnerable to having their fears verified; perhaps they will find that they can't compete with white students. The Black person tells himself that he could have done much more if he had really wanted to. The fact is, of course, that the assumed educational opportunities were never available to the lower socio-economic Black person due to the unique position assigned him in life.

It is a two-headed monster that haunts this man. First, his attitude is that he lacks innate ability to cope with the socio-economic problems confronting him, and second, he tells himself that he has the ability but he simply has not felt strongly enough to try to acquire the skills needed to manipulate his environment. In a desperate effort to assume self-respect, he rationalizes that he is lethargic; in this way, he denies a possible lack of innate ability. If he openly attempts to discover his abilities, he and others may see him for what he is—or is not, and this is the real fear. He then withdraws into the world of the invisible, but not without a struggle. He may attempt to make himself visible by processing his hair, acquiring a "boss mop", or driving a long car, even though he can't afford it. He may father several illegitimate children by several different women in order to display his masculinity. But in the end, he realizes that he is ineffectual in his efforts.

Society responds to him as a thing, a beast, a non-entity, something to be ignored or stepped on. He is asked to respect laws that do not respect him. He is asked to digest a code of ethics that acts upon him but not for him. He is confused and in a constant state of rage, of shame and doubt. This psychological set permeates all his interpersonal relationships. It determines his view of the social system. His psychological development has been prematurely arrested. This doubt begins at a very early age and continues through his life. The parents pass it on to the child and the social system reinforces the fear, the shame, and the doubt. In the third or fourth grade, he may find that he shares the classroom with white students, but when the class is engaged in reading exercises, all the Black students find themselves in a group at a table reserved for slow readers. This may be quite an innocent effort on the part of the school system. The teacher may not realize that the Black students feared (in fact, feel certain) that Black means dumb and white means smart. The children do not realize that the head start the children got at home is what accounts for the situation. It is generally accepted that the child is the father of the man; this holds true for the lower socio-economic Black people.

With whom, with what can he, a man, identify? As a child he had no permanent male figure with whom to identify; as a man, he sees nothing in society with which he can identify as an extension of himself. His life is built on mistrust, shame, doubt, guilt, inferiority, role confusion, isolation and despair. He feels that he is something less than a man, and it is evident in his conversation: "the white man is 'The Man', he got everything, and he knows everything, and a nigger ain't nothing." In a society where a man is valued according to occupation and material possessions, he is without possessions. He is unskilled and more often than not, either marginally employed or unemployed. Often his wife (who is able to secure a job as a maid cleaning for white people) is the breadwinner. He is, therefore, viewed as quite worthless by his wife and children. He is ineffectual both in and out of the home. He cannot provide for or protect his family. He is invisible, a non-entity Society will not acknowledge him as a man. He is a consumer and not a producer. He is dependent upon the white man ('The Man') to feed his family, to give him a job, educate his children, serve as the model that he tries to emulate. He is dependent and he hates 'The Man' and he hates himself. Who is he? Is he a very old adolescent or is he the slave he used to be?

What did he do to be so Black and blue?

EXECUTIVE MANDATE NO. 1: STATEMENT BY THE MINISTER OF DEFENSE

(Delivered May 2, 1967, at Sacramento, California, State Capitol Building.)

The Black Panther Party for Self Defense calls upon the American people in general and the Black people in particular to take careful note of the racist California Legislature which is now considering legislation aimed at keeping the Black people disarmed and powerless at the very same time that racist police agencies throughout the country are intensifying the terror, brutality, murder and repression of Black people.

At the same time that the American government is waging a racist war of genocide in Vietnam, the concentration camps (see "Concentration Camps U.S.A." by Charles R. Allen, Jr., and "American Concentration Camps" by Boswell) in which Japanese Americans were interned during World War II are being renovated and expanded. Since America has historically reserved the most barbaric treatment for non-white people, we are forced to conclude that these concentration camps are being prepared for Black people who are determined to gain their freedom by any means necessary. The enslavement of Black people from the very beginning of this country, the genocide practiced on the American Indians and the confining of the survivors on reservations, the savage lynching of thousands of Black men and women, the dropping of atomic bombs on Hiroshima and Nagasaki, and now the cowardly massacre in Vietnam, all testify to the fact that towards people of color the racist power structure of America has but one policy: repression, genocide, terror, and the big stick.

Black people have begged, prayed, petitioned, demonstrated and everything else to get the racist power structure of America to right the wrongs which have historically been perpetrated against Black people. All of these efforts have been answered by more repression, deceit, and hypocrisy. As the aggression of the racist American government escalates in Vietnam, the police agencies of America escalate the repression of Black people throughout the ghettos of America. Vicious police dogs, cattle prods and increased patrols have become familiar sights in black communities. City Hall turns a deaf ear to the pleas of Black people for relief from this increasing terror.

The Black Panther Party for Self Defense believes that the time has come for Black people to arm themselves against this terror before it is too late. The pending Mulford Act brings the hour of doom one step nearer. A people who have suffered so much for so long at the hands of a racist society, must draw the line somewhere. We believe that the

Black communities of America must rise up as one man to halt the progression of a trend that leds inevitably to their total destruction. (Huey P. Newton, Minister of Defense.)

EXECUTIVE MANDATE NO. 2: STATEMENT OF THE MINISTER OF DEFENSE

(Delivered June 29, 1967.)

So Let This Be Heard. . . Brother Stokely Carmichael:

Because you have distinguished yourself in the struggle for the total liberation of Black people from oppression in racist white America;

Because you have acted courageously and shown great fortitude under the most adverse circumstances;

Because you have proven yourself as a true revolutionary guided by a great feeling of love for our people;

Because you have set such a fine example, in the tradition of Brother Malcolm for dedicating your entire life to the struggle of Black Liberation, inspiring our youth and providing a model for others to emulate;

Because you have refused to serve in the oppressor's racist mercenary, aggressive war machine, showing that you know who your true friends and enemies are;

Because of your new endeavor to organize and liberate the Crown Colony of Washington, D.C., you will inevitably be forced to confront, deal with, and conquer the racist Washington Police Department which functions as the protector of the racist dog power structure, occupying the Black Community in the same manner and for the same reasons that the racist U.S. Armed Forces occupy South Vietnam;

You are hereby drafted into the Black Panther Party for Self Defense, invested with the rank of Field Marshal, delegated the following authority, power, and responsibility: To establish revolutionary law, order and justice in the territory lying between the Continental Divide East to the Atlantic Ocean; North of the Mason-Dixon Line to the Canadian Border; South of the Mason-Dixon Line to the Gulf of Mexico. . . . So Let It Be Done. (Huey P. Newton, Minister of Defense, June 29, 1967.)

EXECUTIVE MANDATE NO. 3: STATEMENT OF THE MINISTER OF DEFENSE

(Delivered on March 1, 1968.)

So Let This Be Heard: Because of the St. Valentine Day massacre of February 14, 1929, in which outlaws donned the uniforms of Policemen, posed as such, and thereby gained entrance to locked doors controlled by rival outlaws with whom they were contending for control of the bootlegging industry in Chicago; and because these gangsters, gaining entry through their disguise as Policemen, proceeded to exterminate their rivals with machinegun fire, we believe that prudence would dictate that one should be alert when opening one's door to strangers, late at night, in the wee hours of the morning—even when these strangers wear the uniform of policemen. History teaches us that the man in the uniform may or may not be a policeman authorized to enter the homes of the people, and

Taking notice of the fact that (1) on January 16, 1968, at 3:30 A.M., members of the San Francisco Police Department kicked down the door and made an illegal entry, and search of the home of Eldridge Cleaver, Minister of Information. These Pigs had no search warrant, no arrest warrant, and were therefore not authorized to enter. They were not invited in. Permission for them to enter was explicitly denied by the Minister of Information. Present were Sister Kathleen Cleaver, our Communications Secretary and wife to our Minister of Information, and Brother Emory Douglas, our Revolutionary Artist.

Taking further notice of the fact that (2) on February 25, 1968, several uniformed gestapos of the Berkeley Pig Department, accompanied by several other white men in plainclothes, bearing an assortment of shotguns, rifles, and service revolvers, made a forceful, unlawful entry and search of the home of Bobby Seale, Chairman of our Party, and his wife, Sister Artie Seale. These Pigs had no warrant either to search or to arrest. When asked by Chairman Bobby to produce a warrant, they arrogantly stated that they did not need one. They had no authority to enter—what they did have was the power of the gun. Thus we are confronted with a critical situation. Our organization has received serious threats from certain racist elements of White America, including the Oakland, Berkeley, and San Francisco Pig Departments. Threats to take our lives, to exterminate us. We cannot determine when any of these elements, or a combination of them, may move to implement these threats. We must be alert to the danger at all times. We will not fall victim to a St. Valentine's Massacre. Therefore, those who approach our doors in the manner of outlaws, who seek to enter our homes illegally, unlawfully and in a rowdy fashion, those who kick our doors down with no authority and seek to ransack our homes in violation of our HUMAN RIGHTS, will henceforth be treated as outlaws, as gangsters, as evildoers. We have no way of determining that a man in a uniform involved in a forced outlaw entry into our home is in fact a Guardian of the Law. He is acting like a lawbreaker and we must make an appropriate response.

We draw the line at the threshold of our doors. It is therefore mandated as a general order to all members of the Black Panther Party for Self Defense that all members must acquire the technical equipment to defend their homes and their dependents and shall do so. Any member of the Party having such technical equipment who fails to defend his threshold shall be expelled from the Party for Life. . . . So Let This Be Done.—Huey P. Newton, Minister of Defense, March 1, 1968.

— —

Black Panther Party Nat'l Headquarters, 3106 Shattuck Avenue, Berkeley, Ca. 94705.

FOR CONTINUOUS ACTION TOWARDS WORLD PEACE

Black people should strongly support the demand for immediate withdrawal of all United States troops from Vietnam and should support the Moratorium actions, but Black people should understand that there is no unity of will between Black people and the leadership of the New Mobilization because the New Mobilization has either failed to see or does not want to see the importance of Black Peoples' just struggle or its direct relationship with the struggles of the Vietnamese people. We Black people clearly understand that the best "care package" that we can send to the Vietnamese people is our continued and intensified resistance to fascist repression from the same enemy here in America.

We demand: That the peace movement, and in particular the New Mobilization Committee select one or two of it's responsible representatives to take the place of Rene Davis and Dave Dellinger, who are prohibited by the fascist U.S. Power Structure from taking an active part in the exchange of Political Prisoners, Huey Newton and Bobby Seale for American prisoners of war now being held in Vietnam. The Vietnamese people are ready to deal. All we need are trustworthy people. The selected representatives will proceed to Hanoi where negotiations would be carried out under the supervision of our Minister of Information, Eldridge Cleaver, to insure that the proceedings would be agreeable to the progressive factors, both Black and White of the American Society.

That a massive international action be held to protest the Sato-Nixon meeting to soldify Japan's role as a springboard for further imperialistic aggression on the Continent of Asia and in particular in Vietnam, Laos, and Korea. CP USA and the New Mobilization Committee and other progressive forces contact the CP and other fraternal anti-war organizations in Japan to plan a series of simultaneous international demonstrations for this purpose.

That the CP USA address themselves to enlisting massive active support from the Soviet Union for the Vietnamese People in particular and the National Liberation struggles of the World in general. This must also include active and meaningful support for the liberation struggle of Black people in America.

For further information contact National Headquarters or: Black Panther Party, 113 W. 30th. St., Indianapolis, Ind.

THE COOPER-CHURCH AMENDMENT AGAINST AID TO CAMBODIA

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. SCHMITZ. Mr. Speaker, on June 30, after 7 long weeks of debate, the U.S. Senate passed the Cooper-Church amendment to the Foreign Military Sales Act, barring further action by our Government, under present law, to aid in the defense of Cambodia directly or indirectly.

This measure then came to the floor of the House of Representatives on July 9 where it was rejected, after considerable parliamentary maneuvering, by a vote of 237 to 153. My vote was cast against it.

The Cooper-Church amendment has been widely publicized as a means of getting American ground troops out of Cambodia. But President Nixon, keeping his promise to the American people, had already withdrawn all American ground forces from Cambodia before either the Senate or the House voted on this measure. Its really significant provision went comparatively unnoticed:

a prohibition on spending any U.S. funds for the purpose of entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces.

This would apply not only to American troops or military instructors—covered by a preceding section of the amendment—but to any country, receiving American military aid, which might use any part of such aid to help defend Cambodia. Countries such as Thailand and South Vietnam itself, whose security is intimately involved with the defense of Cambodia, would jeopardize all their military aid from the United States if they made any move to help Cambodia, should this measure become law. This is directly contrary to the fundamental objective of President Nixon's program of disengaging American forces from Southeast Asia while encouraging the threatened nations there to defend themselves.

Since it seems clear that Cambodia is unable to defend herself now without some outside assistance, adoption of the Cooper-Church amendment would virtually assure the immediate handing over of Cambodia to the Communists or, at the very least, the prompt return of the procommunist Sihanouk government. This would reopen the port of Sihanoukville, which for the past 3 years has been a major source of resupply for North Vietnamese troops.

The strategic importance of Sihanoukville is tremendous. Over a year ago it assumed the primary position as port of entry for war materials in support of North Vietnamese forces in South Vietnam. A report presented July 6 to the House Select Committee on United States Involvement in Southeast Asia, supported by reliable evidence from the combat zone, shows that about 85 percent of all the military supplies the Communist enemy was receiving in the southern part of South Vietnam came through Sihanoukville, until its use against us was ended by the new Lonnol government in Cambodia.

It is true that we should not permanently commit American ground troops in Cambodia. But there is no justification for congressional action to ban all military aid to Cambodia from any source, leaving its people to become helpless victims of the massacres which have accompanied every Communist conquest. All aside from the necessity of protecting our own troops by preventing the resupply of their combat foes through Cambodia, such abandonment of a whole people would be profoundly immoral.

The words of Douglas Pike, in his recent study entitled "The Viet Cong Strategy of Terror" and circulated by the U.S. Information Agency, on the fate South Vietnam would suffer in a Communist conquest apply equally well to Cambodia:

The meaning of the Hue Massacre seems clear. If the communists win decisively in South Vietnam (and the key word is decisively), what is the prospect? First, all foreigners would be cleared out of the South, especially the hundreds of foreign newsmen who are in and out of Saigon. A curtain of ignorance would descend. Then would begin the night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled. All political opposition, actual or potential, would be systematically eliminated . . .

But little of this would be known abroad. The communists in Vietnam would create a silence.

The world would call it peace.

1970 CONGRESSIONAL QUESTIONNAIRE TABULATED

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. WYATT. Mr. Speaker, my 1970 congressional questionnaire has been tabulated and I would like to share the findings with my colleagues in the Congress.

I mailed out over 200,000 questionnaires to residents of my First Congressional District, and received back some 36,000 for a 17.8-percent response—the best I have ever had.

Mr. Speaker, the views that my constituents express are of vital importance to me. I am grateful to all those who took the time to return their questionnaire, and I am particularly pleased that so many wrote additional comments and letters:

[In percent]

	Yes	No	No opinion
1. Do you approve of the way the Nixon administration is handling the conduct of the Vietnam war?	60.1	34.0	3.1
2. Should the President order an immediate and unconditional withdrawal of U.S. forces from Southeast Asia?	24.3	70.1	3.0
3. The United States has never established diplomatic relations with Red China. Do you favor softening of the U.S. position and talks leading to possible diplomatic recognition of mainland China?	49.0	39.4	8.3
4. Do you favor the limited ABM system recommended by President Nixon?	44.0	31.5	18.8
5. Foreign aid:			
(a) Should the United States continue to extend military aid to other nations?	34.0	54.9	4.7
(b) Should the United States continue to extend economic aid to other nations?	56.8	31.6	4.3
6. When the Vietnam conflict is resolved, would you favor abolishing the present draft system for an all-volunteer Army?	55.8	36.1	5.1
7. Do you support President Nixon's action in closing the U.S. Consulate in Rhodesia?	33.3	24.6	38.1
8. To get families off welfare, President Nixon has proposed a work incentive and job training program while guaranteeing a basic level of financial assistance. Do you favor this alternative to the present welfare system?	79.6	11.1	5.6

9. What, in your opinion, are the top domestic issues confronting the United States today?

1. Inflation	36.7	5. Drug abuse	4.8
2. Law and order	28.4	6. Civil rights	4.3
3. Environment	9.0	7. Housing	1.6
4. Campus disorders	8.6	8. Other	4.2

	Yes	No	No opinion
10. Should Congress place a ceiling on the total amount any 1 person may receive under the Federal farm subsidy program?	83.8	5.1	8.8
11. Do you favor the President's proposal for automatic cost-of-living adjustments in social security benefit payments?	79.0	12.5	5.6
12. Would you favor passage of a constitutional amendment by the Congress to permit voluntary nondenominational prayer in public schools?	77.2	14.9	6.3
13. Do you favor the proposal before Congress amending the Constitution to lower the voting age to 18?	27.6	69.0	1.8

14. President Nixon and Vice President Agnew—How would you rate their performance in office:

President Nixon:		Vice-President Agnew:	
Excellent	25.4	Excellent	27.5
Good	36.3	Good	29.2
Fair	22.1	Fair	17.8
Poor	13.7	Poor	20.7

MOTORBOAT SAFETY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. CHAMBERLAIN. Mr. Speaker, the outgoing Chief of the Office of Boating Safety, U.S. Coast Guard, Rear Adm. Joseph J. McClelland, has written an informative and timely report about the current status of recreational boating and particularly the Coast Guard's efforts to promote safety on the Nation's waterways. With more than 40 million people participating in this activity each year, I know there are many who are deeply concerned over the problems that accompany our growing boating population. I commend the article "Problems and Programs," appearing in the June 1970 issue of Coast Guard: Proceedings of the Merchant Marine Council, to the attention of my colleagues:

(By Rear Adm. Joseph J. McClelland)

PROBLEMS AND PROGRAMS

Recreational boating has been experiencing a tremendous rate of growth and has been demanding increasing time and attention from the Coast Guard. The problems of recreational boating safety are becoming of increasing importance to us, and we have given new emphasis to the development of an effective boating safety program.

It may appear that these problems have very little relationship to the shipping industry. I suggest that there are several areas of common concern. The environment is the same, and the hazards are similar; many items of marine equipment, such as lifesaving devices, are common on all types of vessels. Aids to navigation are of concern as much to the recreational boatman as they are to the ship master. The rules of the road affect all users on our waterways, and provisions affecting such items as navigation lights are of common concern.

Environmental pollution problems are very much in the forefront these days. Pollution of the oceans and inland waters from oil and vessel wastes, and from sewage disposal, is a common problem.

The Coast Guard's Merchant Marine inspection program is an intensive, extensive safety program well known to the shipping industry. It could readily be considered as a pattern for insuring the safety and reliability of recreational boats, but the standards required are of an entirely different nature, and a suitable inspection program must have a different approach. We do not intend to adopt similar procedures, and this approach may have a marked effect upon the vessel inspection program. I will cover this more specifically later.

There are other areas of common concern, but these which I have mentioned will, I hope, be sufficient to illustrate for you that this tremendously expanding recreational boating activity does relate directly to the shipping community. In addition, I am sure there are many boat owners reading this who are interested in what the Coast Guard is doing about boating safety.

STATISTICS

We estimate that there are over 8½ million recreational boats now in use, and we know that more than 300,000 new boats are being manufactured every year. More than 40 million people are estimated to go boating

every year. That amounts to one boat for approximately every 25 people in our country, and about one out of every five persons goes boating. The boating business is a $3.2 billion industry. Looking into the future, it seems certain that with increasing leisure time, with our society becoming ever more affluent, and with the areas and facilities for other types of recreation becoming more and more crowded, boating is going to continue to increase at an extravagant rate.

Inevitably, with this many boats and so many millions of people engaged in boating sports, there are going to be accidents. In 1969, 1,350 people lost their lives in boating accidents. These deaths, along with thousands of injuries and many millions of dollars' worth of damage to property, have brought the boating safety problem into the limelight and identified it as an important element of the public safety and consumer protection program.

There are a number of lesser boating problems, such as lack of uniformity in laws of States concerning numbering of boats and requirements for safety equipment. This is important for boatmen who move back and forth between jurisdictions, and the boating population is very mobile these days. This affects the manufacturers too, because it is difficult for any manufacture with extensive distribution to know precisely how he must equip a boat or design associated equipment in order to comply with the laws.

There are problems with law enforcement also. As you know, present Federal boating laws apply only upon navigable waters of the United States. We know that approximately one-third of all boating accidents occur on waters that are solely under State jurisdiction and that almost one-half of all deaths from boating accidents occur on these waters. Thus, effective State boating safety programs are essential, and unfortunately not all States do have such effective programs.

THE FOUR "E'S"

In response to these problems, the Coast Guard has developed a program which basically includes four areas of activity. These are: Education, engineering standards, law enforcement, and a sort of catch-all which I call environmental concerns. Let me briefly consider each of these in turn.

Education

Education is, in my opinion, our greatest concern and yet our greatest opportunity. It is generally concluded from accident records that human error is the principal cause of boating accidents, since the specific cause is usually difficult to identify, and after all, the boatman is the last safety check in the chain of events which culminates in an accident. This error may result from lack of knowledge, lack of competence or judgment, or perhaps lack of information. There is, of course, an extensive educational effort in being. Several States have boating safety education programs, including courses given in the schools. The Coast Guard Auxiliary, the U.S. Power Squadrons, the American Red Cross, and other organizations offer free education courses all over the country. Hundreds of thousands of boatmen take advantage of these courses every year.

The Coast Guard and several of the States carry out modest public education programs through the public information media, through training films, and through displays at boat shows. Our boating safety detachments, which are mobile safety crews with a trailerable boat, do an outstanding job of public education. The combination of all these activities makes an educational program of considerable extent. We hope to improve this effort in the future by expansion and better coordination. We rely heavily upon the Coast Guard Auxiliary, and I anticipate significant increases in the Auxiliary's education program.

Engineering standards

The purpose of a Federal boat safety standards program for recreational boats is to insure that the boat and associated equipment which reaches the consumer is reliable. Last year the Coast Guard responded to more than 31,000 calls for assistance from recreational boats. More than 48 percent of the search and rescue cases resulted from engine breakdown or boat systems failure of some nature. This would indicate that there is some room for improvement in the reliability of boats and their equipment.

The Motorboat Act of 1940 currently prescribes the Federal requirements for motorboats and equipment. The items regulated are limited to six specific items such as fire extinguishers, lifesaving devices, and navigation lights. No doubt the scope of these requirements was felt to be adequate in 1940, but the tremendous increase in recreational boating, technological changes such as the development of the inboard-outboard drive, and the use of new materials such as fiberglass in boat construction, have long ago created requirements far beyond these limited regulations. In addition, the development of factual information through collection of data in accordance with the 1958 Boating Act has helped to identify items for which regulations are needed.

Many States have developed their own safety requirements for State waters, and the boating industry has developed quite extensive voluntary standards for their own use. However, such voluntary standards do not provide the minimums needed, they are not universally accepted and followed, and there is no requirement for compliance. The Coast Guard is, therefore, now seeking new legislation which would update and expand Federal authority. It is intended to promulgate minimum safety standards required for boating safety which will be established only where there is a demonstrated need. Such standards will be reasonable, and will be expressed in terms of performance insofar as practicable.

The 1940 act places responsibility for compliance with the law solely upon the boat owner/operator. This is true even for such things as backfire flame control equipment, which is almost always sold as an integral part of the boat. Responsibility for the design and construction of a boat, and for providing the boatman with a boat and equipment which meet Federal safety standards should properly lie with the manufacturer. A single set of standards, therefore, becomes mandatory. We intend to preempt the boating standards field in order that the manufacturer may more readily comply with the regulations, and the boatman will not have to be concerned when he moves between jurisdictions.

Enforcement

The Coast Guard's law enforcement activity with respect to boating involves enforcement of the requirements for equipment and numbering, and of the rules against reckless or negligent operation of boats. We work closely with the States, and in fact have cooperative agreements with the great majority of them. These agreements generally provide for joint enforcement of the law on waters which lie within the State and yet are navigable waters of the United States. We feel that local enforcement of the law with respect to individuals is most effective, and through our proposal for a program of financial assistance we hope to encourage local law enforcement activity.

Environment

Those concerns of the boating safety program which relate directly to the environment include aids to navigation, the collection and dissemination of weather and marine information, and the efficient utilization of water areas by means of controls such as zoning. The Coast Guard is currently engaged in an extensive study of our Aids to Navigation System, and the needs of the Recreational Boatman are being kept very much in mind.

Presently the amount of weather information being disseminated to the boatman is quite considerable. Those of you who go boating in many areas know that you can tune in to current weather broadcasts many times during the day. However, some boatmen simply neglect to tune in the weather, and many small craft aren't even equipped with radios. So we face a difficult problem in attempting to warn boatmen of impending squalls or heavy weather. Inability to reach the boatman while he is boating has resulted in a number of tragedies in recent years, such as the *Coho Salmon* disaster on Lake Michigan in 1967. We are hoping that a research and development effort will develop an inexpensive device for this purpose.

I am sure that zoning is going to come into greater use as our water areas become more crowded. Of course, we already have zoning of certain types, such as for anchorage and swimming, and we have speed limits in many places. No doubt areas will be set aside for water skiing and fishing, as well as for other purposes, as demand develops.

MEETING THE CASUALTY PROBLEM

It scarcely needs to be mentioned that the accident problem in boating is entirely different in nature from that with motor vehicles. A motor vehicle accident is almost always a collision with another vehicle, or at least an impact with some object which results in death and injury. Only a small minority of boating accidents are of this nature. The greatest single cause of deaths in boating accidents is drowning from capsizings or falls overboard. Thus the hazard of boating results largely from the environment.

This emphasizes what is perhaps our number one concern, the problem of lifesaving devices. The majority of drownings occur as a result of a sudden type of casualty in which there is no opportunity or time to get or put on a lifesaving device. Possibly as many as 1,000 of the 1,260 victims that drowned in 1969 did not have time to don a lifesaving device before going overboard. It appears that the only solution is to have the lifesaving device on or in hand at all times. At the very least, devices should be worn by all occupants when boating conditions are hazardous, and by children and nonswimmers at all times.

But how can we get people to wear life jackets? Much can be done through education, and regulations can have some effect. However, we hope to make the job easier by providing the boatman with a device which he will want to wear. Research and development assistance has been available recently in our efforts to determine how changes in design will affect the performance of flotation devices. We hope to use data from this study in conjunction with wear acceptability research to help us to develop improved specifications. This could significantly reduce the number of drownings.

Another project which has been in progress for some time is the updating and unification of the inland, western rivers, and Great Lakes rules of the road into a single set of U.S. rules, patterned generally after the international rules. A bill has been introduced before the House Committee on Merchant Marine and Fisheries to accomplish this.

Each of the sets of rules we are seeking to unify are, with some changes, still quite close to their original form. There are problems involved in asking three different groups of sailors to break with 100 years of tradition. But we believe the unified package to be a much improved version of all three sets of rules.

I hope that this brief article has indicated to you the balanced nature of our Coast Guard boating safety program. We hope that it will meet the needs of boating safety within the practical limitations of funds and resources. There are, however, two points which I would like to emphasize. First, although I have been talking about the Coast Guard program of boating safety, this Federal program can by no means operate successfully on its own. Full cooperation and coordination with the States is essential, and the extensive contributions of industry and of the many fine boating organizations are of paramount importance. The cooperation of all and the dedication of our legions of boatmen to boating safety are of the greatest value.

Secondly, I want to say that foremost in every element of this program is the interest of the boating citizen. It is the Coast Guard's mission to make his boating recreation as safe as reasonably possible, and yet insure that it will always continue to be recreation.

As part of the maritime community, I hope you will give whatever support you can to this challenging program.

URBAN PROBLEMS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. CULVER. Mr. Speaker, in spite of the attention which has been focused upon them in the past several years, the cities of our Nation continue to face ever-growing difficulties.

The main problem is one of insufficient money.

Cities are caught in a vicious circle. As families and businesses move out to the suburbs, they reduce the cities' financial resources, decreasing the ability of the city government to maintain its services, and stimulating additional outward flight.

Abandoned by the affluent middle class, the cities are left with a host of problems. Decent housing is desperately needed, and the need is increasing despite the fact that many dwellings lie vacant. Without exception, however, these buildings are old and decaying, as are the streets and sewers which service them. No one wants to live in them in this condition, and those with the resources to rehabilitate them prefer to live elsewhere.

Inflation causes additional problems. The cost of providing services at last year's levels increases, but revenues fail to keep pace. Shrinking tax bases and cutbacks in State and Federal funds make it extremely difficult to meet the growing needs of the remaining population.

One of the most perceptive statements to be made recently about the condition of our cities appeared recently in the New York Times under the authorship of Jack Rosenthal. I recommend it to my colleagues and insert it in the RECORD at this time:

[From the New York Times, May 22, 1970]

URBANISTS FIND SUBURBS HOSTILE TO CITIES, PINCHED FOR MONEY

(By Jack Rosenthal)

ST. LOUIS.—A patrolman gestures at the dark, three-block corridor of small stores, cafes, and row houses. "Not even a rat," he says drily. "Abandoned."

A few minutes later, the car passes Gaslight Square, renowned not long ago for chic restaurants, cabarets, night life. One restaurant is open. But the gaslights—and everything else—are dark. Abandoned.

"You think this is bad," says a resident urbanist. "Across the river, they're saying the most booming business in East St. Louis is Bob's Board-Up Service."

Abandonment, evident in St. Louis, is increasing in older cities across the country. In New York, Philadelphia, Detroit and elsewhere, not just houses, not just blocks but even whole neighborhoods are being evacuated.

A Federal official says: "There are parts of these cities so empty they look like someone dropped nerve gas." A suburban official in St. Louis asserts: "It's not urban blight any more. It's urban leprosy."

Whatever the label, abandonment furnishes a striking illustration of two dominant urban themes evident from visits to cities across the country:

What was once a financial pinch for cities now approaches financial strangulation. Funds from almost all sources are slowing down or drying up, while increased needs and inflation are pushing costs steadily higher.

The middle class, once the strength of the city, has largely fled to the suburbs and becomes an enemy. Officials of both cities and suburbs acknowledge that suburban residents are apathetic or hostile to the problems of the working class, the old, the black, and the poor left behind.

Like abandonment, these are not new themes. What is striking about them is their increasing impact. Some authorities already foresee payless municipal paydays. Others fear an even more decisive impact: the death not merely of neighborhoods but of the city as well.

There is hyperbole in such fears, but not much, close students of the urban field say. The city will not literally die. What is dying is the general conception of the city—radiat-outward from a downtown employment and shopping hub.

KEY PROBLEM IS AGE

Shining, rebuilt downtown core areas will remain. Suburban rings, increasingly distant, will continue to flower. But the area in between is, in the eyes of the suburban middle-class, becoming a no-man's land.

It is, however, a no-man's land in which large numbers of poor and discriminated-against people must continue to live. And, increasingly, city governments are becoming financially powerless to help.

The constriction of funds available to city governments coincides with spiraling increases in two kinds of need.

Mayor Roman S. Gribbs of Detroit identifies one: "The problem with cities is that they're old." And age means costly repair and replacement of rotting sewers, deteriorating schools, and other municipal facilities.

Urban officials say age applies with equal force to private investment in the city, and is one of the reasons for abandonment.

For private owners, too, age means rising maintenance costs. Add declining rent and increasing taxes, officials say, mix in fear of crime and riot and loss of insurance, and it is no wonder that landlords and businesses decide to jump to placid suburbs.

Mayor A. J. Cervantes of St. Louis asks in frustration: "Do you know how many houses were started in the city last year? Fourteen." Fourteen hundred? "No, fourteen."

The second underlying city need is caused by the influx of rural poor. "In the last 10 years, 200,000 middle-class whites have moved out of St. Louis," Mayor Cervantes says, "and 100,000 blacks, many of them poor, have moved in. It costs us *eight times as much* to provide city services to the poor as to the middle class."

Meanwhile, where is the money to come from? Interviews with scores of city officials, civic leaders, and urban experts elicit a discouraging scorecard.

Federal aid: Sources unanimously and despairingly agree that Federal assistance is tailing off. Spending for urban renewal, summer jobs and other programs has been cut or slowed.

One Mayor has gone from despair to bitterness. "At this rate," he says, "we're all going to be like people in the Nazi concentration camps, scrambling against each other for the Federal crumbs necessary even to stay alive." He insists on anonymity in order to protect his capacity to scramble.

State aid: Mayors declare that state legislatures are unfeeling and unyielding on funds for city problems. "Reapportionment was meant to correct the rural overbalance in state legislatures," Mayor Cervantes says. "So what happened? The legislatures are now dominated by suburbia—and that's just as bad for us."

In Michigan, according to Lynn Townsend, Chrysler Corporation's president, Gov. William Milliken is alert to Detroit's problems, "but there just isn't any state money. It's not very encouraging."

City revenues: In city after city, taxes have risen to what some officials describe as near-suicidal levels. "Even if we had the authority to tax ourselves to death," Mayor Gribbs of Detroit says, "all it would do is drive more business out and further reduce our tax base."

Mayors are ironic about suburban free-loading by commuters who use city services but pay no city taxes. In St. Louis, the energetic Mayor Cervantes succeeded in establishing a 1 per cent earnings tax. "It is one salvation," he says. The tax brings in some $12-million in commuter dollars, about 10 per cent of the city's annual budget.

Foundations: "They now have pressures on their social action work because of the inhibitions in the new tax law," says Jerome Page, director of the Seattle Urban League, reflecting views expressed elsewhere. "All this at a time when organizations like the Urban League need to increase their work."

Even this fiscal scorecard understates the problem, authorities believe. Continuing inflation—for which many now blame the Nixon Administration—has eaten up available funds in increased construction and municipal borrowing costs.

"For all the talk about Government spending, what about the incredible amount of Government stealing?" asks James Ellis, a Seattle lawyer and central force in city campaigns to raise hundreds of millions for pollution control, health, and mass transit.

"Why, if we had built our mass transit system 20 years ago, we could have done it cheaper all by ourselves than we could now with 30 per cent Federal grants."

What answers are available to cities?

Some cities are seeking increased convention and tourist revenues by rebuilding downtown and creating attractions like Hemisfair in San Antonio, Century 21 in Seattle, and the St. Louis Gateway Arch Development. St. Louis officials claim a near-doubling of tourist and convention revenues.

Washington has proposed several other solutions. The most notable is the President's program for revenue-sharing—returning some Federally collected tax money to states and cities. But urban officials doubt that Congress and state legislatures will pass on meaningful amounts.

"And as for things like the Administration's voluntarism plan, or the black entrepreneurship program, they're all a cop-out for no money," says Jerome Cavanagh, former Mayor of Detroit and an outspoken Democrat. "I know it's trite to say money is the answer. I know that some academics now find it's stylish to deny that there is an urban crisis at all, let alone one that money

can solve. But once—just once—I'd like to try money."

But new public money is not coming in fast enough, and, as illustrated by abandonment, private investment is going out. St. Louis County, a separate entity girdling the city, now has nearly twice the city's population (1.1 million to 668,000), more jobs, greater retail sales, more construction.

These changes exemplify what has happened nationally. The Census Bureau estimates that since 1965 an average of 900,000 whites have moved each year from central cities to suburbs.

That white population of central cities in 1969 was estimated at 45.3 million—the same as it was in 1950. In the same period, the white population of suburban areas almost doubled, from 35 million to some 67 million.

Various urban scholars, recognizing the increasing suburban imbalance, argue that consolidated metropolitan government is the answer. It would spread out the burden of providing essential services to the poor. And would improve responsiveness and efficiency, they contend.

But there are few major metropolitan areas in which such consolidation appears even imaginable. A common suburban view is expressed by Gerald Rimmel, a St. Louis County councilman: "The people are here. The wealth is here. St. Louis has become just another neighborhood in the whole community. They're the poor cousin and we're the rich cousin and they have to accept that."

Mr. Rimmel acknowledges that relations between the city and the county "are sometimes like two hostile countries."

Suburban hositilities are mirrored in a downtown merchant's account of a telephone conversation with a suburban woman seeking air-conditioner repairs. The company could not send a man out immediately, she was told. "Well, no wonder," she responded. "All you got left down there is niggers and hippies."

A suburban lawyer says: "Yes I go downtown to see the Cardinals play, especially now that they have the freeway bypassing the, you know, bad areas."

Some in the suburbs take a longer view, recognizing that urban torments cannot be contained by the city limits. They note that decay is infectious, citing Wellston, a small municipality adjacent to St. Louis. There, 20 per cent of the homes are abandoned—and not even boarded-up.

"For years, many of our residents took the attitude that they came to escape center city problems," says Charles T. Henry, City Manager of University City, a suburb of 53,000 adjoining St. Louis. "But that's changing. A lot of people here now are asking, 'How long can we run?'"

TO MIKE BARTLEY

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. MILLER of California. Mr. Speaker, the city of Alameda, Calif., has lost a great citizen in the passing of William M. "Mike" Bartley, who died recently after a long illness.

Mike Bartley was a retired commander in the Navy who had seen very fine service and, turning to civilian life, served our city well as a member of its city council and as a public-spirited citizen. Under leave to extend my remarks, I wish to include with them an editorial which appeared in the Alameda Times-Star and pays tribute to this extraordinary person:

[From the Alameda (Calif.) Times-Star, July 18, 1970]

TO MIKE BARTLEY

Occasionally when a person is taken from a community through death, it leaves a "gap," a "hole."

This is because the decreased was imaginative, aggressive, and gave of himself-(herself) to the community, contributing as well as taking.

Such a person was William M. "Mike" Bartley whose death the Times-Star regretfully reported last week.

Those who knew him from close association, either businesswise or civically, knew him as a person of warm personality, with weaknesses as well as strengths—which after all, made him a human being.

It is for his strengths he will be remembered. And rightly.

The tributes paid him by Mayor Terry La Croix and Planning Director Don Johnson were earned. Mike Bartley was a pragmatist, he also was able to dream—or visualize, whichever you prefer.

He saw Alameda with a tremendous potential as a community for pleasant living. He realized that here as in every community a certain amount of planning is essential if the community is to maintain a balance between past, present and future. He realized that apathy, inertia, slavery to habit or self could be destructive of the common good. He knew that a collection of people (city) needs guidelines (plan) for orderly development just as individuals need a code (self-discipline, ethics) for the good life.

And so he was instrumental in bringing to Alameda a professionally-conceived general plan which was duly adopted by city government after public discussion and debate.

Mike Bartley knew, too, that that plan or any plan is useful only to the degree it is implemented. It can serve the community well, or it can be allowed to gather dust in the confines of City Hall, used only when convenient, ignored the rest of the time.

Perhaps the best tribute Alameda can pay to a man whose leadership and vision—and his courage and integrity to the ideal of "communityness"—a principle to which he was faithful though it was not popular with many of his colleagues in real estate—would be to keep the general plan viable, to make it an instrument of community betterment, to let it work for us instead of choking it out of existence by disuse.

Mike would have liked it that way.

THE CASE OF THE MISSING CHILD SUPPORT PAYMENTS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. BROWN of California. Mr. Speaker, in any discussion of welfare reforms we cannot overlook the factor of the individual's responsibility to care for himself and his family to the best of his ability.

Mrs. Jean Temple, of Northridge, Calif., has founded an organization titled the Association for Children Deprived of Support—CDS. The goal of CDS includes finding ways to aid divorced women in being assured of receiving court ordered child support payments from the children's fathers. Mrs. Temple claims that too often a welfare check has to substitute for child support that is not forthcoming, and that available enforcement procedures are extremely inadequate.

The conclusion would be, then that a large amount of welfare funds could be saved through adequate laws and enforcement on behalf of the children of the divorced.

I feel that the article below, from the Van Nuys News, July 12, 1970, contains an extremely interesting discussion of this problem.

The article follows:

GROUP FORMED TO TAP ERRANT FATHERS FOR CHILD SUPPORT

(By Ruth Croft)

A kept woman with no strings attached who jets about with the country club set and vamps other women's husbands—that's the image divorcees claim they have been given in novels, television and motion pictures and they don't like it one bit.

Despite new divorce—or dissolution of marriage—laws, Jean Temple of Northridge says that divorced women "really clean up in California."

The mother of three children suggests that these fairy tales prejudice the general public and consequently thwart efforts of a divorced woman to establish herself as a responsible individual in the community.

She also maintains the biased picture affects the attitude of attorneys and courts when a divorcee seeks their aid in obtaining enforcement of court orders and state laws regarding child support payments.

In an effort to dispel these attitudes, as well as aid women who have been unsuccessful in geting their ex-husbands to live up to financial commitments, Mrs. Temple has founded the Association for Children Deprived of Support (CDS).

Goals of the group are threefold:

To focus public attention on the failure-to-provide problem, stressing its effect on dependent children and the resulting costs forced on the taxpayer.

To demand more aggressive enforcement of current laws and court orders connected with child support payments.

To lobby for better child support legislation.

"For too many years the stock answer to our problems has been—'oh quit bothering your old man, just apply to welfare,'" Mrs. Temple told The News, adding that resorting to government handouts is degrading to mothers and children involved as well as an unnecessary added burden to the taxpayer.

It is Mrs. Temple's contention that a father first must be compelled to pay a fair share toward the support of his children, even if they are in the custody of his ex-wife.

Then if the man is unable to live on the remaining amount of his salary, it should be he who seeks public assistance.

"Once a man and his new spouse face the possibility of shopping with food stamps and having their life style inspected by social workers, it is my bet that all kinds of hidden income would come to the fore," she said suggesting that men, especially those in business for themselves, have a multitude of accounting means at their disposal to create the impression they earn minimal wages and consequently can make only token payments.

"If a man is made to realize that the children continue to be his financial responsibility, whether or not he remains married to their mother, perhaps he will not be so quick to start family after family after family," she said.

"If the current trend continues, this country has but two ways to go on the issue. We either will have our doorways cluttered with children abandoned by both parents as is the situation in many South American countries, or we will find ourselves practicing socialism where the state takes care of the kids," she said.

DENY CHARGES

Mrs. Temple maintains that the district attorney's office encourages this creeping socialism by advising women to seek welfare aid and by being lax in prosecuting errant fathers.

These charges are vigorously denied by the DA's office.

Dep. Dist. Atty. Earl Osadchey, who heads the Child Support Division, told The News it is strictly against policy to recommend the welfare route and he would welcome the name of any investigator who breaks this rule.

"One of our principal functions is to bring to court errant fathers who are not complying with court child support orders—either to recover for the county funds which have been paid to a welfare family or to have allowances remitted so a family will not be forced to resort to welfare," he said.

FILES COMPLAINT

"Admittedly one of the first questions we ask a woman seeking enforcement of court-ordered child support is whether or not she receives public assistance," Osadchey said. "But this should not be construed as a recommendation she do so.

"What we actually are trying to do is avoid duplication of work. The Dept. of Public Social Services automatically files a complaint with us 45 days after one of its recipients fails to receive a support payment," he said, adding that many women are not aware of this arrangement and proceed on their own.

If a woman and her children do receive welfare benefits, then child support payments are made through the court trustee and the funds are used to offset taxpayer's costs for welfare.

Consequently, the DA's office is obligated to press for payments in this situation and during the past three years has reimbursed the welfare fund with more than $12,000,000 it has collected, Osadchey said.

In answer to charges that his staff is disinterested in prosecuting cases, Osadchey explained that many women misunderstand the exact functions of his division.

AGREES ON POINT

"Principally, we only cite for contempt of court orders in these domestic relations cases . . . we are not authorized by Superior Court to garnishee a man's wages or seek to collect arrearages . . . we cannot represent a mother who wants the payments increased," he said.

Osadchey agrees with Mrs. Temple on the point that society in general must change its attitude toward fathers who fail to provide for their children, although each has a different approach to the problem.

"Courts treat the men as bad little boys and let them off with a hand slap and gentle tongue-lashing," Mrs. Temple said. "They are criminals and should be dealt with accordingly."

EXPRESSES VIEW

She maintains if maximum penalties were given first-time offenders, it would serve as a deterrent to those men who contemplate reneging on their responsibilities.

"But in reality, judges place the men on probation, accept partial payment of amounts due or continue cases week after week. It's discouraging and frustrating and only encourages the men to ignore their obligation," she said.

While claiming that his staff always presses for the maximum penalty, Osadchey believes the court's seemingly more lenient attitude is justified.

MAY LOSE JOB

"The maximum penalty for contempt is five days in jail on each count," he said. "If this sentence were handed down in every case, it is feasible the whole situation would worsen.

"Understandably, the man might lose his job or most certainly a week's pay and as a result there could be two families dependent on welfare, thus doubling the taxpayers' burden."

The basic problem in most child support cases is that both parties involved are sensitive and highly emotional, according to Osadchey, who says the man envisions his ex-wife squandering his contributions on herself while the woman pictures her former spouse living a swinging life at the expense of their children.

MAKES SUGGESTION

A certain amount of counseling should accompany each dissolution of marriage when children are involved, he said. These couples must be helped to rise above their bitterness and recognize their respective responsibilities.

And the woman should make every effort to be self-supporting and contribute her fair share toward the children's financial well being, he suggested.

Mrs. Temple maintains that most divorced women want to work.

TELLS EXPENSE

But after five to 10 years of being unemployed, a woman naturally reenters the job market as low man on the salary totem pole. She may be able to sustain herself, but definitely needs support money to clothe and feed her children and, most important, to pay for child care.

One CDS member told The News she had been forced to give up a clerical position with the Los Angeles Police Dept. because her former husband stopped making child support payments when he learned she was working.

"He just wouldn't believe that it took the entire $100 a month he sent me plus part of my wages to pay a sitter for our two girls while I worked," she said.

Jobs are hard to come by, according to another CDS member who spent the major part of her adult life as a homemaker.

"Employers seem to think divorced mothers always will be taking time off to care for their kids—or they anticipate we're out to find a new husband and will concentrate our energy and talents in that direction," she said.

CHAPTERS INCREASE

Others contend that property managers are prejudiced against divorcees and refuse to rent houses and apartments to them, while another woman maintains it has been impossible to get credit cards and department store charge privileges since she was divorced.

Whether CDS will be able to right all these purported wrongs remains to be seen, but the organization which started with one group here in the Valley is building steam and has grown to 10 chapters including units in Florida and Indiana.

Surprisingly, there are several intrepid men on its rosters.

For the most part these male members are carrying the financial burden of two families—their own and the children of a second wife who is receiving no child payments from her ex-husband.

GAINS ATTENTION

Others are men who claim to have experienced an unhappy childhood due to their fathers' failure to provide, while a few have joined as taxpayers interested in stopping unnecessary drains on the welfare budget.

In recent weeks the CDS group's major concern—the child support issue—has gained statewide attention.

Three bills (AB 1360, AB 2446 and SB 735), designed to strengthen procedures by which the state can more effectively locate absent fathers and collect child support money, have been introduced in the California Legislature.

VOICES CONCERN

The State Social Welfare Board also has announced it is forming a task force to initiate a major drive against the failure of absent fathers to pay child support.

Chairman Robert E. Mitchell who announced the plan said, "Although the high percentage of nonsupport cases among publicly dependent families is a matter of great concern in California, we are equally concerned about the family degeneration throughout society that finds children being victimized by irresponsibility on the part of absent fathers who simply walk away from their financial as well as moral obligations."

CDS members will be following the task force investigation with great interest.

EQUAL PAY FOR WOMEN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. GAYDOS. Mr. Speaker, recently Mrs. Lucile H. Shriver, director of the National Federation of Business and Professional Women's Clubs Inc., appear before the General Subcommittee on Labor of the House Education and Labor Committee.

Mrs. Shriver testified in support of H.R. 15971 and urged equal pay for women doing the same work as men. Her testimony included a number of facts and figures which I feel would be of interest to other Members of the House.

I am inserting Mrs. Shriver's complete testimony in the RECORD and I invite the attention of my colleagues to this informative document:

TESTIMONY PRESENTED ON THE PART OF THE NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC., BY MRS. LUCILLE H. SHRIVER, FEDERATION DIRECTOR, BEFORE THE GENERAL SUBCOMMITTEE ON LABOR OF THE HOUSE EDUCATION AND LABOR COMMITTEE, THE HONORABLE JOHN H. DENT, CHAIRMAN, JULY 9, 1970

Mr. Chairman, we are honored to be here today to testify in support of H.R. 15971.

Seven years ago one of the BPW clubs wrote the Special Subcommittee on Labor of the House Committee on Education and Labor urging passage of the Equal Pay Bill which H.R. 15971 would amend. They offered the following resolution:

A double standard of pay for men and women has long existed in industry. The Women's Bureau of the U.S. Department of Labor has recently released a new publication entitled "Economic Indicators Relating to Equal Pay," prepared in response to numerous requests for factual information about wages paid to men and women performing similiar work. This pamphlet provides an overall view of the differences in pay levels of men and women. According to the Bureau of the Census the median wage or salary income in 1960 was $3,293 for women and $5,417 for men.

They went on to say that "The members of our national, state, and local federations of Business and Professional Women's clubs feel strongly that this differential should not prevail. . . ."[1]

Today, Mr. Chairman, we find many similarities to that time and situation. Inequity in pay between the sexes continues. Again, the U.S. Department of Labor Women's Bu-

---

Footnotes at end of article.

reau has released a report, this one on the earnings gap between men and women, revealing that in 1968 the median salary for women was $4,457; for men, $7,664. In other words, in 1960 women made 60.8% of what men made; in 1968, the percentage was down to 58.2%.[2]

We are here once more to petition you regarding equal pay for equal work, this time to extend the guarantee of equal pay for equal work law passed in 1963 to cover administrative, executive, and professional positions. The Equal Pay Act of 1963 was recently described in a Federal court as a "broad charter of women's rights in the economic field."[3] We are here to petition the Congress to broaden that charter. For that purpose we appear before you today, somewhat repeating history from seven years ago.

As we look at the labor picture today we find that 43% of all women are in the labor force; that women have accounted for the largest growth percentage in that labor force since 1947. In fact the number of women in the civilian labor force increased by 75% between 1947 and 1968, while the number of men rose only 16%.[4]

Today the average woman is 11 years older (39 years of age) than she was when women got the suffrage and she is married instead of single. Women today work for the same reasons as men, whether married, single, widowed, divorced, namely to support themselves, their families and other dependents.[5]

In proportion to their increasing participation in the growth of the economy, American women are certainly not receiving a fair share of the profits thereof, quite the contrary, as the earnings gap so clearly reveals.

A comparison of the median wage or salary incomes of women and men who worked full time year round between 1955 and 1968 reveals not only that incomes of women are considerably less than those of men but also that the gap has widened in recent years. In 1955 for example, women's median wage or salary income of $2,719 was 64% of the $4,252 received by men. In 1968 women's median earnings of $4,457 was only 58% of the $7,664 received by men.

The type of occupation does not make too much difference. In 1968, this same report shows that women professional and technical workers had a median wage of $6,691 compared to $10,151 for men. Women clerical workers, sales workers, operatives, and service workers all had an income of between 55 and 65.9% of what men received in the same categories.

This is happening now, today, when more women than ever work; when women clearly work to provide an adequate standard of living for themselves, their families and their other dependents.

The radical difference in wages for men and women today is revealed also by the fact that only 8% of men full time year round workers in 1968 earned less then $3,000 while there were 20% of the women at that pay level; and that 60% of the women but only 20% of the men earned less than $5,000. At the other end of the scale, only 3% of the women but 28% of the men had earnings of $10,000 or more.[6]

Basically there are two types of discrimination in employment against women. Women are often consigned to low-paying, low-skilled jobs, different from those of men. I refer you to the Earnings Gap report for verification of this fact as well as the 1970 survey on the *Employment of Women* conducted by the American Society for Personnel Administration and The Bureau of National Affairs. Both indicate that women are placed in less challenging, less responsible and less remunerative positions on the basis of their sex. The legislation at hand today does not deal with this matter directly. However, it does deal with the other kind of discrimination in employment that women experience, namely the many examples of women doing equal work to that of men but not receiving the same pay.

Extension of the Equal Pay Act to administrative, executive, and professional positions would encompass those individuals who have the same background, experience, and education, but who make different wages. Here it is not so much a problem of different jobs, or being secretaries rather than managers, but of receiving different, i.e. less pay for equivalent work, based on sex as the determinant of that difference.

Our organization was founded in 1919 to serve the best interests of working women. We now represent 180,000 working women throughout the fifty states, the District of Columbia, Puerto Rico and the Virgin Islands.

While our membership has increased, so has the percentage of American women who now work. Working women constituted 20.4% of all workers when our organization began. Today that representation has almost doubled, it is presently 37% of the labor force.[7]

BPW began as an organization for working women urging equal pay for equal work in all jobs. One of our earliest endeavors was to secure the extension of civil service classification to more jobs with the hope that this would not only elevate the calibre of government employment but insure that employees would be chosen on the basis of qualification without consideration of sex.

During World War II American women showed their dedication, ability, versatility, and endurance as workers. The first major Equal Pay Bill was introduced at the end of that war with BPW support and we remained on the legislative front until victory in 1963. We helped form and work with the National Committee for Equal Pay and enthusiastically cooperated with other women's organizations to secure passage of that bill. I am sure that the records of the House of Representatives reflect our concern.

Thus our interest in this legislation is well established. But, when the Equal Pay Bill was finally passed, something was left out of grave importance to our members and to thousands of working women, namely coverage of administrative, executive, and professional positions.

The history of the Equal Pay Act shows that attachment of this bill to the Fair Labor Standards Act was indeed the "catalyst" that made victory possible, as Congressman Frelinghuysen of New Jersey pointed out during debate on the House floor. But, this same tactic also made equal pay coverage coextensive with minimum wage coverage. If a job is not covered under the minimum wage provision, the law then does not require equal pay standards for such a job. As a result equal pay is required for only about half of the jobs in America today, according to Mr. Robert Moran, Administrator, Wage and Hour Division of the U.S. Department of Labor.[8] This is the situation that we deplore and that we would change.

Actually the Administration-supported equal pay bills, as introduced in both Houses of the Congress in 1961 and 1963 (after the 1961 proposal failed of passage) contained no provision which would have resulted in the bills becoming a part of the Fair Labor Standards Act. There was nothing in the original Administration-supported proposals, therefore, which would have exempted executive, administrative, or professional employees from equal pay protection.

It was on the original bills that BPW and others presented their testimony in Congressional hearings in support of the 1961 bill and the 1963 measure.

Only *after* the completion of committee hearings in 1963, did the Chairmen of the Labor Subcommittees (who had held the hearings in the House and Senate) find that they did not have the votes to report out the Administration's original proposal and that the bills would die in committee.

Since there was basically little choice, i.e. the original Administration's proposals stood no chance of further consideration on the Hill, telephone calls were made to legislative representatives of the major women's groups whose members would be affected by the move to make the equal pay bill a part of the Fair Labor Standards Act (including BPW) and the situation was carefully explained to all of us. It was decided that we should take what we could get for the time being, hoping that action would later be taken on the Hill to restore the protections of the equal pay provisions of the Fair Labor Standards Act to, for example, executive, administrative, and professional employees, at the earliest possible date. It was a question of half a loaf or none. We took that half a loaf. We are now asking for the rest of that loaf.

H.R. 15971 would bring the protections of the Equal Pay Act to the executive, administrative, and professional employees who had every right to feel "betrayed" by the action taken by the Congress when the equal pay bill was made a part of the Fair Labor Standards Act in 1963.

At present Title VII, Section 703(a)(1), of the Civil Rights Act of 1964 prohibits employment discrimination in hiring, discharging, terms, conditions, or privileges of employment, including that of compensation. However, the EEOC which is burdened with administering Title VII has an overload of case work. Moreover, the EEOC has very little power, a situation we have sought to remedy by testifying in support of legislative efforts to grant the EEOC the right to issue judicially enforceable cease and desist powers, to back up its findings of discrimination based on race, color, religion, sex or national origin, which currently it does not have. The EEOC's authority is limited to conciliation efforts. If a state or local Fair Employment Practices law exists a waiting period is required. If conciliation fails, the aggrieved party must initiate and finance his/her own suit.

On the other hand, the Equal Pay Act is administered by the Wage and Hour Division of the U.S. Department of Labor. This agency is generally able to obtain compliance. If there is a refusal to comply, or deliberate violation of the law, the Secretary of Labor may obtain a court injunction to restrain continued violation or withholding of back wages legally due. The Secretary of Labor may also bring suit for the back wages upon written request of an aggrieved employee. Also important is the fact that complaints are treated in strict confidence and, unless court action is necessary, the name of the aggrieved party is not revealed, whereas under the protection of Title VII such anonymity is impossible. Indeed, the strength and effectiveness of enforcement proceedings under the Fair Labor Standards Act was one of the compelling reasons for BPW's support for attaching the Equal Pay Bill to the Fair Labor Standards Act.

Mr. Chairman, The National Federation believes that there is no more justification or reason for discrimination at the professional or administrative levels than at any other. By Executive Order and by Congressional mandate our nation is committed to equal employment opportunity for all Americans. We urgently request passage of this legislation before us to move us a step closer to that goal.

FOOTNOTES

[1] *Hearings Before the Special Subcommittee on Labor of the Committee on Education and Labor,* U.S. House of Representatives, 88th Congress, 1st session (Washington, D.C.: GPO, 1963), p. 323.

[2] *Fact Sheet on the Earnings Gap,* Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Lab (Washington, D.C.: GPO, 1970) pp. 1–2.

[3] *Shultz* v. *Wheaton Glass Company*, 421 F. 2d 259 (3rd Cir. 1970).

[4] *1969 Handbook on Women Workers*, Bulletin 294, Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor (Washington, D.C.: GPO, 1969), pp. 5, 3, 9,15.

[5] *Changing Patterns of Women's Lives*, Women's Bureau, Wage and Labor Standards Administration, U.S. Department of Labor, 1970.

[6] *Fact Sheet on the Earning Gap*, pp. 1–2.

[7] *1969 Handbook*, p. 10.

[8] Robert D. Moran, "A Rate For the Job Regardless of Sex: The Mandate of the Equal Pay Act of 1963," Speech at Equal Pay Act Briefing Conference, May 11, 1970, Washington, D.C.

ENVIRONMENTAL PROTECTION ACT OF 1970

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, in March of this year, the Environmental Protection Act, that would finally recognize the direct concern of each citizen with the environment in which he lives, was introduced by Senator HART, of Michigan, who has long been recognized as an outstanding conservationist and fighter for the protection and improvement of our environment. This bill, S. 3575, would give our citizens the right to bring suit in a court of law to protect themselves and their children from pollution. I am introducing a similar bill in the House, today, because I believe that this legislation could be the most effective weapon to date in our fight against pollution.

The past decade has seen increasing concern over the problems relating to the destruction of our environment. Congress has repeatedly responded to this problem with the enactment of such legislation as the Wild and Scenic Rivers Act, the Land and Water Conservation Act, the Water Quality Act of 1965, the Air Quality Act of 1967, and others. Yet, in spite of congressional attention to environmental problems, pollution remains a monumental threat to the health and well-being of our entire society.

The American public has repeatedly and conscientiously voiced concern over the effects of pollution in our air and waters, but the people have been denied the means to directly challenge those whose actions are most responsible for the destruction of our environment.

The Environmental Protection Act of 1970, would enable responsible citizens to become directly involved by opening up the Federal and State court system to antipollution suits by ordinary citizens against other citizens or against Government agencies. It would guarantee all citizens the right to a pollution-free environment, and would enable citizens to challenge the organization and implementation of administrative policies when they appear inadequate.

The American people have proven their concern and should be granted a direct role in the solving of our environmental problems. Our Government agencies have not done enough to deal with the threat of pollution and should be spurred to more effective action. The Environmental Protection Act of 1970 will serve both these ends and hasten the day when we can once again take pride in the natural beauty of America.

A SECOND LOOK AT CAMPUS UNREST

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. COLLIER. Mr. Speaker, today certain radicals seem to use violence as the catalystic cry of change. This cry has meant the burning of buildings and senseless destruction of property on or near the campuses of American universities and colleges.

Hundreds of thousands of words have been written about campus violence. It has been analyzed and scrutinized and investigated, but many people still wonder why it has occurred or where it will happen next. In fact, most students cannot tell me how their campuses are disrupted by a small minority of the student body. None have told me how violence has accomplished anything useful.

The sole purpose of a university is one of service to society through education. Universities are not designed to be an arena in which opposing groups do battle while carrying the standards of their political causes.

Mr. Speaker, I would like to reaffirm my conviction that universities can find their own solutions to problems existing within their faculties and student bodies. I have evidence of responsible student groups working within the university system of Illinois through letters to my office.

In the July 24 edition of the Chicago Tribune, I found an article that has reestablished my faith in the faculty and administrations of several Illinois institutions of higher learning. I would like to commend them and share this article with my colleagues:

GETTING THE CAMPUS BACK ON COURSE

There are a few encouraging signs that the nation's universities, badly shaken by the violence of recent years, may be returning to their true function—the cultivation of the mind and the advancement of knowledge. Student disruption has sought to subvert the universities by committing them to political causes thru militant and violent methods.

Robert H. Strotz, the new president of Northwestern University, has perceived this purpose in saying, "I will resist any attempts by anyone to make the institution itself an instrument for political action."

University of Illinois trustees, in reprimanding 13 faculty members who issued a manifesto last May couched in revolutionary language, warned that "any infractions . . . in the performance of university duties will receive prompt and appropriate attention by responsible administrative offices and faculty committees."

Of 15 signers of the statement, 12 were assistant professors, instructors, or graduate teaching assistants in the political science department. Banding together in what they called a Faculty for Resistance, they announced they would indoctrinate a student "resistance force" and would "orient" all their courses to "the problem of political repression and resistance to the abuses of official authority."

The trustees condemned the use of such epithets as "societal madness", "official racism" and the implication that we live under a "criminal regime" responsible for slaughter, murder, and "systematic elimination of black militants."

While the trustees have taken a form of action, the university has been more reticent. The issue of tenure and retention is certainly pertinent in cases like this, as the presence at the board meeting of a representative of the American Association of University Professors attests. This organization always closes in for the protection of its own.

It would appear that it is imperative for Illinois as well as other institutions of higher learning to adopt rational criteria in faculty appointments before they get stuck with sour apples. This is not a job for newspapers or even for university trustees. It is a job for department heads, for faculty selection committees, and for the university administration; and the renewal of contracts and the granting of tenture are part of it.

Meanwhile, a show of firmness by Delyte Morris, president of Southern Illinois University, has provoked howls of protest from two liberal state representatives and the American Civil Liberties Union. Morris held up the registration of 61 returning students because of their political activity during the recent academic term and the part played by some of them in campus disorders last May.

The university was compelled to close down for the remainder of the term after 10 days of violence, during which an R. O. T. C. building was invaded; windows were smashed and looting took place in the Carbondale business district; highways and railroad tracks were blocked; and the home of President Morris was sacked. Three students were injured in an explosion in a house where they were assembling bombs.

S. I. U. can justifiably feet that students engaged in such activities are hardly persona grata, and if there is a question of individual rights involved most taxpayers won't see it.

TRIBUTE TO IGOR I. SIKORSKY

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. WEICKER. Mr. Speaker, I would like to take the opportunity to pay tribute to a recent book written about a great American, Igor I. Sikorsky, who also happens to be a constitutent of mine. The book, "Igor Sikorsky, His Three Careers in Aviation," is an interesting and inspiring account of the life of the man who Senator Prescott Bush once called "a scientific genius and a man of deep spiritual qualities."

The author, Frank J. Delear, is a man of great literary talent who is well acquainted with his subject. Mr. Delear has served as public relations manager of the Sikorsky Aircraft Division of the United Aircraft Corp. and has been closely associated with Mr. Sikorsky since 1940. He

is a graduate of Boston College and a member of the Aviation/Space Writers Association and the American Helicopter Society. He is also the author of "The New World of Helicopters" and presently lives in Stratford, Conn., with his wife and five children.

The biography is centered around Sikorsky's three greatest achievements: the first multiengined airplane, the ocean spanning Flying Clippers of the 1930's, and the first practical helicopter. Igor Sikorsky was born in Kiev, Russia, on May 25, 1889, the youngest of five children. His father was a university professor of psychology at St. Vladimir University in Kiev. At 14 he entered the Imperial Naval College in St. Petersburg and later attended the Mechanical College of the Polytechnic Institute in Kiev. He was always fascinated with flight, and throughout his life, dreamed of bringing da Vinci's idea of a wingless aircraft to realization. He went to work on this idea directly after graduation, but after many early failures, abandoned the idea for the time being.

In 1911, after returning to fixed winged aircraft, he built the S–5, and set a new world record by carrying three men for 30 miles at seventy miles an hour. This success brought about a contract with the Russo-Baltic Railroad Car Works, which enabled Sikorsky to build the first four-motored plane in history, the Grand.

After fleeing Russia during the Revolution, Sikorsky was faced with the situation of having to start from scratch and and begin anew as an immigrant in the United States.

Beginning on Long Island, he shortly afterward moved to Bridgeport, Conn., and established the Sikorsky Aviation Corp. This led to the development of the S–29, S–38, and later the S–40, which became known as the American Clipper. This plane, with later developments became one of the first planes of commercial transoceanic aviation.

In 1937, Sikorsky started work on his original dream and life-long ambition, to build the first helicopter. On September 14, 1938, Sikorsky realized his dream and piloted the first successful wingless aircraft flight in his first helicopter, the VS–300. From this first attempt of welded pipes and other jerry-rigged parts, the helicopter became a functional machine and was used quite extensively during World War II.

However, the most stirring part of the biography is the insight into Igor Sikorsky's personality. He is portrayed as a combination of scientist and mystic who has the ability to combine the two and result in great creativity. He is a man of great religious belief and is concerned with the future of humanity.

I enthusiastically suggest this book to anyone who is interested in people who have a dream and who have the perseverance to see it through. As attested by the countless awards and tributes paid to this man, he is a credit to our community and to the Nation as a whole.

My thanks to Frank J. Delear for making this valuable literary and historical contribution.

BUS ACCIDENT WAS MANMADE TRAGEDY

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. LOWENSTEIN. Mr. Speaker, seven children are dead and 52 others were injured as a result of the tragic bus accident July 15 in Allentown, Pa., a tragedy that cannot be blamed on the caprice of fate.

The bus in which they were riding skidded off a curve where more than a dozen vehicles have crashed in the last 2 years; it had two treadless rear tires; its steering mechanism was apparently defective; and it was driven by a man whose driver's license had been suspended five times and whose traffic record constitutes a three-page dossier of nine accidents and six convictions, two for careless driving.

The last fact is simply beyond belief. What turned out to be a horrible reality would make bad fiction because nobody would believe that a man with such a driving record could plausibly find himself behind any steering wheel, much less the wheel of a bus load of children on a summer outing. The driver's heart attack and the death of his wife as he was being arraigned on Tuesday adds to the sadness and anger about this needless tragedy.

How is it that a man whose driver's license had been suspended five times and who had been in nine accidents had a license of any kind? How is it that a bus carrying 49 young day campers and their 10 adult supervisors could have two rear tires so worn that no tread was left on them as well as a faulty steering mechanism? How is it that nothing was done about a curve so deceptive that more than a dozen wrecks have occurred there in the last 2 years? And how is it that buses, particularly school buses, continue to have the most lethal interiors of any vehicles on the road today?

Some or all of those children might have been saved had they been wearing safety belts or had the interior of the bus been designed for passenger safety instead of to achieve the scrimping economies that make buses unpadded death chambers in the event of a collision. And the wreck would probably never have occurred if the bus and driver had been kept off the highway as they should have been.

Various degrees of human negligence account for each of these factors that came together in such a tragic equation.

We cannot begin to share the anguish of the parents and relatives of the dead children; but we can share the concern to see that such an absurd conjunction of human errors do not cost any more lives on the highways. And we can make sure that a thorough investigation reveals who was responsible for the administrative laxity that permitted a driver's license to be issued under the circumstances and how a bus with bald tires and defective steering was permitted to operate.

We in Congress have to look into the whole question of bus safety, about which the Federal Government has done virtually nothing. A measure of the seriousness of the bus safety problem is seen in statistics compiled by Interstate Commerce Commission inspectors showing that of the 397 buses inspected last year more than 300 had mechanical defects and 47 of these were so seriously defective that they were immediately ordered out of service.

There are over 5,000 commercial buses sanctioned by the ICC for interstate travel, and the Commission's inspection staff is so shorthanded that only 397 of these buses were inspected last year. We have to remedy that dangerous situation by providing adequate staffing for these inspection teams.

We have to come up with stiff licensing procedures and safety regulations for charter bus companies like the one involved in the Allentown crash. Millions of children are participating each summer in charter tours run by these companies. When they cross State lines they come under the jurisdiction of the ICC, but according to ICC officials most of these companies, which tend to be marginal one or two bus operations, are running charter trips without OCC authorization. A preliminary investigation of the Allentown accident showed that the bus did not even have an ICC certificate.

Besides the lack of personnel to regulate these companies and carry out inspections, there are loopholes and jurisdictional problems in the law regulating bus tours that have to be eliminated. One of these loopholes, cited in a story in Wednesday's New York Times, involves school buses, which are exempt from Bureau of Motor Carrier Safety regulations that govern bus travel on major highways even when they are being used on highways for touring purposes.

We are reminded of the overall question of school buses by the startling realization that the death toll in last week's accident would have been higher had the children been riding in a school bus, whose stripped down interior leaves steel tubing exposed on the seat frames, instead of a better cushioned touring bus. And thanks to an investigation by the Washington Post's fine reporter, Colman McCarthy, earlier this year we know something about the general shoddiness of school bus construction. Mr. McCarthy's articles prompted a General Motors recall of 4,269 school buses for possible brake defects. I am inserting these articles in the RECORD to call attention to the kind of measures we must take to insure that the buses on which we send our children to school are not death traps.

It is within our power to do these things. We cannot blame blind fate for tragedies that we ourselves could have averted. And if we do not act on the range of bus safety problems forced upon us by the needless loss of seven young lives last week, we will have squandered the chance to do the one thing that might bring some slight glimmer of light into the appalling tragedy of Allentown.

The articles follow:

BITTER TALES FROM THE GM LEMON GROVES

(By Colman McCarthy)

Last week, General Motors issued a recall of 4,269 school buses for possible brake defects. The recall followed a six-week nationwide survey by GM which was originally prompted by two articles on this page in December detailing the endless safety and mechanical breakdowns of three new GM school buses. These were owned by John Donovan, a local school teacher with an immense frustration capacity.

By taking a survey, GM wanted to know whether Donovan's problems were a local fluke or a national epidemic. If the latter, a recall would be made. Martin Caserio, a GM vice president and a Detroit veteran who had been through the recall ritual many times, said that GM was deeply concerned about safety. However, he told a Washington press conference in December he did not think John Donovan's repeated brake failures, rattling transmissions, hanging exhaust pipes, faulty tires, etc., were "safety-related" problems.

After some confusion and delay, GM supplied the press with a partial list of GM bus owners. Entitled "School Bus Owners operating five or more 1969 GMC conventional model school buses," it contained 44 names. These owners were from only 16 states and possessed a total of only 504 buses. This meant that some 3,500 other 1969 model buses could not readily be checked.

On receiving the list from General Motors, The Washington Post began contacting by phone the 44 owners. Apart from the one owner who couldn't be reached because he had been dead four years and the four others who were listed by GM as owning a total of 35 vehicles but in reality owned none, the majority of respondents were unhappy or frustrated over the performance of their new buses. Repeatedly, they told of the time and money wasted hauling the buses to garages for repairs; often they were repairs of repairs. It soon became clear that the safety and mechanical problems of the '69 GM school bus were not isolated in Washington. They were nationwide, all the way from the enraged owners of the Beirns Bus Service, Kenilworth, N.J., whose six new buses failed the New Jersey State inspection because of faulty brake equalization to the stoic in Roslyn, N.Y., who said, "I was a GM man at heart, but no more. I don't know what they've done to these buses, but I've bought my last one."

It was quickly discovered that GM's list was incomplete. Regularly, an owner on the list would supply the names of the other multiple-owners in his area who were not on the list. Often it was obvious why they were omitted. Raymond Wilson—a pseudonym—is a GM dealer who owns 15 of the 1969 buses. He saw the stories about Donovan in his local paper in December and was "delighted that the truth was finally being told about GM." He has had massive safety and mechanical problems also. "The power steering cannot be fixed, no matter what;" one new bus being driven back from the factory nearly killed his driver because the gas tank had a hole in it that dropped the fuel onto a heated exhaust line; "the brakes aren't worth a damn and won't stay adjusted. Over all, things have gotten to the point that I hate to face customers."

Other people that Wilson hates to face are reporters. The same morning he read the story about Donovan, he was called by the local GM representative and told "to keep my mouth shut if any newsman called. The rep. told me this kind of publicity could hurt us all." Wilson agreed to talk to the Post only if strict anonymity was given his name and location of business. Even though he is a GM dealer, he is convinced that if the company finds out he has spoken to anyone they will "get even."

Another GM dealer—also not on the list—was so fed up with his seven 69s that this year he bought Fords. Asked if he thought it odd that a GM dealer would buy a competitor's product, he answered: "What should I do—keep on buying buses that I know are nothing but trouble?"

Not all the GM owners on the list were unhappy. A spokesman for the Long Island Bus Co., East Farmingdale, N.Y., said that his mechanics "have been big on preventive maintenance, so we have little trouble." Another owner, the Pace School Bus Service, Independence, Mo., said that aside from frequent clutch adjustments everything was fine. Asked about his exhaust pipe hangers, he replied: "Oh, them. They were so weak when the buses were sold to us that we just tied them up with baling wire. And that was that." The mechanic for the five buses owned by the Lake Orion, Mich., schools said he had no serious complaints. "The brakes are hard to push and get sluggish. But they're safe enough; the driver just has to get used to them."

With a few chilling exceptions, all the dissatisfied owners said they received prompt and polite service from the local GM dealers. Warranty repairs were paid for with little fuss. But what GM does not pay for is the large amounts of time needed to haul the buses to the garage or pick them up after highway breakdowns; nor is there compensation for the always-present frustration. Ben Stanski, with 10 of the 1969 models, of the Berkshire Gray Line, Pittsfield, Mass., has been constantly bedeviled by burned-out clutches. Some have gone at 3,000 miles, when they should have lasted 25,000 or more. But the main irk is getting the buses started in the morning during the winter. "Here they are," said Stanski, "brand new buses. And a crew has been having to come in at 4 a.m. to work on them so they start up. If we let the buses sit until the regular drivers come in, the kids would never get picked up."

One person who conceivably should have no trouble making his voice heard by GM is a mechanic for the Pontiac, Mich., School District, in the very town where GM makes its buses. The mechanic said that along with radiator, electrical and tail pipe problems, he is plagued with brake troubles. The buses on which many children of GM employees ride every day have had no accidents yet due to brake failure, but this may be due to the mechanic's diligence. "If I keep adjusting them every month, they're O.K. When the brakes are the least bit out of adjustment, which happens frequently, they are hard. When you put your foot on them, you think you have plenty of pedal left. But the only problem is you can't stop. So I adjust them every month."

The most recurring complaint of the 39 owners was the tail pipe hanger. This device is on the rear underside of the bus and keeps the exhaust pipe secure. When it is not strong enough, the pipe will jangle until it snaps. The poisonous exhaust fumes are then leaked forward under the passenger compartment. Most states consider a weak pipe hanger a safety hazard and inspectors will flunk any bus that has one. Two months ago, a Washington GM representative admitted to a reporter that the hangers on the '69 buses were too weak to hold the pipe safely. "The factory made them just too flimsy," he said. When Martin Caserio was asked at the December press conference about this problem, he said a weak pipe hanger was certainly a bother, "but it was not safety related." When a pipe broke, said Caserio, the bus driver would surely be alert enough to hear the thing clattering along the ground and have repairs made before any harm might be done to occupants.

From the response of the 39 owners on the GM list, and the many other mysteriously excluded from the list, a fair conclusion is that something is inherently wrong with the 1969 GM school bus. Too many owners in too many places reported too many breakdowns for the problem to be passed off as "one of those things, sorry about that."

Last week, after General Motors had reached the same conclusion and ordered a recall of 4,269 new buses for "possible brake defects," a GM public relations man said that his company had made a survey of 850 buses in December and January and discovered that one bus—only one—had defective brakes. Evidently, though strangely, GM used a different list of owners from the one supplied the press, or else they would have found many more than "one" owner with brake problems—starting with their neighbor in Pontiac, Mich., and including the Beirns Bus Service, the Community Charter Bus Co., Stanton, Calif., the Schaunburg Trans. Co., Roselle, Ill., the Guasti School, Guasti, Calif., Morris Hills School District, Rockaway, N.J., the anonymous GM dealer, a private owner in Olean, N.Y., and others. Although none of these had the numbing scare of Mrs. Warren McConnell of Springfield, Va. —last fall, one of her '69 GM buses had total brake failure and ran into a pasture to stop—they all said their brakes had given, or are giving, them serious trouble.

Since the GM recall involves only brakes, questions are raised about other complaints of owners. First, the tail pipe hangers. In a letter to Virginia H. Knauer, special assistant to President Nixon for consumer affairs, on Feb. 11, Martin Caserio admitted that some 300 out of 850 1969 buses had their hangers replaced. Yet, in the recall, this defective part was not mentioned.

A second major complaint not mentioned in the recall involves clutches Caserio's Feb. 11 letter acknowledges that in some cases "clutch durability (is) unsatisfactory." But rather than admitting the clutches are mechanically flawed, and then recalling them, the GM vice president repeats the standard implication that clutch trouble is usually caused either by foot-happy drivers or by lack of maintenance. But when the anonymous GM dealer has five of seven clutches burn out, even though he adjusts them "every day;" or when a Fullington Tenn., owner has had to replace four out of six clutches—including one that didn't last 1,000 miles; or when an El Centro, Calif., owner has to adjust his clutches every 600 to 1,000 miles; when complaints like these are regularly heard, something more than foot-happy drivers are to blame.

Last December, GM president Edward Cole said that if his company's survey showed that a recall was necessary, well, a recall it would be. As Martin Caserio said during his press conference, "We'll step up to our responsibility." This is indeed praise-worthy, but the concept of a recall—an outrageous idea in itself, but which a cowed public now accepts calmly—raised fundemental questions. Where was GM's responsibility when their product was being made? Why wasn't it stepped up to then? This is the third consecutive year a recall has been made on GM's school buses, so the notion that something might be wrong in design or in the assembly line must have occurred to some at GM.

Even when a recall is made, the question comes up about retribution for other things besides free labor and parts: such as time spent hauling broken buses in from the roadside waiting at the garage, the mental worry of driving children on vehicles that may be unreliable, the time lost to one's family because the bus needs to be tinkered with or carted to the garage.

[From the Washington Post, Mar. 2, 1970]

THE MARK—OR IS IT THE MOCK?—OF EXCELLENCE

(By Colman McCarthy)

For the third consecutive year, General Motors has ordered a recall on its school buses. That the world's largest maker of motor vehicles seems not only to make a habit of selling defective goods but, in effect, calmly admits that it does after the victimized owners and the press force the issue, doubtlessly puzzles the general public. But to many GM school bus owners, the recall ritual is no puzzle at all. "In 1967," said Tom Jones of Superior Sales, Omaha, Nebr., and who has new GM buses in his shop constantly, "there was a major model change—in style and engineering. That's where the trouble started." Other owners around the nation agree, saying that buses built earlier than 1967 have never been problems.

What actually happened mechanically between the 1966 model and those made since is unknown to anyone outside of GM. But with a plain ruler and average eyesight, a few facts can be learned. First, the front bumper on the '66 bus—if a local vehicle is respresentative—is ¼-inch thick; on the '69, it is ⅛-inch thick. Thus, in three years, the bumper's thickness is cut in half. A second discovery is that behind the front bumpers of earlier year models is a piece of steel extending from the frame in each direction for about one foot. This reinforces the bumper. On the '69 model, however, this piece of reinforcing steel is gone. A third difference was discovered by Thomas Gist of Sykesville, Md., a harried owner of two defective buses. Wondering why this year's models "ride as if they had solid rubber wheels, like back in the '20s," Gist measured the leaf springs that support the body of the '69 bus. They are seven inches shorter.

How much money GM saves on these simple reductions is known only to the people in the GM budget office and the officials to whom the savings are reported. But it does not appear that GM's pride in production is hurt. The Associated Press recently reported: "A General Motors executive said yesterday that bumpers on GM cars provide 100 per cent protection from any damage—provided the speed of the car doesn't exceed 2.8 miles an hour."

A more serious question is raised by the trimming of the bumper and springs on the '69 bus, since lives and safety are involved. If GM cuts back on parts that a layman can detect, what may it have done to parts hidden under the hood and in the chassis? This is the real worry; and since recalls have been made three straight years—this year for brakes—it is also a frightening worry.

In a simpler day, long before the term *free enterprise system* replaced the term *corporate greed*, a consumer with a complaint—on shoes, say—had only to visit the local shoemaker to get justice. "Here," he would say "these shoes are falling apart." The shoemaker, being both ethical and aware word would spread through the village about his sloppy work, quickly replaced or repaired the shoes. The exchange was pleasant; what's more the shoemaker was *there;* he had a familiar face; he breathed and the only separation between the consumer and him was a door.

Things have changed since yesterday's shoemaker and today's car-maker. The agony of seeking relief or redress from GM, with its 750,000 employees is the same as seeking it from any large bureaucracy where more than one hand works on the final product and where job security is a main concern of the employees. The vice presidents at the top are protected from the consumer's complaints at the bottom by the mass of workers in between; the latter will catch it first if the brass learns the consumers are mad. So the vice presidents measure the company's success not by the consumer's voice—the way the shoemaker did—but by sales reports, profit charts and the smiles of stockholders. If tens of thousands of cars are sold every year, the high-ups conclude that the public must be happy, or else why are sales still up? When sales aren't up, or when management thinks they can be better, a decision is inevitably made in favor of more chrome, more horses, more gismos.

Meanwhile, the consumer with a defective vehicle can stay trapped. Since no one in the huge corporation takes single responsibility for errors and since it is futile to switch to the competitor's brand—it is just as poorly made—what can he do?

Occasionally, a consumer hits luck, John Donovan happened to catch a reporter's ear one day and told about the endless problems of his three new GM school buses. The story that eventually appeared in The Washington Post led not only to a national recall of 4,000 buses, but also to special treatment for Donovan's three. Over the Christmas holidays, two GM engineers were flown in from Detroit and gave the buses a two-week overhaul, complete and meticulous.

Incredibly, since getting the buses back in early January, Donovan has hauled them into his local GM garage *eight* separate times: the wheels wobbled on two buses (an alarmed motorist spotted this one time), a horn and a governor broke on two, five quarts of oil were needed in one bus's rear end after being out of the shop only one day, the brakes needed adjustment on one, another—loaded with children—wouldn't start one afternoon, and finally one bus failed D.C. inspection.

As if that weren't enough, Donovan received a bill last week from the Firestone Tire Company for $349.62—even though in December, Kimball Firestone, Harvey's grandson, personally promised Donovan 18 new tires—at no cost—to replace some defective ones. With new tires on his buses that he was told were given free of charge, will Donovan pay Firestone? "Sure. The same day GM pays me for the hundreds of hours of work and bother their three lemons have caused me."

The ordeal of John Donovan and the other luckless owners with '69 GM school buses is reminiscent of the English folk tale about a faulty watch. "I can't understand it," said the watchmaker when confronted by the owner. "I make all my watches with the best butter in town."

BLACK PERSPECTIVE ON CRIME PROBLEMS

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. PEPPER. Mr. Speaker, this is a transcript of a television broadcast in the important series "Black Perspective on the News." At the invitation of the capable producer, Lionel Monagas, I was pleased to be interviewed at station WHYY-TV, Philadelphia, for the Eastern Educational Network. The three journalists who made up the panel of interviewers were introduced by Warren Dean, who not only was the program host but joined the panelists in a thoughtful examination of work being done by the House Select Committee on Crime.

The introductory statement was made by Mr. Dean:

WELCOME TO "BLACK PERSPECTIVE" ON THE NEWS, WARREN DEAN, HOST

Tonight, our subject is "Crime", a national issue, and some of the efforts being taken to reduce the incidents of criminal acts. Our special guest is Congressman Claude Pepper, from Miami, Florida. He is the Chairman of the Select Committee on Crime of the United States House of Representatives.

On our panel of Journalists, we have Acel Moore, from the Philadelphia Inquirer; Pamala Haynes, from the Philadelphia Tribune, and Claude Lewis, of the Philadelphia Evening Bulletin.

The Select Committee on Crime, empowered to probe all aspects and elements of crime in the United States, has held hearings in Washington, D.C.; Boston; Omaha and Lincoln, Nebraska; San Francisco; Miami; Baltimore; New York City; Columbia, South Carolina, and recently, here in Philadelphia.

Congressman Pepper, just what does the Committee expect to do with all the information amassed from the hearings and other investigations?

Mr. PEPPER. Mr. Dean, at the end of this year, which is the end of the 91st Congress, we will make recommendations to the House of Representatives as to what we think the Congress can do and should do to try to reduce crime in the United States.

We can also, as Members of the House of Representatives, introduce legislation to implement our recommendations. Also, as Members of the House, we can report our recommendations and findings to the Executive Branches of the government. Then, we hope we can also stimulate public opinion to an awareness of the problems of crime.

Miss HAYNES. Congressman Pepper, crime and violence have been investigated over and over again in the last few years, and usually the recommendations of these committees are filed and forgotten. Are these investigations really necessary?

Congressman PEPPER. Our Select Committee is in a different category from a Presidential Commission. When a Presidential Commission ordinarily completes its very excellent inquiry and files a very commendable report, it gets a good press at the time, but too often, the report goes on the shelves and stays there. Sometimes someone has the iniative to pick it up and do something about it. President Johnson, you recall, initiated the Omnibus Crime and Safe Streets Act in 1967 and 1968, based to a considerable degree on the findings of the Crime Commission. But little has been done about some of the Presidential Commission Reports. But we are Members of the House of Representatives, and we can be heard in the House. We can bring these recommendations to the attention of the appropriate legislative committees, produce knowledgeable witnesses to support our recommendations and offer legislation to implement our recommendations.

Mr. MOORE. Congressman Pepper, whenever we hear discussions of crime, I think the Americans generally tend to think about black people and poor people. For, is it not in fact a crime—and I call it a crime—to consign people to poor housing, poor schools, poor spirit, as has been done in the United States and by some Congressmen, as well as other government officials?

Congressman PEPPER. There is undoubtedly a social responsibility which should be borne for the commission of crime. The environment out of which a boy or girl comes undoubtedly influences the future conduct of that individual. You cannot escape the fact that the kind of education he has—whether he is a school dropout or not, whether he lives in a community where he didn't have a wholesome environment; whether he learned a trade or a skill by

which he could earn a decent livelihood; whether or not he grew up in a satisfactory home—all those things to a large degree determine what is going to be the character and the performance of the individual.

We have recently visited the correctional institutions in five States, all the way from the Middle West to Pennsylvania. We found that when young men get to the correctional institution, that means that the family, the school, the community, and the church—and this was said to me by a Priest, in discussing the matter—and the church—has failed in respect to that boy or girl. And they get there already a long way down the road to crime. So all the heads of these correctional institutions recommend that our Committee recommend a program way back in the community and in the public schools to try to keep them from ever coming to the correctional institutions.

Mr. LEWIS. I am also concerned about the attitudes of Congressmen. You've seen many examples, I think, of poor attitudes in Congress and even in the White House, and I'm wondering what your Committee is going to do about it.

Congressman PEPPER. Members of Congress who ignore these environmental influences related to the commission of crime are simply blind to reality. It is another contradiction for them to shout about crime—that we need more police—or that we need to be more severe in dealing with the perpetrators of crime—and yet ignore these influences which form criminals. As I say, all those who condone or tolerate those conditions have a certain degree of moral responsibility of what comes out of such an unwholesome environment.

Mr. DEAN. What is the makeup of your Select Committee? Do you have sociologists or criminologists?

Congressman PEPPER. No, by the determination of The Speaker, all of the Members of our Committee are lawyers. There are four Democrats and three Republicans. I'm from the South and Chairman of the Committee as the introducer of the Resolution setting up the Committee; Mrs. Griffiths, a Member of the Ways and Means Committee of the House, from Michigan, is the ranking Democrat. Your very able Representative in the House from Philadelphia, Mr. Robert Nix, is the next one on the Committee, along with Mr. Waldie, of California. There are three Republican Members.

Mr. DEAN. How can you seriously attempt to find out the causes of crime—or the root causes of crime—without having those who would really know the conditions which breed it all? Lawyers are not particularly knowledgeable in that area, are they?

Congressman PEPPER. In the first place, Mr. Dean, it is the function and the necessity of a lawyer to learn the facts. Every case that he has presents the necessity for acquainting himself with the facts of that particular case, and sometimes those facts are involved. He may go from a medical case to a case in chemistry, or something like that. So, we are all lawyers; we have, by virtue of our profession, inquiring minds. But the important aspect of it is, we have a very able staff. We have a staff of twenty-five or thirty. They are knowledgeable, competent people; they help us in the research and in the preparation of hearings, and in the conduct of hearings. We are also able to draw upon technical knowledge from witnesses and from consultants.

Mr. MOORE. Congressman Pepper, you know, I often wonder if the country could really afford a program that would really reduce crime. I think crime has become so much of our economy—so many people are employed directly and indirectly—because of crime. Do you think this factor is considered? Do you think that we can really afford such massive Federal funding?

Congressman PEPPER. Mr. Moore, I have been in the Congress—in the Senate and in the House together—for a period of 22 years now—and it's been my observation that the Government of the United States can do anything that it really wants to do. If we want to fight a war, we don't stop to ask how many billions or hundreds of billions of dollars it's going to cost to fight. I've never heard about our stopping moving munitions up or moving men up because we didn't have enough money to do so. It's the same way about projects. If we undertake the Moon Project—a twenty-five or thirty billion dollar project—we never stopped that until we got a man on the moon. We just went on and did it, because we committed ourselves to it. Now it's the same with——

Mr. MOORE. Does the Government really want to solve this?

Congressman PEPPER. No. The United States public has not yet—and I say it with regret—it is not yet ready to accept the responsibility for the massive effort required to make an all out attack upon crime in this country. It would cost many, many billions of dollars. In fact, I think The Presidential Commission on Violence estimated it cost about twenty billion dollars. But, twenty billion dollars is a small investment. We were told a good many years ago by the F.B.I., I believe, that crime is costing this country forty to fifty billion dollars a year, and we are spending only about five billion dollars a year to combat it—so, you see, it's a losing fight that we are now waging.

Mr. DEAN. Congressman, I understand you have been through several institutions. What percentage of criminals are black?

Congressman PEPPER. The black population is only about twenty percent of the country—but I would say that a disproportionate amount of the men and women who commit crime are black. And I think that is because they have too often been denied the opportunities they should have had—in childhood, in their youth, and in adult life—to develop the skills which would enable them to earn the kind of a livelihood, which perhaps would have prevented them from getting into the area of crime. As I go through the prisons—I noted that a large number of the prisoners who were there—are black people. I don't mean anything like all of them. I'd say half—probably 40 percent—maybe—thirty or forty percent—are black people.

Mr. DEAN. Would you say then, that racism in this country—and we know that it exists—would you say that that plays a major role in the way that the prison population is made up?

Congressman PEPPER. Yes, it does. Just recently, I have spent a day in my home City of Miami—at the invitation of the black leaders of my community—hearing witnesses who told about the cause of the riots that we had there in the middle of June and the riot that we had in 1968 during the Republican Convention there. Most of the community leaders—in describing what happened—related the conduct of those who initiated the violence that ended in the riots—to their deprivations in the lack of adequate training in schools—or skills in some sort of trades—or vocations—the lack of a proper home environment. The Vice Mayor of Miami, who is a black lady, said that in one case she knew, 21 people were living in one 1-room apartment. She told of other families in where the family had to divide—live in three different places—the children in one place, more children in another, and the mother and father in another place. The family had to divide up—in three different places—in order to find a place to stay. Now, those things are conductive to the turbulence in the spirit of a child which leads to violence.

Mr. DEAN. I'm concerned about the conditions in the penal institutions, themselves. I think Senator Dodd pointed out sometime ago that approximately eighty-nine cents out of every dollar spent on the penal system went for things like bars, and whips, and cells and administration—and very little went toward rehabilitation. What can be done about that—and when will something be done?

Congressman PEPPER. Well, we have recently completed the tour of five States—Minnesota, Indiana, Michigan, Connecticut and Pennsylvania—over at Harrisburg—looking at the institution there. We found at Red Wing, Minnesota, the best example we have discovered of humane, wise, compassionate treatment of boys, who were just as bad as others—they were in there for murder, bank robbery—all sorts of offenses. Yet they didn't have bars on the doors or windows. They had no guards on the campus. Boys could run away whenever they wanted to. They actually allowed the boys who constitute a group—nine or ten boys—to make recommendations as to when the members of their group would be released from that institution. One of my colleagues on the Committee and I attended one of their sessions—they met for an hour and a half every evening—at which time the decision was made that one of the boys had come to the point where he can be safely released. By putting that system of confidence and trust into effect, not massive control—but wise and delicate direction, that institution has hardly any run-a-way rate. Their rate of recidivism is down to nineteen percent; whereas, in other institutions of the country—the rate goes as high as sevent-five percent. At Red Wing, they don't spent any money on bars or punishment procedures or anything like that. It is a little difficult for other institutions to understand such a system—to be daring enough to undertake it—and it does require particularly trained personnel. One of the things that we are proposing to do is to provide Federal funds to train people who can operate a system like that. It works.

Mr. LEWIS. The legislature of one of the western states has voted what's been called "A Shoot To Kill Law". It means that anyone who feels that his life or property is in danger can legally shoot their alleged attacker. Did you run into much of this vigilante-type of feeling in your travels?

Congressman PEPPER. No. We didn't happen to encounter that. I suspect it does exist, but we didn't encounter it.

Mr. MOORE. Congressman Pepper, you stated earlier that the public is not ready, not willing to do whatever is necessary. You didn't explain what must the public do? If you're saying that the citizens——

Congressman PEPPER. Well, every one of us who really believes that more can be done than is being done should keep on trying to educate the public. We must urge the need for spending more money, training more people to do more things.

For example, when we started the Omnibus Crime Bill in 1968—the first appropriation was sixty-odd million dollars. Well, you can't do very much with that, in a big country like this, to help the States and local communities to do something about crime. The next year, we got it up to three hundred and seventy-five million. Then I went, on behalf of our Committee, before the Judiciary Committee of the House and recommended that for the 1971 fiscal year, we authorize a billion dollars. That was too little—in a country as big as ours—two hundred million people—with as much crime as we have. I knew that that would hardly make a dent on the problem—but I recommended it and all of us did that we could to arouse public interest. Finally, the Judiciary Committee of the House has now authorized six hundred and fifty million dollars for 1971 and to aid the States, the Counties, and the Cities under the Law Enforcement Assistance Administration—through

the Department of Justice. It also recommended a billion dollars in fiscal 1972, and one and a half billion dollars in fiscal 1973. The House of Representatives has already appropriated four hundred and eighty million dollars for fiscal 1971.

Miss HAYNES. With all of this money, are you not just treating the symptom, rather than the disease?

Congressman PEPPER. Yes, to a large degree, we are. It depends on how we spend the money. But we got a provision in the House bill this time—when it was passed recently—that twenty-five percent of the amount of money appropriated to the Omnibus Crime Bill would be devoted to the correctional problem in the country.

The Chief Justice of the United States, in speaking in New York recently, said that we had a recidivism—or repeater—rate of about seventy-five percent in this country. What an abysmal failure for our correctional institutions if three out of every four, who go through those institutions, on being released—commit more crimes. We are just "spinning our wheels". Now, if we can put into effect really corrective measures, we are reducing crime.

Mr. LEWIS. Congressman, would you say that there must be a link between organized crime, public officials and police for crime to really flourish in the city or state?

Congressman PEPPER. Well, there is undoubtedly a corrupting influence by organized crime upon public authority. It could not exist so successfully as it does. But it is not a simple matter. We found out from our recent hearing in New York on Heroin and Organized Crime that about twelve to fifteen of the leading gangsters—the leading members of organized crime in this country—bring in most of the heroin that is imported into the United States. The difficulty is to get those people up at the top. They keep themselves so well isolated; they have so many layers between them and the perpetration of the crime, that it's hard to reach them. And so, we are striving to find legislation which will enable the government to get to them.

One of the measures that we are proposing is to grant immunity to a witness who is called upon to testify before a Grand Jury or a Congressional Committee, so that he can't claim the Fifth Amendment. We had in our New York Hearing two men whom we had good reason to believe were connected with organized crime's involvement in the heroin traffic. Both of them refused to testify to anything except their names—they took the Fifth Amendment. Now, under this provision that I'm talking about—granting immunity to them—they couldn't claim that they would be criminally prosecuted if they testified—and if they don't testify—they can be sent to jail. But I tell you, the United States Government cannot combat organized crime—which makes seven billion dollars a year on illicit gambling alone, with only twenty-five or fifty million dollars annually.

Mr. DEAN. Are you saying, Congressman, that it's a matter of national priority? Are you saying that the United States Government cannot stop the big people who are dealing with heroin? Is it a matter of whether we want to stop them, or not?

Congressman PEPPER. I doubt that almost any expenditure would stop it all. The coastline of the United States is so long, the many ways of coming into this country are so numerous, that some of it would get in.

We had a case where the gangsters bought out a cannery in Southern Spain. They bought a lot of canned fish from an ordinary factory that produces canned fish—kind of like tuna—and regularly exported it to the United States. They bought a quantity of fish with a lot of empty cans and seals. They took this to their canning plant in Southern Spain, and they filled up sixty cases of those cans with heroin instead of canned fish—and it came in that way. Well, that's typical of the ingenuity with which they bring it in.

Miss HAYNES. Congressman, I've become increasingly concerned about the atmosphere in America relative to crime. And I think it's not unnatural to see the public, aroused about the volume of crime, turning to an easy out. They see an easy, inexpensive expedient, and they don't take too much thought about the serious Constitutional consequences of doing that.

But, they would do far better if they would provide more court rooms, and more judges and more administrative assistants to judges, and assure that there would be a speedier trial for the people that are charged; better correctional institutions; better education and training, and home environment for the children coming up, they'd get better results at less expense.

Mr. DEAN. It's been suggested that a lot of this attitude—this preventive detention, the "No knock" clauses—gained popularity under the current Administration in Washington I wonder what your feeling is about that?

Congressman PEPPER. Yes, the Administration has obviously taken what we generally call "the hard line". They have encouraged the point of view that what we need is to be tougher than we have been in the past.

But, as Mr. Justice Tom Clark testified before our Committee—he said this matter is somewhat like a city water system. It doesn't make any difference how much water you have in the reservoir. The amount that goes to the consumers depends upon the quantity that goes through the pipes. In this case, we mean the court system, arrests, the correctional systems, and the efficiency of the courts. All these have a great deal to do with crime. Improvements in these areas probably would be a far more effective than just "a hard line" of denying people what are generally considered to be their constitutional rights.

Miss HAYNES. What do you intend to recommend, Congressman, in the way of rehabilitation programs, when you finally submit your recommendations?

Congressman PEPPER. I would think that we would probably recommend a program under the educational programs of the Federal Government—under which there would be in the high schools—even in the grammar schools—assistance given to boys and girls who indicate some sort of an anti-social attitude or some sort of incapacity to keep up academically with their fellow students. We need to try to do something to help those boys and girls. We need a great deal of emphasis on the preventive aspect.

Then, try to get a humane, efficient, competent system of juvenile justice. We are working now on recommending that kind of a program to the Congress. And then, when they get past the court, there comes the last chance to save about fifty percent of them. About fifty percent who go into those institutions will go on to state prisons at a later time. You're way down the road to the hardened criminal.

The last chance is then to really rehabilitate—that is, to give a new point of view. In Red Wing, Minnesota, of which I spoke, some of those boys for the first time in their lives have had aroused within them a sense of responsibility and concern for their fellowman.

Mr. DEAN. Our thanks to you, Congressman, and we're out of time now.

We've been talking to Congressman Claude Pepper, who is Chairman of the Select Committee on Crime in the United States House of Representatives. Our thanks also to Journalists Acel Moore, of the Philadelphia Inquirer; Pamala Haynes of the Philadelphia Tribune; and Claude Lewis of the Philadelphia Evening Bulletin.

This is Warren Dean. Thank you, and good evening.

A LETTER FROM A GOOD NEIGHBOR

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. GONZALEZ. Mr. Speaker, not too long ago a friend of mine, a distinguished and successful businessman of San Antonio, Tex., Mr. W. B. Mathews, sent me a copy of a letter that was most welcome and inspiring.

I consider it worthy of the consideration of my colleagues:

DEAR FELLOW CITIZEN: Here is a message all of us need. It comes from a Canadian neighbor, who apparently appreciates our country's achievements and what we stand for far more than some of our own people.

"Permit me, a Canadian, to express a long overdue 'thank you America'—not only for putting men on the moon, but for almost 200 years of contributing to the betterment of mankind. For the airplane, radio, cotton gin, phonograph, elevator, movie machine, typewriter, polio vaccine, safety razor, ballpoint pen and zipper.

"No other land in all the world has, in so brief a history, contributed so much and asked so little—only that we live together in peace and freedom.

"From the days of Washington and Lincoln, you have demonstrated the creativity, invention and progress of free men living in a free society—where ideas and aspirations may be promoted to the extent of man's willingness to work and build a better mousetrap' with commensurate rewards.

"Thank you for upholding the principles and rights of freedom and liberty; for the American Constitution and Bill of Rights and for protecting those rights even when it results in the burning of your flag and the murder of your President.

"Thank you for those who helped defend freedom on foreign soil in two world wars—a debt we have been able to pay in a small measure by way of some 10,000 Canadian volunteers who stand and fight with you in Vietnam; for the foreign aid you give even when your hand is bitten and your motives impugned; for keeping dignity in the face of insults from nations still wet behind the ears; for your patience with those who seek to steal the world and enslave its people; for keeping your cool even when the Trojan horse mounts the steps of the White House to insolently spew forth its treason. Thank you for keeping alive the concept of individual liberty and faith in God in a world wallowing in humanistic collectivism.

"For these reasons and so much more, I say: 'Thank you America and God bless you.'

"PATRICA YOUNG.

"VANCOUVER, BRITISH COLUMBIA."

If Patricia Young has expressed what you believe, but haven't been able to put in words, I hope you will write her a hearty "thank you," as I have. I also hope, you will want to circulate her message far and wide among your friends, business acquaintances, public officials and the news media. Let's get America rolling again!

Sincerely,

W. B. MATHEWS,
President, Canada Dry Bottling Co. of San Antonio.

WHO WANTS TO DRIVE ISRAEL INTO THE SEA?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. HAMILTON. Mr. Speaker, considering the recent course of events with regard to the American proposal for peace in the Middle East, the following correspondence may be of interest to my colleagues:

JULY 7, 1970.

Hon. WILLIAM P. ROGERS,
Secretary of State, U.S. Department of State, Washington, D.C.

DEAR MR. SECRETARY: I was highly disturbed by President Nixon's comment of July 1 that it is the intention of the Arab states to drive Israel into the sea.

This seems to me to be a most unfortunate statement. My understanding is that the U.A.R., Jordan, and Lebanon have each supported the United Nations' resolution of November 1967 as the basis of settlement. I know there are major differences to be resolved, but it does not advance a peaceful settlement for the President to misstate so grossly the Arab position.

Upon calling the Department of State to determine if this statement reflected the President's interpretation of Mideast events, I was told that it was an "oversimplified" discussion of the situation.

I regard the use of the term "oversimplified" as a wildly inaccurate euphemism that does not adequately portray the potentially damaging impact the President's comment may have on prospects for a peaceful resolution of the conflict.

Sincerely,

LEE H. HAMILTON,
Member of Congress.

DEPARTMENT OF STATE,
Washington, July 24, 1970.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAMILTON: The Secretary has asked me to reply to your letter of July 7 in which you commented on the statement of the President in his July television interview that it is the intention of the Arab states to drive Israel into the sea.

When the President spoke about the Middle East situation in his July 1 television interview, he was emphasizing U.S. policy with particular reference to the greater, more direct and increasingly provocative Soviet military involvement in the area, particularly in Egypt. The President's remarks were intended to bulwark the U.S. political initiative outlined by Secretary Rogers on June 25.

When the President stated that it was the intention of the Arab states to drive Israel into the sea, he was not referring to the Arab moderate states but to certain Arab radical nations and movements whose actions and rhetoric have contributed to the belief that if Israel faltered its existence would be in jeopardy. That, of course, is why we believe it is so important to displace the hate and mistrust of the past 22 years with a just and lasting peace based on the principles contained in the UN Security Council Resolution of November 1967. If the very existence of Israel is not still an open question among some Arab states and movements, then it might be asked why they refuse to accept the provisions of the Security Council Resolution.

A look at the record supports this conclusion, particularly with regard to Syria. Syria has consistently refused to accept the Security Council Resolution which, among other equally important points, calls for: "Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force." Syria also refuses, as called for in the resolution, to accept the Secretary General's Special Representative, Ambassador Jarring, who was mandated to "promote agreement and assist efforts to achieve a peaceful settlement in accordance with the provisions and principles of the resolution." Syria has also been an active supporter of irregular Arab forces—certain radical elements of the fedayeen—whose avowed purpose is to alter fundamentally the nature of the state of Israel.

I am also enclosing for your information the relevant portion of the Assistant Secretary Sisco's interview July 12 on "Meet the Press" dealing with the question you have raised in your letter.

I hope the above explanation and the enclosed material will be helpful to you.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

EXCERPT FROM MR. SISCO'S INTERVIEW ON "MEET THE PRESS" JULY 12, 1970

Question: Mr. Sisco, if you were trying to get the Arabs into a very delicate negotiating process, how is it going to help by calling them aggressive and saying they want to drive Israel into the sea?

Mr. Sisco. Mr. Valeriani, what was being referred to there was simply this: Let's look at the record for just a moment. You have Syria that has never accepted the Security Council resolution, has been unwilling to meet with Jarring and has never talked in terms of political solution.

You have the Palestinians, a variety of groups with a variety of opinions but none have come out explicitly for a political solution based on coexistence with Israel.

You have also, as the background, a recent speech by President Nasser which talked in terms of wresting control over the Suez Canal, which would afford an opportunity for pursuing the war of attrition further against Israel.

You have the Egyptian spokesmen in the last two weeks basically repeating this same line.

It is important, Mr. Valeriani, for all concerned to know that we are very anxious to achieve a political solution, that we are quite flexible politically; we have put forward some new propositions, but it is also equally important for all to know that we are keenly aware that the context at which we are pursuing this political initiative, and that the political initiatve offers a new opportunty in a very difficult situation.

PEOPLE HELPING PEOPLE

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. MORSE. Mr. Speaker, last month the Veterans' Agents Association of the Commonwealth of Massachusetts held their annual convention in Lenox, Mass. Deputy Commissioner Joseph P. Mayo of the Department of Veterans' Services gave the following address to this convention, and I am privileged to share his remarks with my colleagues. Having once served as Deputy Administrator of the Veterans Administration, I know well the vital contributions made by scores of veterans' agents throughout our Nation, and Deputy Commissioner Mayo's heartfelt and stirring speech, delivered after over 23 years of service to our veterans, well typifies the dedication and devoted spirit of those agents who work so selflessly.

The speech follows:

PEOPLE HELPING PEOPLE

Mr. Speaker, Mr. Mayor, Members Of The Head Table, Representatives From The Veterans' Administration, Boston and Providence, Fellow Staff Members From 100 Cambridge Street, Veterans' Agents, And Guests —I was at poolside this afternoon and I, too, waved as the plane flew over head. The plane was not even out of sight when Teddy Handerek jumped into the pool and informed me that I would be at this distinguished Head Table this evening. Teddy wants me to reimburse him for the cost of the plane fare—I might just do that because now I have been afforded this wonderful opportunity to address you.

As you all know, I have been with this Department for twenty-three years—nine of which were as Deputy Commissioner—and this may well be the last time that I will have the opportunity to address you as a Deputy.

I want you to know, with all the sincerity of my heart, that there is one word which stands out in my mind. Which stands out in my mind again. As I look over the sea of faces, that one word is fellowship and fellowship is *people helping people*. May I steal words from the Immortal Scottish Poet, Robert Burns, "Man's Inhumanity To Man." Which is the very antithesis of what I mean. The very antithesis of what I mean, people helping people.

My dear friends, as we sit here and break bread I would mention that on many occasions *we* have stated that Veterans are *very special people*. I want you to know that, as long as I live, I will say that Veterans' Agents *and* the Representatives of the Veterans' Administration *are very special people* and I will never forget the truly wonderful friendship that has been branded onto my heart.

Friends come and go but true friends are made in an atmosphere of *Love for Your Fellow Man*. And all of you have shown the love for your fellow man. For you have chosen to walk that unselfish road of life that winds and twists, sometimes smooth and sometimes rough and sometimes smooth into a mire. But, because of your tenacity and your love for mankind, you go on until the road smoothens out. You have chosen to walk this road of life *untired* with your spirits held *high*, your shoulders *bent* with burden and your brow wet from helping those very special people, *Veterans*.

It is on this road of life that you will find the true measure of a man. It is on this road of life that you will find you don't measure a man by his height. You don't measure a man by his girth nor do you measure a man by his weight. But, you measure a man from inside out.

TOWARD SAVING THE ENVIRONMENT: A COMPREHENSIVE PROGRAM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, the issue of our deteriorating environment is one whose importance is

increasing daily. The urgency of bringing pollution under control cannot be underestimated. Having long prided ourselves on our unmatched technological and industrial capabilities, it is not now an easy task to integrate this basic aspect of our national character with a new and vital commitment to merge our productivity with an equally strong program to rescue our environment. In short, this effort requires a rather profound reeducation of both the business community and the citizenry in general.

Communication, rhetoric, and public persuasion all play significant roles in reorienting our society away from ecological suicide, toward a policy of preserving what resources are intact and rebuilding what is not ruined beyond hope. April 22, 1970, was this year designated as Earth Day. Thousands of our citizens and Government leaders participated in programs designed to raise the level of public ecological awareness. This awareness is increasing daily, to the point where citizens are no longer content to hear concern merely voiced; people everywhere want action.

I concur with the growing alarm over the ruinous levels of pollution which blight the landscape nearly everywhere. Accordingly, I have introduced a number of measures which I think will significantly contribute to the vital project of rescuing the environment. However, antipollution is, in my view, one area where we probably cannot do too much. Therefore, I am today introducing eight additional measures which, taken as a whole, constitute a broad and balanced attack on our pollution problems and on our inadequate protection of natural resources. I believe these measures will help us to realize a three-pronged goal of providing both adequate power and adequate protection for our citizens, conserving our environment now and in the future, and preparing our governmental structure to properly cope with ecological matters as our technology continues to advance.

Because the great number of environmental programs which will hopefully be enacted in the near future must be administered by agencies and departments of the executive branch, I am sponsoring a bill to reorganize that branch of the Government by transferring functions of various agencies which relate to the evaluation of the effects of certain activities on the environment to the Environmental Quality Council. This measure would also set forth a badly needed declaration of national environmental policy. Proper coordination of all ecological activities has so far been sadly lacking. This bill will be effective in bringing together all of the information relating to the environment and monitoring the various ecological programs in progress. This centralization will greatly assist in sorting out the maze of environmental programs and information and also serve to point out the proper directions in which we should move with future legislation.

I am also sponsoring a measure which would create a Council of Conservation Advisers, to be composed of three members selected by the President and confirmed by the other body. This policy-making body will analyze and interpret existing policies which affect our natural resources, evaluate Government policies and programs relating to the environment, and formulate national policy for the promotion of proper utilization of natural resources with careful regard for conservation and the environment. The Council would be responsible for an annual report.

This bill would further provide for the establishment of a 16-member Joint Conservation Committee to study conservation methods and programs while also acting as a guide to various committees of Congress which deal with conservation activities derived from the Council's programs.

Mr. Speaker, earlier in my presentation I discussed the need for reeducation of our citizenry on the matter of reversing the current tide of ecological destruction. In accordance with that view, I am sponsoring the Environmental Quality Education Act, which calls for the Commissioner of Education to make grants and enter into contracts with various educational and private agencies and institutions so that new and improved curriculums, which will encourage understanding of environmental policies, can be developed. Community education programs would also be devised which would concentrate on preserving and enhancing our ecological balance, along with the quality of our environment.

An Advisory Committee on Environmental Quality Education is also called for in this bill. The committee would be composed of 21 members, each of whom would possess knowledge of education, information media, and of man as a consumer, producer, and citizen of his environment. Progress against environmental destruction will proceed only as rapidly as public knowledge and awareness become prevalent among the population. Education, therefore, plays a very important role in the antipollution effort.

Pesticides, long considered a boon to mankind in terms of increasing growth and production, are now recognized as possessing mixed benefits for our people and our resources. Greater research is very badly needed to determine the overall effects of the great variety of pesticides which are being used, often with too little research or caution, in many areas across the country. For this reason, I am including in this environmental package the Safe Pesticides Act, which would require the Secretary of Health, Education, and Welfare to conduct a thorough study and investigation of the effects of the use of all the various pesticides currently available. We must move to determine the chemical effects on man, animals, and other life forms.

The continuing increases in our population will also demand that we carefully plan for an adequate electrical power supply to meet the needs of our heated, airconditioned, well fed and cleanly laundered populace. The continual fear of "blackouts" and "brownouts" surely points out the need to increase power supplies in an orderly, well-coordinated fashion designed to fill the needs while at the same time preserving our Nation's natural resources. The Electric Power Coordination Act would provide for the establishment of coordinating agencies on State and national levels. These agencies would be responsible for promulgating service standards and long range goals. They would also safeguard the environment by overseeing the construction of new facilities.

Atomic energy, being a relatively new source of power, can also be hazardous if not carefully regulated. I believe it would be beneficial, therefore, to amend the Atomic Energy Act of 1954 to allow a State to impose radiation standards which are more restrictive than those imposed by the Commission. States which wish to stiffen the protection of their populations against radiation hazards should not be prevented from doing so.

Another concern which is becoming increasingly urgent is that of controlling our booming population. The figures for the future indicate that, here and particularly abroad, a great deal must be done to cut down the birth rate and protect our world from the strangulation of severe overpopulation. With the importance of this project in mind, I am sponsoring legislation to establish a Commission on Population Growth and the American Future. This Commission would examine the impact of population growth in a variety of areas.

Finally, I am sponsoring a resolution which would greatly assist us in planning for the future in an orderly and conservationist manner. A Select Committee on Technology and the Human Environment would be given the responsibility to study the extent of future technological changes, their effects on man's environment and the ramifications of private investments in future technological advances. Necessary powers would be authorized for this 24-member group.

Mr. Speaker, it is my sincere hope that the aforementioned selection of measures designed to promote ecological conservation and a better environment will see action in the near future. I am persuaded that a broad and balanced approach to the antipollution effort will help to undo much of the past environmental ruin and preserve our surroundings in a coordinated and responsible manner. By effectively waging many ecological battles today, I believe we may win the environmental war tomorrow.

PROTECTIONISM AGAINST CONSUMERS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. CORMAN. Mr. Speaker, the House Ways and Means Committee, after lengthy public hearings on tariff and trade, is presently writing a trade bill that can only be characterized as "protectionist" in nature.

This action has stirred a controversy not only in our own country, but among

foreign countries who trade with us. Repudiation of our "free trade" policies, which have successfully prevailed throughout the administrations of Roosevelt, Truman, Eisenhower, Kennedy, and Johnson, would have ominous effects on the American economy, our labor market, and not in the least, would strike hardest on the consumer.

An editorial in the July 19 edition of the Los Angeles Times speaks to this subject. I would like to share it with my colleagues for it is certainly "food for thought."

The editorial follows:

PROTECTIONISM VS. CONSUMERS

Thanks to politics as usual on the part of Congress, the Nixon Administration and their counterparts in other countries, the world finds itself on the verge of a potentially disastrous trade war.

The situation has been building for a long time. But it erupted into crisis proportions last week when the House Ways and Means Committee adopted a whole series of protectionist proposals.

As marked up by the committee, the trade bill would impose mandatory quotas on imports of shoes and textiles other than cotton. It would also freeze the current system of oil import quotas into law, and create machinery for the imposition of quotas on many other products.

If enacted into law, the measure as it stands would constitute the most abject surrender to protectionist forces since the Smoot-Hawley tariff law, which helped to plunge the world into depression in the 1930s.

Other major trading countries are threatening to retaliate against American-made goods—a step which, if it materializes, would generate U.S. counter-retaliation, and the world would soon find itself in a trade war which would hurt everybody concerned.

Representatives of the United States and our major trading partners will convene in Geneva late this month for an emergency discussion of the situation.

While Japan and the Common Market countries, in particular, must shoulder much of the responsibility for the dangerous drift toward protectionism, a great deal of the blame should be placed squarely at the door of President Nixon.

The Administration's posture has been basically on the side of the free trade policies which have prevailed for 37 years.

Mr. Nixon, however, has taken the position that textiles are a special case—that the domestic industry is being unreasonably injured by a rising tide of imports, and therefore deserves protection.

The statistics do not bear him out. Suspicion thus is inevitably bred that the President is less interested in the economics of the case than in the political points to be won in the South, where so much of the textile industry is concentrated.

In any event, the refusal of the Japanese to accept a meaningful system of voluntary quotas on textile imports led the Administration last month to throw its "reluctant" support behind legislation to impose formal quotas.

The trouble is that it is not much easier to be a little bit protectionist than a little bit pregnant. Once textile quotas had presidential support, the usually responsible House Ways and Means Committee turned a more sympathetic ear to other protection-minded industries.

The move toward protectionism will be very hard to stop either in the House or Senate, now that it has picked up momentum—unless the American people themselves show an unaccustomed awareness of their stake in the matter.

The fact is that trade barriers are against the overall public interest in two important ways:

If we impose quotas on other people's exports to this country, they will naturally impose quotas on our exports to theirs. Since the United States is a net exporting nation, this game of tit-for-tat eliminates more jobs than it saves. This is particularly true in California, where agricultural and industrial exports are so important to the economy.

Imposition of quotas on imports reduces competition, and therefore results in higher prices and a narrower range of choice for the consumer. When domestic industries ask for protection in the form of quotas or tariffs on foreign goods, they are in effect asking for a subsidy at consumer expense.

It is quite literally true, then, that the protectionist trade bill which is emerging from the House Ways and Means Committee is an anti-consumer bill of potentially massive proportions.

Consumer groups should understand this point and act on it—by pressuring lawmakers to vote against the protectionists, and by urging President Nixon to veto the trade bill unless the quotas are removed.

Finally, voters in California and elsewhere should remember next November which lawmakers voted for the consumer and which did not.

THE BUSINESS OF AMERICA IS BUSINESS

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. WEICKER. Mr. Speaker, a very prominent American, Calvin Coolidge once said:

The business of America is business.

Today, as never before, the business of business must be America.

The following is a speech delivered by Dan W. Lufkin, chairman of Donaldson, Lufkin & Jenrett, Inc., at the April 22 Earth Day proceedings at Harvard Business School.

As a member of the National Steering Committee for Earth Day, and as a leader of one of the outstanding forward thinking and innovation investment banking houses in Wall Street, he is strategically placed to analyze the problems and opportunities of corporate commitment in today's environmental controversy.

Not only is he posing the hard question for businessmen to answer as they stand on the bridge between technology and human beings, but his urgent call should be read by Members of Congress, as it is our responsibility to provide effective leadership.

The speech follows:

THE BUSINESS OF AMERICA IS BUSINESS

Ladies and Gentlemen, Participants in the Teach-In, Friends: Today belongs to the youth of America. Like the child in the ancient legend, they have had the courage to tell us that the emperor is naked. They have stood by the side of the road as we paraded the wonders of our civilization, and they have told us we have been cheated. Instead of glittering success, they see grim failure. Instead of praise for what we have built, they blame us for what we have destroyed. Instead of seeing the magnificence of our technology, they have taken the measure of our inhumanity.

Never before has the perspective of an entire generation and all its youth been so in conflict. And in these conflicting views of our society, there is a grim challenge to all of us—namely, end the conflicts or end everything. End the conflict between black and white. End the conflict between rich and poor. End the conflict between young and old. And as we are here to discuss today, end the conflict between man and his environment.

Whether or not we know it consciously, this doomsday sense on the issue of the environment is what has brought us here today. And this is the reason why I have worked so hard to see this day a success. This meeting, and thousands like it across the country, in a way more real than metaphoric, must be where the peace negotiations begin.

I am not suggesting that our speakers are antagonists; or that their love for their country, their appreciations of nature and their concern for ecological balance differ in intensity or sincerity. But in a very real sense, they do symbolize the two sides of the environmental conflict—the side of *Man the Technologist*, superimposing on nature a home of his own creation, and the side of *Man the Natural Being* trying desperately to preserve the integrity of creation itself.

My sole qualification to arbitrate this issue is a burning conviction that, however agonizing the process, the differences between these two sides—those who speak for man's conscience and those who represent his commerce—must be resolved. Frankly, I believe that the involvement of business in the salvation of our environment will have far-reaching and perhaps even disturbing consequences. I think every one of us here will be personally affected to a degree scarcely comprehensible today, before the fact.

But let me begin by commenting on the reactions of both sides to this situation. As part of my steering-committee activities, I called on a number of key members of the business community. One interview sticks in my mind, a meeting with an officer of a major utilities association in New York. I asked this gentleman how his membership planned to deal with the students and others who would approach them during the teach-in. And he replied: "Oh, our members will participate—definitely—some may even give a nice lunch, a tour of the plant and perhaps a ride in an electric car."

The presence of Charles Luce on this platform testifies that not all utilities executives feel this way about Earth Day and its implications. But as I talk with you now, I find myself wondering how well those electric car operators are faring in the face of today's reality. Not very well, I imagine.

Nor do they deserve to be let off too lightly. To suppose that Earth Day is an incident best handled by the public relations department is the surest evidence of the corporate shortsightedness which has led us to a need for Earth Day in the first place. To underestimate the concern of the public, and especially of your generation, with the environmental crisis is to kindle the fires of tomorrow's disaster. Yet too many members of the business community apparently believe that this crisis can be solved by a tree-planting ceremony on the home office front lawn. In my own visits to business regarding Earth Day, over one-half the time I was ushered into the public relations department and visited with the public relations director.

On the other side of the barricades, I've heard, and no doubt you've heard, equally myopic philosophizing. "Earth Day is a cop-out, a ruse to divert attention from the war." You've heard that. And, "Earth Day is a WASP issue, a middle-class cleanup campaign that doesn't do a thing for blacks." You've heard that, too. All in all, the comments from both sides indicate to me that neither side commands a monopoly on intelligence.

Meanwhile, the facts make liars out of the footdraggers, whoever they may be.

According to a study done at Carnegie-Mellon University, roughly 25 percent of all respiratory disease is associated with air pollution. During the past ten years, a disease called pulmonary emphysema has become the fastest growing cause of death among city dwellers, and 70 percent of us live in cities. In New York City, the death rate of this clogged-lung disease has increased by 500 percent since 1960, and Paul Erhlick estimates it will increase another 500 percent in the next five years. In 1968, the life expectancy of the average American actually *declined*, from 70.5 years to 70.2 years. *Time* magazine noted that "the Apollo 10 astronauts could see Los Angeles as a cancerous smudge from 25,000 miles in outer space." And it is a fact that, in Los Angeles, public-school gym classes are cancelled regularly lest the children, when they exercise, breathe too deeply.

In his play, *A Season in the Sun*, the late Wolcott Gibbs made a comic climax of the scene in which the hero, as a hurricane approaches his summer home, goes to the bookshelf to look up "hurricane" in the dictionary. In a sense, we're doing the same thing. But the word we're looking up is "humanicide." And I think we've found the definition. Now what do we do, before it's too late, to put our knowledge to use?

Since I myself first became interested in—and then horrified by—what we're doing to ourselves and our environment, I've learned a good deal about the legal and the economic aspects of the environmental crisis. If we had enough time today, I would like to trace for you the history of our so-called environmental protection laws—starting with the first one of consequence put on the books in 1889 and continuing through the Water Quality Improvement Act of 1970. Or we could review together the projections now being made by the econometricians of the cost to clean up our waterways and our atmosphere; and spend time assessing the proposals, from taxes on future junk to fines to direct increases in consumer prices, by which cleanup costs can be transferred to society as a whole.

The legal history of our unconcern and then our concern with the environment is fascinating. The costs of cleanup will rightly preoccupy leadership in the future. These problems, indeed, will preoccupy *you* as you move on into your careers. If I bypass these issues now, it's not because they're unimportant. Rather, it's because I'm sure that most of you are already thoroughly versed in the costs and legal mechanics by which environmental cleanup will have to begin to be implemented. After all this is the Harvard Business School!

So first today I want to warn you against the argument advanced by some leading industrialists; namely that if we forego short-term profit we may have no long-term future; in the market economy, we will be eaten if we don't advance avariciously on all fours. I disagree with this thinking 100 percent, and this is not an ivory tower planner talking. With others, I have built a business from a $100,000 equity investment in 1960 to a Company with a net worth of $28 million as of last year end. In that journey there were many days of no profit, forget short-term profit.

While we must have broad environmental legislation which prescribes uniform treatment—both carrot and stick—for industry, industry must do its part even, *and most probably*, at the cost of short-term profit. I do not believe that the rightful public anxiety over the environmental crisis will stand for any other course. Nor do I believe it should.

This being the case, I suspect that the crisis of the environment and the related crisis, as they pertain to the business community, are going to alter that community permanently. Let me take this thought the next step in a familiar context, that of the old argument about the social responsibility of the business organization. In my day here it was called "Business Responsibilities in American Society," although the subject matter was far removed from what I am advocating today. Then we all decided that, yet, the organization does have definite social responsibilities . . . that, in the pursuit of these, short-term profits can be held down in favor of longer-term investments in the betterment of society . . . and that this strategy in truth is the best possible management strategy for a business to adopt, because it constitutes insurance of a better future for all.

In my judgment, the urgent threat to survival posed by our depredations against the environment has brought the future right to our doorstep. As President Nixon has said, "it is now or never". Our whole notion of redirecting *some* of our resources into socially valuable projects but keeping *most* of our resources in making money irrespective of the consequences will no longer wash. The trick will be to direct *most* of our resources to rendering society more humane and more livable *and* making money in so doing. What I am really suggesting is a reordering of business priorities, of taking the quality of life issue out of the public relations department and putting it right smack on the President's desk, as top priority! In all areas, and in all forms, quality of life must weigh equally with Adam Smith's market mechanism in the allocation of resources.

Does this mean the death of the profit-system and of free enterprise capitalism? In a thousand speeches before a thousand Rotary Clubs, it perhaps will. But in this speech, it obviously doesn't. I do think that the mishandling of the issue by some businessmen will compound the woes of transition. But I also think we're headed for a type of redefinition, not an abolition, of the concept of profit—one that will assess corporate gains and losses not only in terms of dollars but also in terms of social benefits realized or not realized.

At this point, I can almost read the minds of some of you who are thinking: Well and good. But how do you convert social benefit gains into measurable indicators? How do you quantify benevolence?

The assumption that you can measure business performance only by money standards—and its counterpart that you can't assess social beneficience in money terms—is like the assumption that the bumble bee can't fly. No matter what the aerodynamic engineers prove on the drawingboard, it damn well does fly. And the quantification of social gains, despite the abstract logic of some theoreticians, is proceeding apace. As evidence, let me refer you to an article by Robert Beyer in the March, 1969, *Journal of Accountancy*. Mr. Beyer is managing partner of Touche, Ross, Bailey & Smart in New York. Needless to add, his other management credentials are impeccable. In his article, "The Modern Management Approach to a Program of Social Improvement", Mr. Beyer explains what's being done today in Detroit to quantify the results of the city's welfare programs. Among many other insightful comments, the article includes this one:

"The *degree* to which basic human needs are reduced, and the *time* it takes for reduction to occur, is the acid test of a social program's success. Continuing measurement, reliably controlled in the best accounting tradition, provides a valuable instrument of continuing evaluation. The absence of this ingredient is responsible for the failure of more social improvement programs in the past than any other single factor."

It can be done and I interpret Mr. Beyer's remark as a direct rebuke to the doubters. Broadly, he's suggesting that if we apply the same skill and control to managing social improvement that we're applying to managing businesses, we will be able to measure quantitatively the effect of our involvement.

There are those in business today, in the ranks of top management, who object to business involvement in not-for-money-profit social endeavors, or profit endeavors with a socially responsible overtone. They feel sincerely that such endeavors are primarily the concern of government. I disagree. It seems to me that future historians will see much of the American 20th century in terms of brilliant theoretical proposals on the part of government, but of correspondingly dismal administrative realities. I hold with Peter Drucker that the job of government is to propose directions for society and to legislate the rewards and penalties into being. But it's the role of enterprise to act, to manage, to innovate and to bring about social change. This, after all, is what businessmen are good at doing. As a matter of past historical fact, one of the reasons big government arose in the first place was because private enterprise—lacking the motivation of survival—shirked for so long its environmental and social responsibilities.

Now, we have no choice but to assume these responsibilities and we do have the primal motivation of survival. Far from wishing the government to do an incompetent job with them, I'm willing to hope that we recapture from government all kinds of business-related endeavors and make money in so doing. In sum, not only do I hope as a businessman for the lion's share of the work to be done on our environment, but I favor also the "reprivatization"—another phrase of Drucker's—of the postal services, the lending agencies and other unwieldy factories of government administration.

What will business life be like after the millennium of a new definition of profit? Will businessmen be forced to say, like the old wizard in the *Lord of the Rings*, "the Third Age of the world is ended, and the new age is begun; and though much has been saved, much must now pass away"? I don't think we're quite ready to put aside our energy and initiative or to say goodby to the American Dream. But I do think that our business life, which has changed so much over the past decade, will change even more over the next. I think in many respects it will be even more satisfying to be in business than it has been. Echoing the comments of another sage, John Maynard Keynes, "I look forward, therefore, in days not so very remote, to the greatest change which has ever occurred in the material environment of life for human beings in the aggregate. . . . The critical difference will be realized when prosperity has become so general that the nature of one's duty to one's neighbor is changed."

Ladies and gentlemen, I think the nature of our duty has changed indeed. With Keynes—Keynes the man—I feel that "it will remain reasonable to be economically purposive for others after it has ceased to be reasonable for oneself." This, I think, is to become the major motif of business. It must, if we, our system, and our way of life are to survive.

LEAD POISONING: CHILD KILLER

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. HAWKINS. Mr. Speaker, the large number of lead poisoning cases reported in recent months has attracted the attention of concerned public officials

and organizations throughout the United States.

Such poisonings occur among young children, almost always between the ages of 1 and 6, who eat crumbling plaster or paint chips heavy in lead content that they find on the floor or peel off the walls of older mostly slum dwellings. Because the symptoms of lead poisoning are so similar to symptoms of other diseases, such as the common cold, and flu, medical authorities often mistake lead poisoning for other ailments.

Progress is being made, however, not only in diagnosis and treatment, but in the awareness of officialdom and the public. Many citizen groups such as the VITA–D.C. Committee on Lead Poisoning, are engaged in an effort to disseminate information to residents of the inner city where older dwellings abound and to educate them to the hazard to their children of lead poisoning. The importance of these efforts cannot be minimized.

Legislation introduced in the Congress was the subject of recent hearings held by the subcommittee on housing of the House Banking and Currency Committee.

Most significant was the testimony presented by Dr. Hazel Swann, a volunteer with Volunteers for International Technical Assistance (VITA). Accompanying Dr. Swann was Mrs. Romana Parker whose son was the District of Columbia's first recorded lead paint poisoning casualty.

Dr. Swann's statement is a clear delineation of the problem as well as offering sound recommendations for its ultimate solution.

The statement follows:

STATEMENT BY THE VITA-D.C. COMMITTEE ON LEAD POISONING

PRESENTED TO THE SUBCOMMITTEE ON HOUSING, CHAIRED BY THE HONORABLE WILLIAM A. BARRETT, CHAIRMAN

Mr. Chairman, members of the Committee, we thank you for this opportunity to address you. Our message is an urgent one that affects potentially thousands of children living in slum housing in the District of Columbia, as well as children in many other parts of the nation.

My name is Dr. Hazel Swann. I'm a volunteer with the VITA-D.C. Office. VITA, or Volunteers for International Technical Assistance, along with a number of D.C. community organizations has formed the VITA-D.C. Committee on Lead Poisoning. I am here representing that broad group, on behalf of our children.

The lady with me is Mrs. Romana Parker, of the North East section of the District of Columbia. Mrs. Parker is the mother of a child, Ricky Parker, whose tragic death in June of this year was a result of lead poisoning.

Ricky Parker was pretty much of a normal three year old. Maybe big for his age, but normal otherwise. Except that he had a habit of sitting on the steps in his house and cramming bits of things into his mouth that he shouldn't eat.

He lived at 229 F Street, N.E. with his mother, Mrs. Romana Parker, and two other children—a sister 21 and a brother 18. His father is ill and in a veteran's hospital.

On June 22, very early, he died. He was dead when his mother reached the hospital.

An autopsy showed he died of lead poisoning. Ricky Parker became the first recorded lead poisoning death in the District, according to health department officials. He was not the first child to die of the disease. The autospy showed that Ricky had lead in his knees; bits of paint chips in his colon; and plaster chips and paint chips in his stomach.

His mother said he had been eating paint wherever he could find it in the house for a year, but never showed any adverse signs of lead poisoning. Every time she would catch him, she would make him quit. She patched the walls in the old house with plaster wherever she would find him picking at flaking paint. She said he couldn't stop eating paint and that just before he died, it almost became a mania with him trying to find paint and plaster that he could eat.

Why did Ricky have to die? Lead poisoning is a completely preventable disease that attacks children living in slums. Its victims are most often children between the ages or 1 and 6 who eat bits of crumbling plaster or peeling paint that is heavy in lead content. No one knows for sure just how many children suffer from the disease, but every year children die from it. No one knows how many children die or are irreparably damaged by lead poisoning because the District Government only began in April of this year to require doctors to report cases of lead poisoning. This is the first substantive effort at any kind of legislation to deal with the problem of lead poisoning in the District.

The infant who drops his bottle into a pile of chipped paint on the floor or the toddler who crams bits of broken plaster or putty into his mouth is susceptible to lead poisoning. It has been estimated that one child in 15 between the ages of one and six who lives in slum housing has more lead in his system than is safe.

Parents must know how to detect lead poisoning in their children early before the case is too severe to prevent irreparable damage. That is sometimes hard to do because the early symptoms are vague and could indicate several other types of diseases or illnesses in children. But, if a child who is exposed to old paint, putty or plaster shows these symptoms, medical help should be obtained for him.

Symptoms may be very mild or quite severe. In the very young child, symptoms may appear shortly after exposure to the lead.

Mild symptoms include headache, irritability, inability to sleep, stomach ache, weakness, loss of weight, vomiting, or loss of appetite. In severe cases, the symptoms may include dizziness, staggering, paralysis, pains in joints, convulsions, or blindness.

As you can see, the early symptoms of lead poisoning can be and are easily mistaken for other, less virulent diseases. In terms of medical costs and possible loss of life, it is easier to prevent the disease by removing all old, peeling paint, plaster, and putty from walls within four feet of the floor. These precautions may help prevent the often permanent damages of lead poisoning. May I emphasize that ignorance is widespread. Reportedly Ricky for some time, was treated for Anemia, not Lead Poisoning.

The VITA–D.C. Committee on Lead Poisoning came into being several months ago. It was originally composed of representatives from two social organizations, two VITA-Volunteers and the VITA–D.C. staff. There are now about ten participating community organizations. The goal of the committee has been to launch an informational campaign, directed to the parents of children living in D.C. slum housing; better described as the D.C. Lead Belt.

A simple informational pamphlet was designed by the committee, and through the efforts of the participating community organizations, over 25,000 pamphlets have been distributed. Approximately half were distributed on a door to door basis. Others were distributed through 52 child care centers, and 12 inner-city schools. Well over 400 persons have been involved in this effort. This is not enough! While we were working, Ricky Parker died of Lead Poisoning!

We are aware of a recent blood testing campaign conducted on a number of children in the District. This is a worthwhile beginning, but it is still only a small step toward a curative measure. Until children can be treated and returned to a home free from the presence of lead, doctors, parents, and helpless children will be caught in a vicious cycle of band-aid remedies, in which the real cause is never stopped. In short, Prevention must be emphasized.

What is to be done first? A massive information/educational campaign must be mounted. It should be directed towards the populations most vulnerable to the disease (slum dwellers), and those persons most involved with the problem, i.e., community health clinics, landlords, MDs, community organizations, etc.

HEW could mount an effective series of public service announcements that would utilize community organization people in the delivery of the message.

Appeals to the news media for research and coverage should be made. Specific appeals should be made to the most popular radio stations in said areas. Persons forced to reside in slum housing should be made very knowledgeable of the high potential danger of peeling paint and crumbling plaster.

OEO could activate distribution of informational materials to Community Action Programs located in areas that have a high concentration of slum housing.

All headstart and childcare centers in lead-belt areas should receive informational materials. All school systems in these areas should be alerted to the problems through informational materials, that could be passed onto the Parent-Teachers Associations, etc.

In addition to the recommended massive informational/educational campaign, we strongly recommend that any national legislation dealing with lead poisoning in children place the greater emphasis on preventive rather than curative approaches. Detection and treatment programs only would see children returning to the same infectious environment, each time coming closer to death or permanent physical damage, such as blindness or mental retardation.

We realize that many people see problems with such legislation—Is the present landlord responsible? What kind of feasible system of removal is available? What are the effective means of enforcement? These are not major problems to those of us who are truly concerned. Landlords are legally responsible for the maintenance of the property they own. Removal of paint from a row-house can be accomplished at far less cost than medical treatment for one child. We know the problem can be solved with adequate funds and legislation. As representatives of the community, our greatest concern is that whatever legislation is enacted be stringently enforced. Too often, the community of the poor has been disillusioned with paper legislation in which there is no strong enforcement provision. Our participating organizations are located in the problem areas and can assure their assistance in the enforcement of whatever provisions are enacted to end the death of small children by lead poisoning.

THE NEGRO IN WORLD HISTORY

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. DIGGS. Mr. Speaker, under unanimous consent I include the following article from Tuesday magazine, June 1970:

THE NEGRO IN WORLD HISTORY

DR. ERNEST E. JUST

A modest, withdrawn man who avoided politics, it would have seemed uncommonly strange to Dr. Ernest Everett Just had he known that after his death he was to become a central figure in a battle which was as much ideological as it was scientific, a battle which pitted scientists from one side of the Iron Curtain against those from the other. But, although during his lifetime Dr. Just had shunned both publicity and controversy except for those quiet, scholarly arguments which might follow from his frequent publications in the scientific journals, it happened. And the quiet, single-minded Dr. Just no doubt would have found it ludicrous to attempt to explain science in terms of politics or politics in terms of science.

Dr. Just was a biologist, one of America's most brilliant and original experimental biologists, a man whose person and work were respected throughout the world's scientific community. But as with most scientists—and especially those of the first half of this century who were black—he was little known outside his tight little community of fellow researchers. What brought him to wider attention after his death was not, finally, the body of his more than 40 years of brilliant work, but the conclusions laymen were to draw from his final book, *The Biology of the Cell Surface*. To say he came to wider attention even then is, perhaps, to overstate the case: He came to the attention of the political polemicists who were fighting the Cold War with words and who were willing to seize on anything at hand to score debating points.

The book Dr. Just published shortly before his death in 1941 represented an attack upon the traditional biology and especially upon the gene theory. And it was an attack somewhat similar to—although Dr. Just's research was entirely independent of—the theories of the Russian scientists, Michurin and Lysenko. Such a coincidence would not usually, in a science so remote to most laymen as biology, have created a furor except that there was much more to it, from a Marxist point of view, than a theory of physical science. The Marxists chose to view the theories of Michurin and Lysenko as theories which bulwarked their views of the world, history and social organization as well—subjects far removed from the biology of the cell surface. And, in the world of the Cold War, Westerners chose to believe that these theories must, perforce, be wrong.

The core of the argument was the traditional view, first put forth by Gregor Mendel, that hereditary characteristics are transmitted from one generation to another only through the genes attached to the chromosome within the nucleus of the cell and that those characteristics cannot be modified by environment. The Russian Tromfin Lysenko's theories ran directly counter to Mendel's. He maintained that basic physiological changes in individuals may result from their environment and that they may then transmit those changes to the next generation: in short, that heredity may be affected by environment. From the Communist point of view Lysenko's theories assumed an importance beyond the field of biology because they seemed to support in the physical sciences what Marxists already believed in the social sciences—that a carefully controlled environment can lead to specific changes in man's condition and in man himself.

Now it would seem strange that a non-political black American scientist should become embroiled in such an abstract international political argument with ramifications far outside the field in which he spent his life—and, in fact, Dr. Just didn't. It was only after his death that laymen discovered in his last book that he had insisted that the idea that only the nucleus of the cell affected heredity and the rest of the cell did not was false. And he did not directly support Lysenko's theories, although he arrived at many of the same conclusions.

". . . a conception which assumes that either the individual alone or only the outside world is real, has no biological basis," he wrote. "The interdependence between individual and outside world is a postulate which has its sanction not from any abstract philosophical principle, but is true because of the biological basis here set forth [in *Biology of the Cell Surface*]. The best system of philosophy, then, is that which recognizes living thing and outside world as one interdependent continuum."

It was a long, but direct, path which brought Ernest Everett Just to a position as a figure of posthumous international controversy from his beginnings in Charleston, S.C. He was born August 14, 1883, the son of Charles Frazier and Mary Matthews Just. His father was a wharf builder who constructed some of Charleston's largest piers before he died when Ernest was four. His mother supported her three children after their father's death by working in the nearby phosphate fields and by teaching in a school she established with money she got by selling some property. Just went to his mother's school and from there to the Industrial School of Orangeburg, now South Carolina State College.

After he left the industrial school, young Just decided to go North to study, found a job on the Clyde Line (a coastal boat service) and worked his way to New York where he arrived, he later said, "with $5 and two pairs of shoes, one very worn and the other serviceable." He worked in New York long enough to get money to put himself into Kimball Academy in Meriden, New Hampshire. At Kimball he supported himself with scholarships and with odd jobs, washing dishes, shining shoes and so forth. He completed the four-year course in three years and found time as well to win a prize two years in a row for extemporaneous speaking, become president of the debating society and editor of the school paper.

In later years he told his children that while he was washing dishes one day at Kimball he had a sudden feeling that he must go home. He took off his apron, walked off the campus, stopped in New York long enough to pick up his brother, Hunter, who was working in the city, and made for Charleston. He arrived late at night and knocked several times on his door without getting an answer. Finally a neighbor called from a house next door: "Ernest, is that you?" Yes, he said, it was. "We've been trying to reach you for three days," the neighbor said. "Your mother was buried this morning."

From Kimball, Just went to Dartmouth College. There he seems to have been something of a renaissance man in the sense that his interests were wide-ranging and his grades were extraordinary. During his freshman year he made the highest mark ever by a Dartmouth student in Greek. He thought seriously of specializing in Greek and writing on a phase of the language which interested him when he discovered that a German scholar already had done such work and Just abandoned the project. He was a Rufus Choate scholar for two years at Dartmouth and was elected to the scholastic honor society, Phi Beta Kappa. He won his degree in 1907 with the only magna cum laude honors given that year. He graduated with special honors in both zoology and history—the first Dartmouth student ever to take special honors in two fields—and with honors in botany and sociology.

Bishop Wilbur P. Thirkield, president of Howard University from 1906 to 1912, wrote years later of how he had hired Ernest Just in 1907 as an instructor in English at a salary of $400 a year because: "I sensed the need of exalting English in the curriculum." The next year Bishop Thirkield was planning a new science hall for the university and asked Just to switch from English to biology. "Having gained the warm admiration of his students in English," the Bishop wrote, "Instructor Just was not favorable to the change. He has since told me how incensed he became over my insistence that he take the instructorship in biology on the plea that while I could secure teachers of English, Just was the only well-equipped man of the colored group whom I could secure for biology."

How right he was, the Bishop could not have known. During his first year of studying biology at Dartmouth Just had discovered how little, comparatively speaking, was known of the development of the egg. The subject intrigued him and he decided to make it his specialty. In 1909 he began graduate work at the Marine Biological Laboratory in Woods Hole, Mass., where he was to spend most of his summers for the next 30 years, and marine eggs became the center of his research. He wrote the first of some 50 papers he produced on the subject in 1912 and, after graduate work at the University of Chicago, won his Doctor of Philosophy degree in biology there in 1916.

Meanwhile, in 1912, he had married Ethel Highwarden, of Columbus, Ohio, a graduate of Ohio State University who was teaching at Dunbar High School in Washington, D.C. The couple had three children: Margaret, now Dr. Margaret Just Butcher, distinguished professor of American Literature at Federal City College in Washington; Highwarden, now a school principal in Cordle, Ga.; and Maribel, now Mrs. Maribel Butler, an employee of the Bureau of Census in Washington. And despite his own hardships at the time, Dr. Just while still in college had managed to put his brother, Hunter, and sister, Inez, through school as well. Both are still living. Inez, now Mrs. Inez Harris, went through Freedman's Nursing School in Washington, later established her own practical nursing school, and now lives in retirement in Los Angeles.

Even before he won his doctorate degree, Dr. Just had become so widely known that in 1915 he was awarded the first Spingarn Medal, awarded by Dr. J. E. Spingarn, first chairman of the board of directors of the National Association for the Advancement of Colored People to "the man or woman of African descent and American citizenship who shall have made the highest achievement during the preceding year or years in any honorable field of human endeavor." He won specifically for his work in physiology and for improving the standards of Negro medical schools. He had by this time become head of Howard's Department of Zoology and a professor of physiology at Howard Medical College and, still making less than $1,000 a year, found the $100 prize a considerable addition to his salary. Yet, when he won the medal, he wrote the NAACP that he was sorry he had to appear before an audience to go through the ceremony because he felt such publicity was incompatible with scientific endeavor. And when New York Governor Charles S. Whitman gave him the medal, Dr. Just said only, "Thank you."

By 1920, and lasting until 1931, he had become a Julius Rosenwald Fellow in Biology of the National Research Council and was so highly regarded for his work that the Rosenwald Foundation gave Howard an $80,000, five-year grant with the stipulation that should Dr. Just leave or die within the period of the grant the gift would automatically be cancelled. It was not an idle thought. By the late '20s Dr. Just's fame had spread throughout the world's scientific community and there were many lures put before him. He was a special lecturer at the Congress of Zoologists in Padua, Italy, in 1930. For three consecutive years he did

research at the Kaiser Wilhelm Institute for Biology in Berlin and later worked several times at the Sorbonne in Paris and the Biological Station in Naples. Once, while in Naples for six months' study financed by the Rosenwald Foundation, he was a guest of the Prince of Monaco and conducted experiments in the Prince's private laboratory.

As well, he became a vice-president of the American Society of Zoologists, was an associate editor of the *Biological Bulletin*, the *Journal of Morphology*, *Physiological Zoology*, the *Collaborator Protoplasm* of Berlin and *Cytologia* of Tokyo. In the early 1930s he was one of only four American blacks listed in the *International Who's Who*. The others were W. E. B. DuBois, James Weldon Johnson and Countee Cullen.

His fame and the stringent demands of the teaching and research to which he devoted himself did not, however, turn him into a man whose every waking thought was devoted to science. His daughter Margaret remembers that "he just loved to go to the movies, for instance. They were segregated in Washington then, and three or four times a week he would go up U Street to the Lincoln or the Republic, many times with me when I was old enough. Perhaps it was from boredom, I don't know. He liked to play tennis and played until he was 52 or 53. He loved to sail and enjoyed it particularly the summers he was in Naples. And he learned to ski when he was in Switzerland when he was in his late 40s.

"And he was an inveterate reader of detective stories, the good ones—Dashiell Hammett and Agatha Christie and so forth. He slept naked on the porch—he loved fresh air—and read in bed, with a sheet thrown over him, one of his detective stories every night. He would eat six or eight oranges a night in bed while he was reading and make my mother angry because he would throw the peelings and seeds on the floor.

"And he loved good music. His first gift to me was a phonograph. We had excellent records: Toscanini, Paganini, and he was a Bach enthusiast. Later in life he learned to like good jazz. I remember that when he went to Europe on a Rosenwald grant in 1929 he was permitted to take his wife with him. My mother was afraid of water so he took me instead and took me to see *Showboat* in New York the night before we sailed and loved the tunes. He particularly admired Ethel Waters and Florence Mills, especially a song called *Supper Time* that Florence Mills did in one of the Blackbirds shows."

Perhaps as a result of the days when he had two pairs of shoes, "one very worn and the other serviceable," Dr. Just, his daughter says, "adored good clothes and had them all made to order. He had a black camel's hair overcoat he brushed every day. We all called it 'the cat' and used to tease him by asking him if he'd brushed the cat that day.

"And he was an excellent cook. He bought a huge washtub to soak and boil big 15-pound Smithfield hams in and my mother always said, well, at least she had gained a new washtub from it. He always cooked the Thanksgiving and Christmas meals and made fruit and pound cakes he'd cut up, wrap, put in fancy baskets with nuts and things and deliver them himself to neighbors he liked. And he always did the Christmas tree—one year it was all in red satin ribbon and another time it was entirely decorated with holly. The main thing he gave us at Christmas was books, maybe a dozen each. He always said clothes were a necessity but books were a necessary luxury, his daughter remembers."

And, despite the popular image of him as the always serious scholar, Dr. Just had his amusements. Every Saturday night he gathered with some cronies to play cards but occasionally the card sessions were adjourned so Dr. Just and his friends could attend a Saturday night performance at a burlesque theater from which he would return with a collection of burlesque jokes, a habit with which his wife continually was at odds. And on Sunday morning, with another set of friends, he habitually walked to downtown Washington for his copy of *The New York Times*.

"I never heard my father raise his voice," Margaret says. "He was very soft-spoken. He would just look at you and it was worse than any shouting." Dr. Just was a tall, five-foot-eleven, thin and handsome man who looked the same in middle-age as he had in his youth and whose hair never grayed. He especially liked either very young scholars—Ralph Bunche was a particular favorite—or very old people.

Dr. Just's domestic situation had steadily deteriorated and, divorced, he was in France in 1939 before the start of World War II. While there he married a Swiss-Jewish woman of German descent named Hedwig Schnitzler. He had intended on that trip to remain in Europe, although there is some dispute between friends and children about whether it was a more comfortable racial climate abroad or his domestic troubles at home that had led him to that decision. The events of history settled any possibility of permanent expatriation: World War II broke out, France fell, and Dr. Just returned to America.

"He called the war, 'My personal Waterloo,' " his daughter recalls. He returned with his new wife in the summer of 1940, taught at Howard in the 1940–41 school year—during which Hedwig had his fourth child, a daughter, Elizabeth—and went to Woods Hole for another summer. During the summer he suffered a sudden attack, was returned home and died of cancer of the pancreas on November 3, 1941, in the same room at 1846 Third St., N.W. in Washington in which daughter Margaret had been born. His first wife also died of cancer of the pancreas some 20 years later.

The problems Dr. Just was belabored with as a man who was both black and a world-famous scientist before society "was ready" for such men, were put poignantly by a white friend and Woods Hole collaborator. Dr. Frank R. Lillie, then chairman of the department of zoology at the University of Chicago, in a memorial article in *Science* magazine. Dr. Just, he said, was "undoubtedly the best investigator in the field of biology that the Negro people have produced in America. He was more widely acquainted with the embryological resources of the marine fauna than probably any other person." Yet, Dr. Lillie said, Dr. Just's career was a constant struggle for the opportunity for research, the breath of life to a scientist.

"He was condemned by race to remain attached to a Negro institution unfitted by means and tradition to give full opportunity to ambitions such as his," Dr. Lillie wrote, a conclusion which may have been true of Howard in the 1920s and 1930s but certainly is no longer so. "For this condition no blame is to be attached to the institution, which indeed cooperated, by constant and prolonged leaves of absence, with Just's friends outside in securing support to enable him to carry on investigations elsewhere.

"An element of tragedy ran through all Just's scientific career due to the limitations imposed by being a Negro in America, to which he could make no lasting psychological adjustment in spite of earnest efforts on his part. The numerous grants for research did not compensate for failure to receive an appointment in one of the large universities or research institutes. He felt this as a social stigma and hence unjust to a scientist of his recognized standing. In Europe he was received with universal kindness and made to feel at home in every way; he did not experience social discrimination on account of his race, and this contributed greatly to his happiness there. Hence, in part at least, his prolonged self-imposed exile on many occasions. That a man of his ability, scientific devotion, and of such strong personal loyalties as he gave and received, should have been warped in the land of his birth must remain a matter for regret."

Still, one must wonder if Dr. Lillie was entirely accurate in his insistence that Dr. Just was on a constant search for "larger" fields. Just himself once said, "If I can give the boys and girls a scientific start, it will help them in whatever they do later. It will clarify life. I doubt if I'd leave here [Howard] to go into the best research laboratory in the world. I believe in mass action, and I'm here to help raise the general level of race attainment. I feel as if I ought to do something for my race in the South." And Margaret remembers that Dr. Just had several offers to go to larger, better equipped, schools and turned them all down for one reason or another.

"I remember when he was invited to go to Brown University," she says. "They told him they wanted him, but that he couldn't identify with the social life of the campus, that he had to live in the black section of Providence instead of on the campus. He turned them down. He had other, similar offers. He was a stickler for that. My brother Highwarden had eye trouble, and my father, a devoted parent, took him to a Philadelphia oculist several times a year because he didn't think any black oculists in Washington at the time were good enough to treat Highwarden and he refused to sit in a segregated waiting room waiting for a white oculist."

Another of Dr. Just's white friends, Dr. Ben Karpman, remembered talking about the black scientist with E. P. Lyons, dean of the University of Minnesota Medical School. "The greatest problem in American biology is Professor Just," Karpman remembered Lyons saying. "He properly belongs to an institution like Rockefeller Institute, and he was the most logical candidate to take the place of Jacques Loeb when he died [in the '30s], but the Rockefeller Foundation, spending millions of dollars to combat disease internationally, couldn't summon enough courage to solve an interracial problem. By its example it could have set a precedent to follow that science knows no race nor creed. What it actually did was only catering to old prejudices in spite of its presumed internationalism."

Dr. Karpman's obituary of Dr. Just in the *Journal of Nervous and Mental Diseases* said perhaps as much about the scientist as could be said:

"America has lost one of the stalwarts of its science and the world one of the most brilliant and original experimental biologists of the present century," he wrote. "Though Professor Just's special field was cytology and he never contributed a single line to psychiatry, the results of his experimental work carry a far-reaching message to us, especially in giving experimentally supported evidence of the tremendous influences that environment has on constitution.

"As a research scientist he had boundless enthusiasm for his chosen field, but it was a quiet rather than explosive enthusiasm. His contributions were models of scientific presentation—succinct, precise, direct with great economy of words. His work was of lasting value; nothing he has done will ever have to be done over again. His work shows a forceful, lucid and penetrating mind, one that does not lose itself in a mass of detail but is capable of divining at a glance the significant from the trivial. Knowledge just oozed out of him."

FEDERAL HIGHWAY TRUST FUND

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. PRICE of Texas. Mr. Speaker, the Board of Directors of the Pampa, Tex., Chamber of Commerce has met and agreed upon a resolution favoring the extension of the highway trust fund and restricting trust fund disbursements to the construction of highways.

I recommend the text of the resolution to the attention of my colleagues, for it represents the views of a community whose growth and vitality has been greatly promoted by the Federal highway system. I can personally attest to the important role this system has played in the life of the city, because Pampa is my home.

The Federal highway trust fund was created for a particular purpose; namely, to facilitate the development of a national highway network. Since the purpose for which the fund was created has not yet been achieved, I think any allocation of trust fund moneys to unrelated uses would grossly distort the law under which the fund was established. Moreover, it would countenance a backdoor spending practice that I find unjustifiable by law or by conscience.

Mr. Speaker, the Pampa Chamber of Commerce is to be commended for its forthright position on this issue.

The resolution follows:

PAMPA CHAMBER OF COMMERCE,
Pampa, Tex., July 20, 1970.

Congressman BOB PRICE,
Cannon Office Building,
Washington, D.C.

DEAR BOB: I am attaching a Resolution passed at a recent meeting of our Chamber of Commerce Board of Directors relative to the Federal Highway Trust Fund, which is self-explanatory.

We would appreciate your favorable consideration of this Resolution.

Sincerely yours,

E. O. WEDGEWORTH,
Manager.

RESOLUTION

Whereas, the development of improved highways is vital for the continued growth of the community and to the saving of lives by reducing traffic fatalities; and

Whereas, financing of major highway facilities has been done through the Federal Highway Trust Fund, which has provided a steady and dependable means of highway financing; and

Whereas, such Trust Fund is provided through taxes of users of such highways, and such funds should be limited to highway construction and not diverted to urban transportation; and

Whereas, existing legislation provided for such Highway Trust Fund will expire by its own provisions in 1972; and

Whereas, work authorizations have been made for work through 1974, and other work is on the drawing boards for construction after that date; and

Whereas, this pay-as-you-go financing is a sound way for construction of highways;

Now, therefore, be it resolved by the Board of Directors of the Pampa Chamber of Commerce that it does hereby go on record as favoring the extension of the Highway Trust Fund and does further favor that such Trust Fund shall be used solely for the construction of highways and not for the construction of high-speed transit systems in the metropolitan areas, and that a copy of this resolution be furnished to Senator John Tower, Senate Office Building, Washington, D.C. 20025; Senator Ralph Yarborough, Senate Office Building, Washington, D.C. 20025; and Congressman Bob Price, 507 Cannon House Office Building, Washington, D.C. 20515.

Respectfully submitted.

BOARD OF DIRECTORS,
PAMPA CHAMBER OF COMMERCE,
DON R. LANE,
President.

Duly adopted at a regular meeting of the Board of Directors on the 29th day of June, 1970.

E. O. WEDGEWORTH,
General Manager.

CONGRATULATIONS TO THE FILIPINO COMMUNITY OF SANTA CLARA COUNTY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. EDWARDS of California. Mr. Speaker, on Saturday, the Filipino community of Santa Clara County will launch its drive to build a Philippine Cultural Center. At the same time they will celebrate the final payment on their headquarters building in San Jose. This event is significant far beyond the community of 8,000 persons of Filipino descent who have made Santa Clara County their home. It is a significant step in the emergence of a fine group of Americans whose rich culture, combining the best of Asia and the West, is little known outside the Filipino-American community.

There are historical reasons for our lack of knowledge about this group. Under the national quota system of immigration, only 100 Filipinos were allowed into the country each year. This harshly discriminatory policy caused untold human suffering to the families which were separated by it. The system prevented, to a great extent, the development of stable and progressive communities. All that is changed. The disgraceful quota system was abolished in 1965 and Philippine immigration has increased to the point where it now leads all other nations. Manila is the No. 1 visa issuing post in the world. Most of the new immigrants are highly skilled professionals who bring with them a vast quantity of talent, energy, and enthusiasm for the task of establishing new homes and careers and helping to build up their communities.

This new infusion of humanity from our great Pacific ally will be a source of strength and enrichment to those west coast communities in which they settle. It is timely and appropriate that a cultural center be established, as a channel through which these new arrivals may ease their adjustment to a new homeland, as a means by which the larger community can become acquainted with the rich Filipino culture and customs, and as a vital link between Filipino Americans and their past, a sustaining contact with their ancestral roots.

The Filipino community of Santa Clara County is to be warmly congratulated for taking the lead in this important project.

THE FIGHT AGAINST BIG FEDERAL SPENDING

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. SCHMITZ. Mr. Speaker, the Federal Government is now spending more than $200 billion a year of the money earned by productive American citizens.

This figure is so vast as to defy imagination. Even the California State budget of nearly $7 billion a year pales into insignificance by comparison.

Everyone can think of good reasons for spending money—his own, and still more readily, other people's. Here in Washington, thousands of highly paid and well-organized professionals spend almost all their time developing the most plausible, superficially convincing, and well-documented cases for spending more of the people's money. No one Congressman, or all the Congressmen put together, could match point for point this kind of expertise on why we should spend money.

Therefore, we need a clear, fixed standard by which to judge proposed spending increases. I shall apply in Washington the same standard I used in Sacramento: that no annual spending increase should exceed the annual percentage of population growth and inflation. Furthermore, since Federal deficit spending is primarily responsible for inflation, spending must be cut in every possible area so as to eliminate the Federal deficit entirely.

This may hurt some good people and programs. But inflation hurts more. The inflation rate has been going up steadily and, if this increase continues indefinitely, it will destroy our economy as it has destroyed the economies of other nations. Uncontrolled inflation in Germany during the 1920's was one of the primary factors which brought Hitler and the Nazis to power.

In my first month of service in Congress, I have been deeply disturbed by the steady flow of bills through the House which authorize or appropriate money for continued heavy Federal spending and large spending increases. A relatively small group of Congressmen in nearly every case fights a gallant rearguard action against these spending bills, usually to little avail. They deserve to become much better known, as the taxpayer's unsung friends. I have been particularly impressed with the work of Congressmen H. R. GROSS of Iowa and DURWARD HALL of Missouri as floor leaders in the daily fight against big Federal spending.

President Nixon has also criticized the record of Congress this year in voting for

spending increases, notably the huge aid to education bill which, as passed by the House on July 16 with only 30 "no" votes including my own, would provide over half a billion dollars more for our often misdirected school systems than the President requested—and his request in turn, represented a substantial increase over what they are now receiving. Even if available, more money is not the answer to the problems of our schools today, as or California experience in recent years has clearly shown.

I hope the President will back up his words with action and veto this and other big spending bills which reach his desk. His leadership could rally enough votes in the House to sustain a veto.

Almost as disturbing as the vote itself approving the half-billion dollar increase in aid to education above the President's request, was the fact that some Congressmen did not want to have a record vote on this issue at all. While it is true that the large number of Members in the House precludes a rollcall on every issue, certainly there should be a record vote on every spending increase of anywhere near this magnitude, so that the people can know whether their Representative approved it or not. Though now one of the most junior Members of the House, I will make every effort to see that votes are recorded on all major Federal spending bills.

MIDDLE EAST

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. CULVER. Mr. Speaker, I am sure that every American was as dismayed as I was by recent revelations that the Soviet Union is expanding its presence in the Middle East and sending pilots and technicians into Egypt. As a member of the Foreign Affairs Committee, I am particularly concerned that the Russian assumption of a more aggressive role in this conflict poses a grave threat to world peace.

I believe that this development threatens not only to upset the delicate balance of power in the region but also to involve the major powers more and more deeply in an ever-escalating war. I also believe that it is essential for the Nation to demonstrate its resolve to honor its commitments in the area.

To this end, I recently introduced a resolution in the House urging the President to call upon the Soviet Union to withdraw its personnel. The resolution has the support of many of my colleagues and I am hopeful that favorable action will be taken on it in the near future. The text of the resolution follows:

RESOLUTION

Resolved, That it is the sense of the House of Representatives that the introduction of Russian pilots and the manning of missile sites by Russian technicians in the United Arab Republic is contributing to the increasing tension in the Middle East and the President is strongly urged to call upon the Soviet Union to withdraw all Russian personnel as a major step toward encouragement of peace in the Middle East.

OUTSTANDING PERFORMANCE OF DUTY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. GAYDOS. Mr. Speaker, the commanding officer of a U.S. Army service unit in Pittsburgh, Pa., recently was cited in a letter of commendation from his superior officer for "outstanding performance of duty" while undergoing annual training at the headquarters of the Army's Military Mail Terminal in Seattle, Wash.

The officer singled out for this tribute was Capt. Walter S. Tyc, who commands the 330th base post office, stationed at the Army Reserve Center, 950 Saw Mill Run Boulevard in Pittsburgh.

Mr. Speaker, the 330th base post office includes many men from my 20th Congressional District and they share in the honor paid Captain Tyc by Lt. Col. Jose Strazzara, commanding officer of the Seattle Military Mail Terminal.

It is with great pleasure I insert a copy of Lieutenant Colonel Strazzara's letter to Captain Tyc in the RECORD, and I invite the attention of my colleagues to its contents:

DEPARTMENT OF THE ARMY, HEADQUARTERS, U.S. ARMY MILITARY MAIL TERMINAL, SEATTLE, SEATTLE POST OFFICE, LANDER STREET ANNEX,

Seattle, Wash., June 27, 1970.

Subject: Letter of commendation.

Capt. WALTER S. TYC,
Commanding Officer,
330th Base Post Office,
Seattle, Wash.

1. Upon your departure from this installation, I wish to commend you and members of your command for the truly outstanding performance of duty while undergoing annual training at this installation during the period of 14 June 1970 through 27 June 1970.

2. Your extraordinary professional excellence, guidance, leadership, military bearing and sincere concern have been largely responsible for the successful completion of annual training, 1970. Indicative of your responsible attitude was the fact that you personally supervised the training during long and arduous hours without a single complaint. You have insured that the need of your personnel were catered. Your mature guidance, judgment and background experience have been an invaluable tool to the commissioned, non-commissioned officers and enlisted men under your command.

3. The outstanding training tools developed by you and members of your command have increased the efficiency and knowledge of personnel in this installation and, as a result, have greatly improved the capability of this command to conduct its training mission.

4. I request that you convey my respect and deepest appreciation to the officers and men of your command who were responsible for the truly outstanding training. It is truly a response that is in the finest tradition of the United States Army Reserve and the United States Army.

Lt. Col. JOSE STRAZZARA,
AGC, Commanding.

NUTRITION PROGRAM FOR THE ELDERLY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, as cosponsor of H.R. 17763, the nutrition program for the elderly, I urge all those who are concerned with the problems faced by our senior citizens to give serious consideration to this bill.

All too often, in our complex technological society we fail to recognize the needs of a segment of our population to whom we owe so much—our senior citizens. Inflation may bring discomfort to us all, but not to the degree faced by our elderly citizens living on fixed incomes. While we may at times find it necessary to forego certain luxuries, our senior citizens struggle to obtain the bare necessities of life. Certainly those who have devoted a lifetime contributing to the progress of our Nation deserve our respect and consideration in their later years.

Recently we celebrated the fifth anniversary of the Older Americans Act. While it is true that a great deal has been accomplished in the past half decade, much remains to be done.

Intensive research has shown the need for a comprehensive nutrition program. Inflation and unemployment have hit the elderly especially hard, and with the constant rise in food prices it becomes increasingly difficult for them to obtain a balanced diet. Consequently, many of our senior citizens suffer from a lack of nutrition which intensifies many of the other physical limitations brought on by the process of aging.

H.R. 17763, the nutrition program for the elderly, would bring us further toward the goal of insuring that our older Americans are provided with balanced meals served in a social setting. In addition to maintaining high standards of health, it would end the depressing isolation suffered by so many of our elder citizens in their later years of life.

Balanced meals would be served in strategically located centers such as schools, senior citizen and community centers, and public and private nonprofit institutions where suitable. The funding of the bill would be provided on a matching basis by Federal, State, and local governments. Commodity surplus programs would also be utilized for the preparation of at least one hot meal per day at a reasonably low cost to participants in the program.

America has long been proud of its efforts to provide a healthy, productive life to all its citizens. The nutrition program for the elderly will aid in the attainment of that goal, and help repay the debt we owe to those whose efforts have helped make our country great.

FEES NOT PAID BY HOUSE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. BOW. Mr. Speaker, it has come to my attention that some of the local employment agencies are advertising positions on Capitol Hill with the notice that all fees are paid by the employer. I am certain it is well known to everyone on the Hill that there is no provision in our system whereby the House of Representatives can pay a fee to an employment agency for recruiting personnel for officers or members of the House. It might be well if the appropriate officials of the House were to investigate the possibility of misleading advertising which could be embarrassing to the House and to prospective employees. I assume that the same considerations would apply to the other body.

Mr. Speaker, I am as you know a longtime champion of the private employment agencies, feeling that they do a vital, useful, and necessary service in our society. The problem I mention may seem of little significance but it can be of great significance if through misunderstanding or oversight any agency is misleading applicants for positions on the Hill.

HOUSE OF REPRESENTATIVES—*Tuesday, July 28, 1970*

The House met at 12 o'clock noon.

Rev. John L. Meares, Evangel Temple, Washington, D.C., offered the following prayer:

Almighty God, we bow our heads and hearts before Thee in worship and honor. We need help. There are many perplexing problems that have sprung up around us like a wilderness. We do not know the way. We are like sheep without a shepherd. In Thy divine providence You have ordained these Congressmen to lead us. You said, if any man lack wisdom let him ask of God who giveth liberally. When men set their hearts to seek after Thee, You are faithful to answer. May the ears of each leader of our Nation be open to hear the voice of the Great Shepherd who is the Prince of Peace and the everlasting Father. In the name of our Lord Jesus Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

REPRESENTATIVE MICHAEL J. KIRWAN

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I have in my hand a copy of the Daily News Digest of yesterday from the Republican congressional committee public relations office. One of the items in that paper is as follows:

> Representative Michael J. Kirwan, Democrat-Ohio, second oldest member of Congress who since 1937 doled out billions of dollars of "pork barrel" water projects and campaign funds, died today.

Mr. Speaker, this item has a UPI dateline. Somebody down at Republican headquarters probably picked it up and copied the first sentence. I think it is a reprehensible piece of business, both on the part of whoever wrote it downtown in the Republican headquarters, and UPI, for that matter.

Mike Kirwan was responsible for probably more public works projects for the benefit of Americans than any man who ever sat in this body, and he did not make any political decisions about it. They are in every district in the country. I think it is a poor way to honor the memory of a man who died only yesterday morning and who has such an outstanding record.

I will say that his reputation as a builder of America will live on long after these snide remarks and the people who wrote them are forgotten.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the distinguished minority leader who, I know, deplores this as much as I do.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman yielding.

Mike Kirwan was a dear personal friend of mine. I served with him on the Committee on Appropriations many, many years. We worked together on innumerable programs and projects. I am saddened by his passing. I apologize for the article or the line or the newspiece that appeared in that publication. Mike Kirwan was a great American.

Mr. HAYS. I thank the gentleman. I just want to close, Mr. Speaker, by pointing out that there are some people who think that everything in the past and all the traditions we have had are old-fashioned and outmoded, and there is something better for everything.

I remember my grandfather saying—and I think it is just as applicable today as it was then—"If you cannot say anything good about a person, you ought not to say anything." I think that is as applicable today and I think it ought to be followed.

TRIBUTE TO GIRLS NATION

(Mr. HECHLER of West Virginia, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, Girls Nation is one of the finest programs for youth citizenship training which has ever been devised. This week 100 young women, two from each of the 50 States in the Union, are gaining practical experience in the functions and procedures of the Federal Government.

I am particularly proud of West Virginia's two senators who are represented in Girls Nation, Miss Teresa Alderson, of Vienna, W. Va., and Miss Charlene Hill, of Elkins, W. Va. It was a great thrill yesterday to get a telephone call from Miss Alderson in which she told me of the success which she and Miss Hill had in getting their bill passed by the senate of Girls Nation. The bill is to authorize that the crime of possession of marihuana be reduced from a felony to a misdemeanor.

I wish that all the young people throughout the Nation had the opportunity to have the practical training in citizenship which Girls Nation and Boys Nation provide. I would like to congratulate the American Legion auxiliary for its leadership in arranging and supervising this excellent program.

More especially, I extend my personal congratulations to the 1970 participants in Girls Nation, who I am sure will return to provide leadership in good citizenship as they return to their home communities.

FLY BEFORE YOU BUY

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, since I have not always agreed with Secretary of Defense Laird, I am glad of the opportunity to rise today to commend him on the announcement he made yesterday of the adoption of a new policy in Defense procurement: Fly before you buy.

Last year and this year I offered amendments to military authorization bills, seeking to eliminate the procurement phase of the F–14 contracts until the F–14 had been flight tested. My amendments failed in the face of strenuous opposition by members of the Armed Services Committee, who said in effect that I did not know what I was talking about. I am delighted that the Secretary of Defense has now come around to my point of view.

I do hope that the policy the Secretary has announced will be put into effect immediately and that the requests the Pentagon has made for authorizations that do not comply with the policy of "Fly before you buy" will be withdrawn. This will reduce the military authorization for fiscal year 1971 to $658 million for the F–14 alone.

TRIBUTE TO THE HONORABLE MARTHA W. GRIFFITHS

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker and Members of the House, I take this time to

extend my congratulations to the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS) who, after many years of effort, has succeeded in bringing to this body the constitutional amendment to provide equal rights for women.

In the petition, which Members will find in the RECORD for the 20th, I believe, she secured the most bipartisan group of people I have ever seen—Republicans, Democrats, some who classify themselves as conservatives, some who classify themselves as liberals, or progressives, committee chairmen. There are 13 committee chairmen who signed the petition. They are: Mr. FALLON, Mr. STAGGERS, Mr. MORGAN, Mr. FRIEDEL, Mr. GARMATZ, Mr. KLUCZYNSKI, Mr. MILLS, Mr. ASPINALL, Mr. HOLIFIELD, Mr. PERKINS, Mr. RIVERS, Mr. PATMAN, and Mr. MCMILLAN.

Mrs. GRIFFITHS, in my judgment, deserves high commendation. I was happy I was one of those who signed the petition.

CONFERENCE REPORT ON H.R. 15733, RAILROAD RETIREMENT ACT AMENDMENTS

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1337)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 8, and 11.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 9, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

Strike out the matter proposed to be stricken out by the Senate amendment, and on page 6 of the House engrossed bill, after line 7, insert the following:

"SEC. 5. The fifth sentence of section 15(c) of the Railroad Retirement Act of 1937 is amended by striking out 'obligations' the second place it appears and inserting in lieu thereof 'notes'."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "6."; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows:

On page 3, line 19, of the Senate engrossed amendments, strike out "Sec. 6." and insert the following: "Sec. 7."; and the Senate agree to the same.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
Managers on the Part of the House.

THOMAS F. EAGLETON,
CLAIBORNE PELL,
GAYLORD NELSON,
HAROLD E. HUGHES,
RALPH T. SMITH,
RICHARD S. SCHWEIKER,
WILLIAM B. SAXBE,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15 per centum increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following Senate amendments made technical or conforming changes: 1, 2, 5, and 9. With respect to these amendments the House either recedes or recedes with amendments which are technical or conforming in nature.

Amendment No. 3: The Senate amendment made a largely technical modification in the provision of the House bill dealing with the application of the 15-percent benefit increase to persons receiving pensions under section 6 of the Act and to certain survivor annuitants, in order to simplify the computation of the increase for certain widows and widowers by avoiding the necessity of going back to recompute the employee's annuity on which a widow's or widower's annuity is based and instead permitting the Board simply to increase the widow's or widower's annuity by 15 percent. The House recedes.

Amendment No. 4: The House bill provided for a temporary change in the method of computing interest payable on the obligations of the United States in which the railroad retirement account is invested. The new method would have provided for reinvestment of the account in Government obligations bearing interest at a rate equal to the highest rate then payable on any obligations of the United States then outstanding. The Senate amendment deleted this provision.

The conference substitute provides that the rate of interest to be borne by investments in the railroad retirement account will hereafter be computed on the basis of U.S. "notes," rather than "obligations", thereby providing an increase in the interest rate currently payable on these investments.

Present law provides that the special obligations issued to the railroad retirement account shall bear interest at a rate equal to the average market yield, computed at the end of the month preceding the date of issue, borne by all marketable Treasury obligations not due until after the expiration of 3 years. For obligations issued during July, this formula produces a rate of 7⅝ percent.

The interest rates on special obligations issued to the social security trust funds are governed by similar statutory formulas. The current Advisory Council on Social Security (such a council is set up every 5 years to make recommendations on social security matters) is recommending that, if the statutory limit on interest rates (which now prevents the issuance of long-term bonds, leaving for investment of the funds only notes, which can be no more than 7 years to maturity) is not repealed, the statutory formula governing interest rates on special obligations issued to the social security trust funds should be changed to make the interest rate computations consistent with the fact that only notes can be issued. This would be done by eliminating, in computing the average yields on outstanding obligations, the yields on Treasury bonds, which would result in a formula producing a higher yield. The reason it would produce a higher yield is that outstanding bonds, all of which were issued in earlier years when rates were lower, have lower market yields that notes because of two tax advantages: (1) a substantial part of the income earned on them is taxable at the capital gain rate, and (2) they can be used at par value to pay estate taxes. Since neither of these tax advantages has any value to a Government trust fund, there is logic in eliminating these lower yielding bonds from the average used in computing the rate which will be applied to the obligations which can be issued to the funds, whose permissible maturity excludes bonds. Legislation would be required to make this change.

If such a formula were used to compute the rate on obligations issued to the railroad retirement account, it would produce a rate of 7¾ percent for obligations issued during July. This is one-eighth percent higher than the rate derived from the present statutory formula. It is estimated that the higher rates under the proposed formula would increase the account's interest income by $27.5 million over the next 8 years. The attached table shows the increase by years.

Estimated increase in interest income to railroad retirement account

[In millions]

1971	$0.1
1972	.5
1973	.8
1974	1.7
1975	2.8
1976	4.1
1977	7.3
1978	10.2
Total	27.5

In addition, agreement has been reached with the Treasury Department upon an administrative change in the investment procedures governing the railroad retirement account. It is estimated that this new procedure will provide increased income to the railroad retirement account in the amount of $168 million over the next 8 years, which, when combined with the $27.5 million estimated to accrue as a result of the change in the interest rate computation, will provide over the next 8 years $195.5 million in additional income to the railroad retirement account.

A letter from the Secretary of the Treasury embodying the terms of this proposed modified investment procedure is set forth below in the following table:

RAILROAD RETIREMENT TRUST FUND

Proposed procedure (proposed July 22, 1970):

1. First use current year's investments to cover current year's expenditures.

2. Use holdings which were part of rollover pattern prior to bond rate (market yield) exceeding 4¼-percent ceiling (use 4 percent and 4⅛ percent first).

3. Holdings nearest maturity.

ESTIMATED INTEREST COST

Fiscal year	Current procedure	Proposed procedure	Increased income
1971	$205,000,000	$206,000,000	$1,000,000
1972	221,000,000	234,000,000	13,000,000
1973	227,000,000	258,000,000	31,000,000
1974	245,000,000	275,000,000	30,000,000
1975	254,000,000	281,000,000	17,000,000
1976	263,000,000	290,000,000	27,000,000
1977	274,000,000	297,000,000	23,000,000
1978	287,000,000	303,000,000	16,000,000
Total	1,976,000,000	2,144,000,000	168,000,000

THE SECRETARY OF THE TREASURY,
Washington.

HON. HARLEY O. STAGGERS,
Chairman, Interstate and Foreign Commerce Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The House-passed version of H.R. 15733, a bill to provide a temporary increase in railroad retirement benefits, included a provision which would change the method of investing funds of the retirement account. This provision was designed to increase the account's income as a way of financing the increased benefits. As you know, the Treasury opposed this provision in the House-passed bill on the ground that the proposed formula was an unsound procedure and that it would be an unwise and costly precedent. The provision was deleted from the bill as it passed the Senate.

I understand that this difference has been a principal matter of disagreement between the conferees. In order to assist in the resolution of that disagreement, the Treasury has carefully reviewed the investment procedures of the railroad retirement account. On the basis of this review, we are prepared, as a substitute for the House's proposed change in the investment procedure, to change the procedure under which special obligations issued to the account are redeemed to make benefit payments. We estimate that this change, which can be made administratively, would produce $168 million of additional interest income for the account over the next 8 years, after which the change in redemption procedure would not increase income (although the additions to the account through increased income in those 8 years would, of course, continue forever to earn interest).

Under the present procedure, receipts during a fiscal year are invested in temporary special obligations which mature on the last day of that fiscal year; on the last day of the fiscal year, all available funds, including the temporary special obligations maturing that day, are invested in special obligations maturing in 7 years, the maximum permissible because of the statutory interest-rate ceiling on longer term obligations. To make benefit payments and other outlays, temporary special issues maturing within the current fiscal year are redeemed first, starting with the ones with the lowest yields; if funds are needed for outlays and there are no current year maturities, special issues maturing in the earliest year after the current year are redeemed, beginning with those with the lowest yield and working through the year.

Since the account runs at a substantial deficit through the fiscal year, until the social security interchange and interest payments are made at the end of the year, redemption of current year investments does not provide enough money to meet outlays, and it is always necessary to redeem throughout the year a substantial amount of special issues maturing in later years. Through this process, over half a billion dollars of special obligations issued when rates were lower in earlier years are redeemed before maturity each year (even through permanent investments in an even greater amount are made at current higher rates at the end of the year). Our proposal would speed up this conversion of the account's portfolio to higher yields by moving to the end of the redemption cycle those special obligations whose maturity had to be shortened because of the statutory ceiling on long-term-bond rates.

The attached table, showing the account's investments in special issues at the time of the annual permanent investment last June 30, will illustrate how this will operate. Since receipts will not be adequate during the current year to cover outlays, under the present procedure the first redemptions will be the 4 percent notes of 1974, next the 4⅛ percent notes of 1974, then the 4¾ percent of 1974, and, if that is still not enough, the 4 percent notes of 1975 will be used. The proposal is to change this procedure in only one respect: After the 4 percent notes of 1974 and the 4⅛ percent notes of 1974 are used, the 4¾ percent notes of 1974 will be skipped, the 4 percent and 4⅛ percent notes of 1975 will be redeemed, and so on. The 4¾ percent notes of 1974 can be skipped because the reason those notes mature in that year is that the statutory interest-rate ceiling, which does not permit the issuance of obligations with rates over 4¼ percent at maturities of over 7 years, prevented the use, when these obligations were issued in 1967, of maturities of up to 15 years, as had been the policy when interest rates were below 4¼ percent and the statutory rate ceiling did not inhibit the use of longer maturities.

By speeding up the conversion of the portfolio to higher yields, the proposed change will substantially increase the account's interest income. The Treasury recognizes that, in all the circumstances, there may be valid reasons for the proposed method of handling redemption of special issues in the railroad retirement account.

Assuming the Congress approves a conference report deleting the House-passed provision changing the method of investing funds of the railroad retirement account, the Treasury will adopt immediately this new redemption procedure.

Sincerely,

DAVID M. KENNEDY.

RAILROAD RETIREMENT ACCOUNT: CURRENT HOLDINGS OF SPECIAL ISSUES AS OF JUNE 30, 1970—FINAL

[In thousands]

Date	4 percent	4⅛ percent	4¾ percent	5¾ percent	6½ percent	Total	Proposed investment, 7¾ percent	Total holdings, special issues, June 30, 1970
June 30, 1971								
June 30, 1972								
June 30, 1973								
June 30, 1974	$72,129	$23,110	$409,289			$504,528		$504,528
June 30, 1975	185,091	23,110		$482,623		690,824		690,824
June 30, 1976	185,091	23,110			$647,948	856,149		856,149
June 30, 1977	18,091	23,110				208,201	$847,447	1,055,648
June 30, 1978	185,091	23,110				208,201		208,201
June 30, 1979		208,201				208,201		208,201
June 30, 1980		208,201				208,201		208,201
June 30, 1981								
June 30, 1982								
June 30, 1983								
June 30, 1984								
June 30, 1985								
Total	812,493	531,952	409,289	482,623	647,948	2,884,305	847,447	3,731,752

Note: Amount available for investment June 30, 1970: $847,447.

Amendments Nos. 6, 7, and 8: The House bill contained provisions terminating the 15-percent benefit increase on June 30, 1972. The Senate amendments provided instead for the termination of such increase on December 31, 1971. The Senate recedes.

Amendment No. 10: The House bill provided for a study of the railroad retirement system and its financing, to be made by the Railroad Retirement Board for the purpose of recommending to Congress on or before July 1, 1971, such changes in the system as might be needed to provide adequate benefits on an actuarially sound basis. The Senate amendment provided for the same study (with two additional areas to be considered) to be made by a temporary Commission consisting of five members, three appointed by the President and one each by the Speaker of the House and the President pro tempore of the Senate. The House recedes (with a conforming amendment).

Amendment No. 11: The Senate amendment added to the House bill a new section requiring that the 15-percent benefit increase under the bill be disregarded in establishing the amount of the income-related veterans benefits to which railroad retirement annuitants and pensioners may become entitled. The Senate recedes.

HARLEY O. STAGGERS,
SAMUEL N. FRIEDEL,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL L. DEVINE,
Managers on the Part of the House.

PERMISSION FOR SUBCOMMITTEE ON INVESTIGATIONS, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, TO MEET TOMORROW AFTERNOON

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Subcommittee on Investigations of the Committee on Interstate and Foreign Commerce be permitted to sit tomorrow afternoon at 2 o'clock.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

CONFERENCE REPORT ON S. 1076, YOUTH CONSERVATION CORPS

Mr. PERKINS submitted the following conference report and statement on the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91-1338)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

POLICY AND PURPOSE

SECTION 1. The Congress finds that the gainful employment during the summer months of American youth, representing all segments of society, in the healthful outdoor atmosphere afforded in the national

park system, the national forest system, the national wildlife refuge system, and other public land and water areas administered by the Secretary of the Interior and the Secretary of Agriculture creates an opportunity for understanding and appreciation of the Nation's natural environment and heritage. Accordingly, it is the purpose of this Act to further the development and maintenance of the natural resources of the United States by the youth, upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people.

YOUTH CONSERVATION CORPS

SEC. 2. (a) To carry out the purposes of this Act, there is hereby established in the Department of the Interior and the Department of Agriculture a three-year pilot program designated as the Youth Conservation Corps (hereinafter referred to as the "Corps"). The Corps shall consist of young men and women who are permanent residents of the United States, its territories, or possession, who have attained age fifteen but have not attained age nineteen, and whom the Secretary of the Interior or the Secretary of Agriculture may employ during the summer months without regard to the civil service or classification laws, rules, or regulations, for the purpose of developing, preserving, or maintaining lands and waters of the United States under the jurisdiction of the appropriate Secretary.

(b) The Corps shall be open to youth of both sexes and youth of all social, economic, and racial classifications, with no person being employed as a member of the Corps for a term in excess of ninety days during any single year.

SECRETARIAL DUTIES

SEC. 3. (a) The Secretary of the Interior and the Secretary of Agriculture shall:

(1) determine the areas under their administrative jurisdictions which are appropriate for carrying out programs using employees of the Corps;

(2) determine the rates of pay, hours, and other conditions of employment in the Corps: *Provided*, That members of the Corps shall not be deemed to be Federal employees, other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code;

(3) provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the Corps in their duties. The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least five years for the operation of any Youth Conservation Corps project. Whenever economically feasible, existing but unoccupied federal facilities, including military facilities, shall be utilized for the purposes of the Corps where appropriate and with the approval of the Federal agency involved. To minimize transportation costs Corps members shall be employed on conservation projects as near to their places of residence as is feasible.

(4) promulgate regulations to insure the safety, health, and welfare of the Corps members;

(5) prepare a report, indicating the most feasible and efficient method for initiating a cost-sharing youth conservation program with State natural resource, conservation, or outdoor recreation agencies, which report shall be submitted to the President not later than one year following enactment of this Act for transmittal to the Congress for review and appropriate action.

(b) The provision of title II of the Revenue and Expenditure Control Act of 1968 (82 Stat. 251, 270) shall not apply to appointments made to the Corps, to temporary supervisory personnel, or to temporary program support staff.

SECRETARIAL REPORTS

SEC. 4. Upon completion of each year's pilot program, the Secretary of the Interior and Secretary of Agriculture shall prepare a joint report detailing the contribution of the program toward achieving the purposes of the Act and providing recommendations. Each report shall be submitted to the President not later than one hundred and eighty days following completion of that year's pilot program. The President shall transmit the report to the Congress for review and appropriate action.

AUTHORIZATION OF FUNDS

SEC. 5. For three years following enactment of this Act, there are hereby authorized to be appropriated amounts not to exceed $3,500,000 annually to be made available to the Secretary of the Interior and the Secretary of Agriculture to carry out the purposes of this Act.

And the House agree to the same.

CARL D. PERKINS,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
WILLIAM D. HATHAWAY,
WILLIAM D. FORD,
LLOYD MEEDS,
PHILLIP BURTON,
EDITH GREEN,
AUGUSTUS F. HAWKINS,
JOSEPH M. GAYDOS,
ALBERT H. QUIE,
MARVIN L. ESCH,
WILLIAM A. STEIGER,
JOHN N. ERLENBORN,
EDWIN D. ESHLEMAN,
JAMES M. COLLINS,
Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
FRANK E. MOSS,
GORDON ALLOTT,
TED STEVENS,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1076) to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes, submit the following statement in explanation of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment called for Youth Conservation Corps members to be representative of "all segments of society." The Senate bill did not contain such a provision. The conference substitute adopts the language of the House amendment in this respect.

The Senate statement of purpose referred to activities of the corps on public lands and water areas "administered by the Secretary of the Interior and the Secretary of Agriculture." The House amendment contained comparable language with respect to conservation areas but did not refer to specific Federal agencies. The conference report makes specific reference to these Federal agencies.

The House amendment limited the corpsmen's minimum age to 16 years while in the Senate bill the minimum age would have been 14 years. The conference report specifies that the minimum age of a corpsman shall be 15 years.

The Senate bill required preference be given to disadvantaged youth to become corpsmen and that preference for selecting supervisory personnel be given to "primary, secondary, and university teachers and administrators, and university students pursuing studies in the education and natural resources disciplines." The House amendment contained neither of these preference categories. The conference substitute does not contain this provision. In rejecting the Senate provision the Conferees do not want their action to be interpreted as precluding from participation those given preference in the Senate bill. To the contrary the Conferees expect that full and fair consideration will be given to all applicants.

The House amendment specifically included youth of both sexes in the program by reference in two places (sec. 2(a) and 2(b)). The Senate bill included youth of both sexes by reference in section 2(a). The conference report makes reference to youth of both sexes in sections 2(a) and 2(b).

The Senate bill required that Corps programs be carried out only on lands under the jurisdiction of the Secretary of Agriculture or Interior. Under the House amendment the Secretaries were to designate the public lands to be used and coordinate Corps efforts with those agencies having jurisdiction over such lands. The conference substitute contains the Senate provision.

Both bills authorized contracting for equipment, transportation, lodging, subsistence and other services by components or as a package, although House language was more explicit. The House amendment required that any organization contracted with must have been in existence for at least 5 years. The House amendment allowed use of unoccupied Federal facilities including abandoned military installations. The Senate bill also allowed use of unoccupied facilities operated by Departments of the Interior and Agriculture, but required approval of the Secretary of Defense to use unoccupied military facilities. The Senate amendment qualified use of other Federal agency facilities to where "feasible and appropriate." The House amendment qualified such use as where "economically feasible." The conference report in resolving these differences provides that the Secretary of Agriculture and the Secretary of the Interior shall provide for such transportation, lodging, subsistence, and other services and equipment as they may deem necessary or appropriate for the needs of members of the corps in their duties. The Secretary of the Interior and the Secretary of Agriculture may contract with any public agency or organization or any private nonprofit agency or organization which has been in existence for at least 5 years for the operation of any youth conservation corps project. Whenever economically feasible, existing but unoccupied Federal facilities, including military facilities, shall be utilized for the purposes of the corps where appropriate and with the approval of the Federal agency involved.

Both bills required a report from the Secretary of Agriculture and from the Secretary of the Interior with respect to initiating a cost-sharing youth conservation program with State agencies, but the Senate required the report to indicate the "feasibility" of such a program while the House amendment called for the report to indicate the "most efficient method for initiating" such a program. The conference report provides that the report indicate the most feasible and efficient method for initiating such a program.

CARL D. PERKINS,
DOMINICK V. DANIELS,
JAMES G. O'HARA,
WILLIAM D. HATHAWAY,
WILLIAM D. FORD,
LLOYD MEEDS,
PHILLIP BURTON,
EDITH GREEN,
AUGUSTUS F. HAWKINS,
JOSEPH M. GAYDOS,
ALBERT H. QUIE,
MARVIN L. ESCH,
WILLIAM A. STEIGER,
JOHN N. ERLENBORN,
EDWIN D. ESHLEMAN,
JAMES M. COLLINS,
Managers on the Part of the House.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17548, INDEPENDENT OFFICES AND DEPARTMENT OF HUD APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17548) making appropriations for the independent offices and the Department of Housing and Urban Development, 1971.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE

Mr. HAWKINS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. HAWKINS. Mr. Speaker, the gentleman from Illinois (Mr. CRANE), in a recent press release which I send to the desk, has made certain allegations with respect to the additional views which I filed to accompany the report of the Select Committee To Investigate U.S. Military Involvement in Southeast Asia. His allegations include charges which directly impugn my motives and veracity in submitting those additional views. I therefore rise to a question of personal privilege to respond to the statement of the gentleman from Illinois.

The SPEAKER. The Chair has examined the press release sent to the desk by the gentleman from California (Mr. HAWKINS), and the Chair is of the opinion that the gentleman from California has stated a question of personal privilege under rule IX of the rules of the House.

The gentleman from California (Mr. HAWKINS) is recognized.

CALL OF THE HOUSE

Mr. ARENDS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 235]

Alexander	Gallagher	Powell
Baring	Goldwater	Rarick
Brock	Gray	Reid, N.Y.
Brooks	Halpern	Rivers
Brown, Mich.	Hathaway	Roe
Burton, Utah	Ichord	Rostenkowski
Bush	King	Roudebush
Caffery	Lloyd	Ryan
Carey	Long, La.	Sandman
Clark	McCarthy	Scheuer
Clay	McEwen	Sikes
Conte	MacGregor	Thompson, N.J.
Cramer	Mailliard	Tunney
Culver	Meskill	Watson
Cunningham	Monagan	Weicker
de la Garza	Nelsen	Wold
Diggs	O'Neill, Mass.	Wydler
Donohue	Ottinger	Zwach
Fallon	Pelly	
Ford, William D.	Pike	
	Pollock	

The SPEAKER. On this rollcall 370 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The gentleman from California (Mr. HAWKINS) is recognized.

Mr. HAWKINS. Mr. Speaker, I use this time to set the RECORD straight concerning a news release issued by the gentleman from Illinois (Mr. CRANE) on July 23, 1970.

I can very well accept his statement that his trip was on his own initiative; that he himself appointed himself to make this trip; and that his demands were actually met. I can only hope that the other Members of this body and other committees would have the same privilege of being able to inspect prisons and other facilities in South Vietnam with a photographer and with the support of the State Department and of the South Vietnamese Government. I think that privilege should be enjoyed by each and every one of us. His guided tour was well staged and cleverly contrived by the officials there to allow him to see what they wanted him to see. I have no doubt in his veracity that he has reported what he actually saw, but I believe he saw only what certain persons wanted him to see.

I do object, however, to personal attacks whether on me or any other Member of this body. It is peculiar that I was singled out when other members of the committee saw exactly what I saw and reported so, including Mr. ANDERSON of Tennessee.

The members of the House Government Operations Committee, with Mr. Moss and Mr. REID, a few days ago issued a statement concerning testimony before their subcommittee of the Committee on Government Operations which contains statements which are much broader in scope than those statements which I have made.

I apologize to this body that I acted with certain restraint and did not fully report, due to limited time to prepare a full report, as I might have, many of the other conditions in South Vietnam.

In the RECORD, also, in past RECORDS of this body, Mr. FRASER, on several occasions reported torture in South Vietnam in detention centers and elsewhere.

This is a matter of record and I shall offer at the conclusion of my remarks exhibits that will be inserted into the RECORD. The statement by the gentleman from Minnesota (Mr. FRASER) is recorded on June 8, 1970, in the CONGRESSIONAL RECORD.

Also, a correspondent for the Christian Science Monitor, Mr. Daniel Sutherland, interviewed some of the same witnesses that we interviewed, including Mr. Caao Nguyen Loi, a student leader who had spent many months on Conson, and who with four other students reported to the National Assembly their experience findings and what they found at Conson as prisoners. Mr. Sutherland's report is in the Christian Science Monitor of July 13 and I will eventually ask unanimous consent that that also be inserted in the RECORD.

Mr. Speaker, a few days ago the gentleman from New York (Mr. REID) and the gentleman from California (Mr. Moss) issued a release which went into the question of brutality and torture and which had this to say, and I quote from the joint statement of Mr. Moss and Mr. REID:

> For example, while it is abolishing the "tiger cages," it should also remedy the so-called "cattle cages," which although larger, are jammed with more human beings much like animals are in railroad cattle cars. We urge also the release of political prisoners unjustly sent to some of these caged hells on earth. Many civilians have never been tried and convicted of any crime by any tribunal, military or civilian, nor have they been afforded any protections of due process——

The Moss-Reid statement also called attention to something about which I did not report because we were denied entrance and that was to the cattle cages, and I assume the gentleman from Illinois (Mr. CRANE) also did not see the cattle cages although he had the apparent authority to make this one of his demands.

Mr. Moss and Mr. REID go on to say:

> We especially deplore the imprisonment of mothers and their children. Actions of this sort are characteristic of totalitarian dictatorships, not democratic societies.

And then the Moss-Reid report goes into another situation which we do not even get into and that was the prisoner-of-war issue. In this they are referring to the International Red Cross reports and they—meaning Mr. Moss and Mr. REID—said this:

> The brutal torture of political prisoners at interrogation centers established and advised by Americans is a shocking indictment of the depths to which we, as a people, have fallen.

They also say—again referring to the International Red Cross:

> Those reports indicate some prisoners of war have not been treated humanely. For refusing to salute the flag of South Vietnam, seven prisoners of war were locked in cells 24 hours a day, kept in irons for 13 hours during the night and permitted no outside exercise or fresh air for at least 2 months, when the International Red Cross last inspected Con Son prison in February 1970. The Red Cross vehemently protested this treatment as a violation of the Geneva Conventions to the camp commandant.

Mr. Speaker, these were some of the things we did not even cover in our report. But the point is, why did the gentleman from Illinois single me out among all those who had seen these things and have reported on them?

It would seem to me that there must be some reason. I think it is difficult to find out why when some of these reports were just a few pages from those which I inserted into the RECORD in my supplemental views.

So, I can only conclude that there are some readers who are very selective, who are willing to read what they want to read and see what they want to see and not report the facts accurately as they should be.

Now, Mr. Speaker, let us get into the exact statements made by the gentleman from Illinois. Only two or three

were even statements that I had made. They were taken out of Life magazine, from other documents that have been filed by other Members or persons and sometimes, in no way statements emanating from me.

He said:

They stated all the prisoners in the cages were sick with TB, open sores, eye diseases or malnutrition.

He says this is a complete misstatement of the facts.

He goes on to say:

None of the prisoners were sick, except those in the dispensary. I saw no evidence of open sores, eye disease or malnutrition.

Is the gentleman competent as a medical authority to draw this conclusion?

The point is that I will submit later as an exhibit medical testimony refuting the possibility that persons so incarcerated under these conditions for long months could possibly be in such good health and that there would be no evidence of such things such as sores of any kind, no eye disease or malnutrition. In any event, how could an individual go through as many cells as the gentleman from Illinois imply and conclude that "none of the prisoners were sick?"

Now, I think that it also is true that it depends a lot upon the interpreter that you have with you. We found when we were in Con Son, and throughout the country, that many times the interpreter interprets what he believes or wants others to believe to be the essence of what is said. We also found that in the prison, when the guard was standing over you—and they were always standing over you, unless you could just deliberately sneak away—that the prisoners said one thing when guards were near, and quite another thing when alone with you.

I will also ask unanimous consent to offer for the RECORD, following my statement, a statement by Mr. Don Luce, who reported to the Council of Churches his involvement with our inspection team, and I think graphically called attention to the fact that when we were talking to some of the prisoners in front of guards, that they completely denied there was any such thing as brutal treatment, they indicated that the food was good and that they had medical attention. And when we were able to get them off to themselves they denied this completely.

Mr. Speaker, I ask unanimous consent to offer the statement of Mr. Don Luce, made to the Council of Churches, to be entered in the RECORD at the conclusion of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HAWKINS. Mr. Speaker, the gentleman also states that it was not true that, as we had indicated, the prisoners could not stand. He says that "in each cell we entered"—we entered—"the prisoners immediately stood up. Out of hundreds of prisoners only one experienced difficulty in standing, and this was due to an old injury."

Well, I do not know how many cells he entered. I do not know how many prisoners he saw, but I would doubt that he saw enough on that day to conclude that there were no prisoners who could not stand up. And I certainly indicate that Mr. ANDERSON of Tennessee and I, did interview at least 40 or 50 prisoners, through an interpreter, and we were told by, I would say not less than 15 or 20, and that is a very conservative estimate of the persons who could not stand up, who said that they were paralyzed; that they had been shackled and could not use their legs.

There was no particular reason why these people with some courage could admit to us in the presence of the commandant these statements. I would certainly assume that they were not lying for they face reprisals for even telling the truth. I would, however, assume that anyone going there on a special trip, and with the commandant with him on a guided tour, is certainly going to be in a position where the prisoners are not going to tell the truth. I would say that to conclude that this statement that we made is a misstatement, is highly improbable.

Point 3. He said:

They claimed prisoners found it necessary to eat insects, lizards, and so forth.

He said:

I found absolutely no evidence to indicate this. All prisoners appeared healthy and well fed.

Well, I would refer the gentleman to page 39 of our report, which has been filed by the select committee, in which this is refuted, and in which five prisoners who had been released just a few weeks before we went there had filed with the National Assembly, and with the Minister of the Interior, a documented statement, a verified statement of theirs indicating that this was a fact. The statement, however, came from them, and not from me. But I believe the statement to be true, and at least the South Vietnamese Government, and no one else, has yet been able to refute the statement.

Point 4. He said:

They stated the air was foul, and the heat stupifying. This is not true. The cells in the "Tiger Cages" were well ventilated, well lighted, and relatively cool.

Now, I will show you a picture of these cells. I hope that you can see it. This is the top of the cell, looking down into the cell, and it is an exact replica of the cells on Devil's Island—the old Devil's Island built by the French—and these cells were also built by the French—and this is a cell in which the prisoners can be viewed from a catwalk above.

There is one door, which is here, which is a heavy door, which is bolted, and the only entrance of air or light is above.

I submit that it is very improbable for anyone to believe this is lighted—lighted how? Ventilated how?

There is contained in this type of cell 5 feet by 10 feet, five persons, sometimes two or three, but generally five persons.

There are no accommodations—that is, bathroom accommodations, except for a latrine—a small box about 1 foot by 1 foot wide and about 2 feet high for these five persons. They complained that often it was not emptied for days and they had to use that. There was no water available. As a matter of fact, one of the reasons why this island is not as beautiful as it is pictured to be is because there is no basic water supply on the island.

These prisoners are not given ample water because of the limited supply of water on that island. How you can describe that as anything other than terrible—I do not know.

Here is a box at the top of that cell. That is a lime box, which was used for holding lime which was sprinkled on them if they protested against food or against the conditions.

I understand that these boxes had been removed when the gentleman from Illinois went on his guided tour of the island.

The gentleman from Illinois said:

The cells were cleaner than the average Vietnamese home.

I do not know how long he was in South Vietnam. I do not know how many Vietnamese homes he visited, but I would say that that is a very unusual statement—to compare these cells with the average Vietnamese home which could only be done from a fair sampling.

He certainly did not have enough samples, I would suggest, of Vietnamese homes to compare these cells with. But I would certainly submit that any Vietnamese home that had lime boxes available for punishment and had no latrine facilities and which lacked water and which were as overcrowded as these cells are certainly not the type of Vietnamese home that I would want to compare anything with.

He stated we mentioned that the prisoners were shackled to an iron rod and that lying in this position caused paralysis.

I refer the gentleman to introductory remarks of the testimony of Mr. Walton, our American adviser in 1963 which indicated in the Benson report that these shackles were used not for escape, as the gentleman from Illinois said they were used for, but for discipline.

First of all—escape from what? From maximum security cells, heavily guarded and across two walls that were heavily guarded and with barbed wire at the top and from an island 45 miles off the mainland across dangerous waters they would have to swim to achieve an escape. Yet, he says they must be shackled in order to prevent their escape.

Mr. Speaker, I offer for the RECORD at this point the statement by Mr. Walton in preface to the Benson report which contains the statement:

The confinement in a discipline cell may be from a few hours to several months, depending upon the center, the violation and the violator. For example in Con Son II, some of the hardcore communists keep preaching the "party" line, so these "Reds" are sent to the tiger cages in Con Son I where they are isolated from all others for months at a time.

This confinement may also include rice without salt and water—the U.S. prisons' equivalent of bread and water. It may include immobilization—the prisoner is bolted to the floor, handcuffed to a rod or bar, or legirons with the chain through an eyebolt, or around a bar or rod.

Also the gentleman from Illinois says—

If anyone cares to investigate, I am confident that everything I have stated will be backed up by the inspection teams of the International Red Cross.

Yet, in a statement issued by the gentleman from California (Mr. Moss) and the gentleman from New York (Mr. REID), we read that the International Red Cross has not backed them up, and that it has called attention to a situation that is prevailing which certainly needs correction.

At this point I ask unanimous consent to have printed in the RECORD an article from the Washington Star of July 20, 1970, an AP release from Geneva, which states that the Swiss International Red Cross delegates visiting this prison have not given approval, and that in effect they are seeking to have the inspection so that they may look into this matter and thus to use the name of the International Red Cross to document loose statements is a little far-fetched and unfair.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The article is as follows:

[From the Washington Star, July 20, 1970]

APPROVAL BY RED CROSS OF CON SON IS DENIED

GENEVA.—Swiss International Red Cross delegates visiting the South Vietnamese prison of Con Son last February were able to talk to only about 20 of the 9,000 inmates, informed sources said today.

The delegates saw only a tiny portion of the vast detention center. But interviews with the prisoners, which took place without witnesses, were enough to prompt "serious recommendations" for improvement which were relayed to the Saigon government, the sources reported.

An official Saigon statement earlier this month claimed the representatives of the all-Swiss International Red Cross Committee reported "satisfactory conditions in all re-education centers." Later, press reports quoted Red Cross officials in Geneva as saying that conditions in Con Son were found to be "not so bad."

In line with committee policy that publicity does not help the work of Red Cross delegates, no official reaction to the Saigon statements is likely.

But the sources said they hope that the debate over Con Son and similar reports of alleged mistreatment of prisoners in South Vietnam would produce increased support for Red Cross efforts to obtain access to civil prison camps in addition to the prisoner of war centers now regularly visited.

Mr. HAWKINS. Mr. Speaker, at this point in the RECORD I would like to enter the statement of Mr. Moss and Mr. REID. I would also like to enter a letter from Senator PROXMIRE in which he details the situation at Conson as reported by a Mr. Mark Oliva, who was recently with the Military Assistance Command in Vietnam, and who was assigned to Conson as a responsibility. In this letter he goes into the question of health because the gentleman from Illinois said that health care, although limited, was adequate. How limited medical care can be adequate I do not know, but at least he says that.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The material referred to follows:

JOINT STATEMENT BY REPRESENTATIVE JOHN E. MOSS, CHAIRMAN, AND REPRESENTATIVE OGDEN R. REID

The House Foreign Operations and Government Information Subcommittee of the Committee on Government Operations has been conducting an intensive investigation of the effectiveness of U.S. Public Safety assistance programs to the National Police Force and penal system of South Vietnam. The cost of these programs to the American taxpayer has been more than $110 million.

The main objectives of our assistance and advisory efforts in regard to the penal system have been described in sworn testimony before the Subcommittee by witnesses from the Agency for International Development and the Department of Defense.

The top priority one was "to improve prison conditions to an acceptable minimum standard." Among the other major goals listed were "to improve confinement and health conditions, to increase prisoner food allowance" and "to develop rehabilitation programs for prisoners."

Considerable Subcommittee attention has been given to conditions at Con Son Island prison—South Vietnam's largest penal institution—especially the use of small pit-like cells called "tiger cages." The South Vietnamese Government announced yesterday that the "tiger cages" would be discontinued and other reforms would be instituted at Con Son to provide better sanitary conditions and "comfort." The South Vietnam Government also promises to investigate its other correctional institutions and make "further improvements."

In these points, we feel that the world will judge South Vietnam by its deeds, not by its words. Needless to say, we hope that government will move quickly to make deeds out of what certainly are commendable words. For example, while it is abolishing the "tiger cages," it should also remedy the so-called "cattle cages," which although larger, are jammed with more human beings much like animals are in railroad cattle cars. We urge also the release of political prisoners unjustly sent to some of these caged hells on earth. Many civilians have never been tried and convicted of any crime by any tribunal, military or civilian, nor have they been afforded any protections of due process. We especially deplore the imprisonment of mothers and their children. Actions of this sort are characteristic of totalitarian dictatorships, not democratic societies.

We find it difficult to understand previous American indifference to these conditions, even though they were known to many. The brutal torture of political prisoners at interrogation centers established and advised by Americans is a shocking indictment of the depths to which we, as a people, have fallen. It is more painful to our consciences because of the principle we helped to establish at the Nuremberg war crimes trials—that there is a law of humanity, which supercedes immoral orders that are given in the name of national governments. The U.S. has a clear moral and legal responsibility. It is no solace that the North Vietnamese are guilty of the same offenses against mankind. We ask world public opinion to demand that International Red Cross teams ferret out and expose the maltreatment and injustices that exist in the prisons of both North and South Vietnam. It should be noted for the record that North Vietnam has consistently refused the inspection of POW camps.

In its investigation, the Subcommittee has been informed of the imprisonment on Con Son of a number of prisoners of war who have been sentenced for crimes committed after they became prisoners of war. For that reason, we have been interested in the treatment of these prisoners of war as documented in the periodic inspection reports of the International Red Cross.

Those reports indicate some prisoners of war have not been treated humanely. For refusing to salute the flag of South Vietnam, seven prisoners of war were locked in cells 24 hours a day, kept in irons for 13 hours during the night and permitted no outside exercise or fresh air for at least two months, when the International Red Cross last inspected Con Son prison in February, 1970. *The Red Cross vehemently protested this treatment as a violation of the Geneva Conventions to the camp commandant.* We did not even report these facts. Complaints also were made that the prisoners of war were not given adequate fresh food and drinking water. Only those in rags were provided with new clothing, according to the Red Cross reports. No tooth brushes or tooth paste were provided to the prisoners of war. In an inspection made last September, the Red Cross team found two prisoners of war who claimed that they had been beaten by other prisoners who serve as supervisors.

In our view, all of these conditions must be corrected immediately. Nations cannot expect their own soldiers who become prisoners of war to be treated humanely unless they treat enemy prisoners of war humanely. That is one of our prime concerns here—the North Vietnamese must be given no excuse or other justification to maltreat Americans who are their prisoners. In addition, simple humanity demands the proper treatment of prisoners of war on all sides.

Lest this sound like a hypocritical lecture, we pledge on our part to work for the righting of injustices in our own country—for the humanizing of our own civilian prisons, for the protection of basic civil liberties and a return to the idealism which made America a great nation and an inspiration to oppressed peoples throughout the world. We ask our youth to help in this effort even though it may be an agonizing and frustrating road. We believe the world can be changed, but it will require a deep commitment on the part of men of goodwill everywhere.

JULY 23, 1970.

Hon. JOHN E. MOSS,

Chairman, Subcommittee on Foreign Operations and Government Information, Government Operations Committee, House of Representatives, Washington, D.C.

DEAR CHAIRMAN MOSS: It has come to my attention that your Subcommittee on Foreign Operations and Government Information is currently investigating the South Vietnamese prison on Con Son Island, and the involvement of the United States Government in this matter.

The brutal conditions of the prison, epitomized by the infamous "tiger cages," are most shocking to us all. The courageous efforts of Congressmen William Anderson and Augustus Hawkins to uncover this distressing matter should not be ended without a full investigation. I, therefore, commend you and your Subcommittee for pursuing this matter. You are performing a most valuable public service.

An article has come to my attention that may prove quite helpful to your Subcommittee as it continues its investigation. Entitled "Vietnam Concentration Camp Operates with U.S. Approval," this article describes the conditions which existed on Con Son one year ago.

I believe the author of this article, Mark O. Oliva, formerly on the staff of the Appleton (Wisconsin) *Post-Crescent*, is most qualified to write on this subject. Mr. Oliva spent two years with the Military Assistance Command-Vietnam (MACV), assigned as an advisor to the South Vietnamese General Political Warfare Department. During this pe-

riod, Mr. Oliva was twice sent to Con Son Island as part of MACV's psychological operations study group.

"Vietnam Concentration Camp Operates with U.S. Approval" was a direct result of what Mr. Oliva heard and saw during his visits to Con Son Island. I believe Mr. Oliva would be able to offer valuable first-hand information on the Con Son prison, if you would wish him to testify before your Subcommittee. He is now with the Press Enterprise Company in Riverside, California.

I trust this information will be helpful to your Subcommittee as it continues to bring the truth of this matter to light and attempts to instruct us on how we can avoid a tragedy of this nature in the future.

Warmest regards.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

[From the Appleton (Wis.) Post-Crescent]

DETENTION BASED ON SUSPICION: VIETNAM CONCENTRATION CAMP OPERATES WITH U.S. APPROVAL

(By Mark Oliva)

CON SON ISLAND, VIETNAM.—History again is witnessing the horrors of the concentration camp, this time with a helping hand from the United States.

Con Son, the French "Devil's Island of Indochina," now is South Vietnam's barbed-wire home for more than 7,000 Vietnamese who "had to be removed" but couldn't be convicted in a trial.

Log beds, malarial mosquitoes and a host of diseases with no effective medical program, no shelter from the tropical monsoon rains and a diet not much better than silage greet the unfortunates interned in the concentration camps here.

The United States provides both financial and advisory assistance to the Con Son island prison.

On March 1, Con Son housed in excess of 9,000 prisoners. Of these, more than 7,000 were detainees. A detainee is an individual suspected of being a Viet Cong sympathizer or supporter who never has been convicted or tried.

KING OF CON SON

Vietnamese Lt. Col. Nguyen Van Ve, a brash man who illustrates his every point with a swing or sway of his swagger stick, is the commander here. He calls himself the "King of Con Son," and the title fits his power. He has total rule over the island and its prison population.

Lt. Col. Ve explains the "detainee" system simply.

He says his government needs a means to remove the potential or possible enemy from causing or contributing to trouble. When a man is suspected of giving food, shelter or information to the Viet Cong, he cannot be convicted without evidence, according to Lt. Col. Ve.

Instead, he says, these Viet Cong suspects are brought before district security committees. The committee, according to Lt. Col. Ve, does not require evidence, only grounds to believe the individual may be aiding the Viet Cong. The committee then has the power to order the suspect sent to Con Son or one of several other detention centers for a period of six months.

Lt. Col. Ve says this dispenses with the need for a trial, conviction and evidence. He also admits that almost all of the detainees would be acquitted for lack of evidence if they were to be tried.

When questioned, Lt. Col. Ve said that he has the authority to detain these prisoners beyond the six-month period based upon his observations, and that very few actually are released after their initial six months' detention.

Our study group's tour of the prison included Camps Six and Seven, the camps that house all but 200 of the detainees.

BARBED WIRE

Each of these camps is surrounded by double fences strung heavily with barbed wire. Within, the camps are divided into many small sections, each also ringed with double fences of heavily-barbed wire. The main sections consist of two 60-foot rows of rough logs, each log five feet long, with the entire row elevated two feet off the ground. Canvas, perforated with holes is stretched about six feet overhead.

These rows of logs serve as bed, home and recreation area for the detainees. They are not allowed to leave the compound at any time. There is no shelter from malarial mosquitoes or monsoons.

At the end of each camp is a small dispensary stocked only with aspirins, salt tablets and anti-malaria pills that are ineffective against the fatal strains of malaria found on the island, according to the U.S. Army doctor accompanying our study group. These dispensaries are staffed with untrained personnel.

On the side of each dispensary is a disciplinary area used for detainees found guilty of even the smallest infraction of prison rules. It, too, is encircled with a double barbed wire fence. Barbed wire also is strung the length and width of the disciplinary area about 16 inches above the ground, with the strand about six inches apart.

Detainees being disciplined are forced to crawl under this layer of barbed wire and lie on their backs for the duration of their sentences, often several days. They are allowed only bread and water.

We were permitted to interview individual prisoners, but Lt. Col. Ve insisted the detainees be interviewed only in the presence of a guard. Detainees interviewed refused to answer questions, apparently in fear that a "wrong" answer, after being reported by the guard, would lead to days and nights under the barbed wire.

Lt. Col. Ve stated that the detainees come from all walks of life but mainly are farmers from the provinces. He listed the three main ways in which these prisoners come before the security committees:

—They are reported by a neighbor as aiding or being sympathetic to the Viet Cong.

—All persons in an area are held when an Army commander in the area states someone has been aiding the Viet Cong.

—When a village is being force-evacuated and relocated prior to being destroyed to eliminate Viet Cong havens, all persons in the village who resist in any way are brought before the committees.

As with most of the other prisoners on Con Son, according to Lt. Col. Ve, the majority of the detainees continue to be held there.

Basic living conditions in the Con Son concentration camps are extremely bad, but the island's prisoners also are faced with even worse medical problems.

Malaria is the major disease. The island's mosquitoes carry two strains, one which usually is fatal and the other which the victim usually survives, but with his strength sapped. The prison dispensaries are stocked, though inadequately, with chloroquine-primaquine anti-malarial pills. These combat only the nonfatal strain. No preventative for the usually-fatal strain is available to the prisoners.

Con Son's prison population also has severe problems with beriberi and tuberculosis, as well as year-round epidemic levels of diarrhea and dysentery. Almost non-existent latrine and sewage facilities contribute to this.

All the prison dispensaries are staffed by prisoners, mostly captured Viet Cong medics. None has been trained beyond the level attained by a student nurse in the U.S.

ONE DOCTOR

The island has one doctor, a first lieutenant in the Vietnamese Regional and Popular Forces (roughly equivalent to our National Guard). However he treats only the civil servants, national police and military.

A Vietnamese public health nurse also is assigned to Con Son, mainly to treat the non-prisoner population. The nurse makes a monthly visit to each of the seven prison dispensaries.

The government provides air evacuation for members of the non-prisoner population requiring mainland treatment, but prisoners requiring such treatment must wait for the monthly supply boat.

The public health nurse admits that several prisoners have died due to lack of proper medical attention.

In addition to the detainees, Con Son also houses about 2,000 other prisoners including Viet Cong, political, religious and criminal prisoners and military prisoners from the South Vietnamese forces. All these categories have been tried and convicted.

Convicted Viet Cong are considered civil prisoners and are held at Con Son. North Vietnamese prisoners of war are held at another island prison, Phu Quoc. The U.S. is not involved in the operation of Phu Quoc because the South Vietnamese government does not abide by the Geneva prisoner-of-war conventions.

With the exception of 200 detainees, the regular prisoners only are confined in Camps One through Five. Strangely, the convicted prisoners fare much better than the detainees. Camps One through Five consist of the old French prison buildings, and provide adequate though unpleasant shelter.

These prisoners leave the camps each day to go out in work parties. Although some of the prisoners still split rocks, the majority work on fishing teams or on the farms which produce most of the food other than rice which is consumed on the island. The prisoners raise mainly papaya, coconuts, pigs and chickens.

A large number of the sentenced prisoners have attained trustee status and are allowed to live outside the camps. All the prisoners except the detainees are allowed monthly three-day visits with their families, who are taken to the island on the supply boat. A beach home has been set up to house these families.

PRISONER DIET

All the prisoners, detainees included, are on the same diet. The catch of the fishing teams is laid out and salted on tin sheets placed on the streets daily. After a day in the sun, the fish, well-dried, are fed to the prisoners. Prisoners cook the fruits, vegetables and meats raised on the island as well as rice brought in from the mainland. The cooking is done in extremely unsanitary and antiquated outdoor kitchens surviving from French days.

Many of Con Son's political prisoners were sentenced several Vietnamese regimes ago but never were released by succeeding governments, including the current Thieu government.

One prisoner interviewed on death row had been there for 13 years, sentenced for political opposition to the late President Ngo Dinh Diem in the early days of his rule.

Another death row prisoner interviewed stated he has been confined seven years for the same reason, since the latter days of Diem.

A Buddhist monk stated he has served 11 years of a 15-year political sentence, also a Diem victim still on Con Son.

A student monk said he came here three years ago on a one-year sentence, for giving sanctuary to a Viet Cong in a pagoda. He too has been forgotten.

Prisoner interviews also produced some

surprising opinions. Many of the regular prisoners from rural Vietnam stated they were not too dissatisfied with their confinement because the prison living conditions were better than those they had experienced in the countryside. Other prisoners said they felt relieved to be at Con Son and away from the war.

But no prisoner was willing to say he is happy.

Mr. HAWKINS. Mr. Speaker, we are told by the commandant that there was one doctor on the island. We did not even question that. But in the statement by Mr. Oliva he says this:

The island has one doctor, a First Lieutenant in the Vietnamese Regional and Popular Forces (roughly equivalent to our National Guard). However, he treats only the civil servants, the national police and the military.

That is the statement from a man who did occupy a rather strategic position in the U.S. service.

Also, Mr. Speaker, for the sake of supporting some of the statements which I have made, I would like to enter into the RECORD at this point as previously requested a full statement of Mr. Don Luce which has been filed with the Council of Churches and a letter from Mr. Luce to me.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The statement and letter are as follows:

COORDINATING CONFERENCE FOR RECONSTRUCTION IN VIETNAM

July 7, 1970.

Congressman AUGUSTUS HAWKINS,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HAWKINS: I should have written a long letter earlier, but I have been very busy. I have had to let my secretaries go for their own personal safety and things have been piling up. Enclosed is a copy of the account of our trip that I wrote. There has been an awful lot of feedback here due to your statements. There are some indications that this may lead to an improvement of conditions in the prisons. I think we can be sure that the press here will carefully watch prison conditions.

I have used the statement as a backgrounder for press people here. They have been anxious to have articles from here to give the story more Vietnam color. I even went out to Con Son Island once again with an NBC team but we did not get to see anything. They are quite nervous at the island now.

I shall never forget your efforts in making the trip to Con Son. I know that the Vietnamese people are very grateful to you, especially those who have been imprisoned and tortured. Your efforts confirm my belief in the goodness of people. It is also evidence that there are people in the "system" who are truly good people. I hope that this message is communicated throughout our land. Again my sincere thanks for your courage.

Sincerely,

DON LUCE.

THE TIGER CAGES OF CON SON

(By Don Luce)

CON SON ISLAND—"The tiger cages existed during the time of the French. It was the most inhuman kind of treatment you can imagine. Prisoners were shackled to iron bars in tiny cages and deprived of physical necessities and human dignity. But these cages no longer exist."

This was the official position of prison authorities in Vietnam before a Congressional committee. The committee included Congressman Augustus Hawkins of the Los Angeles Watts area, Congressman William Anderson, former commander of the Nautilus submarine, Thomas Harkin, a congressional aide, and myself. A group from the U.S. Public Safety office accompanied us.

Con Son prison is located in the South China Sea approximately 140 miles southeast of Saigon. It is Vietnam's largest civilian prison, having 9,916 prisoners as of June 1970 according to the U.S. Public Safety Director in Vietnam. Its seven camps have a total capacity of 9,750 inmates (about 2,000 trustees now have housing outside the seven camps). The prison was established in 1862 by the French. Sometimes called "Devil's Island," mention of the name Con Son brings fear to most Vietnamese. Although Ho Chi Minh was never imprisoned there, it was also called "University of Ho Chi Minh" because so many of its "graduates" changed from a strong anti-communist position when they entered to joining the Viet Minh on their release.

No, Con Son is not like Alcatraz or a "Devil's Island," claimed Frank E. Walton, Director of the U.S. Public Safety program in Vietnam at the beginning of the trip, commenting: "This (place) is more like a Boy Scout Recreational Camp."

But there had been other stories. After considerable pressure from the Vietnamese student movement, five students were released from Con Son where they claimed they had been held under terrible conditions in the same tiger cages that the French had used. They wrote in a report to the Vietnamese National Assembly:

"Living under these conditions lacking food, clothing and shelter, the prisoners had to endure confusion and serious disease. Food was inadequate, beatings were regular, feet were shackled day and night. Most of our fellow prisoners in the cages were paralyzed, not to mention the number suffering from chronic dysentery; tuberculosis due to long-term physical exhaustion; stomach disorders from the beating by trustees, from eating sand and pebbles in the rice, from being forced to eat too fast; gangrenous feet from a lack of vitamins, and endless other diseases. . . . Medicine was dispensed as the person in charge of medical problems was inspired to do so. Here, every time we wanted to ask for medicine we had to wait until we were in agony and then we generally only received a few aspirin tablets. Any medicine more valuable than this was all hoarded by the orderlies and their accomplices in the administration and was taken away and sold."

Was their story true? The two Congressmen went to Con Son to investigate. Earlier three Congressmen had backed out after two of them had heard detailed descriptions of the conditions in the tiger cages by a former inmate. It all seemed too preposterous. For a time it appeared that none of the Congressmen would go—but due to the hard work of aide Thomas Harkin and courageous personal qualities of the Congressmen Hawkins and Anderson the trip was made.

As the airplane approached the beautiful island of Con Son we read the prepared briefing:

"The Con Son Island National Correction Center, located in the South China Sea approximately 140 miles southeast of Saigon, is Vietnam's largest correctional institution. Established by the French in 1862 as a penal colony, it has long held a reputation of being a 'Devil's Island.' This reputation still prevails, in spite of an enlightened and modern administration of the facility."

We were perplexed. Former inmates had related tales of horror, yet the American advisors spoke in glowing terms. Other investigation teams had found nothing. No Westerners had seen the cages since the time of the French (or at least none would confirm their existence). "There are no tige. cages. Only a thing of the past," everyone had been told who visited the island by the officials. Yet they had left unconvinced because the prisoners on the island had told them secretly "you must see the tiger cages."

At 9:58, after a twenty minute drive from the airport, we began discussions with the Chief Warden, Col. Nguyen Van Ve. We talked about the plane ride and the beautiful island. "Con Son means Mountain Island," Col. Ve explained cordially. At 10:10 a prison guard brought us cafe filtre—the kind of coffee that drips slowly into your cup drop by drop while you wait. The conversation went on slowly.

At 10:23, Thomas Harkin abruptly changed the discussion about the weather and mountain. "Would it be possible to talk to some individual prisoners," he asked.

"Why, yes, of course," Colonel Ve said in his impeccable English, smiling. He could arrange that.

"We have a list of names of people we would like to see," Harkin said. "These are some people we have learned are here and we would like to see them."

A cloud passed over the face of Colonel Ve as he reached over to receive the list of six names.

"You must have permission from the Ministry of Interior if you want to see specific individuals," he said after reading the names. "You can't just come here and see anyone you want. This is a prison."

"We have come to investigate all aspects of American aid here and we would like to get as accurate a picture as we can," Congressman Hawkins explained. "Perhaps you could telegram the Ministry of Interior to ask permission."

At this point, Frank Walton, the top U.S prison advisor commented angrily: "We thought this trip was above-board. If you had wanted to see specific individuals, you should have informed us first. This is sneaky and unethical."

Colonel Ve then reverted to Vietnamese, using the U.S. Public Safety Division's interpreter to translate. "I'll send a message to the Ministry of Interior, but they cannot respond before eleven o'clock when you are scheduled to leave for Saigon."

"Oh, we can stay a few extra minutes," Congressman Hawkins said. "Perhaps we can go to see the prison wards now. Do you have a map of the island showing the location of the camps?"

"I'm afraid we don't," Colonel Ve said. When questioned further, Colonel Ve explained in Vietnamese that the camps were so small and the island so big that the camp locations would seem insignificant on a map of the island. But before this was translated, Mr. Walton interrupted and explained that security reasons did not allow them to make such a map. "The VC might get hold of it and come and release all the prisoners."

It was now 10:40 and, according to our schedule we were supposed to leave to catch the plane. At that point Colonel Ve went to his desk to give final instructions on sending the telegram to Saigon to get permission to see the specific six prisoners. "Whether they (Saigon) answer or not is not important," he told his aide in Vietnamese who was questioning the wording (at this point, they still did not know that I spoke Vietnamese).

"Why don't we go over to the curio shop?" Mr. Walton suggested. "They have some really nice things like the swagger stick that Col. Ve has. It's just across the road. It would be nice for you to have some souvenirs to take back to the U.S."

"I'd like to see the prison camps," Con-

gressman Hawkins replied. "We can pick up the souvenirs when we finish the tour of the prison sites."

The group then loaded itself into three jeeps and went to camp number 2. The prisoners were lined up, faces tightened into stiff, frightened masks.

At the infirmary, medical care to the prisoners was explained.

"We have a doctor who treats each patient separately. Medical care here meets modern standards."

The sick prisoners were asked a few questions by the congressmen:

"Do you get enough to eat?"

"Yes, plenty. Rice, dried fish, and vegetables," one answered .

"Do you receive medicine?"

"Yes, we get medicine every day."

As the questioning went on, I wandered over and talked to a man alone. He told me:

"I am a political prisoner from the time of Diem. I have no idea when I'll be released. It is so bad here. Do you see the man who is so sick? He has received no medicine until today when they put the bottle with water up (a dextrose bottle was being used to feed him intravenously). That was for you to see. No medicine. No vegetables . . ."

At this point a guard came up and he continued:

"Everything is quite good here. It's not like the mainland but we have plenty to eat and the people here are kind."

As I walked away, he pleaded with his frightened eyes.

That was the first time that the prison administration realized I spoke Vietnamese. From then on they made a desperate attempt to keep me from speaking to any prisoner alone.

In response to a question about whether the inmates had a chance to play sports, Randolph Berkeley, Chief of the Corrections and Detention Division of the U.S. Public Safety advisory program said:

"Colonel Ve even plays soccer with the prisoners. He is so well liked!"

"I play soccer with them on Sunday afternoon," Col. Ve said picking up the cue. "And sometimes they beat me—but I don't even punish them," Colonel Ve laughed pleasantly at his joke.

Congressman Hawkins suggested that we go on to Camp 4. We all got into the jeeps and were taken to Camp 5. I was asked to interpret by Thomas Harkin. This time a guard was standing by:

"Where are you from?"

"Ben Tre."

"When were you arrested?"

"Ten years ago."

"Why were you arrested?"

"I am a political prisoner."

"But what was the specific reason?"

"The provincial authorities arrested me."

"You were arrested because you are a traitor, weren't you?" the guard prompted.

"I was arrested because I am a traitor," the prisoner parroted.

In another case, a prisoner said he did not know why he was arrested.

"You had a grenade in your hand and you were planning to kill people. Isn't that true?" Colonel Ve shouted authoritatively.

"I had a grenade in my hand and was going to kill people," the prisoner said.

It was the same, situation after situation. Yes, the food was delicious—when the guards were around. No, we have almost no food, they said, when the guards were not around. Yes, we get letters from home—when the guards stood by and listened. No, we cannot receive or send out letters—when the guards were not listening.

After Camp 5, Representative Hawkins made his request once again to see Camp 4. It was there we had been told the infamous tiger cages were. As we entered the compound of Camp 4, it was as it had been been described and as we had put together clues from various people. Two wells on one end with Chinese imperial type decorative walls in front of the wells. Some beautiful flowers which one of the Representatives photographed. But what we could not see at first was the small alley which was supposed to be between the wall of one of the prison buildings and the outer wall. Thomas Harkin saw it first—a narrow path between the two walls with some vegetables growing along the side for the trustees. He passed the word on.

"It is good to see that you have an agricultural project here, Colonel," Representative Hawkins observed. "What are these plants?"

"These are called Vietnamese spinach," Colonel Ve replied. "We encourage the prisoners to plant things after they become trustees."

"Not really enough to feed many people though," the Congressman observed as he worked his way to the far end of the alley. "By the way, where does this little door lead to?"

We started to shake the door and rap on it. It was a tiny door, hardly large enough for one person to enter.

"Oh, that goes to another camp," Col Ve replied. "We can enter through the other side."

We looked at each other, remembering the words of one person who knew the location of the tiger cages: "There is only one way. You must go through the tiny door at the end of the path where the vegetables are grown."

"I'm tired," Representative Hawkins said. "Can't you send someone around to open the door? We can wait here."

"The Congressman is tired. Can you send someone around to open the door?" Thomas Harkin repeated the request.

"This door is always locked. You can't get in," the Colonel said.

Then miraculously someone came to the gate from the other side to see what was the matter. He opened the door and we slipped through. There before us were the tiger cages. We climbed to the top and looked down onto the prisoners huddled in the cages, three or four in each cage.

The tiger cages are small stone compartments. Inside each cage is a wooden bucket for sanitary purposes which is emptied once a day. The cages are not quite five feet across and about nine feet long. There were three prisoners in each one. To see them we climbed up a stairway and looked down on the prisoners through an opening at the top which is crossed with iron bars. There were 60 or 70 cages in the building.

"Donnez-moi d'eau," one prisoner said in French.

"I am sorry I cannot speak French," I answered in Vietnamese, not trusting my poor high school French. "But I can speak Vietnamese. This is a Congressional team from the United States who have come to look into prison conditions in Vietnam."

"We are thirsty. We are hungry. We have been beaten," one said and the chant was picked up.

"I am here because I spoke for peace. That is what all Vietnamese want. We only ask for peace," said another.

As we walked down the aisle above them, the prisoners pointed to sores on their bodies. One man showed us his hand. Three fingers were missing.

"They cut off my fingers when they arrested me," he said. Then he turned his head and showed us a big scar on the back of his head.

None of the men could stand up. Until a few days ago, they said they had been shackled to a bar that went across one end of the cage. The bars had just been removed (although the bars were still left in a few cages) but the slots to put them back in were still there.

"We will be shackled again in a few days," one said as he crawled around the cage using his hands to move himself.

One of the prisoners pointed to the scars on his useless legs and said, "We were shackled here for months. We are hungry, thirsty and sick. Please give us some water."

"I am a Buddhist monk and I spoke for peace in 1966. I am here for no reason except wanting peace. I have been beaten. I have been shackled. But I still speak out for peace."

Above each cell was a wooden bucket of lime.

"What is this for?" we asked Colonel Ve.

"The lime is to whitewash the walls," the colonel said.

"No! No!" the prisoners shouted. "It is thrown on us when we ask for food."

The floors of many of the cages were covered with lime.

"When it is thrown on us, we cough and spit blood. Many of us now have the disease of the lungs (T.B.) and it is so difficult to breathe when the lime is thrown on us."

"There are other cages. You must see them too," we were told. "There are cages with women. We hear them screaming and they are near. Right over there."

We climbed down the stairs and went to the adjacent building. Here was another double row of cages identical to the ones in the men's side. Every cage was filled with five women. The women ranged in age from fifteen years old to one old, blind lady who must have been nearly 70.

"Please give us some water. Please give us some food," they pleaded.

"We have been here seven months and have had a vegetable three times in these seven months."

"We are beaten and sick and yet we don't have any medicines."

Many of the women were obviously very sick. Some had T.B.; some had eye diseases; most had skin diseases. Those who were in the worst condition lay on the floor of the tiny cages while others fanned them with odd bits of cloth.

"How old are you?" I asked one beautiful young girl.

"Eighteen."

"Are you a student?"

"No, I am a laborer. I worked in a factory."

"Why were you arrested?"

"I was in a peace demonstration."

"Are you a Communist?"

At this, the young girl laughed at what seemed to her an irrelevant question.

"No, I am not a Communist. I am not concerned about politics. I am concerned about peace."

"Will you salute the flag?" the guard who was standing beside me demanded.

"No! No, I will not salute your flag which represents all the things you have done to me," she answered defiantly.

"Then you are a Communist and should be killed," the guard retorted in equally bitter tones.

Many of the girls were young students from Saigon's most prestigious schools like Gia Long, Madame Curie, etc.

"We can only wash every two or three days and then we have almost no water," they said. "During our menstruation period it is very hard because we cannot wash ourselves properly. That is not sanitary."

There are about 500 people in the tiger cages. They are hungry, thirsty and show obvious signs of having been beaten many times.

As we left the tiger cages, we were confronted once again by Frank Walton, head of the U.S. Public Safety Division.

"You have no right to interfere with Vietnamese affairs," he told us. "You have come here trying to stir up trouble. You are guests of Colonel Ve here. You aren't supposed to go poking your nose into doors that aren't your business."

"But this is our business," Congressman Hawkins explained. "The United States gives considerable aid to these prisons. We want to be sure our aid is used in a humane way. Several American boys are being held prisoner in North Viet Nam. I hope they are not being treated the same way as are the prisoners I have just seen being treated here."

"You are judging the whole prison of 10,000 inmates on how four or five hundred are being treated. This prison is equal to the standards of many of the prisons in our own country."

"These are very bad people," Colonel Ve told us. "They will not salute the flag. They will not even salute the American flag."

We then went back to the headquarters of the prison island where Colonel Ve apologized for not having lunch for us (it was now past one o'clock) and because he had still not received word from the Ministry of Interior about the Congressmen's request to see six specific prisoners.

"I am sorry I have no luncheon prepared," he said. "I thought you were leaving at eleven this morning."

"That's all right, Colonel," Representative Hawkins said. "But I would like to go to that curio shop. I'd like to get me one of those swagger sticks."

But the curio shop was closed.

The conditions we say at Con Son were very different from the "fact sheet" which had been passed out on our departure from Saigon that had stated:

"The inmates are kept busy with work projects and vocational tasks such as woodcutting, tile making, woodworking, animal husbandry, chicken and duck production and sewing. Inmates also attend classes in literacy training, and all grades of formal education. Rice, papayas, coconuts and vegetables grown on the prison farm and fish caught by the prisoners supplement the diet . . . In the opinion of Correction Advisers with lengthy U.S. penology experience, Con Son is not a 'Devil's Island,' but on the contrary is a correctional institution worthy of higher ratings than some prisons in the United States."

A better description is the last words we heard as we left the tiger cages:

"Please give us some water."

Mr. HAWKINS. Mr. Speaker, I would like to introduce also a copy of a Fellowship publication which goes into the question of imprisonment and torture in South Vietnam.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The article is as follows:

IMPRISONMENT AND TORTURE IN SOUTH VIETNAM

(By Pham Tam)

AN INTRODUCTORY WORD BY ALFRED HASSLER

This is the story of the scores of thousands of men and women, civilians, who clog the prisons of South Vietnam, charged with "political" offenses. It is a horror story, told in a low key, matter-of-fact style, and all the more horrifying for that reason. It is told by a Vietnamese journalist who spent four years as such a prisoner, shuttled back and forth between the crowded noisome holes that pass for prisons, but drawing also on others' intimate knowledge of the whole prison system.

No one knows how many political prisoners there are in the Republic of Vietnam. The lowest estimates, based on official figures, top 20,000; less biased observers tend to agree that the total is probably close to 200,000. They range from villagers charged with being accomplices of the Vietcong to some of the country's best-known political religious and intellectual leaders.

Discussions of their "guilt" are fruitless: in South Vietnam one is guilty if he favors peace, or calls for negotiations, or says that the country should be neutralized, or expresses opposition to the ruling clique of generals headed by President Thieu and Vice-President Ky. Where there are trials they are hasty, before military courts, with none of the safeguards of a free judiciary and with no right of appeal; but thousands of the victims are held without trial for months and years.

Many of the prisoners have confessed to whatever offenses were laid against them by their jailers, and many of them have implicated others who in turn have been arrested and jailed. The confessions and the implications are the consequence of the torture to which most political prisoners are subjected, ranging from the primitive brutality of beatings with rifle butts or heavy sticks to such "sophisticated" devices as the application of electric wires to the testicles of male prisoners and the forcing of bottles or live eels into the vaginas of the women.

None of this is the consequense of the accidental rise to power of a few pathological sadists. Rather it is the deliberate expression of the desperate determination of the Thieu-Ky government to stay in power by suppressing all dissent. Open opponents of the government are immobilized by being imprisoned themselves or by being frightened into exile by the fear of being imprisoned and undergoing the torture themselves. Some of them have taken refuge abroad; others have fled to the National Liberation Front, submerging whatever qualms they have about it in the desperation of seeing no other choice.

Even so, the dissent continues, the demands increase for the replacement of Thieu and Ky by a genuinely representative government that will bring the war to an end. Students, academics, Buddhist monks and Catholic priests confront the terror and insist on calling for peace.

It is this insistent, indefatigable body of the country's ablest and most respected citizens, not allied with the NLF but demanding a "government of peace," that Thieu and Ky and the American establishment in Saigon fear most. It is they, in their non-violent but unremitting opposition, who disclose the instability of the government even more than do the military attacks of the NLF and North Vietnamese.

Some Americans, reading this account, will take refuge in that ancient canard that has it that Orientals have somehow a lower regard for human life and suffering than do we more sensitive Westerners. Leaving aside the consideration that we sensitive Americans have been engaged in indiscriminate slaughter in Vietnam in a fashion that has revolted people throughout the world, the assertion itself is a lie. War evokes the worst in men and allows the most brutal of men to come to power. Vietnamese torture other Vietnamese; still others carry on a struggle without violence and with a sense of compassion not often matched in the West.

What Americans need to face is that these horrors are being perpetrated with American assent, by a government kept in power solely by American military might, by men paid for by American dollars, and in a system permeated throughout by American advisors. This is part of the black and spreading stain of shame that the Vietnam war has cast on this country's reputation. To win a war, or to end it "with honor"—honor, no less—we condone and finance a totalitarian government in the total suppression of individul rights, and in a pattern of imprisonment and torture that should be turning our stomachs with revulsion.

IMPRISONMENT AND TORTURE IN SOUTH VIETNAM

The case of the five South Vietnamese peasants who found themselves entangled in a net lowered from an American helicopter and, thereafter, trapped in a web of arrest, examination and torture which, after a year, left them still liable to trial for "actions contrary to state security," is symbolic of the fate of millions of South Vietnamese people today. Almost everyone is subject to arrest at any time on an array of often vague and ill-formulated charges from draft evasion to "anti-patriotism," or simply and pragmatically for being unable to bribe the right official. Interrogation is all too often a euphemism for torture, and it may be carried on by one or several of the dozens of official and semi-official agencies and sub-agencies responsible for political security. Detention without trial is legal in South Vietnam for periods of six months to two years, after which prisoners may be re-examined and returned to detention. Trials are often summary. Imprisonment after trial generally means a continuation of the conditions of brutality under which the prisoner has been held during his interrogation.

The fact that thousands of South Vietnamese citizens are being held as political prisoners by the Saigon Government has, during the last year or so, become common knowledge in the United States. Not until recently, however, have we begun to read reports in our press and periodicals of the officially instigated torture and other mistreatment which accompany political imprisonment. This account, written from personal experience and observation, by a journalist who spent four years in South Vietnamese jails, gives a more complete and authoritative account of the system of surveillance, torture and imprisonment in South Vietnam than any that has heretofore been available. "Pham Tam" is, of course, a pseudonyn. For obvious reasons, the identity of the author must remain secret.—Ed.

I. THE WEB OF CONTROL: SAIGON AND THE CITIES

"Anyone with a gun can make arrests." This is not just a cynical Saigon remark. While such a law cannot be found in any body of legislation, it is part of an unwritten code that Vietnamese civil servants at all levels understand and apply.

The network arrest system in Saigon consists of six different agencies and their subagencies. In addition to the Official Police Headquarters of Saigon, there are five secretly functioning agencies, the Active Service Police or *Hoat Vu*, the Bureau of Military Security, the Central Intelligence Service, the American Special Forces, and the Secret Service.

(1) The Official Saigon Police Headquarters (*Nha Giam Doc Canh Sat Do Thanh*) is centered in one large station, with a branch station in each of the nine districts of Saigon. Each station, besides a large number of uniformed police, has a section of plainsclothesmen, who have unlimited powers of arrest and have also special rooms for the unofficial interrogation, torture and confinement of prisoners. The Official Saigon Police are said to make many arrests for purposes of personal revenge or blackmail, and to accept bribes to void the sentences of real criminals.

(2) The Active Service Police, or *Hoat Vu*, judging from their activities, are, in fact, the secret police. Theirs is the most important agency in the network arrest system, and its aim is to repress all popular movements struggling for peace and neutrality, all organizations whose policy is opposed to that of the Government, and to wipe out secret NLF bases within the capital.

Currently the *Hoat Vu* center directs more than twenty stations situated in the big towns (Dalat, Can Tho, Nha Trang, Qui Nhon, Hue, Danang). In the Saigon-Gia Dinh region alone there are eight such stations. These are set up in large villas, surrounded by high walls topped with barbed wire and often electric fencing, and are patrolled by

watch dogs and by guards in civilian clothes who carry carefully concealed pistols. Each of these eight Saigon-area stations has from 80 to 120 official employees, plus two or three hundred informers. There are two *Hoat Vu* stations in the Cholon area, one in Binh Dong, one in Thi Nghe, one in Khanh Hoi, one near the Tan Son Nhut Airport, one in Phu Lam, and another in Gia Dinh.

The *Hoat Vu* belongs to the Special Police Force (*Khoi Canh Sac Dac Biet*) within the National Police Force (*Tong Nha Canh Sat Quoc Gia*), and it receives orders directly from the Presidency, from the American Intelligence Service, from the Chiefs of Staff of the South Vietnamese Army, and in many cases, from the American Special Forces.

This Special Police Force operates the Central Bureau of Investigation (*Trung Tam Tham Van*) situated at the National Police Force headquarters. The Bureau is fully equipped with instruments of torture, and includes eight or ten smaller interrogation units, each one staffed by five persons. There are three detention centers, *Cau Luu Xa, A, B, and C*, and a communal prison, *Lao Xa Tong Nha*. All political prisoners from Saigon, as well as many of the more important prisoners from the provinces, must go through this Central Bureau of Investigation, where files are completed, fuller inquiries undertaken, and decisions made as to whether the prisoners will be tried, sent to detention camps, or some other disposition made of their cases.

(3) The Bureau of Military Security (*Cuc An Ninh Quan Doi*) is commonly called the "second bureau," a name that strikes terror into the hearts of the people of Saigon and has haunted them since the arrival of the French Army in Indo-China. Most of those arrested by the "second bureau" are beaten to death, maimed for life, or have to be hospitalized after their release. The Bureau is an agency of the Army Chiefs of Staff and is administered by a colonel. Secret agents of the Bureau are present and active within every army unit and have an organization parallel to that of the army. Their field of action, however, is not limited to the army; they have the power to arrest civilians and to search buildings in areas near army installations. There is close cooperation between the Bureau of Military Security and the other agencies in making arrests as well as for the exchange of documents and files. At the headquarters of the Bureau and in each sub-station there are detention centers and torture rooms.

In Saigon, apart from the Bureau of Military Security, there are also numbers of agents working in collaboration with the Military Police, among them men from all the army units in the Saigon-Cholon region. These "soldiers of safety" (*quan nhan cong an*) go around looting the cafes and the bars, the dance halls and the brothels. The bosses and prostitutes in these areas are exploited and subjected to blackmail. Many Military Police officers become pimps and owners of houses of prostitution. The regular police and even the *Hoat Vu* dare not penetrate the areas they control, and they settle many an acount by exploding a grenade. Politically speaking, the Military Police have the right to arrest journalists, professors and students who have written or spoken against the army. Arrested soldiers, along with civilians suspected of being their accomplices, are sent directly to a military tribunal. Other prisoners are handed to the Special Police at the Central Bureau of Investigation.

In addition to the Bureau of Military Security, there is also an intelligence bureau at army headquarters. It is endowed with the right to arrest arbitrarily, but its activities are more secret and confined than those of many of the other agencies.

(4) The Central Intelligence Service (*So Trung Uong Tinh Bao*) is also thought to be the American center for secret and double agents. The Central Intelligences Service makes arrests in great secrecy, gives orders and supplies information to both the *Hoat Vu* and to Bureau of Military Security, as well as to the Army Intelligence Bureau. Prisoners going to the Intelligence Center are sent blindfolded and are often made to travel at night. Since they can still hear, however, they have been able to testify that it is located on the Bach Dang Embankment near the *Nha Quan Phap* (military tribunal) and the naval headquarters.

(5) The American Special Forces (*Luc Luong Dac Biet My*) is said to have a headquarters some place in Saigon. A great number of prisoners sent to the Central Investigation Bureau relate that they were arrested and interrogated by the American Special Forces. Their files bear this out, but so far no one can testify as to the exact location of the headquarters.

(6) The Secret Service (*Mat Vu*) is composed of a large number of devoted officers who work under the direct orders of President Thieu. Their task consists essentially of kidnapping, assasinating, or otherwise eliminating officers and politicians who oppose Government policy. Their headquarters move constantly between three villas—from one on Cong Ly street (near Tan Son Nhut Airport) to another in the first district of Saigon, to a third in the third district. Each officer in the *Mat Vu* has under his direction from three to five young delinquents, whom he pays for each "job." These youths are provided with forged military papers, military identity cards, a quartermaster's card to give them valid reason for being loose on the town, and even a folder containing fake military records. The youths are quite likely to be suspected by the local police of avoiding the draft, and, as forged identity cards are common among civilians, many different documents have to be produced in order to allay suspicion. The special papers are valid for only two weeks, by which time the "job" must be completed.

II. THE WEB OF CONTROL: THE PROVINCES

Each province has a National Police station (*Ty Canh Sat Quoc Gia*) and a Special Police force (*Ty Can Sat Dac Biet*). In the large cities there is also an Active Service Police Station (*Hoat Vu*). These are the official agencies of control. Annexed to these are Military Security (*An Ninh Quan Doi*), and under the control of the American military forces are the Army Special Forces, the Provincial Reconnaissance Units of the CIA, the Coast Guard, and several other special groups. None of the latter, except for the South Vietnamese Military Security, has permanent headquarters. They accomplish their arrests and tortures in one day, then pass their more fortunate prisoners over to the Special Police force. (The less fortunate prisoners are either beaten to death or drowned on suspicion of being NLF agents). One of these groups, the *PRU* is the most savage in its methods of torture.

The Special Police forces in the provinces make arrests in the chief towns of the districts, but seldom go into the surrounding countryside except during times of military operations. In the country, ordinary soldiers have the right to arrest, interrogate and imprison citizens. As these soldiers are far removed from central authority, laws are virtually meaningless, and they are more or less at liberty to act as they choose. People in the provinces may also be arrested by the Civil Guards (*Dan Ve*), the village administrative bodies, the cadres of the Provincial Government Rural Reconstruction Program, as well as by the local militia when there are military operations under way in the area.

The arbitrary nature of many political arrests and their consequences are illustrated by the following story:

Among the prisoners sent from the South Vietnamese Army Headquarters to the Central Bureau of Investigation, there was once a group of five men, all over fifty years old, peasants who had been rounded up in the hamlet of Tan Sinh. Having received permission to go outside the hamlet one day, they were scything grass in the fields, when they were suddenly trapped in a net dropped from an American helicopter and then arrested on suspicion of belonging to the NLF. After subjecting them to interrogation and torture and finding them not to be NLF members, the Americans sent them on to the South Vietnamese Army Headquarters to be released and returned to Tan Sinh. They had, however, already been designated as "political prisoners" by the American army administration, and their files were stamped accordingly. They could not, therefore, be released until some determination had been made of the reasons for their arrest, so for six months they were sent from one military camp to another for examination and re-examination. Arriving finally at the Central Bureau of Investigation, they were informed that it would be another five months before officials had time to draw up the papers that would send them before a military court.

The end of the story of the five old men is not known, but other prisoners in similar situations have been charged with actions contrary to state security—most frequently with paying takes to the NLF. If found guilty, as they most often are, they are sentenced to three years' imprisonment, and the letters C.T.P. (*Chinh Tri Pham*: political prisoner) are stamped on their identification cards. Other peasants with as little evidence against them have been judged guilty of the graver crime of "anti-patriotism," which carries a minimum sentence of five years of forced labor on the prison island of Con Son.

All political cases brought officially to trial are handled by the military courts, of which there are two kinds, the Ordinary Military Court (*Tou An Quan Su Thuong*) and the Front Military Court (*Tou An Quan Su Mat Tran*), the latter established by Nguyen Van Thieu and Nguyen Cao Ky, to take the place of the infamous Special Military Tribunal, abolished after the *coup d'etat* of November 1963. The Special Military Tribunal had been created by Ngo Dinh Diem in 1959 to suppress all political opposition to his Government, and it moved about the country, carrying with it the guillotine, functioning both as judge and executioner of its victims. Except that the guillotine is no longer used, the Front Military Court acts in the same way and fulfills the same functions as the Special Military Tribunal. There is no appeal from its decisions except—when a death sentence has been imposed—to the mercy of President Thieu.

The Ordinary Military Court holds trials in the Palace of Justice in Saigon and at a special court in Ben Bach Dang. It examines the cases of army law violations by military men and political crimes attributed to civilians. It has six offices for preliminary investigations and takes care of about eighty per cent of all political offenses, handing down indictments from twenty days to one week before trial. As it is extremely slow in its procedures, it cannot respond as rapidly as the Front Military Court to the political strategy of the Government, which aims at the immediate suppression of all anti-war movements, and political opposition.

Both courts belong to the Department of National Defense; their judges and most of their officials are military men, and they have no connection with the judiciary branch of the civil government. Though the preliminary investigation offices of neither court are equipped with sophisticated torture devices, they are both supplied with clubs and other instruments for the administration of beatings.

III. ACCUSATION AND TORTURE

When he makes an arrest in the forest or out in the rice fields during military operations, the soldier seeks answers to four main questions: Where has the prisoner hidden his weapons? To what unit of the NLF does he belong? Where is the unit located, and where does it store its arms and provisions?

The response to these questions is the same, whether true or not: "I am not a VC," and "I do not know." Then begins the torture. The methods used in such situations are direct and unsophisticated. Prisoners are beaten, slugged with gun butts, strangled with leather belts or barbed wire, their heads plunged under water and held there, the flesh of their bodies sliced or stabbed, while threats are made to cut open their stomachs. This torture may last for hours. If the peasant is a member of the NLF, he can end the torture by one of two alternatives: confession or death. If he is not an NLF member, he has no choice but death. (This explains why the peasants, whether or not they belong to the NLF, must either take flight or hide when the U.S. armies and their allies arrive.) If by chance, the prisoner emerges alive from the torture, he is classed as an NLF member. Weapons found any place in the area of his arrest will likely be identified as his, and the man will be considered part of the last NLF unit to have passed that way, perhaps even its leader.

At the Central Bureau of Investigation, I once met a peasant who had been sent there from the South Vietnamese Army Headquarters. Cao (not, of course, his real name) was a strong, healthy young man, but rather slow, and could hardly read. In his files, which had been compiled with scrupulous care by the Army to note the minutest details of his arrest and supposed mission, he was identified under another name as the leader of a certain NLF battalion. A year later, I met him again at the Chi Hoa prison. He was wearing an identity plate which bore the initials C.T.T.A. (convicted political prisoner), and was about to be exiled to the island of Con Son, where the prison of Polo Condor is located, under a sentence of twenty years of forced labor. Soon after his departure, three political prisoners were brought in my My Tho. All were members of the NLF and had been taken to My Tho for hospitalization after being wounded and captured by the U.S. Army at the battle of Kien Phong. Among them was a man said to be the chief of the very same NLF battalion my friend Cao had been accused of leading, and he bore the same name that Army Headquarters had assigned to Cao. After seeing the warmth and respect with which the other prisoners welcomed him, I was convinced that he was the real battalion leader. What, then, of young Cao? Who was he? Probably he was merely a peasant, victim of vicious torture, the unwitting subject of the maneuvering of South Vietnamese soldiers to gain commendation from their superiors and their American advisors.

Even more feared than the soldiers by the peasants are the *Dan Ve*, or Civil Guards. The true meaning of the words, *Dan Ve*, is "organization of the people for self-protection," but its name cannot disguise the real character of the organization. Since the peasants feel very deeply that they have been displaced by the U.S.-created war machine, most of them refuse categorically to enlist in the *Dan Ve*, which is consequently composed of hoodlums who are attracted by the possibilities for exploitation that it offers. These Civil Guards receive half the salary of South Vietnamese soldiers, plus a supply of arms and grenades. During the day, they tour the villages searching for NLF members, while stealing pigs and poultry, molesting women, etc. At night they return to their quarters to drink and gamble; when they feel bored, they fire guns blindly and indiscriminately. They know very well which house has just sold a pig or some poultry, or which family has just taken a sampan of rice to the city. They force their way into these houses, denouncing their occupants as NLF collaborators. If their victims are not able or quick enough to offer them money, the *Dan Ve* take them to their quarters to be tortured so that evidence of crime can be manufactured.[1] In most cases, peasants who fail to invite the *Dan Ve* to family feasts are denounced as NLF members. One has only to read the Saigon newspapers to know that every day there are stories of murder, rape and torture of innocent victims, as well as arbitrary imprisonment of peasants by the Civil Guards.

The *Dan Ve* operate under the direction of a Province Chief. At every level, they have prisons and torture chambers of their own. After arresting and torturing their prisoners, they send them to the National Police (*Ty-Can Sat Quo Gia*) in the small towns or in the provincial capitals, so that their information may be further exploited.

The village administrators and the local police chiefs carry on the same kind of activities as the *Dan Ve*. People arrested by the National Police receive somewhat lighter tortures, since this is the most open and accessible of all governmental agencies. But every prisoner arrested by the National Police is sent on to the Security Police Bureau (*Cog An*) or to the *Hoat Vu* branch, so that all possible information may be drawn from him.

The typical prisoner who is taken in the cities or larger towns has to undergo three sessions of torture at the office of the police who have arrested him. During the first and worst session, the police attempt to discover the names of others who may have collaborated with him. Even if he is innocent, he may, under torture, find some names to say—perhaps those of friends or relatives. This is one of the reasons there are so many unjust arrests. The second session of torture is for the purpose of extracting information about activities of the enemy. The third session, for the purpose of recording the prisoner's confession, is less harsh than the other two, except when the prisoner tries to deny any parts of his earlier confessions. (If he does not deny what he has said, however, his eventual sentence is likely to be exceedingly severe.) No matter what he says, the record of the interview is really a creation of the interrogator, with all details arranged to illustrate the prisoner's crime. At the bottom of the record, there is always this notation: "After having listened to this recording, or these lines, three times, I acknowledge that everything in them is true, and I, therefore, sign my name together with [that of] the interrogator." The prisoner will be beaten every day until he agrees to sign.

Depending on whether the original arresting officer was in the provinces or in Saigon, the prisoner's record and his "confession" are then turned over to the appropriate provincial or Saigon supervisory bureau. Officials of this bureau have the right to interrogate and torture him again. Sometimes his records are sent to several bureaus, and he is subject to re-examination by as many as these agencies as are interested in him. It may be six months or more before he knows where or by whom he is to be tried, or, even if he is not tried, whether he will be released or detained[2] for a term in prison or whether further exploration of his case has been recommended. If the latter is true, he will have to start with interrogation and torture all over again, from the beginning.

The methods of torture by which the Army Intelligence Bureau, the *Hoat Vul* and the Security Police Bureau extract confessions from there prisoners are generally similar to each other. The officials who apply the tortures have had long experience in their jobs.

IV. METHODS OF TORTURE

Briefly, these are some common torture methods.

The prisoner's hands are placed, palm up, on a table and beaten, fifty times each, with a heavy wooden truncheon. This turns the hands black; the fingers swell up so much that the prisoner cannot hold a bowl of food in his hands for a week or more. Usually, during this process, the table shatters, so that the hands are also full of splinters.

The prisoner is made to lie on his stomach with his knees bent so that his feet are in the air. The soles of the feet are then beaten with heavy truncheons, so that he feels pain in three places—the feet, the knees and the heart, as the blood is forced up in his body.

The prisoner is positioned with his hands tied behind his back in such a way that his chest is taut and protruding. Then his chest is beaten with rubber truncheons. This causes him to spit blood and excrete, and those who endure this torture are usually left with permanent lung damage.

The prisoner is hung by a thin metal wire tied to his big toes and beaten like a punching bag by four men. This is the best known and most common method of torture; it is generally called "the plane ride."

The prisoner is placed inside a barrel with water up to his neck. The barrel is then beaten full force with cloth-covered wooden cudgels, producing great pressure on the body of the prisoner: the heart is shocked severely, the liver and kidneys swell, and the bladder bursts. This torture is the specialty of the Army Intelligence Bureau. The peasants call it *chen ve*—a slang term meaning "beneath the water or mud."

The prisoner is forced to cup his hands, and pins are thrust into the quick of his nails. Some prisoners endure ten pins in their fingers and yet say nothing because they are innocent and have no information to give. A more elaborate development of this torture is for a pin with a feather attached to be thrust in half its length. Then an electric fan is switched on, the air from which makes the feathered pin rotate violently in the wound.

The prisoner has nails driven into his kneecaps or into the bones of his heels or ankles. These are often left there for several days.

The prisoner is laid on a bench, with his hands tied by the wrists and his head tilted back. Very salty or soapy water is then forced into his nose and mouth, until he loses consciousness. Sometimes, when the water enters the lungs, the prisoner may die. They call this kind of torture "taking the submarine."

The prisoner receives an electric shock of twelve volts from a hand-operated generator. Wires from the machine are tied to his thumbs or to his toes and sometimes even to his sex organ if he is a male. If the prisoner is a woman, the wires are tied to the tips of her breasts. Those who have heart trouble may die at the first shock. All torture rooms are equipped with the same kind of generator, a machine that looks like a square pepper grinder.

The prisoner is made to stand naked on top of a small stool with light projectors

---

[1] One of the Civil Guards' favorite methods of torture is to hammer nails into the bones and flesh of their prisoners, and, as a consequence of this, the peasants in their trading and bargaining, are often heard to say, "Isn't this too low a price to pay for the nails of the *Dan Ve?*"

[2] Detention (to be distinguished from a sentence served as the result of a trial) is legal in South Vietnam for periods of up to two years, but may be prolonged indefinitely by a reexamination, or a series of reexaminations) after which the detention period is extended. In 1968, it was found that some political prisoners had already served nearly ten years in Polo Condor prison, and they are still there.

with 200- to 500-watt bulbs all around him, or he may be forced to stand facing the wall with a 500-watt bulb placed about fifteen inches behind his head. He must stand in this same position for many days, except for brief moments when he is allowed to relieve himself or when he is fed. There are prisoners who stand this way for as long as a week before they collapse. Recovery from this ordeal may take several weeks, and a number of its victims break down completely and never recover.

The prisoner is tied firmly to a chair. Above his head is placed a can of ice water which drops upon his head slowly, drop by drop. The effect of this is that after about three hours, the prisoner begins to feel each drop falling upon him as the stroke of a hammer.

There are special forms of torture for female prisoners. For example, bottles or eels may be introduced into their vaginas, causing hemmorrhages which may last for many weeks.

The forms of torture are limited only by the ingenuity of the torturer, but the foregoing are the most usual. They may even become an amusement for professional interrogators. There are those who become so attached to their instruments that they take care of them as knights used to care for their swords. Some interrogators have carpenters make them wooden clubs with strange images and with carved lettering that may say something like this: "If you confess, you may live, if you don't, you shall die." One end of such club is called the "life end," the other, the "death end." The "life end" is small, round and smooth, while the "death end" is bigger and knobbed. One interrogator at the Central Bureau of Investigation owns a club carved in the form of a penis. The club is called "the penis of Heaven," and the owner has been nicknamed *Than Ong Cac Troi*—Mr. Heavenly Penis-Stick. Strangely enough, this man seems happy with his nickname. There is another interrogator who has had all his instruments of torture covered with zinc. Even his handcuffs are covered with zinc, though they originally bore the trademark "Made in U.S.A." and were already considered beautiful.

Many times prisoners are tortured, not so much for interrogation as for punishment, and often for capricious reasons. For example, a prisoner may be punished for having a name like *Cao* (tall) when he is short, or *Tuoi Sang* (bright) when he has dark skin, or a name like *Hung Dung* (hero) when he is small and slender. He may be punished for not being able to laugh or cry at the order of an interrogator. Once I saw a young man being beaten on his head until his scalp split open for not agreeing to drink a cup of tea with live cockroaches in it. He was finally made to eat them. When he was asked whether they were good or not, he responded that they were not, so he was beaten again for his answer. When at last he said that they were good, he was beaten still a third time for lying.

There was another young man who was beaten so severely simply because he had a mustache, that he had to crawl back to his cell, although his guards knew as well as the prisoner that it is impossible to get a razor in prison. The young man was made to stand in front of his tormentors and to pull out his mustache, hair by hair, with his fingers. If by chance he took out two hairs at once, he would be beaten five strokes. During the period in which he removed half his mustache, he received 145 strokes. Next week, he was forced to pull out the other half of the mustache. Altogether he received more than 3,000 strokes during the five months he was in prison—all because of his mustache. Finally, after his parents sold their house and used the money to bribe an official in the Special Police force, the young man was judged innocent and released.

V. PRISONS IN SOUTH VIETNAM

It is difficult to know how many prisons there are in South Vietnam, because—besides the official prisons—there are a multitude of secret prisons and semi-official prisons set up by the Army of the Republic of South Vietnam, by the local army, by the American army, by the intelligence services, secret services, security services, and by the different levels of administration of the local areas.

OFFICIAL PRISONS

The Minister of the Interior, who has jurisdiction over the official prisons, has created an administrative agency called the Department of General Administration of Rehabilitation Centers (*Nha Tong Quan Doc Cac Trung Tam Cai Huan*) to supervise these prisons throughout South Vietnam. Colonel Tran Van Tu heads this agency; its headquarters are located near the Chi Hoa prison at the end of Hoa Hung Street in Saigon.

Under Colonel Tran Van Tu's administration, there are 58 official prisons in 58 provinces and cities, plus five big prisons: Chi Hoa, Tan Hiep, Thu Duc, Phu Quoc and Con Dao (The Con Dao Polo Condor Prison on Con Son Island). There is also another smaller prison located at the Cho Quan hospital to house sick prisoners taken from the five large prisons.

The province chiefs, who are usually lieutenant colonels, supervise the administration of the prisons in the provinces, but do not directly run them. The five big prisons are run by officers in the Army of the Republic of Vietnam.

Four types of personnel are employed to take care of the prisons:

Local army men (*dia phuong quan*): These look after the military aspects of the prison area. Their major responsibility is the security of the prison walls. They concern themselves with the prisoners only in the event of a revolt.

Professional supervisors (*giam thi chuyen nghiep*): Each is in charge of a certain number of prisoners and has the responsibility of seeing that the cell doors are secure. They carry out the orders of the courts with regard to transferrals of prisoners, their release or exile.

Cadres for rehabilitation (*can bo cai huan*): They look after the education of ordinary prisoners, the political indoctrination of political prisoners. They can also make recommendations with regard to extension of a prisoner's detention.

Public security agents (*cong an*): These are sent directly from the Special Police Force (*Khoi Canh Stat Dac Biet*). They specialize in beating and torturing prisoners who have violated prison regulations. Their job is to prevent political action in the prison, and they try to suppress any movements aimed toward improvement of prison conditions.

In these official prisons, there are usually three kinds of inmates: political prisoners, ordinary prisoners, and military prisoners. The majority, however—from sixty to eighty per cent—are political prisoners.

1. The five big prisons

Chi Hoa: Thought of as the prison crossroads of South Vietnam, this institution houses from 6,000 to 8,000 prisoners and is located in Saigon. Prisoners are brought in from the Security Police Headquarters and from all the provinces. Many are in transition to Con Dao or Phu Quoc or they may have come from these prisons after having served a term there. In Chi Hoa they wait either to be released or to be transferred to Tan Hiep or some other prison in the provinces.

The Chi Hoa prison is built in the form of an octagon four stories high with a court in the center. The interior of each of the eight sections is divided into four parts. Each of the eight sections is given the name of a letter in the alphabet from A to H. Attached to side D, there is a square building which has been given the letter I, and which has four stories numbered from 0 to 3. Each story of the octagon itself can be divided into four parts by combining two adjoining sides, A and B to form AB, or A and H to form AH, etc. Each of these combinations has a special use. For example, section AB contains comfortable and spacious quarters and is used for officials imprisoned for corruption or on similar charges, or for rich merchants who have obtained these quarters through bribery. Section 1E of ED is reserved for military officials; Section 3B of BC is especially for prisoners awaiting execution; Section 1H of AH is for lodging the *cong vu* (prisoners who are doing office work), officers and clerks and for medical personnel; Section FG is for political prisoners, except for 1G which is reserved for prisoners who work in the kitchen. Except for OD, which is used as an infirmary, O is reserved for political prisoners who have not been observing the political regulations of the prison; the three stories of section D are composed of very small dark cells reserved for political prisoners who are considered dangerous. On the outside of Section E, there has been built a large one-story building called the Hall of Photography and Pictures (*Phong Dien Anh*), but it is, in reality, the headquarters of the prison's security service.

There are many kinds of torture instruments. From the walls near the floor protrude iron bars to which prisoners are shackled. The room also contains a number of very small closed cells, the size of lockers. In the sections of the octagon that have not been mentioned are two categories of rooms: small, individual rooms for political prisoners, and larger rooms for military and regular prisoners.[3]

Phu Quoc: This prison on Phu Quoc Island near the Cambodian sea border, houses about 30,000 prisoners from fifteen to sixty years old, who have been captured by American or Vietnamese soldiers during military operations, and who have been suspected of being NLF members. They are guarded by a number of ordinary prisoners who have committed acts of piracy or murder, etc. This prison is administered by a lieutenant colonel and other military officers.

Thu Duc: This prison houses from 3,000 to 4,000 prisoners and is located in the Thu Duc district of the Gia Dinh province. It is reserved for female prisoners who were arrested in the Saigon, Cholon or surrounding areas; or for other female prisoners from other provinces who have heavier sentences, or for those who have not been tried. The prison is administered by a commanding officer of the army.

Tan Hiep: This prison also houses from 3,000 to 4,000 prisoners and is located near the Bien Hoa airstrip on the old highway between Bien Hoa and Vung Tau. This is a detention place for political prisoners who have not had a trial and for those prisoners who have already served a prison term but who have not been released. It is now being moved to Vung Tau.

Con Dao Polo Condor (Con Son Island): This prison houses more than 15,000 prisoners. Con Dao is an island with a governmental administration comparable to that of a province. There is a town hall as well as a Provincial Security Service (*Ty Con An*) but there are no civilian residents—only soldiers, civil servants, supervisors and their families, and prisoners. Here there are two big prisons, "Prison House No. 1" and "Prison House No. 2," and another small prison at the Security Service headquarters. Also on

[3] The foregoing description of Chi Hoa can best be understood by visualizing a structure like the one diagrammed below, keeping in mind that the sections are combined differently on different floors.

the island are the dreaded "tiger cages" for important prisoners. Con Dao is administered by a lieutenant colonel, a security chief and a number of other military officers.

2. Official provincial prisons

Each one of the 58 provincial prisons usually houses from 500 to 1,000 prisoners, though there are some that are much larger, like the one in Gia Dinh province, located near the Gia Dinh Town Hall. The Gia Dinh prison holds from 1,500 to 2,500 persons and is used for the temporary confinement of prisoners being sent by the National Police to Tan Hiep and Con Dao. Other important prisons are Ben Tre and My Tho, each with from 1,000 to 1,500 and sometimes 2,000 prisoners; the Nha Trang, which keeps political prisoners who are waiting to be brought before military courts in the southern provinces, and has a capacity of between 2,000 and 3,000; Qui Nhon, Da Nang, and Hoi An, with an average capacity of 1,500. In Hue, there are two large prisons, Thua Phu and Mang Ca Nho. The Thua Phu prison takes military prisoners, political prisoners and ordinary prisoners who have been tried. In the Mang Ca Nho prison (as is also true of the Tan Hiep prison in the south), there are only prisoners being held in detention. Thua Phu and Mang Ca Nho each houses about 2,500 prisoners.

Secret and Semi-Official Prisons: Saigon

The list that follows accounts for only a part of the secret and semi-official prisons in South Vietnam. No one really knows how many there are, as secret prisons are hidden away in private villas, in public buildings, in army barracks, etc. In general, these prisons are administered by the officials who have arrested the people incarcerated in them.

In the general headquarters of the National Police Force (*Tong Nha Canh Sac Quoc Gia*) in Saigon, there are two prisons, each with a capacity of from 2,000 to 3,000 prisoners. One is located within the limits of the Central Bureau of Investigation and is called *Cau Luu Xa* (detention center); it has three rows of cells for political prisoners who are being investigated. About two hundreds meters from *Cau Luu Xa*, still within the grounds of the National Police Force Headquarters, there is a big L-shaped prison, two stories high, with six large rooms and more than ten cells. Among the prisoners here, only about ten percent are criminals; the rest are political prisoners who have been sent from other prisons for interrogation by the Central Bureau of Investigation, or who have fully served their sentences or detention terms, but are still held for indefinite terms in prison.

The *Hoat Vu* has eight secret prisons in villas scattered throughout the Saigon-Cholon-Gia Dinh area, with perhaps 100 to 200 prisoners held in each. (See reference in Part I). The District Police Headquarters in Saigon operates nine prisons, each housing from 50 to 100 prisoners. There is one prison at Official Police Headquarters with a capacity from 50 to 100, and the Bureau of Military Security (*Cuc An Ninh Quan Doi*) operates a prison near the Saigon Zoo in District 1, that can accommodate between 300 and 600 prisoners. The Secret Service of the Army Headquarters own a prison housing 300 to 500, located near the Tan Son Nhut Airport, and the Central Intelligence Service also has a prison located at Ben Bach Dang that holds from 200 to 500. (This number was furnished by a political prisoner who stayed in the Central Intelligence Service prison for about six months. He said that the figures may not be accurate, since the activities of the Central Intelligence Service are kept very secret.)

Secret and Semi-Official Prisons: The Provinces

The National Police, the Special Police, the *Hoat Vu*, the Military Security Forces, and the Local Army Forces each have one prison in the provinces, and there is one in each military barracks of the American and Allied Forces. Every one of these prisons houses an average of thirty to fifty prisoners.

In each district of every province there is one prison that holds the combined prisoners of the Security District Branch of the Special Police, the *Dan Ve*, the Cadres of the Provincial Government Rural Reconstruction Program, and those arrested by the district chief. Here and there in every district, wherever there is a barracks, no matter now big or small it is, there is always a small room that serves as a prison for the captives of the *Dan Ve* and of the village councils.

Finally, in each barracks in the district, there are one or more rooms reserved for the "night prisoners." These are peasants who have not violated the law but who are considered potential violators. They are in prison only from 6:00 p.m. to 8:00 a.m. and are allowed to go home during the day.

The number of prisoners held in these provincial jails varies greatly, of course, depending on the political and military situation and on the mood of those who are in power.

VI. INSIDE THE PRISONS

Though conditions differ somewhat from one prison to another, they are bad enough in all to weaken or destroy the physical and mental health of most prisoners. Torture, filth, overcrowding, malnutrition—these are the common lot of the victims of South Vietnamese justice.

Chi Hoa

Chi Hoa in Saigon is considered the best of the prisons, and is, in fact, used as a showcase to obscure the horrors common to the rest of the prisons in South Vietnam, although visitors who are aware of its showcase status could scarcely feel sanguine about conditions elsewhere.

The quarters in Chi Hoa vary in quality from one section to another (See Part V), but the communal cells which house most of the political prisoners are occupied by sixty to eighty persons—thus providing a space of about fifty square decimeters (or approximately 5 square feet) for each prisoner. There is enough air to breathe in these rooms because one of the four walls in each is barred.

Prisoners in Chi Hoa receive two full meals each day, plus soup for breakfast. Each prisoner is allowed one and one-half kilos of cooked rice, 200 grams of vegetables, seventy grams of meat or fish, and twenty grams of sugar per day. These provisions are bought by a contractor who receives a commission and hands on the goods to regular prisoners (i.e., those convicted of crimes such as robbery) in charge of the prison kitchen. There are deals between the contractor and the prison administrators to take some of the food allowance for themselves, so that the prisoners rarely receive their just quota. The above amounts are the official quotas per prisoner, but not what they actually receive. Although rice is the staple diet of the prisoners, the quality of rice they are given is very low. It is of coarse grade and contains grit.

Saigon is extremely hot, especially in the summer, which lasts eight months of the year. The water supply in the prison is always low. At each corner of the octagon is a tank of water measuring about five cubic meters. This water must provide for all the needs of the 900 to 1,000 prisoners in the sixteen communal cells. Each receives a maximum of about five liters (1.8 gals) of water a day which must serve for cooking, drinking, bathing, washing, etc.

All political prisoners are required to pledge allegiance to the flag and to practice shouting patriotic slogans. At least five times a week, they must receive prison administrators or visitors to the prison, greeting them with these slogans. They are forbidden to discuss politics or any news coming from the outside, and they may not refer to Chi Hoa as a prison. They must call it a rehabilitation center. After curfew at seven or eight o'clock in the evening, they are not allowed to sit or stand or talk to one another but must lie down and go to sleep. In the non-curfew hours, they are not allowed to lie down. Those who violate any of these rules are sent into the Hall of Photography and Pictures (*Phong Dien Anh*), where they are tied up and beaten. Sometimes they are placed in solitary confinement for days on end in a dark room filled with mosquitoes. A considerable number of political prisoners refuse from the beginning to obey any of the regulations. After a week of punishment in the Hall of Photography and Pictures, these prisoners are shut up in individual windowless cells in the OB and OC sections of the octagon, and their diet is reduced to plain rice and salt. Every two weeks they are brought back to the Hall of Photography and Pictures for more punishment.

Prisoners who have not been tried may receive visitors and supplies only with the permission of the military court, and those who have violated prison rules are allowed no visitors or supplies. Usually prisoners may see their families and receive gifts from them once a month and, after they are sentenced, the visits may be increased to twice a month with the permission of the prison administration, but prisoners and their visitors must always sit far apart. They may not touch each other, and the visits last for only five minutes.

Censorship of mail is very strict. Often prisoners receive letters with everything deleted but the salutation and signature. Neither incoming nor outgoing letters may mention any personal problems; incoming letters must not be written on colored stationery, and may not be typed. All papers, magazines and books, except for small dictionaries, are forbidden.

There is a hospital at Chi Hoa run by a doctor, but his priority patients are military officers and administrative personnel and their families. Part of his job is to perform quick autopsies on dead prisoners and to sign their death certificates. Invariably he finds that any deaths in the prison occur as the result of disease, whereas, in fact, many result from the treatment inflicted in the Hall of Photography and Pictures. The hospital is in the ED section of the octagon, but a number of prisoners who suffer from leprosy, tuberculosis or mental illnesses are sent to a special prison in the Cho Quan hospital in Saigon.

Often during the night, one may hear tragic and desperate voices crying for help. "Sir! Sir!" someone may cry. "There is a man vomiting blood in room 2F!" or "Sir! Sir! There is someone in room OB who is dying!" Generally no one comes to help, although sometimes a nurse appears with a little powdered quinine. (This is used as a treatment for every disease and ailment, from colds and stomach ache to hemorrhages.) As often as not the prisoner ends his cry with the desperate shout, "That's that! The man has just died in room OB. Do you hear, Sir?"

Con Dao, Polo Condor

Often referred to as the Island of Con Son, Con Dao is called "hell" by persons confined there. Here are to be found the notorious "tiger cages," and it is here that murder by starvation is most commonly used as a punishment.

Many prisoners who have been sentenced to hard labor are sent to Con Dao, and many of these are put to work at the centers of Lo Voi or So Cui. At Lo Voi prisoners work in quarries, breaking and carrying stones for the construction of prison units, road repair, etc., and some are made to wade deep into the sea to gather shells for the lime kiln.

At So Cui, the prisoners must climb long distances over high mountains to gather half a cubic meter of wood each day. The forests

on the mountains have been exploited for years; trees are scarce, and it is forbidden to cut many of those that remain. At the end of the day, if it has not been possible to find the allotted amount of wood, the prisoners are beaten so severely that they must often crawl back to their cells. Yet the next day they are expected to go back to the mountains for more wood. What they gather is used to make furniture for the mainland homes of military officers and supervisors of the prison.

Three months after their arrival at Con Dao, prisoners who have a trade are selected to go to work at So Moc, the carpentry center, So Chan Nuoi, the livestock center, So Ray, the agricultural center, or So Luoi, the fishing center. The best produce from these centers is kept for the Province Chief, a lieutenant colonel, who is also the director of the rehabilitation center of the prison. Military officials are given the next best produce, and the rest is for supervisors and soldiers.

As in all other prisons, the prisoner's food in Con Dao is provided by a dealer and there is always an agreement between him and the administrators to keep some of the money that is supposed to be spent on food. Once a month, a supply ship comes from the mainland to the island, bringing rice of very low quality, dried fish, so poor and rotten that it would be used only as fertilizer outside prison, and some pigs and a number of cows. Military officials, supervisors, and soldiers are not anxious to share the rice or the fish, but are very willing to take the larger share of the pigs and the cows, leaving each prisoner with an average of about 10 grams of pork and beef per month.[4]

Because of the shortage of food, prisoners sent to work at So Ray and So Luoi, the agricultural and fishing centers, must steal whatever fish and vegetables they can, though if caught, they are sent to the "tiger cages." These tiger cages are housed in two long cement structures divided into thirty units each. The cages are too small for a man to lie full-length inside them; the barred top of each cage is so low that it can be reached with the hand. Over the bars is a catwalk for the guards, and over all is a roof or awning made of corrugated metal.

When a prisoner is consigned to a period of punishment in one of the tiger cages, his clothing is first removed and he is beaten into a state of unconsciousness. Then he is thrown into the cage. While he is there, he is not allowed to take a shower or even wash himself; his cage is his bathroom; his only food is bowls of rice lowered into the cage from above; the metal roof above the cage makes it very hot during the day and very cold at night; supervisors may suddenly pour down water from above or urinate onto the head of the prisoner. Sometimes they throw rocks or filthy excremental liquids. Their aim is to keep the prisoner in a state of constant fear, pain and despair.

Once or twice a week, guards and supervisors bring ordinary prisoners (those convicted for criminal offenses), armed with sticks to administer beatings to those within the cages. After the beatings, more water is poured down upon their heads. When I was at Chi Hoa, a supervisor from Con Dao told me that after having seen the liquid swilling around the cages, a mixture of water, blood, excrement and white rice vomited by prisoners after a beating, he was unable to eat for three days.

[4] Prisoners do their own cooking and combine the small portions of meat that come to them infrequently with rice in a common stew. Only certain prisoners who were formerly high grade civil servants, military officers, businessmen, or rich politicians are granted higher living standards. They manage this by bribing the administration or by using family influence within the Government circle.

Some prisoners are kept caged for several months; only about thirty percent of these survive.

Because there are not enough tiger cages for all the prisoners the administration wants to punish, hundreds of others are locked in dark cells with only a few air holes. They are not permitted to wash themselves, have no toilet facilities, and are fed only unsalted white rice, and their confinement may last for months. After the first twenty days, one out of every two hundred prisoners dies; after a month, two die, and so it goes on up to the point where from five to ten prisoners die every day. Their corpses are removed from the cells once every three days.

As time goes on, the prisoners' bodies darken gradually from the feet upward and there is no feeling in the parts of the body that have gone dark. Death is approaching slowly, minute by minute, and the prisoners are very well aware of this. When the death rate reaches fifty percent, the administrators open the cells and stop the punishment. Prisoners from Con Dao have told me that when the cell doors open, the survivors try desperately to crawl into the yard and eat the grass. These blades of grass are sufficient to postpone their deaths and to keep them alive for the next wave of punishment.

Tan Hiep

The number of political prisoners at Tan Hiep is increasing rapidly, the majority of them being sent there on suspicion. As the Government has not found enough evidence against them to bring them before a military court, they are being held in detention. Tan Hiep is the most crowded of the official prisons. In a large prison room, each prisoner may have a sleeping space of only 20 centimeters by 2 meters (about 8" x 80"). Prisoners are not allowed to lie facing each other because the administration fears any communication between political prisoners, even if it is only by movement of the lips or eyes. That is why one sees hundreds of prisoners all lying on the cement floor, facing the same direction. They can change the direction only with the permission of the night guard whom they elect themselves and who is approved by the prison administration.

During the night if they wish to go to the lavatory, they must raise their hands. The prisoner may have to wait for hours before he is allowed to go, since there is only one WC for each prison room and that is occupied night and day.

The list of regulations in this prison is very long, and the prisoners must learn it by heart during the first five days after their arrival. Those who do not resign themselves to the iron regulations here are punished by regular beatings before being sent to the tiger cages or the confinement cells of Con Dao.

Cau Luu Xa (The Detention Center) and the Prison of the General Headquarters

In both prisons, men are packed like sardines into the cells. There are rooms in the detention center where prisoners have to be divided into three groups, so that everyone can have a chance to sleep for a few hours during the night; one group sleeps lying down, one group sleeps sitting down, and one group clings to the iron bars to make room for the other two groups.

At the detention center, each prisoner is allowed to wash once a day, but at the Prison of the General Headquarters, there is not so much water. Every three days, each prisoner is given two liters (about two quarts) of water for washing clothes and bathing. Because of the lack of water, prisoners must use chemical toilets located inside the cell.

Many of the prisoners here have skin diseases and coughs. Every night there are prisoners who suffocate and lose consciousness, and there are a considerable number who contract tuberculosis.

The Prisons of the Hoat Vu

Because of the need for secrecy, the *Hoat Vu* cannot set up well-organized prisons, and must put prisoners into rooms wherever they can find them, often into servants' quarters in private villas. To prevent escape, they chain prisoners to iron bars, sometimes five or ten prisoners to each bar. Strong prisoners have their hands tied as well.

Most of those arrested and taken to the *Hoat Vu* jails consider suicide, for they know that they have no way to escape the tortures which await them. Even if they are innocent, even if they resist making confessions, even if they confess all or make false confessions—whatever they do, they will be submitted to torture and punishment.

A prisoner who attempts suicide or who is suspected of making a suicide attempt is punished by being bound hand and foot and by having a wooden cylinder placed between his jaws and tied with wires behind his head. He is fed on soup with the cylinder still in his mouth, and is sometimes left in this state for a week. Prisoners in this way cannot close their mouths for twenty-fours after the torture is ended and cannot chew food for at least a week.

The Cho Quan Hospital Prison

Cho Quan is a hospital for the treatment of mental illnesses and dangerous contagious diseases. In the compound of this hospital is a prison housing about 600 very ill prisoners. Both ordinary criminal prisoners and political prisoners are sent here from the five big prisons and the *Hoat Vu* and the Police Services in the Saigon-Cholon-Gia Dinh area. All these diseases are common: leprosy, tuberculosis, venereal disease, mental illness. Cho Quan is considered to be the dirtiest prison in South Vietnam. At least two or three prisoners die daily, mostly from tuberculosis. Each year several prisoners die of injuries received after they have attempted to climb into a very slippery sanitary toilet. Insane prisoners sometimes go beserk and murder others.

The principal medicines in use here are quinine, sulfa, phenobarbital, and camphor oil. They are used for treating all diseases.

Who are the political prisoners?

The easiest and best way to learn of the social position, political affiliation and religious tendencies of political prisoners in South Vietnam is to read the daily report made out by the administration of each prison. For example, the September 15, 1968, report[5] from the Chi Hoa Prison reads as follows:

Religious affiliation	Political prisoners	Ordinary prisoners	Military prisoners	Total
Catholic	163	29	24	216
Buddhist	1,315	42	51	1,408
Protestant	32	5	11	48
Cao Dai	31	1	4	36
Hao Hao	42	3	7	52
No religion	72	10	28	110
Total	1,665	90	125	1,870

According to the report, if one examines only the case of political prisoners one will see:

$$\text{Buddhists} = \frac{1315}{1655} \quad 79\%$$

$$\text{Christians} = \frac{163+32}{1655} \quad 12\%$$

Followers of other religions or nonreligious prisoners=9%

Apart from this report, there are 3 other kinds of reports: the number of prisoners per room (to calculate the food supply); the

[5] This report is chalked on the walls of the offices of 6 sections in the Chi Hoa prisons. The numbers are changed every day at 9 a.m.

number of prisoners accused of being communists; the social position of political prisoners.

The last two reports are secret, and are sent to *Van Phong Kiem Tra*, the head office of the Hall of Pictures and Photographs. They are also incorporated in the general daily report that is sent by the Chi Hoa prison administration to the General Director of Rehabilitation Centers. The two items that are most important in the report are the numbers of communists and peasants. When I took note of the report on section FG at Chi Hoa prison, the number of communists were 50 out of 1655 political prisoners. That is about 3.3% of the prisoners. The number of peasants was listed at 1062 (about 64%). What will people think if they look at the percentages in the report? Twelve per cent of the prisoners are Catholic, 79% are Buddhist, 3.3% are communists and 64% are peasants?

VII. AFTER SERVING THE TERM

Some years ago, prison administrators used to attempt to persuade prisoners to obey regulations by promising them shortened terms. These promises were never kept and administrators have stopped making them. Now they promise that if the prisoner behaves himself, he will be released after he has fully served his term.

This promise is meaningful, because of late years, most prisoners are not released at the end of their terms, but detained in prison for another six months to a year. Those in unofficial prisons are often kept indefinitely. Political prisoners with families in Saigon are released after serving their sentences, only if they produce a written guarantee signed by three relatives certifying that they will take responsibility for the future political actions of the prisoner.

Upon his release, the prisoner receives only a temporary resident card issued by the Chief of the Special Police. He must present himself once a week or once a fortnight thereafter to the police headquarters of his district and also to the Central Bureau of Investigation. Each time he goes, he must relate in minutest detail all of his activities, what he has done, whom he has seen and so on, and each time, he must take with him some clothes, a towel and a toothbrush in case he is rearrested. Where he goes, he is followed by an Active Intelligence Service agent, who sometimes comes directly into his house and demands a monthly payment for "protection."

The former prisoner now lives in a permanent state of anxiety, feeling that he has no real freedom, not daring to visit intimate friends because, if he did, he would have to mention their names at the Bureau of Investigation. Eventually he is either rearrested or finds himself obliged to escape the city and seek refuge with the NLF, as he feels that he cannot return to the terror of the torture room and the prison.

Mr. HAWKINS. I would like to introduce also a statement from the Fellowship of Reconciliation, which also conducted an investigation of prison conditions, in a letter to me under date of July 14.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The letter is as follows:

THE FELLOWSHIP OF RECONCILIATION,
Nyack, N.Y., July 14, 1970.

Representative AUGUSTUS F. HAWKINS,
House Office Building,
Washington, D.C.

DEAR MR. HAWKINS: I am pleased to see your concern about the situation of political prisoners held in the "tiger cages" in the prison on Con Son Island, and particularly to see that moves are being made to extend the investigation to other of South Vietnamese prisons.

Cruelty and torture in prison are bad enough in themselves, but as the *Washington Star* observed the other day, what is particularly important here is who are held and why. Non-Communist opponents of the present regime in Saigon are the principal victims not only in Con Son, but in the nine "interrogation centers" in Saigon alone, plus others scattered through the country, at which systematic torture for the purpose of intimidation is the rule. All this reflects the fact that there is a very formidable peace movement in South Vietnam, largely nonviolent, oriented to the Buddhist Church and the student movement but including representatives of all segments of the society, which is totally opposed to the Thieu government and to continuation of the war.

I am taking the liberty of sending you a copy of my recent book, *Saigon, U.S.A.*, in which I have tried to assemble the story and have included considerable documentation, including the full report of last year's U.S. Study Team on Religious and Political Freedom in Vietnam and excerpts from "Imprisonment and Torture in South Vietnam" by a noted South Vietnamese journalist who spent four years in that country's prisons.

Another "investigation," whether by the South Vietnamese or the United States government, will simply be a means of mollifying public opinion. No real accomplishment will be possible in connection with the mistreatment of tens of thousands of political prisoners in that country until it is openly recognized that their mistreatment is part of the calculated policy by which the Thieu government stays in power, and which is connived in, supported and financed by the United States.

Sincerely yours,

ALFRED HASSLER.

Mr. HAWKINS. I also introduce the statement by our colleague (Mr. ANDERSON) appearing in the RECORD of July 16, in which he enters a letter from a Dr. Marjorie Nelson, a competent medical authority. He describes also the filthy conditions, the neglect, and the fact that children are sometimes incarcerated along with their mothers with some of the prisoners in this compound.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The statement and letter are as follows:

QUANG NGAI PRISON

(By Hon. WILLIAM R. ANDERSON)

Mr. Speaker, under previous unanimous consent request, I submit for he RECORD a letter I received from Dr. Marjorie Nelson of Connecticut. I have discussed the letter at some length with Dr. Nelson by telephone. It is a most revealing letter, giving further explicit evidence of the outrageous treatment of political prisoners by the Saigon government. Dr. Nelson has advised me that the children of whom she speaks generally range from infants to youngsters of 10, crowded with their mother into 15-by-15 feet cells—as many as 50 in a cell. Are these children "Communist criminals"?

Dr. Nelson proved to my satisfaction that her reporting is objective by pointing out in our telephone conversation that the head of Quang Ngai Prison was a very humane, understanding, and helpful man, concerned about the conditions in the prison under his direction, but unable to alleviate conditions because of the lack of physical resources available to him.

JULY 8, 1970.

Hon. WILLIAM R. ANDERSON,
House Office Building,
Washington, D.C.

DEAR MR. ANDERSON: I have read with more than casual interest the accounts in the *New York Times*, July 7, and July 8, of your visit to Con Son Island prison in the first week of July. I worked as a doctor with the American Friends Service Committee Project in Quang Ngai from October, 1967, to Otcober 1969, as part of my work there, I made regular vists once or twice a week to the Quang Ngai civilian prison where I examined and treated prisoners. I would like to share my experiences with you as I feel it is directly related to your own brief visit.

The prison in Quang Ngai was built by the French to house approximately 500 prisoners. During the time I worked there, the prison population ranged from 800 to 1300—usually between 150–300 of them women. Many of these women had their children with them—40–120 children. Crowding was compounded by the fact that in August, 1967, the NLF troops attacked and overran the prison (releasing some 1000 prisoners) and damaged several buildings. At least two of these large buildings were still partially or completely roofless in the fall of 1969. I quote from a letter I sent to the American Friends Service Committee in Philadelphia in February, 1969, shortly after I had returned from a furlough to my work in Quang Ngai:

"In addition to the room I described to you in [a previous letter], I found the following: two small square rooms approximately 15x15 at most with only small slit windows at the top of three walls held respectively 50 and 40 women and children. No beds provided in either one. A large room approximately 45x15 with two-tiered wooden bunks filling the room leaving an aisle between housed 200 women. They sleep on the floor as well as on both tiers. Another room, slightly smaller, houses 75 women and 3 children, but contains only a couple tables and no beds. Two other small rooms, perhaps 12x30 housed a total of 74 women—also with no beds. These latter two rooms have now been emptied and another large building without a roof is now being occupied by an undetermined no. of women. Large tarpaulin tents have been spread over the rafters to provide a roof of sorts.

"My first visit after I returned, I found widespread colds and diarrhea among the patients, especially the children, which is to be expected when a lot of people get thrown together like this. The dispensary was completely out of all cough medicine and diarrhea preparations and had been for several days."

We were invited by the Prison Chief in the summer of 1968 to make regular medical visits to the prison because he had many sick prisoners. Successive Prison Chiefs were very helpful to us and eager for us to continue our work. We were given free access to the prison by day and cooperation from the prison Chief on several occasions when our work required it. We were informed both by prison officials and by prisoners that 80% or more of the inmates were "political prisoners." Personal conversations with prisoners seemed to indicate that in many cases their "political crime" was improper or incomplete papers, presence in an "unauthorized place," or, in the case of the women, inability to account for the whereabouts of their husbands who were therefore assumed to be NLF guerrillas. In addition, many prisoners paid bribes to gain their release and on several occasions the assertion was made to me that they had been arrested for the sole purpose of extorting money from them.

We were told by officials that this was a minimum security prison and no one was supposed to stay who had a sentence of more than four to six months. However, prisoners

never met their accusers (except in the Province Interrogation Center), never had a trial, and never knew the length of their sentences. I talked with several who were in for as long as a year.

It is my understanding that regulations provide for a nurse to be assigned to the province prison. However, the nurse assigned to Quang Ngai prison was an opium addict and I only met him in the dispensary once in my 13 months there. Prisoners themselves manned the dispensary using whatever knowledge had been passed on to them about administration of drugs and treatment of disease. In addition to crowding, there was neither running water nor latrines in any of the rooms where prisoners were confined from 6:00 p.m. to 6:00 a.m. and food and water were both provided in unsanitary if not contaminated condition.

In addition to treating the common ailments and the infectious diseases and malnutrition occasioned by these conditions, I also regularly examined and treated prisoners who had been tortured. This seems not to have occurred in the prison itself but in the Province Interrogation Center. I saw dozens of patients with bruises of varying severity. I also examined patients who had coughed up, vomited, or urinated blood after being beaten about the chest, back, and stomach. On at least two occasions I was able to document by x-rays fractures of bones following beatings. Prisoners also told me of being tortured by electricity with wires attached to ears, nipples, and genitalia; by being forced to drink concoctions containing powdered lime and other noxious substances, and by being tied up and suspended by ropes often upside down from the rafters for hours. On at least three occasions, patients seriously ill or injured and under my care were removed to the Province Interrogation Center without my knowledge for further interrogation.

In April, 1969, another team member and I presented this situation to the American Province Senior Advisor asking his advice as to how to seek to stop these practices. He shared our distress at this and promised to speak to the man in charge of the Province Interrogation Center—a project started by the U.S. to teach "enlightened intelligence and interrogation procedures." In a subsequent visit he informed us that the Province Interrogation Center was no longer under U.S. control but had been turned over to the Vietnamese and therefore he would encourage us to go directly to Colonel Khein, the Province Chief. On April 20, 1969, we spent approximately thirty-five minutes with Colonel Khein and I presented my experience and we expressed our conviction that this was self-defeating on political grounds as well as unacceptable on humanitarian grounds. He essentially acknowledged that some beating did take place and that he was aware of it; that some prisoners were "very hard" and refuse to talk and in such situations physical force was necessary and was employed to get information. However, he said, "there are limits." We suggested that he might need to intervene with the Province Interrogation Center authorities to see that this was adhered to, but my impression was that he was not willing or not able to substantially alter the practices.

In August, 1969, in my prenatal clinic in the prison, I examined a woman, seven months pregnant, who had been badly beaten the previous week. This was the worst example of the beatings which I continued to see so I again called on the American Province Senior Advisor and brought this latest case to his attention. He promised to raise it with the Province Chief again. He went on to say, due to a recent directive from Saigon to free prisoners who guilt was only suspected and the general pressure about the treatment of prisoners, that quite a few prisoners had been released (the census at that time was down slightly—about 1100). He also said that the Americans had been sending fewer people into the interrogation center. He seemed to imply that the Americans were largely responsible for sending detainees to the Province Interrogation Center although they did not control the center itself. There were very few going through it then compared to the one hundred per month previously, he stated. He said, "That means at least fewer people will be getting 'the treatment' and supposedly only those people most likely to be 'productive'." I replied that in my opinion even if that woman, for example, was a known NLF cadre, I didn't consider it acceptable to beat a pregnant woman.

Since returning to the United States I have shared my experience with a few Senators and Congressmen or their aides. My concern and that of the American Friends Service Committee has always been to alleviate the suffering of these prisoners. I urge you to do whatever you can to end these inhuman practices and I am ready to offer you any further help that I can.

Sincerely,

MARJORIE NELSON, M.D.

Mr. HAWKINS. I certainly want to indicate that I have tried to correct just a few of the mistakes of the gentleman from Illinois. There are many others. But I would not want to indulge further on the time of this body. I simply would like to say that we went to Vietnam as part of a select committee, that all of the members of this committee had great respect for each other. We differed politically, we differed ideologically, but we never questioned each other's integrity.

I include the following items:

[From the CONGRESSIONAL RECORD, June 8, 1970]

SAIGON TORTURES THOSE WHO SEEK PEACE

(By Hon. DONALD M. FRASER)

Mr. Speaker, on May 30, the New York Times noted the occupation of the Veteran's Ministry in Saigon by 200 disabled South Vietnamese veterans. On the same day, thousands of students and Buddhist monks demonstrated at the state funeral for Phan Khac Suu, former South Vietnamese Chief of State. The Thieu-Ky government responded to the veteran's sit-in and the student demonstration with tear gas and clubs.

It has been brought to my attention, Mr. Speaker, that students, disabled war veterans, Buddhist monks and laymen have been holding demonstrations in Saigon almost every day since mid-April. In addition to tear gas and clubs, many demonstrators have also been subjected to torture and imprisonment.

These demonstrations against the Thieu-Ky government and the continuation of the Indochina war have not been adequately reported in the American press.

The following statement from the Fellowship of Reconciliation and an article by Don Luce, former head of International Voluntary Services by Vietnam and coauthor of "Vietnam: The Unheard Voices," describe the brutal and repressive response of the South Vietnamese Government to these sincere demands for reform and peace.

I believe every Member of Congress should be aware of the repressive nature of the Thieu-Ky regime which claims to be our ally in the search for peace.

STUDENT PROTESTS IN SOUTH VIETNAM

While the attention of the American public has been riveted on the protests and demonstrations of American students and other anti-war forces, a sequence of equally significant and far more hazardous actions in South Vietnam has gone almost entirely unreported and unnoticed.

For more than two months, protests against the war and the government of Generals Thieu, Ky and Khiem have occurred almost daily under the leadership of students, disabled war veterans, Buddhist monks and laymen, and Catholic priests, and have led to the beating, imprisonment and torture of hundreds, perhaps thousands, of their participants.

The Thieu government is facing a crisis comparable to that preceding the fall of President Ngo Dinh in 1963, and has reacted with predictably ferocious repression. Yet the demonstrations continue. When police surrounded the Cambodian embassy in Saigon that had been occupied by 400 students in protest against the Cambodian adventures, and refused to allow other students to pass through to bring them food, members of the House of Representatives carried the food to the students.

Important Saigon newspapers, including *tin sang, Dong nai* and *Duoc Nha Nam* have challenged the omnipresent censorship by carrying stories of these actions, with photographs, on their front pages. It is reported that, as a consequence, 40 of the last 48 issues of *tin sang* alone have been confiscated by the police.

All universities and high schools have been closed; arrests have multiplied, and the most brutal forms of torture inflicted on the protesting students. Repression has been characteristic of the Thieu government since its formation, but according to eyewitnesses, is worse now than ever.

Yet almost none of this has been reported in the American press. The U.S. embassy in Saigon refused even to see a delegation of American relief workers protesting American collusion in the repression.

We align ourselves with these students, and will seek every way possible to identify with them more directly. We call on the peace movement in the United States, and particularly the students, to find means to publicize and reinforce these actions by their Vietnamese counterparts.

We remonstrate with the American press for its failure to report and interpret these events to their American readers. Nothing so clearly reveals the nature of this war as the fact that the Thieu government is so strenuously opposed by these non-NLF, non-Communist people in their own country.

We plead with the officials of our own government, at every level, to withdraw support from this tyrannical puppet we have created, and take the burden of the war off the backs of the Vietnamese people.

TORTURE IN SAIGON

(By Don Luce)

It is now known beyond any doubt that the Saigon police are subjecting Vietnamese students to brutal torture in an attempt to stifle student dissent against the war and the government. On April 21, ten of these young people were released. Their condition was pitiable but not nearly as grave as that of some whom they left behind in prison.

Do Huu But lies in semi-shock in a laboratory at the College of Agriculture which has been converted into a dispensary for the ten released prisoners. His fingernails are blackened from having pins pushed underneath. He is nearly deaf from having had soapy water forced into his ears, after which they were beaten. Miss Que Huong, a philosophy teacher at Doan Thi Diem high school in Can Tho, forces a small smile when visitors come. Her knees are swollen three times their normal size, and black and blue welts cover her thin arms. She was completely undressed in front of several policemen who watched and drank whisky while she was beaten. Her fiance, Nguyen Ngoc Phong, was brought into the room to watch in an attempt to get him to sign confession papers.

After five weeks in jail, Luu Hoang Thao,

deputy chairman of the Van Hanh University student association, is one of the few students in good enough physical condition to give an extended interview:

"For the first three days, the police beat me continuously," he said. "They didn't ask me any questions or to sign anything. They just beat my knee caps and neck with billy clubs, then hit me with chair legs until I was unconscious. When I regained consciousness, they beat me again. Finally, after three days, they asked me to sign a paper that they had already written. I wouldn't sign it, so they beat me some more." Thao said he doesn't know why he was arrested or why he was released. Some observers believe that the government released the tortured students to frighten other students who have been demonstrating against government repression in large numbers in recent weeks. In any event, the torture of Luu Hoang Thao continued day after day, increasing in ferocity and variety. The details of what they did to him are sickening.

"Finally," he said, "they injected medicine into me and took my hand and signed a paper. It said that I had had liaison with the Communists."

Dr. Nguyen Dinh Mai, who is attending the ten students, said he did not yet know the full extent of their injuries.

"When they regain their strength, we will take them to one of the large hospitals for x-rays and thorough medical examinations," he said.

But the students are concerned about the many others who are still in jail. The condition of three of them, who were reported "too ill" to appear with other students for trial in Saigon April 20, was described by the newspaper *Tin Sang* (Morning News) on April 11. One lay near death from torture suffered for refusing to sign a statement that police had found weapons and explosives in his house. Two others were in grave condition with paralyzed legs in both cases and other serious injuries. While refusing to comment on its accuracy, a government spokesman, Nguyen Ngoc Huyen, called the article "objectionable" and had the paper confiscated—for the ninth time in less than a month.

Article 7 of the Constitution of South Vietnam specifically prohibits the use of torture or of confessions obtained by torture, threat or force. Yet signed statements obtained in this way are used extensively in the trials of political prisoners. In the case of the students, the government denies that it has tortured or manhandled them but will not comment on their obvious disfigurement when they appear in court.

The gravity of the situation has led several leading Vietnamese to come to the aid of the students. Father Nguyen Huy Lich, a respected Dominican priest, has investigated reports of torture and obtained substantiation from nurses and doctors who have the job of treating prisoners during the day in preparation for another night of torture. On March 31, Father Lich and seven other priests called upon the Saigon government to provide humane treatment of its prisoners. Others, like former Minister Vu Van Man, Vietnam's foremost legal authority, have joined the struggle against torture in the prisons.

On April 21, Leo Dorsey, a volunteer social worker with the Unitarian Universalist Committee in Vietnam, went to the U.S. Embassy to request a private interview with Ambassador Ellsworth Bunker for himself and a small group of American volunteers concerned with the fact that U.S. equipment is supporting the Saigon government's repression of its people. The tear gas grenades the police use, for example, are made by Federal Laboratories Inc. in Saltsburg, Pa., and are part of the U.S. assistance program to Vietnam. Mr. Dorsey's group was unable to meet with the ambassador or his deputy.

[From the Christian Science Monitor, July 13, 1970]

VIET STUDENT TELLS OF 11 MONTHS IN TIGER CAGE AND TORTURE

(By Daniel Southerland)

SAIGON.—Cao Nguyen Loi is a thin, intense university student who recently spent 11 months in one of the so-called tiger cages at the prison island of Con Son.

He says he spent all but eight days of that time—seven of those days were holidays and one the day before he was released—shackled to the prison floor, with very little to eat or drink. He says he was beaten more times than he can count.

But the experience has not broken his spirit. If anything, it has straightened the 27-year-old student's opposition to the war and the American involvement in South Vietnam.

Released just six weeks ago, Mr. Loi looked healthy, but he complains of stomach and chest trouble resulting from his treatment.

PRISON RECRUITING GROUNDS

If only half of what Mr. Loi says about treatment at Con Son Island is true, and much of it rings true, then one can easily understand why the crowded prisons of South Vietnam have always been considered excellent recruiting centers for the Viet Cong.

In the French period, Con Son was known by some of its "graduates" as the "University of Ho Chi Minh."

Located in the South China Sea about 140 miles southeast of Saigon, Con Son is South Vietnam's largest civilian prison, with nearly 10,000 prisoners. About 400 of the prisoners are kept in the maximum-security block, the "tiger cages," where Mr. Loi spent most of his time on the island.

After having earlier denied the existence of the "tiger cages," the Saigon government now has issued a statement saying they are "separate quarters" for the disciplining of prisoners who "carried out instigations against the internal regulations" at Con Son.

Mr. Loi said he was shackled to an iron bar, along with four other prisoners, in a stone cell about 4½ feet wide and 10½ long. He said he was released from Con Son along with four other students about a year before his sentence was to end because of the protests of students in Saigon.

EXISTENCE DENIED

Last month Mr. Loi and the four other students submitted a report on conditions at Con Son to the South Vietnamese National Assembly. They later provided information on the location of the maximum-security block which enabled two United States congressmen, Augustus F. Hawkins (D) of California and William R. Anderson (D) of Tennessee, to get into the "tiger cage" area during a visit to Con Son on July 2.

Vietnamese authorities had told previous visitors to the island that these cells did not exist. U.S. officials had told this correspondent last year that the "tiger cages" had been done away with in 1968.

Mr. Loi was one of a number of Saigon university students arrested in mid-1968 for protesting the war and calling for a negotiated settlement. He and some of his colleagues, such as Nguyen Truong Con, editor of the student newspaper Sinh Vien (Student), opposed military conscription and the program of military training for students and blamed the U.S. for prolonging the war.

The Saigon government charged that the student newspaper had a "clear-cut pro-Communist tendency," and a military field court sentenced Mr. Con, the editor, to five years' imprisonment.

According to Mr. Loi, Mr. Con is still in prison at Con Son as is Mr. Loi's own younger brother.

TORTURE DESCRIBED

"We did not agree with President Thieu's policy of forcing people to go into the military service," said Mr. Loi.

"We saw that President Thieu's policy was a policy of war rather than peace," he said. "At a time when hopes for peace were rising, President Thieu forced more and more young people into the Army."

Following his arrest on July 6, 1968, Mr. Loi said he was beaten and tortured for two months at the national police headquarters in Saigon.

"They forced water into my stomach, beat on my chest, put my hands behind my back and hung me up by a rope, took electrodes and attached them to my sexual organs," he said.

"They beat me on the knees, shoulders, and the soles of my feet so that they became very swollen. After that they demanded that I sign a paper saying I was pro-Communist.

"At that time I had no derogatory papers on me except one paper from the student union asking for peace. I said I was not Communist or pro-Communist but only a student who wants peace.

CHARGES DENIED

"They replied that if you are a person who is for peace, then we will continue to beat you. So they beat me for two months. At that time I could not walk because of swollen feet.

He was given a three-year prison sentence based on a prepared statement—"forcibly signed after many beatings"—on charges of "disturbing national security."

He was transferred to the Chi Hoa prison in Saigon, where, he said, the prison director decided to send him and several other students on to Con Son Island for "hard labor."

Mr. Loi said he was sent to the "tiger cage" because he refused to admit to the charges made against him, refused to be trustee for the other prisoners or to do secretariat work, and "dared to protest" conditions in the prison.

Some of those confined to the "tiger cages" had refused to salute the South Vietnamese flag, he said.

U.S. RESPONSE

"If people accept the accusations made against them, they don't have to go to the tiger cases," he said. "But if they deny the charges and struggle for their basic rights, they are sent there."

The U.S. mission here replied to the charges of the two congressmen concerning the conditions they had observed in the maximum-security cells by issuing a statement saying responsibility for prison conditions in Vietnam rests with the Saigon government.

Mr. Loi does not agree.

"The American Government has to accept responsibility for this situation," he said, adding that it is the Americans who are responsible for the future.

"My only aspiration is to see the aspirations of the people fulfilled," he said, "and I am prepared to work against the injustices of the Americans and the present government."

AMERICAN FRIENDS SERVICE COMMITTEE, INC.,
Philadelphia, Pa., July 10, 1970.

Ambassador BUI DIEM,
Embassy of Vietnam,
Washington, D.C.

DEAR MR. AMBASSADOR: We have received your letter of June 29, 1970 regarding the announced July 11, 1970 release of 62 North Vietnamese prisoners who have been held by your government, and also the decision to return to North Vietnam 24 North Vietnamese fishermen who were seized in 1965 and have been held prisoner ever since. We also have read accounts in the New York Times of the cruel treatment of prisoners on Con Son Island.

The New York Times reports that two U.S. Congressmen who were engaged in a fact-finding tour managed to gain entry to the notorious "tiger cages" area of Con Son where they found some 500 prisoners (both men and women) confined in 86 filthy concrete pits. The persons held in these claimed they were beaten, hungry, sick, without medicine and without sufficient water. The congressional fact-finders reported that while "it was high enough for the prisoners to stand up—none of the men did. They dragged themselves to the spot where they could look up and speak to us."

We have in mind the fact that possibly it may be claimed that some distinction must be made between "prisoners of war" and persons held on civil charges. We also have in mind that the line that separates "civil offenses" from participation in the armed struggle against your government and against the armed forces of the United States by Vietnamese is a very blurred line in South Vietnam today; this seems especially the case when one ponders the fact that the Geneva Convention of 1949 relative to the protection of civilian persons in time of war provides among other things that:

1. An individual protected person detained as a spy or saboteur or under suspicion of activity hostile to the security of the occupying power shall be treated with humanity;

2. Protected persons shall at all times be humanely treated and no physical or moral coercion shall be used to obtain information from them.

However one may sort these matters out we are struck by your statement regarding the release of the 62 prisoners and the 24 fishermen in your June 29 letter that "we ask nothing in return from the Communists as we consider it a routine humanitarian act, common to any civilized nation of the world."

It has been our experience gained during our own efforts to engage in therapeutic and social service in Quang Ngai over a period of years that humanitarian standards are not observed as a matter of routine in South Vietnam when it comes to political prisoners, persons held in prison on suspicion of lending support or sympathy to the NLF forces, or persons accused of actively opposing the Thieu-Ky regime.

Medical staff connected with our Quang Ngai team have had direct, personal contact with civilian prisoners in the Quang Ngai jail who were routinely subjected to interrogation under torture at the Interrogation Center in Quang Ngai. Prisoners have told our medical staff members of having been taken from the jail to the Interrogation Center and there being beaten, tortured with electrodes, and otherwise subjected to cruel and inhumane treatment. Our medical and nursing staff have observed physical marks on the bodies of such prisoners (both men and women), and also psychological symptoms, which were corroborative of these reports of explicit and deliberate torture.

Our people have made complaints both to the local Vietnamese authorities and to the American authorities in Quang Ngai without any discernible effect.

So long as such conditions exist (and persistent rumors of similar conditions come from many parts of South Vietnam) it is idle for one to claim that treatment of prisoners in South Vietnam is humanitarian or civilized.

The American Friends Service Committee long has concerned itself with the plight of prisoners in Vietnam, both in South Vietnam and in the North, both American and Vietnamese. Over a period of months our representatives made a number of visits to North Vietnamese who were being held by the American authorities near Danang, inquiring about their needs and taking certain supplies to them. These visits continued until the release and repatriation of these prisoners about two years ago. Later one of our representatives while visiting in Phnom Penh made inquiries of representatives of the Democratic Republic of Vietnam and of the Provisional Revolutionary Government regarding possible services to others held in South Vietnam. In 1968 an AFSC staff member went to Hanoi and facilitated the repatriation of three American pilots released by the North Vietnamese authorities. At that time and subsequently AFSC representatives have carried packets of letters from relatives of Americans held in detention camps in North Vietnam and have returned with letters from the captured pilots to their relatives. One of our staff members in Quang Ngai, Dr. Majorie Nelson, was captured by Liberation Army forces in Hue during the 1968 Tet offensive and later, after 59 days was released unharmed. More recently two of our staff sent messages to North Vietnam officials expressing concern and hope for the early release of U.S. press correspondent Richard Dudman and his two colleagues who were captured in Cambodia and released unharmed after 41 days.

We mention these instances to indicate the intimacy and scope of our experience and concern as a service body for those held captive in this war. We would like to see the early release of all political prisoners and prisoners of war whether they be held in North or in the South in Vietnam. The release of even a small number is a step in the right direction.

But we are concerned also that such a step not be used, even inadvertantly, as an occasion to hide a wider and a more appalling condition of human cruelty and human suffering. While thousands are held under conditions of extreme harshness, as is now the case in South Vietnam, it is no time to congratulate either the government of the United States nor any of its allied government in South Vietnam. Much more must be done.

We enclose a letter written by our former staff colleague at Quang Ngai, Dr. Marjorie Nelson, who we mention above. Her letter is self-explanatory. If you would like to meet with Dr. Nelson and discuss her firsthand observations with respect to these matters, she has informed us that she would welcome the opportunity to meet with you.

Sincerely yours,

LOUIS W. SCHNEIDER,
Associate Executive Secretary.

THE REHABILITATION SYSTEM OF VIETNAM

(By American Adviser Benson)

INTRODUCTION

OCTOBER 1, 1963.

In January 1961, PSD Rural Police Advisor William Benson was assigned additional duty as advisor to the Prison Rehabilitation system of Vietnam. He was directed to make a personal visit to each of the prisons throughout the entire country as a preliminary to a fuller understanding of the problems involved. In January 1962, he was assigned to full time duty as advisor to the Director of Prison Rehabilitation.

During the period from January 1961 to June 1963, Mr. Benson visited each of the 44 rehabilitation centers throughout Vietnam; several of them many times. These 44 centers are located in 36 of the 41 provinces of Vietnam. During this period, Mr. Benson traveled over 14,000 kilometers—10,000 by air (5,000 commercial and 5,000 USOM-chartered aircraft), 3,000 by road, 500 by water, 400 by rail and 100 by helicopter. Included in his visits were several trips to the "Devil's Island of the Pacific"—Poulo Condere, now named Con Son.

A major portion of this report was prepared by Mr. Benson with editing by PSD personnel; another portion was prepared by Mr. Raymond Landgren of PSD, while parts of it are translation of basic Vietnamese documents.

It is believed that the data gathered on this survey will be of value to various agencies for a number of purposes. Questions concerning this report will be most welcome at USOM/PSD Saigon headquarters.

FRANK E. WALTON,
Chief, Public Safety Division, USOM.

SAIGON, VIETNAM.

X. DISCIPLINE

Discipline in the centers is usually handled by the chief jailer in the most expeditious manner possible. There are some chiefs who, before they can punish any offender, must get the province chief's permission. Others only have to report that they did or are punishing some violator. In a few centers a committee of jailers and cadres handles all discipline cases. The cases are reviewed and approved by the province chief before any action can be started.

As a rule the minor or first violations are handled by the jailer or cadre who witnesses the act, but they may be brought to the attention of the chief jailer, who will reprimand the violator. In the case of serious or numerous violations, the chief jailer usually calls in the violator and the officer and discusses the case. As a rule the chief goes along with his staff and will then severely reprimand the individual, withdraw his privileges and/or confine him in a discipline cell, with or without constraints.

The loss of privileges is in itself a rather severe penalty, as one privilege is the weekly or bimonthly visit and gifts of food to supplement the center's rations. Other privileges that are often withdrawn are recreation periods, mail, hobbies or other money-making projects.

The confinement in a discipline cell may be from a few hours to several months, depending upon the center, the violation and the violator. For example in Con Son II, some of the hardcore communists keep preaching the "party" line, so these "Reds" are sent to the tiger cages in Con Son I where they are isolated from all others for months at a time.

This confinement may also include rice without salt and water—the U.S. prisons' equivalent of bread and water. It may include immobilization—the prisoner is bolted to the floor, handcuffed to a rod or bar, or legirons with the chain through an eyebolt, or around a bar or rod.

The discipline of staff members is much easier. They are either "slapped down" or transferred. The transfer is a rather severe punishment, as it goes against their record and the transferee must pay his own way. In some centers a staff member may be punished by assigning him additional duty. But this punishment is rather ineffective, as most jailers work excessively long hours.

The report I gave and that which was given by Mr. ANDERSON were given to all members of this select committee, and not one questioned our integrity. They might have a different interpretation, but they certainly did not question our integrity or the right we had to make our report.

I think it is unusual that a different report or a different version would come from someone who was not selected by the House, but who selected himself to make the trip and that a nonmember of the select committee has seen fit to say that we did not truthfully present what we actually reported to the full committee and to the House.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, first I want to say I have known the distinguished gentleman in the well for more than 30 years. I served with him in the California State Assembly 22 years ago, where he was the dean of that body. He has a legislative record in that State which I think has never been equaled.

The gentleman is a very thorough investigator and is far too experienced to expose himself to any possible error, especially on a matter as significant as this. My distinguished colleague has inspected many prisons as part of his duties during his long and distinguished legislative career. Some of the maximum detention facilities in California were very closely under his jurisdiction during his service. He knows the difference between a poorly run prison and a well-oiled public relations office.

If he—and only he—said conditions at Con Son Prison were deplorable, then that is a factual statement as far as I am concerned. But it is backed up by 26 color slides submitted to the subcommittee which I chair, plus the verbatim tapes taken at the residence of the Vietnamese colonel on Con Son and all through the tiger cages and back to the colonel's residence. At the moment, arrangements are being made to have a full translation made of those tapes, and they will be made available with the report of the subcommittee.

Second, I realize that when one wears rose-colored glasses, his view of what he sees may be somewhat different than what actually exists—and that seems to happen most frequently when one sees red. It is difficult to think of one's enemies as human beings who deserve the same type of humane treatment in prison that we expect and demand—at least we should certainly demand—for American prisoners of war.

I happen to have the honor of serving as chairman of the House Foreign Operations and Government Information Subcommittee. Our subcommittee is conducting the investigation into the economy and efficiency—yes, the effectiveness, if you like—of American assistance to the South Vietnamese national police force and penal system. The American taxpayer has invested more than $110 million in this type of assistance to Vietnam.

There is an old saying, Mr. Speaker, that the road to hell is paved with good intentions. I am sorry to say, apparently, that is what has resulted from our aid to the Vietnamese for the national police and prison system. We had only good intentions and a plentiful supply of American dollars. But what we have accomplished is indeed a living hell.

We have helped to train a national police force which arrests Vietnamese citizens on the flimsiest of pretexts. I quote from testimony given the Foreign Operations Subcommittee by Mr. Robert H. Nooter, Assistant Administrator for Vietnam, Agency for International Development. He tells us:

The information I have on that, Mr. Chairman, indicates that there are 6,112 who were tried, convicted, and sentenced by regular court processes. There were another 3,789, who were administratively sentenced by provincial security committees under wartime emergency detention procedures.

These are the detainees. They are there without any meaningful due process of law whatsoever.

I know that the North Vietnamese have just as efficient a system of railroading people into their prisons and they have been guilty of great cruelties, but I say, before God and all these witnesses here, that one wrong does not justify another.

I cannot believe this is what our men have been fighting and dying for.

There has been talk of blindness and deliberate misrepresentation on this issue. I, for one, find it difficult to stomach the contention that Con Son Prison is an island paradise down among the sheltering palms—somewhat similar to Hawaii. In reality, it is the Devil's Island of the Pacific and has been for the better part of a century.

Members may be interested to know that the original Devil's Island off the coast of French Guiana is also a tropical isle. Very much like Con Son, it too had tiger cages where human beings suffered. It too was a caged hell on earth.

I recall reading many years ago a book called "Dry Guillotine." I went back to refer to that book the other day, and in it were nearly exact duplicates of what ones sees in the 26 photographs that have been supplied the committee, some of which the gentleman showed in the well.

Let me point out here that in the statement prepared by Mr. Frank E. Walton, chief of AID's public safety program in Vietnam, and transmitted to the congressional party in advance of their visit, he made the assertion that Con Son Island Correction Center "has long held the reputation of being a 'Devil's Island.' This reputation still prevails in spite of an enlightened and modern administration of facility."

Yet a few days later, in another wire from the Department of State transmitting the responses of Mr. Walton in reaction to the visit of the distinguished gentleman from California and the distinguished gentleman from Tennessee to the island he made this statement:

Some of prisoners were questioned by Harkin and Luce. They claimed that when they were recalcitrant, powdered lime would be dumped on them. Colonel Ve denied this, stating that lime was used to whitewash walls—

This is the official message—

However, from appearance of powdered lime on tops of iron grill work it appeared that it had been poured in in powdered form.

That is, on the prisoners in those cages.

We had testimony subsequently from Dr. Marjorie Nelson as to the effect that powdered lime would have upon the respiratory systems of people who had it poured in upon them.

Then, strangely enough, this model facility, this example of modern and enlightened prison administration, was described in an official statement from the Prime Minister of Vietnam in the following manner:

Considering the fact that the disciplinary quarter at Con Son correctional institution was built since 1895 under the French, and that it no longer corresponds to the standards of a modern correctional institution, the government of the Republic of Vietnam has decided:

1. To put an end to the use of this disciplinary quarter from now on.

2. To order the immediate repair of disciplinary cells so that even undisciplined prisoners can enjoy better sanitary conditions and comfort.

Finally, animated by the spirit of giving decent treatment to all prisoners, a policy which has been solemnly reaffirmed, the GVN now proceeds to a survey of its correctional institutions throughout the country and will make further improvements where this is found necessary and when the national budget allows.

Obviously the Government of Vietnam did not find this a model correctional facility.

When our committee called in officials from the Agency for International Development and the Department of Defense, I was hoping they would reassure us that all the statements made were just a bad dream. They did nothing of the sort. They could not deny a single charge about the inhumanity of the tiger cages at Con Son. They could only confirm those charges.

I sat there and watched a man I know to be a good man, a man of compassion, honesty, and integrity, admit that our great country had failed completely to accomplish the worthy objectives of what was supposed to be a program of humanizing and improving penal conditions. I must acknowledge that I felt the same anguish in my heart that he must have felt when he had to admit publicly his first knowledge of the tiger cages came when he read about them in the newspapers.

Mr. Speaker, I for one never want to see that expression on the face of an official of our Government again—the look of undeniable shame.

I think if we look at this and attempt—those who want to attempt—to say there is some disloyalty in bringing out these facts, then we ought to examine deeply into our conscience the need to demonstrate humanity in the treatment of prisoners if we can expect world support in demanding humanity in the treatment of our prisoners in the hands of enemy forces. That is the kind of treatment I want our people to have and I want to give the North Vietnamese no excuse to give less than that.

I compliment the gentleman in the well and the gentleman from Tennessee for doing what I regard as a tremendous public service.

Mr. HAWKINS. I thank the gentleman.

Mr. MOSS. I have just one further statement.

I have here—and I will not put them in the RECORD—the official reports of the International Red Cross from Geneva. The last two reports were transmitted for the use of my subcommittee. They confirm the statement released by me and Mr. REID of New York as to the characterization given to those prisons by the International Red Cross.

Mr. HAWKINS. Mr. Speaker, I yield to the gentleman from Tennessee, Mr. ANDERSON.

Mr. ANDERSON of Tennessee. Mr. Speaker, I thank the gentleman for yielding

I want to compliment the gentleman in the well and the distinguished gentleman from California, Mr. Moss, on setting the RECORD straight in this matter. There is nothing that has been said heretofore by the gentleman in the well or that has been said here this afternoon that I have not personally observed to be the absolute truth and that I have not entirely observed to be actually an admirable understatement of the situation rather than what he has been accused of saying, that is, to overstate the situation.

Mr. Speaker, I would like to address myself to two or three points that have been brought out by the gentleman from Illinois. With regard to malnutrition, for example, I was told personally by a corpsman in the prison camp—and this was not in the presence of guards—that the most prevalent overall health problem of Con Son was that of malnutrition and vitamin deficiencies, which affected more than two-thirds of the prison population.

I was also told that the prevalence of tuberculosis was approximately 20 percent.

There is one public health sector on the entire island to care for more than 10,000 people. His attention is normally directed not to prisoners but to guards and staff personnel.

Mr. Speaker, I do not want to take up further time this afternoon except to reiterate what the distinguished gentleman from California (Mr. Moss) has said. There are those who say that the bringing out of the truth is a disservice to this country. There are those who say that the bringing out of the truth in regard to Con Son will have an adverse impact upon our prisoners in the north. I would like to point out to the ladies and gentlemen of the House that the North Vietnamese have an incredible intelligence network operating throughout South Vietnam. They know full well and precisely how the system of justice operates in South Vietnam. They know fully about the conditions at Con Son and throughout the entire prison complex. Apparently just about everybody in the world knows about it except the citizens of the United States. If we cannot face up to the facts and show that our concern for humanity goes throughout the entire world, then indeed we do risk the lives and put in further jeopardy our boys in the north.

Mr. Speaker, I say this because I am positive that the North Vietnamese know chapter and verse of this situation at Con Son and every other prison in South Vietnam.

Mr. Speaker, I compliment the gentleman in the well and I want to say that he is a wonderful man with whom to make a trip. He does come back with the facts and you can depend upon what he says.

Mr. Speaker, I hope that all our colleagues will give whatever assistance they can to the resolution which the gentleman in the well and I introduced over 2 weeks ago which endeavors to bring congressional attention to this matter, not only in relation to political prisoners in the south but also in relation to the treatment and the exchange of American POW's in the north.

I thank the gentleman for yielding.

Mr. HAWKINS. I thank the distinguished gentleman from Tennessee for his remarks.

Mr. HOLIFIELD. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Speaker, the gentleman now speaking has known the gentleman from California (Mr. HAWKINS) for 38 years. He has a distinguished record in the California Legislature since 1932. Over these 38 years that I have known him I have never known a challenge to be made to his integrity or to his character.

Mr. Speaker, the gentleman from California (Mr. HAWKINS) has served with distinction and his reputation in California is one of the best. I am proud, as dean of the California delegation, to have him here as a member of the California delegation.

Mr. Speaker, the gentleman from California (Mr. HAWKINS) diligently carries out his duties as a responsible member on the committee on which he serves and on the floor of the House.

Mr. Speaker, I want to express not only my own confidence but the confidence I am sure of all the members of the California delegation who have served with him in the California Legislature as well as Members who were not so fortunate as to have served with the gentleman.

Mr. Speaker, I believe the gentleman from California has done a great service in bringing to the attention of the Nation these deplorable situations in the prisons of South Vietnam. I am hopeful that these prisons will be humanized for the benefit of the human beings who have been treated as these miserable people have been treated.

Mr. HAWKINS. Mr. Speaker, I thank the distinguished dean of the California delegation for his support and for his statement.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. Mr. Speaker, I want to join in the statements which have been made by my other colleagues here as to the background and reputation of the distinguished gentleman from California (Mr. HAWKINS) and his long history of integrity and of working for the benefit and for the best interests of America. I admire him and I appreciate the fact that he was able to pursue the facts and to get the information that he did and to bring it back from South Vietnam. I appreciate his courage in outlining what he saw there.

Mr. Speaker, certainly, it seems to me that the gentleman has done a great service for America to bring these things out so that we might appreciate and understand some of the real concerns which we should have in connection with our involvement in Southeast Asia.

I believe that it is unfortunate and certainly deplorable that individuals or any colleagues of ours or whomever it may be, find it necessary at times to come in with unfounded criticisms and, apparently, with misstatements of fact, whether they knowingly were guilty of it or had any part in creating it, because they are doing a disservice not only to the gentleman from California but to the country.

However, Mr. Speaker, I do want to commend the gentleman in the well of taking the floor on this occasion and I want to again restate my support in a matter which he feels very strongly about and which we know he is dedicated in trying to correct.

Mr. HAWKINS. I thank my distinguished colleague for those remarks.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I want to join the dean of our California delegation (Mr. HOLIFIELD) in adding my voice in the strongest possible terms in attesting to the qualifications, competency, and integrity of our colleague, the gentleman from California (Mr. HAWKINS).

Prior to coming to Congress, I was well aware of the reputation "GUS" HAWKINS enjoyed in California and, while I did not serve with him in the State legislature, I did have numerous opportunities to observe him in Sacramento. As a member of the Del Norte County Board of Supervisors, I was introduced to Mr. HAWKINS by our own Assemblyman Frank Belotti, while testifying on legislative matters before the legislature. "GUS" HAWKINS had a distinguished record of service to his constituency and an outstanding record of accomplishment in his district and in his committee activities. He was then, and remains today, an effective legislator who is admired and respected by Democrats and Republicans alike.

As such, I have always regarded him as a good friend and a distinguished fellow colleague, and I would never permit anyone to impugn the motives, the honesty, or the integrity of this distinguished gentleman from California. It is for this reason that I have asked the gentleman to yield, thereby permitting me to record my sentiments.

As has been the case with others who supported the measure, I have been questioned about voting to send the congressional investigating team to Southeast Asia to check into conditions there and report back to the Congress. However, I sincerely believe that Mr. HAWKINS and the other members of this investigating team have served a very constructive purpose and, with the revelation of this information concerning the so-called Con Son tiger cages, I am more convinced than ever that my vote was a proper one.

What has been largely overlooked, both in the press and in the colloquy here today, is the fact that the very existence of these tiger cages was developed and made public by Members of Congress. There has been no attempt made to cover up this incident by the committee or

here in the Congress, nor will there be. In my judgment, however, it is too bad that no one is giving credit where credit is due. Judging from recent reports coming out of Vietnam, changes are being made to correct these facilities and detention practices. This is what is most important.

As one who has joined a number of my colleagues in repeatedly demanding fair and humane treatment for our own prisoners of war in North Vietnam, I believe it is incumbent on us, in the key leadership role our country has assumed, to see that our fellow security alliance friends conform to the same standards, or at least those prescribed by the Geneva Convention on the Treatment and Handling of Prisoners. We must demand no less.

Certainly, there is enough suffering going on in Southeast Asia and in far too many other sections of the world, without this. While I am well aware of and deplore the indignities and degradation being imposed on the people of Southeast Asia and our men by the Vietcong and the NLF, man's inhumanity to man remains the No. 1 problem of our time.

America, in spite of its internal differences and human frailties, is still associated in the minds of people throughout the world as a country that cares about people and about human dignity both in war and in peace. This is the image America has held in the eyes of the world and, therefore, we must make it clear that those countries committed to building free institutions must conform to these same high standards of conduct, as they relate to morality and the treatment of human beings.

Again, I commend Mr. HAWKINS and the members of the committee for their forthright and balanced presentation of the facts in Vietnam, as they observed them.

Mr. HAWKINS. Mr. Speaker, I thank the various gentlemen for the statements which they have made and I want to again say that I regret it was necessary to take the time of this body on the issue of Con Son because I honestly believe this is not the only issue. Certainly this is not the sole issue of our involvement in Southeast Asia. There are many other things that I think demand a lot more attention than just this. The issue is much broader and it concerns the truth in our foreign relations and whether or not our image is going to be damaged by not dealing in true statements and not dealing in the truth about things that are happening in that part of the world. I would hope that by combining truth and peace we can bring an end to this terrible conflict. I think all of the Members of this body should read all of the statements of the select committee. I think the thrust of those statements brings out the fact that this terrible conflict should be brought to an end as soon as possible.

I think that this concensus of the members of that committee has been lost somehow over the debate on Con Son, and I would hope that we will devote more serious attention to what is happening overseas, and report what the truth is to the American people so that they will know, and so that our country can with dignity get out of this conflict just as rapidly as possible.

If that is so, then I believe our select committee has done a great job.

I want to thank that select committee, particularly the chairman of that select committee, on the impartial way and the fairness with which he dealt with the members of that committee, and even for the way that he worked us almost to death to bring back a constructive report.

I have the greatest respect for the members of the select committee which you selected. I think the more the public becomes aware of the various reports of this committee, the more the American people will realize that this committee indeed was not a junket, but was a serious-minded committee, a committee which saw the things it was instructed to see, and reported the things that it saw as honestly as possible even though from individual viewpoints and honest differences.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the distinguished gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding. I want to compliment the gentleman. I have not heard the entire statement that he has been making, but I would compliment the gentleman on what he has said just most recently about the impact of the total report of the special committee. I think the publicity that has been given to the one issue of Con Son has tended to overshadow the major purpose of the very good report of the special committee.

I think it is unfortunate that one of the employees of the committee saw fit not to work with the committee and with the gentleman in the well, and the gentleman from Tennessee (Mr. ANDERSON) in presenting a balanced report. But this thing about the island has been sensationalized out of proportion because of the way it was handled by a staff member.

But, Mr. Speaker, I do compliment the gentleman in the well and the gentleman from Tennessee for their balanced approach. And I would hope that not only Members in this body, but the press, and the people in the country, would give attention to the whole of the report of the committee.

Mr. HAWKINS. Mr. Speaker, I thank the gentleman, and I certainly agree with him.

Mr. BURTON of California. Mr. Speaker, I wish to compliment my distinguished colleague from California, Congressman HAWKINS, for a lifetime of loyal and dedicated service to his community, his State, and to his Nation. He served with great ability and distinction in the California State Legislature for 28 years. While we were both members of that body I came to respect not only his ability, but also his integrity and dedication to democracy. Congressman HAWKINS has now served in the Congress for 8 years, and here, too, he has added to the distinction of this body. I am proud to have enjoyed the friendship of Congressman HAWKINS who is one of the finest men I know and who has been an able and effective colleague.

CALL OF THE HOUSE

Mr. HALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 236]

Alexander	Fallon	Pelly
Baring	Ford,	Pepper
Blackburn	William D.	Pollock
Blanton	Fraser	Powell
Brock	Gallagher	Pryor, Ark.
Buchanan	Gray	Railsback
Burleson, Tex.	Green, Oreg.	Rarick
Burton, Utah	Griffiths	Reid, N.Y.
Bush	Halpern	Rooney, Pa.
Caffery	Holifield	Rostenkowski
Clark	Ichord	Roudebush
Clay	King	Ruppe
Cramer	Lloyd	Ryan
Crane	Long, La.	Sandman
Culver	McCarthy	Scheuer
Cunningham	McEwen	Sikes
Dawson	Mailliard	Smith, N.Y.
de la Garza	Meskill	Staggers
Diggs	Mink	Tunney
Donohue	Monagan	Watson
Dwyer	O'Neill, Mass.	Weicker
Edwards, La.	Ottinger	Wydler

The SPEAKER pro tempore. On this rollcall 365 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONTINUING APPROPRIATIONS, 1971

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Thursday, July 23, 1970, I call up the joint resolution (H.J. Res. 1328) making further continuing appropriations for the fiscal year 1971, and for other purposes, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 1328

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1970 (Public Law 91-294), is hereby amended by striking out "July 31, 1970" and inserting in lieu thereof "October 15, 1970".

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this joint resolution makes temporary appropriations to continue the operation of those functions and activities of Government for which the applicable annual appropriation acts for the fiscal year 1971 are not signed into law by July 31, the date the present continuing resolution expires.

The pending resolution would extend the existing continuing resolution to not later than October 15, 1970.

The House has passed all of the regular annual appropriation bills for fiscal 1971 with the exception of one, which is the Defense bill. That bill lacks legislative authorization.

The other body has passed six of the regular annual appropriation bills for fiscal 1971.

Three regular annual appropriation bills for fiscal 1971 have now cleared conference and readied for the President; one of the three has been signed by him.

In the circumstances, it is necessary that we pass an additional continuing resolution in order to permit the agencies of the Government and the Departments to continue to operate. There is nothing novel about this continuing resolution. It is a type of resolution we have passed many times before. We propose merely to extend the resolution under which virtually all of the Government has operated since July 1 last.

Mr. Speaker, I urge adoption of the joint resolution.

Mr. Speaker, under leave granted, I am including excerpts from the report of the Committee on Appropriations accompanying the joint resolution, which explains the resolution in more detail and contains pertinent statistics on the status of the appropriation bills:

PURPOSE AND SCOPE OF THE RESOLUTION

* * * * *

The joint resolution would extend the provisions of the July continuing resolution (Public Law 91-294) to not later than October 15, 1970. That is, the ground rules for continuing the operations of government that generally obtained during July would continue after July 31 in respect to activities for which the regular bills are not, by that date, enacted into law. These ground rules are covered in some considerable detail in House Report No. 91-1220, of June 18, accompanying the joint resolution which became Public Law 91-294.

With the announced summer recess of the House extending from mid-August to September 9, and the certainty that several of the appropriation bills will not be finalized until after the recess, it was thought that the date of October 15, 1970, would not be an unreasonable date. The resolution constricts and ceases to apply to activities when and as Congress makes final disposition of their budgets in the normal course of events, and becomes wholly inoperative after the last bill for fiscal 1971 is approved, or October 15, whichever first occurs.

While the House has passed 13 of the 14 annual appropriation bills for the current fiscal year, and the other body has passed six of them, only three have cleared conference—the District of Columbia bill; the Interior bill; and the Education bill. Thus, prompt enactment of another resolution is essential to avoid interruption of authority and funds for on-going programs and activities pending final determinations on their budgets.

STATUS OF THE APPROPRIATION BILLS

The only regular bill for 1971 not yet reported to the House is the Defense appropriation bill. Hearings were completed several weeks ago, but reporting awaits progress on the legislative authorization now in the other body.

Of the seven bills still in committee in the other body, it is informally understood that some may be reported before mid-August and that hearings are either substantially completed or are underway on all except one.

The following is a tabulation of pertinent dates as to each of the bills:

THE ANNUAL APPROPRIATION BILLS FOR FISCAL YEAR 1971

Bill	Reported in House	Passed House	Passed Senate	Enacted
1. Legislative	Apr. 9	Apr. 13	July 13	
2. Treasury-Post Office	do	do		
3. Education	do	Apr. 14	June 25	[1] July 28
4. Independent Offices-HUD	May 7	May 12	July 7	
5. State-Justice-Commerce-Judiciary	May 12	May 14		
6. Interior	May 24	May 19	July 1	[1] July 22
7. Transportation	May 21	May 27		
8. District of Columbia	June 1	June 4	June 26	July 16
9. Foreign assistance	do	do		
10. Agriculture	June 4	June 9	July 9	
11. Military construction	June 8	June 11		
12. Public Works-AEC	June 18	June 24		
13. Labor-HEW	July 16	July 23		
14. Defense	(2)			

[1] Cleared conference.

[2] Awaiting legislative authorization.

TOTALS OF THE APPROPRIATION BILLS FOR FISCAL YEAR 1971

House

In the 13 general appropriation bills passed by the House in relation to budget requests for fiscal 1971 (that is, not counting any 1972 *advance* funding requests), the House considered budget requests for new budget (obligational) authority of $68,392,996,000; approved $67,820,836,000, including $347,027,000 of *net* floor additions; a net reduction of $572,160,000 from the requests.

Senate

In the six bills passed by the other body in relation to fiscal 1971 amounts, that body has considered budget requests of $31,553,880,000 for new budget (obligational) authority; approved $34,271,991,000; a *net* addition of $2,718,111,000 to the budget requests considered, and $3,238,862,000 above the amounts of the six bills as they passed the House.

Conference

In the three bills which have cleared conference, budget requests for new budget (obligational) authority relating to fiscal 1971 considered in those bills totaled $5,915,887,000; the total approved was $6,364,558,000; a *net* addition of $448,671,000 to the budget requests considered.

These summaries are shown in the following table by bills:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS, 1971

[As to fiscal year 1971 amounts only]

Bill	Budget requests considered	Approved	Change, (+) or (−)
IN THE HOUSE			
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office	3,044,755,000	2,971,702,000	−73,053,000
3. Education	3,807,524,000	4,127,114,000	+319,590,000
4. Independent Offices-HUD	17,216,823,500	17,390,212,300	+173,388,800
5. State-Justice-Commerce-Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	2,465,814,937	2,429,579,937	−36,235,000
8. District of Columbia	109,088,000	108,938,000	−150,000
9. Foreign Assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,587,350
11. Military Construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public Works-AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor-HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	(68,745,666,000)		
Total, House bills	68,392,995,822	67,820,835,817	−572,160,005
IN THE SENATE			
1. Legislative	$421,414,899	$413,889,653	−$7,525,246
2. Education	3,966,824,000	4,782,871,000	+816,047,000
3. Independent Offices-HUD	17,468,223,500	18,655,019,500	+1,186,796,000
4. Interior	1,839,974,600	1,835,337,500	−4,637,100
5. District of Columbia	109,088,000	108,938,000	−150,000
6. Agriculture	7,748,354,500	8,475,935,100	+727,580,600
Total, Senate bills	31,553,879,499	34,271,990,753	+2,718,111,254
CLEARED CONFERENCE			
1. Education	3,966,824,000	4,420,145,000	+453,321,000
2. Interior	1,839,974,600	1,835,474,700	−4,499,090
3. District of Columbia [1]	109,088,000	108,938,000	−150,000
Total, bills cleared Congress	5,915,886,600	6,364,557,700	+448,671,100

[1] Signed into law.

The foregoing table relates only to the traditional appropriation bills. And the amounts refer to "appropriations", or more precisely, "new budget (obligational) authority", which is the time-honored conceptual basis on which amounts in the bills are stated. The table does not deal in "expenditures", or more precisely, "budget outlays", nor does it encompass other types of bills carrying "backdoor" authority or mandatory-type spending authorizations or provisions.

For general reference purposes of Members and others, attention is called to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriation-wise and expenditure-wise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures (backdoor bills, bills that mandate expenditures, and so on).

Several such reports have been issued this year, and another is due shortly. The most recent one is published in the Record of July 16, at page E6734.

SUMMARY TOTALS OF THE APPROPRIATION BILLS FOR THE SESSION

In addition to the appropriation bills and amounts relating to fiscal 1971, discussed in the immediately preceding section of this report, there was a general supplemental appropriation bill during the present session, relating to fiscal year 1970. And in two of the bills for 1971, budget requests for advance fiscal 1972 appropriations were dealt with.

The following summary cranks in all these items, relating to fiscals 1970, 1971, and 1972 at this session:

SUMMARY OF APPROPRIATION BILL TOTALS OF NEW BUDGET (OBLIGATIONAL) AUTHORITY, 91st CONG., 2D SESS., AS OF JULY 27, 1970 (BUT SUBSEQUENT TO MAR. 5)

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

	New budget (obligational) authority. (All figures are slightly rounded.)		
	Bills for fiscal 1970	Bills for fiscal 1971	Bills for the session
A. House actions:			
1. Budget requests considered	$5,918,073,000	$69,920,057,000	$75,838,130,000
2. Amounts approved by House	5,764,116,000	67,970,836,000	73,734,952,000
3. Comparison with corresponding budget requests	−153,957,000	[2]−1,949,221,000	−2,103,178,000
B. Senate actions:			
1. Budget requests considered	6,430,172,000	32,892,929,000	39,323,101,000
2. Amounts approved by Senate	6,702,375,000	34,271,991,000	40,974,366,000
3. Comparison with corresponding budget requests	[3]+272,203,000	[3]+$1,379,062,000	+$1,651,265,000
4. Comparison with House amounts in same bills	+938,259,000	+3,238,862,000	+4,177,121,000
C. Cleared conference:			
1. Budget requests considered	6,430,172,000	7,254,937,000	13,685,109,000
2. Amounts enacted	6,021,535,000	6,364,558,000	12,386,093,000
3. Comparison with corresponding budget requests	[4]−408,637,000	[5]−890,379,000	−1,299,016,000

[1] The budget for 1971, as submitted Feb. 2, tentatively estimated total new budget authority for 1971 at $234.8 billion ($218,000,000,000, net of certain budget presentation adjustments) of which $148,100,000,000 was for action by Congress and $86,700,000,000 would become available under permanent law.

[2] Consists of a net reduction of $572,160,000 in respect to amounts relating to fiscal 1971, and $1,377,061,000 advance fiscal 1972 requests that were disallowed.

[3] Consists of a net increase of $2,718,111,000 in respect to amounts relating to fiscal 1971, partially offset by $1,339,050 000 relating to an advance fiscal 1972 request in the education appropriation bill.

[4] Reflects cut of $275,000,000 for foreign military credit sales which may be reconsidered in the regular bill for fiscal year 1971.

[5] Consists of a net increase of $448,671,000 in respect to amounts relating to fiscal 1971, offset by $1,339,050 000 relating to advance fiscal 1972 request in the education appropriation bill.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Ohio.

Mr. BOW. Mr. Speaker, I join the distinguished gentleman, the chairman of the House Committee on Appropriations, in urging the adoption of this resolution which will continue the operations of the Government until October 15.

The only appropiations bill left to be considered by the House is the defense bill. But I understand the other body has just started to consider the authorization bill, and may not complete action on it until the end of September.

In addition, I must also alert the House to the fact that some conference reports can be expected containing amounts that are way over the budget. We completed action on one of them today—independent offices and the Department of Housing and Urban Development—that will be up before the House in the very near future. Some Members on our side were not able to sign this report because it contains amounts that are far in excess of the budget. So we may have a delay before final enactment of this bill, and possibly others. Therefore, in order to provide for the orderly process of government, it is necessary to have a continuing resolution.

I am sure the gentleman from Texas agrees that we wish it was not necessary to bring these resolutions before you. This is not good government. It is not good for the Congress or the executive branches of Government to have to operate under these continuing resolutions, but there is no other alternative except to close down the Government. I am sure no one wants to do that.

Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. GROSS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I should like to ask the gentleman from Texas if this is in any way a direction, or an invitation, for Congress to continue this session until October 15, in this election year of 1970?

Mr. MAHON. No; it is not in any way a direction, or even a suggestion, along that line. But in the absence of more expeditious action in finalizing the appropriation bills, it seems logical to adopt what seems to be a realistic date.

As has been pointed out, on appropriations bills in the House we have passed all the bills except the defense appropriation bill. Some matters are being held in the other body for more consideration and further inquiry.

So, until the other body authorizes the defense appropriations and there is agreement in conference, and until we are able to settle these pending measures, certainly from the standpoint of appropriations, we have to remain in session and also, of course, provide continuing funds and authority in the meantime. It is regrettable that we find it necessary to extend this resolution to October 15, but I think it is realistic to do so. Of course, if Congress finishes its appropriations business before then, as we should, then this resolution will have no force and effect. By its terms it fades away as each regular appropriation bill is enacted into law.

Mr. GROSS. Would it not have been at least a measure of direction to the other body if the date had been made October 1? It seems to me if we are going on until October 15, it is going to allow Members of the House very little time in which to campaign and report to their constituencies on the activities and record of the past months.

I am not being critical of the gentleman from Texas or the gentleman from Ohio for bringing this resolution to the House floor, but I just did not like this October 15 date because it seems to me there is implicit in it an invitation to the other body to prolong what is already going on.

I sometimes wonder why these resolutions—since it seems to me the other body is largely responsible for the necessity for them—do not originate in the other body. Why do they not at some time or other send resolutions over here rather than the House initiating them and sending them to the other body, which, as I have said, is prolonging this session of the Congress.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman.

Mr. MAHON. An invitation for the other body to be very deliberate in its work is not, of course, required. We would not want a continuing resolution to originate in the other body because a continuing resolution is, in effect, an appropriation for a temporary period of

time. As the gentleman, of course, knows, all appropriation bills and resolutions originate in the House, so we must originate the continuing resolution in the House of Representatives.

Mr. GROSS. I will say to the gentleman that my main point is I do not like to do anything here today to encourage the other body in what they are already doing, and that is foot dragging.

However, there is probably no escape now from the situation we are in.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman.

Mr. MAHON. I would add that one of the reasons why the expiration date of the resolution was put at October 15 rather than October 1 was that the House has just recently voted to recess the House from the 14th of August until perhaps the 9th of September. That will preempt considerable time that could otherwise be devoted to appropriation conference business if the other body should pass several more of the bills.

But I hope we can move rapidly and get the appropriations business concluded. There are some problems, including the defense authorization delay.

I might add that in addition to the three bills that have cleared conference, the conference report will be filed tonight on the independent offices, HUD appropriation bill. And we have a conference scheduled for tomorrow on the legislative branch appropriation bill.

Mr. GROSS. I am afraid we are going to be here until October 15 and I, for one, am not at all enthusiastic about that, and for the reason that it is not necessary to proper disposition of the business pending before Congress.

Mr. MAHON. I share the gentleman's concern over this unnecessary prolongation of this session.

Mr. GROSS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through section 118, ending on page 39, line 4, of the bill, and there was pending the amendment offered by the gentleman from Wisconsin (Mr. REUSS), and a substitute amendment for the Reuss amendment offered by the gentleman from Iowa (Mr. SCHWENGEL).

For what purpose does the gentleman from California (Mr. SISK) rise?

Mr. SISK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. SISK. Mr. Chairman, I take this brief time to sum up a little bit of where we are in connection with this bill. Before I do so, I would like to take this opportunity to pay a special tribute to the very excellent staff that your Subcommittee on Reorganization has had during the past 16 months. We have had the good fortune to have the use of the Rules Committee staff headed by Mr. Laurie C. Battle and Mr. Robert D. Hynes, Jr., along with Jonna Lynne Cullen. We have had very excellent advice, counsel, and aid from Mr. David B. Carper, assistant counsel, Office of the Legislative Counsel, and Mr. Walter Kravitz, senior specialist in American National Government, Legislative Reference Service, Library of Congress.

Your committee did not employ any special staff. We have borrowed staff here and there and used them. I did want to commend these people for their patience and their hard work, because in many cases they were here working nights and weekends trying to pull together the voluminous amount of material that was necessary for the committee to do its work.

Mr. Chairman, I think we should take stock of just where we are in connection with this bill as we reach this point in time.

There have been some amendments adopted, some that frankly I think have improved the bill because, as I said in the beginning, the committee did not possess all wisdom, but there have been also some amendments that, in my opinion, have not helped the bill, and I am afraid they tend to load it down. As we attempt to conclude this bill today and possibly later this week—because now I understand we may have some further time this week, and that I will leave up to the leadership to inform the Members about—I would hope and trust that all Members who seek a bill will move along.

Mr. Chairman, I realize the problems of Members in getting around to other work, but we would like to move along. I do not wish to take a great deal of time, but we should take an inventory, as I say. We have pending before us two amendments at the present time, that, in my opinion—and I am going to be quite frank—if adopted, probably are going to be enough weight to sink this bill.

This I am not saying as any threat or any warning or anything of that kind, but I think we should assess what we are doing and where we are going. We have a couple of amendments pending, one offered by the gentleman from Wisconsin (Mr. REUSS), and another by the gentleman from Iowa (Mr. SCHWENGEL), which get into areas of seniority.

I am not afraid to study and take a look at seniority. We have committees among the Democrats who are today looking at it, and I know there is a committee working among my friends on the Republican side on this question of seniority, but certainly so far as this subcommittee and the Committee on Rules are concerned, this is not the bill and not the time in which to get involved in this subject.

I can understand the desire of many of my colleagues to talk about this, if they would like, but I would hope that we would not unduly delay the progress of this reorganizational bill or reform bill, or call it what we will, by spending too much time in an area which, as I say quite frankly in my opinion, will create a load that this package simply cannot carry.

I would hope as we go along and as we consider, I am sure, many other amendments, certainly some of which are good and I am sure they are all well intentioned, that we will give the committee and the Committee of the Whole House an opportunity to look at those amendments, and I would hope we might proceed to see how far down the road we can get between now and 7 o'clock tonight, and then we hope that possibly we will get enough time some time later this week to bring this bill to a conclusion.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I would like to associate myself with the remarks of the gentleman in the well. I think he has conducted himself in the course of this debate with great patience and great wisdom.

I do think it appropriate that we move along as quickly as we can to the conclusion of this bill.

I associate myself also with the gentleman's remarks with respect to the Schwengel amendment. The gentleman from Iowa (Mr. SCHWENGEL) has done pioneering work in this area and he has an interesting idea, but it seems to me entirely appropriate to handle this issue on a party basis and not by changing the rules of the House.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, and in response to our distinguished colleague, I concur in the fine leadership the gentleman from California (Mr. SISK) has provided on this bill during the course of this discussion.

Mr. Chairman, I am among those who feel there may be no other time, that there may be no other bill with which to deal with this critical issue of seniority. I want to speak out in support of the proposal which has been offered in the amendment I cosponsored with my distinguished colleague, the gentleman from Wisconsin (Mr. REUSS).

While I appreciate the high purpose of the substitute offered by the gentleman from Iowa (Mr. SCHWENGEL), it is my judgment our amendment is more

workable and less restrictive. It leaves the issue of chairman selection to the discretion of the majority caucus or policy committee. It does not narrow the choice of committee chairman to the three most senior members.

It leaves the method of chairman selection to a majority decision, at least theoretically permitting any Member to qualify for election. And this is as it should be. Under the Constitution and under the laws of this land every Congress is a new and separate entity, organizing itself, conducting its business, closing its life with adjournment. Every Member is or should be equal to every other. At least theoretically any Member should be eligible for the committee chairmanship.

It is conceivable that at some time a Member may be elected so heavily endowed with special skills and qualifications in a given field to be most suitable for chairman, and yet have only a short term to serve. Why should such a choice be denied?

Any member of any committee should be eligible to the chairmanship as an equal and eligible member under the Constitution and under the law.

The seniority system has produced good chairmen and it has produced some not quite as good as others. However, it is false to presume that seniority alone can produce the very best. Some men are bettered by time and experience, while others remain unchanged.

Mr. Chairman, the amendment which we suggest would make the committee chairmen more aware of their reciprocal obligation to their committees. The power of the chairman would come from the membership of the House and not from his constituency or his political sources of power, or by the divine providence which brought him to the committee earlier than his fellow members.

A chairman so designated would be more likely to confer with his committee on positions or programs or the developing of the staff or making the staff available to the members of the committee, instead of using the entire staff as a personal and private facility.

Mr. Chairman, the harm of the seniority system is not what it may do to some chairmen who feel a sense of divine authority. The great harm that occurs is what it does to members who must grovel in its wake, who tremble at the chairman's awesome power.

Mr. Chairman, when confronted with seniority, a new member raises a question as to how it all comes about. The answer is that the power of the chairman comes only from the members. All that we seek to do with this amendment is to provide a qualification in addition to seniority, leaving it up to the majority to decide what ought to be done in the selection of the proper chairmen for the committees of the House.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Minnesota.

Mr. FRASER. I understand that the gentleman does not favor the proposal by the gentleman from Iowa.

Mr. VANIK. I believe the proposal made by the gentleman from Iowa would be too restrictive. It is a qualified or modified seniority rule. I believe it would be far better to take the original language of the proposal which I cosponsored with Mr. REUSS, and simply make it a rule of the House that seniority alone shall not be the determining factor.

Mr. FRASER. I agree with the gentleman. I feel the same way. I believe the the idea of the gentleman from Iowa may be worth considering, but not now.

I have somewhat the same problem with respect to the amendment the gentleman is speaking for, because it does not in fact do anything. I should like to see the seniority system changed, but since the amendment will not accomplish that I am not clear it is useful to pursue it at this point.

Mr. BOLLING. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I hesitate to speak again, having spoken a couple of times yesterday, but I feel impelled to speak on two amendments that are pending before the House.

I have been a critic of seniority as an unmodified system for a very long time. The other day in an interview in U.S. News & World Report the distinguished Speaker of the House reiterated something he had said earlier in a Democratic caucus. He pointed out the incontrovertible fact that if the Democrats were in the majority, that a majority of the Democratic caucus has the right to determine who will be the chairmen of the committees. This is a fact. That has been a fact for a very long time. If there is a desire to change the chairman of a committee and the Democrats are in power, the Democrats in caucus have the power to make that change.

I know of no argument against that. It has been a fact ever since the day the system changed and the then Speaker Cannon was stripped of his powers of appointment.

The problem of seniority when the Democrats are in the majority is the problem of the will of a majority of the Democrats. If they choose to modify seniority, they have the power to do so.

Now, I have recommendations on the two amendments. I would suggest that it makes no difference how a Member votes on the Reuss-Vanik amendment. It will accomplish nothing. It may become symbolic. It may have the effect of representing a vote for or against an idea, but it will change nothing. The present rules of the House provide—and everybody knows that it is a pro forma act—that the House will elect chairmen of committees. Obviously, if the House elects chairmen of committees, it can elect anybody it wants to as chairman. So the Reuss amendment, except in symbolism, adds nothing and subtracts nothing. I can see no harm in it. This is one of those rare cases when a Member could vote "present" and be performing a rational act.

Now, the Schwengel amendment is something else again. The Schwengel amendment demonstrates a well-intentioned complete misunderstanding of legislative institutions. There is no institution within the House of Representatives that acts. Only the House of Representatives, under the Constitution of the United States, can act. President Wilson has been misquoted. President Wilson has been misquoted to the effect that the only time Congress was at work, in effect, was when it was in committee. Well, a great deal of the preliminary work of the Congress is and must be done in committee, but the committees are the creatures of the House; they are not little separate legislative bodies. They represent the House in their performance, and to give to the committee the right of the institution as a whole to select chairmen is to state flatly that we are not a unified entity. Why should those who are Members of a small part of the institution select the Member who will have power in the whole institution? A chairman of a committee has power not only in his committee, but he has power in the House.

It seems to me absolutely clear that both these amendments should be defeated and we should proceed to face the problem of seniority in a reasonable, meaningful, and rational way in our two parties.

Mr. BOGGS. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. BOGGS was allowed to proceed for 5 additional minutes and to revise and extend his remarks.)

Mr. BOGGS. Mr. Chairman, I feel somewhat embarrassed to be talking again. However, we have debated this bill for 2 weeks and this is only the second time I have been on my feet. I do have some leadership responsibilities.

First, let me say that I concur completely with my old and dear friend from Missouri (Mr. BOLLING) who has spent a great deal of his life studying the problems of this body as an institution. I would say that had he had the time he could have added a great deal to the discussion of this body as an institution because of his very profound study and knowledge of the subject.

Mr. Chairman, I am reminded of a statement attributed to the late, great Winston Churchill when commenting upon democracy. He is alleged to have said that it is the worst system on earth until you examine all the others.

Mr. Chairman, when I look at the question of seniority, I say to myself, what do you substitute therefor? Let us first remember the admonition of the gentleman from Missouri when he said that insofar as the Democratic Party is concerned we now have full power to name or not to name, to remove or not to remove, committee chairmen. That power exists in our caucuses today. We do not have the power for Members to elect committee chairmen within the committee. And, let me for a moment advise and consent with you and tell you what that might do.

Mr. Chairman, I happen to be the ranking member of the Committee on Ways and Means. I sit next to the distinguished gentleman from Arkansas (Mr. MILLS) and I have sat there for many years. I admire and respect him.

But based upon the manner in which I read the amendment which has been offered by my distinguished friend, almost at any time I could call for a vote in the Ways and Means Committee and they could vote for either HALE BOGGS or WILBUR MILLS or the gentleman from Kentucky (Mr. WATTS), the three ranking members of that committee.

Now, let us be pragmatic for just a moment, if you will. The Ways and Means Committee handles tax legislation, it handles trade legislation, it handles welfare legislation, it handles debt management, and many other matters. Why, it is not inconceivable that one who was seeking the position as chairman would go out and make himself an arrangement with these various pressure groups and then it is not inconceivable that the chairman, whomever he may be, would make a better deal than the one that I could make.

Mr. Chairman, I saw sitting here a moment ago the distinguished chairman of the Committee on Interstate and Foreign Commerce. That committee regulates the FCC, the ICC, the Federal Trade Commission, and all of the regulatory agencies of the Government of the United States, involving the expenditure of billions and billions and billions of dollars.

So, let us take a look at what happens if we adopt this amendment—and God forbid that we should—but let us say we did. Let us say we have an unscrupulous man in either the second or third place. Think what deals he could make. Think of the corruption that would possibly come into being. You talk about problems, you talk about logrolling, you talk about corruption; it is possible that you would have it.

You know, sometimes in the name of reform, sometimes in the name of change, our institutions are ruined. There are those who would destroy the church because of a minister who was found to be dishonest. There are those who would destroy Congress because of a Congressman who is not true to his trust.

There are those who would wreck the free enterprise system because of dishonest businessmen. There are those who would wreck the labor movement because of dishonest labor leaders. I say to you that these amendments that we have here, the amendment offered by the gentleman from Wisconsin (Mr. REUSS), and the amendment offered by my distinguished friend on the Republican side the gentleman from Iowa (Mr. SCHWENGEL), strike at the heart of this institution.

Let me give you a few other examples. I remember just a few years ago in the first years of the late revered John F. Kennedy, we had a proposition here to create a Department of Housing and Urban Affairs, and it was voted down. Do you know why it was voted down? Because it had been rumored that a Negro would head up that Department; that is why it was voted down.

The oldest Member of this body is a revered gentleman, our beloved colleague, the gentleman from Illinois, BILL DAWSON. I can assure my colleagues that there have been times in the history of this body that BILL DAWSON could not have been elected chairman of the committee he heads. And I could carry on.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I will be very happy to yield to our beloved Speaker.

Mr. McCORMACK. Mr. Chairman, I thank the gentleman for yielding.

The gentleman has referred to something that is near and dear to me, to our dear friend, Congressman BILL DAWSON.

I was on the Committee on Government Operations at the time. As a matter of fact, I was ahead of BILL DAWSON. I was coming back as majority leader. We Democrats had taken over the Congress. I served on the committee during, I think, the 80th to 83d Congresses, with BILL DAWSON, and we were coming back. I could have stayed as the chairman of the committee, but, of course, I did not think of that. I withdrew with pleasure, and as a result of which in accordance not with the rule, but the custom and practice, as the gentleman from Missouri (Mr. BOLLING) so eloquently referred to, BILL DAWSON became recommended by the committee on committees as chairman.

The committee could have refused to do so. The committee could have named another chairman, but they did not do so. So I know something about the "Dawson affair." I know, because I stepped aside, and as a result of which BILL DAWSON became chairman. But I also was proud to serve under him as chairman of the committee.

Mr. BOGGS. Mr. Chairman, I thank our distinguished Speaker. What greater veracity could I have than that of the beloved Speaker of this House?

Let me give you one other example. There is the distinguished chairman of the Committee on the Judiciary, the revered MANNY CELLER. He is 82 years of age, I believe. He happens to be a member of the Jewish faith, a minority faith. There was a time when, believe it or not, in the days of the know-nothings in this country, when a Jew, if he happened to be elected, could not have become a chairman of a committee.

So I say to my fellow reformers—and I consider myself one—that in these amendments you seek to tear down this institution, not to build it up. And I trust and I hope that these amendments will be resoundly defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. GUDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the recognition. I know that there are more senior Members on our side of the aisle who also wish to be recognized, the gentleman from Minnesota (Mr. MACGREGOR), the gentleman from Vermont (Mr. STAFFORD), the gentleman from California (Mr. BELL), as well as the gentleman from Iowa (Mr. SCHWENGEL), who have proposed this amendment. And I want to commend them for their work and thought in offering this proposal.

There is talk about what is the heart of the congressional body here. I think we should speculate for a moment on how our Nation has been served in recent years by the system. Both the majority and the minority parties have, with few exceptions, let the seniority system control the succession to leadership. I think it is time for the House to reassert some responsibility for the election of its leaders.

I strongly support legislative reform and have voted for many of the amendments which have been offered in the House over the past few days.

Several of these amendments represent tremendous progress in modernizing our House and making it more responsive to our constituents. But none of them gets to the heart of the matter like the several proposals to do away with the seniority system.

I cannot accept the argument that the seniority system is the only way to assure the fair treatment of those of us who are members of ethnic or religious minorities. I cannot agree that Americans who serve in this body collectively lack the maturity to make choices based on individual merit. If this were so, democracy would be in a sorry state. Nor can I accept the argument that pressures by evil forces would so sway committee members that we must have a seniority system to protect them against themselves.

Whether we achieve reform through amendments of the rules of the House or by action in party caucus, I think it is vital that this bill be the vehicle to get us moving toward a revision of the seniority system of the House of Representatives.

Only dynamic and innovative committee leadership, which is not assured by the present system, can keep up with demands on a great legislature in 1970. American citizens are fully aware of the deep shortcomings in the seniority system. They know that the U.S. Congress is the only legislature in the free world, including the 50 States, to select its leaders under a strict seniority system.

The proposal before us would provide that the members of the majority would by secret ballot select committee chairmen. I am convinced that in many cases those who now serve as chairmen, whether they be black, Jewish, Catholic, or Protestant, would be reelected because they have demonstrated their qualifications of leadership.

But the question should be put to a vote. Those of us on both sides of the aisle who want very much a more progressive rule cannot reject this proposal out-of-hand. We should support this amendment because, as the gentleman from California (Mr. BURTON) stated yesterday, it is a first step.

Seniority studies being made on both sides of the aisle are not finalized. Further changes in the methods of selecting leaders will hopefully be forthcoming. This is a beginning, however, to break away from the seniority system, and will continue to grow into a strong wave to produce a legislative body with its leadership selected on the basic principles of democracy.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. GUDE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding during his articulate speech.

Mr. Chairman, I take this moment of the gentleman's time to indicate that I am sympathetic to the point the gentleman is making but want to indicate my very strong opposition to both the Schwengel amendment and the Reuss amendment. I do so, may I say to the gentleman from Maryland, for two reasons. One, because I do not believe that a bill which relates to reform of the rules of the House of Representatives is a proper vehicle by which the seniority system ought to be attacked. I think it belongs in the party caucus. It does not belong in the rules and it is not there now. I concur with the gentleman that a modification in the present rigid system is needed but I believe such a change should be made in the party caucus.

Two, it seems to me, if any of us truly intend to work to pass an effective bill, one way to kill the bill is to add either of these amendments.

I intend to vote against the Schwengel amendment and I also intend to vote against the Reuss amendment, in large part may I say to the gentleman from Maryland if he will yield further, because it is ineffective and a charade.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. CELLER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The Chair recognizes the dean of the House of Representatives, the distinguished gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I think it was Churchill who said that "if we open a quarrel between the past and the present, we shall find we have lost the future." The past gave us decades of the seniority system. Now, the young men among us presently quarrel with the past, and in that quarrel we bid fair to lose the future.

I contemplated long before I planned to speak on this controversial subject, I would run the risk of speaking in self-interest. I might be charged with having an ax to grind. I am a chairman.

Frankly, I do not fear the outcome of this debate. Whether the seniority rule prevails or is cast into limbo, I will not be unduly perturbed. As chairman or just an ordinary member of the Judiciary Committee, I shall continue to serve with all the vigor and intelligence of which I am possessed.

Lest any statement I make concerning the desirability of retaining the seniority system be viewed as self-serving, I do not wish to further belabor that point. I know of no plan which will result in a perfect system of naming committee chairmen.

Certainly the seniority system is not without its flaws. I maintain, however, that the rules of the House are sufficiently flexible—the present rules—so as to assure the working of the majority will of the committee if the members of the majority so wish it. The supposed unbreakable grip of a committee chairman is just a myth. I know whereof I speak. The majority of any committee can veto any action of any chairman. The majority can direct the chairman and the chairman cannot command the committee if its majority asserts its authority.

As the Members of the House know, many methods have been tried and many have failed. Nor is the seniority system as practiced today so rigid as to foreclose the deposing of a chairman.

It is a matter, one, of intraparty discipline, the most recent incident of which was the denial of the chairmanship of the Committee on Education and Labor to ADAM CLAYTON POWELL; and, two, the fact that a committee list is presented to the House and acted upon in pro forma fashion is not the fault of the seniority system; rather, it is the unwillingness of the Members to challenge the list.

Whether the election by a majority vote of a committee of a chairman will erase the flaws of the present system is indeed yet to be proven.

I note, too, that the so-called Schwengel amendment pays its respects to the seniority system by foreclosing choice beyond the three senior members. That indeed is a recognition of the seniority system.

One final word. The senior member, no matter what system is adopted, will carry with him the weight of his experience, the knowledgeability of the legislation before him, and the proven ability to manage a committee bill on the floor. It may thus be possible that the elected chairman would find such influence as the post brings with it diluted by the very presence and activities of the senior member deposed.

As I have said, many methods in our history have been tried and found wanting. They were abandoned. The seniority system has survived as least objectionable.

Victor Hugo once said:

> If we do not recognize the mistakes of the past, we shall only live those mistakes all over again.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. CELLER was allowed to proceed for 1 additional minute.)

Mr. CELLER. I end as I began, by quoting Winston Churchill:

> No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of government except all those other forms which have been tried from time to time.

Similarly the seniority system is not perfect, but its value lies in the inefficiency of all the substitutes.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, would the gentleman agree that the fact that a member of a committee can oppose his chairman, the Speaker, or his colleagues knowing that this would not interfere with his ultimately becoming chairman creates the spirit of independence that makes the Congress the greatest deliberative body in the world?

Mr. CELLER. I think the gentleman is correct.

Mr. BELL of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to revise the seniority system offered by my distinguished colleague the gentleman from Iowa (Mr. SCHWENGEL).

Bear in mind the gentleman's amendment just suggests that our seniority system be revised. The chairman would be elected by a majority of the majority side among the three most senior members. In the same way the ranking minority Member would be elected by the majority of the minority side, from the three most senior members.

Many people argue that our present seniority system is the best system that can be devised for the selection of committee chairmen, but they should bear something else also in mind.

The Democratic Party did not select the Speaker by the seniority system. They did not select the majority leader by the seniority system. They did not select their whip by the seniority system. The Republicans did not select our distinguished minority leader by the seniority system. We did not select our whip or the chairman of our conference by the seniority system. None of these choices, Mr. Chairman, was made in accordance with the seniority system. But I believe they were excellent choices.

Not longevity, but competence and leadership were the factors inherent in these election choices. Should we not allow ourselves the same opportunity when electing our own committee chairmen? What could be more important than the strong leadership in our legislative committees?

The proposal before us retains experience as a factor in the selection process, and I believe that this is good. As a practical matter, as has been said before, in most cases the number one senior member would probably be reelected. But it also puts a few committee chairmen or some committee chairmen who may be a bit careless or lackadaisical on notice or makes sure they put their best foot forward and do a good job, and within the rules it defines electability. At the same time, however, it allows committee members, themselves, who have observed each other working under unique committee conditions, to choose the chairman they believe possesses the best combination of ability and leadership characteristics.

Under the system provided by this amendment, the chairman would necessarily be more responsive to the committee as a whole, knowing that his actions and record would determine his tenure.

The very rare occasion of abuse would become even less likely under these circumstances.

Can we afford any longer to leave the control of this power to chance? Can we allow the selection of the chairman to be based solely on longevity? I think not.

The public at large, whether rightly or wrongly, has become increasingly concerned about the organization of the

Congress. And what are some of the factors they complain about most? On this I quote: "The antiquated seniority system" is high on the list of criticisms.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. BELL of California. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Chairman, let me raise this question because I know of the gentleman's deep interest and commitment to bringing reform and change to the House. Supposing the majority of my colleagues on the Democratic side decided they wanted to change the chairman of a committee of the House.

We now have that power, through our caucus, to do so; that is true; is it not?

Mr. BELL of California. That is right.

Mr. FRASER. But if the proposal the gentleman is supporting is adopted, that power would be taken away from us; would it not?

Mr. BELL of California. The power to select?

Mr. FRASER. The power in the majority to make a decision would be stripped away from us and conferred upon a much smaller group.

Mr. BELL of California. It would be conferred upon the members of the committee itself.

Mr. FRASER. That is right; so the members of the caucus would lose control over the chairmanship.

Mr. BELL of California. The members of the caucus would, but who properly knows more about the workings of the committee, about the eligibility and the ability of the chairman and the potential leaders, than the people who are working with the committee chairman?

Mr. FRASER. If I may speak bluntly—and it might be unwise to do so—some of the chairmen of whom I believe there has been more criticism than others would surely be elected by their committees but might not be elected by the caucus. That is one aspect to be looked at. It is one reason why I have a question about the proposal.

Mr. BELL of California. I can also recall a considerable amount of bad publicity and trouble which the Congress received as a result of some mistakes made by a previous chairman. That helped to give the Congress such a bad image insofar as the public is concerned. Also why the American people are so critical of the seniority system.

What are some of the factors that they complain about most? The, and I quote "antiquated," seniority system is high on the list of criticisms. To say that Congress has not been adversely affected by such criticism is to put our head in the sand.

If we pass a Legislative Reorganization Act—without acting on the seniority system—the anger and disappointment felt by our citizens will be totally justified.

The amendment under consideration offers us an important choice.

We can go on record as taking a major step toward streamlining the committee system and making it more responsive to the public and to this House—or we can sustain the rigid structure under which we now operate.

This is not just a party matter.

Selection procedures of committee chairmen affect the entire Congress and reflect upon it and I, therefore, urge my colleagues to support the pending amendment.

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do this in order to see if we can determine about how many Members would like to speak on this subject. A number have inquired about when we would like to vote.

I do not desire, Mr. Chairman, to limit the Members to a half minute or to 1 minute. If we can get an idea as to the number who would like to speak, perhaps we can figure out something like 3 or 4 minutes each.

Mr. Chairman, I ask unanimous consent that we vote on this amendment no later than 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SAYLOR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SISK. Mr. Chairman, as I say, I have only a desire to try to see if we cannot get some understanding. I wonder if we could say 4:15? I ask unanimous consent that debate be limited to 4:15 on this amendment. I have no desire to cut off the Members.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. SCHWENGEL. Mr. Chairman, reserving the right to object, I have spent a lot of time on this. Many of us have. We feel deeply about this subject.

Yesterday when I spoke I had only 5 minutes, and much of that time was given over to a Member to whom I yielded.

I had hoped that I would be granted the courtesy of spending some extra time on this. Some things have been said here that had some implications about my attitude on racial matters and the like. I should like to have an opportunity to talk about this. This is quite important. I believe we ought to have more time.

We have had more time on amendments of lesser importance than this. Therefore I think we need more time on this important matter.

PARLIAMENTARY INQUIRY

Mr. HARSHA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HARSHA. How many times is a Member permitted to speak on his own amendment?

The CHAIRMAN. The gentleman from Ohio inquires as to how many times a Member may speak on his own amendment. The answer to that is he may speak one time to his amendment.

Mr. HARSHA. The author of the amendment is asking for additional time, and some of the rest of us have not had any time.

Mr. SISK. Mr. Chairman, I withdraw my request and yield back the remainder of my time.

PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COLLIER. Is that rule not also applicable to any other Member of the House, once he has spoken on an amendment?

The CHAIRMAN. The gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. CLEVELAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLEVELAND. Am I not correct in stating that when the gentleman from Iowa (Mr. SCHWENGEL) offered his amendment, he spoke on it; and am I not correct that when the gentleman from Wisconsin (Mr. REUSS) offered an amendment the gentleman from Iowa (Mr. SCHWENGEL) offered a substitute. Would not the gentleman from Iowa (Mr. SCHWENGEL) be allowed to speak for 5 minutes for or against the Reuss amendment, as well as in support of his own substitute?

The CHAIRMAN. The gentleman is correct.

Mr. CLEVELAND. I thank the Chairman.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. Under the rules of the House cannot a Member move to strike the last word and be considered on the same amendment?

The CHAIRMAN. The gentleman is correct.

Mr. WAGGONNER. And under those conditions a man could speak twice, could he not?

The CHAIRMAN. Possibly. If a Member were to speak one time in opposition to an amendment subsequently he could move to strike the last word and he would be entitled to be recognized.

Mr. WAGGONNER. A further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. If some time is set, does not that abrogate the time and a Member then could be allowed to speak again?

The CHAIRMAN. The gentleman is correct.

Mr. HAYS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to both amendments. As has been pointed out by people who know more about the rules of the House than I do, caucuses have the power to overrule the selection of their various committees on committees as to who may be the chairmen and who may not be. Mr. SCHWENGEL's amendment restricts this to not even a majority of the majority, because he would be counting only among three people.

The distinguished majority whip pointed out some of the things that could happen if you started bargaining among members of committees for votes for election.

I happen to be the ranking member of the Committee on House Administration, and I have no doubt that under Mr.

SCHWENGEL'S amendment I could be elected from that committee tomorrow by simply promising to divide amongst the other members the patronage of the chairman, the gentleman from Maryland.

I would not do that. I would not try to supersede him. I would not be a candidate. But there are some people who would. You could have this House and its committees taking away from the caucus, taking away from the majority, taking away from the minority the rights that they have to veto a chairman if he gets out of line. A horrible example was raised a little while ago of a chairman who did and he was vetoed by his committee and he had only the right to sit in the chair and nothing else.

So all of these horrible things are not necessarily as bad as some of those who are not chairmen but who would like to be would like to make us believe they are.

Now, let us be pragmatic and factual. There is a great hue and cry about the rules here. There is one rule here that I have seen violated repeatedly in the last 2 days and mostly violated by those who want reform; that is, rule 42, which blankets in Jefferson's Manual as the rules of the House. In Jefferson's Manual—I think it is on page 203—it says that a Member may not read anything that anybody else has written or anything that he has written to the House of Representatives. Now, I know sometimes, for purposes of accuracy, it is nice to have a printed text to read from, but if we are going to revise the rules wholesale, why do we not change that one, which is violated more times, it seems to me, than it is observed. I just mention that in passing.

I know that there are some things in the rules of the House that maybe ought to be changed. We have committees in both caucuses working on the seniority problem. The gentlewoman from Washington is chairman of the committee on our side, and that committee is working. She has it working and keeps it working, and she checks on you every day to see what you are doing if you are on a subcommittee. We have had a lot of suggestions, but when you get down to it, about the one thing that seems to be of the greatest concern to us—and I do not want to violate any secrets, because it will all be brought up in our caucus—is the fact that probably some people are chairmen of more subcommittees than they can actually physically handle because of the limitations of time, and we are trying to work out as best we can some recommendations to the caucus to spread that work around.

We are trying to work out as best we can some recommendation to the caucus to spread it around. I think that we can work out a practical solution which may alleviate some of the problems that some of the Members feel as very real problems in that they have a lot of time on their hands and not much to do with it. I am all for it. I am all for spreading the workload around. But I think if we adopt the amendment which has been offered by the gentleman from Iowa that we further shackle the democratic powers of the House in that we take it away from the great mass and we confine it merely to the members on both sides of a specific committee.

Mr. ALBERT. Mr. Chairman, will the distinguished gentleman from Ohio yield to me at that point?

Mr. HAYS. I am glad to yield to the distinguished majority leader.

Mr. ALBERT. The gentleman is talking about taking the power away from the caucus. It would also be taking the power away from the House, the power to approve the committees.

Mr. HAYS. The gentleman is exactly right. We talk about taking it away from the caucus but we would, in fact, be taking that power away from the House.

So I suggest to the gentleman from Maryland (Mr. GUDE), since the gentleman made a very eloquent speech on this, if these amendments do not pass and next year when the committee chairmen and the members of the various committees come up for approval that the gentleman stand up and tell us which chairman the gentleman does not want and make a motion that he not be elected.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. HAYS was allowed to proceed for 1 additional minute.)

Mr. HAYS. I mentioned the gentleman's name and I want to be fair and give him a chance to answer.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. HAYS. Yes; I yield to the gentleman from Maryland.

Mr. GUDE. I am only suggesting to the gentleman that be it Republican or Democrat Party which is in the majority——

Mr. HAYS. Well, it will be the Democrats and the gentleman may proceed on that assumption.

Mr. GUDE. Then the caucus of the Democratic Party would be able to further revise the rules if they are unsatisfactory to them should the Schwengel amendment be adopted.

I thank the gentleman for yielding.

Mr. HAYS. We will revise—I do not think we would, may I say if the Schwengel amendment is adopted—I do not think the caucus could take away and revise a law which has been passed by both Houses and signed by the President. The gentleman is in error.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Chairman, if I understand the Schwengel amendment, it perpetuates the seniority system but, further, it relegates that into a popularity contest, because the only qualifications for these three Members must be seniority or longevity. It says nothing about their expertise in the field in which the committee deals. It says nothing about their technical knowledge, nothing about their attention to committee work. It deals solely on a longevity or seniority basis. However, it relegates that selection to a popularity contest and you are invariably going to have a campaign by members of the committees for this particular position, because every pressure group, every special interest group interested in the work of that committee, may have a favorite among those three that they want to select or get into the position of ranking member or chairman of that committee. You invariably will have commitments between members. Bargaining for position if you will.

Mr. McCORMACK. Mr. Chairman, will the distinguished gentleman yield to me right there?

Mr. HARSHA. I would be happy to yield to the distinguished Speaker.

Mr. McCORMACK. Can you imagine the election of a chairman of the Ways and Means Committee from among the first three members with the big interests interested, what the pressure would be? Can you imagine the pressure to elect the chairman of the Committee on Interstate and Foreign Commerce? Can you imagine the pressure which would be exerted in the election of the chairman of the Committee on Education and Labor? Can you imagine what the pressure would be on the election of the chairman of any number of other committees? Why, it would be tremendous.

Mr. Chairman, the gentleman from Ohio has referred to a subject that is very important and I respect him for it and I appreciate the fact that he yielded to me to make my brief observation.

You could have the worst scandals in the world if an election from among the first three members of a committee happens to take place in this House. My mind is open, but this particular proposal would be dangerous—offered in good faith as it is—but it would be dangerous.

Mr. HARSHA. I thank the distinguished Speaker. That was the point I was trying to make, and he has made it far more eloquently than I. But please let me point out that you should stop to realize that we are going to have coming before the House a highway bill for 1970 that will involve over $22 billion in the years ahead. When you stop to think of all the highway users' groups, all of the contracting groups, all of the oil people who are involved, every facet of American life that has anything to do with highway construction-interstate-development. Then think of all the river navigation projects, all of the public works projects, all over the country, the flood control projects, just think of the ramifications of that when we get into a bidding contest on who is going to be the ranking member and chairman of that committee.

What you are doing is laying the groundwork, if you adopt this amendment, laying the groundwork for the greatest wheeling and dealing operation that this body has ever seen in the history of the Congress.

Let me say one other word to you about this question of seniority before you want to destroy it all. Every single one of you—every single one of you has seniority over your opponent. Now, you can be attacked by your opponent on your voting record. He can attack you on a personality basis, he can hire a famous public

relations outfit to improve or project the image he thinks the voters would most likely be receptive to, he can spend a million dollars or a hundred thousand dollars to make his name a household word, he can attack you from every single angle but one, and that is seniority. And the first, or lowest Member in seniority in this House has seniority over his opponent. And when you give that up, then you lay yourself completely open to a successful attack by any opponent whom you might have in future elections.

I would hope that you would keep that in mind before you adopt such an amendment as this.

I will now yield to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Chairman, relative to the popularity contest the gentleman mentioned, I might mention that the Speaker of the House is elected, the majority leader is elected, the minority leader is elected, and the conference leaders. Relative to the other matter with regard to dishonesty that might be involved because of having to make arrangements with these lobbyist groups, I might remind the gentleman that most of your State legislatures are formed not on the basis of seniority. And as far as seniority, I just had a very tough campaign in the primary campaign in which a lot of money was placed against me, and I mentioned seniority until it was coming out of my ears, and I got absolutely nowhere with it.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HARSHA was allowed to proceed for 1 additional minute.)

Mr. HARSHA. Mr. Chairman, in the first place, in response to the gentleman from California, the Speaker, the majority leader, and the minority leader are not selected from the top three men on a seniority basis, as it would be in the committee election amendment. Furthermore the gentleman won the primary contest he refers to and who is to say that his plea of seniority fell on deaf ears. As he says he used the issue of seniority and was successful—that speaks for itself.

I certainly do not suggest any dishonesty on the part of Members but the pressures will be there and they will be great, make no mistake about that. The opportunity for this type of maneuvering and trading is obvious. The ramifications of the ominous results of such an amendment far outweigh the deficiencies of the seniority system.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I thank the gentleman for yielding. That was the exact point that I wanted to make.

I would also like to make this additional observation that in that instance, in order to apply the same logic, the same argument, then you could not restrict it to three. You would have to go through the whole gamut, and open it up, if you are going to use this as the basic argument to everyone on the committee.

Mr. HARSHA. Every member on the committee would be eligible; that is right.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ECKHARDT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the one salient point which needs to be kept in mind in voting on this amendment, is the overriding objective of improving the operation of the House of Representatives as an institution.

If that is our objective, we do not achieve it by enlarging the isolation of the committee inverting it within itself—we do not provide a means by which three select men rather than one selected man maintains a small baronetcy against the interest of the entire body.

Our primary interest must be in the House of Representatives as an institution. We must be directing our interest toward the discipline of the parties over the conflicting body of ideas from which legislation must ultimately be devised.

Now if we go by the route of the Schwengel amendment, then we go in the opposite direction of that reform that I am talking about here.

I am against the Schwengel amendment and I believe I am against the Reuss amendment. The reason I say I believe I am against the Reuss amendment is that although the Reuss amendment merely affords guidance to a caucus, as I understand it, it seems to me that guidance adds no concrete basis upon which the caucus will gain increased power.

Mr. REUSS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. REUSS. Yes, the Reuss amendment does do something. It acts as a signal and a symbol to the caucus that they must take into account factors other than pure longevity of service. I point out to the gentleman from Texas that since 1952 on only two occasions—in 1965 and 1969—in those 18 years did the House Democratic caucus even look at the list of proposed chosen-by-seniority chairmen. They were whisked to the floor by the committee on committees with a great whoosh, and the Democratic caucus did not even look at them.

The passage of the Reuss amendment, therefore, would do something—it would signal the two-party caucuses that they must take into account the chairman's qualifications, not just his seniority—and that, it seems to me, is a worthy first step.

Mr. ECKHARDT. I thank the gentleman. Insofar as he states that his amendment is for the purpose primarily of strengthening the caucus, his amendment, if it adds anything, is desirable in that respect, but I would respectfully state to the House that I believe that anything that is done in the rules themselves to widen the authority of the caucus implies the power of the House to restrict the authority of the caucus.

I speak for the power of the caucus. I think the caucus of the majority party, and its opposition on the minority side, is the ultimate basis of Anglo-American effectiveness in a legislative body.

Therefore, I would commend the purpose of the Reuss amendment. But I would not recommend to this body in making its rules that it restrict the caucus or direct it. It is for these reasons that I oppose both the Schwengel amendment and the Reuss amendment.

Mr. SAYLOR. Mr. Chairman, I move to strike out the last word and rise in opposition to both amendments.

Mr. Chairman, and Members of the Committee, the distinguished gentleman from Missouri, RICHARD BOLLING, a short time ago gave the Members of the Committee of the Whole House one of the best lectures on the parliamentary procedures and methods of the Congress that it has ever been my privilege to hear. I sincerely hope that tomorrow when the RECORD comes out that each and everyone of you read it.

I realize that some of my colleagues are interested in changing the Rules of the House, particularly the rules with regard to seniority. I just looked over the list of the 21 standing committees of the House of Representatives.

The three ranking members, both Democrat and Republican, of the standing committees of the House are:

AGRICULTURE

Democrats

W. R. Poage, Tex.
John L. McMillan, S.C.
Thomas G. Abernethy, Miss.

Republicans

Page Belcher, Okla.
Charles M. Teague, Calif.
Catherine May, Wash.

APPROPRIATIONS

Democrats

George H. Mahon, Tex.
Jamie L. Whitten, Miss.
George W. Andrews, Ala.

Republicans

Frank T. Bow, Ohio.
Charles Raper Jonas, N.C.
Elford A. Cederberg, Mich.

ARMED SERVICES

Democrats

L. Mendel Rivers, S.C.
Philip J. Philbin, Miss.
F. Edward Hebert, La.

Republicans

Leslie C. Arends, Ill.
Alvin E. O'Konski, Wis.
William G. Bray, Ind.

BANKING AND CURRENCY

Democrats

Wright Patman, Tex.
William A. Barrett, Pa.
Leonor K. Sullivan, Mo.

Republicans

William B. Widnall, N.J.
Florence P. Dwyer, N.J.
Seymour Halpern, N.Y.

DISTRICT OF COLUMBIA

Democrats

John L. McMillan, S.C.
Thomas G. Abernethy, Miss.
William L. Dawson, Ill.

Republicans

Ancher Nelsen, Minn.
William L. Springer, Ill.
Alvin E. O'Konski, Wis.

EDUCATION AND LABOR

Democrats

Carl D. Perkins, Ky.
Edith Green, Oreg.
Frank Thompson, Jr., N.J.

Republicans

William H. Ayres, Ohio.
Albert H. Quie, Minn.
John M. Ashbrook, Ohio.

FOREIGN AFFAIRS

Democrats

Thomas E. Morgan, Pa.
Clement J. Zablocki, Wis.
Wayne L. Hays, Ohio.

Republicans

E. Ross Adair, Ind.
William S. Mailliard, Calif.
Peter H. B. Frelinghuysen, N.J.

GOVERNMENT OPERATIONS

Democrats

William L. Dawson, Ill.
Chet Holifield, Calif.
Jack Brooks, Tex.

Republicans

Florence P. Dwyer, N.J.
Ogden R. Reid, N.Y.
Frank Horton, N.Y.

HOUSE ADMINISTRATION

Democrats

Samuel N. Friedel, Md.
Wayne L. Hays, Ohio.
Frank Thompson, Jr., N.J.

Republicans

Samuel L. Devine, Ohio.
William L. Dickinson, Ala.
Cleveland, James C., N.H.

INTERIOR AND INSULAR AFFAIRS

Democrats

Wayne N. Aspinall, Colo.
James A. Haley, Fla.
Ed Edmondson, Okla.

Republicans

John P. Saylor, Pa.
E. Y. Berry, S. Dak.
Craig Hosmer, Calif.

INTERNAL SECURITY

Democrats

Richard H. Ichord, Mo.
Claude Pepper, Fla.
Edwin W. Edwards, La.

Republicans

John M. Ashbrook, Ohio.
Richard L. Roudebush, Ind.
Albert W. Watson, S.C.

INTERSTATE AND FOREIGN COMMERCE

Democrats

Harley O. Staggers, W. Va.
Samuel N. Friedel, Md.
Torbert H. Macdonald, Mass.

Republicans

William L. Springer, Ill.
Samuel L. Devine, Ohio.
Ancher Nelsen, Minn.

JUDICIARY

Democrats

Emanuel Celler, N.Y.
Michael A. Feighan, Ohio.
Peter W. Rodino, Jr., N.J.

Republicans

William M. McCulloch, Ohio.
Richard H. Poff, Va.
Clark MacGregor, Minn.

MERCHANT MARINE AND FISHERIES

Democrats

Edward A. Garmatz, Md.
Leonor K. Sullivan, Mo.
Frank M. Clark, Pa.

Republicans

William S. Mailliard, Calif.
Thomas M. Pelly, Wash.
Charles A. Mosher, Ohio.

POST OFFICE AND CIVIL SERVICE

Democrats

Thaddeus J. Dulski, N.Y.
David N. Henderson, N.C.
Arnold Olsen, Mont.

Republicans

Robert J. Corbett, Pa.
H. R. Gross, Iowa.
Glenn Cunningham, Nebr.

PUBLIC WORKS

Democrats

George H. Fallon, Md.
John A. Blatnik, Minn.
Robert E. Jones, Ala.

Republicans

William C. Cramer, Fla.
William H. Harsha, Ohio.
James R. Grover, Jr., N.Y.

RULES

Democrats

William M. Colmer, Miss.
Ray J. Madden, Ind.
James J. Delaney, N.Y.

Republicans

H. Allen Smith, Calif.
John B. Anderson, Ill.
Dave Martin, Nebr.

SCIENCE AND ASTRONAUTICS

Democrats

George P. Miller, Calif.
Olin E. Teague, Tex.
Joseph E. Karth, Minn.

Republicans

James G. Fulton, Pa.
Charles A. Mosher, Ohio.
Richard L. Roudebush, Ind.

STANDARDS OF OFFICIAL CONDUCT

Democrats

Melvin Price, Ill.
Olin E. Teague, Tex.
Watkins M. Abbitt, Va.

Republicans

Jackson E. Betts, Ohio.
Robert T. Stafford, Vt.
James H. Quillen, Tenn.

VETERANS' AFFAIRS

Democrats

Olin E. Teague, Tex.
Wm. Jennings Bryan Dorn, S.C.
James A. Haley, Fla.

Republicans

Charles M. Teague, Calif.
William H. Ayres, Ohio.
E. Ross Adair, Ind.

WAYS AND MEANS

Democrats

Wilbur D. Mills, Ark.
Hale Boggs, La.
John C. Watts, Ky.

Republicans

John W. Byrnes, Wis.
James B. Utt, Calif.
Jackson E. Betts, Ohio.

You know, it is a remarkable thing. No Member who qualifies for consideration as a chairman under any of these two amendments has spoken in favor of these amendments. It is only those who do not have seniority that want to do something about it.

By the way, as a Member of what has been described as the greatest legislative body in the world, I am sick and tired of hearing what they do in State legislatures. This is not a State legislature. Let everybody get that clear. This is the Congress of the United States. This is the House of Representatives, and we are not bound by what the legislature of any State does.

With the exception of the original 13 States, we have created the machinery that established all the State legislatures, and what they do is of little mind as far as this body is concerned. Most of the State legislators do not even have an office, let alone worry about the things that we have to worry about here in Congress.

Very frankly, if the seniority system is attacked and the attack is upheld by any of the amendments which have been proposed, the next step will be a direct follow-up of what Mr. BOLLING pointed out. Each little committee would then be authorized to pass a bill send it to the corresponding committee in the Senate—Work out the conference, have it engrossed and forwarded to the President to sign into law. That will be the next step that will come, and you will never see legislation come back to this body as intended by the Founding Fathers.

Every one of you who are elected as Members of this body have a right to get up and object when rules go through. It has been my privilege to serve in the Congress for almost 22 years; in that period of time I have seen only two Members who I felt were not qualified to be committee chairmen, and in each of those instances the committee itself took charge and, in a sense, removed the chairman or made him so sterile that he was absolutely ineffective.

The rules of the House as they exist now with regard to seniority are an integral part of the Democratic caucus and the Republican caucus, and if the Republican caucus and the Democratic caucus do not like the system, it is within their province to change it, but not by the rules changes that are now proposed.

The gentleman from Ohio (Mr. HAYS) a short time ago made the statement that if the proposed legislation becomes law, it will be binding upon the caucus of each party, and we will not be permitted to change it. That is correct.

Mr. Chairman, I urge that both amendments be defeated and, with all of its faults, I urge that we do not do anything to disturb the seniority system.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from New York.

Mr. CONABLE. The point the gentleman has made is a good one. The issue here is not really so much seniority as it is the proper place of seniority in this bill. It is properly a matter of party rule. As chairman of the task force on seniority for Republicans, I can tell the Members that we are seriously considering a possible modification of the seniority rule, and this is where it should be considered rather than in the Committee of the Whole.

Mr. SAYLOR. The Republican caucus, for the benefit of the Members on the

Democratic side, took some action on this matter some time ago. They said that no Member on the Republican side could be the ranking member of two standing committees of the House.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

The Chairman, I rise in opposition to the Schwengel amendment for many of the reasons that have been heretofore advanced, but primarily for those reasons involving a diminution of the power of the caucus if the Schwengel amendment is adopted. I think the caucus in matters of seniority and committee assignments should be absolute under our present system. I think also the Schwengel amendment enhances one of the difficulties I personally find with the system, and that is it makes even more isolated and remote from control the enclave that the committee now represents.

Personally, I find one of the most objectionable faults of the system as it presently is constituted is that power is too diffused from the Speaker and too concentrated in the respective committees.

I would go much further, I am sure, than most other Members of this House would go. I would permit the Speaker to appoint all committee chairman subject to the approval of the respective caucuses of each party without regard to seniority or without regard to any other factors than those he deems proper.

I would answer, in reply to the suggestion that this is no more than Speaker Cannon's system, that the era of America today is entirely different from the era that existed during the Cannon tenure when power was concentrated and abused by Speaker Cannon, because the ability, particularly of the communications media, to identify abuses and call attention to those abuses so that they would be redressed was much less then than it is today.

In addition, the power of the executive branch in the Cannon era vis-a-vis the legislative branch was considerably different and considerably less. The power of the executive branch is awesome today compared to the legislative branch.

One of the reasons why there is so much difference between these two branches is that we have diffused our power through the committee system and have not permitted the Speaker to exercise the power his office possesses—which is second in the land—and to exercise the power which should be wrapped up in the speakership. If we should permit the Speaker that power, subject to caucus veto, it would make this legislative branch a more important branch than it has been.

I would also suggest that the objections to selecting committee chairmen solely on the basis of seniority are apparent to all—or must be, because few have addressed themselves to the inexcusable situation that a man should assume the tremendous powers of the committee chairman just because he is reasonably healthy and has a tolerant constituency—that is so incomprehensible to explain to the public that no one on the floor defended it, and properly so. They defended seniority on two very strange bases. One was that historically the Congress was bigoted and prejudiced, and to avoid that bigotry and prejudice in the majority of the Congress, it was necessary to have a system that took out of the hands of individual Congressmen the right to make these selections, and the seniority system did that.

In recent days it has been defended by speaker after speaker because the individual Congressman—it adds up to—are irresponsible and weak and are unable to withstand the tremendous economic pressures of the lobbyists, and it is to protect the individual Congressmen from their own weaknesses that we must have this indefensible system.

One Member said that on his committee he could become chairman tomorrow. He perhaps knows his committee better than I, and he knows their weaknesses, but as he described them, if no one else knew who the members of that committee were, it would have to be assumed they were relatively spineless people and would select the committee chairman on the basis of favors he would give them. It is that demeaning process we engage in when we describe our colleagues by defending the seniority system—it is never assumed we are describing ourselves—and we seek to protect our colleagues by this peculiar system that is indefensible under any other terms than protecting our colleagues against their weaknesses which in the past were bigotry and prejudice and today consists of an inability to withstand the lobbyists.

Those are the types of descriptions of Members of the House that make the public very, very concerned about the House of Representatives.

Mr. ARENDS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am not going to particularly address myself to the Schwengel amendment, but many thoughts have been going through my mind, after listening all afternoon to this debate on reorganization and reform.

There is a great concern many Members have had about this legislative proposal. How inclined we all are to make sure that the people back home think we are doing what they want us to do. How we want to tell them all the truth about what happens in the House of Representatives. This what we say we want to do; namely, tell them all.

I happened to count the House a minute ago, and, lo and behold, with this great measure we have before us, we had but 76 Members of the House present and listening to the debate. Perhaps we ought to tell the people about that fact.

I do not know how truly concerned we are about really wanting to do something about reorganizing the House.

Going back into history, referring to something that has been mentioned time and again, is talk about Uncle Joe Cannon. That is history being discussed today. I happened to read recently a book called "Tyrant from Illinois." It is about the legislative life of Uncle Joe Cannon.

I now am privileged to represent a part of his old district, due to the last redistricting in the State of Illinois.

It might be interesting for the Members, if they want to know the truth about what happened in those days, to read the book.

The truth is, Uncle Joe Cannon did not do anything except what the House gave him the power to do. He exercised those rights.

Then, lo and behold, the so-called liberals of those days took those powers away from Uncle Joe, and rightfully so.

The great difficulty at that particular era in history was that Uncle Joe Cannon not only was the Speaker of the House but also was the chairman of the Rules Committee. Whenever the Rules Committee proceeded to report out a rule that Uncle Joe wanted, or did not want, he would put it in his pocket and carry it around. Finally, if one wanted legislative action on the House floor, even if it were a request from the White House, one made inquiry of Uncle Joe Cannon, "What is going to happen to H.R. so and so?" The President might call the Speaker, by telephone, and he would say, "What about that bill?" And Speaker Cannon would reply, "I have it in my pocket." Then he would be asked, "What are you going to do about it? We would like to have you come down to talk it over with the President of the United States." And Uncle Joe would respond to the President of the United States, "Why do you not come up to talk to me about it?"

That is the ways things happened in those days, until the Congress saw fit, in its wisdom, to change the signals.

So whatever changes the Congress wants we can adapt to change. We all desire change and progress. We can, I repeat, adapt to change at any time the House wishes to take action. We can make rules and change them as we see fit.

As suggested this afternoon, by action of the majority party and by action of the minority party these matters can be taken care of. I repeat, it is the responsibility of the Members of the House of our two parties to do all the things for change that have to be done on this House floor. The House has such power and no one else.

Mrs. CHISHOLM. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, it is very seldom that I come to the well of the House, in the time I have been here, but this is a matter which has been of grave concern to me for quite some time. I believe it is most important for us to realize it is not only a question of trying to update the rules and the procedures in this House so that the Congress can become a much more effective body but also, I believe, it is a question of the fact that the American people on many levels—different colors, different economic groups—are questioning some of the actions and some of the operations in this great body.

I do not believe we should close our eyes to some of the stark-naked truths which confront us as we attempt to leave the 1960's and move into the 1970's and try to come up with a legislative body that truly is more relevant to the needs of the people of the United States today.

It seems to me that always a large

number have to suffer for the mistakes of a few. There is no question in my mind about the fact that the seniority system based on longevity of tenure has built into it certain inherent weaknesses which many of us do not like to discuss openly because sooner or later many of us hope to become old and still be able to retain some of the capacities and abilities we have when we are young. Let us face it, gentlemen. The fact of the matter is this: our dynamic, changing society, which has to come up with answers to problems that have been collecting for a long period of time, no longer fulfills the need. It becomes very necessary to change some of the traditions and some of the rules that many of us who have been beneficiaries of the status quo find most difficult to accept in these changing and perilous times in which we are living.

Mr. Chairman, I am not here to condemn the seniority system in and of itself. I think the important thing to recognize is that there are additional criteria that have to be considered in addition to longevity of service. I think we have to consider the fact that the reason why young people and other people are lashing out today in our country is that they are seeing by virtue of some of the things they hear some of the gentlemen here say, that we cannot really defend what we are doing. I also recognize, as I have heard some of the gentlemen here say, that we need change; we need change so desperately. However, we are so afraid to speak out even in the caucus because, those of us who have been in the political arena for any length of time, recognize the term "political reprisal." Therefore, even if gentlemen desire to say something in the caucus, and they have very deep feelings and very deep convictions about it, the caucus becomes relatively paralyzed because of their fear of what might happen after they dare to get up and speak out.

I am going to tell it like it is because many of us have been talking in the back rooms. Many of us have been talking about it with each other, but we dare not speak about it within our own caucus. How sad that is. Therefore, we have to recognize the very reason why we have to bring such a bill as this to the floor. It is because the caucus has been relatively powerless in terms of bringing about changes that are very necessary.

In conclusion, Mr. Chairman, let me say that I support the Reuss amendment. The reason why I support that amendment is that the people of this country are not interested in excuses from us as their elected representatives as to why we are not functioning. We have a responsibility to carry out in this body in terms of electing the leaders of our committees and in terms of electing those persons who will be controlling the destiny of this Nation. Therefore, it seems to me in our caucuses all of us who are a part of this magnificent body should have the opportunity to make a selection, if you will, merely to have the right to do this, particularly with a closed ballot, because we know what will happen if we do it openly.

In conclusion, there is an element of fear that permeates so much of what we want to do here and so much of what we really should do in order to make this great institution relevant. Let all of us come out from behind our masks and do that which has to be done.

Mr. WYATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose both of the pending amendments, and I do so for some strategic reasons. The reasons are those which were so very eloquently articulated by the gentleman from Wisconsin (Mr. STEIGER).

This reorganization bill we have been struggling with for many days now is to me like a vessel on the high seas. It is struggling already loaded with a very heavy cargo. I submit to my colleagues that if we add the additional cargo of seniority, the entire ship will sink. There are many of us who do not want to see this happen.

I am simply arguing that for those who want some meaningful reform and who want this body to effectively consider any changes in the seniority system, I would urge that if they want to go beyond that that they vote against it here. The proper place to accomplish it is in the respective caucuses of the parties. Being a member of the task force on our side, I know we are giving very deep consideration to this matter and I have confidence that we are going to do the right thing in this regard.

Mr. LOWENSTEIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. SCHWENGEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

Mr. Chairman, and colleagues, I have listened avidly to the debate here, and for the most part it has been very good. I am glad we are debating this, because this is the first time this question has been debated on the floor of the House. This will result in a change that will result in a better and more effective Congress.

Now, whether or not my amendment passes is not so important as that we do something on this question of seniority.

I have been on 300 different college campuses in my political life, and I can say to my colleagues that there is a disenchantment there about the establishment, and we are it. The present seniority system is one of the principal criticisms that one hears.

I think we are going to be sensitive to this question and I think we are going to make a change; whether it is my amendment or not is not quite so important as that we do something about the seniority system, which I think is inherently bad in that it will not produce the best leadership nor the most effective leadership.

All of you know that I read history some, and I have read the biographies—and I stress biographies in my reading—of the Members of this House and the Senate. It is a tragedy that too few volumes have been written about our predecessors, but I have read enough on the history of this House and those who served here to believe, having now served here almost 14 years, that we have, and you and I are serving with colleagues on both sides of the aisle that measure highly from a sense of capacity, a sense of capability and a sense of dedication.

So all that I have desired to do, and that is my principal purpose for presenting this proposition, is to improve the House so that the capabilities and the capacities of this House to function as a legislative body will have a chance to come through, and to show itself at its best. It is not doing that now.

Now, how do we come to the conclusion that we want to do it this way? Well, I am a pragmatist. As a number of people have said, "Well, why do you not present a modified form?" And that is what this is, a modified change. I would just as soon eliminate the seniority question entirely, and just provide for the election of the chairmen by the committee members.

Now on that point people have gone on and spoken about what was going to happen if we did this. Ladies and gentlemen of the House, I cannot believe that this House or the membership character of it will be less with this change than it is now.

This wheeling and dealing would not happen any more, with this change, than is happening today.

As it has been pointed out, our leaders are elected by secret ballot and ballot election is not a new idea at all. We do not need to be afraid of it.

Members of the committee would not be any more influenced than they now are by lobbyists. I know something about lobbying influences because I served in the Iowa Legislature and we do not elect chairmen out there by seniority.

I have not seen any evidence of the lobbyists running high, wide, and handsome over the Iowa Legislature. Although I think at times they do have too much influence. Always that influence is not bad either. I can remember when we were fighting for State aid for schools, when we had a pretty good bunch of lobbyists who turned out to be good lobbyists—they were lobbyists of the people and should the desires of the people come through, it is not going to be bad.

The distinguished gentlewoman from New York has spoken here and touched on a very important point, and that is the importance of our responding to the people's needs—not to the desire of the executive or the desire of the special interests. If I believed that my amendment or the Reuss amendment or any amendment that does something about the seniority system and which would change the seniority system would be a handicap—I would be against it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SISK. Mr. Chairman, I rise for the purpose of making a unanimous consent request again to set a time certain to vote on the pending amendment and the substitute thereto.

Mr. Chairman, I ask unanimous consent that debate on the Schwengel amendment and the Reuss amendment, and all amendments thereto, close at 5 o'clock.

Mr. CLEVELAND. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SISK. Mr. Chairman, I hesitate to make a motion, but there are a number of people who are seeking a motion on this because they would like to know some time certain as to the close of debate on the pending amendments.

If I may make another unanimous consent request, Mr. Chairman, I ask unanimous consent that all debate on the pending amendments, and all amendments thereto, close at 5:15 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BELL of California. Mr. Chairman, reserving the right to object, once a Member has spoken on these amendments, can he under the limitation of time speak on the amendment again?

The CHAIRMAN. The Chair would like to inform the gentleman from California (Mr. BELL) that all Members standing would be recognized.

Mr. BELL of California. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. SISK)?

Mr. CLEVELAND. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is with some humility that I speak to the members of the Committee this afternoon because I was chosen by the chairman of the Democratic caucus to preside over a committee which contains as much controversial material as could possibly be provided by any Democratic caucus.

However, I would like to say to the Members of this House who have discussed this problem of seniority today that, first, I oppose the Schwengel amendment—and I have no feeling for or against the Reuss amendment.

I would like to associate myself with the remarks of the very distinguished gentleman from Missouri (Mr. BOLLING) who spoke earlier this afternoon, outlining the problems that are at stake in some of the basic proposals. I would like to say to the members of this committee that we have had an overwhelming response from Members on the subject of seniority and associated problems. Seniority is not the whole problem. Basically, we cannot have a more responsive kind of committee system unless the committees are made up of the most able people with the philosophies that we wish to see represented.

Therefore, associated with the problem of seniority is the composition of the committees themselves.

I urge that the Members of this House give the Republican caucus and the Democratic caucus an opportunity to bring before the House a recapitulation of some of the very thoughtful and thought-provoking ideas which have come from nearly all the Members of this House. Some of them deal with rules and how they are administered within the committees. Some of them deal with tenure of the committee chairmen: Shall they be rotated? How long shall a chairman serve? Shall the caucus be given an opportunity to vote on three or five selected people as chairman? You see the complexities of all the items before the committee.

Therefore, I do not propose to delegate the power of this House—my power or your power—to a committee which would name and select chairmen for us to approve and impose their will upon us.

Mr. HAYS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Ohio.

Mr. HAYS. It is a rather anomalous situation that we have here when some of the very people who were yesterday saying that we have got to get rid of secrecy and we have to have a recorded teller vote are now saying we must have a secret ballot to elect chairmen, which election would not be subject to a review of the House and, therefore, no chance to get a record vote on.

Mrs. HANSEN of Washington. I thank the gentleman.

I will say to the Members again you will have a report on this subject. The distinguished gentlewoman from New York who spoke earlier is a member of that subcommittee. She will have a chance to voice her support for reform within the committee itself. So I would appreciate it if the Members remember that we are working to try to improve the system in the House so that it will be reflective of the changes that are occurring in this century, that we are trying to reflect all of your viewpoints and to reconcile them and to bring about some changes in the structure which will make a more relevant operation within the House.

Mr. COLLIER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. COLLIER. Mr. Chairman, first let me make this observation. The gentleman from New York (Mr. LOWENSTEIN), in justifying his position on the pending amendment, suggested that using the same logic, we should take the oldest citizen in each district or the oldest person to serve as chairman.

This in and of itself is not alone a totally specious argument, but it is void of any logical parallel to what we are talking about today, because every Member of this House has been elected by the constituents in his district. To attempt to draw such a parallel, I repeat, is void of any logic.

I would like to make one further observation, and that is the gracious gentlewoman from New York pointed out in her very eloquent address here today that one of the reasons the young people are unhappy today is because we are here in the House unable to defend our positions. I reserve the right of the gentlewoman to make this statement. I personally will not accept it, because I can justify and defend to the young people every position I take in this House. Whether they agree with me is something else, or whether I agree with them again is another issue.

We have debated this issue of seniority, and I would like to say this: I do not think there is a person on this floor or a Member of this House who does not understand this issue by now. If that is the case, that he or she does not understand it, then he or she does not belong here. We have spent long hours on it. Whether one or 30 more Members of this House speak on it, we all know almost every Member on the basis of every logical argument—logical or otherwise—presented on this issue will vote as he wants to vote.

While I understand the gentleman from California (Mr. SISK) is making every effort, and perhaps properly so, not to limit debate, the sad fact of the matter is we are going to spend a great deal more time in repetition on a subject on which I am certain every Member has made a decision. I would hope, yielding back the balance of my time, that none of us would be so presumptuous at this point in the afternoon as to believe there is an argument that can be made that has not already been presented on either side, and that we would be prepared to vote on the amendment and on the substitute to the amendment which is before us.

Mr. ERLENBORN. Mr. Chairman, would the gentleman yield?

Mr. COLLIER. I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

Let me just say I feel for good reasons the two parties would have different rules for seniority. I think we should attack this question, and I think we should make a reasoned judgment, and in the future the two parties may decide to follow different rules. This should be a matter for the two caucuses of the two different parties.

Therefore, it is my intention to vote against the amendment offered by the gentleman from Iowa (Mr. SCHWENGEL), even though it approaches what I think the Republican Party should do, but I believe we should not bury it in the rules of the House, and we should keep it more flexible.

Mr. COLLIER. I agree with the gentleman. It is easy to criticize what we have, but I question whether what we offer as a substitute will be any better. In fact, I feel we would live to regret the action if we took it.

Mr. DENT. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, some 38 or 40 years ago, when I enjoyed the privilege of being a younger member of the elected party, I was very impatient about having to walk behind a man who walked a little slower, who talked a little slower, and, I often thought in those days, thought a little slower. But as the years rolled by and I stayed at the job of being a legislator, I found out that my own pace had slowed a little, and I had just behind me the same kind of eager beaver who just could not wait until his time had come.

Now maybe there is something wrong with this democratic fashion of electing individuals.

I understood the gentleman from New York had said we were not operating in a democratic fashion. I am elected by a secret ballot.

I assume that I have just as many people displeased with me as anyone else. After 38 years of being an elected official, I probably have more than some of these young fellows who still have them all fooled. I do not have them all fooled anymore.

Therefore, I do not see that we would gain anything, especially in the undemocratic fashion of selecting three at the top. How would we do it when we had five after the first two who were all with the same seniority? Would we put it in a democratic fashion of selecting them according to the alphabetical order, or would we have a drawing of straws, and have it fixed so that they were all long straws except when it came to one?

That is the worst thing that could happen to this body. I served for many years in a body that operated in that fashion. The worst thing is the arrangement by which one creates cliques. Clique government is the worst kind of government anyone will ever serve in.

Certainly, we have some old men around here, including myself. I cannot run a foot race with some others, but I do not believe I would be too much worried about having a brain race with them, because I have the great advantage of having lived a long time, of having seen a lot of dirty linen on the line, of having helped to wash some of it clean. I have lived long enough to know that there is much more in life than just being an eager beaver, trying to chase the professor out of the room because one knows more than he does. I can remember that I knew more than the teacher when I was in the fourth grade. Somehow or other, when I got to the eighth grade I did not know as much as I knew in the fourth grade, except that I thought I did.

There is not anything to get hot about. Just live long enough.

Where do you want to start the seniority? Do you want to start it in the first term? In the second term? In the tenth term? Do you want it to be for a Member of a certain subcommittee?

Why not elect a subcommittee by the same fashion, so that every year we would have new subcommittees?

It is bad enough now, with the complex problems of this large Government of ours, for certain Members serving on a committee 8 or 10 years, and sometimes eight or ten terms, to keep up with the changes in the field in which they become experts, rather than to have them come in every year as new Members because a certain clique enjoys the privilege of owning and controlling the votes on the committee.

Let me tell you one serious thing. This is more serious than anything. If you want to do anything about the system, then do something about some of the privileges that certain chairmen have assumed unto themselves. A chairman is nothing but a housekeeper. He has absolutely nothing to do except to see to it that the rules of the committee, selected and approved by the committee members, are obeyed. When he goes beyond that, then address yourselves to that point.

It does not take the hand of a 28-year-old to pound a gavel. I have seen some fellows who are 80 years of age who are able to lift a gavel and to hold the attention of the House and keep the House in silence and in decorum.

There is not any magic to being young, except that probably it is wasted on too many people.

Those of us who have lived were once young ourselves.

My grandchildren cannot wait for the day until they are 21. Then they will not be able to wait until the day they have entered that stage where they can make money, somewhere between 35 and 40. And they never get impatient, if they are normal human beings.

I have no desire to go back beyond my 62 years of age. I believe that that which has been given me has been given me by the rule of life to this day. Whatever the Lord has in store for me I will take it, with whatever he gives me, whether he gives me a chairmanship in this House or defeats me. Whatever it may be, I will leave that as it is.

Mr. SISK. Mr. Chairman, I ask unanimous consent that all debate on the pending amendments and all amendments thereto close at 5:15 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Chair would like to advise those Members standing that the Chair will recognize each Member for 1½ minutes.

(By unanimous consent, Mr. SPRINGER yielded his time to Mr. CLEVELAND.)

(By unanimous consent, Mr. BELL of California yielded his time to Mr. MACGREGOR.)

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I rise in support of the Schwengel substitute and then, if that is not adopted, I will certainly support the Reuss amendment.

Some of the speakers have raised a question that this matter of seniority strikes at the heart of our system and other speakers have mentioned the fact that, if we load this bill up with reforms in this area, we may sink it. I think it is important to remind the Members that the gentleman from California (Mr. SISK) himself admitted earlier in this debate that the Reuss amendment was not any such blow at seniority that he could consider it something he would particularly oppose.

The Schwengel substitute, it is true, goes further; it is more specific; it definitely gives to the members of the committee the right to select their chairman and ranking minority member from the three senior members of each party, respectively. If somebody feels that the Democratic caucus or the Republican conference should have the power to name the chairmen, and there is merit in such a plan, they would probably oppose the Schwengel amendment.

It is regrettable that we do not all have the time to speak our full 5 minutes here. Had I been given my full time, I would have risked the wrath of the gentleman from Ohio (Mr. HAYS) and would have read from that great book on congressional reform, "We Propose: A Modern Congress," which I have referred to in earlier discussions during this debate. In its chapter on the seniority system, which was written by a former Member of this House, John Lindsay, now mayor of the city of New York, there were some remarks on the seniority system that I would have liked to have shared with the Members. Later on, under unanimous consent, when we get back into the House, I will ask that this chapter be printed, because I think the remarks are pertinent. In recognition of the fact there are two sides to the issue, I will also include a pro and con summary prepared by the Library of Congress.

A point I wish to make in the brief time allotted to me is this: If the seniority system is as good as people here today have said it is, then, why is it that not one State government or one modern parliamentary government anywhere in the world has adopted the seniority system?

It seems to me this definitely and emphatically puts the burden of proof upon those who would speak in favor of a rigid seniority system. As I have sat and worked in this body, it seems to me seniority has resulted in some instances—and I underline "in some instances"—in an unresponsive committee system that has not been fully responsive to the needs of the people. I think the criticisms of the seniority system are sufficiently valid that we should at least modify it. We should do so here and now, if we are truly to put our own house in order in response to the needs of the times.

Mr. MILLER of California. Mr. Chairman, if the gentleman will yield, can the gentleman tell me how you can have an effective committee system operate under this proposed amendment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLEVELAND. I regret my time has expired; the inserts I referred to follow:

THE SENIORITY SYSTEM

(By Hon. John V. Lindsay*)

There are three things you can do about the seniority system in Congress: you can attack it directly, you can gnaw at its edges, or you can leave it alone.

The most frustrating part of it is that the practice of elevating to the chairmanship and ranking minority positions the Members longest in point of service on each committee can be stopped at any time by both political parties, without a formal amendment of the rules!

Rule 10 of the Standing Rules of the House states:

"At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof; in the temporary absence of the chairman the Member next in rank in the order named in the election of the committee, and so on, as often as the case shall happen, shall act as chairman . . ."[1]

Although selection of committee chairmen by seniority is clearly implied in the language

Footnotes at end of article.

"the Member next in rank . . . as often as the case shall happen," there is no actual *rule* of seniority. The Standing Rules provide for election of committee chairmen by the House. The full House, according to the rules, "shall elect as chairman of each standing committee one of the Members thereof . . ." Not necessarily the Member longest in service, but *one of the Members thereof.*

In actual practice, however, the House simply ratifies the decisions which have already been made on the basis of seniority. This is the way it works: Members are appointed to the standing committees by their party's committee on committees. These lists are then approved by the party's conference or caucus and submitted to the House. In the dullest of *pro forma* proceedings, the House "elects" as chairman of each standing committee the Member who was in fact *selected* by his party colleagues to serve as chairman. The sole determining factor in that selection, made in secret caucus was length of service, or seniority.

HOW OLD IS THE PRACTICE?

Dr. George Galloway, eminent historian of the House, marks the birth of seniority at 120 years ago in the Senate and 56 years ago in the House.[2] One of the most memorable speeches on the subject was delivered nearly a century ago, during protracted floor debate over committee assignments in the Senate in the 42nd Congress. The year was 1871, the speaker was Senator John Sherman of Ohio:

"It has been the custom since I have been a member of the Senate, now more than ten years, for each party to arrange the members of that party on the different committees constitution [sic.] the Senate of the United States. Before I became a member of the Senate it was the common courtesy of the Democratic Senators, then a majority of this body, to allow the minority to fill the places assigned to them on the committees. The division of members of a political party among the various committees was regarded as in the nature of a personal matter, appertaining solely to that party, and not to be controlled or affected by the wishes or desires of the opposing party. . . .That has always been the custom, and therefore time out of mind, at the beginning of every new Congress, a meeting of our political friends has been held and these assignments have been made." [3]

The irony in recalling Sherman's speech is that in only six years the Senator was to become a sorry victim of the very system he had so stoutly defended. Sherman entered the Senate in 1861 and in time became chairman of the Finance Committee. In 1877 he resigned his seat—and his chairmanship of the Finance Committee—to become Secretary of the Treasury in the cabinet of President Hayes. When he returned to the Senate in 1881, he was reassigned to the Finance Committee all right, but at the bottom rung of the ladder.

The seniority system is less entrenched in the House than in the Senate. Prior to 1910, the Speaker of the House generally appointed both members and chairmen of the standing and select committees. That business ended in the revolt against Joe Cannon, when the Speaker was unceremoniously stripped of much of his previous authority, including the authority to appoint members and chairmen of the committees. Unfortunately, the practice of selecting chairmen and ranking minority members on the basis of seniority developed quickly and firmly in the political caucuses of both parties.

HOW WIDESPREAD IS THE PRACTICE?

In response to a question put to it by Congressman Morris Udall, the Library of Congress found that "there is not a single State legislature or a free world parliament that operates under this system except the U.S. Congress."

"Rep. Udall: 'I asked the Library of Congress a couple of years ago to answer me one question, and the question was: How many of the parliaments of the free world, the American States, and the free world parliaments, use this indispensable system? The answer is none; none, except the U.S. Congress. Fifty State legislatures, the British, French, the Swedes, the Australians, no one else uses what we are told is an indispensable system to which we are told there is no alternative.' [4]"

If imitation is the sincerest form of flattery, the U.S. Congress is not exactly overwhelmed with compliments in the way she selects her leaders. Admittedly, "We're only Number Two" as living democracies go—but do we "try harder?"

In summary, we see that seniority (1) is *not* a written rule of the House but is instead a practice which developed in the political parties; (2) in the House, at least, is of relatively recent origin, and (3) as practiced in the U.S. Congress is a system unique among the world's parliaments and even among the legislatures of our own fifty States.

WHY IS THE SYSTEM BAD?

There are some people, of course, who maintain that it is not bad. The standard cliché among Members of Congress is: "The longer you're around here, the better you like seniority." No doubt.

Eighty years ago Woodrow Wilson characterized our federal apparatus as "government by the chairmen of the standing committees of Congress." [5] This was something of an exaggeration then and certainly misses the mark today. But there remains a strong element of truth in the phrase, as illustrated in the following compilation by *Congressional Quarterly* of a committee chairman's powers:

Meetings may be called on short notice, at times when certain members are known to be absent. Or, as a stalling tactic, a chairman can neglect to call meetings.

"In most committees, the chairman also controls the agenda. He can bring up a bill without notice, under circumstances in which his recommendation carries great weight because other members do not know what the bill does. . . . He can also refuse to place bills on the agenda.

"The chairman also appoints subcommittees and subcommittee chairmen.

"He either manages bills on the floor himself or appoints a floor manager. . . . He usually heads the conferees appointed to work out differences on legislation with the other chamber, or influences their appointment.

"The chairman has the major voice in hiring committee staff, and he controls the disbursal of authorized travel funds, saying which members may go on field trips. . . ." [6]

In America's continuing experiment in democracy, the seniority system operates to elevate men to positions of leadership in Congress without regard to any qualification except length of service. As presently practiced, the system is unsound, inflexible, undemocratic, and certainly discouraging to junior Members of Congress. Even the "law of the jungle" operates on a higher level than the "law" of seniority: the first at least works to assure survival of the fittest; the latter operates only to assure survival of the oldest.

ARGUMENTS IN FAVOR OF RETAINING THE SYSTEM

Let us now examine the arguments put forward to retain the seniority system. First, the argument of Experience: "New Members must learn their way around before they can qualify for chairmanships. There is no substitute for the time that this learning process requires." [7]

No one who has served in Congress will deny that experience is a valuable factor in considering the appointment of a committee chairman. It takes a year or more to unravel the legislative process; most freshman Members would shy away from the reins of a major committee even if they had the opportunity presented to them to grab hold. The fallacy in the Experience argument is that tenure is no guarantee of ability. As the late Estes Kefauver summed it up:

"This much can be said in favor of rule by seniority: the law of averages works in its favor. In many cases, because of knowledge and skill acquired during years of grappling with problems that regularly come before his committee, the man who is handed the chairmanship through seniority in most cases would be chosen for the post by any system of more democratic election that might be devised. But there is abundant evidence to prove that fitness and leadership are not based upon years in office alone." [8]

In the same vein, the argument of Committee Expertise:

"Long service on a committee develops a certain expertise on particular problems which is an essential qualification of the office of chairman. Ranking Members have acquired an acquaintance with most subjects likely to come before the committee and with the personalities and private interests with whom it has to deal. There is also the gain which comes from Members becoming acquainted with one another and learning how to work together. The committee becomes more of a unit as its membership becomes more stable." [9]

Unquestionably, any committee's efficiency would be impaired whose chairman lacked knowledge of its special problems and routine functions. But the point can be made that long service does not *necessarily* produce expertise. Natural ability, devoted interest, and applied study do. I suspect Kefauver was right in predicting that most committee chairmen would be re-elected on the basis of proved expertise whether the system of seniority prevailed or not. But to assume that the man longest in service on a committee is *therefore* the most expert in handling the business of that committee is to present an argument based on something other than hard logic. Expertise, harmony, and continuity from one Congress to the next are all desirable factors in determining leadership positions. However, as Professor Holcombe notes, party leaders

". . . are not necessarily the ablest members of the party. They may even be grotesquely unsuited for the chairmanship of the important committees on which they happen to serve. They may be out of sympathy with, or even bitterly opposed to, the measures favored by the majority of their fellow partisans. They may be suffering grievously from the infirmities of old age." [10]

Next, the argument that seniority prevents log-rolling and dissension within the political parties:

"Abolition of the rule (sic) would be followed by log-rolling, factional fights, and political trading on a grand scale. 'The danger,' writes Professor Chamberlain, 'that most committee places would go to those who were chosen with specific bills or policies in mind would be real and would be suspected even where it did not exist. The bitter personal feelings engendered by an open contest for committee places would complicate party management, and there would be delay in beginning work in each new Congress until personal and sectional quarrels could be smoothed out.' The rule provides a kind of automatic protocol, like one's place at table at a state dinner or the order of appearance of counsel before the Supreme Court, which settles harmoniously the problem of priority without dispute or controversy and without jeopardizing morale." [11]

Galloway effectively rebuts this argument by pointing out that, indeed,

"One of the greatest drawbacks of the seniority system is that it destroys party responsibility or prevents political parties from performing their campaign promises. For if the chairmen of committees owe their

Footnotes at end of article.

places not to their political parties but to the accident of tenure, then they can follow their own inclinations on legislative matters and disregard the platform pledges and legislative program of the party leaders." [12]

Griffith illustrates the point in even more glaring terms (although on balance Dr. Griffith is disposed to favor selection by seniority):

"If one is an advocate of responsible and disciplined party government, the seniority rule is certainly an obstacle. . . . To put the matter in concrete terms, if the Democrats are in control, about 60% of the committee chairmen are from the South, which is in general its conservative sector. If the Republicans control, about 60% of the chairmen are from the Middle West, which is usually more conservative. . . . If leadership is, as it should be, a reflection of the general will of the majority of a legislative body, then such overweighting is a sericus matter." [13]

As for seniority providing a "kind of automatic protocol," it is precisely the rigidity and complacency which any automatic method of selection imposes or conduces that we are trying to get away from. The problem of "jeopardizing morale," it should be noted, will remain as long as Congress refuses to deal with the conduct of its Members at least by establishing a code of ethics and grappling with the actual, not talked about, restructuring of its organization and procedures in keeping with the changing times.

The Insulation argument runs as follows:

"Committee chairmen are reelected to Congress because their constituents desire to retain the power and prestige of their office. Long and continued service in Congress and the local benefits derived therefrom would be discouraged by abolition of the seniority system." [14]

Proponents of this theory argue that because Members from so-called "safe" districts are in almost no danger of being removed from office, they are free to exercise judgment that will result in legislation in the national interest.

The argument would have some validity if we could accept the premise that Members representing non-marginal districts were insulated, also, from the pressures of important lobby groups and sectional bias. Unfortunately, Members are often removed from fear of reprisal at the polls only because they share the parochial prejudices of their constituents, which may or may not coincide with the national platform of the Member's party or reflect a national consensus. As Professor Dahl writes,

Such validity as this argument has must apply entirely to the question of rationality, not that of responsibility. For often enough, it may be the old and senior member who is most at odds with the bulk of his party and the platform on which that party was elected to govern the country. By erecting seniority into a principle, committees may be converted, in effect, into associations of members responsible only to their own constituents, not, in any meaningful sense, to the national electorate as a whole.[15]

A study by *Congressional Quarterly* of Urban-Suburban-Rural House Districts in 1963 showed the following distribution of House chairmanships and ranking minority positions in the second session of the 88th Congress:

Chairmen (Democrats):	
Urban	4
Suburban	1
Rural	17
Ranking minority (Republican):	
Urban	3
Suburban	4
Rural	15

Footnotes at end of article.

These statistics hardly reflect an equitable representation of the two Americans out of every three who live in and around the nation's cities!

From a compilation of roll call votes in the 87th Congress on which the President's position was ascertainable, *Congressional Quarterly* found that only three of the chairmen of the twenty standing committees of the House supported the leader of their party as often as 75% of the time.[16]

A thorough statistical analysis of the 85th Congress by George Goodwin elicited this less forceful yet still disconcerting conclusion:

"(My) statistical analysis does not make as clear a case against seniority as many of the critics of the system seem to claim. Chairmen are older on the average than their colleagues, and yet with luck a number of younger men are singled out for chairmanships. The districts which produce chairmen are not as stagnant as is often suggested, and the degree of party unity and presidential support among chairmen is not as low as many believe. The picture, however, is far from the ideal held by the proponents of majority rule." [17]

Occasionally, arguments by supporters of the seniority system attempt to justify it by pointing out that "It is no more than fair or just that Members who have been in Congress a long time should be rewarded with committee chairmanships." [18] As far as I am concerned, this argument has been demolished in one memorable sentence by Senator Gore:

"A rule by which a member for no reason except seniority automatically becomes chairman of a committee and so remains until death or defeat is indefensible in principle." [19]

As for the last-ditch cry that "The seniority rule is neither absolute nor invariable; on many occasions the House has ignored this rule and designated members of low committee rank as chairmen," Dr. Galloway was able to record in his authoritative book only one such deviation—and that occurred in 1921—since the practice of seniority took root in the House in 1910.[20]

Finally, it is argued that "Members with long service have greater prestige and influence than new members." To dispute this, Senate historian George Haynes has written:

"There is this much of logic in the seniority rule: it usually brings to the headship of the committee a man who has had many years of experience in handling the special problems in its domain. . . . (But) servile compliance with the seniority rule involves gamblers' chances. It is a limited appeal to the lot. It implies merely duration of service on the committee—not in the least does it guarantee superior ability or fitness for leadership." [21]

GNAWING AT THE EDGES

Testifying before a Senate committee during hearings 18 years ago to evaluate the Legislative Reorganization Act of 1946, Senator Robert LaFollette, chairman of the joint committee from which the Act had come, plaintively told his colleagues:

"We were unable to get any substantial agreement on methods to improve the seniority system in the selection of committee chairmen. . . . The committee had a great many suggestions made to it . . . but frankly, I have never seen a solution which I thought was better than the disease.[22]

Unfortunately, the result of the 1946 Act was to treat the symptoms rather than the disease. This is illustrated in the following excerpts from testimony of George H. E. Smith, former staff director of the Senate Republican Policy Committee, in the course of these same hearings:

"Under the Reorganization Act . . . the power of the chairman is shared by the committee as a whole. He cannot appoint the staff without committee approval . . . He cannot work by proxies . . . He cannot report a measure unless a majority of the committee were actually present . . . He must conduct all hearings in public . . .

"In the light of these limitations on the power of committee chairmen and opportunities afforded to others regardless of seniority, the matter of seniority loses much of its former importance. At the same time, the usefulness of the seniority rule in solving conflicting claims is retained and no satisfactory substitute has been found." [23]

Smith's argument that "the matter of seniority loses much of its former importance . . . in the light of these limitations on the power of committee chairmen" holds only to the degree the limitations imposed *actually curtail* the authority of committee chairmen. In fact, the symptoms persist because the "disease" is still with us. For example, Rule 11 of the Standing Rules of the House provides that committee staff shall be appointed "by majority vote of the committee . . . without regard to political affiliations and solely on the basis of fitness to perform the duties of the office . . ."

In spite of this language, committee chairmen may and do appoint staff without approval of the full committee. Again, the Rules clearly state that

"No measure or recommendation shall be reported from any committee unless a majority of the committee were actually present."

In spite of this language, committee chairmen may and do work by proxies. "The fault," Cassius reminded Brutus, "is not in our stars, but in ourselves, that we are underlings."

Another form of gnawing at the edges is seen in the proposals to limit the number of terms a committee chairman may serve, or to force him to retire at a certain age. Again, as in the attempt to limit the chairman's powers, the attempt to limit his length of service attacks only the periphery of the problem. Granted, a limitation of terms or age does have merit, but *not* as a "solution" to the seniority problem.

ALTERNATIVES TO THE SENIORITY SYSTEM

Postulating three basic prerequisites—"ability, which embraces knowledge, training, and experience; loyalty to the national interest rather than to local or sectional interest; and a sense of political responsibility to execute party covenants with the people" [24]—Galloway poses seven conceivable methods of selecting committee chairmen:

1. Automatic elevation by seniority.
2. Election from the floor.
3. Selection by a committee on committees.
4. Appointment by the Speaker of the House and the presiding officers of the Senate (or by the majority leaders in each chamber).
5. Automatic rotation in office at periodic intervals.
6. Secret election by committee members.
7. Secret election by party caucus.

We may eliminate the first three possibilities, as the system now in effect is a combination of this trio: committee chairmen are "elected" from the floor *after* the respective committees on committees have submitted their lists, which were dictated in party caucus by application of the "law" of seniority.

Appointment by the Speaker (No. 4) has flunked the test of history, as seen in the 1910 revolt against Speaker Cannon.

The rotation plan has a great deal of merit, notwithstanding its automatic feature. According to the Atomic Energy Act, the chairmanship of the Joint Committee on Atomic Energy must alternate between House and Senate in succeeding Congresses. Three Senators and three Representatives have filled the post with distinction in the ten years of the committee's existence. Testifying before the Joint Committee on the Organization of Congress last year, present JCAE Chairman Chet Holifield noted:

"Each of my colleagues in the chairmanship has brought talents and ideas and resourcefulness to the job. Each has gained valuable experience in the chairmanship role. Each has been responsive to and considerate of other committee members' ideas and suggestions. The understanding that the chairman's tenure was alternating rather than continuous prevented the growth of complacency and inspired each chairman to excel in performance." [25]

This would be an acceptable alternative to selection by strict seniority.

Two other methods seem to me to present attractive alternatives to the seniority system: election of committee chairmen by secret ballot within the respective party caucuses, and election by secret ballot within each committee. The former has the advantage of strengthening the role of the parties in the legislative process, but it carries some dangers of potential factionalism and swapping of state delegations. However, this alternative has been advanced by the highly respected American Assembly of Columbia University, by many political scientists, and by some Members of Congress Certainly, it is vastly preferable to the strict application of seniority.

I am personally inclined to favor selection of committee chairmen by secret ballot of the members of each committee. Each of the standing committees of the House is a semi-autonomous body with its own unique problems and special norms. Committee members, by observing each other at close range in the daily operations of the committee, would seem to me to be in the best position to judge the qualifications necessary for their chairman, and they certainly are aware of intelligence or personality traits which are often important to a smooth-working relationship. Committees are the workshops of Congress; their members should determine who should be seated at the head of the worktable.

However, this warning applies to any and all methods of selecting committee chairmen: as long as Members of Congress agree among themselves to elevate their colleagues according to length of service, no amendment of House rules will abolish the rite. Neither will the problem be solved by such peripheral attacks as the attempt to establish uniform procedures for all committees or to force chairmen to retire at a certain age. As we have seen from the operation of the 1946 Act, the first cannot be enforced; the second, unfortunately, is directed at senility rather than seniority.

Speakers, majority leaders and minority leaders, have long been elected by the usual democratic process of casting a ballot, with each party electing its own. It is a tribute to the ability and integrity of the Members that highly qualified men have uniformly emerged in these positions of general leadership. It would seem that a similar system in the committee structure would serve to strengthen the operations of the legislative branch. A responsible legislative body must make every effort to avoid even the occasional disaster that is caused by the blind application of the seniority "rule." The contention has been made that perhaps ambitious and unscrupulous members would trade their votes for the next twenty years in exchange for votes to become chairman. That has never been the operation of the Congress as a whole in the election of minority and majority leaders or the Speaker, and there is absolutely no basis for believing that it would happen in the individual committees.

In closing, the words of Douglass Cater seem to me to present a most eloquent argument for abolishing the seniority system:

"Mostly the reporter comes to accept a certain amount of mystery about the way the House works. He observes the numerous impediments that have been placed in the way of majority rule and the cumbersome procedures for getting around these impediments. But he can never be sure when the seeming frustration of majority rule is simply the working of a silent majority within the membership. One thing is clear. More than in the Senate, raw power in the House is vested in a group of chieftains, a dozen or so, who are pretty much unknown to the public at large. Men of vast seniority, they mostly represent small rural districts where their seignioral rights are seldom challenged. They tend to view their power as a personal accomplishment . . ." [26]

It is a little difficult to say with pride that ours is a government of laws and not of men when power and prestige in Congress are not won, as they should be, through diligent, intelligent achievement, but are rather "awarded" to the winners of the continuing race against time.

FOOTNOTES

*Mr. Lindsay was first elected to Congress in 1958 from the 17th Congressional District of New York. He served on the House Judiciary Committee, resigning his seat in Congress in 1965 when he was elected Mayor of New York City.

[1] *Rules of the U.S. House of Representatives*, 89th Congress, 1st session. This provision was adopted April 5, 1911, and continued in the Legislative Reorganization Act of 1946, 60 Stat. 812.

[2] Galloway, George B., *Congress at the Crossroads*, New York, Thomas Y. Crowell Co., 1946. "Seniority in point of service has been the prevailing principle governing both committee assignments and the selection of Chairmen since 1846 in the Senate and 1910 in the House." p. 187.

[3] Quoted by Galloway in "History of Seniority System in the Senate," Legislative Reference Service, 1959, unpublished.

[4] U.S. Congress, Joint Committee on the Organization of Congress, Hearings, 89th Congress, 1st session, Part 1. For full testimony of Rep. Udall (D., Ariz.), see pp. 132–165.

[5] Wilson, Woodrow, *Congressional Government*. Originally published in 1885.

[6] *Congressional Quarterly*, Special Report on "Congressional Reform: An Examination of the Structure, Operation, Rules and Customs of Congress, and Proposals for Revision," revised April 1, 1964.

[7] From a compilation by Frederick L. Scott, Legislative Reference Service, "Seniority as the Basis for the Selection of Committee Chairmen." 1954, unpublished.

[8] Kefauver, Estes, and Dr. Jack Levin, *A Twentieth-Century Congress*, New York, Duell, Sloan, & Pearce, Inc., 1947.

[9] *Congressional Digest*, August-September, 1945. From a compilation of arguments in favor of retention of the seniority system by the Committee on Congress of the American Political Science Association.

[10] Holcombe, Arthur M., *Our More Perfect Union*, Cambridge, Harvard University Press, 1950.

[11] *Congressional Digest, op. cit.*

[12] Galloway, *op. cit.*

[13] Griffith, Ernest S., *Congress: Its Contemporary Role*, New York, New York University Press, third ed., 1961.

[14] *Congressional Digest, op. cit.*

[15] Dahl, Robert A., *Congress and Foreign Policy*, New York, Harcourt, Brace & World, 1950.

[16] *Congressional Quarterly* Special Report, *op. cit.*

[17] Goodwin, George, Jr. "The Seniority System in Congress," *The American Political Science Review*, June 1959. For the 85th Congress, Goodwin found that "the 109 most urban districts produced 21 per cent of the House chairmen, the 108 next most urban produced 5 per cent, the 110 next most urban 16 per cent, and the 108 least urban 58 per cent."

[18] Scott compilation, L.R.S., *op. cit.*

[19] Rep. Albert Gore, in testimony before the Joint Committee on the Organization of Congress, 1945.

[20] Galloway, George B., *History of the U.S. House of Representatives*, New York, Thomas Y. Crowell Co., 3rd printing, 1962.

[21] Haynes, George Henry, *The Senate of the United States: Its History and Practice*, Boston, Houghton Mifflin Co., 1938.

[22] U.S. Congress, Senate, Committee on Expenditures in the Executive Departments, Hearings, 80th Congress, 2nd session (1948).

[23] *Ibid.*

[24] Galloway, *op. cit.* In summary, Galloway states: "Of the seven possible methods listed above, the only ones that seem most likely to result in the selection of chairmen of ability, public interest, and party accountability are selection by party caucus, by the committee on committees, or by the presiding officer or majority leader. Men of undoubted ability and devotion to the public interest might be chosen by the other methods, but they fail to satisfy the important test of party responsibility. Major importance is attached to this test because, unless political parties can be held responsible for fidelity to their campaign pledges, then party platforms are a snare and a delusion and public confidence in the party system will wither away."

[25] U.S. Congress, Senate. Hearings before the Joint Committee on the Organization of Congress, Part 2, May 17, 1965.

[26] Cater, Douglass, "Spotlight on the House," *The Reporter*, September 28, 1961.

SENIORITY AS A BASIS FOR SELECTING COMMITTEE CHAIRMEN: PROS AND CONS

Presented below are the arguments often raised by those who favor or oppose the operation of the seniority system in Congress.

PRO

1. Service to constituents

(a) "Long service on committees brings members in contact with the personnel of the several departments and helps them to be of service in many little and some big ways to their constituents back home." (George Galloway, *The Legislative Process in Congress*)

(b) "Committee chairmen are sometimes reelected to Congress because their constituents desire to retain the power and prestige of their office. Long and continued service in Congress would be discouraged by abolition of the seniority system." (Hearings, Joint Committee, 1945)

2. Promotes legislative harmony

(a) "The most telling argument of the proponents of seniority is that the system promotes legislative harmony. It prevents hurt feelings on the part of those passed over in the struggle for appointment, and incidentally, it keeps pressure groups out of the struggle. As a result it helps to create groups out of the struggle. As a result it helps to create a more cooperative atmosphere, both in the legislative body as a whole, and on the various committees. Committees can act as more of a unit, and in a more non-partisan manner." (George Goodwin, *The Seniority System in Congress*)

(b) "The adjustment of rival claims must precede the adjustment of major conflicts without being permitted to divert attention for long from the larger task at hand. Some harmony within the legislature—including agreement on the location of internal authority—must exist before the legislature can itself promote harmony between conflicting groups." (Roland Young, *The American Congress*)

"Fundamentally, the seniority system avoids the waste implicit in instability of committee composition and management. It

invokes the presumption that, other things being equal, the man or woman with the greatest experience in a particular job is best fitted to participate in and lead in its performance." (Emanual Celler, The *Seniority Rule in Congress*)

(c) "It has often been suggested that chairmen of committees be elected by the committees. In that event the element of personalities and favoritism would come into play, and there would be log-rolling and electioneering for the votes of the committee members by those who wanted to be chairmen. If the Senate should adopt that method I doubt very much that it would adhere to it very long, because it would result in a very unsatisfactory situation. Jealousies, ambitions, and all the frailities of human nature would crop out in the electioneering methods of men who wanted to be chairmen of committees." (Senator Alben Barkley, *Congressional Record*)

3. Experience and expertise

(a) "This much can be said in favor of rule by seniority: the law of averages works in its favor. In many cases, because of knowledge and skill acquired during years of grappling with problems that regularly come before his committee, the man who is handed the chairmanship through seniority in most cases would be chosen for the post by any system of more democratic election that might be devised." (Estes Kefauver and Jack Levin, *A Twentieth Century Congress*)

(b) "Long service on a committee develops a certain expertness on particular problems. The older members have acquired an acquaintance with most subjects likely to come before the committee and with the personalities and private interests with whom it has to deal. There is also the gain which comes from members becoming acquainted with one another and learning how to work together. The committee becomes more of a unit as its membership becomes more stable, and it is easier to develop a nonpartisan attitude toward legislative projects." (George Galloway, *Congress at the Crossroads*)

"Of course, seniority does have its beneficial side. It cannot and should not be discarded. One needs experience in being a United States Representative, just as physicians or computer-data analysts do. Knowledge presumably generates competence and special skills. (Richard Bolling, *Power in the House*)

(c) "The committee chairman is always the most experienced majority party committee member if not always the most expert. Committees consider bills, not policy in the round, and this places a premium on detailed and highly technical knowledge of earlier statutes, the legislative history of similar bills, relevant administrative rulings on court decisions, and the like. Congress rarely considers an entirely new issue. Years of service on the same committee is a liberal education in the politics of a particular field." (Donald Matthews, *U.S. Senators and Their World*)

4. Serves to protect legislators

(a) "The seniority system acts to protect a person who might be in some danger of being discriminated against for any extraneous reason. This, of course, includes protection of the deviate from the norm of party doctrine, or the majority view among a party. It has protection for the unusual guy." (Randall Ripley, *Power in the Senate*)

(b) "The seniority system also has the virtue of not being arbitrary. To a notable extent it is predictable and definite. Every member after a period of service knows where he stands and what should be his line of progression. He can devote energy and study to the field, secure in the knowledge that as long as he remains in Congress the time spent in developing his committee specialty will not be wasted by the arbitrary decision of some one person or group of persons." (Joe Evins, *Understanding Congress*)

"The seniority rule has the added virtue of being objective. It automatically eliminates the intrigues, deals, and compromises that characterize election campaigns." (Emanuel Celler, *The Seniority Rule in Congress*)

5. Proposed changes likely to create more problems

(a) "If the present more or less automatic system of appointment and preferment were to be abandoned, the judgment of fitness would have to be placed in the hands of some one man or group of men. Does it seem likely that such a system would produce well-balanced committees? I think not, and most members hold a similar view on this subject." (Joe Evins, *Understanding Congress*)

(b) "I would like to make the observation at this time that personally I have listened with a great deal of interest to all these people who want to limit terms or substitute something else for seniority. I am about as junior a Member as you can get and certainly I am the most junior member of this special committee, certainly as far as service in the Congress is concerned, but I am impressed with the fact that the one thing that everybody who is opposed to the seniority system fails to come up with is a better solution. We have a list of five suggestions here the other day just ticked off like that about the seniority system but mostly in a critical vein and certainly there are areas where it does not function, perhaps, even to the majority's satisfaction. But the lack of a better method or substitution therefore is impressing me more and more as we go on with these hearings." (Representative Durward Hall, Joint Committee, 1965)

6. Maintains congressional integrity

(a) "The seniority system is the only way to prevent committees from becoming a rubber stamp for the speaker and the White House. Congressional committees can be free to amend, refine and improve bills only if they are not made too responsive to strong leadership controls." (Washington Post, March 16, 1970)

(b) "Seniority helps to insulate the Congress from encroachments by the White House and other quarters. At present, a President will not seek dismissal of a committee chairman who does not support his program since such an effort would be futile. However, nonautomatic chairmanships would open the door to interference in Congressional affairs by the Chief Executive, especially where he is a member of the majority party." (DSG Study, *Congressional Record*)

(c) "There is no need of outside control over committee chairmen because committee members themselves can spur or veto an unresponsive or obstructionist chairman." (DSG Study, *Congressional Record*)

CON

1. Obstacle to party responsibility

(a) "One of the greatest drawbacks of the seniority system is that it destroys party responsibility or prevents political parties from performing their campaign promises. For if the chairmen of committees owe their places not to their political parties but to the accident of tenure, then they can follow their own inclinations on legislative matters and disregard the platform pledges and legislative program of the party leaders." (George Galloway, *Congress at the Crossroads*)

(b) "One major consequence of the seniority rule, then, is to distribute committee chairmanships to members who may, and do on certain issues (but not all), reflect a minority position of the party caucus." (Louis Froman, *The Congressional Process*)

(c) "The seniority system produces a large number of chairmen who are representative of only one element of the party, and that, generally, a minority element. They represent "stagnant" districts made safe by restrictions on voting, by a one-party monopoly, by the ascendancy of a major interest group, or by an effective rural or urban political machine. Thus, the leaders of Congress, produced by the seniority system, are almost guaranteed to oppose the President, regardless of party, and a new non-constitutional dimension is added to our constitutional system of separation of powers." (George Goodwin, The Seniority System in Congress)

(d) "The seniority system has fragmented and diffused power in the House, thereby crippling effective leadership and making it impossible to present and pursue a coherent legislative program. (DSG Study, *Congressional Record*)

2. Undemocratic

(a) "In America's continuing experiment in democracy, the seniority system operates to elevate men to positions of leadership in Congress without regard to any qualification except length of service. As presently practiced, the system is unsound, inflexible, undemocratic, and certainly discouraging to junior Members of Congress. Even the law of the jungle operates on a higher level than the 'law' of seniority: the first at least works to assure survival of the fittest; the latter operates only to assure survival of the oldest." (John Lindsay in *We Propose: A Modern Congress*)

(b) "The system denies competent younger men a chance to exercise their leadership talents at the time in life when they are most able to meet the rigors of the job. It is therefore wasteful and inefficient." (DSG Study, *Congressional Record*)

3. No correlation with competency

(a) "The seniority rule often gives power to the weak enfeebled members of Congress instead of those who are young and healthy. In addition, the rule has several times advanced to chairmanships men who were later proved totally unfit for public office." (Daniel Berman, *In Congress Assembled*)

(B) "The seniority system is no guarantee that chairmen will be well qualified. A hardy constitution and the ability to get reelected in the home district do not necessarily fit a man to preside over committee meetings or to defend committee reports on the floor. If the system puts so much emphasis on experience, why, ask the critics, is a man who leaves to take an administrative post, but who returns later to Congress, given little or no credit for his previous experience?" (George Goodwin, *The Seniority System in Congress*).

4. Produces chairmen unrepresentative of and unresponsive to the public interest

(a) "At a time when other American institutions are turning over the reins of leadership to younger men, the leaders of Congress have been getting older. Thus the system aggravates the tensions and strains in the society at large, especially when it produces powerful chairmen who are hostile to change and dedicated to protecting and preserving the status quo." (DSG Study, *Congressional Record*)

(b) "These old men have got everything so tied down you can't do anything. I never realized how few people ran things back here. There are 435 members but about 40 call all the shots and they're nearly all around 70 or 80. They're the committee chairmen and the ranking members. Don't misunderstand me. These men have been damn good Congressmen and served their people and their country well. But it's time for them to get out." (Representative Everett Burkhalter, *Washington Post*, April 3, 1964)

5. Deters recruitment of legislators

(a) "It is charged by some that the emphasis on seniority deters good men from

seeking congressional careers because they do not relish what a legislator once called 'the humble and unrewarding roles of freshmen.' (Daniel Berman, *In Congress Assembled*). Senator Richard Neuberger has written that this factor was to blame for the decisions of two former presidential candidates—Thomas E. Dewey and Adlai E. Stevenson—not to run for the Senate. (Richard Neuberger, *A Senator's Case Against Seniority*)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, first of all, I would like to express my admiration for the gentleman managing the bill, the gentleman from California (Mr. SISK). He deserves great credit from all of us for permitting this debate to continue without making a motion to close debate as he was being urged to do by some Members. An afternoon was surely not too much time to spend on an issue of this importance. The debate has been a good one. Many good speeches have been made and some nonsensical ones.

I agree with much of what has been said about the irrationability of the system whereby length of service is the sole criterion by which committee chairmen are selected. Surely this system is one of the main reasons why the American people, especially young people, have little respect for the Congress.

The problem, of course, is what to do about it.

The proposal which has been made by the gentleman from Iowa (Mr. SCHWENGEL) whereby the majority members of each committee would select the chairman from the top senior members, is a thoughtful one, but I do not think it should be accepted, mainly because it would interfere with the role and responsibility of the majority caucus.

I do support the Reuss amendment. At first, I thought this amendment was not very significant, but I support it now with enthusiasm after hearing some of the attacks made upon it by those who regard the seniority system as sacrosanct. Surely it would make sense to include in our rules the language proposed by the Reuss amendment that seniority should not be the sole consideration in electing committee chairmen. This would not detract from the responsibility of the majority party in selecting committee chairmen.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, the story is told of a lawyer who revealed the greatest lawsuit he ever tried. He said it took 6 weeks to put in the evidence and 2 days for the closing arguments and the jury was out for 2 weeks. The fellow who was being told the story said "Well, what happened to the defendant?"

The lawyer said, "Oh, him? Well, they hanged him, but it was the greatest lawsuit I ever tried."

Mr. Chairman, it seems to me most of this debate has been about the prerogatives of the caucuses and the prerogatives of the institution. They did away with the institution of slavery. It is the institution of seniority that we should be discussing here today.

I find it most difficult to go home and tell a high school civics student or the parents of that student who undertake to help him with his homework, that the seniority system is better than democracy.

I might say to the distinguished and esteemed chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER) who referred to the late Winston Churchill and quoted him as saying that democracy is a poor form of government, and it is a shame the rest of them are so much worse. Mr. Churchill did not say democracy is worse than seniority. He said all other systems, including seniority, are worse.

I have a suggestion to the Congress on the subject of seniority. I believe if seniority is a good thing for the Congress, it is a good thing for the country, and therefore, Members of Congress should be selected from the various districts of the United States on the basis of the longest living individual citizen in each congressional district, thus saving the cost of holding an election. Or, if there are some diehards who still believe it is a good idea to elect public officials, I suggest that we continue electing Members of Congress from their respective districts and then also elect the chairmen of the committees. Members would be surprised how many chairmen would remain right where they are by secret ballot. Quite a few of them would. But I think that it would be good to provide, in the alternative, either to have all Americans participate in the blessings of the seniority system, or have the American people and the Congress participate in the blessings of democracy, by abolishing the silly system of seniority here.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. MACGREGOR).

Mr. MACGREGOR. Mr. Chairman, I rise in support of the amendment.

Throughout each of our States, when there is a sampling of public opinion, the answer is "We think highly of our Congressman, or Congresswoman, but we have a low opinion of the House of Representatives as a whole." And when the latter portion of that response is probed further for reasons, one hears charges of corruption, prejudice, bigotry, undue influence, wheeling and dealing. When you and I are confronted with those charges against the House of Representatives, we rise to defend this body and its occupants, and its practices. We know that such charges are untrue with respect to the overwhelming majority of the Members of this body, without regard to party affiliation or, may I say, without regard to the length of service of any sitting Member in this body.

I was more surprised today, I think, than I have been at any time in 9½ years to hear within this Chamber from senior Members of this body the suggestion that the adoption of one or more of the pending amendments might well lead to corruption, could induce or encourage racial prejuice and bigotry, or would open the door to undue influence or wheeling and dealing.

So a great disservice has been done this by some senior Members who have argued in opposition to these amendments.

For those of us who sponsor these modest vehicles for change in the inflexible rigidity of the seniority system, let me say all we are asking is give merit a chance.

Now, we all know that you are not going to see this amended rule used very much even if it is adopted. Neither the Schwengel nor the Reuss amendment would result in the most senior Member failing to be elected committee chairman except in the highly unusual situation of gross incompetence or arrogance in the exercise of the chairman's prerogatives. But the mere presence of either of these amendments in our rules would result in more democratic committee procedures.

The people elect us; we in turn elect our Speaker. In party caucus or conference each side here elects floor leaders and other officers of the House. What sensible reason can there be for not electing those who wield great power from their positions as chairmen of our legislative committees?

We know that these committees are the workshops of Congress. The Members should decide who sits at the head of the workbench.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I think this is the wrong forum, and the wrong time to discuss this particular issue. There is nothing in the rules to prevent the complete abolishing of the so-called seniority system, but to maintain viable political parties we should leave it to the caucuses of those parties to determine which of their members will be nominated for chairmanships, and those nominations confirmed by this House.

Remember, this body elects the members of the committees and the chairmen of the committees.

The thing we are talking about is how the nominations are offered—and they should come out of the caucus.

I do not defend the selection of one because of longevity, but I do ardently defend the right and the need to maintain the individual integrity of each party and to hold it accountable to the people who elected its members and gave them the power to control this House and the responsibility for carrying out the legislative duties of this House.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. STEIGER) for 1½ minutes.

Mr. STEIGER of Arizona. Mr. Chairman, it becomes very clear, after enduring or listening to the rhetortic and invective which we have endured and listened to, that the proponents of both of these measures are not only sincere but are convinced that this thing must be charged—"this thing" being the seniority system.

It is equally clear that the end result of the adoption of either of these amendments would lead to a cosmetic covering of the scab and the sore, if there is one.

It is clear that the rhetoric of such gentlemen as the gentleman from New York (Mr. LOWENSTEIN) is best reserved

for the caucus where if there is an injustice, it should be removed.

On this side, those who would support change should do it within the Republican conference.

It is clear that there is room for courage in changing the seniority system. But it is clear too that it must not be done by a cosmetic vote here and now in support of either of these measures because that would be less than honest to those who expect a change.

The change must come from within the caucus otherwise you do yourself and your constituents great dishonor.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. RIEGLE).

Mr. RIEGLE. Mr. Chairman, first I too would like to compliment the gentleman from California, the subcommittee chairman, for his patience, fairness, his excellent work on this bill.

It is difficult to make a case in a minute and one-half. There is a need to change the seniority system itself because it does not work well.

We have a mandatory retirement age in the executive branch of 70. Yet, here in the House today we have seven committee chairmen in their seventies and three in their eighties. I know of no other institution, not a single one in our society, which selects its leadership in this way. If the oldest man on the committee is the best man, he ought to be the chairman; but the oldest surviving member, on the basis of service, should not automatically become the committee chairman.

So the seniority system tends to keep men here too long. It is hard to blame them for staying, because that is the only way they can finally come to exercise committee leadership. A man literally has to outlive his colleagues in order to serve as committee chairman.

With Members staying here for that purpose into their late seventies and eighties, how in the world can we encourage good men and women who care about our society to run for Congress if they know they cannot advance on the basis of ability, but only on the basis of age?

Just think about it. If a man comes here at the age of 35 and spends 20 years here, at age 55 he can be the most effective person on that committee in terms of background, experience, judgment, ability and all the rest—and is the man who ought to be committee chairman. But that person may have to wait another 22 years until he is 77 years old to become the committee chairman. That just does not make sense.

I cannot believe that we are so devoid of imagination that we cannot correct this seniority system without bringing the whole body down into a morass of deal cutting.

Please do not misunderstand, I am not saying that those of us who are 32 years old should be committee chairmen or that I ought to be a committee chairman. I do not say that. I know that after 4 years in this body, that I do not yet feel prepared to serve as a committee chairman.

But what about the Members here who are 45, 55, and 65 years of age who are now ready to serve as committee chairmen? Why should they have to wait another 10, 15, or 20 years before they have a chance to serve?

This just is not right and it does not make sense.

Also the seniority system has tended to produce regional domination of the Congress. Today, for example, many of our most important committees come from one region of the country. The reason we assign congressional districts proportionally based on population, is to provide for national equality in terms of congressional representation. Regional domination—stemming from one-party areas of the country—works to erode and destroy proportional representation in the operation and conduct of the House.

The argument that we should be fearful of electing committee chairmen because of deal-cutting, falls flat. First, I have more faith in my colleagues than that, and believe they would vote for candidates for committee chairmen based on merit. We do not select the Speaker of the House on the basis of seniority—and he is the most powerful figure in the House—in fact the man third in succession to the Presidency. If we feel that we can safely elect the Speaker of the House—why can't we safely elect the committee chairmen? We can, and we should.

The perpetuation of the blind, unthinking seniority system is slowly but steadily destroying the effectiveness of the House of Representatives. If we cannot find an appropriate remedy, I believe the legislative branch will continue to lose relevance and meaning.

Unless we can find immediate ways to substantially improve the operation of this people's branch of government—we, in all likelihood, will do more to handicap and destroy effective self-government than any other force in our society. At times we face this fact—and respond accordingly.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. HARRINGTON) for 1½ minutes.

Mr. HARRINGTON. Mr. Chairman, I find myself in a position similar to that of the speaker before me.

I am not interested at all in assuming a greater degree of leadership by virtue of the time spent here and the maturity and wisdom that will come with it.

It seems to me that if one looks a century ago and sees that the average committee chairman serving here had 6 years longevity and was of age 49, and then if one looks at our present situation where the average committee chairman has been here 28 years and is near age 70, we find that we have been thwarting in a regular and hard way over the last two generations the theory behind the House of Representatives in this country.

When you tell me as a newly added member of the Committee on Banking and Currency that to prosper and survive in this system I must regularly hold to the position for the next 20 or 30 years in order to achieve power, narrowing my perspective in other areas when the times require broad national perspective in terms of leadership, it makes no sense to me at all. It does not seem to me rational, nor does it enable us to go to the people to demonstrate our concern with the relevance of the institution and our power.

I come here this afternoon to endorse the theory that we should be able at least to consider before this body and before the caucus on both sides of the aisle the question of how we will pick our leaders. We have been noticeably reticent in discussing that question in the short time I have been here. This does afford us an opportunity to give serious attention to a needed change in the system.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, as the Member who is about 430 in seniority in the House I have more than a little interest in providing alternatives to the seniority system. But it seems to me as one who has served some 7 years in a State legislature before I came here, the Schwengel amendment would be an extremely debilitating amendment to adopt today. If anything is wrong with this House, it is not that we have too much centralization. I think, if anything, we have too little. The last thing we need around here is to establish and strengthen independent fiefdoms, and that is precisely what the Schwengel amendment will do.

We must keep in mind that central to the success of the democratic process is the idea of accountability. We do not get accountability by placing more and more power in the hands of a few men sitting in committees. The welfare of this House, the welfare of the country rests in the last analysis upon responsible partisanship and upon the ability of the two parties to fulfill their own goals in their own ways.

It seems to me the only place where you can get that kind of system, where you can establish that kind of system and make it function is in the caucus, not in the committee. I firmly believe, therefore, that the Schwengel amendment to the Reuss amendment should be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment introduced by my colleague from Wisconsin (Mr. REUSS) which would amend rule X of the House regarding selection of committee chairmen.

Although there is no rule requiring the Speaker to nominate the member with the longest consecutive service to the chairmanship of a committee, such has been the longstanding practice. How-

ever, as we ourselves change over the years, so must the rules.

The original custom has evolved from the overbearing power Speaker Joe Cannon exercised in assigning committee chairmen during the early part of this century. His abuse of his duly assigned power led to reorganization of the Speaker's Office and reassessment of the appointment of chairmen.

Now, however, such a threat of power abuse is no longer present, and the rules of the House should reflect a more sensible approach to appointing the chairmen of committees. This amendment would not, by itself, change the practice under the rule. Rather it would serve as an expression of the will of the whole House that seniority should not be the sole criteria in the selection of committee chairmen.

This reform would permit the majority party in its caucus to select committee chairmen based on criteria other than seniority alone. Thus it would also answer the objections of those who say there is a possibility that a senile individual would be elected to a committee chairmanship solely because of his seniority.

The time has come for this and many of the other reforms that have been offered here today and during the past several days of debate. If we are to remain a responsive, relevant, and democratic body, we must make the necessary changes in our operating procedures. The people of this Nation are growing impatient with a Congress whose rules and customs slow its operations to less than a snail's pace. Let us keep them waiting no longer.

Mr. DINGELL. Mr. Chairman, I have listened to this debate for a long time. I might say that I came here at the ripe old age of 29. Now, after 15 years of service in this body, I am a good deal younger than most of the sponsors of this particular amendment. I shall not pretend that I am smarter, but I think there is a certain amount of appreciation of this body that has come to me rather earlier than it has come to my friends who are sponsoring these amendments.

I think it should be plain to everyone here that the committee system functions, the seniority system functions, and the House of Representatives functions well, and that men who are running the committees of this body are capable and, in most instances, if elections were held in the committees, they would be the men who would be elected to serve in that capacity.

It is alleged that a bunch of tired, old men are repressing the Congress and keeping the Congress from functioning. Nothing is farther from the truth. The fact of the matter is that there is a way whereby the committee system can be circumvented if it refuses to function and the chairmen do not permit it to function. Chairmen who are not willing to function within the committees can be disciplined by the committees.

I can cite to you the names of committee upon committee which has disciplined its chairman for failing to be responsive to the needs of the committee and the wishes of the membership.

In addition, within the rules there is provision for circumventing the committees and for taking legislation from the committees and putting it on the floor. There is the discharge petition, Calendar Wednesday, and an abundance of other devices.

If that is not sufficient, let us just remember that the caucuses and the House of Representatives have full capacity to discipline the chairmen. I have observed over the years that committee chairmen have been removed from their chairmanship. So I urge that the amendments be rejected.

Mr. REUSS. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I approach the impending vote on the Reuss amendment with calm and detachment.

If it passes, I will have the small satisfaction of having helped erect a signal to the parties, the Democrats and the Republicans, that they must start choosing as their committee chairmen the ablest and best, rather than always those who happen to have been around the longest. And we will have erected a symbol that this House belongs to the people of the United States, not merely to the political parties.

If, on the other hand, the Reuss amendment should fail, I would console myself with the realization that I have 16 years of service, eight uninterrupted terms, and I can probably make out under the seniority system, if that is going to be the way it is going to be from here on out.

So the issue boils down to simply this: if we think the seniority system is the finest method of selecting committee chairman that has ever been struck off by the mind of man, if we think, as it has been suggested earlier, that it is indeed an edifice, a gothic cathedral which cannot be improved by change, then vote down the Reuss amendment.

If, on the other hand, we think, as I do, that the times are changing and that the House of Representatives must change with the times, then vote the Reuss amendment up.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROBISON).

Mr. RUPPE. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Michigan.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the proposed amendment to remove seniority as the sole qualification in the selection of committee chairmen.

At the present time the House applies only one criterion in its choice of committee chairmen. It selects, without deliberation, the member who has the longest continuous service on the committee. Under the provisions of rule X of the House, we need not select the most senior member of the committee as its chairman, but tradition has established that this be done—and it is done without exception.

As one who is over 30 and under 40, I share the views of neither the young Members who object to the seniority system solely on the basis of the age of the chairmen, nor do I share the views of more senior Members who would retain the seniority system without modification.

In my judgment, age should not be the major factor in the selection of chairmen. Age, or seniority, is not nearly as important as ability, experience, responsiveness, and judgment.

Many chairmen of House committees have vast powers in scheduling hearings, inviting testimony from witnesses, determining the legislative schedule and, in effect, controlling the speed and direction of the committee. Committees have become such great influences in the conduct of our legislative business that an unresponsive committee chairman can have a great and unwarranted effect on actions taken by the House.

For these reasons, I urge this body to adopt the amendment offered by the distinguished gentleman from Iowa (Mr. SCHWENGEL) which provides that committee chairmen be selected by members of the committee from among the three most senior Members of the majority party on the committee.

This proposal has two important facets. First, it recognizes the need for experience. It combines the need for experience with the need for responsiveness. Second, the requirement that chairmen be elected by the Members of the committee makes it mandatory that candidates for the chairmanship become more cognizant of the problems and needs of their colleagues on the committee.

If we are able to replace seniority with elected committee chairmen I am confident that the abilities of our chairmen will be considerably improved and the output of the congressional process considerably enhanced.

I prefer the Schwengel amendment in this regard but if it is not adopted I shall support the amendment of my good friend, the gentleman from Wisconsin (Mr. REUSS), which also is far superior to the existing situation of complete reliance on the seniority system.

If we are unable to successfully amend the legislative reorganization bill on the floor today, I am hopeful that we can continue our efforts by working toward adoption of the Schwengel amendment by the Republican conference. This would mean that at least the ranking Republican would be selected on the basis of merit rather than seniority. I am hopeful that the House will repudiate complete reliance on seniority.

Mr. ROBISON. Mr. Chairman, I rise in support of the Schwengel substitute. I do so with some reservations, of course, central among which are the arguments raised that if there is to be some changes in the seniority system, it should come about by virtue of change in party rules rather than by change of House rules. Those who raise this question may well be right in their position but, if that argument carries, then I simply hope that this attempt and this debate will, at least, have had the effect of accelerating

and assuring subsequent, separate party action.

However, if there is to be some reform of the seniority system eventually arrived at by that route, I suspect that in its final form it will follow, in concept if not in detail, the Schwengel proposal. Since I would expect to support such action when and if it takes place within the Republican conference, I see no valid reason why I should not support it now, and I urge my colleagues to do likewise.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to both the substitute amendment and the amendment. In the present language of the rules of the House, paragraph 3 of rule X, it states:

> At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the Members thereof * * *

Mr. Chairman, there is nothing in the present rules about seniority, not one word is said about seniority. Nor is there any requirement that chairmen be selected by seniority. I submit both the substitute and the amendment in fact for the first time inject into these rules the principle of seniority.

The gentleman from Wisconsin (Mr. REUSS), would add the words "who need not be the Member with the longest consecutive service in the committee." They are, in fact, doing with these amendments the very thing they profess they want to eliminate for it is the proponents who inject seniority into the rules for the first time by injecting into the rules the principle of seniority, which is not there now.

I believe we should make clear here that the House can always work its will whenever the majority so desires. The highest institution of this House is the discharge petition. Nobody proved that better than the gentlewoman from Michigan (Mrs. GRIFFITHS) when she got enough signatures to a discharge petition to bring to the floor the equal rights for women amendment. So this House can always work its will. There is no Member of this House big enough to frustrate the will of the majority of this House whenever the majority feels compelled to move on an issue, so I hope both the amendment and the substitute will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I agree with my colleague from Michigan (Mr. DINGELL) that many, if not most, of our committee chairmen are doing an outstanding job. But if there is one committee chairman anywhere among our committees who is doing less than an outstanding job, if there is a single committee chairman who is held in minimum high regard by a consensus of his colleagues, then this House ought to have a more convenient and appropriate procedure to elect another Member the chairman of that committee, than the agonizingly painful and embarrassing procedures that we on the Committee on Education and Labor have had to employ in the past few years, first to reduce somewhat the freedom, flexibility and power of the chairman, and second, through the power of the caucus, actually to change the committee chairman. That is not a pleasant or felicitous arrangement, and there has to be an easier way of getting on with the work of the Congress.

Last, in addition to all of the reasons of relevance, in addition to responding to the clear expression across the country of how we ought better to provide the leadership to meet the needs and demands of the times, there is the simple matter of utilizing to the maximum our manpower, utilizing the enormously talented men in this Congress, not all of them in the positions of leadership to which they would be gladly elected by their colleagues, were there an acceptable procedure for doing so.

I repeat the words of the gentleman from New York (Mr. LOWENSTEIN). No business could operate this way. No university, no hospital, no executive branch agency, no institution of any kind selects for its top leadership, for its top decision-makers, men solely on the criterion of length and duration of service.

I say, therefore, simply as a matter of elevating to deserved leadership roles the enormous talent which is in this body we should use the criterion of who among us we judge the best fitted to serve in our most demanding, our most taxing, our most honored roles.

I support the Reuss amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. MILLER).

(By unanimous consent, Mr. MILLER of California yielded his time to Mr. HAYS.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I had not intended to speak on this subject again.

The gentleman from New Hampshire mentioned my name, and then interjected very shortly thereafter the name of the unfunny man from fun city, Mr. Lindsay, and said he was going to read, if I would not object, something Mr. Lindsay wrote into the RECORD.

Well, I surely would object, because I served here with him and I will tell the Members one thing. He could not have stayed here long enough to accumulate enough seniority that I ever would have thought he would have made much of a contribution.

I just want to tell you Republicans, furthermore, so far as I am concerned you are not going to get away with foisting him off on the Democratic Party except over my dead body. You have got him. You are stuck with him. I want you to keep him.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I am delighted to yield to my friend from Iowa. He has not made a contribution for a couple of days.

Mr. GROSS. I did not know that the real Republicans were being consulted about that.

Mr. HAYS. I think it is a Republican plot, myself. We surely do not want him. At least, I do not know of any Democrat who does. If there is anyone, I would like for him to stand up and say so.

We have heard a lot of talk around here, as I said earlier, about secrecy in voting. I am going to address myself to the Schwengel amendment because, as said before, I do not believe the so-called Reuss-Vanik amendment changes anything one way or the other. There is nothing in the rules which says we have to follow seniority. The caucus is the determining agent. That is the way I would like to see it.

So far as the Schwengel amendment is concerned, it says we shall elect from the top three by a secret ballot. As I said earlier, not only is this not the rule of the majority, but it could be the rule of the minority of the committee. I cannot think of anything more undemocratic and more restrictive.

We spent all day yesterday, and a part of some days before, in getting rid of the secrecy in the voting on the teller vote. Let us not put more secrecy in by this amendment.

Now, if the people's right to know is important—and I think it is important—then I think the people's right to know or at least for an individual Member to have the right if he wants to ask for a rollcall on the committee chairman is just as important as the opening up of the secrecy on the teller votes. That is the reason why I think that the Schwengel amendment is retrogressive. I think it compounds the injury, if there is any. I think it is a step backward, and I would not like to see us take it.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, this has been a historic debate. For the first time, the seniority system, whose limitations are clearly recognized throughout the Nation, is under serious attack within the Halls of Congress. The seniority system is crumbling. I do not believe it will fall today, or tomorrow, but eventually the undemocratic system perpetuated by seniority will collapse before the onslaught.

I believe in clear and strong party responsibility. Under the seniority system, which places in positions of power those Congressmen from safe districts, the committee chairmen frequently are out of sympathy with the elected leadership of the House as well as the national party policies of the majority party. This results in delay, uncertainty, irresponsible action, inability to center responsibility, and great confusion among the general public interested in affixing responsibility for action or inaction.

The passage of either the Schwengel substitute or the Reuss amendment would be steps forward. And I am confident that eventually the undemocratic system of seniority, like other undemocratic institutions throughout the Nation which are being altered or abandoned, will be done away with.

(By unanimous consent, Mr. HECHLER of West Virginia yielded the remainder of his time to Mr .LOWENSTEIN.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN).

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and twenty-one Members are present, a quorum.

The Chair recognizes the gentleman from Nebraska (Mr. MARTIN).

Mr. MARTIN. Mr. Chairman, I oppose both the substitute and the amendment.

(By unanimous consent, Mr. MARTIN yielded the remainder of his time to Mr. SMITH of California.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Chairman, in response to inquiries from my own congressional district, I have advocated for a long time that we should compromise the seniority system with the political cauldron which would result if it were to be abolished. I have studied very carefully the provisions of the Schwengel amendment and I have told the gentleman that I support his amendment. However, long ago, as a youngster, I learned that it was the last breath of air which burst the balloon and the last 10 pounds of weight which capsized the boat. I now know that it is the last well-meaning amendment that kills the bill.

Mr. Chairman, we have made tremendous progress in the last few days toward a meaningful congressional reform. I honestly believe that if this amendment is adopted, it will kill the bill. I do not want to see that reform lost.

I, therefore, even though I favor it in principle and not as a practical matter, I shall vote against the amendment and the substitute.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Florida.

Mr. FASCELL. Mr. Chairman, I rise in support of the Reuss amendment which provides that length of service shall not be the sole criteria by which committee chairmen are selected. The people of this country need to know that wisdom, leadership and ability as well as age shall be considered in the selection of men to positions of great power in the Congress.

The American people want the best in positions of leadership in Congress to help run the country. We should all vote to provide the clear intent in our rules to make this possible.

Mr. BENNETT. Mr. Chairman, although I have 22 years of seniority here, which I guess is a good deal of seniority, I think the seniority system does definitely require some change. I am not sure exactly what change it requires. I have suggested to the committee that is studying the matter that some kind of modest program of rotation might be a good thing. However, I do not have a deep conviction about any particular formula of reform.

Mr. Chairman, I do believe that the Schwengel amendment, if adopted, would have little effect, except it would make it difficult to pass this bill. I think this bill is going to have difficulty anyway when it gets over to the Senate, not because of the provisions pertaining to the Senate which would be involved; but I think there are so many people here who do not want to see this bill passed at all that their influence might be felt in the Senate and that the Senate might not ever get to enactment of the bill.

I am, therefore, against the Schwengel amendment and for the further reason that I feel it does solidify into law the seniority system, which I greatly question as a wise direction to take.

I greatly question the present seniority system. I do not have a better solution, but I just do not believe we ought to put it in the law that it has to be there. Right now this law does not require it.

For those reasons, Mr. Chairman, I hope we will defeat the amendment offered by the gentleman from Iowa (Mr. SCHWENGEL). I do hope the matter will be studied further, and that we can bring about improvement in this area at an early date.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Wisconsin (Mr. REUSS). I believe that the amendment offered by the gentleman from Iowa (Mr. SCHWENGEL), and its supporters, is well-intentioned, but I think it does write into law something that we do not need.

I would have hoped that every younger Member of this House would have been here on the floor to participate very vigorously in this debate. In the 8 years that I have been in the Congress, this is the first time we have had an opportunity to express ourselves in opposition to the seniority system.

How does it work? We all take our position on these committees, we may have some mobility between committees in our first few years in the House, but then the only way we can move upward is for either the men more senior to us on the committee to die—which we do not like to see—or to be defeated. And it makes a very, very rigorous, depressing, poor system under which we operate.

We can talk about the fact we can elect people in caucuses, but we cannot get a quorum in a caucus to conduct an election many, many times, or to conduct a referendum on this particular issue.

Of the top 25 senior men——

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and thirteen Members are present, a quorum.

The Chair recognizes the gentleman from California (Mr. LEGGETT) for one-half of a minute.

Mr. LEGGETT. Mr. Chairman, as I started to say, of the top 25 senior men in the House of Representatives only three of them are on the Republican side. This proves that power does one thing: it perpetuates Members in power. Also I think we should experiment with democracy on the floor of the House. If the one-man, one-vote is good for the people, it should not stop at the door of the House of Representatives.

Mr. Chairman, we should support the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SMITH) for 3 minutes.

Mr. SMITH of California. Mr. Chairman, I have not spoken on these amendments.

I have tried to help to get as much time for everybody as possible so that they could have an opportunity to express their feelings.

Mr. Chairman, I do not think the seniority system is perfect. But I do not know of any system that is any better. If there is some system that might be better, I would give some thought to it. But I think it is the best system we have so far as I know.

The majority party, which happens to be the Democratic Party, has the power, the responsibility, and the duty to select the chairmen of committees. How they do it is for them to decide.

As to the minority party, it is our responsibility to select the ranking minority Members—and how we do it is for us to decide.

I hope that we take over so that we will have a chance to select the chairmen of committees. This problem should be decided by our respective parties in our caucuses.

Mr. Chairman, I am opposed to both amendments and to any amendment which will attempt to change the seniority system of the House of Representatives.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. SISK) for 1½ minutes to close debate.

Mr. SISK. Mr. Chairman, I want to commend the Members of the House. I think they have done an excellent job. So far as I know this is the most extensive debate, at least in the Committee of the Whole, on the subject of seniority in the 16 years that I have been here.

I want to commend the Members for the attitudes they have displayed and I would like to urge Members to vote against the Schwengel amendment and also against the Reuss amendment. I think the reasons for such a vote have been discussed at great length. So at this time I would urge Members to defeat these two amendments and move ahead with further consideration of the legislation pending before us.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Iowa (Mr. SCHWENGEL), for the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

Mr. SMITH of California. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SCHWENGEL and Mr. SISK.

The Committee divided, and the tellers reported that there were—ayes 28, noes 196.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on

the amendment offered by the gentleman from Wisconsin (Mr. REUSS).

Mr. SISK. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. REUSS and Mr. SISK.

The Committee divided, and the tellers reported that there were—ayes 73, noes 160.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF ARIZONA

Mr. STEIGER of Arizona. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Arizona: On page 39, immediately below line 4, insert the following:

"DEBATE TIME ON MOTIONS TO RECOMMIT WITH INSTRUCTIONS

"SEC. 121. Clause 4 of rule XVI of the Rules of the House of Representatives is amended by adding at the end thereof the following sentence: 'It shall not be in order to close debate on any such motion to recommit with instructions for ten minutes, one-half of such time to be given to debate by the proponent, and one-half to debate in opposition to the motion.'"

And make the appropriate technical changes in section numbers and references.

Mr. STEIGER of Arizona. Mr. Chairman, I ask unanimous consent that Mr. MEEDS and I have the opportunity of offering the names of the 70 other sponsors of this amendment, to appear in the RECORD at this time, if that is in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

LIST OF SPONSORS

Mr. Meeds, Mr. Steiger of Arizona, Mr. Addabbo, Mr. Anderson of California, Mr. Brasco, Mr. Brown of California.

Mrs. Chisholm, Mr. Clay, Mr. Cleveland, Mr. Cohelan, Mr. Conyers, Mr. Coughlin.

Mr. Crane, Mr. Culver, Mr. Daniels of New Jersey, Dellenback, Mr. Dennis, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. Erlenborn, Mr. Evans of Colorado, Mr. Farbstein, Mr. Fascell.

Mr. William D. Ford, Mr. Fraser, Mr. Friedel, Mr. Green of Pennsylvania, Mr. Hanley, Mr. Helstoski, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Howard, Mr. Kastenmeier, Mr. Koch, Mr. Leggett.

Mr. Long of Maryland, Mr. Lowenstein, Mr. MacGregor, Mr. McCarthy, Mr. Matsunaga, Mr. Melcher, Mr. Mikva, Mr. Minish, Mr. Moorhead, Mr. Morse, Mr. Moss, Mr. O'Neill of Massachusetts, Mr. Ottinger, Mr. Patten, Mr. Podell, Mr. Pryor of Arkansas.

Mr. Reid of New York, Mr. Reuss, Mr. Riegle, Mr. Rooney of Pennsylvania, Mr. Roth, Mr. Roybal, Mr. Ryan, Mr. Scheuer, Mr. Schwengel.

Mr. Steiger of Wisconsin, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Tiernan, Mr. Tunney, Mr. Van Deerlin, Mr. Waldie, Mr. Whalen, Mr. Wolff, Mr. Wright.

Mr. STEIGER of Arizona. Mr. Chairman, this amendment, I want to make very clear, is not going to dramatically alter the fabric of the House. It is not going to tear away the veil of secrecy, or do away with the anachronism of seniority, or give immediate equal representation to all the people, or do all the good things we would all like to see accomplished. This is not going to add appreciably to the justice or injustice which might occur on this floor.

It is really an amendment which I believe is probably in accord with the will of everyone here, regardless of his philosophy. What it says, simply, is that when there is a motion to recommit with instructions there shall be permitted 10 minutes of debate. The purpose of the amendment is that, with respect to recommital motions with instructions, said instructions never having been heard before, this will give the Members an opportunity to learn what it is exactly they are voting for when they vote for a motion to recommit with instructions.

Mr. Chairman, the practice has been, as you and the Members well know, to take time in the Committee of the Whole to announce a motion to recommit with instructions.

Again the practice is now, as you all know, to take advantage of the time in the Committee of the Whole to rise and strike the requisite number of words and explain the motion to recommit that you are going to offer. It is also very obvious to many of you that there are those who are not present in that session of the Committee of the Whole who, when they are called upon to vote on the motion to recommit with instructions, either have to depend on the advice or the voting of a friend or simply vote in the dark. This amendment will do no more than clarify the operation of a procedural matter. There is some jeopardy with regard to political advantage. I have been advised this may give an advantage to the majority, since the minority has the option of having the motion to recommit. I submit there is some jeopardy in this, because then it will give the majority the closing arguments on the matter if they so desire. It is my personal judgment that the jeopardy involved is not such as to mitigate the value of knowing what it is we are voting on. I submit that that is of greater value than whatever political jeopardy there may be in the procedural matter of dividing the time between the proponents and opponents.

Mr. SMITH of California. Will the gentleman yield?

Mr. STEIGER of Arizona. I am happy to yield to the distinguished ranking member from California.

Mr. SMITH of California. The gentleman uses the term "one-half of such time to be given in debate by the proponents." To whom does he refer?

Mr. STEIGER of Arizona. The proponent in this language, to respond to the gentleman, would be that person or those persons who favor the language in the motion to recommit with instructions.

Mr. SMITH of California. Should not that better be the mover of the motion? Would he not be the one who should control the 5 minutes rather than the proponent?

Mr. STEIGER of Arizona. If the gentleman would prefer that, I yield to the gentleman's superior legislative knowledge. To me they mean the same thing. If that is the purpose and intent of the gentleman, I will stipulate that.

Mr. SMITH of California. If there is more than one proponent, I think it should be either the maker or the mover of the motion, one of the two. If he or she is going to handle the motion to recommit, then that individual should have 5 minutes to explain it.

Mr. STEIGER of Arizona. The gentleman has clarity, logic, and silver-tongued persuasiveness.

So, Mr. Chairman, I ask unanimous consent that the word "proponent" be changed to read "by the maker of the motion."

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. HAYS. Mr. Chairman, reserving the right to object, I think if we refer to either Roberts Rules of Order or Jefferson's Manual, somewhere in there we will find that it is not proper to say "I make a motion." The proper terminology is "I move." So I think what the unanimous-consent request ought to be is that the mover—or I do not see anything really wrong with the "proponent." Certainly "the maker of the motion" is grammatically incorrect.

Mr. SMITH of California. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Chairman, I agree completely with the gentleman from Ohio. My language that I suggested was the mover of the motion, and that would be, in my opinion, the correct language to identify the proponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Arizona: On page 39, immediately below line 4, insert the following:

"DEBATE TIME ON MOTIONS TO RECOMMIT WITH INSTRUCTIONS

"SEC. 121. Clause 4 of rule XVI of the Rules of the House of Representatives is amended by adding at the end thereof the following sentence: 'It shall not be in order to close debate on any such motion to recommit with instructions for ten minutes, one-half of such time to be given to debate by the mover of the motion, and one-half to debate in opposition to the motion.'"

And make the appropriate technical changes in section numbers and references.

Mr. STEIGER of Arizona. I would point out that this might be the time to quote an illustrious Member of this House who said that the jackals may bay but the caravan will move ever on.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding and I agree with the gentleman.

Of course, in his remarks on his amendment he referred to the majority. But I notice in his amendment he said one-half of the debate in opposition to the motion. Would it not be possible un-

der the gentleman's amendment, since the minority has reserved the right to make the motion to recommit, that 5 minutes could come from both the proponents and the opposition on the minority side? I do not believe the gentleman intended it to be so construed.

Mr. STEIGER of Arizona. If I did not make myself clear, the jeopardy I spoke of is the fact that the minority has the right to offer the motion to recommit and it does follow that most of the time under this precedent they would offer the motion to recommit with instructions and they would, therefore, have the first 5 minutes. This would be the normal course of events. It is not mandatory. It is true that the Members of the minority could either oppose or defend the motion to recommit. I was pointing out the procedural jeopardy that would follow most of the time so as to alert my colleagues on this side of the aisle particularly since the minority has a right to offer the motion to recommit and they would have the first 5 minutes and those opposed would have the last 5 minutes.

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield further, the point I am making, the 5 minutes for the proponents and the 5 minutes for the opposition could conceivably come on the minority side of the aisle. I do not think that is what the gentleman said in his comments. He is talking about reserving 5 minutes to the minority——

The CHAIRMAN. The time of the gentleman from Arizona has expired.

(By unanimous consent, Mr. STEIGER of Arizona was allowed to proceed for 2 additional minutes.)

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Arizona. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. I would simply like to clarify exactly what we can expect to happen under this proposal. I am inclined not to oppose the amendment offered by the gentleman, provided we have an understanding of what will occur upon the offering of a motion to recommit with instructions.

Now, at the present time we proceed under the rules of the House, under the precedents of the House, and also certain customs. In connection with the questions already raised here I would pose a hypothetical one to the gentleman. If a motion to recommit with instructions is offered by a Member of the minority on, let us say, this particular bill which we are here debating, and at the time we go back into the House which is the proper time to offer such a motion, that then he would be recognized for 5 minutes to explain his motion to recommit and what the instructions were and what the effect would be; is that right?

Mr. STEIGER of Arizona. Yes.

Mr. SISK. Then, the Speaker, I would assume, would be expected to follow normal custom and, let us say, recognize the Member on this side of the aisle managing the bill who would probably be considered to be the opposition; is that the assumption, generally, the gentleman has in mind?

Mr. STEIGER of Arizona. That is exactly the assumption. Of course, I understand that it will limit in the unlikely event, for example, that the manager of the bill would not be opposed to the motion to recommit with instructions, but there was another Member who was opposed, he would then be recognized if he chose to do so.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am seeking the attention of the gentleman from Arizona, or someone else who is a proponent of this amendment.

Our only desire here is to seek clarification. I said I have no great opposition. I know there are times when motions are made or a motion is made to recommit a matter with instructions where, frankly, there is not very much information available. So I have certain sympathies with what the gentleman proposes.

Now, as we explore the language needed here, it does seem to fit properly. If the gentleman has before him the rules of the House, rule XVI, clause 4, that he attempts to amend——

Mr. STEIGER of Arizona. Mr. Chairman, if the gentleman will yield, could he give me the page number?

Mr. SISK. That would be found on page 397 of Jefferson's Manual, at the top of the page, reading:

> After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order.

And of course the point I am making here is that the previous question ends debate at that point.

Now, the only question I have, and I am not trying to confuse the amendment, but I am wondering if there should not be some additional language "except as provided herein," because, as the gentleman understands by the Rules of the House once the previous question is ordered, debate has been closed.

I will gladly yield to the gentleman for a comment on that.

Mr. STEIGER of Arizona. Mr. Chairman, I would defer to the gentleman from Washington, Mr. MEEDS.

Mr. MEEDS. Mr. Chairman, if the gentleman will yield, actually this amendment would not prevent the Committee on Rules from adopting a rule as they have in the past, which makes the previous question in order, and which follows through the practice of the House, then, true, the question of the previous question is then voted and debate is then cut off. What this amendment really does is to signal the attention of the Committee on Rules of the House of Representatives that we want a minimum of 10 minutes to debate a motion to recommit with instructions, 5 minutes of that time to be given to the mover of the motion, and 5 minutes of the time to be given the opponents.

Now, the Committee on Rules could come in with a rule, and someone could move the previous question even with the adoption of this amendment, and they could be cut off.

Mr. SISK. I think I understand very clearly what is sought to be accomplished, and again I have no particular opposition, but it seems to me that the language does not make it entirely clear.

In connection with the words here on about the fifth line of the gentleman's amendment, where it starts: "It shall not be in order, —", I am wondering whether that "provided that it shall not be in order to close debate," would not make the language more properly fit into the language here being amended. That is the only question that I am attempting to clarify, for the purpose of keeping the record clear for possible future interpretation.

Mr. STEIGER of Arizona. Mr. Chairman, if the gentleman will yield, I have no objection myself, if there is no objection from the gentleman from Washington (Mr. MEEDS) that it include the words "Provided," and so forth. As far as the language which is in the rule, I feel it is appropriate following the words joint resolution in rule IV, I think it is clearly applicable there.

The intention of the language I will say again, as the gentleman from Washington (Mr. MEEDS) has explained, is to provide for 10 minutes of debate on a motion to recommit with instructions. That is the sole purpose of the language.

Mr. SISK. I appreciate the comment of the gentleman. I do believe if he would ask unanimous consent, at least according to my best experts here, to put in the words "provided further"—that it shall not be in order to close debate on any such motion. That would seem to us to be in better form. As I say, I have no basic objection.

Mr. COLMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as one member of the Committee on Rules, I have a lot of sympathy with the objective sought here by this rule. I have not had the opportunity to study it and I am just going to make this gratuitous suggestion, if the gentleman would withdraw his amendment or ask unanimous consent to withdraw it, and then work it out here with the staff as to what he really wants to do and get it in proper order—I think he may have his amendment adopted. I just make that suggestion to clarify the situation.

Mr. STEIGER of Arizona. Mr. Chairman, would the distinguished chairman of the Committee on Rules yield?

Mr. COLMER. I yield to the gentleman.

Mr. STEIGER of Arizona. Mr. Chairman, I would like to make the unanimous-consent request to be permitted to withdraw the amendment, as stated, and work it out with the staff, with the understanding that it would possibly be offered and accepted at some future date.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona that the amendment be withdrawn?

Mr. HAYS. Mr. Chairman, reserving the right to object, if I understand the gentleman's unanimous-consent request properly, he is asking unanimous consent to withdraw his amendment, rewrite it with the help of the staff, with the understanding that the House will accept it at a later date.

Let me say to the gentleman, I tend to favor his amendment but I do not think he can properly make such a unanimous-consent request.

The CHAIRMAN. The Chair would like to inform the gentleman from Ohio that the request made by the gentleman from Arizona was that the amendment be withdrawn.

Mr. HAYS. If that is it, then, Mr. Chairman, I have no further objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. MEEDS. Mr. Chairman, reserving the right to object, I think, in discussing the matter with the Committee on Rules that we do have the language which will carry out the intent and the purpose of this amendment and we should consider it now and it should be adopted.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona (Mr. STEIGER)?

Mr. MEEDS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MEEDS. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I ask unanimous consent that the amendment proposed be further amended by inserting before the words "It shall not be in order" the words "Provided further,".

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. SISK. Mr. Chairman, reserving the right to object, and I shall not object, "Providing further that"——

Mr. MEEDS. "Provided further that."

Mr. HAYS. Mr. Chairman, reserving the right to object, I thought we had already granted unanimous consent for the amendment to be withdrawn.

The CHAIRMAN. The Chair will advise the gentleman from Ohio (Mr. HAYS) that objection was made to that request. Is there objection to the request of the gentleman from Washington?

Mr. HAYS. Reserving the right to object further, I would like to ask Mr. SISK, the manager of the bill, if, in his opinion or in the opinion of his staff, the requested modification would cure the problem with the amendment.

Mr. SISK. If the gentleman will yield under his reservation, of course, this is one of the problems that we have with a variety of amendments which we have not had an opportunity to see. In fairness, the amendment before the House was presented, but there have been many others also. It is the understanding of our people, as we have checked, that putting in the words "Provided further, that it shall not be in order to close debate," and so forth, will make it read properly in connection with the material included in the present rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. HAYS. Further reserving the right to object, and I shall not object, I want to make an observation. It was reported in the press, perhaps inaccurately, some months ago that the gentleman from Arizona, the author of this amendment, said that most of the Members of this body did not have sense enough to push a wheelbarrow. I would just like to observe that sometimes things get more complicated around here than pushing a wheelbarrow.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. SMITH of California. Further reserving the right to object, the staff on my side of the aisle states that this is the first proviso in this rule, and the language in setting forth the first proviso is always "Provided that," and if there are further provisos, the language is, "It is further provided that." So it should be, in my opinion, "Provided that," and the "Further" should not be used until there is a second proviso. I submit that to the gentleman for his consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. ARENDS. Mr. Chairman, reserving the right to object, after that explanation I think it is time that we close for the evening.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

Mr. COLMER. Further reserving the right to object, Mr. Chairman, I am still not clear on this matter. If this rule is going to be adopted, and, I repeat, I favor the objectives, then it should be properly and correctly written. I made what I thought was a reasonable request, that the gentleman withdraw his amendment until the staff could be assured that it was in proper shape. The Parliamentarian should be consulted. I hope that the gentleman will agree to that suggestion so that we could then have the amendment offered and agreed to.

Mr. SISK. Mr. Chairman, will the gentleman yield under his reservation?

Mr. COLMER. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, I wonder if we could get unanimous consent to withdraw this amendment. We will then protect the gentleman in his right to offer it at a later time. We have some entirely new language which the staff, who deal with the rules, feels is a good deal better. But I would like to consult with the gentleman from Arizona and the gentleman from Washington about it. I wonder if we can get unanimous consent to withdraw the amendment in order further to perfect it.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Washington.

Mr. MEEDS. Is it the gentleman's understanding that this amendment could also be made to language on page 47 and would be in proper order at that place?

Mr. SISK. If the gentleman from Mississippi will yield to me, it would be the understanding of this Member that we could do that. A parliamentary inquiry might clarify it, but it would be my understanding that the amendment would be in order at the end of title I prior to the taking up of title II. But I would suggest a parliamentary inquiry to the Chair on that question.

Mr. HAYS. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. COLMER. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, it seems to me the simplest way to cure this would be for the gentleman to ask for unanimous consent to withdraw his amendment for the purpose of perfecting it with the understanding that it would be in order to offer it at a subsequent time, leaving the time indefinite. If the House agrees with that, the gentleman is protected.

Mr. COLMER. That is all I asked, and I hope the gentleman will pursue that course.

PARLIAMENTARY INQUIRY

Mr. MEEDS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEEDS. Would the proposed amendment be in order on page 47 after line 5?

The CHAIRMAN. The Chair would like to inform the gentleman from Washington that a germane amendment would be in order at that point.

The question before the Committee is the unanimous-consent request of the gentleman from Washington to withdraw his amendment.

Mr. MEEDS. Mr. Chairman, I have not made it yet, but I will.

Mr. COLMER. Mr. Chairman, do I have the floor?

The CHAIRMAN. The gentleman from Mississippi has the floor under a reservation.

Mr. COLMER. I think it is pretty well agreed that this amendment needs a little further study, and if the gentleman does not withdraw his request, I am going to be compelled to object to it, and I do not want to do that.

Mr. MEEDS. If I still have the floor, I thank the gentleman.

Mr. COLMER. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I thank the gentleman for his kind advice. It was my intention to ask unanimous consent to withdraw the amendment with the understanding that it could be offered at a later time.

PARLIAMENTARY INQUIRY

Mr. MEEDS. Mr. Chairman, a parliamentary inquiry. May I have a ruling on the unanimous-consent request?

The CHAIRMAN. The gentleman will state his request again, please.

Mr. MEEDS. My unanimous-consent request is to withdraw the amendment with the understanding that it could be offered at a further point.

The CHAIRMAN. The Chair would like to state to the gentleman from Washington that the request can be made at this time that the amendment be withdrawn.

PARLIAMENTARY INQUIRY

Mr. HOLIFIELD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLIFIELD. Mr. Chairman, for clarification, I would like to know if we are now talking about the Meeds amendment to the Steiger of Arizona amend-

ment, or the Steiger of Arizona amendment and the Meeds amendment to the Steiger of Arizona amendment, and if so, who has the right to withdraw?

The CHAIRMAN. The Chair would like to inform the gentleman from California that the only amendment before the committee is the Steiger of Arizona amendment.

Mr. HOLIFIELD. But there have been some subsequent changes in it, and the gentleman from Washington suggested some language that the Steiger of Arizona amendment would correct.

The CHAIRMAN. The gentleman is correct.

PARLIAMENTARY INQUIRY

Mr. COLMER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLMER. Mr. Chairman, is it not true that the gentleman from Washington has the floor and has made a unanimous-consent request?

The CHAIRMAN. The time of the gentleman from Washington (Mr. MEED) has expired.

(On request of Mr. COLMER, and by unanimous consent, Mr. MEEDS was allowed to proceed for 1 additional minute.)

PARLIAMENTARY INQUIRY

Mr. HAYS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Will the gentleman from Washington yield for a parliamentary inquiry?

Mr. MEEDS. I yield to the gentleman from Ohio.

Mr. HAYS. I thank the gentleman.

Mr. Chairman, remembering how Washington got his troops across the fence, I was wondering if it would be in order to make a unanimous-consent request to go back just before the time the gentleman from Arizona offered his amendment and start all over.

Mr. MEEDS. Mr. Chairman, I ask unanimous consent that the amendment offered by the gentleman from Arizona (Mr. STEIGER) and amended by unanimous consent, be withdrawn with the understanding that it will be offered later.

Mr. ARENDS. Mr. Chairman, a point of order.

The CHAIRMAN. The Chair would like to inform the gentleman from Washington that he has the right to make the request that the amendment be withdrawn.

Is there objection to the request of the gentleman from Washington?

Mr. ARENDS. Reserving the right to object, Mr. Chairman, due to the utter confusion on the House floor at this time I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred forty-three Members are present, a quorum.

Is there objection to the request of the gentleman from Washington that the amendment be withdrawn?

There was no objection.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 39, immediately below line 4, insert the following:

"Expeditious conduct of calls of the House, (a) clause 2, rule XV of the rules of the House of Repersentatives is amended by adding immediately after the numeral '2' and '(a)' and clause 2 of rule XV is amended by adding at the end thereof the following: '(b) When a call of the House in the absence of a quorum is ordered, the Speaker of the House or the Chairman of the Committee of the Whole House, as the case may be, at his discretion may order the Clerk of the House to lay out tally sheets on which the presence of the Members shall be recorded by the Clerk or the respective Member. When a quorum has been recorded, which in the Committee of the Whole House shall be one hundred Members, the Clerk shall advise the Speaker or Chairman of this fact, after which it shall be in order to entertain a motion to dispense with further proceedings under the call, and business of the House or the Committee of the Whole shall then resume; however, for a period of thirty minutes from the commencement of said quorum call Members who are present before the expiration of said thirty minutes may have their presence recorded on said tally sheets. Absent Members shall be recorded in the Journal of the House.'

"(b) Clause 2 of rule XXIII of the rules of the House of Representatives is amended as follows:

"'2. Unless the Chairman invokes the procedure for the procedure for the call of the roll under rule XV(b), whenever a Committee of the Whole House or of the Whole House on the State of the Union finds itself without a quorum, which shall consist of one hundred Members, the Chairman shall cause the roll to be called, and thereupon the Committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.'"

And make the necessary conforming and technical changes in the table of contents, section numbers and references, and other technical changes in the bill.

Mr. WHITE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. WHITE) is recognized for 5 minutes in support of his amendment.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from California.

Mr. SISK. I thank the gentleman for yielding.

I see certain merit in connection with the gentleman's amendment. Again, as our staff people have looked at this amendment, we find a good deal of difficulty with some of the language in the amendment. I should simply like to call to the attention of the gentleman that it is our strong feeling, if the amendment is to be adopted, it should be rewritten. This is no criticism of whoever may have written it, but there are some changes that do need to be made. I shall be glad to explain to the gentleman the principles involved.

Mr. WHITE. Would the gentleman like to suggest what some of those changes are? I have gone over this with some of the staff before.

Mr. SISK. There is a change in the system here that the staff feels would be more apropos with the language that follows. If the gentleman wishes to go ahead and discuss the merits and demerits of it, I will see if we can come up with something on it.

Mr. WHITE. Thank you very much.

Mr. Chairman, this amendment is coauthorized by Mr. BIESTER, Mr. UDALL, and Mr. TAFT, and a copy of this amendment is on the majority and minority desks.

This amendment is designed to save time and money.

The time saved is ours and our constituents'. The money is that of our constituents, and the taxpayer.

How much time of the House is wasted while the business of the House awaits the calling of the quorum?

How many times in a week does a committee suspend its business for one-half hour while its members answer a quorum call?

How many times in a week do we leave a constituent, to stand around waiting for our name at a quorum call?

How many telephone calls have we deferred while we waited for our name to be called?

How much time in a week or a year do we waste waiting for our name? Those whose names are the last one-third of the alphabet must wait up to 10 minutes.

Do you realize that each quorum now consumes 26 to 31 minutes? The general worktime of the house is from 12 noon to 6 p.m., or 6 hours; with an average of two quorum calls per day, one-sixth of the time of the House is consumed by merely calling the roll for a quorum.

If there are four quorum calls, one-third of our time is consumed by unproductive quorum calls.

I submit that much of this wasted time could be avoided by this amendment. Further, assuming 350 Members are present, two quorum calls per day costs approximately 350 man-hours of the membership, or over 43 8-hour days.

In money value, this amounts to over $7,082 worth of man-hours alone, plus all the other costs of the House diverted to the quorum call.

What I propose by this amendment is not a displacement of the existing rule, but merely an option for an alternative.

If it works—as I know it will—it will become the standard practice of the House.

If this does not fulfill all its expectation, then it will remain dormant this session and be dropped in the rules of the House for the 92d Congress.

So we have a chance today for real progress, without relinquishing any of our existing procedures.

Before I talk about the amendment itself, let me mention that this does not conflict with the McClory amendment which was passed earlier. That amend-

ment amended section XV which has to do with the House itself. This amendment not only is an alternative to the House action but also touches on the Committee of the Whole House, which was not touched on by the McClory amendment regarding the electronic system. The Committee of the Whole House is covered by section XXIII.

Going on to the merits of the amendment, the amendment merely says that the Speaker or the Chairman of the Committee of the Whole House at his discretion on an expeditious call of the quorum may order the Clerk to lay out tally sheets on which the presence of the Members shall be recorded by the Clerk or the respective Member.

There are several procedures that could be used effectively under this language. The fastest and most orderly would be for the Clerk to recognize and call the names of those Members standing whenever they are in the House or as they come forward; or the Members could sign in and be recorded present, or the roll could still be called.

The great saving of time is provided by the second part of the amendment where it says:

> When a quorum has been recorded, the Clerk shall advise the Speaker or the Chairman of this fact, after which a motion may be entertained to dispense with further proceedings under the call, and the business of the House or the Committee of the Whole shall then resume.

In effect, a quorum then can be established and the business of the House will probably be resumed within 10 minutes of the beginning of the quorum call, thus saving the House 20 minutes of time for each quorum.

When there are only 100 Members needed for a quorum, as in the Committee of the Whole House, it is possible that a quorum could be established in less than 10 minutes.

However, the amendment further provides that for a period of 30 minutes from the commencement of the quorum and though the business of the House has resumed, Members can still come in and be recorded as present. In practice this could be done either by signing the tally sheets or by being recognized and recorded at the desk by the Clerk, which would be faster.

Absent Members would still be recorded in the Journal. Thus, the quorum call is expedited and business can recommence earlier and all Members present within the same time now required for a quorum would be recorded.

A Member could regulate his business more quickly and with greater certainty and the Members would be more likely to stay on the floor as business resumes more quickly and contains their attention. There would be less chance of error since the tally would be made either by signature or by eye recognition and voice rather than by voice alone in a noisy hall.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I point out that whenever there is a motion in the House, there can be a rollcall demanded on that and if a quorum is not present under your amendment, there can be a demand for a rollcall made. So then you will have a rollcall on top of having a quorum call, and that takes more time than the quorum call.

Mr. WHITE. No; it does not work that way, because once the Chair takes notice that a quorum is present and the committee is still proceeding on business, the Speaker will take notice that a quorum is present and they would not consider a point of order made that a quorum is not present.

Mr. BIESTER. Mr. Chairman, I rise in support of the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I will be pleased to yield to the gentleman.

Mr. GROSS. What will cause the Members to sign these tally sheets; what is the compulsion on them to do so?

Mr. BIESTER. The same compulsion that requires them to answer to the quorum call orally. They will be recorded as absent if they do not sign in.

Mr. GROSS. If they did not sign in, you would have to go to the present method of a quorum call. Is that not correct?

Mr. BIESTER. No. We are talking about an alternative method to the present method. We would not dispose of the present method, but if we tried this method alternatively, if a quorum had been arrived at of 218 Members, then a further call orally would be dispensed with, but Members could sign in for the additional period of time called for in the rule. And if one signs in one is recorded as present under the quorum call. So, the sanction is if not signing in they would be recorded as absent.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, how much discretion or power do you want to give the Speaker or to give to any Speaker of the House?

Mr. BIESTER. All we want to do is to make it possible for the House to experiment with this alternate method and find a way to save one-half of the time which is now wasted in quorum calls, and not at the expense of doing something that we cannot change at the discretion of the Chairman or the Speaker.

Mr. GROSS. I agree with my colleague from Iowa (Mr. SMITH) that you will just consume more time with this kind of an arrangement.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Oklahoma.

Mr. BELCHER. What I do not understand is once you get 218 Members and then we start business and 200 more Members come in and sign a slip, how are you going to conduct business when you have 200 people in line signing them in less than 30 minutes?

Mr. BIESTER. First of all, I would not assume that there would be only one tally sheet but would assume that there would be several tally sheets available in an unobtrusive place where the signing could be done over at the sides of the Clerk's desk, for instance. At least, we would save, perhaps, 15 or 20 minutes of time which is now wasted. So the chance of being able to do that is worth voting on and approving today. If we find that it does not work and that there is not an improvement and that the problems develop which the gentleman from Oklahoma has raised, then it would be in the discretion of the Speaker to dispense with our proposed alternate method.

Mr. BELCHER. Mr. Chairman, if the gentleman will yield further, the only comment I would make on all of these amendments is this: I think we will find that a lot of them are not reform at all. They are just chaos.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Indiana.

Mr. JACOBS. The gentleman will admit, I presume, that it is a new idea?

Mr. BIESTER. Yes, it is a new idea, and a worthwhile idea.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. BIESTER. I yield to the gentleman from Ohio.

Mr. TAFT. I think one thing that should be made clear and which I do not believe the gentleman from Pennsylvania has made clear and that is the authority for an alternate procedure which at the discretion of the Speaker might or might not be followed. If it does not work, then we will remain with the present procedure. But in view of the tremendous amount of time wasted on quorum calls—and I have had some experience in this, if not in quantity but in quality at least—in the prior session when we had the so-called omnibus bill on the floor of the House, it seems to me it is worthwhile to experiment with this provision. It was set out in the CONGRESSIONAL RECORD on July 13 in some detail and has been studied very thoroughly. I think it is something at least worth trying. Then, you would have the other procedure to fall back on. You are not necessarily doing away with the present House rules by following this proposed procedure, but you are giving a try to a new idea which would save the House a great deal of time and lose none of the accuracy of the present quorum calls.

Mr. BIESTER. Members here know what amount of time is wasted upon quorum calls collectively in terms of the collective man-hours of the House, and also the individual time of the Members when you consider that one waits 15, 20, or 30 minutes for one's name to be called. That time is being spent away from service to your constituents and the real floor action which makes the time one spends in Congress a purposeful time.

Mr. SISK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is with some hesitancy that I oppose the amendment proposed here, and I particularly want to commend the gentleman from Texas (Mr. WHITE) on the fact that I know he has done a lot of work on this. It is entirely possible that the gentleman from Pennsylvania (Mr. BIESTER), the gentleman from Arizona (Mr. UDALL), and the gentleman from Ohio (Mr. TAFT) have also worked on it, but the gentleman

from Texas (Mr. WHITE) did submit a substantial amount of material in writing and made a statement to the subcommittee back, I believe, as far back as almost a year ago, as I recall it, because he was concerned. I want to say that he did about the most complete job of analyzing the amount of time lost in coming over here for quorum calls of any that I have seen. And because of the work he has done, and the research and checking on this mattter, it is with some hesitancy that I do oppose this.

But I do it at this present time because it seems to me we are getting into a rather complicated situation where at the moment we might make the situation worse.

The committee will recall that we have adopted an amendment on yesterday offered by the gentleman from Illinois (Mr. MCCLORY), in which we provided for the use of electronic recording equipment in connnection with quorum calls. Of course, the idea and the hope there is that, as the gentleman from Louisiana (Mr. WAGGONNER) proceeds with his work, that we are going to be able to speed up this whole situation of quorum calls and votes, and so on.

Mr. BELCHER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Oklahoma.

Mr. BELCHER. Mr. Chairman, I do not like to come to quorum calls any more than the rest of the Members, and anything that we can do to save time on calling the roll I think will be good. But I think one amendment that will do more good than anything else on that would be to require 10 Members to make a point of order that a quorum is not present. If we had that, we would do away with about nine-tenths of the quorum calls we now have, because then you would not have somebody just getting mad at the Chairman because he did not recognize him and, therefore, making a point of order that a quorum is not present. You would find that more than 50 percent of the points of order that are made are made that way. So I would suggest that if you needed 10 Members to make a point of order I do not think you could get 10 of them mad at one time.

Mr. SISK. Mr. Chairman, I thank my colleague, the gentleman from Oklahoma, for his statement, and I think he might be entirely right, as to the results of that.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Texas.

Mr. WHITE. Mr. Chairman, I would like to make two points on this matter.

No. 1: The amendment is strictly discretionary, and it is at the option of the Chairman or the Speaker. In other words if it does not prove out he does not have to use it; we can relinquish it right there.

No. 2: The amendment offered by the gentleman from Illinois (Mr. MCCLORY) did not go to section XXIII, this is an optional basis for section XV, it also goes to section XXIII which does give you some means of cutting down on rollcalls in section XXIII in the Committee of the Whole House.

Mr. SISK. Mr. Chairman, I appreciate the comments of the gentleman from Texas. As the gentleman knows, of course, we have had a bill in the last day or so with problems in this connection, both in the Committee of the Whole House on the State of the Union, as well as in the House itself and, as I say, I would like to see a speedup of this process.

I have great sympathy with it. Unfortunately, at the present time it seems to me that it could be somewhat confusing because of the different processes, that in connection with being permissive, that the roll could be called, and also the question of errors that might arise in connection with these sign-ins, as I understand it.

I think at this time it is the judgment of the subcommittee that we best vote down the amendment at the present time, until there is further study on some kind of a program of this kind; therefore, I urge that the amendment be defeated.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. CONABLE. Did the subcommittee consider any way in which the time could be shortened on quorum calls? Really that is something, I think, many Members would like to see accomplished.

Mr. SISK. I appreciate that very much. The gentleman will remember that yesterday in the debate we discussed at length the provision of the subcommittee. This was not right, and as I said before, we are in a position to leave the matter to the Joint Committee on House Administration, the committee of the gentleman from Louisiana (Mr. WAGGONNER) who is making a study as to the use of electronic equipment and various ways in which they would recommend rules changes to permit the speeding up of quorum calls.

Mr. TAFT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall be very brief. I think the subject has been fully and thoroughly covered. I would just like to emphasize again, it is an alternative and it is not compulsory.

The point has been raised with regard to the McClory amendment and what the effect might be, and I would just like to point out that no matter how we go about it with an electronic call system, if you are going to record it with a key or with a teller or with a light board or anything else, you are still going to have the problem with regard to the time taken for the quorum call. Because if you are not here on the floor, it is going to take some time to get over here to the floor.

It may be that if we go to time certain, and have something like the Senate procedure, and have to change the procedure of the House very much more materially than you have here.

I think that with this amendment, you could still work within the electronic system, but you are still going to have a timelag situation and you are still going to have a 30-minute period or something of that sort where people can come over and report.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. TAFT. I yield to the gentleman.

Mr. EVANS of Colorado. Mr. Chairman, I am glad that the gentleman has made that statement, and I join him in supporting the amendment offered by the gentleman from Texas.

Mr. Chairman, I think this is an excellent amendment. It is in the alternative.

So many of us are so sick and tired of coming here and having to wait around for 10 or 15 or 20 minutes because somebody in a fit of pique made a point of order of no quorum.

Mr. FRASER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have worked for some time on this amendment, and I think it is worth thinking about with some care.

If we move to electronic voting, as I hope we will, as the gentleman from Ohio pointed out, we do not deal with the problem that is dealt with in this amendment because when you go to electronic equipment or whether you stay with the present system, inevitably one is faced with the need to provide time for Members to get over here and respond to either a rollcall on some kind of mechanical or electrical registration.

The practical problem is this. As the parliamentary procedures are administered today, you cannot interrupt a rollcall for the purpose of making a motion to dispense with the further proceedings under the call until that rollcall has been completed.

Now that has been a practice for a long time. The fundamental question is this: Why not interrupt a rollcall once you have the quorum established? Why keep on going after you have met the constitutional requirement that there will be 218 Members on the floor or in the case of the Committee of the Whole, 100 Members?

So what the White amendment seeks to do is to make it in order earlier to move to dispense with the further proceedings under the call when you have met the constitutional requirement of a quorum.

Then you are left with the question: What about those who did not get over? They do not want to be identified as being absent—so it is provided that they can, in effect, sign in within a given and fixed period of time, which they can keep track of themselves.

There is one other very practical advantage in this amendment—and this is quite important in my judgment—if you set up a system whereby you might divide the whole House into, let us say, 12 separate lists and you lay them out around on the desk here, then if you are down at lunch and a quorum call takes place, you can come up immediately and sign in and go right back down without having to figure out whether you are going to hit the right point in the rollcall and if you missed then, you have to stay here another 10 minutes until the call goes around the second time.

This would make it much simpler for Members to get on with their business,

and it would save the time of the House. It would really make it possible for us to get more things done, and we are finding every day that our time is becoming more and more dissipated and scattered by these procedural patterns that are imposed upon us by older practices.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from New York.

Mr. CONABLE. I think the gentleman has made a good case for the amendment. It is important that we find some way to shorten the waste periods in our legislative lives. It has been alleged that chaos would result. The proposed amendment sounds to me like an ingenious plan for shortening the process of the quorum call, and I think it should be supported.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Texas.

Mr. WHITE. Is it not true that most of the abuses in relation to quorum calls occur in the Committee of the Whole of the House generally when we have repeated quorum calls during the course of the consideration of bills?

Mr. FRASER. I am a little reluctant to characterize it as an abuse, but I would say that we spend a lot of our time in that process.

Mr. WHITE. I will change the wording of my question. Is it not a fact that the amendment offered by the gentleman from Illinois (Mr. McCLORY) does not address itself to problems arising from quorum calls while the House is in the Committee of the Whole?

Mr. FRASER. Yes, but I would say that does not matter. Even if it did, you would still have the question of whether you will let Members come in early and leave, or whether you are going to require——

Mr. WHITE. Is it not a fact that the McClory amendment does not provide a time factor, and if the Members later wanted more time they would not have it, and that the pending amendment offers an alternative?

Mr. FRASER. That is exactly correct. Under this amendment, electronic devices would fit in very logically and simply.

Mr. WHITE. If an electronic system should break down, would not the amendment provide an alternative for a fast quorum call?

Mr. FRASER. It would.

Mr. WHITE. Is it not also a fact that the Senate uses a system similar to the one proposed, although they do not allow the membership to continue to register their presence to expedite business?

Mr. FRASER. My understanding is that they call the roll until they establish a quorum.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

(On request of Mr. SMITH of Iowa, and by unanimous consent, Mr. FRASER was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

It was on the last point that I really wanted to ask the gentleman a question. I think he alluded to the subject. But this is a very, very significant difference, as I understand. As I understand it, when in the Senate a quorum is reached—the only purpose of having a quorum call is to determine that a majority of the Members is present—when they have reached a quorum, they want to wipe the record clean. In that way you would not get phony reports of how people work in the Congress, how many quorum calls they answered, and also you would not have as many quorum calls to show that they were there that day.

If you put a period in the amendment after the point where it says "a majority has been reached," it would be a better amendment than all that other stuff.

Mr. FRASER. The gentleman has brought up a very important thought. In considering that possibility, we were faced with the practice in the Senate. They apparently have to work very hard to get their Members over to make a quorum. If we had to do the same thing here in the House, work hard to persuade people to come over when they knew it would not make any difference finally when the quorum was reached, I think you would have a difficult time getting a quorum in the House. We must retain the practice of recording the presence of Members, which will require Members to come over and be counted in the quorum.

Mr. Chairman, I make one last point. Someone suggested the request of 10 Members ought to be required in order to challenge the existence of a quorum. I think there is a constitutional problem. The Constitution provides for the presence of a majority of the Members of the House in order to do business. If one Member raises a point of order that a majority is not present, you are constitutionally in trouble if you do not accept that point of order and make a count. Much as that proposed change might be desirable, I think it would require a change in the language of our Constitution.

Mr. McCLORY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. McCLORY. Mr. Chairman, I wish to make a brief comment. It seems to me that a great deal of our discussion yesterday on the subject of electronic voting was with respect to when it would be installed. There was a great interest in installing such a system at the earliest possible time. I think we ought to consider yesterday's action in our consideration of the amendment offered by the gentleman from Texas (Mr. WHITE). It is possible that his plan or some third alternative plan may inadvertently be an excuse or a reason for delaying the installation of the electric or electronic system which can expedite rollcalls and quorum calls with respect to issues before the House.

I would also like to make this observation. As I understand quorum calls, they are not all made for a useless purpose or to relieve somebody from being present on the floor of the House, but are mainly for the purpose of trying to bring people to the floor to conduct important business. If we adopt an amendment which merely gives a person an excuse to finish his lunch or to avoid being present on the floor of the House, it seems to me we are performing a disservice instead of making a change which can enable the Members to perform more efficiently their jobs.

I do not have strong feelings on this amendment. I can see how it can expedite the establishment of a quorum. If that is its sole purpose, it accomplishes that without question. But what happens 5 minutes later when there is not a quorum here, after 218 Members have signed in? The absence of a quorum can be raised again. Am I wrong on that statement?

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Ohio.

Mr. TAFT. Mr. Chairman, I did not want to refer to what the gentleman just said, but rather to point out that with the present system of coming into the well of the House at the end of a quorum call, I do not see how anything that is true about it now would not be true if the amendment is adopted. In other words, people sitting downstairs for a lunch may go into the well of the House anyway.

Mr. McCLORY. It is true, a number of times when we respond to the quorum call, we do not stay on the floor, but my point is that after a quorum is made, there usually is a much larger percentage of Members on the floor than before the quorum call is made. So it seems to me that the quorum call does serve that valid purpose. I raise the question whether the amendment of the gentleman from Texas (Mr. WHITE) would have that effect. I think it would have the opposite effect.

Mr. McCLURE. Mr. Chairman, if the gentleman will yield, if this saves half the time we spend in quorum calls, it is worth the effort. About 2 years ago I made an analysis of the quorum and rollcalls for the preceding 18 months. Based on the average time to call a roll and the average number of times a week we were in session, we had spent in floor time 14 weeks in calling the roll. If we could save 6 weeks of floor time, it seems to me it would be worthwhile.

Mr. McCLORY. Mr. Chairman, let me emphasize that the installation of an electronic rollcall system is designed precisely for that purpose. The only question in my mind is whether or not we serve the purpose of establishing a quorum or producing more Members on the floor of the House by this amendment. It is a question I raise which I think we should consider in casting our vote on the proposal.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr.

Chairman, is it not true, I ask the gentleman from Illinois, that if the amendment offered by the gentleman from Texas would prevail, that such quorum calls could be taken by electronic means?

Mr. McCLORY. Yes. After the electronic system is established, we can take the rollcall by that means. Yes.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, the gentleman realizes, does he not, that a quorum call utilizing an electronic device will not be instantaneous?

Mr. McCLORY. That is true, but it would be timesaving without any question at all, which I assume is the purpose of the amendment we are considering here.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. UDALL. Mr. Chairman, quorum calls are a part of our lives. We are engaged now in a constructive effort to see if we can keep the benefits and the values of the call of the House, the quorum call, without causing undue hardship upon the Members.

I believe the gentleman from Texas has a sound idea. There may be some bugs or defects in it. The gentleman from Iowa points out one of the problems. There is an answer, as the gentleman from Minnesota stated, to that suggestion, with the Senate practice.

It might be helpful, before we vote on this, if we would ask ourselves, why do we use the call of the House? What is the purpose of the quorum call?

First, we used it for the automatic vote. Under the changed procedure in this Congress, when we have the automatic vote they ring two bells and not three bells. This would not change that procedure. We would still have the ability to get an automatic yea-and-nay vote under that situation.

Second, once in a long time the call of the House is used as a delaying tactic. Occasionally a minority, not anxious for action on a particular measure, will require a series of quorum calls. This would not change that procedure. The minority might have to use 10 of these calls to occupy the same amount of time that six would occupy, but they would still have the constitutional right at any point to raise the question as to whether or not there were 218 Members, or 100 Members, as the case might be, on the floor of the House at that time.

What are other reasons?

Yesterday a distinguished Member of this body said to me that he had been absent for a few quorum calls, and he wanted to improve his batting average, and he said, "I think I will raise a point of order." Members still would have that right. Under this provision, instead of taking 40 minutes, it might take 15 minutes. A Member might infringe on the time of his beloved colleagues for perhaps 15 minutes instead of 40 minutes to improve his batting average.

I recall that not too long ago one of my colleagues was about to make a major speech, and he said, "I would like to have a crowd here. Will you make a point of order and get me a crowd?" This is another reason why we use the quorum call, the call of the House. Under the amendment of the gentleman from Texas the use of the quorum call for that purpose would not be infringed. A Member still would be able to get himself a crowd if his advance publicity had not done the job.

Finally, the last purpose I could think of is that frequently we will be engaged in general debate, and the Members who do not want to participate in the general debate, who have other things to occupy their time, will go back to their offices. All of a sudden the time will be yielded back in the general debate, and we are about to begin consideration under the 5-minute rule, so we want to have some way to get the word out to the Members that we are now going to make decisions on particular amendments, so we make a point of order that a quorum is not present. Again, we go through this 35- or 40-minute procedure.

Again, under the amendment of the gentleman from Texas, this function, this very legitimate form of the quorum call, would be kept. A Member still would have the right to do this. But it would occupy perhaps 15 minutes, as I say, instead of 35 or 40 mintues.

I believe we can keep the values of the quorum call, of the call of the House, and follow the Constitution, which permits Members to make a point of order, and yet save hours and hours—thousands of man-hours—a year through the adoption of this amendment.

I strongly support the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Iowa.

Mr. GROSS. Under all of the conditions the gentleman has set forth nothing is going to be changed unless 100 Members stay on the floor of the House, when legislation is considered in the Committee of the Whole.

Mr. UDALL. That is right.

Mr. GROSS. Nothing being done here will change that.

Mr. UDALL. That is right.

Mr. GROSS. If the Members do not want quorum calls, the way to avoid quorum calls is to keep 100 Members on the floor. Is that too much to expect from 435 Members?

Mr. UDALL. Well, we live in an imperfect world, not in a perfect world. In a perfect world we would all be here.

I have had problems, as the gentleman has, in trying to get 100 Members here.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Florida.

Mr. BENNETT. I believe the gentleman's analysis of the reasons why we have quorum calls omitted the chief reason for the quorum call, and that is to have Members here to conduct business. The gentleman did not mention that. I hope in the revision of his remarks he will put that in.

Mr. UDALL. I would concur with the gentleman. This is an essential purpose. That is what the Constitution contemplated, that we do business with quorum.

Mr. BENNETT. If the gentleman will yield further, I did not mean that as a criticism, and did not imply the gentleman did not believe it. I just noted the list did not include it, and it is of paramount importance.

Mr. UDALL. I thank the gentleman for his contribution. I agree with him.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. TAFT. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Ohio.

Mr. TAFT. I thank the gentleman for yielding.

Following up the point just made, I believe we all ought to ask ourselves whether, knowing that the quorum call is only going to take 15 or 20 minutes, rather than 40 minutes, when a Member comes to the floor, he would be far more likely to remain on the floor. That is the very purpose the gentleman from Iowa mentioned, under the present rule.

It seems to me it is obvious he would, and that is one of the strongest reasons for this amendment. A Member who has come over to answer the quorum will remain because he knows that it will not last very long and thus you will get back to business sooner.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. GROSS. There is not any assurance whatsoever that in putting a paper down here for you to sign it will save any time. That can be stretched out from here way out to yonder with the time consumed in that.

Mr. JACOBS. Mr. Chairman, I take this time to say something which is rather unusual. In the normal case, accolades are normally reserved for the conclusion of debate and the conclusion of the passage of a bill and never in midstream, but this has been a pretty long swim, and so I would like to take this opportunity to say how much I admire the way in which the gentleman from California (Mr. SISK) and the gentleman from California (Mr. SMITH) have conducted the deliberations on this bill.

I have participated in a number of debates, as all Members here have, and I must say that I have never participated in one that seemed more reasoned and where more respect was paid to each individual Member than in the case of the bill which is before us now.

But above all, Mr. Chairman, I would like to pay my tribute and respect to the gentleman in the chair, the gentleman from Kentucky, because of the even-handed way in which he has conducted this debate and because of his patience. And when I say "the gentleman from Kentucky," I mean the gentleman from Kentucky.

AMENDMENT OFFERED BY MR. SMITH OF IOWA TO THE AMENDMENT OFFERED BY MR. WHITE

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa to the amendment offered by Mr. WHITE:

After the word "which" in line 16 of the White amendment, delete the words "it shall be in order to entertain a motion to dispense with further proceedings under the call and".

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Is this an amendment to the amendment offered by the gentleman from Texas?

Mr. SMITH of Iowa. Yes, it is.

Mr. HALL. Or does the line reference refer to page 39 of the bill?

Mr. SMITH of Iowa. It is to the amendment offered by the gentleman from Texas.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes in support of his amendment.

Mr. SMITH of Iowa. Mr. Chairman, judging from the discussion, the purpose of the amendment is to save time, but I say that without this perfecting amendment it can take more time. The reason for that is that we can have a quorum call and then have a motion and one could demand a quorum call on that motion. We can end up with more time wasted rather than less. All my amendment does is to delete from the amendment the requirement or the possibility of having a motion upon which there could be another rollcall demanded. In other words, when 100 Members answer, it stops. Members can still come up and sign if they want to, but at that time that proceeding stops and there is no motion intervening on which there could be another rollcall.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. FRASER. One of the problems with the gentleman's amendment, although I think it has a lot of merit to it, is that the call of the House serves other functions than simply establishing a quorum, because under the procedure of the call of the House you may require the attendance of every Member of the House. There may be occasions in which the House itself decides it wants to require every Member to be present unless excused officially with the consent of the House. That is the problem of your amendment. You are in effect stating that the proceedings of the call are automatically dispensed with after you reach a quorum. In probably 99 out of 100 cases that is the result you want, but there may be a few occasions where there is a desire on the part of the House to compel all of the Members to be present.

And you would have eliminated that possibility by automatically causing a call of the roll to be discontinued.

Mr. SMITH of Iowa. A quorum call does not require all Members to be present. That is another rule.

Mr. FRASER. There is no such thing as a quorum call in the rules. The rule provides that in the absence of a quorum the roll may be called.

Mr. SMITH of Iowa. But I say there are other rules that will require the presence of everyone if they are invoked. This has nothing to do with that at all.

Mr. FRASER. Mr. Chairman, if the gentleman will yield further, I have to differ with the gentleman. The rollcall, a call of the House, is a procedure which not only establishes and sets in motion the machinery, but the Sergeant at Arms can arrest people and the doors of the House can be locked. All of these matters are involved in a call of the House.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Washington.

Mr. ADAMS. We have only invoked this once in about 4 years, and I think some of the Members present will remember that I made a motion where the doors were really locked so that if everyone comes in, they cannot get out at that point. We do not usually do that, but as the gentleman from Minnesota (Mr. FRASER) has pointed out, there are a series of procedures that are set in motion that can go far beyond the simple signing in of the Members.

Mr. SMITH of Iowa. All I am trying to do is to perfect the amendment so it will save time. Otherwise, we may under the White amendment take up more time than is consumed at the present time.

Mr. FRASER. Mr. Chairman, will the gentleman yield further?

Mr. SMITH of Iowa. Yes; I yield further to the gentleman from Minnesota.

Mr. FRASER. It is the current practice that after the roll has been called twice and the Members have checked into the well, there is still in effect a motion which can be made to dispense with further proceedings even though you have not accounted for all the other Members and the Presiding Officer can say without objection further proceedings under the call are dispensed with, but someone can object. This changes that procedure, but it probably would not occur in 99 cases out of 100.

Mr. SMITH of Iowa. My amendment would not eliminate that procedure.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to my colleague from Iowa.

Mr. GROSS. Unfortunately I was answering a telephone call when the gentleman's amendment was read.

Does this provide that if, for instance, the House is in the Committee of the Whole, upon the signing of the paper by 100 Members, that the House then resumes its sitting?

Mr. SMITH of Iowa. Yes. As I have stated previously the purpose of the amendment is to save time. Either we must adopt this amendment to the amendment or it is going to take more time rather than less time. As the original amendment which has been offered is written now, it will end up taking more time because we could have a motion in the middle of the quorum call and we could have a rollcall on that.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, and if the roll, or whatever you want is taken, this signed paper roll was taken at 2 o'clock in the afternoon, you could come in at 6 o'clock and sign that sheet and be accounted for as having been present?

Mr. SMITH of Iowa. That provision for signing is in the White amendment. That is not in my amendment to his amendment.

Mr. GROSS. Then what do we do about the clocks? Do we put another light on the clocks to tell you what kind of a bobtailed affair is going on over here that I do not have to get here but I can sign in later? What kind of business is this?

Mr. REES. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from California.

Mr. REES. Could I read from a copy of the amendment? It says that if for a period of 30 minutes from the commencement of said quorum call Members are not present before the expiration of said 30 minutes, may have their presence recorded on said tally sheets.

So, they ring the bell for a quorum call and a Member has 30 minutes to come here and either answer "present" or sign his name on a tally sheet and then the rolls are closed and there is no way the Member can be recorded.

Mr. SISK. Mr. Chairman, it is obvious that we are nearing 7 o'clock. I, therefore, ask unanimous consent that all debate on the pending amendment and all amendments thereto close at 7 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DINGELL. Mr. Chairman, reserving the right to object, may we have an understanding as to how many Members want to be heard on this?

The CHAIRMAN. The Chair observes eight Members standing.

Mr. DINGELL. Mr. Chairman, I must, regretfully, object.

Mr. SISK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, had come to no resolution thereon.

SAFE BANKING ACT OF 1970

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, since 1964, nine banks across the country have failed, primarily because they dealt too heavily in brokered funds and tie-in loans. In 1970 alone, three banks have failed for these reasons, the latest occurring only last month.

Because of this situation and several other unsound banking practices, I have today introduced the Safe Banking Act of 1970, which is designed to strengthen

the banking system and to return banks and certain other financial institutions to the business for which they were chartered.

Our investigation which led to this legislation has revealed a complicated network of financial maneuvering, including phoney stock, international check kiting schemes, bogus banks, transfers of large sums of questionably obtained money in foreign bank accounts and loans to finance gambling operations.

It is imperative that this legislation be enacted immediately since there are a number of banks across the country still in operation who have been victimized by brokered funds and other questionable transactions. And, although these banks are still operating, there is a possibility that they could all become casualties.

The use of brokered funds, accompanied by tied-in loans is not new in the banking industry, but recently has been put to its greatest use because of the continuing shortage of money and high interest rates.

BAD RISKS GET BANK LOANS

Quite simply, this is how the brokered fund scheme works. A borrower goes to his bank to borrow $100,000. The bank itself does not have that amount of money to loan or else does not feel that the borrower is a good credit risk or that the reason for the loan is not solid enough to justify such an amount. The potential borrower is then either steered or on his own makes contact with a money broker. The money broker agrees that he will arrange for deposits to be made in the bank so that the potential borrower can obtain the loan. For this service, the broker is to be paid a percentage of the loan as a fee. In order to obtain the money to put in the bank, the broker advertises an interest rate in excess of that allowed by regulation Q, the regulation of the Federal Reserve Board which sets limits on the interest paid by financial institutions on savings. For instance, the broker may advertise for deposits with an interest of 7½ percent providing a minimum deposit of $5,000 is made. Such a deposit would be limited to 5½ percent for 1 year under the terms of regulation Q. However, the 2-percent difference is made up out of the fee paid the broker by the potential borrower and the "kicker" money is normally paid by the broker in advance to encourage participation in the program.

Thus, the situation looks like this. The bank has $100,000 in deposits, the borrower has a loan for $100,000, a group of depositors have $100,000 in savings in the bank. They are receiving an interest rate of 7½ percent, a portion of which is paid by the broker who has collected a nice fee for putting the whole package together.

BIG LOAN CAN BREAK BANK

The first problem arises when the bank borrower is unable to repay the loan either because the project for which the money was borrowed did not materialize as expected or the borrower simply had no intention of repaying the funds. The bank is still obligated to pay the savers who deposited the money for the loan and since the bank received no income from the loan that went sour, it has to obtain the funds to repay the savers from other sources. And, of course, if the loan is large enough, it can break the bank. The money broker, who gets his fee in advance, merely sits back and waits for the next loan customer to come along.

Since the problem with brokered funds began developing and banks began to fold, the money brokers have taken the attitude of innocent bystanders. The brokers contend that they are merely performing a needed banking service and do not have anything to do with inducing the financial institution to make a loan or evaluating the credit worthiness of the borrower. Some bank supervisory officials support the position of the brokers, adding that brokered funds, on their own, are not cause for worry.

I reject all of these arguments. The brokered fund scheme will not work without the tie-in loan, since there must be a source of income above the legal savings interest rate in order to attract depositors. That kicker must come from the borrower who is willing to pay the fees in order to obtain the loan.

Mr. Speaker, one of the largest banks in the South, throughout the years, has refused to participate with the Small Business Administration in making loans available to small businessmen on a cooperative basis. The bankers' reasoning is that "if the loan is good enough to be made, I will make it on my own without getting a guarantee from SBA, but if the loan is not worthy enough to be made, I do not want to make the loan even with SBA in the picture." This type of reasoning should be more properly applied to loans involving brokered funds. The bank should either make or not make the loan based on the qualifications of the borrower, not whether or not the borrower can arrange for brokered funds to be put in the bank. This is why the Safe Banking Act of 1970 would prohibit banks and insured savings and loans from accepting brokered deposits. On their very face, these deposits cause problems and it is an unsavory aspect of the banking industry which must be eliminated.

The following table shows the extent to which brokered funds were involved in nine bank closings since 1964:

INSURED BANK CLOSINGS FROM SEPT. 5, 1964 TO JULY 21, 1970, WHICH INVOLVED BROKERED FUNDS

Name and location of closed insured bank	Date of closing	Approximate total of brokered funds	Primary money broker(s)
Brighton National Bank, Brighton, Colo.	Jan. 22, 1965	$1,015,000	See listing attached.
San Francisco National Bank, San Francisco, Calif.	do	17,000,000	Do.
Bank of Pine Apple, Pine Apple, Ala.	Jan. 31, 1967	150,000	Washington Capital Corp., 27 William St., New York, N.Y.
Morrice State Bank, Morrice, Mich.	May 5, 1969	949,000	Leo Freedman, Pasadena, Tex.; Greater Miami Financial Corp., Miami, Fla.
First State Bank, Aransas Pass, Tex.	Sept. 2, 1969	820,000	Meyers, Pollock, Robbins, Inc., New York, N.Y.; Bankers Financial Equity Co., Boston, Mass.
First National Bank, Coalville, Utah	Oct. 3, 1969	1,000,000	Seaboard Planning Corp.; Bankers Financial Equity Co.
State Bank of Prairie City, Prairie City, Iowa	Feb. 22, 1970	848,000	Seaboard Planning Corp.; Bankers Financial Equity Co.; Sumner Financial Corp., Jacksonville, Fla.
Peoples State Savings Bank, Auburn, Mich.	Apr. 18, 1970	2,725,000	See listing attached
Farmers Bank of Petersburg, Petersburg, Ky.	June 25, 1970	737,000	Do.

THE BRIGHTON NATIONAL BANK, BRIGHTON, COLO.—MONEY BROKERS

Guaranty Depositors, Los Angeles, California.

W. B. Wolf & Company, Detroit, Michigan.

John Woodson and Associates, San Rafael, California.

Horace Chase, Incorporated, Sherman Oaks, California.

Colorado International Corporation, Denver, Colorado.

Resolute Insurance Group, Hartford, Connecticut.

MONEY BROKERS—RECORDS OF SAN FRANCISCO NATIONAL BANK, SAN FRANCISCO, CALIF.—NR–276

Associated Brokers, Ltd, El Paso, Texas.

Bankers Financial Equity Corp., c/o Mr. Harry Magazine, 8 Oliver Street, Boston 9, Massachusetts.

Tom Berkley, Berkley, Randall & Harvey (Lawyers), 2975 Sacramento Street, Berkeley 2, California.

Charles B. Elkins, 30 East 42d Street—Suite 1901, New York, New York.

Mr. A. A. Franks, 10 Post Office Square, Boston, Massachusetts.

Mr. Leon Friedman, Lincoln—Levine Towers, Broad Street, Columbus, Ohio.

Gifts for Thrift, Inc., 176 Broadway, New York, New York.

Mr. H. S. (Bud) Gobler, "Bud Gobler Financing", 15010 Ventura Boulevard—Suite 217, Sherman Oaks, California (formerly with Guaranty Depositors)

Guaranty Depositors, Guaranty Building, 1151 Northwestern Avenue, Los Angeles, California.

Greater Miami Savings Center, c/o Mr. Richard Finchell, President, Olympic Building, Miami, Florida.

Horace Chase, Inc., (see C/D Nos. 957 & 979, Barton & Estelle Lewis).

W. W. Inglis, Inglis Irving Trust Co., 1 Wall Street, New York City, New York.

John Woodson & Associates, 2208 Fourth Street, San Rafael, California (formerly with Guaranty Depositors).

Melvin E. Levinson, 33 North LaSalle, Chicago, Illinois.

Mr. Leo F. Lomski, President, Capital Dynamics International, Suite 200, 199 First Street, Los Altos, California.

Natalie Moorman, (Commercial Investors Inc.) 146 Leavenworth Street, San Francisco, California.

John C. Namos, 137 Montgomery Street, San Francisco, California.

Jack Paller & Company of Philadelphia, Inc., (Acct. #1064268 with Philadelphia National Bank—only address can locate so far).

Park Acceptance Corporation, 1951 Guardian Building, Detroit, Michigan.

Renshaw, McKeown & Young, Inc., c/o Mr. Robert F. McKeown, 11000 West McNichols Road, Detroit, Michigan.

Robbie, Waters & Co., Inc., c/o Mr. Her-

man H. Robbie, 545 Fifth Avenue, New York, New York.

San Diego Imperial Corporation, c/o Mr. D. R. Sully, Treasurer, P.O. Box 631, San Diego, California.

S. L. Miller & Co., Inc., 4 Blackberry Lane, P.O. Box 247, Westport, Connecticut.

The B. C. Morton Organization, Inc., (c/o Mr. Herman H. Robbie, Manager Corporate Finance Division), 22 East 40th Street, New York, New York.

Toddan Company, c/o Mr. Kenneth Beebe, Vice President, 50 East 42nd Street, New York, New York.

William L. Miller & Associates, Financial Center Building, Suite 401–405–14th Street, Oakland, California.

Wentworth & Co., Inc., Suite 108–109 Benson E., Jenkintown, Pennsylvania.

W. E. Rollins & Associates, 905 Century Building, Houston, Texas.

W. B. Wolf & Co., 482 Penobscot Building, Detroit, Michigan.

Mr. Arthur G. Wolf, W. B. Wolf & Co., 512 Penobscot Building, Detroit, Michigan.

THE PEOPLES STATE SAVINGS BANK, AUBURN, MICH.—MONEY BROKERS

Sumner Financial Corporation, 5821 San Juan Avenue, Suite 116, Jacksonville, Florida.

The Seaboard Planning Corporation (Formerly The B. C. Morton Organization, Inc.), 141 Milk Street, Boston, Massachusetts.

Bankers Financial Equity Company, (A Subsidiary of The Seaboard Corporation), 9601 Wilshire Boulevard, Beverly Hills, California.

C. H. Wagner & Company, Inc., 185 Devonshire Street, Boston, Massachusetts.

Primus Investment Company, 921 Twenty-Eighth Street, S.E., Grand Rapids, Michigan. Roger VanNoord, Secretary-Treasurer.

Westamerica Securities, Inc.:

"The 300 Complex," Suite 311, 300 West, P.O. Box 20288, St. Petersburg, Florida.

1120 Citizens Bank Building, Orlando, Florida.

2601 E. Oakland Park Blvd., Suite 304, Fort Lauderdale, Florida.

40 Sunshine Mall, Clearwater, Florida.

230 Highway A1A, Box 2312, Satellite Beach, Florida.

Suite 902, Republic Tower, 5700 Florida Blvd., Baton Rouge, Louisiana.

3655 28th Street, S.E., Eastbrook Mall, Grand Rapids, Michigan.

Martin W. Harowitz & Company, Suite 108, 1904 Byrd Avenue, Richmond, Virginia.

James H. Roof, Jr., Agent, P.O. Box 1014, 308 Tampa Street Bldg., Suite 238, Tampa, Florida.

First Depositors of America, Inc., Suite 507, Olympia Bldg., 174 East Flagler Street, Miami, Florida.

R. E. Miller & Associates, 3219 Atlantic Blvd., Jacksonville, Florida.

FARMERS BANK OF PETERSBURG, PETERSBURG, KY.—MONEY BROKERS

Nationwide Securities Corporation.
Bankers Financial Equity Company.
Lundy Associates.
Zenith Funding Corporation.
Financial Service Corporation of America.
C. H. Wagner Company.
H. Adams Company.

One of the prime examples of how the money broker operation works involves the closing of the Peoples State Savings Bank of Auburn, Mich., which went under on April 16 of this year. In the Auburn case, some $2.7 million in brokered funds were deposited in the bank by 545 investors from various parts of the country. The deposits were made in an 8-week period in the spring. The investors were talked into buying a $5,000 letter of credit—savings deposit—that would pay them $5,700 at the end of 2 years. According to FDIC reports, more than $2,300,000 of that amount has been paid out as follows. Some 30 percent went to a loan to Graham B. Alvey and his wife of Sanford, Mich.; 16 percent each to Frank Harris of Alabama and Robert K. Drake of New Jersey; roughly 2 percent each to James McConnel of Florida and James Dondich of Nevada; and some 34 percent to the Sumner Financial Corp. of Jacksonville, Fla., the original money broker in the scheme.

DEPOSITS WENT TO BROKER'S ACCOUNT

Actually, the deal started when Alvey, who was developing a resort property in Michigan, sought to obtain additional funds from the Peoples Bank to finish the project. When the bank was unable to extend him additional money, Alvey was steered through a complicated network of money brokers and finally wound up with the Sumner Financial Corp. Apparently Sumner agreed to obtain deposits for the Auburn Bank so that Alvey could get his loan. The funds were obtained by Sumner, although it appears that other money brokers helped in the deal. But, instead of the money going directly to the Peoples Bank, it was deposited in an account at the Bank in the name of the Sumner Financial Corp. From that account, the money was apparently channeled to Alvey and the other parties, although who actually disbursed the money is unclear. By depositing the funds from the letters of credit in the account of Sumner, the Bank of Auburn was now in the position of having a liability without a corresponding asset. The bank was obligated to repay the letters of credit, but apparently did not have the use of the funds as they were deposited in the Sumner account.

The Federal Deposit Insurance Corp. officials were amazed when they began looking through the bank records to find that there were no loan agreements between any of the parties who received funds from the Sumner account, including Alvey, who told a Banking and Currency Committee staff member that not only did he not sign loan papers with anyone, but that he never made a payment on the loan. In addition, none of the money which was funneled out of the bank was secured by collateral.

It is reported that some of the money obtained in the brokered deposit scheme in Auburn has been deposited in foreign secret bank accounts. It is known that two of the borrowers from Auburn traveled to Europe shortly after receiving the money but did not have the funds when they returned to this country.

Two of the men who received money in the Auburn case, McConnel and Dondich were charged in 1969 by the Securities and Exchange Commission with violations of the antifraud provisions of the Federal securities laws in connection with the sale of unregistered stock. The two consented to the issuance of a permanent injunction not to sell the stock. It is believed that the pair is involved with a link financing transaction with an Ohio bank that lost more than $1 million on brokered funds. Despite the Bank's losses, it is still operating.

QUESTIONABLE STOCK PLEDGED ON LOAN

Another bank which is still in operation but apparently has been hit hard by the money broker scheme is the Corbin Deposit Bank and Trust Co. of Corbin, Ky. and a related bank, the Bank of Williamsburg, Ky. The banks have filed a suit charging that a group of borrowers, a large money broker, Seaboard Corp., and numerous certificate of deposit holders engaged in a scheme with former bank officers to make $2.25 million worth of worthless and illegal loans. One of the individuals named in the suit is Samuel Calabrese of Los Angeles, who heads several companies, including Standard Computer and Picture Corp. of North Miami, Fla.

In 1969, the Securities and Exchange Commission suspended trading in Standard Computer and Pictures stock in an action filed in the U.S. District Court for the Southern District of Florida. The SEC also named Calabrese as a defendant in the action and charged that:

> He and some of the other defendants violated the antifraud provisions of the Federal Security laws in that they engaged in a scheme to have Standard acquire assets in non-arms-length transactions at inflated prices which were recorded on Standard's books as cost and, in furtherance of the scheme, prepared and disseminated a false and misleading report to shareholders.

In the case of the two Kentucky banks, Calabrese attempted to borrow $2.25 million to finance a deal with another company. Working through Seaboard, Calabrese apparently obtained deposits and a loan agreement was reached with Calabrese putting up as collateral for the loan 200,000 shares of Standard Computer and 300 shares of Photo Mark Computer Corp., which like Standard Computer, also had selling of its stock suspended for much the same reasons as applied to the Standard case. One of those named in the Photo Mark trading suspension injunction was Emanuel Lester, who in 1963 received a three-month $100,000 loan from the Citizens State Bank of Earth, Tex. The loan was made to Lester after he was able to secure $200,000 in deposits produced on his behalf by Sumner Financial Corp., the principal money broker in both the Auburn, Mich., and Prairie City, Iowa, banks which failed this year. When the Earth, Tex. bank loan came due, Lester had disappeared and the stock pledged as collateral on the loan turned out to be worthless. Lester, who has a police record dating from the 1940's, also is known as Emanuel Lieberman and is presently awaiting trial in Toronto, Canada, on charges of possession of stolen securities and in Baltimore on charges of mail fraud. In 1966, the Banking and Currency Committee conducted an investigation into the closing of the Crown Savings Bank of Newport News, Va. Although there were some brokered deposits in the bank, primarily the reason the bank failed was that it made out-of-territory, high-risk loans that were never repaid and also issued fraudulent certificates of deposit. Many of the loans that were obtained from Crown Savings Bank were used to finance loan sharking throughout the east coast of the United States and various

other illegal schemes. It is still too early to find all of the purposes for which the funds that have been obtained in the recent banking closings have been put to use.

However, it is interesting to note that Calabrese, who is one of the defendants in the Kentucky Bank suits, has made two loans totaling $800,000 to Circus Circus, Inc., a Las Vegas gambling casino. The first of these loans, for $300,000, was made in 1969 and carried an interest rate of 10 percent. And on February 23, 1970, Calabrese through one of his corporations, lent Circus Circus $500,000, also with a 10 percent interest rate.

DID BANK FUNDS GO TO GAMBLING CASINO?

Mr. Speaker, the American banking industry is indeed in a sad state when people cannot borrow money for homes and small businessmen are unable to secure loans in order to stay in business. But at the same time, banks are willing to lend to individuals of highly questionable background who may be turning around and lending the money to gambling casinos.

The Safe Banking Act of 1970 would outlaw brokered deposits by prohibiting a bank or savings and loan association from paying a broker, finder, or other person compensation for obtaining a deposit for a bank or savings and loan association. This prohibition would include a payment by anyone outside of the bank or S. & L. to a potential depositor.

If the money brokers are precluded from dealing with commercial banks, it is quite obvious that they will shift their attention to savings and loan associations, and, in fact, many of the brokers already deal with these institutions. While there are some regulations governing the acceptance of brokered deposits by savings and loan associations, it is felt that the regulations are not adequate to correct the situation if the money brokers shifted all their attention to S. & L.'s.

PREMIUM "GIVEAWAYS" ELIMINATED UNDER ACT

The Safe Banking Act of 1970 would also eliminate the so-called giveaways which banks and savings and loans use to attract deposits. These giveaways may take the form of a blanket, an alarm clock, a box of golf balls, or even ladies' wigs. The list of giveaway items is virtually endless and the use of such promotions has triggered what many believe to be unsound competition for deposits.

The Safe Banking Act of 1970 would do away with such premium giveaways, not only for savings deposits but also for demand deposits. Even though there are regulations governing the cost of the items which may be given away, these regulations are easy to get around and do not effectively curtail the practices. The premium giveaways are a form of unfair competition since the larger financial institutions are able to offer a better premium than the smaller institutions.

Depositors have also begun to "shop" financial institutions, seeking to deposit their money in institutions which offer the best gifts. Some financial institutions have been bothered by customers who make deposits, accept a gift, and promptly close their account and move the money to another financial institution and begin the process all over again.

To illustrate how expensive the premium giveaway program has become, it is reported that in New York City alone during the month of July, $40 million was spent in advertising premium giveaways. This figure represents only the advertising of the premiums in newspapers, radio, and television and does not include the cost of the premiums.

In this period of tight money when it is virtually impossible for a person to obtain funds for a home, it is strange that $40 million can be pumped into giveaway advertising.

EQUITY KICKER WOULD BE PROHIBITED

The Safe Banking Act of 1970 would also put a stop to another unsound and unwholesome financial practice. This involves the so-called equity kicker which is being used by many financial institutions, particularly since we have moved into the tight money period. The equity kicker goes under many names, such as equity sweeteners, a New York kicker, or a piece of the action. For virtually every name there is a different type of equity feature. For instance, the lender receives—either by his demand and as a tie-in transaction or by the borrowers offer as an inducement for the loan or for a reduced interest rate—a certain number of shares of the borrower's stock in addition to or in lieu of the maximum interest rate on the loan or in lieu of shares of stock, the lender may receive rights to buy stock, generally referred to as "warrants." These warrants will allow the lender to buy stock in the borrowers company at a predetermined price. If the value of the stock goes up, the lender will exercise his right to buy the stock but will pay the lower predetermined price, thus making an instant profit.

Another technique used is that of "shadow warrants." This is an arrangement under which the borrower agrees to pay the amount equal to the profit the lender would receive if he had received a certain number of warrants and exercised them on a certain date.

The borrower may agree to pay the bank or other financial institution a stipulated dollar amount for each point that the market price of the borrower's stock advances between the date of the loan and a specified date.

Under another type of equity arrangement, the lender may receive a percentage of gross profits, rents, or sales from the borrower.

Should the loan be in connection with land development, an equity kicker may provide that after repayment of the loan—with interest—the proceeds of the sale of a designated number of lots shall go to the lender as a bonus.

An equity arrangement apparently used by one bank in connection with a loan to a closely held corporation provided for additional interest charges of $15,000 at maturity or, in the event of prepayment or the making of a public offering; and provided further in the event of sale of stock by any stockholder the bank would receive the greater of, first, an additional sum computed on the basis of the time elapsed to the date of the sale, or second, the difference between the total price percentage of the borrowers total outstanding stock at the time of the sale and the State book value of the same percentage of stock at the time of the loan.

There are a number of reasons why financial institutions should not be allowed equity kickers when coupled with loans. These arguments include:

First. Lead to risker loans and possible impairment of safety of depositors' funds—as well as capital of bank. Loans should be based on credit worthiness and not on possibilities of speculative profits.

Second. Lender may take lower interest rate, lend larger amounts or make longer term loans if it gets an equity kicker. Lender's fixed income would be reduced; less money would be available for other borrowers.

Third. Lender may tend to deny credit to businesses competing with one in which lender has an equity interest.

Fourth. Borrowers who do not have bargaining power equal to that of lenders may be victimized. Lender may end up owning the borrower's enterprise in whole or in substantial or controlling part.

Fifth. Equity participations that are to be liquidated through additional money payments by the borrower may be so onerous as to lead to failure of the enterprise.

Sixth. Small business investment companies afford banks and holding companies an appropriate vehicle for assisting small businesses and for acquiring some equity interest in such businesses, subject to congressionally imposed limitations and Federal supervision.

Seventh. The argument that equity participation provides a hedge against inflation has little force in relation to bank loans inasmuch as they are, in large part, of relatively short duration. Besides, a hedge against inflation can be, and probably is, achieved through the rate of interest that lenders charge—and borrowers are willing to pay.

Eighth. Congressional policy is against banks and bank holding companies owning and engaging in nonbank businesses.

Ninth. Bank acquisitions of a substantial share of competing businesses may lead to violations of the antitrust laws.

Tenth. If banks may not take equity kickers, borrowers will have more incentive to seek loans from banks.

Eleventh. The spirit—if not the terms—of the usury laws is violated.

Under the Safe Banking Act of 1970, equity kickers would not be allowed in connection with a loan from any financial institution. This does not mean that equity type financing will not be made available, but rather that a lender must either make a loan or take an equity position, but cannot do both.

Mr. Speaker, there are a number of problems in connection with the operations of various types of financial institutions throughout the country and some of the most elaborate swindles and semilegal swindles ever devised are being

worked on these financial institutions even as I address this body today. In the coming days, I will from time to time have more to say about these questionable banking practices and it is my sincere hope that the Safe Banking Act of 1970 will be enacted quickly so as to return our financial institutions to the business for which they were established.

The text of the bill follows:

A bill to prohibit brokered deposits in banks and other financial institutions, to prohibit the use of so-called giveaways in the solicitation of deposits, and to prohibit lenders from acquiring equity participations in connection with loans, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHAPTER 1—GENERAL PROVISIONS

Sec.
101. Short title.

§ 101. Short title.

This Act may be cited as the Safe Banking Act of 1970.

CHAPTER 2—BROKERED DEPOSITS PROHIBITED

Sec.
111. Amendment of Federal Deposit Insurance Act.
112. Amendment of Federal Home Loan Bank Act.

§ 111. Amendment of Federal Deposit Insurance Act

Subsection (g) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by striking out the next to last sentence thereof, relating to penalties for violations of such subsection, by inserting "(1)" at the beginning thereof, and by adding thereto the following paragraphs:

"(2) No insured bank or officer, director, agent, or substantial stockholder thereof may pay or agree to pay a broker, finder, or other person compensation for obtaining a deposit for such bank. For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in a bank shall be deemed to be a payment of compensation by the bank if the bank had or reasonably should have had knowledge of such a payment when it accepted the deposit.

"(3) Any violation by an insured bank of the provisions of this subsection or of regulations issued hereunder shall subject the bank to a penalty of not more than 10 percent of the amount of the deposit to which the violation relates. The Corporation may recover the penalty, by suit or otherwise, for its own use, together with the costs and expenses of the recovery.

"(4) For the purposes of this subsection, the term 'payment of interest' includes an agreement to pay interest and includes payments to the depositor or any other person directly or indirectly made by any officer, director, agent, or substantial stockholder of the bank in which the deposit is made if the bank had or reasonably should have had knowledge of the agreement or payment when it accepted the deposit. The Board of Directors shall by regulation prescribe definitions of the terms 'payment of compensation' and 'substantial stockholder' and shall prescribe such further definitions of 'payment of interest' as it may deem appropriate for the purposes of this subsection. The Board of Directors shall prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this subsection and prevent evasions thereof."

§ 112. Amendment of Federal Home Loan Bank Act

Section 5B of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended (1) by inserting "(a)" after "Sec. 5B." and (2) by adding at the end thereof the following:

"(b) No member which is an insured institution as defined in section 401(a) of the National Housing Act and no officer, director, agent, or substantial stockholder thereof shall pay or agree to pay a broker, finder, or other person compensation for obtaining funds to be deposited or invested in such member (hereinafter in this section referred to as deposits). For the purposes of this paragraph, any payment made by any other person to induce the placing of a deposit in such a member shall be deemed to be a payment of such compensation by the member if the member had or reasonably should have had knowledge of such a payment when it accepted the deposit.

"(c) Any violation by a member of the provisions of this subsection or of regulations issued hereunder shall subject the member to a penalty of not more than 10 percent of the amount of the deposit to which the violation relates. The Board may recover the penalty, by suit or otherwise, for the use of the Federal Savings and Loan Insurance Corporation, together with the costs and expenses of the recovery.

"(d) For the purposes of this section, the term 'payment of interest or dividends' includes an agreement to pay interest or dividends and includes payments to the depositor or investor or any other person directly or indirectly made by any officer, director, agent, or substantial stockholder of the member in which the deposit is made if the member had or reasonably should have had knowledge of the agreement or payment when it accepted the deposit. The Board shall by regulation prescribe definitions of the term 'payment of compensation' and 'substantial stockholders' and shall prescribe such further definitions of 'payment of interest or dividends' as it may deem appropriate for the purposes of this section. The Board shall prescribe such rules and regulations as it may deem necessary to effectuate the purposes of this section and prevent evasions thereof."

CHAPTER 3—CERTAIN GIVEAWAYS PROHIBITED

Sec.
121. Amendment of section 19(j), Federal Reserve Act.
122. Amendment of section 18(g), Federal Deposit Insurance Act.
123. Amendment of section 5B, Federal Home Loan Bank Act.

§ 121. Amendment of section 19(j), Federal Reserve Act.

Section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) is amended by adding at the end thereof the following: "Except for the payment of interest on deposits subject to limitation under this section, no member bank may offer or deliver any merchandise or any certificate, stamp, ticket, or other obligation or memorandum which is or may be redeemable in merchandise, money, or credit as an inducement to any person to make or add to any deposit."

§ 122. Amendment of section 18(g), Federal Deposit Insurance Act

Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended by adding at the end thereof the following: "Except for the payment of interest on deposits subject to limitation under this section, no insured bank may offer or deliver any merchandise or any certificate, stamp, ticket, or other obligation or memorandum which is or may be redeemable in merchandise, money, or credit as an inducement to any person to make or add to any deposit."

§ 123. Amendment of section 5B, Federal Home Loan Bank Act

Section 5B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1425b) is amended by adding at the end thereof the following: "Except in the case of interest or dividends subject to limitation under this section, no member may offer or deliver any merchandise or any certificate, stamp, ticket, or other obligation or memorandum which is or may be redeemable in merchandise, money, or credit as an inducement to any person to make, open, or add to any deposit or account."

CHAPTER 4—CERTAIN EQUITY PARTICIPATIONS PROHIBITED

Sec.
131. Definitions.
132. Prohibition on equity participations by lenders.
133. Civil liability.
134. Criminal penalty.

§ 131. Definitions

(a) The definitions and rules of construction set forth in this section apply for the purpose of this chapter.

(b) The term "lender" includes any commercial bank, trust company, mortgage banker, savings bank, building and loan association, savings and loan association, insurance company, or other person or organization engaged in the business of making or placing loans.

(c) The term "equity participation" refers to

(1) an ownership interest in any property or enterprise; or

(2) any right to any payment or credit which is proportionate to or contingent upon the net or gross income from any property or enterprise, including but not limited to

(A) a share in the profits, income, or earnings from a business enterprise of the borrower;

(B) warrants entitling the lender to purchase stock of the borrower at a fixed price; or

(C) shadow warrants entitling the lender to compensation based upon changes in the market price of the borrower's stock over a specified period.

§ 132. Prohibition on equity participation by lenders

No lender may accept any equity participation in consideration of the making of any loan.

§ 133. Civil liability.

Any lender which acquires an equity participation from a borrower in violation of this chapter shall, upon demand, assign all its right, title, and interest therein to the borrower and in addition be liable to the borrower in an amount equal to twice the fair market value of the equity participation at the time of its creation or at the time of demand, whichever is higher, and shall in addition be liable to the borrower for his reasonable attorney's fees and costs of suit as determined by the court in any action to enforce the liability created by this section. Any such action may be brought in any district court of the United States regardless of the amount in controversy, or in any other court of competent jurisdiction, within six years after the date on which the liability arises.

§ 134. Criminal penalty.

Whoever willfully violates the provisions of section 132 of this chapter, or willfully and knowingly participates in any such violation, shall be fined not more than $10,000 or imprisoned not more than one year, or both.

BOMB IS NOT "DISSENT"

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, clearly one of the most important challenges facing Congress today is that of developing effective measures to stop terrorist bombings.

A recent editorial in the Birmingham

News offers some constructive thoughts on this problem. I am placing this article in the RECORD at this time, so that my colleagues may have the opportunity to read this article:

BOMB IS NOT "DISSENT"

Both the U.S. Senate and House of Representatives are investigating a new and dangerous phenomenon in this country—terrorist bombings.

New York Police Commissioner Howard Leary told a Senate panel last week, "We can say the present crop of explosive devices, in the main, represent distorted petitions for redress of grievance."

"Distorted" is an understated adjective. Persons who resort to random violence for political purposes are as wantonly criminal as those who would use the same tactics to commit theft. The victims of these "petitions" bleed just as freely as bystanders shot in the course of armed robbery.

The stakes are different, but the means are equally intolerable.

We hope the investigations will gather sufficient facts to guide the nation's lawmakers in drafting enlightened measures to deal with the problem.

Some senators have cautioned against legislation which prevents violence, but also tends to repress all political and social dissent. But their colleagues are not children, and realize the elemental danger of passing legislation which goes too far.

While some may call terrorism dissent, this does not change the nature of the act nor make it legitimate.

Effective countermeasures are needed to halt this madness which goes far beyond any rational person's definition of protest.

QUALITY EDUCATION FOR OUR CHILDREN

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, today in communities throughout this Nation, parents of schoolchildren are perplexed. Wanting quality education for their children, they find instead disrupting experimentation. Wanting harmony, they find discord.

Why are parents caught in this trap? The reasons are clear: A generation of children has grown up since 1954, when the Supreme Court first declared that segregation of schools was illegal, that separate but equal education was no longer a valid policy.

Since that time, our Nation's courts have often disagreed with each other—and with their own previous decisions—as to the best strategy to be followed in desegregating our public schools.

Freedom of choice once enjoyed the favor of our courts, but despite the fact that such freedom still enjoys the favor of the American people, black and white, our courts have ruled that basic freedom illegal.

And they have proceeded to replace freedom with coercion. Parents no longer have the right to decide where their children should go to school. The courts have taken that responsibility upon themselves, and in their zealous exercise of this new power, they have very nearly made a shambles of public education in the United States.

Thousands of children who entered the first grade in 1954 were graduated from our Nation's colleges and universities this past spring. And after all this time, we still have no consistent and effective way of dealing with this most complex issue.

The basic question that faced this country 16 years ago—a question that has indeed begged for an answer throughout much of our history—still wants for a solution.

How shall we in this country live together in peace and in prosperity and in prospect for a brighter future?

Somehow, Mr. Speaker, we in this House have evaded that question, eluded our responsibility and brought much confusion down on the homes of American people throughout the country.

Too often, our silence on this issue has been deafening, but how long will that deafening silence muffle the storms of discontent that are growing in our land? How long will we be able to sit here, couched in our seeming indifference, when those storms begin to rage?

Must social chaos be the price of this Nation's social conscience? It need not.

Must the destruction of public education in the United States be the wages of our sin of neglect and decision? I think not.

Must another generation of children grow up to find their elementary and secondary education a mere testing ground for social projects only to see that testing ground shattered by explosive elements waiting to be detonated at this very moment? We cannot let that happen.

Mr. Speaker, our children have suffered long enough, our courts have taken enough blame, our public school systems have been in disarray long enough, and the voice of this Congress has stammered far too long.

Educators from eight States, inside and outside the South, met last weekend in Charlotte, N.C., in an effort to determine through their mutual experiences if a cogent policy for desegregation could be hewn from the maze of court decisions regarding the issue.

The sessions ended as they began, in confusion. These highly educated men and women, after hours of discussion and study, were still baffled by conflicting opinions offered by the courts.

But there was one resolution which came out of that conference which bears repeating here. The educators petitioned the U.S. Supreme Court to define what is needed for a unitary school system as quickly as possible. We must recognize this resolution as a cry for help, for that is what it is.

I believe it is the responsibility of this Congress to develop fair and enforceable guidelines—but above all understandable guidelines—leading to the solution of this problem.

Much valuable time has already been lost in following the haphazard policy of requiring a school system to devise a plan for desegregation, when as often as not, these plans are found unacceptable by the courts who commissioned them.

Let us waste no more time in resolving the issue.

I am convinced that the forcible busing of schoolchildren to achieve racial balance is not the answer. The conference in North Carolina last weekend said as much itself.

I am more convinced that forcible busing was an impractical and unworkable policy from the beginning, and the discontent and opposition it has encountered since its inception prove it is almost universally unpopular as well.

It makes no sense to me to force a little boy in the first grade to be transported 10 or even 20 miles away from home just to appease some bureaucratic conception of what real integration ought to be.

It is a harsh fact of life that not every child in the first grade can be driven to school by his mother or by his governess. Imagine the terror a little boy must feel when he boards a strange bus that keeps taking him farther and farther away from home. For many of them, the journey must seem like it will never end.

It is past time for our sons and daughters to serve as our guinea pigs—it is time for us to realize they are little boys and girls who need education. So let us educate them.

It is past time for antagonistic dialog—it is time for decisive action. So let us act.

I rise today not to oppose social progress, but to propose new policies to assure that progress; not to destroy our public school system, but to preserve it, and to improve it.

I rise to restore a measure of sanity to this highly emotional debate. I rise to assert the rights of men—not of one race, but of one Nation.

I rise to act.

Five months ago, I introduced a bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend schools in their own neighborhood.

Today, 5 months later, that bill has still not been considered by the Committee on Education and Labor. Not one hearing has been held concerning this bill, and the beginning of what promises to be another turbulent school year is little more than a month away.

What shall we say to our constituents if this session ends without our having come to grips with this problem? Can we tell our people how much we favor quality education, or true equality among the races, and hope they will not search beyond our hollow words?

The people deserve more than that, and they are certain to demand more.

My bill provides that the right of elementary and secondary education students to attend their neighborhood schools shall not be abridged by any Federal authority because of race, creed, color, religion, or national origin of the student.

It provides that each local nondiscriminatory system shall have the right to determine its own attendance zones without interference from Federal authority as long as those zones are reasonably drawn to serve the needs of the community and no effort is made by drawing such attendance zones to force a student to attend a particular school because of his race.

It provides that each local nondiscriminatory system shall have the right to determine the placement of faculty

and administrative personnel without interference from Federal authority as long as such placement reasonably serves the needs of the school system and no effort is made through its placement to discriminate against any faculty or administrative member on the basis of race.

These proposals are neither revolutionary nor reactionary. They are reasonable approaches to the solution of this problem. They have been offered in good faith that this Congress is dedicated to education and to racial understanding, but more, that we are still dedicated to freedom.

I urge that consideration of the bill I have offered be swiftly arranged in the Committee on Education and Labor, and that this bill be reported out of committee at the earliest possible date so that this Congress may exercise its constitutional mandate and heed the people's will.

ELIMINATING AMPHETAMINES

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today calling on Food and Drug Administration Commissioner Edwards to lay the foundation for eliminating amphetamines by conducting studies to show that they are necessary and effective in only very limited medical situations.

Amphetamines are one of the main characters in a large cast of abusable drugs. And if we can eliminate the black-market amphetamines, we will have gone a long way in controlling drug abuse in the United States. In fact, I think that if we controlled the abuse of amphetamines, we could reduce the drug problem by as much as 20 percent.

There are only two recognized medical uses for amphetamines. They are used to treat narcolepsy, sleeping disease, and hyperkinetic, overactive children. Between these two there is very little need for amphetamines. But we are seeing that there are more than 8 billion produced and it is estimated that half of these get into illegal traffic.

The overwhelming amount of the amphetamines are used for the treatment of obesity. Yet we do not have any store of evidence that amphetamines are effective. And herein lies one of the biggest problems.

We have allowed amphetamines for diet pills when we know that this has resulted in mass production far above actual medical needs. FDA should conduct, or have done, studies to show that amphetamines are not effective in obesity cases.

Several nations have banned amphetamines. Alternative substances for diet pills which do not affect the central nervous system have been found. I think that we are going to have to do something like that in this country.

The problem is not one that is situated entirely within the young population of our Nation. There are thousands and possibly millions of middle-aged adults who go to the medicine cabinet for diet pills to get picked up. Unfortunately, there are too many physicians who are loose about dispensing diet pills and, as a result, adults are just as much a part of the drug subculture as a hophead on some street corner waiting for a fix.

Earlier this year I asked FDA to label amphetamines so that the person taking diet pills would know that he is taking a pill which could have effects on his central nervous system and which could also develop a dependency.

THE CIVIL AERONAUTICS BOARD AND AIRLINE FARES

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, on Friday, a number of my colleagues and I filed a supplemental complaint with the Civil Aeronautics Board, seeking relief from the recent airline fare increase that a Federal appellate court earlier this month found to be illegal.

In this complaint, we are requesting that the Board promptly institute a proceeding, in which we plan to appear, to determine the amount of the overcharge to the traveling public and to establish a just means of compensating the public for the unlawful fares it has been required to pay.

The complaint which we filed follows:

[Before the Civil Aeronautics Board, Washington, D.C.]

IN THE MATTER OF DOMESTIC PASSENGER FARES ESTABLISHED BY THE BOARD AND HELD TO BE UNLAWFUL—DOCKET 21322

Supplemental complaint of Members of Congress and air transportation users with request for institution of appropriate proceedings for determining relief for the period beginning October 1, 1969.

Communications with respect to this document should be sent to:

The Honorable John E. Moss, Member of Congress, 2185 Rayburn Building, Washington, D.C. 20515;

Richard W. Klabzuba, 2185 Rayburn Building, Washington, D.C. 20515; and

Stanford G. Ross, Esq., Caplin & Drysdale, 1101 Seventeenth Street NW., Washington, D.C. 20036.

Dated: July 24, 1970.

SUPPLEMENTAL COMPLAINT

I

Complainants initiated the instant proceeding with a complaint filed with the Board on August 20, 1969, setting forth objections to certain tariffs that had been proposed by the domestic carriers. On September 12, 1969, the Board suspended those tariffs and ordered them investigated. At the same time, the Board set forth a fare formula of its own and announced that it would approve tariffs filed in accordance with that formula. Under the Board's proposal the carriers would be granted a fare increase estimated by the Board to produce an increase in industry revenue of approximately 6.35 per cent. When the carriers filed the tariffs that the Board had described, complainants again objected. The Board dismissed these objections and allowed the new tariffs to go into effect beginning October 1, 1969. Complainants then petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the Board's decisions.

II

On July 9, 1970, the Court of Appeals rendered an opinion and judgment in this case. It sustained complainants' contentions that the Board's order of September 12 "determined" domestic passenger fares within the meaning of section 1002(d) of the Federal Aviation Act, and that the tariffs filed by the carriers on the basis of that order were the responsibility of the agency. This holding was founded on, essentially, five considerations:

(1) That, "as a practical matter, the Board's order amounted to the prescription of rates . . . ." (Slip op., p. 12);

(2) That the Court was aware of no case in which a regulatory agency "has set out such a complete and detailed scheme for making rates which it wanted filed and in which a court has held that the resulting rates were carrier-made rates." (Slip op., pp. 16–17);

(3) That "in the absence of . . . a retrospective remedy for reparation for air line passengers, the procedural safeguards provided in the Federal Aviation Act become the public's sole defense against unreasonable rates permitted by the Board." Therefore, courts need not share the "reparation concern" of courts construing I.C.C. precedents, a concern which has led such courts to find particular tariffs to be carrier-made and therefore subject to reparations even after a general increase in rates ordered by the agency. (Slip op., p. 30 n.14);

(4) That "if . . . the rates resulting from this procedure are carrier-made, rather than agency-made, the public would not only be forced out of its role in ratemaking, but judicial review of the Board's actions would be severely limited." (Slip op., p. 17);

(5) That the Board was incorrect in maintaining that "abdication from its proper supervisory role under the statute need be the result of today's holding requiring the Board to comply with the statute in rate-making." (Slip op., p. 20).

The Court of Appeals concluded its opinion as follows:

"Since the record shows, as the Board admits, that the public notice and hearing requirements of Section 1002(d) were not observed in issuing the order of September 12, that order is invalid and the tariffs filed by the carriers based thereon are unlawful. Under the circumstances, this case is remanded to the Board for further proceedings." (Slip op., p. 23).

III

The mandate of the Court of Appeals is scheduled to issue shortly. We assume that the Board will promptly take the necessary steps, in accordance with the Federal Aviation Act and the decision of the Court of Appeals, to remedy the presently prevailing fares, which are based on the Board's order of September 12 and therefore unlawful.

We recognize that the present situation with respect to fares is unprecedented and that the Board faces a most difficult and sensitive problem. As we view the situation, the Board cannot determine lawful fares for the future without holding a hearing and complying with the other procedural and substantive standards of 1002 (d) and (e) of the Act. Moreover, we do not believe that there can be any lawful tariffs on file until the Board corrects its errors and establishes legal fares.

In order to avoid a hiatus while the Board is determined lawful fares for the future, complainants suggest that the Board might re-establish the fares that prevailed prior to October 1, 1969. Those fares, never having been challenged, may be presumed to be lawful; they therefore might properly be ordered into effect following the most summary hearing under section 1002(d).

IV

The purpose of this supplemental complaint is to request that the Board promptly institute an adjudicatory proceeding for the purpose of determining appropriate relief for the period extending from October 1, 1969, through the date on which lawful domestic passenger fares are re-established. During that period the traveling public has been required to pay excessive fares, established pursuant to a Board-determined fare formula, without regard to the standards of sections 1002(e) and 102 of the Federal Aviation Act. The issue to be determined in the proceeding which complainants request—that is, the question of what relief is appropriate to remedy an illegal and excessive Board-determined rate—is apparently one of first impression. Complainants respectfully request that the Board, in order to discharge its statutory duties to the public, undertake to consider that issue on an expedited basis.

In the course of the requested proceedings, complainants suggest that the Board should examine, *inter alia*, the following issues relevant to forms of relief:

(a) *Calculation of the sum unlawfully exacted from the public by reason of the Board's order of September 12.*

In this connection, complainants would note that the amount of the overcharge may well be equal to the 6.35 per cent fare increase accorded by the Board; there may, however, be other methods of measuring the injury to the public. This is a matter that would be determined in the course of the requested proceedings.

(b) *The proper disposition of the overcharge.*

Complainants believe the Board has the duty, in fairness to the traveling public, to determine some use for the overcharge which compensates the traveling public for the unlawful fares it was required to pay. It might be appropriate, for example, to order that the carriers establish a form of refund procedure for those persons who are able to show that they traveled by air during the period in question.*

Alternatively, the Board might order the carriers to establish an appropriate fund or reserve in the amount of the overcharge, which would then be applied against such eventual future rates as may lawfully be established. *Compare Bebchick* v. *Public Util. Comm'n*, 318 F.2d 187 (D.C. Cir.), *cert. denied*, 373 U.S. 913 (1963).

It is essential under the circumstances of this case that the Board accord relief sufficient to compensate the traveling public for the Board's wrongful order of September 12. Sound administrative process requires that the wrong to the public be righted. It is only simple justice that the Board use its broad powers and expertise to fashion some equitable form of redress for the traveling public. We read the congressional purpose of the Federal Aviation Act, as reflected in the rule of ratemaking of section 1002(e) and the definition of public interest in section 102 of the statute, to require no less. *Compare J. I. Cas Co.* v. *Borak*, 377 U.S. 426 (1964); *NLRB* v. *Strong*, 393 U.S. 541 (1969). Because the domestic passenger fares that have prevailed during the period since October 1, 1969, were not determined by the Board in accordance with those sections, the Board should proceed forthwith to determine a proper form of redress.

Respectfully submitted,

RICHARD W. KLABZUBA,
STANFORD G. ROSS,
(For Complainants).

John E. Moss, Glenn M. Anderson, Thomas L. Ashley, Walter S. Baring, George E. Brown, Jr., Phillip Burton, Daniel E. Button, Jeffery Cohelan, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, Joseph M. McDade.

John McFall, Spark M. Matsunaga, George P. Miller, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, John Tunney, Lionel Van Deerlin, Jerome R. Waldie, Charles H. Wilson.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon: Air West, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Frontier Airlines, Inc.; Mohawk Airlines, Inc.; National Airlines, Inc.; North Central Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc., by causing a copy of it to be mailed to such carrier or its agent properly addressed with postage prepaid.

RICHARD W. KLABZUBA.

JULY 24, 1970.

* Because the issue in the requested proceedings would be the appropriate form of relief for illegal and excessive Board-determined fares, the suggested remedy would be entirely distinguishable from the reparations which are awarded by other agencies for unlawful carrier-determined fares. Complaints are prepared to develop this point at the requested proceedings.

THE COAL MINER

(Mr. KEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KEE. Mr. Speaker, coal mining is a dangerous occupation. Coal miners, more than most Americans, are prone to disabling injuries and disease.

The sight of disabled miners is a common one throughout America's coal fields. It is a tragic sight, one that calls for some action on the part of their countrymen to alleviate the distress which comes with disability.

At the present time disabled coal miners are entitled to complete hospital and medical care from the United Mine Workers of America welfare and retirement fund for 1 year after they have left the industry. This coverage is complete for the man, his wife, and all of his dependent children under 22 years of age.

Such coverage is unique in our Nation, and extends beyond that normally granted to men who become disabled from nonwork related disability.

But, it is not enough. Hospital and medical protection should be provided for disabled coal miners for life, or until they are once again productive citizens in our society.

The UMWA welfare fund does provide for such protection if the man suffering a disability is eligible for a pension. At the present time the retirement age for a coal miner is 55 with 20 years of service in the mines.

Unfortunately, there are still some miners not covered. Equity demands that protection be given them. But the resources of the welfare fund are not adequate to the task, given the other demands upon it.

I believe that the answer to this dilemma is given in a letter from the president of the UMW, Mr. Tony Boyle. Mr. Boyle suggests that disabled miners should be paid from the Treasury of the United States with supplemental payments from the welfare fund.

Mr. Speaker, I believe that this proposal is sound and merits the attention of the Congress. I have already directed my staff to begin drafting legislation which would implement the proposal made by Mr. Boyle. I hope to have such legislation ready for introduction in the next several days. Hopefully, the proposal by Mr. Boyle will receive the support of many other Members of the Congress so that it can be speedily enacted into law.

I am inserting the letter from Mr. Boyle into the RECORD for the information of the Congress, and so that this proposal may receive the wide publicity it deserves:

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., July 28, 1970.

Hon. JAMES KEE,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KEE: Disabled coal miners under 65 years of age face a serious problem of medical and hospital care which must be assumed by the nation. These miners have suffered disability as the result of employment under hazardous conditions in an industry vital to the nation's health, comfort and economic welfare. They richly merit assistance from the nation in their hour of need.

The United Mine Workers of America has sought to meet the hospital and medical care needs of these disabled workers through the UMWA Welfare and Retirement Fund which it negotiated with the coal industry. The Fund expended more than $55 million of a total income of $163 million, for hospital and medical care for mine workers during the fiscal year ending June 30, 1969. In the fiscal year ending June 30, 1970 the Fund spent over $65 million out of a total income of $174 million for hospital and medical care.

Because of the ever-escalating costs of medical and hospital care, the UMW Welfare and Retirement Fund has been forced to limit medical and hospital benefits to one year following disability for mine workers too young to qualify for a pension. Our union fully recognizes that this is inadequate to the needs of mine workers.

The UMW intends to win a much higher industry contribution to the Welfare and Retirement Fund in its 1971 negotiations. Even if the present forty cents per ton contribution were doubled, it would not be sufficient to provide indefinite hospital and medical benefits to disabled miners because of the need to increase pensions, survivors benefits and other benefits.

During recent weeks, mine workers who have been unemployed for more than one year because of disability have picketed and disrupted production of vitally needed coal in several mine fields. We recognize that the disabled miners' needs are urgent and very real. The UMW Welfare and Retirement Fund, however, cannot provide indefinite medical and hospital care for these disabled

miners without denying benefits to other working and retired members and survivors.

The real answer to this problem, especially in the face of soaring medical and hospital costs, is a program of hospital and medical benefits for disabled miners similar to Medicare which would become applicable one year after disability. Such a program should provide uniform benefits for continuing medical and hospital care costs resulting from disability. The UMW Welfare and Retirement Fund now provides certain supplemental benefits to retired members over 65 who are enrolled in the Medicare program and would attempt to provide similar benefits under a federal program for disabled mine workers who have exhausted benefits now paid from the Fund.

In the view of the UMW, such a program would best be supported from general taxation. We urge the immediate introduction of legislation to meet the health care needs of disabled mine workers following one year of disability. We will be more than pleased to work with your office in shaping a satisfactory legislative measure.

Sincerely yours,

W. A. BOYLE,
President, United Mine Workers of America.

RESIDUAL FUEL OIL EMERGENCY IN CHICAGO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI), is recognized for 60 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, for some time now, the city of Chicago has been confronted with an energy crisis of the greatest magnitude. With the winter months fast approaching, the supply of low-sulphur-content residual fuel oil so necessary to the operation of the city, remains at an extremely precarious level. In simple terms, this shortage means that the recipients of this fuel; namely, the hospitals, the schools, the apartment buildings, as well as many industrial facilities, will be forced to face our famous Chicago winter weather without heat. This predicament is compounded by the fact that the city of Chicago, in order to conform to strict State antipollution guidelines, has recently enacted an ordinance which would require many industries to convert from their present fuel to this low-sulphur residual fuel.

The hard facts are that while the demand for residual oil in Chicago is increasing, the supply available in the United States is rapidly decreasing. At present, the national supply is more than 25 percent below last year's level. In Illinois, the supply on hand is 30 percent below last year's level. Last winter, the city of Chicago was down to a mere 5-day supply. We cannot allow this to happen again. For economic reasons, the domestic oil companies are just not producing this inexpensive residual oil. They find it more profitable to refine their crude oil into gasoline and other petroleum products.

In order to prevent a catastrophe, some 15 suppliers of residual oil to Chicago applied in June for an import license. This license, granted through the Oil Import Appeals Board of the Department of the Interior, would permit them to go anywhere in the world to locate residual oil. They are currently prohibited from doing so simply because they are residents of district 2—the Midwest. District 1—the east coast—has no such restriction. The entire United States is divided into five administrative districts plus Puerto Rico. These districts are the ones used for the regulation of petroleum during World War II.

The only distinction made within districts 1 through 4 is for residual oil which is, I repeat, effectively exempt from control only in district 1. As the result of a Presidential proclamation, allocations to importers in districts 1 through 4 are set at the level which each imported in 1957. In June, I wrote to the President, the Secretary of the Interior, and the Chairman of the President's Oil Policy Committee. Many of my colleagues in the House also did so. In my letters I urged them to use all the power of their respective offices to, first, grant the appeals in question and, second, end the discriminatory measures presently in effect against districts 2 through 4.

On July 20, the Oil Import Appeals Board granted the appeals of several of the Chicago petitioners on the grounds of "excessive hardship." This action will permit these companies to search the world market in order to obtain residual oil. They now have a "hunting license." I only hope that there is game available in the forest. As of last week, none of these companies had been able to purchase 1 gallon of foreign residual oil. The amount of oil released by the Board amounts to approximately 25 percent of what was asked for. If the full allotment had been granted and if the companies were able to obtain the foreign oil before the start of the winter season, then the crisis would have been greatly eased.

Mr. Speaker, if this allocation is not increased by the Board, I fear that the remaining amount will be insufficient to meet the needs of the city of Chicago. While I, in many ways, applaud the action taken by the Board, I cannot help but believe that this action will merely postpone the inevitable. Unless something is done to correct the inequitable situation that exists between district 1 and the rest of the Nation, Chicago's current energy crisis will become an annual one. The administration must direct itself to the crux of this problem. The midcontinent area—district 2—of our Nation must be placed on an equal basis with the east coast with reference to residual fuel oil imports.

It is interesting to note that the recent report of the Cabinet Task Force on Oil Import Control indicates that broad support already exists within the Nixon administration for applying district 1 policy uniformly across United States—see paragraphs 334 and 430b, pages 359 and 361 of the report.

Such action should be taken no later than September 1, 1970, in order to provide a permanent solution to the problem which plagues Chicago and the Middle West, and threatens the safety and comfort of their citizens in the coming winter.

I am enclosing for the RECORD, the text of my letter to the President as well as related correspondence, various charts, and newspaper articles.

JUNE 23, 1970.

Hon. RICHARD M. NIXON,
The President,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Midwest and, in particular, the City of Chicago, has been placed in an untenable position wherein the demand for residual fuel oil far exceeds available supply.

This domestic situation began approximately four years ago on the East Coast when air pollution control affected the sulfur limits of fuels. The aftermath was that the oil industry turned to other markets to dispose of the bottom-of-the-barrel residual fuel oil. Most of the refiners resorted to increasing the manufacture of asphalt and petroleum coke in place of residual fuel oil. This is understandable since asphalt and petroleum coke are not directly affected by a sulfur specification and high sulfur crude oil is a desirable low cost raw material for the refiner.

In the last two years, domestic refiners have altered their manufacturing process to the extent that approximately 59,300,000 barrels (2,490,600,000 gallons) of various grades of residual fuels have been withdrawn from the Midwest and, in particular, the Chicago market, per annum.

Today, the residual consumer is competing with the refiner who uses residual fuel as a feed-stock to make additional asphalt and coke.

District 1 (East Coast) recognized that an international energy crisis was approaching and applied to the Department of the Interior to import residual oils to offset the increased consumer demand and reduced domestic residual manufacturing. The Federal Government accepted the gravity of the situation and granted unrestricted residual oil imports to the East Coast (District 1). The Midwest is in the same desperate energy crisis, unfortunately, discrimination exists in that District 2 (Midwest Chicago) cannot import residual oils.

The new refineries being built in our area have not made any provisions for residual manufacturing. Chicago has become an island with an insufficient energy supply source, not only to combat freezing weather for the domestic consumer, but to allow for industrial and economic growth. If something is not done soon to remedy this intolerable situation, it will be a very cold winter in Chicago.

Mr. President, I urge you to use all the power of your office to remove the discriminatory measures now in effect against the Midwest, and in particular Chicago, so that we can avail ourselves of the residual oil in the world markets. The Oil Import Appeals Board has the ability and power to grant this request and end this discrimination and I pray that you will be successful in assisting us with this problem.

Respectfully yours,

DAN ROSTENKOWSKI,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 26, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recently my colleague from Chicago, Congressman Dan Rostenkowski, has communicated to you the urgent need for additional sources of residual fuel oil for residents of Chicago. He asked that you use all the powers of your office to insure that the discriminatory prohibitions now in effect which prevent District 2 (Midwest/Chicago) from importing residual fuel oil produced abroad. District 1 (East Coast) now has unrestricted access to foreign produced residual fuel oil.

I support Congressman Rostenkowski's request. Under existing law, the Oil Import Appeals Board is authorized to modify existing petroleum import restrictions on the grounds of extreme hardship. No case of extreme hardship could be clearer than that which faces Chicago if the present discriminatory measures remain in effect.

In addition, I urge you again, as I and many of my colleagues have in the past, to put into effect the recommendations of your Cabinet Task Force on Oil Import Controls. The Task Force said in its report on February 2, 1970:

"We . . . recommend that residual fuel oil from [the Western Hemisphere], to be used domestically as fuel either directly or after desulphurization, be subject only to existing tariffs and that Eastern Hemisphere origin residual oil pay an increased tariff sufficient to offset the anticipated cost of desulphurizing Latin American residual fuel oil." (Para. 430b, P. 136).

If the existing quotas on importation of foreign residual fuel oil were replaced by tariffs, as the Task Force recommended, not only would citizens in the Midwest have access to now unavailable supplies, but they would be saving money on fuel oil costs as well. The Task Force estimated that an Illinois family of four pays almost $90 per year more for petroleum products because of existing import quotas than it would without them. If the quota system continues, this cost for such families may rise to almost $150 per year by 1980. This is not the price of fuel oil itself, but an artificial add-on caused by an out-moded quota system which the Task Force recommended be scrapped.

The existing quota system, which you could eliminate, raises the cost to consumers of all petroleum products. But the present situation relating to residual fuel oil is not only a matter of increased cost—it is a matter of the health and welfare of Chicago's citizens. For economic reasons, domestic manufacturers have reduced their output of residual fuel oil. Without access to supplies abroad, residents of District 2, especially residents of Chicago, will simply not be able to buy residual fuel oil when the cold weather arrives. It will be a cold winter for Chicago citizens unless you and the Oil Import Appeals Board act now.

I join Congressman Rostenkowski in urging your attention and action on this matter.

Respectfully,

ABNER J. MIKVA,
Member of Congress.

THE WHITE HOUSE,
Washington, June 30, 1970.

Hon. DAN ROSTENKOWSKI,
House of Representatives,
Washington, D.C.

DEAR MR. ROSTENKOWSKI: This will acknowledge and thank you for your letter regarding the availability of an adequate supply of residual fuel oil in the Midwest, particularly in the Chicago area. You may be assured that your letter requesting an increase in the level of import quotas of residual fuel oil for District 2 will be brought to the President's early attention.

With cordial regard.

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

[Department of the Interior News release, July 6, 1970]

LOW SULPHUR RESIDUAL FUEL OIL ALLOCATION LEVEL INCREASED TO MEET SUPPLY REQUIREMENTS

The Department of the Interior today announced an increase in the level of low sulphur residual fuel oil imports by 9.5 million barrels for the allocation period of April 1, 1970 to March 31, 1971.

The action was concurred in by the Oil Policy Committee.

The increase is restricted to Districts II–IV which consists generally of all states except those on the East and West Coasts.

Potential supplies of low sulphur fuel oil are not encouraging according to Bureau of Mines information, and the demand during the current allocation period cannot be accurately predicted. On this basis, a departmental decision was made to increase the level of imports into Districts II–IV.

The increase was assigned to the Oil Import Appeals Board in order for the Board to grant allocations and licenses only on the grounds of exceptional hardship caused by the mandatory oil import program.

During this period, the Department will take aggressive action to develop a program for review by the Oil Policy Committee which will offer (incentives) to domestic refiners to manufacture low sulphur residual fuel oil in the Midwest area.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF EMERGENCY PREPAREDNESS,
Washington, D.C.

Hon. DAN ROSTENKOWSKI,
House of Representatives,
Washington, D.C.

DEAR MR. ROSTENKOWSKI: Because of my responsibilities as Chairman of the Oil Policy Committee, your letter of June 23, 1970, to the President regarding residual fuel oil availability in the Chicago area was sent to me.

Your letter refers to the ability of the Oil Import Appeals Board to remedy this situation. On this account, I have enclosed a copy of the July 6, 1970, Department of the Interior announcement of the increase of 9.5 million barrels in the level of low sulfur residual fuel oil which has been assigned to the OIAB for allocation in Districts II–IV.

Sincerely,

G. A. LINCOLN,
Director.

U.S. DEPARTMENT OF THE INTERIOR,
OIL IMPORT APPEALS BOARD,
Washington, D.C.

In the matter of Petro Products, Inc., Docket No. S–17 (resid); Thomas P. Reidy, Docket No. S–32 (resid); Torco Oil Co., Docket No. S–34 (resid); Apex Oil Co., Docket No. S–42 (resid); Joseph F. Reidy & Sons, Inc., Docket No. S–58 (resid); Bell Oil Co., Docket No. S–66 (resid); Osceola Refining Co., Docket No. S–71 (resid); Marine Fueling, Inc., Docket No. S–74 (resid); Phoenix Oil Corporation, Docket No. S–75 (resid); Industrial Fuel and Asphalt Corp., Docket No. S–76 (resid); Oils, Incorporated, Docket No. S–78 (resid); Ashland Oil, Inc., Docket No. S–86 (resid); W. O. Schock Co., Docket No. S–97 (resid); Central Petroleum Company, Docket No. S–104 (resid); Southern Missouri Oil Company, Docket No. S–112 (resid); Koch Industries, Inc., Docket No. S–119 (resid), Petitioners.

CONSOLIDATED DECISION

These petitioners have each requested an allocation to import No. 6 fuel oil into Districts II–IV during the April 1, 1970 to March 31, 1971 allocation period. None is now eligible for such a product allocation issued by the Oil Import Administration by reason that none was an importer of finished product in the year 1957. Their petitions to the Board are based on claims of exceptional hardship.

Although these petitioners differ in size, type of operation, degree of integration and geographic location, all are marketers of residual fuel oil in District II. All petitioners cite the shortage of residual fuel as their customer's hardship as well as their own.

Hearings were held on petitions, when requested, and this consolidated decision is based upon full record before the Board.

Against this background the Board finds the following as significant:

1. Residual fuel oil demand in areas served by the pettitioners has increased significantly due to curtailment of natural gas sales to industrial, commercial and governmental purchasers of gas. This applies to new as well as historic users.

2. New regulations to curb air pollution in many parts of the area served by these petitioners have necessitated the use of low sulfur fuels in facilities that had formerly used high sulfur coal. To meet fuel needs in the immediate future, oil must be imported because there is a general shortage of suitable domestic fuels, such as coal, natural gas, and residual fuel oils.

3. Neither the consumers, nor the suppliers of domestic fuels anticipated shortages of suitable fuels as evidenced by depressed market conditions during the immediately preceding several years. In turn, the depressed market conditions contributed to the severe shortages by further reducing incentive to produce these fuels.

4. The relaxation of East Coast residual fuel oil import control, announced in mid-1967, resulted in Gulf Coast residual prices being decreased to be competitive with foreign supplies. The economics then dictated that refiners develop more profitable markets for this material. This was accomplished by building refinery units such cokers, deasphalting units and hydrocrackers, that would utilize residual fractions as inputs. Construction of most of these new facilities was completed in 1969 and early 1970 coinciding in time with the sudden demand outlined above.

The Board concludes that the foregoing combination has created shortage of residual fuel oils of the desired quality in District II and has considered the requests of each petitioner to reach determination as to whether or not an exceptional hardship is suffered attributable to the limiting factors of the Mandatory Import Program. The Board has considered the physical capacity of the petitioner, its experience, and its record of sales.

The Board concluded that the following awards to import residual fuel oil into Districts II–IV were proper for the allocation period April 1, 1970 to March 31, 1971:

[Docket and petitioner]

	Allocations (barrels)
S–17, Petro Products, Inc	0
S–32, Thomas P. Reidy	0
S–34, Torco Oil Co	870,000
S–42, Apex Oil Co	1,320,000
S–58, Joseph F. Reidy & Sons, Inc.	0
S–66, Bell Oil Co	0
S–71, Osceola Refining Co	350,000
S–74, Marine Fueling, Inc	500,000
S–75, Phoenix Oil Corporation	0
S–76, Industrial Fuel and Asphalt Corp.	0
S–78, Oils, Incorporated	480,000
S–86, Ashland Oil, Inc	3,000,000
S–97, W. O. Schock Co	0
S–104, Central Petroleum Company	0
S–112, Southern Missouri Oil Company	0
S–119, Koch Industries, Inc	720,000

STANLEY NEHMER,
Member.

———— ————,
Member.

LEWIS S. FLAGG, III,
Chairman.

TOTAL REQUESTED ALLOCATION FOR RESIDUAL FUEL OIL BEFORE THE OIL IMPORT APPEALS BOARD, 1970 COMPANIES WHICH COULD MARKET OR USE SUCH ALLOCATION IN THE CHICAGO AREA

Petition No.	Company	Request (in barrels)	Allocation
S-15	Commonwealth Edition	6,000,000	4,500,000
S-34	Torco Oil Co	1,500,000	870,000
S-42	Apex Oil Co	3,000,000	[1] 1,320,000
S-66	Bell Oil (R. W. Troch)	1,300,000	0
S-74	Marine Fueling	2,500,000	[1] 500,000
S-75	Phoenix Oil Corp	600,000	0
S-78	Oils Inc	2,000,000	480,000
S-86	Ashland Oil	4,700,000	[1] 3,000,000
S-119	Koch Industries	1,900,000	720,000
	Total	23,500,000	11,390,000

[1] The major portion of this allocation is not likely to be used in the Chicago area.

DEMAND FOR RESIDUAL OIL,[1] CHICAGO AREA

[In millions of barrels]

	Total [2]	Heating only
1966	21.2	11.5
1967	23.4	14.0
1968	24.1	13.8
1969 (estimated)	25.0	14.5
1970-71 (July 1-June 30) (minimum projections)	26.0	15.0
Available under firm contract (estimated)	16.0	9.0
Present supply gap, Chicago area	10.0	6.0

[1] No. 5 and No. 6 fuel oil.
[2] Includes heating, industrial, railroad, utility use.

Source: Mineral Industry Surveys, Department of the Interior.

OILS, INC.,
Chicago, Ill., June 5, 1970.

Hon. DANIEL ROSTENKOWSKI,
Congressman, Chicago, Ill.
Attention: Mr. W. Nega,

DEAR SIR: This is to confirm that we and a group of interested citizens will meet in your office, Room 1724 of the Federal Building in Chicago, at 9:00 A.M. on June 12, 1970.

The purpose of this meeting, as you know, is to protest the oil import restrictions and to enlist your aid, in whatever manner you may believe appropriate, to make our various governmental departments aware of the total energy crisis we will be confronted with in Chicago during the 1970–1971 heating season. Further, to impress upon the Oil Import Appeals Board the need to give Chicago the same opportunity as the East Coast to import residual oil.

There is and will continue to be for some time, a total lack of energy for heating and processing. This shortage applies to all forms of energy and with local pollution laws regarding sulfur content compounding the fuel situation, we see an impending disaster for Chicago.

We have made several overtures to make people aware of the critical nature of energy supplies and are not encouraged with their response. We assure you that unless some action is taken by various governmental agencies, our city and its citizens will experience a very serious heating emergency during the oncoming winter.

We believe that Chicago cannot properly face the winter of 1970–1971 unless permission is granted to import residual fuel oil and, a reconsideration of the recently enacted Air Pollution Codes for Chicago and Cook County, as it relates to Sulfur Content.

We will appreciate the opportunity to review this matter with you and obtain your comments and counsel.

Very truly yours,

BYRON S. WEIL,
President.

TORCO OIL CO.,
Chicago, Ill., April 6, 1970.

Congressman DANIEL ROSTENKOWSKI,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ROSTENKOWSKI: We at Torco Oil Company of Chicago, ask for your assistance for an urgent and serious matter!

Thursday, April 16, 1970 at 10:00 a.m. we are to appear before the Oil Import Appeals Board to request that we be granted an allocation to import No. 6 fuel oil. We understand that you as a Congressman, in such matter, regularly express support for your constituents, when you believe the cause to be a good one.

We now find ourselves in a "squeeze". The City Council of Chicago adapted amendments to the Air Pollution Control Ordinance. When they become law and go into effect on July 5, 1970, the first amendment limits sulphur content of coal and oil to 2.5% by weight. The State of Illinois is contemplating a law which would limit sulphur content by weight to 1.5%. With many coal burning plants converting to residual fuel oil because of these controls, the demand for residual fuel oil has greatly increased coupled with the major oil companies no longer making residual fuel oil domestically in the amounts to satisfy demands.

Approximately 90% of our business is done in the Chicagoland area. There is a severe likelihood, if not a certainty, that it if we are unable to supply our customers, we will lose them forever. Being the largest independent supplier of residual fuel oil in the Chicagoland area, approximately forty jobber companies we supply, plus City, State and Federal Institutions, such as the Chicago Housing Authority for the past two years, and City, State and County Facilities through jobber customers.

It is ironic that the entire East Coast is able to import residual fuel oil without restriction. Why should this be so, while the Midwest cannot get any in the period of severe shortage?

We would be deeply grateful to you, for any assistance you can give.

Sincerely,

ANTHONY M. TORTORIELLO,
President.

CARSON PETROLEUM CO.,
Chicago, Ill., June 9, 1970.

Hon. DANIEL ROSTENKOWSKI,
Congressman,
Chicago, Ill.
Attention: Mr. W. Nega.

DEAR SIR: This company is seriously concerned with the impending energy crisis confronting our industry for the winter season 1970–1971, as outlined to you in a letter from Mr. Byron S. Weil, president of Oils, Incorporated dated June 15th, 1970.

We the Carson Petroleum Company have contracts with the United States Government to supply the following grades of fuel oils and the quantities shown for the shipping period May 1, 1970 thru April 30th, 1971:

[In gallons]

No. 2 fuel oil	480,700
No. 5 fuel oil	2,000,400
No. 6 fuel oil	4,681,300
Total quantities on contract	7,162,400

The government contract number to cover these quantities is DSA-600-70-D-1084. The greater portion of the gallonage is to be delivered to various destinations within the Metropolitan Chicago area and must have a maximum sulphur content of 1%.

We firmly believe that the requirements of the United States Government are just as important as the requirements of utilities and steel companies and warrant even prior consideration in the importation of residual oils. Lack of supply of import residual oils might seriously handicap our shipping performance against schedules from the government during the season 1970–1971.

Very truly yours,

CHARLES W. EPHGRAVE,
President.

CEMENT TRANSIT CO.,
Cleveland, Ohio, June 16, 1970.

Hon. DANIEL ROSTENKOWSKI,
Congressman,
Chicago, Ill.

DEAR SIR: Last Friday, June 12, 1970, I was pleased to attend the meeting at the Federal Building with yourself and people in the Chicago area interested in the critical energy shortage that exists today. We, along with many other consumers of Number 6 fuel oil, are indeed alarmed at both the supply and the cost of this product.

Having a Great Lakes steamship that is run on residual fuel, we have the knowledge that this shortage is severe in at least the entire Great Lakes area and something must be done to allow the importation of this product into this zone. I certainly would think you will be able to gain support from other Congressmen and Senators in this area to help our cause.

I was certainly honored to meet you last Friday and I am confident you will be able to help the situation in Chicago and by doing this, help the entire Middle West portion of our country.

Very truly yours,

ROBERT B. SECRIST,
Marine Manager.

[From the Wall Street Journal, Mar. 5, 1970]

NEW RUCKUS ON FOREIGN-OIL IMPORTS TO PIN NIXON BETWEEN POLLUTION ISSUE, COAL GROUPS

(By Burt Schorr)

WASHINGTON.—Last Month, President Nixon sidestepped a possible collision with the oil industry over a Cabinet task force proposal to replace existing oil-import quotas with a system of tariffs. He adroitly delayed final action, possibly until after Election Day.

A new foreign-oil ruckus is heading Mr. Nixon's way, this time involving the coal industry, and it's doubtful the President will be as lucky in finding a safe neutral corner.

The conflict—currently working its way toward the White House through the Oil Import Appeals Board deep in the Interior Department—grows out of a request by Commonwealth Edison Co. to import foreign residual oil to fuel its Ridgeland generating station just outside Chicago's city limits. When Mr. Nixon approaches this question, however, he'll find his Administration uncomfortably pinned between two larger and politically more troublesome issues.

AIR POLLUTION RHETORIC

On one side is the credibility of Nixon Administration rhetoric about wanting to clean up the environment. Commonwealth, to meet a 1970 commitment to help improve the quality of the air Chicagoans breathe, wants to substitute low-sulphur-content imported oil or the high-sulphur-content domestic coal currently being burned at Ridgeland. Thus a rejection of the utility's import application could be interpreted as meaning the Nixon Administration really doesn't care much about clean air. Deferring final action—as was done on the task force proposal—could lead to much the same interpretation and hurt Republicans in the fall election.

On the other side are the coal industry and the fact that existing oil-import regulations dating back to 1959 have permitted only a relative trickle of foreign residual oil (the molasses-like end-product of some refinery

process) into the important 15-state mid-continent region known as District II, which includes Chicago.

Coal representives argue that once this barrier is breached, many other District II coal burners with air-pollution problems will flock to Washington to obtain foreign oil rights for their plants—the substantially higher cost of oil notwithstanding. This would mean a serious setback for coal demand in the 15 states, which currently accounts for more than half of total yearly U.S. coal use. As a result, the coal argument runs, promising techniques for removing most of the sulphur from stack emissions of coal-fired plants will languish for lack of interest and investors will be leery of risking their money in development of new coal mines.

COAL-INDUSTRY OPPOSITION

A number of Capitol Hill heavyweights from the coal states whose views can't easily be ignored by the White House, already have been mobilized behind these arguments by the National Coal Policy Conference and the National Coal Association, two major industry lobby groups. Together with the United Mine Workers union, they represent the chief formal opposition to the Commonwealth Edison application.

Rep. Edmondson (D. Okla.) chairman of the House Mines and Mining Subcommittee, for example wrote the Oil Import Appeals Board that "the precedent-shattering nature of Commonwealth's application if approved, will have seriously harmful effects upon our country's economic posture and national security. Apparently Commonwealth has not concerned itself with the far-reaching effects approval of their application would have on similarly situated industries. . . . It is difficult for me to see how the many, many additional applications which would inevitably follow could be treated differently."

For the oil import board, at least, such appeals don't seem to have had much effect. The panel's chairman, Lewis Flagg III, an Interior Department employe, hasn't released the Commonwealth ruling. The board's other two members, Stanley Nehmer, Deputy Assistant Commerce Secretary for Resources, and Paul H. Riley, Deputy Assistant Defense Secretary for Supply, who constitute the necessary majority, have signed a finding that the utility is faced with "exceptional hardship" and should get 4.5 million barrels of imported residual oil in the 12 months starting April 1.

OPINION DISMISSES OBJECTIONS

The majority opinion dismisses coal-industry objections and seems to open the door wide to other foreign-oil applicants. The opinion states that the "basic issue . . . is not one of coal versus oil since the petitioner has made a decision to discontinue burning coal as a basic fuel at the Ridgeland station under any circumstances." The opinion notes that Commonwealth did get a belated offer of domestic residual oil from Standard Oil Co. (Indiana), but this fuel would contain 70% more sulphur than the foreign oil and cost a third more.

A formal appeals board decision, however, will represent only a first step through the oil import labyrinth for Commonwealth. Next, it's up to Interior Secretary Hickel to lift the ceiling on residual oil imports into District II, currently set at a mere 219,000 barrels yearly. Presumably such action first would have to clear the President's new interagency committee on oil import policy and perhaps the White House itself. Routine issuance of an import license by the Oil Import Administration would follow.

Interior Department officials doubt, though, that this emergency relief procedure, provided under the original Eisenhower oil-import proclamation, is the proper way to handle the backlog of additional residual-oil applications building up rapidly in the appeals board office. So far, District II import license requests totaling more than 25 million barrels (equivalent to about six million tons of coal) are on file.

EXTENT OF DEMAND UNCLEAR

Just the other day, for example, Detroit Edison Co. asked for 3.5 million barrels in the 12 months beginning April 1 to provide back-up fuel for its Delray station. The plant normally burns pollution-free natural gas, but increasingly tight supplies of that energy source have increased the periods when its gas is diverted to home use. More critical, the utility says, is the fact that domestic refiners from which it formerly purchased residual oil aren't any longer offering to supply it.

There are strong indications, moreover, that the full extent of demand for foreign residual oil in the 15-state region has only begun to reveal itself. One District II case presently before the Oil Import Appeals Board involves a group of 12 oil-terminal operating companies, which hasn't specified how much residual oil its members would like to bring in. Elmer L. Hoehn, a member of the law firm representing the terminal operators (and formerly oil import administrator in the Johnson Administration) says his clients are still canvassing their customers' needs. Preliminary findings suggest that dozens of new local air ordinances will require "tens of millions" of barrels of foreign residual oil to satisfy them, Mr. Hoehn comments.

For the long term, it's obvious that the Administration must at least consider a broad policy change designed to make heavy industrial fuel oil as easy to obtain in District II and other districts as it is currently in the 16 eastern seaboard states comprising District I.

In prior years, when the environment wasn't a major issue, residual oil use hinged largely on its transportation costs. Because it had easy tanker access to Venezuelan refineries, therefore, District I started out under the import program with an "historic" right to import vastly more fuel oil than all the other districts combined. In 1966, controls on foreign residual oil into District I were loosened to the point that, in effect, importers could bring in all they were able to sell.

The recent report of the Cabinet task force on oil-import control indicates broad support already exists within the Administration for opening the entire country to foreign fuel oil. The panel majority, representing five of its seven members, questioned the rationale of allowing imported heavy oil access to one region but not others. It said this inequity would be ended in the overall change to a tariff system. The minority members, Commerce Secretary Stans and Interior Secretary Hickel, also suggested that "consideration should be given to applying (District I) policy uniformly across the U.S.," even though the two dissenters would retain other features of the present quota system.

Most Venezuelan and U.S. crude oils actually leave the ground with sulphur levels close to those in coal, and the troublesome mineral eventually ends up in the residual product. However, there are well-established commercial processes for desulphurizing oil—an advantage coal still lacks. A number of companies currently are working on ways to remove sulphur dioxide, the gas produced when high-sulphur-content coal is burned, but many experts in the field believe it will be at least several years before all of the wrinkles are out of these techniques.

[From the Energy Division of the New York Chase Manhattan Bank, Apr. 30, 1970]

THE PETROLEUM SITUATION IN MARCH 1970

DEMAND

The slowdown in the growth of the economy, which has received widespread attention in recent weeks, is certainly not reflected in the demand for petroleum products. The over-all demand gain in March was 6.9 percent above the year-earlier level. For the first quarter of 1970, the gain amounted to 5.2 percent, 800,000 barrels a day.

This rate of growth is higher than most oilmen have been forecasting for the year as a whole. The additional strength can be traced to substantially higher demand for residual fuel which was nearly 10 percent in March, and over 9 percent in the first quarter. Part of this growth undoubtedly reflects the colder than normal weather during the first quarter of 1970. The effect is twofold. Existing customers, of course, use more oil in colder weather. In addition, consumers who normally buy natural gas on an interruptible basis, found their supplies severely limited this winter, due to the shortage of gas. In consequence, they turned to fuel oil to a greater extent than they have ever done in the past. Of perhaps more importance than the weather is the effect of air pollution control regulations. This subject is discussed in more detail later in this report. Suffice it to say here that one outcome of these regulations has been to cause some consumers of coal to switch to residual fuel.

After a slow start early in the year, gasoline demand came back strongly in March and posted a 10 percent gain. This was enough to bring about a 5.3 percent increase above the year-earlier level for the first quarter as a whole. The second most important transportation fuel, jet grade kerosene, also performed strongly, registering an 11 percent gain both in March and for the first quarter of 1970. The residential and commercial uses of kerosene failed to equal the year-earlier level during the first quarter. Distillate fuel oil demand grew moderately, at about the rate anticipated for the year as a whole.

SUPPLY

New supply declined in March by 167,000 barrels a day below the February level, as a result of lower imports. Domestic production was continued at the same rate as in February. All classes of imports were lower in March than in February with the largest drop recorded by residual fuel oil.

Production of crude oil in the United States during the first quarter of 1970 was over 600,000 barrels a day above the year-ago level. More than half of this increase—380,000 barrels daily—occurred in Texas. It is important to note, however, that a much greater boost in the allowable production factor was needed to achieve this increase in production than was the case in earlier years. For example, the biggest first quarter increase in Texas production since the end of World War II occurred in 1951. In that quarter, production was raised by 686,000 barrels a day and required an 18 percent increase in the allowable production factor. In 1959, a 3 percent rise in the production allowable brought forth an extra 259,000 barrels a day. In the first quarter of 1970, on the other hand, the production allowable factor was 68 percent—24 percent above the year-earlier level. These numbers suggest that a further boost in production of the same magnitude as occurred this year would lift the allowable factor right up to the 100 percent level. And such an increase may only be one year away.

INVENTORIES

At the end of March, the over-all level of stocks amounted to 907 million barrels. The 15 million barrel drawdown of defined products in storage was partly offset by a 5 million barrel increase in crude oil stocks.

Gasoline stocks, although 12 million barrels higher than a year ago, represented fewer days' supply than in March, 1969. Kerosine and distillate stocks were also higher than a year ago, with the excess located in the East and West Coast regions. Residual fuel oil stocks were lower it all parts of the country, but most of the difference, relative to a year ago, was on the West Coast.

PRICE

The last few days of March saw the beginning of a general price increase for gasoline. As usual, this event received widespread unfavorable comment in the press. To see this move in perspective, it should be noted that during the first quarter of 1970 the average of retail gasoline prices in 52 cities around the nation was below the year-ago level. At the wholesale level, gasoline prices at the end of March were equal to, or below, year-earlier levels in the West Coast, Interior and Gulf Coast markets. Only in the east were they slightly higher.

Kerosine and distillate fuel prices declined moderately in the Gulf Coast market during March, and distillate was also priced lower in the Mid-Continent region. This is a normal seasonal movement, reflecting the end of the peak period of demand for heating oils.

In a contra-seasonal change, however, prices for residual fuel oil rose by 5 cents a barrel in the east, and by 25 cents a barrel on the West Coast. Stimulated by strong demand, particularly for low sulphur fuel, prices for residual fuel are firmer now than they have been for many years. (G. J. Shuttlesworth.)

POLLUTION CONTROL AND FUEL SUPPLY

Since this nation changed from an agricultural economy to the greatest industrial power in the world, the use of fuels to serve the various energy markets has grown enormously. Indeed, it is the intensive use of energy that has permitted the attainment of such an advanced level of industrial achievement. In the race for productivity, however, we have paid insufficient attention to the protection of our environment.

In consequence, the price that we are paying for our high standard of living, with its correspondingly high use of energy, is an increasingly unacceptable amount of pollution of our air and water resources. All segments of society are agreed that this situation must be corrected. The disagreements arise over the means to achieve this end. The purpose of this article is to consider in terms of the effect on our future supplies of energy what has been done in the fight against air pollution thus far, and what has been proposed.

There are two main forms of air pollution. The first is the emission of particulate matter, which can be readily observed by everyone, and which is probably the less harmful of the two, besides being the more easily controlled. The second, and more insidious form, is the contamination of the atmosphere by various chemical compounds. In the area of industrial air pollution, the main emphasis to date has been on the elimination of sulphurous compounds, principally sulphur dioxide. A more serious source of air pollution, representing half of the measured amounts, is the noxious compounds emitted by the exhaust systems of our various modes of transportation.

The elimination of these two forms of air pollution can be approached from two separate angles. In some cases the problem can be solved by the removal of the pollutants from the fuels before they are burned. Alternatively, the devices in which the fuels are burned can be modified to prevent the pollutants from being discharged into the atmosphere. Either method must inevitably lead to higher costs, since it must be presumed that in the absence of pollution control techniques industry was operating at the lowest level of costs attainable.

In view of the competitive nature of our society, it is not reasonable to expect industry to adopt air pollution control techniques voluntarily. To be sure, some firms will always take the lead in this kind of activity, but in so doing, they are immediately put at a disadvantage in terms of costs compared with those of their competitors who sit back and do nothing. Government, as the representative of the people, has a role to play.

There are those who believe that government should control the composition of our various fuels and the uses to which they may be put, but this approach has the disadvantage of introducing unnecessary rigidity into the efforts to fight air pollution. This is a new field of endeavor, and it would appear preferable to give free rein to this nation's great innovative ability. Let all possible solutions be examined with government acting as coordinator. In order to put the spur to industry's efforts, government should set goals and establish an appropriate timetable, but in this regard great care should be exercised to ensure that the timetable allows adequate time for the best solutions to be found rather than plunging the nation into a series of very costly crash programs.

The first air pollution control regulations imposed in this country have been directed toward the elimination of the 37 million tons a year of sulphur dioxide that is released to the atmosphere. And, in this instance, government has chosen to limit the sulphur content of the fuel before it is burned, rather than tackling the problem of eliminating the sulphurous gases produced by combustion.

These regulations have had a serious effect on the domestic coal industry. Although this nation has tremendous reserves of coal, these reserves vary considerably in quality, in location, and in sulphur content. Each grade has developed its own particular niche in the over-all market, and substitution of one grade for another is, in general, neither practical nor economic. Moreover, it is not feasible to improve the quality by removing sulphur from the coal before it is burned. Substantial reserves of low-sulphur coal exist, but current production from these reserves is largely committed to the steel industry and to export markets where it commands a premium price. There is very little available for use by coal's largest customer—the electric utility market.

In this fast growing market coal's share declined from 54 percent in 1967 to 51 percent in 1969, as many electric power plants, particularly in the east, turned from coal to other fuels. The most desirable fuel, from the point of view of air pollution, is natural gas, but supplies of this product are not plentiful enough to permit an expansion of its use by the electric utility industry. Moreover, in those areas where coal is widely used, gas is a very expensive alternative. Electric utility management has therefore turned to residual fuel oil to fill the void.

Residual fuel oil has traditionally been a high sulphur product, but, unlike coal, it can be further processed to remove most of the surphur. This is an expensive undertaking and the resultant product must inevitably be priced considerably above the level of high sulphur fuel oil. Low sulphur fuel oils can also be produced, of course, from crude oils which themselves have a very low sulphur content, but crude oils of this quality are not available in the western hemisphere. It would be imprudent, to say the least, to depend too heavily on low sulphur fuel oils from unreliable sources for a market as vital to our economic well-being as the production of electricity.

Because, in the past, ample supplies of underpriced natural gas were made available to industry, the market for domestically produced residual fuel oil dwindled. Domestic refiners could not profitably produce this product and sell it in competition with natural gas. In consequence, imports played an increasingly important part in the supply of residual fuel, and now account for two-thirds of the total supply across the nation. Since these imports are, in fact, concentrated in the east coast region of the United States, they account for almost 90 percent of the supply in that part of the country. Recently, there was evidence of an increased demand for residual fuel oil in the mid-western section of the country, where several companies have applied for licenses to import low sulphur oil, due to lack of alternative fuels which met air pollution control regulations.

Economics still do not favor a return to domestic residual fuel oil, so, to the extent that low sulphur fuel oil is the only available product capable of meeting air pollution control regulations, we must accept the fact that this segment of our energy needs will have to come increasingly either from foreign refineries or from plants located in the United States, but which are permitted to utilize a foreign feedstock. Even with the full use of foreign capacity, supply relative to demand is likely to remain tight, and there will be few bargain prices around for this product.

The question of ways and means to eliminate vehicles as a source of air pollution is still under discussion in government. Proposals have been made that gasoline be replaced, as our chief transportation fuel, by cleaner burning products such as propane or natural gas. While these products might be acceptable from a technical standpoint, limitations of supply make them impractical alternatives to gasoline. This nation's current gasoline consumption amounts to almost 12 trillion cubic feet a year in terms of natural gas. At a time when there is great doubt that present gas markets can be significantly expanded, it would appear out of the question to add a new market that is already more than half as large as the total natural gas market in this country, and which, if added to the existing market, would increase demand by more than 50 percent.

Most of our propane supply is extracted from natural gas, and currently amounts to three-quarters of a million barrels a day. There is not the slightest possibility that this source of propane could ever yield sufficient material to enable it to replace gasoline as our principal transportation fuel. In the battle against air pollution by vehicles the internal combustion engine may undergo considerable modification, or it may be scrapped altogether. But one thing is virtually certain and that is that petroleum products will continue to power the automobile for the foreseeable future. For over half a century, the refining industry has been geared to produce gasoline as its most important product. This situation cannot be changed overnight. Indeed, up to the present no practical alternative to gasoline has even been proposed. And if one were agreed upon in the near future, it would take well over a decade before such a product could be made available in sufficient quantity to satisfy the market. Enormous amounts of money would need to be invested to bring about such a change, and this investment would have to be recovered from the motorist in the form of higher prices.

Cleaner air is a most worthwhile goal and one that we cannot abandon, but in working toward that goal we must not lose sight of the cost, both in monetary terms and in terms of security of supply. (John D. Emerson.)

[From the Wall Street Journal, June 2, 1970]

POWER CRISIS: A SHORTAGE OF ENERGY THREATENS INDUSTRIES AND HOMES ACROSS THE UNITED STATES—DEMAND ALREADY TOPS SUPPLY IN SOME AREAS—ELECTRICITY, GAS, COAL, OIL ALL TIGHT—FOR SOME: LONG, HOT SUMMER

(By Thomas Lindley Ehrich)

This country—an insatiable, power-consuming culture of electric toothbrushes, power lawn mowers, gas-fired barbecues and air-conditioned homes with electric garage

doors—is suddenly faced with a broad energy shortage.

For the first time in history, the nation's energy supply is failing to keep ahead of the ever-growing demand. America's factories and consumers are increasing use of electricity, natural gas, coal and other fuels faster than the suppliers of energy can boost the output. Some analysts see the problem as temporary, but others view it as a historical turning point in which the energy resources that always have been taken for granted become a limiting factor in national growth.

The impact of this "energy gap" is spreading through industry and is beginning to touch consumers. Its scope and seriousness are emerging in scores of scattered but related symptoms:

—Fuel and power shortages are interrupting factory operations, increasing manufacturers' costs and hurting their profits. The shortages also are influencing corporate plant-location decisions and crimping industrial-expansion hopes of some areas.

—Consumers and homeowners are being threatened with less-reliable utility service, including the prospect of summer power failures. While rates rise and service grows chancier, some are beginning to wonder whatever happened to Reddy Kilowatt, that nearly vanished symbol of cheap, dependable, instant electricity.

—Utilities are cutting back on promotions they traditionally have used to increase their business. New York and Philadelphia power companies, for instance, have stopped promoting air-conditioner sales. Meantime, utility executives are scrambling to boost capacity and are hoping for breaks with the weather.

"CRISIS AMID ABUNDANCE"

The problem worries Washington officials. "What we have is a crisis amid abundance," declares S. David Freeman, director of the energy-policy staff of the White House Office of Science and Technology.

As the Federal Government's top planner in the energy field, Mr. Freeman lately has been raising provocative questions: Though doubling of power use every decade always has been a sign of progress, isn't it now a "mixed blessing"? Aren't utility salesmen "doing a better job than the producers"? Should utility rate structures, which have always favored the big customers (the more you use, the lower the rate) be changed to "flat or even regressive," which would penalize bigger volume users?

Some experts speculate that the energy gap, if it persists, will have major, long-range consequences. "Lack of energy is going to start inhibiting our economic growth and perhaps our standard of living," says E. F. Andrews, purchasing vice president of Allegheny Ludlum Industries, Inc., a steelmaker.

"You may have some industries that will be operating seven or eight months a year" due to energy shortages, speculates Robert M. Fletcher, Armco Steel Corp.'s director of raw materials purchasing.

THE GOOD LIFE

Presidential adviser Freeman suggests that the affluent society might have to curb its appetite for more goods that consume energy. "Electricity has helped bring the good life to many Americans," and it isn't possible to stop its growth, but "the rate of growth . . . is subject to discussion and action," he remarked in a recent speech.

The energy gap stems from what Mr. Freeman calls a "runaway market" for energy at a time when suppliers have been hit with a multiplicity of troubles ranging from construction delays and labor strife to bad weather and antipollution crusades that stall projects.

One big problem is that energy suppliers simply underestimated growth in demand. For many years, energy use had been growing at about 3% a year, but starting in 1965 demand growth jumped to 5% annually. Especially startling were the 9% annual spurts in electric-power use in 1968 and 1969.

The pinch affects all major sources of energy and has become an interlocking problem. Thus, attempts to switch from one energy source to another seldom help.

A lag in natural gas exploration, which producers blame on prices set "unrealistically" low by Government regulators, is tightening supplies. For the past two years, consumption of gas has outrun new discoveries, which puts a drain on the nation's gas reserves. Some major pipelines are strained to capacity. Last winter's extreme cold severely depleted supplies at some storage areas.

Coal shortages stemming from recurring labor trouble at the mines, a crackdown on mine safety that has closed some mines and a lag in new mine openings, have grown severe. Mining concerns are unable to boost production quickly, and users' stockpiles have greatly dwindled.

AN ILLUSTRATION

Antipollution pressures are affecting demand as well as supply. "Companies we've been trying to sell gas to for years without much success are now knocking at our door wanting gas to substitute primarily for coal," which pollutes the air more, says Robert E. Seymour, executive vice president of Consolidated Natural Gas Co. The company, like other gas distributors, can't fill all the orders. Similar requests are inflating demand for low-sulphur fuel oil, which also has become hard to get.

The severe disruptions that this situation can cause a big energy user can be seen in the case of PPG Industries, Inc., the Pittsburgh-based maker of paint, chemicals and glass.

This winter, PPG's glass division had gas service reduced at various plants on two dozen occasions; utilities had curtailed service to industrial customers to keep pumping fuel to homeowners on extremely cold days. In some cases, the PPG plants had to close and send workers home, and in others the plants hastily switched to fuel oil or liquid propane to keep operating—but that caused product-quality problems such as flaws in the glass, company officials say.

The cold-weather woes are behind it, but PPG is now is faced with hot-weather problems. John White, a vice president of the PPG glass division, says one major utility that supplies electric power to the plants recently called to ask what operations the company could close down in the event of power shortages this summer. So now the division, which has disaster plans for storms, fire and war, has had to draw up one for "a call from the electric company," says Mr. White.

That's not all. PPG is expanding its three fiber glass division plants, but it can't get gas to run the expanded plants. Facing the prospect of letting big new facilities sit idle, the company is considering the possibility of installing costly equipment, to use liquid propane or fuel oil—but both would be more expensive than gas and the changeover could delay the start-up of the facilities, officials say.

To top it off, PPG's fiber glass plants in Shelby and Lexington, N.C. just got a letter from Duke Power Co. saying their rates will be rising 18% because the utility, to fight pollution, is buying more-expensive low-sulphur coal to power steam generators.

A DRAIN ON EARNINGS

As the PPG case illustrates, the energy shortages can hit companies in many ways. It all adds up to another drain on profits. In reporting first quarter earnings this year, several companies blamed declines partly on higher fuel costs and on plant shutdowns due to gas shortages. U.S. Steel Corp., Koppers Co. and Republic Steel Corp. were among these companies.

Lukens Steel Co. blamed part of its 40% drop in first quarter earnings on operating troubles caused by fuel shortages. Out of 84 operating days in the first quarter, Lukens' gas supply was cut by as much as 45% on 26 days, forcing cutbacks in operations. "We certainly feel very strongly that there's a general energy shortage," says W. E. Mullestein, Lukens' president.

The gas shortage was one reason Armco Steel recently decided to build a steel plant in Texas—where gas from nearby fields is plentiful—rather than in the Midwest, where supplies are tight.

A number of gas suppliers have told industrial customers they're clamping a lid on new business. Usually, that means any customer can expect to receive only as much gas this year as he received in 1969. Some utilities are actually cutting back. Pittsburgh's Peoples Natural Gas Co., a unit of Consolidated Natural Gas, is holding industrial gas deliveries this year to 10% below last year's level.

The gas gap could hurt some communities' efforts to build up local industry, utility executives concede. UGI Corp., a Philadelphia-based gas distributor serving eastern Pennsylvania, figures that its need to exercise "selectivity" in taking on new business "will discourage industries from moving into the area," comments W. C. McElroy, vice president for operations.

While shortages of gas, fuel oil and coal are primarily affecting industry, consumers will feel the effects of the electric power pinch.

The strain on electric capacity could become severe this summer. "If we have a hot summer, people will really be astounded at the amount of outages that will occur," predicts Robert M. Taylor partner of R. W. Beck & Associates, a consulting firm for utilities. "Utilities are hoping for a cold summer."

In many places, utilities' reserve generating capacity is precariously low. "Generally speaking, electric utilities are all sort of treading on the edge of a precipice," claims one industry analyst.

The Federal Office of Emergency Preparedness, which normally worries about such things as nuclear holocaust and natural disasters, now is worrying about power failures. A recent OEP study identified numerous areas of the country where reserve electric capacity is dangerously slim. These areas include New York City, Chicago, St. Louis, Minneapolis-St. Paul, the Pennsylvania-Maryland-New Jersey area and all of the Southeast except Florida.

(Some utilities say their reserve position is stronger than the OEP figures indicate, but the utilities generally are counting new or unproved generating capacity that the OEP contends can't be relied upon.)

Some customers in these areas can't be sure their air-conditioners will keep humming through summer's heat waves. If power demands begins to strain capacity of New York's Consolidated Edison, for example, Con Ed plans to ask customers to turn off air-conditioners when nobody's home, to keep lights off during the day and even to stop opening and closing the freezer door so often—all to curb the power drain.

LOAD SHEDDING

Other strain-easing steps at Con Edison will include reducing voltage, which could cause light bulbs and motors to function inefficiently, and asking large industries to cut back their power use.

If such steps fail, the utility will turn to what industry men call "load shedding"—which simply means your power gets cut off

temporarily if you're in the area that's "shed." According to a plan adopted by the Public Service Commission of New York State, the blacking out would be done at substations, indicating large areas would be affected. Asked to give an example, Joseph Swidler, PSC chairman, replies: "Well, for instance, we might black out Westchester County"—a suburban area of about 900,000 residents.

Analysts say the Pennsylvania-New Jersey-Maryland power area is in worse shape than New York. Elaborate power pools designed to enable, say, Con Ed to buy excess electricity from as far west as Illinois will provide some relief this summer. But with capacity tight in nearly all Eastern states, a heat wave hitting several cities simultaneously would nullify these power-exchange arrangements.

The answer to the energy gap may be simple economics—making energy cost enough to encourage conservation in its use and greater investment in energy facilities. Presidential adviser Freeman suggests that a rate structure that increases according to volume used would help curb indiscriminate use of electric power, such as the practice of letting air-conditioners hum around the clock when they're not really needed.

"If energy began to cost more, people would think of better insulation, building houses to utilize the heat of the sun" and other steps to conserve energy, Mr. Freeman says.

Whether or not anything as drastic as a "regressive" rate structure materializes, it's clear energy costs will rise sharply as energy suppliers absorb higher costs and expand facilities to overcome shortages. Utilities have greatly increased the pace and amount of rate boosts over the past year or so, and many more increases are probable. Environmental considerations will boost fuel costs, too, as more users are pressured into switching to higher-cost, cleaner-burning fuels. Coal companies unable to keep up with demand and hit by higher costs due to new safety rules are making price boosts that industry sources figure may total 30% or more by year's end.

[From the Oil Daily, June 8, 1970]

TONE OF THE MARKET: MOST AREA PRICES UNSTEADY

While the gasoline market place sputtered and assumed a topsy-turvy posture price-wise throughout most of the country last week, main actors on the petroleum product stage continued to be residuals and distillates.

Residuals which used to be practically give-away products (Number 5 and Number 6 fuels) are now in heavy demand. In fact, sources appear concerned about availability of supply next winter. Present stocks are over 45.5 million barrels or 25.8 percent under the inventory situation that existed this time last year. Reason for this significant popularity for product rests on several factors including the much discussed pollution problem. A problem that has increasingly drawn the attention of the public and government at all levels.

The industrial complex which in the main has used coal for fuel power realize that high-sulphur coal will not fit in with growing restrictions on pollutants. Big consumers of fuel for power such as utilities and steel mills are switching to Number 5 and Number 6 fuels. While natural gas is a very suitable power source, the industrial community is concerned about developing shortage of supply and dwindling reserves.

Another factor is that most modern refineries have erected coking plants and use residuals as feedstocks for manufacturing coke. Even some of the older refineries have converted facilities for making this product. With increasing emphasis in recent years toward higher output of gasoline from the incremental barrel of crude, production of residuals has fallen sharply at a time when a sudden appetite for product developed.

The transition between manufacture of residuals and coke is based on economics. Any large conversion phase is expensive and refiners must look at both sides of the coin to evaluate action.

As to distillates, present inventories are a little under 3 million barrels or 2.8 percent over this time last year. Stocks of product on the Gulf Coast are reported to be 1.25 million barrels under the same period last year with majority of product stocks now sitting on the East Coast. Prices of distillates, which are increasingly being used as a cutting fuel to blend with both Number 5 and Number 6, are reported solid with little or no discounting, and sources believe this situation will continue throughout the summer.

There is some talk in the field that an increase in foreign product quota may be necessary to meet needs of consumers, particularly next fall, but this probability is apparently one of speculation.

Meanwhile, gasoline markets can only be described as restless. Some price restoration moves in recent days appear to have held up while others have faltered. The Group 3 wholesale market dropped another 0.25 cents last week to a level of 11.75 cents.

In action at weekend, Continental Oil Co. announced that effective Friday, June 4, it eliminated temporary dealer allowances in Minneapolis-St. Paul to return normal dealer tank wagon level of 18.9 cents which supports suggested retail price of 37.9 cents for regular. Effective the same date, Conoco eliminated temporary dealer allowances in Oklahoma City, returning to its normal tank wagon price of 18.2 cents for regular which supports suggested retail of 35.9 cents. Prices had been as much as 8 cents off normal in that city.

In Tulsa, some independents were reported lowering their prices at the pump by as much as 5 cents. The majors were said to be holding the line at weekend.

[From the Oil Daily, June 18, 1970]

TONE OF THE MARKET: RESID SUPPLY TIGHTENS

Extremely sharp buyer interest for residual fuel on the Eastern Seaboard continues, with the open market reported practically nonexistent. Supply of product is considered very tight with no relief in sight.

With this situation present at this time of year, observers are fearful of market conditions next fall. While showing a small percentage increase over last week, residual stocks continue to be considerably below inventories on hand at this time last year. Stocks are approximately 14.5 million barrels or 23.4 percent down.

The tight supply situation also exists in the Midwest, with resulting price strength. Buyers are eagerly seeking product. General feeling is that buyers will buy every barrel they can get their hands on.

Despite the fact that distillate stocks are over 4 million barrels or 3.7 percent over last year, price firmness of product is reported steady in all sectors of the country, with apparently no signs of any decline in the summer months.

Meanwhile, gasoline price improvement continues to accelerate, with major suppliers announcing almost daily the withdrawal of dealer allowances in spreading areas of formerly depressed markets. Gasoline stocks are currently at the 14 million barrel plus level or 7.1 percent over last year.

Motor gasoline demand during the February-April period of this year continued strong, averaging more than 5.5 million barrels daily, 308,000 or 5.9 percent higher than in same months of 1969. This figure should rise appreciably during the May-June period.

Gulf Oil Corp is removing dealer allowances in most of its marketing territory, with the exception of spotted areas, including Montana, Michigan, northern Illinois and Wisconsin.

American Oil Co has removed dealer allowances throughout Illinois. The move was effective at 5 PM Wednesday in all areas except Chicago; beginning Thursday morning, June 25, allowances were dropped in the Lake County, Ind. and throughout Michigan. Also effective Thursday, American Oil removed dealer allowances in Arkansas, Louisiana, Tennessee and Texas.

[From the Oil Daily, June 6–22, 1970]

OPC SHOOTS DOWN HICKEL'S RESID IMPORT KITTY

(By Jim Collins)

WASHINGTON.—Interior Secretary Hickel's plan to establish a "kitty" of about 10 million barrels for imports of low-sulfur residual fuel oil for utilities in the midwest who can't obtain domestic "clean" fuel for their plants, has been stopped in its tracks by the Oil Policy Committee headed by director George Lincoln of the Office of Emergency Preparedness.

Hickel was ready to move a week ago (see The Oil Daily, June 15), but decided he should check the issue to the OPC. Hickel has authority under the current presidential proclamation to increase the level of residual imports in Districts II–IV at his discretion.

The Oil Policy Committee, however, has decided to take a detailed look at the whole residual import situation, as it might affect the Midwest, sources for the low-sulfur residual, the impact on shipments from Venezuela, the prospect that domestic low-sulfur residual requirements would be met more and more from foreign sources—some outside the Western Hemisphere—and how all of these factors are involved in "national security."

A subcommittee of the Oil Policy Committee has been set up to make the residual review. It is headed by Elmer Bennett, special assistant to Lincoln on oil import policy.

The breadth of the residual investigation indicates that policy recommendations to the White House, and revisions in resid import controls by President Nixon, will not be made for another month or two, despite the high-priority of the study.

Predictions at this early point are that the Oil Policy Committee will not recommend opening the import gates wider for foreign low-sulfur residual for the Midwest—either for utilities or for wholesale marketers who are also seeking import quotas.

The total amount of foreign low-sulfur residual sought by the utilities (some already granted to Commonwealth Edison at Chicago) comes to about 23,000 bd. Commonwealth was granted 3.5 million barrels for the year by the Oil Import Appeals Board, and this was approved by Hickel. Still pending are requests from Detroit Edison, for two million barrels; Cleveland Electric for about one million barrels; and Consumers Power in Michigan for about two million barrels.

Altogether, however, there are "hardship" requests now on file with the OIAB for about 105,000 bd—most of these from Midwest independent terminal operators and other wholesalers who are having difficulty obtaining domestic supplies of residual.

While the utilities and oil marketers are having trouble obtaining the residual they want, the coast industry is arming itself against the threat of a "flood" of imported residual in the Midwest.

After the report, in the Oil Daily, that Hickel was considering a 10 million-barrel kitty of residual for Midwest utilities, the National Coal Policy Conference fired off a telegram to Hickel urging that he hold up

action until "the whole question of fuels and energy" in the area could be discussed with him. They sent a copy of their message to President Nixon as well.

The Coal Conference told Hickel that "utilities are now giving very serious consideration to the construction of full-scale sulfur dioxide removal systems which will allow continued utilization of domestic fuels. Further imports of foreign residual oil would certainly retard this effort."

Some members of the Oil Policy Committee fear that opening the gates for low-sulfur residual would encourage shipments from the Eastern Hemisphere—if the oil is still available—while further depressing the market for Venezuelan high-sulfur residual in the United States.

Another complication is that foreign residual supplies are reported to be tight.

In the U.S., residual supply continued to drop as new hydrocracking equipment at refineries upgrades residual into more valuable products.

While the Oil Policy Committee is not expected to make a recommendation on residual imports to Nixon for some weeks, some officials are willing to predict now that the OPC will not favor opening the import gates in the Midwest for any substantial amount of low-sulfur residual fuel oil.

Rather, they predict, the committee will probably recommend opening the gates on a preferential basis for residual originating from Venezuelan crude oil, or offer bonus crude oil imports, limited to the Western Hemisphere, for imported high-sulfur residual that could be reprocessed in domestic plants to make low-sulfur fuel.

At the bottom of the concern by most Oil Policy Committee members is the very large dependence which now exists on the East Coast by utilities, and others, for foreign residual. If these supplies were reduced, or cut off, by any foreign emergency, some big-city utilities in the East, and other resid markets, would be thrown into a tailspin, threatening widescale brownouts and blackouts and fuel shortages by industrial consumers, apartment buildings, schools and hospitals.

The OPC wants to avoid the development of similar dependency on foreign residual in the Midwest.

It would not be exaggerating, some officials say, to describe the developing residual import situation as the "most sensitive issue involved in oil import national security at this time."

[From the Oil Daily, June 26, 1970]

TONE OF THE MARKET: RESID SUPPLY TIGHTENS

Extremely sharp buyer interest for residual fuel on the Eastern Seaboard continues, with the open market reported practically nonexistent. Supply of product is considered very tight with no relief in sight.

With this situation present at this time of year, observers are fearful of market conditions next fall. While showing a small percentage increase over last week, residual stocks continue to be considerably below inventories on hand at this time last year. Stocks are approximately 14.5 million barrels or 23.4 percent down.

The tight supply situation also exists in the Midwest, with resulting price strength. Buyers are eagerly seeking product. General feeling is that buyers will buy every barrel they can get their hands on.

Despite the fact that distillate stocks are over 4 million barrels or 3.7 percent over last year, price firmness of product is reported steady in all sectors of the country, with apparently no signs of any decline in the summer months.

Meanwhile, gasoline price improvement continues to accelerate, with major suppliers announcing almost daily the withdrawal of dealer allowances in spreading areas of formerly depressed markets. Gasoline stocks are currently at the 14 million barrel plus level or 7.1 percent over last year.

Motor gasoline demand during the February-April period of this year continued strong, averaging more than 5.5 million barrels daily, 308,000 or 5.9 percent higher than in same months of 1969. This figure should rise appreciably during the May-June period.

Gulf Oil Corp is removing dealer allowances in most of its marketing territory, with the exception of spotted areas, including Montana, Michigan, northern Illinois and Wisconsin.

American Oil Co has removed dealer allowances throughout Illinois. The move was effective at 5 PM Wednesday in all areas except Chicago: beginning Thursday morning, June 25, allowances were dropped in the Chicago area, including Lake County, Ind. and throughout Michigan. Also effective Thursday, American Oil removed dealer allowances in Arkansas, Louisiana, Tennessee and Texas.

[From the Oil Daily, June 26, 1970]

PETROCHEM, RESID STUDY LAUNCHED

WASHINGTON.—The Oil Policy Committee is now cranking up intensive studies of two big oil import issues, with recommendations for action on them expected to go to President Nixon within the next 90 days.

The issues cover imports of feedstocks for domestic petrochemical plants—particularly those owned by nonoil chemical companies—and what to do to relieve the apparent approaching fuel "crisis" facing electric utilities in the Midwest who can't get domestic supplies of low-sulfur fuel oil, coal or natural gas.

The situation has already become so tight that three utilities have appeals before the Oil Import Appeals Board for import quotas of low-sulfur residual—Consumers Power in Michigan, a Cleveland Utility and Detroit Edison—totaling about six million barrels.

Meanwhile, there are indications that top energy and air pollution control officials in the Nixon administration have reached a tacit agreement not to push hard this summer against utility use of sulfurous fuels—fearing this would have a serious impact on generation of electricity, which is expected to fall short of consumer requirements some days this summer, anyway.

As one administration official commented to the Oil Daily:

"What we are rapidly approaching is a confrontation between adequate supplies of electricity and the drive to cut down on air pollution—sulfur dioxide—from use of sulfurous fuels by the utilities and other big consumers.

"It's a question of the immovable object meeting the irresistible force—and there is a growing awareness within the government that you simply can not shut down utilities and other plants just because the technology is not yet available to remove sulfur from stack gases, and supplies of low-sulfur fuels are not available in the quantity required."

With gas short and residual output continuing to decline from domestic refineries—and technology not available to desulfurize stack gases—the only option open is to permit more imports of residual fuel oil in the Midwest, some officials believe.

But, they want to set up a program that will be equitable for all consumers and which will encourage an increase in domestic supplies of low-sulfur fuel oil—and which will not have an adverse impact on Venezuela.

The other big pending issue involves feedstocks for petrochemical plants in the U.S. and proposals by two groups of chemical firms for more imports to meet their requirements.

On this issue, too, it is expected the Oil Policy Committee will recommend opening the import gates wider—but the details still must be worked out.

The issue is so complex that officials believe recommendations to the White House will take several months and will not be ready for action until the next allocation year, 1971.

Meanwhile, the two groups of chemical firms—called the "Petrochem" and "Chemco" groups—have come up with a joint proposal on oil imports which has been presented to the Oil Policy Committee and to Congress.

Under this plan, petrochem producers would have the option on a plant-by-plant basis to elect between two alternatives.

(1) If a plant can not use foreign feedstocks directly it would be granted import allocations based on petrochemical output—up to a level of 20 percent—plus imports for exports of petrochemicals. The company would be granted the right to sell or exchange its imports for domestic feedstocks.

(2) If a plant is able to use foreign feedstocks directly it should be permitted to do so without limitations on imports—based on the amount converted into petrochemicals in the plant. Any flow of fuel by-products from the plant would be controlled under the oil import control program. In addition, plants would have the right to exchange imports for domestic feedstocks on a like-for-like basis. Downstream petrochemical producers who do not actually process feedstocks would be permitted to participate by means of a certificate of petrochemical end-use that would entitle their suppliers to import the petrochem feedstocks involved. This would permit the oil refining industry to operate competitively as merchant olefin manufacturers to sell feedstocks for petrochem use, the chemical companies say.

The Petrochem and Chemco firms assert that such a program would "separate" the petrochemical program from the energy program and "should satisfy the concern of the oil industry that the petrochemical program would result in competition in the energy market from raw materials obtained at world prices."

The chemical firms also argue that their plan would not injure domestic oil producers. The quota option would enable plants using domestic feedstocks to remain competitive and be a market for domestic producers. In addition, plants using foreign feedstocks would be built in the U.S. instead of abroad and their nonpetrochemical operations would create a market for domestic oil that would be lost if the plants were built overseas.

The chemical firms are pushing the Oil Policy Committee to move quickly, arguing that plant investment decisions are being held up awaiting a decision on feedstock costs but that many decisions can wait no longer. But OPC's decision is still several months away.

[From the New York Times, June 29, 1970]

A SHORTAGE OF POLLUTION-FREE OIL SEEN

(By Peter Kihiss)

Suppliers of low-sulphur fuel oil—needed to meet air-pollution controls—report that they probably will be able to fill only 80 to 90 per cent of the demand on the East Coast next winter, according to the city's Environmental Protection Administration.

Announcing an appeal to the Secretary of the Interior to liberalize Federal oil import quotas, Administrator Jerome Kretchmer said last week that large fuel consumers here had already sought permission to return to higher-sulphur fuels if shortages developed.

The higher-sulphur fuels have been blamed for putting sulphur dioxide into the air and for increasing respiratory ail-

ments. Mr. Kretchmer wrote Secretary Walter J. Hickel that "our population now breathes air with sulphur dioxide levels three times higher than those described as acceptable by the Department of Health, Education and Welfare."

KILLING EFFECT ALLEGED

Mr. Kretchmer cited a report by Ralph Nader, consumer protection advocate, as estimating that "air pollution—primarily sulphur dioxide—kills from 1,000 to 2,000 people per year in New York City." The Administrator said "that figure could well double if you do not cut through the politics of oil to protect the health and lives of our urban citizens."

The sulphur content of fuels was limited to 1 per cent last Oct. 1, with a scheduled further cut Oct. 1, 1971 to 0.3 per cent, for residual fuel oil—used in power and other large plant—and to 0.2 percent for distil late fuel oil—used in homes.

In his letter dated last Thursday, Mr. Kretchmer asserted that "the single reason for the shortage of low-sulphur fuel oil" was lack of Federal consideration of air pollution in setting oil import policies.

He said that sufficient low-sulphur fuel oils and natural gas were available abroad and that "vast quantities" of other oils could be obtained for desulphurization—except for the oil import barriers.

BONUS IMPORTS SUGGESTED

Mr. Kretchmer proposed a bonus plan for companies providing low-sulphur fuels, on a principle he said was in effect on the West Coast.

Under this, companies importing a barrel of low-sulphur residual oil or converting a barrel of high-sulphur imported crude oil to low-sulphur residual oil for this region would get a bonus import quota of one barrel of crude oil for each such barrel.

Companies importing natural gas from other countries or Alaska would get a bonus of a barrel of crude oil for every 3,000 standard cubic feet of gas. Crude or residual oil could be imported without limit to be converted to low-sulphur distillate oil.

Meanwhile the state's plans for environmental clean-up moved ahead yesterday, with Governor Rockefeller naming six private citizens to join the heads of nine state agencies as members of the new State Environmental Board. The new appointees are:

Joe G. Moore Jr., vice president of Eastman Dillon, Union Securities & Co., commissioner until last April for the Federal Water Pollution Control Administration.

Charles H. Callison, executive vice president of the National Audubon Society.

William H. Whyte, conservation leader and author of "The Organization Man" and "The Exploding Metropolis."

Dr. Lamont C. Cole of Trumansburg, professor of zoology at Cornell University.

Dr. E. Corrine Brown Galvin of Ithaca, author, teacher and civic leader.

Jerome Wilkenfeld, director of environmental health for the Hooker Chemical Corporation and member of the State Air Pollution Control Board since its start in 1957.

NEW STANDARDS DUE

The six, serving staggered terms, will be paid $100 a day, not to exceed $5,000 a year. They will be joined on the board by Henry L. Diamond, who on Wednesday becomes the state's first Commissioner of Environmental Conservation, and by the State Commissioners of Health, Agriculture, Commerce, Transportation, Local Government and Parks; the chairman of the Public Service Commission and the Industrial Commissioner.

The board is to act on environmental standards proposed by Commissioner Diamond, whose new agency will take over the present Conservation Department and the air and water pollution control responsibilities of the Health Department.

In interviews and a WCBS–TV Newsmakers telecast, Commissioner Diamond said yesterday that 880 of 1,700 water polluters identified by the state in 1965 had either cleaned up their problems or shut down. He predicted that a crackdown on others ordered by the Governor would show results in "60 to 90 days."

The state is pressing for increasing the Federal share of the cost of sewage-treatment projects—a share that Commissioner Diamond said has been only 7 per cent of the total expense. The state last spring appropriated $750-million as advances on the Federal share, Mr. Diamond said.

[From the Oil Daily, July 6, 1970]

INTERIOR RAISES LOW-SULPHUR RESIDUAL IMPORTS IN MIDWEST

WASHINGTON.—Interior Department Friday announced an increase in the level of low-sulphur residual fuel oil imports in the mid-west by 9.5 million barrels for the allocation period of April 1, 1970, to March 31, 1971, with the approval of the Oil Policy Committee.

The increase is restricted to Districts II–IV.

"Potential supplies of low-sulphur fuel oil are not encouraging according to Bureau of Mines information, and the demand during the current allocation period cannot be accurately predicted," Interior said. "On this basis, a departmental decision was made to increase the level of imports into Districts II–IV."

The increase was assigned to the Oil Import Appeals Board for allocations and licenses only on the grounds of exceptional hardship caused by the mandatory oil import program.

"During this period, the department will take aggressive action to develop a program for review by the Oil Policy Committee which will offer incentives to domestic refiners to manufacture low-sulphur residual fuel oil in the mid-west area," Interior said.

The additional 9.5 million barrels of residual is expected to go to utilities who are short of coal and natural gas. Detroit Edison is expected to be allocated 2.5 million barrels out of the "kitty." Quotas may also be granted to a Michigan utility and one at Cleveland.

[From the Oils & Gas Journal, July 6, 1970]

OILMEN TO GET BLAME FOR ENERGY SHORTAGE—UNLESS THEY ACT NOW

This nation is in the midst of an energy shortage. We don't have to wait until next winter. Or 10 years from today.

No less an authority than John Emerson, energy economist of Chase Manhattan Bank, bluntly says: "Never before in this century have we faced such serious and widespread shortages of energy. These shortages are upon us now."

There's one predictable result of this sudden crisis. Someone will get the blame. Guess who? It's a good bet that—when the politicians and the consuming public realize the predicament—they'll rough up the oil and gas industry.

Get ready for it. The critics will charge that as a supplier of 75% of the nation's energy oilmen should have foreseen the crisis and arranged supplies.

Such blame is unfair, of course. Oil authorities predicted the present high-level demand. That's no surprise. But oilmen had little control over the energy trends that account for the shortages.

What's the cause then? Failure of nuclear power to fulfill its expected role is one major cause. Cheap atomic energy was promised in 1964 with the economic analysis on the Oyster Creek plant in New Jersey. The TVA gave an even more glowing analysis 2 years later. As a result, orders for atomic energy generating units jumped dramatically. The electric power industry hailed the advent of the nuclear energy revolution.

These plants should be coming on stream right now. But they aren't. Why? Higher than expected construction costs. Delays in delivery of vital equipment. Bitter opposition to plant sites from neighbors afraid of radiation. Fear of thermal pollution of rivers and lakes. All these factors sent nuclear power costs into uneconomic orbit. The power industry then switched to ordering fossil-fuel plants. But the lost capacity was not recovered.

This failure of nuclear energy to live up to its prospects came at the same time a sudden national concern with pollution imposed unnatural burdens on oil, natural gas, and coal. Sulfur restrictions eliminated large supplies of oil and coal from use as fuel. In addition, the coal industry is suffering a series of nagging strikes that may continue indefinitely. Natural-gas supply, already suffering from low prices, just isn't sufficient to fill the gap.

All this makes it vital that oilmen, first, understand the factors that have brought on an energy shortage. It's then just as important that the industry start now educating the public on the reasons for the crisis.

Unless the consumer is made aware of why he has to suffer economic loss or inconvenience, his wrath easily can result in crippling legislation or adverse administrative decisions.

More political restrictions are not the answer. Instead, incentives to search for new reserves of oil and gas must be restored. The nation must adopt a realistic policy on the environment so that more of the already known reserves of fossil fuels are made available.

It's time now for oil to make its position clear in the energy crisis.

[From U.S. Oil Week, July 27, 1970]

RESIDUAL PRICES MAY ENCOURAGE CONGRESS' PROBE

Residual fuel oil is now worth as much as distillate in the greater Chicago market.

Postings for heavy oil have risen so sharply that agencies around the nation are finding suppliers refuse to respond with bids.

The sole bidder to supply the Elgin, Ill., Public School system was Standard Oil offering 10.55¢ a gallon for 450,000 gallons of regular #5 oil escalating with Standard's daily posting.

Last year Standard won the bid at 7.69¢.

Chicago posted price for low sulfur #5 is 10.5¢ with high sulfur #5 at 10¢ and *high* sulfur #6 at 8.75¢.

In the same market #2 oil is posted at 10.5¢.

The school system rejected the offer and scratched its head.

In the New York area bids for low-sulfur resid have been recorded recently at about $3.50.

Sen. Edward Kennedy (D., Mass.) last week fired off a letter to the President urging:

An emergency meeting of the Oil Policy Committee under the Office of Emergency Preparedness to find out why residual oil is in short supply, and convene a meeting with the oil industry and federal, state and local government leaders to seek a solution.

The Antitrust Division to learn whether international oil companies have been guilty of "collusion" in the present shortage.

Council of Economic Advisers to plan a halt to the residual oil price spiral.

Kennedy asked the White House to take the lead in solving the problem—even though residual imports to the east coast are not strictly controlled—because of the White House's "special relationship" with the oil industry.

Kennedy wanted to know why the oil industry, with its many subsidies and special

benefits allegedly based on national security needs, could allow such a shortage to occur.

Unless the supply picture brightens, he said, a disaster could take place as schools, hospitals and large buildings lose their heat this winter.

Meanwhile two frightened electric power industry executives have been pounding the pavement in Washington looking for heavy oil for their Massachusetts plants.

Both represent city-owned light companies that found no one wanted to bid to supply them #6 oil.

Alban Spurrell, manager of the Braintree, Mass., lighting department, and Francis King, manager of the Holyoke city light company, visited members of Congress and oil imports officials last week.

POLLUTION GOALS SUFFER

Unable to switch to coal (and that's in short supply anyway) and unable to buy natural gas, they sought help to keep the city lights from going out.

Braintree's oil contract runs out July 31.

Suppliers have agreed to come up with oil at prices over $3 per barrel.

The state of Maryland found no bidders to supply heavy fuel oil a few weeks ago.

In Baltimore where 1% sulfur maximum is now the limit, the city school system, with more than 50 coal-burning schools, is negotiating with air pollution officials in hopes of using 2% coal because of the resid shortage.

Formal applications for a "variance" haven't been asked, but they're in the offing.

State air pollution officials are expected to grant them too if the schools and six state-owned buildings agree to switch to oil or natural gas.

Two colleges in northern Virginia recently found suppliers wouldn't bid on their residual needs.

True local air pollution agencies are lowering the allowed sulfur content.

True, natural gas pipelines are cutting back on their dump gas contracts forcing big users over onto the residual market.

True, refiners in the U.S. aren't going to throw away their hydrocrackers and sharply step up production to meet the demand.

Some relief is in sight.

The Oil Imports Appeals Board last week allowed in 7.2 million barrels in the year ending March 31, 1971 in the midwest where you still otherwise can't get a residual imports ticket unless you were importing in 1957.

Even with tickets, marketers will find it tough getting a supply and finding ships to bring it in.

Closing the Suez Canal has caused a big tanker shortage and sky-high rates.

It seems as if the big refiners didn't take the Clean Air Act of 1967 and the natural gas tightness seriously.

If the shortage of heavy oil is truly worldwide and real, in addition to the valid tanker shortage, refiners may pay dearly for their poor planning.

State air pollution officials may be forced into granting exceptions to tightening restrictions on sulfur content to allow big buildings to continue to be heated this winter.

They don't like to do it and may accuse oil suppliers of collusion.

It won't be long before the Justice Department gum shoes start knocking on doors.

Congress isn't going to like the complaints from power, school, industry and apartment officials.

The industry's present public image won't gain from the experience and some of the ill-will may rub off on light oil marketers . . . some of whom find their supplies tight too.

A large segment of the public may get the idea that leaving supply and demand to private enterprise and government controls isn't in the public interest.

A particularly dangerous possibility for refiners and producers is the attempt by some residual-starved buyers is a growing interest in importing crude oil.

If refiners are asking 10.5¢ for the residuum, why not buy unrefined products available at $1.33 in Iraq or $1.27 in Kuwait.

That's about 3¢ a gallon.

As one public power devotee last week argued:

"What good's 'national security' if the lights go out?"

Here are a few recent bid offers from the midwest and east coast:

—Chicago's Transit Authority found *no bidders* to supply 3.2 million gallons of #5 oil and 1,290,000 gallons of #6 regular. Deliveries were to begin Oct. 8. Last year six firms bid.

—University of Illinois was to open bids at deadline for the third time on 8 million gallons of #6 oil "closet" to 2%. Earlier request for bids drew only one response that was rejected.

—Kingston, N.Y., school board found no bidders for 130,000 gallons of #6 oil and settled for 9¢ by negotiation.

—Phillips won a contract to supply Chouteau County, Mont., School Districts 2 and 11 65,000 gallons at 8.665¢ in 7000-gallon drops.

Union Oil, the only other bidder, offered 8.263¢ but Phillips was picked because of its specifications.

—Since no one bid to supply the Putnam, Conn., Housing Authority for 200,000 gallons of #6, negotiations produced two offers, $2.92 and $3.10 a barrel delivered.

Mr. KLUCZYNSKI. Mr. Speaker, I wish to commend my colleague from Illinois for his statement and for his diligent work on this important issue.

Rising concern over air pollution coupled with the oil industry's underestimation of demand will create a shortage of low-sulfur residual fuel oil this winter, industry sources say.

Residual fuel oil—the heavy oil left over after aviation fuel, gasoline, and higher grade products have been refined from crude oil—is used by electric utilities to power generators which produce electricity. It is also used to power industrial plants and to heat schools, hospitals, office and apartment buildings.

What might this shortage mean?

First, higher electric rates. Many utilities have fuel adjustment clauses which allow for rate increases when fuel prices rise. Some companies which do not have such contract provisions, such as Philadelphia Electric Co., are asking State legislatures for them.

Second, industries which can not get sufficient supplies of low-sulfur oil may be forced to choose between shutting down or using a high sulfur fuel and risking fines, an oil industry points out.

Third, municipalities faced with a choice between factory shutdowns and clear air may be forced to suspend low-sulfur limitations of clean air laws.

Industry observers say the speed with which many municipalities enacted strict air pollution regulations caught the petroleum industry unprepared.

The regulations limit the amount of sulfur in fuel. Their purpose is to cut down on sulfur dioxide, which is given off during the burning process.

One result is that many utilities and industries which were burning coal had to find another energy source. Coal is naturally high in sulfur and is difficult to desulfurize.

A $900,000, federally funded project is underway to remove sulfur from coal as it is burned, but this is expected to take at least 5 years.

Another result is that many utilities and industries using residual fuel oil to change to oil with less sulfur.

New York City laws, for example, insist on less than 1 percent sulfur content in fuel oil. Chicago allows 2 percent. Both are lower than the 2.5 to 3 percent sulfur found in much residual fuel oil.

Industry sources report that utilities and power plants are rushing to buy low-sulfur residual oil. They add that the demand is greater than the supply.

Coal was responsible for 51 percent of the electric power generated in the United States in 1969. Natural gas accounted for 23 percent, residual oil for 10 percent, nuclear power for 1½ percent, and hydroelectric power the rest.

I join my colleagues in the House in asking that the President, the Secretary of the Interior, and the Chairman of the President's Oil Policy Committee to use all the power of their respective offices to first, grant the appeals in question; and, second, end the discriminatory measures presently in effect against districts 2 through 4.

Mr. PUCINSKI. Mr. Speaker, Chicago faces a fuel oil shortage this winter of catastrophic proportions unless action is taken now to permit a more realistic reserve of residual fuel oil.

In recent months several Midwest oil firms have petitioned the Department of Interior's Oil Import Appeals Board for permission to import No. 6 fuel oil into the district serving the city of Chicago. Estimates are that the present national stocks of this oil are more than 25 percent below that of last year. In Illinois alone, these stocks are 30 percent below last year's levels.

Owing to existing oil import quotas, residual fuel oils are not permitted to be imported into the Midwestern States from overseas. This decision has, up until now, been maintained despite the fact that New England and the Eastern United States may import all the residual fuel oil needed to meet their needs.

On July 20 this year, the Oil Import Appeals Board agreed to permit seven of 16 petitioning firms to import residual fuel oil during the allocation period from April 1, 1970, to March 31, 1971. This undoubtedly will help somewhat to offset the demands of the coming winter. But it is not enough.

Mr. Speaker, there must be some modification of this unwarranted restriction for the Midwestern States. Chicago adopted, on July 1, 1970, a series of enforceable air-pollution laws. These laws sharply restrict the burning of high-sulfur residual fuels. Yet the oil companies, which surely do not want to add to the city's pollution problems at this late date, are not permitted to use low-sulfur residual fuel because it cannot be imported from abroad into the Midwest.

This Nation we all love must give up

its traditional proclivity to react to overwhelming crisis. Surely we have all learned in this kinetic age that we must anticipate calamities and take some logical preparations to avert or mitigate them. Too many lives have been lost in the past; too many people injured or needlessly inconvenienced; too many essential services have been curtailed or stopped merely because actions were not taken when they would do the most good—before disaster struck.

Chicago and the mid-west are plagued with severe winter storms that paralyze traffic and restrict everyone to the warmth and security of their homes and apartments. At one point in recent years, the reserves of available fuel were within 3 days of being expended. Divine providence and a few days of sunshine prevented almost certain disaster on that occasion. Surely we are not so naive as to believe a similar calamity may not occur again.

Mr. Speaker, it is my hope that this entire question of oil imports will be reviewed at the earliest possible date. Too many Americans are totally unaware of the shortages they face if action is not taken soon to make these various restrictions and quotas and allotments more responsive to the needs of the people they are ultimately intended to serve.

Mr. MIKVA. Mr. Speaker, I rise to join my colleague from Illinois (Mr. ROSTENKOWSKI) in deploring a situation which threatens the health and welfare of Chicagoans and all residents of the Midwest.

My distinguished colleague has described the events which led to the present residual fuel oil shortage in PAD District II and to the recent Oil Import Appeals Board decision to allow new imports of foreign residual fuel oil by Chicago distributors. We are, of course, gratified that the Board—after the intervention of members of the Chicago congressional delegation directly with the President—has seen fit to allow us a little relief from a potential disaster. In a decision dated July 20, the Board granted a hardship waiver to seven residual fuel oil distributors to locate and import for Chicagoans and Midwesterners some 7.24 million barrels of foreign residual fuel oil between April 1, 1970, and March 31, 1971. This is a step in the right direction, but it is not sufficient for several reasons.

First, the Board's decision authorizes only seven of the original 16 petitioners to import foreign-produced residual fuel oil for the needs of District II residents. While I am certainly not an expert on the capacities, experience, and sale records of the petitioners involved, and thus am not in a position to quarrel with the allocations made, I believe it is clear that when less than half of those requesting authority to import foreign-produced oil were denied that authority, the public interest has not been adequately served.

The second problem with the Board's decision is that it is only for a limited period and only for limited amounts based on this one-time showing of hardship. Why, as long as the Board was considering this problem, could it not have done for District II what has previously been done for District I—east coast—and remove all restrictions on the importation of foreign residual fuel oil. This would have solved the problem once and for all. Under the Board's decision, however, residents of Chicago and elsewhere in District II will likely be faced with precisely the same crisis situation next year—and will have to seek the same kind of crisis relief.

Finally, the Board's action falls far short of what American citizens have a right to expect by way of modification of the restrictive oil import quota system. The President's own Cabinet task force on oil import policy recommended early in 1970—February 2, 1970—that the present oil import quota system be scrapped in its entirety and replaced by a system of tariffs. This was a general recommendation which related to all petroleum products and to all parts of the country for an indefinite period in the future. There was no limitation as to time or geographical area, as is contained in the Board's latest ruling.

In addition to these general recommendations, which I and other Congressmen have often and loudly urged the President to implement for the good of the American consumer, the task force also made a specific recommendation relating to precisely the commodity we are discussing here—residual fuel oil produced abroad. This is what the task force recommended:

> We . . . recommend that residual fuel oil from [the Western Hemisphere], to be used domestically as fuel either directly or after desulphurization, be subject only to existing tariffs and that Eastern Hemisphere origin residual oil pay an increased tariff sufficient to offset the anticipated cost of desulphurizing Latin American residual fuel oil. (Para. 430b, p. 136).

If the existing quotas on importation of foreign residual oil were replaced by tariffs, as the task force recommended, not only would citizens in the Midwest have access to now unavailable supplies of residual fuel oil, but they would have access to them at reduced prices. They would be saving money on fuel oil costs as well as obtaining a product which is not available because of artificial trade barriers. The task force estimated that an Illinois family of four pays almost $90 per year more for petroleum products because of existing import quotas than it would without them. If the quota system continues, this cost for such families will go up even more, perhaps reaching nearly $150 per year by 1980. This is not the cost of the fuel oil itself, but an artificial, inflated add-on caused by an outmoded quota system which the task force has urged the President to abolish.

Recently, there has been an ominous development here in Congress related to the oil import quota system. That system was established by President Eisenhower in the early 1950's by Executive order. The system still operates under the authority of that Presidential edict and could thus be modified or eliminated merely by a stroke of the President's pen. However, the Ways and Means Committee of this House has voted to prevent the President from administratively modifying the oil import quota system. This may be a useful tactic for both the President and the oil industry—since it makes the task of eliminating the quota system more difficult and takes the pressure off the White House—but it is a disaster for the consumer. I sincerely hope that the committee will change its decision on the matter of oil import quotas, or at least that it will permit a vote on this important matter when the import quota bill reaches the floor of the House.

The existing quota system is bad because it is a special-interest device to protect domestic oil producers, which is tremendously costly to American consumers and which—so the task force found—is not necessary for our national security or to encourage domestic production. But as bad as the whole import quota system is, its effects are visible mostly in terms of increased costs. The restrictive policy on residual fuel oil holds an even greater danger—it poses a risk to the very health and welfare of the residents of Chicago and the Midwest. For this reason, the President and the Oil Import Appeals Board should act immediately to preclude the disastrous results which would follow from a residual fuel oil shortage in Chicago this winter.

Mr. MURPHY of Illinois. Mr. Speaker, I wish to join with my colleagues in focusing attention on a serious problem that faces Chicago and the entire Midwest. The problem is the declining supply of residual fuel oil available in this area of the country. One cause of the decreasing supply of residual fuel oil is that air pollution regulations have restricted the use of high-sulfur fuel and increased the need for the low-sulfur residual fuel oil. A second cause is that, for economic reasons, domestic oil companies have reduced their production of residual oil. As a result, the Midwest is now confronted with an insufficient supply of residual oil and an increasing demand for it by consumers and industries.

Recently, the Oil Import Appeals Board of the Department of Interior awarded certain oil companies the right to import residual fuel oil into Districts 2 to 4 in the Midwest. But the amounts of oil allowed to be imported were only 25 percent of the amounts requested and far below the amount that will be needed. To remedy this situation, there must be a substantial increase in these allocations. When a similar crisis developed in the east coast—District 1—several years ago, the Federal Government granted unrestricted residual imports to that area. District 2, in which Chicago is located, has not been granted that same privilege. I, therefore, want to add my support to Congressman ROSTENKOWSKI's efforts to see that this discriminatory situation is changed. We feel that the policy of importing residual oil should be applied uniformly throughout the country and that the Midwest should be placed on an equal basis with the east coast. The removal of import restrictions from District 2 is needed to

alleviate the shortage of residual fuel oil that threatens the Midwest.

Mr. ANNUNZIO. Mr. Speaker, I rise today to join the gentleman from Illinois, Hon. DAN ROSTENKOWSKI, who has taken this special order to discuss the residual fuel oil shortage in the 15-State midcontinent region, including Chicago, which is known as District II.

For many months I have been directing my efforts toward securing relief for the hard-pressed dealers and users of residual fuel oil in District II. Consequently, I was pleased and gratified that the Oil Import Appeals Board on July 20 did provide some relief in the Midwest area by assigning allocations to several District II companies to import residual fuel oil during the period April 1, 1970, to March 31, 1971.

This action on the part of the Appeals Board will immediately make available to the Chicago area several million barrels of residual fuel oil which are desperately needed to meet the heating and energy needs of the people of Chicago during the coming winter. I want to commend and congratulate Lewis S. Flagg III, as well as co-members of the Board, Stanley Nehmer and George H. Schueller, for taking this very constructive action. This is definitely a step in the right direction, because it provides immediate relief in the critical residual fuel oil shortage that exists in the Midwest area, but unfortunately, long-term solution to the shortage remains to be found.

Presently oil importers in the 16 eastern seaboard States, comprising District I, in effect, can import all the residual oil they are able to sell, while those in District II, the Midwest region, are severely restricted in their import quotas.

The basis for this inequitable situation was established when the mandatory oil import program came into being in 1959. At that time a flood of low-cost imported crude oil and finished petroleum products were threatening to disrupt domestic oil exploration and production operations, and it was felt that this, in turn, was a threat to our national security. When voluntary controls failed, mandatory controls were imposed restricting, with certain exceptions, to 12.2 percent of domestic production, imports of crude oil, unfinished oil, finished petroleum products, and residual fuel oil.

The Interior Department has already granted unrestricted residual oil imports to District I—east coast—because of the fuel crisis that was developing there. District II—the Midwest—now finds itself in the same critical fuel crisis which has been alleviated to some extent by the recent decision of the Appeals Board.

However, the situation that caused the shortage still exists, and unless some long-term solution is found, the shortage shall continue to exist in the future despite the temporary corrective action that has been taken by the Board to relieve the crisis.

I want to point out that Chicago air pollution officials are continuing to push for use of low-sulfur fuels in order to cut down on sulfur dioxide air pollution. At the same time, because of economic advantages, oil refineries are continuing to switch to the manufacture of asphalt and petroleum coke in place of residual fuel oil. Simultaneously, the industrial community is becoming concerned over a developing shortage of supply and dwindling reserves of natural gas which is a suitable low-sulfur power source.

Consequently, with a threatening gas shortage, with high-sulfur content coal unacceptable, with domestic residual fuel output declining and with increasing demand for low-sulfur residual fuel as a result of the fight on air pollution, the only long-term solution to the fuel crisis in the Chicago area is to permit more imports of residual fuel oil into the Midwest.

The report issued in February by the Cabinet task force on oil import control questioned the rationale of allowing imports of oil to one region but not to others and indicated support by five of the seven panel members for opening the entire country to foreign fuel oil. Even the minority members, Commerce Secretary Maurice Stans and Interior Secretary Walter J. Hickel, agreed that "consideration should be given to applying—District I—policy uniformly across the United States."

In the Seventh Congressional District of Illinois, which I have the honor to represent, more office buildings, more hospitals, more universities, more hotels, and more industrial facilities are located than probably any other district in the United States. These facilities, as well as thousands upon thousands of families residing in the area, rely on residual heating oil—No. 6 fuel oil—and I am still deeply concerned about their source of heat for the coming winter.

Mr. Speaker, in order to be certain that our people in the Chicago area will not suffer, I urge the administration to provide equity between District I and District II so that the Midwest region as well as the east coast region will not be restricted in importing residual fuel oil so desperately needed as a heat and energy source during the coming winter.

GENERAL LEAVE TO EXTEND

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include therein extraneous material on the special order given today by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The SPEAKER pro tempore (Mr. LOWENSTEIN). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

THE 200TH ANNIVERSARY OF SOUTHWICK, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 5 minutes.

Mr. CONTE. Mr. Speaker, in southern Massachusetts, along the Connecticut border, lies a small town of approximately 6,300 people. With an historic past reflecting the same troubles and glories experienced by our Nation itself, the town of Southwick is this month celebrating 200 years of existence as an incorporated entity.

Southwick, like many towns in the First Congressional District of Massachusetts, was first settled during the period of the French and Indian War. It officially came into existence during the same traumatic period of upheaval that witnessed the coming of the American Revolution. Such a tradition shapes a town and its people, providing them with a rich and full understanding of America's past.

Prior to its incorporation, Southwick was part of Westfield. Being located on the outskirts of the main town, it was known as the Outer Commons. For many years, the people of this area journeyed to Westfield for their Sunday religious services and for their town meetings. Since the trip was quite difficult and often dangerous, the settlers petitioned the Massachusetts General Court for separation from the mother town.

The difficulties of travel do not fully explain, however, the true motivation which compelled the citizens of the Outer Commons to establish their own town. I am inclined to believe that, to a large degree, the spirit of the times prompted the petition for separation. Men of the frontier were men of independence, and in the 1960's Massachusetts was decidedly a frontier region. It would have been difficult, if not impossible, to convince these men to remain an adjunct to a neighboring town when they had all the potential to become a town on their own.

Thus it was, on November 7, 1770, that Southwick was incorporated as a district separate from Westfield. Within 5 years, Southwick was granted full town powers. It was during this period that the town got its present name, being called Southwick because of its southern location with regard to Westfield.

One of the first acts following election of town officers was a vote to raise a company of 25 minutemen. At the same time, a delegate was chosen to the provincial congress.

When talk of a revolution came to a head, and news of the battle of Lexington reached Southwick, the town responded quickly. The 25 minutemen were dispatched to Roxbury on the 21st of April 1775, where they were assigned to a regiment. Some of these men served for the entire war, others for a shorter period of time.

The town continued to support the revolutionary conflict throughout the duration. In 1780, Southwick voted to pay a bounty of $1,000—in continental bills—to each of three men who would enter the army. Later, in 1781, the town supported nine soldiers in the regular army, having offered $1,000 bounty for enlistments, and 20 shillings per month as pay. For a town of roughly 800 people, Southwick made a substantial contribution to the birth of our Nation.

Throughout the years, the people of Southwick have always responded vigorously when this Nation needed them. For example, during the period of the War Between the States, 125 of Southwick's men, out of a population of 1,188, saw service.

During its early years, Southwick was involved in a border dispute with the State of Connecticut. Six square miles of Southwick jutt into Connecticut interrupting what is, otherwise, nearly a straight line between the two States. This came about when the colonial surveyors made an error and set the Massachusetts-Connecticut border too far north, to the detriment of Massachusetts. The error was discovered while they were working in the Southwick region, and to compensate Massachusetts, a little extra land was allowed in this area. By 1800, the dispute was settled peacefully in the New England spirit of cooperation.

Along with its rich heritage of history, Southwick has often been praised for its scenic beauty. The Congamond Lakes, three in number, are located there. With their gently sloping and thickly wooded banks, and their shoreline of inlets and coves, these lakes have for years attracted visitors and provided recreation for the people of Southwick.

The lakes derived their name from the Congamuck Indians who lived in the area and often gathered at the lakes for tribal meetings. Later, when the colonial settlers came, they used the lakes as a source of food, for recreation, and as a source of waterpower to run their mills.

At one time, ice was harvested from the lakes and this became an additional source of revenue for the town. The ice was stored in five buildings, two of which were the largest of their kind in the United States. With the coming of manufactured ice and the refrigerator, the industry, of course, became obsolete.

Eventually, the Congamond Lakes became a favorite spot for people to relax and enjoy themselves. A railroad brought people to the lakes from nearby cities and towns. A large pavilion and hotel were built to accommodate visitors. When they were there, they found many picnics and parties to attend, and, for the sporting-minded, regattas were held. A great favorite was the steamboat ride on the lake.

Today, the lakes are a great year-round recreational area and they continue to attract and charm visitors from far and wide. The residents of Southwick have the advantage of having access to facilities for ice skating, fishing, boating, swimming, and camping. Such opportunities to enjoy nature and breathe clean air are just a couple of the many good reasons for living in Southwick.

The town of Southwick has long been proud of the fine quality of education it provides for its children. One-room schoolhouses were the rule until 1928 when the consolidated school was built. The small one-room schoolhouse provided a good education, but as the population grew it made more sense to bring everyone together.

Today, the children of Southwick continue to receive a high quality education. The three schools, consolidated school, Woodland School, and Southwick Senior High School, serve the growing student population.

The excellence of Southwick's public education can be illustrated in many ways. For example, in 1966 Southwick could boast that one of its teachers, Mrs. Leah Benway, was named the "Massachusetts Teacher of the Year." This year, the quality of the Southwick High School graduating class is shown by the fact that out of 87 seniors more than half are continuing their education and 14 received the great distinction of being selected for the National Honor Society.

Southwick has always been known as an agricultural town and its early fortunes were accumulated by the persevering efforts on the part of thrifty husbandmen, especially in the area of the tobacco crop.

Today, as in the past, tobacco continues to be Southwick's main crop. Other small industries and services have grown up, however, and these have helped contribute to and support Southwick's growing population. In 1947 the population was 1,885, in 1955 it was 4,479, in 1960 it was 5,139, and, as I mentioned, the 1970 census estimated the population to be 6,329.

More importantly, Southwick continues to thrive in spirit. It is a town made up of the finest people—industrious, warm, friendly, community minded—people we can all be proud of. Each man, woman, and child in Southwick can justifiably sing the praises of their town as they join together in celebration.

Mr. Speaker, I am sure I speak for all Members of the House as I honor today the town of Southwick, celebrating its 200th anniversary.

THE PRESIDENT AND THE SCHOOL PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 30 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, much of the South is in turmoil today. We are told that the last vestiges of school segregation will disappear this September. I think our people are willing to accept that. It has taken awhile to get used to this change in our lives, but change must come and, as law-abiding citizens, the people of the South are prepared to do what is right.

But, Mr. Speaker, when you read the headlines this fall and you get the impression that the "old segregationist South" has not changed, look deeper before drawing any conclusions. Because the courts and the bureaucrats in HEW and Justice have not been satisfied with desegregation. With an almost vindictive, arrogant attitude that has passed through all bounds of reason and proceeded out into space, they continue demanding not only desegregation but racially balanced integration, contrary to law. Mr. Speaker, in a county such as Mobile, Ala., where the population is about 60 percent white and 40 percent black, there is only one way to so thoroughly mix up the school population and that is by drawing gerrymandered attendance zones. We have now witnessed a horrible example of this in the most recent court order in the Mobile school case. Children living a block or two from a school are required to attend another school 5 or 6 miles away. Apparently there is some question as to whether the Mobile County School Board is in a position to provide transportation for these students. And the unfortunate thing is that those who are hurt the worst are the poor, both white and black students, in many cases. What does a parent do with a child who must go 5 miles to school and has no transportation?

The frustrating thing about all this, Mr. Speaker, is that the President set out some rather clear policies on the school problem back in March of this year. At that time he said:

> The neighborhood school will be deemed the most appropriate base (for a school) system.

He also said:

> Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

But Mr. Speaker, how do you get the President's words translated into reality? Here I believe President Nixon has let the country down. The Mobile school plan is basically the brain child of the Department of Justice. Many other improper and illegal plans are the product of HEW dreamers. It is not good enough any more to just blame the courts, because the courts are not school boards, they do not have the expertise to draw school zones. But the courts all too often accept almost without question the plans submitted by HEW and the Department of Justice.

It is not good enough to say that the HEW and Justice bureaucrats have done these things, and somehow absolve the administration.

It is not good enough for the President to speak and then forget it.

It is not good enough for the President to blame the courts when his own people are writing the basic decisions for the courts.

No, Mr. Speaker, if the President really really means what he said in March; if he was not just trying to lull the good people of the South into a sense of apathy; if the President really believes in the neighborhood school concept; then he will put a stop once and for all to the dreamy-eyed plans of those in the executive branch. He can do it. He can see that his policies are carried out. He can see that the vindictiveness of those who work for him comes to an abrupt halt—if he really means what he says.

Now, Mr. Speaker, I know that the President cannot look over every school plan that is proposed by those in HEW and Justice. But, by gosh, he can make it clear that if anyone submits a plan that disregards basic educational needs, that requires considerable transportation, that has as its sole purpose the racial balance of the students, that ignores the neighborhood school principle, then heads will roll.

The President must understand that those under his control are not carrying out his policy.

Take, for example, the question of the expected invasion of Federal lawyers and U.S. marshals into the South. The President rather promptly said loud and clear that he was not going to have "vigilantes" moving into the South. As a matter

of fact, the President reiterated this point to me very forcefully last week. But on the same day that the President made his "vigilante" statement, the papers in my district carried an adjoining article saying that the Justice Department was not really worried too much about what the President said, they are going to send their 100 lawyers and marshals down anyway. Well after that little gem I have been trying to get a clear-cut statement out of the White House as to who is really running this railroad and I get nothing but confused responses because nobody seems to know whether we are going to have our vigilantes or not.

Mr. Speaker, I have no doubt about the President's sincerity when he made his vigilante statement. But again, if the bureaucrats are unwilling to carry out the President's policies and orders, then some heads should roll. And I suspect that some of those heads are presently connected to bodies very near to the President.

Mr. Speaker, it is an open secret that the President is very upset that some of his so-called close advisers led him down the primrose path on the question of tax exemptions for private schools. Private schools have been in existence in this country for generations. Legitimate contributions to these schools have been exempt for as long as I can remember. Some of the best schools in our Nation are those which are privately endowed, some private schools are run by churches which learned a long time ago that Sunday schoolrooms could be put to good use during the week by organizing a private school. Sure, some private schools are springing up as a result of the integration of public schools. Some will survive and some will not. But there is no legitimate basis at all for denying a tax exemption to these schools if they serve a useful purpose in educating our children. The public schools in most cases are already overcrowded as it is.

The issue of tax exemption of private schools is before the courts now. That is where it should stay.

But how unfortunate that with the already explosive situation that is resulting from the unreasonable court decisions we must also have thrown at us the vigilantes and at the same time suffer attacks on the private schools of the South.

Mr. Speaker, if the President does not have staff people and Cabinet officers who are willing to implement his policy, then he ought to replace them. I think President Nixon has been generally realistic in his approach to the school problems of the South, but he is failing in his job if he does not assure himself that his orders are being carried out. The sin of omission is just as serious in my book as the sin of commission.

There was a time when we in the South used to accept statements of those highly placed in the administration. We used to go back home and say, "See, there is a difference, this administration does have compassion for our school problems." But no more do we grab this bait and run with it. We have been burned too many times. Only this morning the Associated Press reported that new HEW Secretary Elliott L. Richardson, in an address to the National Association of County Commissioners, said yesterday:

Requirements of school desegregation must be judged by educational standards rather than on the basis of racial balance.

Mr. Speaker, there was a time when this type of statement would give us hope. But how can I go back home and praise Elliott Richardson when my people know from personal experience that the Federal Government, the courts and the bureaucrats have in fact thrown "educational standards" out the window in order to achieve a "racial balance?"

We have been getting many encouraging words, but actions speak the loudest in a time of turmoil.

OIL RESOURCES AND THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MORTON) is recognized for 5 minutes.

Mr. MORTON. Mr. Speaker, the article appearing in the Sunday, July 26, New York Times by William D. Smith, sheds a good deal of light on the controversy involved in the importation of oil to the United States.

The fact that this country is facing the possibility of a severe energy shortage means that political and special interest considerations must be overridden. We must protect our energy supplies with a national policy for increasing and further developing our petroleum resources, not only for our national security, but also for the well-being of our citizens.

I believe this article is worthy of note and would be informative to the reader. It deals with a very complicated subject and yet one of the more important facing us today.

U.S. Oil Industry Regrets It Was Right

(By William D. Smith)

If an industry could have a facial expression, the United States oil industry would be wearing a bittersweet smile.

The smile would be a result of having seen recent events prove some of its serious forecasts and urgent warnings correct.

The pleasure, however, is mitigated by the pain that the industry is nonetheless suffering from having seen its predictions come true.

Throughout the long and heated political controversy over oil imports, the industry has maintained that foreign sources of petroleum were relatively undependable and that their lower-than-domestic price levels could be quite ephemeral. For this thesis oilmen were raked over the political coals. The price of Middle East crude oil is now at least 75 cents a barrel more than domestic.

For more than a decade oil and gas producers have warned that Federally set "low" natural gas prices would dampen the incentive to look for gas and thus produce a future shortage. Again this was treated as a totally self-serving ploy.—"There is a shortage of natural gas today," Secretary of the Interior Walter Hickel reportedly explained.

John Emerson, energy economist of the Chase Manhattan Bank recently went even further, "Never before in this century have we faced such serious and widespread shortages of energy. These shortages are upon us now."

The industry warned that rushing into low-sulphur, anti-pollution legislation and regulations might produce supply problems.—There appears a very good chance that there will be a shortage of low-sulphur residual fuel oil this winter, forcing cities and corporations to choose between lack of heat and power and the present practicality of recent anti-pollution laws.

Being correct, at least on the surface level, gives the industry no reason to gloat. In each instance it is costing the oil companies money. If they pass on the cost, as they probably will have to, it cuts into what little affection the public has left for the industry.

"No one will remember that Senator Kennedy or Senator Muskie and other so-called consumer representatives have advocated policies that have often ultimately resulted in higher costs. They will only blame us for raising the price of gasoline or heating oil," a vice president and counsel for a major company commented last week.

The executive's statement is probably too one-sided. The present situations are the result of many complex forces; some alterable, some not.

Nonetheless, some politicians and academicians, past and present, may have been guilty of thinking that a big desk and pet theories were a substitute for the hard facts of industrial life.

There is a very good chance that by fall the American consumer may be paying more for gasoline, natural gas and residual fuel. This means that the cost of running his car, his home and his factory will cost more.

These major impacts on the battle with inflation have not gone unnoticed in Washington although it appears that no major constructive actions have as yet occurred.

The leap in the price of overseas crude oil is a result of soaring tanker costs. Few analysts expect costs to go down in the very near future.

But if tankers are the central reason, the Arab-Israeli war is the underlying cause.

On May 3 in Syria, the Trans Arabian Pipeline was knocked out of commission by an errant or deliberately aggressive bulldozer. The Syrian Government has not allowed its repair, preventing 500,000 barrels a day of Saudi Arabian crude from reaching the Mediterranean.

At the other end of the Mediterranean the Libyan Government cut back oil production by 15 per cent, or 500,000 barrels a day.

The loss of almost 1 million barrels a day of oil west of Suez and close to world markets has strained tanker capacity. Replacement of this oil with oil from the Persian Gulf around South Africa takes six to eight times the tanker capacity.

CHARTER RATES RISE

Spot charter rates have risen to their highest level since the 1956 Suez crisis and are more than 50 per cent higher than during the 1967 Arab-Israeli war.

Persian Gulf oil is now coming into the United States at about $4.50 a barrel compared with Louisiana crude delivered to East Coast refineries at $3.75.

There is no chance of a shortage, however, because Texas and Louisiana will increase their production to meet the need. There is a very real chance of consumer price increases.

The Oil and Gas Journal, a trade publication, reports that Professors Phillip Areeda and James McKie, two of the chief advocates of sharply increased oil imports, have now backed off considerably from that position.

F.P.C. REGULATION UPHELD

The natural gas supply and demand controversy is a far older argument. In 1954 the Supreme Court ruled that natural-gas producers were subject to Power Commission. In 1960 the regulatory agency began

fixing well-head prices for all gas sold interstate. The Supreme Court upheld this right again in 1965 despite vigorous cries of outrage from producers, who said it would kill incentive to drill.

Time has proven the oilmen right. Wildcat drilling dropped 40 per cent between 1956 and 1968. Geophysical activity fell 56 per cent.

Some of the drop off may have been artificial; just to show the Government. Nonetheless the results are uncontestable. In 1969 the United States proved reserves of natural gas fell 12,241 trillion cubic feet, the largest in the nation's history.

The previous record drop was in 1968, when they fell 5,548 trillion cubic feet. These are the only declines in the history of the industry.

POSITIONS CHANGED

The F.P.C. is now trying to rectify the situation by raising prices. Some of the people who supported the lower prices several years ago are now in the forefront of those pushing higher prices.

The Interior Department is trying to speed up lease sales of suspected gas fields, but is running into opposition from Conservationists. But even if this opposition is overcome, it will take from three to seven years for these areas to begin producing.

In the meantime Canadian sources of gas can be tapped although Canadian American relations on energy matters are at an all-time low. Liquefied natural gas quite possibly will reach this country from Algeria, Nigeria or Venezuela. Contracts have already been signed to import Algerian L.N.G., but the Algerian Government's recent nationalization of American oil company properties puts this source of L.N.G. in a very questionable position.

SUPPLY OUTLOOK TIGHT

The supply outlook for this winter is tight. Industry sources say that there will be enough to heat homes, but that the industrial market, which accounts for about 50 per cent of total sales, may be in bad shape. Many distributors already have been forced to impose severe limitations on new industrial loads, and there is a real possibility that deliveries to existing customers may have to be curtailed, according to J. W. Heiney, president of the American Gas Association.

It would seem almost certain that consumer prices will have to go up, and possibly sharply.

The crude oil reserve situation is not much better, according to the American Petroleum Institute. Last year crude oil reserves dropped to 29,632 billion barrels, the lowest level in 15 years.

The A.P.I. explained the situation simply by saying that lack of incentives had led to a long and steady decline in exploratory drilling during a period of mushrooming production and consumption.

The oil industry in recent weeks seems to have won a lot of points, but through no fault of its own, it well may be losing the game.

FEDERAL DISASTER ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, I introduce, for appropriate reference, legislation to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18, and May 11, 1970.

I have waited until now to introduce this bill because I wanted to work out the details of it with the executive branch, because similar legislation introduced earlier by some of my distinguished colleagues in both bodies did not fully bring the vast resources of the Federal Government to bear adequately on the victims of natural disaster.

My particular concern for the State of Texas stems from the wave of killer tornadoes that swept this spring across my district, the 18th District of Texas, as well as the district of the distinguished chairman of the Appropriations Committee (Mr. MAHON).

To the credit of this Nation, appropriate relief agencies have been doing a tremendous job in promoting recovery in the blighted areas. Their work, however, would be greatly facilitated by the passage of the bill I am introducing today.

A PROPOSAL TO HELP LIMIT AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. WOLFF) is recognized for 10 minutes.

Mr. WOLFF. Mr. Speaker, July 28. Look outside your office window. Take a deep breath of air, or do you dare to?

Tokyo, July 28. Look outside your window. Take a deep breath. Or have you heard that police are warning citizens to stay inside because of air pollution.

New York, July 28. Look outside your window. The clouds over the city, the ones blotting out light and sunshine are the same clouds of pollution blackening your lungs.

This is just part of what is going on today.

We have had our Earth Day, our funding to fight pollution and our citizens groups keeping this issue before the Nation. We have had all this, but what is hanging over the Nation's head is a blanket of dead air.

If we do not act soon to strictly enforce pollution laws and clean up the atmosphere we will be wrapping victims of pollution in blankets of dead air.

If we can ban cars from city streets during snow removal, I feel we can take it upon ourselves to institute a temporary limitation, on a voluntary basis, on driving, to prevent a health hazard which has far greater implications than snow drifts ever had. I therefore urge all motorists to help fight the pollution by commuting to work for the next few days by car pool or mass transit.

Antipollution experts have noted that strong sunlight, only light winds and car exhaust fumes have combined to create a photochemical smog. We have our reason to reduce auto travel for the next few days. If we believe in the fight to end pollution let us act accordingly.

There are, of course, long-range approaches to fighting this problem. However, this is an emergency and there is the possibility of this situation occurring again in the future.

We institute one side of the street parking and limited city travel when our cities are faced with emergencies prompted by traffic problems or snow. Our citizens have always responded and thus helped to ease the emergency.

If we are to eradicate the blanket of smog that is covering our cities let us voluntarily limit our travel to cities for the next few days.

PANAMA CANAL: SOVEREIGNTY AND MAJOR MODERNIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 30 minutes.

Mr. FLOOD. Mr. Speaker, during the past decade many resolutions urging retention by the United States of its full sovereignty and ownership of the Canal Zone and Panama Canal have been adopted by various civic and governmental bodies. These include the legislatures of seven States, the American Legion and other patriotic organizations. That their views have been heard is shown by the introduction in the present Congress by more than 110 Representatives of identical House resolutions opposing any surrender at Panama with respect to sovereignty over either the Zone Territory or Canal, House Resolution 593 and others.

The latest comprehensive statement on the Panama Canal question is a "Memorial to the Congress" prepared by competent and experienced experts on the subject, which was quoted by me in an address to the House in the CONGRESSIONAL RECORD, June 16, 1970, and by Senator STROM THURMOND in a statement to the Senate in the RECORD of July 16, 1970.

A second crucial issue in the complicated canal subject is the major modernization of the existing Panama Canal, which would be provided under current identical measures now before the Congress: S. 2228 introduced by Senator THURMOND and H.R. 3792 introduced by myself.

In an article in the August 1, 1970 issue of Human Events, Senator THURMOND comments at length on the previously mentioned memorial emphasizing that our Government should not even be thinking about negotiating basic new canal treaties for the Panama Canal. With this view, I believe that I reflect the position of many Members of the Congress who oppose any surrender at Panama.

Because of their pertinence to the current hearings now being conducted by the Subcommittee on Inter-American Affairs, I quote the previously cited memorial and identical measures as parts of my remarks:

QUALIFIED EXPERTS UNITE TO DEFEND PRESENT PANAMA CANAL

(By Senator STROM THURMOND)

Many members of Congress are disquieted by the recent appointment of Ambassador Daniel W. Hofgren as a Special Representative for Panama Canal negotiations [see *Human Events*, July 11, page 8]. Hofgren is a young man (33), and a former White House aide. He will be the principal assistant to Robert B. Anderson, the former secretary of the treasury who has handled Panama Canal negotiations since the talks began in 1964.

But Hofgren's personal qualifications are not so much the issue. The real objection is to the fact that the talks are being reopened at all.

To put it bluntly, the Nixon Administration should not even be thinking of negotiating basic new treaties, after the debacle brought about by President Johnson.

The Johnson draft treaties were referred back for ratification in 1967, but neither country would accept the work of the negotiators. Panama said that they didn't go far enough; but from the American point of view, they were a surrender of our sovereignty and our necessary control over the canal.

In the resulting storm over the treaties, I managed to get copies of the secret text from sources in Panama and printed them in the *Congressional Record*. Hundreds of congressmen led by Rep. Daniel J. Flood (D.-Pa.), went on record against the proposals. As a result, President Johnson did not even dare submit the drafts to Congress.

The discredited Johnson treaties ought to be scrapped in their entirety, along with the whole negotiating team. Anderson, who devised the 1967 treaties, is still in charge of the negotiations. He is also in charge of the Atlantic-Pacific Inter-Oceanic Canal Study Commission, which is supposed to be making an independent study of the best routes and the best methods for a new canal.

The Study Commission, like the negotiating team, starts out with the assumption that we need a new canal and new treaties. When the commission reports in December, we may expect a biased conclusion, based upon these assumptions. Ambassador Anderson is engaged in an apparent conflict of interest in sitting as chairman of both the Study Commission and the negotiating team.

But at the very moment when the State Department seems to be reopening the discredited treaty issue, a group of experts has come forward to denounce the idea that our sovereignty in the Canal Zone is negotiable. Two weeks ago they announced the formation of the Committee for the Continued U.S. Control of the Panama Canal.

What makes this committee so different from most such organizations is that every member is especially qualified in some aspect of canal affairs. It is easy to get "big names" for a committee, but usually such big names are sounding off in an area far removed from their field of expertise. In such cases, their opinion is no better than the ordinary citizen's.

The Panama Canal, however, is a complex issue involving engineering, navigation, diplomacy, international law and commerce, economics, ecology and, most important, national defense. The committee reflects all of these fields of competency, and others as well.

Dr. Karl Brandt, for example, is a former chairman of the President's Council of Economic Advisers, and continues to write widely in the field of the economics of Central America and other underdeveloped regions. Dr. Lev Dobriansky, a professor at Georgetown University, is also an economist and in addition is a noted expert on Soviet imperialism.

Dr. John C. Briggs, who is chairman of the Department of Zoology at the University of Pennsylvania, similarly has pointed out the unresolved difficulty of rockslides in the unstable substrata of the Isthmus of Panama.

Engineers of the panel include William B. Collier, of Santa Barbara, Calif., Maj. Gen. Thomas A. Lane, and Brig. Gen. Herbert D. Vogel. Gen. Vogel is a former deputy governor of the Panama Canal Zone. Also included is a naval architect, Cmdr. Carl H. Holm, an aviation executive, Capt. C. H. Schildhauer, and William E. Russell, the publisher of a respected maritime journal.

Other authorities are the noted historian and authority on Latin America, Dr. Donald M. Dozer, of the University of California, who has written several articles on the canal for *Human Events;* Prof. Richard B. O'Keeffe, of George Mason College; and Harold Lord Varney, who is also chairman of the Committee on Pan American Policy. Dr. Walter D. Jacobs, the professor of Government and Politics from the University of Maryland who made an incisive on-the-spot report from Panama at the time when the treaties were revealed, has also joined the group.

The strategic naval value of the canal is a prime consideration in any discussion of its future. The committee includes two officers of flag rank, Rear Adm. Charles J. Whiting, and Vice Adm. T. G. W. Settle. Adm. Settle was formerly commander of the Amphibious Forces in the Pacific.

The list is completed by two more distinguished professors, Dr. Leonard B. Loeb, a physicist from the University of California, and Dean Edwin J. B. Lewis, of George Washington University, who is also president of the Panama Canal Society of Washington, D.C.

The conclusion of these experts is that the most reasonable plan for the future is the major modernization of the present canal facilities according to the so-called Terminal Lake-Third Locks plan, a proposal embodied in my bill, S. 2228. This enlargement of the present facilities could provide all the capacity needed without disruption of traffic or negotiating new treaties.

The Administration should heed these experts, and break off the discussions about new negotiations.

H. RES. 593

Whereas it is the policy of the House of Representatives and the desire of the people of the United States that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; and

Whereas under the Hay-Pauncefote Treaty of 1901 between Great Britain and the United States, the United States adopted the principles of the Convention of Constantinople of 1888 as the rules for the operation, regulation, and management of said canal; and

Whereas by the terms of the Hay-Bunau-Varilla Treaty of 1903, between the Republic of Panama and the United States, under the authority of the perpetuity of use, occupation, control, construction, maintenance, operation, sanitation, and protection for said canal was granted to the United States; and

Whereas the United States has paid the Republic of Panama almost $50,000,000 in the form of a gratuity; and

Whereas the United States has made an aggregate investment in said canal in an amount of over $5,000,000,000; and

Whereas said investment or any part thereof could never be recovered in the event of Panamanian seizure or United States abandonment; and

Whereas under article IV, section 3, clause 2 of the United States Constitution, the power to dispose of territory or other property of the United States is specifically vested in the Congress; and

Whereas 70 per centum of the Canal Zone traffic either originates or terminates in United States ports; and

Whereas said canal is of vital strategic importance and imperative to the hemispheric defense and to the security of the United States; and

Whereas, during the preceding administration, the United States conducted negotiations with the Republic of Panama which resulted in a proposed treaty under the terms of which the United States would shortly relinquish its control over the Canal; and

Whereas there is reason to believe that the present dictatorship in control of the Government of Panama seeks to renew negotiations with the United States looking toward a similar treaty; and

Whereas the present study being conducted by the Atlantic-Pacific Interoceanic Canal Study Commission may result in a decision to utilize the present canal as a part of a new sea level canal; and

Whereas any action looking toward an agreement with the Government of Panama which would affect the interest of the United States in the Canal would be premature prior to the submission of the report of the Commission in any event: Now, therefore, be it

Resolved by the House of Representatives, That it is the sense of the House of Representatives that the Government of the United States maintain and protect its sovereign rights and jurisdiction over said canal and that the United States Government in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other sovereign nation or to any international organization.

H.R. 3792

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000, which is hereby authorized to be appropriated for this purpose.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

SEC. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experi-

enced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

SEC. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the Third Locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

SEC. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions and activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

SEC. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations there in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

SEC. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned, any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

SEC. 8. The Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

SEC. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

SEC. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

SEC. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

SEC. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

SEC. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN), is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, last November, I introduced H.R. 14816, legislation to require the last date a food can safely be kept on a grocer's shelves to appear on the label of all perishable, semiperishable and canned foods.

Early in April, I released the results of two surveys of District of Columbia supermarket dating practices which uncovered large amounts of out-of-date food being sold in area stores. Such practices are, unfortunately, not limited to the District of Columbia; but exist throughout the country. The large number of articles on local food coding practices which have appeared in newspapers across the country, document this.

I have previously inserted in the RECORD a few of these articles. They include on page 11689 of the April 14 RECORD the feature by Marguerite Kelly, which appeared in the Potomac section of the Washington Post of October 19, 1969; on page 12580 of the April 21 RECORD, the Washington Post April 20 editorial endorsement of my legislation; and on page 14503 of the May 6 RECORD, the April 4 and 7 Cleveland Plain Dealer feature and editorial endorsement.

I would like to insert at this point in the RECORD several other articles which appeared on food dating in newspapers in Washington, D.C.; Detroit, Mich.; Rochester, N.Y.; Richmond, Va.; Phoenix, Ariz.; Philadelphia, Pa.; Denver, Colo.; New York City; Camden, N.J.; Louisville, Ky.; and Chicago. Tomorrow, I intend to insert a three-part series which appeared in the Miami, Fla., News.

The articles follow:

[From the Washington Post, Sept. 28, 1969]

CODED DATES

(By Peter Weaver)

WASHINGTON.—Supermarkets and food manufacturers are weaving an intricate web of number code so they can tell the date when a product, like packaged cheese or luncheon meat, might be ready to rot but you, the customer, cannot.

These coded dates are on almost every perishable and semiperishable food product you buy but usually are stamped on a corner or on the back of the package so you won't notice them.

Next time you go shopping, take a pad and pencil and start looking at things like yogurt, ricotta cheese, packaged baked goods and plastic packed turkey slices. You'll discover some have purplish-blue numbers or letters stamped on them. Others have the numbers indented in the plastic and are even harder to spot.

Let's say the coded number on a packaged bakery product reads 0926. That's a simple one. The 09 means the ninth month, September. The 26 means the 26th. To the store's bakery department manager, this indicates that the product should not be sold after that date.

Now that you've mastered the simplest of codes, how about trying some others that are harder? Pick up a package of bacon. It could have a little number stamped such as 3047. Stamped? Just add the first and last numbers. That gives you 10 which equals October, the 10th month. The 04 is the 4th.

Further down, you might pick up a metallic cup of cream cheese and find the number 89. Is it the eight or ninth day of August or September? Can't be, unless that's awfully stale cheese.

Aha! You've just hit onto the third basic code system—calendar subtraction. Subtract 89 days from Dec. 31 and you get October 4, the date the cheese should be removed from the shelf.

Most of these coded numbers are stamped on packages by manufacturers or outside packers. The supermarkets often use letters such as C or I stamped in front of the price. If it's a really perishable item, C stands for Wednesday, the day it's brought in. If it's a long shelf-life item like coffee, the I stands for September ninth month, ninth letter.

The stores also use those little twist things, that seal bread in plastic wraps, as a color code. For example, a red twist is Monday, white twist Tuesday, blue twist Wednesday. If you run against a new puzzler, ask the store manager. Once he knows you know what's going on, he'll probably reveal the key.

It's obvious from all this tangle that they don't want you to know when the food might be nearing the time to be thrown out. But it's vital that you know the date because, on occasion, out-dated food is left on the counters or in the coolers and you unwittingly pick it up. It could harm your health or, more likely, leave you with mysteriously spoiled food a couple of days after you bought it.

These dates are essential information that the shopper has a right to read in plain English—Oct. 4, not a cryptic 89 or 3047. Yet a Food and Drug Administration spokesman says: "No federal agency requires dates on foods . . . if they were required, the (food) companies claim nothing would move except products with the latest dates."

Nonsense. Film manufacturers have been putting "stale date" deadlines on film boxes for years, and some food companies already clearly mark dates on such products as refrigerated rolls in tubes and Liederkranz cheese. Some states require clearly stamped dates on milk, bread and eggs. The New Jersey Assembly recently passed a bill which would require labels to indicate the date food was frozen and the maximum time it should be kept.

These coded dates are an important area of food packaging and labeling that Congress apparently overlooked when the Truth in Packaging Act was passed. They should be looked into now. If you agree, write your congressman or senator.

Meanwhile, armed with pencil and calendar, you'll have to do your own undercover crytography work.

[From the Washington Post, February 8, 1970]

CONSUMER

(By Peter Weaver)

Q. Baking companies identify the day bread is baked for a store by attaching colored, twist clips at the end of the loaf. What is the color code used? I wrote several large baking companies but so far no replies.—W. A. B.

A. Every bakery uses its own code. One popular code is: Monday—white, Tuesday—blue, Wednesday—pink, Thursday—grey, Friday—yellow. Saturday—green. Others switch these colors around. Safeway says it is doing away with stale bread codes and will have bread delivery dates plainly marked on each loaf. Other supermarket chains may be forced to follow suit.

Rep. Leonard Farbstein (D-N.Y.) has introduced a bill to force food manufacturers to print all food dates plainly on each package or can. Your letter has been passed on to him. Anyone who wants to support Rep. Farbstein's food-date decoding efforts should write to him c/o Rayburn Building, Washington, D.C.

[From the Detroit Free Press, March 2, 1970]

TO TEST FOOD FRESHNESS, CRACK THE GROCER'S CODE

(By Trudy Lieberman)

Quick now. What do 21, 21049, 2B1, and 2210QA mean?

Answer: They mean Feb. 21 in those secret supermarket codes which consumers aren't supposed to understand.

These codes, stamped on most food you buy, are especially important on perishable products. The codes indicate either "pull date," the day food is to be removed from the shelf, or the day the food was packaged.

Grocers and food industry spokesmen maintain that it's not necessary for consumers to know what the codes mean since they exist only to help the store with product rotation.

In a grocer's rotation system, the fresher items are pushed to the back of the shelf while the not quite so fresh ones are in front.

Says one local supermarket manager, "Codes are a way of ensuring that customers get a fresh product."

Codes are not uniform—there are hundreds in the supermarket and they change from time to time. And some codes are more or less standard—like the Supermarket Institute code, the calendar subtraction code and the day of the year code.

I broke the codes at a local Farmer Jack with the help of the store manager and his department heads.

We started with bread, most commonly coded by the color of the tie on the end of the wrapper.

The color usually indicates the day bread was brought into the store. For example, red is for Monday, white for Tuesday, yellow for Thursday, orange for Friday and green for Saturday. This Farmer Jack gets no bread from this bakery on Wednesdays.

Bread has a two-day shelf life so a yellow tie (Thursday) loaf ought to be offered at a reduced price on Saturday.

At a Wrigley's, I found yet another bread code. Taystee bread was marked A19 and Mel-O-Crust was coded 1902 and 193. Since I was shopping on Feb. 16, I concluded these loaves should be out of the store by the 19th.

The pick-up date is usually used on bakery sweet goods. Cherry rolls marked "21" should be out of the store by Feb. 21. Some other kinds of snack items marked 2B3 should be out by Feb. 23. The "B" in this code means February.

At the Farmer Jack meat counter, I found bacon coded with the date it was packaged. Each company code is different.

Swifts 0192 means Feb. 19; Rath's 2100 translates to Feb. 10 and Tennessee Brand's 213 means Feb. 13.

"We try to get the bacon out of the case a week to 10 days after it was packed," the meat manager explained.

Chicken was coded F23 meaning it should be pulled out of the case on the 23rd. The "F" indicated the employe who packed the food.

Fresh meat is coded with letters. NW might mean the meat was packaged Wednesday, W indicating the day of the week and N indicating the employe.

At another store, Monday is indicated by a KK.

"However, people aren't supposed to know these," one reluctant meat manager said. "I wish instead you'd tell your readers that we don't let any meat stay in the counter more than 48 hours."

The produce counter has the fewest codes and the most easily understood ones. Vegetables like tomatoes, lettuce and celery aren't coded at all because they have a rapid turnover. Retailers say coding them doesn't pay.

Some bags of fruit like oranges, lemons and apples are marked with a single number like "3" indicating the fruit was packaged on Wednesday. In this code, Monday is "1," Tuesday is "2" and so forth. Some packages might be marked with the day of the month, for example one stamped "17" means it was packaged on the 17th day of the month.

Coding in the frozen food case is simple, too. Retailers maintain that frozen food lasts a year in the case and is designated by a letter standing for the month it was put in the case. An "A" means January and so on.

Processed meats like bologna and sausage follow the Supermarket Institute's four digit code. The month is indicated by the total of the first and last digits. The middle two numbers designate the day. Bologna stamped 1240 means it was packaged Jan. 24.

But another company's bologna stamped 1281 meant it should be pulled off the shelf by Feb. 28.

Sometimes you can't tell whether the numbers are the pull dates or packaging dates. Bologna coded 1240 might have been very stale. But here's where the store manager comes in handy. Ask him if you're not sure.

Milk codes are hard to spot. They are generally numbers indented into the wax at the very top of the carton. A 24 would mean the milk was supposed to be off the shelf by Feb. 24.

Sour cream coded 306 means it is good until March 6. A carton of Fairmont cottage cheese had a more complicated code—0925. The nine was the quality control number, the 25 meant the carton was to be removed by Feb. 25.

Many food processors complicate the codes by throwing in quality control and plant numbers. Manufacturers claim the additional numbers help them find products that should be taken off the market because of manufacturing deficiencies.

Kraft's Cracker Barrel Cheese reads 028–CGO. The 028 is the day of the year the cheese was packaged, C stands for the Chicago plant, G is the vat number and O means it was made in 1970.

Another coding system uses numbers 1 to 365 to indicate the day of the year food was packaged or should be pulled. W3301 on a can of Borden's Frosted Shakes means it was packaged on the 301st day of last year. The W3 are quality control indicators.

Eggs often are marked with the day of the year they were handled and packaged. A carton with a 43 on the side means the eggs were packaged on the 43rd day of the year.

This method could be confused with the calendar substraction system. Suppose you see a package marked 308. It might mean Feb. 28. To unlock this method, you'll need to substract 308 from Dec. 31, giving you Feb. 26.

Consumers Union and other consumer spokesmen long have advocated open dating and abolishing codes in favor of plainly readable dates like the ones used by film makes and some frozen biscuit companies.

I found some brands of eggs plainly marked "exp. Feb. 3." I was shopping on Feb. 13 and realized that these eggs weren't very fresh.

Some congressmen think there should be a law requiring open dating. Rep. Leonard Farbstein of New York has introduced an amendment to the 1966 Truth-in-Packaging Act which would require perishable foods to be clearly marked with the date they should be taken off the shelf.

Farbstein's staff has conducted surveys in the Washington, D.C., area and report quantities of food kept beyond the expiration date.

"We found that some meat managers are paid bonuses based on gross sales. So it is to their advantage not to reduce food prices commensurately with age," a staffman said.

Indeed, Consumers Union, the non-profit testing organization, found a store selling a brand of fish sticks that had been discontinued two years before.

Consumer Federation of America (CFA) is supporting the Farbstein measure and urges consumers to write their congressmen to support the open dating.

CFA and Farbstein's office hope to set up a code bank. Shoppers who succeed in breaking codes would feed this information would then be available to everyone.

In Detroit, a city ordinance once required milk cartons to show an expiration date. The ordinance was repealed in 1966 when the Michigan Grade A milk law went into effect.

Proponents of open dating argue that America is already 20 years behind European countries on food dating.

A few years ago Consumers Union received the following letter from a reader of Consumer Report:

"We recently visited a supermarket where the freshness of all articles was really controlled. The packages were dated when they were received in the store and set out for display. I suggest that this practice become a more general one.

The supermarket was in Ljubipana, Yugoslavia."

MORE DATA ON LABELS PREDICTED

WASHINGTON.—Growing consumer pressure will force processors to put more information on labels of food containers, an Agriculture Department official has predicted.

Pressure for more informative labeling and more grading of foods is expanding because the woman of the house "wants to know exactly what she is buying, and what effect it will have on her family's diet," said Roy W. Lennartson.

Lennartson, administrator of the Agriculture Department's Consumer and Marketing Service, told the Department's annual "Outlook" conference:

"Without question, the marketing system will either respond voluntarily or be induced to respond to many of the recommendations made at the White House Conference on Food, Nutrition and Health.

"I am reasonably certain that we will see more descriptive labeling . . . more official grading and grade-labeling of foods."

Lennartson's agency operates several food inspection and grading programs.

[From the Rochester (N.Y.) Democrat and Chronicle, March 9, 1970]

YOU CAN CRACK THE FOOD CODES—MARKINGS ON PERISHABLES

(By James R. Blakely)

Almost all perishable items sold in grocery stores bear stamps indicating when they were packaged or when they should be taken off the shelf.

But except in rare instances these dates are in codes which all but defy the uneducated to determine if he is getting fresh eggs or year-old cheese.

Why is this? Why don't they simply stamp on the product, "packaged March 5, 1970?" Or "remove from shelf on April 15, 1970?"

Consumer advocates, Consumers Union and various Congressmen would like to have it this way through an amendment to the 1966 Truth-In-Packaging Act, and legislation to do just this has been introduced in the House of Representatives by Rep. Leonard Farbstein of New York.

Manufacturers and the grocery industry oppose the idea on the ground that consumers would always try to buy the newest items, thus defeating the normal rotation of "first in, first out."

But with a little bit of coaching the average consumer can get some idea of how old or fresh things are. With help from supermarket managers at a Star market and a Wegman store last week, I made my first attempt to crack the supermarket code.

Here's an easy one for openers. On the bottom of a one-pound carton of Bison Brand creamed cottage cheese is the number 0310. What does it mean?

That's right. You got it. It means it should be removed from the shelf no later than March 10, third month, 10th day.

A bit more complex code is found on milk cartons which translates into a very simple explanation once you know it. On the tab at the top of a carton of All Star chocolate drink are stamped (look closely because it is pressed into the wax, not printed) the following—B10.

This means the milk was packaged in the 10th week of the year on Tuesday or March 3. A is for Monday, B is for Tuesday, etc. Single letters on highly perishable items usually designate the day of the week. But on items which have a long shelf life, such as coffee, the letter may mean the month, hence H would be the eighth letter of the alphabet and the eighth month, or August.

Let's try another simple one. Items packaged by Wegman's such as meat and cheese have the week of the year they were packaged stamped on the label.

A package of sliced cooked salami was marked 09 or the ninth week of the year. I bought a Wegman-packaged medium sharp cheddar cheese stamped 07, which means it was packaged the second week in February.

How about 1022 on a package of Tobin's First Prize bockwurst? It gets a little more complex here. The manager wasn't sure what the code meant, but in all likelihood it is the Supermarket Institute's four digit code.

You add the first and last digit, in this case 3 or the third month or March. The middle two digits are the day of the month, or in this case March 2, the date it was packaged.

Most all bread is also coded for the day it was baked. Bakeries use different colors for the plastic-coated wire twists used to seal the ends of the plastic wrapper bread comes in. A different color is used for each day.

I encountered a wall of opposition from bakeries in my efforts to find out what code was in use here. The plant manager of one of our largest bakeries told me:

"I have no authorization to give out that information. These codes are for our use to insure that bread is fresh. It is a matter of policy not to give out the coding system, not even to our customers."

Another bakery insisted that I call the chief legal counsel for his bakery in New York City.

However, the bakery manager for Wegman's was kind enough to explain the color coding system in use for Wegman-baked white bread. (Special variety breads have varying codes). Their code is as follows:

Monday, red twist; Tuesday, white; Wednesday, blue; Thursday, yellow; Friday, orange. Consumer reporters in Detroit and Los Angeles report that exact same codes are in use in those cities, so the code probably is in general use here.

Code dating gets more complex as we move down the supermarket aisle. Consider 0506HM on a package of Food Club (Star market) sliced country swiss cheese. A Star executive, who helped me unscramble the code, noted that this was another variation on the four digit-type code.

The first two numbers indicate the month—May in this case—and the second two, the date, or the sixth. In plain language, this cheese is good until May 6. The letters indicate the factory where the cheese was produced.

Calendar day of the year dating is sure to stump the uninitiated. For instance, try 029GO on a 10-oz. package of Kraft Cracker Barrel cheddar cheese. Think hard.

The first three digits are for the day of the year starting with 001 for Jan. 1 and the last digit is the last digit of the year. This translates into Jan. 29, 1970, the date the cheese was packed. The G stands for the plant.

Calendar subtraction can stump the experts. You may find a 56 stamped on a product. That's not May 6 or November (by adding the two numbers to get the 11th month). It means you have to subtract 56 from 365 to arrive at the fact that the product was packaged on the 309th day of the year. Or maybe that was the date the product should be removed from the shelf. Frequently store managers are woefully ignorant of code dating translations. And even if they can read the code, sometimes it's hard to decide if the date is a package date or a "pull date", the date the item should be removed from the shelf.

Certain salad dressings and many vegetable oils use slash mark cuts on the edges of labels to indicate dates. Beer bottles also carry this type of code. I called Genesee Brewery to ask what all the marks meant and quickly found out.

On the left side of the label were nine slash marks. I learned that this code indicated the day of the year the bottle was filled. The first series of three indicated 300, the next series of four marks indicated 40 and the last series of one small mark and a fat one indicated six, which all added up to 346, the day in 1969 the bottle was filled.

The first series is a "hundreds" series, the second is for tenths and the last series is for single number. Double width slash marks indicate five.

A Genesee executive said, "We want our customers to know the age of our beer . . . we have nothing to hide." He explained that it was "almost impossible" to stamp the date on the labels because of the volume of bottles handled.

"We use these slash marks because they are cut by the thousands at a time and it is far more economical," he said.

The shelf life of domestic beer is around six months and Genesee says any beer that is still in the case by that time is pulled out of sale.

Then I came upon a package of Borden's Camembert cheese which bore the simple printing "Apr. 9," the date the cheese is to be removed from the shelf. Simple? Most consumer advocates are seeking legislation to require most of all perishable items to be labeled in this simple fashion.

Rep. Benjamin S. Rosenthal of Long Island is presently conducting a formal study of code dating with a view to hearings on the matter before his special consumer inquiry subcommittee of the Committee on Government Operations. A staff member said, "We've had complaints from a fairly sizable number of consumers that they have purchased food products which have gone bad shortly after purchase because they were left on the shelf too long. We've had some meetings with industry and food manufacturers have acknowledged that there is a problem.

"I don't know why, but some of these manufacturers guard their codes as secretly as the CIA guards its codes."

[From the Richmond Times-Dispatch, March 29, 1970]

BUYING SLEUTH CRACKS FOOD "PULL" CODE—A SPECIAL REPORT ON THE METHODS OF FOOD CODING

(By Estelle Jackson)

Ever wonder how fresh the food you buy really is? Ever suspect that the food you're eating may have been standing overly long on the grocery shelf?

The answer to your question is probably marked right on your grocery packages.

Most perishable food products found in supermarkets are marked with a date, either the date of packaging or the date the item is to be withdrawn or "pulled" from the store counter or shelf.

The problem is that most of the dates are in code—and most of the codes are secret.

What's more, the food industry prefers to keep them that way. Industry spokesmen say that codes help food retailers guarantee fresh food for the customers, but they maintain that the codes are not the customers' business.

Many housewives have long realized that

older merchandise is placed in the front of the counter, so that it will move out of the store first.

SIGNIFICANCE OF NUMBERS

But what is the significance of the numbers marked in purple or black on the undersides of boxes and cans?

In an effort to find the answer, I visited stores of several supermarket chains in Richmond during the past several weeks. I found some help and encountered some resistance. But I did manage to crack quite a few codes.

A carton of potato salad, one of my first targets, was coded in a fairly common, but baffling, manner. The numbers on the underside of the container read 2081. The manager of the store told me to add the first and last numerals together to learn the month—the third month, March. The "08" represented the day of the month, he said. So, I concluded, the package should be pulled March 8.

"Is that package still back there on the counter?" suddenly asked the manager, and he took off as though both Virginia H. Knauer and Ralph Nader were in hot pursuit. The date, you see, was March 11.

During my days of sleuthing, there were times of great excitement, like the day I cracked the codes for two brands of bread on my seventh visit to a bakery department.

The bread is coded by means of colored plastic ties on the ends of the loaves. A bakery department clerk told me that both bakeries delivered every day except Wednesday. Therefore, I was able to figure out their color coding for delivery days: one bakery had red for Monday; yellow, Tuesday; orange, Thursday; green, Friday; and white, Saturday. The other bread was coded as follows: red, Monday; white, Tuesday; yellow, Thursday; orange, Friday; and green, Saturday.

MILD DEPRESSION

There were also times of mild depression, as when I thought I would never be able to decode the meat symbols in one store. It was a Monday, and the code on the meat package label simply read, "AA." A clerk came to my aid, although very reluctantly ("I'm not supposed to tell this to anyone") by explaining that the second "A" stood for Monday, "B" would be Tuesday and so on. The first "A" referred to the current week, which was the week of March 16.

Meat codes vary from chain to chain. They vary from store to store within the same chain. They even vary within the same store of the same chain.

A friendly meat department manager at one store freely explained his coding system to me. Fresh meats were marked "23." The "2" stood for the man who wrapped the meat, my informant said, and the "3" represented the day of the week—Wednesday—the meat was wrapped.

Another store also had a simple coding system—or so it seemed after a butcher explained it. The meat is coded by the day it's wrapped. "3M" stands for the third Monday of the month, "3T" the third Tuesday, and so forth.

The chicken at one chain was another roadblock for a code-breaker. A meat-cutter at one store denied any knowledge of the meaning of markings on chicken packed outside his store.

"We have our own coding system, and I don't know what these packages mean," he said. But the meat manager of another store told me all of the chain's meats and chickens are coded by their expiration dates.

Fresh meat with a code reading "311," for example, is to be pulled on the 31st day of the month. The last digit in the three-figure series represents the wrapper. A mysterious chicken package turned out to have another code: a package that reads F17 will be pulled on the 17th. The "F" represents the wrapper.

MILK CARTON CODE

Finding the codes on a milk carton can be a strain on the eyes, as they are usually embossed colorlessly on the lip of the wax container. Most milk is coded by pull date—"31" would indicate the carton will be withdrawn on the 31st. One brand codes by the bottling date, a deliveryman told me. A letter represents the week, and a number indicates the day. "B4" means the fourth day of the second full week of the month, for example.

There were few codes to break in the produce department. Few fruits and vegetables are coded, since grocers theorize that the merchandise turns over rapidly, eliminating the need for time markings. A bag of kale was stamped 3A11, and a clerk told me that meant that the packing date was March 11, 1970. The "A" represented this year, he said. At another store, the produce manager told me an "04" marked on a package of celery hearts indicated March 4 was the packing date. Bags of carrots had numbered tags tied around their openings, and the same produce manager said these numbers—"5" and "14"—meant the packing day was March 5 or March 14.

Eggs packed in cartons generally bore clear markings of their expiration dates. "Exp. 3 16" or "Exp. March 16" had a message loud and clear. To a decoder whose head had begun to whirl slightly, refrigerated baking powder biscuits and other packaged rolls were also a relief—as their cans were imprinted clearly on the metal ends with expiration dates, sometimes by numbers, as in "324," or, more explicitly, by "March 24."

Codes can contain more than dates. Some codes also contain symbols representing cities, packing plants, vat numbers and even shift numbers. Processors say this must be done to identify specific batches for checking the validity of consumer complaints, as in cases where food products must be recalled.

One coding system uses the numbers 1 to 365 to indicate the day of the year the food is packaged or to be withdrawn. The marks W3327 on one dairy product means the food was packaged on the 327th day of the year. The W3 is a quality control indicator.

LETTER CODES

Letter codes can really be perplexing. One technique is to employ a six-letter word, like NEWARK, in which no letters are repeated. Using NEWARK, an "N" could represent Monday, "E" Tuesday and so forth. Some manufacturers prefer a 10-letter code, using a word combination like NOURISH EAT. When they reach the end of the 10-day cycle with a "T," they can simply start all over again with an "N."

Easily understood codes, in which the packaging or expiration dates are written in plain English, fall into the category of "open coding."

And open coding is what various consumer organizations want. It would be mandatory if a bill now before Congress is passed.

Rep. Leonard Farbstein (D-N.Y.) is the author of the bill, an amendment to the Fair Labeling and Packaging Act, which would make open coding on all packages and cans mandatory. The bill, which has 47 sponsors in congress, includes provisions for open dating by uniformly using the products "pull" or expiration date.

Preliminary results of surveys made for Farbstein's office by women investigators in the Washington area were disclosed by Ellis Levin, the congressman's legislative assistant.

"Everything sold is not stale, but a significant amount of food is older than the codes say it should be," said Levin. "We're finding this especially in milk, bread and meat. The greatest abuse is in low income areas. However, middle-income area housewives are concerned, too, about paying a lot of money for stale food."

A number of consumer organizations are committed to the principle of open coding. Consumers Union, the nonprofit product testing organization has repeatedly urged compulsory dating in closely legible form on perishable foods.

Food industry spokesmen maintain that open coding would add to the cost of food and contend it is not necessary because the purpose of coding is to help stores rotate products.

S. Frank Straus, executive vice president of the Virginia Food Dealers Association, says that coding would "create more problems than it solves, and would destroy the basic food store principle of first merchandise in, first out. Consequently, prices would rise."

NEWEST AND FRESHEST

"Housewives would buy things with the newest and freshest dates," he said. "The last merchandise in would be the first out. This would create a vast problem in that much merchandise would have to be destroyed and credited. Imagine what that would do to the cost of food.

"Housewives would paw through the food, looking for the newest, and we would have a terrible mess . . . It's just not a real practical approach to achieve what they want to achieve."

Straus continued, "Everybody makes mistakes. And if once in a while you do find food that isn't quite fresh, you take it back and get your money back. I doubt if we can outlaw errors by passing a law in Congress."

An official of the Virginia Department of Agriculture and Commerce also questioned the benefits to the consumer of open coding of perishable food. The department has no jurisdiction over coding.

Proponents of open coding counter industry arguments by saying that open dating would not be an extra cost, since the industry is already coding food. They argue that open dating has existed for years in some European countries.

[From the State Press, April 7, 1970]

THIS PRIVATE EYE SPYS SPOILED FOOD

(By Bill Young)

Fast cars. Fast women. Imminent danger. A murder, rape or a theft of the Queen's jewels. Right there is enough—quite enough—to serve as a season's material, with variations, for a television show about a private investigator.

But then there's the case of Arthur McBrayer.

McBrayer, a prelaw student and candidate for state senator, is a private detective.

This private detective drives a 1952 Chevy, which is not exceptionally fast, has a family and is not in any particular danger.

Milk, bread and other perishable foods are the targets of McBrayer's investigation.

True, this may be disillusioning to a generation that grew up with 77 Sunset Strip and watched the tides go in and out for Troy Donahue at Surfside Six.

Yet, McBrayer's investigation into a couple of food stores in South Phoenix has inspired The Arizona Republic to run a series, the first story appeared Thursday, on the sale of bad merchandise, especially perishables, in Valley stores.

The understaffed State Health Department is seemingly unable to control the situation. McBrayer quoted them as saying, "We have no one working on Pure Food Control. We handle emergency cases only."

McBrayer feels the discovery of unhealthy food conditions in South Phoenix may indicate a Valley-wide problem, including Tempe.

"Arizona State students are possibly the most uneducated consumers," McBrayer said. "Many are away from home for the first time and many are on limited budgets."

Last Thursday, McBrayer went to two Tempe food stores. At a surplus bread store, a loaf of bread was found with the letter "d" on it. The "d" means that this loaf was baked on a Friday. State law requires that any bread sold over three days old must be labeled "stale."

"This is an example of state laws not being enforced," McBrayer said. "I hope someday

the actual date of the day a food product should be pulled from the market will be clearly written on the package."

[From Newsday, April 9, 1970]

STALE FOOD SOLD, LAWMAKER SAYS

Washington—Rep. Leonard Farbstein (D-Manhattan) said today that two recent surveys of supermarket practices show that consumers are sold food that is stale and unfit for human consumption.

Surveys conducted by his own staff and by the Democratic Central Committee of Washington, D.C., showed, he said at a press conference, that 15 of 18 supermarkets here belonging to the Safeway, A&P and Giant food chains were found to be selling stale food. Staff shoppers checked 10 items, including milk, eggs, cottage cheese, chicken and bread, and found that seven stores had one stale item and eight had between two and five. Two successive trips to one store yielded $100 worth of stale items. The staleness was determined by checking each item for the code numbers which instruct store managers when a product should be removed from the shelves because it is no longer fresh.

"The results of the two surveys demonstrated that many of the current food codes are subjectively determined and provide the consumer with little if any guarantee of food freshness," Farbstein said. "One store manager said he ignored the codes and removed poultry from the shelves when it began to smell or changed color or developed growths." Farbstein said he believed that such practices were common in all areas of the country. "This means," he said, "that the consumer is getting food that is unfit for human consumption, that has lost nutritional value, smells and tastes bad or is unhealthy."

Stale items were found in stores regardless of the income levels of nearby neighborhoods, he said.

Clarence Adamy, president of the National Association of Food Chains, said that Farbstein's surveys "do not make sense." He said, "There is no reason for us to want to sell stale stuff, because the only way we can keep our customers is to sell fresh goods. It's very seldom a problem." Adamy denied that any health hazard existed.

Farbstein introduced legislation last fall to require food packages to be marked clearly with the cutoff date for freshness. Food packages are marked with such "pull dates," as they are called, but only in the form of codes which can be read by store personnel. Farbstein's staff was able to decode the dates on the items checked (which were all store brands) but was unable, for example, to figure out the 10-digit code numbers on Kellogg's Corn Flakes.

Adamy said that he opposed the legislation, which is expected to be the subject of hearings soon. "It would create an immense amount of waste," he said, "because customers would pick out only the freshest items to buy, and that would increase the cost to everyone."

[From the Philadelphia Inquirer, Apr. 12, 1970]

HOW TO KNOW WHETHER YOU'RE BUYING FRESH FOOD

(By Carol Schlageter)

It's a little like playing spy.

Your mission: To crack the codes that tell the age of products on the grocery store shelf. The codes are on slews of products, and range from simple to nearly Pentagon-proof.

Men at the three major Philadelphia chains contacted—Penn Fruit, A&P and Acme—say they don't see what all the secrecy is about anyhow. Snorted one: "I don't know why in God's world we don't put 4–14–70, because it would ease the problem with everybody."

Spokesmen for all three chains were candid about the codes—but occasionally were baffled themselves. One executive was a month behind the times and didn't know his stores had changed codes.

And in one center city market, a novice detected packages of luncheon meat that should have been pulled from the shelf a week before.

Why bother with it all? Code-cracking is a way you can make sure the product you're buying hasn't outlived the grocery shelf life, and won't go bad the day you get it home. That knowledge is particularly useful if you're buying an item you don't plan to use for a week or so.

Virtually every national name-brand product goes by its own code—resulting in a maze of cryptic symbols. Local stores add their own codes. In addition, after you crack a code there's the problem of figuring out whether it was the date it went on, or should be taken off the shelf. But to start your translations, here are the codes put on items in the local chains.

If you're shopping Penn Fruit, you should know about their perishable code. You'll find it on produce and meat items particularly.

They use A, B, C, D, E, F, G, H, J and AK to indicate the first ten days of the month—in that order. You're right, the letter I is left out.

For the next ten days, they put an A in front of every letter. And for the third ten days they put a B in front of every letter. If the code on your hamburger or bottled orange juice says A, that means it was put out the first day of the month, AA means it was put out the 11th and BA means it was put out the 21st.

There's another little matter to contend with—sometimes on meats a K is put before the code. In that case, ignore the K and proceed.

B-R-E-A-Dt is the secret to freshness on Penn Fruit's own brand goods. If there's no code letter on the label, that means it went on the shelf Monday, B stands for Tuesday, R for Wednesday and E, A and D for Thursday, Friday and Saturday in that order.

When it comes to Penn Fruit's milk, get out your bifocals. The dates are pressed, not printed, into the wax at the top of the carton. The numbers 413 means—you guessed it—that the shelf life expires April 13.

LUNCHEON MEAT

At the top of Oscar Mayer brand luncheon meat you'll find a number. The 26 means it's good until the 26th of the month . . . good for the grocery shelf, that is.

The expiration dates refer to grocery shelf life—and are based on the idea that you'll be keeping most things at home for additional refrigerator life. For example, milk is good several weeks—22 days, one grocer said—after the grocery date expires.

So much for the easy codes. A Penn Maid Cottage Cheese container had A2102 stamped on the bottom. Forget about that A. Add the next two digits and you get 3. That stands for the third month—March. Reverse the next two digits and you get 20. That means it went on the shelf the 20th day of March.

COULDN'T TRANSLATE

There were others that the Penn Fruit man couldn't translate. He pointed to a jar of salad dressing coded 0044K. "I have to depend on the Pfeiffer salesman to pull it off the shelf on time," he said.

"There's no excuse to have something go stale on my shelves," he added, explaining that most companies will give a market full refund for products that live on the shelf to old age.

He favors what some products already do and what legislation introduced in Congress would have all products do: Tell it in English. Items including hair colorings, dinner rolls in tubes and an occasional cheese wear their expiration dates proudly.

SINGLE CODE

At A & P, Ann Page products—including some 185 items from meat tenderizer to mayonnaise—have a single code. That 3B2 on the tenderizer, for example, means March 2, 1971—the date the product should be taken from the shelf. The 3 stands for 1971 (1970 is A under a system using A through J to denote each year in the decade) and the 2 stands for the day of the month.

A & P milk is coded the same way—the 4A13 pressed into the waxy carton top means the grocery shelf life expires April 13.

REAL DAY

Items like bread, cake and cupcakes have a code on the label—say 0409. It stands for the fourth month, ninth day—and April 9 was the date marking the end of the shelf life.

Items including coffeecake or pie have the day—the real day, such as "Wednesday"—printed on the label.

A & P doesn't code meat because, a spokesman said, "meat gives itself away" by its appearance. "If you don't have a bright red color you have an old piece of meat." If you do spot a number on the label of A&P meat, it identifies the meat man who packaged it. Produce also is uncoded at A & P, under the theory that its freshness speaks for itself.

At Acme, pre-packaged meats such as luncheon loaf and dried beef have a four-digit code. The secret to unraveling it is to add the first and last digits to come up with the month and the middle ones to get the date. If the code reads 4041, the month is the fifth, May, and the date is the 4th. And May 4 is the expiration date.

DECODER SURPRISED

One novice decoder was in for a surprise with Acme's own Lancaster brand olive luncheon loaf. At least a dozen packages of the product on shelves of the store at 15th and Spruce sts. bore the expiration code 2012 last Wednesday. That means, shelf life had expired April 1—or eight days before the shopper cracked the code.

The reaction of a meat section employe at the store was that the code isn't always accurate—that the luncheon meat had come in that same morning. The reaction of an executive at Acme headquarters was "I'm quite embarrassed—or chagrined." He said a quality control man was on the way down to check it, and said that even if meat is coded wrong it will be removed from the shelf on a better-safe-than-sorry basis.

Acme's own meat, like A&P's, isn't dated on the grounds that "onces the bloom gets off" it gives itself away. If you see letters on the meat label, they's the initials of the meat man who packaged it.

TWIST OF WRIST

Acme's own bread is closed and coded with a twist of the wrist. Those twists are color coded: Red, white, blue, green yellow and black for Monday through Saturday in that order.

Produce, including apples in see-through cellophane packages, has a code on the price tag indicating expiration date—A through F for Monday through Saturday. And the Virginia Lee baked goods line is coded with a P (for Philadelphia) and a number from 1 to 31 indicating the day of the month it should be removed from the shelf.

A milk carton with 0411 pressed into the wax has a shelf life ending April 11.

And, said an Acme spokesman, they're working on a five-digit code: 13–31–0 would mean, simply, March 31, 1970. Some of their cheeses already are dated 5–23–70 in a similar approach.

Said the Acme spokesman:

"You don't sell a customer stale merchandise more than twice. He just won't come back."

If you're ready to try your hand at cracking a code at the supermarket, the first step is easy: Ask.

[From the Denver Post, April 13, 1970]

SO THAT'S HOW THE COOKIE CRUMBLES

Some consumer problems have such obvious solutions that their existence seems ridiculous. Take the matter of stale food. Why can't produce be labeled with the date beyond which it's no longer fresh?

The fact is that many major chain stores do date their food—but in code to keep it a secret from the innocent shopper.

Rep. Leonard Farbstein, D-N.Y., has introduced a bill—with 44 co-sponsors—that would require food to be marked clearly with the last day it's safe to eat or aesthetically pleasing.

Farbstein's legislative assistant, Ellis Levin, told The Post that the National Association of Food Chains defends the codes as an economy measure: if they can't sell aging food, prices will go up. But impartial marketing experts say that experienced store managers know how much they can sell of each item. Overstocking is due to incompetence, which the public shouldn't have to pay for.

There's no consistent national coding system. Some chains mark the "pull" date, when food should be taken off the shelf. Others, use the "push" date, when it was packaged. Farbstein's office reports that many stores ignore the codes, and some even repackage food that's out of date but still looks and smells palatable. A buyer who plans to serve it later in the week is out of luck.

Levin and others studying the problem broke some codes, and found a complex variety. A major chain embosses the simplest one on its milk and egg cartons. If you see "409," the "push" date is April 9. (Another chain marks the "pull" date.) On the inside overlap of the hamburger wrapper at the same store, "00094" means April 9 again—reading this time from the right.

Meat varies from store to store even within the same company. The ghettos predictably get the worst bargain—12 days of shelf life isn't unusual. But Levin stresses that abuse is universal; in a store patronized by congressmen, he bought bologna that should have been disposed of a month earlier.

Farbstein has received nation-wide support for his bill, and not just from consumers. A member of a small food store association said he and his colleagues were interested because the big outfits won't explain their codes to them. These merchants, unblushfully ignorant like the rest of us, often get stuck with stale food. Let's hope plain English wins the day.

[From the New Republic, Apr. 25, 1970]

SMELL IT, THEN SELL IT

Supermarkets depend for their profits on clearing the shelves of merchandise whether it is fresh or not. Store managers get bonuses for high turnover and are docked when they have to throw away bad meat or return goods whose shelf life has elapsed. Unsold food is money lost, so it is to their advantage to sell everything. Grocers, therefore, customarily put fresh merchandise behind the older stock on the shelves. And they keep the true age of foods a carefully guarded secret so that customers can't discern freshness for themselves. Nearly all food products are coded in some way to show their shelf life, the date beyond which they are unsafe to eat, or the date they were packaged.

The number "606" on a carton of milk in one store, for instance, means that the milk should not be offered for sale after June 6. The code "5121" tells when a package of hamburger will likely be rotten. (Add the first and last digits to get the month; the middle digits represent the day. The expiration date on the ground meat is June 12.) The codes get complicated. The number "031" on pork chops in the store may indicate that they will be good until the first of the month and that they were packed at 3:00 p.m. May 30 on a carton of eggs reveals that they were packed on that date; their shelf life is seven days. A red mark on a loaf of bread means it was baked on a Monday or a Thursday. White means Tuesday or Friday. Blue signifies Wednesday or Saturday. "6029" on bologna means it was processed by packer number 9 and that it should not be sold after June 2.

The codes vary from product to product and store to store, even within a chain, and grocers claim that sometimes even they are in the dark about what the cryptic messages mean. In such cases manufacturers' or distributors' representatives come around now and then to decipher the codes and, presumably, remove the old stuff from the store.

The food industry does not want customers understanding the codes, because then it would not be possible to unload the stale food. Clarence Adamy, the president of the National Association of Food Chains, said recently that if customers could read the codes they would "tend to buy only the freshest products and that would create monumental waste." If housewives got picky, Adamy says, there would be a substantial increase in costs, hence prices. He feels the stores should be the sole judges of what is fresh enough to market. Should they?

New York Congressman Leonard Farbstein and the District of Columbia Democratic Consumers Action Committee have just completed a survey of stores belonging to the three major chains operating in Washington (Safeway, Giant and A&P). Some of the stores are in poor black neighborhoods, some in principally white suburbs and upper middle class areas. Eighteen stores were monitored. Ten products were watched, including milk, eggs, bread, ground beef and chicken. On the days the survey was conducted all but three of the stores were offering for sale merchandise that was by their own standards too old to sell.

Ignoring code dates, one store manager said he discarded chickens only after they began to smell, "turn reddish or yellowish or when little growths began to appear." Another manager said that when a package of ground beef begins to look too old he "reworks it and repackages it." Only if it looks "too bad" does he throw it in the garbage. A third store manager kicked the survey team out.

One market, during the survey, changed its bread code so that it indicated not the date it was stocked but a date two days hence. One store put too-old beef on sale at half price, while it sold equally antiquated pork (cheaper meat thought to be bought more often by poor customers) at full, original price. Lunch meat in one place was found to be two months past its "pull date." Some meat products were found recoded with new dates after original pull dates had passed. Pork one place had an anticipated life of two days. The same pork in another store was considered saleable for four days.

Although conditions seemed worse in some of the slum stores, there were abuses in all but three of the surveyed supermarkets, in affluent neighborhoods and poor alike. Safeway plans to experiment in certain stores with "open dating" which could be read with understanding by customers as well as supermarket cryptologists. Rep. Farbstein, sensibly, has introduced legislation, cosponsored by 52 members of Congress, that would compel open dating.

[From the Arizona Republic Forum, Apr. 30, 1970]

PROBE INTO THE COMPLEXITIES OF FOOD CODING: BREAD, MILK, AND MEAT

(By Frankie Manley)

The interest in coding of such foods as meat, bread and milk follows a rash of inquiries nationally and locally about the freshness of such foods and the possible need for consumer-protection legislation.

Rep. Leonard Farbstein, D-N.Y., three weeks ago introduced a bill in Congress which would require supermarkets to state the spoilage date on every food item subject to deterioration. (New York law presently requires dating on all milk sold in the state.)

Such a system would do away with the present, rotating "employes-only" code which is purposely created to keep shoppers from knowing or assessing a product's freshness.

Farbstein said two surveys taken by his staff and by the national Democratic Consumer Action Committee indicate that supermarkets "deliberately deceive consumers."

He said many store managers ignore the codes dates on meat and poultry and make personal decisions on when to remove items.

"The food industry appears to hold the belief that ignorance is bliss," Farbstein said.

Phoenix company spokesmen point out codes were devised as a consumer protection measure, a company key to stock rotation. The product has two or three days of use left after the date runs out. If customers knew the code, they'd shuffle the merchandise, always taking the freshest, a county health director said.

In a Women's Forum probe, bread was found in a major market that was a week old—in contradiction to State law which requires bread over three days old to be marked and sold as stale.

This reporter, calling as a consumer, asked Phoenix milk and bread companies for the codes and their interpretation. There is no uniformity of codes and any conformity from company to company is accidental, because one reason for codes, is, as one spokesman said, "to fool the competition."

Local bread companies responded as follows:

Serv-Us Bakers.—"It's company policy not to give out that information."

Sunbeam-Baird.—"We don't give our codes out to the people."

Rainbow.—"We change that code around regularly. I'll tell you the color for tomorrow (Wednesday.) It's blue. We have no more than two colors (of wire closures) on a shelf at a time—to make sure our bread is no older than 24 hours."

Holsum.—"We'll be glad to give you the code: A blue wire closure means the bread was baked Monday; white, Tuesday; red, both Wednesday and Thursday, and green, Friday."

Milk companies were cooperative with the exception of Foremost Milk.

Foremost.—"That information isn't given out. We have one code for Basha's and one for Lucky. Our milk always has five to seven days' life left. We make four deliveries per week."

Sarival.—"The number on the gable of the carton indicates the day of the current month. A number 28 has 8 days left, meaning the company should pick it up May 6."

Meadow Gold.—"The number indicates the day of the current month, but the numbers are far apart, example 1: No. 3, for May 13."

Shamrock.—"ABC hyphenated with a number, skipping the letter I and proceeding through nine more letters of the alphabet. Example: A10 means January 10 is the pick-up date."

Cow Palace.—"The codes change often. I know A was for January, but I don't even

know what letter has been chosen for May. The code, as most are, is imprinted in the gable of the carton."

Carnation.—"We use ABC for January, February and March and then start over with A standing for April, then the day of the month. Example: A10—April 10. This is the pickup date. The milk was processed 10 days prior to this date."

Borden.—"The 02 is for Arizona, the next 2, the plant number and the last number, the day of the current month. Ten days may be subtracted from this number to find the processing date. Example: 02.2—12 means Arizona—Borden Plant No. 2—May 12 (the pickup date.)

The Maricopa County Health Department, the meat inspection division of the U.S. Department of Agriculture, and other bread and milk companies refused to comment on how perishable foods are dated for shelf-life length.

The complex "codes aren't considered public information," said Dr. Donald Ford, supervisor in the meat inspection division of the USDA.

"Meat freshness is also determined by appearance, unbroken seals and other things," he said.

Robert Greene of Maricopa County Health Department's sanitation division has 27 inspectors, whose number hasn't been increased since 1963.

Besides 6,000 restaurants and 2,200 licensed retail food stores in the county, the same men are responsible for inspecting septic tanks, hotels, motels, meat markets, ice manufacturers, food caterers, warehouses and a variety of other places. The time they have available to check for product freshness is obviously limited.

Greene refused to reveal the food dating codes: "It's a confidential code and is printed to tell the company when stock needs rotating."

"Milk lasts up to 30 days because of a new pasturizing process," Greene said, adding that temperature of 45 degrees F. must be maintained to insure this type of freshness. Routine opening and closing the refrigerator could thus hamper temperature constancy.

"Bread is not really coded," Greene said. "Often companies add vitamins to prolong shelf life. If word got out, customers would shuffle things around and always take the freshest dated product and leave the oldest to die on the shelf."

Larry Sherry, sanitarian in the State Department of Health, said, "We have no copy of food codes and currently have nobody in charge of pure food control."

[From the New York Times, Apr. 16, 1970]

FIFTY-FIVE MEMBERS OF HOUSE SPONSOR BILL TO REQUIRE DATING OF PACKAGED FOODS

WASHINGTON.—Fifty-five members of the House joined today in sponsoring a bill to require the "open" dating of packaged foods sold by supermarkets and other retailers.

Each package, under the proposed legislation, would carry the latest date on which the food could be purchased with confidence that it was fit for consumption, assuming it had been stored under proper conditions.

Most packaged food in supermarkets already carries a coded date to guide the store manager. But the codes are meaningless to consumers. The proposed "open" or uncoded dating would give consumers the same information now available to the managers, according to the bill's chief sponsor, Representative Leonard Farbstein, Democrat of Manhattan.

Mr. Farbstein said he was introducing the bill—identical to one that he had filed earlier in the session—to demonstrate broad bipartisan support for the measure. Cosponsors of the new text include 48 Democrats and six Republicans.

"Open dating," he said in reintroducing the measure, "gives consumers personal policing power of the sale of stale food by their local supermarkets. It is self-enforcing."

TWO SURVEYS MADE

Last week, Mr. Farbstein made public reports on two surveys indicating that much out-dated food was being sold in District of Columbia supermarkets. In one store, over $300 worth of stale food, including three-month-old bologna, was discovered. The surveyors were armed with keys to dating codes.

"I believe the same situation exists throughout the country," the Manhattan Representative said. "Surveys are planned for New York and other cities in the near future."

Food industry spokesmen have expressed opposition to uncoded dating on the ground that consumers would buy only the freshest items, leaving others to spoil, and price increases would result.

Backers of the proposal contend that this could be avoided by proper store management, with items rotated from storage areas to display shelves and bins in an orderly manner. Special sales of food nearing the end of its shelf life would be stimulated, possibly resulting in lower prices on the average, they contend.

Dates for each item under the bill would be established by regulation of the Health, Education and Welfare Department. They would be based on industry criteria now used in coded dating.

A companion bill has been introduced in the Senate by Senator Joseph M. Montoya, Democrat of New Mexico.

FOOD CODE GUIDE TO CLIP

Arthur McBrayer, an announced Democratic candidate for State Senator, District 8-F, has printed the following dating code in a leaflet now being distributed to Arizona housewives.

It has been made available to members of the House and Senate at the request of Bob L'Ecuyer, counsel for the Senate Democratic minority.

Other groups are using the codes in consumer education classes for low-income groups.

The codes match those assembled by Women's Forum staff writer Frankie Manley. McBrayer code was accurate at the time of its April printing.

Bread is coded, in most cases, by color of wire used to close mouth of loaf. Color tells day of week that bread is first offered for sale. Sealed loaves are coded by a capital letter. Colored plastic tab is used on buns.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Baird	Red	Black	Orange	Yellow	Blue	White	Orange.
Serv-us (bread)	Black	White	Blue	Pink	Yellow	Green	None.
Servus (sealed items)	T	A	Y	L	E	R	None.
Holsum	Blue	White	None	Red	Green	Yellow	None.
Baird Buns	Pink	Green	None	Yellow	White	White	None.
Orowheat (loaves)	Yellow	None	Red	Green	White	None	Blue.
Orowheat (sealed)	N	L	E	None	D	A	None.
Orowheat (muffins)	Green	None	White	Blue	Yellow	None	Red.

Carnation milk

Capital letter indicating month with numbers for day of month. A15=April 15th; A=Jan; B=Feb; C=Mar; A=Apr; B=May; C=Jun; (repeats etc.) (put on sale about 8 days before pull-date)

Shamrock milk

Capital letter followed by number for day of month. D20=April 20th A=Jan/B=Feb/C=Mar / D=Apr / E=May/ F=Jun/ G=Jul/ H=Aug/J=Sep/K=Oct/L=Nov/M=Dec

Milk put on sale 10 days before pick up date

Cottage cheese on sale 12 days before pick up date (same code)

Sour cream on sale 15 days before pick up date (same code)

Borden milk (half gallons)

First two numbers indicate state, next number is plant number, and last two numbers are pick up date.

EXAMPLE 02209 02 is state, 2 is plant and 09 is pick up date (9th of current month).

Borden (pints, quarts and ½ pints)

1st number is machine number. Capital letter is week of month.

B=1st week; O=2nd week; R=3rd week; D=4th week; and E=part of 5th week. Last number or numbers indicate day in month.

Borden yogurt

A=Jan; B=Feb; etc so on through the alphabet. The numbers show the day of month for pick up.

eg 1C7=pick up on March 17.

Note: All milk cartons are coded for pick up date by numbers and letters impressed into the gable of the carton on the top edge. Most companies use the letters of the alphabet in combination with numbers. All cartons having a small 02-5 in the corner are bottled by Shamrock.

Laura Scudder Products: All coded by day and month using numbers such as 4/20=April 20th.

Jay's frozen desert: 1016=Oct 16th & 420=April 20th etc.

Frito Lay: 112S represents Jan 12 and S is for San Jose plant. 202L represents Feb 2 and L is for Los Angeles, 3-Mar; 4=Apr; etc, thru 9 for Sept. O=Oct; N=Nov; and X=Dec.

[From the Camden (N.J.) Courier-Post, May 4, 1970]

SECRET DATES IN SUPERMARKETS SPOTLIGHTED: CONSUMER-FOOLING CODES MAY SNAP CRACKLE, AND POP

(By Kathleen Rowley)

Some legislators—like most consumers—are fed up with the secret messages being passed in our supermarkets.

In New Jersey, food dating, coding and labeling practices are coming under hard, cold scrutiny.

In Washington, 55 Congressmen already have joined in introducing into the House legislation that would snap, crackle and pop some supermarket secrets wide open.

Their bill—and companion legislation introduced in the Senate—would require that packaged perishable foods be stamped with a "pull" date. This means that consumers would be able to tell at a glance the latest date on which foods should be offered for sale.

Actually, some foods are labeled with that message already—but usually in codes of letters, numbers, colors, and notches which are incomprehensible to the consumer, sometimes even to the supermarket manager.

Some codes vary from food chain to food chain and are often changed, especially when somebody succeeds in cracking them.

What's more, food codes do not always flash the same message. Some codes are pegged to the date a food is packaged, some to the date the food's shelf life should be over.

The legislation introduced into the House with Rep. Leonard K. Farbstein, D-N.Y., as chief sponsor, is linked to the end of shelf

life. If that bill becomes law, the "pull" date will read "May 1" instead of "A–5–1," which to most consumers sounds like sheer gibberish.

In New Jersey, some changes in coding, dating and labeling requirements also may be in the offing.

For one thing, the results of a year-long study of consumer protection methods probably will reach the public eye early next month. The findings are expected to include recommendations to guide New Jersey health officials and legislators.

Now, New Jersey requires dating on only one product—milk—and coding on nothing though it recommends the practice.

Now nearing completion, the Rutgers University study of consumer protection methods may even recommend changing the state's controversial milk dating system, according to Francis A. Timko, chief of the state's Bureau of Food and Drugs.

Under the present system there are two alternatives: Milk may be marked with the actual day of pasteurization, or it may bear an indication that it was pasteurized in the 24-hour period ending 6 a.m. on the particular day. The day may be spelled out or abbreviated in no less than the first three letters.

Under the present system there's plenty of confusion—particularly when a milk company serves customers in other states besides New Jersey.

For example, this happened:

On April 28 a customer in Cherry Hill purchased a carton of Penn Brook milk from a vending machine. The date on the carton was 0502 (May 2). The following date appeared above the following legend:

"In New Jersey pasteurized during the 24 hour period ending 6 a.m. of day stamped on carton."

On April 29 (a Wednesday) the same customer purchased another carton of milk from the same machine. This carton has THU (for Thursday) stamped on the label.

A company spokesman said any one of a number of factors could have caused mix-up, including the fact that Penn Brook dates milk for use not only in New Jersey but in Pennsylvania and Delaware. Most likely, the 0502 is a "pull"—rather than a "pasteurization"—date and the carton bearing it was intended for Pennsylvania, the spokesman suggested.

There are also, according to the spokesman, several possible explanations for the carton marked THU. Among the explanations: the milk may be several days old; or it may have been incorrectly dated.

Other milk industry spokesmen say there are other problems created by New Jersey's milk dating requirements.

They say if a carton is marked "THU," you can't tell whether it was pasteurized last Thursday, or the Thursday before that, or the Thursday before that . . .

New Jersey milk processors would like to see the use of a yearly code of numbers ranging from 1 to 366 indicating on which date the milk was processed (with 1 standing for Jan. 1 and 365—or 366 if it's Leap Year—for Dec. 31.)

New Jersey once had that system. The state discarded it a couple of years ago because consumers complained they had to have calendars at hand to interpret the numbers.

The milk producers' second choice according to Dan Wettlin Jr., executive vice president of the New Jersey Milk Industry Association, is a system of numbers ranging from 1 to 31—with 24, standing for May 24.

There are some legislators who would like to see still another change in the way milk is marked in New Jersey.

A bill introduced into the Assembly three months ago would require that the pasteurization day on milk caps, tags, or labels be "legibly marked in dark ink."

This, explains Timko, would make it easier for consumers to read the milk pasteurization day. The way the date is stamped now, it's often difficult to see it.

Another consumer protection Assemblyman John J. Horn and James J. Florio, of District 3-D (covering parts of Camden County) and Paul Poliscastro of District 11-A (covering parts of Essex County) would make a change in frozen food labeling.

The bill would forbid retail sales of foods which have been frozen and thawed—unless the container or package bears a label stating: "This article of food was frozen and permitted to thaw."

If the bill becomes law, says * * * protected from deception. They will not be fooled into buying thawed fish fillets or thawed Thanksgiving turkeys thinking they are fresh products. Consumers would also, says Timko, be better protected because they would know that the fillets and the turkeys had been frozen and thawed—and therefore should not be refrozen.

Among consumer protection bills introduced into the 1970 legislature in New Jersey is one which would make state requirements and standards regulating processing, packaging, storage, and sale of food supercede conflicting local standards. This, says Timko, would prevent the proliferation of different good standards.

Practical politicians say this bill has more chance of passing than the others. The bill is sponsored by Assemblyman Harold C. Hollenback, a North Jersey Republican.

All three measures now are before the Assembly's committee on air, water pollution and public health.

Backers of the federal measure hope, says Ellis Levin, Farbstein's legislative assistant, that it will pass this year.

Though the Nixon administration to date has taken no stand on the bill, the legislation has, says Levin, both Democrat and Republican backers.

The bill's co-sponsors include 48 Democrats and six Republicans. Support for the measure, says Levin, is mounting. But, he adds, in Washington one can "hope" for but not "expect" a bill's passage.

The Farbstein bill (identical to one he introduced last November) now is before the House subcommittee on commerce and finance. A companion bill, introduced by Sen. Joseph D. Montoya, D-N.M., is also in the subcommittee stage. Hearings on the consumer protection proposal, says Levin, will probably start first in the Senate.

If the bill becomes law one major compromise affecting canned goods may be made in it.

Processors, explains Levin, say canned food has a long shelf life and that the condition of the can has a lot to do with food quality and safety.

Some experts also say temperatures at which foods are kept often are more important than ages.

Under the Farbstein bill, the U.S. Department of Health, Education and Welfare would establish expiration dates for each of the regulated foods. These regulations for foods which deteriorate rapidly would be based on standards now used for coded dating.

Many food industry spokesmen long have opposed use of codes and dates comprehensible to consumers. They say buyers would purchase only the freshest foods, passing up older foods that still are of good quality.

Waste would result, say these spokesmen, and the cost of the waste would be passed on in higher prices to consumers.

Levin counters with this argument: The real price of food is, he says, higher than the price marked on it.

Suppose, he suggests, you buy a food item for ten cents. Suppose that a third of the time you have to throw that food out because of lack of freshness. You are then paying, he says, more than you think you are for the food that actually reaches your table.

In Levin's opinion, you'll actually pay less in the long run if you buy the item for 11 cents and can count on its freshness.

In Farbstein's opinion, outdated foods are being sold in some supermarkets throughout the nation!

The Congressman and his legislative assistant point to two surveys recently conducted in supermarkets in the District of Columbia.

One survey, done by the D.C. Central Democratic Committee, covered 18 stores operated by three major chains. Safeway, Giant, A&P. Teams of women shoppers, armed with keys to codes, purchased ten items in each store.

The shoppers, says Levin, found that in all but three of the stores at least one of the ten items was being sold beyond the date the stores' own codes indicated sales should be halted.

The second survey, conducted by Farbstein's own staff, involved five stores. During that survey, Levin "personally" found an estimated $300 worth of "stale food—meat, poultry, cold cuts." In one store, says Levin, he found A&P chain bologna with a "pull" date of Feb. 5 on sale on April 4.

"The bologna," says Levin, "was all white."

To prevent such incidents, Farbstein has introduced the consumer protection legislation.

According to his legislative assistant, the Manhattan congressman is also mapping other strategy.

Farbstein will, says Levin, take his case against coded dating of food to the Federal Trade Commission.

The core of the case, according to Levin:

Coded food dating is a deceptive practice. It deceives the consumer about food freshness.

[From the Washington Post, May 7, 1970]

TRYING TO CRACK THE "FRESHNESS" CODE IN GROCERY STORES

(By Elizabeth Shelton)

Cracking the codes printed on perishable foods in the grocery store requires more than the skill of a cryptographer.

Not all the numbers and/or letters are decipherable by the store manager himself. As in the case of processed meats, the codes are placed there by the packager who knows what colorings and preservatives his brand of bologna contains and makes an educated guess how long they will keep it fresh.

Instead of printing a "pull date" to notify the store manager when to remove the item from sale, the packager may have used a "push date."

The "push date" tells the store when the item left the packager and entered into trade. But then again, it may represent the date the packager guessed in advance the item would arrive in the meat counter of a particular store. This is the store manager's clue as to how long it has lain there.

But this is only one type of coding.

The big chain grocery stores have various methods of coding their own brands of perishables, and the coding varies from store to store within a chain.

In one meat counter, cold cuts might be marked 0424, meaning that April 24 is the last safe date to sell the package without running the risk that it will spoil before it is used in the home within a reasonable time.

At another, cold cuts might bear a four-digit designation, 2242. This also means April 24 is as late as the store should continue to offer the item for sale. The outside numbers are added to get 4 for the fourth

month, April. The interior numbers represent the day, 24.

There may also be letters representing days of the week, months of the year, or years of the decade. (In case of longer lasting foods, such as bottled salad dressing, "A" represents 1970, the start of this decade.)

Other letters simply designate the packer.

Bread may be dated on the sticker at the end of the loaf with 1 for Monday, 2 for Tuesday, or with letters, not necessarily spelling anything intelligible to the buyer. Again, the color of the twist that ties the wrapper will indicate the day the bread was first put on sale; red for Monday, etc.

The shelf expiration date of cottage cheese is usually stamped on the lid. Often the shopper is lucky enough to find it in readable form. The date on the cardboard carton of milk is less legible. It is usually embossed at the top, and may very well be white on white.

Rep. Leonard Farbstein (D-N.Y.) thinks it is important for the buyer, from a standpoint of safety as well as family finances, to be able to read the code. He has introduced a bill to require packaged perishable food to bear a label specifying the date after which it is not to be sold for consumption as food. This is called "open date coding."

Surveyors from his office and from the Democratic Central Committee visited chain grocery stores here and found many foods that were over the hill as far as codes were concerned.

Worse, they found a common practice of repackaging chicken and putting on a new code label. Some of the chicken had been soaked in a solution to freshen its appearance. One way to tell it from the fresher poultry was that it bore no U.S. Department of Agriculture seal.

They also found repackaged meats, from which unattractive parts had been trimmed before new code dates were added.

They think they have proof that nearly obsolete food is ending up at ghetto stores—and not at reduced prices.

The chain-store grocers claim that spoiled goods seldom seep through to the consumer. They say that the cost of "open date coding" (Exp. 4–24–70) for all of the thousands of perishable items they sell would increase food prices. At a HEW employees' session Wednesday, one of them likened it to using atomic power "to squash a mosquito."

[From the Long Island Press, May 16, 1970]

"FRESH GROCERIES" MAY BE ANYTHING BUT

(By Patricia Agnew)

WASHINGTON.—Those "fresh" groceries you just purchased may include:

Eight-day-old milk.

Chicken repackaged several times but considered edible because it has not yet turned green or begun to sprout growths.

Month-old processed meat.

Re-ground ground beef that wasn't picked up the first time around but offered once again at regular prices because it didn't smell too bad.

Alarmed consumer groups report that all of these abuses—and many more—are common in the chain grocery stores where most housewives, concerned about getting quality food at reasonable prices, do their shopping.

Under current practices of monitoring the freshness of perishable foods, even the most careful consumer has little or no way to avoid them.

Most perishable foods contain freshness codes purportedly designed to advise store employes when an item is unfit to be sold for human consumption.

But evidence is mounting that the confusing array of codes is deliberately contrived to hide the true age of a spoilable food item from the consumer, to permit the packager to make "educated guesses" about the lifespan of his product and to allow retail store employes to do as they wish.

A bipartisan "open dating" bill, introduced by Rep. Leonard Farbstein, D–N.Y., and co-sponsored by 58 House members, would give the confused consumer a fighting chance, its supporters believe.

The Farbstein bill, to be taken up in hearings this summer, would require that perishable food contain a package label specifying simply and clearly the date after which it must not be sold for human consumption.

It practically takes the skill of a cryptographer to get that information today.

Three surveys—two in Washington, D.C., and another in the Chicago area—have uncovered a variety of freshness codes in common use. Many of these change as rapidly as the public "gets on" to them.

Some codes indicate the date of spoilage as determined by the market (the "pull" date), while others were assigned by the packager as his estimate of when the product would get to the store and how long it would last (the "push" date).

In one Washington chain store, milk was coded "406"—which meant the fourth month, sixth day, or an April 6 "pull" date. At another grocery on April 2 "pull" date was indicated by the code "0402."

One grocery used colored plastic ties on loaves of bread to indicate the day they were baked. On the week a survey team visited, a red tie meant Monday or Thursday, white Tuesday and Friday and blue Wednesday and Saturday.

"Contrary to consumers' popular belief that bread is delivered fresh in the morning and sold by evening," the team said, "it was learned that bread is considered a two-day item, and that bread delivered any morning is considered fresh until the close of business the following day."

The "pull" dates of cottage cheese at two stores were variously labeled "406" (April 6) and "0405" (April 5).

One of the D.C. surveys was conducted by staff members for Farbstein and the other, a more extensive investigation of 18 chain stores, by the democratic consumer action committee of the D.C. Democratic Central Committee.

The D.C. Central Committee concluded that the codes overall "are clearly designed to prevent the ordinary housewife from ascertaining when products should have been removed from the shelf.'"

That study found from one to five of the 10 basic product lines surveyed—milk, eggs, cottage cheese, ground beef, pork chops, chicken, bologna, hot dogs, national brand sausage and bread—to be out of date in 15 of the 18 stores.

Further, the survey team found the freshness of some food products, especially poultry, subject to the guess of the store manager.

"One manager," the survey team reported, "referring to all types of meat, stated that he daily looks at the meat and pulls whatever does not look good. When his attention was called to some greenish tinted meat, he admitted to not having inspected the meat that day.

"This same manager stated that he did not reduce the price of ground beef—if he thinks it is bad he pulls it out of the case, reworks it, and re-packages it. 'If it's too bad' he throws it away."

Other findings included a store that did not code its meat or poultry at all and several store managers who ignored coded dates and substituted their own judgments of freshness.

The Farbstein bill would have the Department of Health, Education and Welfare determine the safe lifespan of perishable foods.

A legislative aide to the congressman said the only objection from the food packaging industry was that the bill would encourage shoppers to select only the freshest products, even though many foods can last several days and weeks.

"The way we see it, the aide said, "if a store manager is doing his job, he'll be rotating his foods to maintain freshness anyway. The bill would only cause trouble to the lazy manager who is not doing his job.

"We think the bill would encourage store managers to offer older foods at lower prices."

He said Farbstein was "confident" the measure would become law. The mail response has been "extremely favorable," he said.

"We got a letter the other day from a lady in New Orleans," he added. "She said she had just bought a jar of baby food and found out it had been manufactured in 1961."

[From the Louisville (Ky.) Courier-Journal, June 4, 1970]

F08 3163 2W OV 3S: TO CRACK THE GROCERY CODE. YOU HAVE TO LEARN THE ALPHABET

(By Irene Nolan)

Nearly every item in a supermarket has a code stamped on it—a series of numbers and/or letters that have nothing to do with the price or weight.

The codes are put there by the manufacturer, the distributor or the store for their own information. They tell them what a lot of consumers would like to know—when the meat was packaged, whether the cottage cheese (or the milk or sour cream) is at the beginning, near the end or past its shelf life.

Some codes indicate the "pull date," the day the item should be removed from the shelf, others represent the packaging date. Grocery industry representatives maintain that how to read the codes should be known only to them. And in the case of many canned goods, the store manager does not know what the code means. Periodically he receives a list of code numbers from the manufacturer telling him which cans to take off the shelf.

"They (the customers) tear up things bad enough now," said the manager of a Louisville A&P store. "If they could read the codes they would tear the whole stack up to find the freshest."

And a representative of the National Association of Food Chains in Washington said that if the codes were general knowledge, food prices might go up. The consumer would choose the freshest items, which would lead to increased spoilage and higher prices, he said.

There are no laws or regulations governing how long an item may remain on the store shelf.

The consumer is protected, said several store managers, because stock boys or deliverymen rotate the items and remove the items with expired code dates. In this age of advanced processing and storing, there is little danger of spoilage, and, they say, the customer can always return the item and get it replaced or get her money back.

SHOPPERS WANT TO KNOW

But most grocery shoppers would like to have a clue as to how old a product is when they buy it, particularly the more perishable dairy items and meat. This helps them determine how long they can safely keep it after they get it home.

The codes can provide that clue, and I set out to find out how to read them.

I visited 16 supermarkets, including Kroger, A&P, and Winn-Dixie, GES, A Mart, and Giant. Some stores were visited twice. I began at the meat counters.

At the Kroger stores, I found meat to be stamped with a number and then a letter.

I visited the Kroger store on a Tuesday and the meat was stamped 1M and 1T. It seemed safe to assume that the meat had been cut on Monday and Tuesday. I asked

an authoritative looking figure in a white apron if this were the case. He confirmed the theory so I felt safe asking him about the numbers.

He said that Kroger divides the year into periods. The weeks in each period are numbered 1, 2, 3, etc. Thus 3W would mean the meat was cut on Wednesday of the third week of that period. A package stamped 2S, would indicate the meat had been cut on the previous Saturday.

I meant to ask how many weeks were in each period, but at this point he was beginning to look suspicious so I thanked him and left. I found the same system of coding in five other Kroger stores in the Louisville area.

Next was the A&P. The first store I visited had three numbers on its packaged meat. It was Tuesday and the majority of the meat was coded 023. I just rang for the butcher and asked what the numbers meant.

The butcher was very obliging. He told me the second number was the day of the week and the last number was the person who weighed it. He didn't tell me about the first number and I didn't push my luck.

At another A&P I found only one number on the package. This was just the day of the week—1 for Monday, 2 for Tuesday, etc. At another store I found two numbers on the package. The first, the butcher said, was the day of the week and the second was the person who weighed the package.

Winn-Dixie has a tough code to crack . . . and some secretive butchers. Finally I did find a butcher who was willing to share his secrets.

The days of the week are represented by the letters S T O P V X for Monday through Saturday. The weeks of each period are also lettered S T O P V X. Thus Monday of the first week of a given period would be SS. Tuesday of the same week would be ST.

The butcher also volunteered that the distributor stamps his own code on some of the chicken. This code is just a date such as 29 for May 29. He said the packer guarantees the chickens for eight days after arrival in the store, but he wouldn't recommend I keep it that long at home.

A Mart codes its meat in the same way that the A&P stores do. At Giant, an employe told me that 100 was for the first day of the week, Monday, 200 for Tuesday, through 600 for Saturday.

Among the stores visited, GES has the most confusing meat code. I couldn't see a pattern nor could I find a cooperative employe. When a code is uncrackable, it seems a good bet to look at the code on the hamburger, which you can see being freshly ground, and then choose meat with a similar code date.

At the groceries with prepackaged produce, I usually found the same code used for the meat applies to the produce. However, at Giant a stock boy said the produce is marked with the month and the day it was put on the shelf. Apples with a 525 on them meant they were put up for sale on May (fifth month) 25.

At all stores, luncheon meat, bacon, and hot dogs seemed to be stamped with a series of either three or four numbers. To crack most of the four-number codes, add the first and last numbers for the month. The middle numbers are the day of the month. A package of Fischer's luncheon meat stamped 2293, for example, would be May 29. The numbers 3013 on a package would be June 1. With three-number codes, the first number was usually the month and the last two the day of the month. For example, 611 would be June 11.

Clerks at several stores said that these numbers were the pull date or date that the luncheon meat should come off the shelf. However a spokesman for the Fischer Packing Company said that the numbers actually represent the last day that the company will guarantee the vacuum container in which the meat is packed. On the 2293 meat, the company guarantees the vacuum from the day it goes on the shelf until May 29. After that date, he said the store is on its own. The meat will remain fresh in the vacuum for many months, the spokesman added.

A merchandiser for the Kroger Company said that in the Louisville area, most retail grocers buy items with "guarantees." That is, if the product becomes outdated it is returned to the manufacturer. In some cases, items reaching the end of their shelf lives are reduced for quicker sale—especially baked goods, produce, and meat.

DAIRY COUNTER IS EASIER

At the dairy counters, most of the codes are easier to figure out. For example, the milk code is usually at the very top of the waxed carton. It is not in ink, but colorlessly embossed and usually hard to read. One side has a long series of numbers, and the other side has two or three numbers.

The long series, one clerk said, is "the plant where it was processed or something." The shorter series is of more interest. In the case of most of the milk it is the date the milk should be pulled from the case. For example June 5 could be just 5, 05, or 6 05.

Such products as sour cream and cottage cheese are also in most cases stamped with a pull date. Sealtest stamps its products on the bottom 5 15, meaning May 15 the item should be removed. Kroger stamps it on the top. A code date of E 15, a clerk in one Kroger store said, means that that item should be removed on the morning of May 15. A&P codes are just a date on the bottom, such as 26 for May 26.

A clerk at one A&P store said that the number stamped on the cheese was the day it was made. But, she said, don't worry about it. The manufacturer sends lists periodically of which packages should be pulled. Some cartons of eggs and refrigerated biscuits or coffee cake mixes are legibly stamped with an easily read code, such as May 29.

The bakery products at the A&P are plainly marked with the day the item was baked. Other stores and bakers mark their bread with a different color sticker or plastic twister for closing for each day of the week. For example, the twisters on the end of Rainbo bread are red, white, blue, green, yellow and orange for Monday through Saturday.

[From the Louisville (Ky.) Courier-Journal, June 4, 1970]

OPEN CODES WOULD HELP CONSUMERS

After I had learned to read some of these codes, I began taking note of how old the items in the cases really were. For the most part, no store had an abundance of items with expired codes, but at each store I found some items that should have been pulled. In each case, I pointed out the item to a clerk, who studied the numbers and then apologetically began removing the items.

In almost all stores, most of the meat in the cases had been cut that day. However, in all of them, there was meat that was several days old—sometimes four or five days old.

The one exception was a Kroger store in the western part of Louisville. It was a Thursday, May 21. There were perhaps a dozen pieces of meat coded 1 Th, meaning it had been cut fresh that day. Most of the beef was 1W, and most of the pork was coded 1M and 1T. Also there seemed to be a larger number of expired dairy products than in other stores. I asked a clerk if the products were outdated. He said they were and began removing them as I left.

The manager of this store was later contacted by telephone. He had no comment.

In fact, most of the local store managers when contacted for their comments on outdated items or codes in general had no comment.

Those who did comment, attributed outdated items to carelessness.

"We're not always perfect, but we try to be," one manager said.

To help the consumer know how long she may keep a product, some consumer organizations advocate a system of open coding in grocery stores. Open coding means that the codes would be written in plain English.

WANTS FRESHNESS KNOWN

Mrs. Oscar Sowards, chairman of Gov. Louie Nunn's Commission on Consumer Affairs, said that the commission has been planning to take up the matter of codes for some time and probably will soon. However, she said, she is in favor of open coding so that the "freshness will be spelled out clearly for the consumer." She said she believes this information is vital to the consumer.

Rep. Leonard Farbstein (D–NY) has introduced a bill in the Congress that includes provisions for a system of open coding that would use the product's pull date. The bill was introduced last November and re-introduced in April. It has 59 cosponsors, and hearings are pending.

Ellis Levin, the congressman's legislative assistant, said that a survey of the major food chains in Washington showed a large amount of food being sold beyond the expiration date of the code."

Levin said that most abuses took place in stores in poverty neighborhoods. In the stores serving middle class areas, he said, the codes had four, five, or six days left. In the low-income areas, the items had zero shelf life (day of expiration) or were out of date.

Levin said that several European countries already have open coding and the system is working successfully. He doesn't feel such a system would cause prices to rise.

This is not necessarily so, says Kemp Christensen, vice-president of the National Association of Food Chains. The association, he said, is not "opposing" the open coding bill. It is just trying to raise some questions about the feasibility of such coding.

"If you put in open codes, the customers would take the very freshest. There would be a certain amount of loss due to pawing over of items. Older items wouldn't sell as well. There would be extra cost involved, and we think the customer might have to pay. We are asking: 'Is it worth it in light of the quality of product the customer gets now?' "

REFUNDS ARE GIVEN

Christensen said that most stores are eager to please customers and keep their business. This means, he said, most managers are careful about code dates and willing to give refunds for spoiled merchandise.

Most codes do take into account, he said, that there has to be a shelf life after purchase for the customer. For example, if milk is coded to expire June 5, that date takes into account that the milk might be in a home refrigerator for a time after that date.

Shelby Johnson, director of environmental services for the state Department of Agriculture, said that there are no state regulations governing codes or the length of time a product may remain on the shelf. A. P. Bell, director of environmental services for the Louisville-Jefferson County Department of Health, said that before pasteurization Louisville did have a law regulating the shelf life of dairy products. With improved processing methods, he said, there was no longer any need for such a law.

Johnson said that with the better quality product, better marketing, and better distribution there is no need for legislation governing codes.

Levin says that the outlook for the open coding bill is very good. Christensen says that consumers "should put the pressure on the merchants, not the legislators."

[From the Chicago Sun-Times, July 10, 1970]

JEWEL DECODES SYSTEMS FOR DATING FOOD

(By Camille Jilke)

Jewel Food Stores announced Thursday it will translate the codes that food companies use to indicate the freshness of a product.

Joseph F. Grimes, Jewel's vice president of sales, said customers would be able to determine for themselves whether food was outdated. He said Jewel would discard any outdated food customers found.

An aide to Rep. Leonard Farbstein (D-N.Y.), who has introduced legislation that would require simple dates, said Jewel is the first major food-store chain in the nation to translate the codes for customers.

Grimes said the codes of some of the most popular items in the fresh meats, processed meats, dairy and snack departments will be explained on signs in the stores.

He said books listing the codes of all products sold at Jewel will be available to use at customer service desks.

The codes indicate to retail stores the date a food product was manufactured or the date it should be taken off the shelf.

For example, a Nabisco pretzel box that has "1L103" written on it was manufactured by shift 1 at plant L on the 103d day of the year, or April 13.

For Jewel Maid bread with "kwik-lok" seals, the color of the seal indicates the day of delivery.

The symbol "0057" on a Hillfarm milk carton means the milk should be taken off the shelf at midnight on the fifth (05) day (middle two digits) of the month in Chicago or the seventh (07) day (first and fourth digits) in the suburbs.

At a press conference at Jewel headquarters, in Melrose Park, Grimes said Jewel has strictly observed the codes even though they were unknown by the public.

Grimes said he did not expect translation of the codes to result in the sales of only the freshest merchandise.

Farbstein's proposed legislation would require labels on all food that could deteriorate to have clear letters and numbers announcing the last day the item would be safe to sell.

Ellis Levin, Farbstein's legislative assistant, said the legislation would cost nothing to enforce because consumers would enforce it.

Levin said his investigation showed outdated food is sold throughout the country to all socio-economic levels.

[From the Washington Post, July 12, 1970]

BREAKING THE FOOD CODE SYSTEM

(By Peter Weaver)

Wouldn't it be nice if the bacon or cottage cheese you buy had this vital information printed on the package: not for sale after—July 24.

As you may already know, the removal date is printed on most food packages but it's in code. I broke a number of these codes in a column last year, hoping it would bring some action.

Unfortunately, the number and complexity of the code systems are increasing. The most common one, used by members of the American Meat Institute and others, employs four numbers such as 3244. You add the outside numbers to get "7" which stands for the seventh month, July. The two inside numbers "24" stand for the 24th day—July 24.

Some companies use the number of the day of the year which would make "205" into July 24. Others use letters for months—A for January, G for July. Still others use color codes on packages or make little marks over their brand name letter to indicate removal dates. The list is endless.

There are some faint signs of hope, however. Rep. Benjamin Rosenthal (D-N.Y.), chairman of a special consumer inquiry on the House Government Operations Committee, has collected an extraordinary pile of detailed, coded date systems from some 20 major food processors. He's preparing to launch a national survey, probably to be done by Department of Agriculture shoppers, to see how well—or how poorly—our food dating and marketing system is working.

Rep. Leonard Farbstein (D.-N.Y.) introduced a bill last fall which would require food removal dates marked in plain English. The bill has been stymied so Farbstein has asked the Federal Trade Commission to take direct action.

State legislatures in California, Delaware, Florida, Maryland, Massachusetts, New Jersey and New York have all been bombarded with bills proposing that food dates be plainly marked. No laws yet, but pressure for "open" food dating is mounting.

Theoretically, supermarket or packer employees are supposed to police counters and shelves to remove products which have gone beyond coded removal dates. Sometimes this works, sometimes it doesn't. If consumers had a chance to see plainly marked removal dates, they could take over much of this policing job themselves.

Almost all the food companies are opposed to the "open" dating idea. They claim consumers would always pick products with the latest date, letting perfectly usable food go to waste. According to a top USDA food plant inspector, the companies could solve this problem with "block dating" and a system of discounts by dates.

On highly perishable items such as poultry and meats, for example, Monday and Tuesday packing dates could be lumped into a system with one "block" removal date. This would be continued through the week. On less perishable items, even a week's production might safely be lumped into one removal date.

Food companies usually put on removal dates to give the consumer anywhere from a few days to two weeks use of the product even if it's bought on the last day before removal.

A bacon processor, for example, knows his product is good for, say, 30 days after packing. So, using block dating, he would put a removal date on three days' production for 23 days from the first day's production. This gives plenty of flexibility for his marketing system and still protects the customer.

In the store, when a customer is faced with the choice of two or more plainly marked removal dates on packages of bacon, the discount system could be used. If the customer wants to use the bacon over a period of two weeks, then the package with the latest removal date could be selected at the regular price or even a premium price.

If the customer knew that the bacon would be used within the next couple of days, then an earlier dated package (one nearer the removal date) could be selected because the price would be lower.

With education and promotion, this system of plainly marked food dates would give us a choice based on our needs and would insure that our food can be readily used before it spoiled. At least one major supermarket chain will soon try this kind of plainly marked food dating on an experimental basis. Hopefully, others will follow.

MRS. HELEN ROGERS REID

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, it is with sorrow that I take note of the death of Helen Rogers Reid. Mrs. Reid was a great lady and a great American.

I will not take the time of the Members to recount the facts of her long and full life and many achievements, which were duly recorded in the New York Times article which I shall append at the end of my remarks.

I do want to express to the members of her family, including particularly her sons, our colleague, the gentleman from New York and Mr. Whitelaw Reid, both of whom have been my friends for many years, the profound sympathy of my wife and myself. The end of a life is never easy to accept, even when it comes, as in this case, many years after the allotted Biblical span.

I have only the fondest personal recollections of Mrs. Reid. Among her many active interests was her great involvement in the activities of young people. Mrs. Reid twice gave me the opportunity to serve as an occasional correspondent for the New York Herald Tribune, a very great newspaper, writing articles for the Sunday edition on youth movements in Germany, Italy, and the Soviet Union in 1935, and on conditions in Japanese-occupied China in 1938.

Helen Rogers Reid will be sorely missed by a host of friends in New York and around the world.

The article follows:

[From the New York Times, July 28, 1970]

MRS. OGDEN REID IS DEAD AT 87; EX-PRESIDENT OF HERALD TRIBUNE

Mrs. Helen Rogers Reid, former president of The New York Herald Tribune, died of arteriosclerosis yesterday at her home, 834 Fifth Avenue.

Mrs. Reid, who was 87 years old, was the widow of Ogden Reid, president of The Herald Tribune until his death in 1947.

In her 37 years on The Herald Tribune and its predecessor, The Tribune, Mrs. Reid was an unflamboyant but powerful force in the newspaper world and in the city's civic and social life.

Her business acumen, first displayed as an advertising salesman, and her editorial judgment, in making the paper attractive to women and suburban readers, helped to transform The Herald Tribune into a modern newspaper.

Entering journalism as a byproduct of her marriage to Ogden Mills Reid, whose father, Whitelaw, had acquired The Tribune from Horace Greeley, its founder, Mrs. Reid gradually established herself as a newspaper personality in her own right. Never overtly aggressive, she won her reputation by quiet tenacity, dowagerlike charm, and a clear and orderly mind.

There was little in Mrs. Reid's appearance to suggest the influence she wielded, nor the force of her character. She stood only an inch over 5 feet; and she looked as fragile as a piece of expensive china. Her hair, at first brown, then gray and later white, was a fine soft fuzz that curled close to her head. Her large green eyes, however, were alert and probing. According to advertising salesmen who dealt with her, they could be quite unnerving.

In dress Mrs. Reid was feminine but not fancy. Her taste ran to bright colors, with various shades of purple predominant. Day in and day out she wore a plain beret-like hat embellished with pearls, a diamond clip, sequins, flower petals or feathers.

Although she was pleasant and informal in conversation in the office or at dinner, her talk did not run much to chit-chat, and she did not encourage it in others for long. For many years Mrs. Reid included her editors and columnists at luncheons, dinners and

weekend parties she gave for guests notable in national and world affairs.

A gathering might include a Presidential aspirant, an international statesman, a best-selling author, an economist, an editor and a few couples from the Reids' social circle on the upper East Side. With dessert, Mrs. Reid would swizzle a glass of champagne with a piece of melba toast and throw out a general question on current affairs.

DINERS SUMMONED TO SPEAK

Going around the table, she would call on the diners, one by one, for their views. According to one account of these affairs, some gave their opinions seated, but a number were wont to rise and address Mrs. Reid as though she were a public meeting.

Mrs. Reid's interest in the political and economic forces that shaped the world about her was reflected in the establishment, in 1930, of The Herald Tribune's annual Forum on Current Problems. Although the Forum was at first a promotional device aimed at clubwomen, it was expanded to include the public generally.

With Mrs. William Brown Meloney, the Forum director for many years, Mrs. Reid took a hand in choosing and obtaining prominent speakers, many of them from abroad. She presided at the big sessions in the Waldorf-Astoria, and published the proceedings in a special supplement for high school and college students.

Mrs. Reid's own politics were Republican, but the forums were nonpartisan and dispassionate presentations of world news and issues. They were discontinued after 1955, for emphasis on the paper's Youth Forum.

At The Herald Tribune Mrs. Reid raised her voice for moderate Republicanism and for internationalism. In 1952 she supported Dwight D. Eisenhower for the Presidency; she had backed Thomas E. Dewey in 1948.

Mrs. Reid was a leader in civic affairs. She served for nine years as chairman of the board of trustees of Barnard College, her alma mater. A dormitory built in 1963 with funds she helped to raise is named for her. She was a trustee of the Metropolitan Museum of Art. She was active in the New York Newspaperwomen's Club, and she was president of the Reid Foundation, established by her husband in 1946 to give fellowships to journalists for study and travel abroad.

NEEDY CHILDREN HELPED

Another of Mrs. Reid's civic interests was her newspaper's Fresh Air Fund, which raised public contributions to send needy children to summer camps and homes in the country.

As a society figure Mrs. Reid was far less formidable than her mother-in-law, a vigorous matriarch who died in 1931. Mrs. Reid's style in entertaining was informal—and indefatigable. There was a constant round of guests at her 15 East 84th Street apartment, a 30-room Ophir Cottage in Purchase, N.Y., at a summer place in the Adirondacks and at a hunting lodge in North Carolina.

To those who sought to assay her career, Mrs. Reid appeared as a Cinderella who became Queen Helen. She was born in Appleton, Wis., on Nov. 23, 1882, the youngest of 11 children of Benjamin Talbot Rogers and Sarah Louise Johnson Rogers. Her father died when she was 3. Although the family was not poverty stricken, she was obliged to earn part of her way through boarding school and then through Barnard, which she entered in 1899.

EARNED DEGREE IN ZOOLOGY

She enrolled to study Latin and Greek and perhaps to become a teacher, but she shifted her interest in zoology and took her degree in that. She established a reputation among her classmates as a crisp, attractive, enterprising girl who could even turn a profit on the senior yearbook. The class poet summed her up in this quatrain:

We love little Helen, her heart is so warm
And if you don't cross her she'll do you no harm.
So don't contradict her, or else if you do
Get under the table and wait till she's through.

In June 1903, when Helen Rogers received her Bachelor of Arts degree, she heard that Mrs. Whitelaw Reid, one of the city's grande dames, was seeking a social secretary. She applied, was accepted and went to work in the Reid's sumptuous Florentine fortress on Madison Avenue, across from St. Patrick's Cathedral. Mrs. Reid, who had a dinner table seating 80 people and the wealth to festoon it with elegant viands, never lacked for social engagements; a secretary to handle this facet of her life had few idle moments.

SECRETARY FOR 8 YEARS

Helen Rogers was in Mrs. Reid's employ for eight years, dividing her time between the United States and London, where Whitelaw Reid was Ambassador to the Court of St. James's from 1905 to his death in 1912. During this time she met the Reid's only son, Ogden Mills Reid, fresh out of Yale. The couple were married in Wisconsin March 14, 1911.

Tall, handsome, genial and convivial, Oggie Reid was deeply interested in swimming, tennis, shooting and sailing—activities in which his wife learned to excel by putting her mind to them.

She at first took only a passing interest in The Tribune, which her husband inherited on his father's death. In the first six years of her married life she devoted herself to her children, Whitelaw, Elisabeth, who died in childhood, and Ogden. Her chief outside concern was women's suffrage. She helped raise $500,000 for suffrage campaigns in New York.

"When I was at Barnard, working my way through," she explained later, "the necessity for complete independence of women was borne in on me."

JOINED PAPER IN 1918

Mrs. Reid's newspaper career began in 1918, when she became an advertising solicitor for the palsied Tribune, into which the Reid family was reported to have poured $15-million since 1898. "Come down to the office," Ogden Reid asked his wife, "and work the paper's success out with me." Within two months she was its advertising manager, a post she held under slightly different titles on The Herald Tribune until she became its president in 1947.

Immensely loyal to the Reid name and eager to make The Tribune a great, self-supporting paper, Mrs. Reid channeled enormous energy into advertising salesmanship. Between 1918 and 1923 the paper, competing in the morning field with The Times, The World, The American and The Herald, more than doubled its linage.

Then and later she was relentless in pursuit of space buyers.

"She had the persistence of gravity," an associate once remarked. She called on advertisers or had them to luncheon. Banter, deft flattery and an array of voluminous and precise facts constituted her arguments.

ADVERTISING STAFF DRIVEN

She was as unsparing of the paper's other ad solicitors as she was of herself. "You get so you sneak up the back stairs rather than confess you're not a wonder boy," a member of her harried but admiring staff once said.

On The Herald Tribune in the nineteen-thirties and forties, Mrs. Reid was accustomed to hold advertising staff meetings on Mondays at 9 A.M. sharp to get an accounting of each salesman's work. At one point she presided from a platform decorated with a cardboard apple tree and red cardboard apples. Each apple represented an account the paper was seeking.

She called up the salesmen by turn, and whenever one announced a new account she would remove the appropriate cardboard apple from the tree with a ceremonious flourish to the accompaniment of the assemblage's applause.

By means of this and other encouragements to salesmanship, including at one time impromptu choral singing, Mrs. Reid kept the advertising flowing in. For her doggedness and for her conviction that The Herald Tribune was the finest advertising medium in the city she was much admired by her sales staff.

INFLUENCE ON PAPER STRONG

Mrs. Reid had a pervasive influence on the paper's news and editorial content, although its precise demarcations were a matter of speculation.

One story is that Mrs. Reid once protested to her husband about a news article and that he retorted:

"Helen, will you get the hell back to your department and run it while I run mine."

She is said to have departed meekly.

Mrs. Reid always denied the story. "In the first place," she once explained to an interviewer, "my husband wouldn't speak to me that way. In the second, I wouldn't leave meekly. Besides, nothing like that ever happened."

Actually, when Mrs. Reid put her mind to it, she usually got her way. One exception was in trying to make the paper dry during Prohibition. On this point her husband was unyielding.

SPURNED DEAL FOR HERALD

Mrs. Reid's editorial presence was felt especially after The Tribune, at her prompting, acquired Frank Munsey's Herald in a $5-million deal in 1924.

Shortly after the purchase, The Herald Tribune moved uptown from Nassau Street to quarters at 230 West 41st Street, and began to expand its news coverage and increase its circulation.

Mrs. Reid was generally credited with being responsible for its concentration on the suburban, middle-class field of circulation. She frequently suggested story ideas and advised on coverage of others. The paper devoted, under her stimulus, much space to the news of gardening and allied interests of suburban dwellers and women.

STAFF MEMBERS RECRUITED

Mrs. Reid's influence was also reflected in the appointment of the late Mrs. Irita Van Doren as editor of Books, the Sunday literary supplement, and of the late Mrs. Meloney as editor of This Week, the Sunday fiction and articles supplement. She added the late Dorothy Thompson and Walter Lippmann, the commentator, to the staff. She was also responsible for the paper's Home Institute, a widely known experimental kitchen that devised and tested recipes for publication.

When Ogden Reid died in 1947 his widow succeeded him as president of The New York Herald Tribune, Inc. She became chairman of the board of directors in 1953. Her elder son, Whitelaw, who had joined the staff in 1940 and had been named vice president in 1947, succeeded to the presidency.

In 1955, at the age of 72, Mrs. Reid resigned as chairman but continued as a member of the board. Whitelaw succeeded her as chairman, and her other son, Ogden, who had joined the staff in 1950, became president, publisher and editor.

RETIRED IN 1958

For some time The Herald Tribune had not been gaining sufficient circulation and advertising in a period of rising costs and intense competition. A loan of $2.5-million from the Massachusetts Life Insurance Company in the fall of 1954 proved insufficient to restore the paper to prosperity. In September of 1957 John Hay Whitney, the financier, invested $1.2-million in the paper with an option to buy. He took up the option a year

later, leaving the Reid family with a minority interest. Mrs. Reid retired at that time from the board of directors.

Mr. Whitney ran The Herald Tribune until 1966, when it merged with The Journal-American and The New York World-Telegram and The Sun. The new paper, The World Journal Tribune, expired in May, 1967.

In retirement Mrs. Reid lived quietly in her apartment at 834 Fifth Avenue, entertaining her friends and members of her family and venturing out socially from time to time.

Many organizations honored Mrs. Reid. In 1935 she received the medal of award of the American Women's Association "for professional achievement, public service and personality." The Cuban Red Cross gave her the Comendador Cross of the Order of Honor and Merit for her "helpful understanding of world problems and friendliness toward Latin America."

At the annual dinner of the Hundred Year Association of New York, an organization of business institutions with more than a century of unbroken existence in New York, she was awarded a gold medal in 1946 for services in behalf of the welfare and prestige of the city. The 1949–50 seal of the Council Against Intolerance was presented to her for "outstanding service in the cause of tolerance and equality."

ELECTED TO ARTS ACADEMY

She was elected by the editors of "The Book of Knowledge" as one of 12 women who are "inspiring examples of intelligence and accomplishment." She was one of four women elected fellows of the American Academy of Arts and Sciences in 1950. In 1951 she was listed among 10 notable women in industry, communications, labor and the professions in New York State.

Mrs. Reid was also the recipient of a number of honorary degrees, and she was a member of the Colony Club, the Women's City Club, the Women's University Club, the New York Newspaperwomen's Club, the River Club, and, in Paris, of the University Women's Club.

She is survived by her sons, Whitelaw Reid and United States Representative Ogden Reid of Westchester, and by 10 grandchildren.

A funeral service will be held Thursday at 10 A.M. at St. Thomas Episcopal Church, Fifth Avenue and 53d Street.

WCBS–TV EDITORIAL

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, it happens now and again that television editorials are noteworthy for their incisiveness and their exposure of the truth. Just such an editorial was aired by WCBS–TV of New York City on July 8, 1970. I think the content of that editorial should be made available to all those who were not privileged to hear it when it was telecast. With the permission of the House, I include the editorial at this point in the RECORD. The editorial follows:

LOYAL OPPOSITION

People in politics have long recognized the importance of television as a means of reaching the people. But not until recently have our national leaders displayed much mastery over the medium. President Nixon, for one, has shown great skill in using film clips to buttress his televised claims about the success of the Cambodian adventure. And last night, the Democrats showed off their video virtuosity with an elaborate electronic rebuttal starring anchorman Lawrence O'Brien, Chairman of the Democratic National Committee.

While we were impressed by the technical skill displayed, the message by Mr. O'Brien was a narrow partisan one for the most part, overblown and underdeveloped. Despite the clever use of videotape footage, what the Democratic National Committee had to say was about as novel as what party stalwarts normally hear at those rubber-chicken dinners.

On the big issues, Mr. O'Brien soared to rhetorical heights, sometimes into thin air. The divisions in our society, he said, were greater now under the Republicans than they had been 18 months ago under the Democrats. Divisions remain great, of course, but the current administration inherited national polarization from previous administrations. President Nixon has moved steadily—although too slowly—in reducing American combat forces in Vietnam, thus lowering the level of bitter conflict over the war in this country.

And the O'Brien message was disappointing in other regards. On Cambodia, he seemed to suggest that everything was going well there before the combined American-South Vietnamese invasion, a serious distortion of the facts. On the question of reordering national priorities, he gave a Democratic Congress credit, ignoring the fact that House Democrats, particularly those from the South, are the chief champions of bloated military budgets.

Our point here is not to suggest that the Nixon Administration should be above criticism. There is a great need for effective criticism from the opposition through a national forum. But the quality of debate offered by the opposition must be better than that offered by Mr. O'Brien last night. The Democrats should worry less about the medium and more about the message.

TESTIMONY BY HON. WILLIAM A. STEIGER BEFORE COMMISSION ON CAMPUS UNREST

(Mr. GERALD R. FORD asked and was givern permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, on July 24 our colleague, Rep. WILLIAM STEIGER, of Wisconsin, testified before the Scranton Commission on Campus Unrest. Mr. STEIGER made an excellent statement, which I feel would be of interest to all Members of the House. With the permission of the House, I include Mr. STEIGER's statement at this point in the RECORD. The statement follows:

TESTIMONY OF CONGRESSMAN WILLIAM A. STEIGER BEFORE THE SCRANTON COMMISSION

Chairman Scranton, distinguished members of this Commission, I am honored to have the opportunity to appear before you this morning, you are charged with examining a very serious crisis facing our nation—the alienation of many young Americans—as reflected on our college and university campuses. This situation is part of a larger crisis involving divisions among our people—divisions strengthened by misunderstanding and fear, divisions that inspire the unfortunate episodes of violence that we have witnessed on our campuses and in our cities in recent years.

On June 17 of last year, along with twenty-one of my colleagues in the House of Representatives, I presented a task force report on campus unrest to the President. I preface my remarks by noting that while I quote extensively from this Campus Task Force Report my statement, with the exception of direct quotes taken from the Report, does not necessarily represent the views of the 21 other members of the Task Force. I was not notified that I was scheduled to appear this morning until 6:15 yesterday evening and thus had no time to confer on this statement with my colleagues. This report was the product of a volunteer tour of over fifty American campuses which occurred as a result of our "desire to know and understand the factors which appear to threaten the destruction of many of our most respected institutions and the alienation of many of this nation's finest students."* The "report reflects our impressions of students attitudes and problems, along with some proposed solutions applicable at local, state and national levels." (Copies of this report are included with this statement and I hope would be made a part of the record.)

The keynote conclusion of our report was that the "critical urgency of the problem cannot be overstated." Today, one year after that report was released and while we still have fresh in our memories the tragedies of Kent State and Jackson State, we can appreciate that "critical urgency."

I should like this morning to discuss my feelings about this problem we face, in light of the conclusions of the Task Force Report and the subsequent events on our campuses.

The problems on our campuses go far beyond the efforts of organized revolutionaries. While there is a small group of dedicated anarchists who do contribute to the unrest and disorder I am persuaded that these men and women (both students and non-students) are not the primary cause of the problem. Within the past year, I have been impressed anew, as the Task Force members were, by the "candor, sincerity and basic decency of the vast majority of students" attending college in this country. These students are for the most part deeply concerned about their campus and their society—wishing to find solutions to the problems of both without resort to violence. But many of these same students, because of the frustration of their attempts to work through channels which they view as unresponsive, have been attracted to confrontation as a last resort in implementing the change they deem important.

While I do not claim to be able to identify each and every cause of campus unrest, I can with some certainty identify many external and internal factors which are important. I should like to discuss first the internal factors contributing to campus unrest:

1. COMMUNICATION

On many campuses there are not adequate channels of communication between the three elements within a university community, i.e., students, faculty, and administration. The students, though a transient element in the university community, believe that they are an integral part of that community and therefore should be given the opportunity to express their opinions and affect the processes by which their university is run as well as the type of education they receive. "Operating within a large bureaucracy, administrators find it easy or necessary to avoid definitive answers to student inquiries." "Charges of communication gaps are leveled against faculty, administrators, and governing boards alike." "Many students charge that there is no attempt by these groups to consult with students in any decisions, including those decisions which directly affect the students."

Faculties are criticized for being cloistered by the "publish or perish" doctrine which prevents them from having, or in some cases affords them the opportunity not to have,

*(Unless otherwise noted, the quotes are from the Campus Task Force Report, Congressional Record, vol. 115, pt. 13, p. 17409, W. E. Brock.)

contact with students. The task force concluded that "the non-teaching activities of some faculty members, particularly in large universities, are excessive."

2. RESPONSIVENESS

In many cases this lack of communication between the three elements on a campus causes a lack of responsiveness to student opinions. This situation is further "aggravated where there is a lack of agreement, or a shared perspective, between administration and faculty." Thus, one may see a situation develop where the three elements are all fighting each other—causing polarization of interests and alienation of individuals. The result, in some instances, is protest and confrontation.

3. INTOLERANCE

Student intolerance is a factor in campus unrest. "Frequently students are strong in framing ideal solutions and weak in analyzing the factors involved in the problem and in its solution. Some demand immediate solutions and failing that, reach into confrontation as the 'only alternative course.' They may resort to 'non-negotiable demands.'" In the past year, we have seen the unfortunate success of such tactics.

4. HYPOCRISY

Students complain of the hypocrisy of the university today—preaching "academic freedom" and "neutrality" while involved with the so-called "military-industrial complex," preaching social concern while expanding into ghetto neighborhoods through programs students call "urban removal;" preaching a commitment to the pursuit of knowledge while its faculties make efforts to reduce teaching loads in order to have more time for research. These paradoxes are apparent to students today, and they have, in some instances, relevant grounds for complaint.

Many students believe that a university must be a committed progressive social force within the community. They see this sentiment lacking on the part of the administration and faculty. They see their universities cloistered and parochialized—unresponsive to the needs of the nation. The student seems to demand the university take a stand on nearly every issue of the day. One sympathizes with the demand for commitment, but I would suggest perhaps we all need to realize the serious risk. The university, if it is to propagate and expand knowledge with true academic freedom, must necessarily maintain a certain neutrality. If I may digress here for a very personal opinion, I would add that I frankly do not like the concept of politicizing the university. In my view that presents a very real danger to the needed "sifting and winnowing" of all views which is essential for a college or university if it is not to be simply a place for the presenting of what is fashionable today.

5. OVERREACTION

The student today voices deep concern over the methods used to respond to student confrontation. "Many feel that the university has over-reacted with excessive force." The use of local police and National Guard on our campuses—and the resultant tragedies—clearly indicate a need for reform. In some cases administrations have not even explored alternative methods of dealing with confrontation. This over-reaction in many cases causes a radicalizing of otherwise moderate students.

Solutions to internal factors contributing to campus unrest must be, by their nature, unique to each campus, but certain guidelines can be generalized:

1. There must be increased attempts to open channels of communication. Students have a right to have their opinions heard and their suggestions acted upon with regard to policies which affect them as citizens within the university community.

While college administrators have made strides in recent months to provide appropriate channels for communication, more can, I believe, be done. It's vitally important for college administrators, faculty and students to take steps at the very beginning of the school years in September to determine how communications can be improved. Student concerns should be identified and possible courses of action to be taken should mass demonstrations or violence occur freely discussed.

Students should have a clear idea of how the university decision making process operates and how certain situations will be dealt with—they should know their rights and responsibilities. Administration and faculty should take great pains to be open and available to students. In short, these three groups should work together from the beginning to avert crisis situations and should carry on a continuing dialogue.

I would suggest the following possible mechanisms, realizing that each campus must develop a plan which suits its needs best:

a. certain hours when ranking college officials are available to students to discuss problems;

b. greater access to faculty, include evening and weekend sessions;

c. seminars on campus and national problems focusing on how to bring about constructive change;

d. referendums on major campus issues. It is most desirable to have campus-wide discussion of issues before with particular consideration to the rights of the minority to express its views.

2. Students must appreciate the decision-making process at their universities. They cannot do so, however, if information regarding such processes is not made available to them. Perhaps this knowledge and clear assurance of their ability to make their views heard at various levels of decision-making will help to dissuade students from resulting to confrontation tactics.

3. Positive contact between the campus community and the community-at-large should be encouraged: "increased social action programs, volunteer projects and similar activities" can be beneficial supplements to classroom activities—rejuvenating a curriculum and making courses more relevant for the students.

A closer relationship between courses and societal problems should be encouraged as well. Today's student wants the tools to help him in finding solutions to the problems of his society. The university can help to provide these tools.

4. Many students have suggested that university involvement with the military-industrial complex, i.e., campus recruitment by defense-oriented corporations, ROTC programs, military research on campus—be replaced with new commitments to support urban improvement and the extension of civil rights. I seriously question the assumption that this must be an either/or situation. Would the nation's interest really be served by replacing all university defense effort study and research with in-house Pentagon efforts? It would however seem fully justified if we insisted that a commensurate commitment to solving our social ills, including urban problems, be made by both government and the university.

5. Whenever possible, alternative methods to police force should be employed on campuses if disturbances occur. One such alternative that has met with some success is the ordering of a court injunction against occupation of a building, and the peaceful and quiet arrest of demonstrators by the use of a court order. Violent confrontation must be avoided.

It is important to note, however, that the campus is not an isolated society. It exists within a city, a county and a state. It should be obvious that responsible officials at all levels must be aware of the universities action blueprint in case of problems. Agreement as to proposed actions seems essential as does cooperation.

Finally, it is not, I think too much to ask that students assume greater responsibility for the avoidance of violence. Too often, it has seemed a campus "silent majority" has existed—and has failed to use its voice to stem a radical outburst.

6. It is also clear that we must reassert the fact that violence "is not a legitimate means of protest or mode of expression—and that it can no more be tolerated in the university community than in the community at large." Clearly there are administrations and faculty members who appear to justify violence both by students and the police. I urge this commission to recommend appropriate measures to insure proper training for policemen and National Guardsmen so that if they are required they will be fair, even-handed, and use only that force which is appropriate to the situation.

Students, however, must also be cognizant of the fact that the campus is not a sanctuary and actions which break the law will be punished.

Now I should like to discuss the external factors contributing to campus unrest:

One cannot deal with external forces impinging on academic unrest without mentioning at least briefly the television media. It can give instant graphic coverage to any event, simultaneously linking the entire nation in the realization of this event. Given the necessary limitations of time, television also is a great force in favor of the instant, necessarily simplified reply—as any good politician who has perfected the 45 second answer for the evening news show can testify.

Finally, it can and does iconize the individual, freezing one voice or image as a prototype for a viewpoint for better or worse.

Such larger than life force and speed has had a galvanizing effect on campus ferment. This is not to judge or to criticize but to suggest it may be time to focus on this effect and to make clear its limits as well as its strengths.

To move on to more specific and less nebulous factors, college students today are for the most part "better educated and more vitally concerned with contemporary problems in our country than at any previous time in our history." A result of this reflective concern is a profound despair over the paradox of promise and performance in America.

There are numerous issues facing our society which trouble young and old alike:

1. POVERTY-HUNGER-ILLITERACY

The student knows that ours is a society of affluence which has within it hungry and illiterate children—a society that has the resources to cure disease, feed the hungry, teach the ignorant—yet a society that appears to lack the commitment to solve these problems.

2. RACISM

America is a society which promises equal rights and opportunities to all its citizens and dignity to the individual. The student perceives many unfulfilled promises and is impatient.

3. MILITARY-INDUSTRIAL-UNIVERSITY COMPLEX

Many students are deeply disturbed by a seeming alliance between business, education and the military. They see us as a country voicing dedication to the highest values, yet dominated by a complex which is building the implements of destruction of life rather than finding solutions to human needs.

4. FOREIGN POLICY

To the student, ours is a government that has too often neglected to even attempt to understand the cultures and values of other

peoples of the world; a government that has in fact taken actions which reject the significance of those factors. He sees a foreign policy controlled by economic interests rather than humanitarian interests—a foreign policy that unwittingly condescends to other nations of the world.

5. UNRESPONSIVENESS AND LACK OF INFLUENCE

The student today believes he lacks sufficient and effective impact on the processes which govern him. He feels a remoteness from those processes and believes his governmental leaders are isolated. The appeal to work within the system has lost much of its strength because many young people have rejected the system which works they feel so tediously and is based on what they perceive to be compromise of principle.

6. POLICE STATE

The student claims that ours is a society where "official violence" is increasingly sanctioned and even praised. "As violence grows, and as counter-violence escalates, the student views his relationship with both the university and the outside world as increasingly beset by the police and National Guard." The student perceives himself as a target for repression.

7. VIETNAM AND THE INDOCHINA WAR

Our involvement in Vietnam and increased involvement in Indochina is "one of the major factors in radicalizing students." "Many consider the war to be immoral and unjust," and not in the interests of this country. "An increasing number vow to take any steps necessary to avoid military service."

8. SELECTIVE SERVICE

There is the related issue of the draft. As students enjoy student deferments, they view the impact of an action in Vietnam on their peers. This, I believe, produces a double edged sword of a sense of guilt and a sense of injustice as a result of the selective service system.

9. EDUCATION

To paraphrase John Gardner—a society which values mediocre philosophy above plumbing will discover that neither its philosophy nor its plumbing will hold water.

We are perilously close to this discovery right now. If this commission does nothing more than explode the myth of the necessity of college education for all, it will have performed a great national service.

There are many students in our universities who should not be there. This mismatch of ability and educational opportunity is I believe very relevant to the problem of academic ferment.

We have failed miserably as a nation first to accord well deserved dignity and status to skilled blue collar jobs, and secondly to provide high quality education for such work.

Until we are willing to finance a full range of educational choices and offer counseling to all students regarding these opportunities we will have failed in preparation for the future. More importantly, we will, indeed, have failed the children of a democratic society.

Many of the young, then, are questioning the whole fabric of our society. They see misplaced priorities, lack of commitment to human needs, pre-occupation with rhetoric, hypocrisy, inaction, complacency. All of these ills are overstated by the young—but the obvious paradoxes of this society *do* stand out against equally obvious ideals. The distance between our goals and our realities are, indeed, facts of life with which we must deal. We must attempt to understand and appreciate the student perspective. If we do not, their distillusionment and their frustration with the system will continue to grow, as will confrontation and division.

What are the solutions to this multiplicity of external factors contributing to campus unrest?

In a representative democracy we find individuals of opposite points of view on many issues facing the society. In such a system progress can be made only through compromise—a slow process. Solutions take time. Many of our young people do appreciate that fact. If we are to hold on to those who are willing to work in the struggle and reattract the alienated we in government must demonstrate at least a vigorous commitment to solutions, not rhetoric.

At this point, Mr. Chairman, let me add a caveat. There are those who might exploit the issue of academic unrest for short term political advantage. Such a course is in my view wrong and would result in further polarization and alienation. Political parties and candidates should welcome the participation of young people in the political process and heed the negative result of driving intelligent young men and women away from the process of change.

Having said that, Mr. Chairman, let me say we must manifest: a humanitarian commitment to solve the problems of poverty, disease, hunger, illiteracy.

A moral commitment to fulfill the ideal of equality through law and justice.

A technological commitment to re-balance the environment we have neglected.

A compassionate commitment to listen to the young and the minorities of this society—rejecting repression and unresponsiveness.

In light of the crisis of campus unrest, our task force, one year ago, presented a number of policy proposals to the President:

We rejected repressive legislation against universities as penalizing innocent and guilty alike. We stated that the "fundamental responsibility for order and conduct on the campus lies with the university community."

President Nixon deserves high praise for his direct and forceful refusal to empower the federal government as the policeman of the nation's campus. I would hope that this Commission would support President Nixon and the Task Force in this position.

We called for the lowering of the voting age and the reform of the draft.

While the Congress has passed a statute to lower the voting age to 18, there remain serious Constitutional questions. I believe the Congress should commence action on a constitutional amendment to accomplish this goal.

Reform of the draft is coming slowly, but I'm pleased that President Nixon has initiated the lottery and recommended ending deferments. I would hope this Commission would support the findings of the Gates Commission on the advisability of ending compulsory military service and instituting a volunteer army as one means of alleviating student unrest.

We encouraged student participation in politics.

The students have responded vitally by mobilizing to meet with elected officials, to work in political campaigns, and to institute dialogues with people in all facets of our society. I do not think it necessary to ask this Commission to join us in encouraging such participation.

We recommended the establishment of a National Youth Foundation which would create models of community involvement by young people—taking advantage of their desire to improve their society.

To date no action has been taken on this recommendation, but I would request your careful consideration of the concept.

We recommended the establishment of a Student Teacher Corps to provide the opportunity for youth to work with the disadvantaged.

Such a program has been passed and begun to be implemented, but not to the extent that we had hoped.

We recommended increasing Congressional support of the College Work-Study Program, National Defense Student Loan Program, and the Educational Opportunity Grant Program—all of which were budgeted far below authorization levels.

As educational costs rise, it is imperative that more funds are made available particularly to low income students if we are to offer equality of educational opportunity.

We recommended the establishment of a central office in the Federal Government to coordinate all national youth programs . . . providing continuity of purpose.

This recommendation has not been acted upon. However, the Task Force is continuing its study of federal agencies in order to fully ascertain the policies and programs of the Federal Government which pertain to youth.

Finally, we recommended the establishment of a Presidential Commission on Higher Education to include students, faculty, and administration together with the general public—a Commission which would help create rapport among the members of the academic community as well as the community at large. Today we look to you for help in the establishment of such rapport.

Alfred North Whitehead said:

"The art of a free society consists first in the maintenance of the symbolic code and secondly in the fearlessness of revision. Those societies which cannot combine reverence for their symbols with freedom of revision must ultimately decay."

The balance between revision and reverence is at best tenuous and delicate. Assuming, as I do, that the young in America are a powerful and hopeful force for fearless revision, I must add a word for the other end of the tightrope—reverence for our symbols.

I do not mean blind, uncritical faith—none can ask that—but I do mean that both old and young must through tolerance and compassion learn to allow for fallibility and retain faith at least in our goals.

To enjoy freedom—academic or national—the students will have to allow it to others. Ours is a government by majority. Faith in the ability of the minority to influence the majority toward the pursuit of the highest goals is the strongest and most important tool the student can have. Respect by the majority, by the leadership for the views of those who question and challenge and protest is equally essential. The minority must be given justification for such faith.

It would be well to add a further note in conclusion. I cannot agree with those who say ending the Vietnam war will end academic ferment. I have tried to suggest that its sources are even farther reaching. They touch the fabric of our society and the direction of inevitable change.

The solution to one problem—however major—will not see ferment evaporating. We face years of strain ahead on the balance between revision and reverence. It would be my hope that we could begin now to provide the channels for change we will need—not just today, but for generations to come—if we are to endure as a people in a democratic society.

THE NEED FOR A REAPPRAISAL OF OUR CHINA POLICY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, as Congressmen, we will be called upon to discuss and offer our opinions about the final direction of our policy toward China. Because of the importance of this matter, within the next few months, Congress will be undertaking a major review of American foreign policy. One

of the most important areas of our policy which will come under this review will be U.S. relations with China.

Several vital questions must be raised as to the nature of our China policy. Should we extend diplomatic relations to mainland China? Should we admit the Chinese into the United Nations? Should the United States continue arms shipments to Taiwan?

I would like to acquaint you with some of the specific issues involved, and with the positions I am considering on these issues.

American relations with China have remained virtually unchanged for the last 21 years. Since 1949, we have followed a policy of containment, isolation, and military encirclement of mainland—Communist—China. This containment policy had its origins in the obsessive anti-Communist concern that developed in the McCarthy era of the early 1950's. At that time, we established the Truman Doctrine, which advocated containment of the Soviet Union in Europe. Under the Truman Doctrine, the United States supplied aid to the Greek and Turkish Governments in their successful struggles against Communism. Later, the Truman Doctrine provided a basis for the establishment of NATO as a permanent barrier to Soviet expansion in Europe.

When the Communists triumphed in the Chinese revolution of 1949, the United States attempted to apply the methods and assumptions of the Truman Doctrine to the situation in Asia. Adhering to a policy of containment and isolation, we refused to extend diplomatic relations to the Chinese government, and refused to allow China's entrance into the United Nations. This policy is still in effect today, and for the last 21 years we have had official negotiations, talks, or other diplomatic contact with the Chinese.

The policy of isolation has also been carried over into economic areas, and as a result we have not engaged in any trade or commerce with China since 1949.

A third major facet of the containment policy has been the military encirclement of mainland China by American forces. The Korean war, and American involvement in Vietnam, Cambodia, and Laos have all been outgrowths of the policy of military encirclement.

Presently, the United States has over 800,000 men stationed in military bases on the borders of China. On the eastern and southern border, from Japan to Thailand, the line of American bases stretches from Okinawa through South Korea, Thailand, the Philippines, Vietnam, Cambodia, and Laos.

The United States has attempted to augment the policies of political isolation and military encirclement by officially recognizing and supporting the forces of Chiang Kai-shek on the island of Taiwan—Formosa. Congress has given $2.7 billion in military aid to Chiang since he was exiled to Taiwan. Among the most modern weapons we have entrusted him with are several squadrons of F–5A supersonic jet fighters, and the new Bell Uh-1H—Huey—helicopters. We are also building a helicopter factory for Chiang in central Taiwan.

In addition to the aid we have officially given to the Nationalists, the Pentagon, without public knowledge or congressional consent, has unofficially given to Chiang—free of charge—millions of dollars of surplus American equipment. Last year alone, these "gifts" totalled over $157 million, and included four destroyers, a Nike-Hercules missile battery, 35 F–100 Super Sabre jets, 20 F–104 Starfighters, 30 C–119 Flying Boxcars, 50 medium tanks, 120 howitzers, and thousands of rifles and small arms.

Furthermore, the U.S. 7th Fleet continuously patrols the Taiwan Straits, and provides logistical support for the Nationalists on Quemoy and Matsu.

Thus, the situation and our analysis seems to have changed very little from 20 years ago when our original China policy was established.

There has, however, been some talk on the part of the Nixon administration as to a change in this policy. As an indication of good faith, the President has reduced the Taiwan Strait patrol of the Seventh Fleet. Yet, a I previously pointed out, the administration continues its policy of unlimited military assistance to Formosa. At this time, approximately 10,000 American troops remain on Taiwan, and there are repeated rumors that a large American air base is being secretly built on that island.

Several Congressmen, mostly from the ranks of the Republicans and conservative Democrats, favor continuing our present 21-year-old China policy. Advocates of this course claim that because mainland China is a Communist nation, she must be cognizant of American strength at all times. Such a policy of confrontation has entailed continued military encirclement of China, continued political and economic isolation, and continued support for any and all governments in opposition to the Communists—even dictators such as Chiang.

This entire policy of containment, isolation, and encirclement is based upon the premise that as a Communist nation, China is naturally aggressive, and if left unchecked, will expand at the expense of her neighbors. This theory may have been valid 21 years ago. However, the world situation has changed greatly since 1949. No longer is "communism" considered a monolithic menace, threatening to devour the entire world. There are now tremendous differences between the Communist parties of the various "red" nations. Prime examples of these differences are the ideological split between Russia and China, and the independent, liberal stances taken by the Communist parties of Yugoslavia and Rumania.

Recent military studies have shown that China in particular is not in a position to conduct a war of aggression against any of her neighbors.

There has been no sizable shift in China's deployment of troops in the last few years. Those troops that have been moved have been transferred to the Sino-Soviet frontier. Approximately one quarter of the army is deployed on the coast between Shantung and Hong Kong in anticipation of an attack from Taiwan. Another quarter of the army is located along the axis of the Canton-Wuhan Railroad. The third quarter of the army resides in Manchuria and around Peking. The fourth quarter of the army is divided between Tibet—three divisions—Sinkiang—four divisions—Inner Mongolia—four divisions—Hainan Island—three divisions—Western China—11 divisions—Szechuan and Yunnan—12 divisions. There are approximately eight to nine additional divisions not included in the above figures which are situated along the Sino-Soviet border.

It is generally agreed that the Chinese forces are deployed in a basically defensive manner, and would have great difficulty mounting an offensive, especially on more than one front.

In addition, the Institute for Strategic Studies' Military Balance for 1969–70 states:

> China's conventional arms industry would be in no position to produce weapons on a scale needed for war; neither could Chinese-produced nuclear arms be a substitute for them.

Furthermore, prominent members of the Nixon administration have indicated that China's foreign and military policy over the last few years has been very cautious, and essentially one of nonintervention. Although the Chinese have supported various wars of liberation, at the present time they do not have troops involved in any foreign wars. In a famous 1965 speech, Marshall Lin Piao advocated not direct involvement in foreign revolutions, but only generalized support—logistical and moral.

Thus, while the Chinese Government has engaged in some violent revolutionary rhetoric, its actions have been of a much more passive, defensive nature.

No one is more repelled by the totalitarian nature of the Chinese Government than I am. However, we must face the facts, and realize that whether we like it or not, the Communists are the rulers of China, will remain the rulers of China, and must be dealt with as such. We must make an effort now to peacefully settle the differences between our nations before the violent rhetoric of China has a chance to become violent actions. This means establishing diplomatic relations with the Chinese, sitting down at the bargaining table, and beginning immediate negotiations.

American policy toward Taiwan also deserves close scrutiny. Our present policy of unlimited military support is based upon the theory that Chiang's regime is, and should be the ruler of all the Chinese people. Such an assumption, however, seems to be quite unrealistic.

In his memoirs ex-Secretary of State Dean Acheson described the decay and exile of Chiang's government:

> Chiang Kai-shek had emerged from the War (World War II) as the leader of the Chinese people, opposed by only one faction, the ragged, ill-equiped small Communist force in the hills. Chiang controlled the greatest military power in Chinese history, supported and given economic backing by

the United States. Four years later, his armies and his support, both within the country and outside it had melted away. He was a refugee on a small island off the coast . . . The most inexhaustible patience of the Chinese had ended. They had not overthrown the government. *There was nothing to overthrow. They had simply ignored it.* The Communists were not the creators of this situation, this revolutionary spirit, but had mounted it and ridden to victory and power.

In other words, for 4 years after World War II, Chiang was the ruler of China. During those 4 years, however, he did so little for the Chinese people, that his popular support dwindled to nothing. He was then exiled to Taiwan, and the Communists took control of the Chinese mainland.

Thus, it is self-deluding and foolish for the United States to insist that Chiang still rules China. We are, in effect, recognizing a government that no longer exists, and not recognizing one that does.

As I have pointed out, we have given over $2.7 billion in military aid to the Nationalists. Little of this money has been used to help the people of Taiwan. Most of it has been used to support Chiang's delusion that someday he will return to the mainland. It is time to stop wasting the American taxpayer's money on the personal fantasies of Chiang Kai-shek.

It must also be made known that Chiang's regime on Taiwan rules as a military dictatorship. There have been no free elections, and Chiang has declared himself ruler for life. The extremely large amount of our previous military support to Taiwan has caused us nothing but trouble in our relations with other Asian nations. Such unlimited support must be substantially modified and reduced.

President Kennedy, in his famous address at the American University in 1963 quoted a Chinese saying:

A journey of a thousand miles begins with a single step.

It is time to break with the past, and take that one bold step along the path of reconciliation between two great powers—the United States and China. Peace in Asia, and peace in the world make it imperative that we move now.

I am, therefore, proposing a five-point program for the reordering of our relations with China:

First. Immediately extending diplomatic and economic relations to the Chinese Government.

Second. Admitting China to the United Nations.

Third. Immediately moving to organize formal peace talks between the United States and China.

Fourth. Restricting military aid to Taiwan to the sale of purely defensive weapons.

Fifth. Strictly prohibiting gifts of military supplies by the Pentagon without the consent of Congress.

I am hopeful that this program will provide the one bold step that will lead to peace in Asia.

VIETNAM AND THE MIDDLE EAST: A STUDY OF WHAT IS WRONG WITH AMERICAN FOREIGN POLICY

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, while the crisis in the Middle East continues on an explosive course, there is growing recognition by all policymakers in this country that the Russian offensive threatens the existence of Israel as well as the achievement of any peaceful solution to the crisis.

The Nixon administration continues to express its strong support for Israel's efforts against the Arab and Soviet aggressors. But, at this point in time, deeds rather than words are required. America's verbal commitment to the preservation of Israel as a free and independent nation must be acted on. I believe that our deeds must include both the sale of planes to Israel as well as the pursuit of meaningful peace initiatives—initiatives that would be realistic in the context of the aims of the aggressors.

As we all know, the territorial gains that Israel made in 1967 are merely an Arab excuse for the continuation of the conflict. The cause of the conflict remains much more basic. The Arab nations with encouragement, the help, and the tactical support of the Soviet Union continue to challenge the right of Israel to exist. This real motive must be given its true weight when America considers her next policy moves.

I believe that America today requires a new foreign policy—one that is both flexible enough to meet the continuous stream of new challenges brought before it and sufficiently well-defined to enable America to pursue goals consistent with its own democratic principles. Because present policy is weighted down by policies and values relevant to yesterday's world, it has not been a useful instrument to deal with the challenges posed by the Middle East.

Our foreign policy presently teeters on the brink of two equally dangerous extremes. One extreme views America as the world policeman ready to fight communism wherever it seems to threaten in the world. The other sees America within a framework of neoisolationism. Those who subscribe to the latter seem unwilling to come to the aid of any country no matter what the circumstances. This attitude is an overreaction to the ill-conceived and prolonged American involvement in Southeast Asia.

In this country, a new group has advocated that America abandon its support of Israel. The new left, in ill-defined rhetoric and shortsighted interpretations of the crisis, wants America to abandon the only democratic nation in the Middle East. They wish to capitulate to the forces that represent the antithesis of freedom—forces that will settle for no less than Israel's destruction. They ignore the fact that it was the Arab States—Egypt, Syria, and Jordan—that first began the aggression. They ignore the fact that these states are unwilling to settle the conflict in any peaceful manner. I say that we must ignore the rhetoric of the new left while redefining and rethinking our own goals.

The existence of these extremes in American foreign policy reflects a more pervasive malaise: the unwillingness or the inability of the United States to reexamine and redefine its goals in the world. There is need to recognize that goal selection involves considering and defining basic values. For too many of our policymakers, an ambiguous discussion of an ill-defined "American interest" has been sufficient.

Because we have tended to view opposition to communism as the only goal of American policy, we have continued to have an unduly negative foreign policy. Armed with only this conception as a guide, the United States has become a "reactor" in a world that requires a positive "actor." In the process, the reputation of America as a protector of the rights of man has been lost. We may have fought communism where we found it, but in the process we have supported military dictatorships or equally undemocratic regimes. The tragedy of the Vietnam war revolves around this very fact.

At this time, the situation in the Middle East poses new problems and challenges. Our policy of watchful waiting for that area cannot be deemed a true policy alternative. We have watched Israel, the only democratic country in that area, fight a war for her own survival on three fronts. We have watched and patiently waited while the Soviet Union has armed the Egyptians and sent their own troops to operate the equipment. The time is ripe for American reappraisal of the situation.

Yet, today, American policy is hamstrung by discussions of parallels existing between our Indochina involvement and the present Middle East situation. Many who strongly oppose our Indochina policy warn against any sympathy with the Israel cause. Tending toward the neoisolationist extreme, they warn against any further American involvement in any conflict and on any level. On the other side, many who support our policy in Vietnam point up the basic similarity of the threat to both areas. Here again is the specter of national messianism.

Both interpretations do Israel an injustice. I believe that the Middle East situation differs fundamentally from the situation in Indochina. It is not inconsistent, therefore, to oppose American involvement in Vietnam and Cambodia, and at the same time, argue that America must immediately sell Israel the aircraft she was promised.

In what follows, I would like to elaborate on the basic differences between these two situations, offer an alternative American response in terms of range and reasons for commitment, and in the process, define a new direction for American policy.

In her traditional view taken of the

world, America has refused to accept the existence of political pluralism. Despite protestations to the contrary, American action reaffirms this point. Although we have often intervened to support military dictatorships, we have continued to bill each conflict as the crucial test of the viability of American values and the true test of American will.

In Vietnam, although faced with a government that lacked the support of its own people, that imprisoned its opposition and stifled dissent, and had a fighting force that was both unwilling and unable to defend its country, America sent her own troops and 5 years later continues to fight.

America, armed with what is considered an acceptable mixture of land, military, and administrative reforms, $100 billion in weapons and supplies, and 500,000 troops to carry out its mission, intervened in what was basically a civil war among the Vietnamese people. Working under faulty assumptions about the nature of the conflict, we supported a corrupt government because it cloaked itself in the verbiage of anticommunism.

Now in the Middle East, the United States is again faced with another test of its foreign policy. The American policymakers conditioned by past experience are basing their analysis on that past experience, and our policy as a result is failing miserably.

It is here that I would argue that in our support for Israel we must break out of the shackles of the assumptions of yesterday's world and the policies that they have fostered. There must be a choice of new goals and new policies to realize these goals. These goals in turn must be examined carefully in order to insure their consistency with America's belief in freedom and democracy.

I believe the survival of the State of Israel is directly consistent with such a set of principles. Here the means and ends are not at irreconcilable odds as they are in Vietnam. Israel today is asking only that America sell her the promised military hardware so that she may defend herself against the aggressor nations bent upon her destruction. Unlike the case in Vietnam, Israel is not asking for American manpower. Rather she is asking only to buy American airplanes and hardware—hardware that we have dispensed with almost reckless abandon to countries ruled by military juntas and dictators.

We are being asked by a government that has not silenced its opposition, that has not imprisoned its detractors, but that rules in the spirit of the principles of democracy. It is a country that has welcomed all people to live within its borders.

When created in 1948, Israel gave the Moslems the option of living in peace and freedom within the borders of the State of Israel. Those who remained have been allowed to do just that. Those that left are being used as a political football by the Arab States, who have total disregard for the welfare of these people. Had they remained in Israel, peace and freedom would have been theirs as well.

We are being asked to sell arms to a nation not fighting an internal war, not a war where countrymen are pitted against one another. Rather this is a clear case of outside aggression by a group of nations bent upon Israel's destruction.

The introduction of Soviet missiles, planes, and men add a new urgency to this situation. The balance has clearly turned against the side of Israel. She is losing men and planes at a rate that endangers her survival. Her archaic equipment that remains is not up to doing battle with the latest in Soviet supplies.

Israel's well-being is crucial to the security of the United States. The Middle East is indeed the crossroads of the world. That point, of course, is crucial to the entire argument. But this fact is further strengthened by the fact that there is a clear case of aggression; unlike in Vietnam, there is a clear case of the rights of a people being endangered from outside aggression. There is none of the internal conflict that we find in the Indochina situation.

Also, if the United States is in fact anxious to counteract the spread of Soviet influence and aggression, we will be doing it in support of freedom, not at the expense of it. Here, we do not have to give lipservice to an anticommunistic, but undemocratic regime. Rather, we are dealing with a true democracy whose government speaks for the people and whose actions are completely consistent with the democratic principles that we so often talk about.

At this point in time, America has the opportunity to strike an important new note in its foreign policy. Vietnam and the Middle East are two very different situations. The former symbolizes an American policy weighted down by the nearsighted assumptions of the past. The latter can symbolize a new direction for American foreign policy free from those shackles that have bound it and flexible enough to meet new challenges that may arise. America can act in the world arena to further the implementation of humanitarian ideals. Israel provides an opportunity to translate such policy into reality.

LEGISLATIVE REORGANIZATION ACT OF 1970

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZE. Mr. Speaker, if we are able to complete our work today on schedule, the House will pass an historic bill, the Legislative Reorganization Act of 1970.

The bill before the House is the work product of some of our most capable and dedicated Members; it is the result of years of consideration and exhaustive analysis.

This bill is a good bill, and should be passed by the House and receive prompt and favorable consideration in the other body.

When I cosponsored the Legislative Reorganization Act nearly 18 months ago, my remarks in the CONGRESSIONAL RECORD of February 26, 1969, outlined the following goals for this legislation:

First. More penetrating and effective congressional review of important legislative business.

Second. More comprehensive, thorough, and manageable control over the fiscal affairs of the Nation, through increased use of electronic data processing equipment, and modern management techniques.

Third. A qualitative and quantitative improvement in the information available to Members of Congress as a basis for important decisions which must be made by Congress alone.

Fourth. Improvement of Congress as an institution, through the establishment of a permanent Joint Committee on Congressional Operations, the removal of postmasterships and rural mail carriers from the patronage system, appointment to service academies on a merit basis, and other measures appropriate at this time.

Fifth. Increased supervision of lobbying activities involving the work of the Congress, and the transfer of lobbying records and responsibility for their publication to the General Accounting Office.

Some of these reforms, particularly the removal of the Post Office from politics, have been accomplished in other legislative or executive action taken in the recent past.

The legislation before us today moves to further additional worthwhile reforms, for it establishes improved staffing procedures for the committees of the House, legislative oversight and program analysis assistance for the Congress, improved data processing service to the Congress, procedures for adequate review of important reports and hearings by each Member before he must cast his vote, and many other important reforms.

This bill provides for a free tour of the Capitol Building, available to all citizens when they visit the Nation's Capital.

ON THE RECORD

Important reforms have been adopted on the floor of the House in the nature of amendments to the bill. The most important reform, which I sincerely hope will survive to enactment, provides for record votes to be taken on all important floor amendments to bills.

The system of teller votes, which amounts to secret voting on important amendments, is a practice which has endured throughout the history of the House of Representatives. Yesterday, by voice vote, this body committed itself to going on record when as many as 20 Members so demand.

Currently, no amendment defeated in the Committee of the Whole House on the State of the Union can be put to a record vote later in the House. Members may vote anonymously to kill amendments they might feel politically compelled to vote for if on the record.

Last year, the House took 73 nonrecord votes by teller. Such items as funds for the ABM, funds for the SST, and the question of continued American

troop presence in Cambodia were dispatched by nonrecord vote. The citizens deserve to know how their Representatives vote on such crucial issues; therefore, I believe the House has acted in the public interest by approving the discontinuance of nonrecord teller votes, except on wholly noncontroversial questions.

MEASURES TO RESTORE PUBLIC CONFIDENCE

Mr. Speaker, this legislation represents a dramatic, yet cautious attempt to facilitate professional competence on Capitol Hill, and promote professionalism in the discharge of the public duty. Further, this bill, through its modest initiatives, sets a course for the Congress which will lead to bolder initiatives, and ultimately to a restoration of public confidence in the Congress as a vital institution.

We have been told that these times are an era of decline for parliamentary democracy. Instant communications, the demands of society, the imponderable measure of sufficiency and proper employment of the forces of national defense, and the seemingly unlimited capacity of technology to achieve long-cherished goals in science and commerce, have all led to increased dependence on the executive branch of the Government for direction in human affairs. Congress, in contrast, has been viewed as cumbersome and inefficient.

CONGRESS IS COEQUAL YET UNEQUAL

The executive must never be permitted to retreat from the challenges of the times—everyone would agree to that. But the Congress, by the same token, should not be permitted to fail in its constitutional responsibility as a coequal branch of the Government of the United States. By failing to provide itself with the means to maintain the historic balance as an independent, coequal partner, the Congress has in effect fallen short of its constitutional duty.

This failure is exemplified by a review of the most basic congressional prerogative: control of the Nation's fiscal affairs. The White House has at its command the most modern management cost-control techniques, electronic data processing, and a host of other tools to aid in preparing the budget. The Congress, in whom is vested the responsibility of appropriation for the public welfare, has no comparable machinery for review of that same budget.

We all know, Mr. Speaker, as a practical matter, that the Federal budget is sufficiently complex to frustrate any individual Member's systematic analysis. Members of Congress can only grasp at straws in their review of Presidential requests for funds.

Corporate executives could not manage modern business without fully competent personnel for assistance and advice, nor could they manage private enterprise without the aid of management technology.

Coequal, yet unarmed, the Congress enters the contest each year at hopeless disadvantage. The President, his advisers, and the vast machinery of the executive branch represent our competitors in determining the proper level and direction of Federal expenditure. Without staff or equipment to advise realistic alternatives, and without the capacity to exercise fine-tuned management control, the Congress can only react with quill-and-ledger crudeness to the electronic data sophistication of the executive advocates.

If it has not been in the national interest for the Federal budget to have increased 500 percent in the past 25 years—and I do not think that it has been—the Congress must bear the constitutional responsibility for the increase. That the Executive has advanced these requests with persuasiveness is irrelevant. The simple fact is that the Congress has been incapable of responding to the requests of the Executive with well-developed, constructive, convincing arguments in the alternative.

Congress must bear full responsibility, as the Founding Fathers intended, for review and control of the spending policies of the Federal Government. But the dominant influence of congressional opinion on the fiscal policies of the Nation has diminished because Congress has neglected to equip its Members with the proper administrative weapons for their tasks.

Mr. Speaker, the Legislative Reorganization Act of 1970 will provide the management tools Members must have to do the job.

CONGRESSIONAL VITALITY MUST REFLECT NATIONAL VITALITY

No doubt those Founding Fathers of imaginative mind and boundless spirit, such as Jefferson, Washington, and Franklin, who were scientists and engineers as well as statesmen, could foresee the possibility—at least—of the modern technological explosion. The vast western expanse of the land, the restless imagination and industry of the people, and the evident national desire to create an empire on the North American Continent, could never be expected to become stagnant.

One crucial institution adopted at the Constitutional Convention was the Congress. That body was to reflect the habits and ambitions of the people, and provide a national atmosphere of energy and commitment to just causes for all time. It was further to provide a check upon the executive branch, through elected representatives of the people. The Founding Fathers of this Nation no doubt believed that the people would never be disappointed in the Congress as an institution, for the Congress was made continuously responsible to the people.

Today, we cannot permit ourselves to frustrate that historic purpose through failure to adopt reforms which will facilitate the reestablishment of our proper congressional role.

Mr. Speaker, the essence of congressional responsibility is fiscal control. Today, we cannot adequately perform that task, and that is the most compelling case for adoption of the Legislative Reorganization Act of 1970.

CONGRESSIONAL REFORM CAN INSPIRE THE NATION

Many young men and women in this Nation and abroad are disillusioned. They feel the institutions upon which society is based cannot provide a forum for the debate of their most heartfelt views.

Perhaps if Congress were to initiate substantive reform, and thus demonstrate that institutions can perfect themselves from within, the lesson would not be lost upon the community at large. With evolution, not revolution, lies our best hope for meeting the challenges ahead.

Those that truly love their country, and its cherished system of government, will surely applaud efforts to perfect that system. Static government stagnates, and the restless energy of the people will not long tolerate such inaction. These are pressing problems to be resolved.

THE AMERICAN COMMITMENT IN SOUTHEAST ASIA

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to call the attention of my colleagues in the House to a series of five television programs dealing with the American commitment to Southeast Asia, to be aired over channel 14 in Washington from 8 to 9 p.m. on Tuesdays beginning August 4. I think Members of the House would find viewing of these programs worthwhile. Charles A. Moser of the Department of Slavic Languages, George Washington University, is the series coordinator. The complete schedule for the series is as follows:

August 4: "Southeast Asia in Constitutional and International Law." Robert H. Bork (Yale Law School), John Norton Moore (University of Virginia Law School).

August 11: "The Issues in Vietnam." Dolf Droge (AID, detailed to National Security Council).

August 18: "Dissent and the Vietnam War." Morton Kaplan (University of Chicago).

August 25: "Cliches of the Southeast Asian Debate." Charles Stephens (American Youth for a Just Peace).

September 1: "Prospects for the Future in Southeast Asia." Frank Johnson (American Security Council).

PARTNERSHIP CORPORATION ON PENNSYLVANIA AVENUE—A BILL TO CREATE THE FEDERAL CITY BICENTENNIAL DEVELOPMENT CORPORATION

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, joined by the distinguished chairman of the House Interior and Insular Affairs Committee, the Honorable WAYNE N. ASPINALL, I am introducing today a bill to establish the Federal City Bicentennial Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, and to further the purposes for which the Pennsylvania Avenue National Historic Site was designated.

It is no secret, Mr. Speaker, that I have

been downright cold to the idea of creating another group, commission, organization, or amalgamation to have anything to do with Pennsylvania Avenue in the District of Columbia. I have been critical—some would say that is a mild term—of the activities of the President's Council on Pennsylvania Avenue, appointed by President Kennedy, and the Temporary Commission on Pennsylvania Avenue, appointed by President Johnson.

The record will show that my opposition to the activities of those two amalgamations was predicated mainly on their "tear it down and hang history" attitude toward the national historic sites lying within the boundaries of the proposed national square. My opposition was also based on the heretofore total disregard for the economics of development within the Federal City and the assumption that private investment capital would freely flow on the basis of a prettily packaged group of models, plans, studies, and press releases. Investment decisions are not made of such stuff in the private arena and as a consequence, the area under consideration has steadily deteriorated.

The bill which Chairman ASPINALL and I are introducing today seeks to make a partnership of the planning and development of the area. The new public/private corporation will cover the spectrum of opinion and experience in the Federal and District governments and in the private investment community. The Corporation would seek to develop the area from the viewpoint of need and practicality.

Plans and development for the revitalization of the Pennsylvania Avenue area which takes into account the needs of the Federal Government, the Federal City, the citizens of the immediate area and the Nation, and which, at the same time, works from a basis of economic reality, is necessary if Washington, D.C., is to achieve the realization of a 200-year-old dream in time for the celebration of the bicentennial in 1976.

Chairman ASPINALL and I believe that the means to such development is embodied in the language of our bill to create the Federal City Bicentennial Development Corporation and we urge its adoption. We are confident that, after public hearings and public discussion, the new partnership Corporation can lead the way to the realization of L'Enfant's dream for the Nation's No. 1 city.

A copy of the bill follows:

H.R. 18677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal City Bicentennial Development Corporation Act of 1970."

SEC. 2. The Congress finds and declares—

(a) That the bicentennial of the founding of this country as an independent Nation provides a fitting occasion for undertaking to restore the area adjacent to Pennsylvania Avenue between the Capitol and the White House to a condition befitting the most historic and significant area of the Capital City;

(b) That it is in the national interest that this area, most of which was designated on September 30, 1965, a National Historic Site under the Historic Sites Act of August 21, 1935 (16 U.S.C. 461 et seq.), be developed, maintained and used in a manner suitable to its ceremonial, physical and historic relationship to the Legislative and Executive branches of the Federal Government and to the governmental buildings, monuments, memorials and parks in or adjacent to the area;

(c) That a portion of the area adjacent to Pennsylvania Avenue between the Capitol and the White House, because of its blighted character, imposes severe public, economic and social liabilities upon the District of Columbia as the seat of the Government of the United States, thereby impeding its sound growth and development and constituting a serious and growing threat to the public health, safety, morals and welfare of its inhabitants;

(d) That to insure suitable development, maintenance and use of the area and the elimination of blight, it is essential that there be developed and carried out as an entirety plans for this area which will specify the uses, both public and private, to which property is to be put, the programming and financing of necessary acquisitions, construction, reconstruction and other activities;

(e) That the recommendations of the President's Council on Pennsylvania Avenue as developed by its successor, the President's Temporary Commission on Pennsylvania Avenue, having been approved in principle by the National Capital Planning Commission, the Commission of Fine Arts and other interested departments and agencies, shall be seriously considered as a guide for such development plans;

(f) That such development plans can best be developed and carried out by vesting the requisite powers, duties and responsibilities in a Federal corporation which can take maximum advantage of the private as well as the public resources which will be necessary;

(g) That the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest; and

(h) That the area thus to be developed, maintained and used in accordance with the provisions of this Act (hereinafter referred to as the Development Area) shall be the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fifteenth Street and E Street Northwest, thence proceeding easterly along the southerly side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

Thence southeasterly along the southerly side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Sixth Street Northwest;

Thence northerly along the east side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

Thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

Thence northerly along the east side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

Thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

Thence southerly along the west side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

Thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

Thence northerly along the east side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

Thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

Thence southerly along the west side of Fifteenth Street to the point of beginning being the southwest corner of the intersection of Fifteenth Street and E Street Northwest.

SEC. 3. (a) There is hereby created a body corporate to be known as the Federal City Bicentennial Development Corporation (hereinafter referred to as the "Corporation").

(b) The Corporation shall be dissolved upon completion, as determined by the Board of Directors, of its implementation of the development plan provided for in section 5 of this Act. Upon dissolution, assets remaining after all the obligations and indebtedness of the Corporation have been fulfilled and paid or satisfied shall be the assets of the United States.

(c) The powers and management of the Corporation shall be vested in a Board of Directors consisting of 21 members, as follows:

(1) The Secretary of the Interior;

(2) The Secretary of the Treasury;

(3) The Secretary of Housing and Urban Development;

(4) The Secretary of Transportation;

(5) The Chairman of the Senate Interior and Insular Affairs Committee;

(6) The ranking minority member of the Senate Interior and Insular Affairs Committee;

(7) The Chairman of the House Interior and Insular Affairs Committee;

(8) The ranking minority member of the House Interior and Insular Affairs Committee;

(9) The Administrator of General Services;

(10) The Commissioner of the District of Columbia;

(11) The Chairman, District of Columbia Council; and

(12) Ten appointed by the President from private life, at least five of whom shall be residents and registered voters of the District of Columbia, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government: *Provided, however,* That none shall be or have been members or employees of the President's Council on Pennsylvania Avenue or its successor, the President's Temporary Commission on Pennsylvania Avenue.

(d) Each member of the Board of Directors specified in paragraphs (1) through (11) of subsection (c) may designate another official to serve on the Board in his stead if unable to serve in person.

(e) Each member of the Board of Directors appointed under paragraph (12) of subsection (c) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the directors first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, three at the end of four years, and five at the end of six years. A director may continue to serve until his successor has qualified.

(f) The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors, chosen from private life.

(g) The Chairman, upon his appointment, shall invite to serve on the Board of Directors as non-voting members the following:

(1) The Chairman of the Commission of Fine Arts;

(2) The Chairman of the National Capital Planning Commission;

(3) The Secretary of the Smithsonian Institution;

(4) The Director of the National Gallery of Art;

(5) The Architect of the Capitol;

(6) The Archivist of the United States;

(7) The Chairman of the District of Columbia Commission on the Arts; and

(8) The Chairman of the District of Columbia Redevelopment Land Agency.

(h) Members of the Board of Directors who are officers or employees of the Federal or District of Columbia Government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for GS–18 of the General Schedule, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)-(d) and 5707) for persons in the Government service employed intermittently.

(i) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the voting members of the Board of Directors (or their designated alternates) shall constitute a quorum.

SEC. 4. (a) The Board of Directors shall have the power to appoint and fix the compensation and duties of an Executive Director and such other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the Executive Director and two other officers of the Corporation may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 of subchapter 53 of title 5 of the United States Code.

(b) Administrative services shall be provided by the General Services Administration on a reimbursable basis.

SEC. 5. (a) The development plan for the Development Area shall include, but not be limited to: (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces and other improvements; (3) an estimate of the current values of all properties to be acquired; (4) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 8 of this Act; (5) an estimate of the cost of land preparation for all properties to be acquired; (6) an estimate of the re-use values of the properties to be acquired; (7) a program for the staging of proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (8) a determination of the marketability of such development; (9) an estimate of the development costs, both public and private; (10) a thorough study of the economic impact of such development; and (11) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the development plan.

(b) The development plan provided for in subsection (a) shall be prepared with the cooperation of the Department of the Interior, the General Services Administration and the District of Columbia Government with the maximum feasible use of their staffs and other resources on a reimbursable basis by the Corporation.

(c) The development plan shall, to the extent practicable, conform to the comprehensive plan for the National Capital proposed pursuant to the National Capital Planning Act of 1952.

(d) After the development plan has been completed and approved by the Board of Directors of the Corporation, the plan shall be transmitted to the Secretary of the Interior, the National Capital Planning Commission and the District of Columbia Government. The Secretary of the Interior shall notify the Coporation of his approval, disapproval, or recommended modifications from the standpoint of the plan's compatibility with his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site. Both the National Capital Planning Commission and the District of Columbia Government shall hold public hearings on the plan and each shall notify the Corporation of its approval, disapproval, or recommended modifications: *Provided*, That, in the event that the Secretary of the Interior, the National Capital Planning Commission or the District of Columbia Government has not notified the Corporation of approval, disapproval, or recommended modifications of the plan within 60 days after the date of transmittal, he or it as the case may be shall be deemed to have approved the plan.

(e) Upon approval by the Secretary of the Interior, the National Capital Planning Commission and the District of Columbia Government, the Corporation shall transmit the development plan to the President of the Senate and the Speaker of the House of Representatives. Following the expiration of 60 days after the date of such transmittal, the Corporation may proceed with the execution and implementation of the plan as authorized by the other provisions of this Act.

(f) Activities under the development plan shall be carried out in accordance with the approved development plan. The Corporation may alter, revise or amend the plan, but any such alteration, revision, or amendment which is a substantial change from the approved development plan shall take effect only upon compliance with the procedures set forth in subsections (d) and (e) of this section.

(g) To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, including the Department of the Interior, General Services Administration, the National Capital Planning Commission, the District of Columbia Government, and the District of Columbia Redevelopment Land Agency.

SEC. 6. In carrying out its powers and duties, the Corporation shall have all necessary and proper powers for the exercise of the authorities vested in it;

(1) shall have succession in its corporate name;

(2) may adopt and use a corporate seal which shall be judicially noticed;

(3) may sue and be sued in its corporate name. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(4) may adopt, amend, and repeal by-laws, rules and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(5) may acquire (by purchase, lease, exchange (within the development area), gift, condemnation (except personal property) or otherwise), hold, maintain, use and operate, and may sell, lease or otherwise dispose of, such real and personal property and any interest therein as the Corporation deems necessary for the carrying out of the development plan; and may lease, repurchase or otherwise acquire and hold any property which the Corporation has theretofore sold, leased or otherwise conveyed, transferred or disposed of: *Provided*, That prior to acquiring any property there shall be a finding of assurance of adequate replacement housing consonant with the requirements of section 105(c) of the Housing Act of 1949, as amended, 42 U.S.C. 1455(c)(1);

(6) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the Development Area) as may be deemed necessary or appropriate to the conduct of activities authorized under this Act;

(7) may establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, and protection of the Development Area in accordance with the development plan;

(8) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation acts. The Corporation's borrowings shall have maturities agreed upon by the Corporation and the Secretary of the Treasury but not in excess of 40 years. Such borrowings may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated in such obligations. Borrowings shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall expire June 30, 1980, except that obligations may be issued at any time after the expiration of said period to provide funds necessary for the performance of any contract entered into by the Corporation, prior to the expiration of said period. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchases of the Corporation's obligations under this paragraph;

(9) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, with the approval of the Secretary of the Treasury, in obligations of the United States Government, or obligations the principal and interest of which are guaranteed by the United States Government: *Provided*, That this authority shall not extend to moneys obtained by borrowing from the Government or through appropriations to the Corporation;

(10) may procure insurance against any loss in connection with its property and other assets and operations;

(11) may contract for and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or any agency or instru-

mentality thereof, or from any source, and comply, subject to the provisions of this Act, with the terms and conditions thereof;

(12) may determine the character and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed and paid, subject to provisions and laws specifically applicable to wholly-owned Government corporations;

(13) may prepare or cause to be prepared plans, specifications, designs and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration or repair of any project, and from time to time to modify such plans, specifications, designs or estimates;

(14) may acquire, construct, reconstruct, rehabilitate, improve, alter or repair or provide for the construction, reconstruction, improvement, alteration or repair of any project;

(15) may grant options to purchase any project or may renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

(16) may manage any project, owned or leased by the Corporation and may enter into agreements with the District of Columbia Government or any agency or instrumentality thereof, or with any person, firm, partnership or corporation, either public or private, for the purpose of causing any such project to be managed;

(17) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

(18) shall publish and disseminate information and make known to potential users, by advertisement, solicitation or other means, the availability for development of lands in the Development Area;

(19) may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to members of the Board or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation; and

(20) shall be entitled to the use of the United States mails in the same manner as the Executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased or bankrupt debtors.

SEC. 7. (a) Nothing in this Act shall preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the Development Area consistent with the development plan or the provisions and purposes of this Act; but no such agency or instrumentality shall release, modify, or depart from any feature or detail of the development plan without the prior approval of the Corporation.

(b) After the date of the enactment of this Act, no new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of existing buildings, but not including ordinary mantenance or remodeling or changes necessary to continue occupancy) shall be authorized or conducted within the Development Area except upon prior certification by the Corporation that the construction is, or may reasonably be expected to be, consistent with the carrying out of the development plan for the area: *Provided*, That if the development plan for the area does not become effective under the provisions of section 5 within sixteen months of the date of enactment of this Act, this subsection shall be of no further force and effect until such time as the development plan does become effective under that section.

SEC. 8. (a) Condemnation proceedings for the acquisition of any real property (including interests therein) which may be necessary or appropriate for the carrying out of the development plan shall be conducted in accordance with the procedural provisions of 16 D.C. Code, Chapter 13, Subchapter IV.

(b) The title to any real property (or interest therein) acquired under the authority of this Act shall be taken by and in the name of the Corporation and proceedings for condemnation or other acquisition of property shall be brought by and in the name of the Corporation.

(c) No award of compensation shall be increased or decreased by reason of any increase or decrease in the value of real property caused by the actual or proposed acquisition, use or disposition by the Corporation of any other real property for corporate purposes.

(d) The District of Columbia Redevelopment Land Agency shall, at the request of the Corporation, develop or cause to be developed a relocation program or programs for existing businesses and residents within any area to be acquired pursuant to this section, and no property shall be acquired by the Corporation until such plan has been prepared by the Corporation or by the District of Columbia Redevelopment Land Agency at the Corporation's request. Thereafter the District of Columbia Redevelopment Land Agency shall, at the expense of the Corporation, provide relocation payments in accordance with section 114 of the Housing Act of 1949, as amended, 40 U.S.C. 1465, and provide relocation services as authorized by the Act of October 6, 1964, 5 D.C. Code 728, to individuals, families, business concerns and non-profit organizations which may be or have been displaced from real property by actions of the United States or of the District of Columbia. Relocation services performed on behalf of the Corporation shall be coordinated with the District of Columbia's central relocation programs.

SEC. 9. (a) In effectuating the purposes of this Act, the Corporation:

(1) shall consult and cooperate with District of Columbia officials and community leaders at the earliest practicable time;

(2) shall give primary consideration to local needs and desires and to local and regional goals and policies as expressed in urban renewal, community renewal and comprehensive land use plans and regional plans; and

(3) shall foster local initiative and participation in connection with the planning and development of its projects.

(b) The Corporation shall comply with all District of Columbia laws, ordinances, codes, and regulations in constructing, reconstructing, rehabilitating, altering and improving any project: *Provided*, That the provisions of 5 D.C. Code 428 shall apply to all the constructing, reconstructing, rehabilitating, altering and improving of all buildings by the Corporation. The construction, reconstruction, rehabilitation, alteration and improvement of any project by non-Government sources shall be subject to the provisions of the District of Columbia Code and zoning regulations.

SEC. 10. (a) Since the exercise of the powers granted by this Act will be in all respects for the benefit of the people, the Corporation is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the United States and of the District of Columbia.

(b) To the end that the District of Columbia may not suffer undue loss of tax revenue by reason of the provisions of subsection (a), the Corporation, in connection with any real property acquired and owned by the Corporation in carrying out the provisions of this Act, is authorized, empowered and directed to pay an annual amount to the District of Columbia Government equal to the amount of any real property tax which would have been payable to the District of Columbia government had such real property remained in private ownership.

SEC. 11. The Corporation shall transmit to the President and the Congress, annually each January and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

SEC. 12. (a) The Corporation shall contribute to the civil service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission for the excess, if any, of the Government's share of the normal cost of the civil service retirement system applicable to the Corporation's employees and their beneficiaries over the agency contributions required by section 8334(a) (1) of title 5, United States Code.

(b) The Corporation shall include in the annual billings provided for under subsection (a) above, a statement of the fair portion of the cost of the administration of the fund, which shall be paid by the Corporation into the Treasury as miscellaneous receipts.

SEC. 13. The Corporation is authorized to use in the conduct of its business all its funds and other assets and all funds and other assets which have been or may hereafter be transferred to, allocated to, borrowed by, or otherwise acquired by it.

SEC. 14. (a) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to the moneys and property of the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) Any person who with intent to defraud the Corporation (1) receives any compensation, rebate, or reward, or (2) enters into any conspiracy, collusion, or agreement, express or implied, shall, on conviction thereof, be fined not more than $5,000 or imprisoned not more than five years, or both.

SEC. 15. Section 101 of the Government Corporation Control Act is amended by inserting "Federal City Bicentennial Development Corporation," after "Farmers Home Corporation;".

SEC. 16. If any provision of this Act or the application thereof to any body, agency, situation, or circumstances is held invalid, the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

SEC. 17. There are hereby authorized to be appropriated such funds as may be required to carry out the purposes of this Act.

THE IMPORTANCE OF THE PETROLEUM INDUSTRY

(Mr. BURLESON of Texas asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, the petroleum industry is our country's principal source of energy. It is

no exaggeration to say that without it, our commerce and industry would come to a grinding and abrupt halt. In spite of this, our petroleum industry has become the object of mounting criticism, some of it constructive, but most of it accusatory.

On Sunday, July 26, the New York Times published a story which is remarkable both for its information and its evenhandedness. I am inserting it in the RECORD and commending it to the attention of my colleagues.

U.S. OIL INDUSTRY REGRETS IT WAS RIGHT

(By William D. Smith)

If an industry could have a facial expression, the United States oil industry would be wearing a bittersweet smile.

The smile would be a result of having seen recent events prove some of its serious forecasts and urgent warnings correct.

The pleasure, however, is mitigated by the pain that the industry is nonetheless suffering from having seen its predictions come true.

Throughout the long and heated political controversy over oil imports, the industry has maintained that foreign sources of petroleum were relatively undependable and that their lower-than-domestic price levels could be quite ephemeral. For this thesis oilmen were raked over the political coals. The price of Middle East crude oil is now at least 75 cents a barrel more than domestic.

For more than a decade oil and gas producers have warned that Federally set "low" natural gas prices would dampen the incentive to look for gas and thus produce a future shortage. Again this was treated as a totally self-serving ploy.—"There is a shortage of natural gas today," Secretary of the Interior Walter Hickel reportedly explained.

John Emerson, energy economist of the Chase Manhattan Bank recently went even further. "Never before in this century have we faced such serious and widespread shortages of energy. These shortages are upon us now."

The industry warned that rushing into low-sulphur, anti-pollution legislation and regulations might produce supply problems.—There appears a very good chance that there will be a shortage of low-sulphur residual fuel oil this winter, forcing cities and corporations to choose between lack of heat and power and the present practicality of recent anti-pollution laws.

Being correct, at least on the surface level, gives the industry no reason to gloat. In each instance it is costing the oil companies money. If they pass on the cost, as they probably will have to, it cuts into what little affection the public has left for the industry.

"No one will remember that Senator Kennedy or Senator Muskie and other so-called consumer representatives have advocated policies that have often ultimately resulted in higher costs. They will only blame us for rising the price of gasoline or heating oil," a vice president and counsel for a major company commented last week.

The executive's statement is probably too one-sided. The present situations are the result of many complex forces; some alterable, some not.

Nonetheless, some politicians and academicians, past and present, may have been guilty of thinking that a big desk and pet theories were a substitute for the hard facts of industrial life.

There is a very good chance that by fall the American consumer may be paying more for gasoline, natural gas and residual fuel. This means that the cost of running his car, his home and his factory will cost more.

These major impacts on the battle with inflation have not gone unnoticed in Washington although it appears that no major constructive actions have as yet occurred.

The leap in the price of overseas crude oil is a result of soaring tanker costs. Few analysts expect these costs to go down in the very near future.

But if tankers are the central reason, the Arab-Israeli war is the underlying cause.

On May 3 in Syria, the Trans Arabian Pipeline was knocked out of commission by an errant or deliberately aggressive bulldozer. The Syrian Government has not allowed its repair, preventing 500,000 barrels a day of Saudi Arabian crude from reaching the Mediterranean.

At the other end of the Mediterranean the Libyan Government cut back oil production by 15 per cent, or 500,000 barrels a day.

The loss of almost 1 million barrels a day of oil west of Suez and close to world markets has strained tanker capacity. Replacement of this oil with oil from the Persian Gulf around South Africa takes six to eight times the tanker capacity.

CHARTER RATES RISE

Spot charter rates have risen to their highest level since the 1956 Suez crisis and are more than 50 per cent higher than during the 1967 Arab-Israeli war.

Persian Gulf oil is now coming into the United States at about $4.50 a barrel compared with Louisiana crude delivered to East Coast refineries at $3.75.

There is no chance of a shortage, however, because Texas and Louisiana will increase their production to meet the need. There is a very real chance of consumer price increases.

The Oil and Gas Journal, a trade publication, reports that Professors Philip Areeda and James McKie, two of the chief advocates of sharply increased oil imports, have now backed off considerably from that position.

F.P.C. REGULATION UPHELD

The natural gas supply and demand controversy is a far older argument. In 1954 the Supreme Court ruled that natural-gas producers were subject to Power Commission. In 1960 the regulatory agency began fixing wellhead prices for all gas sold interstate. The Supreme Court upheld this right again in 1965 despite vigorous crys of outrage from producers who said it would kill incentive to drill.

Time has proven the oilmen right. Wildcat drilling dropped 40 per cent between 1956 and 1968. Geophysical activity fell 56 percent.

Some of the drop off may have been artificial; just to show the Government. Nonetheless the results are uncontestable. In 1969 the United States proved reserves of natural gas fell 12.241 trillion cubic feet, the largest in the nation's history.

The previous record drop was in 1968, when they fell 5.548 trillion cubic feet. These are the only declines in the history of the industry.

POSITIONS CHANGED

The F.P.C. is now trying to rectify the situation by raising prices. Some of the people who supported the lower prices several years ago are now in the forefront of those pushing higher prices.

The Interior Department is trying to speed up lease sales of suspected gas fields, but is running into opposition from Conservationists. But even if this opposition is overcome, it will take from three to seven years for these areas to begin producing.

In the meantime Canadian sources of gas can be tapped although Canadian-American relations on energy matters are at an all-time low. Liquefied natural gas quite possibly will reach this country from Algeria, Nigeria or Venezuela. Contracts have already been signed to import Algerian L.N.G., but the Algerian Government's recent nationalization of American oil company properties puts this source of L.N.G. in a very questionable position.

SUPPLY OUTLOOK TIGHT

The supply outlook for this winter is tight. Industry sources say that there will be enough to heat homes, but that the industrial market which accounts for about 50 per cent of total sales, may be in bad shape. Many distributors already have been forced to impose severe limitations on new industrial loads, and there is a real possibility that deliveries to existing customers may have to be curtailed, according to J. W. Heiney, president of the American Gas Association.

It would seem almost certain that consumer prices will have to go up, and possibly sharply.

The crude oil reserve situation is not much better, according to the American Petroleum Institute. Last year crude oil reserves dropped to 29.632 billion barrels, the lowest level in 15 years.

The A.P.I. explained the situation simply by saying that lack of incentives had led to a long and steady decline in exploratory drilling during a period of mushrooming production and consumption.

The oil industry in recent weeks seems to have won a lot of points, but through no fault of its own, it well may be losing the game.

WHO CARES WHAT PRICE I PAY?

(Mr. BURLESON of Texas asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BURLESON of Texas. Mr. Speaker, the following is a poem by a 20-year-old Vietnam veteran who lost his life in battle a few weeks ago:

WHO CARES WHAT PRICE I PAY?

Take a man and put him alone,
Thousands of miles away from home.
Empty his heart of all the blood,
Make him live in sweat and mud.

This is all the life I have to live,
My soul to God I give.
You peace boys rant from your easy chair
But you don't know what it's like here.

You burn your draft cards, march at dawn,
Chant your songs on campus lawns.
You all want to **"Ban the Bomb."**
The real war is in Viet Nam.

You use your drugs and have your fun;
Then you refuse to use the gun.
There's nothing else for you to do,
And I'm supposed to die for you.

I'll hate you 'til the day I die,
Because you made my buddy cry.
I saw his arm a bloody shred,
I heard them say, "This one is dead."

It's a large price to pay,
Not to live another day.
He had the guts to fight and die,
He paid the price, but what did he buy?

He bought your life by losing his,
But who gives a damn what a soldier gives.
His wife does, his mother, his father, and sons,
But they're about the only ones.

Victor DeFoor somewhat addresses his sentiments to all of us in some degree or other. Unlike other wars in which our country has been involved, this one is different in that it is undeclared; had no beginning in any formal way; has no ending in sight—in any formal way. Most of all its purpose, its goals, and objectives are vague and not clearly identifiable.

Specifically, however, Victor DeFoor addressed the draft dodgers, the draft

card burners, the rabble rousers—who use the Vietnam war as an excuse—who would be protesting something else if it were not for the war.

It is sad that a clean-cut, loyal, and dedicated boy like Victor had to give his life for such as this—and things move on as usual. Of course the world is going to continue to turn, and its not going to slow down for any of us to get off but only the comparative few who are touched so directly by a tragedy which befell this boy really seem to know that a war is going on in Southeast Asia—and for what; for whom and for why, is past the argument stage.

It is understandable that Victor, those who grieve for his loss; those whose sons, husbands, brothers—are prisoners of the enemy—feel deeply his words: "Who cares what price I pay?"

"Mene, mene, tekel, upharsin"—the "handwriting on the wall"—should have been clear 5 years ago. We could have won this conflict then—in short order. But then we found out we were not supposed to "win" in that sense. As a result, the loss of Victor and other fine young men—needlessly.

The handwriting is still there; the warning that still others will die unless we win or tuck tail and get out. And what of approximately 1,500 prisoners we cannot abandon? We do—we must—care what price they pay.

ANOTHER TREASURY RAID?

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there follows a revealing column in the July 28, 1970, Washington News, written by John Herling:

ETHICAL CONFLICT

Joseph P. Rauh, the Washington attorney for the dissident coal miners, has resumed his charges of conflict of interest against Edward Bennett Williams and John Connolly, who have been representing the United Mine Workers Union and its officers.

Last May, Mr. Rauh raised the point in federal court that Messrs. Williams and Connolly were in conflict of interest by serving as representatives of both the United Mine Workers and the officers who are charged with dereliction of duty in connection with UMW affairs.

Because of this alleged conflict, Mr. Rauh told the court, Messrs. Williams and Connolly should be disqualified as attorneys for both the UMW officers and the union itself.

About a week later, Mr. Williams phoned Mr. Rauh and said he would like to discuss the matter of the "motion to disqualify counsel." They met on May 13. At that time Mr. Williams professed unfamiliarity with the various matters affecting the UMW and actually had never talked to Mr. Boyle, but was now going to do so.

To indicate his grasp of the situation, he said he would suggest to Mr. Boyle whose election is being contested by the Labor and Justice departments as well as by the dissident miners that the UMW consent to a new election. All he had to do was to persuade Mr. Boyle.

Because Mr. Williams believed the contested election was the jugular factor in the dispute, he thought a consent election would serve to resolve several of the problems raised in the motion to disqualify him and Mr. Connolly as counsel for both the UMW and the officers charged with misusing the union treasury.

Under such conditions, Mr. Williams implied that it might not be necessary for his firm to respond to Mr. Rauh's motion in court, or to agree to depositions which Mr. Rauh required.

On May 21, Mr. Williams informed Mr. Rauh that he had at last talked to Mr. Boyle. Mr. Williams, however, made no reference to the matters of a consent election.

At any rate, Mr. Williams said it was decided that his firm would remain as counsel for the union but not for the individuals.

Such an arrangement Mr. Rauh would not agree to. In his original motion he had foreseen such an attempt at separation of representation, and warned that Messrs. Williams and Connolly could not do indirectly what they are barred from doing directly. Mr. Rauh insisted that Mr. Connolly start preparing to make his deposition.

On June 9 Mr. Connolly said he would not consent to the taking of a deposition and filed a response in federal court to the original Rauh motion to disqualify him on charges of conflict of interest.

Mr. Rauh then served notice, on July 8, on Mr. Connolly to take deposition on July 30, but Mr. Connally responded by filing a motion to quash the motion for the taking of the deposition.

According to Mr. Rauh, this insistence on a deposition grows out of his need for "discovery", a process of disclosure which he says would prove that Messrs. Williams and Connolly are and will be paid huge sums out of the UMW treasury for legal services for the benefit of the individual defendants. Their representation of the union and its officers, he said, is not separable.

PUT THE BLAME WHERE IT BELONGS

(Mr. SCHERLE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, my Democrat colleagues from California have been wringing their hands over the economic plight of Orange County, Calif. I do not believe their blame shifting should go unchallenged.

We are told 32,000 people are out of work in their county. I wonder if they would tell us who is to blame for the inflation whose cure has brought on unemployment in some areas.

They complain about 800 aerospace workers laid off. I wonder if they would tell us which party is demanding bigger and bigger cuts in defense and space spending.

They tell us of building craftsmen out of work. I wonder if they could tell us whose economic policies during the 1960's is responsible for that.

Mr. Speaker, there is a constant effort by the Democrats to shift the blame for their poor performances onto the Republicans. But there is one fact that all the fancy footwork in the world will not let them escape—they have been in control of the Congress for 36 of the last 40 years and of the White House for 28 of the last 38 years. They have never conquered unemployment without a war. They have put us into three wars in 30 years. And they have brought on the worst inflation in our history.

Let the Democrats defend that record.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. From 1950 to 1968 the total number of technicians, engineers, and scientists in the United States increased from 851,000 to 2,500,000. This was four times the annual growth rate for the entire employed civilian labor force.

CONFERENCE REPORT ON H.R. 17548, INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATIONS, 1971

Mr. EVINS of Tennessee submitted the following conference report and statement on the bill (H.R. 17548) making appropriations for the independent offices and the Department of Housing and Urban Development, 1971:

CONFERENCE REPORT (H. REPT. No. 91-1345)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17548) "making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 10, 11, 15, 23, 26, 28, 29, 40, 43, 44, 47, 48, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 13, 16, 20, 22, 24, 27, 32, 37, 41, 45, and 52, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$47,577,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$340,350,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$133,560,300"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$59,974,800"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,565,000,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amend-

ment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$24,950,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$511,000,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$500,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,000,000"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$293,500,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$50,100,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,350,000,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$43,500,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$55,000,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$8,000,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$14,000,000"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"INTEREST ADJUSTMENT PAYMENTS

"For payments to Federal Home Loan Banks for the purpose of adjusting the effective interest rates charged by such banks, as authorized by section 101 of the Emergency Home Finance Act of 1970, $85,000,000."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$118,775,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 7, 8, 9, 12, 14, 19, 25, 30, 39, and 55.

JOE L. EVINS,
EDWARD P. BOLAND,
GEORGE E. SHIPLEY,
ROBERT N. GIAIMO,
JOHN O. MARSH, Jr.,
DAVID PRYOR,
GEORGE MAHON,
CHARLES R. JONAS
(except as to amendments 17 and 38),
JOSEPH M. McDADE,
Managers on the Part of the House.

JOHN O. PASTORE,
WARREN G. MAGNUSON,
ALLEN J. ELLENDER,
SPESSARD L. HOLLAND,
CLINTON P. ANDERSON,
GORDON ALLOTT
(reservations on No. 44),
MARGARET CHASE SMITH
(except as to No. 44),
ROMAN L. HRUSKA
(reservations on No. 44),
MILTON R. YOUNG
(reservations on No. 44),
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at a conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I—INDEPENDENT OFFICES

Civil Service Commission

Amendment No. 1: Appropriates $47,577,000 for salaries and expenses instead of $45,800,000 as proposed by the House and $47,800,000 as proposed by the Senate.

Federal Communications Commission

Amendment No. 2: Appropriates $24,900,000 for salaries and expenses as proposed by the Senate instead of $24,725,000 as proposed by the House.

Federal Power Commission

Amendment No. 3: Appropriates $18,210,000 for salaries and expenses as proposed by the House instead of $18,350,000 as proposed by the Senate.

General Services Administration

Amendment No. 4: Appropriates $340,350,000 for operating expenses of the Public Buildings Service instead of $335,250,000 as proposed by the House and $344,153,000 as proposed by the Senate.

Amendment No. 5: Appropriates $133,560,300 for construction of public buildings projects instead of $142,024,300 as proposed by the House and $120,672,500 as proposed by the Senate.

Amendment No. 6: Authorizes reprogramming of $59,974,800 for construction of public buildings instead of $48,473,200 as proposed by the House and $70,512,600 as proposed by the Senate.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment reprogramming funds previously appropriated for projects at Honolulu, Hawaii, Indianapolis, Indiana, Albany, New York, and Bronx, New York, for funding of projects approved in the 1971 construction program, instead of reprogramming funds for eight projects as proposed by the House and seven projects as proposed by the Senate.

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to change the citations from 1964, 1967 and 1968 as proposed by the House to 1967, 1968 and 1970 as proposed by the Senate.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate an additional $2,694,000 for the post office and Federal office building, Augusta, Georgia.

Amendment No. 10: Appropriates $1,500,000 for the courthouse and Federal office building, Alton, Illinois, as proposed by the House.

Amendment No. 11: Appropriates an additional $850,000 for the courthouse and Federal office building, Frankfort, Kentucky, as proposed by the House.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate an additional $2,064,000 for the post office and Federal office building, Houma, Louisiana.

Amendment No. 13: Deletes $3,076,000 for the Charles A. Buckley Post Office and Federal office building, Bronx, New York, as proposed by the Senate.

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate an additional $1,355,600 for the post office and Federal office building, Providence, Rhode Island.

Amendment No. 15: Appropriates $1,000,000 for expenses, United States court facilities as proposed by the House instead of $1,463,000 as proposed by the Senate.

Amendment No. 16: Appropriates $1,215,000 for salaries and expenses of the Office of Administrator as proposed by the Senate instead of $1,000,000 as proposed by the House.

National Aeronautics and Space Administration

Amendment No. 17: Appropriates $2,565,000,000 for research and development instead of $2,500,000,000 as proposed by the House and $2,606,100,000 as proposed by the Senate. The Administrator has flexibility to use funds as desired, including the Apollo and Skylab programs.

Amendment No. 18: Appropriates $24,950,000 for construction of facilities instead of $18,275,000 as proposed by the House and $34,478,000 as proposed by the Senate. The Committee of conference has added to the proposed House amount $1,250,000 for the isotope thermoelectric systems application laboratory at the Jet Propulsion Laboratory; $1,925,000 for the earth resources technology laboratory at Goddard; and $3,500,000 for the nuclear engine test stand No. 2 in Nevada.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making $10,000,000 available for use at certain NASA facilities to accommodate earth environmental studies for Federal agencies on a non-reimbursable basis.

The committee of conference is agreed that not less than $1,000,000 of the funds provided for NASA shall be utilized for research, development and testing at the Arnold Engineering Development Center in fiscal year 1971.

National Science Foundation

Amendment No. 20: Authorizes $20,500,000 for expenses of program development and management as proposed by the Senate instead of $19,500,000 as proposed by the House.

Amendment No. 21: Appropriates $511,000,000 for salaries and expenses instead of $495,000,000 as proposed by the House and $520,500,000 as proposed by the Senate.

Amendment No. 22: Inserts provision that earmarks not less than $9,500,000 for first-year graduate traineeships as proposed by the Senate.

Amendment No. 23: Deletes language proposed by the Senate to include other programs of supplementary training within the funds earmarked for summer institutes.

Renegotiation Board

Amendment No. 24: Appropriates $4,235,000 for salaries and expenses as proposed by the Senate instead of $4,110,000 as proposed by the House.

Securities and Exchange Commission

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate to authorize the use of funds to complete the institutional investors study.

Selective Service System

Amendment No. 26: Deletes language proposed by the Senate for official reception and representation expenses.

Veterans Administration

Amendment No. 27: Appropriates $1,857,200,000 for medical care as proposed by the Senate instead of $1,777,200,000 as proposed by the House.

Amendment No. 28: Authorizes $1,000 for official reception and representation expenses as proposed by the House instead of $2,000 as proposed by the Senate.

Amendment No. 29: Appropriates $59,000,000 for construction of hospital and domiciliary facilities as proposed by the House instead of $79,000,000 as proposed by the Senate. The unobligated balance carried forward from fiscal year 1970 is $78,907,000, providing a total of $137,907,000 for hospital construction by the Veterans Administration for 1971.

TITLE II

Council on Environmental Quality and Office of Environmental Quality

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the language proposed by the Senate with an amendment to appropriate $1,000,000 for the Council on Environmental Quality and Office of Environmental Quality instead of $1,500,000 as proposed by the Senate and $650,000 as proposed by the House for the Council on Environmental Quality. The committee of conference suggests that further hearings should be conducted in connection with any request for supplemental appropriations if further funds are required after pending reorganization plans are finalized.

National Aeronautics and Space Council

Amendment No. 31: Appropriates $500,000 for salaries and expenses instead of $400,000 as proposed by the House and $560,000 as proposed by the Senate.

Office of Emergency Preparedness

Amendment No. 32: Appropriates $5,890,000 for salaries and expenses as proposed by the Senate instead of $5,290,000 as proposed by the House.

Amendment No. 33: Appropriates $2,000,000 for salaries and expenses of telecommunications management instead of $1,795,000 as proposed by the House and $3,300,000 as proposed by the Senate.

Office of Science and Technology

Amendment No. 34: Appropriates $2,100,000 for salaries and expenses instead of $2,000,000 as proposed by the House and $2,175,000 as proposed by the Senate.

Appalachian regional development programs

Amendment No. 35: Appropriates $293,500,000 for Appalachian Regional Development Programs instead of $291,500,000 as proposed by the House and $295,500,000 as proposed by the Senate.

Department of Defense

Civil Defense

Amendment No. 36: Appropriates $50,100,000 for operation and maintenance of civil defense instead of $50,000,000 as proposed by the House and $51,000,000 as proposed by the Senate.

Department of Health, Education, and Welfare

Public Health Service

Amendment No. 37: Appropriates $3,755,000 for emergency health activities as proposed by the Senate instead of $3,500,000 as proposed by the House.

TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 38: Appropriates $1,350,000,000 for urban renewal programs instead of $1,000,000,000 as proposed by the House and $1,700,000,000 as proposed by the Senate.

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment to appropriate $10,000,000 for the housing for the elderly or handicapped fund instead of $25,000,000 as proposed by the Senate, and incorporates technical changes in language to conform with existing law.

The committee of conference directs that housing for the elderly or handicapped be given appropriate priority in allocating contract authorization provided pursuant to Sec. 236 of the Housing and Urban Development Act of 1968, so an equitable portion will be utilized for such housing where needed in conjunction with the funds appropriated for this revolving fund.

Amendment No. 40: Deletes funds proposed by the Senate for grants for tenant services. The committee of conference agrees that it is not necessary to provide a separate appropriation for grants for tenant services as adequate authority exists under present statutory authorizations to make provision for these services in low rent public housing projects.

Amendment No. 41: Provides annual contract authorization of $9,300,000 for college housing as proposed by the Senate instead of $7,200,000 as proposed by the House.

Amendment No. 42: Appropriates $43,500,000 for salaries and expenses, renewal and housing assistance, instead of $41,000,000 as proposed by the House and $45,000,000 as proposed by the Senate.

Amendment No. 43: Appropriates $8,000,000 for salaries and expenses, metropolitan development, as proposed by the House instead of $8,700,000 as proposed by the Senate.

Amendment No. 44: Appropriates $30,000,000 for urban research and technology as proposed by the House instead of $55,000,000 as proposed by the Senate.

Amendment No. 45: Authorizes $1,700,000 for administrative expenses for urban research and technology as proposed by the Senate instead of $940,000 as proposed by the House.

Amendment No. 46: Provides annual contract authorization of $55,000,000 for the rent supplement program instead of $50,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

Amendments Nos. 47, 48 and 49: Restore citations as proposed by the House and delete those proposed by the Senate, and appropriate $3,500,000 for salaries and expenses, Federal Housing Administration, as proposed by the House instead of $6,290,000 as proposed by the Senate.

The conferees suggest that any needed counseling services can be provided by voluntary groups and existing community services, but where such services are not provided they may be made available as part of the normal mortgage insurance initiation and servicing activities.

Amendment No. 50: Appropriates $8,000,000 for fair housing and equal opportunity instead of $7,000,000 as proposed by the House and $11,300,000 as proposed by the Senate. No funds are provided for reimbursing local communities under this program.

Amendment No. 51: Appropriates $14,000,000 for regional management and services instead of $13,500,000 as proposed by the House and $14,500,000 as proposed by the Senate.

TITLE IV—CORPORATIONS

Federal Home Loan Bank Board

Amendment No. 52: Provides $6,625,000 for administrative expenses as proposed by the Senate instead of $5,750,000 as proposed by the House.

Amendment No. 53: Appropriates $85,000,000 for interest adjustment payments to Federal Home Loan Banks instead of $250,000,000 as proposed by the Senate. The amount provides funds for the first year of this new program. A request for additional funds can be considered when there is demonstrated need for additional funding and specific plans are developed.

Department of Housing and Urban Development

Amendment No. 54: Provides $118,775,000 for non-administrative expenses of the Federal Housing Administration instead of $112,000,000 as proposed by the House and $125,550,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

Amendment No. 55: Reported in technical disagreement. The managers on the part of House will offer a motion to recede and concur in the Senate amendment relating to procurement of hand or measuring tools not produced in the United States or its possessions, with an amendment making it applicable only to solicitations for bids opened after its enactment. This brings government procurement policy of GSA in line with procedures prescribed for defense procurement of such articles.

JOE L. EVINS,
EDWARD P. BOLAND,
GEORGE E. SHIPLEY,
ROBERT N. GIAIMO,
JOHN O. MARSH, Jr.,
DAVID PRYOR,
GEORGE MAHON,
CHARLES R. JONAS
(except as to amendments 17 and 38),
JOSEPH M. McDADE,
Managers on the Part of the House.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RUPPE) to revise and extend their remarks and include extraneous material:)

Mr. CONTE, for 5 minutes, today.
Mr. HOSMER, for 15 minutes, August 3.
Mr. EDWARDS of Alabama, for 30 minutes, today.
Mr. MORTON, for 5 minutes, today.
Mr. PRICE of Texas, for 15 minutes, today.
(The following Members (at the request of Mr. JONES of Tennessee) to revise and extend their remarks and include extraneous material:)
Mr. WOLFF, for 10 minutes, today.
Mr. FLOOD, for 30 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. FARBSTEIN, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON, to revise and extend his remarks and to include extraneous material.
Mr. BOW (at the request of Mr. MAHON), to revise and extend his remarks and to include extraneous material.
Mr. BURTON of California, to address the House for 1 minute, and to revise and extend his remarks following those of Mr. HAWKINS.
Mr. CLEVELAND, and to include extraneous material immediately following his remarks during debate in the Committee of the Whole today on the Reuss and Schwengel amendments.
Mr. PHILBIN in five instances, and to include extraneous material.
Mr. PEPPER, his remarks that appear in the Committee of the Whole on Monday, July 27, immediately prior to the Committee rising, to appear immediately before the vote on the O'Neill-Gubser amendment on Monday, July 27, in the Committee of the Whole, in the permanent RECORD.
(The following Members (at the request of Mr. RUPPE) and to include extraneous matter:)
Mr. LANGEN.
Mr. JOHNSON of Pennsylvania in two instances.
Mr. DICKINSON in three instances.
Mr. WYMAN in two instances.
Mr. MICHEL.
Mr. DEL CLAWSON.
Mr. MCCLORY.
Mr. SNYDER in two instances.
Mr. NELSEN.
Mr. DAVIS of Wisconsin.
Mr. LUJAN.
Mr. DERWINSKI in two instances.
Mr. SCHMITZ in two instances.
Mr. WYDLER.
Mr. WHALEN.
Mr. DON H. CLAUSEN.
Mr. SCHWENGEL.
(The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous material:)
Mr. WILLIAM D. FORD.
Mr. OBEY in six instances.
Mr. TAYLOR in two instances.
Mr. BOLAND in two instances.
Mr. GONZALEZ.
Mr. RODINO in three instances.
Mr. FUQUA in two instances.
Mr. ROSTENKOWSKI.
Mr. CLAY in six instances.
Mr. HULL.
Mr. MONAGAN in three instances.
Mr. CHARLES H. WILSON.
Mrs. CHISHOLM.
Mr. DORN in two instances.
Mr. O'NEILL of Massachusetts in two instances.
Mr. ROONEY of New York.
Mr. SHIPLEY.
Mr. NEDZI in two instances.
Mr. SIKES in five instances.
Mr. DENT in two instances.
Mr. FASCELL in two instances.
Mr. BOGGS in two instances.
Mr. BENNETT.
Mr. STOKES in two instances.
Mr. ALBERT.
Mrs. HANSEN of Washington.
Mr. BURKE of Massachusetts.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 6 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 29, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2255. Under clause 2 of rule XXIV, a letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report on the use of the parole authority contained in section 212(d)(5) of the Immigration and Nationality Act during the 6 months ending June 30, 1970, and on the implementation of section 203(a)(7) of the act for that period, was taken from the Speaker's table, referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of conference. Conference report on H.R. 15733 (Rept. No. 91–1337). Ordered to be printed.

Mr. PERKINS: Committee of conference. Conference report on S. 1076 (Rept. No. 91–1338). Ordered to be printed.

Mr. CELLER: Committee on the Judiciary. S. 2455. An act to authorize appropriations for the Civil Rights Commission, and for other purposes. (Rept. No. 91–1339). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 13125. A bill to amend section 11 of the act approved February 22, 1889 (25 Stat. 676) as amended by the act of May 7, 1932 (47 Stat. 150), and as amended by the act of April 13, 1948 (62 Stat. 170) relating to the admission to the Union of the States of North Dakota, South Dakota, Montana, and Washington, and for other purposes, with amendments (Rept. No. 91–1340). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 14373. A bill to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va–53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project; with amendments (Rept. No. 91–1342). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANN: Committee on the Judiciary. H.R. 17695. A bill to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under sections 2733, 2734, 2734a, 2734b, or 2737 (Rept. No. 91–1343). Referred to the Committee of the Whole House on the State of the Union.

Mr. DONOHUE: Committee on the Judiciary. H.R. 15937. A bill to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes; with amendments (Rept. No. 91–1344). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Committee of conference. Conference report on H.R. 17548 (Rept. No. 91–1345). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 1508. A bill for the relief of Drago Miklausic; with an amendment (Rept. No. 91–1335). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 3436. A bill for the relief of Matyas Hunyadi; with an amendment (Rept. No. 91–1336). Referred to the Committee of the Whole House.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 14421. A bill to provide for the conveyance of certain property of the United States located in Lawrence County, S. Dak., to John and Ruth Rachetto; with amendments (Rept. No. 91–1341). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (for himself and Mr. ROGERS of Colorado):

H.R 18665. A bill to amend the act of June 11, 1966 (80 Stat. 199) to provide rules and regulations for the protection and management of the lands and waters covered by said act and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASPINALL (for himself, Mr. SAYLOR, Mr. UDALL, Mr. O'HARA, Mr. JOHNSON of California, Mr. ROGERS of Colorado, Mr. SKUBITZ, Mr. RHODES, Mr. FASCELL, Mr. ULLMAN, Mr. KEE, and Mr. MOLLOHAN):

H.R. 18666. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Utah:

H.R. 18667. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

H.R. 18668. A bill to provide for orderly trade in iron and steel mill products; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 18669. A bill to establish a commission to study the usage, customs, and laws

relating to the flag of the United States; to the Committee on the Judiciary.

By Mr. JACOBS:

H.R. 18670. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. LANGEN:

H.R. 18671. A bill to amend section 700 of chapter 33 of title 18 of the United States Code to provide penalties for showing disrespect for the flag of the United States; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H.R. 18672. A bill to amend title 39, United States Code, to establish a procedure by which postal patrons may be relieved of the burden of receiving commercial advertisements transmitted in the mails, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MINISH:

H.R. 18673. A bill to amend chapter 3 of the Foreign Assistance Act of 1961, relating to U.S. contributions to international organization and programs, to provide for a program to control illegal international traffic in narcotics, and for other purposes; to the Committee on Foreign Affairs.

H.R. 18674. A bill to promote and protect the free flow of interstate commerce without unreasonable damage to the environment; to assure that activities which affect interstate commerce will not unreasonably injure environmental rights; to provide a right of action for relief for protection of the environment from unreasonable infringement by activities which affect interstate commerce; and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 18675. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose boxcars owned by the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 18676. A bill to prohibit brokered deposits in banks and other financial institutions, to prohibit the use of so-called giveaways in the solicitation of deposits, and to prohibit lenders from acquiring equity participations in connection with loans, and for other purposes; to the Committee on Banking and Currency.

By Mr. SAYLOR (for himself and Mr. ASPINALL):

H.R. 18677. A bill to establish the Federal City Bicentennial Development Corp., to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which The Pennsylvania Avenue National Historic Site was designated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WATTS:

H.R. 18678. A bill to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements; to the Committee on Ways and Means.

By Mr. HOLIFIELD (for himself, Mr. PRICE of Illinois, and Mr. HOSMER):

H.R. 18679. A bill to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. DADDARIO:

H.R. 18680. A bill to establish a system for the sharing of certain Federal tax revenues with the States; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 18681. A bill to amend section 138 of title 23 of the United States Code to require certification relating to air and water pollution; to the Committee on Public Works.

By Mr. HANNA:

H.R. 18682. A bill to provide protection for the fish resources of the United States including the fresh water and marine fish cultural industries against the introduction and dissemination of diseases of fish and shellfish, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 18683. A bill to amend section 4216 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. PRICE of Texas:

H.R. 18684. A bill to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18, and May 11, 1970; to the Committee on Public Works.

By Mr. ST GERMAIN:

H.R. 18685. A bill to provide Federal assistance for special projects to demonstrate the effectiveness of programs to provide emergency care for heart attack victims by trained persons in specially equipped ambulances; to the Committee on Interstate and Foreign Commerce.

By Mr. WAMPLER (for himself, Mr. MIZELL, Mr. TAYLOR, and Mr. BROYHILL of North Carolina):

H.R. 18686. A bill to authorize the lease and transfer of Burley tobacco acreage allotments; to the Committee on Agriculture.

By Mr. ASHBROOK:

H.J. Res. 1330. Joint resolution to proclaim "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. CLANCY (for himself and Mr. DEVINE):

H.J. Res. 1331. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. ESHLEMAN:

H.J. Res. 1332. Joint resolution establishing good grooming week; to the Committee on the Judiciary.

By Mr. GERALD R. FORD:

H.J. Res. 1333. Joint resolution to authorize the President to designate November 16 through November 22 as "National Good Grooming Week"; to the Committee on the Judiciary.

By Mr. ROBISON (for himself, Mr. ANDERSON of Tennessee, Mr. HAWKINS, and Mr. SMITH of Iowa):

H. Con. Res. 692. Concurrent resolution relating to the treatment and trial of military and political prisoners in Vietnam; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McDONALD of Michigan:

H.R. 18687. A bill for the relief of Henry L. Trombley; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 18688. A bill for the relief of Yohko Suzuki Reifenberg; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

432. The SPEAKER presented a memorial of the Legislature of the State of California, relative to housing, which was referred to the Committee on Banking and Currency.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

558. By the SPEAKER: Petition of the Village Assembly, Ie, Okinawa, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

559. Also, petition of the Village Assembly, Kamimotobu, Okinawa, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

560. Also, petition of the Village Assembly, Ozato, Okinawa, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

561. Also, petition of Herbert F. Shaysning et al., Bronx, N.Y., relative to the regulation of pornographic movies; to the Committee on Interstate and Foreign Commerce.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the first calendar quarter 1970:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_____

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

A. John J. Adams, Suite 320, 1819 H Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.

A. Frederick K. Alderson, 40 Ft. Williams Parkway, Alexandria, Va.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.

A. Mr. George Alderson, 323 Maryland Avenue NE., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. All-Industry Committee for Radio All-Channel Legislation, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C.

A. American Conservative Union, 328 Pennsylvania Avenue SE., Washington, D.C.

A. American Education Lobby, Suite 650, 20 E. Street NW., Washington, D.C.

A. American Lobby, Suite 250, 20 E Street NW., Washington, D.C.

A. American Surveys, 2000 P Street NW., Washington, D.C.
B. National Customs Brokers & Forwarders Association of America, Inc., 80 Wall Street, New York City, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. State Farm Mutual Insurance Co., 112 East Washington Street, Bloomington, Ill.

A. Australian Trade Council, Inc., 1030 15th St. NW., Washington, D.C.

A. Gary Avery, 821 15th Street NW., Washington, D.C.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.

A. Charles W. Bailey, 1900 L Street NW., Washington, D.C.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Aveune NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottleib, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Donald S. Beattie, 400 First Street NW., Washington, D.C.
B. Congress of Railway Unions, 400 First Street NW., Washington, D.C.

A. Edward Berlin, 1910 N Street NW., Washington, D.C.
B. Berlin, Roisman & Kessler, 1910 N Street NW., Washington, D.C.

A. Robert L. Bevan, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

A. Robert J. Bird, 918 16th Street NW., Washington, D.C.
B. Transamerica Corp., Occidental Center, Los Angeles, Calif.

A. E. Fontaine Broun, Man-Made Fiber Producers Association, Inc., 1000 Connecticut Avenue, Washington, D.C.
B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.
B. Cominco American Inc., West 818 Riverside, Spokane, Wash.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.
B. Montana Power Co., 40 East Broadway, Butte, Mont.

A. Jerry Bruno, 1725 Eye Street NW., Washington, D.C.
B. Citizens Committee for Postal Reform, Inc., 1725 Eye Street NW., Washington, D.C.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.

A. James B. Cash, Jr., 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.

A. Central Ohio Co., Porter, Stanley, Treffinger & Platt, 37 West Broad Street, Columbus, Ohio.

A. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.

A. William C. Chapman, Industry-Government Relations, GMC, 1660 L Street NW., Room 804, Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Neil L. Chayet, Esq., 15 Court Square, Boston, Mass.
B. Committee for Effective Drug Abuse Legislation, Box 572, 1629 K Street NW., Washington, D.C.

A. Citizens for S–3000, 1029 Vermont Avenue NW., Room 200, Washington, D.C.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y.

A. Clifford, Warneke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Avco Corp., 750 Third Avenue, New York, N.Y.

A. William K. Condrell, 1250 Connecticut Avenue NW., Washington, D.C.
B. 111 Realty Corp., 111 Monument Circle, Indianapolis, Ind.

A. Congress of Railway Unions, 400 First Street NW., Room 800, Washington, D.C.

A. Robert M. Coultas, Room 508, 1612 K Street NW., Washington, D.C.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.

A. Garrett de Bell, 1738 Riggs Road NW., Washington, D.C.
B. Zero Population Growth, 367 State St., Los Altos, Calif.

A. Horace J. DePodwin Associates, Inc., 82d Floor Empire State Bldg., 350 Fifth Avenue, New York, N.Y.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Roy Elson, Suite 202, 888 17th Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. Joseph T. Elvove, Sea Pines Plantation, Hilton Head Island, S.C.
B. Savannah Sugar Refining Corp., P.O. Box 339, Savannah, Ga.

A. Thomas W. Fink, Ring Building, Room 610, 1200—18th Street NW., Washington, D.C.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.

A. David H. Forester, Legislation & Federal Relations, National Education Association, 1201 16th Street N.W., Washington, D.C.
B. National Education Association, Legislation & Federal Relations, 1201 16th Street NW., Washington, D.C.

A. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Paula Frohman, Apt. 202, 2301 41st St. NW., Washington, D.C.
B. Zero Population Growth, 367 State Street, Los Altos, Calif.

A. Bernard Fuchs, 545 Fifth Avenue, New York, N.Y.
B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Vance Sanders Co., Inc., 111 Devonshire Street, Boston, Mass.

A. Douglas R. Gordan, 901 N. Washington Street, Alexandria Va.
B. Society of American Florists, 901 North Washington Street, Alexandria, Va.

A. John C. Green, 509 Washington Building, Washington, D.C.

A. Wayne Green, Peterborough, N.H.
B. Institute of Amateur Radio, Inc., Peterborough, N.H.

A. Robert J. Habenicht, 1400 South Joyce Street, Apartment C–901, Arlington, Va.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C.

A. Charles A. Hamilton Associates, 1000 Connecticut Avenue NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean N.Y.

A. Herbert E. Harris II, Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.
B. Australian Trade Council, Inc., 1030 15th Street NW., Washington, D.C.

A. Dennis E. Hart, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co., (Indiana) 910 South Michigan Avenue, Chicago, Ill.

A. Michael D. Hathaway, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Miss Lyn Hayes, 323 Maryland Avenue NE., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Ross E. Heller, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

A. H. W. Henderson, 908 West Broadway, Louisville, Ky.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky.

A. James McI. Henderson, 1629 K Street NW., Washington, D.C.
B. Independent Copper Fabricators Institute, 1629 K Street NW., Washington, D.C.

A. John Hugh Henry, 440 National Press Building.
B. National Association of Retail Druggists, One East Wacker Drive, Chicago, Ill.

A. Rosalyn Hester, National Educational Association, Project 18, 1201 16th Street NW., Washington, D.C.
B. 1201 16th Street NW., Washington, D.C.

A. John M. Holt, 307 East McCarty Street, Indianapolis, Ind.
B. Eli Lilly & Co., 307 East McCarthy Street, Indianapolis, Ind.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., c/o Norris E. Phillips, 643 Main Street, Olean, N.Y.

A. Gerald Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.

A. Investors Diversified Services, Inc., 800 Investors Building, Minneapolis, Minn.

A. Herbert Jolovitz.
B. National Cable Television Assoc., Inc., 918 16th Street NW., Washington, D.C.

A. Albert Jones, 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.

A. Patricia J. Keefer, Youth Franchise Coalition, 1660 L Street NW., Washington, D.C.
B. Youth Franchise Coalition, 1660 L Street NW., Washington, D.C.

A. Mr. William S. Kingman, Sheraton Park Hotel, Suite I–340, Washington, D.C.
B. Continental Telephone Corp., 222 South Central, St. Louis, Mo.

A. Mr. A. M. Lampley, 400 First Street NW., Suite 704, Washington, D.C.
B. United Transportation Union.

A. Reed E. Larson, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

A. Robert R. Lovelace, 1250 Connecticut Avenue NW., Washington, D.C.
B. Paperboard Packaging Council, 1250 Connecticut Avenue NW., Washington, D.C.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C.
B. Menswear Retailers of America, 390 National Press Building, Washington, D.C.

A. W. W. McClanahan, Jr., National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.

A. Ian R. MacGowan, Youth Franchise Coalition, 1660 L Street NW., Washington, D.C.
B. 1660 L Street NW., Washington, D.C.

A. Clifford G. McIntire, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

A. Mrs. Teresa D. McLaughlin, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. John R. MacKenzie, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.

A. Walter D. Malcolm, 1 Federal Street, Boston, Mass.
B. New England Bankcard Association, Inc., 150 Tremont Street, Boston, Mass.

A. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Bekins Van & Storage Co., 1955 South Valley Highway, Denver, Colo.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Central Ohio Co., Porter, Stanley, Treffinger, & Platt, 37 West Broad Street, Columbus, Ohio.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Federal Cartridge Corp., Minneapolis, Minn.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Inc., Eighth and Marquette, Minneapolis, Minn.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C.
B. Bituminous Coal Operators' Association, 918 16th Street NW., Washington, D.C.

A. James M. Morris, 1660 L Street NW., Washington, D.C.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Lynn E. Mote, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr.

A. Richard W. Murphy, 1120 Connecticut Avenue NW., Washington, D.C.
B. Merck & Co., Inc., Rahway, N.J.

A. National Antipollution Committee, 184 Washington Avenue, Albany, N.Y.

A. National Association of Single Taxpayers, 1010 Vermont Avenue NW., Washington, D.C.

A. National Right To Work Committee, 1900 L Street NW., Washington, D.C.

A. Lewis G. Odom, Jr., Post Office Box 521, Montgomery, Ala.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., Washington, D.C.
B. Philippine Sugar Institute, Post Office Box 978, Manila, Philippines.

A. Roy W. Olson, 1341 G Street NW., Washington, D.C.
B. Organization of Professional Employees of the U.S. Department of Agriculture.

A. Paperboard Packaging Council, 1250 Connecticut Avenue NW., Washington, D.C.

A. Parsons, Tennent & Zeidman, 1025 Connecticut Avenue NW., Washington, D.C.
B. International Franchise Association, 1 East Wacker Drive, Chicago, Ill.

A. Bruce Pike, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

A. Carl Pope, 1340 Vermont Avenue NW., Washington, D.C.
B. Zero Population Growth 367 State Street, Los Altos, Calif.

A. Jerry C. Prichett, 2011 Eye Street, Washington, D.C.
B. Mechanical Contractors Association of America, 2 Pennsylvania Plaza, New York, N.Y.

A. John A. Reusing, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Mr. C. Richard Rogers, 1600 Rhode Island Avenue NW., Washington, D.C.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.

A. Walter S. Rosenberry, Jr., 2510 Virginia Avenue NW., Washington, D.C.
B. Kaiser Hawaii-Kai, Honolulu, Hawaii.

A. Joseph C. Russo, Jr., 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electrical Companies, 1140 Connecticut Avenue NW., Washington, D.C.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.

A. Robert R. Shaefer, 1400 S. Joyce Street, Arlington, Va.

A. Warren Shear, Box 807, Duncan, Okla.
B. Four Seasons Equity Corp., Oklahoma City, Okla.

A. Warren Shear, Box 807, Duncan, Okla.
B. Independent Postal System of America, 1840 West Reno, Oklahoma City, Okla.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C.

B. Electronic Industries Association, Consumer Products Division, 2001 I Street NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Mr. Gary A. Soucie, 30 East 42d Street, New York, N.Y.

B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, Montgomery at Post, San Francisco, Calif.

B. Valley Center Municipal Water District, Valley Center, Calif.

A. Eugene L. Stewart, 1001 Connecticut Avenue, Washington, D.C.

B. Man-Made Fiber Producers Association, Inc., New York, N.Y.

A. Eugene L. Stewart, Esq., 1001 Connecticut Avenue, Washington, D.C.

B. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street, NW., Washington, D.C.

A. Roy W. Terwilliger, 815 Connecticut Avenue, NW., Washington, D.C.

B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

A. Eugene M. Thore, 1701 K Street NW., Suite 503, Washington, D.C.

B. Medical Information Bureau, 35 Mason Street, Greenwich, Conn.

A. John H. Walker, 901 N. Washington Street, Alexandria, Va.

B. Society of American Florists, 901 N. Washington Street, Alexandria, Va.

A. Wallach Associates, Inc., 136 East 57th Street, New York, N.Y.

B. Sangamo Electric Co., Springfield, Ill.

A. Jack A. Walker, 950 16th Street NW., Washington, D.C.

B. International Association of Fire Fighters, AFL–CIO, 905 16th Street, NW., Washington, D.C.

A. Leonard Warner, 1030 15th Street NW., Suite 840, Washington, D.C.

B. Australian Trade Council, Inc., 1030 15th Street NW., Suite 840, Washington, D.C.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md.

B. REA Express, 219 E. 42d Street, New York, N.Y.

A. J. D. Williams, 1231 25th Street NW., Washington, D.C.

B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa.

A. J. D. Williams, Williams & Jensen, 1231 25th Street NW., Washington, D.C.

B. Pinkerton Holding Corp., 100 Church Street, New York, N.Y.

A. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.

A. Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Association Nacionol De Cultivaclores De Cana De Azucar, P.B. 4448, Cali, Colombia.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.

B. Association of Motion Picture and Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif.

A. Zero Population Growth, 367 State Street, Los Altos, Calif.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the first calendar quarter 1970:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_____ ◀

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

	QUARTER			
P	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◀

AFFIDAVIT

[Omitted in printing]

PAGE 1◀

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $_____Dues and assessments
2. $_____Gifts of money or anything of value
3. $_____Printed or duplicated matter received as a gift
4. $_____Receipts from sale of printed or duplicated matter
5. $_____Received for services (e.g., salary, fee, etc.)
6. $_____TOTAL for this Quarter (Add items "1" through "5")
7. $_____Received during previous Quarters of calendar year
8. $_____TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $_____TOTAL now owed to others on account of loans
10. $_____Borrowed from others during this Quarter
11. $_____Repaid to others during this Quarter
12. $_____"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": _____

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	("*Period*" from Jan. 1 through _____, 19____)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $_____Public relations and advertising services
2. $_____Wages, salaries, fees, commissions (other than item "1")
3. $_____Gifts or contributions made during Quarter
4. $_____Printed or duplicated matter, including distribution cost
5. $_____Office overhead (rent, supplies, utilities, etc.)
6. $_____Telephone and telegraph
7. $_____Travel, food, lodging, and entertainment
8. $_____All other expenditures
9. $_____TOTAL for this Quarter (Add "1" through "8")
10. $_____Expended during previous Quarters of calendar year
11. $_____TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $_____TOTAL now owed to person filing
13. $_____Lent to others during this Quarter
14. $_____Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*Name and Address of Recipient—Purpose*
$1,750.00	7-11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL	

A. Ad Hoc Committee of the Construction Industry Advancement Funds, 1016 20th Street NW.

A. Clarence G. Aramy, 1725 Eye Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
D. (6) $500.

A. S. Allan Adelman, 1660 L Street NW., Washington, D.C.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.
D. (6) $975.00. E. (9) $300.60.

A. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $6,761.05. E. (9) $6,761.05.

A. Air Traffic Control Association, Inc., 525 School Street SW., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $4,196.18. E. (9) $4,196.18.

A. Frederick K. Alderson, 40 Fort Williams Parkway, Alexandria, Va.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $1,650.00.

A. George Alderson, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.
D. (6) $200.

A. John R. Ale, 1701 King Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $163.73. E. (9) $7.55.

A. Willis W. Alexander, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $10,108.10.

A. Mrs. Donna Allen, 3306 Ross Place NW., Washington, D.C.
B. National Committee To Abolish HUAC/HISC, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,040. E. (9) $1,537.47.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. American Cancer Society, 219 East 42d Street, New York, N.Y.
E. (9) $8,273.11.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $3,746.90. E. (9) $3,746.90.

A. American Education Lobby, 20 E Street NW., Washington, D.C.
D. (6) $3,524.86. E. (9) $3,693.67.

A. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill., Washington offices: 425 13th Street NW., Washington, D.C.
D. (6) $43,207. E. (9) $43,207.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
E. (9) $42,855.01.

A. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $117,842.27. E. (9) $1,846.90.

A. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $24,491.40. E. (9) $24,491.40.

A. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.

A. American Humane Association, 5351 Roslyn Street, Englewood, Colo.
E. (9) $1,500.

A. American Industrial Bankers Association, 1629 K Street NW., Washington, D.C.
D. (6) $900. E. (9) $900.

A. American Insurance Association, 85 John Street, New York, N.Y.
B. Aetna Casaulty and Surety Co., et al.
D. (6) $13,191.38. E. (9) $13,191.38.

A. American Israel Public Affairs Committee, 1341 G. Street NW., Washington, D.C.
D. (6) $7,802.51. E. (9) $3,358.87.

A. American Justice Association, Defense Highway, Gambrills, Md.
D. (6) $2. E. (9) $2.

A. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $94,075.23. E. (9) $39,576.81.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $963.73. E. (9) $58.99.

A. American Lobby, Suite 250, 20 E. Street, NW., Washington, D.C.

A. American Maritime Association, 17 Battery Place, New York, N.Y.; 1612 K Street, NW., Washington, D.C.
E. (9) $155.91.

A. American Medical Association, 535 Dearborn Street, Chicago, Ill.
E. (9) $23,853.90.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $2,495.

A. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $107,177.94. E. (9) $1,351.39.

A. American Optometric Association, Post Office Box 5147, Knoxville, Tenn.
D. (6) $2,730.26. E. (9) $2,730.26.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.
E. (9) $25.

A. American Parents Committee Inc., 21 E Street NW., Washington, D.C.
D. (6) $2,684.34. E. (9) $1,923.89.

A. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $23,089. E. (9) $9,355.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
E. (9) $3,986.46.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
E. (9) $2,250.

A. American Stock Yards Association, 1712 Eye Street NW., Washington, D.C.
D. (6) $1,350. E. (9) $1,000.

A. American Taxpayers Association, 326 Pennsylvania Building, Washington, D.C.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C.
D. (6) $422.27.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $13,596.20. E. (9) $13,596.20.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $10,290.06. E. (9) $19,761.47.

A. American Unsubsidized Lines, 1054 31st Street NW., Washington, D.C.
D. (6) $1,593.25. E. (9) $1,593.25.

American Veterinary Medical Association, 1522 K Street NW., Washington, D.C.
E. (9) $185.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C.
D. (6) $3,961.98 E. (9) $3,576,37.

A. Edward T. Anderson, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street, NE., Washington, D.C.
D. (6) $1,207.

A. Walter M. Anderson, Jr., Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

A. William C. Anderson, 425 13th Street, NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,937. E. (9) $37.68.

A. Erma Angevine, 1012 14th Street NW., Washington, D.C.
B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C.
D. (6) $800.

A. George W. Apperson, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark.

A. Carl F. Arnold, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $3,937.50 E. (9) $1,222.18.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.

B. Floor Covering Committee Affiliated with the National Council of American Importers, 295 Fifth Avenue, New York, N.Y.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
B. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
E. (9) $2,441.04.

A. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
E. (9) $550.

A. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
B. Associated Third Class Mail Users.
D. (6) $300. E. (9) $300.

A. Association of American Physicians & Surgeons, Inc., 230 North Michigan Avenue, Chicago, Ill.
D. (6) $500. E. (9) $500.

A. Association of American Railroads, Building, 1920 L Street NW., Washington, D.C.
D. (6) $8,268.10. E. (9) $8,268.10.

A. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington, D.C.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
E. (9) $1,000.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
E. (9) $285.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
E. (9) $300.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $125. E. (9) $56.

A. Richard W. Averill, 1026 17th Street Street N., Washington, D.C.
B. American Optometric Association, c/o J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.
D. (6) $800. E. (9) $301.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C.
B. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington, D.C.

A. Mr. Harry S. Baer, 1725 DeSales Street NW., Suite 400, Washington, D.C.
B. National AeroSpace Services Association, 1725 DeSales Street NW., Suite 400, Washington, D.C.
E. (9) $375.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. Baltimore Gas and Electric Co., Gas and Electric Building, Baltimore, Md.
E. (9) $302.35.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C.
D. (6) $745.26. E. (9) $15.46.

A. Irvin L. Barney, 400 First Street, NW., Washington, D.C.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.
D. (6) $3,600.

A. David S. Barrows, 214 Century Building, Portland, Oreg.
B. Association of Oregon and California Land Grant Counties, Douglas County Courthouse, Roseburg, Oreg.
D. (6) $900. E. (9) $173.

A. A. Wesley Barthelmes, Suite 701, 1776 K Street NW., Washington, D.C.
B. Insurance Company of North America, Life Insurance Company of North America, 1600 Arch Street, Philadelphia, Pa.
D. (6) $345. E. (9) 215.10.

A. Mrs. Dita Davis Beard, ITT Building, 1707 L Street NW., Washington, D.C.
B. International Telephone and Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C.
D. (6) $1,110. E. (9) $1,695.

A. Michael K. Beard, 2029 K Street NW., Washington, D.C.
B. World Federalists, USA, Inc., 2029 K Street NW., Washington, D.C.
D. (6) $2,625. E. (9) $1,370.65.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $1,863.30.

A. John H. Beidler, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $3,125. E. (9) $279.63.

A. James F. Bell, 1100 Connecticut Avenue NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 Seventeenth Street NW., Washington, D.C.
D. (6) $1,187.50. E. (9) $122.26.

A. Reed A. Benson, 1028 Connecticut Avenue NW., Washington, D.C.
B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass.

A. Robert L. Bevan, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $50. E. (9) $9.67.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, Federation of Trades and Labor Unions, 815 16th Street NW., Washington, D.C.
D. (6) $6,720. E. (9) $316.10.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Mr. Sidney W. Bishop, 85 John Street, New York, N.Y.
B. American Insurance Association, 85 John Street, New York, N.Y.
D. (6). $2,656.25.

A. John L. Blake, 260 Madison Avenue, New York, N.Y.
B. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.
E. (9) $25.

A. William Rhea Blake, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.

A. Bluejay Oil Co., 1108 National Press Building, Washington, D.C.
S. (9) $55.

A. William Blum, Jr., 704 Federal Bar Building, 1815 H Street NW., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, William A. Geoghegan, Esquire, 1000 Ring Building, Washington, D.C.
D. (6) $1,867. E. (9) $395.52.

A. Blumberg, Singer, Ross, Gottesman, Diamond & Gordon, 245 Park Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $6,875. E. (9) $30.10.

A. Eugene F. Bogan, Bogan & Freeland, 1000 16th Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $300.

A. Lyle H. Boren, Seminole, Okla.
B. Western Railroad Association, 224 Union Station Building, Chicago, Ill.
D. (6) $600.

A. Robert T. Borth, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $1,100.00. E. (9) $70.35.

A. G. Stewart Boswell, Suite 840, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $649.99. E. (9) $10.09.

A. J. Wiley Bowers, 325 Pioneer Building, Chattanooga, Tennessee.
B. Tennessee Valley Public Power Association, 325 Pioneer Building, Chattanooga, Tennessee.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $1,875. E. (9) $992.19.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Joseph E. Brady, Room 122, Sheraton Gibson Hotel, Cincinnati, Ohio.
B. National Coordinating Committee of the Beverage Industy.

A. Ophalandus Brasfield, 1126–16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $833.94. E. (9) $233.04.

A. William C. Brashares, Esquire, Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street, Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Marvin Braverman, 1001 Connecticut Avenue NW., Washington, D.C.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.
D. (6) $66,666.66.

A. Parke C. Brinkley, The Madison Building, 1155 15th Street NW., Washington, D.C.
B. National Agricultural Chemicals Association.
D. (6) $50.

A. Wally Briscoe.
B. National Cable Television Assoc., Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50.

A. Florence I. Broadwell, 1737 H Street NW., Washington, D.C.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $4012.80.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y.
D. (6) $350.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y.

A. Joseph P. Brosnan, 9160 Springhill Lane, Greenbelt, Md.
B. Air Force Sergeants Association, 1501 Pennsylvania Avenue SE., Washington, D.C.
D. (6) $100.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $26,793.19. E. (9) $26,793.19.

A. Charles H. Brown, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $400.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $150.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.
B. Cominco American Inc., West 818 Riverside, Spokane, Wash.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.
B. Ebasco Industries, 345 Park Avenue, New York, N.Y.
D. (6) $312.50.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.
B. General Public Utilities Corp., 80 Pine Street, New York, N.Y.
E. (9) $8.17.

A. Brown Lund & Levin, 1625 Eye Street NW., Washington, D.C.
B. Montana Power Co., 40 East Broadway, Butte, Mont.
E. (9) $4.62.

A. Jerry Bruno, 1725 Eye Street NW., Washington, D.C.
B. Citizens Committee for Postal Reform, 1725 Eye Street NW., Washington, D.C.
D. (6) $766.30.

A. George S. Buck, Jr., Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $375. E. (9) $1.90.

A. Bulgarian Claims Committee, 2 Broadway, New York City, N.Y.
E. (9) $39.04.

A. George J. Burger, 250 West 57th Street, New York, N.Y.
B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y.

A. George J. Burger, 921 Washington Building, Washington, D.C.
B. National Federation of Independent Business, 921 Washington Building, Washington, D.C.
D. (6) $250.00.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont.
B. The Montana Power Co., Butte, Mont.
E. (9) $156.44.

A. Burley & Dark Leaf Tobacco Export Association, Post Office Box 860, Lexington, Ky.
E. (9) $487.50.

A. George B. Burnham, 120 C Street NE., Washington, D.C.
B. Burnham Chemical Co., 120 C Street NE., Washington, D.C.
D. (6) $125. E. (9) $125.

A. George Burnham IV, United States Steel Corp., 1625 K Street NW., Washington, D.C.
B. United States Steel Corp., 525 William Penn Place, Pittsburgh, Pa.
D. (6) $380. E. (9) $339.

A. Herbert H. Butler, 438 Pennsylvania Building, Washington, D.C.
B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C.
D. (6) $75. E. (9) $320.

A. Monroe Butler, 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C.
B. International Union of Electrical, Radio & Machine Workers, AFL–CIO–CLC, 1126 16th Street NW., Washington, D.C.
D. (6) $875. E. (9) $240.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C.
D. (6) $2,000. E. (9) $920.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y.

A. Carl C. Campbell, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $375.

A. Charles A. Campbell, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the USA.

A. Marvin Caplan, Industrial Union Department, AFL–CIO.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,117.80. E. (9) $114.96.

A. Caplin & Drysdale, 1101 17th Street NW., Washington, D.C.
B. Council on Foundations, Inc., 393 Seventh Avenue, New York, N.Y.

A. Ronald A. Capone, The Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London, E.C.3, England; CENSA/CES Joint Container Committee, 30–32 St. Mary Axe, London E.C.3, England.
D. (6) $5,625. E. (9) $1,397.40.

A. Michael H. Cardozo, One Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, One Dupont Circle NW., Washington, D.C.

A. C. Sargent Carleton, 3150 Spring Street, Fairfax, Va.
B. National Audio-Visual Association, 3150 Spring Street, Fairfax, Va.
D. (6) $1,346.

A. Philip Carlip, 650 Fourth Avenue, Brooklyn, N.Y.
B. District 2, National Marine Engineers Beneficial Association.
D. (6) $1,000. E. (9) $175.

A. Philip Carlip, Seafarers International Union, 675 Fourth Avenue, Brooklyn, N.Y.
D. (6) $2,500. E. (9) $1,475.

A. Braxton B. Carr, Suite 502, 1250 Connecticut Avenue, Washington, D.C.
B. The American Waterways Operators, Inc., Suite 502, 1250 Connecticut Avenue, Washington, D.C.
D. (6) $3,333.32. E. (9) $243.05.

A. Albert A. Carretta, 1815 H Street NW., Washington, D.C.
B. Work Glove Manufacturers Association, 1604 Chicago Avenue, Evanston, Ill.
D. (6) $541.60.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $1,875.

A. Blue A. Carstenson.
B. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

A. Eugene C. Carusi, 1629 K Street NW., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. James B. Cash, Jr., suite 1002, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,500. E. (9) $176.50.

A. Mr. Francis R. Cawley, Wilson Plaza Building, room 511, 2425 Wilson Boulevard, Arlington, Va.

B. Agricultural Publishers Association, Wilson Plaza Building, room 511, 2425 Wilson Boulevard, Arlington, Va.
D. (6) $100. E. (9) $96.08.

A. Mr. Francis R. Cawley, 1625 I Street NW., Washington, D.C.
B. Harcourt, Brace & World, Inc., 1625 I Street NW., Washington, D.C.
D. (6) $80.

A. Central Ohio Co., 37 West Broad Street, Columbus, Ohio.
E. (9) $4,006.50.

A. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $2,307. E. (9) $2,307.

A. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.

A. James W. Chapman, 1625 I Street NW., Washington, D.C.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C.
D. (6) $2,000.

A. Chapman, DiSalle & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. International Association of Game, Fish, and Conservation Commissioners, 5727 Blake Road, Minneapolis, Minn.

A. Chapman, DiSalle & Friedman, 932 Pennsylvania Building, Washington, D.C.
B. The National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.
D. (6) $14,000. E. (9) $3,104.73.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Mr. A. H. Chesser, 400 First Street NW., Washington, D.C.
B. United Transportation Union.
E. (9) $300.

A. Edwin Christianson.
B. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.

A. Lowell T. Christison, American Optometric Association, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Post Office Box 5147, Knoxville, Tenn.
D. (6) $175. E. (9) $125.20.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $35,769.40. E. (9) $197.90.

A. Citizens Committee for Postal Reform, Inc., 206 Premier Building, 1725 I Street NW., Washington, D.C.
D. (6) $12,029.67. E. (9) $36,954.04.

A. Allen C. K. Clark, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington, D.C.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $59.84.

A. Mr. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C.
B. The Atchison, Topeka and Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill.

A. Clay Pipe Industry Depletion Committee, Post Office Box 13125, Kansas City, Mo.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cabot Corp.
E. (9) $15.25.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y.
E. (9) $18.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. The Oil Shale Corp., 680 Fifth Avenue, New York, N.Y.
E. (9) $400.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
E. (9) $63.05.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. Washington International School, 3211 Volta Place NW., Washington, D.C.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. American Brands, Inc.
E. (9) $120.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Brown & Williamson Tobacco Corp.
E. (9) $120.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Liggett & Myers Inc.
E. (9) $120.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. Philip Morris Inc.
E. (9) $120.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. R. J. Reynolds Tobacco Co.
E. (9) $120.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc.

A. Eugene R. Clifford, 1012 14th Street NW., Washington, D.C.
B. Cooperative League of USA, 59 East Van Buren Street, Chicago, Ill.
D. (6) $1,750. E. (9) $2,175.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Australian Meat Board, 30 Grosvenor Street, Sydney, N.S.W., Australia.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Avco Corp., 750 Third Avenue, New York, N.Y.
E. (9) $8.60.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. General American Transportation Corp., 120 South Riverside Plaza, Chicago, Ill.
A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Hughes Tool Co., Houston, Tex.
D. (6) $3,500. E. (9) $700.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street, Box 1035, Toledo, Ohio.
E. (9) $3.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C.
B. Toy Manufacturers of America, 200 Fifth Avenue, New York, N.Y.
D. (6) $17,500. E. (9) $3,500.

A. David Cohen, Legislative Representative, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $220.84.

A. William J. Colley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $1,875. E. (9) $991.22.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Suite 622, Washington, D.C.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 Eye Street NW., Suite 622, Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $300.

A. Paul G. Collins, 111 Westminster Street, Providence, R.I.
B. The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
D. (6) $68.75.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C.
B. Committee on American Tanker Owners, Inc., 1 Chase Manhattan Plaza, New York, N.Y.
E. (9) $438.44.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo.
D. (6) $300. E. (9) $750.

A. Columbia Gas System Service Corp., 160 East 41st Street, New York, N.Y.

A. Comac Co., 1025 Connecticut Avenue NW., Washington, D.C.
E. (9) $93.25.

A. Harrison Combs, Jr., 1437 K Street NW., Washington, D.C.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C.
D. (6) $3,311.25.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, c/o P. W. K. Sweet, 50 South LaSalle Street, Chicago, Ill.
D. (6) $7,500.

A. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $5,662.65. E. (9) $5,662.65.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
E. (9) $948.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $106,000. E. (9) $10,230.95.

A. Paul B. Comstock, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. William K. Condrell, 1250 Connecticut Avenue NW., Washington, D.C.
B. 111 Realty Corp., 111 Monument Circle, Indianapolis, Ind.
D. (6) $1,700.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco, Inc., 135 East 42d Street, New York, N.Y.
D. (6) $120. E. (9) $160.06.

A. Howard M. Conner, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $960. E. (9) $609.43.

A. James T. Conner, The Madison Building, 1155 Fifteenth Street NW., Washington, D.C.
B. National Agricultural Chemicals Association.
D. (6) $815. E. (9) $154.75.

A. John A. Connor, 2139 Wisconsin Avenue, Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $375. E. (9) $225.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $1,932.70.

A. Harry N. Cook, Suite 200, 1130 17th Street NW., Washington, D.C.
B. The National Waterways Conference.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 Dearborn Street, Chicago, Ill.
D. (6) $1,875. E. (9) $881.65.

A. Miss Eileen D. Cooke, 200 C Street SE., Washington, D.C.
B. American Library Association, 56 E. Huron Street, Chicago, Ill.
D. (6) $80.16.

A. Edward Cooper.
B. Motion Picture Association of America, Inc., 1600 Eye Street NW., Washington, D.C.

A. J. Milton Cooper, Suite 401, 1000 Vermont Avenue NW., Washington, D.C.
B. R. J. Reynolds Tobacco Co., Winston-Salem, N.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H.
D. (6) $3,750. E. (9) $695.63.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.
D. (6) $6,000. E. (9) $19.60.

A. Darrell Coover, 215 Watergate Building, 2600 Virginia Avenue NW., Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $586.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. The Committee for Broadening Commercial Bank Participation in Public Financing, 50 South LaSalle Street, Chicago, Ill.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. Committee on Metropolitan Washington Banking, 15th & H Streets NW., Washington, D.C.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. Lilly Endowment, Inc., 914 Merchants Bank Building, Indianapolis, Ind.

A. Robert M. Coultas, 1612 K Street NW., Washington, D.C.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
D. (6) $250.

A. Council For a Livable World, Cambridge, Mass.; 201 Massachusetts Avenue NE., Washington, D.C.
D. (6) $44,134.80. E. (9) $27,078.96.

A. Council of Mutual Savings Institutions, 60 East 42d Street, New York, N.Y.
E. (9) $320.05.

A. Council of Profit Sharing Industries, 29 North Wacker Drive, Chicago, Ill.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C.
D. (6) $1,090.17. E. (9) $1,090.17.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Adhesive & Sealant Council, 1410 Higgens Road, Park Ridge, Ill.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Classroom Periodical Publishers Association, 38 West Fifth Street, Dayton, Ohio.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Jewelers Vigilance Committee, Inc., 156 East 52d Street, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, NW., Washington, D.C.
B. Kohler Co., Kohler, Wis.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. Linen Supply Association of America, 975 Arthur Godfrey Boulevard, Miami, Fla.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Association of Casualty & Surety Agents, 83 Maiden Lane, New York, N.Y.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C.
D. (6) $300 or less.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. The James Irvine Foundation, 111 Sutter Street, San Francisco, Calif.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. A. P. Moller, 8 Kongens Nytorv, Copenhagen, Denmark.

A. Covington & Burling, 888 16th Street N.W., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. National Ready Mixed Concrete Association, 900 Spring Street, Silver Spring, Md.

A. Covington & Burling, 888 16th Street NW., Washington, D.C.
B. Truck Mixer Manufacturers Bureau, 900 Spring Street, Silver Spring, Md.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) $18.30.

A. Cox, Langford & Brown, 1521 New Hampshire Avenue NW., Washington, D.C.
B. The National Collegiate Athletic Association, Midland Building, Kansas City, Mo.

A. W. J. Crawford, Post Office Box 2180, Houston, Tex.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.

A. Harold L. Crosier, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.

A. Mr. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich.
B. Brotherhood of Maintenance of Way Employes.

A. J. A. Crowder, 1200 17th Street NW., Washington, D.C.

B. National Association of Wool Manufacturers, 1200 17th Street NW., Washington, D.C.
D. (6) $1,500.

A. F. Bosley Crowther 3d, 605 Third Avenue, New York, N.Y.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. Culbertson, Pendleton & Pendleton, 1155 15th Street NW., Washington D.C.
B. The Canned Meat Importers' Association, c/o Transmundo Co., Inc., Time-Life Building, Rockefeller Center, N.Y.
D. (6) $750. E. (9) $250.01.

A. John T. Curran, 905 16h Street NW., Washington, D.C.
B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C.
D. (6) $6,999.99. E. (9) $2,803.05.

A. John R. Dalton, 420 Merchants Bank Building, Indianapolis, Ind.
B. Associated Railways of Indiana, 420 Merchants Bank Building Indianapolis, Ind.

A. John Jay Daly, Direct Mail-Advertising Association, Inc., 921 National Press Building, Washington, D.C.
D. (6) $2,250. E. (9) $1,150.

A. John C. Datt, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,219. E. (9) $31.91.

A. Philip J. Daugherty.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $1,845.60. E. (9) $96.75.

A. John Davenport, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000, Florida Avenue N.W., Washington, D.C.
D. (6) $180.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill.
B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill.
D. (6) $1,000. E. (9) $300.

A. Charles W. Davis, First National Plaza, Chicago, Ill.
B. Corporate Fiduciaries Association of Chicago.
D. (6) $45,132.41. E. (9) $3,514.16.

A. Charles W. Davis, First National Plaza, Chicago, Ill.
B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill.

A. Charles W. Davis, First National Plaza, Chicago, Ill.
B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill.
D. (6) $13,417.84. E. (9) $386.96.

A. Charles W. Davis, First National Plaza, Chicago, Ill.
B. Sears, Roebuck & Co., 925 South Homan Ave., Chicago, Ill.
E. (9) $450.12.

A. Charles W. Davis, First National Plaza, Chicago, Ill.
B. Trans Union Corp. 111 West Jackson Boulevard, Chicago, Ill.
D. (6) $1,625. E. (9) $132.99.

A. Fred E. Davis, 918 16th Street, NW., Washington, D.C.
B. National Assn. of Manufacturing.

A. Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Building, Seattle, Wash.
B. Arctic Slope Native Association, Post Office Box 486, Barrow, Alaska.
E. (9) $730.80.

A. Charles W. Day, Ford Motor Co., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $256. E. (9) $209.

A. Tony T. Dechant.
B. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $2,500. E. (9) $218,79.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Ray Denison, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,227.50. E. (9) $306.25.

A. Max A. Denney, 1629 K Street NW., Washington, D.C.
B. American Industrial Bankers Assn., 1629 K Street NW., Washington, D.C.
D. (6) $900.

A. Leslie E. Dennis, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $618.36. E. (9) $193.50.

A. Horace J. DePodwin Associates, Inc., 82d Floor Empire State Building, 350 Fifth Avenue, New York, N.Y.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $500. E. (9) $575.

A. Lloyd J. Derrickson, 888 17th Street NW., Washington, D.C.
B. National Association of Securities Dealers, Inc.

A. Claude J. Desautels Associates, 206 Premier Building, 1725 Eye Street NW., Washington, D.C.
B. American Society of Composers, Authors & Publishers, 575 Madison Avenue, New York, N.Y.
D. (6) $6,000.

A. Claude J. Desautels, 1725 Eye Street NW., Washington, D.C.
B. Citizens Committee for Postal Reform, Inc., 1725 Eye Street NW., Washington, D.C.
D. (6) $6,730.78.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,937. E. (9) $18.55.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. George S. Dietrich, 1741 DeSales Street NW., Washington, D.C.
B. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington, D.C.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Department of Water Resources, State of California, Post Office Box 388, Sacramento, Calif.
D. (6) $2,338.34. E. (9) $179.34.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Sacramento Municipal Utility District, Post Office Box 15830, Sacramento, Calif.
D. (6) $1,701.01. E. (9) $151.01.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C.
B. Yuba County Water Agency, Marysville Calif.
D. (6) $1,213.47. E. (9) $13.47.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
B. Disabled American Veterans, 3725 Alexanderia Pike, Cold Spring, Ky.
D. (6) $16,375. E. (9) $2,938.57.

A. Discover America Travel Organizations, 1100 Connecticut Avenue NW., Washington, D.C.
D. (6) $206,794.67. E. (9) $682.50.

A. William H. Dodds, UAM, 1126–16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $1,237.00. E. (9) $188.22.

A. C. L. Dorson, Room 1128, Warner Building, 501–13th Street NW., Washington, D.C.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Room 1128, Warner Building, 501–13th Street NW., Washington, D.C.
D. (6) $2,337.66. E. (9) $235.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Suite 500, Washington, D.C.
B. Newspaper Committee for Cablevision, David R. Bradley, Agent, News Press & Gazette Co., 9th & Edmond Streets, St. Joseph, Mo.
D. (6) $3,200. E. (9) $498.75.

A. Thomas J. Downey, 701 Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee.
D. (6) $375. E. (9) $799.46.

A. F. Raymond Downs, 1730 K Street NW., Washington, D.C.
B. The Procter & Gamble Mfg. Co., 301 East Sixth Street, Cincinnati, Ohio.

A. Robert H. Doyle, 2029 K Street NW., Washintgon, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $3,281.

A. Franklin B. Dryden.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Evelyn Dubrow, Union-1710 Broadway, New York, N.Y.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y.
D. (6) $3,1200. E. (9) $2,333.80.

A. R. Michael Duncan, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. J. D. Durand, 1725 K Street NW., Washington, D.C.

B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
E. (9) $285.

A. Roy W. Easley, 1735 De Sales Street NW., Washington, D.C.
B. Association of Maximum Service Telecasters, Inc., 1735 De Sales Street NW., Washington, D.C.
D. (6) $26. E. (9) $2.15.

A. Macon T. Edwards, 1918 North Parkway, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $270.

A. George V. Egge, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. J. C. B. Ehringhaus, Jr., 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $267.75. E. (9) $95.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C.
B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.
D. (6) $250. E. (9) $30.74.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md.
B. Self.
D. (6) $2,286.16. E. (9) $2,959.40.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $4,219.74. E. (9) $693.21.

A. Joseph T. Elvove, Sea Pines Plantation, Hilton Head Island, S.C.
B. Savannah Sugar Refining Corp., Post Office Box 339, Savannah, Ga.

A. Ely, Barlett, Brown & Proctor, 225 Franklin Street, Boston, Mass.
B. Massachusetts Federal Savings Council, Inc., 11 Beacon Street, Boston, Mass.
D. (6) $7,500. E. (9) $1,103.29.

A. Ely and Duncan, 1200 Tower Building, Washington, D.C.
B. American Public Power Association, 2400 Virginia Avenue NW., Washington, D.C.
D. (6) $2,100.

A. Ely and Duncan, 1200 Tower Building, Washington, D.C.
B. Coachella Valley County Water District, Coachella, Calif.
D. (6) $1,200.

A. Ely and Duncan, 1200 Tower Building, Washington, D.C.
B. Department of Water and Power of the City of Los Angeles, Calif., 11 North Hope Street, Los Angeles, Calif.
D. (6) $3,200.

A. Ely and Duncan, 1200 Tower Building, Washington, D.C.
B. East Bay Municipal Utility District, 2130 Adeline Street, Oakland, Calif.
D. (6) $1,200.

A. Ely and Duncan 1200 Tower Building, Washington, D.C.
B. Imperial Irrigation District, El Centro, Calif.
D. (6) $2,100.

A. Ely and Duncan 1200 Tower Building, Washington, D.C.
B. Six Agency Committee, 909 South Broadway, Los Angeles, Calif.
D. (6) $3,000.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue NW., Washington, D.C.
D. (6) $5,060. E. (9) $4,990.

A. Richard W. Emory, Esq., 1400 Merchantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.

A. James C. England, 1317 F Street NW., Washington, D.C.
B. National Retail Merchants Assn.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $894.20. E. (9) $70.80.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $2,575. E. (9) $27.50.

A. Richard E. Faggioli, 1025 Connecticut Avenue NW., Washington, D.C.
B. Standard Oil Company, New Jersey, 30 Rockefeller Plaza, New York, N.Y.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,227.50.

A. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $73,685.75. E. (9) $17,256.44.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Council of Forest Industries of British Columbia, 1500 Guiness Tower, 1055 West Hastings Street, Vancouver, British Columbia, Canada.
D. (6) $7,750.03. E. (9) $204.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C.
B. Joint Committee of Printing and Publishing Industries of Canada, 117 Eglington Avenue East, Toronto, Canada.
D. (6) $2,250. E. (9) $31.

A. Francis S. Filbey, President, United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $3,739.77.

A. Thomas W. Fink, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn.
D. (6) $660. E. (9) $11.04.

A. William J. Flaherty, Ass't. Director of Legislation, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 2725 Alexandria Pike, Cold Spring, Ky.
D. (6) $5,000. E. (9) $100.90.

A. Roger Fleming, Secretary-Treasurer, and Director, Washington Office, American Farm Bureau Federation, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,675. E. (9) $17.18.

A. Law firm of Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. John J. Flynn, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Loeb, Rhoades & Co., 42 Wall Street, New York, N.Y.
D. (6) $2,500.

A. John J. Flynn, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.
D. (6) $10,000.

A. Gene N. Fondren, Attorney, P.O. Box 192, Taylor, Tex.
B. Texas Railroads, as previously reported.
D. (6) $3,280. E. (9) $897.24.

A. James W. Foristel, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $1,950. E. (9) $260.20.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Washington, D.C.

B. Encyclopaedia Britannica, Inc., and William P. Benton, 425 North Michigan Avenue, Chicago, Ill.
D. (6) $800.

A. Ronald J. Foulis, 1140 Connecticut Avenue, Washington, D.C.
B. United States Independent Telephone Association, 425 13th Street NW., Washington, D.C.
D. (6) $150.

A. John G. Fox, Assistant Vice President & Attorney, 2000 L Street NW., Washington, D.C.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.
D. (6) $95.82.

A. Walter L. Frankland, Jr., 1625 Eye Street NW., Washington, D.C.
B. Silver Users Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $625.30. E. (9) $165.55.

A. R. Frank Frazier, National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C.
B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C.
D. (6) $500.

A. Robert M. Frederick, Legislative Director, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $4,125.

A. James O. Freeman, 812 Pennsylvania Building, Washington, DC.
B. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $1,875. E. (9) $124.25.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $110. E. (9) $4.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $37,219. E. (9) $11,447.

A. Friends of the Earth, 30 East 42d St., New York, N.Y.
B. None.
D. (6) $300. (9) $300.

A. Owen V. Frisby, 821 Fifteenth Street N.W., Washington, D.C.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.
D. (6) $500. E. (9) $954.40.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $250.

A. Bernard Fuchs, 545 Fifth Avenue, New York, N.Y.
B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y.
E. (9) $82.86.

A. David C. Fullarton, 1000 Connecticut Avenue, NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Ave., NW., Washington, D.C.
D. (6) $451.

A. Garrett Fuller, 777 14th Street, NW., Washington, D.C.
B. Columbia Steamship Company, Inc., 2300 S.W. First Avenue, Portland, Oreg.

A. James E. Gaffigan, American Hotel & Motel Association, 777 14th Street, NW., Washington, D.C.
B. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.
D. (6) $100.

A. Henry E. Gardiner, 1511 K Street NW., Washington, D.C.
B. The Anaconda Co., 25 Broadway, New York, N.Y.
D. (6) $600. E. (9) $299.74.

A. William B. Gardiner, Asst. Director of Legislation, Disabled American Veterans, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky.
D. (6) $4,500. E. (9) $160.10.

A. Gardner, Morrison, Sheriff & Beddow, 1126 Woodward Building, Washington, D.C.
B. Chas. Pfizer & Co., 235 East 42d Street, New York, N.Y.
D. (6) $5,000.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $200.

A. Gas Appliance Manufacturers Association, Washington office: 2000 K Street NW., Washington, D.C.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.
D. (6) $73,600.

A. William T. Gibb, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $26.81. E. (9) $0.65.

A. John H. Gilbert, 128 C Street, Washington, D.C.
B. National Association of Theatre Owners, Inc., 1505 Broadway, New York, N.Y.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio.
B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio.
B. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.
D. (6) $1,512.50. E. (9) $227.85.

A. Dave Givens, Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn.
B. Class I Railroads in Tennessee.

A. Glassie, Powett, Beebe & Shanks, 1819 H. Street NW., Washington, D.C.
B. Thomas Arciola, Moonachie, N.J.
D. (6) $500.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. Eastern Meat Packers Association, Inc., 1820 Massachusetts Avenue, NW., Washington, D.C.
D. (6) $5. E. (9) $2.57.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C.
B. The National Independent Meat Packers Association, 1820 Massachusetts Avenue NW., Washington, D.C.
D. (6) $225. E. (9) $19.65.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn.
B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn.
D. (6) $4,825.50. E. (9) $6.38.

A. W. S. Gookin, 112 North Central, Phoenix, Ariz.

A. Frederick D. Goss, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $279.22.

A. Edward Gottlieb & Associates, Ltd., 485 Madison Avenue, New York, N.Y.
B. Florists' Transworld Delievery Association, 900 W. Lafayette Boulevard, Detroit, Mich.

A. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $13,026.23. E. (9) $5,488.08.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,404.17. E. (9) $121.52.

A. Grain and Feed Dealers National Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.
E. (9) $31.20.

A. George Grant, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $2,800. E. (9) $33.45.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Mr. George O. Gray, International Economic Policy Association, 1625 I Street NW., Washington, D.C.
D. (6) $391.50. E. (9) $43.10.

A. James A. Gray, 2139 Wisconsin Avenue NW., Washington, D.C.
B. National Machine Tool Builders Association, 2139 Wisconsin Avenue NW., Washington, D.C.

A. Robert K. Gray, 1735 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.

A. Mrs. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.
D. (6) $225. E. (9) $78.23.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho.
B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr.
E. (9) $581.31.

A. Clifford P. Greck, 432 Park Avenue South, New York, N.Y.
B. American Educational Publishers Institute, 432 Park Avenue South, New York, N.Y.
D. (6) $250.

A. William G. Greif, 1155 15th Street NW., Washington, D.C.
B. Bristol-Myers Co., 345 Park Avenue, New York, N.Y.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C.
B. Evaporated Milk Association, 910 17th Street NW., Washington, D.C.

A. John F. Griner, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $8,941.80. E. (9) $2,614.03.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dr. Harry P. Guenther, State Banks, 1101 17th Street NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $950. E. (9) $22.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.
B. National Automobile Dealers Association.
D. (6) $2,111.54. E. (9) $925.

A. Jerome R. Gulan.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C.

A. R. William Habel, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va.
E. (9) $250.

A. Hoyt S. Haddock.
B. Labor Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $108.76.

A. Matthew Hale, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 815

Connecticut Avenue NW., Washington, D.C., and 90 Park Avenue, New York, N.Y.
D. (6) $500. E. (9) $75.

A. J. G. Hall, Detroit, Mich.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

A. Keith Halliday, 1725 K Street NW., Washington, D.C.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. Norman S. Halliday, 1629 K Street NW., Suite 603, Washington, D.C.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.
D. (6) $2,500. E. (9) $680.37.

A. Thomas A. Halsted, 210 Massachusetts Avenue NE., Washington, D.C.
B. Council for a Livable World, 201 Massachussets Avenue NE., Washington, D.C.
D. (6) $5,749.98.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. American Courier Corp., 2 Nevada Drive, Lake Success (NHP–PO), N.Y.
D. (6) $250. E. (9) $20.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NY., Washington, D.C.
B. Ida Cason Callaway Foundation, Pine Mountain, Ga.
D. (6) $200. E. (9) $50.09.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C.
D. (6) $150. E. (9) $10.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill.
D. (6) $500. E. (9) $35.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Paulin Publishing Co., Inc. and Leo J. Paulin, 4980 Wyaconda Road, Rockville, Md.
D. (6) $300.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $2,400. E. (9) $100.76.

A. Hamel, Morgan, Park & Saunders, 888 17th Street NW., Washington, D.C.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,416.67. E. (9) $58.22.

A. Edward F. Harding, 140 New Montgomery Street, San Francisco, Calif.
B. The Pacific Telephone & Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.
D. (6) $136. E. (9) $164.20.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif.
B. California Savings & Loan League, 1444 Wentworth Avenue, Pasadena, Calif.
D. (6) $1,800. E. (9) $1,040.56.

A. William E. Hardman, 1411 K Street NW., Washington, D.C.
B. National Tool, Die & Precision Machining Association, 1411 K Street NW., Washington, D.C.

A. Eugene Hardy, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturing.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $8.

A. Mrs. Mildred B. Harman, 13th and E Streets NW., Washington, D.C.
B. National Woman's Christian Temperance Union, 1780 Chicago Avenue, Evanston, Ill.
D.(6) $825. E. (9) $404.96.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $370. E. (9) $18.79.

A. L. James Harmanson, Jr., 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. F. Donald Hart, 605 Third Avenue, New York, N.Y.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. David Hartsough, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $594.

A. Lewis B. Hastings, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $500.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $342.29.

A. Michael D. Hathaway, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $38.50. E. (9) $3.76.

A. Lyn Hayes, 917 15th Street NW., Washington, D.C.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y.

A. Hays & Hays, Warner Building, Washington, D.C.
B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,875. E. (9) $104.43.

A. Haynes & Miller, 1511 K Street NW., Washington, D.C.
B. Northeast Utilities Service Co., Post Office Box 270, Hartford, Conn.
D. (6) $18,000.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $138.94. E. (9) $138.94.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $300. E. (9) $170.44.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y.
B. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

A. William H. Hedlund, 909 American Bank Building, Portland, Oreg.
B. Standard Oil Co. of California, San Francisco, Calif., et al.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $875. E. (9) $1,496.36.

A. Kenneth G. Heisler, 1200 17th Street NW., Suite 700, Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 700, Washington, D.C.
D. (6) $800.

A. Ross E. Heller, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $579.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
D. (6) $150. E. (9) $150.

A. H. W. Henderson, 908 West Broadway, Louisville, Ky.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
E. (9) $288.61.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1125.00. E. (9) $476.20.

A. Hercules Inc., 910 Market Street, Wilmington, Del.
E. (9) $412.50.

A. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. National Football League, 410 Park Avenue, New York, N.Y.
D. (6) $10,000.

A. Mr. Clinton M. Hester, 432 Shoreham Building, Washington, D.C.
B. Savage Arms, Westfield, Mass., et al.
D. (6) $11,416.50. E. (9) $53.03.

A. Hester & Stone, 432 Shoreham Building, Washington, D.C.
B. U.S. Brewers Association, 535 Fifth Avenue, New York, N.Y.
E. (9) $101.95.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.
D. (6) $7,500. E. (9) $129.08.

A. M. F. Hicklin, 507 Bankers Trust Building, Des Moines, Iowa.

B. Iowa Railway Association, 507 Bankers Trust Building, Des Moines, Iowa.
E. (9) $1,160.42.

A. George T. Higgins, 1100 Connecticut Avenue NW., Washington, D.C.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich.
D. (6) $200. E. (9) $50.

A. John W. Hight, 1028 Connecticut Avenue NW., Washington, D.C.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $100.

A. Teresa B. Hightower, 1625 Eye Street NW., Washington, D.C.
B. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $120.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.
D. (6) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $2,100. E. (9) $875.73.

A. Mrs. Mae Hipsley, 1776 K Street NW., Washington, D.C.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $712.50. E. (9) $125.57.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $350.

A. Claude E. Hobbs, Room 707, 1000 Connecticut Avenue NW., Washington, D.C.
B. Westinghouse Electric Corp., 3 Gateway Center, Pittsburgh, Pa.
D. (6) $900. E. (9) $195.

A. Irvin A. Hoff, 1001 Connecticut Avenue, Washington, D.C.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.

A. Hogan & Hartson, 815 Connecticut Avenue, Washington, D.C.
B. Hughes Tool Co., Houston, Tex.

A. Lee B. Holmes, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 N. Wacker Drive, Chicago, Ill.
E. (9) $730.

A. John W. Holton, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $1,750. E. (9) $20.

A. Edwin M. Hood, 1730 K Street NW., Washington, D.C.
B. Shipbuilders Council of America, 1730 K Street NW., Washington D.C.

A. The Hormel Foundation, Austin, Minn.
E. (9) $14,371.64.

A. Thomas B. House.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Washington, D.C.
B. Allstate Insurance Cos., Allstate Plaza, Northbrook, Ill.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $1,542. E. (9) $1,732.

A. Charles L. Huber, 1221 Massachusetts Avenue NW., Washington, D.C.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $6,875. E. (9) $2,677.57.

A. Edward W. Hummers, Jr., 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. Jones, Paulson, Humphreys & Leach, 1140 Connecticut Avenue NW., Washington, D.C.
B. Mobile Housing Association of America, 39 South La Salle Street, Chicago, Ill.
D. (6) $3,000. E. (9) $962.27.

A. Jones, Paulson, Humphreys & Leach, 1140 Connecticut Avenue NW., Washington, D.C.
B. Recreational Vehicle Institute, 2720 Des Plaines Avenue, Des Plaines, Ill.
D. (6) $5,833.34. E. (9) $728.90.

A. Robert R. Humphreys, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $320. E. (9) $110.45.

A. James L. Huntley, 1775 K Street NW., Washington, D.C.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
D. (6) $4,675. E. (9) $1,466.29.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
B. Elmer F. Hutter, Post Office Box 2255, Washington, D.C.
D. (6) $5.

A. Elmer P. Hutter, Post Office Box 2255, Washington, D.C.
B. Norman E. Watkins, Washington, D.C.
D. (6) $1. E. (9) $304.

A. Frank N. Ikard, 1271 Avenue of the Americas, New York, N.Y.
B. American Petroleum Institute, New York, N.Y.

A. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.
E. (9) $2,374.56.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $5,264.61. E. (9) $5,264.61.

A. Harry A. Inman, 1200 17th Street NW., Washington, D.C.
B. The New York Botanical Garden, Bronx Park, New York, N.Y.
A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C.
D. (6) $9,250. E. (9) $1,270.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $8,394.87.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
E. (9) $15,506.45.

A. International Economic Policy Association, 1625 Eye Street NW., Washington, D.C.
E. (9) $466.76.

A. International Union of District 50, UMWA, 4880 MacArthur Boulevard NW., Washington, D.C.
E. (9) $3,360.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C.
E. (9) $2,522.05.

A. Investors Diversified Services, Inc., 800 Investors Building, Minneapolis, Minn.
E. (9) $10,016.87.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn.
D. (6) $23,361.32. E. (9) $7,048.47.

A. William E. Isaeff, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C.
B. National Association of Property & Casualty Reinsurers, 1025 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Jackson, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Textile Manufatcurers Institute, 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $118.99.

A. Raymond M. Jacobson, 1819 H Street NW., Washington, D.C.
B. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.
D. (6) $2,250.

A. Robert L. James, 730 15th Street NW., Washington, D.C.
B. Bank of America N.T. and S.A., Bank of America Center, San Francisco, Calif.
D. (6) $30. E. (9) $21.25.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif.
E. (9) $200.

A. Daniel Jaspan, Post Office Box 1924, Washington, D.C.
B. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $6,864.51. E. (9) $86.74.

A. Philip F. Jehle, 300 National Press Building, Washington, D.C.
B. Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa.

A. Chas. B. Jennings, 1712 Eye Street NW., Washington, D.C.
B. American Stock Yards Association, 1712 Eye Street NW., Washington, D. C.
D. (6) $400.

A. Reuben L. Johnson.
B. The Farmers' Educational and Co-Operative Union of America, 1575 Sherman Street, Denver, Colo.; 1012 14th Street NW., Washington, D.C.
D. (6) $3,913.73. E. (9) $252.32.

A. Spencer A. Johnson, 1025 Vermont Avenue NW., Washington, D.C.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
D. (6) $300.

A. Ned Johnston, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Charlie W. Jones, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Companies, Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. George Bliss Jones, Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala.

A. L. Dan Jones, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $29.12.

A. Dr. Oliver H. Jones, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $1,812. E. (9) $6,719.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C.
B. Dresser Industries, Inc., 1100 Connecticut Avenue.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the USA.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va.
B. National Congress of Parents and Teachers, 700 N. Rush Street, Chicago, Ill.
E. (9) $39.

A. Frank M. Karsten, 810 18th Street NW., Washington, D.C.
B. Affiliated Government Organizations, Brooklyn, N.Y.

A. Gerald M. Katz, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.

A. Carleton R. Kear, Jr., 1625 Eye Street NW, Washington, D.C.
B. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $750.

A. Capt. William J. Keating, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. Grain and Feed Dealers National Association, 725 15th Street NW., Washington, D.C.
D. (6) $150.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif.
E. (9) $275.

A. Charles C. Keeble, Box 2180, Houston, Tex.
B. Humble Oil & Refining Co. (A Delaware Corp) Post Office Box 2180, Houston, Tex.
E. (9) $16.75.

A. Robert H. Kellen, 25 East Chestnut Street, Chicago, Ill.
B. Mayonnaise & Salad Dressings Institute, 25 E. Chestnut Street, Chicago, Ill.

A. Robert H. Kellen, 25 East Chestnut Street, Chicago, Ill.
B. National Preservers Association, 25 East Chestnut Street, Chicago, Ill.

A. James C. Kelley, 1500 Massachusetts Avenue NW., Washington, D.C.
B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C.
B. Unemployment Benefit Advisors, Inc.
D. (6) $1,000.
This sum represents the outside limits of the allocation of the registrant's services that have any conceivable connection with lobbying as the term has been interpreted.

A. John T. Kelly, 1155—15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C.
D. (6) $192.31.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $110.20.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $4,119.98. E. (9) $2,219.03.

A. Robert F. Kennon, 356 St. Charles Street, Baton Rouge, La.
B. Stroock & Stroock & Lavan, 61 Broadway, New York, N.Y.
D. (6) $2,000. E. (9) $507.06.

A. Franklin E. Kepner, The Berwick Bank Building, Berwick, Pa.
B. Associated Railroads of Pennsylvania, Room 1022, Transportation Center, Philadelphia, Pa.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $750. E. (9) $150.

A. J. Don Kerlin, 1108 Stuart Road, Herndon, Va.
B. Time, Inc., Rockefeller Center, New York, N.Y.
D. (6) $425. E. (9) $150.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $999.60. E. (9) $5.58.

A. Mr. Charles L. King, Suite 600, Munsey Building, 1329 E Street NW., Washington, D.C.
B. Air Line Pilots Association, International.
D. (6) $223.

A. Joseph T. King, 3600 M Street NW., Washington, D.C.
B. General Counsel for Associated Equipment Distributors.
E. (9) $785.82.

A. Mr. William S. Kingman, Sheraton-Park Hotel, Suite I–320, Washington, D.C.
B. Continental Telephone Corp., 222 South Central, St. Louis, Mo.
E. (9) $136.46.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $1,253.69.

A. Kirkland, Ellis Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1133 Avenue of the Americas, New York, N.Y.
D. (6) $120.

A. Herbert C. Kirstein, 30 F Street NW., Washington, D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $3,560. E. (9) $223.20.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa.
D. (6) $192.50. E. (9) $179.48.

A. Ralph W. Kittle.
B. International Paper Co., 220 East 42d Street, New York, N.Y.

A. Robert E. Kline, Jr., 1028 Connecticut Avenue NW., Washington, D.C.
B. Bowling Proprietors' Association of America, Inc., West Higgins Road, Hoffman Estates, Ill.
D. (6) $1,250. E. (9) $75.13.

A. Mr. Robert M. Koch, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington D.C.
E. (9) $30.50.

A. Wm. L. Kohler, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $396.20.

A. Horace R. Kornegay, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,877.50. E. (9) $733.50.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $150.

A. Germaine Krettek, 200 C Street SE., Washington, D.C.
B. American Library Association, 50 E. Huron Street, Chicago, Ill.
D. (6) $617.60.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C.
D. (6) $5,784. E. (9) $1,503.28.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C.; 11 South LaSalle Street, Chicago, Ill.

A. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $9,873. E. (9) $9,484.35.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C.
E. (9) $11,678.04.

A. Mr. A. M. Lampley, 400 First Street NW., Washington, D.C.
B. United Transportation Union.
E. (9) $150.

A. Ronald A. Lang, 330 Madison Avenue, New York, N.Y.
B. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.

A. Asger F. Langlykke, 1913 Eye Street NW., Washington, D.C.
B. American Society for Microbiology, 1913 Eye Street NW., Washington, D.C.

A. Albert Lannon, 1341 G Street NW., Washington, D.C.
B. International Longhoremen's & Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.
D. (6) $3,431.97. E. (9) $574.76.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.
B. Laborer's International Union of North America, 905 16th Street NW., Washington, D.C.
E. (9) $394.64.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C.
B. District of Columbia Division, American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Dillard B. Lasseter, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $525.

A. Donald F. Lavanty, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, Inc., c/o J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.
D. (6) $230. E. (9) $281.

A. George H. Lawrence, 1660 L Street NW., Washington, D.C.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.
D. (6) $425. E. (9) $110.

A. Robert F. Lederer, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, Inc., 835 Southern Building, Washington, D.C.
D. (6) $20. E. (9) $267.84.

A. Charles W. Lee, Congressional Hotel.
B. Emergency Committee for Full Funding of Education Programs, 300 New Jersey Avenue SE., Washington, D.C.
E. (9) $50.

A. Legislation for Animal Welfare, Inc., 3045 P Street NW., Washington, D.C.

A. Robert J. Leigh, 1000 Connecticut Avenue NW., Washington, D.C.
B. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.

A. Nils A. Lennartson, 1140 Connecticut Avenue NW., Washington, D.C.
B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $10,999.98.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Suite 808, Washington, D.C.
B. Japan Chemical Fibres Association, 3,3-Chrome, Muromachi Nihonbashi, Chuo-Ku, Tokyo, Japan.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Suite 808, Washington, D.C.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Suite 808, Washington, D.C.
B. Shell Chemical Co., 110 West 31st Street, New York, N.Y.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $13,392.50. E. (9) $7.04.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue, Washington, D.C.
B. Committee of Producers of Ferroalloys and Related Products.
D. (6) $400. E. (9) $10.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.
B. Arden Publishing Co., Tucson, Ariz.
D. (6) $2,500.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $1,250.

A. J. Stanley Lewis, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,812.50.

A. Herbert Liebenson, 1225 19th Street NW., Suite No. 307, Washington, D.C.
B. National Small Business Association, 1225 19th Street NW., Suite No. 307, Washington, D.C.
D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $4,884.81. E. (9) $4,884.81.

A. Lester W. Lindow, Association of Maximum Service Telecasters, Inc. 1735 De Sales Street NW., Washington, D.C.
B. Lester W. Lindow, Association of Maximum Service Telecasters, Inc., 1735 De Sales Street NW., Washington, D.C.
D. (6) $70.58.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Ninth Floor, Loyalty Building, Portland, Oreg.
B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Ninth Floor, Loyalty Building, Portland, Orag.
B. National Maritime Compensation Committee, Ninth Floor, Loyalty Building, Portland, Oreg.

A. Charles B. Lipsen, Active Ballot Club Department, 1775 K Street NW.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C.
D. (6) $5,499.90. E. (9) $1,485.03.

A. Robert G. Litschert, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C.
D. (6) $446.25. E. (9) $204.72.

A. Livestock Producers Committee, 2000 NBC Building, San Antonio, Tex.
B. Livestock Producers Committee, 2000 NBC Building, San Antonio, Tex.
D. (6) $1,000. E. (9) $3,255.18.

A. Paul H. Long, 1025 Connecticut Avenue NW., Suite 1014, Washington, D.C.
B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y.
E. (9) $28.88.

A. James F. Lovett, 100 Connecticut Avenue NW., Washington, D.C.
B. Westinghouse Electric Corp., 3 Gateway Center, Pittsburgh, Pa.
D. (6) $700. E. (9) $200.

A. Harold O. Lovre, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $2,400. E. (9) $304.89.

A. Otto Lowe, Cape Charles, Va.
B. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $1,500.

A. Otto Lowe, Cape Charles, Va.
B. Norfolk and Western Railway Co., Roanoke, Va.
D. (6) $1,050.

A. Donald C. Lubick, 1800 One M&T Building, Buffalo, N.Y.
B. 111 Realty Corp., 111 Monument Circle, Indianapolis, Ind.
D. (6) $850.

A. George A. Lucas, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $2,853.84.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C.
B. Menswear Retailers of America, R. 390, National Press Building, Washington, D.C.
D. (6) $400.

A. James H. Lynch, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $3,649.80. E. (9) $3,481.31.

A. A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
E. (9) $83.70.

A. Breck P. McAllister, 25 Broadway, New York, N.Y.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.
D. (6) $300 or less.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C.
B. Government Employes Council, AFL-CIO, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $2,660.95.

A. W. W. McClanahan, Jr., 1000 16th Street NW., Washington, D.C.
B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $437.50.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Cities Service Co., 60 Wall Tower, New York, N.Y.
E. (9) $54.38.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. The Coca-Cola Co., Atlanta, Ga.
D. (6) $2,696.25. E. (9) $134.10.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. The Corporate Fiduciaries of Chicago, LaSalle Street, Chicago, Ill.
D. (6) $6,250.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf Resources & Chemical Corp., 2125 Tenneco Building, Houston, Tex.
E. (9) $37.31.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Gulf & Western Industries, Inc., 437 Madison Avenue, New York, N.Y.
D. (6) $3,595.13. E. (9) $177.54.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C.
B. Mobil Oil Corp., 150 East 52d Street, New York, N.Y.
D. (6) $7,765.63. E. (9) $186.44.

A. McClure & Trotter, 1100 Connecticut Avenue, NW., Washington, D.C.
B. Silberberg & Co., 50 Wall Street, New York, N.Y.
D. (6) $3,000. E. (9) $4.89.

A. E. L. McCulloch, 400 First Street NW., Washington, D.C.
B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio.
D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C.
B. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.
D. (6) $125.

A. Joseph J. McDonald, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,877.50. E. (9) $550.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont.
E. (9) $141.01.

A. Mrs. Barbara D. McGarry, 20 E Street NW., Washington, D.C.
B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.
D. (6) $6,000.

A. Marshall C. McGrath, Director, Government Relations.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $560. E. (9) $213.36.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.
B. American Federal of Labor and Congress of Industrial Organizations, Federation of Trades and Labor Unions, 815 16th Street NW., Washington, D.C.
D. (6) $4,277.50. E. (9) $288.35.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $2,492.34. E. (9) $463.86.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $1,250.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $1,708.32.

A. William F. McKenna, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $33.

A. Marvin L. McLain, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,850. E. (9) $49.23.

A. Mrs. Teresa D. McLaughlin, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $1,042. E. (9) $1,326.

A. John S. McLees, 1615 H Street NW., Washington, D.C.
B. Chamber of Commerce of the USA.

A. William F. McManus, 777 14th Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $800. E. (9) $245.50.

A. C. W. McMillan, 801 East 17th Avenue, Denver, Colo.
B. American National Cattlemen Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $1,200.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $481.25. E. (9) $5.34.

A. Charles R. McNeill, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
D. (6) $2,000. E. (9) $536.37.

A. McNutt, Dudley & Eastwood, 910 17th Street NW., Washington, D.C.
B. American Dredging Co., 12 South 12th Street, Philadelphia, Pa., et al.
D. (6) $3,150. E. (9) $661.94.

A. Shane MacCarthy, 5223 River Road, Washington, D.C.
B. Printing Industries of America, 5223 River Road, Washington, D.C.
D. (6) $750. E. (9) $1,125.

A. John R. MacKenzie, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $1,000.

A. H. E. Mahlman, 1026 17th Street NW., Washington, D.C.
B. American Optometric Association, c/o J. C. Tumblin, O.D., Post Office Box 5147, Knoxville, Tenn.
D. (6) $700. E. (9) $43.06.

A. Robert L. Maier, 900 17th Street N.W., Washington, D.C.
B. Kaiser Industries Corp., 900 17th Street N.W., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1045.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va.
B. National Coal Association, Coal Building, 1130 17th Street NW., Washington, D.C.
D. (6) $7,825. E. (9) $108.25.

A. Mike Manatos, 1730 K Street NW., Washington, D.C.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio.
E. (9) $260.03.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D C.
D. (6) $5,000. E. (9) $3,000.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C.
B. National Star Route Mail Carriers Association, 324 East Capitol Street, Washington, D.C.
E. (9) $1,500.

A. Mrs. Olya Margolin, 1346 Connecticut Avenue NW., Washington, D.C.
B. National Council of Jewish Women, 1 West 47th Street, New York, N.Y.
D. (6) $3,250. E. (9) $207.14.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $500. E. (9) $53.65.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $180. E. (9) $14.

A. Paull Marshall, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads American Railroads Building, Washington, D.C.
D. (6) $126.11. E. (9) $140.40.

A. James J. Marshall, 1725 Eye Street NW., Washington, D.C.
B. Citizens Committee for Postal Reform, Inc., 1725 Eye Street, NW., Washington, D.C.
D. (6) $4999.40.

A. Thomas A. Martin, 1625 K Street NW., Washington, D.C.
B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.
D. (6) $500. E. (9) $100.

A. Maryland State Fair & Agricultural Society, Inc., State Fair Timonium Fair Grounds, Timonium, Md.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C.
B. Japanese American Citizen League, 1634 Post Street, San Francisco, Calif.
D. (6) $200.

A. Mike M. Masaoka, Masaoka-Ishikawa And Associates, Inc., 2021 L Street NW., Washington, D.C.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
D. (6) $500.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $948.19. E. (9) $102.76.

A. Walter J. Mason, 815 16th Street NW., Room 603, Washington, D.C.
B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Room 603, Washington, D.C.
D. (6) $5,076.84. E. (9) $1,453.52.

A. P. H. Mathews, Suite 212, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $502.33. E. (9) $327.83.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $662.50. E. (9) $511.32.

A. Charles E. Mattingly, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,612. E. (9) $249.87.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill.
D. (6) $4,745. E. (9) $590.

A. Mayonnaise & Salad Dressings Institute 25 East Chestnut Street, Chicago, Ill.

A. George G. Mead, 128 C Street NE., Washington, D.C.
B. The American Society of Radiologic Technologists, 645 N. Michigan Avenue, Chicago, Ill.
D. (6) $2,500. E. (9) $624.92.

A. George G. Mead, 128 C Street NE., Washington, D.C.
B. The National Association of Theater Owners, Inc., 1501 Broadway, New York, N.Y.
D. (6) $3,000. E. (9) $1,427.37.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
B. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y.
D. (6) $12,399.42. E. (9) $3,113.01.

A. Mr. Carl J. Megel, 1012 14th Street NW., Washington, D.C.
B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C.
E. (9) $12,100.

A. Mr. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,277.50.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.
D. (6) $55. E. (9) $.93.

A. Mr. Ellis E. Meredith, 2000 K Street NW., Washington, D.C.
B. American Apparel Manufacturers Association, Inc., 200 K Street NW., Washington, D.C.
D. (6) $400. E. (9) $360.

A. Lawrence C. Merthan, Hill & Knowlton, Inc., 1735 K Street NW., Washington, D.C.
B. Hill & Knowlton, 150 East 42d Street, New York, N.Y.
D. (6) $2,500. E. (9) $200.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.

A. George F. Meyer, Jr., 1625 Eye Street NW., Washington, D.C.
B. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $812.50.

A. Midland Cooperative Dairy Association, Shawano, Wis.

A. Capt. A. Stanley Miller, 1629 K Street N.W., Washington, D.C.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y.
D. (6) $100.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. American Mining Congress, 1102 Ring Building, 18th & M Streets N.W., Washington, D.C.
D. (6) $3,280.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. American Smelting and Refining Co., 120 Broadway, New York, N.Y.
D. (6) $3,300. E. (9) $3.74.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Baltimore Gas and Electric Co., Gas and Electric Building, Baltimore, Md.
D. (6) $300. E. (9) $2.35.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Bank of New York.
D. (6) $525. E. (9) $15.17.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Bekins Van & Storage Co., 1955 South Valley Highway, Denver, Colo.
D. (6) $4,000. E. (9) $23.25.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. H. E. Butt Trusts.
D. (6) $10,000. E. (9) $11.28.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Central Ohio Co., c/o Porter, Stanley, Treffinger & Platt, 37 West Broad Street, Columbus, Ohio.
D. (6) $4,000. E. (9) $6.50.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Columbia Gas System Service Corp., 120 East 41st Street, New York, N.Y.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Eastern Gas and Fuel Associates, 2900 Prudential Tower, Boston, Mass.
D. (6) $20,000. E. (9) $40.26.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Federal Cartridge Corp., Minneapolis, Minn.
D. (6) $1,000.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Estate of Roy A Hunt (deceased).
D. (6) $7,500.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Hercules Inc., 910 Market Street, Wilmington, Del.
D. (6) $400. E. (9) $12.50.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Inc., Eighth and Marquette, Minneapolis, Minn.
D. (6) $10,000. E. (9) $16.87.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. The Lovelace Foundation for Medical Education and Research, 5200 Gibson Boulevard SE., Albuquerque, N. Mex.
D. (6) $1,960. E. (9) $36.38.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Marshfield Clinic, Marshfield, Wis.
D. (6) $2,500. E. (9) $15.20.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Henry T. Mudd, 523 West Sixth Street, Los Angeles, Calif.
D. (6) $5,000. E. (9) $11.39.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. James H. Orr, 75 Federal Street, Boston, Mass.
D. (6) $5,000. E. (9) $109.02.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Margaret Bundy Scott, c/o Walker, Wright, Tyler & Ward, 631 Van Nuys Building, 210 West Seventh Street, Los Angeles, Calif.
D. (6) $5,000. E. (9) $33.06.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Elbridge Stuart Foundation, 5045 Wilshire Boulevard, Los Angeles, Calif.
D. (6) $15,000. E. (9) $97.45.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Washington Gas Light Co., 1100 H Street NW., Washington, D.C.
D. (6) $4,500.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW, Washington, D.C.
B. Dr. Norman Zamcheck, 63 Kenwood Avenue, Newton Center, Moss.
D. (6) $5,000. E. (9) $11.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $1950.

A. Dale Miller, 377 Mayflower Hotel, Washington, D. C.
B. Gulf Intracoastal Canal Association, 2211 First National Life Building, Houston, Tex.
D. (6) $2625.

A. Dale Miller, 377 Mayflower Hotel, Washington, D. C.
B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.
D. (6) $2250.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebraska.
B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr.
D. (6) $4,999.98. E. (9) $908.21.

A. Hermon I. Miller, 5116 Moorland Lane, Bethesda, Md.
B. National Turkey Federation, Mount Morris, Ill.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.
D. (6) $875.

A. Joseph L. Miller, 1612 K Street NW, Washington, D.C.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg.
B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg.
E. (9) $221.88.

A. Robert H. Miller, 1000 16th Street NW., Washington, D.C.
B. Tenneco Inc., Post Office Box 2511, Houston, Tex.
E. (9) $62.30.

A. Joseph A. Millimet, 1838 Elm Street, Manchester, N.H.
B. New England Bankcard Association, Inc., Boston, Mass.
D. (6) $582.65. E. (9) $32.65.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

A. Thomas F. Mitchell, 1735 I Street NW., Washington, D.C.
B. Georgia-Pacific Corp., Post Office Box 311, Portland, Oreg.
E. (9) $245.

A. Mobile Housing Association of America, 39 South LaSalle Street, Chicago, Ill.
E. (9) $453.29.

A. Willis C. Moffatt, Post Office Box 829, Boise, Idaho.
B. Standard Oil Co. of California, et al.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C.
B. Bituminous Coal Operators Association, 918 16th Street NW., Washington, D.C.
D. (6) $500.

A. Joseph E. Moody, 1000 16th Street NW., Washington, D.C.
B. National Coal Policy Conference, 1000 16th Street NW., Washington, D.C.

A. O. William Moody, Jr., 815 16th Street NW., Washington, D.C.
B. Maritime Trades Department, AFL–CIO, 816 16th Street NW., Washington, D.C.
D. (6) $1,500.

A. Carlos Moore, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,249.

A. Albert P. Morano, 7 Mallard Drive, Greenwich, Conn.
B. Gerli Co., Manchester, Conn.
D. (6) $1,500.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C.
B. American Humane Association, Post Office Box 1266, Denver Colo.
D. (6) $1,500.

A. Morgan, Lewis & Bockius, 1140 Connecticut Avenue, Washington, D.C.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y.

A. Robert E. Morin, 520 Investment Building NW., Washington, D.C.
B. National Association of Mutual Insurance Agents, 520 Investment Building, Washington, D.C.
E. (9) $3,857.02.

A. Morison, Murphy, Abrams & Haddock, 1776 K Street NW., Washington, D.C.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) Under $50.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $300. E. (9) 151.35.

A. James T. Mular, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $1,190.78.

A. John J. Murphy, 33 Wilelinor Drive, Edgewater, Md.
B. National Customs Service Association.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
E. (9) $119.37.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.
D. (6) $1,019.75. E. (9) $1,019.75.

A. National Associated Businessmen, 1000 Connecticut Avenue, Washington, D.C.
D. (6) $1,252.31. E. (9) $1,049.21.

A. National Association of Credit Management, 44 East 23d Street, New York, N.Y.
D. (6) $65. E. (9) $42.20.

A. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $67,564.34. E. (9) $11,627.60.

A. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 Eye Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $33,875.09. E. (9) $37,959.89.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y.
E. (9) $11,870.59.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $764,360.05. E. (9) $69,527.79.

A. National Association of Mutual Insurance Companies, 2511 E. 46th Street, Indianapolis, Ind.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $2,290.43. E. (9) $2,290.43.

A. National Association of Postal Supervisors, Post Office Box 1924, Washington, D.C.
D. (6) $35,000. E. (9) $20,438.91.

A. National Association of Single Taxpayers, 1010 Vermont Avenue NW., Washington, D.C.
D. (6) $1,125. E. (9) $297.10.

A. National Association of Social Workers, Inc., 2 Park Avenue, New York, N.Y.
D. (6) $2,400. E. (9) $3,600.

A. National Association of Theatre Owners, Inc., 1501 Broadway, New York, N.Y.
D. (6) $7,125. E. (9) $21,109.92.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va.
D. (6) $26,697.39. E. (9) $6,370.58.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $84,071.16. E. (9) $7,681.45.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $2,016.60. E. (9) $2,016.60.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Canners Association, 1133 20th Street NW., Washington, D.C.
D. (6) $539,320.47. E. (9) $6,679.03

A. National Coal Association, Coal Building, Washington, DC.

A. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
E. (9) $3,489.08.

A. National Committee to Abolish HUAC/HISC, 555 North Western Avenue, Los Angeles, Calif.
D. (6) $1,537.47. E. (9) $1,537.47.

A. The National Committee for the Recording Arts, 10000 Santa Monica Boulevard, Los Angeles, Calif.
D. (6) $70,795. E. (9) $39,703.97.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $10,803.53. E. (9) $10,803.53.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $20,299.84. E. (9) $30,377.76.

A. National Council, Junior Order United American Mechanics, 3027 North Broad Street, Philadelphia, Pa.

A. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.

A. National Council of Technical Service Industries, 888 17th Street NW., Washington, D.C.
D. (6) $554.34. E. (9) $730.15.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Cenco Instruments Corp., 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $1,125. E. (9) $273.94.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for Study Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $2,000. E. (9) $225.46.

A. National Cystic Fibrosis Research Foundation, 202 East 44th Street, New York City.
E. (9) $1,500.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C.
D. (6) $299,609.97. E. (9) $12,976.21.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.
D. (6) $16,496.46. E. (9) $16,496.46.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $2,553.14. E. (9) $3,882.01.

A. The National Grange, 1616 H Street NW., Washington, D.C.
E. (9) $9,941.67.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
E. (9) $397.50.

A. National Independent Dairies Association, 1735 K Street NW., Washington, D.C.
E. (9) $259.96.

A. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $380,760.83. E. (9) $859.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
D. (6) $1,486.40. E. $1,486.40.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $7,404.08. E. (9) $7,404.08.

A. National Multiple Sclerosis Society, 257 Park Avenue South, New York City.
E. (9) $938.73.

A. National Patent Council, 1225 19th Street NW., Washington, D.C.
D. (6) $2,974.

A. National Preservers Association, 25 East Chestnut Street, Chicago, Ill.

A. National Realty Trust, 60 Hickory Drive, Waltham, Mass.
E. (9) $25.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C.
D. (6) $11,140.03. E. (9) $1,290.62.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $2,812.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $12,500. E. (9) $11,510.

A. National Telephone Cooperative Association, 1000 Connecticut Avenue NW., Washington, D.C.
E. (9) $1,309.22.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
E. (9) $334.84.

A. National Turkey Federation, Mount Morris, Ill.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Washington, D.C.
D. (6) $7,625. E. (9) $7,716.04.

A. Alexander W. Neale, Jr., 1101 17th Street NW., Washington, D.C.
B. National Association of Supervisors of State Banks, 1101 17th Street NW., Washington, D.C.
D. (6) $5,750. E. (9) $97.60.

A. Alan M. Nedry, 888 17th Street NW., Washington, D.C.
B. Southern California Edison Co., Post Office Box 351, Los Angeles, Calif.
D. (6) $2,500. E. (9) $597.26.

A. Allen Neece, Jr., 537 Washington Building, Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $300.

A. Samuel E. Neel, 1200 18th Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.

A. Frances E. Neely, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,394.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,500. E. (9) $260.37.

A. Robert B. Neville, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $2,687.50. E. (9) $100.

A. Louis H. Nevins, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 E. Superior Street, Chicago, Ill.
D. (6) $2,833. E. (9) $63.25.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C.
B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill.
D. (6) $150. E. (9) $9.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa.
B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr.
D. (6) $2,350. E. (9) $672.80.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.
B. United Federation of Postal Clerks, Washington, D.C.
D. (6) $6,712.30. E. (9) $715.88.

A. James W. Nisbet, 280 Union Station Building, Chicago, Ill.
B. Western Railroad Association, an association of western railroads, 224 Union Station Building, Chicago, Ill.

A. Stanley D. Noble, 29 North Wacker Drive, Chicago, Ill.
B. Council of Profit Sharing Industries, 29 North Wacker Drive, Chicago, Ill.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.
D. (6) $100.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $1,500. E. (9) $924.68.

A. Robert H. North, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Ira H. Nunn, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $3,375. E. (9) $250.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.
D. (6) $650.

A. Frank J. O'Brien, 4880 MacArthur Boulevard NW., Washington, D.C.
B. International Union of District 50, UMWA, 4880 MacArthur Boulevard NW., Washington, D.C.
D. (6) $3,360.

A. Raymond D. O'Connell, 400 Madison Ave., New York, N.Y.
B. National Cable Television Association, Inc., 1634 Eye Street NW., Washington, D.C.
D. (6) $6,000. E. (9) $534.68.

A. Richard T. O'Connell, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,422.92. E. (9) $48.22.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. American Transit Association, 815 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,250. E. (9) $116.50.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn.
D. (6) $3,300. E. (9) $500.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Upper Mississippi Towing Co., 7703 Normandale Road, Minneapolis, Minn.
D. (6) $2,500. E. (9) $135.

A. John B. O'Day, CLU, 11 East Adams Street, Chicago, Ill.
B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill.
D. (6) $40,592.93.

A. John A. O'Donnell, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., Washington, D.C.
B. Philippine Sugar Institute, Post Office Box 978, Manila, Philippines.
D. (6) $500. E. (9) $250.——

A. Jane O'Grady, 1000 Wisconsin Avenue NW., Washington, D.C.
B. Committee for Community Affairs, 1000 Wisconsin Avenue NW., Washington, D.C.
D. (6) $1,449.43. E. (9) $63.80.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C.
B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio.
E. (9) $1,927.95.

A. Mr. Alvin E. Oliver, 500 Folger Building, 725 15th Street NW., Washington, D.C.
B. Grain and Feed Dealers National Association, 500 Folger Building, 725 15th Street NW., Washington, D.C.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Robert Oliver, 400 First Street NW., Washington, D.C.
B. The Sperry and Hutchinson Co., 330 Madison Avenue, New York, N.Y.

A. Michael S. Olson, Post Office Box 2056, Raleigh, N.C.
B. Carolinas Association of Mutual Insurance Agents, Inc., Post Office Box 2056, Raleigh, N.C.
E. (9) $180.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $14.75.

A. Raymond B. Ondov, 105 East Oakland Avenue, Austin, Minn.
B. The Hormel Foundation, Austin, Minn.
D. (6) $12,680. E. (9) $1,691.64.

A. 111 Realty Corp., 620 Guaranty Building, Indianapolis, Ind.
E. (9) $2,550.

A. Charles T. O'Neill, Jr., 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 90 Park Avenue, New York, N.Y.
E. (9) $246.51.

A. Jerry H. Opack, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. Walter Page, Box 128, Cazenovia, N.Y.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C.
B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C.

A. J. Don Parel, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $362.16. E. (9) $38.

A. Judith E. Park, 1909 Que Street NW., Washington, D.C.
B. National Association of Retired Civil Employees, 1909 Que Street NW., Washington, D.C.
D. (6) $2,548.97. E. (9) $181.19.

A. Geo. F. Parrish, Post Office Box 7, Charleston, W. Va.
B. West Virginia Railroad Association, Post Office Box 7, Charleston, W. Va.
D. (6) $6,000. E. (9) $301.95.

A. Parsons, Tennent & Zeidman, 1025 Connecticut Avenue NW., Washington, D.C.
B. Council of Housing Producers, 1901 Avenue of the Stars, Los Angeles, Calif.
E. (9) $36.54.

A. Parsons, Tennent & Zeidman, 1025 Connecticut Avenue NW., Washington, D.C.
B. International Franchise Association, 1 East Wacker Drive, Chicago, Ill.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $141.80.

A. Patton, Blow, Verill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Boating Industry Association, 333 North Michigan Avenue, Chicago, Ill.
D. (6) Under $500.

A. Patton, Blow, Verrill, Brand & Boggs, Suite 710, 1200 17th Street NW., Washington, D.C.
B. Donaldson, Lufkin & Jenrette, Inc., 140 Broadway, New York, N.Y.
D. (6) Less than $500.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. Geothermal Resources International, Inc., 1705 Chester Avenue, Bakersfield, Calif.
D. (6) Under $500.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. New Process Co., Warren, Pa.
D. (6) $1,000.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C.
B. The Reader's Digest Association, Inc., Pleasantville, N.Y.
D. (6) $1,000.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. Computer Lessors Association, Inc., One Chase Manhattan Plaza, New York, N.Y.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C.
B. The Denver Post, Inc., 650 15th Street, Denver, Colo.
E. (9) $88.82.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. GATX-Armco-Boothe, One Maritime Plaza, San Francisco, Calif.
D. (6) $7,300.

A. Mr. Lynn C. Paulson, 1735 K Street NW., Washington, D.C.
B. National Independent Dairies Association, 1735 K Street NW., Washington, D.C.
E. (9) $707.94.

A. Peabody, Rivlin, Kelly, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C.
B. Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y.
D. (6) $500. E. (9) $25.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
E. (9) 2,991.34.

A. Mr. D. V. Pensabene, Suite 1204, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co., of California, Suite 1204, 1700 K Street NW., Washington, D.C.
D. (6) $50. E. (9) $25.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C.
B. Shell Oil Co., 50 West 50th Street, New York, N.Y.

A. A. J. Pessel, 1001 Connecticut Avenue NW., Washington, D.C.
D. (6) $750. E. (9) $245.

A. A. Harrold Peterson, 715 Cargill Building, Minneapolis, Minn.
B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn.
D. (6) $2,500. E. (9) $1,222.51.

A. Georgette Kelley Peterson, 520½ G Street SE., Washington, D.C.
B. Peace in Africa, 240 Dewey Street, Buffalo, N.Y.
D. (6) $1,000. (9) $195.

A. Michael Petresky, 400 First Street, Washington, D.C.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C.
B. Corporation, 900 17th Street NW., Washington, D.C.
D. (6) $325. (9) $250.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6) $1,125. (9) $172.25.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $3,333.33. (9) $395.82.

A. Albert Pike, 277 Park Avenue, New York, N.Y.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y.

A. Bruce Pike, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $2,666.

A. James F. Pinkney, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,000. (9) $129.29.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C.
B. Texaco Inc., 135 East 42d Street, New York, N.Y.
D. (6) $700. (9) $1,460.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex., Cotton Ginner Association.
D. (6) $92,486.66. E. (9) $1,350.

A. J. Francis Pohlhaus, 422 First Street SE., Washington, D.C.
B. Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

A. Fredrick T. Poole, 425 13th Street, NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $418.

A. Robert R. Poston, 908 Colorado Building, Washington, D.C.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y.
D. (6) $900. E. (9) $256.47.

A. George G. Potts, 15 E. Cliff Street, Alexandria, Va.
B. National Association of Mutual Insurance Agents, 520 Investment Building, Washington, D.C.
E. (9) $660.

A. Ramsay D. Potts, Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street, NW., Washington, D.C.
D. (6) $2,250. E. (9) $31.05.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C.
B. Association on Broadcasting Standards, Inc., 1741 DeSales Street NW., Washington, D.C.

A. William I. Powell, 1110 Ring Building, Washington, D.C.
B. Independent Petroleum Association of America, 1110 Ring Building, Washington, D.C.
E. (9) $13.60.

A. Carlton H. Power, 1918 N. Parkway, Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Box 12285, Memphis, Tenn.
D. (6) $540.

A. William C. Prather, 221 No. LaSalle, Street, Chicago, Ill.
B. United States Savings and Loan League, 221 LaSalle Street, Chicago, Ill.
D. (6) $475. E. (9) $112.

A. William H. Press, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C.
D. (6) $9,500.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C.
D. (6) $218.75. E. (9) $1.50.

A. Mrs. Pearl B. Price, 406 Mayrant Drive, Dallas, Tex.
B. National Congress of Parents and Teachers.

A. Jerry C. Pritchett, 2011 Eye Street NW., Washington, D.C.
B. Mechanical Contractors Association of America, 2 Pennsylvania Plaza, New York, N.Y.
D. (6) $414.40. E. (9) $414.40.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $816.67.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md.
B. Associated Retail Bakers of America, 735 W. Sheridan Road, Chicago, Ill.
D. (6) $875.08. E. (9) $331.83.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md.
B. Private Truck Council of America, Inc., 1317 F Street NW., Washington, D.C.
D. (6) $27.38. E. (9) $10.40.

A. Earl G. Quinn, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $1,507.50.

A. Luke C. Quinn, Jr., 1001 Connecticut Avenue NW., Washington, D.C.
B. American Cancer Society, New York City, et al.
D. (6) $10,749.98. E. (9) $10,449.06.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C.
D. (6) $2,014.17. E. (9) $200.84.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $3,375.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $204.84.

A. Edward F. Ragland, 6917 Marbury Road, Bethesda, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $220. E. (9) $220.

A. William A. Raleigh, Jr., 1000 16th Street NW., Washington, D.C.
B. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
D. (6) $4,988.

A. Carl R. Ramsey, 239 Beach Road, Alameda, Calif.
B. National Council of Naval Air Stations Employee Organizations, 239 Beach Road, Alameda, Calif.

A. Louis J. Rancourt, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $775.39.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $150.

A. Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.
D. (6) $82,500. E. (9) $75,040.38.

A. Recreational Vehicle Institute Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
E. (9) $6,562.24.

A. John T. Reggitts, Jr., Public Relations Consultant Socio-Economic Research-Socio-Politico Research, 95 Boonton Avenue, Rural Delivery No. 2, Boonton, N.J.

A. W. W. Renfroe, 101 East High Street, Lexington, Ky.
B. Kentucky Railroad Association.

A. Ronald E. Resh, 1300 Wyatt Building, Washington, D.C.
B. Wyatt & Saltzstein, 1300 Wyatt Building, Washington, D.C.
D. (6) $1250.

A. Retired Officers Association, 1625 Eye Street NW., Washington, D.C.
D. (6) $3,562.50.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, 13th & E Streets NW., Washington, D.C.
D. (6) $3,127. E. (9) $9,261.46.

A. John A. Reusing, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $1,396. E. (9) $3,053.

A. William L. Reynolds, 1200 17th Street NW., Washington, D.C.
B. National League of Insured Savings Associations, 1200 17th Street NW., Washington, D.C.
D. (6) $26.

A. Theron J. Rice, Continental Oil Co., 1130 17th Street NW., Washington, D.C.
B. Continental Oil Co., 30 Rockefeller Plaza, New York, N.Y.

A. James W. Richards, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Company (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,284.02. E. (9) $17.40.

A. Richard N. Rigby, Jr., 1900 L Street NW., Washington, D.C.
B. National Oceanography Association, 1900 L Street NW., Washington, D.C.
D. (6) $400. E. (9) $89.25.

A. John Riley, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $628.12. E. (9) $37.74.

A. William Neale Roach, 1616 P Street NW, Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C.
D. (6) $1,000.

A. Stephen Philip Robin, 1000 Connecticut Avenue NW., Washington, D.C.
B. Kozai Club, 3–16, Nihonbashi-Kayabacho, Chuo-ku, Tokyo, Japan.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperation Association, 2000 Florida Avenue NW., Washington, D.C.
D. (6) $185.

A. James A. Rock, 425 13th Street, NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchants Mart Plaza, Chicago, Ill.
D. (6) $178.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank, Holding Companies, 1730 15th Street NW., Washington, D.C.
D. (6) $562.50.

A. Mr. C. Richard Rogers, 1600 Rhode Island Avenue NW., Washington, D.C.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C.

A. Frank W. Rogers, 1700 K Street NW., Washington, D.C.
B. Western Oil and Gas Association, 609 South Grand Avenue, Los Angeles, Calif.
D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $1,000.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $120.73.

A. William E. Rollow, Esq., 815 15th Street NW., Washington, D.C.
B. National Capital Area Council of Sportmen, 815 15th Street NW., Washington, D.C.

A. William E. Rollow, Esq., 815 15th Street NW., Washington, D.C.
B. The National Skeet Shooting Association.

A. Michael J. Romig, 1025 Connecticut Avenue NW., Washington, D.C.
B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,500. E. (9) $250.

A. Michael P. Roudnev, 1825 K Street NW., Washington, D.C.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif.
D. (6) $500. E. (9) $50.

A. Robert J. Routier, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.

A. Royall, Koegel & Wells, 1730 K Street NW., Washington, D.C.
B. The Morris and Gwendolyn Cafritz Foundation, 1825 K Street NW., Washington, D.C.
D. (6) $17,600. E. (9) $880.

A. John Forney Rudy, 902 Ring Building, Washington, D.C.
B. The Goodyear Tire & Rubber Co., Akron, Ohio.

A. Albert R. Russell, Post Office Box 12285, Memphis, Tenn.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $937.50. E. (9) $158.33.

A. Joseph C. Russo, Jr., 1140 Connecticut Avenue NW., Washington, D.C.
B. National Association of Electric Companies, 1140 Connetcicut Avenue NW., Washington, D.C.
D. (6) $110. E. (9) $14.85.

A. J. T. Rutherford, 1616 P Street NW., Washington, D.C.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C.
D. (6) $1,200. E. (9) $954.66.

A. Mrs. Edward F. Ryan, 110 Bridge Street, Manchester, Mass.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $483.45.

A. William H. Ryan, Machinists Building, Washington, D.C.
B. International Association of Machinists & Aerospace Workers, Machinists Building, Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Francis J. Ryley, 519 Title & Trust Building, Phoenix, Ariz.
B. Standard Oil Company of California, San Francisco et al.

A. Carl K. Sadler, 400 First Street NW., Washington, D.C.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C.
D. (6) $4,323.20. E. (9) $7,956.04.

A. Robert A. Saltzstein, 1300 Wyatt Building, Washington, D.C.
B. American Business Press Inc., 205 E. 42nd Street, New York, N.Y.
D. (6) $8,750. E. (9) $2,309.22.

A. Eric P. Schellin, 1225 19th Street NW., Washington, D.C.
B. National Patent Council, 1225 19th Street NW., Washington, D.C.
D. (6) $750. E. (9) $328.27.

A. Jacques T. Schlenger, Esquire, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.

A. Edwin R. Schneider, Jr., Esquire, 1522 K Street NW., Washington, D.C.
B. Mail Advertisers Educational Committee of the Major Mailers and Producers of the Mail Advertising, Service Association International, Inc., 425 Thirteenth Street NW., Washington, D.C.

A. C. Herschel Schooley, 815 15th Street NW., Washington, D.C.
B. Independent Bankers Association of America, Sauk Centre, Minn.
D. (6) $4,250. E. (9) $2,669.38.

A. Hilliard Schulberg, 1900 L Street NW., Washington, D.C.
B. Washington, D.C. Retail Liquor Dealers Association, Inc., 1900 L Street NW., Washington, D.C.
E. (9) $75.50.

A. John W. Scott, 1616 H Street NW., Washington, D.C.
B. The National Grange, 1616 H Street NW., Washington, D.C.
D. (6) $5,000.

A. Margaret Bundy Scott c/o Walker, Wright, Tyler & Ward, 650 South Grand, Los Angeles, Calif.
E. (9) $5,033.06.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.
B. Provident Life & Accident Insurance Co., Chattanooga, Tenn.
D. (6) $7,500.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington D.C.
B. Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.

A. Scribner, Hall, Casey, Thornburg & Thompson, 1200 18th Street NW., Washington, D.C.
B. Transamerica Corp., 701 Montgomery Street, San Francisco, Calif.
D. (6) $900.

A. Durward Seals, 777 14th Street NW., Washington, D.C.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C.

A. Hollis M. Seavey, 1771 N Street NW., Washington, D.C.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

A. Leo Seybold, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $1,125. E. (9) $249.44.

A. Robert R. Shaefer, doing business as, Leisure Time Specialists, 1400 South Joyce Street, Arlington, Va.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y.
D. (6) $750. E. (9) $300.

A. Joseph H. Sharlitt, 1522 K Street NW., Washington, D.C.
B. Mail Advertisers Educational Committee of the Major Mailers and Producers of the Mail Advertising Service Association International, Inc., 425 13th Street NW., Washington, D.C.

A. Sharon, Pierson & Semmes, 1054 31st Street NW., Washington, D.C.
B. Anchor Corp. et al.
D. (6) $1,500.

A. Sharon, Pierson & Semmes, 1054 31st Street NW., Washington, D.C.
B. Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y.
D. (6) $9,438.

A. Arnold F. Shaw, 503 D Street NW., Washington, D.C.
B. The National Committee for the Recording Arts, 9300 Wilshire Boulevard, Beverly Hills, Calif.
D. (6) $2,500.

A. Kenneth D. Shaw, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $750.

A. Shaw, Pittman, Potts, Trowbridge & Madden, Barr Building, Washington, D.C.
B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $5,212.50 E. (9) $1,580.48

A. Ira Shesser, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C.

A. Max Shine, 1126 16th Street NW., Washing, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.
D. (6) $992.50. E. (9) $20.

A. Shipley, Akerman Pickett Stein & Kaps, 1108 National Press Building, Washington, D.C.
B. Independent Broker Dealers' Trade Association, 472 Bridge Street, Springfield, Mass.
E. (9) $390.

A. Charles B. Shuman, Merchandise Mart Plaza, Chicago, Ill.
B. American Farm Bureau Federation, Merchandise Mart Plaza, Chicago, Ill.
D. $1,000.

A. Sidley & Austin, 1625 Eye Street NW., Washington, D.C.
B. American Insurance Association, 85 John Street, New York, N.Y.
D. (6) $200.

A. Sidley & Austin, 1625 Eye Street NW., Washington, D.C.
B. Associated Third Class Mail Users, Inc., 1725 K Street NW., Washington, D.C.
D. (6) 200.

A. Sidley & Austin, 1625 Eye Street NW., Washington, D.C.
B. Electronic Industries Association, Consumer Products Division, 2001 Eye Street NW., Washington, D.C.
D. (6) $200.

A. David Silver, 1775 K Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $60.

A. Silver Users Association, 1625 I Street NW., Washington, D.C.
D. (6) $7,566.50. E. (9) $5,008.70.

A. Single Persons Tax Reform and War Singles, 1692A Green Street, San Francisco, Calif.
D. (6) $3.41. E. (9) $245.79.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Six Agency Committee, 909 South Broadway, Los Angeles, Calif.
E. (9) $3,000.

A. Carstens Slack, 1625 I Street NW., Washington, D.C.
B. Phillips Petroleum Co., Bartlesville, Okla.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C.
B. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $3,750. E. (9) $8.40.

A. Donald E. Smiley, Suite 1008, 1025 Connecticut Avenue NW., Washington, D.C.
B. Humble Oil & Refining Co. (a Delaware Corp.), Post Office Box 2180, Houston, Tex.
E. (9) $478.59.

A. T. W. Smiley, 135 East 11th Place, Chicago, Ill.
B. Illinois Railroad Association, 135 East 11th Place, Chicago, Ill.
E. (9) $2,374.56.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C.
B. Edward Gottlieb & Associates, Ltd., 485 Madison Avenue, New York, N.Y.
E. (9) $146.56.

A. Mrs. Irvin A. Smith, 418 East Rosser Avenue, Box 938, Bismarck, N. Dak.
B. North Dakota Railway Lines.
E. (9) $8.50.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.
B. American Unsubsidized Lines, 1054 31st Street NW., Washington, D.C.
D. (6) $1,500. E. (9) $93.25.

A. Robert William Smith, 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $660. E. (9) $135.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C.
B. National Association of Mutual Insurance Companies, 2611 East 46th Street, Indianapolis, Ind.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,100. E. (9) $958.80.

A. Lyle O. Snader, 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $419.37. E. (9) $284.

A. Frank B. Snodgrass, 1726 M Street NW., Washington, D.C.
B. Burley and Dark Leaf Tobacco Export Association, Inc., Post Office Box 860, Lexington, Ky.
D. (6) $487.50.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,659.

A. Society for Animal Protective Legislation, Post Office Box 3719, Georgetown Station, Washington, D.C.
D. (6) $11,569.35. E. (9) $6,362.65.

A. Carl A. Soderblom, One East First Street, Reno, Nev.
B. Nevada Railroad Association, One East First Street, Reno, Nev.
D. (6) $125. E. (9) $475.01.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C.
B. International Brotherhood Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) $1,999.80.

A. William W. Spear, 1000 16th Street NW., Washington, D.C.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,100.40. E. (9) $3.78.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C.
B. Schenley Industries, Inc., 1290 Avenue of the Americas, New York, N.Y.

A. Mr. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Nicholas J. Spiezio, 1707 H Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1707 H Street NW., Washington, D.C.
D. (6) $338. E. (9) $2,649.

A. Joseph L. Spilman, Jr., 1625 K Street NW., Washington, D.C.
B. Mid-Continent Oil & Gas Association, 300 Tulsa Building, Tulsa, Okla.
D. (6) $500. E. (9) $110.

A. Louis P. Spitz, 1828 L Street NW., Washington, D.C.
B. American Association of Motor Vehicle Administrators, 1828 L Street NW., Washington, D.C.
D. (6) $1,000.

A. Lynn Stalbaum, 1026 17th Street NW., Washington, D.C.
B. Associated Dairymen, Inc., Washington, D.C.
D. (6) $450.

A. Allan J. Stanton, 405 Luhrs Building, Phoenix, Ariz.
B. Southern Pacific Transportation Co., 65 Market Street, San Francisco, Calif., et al.,
D. (6) $100. E. (9) $16.

A. Melvin L. Stark, American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.

B. American Insurance Association, 1025 Connecticut Avenue NW., Washington, D.C.
D. (6) $3,000. E. (9) $ 350.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, Montgomery at Post, San Francisco, Calif.
B. Valley Center Municipal Water District, Valley Center, Calif.
D. (6) $1,700. E. (9) $905.44.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y.
D. (6) $75. E. (9) $4.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Rule of Law Committee, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $50.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Teachers Insurance & Annuity Association of America, 730 Third Avenue, New York, N.Y.
D. (6) $6,550. E. (9) $111.33.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railroad Signalmen, Washington, D.C.

A. Travis Stewart, 340 Kingsland Street, Nutley, N.J.
B. Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, N.J.
D. (6) $800. E. (9) $450.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C.
B. Imported Footwear Group, American Importers Association, New York, N.Y., et al.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue, Washington, D.C.
B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Sterling F. Stoudenmire, Jr., 61 St. Joseph Street, Mobile, Ala.
B. Waterman Steamship Corp., 61 St. Joseph Street, Mobile, Ala.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C.
B. Veterans of Foreign Wars of the United States.
D. (6) $5,350. E. (9) $398.96.

A. William M. Stover, 1825 Connecticut Avenue, NW., Washington, D.C.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C.
D. (6) $815.90. E. (9) $100.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Federation of American Scientists, 1700 K Street NW., Washington, D.C.
D. (6) An indeterminate fraction of $700.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. The Hualapai Tribe of the Hualapai Reservation, Box 168, Peach Springs, Ariz.
D. (6) An indeterminate fraction of $469.50.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Metlakatla Indian Community, Box 142, Metlakatla, Alaska.
D. (6) An indeterminate fraction of $3,500.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. The Oglala Sioux Tribe of the Pine Ridge Reservation, Pine Ridge, S. Dak.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Salt River Pima Maricopa Indian Community, Box 120, Route 1, Scottsdale, Ariz.
D. (6) An indeterminate fraction of $875.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. San Carlos Apache Tribe, San Carlos, Ariz.

A. Strasser, Spiegelberg, Fried, Frank & Kampelman, 1700 K Street NW., Washington, D.C.
B. Seneca Nation of Indians, Haley Community Building, Salamanca, N.Y.
D. (6) An indeterminate fraction of $3000.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street Indianapolis, Ind.
D. (6) $5,30- E. (9) $633.33.

A. Norman Strunk, 221 North LaSalle Street, Chicago, Ill.
B. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $2,250. E. (9) $737.07.

A. Elbridge Stuart Foundation, 5045 Wilshire Boulevard, Los Angeles, Calif.
E. (9) $15,097.45.

A. Richard L. Studley, 1400 20th Street NW., Post Office Box 19128, Washington, D.C.
B. Machinery Dealers National Association, 1400 20th Street NW., Post Office Box 19128, Washington, D.C.

A. Walter B. Stults, 537 Washington Building, Washington, D.C.
B. National Association of River & Harbor Investment Companies, 537 Washington Building, Washington, D.C.
D. (6) $600.

A. Norman A. Sugarman, Baker, Hostetler & Patterson, 1956 Union Commerce Building, Cleveland, Ohio.
B. Akron Community Trust et al.
D. (6) $4,500. E. (9) $484.96.

A. Norman A. Sugarman, Baker, Hostetler & Patterson, 1956 Union Commerce Building, Cleveland, Ohio.
B. Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio.
E. (9) $136.98.

A. Norman A. Sugarman, Baker, Hostetler & Patterson, 1956 Union Commerce Building, Cleveland, Ohio.
B. Federal Cartridge Corp., 2700 Foshay Tower, Minneapolis, Minn.
D. (6) $9,175. E. (9) $1,598.98.

A. Barry Sullivan, 536 Washington Building, Washington, D.C.
B. National Association of River & Harbor Contractors, 536 Washington Building, Washington, D.C.
D. (6) $750. E. (9) $320.50.

A. John T. Sun, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Frank L. Sundstrom, 1776 K Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C.
B. Pharmaceutical Manufacturers Association.

A. Noble J. Swearingen, 128 C Street NE., Washington, D.C.
B. National Tuberculosis and Respiratory Diseases Association, 1740 Broadway, New York, N.Y.
D. (6) $950.

A. John R. Sweeney, 1000 16th Street NW., Washington, D.C.
B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa.

A. Mr. Russell A. Swindell, Box 2635, Raleigh, N.C.
B. N.C. Railway.
D. (6) $264. E. (9) $94.60.

A. Synthetic Organic Chemical Manufacturers Association, 330 Madison Avenue, New York, N.Y.
E. (9) $775.23.

A. Charles P. Taft, Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
B. Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.
D. (6) $100.

A. Russell D. Tall, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va.
B. National Congress of Parents and Teachers, 700 Rush Street, Chicago, Ill.

A. Roy W. Terwilliger, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 815 Connecticut Avenue NW., Washington, D.C.

A. L. D. Tharp, Jr., 1660 L Street NW., Washington, D.C.
B. Independent Natural Gas Association of America, 1660 L Street NW., Washington, D.C.
D. (6) $300.

A. Clark W. Thompson, 1000 16th Street NW., Washington, D.C.

A. William B. Thompson, Jr., 300 New Jersey Avenue SE., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $196. E. (9) $204.

A. William H. Tinney, 2000 L Street NW., Washington, D.C.
B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturies & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C.
E. (9) $1,455.

A. H. Willis Tobler, 30 F Street NW., Washington D.C.
B. National Milk Producers Federation, 30 F Street NW., Washington, D.C.
D. (6) $2,800. E. (9) $150.44.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electric Com-

panies, 1140 Connecticut Avenue, Washington, D.C.
D. (6) $670. E. (9) $841.46.

A. F. Gerald Toye, 777 Fourteenth Street NW., Washington, D.C.
B. General Electric Co., 570 Lexington Avenue, New York, N.Y.
D. (6) $1,200. E. (9) $11.30.

A. J. P. Trainor, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $1,329.24.

A. Transportation Association of America, 1101 17th Street, NW., Washington, D.C.
E (9) $19.

A. Richard S. Tribbe, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 1000 Merchandise Mart Plaza, Chicago, Ill.
D. (6) $2,312. 1. (9) $39.96.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C.
B. United States Savings & Loan League, 221 North LaSalle Street, Chicago, Ill.
D. (6) $5,000. E. (9) $79.50.

A. Joel B. Truce, 277 Park Avenue, New York, N.Y.
B. National Association of Manufacturing.

A. Galen Douglas Trussell, 918 16th Street NW., Washington, D.C.
B. National Association of Manufacturing.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.
D. (6) $29. E. (9) $171.13.

A. Dick Tullis, 607 Maple Terrace, Dallas, Tex.
B. Superior Oil Co., Houston, Tex. and Los Angeles, Calif.
D. (6) $100. E. (9) $100.

A. W. Lloyd Tupling, 235 Massachusetts Avenue NE., Washington, D.C.
B. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.
D. (6) $3,000. E. (9) $359.

A. Richard F. Turney, 835 Southern Building, Washington, D.C.
B. American Association of Nurserymen, 835 Southern Building, Washington, D.C.
D. (6) $20. E. (9) $287.84.

A. John D. Tyson.
B. International Paper Co., 220 East 42d Street, New York, N.Y.
D. (6) $410.16. E. (9) $147.86.

A. United Federation of Postal Clerks, 817 14th Street NW., Washington, D.C.
D. (6) $673,988.23. E. (9) $65,080.80.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.
E. (9) $227.60.

A. United States Savings and Loan League, 221 North LaSalle Street, Chicago, Ill.
E. (9) $36,192.32.

A. The Universal Exchange, Post Office Box 8701, Orlando, Fla.
E. (9) $537.45.

A. Valicenti Leighton Reid & Pine and Richard L. Goldman, 70 Pine Street, New York, N.Y.
B. Association of Mutual Fund Plan Sponsors, Inc., 50 East 42d St., New York, N.Y.
E. (9) $60.75.

A. John A. Vance, 1725 K Street NW., Washington, D.C.
B. Pacific Gas & Electric Co., 245 Market Street, San Francisco, Calif.
D. (6) $3,230. E. (9) $2,559.89.

A. Theodore A. Vanderzyde, Machinists, Building, Washington, D.C.
B. International Association of Machinists, & Aeroscape Workers, AFL–CIO, 1300 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,137.50. E. (9) $480.

A. Mrs. Lois W. Van Valkenburgh, 1673 Preston Road, Alexandria, Va.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C.
D. (6) $52. E. (9) $3.

A. Venable, Baetjer and Howard, 1400 Mercantile Trust Building, Baltimore, Md.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill.
D. (6) $430. E. (9) $32.65.

A. Mr. L. T. Vice, 1700 K Street NW., Washington, D.C.
B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.
E. (9) $45.

A. E. R. Wagner, 888 17th Street NW., Washington, D.C.
B. National Coucil of Technical Service Industries (NCTSI), 888 17th Street NW., Washington, D.C.
D. (6) $184.61. E. (9) $18.86.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $742.50. E. (9) $175.41.

A. Richard B. Walbert, 888 17th Street NW., Washington, D.C.
B. National Association of Securities Dealers, Inc.

A. Harold S. Walker, Jr., 605 Third Avenue, New York, N.Y.
B. American Gas Association, Inc., 605 Third Avenue, New York, N.Y.

A. Jack A. Waller, 905 16th Street NW., Washington, D.C.
B. International Association of Fire Fighters, 905 16th Street NW., Washington, D.C.
D. (6) $4,500.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $4,493.44. E. (9) $1,001.05.

A. Charles S. Walsh.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $127.50. E. (9) $15.

A. William A. Walton, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans.

A. Richard D. Warden, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,277.50. E. (9) $275.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y.
D. (6) $350. E. (9) $285.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill.
D. (6) $900. E. (9) $800.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C.
E. (9) $4,500.

A. Charles A. Webb, 1025 Connecticut Avenue NW., Washington, D.C.
B. National Association of Motor Bus Owners, Association of Intercity Bus Operators, 1025 Connecticut Avenue NW., Washington, D.C.

A. E. Jerome Webster, Jr.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $8,156. E. (9) $45.75.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Joseph E. Welch, 1630 Locust Street, Philadelphia, Pa.
B. Wellington Management Co., 1630 Locust Street, Philadelphia, Pa.

A. Wenchel, Schulman & Manning, 1625 K Street NW., Washington, D.C.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich.
D. (6) $66,666.67.

A. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz.
E. (9) $500.

A. Western Railroad Association, 224 Union Station Building, Chicago, Ill.
D. (6) $600.

A. Clyde A. Wheeler, Jr., Federal Bar Building, 1819 H Street NW., Washington, D.C.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa.

A. Edwin M. Wheeler, 1700 K Street NW., Washington, D.C.
B. The Fertilizer Institute, 1700 K Street NW., Washington, D.C.
E. (9) $50.

A. John L. Wheeler, 1211 Connecticut Avenue NW., Washington, D.C.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. John C. White, 1317 F Street NW., Washington, D.C.
B. Private Truck Council of America, Inc., 1317 F Street, NW., Washington, D.C.

A. John S. White, 420 Cafritz Building, Washington, D.C.
B. Marathon Oil Co., Findlay, Ohio.
E. (9) $180.20.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C.
B. Montgomery Ward & Co.

A. Whitlock & Tait, 1032 Shoreham Building, 15th & H Streets NW., Washington, D.C.
B. American Institute of Laundering, Joliet, Ill.

A. William E. Wickert, Jr., Solar Building, 1000 16th Street NW., Washington, D.C.
B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa.

A. Leonard M. Wickliffe, 11th and L Building, Sacramento, Calif.
B. California Railroad Association, 11th and L Building, Sacramento, Calif.
D. (6) $2,500.03. E. (9) $2,796.03.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $250.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Association of Presidents of Independent Colleges and Universities, Rockford, Ill.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y.
E. (9) $105.95.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Arapahoe Indian Tribe, Fort Washakie, Wyo.
E. (9) $1.35.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Association of Data Processing Service Organizations, Inc., 420 Lexington Avenue, New York, N.Y.
E. (9) $103.20.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Brigham Young University, Provo, Utah.
E. (9) $1.60.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Church of Jesus Christ of Latter-Day Saints, 47 East South Temple, Salt Lake City, Utah.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. College Placement Council, Inc., 65 East Elizabeth Street, Bethlehem, Pa.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana.
E. (9) $1.70.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Estate of Albert W. Small, 5803 Green Tree Road, Bethesda, Md.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Hoopa Valley Tribe, Post Office Box 817, Hoopa, Calif.
E. (9) $2.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. National Congress of American Indians, 1346 Connecticut Avenue NW., Washington, D.C.
E. (9) $5.60.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. Quinaielt Tribe of Indians, Taholah, Wash.
E. (9) $1.35.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $1.90.

A. Mr. John Willard, Box 1172, Helena, Mont.
B. Montana Railroad Association, Box 1172, Helena, Mont.
D. (6) $400. E. (9) $384.85.

A. Francis G. Williams.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C.
D. (6) $100.

A. Harding deC. Williams, 277 Park Avenue, New York, N.Y.
B. National Association of Manufacturing.

A. John C. Williamson, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
D. (6) $5,000. E. (9) $170.60.

A. Kenneth Williamson, 1 Farragut Square, South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $10,000. E. (9) $1,146.77.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. American Express Co., 65 Broadway, New York, N.Y.
D. (6) $875.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $5,000.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Chronicle Publishing Co., Fifth and Mission Streets, San Francisco, Calif.
D. (6) $1,460. E. (9) $15.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Kaiser Industries Corp., 300 Lakeside Drive, Oakland, Calif.
D. (6) $1,325.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Massachusetts Institute of Technology, Cambridge, Mass.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. National Corp., for Housing Partnerships, 1133 15th Street NW., Washington, D.C.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Stanford University, Stanford, Calif.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C.
B. Yale University, New Haven, Conn.

A. E. Raymond Wilson, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $345.

A. Earl Wilson, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill.
D. (6) $237.82. E. (9) $117.79.

A. Frank J. Wilson, 888 17th Street NW., Washington, D.C.
B. National Association of Securities Dealers, Inc.

A. Milburn E. Wilson, Route 1, Fremont, Mich.
B. Gerber Products Co., 445 State Street, Fremont, Mich.
D. (6) $200.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La.
B. Pennzoil United, Inc., 800 Southwest Tower, Houston, Tex.
D. (6) $1,200. E. (9) $424.26.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex.
D. (6) $900. E. (9) $467.08.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo.
B. Colorado Railroad Association.
D. (6) $300. E. (9) $750.

A. Peter L. Wolff, 1 Dupont Circle NW., Washington, D.C.
B. Association of American Law Schools, 1 Dupont Circle NW., Washington, D.C.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C.
D. (6) $5,481.60. E. (9) $552.52.

A. William E. Woods, 440 National Press Building, Washington, D.C.
B. National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill.
D. (6) $750.

A. James Woodside, 1126 16th Street NW., Washington, D.C.
B. American Federation of Technical Engineers, 1126 16th Street NW., Washington, D.C.
D. (6) $240. E. (9) $20.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Companies, Inc., 1010 Wilshire Boulevard, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Perry W. Woofter, 1101 17th Street NW., Washington, D.C.
B. American Petroleum Institute, 1271 Avenue of the Americas, New York, N.Y.
D. (6) $1,719. E. (9) $641.36.

A. Frank K. Woolley, 230 Michigan Avenue, Chicago, Ill.
B. Association of American Physicians and Surgeons, Inc., 230 North Michigan Avenue, Chicago, Ill.

A. World Trade Committee of Parts Division, Electronic Industries Association, 2001 Eye Street NW., Washington, D.C.
D. (6) $20. E. (9) $20.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Asociación Nacional de Cultivadores de

Cana de Azucar, Post Box 4448, Cali, Colombia.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Association of Motion Picture & Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif.
D. (6) $2,450. E. (9) $3.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Copyright Owners Negotiating Committee, 477 Madison Avenue, New York, N.Y.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. City of Palm Springs, Calif., Municipal Building, Palm Springs, Calif.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
E. (9) $2.00.

A. Wyman, Bautzer, Finell, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C.
B. Unionamerica, Inc., 435 South Figueroa Street, Los Angeles, Calif.
D. (6) $1,203.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. First National City Bank, 399 Park Avenue, New York, N.Y.
D. (6) $100. E. (9) $42.30.

A. John H. Yingling, 905 16th Street NW., Washington, D.C.
B. Association of Corporate Owners of One Bank, 905 16th Street NW., Washington, D.C.
D. (6) $500. E. (9) $25.93.

A. J. Banks Young, Ring Building, 1200 18th Street NW., Washington, D.C.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn.
D. (6) $1,260. E. (9) $28.90.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $4,277.50 E. (9) $528.29.

A. Dr. Norman Zamcheck, 63 Kenwood Avenue, Newton Center Mass.
E. (9) $5,011.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Robert C. Zimmer, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Zimring, Gromfine and Sternstein, 1155 15th Street NW., Washington, D.C.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue, Washington, D.C.
B. Getty Oil Co.

A. John Zorack, 100 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $377.75.

A. Charles O. Zuver, 815 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association.
D. (6) $750. E. (9) $110.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1969 were received too late to be included in the published reports for that quarter:

A. Ad Hoc Committee of the Construction Industry Advancement Funds, 1016 20th Street NW., Washington, D.C.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $11,218.40. E. (9) $6,943.50.

A. Aircraft Owners & Pilots Association, Post Office Box 5800, Washington, D.C.

A. Herbert F. Alfrey, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $468. E. (9) $27.

A. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.
D. (6) $5,230.69. E. (9) $5,230.69.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill.
D. (6) $1,570.21. E. (9) $1,570.21.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $16,886.47. E. (9) $16,886.47.

A. American Hotel & Motel Association, 221 West 57th Street, New York, N.Y.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
E. (9) $3,171.60.

A. American Landowners Association, Box 294, Harpers Ferry, W. Va.
D. (6) $4.50.

A. American Maritime Association, 17 Battery Place, New York, N.Y.
E. (9) $116.44.

A. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $101,790.36. E. (9) $1,651.11.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C.
D. (6) $895.07. E. (9) $895.07.

A. American Society of Consulting Planners, 1819 H Street NW, Washington, D.C.
E. (9) $2,250.

A. Erma Angevine, 1012 14th Street NW., Washington, D.C.
B. Consumer Federation of America, 1012 14th NW., Washington, D.C.
D. (6) $800.

A. Robert E. Ansheles, 1028 Connecticut Avenue NW., Washington, D.C.
B. Consolidated International Trading Corp., 180 Madison Avenue, New York, N.Y.
D. (6) $924. E. (9) $93.26.

A. Arkansas Railroads, 1100 Boyle Building Little, Rock, Ark.
B. Class 1 railroads operating in the State of Arkansas.
D. (6) $174.93. E. (9) $102.44.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Commissioner of Baseball, 680 Fifth Avenue, New York, N.Y.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C.
B. Record Industry Association of America, Inc., 1 East 57th Street, New York, N.Y.
D. (6) $8,333.34. E. (9) $1,179.50.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.
E. (9) $3,270.21.

A. A. V. Atkinson, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street NW, Washington, D.C.
E. (9) $4,542.42.

A. Atlantic Richfield, Co., 717 Fifth Avenue, New York, N.Y.
E. (9) $300.

A. Baltimore Gas & Electric Co., Gas & Electric Building, Baltimore, Md.
E. (9) $403.95.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Ross Bass Associates, 1120 Connecticut Avenue NW., Washington, D.C.
B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.
D (6) $6,250.

A. Davis M. Batson, 611 Madison Office Building, Washington, D.C.
B. The Ethyl Corp., 1155 15th Street NW., Washington, D.C.

A. Michael K. Beard, 2029 K Street NW., Washington, D.C.
B. World Federalists, U.S.A., Inc., 2029 K Street NW., Washington, D.C.
D. (6) $2,625. E. (9) $238.23.

A. Donald S. Beattie, 400 First Street NW., Washington, D.C.
D. (6) $1,200.

A. Helen W. Berthelot, 1925 K Street N.W., Washington, D.C.
B. Communications Workers of America, 1925 K. Street NW., Washington, D.C.
E. (9) $3,132.46.

A. C. B. Blankenship, 1925 K Street NW., Washington, D.C.
B. Communications Workers of America, 1925 K Street N.W., Washington, D.C.
E. (9) $4,958.74

A. Charles H. Brown, 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $800.

A. Charles H. Brown, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.

A. Kingsbury Browne, Jr., 225 Franklin Street, Boston, Mass.
B. Boston Manufacturers Mutual Insurance Co., Mutual Boiler and Machinery Insurance Co., 225 Wyman Street, Waltham, Mass.
D. (6) $1,830. E. (9) $224.97.

A. Charles S. Burns, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $725. E. (9) $347.07.

A. David Burpee, Fordhook Farm, Doylestown, Pa.

A. Dan L. Butler, 400 Walker Building, 734 15th Street NW., Washington, D.C.
B. Harold K. Howe on behalf of the National Automatic Merchandising Association, 400 Walker Building, 734 15th Street NW., Washington, D.C.

A. Dan L. Butler, 400 Walker Building, 734 15th Street NW., Washington, D.C.
B. Harold K. Howe, on behalf of the Outdoor Power Equipment Institute, Inc., 400 Walker Building, 734 15th Street NW., Washington, D.C.

A. C. Sargent Carleton, 3150 Spring Street, Fairfax, Va.
B. National Audio-Visual Association, 3150 Spring Street, Fairfax, Va.
D. (6) $1,346.

A. Robert S. Carr, 1220 Pennsylvania Building, Washington, D.C.
B. Hiram Walker & Sons, Inc., 8232 Jefferson Avenue, Detroit, Mich.

A. Albert A. Carretta, 1815 H Street NW., Washington, D.C.
B. Work Glove Manufacturers Association, 1604 Chicago Avenue, Evanston, Ill.
D. (6) $745.84.

A. Richard M. Carrigan, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,220.50. E. (9) $75.50.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y.
B. South African Sugar Association, Post Office Box 507, Durban, South Africa.
D. (6) $44,801.50. E. (9) $1,750.20.

A. Ralph E. Casey, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $180.38. E. (9) $11.96.

A. E. Michael Cassady, 1130 17th Street NW., Washington, D.C.
B. Mississippi Valley Association, 1130 17th Street NW., Washington, D.C.

A. Ceramic Tile Manufacturers of the United States, Inc., Norris E. Phillips, 643 Main Street, Olean, N.Y.
D. (6) $13,464. E. (9) $13,464.

A. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C.

A. Donald E. Channell, 1705 DeSales Street NW, Washington, D.C.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $500.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., 712 Dupont Circle Building, Washington, D.C.
E. (9) $6,296.34.

A. Citizens for S–3000, 1029 Vermont Avenue NW., Washington, D.C.
D. (6) $17,065.85. E. (9) $15,914.19.

A. Joseph S. Clark, 2029 K Street NW., Washington, D.C.
B. World Federalists, U.S.A., Inc., 2029 K Street NW., Washington, D.C.
E. (9) $958.53.

A. Bonn H. Clayton, Box 349, Chanhassen, Minn.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.
B. The Oil Shale Corp., 680 Fifth Avenue, New York, N.Y.
D. (6) $1400. E. (9) $835.05.

A. Coal Industry Committee on Mine Safety, 1250 Connecticut Avenue, Washington, D.C.
D. (6) $8,650. E. (9) $8,851.96.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $4,874.99. E. (9) $177.08.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Paul G. Collins, 111 Westminster Street, Providence, R.I.
B. The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I.
D. (6) $68.75.

A. Computer Lessors Association, Inc., 1 Chase Manhattan Plaza, New York, N.Y.
E. (9) $960.

A. Paul R. Conrad, 491 National Press Building, Washington, D.C.
B. National Newspaper Association, 491 National Press Building, Washington, D.C.
E. (9) $171.06.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Adhesive & Sealant Council, 1410 Higgens Road, Park Ridge, Ill.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Classroom Periodical Publishers Association, 38 West Fifth Street, Dayton, Ohio.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Jewelers Vigilance Committee, Inc., 156 East 52d Street, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Kohler Co., Kohler, Wis.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami, Fla.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C.
B. National Association of Casualty and Surety Agents, 83 Maiden Lane, New York, N.Y.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C.
D. (6) $300.00 or less.

A. Francis D. Cronin, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,435.76. E. (9) $1,446.33.

A. Dan Curlee, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $3,750.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. American Textile Importers Association, New York, N.Y.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Chemical Fibres Association, Tokyo, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Lumber Importers' Association, Tokyo, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Japan Woolen & Linen Textile Exporters Association, Osaka, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Vorort des Schweizerischen Handels- und Industrie-Vereins, Zurich, Switzerland.

A. C. A. Darnell, 1000 Connecticut Avenue NW., Washington, D.C.
B. Sheet Metal Workers International As- Washington, D.C.

A. Charles W. Davis, First National Plaza, Chicago, Ill.
B. Corporate Fiduciaries Association of Chicago.
D. (6) $20,000. E. (9) $1,104.42.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. D.C. Transit System, Inc., Washington, D.C.
D. (6) $1,250.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C.
B. Guild of Prescription Opticians, 1250 Connecticut Avenue NW., Washington, D.C.
D. (6) $2,000.

A. Dawson, Nagel, Sherman & Howard, 1900 First National Bank Building, Denver, Colo.
B. Boettcher & Co. 828 17th Street, Denver, Colo.
D. (6) $2,829.12. E. (9) $329.12.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $750.

A. Dawson, Quinn, Riddell, Tayor & Davis, 723 Washington Building, Washington, D.C.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Indian Sugar Mills Association, Export Agency Division, New Delhi, India.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C.
B. Ling-Temco-Vought, Inc., Dallas, Tex.

A. DeHart & Boide, Inc., 1150 Connecticut Avenue NW., Washington, D.C.
B. Newspaper Committee for Cablevision, St. Joseph, Mo.
D. (6) $680. E. (9) $19.32.

A. DeHart & Broide, Inc., 1150 Connecticut Avenue NW., Washington, D.C.
B. Record Industry Association of America, Inc., New York, N.Y.
D. (6) $330. E. (9) $92.98.

A. DeHart & Broide, Inc., 1150 Connecticut Avenue, Washington, D.C.
B. The Wisconsin Corp., 1309 Hoge Building, Seattle, Wash.
D. (6) $155. E. (9) $12.95.

A. Vincent A. Demo, 25 Broadway, New York, N.Y.
B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.
D. (6) $6,250.

A. The Denver Post, Inc., 650 50th Street, Denver, Colo.

A. Horace J. DePodwin Associates, Inc., 82d Floor, Empire State Building, 350 Fifth Avenue, New York, N.Y.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $2,400. E. (9) $2,635.

A. Discover America Travel Organizations, 1100 Connecticut Avenue NW., Washington, D.C.

A. Thomas J. Downey, 701 Central Trust Building, Jefferson City, Mo.
B. Missouri Railroad Committee.
D. (6) $525. E. (9) $834.94.

A. R. Michael Duncan, 1250 Connecticut Avenue NW, Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Henry I. Dworshak, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $975.

A. Ethyl Corp., 611 Madison Office Building, 1155 15th Street NW., Washington, D.C.
E. (9) $750.

A. Fire Engineers Inc., 3924 Louisiana Circle, Minneapolis, Minn.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue, NW., Washington, D.C.
D. (6) $775.80. E. (9) $113.54.

A. Forest Farmers Association Cooperative, 1375 Peachtree Street NE., Atlanta, Ga.

A. Robert W. Frase, 1820 Jefferson Place NW., Washington, D.C.
B. American Book Pub. Council, Inc., 1 Park Avenue, N.Y.
D. (6) $4,625. E. (9) $18,149.

A. R. Frank Frazier, National Broiler Council, 1155 15th Street NW., Washington, D.C.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $300.

A. Owen V. Frisby, 821 15th Street NW., Washington, D.C.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y.
D. (6) $500. E. (9) $804.30.

A. Mary Condon Gereau, 1201 16th Street NW., Washington, D.C.
B. National Education Association—Legislation & Federal Relations, 1201 16th Street NW., Washington, D.C.
D. (6) $2,871. E. (9) $84.54.

A. Jay W. Glasmann, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Employee Relocation Real Estate Advisory Council, 333 North Michigan Avenue, Chicago, Ill.
E. (9) $179.42.

A. W. S. Gookin, 112 North Central Avenue, Phoenix, Ariz.

A. W. Lee Gosnell, 1900 L Street NW., Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.
D. (5) $500. E. (9) $150.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $5,349.96. E. (9) $262.94.

A. George Grant, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Fruit Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $2,050. (9) $31.75.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash.
B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash.
E. (9) $514.54.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
E. (9) $89.44.

A. John F. Hall, 1619 Massachusetts Avenue NW., Washington, D.C.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $106.61.

A. H. Robert Halper, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Southeastern Lumber Manufacturers Association, 1001 Virginia Avenue, Hapeville, Ga.
D. (6) $3,000. E. (9) $1,175.

A. Charles A. Hamilton Associates, 1000 Connecticut Avenue NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $1,838. E. (9) $1,954.

A. Jerry M. Hamovit, 815 Connecticut Avenue NW., Washington, D.C.
B. Greyhound Leasing & Financial Corp., 10 South Riverside Plaza, Chicago, Ill.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $5,250. E. (9) $622.02.

A. L. James Harmanson, Jr., 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street N.W., Washington, D.C.
D. (6) $7,500. E. (9) $154.50.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Lewis B. Hastings, 1619 Massachusetts Avenue NW., Washington, D.C.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich.
D. (6) $500.

A. Phil D. Helmig, 1001 Connecticut Avenue NW., Washington, D.C.
B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y.
D. (6) $150. E. (9) $150.

A. C. O. Henderson, Post Office Box 137, Washington, D.C.
E. (9) $200.

A. Richard I. Hersh, 1025 Vermont Avenue NW., Washington, D.C.
B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill.
D. (6) $150.

A. Irvin A. Hoff, 1001 Connecticut Avenue, Washington, D.C.
B. U.S. Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.

A. Holland & Hart, 500 Equitable Building, Denver, Colo.
B. The Denver Post, Inc., 650 15th Street, Denver, Colo.

A. Harold K. Howe, 400 Walker Building, Washington, D.C.
B. National Automatic Merchandising Association, 400 Walker Building, Washington, D.C.

A. Harold K. Howe, 400 Walker Building, Washington, D.C.
B. Outdoor Power Equipment Institute, Inc., 400 Walker Building, Washington, D.C.

A. Howrey, Simon, Baker & Murchison, 1707 H Street NW., Washington, D.C.
B. Ceramic Tile Manufacturers of the United States, Inc., 643 Main Street, Olean, N.Y.
D. (6) $7,900. E. (9) $8,875.

A. David J. Humphreys, 1140 Connecticut Avenue NW., Washington, D.C.
B. Recreational Vehicle Institute, 2720 Des Plaines Avenue, Des Plaines, Ill.
D. (6) $5,000.01. E. (9) $447.03.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Institute of Scrap Iron & Steel, Inc., 1729 H Street NW., Washington, D.C.
D. (6) $300. E. (9) $6.50.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
E. (9) $13,250.75.

A. International Union of District 50, UMWA, 4880 MacArthur Boulevard NW., Washington, D.C.
E. (9) $2,733.36.

A. Robert A. Jackson, 627 Allison Street NW., Washington, D.C.
D. (6) $100. E. (9) $800.

A. Walter K. Jaenicke.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
D. (6) $700. E. (9) $215.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $725.

A. Robert F. Kennon, 356 St. Charles Street, Baton Rouge, La.
B. Stroock & Stroock & Lavan, 61 Broadway, New York, N.Y.

A. Robert F. Kennon, 356 St. Charles Street, Baton Rouge, La.
B. Stroock & Stroock & Lavan, 61 Broadway, New York, N.Y.

A. Kennon, White and Odom, 356 St. Charles Street, Baton Rouge, La.
B. The James Irvine Foundation, San Francisco, Calif.
D. (6) $2000. E. (9) $471.06.

A. Kennon, White and Odom, 356 St. Charles Street, Baton Rouge, La.
B. Provident Life and Accident Insurance Co., Chattanooga, Tenn.
D. (6) $2100. E. (9) $2640.70.

A. John L. Kilcullen, 1250 Connecticut Avenue, Washington, D.C.
B. Coal Industry Committee on Mine Safety, 1250 Connecticut Avenue, Washington, D.C.
D. (6) $2,000.

A. Mr. Charles L. King, Munsey Building, 1329 E Street NW., Washington, D.C.
B. Air Line Pilots Association, International.
D. (6) $173.

A. Kirkland, Ellis, Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1133 Avenue of the Americas, New York, N.Y.

A. George J. Knaly, 1200 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C.
D. (6) $4,999.98.

A. Keith R. Knoblock, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. Mr. George W. Koch, 1133 Avenue of the Americas, New York, N.Y.
B. Grocery Manufacturers of America, Inc., 1133 Avenue of the Americas, New York, N.Y.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,450. E. (9) $1,269.05.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C.
E. (9) $10,477.06.

A. League for Economic Assistance and Development, George R. Gerardi, 390 Plandome Road, Manhasset, N.Y.
D. (6) $49. E. (9) $441.

A. G. E. Leighty, 400 First Street NW., Washington, D.C.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.
B. Japan Chemical Fibres Association, 3,3-Chrome, Muromachi Nihonbashi, Chuo-Ku, Tokyo, Japan.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.
B. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C.

A. Donald Lerch, Jr. & Co., Inc., 1522 K Street NW., Washington, D.C.
B. Shell Chemical Co., 110 West 31st Street, New York, N.Y.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.
B. Arden Publishing Co., Tucson, Ariz.
D. (6) $2,500.

A. Morris J. Levin, 910 17th Street NW., Washington, D.C.
B. Association of American Railroads, American Railroads Building, Washington, D.C.
D. (6) $2,500.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C.
D. (6) $17,763.13. E. (9) $18,917.76.

A. Herbert Liebenson, National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $4,500. E. (9) $1,200.

A. Livestock Producers Committee, 2000 National Bank of Commerce Building, San Antonio, Tex.
B. Livestock Producers Committee, 2000 National Bank of Commerce Building, San Antonio, Tex.
D. (6) $44,200. E. $(9) $7,255.32.

A. John M. Lumley, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $4,797. E. (9) $301.29.

A. Joseph E. McAndrews, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $7.55.

A. William C. McCamant, 1725 K Street NW., Washington, D.C.
D. (6) $300.

A. John L. McConnell, 1660 L Street NW., Washington, D.C.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y.
D. (6) $1,200. E. (9) $175.

A. Joseph J. McDonald, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $3,625. E. (9) $540.

A. William G. McFadzean, Apostle Islands Residents Committee, 505 Foshay Tower, Minneapolis, Minn.
D. (6) $1,400. E. (9) $1,268.48.

A. Stanley J. McFarland, 1201 16th Street NW., Washington, D.C.
B. National Education Association, Legislation and Federal Relations, 1201 16th Street NW., Washington, D.C.
D. (6) $3,108.60. E. (9) $185.13.

A. Joseph B. McGarth, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $5,999.98. E. (9) $924.23.

A. William H. McLin, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,871. E (9) $85.11.

A. C. W. McMillan, 801 East 17th Avenue, Denver, Colo.
B. American National Cattlemen's Association, 801 East 17th Avenue, Denver, Colo.
D. (6) $1,200.

A. Ian R. MacGowan, 1660 L Street NW., Washington, D.C.
B. Youth Franchise Coalition, 1660 L Street NW., Washington, D.C.
E. (9) $25.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $222.50.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $1,107.70. E. (9) $431.94.

A. Arnold Mayer, 100 Indiana Avenue NW., Washington, D.C.
B. Amalgamated Meat Cutters & Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill.
D. (6) $5,100. E. (9) $550.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Baltimore Gas & Electric Co., Gas & Electric Building, Baltimore, Md.
D. (6) $400. E. (9) $3.95.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Battelle Memorial Institute, 505 King Avenue, Columbus, Ohio.
D. (6) $1,715. E. (9) $21.32.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Eastern Gas & Fuel Associates, 2900 Prudential Tower, Boston, Mass.
D. (6) $4,250. E. $56.01.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.
B. Washington Gas Light Co., 1100 H Street, NW., Washington, D.C.
D. (6) $3,050. E. (9) $18.07.

A. Joseph L. Miller, 1612 W Street NW., Washington, D.C.
B. Northern Textile Association, et al.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $468. E. (9) $28.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

A. Carlos Moore, 25 Louisiana Avenue NW., Washington, D.C.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,254.

A. J. Walter Myers, Jr., 1375 Peachtree Street NE., Atlanta, Ga.
B. Forest Farmers Association Cooperative, 1375 Peachtree Street NE., Atlanta, Ga.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $9,499.98. E. (9) $355.90.

A. Micah H. Naftalin, 1510 H Street NW., Washington, D.C.
B. The Ethyl Corp., 1155 15th Street NW., Washington, D.C.
D. (6) $750.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $45,595.11. E. (9) $45,610.84.

A. National Association of Railroad Passengers, 41 Ivy Street SE., Washington, D.C.
D. (6) $36,349.90. E. (9) $19,375.73.

A. National Association of Social Workers, Inc., 2 Park Avenue, New York, N.Y.
D. (6) $3,000. E. (9) $4,350.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va.
D. (6) $34,265. E. (9) $4,036.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C.
D. (6) $500. E. (9) $500.

A. National Coal Policy Conference, Inc., 1000 16th Street NW., Washington, D.C.
E. (9) $4,719.16.

A. The National Committee for the Recording Arts, 10,000 Santa Monica Boulevard, Los Angeles, Calif.
D. (6) $9,000. E. (9) $20,664.15.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $21,442.44. E. (9) $19,989.16.

A. National Council, Junior Order United American Mechanics, 3027 North Broad Street, Philadelphia, Pa.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Cenco Instruments Corp., 2600 South Kostner Avenue, Chicago, Ill.
D. (6) $1,125. E. (9) $175.41.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, Pierson, Ball & Dowd, Ring Building, Washington, D.C.
D. (6) $2,000. E. (9) $192.20.

A. Legislation & Federal Relations, National Education Association, 1201 16th Street NW., Washington, D.C.
E. (9) $26,538.81.

A. National Federation of Business and Professional Women's Clubs, Inc., 2012 Massachusetts Avenue NW., Washington, D.C.
D. (6) $61,135.75. E. (9) $3,363.80.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $833.84.

A. National Right To Work Committee, 1900 L Street NW., Washington, D.C.
D. (6) $1,000. E. (9) $1,000.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $3,517. E. (9) $8,357.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C.
D. (6) $5,000. E. (9) $2,562.52.

A. National Tax Equality Association, Inc., 1000 Connecticut Avenue Building, Washington, D.C.
D. (6) $685.22. E. (9) $699.66.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $300. E. (9) $343.75.

A. Robert B. Neville, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $2,687.50. E. (9) $100.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C.
B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C.
D. (6) $1,650.

A. Ira H. Nunn, 1155 15th Street NW., Washington, D.C.
B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.
D. (6) $3,375. E. (9) $250.

A. Leo W. O'Brien, 160 S. Manning Boulevard, Albany, N.Y.
B. Virgin Islands Legislature, St. Thomas, Virgin Islands.
D. (6) $1,875. E. (9) $800.

A. Richard T. O'Connell, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $5,325. E. (9) $224.55.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn.
D. (6) $1,500. E. (9) $175.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $468. E. (9) $28.

A. Organization of Professional Employees of the U.S. Department of Agriculture, Post Office Box 381, Washington, D.C.
D. (6) $2,681.93. E. (9) $1,082.53

A. J. Allen Overton, Jr., 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $1,200.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa.
B. Campbell Soup Company, 375 Memorial Avenue, Camden, N.J.

A. Lew M. Paramore, Post Office Box 1310, Kansas City, Kans.
B. Mississippi Valley Association, 1130 17th Street NW., Washington, D.C.

A. Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. Alaska Federation of Natives, Anchorage, Alaska.
E. (9) $10,933.30.

A. Pepper, Hamilton & Scheetz, 1629 K Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.
E. (9) $195.54.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex.
D. (6) $17,278.46. E. (9) $1,350.

A. J. Francis Pohlhaus, 422 First Street SE., Washington, D.C.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.
D. (6) $3,000. E. (9) $13.40.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. The Department of Tourism and Trade Development, Hamilton, Bermuda.
D. (6) $1,666.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Virginia & D. K. Ludwig Foundation, 1345 Avenue of the Americas, New York, N.Y.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Harold A. Miller, Miller Redwood Co., 315 Pacific Building, Portland, Oreg.
D. (6) $250.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
D. (6) $900.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. South Atlantic & Caribbean Line, Inc., 250 Park Avenue, New York, N.Y.
D. (6) $200.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.
B. Stimson Lumber Co., Post Office Box 68, Forest Grove, Oreg.
D. (6) $250.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex.
B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $150.

A Realty Committee on Taxation, 299 Madison Avenue, New York, N.Y.
D. (6) $41,150. E. (9) $75,546.90.

A. Record Industry Association of America, Inc. 1 East 57th Street, New York, N.Y.
E. (9) $15,543.22.

A. Recreational Vehicle Institute Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
E. (9) $5,447.04.

A. John T. Reggitts, Jr., 95 Boonton Avenue, Rural Delivery No. 2, Boonton, N.J.

A. W. W. Renfroe, Kentucky Railroad Association, 101 East High Street, Lexington, Ky.
E. (9) $1,255.83.

A. Darrell G. Renstrom, 1201 16th Street NW., Washington, D.C.
B. National Educational Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,867.40. E. (9) $67.02.

A. Retired Officers Tax Credit Committee, Post Office Box 1865, Annapolis, Md.
E. (9) $158.95.

A. James J. Reynolds, 1120 Connecticut Avenue NW., Washington, D.C.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6, $1,875. E. (9) $730.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. The Kellogg Company, Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C.
B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.

A. John Riley, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $628.12. E. (9) $63.44.

A. Stephen Philip Robin, 1000 Connecticut Avenue NW., Washington, D.C.
B. Kozai Club, 3–16, Nihonbashi-Kayabacho, Chuo-ku, Tokyo, Japan.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $210.

A. Nathaniel H. Rogg, 1625 L. Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $1,875. E. (9) $120.20.

A. Miss Patricia A. Samuel, 120 Maryland Avenue NE., Washington, D.C.
B. Women's International League for Peace and Freedom, 120 Maryland Avenue NE., Washington, D.C.
D. (6) $41,001.81. E. (9) $9,090.26.

A. Stanley W. Schroeder, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. Clayton A. Seeber, 1201 16th Street NW., Washington, D.C.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $2,871. E. (9) $59.91.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C.
B. National Newspaper Association, 491 National Press Building, Washington, D.C.
E. (9) $147.81.

A. John J. Sexton 1815 H Street NW., Washington, D.C.
B. J. A. Chapman & Leta M. Chapman Trust, Tulsa, Okla.
E. (9) $113.54.

A. Laurence P. Sherfy, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $2,475.

A. Robert L. Shortle, 1147 International Trade Mart Tower, New Orleans, La.
B. Mississippi Valley Association, 1130 17th Street NW., Washington, D.C.

A. Jonathan W. Sloat, 1632 K Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1133 Avenue of the Americas, New York, N.Y.

A. Dr. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va.
B. Citizens Committee on Natural Resources.
D. (6) $3,496. E. (9) $1,484.49.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex.
D. (6) $150. E. (9) $150.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa.
D. (6) $4,300. E. (9) $3,446.38.

A. Lawrence Speiser, 1424 16th Street NW., Washington, D.C.
B. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y.

A. Arthur R. Spillers, 1341 G Street NW., Washington, D.C.
B. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C.
D. (6) $420. E. (9) $25.

A. Allan J. Stanton, 405 Luhrs Building, Phoenix, Ariz.
B. Southern Pacific Transportation Co., 65 Market Street, San Francisco, Calif.
D. (6) $400. E. (9) $515.90.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. California Olive Association, Market and First Streets, San Francisco, Calif.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C.
B. Mallinckrodt Chemical Works, P.O. Box 5439, St. Louis, Mo.
D. (6) $500.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C.

A. Philip W. Stroupe, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. G. Don Sullivan, 1100 Ring Building, Washington, D.C.
B. American Mining Congress, Ring Building, Washington, D.C.
D. (6) $475.

A. Frank L. Sundstrom, 1776 K. Street NW., Washington, D.C.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. Carnegie Corp. of New York, 437 Madison Avenue, New York, N.Y.
D. (6) $2,610. E. (9) $798.25.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. Governors of the Knights of Ak-Sar-Ben, 63d and Shirley Streets, Omaha, Nebr.
D. (6) $500. E. (9) $4.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. John M. Olin, Box B, Alton, Ill.
E. (9) $23.50.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. Retail Credit Co., Post Office Box 4081. Atlanta, Ga.
D. (6) $7,500. E. (9) $522.06.

A. Sutherland, Asbill & Brennan, 1200 Farragut Building, Washington, D.C.
B. The Travelers Corp., One Tower Square, Hartford, Conn.
E. (9) $14.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C.

A. Monroe Sweetland, 1705 Murchison Drive, Burlingame, Calif.
B. National Education Association, 1201 16th Street NW., Washington, D.C.
D. (6) $335. E. (9) $50.

A. Russell D. Tall, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. CUNA International, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,135.76. E. (9) $1,102.58.

A. John P. Tracey, 1705 DeSales Street NW., Washington, D.C.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C.
D. (6) $400. E. (9) $50.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif.
D. (6) $150. E. (9) $4,167.44.

A. Dick Tullis, 607 Maple Terrace, Dallas, Tex.
B. Superior Oil Co., Houston, Tex. and Los Angeles, Calif.
D. (6) $400. E. (9) $300.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C.
E. (9) $213.07.

A. Charles R. Van Horn, 17th and H Streets NW., Washington, D.C.
B. Baltimore and Ohio Railroad Co., and Chesapeake and Ohio Railway Co., Charles and Baltimore Streets, Baltimore, Md.

A. John M. Vansant, Jr., 1250 Connecticut Avenue NW., Wasington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C.

A. Veterans of World War I, USA, Inc., 916 Prince Street, Alexandria, Va.

A. Wald, Harkrader & Rockefeller, 1225 19th Street NW., Washington, D.C.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa.

A. Washington Gas Light Co., 1100 H Street NW., Washington, D.C.
E. (9) $3,068.07.

A. Robert P. Will, 201 Massachusetts Avenue NE., Washington, D.C.
B. The Metropolitan Water District of Southern California, 1111 Sunset Boulevard, Los Angeles, Calif.
D. (6) $3,600. E. (9) $1002.63.

A. J. D. Williams, 1231 25th Street NW., Washington,D.C.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa.
E. (9) $20.

A. Kenneth Williamson, One Farragut Square South, Washington, D.C.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill.
D. (6) $2,461.93. E. (9) $839.89.

A. Clay B. Wolfe, 400 First Street NW., Washington, D.C.
B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C.
D. (6) $416.60.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $3,515.62. E. (9) $219.74.

A. Nicholas H. Zumas, 1225 19th Street NW., Washington, D.C.
B. National Music Publishers Association, 110 East 59th Street, New York, N.Y.
D. (6) $350.

SENATE—*Tuesday, July 28, 1970*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend John H. Satterwhite, D.D., professor, Wesley Theological Seminary, Washington, D.C., offered the following prayer:

O God, our Father, You have revealed Your will to persons in the past: Grant to the President and the Members of the Senate the revelation of Your wisdom through which in our own day they may make Your will known in our country. Reveal Yourself to them, that through their work our country may come to know justice, equality, and love for all people.

Help them to make human life more human for all and to work for a united witness in our Nation for the liberation of the poor out of fear for our lives. Our lives belong to You and help us realize that hatred, violence and the destruction of human life are not part of our liberation.

Help us to obey Your commands which we have heard but not yet obeyed and use the wealth and power of our Nation to serve the communities of poverty and oppression; and may we be renewed by Your spirit through Jesus Christ, Your Son and our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 28, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, July 27, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SYMINGTON LATER IN THE DAY

Mr. MANSFIELD. Mr. President, because of the early hour of convening, I ask unanimous consent that, although the distinguished senior Senator from Missouri (Mr. SYMINGTON) has already been granted an order to proceed for not to exceed 30 minutes, he may proceed under that order today at a time appropriate to him.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to the transaction of routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SIX YEARS IN A BAMBOO CAGE

Mr. SCOTT. Mr. President, 6 years is a long time. For some of our prisoners of war held in North Vietnamese or Vietcong horror camps, it will soon be 7 years. Some of our men have spent what may be one-tenth of their allotted span of life in the most despicable conditions, in a bamboo cage hidden in some steaming jungle, their feet rotting away from parasitical infection, their bodies and minds tortured by inhuman practices fertile in the oriental mind.

Mr. President, it is worse even than this. Normally we spend approximately 20 of our years in preparation for our adult lives. Afterward, if we are fortunate, we may enjoy somewhere between 10 and 20 years of well-earned retirement. This leaves on the average approximately 40 years of adult productive living. I think it is only fair to recognize that to these prisoners, the citizens of this country who were our emissaries in a distant war, 7 years could be one-sixth of their allotted productive span of life. It has not been spent in particularly pleasant conditions.

To an enlightened people, who believe in the rights of the individual, the situation of our prisoners is intolerable. Tolerate it we must, since for the moment there seems nothing else to do; but repay it to the men concerned, and their families, we shall, so far as we can. And we hope, on that glad day when the battered remnants of these heroic men are at last repatriated to their own country and their own families, that the world will well note and long remember how they were treated, and by contrast how we have treated those of the other side who fell into our hands.

OVERSEAS ASSIGNMENT OF MILITARY VOLUNTEERS

Mr. SCOTT. Mr. President, last week I suggested that at this time we might give serious consideration to phasing out the draft for those who serve in Vietnam, substituting therefor those who volunteer to serve, those who are willing to put in their time in this overseas assignment. I think it might do a great deal to relieve tensions to make it clear that the element of compulsion to combat has been lifted in this instance.

I do not believe in selective objection to wars. I think all wars have some immorality associated with them, so I do not believe in the so-called immoral war concept. I do not believe we should choose the wars in which we serve; but I do believe if there are enough volunteers, and I believe there are, who would be willing to serve in Vietnam during

the terminal years of this conflict, during the period when the war is being wound down, and especially after the removal of virtually all the combat troops next spring and next summer, and gradual removal of supply and support forces, that perhaps this proposal would go a considerable way toward bringing about some better feeling and better understanding between the generations in this country.

I do not make the proposal as a "truce" because I was the first witness before the Scranton Commission, and for about a week or 10 days the only witness who made the point that student unrest was not necessarily geared to the war, for if it were, why would it arise when the war was being deescalated, rather than under previous administrations when it was being escalated; and moreover, since student unrest is a widespread phenomenon everywhere in the world, and not only in the springtime, there certainly are many causes for it.

But I do believe that youths feel that the generations above them which run the country are not being fair to them. This is not an unusual feeling. Young people always feel that older people are not being fair to them, and they have something on their side when they say that.

So to the degree to which we can preserve the elements of fairness in relation to the obligations and the duty of a citizen, we should try to do it. That is why I would like to keep alive the discussion of the importance of volunteer forces in this area. I hope that we can devise some means to do it. I hope if we do this will improve negotiations between the colleges and the rest of the country, and may perhaps lead to a lowering of the temperature, even in the ivy leagues, because our "elites" in this country are students, and our affluent who should be happy are actually the most discontented of all our citizens.

I think we might remove one of the root causes of that alleged discontent and then see what continues to bug them, and perhaps we can get to the treatment of whatever is the underlying cause of the ferment if we remove some of what are clearly the external and visible irritations.

I hope we give careful consideration to this suggestion. It does not bear an ideological mark; it was suggested as recently as yesterday by Mr. Buckley, a conservative columnist, and it has been suggested by liberals and moderates. I think chiefly it is being suggested by people who are wondering what has gone wrong with today's youth, and in their search for means by which we might ease the exasperations. This is one of the proposals which has surfaced and which I think deserves careful consideration.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. Michael J. Kirwan, late a Representative from the State of Ohio, and transmitted the resolutions of the House thereon.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2601) to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes, and it was signed by the Acting President pro tempore (Mr. ALLEN).

DEATH OF MICHAEL J. KIRWAN, REPRESENTATIVE FROM OHIO

Mr. SCOTT. Mr. President, I know the Senate joins in sorrow for the death of the distinguished dean of the Ohio delegation, Representative Kirwan, of Ohio, and with whom I served in the House of Representatives.

DEATH OF JOHN KUNKEL, FORMER REPRESENTATIVE FROM PENNSYLVANIA

Mr. SCOTT. Mr. President, I yesterday brought news of the death of another former colleague, the Honorable John G. Kunkel, of Pennsylvania, grandson and great-grandson of many Members of Congress, one of whom ran on the ticket for vice president with Henry Clay, and another was a Member of the First Congress.

John Kunkel was a very distinguished man, indeed, who was very much beloved by all his colleagues. We join in extending our condolences to his widow, Kitty, and the family, in saying the last sad goodbye to a friend.

RECESS

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Thereupon, at 10:29 a.m., the Senate took a recess subject to the call of the Chair.

At 10.41 a.m., the Senate reassembled when called to order by the Acting President pro tempore (Mr. ALLEN).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Nebraska (Mr. HRUSKA) and I be permitted to proceed for an indeterminate period of time during morning hour.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

INSPECTION OF IMPORTED LIVESTOCK PRODUCTS

Mr. MANSFIELD. Mr. President, the well-known columnists, Roscoe and Geoffrey Drummond, in one of their columns of recent date, headlined "Is Hruska Beef Bill for Health or Protectionism?" referred to "special-interest Congressmen" who "are going to fantastic lengths to take advantage of the high protectionist madness now gripping both the House and the Senate." That is a direct quotation from the Drummonds' article.

They also say that:

Politicians are lining up to hand out the goodies, and they see votes at home when they do.

Again quoting the Drummonds:

Just when you think that the worst is over, it isn't. Something more comes out of the legislative factory now running at high speed for no good purpose and oiled for the coming elections.

* * * * *

And who is fashioning the latest bit of high-protectionism gone berserk? None other than two of the normally most thoughtful and careful men in the Senate—the prestigious liberal majority leader, Mike Mansfield of Montana, and the distinguished Republican conservative, Roman Hruska of Nebraska.

They are proposing a restrictive trade measure which shows what can happen when two usually reasonable and responsible men get caught up in the home-industry, protectionist mania on the eve of a congressional election.

Mr. President, I assume that what the Drummonds are referring to is a bill (S. 3942), which was introduced by me some weeks ago, to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes.

That bill has nothing to do with imports per se, but it does have a great deal to do with endeavoring to make imported meat as sanitary, as healthful, and as safe as that produced by our domestic producers.

I appeared before the Committee on the Judiciary under date of July 16. I ask unanimous consent that my testimony at that time be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD: S. 3942—INSPECTION OF IMPORTED MEATS, JULY 16, 1970

Thank you, Mr. Chairman and members of the Committee, for this opportunity to appear before you in behalf of my bill, S. 3942, on inspection of imported meat.

There is nothing more important to consumers and to those who produce meat in this country—and we have both in Montana—than the maintenance of absolute confidence in the purity, wholesomeness and sanitary quality of the meat and animal products offered consumers.

Per capita consumption of beef has grown from 85 pounds in 1960 to 110 pounds last year, and of all meats from 161 pounds to 183 pounds per person. The Department of Agriculture is forecasting continued growth, and this is all because American consumers have confidence in our system of inspection and, therefore, in the quality of the meat allowed to be offered to the public at stores.

In recent years, when proof was offered that some slipshod practices existed in handling of meat, Congress has promptly provided for poultry inspection and for improved meat inspection. We have voted the most rigid requirements considered desirable on our own meat packing and processing establishments, and we have voted to require that meat imported into the United States be produced under equally sanitary conditions so it will meet standards of wholesomeness equal to ours.

My confidence in the quality and thoroughness of inspection of imported meat was shaken when Dr. John Melcher, a Montana veterinarian who was elected to Congress just a year ago at a special election,

described to me what he had learned as a result of a personal investigation into the nature of our inspection of foreign meat plants and of meat as it comes into the United States.

We have only 14 or 15 men who travel the globe to make sure that more than 1,100 foreign packing plants are designed and operated to meet our sanitation requirements, and that the day-to-day inspection of meat as it moves down the packing house lines is equal to the inspection standards and requirements we maintain. The annual report of the inspection branch at USDA shows that one of these men frequently inspects three plants a day, which certainly isn't much of an inspection of the plant, the premortem and post-mortem procedures, the boning, cooking or freezing, packing and handling of meat destined for the United States. In his hour or two visit, he cannot, of course, assure himself that there is premortem examination of all animals butchered around the year, or that there is thorough post-mortem inspection of every carcass on the packing line 365 days a year—that has to be taken on faith that the governments in Central and South America, Oceania, Europe and the East all provide rigid day-to-day inspection equal to ours.

We run a check on the results of the inspection on foreign plants when meat arrives in the United States. The equivalent of about 75 man years is devoted to sampling the 1.6 billion pounds of meat shipped to us to make sure that the defects in it do not exceed certain tolerances: one minor defect per 30 pounds, one major defect per 400 pounds, and one critical defect per 4,000 pounds. Congressman Melcher will discuss those defects and their classification.

It is my understanding—and if it is not correct we should make it so—that as meat moves down processing lines in an American packing plant, if any defect is discovered which affects the absolute wholesomeness of a piece of meat, that piece of meat is pulled off the line and the defect eliminated or the meat "tanked" and removed completely from any possibility of human use.

The bill which I introduced in the Senate, a companion to Congressman Melcher's H.R. 17444, provides for thorough inspection of all animal products imported into the United States, and that means piece by piece inspection, after thawing, of the fresh and frozen meat which arrives at our ports of entry.

We cannot provide hundreds or even thousands of United States inspectors in foreign plants to maintain daily vigilance over meat produced in each of them which may be shipped to us. We can inspect these products thoroughly which are offered for our markets, and that is what the bill proposes be done.

I am concerned about the volume of meat and animal products being imported into the United States. Unregulated, it can have extremely serious consequences for our domestic producers, upon whom we must rely for the great bulk of our meat, dairy products and other animal foods. We deal with the problem of volume in separate import quota legislation. I authored the Meat Import Law of 1965.

This question of thorough inspection is a separate question, just as important as any import quota, for failure to guarantee American consumers that imported meat—which is mixed with our own in ground and processed products and is unidentifiable as imported meat except in rare instances where it comes in in consumer packages—is absolutely wholesome and sanitary can destroy confidence in the meat and animal products on the shelves and in the coolers of our stores.

Congressman Melcher will testify today. As a veterinarian he can discuss with you in some detail the existing inspection procedures, and such problems as the failure of Australia to eliminate certain defects in shipments to us. This aspect of the problem is very technical and I defer to my colleague, Dr. Melcher, who is a very thorough person. At least, we have found him to be as a veterinarian in Forsyth, Montana; as a Congressional candidate from the Second District, and as a Congressman.

Mr. MANSFIELD. I also ask unanimous consent that a statement of Representative JOHN MELCHER of the Second District of Montana before the committee on the same date be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY CONGRESSMAN JOHN MELCHER: IMPORTED MEAT INSPECTION

Thank you, Mr. Chairman and members of the Committee, for this opportunity to discuss the pending bills for improvement of the inspection of imported meat and animal products.

I have introduced in the House of Representatives, H.R. 17444. The Mansfield and Burdick bills, S. 3942 and S. 3987 are the same. The bill was an outgrowth of my concern, as a veterinarian as well as a citizen, about both the safety from a health standpoint and the wholesomeness and sanitation of meat coming into the United States. I made considerable inquiry into the situation. On April 15, I addressed the House on the subject and on May 5, introduced H.R. 17444. I have subsequently put into the House Record an article from a Melbourne, Australia paper, reporting a discussion of the inadequacy of meat inspection and procedures in that country during a meeting of their Parliment. Also, an article from the Western Livestock Reporter, published at Billings, Montana, indicating that there is considerable American capital behind expansion of the livestock industry in that country; American interests are acquiring land there in large tracts and there are indications that the Australian native citizens are not entirely happy about it.

With your permission, Mr. Chairman, I will file copies of these past statements for your hearing record.

I would like to make clear at the outset that, while I am concerned about the volume of meat, dairy and honey imports into the United States, the problem of adequate inspection of what does come is separate from any quota problem. If there is a relationship between volume of imports and inspection, as distinct from economic consideration involved in imports, then it is that quantity should be geared or regulated to the volume we are equipped to certify for sanitary production and to thoroughly inspect before use in this country.

Certainly this is no time to expand and enlarge quotas; we need first to make sure of the safety, wholesomeness and sanitation of what we are getting, for it is presently questionable.

The bill I introduced calls for "thorough examination and inspection" of animal products, including "all fresh or frozen or chilled meats after thawing" and before use in this country. The language is intended to cause the Secretary of Agriculture and others concerned—including those of us in Congress—to look not only at the adequacy of our inspection of fresh and frozen meat but also dairy products, cooked and canned meats—the whole list of animal product imports and be certain that they meet proper standards.

The phrase "thorough examination and inspection" has been used because some latitude is necessary as to inspection of various products: cheese, butter, dairy mixes, eggs and canned meat products, but it is the intention of the author of the bill that, in the case of meats, "thorough examination and inspection" means piece-by-piece inspection of all chilled and uncooked meat, piece by piece inspection of cooked meat which arrives here in paper or plastic wrappers, piece by piece inspection of meat in bulk cans after they are opened and before use, and at least a thorough sampling of the contents of consumer packages, including canned meats.

If legislative history to that effect isn't enough to make it binding, then the bill should be amended to make that explicit.

Our surveillance of foreign packing and processing plants licensed to export to the United States is not adequate to give us very positive assurance that the processing has always been under standards for wholesomeness and sanitation truly equal to ours.

The requirement that consumer packages indicate the country or origin provides some warning to consumers, but I think we owe them more than a warning: we owe them reassurance that the product in the package is wholesome and sanitary. Inspection of a substantial sample is little enough reassurance of that.

I am advised that there are two developments in the meat importing business that must be taken into consideration: more and more meat is coming into the country "containerized," or in large containers which can be hoisted directly from the hold of ships to vehicles for transport to inland destinations, and given import entry inspection at the destination in the interior of the United States. There is also an increasing volume of cooked meat for processing uses which goes to the processed meat and canned soup factories in large bulk cans.

We have meat and food inspectors all over the United States, and there is no reason why blocks of chilled meat cannot be thawed and examined piece by piece before use at processing plants, or why the contents of the bulk cans cannot be inspected after the cans are opened and before the contents are used in consumer food items.

Cooking meat insures killing disease organisms, but it is not an assurance of wholesomeness. Cooked meat needs to be examined for thoroughness of cooking (there have been cases of imported cooked meat which was semi-raw in the middle) and for all of the defects involving wholesomeness and sanitation for which raw meat is inspected: dirt, insects, rodents, blood clots, cysts, ingesta, fecal matter, etc. Cooking should not permit automatic entry: we still need to know it is well-cooked, particularly in the case of Argentina where hoof and mouth disease is prevalent. In addition, in all cases we need to be certain that all the meat, cooked or otherwise, is clean.

I do not want to take an excessive amount of the Committee's time, Mr. Charman, dealing with the inspection staffs available to maintain surveillance over 1100 foreign plants, the wholly inadequate sampling method of inspection after meat arrives in the United States, the standards, the number of defects allowed to go through, and other details. The House remarks which I have inserted deal with them, and include a table of defects and defects allowed in accepted lots.

I have spent a good many hours trying to familiarize myself with details, including a visit to the docks to see what happens to a cargo of meat when it arrives, and I could easily impose on your time. I will try not to do so, but I would like to point up a few major facts.

In my House remarks, I said that we have 15 "foreign review officers" who travel the globe to make sure that regulations, plants, procedures, sanitary conditions and other phases of meat production and inspection are *equal* to ours, as required by law. I am now told it is 14 inspectors, a reduction of

only one, but significant because that one is a 6⅔% reduction in the size of the total force! In addition the foreign review officers live here in the Washington area and are not permitted by a State Department ruling to live abroad in the countries whose plants they have been delegated to inspect. They consequently are in travel status back and forth much of the time.

I was advised that the equivalent of 75 man-years of time is devoted to inspecting meat as it arrives at our docks, and have had no change in that figure.

I was supplied figures indicating that we have about 7,050 full-time and part-time inspectors serving 1,052 meat and poultry processing plants in the United States. Subsequently, I have been given revised data.

It indicates the following:

It indicates that we have 734 plants in the United States where red meat is slaughtered and a 3,224 which slaughter and/or process red meats, served by 4,637 inspectors. Then there are 1,004 poultry slaughter and/or processing plants served by 2,750 inspectors. The meat inspection staff totally includes 7,387 field personnel and 804 who are administrators here in Washington or laboratory people, bringing the grand total personnel involved in the work to 8,191.

I cannot believe that 14 men, operating separately, who are not allowed to live abroad but must commute from the United States and have to drop in on three and even four foreign plants a day in order to visit all of them at least once a year, can possibly provide us with any real assurance that slaughter and inspection procedures, and the sanitation of the 1,100 plants abroad which ship to us, is equal to United States standards.

I don't think the Department of Agriculture believes it either. I have here the ledger sheets, which are the only record which has been kept on imported meat rejections, indicating rejections for one year, the shipping plant number, size of lot, cause of rejection and the port of rejection. I understand the Department is now computerizing this record so it can determine if there are plants from which rejections regularly run high, or other coincidences or data in these records which would indicate trouble spots abroad which our review officers have missed in their hurried visits to the foreign establishments.

It is my understanding, incidentally, that this compilation of rejections was started after the advent of meat import quotas, in order to get a total on pounds rejected so imports to replace the rejected lots could be entered into the United States.

The need to analyze the rejection data to find trouble spots is indicative of the Department's own behalf that violations get by their tiny force of "review officers," who inspect abroad.

We get 1.6 billion pounds of chilled, cooked and canned meat from the 1100 plants inspected by the 14 review officers. After it arrives here, we put about 75-man years into inspection, by a very thin sampling procedure based on mathematical probabilities—a sort of poker or roulette system—involving less than 1% of all the meat.

Because low cost of free refrigerator space is not available at most of our docks, even the inspection of the tiny samples is done under time pressure. They want to get the cargo moving before it begins to thaw out.

As the meat cargo is lifted from the hold of a ship, it is assembled into lots on the dock. When a lot has been assembled, an inspector makes a random selection of a prescribed number of samples of the 50 to 60 pound boxes of frozen meat in the lot. These are marked and transported to an inspection room, or station, by the importer. The balance of the lot is marked "inspected and passed by the U.S. Department of Agriculture," and hurried to refrigerated railroad cars, trucks or storage space to be held until the samples have been inspected and the whole lot can be released—or it is rejected and ordered shipped back out of the United States.

The marked sample boxes are transported by the importer to the inspection station, located on the dock or nearby. There, some of the 50–60 pound blocks of meat are sliced with a band saw to take out two 2-inch cross cuts, or a 4-inch cut. These are then placed in plastic bags, immersed in warm water, thawed and inspected. The fate of the whole lot is decided on the basis of what is found in the slices which constitute about ½% of all the meat involved.

If the inspector finds less than a prescribed number of minor, major or critical defects in a lot, it goes through. If he finds more, up to a certain limit, a second batch of samples is run through.

The number of samples taken from lots of various sizes and the exact number of defects permitted to pass is indicated in the table attached to my House remarks, and will undoubtedly be supplied by the Department.

I am told that, statistically, the procedure allows one minor defect like dirt, a blood clot, or certain benign cysts, to pass per 30 pounds, one major defect like hair, blood clots, cysts and ingesta per 400 pound, and one critical defect, like a substantial dab of manure per 4000 pounds.

I have heard the statement made, Mr. Chairman, that these standards are "equal" to American inspection—that the allowable defects in imported meat coincide with the number that "get by" during our domestic inspection.

It is my understanding that U.S. meat inspectors do *not* stand at a slaughter line counting the number of defects passing them—they aren't just calling balls and strikes—but that made wholesome and sanitary or it is "tanked"—taken out of any line that goes into human food products. The objective of meat inspection is to get all defects out. If our inspectors are over-worked, or haven't time to "catch" all the defects in domestic meat, then we had better be considering how to augment the force. We should not make their shortcomings the basis of tolerating less than thorough inspection of imported meat.

There is evidence that our inspection force needs strengthening—that veterinarians in the force is declining by attrition, at least—and that the force is inadequate to provide full service without excessive overtime. I ask your permission to put in the record a brief statement on this subject that I put in the House record.

At this point, I want to make an additional observation about the need for piece-by-peace inspection.

Monday morning I watched a 32,000 lb. of meat unloaded and "inspected" at the wharf in Philadelphia. I saw the pallets of meat hoisted off the boat, the lot assembled, the boxes stamped "U.S. Inspected and Passed," and sample boxes taken to the meat inspection corner of a huge shed where samples were sawed and about 180 lbs. from the 15 boxes thawed out for examination. I stood with one grade 7 and one Grade 9 employee—neither was a veterinarian—as they each examined trays of the meat.

There were samples from other large lots piling up around them—two boats were unloading—and hunreds of tons of frozen meat in a great, unrefrigerated warehouse, awaiting the completion of their work.

If they had been on a domestic meat inspection line, they would have pulled off the slaughter or processing line several pieces of meat which had hair, blood clots and minor defects to be cleaned up or tanked. But their decision there was not whether an occasional single piece of meat was to be cleaned up/or rejected; (there were no facilities for that) their decision was, in this instance, whether $15,000 worth of meat—16 tons—were to be rejected and ordered out of the country for a few too many minor defects.

They weren't making 64 cent decisions—they were making the $64,000 kind under terrifically greater pressure to be reasonable than on a domestic slaughter line.

It is just common sense to know that an inspector will be less reluctant to send back a single shoulder of beef or mutton than to reject tons and tons of meat because he found a defect or two too many. Even in instances where domestic inspectors check lots of 20–100,000 lbs, their decision to turn a lot back is only for re-working—it is not a flat rejection of every pound in a multi-ton lot.

Piece by piece inspection is inevitably better than inspection of units with values running into five and six figures.

Three faults in the system appear to be self evident—

1. Foreign review officers are spread too thin. We need more of them and need them living in the countries they are assigned to inspect.

2. On the dock inspection is not acceptable because of the pressure of time, the confusion, and the inherent disorder of dock procedures.

3. Random selection which inspects only a minute percentage of the meat neither assures wholesomeness and sanitation nor does it assure confidence to consumers that the meat they are going to buy meets the standards we say it should have.

The fact that we have inspected a small portion of the foreign meat, and on that tiny inspected portion have found only so much dirt or hair or blood clots, cysts, ingesta, or fecal material is not satisfactory. By doing so we jeopardize the belief that the finished product cleared for anywhere in the United States—any store, any restaurant or hot dog stand or any dinner table including our own is the clean, wholesome quality meat that we want and use to be confident we had.

In my mind, there is absolutely nothing more important to the livestock industry than complete confidence and absolute assurance on the part of the American housewife and that the meat she buys at the retail store is healthful, sanitary and wholesome.

If the housewife loses confidence in what is in the freezer, or on the butcher's block, our market will decline precipitously. Our American product must be kept up to the highest standards.

And I am concerned about imports because the imported meat is mixed with American in hamburger, it goes into soups, cold meat and processed meats—hot dogs, sausage, cold cuts—and becomes indistinguishable from American.

It is intolerable that slipshod inspection of imports might be allowed to undermine confidence in all meat offered at our stores.

I must say very candidly that I have been shocked by developments in relation to meat inspection since I made my first statement on the subject.

Shortly, afterward, imports of mutton from Australia from ewes butchered after May 15 were embargoes, and I was advised that there had been some debate in the inspection division for two or three years about the need to take such action.

The revelations in the Queensland paper I have submitted make me believe that the "equal" requirement in our law has not been enforced in this instance. The Minister of Primary Industry for Australia is quoted as saying their packing methods have not—and cannot in some plants—meet our standards because the carcass and viscera are not kept associated. He talked about reaching a "compromise" with us. A compromise between our standards and what they want ac-

cepted simply can't meet the requirements of our law. The law says their plants, procedures and inspection must be "equal" to ours: not some compromise between "dirty" and equal.

There has been temporizing with processing and inspection abroad. And a recent General Accounting Office report indicates temporizing in some plants here at home which shocks me, particularly in view of difficulty which was given to butchers and small locker plants in rural areas.

I am advised that the General Accounting Office is starting to look at the adequacy of our surveillance and inspection of foreign plants, and meat imports.

I requested the General Accounting Office to undertake such a study about a fortnight ago and on Tuesday consulted with a team from that agency which has already gone to work.

I am especially pleased with this since the charge cannot be made—as it has been made in regard to a Congressman from the cow country—that this is an effort to create a furor which will limit the volume of imports.

Regardless of volume, meat which is imported into the United States must be kept healthful, wholesome and completely sanitary and those objectives are all that is involved in the bill before you today. I am talking now about quality, not volume.

Mr. MANSFIELD. Mr. President, Representative MELCHER is the original author of this proposed legislation. He is one of the best known veterinarians in the northwestern part of our Nation. He is a good, sound Congressman, and he knows the livestock industry as very few other Members of Congress do. What we are endeavoring to do, I repeat, is to apply the same standards for healthful meat to imports that we apply to our domestic production.

My testimony before the committee applied to only this particular matter, and it pointed out that we have only 14 or 15 men who travel the globe to make sure that more than 1,100 foreign packingplants are designed and operated to meet our sanitation requirements, and that the day-to-day inspection of meat as it moves down the packinghouse lines is equal to the inspection standards and requirements we maintain. The annual report of the inspection branch at USDA shows that one of these men frequently inspects three plants a day, which certainly is not much of an inspection of the plant, the premortem or postmortem procedures, the boning, cooking or freezing, packing, and handling of meat destined for the United States. In his hour or two visit, he cannot, of course, assure himself that there is premortem examination of all animals butchered around the year, or that there is thorough postmortem inspection of every carcass on the packing line 365 days a year—that has to be taken on faith that the governments in Central and South America, Oceania, Europe and the East all provide rigid day-to-day inspection equal to ours.

Mr. President, one of the results of that meeting was that I received a call from the CBS in San Francisco—and I understand that what I am about to say also appeared in certain portions of the Nation's press, though I must report that I have not seen it in that respect.

Anyway, a George Mair of CBS News called and asked for my reactions to two statements which came over the wire this afternoon on the AP and the UPI. One is by Raymond Ioanes of the Department of Agriculture. Mr. Ioanes stated that the Mansfield-Burdick bill would result in the blocking of further American meat exports. How I do not know. And how asking that foreign, imported meats be up to American standards would have that effect, I do not know.

Then he continued:

Remarks by Peter Nixon, Australian Minister of the Interior, from Melbourne—"Senator Mansfield's remarks on behalf of the meat lobby will result in having the cost of meat inspection forced on the Australian Embassy—

I do not know what the Australian Embassy has to with it—

If this is to work as I suspect it is, Senator Mansfield should be hung, drawn and quartered without benefit of inspection and roasted on the high altar of American protectionism.

That is quite a strong statement, but I had no comment. I think the record should speak for itself.

I do think, Mr. President, that when we try to bring forth a bill of the type which I have mentioned, we ought to at least be given credit for good faith, and we ought to be recognized as not endeavoring to do anything in this measure which would interfere in any way with meat imports. We do have a law covering the importation of frozen meat and veal, and that law is the result of the efforts of the distinguished Senator from Nebraska (Mr. HRUSKA) and the Senator from Montana, now speaking.

That law was passed 6 years ago. We have had to watch it very carefully, but it has brought about a degree of importation with which we can live. We would only hope it would be observed in all its details.

But so far as the bill in question is concerned, I repeat: It has to do only with the proposition that meats imported into this country should be just as sanitary, just as healthful, just as safe, and the same requirements applicable to our own meats should apply to these foreign imports.

It is interesting to note that in this column by the Drummonds, the heading is "Hruska Beef Bill for Health or Protectionism?" To the best of my knowledge, while I know the distinguished Senator from Nebraska (Mr. HRUSKA) is very sympathetic to this proposed legislation, his name was not on the measure when it was considered before the committee. I must admit I do not know what HRUSKA beef bill is referred to, unless it is one which the distinguished Senator from Nebraska introduced some time ago, which has passed both bodies, which has been signed by the President, and which is now the law of the land. But I defer at this time to the distinguished Senator from Nebraska, who can explain his position far better than I can.

Mr. HRUSKA. If the Senator will yield, the Senator from Nebraska would say that he also carefully inspected the bill that was introduced by the Senator from Montana, and his name does not appear as a cosponsor of that bill.

Mr. President, I want to minimize the offenses here against accuracy, and otherwise, of the authors of the article in question. I ask unanimous consent at this time, with the permission of the Senator from Montana, to join him as a cosponsor of his bill, so that we will correct that part of the column, even though it is on a nunc pro tunc basis.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I am delighted to have the distinguished Senator from Nebraska as a cosponsor, because, in my opinion, he is the leader of the Senators in this Chamber, both Democratic and Republican, in trying to bring home a better understanding of what the beef industry stands for in this country, and also in pointing out the difference between beef in the marketplace and beef on the hoof.

Mr. HRUSKA. Mr. President, I should like to ask the Senator from Montana this question: He well knows that Public Law 90–201, which is the Meat Inspection Act of 1967, contains provisions, under section 20 thereof, requiring that foreign meat products imported for human consumption be prohibited entry unless the exporting country complied with all inspection and building standards and other regulations applicable to such articles produced and inspected within the United States.

My question is this: Is it not a fact that the bill introduced by the Senator from Montana, and now cosponsored by the Senator from Nebraska, in addition to several other Senators, simply seeks to sharpen the provision which has been law for 3 years now, and to make it more accurate and to make it more effective, to see that only wholesome meats are imported into this country?

Mr. MANSFIELD. The Senator is correct. I might add that the purpose is to equalize the situation between imported meats and domestically produced meats.

Mr. HRUSKA. I am confident that the authors of the article would not take any other position but that any meats which are imported should comply with the law of this land, because the objective of the law of this land is to protect the consumer; and that is exactly the purpose of the Mansfield bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HRUSKA. I am happy to yield.

Mr. MANSFIELD. May I say that that is not the view of the Department of Agriculture, which is against this proposal for reasons which I cannot understand, even though I have in my hand the letter signed by J. Phil Campbell, Under Secretary, addressed to the Honorable ALLEN J. ELLENDER, under date of July 16, 1970. With it is a USDA statement on statutes and activities for preventing introduction of animal diseases.

It is most interesting that our own Department of Agriculture is in opposition to this bill, which seeks only to achieve for imported meats what we now demand of domestically produced meats. This is such a simple, straightforward bill, having nothing to do with imports, that it was a shock to me to find out that

the U.S. Department of Agriculture was in opposition to giving this kind of a fair deal, a square deal, to the American beef producers.

Mr. HRUSKA. Mr. President, normally we think of Roscoe and Geoffrey Drummond as among the most careful and reasonable of today's newspaper columnists in their utterances.

Mr. MANSFIELD. And they usually are.

Mr. HRUSKA. It is surprising and disappointing, therefore, to find them engaging in careless and reckless misstatements when one of their personal causes or pet articles of faith comes under attack.

I refer to a column which appeared in some of the Nation's newspapers yesterday relating to proposals to tighten up on the sanitary inspection of foreign meat imported into this country for American consumption. To Mr. Drummond and his son, evidently the cause of foreign trade is so sacred that no consideration—not even the need to protect the health of the American public—must be permitted to stand in its way. Sanitary inspection procedures accepted as normal by American producers are treated as deliberate harassments and "protectionist" obstacles when applied to food products brought here from foreign countries.

Regrettably, the column by the Drummonds contains a number of specific misstatements of fact which need correction. It imputes motives to the Senator from Montana (Mr. MANSFIELD) and to the Senator from Nebraska (Mr. HRUSKA) which are unworthy. It says that legislation presented as a "health" bill is really a "keep out imported meat" bill. By innuendo and journalistic artifice, it suggests all sorts of devious actions on the part of these two Senators. These various implications and suggestions are untrue. The record shows it, and shows it over a series of years, and the record in connection with the article ought to be set straight.

In the Drummond column it is stated that "Senators MANSFIELD and HRUSKA know that health-endangering meat is not being imported into the United States."

The fact is, Mr. President, that health-endangering meat has been imported into the United States and we know that to be a fact because the Department of Agriculture has told us so. To give an example, several months ago, the Department of Agriculture found it necessary to impose a total embargo on imports of all Australian mutton because the Australian inspection system on mutton is not adequate. It is not equal to the standards we impose on our own in-industry. Until the deficiencies in the Australian system are corrected, we must insist that no more Australian mutton come into this country. That ban was imposed more than 2 months ago, and the Austrlians have not yet raised their requirements to meet our standards.

I ask unanimous consent to have printed at this point in the RECORD a press release put out by the Department of Agriculture.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

USDA ANNOUNCES TEMPORARY BAN ON IMPORTS OF AUSTRALIAN MUTTON

The U.S. Department of Agriculture announced today that Australian mutton slaughtered after May 15 may not be imported into the United States. The action was taken by USDA's Consumer and Marketing Service which administers the Federal Meat Inspection Act.

C&MS said that the Australian inspection system for mutton is deficient in that carcass identification is not adequate for proper inspection, disposition of questionable carcasses is not in accordance with requirements, and dressing and handling procedures are inadequate.

C&MS said that these deficiencies in the Australian inspection system applied only to sheep slaughtering plants.

C&MS said that imports of Australian mutton into this country may be resumed when the deficiencies are corrected.

Federal law requires that, before a country may export meat to the United States, it must have and enforce inspection laws and regulations equal to those which apply to meat produced in the United States.

Mr. HRUSKA. The press release is dated May 11, and it was received in my office a week later. The opening sentences read as follows:

The U.S. Department of Agriculture announced today that Australian mutton slaughtered after May 15 may not be imported into the United States. The action was taken by USDA's Consumer and Marketing Service which administers the Federal Meat Inspection Act.

C&MS said that the Australian inspection system for mutton is deficient in that carcass identification is not adequate for proper inspection, disposition of questionable carcasses is not in accordance with requirements, and dressing and handling procedures are inadequate.

It seems to me that anyone who would seek to quarrel with the Department of Agriculture on the basis of statements that they use for official action of this kind involving another government has a big task at hand. If he wants to quarrel, whether he be a columnist or not, with the conclusions of the Department of Agriculture, I will bet on the Department of Agriculture, because they are trying to protect the consumers of this country.

Next, the Drummond column states that these two Senators—MANSFIELD and HRUSKA—know that the "proposed additional inspection is a trick, a gimmick to close off such meat imports."

The facts prove the contrary. It is true that there is a law on the books designed to put a limit on the amount of meat that can be imported into this country. That act was passed in 1964. It was known as the Hruska amendment, adopted for that purpose. However, it is a perfectly straightforward law—there is nothing gimmicky about it. The quota on imports permitted is a very substantial quota, under the law and the procedures we have followed. It allows for an increase in the quota each year to be adjusted according to the increase of consumption of meat in the domestic market.

By recent action of the President, the quantity of fresh, chilled, and frozen beef, veal, mutton, and goat permitted to enter in 1971 will be 1,140 million pounds. The quantity of meat is greater than the quantity admitted in any previous year since foreign meat producers are permitted to share in the growth of the U.S. market with the domestic industry under the law.

As to the allegation that sanitary restrictions are simply a gimmick to close off imports, it is worth noting that the same question was raised with respect to an amendment proposed by the Senator from Nebraska during consideration of the legislation which became the Wholesome Meat Act of 1967.

It was at that point that the amendment to section 20, already referred to, of Public Law 90–201, was adopted which forbids and prohibits entry into the United States of foreign meat products imported for human consumption, unless the exporting country complied with all inspection and building standards and all regulations applicable to such articles and produce and inspections within the United States.

It had been proposed that the Secretary of Agriculture give Congress a report each year of the effectiveness of our effort to inspect the meat from foreign sources. During a colloquy which occurred on November 28, 1967, the gentleman from New York (Mr. JAVITS) asked for assurance that the requirements with respect to sanitary inspection not be used as a device to limit imports, in the guise of a sanitary requirement. He was satisfied with the assurances given at that time, and as noted above, the volume of meat brought in has actually increased since that time, proving that the sanitary requirement has not been perverted into a "gimmick" to throttle the channels of trade, as charged by the Drummonds.

Next, the Drummond article states that "The health issue is a phony." This conclusion is based on the testimony of a departmental official about the present inspection system. Nowhere does the departmental official say that the health issue is a phony and neither does he say that the present system is perfect. He defends the present program to some degree, since he is part of the administration of it. There has doubtless been an effort to bring the level of inspection in other counrties up to our own standards, but the fact remains that we have only 14 or 15 inspectors traveling around the world covering all of the meat production and processing plants in 40 countries that supply us with meat. During the Senate subcommittee hearings on the agriculture appropriations bill which were recently held, it was brought out that there are some 1,100 plants abroad that are certified to ship meat to this country, and we try to have our inspectors visit them as often as possible. Yet, last year it was possible to make only 1,700 visits to those 1,100 plants. In other words, most of them were visited only once during the entire year; a few were visited twice or more. Those were only visits, not inspections—certainly not inspections carcass by carcass as is done in this country.

During the course of the Agriculture appropriations hearings a year ago on the 1970 appropriations bill, it was necessary to write into our committee report some strong language calling upon our Department and upon the foreign governments to tighten up their inspection

procedures. An extract from that language will be included in the RECORD at the end of this statement.

Mr. President, finally, the Drummond column dredges up once again the ancient concept that agriculture has surpluses to sell abroad and, therefore, that we should not ask for restrictions on imports. Apparently the argument is that the cattle industry which is the largest single industry in the United States, should be sacrificed for the benefit of our exports of wheat, soybeans, and rice. This argument overlooks entirely that fact, that most other countries are much more restrictive against imported farm products than we are. As noted above, we are permitting foreign meat producers, not only to continue shipping meat here as before, but to share in the growth of our own market.

In the Drummond column, a spokesman for the American Meat Institute was quoted as opposing further sanitary restrictions on imports of foreign meat, on the basis of our export markets in foreign countries. According to the column, this spokesman said—

> The meat industry now finds a market in foreign countries of half a billion dollars yearly for its meat and livestock products. While the advocates of protection for U.S. livestock producers are endeavoring to build a fence around this country to keep foreign products out, they will discover that fences stop trade in both directions.

If those quotations do indeed, in full context, represent the views of the American Meat Institute, they seem to me most ill advised. According to a tabulation recently published by the Department of Agriculture, imports of foreign livestock, meat and meat products in 1968 amounted to $1,103.9 million, compared with similar exports to foreign markets of only $427 million. Imports exceed exports in a ratio of nearly 3 to 1 in 1968, and no doubt the experience of 1969 was similar.

Now then, as to whether that 1964 amendment was protectionist, we had that out a number of years ago. It was discussed thoroughly during the negotiations that Secretary Orville Freeman of the Department of Agriculture had with the Common Market when the Kennedy round of negotiations was going on. The Hruska amendment of 1964 was actually used by Secretary Freeman as an example of how total embargoes could really be improved by reducing the matter to a quota system.

Mr. President, I quote now from one of his 1968 statements endorsing what he called the orderly trading in the international arena, and he was referring to the amendment of 1964 when he said the following words:

> Orderly trading calls for reasonable protection of our agriculture—not protectionism. There's a big difference. Reasonable protection allows trade to flow. It permits comparative advantage to function with relative freedom for the good of all. Protectionism, by completely shielding inefficient producers from competition, stifles trade.

Secretary Freeman then went on to say:

> The U.S. beef quota law illustrates what I mean by reasonable protection.

Mr. President, I think that is conclusive to those who want to designate this as being a protectionist measure and a protectionist step.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the Drummond column as it appeared in the Omaha World-Herald on July 27, 1970; a press release issued by the Department of Agriculture on May 11, 1970, describing the decision to embargo further imports of Australian mutton until the deficiencies in the Australian inspection system are corrected—which deficiencies have not yet been corrected as of this date—a press release issued by the Department of Agriculture on June 30, 1970, announcing the volume of fresh, chilled, and frozen beef, veal, and mutton which may be imported in 1970; an extract from Senate Report 91-277, the report on the 1970 agriculture appropriation bill, which describes the additional measures needed to be taken to tighten up the inspection procedures in foreign countries on meat to be sold in the American market; and a page from Foreign Agriculture Circular FLM 10-69, issued September of 1969, published by the Foreign Agricultural Service of the U.S. Department of Agriculture, which summarizes U.S. imports and exports of livestock, meat, and meat products in 1968.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Omaha (Nebr.) World-Herald, July 27, 1970]

IS HRUSKA BEEF BILL FOR HEALTH OR PROTECTIONISM?

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—Special-interest congressmen are going to fantastic lengths to take advantage of the high-protectionist madness now gripping both the House and the Senate.

> Industries are lining up in clusters to grab a share of the protectionist favors —a domestic market walling out competition from imports. This lets prices go where they will, which is up.

Politicians are lining up to hand out the goodies, and they see votes at home when they do.

Just when you think that the worst is over, it isn't. Something more comes out of the legislative factory now running at high speed for no good purpose and oiled for the coming elections.

And who is fashioning the latest bit of high-protectionism gone beserk? None other than two of the normally most thoughtful and careful men in the Senate—the prestigious liberal majority leader, Mike Mansfield of Montana, and the distinguished Republican conservative, Roman Hruska of Nebraska.

> They are proposing a restrictive trade measure which shows what can happen when two usually reasonable and responsible men get caught up in the home-industry, protectionist mania on the eve of a congressional election.

It's a revealing case study because if theirs is a good bill, then the liberal two-way trading policy which has brought so much prosperity to the United States is bad.

The bill is presented as a "health" bill—which it isn't—not as a keep-out-imported-meat bill, which it is.

Its purpose is described as providing for "thorough health and sanitation inspection of all livestock products imported into the United States." And it is specifically added that every can, every pound of fresh, frozen or chilled meat must be thawed and inspected piece-by-piece at its entry.

Sens. Mansfield and Hruska know that health-endangering meat is not being imported into the United States. They know that Americans are not dying or being made sick by poisoned-meat imports.

> They know their proposed additional inspection is a trick, a gimmick designed to close off such meat imports.

They know that their bill would mainly hurt the poor, because the imports they are trying to keep out are mainly ingredients for hamburger and sausage.

Maybe some few livestock men somewhere—in Montana or Nebraska or elsewhere—will find themselves benefitted, but certainly not the consumer, certainly not agriculture as a whole and certainly not the nation's total economy.

This is special-interest protectionism at its worst.

The health issue is phony. Says Dr. H. M. Steinmetz of the Consumer and Marketing Service of the Agriculture Department: "Meat prepared in foreign countries for importation into the United States is equivalent to that produced under federal inspection in our country."

Is American agriculture a limping industry which can't compete in the world market? Not at all. American farmers exported a near record of $6.6 billion in farm commodities in the last 12 months and this is a billion dollars more in commercial sales than the year before.

We sell abroad far more farm commodities than we buy abroad—over a third of our wheat crop, 40 per cent of our soybeans, 60 per cent of our rice. And if we apply unneeded, discriminatory "sanitary" restrictions against countries selling meat to the United States there would inevitably be retaliation.

This is one of the reasons why Aled P. Davies, vice president of the American Meat Institute, opposes the Mansfield-Hruska atrocity.

"The meat industry," he says, "now finds a market in foreign countries of half a billion dollars yearly for its meat and livestock products. While the advocates of protection for U.S. livestock producers are endeavoring to build a fence around this country to keep foreign products out, they will discover that fences stop trade in both directions."

No wonder President Nixon threatens a veto if such madness as this gets through Congress.

[From the U.S. Department of Agriculture]

USDA ANNOUNCES TEMPORARY BAN ON IMPORTS OF AUSTRALIAN MUTTON

The U.S. Department of Agriculture announced today that Australian mutton slaughtered after May 15 may not be imported into the United States. The action was taken by USDA's Consumer and Marketing Service which administers the Federal Meat Inspection Act.

C&MS said that the Australian inspection system for mutton is deficient that carcass identification is not adequate for proper inspection, disposition of questionable carcasses is not in accordance with requirements, and dressing and handling procedures are inadequate.

C&MS said that these deficiencies in the Australian inspection system applied only to sheep slaughtering plants.

C&MS said that imports of Australian mutton into this country may be resumed when the deficiencies are corrected.

Federal law requires that, before a country may export meat to the United States, it must have and enforce inspection laws and regulations equal to those which apply to meat produced in the United States.

[From the U.S. Department of Agriculture]

NEW MEAT IMPORT PROGRAM ANNOUNCED

The Secretary of State and the Secretary of Agriculture have been instructed by the President to set new voluntary restraint levels on meat imports under Section 204 of the Agricultural Act of 1956.

Accordingly, Secretary of Agriculture Clifford M. Hardin announced today that 1970 imports of meat subject to the Meat Import Act are now estimated at 1,140 million pounds. The new estimate is based upon revised restraint levels for principal foreign suppliers for calendar 1970.

The President has issued a proclamation pursuant to Section 2(c)(1) of Public Law 88-482 limiting imports on certain meats—primarily beef and mutton—subject to the Act. At the same time he suspended that limitation.

The President suspended the limitation after determining that this action is required by overriding economic interest of the United States, giving special weight to the importance to the nation of the economic well-being of the domestic livestock industry.

The President also indicated that imports would not be permitted to enter without limitation during the balance of this year. The Secretary of State is readjusting the voluntary restraint program which has been negotiated with the Governments of the principal supplying countries to assure that imports of these meats will not exceed 1,140 million pounds during calendar 1970.

Secretary Hardin indicated that this action applies only to the balance of the current year and does not establish a precedent for action which may be taken in 1971.

Secretary Hardin also stated that he is today taking steps which would stop further transshipments through a third country of meat originating in Australia, New Zealand and Ireland. The transshipments of meat from Oceania have been an important factor contributing to the need for increasing the third quarterly estimate.

The Secretary also stated that authority to issue regulations limiting imports of certain meats under Section 204 of the Agricultural Act of 1956 have been delegated by the President to the Secretary of Agriculture under an Executive Order issued simultaneously with the Proclamation and suspension of quotas.

Public Law 88-482, enacted in August 1964, provides that if yearly imports of certain meats—primarily beef and mutton—are estimated to equal or exceed 110 percent of an adjusted base quota, the President is required to invoke a quota on imports of these meats. The adjusted base quota for 1970 is 998.8 million pounds. The amount of estimated imports which would trigger its imposition is 110 percent of the adjusted base quota of 1,098.7 million pounds.

Imports of meat by months from January 1967 through May 1970 were as follows:

MPORTS OF MEAT SUBJECT TO PUBLIC LAW 88-482 BY MONTHS

[In million pounds]

Month	1967	1968	1969[1]	1970[1]
January	77.4	80.7	41.9	124.5
February	58.5	72.6	50.4	100.7
March	61.9	64.1	136.1	112.0
April	58.8	78.3	90.0	88.7
May	51.5	56.1	80.5	62.0
June	69.6	105.1	85.7	.....
July	88.7	86.4	107.1	.....
August	92.2	108.6	141.8	.....
September	89.7	115.5	121.4	.....
October	91.8	102.1	108.3	.....
November	82.3	95.8	51.4	.....
December	72.4	35.6	69.4	.....
Total	894.9	1,001.0	1,084.1	.....

[1] Rejections which occur after entry is made are included in the published census figures and amounted to 13,500,000 pounds during 1969.

[Extract from Senate Report No. 91277]

FOREIGN MEAT INSPECTION PROGRAM

Public Law 90-201, the Meat Inspection Act of 1967, contained provisions under section 20 thereof, requiring that foreign meat products imported for human consumption be prohibited entry unless the exporting country complied with all inspection and building standards, and other regulations applicable to such articles produced and inspected within the United States.

The Secretary of Agriculture must certify that approved foreign meat processing plants, who slaughter or process meat products for export to the United States, "have complied with requirements at least equal to" all provisions of the act and regulations. In summary, these legal requirements impose standards and procedures for foreign meat plants equivalent to those imposed by the Department of Agriculture upon the U.S. meat slaughter and processing plants who ship in interstate commerce.

Based upon committee findings and the hearings on this bill, it is evident that the departmental regulations and requirements dealing with foreign meat processing plants do not specifically require those governments to establish and maintain an independent regulatory review of "inplant" inspection and supervision equivalent to the U.S. inspection program—under which highly trained veterinarian specialists make periodic and unscheduled visits to U.S. federally supervised meatpacking and processing establishments.

The purpose of visits and inspections by specialized veterinarians in U.S. federally inspected plants is to review the standards of performance maintained in plant facilities, and by the regular inspection personnel assigned to these plants in carrying out the requirements and regulations issued by the Department for facilities subject to the Meat Inspection Act, as amended.

The Secretary of Agriculture is directed to institute prompt changes in current regulations dealing with the foreign meat inspection provisions of Public Law 90-205, which will require foreign governments interested in exporting meat products to the United States to promptly establish and maintain an equivalent system of periodic supervisory inspection of the plants that such countries certify as meeting standards equivalent to U.S. meat inspection and operating requirements. It is expected that such revised regulations will require that there be a minimum of at least one supervisory review inspection each month in addition to the regular inplant inspection, and it is further expected that the reports of findings will be made available to U.S. veterinary personnel upon request, when they visit exporting countries to conduct inspections of such plants.

Senator HRUSKA. I also request that the new regulations, printed in the Federal Register on February 27, be printed in the RECORD.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER III—CONSUMER AND MARKETING SERVICE (MEAT INSPECTION), DEPARTMENT OF AGRICULTURE

Subchapter A—Meat inspection regulations

Part 327—Imported Products

Monthly supervisory visits by foreign officials to approved foreign export meat plants

On October 14, 1969, there was published in the Federal Register (34 F.R. 15800) a notice of proposed amendment to § 327.2(a)(1) of the Federal Meat Inspection Regulations (9 CFR 327.2(a)(1)). The amendment was proposed to require supervisory visits by foreign officials to foreign meat plants if the plants are to be eligible to have their products imported into the United States and to provide for reports by such officials.

Statement of considerations.—The Federal Meat Inspection Act requires that the Secretary of Agriculture shall each year report to the appropriate committees of the Congress with respect to administration of the section of the Act dealing with importation of livestock carcasses, meats and meat products. The Act specifies that this report shall include a certification that foreign plants exporting such carcasses or meat or meat products for importation into the United States have complied with requirements at least equal to all provisions of the Act and regulations issued thereunder. Such certification can only be made if the supervisory inspection exercised by the national government of the countries in which such foreign plants are located is adequate to maintain standards and operating procedures equivalent to those established by the United States meat inspection program.

As a result of the publication in the Federal Register of the notice of proposed amendment to § 327.2(a)(1) of the regulations, the Department received twelve letters of comment—seven from foreign countries and five from American farm and producer organizations.

The Department has carefully considered all of the information presented to it in these comments, and all other available information and has made the following decisions on the proposal to amend the regulations under the Federal Meat Inspection Act:

Frequency of visit [Decision: Monthly supervisory visits to each approved plant will be required.] This decision is necessary to assure uniform application of U.S. requirements to each certified establishment and to give the certifying foreign official current information on which to base continuing certification of establishments.

Report of findings [Decision: Foreign supervisors will be required to prepare written reports of findings and make such reports available to Department representatives.]

This decision will insure that monthly visits are made and serve to inform the Department of the condition of the establishment at the time of the supervisory visits.

Scope of reports [Decision: Reports will cover requirements referred to in (a) through (f) of subdivision (ii) of subparagraph (1), paragraph (a) of § 327.2.]

This decision will insure that the monthly examination covers the criteria prescribed for approved establishments by § 327.2 and permits exclusion from the report of matters not pertinent to U.S. meat importation.

These are the considerations on which the decisions were made. The specific amendment to the regulations is as follows:

§ 327.2(a)(1) is amended by adding a new sub-division (iv) to read as follows:

§ 327.2 Eligibility of foreign countries for importation of product into the United States.

(a) * * *

(1) * * *

(iv) The foreign inspection system must maintain a program of periodic supervisory visits to each certified establishment to assure that requirements referred to in (a) through (f) of subdivision (ii) of this subparagraph, at least equal to those of the Federal system of meat inspection of the United States, are being met. A representative of the foreign inspection system shall make at least one such supervisory visit each month to each such establishment and prepare a written report of his findings in respect to the requirements referred to in (a) through (f) of subdivision (ii) of this subparagraph, copies of which shall be available to the representative of the Department at the time of his review upon request by said representative to a responsible foreign meat inspection official: *Provided*, That such visits and reports are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing meat food products. (Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended; 33 F.R. 10750).

The foregoing amendment differs in some respects from the proposal set forth in the notice of rulemaking. The differences are due to changes made pursuant to comments received in the rulemaking proceeding. It does not appear that further rulemaking procedure on the amendment would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 533, it is found upon good cause that such further proceedings are unnecessary.

The foregoing amendment shall become effective 30 days following publication of this notice in the Federal Register.

Done at Washington, D.C. on: February 24, 1970.

ROY W. LENNARTSON,
Administrator.

[From U.S. Department of Agriculture Foreign Agriculture Circular, September 1969]

U.S. TRADE IN LIVESTOCK, MEAT, AND MEAT PRODUCTS IN 1968

SUMMARY

The value of U.S. exports of livestock, meat, and meat products in 1968 totaled $427.0 million, down from $450.2 million in 1967 but 5.0 percent above the 1961–65 average. Most of the decline in 1968 exports was due to declines in the two major export categories—tallow and greases, and hides and skins. Nevertheless, tallow and greases, valued at $134.3 million, continued to be the leading category of exports; but their share of total exports declined to 31.5 percent from an average of 36.3 percent during 1961–65. Hide and skin exports, valued at $121.7 million, were down 4.5 percent in 1968 but were 36.9 percent above the 1961–65 average. Hides and skins are the second largest category of exports; their share of total exports was 28.5 percent in 1968, up from 21.9 percent during 1961–65. Total red meat exports showed impressive gains in 1968, increasing from $47.7 million in 1967 to $62.0 million and representing 14.5 percent of total exports. Virtually all of this increase was accounted for by pork, exports of which increased from $17.8 million to $31.6 million. Variety meat exports of $54.9 million were down 3.7 percent in 1968 but were 45.6 percent above the 1961–65 average and accounted for 12.9 percent of total 1968 exports. Lard exports, valued at $14.3 million, continued their downward trend from the 1964 high of $69.8 million.

U.S. imports of livestock, meat, and meat products reached a new high of $1,103.9 million in 1968, an increase of 18 percent over the previous year and were 32.8 percent above the 1961–65 average. Gains were recorded for all major categories of imports in 1968, with total red meats showing the greatest gain. Total red meats have increased from 51.9 percent of total imports during 1961–65 to 66.5 percent in 1968. Beef and veal was by far the principal meat import, valued at $485.5 million in 1968 and accounting for 44.0 percent of total import value. Imports of wool accounted for 13.2 percent of the value of 1968 imports; cattle, 8.8 percent; and hides and skins, 6.4 percent.

Mr. MANSFIELD. Mr. President, all too often and all too easily the beef producers of this Nation are being charged with the high cost of beef in the marketplace and on the shelves in the supermarkets.

For the record, could the distinguished Senator explain the difference between the price received on the hoof and the price the consumers have to pay in the marketplace?

Mr. HRUSKA. I shall be delighted to explain it. That is one of my favorite themes and I never tire of reciting it.

The fact is that the farmer and the rancher do not sell beef. They do not sell round steak, porterhouse steak, or hamburger. They sell cattle. I repeat, they sell cattle.

The price of fat cattle on the market today in Chicago, Omaha, Minneapolis, or Kansas City is less in terms of 1970 dollars than it was 20 years ago in terms of 1950 dollars.

If there is a difference in the price of hamburger, the eyes of criticism and castigation should not be directed to the farmer and the rancher. There must be something somewhere between the time the sale is made by them and the time the hamburger is ground and placed on the retail counters. The farmer and the rancher cannot be held responsible for that.

Mr. MANSFIELD. Mr. President, does the Senator recall offhand, or would he have to check with his wife, what the price of hamburger is today?

Mr. HRUSKA. Mr. President, I have not inquired of her lately. Frankly, I do not know what it is. I do know that it costs anywhere from 35 cents to 85 cents for a hamburger sandwich in the restaurants. And I am confident that the hamburger meat is not worth that much and that it does not cost that much.

Mr. MANSFIELD. Mr. President, I understand that it is 70 to 75 cents a pound today, and hamburger is made of the cheapest cuts.

Mr. HRUSKA. The Senator is correct. It is made of what they call the processing or manufacturing beef.

Mr. MANSFIELD. It is low-grade beef which goes into hamburger. How they can blame the stockmen for the wide disparity in price that exists which the consumer has to pay when he goes to the supermarket or marketplace is beyond me.

I am delighted that once again the distinguished Senator from Nebraska has laid it out for those who want to hear, those who are willing to look to see, that insofar as the beef industry is concerned, the high prices do not result where the beef is produced, but where it is bought, and is, therefore, entirely out of the hands of the cattlemen.

Mr. HRUSKA. That is correct. And I might state that the cost of producing a fat steer today is twice what it was 20 years ago. Yet, the number of dollars received by the farmers and ranchers is less than it was when that critter was sold.

Mr. MANSFIELD. Mr. President, I hope that this homily by the distinguished Senator from Nebraska will be taken to heart by the consumers of the country so that they will know where the blame lies for the high price of beef and meat and will be aware of this propaganda which seems to place the blame on the stock growing segment of our economy, a blame which properly does not belong there.

Mr. President, I ask unanimous consent that I may have printed in the RECORD the text of S. 3942 and a column by the distinguished team of Roscoe and Jeoffrey Drummond.

There being no objection, the bill and article were ordered to be printed in RECORD, as follows:

S. 3942

A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is directed to establish a system of thorough examination and inspection of all livestock products imported into the United States, including all fresh and frozen or chilled meats after thawing, providing for such examination at the time of entry or before any processing or offering for sale to consumers, to prevent the entry of any disease or distribution of any unwholesome products. The Commissioner of Customs shall levy on such animal products entering the United States, in addition to any tariffs, a charge or charges set by the Secretary of Agriculture, sufficient to defray the cost of such examination and inspections and of United States surveillance of all establishments abroad slaughtering animals or processing animal products for export to the United States.

IS HRUSKA BEEF BILL FOR HEALTH OR PROTECTIONISM?

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—Special-interest congressmen are going to fantastic lengths to take advantage of the high-protectionist madness now gripping both the House and the Senate.

Industries are lining up in clusters to grab a share of the protectionist favors—a domestic market walling out competition from imports. This lets prices go where they will, which is up.

Politicians are lining up to hand out the goodies, and they see votes at home when they do.

Just when you think that the worst is over, it isn't. Something more comes out of the legislative factory now running at high speed for no good purpose and oiled for the coming elections.

And who is fashioning the latest bit of high-protectionism gone berserk? None other than two of the normally most thoughtful and careful men in the Senate—the prestigious liberal majority leader, Mike Mansfield of Montana, and the distinguished Republican conservative, Roman Hruska of Nebraska.

They are proposing a restrictive trade measure which shows what can happen when two usually reasonable and responsible men get caught up in the home-industry, protectionist mania on the eve of a congressional election.

It's a revealing case study because if theirs is a good bill, then the liberal two-way trading policy which has brought so much prosperity to the United States is bad.

The bill is presented as a "health" bill—which it isn't—not as a keep-out-imported-meat bill, which it is.

Its purpose is described as providing for "thorough health and sanitation inspection of all livestock products imported into the United States." And it is specifically added that every can, every pound of fresh, frozen or chilled meat must be thawed and inspected piece-by-piece at its entry.

Sens. Mansfield and Hruska know that health-endangering meat is not being imported into the United States. They know that Americans are not dying or being made sick by poisoned-meat imports.

They know their proposed additional inspection is a trick, a gimmick designed to close off such meat imports.

They know that their bill would mainly hurt the poor, because the imports they are trying to keep out are mainly ingredients for hamburger and sausage.

Maybe some few livestock men somewhere in Montana or Nebraska or else-

where—will find themselves benefited, but certainly not the consumer, certainly not agriculture as a whole and certainly not the nation's total economy.

This is special-interest protectionism at its worst.

The health issue is phony. Says Dr. H. M. Steinmetz, of the Consumer and Marketing Service of the Agriculture Department: "Meat prepared in foreign countries for importation into the United States is equivalent to that produced under federal inspection in our country."

Is American agriculture a limping industry which can't compete in the world market? Not at all. American farmers exported a near record of $6.6 billion in farm commodities in the last 12 months and this is a billion dollars more in commercial sales than the year before.

We sell abroad far more farm commodities than we buy abroad—over a third of our wheat crop, 40 percent of our soybeans, 60 per cent of our rice. And if we apply unneeded, discriminatory "sanitary" restrictions against countries selling meat to the United States there would inevitably be retaliation.

This is one of the reasons why Aled P. Davies, vice president of the American Meat Institute, opposes the Mansfield-Hruska atrocity.

"The meat industry," he says, "now finds a market in foreign countries of half a billion dollars yearly for its meat and livestock products. While the advocates of protection for U.S. livestock producers are endeavoring to build a fence around this country to keep foreign products out, they will discover that fences stop trade in both directions."

No wonder President Nixon threatens a veto if such madness as this gets through Congress.

Mr. HRUSKA. Mr. President, I am grateful that the Senator from Montana brought this subject up. I was most happy to join him in this colloquy. It will no doubt set the record straight with men of good faith, and in the exchange of views and the information here perhaps their views will change a bit.

Mr. MANSFIELD. If they do, I think it will be because of the clarity with which the distinguished Senator from Nebraska expressed himself and explained the situation which confronts us on the basis of the column which was published throughout the Nation.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 28, 1970, he presented to the President of the United States the enrolled bill (S. 2601) to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Thereupon, at 11:13 a.m., the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 11:55 a.m., when called to order by the Presiding Officer (Mr. HOLLINGS).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

CHUGACH ELECTRIC ASSOCIATION, INC., ANCHORAGE, ALASKA

A letter from the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, transmitting, in accordance with Senate Report No. 497, information relating to the $10,860,000 loan to the Chugach Electric Association, Inc., of Anchorage, Alaska, for the financing of certain generation and transmission facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunity for savings by reducing paper work involved in Department of Defense bus travel, dated July 27, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT, WHITE SANDS NATIONAL MONUMENT, N. MEX.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract under which T. L. and Thelma Womack will be authorized to provide facilities and services for the public at White Sands National Monument, N. Mex. for a 5-year term (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON ACTIVITIES IN CERTAIN COUNTRIES RELATING TO APPLICATIONS FOR CONDITIONAL ENTRY

A letter from the Commissioner, U.S. Department of Justice, Immigration and Naturalization Service, reporting, pursuant to law, on activities in certain countries relating to applications for conditional entry, for the 6-month period ended June 30, 1970; to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE AUDIT OF THE NATIONAL SAFETY COUNCIL

A letter from the National Safety Council, transmitting, pursuant to law, a report of the audit of the National Safety Council for the year ended December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A joint resolution of the Legislature of the State of California; to the Committee on Aeronautical and Space Sciences:

"SENATE JOINT RESOLUTION NO. 16—RELATIVE TO EDWARDS AIR FORCE BASE

"Whereas, The hub of NASA's future space plans is the earth-orbited manned space station, from which interorbital ferries and planetary expeditions will depart, and hopefully, it will prove to be the precursor for the module that will eventually carry men to Mars and back; and

"Whereas, In order to support the station and its subsequent additions, an earth-to-orbit shuttle is required; and

"Whereas, Together, the space station and shuttle are the keystones to the next major accomplishments of the nation's space program; and

"Whereas, The year-round climate conditions are ideal at Edwards Air Force Base, in Kern County, California, for the earthside operations of the so-called "shuttle ship" to the future United States space station; and

"Whereas, The many dry lakebeds in the vicinity provide the best possible physical conditions for receiving such a craft in any event of an emergency reentry landing; and

"Whereas, There already exists the necessary open space, uncluttered by suburban congestion, for all phases of the project to launch and receive the vehicle; and

"Whereas, The basic facilities for the project are already installed there; and

"Whereas, Existing West Coast aerospace manufacturing firms can supply project components at the lowest possible transportation cost; and

"Whereas, Sufficient technical personnel required for the project already reside on or near the West Coast, thus providing the necessary project manpower with the least degree of dislocation of workers' families and the attendant least private and governmental expense to locate them there; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States, and requests the National Aeronautics and Space Administration, to permanently locate the launch and reentry facilities for the space station shuttle ship project at Edwards Air Force Base in Kern County, California; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the National Aeronautics and Space Administration."

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"SENATE JOINT RESOLUTION NO. 32—RELATIVE TO THE 1971 WHITE HOUSE CONFERENCE ON AGING

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress of the United States to appropriate sufficient funds for the scheduled 1971 White House Conference on Aging, including funds for use by local committees which will attend the White House Conference in order that such local committees may hold local conferences in preparation for the national conference; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"SENATE JOINT RESOLUTION NO. 28—RELATING TO THE BATTLESHIP U.S.S. MISSOURI

"Whereas, 1970 marks the 25th anniversary of the end of World War II; and

"Whereas, The citizens of Martinez, California, have undertaken the creation of a peace shrine and a living memorial to the

veterans of World War II with the organization of a committee to bring the U.S.S. Missouri to that city; and

"Whereas, This famed ship upon whose decks the documents ending hostilities with Japan were signed on September 2, 1945, bringing peace to a war-weary world, now languishes in the Bremerton, Washington, Navy Yard; and

"Whereas, Battleships of this class are fitted with every type of facility that serves a community such as a bakery, carpentry shop, plumbing and pipefitting shop, paint shop, machine shop, theater and even a hospital, all resources that well might be utilized for federal and state job-training programs; and

"Whereas, Such a ship has great potential in disaster relief as it is able to produce vast amounts of fresh water and electric power; and

"Whereas, The harbor of the City of Martinez is an appropriate site for the location of this ship because Camp Stoneman (later Parks Air Force Base) and Camp Shoemaker in Contra Costa County were the principal points of embarkation for the Pacific Theater both in World War II and the Korean conflict, because Port Chicago has served for 28 years as the major Pacific Coast naval ammunition depot, and because nearby are other military installations that also played vital roles in the World War II victory effort; and

"Whereas, The committee organizing the citizen effort behind this project envisions the creation of a nonprofit foundation to raise the necessary funds to move the vessel from its present moorings to San Francisco Bay, prepare a site offered by the City of Martinez, and fit the vessel for public inspection, the revenue from tours and sale of souvenirs making the ship self-supporting with profits going to the U.S. Navy Relief Fund; and

"Whereas, This project has been endorsed by the Martinez Chamber of Commerce, the Martinez City Council, the Contra Costa County Board of Supervisors, the City-State Waterfront Committee and the Contra Costa Council of the Navy League; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the citizens of Martinez are to be commended for their initiative and leadership in endeavoring to bring this renowned 'fighting ship' to San Francisco Bay, and their project is hereby endorsed by the California Legislature; and be it further

"Resolved, That the appropriate local, state and federal agencies whose sanction is required to move this vessel to the City of Martinez are urged to give speedy approval to this proposal so that the anniversary of the conclusion of World War II may be appropriately commemorated by the anchoring of this flagship of the United States Navy in Carquinez Straits; and be it further

"Resolved, That the Secreretary of the Senate is directed to transmit a copy of this resolution to the President and Vice President of the United States, the Secretary of Defense, Secretary of the Navy, Chief of Naval Operations, the commandants of the 12th and 13th Naval Districts, the Members of the United States Senate and House of Representatives from California, and to the Battleship 'Missouri' Committee of the Martinez Chamber of Commerce."

A joint resolution of the Legislature of the State of California; to the Committee on Banking and Currency:

"ASSEMBLY JOINT RESOLUTION NO. 9—RELATIVE TO HOUSING

"Whereas, Interest rates, land costs and spiraling costs of construction have made it impossible for California families with an income of less than $12,000 per year to be eligible for homes insured by the Federal Housing Administration; and

"Whereas, As forecasts indicate a severe economic recession in the housing industry during the coming fiscal year, it is desirable that all possible efforts be made to prevent such a recession; and

"Whereas, Unemployment rates in that industry are currently at 12 percent in California and threaten to reach 25 percent by early spring; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States that the ½ percent insurance fee required by the Federal Housing Administration on housing loans be eliminated if consistent with continued maintenance of Federal Housing Administration resources and the ability of the Federal Housing Administration to cover anticipated losses, that credit and income requirements for applicants be relaxed, that the mortgage period be extended from 30 to 35 years on loans insured by the Federal Housing Administration and Veterans' Administration, that maximum funding of the 235 Federal Housing Administration interest subsidy housing program for California be provided, that government-backed mortgage securities be introduced, and that every effort to reduce the high cost of interest rates in the residential mortgage industry be made; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Housing and Urban Development."

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION NO. 9—RELATIVE TO THE LOS ANGELES-SAN DIEGO TRANSPORTATION CORRIDOR

"Whereas, The high-speed rail demonstration project in the Northeast Corridor between Boston and Washington, D.C., is evidence that high-speed rail transportation is competitive in cost, convenience, and time with airplanes and automobiles in traveling between these two metropolitan areas; and

"Whereas, There is mounting interest in California to apply the newly gained knowledge from the high-speed rail demonstration project in the Northeast Corridor to a similar high-speed rail link in the Los Angeles-San Diego Transportation Corridor to connect the metropolitan areas of Los Angeles, Orange, and San Diego Counties, and as a step toward extension of service between the Los Angeles and Palmdale areas, and between Los Angeles, San Francisco, and Sacramento; and

"Whereas, The ability of trains to travel into the core area of a city results in many passengers being brought closer to their destination than if they had traveled by airplane, and without the necessity of expending the great amount of time and effort that is so often necessary to reach the core area from an outlying airport; and

"Whereas, The increasing use of high-speed trains to travel between the metropolitan areas can eliminate the necessity of expanding the present networks of freeways that exist in such areas, and thus save the core areas of the cities for living purposes; and

"Whereas, It is imperative that alternative modes of transportation be developed in creating a balanced system of transportation to serve all strata of our society by making educational, recreational, cultural, and occupational opportunities readily accessible to all; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully requests the Secretary of Transportation to initiate studies as promptly as possible on the feasibility of a high-speed rail link in the Los Angeles-San Diego Transportation Corridor to connect the metropolitan areas of Los Angeles, Orange, and San Diego Counties; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 22—RELATIVE TO VETERANS' UNEMPLOYMENT COMPENSATION BENEFITS

"Whereas, Returning veterans who receive, upon separation from the armed forces, pay for unused accrued leave are being denied unemployment compensation benefits for a period of time equal to the number of days of accrued leave as per Section 8524 of Title V of the U.S. Code; and

"Whereas, A returning serviceman who has bravely defended his country, returns home, and finds it difficult to find a job has enough difficulties without being penalized for being prudent in his use of leave time while in the service; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to amend the present law so that our returning servicemen will not be denied unemployment compensation benefits under the circumstances described above; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION NO. 20—RELATIVE TO PLEDGE OF ALLEGIANCE TO THE FLAG

"Whereas, The right of school children to voluntarily salute the Flag of the United States in the public schools is being threatened; and

"Whereas, The children of this country, now more than ever, need the right to voluntarily reaffirm their love and respect for the flag of this country; and

"Whereas, In our proper concern for the rights of minorities we must not ignore the fact that patriotism is a privilege which may not be taken away from the majority; and

"Whereas, It is in the public interest to amend the Constitution of the United States to specifically insure that the children of this country shall have the right to salute the Flag of the United States in public schools; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to utilize all their powers to bring about the passage of an amendment of the Constitution of the United States which shall assure to every child the right to voluntarily pledge allegiance to the Flag of the United States in any public school; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the Kamimotobu

Village Assembly, Okinawa, praying for the removal of gas weapons from Okinawa; to the Committee on Armed Services.

A resolution adopted by the Ie Village Assembly, Okinawa, praying for the removal of all poison gas weapons from Okinawa; to the Committee on Armed Services.

A resolution adopted by the Ozato Village Assembly, Okinawa, praying for the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

A resolution adopted by the Women's Bureau, Department of Labor, 50th anniversary conference, Washington, D.C., praying for the enactment of legislation relating to the equal rights amendment of the Constitution; to the Committee on the Judiciary.

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 3647. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes (Rept. No. 91–1037).

By Mr. TYDINGS, from the Committee on the District of Columbia, with amendments:

S. 3648. A bill to provide improvements in the administration of health services in the District of Columbia, and for other purposes (Rept. No. 91–1038).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. MAGNUSON. Mr. President, as in executive session, from the Committee on Commerce, I report favorably sundry nominations in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator:

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Timothy J. Cenna, and sundry other officers, for promotion in the Coast Guard; and

Frederick K. Farner, and sundry other officers, for promotion in the Coast Guard.

EXTENSION OF THE HIGH-SPEED GROUND TRANSPORTATION ACT—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–1036)

Mr. HARTKE. Mr. President, from the Committee on Commerce, I report favorably, without amendment, the bill (S. 3730) to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Pennsylvania (Mr. SCOTT).

The PRESIDING OFFICER (Mr. CASE). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Indiana.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ELLENDER:

S. 4128. A bill for the relief of Luka Cibilic;

S. 4129. A bill for the relief of Zdravko Franicevic;

S. 4130. A bill for the relief of Frano Gudelj;

S. 4131. A bill for the relief of Mate Gudelj;

S. 4132. A bill for the relief of Maro Hihar; and

S. 4133. A bill for the relief of Ante Lepetic; to the Committee on the Judiciary.

By Mr. BAYH:

S. 4134. A bill for the relief of Clarence C. and Lucy W. Russell; to the Committee on Finance.

By Mr. HART:

S. 4135. A bill for the relief of Dalpat Kasan Daya;

S. 4136. A bill for the relief of Kantilal Kasan Daya; and

S. 4137. A bill for the relief of Juliana M. Geronimo; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 3788

Mr. ALLOTT. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 3788, amending the Coal Mine Health and Safety Act of 1969.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 3942

Mr. HRUSKA. Mr. President, I ask unanimous consent that, at the next printing, my name be added as a cosponsor of S. 3942, to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

S. 4104

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of S. 4104, the School Breakfast Act of 1970.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

SENATE RESOLUTION 433—SUBMISSION OF A RESOLUTION TO DISAPPROVE REORGANIZATION PLAN NO. 4 OF 1970

Mr. NELSON. Mr. President, I submit, and ask for its reference to the appropriate committee, a resolution to reject Reorganization Plan No. 4, a measure proposed by the President to establish in the U.S. Department of Commerce a National Oceanic and Atmospheric Administration, and I ask unanimous consent that the resolution be printed at the end of this statement.

This morning, I testified in opposition to this plan at a hearing by the Subcommittee on Executive Reorganization of the Senate Government Operations Committee. The testimony thoroughly explains my position regarding this oceans agency proposal, including my reasons for introducing the resolution which would reject it, and I ask unanimous consent that a copy of my testimony be printed in the RECORD at the end of these remarks.

Additionally, I ask that a copy of a statement I made in February proposing a national policy to protect the oceans environment and detailing the grave threats to this fragile environment also be printed in the RECORD.

Finally, I ask unanimous consent that a chart outlining Federal responsibilities in the marine environment be printed in the RECORD. This chart dramatically reveals the lack of coordination and focus at the Federal level on marine environmental policies.

The PRESIDING OFFICER (Mr. GRAVEL). The resolution will be received and appropriately referred; and, without objection, the resolution and other material will be printed in the RECORD, as requested by the Senator from Wisconsin.

The resolution (S. Res. 433) was referred to the Committee on Government Operations, as follows:

S. RES. 433

Resolved, That the Senate does not favor the Reorganization Plan No. 4 transmitted to the Congress by the President on July 9, 1970.

The material, presented by Mr. NELSON, is as follows:

STATEMENT BY SENATOR GAYLORD NELSON (D-WIS.) TO SUBCOMMITTEE ON EXECUTIVE REORGANIZATION, SENATE GOVERNMENT OPERATIONS COMMITTEE, REGARDING OCEANS REORGANIZATION PLAN

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify here today. You are to be commended for undertaking this careful review of these two reorganization plans which have major implications for Federal policies regarding the environment and the oceans.

My remarks on Reorganization Plan Number 3, which creates an Environmental Protection Agency, will be brief. I support EPA and commend the President for taking this step. It should mean a much tougher, better coordinated, more effective Federal policy in dealing with polluters. Furthermore, EPA, which is similar to proposals that have been made in Congress, is a logical foundation for further steps which must be taken for environmental control. An adequate budget and staff will be critical to EPA's success.

My concern today is with Reorganization Plan Number 4, which proposes a National Oceanic and Atmospheric Administration in the Department of Commerce.

In my view, Plan Number 4 leaves unanswered major, pressing questions about our oceans policies, and I intend to introduce a resolution today which would reject the plan.

My action regarding this proposal is not intended to be critical of the President. With his State of the Union Message and the messages and proposals to Congress that have followed and with the other actions the Administration has taken, the President has shown his deep interest and commitment to improving environmental quality, and his

efforts merit the support of Congress and the nation.

Further, the President may well be right in proposing Plan Number 4, and later, after careful consideration of all the possibilities, I might support it. But in my view, before an oceans agency in the Department of Commerce is established, Congress should thoroughly consider all of the ramifications not only of this proposal but of the numerous alternatives that have been proposed in high level reports and in legislation now pending.

The purpose of Reorganization Plan Number 4 at this time is not at all clear to me. Is it supposed to assist in developing the resources of the sea? Or is it supposed to protect them? Or is it to be another hybrid agency such as the Atomic Energy Commission which has had a great deal of trouble reconciling the development of nuclear power with the regulation of its consequences? In carefully reading the reorganization plan and the documents supporting it, I could not find a clear answer to any of these questions.

What is at stake in establishing this policy and deciding these matters is the last great undeveloped and probably least understood resource on earth—the sea. If we don't put environment first in the oceans sequence, it will be the same old sad story: In our haste to reap the benefits of these resources we will destroy their worth forever and further diminish the quality of life on earth.

At the July 9 press conference announcing the reorganization plans, Mr. Russell Train, Chairman of the Council on Environmental Quality and an environmentalist for whom I have great respect, was asked why the new NOAA was not put in EPA.

Mr. Train responded: "Because the new EPA is intended to focus on the control of pollution . . . Ocean programs, obviously, go far beyond that, development efforts of all sorts."

Asked essentially the same question, Mr. Rocco Siciliano, Under Secretary of Commerce, responded: "As far as NOAA is concerned, let's make a comparison. One is a standard setting, enforcement type agency which needs independence and that is your EPA. The other is a research, development, protection and conservation function which we are doing already in the Commerce Department. . ."

Frankly, these answers are confusing to me. If, as is now proposed, floating airports are put in the ocean off some of our cities, who will be responsible for protecting the sea from the environmental consequences? Who will be responsible for environmental regulations on the 47 million tons of wastes—from industrial acids to junked autos—that are dumped in ocean waters off our coasts each year? Or for the hundreds of square miles of coastal wetlands that are being drained and filled for subdivisions and industry?

The fact is, marine environment responsibilities are scattered all over the Federal government, or in instances are actually unassigned, and Plan Number 4 does little to remedy this.

Under the Plan, offshore oil leasing remains in the Bureau of Land Management in the Department of the Interior and oil well regulation remains in the Department's Geological Survey. On the other hand, control of the environmental effects of offshore oil spills goes to EPA with the Federal Water Quality Administration. The U.S. Coast Guard, which has important marine pollution control enforcement responsibilities, stays in the Department of Transportation. The Department of the Interior's marine fishery program, which has important marine environmental concerns among its other tasks, goes to the Department of Commerce.

Furthermore, Plan Number 4 does little to resolve other major questions on the marine environment. The Corps of Engineers lets all kinds of waste dumping go on beyond the three-mile limit off our coasts, because it is unsure of its authority in this area, and for inshore waters, the Corps recently did not even know how many permits it had issued. Plan Number 4 does not deal with this serious inadequacy in Federal policy.

Responsibilities for protection of our estuaries and the inshore region of our coasts in other activities—such as wetlands development—are equally unclear, and Plan Number 4 would not appear to resolve this matter.

Responsibilities for regulating the environmental consequences of such developments as offshore airports and seaports are also unfixed—yet soon, we will be faced with the job of dealing with these matters.

Finally, the tremendously important responsibility for controlling pollution of the sea beyond the three-mile zone is also unsettled, and Plan Number 4 does not provide the answer.

We might argue that a NOAA in the Department of Commerce is only temporary, with the hope that better things are in the offing—an independent NOAA, for instance—but as we all know, "temporary" agencies in Washington have a way of becoming permanent and gathering additional power, through no one's fault or ill-intention, but merely through bureaucratic inertia and by default.

There is no quarrel with those who say we need to develop the resources of the sea. We do. The minerals, the food, the space, the recreation offered by the marine environment can be of great benefit to all nations.

But distinguished ecologists are already warning that in 50 years or less there will be little productivity left in the sea for anyone if we continue on our present course of polluting it.

Just in the past two years, report after report has urged a coordinated national effort to wisely manage and protect the marine environment.

While citing the great opportunities in the sea, the January, 1969, report of the Commission on Marine Science, Engineering and Resources (the Stratton Commission) warned of the major threats lying "in the potential destruction of large parts of the coastal shellfisheries, and fisheries on the high seas." To deal with both the opportunities and the dangers, the report recommended a new, independent Federal agency, the National Oceanic and Atmospheric Agency, and among other things, suggested a Federal-state coastal zone management program in NOAA.

The National Estuarine Pollution Study report to Congress last November said, "The impact of man on his environment has taxed the resources of many estuarine zones to the limit of endurance and reached into the depths of the ocean itself."

Last year's reports by the President's Panel on Oil Spills said that at present rates of offshore drilling for oil, we could expect a marine disaster on the Santa Barbara scale once a year by 1980. The panel concluded that we do not now have the technology to contain major marine oil spills and pointed out that we are drilling 3,000–5,000 new undersea oil wells a year. And the President's Panel urged that certain marine resources be held in trust until we better understand how to exploit them without harming the ocean environment.

Then, according to newspaper reports, the Ash Council, appointed by the President to study and recommend government reorganization, early recognized the need for much greater emphasis on ocean problems in the Federal government and recommended a new marine environment agency under the Secretary of the Interior.

But Plan Number 4 proceeds in a quite different direction from these various recommendations and would deal with very few of the problems cited in these important reports and studies.

In my view, instead of this reorganization into a development-oriented department at this early stage in the shaping of national oceans policy, we would do far better to more carefully consider the recommendations of the above reports and to carefully consider legislation before Congress proposing to deal with the challenge of the sea.

Measures to establish coastal zone management programs have been introduced and heard before Senate and House committees. One is sponsored by the Administration—introduced last year, it would put the coastal zone management program in the Department of the Interior.

The Administration has also proposed legislation to end the dumping of polluted dredge spoils in the Great Lakes—an urgently needed step, and the President has directed the Council on Environmental Quality to study the ocean waste dumping problem and report to him with recommendations by September 1.

Further, measures to establish marine sanctuaries off California and to terminate oil leases in the Santa Barbara Channel have been introduced and are being actively considered.

Legislation to create the independent NOAA has been introduced by Senator Hollings, who has chaired hearings and has intensively studied our marine problems and who has been very perceptive in his understanding of these great concerns.

And the bill by Senator Muskie first proposing an environmental protection agency would have transferred the Environmental Science Services Administration from the Department of Commerce to EPA.

This year, I have introduced two bills regarding the oceans. One, the Marine Environment and Pollution Control Act, proposes a comprehensive system for marine management based on intensive environmental studies. The other bill would place in a national trust untapped marine minerals until we develop the technology and plans to protect the vital ocean environment as we tap its resources.

The Secretary of the Interior would be responsible for the programs created under both of these measures. At this point, I would like to comment that the record of the present Secretary of the Interior leaves no question that he is a courageous man determined to carry out his responsibilities for this nation's environment to the very best of his ability. The Department of the Interior is one of the two or three logical places in the Federal government to put the responsbilities for our marine environment, and under Secretary Hickel, one could have great confidence that he would institute a comprehensive program which would be an excellent base on which we could build this important policy.

The implementation of any of these proposals would represent a better first step towards establishing a national environmental policy on the oceans than Reorganization Plan Number 4. And in my view, such a policy could be better achieved by reorganizing and strengthening the Department of the Interior, or by building on the foundation of the Environmental Protection Administration, than by starting in the Department of Commerce.

What is necessary is that from the very beginning, we emphasize the importance of understanding the marine environment and acting to harmonize our activities with it. This will require extensive studies, planning, standard-setting, and enforcement.

And frankly, if I were an industrialist, I would insist that environmental policy regarding the oceans be established before I made any investment. Sooner or later, en-

vironmental controls will be set and enforced. And as the Santa Barbara and Gulf of Mexico disasters so well demonstrate, the costs of putting "development" before "environment" are immense.

It is appropriate to recall that we thought pesticides were a panacea and we rushed them into use—now we are paying the price. The same was true of the automobile, nuclear power generating plants, the one-way container. Now the sea—it will give us everything just find the golden key.

As the last frontier on earth, the oceans do present a great opportunity. And they are a great concern. The President recognized this in his major proposal in May for international cooperation to manage the resources of the sea beyond the 200 meter depth.

As yet, the oceans are almost uncharted, relatively undeveloped—as were the public lands of this nation a century and more ago. We have a choice: We can do it right this time, or we can make the same mess of the sea as we have of the land. Our better alternative is to establish a comprehensive national policy now that will harmonize our activities with the fragile sea, thus assuring the wise use of its resources.

And the sea presents this nation a unique opportunity to set an example for the entire world, as the President said. But can we lead, and expect other nations to act wisely, if our first concrete step regarding our own ocean waters is to give a matter as important as the marine environment such inadequate attention?

The matter of assuring environmental protection for the oceans as the world's single greatest resource is a responsibility great enough that we ought to hold up on authorizing the actions proposed in Reorganization Plan Number 4 until we have had the opportunity to evaluate all of the marine proposals that have been made and that are pending in legislation before Congress. Again, my introduction of the resolution to reject Plan Number 4 is not in any way meant as criticism of the President and his environmental program.

S. 3484—INTRODUCTION OF THE MARINE ENVIRONMENT AND POLLUTION CONTROL ACT OF 1970

Mr. NELSON. Mr. President, I am introducing legislation today which, in its broadest terms, is a human survival act. Its concern is with the pollution of the Great Lakes, and now, of the sea, a situation that poses dangers to the future of the human race that rank with those posed by the threat of nuclear war.

The legislation is entitled the Marine Environment and Pollution Control Act of 1970. One portion of the bill would establish a tough new national policy to halt the reckless exploitation and the destruction of our vital marine environment, and would substitute an environmental management plan beyond State waters that would be aimed at achieving a harmonious relationship between man and the source of all life, the sea.

Another part of the legislation would deal specifically with the disposal of tens of millions of tons of wastes into the sea from New York and other major cities on the ocean coastlines, in the Gulf of Mexico, and in the Great Lakes. I will explain in detail the provisions of this legislation later in the statement.

For the past year, the tragic story about the destruction of the sea has been unfolding at an accelerating pace. For people the world over, it is a shocking, surprising story, which they may first receive in disbelief. Throughout history, we have believed the sea was a limitless resource, as indestructible as the earth itself. And, as with all our other resources, we have acted accordingly, abusing it in the name of "Progress," somehow never realizing until very, very late that, like all other systems of the planet, the sea is a fragile environment, sensitive and vulnerable to the debris of civilization.

Our persistent refusal to accept these facts about all environments on earth is, in the view of many scientists, hurling us headlong to unprecedented worldwide disaster.

The sea is a fragile environment because, among other things, its only really productive areas are extremely limited. They are the Continental Shelves, the narrow bands of relatively shallow, highly fertile areas that extend from our coastlines, the same areas on which our myriad and dramatically increasing ocean activities are focused. Our shipping, mineral extraction, fishing, recreation, and waste disposal all are concentrated in these relatively small, fragile areas.

Destroy life on the Continental Shelves—which is what we are doing now—and, for practical purposes, the oceans are rendered a desert. Fertile coastal waters are 20 times as productive as the open ocean.

Destroy the richness of the sea, and you eliminate one of the greatest potential resources for feeding an exploding world population. Even today, there are nations, such as Japan, that depend almost entirely on the sea for their food and for many other critical resources.

Upset the intricate ecological systems of the oceans, and you run the grave risk of throwing all natural systems so seriously out of balance that the planet will no longer sustain any life.

The evidence is pouring in that we are already well on the way to causing drastic and lasting damage to the ocean environment.

Citing the steady buildup of toxic, persistent pesticides in the oceans, many scientists now believe that another 25 to 50 years of pesticide use will wipe out the oceanic fisheries.

Scientists investigating a massive dieoff of seabirds last year off Britain found in the dead birds unusually high concentrations of another dealy pollutant, toxic industrial chemicals used in making paints and plastics, and in other industrial processes. Concentrations of toxic mercury and lead have also been reported in instances at alarming ocean levels.

Scientists now see new dangers to marine life and human beings as well from the potential buildup through the food chain of long-term poisons from the crude oil that is now being spilled, dumped, or leaked into the oceans by man's activities at a rate of 1 million tons a year.

The oil is showing up far from its original sources. Scientists towing a net recently in the Sargasso Sea hauled in oil tar lumps as much as 2 inches thick. The Sargasso Sea is 500 miles south of Bermuda in the Atlantic Ocean.

In addition to oil, author-explorer Thor Heyderdahl sighted plastic bottles, squeeze tubes and other debris in the mid-Atlantic during his papyrus raft trip last year. At one point, the ocean water was so filthy the raft crew could not use it to wash the dirty dishes.

In the Pacific Ocean, some still undetermined ecological change has caused a population explosion among a species of starfish. It might be just another fascinating incident if it were not for the fact that the starfish, which feeds on living coral, can, in great enough quantities, cause serious erosion on islands protected by coral reefs and lead to the destruction of food-fish populations that inhabit the reefs.

Closer to home, the oil well blowout in the Santa Barbara Channel last year stunned our Nation. Anyone who still believes the sea is invulnerable to the same devastation we now see in rivers across the land should talk to the citizens of Santa Barbara.

Or they should ask the residents of Cleveland, Detroit, Toledo, Chicago, Milwaukee, Green Bay, or Duluth-Superior. For the past several decades, we have been methodically destroying the Great Lakes, among the largest bodies of fresh water on earth. Lake Erie is degraded almost to the point of a cesspool. Lake Michigan is seriously polluted, and is about to be ringed with nuclear powerplants discharging massive heat wastes. Lake Superior, the largest, cleanest Great Lake, is now threatened. On the Minnesota north shore, a mining company is dumping 60,000 tons of iron ore process wastes into the lake each day.

One need only to have glanced over the newspapers for the past few days to get a sense of the pattern that is developing off our coastlines. Off the gulf coast, an intense fire has been burning out of control for several days on an oil well platform. If the situation is not brought under proper control, raw oil from the well could seep over vast areas of the gulf, spreading to wildlife and bird preserves, stretches of coastal marshland, and recreation beaches. Off Nova Scotia, oil spreading from a wrecked tanker has contaminated nearby shores and is killing sea birds, and the same thing is happening off Florida as oil spreads from another wrecked tanker.

The situation in a few years will be much worse. If present trends continue, according to a recent report by the President's Panel on Oil Spills, we can expect a Santa Barbara-scale disaster every year by 1980.

The report also confirmed that we do not have the technology to contain the oil from massive blowouts and spills. In fact, scientists are pointing out that current control techniques, such as massive use of detergents to break up oil slicks, can be even more damaging than the spills themselves.

Yet, in blunt testimony to our sorry history of exploiting our resources at any risk to the environment, 3,000 to 5,000 new oil wells will be drilled annually by 1980 in the marine environment. The pressure is on even in polluted Lake Erie, where only widespread public resistance has prevented drilling there to date.

By ironic coincidence, Federal plans for new oil lease sales in U.S. offshore areas were announced only a few days before the Presidential panel's 1969 oil spill report.

Because of the dramatic and sudden nature of its occurrences and damages, oil pollution has been the most visible of the marine environment problems. A second, less visible, but just as significant threat is from the wastes that are over-running the industrialized, crowded metropolitan areas along our coastlines.

Progress—American style—is adding up each year to 200 million tons of smoke and fumes, 7 million junked cars, 20 million tons of paper, 76 billion "disposable" containers, and tens of millions of tons of sewage and industrial wastes.

It is estimated that every man, woman, and child in this country is now generating 5 pounds of refuse a day from household, commercial, and industrial wastes. To quote Balladeer Pete Seeger, Americans now find themselves "standing knee deep in garbage, throwing rockets at the moon."

The rational way out of this dilemma would be using the country's technology and massive resources to develop systems to recycle our wastes, making them valuable "resources out of place," or treating wastes to the highest degree that technology will permit.

Instead, in the classic American style, we have been taking the easy way out. Rather than planning ahead to handle the byproducts of our affluent society, we have invariably taken the cheapest most convenient route to their disposal, regardless of the environmental consequences. Until fairly recently, the easy way has been to dump our debris outside the city limits, or into the nearest river or lake.

But now, the end of one city means the beginning of another, especially in our sprawling metropolitan areas. And either the

river or lake is already grossly polluted with other wastes, or water quality standards are demanding that the polluters install decent treatment facilities.

With this tightening situation, one might think that we would finally begin a national effort to establish effective and environmentally safe waste management plans.

Instead, we have found another way to avoid the costs of environmental controls: Dump the debris into that supposedly bottomless receptacle, the sea. The attractions are many. The fact is that environmental regulations in our costal waters are so loose it is like frontier days on the high seas, a field day for laissez faire polluters. One recent private report points out the gross inadequacies in offshore environmental regulations:

Few applications for offshore waste dumping permits are ever denied, even when environmental agencies strongly oppose the dumping. In fact, the report could find no instance where the U.S. Army Corps of Engineers—in most cases, the lead agency for regulating the dumping—had ever rescinded a disposal permit, even when the polluter had clearly violated it. The reason, according to the report, is that authorities and responsibilities in the marine environment are so uncertain that public agencies may be reluctant to take action that might lead to court tests;

Furthermore, most dumping is carried out so far offshore that no present regulations of any Federal, State or local agency explicitly apply;

Although many public agencies are concerned in various ways with ocean dumping, rarely do any of them have a comprehensive picture of the total offshore waste disposal activities in the area;

Regular monitoring of ocean dumping is almost nonexistent, leaving the way wide open for abuse of already inadequate permit terms;

Finally, guidelines to determine how dumping will affect fragile ocean ecology and the marine food chain do not exist. Thus, decisions on the dumping permits are made with a tragic lack of vital information as to the consequences.

In this situation, it is often cheaper for a city to send its municipal wastes out to the ocean depths via a barge; or for an industry to relocate to the coastline from an inland area with tough water quality standards, so it can discharge its wastes directly into coastal waters without having to install costly pollution control equipment.

Because the effects of the ocean dumping are slow to appear, it is a problem that only now is breaking into public view. But when all the facts are in, I am convinced that continued unrestrained dumping clearly will spell a tragedy that will make Santa Barbara pale by comparison.

In the United States, cities, industries, and other polluters are now disposing 37 million tons of wastes into the marine environment every year, and this does not include Great Lakes figures.

Predictably, our mass consumption, mass disposal society is responsible for one-third to one-half the world's pollution input to the sea.

The cities and metropolitan areas involved include San Francisco, Los Angeles, San Diego, Boston, New York, Philadelphia, Baltimore, Charleston, St. Petersburg, Miami, Port Arthur, Galveston, Texas City, and Houston.

The wastes—dumped at sea from barges and ships—run the gamut of byproducts from the "affluent" society. They include garbage and trash; waste oil; dredging spoils; industrial acids, caustics, cleaners, sludges and waste liquor; airplane parts; junked automobiles and spoiled food. Radioactive wastes, poison gas, and obsolete ordnance have also been dumped in the sea by atomic energy and defense agencies.

Along our Pacific coast, 8.8 million tons of these wastes were dumped in 1968 alone.

Along the heavily populated east coast, 23.7 million tons were dumped that year.

And along the gulf coast in 1968, 14.6 million tons of wastes were dumped.

A leader for the whole country in the dumping of wastes into the sea is metropolitan New York. In a recent year dumping for this area off the New Jersey and Long Island coasts came to 6.6 million tons of dredge spoils, 4 million tons of sewage sludge, 2.6 million tons of dilute industrial waste acids, and 573,000 tons of cellar dirt.

The sewage sludge dumped 11 miles offshore, has spread over a 10- to 20-square-mile area of the ocean bed, killing bottom life, cutting oxygen levels, poisoning the sea waters. A wide area outside the dumping grounds is also contaminated, possibly by the sewage sludge. Dumping of other wastes is being carried out in five other undersea areas off New York.

The results of several decades of ocean waste disposal off this vast metropolis are grim portents for the future of much of the U.S. marine environment if the practice is allowed to continue.

Off New York, outbreaks of a strange fish disease, where fins and tails rot away, have been reported since 1967.

Recreation-destroying red tides have recently closed local beaches, particularly during the summer of 1968.

Massive growths of nuisance organisms, such as seaweeds and jellyfish, are now prevalent.

Once huge oysterbeds in New York Harbor have been all but eliminated.

Nearly all local clamming areas have been closed because of contamination.

Many swimming beaches are now closed every summer for the same reason, and there are indications that the sewage sludge dumped far offshore may now be creeping back in on the currents.

Now, in the face of this marine disaster, suggestions are being made that the New York dumping grounds be moved anywhere up to 100 miles offshore. Whether this is feasible on even an interim basis, it is highly doubtful it offers any permanent solution. New Yorkers 40 years ago thought they had escaped much of their waste problem when the present offshore dumping grounds were selected. Past history gives little cause for confidence that dumping even 100 miles into the sea will prevent grave consequences 40 years from now.

In fact, the evidence from the present New York situation, and from the effects of other United States and worldwide marine activities, indicates firmly that if we are to avoid setting off further disaster in our vital offshore areas, the dumping should be phased out entirely along our coastline and the Great Lakes. The legislation I am proposing would require such a phase-out in 5 years, a deadline which respected authorities have indicated would be reasonable, if a concerted effort is started now to find alternative, safe means of waste disposal or recycling.

The only exception would be when the Secretary of the Interior determined that an alternative was not yet technically available. Then, a temporary permit could be issued until an alternative was developed.

The legislation will also deal with the wastes pouring directly into the ocean and the Great Lakes from numerous outfalls of municipal and industrial waste disposal systems. As I pointed out earlier, the alternative of piping our wastes directly into the sea is becoming increasingly attractive from an economic point of view, as water quality standards are tightened inland. Yet from an environmental point of view, moving to the edge of the sea for cheap waste disposal and cheap water supplies will only accelerate the pollution of the sensitive offshore areas. It is a trend that must be halted now, and the legislation I am introducing will allow only liquid, nontoxic wastes, treated at levels equal to the natural quality of the receiving waters, to be disposed of at sea, with the exception noted above, where an alternative was not technically available.

Now, on one 30-mile stretch of the New Jersey coast alone, there are 14 sewer outfalls discharging directly into the ocean, with more planned. In New York harbor, 20 New Jersey companies are either in court or under orders to halt pollution. According to Federal figures several years ago, the estuarine waters of the United States received 8.3 billion gallons of municipal waste discharges per day.

Clearly, wholesale waste disposal and dumping into the ocean environment is a practice that is rapidly becoming a national scandal. It reflects another near total failure of our institutions to come to grips with a grave new challenge of this modern, complex age. And it is one more tragic instance of polluters and Government, with the consent of a lethargic public, avoiding rational environmental planning now, and letting future generations pay the price.

To date, we has been spending only a pittance in this country on new, more effective ways of handling our wastes, while we spend tens of billions of dollars to put a man on the moon, or to fight the Vietnam war. Legislation now pending before the Senate, the Resource Recovery Act, would be an important step forward in the urgently needed effort to manage this country's mounting solid wastes.

Ironically, while we continue to accelerate the gruesome process of polluting the sea, industry, our crowded cities, commercial ventures of all kinds, and even public agencies are making big new plans to carve up this rich, little regulated frontier for profit or for the tax dollar.

Already, the Defense Department holds one of the biggest chunks of marine environment—a total of approximately 300,000 square miles used for missile testing grounds and military operations.

But jurisdictions are so confused in the increasingly busy offshore waters that one mining opeartor had to turn back his sea bed phosphate lease when he found it was in an old Defense Department ordnance dump.

Crowded metropolitan areas are looking to the sea as the answer not only to their waste disposal problems, but for their space shortages as well. In the next few years, it is possible that construction of floating airports will begin for New York City, Los Angeles, and Cleveland. Floating seaports and floating cities may not be far behind.

And population and use pressures on our coastal areas will continue to escalate. Already, more than 75 percent of the Nation's population, more than 150 million people, now lives in coastal States, and more than 45 percent of our urban population lives in coastal counties.

Now, the coasts provide recreation for tens of millions of citizens. And the demand for outdoor recreation is increasing twice as fast as our burgeoning population. Yet in the face of these growing needs and expectations, the coasts are in danger of being crowded and polluted out of the market as recreation resources. In effect, Americans are slamming the door on their last escape route to a livable world. Our choice now is to either clean up our environment, or survive in surroundings we never thought we would have to accept.

Again, we look to the sea for distant answers. Within 33 years, we can expect permanent inhabited undersea installations and perhaps even colonies, according to the commission on the year 2000, a group established by the American Academy of Arts and Sciences.

In another activity, oil tankers, a more frequent source of pollution than oil wells, are being built to huge scales, cutting transpor-

tation costs but increasing environmental danger. The *Torrey Canyon* tanker was carrying 118,000 tons of crude oil when it broke up off England in 1967, a disaster that soaked miles of beaches with oil and killed more than 25,000 birds. Today, there are tankers being designed with a 500,000 ton capacity.

In addition to bringing new pollution dangers, the tankers will probably help create a new industrial seascape off our coasts. Since our ports are not big enough to handle these super ships, offshore docking facilities will have to be built.

In the Gulf of Alaska, heavy tankers could soon be operating to ship oil from the southern end of the proposed Trans-Alaska pipeline. Meanwhile, other oil and gas interests are proposing leases for drilling in the gulf. Leasing could put the tankers and oil rigs on a collision course, with massive oil spills as a result.

In another area of resource use, a company will soon begin an experimental mining operation off the southeast Atlantic coast in which a vacuum device will draw materials off the sea bed, and half way up, separate out fine wastes and spew them into the undersea in a broad fan. An almost certain result will be the smothering of bottom life over a wide area.

On Georges Bank, a rich international fishery off the New England coast, studies have identified areas with tremendous oil and gas potential, posing possible conflicts.

The evidence is clear. If tough environmental management steps are not taken now, the outcome of this bustle of new activity is certain. We will ultimately make as much a wreckage of the oceans as we have of the land. There will be constant conflicts between users, more reckless exploitation, perhaps the total destruction of marine life, and through the whole process, public agencies will be relegated to their all too frequent ineffective role of referees between competing resource users.

The legislation I am proposing today as the Marine Environment and Pollution Control Act of 1970 prescribes far-reaching steps to establish rational protection of the ocean environment.

The first section makes it unlawful for U.S. citizens, which includes corporate and municipal officers, to dispose of refuse materials into the Great Lakes, the territorial sea, Outer Continental Shelf waters, or the high seas without a permit from the Secretary of the Interior issued with the concurrence of the Council on Environmental Quality in the White House. Before the Secretary can grant such a permit, he will be required to undertake a broad-ranging investigation into the effects the disposal would have on the marine environment. In addition, public hearings will be held if requested, to give concerned citizens the opportunity to speak on the matter. In general, this legislation provides for public involvement in the decision-making process at every available opportunity, an involvement that has far too frequently been lacking in the making of Federal environmental policies.

Under this bill, the Secretary will only grant a waste disposal permit if there is convincing evidence that the disposal will not have any adverse effects on plant and animal life and the marine environment generally. As I have pointed out earlier, consideration of the impact of dumping on the fragile marine ecology of dumping has been entirely inadequate.

The bill would phase out all marine dumping by June 30, 1975, which is a reasonable and essential step for environmental protection, except for the exceptions noted earlier in the statement. It also provides a fine of not more than $1,000 per ton of material disposed of in violation of the act.

In the important second section of the bill, a system for marine environment management is established, which will apply to the submerged offshore lands under the jurisdiction of the Secretary of the Interior. As a first step, the bill provides for an Advisory Committee on the Marine Environment, to be appointed by the Secretary with the concurrence of the Council on Environmental Quality. The private citizen committee will include scientists trained in disciplines dealing with marine environment concerns. It will be responsible for the general scientific overview of the whole new program.

Also called for is a series of comprehensive programs and studies designed to increase our knowledge of the marine environment and its complex ecological systems, and the effects of our activities on this vital environment. Under the bill, the Secretary would develop models of physical and ecological systems of the marine environment which would be used to predict in advance the effects of proposed activities, an unprecedented step in marine environment protection.

I have also included a provision in the bill requiring truly long range forecasts of our needs and requirements, not only for minerals, but for recreation, fisheries, shipping, and natural ecological balance, over the next 50 years, another unprecedented step fundamental to making sound decisions about our ocean activities. This information will be made available to the public as it is developed by the Secretary, with the advice and recommendations of the scientific commission.

The next section of the bill provides for the application of the information and knowledge gained by the Secretary and the commission to the development of comprehensive resource management plans for the marine environment. Such plans will be developed whenever the Secretary is notified that present or proposed uses of the marine environment involve a risk of serious environmental damage or serious conflict with present or future users, or when any submerged lands under the jurisdiction of the Secretary are proposed to be leased. As a part of the plan, the Secretary would conduct an intensive study of the specific area involved, and of all the plant and animal life in it, and would attempt to develop means for avoiding adverse effects or conflicts among uses. The Secretary will also seek the views of the Governors of the coastal States in the vicinity of the area of proposed activity.

These efforts will culminate in a management plan which will be submitted to the Advisory Committee on the Marine Environment and also to the Council on Environmental Quality and there will also be opportunity for a public hearing. After concurrence of the council in the plan, the Secretary will implement it in public regulations which will constitute a comprehensive and mandatory guide for the use of the seabed and waters governed by the plan.

I believe these management plans would be a major step in avoiding Santa Barbara-type disasters brought on by lack of foresight and information, and this approach might well merit consideration by the States for the Great Lakes and their offshore territorial waters. Public participation would be an important part of the development of these plans.

It should be made clear that even the adoption of this legislation will only be a beginning in protecting our oceans. Inland, our water standard and cleanup programs must be strictly enforced and well financed, not only for the sake of our rivers and lakes, but for the future of the sea itself, which ultimately receives these wastes. And it is clear too that although the activities of this Nation are a major factor in the threat to the sea, all nations are having an impact, and have responsibilities which they too must exercise if this common world resource is to be protected. It is clear this will require new international cooperation and agreements.

Mr. President, I introduce this legislation for reference to the appropriate committee, and ask that it be printed in the CONGRESSIONAL RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

TABLE I.1.—FEDERAL MARINE SCIENCE ACTIVITIES

Agency	Mission
Department of Defense	All phases of oceanography relating to national security.
Navy; Advanced Research Projects Agency; Army Corps of Engineers.	Naval technology.
	Statutory civilian responsibilities: Great Lakes, river, harbor, coastal, and ocean charting and forecasting; Great Lakes, river, harbor, and coastal development, restoration, and preservation.
Department of the Interior	Management, conservation, and development of marine natural resources
Geological Survey; Federal Water Pollution Control Administration; Bureau of Commercial Fisheries; Bureau of Sport Fisheries and Wildlife; Bureau of Mines; Bureau of Land Management; National Park Service; Bureau of Outdoor Recreation; Office of Saline Water.	Measurement and enforcement of water quality standards.
	Acquisition, preservation, and development of coastal areas.
	Identification and development of technology for evaluation of mineral resources.
	Identification of sources and interrelationships for supply of fresh water.
National Science Foundation	Basic and academic oceanography.
	Facilities support.
	Sea grant colleges and programs.
Department of Commerce	Environmental prediction and description; tsunami and hurricane warning.
Environmental Science Services Administration; Maritime Administration.	Charting and mapping of coastal and deep-ocean waters.
	Central responsibility for air/sea interaction program.
	Research on ship design, shipbuilding, and ship operations.
	Marine transportation and port systems.
Department of Transportation	Safety and protection of life and property in port and at sea.
Coast Guard.	Delineation and prediction of ice masses.
Office of the Secretary.	Navigation aids; oceanographic and meteorological observations.
	Transport systems analysis and planning.
Atomic Energy Commission	Radioactivity in the marine environment.
	Development of Marine nuclear technology.
Department of Health, Education, and Welfare	Human health, healthfulness of food, biomedical research, and support of education.
Public Health Service; Office of Education; Food and Drug Administration.	
Department of State	United States participation in international organizations.
	Support of international fisheries commissions.
	International marine policies.
Agency for International Development	Foreign assistance and food resources for developing nations.
Smithsonian Institution	Identification, acquisition, classification, and ecology of marine organisms; investigations of the geophysical factors of oceanic environment.
National Aeronautics and Space Administration	Feasibility, design, and engineering of spacecraft and sensors for ocean observations.
National Council on Marine Resources and Engineering Development	Policy planning and coordination; assistance to the President.

SENATE RESOLUTION 434—SUBMISSION OF A RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE MICHAEL J. KIRWAN OF OHIO

Mr. YOUNG of Ohio submitted a resolution (S. Res. 434) relative to the death of Representative Michael J. Kirwan of Ohio, which was considered and agreed to.

(The remarks of Mr. YOUNG of Ohio when he submitted the resolution appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 74

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that at the next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of Senate Concurrent Resolution 74, affecting the treatment of prisoners in South Vietnam.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 795

AMENDMENT TO GUARANTEE EQUAL TREATMENT FOR U.S. CITIZENS

Mr. TYDINGS. Mr. President, as the result of anti-inflationary cuts in the Federal budget, the number of civilian positions in the Department of Defense is being reduced. Over the past 6 months, increasing numbers of Marylanders and other U.S. citizens employed by the Pentagon have been forced to confront the anxieties and hardships of unemployment and the ordeal of finding new jobs.

At the same time, the Department of Defense is providing jobs for 232,347 foreign nationals—primarily at U.S. military facilities and bases abroad—at a cost to the American taxpayer of approximately three-quarters of a billion dollars a year. More than one out of every six civilians currently employed by the Department of Defense is a foreign national. And what is worse, the percentage of DOD civilian employees who are foreign nationals has increased over the past 5 years.

This policy simply makes no sense at a time when Marylanders and other U.S. citizens working as civilian employees of the Pentagon are losing their jobs.

Reductions in the size of our military establishment are unavoidable and will continue. Cuts in Federal spending to combat inflation, the reordering of national priorities, and the movement toward foreign and military policies which rely on our allies to provide the manpower for their own defense necessarily entail reduced military manpower requirements.

But I believe we owe it to those U.S. citizens now employed as civilians by the Pentagon to insure that they are not forced to bear an unfair share of the burden of these manpower cuts. Whenever possible, they should be given preference over foreign nationals employed by DOD when civilian defense jobs are eliminated; and at all times they must be guaranteed at least equal consideration.

Therefore, I am submittting today an amendment to the defense procure authorization bill (H.R. 17123) to guarantee equal treatment for U.S. citizens in all future DOD civilian job reductions. This amendment obligates the Pentagon to match every job eliminated for a U.S. citizen with the elimination of at least one job currently held by a foreign national.

I ask unanimous consent that the text of this amendment to guarantee equal treatment for U.S. citizens be printed at the close of my remarks.

Mr. President, this amendment is not only dictated by basic considerations of equity, it also is consistent with the fundamental reorientation of U.S. foreign and military policies enunciated in the Nixon doctrine. As you know, the President has stated that our allies in Europe and Asia can no longer look to the United States to supply the manpower for their own defense. Consequently, we will be reducing the size of our overseas military forces considerably in the coming years. Bringing U.S. troops back home and closing American bases abroad will mean a much diminished demand for civilian DOD employees abroad. And 87 percent of all civilians currently employed by the Pentagon overseas are foreign nationals.

In short, this amendment provides a corollary to the Nixon doctrine: As our allies supply the manpower for their own defense, the United States will no longer be compelled to hire foreign nationals to fill overseas civilian defense positions.

Finally, if instances do arise where reductions in jobs held by U.S. citizens lead to the elimination of essential positions held by foreign nationals, the host nations should fill those positions at their own expense.

Nearly half of the foreign nationals paid by the Pentagon actually are employed by the nations in which the U.S. bases and facilities where they work are located. We simply reimburse these nations for the wages they pay these people. Since these nations presumably have invited us to station troops and build bases on their soil for their own security, there is no reason why they cannot be expected at least to pay the salaries of their own citizens needed to help in this effort. A survey of the 108,516 foreign nationals subsidized under this indirect-hire arrangement as of December 31, 1969, reveals that 98,604 or 91 percent are employed by West Germany and Japan—two nations that certainly can afford to pay these individuals out of their own treasuries.

Mr. President, both economic conditions here at home and military developments abroad demand a reduction in the number of foreign nationals employed by the U.S. Department of Defense. My amendment to guarantee equal treatment for U.S. citizens serves the interests of those U.S. citizens currently working as civilian employees of the Pentagon and of all of us who now are forced to send our scarce tax dollars overseas to pay the salaries of these foreign nationals.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 795) is as follows:

At the end of the bill add a new section as follows:

SEC. 507. Whenever any citizen or national of the United States has his employment with the Department of Defense terminated as a result of a reduction in force, the Secretary of Defense shall, within 30 days after the date on which such employment is terminated, cause to be terminated, through a reduction in force, the employment with the Department of Defense of at least one foreign citizen or national, and the position occupied by such foreign citizen or national with the Department of Defense shall not be subsequently filled.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENT

AMENDMENT NO. 796

Mr. METCALF. Mr. President, last year with the cosponsorship of several others, I offered a bill, S. 2265, to amend the Social Security Act to extend to all Indians of all tribes under all of the existing public assistance programs the special additional Federal matching payment of 80 percent, now provided only for the Navajo and Hopi for old-age assistance, aid to dependent children, and aid to the needy blind.

Today, with Senators MANSFIELD, GOLDWATER, GRAVEL, MCCARTHY, MONDALE, MOSS, STEVENS, and YARBOROUGH, I am submitting a revised version of the bill, drafted as an amendment to the Family Assistance Act, H.R. 16311, now being considered by the Finance Committee.

Mr. President, in his recommendations on American Indians, Mr. Nixon said:

Because of the high rate of unemployment and underemployment among Indians, there is probably no other group in the country that would be helped as directly and as substantially by programs such as the new Family Assistance Plan. . . . It is estimated . . . that more than half of all Indian families would be eligible for Family Assistance benefits and the enactment of this legislation is therefore of critical importance to the American Indian.

The Department of Health, Education, and Welfare and the Treasury Department in their reports urged enactment of family assistance, rather than my bill, S. 2265, and others.

In his message to the Congress, Mr. Nixon articulated the tradition of Federal responsibility for American Indians. He said:

The special relationship between Indians and the Federal government is the result . . . of solemn obligations . . . entered into by the United States Government.

Yet the family assistance proposal makes no special provision for welfare

for Indian people and, indeed, wipes out those in existing law that have made it possible for some States to extend assistance to Indians under categorical programs. The administration offers nothing in place of them by which the affected States may make good the promises in the President's message. The administration acknowledges a special responsibility, promises much and withholds everything. It says Indians would be eligible directly and substantially, but makes no provision for special Federal help.

In 1949, in recognition of the special Federal responsibility for Indian people, the Congress provided in Public Law 474 an 80-percent reimbursement to the States for funds expended in behalf of those Navajo and Hopi Indians who were receiving federally approved old-age assistance, aid to dependent children, and aid to the needy blind. We seek through this amendment to extend to all States 100 percent Federal money and further to reimburse the States for expenditures made in behalf of Indian people in programs enacted since 1949, aid to the permanently and totally disabled and medical assistance. Our amendment would provide a 100-percent Federal payment for categorical aid and 100 percent for supplementary aid to families, according to the formula in the new bill.

H.R. 16311 leaves States without additional funds to extend welfare to Indian people while other provisions of the act, the so-called outreach and case finding stipulations, actually will increase State obligations. The director of public welfare in my State informs me that the lower local share contemplated for Montana for welfare purposes is exaggerated because of the projection rests on the 1968 caseload level. These are facts of arithmetic that are in themselves ample justification for correction. If we go beyond them we find our traditions and a whole body of law holding that the Federal Government, is and should be responsible for Indian affairs. And we have been reminded of this by Mr. Nixon.

It was estimated in 1966 that three-quarters of the Indian families living on reservations earn less than $3,000 annually, and while the off-reservation Indian may earn higher wages because he does not receive the free medical care and other benefits that are available to the reservation Indian, his real income is reduced accordingly. In States in whose boundaries there are large tracts of land set aside as reservations for Indian people, there is an overriding Federal responsibility because the States derive no revenue from these lands.

Deprived of that source of revenue, and realizing precious little in income taxes from a people who earn too little to pay them, the State of Montana and others with large Indian populations are simply not able to handle the burden of welfare assistance.

Since the inception of Office of Economic Opportunity programs and since Federal impact aid for education more Indian children are going to school than before. Economic development programs that are operating and those that are planned on reservations promise much. Yet these are fragile structures that could be brought down if they are not properly supported while they grow.

Without help now for the blind, the disabled, the elderly and for families and without medicaid, the grinding poverty will render helpless yet another generation of Indians who, with help, might well break out of the cycle into the "historic step forward" envisioned by the President in his new Indian policy.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD following these remarks.

The PRESIDING OFFICER (Mr. BELLMON). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 796) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 796

At the end of the bill, add the following:

"TITLE IV—MISCELLANEOUS AMENDMENTS

"ADDITIONAL FEDERAL PAYMENTS UNDER PUBLIC ASSISTANCE PROGRAMS ON ACCOUNT OF EXPENDITURES FOR AID TO INDIANS, ALEUTS, ESKIMOS, OR OTHER ABORIGINAL PERSONS

"SEC. 401. Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"'ADDITIONAL FEDERAL PAYMENTS UNDER PUBLIC ASSISTANCE PROGRAMS ON ACCOUNT OF EXPENDITURES FOR AID TO INDIANS, ALEUTS, ESKIMOS, OR OTHER ABORIGINAL PERSONS

"SEC. 1122. (a) In the case of expenditures by a State during any quarter (commencing with the quarter which begins July 1, 1971)—

"'(A) under the plan of the State approved under (i) part A of title IV, (ii) title XVI, or (iii) title XIX, or

"'(B) under an agreement entered into by the State under part E of title IV,

for aid (as defined in subsection (b)) to Indians, Aleuts, Eskimos, or other aboriginal persons, such State shall, in addition to the Federal shares to which it is entitled for such quarter under—

"'(C) in case of a State plan approved under part A of title IV, section 403(a)(1),

"'(D) in case of a State plan approved under title XVI, section 1604 or (if applicable) section 1121(c),

"'(E) in case of a State plan approved under title XIX, section 1903(a)(1), or

"'(F) in case of an agreement entered into by the State under part E of title IV, section 453(a)(1),

be entitled for such quarter to payments (to be made in the same manner and from the same appropriations as are other payments which are made under such sections) equal to 100 per centum of the non-Federal shares (as determined without regard to this section) of such expenditures, but counting only so much of such expenditures as are counted for the purpose of determining the Federal shares under such sections.

"'(b) For purposes of this section, the term "aid" means—

"'(A) foster care (as defined in section 406, when used in referenec to a State plan approved under part A of title IV,

"'(B) aid to the aged, blind, and disabled (when used in reference to a State plan approved under title XVI), and includes (in the case of any such plan which has been modified in accordance with section 1121) benefits in the form of institutional services in intermediate care facilities,

"'(C) medical assistance, when used in reference to a State plan approved under title XIX, and

"'(D) supplementary payments, when used in reference to an agreement entered into by a State under part E of title IV.'"

ANNOUNCEMENT OF HEARING: SENATE COMMITTEE ON AGING

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. Senate Special Committee on Aging—in conjunction with the 93d annual meeting of the American Bar Association—will conduct a hearing in St. Louis, Mo., on "Legal Problems Affecting Older Americans." Members of the ABA Section Committee on Legal Problems of the Aging will participate. Directors of projects under the legal research and services for the elderly, a project sponsored by the National Council of Senior Citizens under an Office of Economic Opportunity grant, have prepared a working paper which will be issued at the ABA meeting. Several LRSE representatives will also participate in the hearing.

Testimony will begin at 2:30 p.m. at the Stouffers Riverfront Inn.

ADDITIONAL STATEMENTS OF SENATORS

RETIRED CIVIL SERVANTS DESERVE CONSIDERATION

Mr. HARTKE. Mr. President, in past months a great deal of attention has been focused on America's senior citizens, who have been among those hardest hit by inflation because they are forced to subsist on fixed incomes. As a member of the Committee on Finance and the Special Committee on Aging, I have been particularly interested in the economic plight of the older Americans and have sponsored legislation to financially aid these people through increased social security and medicare benefits. However, I also serve as chairman of the Committee on Post Office and Civil Service's Subcommittee on Retirement, and I would be negligent if I did not bring to the attention of Senators the financial crisis now faced by those retired Federal employees who are not covered by social security and medicare. With so much emphasis being put on the necessity for increased social security benefits there is a tendency to forget the similar needs of civil service retirees and their survivors.

There is no question that liberalizations in the social security system must be forthcoming, but let us not overlook the need for comparable liberalizations in the civil service retirement system. Of an approximate 997,000 retired Federal employees and survivors, some 276,000 receive annuities of less than $100 per month, and about 515,000 receive less than $200 per month. Using a poverty level income of $3,000 per annum, at present 619,000, or more than 60 percent of these former employees and survivors, are living in poverty.

I intend to hold hearings on legislation to correct this injustice by granting these

civil service annuitants and survivors an overall annuity increase with the largest increase going to those with the smallest annuities. These increases would be as follows: $26 per month if now less than $200 per month; 13 percent if now at least $200 but less than $300; 9 percent if now at least $300 but less than $400; 7 percent if now at least $400 but less than $500; and 5 percent if now more than $500 per month.

I should also like to invite attention to another glaring inequity in the civil service retirement law, which is presenting a special hardship for a number of Federal retirees. The present retirement law provides that a retiree at the time of retirement may elect to take a reduced annuity to provide a survivor annuity for his spouse. Some annuitants who retired many years ago were forced, under law, to take as much as a 25-percent reduction in their annuities to provide for a survivor's annuity. Over the years liberalizing amendments have been adopted and those retiring today take a reduction of 2½ percent on the first $3,600 of annuity and 10 percent on the remainder. The law also states that only one election can be made, and that at the time of retirement.

When a retiree is predeceased by the named spouse he must continue to pay for a survivor's annuity through his reduced annuity as long as he lives, although there will never be anyone who can receive the survivor annuity. Also, if the retiree remarries he cannot name the second spouse as beneficiary.

I believe the present law is inequitable and unjust. The retiree has reduced his own annuity to provide for his spouse, and if this spouse predeceases him and he remarries, though he must still take a reduced annuity each month, he cannot provide any security for the second spouse. One can change a beneficiary on an insurance policy—why not on a survivor annuity, which is in itself a form of insurance an employee elects by taking a reduction in his monthly annuity? I also intend to hold hearings on this legislation to provide for the restoration of full annuity or permit the retiree to name a new spouse as survivor when the originally named survivor predeceases the retiree.

None of us need be reminded that the ever increasing cost of living has steadily reduced the buying power of those on fixed incomes. Though today's retirement computation formula for present employees can provide adequate retirement incomes for the career Federal employee, we must not forget that many thousands of these annuitants retired years ago, when salaries were low and the computation formula not as liberal as today's, and the small annuities their years of service produced are now inadequate to maintain an acceptable standard of living.

It would seem to me that we have a responsibility to these retirees, who dedicated their working years to the Federal Service, to correct some of these injustices, so that they may spend their retirement years free from financial concerns which prevent them from living lives of dignity.

COAL AND MINERAL RESEARCH PROGRAMS

Mr. SCOTT. I wish to congratulate Secretary Hickel for his unequivocal rejection of persistent reports that the Department of the Interior was planning to eliminate or reduce its essential coal and mineral research programs. The Washington rumor mill began to churn after the press obtained copies of a memorandum from the Under Secretary to the Bureau of the Budget calling for the elimination of the Office of Coal Research and a reduction of $23 million in the budget of the Bureau of Mines coal research program by the end of fiscal year 1972. This action would have all but completely emasculated coal research activities at a time when our national energy needs are especially grave.

Coal research activities at the Pittsburgh, Pa., and Morgantown, W. Va., facilities have already begun to pay commercial dividends. New ways to improve the combustion efficiency of low-grade bituminous coal are now being developed. These advances promise further developments that will allow us to utilize our large bituminous coal resources while, at the same time, safeguarding the environment. It is incomprehensible that these programs should be disbanded at a time when science is on the threshold of a major breakthrough.

By 1990, our projected energy needs will be twice what they are today. Even if we succeed in making dramatic advances in the production of energy through harnessed nuclear reaction, more than two and one-half times as much coal will be needed in 1990 to meet our energy demands. Our energy needs and the economy of Pennsylvania require the continuation of the Department of the Interior's coal research activities. I know I join with many other Senators and Representatives from coal-mining States in thanking Secretary Hickel for this prompt and courageous response to our needs.

I ask unanimous consent that Secretary Hickel's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 27, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: I am aware of your strong concern over the future of coal and mineral research programs.

Let me make it quite clear that this Department is not seeking a reduction or decrease in emphasis in coal research programs. I will personally determine the policy formulation for these important research efforts in the Bureau of Mines.

While the budget for Fiscal Year 1972 is, of course, still in the formative stage, I believe that the continuation and encouragement of coal research is vital toward maintaining and improving both a quality environment and a strong energy position for the Country. I have no intention of decreasing our emphasis or commitment toward programs for coal research.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

BLUE LAKE, N. MEX.

Mr. ANDERSON. Mr. President, I have attempted for many years to resolve the Blue Lake issue in New Mexico. As many Senators know, this issue has to do with the protection of the Blue Lake as a religious shrine of the Taos Pueblo Indians in northern New Mexico.

Since 1957, I have been introducing legislation which would guarantee the protection of the shrine. The Taos Indians have a legitimate concern that their place of worship be protected and kept secure from desecration. At the same time, in accomplishing this wholly legitimate aim, we must be exceedingly cautious not to set an undesirable precedent involving public lands and sound conservation practices throughout the United States. My bill, S. 750, would accomplish the goal of protecting Blue Lake without removing an entire 48,000-acre watershed from the national forest.

Recently I received a letter from the Reverend Herman Schripsema, who questions the validity of turning over the entire watershed to the tribe. I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALBUQUERQUE, N. MEX.

Hon. CLINTON P. ANDERSON,
Senate Office Building,
Washington, D.C.

DEAR HONORABLE SIR: I have watched with interest the reports of your stand in committee on the matter of giving to the Taos Indian Tribe the large tract of land they ask.

I am an ordained minister in the Christian Reformed Church, and have spent the last 25 years of my ministry as missionary to the Indians. During that time conclusions have been formed in my mind that wholly substantiate your position on giving away the 48,000 acres in the Blue Lake area.

That it would set a dangerous precedent is sure, and that is reason enough to deny the request. And, the use to which the Indian Tribe wants to put it will be amply satisfied by the smaller tract that you have been advocating.

I love the Indian people, and my best friends are Navajos, and you will represent us best if you stand steadfast against setting the bad precedent that giving the 48,000 acres would entail.

Thank you.

Sincerely,

HERMAN J. SCHRIPSEMA.

AMERICAN RED CROSS AID FOR EARTHQUAKE VICTIMS

Mr. GRIFFIN. Mr. President, recently, I placed in the RECORD a summary of the assistance made available by the United States to victims of the earthquake which struck Peru on May 31, 1970.

Recently, I was impressed by a report on the actions taken in connection with that disaster by the American Red Cross. I commend the Red Cross for its response to the appeal of the Peruvian Red Cross and ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AMERICAN RED CROSS ACTIONS TO ASSIST THE PERUVIAN RED CROSS

The first report of the earthquake which hit in the northern section of Peru was re-

ceived at 10:30 p.m., May 31 by Mr. Enso V. Bighinatti, Deputy Director of Disaster Services of the American National Red Cross via a telephone call by radio patch directly from Lima, Peru. The report of the earthquake which had occurred only a few hours earlier also included a request for assistance from the Peruvian Red Cross.

Immediate actions were taken to comply with the request for aid. A ten-man Red Cross team of disaster specialists were dispatched to work with the Peruvian Red Cross. In addition a Red Cross representative went with the U.S. Government Survey Team dispatched from Panama. The Red Cross disaster team was headed by Ralph Mitchell and included: Michael A. Lanigan, Ralph E. Davis, Gabino Carrillo, Rene Carrillo, Edward Hukle, Edward Valenzuela, William Braye, David Claude, Marco Beteta, and Howard Spiegleman. Mr. Mitchell has since returned, however, the rest of the Red Cross team remains on the job in Peru.

Direct assistance rendered thus far includes $35,000 cash contribution from ARC to the Peruvian Red Cross to be used for local purchase of relief supplies. Over 827,000 pounds of relief supplies, valued at close to $500,000, have been shipped or are enroute. These supplies include food, clothing, medicaments, blankets, tents, roofing material, etc. A detailed shipping report is attached.

Immediately following the disaster the avalanche of relief supplies shipped into Peru from many countries throughout the world created serious logistical problems. Our Red Cross team was able to give considerable assistance to the Peruvian Red Cross and other agencies in eliminating these logistical problems by locating and establishing warehouses, and effecting a pipeline for immediate distribution from the ports of entry to the affected areas. In these early stages ARC staff were directly involved in carrying out many of these operational plans. At the present time a very effective organization has been established made up of local paid and volunteer personnel. The American Red Cross team members are therefore now acting in an advisory and training capacity and as soon as the Peruvian Red Cross staff and volunteers are trained and able to carry on their responsibilities our staff will gradually phase out the operation. American Red Cross personnel will stay on the scene in Peru, however, as long as needed. The supplies of food and medicaments are reported to be sufficient to take care of present needs. The operation is now moving into the recovery stage and the ARC is now focusing our assistance toward furnishing rebuilding materials to help with reestabishing homes for the victims. Many of the manufacturers of the roofing materials, etc. have been most cooperative and have made sizable donations of this badly needed material. The American Red Cross will continue rendering support to the Peruvian Red Cross as long as necessary for this earthquake operation.

CRITICAL TEXTILE IMPORT PROGRAM

Mr. TALMADGE. Mr. President, it is becoming increasingly apparent that strong congressional action would be required to remedy the critical textile import problem. Efforts to negotiate agreements have been stymied, and in my judgment no alternative is left but the establishment of reasonable import quotas to protect the American industry.

The Washington Post of Sunday, July 26, contains an excellent editorial column written by Stanley Ruttenberg, a former Assistant Secretary of Labor, that supports the case for textile quota legislation in more compelling terms, especially in terms of how the American textile and apparel industry is virtually having to fight for its economic life and in terms of lost jobs at a time when unemployment has already become perilously high. Mr. Ruttenberg also disposes of the notion that cheap, low-wage imports from countries like Japan benefit the consumer by holding prices down. As he points out, the Consumer Price Index shows that this has not been the case.

I bring this editorial to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection the article, was ordered to be printed in the RECORD, as follows:

MANY LIBERALS BACK TRADE BILL

(By Stanley Ruttenberg)

(NOTE.—The author of this article, former assistant secretary of Labor, is now a manpower consultant in Washington. One of his clients is the Amalgamated Clothing Workers of America, which supports textile quota legislation.)

It is perhaps a sign of the times that many organizations and individuals normally aligned with advocates of liberal trade policies now find themselves charged with protectionism. They are the target of criticism by erstwhile allies because of their support for H.R. 16920, the bill introduced by Chairman Wilbur Mills of the Ways and Means Committee and 255 other congressmen designed to provide for orderly trade in textile, apparel and leather footwear.

Among analysts and observers who have, for any length of time, been close to the trade scene, none of this should have come as a surprise—not the Mills bill; not the support that it has evoked among those who are truly committed to expanding world trade and certainly not the attacks that have been leveled at both by those who regard themselves as the only true defenders of the faith.

This latter group may reject the idea, but the plain and simple fact is that many of those who have been supporting H.R. 16920 believe as I do that such a posture is not at all inconsistent with advocacy of a liberal trade policy.

The bill that was introduced by Chairman Mills—himself a long-time free trade advocate—is considered by its supporters to be the best way to assure continued expansion of trade between nations. Strangely enough—and to the dismay of the critics who have from the outset viewed the bill as the potential opening salvo of an all-out trade war—liberal trade advocates have lent support to H.R. 16920 in order to forestall the wave of protectionism and the resulting trade war that they feel would be certain to materialize if the ideological rigidity of the critics is permitted to prevail.

In short, supporters of the Mills bill who believe in liberalized trade perceive some very real and urgent problems that require attention.

Opponents of the Mills bill simply refuse to recognize that the period of reconstruction following World War II has long since passed, that this is now 1970, and that the economies of our major trading partners have been rebuilt and are flourishing; and that, despite such changed circumstances, these nations retain a variety of barriers to trade which the critics of the Mills bill tend to brush aside as if they were inconsequential.

For example, the value added tax prevalent in countries of the European Economic Community has the effect of raising prices on imports and reducing prices on exports; Japan not only restricts the free flow of capital; but also maintains import quotas on scores of key commodities; the United Kingdom restricts coal imports; the variable levy and price-support arrangement employed by the EEC for agriculture is its adaptation of the American Selling Price principle; the EEC and the United Kingdom have agreements with textile-producing Asian countries effectively controlling the flow of textiles. And this does not even begin to exhaust the list of "exceptions" to the principles upon which free trade and reciprocity are based.

It is not enough to offer as the rationale for policy, as do the critics of the Mills bill, that the United States should do what is right regardless of the behavior of others. The possible adverse consequences of such a policy—on jobs and income, and in the almost-certain trade war that can ensue—are too great.

The upsurge in textile and apparel imports over the past decade has been tremendous, particularly with respect to products of man-made fiber and especially during the latter part of the decade. By the end of the decade of the 1960s, U.S. imports of textile and apparel products were in excess of $2.1 billion per year—more than double their level in the early part of the decade. So far as products of man-made fiber are concerned, import volume—measured in square yards—rose by more than 200 per cent between 1965 and 1969 alone, while the apparel portion of that import volume grew by 500 per cent.

If the critics of the Mills bill are accurate, this uncontrolled flood of textile and apparel imports should have rebounded to the benefit of American consumers by holding down prices. The available evidence points in the apparel direction.

Price increases of apparel items were responsible for more of the total increase in the Consumer Price Index during the latter part of the decade—when the volume of imports was ballooning—than during the first part of the decade.

It stands to reason that the domestic apparel industry, in which average hourly earnings in 1969 were $2.31, cannot be expected to compete successully with imports produced by labor which is paid as little as the U.S. equivalent of 26 cents per hour (as in Hong Kong) or 39 cents per hour (as in Japan). American producers in this labor-intensive industry simply do not have a countervailing advantage in technology with which to overcome the advantage in labor costs that these kind of wage rates give to foreign competitors.

Critics of the Mills bill have been inclined to reject any suggestion of job losses due to the growth of textile and apparel imports, but they ignore the hundreds of thousands of jobs—more than 200,000 in apparel alone during the 1960s—which would have been created in the absence of the imports.

Without adequate safeguards, imports will continue to grow at an excessively rapid rate, undercutting both jobs and labor standards without necessarily benefitting the consumers. To delay recognition of this reality—and the development of a thoughtful remedy—will not eliminate the problem. Rather, it will assure that the eventual response and reaction—and there will be one—will be that more explosive.

A NEW ACADEMIC YEAR ON AMERICAN CAMPUSES

Mr. FANNIN. Mr. President, it soon will be time for the start of a new academic year on our campuses. This is an appropriate time to review the responsibilities of our citizens and of our stu-

dents to our institutions of higher learning.

It indeed is a sad day when for any reason our institutions of learning are not open for those who are seeking knowledge there.

Where else are we to light the lamp of understanding and seek intellectual guidance for the solution of our problems?

It grieves me that there are students, and even faculty members, who would countenance such closing. When we darken the doors of our colleges and universities we extinguish the eternal flame.

Again, I believe it is timely to review our campus situations in this Nation today because there is a growing support to permit 18-year-olds to vote, a proposition I feel should be considered only through a constitutional amendment.

Certainly today, the first step in exercising responsibilities of citizenship is for our students to make sure that their student representatives really are in fact representative of the student body.

The Arizona Republic of July 19, 1970, has published a discerning editorial on the necessity for responsible students to safeguard their campus organizations.

The editorial notes that the militant president of the student body of a large university was elected by a vote of 1,000 to 300—yet, there were 23,000 students eligible to vote.

The editorial is timely. It reminds the students that the militants take time to vote.

We must be ever vigilant to safeguard our freedoms and our individual rights. We must be ever vigilant that those who speak for us, do so at our choice, and not by our default. This is the first lesson of good citizenship.

And certainly our college youths must remember that the first measure of their citizenship will be by their campus actions. If the militant and outspoken youth leaders on their campus do not represent their views, the students will have only themselves to blame.

Mr. President, I ask unanimous consent that the editorial and the excellent statement of May 18, 1970, by Arizona's great Gov. Jack Williams concerning the policy for State tax-supported educational facilities be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

WILL YOUNG AMERICA DESTROY ITS HERITAGE?

Although less than 10 percent of American youth has been participating in the violent, senseless protests about their own colleges and universities, there is a growing danger that the noisy, militant leaders of America's young revolutionaries will lure more and more students to their cause.

The vast majority of students are serious-minded young people striving to get an education. They have, so far, refused to enter into the "gory glee" of hell-raising on the campuses. But no leadership among the silent majority of students has arisen to challenge the revolutionaries.

The President of the student body at a large university was elected by a vote of 1,000 to 300. Only 1,300 out of 23,000 students voted in that election. They simply weren't interested in the militant program of the radical leaders. However, the student who was elected president claims that he represents the entire student body, and demands a voice in the Board of Regents' meetings, in spite of the fact that 90 per cent of the students wanted no part of his program.

Unless the students who believe they go to college to get an education rather than to start a revolution begin very shortly to organize and challenge the revolutionaries on the campus, they may find they have sat silent while their precious heritage of freedom and opportunity goes down the drain in a blazing, destructive, senseless revolution led by leaders who don't know what they want or what they would do with it if all their demands were granted. They want a noisy voice in everything, but beyond that they know not what they are shouting about.

A sober observation about America's youth recently came from England, where the editor of the London Daily Telegraph declared that no generation of young people ever had so great a heritage of freedom and opportunity as today's American youth.

Under the caption "Revolt of the Pampered," the editor of the London Daily Telegraph wrote:

"America is the victim of its national myth. It entered history proclaiming the rights of man; its Constitution is aimed at fostering freedom at all costs. Its young have been brought up largely on an educational theory which attaches supreme importance to self-expression. Is it odd that it should lead the world in rebellion or that its volunteer forces should sometimes lack the virtue of unrelenting discipline? Yet one marvel does defy explanation. Why should America's pampered and idolized student youth, living in a country that enjoys freedom and prosperity in unprecedented degrees, turn all its righteous anger, not against the depotisms that rule most of the rest of the world, but against America itself?"

OFFICE OF THE GOVERNOR,
STATE HOUSE,
Phoenix, Ariz., May 18, 1970.

A STATEMENT BY GOVERNOR JACK WILLIAMS

The people of Arizona have clearly demonstrated their intention to support the state's universities as institutions of learning.

The Board of Regents carries the responsibility of answering the expressed concern of our citizens. I suggest we must take appropriate action to:

1. Identify the non-students who advocate violent disruption of accepted university routines, and effectively bar them from the state's campuses.

2. Advise those bonafide students, and those faculty members who have encouraged and supported violent disruptions of the university routines that such disturbances will no longer be tolerated, and

3. Declare our intention to maintain on the college campuses in Arizona a climate which whl be conducive to the welfare of those students who are in earnest in their desire to secure an adequate education.

Peaceful dissent is our heritage, but it must not encroach on the rights and privileges of non-dissenting students to pursue their legitimate purposes at the universities.

The incidents which have disfigured some Arizona campuses in recent weeks were created by a very small minority of the students enrolled at these institutions.

We can be grateful that such disruptions as have occurred have not produced the tragic situations so common in other universities throughout the nation. But we must recognize that unless we take the proper action now the situation may escalate and bring about an intolerable condition.

My office has received petitions bearing the signatures of thousands of Arizona citizens demanding action.

The 29th Legislature has enacted and I have signed into law Senate Bill 174. The purpose of this legislation is clearly stated in Section 1 of the Act:

"It is the purpose of this Act to guarantee to students, faculty and other staff and the public, that tax supported educational facilities will remain accessible and useful at all times for educational and other authorized public purposes in accordance with appropriate rules and regulations established by their governing boards."

We must not equivocate; we must not procrastinate. Our duty is clear. The ambitions of that very small minority to disrupt and destroy and humiliate our institutions at the expense of the vast majority of serious, peaceful students must not be permitted.

FORTIETH ANNIVERSARY OF THE VETERANS' ADMINISTRATION

Mr. CRANSTON. Mr. President, a week ago today, on July 24, the Veterans' Administration celebrated its 40th anniversary. As chairman of the Veterans' Affairs Subcommittee, I wish to congratulate the Administrator of Veterans' Affairs Donald E. Johnson and the 170,000 VA employees working for the welfare of veterans in installations across the country. Over the years, the VA has compiled a record of dedicated and effective service to our Nation's veterans.

On July 24, 1931, President Hoover signed the Executive order creating the VA and thus creating some form and some system to the way our Nation was caring for its veterans. The order combined smaller agencies—and the activities that had been fragmented throughout these agencies—into one organization capable of doing the job that needed to be done for men who had suffered from war and for their dependents.

With the great mood of returning veterans at the end of World War II, the VA's importance grew in a way that had not been foreseen at the time it was formed. But, because it had developed a strong staff and because of the leadership of Gen. Omar N. Bradley, the VA was able to meet the challenge of not only providing for a much larger veteran population but also administering a large array of new veterans' programs.

The number of veterans and the number of programs have continued to grow since that time. But the agency has in the main continued to be blessed with capable administration, loyal, skilled employees—and the unwavering support of the American people.

When President Hoover signed the order creating the Veterans' Administration, there were 4,664,000 living veterans, of whom 4,336,000 were veterans of the First World War. There were still nearly 50,000 Civil War veterans and there were 274,000 Spanish-American War veterans.

It is not a happy thought that events within the last 40 years have added to the number of veterans until there are now nearly 28 million men and women who have served this country in time of peril. But it is comforting to know that their needs are being cared for in an efficient way by one of the largest agencies of the Federal Government. It is good to know that, while in 1930, programs for veterans helped meet only the most basic and minimal needs, today, veterans are

entitled to the benefit of programs to help them meet the greater needs of today's society.

Perhaps one of the greatest developments that has taken place during the VA's 40 years has been the change in philosophy that now directs and compels the agency to go and meet the veteran, to invite him in and to say, "How can we be of help?" This new way of operating means even going to the battlefield to meet the man before he becomes a veteran, trying to help him foresee his needs and plan his civilian future.

This type of service is a development of very recent years. It was an important part of the new veterans' education and training law, Public Law 91-219, that we enacted this past March.

Mr. President, at a time when we are gaining about 1 million new veterans a year, it is well to pause on the VA's birthday to recognize our enormous obligation to those who wage our wars and to rededicate ourselves to insuring that the VA receives all the funds, personnel and general public support it needs to continue its record of good service to our veterans in its many diverse programs. This is the finest and most appropriate birthday present we could give the VA and our 28 million veterans.

EPA: THE PRESIDENT'S PROPOSAL TO COORDINATE ENVIRONMENTAL PROGRAMS

Mr. BOGGS. Mr. President, President Nixon earlier this month sent to Congress his reorganization plan No. 3. This is an important proposal that will consolidate several existing agencies into a new Environmental Protective Agency. President Nixon explained the need for this change in his message to the Congress:

> The Government's environmentally related activities have grown up piecemeal over the years. The time has come to organize them rationally and systematically.

The President is to be commended for his leadership in offering this imaginative proposal. The Ash Council, under the leadership of industrialist Roy Ash, and its environmental group, headed by Amory Bradford, are also to be commended for their efforts in developing the information for the President.

Specifically, reorganization plan No. 3 will bring together into one agency reporting directly to the President nearly a dozen programs now scattered among various departments. The Federal Water Quality Administration and the National Air Pollution Control Administration will be the largest component units of EPA. The reorganization, however, will also combine the pesticide study authorization under the Department of the Interior with the pesticide registration activities now performed by the Agriculture Department and pesticide studies conducted by the Food and Drug Administration. The reorganization plan will take over the Atomic Energy Commission's work on radiation criteria and standard setting, as well as programs on radiological health, solid waste management, and water hygiene from the Department of Health, Education, and Welfare.

The creation should go far toward encouraging a coordinated approach to meet these challenges. As President Nixon stated:

> The environment must be perceived as a single, interrelated system. The new structure of EPA, the President went on to say in his message to Congress, would have the capacity to do research on important pollutants irrespective of the media in which they appear, and on the impact of these pollutants on the total environment.

The form in which a particular form of waste enters the environment and causes an environmental threat is often pure chance. Or it may be product of how vigorously water pollution or air pollution is attacked.

When dust is removed from a factory's smokestack, air pollution is prevented. But accumulated dust either becomes solid waste, or it may be discarded into a nearby river creating water pollution.

By coordinating these programs under a single executive agency, we should be able to insure that the pollutant brings the least possible damage to the total environment.

Although some persons have argued that specific components of the proposed EPA should remain in their existing department, it is my belief that the general concept is sound and should be supported.

In recent months, I have had the honor to cosponsor legislation to create such an agency that was offered by Members on both sides of the aisle. The record that will be made in hearings on EPA today and tomorrow by the Senate Subcommittee on Executive Reorganization will be of great benefit to our understanding of the EPA concept.

A recent editorial in the New York Times discussed another aspect of this proposal. The editorial, in strong support of the President, stated:

> No agency entrusted with promoting the development of an area's natural resources—minerals, seafood, water power—should be entrusted at the same time with protecting the environment against the consequences of that development.

I ask unanimous consent that this editorial be made a part of the RECORD at the conclusion of my remarks.

It is also significant, I believe, that many State governments have perceived this need to coordinate more fully their environmental agencies.

Three days before President Nixon announced his reorganization plan, Gov. Russell W. Peterson, of Delaware, led a discussion on the State's efforts to enhance the environment. This program, in which many Delaware officials participated, was for the benefit of the Southern Regional Environmental Conservation Council, connected with the southern Governors conference.

Governor Peterson made it clear that Delaware, the First State of our Nation, intends to set the example on what can and will be done at the State level to abate pollution and enhance the environment.

Our Nation and our States, Governor Peterson told the officials, must "recognize we have to manage this whole ecological system as one unit." To allow my colleagues an opportunity to understand the significance of the Delaware program, I ask unanimous consent that a copy of Governor Petersons' remarks be printed at the conclusion of my remarks, as well as a copy of a newspaper article concerning these sessions.

The EPA proposal is an important step forward. I applaud the President for the courage and wisdom in presenting it to the Nation.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY GOV. RUSSELL W. PETERSON

I appreciate the opportunity for us Delawareans to appear today before your panel to give you our report of what we're trying to do in this very important field, hopefully to stimulate some ideas on your part and we're looking forward to the opportunity to take advantage of the ideas you have caught from other parts of the seventeen southern states you are studying.

I want to welcome you here in Delaware. We are quite proud of our little State. We believe we have many treasures here to safeguard and our history tells us we've had some great treasures which we lost as a result of our failure to take care of our environment. We are out to recruit them as you have heard here today.

Some people refer to Delaware as the "Diamond State." We think it is a jewel among the states and we are going to do our darndest to make it ever better. We have set as a goal to make our State a model for the nation. We pride ourself in our heritage that we were the first state to sign our Constitution and, therefore, we plan that we're the state that started the nation and we can thus become the state that leads the nation. One of the places we're out to lead this nation is in the area we're discussing today of the quality of our environment and the conservation of our natural resources.

Now you no doubt have concluded by now that we have been blowing our horn here today; I hope that you didn't think a single horn. We deliberately have tried to blow a whole variety of horns and string instruments and drums because we want to illustrate the fact that if we're going to solve this problem, we have to be carrying out a whole symphony; a symphony which gives some harmonious actions about the whole community. In fact, one of the problems in the past as we've approached the difficulties with our environment in a piecemeal way—one individual, one organization to cope with a little part of it—not recognizing its effect on other parts.

But now we are in many places in America, and certainly we are here in Delaware, recognizing that we have to manage this whole ecological system as one unit. And we are doing it, but as we go about doing it and as we talk here today, I think it's important for us to keep remembering it's only one part of the environment that we have to keep working on. I'm sure that some young boy in a home in the slums with the many problems in that environment could care less about whether we clean up the beach down in Rehoboth or whether we have pure air and pure water and many other aspects of that immediate environment much more pertinent to his future. And so it goes that children raised in the home of the parents who have no respect or love for the kids, they are stunted in their ability to learn and to develop. So, that kind of environment is extremely important for us to pay attention

to and when somebody's driving down the highway and gets run into by a drunken driver and loses his life or has his family crippled by the accident, he is greatly concerned about that aspect of our environment, too.

So, there are many many things you should keep in mind when you talk about the quality of our environment besides those which we are talking about here today. But, the natural resources, the quality of our air, the quality of our water certainly has not been given adequate attention in the past and is very encouraging and heartening to all of us, I'm sure, to realize the great interest now throughout America and especially through our younger generation.

As you have been told here before today, we this year reorganized the government and the first unit of this new reorganization was our Department of Natural Resources and Environmental Control—the Department where we pulled together all those responsibilities of State government concerned with our natural resources and with the control of the quality of our air and of our water and the disposal of our solid wastes. We've been trying to learn from what's going on around the world what we can do to make our environment truly outstanding and we may come up with some ideas of our own that we are trying to prove. We've heard about the work we've been doing right out in front. The record shows we've been trying to set standards for the quality of our air, to install the most modern and complete monitoring system in the country for air quality, that is, and now right out there on schedule in developing our tentative plans, before long it will be our firm plans, for implementing our air quality standards, at least for two of the contaminants of the air.

We are taking leadership in providing State resources to help in controlling the quality of our water. Fortunately, the State of Delaware is supplying more funds to help local communities with sewage treatment programs than the Federal Government is to the states. We believe that by 1977, we will have our streams of Delaware cleaned up and one of the key bottlenecks here is to get the Delaware River cleaned up and that is dependent primarily upon the City of Philadelphia abiding by the time schedule established by the Delaware River Basin. We are looking for the day when that Delaware Bay will again be thriving with all kinds of recreational spots, tourist spots, as it was some decades ago. We want to make it as attractive along the area to human beings as it now is to the Canada goose in certain parts of our area. You know it's a disadvantage being downstream and it's certainly true when people put food in some rivers. We're about as far downstream in the Delaware River as you can get and so our waters here are dependent upon cooperation of our neighbors to the north and we believe through the Delaware River Basin Commission that we are getting that cooperation, at least we have the mechanisms to insist that we get that cooperation. I am sure that you from the more southern states are concerned about being further downstream when it comes to the Canada goose; because as you can see, we've now made Delaware a very attractive stopping place for the Canada goose and he no longer goes, at least many of them no longer go, as far as North Carolina and some other places, and we tend to make Delaware as attractive as possible for such water fowl.

I am as excited as we saw Bob Berndt was and many others are here in Delaware about our attempt to convert our solid waste into an acid as a raw material for a manufacturing purpose so we can sell products from it and then profit thereby and at the same time get this litter off of our fields and our highways and our beaches.

I was asked when I came here today by the television crew whether I really thought it was desirable for Delaware to get involved with the Seventeen State Group on the study of the quality of our environment, and I said "yes" I thought it was important to join and study the problems and consider what we might do together, but the prime thing we should do is to do the job at home. There is no better way to get the job done than to do it oneself, in his own home, first, in his own back yard, second, his neighborhood, in his economy, in his State, and in his region, and in his nation.

We're out to set an example here in Delaware how we're going to clean up our own back yard. Hopefully, we can learn from you how we can do that job better and we would like to think that maybe we can submit some suggestions to you to help you do the job in your own area. But, by the example of our actions, we do the best job of teaching. We are going to make our little State an example for ourselves first of all.

Now, we recognize when it comes to such things, as I said a few minutes ago, the quality of air and the quality of water, that we have to work in partnership with our neighbors and I've already mentioned the Delaware River Basin Commission as the extremely important organization in the quality of the water in our area. Austin Heller and John Bryson mentioned the Air Quality Control Region, centered around Philadelphia, which I've stated, as a part obviously necessary for us to be concerned about the air in the region involving our neighboring States and certainly we talk about the Delaware Bay and need be concerned about New Jersey and need to work in partnership with New Jersey as we are doing. I know that there are important things that the seventeen states that belong to the Southern Regional States have been working on together just as there are things that all fifty states have been working on together. So, we want to listen to what your proposals will be when you get through with the study to see to what extent to participate with you in that program.

One of the things which is so vital to all of us is to pick out the goals that we want to reach. We managed here in Delaware in about 14 months, from start to finish, to change from a commission form of government of about 144 different agencies and commissions to essentially ten departments. We'll finalize that when we hold our first cabinet meeting on August 5. Now many people told us we couldn't do this; it was ridiculous to think that we could do it; and certainly ridiculous to think that we could do it in that short a length of time But we set the goals and decided that one thing that we knew for sure, we'd never reach that goal unless we set it. And, as the months went by, people were very, very critical of this and said "My Gosh, I think they're going to make it"; and the thing got contagious and they worked harder and harder and did make it.

Now, I cite that as just one of the many examples of the same thing. You can do big things if you set big goals. If we set little goals, we would have a hard time meeting those little goals. So I say to you as we go about studying this and I say to Delawareans, let's set big goals when we start because we can meet them and if we don't set big goals, we never will meet them.

[From the Wilmington (Del.) Evening Journal, July 7, 1970]

ENVIRONMENT GROUP TOLD STATE'S ECOLOGICAL PLAN

(By Wally Judd)

A comprehensive plan for Delaware's environment control was presented to representatives of the Southern Regional Environment Conservation Council yesterday by Gov. Russell Peterson and his top ecology aides.

The council representatives, seeking to find out what 24 states are doing to better the environment, heard Delaware's story in a 2½-hour hearing at Buena Vista.

No special new projects were announced. The state summarized what it is doing and what it has on the drawing board.

The council, which is connected with the Southern Governors Conference is collecting information on the feasibility of "umbrella" agreements between the states and the federal government that would allow separate states to enter separate agreements on interstate environmental problems without federal approval of each case.

Delaware belongs to the Southern Governors Conference and is interested in the council's affairs. Seventeen states are in the association.

"We're interested in what other states are doing and we're going to listen to what this group comes up with. But I'm not terribly excited about the program because we have to deal more with Pennsylvania, New Jersey and New York," Peterson said.

The thrust of the state's message was that "it intends to clean up its own backyard in becoming a model for the nation."

Points covered were:

AIR POLLUTION

The quality of Delaware's air is watched by a computerized monitoring system capable of making more than 500,000 individual determinations per month through four primary and 10 secondary stations.

Delaware is in an air quality region with certain counties of Pennsylvania and New Jersey. Standards governing this region are set by the state and approved by the Secretary of Health, Education and Welfare.

Delaware's own air quality codes include regulations concerning sources having interstate air pollution potential, refuse and salvage operations, smoke emissions from the fuel-burning equipment, ambient air, particulate emissions from fuel-burning equipment, and sulfur dioxide.

"These facts coupled with our philosophy that if each state properly abates its own pollution problems, the need for superagencies operating across many boundaries is often unnecessary," said John Bryson, acting director of the Division of Environmental Control.

WATER POLLUTION

Delaware has developed a method of collecting water samples between tides with a fast boat to give uniform readings when the river is at a state of equilibrium. This technique enables the state to identify polluters after a few samples, according to Bryson.

Tides cause a problem because they bring pollution back after it has flowed away.

Bryson said this technique enabled the state to draw conclusions about the state's rivers in six years while it took the British 50 years to draw similar conclusions about the Thames.

The state has also developed an effective trap for collecting oil from spills. The device uses chicken wire and a lot of straw.

To meet federal standards, the state has not found it necessary to build a primary sewage treatment plant since 1963 but has built 28 industrial and 32 municipal-commercial systems since then to augment the total system.

Peterson said the state spends more on local water treatment plants than the amount for which the federal government compensates the state.

Plans for treatment of more than 90 per cent of the state's sewage are on the drawing board, according to Bryson.

WILDLIFE AND FISH RESOURCES

As a result of a plan to remove physical obstacles to fish passage, shad are passing lower mill dams on the Brandywine Creek, according to Norman G. Wilder, acting director of Division of Fish and Wildlife. Eleven more fish passages are scheduled to be built which should open the Brandywine for saltwater fish spawning in fresh water. The department also protects wetlands from such things as pesticides and regulates fish harvests.

Through the use of protected areas and live decoys, the Canada goose has returned as the state's major waterfowl.

Wilder says he has seen evidence of the bald eagle reproducing since DDT has not been getting into its food supply. And, plans are under way to reintroduce the ruffed grouse to the area after 100 years of absence.

PARKS AND RECREATION

The state recently passed legislation to charge $1 entrance fee per car on state parks and recreation areas. Seasonal permits will cost $5.

The state has allocated $12.1 million for a six-year program to buy parklands, which will double the state's park acreage from 6,000 to 12,000 acres.

SOLID WASTES

Delaware recently authorized $1 million to be spent on the design of a project to reclaim materials from solid wastes and sell them to private industry.

Projections are that the plant will be able to handle 500 tons of solid wastes daily.

This plan was the best received of all the programs mentioned by the State.

"I don't know of any state that has gone this far," said Ralph Pickard, director of the Board of Environmental Health in Kentucky and a member of the task force.

MARINE AND COASTAL AFFAIRS

Dr. James Wakelin Jr. has been hired as a special assistant to Gov. Peterson.

He said the group he heads hopes to evaluate the state's present resources, evaluate the present controls, and make recommendations by the spring of next year.

After the formal presentations which were coordinated by Austin Heller, secretary of the Department of Natural Resources and Environmental Control, Peterson told how he believed the state's programs could be a "model for the nation" and that Delaware's role in the national pollution problem was to clean up its own backyard to serve as an example for others. He cautioned that environmental control means more than pollution.

"We're blowing our horns today," said Peterson. "But to solve the environmental problem, you've got to play the string instruments and the drums—the whole symphony. One boy in the ghetto could care less whether we clean up the air."

[From the New York Times, July 12, 1970]

PLAN FOR THE ENVIRONMENT

President Nixon's proposed reorganization of environmental agencies is a statesmanlike move which could prove to be almost as historic in its own way as the great alphabetical upheavals of the early Roosevelt Administration.

Basically the President's plan rests on two concepts. One, long nurtured by conservationists of all shades, is that no agency entrusted with promoting the development of an area's natural resources—minerals, seafood, water power—should be entrusted at the same time with protecting the environment against the consequences of that development. The two objectives often conflict, and it is almost invariably the organized exploiters who win, the unorganized public that loses.

The second concept of the plan is that problems posing current environmental dangers, calling for quick solution or mitigation—air pollution from automobiles, the pumping of raw waste into streams—are the province of one type of agency; while those long-range problems, calling for study and research—the impact of modern society on the plankton of the seas, the cumulative effect of chemical dischargs on the earth's climate—require different treatment.

The President's approach would take into account the first of these broad principles by assigning to a new Environmental Protection Agency those functions that old-line Cabinet departments and independent commissions have largely failed to perform because of their concentration on stimulating production or aiding particular groups in the population.

Agriculture and the Food and Drug Administration would yield to the new agency their often reluctant and ineffective control over pesticides. The Atomic Energy Commission, bent on producing energy, would lose its authority to set radiation standards. Aspects of water-pollution control would be brought together from Interior and the Department of Health, Welfare and Education, which would likewise lose its function in the field of air pollution.

The second of the two principles would be satisfied by creation of a National Oceanic and Atmospheric Administration. This agency, with an eye on the distant future, would draw its components from old-line agencies where they now exist, for the most part as disconnected bits and pieces of government. But it will be incorporated, unfortunately, in the unimaginative Department of Commerce.

Inevitably the plan will draw criticism—subdued and unofficial in the departments whose empires will be reduced; loud and on the record in Congress, where so great a reorganization is bound to affect those committee chairmen whose power derives from the hold they have on particular departments and agencies. Conservationists in good standing will have questions of their own: why should the Army Corps of Engineers retain any say in the matter of industrial discharges into navigable waters, for example? And why should aircraft noise levels be left to the Department of Transportation, which is sold on the SST?

Everyone can play the game—but it can hardly be helpful. The President's plan offers a major advance in drawing together a great many of the scattered concerns of some 84 Government departments, bureaus, administrations, councils and the like. If nothing else, it would break up the bureaucratic pattern of all too many entrenched, encrusted agencies—some clashing, some overlapping, some moribund.

Congress has sixty days in which to veto the reorganization or let it take place. Along with millions of others, we will watch hopefully for the triumph of imagination over the politics of special interest.

SENATOR NELSON CALLS FOR NEW PRIORITIES IN TRANSPORTATION

Mr. TYDINGS. Mr. President, the Senator from Wisconsin (Mr. NELSON) recently appeared before the Senate Public Works Subcommittee on Roads at the hearings on "all aspects of the national highway program and related activities." His statement was a ringing call for new and more rational priorities in American transportation.

He pointed to the incredibly disproportionate amounts of money this Nation has spent, from Federal taxpayer funds, on highways as compared to other means of transportation. He asked us to imagine how different the country might be today—different and better—if we had spent these immense sums of money in a more balanced and rational way.

Since we cannot now undo the errors of the past, it is at least incumbent upon us to do better in the future, Senator NELSON said. Specifically, he called for an early end to the highway trust fund or, alternatively, for a commitment to use moneys from the highway trust fund for "alternatives to the highway and the automobile" after the 42,500-mile Interstate System is finished. That is the proposal of his bill, S. 3996. The Senator also endorsed my bill, S. 3960, which would permit States to use portions of their Interstate System apportionments from the trust fund for urban mass transit, if they so elect and the Department of Transportation approves the plans.

The irrationality of our present transportation priorities is pointed up by two of the many statistical facts that Senator NELSON included in his speech. He revealed that approximately 84 percent of the 1½ trillion passenger-miles that are traveled every year in this country in automobiles are miles covered on short trips, not on overnight or long-distance travel. Essentially, the Senator said, this means that well over 1 trillion passenger-miles of automobile travel each year is travel "around town." Yet it is in the cities that the automobile poses its greatest threat to the environment and is least satisfactory as transportation.

Senator NELSON called for declaration of a positive national goal of shifting up to one-half billion passenger-miles of travel now accomplished in automobiles into other forms of conveyance. Enactment of both his bill and mine would be important steps toward realization of that goal.

Mr. President, I ask unanimous consent that the text of Senator NELSON'S July 13 statement to the roads subcommittee, omitting the appended tables and exhibits, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GAYLORD NELSON

Mr. Chairman, you and your committee are facing decisions of literally awesome importance. Before the year is out, the Congress, guided by this subcommittee, might well take actions that will affect not only the quality of transportation but the quality of life in this country for the rest of the century and beyond. Certainly the country can only be encouraged by your first decision in this process: your decision to hold wide-ranging hearings *before* the introduction of a new, omnibus highways bill.

While it is a privilege to have been invited to participate in your deliberations on highway policy as related to total transportation needs and environmental concerns, it is also humbling if only because of the massive dimensions of the challenge. The vast experience of the subcommittee's members is well known. Further, in preparation for this occasion, I have read quite a bit of the testimony presented at the first round of these hearings, and in the hearings before your House counterpart. Some of those statements are "hard acts to follow." In that category could be placed, among others,

Chairman Randolph's June 3 statement on the Senate Floor, announcing these hearings; Senator Proxmire's statement of June 9; and the June 10 testimony of Mr. Slayton of the AIA (American Institute of Architects), in which the American Institute of Planners (AIP) concurred.

Mr. Chairman, this is a rather lengthy prepared statement, including some tabular material that is not very readable—aloud. With your permission, I shall offer it in its entirety for the record and then reverse the usual order of things by stating my conclusions and recommendations at the outset.

CONCLUSION: AMERICA'S TRANSPORTATION PRIORITIES NEED RADICAL CHANGE

It seems quite clear to me, despite the forcefully expressed contrary impressions of many good citizens and good friends in the highway-related industries, that our automobile-highway transportation system has gotten completely out of hand.

It has become too large, too costly, too wasteful and, ironically, falls far short of meeting our transportation needs.

The country has become enmeshed in a vicious cycle: we build more roads because more people are buying cars; then more cars are built and sold because the roads are there and other ways of getting around on the ground are not there.

The resultant problems of mounting accidental deaths, resource consumption, junk disposal, air pollution, noise, traffic jams, human dislocations and disruptions, destruction of city neighborhoods, uglification of both the urban and rural scene, and the decline and fall of mass transit are reaching —and in some places have reached—disaster proportions.

The 1970 Highway Needs Report, like its predecessors, defines "need", unfortunately, in terms of the amount of new pavement required to accommodate projected increases in the population of motor vehicles. Those projected increases are accepted as if carved in stone and beyond human intervention.

Today we have 105 million motor vehicles in the United States. The Department of Transportation tells us that there WILL be 134 million motor vehicles by 1980 and 158 million by 1990, and establishes the requirements for additional highways on those numbers. The required roads, according to the American Association of State Highway Officials (AASHO), will cost $320 billion over the next 15 years. We have no estimate on all the parking lots and garages and other hundreds of thousands of acres of land that must be paved-over and surrendered forever to the automobile and the truck.

There is no reason those increases must be accepted as inevitable.

Instead of asking, "How can we accommodate 'X' millions of additional cars by 'Y' year?", we should be asking ourselves and the experts, "How can this Nation most rationally, efficiently and economically, by a set year, be accommodating a national demand for the trillions of miles of travel, in cities and between cities, by persons and goods?"

Our focus should be, constantly and without flinching, on the *social* need for the best possible transportation for the maximum number of people. We should be distracted if at all only temporarily and always secondarily by considerations of the *economic* needs of particular vested-interest industries.

Another conclusion which it is hoped this subcommittee may share with me is this: the highway related industries are in my judgment mistaken in their insistence that the American motor vehicle owner will rise up in outrage against the State or Federal legislator who dares spend gasoline and other vehicle taxes on something other than roads. There are persuasive indications that the exact reverse is true. The vast majority of vehicle owners will enthusiastically welcome alternative modes of transportation which will lessen congestion on the roads and offer alternatives to driving, thereby presenting the option of reduced physical strain, frustration and vehicular expense.

In fact, unless we develop some alternative, such as efficient inter and intracity ground transportation systems, the dependence on the automobile will continue in its explosive growth until the roads will become so congested that the automobile will be virtually useless.

It is abundantly clear from all the evidence that an urgent social need now exists to make immense improvements and changes in the American transportation system. To make these improvements will require radical changes in America's transportation priorities. Any change in priorities will first require majorities in both houses of Congress who believe that people are ready, willing and anxious to have the improvements and changes made. Unfortunately, it will not be easy to convince the Congress that people will accept efficient methods of ground transportation over the passenger car, even though there is substantial growing evidence that they will.

RECOMMENDATION: THE HIGHWAY TRUST FUND SHOULD BE PERMITTED TO EXPIRE

If the foregoing conclusions about needs and capabilities are accurate, it seems to follow that we must, as soon as practicable without breaking legal or clear moral commitments, terminate the segregation of high way tax moneys in the Federal Treasury.

The highway trust fund is a fairly recent fiscal invention. In all the years before 1956, Congress appropriated moneys for Federal aid to the States for highway building on an annual basis from the general fund. Receipts from highway taxes went into the general fund.

To this day, great social needs, including most of those involving Federal aid to the States, are still financed in that way. Housing does not have a trust fund. Education does not have a trust fund. Rivers and harbors do not have a trust fund. Even national defense is financed without a trust fund, with the Congress thereby retaining complete control of the vast moneys involved.

It is the same with tax receipts. Cigarette taxes, liquor taxes, oil royalties, and—biggest of all—income taxes all go into the general fund of the Treasury, with the most minor, partial exceptions. Only in the case of highway-user excise taxes does segregation occur.

The highway trust fund imposes a tax on a tax. In those years when Congress does not appropriate or the Executive does not expend all the segregated moneys in the fund, interest must be paid to the fund from the general Treasury. In fiscal year 1969, the interest earned by the highway trust fund was $53 million. In the first three quarters of fiscal 1970, the same amount of interest was earned—$53 million. I have not seen the year-end figure, but the Treasury estimated it would reach $102 million for the full 1970 fiscal year. The Treasury's estimated net interest income of the trust fund for future years is $145 million in 1971 and $190 million in 1972.

The time has come to break out of this system. Sound fiscal policy would dictate that Federal-aid highway funds be appropriated in consideration of a total view of national priorities. That total view of priorities will change from time to time.

My recommendation is that the highway trust fund be permitted to expire on the date presently set by statute, October 1, 1972, or within two years thereafter.

It is argued that all user tax funds are needed because the actual, growing highway needs are always much greater than the amounts produced by the highway user excises. That was probably true as a general proposition during the 25-year period of the mid-1930's to the late 1950's, when expansion of the auto and truck population was explosive.

But we went too far. The result of the pressures then was overemphasis on highway transportation. That, in turn:

1) destroyed mass transportation or inhibited its development;

2) degraded the quality of highway transportation by overcrowding the roads as fast as they were built.

It is now time to restore balance, and abolition of the trust-fund concept would be the best way to do it. But I recognize that may be temporarily impossible, in terms of practical politics, vested contractual commitments, or the sincere contrary convictions of this committee and majorities in Congress.

If so, we should take the next-best step. We should earmark some moneys in the highway trust fund for other forms of transportation, including both highway and off-highway urban mass transit systems. That is the purpose of a bill I have introduced (S. 3996). That bill would set a national policy of completing the Interstate Highway System as presently authorized. Then the moneys from the trust fund now going for the Interstates would be earmarked for financing alternatives to the highway and the automobile.

I have offered this bill for your consideration, and asked that it be referred here before its normal referral to the Finance Committee. That was done, not because I think the highway trust fund should be continued, but because it probably will be, whatever my preference. If it is, then the approach of that bill seems to me to be preferable to the creation of a new, general transportation trust fund to supersede the existing highway trust fund. A transportation trust fund would all too soon and too likely become as difficult a fixture to bend to changed social needs, or improved perceptions of old social needs, as the highway trust fund has become. Still, a general transportation trust fund is clearly an improvement over a highway trust fund.

Whether by continuation of trust-fund financing or otherwise, it is also my recommendation that the rural portions of the presently authorized, 42,500-mile Interstate System be pressed to the speediest possible completion. As for the urban portions—especially those that are so hotly disputed in 11 cities—I support Chairman Randolph's statement when he announced the present hearings that, "I have requested that Secretary Volpe contact the governors and mayors concerned to ascertain their views as to the desirability of removing these high-cost, troublesome routes from the designated Interstate System."

With the Chairman, I shall be awaiting the Secretary's report, and hoping that the Congress, in its turn, will let the cities concerned have the last word on whether the costs of the controversial highways too far exceed the benefits to be acceptable.

If we are going to let the cities decide that they don't want such-and-such mileage of urban Interstate Highway, then it seems only reasonable and fair to let them, if they wish, have the same Federal money that would have gone into that urban mileage to build other transportation more to their needs and liking. That, of course, is the policy which would become law if Senator Tydings' bill, S. 3960, were enacted. This seems to me so sensible, and indeed urgently necessary, that I have asked to become a cosponsor of the proposal, and I join the Senator from Maryland in his expressed hope that this committee will include the main ideas of that bill in the omnibus legislation it will soon draft and report.

Even where an urban Interstate segment is desired by the city government concerned, it would seem appropriate for Congress to constantly review and re-review all unstarted portions in the light of increasing costs and possible alternative transit modes. The

Chicago crosstown expressway, now estimated to cost $50 million a mile for 20 miles, is a graphic example.

The remainder of this statement is an elaboration of the previous conclusions and recommendations.

THE AUTOMOBILE-HIGHWAY TRANSPORTATION SYSTEM HAS GROWN TOO LARGE

One trillion miles of driving—"around town."

Sometime in the late '50's, the number of passenger-miles covered by Americans in domestic travel crossed the mark of 1 trillion in a year. This year, Americans in transit (along with visitors to America) will accomplish close to 2 trillion passenger-miles of domestic travel.

The term "passenger-mile" means one person riding one mile, by whatever means of conveyance. It should not be confused with "vehicle-mile," another measurement of travel that is often used. Obviously, a "vehicle-mile" covered by one bus, train, or commercial airplane involves many more "passenger-miles" than a "vehicle-mile" covered by one automobile, or one motorcycle. In this statement, the reference is always to "passenger-miles," the least-common-denominator of the methods of transportation.

Table 1A shows the number of passenger-miles traveled in the four main transportation modes in several recent years. The source of the information is the National Safety Council's annual publication, Accident Facts, for the years shown.

Table 1B shows the number of passenger-miles traveled by Americans on overnight trips out of town, or of 200 miles or more in a day. That information is from a 1967 survey by the Census Bureau.

Table 1C shows the relationship between the 1967 data from the National Safety Council and the 1967 data from the Census Bureau. In other words, it gives a rough idea of the percentage of total travel by car, bus, train and airline that represents local (or "non-trip") travel.

(Note: Tables referred to not included in the RECORD.)

What we see is this: 84 percent of all the passenger-miles traveled in 1967 in automobiles was essentially short-haul, local travel, not travel on trips out-of-town overnight or for long distances. In other words, more than a trillion passenger-miles in automobiles in 1967 were traveled by persons driving back and forth to work, to the store, from farm to town, around town on errands or visits. Our own senses confirm this impression as we look out our car windows at the now-typical rush-hour traffic jams which afflict even our smaller cities—traffic jams generally characterized by one person in one car.

If we can make money available that begins to approach the generosity of Federal spending to encourage highway building, we can create alternative modes of local, short-haul transportation for at least the high and medium-density population areas. If these alternatives are attractive enough to shift even half of the trillion-plus passenger-miles of annual, local automobile travel into other forms of conveyance, the "pill" to check the automobile population explosion that Secretary Hickel recently called for will have been found.

THE DESTRUCTIVE POPULARITY OF THE AUTOMOBILE

As Tables 1A and 1B so clearly show, the automobile is far and away America's favorite mode of travel. The highway lobby argues that, since we elect to accomplish well over 90 percent of our total passenger travel by auto, taxi and bus, to say nothing of the importance of trucking, there is nothing unreasonable about spending 75 percent of Federal transportation outlays for roads. (Federal spending for different modes of transport for the period 1947–1970 is shown in Table 2 not printed in RECORD.)

That argument is no longer valid, if it ever was. Among the more thoughtful of our citizens, at least, mere popularity is no longer an adequate defense for the immense social costs of the automobile.

Those costs to the Nation and to the cities in particular are now familiar to this subcommittee. Most of the costs were listed at the outset of this statement and need not be repeated.

The question that now seems important is, how much of the automobile's popularity is due to overspending for roads and inadequate spending for alternatives instead of—as the vehicle and road builders would have us believe—the other way around?

Suppose that our response to the obvious inadequacy of the Nation's roads for the Nation's mushrooming vehicle population in the mid-fifties had been, not just to build more roads, but to spend for highways *half* the amount of money we then decided to spend, and a like amount for other systems of transportation. How would our country be different today?

No one can ever know now, for certain—but the juxtaposition of a few interesting and significant numbers supports a strong theory that what "might have been" would be significantly better than what was, and is.

The first two numbers to compare are the amount of Federal funds we have spent on the Interstates since 1956 and the amount we have spent in support of both urban and inter-urban rapid rail transportation systems, the latter not beginning until 1965 in anything above a trickle: the Interstates: $32 billion. Rail transit: well under $1 billion.

Here is another interesting comparison. The American Transit Association says the country needs to spend $28.2 billion for mass transit in the next 10 years. By inference, that could be $42.3 billion for 15 years. The American Association of State Highway Officials sees a need for $320 billion for highways over the next 15 years. The highway lobby's ambitions are over seven times bigger than the transit lobby's.

As was pointed out when S. 3996 was introduced, the Metroliner has demonstrated that even small outlays and fairly modest improvements in service can attract large numbers of new riders to inter-urban rail transportation. Since 1965, the Congress has authorized a niggardly $127.4 million for the High Speed Ground Transportation Act and has appropriated an even more niggardly $76 million. Compare that five-year total with the $4 billion of Federal money being spent this year on the Interstates! Out of that $76 million, about $2 million of Federal money with some $60 million of Penn Central corporate money has given the Northeast Corridor traveler the Metroliner. And the Metroliner in its first year, increased the number of rail travelers between Washington and New York by 46 percent. No one who has experienced the New Jersey Turnpike, or Washington National or LaGuardia Airports in a typical late-afternoon crush can doubt that any diversion of traffic from those travel facilities would be of great benefit to those trying to use them. And yet the Metroliner is only a small improvement over the service previously offered, and far, far from what is possible, with existing technology and a little money.

While we are on that $76 million for the High Speed Ground Transportation Act, we could also note that appropriations under the Urban Mass Transportation Act of 1964 have totaled $795 million. We could compare both of those numbers with the $1.3 billion past and projected appropriations of Federal money to get two prototype supersonic transport aircraft into the air, maybe, someday. That last, of course, may not be directly relevant to this subcommitee's present deliberations; but it is interesting as further evidence of the country's truly astonishing transportation priorities and values.

In Tables 2 through 13, appended to this statement,* there are some further statistical data by which governmental aid to the various modes of transportation can be compared in more detail. The tables also include data on highway tax receipts.

The conclusion seems to be inescapable: our spending for highway transportation has so far outweighed our spending for other forms of urban and inter-urban ground transportation that we have not given the other modes a fair chance to prove what drawing power they might have, if developed with even half the monetary generosity that has characterized our development of roads. Since we have not done and cannot do it sooner, we must do it now.

THE POLICY FOCUS: HIGHWAYS VERSUS TRANSPORTATION VERSUS LAND USE

The argument of the highway lobby is that there will be a projected growth in the vehicle population by a set year; therefore there must be a corresponding increase in the highway mileage constructed. This is usually followed by some mention of the economic importance and the political clout of the various industries associated with highway transportation—indisputable both. There is, finally, the assertion that, highway-user taxes having been increased expressly to pay for highways, it would be ethically wrong and politically foolish to spend highway taxes for anything but roads.

Congress has accepted this argument too long. The country is now mature enough politically, and in bad enough shape socially and ecologically, to permit and require that highway planning now give way to total transportation planning, as Chairman Randolph eloquently stated in his announcement of these hearings. The time has come for transportation planning to be viewed as an integral part of over-all land-use planning—as the American Institute of Architects suggested in its statement. The modes and the placement of transportation facilities shape and place limitations on the use of the land. There must be concerted planning and integration of the whole into harmonious, rational balance for environmental protection and for the quality of living.

There is a need to shift at least 500 billion passenger-miles of urban travel a year away from privately-owned, passenger-operated cars. These one-passenger, five-empty-seats, one-and-a-half-ton vehicles must give way to more modern and less wasteful and destructive conveyances. That is a development which the automobile and highway-building industries can and should cooperate in achieving. These are developments the public and, increasingly, the State governors will support.

Item. Strong editorials and articles in the Wall Street Journal, the New York Times, the Washington Post, the Minneapolis Tribune, and the Des Moines Register, among others, have attacked the highway trust fund in recent weeks and have called for shifted transportation priorities. I put the Minneapolis Tribune articles in the Congressional Record on June 3, 1970, page 18062. The others mentioned are appended to this statement.**

Item. On January 11, 1970, National Educational Television's popular Sunday night program, The Advocates, debated the question, "Should half of the Highway Trust Fund be devoted to mass transit?" Chairman Randolph was a guest on that program. As usual, viewers were invited to mail in their "votes" after listening to the arguments pro and con. The response, as of February 3:

*Not included in the CONGRESSIONAL RECORD. See hearing record.

**Omitted from the CONGRESSIONAL RECORD. See hearing record.

out of 1,509 signed "votes" received, from 45 States and the District of Columbia, 92.7 percent favored the proposal, 5 percent were opposed, and 2.3 percent expressed other views.

Item. Two eloquent, angry books have been published recently attacking the disproportionate highway spending of this country, and the high social costs of the automobile-highway transportation system: Road to Ruin by A. Q. Mowbray, and Superhighway—Superhoax by Helen Leavitt. I am aware of no comparable books reflecting an opposite view.

Item. A recent survey by the Federal-State Relations Office of the National Governors' Conference revealed greater willingness by the States to spend highway revenues on nonhighway demands, including mass transit, pollution control, airports, and marine activities.

Item. Secretary Volpe has repeatedly stated his belief that the highway trust fund should give way to a transportation trust fund.

This country has shown remarkable ability to do what it wants to do. In 1941, America's last full pre-war year before World War II, our automobile industry produced close to 3.8 million passenger cars, over 1 million trucks and buses, for a total of 4.8 million motor vehicles. During the war years, 1942–45 inclusive, passenger-car production totaled only 293,143 units, dropping to an annual low of 139 units in 1943. Truck production in the same grim four-year period was 2,911,558 units, total. In 1946, the war over, passenger-car production soared to 2,148,699 units, to over 3.5 million in 1947, and has been climbing every year, with rare exceptions, since.

It is my belief that an industry which can shift so thoroughly and quickly from peacetime to wartime needs, and back to peacetime again, is equally capable of responding to changed national priorities and demands in the numbers and types of vehicles in which we ride, without prolonged or substantial disruptions of either jobs or profits. The magnificently versatile, giant companies that comprise the automobile and truck manufacturing industry can, in short, do what the Nation requires of them. It is my hope that, before too long, our requirements of them will be for a far more rational and less wasteful quality and quantity of vehicular production than at present.

It is also my belief that many companies not now producing ground transportation vehicles and systems have the capability to enter that market. They could introduce not only improvements on the old familiar forms of conveyance—the bus, jitney bus, train, trolley car, subway-elevated cars, highway-median rail cars, and monorails—but many dazzling new forms: single- and dual-mode automated guideway systems, air systems, and assorted other mind-boggling AUTS (advanced urban transportation systems) calculated to make life tomorrow better than today. Some of these are as yet undreamed of, others just dreams but ready to come to reality. May I interject here: how much more useful and sensible it would be for the country and its stockholders if the Boeing Company would only pin its future to some such transportation activities as these, instead of the SST.

TRANSPORTATION FINANCING

The bill I have introduced, S. 3996, assumes that the highway trust fund will continue for some time to come, but with dramatically shifted expenditures following completion of the Interstate System. That bill, let me now explain, was introduced for discussion purposes and referred to this committee at my request because I wanted it to be here for your consideration as a possible compromise solution to the conflicting courses being forcefully urged upon you at these hearings.

At one extreme the American Association of State Highway Officials and the other members of the highway lobby are urging a permanent highway trust fund, untouchable for anything but highways and projects having a direct relationship to highways. At the other are those who believe it is time to terminate the trust fund.

One popular proposed way to compromise these opposite positions would be to change the highway trust fund into a transportation trust fund. As it is usually described, the new transportation trust fund would have provisions for earmarked outlays for each of the modes of transportation, and some further provision for shifts of funds from one mode to another. While I would consider this proposal some considerable improvement over the highway trust fund as it presently stands, I do not advocate it. My position is that we would do better to keep the highway trust fund, with provisions for broader usages of the money therein, as proposed by S. 3996. The reason is that this latter approach to needed reform, in my judgment, would not be as likely to take root and become permanent as would a transportation trust fund. The approach of my bill would contain more hope of getting the country back to general-fund, annual-appropriation financing at an earlier date.

I end where I began: if annual appropriations from the general fund and full, flexible control by the Congress are good enough for national defense, for housing, for education, for rivers and harbors, why are they not good enough for highways and for transportation generally? I say they are—but, if this committee disagrees, then in my judgment, S. 3996 offers a better approach than a new, broadened fund.

CONCLUSION

The national policy for highways should be fully integrated with national policy for transportation generally, which, in turn, should be viewed as a part of total land-use policy.

There should be promulgated and pursued a positive national goal of developing modes of urban transit which will induce a shift of at least 500 billion passenger-miles annually of local, short-haul travel out of private, passenger-operated automobiles and into more efficient, non- or less-polluting, public vehicles, at the earliest possible date.

Transporation systems should be shaped to the travel needs of society, not to, and by, the economic needs of established corporate and bureaucratic interests. Where economic dislocations are involved in the processes of necessary change and improvement, the role of Government should be to help affected industries and companies convert to more socially useful and needed endeavors. Government should not join the industries and businesses in obstructing the socially needed changes and improvements simply because they are economically inconvenient.

MEN PHYSICALLY UNFIT FOR MILITARY DUTY

Mr. SCHWEIKER. Mr. President, in 1968 a Comptroller General investigation made at my request found that for fiscal years 1966 and 1967 the Pentagon enlisted or drafted some 40,000 men physically unfit for military duty at a cost of over $19.6 million for 1967 alone.

I was appalled by this report, and because I am continually receiving letters from servicemen regarding physical defects prior to entering the service I asked for another study on April 10, 1970, to "update" the 1968 report.

I have received the new report and am concerne dby the statistics. A total of 39,400 men during fiscal years 1968 and 1969 have been discharged because of physical defects which existed prior to entering the service. It cost the Pentagon an alarming $17.6 million in fiscal year 1969, a cost, by the way, which does not include training, so the over-all cost to the taxpayer is much higher. I should also point out that for both report periods the ratio of such discharges to total accessions was the same—2.3 percent.

This report shows that we drastically need increased Defense Department attention paid to the quality of inductee physical examinations. The psychological and personal hardships to the men and their families caused by inadequate examinations cannot be tolerated.

The GAO report noted a number of improvements pertaining to examining stations, including specialized training for military medical officers assigned to examining stations, and general upgrading of examining stations facilities.

Development is already underway of "a prototype of an automated medical examination system for use at the station in Philadelphia, Pa." On the other hand, the examining station in Pittsburgh with a capacity of 200 men daily, had a workload in April 1970, ranging from 65 to 350 daily, which alone lends itself to serious concern.

Although I am pleased that improvements in the examining process have been made since I received the 1968 report, the fact that the over-all rate of such discharges has not changed indicates to me that these examinations must be drastically improved.

Mr. President, as a member of the Committee on Armed Services and a longtime advocate of the all-volunteer army, I know that if we are to maintain our high military standards, with the hope of eventually creating an all-volunteer force, we must start at the foundation—the physical examinations. For instance, after complaints of back pains, a man was discharged from the Air Force when an examination revealed the absence of muscles on the left side of his body, including his shoulder, hand, forearm, upper arm, back of left side, and buttock area. The fact that this condition existed at the time of his enlistment is not only shocking, it is inexcusable, and must be corrected immediately.

I ask unanimous consent that the summary of the updated report prepared by the GAO for fiscal years 1968 and 1969 and my own letter requesting the report be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL'S REPORT TO HON. RICHARD S. SCHWEIKER, U.S. SENATE

WHY THE REVIEW WAS MADE

By letter of April 10, 1970, Senator Richard S. Schweiker requested the General Accounting Office (GAO) to update its report of March 21, 1968, on discharge of enlisted personnel because of physical defects that existed prior to entrance into military service. (See app. I.)

GAO was requested to examine into the same areas as those covered in the 1968 re-

port and to report on the present status of the activities of the Armed Forces Examining and Entrance Stations and of the Office of the Surgeon, U.S. Army Recruiting Command, which is responsible for the physical examinations given at the examining stations, and to present a current picture of the experience and improvements since the 1968 report period.

Because of limited time (the report was requested in about 60 days), GAO concentrated on obtaining data from responsible officials and from available reports and did not visit the examining stations. GAO has not obtained written comments from the Department of Defense on the matters discussed in this report; however, GAO has notified the Department of the subject matter of the report and the date of its release.

FINDINGS AND CONCLUSIONS

For fiscal years 1968 and 1969, the number of enlisted personnel discharged because of physical defects that existed prior to service exceeded 39,400 compared with about 40,200 for fiscal years 1966 and 1967, the period covered by GAO's 1968 report. For both report periods, the ratio of such discharges to total accessions was the same—2.3 percent. Statistics for the Army and Air Force for the first part of fiscal year 1970 indicate possible increases in their discharge rates. (See pp. 8 to 10 and exhibit A.)

GAO estimates that about $17.9 million was expended during fiscal year 1969 by the military services for pay and allowances, uniforms, and travel of personnel discharged because of preservice physical defects after serving in the military for a year or less. Reviews made by the Surgeon, U.S. Army Recruiting Command, of about 5,000 discharges involving preservice physical defects show that only 13.2 percent should have been detected at the examining stations before entry into service. Information on the length of service of such personnel was not readily available for fiscal year 1969 from which to compute the cost to the Government. Most of those cases would have been discovered shortly after entry into the service; therefore the costs would be relatively low. (See pp. 14 to 16.)

Files of the military services include cases where physical defects should have been detected during the physical examination at the examining station. GAO noted cases involving members who had only one kidney, congenital underdevelopment, poor vision, or one leg shorter than the other. (See pp. 30 to 33.)

Inquiries made of personnel at the Office of the Surgeon, U.S. Army Recruiting Command, and the Office of the Surgeon General, U.S. Army, indicate that—

Although some improvements have been made, not all files for persons discharged for physical defects existing prior to service are being received by the Surgeon, U.S. Army Recruiting Command, for review.

About 35 percent of the files received—the same percentage as in the 1968 report—cannot be graded because they lack the data essential for determining whether or not the physical defect should have been detected during the physical examination at the examining station.

The Tri-Service Regulation, proposed in 1967 to correct irregularities in forwarding discharge files to the Surgeon, U.S. Army Recruiting Command, has not been issued because the regulations of the individual services were deemed by the military departments to be adequate.

In GAO's opinion, controls should be established and implemented to ensure that the Surgeon receives all the records he requires to discharge his responsibilities for reviewing files of persons discharged for physical defects that existed prior to service. (See pp. 17 to 20.)

For many years, scheduling an even daily workload through the examining stations has been a problem. GAO has found indications that the problem still exists. For example, the station at Houston, Texas, has the capacity to examine 150 persons a day. The planned workload for May 1970 showed that the capacity would be exceeded on 17 of the 21 examination days and that the daily workload ranged between 63 and 278. Examining station staffs are augmented with civilian physicians when the workloads exceed station capacities; thus, in the opinion of Department of Defense officials, the overloads should not affect the standard of performing physical examinations. (See pp. 20 to 22.)

GAO has noted the following improvements pertaining to examining stations:

Specialized training for military medical officers assigned to examining stations has been instituted in an effort to reduce discharge rates. (See p. 18.)

A project is under way to develop a prototype of an automated medical examination system for use at the station in Philadelphia, Pennsylvania. (See pp. 23 and 24.)

Progress has been made in upgrading the facilities of some stations, but lack of sufficient funds has held this progress to a slow pace. (See pp. 24 and 25.)

The Surgeon, U.S. Army Recruiting Command, believes that local Selective Service Boards are providing the examining stations with all available medical data. GAO's inquiries indicate that only a few members have been discharged because of physical defects existing prior to service which entitle them to disability retired or disability severance pay, or to benefits administered by the Veterans Administration. (See pp. 26 to 29.)

EXHIBIT A

EPTS CASES AND RATES FOR FISCAL YEARS 1968 AND 1969 BY MILITARY SERVICE

	Fiscal year 1968			Fiscal year 1969			Total for fiscal years 1968 and 1969		
	Accessions	EPTS discharges	EPTS rate	Accessions	EPTS discharges	EPTS rate	Accessions	EPTS discharges	EPTS rate
Army	533,082	10,403	2.0	455,202	6,463	1.4	988,284	16,866	1.7
Navy	143,485	3,484	2.4	165,587	4,542	2.7	309,072	8,026	2.6
Marine Gorps	97,787	3,530	3.6	94,324	4,889	5.2	192,111	8,419	4.4
Air Force	90,248	2,637	2.9	117,325	3,464	3.0	207,573	6,101	2.9
Total	864,602	20,054	2.3	852,438	19,358	2.3	1,697,040	39,412	3.2

Note.—We obtained the above data from reports of military services in generally the same manner as we did for our 1968 report. To develop the estimated EPTS discharge rates, we divided the number of personnel discharged because of EPTS physical defects by the number of accessions. In general, we included as accessions all first enlistments, inductees, and other enlisted personnel taken into the armed services who did not have prior active service. Although the individual services use differing reporting formats, we believe that we have included the bulk of enlisted personnel who received EPTS discharges and also those who entered military service for the first time.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., April 10, 1970.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: During March, 1968, you issued report number B-146986, relating to Enlisted Personnel Discharged because of Physical Defects that Enlisted Prior to Entrance into Military Service. This report was the result of my request to you based on complaints from a significant number of my constituents who had experienced problems in this area. An earlier report on the same subject, had been issued on April 2, 1965.

At this time, I believe it would be most useful to determine the present status of the activities of the AFEEs and the office of the Surgeon, USAREC, and a current picture of the experience and improvements in this area during the time subsequent to the period covered by the statistics in that 1968 report.

Because of the groundwork laid by that report, I would hope that an updated version, including an investigation into the same area, and with particular attention to the current status of the individual services' and the AFEESs' own efforts to make improvements in their procedures (as highlighted in the previous report), could be provided within a period of perhaps 60 days.

My legislative assistant, Mr. Blakeslee, will be available to discuss this matter further with the appropriate individuals in your office. I will greatly appreciate your assistance in initiating action on this matter as soon as possible.

With best regards.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senate.

PLIGHT OF THE COTTON FARMERS OF GEORGIA

Mr. TALMADGE. Mr. President, probably no other Government endeavor is so widely misunderstood or the subject of blatant distortion as the farm program. Surely no segment of our society is more maligned than the farmers who receive Government subsidies. The typical newspaper cartoon pictures fat, overstuffed farmers lounging on mountains of taxpayers' money while the needy people of the Nation go hungry. The editorialist usually characterizes farm subsidies as fat profits for rich farmers.

Nothing could be further from the truth. Large farmers, as well as small farmers, are caught in an inexorable cost-price squeeze. At present price levels, the cotton farmers of the Nation have an extremely difficult time in staying solvent—not to speak of making a profit. Moreover, if the cotton farmer is not large enough, he cannot economically produce cotton. Only a large unit can justify the tremendous outlay of funds required to buy the expensive equipment for growing and harvesting cotton.

In my own State, this economic fact of life has resulted in the small farmers leasing their cotton allotments to the few large farmers who are still willing to grow it. A writer for the Atlanta Journal and Constitution Magazine, Andrew

Sparks, has done an excellent job in describing the plight of the cotton farmers of Georgia. Mr. Sparks interviewed the three Georgia farmers who last year received more than $100,000 apiece from the Federal Government. As the writer pointed out, one of these farmers was planting the cotton allotments of 72 different farms, so the $100,000 payment was actually split 72 ways. In addition, the subsidy is used to pay the salaries of five or six farmworkers.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TROUBLE IN THE COTTON FIELD

(By Andrew Sparks)

Three Georgia farmers last year received more than $100,000 apiece from the federal government.

Many a taxpayer, remembering his personal involvement in government programs back at income-tax time, might envy the farmers and dream of having a little place of his own where he "could do nothing and get rich."

But farming is not like that, according to the men who received more than $100,000 in price support payments from Uncle Sam, one in north Georgia, one in middle Georgia, one in south Georgia.

They are cotton farmers, and raising cotton, they say, is the most expensive kind of farming you can do. It is so expensive, they claim nobody in this country could grow cotton without government support.

These top money men—the biggest cotton farmers in the state—were Asbury Wright of Dooly County, who received $123,156 in government payments: Hubert Cheek Jr. of Hart County, $114,065; and Guy H. Shivers of Warren County, $105,031. For them, cotton was no bonanza. One of the men says he lost money on his 1969 cotton crop, even with more than $100,000 in aid from the government. Another, who at times borrowed as much as $200,000 to finance his crop, figures he had a total net profit on his entire farming operation of only $14,000. The son of the third says, "We didn't make the laws, and everybody farms the way he does trying to come out with the most money."

Hubert Cheek, who lives in a tiny north Georgia town called Bowersville, seven miles from the county seat at Hartwell, grows cotton on 72 different farms. All but one of them are somebody else's. The only farm he owned he has now sold to a south Florida cattleman who will take it over in 1972. Mr. Cheek's operation is so far flung he has to mark the sites on county maps and carry a list in his pocket to keep up with where he is planting, plowing, spraying and picking. Without him, and maybe a dozen smaller farmers who operate the same way, the bulk of the cotton in Hart County would not be planted.

Mr. Cheek rents land and rents cotton allotments and grows his crop in scattered patches over an area 10 miles square. He says if limitations are set on future crops and the amount of federal payments one farmer could collect in one year is restricted to $20,000 he could simply let each of the 71 farm owners collect the government payment and hire him to produce the crop. Twenty-four of the farms he plants are owned by widows ("It's kind of a sob story," Mr. Cheek says) and few of them could grow cotton themselves.

Many of the owners—widowed, retired or gone to work at industrial or city jobs—would get no income at all from their farms without Mr. Cheek's help. His rent money often pays the owner's taxes, which have risen considerably under Hart County's tax reevaluation, and part of the owner's living expenses as well. Mr. Cheek's crop also keeps the cotton allotment on the farm. If unused, the allotment would revert to someone else, and if not used in Georgia would go to another state.

Bud Cheek's base of operations is a range of brick buildings facing the railroad tracks in Bowersville. His father, and his grandfather before that, operated a farm supply business in the big brick stores, back when Bowersville was a prosperous town and every little Hart County farm supported at least one family. The big buildings are now used as shops for repairing farm machinery. There's so much of it, inside and out, the place looks like an equipment dealer's display yard for second-hand tractors, pickers and sprayers. All the equipment is Mr. Cheek's—thousands and thousands of dollars' worth.

"Farming has got to where a man can't own both land and machinery," he said. "All over the United States the bulk of farming is now done by people who lease other people's land. All of the farms I work used to support one or two families. Now they won't support any.

"I didn't intend to do all this cotton farming, but my neighbors came and begged me to work their land. I turned down 1,000 acres of cotton this year. I couldn't get to it, and the owners couldn't get anybody else to do it.

"Mine is just a one-man operation. No partners. No corporation. Just me. I usually have five or six workers. We use all modern equipment, like sprayers to put out weed and insect control. I have 15 tractors, including late model highboys. Here's the first tractor I ever bought—in 1949," he said, walking around the corner of his shop to point out an old machine that had been retired to the shade of an ancient oak. "This tractor cast $2,500 back when we were getting 45 cents a pound for cotton. Today, when the market for cotton is down to 20 cents, that same tractor costs $8,000. Fertilizer and labor are up—we pay all the wage increases across the board. A cotton picker costs between $20,000 and $25,000, and I have three. It's not economical to use them in a lot of little scattered fields, but I do."

Most men are sensitive about the public exposure of their private finances, and Mr. Cheek was understandably riled when newspapers started publicizing how much he received each year from the government. Rep. Paul Findley, a Republican from Illinois, supplies Congress with an annual list of every farmer who receives more than $5,000 as part of the Findley campaign to limit farm subsidies to $20,000 per individual. Mr. Cheek's payments have increased from $60,000 to $80,000 to $114,000 over the last three years as he has upped his cotton acreage. The figures have been reported in state and local papers.

"Folks have tried to sell me everything but the Brooklyn Bridge since the stories started coming out," Mr. Cheek said. "It used to make me mad as hell. I could have stopped it. I could have let the money come to the people who own the land and let them pay me for growing the cotton. It never would have been noticed. But I believe this way is better. I have to pay income taxes on it anyway. But the publicity got rough before I began to sway with it.

"In the last four years, 50 people have been here to see me. They've come from as far away as Washington and California. I'm just not that large. I've got a friend in California the government pays $2 million to. My operation is just like a handful of marbles.

"Basically, the government is paying farmers what it used to pay the textile mills. For years and years we had a two-price system on cotton. Cotton brought about 22 cents a pound on the world market, but it sold for around 32 cents a pound here. The government paid the mills the difference between the world market price and what they had to pay to buy cotton in this country. It was a rebate to the mills. If a mill bought a million dollars' worth of cotton they'd be rebated between $300,000 and $400,000 in a direct payment from the government. That was never mentioned. Then the mills got scared of possible publicity, and the government gave the money to the farmers. Farmers have been getting the money for four years."

Georgia Sen. Herman Talmadge sponsored the 1965 Agriculture Bill which brought about the change.

Most of the big money payments in Georgia are for cotton. Mr. Cheek says cotton is responsible for 99 per cent of his. Three crops have a price support—cotton, wheat and feed grains, which are corn, barley and grain sorghum.

Wheat and feed grains are "diversion" programs, in which a farmer can divert some acreage to something else, or leave some acres idle, and receive a payment. But in cotton—unless he has less than a 10-acre allotment—he's got to grow it to get it. He is paid on the basis of his projected yield, determined by the past history of the farm. And he can draw a payment—currently 16.8 cents a pound—for only a certain part of his allotment, set each year by the secretary of agriculture. This year it is 65 per cent.

"What this money is doing, like any money the government puts out, is getting people to cooperate in something," says Paul Holmes, state executive director of the Agricultural Stabilization and Conservation Service, which handles the payments and allotments. "The government is asking farmers to participate in orderly production, asking them to leave land idle—as in the grain program—and to limit the cotton production to what we think we need.

"Our program is available to everyone. When it was designed, it was never intended that anyone would get $100,000. What these big farmers have done is buy up land, rent farms, lease allotments—agriculture is no different from radio or any other business; you're always going to have the J. B. Fuquas and the Coxes. When you hear about a farmer who has received $100,000, you know he's gone out and exposed himself. What I feel for him is not envy or jealously but compassion."

Mr. Cheek agrees. "It's no bed of roses," he said. "With what I borrowed, I could have made more money in any other kind of business. Not many individuals would be crazy enough to go out on a limb for that kind of money.

"If the government reduces supports, I'll reduce my crops, reduce the land I work, the allotments I lease, the workers I hire. If I go plum out, I've got to think about a diversion to something else. I could get a job, but there are not many things I could do on account of my disability. I can't get on a tractor."

Mr. Cheek came home from World War II with some souvenirs. He has two bullets, one in his heart tissue and one in a bronchial tube, and a silver plate in his head. After the Battle of the Bulge, he spent two and a half years in hospitals. He went back to Clemson and graduated, with a degree in animal husbandry. Now the oldest of his three children is a son at the University of Georgia, majoring in business administration, which is what Mr. Cheek figures a farmer most needs to know today.

"I'll probably continue growing cotton as long as it's feasible and I can make a living for the boys who work for me and make some money for the landowners, but when it gets to the point I can't, I'm going to get out.

"The way I look at it, 72 people drew the $114,000 that was paid me. Down in Dooly County, 28 people drew $1.1 million. Dooly County is the seat of the big producers."

Asbury Wright, "Bury" to his friends, is the biggest cotton farmer in the state. The 40-year-old south Georgian lives near Pinehurst, Ga., eight miles north of the Dooly County seat at Vienna. He and his wife and four children, ages 8 to 18, live in a modern red-brick ranch house built in 1950. There's a new blue swimming pool in the yard, and nearby rows and rows of cotton wagons and tractors are neatly parked under long red-stained open sheds.

Mr. Wright's office, set on blocks in a thick stand of coastal bermuda, is a blue and green, three-room house trailer, air-conditioned, carpeted wall to wall, and equipped with two telephones and two secretaries, all busy. One of the secretaries is Mr. Wright's. The other works for the Pinehurst Dusting Service, which does aerial dusting for farmers in Georgia and Florida. Mr. Wright is one of five men who own the business.

"If I had to depend on this farm to feed me, I'd be out of luck," Mr. Wright said when he arrived at his trailer office. He wore pointy-toed boots, an alligator belt, pants cut Western style with horizontal pocket openings on the front, and a wide-brimmed Panama. He has the kind of sunburn typical of farmers who wear hats—brown cheeks beneath a pale white forehead. "I was in a tax meeting all morning, trying to find out what to do about the property tax on these airplanes."

The Pinehurst Dusting Service operates in Georgia in summer and Florida in winter, and both states want to tax the company's five airplanes. Mr. Wright and his secretary, who had gone to the tax meeting in Vienna with him, had evidently missed lunch, and, when they had a break, kept nibbling on Tom's Peanut Butter Logs from a glass apothecary jar on the desk. "Allen Fullford, the county agent, is coming out," Mr. Wright said in a momentary lull between phone calls about trucks and airplanes and herbicides that hadn't killed what they were supposed to.

Dooly is Georgia's No. 1 county in cotton production, and has been for the past seven years, the county agent said when he got there.

"The practices our farmers carry out are responsible," he explained. "We don't have the highest cotton allotment in the state, but by leasing allotments from other counties we are up close to the top. The biggest reason our folks are No. 1 in production is because of improved practices—getting a good stand, planting on beds, preparing land, proper fertilizing and liming. Where they succeed more than anywhere else is in insect control.

"Dooly County has the highest projected yield in the state—it's been more than 600 pounds per acre for three years.

"I'd say 85 or 90 percent of the farmers growing cotton here plant it on their own land and on rented acres. We have farmers renting a tremendous amount of land. Economic pressure brought this about. Farmers must have large units to be able to afford the equipment necessary to grow cotton and to be efficient enough to stay in business. A man with 15 or 20 acres can't grow cotton. He couldn't buy the necessary equipment. He's got to rent his land out."

Mr. Fullford estimated that most farmers in Dooly County pay between $40 and $50 an acre to rent land with a cotton allotment. This is twice as much as Mr. Cheek pays for his scattered fields in north Georgia.

"I pay $50 an acre," said Mr. Wright, who grows cotton in nine different locations. He has a 1,000-acre farm of his own and rents five others. Last year, but not this, he also grew some cotton in Sumter County, for which he received around $5,000 in price support payments, a sum that was not included in the published figure of $123,156. This year he has 1,456 acres of cotton.

"During a break in the tax meeting this morning, I tried to figure what it costs me to grow an acre of cotton—I never had broken it down before," he said. "It's almost $220. I'd have shot myself if I'd known it cost that much. I never figured it before."

He pulled his penciled tabulation out of his pocket. Taxes, $2.20. Preparing land (mowing old stalks and harrowing twice), $10. Seed, $6.80. Planting, $2. Herbicides, $7.10. Insecticides, $72. ("That's outrageous—last year I sprayed till November. My bill for insecticide was $66,000.") Application of sprays, $19.80. Cultivating, $6. Harvesting, $42.60. Fertilizer, $23.20. Lime, $8.20. Interest on borrowed money, $14 per acre.

Mr. Fullford says his office figures it costs the average farmer 27 cents to raise a pound of cotton—six or seven cents more than the world price.

"This comes to almost $170 per acre," he said. "A farmer gets about $100 per acre for his cotton, plus $95 from the government, and he should have a profit of $25 or $30. If Bury's $220 figure is right—it probably is; I checked him once for the Bale-and-a-Half Cotton Club and his expenses did go over $200—he may have lost $25 per acre. If so, he went $38,000 in the hole.

"Before farmers received direct payments, they were able to put cotton in the loan, to borrow money on it. They never redeemed these loans. The public was subsidizing farmers by loaning them money, plus storage costs, plus giving a direct subsidy to the mills. The present set-up costs the taxpayers a lot less and opens up free channels of trade for all the cotton produced."

Would Mr. Wright quit if the support program was ended?

"Right!" he exclaimed.

Is cotton on the way out in the Southeast?

"It depends on what Congress does," Mr. Fullford responded. "There have been repeated attempts by many smart men to write a farm program. I don't think anybody's written one yet that suits everybody.

"This we know: practically all elements of our economy are subsidized one way or another. Certainly the farmer needs subsidies of some kind. I'm not smart enough to say what it should be. I don't know the answers."

Mr. Wright started farming when he was 13, renting land and growing cotton on it. At 14 he quit school and got out on his own. He's been farming ever since. He grows more corn now than anything else and makes more on both peanuts and soybeans than cotton, last year anyway.

"We mopped up on soybeans—50 bushels to the acre," he said. "If you make soybeans you don't make cotton. We had a good cotton crop last year on August 1. Then it started to rain and all our bottom cotton rotted. All we could do then was raise a top crop—and keep spraying. That's why I sprayed till November.

"Farming's not all I do. I'm in the trucking business—that's where the money comes from. There's money in trucking. One of my daughters says when she grows up she's going to be a truck driver. These children know where the money is. We move anything you can put in a truck, and we run in every state.

"If Congress limited payments, I'd cut down drastically on cotton. I'd hate to be in the congressmen's places and have to decide which way to travel."

The third Georgia farmer to top the $100,000 mark in farm payments in Guy H. Shrivers, Jr. of Barnett in Warren County. He was in partnership with his father, Guy H. Shrivers, Sr., until Mr. Shrivers' accidental death last November when an old shotgun he carried in his truck went off in the backyard and killed him instantly. The $105,031 farm payment was the total they both received. Dividing the payment by two puts the Shivers men into a much bigger category. Thirty other Georgia farmers last year received more than $50,000 each. Since his father's death, Guy, Jr., who is 44, has taken over the operation of the whole farm—4,000 acres which he and his mother own together. Guy graduated from the University of Georgia with a major in dairying in 1949, after a 26-month interruption for military service.

"What I intended to do was have a dairy, but beef prices were high and we were already in beef cattle," he said. "We sold cattle higher then than we ever have since. Then I got off into this cotton business."

Mr. Shrivers was helping workmen load some reluctant cattle into a truck for the weekly auction sale in Washington, Ga. A friend watching him work, as he pushed and shoved with a cattle stick in his hand, said, "You won't get him to stay still long enough to make a picture."

He wore rumpled khakis, with a hole in his pants, and bigtoed high shoes. A mat of gray hair protruded at the open neck of his shirt, and the dark hair on his head was cropped in a crew cut. He and his wife, who have two children, a boy at Middle Georgia last year and a girl who will be a freshman at Brenau this fall, live in a handsome white frame ranch house on Highway 287; it sits in a shady landscaped island surrounded by cotton fields.

The base of the farm operations is at his mother's house, a one-story structure enveloped on three sides by a screen porch, that traditional Georgia way to combat the summer heat which cotton thrives on. Farm equipment and shops cover a couple of acres behind the house. Between the shops and the house is the office, a little one-room trailer.

"We plant about 1,400 acres of cotton," Mr. Shrivers said above the hum of the air-conditioner in the dark, cool retreat from the heat outside, "and we have to lease allotments to plant that much. Only 400 acres of it is on the home farm.. I also have a farm and plant 100 acres there. The rest is planted on land we rent, including 250 acres on Cox Woodlands land. We make a payment to Cox Woodlands of about $9,000, part rent payment, part cotton payment.

"Two or three farmers draw the government payment themselves and pay us for growing the cotton. We feel $25 an acre is the minimum we can get by with. We also get the cotton, but the cotton doesn't bring much. Farmers can't grow cotton at the world price. We aren't paying the world price for anything else. Insects are the big problem—we spray every five days beginning the last of June. If we could get rid of insects we might be able to produce cotton at the world price.

"Without price supports, we couldn't even plant cotton. The farmer is not the only one to benefit from the payment. When you take row crops out of an area, you pretty well take a lot of business out of the area—fertilizer, chemicals and equipment aren't used as much and that hurts business. Our payments for cotton last year were around $80,000 and ouor chemical and fertilizer bill was $70,000. There's not as much business when the fields go to pasture. Yet, I don't see how taxpayers can subsidize farmers to keep small communities alive. (The Barnetts, the Bowersvilles, the Pinehursts.) Maybe they'll have to let them die.

"In the farm program, everytime they find a solution to one problem, they create another one. It gets more complicated, and more misunderstood.

"We farm and try to do the best we can. We didn't make the laws or the rules. Everybody farms the way he does trying to come out with the most money. Sometimes you try to maximize your payments. Sometimes you don't.

"You can cut down on your corn, and plant just half, and get the same payment as if you planted it all. That's what I call maximizing. If you have a 100-acre cotton allotment, you get a payment for only 65. So you only plant 65. That's maximizing.

"In Congress, they say they're going to put limits on payments. Some congressmen want to wipe out the farm program. It is bad that you have to depend on a government subsidy to operate. I'd rather not have it that way, but farming's not the only one.

"If they put a maximum on payments, we'd have to cut out the farms we're renting. We'd get into a position where we wouldn't suffer a cut in payments by going over a specified amount. We don't know what that is—they're talking about $25,000. We'd probably just plant 300 acres of cotton on our own farm—not 1,400.

"It takes a lot of money to grow cotton. And cotton has a way of being disappointing. At harvest time you don't have as much cotton as you think you have. It doesn't grade as good. The price drops. It's not as sure as some crops."

Is it on the way out?

"I wish I knew."

Meanwhile, back in the patch, weevils are working. And farmers are working to get the weevils, to kill the weeds, to pick the lint. Taxpayers are working to earn enough to pay the government enough to support the farmers, the sprayers and pickers, so the farmers can get cotton to the mills cheap enough to compete with cheap cotton and cheap labor of other countries. Mills complain that they need tariff protection which, in effect, is what the farmers already have.

Cotton is the most expensive crop you can grow and the most troublesome, and the expensive crop is in trouble.

Any way you look at it, cotton is trouble.

PROPOSED LONGSHORE SAFETY RULES

Mr. FONG. Mr. President, the Department of Labor published its proposal for new safety rules covering longshoremen in the Federal Register on June 26. The new safeguards deal with crane and container operations, and also have provisions on eye and head protection.

With the rapid development of new techniques on docks, especially in the field of containerization, the need for revised and tightened safety rules is plain. The proposals put forth by the longshore safety branch of the Bureau of Labor Standards meet this need.

Overloading of containers, the cause of several recent accidents, should be reduced drastically by the requirement for a load-indicating device on cranes, as well as certification of container gross weights by BLS-approved weighing stations.

Other sections calling for protective glasses and hard hats on certain jobs will also cut the wasteful and tragic toll of job injuries.

Mr. President, I believe the Department of Labor has proposed a sound and necessary reform in safety rules, and I hope that the new standards will shortly be adopted as final and put into operation.

I ask unanimous consent that a description of the proposed longshore safety rules from the July 1 edition of the Dispatcher, published by the International Longshoremen's and Warehousemen's Union, be printed in the RECORD.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.—Proposed new longshore safety rules, approved by outgoing Secretary of Labor George Shultz, were published in the Federal Register on June 26. The proposals cover crane and container operations, with additional language on eye and head protection.

According to Edward P. March, chief of the longshore safety branch of the Bureau of Labor Standards, the new rules "will insure that we know what we are picking up and will avoid container and crane failures due to overloaded containers."

Several recent accidents, including a fatal one in New York, were suspected to be due to container overloading by shipping firms seeking unfair competitive advantages.

A summary of the proposals follows:

Every crane used to load or discharge cargo shall be fitted with a working load indicating device, excepting certain bulk, liquid or magnetic crane operations. This would allow crane operators to know instantly if a load is too heavy for the crane.

All cargo containers shall be permanently marked with the weight of the empty container, a maximum intended cargo weight, and the sum of these two weights.

No container shall be loaded or discharged by means of hoisting unless its actual gross weight has been certified by a BLS-approved weighing station.

No container shall be hoisted if the certified weight exceeds the maximum intended weight, or if it exceeds the capacity of the crane or other hoisting device.

All outbound containers shall be inspected for visible defects; inbound containers to be inspected where practicable. Visible structural defects will prevent loading until corrected on outbound containers; inbounds to be emptied or discharged by means insuring safety.

Employees facing eye hazards from flying particles or heavy dust must be provided with eye protection meeting specific standards.

Employees handling loose scrap metal, bulk ores or other chunky commodities, and those loading or discharging lift-on lift-off containerships, must wear approved protective hats.

RESTRICTION OF TEXTILE AND SHOE IMPORTS — THE LIST GROWS EVERY DAY

Mr. McINTYRE. Mr. President, almost every day, now, we read in our newspapers about the continued debate over the bill introduced by Representative MILLS in the House and by me in the Senate to restrict textile and shoe imports. In almost all instances the issues are cast in political and economic terms. We hear about a possible trade war, about balance of payments, about wage differentials, and so on. This is highly informative, but there is one side of this controversy which is too often lost in the rush of complex economic arguments: It is the human side—the men and women who have spent years in the shoe mills, only now to be thrown out of work with no place to go for reemployment.

Yesterday, I received a touching reminder of how severe the problem really is. Agnes Strob, of Derry, N.H., wrote me the following letter:

DEAR SENATOR MCINTYRE:

This is a list of the people who are working at Stage Door, Inc., when they were forced to close their doors, due to the import of shoes. Do sincerely hope this will in some small way help.

Isbel Pare, Carol Patrick, Cincy Riel, Jacqueline Griffin, Elaine Glover, Ada Witham, Beatrice Bodwell, June Hurteau, Ruby Neil, Nellie Healey.

Doris Robinson, Beatrice Metevier, Caroline Modis, Mary St. John, Edna Berry, Elizabeth Desilets, Irene Pettiner, Marianna Witham, Mildred Henry, Gladys Barnard.

Myrna Dudley, Doris McGowen, Alberta Hanson, Ruby Witham, Doris Bunker, Mildred Robinson, John Dudley, Charlotte Fife, Helen Dudley, Lois Markwith.

Della Bishop, Bertha Twombly, Alma Demyanovich, Hazel Little, Elsie Porter, Mary Favour, Lorna Chase, Elizabeth Thibeault, Edith Emery, Rose Tisus.

Mary Mandile, Una Heywood, Ruby Underhill, Jeanne Dmers, Marianna Goodwin, Julia Hill, Annette Quintal, Virginia Emery, Marie Brown, Audry Pitkin.

Grace Rollins, Freida Burritt, Martha Waterman, Gertrude Eaton, Alice Waldron, Jane Karpinski, Eva Ryan, Eva Clark, Lois Spear, Theresa Taylor, Caroline Severance.

Muriel Proulx, Hazel Strandell, Donna Margaritis, Jeanette Baker, Esther Freitos, Irma Hanson, Gertrude Gagnon, Evelyn Lodge, Deborah Wilbur, David King.

Jane Szybiak, Joanne Wallace, Bessie Plant, Florence McLaughlin, Marie Guyette, Lillian Cooley, Shirley McPherson, Kenneth Witham, Mary O'Neil, Elmer Leach.

Martha Woodhead, Betty Platts, Virginia Leach, Mary Elgin, Alice Meader, Lorraine Smart, Irene Wilson, Alice Bouley, Theresa Stevens, Phyllis Kurkier.

Catherine Healey, Grace Barnes, Blanche Tong, Janet Fields, Ruth Huchins, Norma Raymond, Annie Stevens, Amy Guyette, Aura Beers, Lora Witham.

Harry LaCouture, Ola Plante, John Wallace, George Edwards, Everett Babb, Emile Quintal, John Cassier, Charles Dudley, Mary Baker, Joseph Quintal.

Norma Kenniston, Norman Ouilette, Richard Hartford, Frank Pelky, Frank Cleveland, E. P. Camier, Gerald Foster, Paul Smart, Paul Cunningham, Hebert Denoncoeur, Theodore Barnard.

Burton Strout, Lewis Nowe, Harold Barnes, Walter Ricker, Lemma Rollins, Martha Tibbetts, Kenneth Neptune, Marjorie Neptune, George Robinson, George Wilson.

Robert Riel, Cornelius Smart, Wilder Bemis, Ernest Quintal, Clifton Latimer, William Reynolds, Loretta Neilson, Lucy Downing, Francis St. John, Alberta Shepard.

Roger Woodhead, Ruth Hanson, Richard Hammerstrom, Joseph Veve, Beulah Adams, Robert Johnson, Dennis Currier, John Miller, Elsie Linehan, Sylvia Bemis.

Patricia McCusker, Alfred Eaton, Alan Fenstermaker, John Smalley, Everett Wilbur, Harlan Hutchinson, Jr., Virginia Smith, Kenneth Frost, John DeGuire, John Broman.

Roger Carron, John Markiewicz, Lucien Glidden, James Currier, Leota Glidden, Robert Fields, Mark Wallace, Lawrence Chase, Jr., Paul Clement, John Eastman.

Fred Wallace, Austin Campbell, John Witham, Gregory McIntosh, Joan Nowe, Helen Nowe, Jerry Riel, Frederick Plant, Robert Rothwell, Mike Daley, John Tilton.

Tasker Cheney, Beverley Witham, Roland Lagasse, Maurine Paquette, Howard Rollins, Andy Senechel, Marguerite Quintal, Grover Eaton, Roland Croteau, David Ricci.

David Nowe, Harlan Pitkin, Bernard Wallace, Audry Shepard, Harriett French, Joseph Kominsky, Jack Haley, Clarence Pettengill, Julian Vive, Nettie Valley.

Linda Gilson, Norah Levesque, Irene Lafond, Polly Quintal, Colleen Quintal, Iris Richards, Francine Demyanovich, Angelina Desjardin, Katherine Merrill, Edith Merchant.

Helen Gauthier, Yvonne McGovern, Rita Clark, Rene Broman, Betty Jean DeLorn,

Emily Yeaton, Bonnie Eaton, Harriet Margaritis, Joyce Hyre, Marilyn Perkins.

Lenore Cole, Marion Chasse, Melverda Smith, Vera Crooker, Elizabeth Davies, Florence Currier, Rollande Bartholomi, Elizabeth Strout, Alice Adams, Margaret Vehey.

Rosanna Porter, Janice Smalley, Everett Wilbur, Florence Campbell, Darlene Wladron, Nancy Rollins, Diane St. John, Betty Cheney, Lucille O'Brien.

Gloria Maynard, Jeanne Stilkey, Helen McIntosh, Patrick McCusker, Anastasia Guyette, Kathy Richards, Dorothy Smith, Pauline Miller, Rury Henderson, Nancy Margaritis.

Constance Richardson, Winifred Hartford, Charles Proul, Louise Abbott, Claire Dube, Beverley Quintal, Irene Markiewicz, Jean Sweeney, Ruby Mullin, Agnes Strob.

Mildred Souter, Doris Comstock, Pearl Rollins, Ella Mae Donovan, Etta Margaritis, Myrtle Sinclair, Marjorie Richards, Rachel Richardson, Linda Croteau, Edith Wallace.

Polly Ann Mataragas, Ellen Watts, Althea Davis, Georgia Bolduc, Virginia Collins, Lila Marcotte, Bonnie Griffin, Paris Stilkey, Elva Ferry, Mary Cheney, Pasty Brown, Jean Downing, Elaine Marcotte.

The above is a list of Shoe Workers which formally were employed at the Stage Door, Inc., Raymond, N.H.

UNITED SHOE WORKERS OF AMERICA, AFL–CIO, CLC, LOCAL 106, RAYMOND, N.H.

JOHN TILTON, *Secretary-Treasurer.*

It is my hope that Senators will glance at this list and try to think what a layoff like this can mean to a small town. This mill was at the heart of the economic life of the town; now it is gone. This is going to occur again and again across our Nation unless action is taken soon by the House and Senate to slow down the influx of cheaply made foreign shoes.

MARTIN MARIETTA'S COST UNDERRUN ON PERSHING MISSILE

Mr. GOLDWATER. Mr. President, needless to say, we hear a great deal of complaint in the Senate these days about cost overruns, especially in the Department of Defense. For example, my friend the Senator from Wisconsin (Mr. PROXMIRE) just a few days ago gave the latest figures on cost rises for weapons systems during the past 9 months.

It is very seldom, however, that anyone gives credit to any part of the so-called military-industrial complex for a cost underrun. I suggest, Mr. President, that costs underruns are important too. In this connection, I wish to place in the RECORD an information sheet concerning Martin Marietta's financial performance on the Pershing missile system over a 13-year period. It will be noted that this system which has proved highly successful as the U.S. Army's longest range and most powerful weapon has accumulated a cost underrun of $30 million.

I ask unanimous consent that the Martin Marietta information be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

PERSHING MISSILE PROGRAM NETS $30 MILLION UNDERRUN

The Pershing missile system, which has proven to be singularly successful as the U.S. Army's longest-range and most powerful weapon, has another distinction.

Instead of an overrun, the Pershing project, managed by the U.S. Army Missile Command, Redstone Arsenal, Ala., has accumulated an *underrun* of just under $30 million over its 13-year existence.

The result is the saving of that much taxpayer money by the Army and Martin Marietta Corporation, prime contractor for the Pershing system.

The overrun amounts to 2.49 percent of the $1.2 billion spent to date on development, production, deployment and improvements for the 400-mile-range, surface-to-surface ballistic system.

Included is a series of 59 major contracts between the Missile Command and Martin Marietta dating back to March, 1958, when the nuclear-tipped Pershing was conceived as a replacement for the Redstone missile.

One $225-million contract for initial production of Pershing equipment, awarded in 1961, resulted in a $9 million underrun—or 4 percent under target. The remainder of the underrun resulted from other of the 58 major contracts.

There have been overruns, however. The largest was a 2.1 percent overrun on a $67.2 million research and development contract awarded in 1966. This overrun amounted to $1.4 million above original estimates. But in the overall program, the limited overruns were overshadowed by the underruns which make up the $30 million figure.

One factor credited with contributing to the price hold down on the Pershing program is the orderly progression in the types of contracts used by the Army Missile Command which changed in parallel with development of the system.

Starting with the original R&D effort, the contract was a Cost Plus Fixed Fee agreement.

The next contracts were Cost Plus Incentive Fee, followed by Firm Fixed Price agreements through most of the production phase, placing the risks more upon the contractor than the government.

With the Pershing 1–A improvement work, a Cost Plus Incentive Fee contract was again employed, giving multiple incentive on cost, schedule and technology. In the subsequent production phase, Fixed Price Incentives were used, with the incentive based on cost only. In such contracts, the contractor stands to share in the cost savings or is penalized for poor performance.

More recently, the missile command awarded a Cost Plus Award Fee contract for engineering services to be performed by Martin Marietta. Under this agreement, the contractor is assured of only 3 percent but, depending upon the efficiency with which the work is performed, can be awarded up to 7 percent more on the judgment of the contracting agency.

Another factor contributing to lower costs at the Orlando Division of Martin Marietta—where the Pershing work is done—is an extensive cost reduction program emphasized by Martin Marietta management.

Under this program, which embraces other projects in addition to Pershing, the Orlando Division last year set a goal of $13.6 million as a cost reduction target. At year's end, net savings and cost avoidance amounted to over $16 million, or 18 percent above the projected goal.

Of that amount, the Pershing program contributed $2.8 million.

NATIONAL DEFENSE REQUIRES GREAT FALLS-BROWNING TRANSMISSION LINE

Mr. METCALF. Mr. President, last week a delegation of military officers briefed me regarding the Safeguard ABM system programed for Montana in the area between Great Falls and Browning. Thirteen thousand persons will be moving to the sparsely settled area centered at Conrad.

The Safeguard impact will be substantial on various community facilities—schools, sewers, water systems, hospitals, communications, and power. I shall report to the Senate on these matters in due course. I deal today only with the electric power aspects, inasmuch as certain actions must be taken very soon by Congress in order to provide reliable electric service in an area vitally important to the national defense.

In 1968, prior to the decision to put Safeguard in the area, engineers of the Bureau of Reclamation and the Montana Power Co. agreed that new transmission facilities, beyond the 115-kilovolt line recently constructed by the company, would be needed by 1972.

The Defense Department will provide, as in previous situations, onsite generation for mission requirements. This onsite generation is independent of commercial power. This does not mean that the Defense mission is impervious to the operation of commercial power systems. When a hunter's bullet caused a blackout lasting several hours and covering several thousand square miles in Montana last year, the efficiency of the Minuteman system was impaired, because of a shutdown of onsite power at one of the sites during the period when the blackout occurred. Similarly, serious voltage fluctuations in the line serving Opheim Air Force Station in Montana damaged equipment and impaired defense capability. Reliable commercial power will back up on-site generating capacity.

Safeguard will also create substantial increments in power use in the area immediately adjacent to the ABM sites. Thousands of persons, those connected with the mission or with service industries, and their families, will be dependent on commercial power in an area which, as I pointed out previously, transmission deficiencies were forecast even before Safeguard was planned for the area.

The existing Montana Power 115-kilovolt transmission line is inadequate to meet the needs of the early seventies. The line does not provide reliable loop service. It leaves a substantial area dependent on one-line radial service. A single outage, not even at peak load, could result in voltage reductions that would damage the electrical equipment of thousands of Montanans throughout the area.

Indeed, the Bureau of Reclamation advised the Senate Interior Committee last month that the existing transmission system will not meet minimum reliability criteria established by the Western Systems Coordinating Council, even in the years immediately ahead.

Mr. President, last Friday the Department of the Interior instructed its agent in Montana to sign a wheeling contract with the Montana Power Co. regarding transmission service from the Montana Power 115-kilovolt line. The Department of the Interior did not allow Senator MANSFIELD and me an opportunity to review the contract prior to its signing, as we had requested. The De-

partment did not permit the rural electric cooperatives most directly concerned to review the contract.

The Department of the Interior did not consult with the Rural Electric Administration nor with the REA cooperatives immediately involved. Bonneville Power Administration, whose jurisdiction covers all of Montana, was not consulted.

Nor did it share the contract with the Senate Interior Committee, which conducted a hearing on this matter in April.

In his summary of those hearings, Chairman JACKSON on behalf of the Committee on Interior and Insular Affairs concluded that the proposed wheeling agreement, into which the Department of Interior entered Friday, "will result in a system of questionable short-term reliability." On the other hand, Chairman JACKSON concluded that Federal construction of a 161-kilovolt line, which would provide loop service, would provide long-term reliability, and would possibly be cheaper in the long run than the small radial line constructed by Montana Power.

The needed 161-kilovolt Federal transmission line to which Chairman JACKSON referred was included in both the Johnson and Nixon budgets. Last year both the Senate and House Appropriations Committees voted funds to initiate its construction. However, the appropriations committees stated that the money should not be spent if a wheeling contract, providing substantially the same benefits as a Federal line, could be negotiated.

We now have a wheeling contract. It does not meet the standards of reliability and adequacy set forth by the appropriations Committees. Chairman JACKSON has found for long-term reliability through the 161-kilovolt Federal loop line, and against the questionable short-term reliability available through the 115-kilovolt radial line constructed by the private company, the approaching impact of Safeguard and the inadequacies of the wheeling contract underscore the need for construction of the Federal line as soon as possible. The line is needed to improve reliability and provide adequate power for Safeguard and its complement, as well as the indigenous population.

The money to begin construction has been appropriated. Needed now is release of the funds by direction of the appropriations committee to the Department of the Interior. The Department must be told to proceed with construction of the 161-kilovolt line.

I urge members of the appropriations committee to include such direction in their report on the Public Works Appropriation bill.

ONLY THROUGH STRENGTH

Mr. HANSEN of Idaho. Mr. President, John L. Frisbee, the senior editor for plans and policy of the magazine Air Force and Space Digest makes a point that is as old as man, but is too often forgotten by some men—that in this world only strength can insure both peace and freedom.

Today we are in an era reminiscent of the 1930's, when some believe that good intentions and sincerity of purpose will suffice. Many a nation that thought that no longer exists. Others exist only because the United States was available to rescue them or protect them.

Mr. President, nobody is around to rescue or protect the United States. It is imperative that we do that ourselves; that we be not misled by the well-intentioned blind.

Mr. President, I ask unanimous consent that Mr. Frisbee's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"SHOW AND TELL"

(By John L. Frisbee)

Twenty-five years ago this month, mushroom-shaped clouds rose over Hiroshima and Nagasaki. They marked the end of World War II and the beginning of a new era in international affairs.

It is quite conceivable that nuclear weapons will never again be used directly in war. But whether they are or not, the turn of events and the fate of nations are—and for a very long time will continue to be—affected by their shadowy presence.

Twice in the last sixteen years, events of major importance have been resolved in favor of the side of that possessed nuclear superiority. In 1956, the Hungarian Revolution, which could have triggered the destruction of the Soviet empire, was squelched by the USSR's localized superiority in nuclear weapons. At that time, the US had no nuclear-armed missiles that were operational, and our strategic bombers weren't truly global in range. Our allies, threatened by a few Soviet missiles of limited range and by nuclear-capable Soviet bombers, declined to provide either military assistance for the Hungarians or bases for US deterrent forces. Our nuclear bargaining power was neutralized and Soviet tanks rolled into Hungary. A crack in the iron wall of Soviet hegemony was sealed.

In October 1962, the tables were turned. A small force of US ICBMs and our much larger, by-now global, bomber fleet were decisive in forcing the Soviets to withdraw offensive missiles from Cuba.

Neither in 1956 nor in 1962 was a shot—nuclear or conventional—exchanged between the two super-powers, but in each case the outcome was decided by nuclear weapons at the ready.

The US was prepared in 1962 because we took seriously the erroneous forecast of a missile gap, made in 1959 and 1960. The forecasts, based on the best intelligence information then available, turned out to be exaggerated. But if we had not heeded them, it is doubtful that the US would have launched a crash program to put missiles in the ground and to enlarge and improve our bomber force. Without the fairly wide margin of nuclear superiority we had in the fall of 1962, the Cuban crisis might well have culminated in a shooting war.

Now, Soviet expansionism is again on the move. A crisis, at least comparable in gravity to the Soviet missile presence in Cuba, is developing in the Middle East and the Mediterranean basin. Elsewhere in this issue of AIR FORCE Magazine, that increasingly perilous situation is discussed (see page 16 and page 40). The USSR has moved ominously toward a centuries-old Russian objective, shared by Czars and commissars alike, of dominating an area that is of great strategic importance, both in itself and as a way-station to further expansion.

Underlying the Soviet drive into the Middle East is a major shift in the nuclear balance. Between 1968 and the summer of 1970, the US nuclear superiority of about 4 to 1 over the Soviets has evaporated. Rapid deployment by the Soviets of a variety of ballistic and orbital weapons, including the giant SS-9 missile, their construction of an ABM system, and the USSR's emergence as a major maritime nation have combined to virtually neutralize US strategic power except as a deterrent to a direct Soviet attack on the United States.

It was ironic that we met the earlier Soviet challenge, in 1962, because we heeded inaccurate warnings of a Soviet drive for nuclear superiority. It is doubly ironic that *unequivocal* evidence of the USSR's race for nuclear superiority now is either ignored or discounted as self-serving propaganda. The result: Today the Middle East and the Mediterranean hang in precarious balance. Tomorrow—what?

In a recent address to Associated Press editors Secretary of Defense Melvin Laird revealed considerable hitherto classified information on the Soviet strategic buildup. He told his audience: ". . . the information I am presenting to you is based on our own observations of what the Soviets are doing," not on Soviet discussions of their strategic forces. The Secretary had to be referring to satellite reconnaissance photogaphs, highly refined electronic intelligence, and other sources of information that didn't even exist in 1960.

Today's public skepticism about the realities of Soviet nuclear power, and its intended uses, is somewhat reminiscent of the skepticism that existed in the fall of 1962, concerning allegations of Soviet missilesite construction in Cuba. That earlier skepticism disappeared when photos of the Cuban missile sites, taken from high-flying U–2 aircraft, were made public. The American people, almost without exception, rallied behind the President.

We are reliably informed that one of this country's highest-ranking officials recently asked: "What does it take to awaken the American people to the seriousness of the Soviet threat?"

We don't claim to have a comprehensive answer. But one way might be to release some of the satellite photography on which US analysis of the threat is based. That was pretty effective in the case of Cuba.

The old grammar school game of "Show and Tell" isn't just for kids. It works for grownups, too.

JIM LUCAS

Mr. BELLMON. Mr. President, the death of Pulitzer Prizewinning correspondent Jim Lucas last week saddens me as it does others who knew and admired this fearless and faithful reporter. Jim Lucas was a native Oklahoman and came to be one of the most illustrious sons of the Sooner State.

I first knew Jim Lucas as a war correspondent on Iwo Jima. Throughout that operation he worked with the 4th Marine Division and in some of the most intense combat in the history of the war. He was always on the scene to give an accurate, factual account of the events, and more particularly, personal insights into the men who were making history.

Jim Lucas began his career as a reporter in Oklahoma as a writer for the Muskogee Daily Phoenix and the Tulsa Tribune. Throughout his life he maintained his roots in our States and frequently returned for personal visits or for assignments. In 1965, during the time I served as Governor, Jim came to Okla-

homa to investigate and report on an alleged scandal in the Air National Guard. After digging into the story for many weeks, Jim found that the allegations were not well founded; and to his everlasting credit he had the grace and honesty to say as much. In my judgment, this was in the highest tradition of the fourth estate.

The death of Jim Lucas leaves a great void in the ranks of combat correspondents. However, the record he made and the tradition of integrity, incisiveness, and fairness he contributed to the journalism profession will serve to guide many who follow in his footsteps.

I extend my deepest sympathy to the members of his family.

WHERE FEDERAL MONEY GOES

Mr. GOLDWATER. Mr. President, in the past few days, the President has been extremely critical of Congress for authorizing expenditures of a mandatory nature which make it impossible to place a ceiling upon Federal spending. He pointed out that he recently signed a bill fixing a ceiling on Federal spending for the current year—fiscal year 1971. He said he intended to live by that ceiling, but that Congress has made a travesty of it.

Quite naturally, the Chief Executive's remarks were immediately challenged by the majority leader and by the Senator from Wisconsin (Mr. PROXMIRE). In view of this, I think the Senate would be interested to read an exceptionally fine article written by Mr. David Lawrence which tells exactly where the money goes and why the President is correct in his assertions.

I ask unanimous consent that Mr. Lawrence's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHERE DOES FEDERAL MONEY GO?

(By David Lawrence)

The federal government spends more than $200 billion a year nowadays, and Congress must authorize the appropriation of every penny of it. But how many of the approximately 120 million eligible voters are really familiar with the merits of the legislative measures involving large sums?

The purposes of some of the current allocations of funds can be summed up briefly:

1. The House has approved a $4.4 billion measure for the Office of Education. This is $453.3 million above the President's request.

2. The House has approved a bill, which now is before the Senate, to extend unemployment compensation to an additional 4.4 million workers, increase the tax on employers, and provide that, beginning in 1972, jobless benefits could be extended an extra 13 weeks in periods of high unemployment. The House voted down a move to put an estimated 275,000 farm workers under the coverage.

3. The House Agriculture Committee has approved a three-year price-support program with a limit of $55,000 a year on payments to individual farmers growing cotton, wheat and feed grains. The Senate has voted to make it a $20,000 ceiling.

4. The House Agriculture Committee has endorsed a measure providing that able-bodied individuals must sign up for work before they can be eligible to receive food stamps. The restriction would modify a bill already passed by the Senate, which plans to furnish $2.5 billion annually in food stamps by 1972.

5. The House has passed and sent to the Senate bills to authorize $775 million over three years for new air purity standards and $511 million to find new ways of disposing of or re-using solid waste materials.

6. The House has passed and sent to the Senate a plan supported by the President for a minimum annual income for poor families. A minimum of $1,600 a year would be given a family of four, and its income could go as high as $3,920 before the $1,600 subsidy would be eliminated.

7. The House adopted a $20 billion measure for military procurement. This includes authorization for an expansion of what is known as the Safeguard antimissile system and the purchase of equipment for another nuclear aircraft carrier and a new manned bomber. A Senate committee has approved the plan.

8. The Senate has approved a $3.1 billion financing program for mass transit projects. A similar program, which would permit localities to make contracts totaling $5 billion over the next year for urban transit projects, has been approved by the House Banking Committee.

9. The President vetoed a measure authorizing a three-year continuation of the hospital construction program because it was $350 million over his request. But both houses overrode the veto and authorized $2.79 billion to be spent.

10. President Nixon has proposed that the national government return to the states a portion of the federal tax revenue "with no strings attached" so it could be used by the states and local governments on their own projects. The measure has not been acted upon by either house.

But where does the biggest part of the $200 billion in the budget go? Much of it is spent for the Vietnam war, and only $2.2 billion is expended for economic and military aid to the smaller countries of the world.

Many of the authorizations for the use of government funds concern matters wholly unfamiliar to the vast majority of the citizens, so the American people have to rely on their representatives in Congress to act wisely in their behalf. Whether Congress overspends or not is not easy for outsiders to judge. Undoubtedly the members of both houses are influenced by political factors. The pressure for government appropriations is constant. The committees are in reality the groups that make the important judgements. If both parties therein concur, the chances of support in the two houses are good, but if it's a partisanly sponsored measure, a controversy usually ensues.

The public as a whole, however, gets to know very little about all the aspects of the spending problem. Even though many billions of dollars are involved, most newspapers would consider it dry news to print the technical details of all the appropriations bills. So the taxpayers have no choice but to depend on their representatives in Congress and the President for an efficient handling of the public money.

UNITED NATIONS LINEUP FOR HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I thought it would be appropriate for us to take a look today at some of the reasons given by other nations for supporting international treaties for the preservation of human rights for all of mankind. The following is a sample lineup provided by the World Federalist, May/June 1970:

Norway: "A deliberate transfer of executive, judicial and even legislative power to international bodies becomes more and more a common feature in State practice. Norway regards such a transfer of power in no way as a violation but merely as an expression of national sovereignty."

Sweden: "The Swedish Government has strongly given voice to the view that human rights questions transcend the boundaries of nations and that therefore, in this field, States should not . . . cling to the principle of sovereignty in order to block an effective examination."

Netherlands: "The duty of the [Human Rights] Commission was to defend the rights and freedoms of individuals; however, at the present the Commission did not have the power to protect individuals, and this was most regrettable . . ."

Yugoslavia: ". . . one could see two opposing opinions; each had some right on its side. However, the developing countries had shown little interest in the matter; and the proposal could only be settled when the developing countries could see that they could benefit from it."

These nations are only a sample of the more than 75 members of the United Nations that have taken the initiative for human rights for all of mankind. Our absence, Mr. President, is both conspicuous and embarrassing.

The time is now. The Genocide Convention is under active consideration in the Senate for the first time in 20 years. I hope the Senate will not let this opportunity pass by.

BUILDING OUR AMERICAN COMMUNITIES

Mr. BELLMON. Mr. President, as a farmer and one who is vitally interested in the rural areas of our country, I have long been impressed by the Future Farmers of America. My admiration for this organization continues to grow as I observe the many contributions it makes in the development of young Americans and the communities in which they live.

The most recent undertaking of this group of young leaders is one of which I am especially proud. Last week, the national FFA president, Harry Birdwell, of Fletcher, Okla., was in Washington to announce the initiation of a new program which is designed to get young people involved constructively in helping to make their communities more attractive places in which to live and work. The theme of this program is "Building Our American Communities."

It was my pleasure to visit with the State president of the Future Farmers of America, Teddy Shaw, of Ninnekah, Okla., last week concerning this program, and I was impressed again by the imagination and enthusiasm that was evident in the goals that were set forth. The FFA is to be commended, along with the Farmers Home Administration, which assisted in the development of this positive and forward-looking program.

Smaller communities and rural areas all over the country, the real backbone of American life, will benefit greatly from the efforts of these dedicated young Americans as they seek to build toward a better future for their country.

Mr. President, in order that Senators may be fully informed about this program, I ask unanimous consent that Harry Birdwell's announcement of the program be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

BETTER DAYS THROUGH BETTER WAYS

(Announcement of FFA "Building Our American Communities" by Harry Birdwell, national FFA president)

In the opening paragraph of the FFA Creed members of our organization are reminded that better days are the result of better ways. As we reflect upon the critical problems of 1970, it is quickly obvious that our challenge has become one of solving America's problems while maintaining America's strengths. That seems to indicate that not only the Future Farmers of America, but all of America, is seeking *better days through better ways.*

From every sector of America young people are saying, "Let's play an active role in America's future". For the most part young people have correctly analyzed the obstacles which our nation must overcome, and as we view the energy and ambition of constructive, well-meaning youths—what things can provide them with opportunities for meaningful participation? Unfortunately the opportunities for millions of this nation's youth to become involved with adults and to participate in worthwhile community efforts are limited. For this reason it is and will continue to be the aim of the Future Farmers of America to provide our members with the knowledge of community problems and to undertake noteworthy community service and community improvement projects.

In keeping with that objective I am proud to formally announce an innovative community action program, . . . *Building Our American Communities.*

The new national effort was conceived eighteen months ago by staff members of the Farmers' Home Administration, an agency of the United States Department of Agriculture. As the USDA and FFA view America's future, it becomes more evident that rural America must, of necessity, offer a solution to many problems of congested urban centers. This over crowding of our population can be reduced provided that sufficent jobs, adequate housing and municipal facilities can be secured in rural and semi-rural areas. As FFA has worked jointly with the Farmers' Home Administration, we have decided that a program involving both study and action will be the most effective means of involving our membership. Instructional units will be made available to 12,000 teachers of Vocational Agriculture, and beginning with the 1970–1971 high school year this information will be taught in Vocational Agriculture classrooms in 9,000 American communities. Vocational Agriculture students will devote a portion of their class time to discussion of the problems of their local communities. In addition to the instructional phase, FFA members will be involved in actual community improvement projects dealing with *seven* rural problem areas:

1. Making efficient use of community resources.
2. Conducting job surveys and rural job development.
3. Becoming involved in environmental clean-up and control of water, air and solid waste.
4. Leading community beautification drives.
5. Developing recreational programs and facilities.
6. Surveying and developing community housing.
7. Encouraging community safety and aiding in the development of rural health facilities.

We realize this seems to be quite an undertaking, however, we anticipate that many other organizations will become actively involved in community projects as a result of the FFA effort to help coordinate rural development efforts. We challenge other youth and adult organizations, civic clubs and city governments to join hands with a half million FFA members as we set out to build rural America.

To this point the response to this effort has been excellent. Young and old alike are excited about the prospects for improved communities through this "youth pioneer" approach to community problem solving. President Nixon has sanctioned our program and has indicated that it satisfies the desire of his administration both to get youth involved in solution finding and to strengthen rural America.

If constructive youth involvement and further development of rural American communities seem to be important priorities for the decade ahead, then I solicit your enthusiastic support for *Building Our American Communities.* To those of you assembled here today, and to every American who shall see the results of this effort, I say this . . . FFA members have not fallen subject to a spirit of pessimism and impending doom. On the contrary we believe that *better days* are ahead for America if we will search for *better ways* to solve our problems and employ our creativity. Though troubles beset America, though controversy divides America, 450,000 Future Farmers of America join with me in saying to you that as we further build our American communities we have much to build with and God knows everything to build for.

HABITS OF AMERICAN YOUTH

Mr. GOLDWATER. Mr. President, all of us, I am sure, are concerned today with the performance and habits of American youth. I, for one, believe that American youth is far from lost. In fact, I would say that the vast majority of our young people today are exceptional, responsible, and intelligent. Of course, we do have the 5 percent or less that participates in violence and senseless protests and draws a greatly overrated measure of attention from the Nation's communication media.

Regardless, I believe the warning contained in an editorial published in the Arizona Republic is pertinent at this time. I wish to thank publisher Eugene C. Pulliam for writing it. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WILL YOUNG AMERICA DESTROY ITS HERITAGE?

Although less than 10 per cent of American youth has been participating in the violent, senseless protests about their own colleges and universities, there is a growing danger that the noisy, militant leaders of America's young revolutionaries will lure more and more students to their cause.

The vast majority of students are serious-minded young people striving to get an education. They have, so far, refused to enter into the "gory glee" of hell-raising on the campuses. But no leadership among the silent majority of students has arisen to challenge the revolutionaries.

The president of the student body at a large university was elected by a vote of 1,000 to 300. Only 1,300 out of 23,000 students voted in that election. They simply weren't interested in the militant program of the radical leaders. However, the student who was elected president claims that he represents the entire student body, and demands a voice in the Board of Regents' meetings, in spite of the fact that 90 per cent of the students wanted no part of his program.

Unless the students who believe they go to college to get an education rather than to start a revolution begin very shortly to organize and challenge the revolutionaries on the campus, they may find they have sat silent while their precious heritage of freedom and opportunity goes down the drain in a blazing, destructive, senseless revolution led by leaders who don't know what they want or what they would do with it if all their demands were granted. They want a noisy voice in everything, but beyond that they know not what they are shouting about.

A sober observation about America's youth recently came from England, where the editor of the London Daily Telegraph declared that no generation of young people ever had so great a heritage of freedom and opportunity as today's American youth.

Under the caption "Revolt of the Pampered," the editor of the London Daily Telegraph wrote:

"America is the victim of its national myth. It entered history proclaiming the rights of man; its Constitution is aimed at fostering freedom at all costs. Its young have been brought up largely on an educational theory which attaches supreme importance to self-expression. Is it odd that it should lead the world in rebellion or that its volunteer forces should sometimes lack the virtue of unrelenting discipline? Yet one marvel does defy explanation. Why should America's pampered and idolized student youth, living in a country that enjoys freedom and prosperity in unprecedented degrees, turn all its righteous anger, not against the despotisms that rule most of the rest of the world, but against America itself?"

SEWER PROBLEMS IN ROGUE RIVER, OREG.

Mr. HATFIELD. Mr. President, when we were debating the 1971 Agriculture Appropriations Act, I gave my full support to the amendment to increase funding for the FHA rural water and sewer grants and loans. My statement in support of the amendment appears on page 23294 of the July 8, 1970, CONGRESSIONAL RECORD.

In those remarks, I mentioned the situation in Rogue River, Oreg., and the problems that small towns in Oregon face in providing adequate sewer systems.

Mr. President, I ask unanimous consent that the portion of my remarks on July 8, 1970, describing the situation in Rogue River be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Mr. President, I would like to comment on the experience of one small town in Oregon and its problems in this area. I quote from a letter to me from Mr. Wayne Richards, community development specialist of the Jackson County Community Action Council. That letter states in part:

"Representative Don Stathos advised writing to you in regard to pollution of the Rogue River. The City of Rogue River is in the embarrassing position of being partly responsible for polluting its famous namesake. After taking a routine water sample for its swimming classes in August of 1969, the Jackson County Parks and Recreation Department decided to bus the participants into Medford, 21 miles away. Evans Creek, which empties into the Rogue River at the townsite, has been officially posted as being polluted. The entire population of Rogue River (700) now uses septic tanks. Because they are in such close proximity to each

other, several of the businesses share the same tank. Engineering surveys indicate clay subsoil which is very poor for proper drainage of septic tanks.

I call attention to the following paragraph; for it goes to the heart of the problem:

"The City of Rogue River has repeatedly attempted to bond itself and pay for its sewer system. These bond issues have been unsuccessful because of the excessive financial burden placed on the tax payers. Two thirds of the inhabitants of Rogue River are over age 65 and living on fixed incomes. 538 social security checks were mailed to zip code 97537 of which Rogue River is the major part; these checks averaged $71.46. The last bond issue presented before the voters in November of 1966 was for $360,000.00—$30,000.000 of which was a Farmers Home Administration Grant. That is 8% federal assistance."

I ask my colleagues to pay particular attention to this section of Mr. Richard's letter:

"Inability to pay is clearly as much of a problem here as is the pollution of the river. The City of Rogue River is once again preparing an application to federal funding sources for grants to help pay for a sewer system. Is the national concern about pollution genuine? What kind of support need we solicit to obtain 50% to 80% federal grant participation?"

In closing, Mr. President, I would note that the problems of Rogue River, Oreg., are not unique. Similar statements could be expressed by many mayors and county commissioners in small Oregon communities. It is for this reason, Mr. President, that I urge passage of the Goodell amendment.

Mr. HATFIELD. Mr. President, recently I have been sent a copy of the Federal application for financial assistance for a sewage system, which was submitted by the town of Rogue River. The application has been sent to the Economic Development Administration, the Farmers Home Administration, and the Federal Water Pollution Control Authority.

When I read this application, it dramatized to me the need for increased Federal assistance to our rural areas. The problems they face are different from those in our urban centers, and we must not lose sight of the special needs of small towns and rural regions across the United States.

We in the Senate have spent much time discussing the growing urbanization of our country and its effects on all facets of our society. Much debate has centered on the results of urbanization, but not as much has been focused on the causes. In my opinion, this application could serve as a case study of reasons that many of our small towns are stagnating today.

Our young people should be able to choose a city life or a rural life, and not be pushed into city or suburban living because no jobs are available in rural areas and small towns. We must help give our rural areas a new economic lift.

Mr. President, because I believe this situation in Rogue River, Oreg., sets out so well the problems facing many small towns, I ask unanimous consent that the application be printed at the end of these remarks.

I ask Senators to read these comments, for they could be those of any small town suffering from a severe financial squeeze. These people across America deserve our assistance. We need to move now to help them, or the decline of our small towns and the attendant urbanization will only multiply the all too familiar problems brought on by urbanization.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

APPLICATION FOR FEDERAL ASSISTANCE FOR CITY OF ROGUE RIVER SEWER SYSTEM

Cities, towns, or areas: Rogue River.

County: Jackson.

Population: 1960, 520; Current (Est.) 700; to be served by project, 2,000.—Design for expansion to 2,000.

Description: To construct a modern sewage treatment plant, interceptor sewer, main lines and house laterals for the entire city of Rogue River.

Public interest and necessity: Narrative and supporting data attached hereto.

METHOD OF FINANCING

[In thousands of dollars]

Source of funds	Waste components		Total
	Treatment	Collection	
Federal grant requested	56,250	143,750	200,000
Federal loan requested			
Other Federal contribution			
State contribution	33,750	86,250	120,000
Applicant contribution	22,500	57,500	80,000
Estimated total project cost	112,500	287,500	400,000

OTHER FEDERAL ASSISTANCE—PREVIOUS OR PENDING

Name of agency	Type of assistance	Indebtedness outstanding, if any
Housing and Home Finance Agency	Sewer planning grant	$1,500

Preliminary cost estimate for proposed Rogue River sewer bond issue

Interceptor:	
3,000 linear feet at $6	$18,000
800 linear feet at $10	8,000
8-inch street mains (20,000 linear feet at $6)	120,000
4-inch house laterals (5,000 linear feet at $3)	15,000
Manholes (60 units at $250)	15,000
Creek crossing	5,000
Repaving:	
40,000 square feet at $0.10	4,000
40,000 square feet at $0.30	12,000
Pump station	25,000
Right-of-way acquisition	5,000
Subtotal	227,000
Contingencies, engineering, legal and financing charges (all at 25 percent)	57,000
Total; interceptors and distribution system	284,000
Treatment plant (2,000 population equivalent)	90,000
Contingencies, engineering, legal and financing charges (all at 25 percent)	23,000
Total treatment plant	113,000
Repay planning grant	1,500
Grand total	398,500
Recommended bond issue	400,000

PUBLIC INTEREST AND NECESSITY

Statistics over a period of time indicate that not only is there poverty in the Rogue River area, but that it is increasing. This particular project is one of the few that promises to change not only the poverty situation but also the increasing poverty level. A sewer system for Rogue River would provide basic human sanitation and give a basis for rational economic growth. This grant application represents ten years of preplanning activity in attempts to get a sewer system built for the Rogue River area.

I. Contribute to health and living standards: The health report committee of the 1968 Jackson County Long-Range Planning Conference stated ". . . the most serious unmet health needs in the County . . . (are) adequate sewage disposal system . . ." The same paragraph from which this statement was taken also indicates another serious unmet health need as ". . . better housing for the elderly," which, of course, cannot be built in the City of Rogue River until the sewage problem is taken care of.

No adequate housing can be provided for any age group until adequate sewerage is provided. Neither the county wide leased housing program nor the rehabilitation housing program can operate in Rogue River because the available existing houses do not meet minimum Federal standards. Older houses are not being replaced because builders hesitate to accept septic systems as economically feasible when building new houses.

II. Prevent or abate pollution: The City of Rogue River has the dubious distinction of being a polluter of the River of its own namesake. Individual septic tank and drainfield systems presently serve the area within the Rogue River city limits. Black clay underlay prevents proper drainage of effluent from the septic tanks. The clay soil condition coupled with increased population density in the downtown area, have long ago rendered inadequate the current disposal system.

In August, 1969, the Jackson County Parks and Recreation Department took a routine water sample from the Rogue River at the Rogue River townsite, and from the negative results decided to bus its annual swimming classes into Medford, twenty-one miles away.

Evans Creek, which empties into the Rogue River at the townsite, was officially posted as polluted by the Jackson County Court during the summer of 1969. In July, 1970 a concerned citizen of Rogue River telephoned the Rogue River Neighborhood Center, telling them of the negative results obtained from two water samples taken from Evans Creek near her home. She felt that parents of children swimming in Evans Creek should be notified of its high pollution content. She called the County Sanitation Officer, who went on the radio that evening to inform the public of the situation.

A sewage system would clearly abate present pollution and prevent its occurrence in the future from the Rogue River population. Sufficient reserve capacity will be provided (the design presented before the voters will be for a maximum of two thousand people) to serve the ultimate development of the city and surrounding area.

III. Assist in the creation of long term employment: Lack of a sewage collection system and treatment facility has seriously hindered the growth and development of Rogue River and the surrounding area. (See attached letters.)

Prospective businesses have approached the local real estate brokers and our local banker, as testified in their accompanying letters of support. It is easy to see why restaurant or motel interests would find it inadvisable to locate in a city which has no sewage facilities. The most pressing need of the Rogue River area is adequate housing and new jobs, neither of which is possible without a sewer system. The City of Rogue River's excellent location on the legendary river itself makes it potentially ideal for further development of tourism and recrea-

tional facilities. One of the largest public camping facilities in Southern Oregon is located less than one mile from the city limits of Rogue River. Valley of the Rogue State Park provides one hundred and fifty overnight camping sites. In 1967 there were 605,248 visitors to this park.

IV. Primarily benefit long time unemployed and members of low-income families: Construction of the needed sewage facilities without Federal assistance would involve an extraordinary and excessive financial burden on the city in relation to its financial resources. The City of Rogue River has been trying to get a sewer for ten years. A preliminary engineering survey was completed in 1960. Bond issues have been defeated because the taxpayers could not bear the full cost of such a system.

A survey taken four years ago and forwarded to Congressman John Dellenback indicated that two-thirds of the inhabitants of Rogue River (population 700) are over age sixty-five and living on fixed incomes. As of January, 1968 monthly Social Security checks mailed to Zip code 97537, of which Rogue River is the only incorporated area, numbered 538. These checks average $71.46.

Rogue River School District #35 (enrollment: 1,000 students) has its main school buildings within the city limits, which presents additional financial burdens to the city. Less than 100 students enrolled in Rogue River schools live within the city limits of Rogue River. For example: already unpaved, ill-graded, improperly surfaced, sub-standard streets are periodically rutted out due to frequent and heavy school bus traffic. The schools' sewage disposal is also handled completely by septic tank. Also indicative of the economic need of this area is the fact that the Rogue River schools are eligible for and do participate in the Federal free school lunch program. Rogue River School District is identified by the Oregon Board of Education as being one with a "high concentration of students from low-income families." The District is able to document that over 20% of its enrollment is under OEO poverty threshold guidelines.

The last bond issue presented before the voters for a sewage system in 1966 would have cost approximately $600 per typical household (100 x 100 foot lot) for the sewer hookup. These sewer rates are unreasonable, especially to the elderly, whose priority expenses are such things as food, eyeglasses, taxes, hearing aids, etc. Using the $71.46 average monthly Social Security check mentioned previously, this $600 cost per homeowner would be in many cases almost three-fourths (12×$71.46 equals $857.52) of the entire yearly income of pensioners.

The City of Rogue River has been identified by the Economic Development Administration of the Department of Commerce as being located in one of their designated areas. The principal requirements for this designation are high unemployment and low family income. Rogue River has been declared eligible for participation in Economic Development Administration programs. Jackson County is an economically distressed area described by the U.S. Department of Labor as having "chronic and persistent unemployment." Without a sewer system the City of Rogue River lacks the foundation required for economic growth. The historical lack of growth Rogue River has experienced (1950 census: 590 persons; 1960 census: 520 persons) has local citizens concerned stemming the flow of youth migration from this rural area to urban areas. Teenagers are moving out as fast as they graduate from high school because there are no job opportunities. The people of Rogue River are aware that their greatest investment is the youth of this area.

1969 average unemployment percentage rate for the City of Grants Pass, (population 13,000) nearest "large" city to Rogue River, was 10.6%. 12.7% was the percentage for the first week of May, 1970, 15.5% for March, and 17% for February. Unemployment for the area is above the state average.

The following is a breakdown of results obtained from a questionnaire administered through the mail to all 250 households situated within the City of Rogue River. There were 55 replies answering anonymously "How many people live in your household?" And "How much is your monthly household income?"

Household income per month	Number of households	Total number of people living in households
Less than $150	17	26
$150 to $250	6	13
$251 to $350	15	34
$351 to $450	9	21
Above $600	8	22

MAY 18, 1970.

TO WHOM IT MAY CONCERN: There are no job opportunities in Rogue River so when I graduate Wednesday, May 20, I will leave here to seek other means of better employment opportunities. Also, our river and creeks are so polluted swimming is almost impossible.

Respectfully submitted,

RENA L. BAKER.

ROGUE RIVER, ORE.,

DEAR SIR: I am 76 years old and a home owner in Rogue River. I think we need a sewer, but living on a limited income I could not afford to pay for it. It is necessary in our town, but the people like myself can't do it without a gov. grant. I am also a widow and living alone.

LOIS I. HART.

MAY 19, 1970.

DEAR SIR: Do to the financial circumstances of the city and the people living in Rogue River. It seems impossible to finance a sewer system here. We are very much in need of one. My husband 58 years old does odd jobs, myself 56 takes care of elderly people for our low income, less than $3,000 per year. We do need one badly and hope the government will help us get one.

Sincerely,

Mr. and Mrs. L. A. MAILANEN.

MAY 19, 1970.

DEAR SIR: I am a widow, 83 yr. old living in Rogue River. I feel that a sewer would be necessary for health & economic reasons, but living on a limited income, I cannot afford to pay for it in taxes. Rogue River is not financially able to pay for it—we need government help to put in our sewer.

Sincerely,

EDA B. FULTON.

APPLETON REALTY CO.,
Rogue River, Oreg., April 13, 1970.

Mr. WAYNE RICHARDS,
Community Action Center,
Rogue River, Oreg.

DEAR MR. RICHARDS: The current effort being enlisted by your group on behalf of this community and directed towards a satisfactory installation of a sewage disposal system for the City of Rogue River is greatly appreciated by myself as well as many others in the community.

As you may know, various beneficial developments have been thwarted in past years due to the fact that sewers were not readily available.

I would like to cite a few examples for you, the first of which is a syndicate of a group from Portland which was desirous of locating a motel within the city limits of Rogue River. This complex, as planned, called for the development of a motel unit, as well as a good quality restaurant and cocktail lounge facility, keyed not only to tourist traffic in this area but it was hoped it would help to round out the business community greatly. A complex such as this, it was estimated, would have employed as many as 15 people on a regular basis which, in itself, would have been a sizable contribution to the community.

One other phase of development which has been stymied by the lack of a sewer system is the development of an adequate mobile home park unit in and near this community. The cost of installing self-contained sewage disposal units apparently is prohibitive to the private developer attempting to develop a park of this nature. Estimates of the manpower needed to operate a facility of this type are difficult to make, however, I cannot help but feel that if a sizable park were developed, it would require the services of many people to continue adequate maintenance.

The multiple dwelling or apartment type development is very much a need in this area but again has been postponed due to this same critical situation. The construction and development of multiple dwelling units in this area as well as the continued maintenance of same naturally would contribute to the over-all economy as well as provide work for additional people.

I have cited some of the frustrations that have occurred due to the lack of sewage disposal in the City of Rogue River and do not mean to overlook the fact that, in my estimation, we are probably now in a critical stage relative to over-saturation of affluence in this area. This alone serves as a deterrent to any man in business who is thinking of locating in this area and this phase of the problem should not be overlooked.

Again I want to thank you personally for the effort you have extended, and I am sure you will continue in this direction, and I will offer my services in any way possible to aid you in your efforts.

Sincerely,

GRANT APPLETON,
Broker.

ROGUE RIVER, OREG.,
March 27, 1970.

Mr. WAYNE RICHARDS,
Community Action Center,
Rogue River, Oreg.

DEAR MR. RICHARDS: It is my understanding that you are requesting information from various individuals who had planned construction projects within the City of Rogue River but have been unable to because of the lack of a community sewer system.

As for myself—I had intended to construct a 4-unit apartment building or additional office complex to the rear of my present location, but cannot until such time as a sewer system is installed.

My father-in-law owns a lot adjacent to the bank and is presently considering a medical-dental ocmplex, but is holding off until such time as a sewer system is installed.

As a professional engineer, I have had to turn down numerous clients who were contemplating construction of apartments, motels, restaurants and commercial projects but again were thwarted because of the lack of sewers.

If you have any further questions, please call or write.

Sincerely,

BRYCE W. TOWNLEY.

ROGUE RIVER, OREG.,
April 2, 1970.

TO WHOM IT MAY CONCERN: The city of Rogue River has been in need of a sewer system for a very long time.

Because of the high percentage of elderly low income people within the city and the high property taxes to which they are already subjected, it is financially impossible for the residents of Rogue River to bond themselves for such a system.

Therefore Federal assistance is mandatory if this situation is to be corrected in the forseeable future.

Respectfully,

R. J. CAMDEN.

GOLD HILL, OREG.,
May 13, 1970.

The STUDY COMMITTEE FOR THE DEVELOPMENT OF A SEWER SYSTEM IN ROGUE RIVER,
Rogue River, Oreg.:

For ten years I have owned seventeen acres of undeveloped land located within the city limits of Rogue River. This property is ideally suited for and was originally purchased for housing and it has been and still is my desire to construct a one hundred unit condominium for the elderly there. This letter is to testify that this housing project has been held up for ten years due to the lack of a sewer system. My construction would begin when and if there is a sewer system built in Rogue River. I understand that because of the high percentage of elderly low-income people living within the city limits it is financially confiscatory and prohibitive for them to bond themselves for such a system. However in the event that a bond issue is passed it is easy to see the enormous amounts of additional taxes that would be available to help pay for the sewer from my investment alone. There is a very severe lack of adequate housing in this area which can be verified by the Jackson County Housing Authority.

In summary I would like to point out and emphasize that (1) Rogue River has needed a sewer for a very long time, (2) the lack of a sewer has adversely affected the availability of adequate housing, (3) the materials and labor for constructing the units would certainly boost the economy in this economically distressed area, (4) maintenance of the units would create jobs, (5) all of this is and has been for ten years contingent on a sewer system in Rogue River.

Sincerely yours,

E. F. BOLT.

HOME OWNER PURCHASING ENTERPRISES INC.,
Medford, Oreg., July 10, 1970.

Mr. WAYNE RICHARDS,
Medford, Oreg.

DEAR MR. RICHARDS: In regards to Home Owners Purchasing Enterprises, Inc. doing rehabilitation of homes in Rogue River. We find it not feasible to do because of no adequate sewer system.

Several families have asked our office to consider a certain house they wished to buy. F.H.A. is very stiff about issuing a 30 Year loan on a private sewer system and more so if same property is on private water system.

We earnestly hope your efforts will work out the problem for the citizens of Rogue River.

Sincerely,

MARY A. DUTTON,
Executive Director.

HOUSING AUTHORITY OF JACKSON COUNTY,
Medford, Oreg., May 26, 1970.

Mr. WAYNE RICHARDS,
Study Committee for the Development of a Sewer System in Rogue River, Medford, Oreg.

GENTLEMEN: With regards to the development of a sewer system in Rogue River it is the opinion of the undersigned that such a system is desperately needed in the Rogue River area.

We have all heard of the high pollution factor of the Rogue River that eminates from the immediate Rogue River area, but more importantly, the lack of an adequate sewage disposal system prevents any significant development in the area.

Our experience has indicated that it is extremely difficult, if not impossible, for the Housing Authority to obtain units in the Rogue River area. New development is stifled and existing units are not capable of economic rehabilitation or repair due to the fact that in the final analysis adequate sewage disposal is just not available in the majority of cases.

We wish to commend you on your efforts and it is our earnest hope that your committee will lead to the solution of the sewage disposal problem in Rogue River.

Very truly yours,

RALPH B. EATON,
Executive Director.

OREGON EMPLOYMENT DIVISION,
Medford, Oreg., July 9, 1970.

Mr. WAYNE RICHARDS,
Jackson County Community Action,
Medford, Oreg.

DEAR MR. RICHARDS: Pursuant to your request for some of the possible employment impact which the installation of sewerage system would have on the City of Rogue River, I submit the following possibilities:

1. Expansion of tourist oriented industries. Accepting the general consensus used in studying the impact of the recreation and vacation travel industry, there are 10 industries which contribute practically all of the seasonal swing between February and August. These 2 months have been established by study of travel data as the low and high months of tourist mileage. The 10 marked by seasonal industries were:

Industry:	*SIC code*
Eating and drinking places	581
Hotels, tourist courts, motels	701
Gasoline service stations	554
Sports, promotion, recreational services	794
Retail stores N.F.C	599
Motion picture theaters	783
Theatrical producers, etc	793
Rooming and boarding houses	702
Laundries	721
Trailer parks and camps	703

All of these industries appear to be below the expectation of such an excellent location on a river well adapted to recreational uses and its near proximity to a heavily used state park. It must be concluded that lack of development has been, at least partially, the lack of an adequate sewerage system.

It would seem reasonable that with the installation of an adequate system, that several motels, eating-drinking places, service centers, such as gas and laundries would add between 60 and 80 job opportunities.

2. Development of retirement condiminiums: The high liveability of the Rogue Valley is well accepted, yet there has been no announced permanent year-round jobs.

3. Health center could become a very worthwhile project for recuperative patients who need to remain in the area close to the special treatment facilities, such as the cobalt center, but who prefer to be in a smaller community.

Therefore, in summary, I would anticipate that a considerable number of jobs would result from the proposed sewerage system.

Respectfully submitted.

STEARNS CUSHING,
Labor Economist.

ROGUE RIVER LIONS CLUB,
Rogue River, Oreg., April 21, 1970.

To: The study committee for the development of a sewer system in Rogue River:

The Lions Club of Rogue River believe that a sewer system would greatly benefit the City of Rogue River and its people, while at the same time aiding in the elimination of the Rogue River waters pollution.

The downtown section of Rogue River City is comprised of many businesses which are sharing the few septic tanks available. These are operated to the maximum limit most of the time and thus restrict any new business use. The size required of a drain field prohibits any new septic tank installation because of the building density of the area. Therefore, the City's growth has stagnated. Resulting in no new revenue to offset the rising costs of operating the city with which the taxpayers are now being burdened.

With a sewer system there would also be a treatment plant which would process the waste and return it to the soil in a near pure state which would not contaminate the river and the city water system.

The Lion's Club considers the installation of a sewer system to be a great asset to the City of Rogue River.

Sincerely,

LELAND SOUTHERN,
Secretary.

ROGUE RIVER JAYCEES,
Rogue River, Oreg., April 16, 1970.

Hon. WARREN BROTHERTON,
Mayor, City of Rogue River,
Rogue River, Oreg.

DEAR MAYOR BROTHERTON AND MEMBERS OF THE CITY COUNCIL: The Rogue River Jaycees are very aware of the need for a sewer system in the City of Rogue River. We feel this is the time for a study of the problem and strongly urge the creation of a committee to study the development of a sewer system.

The entire county is aware of the pollution problem and the need to solve it. More federal funds are now available than ever before for projects such as this.

In order for the City of Rogue River to prosper and expand, a sewer system is needed so new homes, motels, small industries and other businesses can locate in the area. Once a sewer system is completed, it would be possible to extend the city limits.

In a short time there will be a sanitation problem with the use of septic tanks throughout the city, and the City of Rogue River should act now before the problem becomes acute and the State Board of Health demands a solution.

Very truly yours,

CLIFFORD E. BIGHAM,
President.

VALLEY OF THE ROGUE BANK,
Rogue River, Oreg., April 24, 1970.

STUDY COMMITTEE FOR DEVELOPMENT OF A SEWER SYSTEM FOR ROGUE RIVER,
Rogue River, Oreg.

GENTLEMEN: As your local banker, I was delighted to hear that you are making a determined effort in the direction of a sanitary sewage system for our City. You have my complete cooperation.

In the three years in which I have been involved in the community affairs, I can not think of a single item which would do more for the progress of the community than the subject at hand.

In the past we have had several inquiries concerning the possibility of a medium-sized motel, cafe combination. Interest dwindled rapidly when it was learned that there was no existing sewage disposal system.

The institution of an acceptable system, in my opinion, would bring into the community several small businesses which would create employment and enhance our local economy. The property which is now zoned commercial and is occupied by old "shanties" would be purchased very rapidly for immediate and future commercial building sites.

I know personally of several projects which are pending, and will be instituted when and if there is an established sewage system within the limits of our City.

Very truly yours,

CLYDE THOMPSON,
President.

ROGUE RIVER, OREG.,
May 7, 1970.

Mr. WAYNE RICHARDS,
Community Center,
Rogue River, Oreg.

DEAR MR. RICHARDS: I would like to take this opportunity to tell you that I am def-

initely in favor of the proposed sewer project in Rogue River. I believe that this would be a definite asset to every person living in the Rogue River area.

First, it would increase the resale value of city property. Second, it would be the foundation for future growth as far as business establishments and income enterprises. Third, it would be an attraction for new residences and city expansion which would benefit us all.

I hope that all of us in the Rogue River area will take pride in our community and vote in favor of the proposed sewer project. Let us remember what President John Kennedy once said, "It is not what our country can do for us but what we can do for our country."

Yours truly,

H. W. HAWKINS, D.O.

SEWER SYSTEM BOND ELECTION MAY BE HELD IN SEPTEMBER

ROGUE RIVER.—A bond election to see whether or not residents of Rogue River will approve financing for a city sewer system may be held early in September, according to Councilman Chester Willsey.

Willsey is Rogue River's commissioner of sanitation and he is chairman of the Sewer Study Committee that was appointed by the council in April.

Financing is something that must be approved before the community can apply for federal assistance, hopefully a grant to cover 50 per cent or more of the cost.

"The difficulty is," Willsey explains, "that we must hold the bond election for the full amount—and we are talking in terms of $350,000 to $400,000—before we can apply for the federal grant that will offset part of it. The committee hopes to include a stipulation in the election that will guarantee the people that nothing will be done, no money will be spent, unless we can receive at least a 50 per cent grant.

SOMETHING WE CAN HANDLE

"We want to call for a vote on the bond issue, but we want to make it plain that unless we can get the local cost down to around $175,000 to $200,000, something we can handle, we will not proceed."

As it is planned, the local share of the bond issue could be paid off through sewer construction fees, monthly service charges, and the levy assessed for the sewer lines as they run adjacent to each piece of property served. (This amount could be figured either on a property frontage foot basis or on a square foot basis.) Individual property owners would be responsible for the cost of the line joining their homes to the main system.

The county assessor has said there would be no increase in taxes because property in Rogue River is already assessed at a value allowing for septic tanks and the difference between reassessing it with a sewer system would be negligible, except in the case of vacant properties, Willsey said.

SYSTEM IS NEEDED

Most of Rogue River's citizens (population about 700) agree that a city sewer system is needed, Willsey said.

The community is now served by septic tanks, some of which don't perform adequately, and city wells. There have been complaints about the amount of chlorine necessary to keep the drinking water safe.

The problem is, how to keep the cost down on what is needed, and this is what the Sewer Study Committee is trying to work out. Meetings have been held weekly since April.

"We are trying to benefit as many as possible at the lowest cost," Willsey said.

Along with Willsey, members of the committee include Warren Brotherton, mayor; Bob Nelson, businessman; Bryce Townley, engineer; Mrs. Elizabeth Sheffield, businesswoman; Mrs. Anna Classik, librarian; Ed Bolt, landowner; and Wayne Richards, community development specialist with the Community Action Center. Dr. Henry Hunt represented the school district until he left to assume the superintendency in Winston-Dillard.

TENTATIVE MAPS

Two tentative maps have been drawn and the committee is compiling cost figures.

Ways of financing a bond issue to the best advantage, and the possibility of state assistance are things to be considered, "but we haven't quite reached that stage yet," he added.

A public meeting was held several weeks ago at the Live Oak Grange and there were many questions concerning the sewer system proposal. Willsey said the committee felt that 90 per cent of the approximately 50 persons present seemed to agree that if the plan outlined could be worked out, they would support it.

Saturday, June 13, Congressman John Dellenback met with the committee and interested persons and told them that Rogue River's chances for getting federal assistance were good, but that there are always many bids made for federal dollars. He said that as soon as the local move is made (approval of a bond issue) his office will assist. No time schedule was given, but each request must go through six or eight offices, he reminded.

NO MORE PERMITS

The Jackson County Health Department is issuing no more permits for dry wells (to supplement septic tank systems where needed) in Rogue River and will not issue septic tank permits until the soil has been thoroughly tested.

The community is growing—the high school is being enlarged—and there is more demand daily on diffusing soils, Willsey continued.

One property owner wants to develop a condominium for the elderly, but is being held up because there is no sewer system. There is a severe shortage of adequate housing in the community and the Housing Authority of Jackson County has permission to lease there, but there is difficulty in finding rentals that meet standards because of the sewage problem.

Willsey explained that if Rogue River can't arrive at a way to solve its problem through careful, intelligent planning, it may be forced to take action, and soon.

"We could be told that we must put in a sewer system—to work it out the best way we can," he said. "The committee feels this would not allow us the opportunity to take into consideration the most economical use of the dollar."

HEALTH SERVICES AND MOUNTING COSTS

Mr. HARRIS. Mr. President, on July 8, 1970, I held an important public hearing in Tulsa, Okla., on the subject of the delivery of health services and mounting medical costs. The testimony I received at that time was thoughtful and worthwhile, and I believe that Senators and relevant committees can benefit from a consideration of it. Accordingly, I ask unanimous consent that the second additional portion of that testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

PUBLIC HEARING ON HEALTH DELIVERY AND COSTS, TULSA, OKLA., JULY 21, 1970—II

Senator HARRIS. Thank you, Jack. Like you, I believe that our system can and will work if we get together, and that's the basic idea of this hearing. I appreciate very much what you've had to say.

Arthur Berkey is Area Director of the United Steelworkers of America. Arthur, we're glad you're here, and we'd be pleased to hear from you at this time.

TESTIMONY OF MR. ARTHUR BERKEY, AREA DIRECTOR FOR THE UNITED STEELWORKERS OF AMERICA, AFL–CIO–CLC, TULSA, OKLA.

I'm real privileged to present some of our viewpoints on this most important field.

I am Arthur K. Berkey, Area Director for the United Steelworkers of America, AFL–CIO–CLC; our Oklahoma Staff Office is at 124 So. Denver, Tulsa, Oklahoma 74103.

At present, we have approximately 5,500 members employed in 25 companies, covered by 19 Local Unions. One group is covered by a national contract. The others, although in some instances a branch of a national company, are covered by separate contract agreements. All provide for some method of life, medical and hospital coverage. Some are jointly financed by employees and employer though the majority are 100% financed by the employer as a part of fringe benefits negotiated into our contracts.

Workers are located principally in N.E. Oklahoma. The general area is Tulsa, Oklahoma City, Enid-Ponca City area and until recently in the Henryetta, Okmulgee area, not now in existence due to the closing of the Eagle-Picher Company Zinc Smelter at that location.

Inasmuch as we have had considerable experience in a wide-range of the State and due to the detailed involvement of negotiations for medical and hospital benefits, our members are concerned about the increased cost of benefits, which continues to climb at an alarming rate.

We have a wide range of programs, some are basic providing for as low as $12 to $15 per day for hospital benefits and $200 surgical schedules, on up through the Armco Steel (basic National Steel Agreement) providing for 100% coverage for daily room benefits and surgical fees on a customary and regular fee basis.

The majority of underwriters is Blue Cross-Blue Shield. The remainder are nationally-known insurance carriers, such as Metropolitan, Equitable Life and so forth.

Within the past few years, the cost of continuation of existing plans has been so inflated as to make it impossible to absorb this cost within the amounts we feel the employer can justifiably pay. Normally one would think that a wage earner in the $2.50 to $4.50 bracket should not find difficulty in meeting normal health and surgical cost, but this is not so. We daily receive reports of charges above the allowed cost of a plan negotiated a year or two ago, that was at the time of negotiations providing nearly 100% coverage. Now the individual is billed for upwards of 50% more than a similar sickness or operation cost two years ago.

The carriers, especially Blue Cross-Blue Shield, have been helpful in reviewing single cases on our behalf due to the availability of records that are not normally available to either the employee or his union representative.

We recognize that medical costs have risen due to necessary improvements and normal wage adjustments but we feel that the degree of increases is not justifiable and even if it were justified, medical services and hospital benefits are priced beyond the ability of the wage earner to afford. From members of our members families, we have reports that parents and relations who have

been retired cannot afford even the meager base necessities of proper medical care. From the experience we have had with our own members retirement, where a continuation of medical and hospital benefits were not provided in the pension plan, many have been unable to provide for such care out of S.S. and pension income. Medicare and medicaid have assisted this group.

I have attached a copy of the rates charged per day within various communities in Oklahoma that was recently published in the Tulsa newspaper, showing the wide range of per day cost by hospitals. We feel that certainly there will be some difference between any similar operating facility but we seriously question the justification in such a wide range. Surely it is not basic wages paid for services since these now come under minimum wage provisions of the Fair Labor Standards Act. And we do not find this degree of variance in wage rates in comparative operating properties that we have under contracts within the State.

I would point out within this Article in response to the question, "Why the disparity?" The best one official could come up with, "I guess they figure Tulsa can afford it."

But Senator, even if Tulsa could afford it, which we raise question, there are thousands of Oklahomans and millions of Americans that cannot afford to become sick or undergo a badly needed operation. We have some suggestions to offer:

1. We believe the whole area of medical and hospital services should be investigated with Congressional and Senatorial Committees for the purpose of seeking ways and means of improving services to the general public. This naturally must be a long range and continued program.

2. Immediate legislation should be passed providing for a fair pricing of medical services and hospitalization benefits, based on an in-depth study of fees charged by doctors and hospitals.

3. Expansion of medicare or a program of national health care to provide a cushion for cases where the individual cannot himself provide for needed medical care.

4. Investigation of high cost medical and hospital services in areas such as Tulsa to determine if such costs are justifiable or as the newspaper article would indicate, "because Tulsa can afford it."

5. Committees such as this to request assistance by all national carriers of hospital and medical insurance programs to make available its records revealing the number of cases referred to hospitals by doctors and the range of fees charged by both doctors and hospitals for similar services.

6. Some immediate relief be granted through tax allowances for excessive medical and hospital cost.

7. Enactment of re-insurance or an overall national health insurance program to pay for excessive cost for long term and intensive care medical and hospital services.

The average wage earner is seriously concerned with this additional cost burden especially in fact of other inflated costs, increasing unemployment or underemployment. He found it difficult with a full pay check and a part of the medical cost provided through employer and employee pre-paid plans, but now it is all but impossible for him to continue to meet this cost.

We're saying here, Senator, that we've simply arrived at a point where it is not fair or justifiable to continue to pass this excessive cost on to the employer.

Thank you for this opportunity to appear on behalf of our members of the United Steelworkers of America but more important, on behalf of those thousands of wage earners in Oklahoma who do not have union representation but must look towards you and your Committee for assistance in this great need.

I brought with me a copy of a plan that we have in existence here in the Tulsa area to give you an example of these increases in cost. This plan went into effect—it is a standard Blue Cross-Blue Shield plan—in December 1967. At that time we made a detailed, in-depth study of the hospital charges and the cost of medical service in the Tulsa area. It cost the individual employee $8.30 a month; for an employee with a family it cost $9.10.

We have had two increases; we're now confronted with a third. With the addition of that third, those costs will now be—I remind you, Senator, that this is since December 1967—it would cost to pay for the single person, $15.20; for the family group, $34.40. You can see here how that's a doubling. This is going up now at an annual rate of 15.8%, or it will double in approximately 5¾ years. We talk about the concern about the population explosion—we're doubling hospital costs about ten times the rate we're doubling the population. So, we should have some concern there. I want to say this on behalf of this particular carrier which is Blue Cross-Blue Shield: of the total costs in this period, of $13,892.30, they paid back $11,629.27. But the employees, in addition to the costs of buying the insurance, paid out an additional $3,381.55. So we continue to see great resistance on the part of our membership to continuation of hospitalization programs and plans. Anytime we can be of further service to you, we'll be privileged to come and appear.

Senator HARRIS. Thank you Arthur for a very comprehensive and very useful statement.

I'd like to call, now, on the President-elect of the Tulsa County Medical Society, Dr. C. S. Lewis. Dr. Lewis, we appreciate very much your coming here, and we will be pleased to hear from you at this time.

TESTIMONY OF C. S. LEWIS, JR., M. D., PRESIDENT-ELECT OF THE TULSA COUNTY MEDICAL SOCIETY

Thank you, sir. Senator Harris and friends.

We, in Tulsa, appreciate your time and interest in the problems of medical care for the people of the United States. We too are interested in these problems and are seeking ways of solving them. We appreciate this opportunity to visit with you, our senior senator, in regard to methods of handling health care problems of our country.

I am C. S. Lewis, Jr., M.D., President-Elect of the Tulsa County Medical Society. I am a Board Certified Internist and am engaged in the private practice of Internal Medicine in Tulsa. By way of credentials, I also serve on the Medical Advisory Committee of the Tulsa Area Health and Hospital Planning Council, am a member of the Clinical Faculty of the University of Oklahoma Medical School, and President-Elect of the Oklahoma Society of Internal Medicine. I serve the American Heart Association on state, regional, and national committees at present, and am a past member of the Board of Directors of that organization. I also serve as Chairman of the Joint Committee on Health Affairs of the United Presbyterian Church in the U.S.A. Among other duties, this policy-making committee has the responsibility for 56 mission hospitals in 23 developing countries around the world.

After discussion with appropriate committees of the Tulsa County Medical Society, we feel that the following statement of Richard S. Wilbur, M.D., Assistant Executive Vice-President of the AMA, reflects the feeling of the majority of physicians in this area, and I would like to read this statement at this time:

"I am not here simply to defend our present health care system. But we have heard so often and so vehemently about its problems, that I come here to set the record straight by praising it for the many outstanding strengths which it has. Frankly, I have heard enough from labor leaders, politicians, college teachers, newspaper columnists, television commentators and a few physicians, particularly the non-practicing ones, who berate the medical profession for many things over which it has no control, while ignoring all of the good things which we do every day.

I am still waiting for a government leader, a union president, or an editor to make a nationally covered speech about the millions and millions of people who were cured of disease, relieved of pain, or put back together after serious accidents last year and the year before, and the year before that.

All of these critics are fond of statistics. Fine, let them turn their computers to some of the positive facts. How many million successful operations were performed last year; how many million men returned to their jobs after being cured of some disease; how many million children went back to school after treatment; how many broken bones were set and healed perfectly; how many early cancers detected and cured; how many people who would have died 20 years ago were cured by advances in medicine pioneered in this country?

These figures have had no notice. Instead, the people who are looking for headlines and the people who are writing them look for something else entirely. They pick out the statistics for the most unfortunate people in the country—those who never had an education; those who have no jobs because they lack training or have not been able to get into union apprenticeship programs; or because industry has been automated beyond the need for unskilled, uneducated laborers.

They find people who live in unspeakable slums owned by absentee landlords who are under no legally enforced obligation to provide heat, running water, sanitation, paint, or pest-control. And then, they blame the medical profession and the system, or as they call it "non-system", of medical and health care for the fact that these unhappy, unfortunate, neglected people are not healthy.

They quote the statistics of infant mortality in these areas and imply that it is the fault of the medical care system that the mortality rates are high. They do not quote any rates for infant mortality among those christian scientists who live in the relatively well-to-do middle class areas with good housing, with good plumbing, with good nutrition, and with a good education, but without medical care of any type.

The critics also abandon all logic in seeking reasons for criticism. They point to physicians who move to suburbs instead of staying in the slums as though they were criminals—ignoring the fact that millions of people who live in the suburbs also need medical attention—and then, as the crowning blow of all, when they find those hundreds of physicians who have remained behind in the slums to devote all or a major part of their practices to caring for the poor, they do not congratulate them. They point the finger of scorn and accuse them of profiteering by accepting payment for the care they had rendered under Medicaid.

Although the medical profession pointed out the multiple deficiencies of this program, the very people who urged it on Congress are doing the complaining and are accusing the slum area physicians of graft and corruption for accepting payments from programs which they never sought.

The medical profession is more intimately involved in the problems of giving good medical care than is anyone else. But friends and critics alike must realize as we do that the problems are not caused solely by today's medical care system. Ignorance, unemployment, poverty, and aging are not medical problems alone.

They are social and economic as well. Although we in the medical profession try to do all we can as good citizens to alleviate

them, they are not solely or even chiefly our responsibility and no tinkering with the health care system will remove them.

While there are these many problems which are not purely medical, there are others which just as clearly do lie within our province, and we are working upon them. In the field of health manpower, we have joined with the Student American Medical Association and the American Association of Medical Colleges in a statement to Congress advocating increased support to medical students. We are encouraging innovation in improving the medical school curriculum and in more rapidly training physicians to make them productive in a shorter time. We are trying to find ways to attract more young people from minority groups into medicine and the allied health fields.

We are seeking innovations and new efficencies in medical and health care delivery to take care of more patients. The use of computers, automated multiphasic health testing facilities and even efficiencies in the way each of us practices in his office. We are seeking better ways of financing care, both for those who can afford private insurance and for those who need government help.

The AMA was the first organization to present a plan for national health insurance to Congress. We are deeply concerned with planning and coordination of health care delivery while avoiding the pitfalls of a rigid system such as our ill-fated postal system. We are doing all this while attempting to preserve that which is good in our present methods of delivery, such as the individual care by which a patient has the same personal physician at home, in the office, and in the hospital—which is unlike the usual European arrangement We are working hard through our accreditation committees to continue the high level of quality of our physicians who continue to compare more than favorably with the average foreign medical graduate.

We cannot do the whole job of improving the nation alone. We cannot alone overcome ignorance. It will take the nation's entire educational system to do that. We cannot overcome unemployment; it will take the employers and the unions of the nation to do that. We cannot provide the decent housing, efficient plumbing regular garbage pickup, or transportation for whole communities and neighborhoods, which is so desperately needed. This will take city, state and federal government plus all the citizens who are involved.

What we can do is to continue all of the things we have mentioned above. We can continue to give a high level of care to the vast majority of the people of our nation. We can, continue the world's greatest scientific advancement, unsurpassed anywhere. We can, and we must continue giving the kind of high quality care we have always given to all of the people who can be reached or who come to us for help. We can continue and increase our efforts to develop more health manpower and to expand facilities so that more people can be reached more easily and more effectively. We can also be proud of what medicine has accomplished. If we are not willing to speak of our past successes, why shouldn't the press, the Congress and the people believe the extreme statements of our detractors—that everything must be changed—abruptly and drastically."

That ends the formal statement of Dr. Wilbur.

There are four main points that we would like to emphasize at this particular time: First, most people agree, I believe, that the medically indigent segment of our society should be cared for by tax dollars collected on a broad base. It is quite important, however, to point out that one of the major problems for our hospitals at present is the failure of government programs, county, state, and federal, to bear their full share of the cost. It seems only right and fair that those persons covered under government programs should have their hospital bill paid in full, rather than being paid only in part and transferring therefor the rest of the cost to the non-indigent sick middle Americans in the communities and to their insurance carriers.

Secondly, the area of health manpower is a critical area that needs very significant support at present. Medical schools need funds for expansion in order to train more medical and paramedical students. The medical and paramedical students need help in many instances, in the form of scholarships, grants-in-aid, and so on. No system of financing health care can possibly get the job done if we do not have the medical manpower, trained and available, to do the job.

Thirdly, greater emphasis, rather than retrenchment, in the field of support of medical research seems to us to be of high priority. It is certainly true that new methods of treatment and new cures are useful only when applied to the patient who needs help. It is equally true, however, that those patients with diseases such as certain forms of heart disease, cancer, stroke, and others, for which definitive cures are not available, will not be cured until significant advances are made and new knowledge obtained through medical research. Failure to pursue our potential in research will, in my opinion, fail to carry out our obligation to our children and grandchildren for many years to come.

Finally, I feel that multiple systems of health care will be needed to meet all the various challenges and problems in our country. Health care problems are somewhat similar to the farm problems in that they are different from one region to another, and a program that works well in rural Oklahoma very likely will not fit ghetto areas of New York. Some programs such as the OEO programs with adequate health education and motivation activities are essential in deprived areas, even though they are exceedingly costly programs. We have only begun to scratch the surface in experimentation with new means of delivery of health care, and further pilot studies are essential before we can hope to pick out the best system. Again, it seems unlikely that a single system would be able to satisfy the needs of all areas of our country.

Thank you very much for this opportunity to appear at this hearing.

Senator HARRIS. Thank you very much for a very useful statement. I appreciate your coming here to give it. You make an extremely good point when you say that one basic barrier to good health is lack of income. That's a point that I've also tried to make over and over and is the reason for my particular interest in income maintenance, jobs and training, education, minimum wages, and so forth. I appreciate that point being made, and I appreciate the other suggestions that you have made. Thank you very much.

Robert Bickel is District Director of OCAW International Union. Robert, we're grateful you're here and we'll be pleased to hear from you.

TESTIMONY OF MR. ROBERT BICKEL, DISTRICT DIRECTOR, OIL CHEMICAL AND ATOMIC WORKERS INTERNATIONAL UNION, TULSA, OKLA.

Thank you, Senator. I want to emphasize one point that the Doctor made regarding the lack of people training to become doctors in this country. At present we have some one physician for each 3,100 individuals—a family physician for each 3,100 individuals in the United States. This is grossly inadequate. No doctor can take care of that many people.

I am District Director for the Oil, Chemical and Atomic Workers International Union. The District of which I am Director is composed of the States of Oklahoma, Kansas, Missouri and Arkansas.

My office has been here in Tulsa for the past eight years and I am most familiar with the problems concerning health care here in Oklahoma. However, in assisting with negotiations of labor agreements throughout the District, I am aware of the problems faced by the members of our Union in the four-State area.

Only a few years ago—in 1965, I had both my wife and my daughter in one of our leading hospitals in Tulsa. At that time the charge for a semi-private room was $17.00 per day. Today that same room is $47.11, an increase of some 280%. In the other hospitals here the increases have been the same. In other cities in this District—St. Louis, Kansas City, Wichita and Oklahoma City, the story is the same but in some cases, the prices are substantially higher. In some cases when patients are in intensive care units, a cost of $100 per day is not unheard of.

Again going back to my own personal experiences, several months ago I had my annual checkup in my Doctor's office, it included a chest X-ray and a cardiogram. I was in his office about 45 minutes. The bill was a little over $100. I was pretty unhappy about it and checked to see what that same Doctor charged me before. My last physical was done in 1968 and the cost for the same examinations was $57.00.

Now, while I didn't like what happened to me, there are many, many people in this area who just simply are not getting proper medical care. To nearly a third of our population, good comprehensive medical care is not available—for some because of the price and for some because it just isn't available. I believe that no one will dispute that a large segment of those living on the North side of Tulsa are not adequately cared for.

In my work we negotiate health care programs—insurance—for members in our Union. In the oil industry we do have some good hospital-medical insurance plans but here in nearly all cases, the Company pays around $15,000 per month of the cost while the employee pays the balance—often between $20 and $30 per month. Most of our contracts expire every two years and we just haven't been able to keep up with the increases.

Many of the members of our Union live in small towns in the "Oil Patch." Many of these members cannot obtain satisfactory medical help because it simply isn't available. In many cases there isn't even a doctor in the town. I know some of you doctors sitting here have heard about the cry of oilmen trying to get a doctor out there. They have the facilities and clinic for him to work in but they haven't found a doctor, or they hadn't the last time I heard. And this is prevalent where many, many members of our union work. Again, regarding the Doctor's point about training people in the medical profession—I think we need government help in this. I know we're getting some already but not nearly enough.

It's our firm conviction, Senator, that the only answer to the overall problem is a national health insurance program financed through taxing of workers and the people who will receive the benefits, together with their employers. I will tell you that at the bargaining table we have met real resistance from the employers when we try to improve our medical plans. Many of these plans, as Mr. Berkey pointed out, cover only a small part—in some cases cover only a part—of the total medical expense incurred when one of our members is sick. We will try this Fall to offer to the oil industry a comprehensive plan that will cover all of the normal and usual costs of an illness.

I want to tell you that the cost of such a plan now is around $44 a month. That plan only a few years ago, where we had those comprehensive plans, cost around $20 a month. We'll be talking to the oil industry this Fall when we go into negotiations on

new contracts about something around twenty cents an hour for the hospitalization benefits, medical benefits, in addition to the amount of wage increase. And at the bargaining table you're talking about pennies; every single penny counts at the bargaining table. And here because of the substantial increase in these services we'll be bargaining for a pretty substantial increase in medical costs to the companies because of the substantial increase in those costs. I thank you for the opportunity to be here Senator. I have a list of the semi-private costs in all of the hospitals in the Tulsa area which I'll submit with my testimony.

Hospital:	ASP Charges [1]	MSP Charges [2]
Children's Medical Center	$40.00	$40.00
Doctors Hospital	41.30	44.95
Hillcrest Medical Center	40.00	44.75
Oklahoma Osteopathic Hospital	43.17	44.00
St. Francis Hospital	47.11	47.50
St. John's Hospital	43.88	46.00

[1] Average semi-private.
[2] Maximum semi-private.

Senator HARRIS. Robert, thank you very much. Your statement on behalf of the Oil, Chemical and Atomic Workers has been very helpful to us.

Henry Likes who is President of the State AFL–CIO is here. Henry, we appreciate your coming and we'll be very pleased to hear your statement.

TESTIMONY OF MR. HENRY LIKES, PRESIDENT, OKLAHOMA STATE AFL–CIO

Thank you, Senator. I appreciate the opportunity to appear here. Ladies and gentlemen. We're concerned in the seventies—we were concerned in the sixties—about health care. The problem is compounded now in the seventies and I think something should be done. We made a stab in the sixties and the question of health for our members and their families is something the labor movement has been concerned with for a long time.

We are not doctors and we don't pretend to be. We are perfectly willing to leave the treatment of illness to the members of the medical profession. That's their business—that's what they are trained to do. While medical treatment is the doctor's business, the health of Americans is the Nation's business—and more specifically, the health of workers is a major concern of the trade union movement. We are mainly interested in three things: *To prevent unnecessary illness; to have the best treatment for workers and their families* (and for all Americans for that matter)—when they are sick so that they will recover quickly and completely; *to keep the cost of medical care at a reasonable level* so that people are not denied needed care simply because they cannot afford it.

You will often hear it said that the United States has the best medical care in the world. Well, *we ought to have the best because we are paying the most for it.* We are now paying more than $60 billion a year for health care. This is, of course, a lot of money.

Let's see how our health record compares with other countries. There are certain figures that are usually cited to make this comparison and frankly, we don't look too good. In infant mortality the United States ranked sixth in the world in 1950; by 1960, we had fallen to 11th and according to the latest figures, we have dropped to 18th. From 1959 to 1965 we dropped from 13th to 22nd place in life expectancy for males. Women did a little better; their life expectancy compared with other countries dropped from 7th to 10th place.

So, compared with other countries, our record is getting worse instead of better. Yet we are devoting to health care more money and a larger proportion of our resources than any other country. This is something that bothers us in the AFL–CIO. We don't like the idea of paying a tremendous amount of money for less than adequate health care.

When union people have a problem, they try to deal with it through collective bargaining. For 20 years or more now, we have been trying to meet the health and care need of our members through negotiated health care and welfare plans. Some unions have done very well, but many have not.

In fact, many unions have found that they have been on a sort of treadmill. Most of you know only too well what has been happening. Just as fast as we could negotiate money to provide more and better health services for our members, the doctors raised their fees and the hospitals boosted their charges. This means that our members were still paying after we had negotiated for more health care funds, just as much or even more out of their own pockets as they had before. A survey of Local Unions in our own area indicates the following: An increase of $9.58 per month from December, 1967 to December, 1969; increase in one Local each year without any increase in coverage; one Local reports no increase in rates but coverage is reduced; another Local has been advised of an increase in rates, but no definite amount as yet; one Organization reported an increase of $27.40 per month and found it necessary to cancel their coverage; another, no increase in rates, but less coverage.

People covered by health programs have experienced drastic reductions in coverage or increase of cost of present coverage and some have suffered both.

Our members have been priced out of the medical care market by the sky-high ever-mounting charges of doctors, hospitals and other providers of medical care. Medical costs have been going up faster than any other item in the Consumers Price Index. You all know that the cost of a visit to a doctor has doubled and even tripled in many cases, in the past few years. Hospital care is the most expensive medical care. That's why it costs a lot less money to prevent illness or to treat it before it becomes serious than to have to cure the patient after he gets into a hospital. Hospital charges have been rising so fast it's hard to keep track of them. Daily hospital rates have been soaring at 15% or more a year. According to the American Hospital Association, which certainly ought to know, hospital charges will soon average $100 a day. They are already at that figure in some of the better hospitals in large metropolitan areas.

Hospital bills are now largely paid by so-called "third party"—private organizations such as insurance companies, government programs such as Medicare and Medicaid. These third party organizations generally pay the hospitals on the cost-plus basis that we remember from WW II. The hospitals figure out what their costs are and then they are paid something over that. You can see that under this cost-plus system, the hospitals haven't the slightest incentive to increase their efficiency or to hold down their costs.

Most doctors are paid on another basis which isn't good from the consumer's viewpoint. This is the fee-for-service system. Under this system, the doctor gets a certain amount for every office visit or other type of treatment. This is a piece-rate system in which the doctor determines the number of pieces of service as well as the price per piece.

Now, we have no objection to people making a decent income—doctors or anyone else. This is the very purpose of the labor movement to try to obtain decent incomes for as many people as possible. So, we think that doctors deserve to get an adequate income. But, we think there is something indecent about a small group of people making a lot of money out of the misery of other people. The escalation of medical costs is depriving millions of Americans of the health care they need.

There is an answer—National Health Insurance, a program that would provide health care for every American. This program would provide preventive services, all types of physicians' services, hospital and nursing home care, home health service, rehabilitation—in fact, complete health care. It would be financed like Social Security, on social insurance principles but with a government contribution, as we are now advocating for Social Security. Since we think that every American is entitled to decent health care, the poor should be exempt from any payment but should be eligible for the same services as anyone else. The AFL–CIO is convinced that with National Health Insurance, Americans would have the best health care in the world. The American people deserves no less.

National Health Care is not a new idea. It was once endorsed by the American Medical Association, although that was retracted in 1920. It is not an extension of such programs as medicare or medicaid, since they are designed for particular groups. Coverage under National Health Insurance would be universal bringing the same benefits to rich and poor, to unemployed and employed. It is not designed to abolish the private practice of medicine.

The AFL–CIO plan for National Health Insurance is intentionally flexible; What is suggested is that the present 'non-system' has got to be coordinated into a rational plan. We have reached the point that two of every three doctors today are specialists of some type due to the inability of doctors in solo practice to keep up with the constantly expanding medical knowledge which demands more specialization.

The profiteering by the providers of medical care has had its worst effects in Medicare and Medicaid. Labor fought hard for the establishment of these two programs—to provide needed medical care to people who cannot afford to pay for it themselves. Some doctors and other health practitioners have pounced on these programs as if they had been legislated as get-rich-quick schemes for the medical profession—and instead of controls being placed on fees and charges paid under these programs, the burden has fallen on the disadvantaged people the programs were supposed to help.

Senator, we appreciate the opportunity to appear here. We hope if we can be of any further assistance on this particular problem the AFL–CIO, both home and national, is ready and willing to work with any group. We realize this is a very serious problem throughout our nation.

Senator HARRIS. Thank you, Henry. You certainly have as an organization made a contribution here this morning.

Is Mr. Lowell Quillman here? I'd like to have the record show that you're here, Lowell, representing the United Auto Workers. I understand that Mr. George Dowler of the United Auto Workers had to leave, and I do appreciate your staying on and being here.

Senator HARRIS. State Representative Wiley Sparkman is Chairman of the Legislative Council Committee on Health and Welfare. Is there anything you want to say at this time?

State Representative SPARKMAN. I appreciate it very much. It's almost lunch time and I will be very brief. Let me address myself to H.R. 17550, Section 225, of which we have informed the Congressional delegation, both Senators and the entire delegation, and, of course, your committee.

Let me say this to the public because it hasn't had very much say. For your information Section 225 stops, after 90 days, a third of the pay in the nursing homes. For your information, in this state we have 17,000

people in the nursing homes at this time and 4,500 of them have been taken out of your mental health institutions. We're not criticizing the Congress for voting for it because I know when you get driven up in one of those cracks you have to vote for it. (Laughter). The paper took it lightly. They talk about the 5 percent social security raise. Now we're depending on the Senator here, and I know if he can do it he's going to take it out.

Let me tell you people something; when we put those people in the nursing home we get one dollar of state money and we get two of federal to keep them in there. The day that we take that 4,500 out of there you're coming straight down the line with your dollar to take care of them. And we don't have the institutions in the state of Oklahoma for your benefit. They're crowded now. We have one of the best all around programs and welfare programs to take care of the old people and the senile of any state in the Union. I've been looking at it a little myself. I'll tell you what we have in our sister states over here. Walk over there and walk in their mental institutions. You talk about filth and squalor and people who are living in bad conditions. Come to Oklahoma and look. You're doing a good job of it. Now I had about all I can take of that welfare in six or eight years that I want and I care for because the fiscal policy of this nation is based on the welfare program. We have twelve institutions in this state under the program. We're taking one dollar of the state and two of the federal and putting it all in. We've got back $164 million of federal money in the last fiscal year to support it. Take Hissom Home out here. I helped institute Hissom Home and I voted to bring it to Tulsa. It's one of the greatest things and I'm proud of it.

Stand up and be for something. The man who is whispering to do something about the welfare program—he doesn't know what the hell he is talking about. That's just exactly right. I've worked in it 18 years down there and Mr. Rader and I have worked together. Get down on your knees and thank that you have a man with his ability to handle the thing. And Senator I know you're going to take it out because there are 4,500 that I know who will be pitched right back out. The nursing homes can't take care of them. They won't have the money; they can't pay them; and they will be right back in your lap.

It's a pleasure to be with you. I know everybody else will lean on these other things—the hospitals, the doctors, and everything else. And I wanted to address myself to this. I represent the House on the Advisory Committee of the Welfare Department and we meet tomorrow. This is serious because it is serious money. We want to use our money the way we want to use it.

Senator HARRIS. Wiley Sparkman has spoken of a provision in the Social Security bill that would reduce the federal contribution in regard to nursing homes. They didn't get a chance in the House to vote on that section. They had to vote either for or against the whole bill, which includes several other things, needed things, such as a benefits increase. Fortunately, we, in committee and in the Senate, will have a chance to separate those issues. We're going to knock out that provision, I think. I hope we will. I'm going to try to do that myself in the Senate Finance Committee. I believe that we'll do it because, as Wiley made so very clear, either we're going to put a lot of old persons out of nursing homes with no other place to go, or else the terribly overburdened states are going to have to come up somehow with the extra money. And, then, we have another problem that Wiley mentioned and that I have discussed at some length with Dr. Hayden Donahue. That is the excellent job we have done with our mental institutions in this state. A lot of people were in mental institutions way back before we knew a lot of things we know about today, particularly with the improvement in new drugs and chemicals. They, primarily, need custodial care which is being given in nursing homes, and those people, if the provision is passed as it was in the House, will have to go back into the mental institutions. Somehow, the state will have to come up with that extra money, here and around the country. So, I am very hopeful that we will knock that provision out of that bill, passed by the House. I appreciate what Wiley said here, and I think it is a very important point to be made in these hearings.

Dr. A. B. Colyar, Commissioner of the Oklahoma Department of Health, is here. We'd be pleased to hear from you now. Dr. Colyar was very helpful when we overrode the President's veto of the extended Hill-Burton program which Reid Hutchens mentioned earlier here today.

TESTIMONY OF A. B. COLYAR, M.D., COMMISSIONER, OKLAHOMA DEPARTMENT OF HEALTH

The State Health Department is, to put this in context, part of the state health system comprised of the central department and some sixty of the local health departments, which provide nursing services, sanitation and environmental services, and so forth. Our particular concern with health care has to do with preventive services primarily; and with helping to assist local communities in providing a healthful environment, eliminating environmental hazards to health. But more specifically, as concerns health services or medical services, we're concerned because of two or three things. One, we are the agency in the state which administers the Hill-Burton program—construction of hospitals, health centers, rehabilitation centers, nursing homes, and we have been for the last twenty-some years. Also the Department administers by contract with the Social Security Administration the Medicare program for Oklahoma. We have to do with the standards, certification, and so forth of the providers—that is, hospitals, nursing homes, rehabilitation services, and extended care facilities. More recently we have arranged with the Department of Welfare at their request by contract to provide certain services that have to do with the certification of facilities and providers of services under Title 19. So we're involved, therefore, in Title 18 and Title 19 with regard to facilities primarily but also very significantly with the services provided through facilities as contrasted to services provided out of physicians' offices.

We're concerned as you all are about increasing costs. I think an interesting statistic is that in Oklahoma we receive federal funds equivalent to 44% of our Gross State Product—if you can compare the Gross State Product with the Gross National Product—we receive 44% of that in federal funds. That is a very significant thing. So whatever the federal government does about its allocation of federal funds is extremely important for Oklahoma and has a great impact in Oklahoma.

We are concerned about ways to finance medical care. Despite the good intentions of those who passed Medicare and Medicaid, we find that certain groups still cannot afford the medical care they need. The low-income family with the husband in the home—making perhaps $2,800 a year—cannot get help from Medicaid. The uneducated find it hard to understand these programs. The poor, the Black, and the Indian still find prejudice and discrimination. And finally, even the middle-income, white American is finding himself pinched by the pressures, the long waits, the inconveniences, and the high costs of getting medical care.

Medicare and Medicaid have contributed greatly to the inflation in medical costs of the past few years. These programs simply prove that putting extra money into a system will not necessarily buy services, but it certainly will buy inflation.

Federal money will not buy a hospital bed if there is no hospital in town. Federal money will not buy a visit to the doctor if there is no doctor available. Federal money will not buy a quick visit to the Emergency Room if the Emergency Room is so crowded that you cannot get in. Federal money will not solve our health problems if it is poured down the same pipeline that has fueled the inflationary fires of the past five years.

In short, money will not guarantee that the people will receive services. Federal financing—whatever method is adopted—should not be seen as an end in itself.

Federal financing should be used as a *lever* to effect desirable changes in the quality, quantity, and method of delivery of health care. Such financing could be used to reduce the rural-to-urban migration, to encourage regionalization of health care programs, to stimulate the development of group practice, and to develop cooperation with and participation in comprehensive health planning.

It has been aptly said that, in health, the Federal Government has all the money, the State has all the authority (through its licensing of doctors, health facilities, and insurance companies)—and the local people have all the problems! I would like to use the Hill-Burton Health Facility Construction Program as an example of how we have been able to help the local people solve some of their problems.

Hill-Burton, as one of the Federal Government's first major programs to improve health services, has done a thorough job in providing facilities within the reach of most people. After twenty-three years, very few Oklahomans are more than thirty minutes away from a hospital or health center. Yet the demand for more facilities and more modern facilities is greater than ever. In Oklahoma alone, assistance has been requested in projects whose total construction cost will exceed $100 million.

For the most part, construction assistance has been requested for projects which will be merely a continuation of existing methods for delivering health care. But now, with the passage of the 1970 Hill-Burton Amendments, priorities and finances have been reordered to provide incentives for innovative development of systematic delivery of health care.

To be effective, health care delivery systems must be responsive and relevant to the continuing health needs of the people, rather than to only their episodic medical needs. The maintenance of health and disease prevention should be the primary focus, rather than treatment and management of disease processes.

The system should be so structured as to provide access to quality health care for all persons, regardless of their economic status, geographic location, or other variables. This is not to imply that every city, town, or hamlet should have a hospital. It does imply, however, the recognition of the complete health needs of all persons within any given area and the provision of rational methods to serve those needs.

The new Hill-Burton Program contains provisions emphasizing the importance of comprehensive health care. Applicants will be required to provide or participate in a planned continuum of care. Out-patient services are emphasized, as are improved emergency care, convalescent services, and rehabilitation. The development of State plans for health facility construction will be based on services, rather than hospital beds. In short, the new law provides the authority for assistance in meeting the changing needs of our society. To carry out the challenge and the charge, the program must be financed adequately.

The new law encourages us to meet our health needs by developing an organized sys-

tem of *services*, rather than through building facilities. At present, in Oklahoma we have 154 licensed hospitals. Of these, only about thirty have more than 100 beds. More than sixty hospitals have less than fifty beds. Many of these small hospitals across the State will gradually falter and die because they will not be able to attract the doctors, nurses, and other medical staff that they need.

Our major hospitals need to develop cooperative agreements with these smaller hospitals. Several small hospitals could serve as primary field stations or satellites of a major hospital. These small hospitals would continue to serve as institutions that are sensitive to community needs, while increasing the services available to those who desire and need them. These would provide opportunities for exchange of staff, continuing education, and a strengthening of the small hospital with relief of the crowding at the large hospital.

The development of hospital facilities is only one of the problems we face in Oklahoma. Many of our problems are similar to those that Senator Ribicoff found nationally two years ago, in his hearings on "Health Care in America." I would like to outline briefly some of our major problems. Parenthetically, I will point out that not one of these problems would be solved by a program of National Health Insurance.

1. For many people, there is no M.D. available when they need one. Many of our more rural counties have only one doctor per 2,000 or 3,000 people. These family physicians are growing older. Many are retiring or moving away—and they are not being replaced.

2. There is a maldistribution of the medical people we have. For instance, Oklahoma and Tulsa Counties have more doctors in proportion to the population than ninety-five per cent of the counties in the United States. But many other counties in Oklahoma have shortages of medical people. In other words, doctors seem to prefer the large cities even though those cities already have plenty of doctors.

3. Our present hospitals are crowded, and they are having problems financing new construction and modernization.

4. Our Emergency Rooms are crowded. After regular office hours, many patients come to the Emergency Rooms who would more appropriately be seen in a doctor's office.

5. We are not training enough doctors, nurses, and other medical people to meet our needs. This is one situation which could be improved by providing Federal funds directly to Medical Centers, but those funds are being cut back instead of being increased.

6. Some population groups have very few medical services available to them. These include people living in urban ghettoes, the rural poor, and minority groups. For instance, Indians in Oklahoma City may have to travel to Lawton for hospitalization, since last year the Indian Health Service eliminated contract medical services in the Oklahoma City area.

7. There is evidence of excessive use of inpatient hospital facilities for certain procedures, when these could well be handled in an out-patient facility if such facility were available and third-party payment could be authorized for such out-patient services.

8. Current programs do not emphasize prevention. It is far cheaper to prevent a medical problem than to try to care for it after it occurs. Similarly, it is cheaper to care for an illness in the early stage than in the late stage. Walter McNerney, of the National Office of the Blue Cross Association, has recently declared:

"If our society's concern were truly with health (that is, postponement of death and preservation of maximum function), we could achieve gains much more effectively than by pouring more money into the health-care system. We would develop as national goals, for example, the following: elimination of cigarette smoking or development of a nonhazardous substitute; development and promotion of foods low in sucrose and saturated animal fats and regulation of diet to keep body fat low; regular, vigorous physican-supervised exercise for all age groups; production of motor vehicles capable of withstanding 35 g or better decelerative forces; and better control of air pollution. Institution of these measures would surely decrease disability and death among adults. That we do not choose to pursue these achievable goals but continue to focus on health services, as presently given, suggests that this commitment is not based on logic and scientific knowledge but on complex psychosocial and economic needs and demands."

A strong and viable State Department of Health is essential in the development of programs of prevention.

9. We are not doing an acceptable job of communicating medical advances to private physicians. In many areas, physicians do not have the opportunity to discuss their problems with medical specialists. The University of Oklahoma has made an outstanding approach to this problem, but is restricted by the lack of funds to finance such a project.

10. Faulty and inadequate nutrition is widespread throughout our people, especially in vulnerable groups such as school children and the poor. Our present food and nutrition programs are not adequate to meet the need. One exception is the outstanding School Lunch Program we have in Oklahoma, but even this program is restricted by finances from doing the job that it is capable of doing.

11. The general public is not knowledgeable about health. Our schools need strengthened programs of health education, drug education, nutrition education, and family life education. Health departments need support for and assistance in developing adult and community education programs in these and related areas.

12. There is an inadequate use of physician assistants and other new professionals. Nationally, we are seeing an explosion of interest in developing additional people to assist the physician, but this has hardly touched us in Oklahoma.

13. Mental health services in Oklahoma, despite the extensive program of Public Health Guidance Centers, are still not sufficient to serve the needs of the State. Mental health is an integral part of health services and family care. Mental health does not consist of the alleviation of mental illness, the salvation of juvenile delinquents, or the counseling of unwed mothers, although it should include these services. Rather, mental health means creating a family environment so that these problems are less likely to arise. Mental health is a positive concept, not simply the absence of disease. Mental health means the integration of mental health into other health activities, the prevention of mental illness, the promotion of positive mental well-being, and the education of the public as to what constitutes mental health

4. We need to develop new programs to deliver health care at low cost. An example would be chronic disease screening. The Oklahoma State Department of Health has demonstrated that a patient can be checked for chronic disease through our screening for far less cost than in his own doctor's office. Oklahoma physicians have endorsed and supported this program across the State. Again, its operation is limited by available funds and the redirection of Federal priorities into other areas.

15. We lack an adequate health information system, particularly concerning the health status of the general population. The Oklahoma State Department of Health cooperated with the State Health Planning Agency in developing a preliminary survey, but this is only a start. One possibility would be to utilize the data we have from our chronic disease survey. This, plus additional data that could be collected by volunteers, could be fed into a computer bank. This would allow us to generate estimate of the arameters of health and disease in the State as a whole. It would, essentially, give us the population data necessary to devise a program of health maintenance.

These are essentially some of the problems we face in Oklahoma. The solutions are not simple. Support is needed for health programs (as opposed to "sickness" programs), for medical education, for health facility construction and modernization, and for attention to acute and chronic problems of certain groups.

Any program financed by the Government should encourage new methods of delivery of health care. This is essential. Attention should be given to the encouragement of out-patient departments, free-standing emergency rooms not physically in the hospital, prevention and rehabilitation centers, maternal and child care units, and ambulatory care units outside the confines of a hospital. Some of these services may need to be provided on a regional basis

In addition, we need to regionalize other services. We cannot attract physician and other highly-educated people to areas that do not contain opportunities for education—for their children, as well as for themselves. Regionalization can provide a broader base, both tax and population, for the support of our educational, health, cultural, and social services. Only by improving the opportunities in the under-populated areas can we attract people away from the over-populated areas.

We need to maintain professional standards and practice across the State. A citizen who lives in a small town is entitled to the same standard of medical care as a citizen who lives in a metropolitan area. This simply echoes the need for expanded educational programs of medical education.

We need to develop alternate methods of treatment. At present, the physician does not actually give every injection, every drug, every medical treatment himself. This is delegated to nurses and, in some cases, even to nurses' aides. How can this delegation be expanded, while preserving quality of care? What other medical functions can the physician appropriately and legally delegate? Just how much supervision is necessary for a service to be considered under the "direct supervision" of a physician, as required by our State law? The Oklahoma State Department of Health has been working on approaches to these problems through the development of a program of health supervision by nurses.

The culmination of these ideas would be to develop a regional or district health department in which a physician health officer supervises physician assistants in several counties and towns, providing medical care to an area which would not otherwise receive such services.

Such a system would allow the physician to emphasize a program of health maintenance. The goal would be to assist the patient in reaching and maintaining a state of positive good health. The focus would be upon prevention and rehabilitation, instead of emphasizing episodic care only when the patient is ill. The emphasis would be upon health rather than sickness.

This program would include the many elements we have discussed, such as health education, new health manpower, regionalization, and lower medical costs. In addition, the patient would benefit because he would be healthier more often and sick less often than he is now.

I want to make one final point. We feel that we have powerful legislative tools and programs on the books operative in our hands now for improving health services and for controlling costs—I won't say reducing costs. And I mean Medicaid (Title 19), Medicare (Title 18), Partnership for Health, Comprehensive Health Planning and block grants for health services, the Regional Medical Programs, the Hill-Burton program and particularly the *new* Hill-Burton program and the McClellan Infant Care, that is Title 5. Among these six we feel that there is sufficient legislation on the books—that with adequate financing and with federal requirements tying these programs together we could construct an effective health care system. But as you know, there is very little relationship or correlation between 18 and 19; between R.M.P. and Comprehensive Health Planning; and Hill-Burton and any of these.

So that each of us, and I'm talking about on a federal and state level, in our bureaus and agencies, we're doing everything we can administratively to maintain things as they are. And we're going to insist that those folks who are responsible for Title 18 continue to run it and those responsible for Title 19 continue to run it. Now we are making some progress in developing a correlation among 18 and 19. And the same progress in health planning and RMP. There is a wonderful opportunity now to tie our health facilities construction under the new Hill-Burton Act and to comprehensive health planning, 18 and 19, and Title 5.

I don't have specific suggestions to make regarding legislation along this line but I feel that states will never be able to correlate among these programs without rather direct federal guidelines that require correlation among these programs if we are to take advantage of federal funds available through them. So I feel that any financing plan must be correlated with systems development among these very important federal legislative acts including prevention and education for health, if we are to construct an effective health care system.

Dr. WALTER ATKINS. Doctor, may I ask if you are going to include among that group of legislative acts Neighborhood Health Centers?

Dr. COLYAR. I think that is very important—the O.E.O. work in health. It has made us look at new ways of doing things.

Senator HARRIS. Thank you very much, Dr. Colyar. I appreciate very much your interesting statement.

NEW YORK'S BLACK COMMUNITY FIGHTS DRUG ABUSE

Mr. JAVITS. Mr. President, I invite the attention of Senators to the aggressive antidrug campaign being waged by radio station WWRL, which is located in Woodside, Queens, and is much a part of the black community of more than 2 million in Greater New York. WWRL's public-spirited efforts to erase the drug problem from the streets of Harlem and other ghetto areas could serve as a model for communities large and small, white and nonwhite, throughout the United States.

In November 1969, WWRL's advisory committee suggested that drugs were the largest problem facing the black community. The station decided to go all out in making the drug campaign its major public service effort for the calendar year 1970.

The station has mounted a massive campaign on a daily, round-the-clock basis, designed to work on three aspects of the problem: prevention, aimed at youth; rehabilitation for those already addicted; and, education to convince citizens to turn in narcotics peddlers to the police.

The backbone of the campaign is a series of 10,000 spot announcements being heard throughout the year which range from expressions of support by prominent people in all fields, to announcements giving a special police department narcotics bureau telephone number which citizens may call anonymously to inform about drug pushers.

In addition, WWRL editorializes on a weekly basis on various aspects of the drug scene in Greater New York. The station's weekly "Tell It Like It Is" telephone talk show, reported to be very popular during its Sunday afternoon time slot, features a special segment each week in which drug addicts call anonymously and "tell it like it really is."

The station is deeply involved in community efforts to help stamp out drug addiction and has participated in rallies in both Washington, D.C., and New York City. An extensive printed advertising campaign was mounted to back up and emphasize the station's dedication to solving this major problem.

By now, 40,000 "Help a Junkie—Bust a Pusher" lapel buttons have been distributed, thousands of special kits aimed at preventing addiction among the young have been placed in various schools, and most encouraging of all, the New York City Police Department reports arrests of suspected pushers made as a direct result of the station's campaign.

WWRL deserves every commendation for its work in combating the mammoth problems of drug pushing and abuse.

Also, I would like to direct the attention of the Congress to an article in the June issue of Ebony magazine, "Blacks Declare War on Dope," which provides a survey of antidrug programs by the black community in the New York metropolitan area, including that of WWRL.

I ask unanimous consent that the text of three WWRL's radio editorials and two of its printed advertisements, as well as the article in Ebony magazine, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

"JUNKIE'S PRAYER"

Our Editorial today, takes the form of the "Junkie's Prayer". Is it *your* prayer?

King Heroin is my shepherd, I shall always want, he maketh me to lie down in the gutters. He leadeth me beside the troubled waters. He destroyeth my soul. He leadeth me in the paths of wickedness for the effort's sake. Yea, I shall walk through the valley of poverty and will fear all evil for thou, heroin, art with me. Thy needle and capsule try to comfort me. Thou strippest the table of groceries in the presence of my family. Thou robbest my head of reason. My cup of sorrow runneth over. Surely heroin addiction shall stalk me all the days of my life and I will dwell in the house of the damned forever.

IT BECAME A REALITY

Richard Mason, at 24, was a fine actor with a bright future.

His first role, five years ago, was that of a heroin addict in a mobilization for youth street theater play called "DOPE".

Recently, he had a role in the movie "Up the Down Staircase."

Mr. Mason died, the other day, in his upper West Side Apartment. The medical examiner's office said it was the result of an acute reaction of heroin.

Five days earlier, Manuel Vasquez, 19, also died from what was described as the same cause. He, too, had played the addict hero in the Soul And Latin Theater production of "DOPE."

In each case, the tragedy of make-believe became a reality.

WWRL feels that the loss of such talented people points up the urgent need to rout the pushers from our neighborhoods.

As always, we stand ready to do our part.

If you know of a pusher, pick up the telephone and bust him—by calling 344–9430.

Do it in memory of Richard Mason and Manuel Vasquez. Do it for the life of your loved ones, and yourself.

JOINING THE GOOD FIGHT

WWRL is delighted that the Reverend Wyatt Tee Walker, Pastor of the Canaan Baptist Church, In Harlem, has joined the battle to get rid of narcotics pushers in New York City.

We have been in the same struggle for a long while now, although not as long as the Reverend O. D. Dempsey. And we intend to keep hammering away until the battle is won.

The Minister recently preached his sermon through a bullhorn while standing on the trunk of a car, parked at 155 W. 116th Street.

Reverend Walker said that it was common knowledge that there were pushers operating in the neighborhood. He cited the recent death of a 15 year old girl from a drug overdose.

Walker, said, "Let us know the minute you find out the name of a pusher."

He said that he was not afraid to name names and "I am convinced God is concerned about narcotics peddlers on 116th Street."

WWRL urges its listeners to do as Wyatt Walker says and name names. We said this at the White House last Friday, and we continue to hammer this point home. To bust a Pusher, may save your life.

FOR WHOM THE BELL TOLLS

Today as every day, each hour, the mournful peal of funeral bells is heard throughout New York's Black community.

The bells toll on WWRL Radio for still another victim of drug abuse.

200 MURDERS THIS YEAR

Since the first of January, more than 200 New Yorkers have been murdered by pushers.

The weapon: heroin.

And today, as every day, drugs will claim new lives—and WWRL bells toll in sorrow, in anger, and in hope.

Sorrow, for the victims and their families.

Anger, because the death and agony could have been avoided.

And hope, hope that tolling bells will bring home to all New Yorkers the awful magnitude of the drug epidemic and the Black community's determination to fight it.

WAR AGAINST THE PUSHER!

But WWRL does more.

As the station with the largest Black radio audience in the United States, we know that we also have the largest responsibility to help the community fight back.

Since the beginning of the year, we have

waged an intensive air war against heroin and the pusher, with announcements, editorials and "Specials".

We have reason to believe that we have already saved lives and helped addicts via a special WWRL phone number, by which Black New Yorkers can take action and get action.

THE BELL TOLLS FOR THEE

We are doing what we do best in a crisis; amplifying the community's concerned voice, many thousands of times over.

Of course, communications alone can't cure the drug plague or its underlying causes.

But communication is what we've got to give, and we're giving all we can.

We hope that you will, too.

We hope that the Black community's voice will be heard and heeded.

That the death-dealing narcotics traffic will be halted.

That whatever the color of your skin, you come to understand that when the bells toll—they toll for thee.

TODAY'S THE DAY!

Today, we are inviting the entire Black community to join us in a massive communications effort.

Today we are announcing a year-long campaign of 10,000 announcements . . . over $250,000 worth of anti-drug advertising—to establish the Black community as the biggest sponsor of its own most listened-to radio station.

A WWRL OFFER

Representatives of the Black community, who have something to say about drugs, now can say it on WWRL.

Our microphones are open on a first-come, first-served basis, divided equally among all.

Or, if an organization prefers, it can add its name as a sponsor of our "Bust A Pusher" campaign.

We will take the message to approximately a million different listeners every week, and to most all of Black New York every month.

We think there's a lot to be learned and a lot to be gained by all who listen, Black and White.

BOBBIE STOLE $5 ON MONDAY, GAVE A PUSHER $4 ON TUESDAY, WAS BURIED LAST FRIDAY

On Tuesday, his sister gave the same pusher another four dollars. She was a little luckier. She's still alive. He'll probably contact another 35 or 40 kids during the week. Will one of those kids be your sister or daughter?

There's one way to make damn sure it won't be. Bust the Pusher! Call 344-9430. It's a special Narcotics Squad phone number set up with the help of WWRL radio and Bernie McCain. If you don't know about this phone number and what WWRL and Bernie McCain are doing about narcotics in our community, then it's about time you got turned on to it.

Since the beginning of the year, WWRL and Bernie McCain have been running the "Help A Junkie, Bust A Pusher" campaign. Every Sunday between 3:30 and 5:30 p.m., on Bernie McCain's program "Tell It Like It Is," Bernie urges addicts to stop taking dope—to get off the junk. He turns addicts on to why they should stop—then he turns them on to people who can help them stop. The second half of the "Bust A Pusher" campaign is just that. Busting pushers.

Since WWRL started its campaign, the number of calls informing on pushers has risen 22%. Which means a lot of pushers are getting taken off the street. But there are still hundreds who're still on the streets. We need your help. If you know a pusher, have him busted. If you don't know any pushers but still want to help out, contact: Bernie McCain, WWRL, 41-30 58th Street, Woodside, New York.

BLACKS DECLARE WAR ON DOPE

When first heard, the words sound cold and cruel. The speaker is a slight, middle-aged black woman who has just been asked what could be done about the steadily increasing number of young heroin addicts nodding on the street corners of the New York community where she lives. With tears in her eyes and deep bitterness and anger in her voice, she shouts: "You know the best way to deal with the dope problem? Get as many white kids on it as possible! The best news I've heard in a long time is that more white kids are getting hooked on heroin. If I had the money I'd buy it and give it to them free!"

Hard words? Yes. Bitter? Definitely. Justified? The people listening to her think so. They know she is a black mother who has recently discovered that her 18-year-old son is a heroin addict. Mostly women, they know that, despite all her love and concern and care, her only son is now nodding on some corner or in some dark deserted building. They share her pain because most of them have sons or nephews or cousins who are now heroin slaves.

The women are angry. And they are representative of a new mood in New York's black communities. In Harlem, Bedford-Stuyvesant, Brownsville and South Bronx, a black backlash is surfacing—a backlash against the heavy drug traffic in their communities and against all who benefit from it. A black silent majority that long has suffered from the influx of community-destroying killers such as heroin is preparing to confront those distributors—they call them "murderers of our children"—of the deadly poisons that are so readily available to youths on street corners and in innocent-looking candy stores and teen hangouts.

In the forefront of the fight is a year-old group called Mothers Against Drugs (MAD) which urges community people to record the names, addresses and license plate numbers of known traffickers, suppliers and pushers. This information is given to MAD, which then turns it over to the district attorney's office.

Not long ago, the MAD members demonstrated and singled out residences of persons they insist are pushers. MAD skips over local police because they believe that police "simply don't care about drugs in black communities." Some mothers even accuse police of being involved in the drug traffic. N.Y. State Senator Waldaba Stewart insists: "There's now way for so much drug traffic to continue in our communities without support in high places." He has said publicly that "some so-called respectable black people are also heavily involved in the dumping of heroin in black neighborhoods." Sen. Stewart is supporting a group of anti-drug groups in Brooklyn which have banded together as Citizens Protective Organizations. Similar groups in Harlem, organized by John Shabazz, are known as Black Citizens Patrols. The no-nonsense groups have served notice that "we're going to keep the heat on every spot that's well-known as a dope drop." Sen. Stewart explains: "First we document an area as a drug drop. Then we turn our report over to the police. If nothing happens, we next put up posters designating the spot as a drug drop. If this doesn't work we barricade the place to keep people out. Our last step is to have citizen arrests made by our members who are off-duty black policemen." The procedure is justified, says Sen Stewart, by police "apathy and arrogance."

Most community groups agree that their first offensive must be against black pushers and distributors who, as one father of a 19-year-old addict says, "come brazenly into our neighborhoods and murder and cripple our children with that junk." One mother of an 18-year-old daughter who died from an overdose just keeps repeating, "kill the pushers" when asked what steps should be taken. And there are rumors throughout New York that groups of young black men have declared a special kind of war—one in which baseball bats will be used to break the arms and legs of pushers caught in black neighborhoods. It is said that these young blacks believe that, "since narcotic addiction is a weapon to control black youths, it is detrimental to the black Movement. Therefore, anyone who participates in the business of dope is an enemy of black people and the black participants are traitors to their people and should be dealt with as such."

Stokely Carmichael echoes the young activists' ideas. "The flooding of black communities with drugs, especially heroin, is nothing less than a program of genocide against black people," he says. "All revolutionaries have had to deal with this problem. It's a weapon used by oppressors. As our people become more politically aware, more drugs are flooded into our communities and they are particularly aimed for our youth, since they are the potential warriors of the Black Movement. Knowing this, any black person who calls himself revolutionary and who loves his people must be prepared to deal with the drug problem." While not probing as deeply into the political aspects of the problem as Carmichael, many of the community organizations have reached the same conclusion that the easy availability of drugs in their neighborhoods is no accident.

Spurred on by the sight of strung-out teenagers, tired of being fearful of drug-related criminal activity—which is mostly black against black—and fed-up with the failure of sociologists, psychologists, psychiatrists and meager federal, state and city antinarcotic programs, community-based groups and individuals are moving in three areas: (1) education and prevention, (2) treatment and, most importantly, (3) the easy availability of narcotics in their communities.

In education and prevention the stress has been on reaching school-age children and their parents in their schools and organizations. A leader in this area is Bernie McCain, community relations director for black oriented radio station WWRL. Working in cooperation with black student groups in New York high schools, McCain has organized the WWRL Youth Congress. Its job is to produce plays, organize demonstrations, provide speakers and warn young people of the hazards of drugs use, especially heroin and cocaine. McCain, the MAD mothers, the Afro-American Teachers Assn., the National Society of Afro-American Policemen and others instill a fear of drugs and a pride in being black as reasons for children to avoid narcotics. Youths are told that heroin not only kills, it damages the brain and nervous system, and scars the body with abscesses, sores and hepatitis from infected needles. They are told that drug addiction is a form of slavery, that heroin slaves are beneficial only to the enemies of their people, that the survival of their communities depends upon them and that, as proud young black men, and women, they should reject the narcotics cop-out. This approach to youth helps make them understand that drug addiction is no big thing and that the people who indulge in its distribution are not heroes but destroyers.

As another preventive means, some concerned people are pressing the New York City Board of Education to initiate a drug education program in the schools. Also Sen. Stewart is pushing a bill requiring the Board to administer physical examinations to all school children for drug use. If any drug users are discovered the bill directs that the Board must provide treatment for them.

On the matter of treatment for current "drug slaves," concerned groups emphasize that addicts must be helped to break their physical need for the drugs and then pro-

vided psychological alternatives so they can become constructive members of their communities. Sen. Stewart says, "We must treat them as ill persons, with the same degree of understanding that we would extend, as a community, to someone involved in a car accident. There must be a total engagement of the addict population to help dry up the market for drugs. Community youth must reject addicts and pushers as hero symbols." A younger heroin fighter is not so kind-hearted. He feels addicts should be warned that they must seek help "because they are not going to be allowed too much longer to stand around the streets setting bad examples for our young brothers. To me, their disease is contagious and a person with a contagious disease has no choice as to whether he should seek help. No. Society insists that he does."

The MAD mothers want community-based hospitals to establish detoxification units to help addicts overcome their physical need for heroin (they conducted a successful five-day sit-in to force a New York hospital to set up such a unit). Once the physical need is removed, they would be turned over to competent community organizations designed to help them remain drugfree. MAD wants the government to finance such centers. The Rev. Dempsey is pushing for a federally-sponsored system of national health camps where hard-core addicts can be taken and helped with their problems. He takes the very controversial position that "all hard-core, older addicts should be involuntarily removed from the streets. They are completely adjusted to their positions and are provided with drugs, guns and anything else they need to terrorize and destroy people." This has been branded as an extreme position by some and it is opposed for libertarian reasons by the American Civil Liberties Union. Besides his proposal for health camps, the Rev. Dempsey also calls for the building of a large federal hospital to care for the "500,000 addicts in the eastern U.S., with 250,000 being in New York alone."

Most community-based groups appear to believe that breaking the physical need for heroin plus providing strong psychological alternatives will help cure addicts. They cite the example of the Black Muslims who have had a great degree of success with this approach. Also therapeutic communities, such as the Phoenix House Program, use a somewhat similar approach. They put the addict through searing confrontation with house residents. Once he shows that he is serious about breaking the habit, they help him break the physical dependency and give him responsibilities in the house before sending him out into the larger community to work. Phoenix House Co-director Frank Natale, himself an ex-addict, says "our whole approach is designed to help them become self-sufficient persons." Ray Whitfield, who was on heroin for 24 years and who has been off five months, says "though still hesitant to call myself an ex-addict, it was a combination of love and support from my wife and mother, weariness of being arrested and deep impressions made by the youth in the movement, who encouraged me to finally try to break my habit."

One approach to the treatment of heroin addiction, currently being introduced in New York, is meeting resistance from many black groups. It involves the use of the synthetic drug Methadone. Though also addictive, it supposedly does not give the same degree of euphoria and drowsiness as heroin and leaves the user in a position where he can function on a job and in the community.

Dr. John Bolling, who works in the Methadone Program at Bellevue Hospital in New York, says that "it appears from my interviews that black people are afraid of Methadone, regarding it as another gimmick by whites to keep them hooked. But I regard it as the only way to treat hard-core addicts. By the time they become hard-core, they have developed physiological cravings based on the supposition that the heavy use of heroin has created a new enzyme system. Methadone is, as yet, the only effective way to block this craving." The opposition of many black people to this approach is perhaps summed up best by the Rev. Dempsey's blunt statement: "I am not fighting to control addiction, but for its complete elimination."

Meanwhile, a unique therapeutic community has been suggested by Dr. Benny Primm, director of Brooklyn's Addiction Research and Treatment Center. He advocates using the Reserve Fleet, noting that by utilizing these idle vessels as treatment and rehabilitation centers three things can be accomplished: 1) patients can be treated in an atmosphere where it is impossible for pushers to get to them; 2) the ships are tied up at piers, so there can be around the clock treatment, and 3) use of the idle ships will prevent the problem of people protesting against the building of narcotic treatment centers in their neighborhoods. "For the estimated 100,000 hard-core addicts in New York City, it will be a plus," Dr. Primm believes. "Now, only a scant eight per cent of them currently receive any kind of treatment, with that being mainly on an out-patient basis."

About education, prevention and treatment, the various anti-drug organizations may have slight differences of emphasis, but all agree that the best programs devised in these areas will be useless unless something concrete is done about the ready availability of hard drugs in black communities. They also agree that no matter what the authorities do, the onus for dealing with the availability problem is going to fall on the communities themselves. There is more *official* concern about hard drugs now because white youths are using them in much larger numbers than heretofore. But as one MAD mother says, "We have to move now. We can't sit back and wait for them to act."

In New York City last year 224 teen-agers died from overdoses or heroin-related infections. More than 40 have already died this year. Of 1,000 addicts in the Phoenix House Program 335 are minors, and 42 of those are 15 years and younger. Five are 11-year-olds. Congresswoman Shirley Chisholm calls the situation an epidemic "comparable to the bubonic plague." A higher percentage of the criminal activity in black communities is believed to be narcotic-related.

So community groups are now forced to take action. One citizen claims "the value system of the black communities has condoned the use of drugs." Listeners bristle when they hear this, but eventually reluctantly agree that maybe the community hasn't done enough to fight the availability of drugs in their neighborhoods.

While these groups concentrate on blocking narcotics from their local communities, the Rev. Oberia D. Dempsey of Harlem Upper Park Avenue Baptist Church is pressuring the federal government to do a better job of keeping drugs out of the country. A 20-year veteran in the anti-drug fight, he reasons that since the government is responsible for the security of seaports, airports and borders then it must seal the nation against drug smugglers. An estimated 300 tons of illegal drugs were smuggled into the U.S. last year. All are profitable, but the most profitable are the hard drugs, cocaine and heroin. Street sale of heroin is estimated at $1.5 billion yearly. Dempsey wants all the power of the federal government, including the F.B.I. utilized to put a stop to this traffic. He also advocates economic sanctions against countries where the drugs originate, funds to reimburse foreign governments for not producing narcotics and the requirement that people coming in and out of the U.S. sign an affidavit that they are not carrying drugs.

It's still much too soon to measure the effectiveness of the actions being taken and suggested by Rev. Dempsey and others. However, one thing has already become clear. Any strong move against narcotic slavery is going to have to be initiated in local communities, and as drugs move more deeply into white communities some whites will begin to act. Significantly, matronly-looking white mothers from affluent Bergen County, New Jersey, recently joined black mothers in a march against narcotics in Washington, D.C. One woman who has a 23-year-old heroin-hooked son, reveals there are 1,200 white youths registered as addicts in her county and says she believes there are 10 times that many. She is ready to act. There soon may be more like her. But black mothers have made it plain that they can't wait. They fully share Rev. Dempsey's feelings that "with or without their help, we are going to stop the flow of death-dealing drugs into our communities."

FEDERAL REVENUE SHARING

Mr. FANNIN. Mr. President, if we have faith in government that involves the greatest degree of local self-government, then Federal revenue sharing will show the way.

More and more, tax revenues, and with it decisionmaking, have been concentrated in Washington. Decentralization of power will follow the sharing of revenues by redistribution, and it will bolster local responsibility.

No matter the virtues of federalism, no government can remain strong that does not look to the financial health of State-local governments, which, after all, perform the bulk of the essential day-to-day civilian services in the Nation.

Mr. President, I do not need to recite the unrelenting pressure on local governments and local taxpayers in meeting local needs.

Our Federal programs of grants-in-aid, in effect, curb local decisionmaking. Money that communities should be spending on pressing needs are often budgeted to other helpful, but perhaps less critical needs, because there is Federal help on one need but not the other.

Federal revenue sharing will open options to State-local governments, aid them in shouldering their responsibilities, reduce bureaucratic paper and handling costs, increase efficient use of the tax dollar, and put local decisionmaking back in the communities.

I am a cosponsor of the proposed Revenue Sharing Act sent to Congress by President Nixon.

Based on 1968 population and 1967 revenue and income data, and a total nationwide distribution of $5 billion annually when the program is fully implemented, Arizona's total share annually would be $51,420,532, of which the major cities and counties would receive respectively $6,560,618 and $4,350,334.

At my request, the Treasury Department has broken down the amount that would be allotted to the major cities and counties in my State.

Mr. President, I ask unanimous consent that the complete table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Arizona	
Total Annual Amount to Arizona	$51,420,532
State government share	40,509,580
Local government share	10,910,952
To cities	6,560,618
To counties	4,350,334
Local share to cities	
Flagstaff	$135,587
Glendale	143,873
Mesa	208,066
Phoenix	3,368,236
Scottsdale	345,047
Temple	200,477
Tucson	1,393,894
Yuma	123,508
All other cities	641,930
Total to cities	6,560,618
Local share to counties	
Cochise	$246,473
Coconino	94,083
Gila	161,915
Maricopa	2,026,222
Mohave	121,882
Pima	921,777
Pinal	277,447
Yavapai	149,371
Yuma	153,475
All other counties	197,689
Total to counties	4,350,334

CONSTITUTIONAL AMENDMENT TO LOWER THE VOTING AGE

Mr. BYRD of West Virginia. Mr. President, Congress recently passed a law lowering the voting age to 18. The President, in signing the act, urged that it be given an early court test, and I agree with him. I do not know how the Court will rule, but, in my judgment, the authority to determine the qualifications of voters is a prerogative of the individual States, under the Constitution, not a prerogative of Congress. As a matter of fact, four States have lowered the voting age, while several States have rejected the proposal.

Just in case the Supreme Court should strike down the congressional statute, a Senate subcommittee has today recommended a constitutional amendment to lower the voting age to 18. As a member of that subcommittee, I supported the proposed constitutional amendment, because I do not believe that Congress has the constitutional power to lower the voting age by statute. Such a constitutional amendment requires ratification by three-fourths of the States, but the people should be given an opportunity to decide the question.

THE TEXAS RED WOLF IS NEAR EXTINCTION: A LAST REFUGE, THE BIG THICKET

Mr. YARBOROUGH. Mr. President, the Texas red wolf, one of the 275 mammal species listed by the Bureau of Sport Fisheries and Wildlife as endangered in 1968, is now on the brink of extinction.

Estimates tell us that there are approximately 300 surviving red wolves in the United States—200 in southeastern Texas and perhaps 100 in other States. This once common member of the animal family in the Southwest has now been diminished to the extent that its suspected range of existence spans securely only six counties: Brazoria, Chambers, Jefferson, and Orange Counties, Tex.; and Cameron and Vermilion Parishes, La.

Mr. President, action must be taken now if the red wolf is to survive. The direct and deliberate killing of this fine, unique animal by ranchers, who wrongly consider this wolf to be dangerous to man, continues at an alarming rate. For instance, it was reported that in the period from 1963 to 1966 a single trapper killed over 150 wolves on one large ranch in Jefferson County. This cruel and irresponsible slaughter, for sheer commercial gain or even under the guise of predator control, must be stopped.

Since 1966 I have been fighting to create a national park out of the Big Thicket in Texas, the red wolf's principal home. The plight of this endangered species moves me once again to urge quick action on my bill, S. 4. If we are to save the red wolf and other extraordinary samples of our natural heritage, we must proceed with urgency to preserve such beautiful areas of our wilderness as the Big Thicket.

Mr. President, I ask unanimous consent that Robert M. Nowak's article entitled "Report on the Red Wolf," on page 82 of the spring issue of Defenders of Wildlife News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENDANGERED SPECIES: REPORT ON THE RED WOLF

(By Ronald M. Nowak)

BACKGROUND

Within the last decade, much attention has been directed toward the wild canid that once occupied the southeastern quarter of the United States. This animal is now generally known as the red wolf, with the scientific designation being *Canis rufus*. Since that time it was made clear that this species is in grave danger of extinction, there has been a profusion of field work, laboratory studies, conservation reports, and breeding experiments dealing with the red wolf. But despite the fact that *C. rufus* is the rarest mammal in North America, there has been surprisingly little progress in protecting it or even in formulating a definite preservation program. Indeed, there is as yet no completely clear picture of what sort of animal the red wolf was under natural conditions, and what has become of it in recent years.

This last matter involves a question of taxonomy, the science of classifying living things and determining their relationships with one another. The taxonomic issue runs prominently through the story of the red wolf, and is especially important in the conservation effort since before we can protect an animal, we must be able to describe what it is and tell where it exists. There are two main taxonomic problems involving *C. rufus*. The first is whether the red wolf, as it originally existed, was a distinct species, or only a subspecies of one of the other two kinds of *Canis* in North America, the gray wolf, *C. lupus*, and the coyte, *C. latrans*. By distinct species, we mean a group of animals that in nature breeds only within itself, not with other groups, and which thus has developed its own unique set of characteristics that always distinguishes it. A subspecies, on the other hand, is a geographical variant of a species and exhibits characteristics that blend into those of other subspecies where their geographic ranges meet.

The second systematic problem concerns what has happened to the wild canid population of the southeast in the last few decades. It is known that the true red wolf has been all but exterminated. Nevertheless, wild canids currently inhabit much of its former range. For a long time many persons believed that wolves were still present in this area, but it is now realized that most of the animals there represent an invasion of smaller canids from farther west (see McCarley, 1962; Nowak, 1967; Pimlott and Joslin, 1968; Paradiso, 1966, 1968).

Before the twentieth century the canids of the southeast had been given various scientific and common names, but mostly by people who had not closely studied the animals. There was no real attempt to describe and set these creatures apart from the wolves which occupied the rest of North America. Then in 1905, Vernon Bailey, the chief field naturalist of the old U.S. Biological Survey, reported on a detailed study of the fauna of Texas. He found the small red wolf of the south central part of the state to differ so greatly from the huge gray wolf of the plains, just to the west, that the two deserved to be treated as completely distinct species. Later, Edward A. Goldman (Young and Goldman, 1944), senior biologist of the Survey, examined a large number of specimens and found that this Texas red wolf intergraded in characteristics with the canids across the southeastern United States to Florida. While the reddish color, prevalent in parts of Texas, was not particularly common farther east, there was a continuity of key cranial and dental features. Goldman thus referred all of the wolves of the southeast to one species, *C. rufus*. By the time of this study the red wolf had already been exterminated east of Mississippi.

RECENT TAXONOMIC STUDIES

Goldman's description of the original situation remained basically unchallenged until recently when Lawrence and Bossert (1967), two biologists at Harvard, performed a multiple character analysis of North American *Canis*. This study involved carefully making a set of measurements on a series of skulls and then subjecting the figures to numerical analysis by a computer. It was hoped that the computer would show how the different types of specimens were related to each other. Those skulls examined included 20 gray wolves, 20 coyotes, 20 domestic dogs (*C. familiaris*), and a small number of red wolves collected before 1920. The results of their study suggested to Lawrence and Bossert that the red wolf was close enough to the gray wolf to be considered only a subspecies of the latter.

Paradiso (1968), however, felt that Lawrence and Bossert's sample sizes had been too small and did not fully represent the great geographic and individual variation of the canids. He pointed out a number of features in which the red wolf differed from the gray wolf and more closely resembled the coyote. He urged the continued recognition of *C. rufus* as a full species until completion of detailed studies employing larger series of specimens.

On the other side of the issue, some field workers, so struck by the difficulty in telling the red wolf and coyote apart, have expressed doubt that the two are separate species. Much recent study has concentrated on the question of the interrelationships of *C. rufus* and *C. latrans*.

One aspect of the research on the red wolf has involved study of chromosomes, to see if the genetic material of *C. rufus* would be capable of forming a viable cross with that of other species of *Canis*. An examination of specimens from two animals, believed to be true red wolves, was made at the M. D. Anderson Hospital and Tumor Institute of the University of Texas. The karyotype (chromosome number and structure) of these speci-

mens was found to be indistinguishable from those of the gray wolf, coyote, and domestic dog. Hence as far as genetics is concerned, any of the four species could successfully interbreed (Dr. Frances E. Arrighi, pers. comm., 15 August 1969). That the North American canid species did not hybridize under natural conditions is thus apparently due to other factors.

Another new taxonomic method applied to the red wolf question is the biochemical analysis of proteins in the blood. Dr. U. S. Seal of the Metalobic Research Center, Minneapolis Veterans Administration Hospital, has been comparing the blood sera of different canid species. He has received blood samples from recently captured live red wolves, and has found biochemical distinction between these animals and coyotes and gray wolves. Hopefully, refinements of this method will enable us to determine, without killing the animals, whether they are wolves, coyotes, or dogs, and to what degree, if any, they have mixed blood.

One more new approach is comparative brain anatomy. Its advocates argue that because of the complexity of the brain and its intimate association with all aspects of the life history of an animal, it will possess some of the most reliable distinguishing characteristics between species. David L. Atkins, a graduate student at Texas A & M University, has made a study in which the brains of coyotes, dogs, gray wolves, and a few recently killed animals believed to be red wolves, were carefully dissected and compared. He believes that the features of the red wolf brains are distinct enough to warrant designation as a full species.

THE RED WOLF AS A DISTINCT SPECIES

Some of the recently developed taxonomic techniques are limited by their dependence on non-skeletal material and are thus unable to make comparisons with the situation in the past when a large, un-mixed population of red wolves existed in the southeast. The most reliable means of ascertaining the former appearance and distribution of mammalian species is examination of preserved material, especially skulls. Likewise, the only method of determining if and where true red wolves exist today is to compare newly collected skulls with old specimens.

John L. Paradiso and I have begun a new effort to resolve the taxonomic status of the red wolf, mainly through examination of the extensive collections of the Bureau of Sport Fisheries and Wildlife's Bird and Mammal Laboratories at the U.S. National Museum. Our primary objective is to provide criteria by which red wolf populations can be distinguished from other canids for the purposes of conservation efforts. No animals are being killed or captured for our study. Most specimens were previously taken as part of regular predator control operations and deposited in the National Collections.

Our analysis of red wolf characters is based on 213 skulls collected from southern Missouri, Arkansas, and eastern Oklahoma, before 1930, and from Louisiana and extreme southern Texas, before 1944. These specimens were taken at times when the red wolf was still common in these respective areas. The 213 skulls show a strongly consistent set of characteristics indicating that only one species is represented.

Furthermore, when this series was compared with a sample of 336 skulls of known coyotes and 215 skulls of gray wolves, the distinctions of each of the three species were obvious. A few differential characters are as follows:

In comparison with the other two species, the skull of *C. lupus* is largest and heaviest, and suggestive of a powerful animal adapted to prey on big game. The bones roofing the frontal sinuses are notably domed, the zygomata broadly flaring, and the sagittal crest high. The great grasping power of the mouth is best reflected in a high "bite ratio," that being the width across the outer alveoli of the anterior lobes of the upper carnassials, divided by the length of the upper molariform tooth-row.

In *C. latrans* the skull is smallest and lightest, indicating that this species preys mainly on small animals. The bones roofing the frontal sinuses are nearly flat, the zygomata are narrowly spreading, and the sagittal crest is lower. The bite ratio is much smaller, there being no overlap with *C. lupus* in our sample series.

In *C. rufus* the skull is intermediate in size and weight. The frontal and zygomata closely resemble those of the coyote, but the sagittal crest is high. The bite ratio is also intermediate to that of the other two species, but significantly distinct from each when statistically compared.

The canine teeth of most individuals of *C. rufus* are long and thin, and in 97 of the 155 skulls that could be examined for this feature, the canines extended below the anterior mental foramina. The corresponding figures for *C. latrans* are 223 of 250, and for *C. Lupus*, 13 of 112. The molar teeth of the red wolf show a deep sculpturing similar to that of the coyote, and in marked contrast to the condition in the gray wolf. Of 205 red wolf specimens checked, 195 possessed a developed posterior medial cusp on the upper M1. All of 320 coyote skulls, but only 96 of 209 gray wolf specimens shared the feature.

The establishment of each of these three species, with their own sets of characters, could only result from them all having been isolated from one another at some period in their geologic history. A geographical barrier is necessary to break the genetic flow of a population and permit the development of separate species. During the Pleistocene epoch, great glaciers moved over much of North America, creating effective barriers in themselves, and also causing sweeping environmental changes over most of the remainder of the continent. It was then, we believe, that the progenitor of the red wolf, probably closely related to the coyote, became isolated in the southeastern corner of North America and evolved into a separate species. A late Pleistocene (Wisconsin) fossil from Alachua County, Florida, appears to represent an animal transitional between a coyotelike ancestor and the modern red wolf. When environmental conditions permitted, the red wolf extended its range to overlap those of the coyote and gray wolf, but it did not interbreed with them.

If the red wolf had intergraded with the gray wolf we would expect to see our red wolf specimens gradually start to look more like the gray wolf as the ranges of the two approached. But in fact, Missouri red wolf skulls are not significantly different from those of Louisiana. And the Missouri specimens show a sharp contrast with the skulls of gray wolves collected on the Great Plains, just to the west. Presently, of course, the ranges of *C. rufus* and *C. lupus* are separated by perhaps a thousand miles, due to human activity.

The coyote still exists in contact with the red wolf and that is the cause of much of the confusion today. Examination of specimens collected before 1930, however, reveals no tendency for the red wolf and coyote to intergrade in characters over most of the area where their ranges met or overlapped. Although the differences in bone structure are usually sufficient to separate skulls of these two species, the most consistent distinguishing feature is over-all size. Among the thousands of coyote skulls in the U.S. National Museum, we found only two male specimens that had a greatest length exceeding the smallest red wolf skull of the same sex. Normally the red wolf is much larger and this is probably the quickest way of separating series of specimens. Our early red wolf skulls from Missouri, Arkansas, Oklahoma, and southeastern Texas are all large and clearly represent a species distinct from the coyote which existed immediately to the west and even overlapped part of the old range of *C. rufus*.

HYBRIDIZATION AND THE DECLINE OF THE RED WOLF

Until recently the red wolf was considered to be common over much of its former range, but apparently no one looked closely at the situation. In 1959, however, Dr. Howard McCarley claimed that Federal trappers in eastern Texas were incorrectly distinguishing between *E. latrans* and *C. rufus*. In 1962, he theorized that human-caused environmental changes associated with farming and lumbering had created good habitat for the coyote and allowed it to extend its range to the east, while at the same time the red wolf could not adapt to these changes.

I agree with McCarley that habitat disruption reduced the ability of the red wolf to survive, and that it created better conditions for the coyote which prefers more open country. But specimens and records indicate that even as late as 1930 a large, relatively pure red wolf population existed in southern Missouri, eastern Oklahoma, Arkansas, southeastern Texas, and Louisiana. This period followed by about a hundred years the first heavy settlement of the area and was well after intensive lumbering had begun.

The decline of the red wolf can be attributed primarily to direct and deliberate killing by man. Only after concerted efforts had been made to eliminate the red wolf was its population reduced to a level that allowed the massive entry of other canids. It appears that organized predator control programs were largely responsible for the final phase of this reduction. Federal trapping began in eastern Texas in 1915, Oklahoma in 1918, Arkansas in 1918, and Missouri in 1922. Nearly all of the specimens in the National Collections from about the first decade of predator control operations in these areas are large red wolves. But specimens obtained since about 1930 average much smaller, indicating that *C. rufus* had been almost wiped out by the efficient control programs and replaced by other canids. For example, from 1922 to 1925, a heavy trapping effort in southern Missouri destroyed 213 wolves. From this group the skulls of 22 adults were sent to the National Museum, and all are clearly red wolves. After this intensive control effort the red wolf population was apparently unable to continue in existence. We have one more, possibly pure, Missouri *C. rufus* specimen from 1932, and then only much smaller skulls.

Government trapping did not begin in Louisiana until 1938 and all specimens from that state up to 1940 are typical large red wolves. We have no specimens over the next decade, but numerous reports indicate that a fair number of wolves held out in Louisiana until about 1952. Only after the hard-hitting Federal and succeeding state predator control programs had decimated the wolf population was there a large-scale movement of a different, smaller kind of canid into Louisiana (Nowak, 1967).

There has been confusion regarding the identity of the canids that replaced the red wolf. In some areas these animals appear to be typical coyotes. In others, the canid population spans the whole range of variation in size and cranial details between red wolves and coyotes, and it has been suggested that this wide variation results from hybridization between the two species.

Sampson (1961) reported a few intermediate specimens taken in Missouri from 1932 to 1942, but almost all coyotes after that. Apparently in Missouri, and possibly in Oklahoma (Paradiso, 1968), the red wolf was quickly exterminated and replaced by the coyote, without the extensive development of hybridization.

In contrast to the situation farther north,

a large series of canid skulls, collected from 1899 to 1918 in central Texas, already exhibits an intergrading set of characteristics ranging from typical *C. latrans* to typical *C. rufus*. Large, small, and intermediate skulls are scattered throughout the area, with no geographic pattern apparent, and no place to draw a line of distinction between the coyote and red wolf. Paradiso and I believe that these specimens represent the formation of a hybrid swarm between *C. rufus* and *C. latrans*.

In nature, hybrids are often unable to survive long because they are not suited for the habitats of either of their parent species. But when man disrupts the environment, he may create a whole range of unnatural habitat conditions in which hybrids can thrive. A number of cases have been reported, especially regarding birds, in which two formerly separate species were brought into close contact through human disturbance. Eventually such conditions resulted in the formation of whole swarms of hybrids with greatly varying characteristics, intermediate between the parent species (Mayr, 1963).

The Edwards Plateau of central Texas, noted for its varied topography and vegetation, was one area in which the ranges of *C. rufus* and *C. latrans* would have overlapped. Human disruption of the natural habitats here probably led to a breakdown in the behavioral patterns and ecological isolation of the two species, and the development of a swarm of hybrid canids in the late nineteenth century.

These animals adapted to the conditions brought about by man and were actually able to spread eastward in Texas to fill the predator niche left when the large red wolves were exterminated. They appear to have formed a separate population from those red wolves that still existed. Their movement to the east seems to have been a geographical expansion of an animal population, and not merely a gene flow. For instance, in Louisiana we know that during the late 1940's true *C. rufus* was being rapidly eliminated by trapping. But only after the big true red wolf had been drastically reduced in numbers and largely forced back into the eastern and southern lowlands of the state, was there a movement of the separate hybrid group into northwestern Louisiana from eastern Texas (Nowak, 1967).

Paradiso (1968) made a study of the recent situation in eastern Texas. He found that 279 wild canid skulls, collected by Federal trappers in this area since 1962, spanned the entire size range between known samples of coyotes and red wolves. The average size of the skulls, however, was considerably closer to *C. Latrans*. This would be expected since the original coyote population was much greater in numbers. Large, small, and medium sized specimens were scattered throughout eastern Texas. and sometimes occurred together at the same locality. We recently examined 27 other skulls collected in Louisiana from 1963 to 1969, and found a similar variation in size.

We thus now realize that much of the former range of the red wolf has been overrun by a mixed swarm of canids, and there is little chance that pure populations of *C. rufus* survive in the same areas. The mere finding of one specimen that looks like an old red wolf cannot be considered proof of the presence of pure *C. rufus*, because a genetic hybrid may physically resemble one of the original parent species. The animal in McClennan County, Texas, considered by Dr. Etter (1969) to possibly be a red wolf, was almost certainly such a hybrid.

RECOGNITION OF THE PROBLEMS

The taxonomic studies that pointed out the critical status of the red wolf, led to the placing of *C. rufus* on the rare and endangered species list of the U.S. Fish and Wildlife Service in January 1965. State and private agencies also became aware of the problem and some took limited action. The International Union for Conservation of Nature and National Resources added *C. rufus* to its highly regarded *Red Data Book* of endangered wildlife. The American Society of Mammalogists has maintained a steady interest in the problem over the past few years, particularly with regard to the situation in Arkansas. The Society expressed fear (1967) that government trappers there were continuing to operate in areas where the red wolf might exist. At its 1969 meeting, the Society passed a resolution calling for intensive field study of the species.

State governments seem to have been slow in taking measures to save the red wolves within their jurisdiction. However, agents of the Arkansas Game and Fish Commission have cooperated in studies in that state (Wilson, 1967; Sealander and Gipson, 1969). And an official of the Texas Parks and Wildlife Commission (Beezley, 1967) published an article sympathetic to the red wolf. He also provided some information regarding the natural history of the species in the Texas Gulf Coast area.

Various other articles and official statements indicate that the plight of the red wolf now has rather widespread public recognition. This interest was exemplified when on March 2, 1969, the nationally broadcast fictional television program *Gentle Ben* featured a story concerning an attempt to save a pair of red wolves. Unfortunately, the program included a scene in which the wolves were shown to make an unprovoked attack on two humans. There are no actual records of such behavior by *C. rufus*, and this scene probably greatly reduced whatever good the program as a whole might have done for the species.

RED WOLVES IN CAPTIVITY

One means suggested for saving vanishing animal species is the breeding of captive populations. Until quite recently there were surprisingly few animals, identified as red wolves, in captivity anywhere. The Zoological Society of London's 1968 Census of Rare Animals in Captivity listed only three males and four females spread among five zoos, and furthermore stated that these specimens were probably not pure-bred (Lucas, 1969).

Since 1967, Federal workers have live-trapped a number of wild canids from the known red wolf range along the Texas Gulf Coast. Some of these animals died or were kept in the field, but a total of seven males and ten females have now been distributed to various zoos in the eastern United States. The handling of these live specimens is being coordinated by the Wild Animal Propagation Trust which hopes to establish breeding populations in captivity. Careful records of these animals and their progeny are being maintained, and blood samples have been taken from each for use in biochemical taxonomic studies.

SEARCHING FOR RED WOLVES

Fear that the red wolf was nearing extinction inspired field studies to learn if and where the species still existed. One such project, financed by the World Wildlife Fund, was undertaken in 1964–1965 by two Canadian zoologists, Douglas H. Pimlott and Paul W. Joslin of the University of Toronto. The procedures and results of this study have been published in several places (Pimlott, 1965; Pimlott and Joslin, 1968; Rutter and Pimlott, 1967).

The principal method employed by Pimlott and Joslin in searching for wolf populations was developed during research on Canadian wolves. There it was found that wolves often responded vocally to tape recordings of wolf howls and to human imitations. The presence of true wolves could thus be determined since their call differed from those of coyotes and dogs. Pimlott and Joslin also examined a number of skulls, searched for signs, and interviewed local residents.

Of course the howling method, like other new approaches, is limited by its lack of comparative material, in this case recordings of definitely known red wolves. And since *C. rufus* is thought to be specifically distinct from the wolves of Canada, there was no guarantee that its call would be the same, as Pimlott and Joslin apparently assumed. Still, their systematic searching procedures and close coordination with other data have produced some impressive results.

They heard animals which they considered to be red wolves in the Ozark National Forest of Arkansas. The only other wild canids heard during searches in that state were said to be coyotes. A large series of skulls from Arkansas was found to consist almost entirely of coyotes, while a few specimens appeared to be intermediate between *C. latrans* and *C. rufus*.

Using the howling method, Pimlott and Joslin located wolves in several other places. A group of three adults was found in Morehouse Parish in northeastern Louisiana. Groups of adults with young were heard on Davis Island, which is mostly in Mississippi, and on Pitman Island, also in Mississippi, but nearly surrounded on East Carroll Parish, Louisiana. Intensive searches made in a number of other localities in Louisiana revealed no wolves. On the basis of reports, a few wolves were believed to exist in the southwestern part of the state. The skull of an animal killed by a car in St. Landry Parish was identified as *C. rufus*.

For southeastern Texas it was recorded (Pimlott and Joslin, 1968:384): "Joslin spent five weeks in this area in 1965 and located three different packs totalling 14 animals, all of which he considered to be wolves. All were in the area east of Galveston Bay between Highway 73 and the Gulf Coast. He also examined a number of skulls of wolves that had been killed in the area. Coyotes were considered to be rare in the area and Joslin did not hear any howling."

The general picture that emerged from this study was that the red wolf, as a pure species, still existed only in the bottomlands near the Mississippi River, and on the coastal marshes of southern Louisiana and southeastern Texas. Paradiso (1965) provided more evidence for this last location when he reported examining seven canid skulls from the Anahuac National Wildlife Refuge in Chambers County, Texas. All specimens appeared to be true *C. rufus*, and Paradiso thought that the species might be present in some numbers in the area. Pimlott and Joslin estimated the total population of red wolves at not more than 150 individuals, 50–75 of which were in the southeastern Texas area between Anahuac and Beaumont. Further research was believed necessary to document the presence of *C. rufus* in the Ozark section of Arkansas (International Union for Conservation of Nature and Natural Resources, 1967).

Despite the fact that this population estimate was the lowest for any North American mammalian species, Pimlott and Joslin were forced to cancel their study because of a lack of funds. Attempts to obtain continued support from various agencies were unsuccessful.

CONTINUED WORK IN ARKANSAS

Howling searches have been carried on in the Ozark National Forest area by a group under Dr. Henri D. Crawley at Arkansas Polytechnic College. Students have made extended series of trips into the area and systematically played recordings of Canadian wolf howls, orginally supplied by Pimlott. Since October 1966, about twenty of the responses received have been considered at least wolflike (Anonymous, 1967; Bond, 1968; Wilson, 1967; Steve N. Wilson, pers. comm.

22 April 1969). A student has also been doing a statistical study of canid skulls provided by government trappers in Arkansas, in hopes of definitely ascertaining the continued existence of the red wolf in the state.

Another study is currently being made by Philip S. Gipson, a graduate student at the University of Arkansas. The comprehensive objectives of this project include a survey of food habits, range movements, reproductive processes, and taxonomy of all wild canids in Arkansas. State Game and Fish Commission personnel are supplying the remains of trapped animals. From July 1968 until June 1969 a total of 135 specimens, mostly from the western third of the state, were received. Five of these were identified as dogs or coyote-dog hybrids and all others were considered to be coyotes, but it was noted that a few were large and showed characteristics intermediate between *C. latrans* and *C. rufus* (Sealander and Gipson, 1969).

CURRENT STATUS LOUISIANA

The current situation in Louisiana is rather confusing, and many rural residents still believe the wolf to be common, due to the presence of other wild canids. These animals are most abundant in the northwestern part of the state where numerous articles and editorials in the *Shreveport Times* and *Journal* have carried on a running debate over their proper identity and management. The subject has even been touched on in an article in *Life* magazine (Snell, 1969). A large number of skulls from northwestern Louisiana have been supplied by state trappers to Louisiana Polytechnic Institute in Ruston where another taxonomic study is underway (T. E. Harris, pers. comm., 3 May 1969).

The Louisiana Wild Life and Fisheries Commission now refers to the great majority of wild canids in the state as coyotes. It was reported (1968) that the state predator control section trapped 269 coyotes in the period December 1, 1965 to November 30, 1966; and 306 in the period December 1, 1966 to November 15, 1967. Mr. T. E. Harris, predator control supervisor, also said that 383 coyotes were trapped in 1968, mainly in the northwestern part of the state. But the animals are fairly well distributed over Louisiana, except for the southern marsh areas (pers. comm., 3 May 1969).

The Commission thus continues to carry on a rather intensive trapping program. The number of men in the predator control section has varied in recent years, but currently there are about a dozen employees. Caddo Parish, in the extreme northwestern corner of the state, employs its own trapper.

The wolf is still listed as an "outlaw quadruped" in the Louisiana game regulations and thus may be legally killed at any time. However, several years ago predator control agents ceased trying to trap the surviving true red wolves in the state and Harris says that this policy continues.

Little information on the red wolf in Louisiana is available from state government sources. Contact with numerous game officials and trappers provided us with no substantial data more recent than the Pimlott-Joslin study of 1964–1965. No funds have been available to study any animals in the state other than game species. Recently, however, interest in the red wolf problem has increased, and, for one thing, all skulls of wild canids trapped by the predator control section are now being forwarded directly to the Commission's Fish and Game Division offices. There is also a possibility that a field study of the red wolf will be made by Louisiana State University.

One of the more logical places to look for red wolves would seem to be Davis Island where Pimlott and Joslin reported finding a group of two or three adults and two or three pups. I visited the island April 11–13, 1969. The area derives its name from the Confederate President who once had a large plantation there. Although mostly in Warren County, Mississippi, the island is almost encircled by Louisiana. It consists of about fifty square miles and is usually surrounded by segments of the Mississippi River. The land lies 20 to 60 feet above the river for most of the year, and the larger part is covered by dense hardwood forest. Several strips have been cleared for the grazing of cattle and the planting of deer feed. Only about ten persons are said to be permanent residents of the island, although there are several large hunting camps. Deer and other types of wildlife are plentiful. Most persons who frequent the island believe that wolves are present, but their descriptions indicate that other wild canids are also now in the area. Several wolves were reported to have been killed on the island in the 1968 deer season, but no specimens could be located.

Considering the isolation, low human population, and general wilderness character of Davis Island, it would appear to be an excellent place to protect any red wolves that might be present. Such action would depend mostly on achieving cooperation from the major land owners and hunting clubs there. In 1968, Grits Gresham, a noted Louisiana outdoors writer, attempted to initiate a movement to protect wolves on Davis Island (pers. comm., 27 April 1969), but apparently little was accomplished.

Several authorities in Louisiana suggested that the well-known Moore Ranch in the extreme southwestern Parish of Cameron, would be another good place to search for wolves. I also visited this area in April 1969. The ranch lies immediately north of the Sabine National Wildlife Refuge and consists mainly of marsh and flat grazing land. Dense cover is relatively scarce, but deer, rabbits, waterfowl, and other wildlife are abundant. The mounted heads of two canids, killed in the vicinity by state trappers in the period 1963 to 1965, are in the possession of the ranch. They appeared large enough to be true wolves. Mr. R. E. Odom, manager of the ranch, said that large wolves were still present and could be heard howling frequently in the cooler months. The Moore Ranch presented a striking contrast to other areas that were visited. Personnel there were well aware of the rarity of the red wolf and the species is now strictly protected along with all other native forms of wildlife. Mr. Odom said that he has never found evidence of the wolves harming livestock on the ranch.

The presence of the specimens at the Moore Ranch, the *C. rufus* skull identified from St. Landry Parish (Pimlott and Joslin, 1968), and persistent reports from wildlife officials and ranchers, indicate that a small population of true red wolves still exists in southern Louisiana. The range of the species probably includes parts of the vast Atchafalaya swamp region and then extends south to the Gulf Coast and west through Cameron Parish into southeastern Texas. However, little work has been done to definitely delineate the distribution of the red wolf in these parts of Louisiana.

HOPE AND CRISIS IN TEXAS

Much recent field work has been centered in extreme southeastern Texas, just across the border from Louisiana. Because of the evidence of the presence of *C. rufus* there, as gathered by Paradiso (1965) and Pimlott and Joslin (1968), plus continuous reports from field men and ranchers, the U.S. Fish and Wildlife Service initiated a study in the area.

The Federal project was funded by the Bureau of Sports Fisheries and Wildlife's Office of Endangered Species, and administered through the Bureau's Division of Wildlife Services, with field work conducted from the San Antonio offices. Research began on March 13, 1968 under the direction of John L. Steele, Jr., a Federal biologist stationed in Beaumont.

The study area included Brazoria, Galveston, Liberty, Chambers, Jefferson, and Orange counties, Texas. Steele, an ardent friend of the red wolf, was able to obtain much new data on its biology and the factors that threaten it with extinction. He concluded that relatively pure red wolf populations existed throughout most of the study area, but that they were seriously endangered.

Series of skulls sent to the Bird and Mammal Laboratories from this area, and compared with known red wolf specimens, have allowed a closer delineation of the current range of *C. rufus*. One group of 32 skulls, from animals killed by a private hunter, was sent from a locality in Brazoria County, west of the Brazos River. Only a few of these specimens resembled pure red wolves; the others appeared to be coyotelike or intermediate. Thus it is clear that hybrid canids are now established even in western Brazoria County.

The situation to the east of the Brazos River in this county, however, is different and deserves further comment. Brazoria County is actually separated by Galveston Bay from the areas examined earlier by Pimlott and Joslin. But during initial Federal investigations, reports from ranchers and government workers indicated that large red wolves still survived in an area of the eastern part of the county.

In the fall of 1968, Paradiso investigated the region in cooperation with Roy McBride, an experienced field officer of the Bureau of Sport Fisheries and Wildlife. McBride had previously come to the same conclusion reached by Paradiso in his laboratory work—that the wild canids throughout most of eastern Texas formed a highly variable population with characteristics ranging all the way from typical coyote to typical red wolf. However, he also thought that the animals in the coastal marshes of Brazoria County were pure *C. rufus*, and that no other canids had penetrated the region. The ranchers of the area had always known these animals as "wolves" and had hunted them for years. While this section of eastern Brazoria County was restricted in size, the population of wolves was of a relatively high density. This factor, plus continuing suitable habitat conditions, had apparently barred the entry of other canids. Paradiso and I examined a total of eighteen skulls collected in this area since 1964. Each of the specimens has characters within the range shown by our known series of *C. rufus*.

In addition, we have now examined seventeen skulls from Chambers and Jefferson counties, collected since 1963. These also closely resemble our known red wolf sample and show no evidence of coyote admixture.

It is thus apparent that a pure *C. rufus* population now exists from the Brazos River, through Chambers and Jefferson counties, and on into Louisiana. We estimate that perhaps 200 red wolves are present in southeastern Texas, with not more than 100 surviving in other states. There may actually be far fewer. Of critical importance is the fact that the range of *C. rufus* now adjoins that of the swarm of hybrid canids, some of which are capable of breeding with and thus diluting the purity of the red wolf population. The only way to prevent such interbreeding is to maintain the numbers and habitat of *C. rufus*.

It is encouraging that a population of wolves has survived at all on the long settled Gulf Coast. It seems as though this region was bypassed by the mainstream of development and for many years left primarily to marginal agricultural use. Nevertheless, in the last few years human population and activity have greatly increased in the area, and "civilization" has finally caught up with the wolves. More intensive agricultural practices, including regular marsh burning and

drainage, and industrial development, especially in the oil and chemical fields, now endanger the habitat of the species. The rapidly expanding Houston-Galveston area has already effectively split the coastal wolf population into two segments and might overrun much more of the region in a few years. Deer and waterfowl hunters, long considered a major factor in the decline of the wolf in Louisiana, are also a growing problem on the Texas coast.

The greatest immediate threat to the red wolf, however, remains direct and deliberate killing by ranchers who consider the species a danger to livestock, especially calves. Pimlott and Joslin (1968) said that in 1960–1961 a single trapper killed 52 wolves in the southeast Texas counties by means of cyanide guns. And Steele reported that in the period from 1963 to 1966 another trapper killed 151 wolves on one large ranch in Jefferson County. These figures probably represent mostly immature animals.

Recent reports indicate that red wolves are still being slaughtered at a shocking rate by ranchers and others along the Gulf Coast. According to Steele, a total of 265 wild canids was killed in his six county study area from January 1968 to October 1969.

Federal predators control operations within the suspected range of the red wolf were sharply curtailed in 1966 and there were attempts to carefully investigate complaints against the species. Although Steele's project has now ended, limited Federal studies of *C. rufus* are continuing in Texas. Current plans call for more research along with selective trapping of those wolves known to be causing damage. It is hoped that ranchers can be convinced to forego their own control operations which presently include indiscriminate poisoning and shooting. Killing of wolves by private individuals apparently increased after the reduction in government trapping and possibly total Federal withdrawal from the scene would mean a more rapid extermination of *C. rufus* in Texas.

Certainly the livestock interests in the area cannot be ignored. Rightly or wrongly, many Texas cattle ranchers believe that the red wolf is a detrimental factor in their business. Of course, further research might well show that here, as elsewhere, most of the cattle believed killed by wolves actually died due to disease, poisonous plants, malnutrition, drowning, or other factors, and were perhaps then fed on as carrion. Studies to determine the facts are badly needed and could provide friends for the red wolf.

CONCLUSION

In the end the preservation of the red wolf will depend on how much money and effort can be devoted to the problem. Ideal protection could be provided only through the purchase of a large and guarded refuge, within the range of *C. rufus*, to accommodate a viable population of the species in its natural habitat. Current plans for intensive research, sincere efforts at winning local cooperation, and captive breeding might also help, if effectively supported and carried out. Of great benefit would be the passing state laws to prohibit the killing of any wild canids within the known or suspected range of the red wolf. This range currently includes at least the following areas: Brazoria, Chambers, Jefferson, and Orange counties, Texas; and Cameron and Vermilion parishes, Louisiana. Concerted public information programs are also required to let local residents know of the rarity of the species and the need for protection.

Some action should be taken immediately if the red wolf is to survive. Even if the highest current population estimates were to be accepted. *Canis rufus* would still have to be considered the rarest mammal in North America. It is threatened not only by continuing ruthless human persecution, but by the steady deterioration of its habitat and the serious problem of hybridization. Despite the general awareness of the red wolf's plight, no refuges have been provided for it, no laws to protect it, and little money has been spent to help it. The time has now come for a top priority effort to save this unique American species.

ACKNOWLEDGMENTS

I am sincerely grateful to the personnel of the Division of Wildlife Services and the Division of Wildlife Research of the U.S. Bureau of Sport Fisheries and Wildlife for providing detailed information and assistance. Specimens and facilities were made available through the courtesy of the Bird and Mammal Laboratories of the Division of Wildlife Research.

I wish to express my particular gratitude to John L. Paradiso of the Bird and Mammal Laboratories and to thank all of those persons, mentioned and unmentioned in this report, who took the trouble to answer correspondence or who otherwise assisted me in gathering information on the red wolf.

LITERATURE CITED

American Society of Mammalogists. 1967. Report of conservation of land mammals committee. *Defenders of Wildlife News*, 42 (3): 267–270.

Anonymous. 1967. Does the red wolf persist in Arkansas? *Defenders of Wildlife News*, 42(4): 380–381.

Bailey, Vernon. 1905. Biological survey of Texas. *North American Fauna*, 25: 1–222.

Beezley, Clarence. 1967. Marsh fugitive. *Texas Parks and Wildlife*, 25(1): 18–20.

Bond, Glen W., Jr. 1968. A survey of the red wolf population on the Ozark National Forest (a supplementary report). Arkansas Polytechnic College, 11 pp.

Etter, Alfred G. 1969. Adventures on the trail of the hooved locust. *Defenders of Wildlife News*, 44(2): 156–166.

International Union for Conservation of Nature and Natural Resources. 1967. *Red Data Book* sheet—Red wolf.

Lawrence, Barbara, and William H. Bossert. 1967. Multiple character analysis of *Canis lupus, latrans,* and *familiaris,* with a discussion of the relationships of *Canis niger*, *American Zoologist*, 7(2): 223–232.

Louisiana Wild Life and Fisheries Commission. 1968. *Biennial Report*, 1966–1967.

Lucas, Joseph (ed.). 1969. *International Zoo Yearbook*, volume 9. Zoological Society of London.

McCarley, Howard. 1959. The mammals of eastern Texas. *Texas Journal of Science*, 11(4): 385–426.

———. 1962. The taxonomic status of wild *Canis* (Canidae) in the the south central United States. *Southwestern Naturalist*, 7(3–4): 227-235.

Mayr, Ernst. 1963. *Animal Species and Evolution*. Cambridge, Massachusetts, Harvard University Press, xiv+797 pp.

Nowak, Ronald M. 1967. The red wolf in Louisiana. *Defenders of Wildlife News*, 42 (1): 60–70.

Paradiso, John L. 1965. Recent records of red wolves from the Gulf Coast of Texas. *Southwestern Naturalist* 10(4): 318–319.

———. 1966. Recent records of coyotes, *Canis latrans*, from the southeastern United States. *Southwestern Naturalist*, 11(4): 500–501.

———. 1968. Canids recently collected in east Texas, with comments on the taxonomy of the red wolf. *American Midland Naturalist*, 80(2): 529–534.

Pimlott, Douglas H. 1965. Progress report, a study of the status and ecology of the red wolf in the southcentral United States. University of Toronto Department of Zoology, 6 pp.

——— and Paul W. Joslin. 1968. The status and distribution of the red wolf. *Trans. 33rd North American Wildlife and Natural Resources Conference*, 373–389.

Rutter, Russell J., and Douglas H. Pimlott. 1967. *The World of the Wolf*. Philadelphia, J. B. Lippincott, 202 pp.

Sampson, Frank W. 1961. Missouri's vanishing wolves. *Missouri Conservationist*, 22 (6): 5–7.

Sealander, John A. and Philip S Gipson. 1969. Annual progress report, range, food habits, and reproduction of coyotes and feral dogs in Arkansas. University of Arkansas, 25 pp.

Snell, David. 1969. Night of the wolf race. *Life*, 66(6): 18D.

Wilson, Steve N. 1967. A study of the red wolf population on the Ozark National Forest, a preliminary report. Arkansas Polytechnic College, 17 pp.

Young, Stanley P. and Edward A. Goldman. 1944. *The Wolves of North America*. Washington, D.C., American Wildlife Institute, xx+636 pp.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF EDUCATION APPROPRIATIONS BILL, 1971—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRAVEL). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 15, 1970, pp. 24453–24454, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that a summary of the bill as agreed to by the conferees and adopted by both bodies be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION APPROPRIATION BILL, 1971 (H.R. 16916)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

[Key: ESEA—Elementary and Secondary Education Act; NDEA—National Defense Education Act; ESEA, 1967—Elementary and Secondary Education Act Amendments of 1967; VEA—Vocational Education Act of 1963]

[All amounts are dollars in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1970 [1]	New budget (obligational) authority, fiscal year 1970 after 2 percent reduction [1]	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	New budget (obligational) authority, recommended in the Senate bill H.R. 16916	New budget (obligational) authority recommended, H.R. 16916 conference agreement	Increase (+) or decrease (−), Conference bill compared with— New budget (obligational) authority, fiscal year 1970 after 2 percent reduction	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
School assistance in federally affected areas:										
1. Maintenance and operations (874)	505,400,000	505,400,000	[2] 425,000,000	425,000,000	658,800,000	536,068,000	+30,668,000	+111,068,000	+111,068,000	−122,732,000
2. Construction (815)	15,181,000	15,181,000	----------	15,000,000	15,000,000	15,000,000	−181,000	+15,000,000	----------	----------
(Obligations)	(15,167,000)	(14,416,000)	(21,049,000)	(36,049,000)	(36,049,000)	(36,049,000)	(+21,633,000)	(+15,000,000)	----------	----------
Total	520,581,000	520,581,000	425,000,000	440,000,000	673,800,000	551,068,000	+30,487,000	+126,068,000	+111,068,000	−122,732,000
Elementary and secondary education:										
1. Aid to school districts:										
(a) Educationally deprived children (ESEA I)	[3] 1,396,975,000	[3] 1,339,050,900	1,339,050,000	1,500,000,000	[4] 1,500,000,000	[4] 1,500,000,000	+160,949,100	+160,950,000	----------	----------
(b) Supplementary services (ESEA III)	133,393,000	130,843,000	120,393,000	137,393,000	150,393,000	143,393,000	+12,550,000	+23,000,000	+6,000,000	−7,000,000
(c) Library resources (ESEA II)	50,000,000	42,500,000	80,000,000	80,000,000	80,000,000	80,000,000	+37,500,000	----------	----------	----------
(d) Equipment and minor remodeling (NDEA III)	43,740,000	37,179,000	----------	20,000,000	79,200,000	50,000,000	+12,821,000	+50,000,000	+30,000,000	−29,200,000
Subtotal	1,624,108,000	1,549,572,900	1,539,443,000	1,737,393,000	1,809,593,000	1,773,393,000	+223,820,100	+233,950,000	+36,000,000	−36,200,000
2. Dropout prevention (ESEA VIII)	5,000,000	5,000,000	15,000,000	8,000,000	15,000,000	10,000,000	+5,000,000	−5,000,000	+2,000,000	−5,000,000
3. Bilingual education (ESEA VII)	25,000,000	21,250,000	21,250,000	25,000,000	31,000,000	25,000,000	+3,750,000	+3,750,000	----------	−6,000,000
4. Strengthening State departments of education (ESEA V)	29,750,000	29,750,000	29,750,000	29,750,000	33,750,000	29,750,000	----------	----------	----------	−4,000,000
5. School nutrition and health (ESEA, sec. 808)	----------	----------	----------	----------	2,000,000	----------	----------	----------	----------	−2,000,000
6. Planning and evaluation (ESEA 1967, sec. 402)	9,250,000	8,825,000	9,250,000	8,825,000	8,825,000	8,825,000	----------	−425,000	----------	----------
Total	1,693,108,000	1,614,397,900	1,614,693,000	1,808,968,000	1,900,168,000	1,846,968,000	+232,570,100	+232,275,000	+38,000,000	−53,200,000
Education for the handicapped:										
1. State grant programs (ESEA VI)	29,190,000	29,190,000	31,900,000	35,000,000	34,000,000	34,000,000	+4,810,000	+2,100,000	−1,000,000	----------
2. Early childhood projects (Public Law 90-538)	4,000,000	3,000,000	4,000,000	7,000,000	7,000,000	7,000,000	+4,000,000	+3,000,000	----------	----------
3. Teacher education and recruitment:										
(a) Teacher education (Public Law 85-926)	36,000,000	30,000,000	31,600,000	32,600,000	32,600,000	32,600,000	+2,600,000	+1,000,000	----------	----------
(b) Recruitment and information (ESEA VI-D)	610,000	475,000	500,000	500,000	500,000	500,000	+25,000	----------	----------	----------
Subtotal	36,610,000	30,475,000	32,100,000	33,100,000	33,100,000	33,100,000	+2,625,000	+1,000,000	----------	----------
4. Research and innovation:										
(a) Research and demonstration (Public Law 88-164 sec. 302)	16,375,000	13,360,000	14,450,000	15,300,000	15,300,000	15,300,000	+1,940,000	+850,000	----------	----------
(b) Regional resource centers (ESEA VI-B)	2,900,000	1,800,000	3,550,000	3,550,000	3,550,000	3,550,000	+1,750,000	----------	----------	----------
(c) Deaf-blind centers (ESEA VI-C)	4,000,000	2,000,000	2,500,000	4,500,000	4,500,000	4,500,000	+2,500,000	+2,000,000	----------	----------
(d) Media services and captioned films (Public Law 85-905)	6,500,000	4,750,000	6,000,000	6,000,000	6,000,000	6,000,000	+1,250,000	----------	----------	----------
Subtotal	29,775,000	21,910,000	26,500,000	29,350,000	29,350,000	29,350,000	+7,440,000	+2,850,000	----------	----------
5. Specific learning disabilities (ESEA 1970, Title VI, Part G)	----------	----------	----------	----------	1,000,000	1,000,000	+1,000,000	+1,000,000	+1,000,000	----------
6. Planning and evaluation (ESEA, 1967, sec. 402)	425,000	425,000	500,000	550,000	550,000	550,000	+125,000	+50,000	----------	----------
Total	100,000,000	85,000,000	95,000,000	[5] 105,000,000	105,000,000	105,000,000	+20,000,000	+10,000,000	----------	----------
Vocational and adult education:										
1. Basic vocational education grants:										
(a) Grants to States (VEA, pt B)	300,336,000	300,336,000	300,336,000	350,336,000	[6] 346,336,000	[6] 350,336,000	+50,000,000	+50,000,000	----------	+4,000,000
(b) Consumer and homemaking education (VEA, pt F)	17,500,000	15,000,000	15,000,000	17,500,000	25,000,000	21,250,000	+6,250,000	+6,250,000	+3,750,000	−3,750,000
(c) State advisory councils (VEA, pt B)	2,800,000	2,380,000	2,380,000	2,380,000	2,380,000	2,380,000	----------	----------	----------	----------
(d) National advisory council (VEA, pt B)	200,000	200,000	330,000	330,000	330,000	330,000	+130,000	----------	----------	----------
Subtotal	320,836,000	317,916,000	318,046,000	370,546,000	374,046,000	374,296,000	+56,380,000	+56,250,000	+3,750,000	+250,000

Footnotes at end of table.

OFFICE OF EDUCATION APPROPRIATION BILL, 1971 (H.R. 16916)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

[Key: ESEA—Elementary and Secondary Education Act; NDEA—National Defense Education Act; ESEA, 1967—Elementary and Secondary Education Act Amendments of 1967; VEA—Vocational Education Act of 1963]

[All amounts are dollars in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1970 [1]	New budget (obligational) authority, fiscal year 1970 after 2 percent reduction [1]	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	New budget (obligational) authority, recommended in the Senate, bill H.R. 16916	New budget (obligational) authority recommended, H.R. 16916 conference agreement	Increase (+) or decrease (−), Conference bill compared with— New budget (obligational) authority, fiscal year 1970 after 2 percent reduction	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Vocational and adult education—Continued										
2. Residential vocational schools (VEA, sec. 151)					4,000,000					−4,000,000
3. Work-study (VEA, pt. H)	5,000,000	4,250,000		5,500,000	5,500,000	5,500,000	+1,250,000	+5,500,000		
4. Cooperative education (VEA, p. G)	14,000,000	14,000,000	24,000,000	18,500,000	18,500,000	18,500,000	+4,500,000	−5,500,000		
5. Research and innovation (VEA, pt. D)	31,980,000	14,980,000	25,000,000	20,000,000	[2] 20,000,000	[2] 20,000,000	+5,020,000	−5,000,000		
6. Adult basic education (Adult Education Act)	49,900,000	49,900,000	55,000,000	55,000,000	55,000,000	55,000,000	+5,100,000			
7. Planning and evaluation (ESEA, 1967 sec. 402)	1,100,000	1,000,000	1,000,000	900,000	900,000	900,000	−100,000	−100,000		
8. Students with special needs (VEA, sec. 102(B))	20,000,000	17,000,000	17,000,000	20,000,000	20,000,000	20,000,000	+3,000,000	+3,000,000		
Total	442,816,000	419,046,000	440,046,000	490,446,000	497,946,000	494,196,000	+75,150,000	+54,150,000	+3,750,000	−3,750,000
Higher education:										
1. Student assistance:										
(a) Educational opportunity grants (HEA IV–A)	164,600,000	164,600,000	185,600,000	167,700,000	185,600,000	167,700,000	+3,100,000	−17,900,000		−17,900,000
(b) Work-study and cooperative education (HEA–IV C, D)	154,000,000	154,000,000	160,000,000	160,000,000	176,000,000	160,000,000	+6,000,000			−16,000,000
(c) Loans:										
(1) Direct (NDEA II)	229,000,000	195,685,000	176,925,000	229,000,000	243,000,000	243,000,000	+47,315,000	+66,075,000	+14,000,000	
(Teacher cancellations)	(4,900,000)	(4,900,000)	(4,500,000)	(4,500,000)	(4,500,000)	(4,500,000)	(−400,000)			
(2) Insured: (HEA IV–B):										
(A) Advances for reserve funds										
(Obligations)	(2,800,000)	(2,800,000)	(4,441,022)	(4,441,022)	(4,441,022)	(4,441,022)	(+1,641,022)			
(B) Interest payments	62,400,000	62,400,000	143,200,000	143,200,000	143,200,000	143,200,000	+80,800,000			
(Accrued costs)	(109,454,000)	(109,454,000)	(143,200,000)	(143,200,000)	(143,200,000)	(143,200,000)	(+33,746,000)			
(New loans subsidized)	(794,241,000)	(794,241,000)	(940,428,000)	(940,428,000)	(940,428,000)	(940,428,000)	(+146,187,000)			
(C) Computer services	1,500,000	1,500,000	2,200,000	2,200,000	2,200,000	2,200,000	+700,000			
(Obligations)	(1,697,990)	(1,697,990)	(2,200,000)	(2,200,000)	(2,200,000)	(2,200,000)	(+502,010)			
Subtotal	63,900,000	63,900,000	145,400,000	145,400,000	145,400,000	145,400,000	+81,500,000			
(d) Special programs for the disadvantaged (HEA sec. 408):										
(1) Talent search	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000				
(2) Upward bound	29,683,000	29,637,000	30,000,000	30,000,000	30,000,000	30,000,000	+363,000			
(3) Special services in college	10,000,000	10,000,000	15,000,000	15,000,000	15,000,000	15,000,000	+5,000,000			
Subtotal	44,683,000	44,637,000	50,000,000	50,000,000	50,000,000	50,000,000	+5,363,000			
Subtotal, student assistance	656,183,000	622,822,000	717,925,000	752,100,000	800,000,000	766,100,000	+143,278,000	+48,175,000	+14,000,000	−33,900,000
2. Institutional assistance:										
(a) Aid to land-grant colleges (Bankhead Jones Act)	19,361,000	19,361,000		8,080,000	12,120,000	10,080,000	−9,281,000	+10,080,000	+2,000,000	−2,040,000
(b) Strengthening developing institutions (HEA III)	30,000,000	30,000,000	33,850,000	33,850,000	33,850,000	33,850,000	+3,850,000			
(c) University community services (HEA I)	9,500,000	9,500,000		9,500,000	9,500,000	9,500,000		+9,500,000		
(d) Instructional equipment					14,500,000	7,000,000	+7,000,000	+7,000,000	+7,000,000	−7,500,000
(e) Foreign language training and area studies (NDEA VI; Fulbright-Hays)	18,000,000	15,300,000	[3] 153,00,000	6,000,000	15,300,000	8,000,000	−7,300,000	−7,300,000	+2,000,000	−7,300,000
(f) International Education Act					500,000					−500,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority, fiscal year 1970 [1]	New budget (obligational) authority, fiscal year 1970 after 2 percent reduction [1]	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	New budget (obligational) authority, recommended in the Senate, bill H.R. 16916	New budget (obligational) authority recommended, H.R. 16916 conference agreement	Increase (+) or decrease (−), Conference bill compared with— New budget (obligational) authority, fiscal year 1970 after 2 percent reduction	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Higher education—Con.										
(g) Improvement of graduate schools (HEA X)					500,000					−500,000
(h) Institutional sharing of resources (HEA VIII)					500,000					−500,000
	76,861,000	74,161,000	49,150,000	57,430,000	86,770,000	68,430,000	−5,731,000	+19,280,000	+11,000,000	−18,340,000
(i) Construction:										
(1) Grants (HEFA I & II)	76,000,000	71,050,000			71,050,000	43,000,000	−28,050,000	+43,000,000	+43,000,000	−28,050,000
(Obligations)	(76,000,000)	(72,650,000)			(71,050,000)	(43,000,000)	(−29,650,000)	(+43,000,000)	(+43,000,000)	(−28,050,000)
(2) Subsidized loans (HEFA III)	11,750,000	11,750,000	21,000,000	21,000,000	21,000,000	21,000,000	+9,250,000			
(Obligations)	(11,750,000)	(10,920,000)	(25,250,000)	(25,250,000)	(25,250,000)	(25,250,000)	(+14,330,000)			
(Loans subsidized)	(435,000,000)	(393,000,000)	(520,000,000)	(520,000,000)	(520,000,000)	(520,000,000)	(+127,000,000)			
(3) State administration and planning (HEFA I)	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000	6,000,000				
(4) Technical services (HEFA I, sec. 105)	5,417,000	5,417,000	5,100,000	5,100,000	5,100,000	5,100,000	−317,000			
Subtotal, construction	99,167,000	94,217,000	32,100,000	32,100,000	103,150,000	75,100,000	−19,117,000	+43,000,000	+43,000,000	−28,050,000
Subtotal, institutional assistance	176,028,000	168,378,000	81,250,000	89,530,000	189,920,000	143,530,000	−24,848,000	+62,280,000	+54,000,000	−46,390,000
3. College personnel development:										
(a) College teacher fellowships (NDEA IV)	56,163,000	48,813,000	47,350,000	47,350,000	47,350,000	47,350,000	−1,463,000			
(b) Training programs (EPDA, pt. E)	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000				
(c) Public service education (HEA, IX)					500,000					−500,000
(d) Law school clinical experience (HEA, XI)					500,000					−500,000
Subtotal	66,163,000	58,813,000	57,350,000	57,350,000	58,350,000	57,350,000	−1,463,000			−1,000,000
4. Planning and evaluation (ESEA, 1967, sec. 402)	1,000,000	900,000	1,000,000	900,000	900,000	900,000		−100,000		
Total	899,374,000	850,913,000	857,525,000	899,880,000	1,049,170,000	967,880,000	+116,967,000	+110,355,000	+68,000,000	−81,290,000
Education professions development:										
1. State grants (EPDA–pt. B–2)	18,250,000	15,512,500	15,000,000	15,000,000	15,000,000	15,000,000	−512,500			
2. Personnel development programs (EPDA–pts. C, D, & F)	88,348,000	79,098,000	88,500,000	88,500,000	88,500,000	88,500,000	+9,402,000			
3. Planning and evaluation (ESEA 1967, sec. 402)	477,000	477,000	1,300,000	1,000,000	1,000,000	1,000,000	+523,000	−300,000		
4. Encouragement of educational careers (EPDA–sec. 504)	425,000	425,000	500,000	500,000	500,000	500,000	+75,000			
5. Teacher Corps (EPDA–pt. B–1)	21,737,000	21,737,000	30,800,000	30,800,000	40,800,000	30,800,000	9,063,000			−10,000,000
Total	129,237,000	117,249,500	136,100,000	135,800,000	145,800,000	135,800,000	+18,550,500	−300,000		−10,000,000
Community education:										
1. Public libraries:										
(a) Services (LSCA I, III, IV–A and IV–B)	40,709,000	35,459,000	35,459,000	40,709,000	40,709,000	40,709,000	+5,250,000	+5,250,000		
(b) Construction (LSCA II)	9,185,000	7,807,250		5,000,000	9,185,000	7,092,500	−714,750	+7,092,500	+2,092,500	−2,092,500
(Obligations)	(10,911,034)	(9,533,284)		(5,000,000)	(9,185,000)	(7,092,500)	(−2,440,874)	(+7,092,500)	(+2,092,500)	(−2,092,500)
Subtotal	49,894,000	43,266,250	35,459,000	45,709,000	49,894,000	47,801,500	+4,535,250	+12,342,500	+2,092,500	−2,092,500
2. College library resources (HEA II–A)	20,750,000	9,816,000	9,900,000	9,900,000	20,750,000	15,325,000	+5,509,000	+5,425,000	+5,425,000	−5,425,000
3. Librarian training (HEA II–B)	6,833,000	4,000,000	3,900,000	3,900,000	8,250,000	3,900,000	−100,000			−4,350,000
4. Cataloging by the Library of Congress (HEA II–C)	6,732,000	5,721,450	5,727,000	5,727,000	7,500,000	6,613,500	+892,050	+886,500	+886,500	−886,500
5. Educational broadcasting facilities (title II, Communications Act of 1934)	5,083,000	4,320,550	4,000,000	6,000,000	15,000,000	11,000,000	+6,679,450	+7,000,000	+5,000,000	−4,000,000
(Obligations)	(5,396,639)	(5,396,634)	(4,000,000)	(6,000,000)	(15,000,000)	(11,000,000)	(+5,603,366)	(+7,000,000)	(+5,000,000)	(−4,000,000)
6. Planning and evaluation (ESEA 1967, sec. 402)	89,000	89,000	460,000	400,000	400,000	400,000	+311,000	−60,000		
Total	89,381,000	67,213,250	59,446,000	71,636,000	101,794,000	85,040,000	+17,826,750	+25,594,000	+13,404,000	−16,754,000

Footnotes at end of table.

OFFICE OF EDUCATION APPROPRIATION BILL, 1971 (H.R. 16916)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

[Key: ESEA—Elementary and Secondary Education Act; NDEA—National Defense Education Act; ESEA, 1967—Elementary and Secondary Education Act Amendments of 1967; VEA—Vocational Education Act of 1963]

[All amounts are dollars in the form of definite appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1970 [1]	New budget (obligational) authority, fiscal year 1970 after 2 percent reduction [1]	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	New budget (obligational) authority, recommended in the Senate bill H.R. 16916	New budget (obligational) authority recommended, H.R. 16916 conference agreement	Increase (+) or decrease (−), Conference bill compared with— New budget (obligational) authority, fiscal year 1970 after 2 percent reduction	Budget estimates of new (obligational) authority fiscal year 1971	New budget (obligational) authority, recommended in the House bill H.R. 16916	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Research and training:										
1. Research and development (Cooperative Research Act):										
(a) Educational laboratories	25,125,000	25,106,000	25,106,000	24,406,000	25,106,000	25,106,000			+700,000	
(b) Research and development centers	10,000,000	9,800,000	9,500,000	9,300,000	9,300,000	9,300,000	−500,000	−200,000		
(c) General education	22,862,000	22,562,000	22,562,000	19,208,000	15,000,000	15,000,000	−7,562,000	−7,562,000	−4,208,000	
(d) Evaluations	3,000,000	2,796,000	5,000,000	4,250,000	4,000,000	4,000,000	+1,204,000	−1,000,000	−250,000	
(e) National achievement study	2,000,000	1,900,000	4,500,000	4,500,000	4,500,000	4,500,000	+2,600,000			
(f) Special library research	2,171,000	2,171,000	2,171,000	2,171,000	2,171,000	2,171,000				
(g) Nutrition and health			2,500,000	2,000,000	2,000,000	2,000,000	+2,000,000	−500,000		
Subtotal	65,158,000	64,335,000	71,339,000	65,835,000	62,077,000	62,077,000	−2,258,000	−9,262,000	−3,758,000	
2. Major demonstration (Cooperative Research Act)	1,000,000	1,000,000	5,000,000	3,000,000	3,000,000	3,000,000	+2,000,000	−2,000,000		
District of Columbia model school	(1,000,000)	(1,000,000)	(4,750,000)	(2,750,000)	(2,750,000)	(2,750,000)	(+1,750,000)	(−2,000,000)		
3. Experimental schools (Cooperative Research Act)			25,000,000	20,000,000	15,000,000	15,000,000	+15,000,000	−10,000,000	−5,000,000	
4. Dissemination (Cooperative Research Act and sec. 303 VEA)	7,200,000	6,740,000	6,740,000	6,740,000	5,000,000	5,000,000	−1,740,000	−1,740,000	−1,740,000	
5. Training	6,750,000	6,350,000	6,250,000	6,250,000	2,000,000	2,000,000	−4,350,000	−4,250,000	−4,250,000	
6. Statistics	2,000,000	1,900,000	4,000,000	3,500,000	3,000,000	3,000,000	+1,100,000	−1,000,000	−500,000	
7. Construction (Obligations)	(11,291,202)	(11,291,202)					(−11,291,202)			
Total	82,108,000	80,325,000	118,329,000	[9] 105,325,000	90,077,000	[10] 90,077,000	+9,752,000	−28,252,000	−15,248,000	
Educational activities overseas (special foreign currency program) (Public Law 480)	1,000,000	1,000,000	3,000,000	3,000,000	3,000,000	3,000,000	+2,000,000			
(Obligations)	(1,029,405)	(1,029,405)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(+1,970,595)			
Salaries and expenses	44,308,000	44,308,000	46,733,000	46,107,000	45,164,000	45,164,000	+856,000	−1,569,000	−943,000	
Student loan insurance fund (HEA IV–B)	10,826,000	10,826,000	18,000,000	18,000,000	18,000,000	18,000,000	+7,174,000			
(Obligations)	(16,338,000)	(16,388,000)	(18,182,000)	(18,182,000)	(18,182,000)	(18,182,000)	(+1,794,000)			
Higher education facilities loan fund (HEFA III):										
1. Loans to higher education institutions (Obligations)	(25,000,000)	(15,000,000)	(10,000,000)	(10,000,000)	(25,000,000)	(25,000,000)	(+10,000,000)	(+15,000,000)	(+15,000,000)	
2. Participation sales insufficiencies	2,918,000	2,918,000	2,952,000	2,952,000	2,952,000	2,952,000	+34,000			
(Obligations)	(31,651,000)	(31,651,000)	(25,293,000)	(25,293,000)	(25,293,000)	(25,293,000)	(−6,358,000)			
Total	2,918,000	2,918,000	2,952,000	2,952,000	2,952,000	2,952,000	+34,000			
Emergency school assistance (OEO, title II; EPDA, pt. D; Co op. Research Act; ESEA, sec. 807; Civil Rights Act, title IV; ESEA Amendments of 1967, sec. 402			150,000,000	[12]	150,000,000	75,000,000	+75,000,000	−75,000,000	+75,000,000	−75,000,000
Total, OEO	4,015,657,000	3,813,777,650	[11] 3,966,824,000	4,127,114,000	4,782,871,000	4,420,145,000	+606,367,350	+453,321,000	+293,031,000	−362,726,000
Title I advance funding:										
1970 advance (in 1969 bill)	−1,010,814,300	−1,010,814,300					+1,010,814,300			
1972 advance (in 1971 bill)			1,339,050,000					−1,339,050,000		
Total, Education Appropriation Bill	3,004,842,700	2,802,963,350	5,305,874,000	4,127,114,000	4,782,871,000	4,420,145,000	+1,617,181,650	−885,729,000	+293,031,000	−362,726,000

[1] 1970 appropriations are comparable to the 1971 estimates.
[2] To implement proposed reform legislation now pending in Congress.
[3] Includes $1,010,814,300 appropriated in the 1969 bill.
[4] Includes $7,841,685 for pt. B, incentive grants and $15,453,650 for pt. C, grants for high concentrations of poor.
[5] Department distribution. Key to legislative authorities: ESEA 1970 (Elementary and Secondary Education Act Amendments of 1970).
[6] Provides 10 percent of total for vocational research under pt. C of the basic law.
[7] Earmarks $4,000,000 for curriculum development and $16,000,000 for exemplary programs.
[8] Includes a budget amendment of $9,300,000 (S. Doc. 91–80). Key to legislative authorities: HEA (Higher Education Act); HEFA (Higher Education Facilities Act); EPDA (Education Professions Development Act).
[9] Department distribution.
[10] Tentative distribution.
[11] Includes budget amendment totaling $279,759,000. Includes $425,000,000 to implement impacted area aid legislation; and includes $150,000,000 for 1970 supplemental estimate for emergency school assistance.
[12] Not considered by House. Key to legislative authorities: Economic Opportunity Act of 1964 title II.

Not H. Rept. 91–996, Apr. 9, 1970, passed House Apr. 14, 1970. S. Rept. 91–871, May 15, 1970 passed Senate June 25, 1970. H.J. Res. 1264, continuing resolution, 1971, Public Law 91–294, June 29, 1970.

Mr. MAGNUSON. Mr. President, I have a short statement to make, and I am sure that the distinguished Senator from New Hampshire (Mr. COTTON) will wish to make a statement on the adoption of this very important conference report.

Mr. President, before I move the adoption of the conference report on H.R. 16916, I would like to comment very briefly on several aspects of the bill, as agreed to by the conferees.

First, the total bill, as reported out of conference, is $4,420,145,000, which is under the Senate figure of $4,782,871,000 by minus $362,726,000. The conference figure is over the House amount of $4,127,114,000 by $293,031,000 and over the budget estimate of $3,966,824,000—without advance funding of $1,339,050,000—by $453,321,000. It is under the budget estimate of $5,305,874,000—including advance funding of $1,339,050,000—by $885,729,000. The conference figure is over the fiscal year 1970 comparable appropriation of $3,813,777,650—taking into consideration the 2-percent reduction of the total amount of last year's education appropriation—by $606,367,350.

The House, on July 16, adopted this agreement by a rollcall vote of 357 to 30.

I am hoping the Senate will adopt the conference report by just as impressive a margin as the House so we can send this education bill to the President and have him sign it, and the schools and the students can get their money and we can get on with the business of educating 52,000,000 students.

There has been a little noise down on 1600 Pennsylvania Avenue about the size of appropriations bills being approved by Congress. That four-letter word "veto" keeps cropping up again and again—but let me say that Congress wants this appropriation bill signed into public law. The Senator from New Hampshire, the chairman, the sucbcommittee and the Congress have deliberated on education funds for 1971 long enough and have completed a fairly decent bill, and we are ready to turn our attention to other pressing matters.

Appropriation bills are a composite of the annual budget—the President's budget. And when we finish passing the various component parts of the President's budget, I think he will find that Congress has reduced his budget—not increased it. This is what happened last year, and in many other years, and I predict this will be the final result when we conclude this session.

This is what the taxpayers should be told. This is what they should know between now and November.

Congress also knows that a flow of supplemental requests for more money will begin their march up the Hill from downtown between now and the time we adjourn. The taxpayers should know this, too.

Expenditures for education in this country are running about $70 billion a year at all levels—local, State, and county.

The Federal contribution toward education is about $7.8 billion, or 11.1 percent of the total contribution annually. This bill covers only $4.4 billion of the $7.8 billion Federal outlay.

The States are putting up about $20.9 billion for education, the local governments are investing $23.7 billion in education, and $17.7 billion goes into education from endowments and gifts, and so forth. These private donations run almost three times what the Federal Government contributes to education. And we know what happens when the Federal portion is reduced—State and local taxes go up. And when local bond issues fail and States do not come up with additional tax dollars—education suffers.

Whether the percentage of the Federal contribution goes up or down by one-tenth of a percent has very little, or perhaps nothing, to do with reducing inflation.

Now, let me touch just briefly on some of the particular aspects of this bill.

First, school assistance in federally affected areas—impacted aid—we spent more time on this part of the bill than anything else.

However, the conference figure is $126 million over the administration's submission and $111 million over the House allowance.

The conference agreement provides for the following:

Category	Percent of entitlement	Amount
A students	90	$158,100,000
B students	65	334,100,000
Hardship students	100	8,800,000
Section 6 (mandatory)	100	35,000,000
Subtotal		536,000,000
Construction (Public Law 815)		15,000,000
Total		551,000,000

The Senate last year in adopting the conference report provided equal entitlement for both A and B students. It was 77 percent after the conference.

I know that many Members are disappointed that equal entitlement was not retained for B students. This was in the Senate verision:

Funds required to pay 90 percent

Maintenance and operations (Public Law 874)	$658,800,000
Construction (Public Law 815)	15,000,000
Total	673,800,000

Fund requirements include provision to pay full entitlement for school districts with 25% or more "category A" pupils.

However, let me say that under the conference agreement, B students will receive over $100 million more than was provided in the House version or the Department's proposal. The amount provided this year is the largest amount in the 20-year history of impacted aid.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation which points the funds that have been provided for impacted aid since 1951.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Public Law 874 appropriations—School assistance in federally affected areas

1951	$29,080,788
1952	51,570,000
1953	60,500,000
1954	72,350,000
1955	75,000,000
1956	90,000,000
1957	113,050,000
1958	127,000,000
1959	157,362,000
1960	186,300,000
1961	217,300,000
1962	247,000,000
1963	282,322,000
1964	320,670,000
1965	332,000,000
1966	388,000,000
1967	416,200,000
1968	507,165,000
1969	505,900,000
1970[1]	505,400,000
1971	536,000,000

[1] In addition to this total, $2.5 million was reserved for SAFA in Public Law 91-237, signed May 1, 1970.

Mr. MAGNUSON. Mr. President, this, along with other items the Senate comprised, and in some cases receded on, are always disappointing, but we fought hard for what we thought was right for education.

For the record, let me sight some comparisons.

The conference figures exceed the President's budget estimate and House allowance on impacted aid, elementary and secondary education, vocational and adult education, higher education, and community education.

This covers all major portions of the bill in the conference report.

The conference figures also exceed the budget estimate on education of the handicapped. The House and Senate had no disagreement on increasing this amount. Compared to fiscal 1970, this conference report is an overall increase of 16 percent.

So, I think we came out pretty good—and, Mr. President, this is what a conference is all about.

In concluding, may I say that we compromised on the general provisions. The conference bill retains the Whitten amendment and strikes the Jonas amendment.

Not everyone is pleased with this—the chairman included—but whatever way these amendments are resolved—each year—it is to the displeasure of many. I wish they did not exist in this appropriation measure, but they do, and we have to deal with them year after year.

On the President's request for emergency school assistance we split.

The Senate measure carried the request of $150 million and the House had not considered this item. We reached mutual agreement at $75 million.

That, Mr. President, is briefly the substance of the conference agreement.

Mr. President, I move that the Senate adopt the conference report.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. MANSFIELD. Mr. President, I am delighted that the chairman of this par-

ticular subcommittee has made the statement he has and that the ranking minority member of that subcommittee, the distinguished Senator from New Hampshire (Mr. COTTON) is also on the floor at this time.

They will both recall my intense personal interest in what was formerly Glasgow Air Base in Montana which cost the Government of the United States, through the Defense Department, $150 million and which has now been declared vacant as far as defense purposes are concerned.

This is a facility which is the most modern in the United States, bar none. It has everything, including its own water system, hospital, good up-to-date housing, long runways, and everything which an airman would want or need.

The Senator will recall that in connection with the Glasgow matter, among others, consideration was given to a $4 million appropriation that would be used to great advantage in the field of vocational education.

The Senator will recall that the Senate bill included a $4 million earmarking for initial funding of the residential vocational schools program. This activity was first authorized in the Vocational Education Act of 1963 and was extended in the Vocational Education Amendments of 1968. The Senate felt that this program deserved funding on a demonstration basis to see if the concept of residential vocational education has merit. The $4 million would have provided for one or more projects on an experimental basis. I understand the conferees discussed this matter at length and that the Senate conferees reluctantly receded on the amendment as written into the Senate-passed bill, but did work out a compromise to include it in another part of the agreement.

Would the distinguished manager of the bill comment on this?

Mr. MAGNUSON. I would be glad to. We pressed hard in conference for the original amendment but the conferees finally decided that the Secretary should exercise discretion as to distribution of the total research and training appropriation among various activities; and there would be no objection to the use of an additional $4 million under the line item of experimental schools, which is actually what it is; and I hope it will be directed to what the Senator from Montana intends it to be directed for.

Mr. MANSFIELD. Specifically, to what was once the Glasgow Air Force Base.

Mr. MAGNUSON. That is where the problem exists. I am sure that the intent of the conferees in reaching this agreement was an understanding of exactly what it should be used for.

Mr. COTTON. Mr. President, will the Senator yield on that point?

Mr. MAGNUSON. I yield.

Mr. COTTON. The House conferees objected to earmarking this money for Glasgow because they were afraid it would lead to everybody coming in and wanting portions of the funds earmarked.

Mr. MAGNUSON. They said some kind of new program.

Mr. COTTON. But they agreed to add the $4 million to the experimental school. Chairman FLOOD and his associates, and the Senator from Washington and I all agreed it was the intent of the conferees that the $4 million added to the line item of experimental schools should be used for Glasgow.

Mr. MANSFIELD. I am delighted. I thank the Senator.

Mr. MAGNUSON. May I say, we ended up with an agreement with the House that it is perfectly clear this is what we meant.

I said, "Then, if I understand correctly, Secretary Richardson has authority and the necessary funds to initiate a residential vocational training school of an experimental type?" The House Members said that that was the intent—they meant Glasgow.

Mr. MANSFIELD. I am delighted that the Senator from Washington, the chairman, the manager of the bill (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) both had anticipated my next question, which I will accordingly forgo.

I am confident that you will agree with me that there is a great need to provide such vocational training to residents of rural America and particularly in those areas of the Upper Great Plains where distances between communities and sparse population often militate against the establishment of adequate schools. I have in mind specifically eastern Montana, the Dakotas, and Wyoming, in addition to surrounding areas. I would hope, therefore, that this administration will follow through with a go-ahead on such a concept to benefit the young people of that area including many Indians—we have 40,000 of them in Montana and a sizable number in both Dakotas—who are disadvantaged to a greater degree than other segments of our population.

Sometimes I think original Americans are the forgotten Americans. If something could be done at Glasgow, it would help in Montana, the Dakotas, and Wyoming to a great degree.

Mr. MAGNUSON. I repeated the same statement to the conferees. There was a thorough understanding that this is what we meant, almost exactly in the words of the Senator from Montana. I am sure the new Secretary of HEW will hear it loud and clear.

Mr. MANSFIELD. And that Glasgow is the place.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YOUNG of North Dakota. Mr. President, as one of the conferees I wish to confirm the discussion which is taking place. There was no question among any of the conferees but that a program like this was necessary not only to help the Indians but others, and the place for it was Glasgow.

Mr. MAGNUSON. I think the House conferees agreed with the Senator from New Hampshire and myself that we were not enunciating a new program but trying to take care of a problem that might involve North Dakota and other areas, but this was a good beginning. Particularly in view of the fact that the Senate and the House increased the vocational educational funds. In other words, the thrust was toward these funds. I do not think there should be any question about it.

Through this colloquy on the floor of of the Senate I again suggest to the new Secretary that I hope he understands what we meant.

Mr. MANSFIELD. I think he is a very understanding gentleman.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. I shall take this statement out of the RECORD. I probably should.

However, in order to make it perfectly clear to the distinguished majority leader and to indicate to him that he has a slight duty to perform, the exact words of the distinguished chairman of the House conferees, Representative FLOOD, were:

> We will add this $4 million. We are not earmarking, but all that MIKE MANSFIELD needs to do is to make one telephone call and he will have it.

Mr. MANSFIELD. Leave it in the RECORD

Mr. MAGNUSON. If the Senator needs two or three telephone calls he will get one from the Senator from Washington, and another from the Senator from New Hampshire, and another from the Senator from North Dakota.

Mr. MANSFIELD. I thank the Senator and Senators. You are all most considerate, most understanding, and very gracious, indeed.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. SPONG. Mr. President, I shall not seek to delay adoption of the conference report on the education appropriations bill for fiscal 1971. I do, however, strenuously object to one of the provisions in the conference bill—that which provides for the funding of the impacted areas aid program.

The provision for funding of the impacted areas program amounts to legislating in the appropriations process—a procedure of which I disapprove.

In this bill, the conference committee modified the existing impact aid program. It distorted the distinction which now exists in law between children whose parents live and work on Federal property—know as "A" students—and those whose parents only work on Federal property—known as "B" students. In other words, it decided that the difference provided by the legislative committee between the two types of schoolchildren was not enough and provided for further differentiation. Furthermore, it provided for special consideration for those school districts with a particularly large number of children from families who live and work on Federal property.

I do not believe that it is the responsibility of an Appropriations Committee to make this kind of decision. I particularly do not believe that it is the responsibility of an Appropriations Committee to

make this kind of decision when legislative committees in both Houses of Congress are considering legislation to reform the impacted aid program.

I am fully aware of the fact that there are many criticisms of the impact program and that some changes should be made. I do not, however, believe that they should be made in the appropriations process, and I do not believe that a majority of the Senate believe they should be made in the appropriations process. As a matter of fact, the Senate placed itself on record earlier this year as opposing the type of funding which this bill includes when it adopted an amendment I offered providing for equal treatment in the appropriations process for both groups of children.

If the authorizing legislation provided for no distinction between "A" and "B" students, then I could see some reason for the provisions in this bill, but since a distinction now exists in which school districts are reimbursed at twice the rate for "A" children as they are for "B" children, then I believe any further change in the program should emanate from the legislative committee.

As I noted before, the legislative committees in both Houses have under consideration bills to reform the existing program. I approve of this. In fact, I testified before the Senate Education Subcommittee on this matter. However, the impact aid program is a complex program. It is an important program. For some States, it is the single largest source of Federal education funds. For others, it is the second largest source.

At a time when many of our school districts are facing financial crises and when additional burdens are being placed upon them, I think it is unfortunate and unwise to deprive them of the general school aid which the impact program provides.

I know that many relatively wealthy school districts benefit from the impact program. I know, too, however, that some of the less advantaged school districts also benefit. But, under the appropriation proposal, these less advantaged districts must suffer along with the disadvantaged—a situation which the legislative committees might be able to avoid if given the opportunity.

That, however, is not my principal argument, for the impact program was never meant to be an aid program for a disadvantaged district because it was disadvantaged. It was meant to compensate a district for the tax loss suffered because Federal property is not taxable.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. SPONG. I yield.

Mr. MAGNUSON. The impacted aid program is rapidly becoming an in-lieu-of-taxes for local districts, and they must be entitled to that because they have to take care of the education of children. It has no strings attached. That is why it is—well, I should not say "popular," but that is why it is the most important thing the school districts want.

Mr. SPONG. I think it is popular because it has no strings attached. I am delighted the able floor manager of the bill recognizes that fact because, at this point in the RECORD, I ask unanimous consent to insert a chart showing the amount which certain school districts in Virginia received under the impact program for the 1968–69 school year and the amount of taxes which they might have collected had Federal property been taxable. I would also note, at this point, that the amount these districts will receive under the pending bill is less than the amount they received for the 1968–69 school year.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

1968–69 DATA

School district	Impact aid received	Estimated potential revenue if Federal property were taxable
Chesapeake	$835,828	$468,000
Fairfax	10,898,582	7,840,225
Hampton	1,400,000	7,035,867
Newport News	1,058,994	2,603,632
Norfolk	3,972,595	9,450,000
Portsmouth	1,162,000	4,320,000
Prince William	1,677,718	1,130,000
Virginia Beach	2,520,797	8,000,000

Mr. SPONG. Mr. President, as I noted at the beginning of my speech, I shall not seek to delay adoption of this conference report. For a number of years, I have been calling for early or advance funding of education programs. As one who has been closely associated with the education process in my State, I am cognizant of the importance of early funding so that school officials and administrators can plan. For the first time since 1966 we are about to clear an education appropriation before the beginning of the school year. This is still not early enough to permit local school personnel to know precisely how much Federal aid they will receive when they make up their school budgets, but it is a start in the right direction. I want our school personnel to benefit from such a start this year.

In the meantime, I would urge the legislative committees to continue their work on this complex program so that we might have some equitable and reasonable reform and so that the uncertainty and doubt which continually threaten the program may be abolished.

I thank the Senator from Washington for yielding to me.

Mr. COTTON. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I shall yield in just a minute.

I thank the Senator from Virginia for putting that statement in the RECORD, because too few people realize the amount of taxes that might have been achieved if the school district had not been impacted. I may say that I have not known of any Member of the Senate, since the Senator from Virginia came into this body, who has more diligently pursued the matter of payments in lieu of taxes in this area than the Senator from Virginia. Last year, as I recall, he was the prime sponsor of an amendment, which we carried in the Senate, to put in a 90-percent entitlement.

What happened this year, of course, was that we put in—and I want the RECORD to show this—funds in both cases for 90 percent, which would have amounted to $963,800,000. The House put in 45 percent of the entitlement. The Senator from New Hampshire (Mr. COTTON), the Senator from North Dakota (Mr. YOUNG), several other Senators and I finally got the conferees up to 65 percent—with difficulty, may I say.

I know what the Senator from Virginia is thinking about. He wants to know whether this is going to be nonflexible and whether or not it is mandatory if we go this far. It is as far as we are concerned. The Senator from New Hampshire, the Senator from North Dakota, and I would like to have 90 percent of the entitlement. The Senator from Mississippi (Mr. STENNIS) was also there. We think we have achieved a fair compromise on the figure in view of the fact that there might still be trouble on the bill.

However, I am sure that no suggestion will be made by anyone who has studied the problem that 65 percent is not a minimum amount. It should be 90 percent. Otherwise, I suggest they come here and change the bill, if we are not going to do that.

We came up with a bill that provides $100 million more than was provided by the House version and the departmental proposals. This is the largest amount for the impacted aid program in 20 years.

Mr. SPONG. I thank the Senator from Washington. I want him and the Senators from New Hampshire, North Dakota, and Mississippi all to know that I am aware of the problems which presented themselves in the conference. Nevertheless, because I have been insisting that the authorizing committees come up with a reformed program and that we cease legislating on the floor in the appropriations process every year with regard to this program, I felt compelled to make these remarks here this morning.

Mr. MAGNUSON. I think not only should the Senator have felt compelled to make them, but I think what he is talking about most of us in the Senate agree with. But we ha dto have a conference, and I think we came out with a reasonable figure at this time. I still suggest the whole matter of impacted aid has to be reviewed by the legislative committee.

I yield now to the Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr President, the distinguished manager of the bill covered what I wanted to mention. I join him in commending the Senator from Virginia for his statement. He is 100 percent right. This is a matter which must be adjusted legislatively. He is right that it should not be year after year the subject of dickering and horse trading between the Appropriations Committees of the Senate and of the House.

I thought that in the earlier part of his statement the Senator from Virginia made the statement that children in A category were getting twice what the children in B category were getting. They would have received less than that if the House had prevailed on the 90 percent for A and 45 percent for B, but our

determined efforts pushed that up, as the Senator has stated, to 65 percent, which is 100 million more than what it would have been for the B category.

I think the position of the Senator from Virginia is very well taken, but I think he also realizes that we as conferees did our best to bring about the will of the Senate.

Mr. SPONG. I appreciate the efforts of the conferees. What I was referring to was that, regardless of the appropriation percentages, built into the law already is the fact that A children receive twice as much as B children. We start from that. If the Senate conferees had not raised the entitlement from 45 to 65 percent, school districts would have received four times as much for A children as for B.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. BAYH. I compliment the Senator from Washington and the other members of the conference for the diligent effort they made in behalf of this important legislation. I would just like to clarify one point that is of particular interest to me, because of an amendment that was adopted while this measure was being considered on the floor of the Senate.

When the bill was reported to the Senate, the committee recommended an appropriation of $140,393,000 for title III. Of this amount, the committee indicated it hoped that $20 million was to be used for guidance, counseling, and testing.

When the bill was considered by the Senate, the committee accepted an amendment, of which I was a sponsor and several other Senators were cosponsors, to add $10 million for title III. Of this amount, I indicated I hoped $5.5 million would be used for supplemental services and centers, and $4.5 million would be used for guidance, counseling, and testing.

As I observe the legislative architecture that came about as a result of the diligent efforts of the Senator from Washington and the other conferees, I note that the conference report provides the sum of $143,393,000 for supplementary centers and services under title III.

I would like to ask the Senator from Washington if he would please inform us which title III program this $3 million over and above the Senate committee recommendation was for.

Mr. MAGNUSON. As the Senator from Indiana knows, there is $20 million within the $143 million for guidance and counseling and testing. The House had $17 million, and we, as the Senator pointed out, put in $24.5 million in the Senate, and we ended up, in the conference, with $20 million. There was some dispute in the conference about the relationship between the so-called dropout program and guidance and counseling. The Senator from New Hampshire and I thought the two of them went well together. We added a little more to the House bill and got part of that through the conference for the dropout prevention program. The House had $8 million, and we had $15 million. We ended up with $10 million in conference. We gave a little there to assure that the $20 million was in for guidance and counseling.

We had some very impressive testimony on the lack of guidance and counseling. For instance, there is one counselor, in some cities, for something like 1,000 students. A better figure would be about one for every 300.

So we had to give and take a little on the two programs, but I think the $20 million is a good figure for guidance and counseling. It is over the budget estimate, and $3 million over the House figure.

Mr. BAYH. May I rephrase the question just a bit, to be a little more specific?

Mr. MAGNUSON. Yes.

Mr. BAYH. From talking with some of the committee staff, it was my impression that the additional $3 million as a result of the conferees' effort was to be applied to guidance and counseling, which is so important.

Mr. MAGNUSON. That is right; and I think we made that clear in conference. I wish it could be more, I really do, because I think this is getting down to the key to some of the problems we have in the secondary schools in particular, and also the community colleges. But we did the best we could on this item. Actually, in conference we increased the House figure by $6 million and $3 million of this goes to guidance counseling and testing.

Mr. BAYH. I salute the Senator from Washington for the tenacity with which he pursued this matter, and I concur in his judgment that it would be better if we could invest more of our resources here. We find ourselves in the unfortunate yet realistic position of having to compensate by providing some guidance and counseling for that which does not occur at the home level.

I think this is an investment that is going to result in great dividends, and I appreciate the efforts of the Senator from Washington and the other conferees in this area.

Mr. MAGNUSON. I think the dividend in this area will be great, because if we cannot do this, and prevent the dropping out of the people who do not want to continue, it is just going to cost the body politic more money in the long run. I am sure this item will reap good dividends.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. YARBOROUGH. Mr. President, there are many advances and some setback for education in this conference report. It advances funds available for Federal support of education well beyond the starvation diet for education prescribed in the administration budget. I highly commend the Senator from Washington and all the Senate conferees for that advance, though there are some disappointing setbacks. The conferees have signally increased this appropriation—by $454 million more than the budget, and $600 million more than was available last year. This is badly needed in education, and I commend the Senator. I want the RECORD to show the fact that my remarks on specific items are subsidiary to an over-all commendation of the great work done by the able parliamentarian who is presenting this bill to the Senate. I have had the privilege of serving under the Senator's leadership for 7 years on the conference committee. I know his great legislative expertise, without which we would never have had such a good bill here.

I concur in some of the remarks my colleague from Virginia (Mr. SPONG) has made about the impacted aid. But there again, I commend the conferees, because this $551,068,000 in the conference report is more than we had last year, when we had $520 million, and it is a great deal more than the $425 million the administration recommended for the impacted aid.

Like the Senator, I did not think the distinction ought to be made between the A and B students, for all the reasons the Senator from Virginia stated; I shall not detail them, because they have been discussed at length. Essentially, the basic law already gives A students priority because their entitlement is 100 percent of their cost of education, while the entitlement for B students is only 50 percent. We should not use the appropriation to create a further preference.

I do wish to call the attention of the Senate to one program, in the hope that next year the Senator will try to hold the moneys in the bill for bilingual education.

BILINGUAL EDUCATION

When we passed the Bilingual Education Act in 1967, the Office of Education did not recommend it. They apparently had not thought of it. I introduced in this body, in 1967, the first Bilingual Education Act ever introduced in either House of Congress.

There are in this country 3 million children in non-English-speaking families. Two million of those are in Spanish-speaking homes. They drop out of school, in my State, with more frequency than black children. They are the most educationally deprived group of children in America today. This is the result of the language barrier they encounter.

This bilingual education program was enacted without help from the Office of Education. The Office of Education has continually come in with little token recommendations in this important field.

We authorized $80 million this year. The Senate had provided $31 million, but in the conference, they receded to the House figure of $21 million.

Mr. MAGNUSON. Twenty-five million dollars.

Mr. YARBOROUGH. Twenty-five million dollars. That is slightly more than the $21.75 million appropriated last year, so it is some improvement, but as I say, this is a new program, we have to fight our way every inch of the way against the officials in the Office of Education. I think it shows the value of categorical grants. If Congress ever ceases to insist upon categorical grants, many of the programs we in Congress have found absolutely necessary would be swept under the rug.

I commend the distinguished Senator

for the entire program, but I am hopeful that next year this bilingual education and appropriation can be retained and increased.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. YARBOROUGH. I yield.

Mr. MAGNUSON. I, for one, must confess that I was very surprised—I do not know just why I was surprised, but I was—at the number of children who need bilingual education in this country. If someone had quickly asked me the figure, my estimate would have been 50 percent under the 3 million, or perhaps more.

Mr. YARBOROUGH. It was 3 million 4 years ago.

Mr. MAGNUSON. Yes. And that is why the committee felt that we should enhance this program. Of course, the program itself, at the start, is mainly to get people who are qualified to teach them.

Mr. YARBOROUGH. That is right.

Mr. MAGNUSON. This is the shortage on the job in all fields.

We have in my State a group of people whose youngsters are Spanish speaking, who come up there mainly to work in the fruit crops and things of that kind. Lo and behold, about 3 years ago, I found out that some of the youngsters who could otherwise qualify to drive an automobile could not get a license because they could not read English—you know, stop, go, left turn—it gets down to that level.

We are hopeful of being able to train some teachers to go down in the Senator's country and other places, to do this job. Up around the New York area, and in New Jersey and those places, a great number of Puerto Ricans are involved in this matter. I have suggested a little facetiously that maybe there are some Swedes who need to be taught English. I do not know.

We will perhaps send somebody to Wisconsin to find out about that. But I was surprised at the number of youngsters who need this training in this country.

Mr. YARBOROUGH. The Senator is correct. One problem is the training of teachers. Even though a teacher may be expert in the use of English and Spanish, or whatever other the second language is, he is not necessarily a bilingual teacher. They have to be trained. It takes more time to train them and it costs more money to train them to be bilingual teachers.

As the Senator has stated, the Spanish-speaking people are migrating all over the country. They are looking for jobs, without a governent bonus or loan. They use old cars.

After the great program on television the other night about the tragedy of the migrant worker, Chet Huntley or someone else said, "What is the motivation?" The distinguished Senator from Minnesota (Mr. MONDALE) said:

> What greater motivation can you show, when people in poverty take a car and go thousands of miles in strange country when they hear there is opportunity for their children?

In my State, we have found that they have a great mechanical aptitude. If you train them bilingually so that they can understand a work manual, they can also go on to college. They are bright people, brilliant people. All they need is an opportunity by training them in their own language. Two-thirds of those in non-English-speaking homes in this country speak Spanish. The national language is English. They must learn both if they are to get ahead in this country.

Mr. President, I commend the distinguished Senator from Washington for what has been done for students in the institutions of higher learning.

HIGHER EDUCATION

The conference report does a good job of assuring college students of continued financial aid. For direct loans through the National Defense Student Loan fund, $243 million is appropriated, a substantial boost over the $195.6 million of last year. That has proved to be one of the most successful higher education programs to aid students in the history of this country. It was my privilege to coauthor the original National Education Act, and I have worked on every amendment since that time. I think this is a wise and perceptive action. The chairman of this subcommittee of the Appropriations Committee is doing a job for education of which all the country can be proud.

For work-study, $160 million is provided, and for education opportunity grants, $167.7. For interest subsidies and other expenses of the guaranteed student loan program, $145.4 million is in the conference report, the amount proposed in the budget.

Each of the student-aid programs will receive more Federal support than in fiscal 1970, under this measure.

This is the best appropriation bill for students in these categories that the Senate has yet passed. I commend the Senator from Washington highly for his knowledge of the subject which he has acquired as chairman of this very important subcommittee of the Appropriations Committee. There is no more important subcommittee of the Appropriations Committee than the one of which the distinguished Senator from Washington is chairman, nor is there one that requires more hard work than his subcommittee has to do.

I have been a member of the Education Subcommittee for 13 years; and, having worked on all these education bills for 13 years, I think I can speak with some knowledge of the subject. I know the work that this Appropriations Committee has done. It has produced the best appropriation bill on education that has been before the Senate in my 13 years in the Senate. However, I regret that we do not have more money for college construction.

The institutions of higher learning do not fare as well in the conference report. Funds for construction under the Higher Education Facilities Act are limited to $43 million for community colleges. The Senate added $28 million for construction at 4-year institutions, the same amount provided last year.

This reduction in the conference report back to $43 million will further curtail the construction program in higher education. It is not a true saving: It is only a postponement, which will cost more later.

I also regret we were unsuccessful in holding in conference the initial funds the Senate provided for several higher education activities authorized for years but never activated. These are networks for knowledge, clinical law experience in law schools, public service education, graduate school improvement, and international education.

For library resources, colleges will have $15,325,000, a significant improvement over the mere $9,900,000 that had been budgeted, but still a mere token compared to real needs.

The net total of the bill is $454 million more than the budget, and $600 million more than was available last fiscal year.

I urge adoption of the conference report. I urge the President to sign the bill. The money is needed to keep the American education system current with the personal needs of our people and the economic and military strength of the Nation.

An investment in education is repaid many times and in many ways. A better educated people produce more and pay more taxes. The bill is not inflationary; it is good economics.

Mr. MAGNUSON. I thank the Senator.

I am sure that no other member of the subcommittee appreciates more than I, the guidance that we get from the Health and Education Subcommittees of the Committee on Labor and Public Welfare, of which the distinguished Senator from Texas is chairman. We cannot always give what the Senator's committee authorizes, but we do the best we can, because we all agree that these are worthy projects; and in this day of priorities, we have some problems.

The distinguished Senator from Florida is in the Chamber. He has worked hard and long with us on this committee.

I think that overall we have enhanced the education commitment of the Federal Government to all ranges of education and in these specific fields. In all fairness, the percentage of the budget for these purposes has risen vis-a-vis the defense budget, and this is because we have all sat down and decided that education does have some priorities important in this field. Even with all we are doing, as I pointed out earlier, with all educational funds—that is, Science Foundation, NASA, DOD, Labor, OEO, and the rest—we are contributing only about 11.1 percent to the total bill. I do not suggest that we should go any higher or any lower, but it is not an unusual contribution.

I cannot see how spending money on education, trying to get a dollar's worth for a dollar spent—which we do not always do in a big program—is inflationary. I believe the Senator from Texas will agree with me. I never could understand why educating children is considered inflationary. If you do not train them and give them the opportunity in our schools and take advantage of all the Nation's educational programs, they could become very inflationary.

The Senate committee wanted a little more money in certain items, but I think the House passed a pretty good bill, also. I think this is a good, responsible bill, and I want to underline "responsible."

I thank the Senator from Texas.

Mr. YARBOROUGH. I thank the Senator from Washington for his very kind remarks about my work on the Education and Health Subcommittees of the Committee on Labor and Public Welfare, since I am chairman of the Health Subcommittee and the ranking majority member of the Education Subcommittee.

All our authorizations would go for naught if we did not have the Appropriation Subcommittee with the perception to know that this money is needed. As the distinguished chairman has said, it is not inflationary to educate the youths of the land.

Mr. MAGNUSON. I tell the Senator from Texas, also, that I have served on many appropriation subcommittees in the many years I have been here, and there was absolutely not a tinge of partisanship in this conference. We had arguments about different programs, but there was not a tinge of partisanship in this conference. I am sure that all the conferees would bear that out.

Mr. YARBOROUGH. I think the absence of partisanship is due largely to the legislative expertise of the distinguished chairman. He has been here many years and has worked with all Senators on both sides of the aisle.

Mr. MATHIAS. Mr. President, this is one of the most important conference reports we will consider all year. It represents an investment of over $4.4 billion in American education and the future of America.

I want to congratulate the Senate conferees, particularly the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished Senator from New Hampshire (Mr. COTTON), for bringing back a generally sound and progressive conference report. They deserve our thanks for the hard work which has produced a relatively generous bill, and enabled us to complete action on education appropriations before the schools open in the fall.

While compromise is inevitable in the appropriations process, there are two areas in which I regret that it was necessary to retreat from the Senate position. The first is grants for the construction of higher education facilities under title I of the Higher Education Facilities Act of 1963. The other body recommended no construction grant funds for either 4-year institutions or community colleges. The Senate, on the other hand, originally approved $28,050,000 for 4-year institutions and $43 million for community colleges. The conference report includes the Senate funds for community colleges but omits any grant-in-aid funds for 4-year colleges.

In expressing my concern about this item, let me note that even the Senate-approved figures were grossly inadequate. It has been estimated that total enrollment in institutions of higher education will reach over 8.4 million in 1971, an increase of 32 percent since 1966. To serve these students will require an investment of over $2.5 billion in academic facilities every year between now and 1977. This investment can be secured only through a combination of generous Federal support, massive State and local effort, and continuing private philanthropy.

Unfortunately, Federal aid for construction has lagged behind for the last few years, while the backlog of unmet construction needs has grown. For fiscal 1970, for example, the Congress provided a total of just over $71 million to meet previously established needs of $582 million—and that $582 million agenda does not include the additional facilities which future enrollment increases will demand. The Maryland backlog alone, a year ago, was $18.5 million.

While the interest-subsidy program enacted 2 years ago is helpful, we certainly cannot rely on it as a substitute for both Federal grants and Federal direct loans. I am heartened by the conferees' approval of $43 million for our fast-growing community colleges, but regret that it was not possible to obtain grant funds for 4-year institutions as well. We cannot afford to let this program die.

The second area of concern to me is student aid. As the costs of higher education continue to soar, it is vital for us to increase all forms of student assistance to keep college doors open to all who seek a higher education. Recognizing this challenge, the Senate originally approved a total of $604.6 million for NDEA student loans, educational opportunity grants, and work-study programs. This total, while still below the need, was $47.9 million above the House figure. Unfortunately, the conferees retreated by $33.9 million from the original Senate position.

Mr. President, our current economic situation makes an increase in student assistance funds even more important than under normal circumstances. Continuing inflation has undermined the ability of students and their families to save money to finance college educations. The guaranteed student loan program has fallen short of expectations. Rising unemployment has cut back opportunities for outside work for students. The alarming deficits in operating budgets, encountered by a growing number of colleges including some in Maryland, reduce the number and amount of scholarships which can be supported from endowment funds.

I know that the choices facing the Senate conferees were difficult. In a larger context, this bill dramatizes the hard choices which we must make in trying to set sound national priorities. But education is a national investment which cannot wait. We have an obligation both to provide adequate funds, and to shape a long-range strategy for meeting the enormous needs of American higher education.

Mr. PEARSON. Mr. President, I wish to commend the chairman of the Subcommittee on Education Appropriations, the distinguished Senator from Washington (Mr. MAGNUSON) and the Senator from New Hampshire (Mr. COTTON) for the outstanding manner in which they handled an extremely complicated task. I also want to note the efforts of the Senator from Delaware (Mr. BOGGS) who worked to preserve some of the most significant programs for improving the library resources of our institutions of higher learning, a problem which I would like to discuss briefly.

Many educators and school administrators were heard during testimony sessions, and the bill that is now before this body after going through a conference fairly represents the thinking of these persons. Of course, most of those heard argued that the Federal share of education costs should be increased, and I hope the day will come soon when this will be possible. In only two areas have the conferees unduly restricted Federal assistance in my opinion, and those were in the fields of higher education and libraries.

I refer particularly to title II of the Higher Education Act of 1965. Under part A of this title—college library resources—the Congress appropriated $25 million in 1969 and $9,816,000 in 1970, following the Presidential veto. In the 1971 bill the Senate had recommended $20.75 million—the same amount as originally approved by the Congress last year—but this was cut to $15,325,000 in the conference.

Parts B and C also ended up considerably below the figures at which they passed this body. Part B—librarian training—received only $3.9 million, as against $8.25 million recommended by the Senate; while part C—Library of Congress cataloging—was cut to $6,613,500 from $7,500,000.

The Senate figure, therefore, did not represent increases over amounts approved in previous years. On the contrary, when one considers that college enrollment will reach an all-time peak this fall, the amounts available per student will be less than in other years.

Part A of title II was designed to improve college libraries and the quality of library service by providing grants for the acquisition of books and other library materials. Part B aids in the training of librarians, research, and demonstration projects, while part C helps the Library of Congress catalog materials, a service which is of great value to all libraries.

There are many urgent needs for college library resources and for librarians. About 60 new junior colleges are being established each year, and all need books and other materials. Community colleges also require job-related materials that are relevant to their curriculums. It is significant that 80 percent of 4-year Negro colleges fall below the accepted national minimum standard of 50,000 volumes per library. Not a single 2-year college with a predominantly black enrollment meets the minimum staffing standards of school, college, and university libraries. Thousands of librarians now working in these institutions need to update their skills. New methods, materials, and technology now developed for use in libraries have great potential for improving services, but many librarians know little of these new techniques.

All of this tends to demonstrate clearly that these are programs which cannot be cut. They are basic at their present level, and any further reduction in funds will cause a severe handicap to thousands

of libraries. It is hoped that additional appropriations will provide the funds needed for these important programs at a later date.

Mr. PELL. Mr. President, some years ago legislation establishing programs on international education, networks for knowledge, education for the public service, strengthening graduate programs, and the improvement of legal education, were authorized. Since their original authorizations, they have never, never been funded.

This year an amendment was accepted on the floor of the Senate to fund these programs in a very modest way. Specifically, at a level of $500,000 for each of the five categories of which I speak. As chairman of the authorizing subcommittee whose amendment this was, I had hoped that this amendment would be held in conference.

I am disappointed at this result of the conference which dropped all funding for these programs.

I am of the opinion that when the Congress authorized programs under titles VIII, IX, X, and XI of the Higher Education Act of 1965 and the International Education Act of 1966, we made a commitment to the higher education community and students in our colleges and universities. When the authorizing legislation was passed, the Congress made a specific finding of need for support of networks for knowledge, education for the public service, strengthening graduate programs, the improvement of legal education, and international studies programs.

In the case of the appropriation for school health and nutrition programs, nobody questions the need for funds. Yet the conferees have been unwilling to agree to even a small appropriation for these very necessary demonstration projects. As chairman of the Education Subcommittee and as the original sponsor of the program, I particularly regret the action of the conferees.

I am also very much concerned about the priorities for funding federally affected school districts in the conference report. Under those priorities, school districts with more than 25 percent "A" children receive 100 percent of their entitlement, other school districts with "A" children will receive 90 percent, and school districts with "B" children will receive the remainder—around 60 percent of entitlement. Indeed, if the language of the House bill had been offered on the Senate floor, I believe it would have been subject to a point of order, since it is inconsistent with the authorizing legislation. I firmly believe that the Senate ought not permit appropriations bills to contain legislation as this conference report does; nor should it permit the other body to disregard the rules of the Senate, as is the case in this instance.

I shall not oppose the conference report. However, it is my belief that the Senate ought to be cognizant of the fact that it has been forced to accept an appropriation bill of far less quality than that of the bill submitted to the conference.

Mr. CASE. Mr. President, there was unanimous agreement among the conferees on all items of disagreement between the two Houses except one. Four of us—all on the Senate side—did not agree with the conference committee's decision to accept the House position by including sections 209 and 210, the so-called "Whitten amendments," in the bill.

I opposed these provisions because they could encourage confusion over the constitutional obligations of schools to desegregate.

But, as several of my colleagues and I pointed out before this bill was sent to conference, sections 209 and 210 would not in any way alter school desegregation requirements under title VI of the Civil Rights Act of 1964. Title VI forbids discrimination in the use of Federal funds.

Sections 209 and 210 prohibit busing of students, abolishment of schools, or assignment of pupils at any school which is desegregated as that term is defined in title IV of the Civil Rights Act. Title IV excludes racial imbalance from the definition of segregation. But it does not limit the responsibility of school districts to eliminate dual school systems root and branch.

This was made clear by the Fourth Circuit Court of Appeals in a decision in Swann against Charlotte-Mecklenburg Board of Education on May 26.

In its decision the Court said that the provisions of title IV "are not limitations on the power of school boards or courts to remedy unconstitutional segregation. They were designed—by Congress—to remove any implication that the Civil Rights Act conferred new jurisdiction on courts to deal with the question of whether school boards were obligated to overcome de facto segregation."

Because the court's decision and the legislative record we have made in the Senate should dispel any real possibility of confusion over sections 209 and 210, I shall not oppose adoption of the conference report. To do so at this point would only serve to delay needed assistance to our schools and students.

EDUCATION APPROPRIATIONS CONFERENCE REPORT SHOULD BE APPROVED

Mr. FONG. Mr. President, the conference version of the education appropriations bill (H.R. 16916) is a most important measure, funding the U.S. Office of Education programs of Federal assistance to education at all levels in America for the current 1971 fiscal year ending next June 30.

Totaling $4,420,145,000, the conference version emphasizes particular areas where conferees representing the House and Senate agreed emphasis is needed, such as student assistance, higher education, library resources and services, vocational and adult education, education professions development, and elementary and secondary education, particularly for deprived children.

As one of the conferees for the Senate, I believe I can say that we conferees sought to improve the quality of education in America's schools and to provide equal educational opportunity for America's children.

As one who knows from personal experience how important a good education is to help overcome barriers of poverty and minority race, I have long been a strong supporter of better schools and facilities, better training and professional advancement for teachers and greater opportunities for young people to obtain the best possible education at the highest level to which they aspire and can master.

I am, therefore, disappointed that the conference version reduced the $800 million provided by the Senate for student assistance. In particular, the conference version disallows the $17,900,000 added by the Senate to the House amount for educational opportunity grants and the $16,000,000 added by the Senate for the college work-study program. On the other hand, the Senate addition of $14,000,000 for National Defense Education Act student loans remains in the final bill.

All in all, the conferees provided $766.6 million for student assistance—24 percent more than the appropriation available in 1970 after the 2-percent reduction required by Congress.

The total includes funds for NDEA and guaranteed student loans, educational opportunity grants, college and vocational work-study programs, cooperative education, and special programs for students from low-income families such as talent search, Upward Bound, and special services in college.

For assistance to areas where school enrollments have mushroomed because of Federal installations and operations, conferees provided $551.1 million, higher by $111.1 million than the House voted earlier this year.

This will fund at 90 percent the entitlement of school districts for category A students—whose parents live and work on Federal property—and at 65 percent of entitlement for category B students—whose parents work on Federal property.

The impacted areas aid is $30,487,000 more than was provided in fiscal year 1970, which just ended June 30.

For elementary and secondary schools to help educationally deprived children, both the House and Senate provided $1.5 billion, $161 million more than in 1970. This is of course the amount in the final bill.

For education of handicapped students, both the House and Senate agreed on $105 million, an increase of $20 million above 1970, and this is the amount in the final bill.

Vocational and adult education also are increased—by $75.2 million over 1970, for a total of $494.2 million. The House had provided $490,446,000, the Senate $497,946,000. The final amount is $54.1 million above the budget estimate. Both the administration and Congress recognize the need for greatly improved vocational education that will equip young men and women with skills to qualify for employment in today's and tomorrow's job markets.

For higher education, we conferees provided a total of $967.9 million, an increase of $116.9 million over 1970.

For education professions development, including Teacher Corps, we conferees allowed $135.8 million. Teacher Corps was increased by $9.1 million to $30.8 million.

For community education, including libraries, we conferees agreed upon $85 million, which is $17.8 million over 1970.

College library resources were increased more than $5.5 million, for a total of $15,325,000 and educational broadcasting facilities were increased $6.7 million over 1970 to $11 million.

Funds for public library services were increased $5.3 million over 1970 to a total of $40,709,000.

We conferees provided $75 million for emergency school assistance to help school districts desegregate for the fall term.

These are but a few of the highlights of this multibillion-dollar education funding bill.

To get additional perspective on this vital measure, let me show what conferees did in terms of percentage increases.

We raised impacted aid for maintenance and operations costs of schools throughout America by 6 percent over 1970; elementary and secondary education by 14 percent; and education for handicapped youngsters by 24 percent.

We raised vocational and adult education by 18 percent and higher education by 14 percent.

We raised education professions development funds by 16 percent and community education including libraries by 26 percent.

Even so, the total provided in the conference version before the Senate today is only $404,488,000 over the amount for the Office of Education in the Labor-Health, Education, and Welfare Appropriation Act for fiscal year 1970, which the President signed.

The total for all programs in the pending conference version is 16 percent above the appropriations available for 1970 after deducting the 2-percent reduction imposed by Congress.

When you consider inflation amounted to almost 6 percent in the past fiscal year, the increase in this bill is just about 10 percent.

This, it seems to me, is a modest increase in view of the needs of America's schools and America's schoolchildren.

I urge my colleagues to support the conference version, which I hope will become law.

FUNDS FOR LAND-GRANT UNIVERSITIES AND COLLEGES

Mr. NELSON. Mr. President, in this conference report on the Office of Education appropriations, there is an item small in amount but immense in significance—the reduction below authorization of instructional funds for the 68 land-grant universities and colleges in the Nation. This is the first time since the passage of the second Morrill Act in 1890 that Congress has failed to appropriate fully the funds authorized by legislation for this purpose.

The administration intended to repeal the existing legislation by recommending no appropriation at all for it. The House provided $8 million. The Senate restored all the money authorized by law—$12.1 million. The conference report compromises at $10.08 million.

Mr. President, I appreciate the difficult problems faced by the House and Senate Appropriations Committees and have no fault to find with their actions under the circumstances. I do not intend to move to return the appropriations bill to conference over this relatively small item in a total of such magnitude. But I do want to say why I oppose any attempt to cut the land-grant teaching funds next year or at any time in the future.

First, this is an appropriation of great historic significance. The first Morrill Act of 1862 provided for the "endowment, support, and maintenance" of at least one land-grant college in each State. The result was called by the Hoover Commission in 1949 "the most successful grant-in-aid ever made by the Federal Government." The second Morrill Act in 1890 provided annual appropriations to supplement the endowment provided by the original act. When the Congress passed the second Morrill Act by unanimous vote of both Houses, it said it was intended to stand as a permanent tribute to Senator Morrill, author of the act and one of the founders of the Republican Party, and to "place these institutions on a firm foundation for as long as this Nation shall live."

Since that time, other acts of Congress have increased the amounts going equally to each of the States and added a factor based on the relative population of the States.

Second, there is at stake a fundamental principle of orderly legislative and administrative procedure. The President did not suggest the repeal of the authorizing legislation; he attempted to nullify it by legislating in his budget. As the distinguished chairman of the Senate Appropriations Subcommittee said in his comments on the Senate version of the appropriations bill:

> To adopt this method of repeal of existing law by lack of appropriations is unconscionable to me. If the President wants to repeal the Bankhead-Jones Act, then suitable legislation should be introduced and acted upon by the appropriate legislative committee.

Senator MAGNUSON also observed that the proposal to eliminate this program was made precipitously, without consultation or warning to the land-grant institutions, or even consultation with the Congress.

I believe the chairman is absolutely right. If the administration wants to eliminate or further reduce these funds for the land-grant institutions, it should submit legislation at an early date for consideration by the committees having jurisdiction—in this case the Committees on Agriculture—so that a full appraisal of the program can be made in open hearings at which all involved may present their views.

Mr. President, the formula under which these funds for further endowment of instruction in the land-grant institutions is provided is based in part on a basic amount going to each State, and in part on the relative population of the various States.

The last appraisal of this program by the Congress resulted in the enactment in 1960 of legislation increasing the total authorizations almost threefold. This action was based on evidence that inflation and increases in total U.S. population had reduced the effective value of the "further endowment" to one-third of that prevailing at the time of its last previous adjustment.

Since 1950 there has been a most substantial further inflation and a most substantial growth in population. The Congress has also passed legislation designating a new land-grant institution—Federal City College in the District of Columbia. The administration has supported, in testimony before both Houses, legislation which would designate colleges in Guam and the Virgin Islands as land-grant institutions. So the land-grant principle is still very much alive and supported by the Executive as well as Congress.

My third point is that these funds are very useful in the support of higher education. The University of Wisconsin, for instance, gets $290,650. This seems like a small amount of money for a large university, but its importance is that the university is relatively unfettered in its use. The money can be put where it is needed most. The trouble with most Federal aid to higher education is that it is strictly earmarked as to how it can be spent.

If this appropriation is important to the University of Wisconsin, think how critical it is to the predominantly black land-grant colleges in the South. Their support from all sources is small. This appropriation is a very large part of the instructional budget in many of these institutions. To lose it would be literally disastrous.

Mr. President, if anyone were to ask why land-grant institutions should get this money and not other colleges and universities, I would say that all institutions of higher education should be similarly supported. I believe that every young American who can benefit from postsecondary education should be able to get it, regardless of his financial status. I support Federal assistance to the economically disadvantaged for that purpose. But the institutions cannot absorb another million students in the next 5 or 6 years—which they must if they are to do their job—without help, especially if they hope to stop the spiraling increases in tuition that make a mockery of equal opportunity.

So the land-grant instruction funds should not be killed. Instead we should use the principle of broad institutional aid which they represent in legislation to assist all colleges and universities in the land.

EDUCATION APPROPRIATIONS AND SCHOOL INTEGRATION

Mr. MONDALE. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE) and myself, I congratulate the distinguished members of the conference committee for their successes in preserving the safeguard provisos added by the Senate to the President's request for emergency school desegregation funds, and in sustaining the Senate's deletion of the so-called Jonas amendment designed to dismantle title VI of the Civil Rights Act as it applies to racial discrimination in public schools.

WHITTEN AMENDMENTS

I share the disappointment of the distinguished Senator from Washington (Senator MAGNUSON), and three of his colleagues on the conference committee—Senators CASE, FONG, and BOGGS—

that the so-called Whitten amendments, sections 209 and 210 of the Office of Education appropriation, have been retained in the conference report. I am concerned that the confusing language of these provisions may encourage some school districts to futile resistance of school desegregation required by law. However, because the Whitten amendments do not legally limit or dilute school desegregation requirements and because the administration has repeatedly assured us that these provisions will have no effect on Federal enforcement of these requirements, I reluctantly support the conference report in this regard.

I ask unanimous consent that relevant communications from the administration on this subject be printed at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 23, 1970.

Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MATHIAS: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, the fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Appropriations Committtee. I am pleased to respond.

On April 21, my predecessor in this office, former Secretary Robert H. Finch, testified on this matter before the Committee on Appropriations. At the time, he expressed the Administration's opposition to these sections, which are unnecessary and undesirable.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there was not, and thus serve to confuse local authorities as to their constitutional responsibility.

Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

As the President indicated in his comprehensive message on School desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210, and 211 would not serve that purpose. I know that you have been a leading opponent of similar amendments in the past. Your assistance in urging deletion of these sections when the Senate considers H.R. 16916 would be appreciated.

For your information I am enclosing an excerpt from Secretary Finch's testimony of April 21 in reference to the aforementioned sections.

With kind regards, I am
Sincerely,

ELLIOTT RICHARDSON,
Secretary-designate.

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., May 14, 1970.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: This is in response to your request for my views on Sections 209, 210 and 211, the school desegregation amendments, in H.R. 16916, the fiscal year 1971 Office of Education Appropriation Bill, as approved by the Senate Labor-HEW Appropriations Subcommittee. I am pleased to respond.

As you know, I testified on this matter before the Subcommittee on April 21. At the time, I expressed the Administration's opposition to these sections, which we regard as unnecessary and undesirable. An excerpt from my testimony is enclosed.

I wish to reaffirm that opposition. While Sections 209 and 210, the so-called Whitten Amendments, would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964, they would, nevertheless, encourage some people to believe that there has been a change in basic law when there has not, and thus serve to confuse local authorities as to their constitutional responsibility.

Section 211, the so-called Jonas Amendment, would deny vital Federal education aid to many school districts which implement desegregation plans contrary to "freedom of choice." Under this section, school districts would be penalized for carrying out desegregation plans ordered by the Federal courts, in conformity with State law, or in accordance with the Civil Rights Act of 1964. The effect of enacting Section 211, therefore, would be to tie the hands of local officials and encourage defiance of the constitutional obligation to desegregate.

As the President indicated in his comprehensive message on school desegregation, the appropriate role for the Federal Government is to assist school districts in meeting the requirements of the law in this difficult area. Sections 209, 210 and 211 would not serve that purpose.

I would appreciate any assistance you may deem appropriate in urging deletion of these sections during this afternoon's full Committee session.

With kind regards, I am
Sincerely,

BOB FINCH,
Secretary.

APRIL 17, 1970.

Hon. WARREN MAGNUSON,
Chairman, Subcommittee on Departments of Labor and Health, Education and Welfare, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON:

* * * * *

DELETION OF "WHITTEN AND JONAS" AMENDMENTS

I am asking the Senate to delete sections 209 and 210—the so-called Whitten Amendments—and section 211—the so-called Jonas Amendment—from the House bill. Although I am convinced that sections 209 and 210 do not change basic law or Federal regulations, my concern is that the enactment of these two provisions would in fact encourage some people to believe that a change has been made in the basic law and thus give rise to much confusion. Further, it is my belief that language which pertains to the enforcement of school desegregation belongs in substantive legislation rather than in an appropriation bill. For these two reasons, I am convinced that sections 209 and 210 should be deleted. Even if they are not, however, I believe everyone should understand my conclusion that a school district that has not completed its Constitutional obligation to achieve a unitary system would not be "desegregated" within the meaning of the proposed sections 209 and 210. Such a district, therefore, would be unaffected by these sections.

Section 211 should be stricken from the bill for several reasons. First, it would prevent the Federal Government and local school officials from carrying out the requirements of the Constitution—requirements which this section does not and cannot remove. What this provision does is to impose a penalty on a school district for carrying out its legal obligation to desegregate. The Department would be put in the position of having to prohibit many school districts from using Federal funds to draw up and implement desegregation plans pursuant to court order. It would thus tie the hands of the Federal Government and of local school officials in dealing with the nondiscrimination requirement of law.

In addition to preventing enforcement officials from carrying out their legal obligations, section 211 would jeopardize the substantial progress made to date in school desegregation, and make more difficult the application of uniform standards in accordance with the Constitution. Furthermore, the amendment directly contravenes the President's March 24 statement on school desegregation in which he pledges to support the recent Supreme Court decisions mandating immediate desegregation. Freedom-of-choice plans, as has been demonstrated time and again, do not do this. Court decisions are unequivocal on this point. Because section 211 is not consistent with court rulings on "freedom-of-choice plans," it could only produce an administrative nightmare for the Department. It should be deleted.

In summary, Mr. Chairman, we are asking that your Committee return to the President's budget with respect to both the increases and decreases enacted by the House and delete from the bill sections 209, 210, and 211 of the general provisions.

In conclusion, I would commend the Committee for the promptness with which it has approached the House bill. I understand that you have already started hearings with outside witnesses. We will do our best to help you in your efforts to complete your work on this important bill.

Sincerely,

BOB FINCH,
Secretary.

SAFEGUARD PROVISIONS

Mr. MONDALE. Mr. President, I am extremely pleased that the House, in approving the President's request for emergency assistance to desegregating school districts, has agreed to the limitations placed by the Senate on use of the funds. These elementary safeguards are essential to help insure that the funds will not be spent in districts which are desegregated in only the most token and misleading ways.

The first limitation prohibits assistance to local educational agencies which transfer, or have unlawfully transferred, property, services, or equipment to nonpublic schools which practice discrimination on the basis of race, color, and national origin.

The second limitation prohibits use of the emergency assistance funds to supplant per pupil expenditures from non-Federal sources reduced as a result of desegregation or of the availability of the emergency assistance. This provision does not, however, prohibit assistance where State assistance calculated on a pre pupil basis declines by operation of existing law, solely because a local education agency contains fewer students

after desegregation than before. Nor does it prohibit assistance where State support of transportation is reduced, by operation of existing law, solely because a local education agency's transportation needs are reduced following desegregation. In these cases, aid has been reduced because of declining enrollment and reduced transportation needs and not because of action taken as a preparation for or consequence of desegregation.

The final safeguard assures that assistance will be made available on a nationwide basis to school districts desegregating under either Federal or State law. I regard this last provision as especially important. Our commitment to school integration must be a national commitment. The leadership of State government is vital to successful public school desegregation. It is, therefore, essential that Federal assistance be made available to desegregating districts in those States, such as California and Pennsylvania, which have required desegregation of schools as a matter of State law, as well as in those States where desegregation is taking place under Federal law.

Mr. KENNEDY. Mr. President, we are considering today one of the most important appropriations bills which Congress will consider this session. For adequate Federal support is vitally necessary to achieve the high quality of education which is fundamental to a vigorous, productive, democratic Nation. The bill before us goes a long way toward providing that Federal support.

Mr. President, I want to commend particularly the chairman of the Appropriations Subcommittee, Senator MAGNUSON, and the ranking minority member, Senator COTTON, for their hard and effective work on this bill. I had the privilege to testify before the subcommittee and to work with these leaders on amendments which I thought were important. I had the opportunity to participate in the debate and discussion of the bill.

I think that in all of their work on this difficult, complicated, important legislation, the Senator from Washington was thorough, knowledgeable, and fair. He is a dedicated leader in the effort to give our Nation's youth the best possible education. The Senator from New Hampshire was equally effective and constructive in connection with the education appropriations.

So, I commend these leaders and the members of the committee for their work on the bill. Of course, there are areas where we might prefer to spend more and areas where we might prefer to spend less. But by and large, this is a balanced and very necessary bill.

Mr. President, I am pleased that in reaching a compromise on education appropriations, the House and the Senate conferees agreed to an increase of $14 million in the national defense student loan program. As you know, this increase was approved by the Senate when it passed the amendment to increase Federal student assistance which I sponsored last month.

This increase brings the new total for direct student loans to $243 million for the coming academic year. The $14 million will help an additional 23,000 students.

My own State of Massachusetts will receive an estimated $594,111 of this increase, giving assistance to close to one thousand additional needy students who might not otherwise be able to attend school this fall. Whereas last year Massachusetts colleges and universities received only 52.6 percent of their approved requests for direct student loans, this year they will receive 62 percent.

And so, Mr. President, this increase represents a substantial improvement. As sponsor of the Senate amendment, I am proud that Congress is partially responding to the need.

However, Mr. President, present Federal spending for student assistance is still inadequate. And this failure to appropriate necessary Federal funds will deny thousands of young Americans in Massachusetts and across the country the opportunity to attend college this fall. Until the Federal Government makes a full and realistic commitment, our Nation's youth—especially those from low-income families—will be the ultimate losers.

The shortage of student aid is staggering. I am sure that every one of my colleagues has received many moving letters from parents and students who cannot find assistance, and in many cases have been forced to drop out or not even start college or vocational school. My own office in Boston receives an average of 40 to 50 telephone calls a week from distraught parents and youngsters who need financial help for their higher education. Yet all I can report to them is that Federal funds have long since run out.

The University of Massachusetts at Amherst has been forced to reject several hundred deserving applicants for national defense student loans this year. They use a nationally developed testing service to determine how much a family can afford to pay. Yet with estimated tuition, room, board, costs and personal spending money of $2,200 for each student, the university must deny aid to any family which can afford $1,700 or more—even though the cost may be as much as $500 more than the family can afford.

One State college in Massachusetts has calculated that the amount it receives for Federal student assistance works out to an average of only $36,28 per student in attendance.

A number of factors have contributed to the severe pressure on families with college-age children.

First, with inflation over 6 percent, the increase in other costs leaves families with less for education. Yet at the same time, rises in tuition, fees, and room and board have raised the price tag of college.

In Massachusetts, Boston College recently announced a tuition increase of $240 effective this coming September. This comes on top of a $400 tuition increase just last year. In addition, room and board costs at Boston College will be raised by $300 at the opening of the fall term.

Even greater increases had been proposed initially, precipitating a strike on campus this spring. The college needs more money, but the students and their families simply cannot afford it.

At another private university in Massachusetts, seniors this fall will pay $915 more in tuition and costs than they paid as freshmen in 1967–68. On the average, tuition and costs in Massachusetts colleges and universities have risen from 30 to 40 percent in the last 5 years.

Second, guaranteed student loans from banks are increasingly difficult to obtain. Last year Congress passed an amendment I offered to reduce discrimination. But a recent study resulting from that amendment revealed that 82 percent of loans still are made to students who are depositors or whose families are depositors in the bank; 67 percent of the lenders indicated that they give preferential consideration to students whose families are depositors. As a result, many citizens in Massachusetts and elsewhere—especially those who cannot afford large deposits in banks as a condition for a loan—are denied aid.

Just last week I received a letter from a father who had been to nine different banks seeking loans for his college-age daughter. So far, he has drawn a complete blank.

Another frustrated constituent summarized the problem with ironic hyperbole:

> You have to be a millionaire to be poor enough to receive a guaranteed student loan.

Third, rising unemployment and shortage of jobs reduces outside work for students. Reports from college aid officers and several newspaper articles in Boston and other papers have confirmed that many students simply cannot find work this summer to support their education in the fall.

Fourth, with growing deficits, colleges themselves have less money available for scholarships. Since 1962, the debt level for all private institutions of higher education in Massachusetts has more than tripled, to $191.8 million in 1969. Non-Federal sources have simply not been able to keep pace with rising enrollments and costs. Without increased Federal student assistance, colleges and universities will simply have to cut off aid to needy and deserving students and let them drop out of school.

In short, Mr. President, especially in this time of economic pressure, Federal student assistance is critically needed. Inflation means family budgets are more strapped than usual. It is becoming more difficult to obtain guaranteed student loans from banks and lending institutions. The current shortage of jobs is cutting students out of outside work to help finance their studies. Rising deficits and growing enrollments leave colleges with less money available for scholarships.

We have come part way down the road to meeting the needs for Federal student assistance. But we still have a long way to go. I am distressed, for example, that the conferees rejected increases in the college work-study program, and in grants to students from the most poverty-stricken families. If necessary, I would hope that Congress will be pre-

pared to add money to these two programs in a supplemental appropriation.

For under the present bill, even with the $14 million increase in direct loans, we are appropriating for the three direct Federal programs—national defense student loans, college work-study, and educational opportunity grants—only 58 percent of the amount authorized and only 72 percent of institutional requests actually approved by regional panels of the Department of Health, Education, and Welfare.

Mr. President, every citizen in the United States should have a full and fair opportunity to pursue a higher education without regard to his financial need or that of his family. But we are a long way from achieving that goal today. Meanwhile, the financial needs of our families with children in college have reached crisis proportions.

We must continue to press for further increases in student aid when subsequent appropriations bills come before the Senate. When we consider that for every $1 spent on student aid the Federal Government receives an estimated $14 return through taxes on the recipient's higher income from the college education, this is a sound and worthy investment.

Mr. President, I am disappointed that the conferees decided to drop the additional $10 million which the Senate added on the floor for new Teacher Corps programs authorized earlier this year. The conferees also dropped carrying the Teacher Corps as a separate line item in the bill. But I gather that this was done with the clear understanding that the full $30.8 million allocated for the Teacher Corps in both the House and the Senate committee reports will not be diverted to other use. The Teacher Corps continues to be an extremely effective program both for interesting qualified persons to teach in poverty-area schools and for increasing the quality of education in those schools. I expect the Department of Health, Education, and Welfare and the Office of Education to pursue this program with the vigor reflected in the congressional increase this year.

The conferees decided to drop the additional $1 million which had been added in the Senate specifically for Indian bilingual education in title VII of the Elementary and Secondary Education Act. But I think that the need for priority on these programs was fully established in the debate, and I expect and am confident that HEW and the Commissioner of Education will expand these programs as part of the expansion of title VII generally.

I am also disappointed that the conferees dropped the $4 million added on the Senate floor specifically for grants to State and local education agencies for planning and evaluation under the new authority added earlier this year in title V of the Elementary and Secondary Education Act. Unfortunately, this authority was added after the House had acted on the education appropriations, so the matter was not the subject of hearings and action on the House side. I would hope that at a later point the House will have a full opportunity to consider this critical need and determine—as the Senate already has—that this new authority should be promptly funded.

Finally, Mr. President, I would like to discuss the so-called Whitten amendments which have been retained in the conference report. For this year they have undergone a facelifting and a change which we should all clearly understand.

The amendments have been modified in such a manner that they comport with the existing requirements of title VI of the Civil Rights Act of 1964.

Both sections 209 and 210 provide that no funds may be used to force the busing of students, the closing of schools, or obligatory pupil assignment, with respect to a desegregated school district as that term is defined in title IV of the Civil Rights Act.

Under title IV, "desegregation" is defined as "the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Now, this provision of title IV—section 401(b)—has not been interpreted by the courts as compelling anything less than the disestablishment of the former dual school system. The nondiscrimination requirements of title VI have been applied in the context of Supreme Court decisions interpreting the reach of the 14th amendment, and this has held true regardless of the provisions of title IV.

Similarly, when title IV prohibits the Government from requiring the transportation of students "in order to overcome racial imbalance," the restriction does not negate the affirmative duty to desegregate when segregation has come about through the deliberate acts of responsible authorities.

The Federal courts have long subscribed to this view. In *U.S.* v. *Jefferson County Board of Education* (372 F. 2d 836 (1966), the U.S. Court of Appeals for the 7th Circuit ruled:

> It is clear . . . that Congress equated the term (racial imbalance) . . . with *de facto* segregation, that is non-racially motivated segregation in a school system based on a single neighborhood school for all children in a definable area.

In short, section 401(b) of title IV does not affect the responsibility of school districts to correct de jure segregation or discrimination under the provisions of title VI.

The new Whitten amendments cannot alter the constitutional requirements to desegregate and the regulations and guidelines which have been published to enforce those requirements. It is important to fully understand this, so that passage of sections 209 and 210 will not deceive school districts as to their legal obligations under the law.

There is altogether too much confusion and ambiguity in this difficult area.

School districts which have not yet moved to comply with the law should not seize these amendments as a way out. These amendments should not open the door to another round of resistance and court litigation. They should not complicate the task of the Departments of Justice and HEW which are responsible for enforcing the mandates of the courts. For we are not changing substantive law.

And so, in accepting these amendments, we must be clear that Congress in no way intends to pull back or reduce the effort to end unconstitutional discrimination. The amendments do not change the obligations of communities faced with a court order to desegregate. They cannot change HEW's desegregation guidelines.

Mr. President, I strongly support Senate adoption of the education appropriations conference report.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the conference report be limited to 1 hour, to be under the control of the able manager of the conference report, the Senator from Washington (Mr. MAGNUSON), and that the vote occur on the conference report at 2 o'clock today, with the understanding that the following Senators will be given at least these amounts of time: The Senator from New Hampshire (Mr. COTTON), 10 minutes; the Senator from Alabama (Mr. ALLEN), 10 minutes; the Senator from Mississippi (Mr. STENNIS), 15 minutes; and the Senator from Wisconsin (Mr. NELSON), 5 minutes; and as I have said, all time to be under the control of the Senator from Washington (Mr. MAGNUSON).

The PRESIDING OFFICER (Mr. CRANSTON). Is there objection to the request of the Senator from Washington (Mr. MAGNUSON)? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the the conference report.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, will the Senator from Washington yield me 2 minutes?

Mr. MAGNUSON. Let me say, before I yield to the Senator from Florida, that he suggests I yield him only 2 minutes. That is a very modest request because he has spent hundreds of hours on the bill and just 2 minutes is not quite sufficient to make up for all of the work the distinguished Senator from Florida has done on this education appropriations bill.

Mr. HOLLAND. I thank my distinguished chairman. I rose primarily to thank him and the distinguished minority ranking member, the Senator from New Hampshire (Mr. COTTON), for their arduous efforts throughout the consideration of this bill, the hearings, and the floor work, as well as the marking up of the bill in committee and their conference work which was the roughest of all.

I want to say just this one thing, that the distinguished Senator from Virginia (Mr. SPONG) put his finger on the one matter of legislation which I think most needs attention—the impacted school law—and while he did call attention to the difference between class A and class B students, which is one of the big points of argument, he did not mention the fact

that last year we put a third class into the bill, that is of children coming from public housing homes, which I think was a mistake; but whether a mistake or not, it calls out loudly for complete reexamination of this particular legislation by the legislative committee.

I wanted to emphasize that point in commending the distinguished Senator from Virginia (Mr. SPONG).

Mr. MAGNUSON. I appreciate that statement and, of course, we excluded the public housing entitlement mainly because of what the Senator from Florida just suggested, the reason that here we were again embarking upon something new. We have got to take a new look at this whole business of impacted aid. I like to call it a payment in lieu of taxes, because that is what it is. I think that is a good way to do these things for the local school districts that have these have these problems, but the public housing entitlement could have added as much as $289 million to the bill.

Mr. HOLLAND. Mr. President, if the Senator will yield me 1 more minute, I think the Senator and his ranking minority associate were so wise in going along with the committee. The committee as a whole thought it would be unwise to venture into that field which was put into the authorizing legislation last year.

The point of my rising was to say that this new issue adds to the necessity for a complete revision of the impacted school legislation which I think is one of the first "musts" that is ahead for Congress.

I thank the Senator from Washington and again commend him.

Mr. MAGNUSON. I thank the Senator from Florida.

Mr. President, the distinguished Senator from Missouri (Mr. EAGLETON) is away on a personal matter. In fact, he is attending his father's funeral. He asked me to have his statement on the conference report printed in the RECORD, as he made such a strong plea to the Senate on this year's bill; and I ask unanimous consent to do so.

There being no objection, the statement by Senator EAGLETON was ordered to be printed in the RECORD, as follows:

Mr. EAGLETON. Mr. President, I wish to thank the senior Senator from Washington, as well as the senior Senator from New Hampshire and all members of the Education Appropriations Subcommittee for the fine job they have done on the fiscal 1971 education appropriations bill. Certainly, most members of this body are in full agreement that the education needs of this country should have top priority, and it is a pleasure to support a measure which in most respects recognizes the problems faced by our schools and provides the type of assistance that is desperately needed.

One of the areas, however, for which I feel we have not provided adequate funds is higher education. Despite the praiseworthy efforts of some of my colleagues, who were successful in having amendments approved on the floor, the conference did not go along with this body's recommendations that increased funds be put in certain higher education programs.

This, I feel, is extremely unfortunate. If our country is to move forward, it must continue to rely in large measure on the output of our institutions of higher learning. To cut funds in this area at a time when the number of students in our colleges is at a peak is, in my opinion, short-sighted.

Some of the specific programs which I feel have not been given the funds they deserve are Titles II and VI of the Higher Education Act (which provide funds for college libraries and for instructional materials and equipment) and the land grant colleges appropriations.

Taking first the programs under the Higher Education Act, the Senate appropriated $20,750,000 for Title II (college libraries), which was the same amount as originally approved in fiscal 1970, although the 1970 appropriation was reduced to $9,816,000 following the President's veto of the first appropriation bill. The conference committee has recommended a reduction of the Senate appropriation to $15,325,000. For Title VI (instructional materials), the Senate approved $14.5 million, which was the same amount appropriated from 1966–1969 (no funds were appropriated in 1975). This figure was slashed to only $7 million in conference.

I think it is important to stress the fact that these programs are not designed to cover, in any substantial way, the financial needs of our colleges and universities. They are basically seed programs; they provide the yeast that it is hoped will result in an improved end product. Thus they are not divisible.

The administration costs alone often make it uneconomical for schools to fill out the forms required to apply for these funds, and this will be especially true at the new low levels. Simply because these programs are small it does not follow that they should be regarded as insignificant. They have been instrumental over the years in upgrading the quality of instruction in our colleges, and they are even more important now when most of our higher education institutions are making desperate efforts to maintain quality levels.

Both Title II and Title VI have been capably administered at State and Federal levels, and each dollar allocated has served to give the recipient institution the little extra amount needed in these vital areas of instruction.

I urge that we do not forget these important programs over the coming weeks. There is no better way we can spend this nation's money than to give our children a better education. This means not only providing buildings and teachers, but also making available the innovative technology required to maintain the quality of instruction at the level we demand.

I want to comment also on the appropriations for the nation's land grant colleges. This is another item which is small in dollars but which has great significance in terms of America's educational resources.

The President saw fit to recommend that no funds be appropriated for this program. Nevertheless, the House approved $8 million and the Senate voted $12.1 million, the Senate figure being at the same level as fiscal 1970 appropriations. The conference committee has recommended a compromise figure of $10,080,000.

I, for one, want the record to show that it is my view that this reduction below last year's funding level does not mark the beginning of a phase-out of appropriations for this program, but rather it simply marks a recognition of constraints imposed by this year's difficult fiscal situation.

We should keep in mind that the land grant colleges were the nation's first real "peoples' colleges"—and they continue to fill that role. Both the Administration and the Congress have committed themselves to the principle that higher education opportunities must be expanded, particularly for those who are economically disadvantaged. If we are to make these real opportunities and not merely empty promises, our land grant universities must necessarily play a major role. Federal financial support, such as that offered through this appropriation item, is necessary to enable the land grant colleges to educate these additional students while at the same time keeping fees sufficiently low so that they do not impose a major obstacle to the poor but otherwise qualified student.

It should be pointed out that in these programs involving small amounts of money the purpose of federal support is not economic but educational. The Federal Government provides incentives and leadership—fostering the innovation, the new curriculums, and the educational change and reform necessary to provide quality instruction for an ever-increasing number of students. The demands of our society, both culturally and economically, oblige us to improve and upgrade the educational process at all levels. This is why we must be attentive to these smaller, less costly programs and realize that they are important to education. Only by using the power and prestige of the federal government can we hope to foster the educational progress which is the precondition to all progress in a civilized society.

Mr. NELSON. Mr. President, I should like to make a brief point here, and then ask a question of the manager of the bill who has been a most influential Member of the Senate in terms of supporting the National Teacher Corps, as well as the Senator from New Hampshire (Mr. COTTON). They have both endorsed and supported an increase of $10 million in the request of the administration to add to the Student Teacher Corps, the Indian reservation program, sponsored by the Senator from Massachusetts (Mr. KENNEDY), and the corrections programs sponsored by the Senator from New York (Mr. GOODELL).

My understanding is that the conference found it necessary to recede and eliminate the $10 million added by the Senate, and to return to the $30,800,000 requested by the administration, and that it was necessary to remove the National Teacher Corps as a line item within the budget, the line item having been put in by the Senator from Washington (Mr. MAGNUSON).

I pose this question for legislative clarification to the Senator from Washington: The Senate approved $40.8 million for the Teacher Corps, and the programs which I have mentioned; and the House voted $30.8 million for the Teacher Corps which was the amount requested by the administration.

I just wanted to ask the manager of the bill, for purposes of being clear about the legislative intent, both as approved and appropriated as high or higher than the administration requested for the Teacher Corps, the fact that in conference we eliminated the earmarking does not evidence an intent not to spend the $30.8 million approved by both houses, does it?

Mr. MAGNUSON. No; it was my understanding—the Senator for New Hampshire is not here at this moment, but I am sure it is his, too—that after lengthy discussion in conference, we had an agreement that it was mandatory to spend it for the Teacher Corps, or at least that is the intent of conference and it is the intent of Congress.

I had mixed views about whether it

should be a line item or put in the education professions development line item, which is a very large item in the bill. One side pointed out that last year, we had $21,737,000, and that the budget estimate came up to $30,800,000, and when it was within the amount of the new Teacher Corps it fared better without being a line item than it did last year. I would prefer to keep the line item. I would personally like to do so. But the House was insistent that it be put in the education professions development, with the understanding that the $30,800,000 be used for this specific purpose.

Mr. NELSON. I thank the Senator.

Mr. MAGNUSON. If there is any indication they are not going to do this, that would be violating the intent of both House and Senate conferees.

Mr. NELSON. I thank the Senator for that clarification.

Mr. MAGNUSON. Now, Mr. President, I yield the floor to the Senator from New Hampshire, unless there are some further questions.

I might say one other thing, as I pointed out in my introductory remarks, we did have the so-called Whitten and Jonas amendments in the bill, in the House bill, and it was cut out by the Senate. We finally agreed to the so-called Whitten amendments and removed the Jonas amendment.

There were four of us, including the chairman, who signed the conference report with the exception of the so-called Whitten amendments, merely to be on record.

We had a good, long discussion about these amendments. That is the usual thing every year. Finally the House members in all sincerity said that they did not think they could go back to the House and sustain a deletion of the Whitten amendments.

So the Senator from New Hampshire and I felt that we wanted to get a bill out as soon as possible since this involves the whole educational process of the country. The House was fairly amenable to compromising with us and having a real compromise on the money items. We had to accept the so-called Whitten amendments.

The House conferees in the beginning said this was one of the important things, and that they did not feel they could go back to the House without the so-called Whitten amendments.

There were four members of the committee—the Senator from Washington, the Senator from New Jersey, the Senator from Hawaii, and the Senator from Delaware—that make exceptions to the Whitten amendments.

Mr. COTTON. Mr. President, I would like to take 1 minute of my 10 minutes to express my appreciation and admiration for the effective and able leadership that the distinguished chairman of the subcommittee, the Senator from Washington, characteristically displayed this year, as he has in the past. Without his guidance and without his ability and skill in negotiating with the House conferees, we would not have been able to achieve as much as we did.

The Senator from Washington is perfectly correct when he says that not one breath of partisanship had been involved in any of the deliberations either in the subcommittee, the full committee, or the conference committee.

If partisanship were to have been displayed, it could have well been displayed by the majority members in allowing the bill to stay large enough so that it might invite a Presidential veto which, in an election year, might be good politics from the standpoint of some. That was not done. It was characteristic of the Senator from Washington that we went to conference to get the best results we could and to get as much money for education as we could and, at the same time, try to avoid going through the donnybrook we went through last year after a Presidential veto and trying to reform our lines and produce a new bill.

As the Senator from Washington has indicated very clearly, we went into the conference with a Senate bill that was $966 million—practically $1 billion—over the budget. That amount included $150 million that the President himself had asked for for emergency school assistance. We came out with that amount reduced by almost $363 million—$453 million over the budget figure.

Mr. President, I hope and believe that the President will not veto this bill. I am informed by staff members of another subcommittee that another conference report that is likely to come to the Senate in a very short time will run $500 million to $600 million over the budget. That bill is not for education.

Considering that this bill is pinpointed for education in this Nation, I am hopeful that the President will go along with us. We exercised our duties and he will exercise his. I think our duty is to adopt the conference report.

Mr. President, if anything should happen to the bill, the first thing we would have to do would be to put back into any bill that came through advance funding in the amount of $1,339,000,000, to take care of the school districts that have to make their plans, hire teachers, and do their work before the opening of the school year.

The HEW appropriation was split. Education was made a separate bill so that we could get it through and get the assurance of money for the school districts soon enough so that they could make their plans.

A good deal has been said about the impacted area funds. Every year, of course, that has been a bone of contention. That is probably one of the chief objections of the administration to the bill.

Mr. President, since the impacted area funds started in 1951 until this year, the amounts have been increased every year. In 1951, it was $29 million. In the pending bill it is $536 million.

The total that we have paid in impacted area funds over the years since we started is $5,220,237,000.

Mr. President, this situation must be dealt with by the legislative committee because I think that every member of our committee and every Member of the Senate knows that these moneys are appropriated and administered under an outmoded and distorted formula.

One reason, however—and I think the main reason—that our school districts and school officials are insisting and urging and begging for every cent they can get of impacted area funds is that these funds are the only funds they can spend for their own individual needs in their localities and in their districts.

This is something that has troubled me ever since I have served on the subcommittee, and I have been on the subcommittee for many years. The Office of Education and the Federal authorities in the HEW insist on having their fingers on every single cent that is spent.

Striving and struggling as has the Senator from Washington, I, and others have to prevent duplications and to see that the money necessary for the disadvantaged children in this Nation, both city and rural, shall go to them and not be spent for overhead and administration. Trying to be fair has been an extremely difficult matter.

I hope that the Department of Health, Education, and Welfare, and more particularly, the Office of Education, will get themselves straightened out so that we have a more incisive and clearcut policy. I also hope that the legislative committees in the Senate and the House will review and give us a modernized, streamlined, equitable method of aiding the school districts of the Nation. The Senator from Washington was correct in his statement that it is necessary that this be done so that we will not have this constant difficulty over impacted area funds.

Mr. President, I ask unanimous consent to have printed in the RECORD appropriations for impacted areas running from 1951, the year of the inception of the program, to the present bill.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Public Law 874 appropriations—School assistance in federally affected areas

1951	$29,080,788
1952	51,570,000
1953	60,500,000
1954	72,350,000
1955	75,000,000
1956	90,000,000
1957	113,050,000
1958	127,000,000
1959	157,362,000
1960	186,300,000
1961	217,300,000
1962	247,000,000
1963	282,322,000
1964	320,670,000
1965	332,000,000
1966	388,000,000
1967	416,200,000
1968	507,165,000
1969	505,900,000
1970	505,400,000
1971 [1]	536,068,000
Total	5,220,237,000

[1] Conference agreement.

Mr. COTTON. Mr. President, as the bill left the Senate we were nearly $1 billion over the budget. We are now only $453,321,000 over the budget. We think, or at least the Senator from New Hampshire thinks and I think other members of the subcommittee concur, that this is all we could hope to get without running the risk of going through another Presidential veto. I cannot speak for the President. I have no intimation of what he may do. I simply think and believe that

after all due consideration he will not choose the educational funds to veto when these other appropriations for much less important purposes than education are coming on the heels of the measure.

Again I commend the distinguished Senator from Washington and members of the subcommittee. We have listened to much testimony and we have gone through to the end of the road, or what we hope is the end of the road.

Mr. President, I hope the Senate will adopt the conference report.

Mr. JAVITS. Mr. President, will the Senator yield to me for 3 minutes?

Mr. MAGNUSON. I yield.

Mr. JAVITS. Mr. President, I shall address myself to amendment 38, which was reported in disagreement and which relates to emergency school assistance, in which we carried $150 million here. As I understand it now, that amount was cut by 50 percent in conference, or to $75 million; and the other body has now concurred in that amendment so that it remains but for us to concur and the $75 million will be appropriated. Is that correct?

Mr. MAGNUSON. The Senator is correct.

Mr. JAVITS. Is it correct the limitations with respect to utilization of these funds specified in the Senate amendment remain as part of the bill, now that the conference report has been completed?

Mr. MAGNUSON. Those provisions do remain in the bill.

Mr. JAVITS. The only thing changed was the amount of money?

Mr. MAGNUSON. The amount of money.

Mr. JAVITS. I would like to state to the manager of the bill that we thought the $150 million could be extremely well used in respect of the desegregation effort. We were deeply concerned that the limitations should remain in the bill, as they are such as to prevent a defeat of the very effort which the $75 million or $150 million originally was designed to promote, to wit, desegregation. Those who would attempt to avoid the effect of desegregation by unlawfully utilizing public property by transferring it to private segregated schools, are discouraged from doing so by the first limitation. The other limitations prevent the use of Federal funds to supplant available non-Federal funding and assure that the financial assistance provided is available in all sections of the country where similar problems have created similar needs.

I consider the precedent of the retention of the limitations in the amendment of such overriding importance that I am even willing to accept the disappointment of the 50-percent cut provided that the limitations are included.

I would be the first to affirm, because I have been a member of the Committee on Appropriations and served with the Senator from Washington (Mr. MAGNUSON) on conference committees, the tremendous effort which I know it took to get even the $75 million. The chairman did extremely well under the circumstances.

But, Mr. President, the real danger we face, aside from a lagging desegregation policy anywhere in the country—and I emphasize that because it needs to be emphasized—is that we are seeking to bring about a better educational system through exercising the spectre of segregation wherever it may be present.

One of the fine points brought out in debate was the fact that so-called de facto segregation and racial imbalance are exactly the same thing. I hope very much, as this educational process goes on, people will understand that so-called racial imbalance is just as capable of depriving children of a sufficient education as so-called de jure segregation.

The only question is, Can we reach racial imbalance, and if we can, what can we do about it intelligently?

We all agree we would prefer not to bus our children over long distances. But I deeply believe, if you want to give children the best in education, they are entitled to an education which is integrated. While we may not prefer busing, we know often there is no other way—just as we discovered with the little red school house—to provide a decent education without the use of busing.

So I think it should be noted very specifically that a real achievement is incorporated in this conference report in these terms. I am the first to affirm that I hope very much this legislation will be used with intelligence to deal with situations in the North, and West, as well as in the South. But there are two caveats: First, that should not divert our attention from areas where there is unlawful segregation which has already been identified by the courts and HEW; this appropriation will not substitute for fair law enforcement in many areas of the South; and second, we should not be scared away by the catch words of "neighborhood schools" and "forced busing" from giving the children, who cannot represent themselves and for whom we are speaking, the very optimum we humanly can in education.

I am a member of the Select Committee on Equal Educational Opportunity which the Senator from Minnesota (Mr. MONDALE) heads and a member of the Education Subcommittee, chaired by the Senator from Rhode Island (Mr. PELL). We will be coming in with a substantial bill. The administration has asked for $1.5 billion. This is a beginning.

I say to the administration that the easiest way to kill a program which has much promise around here, is to ruin it when you start, or waste money in respect to it, or engage in experiments which are footless, just because you do not know what to do with the money.

Nobody is asking the administration to spend money. If they do not want to spend it, that is all right, but if they do, they should bear in mind they have to spend it intelligently and effectively. Everything they do about the expenditure of this $75 million will have a direct and decisive effect on our chances for getting the whole program enacted into law. I think this is critically important, and I hope the administration will take it very much to heart.

I note with great regret that the so-called Whitten amendments, which also relate to desegregation problems in the schools, are carried over in the conference report. We all knew, and we knew it when we debated the question, that they are of no legal effect, unlike the so-called Jonas amendment, which fortunately is left out of the bill; but the Whitten amendments are still an albatross around the neck of this measure.

I know the other body insisted on them because they did go back in disagreement. To the great credit of a number of Senate conferees, they signed the conference report—and that includes the distinguished chairman, the Senator from Washington (Mr. MAGNUSON)—with the exception of amendment No. 39, which related to the so-called Whitten amendments. This effort to act as King Canute to stem the tide of our doing our utmost to remove the color factor from the education of children of the United States is doomed to failure. It is vestigial, it is archaic, it is bound to go. The tenacity with which it hangs on in amendments like these is really appalling in this country. Yet the very same people who advocate this kind of amendment are the people who talk about neighborhood schools and being against busing, when the worst expressions of segregation came under the heading of busing, and black children were bused 20, 30, and 40 miles a day, right past the doors of white schools which were their neighborhood schools, in the name of segregation.

I sympathize with the Senator from Washington (Mr. MAGNUSON). I know how he feels. We live in a working world. There is a heavy responsibility borne by the other body for its persistence including this kind of amendment. It is amazing to me to see it, since it does not, in my view, represent the prevailing view in the country. We can only hope to continue the fight and to urge our brethren in the other body to be more decisive and vigorous in their opposition to such amendments. It is unfortunate that we are at the point of having or not having a massive bill for education which is absolutely essential to the school districts of our country, at the price accepting an amendment like this, which is not going to turn the world over, I agree——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. But which is nettling and disagreeable, considering the state of the times, and the laws enacted by Congress and the decisions of the courts. It is depressing and sad and distressing. I sympathize, however, with the manager of the bill and the ranking Republican Member, the Senator from New Hampshire (Mr. COTTON), who has certainly expressed his feelings on many occasions. So I say that while these amendments are most regrettable, I shall vote for the conference report.

Mr. MAGNUSON. Mr. President, I yield to the Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. ALLEN. May I have 10 minutes?

Mr. MAGNUSON. Very well.

Mr. ALLEN. Mr. President, I wish to commend the distinguished Senator from Washington and the other conferees on this bill for the splendid work which they did in conference. I appreciate his spirit of compromise, the spirit with which he came back with the conference report, which does embody what he has called the Whitten amendments.

I ask unanimous consent that sections 209 and 210 of the bill be inserted in the RECORD at this point.

There being no objection, the sections were ordered to be printed in the RECORD, as follows:

SEC. 209. No part of the funds contained in this Act may be used—

To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students;

To force on account of race, creed, or color the abolishment of any school so desegregated; or

To force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 210. No part of the funds contained in this Act shall be used—

To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students;

To require the abolishment of any school so desegregated; or

To force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

Mr. ALLEN. Mr. President, I am glad that for the first time since the Congress has been considering the Whitten amendments—and that consideration goes back for several Congresses—this is the first time, I believe, that the Whitten amendments in their original form as presented to the House, as approved by the House, have ended up in that same original form as presented to the Senate now, in the conference report under consideration.

The two amendments taken jointly make provision for four prohibitions. They provide that no portion of the funds appropriated by this education bill can be used to force any school or school district to take any action to force the busing of students; or to force, on account of race, creed, or color, the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent; or, to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

There is a very definite field of operation for these amendments, because we see massive busing ordered by HEW and ordered by district courts. We see school buildings abandoned, schools closed, all over the South. In my own State of Alabama the rulings of the Federal courts and the edicts of the Department of Health, Education, and Welfare have caused our State to close school buildings valued at more than $100 million.

So we would like the protection of the Whitten amendments, and we believe these amendments will be effective if they are implemented by action by HEW, if HEW will be bound by the provisions of these amendments.

Soon after coming to the Senate I wrote Mr. Finch, the Secretary of the Department of Health, Education, and Welfare, calling attention to the massive busing that was being required by HEW and pointing out that that was in opposition to and in direct contravention of the provisions of the Whitten amendments then in force and effect.

There were three aspects of the Whitten amendments at that time: that the funds could not be used to require busing and could not be used to require the closing of a school or could not be used to force a child to go to any school other than one approved by his or her parent or parents. But as finally enacted it had the clause that these things could not be done in order to overcome racial imbalance.

So the Secretary informed me that these provisions gave protection to districts where they had de facto segregation, and provided that the districts were protected from this action, or from the requirement of these actions, whereas segregation in the South, which they called de jure segregation, was not protected.

So they could require these things in Southern school districts. I was very much interested in the remarks of the distinguished Senator from New York, in which he said that these are onerous provisions, the provisions of the Whitten amendments, and that they hang like an albatross around this bill.

He could say that because, his school districts in New York are protected under existing law from the very things that we want protection from under the terms of the pending conference report embodying the Whitten amendments.

Yes, this is an anomalous situation, Mr. President, that in the South, desegregation is rapidly taking place, whereas in the North—and I speak with particular reference to the great State of New York, because I have the report of the regents of the University of the State of New York pointing this out—segregation is on the increase. It is increasing in the North, whereas in the South it is on a rapid decline. All we are asking is the same type of protection that the law gives to the school districts that have de facto segregation.

Mr. President, I do not see how, in fairness, we can have a Federal school policy which demands immediate desegregation in the South, and at the same time outside the South encourages and fosters segregation. But that is the exact situation that we have under existing law.

Possibly we will get some relief if the conference report embodying the Whitten amendments is accepted. I favor the adoption of the conference report, and I ask unanimous consent to have printed in the RECORD at this point the remarks that I made on June 24 in the Senate, and the colloquy in connection with those remarks, appearing in the RECORD at pages 21224–21227.

There being no objection, the remarks and the colloquey were ordered to be printed in the RECORD, as follows:

Mr. ALLEN. Mr. President, earlier this evening, the junior Senator from Alabama discussed at considerable length the Scott amendment which was agreed to by the Senate by roughly a 2-to-1 vote. It struck out section 211 of the bill.

Now the distinguished Senator from Maryland seeks to strike out sections 208 and 209 which, as the distinguished Senator from Maryland referred to the sections, are the 1970 version of the Whitten amendment.

I assume by that that the distinguished Senator from Maryland is calling attention to the fact that for a number of years, for years before the junior Senator from Alabama came to the U.S. Senate——

Mr. MATHIAS. Mr. President, would the Senator yield?

Mr. ALLEN. I yield.

Mr. MATHIAS. Mr. President, perhaps they would be more accurately referred to as the retreaded 1970 version. It is the second time that we dealt with them this year.

Mr. ALLEN. Mr. President, I thank the Senator for his revision of his original remarks which the junior Senator from Alabama is seeking to quote.

Starting apparently with the Civil Rights Act of 1964, at least that far back the word "desegregation" was being defined. And it was expressly provided that desegregation should not mean the transfer of a student from one school to another in order to overcome racial imbalance.

So, then, as far back as 1964 at least, the thrust of the civil rights legislation and of a majority of the Senators and Representatives in Congress, was to protect de facto segregation because, as the distinguished Senator from Maryland clearly understands, the words "racial imbalance" are used interchangeably for de facto segregation.

All through the legislative history of the Whitten amendments and the civil rights provisions, an attempt has been made to protect de facto segregation, which is segregation as it exists outside of the Southern States.

The Whitten amendment, as it appears for the first time, I believe, in the 1968 HEW appropriation bill—possibly at a period before that; it may have appeared in 1966—but at any rate, in the 1968 appropriations bill the Whitten amendment, as it passed the House, provided that no portion of the funds appropriated by the HEW appropriations should be used for the purpose of forcing the busing of students or forcing the closing of schools or forcing any child to attend a school other than the school chosen for him by his parents.

As the junior Senator from Alabama understands, in the legislative process the words were added that these things could not be done in order to overcome racial imbalance, which deprived the segregated schools, which are said to exist in the South, of the protection of these prohibitions. But at the same time it gave to those areas which had so-called de facto segregation the protection of these prohibitions against busing, against the closing of schools, and against requiring any child to attend a school other than the school of the choice of his parents.

The Whitten amendment started out one way. And when it came to the Senate, somewhere in the legislative process, either in the

Senate or in the conference committee, it was so diluted, so watered down, and so changed as to deprive the southern school systems of any of the protections provided by the amendment. But at the same time it gave that protection to the schools outside the South where they had so-called de facto segregation.

Instead of doing what the amendment sought to do, they did just the opposite and afforded protection to de facto segregation and deprived those school districts that had de jure segregation of any protection whatsoever.

How ironic and hypocritical can we act or can we be?

Then when the Whitten amendments came over from the House last year and were approved by the Senate committee and came to the floor of the Senate, as the junior Senator from Alabama recalls, the distinguished junior Senator from Maryland (Mr. MATHIAS) added the interesting phrase that became something of a hallmark for this type of legislation: "except as required by the Constitution," which gave the HEW the supposed right to say that the Constitution required the protection of de facto segregation and that it provided for the stamping out of de jure segregation.

There again the Whitten amendments were changed in the Senate to provide something entirely different from what they provided when they started out in the House, when they passed the House and when they cleared the Senate committee.

This time they go one step further and say, "We are not even going to have any language of that sort in here. We are going to eliminate every single vestige of language of this sort."

The present amendment is to strike both of these sections, 209 and 210.

All that these sections do is to seek to give to the southern school districts the protection that is already afforded to districts outside of the South that already have this protection.

All that the Whitten amendment seeks to do is to give the southern school districts some little piecemeal start toward achieving some type of equal protection of the laws, equal application of the laws, and equal enforcement of the laws.

Mr. President, it is hard for the junior Senator from Alabama to accept a Federal school policy that demands immediate desegregation of the public school systems in the South and at the same time, by every single piece of legislation enacted by Congress that the junior Senator from Alabama has been able to located dealing with the matter of desegregation, de facto segregation has been protected, it has been fostered, and it has been preserved. Now, as we have immediate desegregation in the public school systems of the South what is happening in States outside the South? Is segregation being eliminated there? What are these Senators and these Representatives who twist the language of the Whitten amendment around so that it means exactly the opposite of what it started out to provide, doing to eliminate segregation in their areas?

Mr. President, I have excerpts before me from a study made by the regents of the University of the State of New York, the first one being dated January, 1968, entitled "Integration and the Schools." I would like to read an excerpt from that study on page 9:

"PROBLEM GROWS

"Despite the determination and significant accomplishments of many in education, the growth of the problem has outstripped the efforts to deal with it:

"Racial imbalance *within* school districts is increasing in both suburban and urban communities."

This is segregation in the State of New York:

"Racial census reports show that between 1961 and 1966, in the 41 school districts with the highest percentage of Negro pupils (exclusive of New York City).

"* * * the number of elementary schools with more than 50 percent Negro pupils increased from 60 to 72; the number with more than 90 percent Negro pupils increased from 25 to 33.

"Racial isolation *among* school districts is also increasing. In this same period, the percentage of Negro pupils in one suburban district rose to 82 and in another, to 71. In three other districts, the percentage surpassed 50."

Then, in December of 1969, working on this problem, trying to do something about it supposedly, there was a review of the revised studies taken some 2 years before, a restatement of the policy, in which it is stated by the regents of the University of the State of New York:

"The efforts of the State of New York to eliminate segregation and to speed integration must be increased.

"* * * * * *

"Racial and social class legislation in the public schools has increased substantially during the past two years despite efforts to eliminate it."

So, Mr. President, there in this great State of New York we have segregation increasing, whereas in the southern school districts the administration boasts that they are going to require the desegregation of every school system in the South—not in the North; every school system in the South—by September of this year.

That is going to wreck the public school system of the State of Alabama and in most of the South.

It is not only the white citizens of our State that disapprove of this policy of closing the schools, of busing students, of refusing to allow a child to go to the school of his choice; the black citizens, the black students also object to this in the most decisive and in the strongest fashion that they can.

Mr. President, it is a matter of record that it is the black students of our State whose school buildings in the main are being closed by order of HEW, and they object to that. One of the best school buildings in my hometown of Gadsden, Ala., is the black high school with about 1,000 students. That school was ordered closed to the dismay of the pupils, the black pupils, the faculty, the families and the friends of those students. Throughout the State it is the black students that are bearing much of the brunt of this policy of forced desegregation now in the southern school districts. They do not like being bused into the white high schools in order to desegregate the white schools. They do not like that. This is not only a complaint of white citizens of the State of Alabama and the white citizens of the South. But is is destroying the public school system in my State and in other Southern States. Bond issues are being defeated; proposed taxes which are being submitted to the people are being defeated in tax referendums; taxes already imposed, coming up for renewal, are being defeated; and public support is being withdrawn from the public school system in our State.

What we are interested in doing is not in having sociological experiments with our children, white and black. We want to see every schoolchild in our section, every schoolchild in the Nation given the advantage of having a quality education. So we think it is unfair to have a Federal school policy that requires this immediate desegregation in the South and that fosters, encourages, and promotes segregation in the North that is every bit as pronounced and more so in some instances than segregation that exists in the South. All we are asking is equal protection of the laws and we believe that the Whitten amendment, not diluted, not changed in meaning, but passed as it passed the House, will give us some small measure of equality of enforcement of the law and equality of treatment under the law.

Mr. President, I have been interested in the fact that this bill has been under consideration now for parts of 2 days. It is a bill that appropriates some $4.5 billion for the cause of education.

Many Senators have amendments they want to offer, I am told. I have been told that the distinguished Senator from New York (Mr. JAVITS) has an amendment he wants to offer having to do with the appropriation of $150 million to aid in easing the shock in southern school districts of the demand for immediate desegregation.

That amendment has not been offered. There are a number of other amendments on Senators' desks.

Why was it so important to rush in here? The distinguished Republican leader, the able and distinguished senior Senator from Pennsylvania, rushes in with an amendment, just as soon as the bill is brought up, to strike section 211, the Jonas amendment. They do not consider any of the advisability of this $4.5 billion appropriation. They do not consider the merit of that.

Is it wise to appropriate $4.5 billion? Is it properly allocated? Do the proper services get the correct amounts? Are the proper priorities being maintained? Have we spread out the $4.5 billion properly? Should not some adjustment be made in this amount? Does one agency get more money than perhaps it should?

It is easy to make reference to this tremendous sum of $150,000,000 when $4.5 billion is involved. Is that what is considered by the Senate? Is that why Senators rush in with amendments, reallocating the $4.5 billion?

No; it is not. The two items given priority are not those amendments. There seems to be a general feeling of consent in this matter. No Senator rushed in. I did not see three or four Senators on their feet with amendments asking for recognition. The Senator from Pennsylvania was recognized. He did his work. He put his amendment in to knock out the Jonas amendment.

Now the distinguished junior Senator from Maryland has no trouble getting recognition, because no other Senator has an amendment. Let us get this possible relief from the southern school systems knocked out before we do anything else—that seems to be the opinion. That seems to be thought to be most important—the knocking out of those three amendments, the two Whitten amendments and the Jonas amendment. They have top priority. Let us see that no protection, let us see that no guaranty, let us see that no equality, let us see that no equal enforcement of the law, is made available to southern school districts. Let us place as the top priority the knocking out of those three items. But at the same time let us make sure that these sections are not turned against de facto segregation as it exists in the North. That is the attitude of many Senators.

Is anything ever going to be done about de facto segregation? Are we always going to say that where a black child is required to go to an all black school, he is being denied a good education in the South, that he is being denied equal protection of the law, but prevent that statement from being made about a black child in the North in a segregated school? Do you suppose that black child in the North, with a protected de facto segregation staring him in the face, says to himself, "Well, the black students of the South are getting to go to White schools down there because they have de jure segregation, but that is all right with me. I like this black school that I go to in the North because this is de facto segregation, and that is all right"? As long as segregation is

de facto, that is fine, it does not have to be broken up; but if it is de jure, if it is that type which exists in the South, it has to be broken up.

Well, if segregation is unlawful in the South, it should also be unlawful in the North.

Mr. President, early in this session the Senate, in an all too rare display of statesmanship, voted for the Stennis amendment. A total of 56 votes were cast for it, and 30-odd cast against it

That amendment, of course, provided for uniformity of enforcement of Federal guidelines in implementing Federal policy regarding desegregation of the public schools.

I do not know what happened to that amendment or why the Senate apparently changed its mind when the conference committee brought out its version of the amendment and did just the opposite of providing for uniformity. It provided for two uniformities—the uniformity of application of desegregation policies as regards de jure segregation, and uniformity of desegregation policies as regards de facto segregation.

Certain Members of the Senate were apparently aghast at what they had done. They had voted for uniformity in the application of a Federal policy regarding desegregation of public schools. So when they got the opportunity to go back to a dual policy—one policy for the North, one policy for the South—they were quick to jump at it; and that is what happened.

But the Stennis amendment had served its purpose. It had pointed out to the public that segregation exists in the North, in many cases to a far greater degree than it exists in the South; and that while segregation is ending in the South, it is increasing in the North.

Many people throughout the country did not realize that that was the case. Of course, at the bar of public opinion, Mr. President, the Stennis amendment won a great victory for the cause of right and justice, because of its insistence on giving to each citizen of our country equal protection and equal application of our laws.

The effect of shining the light of public notice on this condition will be of great influence for many years to come, and I want again to commend the able and distinguished Senator from Mississippi (Mr. STENNIS) for his untiring efforts in connection with the Stennis amendment and in connection with the Whitten amendments and the Jonas amendment.

Mr. President, as we seek to speak for the public schools in our area, and as we seek to speak for the schoolchildren in our area and the people of our area, we wonder where our help is to come from, in seeking to solve this problem.

If these 2 amendments are left in—and I will say frankly that I do not expect them to be left in, and I am not going to seek to prevent this amendment from coming to a vote; I certainly am not trying to extend any discussion unduly, but the feeling of the people of Alabama and the people of the South needs to be expressed in this matter, and it is for that reason that those of us who are interested in this amendment are addressing our attention to it—where is our help to come from?

We passed the Stennis amendment. If we back up on it, and go back to the old double standard, HEW offers no encouragement. They say, "Yes, we have double standards; we protect de facto segregation in the North, and we seek to stamp out de jure segregation in the South." So there is no hope there.

What about the Republican leadership here in the Senate? Is there any hope there? Well, no; no hope there. The Republican leader (Mr. SCOTT) killed the Jonas amendment. If he were here now, he would vote against the Whitten amendment also, I am sure.

Mr. ERVIN. Mr. President, will the distinguished Senator from Alabama yield to the Senator from North Carolina for a question?

Mr. ALLEN. I am delighted to yield.

Mr. ERVIN. Does the distinguished Senator from Alabama not recall that during the late campaign, when President Nixon was seeking the votes of the people of the South, he stated, in an interview at Charlotte, N.C., that he was opposed to the busing of children to achieve racial balance in the public schools?

Mr. ALLEN. Yes, he did, according to the press accounts.

Mr. ERVIN. Does not the Senator from Alabama also recall that on one or more occasions during the late campaign, President Nixon stated that he was in favor of the preservation of the neighborhood school?

Mr. ALLEN. Yes. He still states that.

Mr. ERVIN. Can the distinguished Senator from Alabama inform me of any action taken in Congress at the instance of or on the recommendation of the President of the United States to carry into effect either one of those campaign promises?

Mr. ALLEN. In answer to the question of the distinguished Senator from North Carolina, I will state that I know of no initiative taken by the President himself; but I will have to express deep appreciation to individual members of his party for standing with us on these principles. We have received splendid support from many members of the, shall I say, opposition party in this regard.

Mr. ERVIN. I share the gratitude that is expressed by the Senator from Alabama on that point, and I know that the Senator, from Alabama and North Carolina are both deeply grateful for the support we have received from individual Senators here in the Senate of the United States. But does the Senator from Alabama recall any occasion since President Nixon made those campaign promises to the people of the South when the Republican leadership, either in the Senate or in the House of Representatives, has supported any bill that was calculated to prevent busing of schoolchildren to achieve racial balance, or to correct racial imbalance, or to preserve the neighborhood schools?

Mr. ALLEN. In answer to that question, I will have to say that the nearest approach that the junior Senator from Alabama recalls was the fact that in connection with the Stennis amendment, the distinguished Senator from Pennsylvania, the Republican leader (Mr. SCOTT), produced a letter from one of the White House people, I believe Mr. Harlow—I am not sure that it was Mr. Harlow but he produced a letter from someone over there—saying that the President was opposed to the Stennis amendment; and another member of the group from across the aisle either produced a letter or reported a conversation with someone of equal rank over there saying that the President was for the amendment. So we had conflicting reports on that.

Mr. ERVIN. Has not the Senator from Alabama, in times past, heard of politicians who tried to work both sides of the street?

Mr. ALLEN. Not only heard of them, but observed them.

Mr. ERVIN. I will ask the Senator from Alabama if the Secretary of the Department of Health, Education, and Welfare is not an appointee of the President, and if that Department was not created to assist the President in carrying out his program.

Mr. ALLEN. Yes, sir, I so understand.

Mr. ERVIN. I ask the Senator from Alabama if the distinguished minority leader of the Senate, the able Senator from Pennsylvania did not read or refer to a letter from the Secretary of Health, Education, and Welfare during the consideration of the Jonas amendment, in which the Secretary of Health, Education, and Welfare expressed, in substance, his disapproval of the Jonas amendment.

Mr. ALLEN. Yes, sir; that is true.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that all the President has to do to control a member of his Cabinet is to tell that member of his Cabinet what to do?

Mr. ALLEN. I would say that the President's request would probably have considerable influence on the Cabinet member.

Mr. ERVIN. Does not one of the Whitten amendments expressly provide that the Department of Health, Education, and Welfare shall not use any of the funds appropriated by this bill to bus schoolchildren to achieve a variation in racial composition of any school?

Mr. ALLEN. That has been in the amendments in the past. I believe this one has been revised a little bit at that point. Yes, sir.

Mr. ERVIN. It is still, in substance, in the amendment?

Mr. ALLEN. Yes, sir, that is correct.

Mr. ERVIN. And if the President wished to implement his campaign promise he made in Charlotte, N.C., to the effect that there should be no busing to achieve a racial balance in the schools of the country, he could very well restrain his Secretary of Health, Education, and Welfare from writing a letter advocating a course of action which permits busing, could he not?

Mr. ALLEN. I believe he could have considerable influence over him, yes, sir.

Mr. ERVIN. Has the Senator from Alabama heard of what we call the President's southern strategy?

Mr. ALLEN. I have seen reference to that in the press.

Mr. ERVIN. Does the Senator from Alabama think that it is a part of the President's southern strategy to encourage or permit the Secretary of Health, Education, and Welfare to write a letter to the Senate, asking the Senate, in substance, not to carry out one of the campaign promises which the President made during the campaign?

Mr. ALLEN. I do not believe that would contribute to a successful strategy along that line.

Mr. ERVIN. I thank the Senator.

Mr. ALLEN. I thank the distinguished Senator from North Carolina.

I wonder whether I might ask the distinguished Senator from North Carolina a question. The letter from Secretary Finch was read by the distinguished Republican leader. Of course, we all know that Mr. Finch is no longer the Secretary, and the junior Senator from Alabama is wondering whether possibly remorse over the ruin and havoc that Mr. Finch has visited on the southern school systems might have contributed to his resignation as Secretary of the Department of Health, Education, and Welfare.

Mr. ERVIN. If I may make an observation by quoting an expression of Shakespeare, without the Senator from Alabama losing his right to the floor, I would like to say:

"Tis a consummation devoutly to be wish'd."

Mr. ALLEN. I thank the distinguished Senator.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. EASTLAND. Is there any difference in the policies of the Nixon administration toward the South from those of President Lyndon Johnson?

Mr. ALLEN. Does the Senator have reference to the public schools?

Mr. EASTLAND. Of course.

Mr. ALLEN. I would say, in answer to that question, that we have received much better statements and expressions of policy.

Mr. EASTLAND. Lipservice.

Mr. ALLEN. If the Senator would like to refer to it as that. We have received con-

siderably more expressions of looking with favor on our problems under the pesent administration than we received under the other.

Mr. EASTLAND. What has been the difference in policy?

Mr. ALLEN. The policy might be hard to define. Does the Senator mean the policy that has been implemented?

Mr. EASTLAND. That is right. The present administration is promoting school integration.

Mr. ALLEN. The administration is making their boast that they have desegregated more school districts than have ever been desegregated during a like period in the past, and I believe that is correct. It certainly will be by September.

Mr. EASTLAND. What were the promises that were made?

Mr. ALLEN. I believe the distinguished Senator from Mississippi heard the distinguished Senator from North Carolina outline them, and I would refer the Senator to his remarks. I would hesitate to speak in that regard, as to just what he did promise.

Mr. ERVIN. I would like to ask the distinguished Senator from Alabama whether the words which the President used during the late campaign are not quite different from the words which the Department of Justice is using in allegations it is making in complaints it is filing in the respective school districts down South.

Mr. ALLEN. Quite different.

Mr. President, we hope that relief can be had in time through the courts. At one time, it looked as though there was no possibility or hope of getting relief from the courts.

In that regard, I was questioned earlier about the actions of the President and his policies. I feel that his appointments to the Supreme Court have been excellent—all four of them, I might say—certainly the Chief Justice, and Justice Blackmun, as well as Judges Haynsworth and Carswell who were denied confirmation by the Senate.

I should like to call attention, as a possible basis for some hope along this line, to a portion of an opinion written by Chief Justice Burger with regard to some of the gray area having to do with the construction of the Constitution in the matter of our schools. He had this to say:

"As soon as possible, however, it is well to resolve some of the basic practical problems when they are appropriately presented, including whether, as a constitutional matter, (1) any particular racial balance must be achieved in the schools; (2) to what extent school districts and zones may or must be altered as a constitutional matter; and (3) to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the court, and other related issues that may emerge."

Mr. President, that indicates a willingness on the part of the Chief Justice, and a welcoming on his part, of the acceptance of cases for review by the Supreme Court touching on these problems.

Also, in a Fourth Circuit Court of Appeals case, recently decided, Swann against the Charlotte-Mecklenburg Board of Education, the Circuit Court of Appeals for the Fourth Judicial District, in commenting on their adoption of the rules of reasonableness, said:

"We adopted the test of reasonableness—instead of one that calls for absolutes—because it has proved to be a reliable guide in other areas of the law."

They also said:

"Nevertheless, school boards must use all reasonable means to integrate the schools in their jurisdiction."

Certainly, we hope that the Supreme Court of the United States will go along with that policy and that ruling.

Mr. President, it seems to me that the two Whitten amendments do only this: They give to the southern school districts and the patrons of the southern school districts just a small amount—just a short step in the direction—of equal enforcement of the law, because what is granted to the citizens of the South, the patrons of the schools, is something that other areas of the country already have. There would be no need for an amendment if we had equal protection of our laws. If the people in the South, the patrons of the southern schools, had equal enforcement of the law accorded to them, equal application of the laws, there would be no need for these amendments. Lacking that equal enforcement of the law, and in the face of a dual standard for desegregating the public schools throughout the country, the Whitten amendments are needed. It is to be hoped that, for once, in the long history of these amendments, coming over to the Senate from the House, we will leave the amendments intact, that we will not strike them out, and that we will not dilute them, as has been done in the past.

Mr. President, I hope that the amendment of the distinguished Senator from Maryland will be rejected.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, if the Whitten amendments are adopted by agreeing to the conference report, it will be the first time that these amendments have not been changed during the legislative process. Let us see what relief will be afforded under them to school districts in the South by the executive and judicial branches.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ALLEN. I thank the Chair.

The Senator from Mississippi has been allocated 15 minutes.

Mr. STENNIS. Mr. President, I am sure that most Senators recall that we have had these amendments before us in one form or another before, and they have been well debated. They have always received a very respectable vote in this body. I know they have been voted out of our subcommittee and our full committee three times, and I think perhaps this was the fourth. This time, these amendments have been before the House of Representatives, were voted into the bill and approved by the full Appropriations Committee of the House of Representatives, and came here and were approved by the full Appropriations Committee of the Senate. After debate on this floor, however, they were stricken out.

The Whitten amendments, as contained in this bill, then went back to the House of Representatives, where a motion was filed that, in effect, instructed the conferees to yield from the House's former position. That motion was tabled on a rollcall vote by an appreciable margin, I have forgotten just what it was, and that is the way the situation was when we went to conference.

After fullest consideration by the conferees of the House and the Senate, the Jonas amendment was dropped out and these two amendments were put back in. The matter then went back to the House of Representatives, and this conference report was agreed to there by a vote of 357 to 30. That is overwhelming support, Mr. President. So they come here after fullest consideration and the utmost debate. They have been debated in the press, and have been shown to have strength, firmness, and meaning, and represent a very definite contribution, I think, to the quality of education in those schools that are having to undergo this process of massive immediate desegregation.

With all respect to Senators who live in other parts of the country, outside the area that is being thus desegregated, I am sure they cannot realize the chaos, the confusion, the uncertainty, and the impact of this change on the faculties, the parents, and the students. I repeat, it is a situation of chaos and confusion, and, with all defiance, the court decisions are conflicting. The Supreme Court has never gone anything like as far, in my opinon, as have some of the courts of appeals; and the courts of appeals decisions conflict somewhat.

These amendments are not designed to stay and will not stay the hand of the court, or interfere with or defeat the action of any court, any decree or any court order. They are not intended for that purpose. The courts will function as usual.

These amendments mean exactly what they say, and I have great expectations of and great respect for the executive branch of the Government. Of course, if this becomes firm law, they will obey it. They cannot do otherwise. And the courts, I know, will respect it.

Mr. President, the Senator from Maryland requested some time. I ask unanimous consent that I may yield to the Senator from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, I want to express my appreciation to the distinguished Senator from Mississippi for letting me respond very briefly to his remarks. He and I have discussed the Whitten amendments on a number of occasions, and I feel that he has stated to the Senate very fairly and very accurately the position in which we find ourselves today, and the way that we got here.

But, Mr. President, I would characterize that position a little differently.

I think Congress is acting in this matter as the old song said the kings of France used to act. In some ways, we have marched up the hill, and now we are marching down again.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. MATHIAS. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time, except for voting, on the pending conference report be extended until 10 minutes past 2 o'clock today.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MATHIAS. Mr. President, I am dismayed that sections 209 and 210, the so-called Whitten amendments, remain in the conference report. The Senate has rejected the premise on which they are based on three separate occasions during the last 7 months. On June 24, the Senate struck sections 209 and 210 of H.R. 16916 by a vote of 47 to 33.

Because of the impending enactment of these sections into law, I rise today

in an effort to clarify their legal effect. As I pointed out last month, the Whitten amendments in their present form do not purport to modify constitutional responsibility for dismantling dual systems.

Let me quote sections 209 and 210 in their entirety:

Sec. 209. No part of the funds contained in this Act may be used—

To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students;

To force on account of race, creed, or color the abolishment of any school so desegregated; or

To force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 210. No part of funds contained in this Act shall be used—

To force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students;

To require the abolishment of any school so desegregated; or

To force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

The key phrase here is "school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964."

The relevant portion of title IV of the 1964 act reads as follows:

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

This provision of the 1964 act, and a similar provision relating to suits by the Attorney General, were intended to prevent Federal agencies from requiring that a school district do more than fulfill its constitutional obligation to desegregate. But they were not intended as an attempt to sanction less.

The provision originated in debate in the other body, of which I was then a Member, in 1964. My colleague, Representative CRAMER, of Florida, called our attention to a newspaper article concerning a desegregation case in Manhasset, N.Y. He later offered the amendment to section 401(b) which added the words "but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Representative CRAMER explained that the purpose of the amendment was "to prevent any semblance of congressional acceptance or approval of the concept of 'de facto' segregation or to include in the definition of 'desegregration' any balancing of school attendance by moving students across school district lines to level off percentages where one race outweighs another."

In explaining section 407 of the proposed 1964 act, which denies authority for any official or court "to issue any order seeking to achieve a racial balance," Senator Humphrey stated that the section would "preclude an inference that the title confers new authority to deal with the 'racial imbalance' in schools, and should serve to soothe fears that title IV might be read to empower the Federal Government to order the busing of children around a city in order to achieve a certain racial balance or mix in the schools."

This legislative intent has been consistently recognized by the executive and judicial branches. In a letter of July 20, 1970, to the distinguished minority leader, HEW Secretary Richardson reiterates that "it is the position of the Department, based upon an analysis of the language by general counsel, that section 209 and 210 would not, if enacted, alter school desegregation requirements under title VI of the Civil Rights Act of 1964."

In a recent decision of the fourth circuit court of appeals, this interpretation was upheld. In dismissing an argument that sections 401(b) and 407(a)(2) of the Civil Rights Act of 1964 forbade the order of the district court, the fourth circuit stated:

This argument misreads the legislative history of the statute. Those provisions are not limitations on the power of school boards or courts to remedy unconstitutional desegregation. They were designed to remove any implication that the Civil Rights Act conferred new jurisdiction on courts to deal with the question of whether school boards were obligated to overcome *de facto* segregation.

The fifth circuit court of appeals has agreed. In United States against Jefferson County Board of Education, it held that—

Some of the difficulty in understanding the Act and its legislative history arises from the statutory use of the undefined term "racial imbalance." It is clear however from the hearings and debates that Congress equated the term, as do the commentators, with "de facto segregation," that is, non-racially motivated segregation in a school system based on a single neighborhood school for all children in a definable area.

The seventh circuit court of appeals has made a similiar holding in United States against School District 151.

Indeed, upon reading the July 16, 1970, debate in the other body on adoption of the conference report, I find nothing which derogates from this interpretation. Congressmen MICHAEL, for example, the distinguished ranking minority member of the Labor-HEW Subcommittee of the House Appropriations Committee, referred to his statement in April that "the so-called Whitten amendments did not really change basic law nor did they really require a change in HEW requirements." Mr. MICHEL's position, which was reiterated by Congressmen CONTE and COHELAN, went unchallenged in the House debate.

Mr. President, on June 24, I stated the basis for my opposition to the Whitten amendments:

The reason that these sections are objectionable is that their legal redundancy will not be evident to many Americans who are engaged in the process of bringing our school systems into accord with the Constitution; these citizens will only be confused by the passage of this latest version of the Whitten amendments. Regardless of their purpose, their effect will be that of further unsettling an already difficult situation.

The administration and the President favor the striking of this language. President Nixon recently stressed the importance of community leaders on March 24, when he stated:

"In those communities facing desegregation orders, the leaders of the communities will be encouraged to lead—not in defiance but in smoothing the way of compliance. One clear lesson of experience is that local leadership is a fundamental factor in determining success or failure. Where leadership has been present, where it has been mobilized, where it has been effective, many districts have found that they could after all desegregate their schools successfully. Where local leadership has failed, the community has failed and the schools and the children have borne the brunt of that failure."

These words of the President are measured and wise. We in Congress must aid the President in encouraging responsible leadership by defining as clearly as possible the role of the Federal Government in helping to dismantle dual school systems.

In view of the inclusion of the Whitten provisions in the conference report, I think we have a responsibility to make it abundantly clear that sections 209 and 210 of H.R. 16916 in no way diminish the constitutional obligation of school districts to eliminate dual school systems or the responsibility of HEW to assist in that effort.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. MATHIAS. Mr. President, will the Senator from Mississippi yield me 1 additional minute?

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 8 minutes.

Mr. STENNIS. I yield 1 additional minute to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator.

Mr. President, I ask unanimous consent that the full text of Secretary Richardson's letter of July 20, 1970, to the distinguished minority leader, be reprinted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., July 20, 1970.

Honorable HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: This is in response to your request of July 16 for a reiteration of the Department's views concerning the legal effect of adoption of Sections 209 and 210, the so-called Whitten Amendments, to H.R. 16916, the Fiscal Year 1971 Office of Education Appropriations Bill.

As my predecessor, Secretary Robert H. Finch, testified before the Senate Committee on Appropriations on April 21, 1970, and as I stated in my letter of June 23, 1970, to Senator Mathias, it is the position of the Department, based upon an analysis of the language by General Counsel, that Sections 209 and 210 would not, if enacted, alter school desegregation requirements under Title VI of the Civil Rights Act of 1964.

The proposed provisions neither change basic law nor affect HEW regulations. The

Department's obligation and commitment to conduct the school desegregation program in accordance with the nondiscrimination requirements of Title VI and constitutional standards, therefore, would remain unaffected by adoption of Sections 209 and 210.

With kind regards, I am

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I agree with the sentiments expressed by the distinguished Senator from Maryland, without further reviewing them. I am familiar with the letter.

I believe that the Department can live with the language and that there is, therefore, no need to press for a change or an amendment. I think we can, therefore, accept the language, while we would prefer that there be no such language whatever in section 209 or 210, as the case may be.

I thank the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the two Whitten amendments together with the section of the Civil Rights Act to which those amendments refer.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school.

[Public Law 88-352, July 2, 1964]

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Mr. STENNIS. Mr. President, I ask unanimous consent to have printed in the RECORD a very brief, one-column statement by Representative WHITTEN, of Mississippi, which he made in the House on July 22.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Mr. WHITTEN. Mr. Chairman, I rise in support of the bill.

(Mr. WHITTEN asked and was given permission to revise and extend his remarks.)

Mr. WHITTEN. Mr. Chairman, on the 14th day of April 1970, the House adopted the provisions which I had offered, and which had been accepted in committee, to the bill making appropriations for the Department of Education, after refusing to strike them out by instructing the conferees by a vote of 191 to 157. These amendments are as follows:

"SEC. 209. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title I of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

"SEC. 210. No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district or school."

Subsequent to this vote, in conference with the Senate these provisions were retained and when the matter came back to the House, the conference report, containing the language, was approved by a vote of 357 to 30.

Mr. Chairman, this makes quite clear the feeling of the Congress with regard to the use of force in the areas which these amendments cover, as well as the use of the power of the purse to withhold funds truly needed for education, which the Congress has provided, in order to force schools to voluntarily do that which is not required by the Civil Rights Act of 1964, a right not even claimed to be provided by the administration or the courts.

After consultation with members of the Committee on Appropriations, these amendments are not offered here because they are quite clear and for the Secretary of HEW or other officials to use funds in this bill, appropriated for other purposes, to attempt to evade the intent of the Congress as expressed in these provisions of the bill making appropriations for the Department of Education would be to break faith with the Congress and would certainly not be in line with the reputation for integrity which the Secretary enjoys.

After discussing this matter with members of the committee, it has been decided that, whatever we have provided or should provide, we have to rely on the good faith of the executive department and the courts to carry them out; for, if they cannot be relied on, it is to be doubted if any language could be written which could force them to leave the schools alone or parents and students alone where schools are completely desegregated, as that term is defined in the Civil Rights Act of 1964, because, after all, it is to the executive department that we must look for the carrying out, and the Federal courts to support, these provisions which are set out above and which appear in the conference report of the bill making education appropriations.

Any reading of these provisions would clearly show that they are completely sound and I feel will be followed by this administration not only because of commitments but because the system of education is essential to any organized society; and, unless we return again to putting education first, as these amendments would do, soon we will go down the drain as have other societies in years past.

Mr. Chairman, I thought it well to call these facts to the attention of the Members of the House at this time.

Mr. STENNIS. Mr. President, with reference to this amendment—it is reported in amendment No. 38 in the report of the managers on the part of the House—this matter came up as a part of the $150 million which was in the Senate amendment to the bill. We had the Jonas amendment and the two Whitten amendments in the House bill. This matter was settled in the conference. They agreed to drop the Jonas amendment and we agreed that they would keep the Whitten amendments, and the amount of money was split as a matter of adjustment, in conference, wholly within the meaning of the conference concept. There is no diminution or understanding or anything else about what they meant. They speak for themselves, of course.

Mr. President, here is a part of the rub. This amendment will do a great deal of good. The educators, the trustees, the parents who are trying to keep our public schools in operation and keep the doors open, who are trying to deal with court orders and HEW orders, have no hope for the future. It is an overbearing situation. They are not just integrating the schools. They are demanding racial balance of the faculty and the students. They do not deny it. Every judge knows it is true. Every HEW employee knows it is true. These court decrees are based on racial balance. In effect, they say, "Down with education. Our goal is to have racial balance." That is what is killing the spirit of this entire endeavor. You will never get education back to the foremost objective until some kind of reality is brought about, and these amendments will bring it. You cannot be withholding money and you cannot be busing children all over the district, from county side to county side, in order to bring about theoretical racial balance. It has never been required by the Supreme Court. It has never been required by Congress in the Civil Rights Act. It is only required in the minds and the practice of those who are trying not only to integrate the schools and the faculties but also to balance them off on some kind of racial proportion.

This amendment is designed to stop things short of going that far—not to try to defeat the law, but to carry out the real purpose and spirit of the law in the beginning.

I thank everybody for their consideration of this serious problem, all the way down the line. I am confident that these amendments will be carried out if

they become law and that they will help the situation and be a path in the future. Someday, the country outside the South will want to find its way through this jungle of readjustment, and they can look back to this law as one that lit the path, and with its help they will find their way.

I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASE). Without objection, it is so ordered.

The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from Minneapolis (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. GOODELL) and the Senator from California (Mr. MURPHY) are necessarily absent.

The Senator from Idaho (Mr. JORDAN) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) are absent because of illness.

If present and voting, the Senator from New York (Mr. GOODELL), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY) and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 88, nays 0, as follows:

[No. 250 Leg.]

YEAS—88

Aiken	Ellender	Mansfield
Allen	Ervin	Mathias
Allott	Fannin	McGee
Anderson	Fong	McGovern
Baker	Fulbright	McIntyre
Bayh	Goldwater	Metcalf
Bellmon	Gravel	Miller
Bennett	Griffin	Mondale
Bible	Gurney	Montoya
Boggs	Hansen	Moss
Brooke	Harris	Muskie
Burdick	Hart	Nelson
Byrd, Va.	Hartke	Packwood
Byrd, W. Va.	Hatfield	Pastore
Cannon	Holland	Pearson
Case	Hollings	Pell
Church	Hruska	Percy
Cook	Hughes	Prouty
Cooper	Inouye	Proxmire
Cotton	Jackson	Ribicoff
Cranston	Javits	Saxbe
Curtis	Jordan, N.C.	Schweiker
Dole	Kennedy	Scott
Dominick	Long	Smith, Ill.
Eastland	Magnuson	Sparkman
Spong	Thurmond	Yarborough
Stennis	Tower	Young, N. Dak.
Stevens	Tydings	Young, Ohio
Symington	Williams, N.J.	
Talmadge	Williams, Del.	

NAYS—0

NOT VOTING—12

Dodd	Jordan, Idaho	Murphy
Eagleton	McCarthy	Randolph
Goodell	McClellan	Russell
Gore	Mundt	Smith, Maine

So the report on H.R. 16916 was agreed to.

Mr. MAGNUSON. Mr. President, first, I am very grateful, on behalf of the committee, for the vote of confidence on this conference report, with no "nay" votes and 88 "yea" votes. I do not know when this has happened on an appropriation bill of this magnitude, but the Senator from New Hampshire and I are pleased.

Mr. COTTON. Mr. President, I join in those sentiments.

Mr. MAGNUSON. Mr. President, before I make a motion, I am sure the Senator from New Hampshire, as well as the members of the subcommittee and the full committee will join me, in commending the staff for the splendid work done on this very complicated bill. For the long, hard work that was done on the bill, in the hearings, during the mark-up, the floor action, and the conference by Mr. Harley Dirks of the committee staff and Mr. Bill Kennedy, on the minority side of the staff.

The PRESIDING OFFICER. The amendments in disagreement will be stated.

The legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"That this appropriation shall not be available to pay local educational agencies pursuant to the provisions of any other section of title I until payment has been made of 90 per centum of the amounts to which such agencies are entitled pursuant to section 3(a) of said title and 100 per centum of the amounts payable under section 6 of said title: Provided further, That $8,800,000 of this appropriation shall be available to pay full entitlement under section 3(a) of said title to a local educational agency where the number of children eligible under said section 3(a) represent 25 per centum or more of the total number of children attending school at such local educational agency during the preceding year."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

Strike the sum of $150,000,000 named in said amendment, and insert in lieu thereof "$75,000,000."

Mr. MAGNUSON. Mr. President, I move the Senate concur in the amendments of the House to the amendments of the Senate numbered 3 and 38.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington that the Senate concur in the amendments of the House to the amendments of the Senate numbered 3 and 38.

The motion was agreed to.

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, upon disposition of the reading of the Journal, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exced 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when it completes its business today, the Senate stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA ON THURSDAY NEXT

Mr. BYRD of West Virginia. I ask unanimous consent that upon the disposition of the reading of the Journal on Thursday next, July 30, 1970, I be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL THURSDAY, JULY 30, 1970, AT 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11 a.m. on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. COMMITMENTS ABROAD AND THE MILITARY PROCUREMENT AUTHORIZATION BILL

Mr. SYMINGTON. Mr. President, nearly 18 months ago—on February 3, 1969—the chairman of the Senate Foreign Relations Committee, Senator FULBRIGHT, announced on the Senate floor the creation of a new subcommittee, the job of which he said would be to "make a detailed review of the international military commitments of the United States and their relationship to foreign policy."

As the chairman said at that time, it was hoped this subcommittee would develop facts on the "relationship between foreign policy commitments and the military capacity to honor them."

Some months later a distinguished member of the Senate Armed Services Committee, Senator GOLDWATER, declared on the Senate floor that factual information from "an exhaustive investigation of this Nation's treaty commitments around the world was essential to our efforts to reach any kind of sound judgment and legislative conclusions regarding the projected level of our military expenditures." I agree with that statement, for it focuses on exactly what the Foreign Relations Committee had in mind in establishing this subcommittee.

On the eve of the debate on this fiscal year 1971 military authorization bill, I believe it incumbent of me, as a ranking member of the Senate Armed Services Committee and chairman of that Foreign Relations Subcommittee on commitments, to offer a few observations on the investigation conducted by the latter, and its relationship to the upcoming legislation.

In the past year and one-half, our two-man staff traveled to 23 countries for on-the-scene investigation. We have thereupon held 37 days of hearings, with 48 major witnesses covering U.S. military forces, facilities, and security programs in 13 countries, plus NATO.

As of today, our subcommittee has published sanitized versions of hearings on the Republic of the Philippines, Laos, and Thailand; and last week on Taiwan.

With less than one-third of the transcripts released, the published record already has run over 1,000 pages.

The press, both here and abroad, and also officials of our Government as well as those of other countries have taken notice—perhaps they have learned something—from the factual material developed in the published records.

I regret that apparently there are some—even within the Senate—who do not consider ours a serious study. I regret also that others have complained we have gone too far. We will let our published transcripts, along with our report—which will be made public within a few months—speak for themselves.

Today, however, I would direct myself to some immediate points, particularly those raised by the chairman of the Senate Armed Services Committee in his interesting statement on defense requirements that he delivered on the floor of the Senate a week ago last Thursday.

Senator Stennis said, in part:

> We are committed to more than 40 nations by solemn, formal treaties or other formal agreements.

He also observed that:

> Congress should be well aware that our defense requirements are based in part on the need to be prepared to help defend other nations with whom we have mutual defense agreements approved by the Congress or whose defense is vital to our own national security interests.

Mr. President, one needs only to look at the situation in Laos where every year we are spending hundreds of millions of American dollars and—more important—the lives of our men fighting a war in the north—far from the Ho Chi Minh Trail—on behalf of a foreign country with whom we have no treaty of any kind whatsoever; with whom in fact the State Department has actually testified that we have no commitment.

Prior to these subcommittee hearings of the Foreign Relations Committee, the war in north Laos was actually a tightly held secret from most of the Congress. We on the Foreign Relations Committee were not informed of the pertinent facts. We on the Armed Services Committee were not informed of the pertinent facts. Prior to the publication of our transcript, this war in and over northern Laos was a secret from almost all of the American people.

The continuing attempts currently being made to keep much of this information secret are now a matter of public record.

In line with the thoughts of the Senator from Mississippi before we authorize more military spending in Laos; before we appropriate money to send more of our flyers to fight and die over that country, the American people deserve to know in more detail the truth about that war and the direction in which it is going. For as President Nixon told a nationwide audience last November:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

There are various other countries where Congress has never endorsed any military commitment through a treaty, but where—as our inquiry has established—commitments do exist.

Senator Stennis referred to some in his statement—those with whom he said we have bilateral agreements which impose military obligations on our part to come to their assistance in the face of aggression. There are additional ones, however, as our published records will show.

These records also show that the level of commitment varies even among nations with whom we have solemn treaties.

With some countries, our word alone is sufficient to insure that we will come to their assistance. With others, our commitment requires extensive military assistance. With others, not only our assistance, but also the physical presence of our own forces and bases are required. With others, joint military operations have secretly been agreed upon and are actually undertaken.

With still others, relations are deepened through clandestine agreements that permit us to store nuclear weapons on the land of the country in question, a policy which greatly increases chances for nuclear war.

As the subcommittee tries first to find out just what are our commitments, and then seeks to reassess them, our studies have demonstrated conclusively that not only the basic treaties and/or agreements need review, but also the level of military cooperation which has stemmed from those basic commitments. The latter should be examined in detail.

Senator Stennis noted in his Senate address:

> When we look at the military arsenal which we must build and maintain, we cannot afford to think only of defending our own shores but we have to think of what is needed in order to give some reasonable assurance that we will be able to meet the extensive commitments we have assumed so freely.

Now a few words of caution with regard to that statement.

There are commitments which we the Congress, the executive, and the American people have not "assumed so freely"; and the significance of that observation is the fact that the Congress cannot tailor the defense budget to commitments about which it knows nothing.

Is it not a proper question to ask—how can the Congress limit or end commitments at the same time the executive branch, either openly or in secrecy, creates new commitments on its own?

These are but a few of the thoughts I believe we should be considering incident to the taking up of this defense legislation.

An additional question comes to mind: Will the Congress—and hopefully the executive branch—realize that the primary commitment is to the American people; and that to honor some of these executive agreements—and even treaties—in the manner considered appropriate in recent years would bankrupt the Nation; and in the end, therefore, do irreparable harm to our own national security?

Surely there must be limits to what this Nation can do for other countries, particularly those nations which seem to want to do so little for themselves.

I believe that for this reason, if for no other, the Senate should face up to its responsibility in working with the executive branch to establish those limits. Is this not a legitimate and responsible role for the Senate?

In any case, it is a responsibility the Foreign Relations Committee has undertaken with the commitments resolution; and this action was followed last December, with administration support, by a bipartisan group of Senators first drafting and then passing into law the Laos-Thailand amendment.

It was a responsibility which was again recognized by Senators Cooper and Church in their Cambodian amendment to the Military Sales Act; and it is in that role I see the recent Armed Services Committee amendment to limit free world force equipment to the sanctuary area—lacking new authority—rather than in support of the Cambodian Government.

The Senate need not look to any future decision to meet, head on, the difficult question of what this Nation should do with its increasingly limited manpower, resources and assets. That has already begun, and my hope is that it will continue.

I believe it will continue if the responsible committees of the Congress obtain the same type and character of information about our worldwide military commitments that has been demanded, and in most cases thereupon obtained by the Senate Foreign Relations Committee. The political, military, and economic positions in which the taxpayers of this Nation now find themselves demand no less.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and if so to whom?

Mr. SYMINGTON. Mr. President, I yield to the distinguished chairman of the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, I commend the Senator for this statement. It is a very succinct and significant statement, in my opinion, and deserves a little elaboration.

First, I wish to say that the Senator, as chairman of his subcommittee, has done a remarkable job. He has been very thorough and his subcommittee has a

most able staff. Much of the information which he has developed was certainly not known by me, and I do not think it was known by the other members of the Committee on Foreign Relations or the Senate as a whole, as the Senator has so well stated.

I wanted to ask the Senator about one or two specifics in his statement. On page 3, the Senator says:

> The continuing attempts currently being made to keep much of this information secret are now a matter of public record.

The Senator has reference, I presume, to the deletions from some of the hearings of his committee, does he not?

Mr. SYMINGTON. Yes; that is correct; and in addition, as the Senator knows as chairman of the committee, for the first time in the history of the Foreign Relations Committee an ambassador has refused to testify, on instructions of the State Department, unless all stenographic tapes incident to his testimony were burned, and the only printed record would be kept by the State Department, with no record retained by the committee.

Mr. FULBRIGHT. That is the first time this has happened. I would remind the Senator that, in addition to that, on two other occasions ambassadors were told not to discuss certain questions with the committee, particularly as to nuclear weapons and some other areas.

Mr. SYMINGTON. The Senator is correct.

Mr. FULBRIGHT. However, they reconsidered the matter concerning the question of the pay to the Thai troops, and so on, and we finally got that information. But there has been a disposition to refuse to make public, or even to divulge in executive session, a good deal of very pertinent and important information.

With regard to publication of the subcommittee records of sworn testimony taken in executive session, the administration insisted on deleting a great deal of that information, did they not?

Mr. SYMINGTON. That is right.

Mr. FULBRIGHT. It took about 6 months to clear some of the testimony because of the difficulty in getting agreement on what was to be published; is that not correct?

Mr. SYMINGTON. That is correct.

Mr. FULBRIGHT. The Taiwan hearings, which have just been published, were held how long ago?

Mr. SYMINGTON. Last November, a good many months ago.

Mr. FULBRIGHT. That brings me up to the pending issue, which is the Spanish bases agreement. The first time this matter was gone into was by the Senator's subcommittee last year. There have been two agreements, an agreement in 1953 with an extension in 1963, and then last year they were considering a further extension, originally, I believe, of 5 years, and then it was compromised—largely because of the work of the Senator's subcommittee—to a brief period, I think, of 18 months. Those were executive agreements.

The executive branch is now negotiating another agreement about which we had a hearing last week. We urged the Department of State and the administration to submit this new agreement as a treaty, so that the Senate would have an opportunity to pass upon it.

What does the Senator think about that? Should it be a treaty, or should it be an executive agreement?

Mr. SYMINGTON. Mr. President, unfortunately I was not here when the latest executive hearing on the Spanish bases, and the proposed agreement with Spain, was held; but I do not see how formal arrangements which involve money, troops, and very possibly the lives of Americans can be agreed upon without any knowledge on the part of the proper committees of Congress, this in order that they can be voted on under the advice and consent clause, which gives the Senate authority to approve treaties.

Mr. FULBRIGHT. They have not positively decided on the proposal, I believe. Mr. Alexis Johnson, the Under Secretary, appeared before the committee and I urged him and other members of the department submit this as a treaty, to give the committee and the Senate as a whole the opportunity to study and to develop the meaning of this agreement, and then to approve or disapprove it.

It seems to me that is the only proper way to meet the suggestion that has been made by the Senator from Mississippi and the Senator from Arizona.

These Senators talk about tailoring our commitments to our necessities and to our capacities to pay for them. If the administration executes it as an executive agreement, then we will be confronted with a situation in which they will say, "We have made the agreement, we have promised to pay all of this, now we call upon you to pay it. If you do not, you will renege upon an agreement made by our President and the administration."

This would be a wholly intolerable procedure, and certainly inconsistent with the views expressed by the Senator from Arizona and the Senator from Mississippi; would the Senator not agree with that?

Mr. SYMINGTON. I would agree. I do not see how we can appropriate money—authorize it first and then appropriate it—for honoring commitments when we do not know what those commitments are.

Mr. FULBRIGHT. Even if the executive agreement is published in the newspaper—assuming that is done—then we have a situation in which the meaning of this agreement—the commitment, in effect—has not been developed in hearings in the normal way and in debate on the Senate floor.

I use this as a current example of what we have been talking about. This executive agreement with Spain, which I have seen—the administration has submitted it to the committee to look at; not for its approval, but simply because we requested it—is very ambiguous, I would say. There is some language in it which I have never seen in any executive agreement or treaty. What it means is very unclear.

The Under Secretary may interpret it one way today. He says that when the document uses language to the effect that we will support each other Defense Establishment it does not amount to a security commitment. I submit that reasonable men could have different views on this. I would interpret the language, plus the actual disposition of troops, as a commitment in the nature of a security treaty. If we station several thousand men there, with quantities of airplanes and other equipment, and we have a joint planning staff—all the usual arrangements which go with a security treaty—then I would say it is clearly in the nature of a security treaty.

So there is perhaps a basis for a reasonable difference of opinion about it. But this is exactly a classic case. What it actually means and what the nature of the commitment is, ought to be developed in hearings and in debate on the floor of the Senate and the agreement passed on by the Senate. I submit to the Senator that here is an example of trying to tailor our commitments with our capacities bearing in mind the needs of the country. We should do this now while the commitment is under consideration and not 2 or 3 years or several years later, when a commitment such as this has already been undertaken.

I would hope that the Senator would agree and that the Senate would agree that this kind of agreement should be submitted for the Senate's approval. I believe it is the only possible way in which the Senate can regain some control over the worldwide commitments which this country has undertaken in the past 20 or 25 years.

Mr. SYMINGTON. I appreciate the remarks of the able Senator.

As everyone knows, Spain is not a member of NATO; therefore, we have no treaty with Spain under NATO. It has been our policy to maintain airfields, naval bases and thousands of troops in Spain. I do not necessarily object to this; but, on the other hand, as the able Senator knows, we have been paying a tremendous amount of money, in effect, to defend Spain. It seems to me that if we are going to be there at all, it ought to be on a mutual basis; because everybody knows about the problems in the economy of the United States. In addition, any agreement with respect to the Spanish bases ought to be in the form of a treaty and not an Executive agreement. As the Senator will recall, at one time it was strictly a military agreement which was expanded upon later by people in the State Department.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in today's New York Times entitled "Vague Pledge to Franco," which discusses this matter.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VAGUE PLEDGE TO FRANCO

After the long and divisive debates about the legal and constitutional bases for United States military actions in Indochina, the last thing the Nixon Administration ought to be considering is another vague overseas defense commitment. It appears ready, however, to sign a pledge to "support the defense system"

of Spain in return for continued use of air and naval bases there.

Some members of the Senate Foreign Relations Committee say they are not clear, even after briefings from high-ranking State and Defense Department officials, just what would be involved in such a commitment. Neither are we. Nor is it clear exactly what is meant by the pledge that "both Governments will make compatible their defense policies"—more language from the draft agreement expected to be signed in a few weeks.

On one interpretation, the pledge of support for Spain's defense system could be considered stronger than the statement in all Spanish-American military agreements since 1953 that an attack on either country would be "a matter of common concern." In any case, before the agreement is signed, the Foreign Relations Committee ought to insist on clarification of its meaning and consider whether such a commitment should not be made in the form of a treaty, subject to Senate approval.

In fact, Congress should go further and raise the question whether the long-run interests of the United States are served by any renewal of military arrangements with the regime of Generalissimo Franco, now 77 and facing increasing opposition. A group of 120 members of this opposition argued in a petition to Secretary of State Rogers in May that it was unwise for this country to sign this kind of agreement with a regime that made such decisions without consulting its people.

Many among these opponents may be influential in future Spanish governments. Congress should weigh their arguments against the short-run military advantages of the bases in Spain while there is still time to reconsider the agreement with the Franco regime.

Mr. FULBRIGHT. I think the Senator's remarks are especially appropriate to the debate on the bill which is under consideration. I do hope the Senate will take seriously what he has said and also the findings or his subcommittee in this field.

This is entirely in line with the sense of the Senate as expressed in the commitments resolution. If we do not take action now on the current measure as well as the proposed agreement with Spain, I think it will be extremely difficult for us ever to regain control of the appropriating process of our Government.

One further remark: In the course of the Senator's hearings, there also have been other secret agreements, some of them verbal, which obligate us in countries other than Spain. I think these agreements should be submitted as treaties and thus give the Senate an opportunity to pass upon their wisdom and to decide whether or not we should undertake the responsibilities of paying rather large sums of money to other countries.

I congratulate the Senator on his statement.

Mr. SYMINGTON. I thank the chairman for his observations.

As far back as 1965, I became very worried about the nature and degree of our commitments all over the world, which even today, counting Europe and all the other parts of the world, are costing the American taxpayers some $100 million a day.

If we build a house or a road or a hospital or a school in this country, whether it is right or wrong, at least work would be created. One of the sad things that have developed recently in our country, incident to trying to pay for all these foreign adventures, is the high interest rates, along with the inflation, plus rising unemployment, due in part to the exporting of jobs.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. SYMINGTON. I am glad to yield to the distinguished Senator from Michigan.

Mr. HART. First, may I thank the Senator from Missouri for again attempting to bring to our conscience the obligation that rests on us to be informed before we act, whether it is on military procurement, commitments in defense of other nations, or the adequacy of our school lunch program. In all these programs, he has given us this leadership.

May I ask a question which indicates that I got an impression from the Senator's remarks that I would not want to labor under if I were wrong.

Does the Senator from Missouri suggest that the Senate, as of today, cannot intelligently act upon the military procurement bill that is now pending, for the reason, among others, that the extent of our commitments is not yet known?

Mr. SYMINGTON. I believe that we do not have the information before the Senate that any board of directors of any business—and I say this as a former businessman—would have before, in the interest of the stockholders—in this case, the American people—they would feel they had the right to approve or request funds to be spent by the management.

I know that some particular things cannot be discussed in the Senate because they involve the security of the United States. As one who spent many years in the Defense Department I understand that. But what we are talking about are the hundreds of millions of dollars—in fact, the billions of dollars—that we have been expending around the world under the guise of military authorizations and appropriations—some for wars that we have been fighting in countries like Laos, which not only were not approved by the Senate, but also, to the best of my knowledge, nobody in the Senate knew about in any detail.

Mr. HART. As a businessman, would not the Senator from Missouri agree that stockholders recognize the sensitivity of certain corporate information because, if treated too casually, it could wreak havoc with the company by feeding information to the company's competitors?

Mr. SYMINGTON. Yes, indeed. For example, a secret formula that made a product.

Mr. HART. Exactly. But, notwithstanding that problem, corporate law holds the director responsible for expenditures of money if all effort short of disclosing to the competitor has not been made before he makes the decision.

So that the suggestion of the Senator from Missouri in his remarks today is that until, perhaps in executive session, this board of directors—the Senate—knows more fully the extent of our commitments, this board of directors—the Senate—should not act to authorize or expend moneys?

Mr. SYMINGTON. That question is pretty direct. There are many people who believe, and have so stated, that before we vote on this bill, we should have an executive session just as we had last year on one component of the bill.

I would not criticize that suggestion and see many reasons to praise it; because, having been in business for many years, I know that the chance of making the right decision, especially when using other people's money, is almost invariably directly in proportion to one's knowledge of the facts.

Mr. HART. I thank the Senator from Missouri very much.

Mr. SYMINGTON. I thank my able colleague from Michigan.

Mr. PROXMIRE. Mr. President, I join in the general commendation of the Senator from Missouri on a most important and helpful speech.

However, I was especially depressed at the fact that although the Senator's subcommittee has held extremely comprehensive hearings, and his team investigated and visited 23 countries and held hearings on our responsibilities with regard to 13 of them, I am sure he would agree that this just scratches the surface in view of the commitments we have already made, so that a great deal more will need to be done before we can even investigate, let alone ascertain or determine the degree of our commitments.

Furthermore, the Senator from Missouri has told us that we have a big operation costing hundreds of millions of dollars with many lives having been lost in Laos, with no agreement at all. Is that not correct?

Mr. SYMINGTON. We have no formal treaty with Laos nor—the State Department tells us—do we have any commitments with Laos; yet, we have spent billions of dollars in Laos and many American boys have died fighting in and over Laos.

Mr. PROXMIRE. So it apears we have a situation which is about as open-ended as anyone can imagine, which can cost us literally billions of dollars to meet the specific commitments implied, or even where there is lack of commitments but situations which some President may construe necessary to help a country east, north, south, or west of another country with which we may have commitments.

Mr. SYMINGTON. The Senator is correct; these commitments and "noncommitments" are not only costing us money, but perhaps can draw us into a far greater war.

Take the case of the Philippines. The impression I had as a member of the Armed Services Committee and the Foreign Relations Committee was that the Philippine Government was anxious to support us in South Vietnam.

However, as a result of the hearings of the subcommittee, we found that the Philippine Government did not want to send any of its troops to Vietnam but finally agreed to do so under two conditions: the first one was that they would not have to fight as our boys fight there;

the second was that they would be heavily paid in addition to their normal salaries.

Then it turned out that the money for noncombatant soldiers who went from the Philippines to Vietnam apparently was never received by them. This matter was therefore turned over to the General Accounting Office and after extensive investigation they finally found the checks which showed that the money had been delivered to the Secretary of Defense of the Philippines, although apparently it never reached the Philippine soldiers for whom it was intended.

As a result of the disclosures of the subcommittee, open hearings were held in the Philippines about this matter, so that the Philippine people—as is the case so many times in other countries—today know so much more about what the United States was doing in their country than the people here know about what is going on in those countries.

We have waited many months in the hope of clearing up this matter after the revelations by the General Accounting Office, but we are now told by the State Department that they will not agree to have anyone appear before the Foreign Relations Committee, except in executive session. Thus, I think it is fair to say that——

The PRESIDING OFFICER (Mr. BELLMON). The time of the Senator from Missouri has expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for such additional time as I may require.

The PRESIDING OFFICER. Without objection, is is so ordered.

Mr. SYMINGTON. I think it is fair to say that the people of the Philippines find out this information in public session of their Senate, but the people of the United States, unless State's policy is changed, will never know what happened to the money.

Mr. PROXMIRE. What I am trying to get at is, What do we do about the situation the Senator so well described in his speech? How do we meet it? The investigations by the Senator from Missouri have been enormously helpful, of course, and I hope that they will continue. I am sure that they can give us the kind of intelligence and understanding which will enable us to make better decisions in the future. But, meanwhile, we have a bill before us and a military budget this year asking us to commit $72 billion, overall $75 billion, for defense. How do we know how much to commit?

I say to the Senator from Missouri that if we try to do this on a basis of attempting to meet our obligations, and the Senator from Mississippi tells us we have commitments to 40 countries, for whatever kind of military costs that may involve—50, 60, 70—any number of countries, in terms of what secret agreements we do not know about, perhaps, or other commitments involved, as we did via South Vietnam, an obligation that spread into Laos. It is endless. Therefore, I would hope that the Senate would seriously consider—and I think that the Senator's speech goes quite a way to support this position—putting a limit on the amount of funds that will be made available.

It seems to me to return to the analogy of a board of directors, that when they feel the officers of a company are being extravagant and wasteful, not knowing what their obligations are and their limits, and are spending the funds they have in a way that the board of directors feel is not fully responsible, then they tell the officers of the company to cut the amount they can spend.

We in the Senate have this within our power. It is our responsibility to do it.

I would like to say to the Senator, furthermore, that in the event we took the administration seriously on its assertion that it will now proceed on a 1-plus war strategy and give it all the funds they say this needs—for strategic considerations, including the ABM, phase 1 and 2, the B-1 bomber, including $100 million which is more than the committee asked, and all the other weapons systems like MIRV, the Minuteman, and so forth, and give the Defense Department all of that, and assume that we have no reduction in the Vietnam level of activity below that planned by the Nixon administration, but if we would cut off funds on a general purpose basis that the Senator is talking about, that is, simply conform general purpose forces to the 1-plus war strategy plans, we can save $9 billion.

In other words, the cost of the general-purpose program will go down from $43 to $34 billion, and the cost of the overall budget will go down from $72 to $63 billion. This is pertinent and germane to what the Senator has been talking about. Because I do not know how long we can keep up the situation where we are committing ourselves to fighting all over the world, sometimes simultaneously.

One way to stop this effectively would be to say that we, as public officials, charged under the Constitution with the responsibility of spending money, will spend only so much and that is it.

The Defense Department is going to get along on the basis of obligations that will be limited and will involve 1-plus war maximum.

Mr. SYMINGTON. Mr. President, that is a very interesting idea. I would not say that I agree with it at this time; I would like to study it carefully.

I do think that we have to take steps today that a business takes before it gets into a situation such as the Penn Central did.

The man who in this century inspired the American people most to mobilize for adequate defense under a logical and efficient program was Mr. Bernard M. Baruch.

I think that we need more facts. I think that Mr. Laird has done a constructive job in reducing defense expenditures. But the main point was made in the speech of the Senator from Arizona (Mr. GOLDWATER) and again by the Senator from Mississippi (Mr. STENNIS)—that we tailor the Defense budget to our commitments.

It is essential, therefore, to find out what those commitments are. As the Senator from Arkansas (Mr. FULBRIGHT) just pointed out, no one in the Congress knows what all these commitments actually are. And I have found cases in the executive branch where people whom we would think, on the basis of trying to do their jobs, would know the commitments, did not know them.

My primary purpose in having this discussion this afternoon was to point out that before we proceed to spend tens of billions of dollars of the taxpayers money, we should do our best to get all the facts possible with respect to our commitments.

Mr. PROXMIRE. Mr. President, I congratulate the distinguished Senator from Missouri. Although I am very hopeful that in the next few weeks we can get this information, on our commitments I am very doubtful that we can.

I would appreciate any alternative suggestions that the Senator might have. I do not necessarily think that we should propose a $9 billion cut in the overall defense budget. That may or may not be realistic. However, this issue of the cost of our international commitments ought to be one of the questions that ought to go into the determination of how much money we permit the Defense Department to spend. We will have to make some kind of a decision based on very imperfect, limited, and unsatisfactory knowledge. Under the circumstances, it would seem to me that now is the time for a sharp, decisive reduction.

Mr. SYMINGTON. Mr. President, the Senator from Wisconsin, in his work on the Joint Economic Committee, is interested in the problem of waste. There is not a Member of the Senate who is more anxious to see that whatever money is necessary to spend for the security of the United States should be spent and that we should be taxed in order to do so. However, waste is another matter. Waste has destroyed some of the greatest of all corporations. Waste could destroy the United States.

In this connection I pay tribute to the Senator from Wisconsin who through his committee could well be the person who saves more money for the taxpayers of the country than any other Member of Congress.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. JAVITS. Mr. President, I first compliment the chairman of the subcommittee on which I have the honor to serve. He has been indefatigable in his work and has been tremendously useful to our country in making this inquiry.

I ask the Senator whether the problem we face is not a very deep, fundamental issue of Government which the people must help us to decide.

Mr. SYMINGTON. There is no question about that.

Mr. JAVITS. Mr. President, we are being told that for the health and security of our democracy, many of these things should be secret.

Indeed, the supposition is that we who pry into this matter are busybodies and that we would be better off as a nation if we did not pry into these matters—the

matter of the Spanish bases or the war in Laos which is an undeclared war.

Do we not need the support of the people? We are adult enough so that we will make an agreement even with Franco if we think it is in the interest of our Nation. We do not need any government to tell us about it or to spare us the trouble because they do not think we will consider the matter or are not interested enough or sophisticated enough to do it.

I ask the Senator whether he does not think there should be an appeal to the people of the country so that Congress and the people of the United States, as a result, will be cut in on the action. And, of course, if we do not think something should be done, it will not be done.

Mr. SYMINGTON. There is no question. A few years ago in an open hearing the Secretary of Defense testified that we had over 7,000 nuclear warheads in Europe. Yet for some reason, information with respect to country-by-country location of all U.S. nuclear weapons overseas is highly classified.

Everyone knows that the more nuclear weapons are spread around, the greater the danger of nuclear war. If anyone has any doubt about such danger they ought to look at the pictures in Life magazine this week of Hiroshima and Nagasaki. They should then recognize that we have hundreds of weapons that are 50 times more powerful than that.

I believe there is more protection of the world through disclosure in this field than less. Certainly the other superpower does not want to see a nuclear confrontation which they know would destroy them.

I hope the administration follows the thinking of the Senator from New York and realizes that in a democracy it is often better to tell the people more than less.

Mr. JAVITS. Mr. President, I point out that the Russians are also faced with a crisis in the Mideast as well as on the border of Red China.

Is it not a correct answer to the pertinent question of the Senator from Wisconsin to state that we would have a right to say to the executive branch, "We will give you money for everything you have disclosed. We are satisfied and will adjudge the amount. We will give you money for everything you have not disclosed if you give good reason for not having disclosed it. It is a fact that democracies may have to have some secrets. But we will not give you money in a very selective way for what you have not disclosed and for what you cannot give us good reason for not having disclosed."

Is that not a good rule in accord with Senate Resolution 85, the commitments resolution and the first in this whole direction adopted by the Senate?

Mr. SYMINGTON. The Senator from New York is one of the most able parliamentarians and debaters it has ever been my experience to be associated with.

He is in effect asking me the same question that the senior Senator from Wisconsin asked me but in a different way.

Mr. JAVITS. That is exactly right.

Mr. SYMINGTON. I would rather not answer that question immediately. I would rather answer it as a member of the board of directors of a corporation.

I would like to get as many facts as possible with respect to what I was going to do with stockholders' money before I agreed the money should be put up for the management to spend.

Mr. JAVITS. I think the Senator is correct, but I do think the Senator could answer me. I do not think I asked the same question that has already been asked, and I think the Senator could answer. I shall rephrase my question.

We are perfectly willing to appropriate money for what we know. There are many things the administration says we cannot know. I say if they give us a good reason why we should not know, then we should appropriate the money, but we have the right to judge if that reason is valid. Therefore, the only weapon available to us is to say no if they do not disclose to us or give us a good reason.

Mr. SYMINGTON. We have a right to ask. In certain fields I am not sure that they do not have the right to refuse and I am not completely sure that if they refuse we should, in turn, refuse to give them the money. But those cases would be very minute, and less than one-half of one percent of what we are talking about in the budget.

Mr. JAVITS. I thank the Senator.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am delighted to yield to the distinguished Senator from Idaho.

Mr. CHURCH. Mr. President, I rise to commend the Senator for the very able address he has given.

The most basic question the Committee on Foreign Relations faces is the one to which the Senator has addressed himself today.

Ever since the end of the Second World War, we have regarded the world as our oyster. No country in history has formally undertaken to defend more foreign governments than the United States. No major power since Pearl Harbor has engaged in more active warfare than the United States. No country today has as many troops stationed in foreign lands as does the United States.

In the face of this situation and the calamity which has befallen our own policy in Southeast Asia, it is the responsibility of the Committee on Foreign Relations to review our commitments abroad to ascertain whether they are or are not vital to the interests of the United States. Also, we must find out whether we can afford them. These twin objectives have been very much in the mind of the distinguished senior Senator from Missouri; his subcommittee has given not only great attention to these two central questions, but has undertaken the most thorough and probing examination of American involvement abroad that any committee of Congress in either House has given to this fundamental question since the conclusion of World War II.

Mr. SYMINGTON. I thank the Senator for his kind remarks.

Mr. CHURCH. I hope the Senator will continue to pursue the examination of this question until all aspects have been probed and until all committee reports have been released. I hope the Senator will continue to insist on the maximum disclosure of information by the administration; I hope he will persist in his determination to see to it that the American people are fully informed. If he does that, as I am sure he intends to do, we shall have strengthened our democratic institutions and we shall have formed the basis for appropriate legislative action.

The Senate has already taken the first step by repealing the Gulf of Tonkin resolution. Hopefully, the House of Representatives will see fit to repeal that resolution as well. There are many other resolutions, passed in haste by Congress conferring carte blanche authority to the President to conduct our foreign affairs, that need to be reviewed and possibly repealed.

In fact, some of our formal treaties should be reviewed in light of current circumstances. SEATO is such a treaty, honored more in the breach than in the observance by major signatories such as the United Kingdom, France, and Pakistan.

SEATO no longer reflects the power structure that now exists in Southeast Asia. Indeed, it has been rendered obsolete by the events of recent years. It is our responsibility, therefore, to raise the question whether or not such treaty obligations, undertaken in years past, are of continuing pertinence.

Mr. SYMINGTON. If the Senator will yield at that point, the Senator could not be more right because under the SEATO treaty—and the able Senator knows because he is an authority on these treaties—no country is required to act unless it decides at the moment of the "crunch" to do so is in its national interest. In previous administrations, however, the Secretary of State justified going into South Vietnam on the basis of the SEATO treaty and not a single other signatory of the SEATO treaty agreed he was right and not a single other signatory of the SEATO treaty provided help proportionate to ours.

Mr. CHURCH. The Senator is correct. The United Kingdom, France, Pakistan, and others, including the United States, are signatories to SEATO. The time has come to ask if this treaty is or is not excess baggage.

Mr. SYMINGTON. We paid heavily to get the support of some of those signatories.

Mr. CHURCH. I agree. The amount we paid and the arrangements we made would not have come to light, in my judgment, but for the persistence of the press and the investigation the senior Senator from Missouri has undertaken in his subcommittee.

The time has come for us to remind the Senate and the country as a whole that we are at work in the Committee on Foreign Relations on the basic question, What role shall we play in the world at large? When the final record is written regarding this important matter,

great credit will be given to the senior Senator from Missouri. I again commend him on his address this afternoon, and I join him in the position he has taken.

Mr. SYMINGTON. I thank the distinguished Senator from Idaho. There is no one from whom I would rather have such tribute.

I would like to give credit to the relatively small staff I have had on this subcommittee: Mr. Walter Pincus and Mr. Roland Paul, of the Committee on Foreign Relations. They did not sit home and read the cables and listen to the discussions. They went out for weeks and months in these countries and talked to people high up and people not nearly so high up. They came back fortified with the facts. I would like to state for the RECORD, in all sincerity, that if it had not been for the superb work they did in preparing for the hearings we have held in executive session, and some of which we have been able to release to the public, it would not have been possible to get the information I think is so important before making decisions incident to national policy.

Mr. PELL. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able Senator from Rhode Island.

Mr. PELL. I, too, would like to congratulate the senior Senator from Missouri not only on his speech but on all the excellent work that has been done by the Subcommittee on National Commitments. I have been privileged to sit in for a short time at some of those hearings.

Mr. SYMINGTON. The Senator is always welcome.

Mr. PELL. I thank the Senator. One of the points he made today concerning secrecy struck me particularly. I happened to be out of town when there was an executive hearing of the Foreign Relations Committee. Later, I wanted a record of exactly what had occurred at that meeting. I asked the staff for a copy of the record, and I was told that it was so secret that the executive branch of the Government had declined even to permit a stenographic record to be made of the hearing. Senators' memories are no different from those of other people, and if we are not at a committee meeting, we should have a record at which to look to refresh our memories and, particularly, to examine in the event we could not be there.

I think the tendency of the executive branch to overclassify is a very real one, and I think the Senator from Missouri has done a real job in pointing it out.

One other thought: I am wondering if the Senator would agree that there is a sort of chicken-and-egg relationship between military potentials and military commitments. There are some countries, like Israel and Portugal, whose military potential is not up to what they judge is their national needs, in one case for their self-defense and in the other case for the carrying out of their objectives in Africa. On the other hand, there are countries like the Soviet Union and the United States with tremendous military potentials, and there we find that the commitments start to catch up to those potentials.

I think we must bear in mind that in Egypt, one of the reasons why the Russians are there is that the Egyptians have been inviting them in with open arms. They have not forced themselves on the Egyptians. One of the reasons we have our commitments is that we had such similar potentials, there was a vacuum area, and we filled up the vacuum in the days of the Dulles treaties. Those areas were filled in to the point where right now our national commitments and our military potentials are out of balance, in fact the commitments may have passed our potentials.

Mr. SYMINGTON. That is a difficult question to answer "yes" or "no." From the standpoint of the fiscal, economic stability of the United States, it worries me that this Nation, with all its problems at home, and with the increasing strength of the other superpower, has the tremendous expense of 374 major military bases abroad and over 3,000 minor installations, along with thousands of nuclear warheads placed in other countries. I think this is one of the reasons why it is important for the Foreign Relations Committee, as has been suggested by the chairman of the Senate Armed Services Committee, and for all committees involved in this matter to find out just what these commitments are, because we are having very serious troubles throughout the world today. We are spending a great deal of money and, what is far more important, we are losing many of the best young men we have.

Mr. PELL. In other words, the Senator believes that there is a very real relationship between, first, a nation's wealth, second, its military commitments abroad, and, third, its military potentials. And, when that balance gets out of line, the country starts to get in trouble?

Mr. SYMINGTON. I would think so. If it does not get in physical trouble, it certainly gets in economic trouble.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a joint resolution (H.J. Res. 1328) making further continuing appropriations for the fiscal year 1971, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1328) making further continuing appropriations for the fiscal year 1971, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BELLMON). The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PASTORE) and the Senator from Utah (Mr. BENNETT) to attend the 14th session, General Conference of International Atomic Energy Agency, to be held at Vienna, Austria, September 22–29, 1970.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

U.S. COMMITMENTS ABROAD AND THE MILITARY PROCUREMENT AUTHORIZATION BILL

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I yield to the Senator from Arkansas for a question. I understand he has a time commitment.

Mr. FULBRIGHT. Mr. President, I shall not detain the Senate. I wanted to ask a question relative to what I was saying a moment ago. Has the committee had an opportunity to consider the proposed agreement with the Spanish Government?

Mr. STENNIS. No; we have not. I know, in a general way, about it, but we have not had.

Mr. FULBRIGHT. In that connection, does not the Senator believe it is very difficult to tailor our military appropriations if the Senate, and especially the Senator's committee and the Senate Foreign Relations Committee, have never had an opportunity to ask questions about it and discuss it and develop what it really means?

Mr. STENNIS. I know, in a general way, about the substance of it, but we have never had hearings on it or taken any formal action on it. I do not think there is any commitment there, frankly, as I understand it, that is of any shocking consequence one way or another, and it is not expected to involve a great deal of commitment on our part.

We have a continuing operation of bases, and we will have some consideration. I do not think it is a major matter, frankly.

Mr. FULBRIGHT. The Senator does not think it is a major matter?

Mr. STENNIS. No; I do not.

Mr. FULBRIGHT. If it were a major matter, does not the Senator believe the Committee on Foreign Relations and the Senate ought to approve of it, if it were a major matter?

Mr. STENNIS. Yes; that would suit me fine. But there is no doubt or suspicion, now, to be thrown on this bill

that is before the Senate, just because the Committee on Foreign Relations has not gone into the Spanish agreement.

Mr. FULBRIGHT. Well, they have not submitted it to the Senate for approval. That is the point.

Mr. STENNIS. It is up to the Senator and his committee to assert themselves on that. I do not think it has any substantial bearing on the military procurement bill.

Mr. FULBRIGHT. I am soliciting the support of the Senator from Mississippi. If we make commitments, if Spain is a commitment, then they should be submitted to the committee and the Senate for approval. The support of the Senator from Mississippi for this principle would be very important.

Mr. STENNIS. I am depending on the Senator from Arkansas to go into that. I am certainly not going to pass on the matter prematurely. I think the Senator's committee has jurisdiction over it, and has an interest in it, the way it looks to me.

Mr. FULBRIGHT. I thank the Senator.

Mr. STENNIS. Mr. President, the Senator from Missouri and I have sat side by side on the committee for a good number of years, and no one has profited any more than I have from his advice and counsel and association. The association has been very pleasant in a personal way, and his counsel and advice have been very pleasant and also very helpful in an official way. So my kind feeling toward him is constant and steady.

I know also that he has done a lot of hard work and he has done a lot of fine work as chairman of this subcommittee. He has worked on it and deserves credit, that is the way I look at it.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, I yield to the Senator.

Mr. SYMINGTON. I fully reciprocate with my respect and regard, for the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator for his very fine and generous words. I value his statement.

I would just say this: This is a matter that I am interested in and concerned about, and it is a matter, if the Senator will remember, that we got into a little once, and started some hearings, several years ago, and had Secretary of State Rusk before us for two appearances, that I recall.

The war worsened about that time, and we did not get into it further. I mention that just as an expression of interest in this broad subject matter.

But at the same time, now, I do not want the Senator's concern—and he is sincere in it—and the concern of the Senator from Wisconsin about waste, and the Senator from Idaho mentioned haste—I do not want there to be built up here an atmosphere that will obscure anything about the merits of this military procurement bill. This is an important matter. It is a bill that we have to pass; and, as I said today in the presence of some Senators, I wish it were two bills, one for this military procurement which is so important, and the other about the war in Southeast Asia. That is important, too. But I think really they ought to be handled separately, and if I have anything to do with it next year, I am going to recommend that we bring it in in the form of two bills.

But now back to the main point. As to the discussion, here, about waste, I am sure there is some, but everything does not always come out just right in running a railroad, or running, a business, or running a military department, particularly with an important weapon that has to be created from the mind of someone on into a perfected instrument. There are going to be stops and starts and backs and fillings, and disappointments, and it is going to cost a lot of money. It is going to cost more and more money. If we are not going to have those weapons until we are certain there is not going to be any waste, we just will not have the weapons.

But I wish to address myself principally here to the idea that the people are entitled to know. That is a good sounding sentence, and generally speaking, it is good logic and commonsense.

But I think the people, for who have thought about this matter, there are a lot of things they do not want to know. They want it taken care of here, the best we can, so as to be effective, and they are willing to not be told all these matters. I am going to give an illustration.

In my humble opinion, of all the things we have had save us the most money since I have been at the Armed Services table, the most important is the U–2. I think the U–2 saved us billions of dollars. I shall not go into details on that, but if 537 Members of Congress had been told all about that instrument from the date it was started until, as time went on, it was almost shut down, there would not have been a chance for it to have been so effective, to have brought us so much information that, just in terms of money, was worth literally, as I see it, billions of dollars.

That is a mild illustration. I am not one who is possessed of a great deal of knowledge. What is in my mind is not more important than what is in anyone else's. I do not have a great many things in my mind that the average Senator does not know about. But it is just a part of the commonsense situation that somebody has to know about some of these secret matters, and I never have turned down any Senator, to tell him, if we were talking head to head, what I know about some of these matters that have not accrued.

But that is altogether a different situation from telling a roomful of men. In sitting down, as I see it, and talking to a person, and confiding with him about some plans that the military or any other department has, that you think are valuable—and many of them are—he will understand a whole lot better the seriousness of it, than to have a hearing of some kind, with people coming in and leaving the room, and having to have some staff members around. Some things just have to be kept quiet for a while. That is my attitude toward it. I shall be glad to surrender what special obligation I have in this connection. It is not something I solicit nor particularly like, but I know that we have to keep some of these things on the quiet.

I think that is what the people want us to do. I think they think we talk too much, rather than too little. I think sometimes what I need is more judgment to pass on the facts I already have, than just to be accumulating more and more facts. What we need to do is make the best judgment we can and then, when it comes our turn, we can make another judgment on what it before us.

It seems as though there is a suggestion that somebody is doing something wrong, that they are witholding matters.

Who are these malefactors? Who are these wrongdoers? Mr. Johnson was President of the United States for 5 years. Mr. Nixon has been President a year and a half. Mr. Laird has been over the Pentagon a year and a half, and Mr. McNamara was there before. We could name a great number. What is the source of these wrongdoings?

I know Senators are not accusing them of being traitorous, or anything like that.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. I am not accusing anyone of anything. The Senator from Mississippi mentioned the fact that he thinks we talk too much. Sometimes the American people think we spend too much.

Mr. STENNIS. Well, that is correct, too. I think myself I vote too many dollars sometimes.

But this bill is here, based on the best knowledge that we know anything about, and I think even though they do wear military uniforms, as the Department of Defense, it pretty well represents the best they can do; and we all know Mr. Laird, we knew Mr. McNamara, and we knew these Presidents.

I think it represents a lot of hard work and a lot of hard effort, and is the best they could do under the circumstances. I disagree with them myself on some points, but that is just a part of life here. The bill is a must to pass, I mean, and we have to make a start on it.

We will have a good debate, but I just do not want it to be beaten to death here on the grounds of just a difference of opinion about a weapon. The Senator from Missouri knows more about weapons than I do .

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. SYMINGTON. The reason for my talk this afternoon is that the able Senator from Mississippi delivered an address before the Senate last week in which he said that the military budget was tailored to our foreign commitments. In that speech he suggested—in the original copy I received—that the Committee on Foreign Relations look into these commitments. Inasmuch as I am chairman of a subcommittee that has been looking into this matter for a year and a half, I appreciated the fact that later when he delivered the statement on the Senate floor he said we have to look into it more than we already are.

Let me assure the Senator that in no way am I criticizing any action on his

part. I would not have made this talk this afternoon if he had not gone into great detail as to the nature and character of the treaties we have and the importance of looking into the commitments arising from them.

Inasmuch as he, himself, advanced the idea of tailoring our defense budget to our commitments and inasmuch as apparently he was unaware of the extent of the efforts that had been made, I felt it was advisable to set the record straight about the work that has already been done.

Mr. STENNIS. I think the Senator's speech was relevant and very fine. I was addressing my remarks to the questions that were built up here to cast a doubt about the solidarity of this bill.

I understand that the Senator from Wisconsin would like me to yield. I yield to the Senator.

Mr. PROXMIRE. I am not sure that I understand what the Senator from Mississippi is saying. He is such a logical and thoughtful and considerate man, that I want to be sure that I do not misunderstand him.

The Senator from Mississippi seems to be saying that the American people do not want to know some of this information. I assume he is not saying that the American people do not expect their U.S. Senators and Representatives, when they vote on expending money, do not know fully the reason why they cast that vote, why it is necessary for us to spend over $19 billion in this procurement bill and, overall, more than $70 billion for the Defense Department, when a very vital reason for our spending so much as the Senator from Mississippi pointed out in the speech he made the other day, is that we have obligations not only on our own shores but all over the world as well.

Is it the position of the Senator from Mississippi that the American people do not want Congress to know fully about what these obligations are and the extent to which they require us to appropriate more funds to produce more weapons?

Mr. STENNIS. No. I did not make any statement to that effect. I said that sometimes the people want us to use our judgment and do the best we can on the facts we have; and I believe we have a good bill here, and we want to move on. The people know. They get plenty of this. The news media do a very good job. We have access to most of what we need here, I believe, as their representatives, and we must keep it that way.

Mr. PROXMIRE. I was disturbed by the reference the Senator from Missouri made to the Laotian situation, when he said that members of the Committee on Armed Services were not informed and members of the Committee on Foreign Relations were not informed of the pertinent facts, although we are spending hundreds of millions of dollars in Laos. This information had not been disclosed or revealed. This is the kind of information, it seems to me, that we, as U.S. Senators, have an obligation to insist on if we are going to appropriate funds.

Mr. STENNIS. The Senator certainly can get that information, too, I think. There are some matters which by their nature have to be handled by some committees. Some matters about which he is talking were not handled by the Armed Services Committee but some were.

Mr. PROXMIRE. The Senator from Mississippi would understand—and perhaps he would strongly disagree—that some Members of the Senate might feel that to the extent they are not given information, under those circumstances they have a right and a duty not to appropriate the full funds that are requested.

Mr. STENNIS. I have never discouraged them. There are many things I cannot say on the floor, for publication to our adversaries, weaponwise. But I said before that I have never refused to talk to a Senator in full about any matter about which he inquired; and I say that here again to the Senator.

Mr. PROXMIRE. I thank the Senator from Mississippi.

Mr. STENNIS. The Senator is entitled to anything I know.

Mr. PROXMIRE. The problem is that none of us really seems to have the answers on the extent of our obligations overseas to the many countries, which could involve the expenditure of billions of dollars. We do not have that information. It does not seem to be available. That is why I think the Senator from Missouri's speech was valuable today in delineating how vast our ignorance is.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Colorado.

Mr. DOMINICK. I have been listening to this colloquy with great interest, and have read the statement of the distinguished Senator from Missouri.

I was struck particularly by the reference to Laos, to which Senator PROXMIRE has just made reference. I recall that the Members of the Senate, as a whole, were briefed on this subject by President Johnson during his tenure in office. I also recall that a number of Senators went to Southeast Asia and received briefings there on what was going on in Laos. In fact, some of them, including the Senator from Missouri, as I recall, actually went into Laos during that period.

I also know that some Senators have requested briefings on this subject before and have always received them. So far as I know, no briefings have been turned down either by our committee or by members of the Defense Department or other agencies.

I do not understand why, simply because this information was not made public—which might have had an adverse effect on national relationships around the world—somehow it is deemed to be culpable in the public eye. As the Senator has said, it seems to me that there are inferences which are unsaid, but they are inferences, which should not come into play in this bill and probably should not come into play at all, unless we are arguing about a whole change in foreign policy and a different bill. In that case, I think it is legitimate.

Mr. SYMINGTON. In reply to the able Senator from Colorado, let me say that in 1965 I requested approval to go to Laos. I have had a good many briefings in this town; some of them provided a great deal of information; some not very much.

It was requested by a representative of the State Department that I not go into Laos; so I went up to Udorn, in northern Thailand, and met the Ambassador.

As a result, the next year I was determined to go into Laos, and did arrange to go in, despite the fact that further objections were raised.

I can say to the Senator from Colorado, that some of the information as to just what we were doing in Laos I did not learn until we had witnesses under oath before our subcommittee of the Foreign Relations Committee. Perhaps I would not even have received that information if it had not been for information obtained by the staff when they went to Laos some time after I had been there.

Once again, it is important, as I see it, to go out in the field and get the facts in a case of this character.

I would be glad to talk to the Senator off the record about the details of what I never knew, even though I spent a great deal of time in Laos, particularly northern Laos.

Mr. DOMINICK. I shall be brief. This has been an interesting colloquy. It does one thing, if nothing else, it points out the results and the problems that the military and the Armed Services Committee have in trying to perform their functions when commitments have been made by other people elsewhere.

Mr. SYMINGTON. I could not agree more.

Mr. DOMINICK. Yet, all over the country we hear criticism of the military when, in fact, it has been in large part due to the civilians who have made the commitments which we have asked the military to fulfill.

Mr. SYMINGTON. There is no question about that. I fully agree with the Senator on that observation.

Mr. STENNIS. Mr. President, I shall conclude my remarks quite quickly now, if I may. The Senator from Missouri mentioned the Philippines and the Philippine Government and their soldiers in South Vietnam. We were also talking about Laos. I tell you, Mr. President, that the attitude of all of us has been to get all the help we can in this war in Southeast Asia. We have lamented the fact that we could not get very much help anywhere. I asked everyone in Western Europe that I talked to there in an official way about this thing years ago, and as late as 2 years ago. We were also trying to get people in the Asian part of the world to come in and help us and bring in men or send in men. I thought everyone knew that we were paying some soldiers from the Philippines. I did not know that that was secret. However, I did know a good deal about Laos.

Mr. SYMINGTON. We put the money out for the Philippine soldiers, that was the sworn testimony of the Acting Ambassador. But the General Accounting

Office investigation cannot prove it and the Philippine Government says that the soldiers did not get it.

Mr. STENNIS. My point is, we were trying to get all the help we could. I was pleased that they were there. We were trying to get the situation in Laos favorable. It might have been there was not any more said about it, and maybe some of those governments did not want any more said about it. That question is all mixed up in it, but we have not been successful in getting any help over there—at least any appreciable help. We do appreciate the help we did get, so that perhaps what money we did spend, even if it did not reach all of its destination, was worth something to us.

I want to be sure that the Senator understands this. I have paid my respects to the hard work of the Senator from Missouri. He never stops. He is after things that are important and things that count. I am glad that he is working on this subcommittee. However, I do not believe that we can create foreign policy here in opposition to a military bill, or even in support for it, so much. These problems are already on us, those that are in the bill. We have to move forward. I want to revise our foreign policy. I said so in the speech to which the Senator from Missouri referred. I have said that before. It is something that I think is the most serious matter now before the country outside of the war in Southeast Asia.

I hope that this will continue, but, we have got to create a foreign policy that is based on foreign policy and not just on a few weapons here and there. Thus, I hope that this debate can proceed. The Senator has made a great contribution. I hope that we can get down to some amendments and I expect good debate on them.

Mr. President, those are my remarks and observations on this subject, and I am glad now to yield the floor.

Mr. SYMINGTON. I am certain that all Members of the Senate and the American people know of the dedicated work of the distinguished Senator from Mississippi. As the Senator from Colorado (Mr. DOMINICK) points out, when we get into military matters, we automatically seem to get into matters of foreign policy and vice versa. As a result I think, inasmuch as the able Senator from Mississippi has been so gracious this afternoon, and in pointing out last week that the military budget is based on our foreign commitments, that the analysis and the details of these foreign commitments will be, in the long run, of great service to the American people.

I think it is clear the security of the Nation depends not only on our physical capacity to destroy an enemy, but also on a viable economy and the faith of the people in their government.

Let me assure the chairman of the committee, that nothing I have said this afternoon is in any way critical of the fine work he does in the interest of the armed services.

Mr. STENNIS. I thank the Senator and I fully understand his remarks and the spirit in which he made them. I believe he does mine as well. Again, his speech was relevant and pertinent and very helpful.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR SPONG TOMORROW

Mr. BYRD of West Virginia. Mr. President, following the remarks of the able Senator from Arizona (Mr. FANNIN) on tomorrow, I ask unanimous consent that the able Senator from Virginia (Mr. SPONG) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the orders under which speeches by Senator FANNIN and Senator SPONG will be made tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; and that, upon completion of the transaction of routine morning business, the unfinished business be then laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CANNON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the unfinished business has been laid before the Senate on tomorrow, the able Senator from Nevada (Mr. CANNON) be, at that time, recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McINTYRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the statement by the Senator from Nevada (Mr. CANNON) on tomorrow, the Senator from New Hampshire (Mr. McINTYRE) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GOLDWATER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the able Senator from New Hampshire (Mr. McINTYRE), the able Senator from Arizona (Mr. GOLDWATER) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

SENATOR RANDOLPH SPEAKS ON PRIORITIES AND PLANS FOR FUTURE DEVELOPMENT OF APPALACHIA

Mr. BYRD of West Virginia. Mr. President, earlier today my colleague from West Virginia, Senator RANDOLPH, spoke in our State at Charleston to approximately 400 citizens from several areas of the Appalachian region.

My colleague had hoped to return to Washington in time to be in the Senate for the vote on the conference report on education, which was agreed to by a unanimous vote of 88 to 0.

Senator RANDOLPH is a member of the Senate Subcommitee on Education and has labored constructively to develop legislative programs to strengthen our educational effort. He was, in fact, addressing his remarks in West Virginia to an audience of educators of the Appalachian region.

I ask unanimous consent to have printed at this point in the RECORD the speech of Senator RANDOLPH given in our State this morning which caused him to be absent for the conference report vote, which he would have supported by voting aye had he been able to be present.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRIORITIES AND PLANS FOR FUTURE DEVELOPMENT OF APPALACHIA

(Address by Senator JENNINGS RANDOLPH at the annual membership meeting, Appalachia Educational Laboratory, Morris Harvey College, Charleston, W. Va.)

In recent weeks there has been much interest in the census reports as released by the Federal Government. In some instances predictions have been proven correct and in others the forecasters have again been shown to possess the usual human shortcomings.

It was 10 years ago that the last census pointed up in rather dramatic terms many of the problems of the Appalachian region. At that time cold, hard statistics showed clearly that the freewheeling days of careless dependence on a largely one-industry economy had come to a halt.

There was an awakening to the past neglect, at least in part, of Appalachia and a new realization that something unique was needed if this region were not only to compete economically with the rest of the Nation but to provide a good life for its citizens.

The result was new thinking and new institutions, such as the Appalachian Regional Commission and the Appalachia Educational Laboratory.

Now we are beginning to see the fruits of these innovations and can look more hopefully to the future. Those of you who heard Ralph Widner on Sunday night know what has been going on in the Appalachian region and have a good idea of the direction in

which we are going—not, I stress, without your very real contributions.

The 1970 census and what it means for Appalachia, both in terms of what has transpired in the past decade and the indications it gives for future action, is of concern.

First, it is obvious that many of those involved in the affairs of Appalachia missed their mark with predictions of a significant population growth in the past decade. It is apparent that several governing factors, notably a lower birth rate, were not properly considered. Accordingly, the regional population increase of only about one per cent was below estimates.

And while the ten-year population trend as a whole looks discouraging, particularly in states like West Virginia, a closer analysis softens this blow. We are told that two or three years ago a turning point was reached at which the net outward migration virtually stopped.

Portions of Southern Appalachia now are actually areas of in-migration and the trend appears to be moving northward. Information indicates that the out-migration movement should stabilize in Central Appalachia within the next year or two.

This is encouraging news and is indicative that our efforts have not been in vain.

Meanwhile, however, there has been concern and considerable wounded civic pride over the greater-than-expected population loss in West Virginia. To a degree, I can understand this. We have accepted the notion that big is best and population growth is a mark of progress. It is therefore damaging to our collective ego to find that, despite all our labors, there continue to be fewer people within our boundaries.

I hope preoccupation with numbers will not become so compelling that the real goals of Appalachian development are obscured. Producing a larger population is not an end in itself. What we must strive for is a happier, more secure and productive life for the people who live here, however many of them there may be living in this state.

Yes, there must be opportunities and encouragement for people to stay here if they want to remain in their homeland, and for those persons who come into the area from other sections of the country. And if this good life is available in our mountains, then there is a lesser need to worry about declining populations.

Population shifts, though, do give added emphasis to the necessity for altering existing institutions and creating new mechanisms whereby the wishes and needs of citizens can be met effectively.

Prominent among these is the need in many instances for government revision. The population decline in West Virginia, for example, strengthens what I believe are already real reasons for thinking about serious alterations to the structure of government.

As you know, many of the ways we act today are the end products of historical development that may bear no rational relationship to contemporary needs. In West Virginia, to take the situation with which I am familiar, there are 55 counties, each with its own courthouse and full set of local officials and government organization. This may have been necessary 30 years ago when travel was difficult, particularly in these mountainous areas, and county seats needed to be reasonably accessible.

Today, of course, public affairs can be conducted over a large area, and the local government structure under which West Virginia operates is probably ripe for serious revision. The same holds true, I hardly need tell you, for educational systems, operating as they do under the same restrictions not only of geography but of laws and regulations tailored for an earlier day. With new and improved roads we have strengthened our educational system through consolidated schools.

There is movement—slow, but real—toward consolidation of local governments and, perhaps just as important, cooperative efforts among local governments with common problems. This trend, I believe, needs to be nurtured and expanded, especially in Appalachia where we acknowledge that the resources are inadequate to realistically cope with the accumulated demands for public services.

I am aware of the practical problems involved in any consolidation of governmental units. There is, however, a challenge to which cooperative effort and increased efficiency can contribute to the strengthening of local institutions.

I am glad that organizational streamlining has been encouraged through the Appalachian development program and educationally through the laboratory. The local development districts organized under the sponsorship of the Appalachian Regional Commission are, in my thinking, an important breakthrough in getting varying groups to join ranks in a common cause.

This movement has not progressed as far in West Virginia as in some other states or as I would have hoped, but this state has moved in other areas, including the creation under Appalachian sponsorship of a central information system on Federal grants coming into the state. This type of government modernization is an important part of the entire Appalachian development effort.

There is also another, perhaps less apparent, need in Appalachia. This is the requirement for capital funds with which to finance economic development.

The problem is not necessarily a shortage of money in the region. It is, instead, a question of pooling these funds and encouraging their investment in Appalachia. A recent study by the Appalachian Regional Commission disclosed that in a 60-county area covering parts of West Virginia, Virginia, Kentucky and Tennessee, $51 million in local capital was invested outside the area in one year.

This problem is recognized, and steps are being taken to correct the situation. Again using this state as an example, the West Virginia Housing Fund was created by pooling money from 74 banks in the state. This money, much of which was leaving the state, is now being used to build much-needed housing in West Virginia.

I think we all recognize that Appalachia's greatest resource is its people. And the people often receive their greatest strength from the land—a land we have scarred to too deep a degree. This fact is coming more and more to be generally accepted. It is evident in what I see as a new spirit among the people of Appalachia, to correct abuses and create a more wholesome climate and condition to rebuild, and to build anew.

Hope and enthusiasm are rapidly replacing the despair and resignation that we accepted as the norm not too many years ago. I am convinced that the creative nature of the Appalachian efforts and the results they have produced have released and fostered the growth of this spirit.

Citizens have rejected the notion that failure and deprivation are their fate. With the encouragement of you and people like you, people, including youth, are coming to know that a better life is available, but it can be had only if we are willing to work together.

We in government and industry and business can provide the tools and the assistance, but in the final analysis the future of Appalachia rests with the people. I do not pretend we have done much more than make a good start, but we now have a base on which to build.

The Appalachian development in which we are engaged is already having an impact outside the region. This unique form of Federal-state relationship has proven to be a viable concept and is being scrutinized throughout the country.

President Nixon's recent meeting with the Appalachian governors in Louisville is indicative that our work is being studied in the highest circles of government. What is going on here in Appalachia could well be the pattern for changing certain government operations throughout the United States.

Much good has been accomplished in Appalachia, and I know we will have even greater accomplishments ahead.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIRPORT OPERATORS COUNCIL QUESTIONS APPROPRIATIONS FOR THE SST

Mr. PROXMIRE. Mr. President, there are new cracks in the SST's armor. The growing opposition to the SST now includes some of the most respected voices within the industry itself. In a letter to the Subcommittee on Transportation Appropriations dated July 24, 1970, the Airport Operators Council International has asked the Senate not to appropriate any more funds for the SST until it can be demonstrated that the SST can meet the stringent noise standards now in effect for subsonic jets.

A copy of the council's letter to the subcommittee was sent to me with a covering letter by Mr. J. J. Corbett, the council's vice president for Federal affairs. I ask unanimous consent that both letters be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, the concern expressed by the Airport Operators Council should not be lightly regarded by the Senate. The council comprises the operators of airports which handle 90 percent of U.S. domestic traffic, and nearly 100 percent of international traffic in this country. If any group should be attuned to the problems of aircraft noise, and what should be done to control it, it is the Airport Operators Council. Indeed, the council's letter notes that:

> We are ever mindful of the fact that new aircraft must be compatible with existing airports and with the communities near them.

The council's unequivocal recommendation: Postpone any funds for the SST until Congress and the public can be assured that the SST will meet existing noise criteria:

> We therefore respectfully urge the Senate to approve the expenditure of public funds for further development of the SST only if the Congress and the country can be assured beyond doubt that the SST will meet the stringent noise standards necessary to permit it to operate at existing airports.

Mr. President, under the recently enacted Aircraft Noise Abatement Act—Public Law 90–411—the FAA has set airport noise limits of 108 decibels for new jet aircraft. To date, these limits apply only to subsonic aircraft. As the council's letter notes:

> We have no assurance as yet that the SST will meet this requirement.

In fact, it is likely the SST will not even come close to meeting these limits. The only question is, how much noisier is it going to be?

All the experts are in pretty close agreement on the number of decibels the SST registers. These include Boeing technicians, Department of Transportation officials, and Government science advisers. They agree upon a range of 124 to 130 decibels of sideline—airport—noise for the SST. The dispute on this issue, such as it is, centers on what this noise will sound like.

Dr. Richard Garwin, science adviser to Presidents Kennedy, Johnson, and Nixon, told the Joint Economic Committee in May that:

> The SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets.

Russell Train, Chairman of the Council on Environmental Quality, told the committee that:

> In terms of . . . annoyance, the SST would be 3–4 times louder than current FAA sideline noise standards and 4–5 times louder than the 747. And William Magruder, who directs the Office of Supersonic Transport Development, simply stated to the Committee that "we have a problem on the sideline."

Mr. President, I am in no position to predict whether the SST's sideline noise will be 50 times as great as existing jets, or "only" four to five times louder. It is not particularly significant who has the better of this argument. What is significant is that the SST on the ground will produce far more noise than any presently existing aircraft, and will exceed present FAA noise standards by several multiples at a minimum. On this point there is no dispute.

In light of this, the recommendation of the Airport Operators Council is hardly surprising:

> The magnitude of the appropriation now considered by your subcommittee for further development work on the SST requires that the key question of noise be settled *before the expenditures are authorized. We do not believe that the Department of Transportation should be authorized to spend funds for the SST project in the hope that the noise level will be limited at some future date by the FAA,* another branch of the same department. We urge the Senate to get the necessary assurance on noise performance now or to write noise limitations on the SST into law as a condition of any future appropriations. (Emphasis supplied.)

Can we avoid these problems by building new airports? The council's letter also sets this notion to rest:

> It is completely unrealistic to believe that the public would permit or tolerate the introduction of an SST which requires new and larger airports. On the contrary, we think the public will demand that any new aircraft represent a meaningful improvement in the noise level for community acceptance.

Mr. President, whenever the question of noise, or other environmental pollution, is raised, the SST's proponents tell us that we have no way of knowing whether the SST will be compatible with the environment until we go ahead and build it. They argue:

> Let's go ahead and build it, and we're confident that American ingenuity will somehow solve these problems. If it can't, then we'll just scrap the whole thing.

Aside from the tremendous waste of money and resources implicit in this argument, there is good reason to believe that the FAA, in its dual role as overseer of construction and arbiter of noise standards, may be less than exacting in setting and enforcing SST noise standards. Under Secretary of Transportation Beggs tipped the Government's hand on this when he testified before the Joint Economic Committee this spring. He told the committee that the Department's concern was with the "total footprint" made by the SST. He then told the committee that when the time comes to certify the SST, if the total footprint made by the plane is acceptable, then "even though it does not quite meet one of the criteria, then we will modify the rule."

Mr. President, that is precisely my concern. And that is precisely the concern of environmentalists everywhere. Once this plane is built, whether or not it can satisfy the various environmental standards, the FAA will be forced to "modify the rule" in order to protect the Government's huge investment in this plane.

The Department of Transportation is extremely vague on this point. Just what does Mr. Beggs mean by "not quite" meeting noise criteria? Is 125 to 130 decibels acceptably close to the 108 decibel standard? Does three to four times existing standards qualify as "not quite" measuring up?

Mr. President, it is clear, to this Senator at least, that we cannot go ahead and build this plane and then rely on the FAA to set appropriate standards.

I urge the Senate to heed the council's advice that no funds be provided until we are "assured beyond doubt" that the SST will meet existing noise standards. Judging by the testimony of all the experts we have heard, such assurance will be a long time in coming.

Mr. President, I ask unanimous consent that in addition to the two letters I mentioned earlier, an article on this subject from the July 24, 1970, edition of the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIRPORT MEN URGE CAUTION BY SENATE ON NOISE OF SST

RED BANK, N.J., July 23—The Airport Operators Council International urged today that the Senate get assurances on noise limits before authorizing further expenditures on the United States supersonic jetliner.

The directors of the council, representing executives of all major airports in the country, released the text of a letter to Senator John C. Stennis, the Mississippi Democrat who is chairman of the Appropriations subcommittee on the Department of Transportation.

It was signed by Matthias E. Lukens, president of the council, who is executive director of the Port of New York Authority. The authority operates the major airports in the metropolitan area.

It recommended further funding of the supersonic transport "only if Congress and the country can be assured beyond doubt" that it will meet "the stringent noise standards necessary to permit it to operate at existing airports."

The letter said it would be "completely unrealistic to believe that the public would permit or tolerate introduction of an SST which required new and larger airports."

It said the council had no assurance as yet that the SST would meet the noise standards recently adopted by the Federal Aviation Administration. The council added that it saw no reason for exemption from these standards.

In view of the magnitude of the appropriations required, the council said, "the key question of noise" should be settled first.

The three-day council meeting at the Molly Pitcher Inn here will end tomorrow.

EXHIBIT 1

AIRPORT OPERATORS COUNCIL INTERNATIONAL, INC.,
July 24, 1970.

Hon. WILLIAM E. PROXMIRE,
Washington, D.C.

DEAR SENATOR PROXMIRE: For your advance information we are enclosing a copy of our letter of this date to Senator Stennis, Chairman of the Senate Department of Transportation Appropriations Subcommittee, with regard to the views of major U.S. airport operators on the proposed Fiscal Year 1971 appropriation for U.S. civil supersonic transport.

As you will note, this policy recommendation of the AOCI General Board of Directors urges the Senate to approve the expenditure of public funds for further development of the SST *only if* the Congress and the country can be assured beyond doubt that the SST will meet the stringent noise standards necessary to permit it to operate at existing airports. In addition, the Board policy suggests that the key question of the aircraft noise characteristics of the SST be settled before the requested expenditures are authorized.

Sincerely,

J. J. CORBETT,
Vice President, Federal Affairs.

AIRPORT OPERATORS COUNCIL INTERNATIONAL, INC.,
July 24, 1970.

Hon. JOHN STENNIS,
Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR STENNIS: The General Board of Directors of the Airport Operators Council International would like to submit for your consideration some thoughts on the appropriation now pending before your subcommittee for further development of the supersonic transport.

As the operators of the airports which enplane 90 percent of the country's domestic passengers and virtually all of its international airline travelers, the members of AOCI are vitally interested in the continued progress of aviation, including the development of new aircraft. But we are ever mindful of the fact that new aircraft must be compatible with existing airports and with the communities near them. In view of the fact that local opposition to aircraft noise is one of the most serious problems facing aviation today, it is apparent that community acceptance of new aircraft must

be the key to continued aviation progress and growth.

We therefore respectfully urge the Senate to approve the expenditure of public funds for further development of the SST only if the Congress and the country can be assured beyond doubt that the SST will meet the stringent noise standards necessary to permit it to operate at existing airports.

During the early stages of the development of the SST, airport operators, airlines and the public were told that compatibility with existing airports would be one of the major design criteria. More recently, the Federal Aviation Administration, as directed by the Congress in Public Law 90–411, has adopted a requirement that new aircraft must not exceed a noise level of 108 EPNdB (effective perceived noise decibels). But we have no assurance as yet that the SST will meet this requirement.

It has taken all the energies and resources of the world airport operators to provide adequate airports for existing aircraft. Our efforts to do so have been hampered because the overwhelming public reaction to excessive aircraft noise has resulted in restrictions to operations and opposition to expansion of existing airports and development of badly needed new airports. Under these circumstances, it is completely unrealistic to believe that the public would permit or tolerate the introduction of an SST which requires new and larger airports. On the contrary, we think the public will demand that any new aircraft represent a meaningful improvement in the noise level for community acceptance.

The new Federal standard of 108 EPNdB is an important step forward. We see no reason why an aircraft should be given special exemption from the Federal maximum noise regulations, no matter how great a technological advance it may represent.

The magnitude of the appropriation now considered by your subcommittee for further development work on the SST requires that the key question of noise be settled *before* the expenditures are authorized. We do not believe that the Department of Transportation should be authorized to spend funds for the SST project in the hope that the noise level will be limited at some future date by the FAA, another branch of the same department. We urge the Senate to get the necessary assurance on noise performance now or to write noise limitations on the SST into law as a condition of any future appropriations.

Sincerely,

MATTHIAS E. LUKENS,
President.

Mr. PROXMIRE. Mr. President, I conclude by pointing out that a number of expert competent witnesses with a great deal of experience in this area told the Subcommittee on Economy in Government of the Joint Economic Committee that even though the FAA should certify a higher noise standard, that the airport authorities would be in a position to refuse to let the plane land. In my judgment, on the basis of this latest information from the Airport Operators Council there is every reason to expect that the airport authorities would preclude the SST from landing and they would start, in my view, when the British-French Concorde SST comes. Of course, the British-French Concorde people feel the Federal Government is supreme and could overrule airport authorities. This is not the case.

We have had the testimony of top officials in the FAA who admit it is not only possible but very likely that the airport authority itself would and could have every right to exercise any judgment they want on what planes would land. To expect them to submit the community in which the SST would operate to this terrific noise is to expect a most unlikely situation.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HANSEN. Mr. President, I am very pleased that the distinguished Senator from Wisconsin raises the questions he does at this time. I have been concerned for some time. I have written to officials I considered appropriate expressing some very grave doubts and anxieties that are held by me and many other people in Wyoming.

We happen to be in one of those corridors throughout the United States wherein jet aircraft are permitted to fly at supersonic speeds. As the Senator knows, all of this aircraft has to be military aircraft. There are no commercial aircraft flying at supersonic speeds in the United States.

The impact on the environment is not yet known but there is certainly adequate reason now to question the wisdom of further appropriations to fund this project that has been launched by the Federal Government.

I refer specifically to the impact it can have on our environment. As the distinguished Senator from Wisconsin knows, I live in an area of Wyoming that is very mountainous and which is characterized throughout several months of the winter with heavy snowfalls.

Dr. D. G. McCloud, of Wyoming, who was trained as a forester and who has had considerable experience in the outdoors, tells me he personally mapped and traced out the extent of avalanches in one small area of the Teton forest, Granite Creek. This is a tributary of the Hoback River, which is a tributary of the Snake River, which flows into the Columbia River. In this area last year, or the winter before last, whichever it was, he found areas of avalanche activity extending to more than 3,000 acres on this small part of the Teton forest. These avalanches swept away trees, some more than 400 years old, as they moved down those steep mountainous slopes. The evidence clearly indicated something triggered the snow slides that had not happened for at least that length of time. As a consequence, he is greatly disturbed that if we go ahead and build the SST we may find the adverse impact on our environment will be far greater than any of us realize now.

To be more specific, we do not know what effect supersonic booms will have on wildlife. They tell me the path that will be struck by the SST will be 50 miles wide. The effect it may have on this delicate ecological balance, which is of such concern to us, is not known.

Drs. Frank and John Craighead, two eminent Western biologists, are concerned with what effect it will have on the endangered species—what it will do to the grizzly bear, bird life such as the bald eagle, and other birds in this area. No one knows. But this much can be said. There is no question what it can do to fish life. On Granite Creek alone there were a sufficient number of avalanches blocking that stream so that for a 12-mile area there were no fish in any part of it. Snow slides of sufficient magnitude blocked the stream flow sufficiently long to destroy all the fish within the 12-mile strip of Granite Creek.

Now is the time to stop and further explore the damage that may result not only to man but to plant and other animal life before we proceed with something that may be much more than we bargain for.

I propose not to support further funding of the SST until we have better and more complete answers than we now have to a problem I think is of supreme importance to us.

I know also in this area it is a common thing for plateglass windows to be broken. I was talking to the superintendent of the Grand Teton National Park. I said, "I notice the plateglass is broken behind your desk." He said, "Yes, we have replaced it a number of times and invariably it is broken almost every time there is a sonic boom."

I know the distinguished occupant of the chair at the moment, the distinguished junior Senator from Oklahoma (Mr. BELLMON), told me that when he was Governor, Oklahoma City was chosen as a place where the people would be subjected to constant supersonic booms to see how well they could withstand that constant banging on their ears and other side effects that can be very disturbing. I have not had an opportunity recently to know what has been concluded there. But I can say this based on the experience people have had in Jackson Hole: We have had enough of the sonic booms. We do not need any more up there. And I do not think it has been fully determined what may be the effect on wildlife, what may be the effect on the flora of the area, what it can do to the profile of the country. We have a very beautifully timbered area. I am sure the Senator will excuse me evidencing a little pardonable pride in a part of the country that is truly majestic. To subject it to the type of external pressures which could bring about a marked change in it is something we should do only on very careful reflection and be certain that the advantages that could be gained from the few minutes' time we could save would be worth the cost. At the present time I have very serious reservations about the wisdom of going ahead with these very costly experimental programs and withstanding the damage to property, animals and natural beauty in order to bring that plane into production.

While it has been contended that in time enough of these planes will be sold to repay the investment the Government has made in them, based upon the experience that I personally have had in western Wyoming, my guess is the planes will not be much more popular in any other part of our country than they are in those areas which have experienced the constant barrage of the booms that follow every overflight.

I join my distinguished colleague in

saying that I think now is the time to stop, to look, and to listen before we decide further to pursue this very costly investment.

Mr. PROXMIRE. I thank the Senator from Wyoming. The Senator has made a remarkable impromptu speech, without notes or previous preparation. He spoke with great authority, and I think with very great persuasiveness, on the impact that the SST has on the environment. On the basis of his detailed experience in Wyoming, I think the Senator from Wyoming has made a most moving statement.

I may state that in Milwaukee we had the same experience they had in Oklahoma City. Milwaukee was chosen to see what impact the supersonic B–58 Hustler bomber would have as a result of sonic booms. Believe me, the mail I got from Milwaukee was "something else." If it had not been a military plane—and the people of Milwaukee, like people in other parts of this country, are patriotic, and will put up with what they have to in our defense and for our military strength—but if it had been a commercial plane, the protest would have been overwhelming.

The proposal now by the FAA is not to fly over land or populated areas. However, the Senator from Wyoming has pointed out what the problem will be there. The FAA now says they will not be permitted to fly over land, but every economic analysis shows that the only way this plane can pay off is to fly over land. The payoff is not in the glamorous flights to Paris or Tokyo, but in the flights from Philadelphia, New York, Chicago, to the west coast, and back. Those are overland areas. So, if we continue to provide funds, the pressure is going to be constantly to have the SST pay off the investment made in its development by allowing it to fly over land. We are going to have that pressure before us constantly. The FAA, which is in the position of having promoted the plane and also serving as the agency which will determine whether it can fly over land or not, is very likely to cave in under that pressure.

I thank the Senator from Wyoming for his comments. The question is whether we should appropriate this year $290 million, which is by far the biggest appropriation of any year, and which makes the total appropriation we have made through this year $1 billion, with the great likelihood that we are not going to get much, if any, of that investment back.

Mr. HANSEN. Mr. President, just let me say that I appreciate the very generous observations made by my distinguished colleague from Wisconsin. Permit me to add one further word. I have received a considerable volume of mail in my office from people in western Wyoming wanting to know how they ought to go about filing claims for damages from sonic boom.

Anyone familiar with the widespread damage that has resulted from those overflights cannot help but be aware of, and be concerned with what would happen if we were to bring in a plane capable of delivering the sort of decibel count the Senator referred to, I think in the magnitude of 135. Was that it?

Mr. PROXMIRE. Yes; 124 to 130 decibels, because this is ground noise. As one scientist testified, equal to the sound of 50 jumbo jets taking off together. The sound would be literally deafening. It would not surprise me if people had their hearing seriously damaged as a result of this kind of noise.

In addition, it would have a devastating effect on the surrounding area.

Mr. ALLOTT. Mr. President, I am happy that I happened to get to the floor while this discussion was going on. The views of the Senator from Wisconsin on the SST are well known. He has opposed it for many years. I remember doing my best about 5 years ago to get him to go with me to the west coast and study the two companies that were then in the course of competing for the SST contract. Those were Boeing and Lockheed. At that time the Senator had already advanced arguments against the SST.

I am reminded of the sign I see in many little country offices around the Nation which reads:

Don't confuse me with the facts. I have already made up my mind.

I offered to make myself available to the Senator on any one of several weekends, but I could not prevail on him to go to the source and discuss the facts.

I am fully aware that, with the power of his committee, he can bring in people day after day who are willing to voice opinions to fortify the opinion he arrived at about 8 years ago.

When we get into this matter, we will discuss some of the facts. I want to say, for example, that there is no justification for the statement he recently made here that nobody knows what effect the possible SST pollution is going to have on the environment. When the engine is already designed, when the number of gallons that will go into the jet in order to achieve flight is already known, with the very advanced technology we have in this area, I am sure the Senator is not saying they do not know what the engine is going to emit into the air. I do not intend to make a long discussion of this matter—I did not come to the floor for that purpose—but the fact is that in terms of passenger miles, there will be less emission from the SST than takes place from any plane in operation today.

Mr. PROXMIRE. Mr. President, if the Senator will yield at that point——

Mr. ALLOTT. I am happy to yield.

Mr. PROXMIRE. When I talked about the pollution of the atmosphere, I was talking about the testimony of Russell Train, former Undersecretary of the Interior who indicated that the supersonic plane, flying at the height it would fly, in the stratosphere, would affect the moisture content of the upper atmosphere very seriously and severely—so severely that it could have what he called—and I think the Senator would agree that Russell Train is a very competent environmentalist—a disastrous effect.

Mr. ALLOTT. He is a competent environmentalist. I would not say he is an authority on the SST.

Mr. PROXMIRE. Well, he is an authority on the environment. That is more important when we are talking about what the SST would do to the environment.

Mr. ALLOTT. I will say this, Mr. President: You cannot contend, when you are carrying x number of passengers through the sky, and the SST emits less per passenger per mile than our present planes, that it is going to increase the presently existing antienvironmental qualities in the atmosphere.

Mr. PROXMIRE. No; what I am saying is something entirely different. That is that the kind of pollution you would get with the supersonic transport, at the height it would fly, the speed it would fly, and the kind of emissions it would provide, and its effect on the environment, would be entirely different from subsonic jets, in degree as well as in kind, on the stratosphere and on the environment in general. The SST could have an effort on the ozone that could increase ultraviolet radiation on earth with an unknown but potentially disorder effect. This is not true of subsonic planes.

You cannot simply compare the number of passengers that would fly in each plane and the amount of emission that would come out of each plane, because this is an entirely different kind of effect.

Mr. ALLOTT. Mr. President, I do not agree with the Senator. They do come out at a different altitude. It is a difference of 25,000 feet over what is presently being utilized; depending on what altitude they fly, between 15,000 and 25,000 over what our planes are flying today. I do not know whether the Senator is aware that we do have planes flying at 45,000 feet over this country today. But I do intend to look into this.

Mr. President, there are many other arguments about this matter. Of course, my good friend from Wyoming—I do not know where he went—had to leave the floor. But it is not contemplated that these planes will be used over the land areas of the United States at all. I am fully acquainted with the tests that were conducted over Oklahoma City, in the great State of the present occupant of the Chair (Mr. BELLMON); but the truth of the matter is that while there are certain arguments, I think, that can be made against the SST, I do not think that some of those propounded by the Sierra Club are completely accurate.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I did say, and the Senator from Wyoming agreed, that they will not be used over land areas at this time. But in order to obtain the full economic benefit, the FAA will be under great pressure to come to that, and eventually we will have to permit flights of these planes over land. There will be a great deal of pressure to bring that about.

Mr. ALLOTT. I suppose there will be pressure, but this is not primarily the responsibility of Congress. It is the responsibility of the FAA and the CAB. In the first instance, the CAB would be the agency that would have to certificate the routes, and they certainly could not fly unless they receive this certification. Later, the actual flights of the airplane would be under the authority of the FAA.

Mr. President, I wish to say that I intend to discuss this matter at great length. We are being subjected, in this area, to a propaganda barrage from the Sierra Club. As with many previous issues, I believe that the position of the Sierra Club is extreme. They would have us stop all development in the West and preserve it for future generations—what the rest of us would do for a living in the meantime I am not sure; but that is the attitude of the Sierra Club, and it has been consistent all the time.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. ALLOTT. I am happy to yield.

Mr. HANSEN. Mr. President, let me say to my distinguished colleague from Colorado, he is certainly one of the most respected Members of the Senate, and I yield to no man in my high regard for him, for his integrity, and for his championship of things important to the West.

I did say more than a year ago, in quite another vein, that it was difficult for me to support a program that would bring about the investment of Federal dollars in the development of a supersonic transport while, at the same time, we were witnessing a phase-out of local service airlines.

My good friend from Colorado, I know, feels as I do that what we need in order to open up the West and make full use of the important contribution that potentially we can make to this country, to better living and to fuller enjoyment of these most unique areas found in such abundance in the States of Colorado and Wyoming, is better local service airlines, in addition to the transcontinental lines that we have. So in that respect, the Senator and I stand shoulder to shoulder.

I would like to say that I have not been on the side of the Sierra Club as many times, I suspect, as I have been on the other side, and what I said insofar as environmental damage went does not reflect the urgings of the Sierra Club. It does reflect my trust in the discernment, and the honesty of an old friend, Dr. D. G. McLeod of Jackson, Wyo., who is a most astute observer. He is an ecologist. Certainly his training as a forester complements the experience he has had.

He is concerned, as am I, about what sonic booms can do to a mountainous area with some people living in it, and that was as far as I meant to go, I say to my good friend from Colorado.

Mr. ALLOTT. Mr. President, I am not critical of anyone. I just feel very strongly that some people in the Senate made up their minds years ago, without even taking the trouble to have access to the facts; others of us have tried to study the matter through the years, and I think that is the situation.

Mr. President, the real problem here is how long are we going to keep exporting jobs?

There was a paper sent from Mr. Shriver, when he was Ambassador to France, to the State Department saying that the British and the French were not going to proceed with the second version of the Concorde. In the few months since he left there, a new communication has come to the State Department saying that they are.

We are talking about a minimum of 300 airplanes, at $35 million to $40 million per plane to be made in American plants. We can keep on exporting jobs, as we have done with regard to textiles, shoes, many of our radios, many of our TV's and many of our automobiles. How long are we going to be such utter fools as to keep exporting jobs to every country in the world, while at the same time making it tougher for the American workman?

The only place we are really competing in the world market today, is in the area of advanced technology. The minute we come up with something that is copied and produced in Japan or someplace else, at wages below what we have to pay in this country, we export jobs. And if we are such utter fools as to export the market and the jobs that are represented by this development in the next 10 years, then I say that Congress deserves to be criticized.

One other aspect of this matter, Mr. President, is that, on the most conservative estimate, it means a $16 billion trade advantage in the next 10 years—$16 billion—that means whether the money comes into the United States for sales, or whether we sell it in other countries. Both the Russians and the French-British version, the Concorde, are ready to move ahead.

So I would say to people who oppose this on environmental grounds—and I am also for preserving and improving the environment, and in this regard I think I have done more than some of the breastbeaters who do not have to assume responsibility for what happens—that we have to look at all aspects of this matter. I am thinking about the many thousands and thousands and thousands of jobs—if the Senate does not act favorably on the SST—not for a day, not for a month, not for a year, but over a period of years, which are going to be exported to Russia and France and England. If somebody wants to participate in that, they can do it, but I do not think the Senator from Colorado will.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. HANSEN. Mr. President, let me pay my sincere respects to the distinguished senior Senator from Colorado. He has very accurately and appropriately characterized himself as one concerned with jobs in this country. I agree completely, and I would go beyond what he has said and observe that few Senators, so far as I know, have been more ardent advocates of the development of American industry through the protection of American jobs, through the development of processes and materials and machines that will make possible a higher standard of living for all of us. I take my hat off to him, because his leadership has been truly noteworthy.

I agree with him. Insofar as I have been able, it has been my intention to support the distinguished Senator from Colorado.

Let me say in this regard that the question I meant to raise was simply this. The last time the appropriation came before the Senate, I voted for the SST. Since that time, I have had reason to question the long-time desirability of an aircraft which would fly for commercial purposes at a speed in excess of sound, and with that in mind I said what I did.

My feeling is that it could very well be that the Boeing 747 version of aircraft may in time prove to be far more popular than the SST. As I note the relative speeds of these planes, it does occur to me that the economies that would go with a plane flying at subsonic speeds, able to carry more passengers, might have much greater appeal to the average traveler than would the more costly ticket on a plane flying at supersonic speeds.

Nevertheless, I would like the RECORD to indicate the very high regard I have for the distinguished Senator from Colorado. I hope he will not take personal umbrage from what I have said.

one of us has to protest our friendship that I just happen to disagree with him on this. We have worked in common in so many things that I do not think either one of us has to protest our friendship or our respect. If we do, we will be paraphrasing an excerpt from Shakespeare and saying:

Methinks thou dost protest too much.

But it is a fact that we have that great mutual respect, and it is one of the great satisfying things of the Senate that we find people like the Senator from Wyoming for whom we can entertain that respect.

THE O'NEILL STUDY PANEL: SAFEGUARD EVALUATED IN REPORT

Mr. ALLOTT. Mr. President, last Sunday the Baltimore Sun published an Associated Press dispatch that accurately and briefly summarizes the O'Neill panel report, a study prepared through the Department of Defense by a team of independent experts on ballistic missile defense.

The study itself is now of minor consequence. It was originally commissioned by Dr. John Foster, Director of Defense Research and Engineering, because the Pentagon wanted "expert technical opinions on the Safeguard before President Nixon made a decision to go ahead with a second phase of the project."

The study became the subject of some controversy in the Senate not because its conclusions were themselves controversial, but, rather, because there was some disagreement by two of the panel members over the characterization of the study made by Dr. Foster in a remark before the Foreign Relations Committee. The result of the disagreement was to convey the impression that the study made recommendations unfavorable to the further deployment of Safeguard. The study has now been declassified, and it is clear that this was not the case.

Mr. President, because of the interest in this matter shown by a number of Senators, I ask unanimous consent that the Associated Press article, entitled

"Safeguard Evaluated in Report," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAFEGUARD EVALUATED IN REPORT—PHASE II WOULD PROVIDE THIN AREA COVERAGE, MINUTEMAN DEFENSE

WASHINGTON, July 25.—A report censored for security reasons on the Safeguard antimissile defense system says the full Phase II program would provide protection against a limited Red Chinese missile attack and some defense of U.S. Minuteman missiles from a Russian blow.

"It provides thin area coverage and some defense of Minuteman," said the report by seven civilian scientists to Melvin R. Laird, Secretary of Defense.

The January report, secret until now, was the center of a dispute before the Senate disarmament subcommittee last month.

WILL DO THE JOB

Dr. John S. Foster, the Pentagon's research and engineering director, told the subcommittee the report said equipment proposed for the Safeguard system "will do the job the Department of Defense wants to do."

Two members of the panel—Sidney D. Drell, a professor at the Stanford Linear Accelerator Center, and Marvin L. Goldberger, a Princeton physics professor—disagreed with Dr. Foster.

They testified that the report's conclusions were misstated.

The 14-page report resulted from a study requested by Dr. Foster who, Pentagon officials said, wanted expert technical opinions on the Safeguard before President Nixon made a decision to go ahead with a second phase of the project.

RANGE OF VIEWS

The document notes that "Although members of the group hold a range of views concerning the desirability of a BMD [ballistic missile defense] deployment and concerning the interactions between a deployment and diplomatic, strategic and political factors, it was not asked for and did not offer advice based on such things."

The censored version of the report contained no explicit criticism of any of the Safeguard's components. Defense officials said no criticisms were contained in the sections kept from public view.

The group did say it believes a more cost-effective system can be devised for terminal defense of the Minuteman and urged an approach featuring smaller, less costly and "less technically formidable" radars.

The panel said "it is necessary to proceed vigorously" with developing better components for the system, which defense authorities say they are doing.

The advisory committee seemed to imply that there are not enough short-range Sprint missiles provided in the first phase of Safeguard, which was limited to protecting two Minuteman intercontinental ballistic missile bases in Montana and North Dakota. Pentagon officials noted this year's Safeguard proposals put more Sprints at these sites.

The report, signifying it was approved by all members, was dated January 27. Nearly a month later, on February 24, the Nixon administration came up with its modified Phase II program.

Falling short of the 12-site plan, it calls for one additional Safeguard site at Whiteman Air Force Base in Missouri to protect more Minuteman missiles, and preliminary work on five additional sites as the administration once again took account of prospects that the Red Chinese may deploy an ICBM system in the 1970's.

The scientific group analyzed the Safeguard system in the light of President Nixon's three stated objectives announced last year:

1. To protect key elements of the U.S. retaliatory deterrent, the missile and bomber forces.

2. To shield the U.S. population against the potential Chinese atomic threat.

3. To protect the country against damage from an accidental missile launch against the United States.

Among other things, the group called for a policy decision "on whether to give emphasis to Minuteman terminal defense or to divide effort between Minuteman defense and area defense in the next step."

CHOSE BOTH

The Nixon administration, in moving into a modified Phase II, made a decision on the side of both deterrent protection and population defense.

A couple of suggestions dealing with fund obligations differed from the route the administration took.

There were no clear indications of major differences within the scientific group.

However, the report at one point noted that estimates within the panel of the effectiveness of a feasible thin area defense against a Chinese ballistic missile attack varied.

The opinions were said to range between a belief that there was a high probability a thin area defense would be highly effective and a belief that the Chinese would respond to a U.S. area defense by using penetration aids to get missiles through or bypass the defense entirely by using such devices as clandestine weapons.

WHAT STUDENTS ARE TAUGHT

Mr. ALLOTT. Mr. President, yesterday's Wall Street Journal contained an editorial which speaks with uncommon good sense on a subject that is generating a lot of nonsense these days.

The editorial concerns students and their manifold and manifest problems. It is entitled "What Students are Taught," and its thesis is straightforward. The editors of the Journal believe—correctly, I think—that the way students behave has something to do with the ideas they ingest in their roles as students. In short, the behavior of students reflects the ideologies of their professors.

This thesis is simplicity itself. It is also obviously true—so true and obvious that only professional academics seem unable to comprehend it.

As the Journal says:

To an important extent, surely, student disruption grows out of the intellectual currents of our time. In this and other ways we are only beginning to understand, these currents have grown extraordinarily perverse to the interests of society.

The Journal adds this:

For our part we are quite convinced that disruption by students has deep roots in the attitudes of professors. This is not merely a matter of an academic fringe actually advocating anarchy, though that plays a certain part. Nor is it merely a matter of the typical faculty lacking the courage and cohesion to discipline unruly students. For a faculty could hardly be expected to expel students for an excess of zeal in expressing the very attitudes the faculty is so proud to have instilled in them.

Mr. President, the Journal is dead right in stressing the importance of the fact that a tedious, suffocating orthodoxy is holding sway on American campuses. And I must say that this orthodoxy is depressingly evident in some of the recent news here in Washington.

The President's Commission on Campus Unrest—the Scranton Commission—is hearing a seemingly unending series of academic witnesses anxious to say that the universities' problems are the fault of war, poverty, disease, greed, pestilence, and other sins that are attributable to society, the military-industrial complex or almost anything other than the men who today are proving so strikingly inept at the business of running academic affairs.

Worse still, the President recently received from Vanderbilt University's Chancellor Alexander Heard a report which was just what the Journal editorial describes it as being a "typical apology for students."

With so much faulty diagnosis and bad advice being merchandised in this town in recent days, it is especially useful for the Journal to give us the benefit of its customary good sense.

Mr. President, so that all Senators may benefit from this good sense, I ask unanimous consent to have the Journal editorial printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, today's Washington Post contains an illuminating column that tends to confirm the views of the Journal. The column is by Joseph Kraft and its thesis is stated in its headline: "Attitude of Educated Elite Is Causing Social Tensions."

So that all Senators may profit from this remarkably sensible column, I ask unanimous consent that it too be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

[From the Wall Street Journal, July 27, 1970]

WHAT STUDENTS ARE TAUGHT

With due respect for the distinguished individuals involved, we doubt that especially penetrating insights into the causes of campus disruption are likely to result from either the typical panel investigation being run by former Governor Scranton or the typical apology for students offered last week in Vanderbilt Chancellor Heard's report to President Nixon.

Not that it's difficult to list some of the obvious factors in student unrest—the war, the draft, student boredom, the tortured course of the decade that has been the whole of a 20-year-old's politically conscious experience. Yet when you have said all that an unsatisfied feeling remains; you are left still wondering why all those things worked themselves out the way they did.

What these explanations leave out is the power of ideas. This is also an area most inquiries are likely to overlook, though one would think examining events at universities without reference to ideas would be like examining events in banking without reference to money. To an important extent, surely, student disruption grows out of the intellectual currents of our time. In this and other ways we are only beginning to understand, these currents have grown extraordinarily perverse to the interests of society.

A number of scholars have in various ways touched on this malaise among the intellectually oriented elite. To take only the academic luminaries, we think of Daniel P. Moynihan, Nathan Glazer, Edward C. Banfield, Zbigniew Brzezinski, Daniel Boorstin. We might also add Michael Lerner, for his article on "elite bigotry" in The American Scholar, and Andrew M. Greeley, for his recent witty and perceptive contribution to the New York Times Magazine, "Intellectuals as an 'Ethnic Group'." It might pay Governor Scranton's group to ask such people whether student disruption might be related to the current mood of the adult intelligentsia.

For our part, we are quite convinced that disruption by students has deep roots in the attitudes of professors. This is not merely a matter of an academic fringe actually advocating anarchy, though that plays a certain part. Nor is it merely a matter of the typical faculty lacking the courage and cohesion to discipline unruly students. For a faculty could hardly be expected to expel students for an excess of zeal in expressing the very attitudes the faculty is so proud to have instilled in them.

Chief among these is the notion that the ills of the nation and the world would prove quite tractable if only everyone listened more to the intellectuals. The intellectual has always felt himself uniquely qualified to run society, but never before the 1960s had this feeling found such support: A growing social class oriented to the intellectual, almost complete penetration of the media, acceptance at court during the Kennedy era.

As the intellectual class grew in prestige and influence though, the content of its thought grew only in dogmatism. The Vietnam war became not only mistaken but immoral; American society became irredeemably racist. The dogma carries a suspect tinge.

Too many of the mistakes in Vietnam were made by representatives of the intellectual class that gave the State Department its undersecretaries, the White House its basement advisers and the Pentagon its civilian whiz-kids. Too often the denunciations of racists served mostly to make the denouncer feel virtuous. But no matter, the conclusions became part of the intellectual classcreed, and history may yet view the 1960s as the decade in which the prevailing liberal orthodoxy reduced itself to an absurdity.

For many students, university experience during this decade amounted to a force-feeding in these doctrines: That intellectual prescriptions can solve all problems (even those that have resisted solution for a millennium), that the proper prescriptions are those favored by the intellectual class (no matter how narrow a social stratum it occupies), that failure to adopt these "obvious" prescriptions must mean political leaders are stupid or venal (never that they are sensitive to a broader range of society or a broader range of reality).

There are of course outstanding professors who apply their critical skills even to this creed, but they are few. The intellectual class is remarkably inbred; a sample survey of political scientists finds, for example, that only 12% of them voted for President Nixon. Given an intense and one-sided socialization in this narrow class, students not surprisingly develop a sturdy sense of self-righteousness, which is the stock-in-trade for those who would occupy buildings, close campuses and bully professors who dissent from the dogma.

The recent outbreak of disruption is not too surprising in light of the intellectual trends on campus, but it certainly is ironic. For the notions of intellectual preeminence that did so much to foster the disruptions have also proved their first casualty. How will serious men take an intellectual class that is unable to govern a university, but presumes to govern the whole society?

EXHIBIT 2

[From the Washington (D.C.) Post, July 28, 1970]

ATTITUDE OF EDUCATED ELITE IS CAUSING SOCIAL TENSION

(By Joseph Kraft)

BERKELEY, CALIF.—Social tension in the United States, being a subject usually studied by the educated, is generally blamed on the less educated. But every day announces that a main source of trouble is an overconfident attitude of snobbish contempt on the part of the American elite. Some underlying reasons for this attitude are now explained in the fascinating study of American universities conducted by Dr. Harold Hodgkinson for the Carnegie Commission on Higher Education here in Berkeley.

The starting point of the study is the diversity that used to characterize higher education in this country. Most colleges were started on the principle that led to the establishment of Yale as a barrier against the dangerous thoughts of certain Harvard divines.

Throughout the South, the Midwest, and the West thousands of institutions were set up to build provincial elite, vaccinated with local spirit and old-time religion against the sophisticated viruses distilled by the Eastern Babylons. College graduates, as a result, tended to differ widely from region to region. They had ties with local people and local institutions. They had roots.

But in the past two decades professional and graduate schools have become the dominant feature of higher education in America. Colleges exist not to turn out local gentry, but as way-stations on their route to higher learning. The standards of the biggest and best graduate schools—at Berkeley, Harvard, Columbia, Chicago, and Michigan—have come to dominate the system.

The domination of these few centers has as a first consequence the elimination of diversity among colleges. Hodgkinson found only slight regional differences in a wide variety of educational categories including student body composition, faculty attitudes, teaching effectiveness, and administrative methods. Even student protests, supposedly concentrated most heavily on the two coasts, turned out to run across the board.

"The data," Hodgkinson observed, "refute the commonly held assumption that there are major differences in educational institutions in different sections of the country . . . The monolithic status system exists in American higher education and pervades all colleges and universities."

This "monolithic status system" has a marked effect on the student body at most universities. The signals that come down from the great cosmopolitan graduate schools have led to a tremendous drop in the racial and religious barriers that used to limit the higher educational opportunities for Jews, blacks, browns, and other minority groups. "The most widespread change," Hodgkinson reports in his survey, "was the increased heterogeneity in the ethnic composition of the student body."

But the sympathies generated in the great educational centers for racial minorities did not extend to those on the lower rungs of the economic ladder. The colleges open their doors wider to middle-class members of ethnic minorities, but not to low-income groups—particularly low-income whites.

As Hodgkinson puts it: "Institutions appear to be more racially open than in the past, but they have become less open to social classes than they have to races . . . A black middleclass male may have a better chance of getting into . . . a college or university than would a lower-class person of any race . . . Higher education is fundamentally a middle-class institution that has little dedication to those who are simply poor and do not represent any particular minority group."

The social effects of all this are visible every day. Student groups, newly infused with ethnic minorities, tend to be highly sensitive to discrimination and prejudice. That is one reason for the hostility to all kinds of superiority and authority—whether at the university, in the society, or the government.

At the same time, there is no great concern for the economic problem of getting along. That is one reason why there is so much contempt for those who have to grub for a living—mainly low-income whites in the blue-collar jobs.

Finally, the students have a burgeoning sense of exuberant strength. Not only do they think they are right morally, but they keep encountering their own likeness all over the country. They have the illusion of great numbers and of power and they tend to indulge their beliefs and inflict their feelings without the restraint that comes from the awareness of being weak.

In fact, however, the American elite is probably weaker now than at any time in the past. It is aligned with unloved minority groups. It has lost the camouflage that comes with being the champions of local interests. The college-educated in particular are out in the open as never before. They are marked men, set apart from others. And unless the students restrain themselves, unless they curb their exuberantly different life style, they are going to find out the hard way what it is like to be a visible elite in what is basically an egalitarian country.

ENVIRONMENTAL CONCERN IN COLORADO

Mr. ALLOTT. Mr. President, the summer 1970 issue of Action Report—a newsletter by the Chase Manhattan Bank and described as "a digest of corporate approaches to public problems"—contains an interesting and encouraging article about the high sense of responsibility demonstrated by a firm operating in Colorado.

The firm is Climax Molybdenum Co., which is currently constructing a $200 million mine at Red Mountain in Colorado.

As Action Report explains, the company is going to considerable expense to be a responsible developer of natural resources. So that all Senators may read this story, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FROM 9-MILE TUNNEL TO COLORED BUILDINGS, ENVIRONMENTAL CONCERN MARKS COLORADO MINE

At Red Mountain in the heart of the Colorado Rockies, Climax Molybdenum Company, a division of American Metal Climax, Inc. (AMAX), is constructing a mine that will play a key role in satisfying the free world's future needs for molybdenum.

But construction of the $200 million Henderson mine is proceeding in ways that would have puzzled engineers in the 1950's. Facilities are being put in out-of-the-way places by traditional standards, some of the work being done is not essential to strict operating efficiency and certain expenses be-

ing incurred are equally inessential to efficiency.

Max Gelwix, chief engineer for the company's western operations, explains the reasoning succinctly in terms of rising public demand for protection of the environment. "An engineer has to recognize the needs of the country and the temperament of the times," Gelwix says. "And there's been a tremendous change in temperament in the last 10 years."

Some of the actions taken by AMAX have been "little" steps. Instead of using ordinary galvanized steel for buildings at the mine site, it is installing colored siding which blends with the local setting. It has planned the culverts and trestles of a surface railroad in such a way that it does not cut off wild animal trails. It has piled up and saved the topsoil and dirt removed from the mine site so that the land can be restored when the site is no longer needed. It has kept construction operations as compact as possible to minimize effects on the terrain.

Around a smaller mine recently completed at nearby Urad, as well as at the Henderson mine, slopes that have been cut are being reseeded by means of a truck-mounted hydromulcher that throws a stream of water, mulch fiber, seed and fertilizer onto the soil.

The Public Service Company of Colorado adopted a similar philosophy when it brought in power lines to the mines. Instead of bulldozing a swath through the forests, it cut just a few trees selectively and had them pulled out by horses, which could weave their way through the woods without doing the damage that a bulldozer would do. The utility also brought in the transmission towers by helicopter. The towers are made not of shining aluminum but of green-painted wood designed to weather and blend into the setting. The telephone poles also are painted forest green.

Other steps taken by AMAX have been bigger, more expensive ones. When company officials began working closely with representatives of the Colorado Open Space Council back in 1966, the major problem to solve was disposal of rock tailings, the finely ground waste material which comes from the mill. More than 300 million tons of rock tailings are expected to be produced before the Henderson mine is exhausted.

Ideally from an economic standpoint, AMAX would have placed the mill and tailing disposal area next to the mine site. But, since this would have put the operation very close to a major highway through the Rockies, the company investigated possible alternative sites with a 25-mile radius. It finally chose a location on the opposite side of the Continental Divide, 14 miles from the mine. Hidden from public view, the site could be connected with the mine by driving a 9.3-mile long railroad tunnel beneath the Divide. This is being done—at a cost of $25 million.

The mill where ore will be processed, after the mine's scheduled opening in 1975, is located next to the tailing pond and will use water recycled from the pond. A series of canals will be built above the pond so that water running down the mountain will not flood into the pond, become polluted by the tailings and sweep on down the mountainside.

Company officials continue to meet frequently with members of the Open Space Council in an effort to work out problems "before they happen." James Gilliland, director of environmental control for Climax Molybdenum, has also arranged for experts in outside firms to make several new environmental studies before heavy construction work starts at the mill site. Assuming a company can learn to make multiple use of the land, insists Ian MacGregor, chairman of the board for AMAX, "the goals of conservation are compatible with full utilization of our mineral resources."

Mr. President, among the things that Climax Molybdenum did over a period of years was to make very careful plans to conduct the mine and operate it in such a way that it would not disturb the environment in the least degree. They have also spent a considerable amount of money to construct a 17-mile tunnel through the mountains of Colorado. They also expended many hours, weeks, and months in working with environmental experts in Colorado. This is truly a great step forward in the type of development that we hope to see in this Nation.

Mr. President, I yield the floor.

MRS. OGDEN REID—A REMARKABLE WOMAN

Mr. JAVITS. Mr. President, I state to the Senate tonight, with sadness, that a very remarkable woman, Helen Rogers Reid, of New York, former president of the New York Herald Tribune, and mother of Representative OGDEN REID of New York, who represents Westchester County, has passed away.

Mrs. Reid was a woman of unique character who made a great contribution to her time. The wording of the 1935 Medal of Award, given to her by the American Womens Association, states: "For professional achievement, public service, and personality."

That fully described Mrs. Reid. She was an inspiration to me and to many others who knew her during her lifetime. I suppose she numbered as friends in her lifetime as widespread a galaxy of the great of the world, including this country, as can be imagined, as well as the most humble, who loved her equally.

Her life and activities will inspire our time, particularly women.

She was certainly in inspiration to her children, Ogden and Whitelaw, to whom Mrs. Javits and I extend our deepest sympathy.

Mr. President, I know that on the floor of the Senate we do not speak of the passing of every prominent person, but Mrs. Reid had such an important influence on journalism in New York as president of the New York Herald Tribune, and such a distinguished life as a person and on the whole of the community that surrounded her, as to deserve a front page obituary in the New York Times this morning, as well as a deep place in my heart, and in the hearts of her fellow countrymen.

Mr. President, I ask unanimous consent to have printed in the RECORD the obituary notice published in the New York Times today, which is entitled "Mrs. Ogden Reid Is Dead at 87; Ex-President of Herald Tribune."

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

MRS. OGDEN REID IS DEAD AT 87; EX-PRESIDENT OF HERALD TRIBUNE

Mrs. Helen Rogers Reid, former president of The New York Herald Tribune, died of arteriosclerosis yesterday at her home, 834 Fifth Avenue.

Mrs. Reid who was 87 years old, was the widow of Ogden Reid, president of The Herald Tribune until his death in 1947.

In her 37 years on The Herald Tribune and its predecessor, The Tribune, Mrs. Reid was an unflamboyant but powerful force in the newspaper world and in the city's civic and social life.

Her business acumen, first displayed as an advertising salesman, and her editorial judgment, in making the paper attractive to women and suburban readers, helped to transform The Herald Tribune into a modern newspaper.

Entering journalism as a by-product of her marriage to Ogden Mills Reid, whose father Whitelaw, had acquired The Tribune from Horace Greeley, its founder, Mrs. Reid gradually established herself as a newspaper personality in her own right. Never overtly aggressive, she won her reputation by quiet tenacity, dowagerlike charm, and a clear and orderly mind.

There was little in Mrs. Reid's appearance to suggest the influence she wielded, nor the force of her character. She stood only an inch over 5 feet; and she looked as fragile as a piece of expensive china. Her hair, at first brown, then gray and later white, was a fine soft fuzz that curled close to her head. Her large green eyes, however, were alert and probing. According to advertising salesmen who dealt with her, they could be quite unnerving.

In dress Mrs. Reid was feminine but not fancy. Her taste ran to bright colors, with various shades of purple predominant. Day in and day out she wore a plain beret-like hat embellished with pearls, a diamond clip, sequins, flower petals or feathers.

Although she was pleasant and informal in conversation in the office or at dinner, her talk did not run much to chit-chat, and she did not encourage it in others for long. For many years Mrs. Reid included her editors and columnists at luncheons, dinners and weekend parties she gave for guests notable in national and world affairs.

A gathering might include a Presidential aspirant, an international statesman, a best-selling author, an economist, an editor and a few couples from the Reids' social circle on the upper East Side. With dessert, Mrs. Reid would swizzle a glass of champagne with a piece of melba toast and throw out a general question on current affairs.

DINERS SUMMONED TO SPEAK

Going around the table, she would call on the diners, one by one, for their views. According to one account of these affairs, some gave their opinions seated, but a number were wont to rise and address Mrs. Reid as though she were a public meeting.

Mrs. Reid's interest in the political and economic forces that shaped the world about her was reflected in the establishment, in 1930, of The Herald Tribune's annual Forum on Current Problems. Although the Forum was at first a promotional device aimed at club-women, it was expanded to include the public generally.

With Mrs. William Brown Meloney, the Forum director for many years, Mrs. Reid took a hand in choosing and obtaining prominent speakers, many of them from abroad. She presided at the big sessions in the Waldorf-Astoria, and published the proceedings in a special supplement for high school and college students.

Mrs. Reid's own politics were Republican, but the forums were nonpartisan and dispassionate presentations of world news and issues. They were discontinued after 1955, for emphasis on the paper's Youth Forum.

At The Herald Tribune Mrs. Reid raised her voice for moderate Republicanism and for internationalism. In 1952 she supported Dwight D. Eisenhower for the Presidency; she had backed Thomas E. Dewey in 1948.

Mrs. Reid was a leader in civic affairs. She served for nine years as chairman of the board of trustees of Barnard College, her alma mater. A dormitory built in 1963 with funds she helped to raise is named for her. She was

a trustee of the Metropolitan Museum of Art. She was active in the New York Newspaperwomen's Club, and she was president of the Reid Foundation, established by her husband in 1946 to give fellowships to journalists for study and travel abroad.

NEEDY CHILDREN HELPED

Another of Mrs. Reid's civic interests was her newspaper's Fresh Air Fund, which raised public contributions to send needy children to summer camps and homes in the country.

As a society figure Mrs. Reid was far less formidable than her mother-in-law, a vigorous matriarch who died in 1931. Mrs. Reid's style in entertaining was informal—and indefatigable. There was a constant round of guests at her 15 East 84th Street apartment, at 30-room Ophir Cottage in Purchase, N.Y., at a summer place in the Adirondacks and at a hunting lodge in North Carolina.

To those who sought to assay her career, Mrs. Reid appeared as a Cinderella who became Queen Helen. She was born in Appleton, Wis., on Nov. 23, 1882, the youngest of 11 children of Benjamin Talbot Rogers and Sarah Louise Johnson Rogers. Her father died when she was 3. Although the family was not poverty-stricken, she was obliged to earn part of her way through boarding school and then through Barnard, which she entered in 1899.

EARNED DEGREE IN ZOOLOGY

She enrolled to study Latin and Greek and perhaps to become a teacher, but she shifted her interest to zoology and took her degree in that. She established a reputation among her classmates as a crisp, attractive, enterprising girl who could even turn a profit on the senior yearbook. The class poet summed her up in this quatrain:

"We love little Helen, her heart is so warm
And if you don't cross her she'll do you no harm.
So don't contradict her, or else if you do
Get under the table and wait till she's through."

In June, 1903, when Helen Rogers received her Bachelor of Arts degree, she heard that Mrs. Whitelaw Reid, one of the city's grande dames, was seeking a social secretary. She applied, was accepted and went to work in the Reids' sumptuous Florentine fortress on Madison Avenue, across from St. Patrick's Cathedral. Mrs. Reid, who had a dinner table seating 80 people and the wealth to festoon it with elegant viands, never lacked for social engagements; a secretary to handle this facet of her life had few idle moments.

SECRETARY FOR 8 YEARS

Helen Rogers was in Mrs. Reid's employ for eight years, dividing her time between the United States and London, where Whitelaw Reid was Ambassador to the Court of St. James's from 1905 to his death in 1912. During this time she met the Reids' only son, Ogden Mills Reid, fresh out of Yale. The couple were married in Wisconsin March 14, 1911.

Tall, handsome, genial and convivial, Oggie Reid was deeply interested in swimming, tennis, shooting and sailing—activities in which his wife learned to excel by putting her mind to them.

She at first took only a passing interest in The Tribune, which her husband inherited on his father's death. In the first six years of her married life she devoted herself to her children, Whitelaw, Elisabeth, who died in childhood, and Ogden. Her chief outside concern was women's suffrage. She helped raise $500,000 for suffrage campaigns in New York.

"When I was at Barnard, working my way through," she explained later, "the necessity for complete independence of women was borne in on me."

JOINED PAPER IN 1918

Mrs. Reid's newspaper career began in 1918, when she became an advertising solicitor for the palsied Tribune, into which the Reid family was reported to have poured $15 million since 1898. "Come down to the office," Ogden Reid asked his wife, "and work the paper's success out with me." Within two months she was its advertising manager, a post she held under slightly different titles on The Herald Tribune until she became its president in 1947.

Immensely loyal to the Reid name and eager to make The Tribune a great, self-supporting paper, Mrs. Reid channeled enormous energy into advertising salesmanship. Between 1918 and 1923 the paper, competing in the morning field with The Times, The World, The American and The Herald, more than doubled its linage.

Then and later she was relentless in pursuit of space buyers.

"She had the persistence of gravity," an associate once remarked. She called on advertisers or had them to luncheon. Banter, deft flattery and an array of voluminous and precise facts constituted her arguments.

ADVERTISING STAFF DRIVEN

She was as unsparing of the paper's other ad solicitors as she was of herself. "You get so you sneak up the back stairs rather than confess you're not a wonder boy," a member of her harried but admiring staff once said.

On The Herald Tribune in the nineteen-thirties and forties, Mrs. Reid was accustomed to hold advertising staff meetings on Mondays at 9 A.M. sharp to get an accounting of each salesman's work. At one point she presided from a platform decorated with a cardboard apple tree and red cardboard apples. Each apple represented an account the paper was seeking.

She called up the salesmen by turn, and whenever one announced a new account she would remove the appropriate cardboard apple from the tree with a ceremonious flourish to the accompaniment of the assemblage's applause.

By means of this and other encouragements to salesmanship, including at one time impromptu choral singing, Mrs. Reid kept the advertising flowing in. For her doggedness and for her conviction that The Herald Tribune was the finest advertising medium in the city she was much admired by her sales staff.

INFLUENCE ON PAPER STRONG

Mrs. Reid had a pervasive influence on the paper's news and editorial content, although its precise demarcations were a matter of speculation.

One story is that Mrs. Reid once protested to her husband about a news article and that he retorted:

"Helen, will you get the hell back to your department and run it while I run mine."

She is said to have departed meekly.

Mrs. Reid always denied the story. "In the first place," she once explained to an interviewer, "my husband wouldn't speak to me that way. In the second, I wouldn't leave meekly. Besides, nothing like that ever happened."

Actually, when Mrs. Reid put her mind to it, she usually got her way. One exception was in trying to make the paper dry during Prohibition. On this point her husband was unyielding.

SPURNED DEAL FOR HERALD

Mrs. Reid's editorial presence was felt especially after the Tribune, at her prompting, acquired Frank Munsey's Herald in a $5-million deal in 1924.

Shortly after the purchase, The Herald Tribune moved uptown from Nassau Street to quarters at 230 West 41st Street, and began to expand its news coverage and increase its circulation.

Mrs. Reid was generally credited with being responsible for its concentration on the suburban, middle-class field of circulation. She frequently suggested story ideas and advised on coverage of others. The paper devoted, under her stimulus, much space to the news of gardening and allied interests of suburban dwellers and women.

STAFF MEMBERS RECRUITED

Mrs. Reid's influence was also reflected in the appointment of the late Mrs. Irita Van Doren as editor of Books, the Sunday literary supplement, and of the late Mrs. Maloney as editor of This Week, the Sunday fiction and articles supplement. She added the late Dorothy Thompson and Walter Lippman, the commentator, to the staff. She was also responsible for the paper's Home Institute, a widely known experimental kitchen that devised and tested recipes for publication.

When Ogden Reid died in 1947 his widow succeeded him as president of The New York Herald Tribune, Inc. She became chairman of the board of directors in 1953. Her elder son, Whitelaw, who had joined the staff in 1940 and had been named vice president in 1947, succeeded to the presidency.

In 1955, at the age of 72, Mrs. Reid resigned as chairman but continued as a member of the board. Whitelaw succeeded her as chairman, and her other son, Ogden, who had joined the staff in 1950, became president, publisher and editor.

RETIRED IN 1958

For some time The Herald Tribune had not been gaining sufficient circulation and advertising in a period of rising costs and intense competition. A loan of $2.5-million from the Massachusetts Life Insurance Company in the fall of 1954 proved insufficient to restore the paper to prosperity. In September of 1957 John Hay Whitney, the financier, invested $1.2-million in the paper with an option to buy. He took up the option a year later, leaving the Reid family with a minority interest. Mrs. Reid retired at that time from the board of directors.

Mr. Whitney ran The Herald Tribune until 1966, when it merged with The Journal-American and The New York World-Telegram and The Sun. The new paper, The World Journal Tribune, expired in May, 1967.

In retirement, Mrs. Reid lived quietly in her apartment at 834 Fifth Avenue, entertaining her friends and members of her family and venturing out socially from time to time.

Many organizations honored Mrs. Reid. In 1935 she received the medal of award of the American Women's Association "for professional achievement, public service and personality." The Cuban Red Cross gave her the Commendador Cross of the Order of Honor and Merit for her "helpful understanding of world problems and friendliness toward Latin America."

At the annual dinner of the Hundred Year Association of New York, an organization of business institutions with more than a century of unbroken existence in New York, she was awarded a gold medal in 1946 for services in behalf of the welfare and prestige of the city. The 1949–50 seal of the Council Against Intolerance was presented to her for "outstanding service in the cause of tolerance and equality."

ELECTED TO ARTS ACADEMY

She was selected by the editors of "The Book of Knowledge" as one of 12 women who are "inspiring examples of intelligence and accomplishment." She was one of four women elected fellows of the American Academy of Arts and Sciences in 1950. In 1951 she was listed among 10 notable women in industry, communications, labor and the professions in New York State.

Mrs. Reid was also the recipient of a number of honorary degrees, and she was a member of the Colony Club, the Women's City Club, the Women's University Club, the New

York Newspaperwomen's Club, the River Club, and, in Paris, of the University Women's Club.

She is survived by her sons, Whitelaw Reid and United States Representative Ogden Reid of Westchester, and by 10 grandchildren.

A funeral service will be held Thursday at 10 A.M. at St. Thomas Episcopal Church, Fifth Avenue and 53d Street.

DEATH OF HON. MICHAEL J. KIRWAN, OF OHIO

Mr. YOUNG of Ohio. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 1161.

The Presiding Officer laid before the Senate a resolution of the House of Representatives (H. Res. 1161), which was read as follows:

Resolved, That the House has heard with profound sorrow of the death of the Honorable Michael J. Kirwan, a Representative from the State of Ohio.

Resolved, That a committee of fifty-four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. YOUNG of Ohio. Mr. President, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The resolution was read, as follows:

S. RES. 434

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Michael J. Kirwan, late a Representative from the State of Ohio.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 434) was considered and unanimously agreed to.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from Ohio (Messrs. YOUNG and SAXBE) as the committee on the part of the Senate to attend the funeral of the late Representative Kirwan.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I move, in accordance with the previous order, and, pursuant to Senate Resolution No. 434, as a further mark of respect to the memory of Representative Michael J. Kirwan, of Ohio, that the Senate now adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, July 29, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

AUTHORIZE CRIMINAL PENALTIES FOR MERCURY POISONING

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. MONAGAN. Mr. Speaker, on July 24, the Department of Justice announced plans to bring suits under the Refuse Act of 1899 to prohibit the discharge of mercury into navigable waters. I previously urged the Department to use the Refuse Act together with the Federal Water Quality Act to protect the public's health and safety from mercury poisoning. I commend the Department for apparently revoking its previous guideline—an indefensible position—to only utilize the 1899 Refuse Act in cases of "accidental and infrequent" pollution and to ignore cases to continuous day-to-day dumping of potentially poisonous wastes.

Interior Secretary Hickel warns that the presence of mercury in much of the Nation's waters "constituted an imminent health hazard." He now terms mercury contamination of water "an intolerable threat to health and safety of Americans." He disclosed that the polluters were requested to act voluntarily to end mercury pollution. Their failure to comply forced Mr. Hickel to recommend that the Department of Justice initiate legal proceedings. Mr. Hickel appears to have acted reasonably and constructively.

Because mercury pollution is a very serious matter, where the evidence indicates it may be threat to the health and safety of Americans, and the polluter fails to attempt to comply voluntarily after request, the Department of Justice should authorize and seek criminal penalties as well as civil injunction proceedings under the Refuse Act of 1899 against polluters. To do otherwise is an attempt to defend the intent and strength of the 1899 Refuse Act and to possibly ignore Government responsibility for existing law.

SPECIAL DOCUMENTARY PROGRAM WILL APPEAR ON ABC

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. TAYLOR. Mr. Speaker, I take special pride in calling to the attention of my colleagues in the House and Senate a special documentary program entitled "Help," which will appear on the ABC Television Network this coming Monday, August 3, 1970, at 10:30 p.m., as part of ABC's "Now" series.

This hour-long, prime-time color film will portray the phenomenal success story of AFRAM, Inc., a black owned and operated business located in the congressional district which I represent at Asheville, N.C. Asheville, incidentally, was designated earlier this year as an "All America City," due in part, the judges said, to the progress which the city has made in improving race relations.

AFRAM, which manufacturers a variety of disposable paper garments, is truly an example of what can be done when people of all races in a community combine their resources to achieve a mutually beneficial goal.

The film, which I hope every Member of Congress will have an opportunity to see, will show what the blacks in Asheville have done to help themselves in a unique and enterprising industry.

Special credit must be given to Mr. Robert V. Mathison, of Asheville, a prime mover in initiating and helping to organize AFRAM, and to Mr. Mort Cohn, vice president and general manager of WLOS–TV in Asheville, who had much to do with arranging the documentary.

Mr. Cohn recently expressed the belief that the film will serve to provide ideas for similar projects elsewhere in the Nation.

MEDICAL CARE BENEFITS FOR DISABLED COAL MINERS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, July 28, 1970

Mr. SCHWEIKER. Mr. President, this morning I received, as did a number of other Members of Congress, a letter from W. A. "Tony" Boyle, president of the United Mine Workers of America.

Mr. Boyle proposes in his letter that Congress enact legislation to provide medical and hospital benefits to disabled coal miners who are too young to qualify for either medicare or their retiree's pension from the UMW Welfare and Retirement Fund.

Mr. Boyle's letter raises an issue that is becoming critical not only among coal miners but among every group of industrial workers in the Nation. This issue is: When a worker becomes disabled several years before he could draw medicare benefits, how can he cope with the enormous expense of medical and hospital care for himself and his family?

As a Senator from a major coal producing State in which many disabled coal miners and their families have experienced acute need for a program of the type proposed by Mr. Boyle, I certainly favor action to solve this problem. At the same time it must be recognized that this problem is shared by workers and their families in every State and in practically every industry. It is time that Congress began to give serious study to such a proposal.

I ask unanimous consent that Mr. Boyle's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., July 28, 1970.

HON. RICHARD S. SCHWEIKER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCHWEIKER: Disabled coal miners under 65 years of age face a serious problem of medical and hospital care which must be assumed by the nation. These miners have suffered disability as the result of employment under hazardous conditions in an industry vital to the nation's health, comfort and economic welfare. They richly merit assistance from the nation in their hour of need.

The United Mine Workers of America has sought to meet the hospital and medical care needs of these disabled workers through the UMWA Welfare and Retirement Fund which it negotiated with the coal industry. The Fund expended more than $55 million of a total income of $163 million, for hospital and medical care for mine workers during the fiscal year ending June 30, 1969. In the fiscal year ending June 30, 1970 the Fund spent over $65 million out of a total income of $174 million for hospital and medical care.

Because of the ever-escalating costs of medical and hospital care, the UMW Welfare and Retirement Fund has been forced to limit medical and hospital benefits to one year following disability for mine workers too young to qualify for a pension. Our union fully recognizes that this is inadequate to the needs of mine workers.

The UMW intends to win a much higher industry contribution to the Welfare and Retirement Fund in its 1971 negotiations. Even if the present forty cents per ton contribution were doubled, it would not be sufficient to provide indefinite hospital and medical benefits to disabled miners because of the need to increase pensions, survivors benefits and other benefits.

During recent weeks, mine workers who have been unemployed for more than one year because of disability have picketed and disrupted production of vitally needed coal in several mine fields. We recognize that the disabled miners' needs are urgent and very real. The UMW Welfare and Retirement Fund, however, cannot provide indefinite medical and hospital care for these disabled miners without denying benefits to other working and retired members and survivors.

The real answer to this problem, especially in the face of soaring medical and hospital costs, is a program of hospital and medical benefits for disabled miners similar to Medicare which would become applicable one year after disability. Such a program should provide uniform benefits for continuing medical and hospital care costs resulting from disability. The UMW Welfare and Retirement Fund now provides certain supplemental benefits to retired members over 65 who are enrolled in the Medicare program and would attempt to provide similar benefits under a federal program for disabled mine workers who have exhausted benefits now paid from the Fund.

In the view of the UMW, such a program would best be supported from general taxation. We urge the immediate introduction of legislation to meet the health care needs of disabled mine workers following one year of disability. We will be more than pleased to work with your office in shaping a satisfactory legislative measure.

Sincerely yours,

W. A. BOYLE,
President.

THE FLAG—JUST "A PIECE OF CLOTH"?

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. LANGEN. Mr. Speaker, 1 year ago this week our Nation was, for an all too brief moment, united in pride when Neil Armstrong planted the U.S. flag on the moon. The astronauts returned home from that hostile and airless foreign soil with additional flags to present to Congress as symbols of man's first great step beyond the limits of his planet. A flag remains on the moon as the sacred symbol of the freedom, equality, justice, and humanity for which our country stands.

In remembrance of that glorious moment and others, such as the planting of the flag at Iwo Jima, where brave men put their lives on the line for the defense of our national symbol, we can only feel anger and grief when we see what is happening to and being done to that flag today. We only have to pick up our daily newspaper to read of new burnings and other atrocities committed against the flag and then turn inside to see hideous advertisements urging us "to show our colors" and wear starred and striped pants, flag shirts or ties, and liven the interiors of our living rooms with flag pillows. The degradation of our national emblem reached new depths when one manufacturer even offered flag toilet paper. Time magazine recently wrote with astonishment of the manner in which, what Woodrow Wilson referred to as the "emblem of our unity" has been widely abused. To quote Time:

> Some . . . blow their noses on it, sleep in it, set it afire, or wear it to patch the seat of their trousers. In response, others wave it with defensive pride, crack skulls in its name, and fly it from their garbage trucks, police cars and skyscraper scaffolds. In pride or put-on, Pop or protest, Old Glory's heraldy blazons battered campus and Indianapolis 500 races, silver pins and trash bins, glittering cowboy vests and ample bikinied chests. The flag has become the emblem of America's disunity. (*Time*, July 6, 1970, p. 8).

It is time that Congress acted decisively to remove the flag from the political arena of flamboyant protest and from the botique marketplace to restore it as the symbol and property of the entire Nation. Congress took a step in this direction by enacting the Federal Flag Anti-Desecration Statute in 1968. It provides a penalty of not more than $1,000 or imprisonment for not more than 1 year, or both, for any person who "knowingly casts contempt upon any flag of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it." At the time that this bill was under consideration by the 90th Congress, I argued that the penalties provided would prove to be inadequate.

Time has proved my belief that the threat of a minimal fine or jail term would not be taken seriously by those who would take the flag from us and use it for their own narrow purposes to degrade our national honor. Typical of the flag burners is one young lady from Berkeley, Calif., who was quoted by Time as saying:

> Desecrating the flag is just fun. It's burned, torn or worn for the sheer joy of doing something naughty and getting away with it. (*Time*, July 6, 1970, p. 21)

If we have failed to teach our youth the joy of patriotism and the meaning of our flag, we must make the burning and other forms of desecration a painful experience. To save the flag from those who would degrade it and to restore it to a place of national honor for all Americans, I am today introducing a bill to amend the present flag desecration law and provide for imposition of a maxmum fine of $2,000 with possible imprisonment for a term of up to 2 years, or both. My bill will punish not only wanton acts to desecrate the flag but also will include acts of disrespect. By using the definition already provided by the flag code, acts of disrespect will come under the penalty provisions of this bill and will be enforceable in the courts.

There will be those who will argue that the Federal Government cannot take away the flag burners' "freedom of expression" as if they could not express their twisted sense of dissatisfaction with America in any other way. Since 1905, the Supreme Court has recognized that State and Federal Governments have an interest in promoting patriotism and protecting the flag as an emblem of national power and national honor. Justice M. Harlan wrote in that first flag desecration case, Halter against Nebraska:

> A State will be wanting in care for the well-being of its people if it ignores the fact that they regard the flag as a symbol of their country's power and prestige and will be impatient if any open disrespect is shown towards it . . . [Commercial use of the flag] tends to degrade and cheapen the flag in the estimation of the people, as well as to defeat the object of maintaining it as an emblem of National power and National honor. 205 U.S. 34, 42.

While the Supreme Court has not ruled on the question of whether flag burning or desecration is a form of symbolic speech that would come within the protection of the first amendment, recent opinions from that Court and other Federal courts give us every reason to believe that even if flag burning is a form of speech, the Government can prohiibt this form of "expression" since there are other forms of protest or speech available to the desecrators with which they could express the same thoughts. Abbie Hoffman was convicted under the present Federal flag desecration law when he arrived at hearings of the then House Un-American Activities Committee wearing a flag shirt and playing with a yo-yo. The District of

Columbia Court of Appeals upheld the conviction and found that the Federal flag desecration statute is a reasonable regulation limited to prohibiting certain defined acts of conduct and does not necessarily impinge upon a citizen's right to protest. The Court found that the first amendment protects freedom of speech and not of conduct and held that a sufficiently important interest in regulating the nonspeech element, such as here, can justify incidental limitations on first amendment freedoms. *Hoffman* v. *United States*, 256 A. 2d 567 (1969).

The U.S. District Court for the Northern District of California has also upheld the flag desecration law. This case involved the burning of the flag in front of a Federal courthouse. The Court found that even if burning of the flag was to be considered a form of speech, prohibition of this act would not prevent the defendant from seeking an audience or reaching an audience by other means. The Federal Government's powers of sovereignty were found to include the power to select a national flag or symbol and the power to select a flag, the Court said, carries with it the power to do whatever is necessary and proper for carrying into effect this selection including the power to protect it from contemptuous destruction.

The Supreme Court found in *United States* v. *O'Brien*, 391 U.S. 367 (1968), that Congress has the power to punish any person who burns his draft card. The Court held that when "speech" and "nonspeech" elements are combined in the same course of conduct, a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on first amendment freedoms. All of the opinions that I have mentioned and others have found that protection of our national flag is a substantial and important governmental interest. Incidentally, several of the more liberal present and former Justices of the Supreme Court indicated that they agree, in their dissenting opinions in *Street* v. *New York*, 394 U.S. 576 (1969). This was a flag burning case under a New York State statute in which the majority of the Supreme Court sidestepped the main question of the case—whether the State could punish flag burning—because of a finding that the State might have punished the defendant's words in addition to his act. Four of the Justices condemned the Court's failure to face up to this issue, a failure which Chief Justice Warren warned "encourages others to test in the streets the powers of our States and National Government to impose criminal sanctions upon those who would desecrate the flag." 394 U.S. at 605. The former Chief Justice concluded:

> I believe that the States and Federal Government do have the power to protect the flag from acts of desecration and disgrace. But because the Court has not met the issue, it would serve no purpose to delineate my reasons for this view. However, it is difficult for me to imagine that, had the Court faced this issue, it would have concluded otherwise. *Ibid.*

Another liberal, Justice Black, also found that the Government can punish the flag burners:

> It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense. It is immaterial to me that words are spoken in connection with the burning. It is the *burning* of the flag that the State has set its face against . . . . The talking that was done took place "as an integral part of conduct in violation of a valid criminal statute" against burning the American flag in public. 394 U.S. at 610.

Justice Fortas most eloquently defended the flag in his dissenting opinion and succinctly stated why desecration of it should be punished and defenses of the desecrators as dissenters dismissed:

> [T]he flag is a special kind of personality. Its use is traditionally and universally subject to special rules and regulations . . . A person may "own a flag, but ownership is subject to special burdens and responsibilities. Certainly . . . these special conditions are not *per se* arbitrary or beyond governmental power under our Constitution.
>
> One may not justify burning a house, even if it is his own, on the ground, however sincere, that he does so as a protest. One may not justify breaking the windows of a government building on that basis. Protest does not exonerate lawlessness. And the prohibition against flag burning on the public thoroughfare being valid, the misdemeanor if not excused merely because it is an act of flamboyant protest. 394 U.S. at 616–617.

Let us remember the warning that Justice Harlan issued 65 years ago in the first flag desecration case and provide penalties for flag burners as are provided to deter draft-card burners. Justice Harlan wrote:

> A State will be wanting in care for the well-being of its people if it ignores the fact that they regard the flag as a symbol of their country's power and prestige and will be impatient if any open dissent is shown towards it. *Halter* v. *Nebraska*, 205 U.S. 34, 42.

The people are rightfully "impatient" and angered to see their national flag degraded by protester and manufacturer alike. It is time for Congress to show that it cares.

MICHAEL J. KIRWAN

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DADDARIO. Mr. Speaker, with deep sadness and great respect, I take this opportunity to mark the passing of our honored colleague, Congressman Michael J. Kirwan of Ohio. Mr. Kirwan will long be remembered by all of us as a legislative leader whose record of 33 years in the House of Representatives is distinguished by his vigorous leadership of the Democratic Party's Campaign Committee and of the House Public Works Committee. Mr. Kirwan further served his country and his constituency as an ardent conservationalist and a champion of the cause of the too often forgotten American Indian.

As the self-educated son of an immigrant coal miner, Mr. Kirwan typified the American spirit, lifting himself out of poverty to become the representative of Ohio's 19th district in Congress in 1937.

His flamboyant personality and long service to society will serve as his memorial for many years to come. Dozens of dams, powerplants, and parks can be attributed to his personal efforts. For these, and his many other accomplishments, we in the Congress and all Americans are indebted to Michael Kirwan.

AMERICAN INDIAN MAKING SIGNIFICANT PROGRESS THROUGH HIS OWN EFFORTS

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. HULL. Mr. Speaker, it is common and cruel knowledge among Americans that the American Indian has been often mistreated or ignored by his fellow citizens and by his Government. Words spoken about this national disgrace would fill many volumes but a chronicle of effective action taken to rectify it would scarcely fill a notebook.

Happily, one encouraging trend is developing. Now Indian leadership is coming to the fore and significant progress is being made by the American Indian through his own efforts.

One unique situation is occurring—one that deserves special recognition. Recently, four tribes, the Potawatomi, Kickapoo, Iowa and the Sac and Fox have formed their own corporation, owned and operated by American Indians. They have opened an Employment Assistance Center at 101 West 11th Street in Kansas City, Mo.

Indians from all over the United States will be traveling to Kansas City to be interviewed and have their skills and potential skills evaluated. This employment activity will be conducted in an office staffed by 100-percent Indians. If an individual from a reservation is desirous of acquiring certain skills and desires to improve his economic status, he will be sent to school, trade school, or a service school. When he is capable of moving into a higher job classification, the Kansas City office will assist him in finding better employment.

This unique arrangement has been worked out through a new concept approved by the Bureau of Indian Affairs.

Several Kansas City companies, including Trans World Airlines, have already been making plans to cooperate with the Kansas City office of Indian Enterprises, Inc. One Indian girl is now in the new TWA Hostess Training Center. Others will be trained by the company in the near future.

I would like to include the remarks of Marvin L. Franklin, director of special cooperative projects, Phillips Petroleum Co., before the Kansas City

Chamber of Commerce. Mr. Franklin has been a member of the Iowa Tribal Council and executive committee for the past 10 years, a member of the Oklahoma Bar Association, and president of Indian Enterprises, Inc:

THE EMERGING AMERICAN INDIAN

I am grateful to you on behalf of Indian Enterprises for the invitation to share this great hospitality of the Kansas City Chamber of Commerce.

While Indian Enterprises is a relatively new business organization in Kansas City, it brings with it a story of progress and challenge. A story that I think you will be thrilled to hear. It is the story of the emerging American Indian!

Too often we are exposed to the sensational writer who dramatizes one-day forays to isolated reservation areas and portrays the Indian as a creature to be pitied! True, there are an unproportionate number of depriving circumstances for the Indian when considered in comparison to other ethnic groups. But this is changing—changing through progress—changing, because the Indian leadership with the assistance of the Bureau of Indian Affairs is developing a new horizon for the American Indian.

Indian Enterprises is just one of those examples.

In 1961, President Kennedy assigned a task force on Indian Affairs to make recommendations for policy changes. The Chairman of that group was W. W. Keeler, now Chairman of the Board of Phillips Petroleum Company, a most respected business leader as evident by his election as Chairman of the National Association of Manufacturers—but most of all, a cherished Indian leader, who, since the late 1940's has been the Principal Chief of the Cherokee Nation.

The Task Force made these recommendations:

1. Maximum Indian economic self-sufficiency
2. Full participation of Indians in American life
3. Equal citizenship privileges and responsibilities for Indians

Considerable progress has been made in bringing about the attainment of these objectives.

As business leaders, you are fully aware that government alone cannot marshall all the forces of economic change. To create a condition that brings about self-sufficiency, full participation and citizenship privileges and responsibilities, required the attention of our country's private business sector.

About five years ago, Phillips undertook a program as a business organization to see what might be done in cooperation with government to overcome some of the problems in economically disadvantaged areas. Experience has dictated that it has been most effective in those areas in which is provided technology and management capability to assist in developing viable business organizations which would bring job opportunities, economic self-sufficiency and individual growth to those in a local area.

One of the great privileges I enjoy is serving on the management board of the Navajo Forest Products Industries—wholly owned by the Navajo Tribe. Built with their own capital and retained earnings, the organization now operates a very modern fifteen million dollar sawmill which process some fifty million board feet of lumber per year, taken entirely from their forested mountain ranges in New Mexico and Arizona which contain about five hundred thousand acres of timbered area. But most of all—this operation provides gainful employment for approximately five hundred Navajo people and is building a modern city to provide the needs of their families. Few people know of this gigantic undertaking by the Navajo Tribe—and still fewer people know that it has been possible only because the Bureau of Indian Affairs maintains a highly qualified and efficient staff in their Branch of Forestry—and because a handful of dedicated men from the private sector furnished without compensation, the management leadership to build a viable industry. The Navajo workman has responded well, not only in the trade classifications, but in management, and except for some thirty non-Navajo employees, he now performs all the functions of running the forest and mill operations. Other similar operations, some in partnership with commercial organizations, are evident on Indian-owned lands. But think for a moment what might be done, if you as business leaders, analyzed the potentials for growth in the light of your particular expertise as applied to the tremendous resources of Indian-owned lands. It takes not only the involvement of the Indian in the dominate society—it takes a conscientious involvement by society with the Indian in order to mutually benefit from his latent talents.

Speaking of land areas, I am told that some ninety percent of our population in the United States lives on only two percent of the lands in the continental areas. The American Indian still controls two percent of the land areas much of which contains untapped natural resources or is capable of productivity through agriculture, livestock or recreational development. I think it is safe to say, the American Indian, equipped with the proper tools can become the wealthiest ethnic group the nation has ever known.

Let us turn our attention to the most important aspect—the human resource. In spite of the popular literary trend to create a best seller based upon degrading both the so-called "establishment" and the disadvantaged in society, by ridicule, my experience with graduates of schools operated by the Bureau of Indian Affairs is one that commands respect. Because there are limitations on Indian education enrollment based upon certain needs, far too many in society have an impression that an Indian School is a reformatory rather than an educational institution. Some have asked that same question about Haskell Institute at Lawrence and it is pleasing to note that school has been renamed Haskell Indian Junior College. Thousands of Americans of Indian derivity have graduated from our universities and colleges throughout the nation, and indeed, the world. Mr. Robert Bennett, for example, a Haskell Graduate and George Washington University, not only became the Commissioner of Indian Affairs, but is now associated with the Law School at the University of New Mexico. And my experience with loyalty, dedication and devotion on the part of the American Indian toward a job to be done or a goal to be reached, is unexcelled irrespective of his educational opportunities when guided by concerned leadership.

About a year ago, Phillips was instrumental in creating a company wholly-owned by the Cherokee Tribe of Oklahoma. It is called Cherokee Nation Industries and has its principal operation in a small Northeastern Oklahoma town situated in a county with the lowest per capita income in the entire state. A very generous company, Western Electric, shared its technology, management, and requirements for assembled communications equipment to start this manufacturing firm. On June 16, 1969, it opened its doors in a rented five thousand square foot building and began with eight employees. Today, this plant is not wholly-owned—but totally managed by Cherokee people recruited from that area, mostly, former students of schools operated by the Bureau of Indian Affairs. Today, that plant employs almost a hundred people, has a branch operation which contracts with a major airline and is developing other operations that will serve contracts in diversified business areas.

Your next question might well be "How successfully do they manage?".

I might answer that by stating that the community in which Cherokee Nation Industries operates now enjoys—not just gainfully employed people with a steady payroll, but an economic turnover in excess of one million dollars annually. Liquid assets of the corporation have reached 600% of their initial capital investment and payrolls generated for members of the Cherokee Tribe for the yast year were 700% of their invested capital. Profits for the first year have created a federal income tax liability, for the corporation alone, of approximately $45,000. Here again, the Bureau of Indian Affairs, through its Branch of Employment Assistance was most helpful in developing a program of employment counselling and training which contributed substantially to the success of the enterprises, or consider the earnings last year for Navajo Forest Products Industries when it had a profit in excess of $1.4 million, plus stumpage of $840,000 and a payroll of $2.25 million.

As a business leader, you are familiar with these indicators and can measure their management capabilities for yourselves.

This brings us to Kansas City—and the organization we call Indian Enterprises, Inc.

In October, 1969, the four Indian Tribes of Northeastern Kansas were asked what might be done by the Bureau of Indian Affairs to assist in bringing opportunities to their tribal members. Two things were described by their leaders as necessary elements—job opportunities and business ownership. The Bureau of Indian Affairs had under consideration an Employment Assistance Center in Kansas City to serve individual Indians from all areas of the nation in securing direct employment with existing business organizations and to provide a means for Adult Vocational education. The challenge was—can you as an Indian group, organize a business corporation capable of contracting with government to operate such a center. From the date of the challenge to the formation of a corporation and signing of a contract was less than thirty days. Creation of an office and staffing was accomplished promptly—and on March 1, the facility was available and in operation. The organization is in full operation, serving those referred to this area, and we are continuing our efforts to become acquainted with employers and their personnel staff as well as vocational, technical and academic schools of this area.

Here again, it took the assistance of the local community—people like Mr. Dick Challinor, formerly associated with Chamber who gave generously of his time and valuable background of your city, Leonard Staples of H. D. Lee Company and Charles Koester of City National Bank, both long-time friends of Phillips who came to our aid in getting established.

Not unlike other projects, the most important element was the people we found to run the organization—and with the help of the Branch of Employment Assistance of the Bureau of Indian Affairs who counselled our efforts to create a viable organization. In support to my prior statement concerning the quality of education although coming from different geographical areas, have been students at Haskell. In addition to their Indian education, many on the staff have successfully attended other schools of higher learning, but it is significant to note the important role BIA schools have played in preparing the Indian to assume his position in society.

The function of Indian Enterprises, Inc., whose directors and stockholders are repre-

sentatives of the four tribes of Northeastern Kansas, the Iowa, Kickapoo, Sac and Fox, and Potawatomi is to create opportunities for individual Indian entrepreneurship or tribally-owned businesses. All the earnings of the corporation are destined to be loaned or invested for building businesses and none are to be distributed as dividends. It is, however, and I think this important, that all recognize the corporation as a taxable, profit generating entity, capable of teaching people to be competitive, and yet, structured in such a manner that it does not destroy existing businesses established in our free enterprise system by seeking tax shelters.

We will grow, just as Cherokee Nation Industries has grown, because the innate "esprit de corps" of the American Indian knows how to meet challenges under controlled conditions. His fears are most apparent as an individual when confronted with those of society whose "aggressiveness" is just as natural as the Indian tendency to be reticent.

I regret time does not permit an opportunity to relate to you the successes experienced in bringing established industries at locations on or near areas of concentrated Indian population. They are varied in structure and product lines. It is a thrilling story of success—but one must fall before the public hears of the building of the staircase to the future.

Thank heavens—the Emerging American Indian is a positive, progressive, humble American with an unequalled empathy for his fellowman—and one who believes the future is filled with brightness.

AMERICAN CAN CO. EARNS RECOGNITION OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. McCLORY. Mr. Speaker, it was a source of satisfaction to receive the recent news release of the Equal Employment Opportunity Commission announcing establishment of a program to benefit black employees of American Can Company at Bellamy and Whitfield, Ala.

This announcement represents further evidence of this enlightened industrial concern to assure its black employees that they will be provided with opportunities for self-improvement, for better jobs and for better housing.

The joint program established by the Equal Employment Opportunity Commission in conjunction with American Can Company will provide immediate benefit to 75 black employees of the company at Bellamy and Whitfield, Ala. The details are set forth in the news release of Sunday, July 5, 1970, as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ANNOUNCES HOUSING FOR AMERICAN CAN COMPANY EMPLOYEES

William H. Brown III, Chairman of the Equal Employment Opportunity Commission announced today the establishment of a program developed in cooperation with American Can Company that will offer 75 Black employees of the company at Bellamy and Whitfield, Alabama, an opportunity to purchase new homes that will be built for them in the area.

The joint American Can Company-Equal Employment Opportunity Commission program could bring substantial immediate and long-range savings to the residents of the communities.

Seven Black employees have already purchased homes that were built as prototypes in the integrated community. The housing program has been under study and test since the summer of 1969.

A three bedroom home will be sold to the employee for $7,475. The four bedroom homes will be priced at $9,875.

Both three and four bedroom homes, which will be built by a Black contractor in the area, will be sited on 15,000 square foot lots. American Can Company will exchange 15,000 square foot lots at no cost for Black employees whose current lots fail to meet the 15,000 square foot minimum.

The Farmers Home Administration of the U.S. Department of Agriculture, which is making no-down-payment financing available to the southern families for the program, estimates that houses of similar construction are being sold in Alabama's Sumter County for at least $2,000 more than the Bellamy and Whitfield homes.

If all 75 Black employees take advantage of the American Can Company offer, the potential savings in the initial cost of the housing alone will be substantial. Additional long-range savings can be realized because of the lower interest rate possible under FHA financing than would be available over the 33-year loan period from conventional sources.

Construction plans and schedules were developed within American Can; wood products and engineering services of the company are being used wherever possible to save money.

The three bedroom home affords 960 square feet of living area and the four bedroom, 1,120 square feet. Both have decorative landscaping. Construction includes full bath, built-in kitchen cabinets and both front and back porches. The owner has his choice of exterior color schemes and interior paneling.

In announcing the program Mr. Brown said, "These attractive, well-built and efficient homes represent a positive self-help thrust. The homes that already have been built have created a new pride in their owners and a desire by their neighbors to participate in this upgrading of the individual family and the community.

"This cooperative program has been established after months of work by representatives of the American Can Company and Andrew C. Muse, Chief of Conciliations, and Richard A. Grossman, Senior Conciliator, of EEOC, together with representatives of a number of other government agencies. We believe that its successful completion will offer valuable guidelines to other companies that have accepted the responsibility of working with their minority employees as they achieve their deserved standards of life and human equality."

American Can's program to promote employment opportunity—without regard to race, color, religion, sex or national origin—has produced new promotional opportunities for Black employees in the Bellamy plant. For example, two Black employees at the company's lumber facility have been promoted to foreman and Blacks now hold five of seven assistant foreman positions. In the Company's program that advances workers from "helper" categories into skilled positions, eight of the ten workers currently classified as helpers are Black.

The EEOC also announced that a cooperative store at Bellamy is now in successful operation. The cooperative, whose Board of Directors is composed of four Black and three white Bellamy employees, was established with the guidance and assistance of the Farmer Cooperative Service of the Agriculture Department.

The Equal Employment Opportunity Commission was established under title VII of the Civil Rights Act of 1964. This Title of the Act prohibits discrimination based on race, color, religion, sex, and national origin in hiring, upgrading, and all other terms and conditions of employment.

WHAT DOES OUR FLAG AND OUR INDEPENDENCE DAY MEAN TO US?

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, Independence Day ought to serve to remind us of the struggles of our Founding Fathers and the simple truths of the ideals and the traditions which those Founding Fathers and succeeding great Americans in all the four corners of our land have given to us.

A patriotic merchant in my home town of Waukesha, Wis., sponsored a full-page advertisement in the Waukesha Freeman which contains, in simple but moving Independence Day ought to serve to reminders of our American heritage.

I commend the reading of these passages to my colleagues:

WHAT DOES OUR FLAG AND OUR INDEPENDENCE DAY MEAN TO US?

What's a flag? What's the love of country for which it stands? Maybe it begins with love of the land itself. It is the fog rolling in with the tide at Eastport, or through the Golden Gate and among the towers of San Francisco. It is the sun coming up behind the White Mountains, over the Green, throwing a shining glory on Lake Champlain and above the Adirondacks. It is the storied Mississippi rolling swift and muddy past St. Louis, rolling past Cairo, pouring down past the levees of New Orleans. It is a lazy noontide in the pines of Carolina, it is a sea of wheat rippling in Western Kansas, it is the San Francisco peaks far north across the glowing nakedness of Arizona, it is the Grand Canyon and a little stream coming down out of a New England ridge, in which are trout.

It is men at work. It is the storm-tossed fishermen coming into Gloucester and Provincetown and Astoria. It is the farmer riding his great machine in the dust of harvest, the dairyman going to the barn before sunrise, the lineman mending the broken wire, the miner drilling for the blast. It is the servants of fire in the murky splendor of Pittsburgh, between the Allegheny and the Monongahela, the trucks rumbling through the night, the locomotive engineer bringing the train in on time, the pilot in the clouds, the riveter running along the beam a hundred feet in the air. It is the clerk in the office, the housewife doing the dishes and sending the children off to school. It is the teacher, doctor and parson tending and helping, body and soul, for small reward.

It is small things remembered, the little corners of the land, the houses, the people that each one loves. We love our country because there was a little tree on a hill, and grass thereon, and a sweet valley below; because the hurdy-gurdy man came along on a sunny morning in a city street; because a beach or a farm or a lane or a house that might not seem much to others were once, for each of us, made magic. It is voices that are remembered only, no longer heard. It is parents, friends, the lazy chat of street and store and office, and the ease of mind that

makes life tranquil. It is summer and winter, rain and sun and storm. These are flesh, bone of our bone, blood of our blood, a lasting part of what we are, each of us and all of us together.

It is stories told. It is the Pilgrims dying in their first dreadful winter. It is the Minuteman standing his ground at Concord Bridge, and dying there. It is the Army in rags, sick, freezing, starving at Valley Forge. It is the wagons and the men on foot going westward over Cumberland Gap, floating down the great rivers, rolling over the great plains. It is the settler hacking fiercely at the primeval forest on his new, his own lands. It is Thoreau at Walden Pond, Lincoln at Cooper Union, and Lee riding home from Appomattox. It is corruption and disgrace, answered always by men who would not let the flag lie in the dust, who have stood up in every generation to fight for the old ideals and the old rights, at risk of ruin or of life itself.

It is a great multitude of people on pilgrimage, common and ordinary people, charged with the usual human failings, yet filled with such a hope as never caught the imaginations and the hearts of any nation on earth before. The hope of liberty. The hope of justice. The hope of a land in which a man can stand straight, without fear, without rancor.

The land and the people and the flag—the land a continent, the people of every race, the flag a symbol of what humanity may aspire to when the wars are over and the barriers are down; to these each generation must be dedicated and consecrated anew, to defend with life itself, if need be, but, above all, in friendliness, in hope, in courage, to live for.

THE REAL CAUSE OF INFLATION

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. BOLAND. Mr. Speaker, President Nixon has accused the Congress of profligate spending in exceeding the budget figures he set for the country's social programs. Increases the Congress has made in his budget, Mr. Nixon contends, threaten to fuel inflationary trends.

I disagree—and disagree emphatically.

The money we spend on social programs—programs for education, for health care, for housing, for job training—is piddling when matched against the staggering sums lavished on the military. The cost of the Indochina war and the Pentagon's whimsically visionary arms projects—the ABM, carrying a pricetag in the tens of billions, is a striking example—dwarf the cost of the programs we have developed to answer the country's pressing social needs. Military spending devours the lion's share of our yearly budget, leaving only scraps for social programs.

The real cause of inflation is military expenditures. Ending the Indochina war, and tightening rein on the Pentagon, will stop inflation.

The cost of social programs has only the most trivial effects on inflation. The Congress is merely honoring its social responsibilities by seeking adequate funding for such programs.

A newspaper column by William V. Shannon, published yesterday in the New York Times, eloquently discusses this issue. I insert Mr. Shannon's column in the RECORD at this point.

MR. NIXON ON SPENDING

(By William V. Shannon)

As both a politician and a football fan, President Nixon knows that an aggressive offense is the best defense. He has taken the offensive against critics of his economic strategy who believe that with high prices, high unemployment, and no economic growth, this Administration has managed simultaneously to combine several of the worst effects of inflation and deflation.

In a statement issued a week ago, President Nixon focuses on inflation and warns that prices cannot come down if Congress insists upon appropriating more money than he requested in his budget. He attacks frontally the argument that what is needed is a cut in defense expenditures and a change in national priorities. Mr. Nixon asserts: "Let's set the record straight. We have changed our national priorities."

In support of his assertion, the President points out that for the first time in twenty years, his budget provides more spending for human resources (41 per cent) than for defense (37 per cent). He compares his budget in this regard with the budget of President Kennedy in 1962 and of President Johnson in 1968.

These comparisons are significant because they at least reveal the Administration's sensitivity to the debate over national priorities. Without quibbling over these comparative statistics, two important qualifications have to be made with regard to the Kennedy budget of 1962. First, since Congress had not acted upon a long list of President Kennedy's educational and social welfare proposals, it was obviously not possible to spend money on programs that had not yet been approved. Secondly, the nation's economic performance in 1962 was decidedly unsatisfactory. The gross national product was rising but unemployment was even higher than it is now. That is why President Kennedy eventually proposed a major tax cut the following year.

JOHNSON'S RECORD

The comparison with President Johnson's record in 1968 is also instructive in a way in which Mr. Nixon did not intend. By then, Congress had approved the far-reaching social program which the Kennedy Administration had sought, as well as others formulated by Mr. Johnson. By then also, the economy had benefited for four years from the stimulating effect of the tax reduction which President Kennedy requested. Because of the enormous growth of the economy in the Kennedy-Johnson years, President Johnson could fight a sizable war in Vietnam and yet devote a smaller percentage of the national budget to defense than Mr. Kennedy had six years earlier.

THE EISENHOWER YEARS

Both the Kennedy and Johnson Administrations made errors in managing the economy, but by correctly concentrating on economic expansion, they helped bring about real increases in living standards and in educational and welfare programs. The Eisenhower Administration, preoccupied with the perils of inflation, especially during its second term, achieved a dismal record of slow growth and two recessions in its last four years.

President Johnson and the Democratic-controlled Congress of 1967–68 share the blame for inducing inflation by fighting a war without promptly imposing sharply higher taxes. Although President Nixon now talks of facing "hard figures" and possible "painful measures," his statement shows no evidence that he is any more willing than his predecessor to choose either of the two grim options—to end the war or to run a war economy.

Vietnam and the inflated military budget are the true breeders of inflation, not only in direct budgetary costs but in the even larger invisible costs of diverted manpower and wasted resources. Niggling cuts in social programs cannot reach the source of the economy's troubles. Indeed, with the population steadily growing and unmet urban needs accumulating, the nation has to have more schools, more hospitals, more housing and more people to man the social services. These requirements grow as inexorably as interest on the national debt.

To attack Congress for spending money for schools and hospitals may be good politics if the President is only concerned with shifting the blame for inflation. But if he is interested in raising real living standards and reducing the scandalous level of unemployment, he will join Congress in approving higher social expenditures. If he is interested in reducing inflation, he will do so by stopping the war in Vietnam and materially cutting back on military programs. Wars and stable prices do not go together. Not even the most adept economic juggling or facile rhetoric can conceal that fundamental incompatibility.

NECESSITY FOR BOXCAR LEGISLATION

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. NELSEN. Mr. Speaker, I must once again stress the necessity for boxcar legislation. As an indication of the severity of the boxcar shortage in the Second Congressional District, the four major rail lines serving our section of Minnesota have just reported to the Interstate Commerce Commission that anywhere from 13 to 40 percent of available cars are now being detained on other lines. The breakdown follows:

	Number of own cars on line	Percent on own line	Percent on other lines
Burlington Northern	30,516	59.5	40.5
Chicago & Northwestern	22,816	83.2	16.8
Soo Line	4,983	87.3	12.7
Milwaukee Road	12,736	78.7	21.3

The August, September and October grain harvest in the Midwest will be on its way to market soon, worsening this situation. Wheat, corn, and soybean production for this year is predicted to be 7.3 billion bushels, an increase of 145 million bushels over the last year. Much of this huge crop will move by rail, but the delay in receiving cars is certain to hamper the shipment of the grain. The elevators and other facilities will soon be filled to capacity, and the fight to get our grain to market has already begun.

In the 1968 ICC hearings on ex parte No. 252 dealing with the boxcar shortage it was pointed out that there were over 273,000 unequipped boxcars delivered after delays of 2 or more days, 36,000 of which were delivered after delays of more than 12 days. During harvest time this is too long. The grain accumulates at

the elevators. When storage space is no longer available, it is dumped outside where it is subject to damage by the elements. This situation has resulted in the loss of millions of bushels of grain, and prolonged storage charges for all concerned. For the farmer and the elevator operator, the delay in receiving needed cars to ship the grain to market can be disastrous.

In the 10-year period 1960–70, as the following table shows, the number of plain, serviceable, unequipped boxcars has dropped a total of 233,816 units.

Date and available supply of plain, unequipped, serviceable boxcars

Jan. 1, 1960	608,275
Jan. 1, 1962	559,588
Jan. 1, 1963	532,469
Jan. 1, 1964	505,273
Jan. 1, 1965	474,632
Jan. 1, 1966	444,485
Jan. 1, 1967	427,404
Jan. 1, 1968	397,501
Mar. 1, 1969	374,459

The need for more unequipped boxcars is critical.

In the ICC hearings on Ex parte No. 252, the Commission arrived at a plan that is intended to give those who own boxcars an incentive above the basic per diem rate during the critical shipping period between September and February. The purposes are to stimulate the quick return of cars to the owners, the building of new cars and the rebuilding of old unequipped boxcars.

With the basic per diem rate and the incentive charge combined, the rate of return on the rolling stock of the owning companies was expected to increase to 18 percent during the time of greatest need for boxcars, compared to a 6 percent return on the cars during the off season. That would be an average return of 12 percent per annum. It was hoped that by pursuing such a policy the debtor roads, that is, those using other roads' stock, would be encouraged to return cars and through the incentive payments receiving roads would be encouraged to build more cars.

I introduced a boxcar bill, H.R. 16890, on April 9th of this year to vest in the ICC additional authority to alleviate freight car shortages. At that time I stated that "a system of compensation for the use of any type of freight car, by other roads, should contribute to sound car service practices, including utilization and distribution of cars, and encourage the acquisition and maintenance of a car supply adequate to meet the needs of commerce and the national defense." I am now introducing another bill to authorize acquisition of boxcars by the Department of Defense to meet its rail shipment needs.

The Department of Defense, during the period October 1968 to September 1969, the most recent figures available, utilized 120,941 unequipped boxcars. Broken down into quarters, beginning with October 1968, the use of cars was as follows:

Date and number of unequipped boxcars

Oct. 1, 1968–Dec. 31, 1968	28,165
Jan. 1, 1969–Mar. 31, 1969	26,214
Apr. 1, 1969–June 30, 1969	36,543
July 1, 1969–Sept. 30, 1969	31,019

The average requirements per month of the Department of Defense was 10,078 cars. It is the purpose of this bill to appropriate $120 million for the purchase of not less than 10,000 boxcars by the Department of Defense to meet its car needs. After the purchase of the cars, the Department would enter into agreements with the railroads on exchanges of rolling stock between the Government and the private rail owners. The maintenance of the Government-owned stock by the rails would be at rates that would recognize the U.S. capital investment in such cars. Thus the per diem and demurrage charges would be less, saving dollars for the taxpayers.

This bill and H.R. 16890 together would represent a broad effort to alleviate the boxcar shortage. The Nation's farmers and shippers need this assistance, and by the adoption of such legislation a great step toward solving the problem will have been taken.

HEARINGS HELD BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION REGARDING THE CIVIL RIGHTS ACT OF 1964

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DENT. Mr. Speaker, on June 4, 1970, the Equal Employment Opportunity Commission held regional hearings in Houston, Tex. I am submitting for the information of my colleagues a statement presented at those hearings. The statement is in support of an amendment to section 703(h) of title VII of the Civil Rights Act of 1964 which provides that the professionally developed ability test should be "directly related to the determination of bona fide occupational qualifications reasonably necessary to perform the normal duties of the particular position concerned."

The statement follows:

STATEMENT ON PERSONNEL TESTING AND SELECTION

(By William H. Enneis)

It is an old American belief that a person should be hired on the basis of his or her ability to do a particular job. Few people oppose that idea, and many endorse it—even though favoritism manifesting itself in a variety of forms often mocks the ideal.

A basic problem, however, is that existing employment methods and standards are rarely known to produce a better work force than might be obtained by other techniques. Only a small fraction of employers rigorously apply business principles to the operation of their personnel selection programs.

Thus, most top corporate officials do not know whether their firm's personnel practices, including those related to psychological testing, produce a financial return on their annual expenditures. It is commonly accepted in business circles that funds should not only be recovered by the activities or items for which they are allocated but that there should be a reasonable profit on whatever investment is incurred. The application of this principle is commonly demanded in the production, sales, advertising, and research and development of services and goods. This is not the case with most employment testing programs. They are frequently installed uncritically without evidence that they will help produce a more efficient work force. Indeed, many employers not only fail to achieve a return on the cost of their testing programs but also fail to recover even their basic expenditures because the tests have no validity for employee selection. Therefore, it cannot be argued that tests are "good, economically-sound selection procedures" (as they have been represented) unless they have been proved to be so within the context of hard-nosed business and professional standards.

During the past decade, there has been a notable increase in testing procedures of doubtful utility. Some companies in Houston have even installed elaborate and expensive personality and temperament inventories for routine production jobs in the face of repeated industrial research that shows them to be completely useless for most employee selection but just dandy for psychological Peeping Toms and the personnel office that wants to reject an applicant on any phony pretense of an ostensibly "objective" nature. An official of the Atomic Energy Commission has said that ". . . the artificial, non-job-related entrance requirement hides more bigotry than all the white pointed hoods in the country," [1] and he suggested that our nation would have never developed into the world power it is now if some present-day psychological testing standards of acceptability had been applied to screen persons who settled here.

Tests though are not the sole employment hurdle. Educational standards—notably, demands for a high school diploma—are often set far higher than indicated as necessary by job analyses. In its recent "Guidelines on Discrimination Because of National Origin," [2] the Equal Employment Opportunity Commission said that it will "examine with particular concern" situations involving testing of English language skills and height and weight standards for employment where they are not required for the work to be performed. In these respects, the National Origin Guidelines are quite similar to the Commission's earlier "Guidelines on Employment Testing Procedures," issued August 24, 1966, in which a professionally developed ability test was interpreted as "a test which fairly measures the knowledge or skills required by the particular job or class of jobs which the applicant seeks, or which fairly affords the employer a chance to measure the applicant's ability to perform a particular job or class of jobs."

The confusion of standards of personnel selection and promotion with standards of employees' job performance has a catastrophic effect on the employment opportunities of minorities and women. The structure and content of contemporary recruiting and applicant evaluation methods result in disproportionately high rejection rates among these groups, usually without any supporting evidence of their business necessity. In the absence of validity evidence, an employer may be using a screening procedure whose only known function is rejection of minorities and women in greater proportions than of minorities and men. Disproportionately high rejection of minorities is a serious social problem by itself; and when no useful business function of the employment procedure has been demonstrated, there are many Title VII problems as well.

[1] H. T. Herrick, "Civil Rights, Gradualism, and the Established Order of Things". Speech at the AEC Industrial Relations Conference, Kansas City, Missouri, October 4, 1967.

[2] *Federal Register*, Vol. 35, No. 8, p. 421, January 13, 1970.

The vast majority of employment tests in use today are measures of achievement, usually those of an academic nature. The assumption that present achievement will predict future job performance is the basic premise for the use of most employment tests. Furthermore, the use of such achievement tests as potential predictors of job performance is based on the additional assumption that applicants have been exposed to the same general opportunities for learning, since, on the basis of the "equal exposure" concept, those persons who have the greater capacities for learning will have achieved more, as measured by tests, and may be the persons more likely to learn, for example, job skills.

Given the past and present conditions of our educational systems, this "equal exposure" or "equal opportunity" principle for learning and achieving, as measured by most employment tests, is completely false. Under these circumstances, the fact that a large segment of minority groups have not learned test-taking skills does not mean that they are unable to learn job-related skills, including those of a highly complex nature. Thus, so-called "aptitude" tests given to assess employability are often nothing more than indicators of previous opportunity to learn—not future job potential.

On the other hand, many employers say, "We cannot lower our standards," in defense of their continued low utilization of minorities. This argument is particularly frequent among employers who have experienced significant technological change. There is a widespread notion that internally complicated and sophisticated equipment must be operated by the most intelligent persons available. This belief has yet to be universally proven; and, in fact, there is quite a bit of evidence to show that as manufacturing processes become more and more automated, general intellectual requirements actually decline. Has anyone ever claimed that it requires greater intelligence, learning ability or mechanical aptitude to operate a zipper than to button up a coat? Certainly not. And everyone knows that a zipper is far more intricate than a simple button and buttonhole.

The Equal Employment Opportunity Commission has never advocated that an employer lower productivity standards among members of his work force. However, the Commission has consistently urged that *hiring standards* or qualifications be systematically validated against employee job performance and has often insisted that applicant screening methods and test cutoff scores be changed when these selection methods result in disproportionately high rejection rates among minority applicants or present employees and have no demonstrated validity for the employer's jobs. Only in this way can the employer establish that his selection procedures serve a real business need and that the qualifying level established for hiring or promotion is one below which a greater proportion of applicants ultimately fail to meet *standards of productivity* normally expected from experienced employees. After all, if scores derived from a screening procedure are not related to employees' performance, absolutely no level of qualification for employment can be set that will result in a better work force, as determined by relevant measures of employee productivity and effectiveness.

Thus, it is high time that employers, unions, and employment agencies stop confusing tests, education, interviews, and application blanks with job requirements when they think of the "qualified" employee. Standards of employee performance are derived from job requirements and duties. They do not reside in test scores, years of schooling, and data from application blanks and interviews. In this respect, psychological tests have been highly touted by their publishers and their users on the basis of "objectivity" and freedom from the bias or prejudice which can operate, for example, during an interview. This is a highly specious argument because, from an equal employment opportunity viewpoint, no test is objective unless results from it are known to be directly related to measures of employee effectiveness for a particular job or class of jobs.

Perhaps too much attention has been directed to employment tests as "discriminatory" and "culturally-biased" instruments. The attack on tests has tended to obscure the fact that *it is people, not tests*, that practice employment discrimination. People can discriminate; and some do. Tests do not screen out or screen in applicants for employment; people do. Tests do not exercise judgment or make personnel decisions; people do. Tests do not hire and promote; people do.

In conclusion, irrelevant and unreasonable standards for job applicants and upgrading of employees pose serious threats to our social and economic system. The results will be denial of employment to qualified and trainable minorities and women, creation of labor costs, and erection of job barriers that are incompatible with both the necessities of American industry in particular and the goals of American society in general. The commission will not stand idle in the face of this challenge. It will fight employment discrimination in whatever form it occurs. The cult of credentialism is one of our targets.

CAMPUS DISORDERS PART OF A RED PLOT?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. SCHMITZ. Mr. Speaker, under consent to extend my remarks in the RECORD, I wish to include an interesting article by Henry J. Taylor entitled "Campus Disorders Part of a Red Plot?" I believe it deserves wide attention.

The article follows:

CAMPUS DISORDERS PART OF A RED PLOT?

(By Henry J. Taylor)

Are part of the campus disorders a Red plot? You be the judge. For a perilous feature of our day is that too many people are either too civilized, too inexperienced, too distracted or too dense to grasp the documented truth.

CENTER IN PRAGUE

We are being brainwashed whenever we are told that the thrust here is not organized. The CIA and FBI both know that the center for it is in Prague, within the shadow of the Ruzyne Airport. There the immense so called International Union of Students, financed and brain-trusted by Moscow, is supporting university anarchists here and throughout the free world.

The Kremlin departmentalizes this place into "country desks." Each section supervises a country. Cunningly, each tailors the "issues" for each country. Naturally, the IUS drums on the Vietnam issue here and "Peace! Peace! Peace!" to further a Red victory in Southeast Asia.

A Pole, Vlod Konarski, a man with a bite like a saber tooth tiger, supervises the British thrust. The IUS vehicle there is the militant Radical Student Alliance in London. Two subdivisions are supervised by Jean Bourgareau, a Frenchman, and Martin Abeln, who is Dutch.

In Erie the IUS thrust, locally called the International Movement, is based at Trinity College, Dublin. The IUS supervisor is Hardial Sinh Bains, a naturalized Canadian born in India.

A Bains sidekick is Ralph Schoenman, 34, the student shepherd of the Bertrand Russell Peace Foundation—the man who concocted the mock trial of President Johnson in Stockholm in protest against Vietnam ironfisted Schoenman served a "martyr" stretch in Montjoy Prison, Dublin. Britain banned Schoenman and Scotland Yard caught him. To the dismay of the CIA and FBI. Schoenman had an American passport.

In West Germany the Berlin police documented the IUS's control of Rudolph Dutschke ("Red Rudi") when Dutschke was arrested on April 11, 1968, during riots in nearly all the West German universities.

In France the IUS thrust is supervised by Daniel Cohn-Bendit ("Before you can build you must destroy"), who is not even a Frenchman. He's German. The success, typified by the March 3 Natarre campus mayhem which saw Dean Paul Ricouer kidnapped and 125 policemen injured, has all but paralyzed French education. University faculty members are brutalized and kidnapped almost daily.

The French Parliament has enacted a university reform law. In it the campuses are supposed to be autonomous. But by staging demonstrations identical with those here the continued attacks have forced Education Minister Oliver Quichard to open France's campuses to police jurisdiction by declaring university grounds to be public thoroughfares.

President Georges Pompidou himself has stated, in desperation, that "there is no security on many major campuses in France."

SITUATION IN ITALY

I had lunch in New York not long ago with Italian Foreign Minister Aldo Moro. Italy, too, has enacted a new university reform law. Moro, himself a professor, sponsored it. "But what can we do?" he asked. "In my country, as in France, your country and throughout the free world, the Reds' technique is always to up their demands with every concession they gain."

Japanese Premier Eisaku Sato spoke similarly on his visit here. He said that last year student arrests in campus disorders exceeded 14,000 (ours exceeded 3,600) and that the IUS thrust has reduced Japanese educators to a shambles. The IUS vehicle there is the immense Zengakuren student organization along with five other factions.

There's no Alfred Hitchcock mystery in what is happening here, nor the brainwashing that accompanies it. Of course, none is so blind as one who will not see. But, wake up, America!

Our enemies are promoting a civil war in the United States. "It can't happen here" is a totally dangerous philosophy. It will happen if we still refuse to wake up and call a spade a spade.

QUESTIONS REGARDING RECURRING ANNUAL GRANTS TO COLLEGES AND UNIVERSITIES FOR RESEARCH ARE ANSWERED BY THE SECRETARY OF THE INTERIOR

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mrs. HANSEN of Washington. Mr. Speaker, on July 22, 1970, when the House was considering the conference

report on H.R. 17619, the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1971, certain questions were raised with regard to recurring annual grants reportedly made by the Department of the Interior to various colleges and universities for research.

I have brought this matter to the attention of the Secretary of the Interior, and under general leave granted to revise and extend my remarks on the conference report, I would like to place in the RECORD a letter received by me from Secretary Hickel in this connection.

It will be noted that the only annual recurring research grants made to colleges and universities are those authorized by Public Law 88-379, under the Office of Water Resources Research.

UNITED STATES DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 23, 1970.

Hon. JULIA BUTLER HANSEN,
Chairman, Subcommittee on Interior and Related Agencies Appropriations, House of Representatives, Washington, D.C.

DEAR MRS. HANSEN: This will refer to your request for information concerning annual recurring grants to colleges and universities for research.

The only program that the Department administers which makes annual recurring grants to colleges and universities for research is the program authorized by Public Law 88-379, under the Office of Water Resources Research.

Under this program, which is known as "Assistance to States for Institutes," the Office of Water Resources Research makes annual grants of $100,000 to a State university in each of the 50 States and in Puerto Rico. The request for funds to finance this program is set out as a line item under the appropriation for the Office of Water Resources Research in the President's budget and is justified annually to the Congress. Each State university receiving a grant submits to the Office of Water Resources Research for review, a list of its proposed research projects.

The appropriation items, Salaries and Expenses, Office of the Secretary, does not include grant funds for colleges and universities. The funds provided under this appropriation, as you know, are used to finance the immediate Office of the Secretary, the Under Secretary, the Assistant Secretaries and related departmental direction.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

REPRESENTATIVE WHALLEY PRESENTED DISTINGUISHED SERVICE MEDAL BY THE AMERICAN LEGION

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, in recognition of Congressman J. IRVING WHALLEY'S long, distinguished service to the Nation and especially to the people of Pennsylvania, he has been honored with the Pennsylvania Department of American Legion's highest award, the Distinguished Service Medal. I certainly agree with the choice and am happy to join in this expression of appreciation to my friend and colleague for his devoted years of service to our country. Congressman WHALLEY has spent many years representing the 12th Congressional District of Pennsylvania and has been a true friend to the causes of his district and his State. My fullest congratulations to Congressman WHALLEY for his great service in the past, and appreciation for his continued personal friendship, and best wishes for his good health in the future.

The letter informing Congressman WHALLEY of this distinctive award is as follows:

THE AMERICAN LEGION,
Harrisburg, Pa., July 7, 1970.

Congressman J. IRVING WHALLEY,
Windber, Pa.

DEAR CONGRESSMAN WHALLEY: I am very pleased to inform you that you have been selected to receive the highest award that the Department of Pennsylvania American Legion bestows to an individual, the "Distinguished Service Medal."

The selection committee has selected you to be the recipient of this award for this year because of your great service that you are rendering to mankind.

This award in past years has been given to Dr. Jonas Salk, Dr. Milton Eisenhower, Richard King Mellon, Governor Edward Martin and Mrs. Clifford Heinz.

It is requested that you be present at the 52nd Annual State Convention of the Pennsylvania American Legion session on Friday, July 17, 1970 at 1:00 p.m. in the Educational Forum Building (capital complex) in Harrisburg, Pa. for the presentation of this award by State Commander Henry R. Woods.

Looking forward to seeing you at that time, I am

Sincerely,

EDWARD T. HOAK,
State Adjutant.

PARABLE FOR A DIVIDED NATION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, there are, on occasion certain public addresses which succinctly constitute profound statements on the current state of our Nation and of those who live within its borders. Such a statement, I believe, was delivered last fall during the first October anti-Vietnam war moratorium on October 15, 1969. This address has recently come to my attention and I wish to commend it to my colleagues, not because it is still another peace polemic, necessary as they may be while the war goes on, but because it is a relatively timeless statement concerning a divided Nation that very much needs to pull itself together and engage in a productive dialog which gives a fair hearing to all of the many points of view which are today present.

Warren H. Schmidt, assistant dean at the Graduate School of Business Administration of the University of Southern California at Los Angeles, delivered this parable at a conference on adult education at Asilomar in California. Although the Vietnam war was not on the agenda, and although the parable is not specifically concerned with the war, he felt that he wanted to discuss the shattering divisiveness within our Nation. He was rewarded with a standing ovation following his talk. I believe, since his remarks, that my colleagues will see the reason for the warm response. I include his presentation at this point in the RECORD:

IS IT ALWAYS RIGHT TO BE RIGHT?

SOME REFLECTIONS ON TENSIONS AND HOPES

(By Warren H. Schmidt)

There once was a land where men were always right, they knew it . . . and they were proud of it.

It was a land where a man was proud to say, "I am right" and "You are wrong."

For these were words of conviction, of strength and of courage.

No one was ever heard to say, "I may be wrong" or "You may be right," for these were words of weakness, uncertainty and cowardice.

When differences arose among the people of this land they sought not to re-examine and explore, but only to justify and persuade.

When differences arose between the old and the young, the older would say:

"We have worked hard to build this great and prosperous land.
We have produced cars and highways that permit us to move quickly from place to place.
We have built planes that surpass the speed of sound.
We have produced computers which solve complex problems in milliseconds.
We have even touched the moon.
We expect those who inherit this good land to appreciate what we have accomplished and to build on the heritage we have given to them."

These older people were right, of course, and they knew it and were proud of it.

But the younger people of that land would respond:

We see around us a land that has been befouled and exploited.
People starve where food is plentiful.
Laws and practices prevent some from having an equal chance to develop and to influence.
Noble and moral words are matched by selfish and sordid deeds.
Leaders urge us to fight wars to preserve peace—and the fighting does not end.
The whole scene is phony and polluted and inhuman and out of control.
We want no part of this money-mad Establishment.

These younger people were right, of course . . . and they knew it and were proud of it. . . . and the gap between the generations grew wider.

When differences arose between men of different races, those from the majority race would say:

We are working steadily to build a land of justice and equality for all of our citizens.
We have made considerable progress—but social progress does not come swiftly.
Those whom we seek to help and lift can only hurt their own cause when they push and intrude and pressure us.
Let them show some patience—and let them use more fully the opportunities we have already supplied.
Then we will feel like doing even more for them.

These people of the majority were right, of course . . . and they knew it and they were proud of it.

But those from the minority group would reply:

We have been pushed around too long and we are angry.
We have been confined to a ghetto.
Our children's education has been stunted in second-rate schools.
We have sen jobs go to less qualified while our people are rejected or shunted into menial tasks.
We see a thousand subtle signs that brand us and our children as second-class citizens in this land.
We will tolerate lofty promises and meagre deeds no longer.

These people from the minority were right, of course . . . and they knew it and were proud of it. . . . and the gap between the races grew wider.

And so it went in this land . . .

Group after group defined the right
And took their stand
And upheld their position against those who opposed them.
It happened between those who taught in the school and those who provided the funds.
It happened between those who gave priority to a strong defense and those who gave priority to better cities.
It happened between those who pleaded for peace at almost any price and those who argued for national honor at almost any cost.

Everyone was right, of course . . . and they knew it and were proud of it . . . . and the gaps between the groups grew wider.

Until the day came when the rigidity of rightness caused all activity to come to a halt.

Each group stood in its solitary rightness, glaring with proud eyes at those too blind to see their truth, determined to maintain their position at all costs (For this is the responsibility of being right).

Now the quality of life in the land declined
And grew more grim
And the people became more angry
And violence increased.

People had more things, but their sense of well-being and personal fulfillment diminished.

Some measured the cost in tasks undone and energy wasted.

Others in loneliness and fear.

Most felt powerless and without hope.

But through the tense days of confusion and gaps of all kinds, some maintained their vision of a time when men would again value their differences . . .

As a source of richness
As a stimulant to learning
As a base for creativity.

Then . . .

One day a strange new sound was heard in the land.

Someone said, "I may be wrong . . . You may be right."

The people were shocked that anyone could be so weak and so confused.

But the voice persisted.

And when the people looked, they saw that it came from one who was known for his strength and wisdom.

And some people began to listen in a different way.

It now seemed safe to listen to opposing—and even "wrong"—views.

As they listened, they discovered common beliefs they had not known before.

They even began to see signs of humanity and noble purpose in those whom they once only knew as adversaries.

Here and there men expressed their common desires in deeds—and bright examples of joint action were seen in the land.

With each new effort, men's faith in one another grew . . . and their faith in the future . . . and in their ability to shape their own destiny.

They stated these beliefs in a Declaration of Interdependence which read in part . . .

All men are created equal—but each develops in a unique way.

All men are endowed with certain inalienable rights—but each must assume certain inevitable responsibilities.

For the happiness and fulfillment of all depends on the commitment of each to accept and support equality and uniqueness, rights and responsibilities.

In this land men had learned how two rights could make a costly wrong.

That it may take less courage to point a finger than to extend a hand and less wisdom to defend a narrow right than to search for truth.

Most important of all, the people of this land had learned that the quest for truth is never over; that the challenge is always the same . . .

To stop fighting long enough to listen.
To learn from those who differ.
To try new approaches.
To seek and test new relationships.
And to keep at a task that never ends.

WHY DID DAVID HAVE TO BE KILLED?

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. SIKES. Mr. Speaker, the story of war is replete with sadness and personal heartbreak, yet there seems always to be gallant and noble expressions of confidence and belief in our country which help to compensate for the tragedy of war. A young man from Fort Walton Beach in my district, whose name was David A. Hickman, was killed in service. Another brother Ronald, also in the service, wrote a letter to his 11-year-old sister about the death of their brother. I don't think many communications have been penned which express patriotism more clearly. How good it would be if every young man and woman could read this letter and heed its contents. I submit it for publishing in the RECORD, for indeed it is a touching letter. David Hickman was a son of retired Lt. Col. and Mrs. John E. Hickman:

[From the Playground Daily News, May 28, 1970]

WHY DID DAVID HAVE TO BE KILLED? AS EXPLAINED TO AN 11-YEAR-OLD

(EDITOR'S NOTE: A Navy petty officer, 22, from Fort Walton Beach, wrote to his 11 year old sister, explaining why their older brother was killed in Vietnam, explaining maturity.)

Dear Lori, first I will explain why I am writing this letter. I do not intend this to be a one-sided lecture, nor is it meant as advice; the only advice I can give you is "Decide for Yourself." What this is, is simply an explanation, for I believe I owe this to those whom it concerns. This concerns you, as well as each one of our family, including myself.

David was killed last December. We wondered how it happened, where it happened, when; but mostly we asked why. Why? Why did David join the Army? Why did he go to Vietnam? Why was he killed?

Perhaps, I can explain; to you and myself.

Why did David join the Army? The answer to this question is the same as the answer to the question: "What is the difference between a child and an adult?" A child is someone who wishes all the time, and wishes that his wishes come true. An adult is a person who realizes that wishes accomplish nothing, and only through productive achievement can he achieve his desires. In other words, an adult is someone who works for his own living, and refuses to "sponge" off others.

Every child, some sooner than others, comes to a point in his youth when he must decide whether he wishes to be fed, clothed, and protected by others, or whether he works to feed, clothe, and protect himself. Some never make this decision, and live their life in a state of constant dreaming or childish nightmares. They live in the world of Peter Pan and never grow up. They "hope" and "wish" and "dream" and that's all they do. In reality, this accomplishes nothing.

Those that do decide to become adults, to support their own life, no longer dream the impossible dream or reach for the unreachable star. They struggle to realize the possible dream and reach for the reachable star. For those reasons—and many more—David joined the Army.

Why did he go to Vietnam? He did not go there to sacrifice his life. A sacrifice is when you give something up and receive nothing. He went there to live and to fight for the way of life he wanted, along with those who believe the same. So he did indeed expect to gain something by going there. He sought to attain his values and to stop those who tried to destroy them. He did not sacrifice his life. It would have been a sacrifice if he was willing to live under the conditions of those whom he opposed. He was not.

He did not go there on a simple mission: destroy, kill. He went there to stop those who seek to destroy our way of life and our lives. He was trying to destroy destruction. He was fighting to keep values he believed in: freedom of thought, freedom of work, freedom of happiness, independence, of the spirit. All these ideas are exactly what Communism is opposed to. Too many people believe that while Communist methods are evil, their goals are noble. It is this belief among the men who are still free that is responsible for every Communist victory in history. Their methods are ghastly, their goals are inhuman.

We do not exist for the State's pleasure, but for our own; we do not work where and in what manner we are told to but do the work we choose; we don't buy what is dictated to us, but instead, we buy what we want. We do not shackle our minds and believe everything that is told us, but we free our minds and decide the truth by reason. This is their reason for hating us, their reason for trying to "bury" us. David chose not to let them do it.

Maybe conditions aren't as they should be in this country or as ideal as we want. But wishing will not change these conditions and tears won't stop them. When people are dying of hunger around you, your heart will be of no earthly use to them. It is only with your mind and your creative labor can you change things. This is why David was killed, because he fought to change things into the way they ought to be, and can.

But you and I look on and say "What can I do to match what he did? What can I do to equal his effort?"

By remembering what values he strived for; by remembering what he lived for; by giving yourself value to the same ideals he held as valuable. But only if you decide to, and not because "I said so."

There are many things I see and do not like. I have chosen to build as I think they ought to be and can. It takes very little

knowledge and skill to tear a building down. It takes creative thinking, determination and labor to construct the building and keep it standing.

The same holds true of any system, government organization, or way of life. It takes very little imagination to gripe about it, mock it, and destroy it. But think of the effort, creativity and purposefulness of the men who constructed that government and its ideals. Such men are responsible for all the good that has ever appeared on earth.

Yes, you may choose to remain a child, and dream of gumdrops hanging from trees, and beds of clouds, sidewalks of gold, and Peter Pan wishes, but don't be surprised when you have nightmares of Captain Hook or wicked witches of the North.

Or you may create with skill of your hands and the confidence of your mind, and feel a warmth of pride and accomplishment. In this manner, childish fears can be easily overcome, and enemies easily defeated.

Your decision may not come for many years, but when it does, don't evade the necessity of decision; it will not change the fact that there is a choice. And that choice is yours. Make the best of it.

Your brother,

Ron.

PATRIOTISM

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DICKINSON. Mr. Speaker, it is my pleasure to call to the attention of the Members of the House of Representatives a fine young person, Miss Kate Keifer. Miss Keifer is one of my constituents and quite an orator. She is presently a junior majoring in history in the school of education at Auburn University. Upon graduation, she plans a career as a teacher.

The following speech was her entry in the "Miss Patriotism Contest" sponsored by the Classified Service Clubs of Montgomery for the July 4 celebration:

PATRIOTISM

(A similation of burning the American flag)

What if I were to actually burn this American flag? What would be your reactions to this act? First, you would probably feel hostile toward me; then you would think "why would she burn this flag, this is a symbol of my freedom, my life. Why, that is almost like burning my country." Do you know what these feelings are? They are what some people call Patriotism.

Patriotism is not a new thing—why, it's as old as man, because as long as man has been on this earth, he has had pride. Pride in himself, his home, community and now his country. Patriotism today is not as it was in 1776, even if we would like it to be that way. Yet, it is not dying, it is not twisted out of sort as some people think. Why, just the other day I was riding down a residential street and five out of ten houses I saw had American flags flying from the front of their homes. Now why in this day of no morals, drug abuse, and political conflict, why would these individuals fly this symbol of Americanism? Because this is America and only in America does a flag mean so much to a country. Only in America does your heart jump into your throat when you see Old Glory raised or hear the National Anthem. Patriotism is working, thinking, doing what is best for mankind, and when you do, you will have done it for your country.

As you know, the Pledge of Allegiance is made up of several phrases—all having a meaning that touches all mankind. They are meanings of unity, of brotherhood, of a God-fearing nation—in essence, a symbol of love. In the Bible in 1 Cor., verse 13, in part it reads:

"Though I speak with the tongues of men and of angels, and have not Love, I am become as sounding brass, or a tinkling cymbal. And though I have the gift of prophecy and understand all mysteries, and all knowledge; and though I have all faith, so that I could remove mountains, and have not Love, I am nothing."

Aren't we "nothing" without pride of home, family, and country; in other words, aren't we "nothing" without Patriotism?

ENVIRONMENTAL TECHNOLOGY AND VOCATIONAL EDUCATION

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. PICKLE. Mr. Speaker, industry is crying for technically trained manpower.

While society has the philosophy that the student must obtain a 4-year degree, only about 20 percent of any age group, although not necessarily the top 20 percent in ability, secure such a degree. What about the other 80 percent? Are they to be left with little or no preparation for today's and tomorrow's technological society in which they are expected to become productive, useful citizens? The answer, of course, must be no.

What is being done about this problem?

We support a number of remedial programs. But the National Advisory Council for Vocational Education has reported that some of these cost as much as $12,000 for every man or woman placed in a job. This is compared to an estimated figure of $1,000 to $2,500 if a student were enrolled in a Federal, State, or local vocational program included in a mainstream secondary or postsecondary school system.

Mr. John Vaclavik of the office of the Governor of Texas tells of the efforts of our State to follow this less expensive—and more effective—route, which begins at the ninth grade level.

I am pleased to insert his comments in the RECORD at this time:

I am proud to report that my home state of Texas this past September initiated a demonstration project in 16 secondary schools with 1,000 students enrolled. This program will prepare the students for the "world of work." The Environmental Technology Program, as it is called, was born in 1968 when the Mechanical Contractors of Texas and allied industry groups through the medium of the Construction Industry Council conducted a manpower survey in Texas. In every category the study revealed a shortage which was expected to rapidly accelerate.

Shortly after taking the survey, the Texas Education Agency was approached by industry to assist the public schools to train students for this manpower shortage. Out of these discussions came the Environmental Technology Program which includes air/water pollution control; air/water distribution; air/water treament; as well as the manufacturing, distribution and service related job descriptions that supplement and make the environmental control industry possible.

The curriculum for the Environmental Technology Program begins in the 9th grade where the student is introduced to the world of work through lectures, readings, and visits to plant sites. In the 10th grade, he studies, plumbing, pipe fitting, and welding. The 11th grade is devoted to heating and air conditioning, and in the 12th grade the student spends half a day in the classroom and the other half working for industry in his chosen field.

Since the courses of the Environmental Technology Program are electives, the student also takes regular academic subjects. Consequently, upon graduating from high school, he is prepared for college entry. However, if he does not go to college he can enroll in a technical school, enter an apprenticeship program, or enter the labor market. Nevertheless, wherever his educational training ceases, he will have a saleable skill and will be a taxpayer as opposed to a welfare recipient.

After reviewing the Environmental Technology Program, which has been well received by the Texas Education Agency and cooperating local schools, the United States Office of Education called a meeting on December 11, 1969 here in Washington with a cross-section of interested governmental agencies and national industry representatives. The purpose of the meeting was to gain a better understanding of how the program was originated, its potential, and possible use of the pattern by other states. As a result of the December 11 meeting, a follow-up session was held in February 1970 to explore the matter further.

I am pleased that Texas has assumed a leadership position in offering solutions to our various educational problems rather than wringing their hands and waiting for the inevitable explosion. It should be noted that the Environmental Technology Program in Texas is one of many attacks on the manpower problem and is not the only solution. However, it is one of the most interesting and innovative projects being undertaken in our state.

I commend my Governor, the Honorable Preston Smith, for his outstanding work for the improvement of technical-vocational education and support him in his objectives. Governor Smith has long been a friend of technical-vocational education.

I submit, with Mr. Vaclavik, that it is now the joint responsibility of the Congress with the several States to provide the funds and the leadership to streamline the public education system to accomplish the vital function of preparing every child to earn a wage and to find a responsible and useful place in his community. It is only through such creative activity that we can undergird our basic concept of the dignity of work and the right of every person to reach for his own destiny.

POWER (PRISONERS OF WAR EFFECTIVE RELEASE) DRIVE

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. LUJAN. Mr. Speaker, the following article appeared in "The Enchanted News", second quarter. This magazine is a quarterly publication of the Penitentiary of New Mexico:

POWER (PRISONERS OF WAR EFFECTIVE RELEASE) DRIVE

The stereotyped image of a convict is a variable thing. It seems to depend upon the immediate purpose of its use. The image can be frightening, comical, or even pathetic. But it remains exactly that only—an image.

In fact, convicts are people . . . human beings . . . individuals. And it may come as a surprise to find that they possess the same emotions and capacities as their free-world counterparts. Convicts think, worry and regret. They get hungrey, cold, sick, happy and lonesome. They work, play, laugh, and even cry. In other words they feel every single emotion that non-convicts do. Maybe they feel some things even deeper.

Recently, Mrs. James L. Hughes met with Warden Felix Rodriguez and Deputy Warden H. R. Herrera at the Penitentiary of New Mexico to discuss the possibilities of having the penitentiary art department design and layout art work concerning release and humane treatment of prisoners of war. Mrs. Hughes' husband is a prisoner of war in North Vietnam.

Mrs. Hughes told of many fruitless efforts to find out about her husband's status and welfare, including a trip to Thailand to visit the North Vietnam Embassy in Bangkok. She heard from her husband only after purchasing a full-page ad in the BANGKOK POST to appeal her situation. She has heard nothing since.

It became apparent to Mrs. Hughes, and many other families who have men held as a prisoners of war, that appeals through paid advertisements in neutral countries would be their greatest hope in securing word about their men. As a result, Rescue-Line was established toward that aim. The creation of Rescue-Line was a sort of last resort to effect the release—or at the very least, some news—of these men. The organization has been attempting to raise the funds necessary to accomplish their goal, but these efforts have not met with the success of which such a campaign is worthy. As an example, an advertisement soliciting funds was run in an Albuquerque newspaper at a cost of more than one hundred dollars. The ad drew some thirty dollars in contributions! This, and other experiences, moved Mrs. Hughes to seek assistance in other—some might say peculiar—places. With the idea of prisoners helping prisoners, Mrs. Hughes sought assistance at the Penitentiary of New Mexico. She felt that men at the penitentiary, being prisoners themselves and locked away from their families and loved ones, might be able to offer some suggestions in art and other ideas that would bring the situation concerning the men held as prisoners of war to the attention of the world.

Mrs. Hughes pointed out that some 1,406 families—including some 4,000 children—await anxiously some news, day by day, that their husbands or fathers are safe. But that word never comes. The men are held without even the privilege of communication.

Well now! What would you expect a bunch of "cons" to do? After all, they are convicts, aren't they? Well here is what they did. Are doing!

With the approval of Warden Felix Rodriguez and Deputy Warden H. R. Herrera, a committee was formed to organize ideas for a concentrated campaign. The name power drive was coined—standing for Prisoners of War Effective Release Drive—and to prevent anyone from taking part through the hope of personal gain or recognition, an agreement was made that there would be no names involved. All work would be performed anonymously. With this understanding, the planning got underway. Special art work was done and posters prepared. These have been designed for use anywhere in the world. Publicity and advertising ideas were worked out. Service clubs and other inmate groups were contacted and told the story. Ideas for an effective campaign began to take shape. And money started to come in; money from convicts.

Needless to say, convicts aren't among the nation's high income groups, but contributions ranging from $1.00 to $10.00 have been received. And through the combined cooperation of the administration and officials of the blood plasma program, arrangements have been made whereby inmates without money can give blood and have $5.00 deposited to the account of Rescue-Line. At the time of this writing well over $300.00 has been received, and money continues to come in.

Those inmates active in power drive hope to spread the campaign from the Penitentiary of New Mexico to other penal institutions, and through inside service clubs, to the outside. It is their hope that enough money can be raised, enough publicity generated, to aid in the release of—or at least the establishment of communications with—those Americans held as Prisoners of War.

One of the interesting aspects of the power drive campaign is that personal feelings about American involvement in the Vietnam conflict seem to have little effect on the willingness of inmates to help. One of the men summed up the general feeling when he said, "No matter why a man is locked up, he should be treated like a human." That seems to be the whole idea. Humanity. And right now, at this moment, for the first and probably only time, many of the inmates of the Penitentiary of New Mexico can say, I'm proud to be a convict.

STOPPING THE SWING TOWARD PROTECTIONISM

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. WHALEN. Mr. Speaker, the Ways and Means Committee's announcement of its tentative decisions on a trade bill has brought about a somewhat belated reaction by those of us who fear the overall economic impact which a return to protectionism will inflict upon the Nation.

Since 757 trade and tariff bills have been introduced in this Congress alone, it perhaps would have been appropriate if the effort to educate the public had begun sooner. Nevertheless, in an effort to stem the protectionist tide here at almost the 11th hour, I am inserting another editorial in the RECORD. This one is from the July 25, 1970, issue of Business Week. The editorial is concerned particularly with the myth that the United States is an open market and with the assumption that foreign competition is "unfair" because pay scales are lower than in the United States:

STOPPING THE SWING TOWARD PROTECTIONISM

After almost 40 years of progress toward freer international trade, the U.S. suddenly is threatening to retreat once again into protectionism. The trade bill now taking shape in the House Ways and Means Committee would mark a definite reversal of the policy the nation has pursued since the time of Cordell Hull. In fact, it would enjoy the dubious distinction of being the most restrictive trade legislation since the Smoot-Hawley tariff of 1930.

President Nixon is absolutely right to serve notice on Congress early in the game that he will veto this bill if it succeeds in getting through the House and Senate. But it will take more than just the threat of a veto to stem the rising protectionist sentiment in Congress and among a disturbing number of U.S. businessmen. The Administration must take the lead in explaining the vital stake that the U.S. has in an expanding system of international trade. At the same time, it must take firm action to deal with the legitimate complaints of American businessmen.

Ways and Means Committee hearings revealed widespread misunderstanding—as well as some deeply cherished myths—about the role that trade plays in the U.S. economy. Underlying much of the testimony were mistaken assumptions: for example, that foreign competition is "unfair" because pay scales are lower than in the U.S.; or that the U.S. is the only "open market" on earth.

Actually, low wages abroad are associated with lower productivity. The U.S. can maintain its wage differential—and its higher standard of living—provided its workers continue to be more productive. Curbing imports of textiles, shoes, and other products would remove the spur of competition, which is one of the most important factors promoting increased productivity. Workers in the protected industries might benefit—but at the expense of consumers who would pay more for the goods.

The notion that the U.S. is an open market is pure myth. More than 20% of U.S. imports are controlled by quotas (such as those on oil and farm products); the average U.S. tariff level on industrial goods is above the Common Market average.

American businessmen, however, do have some ground for arguing that they are not getting a fair shake in world trade. While the U.S. has its own nontariff obstacles to trade, Japan bristles with a far greater array of quotas and other barriers to U.S. products and investment. These violate the rules of both the General Agreement on Tariffs & Trade (GATT) and the International Monetary Fund.

The Common Market is creating a discriminatory trading bloc through preferential trade agreements with other countries—also in violation of GATT. And Japan and European nations alike provide aids to exporters that in many cases amount to subsidies.

The U.S. can maintain its commitment to feer trade and still refuse to be a patsy for nations that want to play a double game. The President has extensive powers under existing laws to retaliate against unfair practices and to protect American producers by such means as countervailing duties.

At the same time that he fights to stop the protectionist swing at home, the President should use these powers aggressively to force our trading partners to play a clean game and open their markets to U.S. goods. By making sure that U.S. producers are on equal footing with foreign competitors, the President will undermine one of the chief arguments that the protectionists have used in Congress.

A TRIBUTE TO THE HONORABLE JOHN C. KUNKEL

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. WHALLEY. Mr. Speaker, it is with a deep sense of sorrow and regret that I call to the attention of the House the passing of a former colleague and fellow Pennsylvanian, the Honorable John C. Kunkel, who served in this Chamber from 1939 through 1951, and

again from 1961 until his retirement in 1966.

John Kunkel descended from a family which had produced many Congressmen before him, extending back to the Continental Congress. He carried his family heritage boldly and gallantly; he was a tribute to his ancestry.

While serving in Congress, John Kunkel distinguished himself for his capabilities, and was often called upon to handle the most difficult assignments. Although serving in the minority party for most of his congressional career, he was able to command the respect and admiration of all who knew him.

John Kunkel was a scholar and a statesman. His contributions to the 16th District, which he represented, and to the State and to the Nation, will long be remembered. He was true to the American principles and gave of himself completely in all his endeavors.

Mrs. Whalley and I offer our deepest and most sincere condolences to his wife Kitty and his family. John will be sadly missed by all, but will live forever as a monument to the heritage and traditions from which he came.

"YOU'RE OLD ENOUGH TO REMEMBER THE REAL AMERICA IF YOU CAN REMEMBER . . ."

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DEL CLAWSON. Mr. Speaker, a letter in this morning's mail aptly summarizes the reaction of many Americans to the nightmarish events which have become a part of our daily experience. I would like at this point in the RECORD to include the statement "You're Old Enough To Remember the Real America if You Can Remember . . ." together with the letter from Mr. Ken Fitzpatrick of Bellflower, Calif., who sent it to me. The statement and letter follow:

YOU'RE OLD ENOUGH TO REMEMBER THE REAL AMERICA IF YOU CAN REMEMBER . . .

When you never dreamed our country could ever lose.

When you left the front door open.

When people knew what the Fourth of July stood for.

When you took it for granted that women, the elderly and the clergy were to be respected.

When a girl was a girl.

When a boy was a boy.

When you didn't feel embarrassed to say that this was the best darn country in the world.

When socialist was a dirty word.

When taxes were only a nuisance.

When the poor were too proud to take Charity.

When you weren't afraid to go out at night.

When ghettos were neighborhoods.

When you knew the law meant justice, and you felt a little shiver of awe at the sight of a policeman.

When young fellows tried to join the Army or the Navy.

When songs had a tune.

When criminals went to jail.

When you bragged about your home state and your home town.

When politicians proclaimed their patriotism.

When clerks and repairmen tried to please you or else.

When a Sunday drive was an adventure, not an ordeal.

When you could always find someone willing and able, whenever you wanted something done.

When riots were unthinkable.

When the clergy talked about religion.

When you took it for granted that the law would be enforced, and your safety protected.

When the flag was a sacred symbol.

When our government stood up for Americans, anywhere in the world.

When a man who went wrong was blamed, not his mother's nursing habits or his father's income.

When everyone knew the difference between right and wrong, even Harvard Professors.

When things weren't perfect, but you expected them to be.

When you weren't made to feel guilty for enjoying dialect comedy.

When people still had the capacity for indignation.

When you considered yourself lucky to have a good job.

When you were proud to have one.

When people expected less and valued when they had more.

When college kids swallowed goldfish, not acid.

When America was the land of the free, and the home of the brave.

DEAR MR. CLAWSON, I had intended to write you regarding some of the issues confronting us today, when someone handed me this piece of paper, and I found on it many of the things I really wanted to say.

The "real America" is still here, but we have to dig a little harder to find it. The news media tries desperately to hide it in many instances by attempting to make the abnormal appear normal, the "bad guys" seem like "good guys", etc., and now more than at any time we need men of national stature to make news telling the good things about our great country.

My wishes as one of your constituents are quite simple—support the President—fight for a Supreme Court which will uphold the Constitution, not re-write it—support programs which protect the would be victim, not the criminal—talk about the good things about America at every opportunity and you could have the longest filibuster ever heard in the House!

Best personal regards,

KEN FITZPATRICK.

NEWSPAPERS ARE THE MEN AND WOMEN WHO MAKE IT

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. WYDLER. Mr. Speaker, the weekly newspaper is truly a reflection of the community it serves. As such it is an important part of that community and has enormous power and responsibility. As Heywood Broun said many years ago, "A newspaper is a rule unto itself. It has a soul for salvation or damnation. The intangibles of a newspaper are the men and women who make it. A newspaper can neither rise nor fall below its staff." This statement is particularly true of those weekly newspapers which are small businesses in our community. The dedication of their staffs makes the paper fail or succeed.

In the southwestern part of Nassau County N.Y., in what will soon be part of my Fourth Congressional district, there is an outstanding weekly newspaper called the Nassau Herald. Its publisher is Robert Richner and its editor, Leatrice S. Spanierman. It is the official newspaper for the village of Lawrence and of Hewlett Neck. This past week the paper ran a particularly interesting editorial entitled "Sounding Off." The editorial concerned jet noise, one of the real plagues of this area and one against which every level of government must be mobilized, including the local communities. This can so well be done by local newspapers. The editorial follows:

SOUNDING OFF

The Five Towns, long plagued by jet noise, must sympathize with other besieged areas and welcome a North Shore ally as well as one in the Hamptons to our long-time fight against the thundering above us.

The mayor of East Hills which is located near Roslyn has called upon his villagers to campaign against the noise of jets flying overhead. Although the village is not situated in close proximity to an airport, traffic patterns for Kennedy have affected East Hills and residents are complaining that the noise is "intolerable."

In East Hampton, a small three runway airport tucked away in 600 acres of woodland has created controversy although there are only about 30,000 take-offs and landings there per year, and certainly no commercial jets on this relatively quiet installation. However, a group has formed called the Aircraft Noise Control Council of the Hamptons, concerned about a proposed lengthening of a runway. A leader of the organization has taken a delegation to the East Hampton Village Board to ask for a ban on all flights over the village.

Well, we here, have really heard it all before. We too tried to ban flights over Hempstead Town and were unsuccessful in court. We too tried to rouse citizens to ban together to fight this menace that plagues us. We were on the noise pollution wagon long before the term "ecology" was a household word . . . to no avail.

Now, once again we have hope. Our residents cooperated with a letter of complaint campaign. The multitude of responses were then forwarded to Attorney General Louis J. Lefkowitz who has filed suit in State Supreme Court to force airlines and the Port of New York Authority to take immediate steps to reduce the noise of the jets.

We who are bombarded by health-affecting noise nuisances must endure the ear-splitting tumult low above our homes, our offices, hospitals, schools . . . but perhaps, in the near future . . . we will be mercifully relieved of the intensity of the jet noise . . . by the courts declaring the screaming planes a legal nuisance.

INSPIRING MESSAGE FOR YOUTH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. RODINO. Mr. Speaker, last month a young man with roots deep in the community of Montclair, N.J., a man who has traveled far since he graduated from his high school, and a man with a great future, returned to deliver a commencement address.

Every spring, of course, the countryside is deluged with commencement speeches. But this one was really special.

I did not have the privilege of hearing it, nor do I have a long personal acquaintance with the speaker. But after reading it, I think I know very clearly the kind of drive and determination to overcome hardships and obstacles that propelled this outstanding citizen, Mr. Aubrey C. Lewis. His message is truly an inspiring one for our youth:

COMMENCEMENT ADDRESS DELIVERED BY AUBREY C. LEWIS

Rev. Gray and Friends, I believe that covers everyone here.

When I was asked to participate in today's commencement exercises, the invitation was a particularly welcomed one. It is a real privilege for me to return to Montclair high school some sixteen (16) years after I moved through these hallowed halls receiving instructions from many of the same teachers here today. In that sixteen years, many of the fundamentals grasped in the classroom and on the athletic field at Montclair High have been used and utilized in my daily life and for that specific educational discipline I am quite pleased.

You know—I consider you the luckiest graduating class of all times—anywhere—for many reasons, namely:

You were involved in a now situation. Montclair High is a microcosm of America—its people—action and events. You have had failures, demonstrations, boycotts and even a scheduling breakdown, when you finally had to put the module system in moth balls. All of us have learned a great deal from these experiences and this exposure has prepared you for the many confrontations you are apt to face in the future. The decisions you make often times will be based on the exposure you've had here at Montclair High School.

During the course of your past twelve (12) academic years I know the thoughts have occurred—why am I doing it? Where do I want to go? What is it all about? Is it worth it? But most of you, by the very nature of your presence here today have exercised intestinal fortitude or just plain guts. You realized that you just can't turn back—you must keep on moving. Work towards! Fight for! You can't cop out! You have to dedicate yourself to something!

You are lucky too because you have had the opportunity to rub elbows with the rich, the poor, the black, the white, the gifted, the concerned, the pushers and the passive.

This is what it is all about!!!

There have been many academic changes at Montclair High School in the past sixteen (16) years, with the result being that approximately 80% of the graduates now attend major colleges, junior colleges or specific skill institutions. These have all been brought about as a result of a realization on the part of you, on the part of the generation sitting behind you, and because someone, somewhere, realized that there was a need. A problem existed and collectively a solution was reached.

I say again you are the luckiest graduating class of all times and I say this simply because you are faced with more challenges than any other preceding graduating class in history. Oh yes, that marvelous generation sitting out there with tears of parental joy in their eyes had challenges also, and we must recognize the fact that they, who could be considered part of the establishment or the system, have had a reasonable amount of success.

As a result of their efforts, small pox no longer exists, diphtheria, which used to destroy many children at birth, no longer is the killer. Many other medical research projects and inventions have been made from removals to transplants and thus human life has been prolonged.

Many of the people out there heard the first radio, saw the first television, of course I was among that group. Saw the tallest buildings erected, the Woolworth, the Chrysler, the Empire State and now you are seeing the Twin Towers-Port Authority Building in New York City going up. Bridges and roads, communication facilities and they even created a system which landed a 1947 Montclair High School graduate on the moon.

Yes, they have had some success. However, they leave a lot of additional challenges for each and everyone of the 499 beautiful people sitting before me. I guess we could break it right down into getting along with each other. But let's not do that—let's specifically mention "drug abuse", "air and water pollution", and yes—wars. These are problems that you will have to face and solve if the prolonged life that that generation out there so admirably established is not to have been in vain.

I suggest that starting tomorrow "you beautiful people"—get up early! Make your day longer! Because there are so many things, so many challenges, so much to be done—and now you have to respond to the call. Remember along with recognition comes responsibility.

Doors—we have all talked about closed doors from a racial standpoint, from an economic standpoint and even from a woman's opportunity standpoint. Tear down the shackles—anytime just one person is denied because of the aforementioned, then we are all being denied. Remember, you must reach out and touch somebody's hand.

We still have cancer—sickle cell anemia, and there is a great need for social and business professionals with insight. Can you bridge this gap?

Have you ever seriously thought about compromise? I can see the results of compromise here today. Many of you have shortened your hair due to the desires and wishes of those proud people behind you. You might call them "hang-ups"—but don't. Let's call it the beginning of a great understanding between two marvelous generations and also, the lighting of the candle—the realistic relevant compromise! You're never going to have your way completely. There is give! And there is take!

In just thirty years, in the United States alone, there will be approximately 330 million people, a tremendous increase—which means that a major challenge will be for you to create a system which will better utilize the talents of each person and also to better utilize the natural resources of our land. Is there a point of no return?

Communications—your ability to communicate with your fellowman, with your peers and with your associates is a vital one. The next five (5) years should be dedicated and a plan must be adopted by each person with certain intermediate objectives and ultimate goals, and in doing so, emphasize the art of communicating, of selling yourself, of selling your program, of selling your idea and sometimes selling intangible goals to concrete, practical thinking people. In order to do that, certain fundamentals, certain basics must be acquired.

You can lead me only if you are fundamentally sound. There are no instant leaders. Sound thinking and sound judgment are generally based on involvement, experiment, trial and error and access to living situations. This is where our educational system excels—but could be improved.

Imagine yourselves walking along a desert area, diseased and afflicted with leprosy and suddenly a voice appears saying "put sand in your pocket and tomorrow you will be both happy and both sad" and because you obey—tomorrow you look into your pockets and there find miracle medicine which completely cures you from this terrible affliction along with many of your friends and associates and as the line grows longer and longer, and grains of sand which have been turned into miracle medicine diminishes until finally you have used up the last portion. What a terrible feeling to look at a line of a thousand anxious, hopeless people, waiting for the cure and there is no more because you didn't put enough sand in your pocket.

I ask you at this point "How much sand are you putting in your pockets? Have you mastered the basics? Have you acquired the fundamentals?

To the older generation and to you beautiful people—(Whitney Young) was right when he said, "We may have traveled in different ships, but we are all in the same boat now".

"Hang in there tough".

Thank you very much.

[From the Montclair Times (N.J.), July 2, 1970]

MHS HEARS A. C. LEWIS

In a commencement address to the graduates of Montclair High School, teachers, parents and guests, Aubrey C. Lewis characterized the class of 1970 as "the luckiest graduating class of all times" citing the educational and social experiences which have crossed their lives. Mr. Lewis, assistant vice president-career development F. W. Woolworth, shared the stage of Montclair High with the Rev. William H. Gray III, pastor of Union Baptist Church who delivered the invocation.

The text of Mr. Lewis' speech given June 17 follows:

"Rev. Gray and friends, I believe that covers everyone here.

"When I was asked to participate in today's commencement exercises, the invitation was a particularly welcomed one. It is a real privilege for me to return to Montclair High School some 16 years after I moved through these hallowed halls receiving instructions from many of the same teachers here today. In that sixteen years, many of the fundamentals grasped in the classroom and on the athletic field at Montclair High have been used and utilized in my daily life and for that specific educational discipline I am quite pleased.

"You know—I consider you the luckiest graduating class of all times—anywhere—for many reasons, namely:

"You were involved in a now situation. Montclair High is a microcosm of America—its people—action and events. You have had failures, demonstrations, boycotts and even a scheduling breakdown, when you finally had to put the module system in moth balls. All of us have learned a great deal from these experiences and this exposure has prepared you for the many confrontations you are apt to face in the future. The decisions you make often times will be based on the exposure you've had here at Montclair High School.

"During the course of your past 12 academic years I know the thoughts have occurred—Why am I doing it? Where do I want to go? What is it all about? Is it worth it? But most of you, by the very nature of your presence here today have exercised intestinal fortitude or just plain guts. You realized that you just can't turn back—you must keep on moving. Work towards! Fight for! You can't cop out! You have to dedicate yourself to something!

"You are lucky too because you have had the opportunity to rub elbows with the rich, the poor, the black, the white, the gifted, the concerned, the pushers and the passive.

"This is what it is all about!

"There have been many academic changes at Montclair High School in the past sixteen years, with the result being that approxi-

mately 80% of the graduates now attend major colleges, junior colleges or specific skill institutions. These have all been brought about as a result of a realization on the part of you, on the part of the generation sitting behind you, and because someone, somewhere, realized that there was a need. A problem existed and collectively a solution was reached.

"I say again you are the luckiest graduating class of all times and I say this simply because you are faced with more challenges than any other preceding graduating class in history. Oh yes, that marvelous generation sitting out there with tears of parental joy in their eyes had challenges also, and we must recognize the fact that they, who could be considered part of the establishment or the system, have had a reasonable amount of success.

"As a result of their efforts. Small Pox no longer exists; Diphtheria, which used to destroy many children at birth, no longer is the killer. Many other medical research projects and inventions have been made from removals to transplants and thus human life has been prolonged.

"Many of the people out there heard the first radio, saw the first television, of course I was among that group. Saw the tallest buildings erected, the Woolworth, the Chrysler, the Empire State and now you are seeing the Twin Towers—Port Authority building in New York City going up. Bridges and roads, communication facilities and they even created a system which landed a 1947 Montclair High School graduate on the moon.

"Yes, they have had some success. However, they leave a lot of additional challenges for each and everyone of the 499 beautiful people sitting before me. I guess we could break it right down into getting along with each other. But let's not do that—let's specifically mention 'Drug Abuse,' 'Air and Water Pollution,' and yes—wars. These are problems that you will have to face and solve if the prolonged life that that generation out there so admirably established is not to have been in vain.

"I suggest that starting tomorrow 'you beautiful people'—get up early! Make your day longer! Because there are so many things so many challenges, so much to be done—and now you have to respond to the call. Remember along with recognition comes responsibility.

"Door—we have all talked about closed doors from a racial standpoint, from an economic standpoint and even from a woman's opportunity standpoint. Tear down the shackles—anytime just one person is denied because of the aforementioned, then we are all being denied. Remember, you must reach out and touch somebody's hand.

"We still have cancer—Sickle Cell Anemia, and there is a great need for social and business professionals with insight. Can you bridge this gap?

"Have you ever seriously thought about comprise? I can see the results of compromise here today. Many of you have shortened you hair due to the desires and wishes of those proud people behind you—you might call them "Hang-Ups"—but don't. Let's call it the beginning of a great understanding between two marvelous generations and also, the lighting of the candle—the realistic relevant compromise! You're never going to have your way completely. There is give! and there is take!

"In just thirty years, in the United States alone, there will be approximately 330 million people, a tremendous increase—which means that a major challenge will be for you to create a system which will better utilize the talents of each person and also to better utilize the natural resources of our land. Is there a point of no return?

"Communications—your ability to communicate with your fellowman, with your peers and your associates is a vital one. The next five years should be dedicated and a plan must be adopted by each person with certain intermediate objectives and ultimate goals, and in doing so, emphasize the art of communicating, of selling yourself, of selling your program, of selling your idea and sometimes selling intangible goals to concrete, practical thinking people. In order to do that, certain fundamentals, certain basics must be acquired.

"You can lead me only if you are fundamentally sound. There are no instant leaders. Sound thinking and sound judgment are generally based on involvement, experiment, trial and error and access to living situations. This is where our educational system excels—but could be improved.

"Imagine yourselves walking along a desert area, diseased and afflicted with leprosy and suddenly a voice appears saying "Put Sand in Your Pocket and Tomorrow You Will Be Both Happy and Both Sad" and because you obey—tomorrow you look into your pockets and there find miracle medicine which completely cures you from this terrible affliction along with many of your friends and associates and as the line grows longer and longer, the grains of sand which have been turned into miracle medicine diminishes until finally you have used up the last portion. Hopeless people, waiting for the cure and there is no more because you didn't put enough sand in your pocket.

"I ask you at this point "how much sand are you putting in your pockets? Have you mastered the basics? Have you acquired the fundamentals?

"To the older generation and to you beautiful people—(Whitney Young) was right when he said, "we may have traveled in different ships, but we are all in the same boat now."

"Hang in there tough."

CONGRESSIONAL REPORT SENT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

CONGRESSIONAL REPORT

Crime—the fact of it and the fear of it—continues to erode the quality of American life. The FBI reports the rate of increase of serious crimes in the United States for the first three months of 1970 was up 13 percent over the first three months of 1969.

Throughout the Nation, nine serious crimes are committed each 60 seconds. The tragic timetable includes a murder each 36 minutes . . . a robbery every two minutes . . . a burglary every 16 seconds . . . forceable rape each 14 minutes. The annual cost of crime is estimated to be $31 billion. Yet, the statistics measuring the frequency and cost of crime failed to indicate the extent of the tragedy, sorrow and mental anguish experienced by the victims of crime.

While the public rightfully demands action, many citizens still believe that crime in all its forms is the responsibility of the Federal government. Enforcement of criminal law is the primary responsibility of State and local governments. The Federal government's role is to supply the strongest possible support to State and local law enforcement agencies.

Congress has moved to provide this support, and Federal aid to the State and local governments is the fastest growing item in the Federal budget. Because crime continues to be a growing menace at all levels of society, a broad-based attack must be pressed along the following lines:

1. Adequate funding—The Law Enforcement Assistance Administration (LEAA), created by the Omnibus Crime Control and Safe Streets Act of 1968, provides financial and technical support for local and State police agencies. It has never received adequate funding, however. For example, Indiana, with a comparable crime rate to the National rate, received about $1 million in LEAA funds last year. The State could have used 10 times that amount to launch an effective anti-crime effort.

The Administration has recommended $480 million for LEAA in fiscal year 1971, an increase of $212 million over the previous fiscal year. Given the great need to accelerate efforts by state and local anti-crime agencies, I introduced legislation authorizing $750 million for FY 1971. Ultimately, a bill authorizing $650 million for LEAA passed the House.

2. Reform of Court and Penal Systems—With a recidivist (or "return") rate of 70 percent among our criminal offenders, it is apparent our penology system has serious shortcomings. We must improve archaic and inadequate penal facilities and systems at State, local and Federal levels. New controls must be placed over probationers, parolees and those found not guilty by reason of insanity. I have introduced legislation to bring about these reforms.

I also have introduced legislation to require quicker trials for those charged with Federal criminal violations, and to strengthen the control over defendants with criminal records while they await trial. We need also to ease the load on over-burdened criminal court judges, and apply pressure for sound court management.

3. Juveniles—New efforts and new emphasis must be placed on controlling and preventing juvenile crime. Crime rate increases among those under 18 are nearing 10 percent each year. The Juvenile Delinquency Prevention and Control Act of 1968 authorizes block grants to States to combat this growing menace.

4. Dangerous Drugs—The District of Columbia Police Department reports that 45 percent of those arrested in 1969 had a history of drug use. Obviously, more education on drugs is needed across the country; trafficking in drugs has to be curtailed, both in the U.S. and internationally, and the root causes of drug abuse must be brought under increased scrutiny.

5. Organized Crime—Statistics indicate that nearly $100 billion annually is reaped by organized crime in gambling and loan sharking alone. The Organized Crime Bill of 1969, which has passed the Senate, would do much to cut into these lucrative, but vulnerable, activities of organized crime. I support and urge its passage.

6. Social Problems—Anti-crime programs do not, in themselves, eliminate the conditions which foster crime. Continued attention must be given to the social problems which create these conditions and to a variety of actions to make crime inconvenient.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

FFA "BUILDING OUR AMERICAN COMMUNITIES"

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. FUQUA. Mr. Speaker, the Future Farmers of America are today embarking on a new and dynamic program for America and its future.

It is a new and innovative community action program—"Building Our American Communities."

Quite frankly, I am excited about this program and its potential. As you know, the Future Farmers of America is an organization of young men studying vocational agriculture in the schools across the Nation.

Upon its inception, the FFA took upon itself the equally challenging task of attempting to transform American agriculture. The fantastic strides which have been made in the production of our food and fiber owe a debt of gratitude to the FFA for the success which has been attained.

Now the FFA plans to do something about the problems which confront our crowded urban areas.

The program is a new national effort which has been conceived in conjunction with the Farmers Home Administration. Again, the young men of the FFA and their advisers intend to do something about the problems of modern urban living.

The overcrowding of our cities and their arteries, the urban blight, and the other problems of an urban population can be met in part, they feel, if sufficient jobs, adequate housing and municipal facilities could be secured for rural and semirural America.

In working jointly with the Farmers Home Administration, it was decided that a program involving both study and action would be the most effective method of involving the young men of the FFA in this challenging new venture. Instructional material is being made available to the 12,000 instructors of vocational agriculture across the length and breadth of our land. Beginning with the 1970–71 school year, this information will be taught in vocational agriculture classrooms in 9,000 American communities. These classes will devote a portion of their instructional period to the discussion of the problems of their local communities.

In addition to the instructional phase, FFA members will be involved in actual community improvement projects dealing with seven rural problem areas.

In my opinion this is but a beginning for I feel confident that tens of thousands of individuals will become interested because of the concern of these young people. A useful dialogue will result, and I am equally certain that new innovations to implement the intent of the program will be rapidly forthcoming. The FFA will serve as a model for other organizations to become involved.

This is a marvelous example of constructive youth involvement in the problems of modern America.

We often use the phrase about everybody talking about the weather but not doing anything about it.

Well, the FFA is not just talking about the problems of this Nation in the seventies, they are going to do something about them.

They have my support. The 450,000 Future Farmers of America are going to make a contribution equal to that which its members have made and are making to agriculture.

ASSISTANCE PLAN

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. BOGGS. Mr. Speaker, there is no more important task before this Congress than that of helping our poor to become productive, taxpaying citizens. The welfare reform bill which this House has passed and sent to the other body would be a major step in that direction. It would assist our poor to contribute, rather than detract, from the life of our Nation.

The New Orleans States-Item recently published an excellent editorial on this subject. I am inserting it in the RECORD and calling it to the attention of my colleagues:

[From the New Orleans States-Item, July 20, 1970]

ASSISTANCE PLAN

Congress should approve President Nixon's Family Assistance Plan as an alternative to the existing inadequate welfare system.

Louisiana and the South have a tremendous stake in the plan, which places a floor under incomes and gives individuals a chance to get off the dole. The act offers a chance for the breadwinner in thousands of families to become a productive part of the economy.

The South should favor the legislation for purely selfish reasons.

By increasing incomes of the poor—tripling or even quadrupling them in some cases—The Family Assistance Plan would provide a boost to the economy of the South. It is estimated that additional federal revenues totaling $102 million annually would flow into Louisiana alone.

The South would benefit in disproportion to the balance of the country.

Accepting the Census Bureau's 17-state definition of the South, 52 per cent of the 20 million persons covered by the bill would be Southerners. Figures cited by Fortune Magazine show that a surprising one out of five persons in the South would be covered. More than half of those qualifying for the program would be white.

We believe the Family Assistance Plan offers a chance for individuals living without hope to shake loose from the tradition of miserable housing, inadequate diets, and an early termination of schooling.

It offers a chance for those living at the poverty level to get the type of job training and acquire the kind of motivation required if they are to break the poverty cycle.

The Family Assistance Plan already has been approved by the House and is now before the Senate. The Senate should not forget that the present welfare system is a national disgrace. It is both unresponsive and degrading.

ABM'S, MIRV'S, AND DETERRENCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. MOORHEAD. Mr. Speaker, I have argued for 2 years now that the gravest threat to our national security is being posed by our own deployment of the ABM and the MIRV. I must confess that this struggle has been at times a disheartening one, so I was especially pleased to see an editorial in yesterday's New York Times, supporting the positions I have taken and suggesting that any funds voted for these systems be placed in escrow until the administration implements the Senate resolution—passed overwhelmingly—urging the administration to propose a halt in ABM and MIRV deployment on both sides while SALT talks proceed. The blatant disregard of this resolution by the President and his subsequent deployment of the Minuteman III MIRV was equally disappointing and I frankly feel it makes his objectives at SALT suspect.

I include in the RECORD both the Times editorial and a paper on strategic policy developed recently by my office. This paper argues in somewhat more detail the position that these technological "advances" will serve our Nation poorly. Not only will they decrease strategic stability and expose us to a heightened risk of war, but they are also extremely costly.

The essential requirement that U.S. strategic forces must meet is an assured destruction capability—the capability of absorbing a Soviet first strike and inflicting a level of assured destruction on the Soviet Union defined as 20 to 25 percent of the population and at least 50 percent of Soviet industry. This is the essence of nuclear deterrence.

The United States can now deliver over 4,200 strategic nuclear warheads against the Soviet Union. Based on extremely conservative estimates, 400 warheads would destroy over 30 percent of the Soviet population and 75 percent of its industrial capacity—thus more than adequately meeting the requirements of assured destruction. The Soviet Union has a similar overkill capability with respect to the United States. In other words, we have a deliverable force of 10 times as many warheads as we need for sufficient deterrence of potential attack.

By MIRV'ing both our Minuteman and Polaris—Poseidon—missile forces we more than double the number of nuclear warheads, from 4,200 to 9,600, to achieve the same objective of delivering 400 warheads.

It is also inconceivable that, now or

at any time in the foreseeable future, any enemy will be able to destroy all our ICBM's, all our bombers, and all our Polaris—soon to be Poseidon—submarines simultaneously. Nevertheless, we are continuing to increase both in number and accuracy of our strategic weapons beyond any reasonable response to the Soviet threat.

Nor, Mr. Speaker, can our deployments be justified as bargaining "chips" for the SALT talks. To the contrary, as the Times quite properly suggests, the headlong pace with which they have been carried out seems better calculated to foreclose any meaningful agreement at all. The Congress should not allow such policies to carry the day, nor should we be scared into silence lest we weaken our SALT position. I earnestly commend this editorial and paper to my colleagues' attention.

The articles follow:

SALT AND SAFEGUARD

The Administration's claim that success in the Strategic Arms Limitation Talks (SALT) with Russia requires Congressional authorization of an expanded Safeguard program is the least credible of the many unconvincing arguments made for this antiballistic missile (ABM) system in the past year.

The Soviet Union has suggested that ABM's could be limited at "zero level," rather than at low or higher levels. This apparent readiness to ban missile defense entirely opens an attractive prospect. The hypothetical Pentagon thesis that the Soviet Union might clandestinely "upgrade" its thousands of antiaircraft missiles into an effective antimissile defense is based on the theory that they would be secretly linked to the giant ABM radars. If those radars and the rest of the embryo Soviet ABM system around Moscow are dismantled, that would also demolish the argument that Russia could alter the power balance quickly by deploying secretly manufactured ABM launchers around those radars, which take five or six years to construct.

If missile defense were entirely banned, the Pentagon's argument for deploying MIRV multiple warhead missiles at this time would also collapse. MIRV (multiple independently targeted re-entry vehicle) is sought to insure penetration of a heavy Soviet missile defense if Moscow should build one. With a "zero ABM" agreement at SALT, no one could argue that the Sovet Union could deploy a missile defense in the future faster than the United States could increase its offensive capability to overcome it.

Yet the Nixon Administration, in its new Vienna proposals, reportedly has not proposed a MIRV ban; on the contrary, it has made unnecessary demands for intrusive on-site inspection, something it knows is anathema to Moscow, in discussions at SALT of a possible MIRV deployment halt. For eighteen months the Pentagon has been permitted to press ahead on testing and, more recently, deployment of the American MIRV.

The Soviet suggestion of an ABM ban evidently has not been rejected; it reportedly remains among the alternative "low level" ABM limits presented in the American proposals. But there are indications that the Administration prefers, and will seek at SALT, an ABM agreement that would permit both sides to have systems equal to or larger than the obsolete 64-missile defense the Soviet Union has deployed.

The agreement the Administration now projects at Vienna would not halt the strategic arms race, but would continue it in a seemingly controlled form. The degree of control, however, would be an illusion.

AND THE FUTURE

With ABM systems deployed on both sides, even at a low level, there would be a continuous race for qualitative improvement and, every few years, replacement of the system with a new generation of antimissiles, radars and computers. Far more dangerous, absence of limits on MIRV would permit a rapid multiplication of separately-targeted nuclear delivery vehicles in the strategic offensive missile forces of both sides. A fivefold increase is now under way in the American forces, from 1,700 to about 8,000 nuclear delivery vehicles.

Moreover, a race to improve the accuracy of MIRV warheads would also be beyond control, giving each side at some point the capability of destroying the other's fixed land-based ICBM's. Fixed land-based missiles would be made obsolete by this development and both countries would be forced to replace them with sea-based or mobile land-based ICBM's.

The tens of billions of dollars that would be devoured in this post-SALT arms race is reason enough to seek to avoid such an evolution. But even more important would be the dangerous instabilities that would be repeatedly introduced by permitting the stable nuclear balance that now exists to give way to a new kind of missile race.

The issue that confronts the Senate as it opens debate on the defense authorization bill, which includes funds both for ABM expansion and the rapidly growing MIRV deployment program, is not how to help the Administration achieve the SALT agreement it seeks. The real issue is how to influence the Administration to seek the kind of SALT agreement the country and the world needs. That would be an agreement banning both ABM and MIRV.

The Senate has already overwhelmingly voted a resolution urging the Administration to propose a halt in ABM and MIRV deployment on both sides while SALT talks proceed. The need now, in voting the defense authorization bill, is to put "in escrow" whatever funds are voted for ABM and MIRV deployment until the Administration, which has ignored the moratorium vote, implements the Senate resolution.

It may be inconvenient to permit the ABM and MIRV programs to grind to a halt pending the outcome of the SALT negotiations. But no strategic necessity requires that they go forward at this time, while every imperative of arms control demands that they be halted before it is too late.

TOWARD A STRATEGY OF DETERRENCE

U.S. nuclear strike forces are designed to be able to survive an enemy first-strike, to be missioned on command and to penetrate enemy defenses with a resulting nuclear damage, the anticipation of which should be sufficient to deter aggression.

The degree of damage that can be inflicted on Soviet targets was disclosed by Defense Secretary McNamara in a damage table published in January 1968.

SOVIET POPULATION AND INDUSTRY DESTROYED

[Assumed 1972 total population of 247,000,000; urban population of 116,000,000]

1 MT equivalent delivered warheads	Total population fatalities		Industrial capacity destroyed (percent)
	Millions	Percent	
100	37	15	59
200	52	21	72
400	74	30	76
800	96	39	77
1,200	109	44	77
1,600	116	47	77

Note: The U.S. strike forces designed to implement the policy of nuclear deterrence have been variously designated in Defense Department posture statements as follows:

	Oct. 1, 1966	Oct. 1, 1967	Sept. 1, 1968	Sept. 1, 1962
	(1)	(2)	(3)	(4)
ICBM launchers	934	1,054	1,054	1,054
SLBM	512	656	656	656
Total	1,446	1,710	1,710	1,710
Intercontinental bombers	680	697	646	581
Total force loadings approximate number of warheads		4,500	4,200	4,200

It is not clear why column (4) does not reflect fewer than 4200 warheads since 65 fewer bombers are listed. Using a reduction factor proportionate to the decrease of 300 warheads for 51 bombers in the previous year, one would expect 3818 warheads rather than 4200.

Since it is now known that the Polaris A–3 throws a cluster of 3 warheads (multiple reentry vehicles or MRV's). Twenty eight of the total force of 41 Polaris submarines are equipped with A–3 warheads at 16 missiles per boat. This means an additional force loading of 896 on these 28 boats. It is probable that the 4200 figure understates the actual number of force loadings. A total force loading of 6,000 warheads may be attributed to the present U.S. nuclear strike force. A Minuteman II configured to throw 3 MRV's would lead to an even larger figure for total throwable warheads.

If we accept the 4200 warhead total, it is 21 times larger than a figure of 200 on-target warheads required to kill 52,000,000 Soviets in a retaliatory raid. The fewer than 70 Galosh ABM's deployed around Moscow would not materially alter this factor of overkill. Bomber defenses would be more significant possibly knocking out 50% of the heavy bombers, this would still leave more than 3,000 warheads to be targeted. Heavy bomber losses could be compensated for many times over by missioning fighter-bombers and carrier-based planes which hold up to 4,000 with a force loading of ———.

Given this assessment of the strategic retaliatory prospect, it becomes evident that the survivability of U.S. strike forces must be the rationale for such a degree of overcapacity. The Secretary of Defense maintains that the vulnerability of 1,000 land-based Minuteman ICBM is so endangered by the continued deployment of Soviet SS–9 ICBMs that it is essential to have Phase I of SAFEGUARD to provide ABM protection of the missile silos. The Congressional debate on SAFEGUARD examined the adequacy of the U.S. nuclear deterrent; it demonstrated that the Defense Department's case for the vulnerability of U.S. nuclear strike forces to a Soviet first strike focused on one component—the land-based ICBMs—of the total strategic forces. If one accepts the contention that 950 Minuteman missiles might be knocked out in a first-strike, one may still rely on the varied and widely-dispersed aircraft and missiles making up the rest of the U.S. strike forces.

The 1,000 Minuteman missiles, if each is credited with a single warhead, make up only 24% of the 4,200 warheads specified by the Posture Statement. To strike at the remaining 76% of the strategic warheads, the enemy would face an impossible strategic assignment. Given the geographic distribution of the aim points represented by these 3,200 warheads, it would be impossible to so time-phase a first strike as to impact nuclear blows simultaneously on all targets. Here one is even forced to make the far-out assumption that the enemy could somehow or other manage to know where the U.S. Polaris submarines were located—or even, more im-

plausibly, where these aim points would be at the exact time of missile launch—and, finally, where the Polaris submarines would be at the exact time of warhead impact. Soviet missile warheads could not simultaneously strike NATO aircraft bases, carriers at seas, B–52 bases, Polaris subs at sea and U.S. based ICBMs. This is simply a physical impossibility. The planning for such a coordinated attack must also remain undetected by our various intelligence networks. A consequence of this fact is that the Soviets always face the dilemma of risking return fire from those elements of the U.S. strike force unstruck by the initial wave of a first strike.

The fact is that Soviet planners could never be sure that a first strike, even if technically possible, would be effective in knocking out the Minuteman fields because of the prime uncertainty about the U.S. decision to keep Minuteman missile in silo when early warning systems signal the detection and identification of a massive attack. *This is not a matter of U.S. policy specifying launch-on-warning.* It is simply that Soviet planners could not be sure that the multidepth U.S. system of early warning would not trigger such a decision. We note, for example, that the present budget contains provision for $219 million for "Development and Deployment of new satellite strategic surveillance system." This is in addition to existing systems; namely, BMEWS Ballistic Missile Early Warning Systems, OTH (Over the Horizon Radar) Systems, PAR (Perimeter Acquisition Radars), SLEM Warning System.

At least $3 billion has been committed to development and deployment of five independent systems for giving early warning of ballistic missile attack.

It can rightly be argued that in a matter of such critical importance as maintaining the nuclear balance of terror, the Department of Defense is justified in erring on the side of caution. After all the nation's security is at stake. But too heavy a hand on the nuclear scales can have an adverse effect. It can motivate the enemy to respond with an ever-mounting deployment of more weapons that adds greater weights of armaments to both sides of the balance. No greater measure of security is achieved and each nation is the proorer in having diverted urgently needed funds and resources from satisfaction of domestic needs. *The radically new feature of the nuclear arms race is that more weapons do not necessarily mean more security.*

The entire issue of determining relative strategic strength on each side has been thoroughly confounded by two technical developments the ABM, antiballistic missile) and MIRV (multiple, independently targeted, reentry vehicle). Of these the ABM issue is at present of less significance in terms of balance of nuclear power than MIRV. For example, little sustained momentum. Its impact on the balance of nuclear power i.e. some 60 launchers must be reckoned as meaning the interception of perhaps 30 strategic warheads. In anticipation of the expansion of this ABM–1 system to other target complexes, the U.S. has decided to deploy its Poseidon MIRV SLBM force on 31 submarines. This represents an increase of some 3000 warheads in the U.S. offensive force—a hundred times that interceptable by the existing Moscow defense system.

MIRV's impact on the arms race is extremely destablizing because it introduces a complex mathematics into arms control and into the exercise of judging nuclear sufficiency in the absence of adequate arms control. An arms accounting or balance becomes exceedingly difficult when one missile can no longer be counted as one unit of offensive fire-power. For example, the heavy throw weight Soviet SS–9 ICBM can hurl a single warhead of 25 megatons in power i.e. 25 million tons of TNT or more than a thousand times the power of the Nagasaki A-bomb of 1945 vintage. If the single warhead is split up into three individual warheads each falling in a triangular pattern on closely spaced aim points (i.e. Minuteman silos) then the separate warheads can each be as much as 5 megatons in a weapon yield. Split-up of the single warhead package into six MIRVs would decrease the individual weapon yield to 1.5 megatons. Such a six-fold MIRV (sextex) weapon would have to achieve a modest 0.2 mile accuracy to knock out a missile silo of the Minuteman type. On the other hand, the Minuteman III will have far less MIRV potency because of its lower throw weight. Minuteman III has a triplet MIRV each of which has approximately 0.2 megatons of yield. Thus in any arms limitation of strategic weapons the United States and the Soviet Union are trying to bring into balance asymmeric missile systems.

Asymmetry in weapons would not preclude striking a balance for arms control provided that each side could be confident that the other lived up to the letter of the agreement. However, verification through inspection is a necessity for any SALT treaty. Here the MIRV development profoundly perturbs the situation since orbital cameras cannot look inside a silo and determine how many MIRVs are on board each SS–9 or Minuteman III. Almost continuous on-site inspection would be required to verify the MIRV quality of each missile.

The United States leveled off the deployment of strategic systems at the 1,000 level for land-based launchers and at the 656 level for sea-based launchers. However, the MIRV test program designed to alter the quality of the strike force of these launchers has proceeded to a point where the Air Force has announced plans to deploy Minuteman III (MIRV) in June, 1970. The Soviets have not as yet tested a true MIRV system. It is hardly likely that they would agree to a MIRV test ban and accept a position of MIRV-inferiority. On the other hand, in the absence of a test ban, the Soviets would have to assume that the United States will proceed to convert Minuteman I's and II's into Minuteman III's. By 1974 the U.S. plans to have 500 Minuteman III's deployed, but the Soviets might make the worst assumption that every one of the 1,000 Minuteman silos contains a Minuteman III. The U.S. Navy has eight of its Polaris submarines under conversion to a Poseidon configuration and the first of these will undergo sea trials this fall and be Poseidonized as of January 1971.

Although the MIRV weapon revolution has not yet run its course, there appears to be no way to moderate this phase of missile power escalation short of a SALT agreement to limit missiles to a non-MIRV configuration—a limitation which would have to be subject to stringent on-site inspection to be verifiable. The military zeal to embrace a new weapons technology appears to have severely compromised the possibility of reaching agreement at the SALT discussions. If so, then the Congress must conclude that the failure to perceive the significance of a new military technology constitutes a critical deficiency in the U.S. decision-making process on weapons systems.

The MIRVing of Minuteman III and Poseidon will result in the following force loadings for 1974–75:

Missiles (ICBM's plus SLBM's):	Warheads
500 Minuteman III	1,500
500 Minuteman II	500
160 Polaris A–3	480
496 Poseidon	4,960
ICBM's plus SLBM's total	7,440
Aircraft (heavy bombers):	
B–52 C–F 3 Sqdr= 45	2,160
B–52 G–H 17 Sqdr= 255	
FB–111 4 Sqdr= 60	
Total force loadings	9,600

In other words, the Defense Department is programing an increase of 5,400 warheads or 129% for strategic offensive weapons systems. This is the probable program but it is by no means the maximum force loading that could be achieved. For example, this ignores the force loading that could be delivered by 4,000 tactical aircraft.

The Defense Secretary states in his Posture Statement that the FY71 budget is transitional and that restraints are imposed on the present budget. Yet he requests $4 billion in FY 1971 for development and deployment of major strategic programs. There is little evidence of restraint. Indeed, the Posture Statement contains requests for funding of major new weapons development like the AMSA (B–1) strategic bomber, the SCAD (Subsonic Cruise Armed Decoy), the ULMS (Undersea Long-range Missile System) and programs to rebase Minuteman in a mobile or superhardened silo form. It is implied that if the SALT talks do not succeed in limiting strategic weapons, then the United States will undertake a new round of armaments.

The comparative record of U.S. and Soviet missile deployments shows that the U.S. has always enjoyed both a quantitative and qualitative superiority in ICBMs and SLBMs. The U.S. initiative in fielding large numbers of Minuteman missiles may have stimulated a response by the Soviets which they might not otherwise have made. In describing the decision to make a massive missile build-up, Defense Secretary Robert S. McNamara later explained:

"Since we could not be sure of Soviet intensions—since we would not be sure that they would not undertake a massive build-up—we had to insure against such an eventuality by undertaking ourselves a major build-up of the Minuteman and Polaris forces."

Here we see evidence of the fact that decision-making in the Defense Department is keyed to making the worst assumptions about enemy intent and capability—patterning our future forces on estimate of what the enemy *might* do, not what he is actually doing. This is not a cycle of action-reaction, but rather a one way street for defense planners. It is a result of the closed system in which those charged with defense planning also have responsibility for interpreting and evaluating threats to our national security. The U.S. Congress has been either unwilling or unable to subject this decision-making to judgments in which some risks are taken on the side of peace-planning.

The decisions on the Minuteman force illustrates the failure of the Congress to inquire incisively into the quantity and quality of the missiles. For example, the decision to deploy missiles on U.S. soil failed to take into consideration the fact that an enemy strike at such missile sites would contribute a massive attack on U.S. population centers. Any serious attempt to first-strike the Minuteman silos would involve many thousands of megatons of warheads, the fallout from which would envelop the densely populated regions of the United States. Furthermore, fixed ICBMs bases would in time become targets attracting enemy fire once missile accuracy became adequate for this purpose. (A Congressional investigation in March 1960 did in fact raise this vulnerability issue, but it was not taken seriously by the U.S. Air Force.) The relative military worth of fixed land-bases vis-a-vis sea-bases for missiles was not properly studied by the U.S. Congress. The result is that some $17 billion has been committed to Minuteman missile forces (research, development, test and engineering plus silo-construction and deployment of Minuteman I, II and III). If nuclear warhead costs and operations are included this adds up to over a $20 billion national investment.

Last year the Secretary of Defense claimed it was essential to protect the Minuteman bases against a first-strike threat by deployment of Phase I and then Phase II of Safeguard. If we consider amortization of ABM research and development and Safeguard costs, this adds at least $8 billion more to the Minuteman system costs. Costly as this Air Force program has been, perhaps even more costly is the fact that the quality of the missile system renders it hostile to strategic arms limitation. The fixed coordinates of land-based missiles serves to haunt them with the constant fear of a first-strike.

Congressional debate over the Safeguard program last year served to involve many members in the study of nuclear deterrence—a subject previously more or less left to the members of the special committees dealing with defense issues. As a result the Congress is in a better position to assess the defense choices of the Seventies. This report, in effect, symbolizes a determination on the part of some members of Congress to take an active role in making sure that these defense choices are soundly-based.

We should not expect instant agreement at the SALT discussions in Vienna nor should we be discouraged if no agreements seem possible this year. The important fact is that both the great nuclear powers are siting down at the same table to talk over the most serious issue on the world agenda—the arresting of the nuclear arms race. The Soviets, for their part, could ease the nuclear tensions gripping the world if they would curtail deployment of their land-based missiles. For our part, we can exercise moderation in adding to our strategic weaponry. Both sides should be motivated to prevent spiraling upward the arms race in another costly cycle of weapons which will in the end assure neither of any improvement in its security posture.

Our negotiators at the SALT table must not only strive to reach an agreement on limiting arms that is militarily and technically sound, they must bring back one that will be acceptable to the American people. It is not sufficient that the Congress understand the issues involved; this comprehension must be broadly based and extend to the grass roots of America. H. G. Wells once wrote that: "Human history becomes more and more a race between education and catastrophe." (1920). Fifty years later we find that the forces of destruction have multiplied, seemingly out of control, while men inch along on a plateau of limited understanding.

If our strategic armaments are to be brought under control, it becomes necessary for the great issues involved to be fully examined in the public forum—that crucial intersection of national interest and public policy.

ALBERT SUPPORTS WOMEN'S RIGHTS AMENDMENT

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. ALBERT. Mr. Speaker, the House will soon have before it House Joint Resolution 264, which proposes an amendment to the Constitution of the United States relative to equal rights for men and women. I strongly support and endorse that resolution. Its passage by the House will be an important step down the road for equality for women.

In the past, some of the steps along that road such as the right to vote and the Civil Rights Act which includes provisions against sex discrimination, were taken only after long and arduous efforts by our women. We men, on the whole, were mostly followers. We are followers today, but I think more ardent followers than in the past, because of the dogged determination of our leader on this issue, the distinguished gentlewoman from Michigan (Mrs. GRIFFITHS).

The gains already made by women are many, yet today they are still not accorded either full legal equality in the eyes of the law nor are they accepted on a fully equal basis in our society generally. There are many States with laws which still prohibit women from working in certain occupations. There are many accepted practices which prohibit women from participating fully in our educational processes. Dual pay schedules are common in schools and in private business. Discrimination still exists against women in many local, State, and Federal government jobs. Women continue to be denied simple basic legal rights in many States.

There are many arguments for approving House Joint Resolution 624, the strongest of which is that it is the right thing to do. Discrimination in any form has no place in our modern society, and we simply cannot afford to waste the vast talents of any group of citizens in these demanding times. Full equality before the law, as well as acceptance of women's full and equal rights, must be granted if we are to realize the potential of all members of our society.

Equal rights for women have been a part of the party platforms of both Democrats and Republicans for a generation. It is time that we fulfill that pledge. House Joint Resolution 264 deserves the full support of every Member who wants to erase discrimination for over half of the citizens of the United States. When it comes before this House, I urge its adoption by an overwhelming vote.

VA OBSERVES 40TH ANNIVERSARY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. SCHWENGEL. Mr. Speaker, last week the Veterans' Administration observed its 40th anniversary of dedicated service to our veterans and their families. As stated in the quote engraved on the Veterans' Administration Building, ". . . for him who shall have borne the battle and for his widow and his orphan."

Donald E. Johnson, the Administrator of Veterans' Affairs, spoke in Des Moines on the 40th anniversary of the founding of the Veterans' Administration. I would like to share the text of his remarks with my colleagues:

TEXT BY THE HONORABLE DONALD E. JOHNSON

Today the Veterans Administration observes its 40th anniversary. Those of us . . . nearly 170,000 in number . . . who are privileged to work for VA . . . are indeed pleased and grateful that our friends and neighbors here in Iowa . . . and VA employees from Des Moines, Iowa City and Knoxville . . . are also gathered here in this birthday celebration.

Executive Order 5398 . . . signed by President Hoover on July 21, 1930 . . . was a very practical document . . . economical . . . as befit the times . . . in its use of language establishing the Veterans Administration.

It read in part . . . and I quote:

". . . the United States Veterans' Bureau, the Bureau of Pensions, and the National Home for Disabled Volunteer Soldiers are hereby consolidated and coordinated into an establishment to be known as the Veterans' Administration, and the duties, powers, and functions vested by law in the United States Veterans' Bureau, the National Home for Disabled Volunteer Soldiers, and in the Bureau of Pensions . . . are hereby transferred to the Veterans' Administration."

Today it is appropriate that we review the changes that have occurred since the issuance of that Executive Order 40 years ago.

Growth . . . of course . . . has been the biggest change.

However . . . even as we acknowledge this obvious fact . . . we should also remember two fundamental truths often quoted by poets and philosophers.

All change is not growth.

And the art of progress is to preserve order amid change and to preserve change amid order.

What should these truths mean to us?

Very simply . . . I think that they tell us that we should give credit where credit is due . . . that we should recognize and commend the imagination and dedication and hard work of General Frank Hines . . . the first Administrator of Veterans Affairs . . . and the 31,576 men and women who were transferred from former bureaus to become the VA's first employees . . . in serving more than 4.6 million veterans and their dependents who were living when the VA was founded.

We should also recognize and commend the ability and devotion of thousands of other VA employees who succeeded them . . . and who are now retired or deceased.

To pay them this deserved tribute is not to diminish in the slightest the care we have provided . . . in our time . . . for him who shall have borne the battle and for his widow and his orphan.

For there is credit aplenty . . . and more than enough challenge . . . remaining for you and me . . . even after we affirm that the compassionate, efficient, dedicated service which we seek to render to America's veterans, their dependents and survivors . . . is a tradition we are but carrying on . . . not a precedent we have established.

Obviously . . . the constituency we serve today . . . the number of veterans and their dependents eligible for benefits and services the Veterans Administration exists to provide . . . has multiplied many times over since 1930.

But so have the resources . . . in personnel . . . in dollars . . . in modern computer and business equipment . . . and in experience . . . to meet this increased need.

I give you this background . . . not to minimize the magnitude of the Veterans Administration's responsibilities and operations now . . . in 1970 . . . but rather to emphasize that the VA is what it is . . . a vital segment of American society today . . . largely because of what other, earlier members of the VA family accomplished before us.

History has always fascinated me. This isn't to suggest that I am even a good student of history. But at least I fared better than the student who received consistently poor grades and tried to explain them to his irate father.

"You just can't beat the system, Dad," he said.

"Last year I decided to take basket weaving. It was a snap course and I figured I would sail through it.

"Know what happened?"

With a sigh of resignation his father said, "No, what happened?"

"Well," the boy replied, "two Navajo Indians enrolled, raised the class average, and I flunked."

"History" . . . Ellsworth Kalas reminds us . . . "is a good teacher, but in one respect inadequate. We can learn what to avoid from history's bad examples, and from her finest men we can learn what goals to seek; but we are not warned of the dangers of inactivity because history does not record the story of those who never tried."

To know the history of the Veterans Administration is to realize how hard so many dedicated and able Americans have tried during the past 40 years to redeem Abraham Lincoln's pledge for this nation . . . for all time . . . "to care for him who shall have borne the battle and for his widow and his orphan."

Our children's generation of Americans has been born and grown to adulthood knowing only an America at war . . . hot or cold.

This generation would find it difficult . . . if not impossible . . . to believe that when the Veterans Administration became a reality in 1930 . . . America still dreamed that the World War . . . which had ended but 12 years before . . . would truly be the war to end all wars.

Let me digress for a moment to recognize that while our children's generation . . . and indeed, our generation of veterans . . . have not known peace . . . we have not abandoned hope for a just and lasting peace. As a veteran . . . but especially as Commander-in-Chief . . . President Nixon knows the cost of war . . . and the priceless value of peace. I am certain that you great and good Americans join me today in praying that the President's goal of peace with freedom . . . to which he is totally committed . . . will soon be realized.

On July 21, 1930 . . . General Hines and his first associates in VA . . . if they shared America's dream of peace . . . also had reason to dream that . . . in their time . . . with no more wars and no more war veterans . . . the medical, compensation and pension, vocational rehabilitation, and insurance needs of 4,664,000 living veterans . . . including approximately 94,000 here in Iowa . . . would be finally and fully met.

Certainly . . . they had no reason then to envision World War II, Korean, Vietnam . . . and today's America of 28 million living veterans.

You and I now know . . . of course . . . that not in our lifetime . . . not even in the lifetime of the newest and youngest VA employee . . . will the needs of veterans still living . . . let alone the widows and children eligible for VA benefits and services . . . be fully and finally met.

We can be confident . . . however . . . that the experience the VA has gained in 40 years of service to those who served . . . and to their dependents and survivors . . . will enable us to meet both the nation's obligation to our veterans and their current needs during the next 40 years.

A poet once described an anniversary as that vital moment which links the past and the future.

On this . . . the Veterans Administration's 40th anniversary . . . let us briefly, but proudly, look at the VA's past accomplishments . . . before we adjourn to face confidently the future and its challenges.

In taking this look . . . however . . . we should not compare . . . out of context . . . the budget figures, for examples, which we must consider.

Most important . . . we should never forget that the real story of the Veterans Administration today . . . and for the past 40 years . . . is people . . . not dollars or programs or regulations.

Comparative statistics dramatically demonstrate the tremendous growth in the magnitude of the VA's responsibilities and activities between 1930 and 1970.

But we must go beyond mere figures to appreciate the reasons and the need for an increase in the VA's budget from three quarters of a billion dollars in fiscal year 1931 to almost $9 billion for fiscal year 1971.

These reasons . . . in themselves . . . capsule and highlight the changes that have taken place in the past 40 years.

Permit me to enumerate just a few.

Our living veteran population has increased more than six-fold.

The number of hospitals operated by the VA has tripled.

Nearly three times the number of patients are being treated in our VA hospitals.

Six times as many employees now work for VA.

When the Veterans Administration was established in 1930 . . . it inherited from predecessor bureaus and agencies four major veteran benefit programs . . . hospital and medical care . . . compensation and pensions . . . vocational rehabilitation training . . .

These programs have been continued and expanded and improved during the past four decades.

To them . . . however . . . have been added other major benefits which further account for the nearly 12-fold increase in the VA budget between fiscal years 1931 and 1971.

I refer . . . of course . . . to America's $21 billion investment in the G.I. Bill education and training of 12 million veterans.

To the $77 billion in home loans guaranteed by VA for more than 7 million veterans.

To the nearly 4.5 million National Service Life Insurance policies valued at almost $30 billion still held by World War II veterans.

To the education and training program for the sons and daughters, widows and wives of veterans who died or are permanently and totally disabled as the result of military service.

To "wheel chair" homes and specially equipped automobiles for severely disabled veterans.

To special coronary and intensive medical and surgical care units in almost half of our 166 VA hospitals . . . including, of course, our VA hospitals here in Des Moines.

And . . . most important . . . to the change in the VA's fundamental philosophy regarding veteran benefits.

From its beginning in 1930 until very recently . . . the Veterans Administration operated on the premise that it would provide veterans with the benefits to which they were entitled . . . but it was up to them to learn about and apply for these benefits.

Today . . . however . . . as you know . . . the VA is guided by the principle that our veterans are not only entitled to know about their benefits . . . but must know about them . . . and must be given every possible assistance in obtaining them.

I think you will agree that this change alone makes the Veterans Administration of 1970 a better vehicle than the 1930 model for delivering the benefits and services to our veterans, their dependents and survivors which a grateful nation has provided them . . . and wants them to use.

Some of my associates in our Central Office in Washintgon have come to the conclusion during the past year that the present Administrator of Veterans Affairs has a "thing" about statistics . . . particularly when it comes to overloading a speech with them.

They are right . . . primarily I think because . . . for all their value . . . I cannot help but remember Emil Frankel's words whenever "statistics" are mentioned.

"Statistics," he said . . . "is the art of drawing a crooked line from an unproved assumption to a foregone conclusion."

So I won't burden you with a lot of statistics today.

However . . . I would like to give you a brief mathematical history of the VA here in Iowa during the past 40 years.

Having asked some of our statistical experts in Central Office to work up these figures . . . I would not dare not use them.

Actually . . . I found this data very interesting.

In the VA's first fiscal year . . . 1931 . . . there were approximately 94,000 living veterans here in Iowa. For various benefits and services on their behalf . . . and on behalf of their dependents and the survivors of deceased veterans . . . the VA expended almost $12 million that year.

Today . . . in fiscal year 1971 . . . there are 375,000 living veterans in Iowa . . . or four times as many as 40 years ago.

For them, their dependents and survivors . . . the VA this fiscal year will spend approximately $115 million in benefits and services . . . or nearly 10 times as much as in fiscal year 1931.

In the past 40 years . . . VA expenditures in the Hawkeye State have totaled almost two-and-a-quarter billion dollars.

Today . . . at least in our nation's capital . . . one can't even get into a budget conference . . . let alone participate . . . it seems . . . unless he is prepared to talk in "billionese."

Being a farm boy from Iowa . . . however . . . I am still amazed at such facts as these.

VA's requested fiscal year 1971 budget of approximately $9 billion is $1.5 billion more than the appropriation to run the entire federal government just 35 years ago.

The $5.4 billion in compensation and pension benefits which VA will pay out this year exceeds by more than three quarters of a billion dollars the appropriation for the entire federal government for the fiscal year which ended just three weeks before the Veterans Administration was established.

One final figure.

In 1915 . . . fiscal year 1915, that is . . . the United States was still neutral. Even then . . . however . . . our ultimate involvement in World War I was foreseen by many. Certainly . . . no American questioned our potential might. To run the entire federal government of this fledgling giant of a nation . . . in fiscal 1915 . . . the Congress appropriated a sum that is $630 million less than the requested 1 billion 752 million dollar medical care budget of the Veterans Administration this fiscal year.

Earlier I said that the real story of the Veterans Administration today . . . and for the past 40 years . . . is people . . . not dollars or programs or regulations.

Today . . . we do not commemorate the VA Center here in Des Moines . . . or the VA's other hospitals in Iowa . . . or any other concrete, steel and glass asset of the VA.

Rather . . . we are met here . . . and in other ceremonies through America . . . to honor the dedicated men and women who have devoted their lives . . . and are doing so today . . . to helping America's veterans, their dependents and survivors.

We are met here . . . and throughout America . . . to express our heartfelt gratitude to the thousands of compassionate men and women who unselfishly forewent opportunities to leave the VA for substantially higher paying jobs in private industry . . . and are doing so today . . . because the welfare of our nation's veterans was . . . and is . . . more important than their own well being.

We are met here . . . and throughout America . . . to pay tribute to . . . and express our overwhelming pride in . . . our

nation's veterans . . . who have given us such a noble purpose for being.

We are met here . . . and throughout America . . . to acknowledge gratefully the unselfish devotion to the welfare of sick and disabled veterans of tens of thousands of volunteers in the Veterans Administration Voluntary Service.

We are met here . . . and throughout America . . . to thank the Congress of the United States . . and through the Congress . . . the American people . . . for giving practical, beneficial, dignified meaning to Abraham Lincoln's pledge to "care for him who shall have borne the battle and for his widow and his orphan."

We are met here in Iowa to contribute a momento of our esteem for the great American . . . Iowa's most famous and revered citizen . . . Herbert Hoover . . . whose heart and hand brought the VA into being.

To succeeding Presidents . . . of course from Roosevelt to Truman to Eisenhower to Kennedy to Johnson, and now to Nixon . . . we owe thanks for sustaining and strengthening the VA through the years to ensure that it was always a viable, creative force equal to the challenges of the time.

Finally . . . we are met here . . . and throughout America . . . to ask God's continued blessing . . . so that we will have the wisdom and the strength to serve well for the next 40 years and more America's finest and most deserving citizens . . . our veterans, their dependents and survivors.

I am grateful for the privilege of being with you on this historic and nostalgic occasion.

And now it is my honor and pleasure to present to Mr. Thomas Thalken, director of the Herbert Hoover Library in West Branch, Iowa . . . for permanent placement in the library . . . this plaque on which is engraved the text of Executive Order 5398 . . . including President's Hoover's signature . . . establishing the Veterans Administration.

CAPTIVE NATIONS WEEK: A SECOND LOOK

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, the other week marked the 12th observance of Captive Nations Week. I was pleased to note the rising support this cause has achieved both here and in 17 foreign countries since its conception. Nevertheless, for all the heads shaken in studied and united sorrow concerning the 27 nations that have fallen under Communist domination only one of my colleagues, Congressman HOGAN, asked the most important question. Who is next? Certainly, no one here will contend that Communist Russia has discontinued its quest for world domination especially after such undaunted success in its relatively short existence.

What is the reason for their success? It is best explained by columnist Kurt Luchmann in the recent July 27 issue of U.S. World News & World Report when he said:

> The Kremlin's goal is the same as ever; domination of the World by stepping into power vacuums, by exploiting rivalries among other nations and by carrying on subversion while systematically adding its own military might.

It is a familiar story for those of us who watch in disgust and anger at Red repression. We can only offer our sympathy for the millions of people whose lives are tormented and barren of any freedom. For them, the phrases, freedom of speech, freedom of press, and freedom of religion which pass our lips so freely are not uttered openly. Keeping the plight of these people in mind, we must look to help those free nations which might fall prey to Communist aggression. In doing so, we will offer hope to those people who wish to be free and help those who are, remain so.

We do not have to look far for an area which needs our help. The Middle East is just such a place and a more perfect example of Luchmann's theory one could not find. If we act now, the Middle East need not be another sphere of Russian influence. No heads need to be shaken over the loss of the nations of the Middle East. We must restore the balance of power to Israel and also convince Communist Russia that a confrontation with the United States is both real and prohibitive. The situation now seems to have taken a turn for the better if Nasser is truly sincere. It might well be that he has heeded the unofficial demands of some of the Members of Congress. Let us not miss the opportunity for a peaceful settlement in the Middle East. But, at the same time, we should remember that the Red strings attached to Nasser's mouth are not the ones attached to his hands and feet. We should not be fooled into losing the initiative by well-timed yet false murmurs for peace.

Hindsight has no redeeming qualities especially in foreign policy. Our play-it-by-ear policy has not proven to be successful against the aggressive force of Communist Russia. This point of argument is well contended by Dr. Leo E. Dobriansky, chairman of the National Captive Nations Committee, in his article "Captive Nations in the 1970's," which appeared in the July 15 issue of the CONGRESSIONAL RECORD, at page 24501. I also heartily agree with him that a special House committee should be formed to investigate, record, and inform the House and the American public as to the nature and the methods of Communist aggression around the world. Communist aggression continues while we remain bickering. We must continue to support freedom wherever it flowers.

WALT WHITMAN

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. HANNA. Mr. Speaker, Walt Whitman was a great poet and one whose prose rang and sang with the beauty and excitement of America. In the June issue of Saturday Review, Arnold Auerbach restructures the poem, "I Hear America Singing," to reflect the unhappy environmental conditions our modern industrial society has created.

Should we not be mindful of the America we inherited and the one we are about to pass on as our legacy? Painful these words are as they string together, whereas the original flowing description was pure pleasure. Pride and gratitude were in the original theme where there is dismay and disaster in the threads of the reconstructed version.

Read and reflect, my colleagues:

WALT WHITMAN TODAY, OR WHAT I'M SMELLING IS DROWNING OUT WHAT I HEARD

I smell America smelling, the varied odors I smell,
Those of exhaust pipes, each one belching fumes as it should belch, blue and fierce,
The factories smelling strong as their smokestacks fill the air,
The abattoir smelling as it makes ready for work or leaves off work,
The cities smelling what belongs to them in their streets, the glue works smelling in the Jersey swamp,
The riverbed smelling as it flows to the sea, the dump heap smelling as it stands,
The brewery's smell, the garbage truck's on the way in the morning, or at noon intermission or at sundown,
The pervasive smelling of the gasworks, or of the sausage plant at work, or of the plane jetting and wooshing,
As we inhale what belongs to you and me and to none else,
Effluvium belongs to us all—we're a country of numbed noses, smog-filled, groggy,
Smelling with weary nostrils our strong malodorous smells. (Arnold M. Auerbach.)

PUBLIC POLICY IN THE 1970'S

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. BURTON of Utah. Mr. Speaker, developing policies which bring about significant changes in the operation of complex systems requires a great deal of planning, expertise, and good judgment. It also requires a broad encompassing of the largest possible range of phenomena and concerns. In a speech at Hendrix College on April 6, 1967, Daniel P. Moynihan, counselor to the President, stated that too often in the past we have defined public policy in forms of program and in consequence have inhibited the development of true policy. Mr. Moynihan said:

> The source of the difficulty lies not in the malfeasance of individuals, but in the limitations of the program approach to issues that in fact demand the disciplined formulations and elaborations of public policy.

In other words, in our rush to solve a specific problem, we may not have taken into consideration what was good for the larger society, or for the individuals involved, or both.

Mr. Moynihan offers the example of the Federal Government establishing the Office of Economic Opportunity to help in abolishing poverty. Until this year almost a third of the expenditures of OEO were provided, in effect, by income taxes collected from the poor. Since it has been in the nature of the services strategy so much in evidence in early OEO pro-

grams to hire middle-class persons to be of assistance to poor persons, the actual income transfer effect of many of these OEO programs was to take money from farm laborers and give it to college graduates. No one intended it that way, but that was the unintended consequence of programs being operated in the absence of policy. Almost the first measure President Nixon proposed in this area upon taking office was to abolish taxes for the poor, and this was done with the completely willing cooperation of the Congress once the absurdity of the previous arrangement was pointed out.

I think that this speech makes a significant contribution in assisting the making of public policy decisions and I commend it to the attention of my colleagues:

THE CONCEPT OF PUBLIC POLICY IN THE 1970'S

(By Daniel P. Moynihan, Counsellor to the President)

President Shilling, Dean Christie: I have been emboldened in my remarks today by the appearance on the Hendrix College campus just a week ago of The Honorable Wilbur D. Mills, nothing if not a man of consequence in American public life, who spoke to you of the values and purposes of a liberal arts college in terms that would have been thoroughly familiar to your grandparents, and will some of us dare to hope be not less comprehensible to your grandchildren. He cited Jerome Bruner, a friend and colleague at Harvard, who has with characteristic economy dismissed the ever more widely held view that there is a radical disjunction between means and ends in education. "The process and goal of education," Professor Bruner observes, "are one and the same thing. The goal of education is disciplined understanding; that is the process as well."

My purpose today is to speak of the concept of public policy in the 1970's, and I should like at the outset to lay down my own parallel beliefs with respect to means and ends in the conduct of public affairs. Here too the idea of dichotomous, almost unrelated worlds of *action* as against *objective* is very much in the air, indeed is near to being an intellectually dominant position. A strangely Orwellian idea: however little its practitioners would like to think, they were accurately anticipated. War is peace, and such like. In our time, on the campuses, it can take the form that coercion is persuasion. It is not, of course, it is simply coercion, a process of which it may be said that its most objectional aspect is that it works. Practices not dissimilar are diffusing into public life, and unless we are uncommonly disciplined and understanding in the face of this phenomenon we are likely to find it works with us as well. That is to say, the perpetrators of coercion, whatever their particular politics, become the principal actors in the society, leaving to others the residual role of reacting or overreacting, but in either event deprived of that measure of autonomous self-direction which we rightly associate with both intellectual and political freedom.

It is for this reason I should like to talk of the idea of policy. One of the anomalies of the 1960's is that a period of such extraordinary effort at social improvement should have concluded in a miasma, some would say a maelstrom, of social dissatisfaction.

What went wrong?

If I may be allowed first to state that I really don't know and don't expect ever to have any final views, let me say that I believe one of the reasons is that the structure of American government, and the pragmatic tradition of American politics, has too much defined public policy in forms of program, and in consequence has inhibited the development of true policy. Certainly, in simpler times a simple programmatic approach was an efficient way to go about the public business. The problem comes with complexity. More specifically, the problem comes when society becomes ambitious and begins to seek to bring about significant changes in the operation of complex systems such as the society itself. There is nothing the least wrong with such ambitions. What is wrong is a pattern in which the ambitions are repeatedly proclaimed, and just as repeatedly not achieved. That is much of what went wrong in the 1960's. The source of the difficulty lies not in the malfeasance of individuals, but in the limitations of the program approach to issues that in fact demand the disciplined formulations and elaborations of public policy.

These are terms that rightly call for definitions. Here I think the temptation is to be too clever. As increasingly we perceive, and begin to understand the social system as just that, a system, it is possible, and for many purposes necessary, to be meticulous about classifying various forms of system intervention. My rough purpose is more readily served by a simple distinction. Programs relate to a single part of the system; policy seeks to respond to the system in its entirety.

The idea of policy is not new. We have for long been accustomed to the idea of foreign policy, including defense policy. Since 1946 Congress has mandated an employment and income policy more or less explicitly based on a "general theory" of the endlessly intricate interconnections of such matters. Yet our ways of behavior resist this: only great crises, great dangers seems to evoke the effort. Or have seemed able to do so in the past. I believe, however, that a learning process of sorts has been going on. Increasingly the idea of system-wide policies commends itself to persons of responsibility in public affairs as an approach both desirable and necessary. There is no sharp discontinuity here. *One* of the reasons it is seen to be desirable and necessary is that the intensely programmatic approach to social problems in the 1960's has produced so much dissatisfaction. But let us also give ourselves some credit. We have been *learning* from our experience, not just reacting to it. But whatever the case, it can, I believe, be said that the idea of policy is very much in the air just at this moment, and that we can expect it to be one of the formative ideas of the 1970's.

As in most times, it is the style, the approach of the incumbent administration that has most to do with such matters, and here I believe it is clear that the concept of policy has emerged as a distinguishing feature of the administration of President Nixon.

The first official act of the new President, taken his third day in office, was to establish the Urban Affairs Council, a cabinet level body presided over by him and the Vice President. The first task assigned the council was to "advise and assist" the President in the formulation of a National Urban Policy.

This was something new. It had not been done before; no one was certain it could be done. Certainly there did not exist anything like Keynes' General Theory which guided our development of national policy on employment and income. Nor were there any Admiral Mahan's or George Kennan's to provide a master theory of an urban policy comparable to previous formulations of foreign and defense policy. Even so, the process went forward with fair dispatch, such that anyone today caring to know the general outlines of the urban policy of the present administration has only to ask and will be presented a document. Not a definitive one, nor even perhaps a comprehensive one. Certainly not a fixed one. But it is against all the rules of policy formulation ever to be fixed or final. The point is that a document does exist, and anyone so disposed can make what he will of it.

It is not my purpose to discuss urban policy, but rather to suggest some of the principles which govern policy formulation, and which distinguish it from program formulation.

The rules of the latter are, I should think, fairly well laid out in the descriptive political science of our time. The defining characteristic of a program is that it is directed to a specific situation with the purpose of maintaining or changing that situation in some desirable fashion. We have programs to build roads, subsidize the growing cotton, cure cancer, retrain the unemployed. To be sure there are programs that are quite general in their outlook but here, with respect to the Federal government and to all levels and forms of government within the United States with which I am familiar, any tendency toward universality is immediately constricted by the structure of government. Doubtless there are even programs that would wish to evolve into policies, but reality is quickly enough imposed on them by the fact that one bureau in one department is responsible for performing the function involved; that one branch of one division in the Bureau of the Budget handles the appropriation request; that one super specific subcommittee of one special committee of the Congress handles the substantive legislation, and an equivalent subcommittee handles the provision of funds. These are the constituencies of the program, and also its masters. It is a wise program that knows its place, and does not aspire beyond its station.

It would be very unwise to grow disdainful of such enterprises. Burke's dictum that the law sharpens the mind by narrowing it may be usefully applied to the program approach to social problems. Social commitments are not easy to sustain, certainly not over the long span of time which most social problems require. The program approach is designed to enhance the capacity of the enterprise to survive by narrowing its range of activity and intensifying the support for it. Come hell or high water, Republicans, Democrats, or Free Silverites, the Bureau of Disabled Appalachian Urban Agronomists gets its appropriation and does next year the job it did last year. A quality, I repeat, not to be dismissed.

But for all the plain-as-a-stick practicality about such arrangements, in the end they are self-defeating. They are realistic, but they do not reflect reality. More accurately, they distort reality. This is the essence of the problem.

By contrast, a policy approach to government does at least begin by seeking to encompass the largest possible range of phenomena and concerns. This has its dangers, its difficulties. But I shall argue that increasingly there is not respectable alternative. Knowing what we do about the nature of society and of social interventions, we have no option but to seek to deal in terms of the entire society, and all the consequences of intervention. One might wish for a simpler time when such knowledge was not available, but the loss of innocence is an old experience to mankind, and not perhaps to be avoided. Certainly not to be reversed.

Let me then propose three propositions—I shall call them master propositions—that relate to a concept of government by policy, which, I shall argue, distinguish it from government by program. First is the familiar proposition that everything relates to everything.

This is the fact that defines a system. Taken too literally it can be a bit traumatizing, but as I have remarked with respect to the formulation of a national urban

policy, both the logic and the experience of co-variance analysis demonstrate that while everything relates to everything, some things relate more than others. It is usually possible to identify those components that in fact have the greatest influence.

The second master proposition is that from the fact that everything relates to everything it follows that there are no social interests about which the national government does not have some policy or other, simply by virtue of the indirect influences of programs nominally directed to other areas. These are the hidden policies of government.

This is a not so familiar proposition. The interconnections of programs directed to one area with outcomes in another are sometimes seen. Most of us have not got it fairly straight that agricultural research can lead to the migration of farm populations, which has consequences for cities. But by and large these connections need to be fairly evident for much note to be taken of them, and ability to detect them is much influenced by fashion.

Some activities are held to be interesting; others not. And if a subject is not interesting, it can have consequences all over the place and no one is likely to take much heed. I know this to be the attitude of the academy, and suspect it to be nigh universal.

Permit me an example. One of the receiving truths of contemporary liberal history is that no domestic initiatives of any consequence occurred during the Eisenhower Presidency. I will not contest the general point. That was a period of relatively low governmental profile, as the phrase now goes, following twenty years of the alarums and exertions of the New Deal and Fair Deal. Even so a goodly number of genuinely historic initiatives were taken by the Federal government during that period. The National Defense Education Act would be such an example. But there was one program of truly transcendent, continental consequence. This was a program which the 21st Century will almost certainly judge to have had more influence on the shape and development of American cities, the distribution of population within metropolitan areas, and across the nation as a whole, the location of industry and various kinds of employment opportunities (and in all these, immense influence on race relations and the welfare of black Americans) than any initiative of the middle third of the 20th Century. This was, of course, the Interstate and Defense Highway System. It has been, it is, the largest public works program in history. Activities such as urban renewal, public housing, community development and the like are reduced to mere digressions when compared to the extraordinary impact of the highway program. One learns that President Eisenhower regarded it as the most significant domestic achievement of his administration, and he was surely correct in doing so. The program was conceived during the New Deal, and only slowly made its way to enactment, but once approved and begun one would imagine it would have become the object of extraordinary interest, comment, and critique.

If I may be allowed to assert that nothing of the sort occurred, let me next ask why. The answer would seem evident. Highways have never been a subject of any very great interest among persons given to writing or speculating about government interest. Certainly they have rarely been associated with social welfare issues, save in the early days of "getting the farmer out of the mud." Further, the politics of getting the Interstate Highway program enacted decreed, or at least indicated, the narrowest possible definition of its purposes and impact. This was altogether agreeable to the Bureau of Public Roads, the slightly obscure organization established as a unit of the Department of Agriculture, and shifted by degrees to the shadowy recesses of the Department of Commerce. The permanent staff of the Bureau of Public Roads had neither the inclination or training to assert that they were doing anything more than the narrow terms of their project descriptions. As bureaucrats, their instinct was faultless. Had anyone realized what they were in fact doing, the sheer magnitude of the interests they were affecting, it is nigh impossible to imagine that they would have won acceptance. Indeed a bare fifteen years after the Interstate program commenced, it is near impossible to get a major highway program approved in most large American cities. But it is too late: most systems have been built. In the process—such at least would be my views—quite appalling mistakes were made, but they were mistakes having to do with issues nominally altogether unrelated to the highway program itself, and so no one was responsible for them. (Perhaps I should insist that if the mistakes began under an administration of one party, they continued under that of the other. Parties come and go. Programs persist.)

Surely it is possible to hope for something more. Government must seek out its hidden policies, raising them to a level of consciousness and acceptance—or rejection—and acknowledgment of the extraordinary range of contradictions that are typically encountered. (To the frequent question "Why don't government programs work?" it is often the answer that they do work. It is just that so often the effect of a "hidden" program cancels out the avowed one.) Surely also it is possible to hope for a career civil service that is not only encouraged, but required to see their activities in the largest possible scope. To know what they are doing, even if they go on doing it anyway. There are few things that ought more to annoy us than the misuse we make of such splendidly competent organizations as the Bureau of Public Roads. It is fully capable of the most complex calculations of the effects of its programs (and increasingly does just that) but for many a long decade the word from the political world on high was to stick to building roads and to see that not too much sand was used in the concrete.

The third master proposition is clearly the least familiar of all; the one least likely of acceptance. It is not a matter that can be confidently demonstrated, or so at least would be my impression. It is rather the best available explanation for recurrent phenomena which increasingly demand such explanation. I refer to what Jay Forrester has termed the "counter-intuitive" nature of social problems. We learn to think, Forrester assures us, in simple loop systems. Social problems arise out of complex systems. The two are not alike, so it is asserted by men who ought to know. There are fundamentally different properties, such that good common sense judgment about the one will lead with fair predictability to illusions about the other. Thus Forrester: "With a high degree of confidence we can say that the intuitive solution to the problems of complex social systems will be wrong most of the time." Whatever the absolute nature of a proposition such as that, one surely can agree with Forrester that social systems have internal regulatory mechanisms that are, in effect, incentives to behave in various ways. (This would include disincentives with respect to undesired behavior.) Just as surely, changing those incentives is an extraordinarily complex job. Surely also, too many programs of social intervention in the 1960's went about this extraordinarily complex task in a fairly simple minded manner, usually adding a few counter-incentives to the system, but rarely if ever removing the previously existing ones. Stated perhaps too simply, the Federal government has typically entered a situation in which most actors manifestly had strong incentives to act in ways which were not thought good for the larger society, or for the individuals involved, or both. Incentives were offered to reverse the undesired behavior. But too commonly these incentives proved weak and ineffective when compared to the original set. They could dilute the original incentives, but rarely could they overpower them. (There will, also, be those who will reply to this general assertion with the even more general one that we did not spend enough money. The fact is that we spent a lot of money. The problem was we never identified those original incentives.)

We should be clear, I think, that if this third proposition should prove to be unavoidably the case there are contained within it rather serious implications for the democratic direction of society. It is the old—or new—question of the expert again. I have a certain suspicion of pointy-headed intellectuals myself, and I think we all should, whatever the shape of our heads. We have grown accustomed to depending on experts in science, and have developed ways of translating what it is the experts think into forms of public action. (Although not without tragedies, as in the Oppenheimer case.) But most everyone knows that he or she doesn't know much about implosion. Everyone, on the other hand, knows a lot about what makes a good school. Now men of unquestioned competence and good will are coming along with the information that what everyone knows is almost precisely what is *not* the case. What do we do about that? How do we treat that expert? What confidence are the people to have in their own judgment if such events multiply, as almost certainly they will.

I believe there is an answer to this. We must develop a public service, and a political leadership, capable of handling such information and of translating it into valid terms of public debate. But this will not be easy. I cannot imagine it happening inside a generation, and in the meantime the knowledge is unavoidable, and it implicates us. The one thing most likely to help us through the period of transition is the practice of thinking in terms of policy rather than of program. The policy-frame-of-mind may not grasp all the interrelations and surprises implicit in social problems, but it does at least start out with the expectation that there are such, and so is not only more on the alert for signals of such problems, but also is least resistant, least unbelieving in the face of the evidence. That is no small thing.

Neither is it any small thing that we should begin to try to take this large view of events. If there is a tendency in our land, as in any, to complacency about many of the conditions of our lives, there also, I would submit, is an almost equal and very nearly opposite tendency to alarm. If man is a problem solving animal, *homus Americanus* is a problem discovering one. (So much so that in the mid-1960's when Congress was turning out social programs by the yard, Meg Greenfield was moved to discourse on the "problem problem." What, she asked a nervous national capital, would happen if we solved all our problems and suddenly there were no problems. The prospect of mass unemployment in the capital was not generally thought a proper subject for irony, even in hands so deft as Miss Greenfield's.) The fact is that in our eagerness to draw attention to problems, we do frequently tend to make them seem worse than they are. In particular we tend to depict things as worsening when in fact they are improving. This tendency arises from any number of sources. Three at least come to mind. There is surely a Protes-

tant tendency to be dissatisfied with what might be called normal human behavior. On top of this we have of late had to learn to live with the burden of affluence. Robert Nisbet frequently reminds us that boredom is the most underrated force in history. Heaven protect the land whose privileged classes get bored with their privileges, as clearly ours has done. And there is also the tyranny of fashion: a mysterious force, but an open enough one. Fashions of thought get set, and for a period at least they prevail. Evidence to the contrary is treated not as information but as wrongdoing, and woe betide the bearer of such news. The more then should we welcome a policy approach to social issues, simply because it insists on setting all specifics in a general context.

An example of surpassing importance—or so it would seem to me—concerns the state of race relations in the United States at this moment. Are things getting better as most of us would define that term—namely, are we moving away from a past of racism and caste exclusion—or are they getting worse? I would believe it fair to say that the fashion of late has been to believe things are getting worse, and I can attest that it is costly to argue otherwise. And yet the data, such as they are, argue that indeed things are *not* getting worse. To the contrary. The Newsletter of the University of Michigan Institute of Social Research recently summarized the findings to this effect of the University's Survey Research Center, which we would all, I think, acknowledge as one of the four or five leading institutions of its type in the world.

The white backlash and the deterioration of white and black attitudes toward integration which have been noted by many social observers do not show up in the findings of a recent Survey Research Center nationwide survey.

"There is evidence that, in some respects, blacks and whites are in closer contact and more friendly contact than they had been four years earlier." Angus Campbell, director of SRC, reports.

The SRC data, gathered during the 1964 and 1968 election studies, represent possibly the only carefully designed academic study of national attitudes before and after the 1967 riots. They stand in marked contrast to the conclusion drawn by the Kerner Commission appointed by President Lyndon Johnson to study the riots. The Commission reported in March of 1968 that, "Our nation is moving toward two societies, one black, one white—separate and unequal."

In comparing racial attitudes over the four-year period, the SRC survey notes that whites favoring desegregation in 1968 outnumbered strict segregationists by a ratio of nearly two to one (31 and 16 percent respectively). Four years earlier whites had been about evenly divided on the question of desegregation or strict segregation (27 and 24 percent).

Although the doctrine of black separatism has been increasingly voiced by some members of the black community, it still has only minority support; and there has been little change in black attitudes toward desegregation over the four-year period. For example, in 1964 some 72 percent of the blacks questioned said they were in favor of desegregation (with only 6 percent favoring strict segregation) and four years later 75 percent were favoring desegregation (with only 3 percent for strict segregation).

Campbell indicates that not only were the attitudes toward desegregation more positive, actual contact between the races seems to have increased. Whites and blacks were less likely in 1968 than in 1964 to say their neighborhoods or their schools were completely segregated. And whites were less likely to work and shop in all-white areas.

Ten percent of whites who said they live in all-white neighborhoods dropped from 80 to 75 percent, while the number of blacks living in all-black neighborhoods went from 33 percent to 25 percent.

In 1964, forty-three percent of whites reported that the high school nearest them was all white. That figure had dropped to 27 percent by 1968. Similarly, blacks reporting their nearest high school as all black dropped from 36 percent to 21 percent over the four years.

Whites who reported working in an all-white environment totaled 54 percent in 1964, but that number had dropped to 42 percent by 1968.

One might account for the reported increases in contact between the races on the grounds that they don't represent real shifts in neighborhood and school population—just more awareness of each other's presence. The increase in publicity surrounding racial issues mght have changed people's perception.

Campbell doesn't think so: "People now are more sensitive than they were four years ago but it's highly unlikely that the figures represent purely imaginary increased contact."

Similarly, a policy approach to government has profound consequences on the kinds of programs which are supported and pursued. I would suggest to you that this has been the case with respect to the problem of poverty and racial isolation in the nation. During the 1960's a quite extraordinary commitment was made by the national government to put an end to poverty. Yet the effort to do so went forward in entirely too fragmented a manner. In effect a collection of programs was put together and it was hoped these would somehow add up to a policy. I don't believe they did. Nor do I believe there was any way we were likely to have found this out save by the route we did in fact follow. But after a point this became evident enough, and it became possible for the government to respond in terms of a large scale policy, and to fit programs to that policy.

The two basic networks of a modern society are the family structure and the occupational structure. A stable society attends to each. The preeminent arbiter of family stability is income. If social science has taught us anything it is that. Income typically derives from employment, but also typically there are individuals and on occasion groups in the society whose income is not sufficient either because their employment is spasmodic, or their skills insufficient to earn an adequate wage. Whatever the case, an effective war against poverty requires a strategy that deals first of all with problems of jobs and income. Once that became clear, it was relatively easy for the national government to develop programs in respose.

Let me offer you an almost absurdly simple example. The Federal government has had since 1965 a formal policy of abolishing poverty. The Office of Economic Opportunity was established with that purpose in mind. But until this year almost a third of the expenditures of OEO were provided, in effect, by income taxes collected from the poor. Since it has been in the nature of the services strategy so much in evidence in early OEO programs to hire middle class persons to be of assistance to poor persons, the actual *income transfer effect* of many of these OEO programs was to take money from farm laborers and give it to graduates of Hendrix College. No one intended it that way, but that was the unintended consequence of programs being operated in the absence of policy. Almost the first measure President Nixon proposed in this area upon taking office was to abolish taxes for the poor, and this was done with the completely willing cooperation of the Congress once the absurdity of the previous arrangement was pointed out.

In a similar vein the administration has pressed forward on programs such as the Philadelphia Plan which will significantly increase the number of minority workers in skilled construction employment. Comparable reforms in the area of manpower administration, unemployment insurance coverage, and minimum wage coverage have equally flowed naturally from the prior adoption of a jobs and income strategy.

Finally, in a list of examples, is the Family Assistance Plan which has, properly I would think, been termed the most important piece of domestic legislation to come before the Congress in four decades. The principle of the program is simple and it derives from policy. Families must have an adequate income, and this should be provided them with a minimum change in their status as stable, self-determining units in society, and with maximum incentive to earn by their own efforts as much a proportion of their needed income as they possibly can. The President has accordingly proposed to place a floor under the income of every American family with children, to provide within that context a specific incentive to work, specific opportunities for work training and placement, and the absolutely crucial provision that this assistance will not be conditioned on dependency. A family does not have to be down and out, busted and broken to get help, when often as not all that was needed was relatively little help on the margin.

Will FAP succeed? None of us could say at this moment. But there is one essential aspect to such a question directed to a program that derives from a policy. Namely that the question can be answered. Family assistance will have succeeded if over the course of the 1970's the steadily rising number of dependent families in the nation begins to level off and then to turn down in terms of actual numbers and overall proportions. It is as simple as that to define success. Yet this is the one thing that often defies efforts when applied to programs.

This is the final point I would make about the concept of national policy with respect to social outcomes. It is a concept most explicitly outlined in the President's recent message to the Congress on Elementary and Secondary Education. The test of a program is not input but output. It is interesting, and at times important to know how much money is spent on schools in a particular neighborhood or city. But the crucial question is how much do the children learn. (We can pursue the current test score mania to the point of defining learning to an absurdly narrow fashion, but we can surely also learn to define learning in broader and more relevant terms.) *Output* is what matters. Programs are for people, not for bureaucracies. This is the final, as I say, and probably also the most important policy approach to government.

It will be evident enough that we are only at the beginning of this process. Doubtless we shall in time come to view our beginning efforts as crude, and even misconceived. Still it is an important beginning. We have begun to think in important new ways about the problems of our society, and we are entitled to hope that from this new approach there will emerge a more effective and achieving society.

SP4C. OSBORNE MATTINGLY, JR.

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. SNYDER. Mr. Speaker, I rise today to pay tribute to Sp4c. Osborne Mattingly, Jr., who was killed in Vietnam on June 25.

Osborne was the 113th northern Kentucky fighting man to give his life for his country in Southeast Asia.

Though the Nation is experiencing dissent over America's commitment, Osborne Mattingly answered the call to duty. He paid the supreme sacrifice for his country and for those of us whom he died defending.

He gave his life upholding his patriotic beliefs and it must be our hope and prayer that Osborne Mattingly, Jr. died so that others could live—and remain free. I know I speak for the people of the fourth district of Kentucky—and for Americans—when I convey my deep sense of loss and sympathy to the Mattingly family.

The front page story reporting Osborne's loss, which appeared in the Kentucky Post, June 29 (by Mike Farrell), and an editorial which appeared June 30 in the Kentucky Post follows:

KILLED IN WAR ON 21ST BIRTHDAY

(By Mike Farrell)

Osborne Mattingly Jr. reached the age of manhood—21—last Thursday.

But he couldn't celebrate that special occasion with his parents, family and friends. He had answered the call to arms for his country in the Southeast Asia conflict.

Today, Spec. 4 Mattingly's presents are still wrapped, his birthday cards unopened.

Army officials yesterday informed his parents that Spec. Mattingly had been killed in Vietnam . . . on his 21st birthday.

"He didn't say what he (Mattingly) was doing," his father, Osborne Mattingly Sr., said today. "Said he'd been fighting about every day. He was in a hospital for a while with bronchitis."

The senior Mattingly clutched in his hand the last letter the family received from their soldier son.

"He said they'd made a big change over there, but he couldn't tell us what it was. He said he'd be home by Christmas. He hoped everybody was well and he was worrying to get out of there and get back home . . ."

"That boy worked hard," his father said. "He didn't know when to quit working."

Osborne Mattingly Jr. quit Pendleton County High School at age 18 and went to work in Covington as a machine tender for Duro Paper Bag Co.

In May, 1969, he was drafted, and sent to New Jersey for basic training. He returned home in September and was sent to Vietnam in October, to serve in the 199th Infantry.

The family was unsure of details of their son's death.

Army officials were expected to return today with the story surrounding the event.

Mattingly said he thought his son had been in Cambodia, but he isn't sure where he had died.

Besides his parents, northern Kentucky's 113th Asian war victim is survived by three sisters, Mrs. Linda Ferrel, of California; Mrs. Betty Nagel, of Newport, and Mrs. Debora Bishop of Butler.

Also five brothers, James, of Newport; Edwin of Falmouth; John, Thomas and Rodney, all of Butler, and his maternal grandfather, Frank Harrison, California.

Mattingly Sr. is a ticket writer at Cincinnati Stockyards.

The youth is Pendleton County's fourth Vietnam casualty.

Alexandria Funeral Home is in charge of arrangements.

[From the Kentucky Post and Times-Star]

BIRTH AND DEATH OF A KENTUCKIAN

The limited-objective war to which Lyndon Johnson committed the lives of thousands of young Americans is a war that mocks its victims and those who mourn them.

Army Spec. 4 Osborne Mattingly Jr., fighting under the command of the United States armed forces in the Communist-overrun Indochina Peninsula, was killed in combat on his 21st birthday.

How utterly tragic that on the very day this brave young Pendleton County man reached his majority he was required to lay down his life with patriotism in a war this nation's leaders have never meant to win!

We who count the bloody casualties of this war at The Kentucky Post find that Osborne Mattingly was the 113th serviceman from northern Kentucky to be sacrificed in the Vietnam conflict. This is a melancholy duty that we perform with sadness and deep regret.

We salute Osborne Mattingly for the heroism with which he fought and died, uncomplaining, during the last year of his once-promising life. We offer his heartbroken parents, sisters and brothers our profoundest sympathy, inadequate though it be to comfort them in their terrible loss.

And we raise our voice once again in bitter protest to the confused and misguided leadership in Washington that permits the slaughter of American youth to continue in a political and diplomatic war that this leadership dares not even attempt to win. Yet a war that it is tragically reluctant to end.

OMNIBUS DISTRICT OF COLUMBIA CRIME BILL

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DORN. Mr. Speaker, the Congress has now given final passage to the omnibus District of Columbia crime bill. This legislation directly affects only the District of Columbia, but it is of national concern in that this legislation indicates how we in the Congress will respond to the local manifestation of the national problem of crime.

Mr. Speaker, no one can deny the need for strong action by the Congress. The appalling climate of lawlessness that terrorizes this Nation's Capital is all too familiar a story. A few statistics illustrate the point: Among cities of comparable size Washington has the highest crime rate; of the 51,419 felonies reported in fiscal year 1969, arrests were made in only 11,504 cases and of these only 2,583 were indicted and 1,461 convicted. Thus, only 2½ percent of the felonies reported in fiscal year 1969 resulted in convictions. When one considers that a large proportion of felonies go unreported to police due to the despair of the victims, the percentage of convictions is sickenly low.

Mr. Speaker, our law-enforcement officials need our strongest support, whether they work in our home States or here in Washington. This legislation gives added tools to law-enforcement agencies in the District of Columbia, but it also signals to law-enforcement officials all over the Nation that we in Congress are determined to do all within our jurisdiction to give them the tools they need and the respect they deserve to carry out their essential task.

This legislation is long and complex. It is a tribute to the great House Committee on the District of Columbia. Ninety percent of this legislation is noncontroversial: for example, the court system of the District of Columbia will be reorganized, as will the bail agency and the public defender system. Other, more hotly debated provisions greatly strengthen the hand of law-enforcement officials, while still providing the necessary protective safeguards for the innocent citizen. Among these new law-enforcement tools are sections that authorize wiretaps under certain circumstances, impose mandatory prison terms in certain instances, allow under certain circumstances a 60-day preventive detention of a suspect adjudged dangerous to the community, and allow under certain circumstances the police to make entry into a building without giving notice of their identity or purpose. The last mentioned quick-entry provision has been subjected to much debate, but it merely puts into the statutes certain procedures which had already been condoned by the courts.

I have always been sensitive to the potential danger of legislation which would increase the power of government vis-a-vis the individual citizen. For this reason I have in the past opposed certain legislation which I believed constituted unwarranted intrusions by government into the day-to-day life of our citizens. In the case of this legislation I have noted the opposition to a very limited number of its provisions. However I am convinced that the appropriate constitutional safeguards have been written into this legislation. This legislation is a reasonable and realistic response to a national disgrace. It strikes the proper balance between the rights of the accused and the rights of the community to enjoy law and order. I was happy to support this legislation. I believe it will benefit law-enforcement officials, the residents of Washington, and the millions of tourists who visit the Nation's Capital each year.

ADDRESS BY AFL–CIO SECRETARY-TREASURER LANE KIRKLAND TO THE CONVENTION OF THE INTERNATIONAL BROTHERHOOD OF BOOKBINDERS IN DETROIT, MICH.

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, on July 14, 1970, Mr. Lane Kirkland, secretary-treasurer of the AFL–CIO, delivered an excellent address to the convention of the International Brotherhood of Bookbinders in Detroit, Mich. In this address he vividly points out how the national economic policy in effect under this administration is keeping us from achieving basic goals and is creating untold hardships for workers because of widespread unemployment and inflated prices.

The text of this speech follows and I

commend it to the attention of all who are concerned for the economic welfare of our Nation:

I appreciate very much this opportunity to speak to this convention of one of the oldest and most stalwart members of the family of labor. I have been fortunate in enjoying the personal friendship of your officers for many years. I have had the privilege of working with the International Brotherhood of Bookbinders and its officers many times on many issues, and you have never failed to do your part in the advancement of the rights and interests of all working people.

I want to review, as briefly as I can, some of the major trade union events of recent months. These events show—I believe—that despite our detractors and critics, labor has lost none of its vigor or vision—and continues to be the most effective free force in a democratic society.

I want also to emphasize and underscore some of the hard tasks and some of the challenges that face us today—tasks and challenges that will require the best efforts of every element of the trade union movement.

Owing to the solid, nationwide support of brother organizations like yourselves, the unions representing the employees of the nation's fourth largest corporation—the General Electric Company—emerged from a long, bitter and costly strike with flying colors and with a historic victory.

General Electric forced those unions, joined together in an AFL–CIO Coordinated Bargaining Committee, to strike by declaring that it would never change its totally unacceptable, take-it-or-leave-it first offer. The tactics used to enforce that position have come to be defined by the term "Boulwarism".

A hundred days later that offer was changed and improved in every major area. And the strike was settled on reasonable, honorable terms through the collective bargaining process.

Boulwarism was buried by 150,000 trade unionists in 34 states who refused to be shaken by any weapon the company could use against them.

The strikers won the victory, but they could not have done it alone. They asked for—and they got—the total, unified support of all their trade union brothers and sisters. Millions of dollars and millions of man hours were poured out more freely than ever before. Labor launched—and won—the first truly national boycott of consumer products in labor's history.

And when GE admitted that it had made a mistake, on the hundredth day, the picket lines were stronger than they were on the first. American trade unionists had demonstrated their solidarity, their brotherhood and their determination more convincingly than ever before.

Let me mention some other evidence of labor's vitality—just a few of the developments since your last convention:

Both farm workers and government workers, who have been denied the right to collective bargaining, are breaking through the barriers.

Americans can now buy union-label grapes, for the first time in history. The people who pick them, aided by the rest of the labor movement, are winning their long battle for union contracts and all the improvements that go with them.

Postal workers have become the first government employees in history to win the right to bargain collectively with the federal government on their wages and working conditions.

Both of these battles will go on until they are completely won, and until farm workers everywhere, and workers in every federal, state and city agency, have the same right to union representation that other workers have enjoyed for generations.

In the United States Congress and in state legislatures and city councils, labor is representing the interests of all the plain people of America.

There is a union label on last fall's Tax Reform Act, as there is on nearly every piece of progressive social legislation passed by Congress in the 20th Century.

Because of labor's efforts, along with those of our allies in the Civil Rights movement, Judge Haynsworth is not sitting on the Supreme Court today, and neither is Judge Carswell. The AFL–CIO accepted the duty to do its best to assure that the new associate justice of the highest court in the land would be a fair-minded man, worthy of that post, so vital to the Constitutional guarantees of the basic rights of all free men.

The labor movement will continue to fight harder than ever before for social and economic progress for all of the people of the United States.

Sooner or later, this nation is going to have a decent, comprehensive, prepaid system of National Health Insurance for all of its people—and you can bank on that. Our job is to see that it comes sooner than later.

This nation is going to have more and better education for both youngsters and adults.

This nation is going to have cleaner air and water. It is going to have equal rights and equal opportunity in every area of life for all its people, no matter what their color or origin. It is going to have a truly fair system of taxation.

These are the tasks that lie ahead. These things demand the best that is in the labor movement—the only effective People's Lobby there is. We intend to achieve them.

But there is one stark, overriding danger before us that can jeopardize everything we have done and everything we hope to do.

The health of the labor movement and of the United States is tied to the health of our national economy.

And right now the economy is sick, and it is getting sicker every day.

Unemployment is rising steadily, and so are prices. Production is steadily declining, and so are family incomes.

And the only medication the Administration has prescribed is to encourage speculation on the stock market, send interest rates even higher and increase further the already astronomical profits of the moneylenders.

The free-enterprise system is supposed to work for the benefit of all our citizens. But the bitter truth is that it is not doing so.

The present Administration undertook to halt inflation and to stabilize the economy. It undertook to do so fairly, without putting the whole burden on any one part of the American people.

But the way it set about that task, using classical economic theories that have never worked in fact, is having the opposite effect.

The theory is that inflation is caused by too much money chasing too few goods, and that the way to solve it is to reduce the supply of money and make it harder to get by raising interest rates.

That is not what was happening. There were plenty of goods, all through the 1960s. Money was being siphoned off, during those years, by the greatest profit boom in living memory. Manufacturers and merchants raised their prices steadily, charging all the market would bear, to push profits still higher. The stock market became so accustomed to higher and higher profit rates that it could not stand the shock of a slowdown in their escalation.

And all along labor was being warned not to price itself out of the market.

We tried to price ourselves back into the market. But the push for higher wages never kept up with the constantly spiraling profits.

During the last 10 years, corporate profits rose by 93 percent. And wages rose 34 percent. In terms of real buying power, wages rose during all that time by no more than 10 percent.

You don't have to be an economist to understand these things. There isn't anybody in this room, any worker in this land, who can't compare his wages and his bills and tell whether he's making it or not. There isn't anybody who can't compare today's wages and living costs with those of 10 years ago and see exactly what has happened, and where the problem lies.

We have inflation, but it's a profit-caused inflation. Wages are not a cause of this inflation; they are a victim of inflation.

The Administration did not make that crucial distinction. It simply closed its eyes and fired blindly at the entire economic structure by tightening up money.

Money is very tight indeed. Interest rates have been pegged at the highest rate since the Civil War. But inflation has not been stopped. There is plenty of money for the rich and for the giant corporations, who have the best pipelines to the money market. They are cheerfully paying high interest rates and passing the cost to the consumer.

The banks are gladly lending money to their most powerful customers, but they have nothing but empty hands and pious talk about inflation-fighting when it comes to workers or consumers or small business or the housing industry or state and local governments.

In short, money is available to the rich and the greedy, for the financing of business mergers and conglomerate takeovers and for building gambling casinos and overseas production facilities. It is not available for public or private housing, or for schools or hospitals, or for other socially useful purposes.

Tight money means a bonanza to the banks and those who rent out money rather than goods and services. It means disaster to everybody else.

So private housing construction is nearly at a standstill, the homes and public facilities this nation needs so badly are not being built, and skills, manpower and resources vital to the welfare of the nation are idle.

The story is the same elsewhere. Industrial production has fallen below 80 percent of capacity, which means one machine in five is standing idle.

Those who have jobs are working shorter hours. In May, the average American worker had just $104.02 to take home at the end of a week's work to feed a family of four. And it bought less than it did last year. It bought less than it did *five* years ago.

And the number of those who do *not* have jobs is increasing ominously. At this point one out of every 20 Americans who need and want jobs cannot get one.

In our mid-year economic report to the Congress last week, the AFL–CIO quoted some words spoken by President Nixon in October of 1968, when he was a candidate for the White House. He said:

"In the next four years, we must help create 15 million new jobs . . . Economic growth is the best assurance for a working man that his job will be secure, his real earnings on the rise, his route to advancement open."

Then, in February of 1969, in a letter to President Meany, President Nixon said this:

"We must find ways to curb inflation . . . without asking the wage earners to pay for the cost of stability with their jobs."

But that is exactly what is happening. The workers of this nation, who did not by any means share equally in the "affluence" we kept reading about in the 1960s, are expected to pay the full penalty for an economic squeeze they did not create.

And as we told the Congress last week, it isn't only the Administration that feels

workers and their families are expendable in the fight against inflation.

Even before the Administration took office, in October 1968, the Business Advisory Council agreed that the new President should act quickly to stem inflation, even if it meant an increase in unemployment to as much as 5½ percent of the work force.

It is safe to say that the people who coldly decide that such casualties are acceptable have no fear that they will ever find themselves among that 5½ percent.

Percentages only hide the fact that we are talking about human beings—more than four million individual persons—heads of families struggling to meet their responsibilities, or youngsters who want to come in off the street, find a decent job and build themselves a better world.

We in the labor movement believe that no human being is expendable. We understand that for the person who is unemployed, this nation and its society and its economic system are a failure. We will never admit that failure is any more acceptable when it involves one person—or four million persons—than it would be if it involved us all.

Workers have a right to protest when they are singled out to bear the brunt of what should be a national problem. I think it is more than a right. It is our duty to protest it, and to demand that other, more reasonable, more humane and more equitable solutions be found.

Labor intends to do just that, and to keep on doing it until the financiers and politicians begin to act on the principle that every American citizen has a right to a place in society, a right to earn his way and provide for his family, and a right to a productive job.

We will, as we have so often done in the past, search for candidates who will seek ways to even the burden and put America back to work. We will support such candidates and work to see that they are elected.

This is something labor knows how to do, and of course the Bookbinders know it as well as anybody. So the AFL–CIO does not doubt that in the coming months you and your members will be doing the hard and necessary house-by-house and shop-by-shop canvassing to make sure all of your families and friends and neighbors are registered to vote, that they know the issues and the truth about the candidates' position and track record, and that they go to the polls on Election Day.

There are economic analysts who predict that the present state of affairs will last well into next year. If we do our part, we can see to it that the task of putting America back to work begins no later than Election Day, Tuesday, November second, 1970.

Thank you.

HON. MICHAEL KIRWAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. TEAGUE of Texas. Mr. Speaker, with the passing of Michael J. Kirwan, the Nation lost a great public servant. Ohio lost one of its finest Representatives. The Congress lost a dedicated and progressive Member. The Democratic Party lost a stalwart leader. I lost a true friend.

Mike Kirwan always made his own way, from his boyhood days as an adventurer and laborer in young America to the days of substantial power in his party and in the Congress. His code of treating others as he liked to be treated gained him vast admiration and a host of true friends. It also gained him a few enemies, but he even took pride in them, noting that his enemies always told as much about a man as his friends.

The contributions of Mike Kirwan to the preservation of America's resources and the conservation of her lands and her waters will be his monument. His 34 years of active service in Congress spanned many eras, and he was in the forefront of most of the legislative movements which changed America from a frontier land into the world's mightiest industrial nation.

Mike Kirwan was always there when his country needed him, and when his friends needed him. He served his Nation well. His memory will long sustain many in this body; would that we all leave as great a legacy as Mike Kirwan.

A GREAT LADY AND A GREAT AMERICAN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. BINGHAM. Mr. Speaker, it is with sorrow that I take note of the death of Helen Rogers Reid. Mrs. Reid was a great lady and a great American.

I will not take the time of the Members to recount the facts of her long and full life and many achievements, which were duly recorded in the New York Times article which I shall append at the end of my remarks.

I do want to express to the members of her family, including particularly her sons, our colleague, the gentleman from New York and Mr. Whitelaw Reid, both of whom have been my friends for many years, the profound sympathy of my wife and myself. The end of a life is never easy to accept, even when it comes, as in this case, many years after the allotted Biblical span.

I have only the fondest personal recollection of Mrs. Reid. Among her many interests was her great involvement in the activities of young people. Mrs. Reid twice gave me the opportunity to serve as a space-rate correspondent for the New York Herald Tribune, a very great newspaper, writing articles for the Sunday edition on youth movements in Germany, Italy, and the Soviet Union in 1935 and on conditions in Japanese occupied China in 1938. I am grateful to her for that, as well as for many other kindnesses.

Helen Rogers Reid will be sorely missed by a host of friends in New York and around the world.

The article follows:

MRS. OGDEN REID IS DEAD AT 87; EX-PRESIDENT OF HERALD TRIBUNE

Mrs. Helen Rogers Reid, former president of The New York Herald Tribune, died of arteriosclerosis yesterday at her home, 834 Fifth Avenue.

Mrs. Reid, who was 87 years old, was the widow of Ogden Reid, president of The Herald Tribune until his death in 1947.

In her 37 years on The Herald Tribune and its predecessor, The Tribune, Mrs. Reid was an unflamboyant but powerful force in the newspaper world and in the city's civic and social life.

Her business acumen, first displayed as an advertising salesman, and her editorial judgment, in making the paper attractive to women and suburban readers, helped to transform The Herald Tribune into a modern newspaper.

Entering journalism as a by-product of her marriage to Ogden Mills Reid, whose father, Whitelaw, had acquired The Tribune from Horace Greeley, its founder, Mrs. Reid gradually established herself as a newspaper personality in her own right. Never overtly aggressive, she won her reputation by quiet tenacity, dowagerlike charm, and a clear and orderly mind.

There was little in Mrs. Reid's appearance to suggest the influence she wielded, nor the force of her character. She stood only an inch over 5 feet; and she looked as fragile as a piece of expensive china. Her hair, at first brown, then gray and later white, was a fine soft fuzz that curled close to her head. Her large green eyes, however, were alert and probing. According to advertising salesmen who dealt with her, they could be quite unnerving.

In dress Mrs. Reid was feminine but not fancy. Her taste ran to bright colors, with various shades of purple predominant. Day in and day out she wore a plain beret-like hat embellished with pearls, a diamond clip, sequins, flower petals or feathers.

Although she was pleasant and informal in conversation in the office or at dinner, her talk did not run much to chit-chat, and she did not encourage it in others for long. For many years Mrs. Reid included her editors and columnists at luncheons, dinners and weekend parties she gave for guests notable in national and world affairs.

A gathering might include a Presidential aspirant, an international statesman, a best-selling author, an economist, an editor and a few couples from the Reids' social circle on the upper East Side. With dessert, Mrs. Reid would swizzle a glass of champagne with a piece of melba toast and throw out a general question on current affairs.

DINERS SUMMONED TO SPEAK

Going around the table, she would call on the diners, one by one, for their views. According to one account of these affairs, some gave their opinions seated, but a number were wont to rise and address Mrs. Reid as though she were a public meeting.

Mrs. Reid's interest in the political and economic forces that shaped the world about her was reflected in the establishment, in 1930, of The Herald Tribune's annual Forum on Current Problems. Although the Forum was at first a promotional device aimed at clubwomen, it was expanded to include the public generally.

With Mrs. William Brown Meloney, the Forum director for many years, Mrs. Reid took a hand in choosing and obtaining prominent speakers, many of them from abroad. She presided at the big sessions in the Waldorf-Astoria, and published the proceedings in a special supplement for high school and college students.

Mrs. Reid's own politics were Republican, but the forums were nonpartisan and dispassionate presentations of world news and issues. They were discontinued after 1955, for emphasis on the paper's Youth Forum.

At The Herald Tribune Mrs. Reid raised her voice for moderate Republicanism and for internationalism. In 1952 she supported Dwight D. Eisenhower for the Presidency; she had backed Thomas E. Dewey in 1948.

Mrs. Reid was a leader in civic affairs. She served for nine years as chairman of the board of trustees of Barnard College, her alma mater. A dormitory built in 1963 with funds she helped to raise is named for her. She was a trustee of the Metropolitan Museum of Art. She was active in the New York Newspaperwomen's Club, and she was president of the Reid Foundation, established by her husband in 1946 to give fellowships to journalists for study and travel abroad.

NEEDY CHILDREN HELPED

Another of Mrs. Reid's civic interests was her newspaper's Fresh Air Fund, which raised public contributions to send needy children to summer camps and homes in the country.

As a society figure Mrs. Reid was far less formidable than her mother-in-law, a vigorous matriarch who died in 1931. Mrs. Reid's style in entertainment was informal—and indefatigable. There was a constant round of guests at her 15 East 84th Street apartment, at 30-room Ophir Cottage in Purchase, N.Y., at a summer place in the Adirondacks and at a hunting lodge in North Carolina.

To those who sought to assay her career, Mrs. Reid appeared as a Cinderella who became Queen Helen. She was born in Appleton, Wis., on Nov. 23, 1882, the youngest of 11 children of Benjamin Talbot Rogers and Sarah Louise Johnson Rogers. Her father died when she was 3. Although the family was not poverty-stricken, she was obliged to earn part of her way through boarding school and then through Barnard, which she entered in 1899.

EARNED DEGREE IN ZOOLOGY

She enrolled to study Latin and Greek and perhaps to become a teacher, but she shifted her interest to zoology and took her degree in that. She established a reputation among her classmates as a crisp, attractive, enterprising girl who could even turn a profit on the senior yearbook. The class poet summed her up in this quatrain:

We love little Helen, her heart is so warm
And if you don't cross her she'll do you no harm.
So don't contradict her, or else if you do
Get under the table and wait till she's through.

In June, 1903, when Helen Rogers received her Bachelor of Arts degree, she heard that Mrs. Whitelaw Reid, one of the city's grande dames, was seeking a social secretary. She applied, was accepted and went to work in the Reids' sumptuous Florentine fortress on Madison Avenue, across from St. Patrick's Cathedral. Mrs. Reid, who had a dinner table seating 80 people and the wealth to festoon it with elegant viands, never lacked for social engagements; a secretary to handle this facet of her life had few idle moments.

SECRETARY FOR 8 YEARS

Helen Rogers was in Mrs. Reid's employ for eight years, dividing her time between the United States and London, where Whitelaw Reid was Ambassador to the Court of St. James's from 1905 to his death in 1912. During this time she met the Reids' only son, Ogden Mills Reid, fresh out of Yale. The couple were married in Wisconsin March 14, 1911.

Tall, handsome, genial and convivial, Oggie Reid was deeply interested in swimming, tennis, shooting and sailing—activities in which his wife learned to excel by putting her mind to them.

She at first took only a passing interest in The Tribune, which her husband inherited on his father's death. In the first six years of her married life she devoted herself to her children, Whitelaw, Elisabeth, who died in childhood, and Ogden. Her chief outside concern was women's suffrage. She helped raise $500,000 for suffrage campaigns in New York.

"When I was at Barnard, working my way through," she explained later, "the necessity for complete independence of women was borne in one me."

JOINED PAPER IN 1918

Mrs. Reid's newspaper career began in 1918, when she became an advertising solicitor for the palsied Tribune, into which the Reid family was reported to have poured $15-million since 1898. "Come down to the office," Ogden Reid asked his wife, "and work the paper's success out with me." Within two months she was its advertising manager, a post she held under slightly different titles on The Herald Tribune until she became its president in 1947.

Immensely loyal to the Reid name and eager to make The Tribune a great, self-supporting paper, Mrs. Reid channeled enormous energy into advertising salesmanship. Between 1918 and 1923 the paper, competing in the morning field with The Times, The World, The American and The Herald, more than doubled its lineage.

Then and later she was relentless in pursuit of space buyers.

"She had the persistence of gravity," an associate once remarked. She called on advertisers or had them to luncheon. Banter, deft flattery and an array of voluminous and precise facts constituted her arguments.

ADVERTISING STAFF DRIVEN

She was as unsparing of the paper's other ad solicitors as she was of herself. "You get so you sneak up the back stairs rather than confess you're not a wonder boy," a member of her harried but admiring staff once said.

On The Herald Tribune in the nineteen-thirties and forties, Mrs. Reid was accustomed to hold advertising staff meetings on Mondays at 9 a.m. sharp to get an accounting of each salesman's work. At one point she presided from a platform decorated with a cardboard apple tree and red cardboard apples. Each apple represented an account the paper was seeking.

She called up the salesmen by turn, and whenever one announced a new account she would remove the appropriate cardboard apple from the tree with a ceremonious flourish to the accompaniment of the assemblage's applause.

By means of this and other encouragements to salesmanship, including at one time impromptu choral singing, Mrs. Reid kept the advertising flowing in. For her doggedness and for her conviction that The Herald Tribune was the finest advertising medium in the city she was much admired by her sales staff.

INFLUENCE ON PAPER STRONG

Mrs. Reid had a pervasive influence on the paper's news and editorial content, although its precise demarcations were a matter of speculation.

One story is that Mrs. Reid once protested to her husband about a news article and that he retorted:

"Helen, will you get the hell back to your department and run it while I run mine."

She is said to have departed meekly.

Mrs. Reid always denied the story. "In the first place," she once explained to an interviewer, "my husband wouldn't speak to me that way. In the second, I wouldn't leave meekly. Besides, nothing like that ever happened."

Actually, when Mrs. Reid put her mind to it, she usually got her way. One exception was in trying to make the paper dry during Prohibition. On this point her husband was unyielding.

SPURNED DEAL FOR HERALD

Mrs. Reid's editorial presence was felt especially after The Tribune, at her prompting, acquired Frank Munsey's Herald in a $5-million deal in 1924.

Shortly after the purchase The Herald Tribune moved uptown from Nassau Street to quarters at 230 West 41st Street, and began to expand its news coverage and increase its circulation.

Mrs. Reid was generally credited with being responsible for its concentration on the suburban, middle-class field of circulation. She frequently suggested story ideas and advised on coverage of others. The paper devoted, under her stimulus, much space to the news of gardening and allied interests of suburban dwellers and women.

STAFF MEMBERS RECRUITED

Mrs. Reid's influence was also reflected in the appointment of the late Mrs. Irita Van Doren as editor of Books, the Sunday literary supplement, and of the late Mrs. Meloney as editor of This Week, the Sunday fiction and articles supplement. She added the late Dorothy Thompson and Walter Lippmann, the commentator, to the staff. She was also responsible for the paper's Home Institute, a widely known experimental kitchen that devised and tested recipes for publication.

When Ogden Reid died in 1947 his widow succeeded him as president of The New York Herald Tribune, Inc. She became chairman of the board of directors in 1953. Her elder son, Whitelaw, who had joined the staff in 1940 and had been named vice president in 1947, succeeded to the presidency.

In 1955, at the age of 72, Mrs. Reid resigned as chairman but continued as a member of the board. Whitelaw succeeded her as chairman, and her other son, Ogden, who had joined the staff in 1950, became president, publisher and editor.

RETIRED IN 1958

For some time The Herald Tribune had not been gaining sufficient circulation and advertising in a period of rising costs and intense competition. A loan of $2.5-million from the Massachusetts Life Insurance Company in the fall of 1954 proved insufficient to restore the paper to prosperity. In September of 1957 John Hay Whitney, the financier, invested $1.2-million in the paper with an option to buy. He took up the option a year later, leaving the Reid family with a minority interest. Mrs. Reid retired at that time from the board of directors.

Mr. Whitney ran The Herald Tribune until 1966, when it merged with The Journal-American and The New York World-Telegram and The Sun. The new paper, The World Journal Tribune, expired in May, 1967.

In retirement, Mrs. Reid lived quietly in her apartment at 834 Fifth Avenue, entertaining her friends and members of her family and venturing out socially from time to time.

Many organizations honored Mrs. Reid. In 1935 she received the medal of award of the American Women's Association "for professional achievement, public service and personality." The Cuban Red Cross gave her the Comendador Cross of the Order of Honor and Merit for her "helpful understanding of world problems and friendliness toward Latin America."

At the annual dinner of the Hundred Year Association of New York, an organization of business institutions with more than a century of unbroken existence in New York, she was awarded a gold medal in 1946 for services in behalf of the welfare and prestige of the city. The 1949–50 seal of the Council Against Intolerance was presented to her for "outstanding service in the cause of tolerance and equality."

ELECTED TO ARTS ACADEMY

She was selected by the editors of "The Book of Knowledge" as one of 12 women who are "inspiring examples of intelligence and accomplishment." She was one of four women elected fellows of the American Academy of Arts and Sciences in 1950. In 1951 she was listed among 10 notable women

in industry, communications, labor and the professions in New York State.

Mrs. Reid was also the recipient of a number of honorary degrees, and she was a member of the Colony Club, the Women's City Club, the Women's University Club, the New York Newspaperwomen's Club, the River Club, and, in Paris, of the University Women's Club.

She is survived by her sons, Whitelaw Reid and United States Representative Ogden Reid of Westchester, and by 10 grandchildren.

A funeral service will be held Thursday at 10 a.m. at St. Thomas Episcopal Church, Fifth Avenue and 53d Street.

OPPOSITION TO PROPOSED APPOINTEE TO EEOC

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mrs. CHISHOLM. I would like to express my opposition to the Nixon administration's consideration of Mrs. Irene Witan Walczak for appointment to the Equal Employment Opportunity Commission. Although I do not base my opposition on a critical evaluation of Mrs. Walczak's capabilities or motivation, I do feel strongly that her experience is incongruous with membership on a Board such as the Equal Employment Opportunity Commission. Membership on the Commission should not be arbitrarily chosen. The responsibility of participation on the Commission can only be fulfilled through a long developed sensitivity to prejudicial discrimination. Such sensitivity, and the capacity to apply it to the injustices of society, evolve from a direct experience with discriminatory practices.

It is necessary to express my opposition to the possible appointment of Mrs. Walczak in the context of the function of the Equal Employment Opportunity Commission. In elaborating on the Commission, I would like to add that its small size of a five-member Board, by no means indicates an ineffective role. One the contrary, the Commission fulfills a unique function in the process of eliminating the legal condonement of prejudicial discrimination. The Commission reviews complaints of job discrimination based on race, color, religion, sex, or national origin. The function of review includes resolving cases through conciliation. Although the Board lacks the power of judicial review, it does have the power to refer cases to the Justice Department. Without pressure, the Justice Department can easily slip into a lax role in combating discrimination.

In the above context, the experience of Mrs. Walczak is incongruous. According to reliable newspaper sources, Mrs. Walczak has been active in Republican campaigns. In 1964 she worked for Barry Goldwater, who as Senator voted against the Civil Rights Act. During 1968 she was a Republican chairman of the Citizens for Nixon-Agnew for three New York counties, and contributed upward of $1,000 to the GOP. On a nonpolitical level, Mrs. Walczak has completed 1 year of college, and has never held a salaried position. Her experience has included such activities as membership on the development board at the State University College at Buffalo, and support for the Buffalo Philharmonic.

In contrast to the background of Mrs. Walczak is the direct involvement of Commissioner Kuck in the problems of labor. Miss Kuck previously served as personnel director for the International Harvester Co. of Chicago, and in the assembly line of that company. Her concern over discrimination is evident by her contact with the Justice Department in confronting sexual discrimination. The result of her action was that the Civil Rights Division initiated a brief in support of a woman filing charges on the grounds of job discrimination. The case is now pending before the Supreme Court. While Commissioner, Miss Kuck was praised by various organizations for her competence. The White House recently gave their approval of her term as Commissioner, but withheld renewal of her appointment.

The contrast between the experiences of the prospective Commissioner Walczak and the expired Commisisoner Kuck is clearly evident. The prospective appointment of Mrs. Walczak cannot help but weaken the confidence of victims of discrimination in our system of government. The mounting crisis in the credibility of leadership is based on all levels of leadership, this being no exception.

I call to your attention this discrepancy between qualification and appointment to a position of responsibility, in the hope that the administration will withdraw its consideration of Mrs. Walczak for appointment to the EEOC. I expect that if the House of Representatives had the power of approving appointments, they would not do so in this case.

IN MEMORIAM: PETER V. ROVNIANEK

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DERWINSKI. Mr. Speaker, the eyes of Slovaks in America will turn toward Chicago next week when the 25,000 member National Slovak Society of the United States of America assembles for its 25th national convention. The National Slovak Society, with headquarters in Pittsburgh, Pa., is in its 80th year of existence and is the oldest Slovak-American fraternal organization. The Society, through its membership, national officers and convention delegates from all parts of the country, will honor its founder, the late Peter V. Rovnianek with graveside memorial services at Bohemian National Cemetery on Sunday afternoon, August 2.

Following are excerpts from an article written by Dr. Stephen J. Hletko, national director of activities for the National Slovak Society:

IN MEMORIAM: PETER V. ROVNIANEK

Peter Vitazoslav Rovnianek was born on June 27, 1867 in Dolny Hricov, county of Trencin, Slovakia, and migrated to the United States in September 1888.

Rovnianek was proud of his Slovak ancestry and maintained a deep love for the land of his birth. During his student days abroad, and later in this country as a student and then as a journalist and author, he was a consistent supporter of Slovak nationalism and independence and encouraged the downfall of the Austro-Hungarian empire. He was a loyal son of his adopted country, and continuously encouraged the Americanization of Slovak immigrants.

He was the first to recognize the need of organizing a fraternal beneficial society of Slovaks in America which became a reality on February 15, 1890 when the National Slovak Society of the U.S.A. was born and he was elected its first president. The organizational meeting took place at Walther's Hall in Allegheny, Penn., (now a part of Pittsburgh) and the motto, "Liberty, Equality and Fraternity," was adopted by the original membership which totalled 25.

Mr. Rovnianek believed in fraternalism, and helped organize other Slokak-American societies, particularly Zivena Ladies Beneficial Society and Slovak Gymnastic Union Sokol (now known as Sokol USA.) A number of other Slovak-American societies are actually offshoots of the society that he organized and therefore he is rightfully referred to as "The Father of Slovak-American Fraternalism."

He was a true patriot, fraternalist, author and journalist, businessman and a brilliant orator with a dynamic style and personality. Unfortunately, as it so often occurs, he did not always receive the recognition he deserved and encountered complications in his fraternal activities. Mr. Rovnianek died in virtual obscurity on November 16, 1933 in Hornitos, California. Later his Chicago area friends arranged to have his remains moved to Bohemian National Cemetery in Chicago and also arranged for the erection of an imposing monument in his memory.

Rovnianek was a dedicated genius who had foresight and was obviously years ahead of his time. His ideas and successful methods were later imitated by others Although Slovak history has neglected Rovnianek, the architect of Slovak Fraternalism and unity, it is becoming clearer and time will properly vindicate him and the National Slovak Society and the Slovak-American fraternalistic system will serve as a living monument to him and will credit the success of his walk through life.

Mr. Speaker, Dr. Hletko is a resident of Oak Lawn, Ill., in my district, and it is appropriate that we make mention of the great contributions to American life that fraternal organizations such as the National Slovak Society have provided.

HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS, and I wrote to President Nixon indicating our concern for the President's failure to give audience to black representatives or consideration to the problems of black

Americans. We are concerned, Mr. Speaker, that neither by word nor by deed has the President indicated anything but premeditated indifference toward 25 million black citizens. The policies of this administration have served to accelerate the tragedy of separate and unequal societies moving steadily and dangerously apart.

The July 18 edition of The New Republic magazine carries a comment by the editors entitled "Nixon and Blacks: Substance and Symbol." Since this comment addresses itself to the effect of Nixon policies upon the aspirations of black Americans for equal opportunities and rights, I submit it for the attention of my colleagues in order that they may review some of the reasons for the alienation of black America.

The article follows:

NIXON AND BLACKS: SUBSTANCE AND SYMBOL

Is the Nixon Administration "anti-Negro," as alleged by the chairman of the NAACP, Stephen G. Spottswood? It does not think itself so. The President's Special Consultant, Leonard Garment, cites evidence that it is not, in an aggrieved telegram to Bishop Spottswood. And in a sense Mr. Garment is right. George Wallace is not the symbol of this Administration; the Attorney General is. And Mr. Mitchell does not hate blacks; he hardly knows them. He is not a bigot, he defends the law and order that underpin his own success and that of his friends. He is an expert on municipal bonds, intelligent, self-assured, provincial. Mr. Garment is broader-gauge, but, with all the goodwill in the world he cannot close the great divide between the government and the blacks. It is beyond his reach. So if he comes off worse in his interchange with NAACP, it is not because he is insincere, or because the Administration is hard-hearted, but because government, business, unions, schools, philanthropies *are* run by whites, primarily for the benefit of whites, and the blacks rightfully resent it.

What does a black man see? He sees a man nominated for the Supreme Court who once pledged himself to white supremacy. He sees the President sign a Voting Rights Act only after having lobbied in the Congress, and failed, to sap its strength. He sees a persistent income differential: in 1968, 58 percent of white families earned $8000 or more, 32 percent of nonwhite families. He sees 29 percent of black families existing below the poverty line. He sees white unemployment drop in June from May's 5 percent to 4.7 percent of the labor force; and the black jobless rate rise from 8 to 8.7 percent. He knows that "Black Capitalism" is a fraud. "Under programs announced last fall," *The New York Times* (June 28) reported, "hundreds of companies, in partnership with the federal government, were to make millions of dollars available to minorities by June 30 . . . So far only nine companies have kept their commitment of $150,000 each with two-to-one federal matching money [and] not all of the nine have yet granted loans . . . Some banks still refuse to finance minorities, even with 100 percent guaranteed government loans."

Seventy percent of black America is in the metropolitan areas, and if all the words written to deplore the impoverishment of poor blacks in cities were translated into renewal dollars, the ghettoes would bloom—and no longer be ghettoes. The most recent Bureau of Labor Statistics data (1968) showed that 24 percent of black housing is substandard. Not much can be done about that now; too inflationary—though a brand-new US-financed program for Vietnamese soldiers' families will produce 20,000 new houses in Vietnam, built in each of the next five years, according to *The Washington Post* of July 7. Two years ago, Congress enacted a historic fair housing law which decreed, in essence, that any American of any color or religion had the legal right to rent or buy a place to live, assuming he could afford it. And about the same time, the Supreme Court upheld an 1886 statute which gave a man the right to sue if he was kept from buying a home because of race. Since the Act became effective on January 1, 1969, the Housing Section of the Justice Department Civil Rights Division has filed only about 50 cases. (HUD has received more than a thousand discrimination complaints.) Restrictive covenants are honored in practice, if not in theory, in every section of the country. The Department of Housing and Urban Development has not yet issued regulations spelling out the details of how the Open Housing Act should be enforced, how HUD field offices will handle grievances, how the department should fulfill its statutory obligations to coordinate federal programs in a way to best further the 1968 Act's objectives. This February, the US Commission on Civil Rights recommended that the Administration prohibit federal agencies from moving into communities without adequate housing for low income or minority group employees; it asked President Nixon to issue an executive order to that effect. No order has been issued. The Commission charged that the government has been "inadequately concerned" with the impact of relocation on blacks.

TRB in his report this week cites testimony from Senator Mondale's investigation of prolonged, protected Southern evasion of school desegregation. On June 26, the director of the Civil Rights Division of Justice, Jerris Leonard, promised to file a single suit against the state of Mississippi if the 27 districts in that state not in compliance failed to act within three days. "We're going to be disinterested in discussing it after next week," he said. Three days came and went; there was no suit. Two weeks passed; the Department was not disinterested in further discussion. HEW estimates there are 150 hold-out school districts which have neither submitted desegregation plans to the Department nor led the Department to believe they intend to. Only 43 of these districts have had their federal funds for education cut off, and that does not tell the whole story. Many school districts make promises in order to meet September deadlines for compliance and thus qualify for funds—only to let those promises lapse in the ensuing 12 months, until the next deadline has to be met. Many districts under court orders to desegregate are assumed to be in compliance with the law (and so are not included in the 150), but they are not. Monitoring is spotty, review inadequate.

This is the substance of the NAACP's indictment. In the background there are other, unspoken thoughts. The NAACP, too, has constituents, an impatient membership to which is must answer, militant pressures before which it must bend or give way. Bishop Spottswood's is a cry for help—help us help blacks to believe they can make it! The NAACP criticism goes beyond the Nixon record; it is a condemnation of the Administration's thinness of dedication; the White House is *not* hospitable to black hopes, or to black spokesmen.

The Administration responds by trying to recruit Whitney Young of the Urban League as its ambassador to the black community. The gesture is not exactly a slap in the face, for Mr. Young is an excellent man. But it does not east the pain of a smarting NAACP, whose executive secretary, Roy Wilkins, has been the black elder statesman, the leader of established civil rights groups.

No one has to tell the NAACP that society does not move at the speed of light. But the Administration—the next one if not this—can and must convey to black America, moderate and militant, that it *wants* to move farther, faster—away from poverty and toward equality. It does not convey that when the President vetoes a hospital construction bill as "inflationary," and subsequentaly plans an additional $100 million in economic aid to the Saigon government—on top of the $365-million already allocated for fiscal '70. It cannot convey that when the President welcomes to the White House a delegation of "hard hats" who are anything but sympathetic to black aspirations; or when the Vice President twice attacks the credentials of the single young black selected by the President to serve on an advisory committee on campus unrest. Symbols count; John F. Kennedy rode a long way by a single telephone call in 1960 to Mrs. Martin Luther King, when her husband had been arrested. And it is ironic that a White House so amply staffed with advertising talents, so sensitive to "image," so quick to see the political advantage in any situation, fails to grasp this desperate need of the black community for true signs of concern. It is ironic, unless one believes the President *has* embraced a "Southern strategy," and that he is investing his political capital in the presumed loyalty of those whites who resist and fear black emancipation.

Black America's confidence in the national government has rapidly, dangerously diminished. When, 30 years ago this summer, Walter White, who was "Mr. NAACP," was asked whom the Negroes would vote for that year for President, he replied, "FDR, of course, for if they don't, Mrs. Roosevelt won't be in the White House, and I'm going to tell them so." He didn't need to tell them anything. They *knew* then that they had friends and allies in the highest places.

NEW SEARS BUILDING IN CHICAGO PLANNED AS THE WORLD'S TALLEST

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. ROSTENKOWSKI. Mr. Speaker, today, I would like to inform my colleagues of a very interesting situation which is growing—in a manner of speaking—in my own city of Chicago. One of America's largest corporations, Sears, Roebuck & Co., has announced plans to add still another dimension to Chicago's position as America's No. 1 city. Sears, Roebuck & Co. is going to construct the world's tallest building, a 110-story structure which will rise over 1,450 feet above the Loop in downtown Chicago.

For those of you who might be unfamiliar with the finer aspects of the great battle of the sky, our building will soar some 200 feet over its only eastern rival, the Empire State Building.

New York's hasty attempt to gain some degree of its former prestige through the construction of its twin tower world trade center will, at last report, fall some 100 feet short of our magnificent edifice.

So, Mr. Speaker, at this time, I must commend the Sears, Roebuck & Co. for undertaking this tremendous feat and offer my condolences to my colleagues

from New York for losing still another one to the great city of Chicago.

I include in the CONGRESSIONAL RECORD a copy of the article in today's Chicago Tribune which announced the good news to the people of Chicago, and a copy of the article in the New York Times which released the sad facts to the people of that city.

The article follows:

NEW SEARS BUILDING IN CHICAGO PLANNED AS THE WORLD'S TALLEST

CHICAGO, July 27.—Sears, Roebuck and Company, the world's largest retailer, announced today that its new central headquarters in downtown Chicago would be the world's tallest building and the largest private building in the world.

Gordon M. Metcalf, chairman and chief executive officer of the company, said at a news conference that the 110-story Sears tower would be 1,450 feet tall, surpassing the twin towers of New York's World Trade Center by 100 feet and the Empire State Building by 200 feet.

The gross floor space, he said, will total 4,400,000 square feet, equal to 101 acres, with actual commercial and office space of 3,700,000 square feet. Only the Pentagon, which houses the Defense Department near Washington and has about 6,500,000 square feet, will be larger.

Mr. Metcalf said that the building's cost, not yet determined, would exceed $100-million. The building is to be financed through Sears' earnings. Excavation at the site has already started. Originally, Sears officials talked of providing 3 million square feet, then, last December, of 4 million square feet. The enlargement of the project became known as details were announced today.

Mr. Metcalf said completion of the building was scheduled for 1974.

Sears initially plans to occupy 2 million square feet of the building, leasing 1.7 million square feet to office and commercial tenants. It will take over more of the building as its requirements increase.

NEAR TRANSIT LINES

The site of the building, on the west side of the downtown business district near major commuter railroad stations and other transit lines, includes 129,000 square feet, about the equivalent of a normal downtown city block.

This site is bounded by Wacker Drive, Jackson Boulevard and Adams and Franklin Streets. One block of Quincy Street, which bisected the site, was purchased from the city last December for $2,767,500 and this portion was vacated to permit the construction of a single building instead of two.

From a base 225 feet square, the building will rise with a series of setbacks and will have a 20-story rectangular top. A curtain wall of black duranodic aluminum will give the building a "black-heath effect." Mr. Metcalf said. The windows will be bronze tinted.

There will be 102 high-speed elevators, including 14 double-deck units, and 16 escalators serving the lower levels and "sky lobbies" at the 33d and 34th floor levels and at the 66th and 67th floor levels.

16,500 IN BUILDING

The building was designed by the Chicago architectural firm of Skidmore, Owings & Merrill. The general contractor will be Diesel Construction; a division of Carl A. Morse, Inc.

Initially, about 16,500 persons, including 7,000 Sears employes, are expected to work in the building.

The company's main offices are now are in a Sears complex of 17 buildings in a slum area on the city's West Side, with headquarters personnel scattered in several buildings in Chicago and its suburbs.

This complex, which is much less accessible than the downtown site, is to be retained principally for centralizing catalogue order processing and a retail store.

Last year, Sears had net sales of nearly $8.9-billion and a net income of $441-million. It has more than 355,000 employes, including 31,200 in the Chicago area, and 826 retail stores, 11 catalogue order plants and more than 2,100 sales offices and independent catalogue merchants. There are subsidiaries and affiliates in 23 foreign countries.

SEARS BUILDING TALLEST, COST IS PLACED AT $100 MILLION

Sears, Roebuck & Co. announced yesterday it will build the world's tallest building on South Wacker Drive.

The building will be 1,450 feet high, as tall as the tip of the antennas on the John Hancock Center.

It will have 109 floors on the Wacker Drive side and 110 floors on the Franklin Street side. It will contain 4.4 million gross square feet of space on the two-block site between Jackson Boulevard and Adams Street from Wacker Drive to Franklin Street.

More than 16,000 persons will work in the building, which is scheduled for completion in 1974. Work is expected to start next week.

Mayor Daley said: "On behalf of the people of Chicago, I thank Sears for the confidence they are showing in the future in the planning and designing of the building . . . which will adorn the west side and stimulate growth of the west side."

MAYOR IS ENTHUSIASTIC

Mayor Daley said he was particularly enthusiastic because there has been concern about companies moving out of the city.

"I want to thank Sears again for the confidence they are showing in the city," he said.

Warren Skoning, Sears vice president-real estate property, said the building will be called Sears Tower. It follows company tradition in naming the first mail order store building in the west side complex the Tower Building

Skoning said building will cost $100 million. Financing has not been arranged but "Sears has no problem financing the expansion; it will come out of earnings," he said.

In 1969 Sears had net sales of nearly $8.9 billion and earnings of $441 million.

Skoning said there will not be a Sears store in the building.

HIGH AS FAA LIMIT

Skoning said the building will be as high as the Federal Aviation Administration would permit. He said he believes Sears officials should say it would have 110 stories so that it has the same number of floors as the World Trade Center in New York City.

Sears Tower will be second in size in number of square feet only to the Pentagon in Washington.

DESIGNED BY SKIDMORE

Skidmore, Owings & Merrill, Chicago architect, designed Sears Tower. It will rise in a series of setbacks at the 50th, 66th, and 90th stories, creating various floor arrangements as the height increases.

The exterior will be black aluminum with bronze tinted windows. An observation level at 1,350 feet above the street is planned for the 103d floor.

Sears will occupy initially less than 2 million square feet of space. About 1.7 million will be available to outside tenants.

ASSEMBLED OVER 5 YEARS

The Sears building will be on a two-block tract assembled by private developers over a five-year period starting in 1964

A jumble of 15 grime blackened buildings, similar to those which once stretched the length of North and South Wacker Drive, had to be purchased from 100 owners.

Quincy Street bisected the tract between Franklin Street and Wacker Drive. To consolidate its holdings, Sears paid the city $2.7 million for the street.

Sears is moving into one of the fastest growing sections of the Chicago central city. Altho the redevelopment of both banks of the south branch of the Chicago River is already underway, real estate men say the Sears building is generating new enthusiasm for the area.

STARTED IN EARLY 1960

Sears will be across the river from Gateway Center which started the redevelopment movement in the early 1960s. Tishman Realty & Construction company has built two 20-story office buildings and has a 35-story tower under construction.

The Sears site is flanked by two buildings under construction and several more are planned.

The Sears tower will be close to the commuter trains in Union and North Western railroad stations, and near the main post-office, making it a prime office building.

Sears will continue to occupy its sprawling plant of 17 buildings at Homan Avenue and Arthington Place. It is expected to be used mainly for catalog orders and a retail store.

The first phase of the west side plant was built in 1905. Altho there have been additions, expansion has not kept pace with the growth of the giant retailing chain.

BIRMINGHAM HOUSING AUTHORITY: A JOB WELL DONE

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. BUCHANAN. Mr. Speaker, there seems to be much attention given in our time to various things which are wrong with our society and which need changing. It is a pleasure to include herewith an article from the Birmingham News about the Birmingham Housing Authority which is clearly doing a lot of things right. Under the competent leadership of Mr. Hugh Denman, executive director, and his able and energetic assistant, Mrs. Melba Moebes, the authority is doing an excellent job not only in providing housing itself but in working toward providing a full and rich life for the people who live in its various housing projects. Recreation for the project's more than 17,500 children, activities for the elderly, and adult education occupy the time for attention of the housing authority staff as well as providing adequate housing for low-income families in the Birmingham area. The people of Birmingham are proud of the excellent work the Birmingham Housing Authority is doing and it is a pleasure to call it to the attention of my colleagues:

[From the Birmingham (Ala.) News, July 19, 1970]

6,471 FAMILIES HELPED: NEW HOUSING BRINGING HAPPINESS

(By Harold Kennedy)

Happiness is . . . the Birmingham Housing Authority.

It is a youngster swinging precariously from a monkey bar, hitting a home run, zipping down a slide.

It's a basketball gym, a ping pong table, a dash through a stream of cold water in the heat of summer.

Happiness is a quilting bee, dominoes or bingo to help the elderly pass the time. It's an adult first learning to read and write, a course in charm and modeling for a young girl, a Boy Scout camping trip.

And perhaps most of all, happiness is having enough to eat, a good roof over head and adequate health attention.

Aspects of happiness, perhaps better than anything else, tell about the Birmingham Housing Authority.

The authority's overwhelming success in obtaining rent subsidy housing for low-income families has been splashed across newspapers, blared over radio and depicted on TV.

But the real story does not begin until the brick-and-mortar stage is over. It lies in the people.

Some 6,471 low-income families will be living in the authority's 14 housing projects after completion of two complexes now under construction. And, as one official put it, these people are the Housing Authority.

Declared Mrs. Melba Moebes, assistant executive director: "We feel that we are in the people business, and that housing should pay human dividends."

The best way to reap human dividends, she added, is to create happiness. To this end, the authority already has been assured of almost $4 million in federal grants during 1970 and 1971.

The money will finance a host of projects, ranging from replacing old appliances and plumbing to maintaining a broad recreational and educational program for adults and youngsters alike.

The authority has concentrated most of its recreational efforts around the projects' more than 17,500 children. The reason, said Mrs. Moebes, is that "a happy child is more apt to grow up to be a happy and well-adjusted adult."

To carry out this philosophy, the authority during the next two years will purchase $96,000 in playground equipment, such as swings and slides, along with barbeque pits and picnic tables for family enjoyment.

Another $64,000 will be invested in special playground equipment for smaller children. The equipment, which looks like creations of a modern sculptor bent on futuristic designs, is engineered to let each child develop his own talents and abilities at his own rate—and have fun.

And there are such things as "spray pools," which shoot streams of water aloft as children gleefully dash through them, and tetherball and little league baseball.

The authority supports 34 little league teams, 13 girls' and women's softball teams and five men's softball teams. All the equipment and fields are furnished by the Housing Authority, with the exception of the uniforms. This year, the little league players earned the money to buy their own uniforms.

Several hundred youngsters also take advantage of authority-sponsored Boy and Girl Scout troops, and a Boy Scout workshop is backed annually in Birmingham by the authority with the help of the National Boy Scout Council.

Yet, perhaps the most impressive recreational program maintained by the housing agency is the chain of community centers strung throughout the projects. Aimed at serving project residents as well as surrounding communities, the centers are headquarters for an almost unlimited flow of recreational, health and educational programs.

Each center has a full-size gymnasium which can be used for everything from basketball for youngsters to squaredancing for the elderly.

More than 93,000 persons attended functions at the centers last month alone.

They came to play ping pong, checkers, dominoes, bingo and any number of other table games, as well as to attend free courses and classes on subjects of vital importance to youngsters preparing for that adult world.

To help the girls capture—and keep—that boy of their dreams, there are instructions in charm, modeling, sewing and cooking.

Courses in radio and electronics are available for teenagers, as well as classes in arts and crafts, which saw some 2,196 in attendance last month.

There also are courses in ceramics, losing weight, and food-buying and meal-planning to help families prepare better meals. Elementary reading and writing classes for the illiterate are available.

Each center has a health clinic attended by doctors and registered nurses from the Public Health Service two days a week.

One of the most prideful accomplishments of the Housing Authority is its system of child day care centers. There already is day care service at most projects, but due to the demand the authority is building three new ones at a total cost of $750,000 and have requested $1 million for four more, each of which will take care of about 100 youngsters while their mothers work.

Job training and employment opportunities are another service offered free to project tenants. A special program with the Department of Housing and Urban Development in job training will begin before September.

The one-year program will train 30 tenants in such trades as refrigeration, carpentry, landscaping, auto mechanics and small motor repair. It will be given by the Jefferson County Schools' Vocational Department.

"What we're after is total development for the children, and at the same time to give the adults advantages they would not have outside the projects," Mrs. Moebes explained.

REVERSING THE TREND

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. RODINO. Mr. Speaker, last week the Evening News of Newark ran a full page statement sponsored by civic minded Newark citizens offering congratulations and support to our newly elected mayor, Kenneth Gibson.

My own city of Newark is one of the oldest urban centers in the United States. It has seen the coming and the going of millions of American families. The spirit of Newark's citizens has been, throughout the years, often tested. Therefore, it is altogether fitting that Mayor Gibson, should receive support and be reminded of an earlier call to restore the city to a proud position among the municipalities of America.

I can only add my own fervent hope that together and united the mayor and the people will reverse the trend of blight and renew the city to a position of greatness.

The statement follows:

REVERSING THE TREND

By way of congratulating, and supporting, our newly elected Mayor Gibson, we call upon the people of Newark, as well as those whose interests are entwined with those of our City, to walk with and sustain our Mayor in his difficult and dedicated journey toward the accomplishment of the restoration of our City to the proud position it once held among the municipalities of America.

To this end, both as an inspiration and as a guide, we refer to a set of New Year Resolutions, made by the City, itself, and which were promulgated at the request of the Sunday Call, and carried in its issue of January 1st, 1928, as follows:

The New Year brings with it, as always, a group of resolutions made by thousands of Newarkers, with more or less seriousness of purpose. But what of the City itself; cannot it, too, make resolutions on behalf of its citizenry?

The question was put up to Judge Nicholas Albano of the Newark Police Court. It was felt that he, perhaps better than anyone else in Newark is in a position to know, from his close official contact with those unfortunates on the fringes of the law abiding citizenship, just what Newark needs most in the way of resolutions.

The resolutions that he suggested for the City of Newark are as follows:

As a great American municipality, viewing with thankful retrospection the magnificent progress of the past year, and hopefully expectant of the blessings of the coming year, I resolve:

"To summon to peaceful council, at my broad fireside, all who dwell within my household, for calm deliberation of common aims and needs;

"To invoke, to the full measure of their ideals, the active co-operation of all my agencies, Social, Fraternal, Institutional, Educational and Religious—for the relief, protection and enlightenment of my people;

"To foster a spirit of universal brotherhood, based upon the solid foundation of patriotism, charitableness and kindness;

"To engender among those who are new on our soil a true love for their adopted country, a just appreciation of the benefits of free government, and an honest respect for constituted authorities, by viewing their habits traditions and opinions with sympathy and understanding;

"To inculcate in the minds and hearts of those who are just beginning to tread the broad highway of life a higher regard for home—a deeper love and a more sincere respect of parents;

"To treat the erring with a justice which listens to mercy—a mercy which seeks causes, and, where possible, is healing, a mercy which recognizes misery and want and understands their problems through contact and experience, rather than theoretic surmises, and takes pains to mend where, perhaps, society has crushed;

"To banish hatred of race and criticism of creed;

"To be tolerant and broad visioned and to criticize impartially, and dispassionately, but constructively;

"To erect even greater houses of industry, but intermingle them with houses of God;

"To build even more pretentious temples of art and amusement, but match them with hospitals and homes where the stern realities of life may be softened;

"To seek an atmosphere of religion, not dominantly Protestant, nor Catholic, nor Jewish, but dominantly God-fearing;

"And, withal, to press my claim for a place in the leading ranks of the cities of the Nation, not as a vain achievement, but in justification of the foresight and judgment of those of my sons who have rendered years of faithful service in order that my doors might be opened to the shipping of the great seas; that my merchandise might be sold upon the markets of the world; that my industries and business might flourish and progress, and that my school systems and municipal deparements might be held out as models for the other municipalities of the Country."

It is our conviction, and, undoubtedly that

of all the people of our City, that the hopes and aspirations of the Newark of 1928, are envisioned in the mind and heart of Mayor Gibson, and that he is entitled to and should receive universal encouragement and support in his announced intention to reverse the trend of our City toward the greatness it deserves.

This advertisement is sponsored by:

Dr. Edwin H. Albano, State Medical Examiner, 150 Cabinet St., Newark, N.J.

Nicholas Albano, Jr., Lawyer, 22 Pompton Avenue, Cedar Grove, N.J.

Bayonne Barrel & Drum Co., Frank A. Langella, President, 1154 Raymond Blvd., Newark, N.J.

Leslie Blau Company, Real Estate & Appraisals, Leslie Blau, President, 15 Commerce Street, Newark, N.J.

Branford Press, Printers, Harry Applebaum, President, 21 William St., Newark, N.J.

John J. Budd, Lawyer, 60 Park Place, Newark, N.J.

Joseph M. Byrne Company, Insurance & Travel Agency, Joseph M. Byrne, President, 828 Broad Street, Newark, N.J.

Nicholas E. Caprio, Lawyer, 134 Evergreen Place, East Orange, N.J.

Ralph C. Caprio, Tax Collector, City of Newark.

Carteret Savings & Loan Assn., Anthony M. Surano, President, 866 Broad Street, Newark, N.J.

Frank Cocuzzo & Son, Inc., Building Contractors, Joseph A. Cocuzzo, President, 393 So. 11th Street, Newark, N.J.

The Contract Bridge Center, Helen D. Albano, Director, 658 Sandford Avenue, Newark, N.J.

David Cronheim, Company, Real Estate & Insurance, Robert Cronheim, President, 900 Broad Street, Newark, N.J.

Ralph D'Ambola, Sheriff of Essex County, Court House, Newark, N.J.

Dr. Samuel D'Ambola, 191 Elmwood Avenue, Newark, N.J.

Federal Storage Warehouses, Frank Visceglia, President, Vincent Visceglia, Vice President, 155 Washington St., Newark, N.J.

Robert Inlander, Lawyer, 75 Orange Ave., South Orange, N.J.

The J. I. Kislak Organization, Real Estate & Insurance, 581 Broad Street, Newark, N.J.

Samuel Klein, President, Hebrew Youth Academy, 91 Halsey St., Newark, N.J.

La Fera Contracting Co., Engineers—Contractors, Joseph LeFera, President, 149 Vernon Avenue, Newark, N.J.

Rev. Virgil E. Mabrey, Pastor of First United Methodist Church of Newark, 227 Market Street, Newark, N.J.

David Mandelbaum, Lawyer, 17 Academy Street, Newark, N.J.

Nathan Mandelbaum, Lawyer, 17 Academy Street, Newark, N.J.

Philip Mandelbaum, Lawyer, 17 Academy Street, Newark, N.J.

The Mount Carmel Guild, A Community Agency of the Roman Catholic Archdiocese of Newark, Rev. Msgr. Joseph A. Dooling, Director.

Jack Parker, Associates, Contractors, Joseph Katowitz, Vice President, 11 Hill Street, Newark, N.J.

Louis Schlesinger Company, Realtors, Joel L. Schlesinger, Chairman of Board, 901 Broad Street, Newark, N.J.

Zev Segal, Rabbi of Youth Israel Congregation, 61 Parkview Terrace, Newark, N.J.

Irving Siegler, Lawyer, 60 Park Place, Newark, N.J.

Jack Slavitt, Lawyer, 17 Academy Street, Newark, N.J.

George Wallhauser, Sr., Vice President, U.S. Realty & Investment Co., 972 Broad St., Newark, N.J.

Nicholas Albano, Sr., Former Judge of Newark Police Court, Legal Assistant, Newark Law Department, Secretary, N.J. Institute of Municipal Attorneys.

RESOLUTION SUPPORTING SERVICEMEN CAPTURED AND MISSING IN ACTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DERWINSKI. Mr. Speaker, the plight of our prisoners of war of the Vietnam conflict deserve our constant attention. We must continue efforts to see that they receive the treatment to which they are entitled to under the Geneva Conference.

Therefore, I was pleased and impressed when I was advised that the city council of the city of Hometown, Ill., in its meeting of June 9 adopted a resolution in support of captured American and allied fighting men and those missing in action in the Vietnam conflict. The resolution signed by Mayor Francis E. Anderson follows:

RESOLUTION 8 1970

In support of captured American and allied fighting men and those missing in action in the Vietnam conflict

Whereas article VI of the United States Constitution specifically states that provisions of treaties ratified by the United States Government become the "supreme law of the land", notwithstanding contrary limitations of the Constitution itself; and

Whereas, notwithstanding solemn promises ratified at the international conference at Geneva that all prisoners of war captured would be given the respect of humane treatment; that Article 2 of the convention provides that it "shall apply to all cases of declared war or any war or any other armed conflict which might arise between two or more of the High Contracting parties, even if the state of war is not recognized by one of them."

Whereas, the government of North Vietnam acceded to the convention on June 28, 1957, and the government of South Vietnam acceded to the convention on November 14, 1953, and the government of the United States acceded to the convention on August 2, 1955; no pretense of compliance has been advanced by North Vietnam or the National Liberation Front (Viet Cong) despite a request to do so on June 11, 1965, by Jacques Freymond, Vice President of the International Committee of the Red Cross and numerous appeals by the international humanitarian organizations subsequently, and

Whereas repeated appeals on the part of wives, parents, relatives, and dependents of those unfortunate victims of Communist inhumanity have proven ineffective through diplomatic, military and humanitarian channels.

Now, therefore be it resolved that we, representing the City of Hometown 8000 people condemn in the strongest terms the repressive and cruel treatment of American and allied prisoners and petition that the government of North Vietnam act as follows to:

1. Observe the international accords of the Geneva Convention in the same manner the government of South Vietnam accords to captured troops of the North Vietnam government and their allies.

2. Release names and physical condition of all prisoners held.

3. Immediately release sick and wounded prisoners.

4. Provide for impartial inspections of prisoners of war facilities by the international humanitarian organizations.

5. Provide for medical treatment of all prisoners.

6. Provide for regular flow of mail, food and comfort items.

7. Cease using prisoners for purposes of public degradation, political propaganda and mental torture of prisoners and their innocent families.

8. Agree to immediately negotiate through international humanitarian organizations for the fair and equitable exchange of prisoners of both sides.

Adopted by the City Council of the City of Hometown in meeting this 9th day of June, 1970.

This Resolution was approved by me this 9th day of June, 1970.

FRANCIS E. ANDERSON, *Mayor*

Attest:

MAE L. RANDLE, *City Clerk.*

TEACHERS OPEN DRIVE TO SELL UNIONISM

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. SCHMITZ. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the U.S. News & World Report, May 18, 1970]

TEACHERS OPEN DRIVE TO SELL UNIONISM

Unionized teachers are starting a drive to tell the story of public-employe unions in the classrooms of the nation's public schools.

Plans for the campaign were announced by the American Federation of Teachers (AFT) on May 4, in Washington, D.C. AFT President David Selden said that teaching materials are going out to 200,000 members of the union and to school superintendents.

It will be optional with each member, Mr. Selden explained, as to whether he or she uses the AFT lessons. He said teachers will not be under pressure to join in the campaign.

"Lesson 3" of the printed material suggests that the instructor might use a series of questions to get the points across to pupils. The teacher is told to "remember, the rhetorical question is not an academic crime!"

Among the suggested questions are:

"Should strikes be prohibited? For *all* workers? For all *public* workers, regardless of their work? If so, how? If not, should there be conditions imposed by law before a strike can be called by public workers?"

The instructions also suggested that "the teacher should attempt to tie up loose ends of the discussion, pointing out areas where there is no common agreement as well as where concensus seems possible."

GOAL: OPEN MINDS

The teacher also is told to "take special care to sweep away as many cobwebs of mythology as possible" and to "let your students go forth with at least an open mind on the subject."

Members of AFT are offered ideas for class activities, listed as useful at "almost any grade level or group."

One suggestion: "Students should be given the opportunity to march on a picket line with public employes, if a strike occurs in your neighborhood and if students decide they want to support the strikers."

Making picket signs is another possibility. The material states that "a good sign has bold lettering suitable for TV-camera pickup and with no more than six or seven words."

A suggested writing project would have the student describe "what would you do if you

were the leader of a teacher union and (a) the school board wouldn't meet with your union; (b) you hadn't received a raise in four years; and (c) class sizes had increased by five students each over the past three years?"

AFT officials said the teaching material is geared to high-school, college and possibly junior-high students. The union says its teaching aides are balanced and objective.

Union President Selden said that if any teachers are disciplined or fired for using the AFT lessons, the union is prepared to assign lawyers to defend them. Mr. Selden said AFT will defend the members' right to use the material without approval of the school board.

[From the U.S. News & World Report, July 6, 1970]

THE RESULT OF FORCED UNIONIZATION OF TEACHERS'

Teachers' agency shop.—The Detroit Board of Education on June 23 fired, at least temporarily, 52 teachers for refusing to comply with the board's agency-shop contract with the Detroit Federation of Teachers. This requires nonunion instructors to pay a fee equal to union dues of about $77 a year. Some 1,200 other teachers are not complying but are protected against discharge because they are testing the clause in court.

SOUTH FLORIDA WINNERS OF "SPEAK UP FOR AMERICA" CONTEST

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. FASCELL. Mr. Speaker, it is my pleasure to offer my congratulations to five south Florida youths, Gloria Davis, Debbie Renuart, Paul Bockting, Joan Ziegler, and Richard Lee Grimm, who are winners of the "Speak Up for America" contest sponsored by the Certified Plumbers of South Florida.

Miss Davis, the first prize winner, lives at 19645 NW. 12th Court in Miami; she is a junior at Miami Norland Senior High School. The second prize winner, Miss Renuart, is in the 10th grade at Our Lady of Lourdes Academy, and lives at 11111 Killian Road in Miami, Fla. Third prize winner, Mr. Bockting lives at 9656 Dominican Drive in Miami. He attends Southwest Miami Night School and hopes to become a medical missionary. Miss Ziegler, the fourth prize winner, is a straight "A" student at Southwest Miami Senior High School and lives at 6310 SW. 93d Court in Miami. A senior at Miami Senior High, the fifth prize winner, Mr. Grimm, lives at 1360 SW. Street, Miami, and plans to attend the University of Miami.

These five young men and women, and others like them all across the country, have "spoken up for America" through local and State "Speak Up for America" essay contests. In a time when the youth of America is demanding to be heard, programs like these are providing forums for responsible dialog on America.

These youths and their program should be encouraged and commended. They do not take the irresponsible road of destruction but, rather, turn toward the future with a firm constructive commitment to America. I can only agree with the sentiments of one educator who wrote:

It is great to see young people who belong to the construction gang when usually we hear only about the "wrecking crew."

Mr. Speaker, I commend these outstanding young people for participating in this program. Likewise, great credit should go to the sponsors, the Certified Plumbers of South Florida for making the program possible and encouraging young, able, and articulate Americans to "Speak Up for America."

COLUMBUS, IND., POST OFFICE DEDICATION SPEECHES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. HAMILTON. Mr. Speaker, on July 19, 1970, the Columbus, Ind., post office was dedicated. I would like to bring to my colleagues' attention several speeches made upon that occasion. The speeches follow:

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT

I am delighted that we have such good representation from Members of Congress today. Some stories would have you believe that Members of Congress and I have been constantly fighting over postal reform. The truth is that while there have been differences of opinion, I have found the cooperation of Congress excellent—and particularly on the part of the Congressional members here today.

Senator Hartke, a member of the Senate Post Office and Civil Service Committee, has a thorough understanding of the postal problems we are facing and he and his committee have worked hard this last year.

Congressman Hamilton, a member of the House Post Office and Civil Service Committee, has been extremely helpful to the Department during this past year and we relied heavily on his expert advice in solving the many legislative problems concerning the Post Office reorganization. I believe most of you know that he has also worked closely with the Department on this new Columbus Post Office. Lee, I want to thank you for all your help.

Many of our postal employees are veterans and no one in Congress has worked harder for veterans than Congressman Dick Roudebush. In addition, he has been a strong supporter for postal reorganization. Dick, I'm happy you could be with us.

It is a great pleasure for me to be here in Columbus—"the Athens of the Prairie"—to dedicate this new post office.

This structure is a handsome addition to a city already famous for its architecture. I can tell you it is certainly the most beautiful and the most modern post office I've ever seen, and I think it is especially appropriate now when the Post Office Department is about to acquire a modern look of its own.

As you know, we have been trying for some time to change the direction of the postal service. This effort was begun by the Kappel Commission in 1968, and I think it is important to note that Mr. Miller was a very able member of this Presidential Commission. It is known in Washington as the hardest working Commission ever appointed by a President. When President Nixon asked me to be a member of his Cabinet and take this job, he asked me to study the report of this Commission and if I agreed, to recommend legislation to put it into effect.

Today the basic proposals of the Commission are on the verge of becoming law. We are about to leave behind the outmoded, inefficient operation of the past to become a self-supporting independent system, serving the public efficiently and effectively.

But while this dedication reflects the spirit of progress in our nation, it also reflects the spirit of community service which has played such an important role in the history of this city. Here in the best American tradition, the interests of business and the interests of the community are one, and out of this unity of purpose has come an environment which is unique and beautiful, and which is an inspiration and an example to the rest of the nation.

In his Inaugural Address, President Nixon called upon private citizens to dedicate themselves to community service. I think there is nothing more central to the President's philosophy of government than the belief that the greatness of America rests not with its government but with is concerned and committed citizens.

The accomplishments I see all around me in this city bear witness to the President's wisdom. The architecture of Columbus is more than a pleasure to the eye. It is a promise to the future. It shows most clearly what private enterprise can do to reshape the land in which we live.

Too many of our people have become accustomed to thinking that there must be a government program for every problem the nation encounters. Ask what we should do about our dead lakes and rivers, ask what we should do about the murdered old mountains of Appalachia, or forests we have destroyed, or the wild life we have driven to extinction, ask about poverty, prejudice, pollution. Almost automatically, most Americans will say these are problems that the government in Washington must solve.

But this is wrong. Throughout our history, democracy has meant much more than a big government stretching out along the Potomac. It has involved the notion that leadership comes not from an elite in Washington, but from the individual American citizen. To every man belonged the right to assert his own ideals and the obligation to act on them. While other nations entrusted their government to an aristocracy, in America it was always the private citizen who possessed the power.

Yet today, too many Americans have relinquished this power. While the problems multiply, too many of our people, out of cynicism, frustration, or fear, do nothing.

This attitude does not reflect the spirit of America. In his call for voluntary citizen service, President Nixon looked to those thriving, vital, restless people who are anxious for the opportunity to push this country forward again, anxious to use their abilities, to display their independent spirit, and exert their individualism. These qualities are the bedrock of what the President calls voluntarism.

Voluntarism is the idea that the best approach to the problems of America is not through the Federal government but through the people. And where government action is essential, it must come through those organs of government as close to the people as possible at the lowest levels. It is at these levels that self government functions.

With this faith in America restored to the highest levels of government, I believe we are witnessing a rebirth of citizen concern in this country. All over the nation, Americans are asking what they can do to make their towns or cities a better place to live.

A Gallup Poll taken two years ago esti-

mated that 61 million adult Americans would be willing to contribute 245 million man-hours every week to voluntary activities. This is a phenomenal resource waiting to be tapped. It needs only that spark of leadership that translates will into action.

Such leadership can be found today in the business community. When business leaders become involved in programs to improve our cities, as so many of them are, they find that people everywhere are eager to help. A good example of this is Mills Lane, a banker from Georgia who founded the Community Development Corporation. His Savannah Plan, aimed at raising the standards of Georgia's underprivileged citizens, is a dramatic example of what voluntarism can accomplish. Ten thousand volunteers went into the slums of Savannah in 1968 and cleaned them up. The effort that began there has been extended to eleven other cities in Georgia.

But you don't have to be a banker. The same principle is at work when a college youth decides to go into a ghetto and tutor children. And our young people are doing this all over the country. Quietly. Effectively. Voluntarily.

Even within the government we can see voluntarism at work. In the Post Office, we are experimenting with a program of storefront postal academies in six cities. For the project, we are using qualified postal employees who have offered to teach skills to dropouts from city schools, and we expect to train around 2,000 young people by the summer of 1971. We're proud of the program and it's showing good results. We're proud of the volunteers who are making it work.

There are many other examples that I could use. But they all have one thing in common: that someone makes a decision. That individuals give leadership.

President Nixon has provided this leadership on the national level. But it is neither the duty nor the desire of the President to shoulder the full burden of leadership in America. It is his duty to make government perform its proper function, and it is the function of government in this regard to create an atmosphere in which people can do for themselves what needs to be done.

Here in Columbus, you have effective leadership. And I don't have to tell you that one of the finest leaders this country has is Irwin Miller.

As a businessman, as a philanthropist, and as a man concerned about the urban problems of this nation, Irwin Miller has given Columbus the leadership that changed the face of this city. His leadership built not only schools and churches, it built pride and community spirit, and self-reliance and independence. His leadership is a reaffirmation of the meaning of America.

Today it is with a sense of success and accomplishment that we dedicate this new building. The story of this city has given America something to think about. For while it is easy to talk about voluntarism as an abstraction, it is much more difficult to make it a reality. In Columbia, we have seen the abstraction become a reality.

Remarks of Senator Vance Hartke

Here today is a building worthy of this community of Columbus, illustrating the strength and influence of the genius of the leaders of Columbus.

Today is a part of the renaissance of Columbus: the exciting, exhilarating adventure of the reconstruction of the city of Columbus.

I have had the good fortune to participate in reconstruction and renewal efforts on a local level as a citizen and as Mayor of Evansville. And, on the national level as U.S. Senator. From this experience I am convinced that the problems of our cities in America and Indiana will be met when—and not until—we recognize that a joint public trusteeship must be responsibly committed to such private reconstruction efforts. Both private enterprise action plus public action are required.

And I take personal pride in the fact that in my home city of Evansville—urban renewal—public housing—a new post office—civic center—stadium and public olympic size swimming pool are not only words but good words.

These problems of the cities demand shoulder-to-shoulder, two-fisted attack; their success depends entirely on an alliance of private and public agencies—with each respecting its own limitations and the capacities of the other; and with each acting in support of the other.

The new Columbus Post Office fits this formula precisely. Communications is the nerve network of a nation and a city, and the Columbus Post Office is a vital part of this network. The Columbus Post Office is a part of the public participation in the rebuilding—reconstruction—renaissance of Columbus. It is a public participation on the national level. As we appreciate this fact it is equally essential to recognize that the public involvement should operate at three levels—Federal, State, and local—each of these must be equipped and ready to do its appointed part.

America has the resources, the wealth, the raw material, the intelligence, the technical know-how, the pressing need and the driving desire to solve all the problems of our cities.

The question is not—*what* to do—but *who* is to do it, and how to make an alliance among the agencies involved—as you have evidently done with such spectacular success here in Columbus.

To support a program of renaissance of Columbus is not to be softhearted (which is sin), it is also to be hardheaded. I am not a budget buster. *But* I do believe in America's greatness, and I believe that this greatness can be traced to bold leaders and bold enterprises and the basic idea that—as you are doing here in Columbus—money invested properly and adequately will multiply wealth—and provide for human needs.

Bold leaders and bold enterprise exist here in Columbus. You stand out as a shining example for other cities. It will be left to the citizens of those other cities, acting through their own governments, to settle their own issues—following your example.

I leave you with this thought: Solving the problems of the City of Columbus (as with other American and Indiana cities) demands the exercise of what is perhaps the most difficult are of democratic governments: the effective mobilization of all the forces which make up the free body politic and the free body economic—not just to make the right decisions—but also to carry them out.

So the new Columbus Post Office is a part of a New Columbus of tomorrow in which every person of Columbus can share in the renewal of our combined faith in our selves—and our combined ambition for a better life for the people of Columbus.

So on this Sunday—the Lord's day—let us never forget—the earth is the Lord's and the fulness thereof; the world and they that dwell therein.

Remarks by Congressman Lee H. Hamilton

This day has been a long time aborning.

It began, so far as I know, when local businessmen over cups of coffee decided Columbus needed a new Post Office and that it could be a major part of downtown development.

Often, it appeared that this day would never come—

When there was a long and agonizing struggle over the site, with the Post Office Department insisting it be on the outskirts of town and most of Columbus wanting it downtown, (and General Blount, one reason we celebrate this day is because it proves the Post Office Department doesn't win them all).

And again it appeared this day would never come when in a few harrowing, suspense-filled days, the intricate financing for this building was being worked out. And at one point, I can recall putting the phone down after a pessimistic report and saying to myself, "Well, it's all over, we lost it."

It can be said without equivocation, that without the negotiating skills during that period of Richard C. Stoner, this building simply would not have been built.

And no one who took part will forget the painful debates, the agonizing deliberations, and the summit conferences on whether to build a wall around the entire Post Office Grounds. The Post Office Department said "no" for security reasons. The designers said "yes" for aesthetic reasons, and as you can tell from looking about you, that's one the Post Office Department won.

Of course, there have been bright spots along the path to this day too.

The generous offer to pay the fee of one of the Nation's finest designers and the acceptance of a unique and untried venture by the Post Office Department—the patient, cooperative attitude of four Postmaster Generals:

General Grounoski gave original approval.

General O'Brien gave support during the painful early planning.

General Watson gave the final go ahead, and General Blount gave support during the critical building period.

As the doctor would say, however, the gestation and birth of this building was accompanied by "severe complications."

That is all behind and this is a happy day as the city of Columbus, with this building of grace and distinction, adds another jewel to its architectural crown.

This Post Office is no ordinary building.

Perhaps no building is more intimately related to the lives of all the people of a community than the Post Office. By reason of the work that goes on here, friendships are maintained, business transacted, families united. This building will measure the heartbeat of Columbus. Through its doors will pass messages of joy and happiness, sadness and grief, information and education, business and commerce.

Without it, Columbus would be—not an Athens of the prairie—but a prairie of dry bones.

This building stands as a symbol of gratitude for all who labor in the postal system and especially those who labor at the Columbus Post Office. You and I often take for granted the employees of the postal service. I doubt very much whether any service, public or private, operating on so large a scale as the Postal Service has a comparable record of honesty in dealing with the public's property or of faithfulness to duties.

And this building serves a mighty purpose: the exchange of ideas and information. No Nation has ever achieved greatness without a strong, dependable postal system. Without it, this Nation could not remain united, and our economy would collapse.

I walk into many post offices and see often the battered, gray canvas bag full of mail. It is as mundane and commonplace a thing as I can imagine. And yet, what concerns it contains: Life and death—love and hate—success and failure—drama, romance, tragedy, comedy.

They are all in that bag—serious and frivolous—the important and the inconsequential—news to gladden and news to sadden.

All brought with equal impartiality to the designated recipient and all carried in that gray, undistinguished mail bag.

For me, the significance of this day lies not just in the dedication of an important building. Rather it lies in the privilege of working with one's friends, toward a common and worthy goal. There is an abiding satis-

faction in the experience citizens in a free society may have as they hope, strive, work, and accomplish in their associations one with the other.

This post office—fervently pursued and successfully achieved—has been such an experience for many of us.

Very close to the heart of what this Nation is all about is the opportunity to work with one's friends to accomplish shared goals. In Columbus, we have had that fine experience and we celebrate it today.

It is fitting, then, to add a final adornment to this building of purpose and elegance—a flag of the United States of America which has flown over the Nation's Capitol. It symbolizes the nation that has permitted us this deep privilege of common endeavor.

I present it to the Postmaster of the Columbus Post Office with the hope that when we see it wave, we will see not just a flag, but a Nation—its power, its purpose, and its people, and its dedication to liberty and justice for all.

THE 50TH ANNIVERSARY OF THE POLISH LEGION OF AMERICAN VETERANS

HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. NEDZI. Mr. Speaker, the good work of the Polish Legion of American Veterans has spanned more than two generations already, with special service and sensitivity to the problems of veterans.

An anniversary celebration is by its nature both a sad and a cheerful occasions, sad because of the memory of those friends who are no longer with us, cheerful because we see one another once again.

The Polish Legion of American Veterans had its beginning in my home town of Hamtramck, Mich., in 1920. It has maintained its vitality while building an extensive membership, including 24 posts in the State of Michigan. Recently, the State senate of Michigan commended the P.L.A.V. on the occasion of its 50th anniversary and its forthcoming national convention in Detroit. Under leave to extend my remarks in the RECORD the resolution follows:

SENATE RESOLUTION No. 277

(Offered by Senators Stanley Rozycki, Stanley Novak and Joseph Mack)

A resolution commending the Polish Legion of American Veterans on their Golden Jubilee Celebration

Whereas, The Polish Legion of American Veterans, Post No. 1, will celebrate their Golden Jubilee at a dinner in Hamtramck on June 6, 1970, and will also observe their 50th Anniversary with a national conventional in Detroit, in August; and

Whereas, During May of 1920, a group of veterans in Hamtramck, Michigan, met to re-live some of their military experiences and to celebrate the Third Anniversary of their volunteering for service in World War I. From this group the Polish Legion of American Veterans was formed, which selected its first officers on May 19, 1920, and operated as the "Polish American Veterans Club" and continued to use this name until 1923, when the Polish Legion of American Veterans came into being as a national organization, with Posts in ten states; and

Whereas, At the present time the P.L.A.V. has twenty-four posts in the state of Michigan, the group of young men who met in Hamtramck in 1920, are now known as Post No. 1 of the P.L.A.V. and was the first organization in the city Hamtramck to own its own building. Their purpose is to uphold patriotism and to assist members and their families who may be in financial need. They have assisted and actively carried out a patriotic program in sponsoring essay contests in high schools, and have been strong supporters of the Red Cross, receiving a certificate for its extensive blood donation campaign during World War II; and

Whereas, During World War II, P.L.A.V. Post No. 1, collectively, through its members, purchased over a third of a million dollars worth of United States Savings Bonds, with the result that a B-24 Bomber was named "The Spirit of the Polish Legion of American Veterans"; and

Whereas, Since its inception fifty years ago, P.L.A.V. Post No. 1, has spent more than $100,000 of its money for charitable work, including help to veterans, whether members or nonmembers of the organization, as well as aid to the widows and orphans of veterans; now therefore be it

Resolved by the Senate, That a sincere and warm welcome is extended to the Polish Legion of American Veterans and to P.L.A.V. Post No. 1, on the occasion of their 50th Anniversary, and offer best wishes for their continued success and prosperity; and be it further

Resolved, That copies of this resolution be transmitted to the officers of the Polish Legion of American Veterans, National Convention, and to P.L.A.V. Post No. 1.

Adopted by the Senate, June 3, 1970.

BERYL I. KENYON,
Secretary of the Senate.

CONGRESSMAN JOHN C. KUNKEL

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. JOHNSON of Pennsylvania. Mr. Speaker, it was with the deepest regret that I learned today of the untimely death of my dear friend, former Congressman John C. Kunkel, of Dauphin County, Pa.

Congressman Kunkel was one of my very best friends when I came to Congress in November of 1963—no one in the Congress was nicer and friendlier, and more willing to guide me through the first few months of service than Mr. Kunkel.

I always enjoyed discussing matters of current interest with him. I was amazed at his keen analytical mind and tremendous storehouse of knowledge on almost any subject. He was a real asset to the Congress of the United States, and made a valuable contribution to its work.

Mr. Kunkel also possessed a keen sense of humor and no matter how tense a given situation he always came up with the pleasanter side of the argument and made everyone feel at ease.

We in the Pennsylvania delegation were very disappointed when he chose voluntarily to retire from the Congress. He was one member of our delegation that we were all very proud of. He added distinction and honor to our group. It was a real loss to Pennsylvania and the Nation when he decided to return to private life.

And now may I extend to his dear wife and family my deepest sympathy and I want them to know that I considered John Kunkel one of the great men of this century from Pennsylvania.

TEXTILES ALREADY IN TRADE WAR

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. DORN. Mr. Speaker, I commend to my colleagues' attention a perceptive editorial from the Greenville, S.C., News of July 25, 1970. As the title of the editorial suggests, the MILLS' textile-shoewear import bill is designed to remedy the effects of a current trade war, not to initiate a trade war. Free trade is a worthy goal, but it requires cooperation among the major trading partners. Unfortunately, with respect to textiles, the free-trade policies of the U.S. Government have been taken advantage of unfairly rather than reciprocated.

The editorial follows:

TEXTILES ALREADY IN TRADE WAR

Nobody, least of all the textile industry, wants to set off an international trade war. Traditionally the Southern states, now the home of most of the textile industry in this country, have been free trade territory.

But the fact is that so far as the textile industry is concerned, it already is involved in a deadly international trade war with Japan and other low-wage countries. American textiles did not make this war, and tried to avert it by agreeing to cooperate with the General Agreement on Tariffs and Trade. The textile industry's landmark decision on international trade back in the 1960's was a key factor in getting this country to lead the attempt to lower tariffs and other trade barriers around the free world.

The fact is that American barriers have been lowered, but many other nations, Japan included, have not reciprocated in good faith. Tariffs and non-tariff measures all but prohibit many foreign goods from entering numerous countries which enjoy almost limitless access to American markets. This is war against the American industry.

The result is that the domestic textile industry has been injured in recent years, is hurting badly now and can be virtually destroyed unless something is done to save it.

Since all efforts at voluntary control agreements have failed, it is necessary to get some relief by unilateral action in the form of legislation to impose reasonable restrictions on textile imports.

The word "reasonable" is emphasized. The American textile industry does not seek to cut off imports. Neither would it limit them excessively. All the industry asks is a mild restraint which would give it a chance to plan its own production and to expand enough to keep abreast with population and economic growth in this country.

That certainly is not too much to ask. All the industry seeks is a reasonable opportunity to compete in its own markets. Unless it has that opportunity, this country must prepare to phase out domestic textile production because American companies inevitably will move operations overseas in order to survive.

The result will be loss of jobs and economic disaster for wide areas, especially in the already hard-pressed South. It also will involve costly restraining of workers and disruptive population movement to provide other jobs for displaced textile workers.

The need for a thriving textile industry to assist the upward economic movement of minority groups in the South ought to be apparent to anybody. Preservation of the textile industry should be one of this country's top socio-economic goals. Instead, the flood of imports threatens to destroy the industry.

The pending textile quota measure as proposed by Representative Mills, Ways and Means Committee chairman, is a reasonable proposition. In and of itself it should not set off a trade war or escalate the one already being waged against this country by foreign textile producers.

Neither would the Mills proposal pose any sort of threat to American consumers, as some opponents charge. Textile imports would continue, giving consumers adequate protection against price-fixing by the American industry. The widely-distributed textile industry is just about the last that could be accused of price-fixing in this country anyway.

But the Mills proposal is threatened by a combination of factors. There is the danger it will become a Christmas tree bill if import quotas on other products are added. If that happens, the bill will be vetoed by President Nixon.

Whether the measure as now being written, with quotas on footwear and stand-by authority for other quotas, is acceptable to the President is not clear at the moment. It is clear, however, that the textile quota measure is in dire danger of being overloaded.

The textile industry and its workers are not out of the woods by any means. They still are in a political thicket in which textile relief can be lost while the Democratic Congress and the Republican administration blame each other.

JACOBS ARRESTS DISTRICT OF COLUMBIA CRIME

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. HAMILTON. Mr. Speaker, my distinguished Indiana colleague, ANDREW JACOBS, JR., recently set an example for each of us to follow in our capacities as individual citizens concerned about rising crime rates.

In a letter of July 23, 1970, to Congressman JACOBS the District of Columbia Chief of Police commended him for his "alertness and assistance" which produced the arrest of a robbery suspect whom he had observed exchanging gunfire with a special police officer at the scene of the robbery.

The letter from Chief Jerry V. Wilson, as well as an Indianapolis Star article describing the incident, follow:

DISTRICT OF COLUMBIA METROPOLITAN POLICE DEPARTMENT,
OFFICE OF THE CHIEF OF POLICE,
Washington, D.C., July 23, 1970.

Hon. ANDREW JACOBS, JR.,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN JACOBS: The Commander of the First District has brought to my attention your commendable action and assistance in obtaining the tag number of the vehicle in which robbery suspects made their escape from the scene of a robbery (hold-up) at the Acme Supermarket, 45 "L" Street, S.W. on June 12, 1970.

The official report indicates that about 11 a.m., Friday, June 12, 1970, while in a private auto westbound in the unit block of "K" Street, S.W., you and Mr. Chris Fager observed the exchange of gunfire between Special Officer Adams and two subjects getting into a maroon Ford parked at the curb and then driving off at a high rate of speed.

Realizing that a very serious crime had been committed, you directed Mr. Fager to drive around the block back to South Capitol Street to get behind the getaway car. While pursuing the suspects into the southeast area, you copied the tag number before they made good their escape in the area of Alabama Avenue and Stanton Road, S.E.

Your swift action at the time of this crime saved our officers many hours of investigative police work and assisted in the arrest of one of the hold-up men and a warrant being obtained for the driver of the getaway car.

It is very encouraging to know that there are citizens like yourself in our community who abhor criminal acts and respond to assist the police in the solution of serious crimes.

In recognition of your alertness and assistance, I am pleased to congratulate you and extend my personal thanks for your help.

Sincerely yours,

JERRY V. WILSON,
Chief of Police.

[From the Indianapolis (Ind.) Star, June 20, 1970]

JACOBS HELPS IN PURSUIT OF BANDITS AT WASHINGTON

WASHINGTON.—When the bullets started flying, ex-deputy sheriff Andrew Jacobs, Jr. forgot he was a congressman and started chasing the hoods.

Detective Hermann Steiner of the Metropolitan Police Department credited Jacobs with helping catch the robbers of an Acme Supermarket on Washington's southwestside.

Jacobs and Chris Fager, a congressional intern from Indianapolis, had gone to a filling station June 12 to have Jacobs' car serviced. Fager was driving and protested when Jacobs urged him to make a left turn on a busy street.

"I know what I'm doing," Jacobs said, as the car turned into a hail of bullets.

Jacobs later complained that Special Officer Freddy N. Adams, an Acme employe, wasn't so good with his hand gun. "He grouped his shots, all right," ex-Marine Jacobs said, "but he was hitting a row of parked cars and not the fugitives."

Moments before Jacobs and Fager happened upon the scene, three men had entered the supermarket and disarmed Adams. The robbers scooped the money from a cash register, grabbed up three bags of newly-delivered coins and fled.

The getaway car was driven by a woman. Adams grabbed another gun from the manager's office and was busy trying to shoot the culprits when Jacobs and Fager came along.

After driving through the hail of lead, Jacobs and his young assistant pursued the getaway car.

The robbers fled over a bridge and into a remote Washington residential neighborhood. At Stanton and Alabama streets, southeast, the fugitive car turned into a housing project and came to an abrupt halt.

Jacobs ducked into a phone booth and called for police help.

When a cruiser arrived, he gave the policemen District of Columbia License No. 662-938 and a description of the car.

Subsequently, detectives interviewed a young woman who said her father's car with that license number had been stolen.

Questioning gave the detectives the name of the young woman's boy friend, Landin Mozon, who was listed in police files. They later went to pick Mozon up at his address and found his girlfriend and two other men taking narcotics.

Mozon was identified by Adams and others who were in the robbed grocery store. The young woman was arrested for narcotics violation and a warrant was issued for her on a robbery charge.

SENATE—*Wednesday, July 29, 1970*

The Senate met at 11 a.m. and was called to order by Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, before the mountains were brought forth, or ever the world was formed—from everlasting to everlasting, Thou art God. Grant us now an awareness of Thy presence that shall brace us for new tasks. Empower us to work with sensitive spirits and sharpened minds. When evening comes may we be at peace with Thee and with one another.

Remember, O Lord, all those who labor under the danger of death that others may be comforted and protected. Sustain those who represent the Nation in the Armed Forces and those who by diligent service and constant sacrifice enforce the law and keep the peace.

Bless all who work in the laboratory, at the bench, on the farms, or in offices, and grant that we may so hallow daily toil as to make it a divine vocation. Unite our endeavors to make us a better people and a better Nation.

In the name of the Craftsman of Nazareth. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., July 29, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

the Journal of the proceedings of Tuesday, July 28, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Virginia (Mr. SPONG), there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. If the distinguished Senator from Arizona (Mr. FANNIN) would allow me, without losing any of his time, I should like to bring up a few unanimous-consent requests at this time.

Mr. FANNIN. I am happy to yield to the Senator from Montana.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NOMINATIONS PLACED ON THE SECRETARY'S DESK—IN THE COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the Coast Guard, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HOOD RIVER COUNTY, OREG.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 981, H.R. 914, and that the Pastore rule of germaneness not apply in this instance.

The ACTING PRESIDENT pro tempore. Without objection, the bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 914, for the relief of Hood River County, Oreg.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. PACKWOOD. Mr. President, the Senate has an opportunity today to clear up a long-standing controversy concerning 160 acres of land in Hood River County, Oreg.

The problem stems from a misunderstanding regarding the ownership of a 160-acre tract of land located immediately south and east of the Hood River County Forest. This area was mistakenly designated a part of the Hood River County Forest in September of 1950 and was managed as a part of the county forest. In 1961, however, the county's ownership of the land came into question. Inquiries by the Bureau of Public Land Management resulted in a determination by the Government that the land was a part of the Mount Hood National Forest. The Hood River County Commissioners were notified of this determination in November of 1963.

Prior to that notification, the county, quite understandably, regarded itself as the sole owner of the land. Based on this assumption, the Forest Service, acting under contracts with the county, planned, supervised, and carried out five separate sales from the property between 1946 and 1961. Hood River County received a total of $84,841.36 from those sales. The amount claimed by the United States is based on this payment to the county.

As a result of this unusual set of circumstances, Hood River County is faced with the very real problem of having to potentially repay the Federal Government $84,841.36. I find the prospects of forcing payment on the taxpayers of Hood River County to be unacceptable. Officials of Hood River County, representing the taxpayers of that county, acted in good faith. An honest mistake was made—a mistake which Uncle Sam must share. The money was not wasted—it was used for valid purposes to better serve the citizens of Hood River County.

Let me also say something about the economic conditions of Hood River County. They are not good. The latest unemployment figures show that as of May 1970 there was an 8.3 percent unemployment rate in the county. In addition, the county's fruit crop suffered substantial damage earlier this year. So at this particular time, when economic conditions are far from the best, it seems ill-advised to ask Hood River County taxpayers to pick up the tab for a mistake of the Federal Government.

I believe that H.R. 914 will solve the problem. It would relieve the county of the obligation of paying the United States the $84,841.36 claimed by the Government. Considering the tremendous burden that repayment would impose on the county, it seems to me that H.R. 914 offers a fair and equitable solution to an unfortunate situation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-977), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Hood River County, Oreg., of all liability to the United States, based on the proceeds of timber sales from 160 acres of land considered to have been a part of the Hood River County Forest in the period 1946 through 1961, which land was subsequently held by the United States to be Federal land.

STATEMENT

In its favorable report on the bill, the House Judiciary Committee set forth the facts of the case as follows:

During the 90th Congress a similar bill, H.R. 3165, was favorably reported and passed the House on June 3, 1968. That bill was the subject of a subcommittee hearing on Wednesday, April 24, 1968. At that time, representatives of Hood River County, Oreg., and of the Forest Service of the Department of Agriculture appeared and testified concerning the circumstances which gave rise to the claim by the United States against the county. At the hearing a map was submitted which shows the 160-acre tract to be immediately south and east of a tract of forest land which is part of the Hood River County Forest. The 160-acre tract was designated a part of the Hood River County Forest in September of 1950 and was managed as a part of the county forest. It was discovered in 1961 that there was a question concerning the county's ownership of the tract. The report of the Department of Agriculture indicates that at that time, the State's title to this particular land was challenged in private litigation and, in connection with that litigation, inquiries were made to the Bureau of Public Land Management concerning the status of the tract. These inquiries resulted in a determination by the Government that the land was a part of the Mount Hood National Forest. The Forest Service notified the Hood River County Commissioners of this determination in November of 1963.

At the hearing, the representatives of the county testified that prior to these developments, the county, in good faith, regarded itself the owner of the 160 acres of forest land. The county had regarded itself as the owner of the land for more than 40 years since the county had received a sheriff's deed to the property after delinquent tax foreclosure proceedings against the tract in 1922. The basis for the Government's determination that the land belonged to the Federal Government involved the discovery of an 1892 communication in the files of the Department of the Interior indicating that this particular property had been included in a large block of land that was intended for later designation as the Cascade Forest Reserve. This is the action referred to in the Department of Agriculture report when it states that on March 28, 1892, all of section 9 was withdrawn from entry under the public land laws for the purpose of creating the Cascade Forest Reserve.

This particular letter was dated a few months before the State of Oregon selected the 160 acres as "lieu" lands by filing Indemnity Selection List No. 226 on December 27, 1892. Hood River County traced its title from this selection for the State conveyed the 160 acres to a private owner, Mr. Edward Jones, on January 2, 1893. As has been outlined above, the county subsequently acquired the land as the result of foreclosure of delinquent taxes which had accrued subsequent to its conveyance to private ownership and prior to 1922. The Government's position is, in substance, that, notwithstanding the selection by the State, its subsequent conveyance to a private individual, and the acquisition of title by tax foreclosure proceedings by the county, and the subsequent 40 years during which the county asserted its rights as owner of the land, the U.S. Government still had title to the land and further never parted with title to the property.

In the report of the Department of Agriculture, it stated that prior to discovery of the question concerning title in the county, the Forest Service assisted the county in the management of this particular property along with more than 26,000 acres of the Hood River County forest lands. At the hearing on the bill, in the last Congress the representative of the Forest Service stated that at that particular time, the Forest Service relied on county records in determining the title and boundaries of forest land subject to management. On the assumption that Hood River County was the owner of the 160-acre tract, the Forest Service, acting under contracts with the county, planned, supervised, and carried out on behalf of the county five separate sales of timber from the property between 1946 and 1961. The Hood River County received from those sales a total of $84,841.36. The committee is advised that the amount claimed by the United States is based on this payment to the county.

The committee was further advised that the Government also in 1965 claimed title to the property and has sold timber off the property in 1965–67 for which it has received some $102,000 in revenues. These revenues are, of course, not involved in the amended bill.

The inequity to which H.R. 914 is addressed arises out of this assertion of rights by the Federal Government in the light of the particular circumstances concerning title and ownership of this specific tract. As a practical matter, no one was aware of the technicalities of the title situation until late 1961, after Hood River County had been considered the winner of the property for over the 40 years which elapsed since the 1922 tax foreclosure. It is also clear that the Government acted after five timber sales had been made on that assumption by the U.S. Forest Service acting for Hood River County. The amended bill will grant relief which, as a practical matter, is unavailable through judicial proceedings. The claim of the Government against Hood River County arose under circumstances demonstrating complete good faith upon the part of Hood River County which treated the 160 acres as its own property for over 40 years after 1922.

The testimony at the hearing indicated that Hood River County, in a court proceeding, probably could not successfully defend against the timber trespass claim of the U.S. Government based on the five timber sales between 1946 and 1961, and therefore could not legally establish its title to the subject property as against the U.S. Government.

The committee has further been advised that payment would impose a substantial economic hardship to Hood River County if the U.S. Government would force a payment of $84,841.36. The total budget of this small county for the previous fiscal year was $1,686,313, of which $351,744 was raised from taxes imposed directly on its citizens and their property. A timber trespass judgment for $84,841.36 would represent approximately 5 percent of Hood River County's total annual budget. Since any such judgment would have to be paid from additional tax revenue, a judgment for $84,841.36 would mean a 1-year increase of almost 25 percent in the total direct taxes imposed on the citizens of Hood River County. If the judgment was for double damages (approximately $169,000), this would represent 10 percent of the county's total annual budget, and a 1-year tax increase of almost 50 percent over the present level of taxation.

The bill, as amended by the committee, would relieve the county of the obligation to pay the United States the $84,841.36 claimed by the Government but would not grant the other relief originally included in the bill. In the 90th Congress identical amendments were made to the bill H.R. 3165 and the bill passed the House so amended on June 3, 1968. The bill H.R. 914, as introduced in the current Congress, would have also provided for a conveyance of the disputed 160 acres and would have further required a payment to the county of an amount equal to the money paid the United States as the result of sale of timber from the property since assertion of title by the Federal Government. The committee deleted the other provisions so that the bill does not alter the position of the parties as regards ownership of the land. As has been noted, the repayment would impose a heavy burden on the county and it is felt that the amended bill provides for an equitable adjustment of the matter and is fair in the light of all the circumstances which have been detailed in this report. While the Department of Agriculture has questioned relief, the committee feels the amended bill meets most of the Department's objections.

In this connection it should be noted that the General Accounting Office in its report to the committee on the bill has indicated it would have no objection to relief as is now provided in the amended bill if it is determined that repayment would work such a hardship. Accordingly, it is recommended that the amended bill be considered favorably.

The committee, after a review of the foregoing, concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 914, without amendment.

The bill was ordered to a third reading, was read the third time, and passed.

DISCOVERY OF MERCURY CONTAMINATION IN OUR STREAMS, RIVERS, PONDS, AND LAKES

Mr. SCOTT. Mr. President, many Americans are alarmed about the discovery of mercury contamination in our streams and rivers, ponds, and lakes. My friend, the distinguished Senator from Vermont (Mr. PROUTY), is doing something about this problem.

In testimony before the Environmental Subcommittee of the Committee on Commerce, Senator PROUTY laid the problem on the line and outlined ways of responding to mercury contamination.

I think they will find Senator PROUTY's testimony one of the most compelling to date on the problem of mercury pollution. I think that they will agree with his observation that:

What we have learned about mercury recently indicates that what we see and know about pollution is not as frightening perhaps as the unknown and unseen.

Mr. President, for the benefit of my colleagues, I ask unanimous consent that Senator PROUTY's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR WINSTON PROUTY, REPUBLICAN OF VERMONT, TO THE ENVIRONMENTAL SUBCOMMITTEE OF THE U.S. SENATE COMMITTEE ON COMMERCE, JULY 29, 1970

Mr. Chairman, as we all know, at least 20 states are now experiencing major problems with mercury contamination. We are rudely confronted with the product of either our ignorance or inattention, or both.

Although it took us in the United States somewhat by surprise, we should have been prepared because mercury poisoning is not a totally new phenomenon. In the last decade Japan has suffered two crises of mercury poisoning, resulting in nearly 100 deaths and many cases of birth defects. Mercury poisoning in the past six years has left 35 dead in Iraq, 4 in Pakistan, and 20 in Guatemala. In December of last year, three children in New Mexico suffered permanent brain damage after eating pieces of a hog bred on mercury-treated seed grain.

In 1965, the Swedish Royal Commission on Natural Resources established the relationship between mercury pesticides and a large decrease in the bird population. In 1968, it was the Swedish delegation to the Codex Committee on Food Additives which presented concrete evidence of how mercury effluent from industrial production contaminates fish.

The toxicological, or poisoning, process of contamination is similar to that of DDT. Inorganic mercury (of which the U.S. annually dumps over 6 million pounds into its waters) is highly insoluble in water, and, therefore, of little danger to fish. However, it is taken into the food chain by microorganisms, which are in turn eaten by predators and so on up the food chain, until the mercury, now in a methylated organic form, is taken into the systems of the perch, walleye, carp, et cetera, and finally on to man, last link in the food chain. At each stage, the mercury is more concentrated.

When the highly compounded methyl mercury finally does reach man, it can cause neurological and brain damage, as well as injury to the liver and kidneys. Studies have shown the ease with which mercury in its methylated form can penetrate both the placental barrier and brain barrier, causing severe birth defects. In all cases, 10% of all the mercury we ingest goes to the brain; it is lethal to brain cells.

The mercury effluent remains in the environment from 10 to 100 years after dumping. This fact must not be lost on those who would urge delay in implementing mercury control.

Some states have now been forced to ban all commercial fishing in their waters due to actual or suspected mercury poisoning in fish. Michigan is one, Vermont is another. It is not necessary for me to describe the unavoidable hardships imposed by this ban. But several aspects of the Vermont case will, I think, interest you.

Following the ban on fishing, the State Agency of Environmental Conservation instituted a task force to undertake a complete study of the mercury problem.

After becoming aware of the troubles experienced along the Great Lakes, we were not surprised that our own Lake Champlain should have substantial amounts of mercury contamination. The figures show poisoning in fish as high as 1.4 parts per million in the Outer Mallets Bay zone, and 2.0 parts per million in the Mississquoi River (The Food and Drug Administration says that .5

parts per million of mercury is dangerous to human life and must be dealt with). These are areas which we checked first, as they have a certain amount of industrial concentration, and so were considered most probably to contain mercury.

But, as a matter of course, the task force checked Lake Memphremagog. I am sure that you can appreciate our amazement at finding levels of mercury in excess of .5 parts per million, since we are unaware of any industry now or in the past that has used any appreciable quantities of mercury in that region of Vermont or Canada.

Then it became apparent that we had a new ballgame. Consider an area like Silver Lake. It is located in the Green Mountain National Forest, atop a mountain and accessible only by four-wheel drive vehicles or by pack trip. It has no industry whatever—but it does have mercury contamination.

When Joe's Pond in Danville, Vermont produces fish contaminated eight times beyond the level set by the FDA, *we are warned that the issue is far more complex than we had supposed.* Presently, fish from all bodies of water 20 acres or larger are being analyzed. In almost every case, the findings show substantial amounts of mercury poisoning.

Vermont is not a heavily industrial state, and has none of the chemical industries usually identified as the prime polluters. Almost no agricultural mercury seed grain is used. The orchards discontinued use of mercury years ago. So did most milk testing plants and paper processors. So where does the mercury come from?

Mr. Chairman, we realize now more than ever that this is no simple matter and that mercury pollution must be attacked from a number of fronts.

There are numerous other areas in which further research is urgently needed. One of the possible sources of pollution cited by our task force in Vermont is fallout—but, this is just a hypothesis. We know, too, that there is mercury naturally present in the environment, but are not sure how this affects our ecological balance. We in Vermont are doing all that we can, assisted by the facilities of our universities. Additionally, at my request, a program of sampling is now being undertaken by the U.S. Public Health Service. Yet the resources of a single state cannot solve all aspects of this nationwide problem.

Finally, we have come to realize that we can no longer afford to let these problems sneak up on us. With each day's dumping leading to some mercury contamination for 10 more years, we must anticipate the next ecological crisis. In Vermont, once we finish our investigation in mercury, we shall study lead, and continue with other minerals, until we are satisfied that we are not sacrificing permanent health to present convenience. After fish, we shall move to study muskrats, ducks, and other aquatic animals. Again, there is too much to do.

At the moment, we are stunned by our lack of knowledge. We cannot even identify all the sources of mercury contamination. Vermont is only a small state, but we are doing, I feel, a truly outstanding job of research to combat mercury pollution. I hope that other states which do not feel themselves threatened by the problem will take a hard second look. I hope states which mistakenly feel that by stemming the flow of mercury effluent they will end their troubles will learn from our experience in Vermont. And most of all, I hope that our state efforts will now be complemented by increasing concern from the Federal Government. Vermont's predicament is now the nation's problem.

Nationwide it is apparent that action is essential in three areas—assurance that (1) no contaminated fish are sold in the marketplace, (2) prevention of industrial effluent of mercury, and (3) development of a long-range problem of information, analysis and transfer which will be adequate to prevent unintentional pollution.

First, we must be sure that all contaminated fish are removed from the market. It is the responsibility of the Federal Government to ensure that dangerous food fish are not introduced into interstate commerce, by co-operating with state authorities to sample and test for contamination.

While removal of the adulterated fish solves the short-term health hazard, secondly industrial effluence of mercury must also be halted. The Department of Interior is moving hard against mercury pollution. Two weeks ago, Secretary Hickel threatened court action against mercury polluters, and ordered the Federal Water Quality Administration and the U.S. Geologocial Survey to seek out polluters. He also wired the governors of 17 states where mercury pollution has become a major problm to urge them to take action at the state level. Last week he asked the Department of Justice to move against companies which have refused voluntary self-restraint.

Justice now says that they will bring suits against eight of these corporations, under the Refuse Act of 1899. The Administration has thus taken a large step forward. Establishment of minimum levels at which the government will act frees the states from the competition for business which sometimes causes ecological havoc. However, President Nixon also has the power, granted in the Water Quality Improvement Act, to designate mercury a "hazardous substance" and to recommend methods and means for the dealing with them when they become a problem? Before the crisis becomes more alarming, this should be done.

But the Administration must also realize that an end to an effluent is not an end to contamination. In view of Vermont's problems, and with the realization that Vermont is not an industrialized state, I feel that the present Federal concentration on large industries may in the end be misleading. Unless the larger industrialized states are aware of the findings we are getting in Vermont, they may very well end up in a complacent mood feeling that if they only zero in on large industrial users and figure once they correct that situation, all is well. (How many industries are there in Detroit compared to Vermont?)

Finally, we need to assure the acquisition and exchange of information on all matters of environmental pollution. To begin with, the present level of contamination labelled "dangerous" set by the FDA at .5 parts per million is only an "interim guideline" based on a safety factor of only 10 instead of the more usual 100. More study is needed to determine how much mercury we can allow the human body to consume. The formation of the Environmental Protection Agency will be an important step forward in researching and administering pollution control.

Should we fail to remove the contaminated items, fail to plug the sources of pollution, and fail to establish the means for interrelated study and legislative review of the problem, the consequences are staggering. As mentioned previously, once dumped, mercury will remain present in the environment from 10 to 100 years. Further, it concerns me that we have developed no practical way to remove mercury from our river-beds. At present, scientists are at work on various types of absorbent clays which might be introduced into our waters to tie up mercury and eliminate it from the food chain without altering the ecological balance. But as yet they have found nothing workable. In the meantime, what options are open to us in those states so heavily burdened with mercury pollution?

First, the mud from the river-bottom containing the mercury can simply be removed. This would of course be terribly expensive, and result in unknown dangers to the whole environment.

Second, particularly offensive areas could be diked off. But aside from the resulting imbalances, this is only a partial measure. No matter where the mercury itself is dumped, it soon becomes generalized throughout the area as it is passed through the food chain. In bodies of water which have no known source of industrial effluent mercury, this method is useless.

In short, awaiting further scientific progress, we have no recourse against mercury already present in our waters. The mercury dumped while I am speaking will plague us for decades, and will probably end up in our own system.

What we have learned about mercury recently indicates that what we see and know about pollution is not as frightening perhaps as the unknown and unseen.

Perhaps it is wise to interject an optimistic note. I believe there is some reason for optimism. We have seen a change in the basic approach of government from the day it was only a referee among interests competing for resources to the day when government must be considered the trustee of the environment for all the people.

It must administer this trust not with stop-gap measures to halt specific abuses but with a clear top priority national goal of a quality environment for all. We must channel our wealth into protecting our future. If we fail to do this, we must be confronted by an environmental catastrophe that would render our wealth meaningless and which no amount of money ever could cure.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, both the Republican leader and I wish to thank the distinguished Senator from Arizona (Mr. FANNIN) for his courtesy and consideration in yielding to us at this time.

Mr. FANNIN. It was a pleasure to yield to the majority and minority leaders.

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair now recognizes the distinguished Senator from Arizona (Mr. FANNIN) for a period not to exceed 20 minutes.

THE PROBLEM OF INFLATION

Mr. FANNIN. Mr. President, the people of this Nation are challenged by many vexing problems—lawlessness and disorder in our streets, the war in Vietnam, the apparent alienation of the young, the expansionist policies of Russian communism in the Middle East, and the erosion of the purchasing power of the dollar resulting from inflation. This last, in my view, is the most persistent and the most pressing.

Each month the Nation's newspapers headline every change in the cost of living. The workers win a wage increase and then watch their gains evaporate in the heat of higher prices. The process is particularly cruel for those on fixed incomes, retired producers living on pensions or savings.

There is a great divergence of opinion among the economists over many aspects of our present commercial and business structure. Some voices contend that a small amount of inflation contributes a beneficial influence on the Nation's economic health. But there is almost uni-

versal agreement condemning the escalated inflationary rates of recent years.

Various critics place some of the blame for the dangerous erosion of the purchasing power of the dollar on a variety of causes. But, Mr. President, I think there is almost unanimous agreement on the proposition that uncontrolled Federal spending, financed by borrowing, is the major cause of the inflation threatening our economic stability.

Mr. President, since the election of President Franklin D. Roosevelt Federal spending has exceeded Federal income in all but 4 of those years.

Deficit spending, which was inaugurated in an effort to overcome the great depression, was further accelerated during World War II and the Korean conflict. Even President Eisenhower, who was dedicated to balancing the budget, was able to achieve that objective in only 3 of the 6 fiscal years for which his policies were responsible. Without interruption, there has been a deficit—an excess of expenditures over income since fiscal 1960.

During this period many rational voices have argued the virtues of a balanced Federal budget. The leaders of both political parties have professed to be dedicated to bringing an end to deficit spending.

Most recently the Nixon administration hopefully projected a balanced budget for the fiscal year just concluded—a projection which failed to materialize because the Congress appropriated and spent more than the Government received in income.

Mr. President, every Member of Congress is painfully exposed to demands for increased spending. The Nation's unmet needs, some of them very real, are unlimited. Perhaps there are times when deficit spending can be justified. The tragedy is to be found in the truth that deficit spending has become a habit. The pattern has been established. Reasons, both personal and political, have destroyed the ability of the Congress to break the habit of deficit financing.

It is not my intention to condemn the Members for their actions. Each one of us, where our own particular constituency is involved, has on occasion stubbornly resisted every attempt to reduce some particular appropriation or curtail some particular program.

Indeed, it can be said with some certainty that a Member who adamantly refused to advance the claims of his constituency for some special governmental financing would arouse such voter wrath as to be replaced at the next election.

I shall not enlarge on this theme. It is, I think, a truth which must be recognized.

Must we then continue to borrow against the future? To commit our children's children to repay the funds borrowed today to indulge our own desires?

History is littered with the ruin of nations destroyed as a consequence of reckless governmental spending.

The well-intentioned Members of Congress, recognizing the danger which threatens us—and I say all Members of Congress are well intentioned in this particular—are unable to escape the established pattern and resolutely bring a halt to deficit financing.

Therefore, Mr. President, it is our responsibility to find a remedy, a rescue method which can work to halt the evils which now hold us prisoner.

It is, therefore, my intention, Mr. President, to offer as a practical, workable solution the adoption of an amendment to our Constitution.

This amendment would require that the Federal Government expenditures in any fiscal year be limited to the Federal Government's income from sources of taxation, with two exceptions provided: First, in the case of a declared war and the need for defense outweighing the need for fiscal restraint; and second, to provide more latitude in a time there was a Presidentially declared national emergency—for example, such as the great depression which paralyzed our society in the early 1930's.

The effect of such an amendment, Mr. President, would be to require the Congress and the administration in the preparation of the national budget and appropriation bills to either forgo the spending or to increase the taxes.

In my experience, Mr. President, the Members of Congress have always exhibited an admirable reluctance to increase taxes. Yet there have been tax increases when the need for increased income was clearly justified.

Mr. President, the prudent householder is required to live within his income or face bankruptcy. Confronted with this unpleasant alternative, the housewife manages her expenditures within the limits of the family income.

Every family in America, every wage earner, has a desire to acquire certain material things which are beyond his income. Reality requires the establishment of essential priorities, and those items, sometimes purely luxury items and sometimes near necessities, must await acquisition until the money is available.

Mr. President, we all know that money is easy to spend and difficult to earn. The Congress in many cases behaves in the manner of an indulgent father with an inexhaustible reservoir of resources, catering to the whims of all his children. This has been possible because the Congress has not been under any restraint to earn the money it spends.

Mr. President, we can no longer postpone a decision. We have hopefully indulged in wishful thinking that one day the economic productivity of the people of the United States would produce sufficient tax revenue to catch up with our spending habits.

A continuation of our present course will increase the hardship threatening all of our people, will contribute to the tension between labor and management, will add to the discontent of the consumer, and will, in my judgment, if unrestrained, eventually destroy the Government of the United States.

Both prudence and our responsibility to the office we serve requires us to recognize the truth of our present unpleasant situation.

Such an amendment as I propose would not mean an end to those social programs which consume such a great percentage of governmental income at the moment.

Such an amendment as I propose would not cripple our ability to provide for the national defense. Such an amendment would only require a more careful appraisal of the needs as they are presented to us. If the need for this program or that activity, or this governmental financial support upon examination is determined to be truly paramount, then there would be justification for increasing the tax rates.

I suspect, Mr. President, that if such an amendment were in effect today, the Congress would give much closer scrutiny to many of the spenders' demands.

I suspect, Mr. President, we would discover the people could be quite happy and very properly cared for at a level of Federal spending within the limits of Federal income.

And I suggest, Mr. President, there is no more urgent need confronting this Nation today than the need to restructure the fiscal policies of the United States, and bring a halt to the cruel destruction of the purchasing power of the dollar.

Inflation is the thief invading the bank vaults to destroy the savings of the prudent.

Inflation is the thief robbing the pay envelopes of America's working men.

Inflation is the silent partner of America's enemies determined to destroy our freedom and our Government.

Let us then, as Members of the Congress, recognizing our own inability to cure this difficulty, provide the people with an opportunity to impose limitations on spending which will be effective and bring an end to the miseries caused by inflation.

ORDER OF BUSINESS

Mr. FANNIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered. The Senator from Virginia is recognized in accordance with the previous order for not to exceed 30 minutes.

STRETCH JETS AT NATIONAL

Mr. SPONG. Mr. President, since reversing its longstanding policy against larger jets at Washington National Airport, the Federal Aviation Administration has been laying down a smoke screen of rationalizations and misinformation designed to obscure the importance of the issues involved.

Appearing before the Senate Aviation Subcommittee last month, FAA Administrator John Shaffer professed to be at a loss to explain public opposition to the decision. Specifically, he denied that the larger jets would help to perpetuate the overutilization of National, advancing

the ingenuous argument that "a bigger airplane will not bring greater numbers of customers into the terminal" and that "all the people who want to use the airport are already using the airport."

The point, of course, is not that more people will want to fly because there are stretch jets at National, but that more people will be able to fly out of National and presumably will fly out of National rather than Dulles or Friendship Airports as the air travel market experiences an expected threefold growth over the next decade.

That is the significance of the stretch jet decision and Mr. Shaffer is fully aware of it as is indicated in his March 18, 1970, letter to me explaining why it was unlikely that stretch jets would ever be allowed to operate at National:

> In my opinion, we are getting close to the day when the quota restriction at Washington National Airport will prompt the carriers to transfer service, particularly Chicago service, from National to Dulles Airport and any different action today, particularly during a "soft" period in passenger load factors, might postpone air carrier actions on this matter.

The point was made even more forcefully in a report prepared for the Administrator by his own top experts in the National Capital Airports Bureau which operates National and Dulles:

> The hard, cold facts are that the stretch 727 cannot be employed profitably at National without substantially altering the prospects for growth of Dulles and Friendship. Under present circumstances, the critical point in the growth of Dulles will occur when restrictions at National force transfer of significant service, particularly Chicago service, from National to Dulles Airport and any that day is not far off now . . . But the decision to admit the stretch 727 to National (possibly setting the precedent for the even larger air bus) will postpone that day indefinitely.

In light of that warning, it is instructive to note how many of the new stretch jets have been put into service on the Chicago route.

In April, the first month of their operation, 40 of the Boeing 727–200's flew to and from Chicago. That was about 16 percent of the total of 242 stretch 727's using National that month.

In May, the number on the Chicago route increased to 100, or 20 percent of the 487 total, and in June, the number was 196, or 27 percent of the 702 stretch jets using National.

For the first 12 days of July, when a total of 372 stretch jets operated out of Washington National, 127 or 34 percent were on the Chicago schedule.

Mr. President, these figures, which I obtained from the FAA, make clear beyond question what was involved in the stretch jet decision and why the air carriers lobbied so hard to get it. Without it, they would have been forced to begin leveling off their use of National and making better use of Dulles Airport. But with approval of larger aircraft, that day can be put off indefinitely and National Airport can continue as the principal base for commercial jet operations in this region.

The stretch jet decision virtually nullifies any passenger-limiting effect of the 40-flights-per-hour quota at National, for if you can pack up to 40 percent more passengers in a stretch jet, who needs additional flights? For that matter, with three-engine stretch jets and air buses, who needs four-engine aircraft, which is another of the now meaningless restrictions at National.

Contrary to the testimony of Mr. Shaffer that the stretch jet would be admitted only on a "rare basis," it appears that the air carriers are substituting the new equipment as rapidly as they can. In April, the average number of stretch jet flights each day was 11. By May that had risen to 15.7 and in June to 23.4. In the first 12 days of July, the daily average was 31, with as many as 39 using the airport on 2 days of the month.

Administrator Shaffer has attempted to downplay the critical report of his own experts by contending that it is based on unrealistic assumptions about the number of stretch jets that ultimately will use National and their passenger-carrying capacity.

In fact, the report assumed that the airlines would substitute stretch jets on only about 30 percent of their flights at National for a daily number of 134. Moreover, it was assumed that it would take until mid-1971 to reach that figure. In roughly 3 months' time, the air carriers are already a quarter of the way there.

The report went on to predict that this level of usage would result in an additional 1 million passengers a year at National. That calculation was based not one some wild and fanciful assumptions about passenger load factors, as Mr. Shaffer has suggested, but on the actual seating configurations and load factors of jets in operation today.

Mr. President, the stretch jet is only the beginning of what can be done to expand the use of National Airport by expanding the capacity of the aircraft permitted to operate there. Just around the corner are the DC–10 and the Lockheed 1011 air buses, three-engine giants which are fully capable of using the runways of National Airport. These jumbo jets can carry between 250 and 270 passengers in mixed seating, and up to 345 in all-economy flights.

Moreover, both of these aircraft themselves can be "stretched" or lengthened to increase the maximum capacity of the DC–10 to 475—or about the same capacity as the Boeing 747—and of the L–1011 to about 375.

Mr. President, the FAA is now assuring the public and the Congress, in much the same way that it assured them about stretch jets, that it has no plan to permit the introduction of air buses at National when those jets begin operating next year.

But there is not a doubt in my mind that these jumbo jets will be permitted to use National Airport and that the FAA will invoke the precedent of stretch jets to justify its action.

Already, the manufacturers of the air bus engines are engaged in a national advertising campaign to win public acceptance of these jets as no more polluting or noisy than smaller jets now flying. If that is true, I congratulate the industry on the progress it has made.

But that is far from saying that the noise and pollution caused by the operation of these jet planes in the midst of a heavily congested residential area is tolerable. It is not. Nor would it be if it were reduced to half the present level.

Of even greater concern to me is the potential safety hazard represented by this outmoded and congested airport. While it is true that National enjoys a good record in this regard to date, I believe we are tempting the fates to continue overtaxing and expanding its facilities. It should not take a fatal crash such as occurred off National's runway a few weeks ago to make us realize the potential that exists for a major disaster at that airport.

The introduction of larger and heavier aircraft will compound the safety hazards that already confront light planes using the airport. The turbulence that rolls off the wings of such big jets is quite capable of upsetting smaller planes following in the wake and I would not be surprised that with the continued buildup of stretch jets and the introduction of air buses to see the airport closed to most general aviation.

That, of course, would permit the FAA to allocate an additional number of flights per hour to commercial air carriers, something Administrator Shaffer has indicated in correspondence with the airlines he is anxious to do.

Mr. President, of all the objections that can be raised to the stretch jet decision, the most disturbing is what it tells us of the relationship of the FAA with the air carriers it is supposed to regulate. It could not be put more strongly than it was in the report of FAA's own National Capital Airports Bureau:

> The Bureau and FAA have a responsibility to foster the operation of Dulles as a successful airport serving the public interest. The taxpayers have a right to expect that it will fulfill that role. Economic self-sufficiency for Dulles even if it could be totally achieved as a price for the increased use of National will not serve that right or fulfill that duty. Moreover, there is every reason to believe that financial self-sufficiency for Dulles cannot be attained as the price for this decision.

Dulles Airport was built at the expense of $110 million to the American taxpayers for the express purpose of relieving congestion at National which as far back as 1949 was judged by the Commerce Department to be "taxed to the utmost" by the then existing air traffic. But, despite that investment of taxpayers funds, and the clear intent of the Congress in appropriating the money, the FAA has allowed the airlines to continue making National Airport their primary base in this region.

Since fiscal year 1957, National Airport has consistently operated at a profit considering all costs. Dulles, on the other hand, has been grossly underutilized. Operations for fiscal years 1963 through 1969 resulted in total revenues of $20.4 million while total expenses, including depreciation and imputed interest on investment, amounted to approximately $76.6 million. The taxpayer has had to make up the difference.

The FAA is fond of quoting passenger growth percentages at the two airports

in an attempt to show that Dulles is not doing too badly. Those percentages, however, obscure the true picture since they obviously favor the airport which started from a zero base.

The facts are these:

From fiscal year 1964 through 1969, passenger traffic growth at Dulles expressed in percentages, averaged 21.9 percent per year. During the same period, passenger traffic growth at National averaged 11.4 percent.

However, the total passenger traffic at Dulles increased by only 1.2 million. For the same period, National passenger traffic increased by 4 million.

The FAA also contends that with a little more than 19 percent of the region's air traffic, Dulles Airport's development is about on schedule. Yet, at the time of Dulles' construction the FAA concluded that a proper distribution of the region's air traffic would give Dulles 45.8 percent and National only 3.9 percent percent and National only 33.9 percent instead of the 65 percent it accommodates today.

Mr. President, from the very opening of Dulles it was clear that the air carriers preferred to stay at National and that the FAA was not prepared to assert its responsibility to bring about a balanced use of the two facilities. That is reflected in the original Dulles use agreement which, in establishing the landing fee formula, provided that the new airport would be operated at a planned deficit in this major cost area for at least 10 years.

In justifying that unprecedented agreement, the FAA argues that it has no real authority to require the air carriers to use Dulles notwithstanding the intent of Congress in building the airport. For the record, the FAA made this observation:

> The air carriers did not ask for Dulles and saw no need for it when it was proposed. They already had staffing and equipment at two airports to serve what they considered (with CAB concurrence) to be a single market. They were reluctant to duplicate this investment at a third airport which they felt would not be needed for some time to come.

Even accepting that plea of regulatory impotence, the FAA might have used its proprietary power in such ways as setting higher use fees at National in order to encourage a greater utilization of Dulles. It might have, that is, until 1966 when the FAA signed another agreement with the air carriers tying the fees at the two airports together. It is what is known in the FAA as the rig.

That agreement effectively ruled out any possibility of a fee differential and over the short run at least, actually had the effect of giving the FAA an incentive to limit the growth of Dulles and to continue heavy use of National. While it appears that this reverse incentive would have been corrected over a longer term, what is most significant about the agreements is that they contracted away one of the powers available to the FAA to manage these airports in the public interest.

I might add here that this agreement also makes it impossible for the FAA to share measurably in any profit that may result from the admission of stretch 727's at National, profits which the FAA has indicated could be quite substantial.

Mr. President, I can well understand the desire of the air carriers to continue to make the maximum possible use of National Airport which is unrivaled anywhere in the country for its proximity to the major city it serves. The air carriers have been allowed by the FAA to invest a great deal of their own money in expanding the terminal facilities of National and it is natural that they would want to make full use of them.

Someone, however, must represent and protect the public interest in seeing that rational limits are placed on the use of National and that the investment of tax dollars in Dulles is not wasted as it has been up until now. The airlines themselves will not and cannot be expected to do this voluntarily as General Quesada, former FAA Administrator, observed in recent testimony on this subject:

> The fact remains that one should not expect and certainly should not hope for the solution to National's problems to be reached by agreement among the airlines. The competitive instincts are such that this is not a hopeful solution.

Certainly, those problems will not be solved by an agency whose attitude too often seems to be what's good for the airlines is good for the country.

Mr. President, in testifying on a bill I have introduced to take the management of National and Dulles Airports away from the FAA, Administrator Shaffer conceded that the management of these facilities was inconsistent with the FAA's principal function of promoting the development and safety of civil aviation.

I would add only that it is a promotional role the FAA has grown too used to and that it is time for a change.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the transaction of routine morning business, with a limitation of 3 minutes on statements.

HOW OUR POW'S ARE TREATED—A BLACK RECORD

Mr. PACKWOOD. Mr. President, through ages past war has been the ultimate expression of intransigence. When the ambitions of one nation or one ruler ran counter to those of another—and are nonnegotiable—a war has almost always resulted. An inevitable result has always been untold suffering and loss to the defeated army, their dependents and, indeed, to all the inhabitants of the defeated nation. Because the demands of war are traditionally greater than self, war becomes a justification for all the otherwise inhibited cruelties with which man's nature is endowed.

As the years have marched onward, however, and the ideals of civilization grew, men undertook to reduce the horrors of war insofar as they have affected the innocent victims. They have gone so far as to recognize that even the soldiers themselves are in a very clear sense merely victims of the war. And it has become customary among civilized nations, a part of international law in fact, that captured warriors are to be treated with compassion.

By mutual agreement of ages past, the leaders of warring nations have generally been immune from the direct personal effects of war. Of recent years this has been less so, but in the meantime the growing humanity of man has extended this understanding to the common soldiers who, by no stretch of the imagination, deserve to be blamed for the war or its effects.

Mr. President, the measure of a civilized nation these days is clearly determined by the manner in which it treats the unfortunate soldiers, seamen, or airmen who, through the fortunes of war, have fallen into the hands of their enemies. The world should know that Hanoi but convicts herself by the way she treats these men. The black record which that nation is forging for itself will lie in the scales of international justice for many years to come.

ORDER OF BUSINESS

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRUTH IN TAXATION

Mr. TOWER. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Truth in Taxation," published in the Washington Post of July 18, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TRUTH IN TAXATION

In case you haven't noticed, the airlines no longer advertise that the fare from here to the West Coast (coach fare) is $135 *plus federal tax*. Instead, they say the fare is $145.80 *including federal tax*. The reason is that Congress, in its wisdom, has made it a federal crime for any airline to say in its advertising how much it charges for transportation and how much the government adds to that in taxes.

In fact, this tax-hiding law of 1970 goes even further. It bars airlines and travel agencies from breaking down the total fare into its two parts on the tickets they sell. Just the other day, for instance, we were teasing an airline ticket clerk about this and she said, "Oh, I can tell you what the tax is. I just can't write it down." Now she may be carrying the law a little far but who can blame her? Nobody wants to be dragged into criminal court and fined up to $100 for telling you the truth about air fares and taxes.

There is, of course, an argument for this new practice and it is the one Senator Long adopted in explaining on the Senate floor what this is all about. This, he said, "will give assurance that the public will know the total airfare for a particular domestic flight and not be misled into assuming that the fare alone represents the total cost." Un-

doubtedly, some people have been misled by the $135 *plus federal tax bit*. But we suspect that Senator Tower also caught some of the seasoning behind this new criminal law in his complaint that its purpose is to conceal from the taxpayers the tax increase on airline tickets that went into effect July 1.

Laying aside, for the moment, all the arguments about the First Amendment and the peoples right to know (we may haul them out later on this issue if nothing else works) we would remind Congress of the Truth in Lending Act and all the recent speeches about truth in advertising. There ought to be something in the slogan, Truth in Taxation. If Congress were really concerned about keeping people informed of the full cost of travel, it would not have barred airlines from mentioning taxes but would have required simply that they state the total fare as well as their share of it. That's what the gasoline stations have been doing on their pumps for years and we've never seen an effort in Congress to stop them from talking about federal taxes.

ORDER OF BUSINESS

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRIS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3766. A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968 (Rept. No. 91-1040).

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

H.J. Res. 1328. Joint resolution making further continuing appropriations for the fiscal year 1971, and for other purposes (Rept. No. 91-1041).

FLAMMABLE FABRICS ACT AMENDMENTS OF 1970—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91-1039)

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably, with amendments, the bill (S. 3765) to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from New Hampshire (Mr. COTTON) and the Senator from Kentucky (Mr. COOK).

The PRESIDING OFFICER (Mr. MILLER). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SAXBE:

S. 4138. A bill to amend the Federal Water Pollution Control Act to promote the purposes of such act by authorizing loans to industry to abate and prevent water pollution; to the Committee on Public Works; and

S. 4139. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities; to the Committee on Finance.

(The remarks of Mr. SAXBE when he introduced the above bills appear later in the RECORD under the appropriate heading.)

By Mr. ERVIN:

S. 4140. A bill for the relief of Fan Zu Ming; to the Committee on the Judiciary.

By Mr. PASTORE:

S. 4141. A bill to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. SPARKMAN (for himself and Mr. JAVITS):

S. 4142. A bill to establish a National Development Bank to provide loans to finance urgently needed public facilities for State and local governments and to help achieve a full employment economy by providing loans to business and industry when adequate loan funds at reasonable rates cannot be obtained from conventional lending sources, and to provide needed capital for other socially useful purposes; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HARTKE:

S. 4143. A bill to provide that certain expenses incurred in the construction of a school in Jeffersonville, Ind., shall be eligible as local grants-in-aid for purposes of title I of the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. MONDALE:

S. 4144. A bill for the relief of Seela Samarakoon; to the Committee on the Judiciary.

By Mr. MONDALE (for himself and Mr. JAVITS):

S. 4145. A bill to authorize loans under title I of the Housing Act of 1949 to aid in the development of the United Nations Development District; to the Committee on Banking and Currency.

(The remarks of Mr. MONDALE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MONDALE:

S. 4146. A bill to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry; to the Committee on Commerce.

(The remarks of Mr. MONDALE when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4138 AND S. 4139—INTRODUCTION OF BILLS DIRECTED AT POLLUTION ABATEMENT

Mr. SAXBE. Mr. President, I introduce two bills directed at pollution abatement.

The first amends the Water Pollution Control Act and makes available to industry a revolving loan fund for the acquisition, construction, and installation of water pollution control equipment and facilities. This bill is directed at small- and medium-sized businesses. Its dollar limitation is $350,000, paralleling the statutory limit of federally guaranteed small-business loans. These direct loans will be made only if other sources are not available for industry to borrow at reasonable terms and conditions.

The thrust of this bill is to allow industries the financial means to clean up the discharge into our Nation's rivers and streams. The bill will allow smaller businessmen to acquire and install pollution equipment that has already been developed. This is not to say that additional funds should not be directed into the research and development of new pollution control equipment, rather it is to prevent businessmen from using the excuse of financial hardship as a reason for not installing pollution abatement equipment.

The small businessman today finds himself in a position where much-needed Federal, State, and local pollution standards have forced him into installing pollution control equipment. He usually has to borrow for this equipment and has a difficult time finding a bank who will lend him enough money for the installation and operation of nonproductive equipment. If such a businessman cannot find pollution control financing he is forced either to run the risk of being enjoined and penalized by Government for polluting the streams or going out of business and consequently putting his employees out of work.

Simultaneously, I am introducing a bill providing for an incentive tax credit for the taxpayer who undertakes construction programs for pollution abatement facilities.

This legislation permits a 20-percent tax credit to all business taxpayers installing pollution control equipment. The tax credit applies to all costs of the pollution control facility, including buildings, improvements, machinery, equipment, and total land cost.

As an alternative, the taxpayer is permitted at his election to amortize these expenditures over a 5-year period as provided in section 169 of the Internal Revenue Code.

For the taxpayer to qualify for the benefits of the incentive tax credit, he must obtain approval from an appropriate State agency that the facility, when constructed, will meet Federal-State standards for control of air and/or water pollution. The provisions of this legislation encourage the construction by industry of pollution abatement facilities to help solve some of the Nation's critical pollution problems.

The money expended for these projects would be put into nonproductive facilities. These are costly facilities to construct and require high nonproductive operating costs which must be charged against future earnings. An incentive tax credit will enable the business and industrial sector of our economy to take prompt action, in cooperation with Federal, State, and local governments, to solve the grave pollution problems facing our Nation.

This legislation allows the Government and industry the opportunity to share equally the cost of pollution abatement. Government has long been lax in enacting laws setting forth adequate standards to prevent pollution. Industry has taken advantage of the lack of action by our Congress and the legislatures of the several States. It is only fair that Government and industry participate in

tandem to abate and clean up the ravages of industrial pollution.

Industrial discharge certainly does not account for all our water pollution problems. Sewage from residential dwellings and inadequate municipal treatment plants contribute greatly to pollutants in our rivers. For example, the Potomac River has almost no industry along its banks but is one of the dirtiest rivers in America.

President Nixon's proposed legislation, introduced by the distinguished minority leader from Pennsylvania, Senator SCOTT, thoroughly attacks these pollution problems. I am a cosponsor of these measures and I hope they will be reported soon for consideration by this body.

Mr. President, the bills I introduce today are geared to work in cooperation with the administration's programs and existing Federal pollution legislation. They provide realistic incentives and financial means for industry to control the discharge of pollutants into our atmosphere and waterways.

The PRESIDING OFFICER (Mr. SAXBE). The bills will be received and appropriately referred.

The bills, introduced by Mr. SAXBE, were received, read twice by their titles and referred as indicated:

S. 4138. A bill to amend the Federal Water Pollution Control Act to promote the purposes of such act by authorizing loans to industry to abate and prevent water pollution; to the Committee on Public Works; and

S. 4139. A bill to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities; to the Committee on Finance.

S. 4142—INTRODUCTION OF THE NATIONAL DEVELOPMENT BANK ACT OF 1970

Mr. SPARKMAN. Mr. President, on Monday of this week the senior Senator from New York (Mr. JAVITS) spoke to this body in regard to the "liquidity crisis" which has resulted because of inflation and tight money. This liquidity crisis, Senator JAVITS points out, caused one of the Nation's largest corporations to go into bankruptcy.

In his speech the able Senator from New York pointed also to the other large corporations which reportedly have moved frantically under today's economic conditions to seek short-term money. In addition, he declared other corporations have either postponed or delayed public offerings because of the high interest rates presently being demanded.

In his statement he said, and I quote:

It is clear that the continued ability of certain large businesses to operate is very much in the national interest. It would have been tragic for our economy and for the national security of the United States if the Penn-Central bankruptcy had seriously disrupted the essential commercial paper market—and paralyzed companies dependent on it for operations.

There is much to be learned and much for which to be concerned when one studies Senator JAVITS' remarks. I commend him on his statement, and I commend him for the position he has taken in introducing his bill, S. 4127, to provide emergency authority for the guarantee of loans to aid business enterprises to meet temporary and urgent financial needs.

Certainly, I share the same concern as do Senator JAVITS and others for the financial stability of our large corporations as well as for our Nation.

But, Mr. President, as always there is another side to this coin. Very frankly, I have equal concern for our towns and cities, for our small businessmen—corporations, partnerships, and individuals—and for the people in rural and urban areas who find themselves in just as great a personal financial dilemma as does the Penn Central.

Inflation and the high cost of money, in fact, the inability of our towns and cities, small businessmen, and individuals to obtain funds they urgently need at any cost, is a very serious matter.

Inflation and high interest costs, which have continued to spiral upward for some time now, some months ago drove many of our communities as well as our large cities completely out of the money market. These entities, as both State and local governments, have simply been unable to finance urgent and necessary public works and facilities and, as a result, there has been an accelerated deterioration in existing facilities to the point where in many areas the health and welfare of our people are materially being affected.

Plans and programs to expand water and sewer systems, to build new schools or add additions to existing schools, hospitals, and airports have had to be shelved, simply because financing for such facilities is just not available or available at such a price that it is economically unfeasible to undertake these programs. In addition, plans to combat water pollution and air pollution have also had to be shelved or postponed indefinitely for the same reasons.

Tax and other financial sources available to our State and local governments are strained beyond capacity and yet, as times goes on, the demand for funds to provide the programs of which I am speaking will multiply many times in the near future.

Small businessmen; that is, the smaller corporations, partnerships, and individuals were among the first to be cut out of the money supply because of inflation and the high cost of money. Whereas, the bankruptcy or demise of the small businessmen certainly does not create or generate on a national basis a near economic crisis as did the bankruptcy of the Penn Central, the effects and implications in local economies—especially in rural economies—are just as severe as were the effects and implications of the Penn Central bankruptcy on the national economy.

When a person is laid off—is unemployed and cannot find a job—it makes little difference to him personally whether he worked for a major corporation or for a small businessman. In general, the implications and effect of unemployment are all the same. We are all aware that unemployment figures in the Nation have been on the rise for several months now. In summation local problems add up to national problems.

I agree with Senator JAVITS that the time has come when legislative steps are needed so that we can avoid the economy skirting the edges of economic disaster. I am not convinced, however, that our legislative efforts should be solely for the purpose of assisting "necessitous borrowers."

In fact, Mr. President, had a leadership position been taken and moral suasion and other powers of the President's office been used at an early date with some of our "necessitous borrowers" as well as with labor organizations and others, I wonder if we would now be looking for legislative means to avoid near misses to economic crisis.

I feel that if Federal exposure is to be used to provide liquidity that is not now obtainable on reasonable terms and conditions that such exposure must be made available on a loan or guaranteed loan basis to all those who are eligible and who urgently need this type of assistance not only to continue in business but also to provide essential public works and facilities and full employment for the unemployed as well as the underemployed.

It is in this connection then, Mr. President, that I introduce a bill to provide for the establishment of a National Development Bank. I ask unanimous consent that the bill be printed in full in the RECORD at the conclusion of my remarks.

Very generally, my bill would establish a banking facility at the Federal level for the purpose of making or guaranteeing long-term loans to State and local governments for public works and facilities to provide urgent and vital public services to safeguard the health and welfare of our people. In addition, the bank to be established by my bill could make or guarantee loans to businesses and commercial concerns for expansion and for the purpose of achieving a full employment economy for our people.

My bill provides that the interest rate on loans to State and local governments and public agencies would not exceed per annum the Federal Reserve discount rate which is presently 6 percent. This interest rate for those public entities which cannot find funds at any price would be extremely helpful in letting programs that have been shelved proceed.

Loans made or guaranteed to businesses and commercial concerns would be made at an interest rate no less than the Federal Reserve discount rate and no more than one and a half percentum added to that rate.

The bill further provides as a prerequisite of obtaining loans from the bank that the borrower must show he is otherwise unable to obtain funds on reasonable terms and conditions.

Among the other usual and necessary powers provided to this new banking facility, the bill would authorize the bank to have capital stock of $500 million to be subscribed by the U.S. Treasury. The outstanding indebtedness of the bank at any one time, including contingent liabilities on outstanding guarantees, could not

exceed 20 times the paid in capital stock of the bank at that time.

Mr. President, my bill in essence establishes a reconstruction finance corporation for this era of our economic plight. A companion bill is being introduced by my counterpart, Mr. PATMAN, the chairman of the Banking and Currency Committee in the House of Representatives. We both feel that if our proposal is enacted into law, the legislation will overcome many of the problems for State and local governments, businessmen, and the people—problems brought about by inflation, and the tight-money, high-interest rate conditions in our present economy.

The PRESIDING OFFICER (Mr. HARRIS). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4142) to establish a National Development Bank to provide loans to finance urgently needed public facilities for State and local governments and to help achieve a full employment economy by providing loans to business and industry when adequate loan funds at reasonable rates cannot be obtained from conventional lending sources, and to provide needed capital for other socially useful purposes, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4142

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the National Development Bank Act of 1970.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 102. (a) The Congress hereby makes the following findings:

(1) Inflation and tight money-high interest rate conditions make it impossible to achieve sound and orderly development of the Nation's communities to accommodate our growing population. Adequate and timely provision of a wide variety of public works and community facilities, such as streets, water, sewers, schools, hospitals, airports, mass transit, recreation as well as facilities to reduce and eliminate air and water pollution are immediately needed to provide required social services, safeguard the health and welfare of the population and halt rising unemployment.

(2) Tax and other financial sources currently available to State and local governments to finance such public works and facilities are strained beyond capacity yet the demand for such funds will multiply many times in the near future.

(3) Public investment in our Nation's communities, when efficiently planned and carried out, will add to the wealth of individual communities as well as the wealth of the Nation as a whole.

(4) It is necessary to provide an adequate source of loan funds at reasonable rates to help finance expansion and development of businesses and industries in order to achieve a full employment economy, especially for those Americans trapped in depressed urban and rural areas.

(b) It is the purpose of this Act to establish a National Development Bank to make and guarantee long term loans to State and local governments for public works and facilities and for business and industrial expansion and development to provide urgent, vital public services, safeguard the health and welfare of our people and to achieve a full employment economy for our citizens.

DEFINITIONS AND RULES OF CONSTRUCTION

SEC. 103. (a) The definitions and rules of construction set forth in this section apply for the purposes of this Act.

(b) The term "public facility" means the structures and equipment owned and operated by State and local governments to provide medical, social, education, transportation, pollution control and other services.

(c) The term "supporting public facilities" means those facilities which are usually publically owned and are necessary for the operation of businesses and industries, such as roads and sewer and water systems.

(d) The term "effective interest rate" means the total amounts paid on a loan for interest, commissions, bonuses, discounts, premiums and other similar charges.

ESTABLISHMENT

SEC. 104. There is hereby created a body corporate to be known as the National Development Bank (referred to in this Act as the Bank).

BOARD OF DIRECTORS

SEC. 105. The management of the Bank shall be vested in a Board of Directors consisting of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, Secretary of Agriculture, and eleven other persons who shall be appointed by the President with the advice and consent of the Senate. Persons so appointed shall include representatives of State or local governments, private enterprise, organized labor and rural organizations dealing with economic and social problems of depressed areas. In making such appointments the President shall (1) seek to achieve a balanced representation of the interests of urban and rural areas, and (2) select persons who, among other relevant considerations, are knowledgeable in the social and economic problems of low income persons. The terms of directors appointed by the President shall be two years, commencing with the date of enactment of this Act. Any director appointed to fill a vacancy shall be appointed only for the unexpired portion of the term. Any director may continue to serve as such after the expiration of the term for which he was appointed until his successor has been appointed and has qualified.

APPOINTMENT OF OFFICERS AND EMPLOYEES

SEC. 106. The Board of Directors of the Bank shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the board except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary or other remuneration from any source other than the Bank during the period of his employment by the Bank.

CONFLICT OF INTEREST

SEC. 107. (a) No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility involving political parties, nor shall the directors, officers, employees, or agents of the Bank in any way use their connection with the Bank for the purpose of influencing the outcome of any election.

GENERAL CORPORATE POWERS

SEC. 108. Except to the extent inconsistent with the provisions of this Act, the Bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

PRINCIPAL OFFICE; BRANCHES

SEC. 109. The principle office of the Bank shall be located in the District of Columbia, and it may establish agencies or branch offices in any city of the United States.

CAPITAL STOCK

SEC. 110. (a) The Bank shall have capital stock of $500,000,000 subscribed by the United States, payment for which shall be subject to call in whole or in part by the Board of Directors.

(b) The Secretary of the Treasury is authorized to, and upon request of the Board of Directors shall, purchase stock in amounts designated by the Board of Directors up to a total of $500,000,000.

BORROWING AUTHORITY

SEC. 111. (a) The Bank may issue notes, debentures, bonds, guarantees, and other evidences of indebtedness in such amounts and on such terms and conditions as the corporation may determine subject to the limitations prescribed in this Act.

(b) The aggregate outstanding indebtedness of the Bank at any time, including contingent liabilities on outstanding guarantees, may not exceed twenty times the paid-in capital stock of the Bank at that time.

(c) The obligations of the Bank under this section shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guarantee shall be expressed on the face thereof.

(d) In the event that the Bank is unable to pay upon demand, when due, any of its lawful obligations, the Secretary of the Treasury shall pay the amount thereof and thereupon to the extent of the amount so paid by the Secretary of the Treasury shall succeed to all the rights of the holder of the obligations.

PURCHASE OF ASSETS BY TREASURY

SEC. 112. The Secretary of the Treasury is authorized to purchase from the Bank any asset of the Bank at such price as may be agreed upon between the Secretary and the Bank.

INVESTMENT STATUS OF OBLIGATIONS OF BANK

SEC. 113. All obligations issued by the Bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer or officers thereof.

LIMITATIONS ON LOANS AND GUARANTEES

SEC. 114. (a) No loan may be made or guaranteed by the Bank if the borrower is otherwise able to obtain funds on reasonable terms.

(b) The Bank may not make or guarantee any loan to finance any enterprise or activity outside the United States, its territories and possessions.

LOANS FOR COMMUNITY DEVELOPMENT

SEC. 115. (a) The Bank may make or guarantee loans or purchase obligations to finance capital expenditures for comprehensive land use planning, public works, community facilities, land for housing development, public transportation, and similar community facilities, such projects and fa-

cilities to conform with comprehensive area land use plans. Whenever possible such facilities and projects are to be of direct and substantial benefit to residents of urban slum and depressed rural areas, or provide other benefits specified by the Bank to carry out the purposes of this Act.

LOANS TO COMMERCE AND INDUSTRY

SEC. 116. (a) The Bank may make or guarantee loans for the purchase of real and personal property, for working capital, and for training purposes to assure that existing businesses and industries have adequate funds and skilled manpower resources to compete in the market place for establishment of new businesses and industries. Any such loan shall me made upon such of the following conditions as the Bank may require:

(1) That the borrower agrees to fill a specified number of job openings to be determined by the Bank with people who, prior to such employment, were unemployed and underemployed.

(2) That the borrorwer agrees to conduct training courses for a specified number of unemployed and underemployed persons to be determined by the Bank with the result that these persons will, within a period of time to be determined by the Bank, be employed full time by the borrower.

(3) That the borrower agrees to any other requirements laid down by the Bank to carry out the purposes of this Act.

LOANS FOR SUPPORTING PUBLIC FACILITIES

SEC. 117. (a) To carry out the purposes of this Act, the Bank may make or guarantee loans or purchase obligations to finance the purchase or construction of roads, sewer and water systems, power and similar facilities necessary for the operation of businesses and industries or the operation of public facilities providing social, health, welfare, educational and other services to residents of urban slum and depressed rural areas.

(b) The effective interest rate for such loans shall not exceed the Federal Reserve discount rate.

TECHNICAL AND OTHER ASSISTANCE

SEC. 118. (a) The Bank may provide to borrowers whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this Act.

(b) To assure fulfilling the purposes of this Act, the Bank shall direct an adequate number of staff members to seek out and confer with representatives of State and local governments, public agencies, nonprofit private organizations, companies, corporations, partnerships and individuals, in order to provide information about the services furnished by the Bank and to provide whatever assistance is necessary for utilization of such services.

SECURITY REQUIRED

SEC. 119. The board of directors of the Bank shall when practicable make whatever arrangement it considers adequate to secure loans made by the Bank.

MAXIMUM MATURITY

SEC. 120. (a) Each loan made by the Bank to any State or local government may be made for a period not exceeding twenty years, and the Bank may from time to time extend the period of payment.

(b) Each loan made by the Bank to any private corporation, company or individual may be made for a period not exceeding ten years, and the Bank may from time to time extend the period of payment until the loan is retired or until the loan is refinanced through another lending institution and the borrower's obligation to the Bank is extinguished.

GUARANTEED LOANS

SEC. 121. The Bank may fully guarantee the entire principal of any loan made by any bank, savings bank, trust company, building and loan or savings and loan association, insurance company, mortgage loan company or credit union, if

(1) the loan is made to carry out the purposes of this Act; and

(2) the effective interest rate for the loan is not less than the Federal Reserve discount rate, or more than such rate plus 1½ per centum per annum.

DIRECT LOANS

SEC. 122. To carry out the purposes of this Act, the Bank may make direct loans to State and local governments, public agencies, nonprofit private organizations, corporations, companies, partnerships and individuals. The effective interest rate for such loans (1) in the case of State and local governments and public agencies, shall not exceed the Federal Reserve discount rate; (2) in the case of other eligible entities and individuals, shall not be less than such discount rate, or more than such discount rate plus 1½ per centum per annum.

TAXABLE STATUS

SEC. 123. The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

AUDIT BY GENERAL ACCOUNTING OFFICE

SEC. 124. The General Accounting Office shall audit the financial transactions of the Bank, and for this purpose shall have access to all its books, records, and accounts.

AUTHORIZATION OF APPROPRIATIONS

SEC. 125. (a) There is hereby authorized to be appropriated, to remain available without fiscal year limitation, the sum of $500,000,000 for subscription to the capital stock of the Bank.

(b) There are authorized to be appropriated such sums as may be necessary to pay the difference, if any, between the interest paid by the Bank on its obligations and interest received by the Bank on its loans, and to reimburse the capital of the Bank to the extent of any defaults.

(c) There are authorized to be appropriated such sums as may be necessary for payments of $125 a day to members of the board of directors for each day they are engaged in the performance of their duties to the Bank together with such sums required for travel expenses by members of the board of directors when the performance of their duties requires them to be away from home.

COSPONSOR

Mr. JAVITS subsequently said: Mr. President, a very interesting and important bill was introduced today by the chairman of the Committee on Banking and Currency (Mr. SPARKMAN), together with the chairman of the Committee on Banking and Currency in the other body. The bill is S. 4142. The bill endeavors to deal with the question of a present-day RFC and the problem of dealing with the present and long-term liquidity crisis in the American corporate field.

This is also the subject of a bill I introduced on Monday seeking an extensive program of loan guarantees to deal with the very same crisis. I think it is urgently desirable that action take place on such legislation.

This proposal seeks a National Development Bank. I have discussed this matter with the Senator from Alabama and he is agreeable to my name being added as a cosponsor of his bill. Inasmuch as I think action in this field is urgently required in the economic interests of our country, I ask unanimous consent, with the consent of the sponsor of the bill, which I have already obtained, that my name may be added as a cosponsor of S. 4142.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4145—INTRODUCTION OF A BILL PROVIDING FOR THE FEDERAL GUARANTY OF BONDS TO BE ISSUED BY THE UNITED NATIONS DEVELOPMENT CORP.

Mr. MONDALE. Mr. President, I am pleased to introduce legislation which serves a vital national interest—the continued ability of the United Nations to pursue its role of promoting progress and maintaining peace throughout the world. Specifically, this legislation would provide for a guaranty by the Federal Government of taxable bonds sold to private investors for the purpose of financing the much needed construction of United Nations related facilities opposite the U.N. site in New York City.

In 1945 the U.S. Government invited the United Nations to make its headquarters in New York City. When it did this, the United States assumed both a legal and moral obligation to assure that adequate facilities are provided for the world organization. A contemporary report of the House Foreign Affairs Committee which considered the headquarters argeement recognized this obligation:

> The United States is under special responsibilities to assure that the arrangements made suffice for the efficient functioning of the United Nations. . . .

The House report went on to underscore that the United States has a peculiar relationship in that it is more deeply involved—than other member nations—domestically in the nature of the arrangements and the manner of their working.

Recognition of this obligation was expressed in the June 26, 1947, agreement between the United States and the United Nations which established U.N. headquarters in New York City. That agreement also provides that the United States will "take all reasonable steps to insure that the amenities of the headquarters district are not prejudiced and that the purposes for which the district is required are not obstructed by any use made of the land in the vicinity of the district."

The present situation at the U.N. is as follows: The member nations have more than doubled from the original 51. There are now 126. Annual visitors to the U.N. have quadrupled since 1946. Last year there were 2 million. This same scale of

growth applies to the number of U.N. personnel.

The practical consequences of this growth are severe crowding and congestion which adversely affect the city, U.N. personnel, and visitors to the U.N., 90 percent of whom are Americans.

More specifically, there is a severe shortage of office space for missions and related U.N. organizations. Housing for international personnel, always a sensitive issue, presents greater problems than ever. Pedestrian and vehicular traffic is heavy, mixed, and dangerous. There is still no convenient hotel space for visiting dignitaries and other visitors, official and private. This creates unusual security problems whenever visiting heads of state come to the U.N.

The current inconvenience, expense, and congestion irritate diplomats, staff and visitors, and interfere with the effective operations of the U.N. One example is the crush of visitors who can hamper the normal business workings of the U.N. There are no adequate cafeterias and auditoriums, no bus terminals for the visitors or educational facilities. Unlike the excellent visitor facilities provided at national parks, the United States ironically provides nothing for the U.N. which is one of the Nation's top tourist attractions. This makes it difficult for visitors to understand the work of the United Nations, and the vital U.S. role in maintaining world peace.

The importance of having the U.N. in this country, the obligations of being host nation, the responsibilities explicit in the original headquarters agreement, the inadequacy of current U.N. visitor facilities and its effect on our citizens, and the obvious impact of U.N. overcrowding on our foreign relations all serve to make a program offering relief a matter of prime national interest.

In order to provide these vitally needed facilities, a United Nations Development Center has been planned to develop a two-block area adjacent to the U.N. Building. The United Nations Development Center will be constructed by the United Nations Development Corp., a nonprofit public benefit corporation created by special act of the New York State Legislature. Its income and its obligations are exempt from New York State and city income taxes, and it is exempt from Federal income tax. Its purpose is to assist the United Nations with its related space needs through a comprehensive and coordinated development project next to the present United Nations Headquarters.

The planned development includes office space for U.N. missions and related nongovernmental organizations; housing units for members and staff of missions to the U.N.; a hotel for visitors and dignitaries attending the U.N.; and a visitors center for assembly, orientation and education of groups touring the U.N. The U.N. center is designed to meet the need for facilities of this type in connection with U.N.-related activities for the next 25 years. The total projected cost, including land acquisition, is currently estimated at $308 million.

This plan has been developed with the aid and consultation of the Secretary General to the United Nations, the United Nations Secretariat and the U.S. mission to the United Nations. It has also had the benefit of advice and support from New York City and State officials, and from congressional and administrative figures. Secretary of State Rogers, for example, found the purpose and program of the corporation to be "in the national interest" and important "to the effective functioning of the U.S. mission to the U.N. and to the successful pursuit of the U.S. interests in the U.N." The Secretary has given "strong and wholehearted endorsement" to the legislation I am introducing today which is so crucial to the realization of this program.

The corporation consists of nine members who also constitute its board of directors. Two directors serve by virtue of their offices as heads of the New York City Housing and Development Administration and the New York City Planning Commission. Two of the others are appointed by the Governor of New York and five by the mayor of the city of New York after consultation with the Secretary General of the United Nations and the U.S. Ambassador to the United Nations. The chairman of the board of directors is John J. McCloy. The remaining directors are key local citizens and officials. The corporation was organized in January of 1969. Since that time, it has undertaken studies of the needs of the United Nations and related organizations, and has prepared a development plan to meet them.

The activities of the corporation will be comparable to those of a local public agency operating in an urban renewal area with assistance under the 1949 Housing Act. The corporation is a special-purpose public agency and will conduct specific activities of a public nature. Its plan for a U.N. center has been approved by three local public authorities: namely, the New York City Housing and Development Administration, the New York City Planning Commission, and the New York City Board of Estimate after the required public hearings. The activities and the expenditures of the corporation are subject to annual fiscal review by the city and State of New York.

The proposed legislation would add a new section 119 to the Housing Act of 1949 authorizing the Secretary of Housing and Urban Development to make commitments for loans to the corporation to finance the acquisition and clearance of real property, and the development and construction of buildings and other facilities within the United Nations Development District in New York in accordance with the approved development plan.

Commitments for loans under section 119 would be the same as those which the Secretary is authorized to make for urban renewal projects assisted under the 1949 Housing Act. It is not anticipated, however, that any loans would in fact be made because the Corporation, using the security of the commitment, will be able to obtain such funds from private investors. The effect of this arrangement is a federal guaranty of the payment of interest and principal of the corporation's obligations.

Before the Secretary can make any commitment under section 119, he will be required to receive assurances that the corporation will provide an adequate relocation program and assistance for those displaced by its activities, as is required in connection with any urban renewal project assisted under the 1949 Housing Act, and he is authorized to impose any additional conditions he may deem advisable.

No advances for planning are authorized under section 119 and the corporation will bear all such costs which, subject to the approval of the Secretary, may be included in the cost of the project. In addition, no project grants or capital grants would be made by the Secretary to assist the corporation. In contrast the Federal Government makes project capital grants to finance the Federal share of urban renewal projects and pays the full cost of relocating persons and business concerns displaced from these projects. Under section 119, these costs would be borne by the corporation and not the Federal Government.

Section 119 expressly provides that section 102(g) of the Housing Act which exempts interest on obligations issued under title I from Federal taxation, as well as section 103 of the Internal Revenue Code will not apply to bonds sold to finance the development—although the corporation will have exemption from New York City and State income tax. Under existing law, interest on all or a portion of the corporation's bonds—depending on the use of the proceeds—would be exempt from Federal income tax. The proposed amendment would make all interest on the corporation's bond fully taxable for Federal income tax purposes.

It is rare a project of this kind can be constructed without the use of public funds for direct grants or loans. All the proposed legislation involves is a Federal guarantee of the U.N. Development Corp.'s obligations which imposes only a contingent liability on the Federal Government in the event of a default. The likelihood of such a default occurring is extremely remote since the projected net revenues are more than adequate to meet annual debt service requirements.

I respectfully submit the proposed legislation serves a fundamental national interest—the maintenance of international peace—and I urge its prompt enactment by the Congress.

The PRESIDING OFFICER (Mr. BENNETT). The bill will be received and appropriately referred.

The bill (S. 4145) to authorize loans under title I of the Housing Act of 1949 to aid in the development of the United Nations Development District, introduced by Mr. MONDALE (for himself and Mr. JAVITS), was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 4146—INTRODUCTION OF A BILL TO RESTORE COMPETITION TO THE COPPER INDUSTRY

Mr. MONDALE. Mr. President, I am introducing today a bill to restore a sembalance of free competition to a basic industry which is vital both to domestic and defense needs.

I began looking at the copper industry last year when it was revealed that domestic copper prices were rising at a 25-percent annual rate.

Such a price rise, of course, does not in itself absolutely prove anticompetitive behavior in the industry—even though copper happens to be one of our most concentrated industries, with four firms controlling some 70 percent of all domestic mining and 80 percent of all domestic refining capacity. In fact, the increase in the price of refined copper is, at least to some degree, a reflection of a worldwide shortage of copper which has driven up prices throughout the world.

But my examination soon made me aware of an anticompetitive situation even more insidious than the typical oligopolistic price management. This situation—I think unique to the copper industry—is the existence of a "two-tiered" pricing system.

Under this system, the giant domestic producers, which mine, smelt, and refine the copper that is then sold to the fabricators, have maintained a price which, since 1964, has generally been at least 30 to 40 percent below the world market price for refined copper as reflected for the London Metal Exchange. At first glance, this would seem to be a strange but fortuitous situation—a domestic price in a heavily concentrated industry which is actually lower than it seemingly could be. And, in a limited sense this is so: In spite of the astronomical increases in the domestic price of refined copper, the current price of about $0.60 a pound is indeed below that price which would probably prevail in a truly open and competitive world market.

However, since there is not enough domestically produced refined copper to meet our needs and supply the demands of our domestic fabricators, the additional demand must be met either through the purchase of scrap copper or through buying foreign copper at the higher world price as quoted on the London Metal Exchange.

In April of this year, the world price was nearly $0.80 a pound compared to a "producer" price of about $0.56 per pound.

Currently this gap is much less due to recent increases in domestic prices and a great sudden drop in the world price. But indicators are that the gap, in existence since 1964, will soon open up again, with world prices considerably outrunning domestic producer prices.

So far, the situation may look simply like a competitive anomaly, where the domestic producing giants persist in selling, at an unnaturally low price, a supply of refined copper that is unable to meet the needs of the more competitive copper fabricators. But the great problem—and the disturbing situation—is in which fabricators get this limited supply of lower priced domestic production.

Since 1963, when this two-tiered system came into being, the domestic producers, dominated by the half dozen giants, have allocated their refined copper to their preferred customers, forcing all those fabricators not so fortunate to produce and attempt to compete by buying from the world market at far higher prices. Many of these preferred fabricators are, in fact, subsidiaries of, or controlled by, the producing giants. All of them enjoy an enormous competitive edge in the crucial fabricating sector of the industry. Any of them can continue to exist and show a substantial profit even though it may be far more inefficient than the struggling fabricator which gets no domestic supply. None of them has a strong motivation to increase efficiency or capacity, in spite of persisting copper shortages and the high prices for fabricated copper goods. And the entire industry is virtually foreclosed from any new entrants which would be unable to compete without a cut of the producer's supply.

Mr. President, all of this has been fully documented in the May 13, 1970, report of the Subcommittee on Copper to the Cabinet Committee on Economic Policy. This task force was chaired by Hendrik Houthakker, of the President's Council on Economic Advisers. Also serving on this Committee were Assistant Secretary of State Philip Trezise, former Assistant Secretary of Commerce Kenneth Davis, Assistant Secretary of the Interior Hollis Dole, Assistant Attorney General Richard McLaren, and Fred Russell and William Truppner of the Office of Emergency Preparedness.

Their report, which has yet to produce any concrete action, reads in part:

> Firms whose allocations of producer copper are disproportionately low are placed at a serious competitive disadvantage. Where the copper content represents a fairly large proportion of the value of a product, even a very efficient fabricator who has to obtain all or the great bulk of his metal on the open market may not be able to absorb this difference in his raw material costs without losses. Over several years this situation has led to the shutting down of some plants and reductions in the net worth of some companies that did not have access to the cheaper metal. It has also restricted the entry of new concerns because of their inability to obtain producer allocations.
>
> On the other side, firms obtaining large allocations enjoy a broader spread between raw materials cost and product price. They can, therefore, make larger profits even at lower levels of efficiency.

Mr. President, this report documents the perversion of competition within the copper industry: enormous concentration with vertical integration, discriminatory selling, reciprocal dealings between producers and fabricators, indisputable and serious damage to many independent fabricators, and the great possibility if not probability of collusion in restraint of trade.

I put great stock on free competition. It is the best way the world has yet found for promoting economic justice, freedom, and efficiency. Wherever possible, the role of the Government in the private sector ought to be to strengthen and preserve free competition.

It is patently clear to me that something must be done to restore free competition to the copper industry. Without trying to make a restraint-of-trade case at this time, I will simply cite another section of the Houthakker report:

> Nevertheless, the potential for anticompetitive behavior and for deviations from free market efficiency are obviously great. Under the two-price system it is simply too easy for a producer to bias his allocations of low-priced copper toward firms that do not compete with its fabricating subsidiary and away from those that do. It is also very unlikely that the pattern of allocations, whatever the design of the producers, would work out to be the same as that obtaining in an open and competitive market.

Dr. Houthakker hit upon the anticompetitive nature of the copper industry even more directly in a speech last March 11 at Duke University:

> The mere coexistence of these two very different prices for essentially the same commodity (refined copper in the form of electrolytic wirebars) is evidence that competition is severely curtailed.
>
> Obviously, this is not an equilibrium situation and could not have occurred in a competitive market . . . a two-price market means a market that is not free.

Mr. President, this is a unique threat to free competition in a key industry. Perpetuation of the current system means that a half dozen vertically integrated giants will continue to supply their own fabricating subsidiaries and a few select customers at a rate which is far below the world price. They hold the economic life of every fabricating company and every employee of those companies in their hands. This situation is contrary to our free enterprise system and antithetical to the principles of efficient production, free entry, and fair pricing.

Mr. President, the Honorable RAY BLANTON of Tennessee has taken up this cause on the other side. He introduced a resolution—H.R. 885—in the House on March 19 to create a select committee to study this problem. He also introduced a bill on May 18—H.R. 17657—along with Congressman Moss which would amend the Federal Trade Commission Act to make the dual pricing system an unfair method of competition. Hearings have been held on H.R. 17657, and a valuable record is finally beginning to emerge on this phenomenon.

The bill I am introducing today is nearly identical to H.R. 17657. It would preclude the selling of refined copper at a price significantly below the world price unless a system were devised to allocate this copper among domestic users in such a way as to insure fair competition among these users.

Mr. President, there may be other solutions—indeed, the Houthakker report lists five—and the Justice Department is allegedly investigating the situation at his time. However, the danger to the fabricators who are not within the anointed few is immediate and catastrophic. Something must be done now to save fabricating industries which are viable, efficient, and potentially profit-

able in every way but in their lack of access to the "inner circle." I urge congressional study and prompt action on this bill, and I ask that the text be printed in the RECORD in full.

The PRESIDING OFFICER (Mr. BENNETT). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4146) to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry, introduced by Mr. MONDALE, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 (a) of the Federal Trade Commission Act (15 U.S.C. 45 (a)) is amended by adding at the end thereof the following new paragraph:

"(7) It shall be an unfair method of competition within the meaning of paragrapn (1) of this subsection for any person to sell refined copper in commerce at a price which the Commission determines is significantly below the world market price for refined copper of a similar grade, unless such person allocates such copper or refined copper of such grade in a manner which the Commission determines is fair and equitable to such users."

Sec. 2. The amendment made by the first section of this Act shall apply with respect to sales occurring more than ninety days after the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 2005

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. WILLIAMS) be added as a cosponsor of S. 2005, the Resource Recovery Act.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

S. 3486

Mr. BELLMON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of S. 3486, to establish a Commission on Oil Imports, as an independent agency of the Government, to authorize the Commission to impose quotas on imports of petroleum and petroleum products, and for other purposes.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 3546 AND S. 3687

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at the next printing, the name of Senator HARRIS from Oklahoma be added as a cosponsor of S. 3546, the National Air Quality Standards Act of 1970, which would accelerate the designation of air quality control regions required by the Air Quality Act of 1967, and of S. 3687, the National Water Quality Standards Act of 1970, which would increase the Federal grant authorization for waste treatment facilities to $2.5 billion a year for 5 fiscal years and extend the standards program to all navigable waters.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

S. 3650

Mr. GOLDWATER. Mr. President, on behalf of the Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent that, at the next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of S. 3650, to amend section 837, title 18, United States Code, to strengthen the laws relating to explosives and the penalties with respect thereto, and for other purposes.

The PRESIDING OFFICER (Mr. MILLER). Without objection, it is so ordered.

S. 3807

Mr. COOK. Mr. President, on behalf of the Senator from Illinois (Mr. SMITH), I ask unanimous consent that, at the next printing, the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of S. 3807, to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

S. 3936

Mr. ERVIN. Mr. President, I ask unanimous consent that at the next printing the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Nevada (Mr. BIBLE), the Senator from Hawaii (Mr. FONG), the Senator from Nebraska (Mr. CURTIS), the Senator from Georgia (Mr. TALMADGE), the Senator from Rhode Island (Mr. PELL), the Senator from Texas (Mr. YARBOROUGH), the Senator from Minnesota (Mr. MONDALE), the Senator from Tennessee (Mr. GORE), the Senator from North Dakota (Mr. BURDICK), the Senator from Maine (Mr. MUSKIE), the Senator from Utah (Mr. MOSS), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. SMITH), and the Senator from New York (Mr. JAVITS) be added as cosponsors of S. 3936.

This bill, the Speedy Trial Act of 1970, is designed to give effect to the sixth amendment right to a speedy trial for persons charged with offenses against the United States, and to reduce the danger of recidivism by strengthening the supervision over persons released on bail, probation, or parole, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 4032

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. STEVENS), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG), be added as cosponsors of S. 4032, to establish a National Advisory Commission on American Indian Education.

S. 4041

Mr. TOWER. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Indiana (Mr. HARTKE) and the Senator from Illinois (Mr. PERCY) be added as cosponsors of S. 4041, to repeal section 7275 of the Internal Revenue Code of 1954, relating to amounts to be shown on airline tickets and advertising.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

S. 4056

Mr. BELLMON. Mr. President, I ask unanimous consent that, at the next printing, the name of the distinguished junior Senator of Alaska (Mr. GRAVEL) be added as a cosponsor of S. 4056, to provide an effective and workable system of fiscal stabilization.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

S. 4118

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of S. 4118, the Agricultural Act of 1970.

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 218

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of Senate Joint Resolution 218, providing for the establishment of an annual "Day of Bread" and "Harvest Festival Week."

The PRESIDING OFFICER (Mr. HARRIS). Without objection, it is so ordered.

SENATE RESOLUTION 435—SUBMISSION OF A RESOLUTION RELATING TO THE PROTECTION OF CONSUMER SUPPLY OF NATURAL GAS

Mr. TOWER. Mr. President, on behalf of myself and Senators STEVENS, DOLE, PEARSON, COOK, LONG, YOUNG of North Dakota, BELLMON and HANSEN, I submit, for appropriate reference, a sense of the Senate resolution.

The PRESIDING OFFICER (Mr. SPONG). The resolution will be received and appropriately referred.

The resolution (S. Res. 435), which reads as follows, was referred to the Committee on Commerce:

S. RES. 435

Whereas, a shortage of natural gas exists in some areas of the United States;

Whereas, this shortage will spread to other areas of the United States during the coming months unless immediate corrective action is taken;

Whereas, severe hardship would accompany such shortages;

Whereas, it is in the best interest of the Nation and of the consumer to alleviate this shortage by securing adequate domestic supplies of natural gas to meet the present shortage and future demands for natural gas;

Whereas, natural gas is a desirable fuel because it pollutes least of all fuels;

Whereas, the Federal Power Commission regulates the price of natural gas paid to the producer of natural gas;

Whereas, the main cause of the shortage of natural gas in the United States is the low price paid to the producer;

Whereas, exploring for natural gas is a relatively high risk endeavor;

Whereas, there must exist adequate economic incentives for those who explore for natural gas;

Whereas, one necessary incentive is the assurance that the price to be received by the producer will be high enough to reward the high risk of invested capital;

Whereas, the free market mechanism is the best method for determining the price to be paid to the producer for his gas;

Whereas, the Federal Power Commission intends to reconsider the price of gas to be paid to the producer under contracts entered into by the producer after June 17, 1970; and

Whereas, the urgency of the situation requires immediate action: Now, therefore, be it

Resolved, That for the above reasons and in consideration of the above facts, the Senate hereby goes on record that it favors the free market mechanism as the most desirable method for determining the price of natural gas to be paid to the producer of natural gas; that the present price of natural gas as determined by the Federal Power Commission is too low to provide the necessary economic incentives to explore for new reserves of natural gas; and that it is in the best interest of the Nation and the consumer to allow the price of natural gas to be paid to the producer to seek its own level in the free market as this would tend to guarantee continued existence of adequate supplies of this desirable fuel.

Mr. TOWER. Mr. President, today the United States faces a dangerous natural gas shortage. The magnitude of this shortage was revealed in a recent report to the Federal Power Commission. This report stated the 12 major interstate gas transmission companies would be unable to meet an estimated demand of 3.1 billion cubic feet of gas per day for the winter of 1970–71. However, the report noted that some duplication of demand might exist in the estimates since some potential users may have inquired at more than one reporting company about the availability of gas to supply their needs. Even taking into account possible duplications, this is a large deficit.

Clearly many consumers will be denied the use of natural gas this winter. This is especially unfortunate since natural gas is the one fuel which does not pollute.

Furthermore, this shortage is likely to become more severe. This is so for three reasons.

First, to end the shortage, our producing capability must be increased. Even if the factors which caused this shortage could be immediately eliminated, there would still be a delay of from 4 to 6 years before new gas reserves could be delivered to the consumer. This delay is a little understood fact of life in the petroleum exploration industry. It is due to the normal, necessary, and time-consuming method of exploration which can involve the talents of the geologist, seismologist, and geophysicist who determine where to drill to achieve the highest possibility for success.

Next, the lease-broker attempts to secure a minimum quantity of acreage at a reasonable price. Usually, the broker must deal with many widely scattered landowners. After that, attorneys must examine and approve the title to the leases. Finally, the drilling can begin. This is usually the least time-consuming part of the operation. If the well encounters evidence of oil or gas, testing of the various prospective zones follows. If it is believed that commercial quantities can be recovered from those geologic formations, production equipment is installed.

Then, the purchase contract must be negotiated. If the gas is to be sold in another State, the FPC must approve all terms of the contract including, of course, the price to be received by the producer for his gas. The gathering line must be laid to the well. The gas is then gathered, processed, and transported to the distributor who, in turn, sells it to the consumer.

I feel that the nature and effects of this time lag should be thoroughly understood and appreciated. This normal delay tends to increase the shortage. Recognizing its existence makes even more imperative the urgent need for immediate action to alleviate this fuel shortage.

There is a second reason why this shortage is likely to become more severe. In the past, our energy requirements have increased at a more rapid rate than our population. From 1960 to 1968, the population increased by 11 percent, while our energy requirements increased by 41 percent. There is no readily apparent reason why we should expect this trend to change. Since natural gas presently supplies 35 percent of our energy requirements, it follows that as our population increases during the next 4 to 6 years, the demand for gas should increase at an even faster rate.

Another reason for the gap between supply and demand for natural gas to widen is the recent restricting by States of the use of some fuels which significantly contribute to pollution. As I noted earlier, natural gas pollutes the least of all presently available fuels. As users meet increasing demands for reduction in pollution, natural gas consumption soars. Many potential new users are finding great difficulty in obtaining natural gas and are forced to use other fuels which pollute the air to a much greater degree.

For these reasons, a worsening shortage appears inevitable.

Let us examine the more important factors which have caused this approaching crisis.

The most important factor, in my opinion, has been the 14 years of unrealistic and unworkable pricing practices imposed on the independent natural gas producers by the Federal Power Commission. The Supreme Court defined the "independent producer," in the 1954 landmark case of Phillips Petroleum Corp. against Wisconsin, et al., as a person who produced natural gas but who did not engage in interstate transmission of gas from the producing field to the consumer markets and who was not affiliated with any interstate natural gas pipeline company. Up to the time of this decision, the Federal Power Commission had held the position that the language of the Natural Gas Act of 1938, as amended, did not compel the Federal Power Commission to regulate the independent producer.

But, following the directive of the Supreme Court in that decision, the FPC instituted pricing practices which have been unfortunate. The FPC was ordered by the Court to regulate the independent producer as a utility. Normally, a utility is allowed to receive only a relatively low return on invested capital. This is justified on the grounds that the risk of not making a profit is virtually nonexistent. The utility simply proves its investment to the regulating agency, and it is allowed to adjust its prices upward in order to make the desired low profit.

The utility regulation approach as applied to the producer of natural gas virtually ignores the factors which differentiate the independent producer from a normal utility.

The most important difference between the two is the higher risk in exploring for petroleum. The risk is that the invested capital will be spent on a dry or commercially unproductive well. On the average, only one out of every nine exploratory wells encounters any trace of oil or gas, but only one out of every 50 exploratory wells produces enough oil or gas to repay its costs. Compare this risk to that of investing in a manufacturing plant, for example. The risk of failure is far less for a well-planned manufacturing venture than for an exploratory natural gas well. Even if the manufacturing enterprise fails, the investor still owns the land, building, and machinery which can be sold to diminish or eliminate the loss. On the other hand, when an investor spends his money on an exploratory well, the chances are much greater that he will lose his entire investment.

It is not difficult to understand, therefore, that when one considers the higher risk factor, there must exist some extraordinary incentive to induce an investor to spend his precious capital exploring for oil or gas. A fixed return of some 12 percent on the cost attributable to that single producing well

is not generally considered an adequate incentive. However, this is the rate of return which the FPC presently allows the independent producer. Of course, the FPC's formula for arriving at the profit margin is actually very complex, for it takes into consideration many varying possibilities. But 12 percent is the approximate rate of return permitted, and this is one of the basic reasons why we are presently facing a shortage of natural gas.

The FPC pricing system was designed to provide the consumer with a low-priced fuel. The system succeeded. The average retail price of natural gas has risen only 8 percent since 1960, while the consumer price index for all commodities has risen by 31 percent. The consumer bought this low-priced fuel. Consumption rose from 4.4 billion cubic feet of gas in 1947 to 19.4 billion cubic feet of gas in 1968. The share of natural gas in total U.S. power use has risen from 15.5 percent in 1947 to 34.9 percent in 1968.

While the sharply rising share of natural gas in total power has been due to a considerable extent to the qualitative advantages of natural gas, such as its ease of handling and its cleanliness, the primary reason for the increased consumption was due to the large cost benefits enjoyed by household and industrial users. For example, in 1968, in Brooklyn, N.Y., the cost of gas was exceeded by 35 percent for fuel oil, 47 percent for coal, and 168 percent for electricity. Similar disparities of price exist in other areas of the United States.

However, the FPC has held the price too low for too long. This neglect has caused serious economic stress upon independent producers. In the long run, the distributors and the consumers have also been adversely affected by this unrealistically low price for gas. As a result, they may not have adequate supplies of gas to distribute and to consume.

The low pricing policy has caused under investment in the exploration of natural gas. Referring to the problems facing producers of natural gas in its 1970 annual financial analysis of a group of petroleum companies, the Chase Manhattan Bank of New York City reported that:

> The expenditures for exploration and development have been much below indicated requirements. And, as a consequence, the nation is faced with a growing shortage of both oil and natural gas. The reason for the deficit of spending can be traced directly to the exceptionally low price for natural gas imposed by regulation.

The report continued that revenues from natural gas sales contributed by far the smallest amount to total company revenues. This helped to explain the lack of incentive to provide the capital and exploration expenditures necessary to find additional reserves.

Another factor which has contributed to the present shortage of natural gas is the uncertainty that the price of the gas will not be further lowered even though contracted for between the producer and the pipeline company and approved by the FPC. In the past, the FPC has made a folly of one of America's honored principles—the sanctity of the contract.

The best known example of this occurred in a Louisiana case. There, Pan American Petroleum Corporation contracted to sell gas from the Thibodeaux gas field in south Louisiana. Deliveries began in 1959 under a gas sales contract given "permanent" and "unconditional" certification by the FPC. This price was later challenged and a court proceeding followed. The result was that the FPC ordered the price paid Pan American lowered 13 percent under this permanent and unconditional contract. Since the new price was retroactive, Pan American had to arrange refunds totaling $839,000. This type of FPC action has had a serious lessening in the confidence of contract.

There are other similar examples of erosions of confidence in the sanctity of the contract. The sanctity of contract has been one of the cornerstones upon which this country's sound and dynamic economy was built and should remain inviolate. This fundamental principle was specifically written into our Constitution.

It should come as no surprise that implementation of these two policies of unreasonably low pricing and contract violation has resulted in a shortage of natural gas.

The FPC has been warned repeatedly. One such warning was given by former President Eisenhower. Shortly after the Supreme Court's Phillips decision in 1954, to which I referred earlier, Congress passed and sent to the President the Harris-Fulbright Act. This bill would have freed the independent producer from Federal regulation. By passing this act, Congress had repossessed the legislative prerogative delegated it by the Constitution by clarifying its intent that the independent producer be exempted from regulation.

President Eisenhower vetoed the bill for reasons other than those stated as its aims. He said when he vetoed it:

> I must make it quite clear that legislation confirming the basic objectives [of the Harris-Fulbright Bill] is needed. It is needed because the type of regulation required under present law will discourage individual initiative and incentive to explore for and develop new reserves of natural gas.
>
> In the long run this will limit supplies of gas which is contrary not only to the nation's interest but especially to the interest of the consumers.

President Eisenhower accurately foresaw the consequences of the debilitating effects of the FPC price regulations upon the independent producer and the consumer. Contrary to the interest of the Nation and consumer, a shortage now exists for the reasons given by President Eisenhower. Others have often and repeatedly warned the FPC and the Nation that shortages of natural gas would be the result of the repressive policies.

In all fairness, it should be noted again that the job of regulating the independent producer was not sought by the FPC. It was thrust upon the FPC by the Supreme Court's order following the Phillips decision.

Nothing will be gained by further references to the past, well-intentioned errors of the FPC. The task imposed upon it by the Supreme Court was all but impossible to achieve.

Rather, we need solutions to the Nation's present natural gas shortages. Needed now are policies aimed at insuring the continued existence of adequate supplies of natural gas to meet our growing consumer and industrial needs and to maintain our national security.

A rate hearing scheduled to begin July 29, 1970, in Midland, Tex., represents a focal point in the establishment of such new policies. Through this hearing, the FPC has initiated the gathering and evaluating of evidence and testimony concerning the proper price to be paid to the independent producers of natural gas in the Permian Basin, that geologic designation encompassing several counties of west Texas and eastern New Mexico.

The hearing also represents a focal point in time. It was 14 years ago in a similar hearing that the FPC first began to wrestle with the problems of regulating the independent producer. The FPC has come full circle and is now beginning anew.

In a larger sense, this hearing will involve a revamping of the procedure for determining the fair price of natural gas, not only for the Permian Basin, but also for the entire United States. The process used there to determine the fair price of gas will most probably be employed in subsequent rate hearings for other producing areas in the United States.

Thus, there is a focus of national attention upon the hearing. The results achieved there will probably influence this Nation's energy supplies for decades to come.

I commend the courage and wisdom shown by the FPC in instituting these hearings. I sincerely hope that these hearings mark the beginning of a process which will alleviate the effects of harmful policies.

The most harmful policy is the repressively low price of gas. In my opinion, the free market mechanism offers the most efficient and fair method for regulating the prices and supplies of natural gas. The ideal solution for correcting this Nation's gas shortage, while maintaining an equitable price to the consumer and the producer, would be best achieved by allowing the producer and the buyer to bargain without Federal interference. However, I feel that immediate steps must be taken to help alleviate the current shortage. The most direct step would be to raise the price of natural gas to a level high enough to provide the necessary incentive to the investor to seek and develop new reserves of natural gas. The Commission can effect such price changes consistent with past contracts without further legislative assistance, and this higher price should immediately stimulate the search for new reserves.

I hope the Midland hearing results in a decision by the FPC to recognize and properly reward those investors who stand ready to risk the capital necessary to explore for and develop new reserves of natural gas. These reserves are badly

needed to maintain our national security and to insure an adequate supply. This recognition can be achieved, I feel, by an increase in the price of gas paid in the Permian Basin of no less than 10 cents per thousand cubic feet above the present price.

Using again the example of the Brooklyn consumer, the price of natural gas there is presently about 42 cents per thousand cubic feet. If a 10-cent increase were passed on to the consumer, his total price would be 52 cents per thousand cubic feet.

This compares favorably to the price of gas imported from abroad in a liquid state and the anticipated price of the gas transported from the Alaskan North Slope. The price of gas from either of those two sources is approximately 60 cents per thousand cubic feet.

Mr. President, it has been rumored that the FPC was considering an increase of from 3 to 5 cents per thousand cubic feet for natural gas. But, a recent study showed that an approximated 3-cent increase is needed just to offset the cost of inflation and another 2 cents to offset the increased cost to the producer of the reduced depletion allowance. In other words, a 5-cent increase only brings the producer back to par.

I feel that a 5-cent increase is too low to stimulate the exploratory efforts necessary to secure adequate domestic supplies of natural gas to meet the present and expected future demands.

Mr. President, I feel that the Senate should register its feeling on this matter as a guide to the FPC in its deliberations on determining a fair price to be paid to the natural gas producer.

Accordingly, I herewith submit a sense of the Senate resolution relating to the protection of consumer supply of natural gas.

This resolution acknowledges the existing shortage of natural gas, attributes the shortage to the low price of gas presently allowed, and states that the best solution to the problem lies in allowing free market forces to determine the price of natural gas.

Mr. President, I feel that it is in the best interest of the consumer to have adequate supplies of this nonpollution fuel. Our supplies are running low. We must do all that we can to stimulate the private investor to explore for and develop our abundant gas reserves.

Adoption of this sense of the Senate resolution will, I believe, aid this cause.

Mr. DOLE. Mr. President, I join the junior Senator from Texas (Mr. TOWER) in cosponsoring his resolution urging the Federal Power Commission to adopt a realistic method for determining the price to be paid the natural gas producer for his product.

In 1954, the U.S. Supreme Court ruled that natural gas producers were subject to regulation by the Federal Power Commission and had the authority to fix the price of natural gas at the wellhead. The attempt by the Federal Power Commission to regulate the price of natural gas has been unsatisfactory. Price-fixing was implemented to protect the consuming public, but has instead discouraged natural gas exploration and development. While the establishment of a fixed price stimulated demand, it did not allow gas producers to compensate for increasing costs. As a result, producers were forced to cut back on exploration, and the United States now faces a dangerous and growing shortage of energy reserves. Failure to expand domestic natural gas production will compound present shortages which are certain to be aggravated by increasing demand for nonpollutant energy sources.

This problem was accurately described by William D. Smith in the Sunday, July 26, 1970, New York Times inserted into the RECORD by the junior Senator from Wyoming (Mr. HANSEN) on Monday, July 27, 1970, page S12176. Mr. Smith realistically points out the adverse effect of past policies which have discouraged the exploration for and development of new oil and gas reserves. His prediction of a gas shortage proved to be correct as the Monday, July 27, 1970, New York Times reported that the chairman of the New York State Public Service Commission, Joseph C. Swidler, announced that New York State is considering restricting the number of new customers gas companies may add. It is interesting to note that the same Mr. Swidler was chairman of the Federal Power Commission from 1961 to 1965 when many of the decisions that have created our present problems were made.

The problems of the independent oil and gas producer in Kansas are representative of the problems faced by the domestic oil and gas industry as a whole. The severe economic straights in which they find themselves will compound our energy shortages unless the Federal Power Commission and other Government agencies adopt more enlightened policies.

I ask unanimous consent that an article in the Independent Petroleum Monthly by James L. Porter, describing the plight of the independent producer in Kansas, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDEPENDENTS NOW HOLD THE FATE OF KANSAS AS AN OIL- AND GAS-PRODUCING PROVINCE

(By James L. Porter)

Major oil companies in the past decade have practically ceased to search for new petroleum reserves in Kansas. Whatever oil and natural gas is found in the future will be up to the independents.

The Kansas oil industry today is mainly composed of small companies and individuals. The public thinks the oil business is composed of big companies because this is where they buy their gasoline. And even some of the state legislators do not know that the Kansas oil producing industry is composed mostly of small companies, which are owned by Kansas citizens. In the future, they will not be taxing and regulating large companies owned by out-of-state people.

The independents need to be treated differently from the major companies. Independents have only one product to sell: Their petroleum production, either oil or gas. They have no refineries, no chemical plants, no service stations from which to make a profit. A good share of their risk capital which is used to explore for oil comes from outside sources. This is not the case with a major company. Therefore, a changed economic climate and revised tax laws are vital to independents if they are to find Kansas oil in the future.

MENACE OF IMPORTS

And a big if in the future of the independent producer is what action the Federal Government will taken on the Mandatory Oil Import Program. A rollback of crude oil prices by 80 cents per barrel as proposed by the staff of the Task Force on Oil Import Controls would have a disastrous effect on operations of the small producers. Even a 30-cent cut, as proposed by a majority of the Task Force, would have serious consequences. When you realize that the oil and gas industry is state-wide, there would be few communities that would not suffer.

And another point: Numerous small producers have wells with low rates of production, because the fields are old. However, the ingenuity and low overhead of the independent permits him to operate these wells at a profit despite high labor and high equipment costs. Any severe cutback in crude prices would compel these men to plug and abandon their wells and drive them from the business.

STATE WILL BENEFIT

Many people are helped when independents produce oil in their own back yard. It will be a rare individual or independent company who will ever benefit from the oil produced in offshore areas, Alaska, and especially in foreign countries. This production will go to enrich Middle Eastern governments and large corporations. Production from our back yard enriches our citizens and furnishes capital that is re-invested in the state. It creates wealth here in Kansas.

INDEPENDENT FUTURE BRIGHT

Just because the major companies have left the state does not mean that the Kansas oil industry will be weak or unprofitable. The independents have grown during the last 20 years and there are still plenty of opportunities for investors and operators.

The oil industry has traditionally been the business that offered the little man the opportunity to grow big. The opportunity is still here.

Independents in Kansas have been very successful during the past 20 years.

INDEPENDENTS SUSTAIN KANSAS

Kansas oil production is rapidly passing into the hands of independent companies and individuals. Only three major companies are actively searching today for oil in Kansas. These are Cities Service Oil Co., Champlin Petroleum Co., and Anadarko Production Co., a subsidiary of Panhandle Eastern Pipeline Co. The other major companies are producing themselves out of the oil business in Kansas.

A number of large independents through use of fund monies are actively searching for oil. Nevertheless, most of Kansas' future oil is going to be produced by the "little man." At the present rate of decline of the principal companies, 90 percent of the Kansas oil will be produced by the smaller companies within 10 years.

About one-third of Kansas' oil reserves today are of no direct benefit for perpetuating the Kansas oil industry. These revenues are going to companies who drill less than 2 percent of Kansas' wildcat wells. As soon as this oil revenue comes into the hands of companies who are actively searching for new reserves, Kansas' oil production decline will be altered.

The increasing oil production Kansas enjoyed in the early 1950's was entirely due to the independents' success, and the decline since 1958 is mostly due to the major companies' decline. As the major companies sell out to those who are seeking new oil, the state decline curve will flatten out.

INDEPENDENTS HAVE GROWN

The last 20 years have been good to the independents. They have obviously enjoyed increased oil runs, but they have changed in other ways that have almost gone unnoticed since these changes came so gradually.

In the 1950's, an independent wildcat was usually supported by one or two other companies (usually major) with dry-hole money. Today it is almost rare for a wildcat to receive any dry-hole support.

In the 1950's the usual independent wildcat was on geology done by a major company. The average independent had few geologists, and many had none. Many wells were located solely on economics. Today, this is changed.

For example, a survey of the discoveries for the period December 1968 to November 1969 shows 104 discoveries. The survey reveals that over 80 percent of Kansas' wildcats today are drilled without any dry-hole support, and over 70 percent of the prospects are originating in the independent's own geological staff. Of the 104 discoveries, only one was made by a major company.

INDEPENDENTS ADD TO STAFFS

An indicator of the new independent strength is found in the membership of the Kansas Geological Survey. In 1955, the major companies employed 213 geologists, who composed 37 percent of the membership. Today the major companies employ 100 geologists, or a total of only 15 percent of the membership.

But today only 13 major company geologists are stationed in the State of Kansas, and several of these are on production staffs and do not explore for oil.

The number of geologists employed by independent companies has almost doubled since 1955. The number was 152 in 1955, and it was 287 in 1969. This illustrates how the independent companies have upgraded their technical staffs. The same sort of change has taken place among petroleum engineers, seismologists, and other technical personnel.

INDEPENDENTS WILDCAT

During the last 1940's less than 20 percent of the total wells drilled were wildcats. The major companies during this period were drilling between 25 to 30 percent of the Kansas wildcat wells.

During the 1950's the percentage of wildcats in the total wells increased, and the percentage of wildcats which were drilled by major companies declined. During this period they never drilled more than 10 percent of the wildcat wells.

During the 1960's, the percentage of wildcats out of Kansas' total wells continued to climb and today over one-third of Kansas' total wells are wildcats. The major companies' share of the wildcat wells today is less than 2 percent, and they are only supporting about this same percentage with dry-hole money.

Part of the decline in total wells can be attributed to the spacing law passed in January 1958. It took fewer wells to develop a field after passage of this law.

Improved discovery allowable rules came into effect in July 1965, and there followed a jump in the percentage of wildcat wells drilled. There has been a steady, long-range increase in Kansas wildcat activity when it is calculated as a percentage of the total drilling activity. This means the industry is going to be increasingly influenced by fluctuations in the economic climate, and by changes in the tax laws.

Much of the money the independents spend drilling wildcats comes from outside investors. Alteration in the tax law about the expensing of drilling costs will particularly influence the investors' interest in exploration. Also, exploration has traditionally been the segment of the industry to suffer the most decline in an economic recession. This is especially noticeable for the year 1957.

INDEPENDENTS ADVANCE

Major companies' production reached a peak in 1949, and then began to decline. What is difficult to understand is that this decline began at the very beginning of their most ambitious exploration programs. Also, while the majors were declining in production, the independents were having a dramatic increase. During the 9-year period 1949–1958, major company production declined 20 percent, but independent production increased 100 percent.

The major companies during this period had large staffs stationed in Kansas, and they were expending large sums in seismograph mapping and lease acquisition. However, as a group their production steadily declined, and they began withdrawing their staffs from Kansas in the late 1950's.

The independents during this same period, employed relatively few geologists, and frequently their wildcats were drilled because of economic factors, and were not located on good geological information.

WHY MAJORS DECLINED

Why did the majors fail to increase their production during the period when independents were doubling theirs?

And a second question follows: Why didn't the majors concentrate on the Central Kansas Uplift? This is where the most oil has been developed; this is the principal area of production in which the independents doubled their production.

There is a good reason why the major companies could not operate effectively in this region. Whenever a proposal was submitted by a major company geologist to his management for an exploration program, the first consideration was the geological reasons for selecting the areas, and the second was a survey of the lease situation. No program could be approved unless there was ample open acreage to insure that good blocks could be assembled on any structure the seismic mapping found.

On the Central Kansas Uplift, open acreage has not been plentiful during the last 25 years. Major companies could never mount any big seismic mapping programs in the most promising areas of the state. They usually bought broken blocks of acreage and tested them by test promotion, rather than drill company wildcats on small blocks of acreage.

First basic reason the majors have not been successful in Kansas since 1945 is that Kansas minerals are privately owned. Minerals are in small parcels and the lease prices are very reasonable. Consequently, when a region looked good, the many independents would buy small blocks and the major companies would eventually have to move out to the areas where large blocks of acreage were available.

To illustrate, visualize what would have happened if Kansas leases had been auctioned off in county-size blocks, or even 20,000-acre blocks. Kansas today would still be a major oil company country. The many small independents today would never have been able to get a start. The state's oil resources would have been developed at a much slower pace, and the many small fields produced today would have never been drilled.

MAJORS LOSE OUT

The second basic reason the majors failed in Kansas was that they relied on structural finding tools to find prospects to drill themselves. These tools became ineffective for various reasons.

Most companies concentrated on Western and Southwestern Kansas, and had large seismic mapping programs in those regions. Stanolind (now Pan American Petroleum) had led the way with discovery of Keyes Dome in the Oklahoma Panhandle, and with Kismet in Seward County.

Unfortunately, there were few other large structural accumulations discovered. Most of the sizeable oil and gas fields in Southwestern Kansas have been stratigraphic accumulations, and seismic mapping was of little help in locating them.

Only subsurface study and drilling could do this job, and at the time there were few wells to furnish the necessary subsurface information. Majors preferred to drill their company wildcats on large seismic structures.

In other areas, there was only limited success in locating structures. Texaco found Fall Creek field in Sumner County. Skelly found Cahoj Field in Rawlins County. Carter (now Humble Oil & Refining Co.) found the Davis Ranch Field in Wabaunsee County with surface mapping. All of these generated large lease plays, but not enough other large structural fields were discovered to sustain the interest of the major companies.

RANK EFFORT NEEDED

Most independents have preferred to stay in the best oil provinces and work as close in to production as possible. This forced major companies out into rank wildcat areas, but now that majors are practically all gone, there is much less exploration effort being expended in these areas.

The good oil provinces are still furnishing new discoveries, but now Kansas rarely has a big field in those areas, because the big structures were readily found earlier.

Lessening exploration in the rank wildcat areas is the one disadvantage of not having many major companies operating in Kansas. If we are to continue to develop all of our potential oil resources, the independents will have to increase their search in the rank wildcat areas.

PUBLIC MUST KNOW

The 25 years since World War II have brought fundamental changes to the Kansas oil industry. Everyone in the industry is aware that we have changed, but we need to study the changes and understand what they mean.

It is important, also, that those in the oil industry be aware of what has happened.

But it is even more important that oilmen make the public and the states and the Federal Government aware of how the oil industry is changing.

The change is of such a fundamental nature that oilmen must get this information out to the public and to those who tax and regulate the industry.

Mr. DOLE. I congratulate the Federal Power Commission on the announcement it is considering exempting all small gas producers from regulation and its action in reopening the Permian Basin area rate case for natural gas producers. This case will provide the Federal Power Commission the opportunity to establish a new area-rate proceeding. Passage of the resolution introduced by the Senator from Texas would clearly indicate to the Federal Power Commission the Senate's desire that the natural gas producer be paid a price that will provide "the necessary economic incentives to explore for new reserves of natural gas."

I urge expeditious action on this resolution.

Mr. HANSEN. Mr. President, I am happy to join the distinguished Senator from Texas in this resolution to allow the free market mechanism, the laws of supply and demand, to determine the wellhead price of natural gas.

As my good friend from the Lone Star

State has pointed out, Federal price-fixing policies of the past decade have resulted in a critical shortage of our cleanest, most convenient and, in terms of comparative energy, our cheapest fuel.

The northern utilities that have in the past opposed rate increases now recognize the need for realistic pricing if their demands for additional supplies are to be met.

Coming events cast their shadows before, as the Senators from Texas, Oklahoma, Kansas, Louisiana, and Wyoming have been warning for sometime now. The members of the Federal Power Commission are also now acutely aware of the need of price increases and have already opened the way for a new concept of setting rates for natural gas. They also have recognized the urgency of the worsening situation by aiming at new pricing policies by this fall.

Several companies either already have or are now planning to import liquified natural gas from Algeria and possibly Libya and other sources. This gas could only supplement and not begin to make up the coming shortage unless we undertake an accelerated exploration and development program. It also costs more than twice as much as domestic gas delivered to our east coast. Such a program will undoubtedly be encouraged by a return to producers that will reflect the competitive aspects of gas as a fuel, the unprecedented demand for gas as a clean fuel and the inflated costs of exploration, development, production and distribution of gas.

Also, a speeded-up program of offshore leasing of Federal lands will hopefully be forthcoming. Probably the most promising source of new and large gas reserves are in the Gulf of Mexico off of Louisiana and Texas coasts. New and stringent pollution laws are already in effect and the chances of pollution from gas wells is far less than from oil. However, we need both if we are to meet domestic demands for both gas and oil without becoming more and more dependent on Middle East and North African oil and gas which could be cut off at any time.

The Soviet powerplay in that area and the explosive Arab-Israeli situation makes it imperative that we renew our efforts to develop our own abundant energy resources and never become dependent on such unreliable sources.

Almost a year ago, Barron's National Business and Financial Weekly warned of the natural gas shortage brought on by Federal price fixing. In their feature story "Natural Gas Fiasco," they pointed to forthcoming events:

> The East Coast doubtless will come to rely for fuel on a source of supply that is unfriendly at best and, at the slighest provocation, downright hostile. As the U.S. proceeds to import natural gas—at higher prices, be it noted, not lower—the poor old balance of payments will suffer a fresh, and wholly gratuitous, setback. "Economists," so Dr. Milton Friedman has said, "may not know much. But we do know one thing very well: how to produce shortages and surpluses. Do you want to produce a shortage of any product? Simply have government fix and enforce a legal maximum price on the product which is less than the price that otherwise would prevail. . . ."

The periodical also quoted Dr. Clark A. Hawkins, associate professor of finance and economics at the University of Arizona, and authority on the subject. In a new book, Dr. Hawkins wrote:

> The market should be the mechanism for determining price because natural gas price fixing by governmental fiat is not only unnecessary but unworkable as presently attempted. Also, it is only the market that will give the lowest price consistent with maximum output in the long run. The standard of market price could be feasible under existing law if the Commission would espouse it and proceed to the courts. Failing that, of course, a Congress truly responsive to the needs of the country would enact legislation to bring the free market mechanism into play.

That is the purpose of the resolution I have cosponsored with the able Senator from Texas.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENT

AMENDMENT NO. 797

Mr. BAYH. Mr. President, I submit an amendment intended to be proposed by me to H.R. 17123, the military procurement bill presently before the Senate.

Section 1 of my amendment requires annual authorizations for the active-duty personnel of each component of the Armed Forces. It prohibits the appropriation of funds for military manpower in the absence of such authorizations by the Congress. The amendment, if adopted, would become effective beginning in fiscal 1972, when the present suspension of the statutory ceilings on manpower levels expires.

In the Selective Service Act of 1948, Congress established the following statutory ceilings: Army, 837,000; Navy, 540,000; Marines, 400,000; Air Force, 502,000.

These congressionally authorized levels were extended for 1 year by congressional action on July 10, 1950. Later that year, in the face of the events in Korea, Congress suspended the authorized manpower levels until 1951, at which time the Selective Service Act was due to expire. It was argued by those supporting the suspension that Congress would have an adequate opportunity to debate the size of our Military Establishment the following year.

In 1951, with the Korean war in progress, Congress voted to continue the suspension, but this time until 1954 and an overall ceiling of 5 million was enacted in lieu of the previously authorized individual levels. The suspension was reenacted in 1954, 1957, 1959, 1963, and, most recently, in 1967—each time without so much as a word of debate on how large a standing military force the United States needed and why.

In the absence of statutory authorizations for the components of the Armed Forces, the process of raising an army has simply become an act of appropriating money. It is true that during the period of the suspensions, there was an overall ceiling of 5 million. Unfortunately, that 5-million-man ceiling was meaningless, as there was never any danger of approaching that level in the absence of a congressional declaration of war. It was for that reason that the distinguished Senator from Kentucky (Mr. COOK) and I authored an amendment to the military procurement authorization bill last year, setting the ceiling at a much more meaningful level of 3.285 million.

Mr. President, the appropriations process is not the proper place to determine how foreign policy and strategic considerations should affect our manpower levels. The failure to confront these difficult questions in recent years, I am afraid, has led to an unnecessary American military presence in many far-flung corners of the world. That, in essence, was the message so clearly and precisely delivered yesterday by the distinguished senior Senator from Missouri (Mr. SYMINGTON), whose subcommittee has looked into the problem of how to bring our foreign policy commitments and our military manpower into balance.

Recently, Congress has become increasingly concerned about the size of the military budget and this has led the Armed Services Committee to require annual authorizations for such items as aircraft, missiles, naval vessels, tracked combat vehicles and weapons and munitions. Since military manpower is the largest single item in the defense budget, Congress should have a better opportunity to scrutinize manpower levels and expenditures. The easiest and most logical way to do that, Mr. President, is to require annual authorizations for manpower.

Section 2 of the amendment requires the President, in requesting legislation to authorize the active-duty strength of the component forces, to spell out the relationship between the levels requested and our national security policies.

The PRESIDING OFFICER (Mr. MILLER). The amendment will be received and printed, and will lie on the table.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENTS

AMENDMENT NO. 798

Mr. BROOKE (for himself and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BROOKE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 799

Mr. BROOKE (for himself, Mr. MCINTYRE and Mr. HART) submitted an amendment, intended to be proposed by them, jointly, to House bill 17123, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. BROOKE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL STATEMENTS OF SENATORS

NATIONAL GOAL: CURE FOR CANCER

Mr. YARBOROUGH. Mr. President, the conquest of cancer is a goal which can be achieved if we are willing to dedicate the necessary resources to the battle.

On April 27, 1970, the Senate established the National Committee of Consultants on the Conquest of Cancer. The distinguished members of this study committee began their work in the Nation's Capital on June 29, 1970, and held their second meeting in New York City last Monday, July 27, 1970. This fall the committee will report on what needs to be done to find the causes and cures of cancer.

An editorial on this bold campaign to conquer cancer was published on July 23, 1970, in the Diboll, Tex., Free Press, on page 2 section 2. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL GOAL: CURE FOR CANCER

When President John F. Kennedy issued his inaugural address at the beginning of the 1960's, he overwhelmed everybody by stating that the United States needed a national goal. And that goal should be to put an American on the moon before 1970, he went on to say.

Those who knew John Kennedy even remotely knew that he meant it. Those of us not too familiar with this new figure in American politics probably thought little about the boast, the promise that our national goal would be to send a man to the moon and bring him back—all in a period of less than ten years.

John Kennedy put into motion the men, money and muscle needed to accomplish the task. We proved that a nation could, and should, have such national goals.

Departing U.S. Senator Ralph Yarborough may have come up with our national goal of the 1970's: to conquer cancer.

The Texas Senator says he thinks a cure for cancer can be found by 1976, if America will only adopt this as a national goal. And what better goal to set for this decade than to conquer a disease that each year wipes out 300,000 American lives?

We have over the years found ourselves at odds with our Democratic Senator, though more with him than against him. We certainly are with him now, and it would be well for all segments of Americans to join this campaign to find a cure for cancer.

DISABLED COAL MINERS

Mr. SCOTT. Mr. President, as a Senator from a major coal-producing State, it greatly concerns me that disabled coal miners are all too common throughout the coal mining regions of the United States.

At the present time, such coal miners and their families are eligible for medical and hospital benefits from the United Mine Workers of America Welfare and Retirement Fund for 1 year after leaving the industry. In addition, if the disabled miner qualifies for a pension from the welfare fund, he is entitled to medical care for himself and his family for life. At the present time, the minimum age for a pension under the fund regulations is 55, with 20 years in the Nation's coal mines.

Unfortunately, I understand that even these regulations do not cover all of the miners who need hospital and medical care. Moreover, I am informed that the financial position of the fund dictates that a 1-year limitation must be placed upon hospital and medical care for beneficiaries who leave the industry.

Therefore, there is a gap between what is needed and what a private fund is able to provide. Last year, more than $65 million was paid for the fund for medical care out of a total revenue of $174 million. The fund's cost of providing medical care seems certain to increase even if no additional beneficiaries are added to its roles because of a liberalization of the medical care regulations.

There can be no doubt that the needs of the disabled miners are urgent and real. President W. A. Boyle of the United Mine Workers of America has come up with an answer to these needs without sacrificing the solvency of the fund. His proposal merits the serious attention of the Members of the Senate. I hope in the near future to introduce legislation to accomplish the objectives set forth by Mr. Boyle. In the interim, I ask unanimous consent that a letter from him to me outlining his proposal be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED MINE WORKERS OF AMERICA,
Washington, D.C., July 28, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: Disabled coal miners under 65 years of age face a serious problem of medical and hospital care which must be assumed by the nation. These miners have suffered disability as the result of employment under hazardous conditions in an industry vital to the nation's health, comfort and economic welfare. They richly merit assistance from the nation in their hour of need.

The United Mine Workers of America has sought to meet the hospital and medical care needs of these disabled workers through the UMWA Welfare and Retirement Fund which is negotiated with the coal industry. The Fund expended more than $55 million of a total income of $163 million, for hospital and medical care for the mine workers during the fiscal year ending June 30, 1969. In the fiscal year ending June 30, 1970 the Fund spent over $65 million out of a total income of $174 million for hospital and medical care.

Because of the ever-escalating costs of medical and hospital care, the UMW Welfare and Retirement Fund has been forced to limit medical and hospital benefits to one year following disability for mine workers too young to qualify for a pension. Our union fully recognizes that this is inadequate to the needs of mine workers.

The UMW intends to win a much higher industry contribution to the Welfare and Retirement Fund in its 1971 negotiations. Even if the present forty cents per ton contribtuion were doubled, it would not be sufficient to provide indefinite hospital and medical benefits to disabled miners because of the need to increase pensions, survivors benefits and other benefits.

During recent weeks, mine workers who have been unemployed for more than one year because of disability have picketed and disrupted production of vitally needed coal in several mine fields. We recognize that the disabled miners' needs are urgent and very real. The UMW Welfare and Retirement Fund, however, cannot provide indefinite medical and hospital care for these disabled miners without denying benefits to other working and retired members and survivors.

The real answer to this problem, especially in the face of soaring medical and hospital costs, is a program of hospital and medical benefits for disabled miners similar to Medicare which would become applicable one year after disability. Such a program should provide uniform benefits for continuing medical and hospital care costs resulting from disability. The UMW Welfare and Retirement Fund now provides certain supplemental benefits to retired members over 65 who are enrolled in the Medicare program and would attempt to provide similar benefits under a federal program for disabled mine workers who have exhausted benefits now paid from the Fund.

In the view of the UMW, such a program would best be supported from general taxation. We urge the immediate introduction of legislation to meet the health care needs of disabled mine workers following one year of disability. We will be more than pleased to work with your office in shaping a satisfactory legislative measure.

Sincerely yours,

W. A. BOYLE,
President.

SEABED CONVENTION

Mr. MUSKIE. President Nixon stated in late May that the United States favored a strong form of international authority over all areas of the seabed and subsoil of the high seas beyond a depth of 200 meters. This statement of policy provided an excellent framework for the extension of sound international law and cooperation in the uses of the ocean.

The President now has a rare opportunity to pursue this initiative by introducing a comprehensive proposal to carry out these objectives before the U.N. Seabeds Committee meets in Geneva early next month. I urge the President to seize this opportunity and reject the advice of those who fail to see the necessity of extending sound environmental and legal concepts to the deep ocean. Unless sensible international arrangements are made shortly, spiralling demands on ocean resources and technological advances will make a shambles of this last untouched world resource.

The oceans are the common heritage of all men, and they should be the objects of world cooperation rather than world division.

First. An unqualified declaration that ocean seabeds and subsoil beyond the 200 meter boundary are the common heritage of all mankind;

Second. An unqualified prohibition against unilateral coastal state claims and unregulated exploitation beyond the 200 meter line;

Third. The unqualified reservation of international seabeds and subsoil for peaceful purposes only;

Fourth. The creation of a strong international authority to protect the marine environment and to regulate the

exploration and exploitation of such areas;

Fifth. A limitation on the rights of coastal States in areas beyond the 200 meter line to actions taken in concert with and largely for the benefit of the international authority.

The area between the 200 meter line and the base of the continental slope is of critical importance. It is here that the international authority must be strong. The zone should not extend beyond the recognized limits of the continental slope, and fees and payments received by the coastal State for development in this area should be turned over to the international authority for the benefit of all peoples.

Finally, both the international authority and the coastal State which may act on its behalf must establish strict environmental safeguards to preserve the life of the ocean.

From information that I have received, it appears that the proposal being developed within the executive branch is admirable in concept and in scope. I urge the President to take the fullest advantage of this opportunity to move forward in a field of utmost importance to the future of mankind.

THE CHANGING AMERICAN SCENE—ADDRESS BY FORMER SECRETARY OF STATE DEAN ACHESON

Mr. MILLER. Mr. President, one of the most perceptive analyses of the changes occurring in our society and their implications for the future was provided by former Secretary of State Dean Acheson last May 13 in his address at the Air University.

Fortified as they are by a close familiarity with history and the social and political changes produced by developments, Mr. Acheson's remarks command great attention and respect.

I regret that the address leaves one with a feeling of alarm and pessimism, coupled with the reaction of hope that this distinguished citizen will provide us with an equally perceptive analysis of how our society can reverse the trend Mr. Acheson so forcefully describes.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CHANGING AMERICAN SCENE AND ITS IMPLICATIONS FOR OUR NATIONAL WELL-BEING

(Address by Dean Acheson)

Thinking of how to sum up for you my assigned theme, "The Changing American Scene and Its Implications for Our National Well-Being," I recalled that Lord Kenneth Clark had described a strikingly similar period as a time of "Protest and Communication." He was referring to the Reformation in sixteenth century Europe. Then, while a new world was in process of discovery and new horizons were unfolding, a novel method of communication fanned long dormant embers of protest into flames that destroyed the unity of Christendom and the very conception of universal authority. The protest of the fifteenth century was prelude to the destruction of the Thirty Years' War in the seventeenth, unequalled since barbarian invasion had put an end to the *Pax Romana*.

The novel method of communication was the printing press. "People used to think of the invention of printing," observed Lord Clark, "as the linchpin in the history of civilization. Well, fifth century Greece and twelfth century Chartres, and fifteenth century Florence got on very well without it—and who shall say that they were less civilized than we are? Still, on balance, I suppose that printing has done more good than harm."

Can one say as much of radio and television, which are dominating our age? Whatever the answer, the question is probably the wrong one. If we ask instead whether the impact of radio and television on our age is comparable to that of printing on the sixteenth century, the answer must be: Certainly—but far greater in affecting the pace and direction of change. Surely the fact that the Korean War was the last to be reported mainly by press and the Vietnamese the first to come to the viewer directly through television has had a great deal to do with the change in the public attitude between the two. Can one doubt that, had General Grant's Wilderness Campaign and the fighting from Somme thrugh Passchendale been seen on television, the problems of all leaders, but especially those of Presidents Lincoln and Wilson, would have been even more difficult than they were and vastly different?

In the sixteenth century the printed word needed nearly a hundred years to fan protest to effective and destructive action. The real and alleged causes of protest had long been present. Doctrinal and organizational conflicts were not new within the universal church. Political unease between the Emperor and the Pope and between both and the great feudal lords had laid fuel for the kindling despite the removal of restless spirits by the crusades. Protest against the harshness of the feudal system had already burst into violence with the Peasants' Revolt and its bloody suppression. Even so, criticism of religious and political authority was carried by a slow, small current to a few selected segments of society, and addressed to an educated elite. Today, in sharp contrast, an insistent torrent of information, misinformation, and opinion on all subjects overwhelms our society for lack of historical perspective and a prevailing sense of values necessary to cope with it. This lack is a consequence of the pace of change. In my lifetime the population of our country has more than trebled. By the end of the century it will increase further by an amount equal to the combined populations of Britain and France. An estimated 88% of our people will live in cities of over 100,000 inhabitants. The strides in science and technology surpass all achieved between the origin of the wheel and the nineteenth century. The increase of material production over only the past twenty years has been so great as to produce an environmental crisis of the basic elements of life itself—air, water, and the supporting earth.

Adjustment to the pace of change is quite as upsetting as to change itself. Over many millennia women have been struggling to overcome restraints variously attributed to men and biology. In the past century the rate of change in their status has been bewildering. Economic pressures, education, and medical science have all contributed to it. Its effect on the unit basically affecting contemporary culture, discipline, and ethical standards—the family—has been enormous.

All these changes have cumulatively accentuated another apparently new, but actually very old and always disturbing, phenomenon—the conflict of generations. To both Plato and Aristotle, revolt for its own sake by the young against the system and establishment of their elders—whatever it might be—provided the chief periodical cause of social change. It had no consistent purpose or effect; merely to change the *status quo*. Latterly it has been observed that this revolt has occurred only during static social periods when the younger generation found no escape from the geographic or other limitations of their elders' society. When, however, new fields or opportunities were opened by new discoveries, adventurous youth flocked off to new fields to make their own mistakes with joyous unrestraint. Even in static periods, it has been pointed out, those who protested were rarely themselves oppressed protestants. Thus, in Europe of 1848 middle-class and well-to-do students were championing working-class grievances; and in Russia, at the turn of the century, those of the peasants. Without laboring the point, it is probable that student unrest in this counry today is more the result of the nature and pace of change than a cause of change.

Another profound effect over the past century of the changes we have been noting is upon our political postulates. With growing emphasis after the Civil War the principal postulate, the Zeitgeist, was faith in Progress, conceived of as a force moving humanity steadily forward and upward. So strong was faith in this escalator that interference with its workings was regarded as a sort of hubris, an insolent meddling with divine law. Indeed, the Supreme Court interpreted the constitutional protection of life, liberty, and property as incorporating the doctrine of *laissez-faire*, or—in Justice Holmes's phrase—as enacting Mr. Herbert Spencer's *Social Statics*. Legislatures were prohibited from regulating economic enterprise in doing what came naturally.

Now, however, acceptance of the mechanistic ideal of Progress has given way to galloping nihilism and cynicism on one side and to escapist sentimentality on the other. In the resulting confusion a new postulate has easily taken over first place in political belief. The doctrine that all men are created equal has long been deeply imbedded in our political holy writ. After passing through the larval and chrysalis stage as an aspiration and ritualistic affirmation, it now emerges as the crusading faith of our time, demanding destruction of infidels. Egalitarianism and its corollary, maporitarianism, are potent forces for change today. Again, the Supreme Court within the past decade and a half has given constitutional sanction to both doctrines as controlling in our domestic affairs.

The State Department verbally embraces the same doctrines as the touchstone in relations with governments abroad. Their effects are only tangential and whimsical, for few governments in the world are based upon a broad, honest, and effective franchise. The domestic affairs of strong governments, like those of most of the communist states, we cannot affect and do not try to. Weaker regimes, such as those in Greece and Haiti, we scold for departures from the true faith. In regard to assorted regimes, black and white, the egalitarian principle is treated with light-hearted inconsistency. The black dictatorship of General Mobutu in the Congo is pampered with over a billion dollars in aid funds, while Duvalier's Haiti is starved. The white governments in southern Africa are subjected to various manifestations of displeasure (all ineffective), including embargoes and other irritations. Like a cannon loose in an eighteenth century ship of the line during heavy weather, the principle of egalitarianism can wreak considerable havoc to the crew without harm to the enemy.

Together the electronic media and egalitarianism have intensified the change in the nature of American political leadership that began in the Jackson era. Until then—and in Europe until much later—the word "Establishment" could be meaningfully applied to those directing the nation's affairs. After Jackson, and particularly after the Civil

War, the Establishment split, the controllers of economic affairs taking over the bulk of ability and power. Politicians, federal and local, fell into disrepute amounting almost to contempt. The same was true in Europe, so much so that George Bernard Shaw, himself a Fabian socialist, in *Back to Methuselah*, imagined a society of people living to nearly a millennium, attaining great wisdom, and assigning the duties of government to Chinese slaves. The main point, however, is the interacting effect of the demotion in status of the politician, the increase in complexity of his problems, and the development of electronic communication.

In a democracy gifts of advocacy and acting, enhanced by the new techniques of communication, are of immense importance in attaining political power and maintaining agreement, approval, and consent. They are, however, far less potent aids in the management of great affairs. Mr. Churchill's oratory inspired the British people, but it was his ability to stimulate and direct wise action that carried them through the Battle of Britain. Hitler's oratory aroused the German people, only to lead them to evil courses and their own destruction.

The needs of a politician before and after his election to office were strikingly brought home to me during a call from Mr. John F. Kennedy to discuss appointments to his Cabinet in December, 1960. "I knew," he said, "almost everyone in the country who could have helped me in becoming President, but I know all too few who can help me in acting as President."

It would be quite wrong, however, to leave the impression that the chief effect of the new electronic communication is as an aid to its adept users in gaining a political following. The obverse is equally true. It is also a powerful aid to the impact of any protesting group upon both political leaders and other social groups. Nor is this all. By accentuating the dramatic—and what is more dramatic than conflict?—it encourages exhibitionism, extremism, and violence. These are far more potent in gaining attention and asserting a position than reasoned argument and rational persuasion. The effect is to set aflame the atmosphere of political discourse and deprive it of reason, just as the great fire raids of the last war fed upon oxygen sucked from the air.

Finally, we are not without some experience to guide us in foreseeing the effect that competing and inflamed protests, aimed both at influencing leaders and attracting support, have upon the cohesion of a society. When I was young, British society nearly came apart over the controversy about Home Rule for Ireland and the Ulster question. Extremes of passion made parliamentary government almost impossible. Violence permeated the political scene to the point of being embraced by women in pursuit of their demand for suffrage. The loyalty of the army and of young intellectuals to "King and Country" was drawn into question. The outbreak of the First World War, perhaps, saved the British from trouble approaching that which produced the Civil War in 1641, the Revolution of 1688, and the Chartist riots of the nineteenth century.

Not long afterward the combination of military defeat and resulting internal divisions of the most basic sort so dissolved the coherence of the Russian and German political systems that the Bolsheviks and the Nazis, respectively, were enabled to impose their totalitarian systems and suppress all dissent by force and terror.

Such are the main elements, as I see them, in the changing American scene. What are the implications for our future national welfare? Do they help or hinder toward establishing justice, insuring domestic tranquility, and providing for the common defense? Do they help or hinder the conduct of relations with foreign nations to create a favorable environment in which free societies may survive and flourish? I believe that they are harmful for the reasons that can be briefly stated and explained.

First, the factors of change already noted are reducing the quality of judgment and the effectiveness of action with which our society and others deal with the tasks confronting them. They push leaders and lead toward the satisfaction of immediate desires and easiest choices. Then turn people away from self-restraint, discipline, and pursuit of values attainable only by persistent following of long-run policies.

Second, these same factors affect other nations very much the same way they affect us. Thus, an ill-considered decision of one state may adversely affect another, provoking equally ill-judged response, impairing the long-range interests of both and the prospects of future cooperation. Furthermore, as Lord Salisbury observed, the world was better off when people "could read no other language than their own." Now that they can hear and see what is going on everywhere, there is no end to "envy, hatred, and malice, and all uncharitableness" in interfering with other peoples' business. National and international communities are becoming more volatile, reacting hastily to find quick relief from often self-inflicted ills at the expense of impairing well-laid plans and more distant values.

For instance, during a brief period after the last war, a few gifted French leaders initiated in Westen Europe inspired steps toward a unity that might transcend the confines of small national states and hold promise of a new, strong, and benign unity in world affairs. The French people tired under the immediate strains of the task. Diverted by the lure of glamour and *folie de grandeur*, they followed General de Gaulle into a policy of prideful nationalism, which the country could not economically afford or militarily support. In its course to failure the military defense of Europe was weakened, the franc devalued, and economic and political conflicts were set up within Europe and with the United States that have impaired the opportunity to create a viable European community.

Again, as one considers our increasing involvement in Vietnam following the French withdrawal in 1954, one notes a series of improvised steps to deal piecemeal with a deteriorating situation. Most of them won general approval; none appeared as a large commitment until a very large one was upon us. One senses the defect, dangerous to gamblers and politicians, of increasing one's bets and investment in a venture showing steady loss, thus increasing the difficulty of cutting one's losses and scrapping the venture. One misses a calculation of the future, a reckoning of costs within allowable investment and values obtainable, unobscured by words like "falling dominoes," "honorable solutions," and "the will to win." The result has shaken confidence in our government at home and abroad and set up or increased conflicts, dangerous in the extreme, within our society. This is a description of continued failure of judgment.

Illustrations could be multiplied. It is enough to mention the reaction of the Soviet apparatus to alarm over successful protest by the Czechs against the rigidity of their communist bureaucracy and fear that it might be contagious. The short-term solution of invasion and suppression suggests long-term setbacks in relaxing fears and hostilities that must precede settlements furthering Russian security. One can add the failures of developing societies in Latin America to identify and attack their own problems rather than protest that a rich neighbor is not doing more to help them.

Perhaps the most basic difficulties of our own society and others in this time of protest and communication arise in identifying real subjects of concern and dealing with them with discrimination, circumspection, and persistence. In his book, *The Unheavenly City*, Professor Edward C. Banfield of Harvard discusses "Counterfeit Crises and Real Problems." Confusion comes from failure to differentiate the consequences of a cold from that of cancer. Our people are overwhelmed and frustrated by a multiplicity of concerns. A danger that confronts the radar of antiballistic systems is being saturated and rendered ineffective by multitudinous incoming targets—some false, some real weapons. Survival lies in identifying the real ones. In the political and social fields, protests, demonstrations, strikes, disorder, and the babel of media do not help separate the counterfeit and spurious from the real. Counterfeiting crises is considerably more serious than counterfeiting currency and is worthy of at least equal suppression.

When real problems are identified, the need arises to deal with them circumspectly. This requires a penetrating survey of all aspects of the problem and the effects of all solutions proposed. Solutions that create more or more serious problems than they attempt to solve are not wise or feasible, no matter how much support they have. For instance, if the legally enforced separation of black and white children for purposes of education had been clearly identified as a problem requiring solution, it would have been recognized as different and separate from other problems, such as enforcing by law some specific racial mixture in all public schools, or the use of schools whose primary function is education, as an instrument of social reform. Careful scrutiny of remedies would reject as not feasible those that seemed likely to bring an exodus of whites from cities, impairment of the cities' tax bases, underemployment and crime within them, decline in the quality of public education, other services, and the general urban environment.

In the foreign field the same necessity exists for discernment in selecting objectives and circumspection in choosing means and methods. Aid and trade policies and methods, for instance, seem to be products of popular whims and vagaries. Sometimes the aim asserted is to gain allies or strengthen them; at other times, to strengthen democratic regimes; at still others, to punish those of whom we disapprove by cutting trade relations. Often the object seems to be the humanitarian one of relieving need; and, again, the more earthy one of reducing surpluses by giving them away. Some urge the building of commercial bridges to communist satellites, presumably to wean them away from their ideology. In the face of this confusion, consistency in policy is almost impossible, and intelligent criticism of method very difficult. The result is most often an attitude of revulsion against liberal trade and aid policies and return to restrictive and isolationist ones.

However, "the common defense"—as the Constitution states one of our trinity of national purposes—suffers, perhaps, most severely in the interplay between the masses and the media. Here, where General Marshall used to urge that consistency and persistence in effort are as important as magnitude, policy is subject to extremes of almost hysterical pressures. Under the stimulus of actual enemy attack, there is almost no limit to what the media will support, the people will authorize, and the government will provide. When the memory of danger fades, taxation and national service are viewed as intolerable and unnecessary burdens. Distrust, springing from an unpopular war, accompanied by its full quota of military and political misjudgments, touches off an epidemic of attacks and protests, which

undermine confidence in the whole military establishment. When a distinguished soldier and undistinguished President voiced suspicion of the "military-industrial complex," he proved not only that "war is much too serious a thing to be left to military men," but that politics is, also.

War—certainly nuclear war—is too serious a thing to be engaged in by anyone. The object of national policy is to prevent it. In the present state of justified mistrust among nuclear powers, endless talk alone cannot produce a reliable nuclear disarmament treaty. Verbal negotiations will have to be accompanied over many years by negotiation through acts in which a wise, expensive, and persistent military policy upon our part might convince the Russians of our mutual interest in maintaining stable second strike capabilities on both sides, incapable of escalation into a first-strike capability without detection from outside observation.

Then, and only then, could some measure of confidence be placed in engagements. But have we the resolution and discipline to embark on and maintain such a policy over the years? Twenty years ago I argued with conviction that our society was inherently stronger than the Soviet because it was supported by the free will and consent of its citizens, whereas a communist regime rested upon compulsion backed by fear. If, however, free citizens turn against a course that their interest calls upon them to follow, within measurable time it will fail. The virus of disbelief in danger and recoil from meeting it seem to lead to distrust and impatience toward our allies and a wishful belief that Russian hostility of the Stalin-Khrushchev period has abated. Some go even further and urge a unilateral postponement in development or even an actual reduction of our military capacity to induce a Russian response in kind.

Enough has been said to indicate where present trends could take us. I cannot recall an instance of a democratic society that, once having lost the will to provide for domestic tranquility and national security, has regained it by a new birth of discipline and commitment. It has been said that the judgment of nature upon error is death. In the life of nations that judgment has been disaster. I do not predict. It is enough to regret that

I tell you nought for your comfort,
Yea, nought for your desire,
Save that the sky grows darker yet,
And the sea rises higher.

SENATOR MOSS AND THE CONSUMER

Mr. MAGNUSON. Mr. President, we in Congress rarely look back. Today's crisis or tomorrow's law preoccupies us. Stirring legislative battles, victories and defeats, pass quickly and surely from the front pages to the dimly remembered quiet of the CONGRESSIONAL RECORD.

But this week I happened to read a summary of the work of our Consumer Subcommittee during the current Congress. Frankly, I was amazed, not only at the level of energetic activity but at the level of significant achievement.

The Senator from Utah (Mr. Moss) assumed the reins as chairman of the Consumer Subcommittee only in April of last year. Much of the technical side of the subcommittee's work was new to him, but he seized the responsibilities and sorted out the essence of what it is that frustrates, angers, and bugs the Nation's consumers, then he set out to do something for the consumer.

Just look at the range of issues his subcommittee has pursued: cigarette advertising and toy safety; flammable fabrics and poison prevention packaging; advertising and drug addiction; advertising and nutrition, chemical mace and fish inspection; a forum of consumer protection activities within the Federal Trade Commission and the strengthening of the antifraud work of the Justice Department; assuring consumers that their day in court through class action suits for the benefit of all consumers cheated by the same scheme or practice, the development of sound consumer information on product life and performance through product testing and scrutiny of supermarket pricing and labeling practices which bring the consumer a dollar's worth for a dollar spent.

Several major new laws are already on the books as a result of his efforts; others are well on their way to enactment this year. And for still others a solid foundation has been laid for future action.

I thought Senators would like to have a capsule glance at the record of TED Moss' work product as chairman of the Subcommittee for Consumers.

Let us look at the record.

Warranties and guarantees: Let us face it. There is probably no greater source of frustration with the American consumer than phony and misleading guarantees. The tricky warranty game has become an American ritual of the late 20th century: Man buys a product—especially an appliance—that does not work or does not work the way it should or stops working in a couple of days. Then comes the anxious scanning of the small print in the warranty sheet and the inevitable discovery: The warranty expired as you crossed the threshold of the store; moving parts were not covered; you have to mail it to Muncie, Ind., postpaid. Shoddy workmanship coupled with shoddy promises. A recent poll in Utah found two-thirds of those polled demanding remedial legislation on warranties and guarantees.

Under Senator Moss' subcommittee and floor leadership they are getting it. The Senate has passed the landmark guaranty and warranty bill. When the House completes action, this law will force manufacturers to spell out their warranty obligations, keep them from using words of warranty as an illusory smokescreen to escape their common law obligation to provide a product which is fit for the purpose for which it is sold. It is a law which sets minimum standards for the content of full warranties; and it provides for the consumer's full recovery of his attorney's fees and incidental expenses if he has to go to court to enforce his rights.

Cigarette advertising: It is rare enough in Congress when a Senator or a Representative in Congress enters a face-to-face challenge with a powerful industry and it is rarer still when he wins. Senator Moss took on two heavies of American industry, the cigarette manufacturers and the broadcasters. The law which will make cigarette commercials a historic curiosity by the first of next year bears his imprint more than any other man. It represents the culmination of a decade-long fight for TED Moss—a fight he will not let rest until we have brought home to our young people the full truth about the hazards of smoking.

Toy safety: 6 months after the National Commission on Product Safety told Congress that comprehensive toy safety legislation was needed, the bill which Senator Moss had engineered through Congress was signed into law. No longer will our children be exposed to sharply pointed pins used to attach the eye of a doll; no longer will our children inhale the darts of a poorly designed Zulu gun. These dangerous products, and thousands of others like them, are no longer being sold thanks to the enactment of the Toy Safety Act.

Poison prevention packaging: The Consumer Subcommittee focus on protection for the very young has been demonstrated in yet another piece of legislation which the Senate has passed. Some day an innocent child, briefly unattended while her mother answers the door, will grab for some furniture polish under the kitchen sink and find that it has been safety packaged so that its deadly contents cannot find its way into her mouth. The mother who returns to find her baby struggling to get into the enticingly packaged container will have Senator Moss to thank for the safety closure that has saved her child from harm.

And the list could go on—Flammable Fabrics Act amendments that give the Federal Trade Commission stronger enforcement tools; future hearings on the product safety proposals of the National Commission on Product Safety; auto insurance legislation reform; nutrition of dry breakfast cereals.

Of course, no Senator single handedly passes legislation. It takes great teamwork to engineer important legislation through Congress. But Senator Moss has time and time again captained a strong consumer team that has scored heavily for the consumer—and for legitimate business. Consumers are fortunate in having a man like TED Moss carrying the ball for them.

Mr. MOSS. Mr. President, I am grateful to the senior Senator from Washington for his expression of confidence in my leadership of the Consumer Subcommittee. I would remind Senators, however, that I am but following the course set by Senator MAGNUSON himself, who doubled as chairman of the Consumer Subcommittee until he asked me to assume that responsibility.

Senator MAGNUSON has long been recognized as one of the top national leaders in promoting the consumer interest. He has provided an excellent example of leadership by his arduous efforts, his dedication, his effectiveness. I am pleased to be able to follow in his footsteps as chairman of the Consumer Subcommittee and join with him as a cosponsor of a number of measures including the warranty and guaranty bill that was recently passed by the Senate.

I have enjoyed this work and feel that we are making real progress in securing for consumers their just rights in the

marketplace. I want to assure the chairman of my continuing commitment to work with him in pushing the consumer movement forward.

SENATOR RANDOLPH RESPONDS TO EDITORIAL—DISCUSSES HIGHWAY PROGRAM AND TRUST FUND

Mr. RANDOLPH. Mr. President, on July 20, the Washington Post published an editorial concerning the Highway Trust Fund. I felt there were erroneous conclusions about the highway program and my own viewpoint on the future of the trust fund.

I subsequently wrote a letter to the Post discussing these matters in detail. That letter was published today.

I ask unanimous consent that the editorial of the Washington Post and my letter be printed in the RECORD.

There being no objection, the editorial and letter were ordered to be printed in the RECORD, as follows:

$20 BILLION A YEAR FOR HIGHWAYS?

On the Senate floor one day last month, Senator Randolph tossed off a piece of information that each member of Congress and each taxpayer ought to ponder for a while. "State highway officials, through their nationwide organization," he said, "estimate that the national highway needs for the next 15 years will cost $320 billion."

We've gotten so used to talking about billions—a federal debt that approaches $400 billion, a defense budget of around $80 billion—that the size of this figure is hard to grasp. But $320 billion is enough money for the government to buy all the railroads in the country, repair their roadbeds, fill all of their needs for new equipment, operate their passenger and communter trains without charge to the riders for the next 15 years, and still have a big kitty left over. Looked at another way, $320 billion is enough to buy every man, woman and child in the United States a new television set on each January 1, for the next 15 years.

That's why the hearings on highway matters on Capitol Hill last week are important. Slowly but surely, and rather quietly, Congress is moving toward a decision that will set the country's tranportation policy for the next decade. The law that sends tax revenues directly into the Highway Trust Fund expires on October 1, 1972, and the time for Congress to renew or change it is drawing near. And so is the battle between those who want to keep this great pot of federal money—now more than $4 billion a year—flowing into highways and those who want to see some of that money diverted to other projects, most particularly other transportation projects.

Some members of Congress, like Senator Randolph, have already made it clear that they cannot conceive of any substantial change in the trust fund. But Secretary of Transportation Volpe testified last week that he favors a broader use of trust-fund revenues. And Governor Mandel, speaking on behalf of the National Governors Conference, argued that a state ought to be able to choose between having its share of that trust fund spent on highways or on some other kind of transportation.

If the administration will give Secretary Volpe its full support and if the governors and mayors, not to mention plain old taxpayers, will rally round Governor Mandel, the fight over the trust fund could be a good one. But if any change is to be made in how that fund is used this kind of strong support will be required. The highway lobby is about as strong as lobbies come and a good many members of Congress seem to be in love with highways.

Before voting to renew the trust fund as it now stands, however, members of Congress ought to think about what it is doing to the country. One out of every eight dollars that state and local governments spend goes into highways. These governments spend more on highways than on colleges and universities; twice as much on highways as on hospitals; four times as much on highways as on crime prevention; ten times as much on highways as on parks and recreation. Much of this highway spending is stimulated by the federal government. It puts up almost a third of the money and a state can hardly afford to reject the 90–10 or 50–50 matching funds thus made available. All this happens while the cities become increasingly jammed with cars, while the air thickens with exhaust fumes, while seashores become more polluted with oil. Does it make sense in this situation—which is not the situation that existed when the trust fund was set up in 1956—for Congress to lead the way, to egg the states on, towards a time when more than $20 billion a year is spent on highways?

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., July 20, 1970.

The WASHINGTON POST,
1515 L Street NW.,
Washington, D.C.

DEAR SIR: Your editorial of July 20 on the Highway Trust Fund raises questions that merit further discussion, as does your interpretation of my position concerning the future of the fund.

I agree that, considering the scheduled 1972 expiration of the Trust Fund and the delayed completion of the Interstate system, the hearings conducted by the Subcommittee on Roads are very important. For this reason I was disappointed not to see any coverage of these hearings in the Post up to this point, coverage that would contribute to a fuller public understanding of the issues involved.

Throughout the 15 days of hearings held this year there has been considerable discussion of the Highway Trust Fund. It is obvious from this testimony that there is some sentiment (but not necessarily a consensus) for changing the Trust Fund from its present comparatively limited purposes. The Trust Fund was created in 1956 mainly as a financing mechanism for the Interstate system of highways and the regular Federal-aid road building program. There is little question that it has performed this function well.

With the Interstate system now more than 70 percent complete, it is apparent that the Congress must give careful consideration to a new national highway program, one that will help set transportation patterns for many years. That is one reason I have deliberately deferred introducing comprehensive highway legislation until the conclusion of these hearings. In this way neither witnesses nor Senators were limited to discussions within the confines of specific legislative proposals.

I have not, contrary to the implications of your editorial, advocated an indefinite continuation of the Trust Fund as now constituted. I have stated that I believe the Federal Government has a moral, if not strictly legal, commitment to the public to complete the Interstate system substantially as authorized on a 90–10 matching basis. There has been strong evidence that several segments of the Interstate system, primarily high-cost sections located in urban areas, may never be constructed. Because of this, I have asked Transportation Secretary Volpe to explore with the appropriate state and local officials the feasibility of considering these controversial segments for removal from the Interstate system at a possible saving of $4 billion.

It is now estimated that the Interstate system can be finished in about seven years, and I am now considering proposing a legislative measure to establish a firm deadline for this completion.

For the post-Interstate period I have been repeatedly advocating establishment of a single formula for allocating Federal highway funds, perhaps on the order of 70–30, with the states having wide latitude in determining where this money should be spent. In this way we might hope to profit by the experience of the past 14 years, in which there has been concentration on the Interstate system, a necessary and worthwhile program, and comparative neglect of other parts of the highway network especially old bridges and many primary and secondary roads.

Although the transportation uses of the Highway Trust Fund cannot be broadened a great deal while the Interstate obligation remains, I expect to see moves to do so this year. Last December, I introduced a bill which would allow cities to use Trust Fund monies to support public transportation systems, mainly buses, thereby making use of highways more efficient and hopefully reducing the need for additional urban highways. I have also proposed a bridge replacement program financed by the Trust Fund.

New legislation to be introduced will propose moving other highway-related activities into Trust Fund financing, including forest highways, public lands highways, safety programs, safety research, beautification, replacement housing and equal employment opportunities.

Witnesses at our hearings have advocated enlarging the Trust Fund into a general transportation fund. I recognize that some transportation programs have been severely underfinanced, and I hope these imbalances can be corrected. What will happen several years in the future I cannot predict, but I feel it is necessary to retain the Trust Fund in essentially its present form until current Interstate and Defense Highway system commitments are met.

Truly,

JENNINGS RANDOLPH, *Chairman.*

TRIUMPH OF FREE ENTERPRISE

Mr. TOWER. Mr. President, the distinguished Senator from Colorado (Mr. ALLOTT) performed a service for the Senate and for readers of the CONGRESSIONAL RECORD on July 6 when he inserted a speech given in Tokyo on July 2 by the distinguished Chairman of the Board of Governors of the Federal Reserve, Dr. Arthur Burns. I have just finished reading the speech, and for those who may have missed it for one reason or another, I make the suggestion that this was too important a statement to miss. It can be found in the CONGRESSIONAL RECORD, July 6, 1970, page 22799.

The title of the address was "The Triumph of Free Enterprise." It was delivered in Tokyo, Japan, and addressed the problems of developing economies throughout the world. More than that, however, his thoughts range far into fundamental questions, and with a great deal of historic perspective he compared the promises and the performances of free world and Communist bloc economies during the past several decades. The substance of his remarks is that the world's economic success stories—particularly the Asian countries of Japan, the Republic of Korea, Nationalist China, Thailand, Hong Kong and Malaysia—are all countries which to a greater or lesser degree have adhered

to market economic principles. By contrast, Asian countries which experienced the slowest rates of growth in the period from 1958 to 1968 were also the countries which leaned most heavily on centralized economic controls. Examples in this category are Ceylon, Burma, India, and Indonesia.

Concluding his remarks on the international economic picture, Dr. Burns voiced the hope that those countries which have fared less well will be inclined to review their positions in the light of past policies and change those policies:

I see a basis for optimism about the future in the economic experience of both the countries that have forged ahead and those that have lagged behind. What has gone wrong, after all, is not something immutable. A country can change its future, for the better, by changing its policies. The countries that have lagged in the economic contest have the opportunity to learn from experience and to alter their course.

I commend Dr. Burns for his timely and astute remarks.

MAYOR GRANDBERRY PROVIDES A STRONG LEADERSHIP IN TIME OF DISASTER

Mr. YARBOROUGH. Mr. President, the Houston Chronicle of July 26, 1970, contains an article entitled "Lubbock's New Mayor Had Trial by Tornado," which describes the leadership and courage displayed by the mayor of Lubbock, Dr. James H. Grandberry, during the recent Lubbock, Tex., tornado.

As the article points out, Mayor Grandberry had been in office only 3 weeks when the tornado struck the city in early May. Despite his newness to the office, Mayor Grandberry went into action immediately and displayed leadership and organizational skills that would arouse envy in the most experienced governmental administrators.

I toured this disaster area within 72 hours of the tornado and met with Mayor Grandberry and the City Council of Lubbock to go over the situation in detail to determine what needed to be done. I was most happy to be able to help the people of Lubbock by expediting emergency assistance to that stricken city. The tornado struck Lubbock on May 11, 1970, and on May 18 after my return to Washington, I introduced S. 3848 to give special emergency relief to Lubbock. Within 1 week of the bill's introduction, hearings were held before the Subcommittee on Disaster Assistance of the Senate Committee on Public Works on my bill.

In my work with Mayor Grandberry, I was most impressed by the presence and poise he demonstrated during those trying days.

Mayor Grandberry is now working diligently on the problems of rebuilding this shattered community. I want to assure him and the people of Lubbock that the distinguished junior Senator from Texas (Mr. TOWER), Lubbock's great Congressman, Mr. MAHON, and myself are doing all we can to assist them with this task.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Houston Chronicle, July 26, 1970]

LUBBOCK'S NEW MAYOR HAD TRIAL BY TORNADO

LUBBOCK.—James H. Granberry had been mayor of Texas' eighth largest city only three weeks when on May 11 a tornado ripped out the heart of Lubbock.

In a terrifying five minutes one of the worst tornadoes in Texas history claimed the lives of 26 persons, injured an estimated 1500 and caused damage placed at $200 million.

For the 37-year-old dentist, life changed instantly.

Suddenly, 2600 Lubbock families were plunged into various degrees of distress. Ninety of the injured were hospitalized. With 949 homes destroyed or heavily damaged, 1800 persons required emergency shelter and 11,664 were provided by the American Red Cross with 34,994 hot meals in a week.

What can a mayor of three weeks, accustomed to the quiet decorum of a dental office, do when confronted with so frightening an emergency?

OPERATIONS PRAISED

"I have never seen rescue and relief operations brought into being more quickly or effectively," said Gen. George A. Lincoln, President Nixon's personal representative to the disaster area who flew in from Washington the next morning.

"Disaster operations are always difficult, but this has been the smoothest I have known," said George Hastings, who also arrived the following day to coordinate the entire federal relief and recovery effort. "I attribute it to an excellent city government and to full understanding and cooperation by the city, county and state governments."

Hastings, of Denton, is regional director of the Office of Emergency Preparedness. Lincoln is director of the OEP, working directly under the President. Both arrived in Lubbock after the city's emergency operating center had swung into action.

"You handled everything perfectly," said U.S. Rep. George H. Mahon, who comes from Lubbock.

AT HOME WITH FAMILY

Granberry, who defeated the incumbent mayor in an April 21 election, was at home with his family when the tornado dipped down from a crashing, lightning-filled thunderstorm which grew more violent as it approached the West Texas city.

Granberry said that at the approach of the storm, he and his family had gathered in the center of the house and he had helped his wife, Edwina, get the five children tucked away in the safest place. "Then I went outside to look at the sky. When I returned the radio was off and I figured my weak batteries had finally played out. It was several minutes later before I knew what had happened, and several hours before I began to realize the full extent of it."

The usual five minute drive to city hall took almost an hour.

"We even got lost a couple of times," Granberry said. "The usual landmarks that we automatically used to guide us had been blown away."

At city hall Granberry was soon joined by the other four councilmen and city officials. Everything was turmoil. The police station had been hit and was without electricity and communications.

COUNCIL CONVENED QUICKLY

It took only minutes to convene an emergency council meeting. The mayor asked for and received permission to allow the city manager, Bill Blackwell, to take charge and run things, although the city charter said the mayor had power under such emergencies to "act as he sees fit and order any agency or citizens to do what he requests."

"When you are riding horseback in a swollen stream and things get rough, you don't try to change horses," Granberry said. "Our city manager operates the city on a daily basis and knows the people who head each phase of our operation. I saw no reason to step in and take over when he already knew who was in charge of what and just how much he could do.

Action came fast that tragic night.

"Immediately we proclaimed a state of emergency," the mayor said. "We put a curfew on the hit area as best we knew it, and ordered all looters to be shot on sight. Then, the city council went into emergency session to pass needed resolutions to begin immediate search and rescue, and make plans on how to operate our city.

NATIONAL GUARD ASKED

"The council immediately contacted the state capital and asked the National Guard be activated. We learned the governor was out of state, but the lieutenant governor promised every help possible and flew out to aid us himself the next morning."

Gransberry went 44 hours without sleep while directing the emergency operation. All of the dead were found before daybreak and only a few injured were located after the sun came up.

"I see no major goof-ups in the entire operation, looking back over it," Granberry said. "Sure, no one is ever prepared for this type of thing. But with a capable, efficient and dedicated city staff, concerned and cooperative citizens and tremendous response from the county, state and federal government, everything seemed to go as smoothly as possible."

By daylight rehousing of persons had begun. The Red Cross and the Salvation Army headed the feeding and reclothing of stricken people, operating with the United Fund and many church organizations.

"Lubbock has already recovered in spirit," Granberry said. "This was proved six weeks after the storm when we went on national television with the 10th annual Coaches All-America game, and had the biggest crowd ever of football fans—not just people making a show.

"People have become individuals again, but with a different spirit. It's a renewed spirit that we are going to build back better. I think we will."

DON'T BLAME MR. NIXON

Mr. MILLER. Mr. President, one of the most incisive analyses of the causes and effects of campus unrest appears on the editorial page of today's Wall Street Journal.

It was written by a student, Douglas L. Hallett, a Yale University senior and editorial chairman of the Yale Daily News. He currently is a summer employee in the Journal's Washington bureau.

Mr. Hallett asserts:

No amount of frustration with society justifies or explains the destructive path some student protest has taken recently. President Nixon has withdrawn more than 100,000 troops from Vietnam and instituted draft reform that will lead to a voluntary army. He has proposed an income maintenance plan that would be the most revolutionary domestic program in a generation and he is already the first President since Franklin Roosevelt to spend more on domestic programs than on defense.

He says:

It can be argued that these steps are not enough.

But then he poses a question:

But can it really be argued that they are so unsatisfactory that burning buildings and disrupting classrooms become justifiable or even understandable?

Mr. Hallett declares:

Responsibility for the campus unrest does not lie with the President, as some suggest, but rather with the very same people who have been devoting so much energy to blaming the President: The faculty and administrators of the nation's colleges and universities.

In their efforts to escape responsibility, they are blaming Mr. Nixon. In the process, they are breeding in their students the kind of rigidity that comes only with a one-sided historical analysis—

But inevitably—

the universities must take primary responsibility for the confusion among many of our students. More than any other institution, they influence the thoughts and feelings of the brightest of our young. And more than any other institution, they are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role. And only when they begin to succeed will students turn to more constructive paths for their emotional surges.

Mr. President, this article merits widespread attention. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 29, 1970]

CAMPUS UNREST: DON'T BLAME MR. NIXON

(By Douglas L. Hallett)

WASHINGTON.—President Nixon has now had an opportunity to study the initial testimony of his Commission on Campus Unrest headed by William Scranton. He has also received a report from his special adviser on campus problems, Alexander Heard, chancellor of Vanderbilt University. Hopefully he will read both selectively. Although the commission and Mr. Heard have elucidated some of the problems facing universities, their basic thrust is much too one-sided and much too limited by contemporary events to be of any real value.

While the testimony before the Scranton commission and Mr. Heard's report make some reference to the need for reform on university campuses themselves, the dominant tone is somewhat different: The President is at fault. He must listen to the students, respond to their views, end the war, and if that cannot be done tomorrow, at least try to "communicate" with the nation's colleges and universities.

"It may well be that the only line in your report that will have meaning for our colleges and universities is the line that reads: 'This war must end'," said Sen. Edward M. Kennedy (D., Mass.). From Robben Flemming, president of the University of Michigan: "An end to the use of American troops in Vietnam will not still campus unrest, but it will do more than anything else to help contain it." From Charles Palmer, president of the National Student Association: "As long as there is substantial American military involvement in Indochina, students will continue to oppose it."

And the foundation of criticism of the war is always buttressed with the nation's other alleged failings. "Unless we can begin now (restoring youth's faith by doing their bidding)," testified Yale psychologist Kenneth Keniston, "ours will not only be a divided and sick society, but a society that has lost the best of its youth—a society on its death-bed." Even calm Mr. Heard recommended "that the President increase his exposure to campus representatives, including students, faculty and administrative officers, so that he can better take into account their views, and the intensity of those views, in formulating domestic and foreign policy."

There is, of course, some validity in these views. Certainly the war and the threat of the draft have created consternation on campus. Certainly many able students are shocked by the disparity between their own luxury and the deprivation around them when they leave comfortable suburban high schools for the dirt and tedium of urban university neighborhoods.

IMPORTANT SOCIAL FACTORS

Even more important are other social factors the Scranton Commission and Mr. Heard have yet to discuss. Students discover in colleges for the first time that they will not inherit the earth, that the increasingly centralized nature of the American economy has foreclosed many of the opportunities for self-expression they thought they would have. Thousands study international relations in college, but the State Department can use only 150 each year. Only a few in any profession can rise to positions where individual initiative and creativity are truly possible.

But no amount of frustration with society justifies or explains the destructive path some students protest has taken recently. President Nixon has withdrawn more than 100,000 troops from Vietnam and instituted draft reform that will lead to a voluntary army. He has proposed an income maintenance plan that would be the most revolutionary domestic program in a generation and he is already the first President since Franklin Roosevelt to spend more on domestic programs than on defense.

It can be argued that these steps are not enough. But can it really be argued that they are so unsatisfactory that burning buildings and disrupting classrooms become justifiable or even understandable?

Can it really be argued that students, a group possessing the luxury of time to use traditional political channels and the most potential for eventually controlling them, deserve the President's special attention?

Can it really be argued that students are doing anything more than indulging their own uncontrolled emotions when their activities polarize the society and undermine the political viability of issues with which they are supposedly concerned?

Mr. Keniston and others who have been counseling the President over the past few weeks may be optimistic about the students and their concerns, but the real radicals in this society fear them. They see many students as indulging themselves at their expense. The Black Panthers denounced the white students who took to the streets during the May weekend demonstrations as "racist exhibitionists who know black people, and not they themselves, will have to face the repercussions of their madness."

And Steven Kelman, a Socialist and recent Harvard graduate whose book, "Push Comes to Shove," as the best yet on campus unrest, blasted his fellow students before the Scranton Commission for their "snobbish, arrogant and elitist attitude." He said unrest would continue "as long as students continue to regard the American people not as potential allies in solving problems but as an enemy to be confronted."

A FUNDAMENTAL REALIZATION

Neither the Panthers nor Mr. Kelman would appreciate being coupled with Vice President Agnew, but they share with him one fundamental realization: Most so-called student radicals cannot be trusted. Students don't know what they want. They identify for periods of time with anybody from Eugene McCarthy to Bobby Seale, but their commitments are transitory. The outrage that followed the Cambodian incursion has not been followed by sustained politcial activity among students. As president Kingman Brewster of Yale knew when he undertook his policy of generous tolerance last spring, students get bored easily when it comes to the hard work of political organization and stop when the initial enthusiasm has passed.

Worse yet, students are frighteningly ignorant of the problems the country faces and of the efforts that have been made to solve them. They react strongly to rhetoric because they have nothing else on which to rely. It can be argued that President Nixon's withdrawal from Vietnam is too slow, but those who make this point should be willing to acknoweldege that Mr. Nixon is doing exactly what Robert Kennedy proposed in 1968.

Similarly, it is possible to quarrel with the "new urbanology" of Daniel Patrick Moynihan and Edward Banfield, but it should also be clear that their approach is designed partially to eliminate the statism that proved so ineffective in the Johnson Administration's "Great Society" programs. Students, in their false morality, refuse to make these acknowledgments because their historical sense is too weak to breed in them the tolerance that should come with learning.

Responsibility for this situation, does not, as the Scranton commission testimony and Mr. Heard's report come close to implying, lie with Mr. Nixon. Rather, as only a few brave academic souls such as former Cornell President James Perkins have partially conceded, it lies with the very same people who have been devoting so much energy to blaming the President: The faculty and administrators of the nation's colleges and universities. During the Fifties, Mr. Perkins argues, universities became so distracted by the McCarthy furor that they failed to keep pace with changing historical currents. Instead of changing teacher content and academic structures, they just marked time.

On a public policy level, Mr. Perkins believes this led to the universities' advocating two premises that were "bankrupt" long before the academic community noticed. One was that the United States could intervene freely throughout the world. The other was that integration, accepted by both black and white, would be the answer to racial tensions. Mr. Perkins says these faulty ideas have "chopped up" universities. And although he does not continue his argument, presumably he means that this has taken place at least partly because the universities have refused to accept responsibility for their views. Now, in their efforts to escape responsibility, they are blaming Mr. Nixon. In the process, they are breeding in their students the kind of rigidity that comes only with a one-sided historical analysis.

UNCHANGED SINCE THE MIDDLE AGES

The Perkins analysis can also be extended to the internal structure of universities. Universities are the only institutions in American society that have not fundamentally changed since the Middle Ages. They still maintain highly structured tenure systems that protect incompetence and cheat the student out of the personal tutoring that he is told the best universities offer. But the academic community's own rigidity does not stop it from lashing out at the political system and accusing it of the very same authoritarianism and repression academic institutions so perfectly exemplify. Learning from people who engage in this kind of self-delusion and self-projection, students naturally come away confused about their history and their place in it.

In fairness, it must be noted that the problem lies deeper than the campus. The loss of

historical perspective and the diminished and unsure sense of the self that it brings have been encouraged by other institutions as well. Writes historian Daniel J. Boorstin, "In our churches the effort to see man sub specie aeternitatis has been displaced by the 'social gospel'—which is the polemic against the supposed special evils of our time. Our book publishers and literary reviewers no longer seek the timeless and durable, but spend most of their efforts in fruitless search for ala mode 'social commentary'—which they pray won't be out of date when the issue goes to press in two weeks or when the manuscript becomes a book in six months." Nor have the news media, in this day of up-to-the-minute television coverage, done much to develop in their audience a feel for the slow and deliberate character of social change.

But inevitably the universities must take primary responsibility for the confusion among many of our students. More than any other institution, they influence the thoughts and feelings of the brightest of our young. And more than any other institution, they are responsible for preserving our past and passing along the best of it to the next generation. They have failed miserably in that role. And only when they begin to succeed will students turn to more constructive paths for their emotional surges.

This does not mean President Nixon cannot take some steps to ease campus tensions. He can persuade his Vice President to soften his statements that appear to many students to be deliberate incitement to riot. He can make a far better intellectual presentation of his own views than he has so far. He can begin advocating the kinds of public and private decentralization that will create new opportunities for self-expression for students and others. But Mr. Nixon should resist, and resist vigorously, anybody who advises him to institute artificial consultation with students that cannot be followed by policy decisions the students desire. The problem goes far beyond anything symbolic gesturing could solve, and besides, students get too much of that already on their campuses.

THE COST OF MOVING THE EDA REGIONAL OFFICE FROM DULUTH TO CHICAGO

Mr. MONDALE. Mr. President, the Grand Rapids Herald-Review recently published an excellent editorial examining the Economic Development Administration's plans to move the regional office from Duluth to Chicago.

The Herald-Review editorial points out not only the cost of this move to the city of Duluth, but also the cost to those which the EDA office is designed to service. Among other ways, this cost can be measured in terms of the easier accessibility of the Duluth office to EDA designated counties than to the proposed office in Chicago. Twice as many eligible counties and 11 times as many Indian reservations are within 200 miles of Duluth when compared with those which are the same distance from Chicago.

Despite the testimony of Robert Podesta of EDA on the proposed move, clear evidence of the need for a transfer of offices and of the efficiency and economy which supposedly would accrue from it—indeed, clear evidence of any justification for such a move—has yet to be presented.

At a time when dollar investments in vital domestic programs must be stretched to their uppermost limits, and when high taxes and inflation prevent desperately needed legislation affecting health and education from being enacted, it is incredible that the administration should contemplate such a costly action.

Mr. President, I ask unanimous consent that the complete text of this informative editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Grand Rapids (Minn.) Herald-Review, June 29, 1970]

EDA OFFICE MOVE TO CHICAGO IS DIFFICULT TO UNDERSTAND

Minnesotans find it difficult to understand the reasoning back of the decision to move the regional Economic Development Administration (EDA) office in Duluth to Chicago.

Fifty-eight employees and a $1,100,000 annual payroll are involved in the transfer. But more importantly, it will move the EDA office a considerable distance from the area it serves most frequently.

Sen. Walter F. Mondale, in a sharp exchange with an EDA official at a recent senate sub-committee hearing, pointed out that "there are twice as many EDA designated counties and 11 times as many Indian reservations within 200 miles of Duluth as there are within the same radius of the Chicago office."

In further emphasizing the desirability of the present location, Sen. Mondale said that there are 106 public works projects within 200 miles of Duluth and 21 within 200 miles of Chicago, and 27 business loan projects within 200 miles of Duluth as compared with five in Chicago.

EDA will leave quarters which are leased through July 1, 1971, to move into temporary quarters in Chicago. Another move will be necessary when permanent quarters are located. Robert Podesta, assistant secretary for economic development of the Department of Commerce, admits that it is more costly to move twice than once, yet he can see no reason to remain in Duluth until permanent quarters are available in Chicago.

EDA offers the surprisingly feeble excuse for the move that "it is easier for most people who have to deal with us to get to Chicago. There are many areas that might have had some help that couldn't get to Duluth."

This may surprise residents of this area where many EDA projects are centered. It seems relatively easy to reach Duluth from virtually any part of the Upper Midwest. Grand Rapids residents, for example, can drive to Duluth in less time than it takes a traveler to get from his airplane at O'Hare airport and reach downtown Chicago.

Figures of EDA activities make it quite clear that more projects are located near Duluth than within easy traveling distance of Chicago. There may be good reasons for the transfer of the office to Chicago. If there are, someone should take the time to present them. In the absence of such information, it is rather difficult to view the transfer of the office from Duluth to Chicago in terms of efficiency and economy.

While it will now be less convenient to handle EDA projects, the really important concern is that projects from northern Minnesota continue to receive the consideration they merit. EDA has been helpful in financing a number of worthwhile projects in this area, and can be of assistance in areas plagued by economic problems.

SPURIOUS COMMUNIST RULES FOR REVOLUTION

Mr. McGEE. Mr. President, I do not know how many times, in the pages of the CONGRESSIONAL RECORD and elsewhere, I have run across the spurious "Communist Rules for Revolution," which are widely cited by those on the far right as evidence that our society is slipping toward Communism on a path set more than half a century ago.

We are indebted to the Senator from Montana (Mr. METCALF) for his exposure of this phony document a year ago. But exposure has not lessened the distribution of these so-called rules supposedly captured by allied forces at Dusseldorf, Germany, in May 1919. How they have survived as an article of faith among those of the far right was explained Sunday in an article written by Wesley McCune and published in the Washington Post. It is an article well worth reading, for it tells much about the operations of the rightwing publicity mill in this country. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RIGHTWING HOAX SURVIVES EXPOSURE

(By Wesley McCune)

(NOTE.—The author is president of Group Research Inc., a former correspondent for Time and Newsweek and a former staff member for the Agriculture Department and the Democratic National Committee.)

To anyone who believes a certain "document" currently making the rounds of rightwing groups and other places, there is little mystery about the cause of civil disorders, sexual permissiveness, pornography or even gun control legislation.

It is all the result of a Communist plot, and it is all laid out in the "Communist Rules for Revolution," said to have been captured in May, 1919, at Dusseldorf, Germany, by allied forces.

In the wave of current circulation being given the Rules, there is sometimes an introductory admonition to read them in the light of what is going on these days—51 years later—but the text is always the same:

"A. Corrupt the young, get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

"B. Get control of all means of publicity and thereby:

1. Get people's minds off their government by focusing their attention on athletics, sexy books and plays, and other trivialities.

2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

3. Destroy the people's faith in their natural leaders by holding the latter up to contempt, ridicule, and obloquy.

4. Always preach true democracy but seize power as fast and as ruthlessly as possible.

5. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

6. Foment unnecessary strikes in vital industries, encourage civil disorders, and foster a lenient and soft attitude on the part of government toward such disorders.

7. By specious argument cause the breakdown of the old moral virtues: honesty, sobriety, continence, faith in the pledged word, ruggedness.

"C. Cause the registration of all firearms on some pretext, with the view of confiscation of them and leaving the population helpless."

Unfortunately for those minds to whom this explains our social evils, the whole thing is a fraud.

Proving the nonexistence of anything is difficult, but Sen. Lee Metcalf (D-Mont.) became alarmed last year at the wide circulation of the document and set out in his thorough way (he was once a judge) to nail the lie or find authenticity. And Metcalf was intrigued by the similarity of the "Rules" and another widely-circulated document called "Lincoln's Ten Rules" which he had exposed earlier as a hoax.

Last summer, the senator sent copies of the Rules, together with an inquiry as to their origin, to the Department of Defense, the Central Intelligence Agency, Library of Congress, Federal Bureau of Investigation and the Senate Internal Security subcommittee. None was able to identify the document or a source, but the inquiry did turn up a paragraph which the FBI had supplied a House subcommittee on appropriations on April 17, 1969, in answer to a question by Rep. Frank Bow (R-Ohio).

The paragraph concluded that "we can logically speculate that the document is spurious."

Metcalf reported his findings, together with instances of modern use of the Rules, to the Senate on Aug. 13, 1969, but since then several Members of Congress have inserted the phony in the Congressional Record as gospel truth—and lamented its aptness to present conditions.

IN GENERAL USE

The right wing keeps circulating it as an explanation for most modern evils. And more importantly, the phony is being given wide credence among editors, clubs and enterprises not connected with any ideology.

For instance, the Rules are printed on page one of "Table Talk," the little flyer distributed to customers of Marriott-Hot Shoppes, Inc., which boasts a circulation of 256,000.

This version is headlined "Document of Destruction" and is given the following introduction:

"In May of 1919 at Dusseldorf, Germany, the Allied Forces obtained a copy of some of the Communist Rules for Revolution. In 1946, a U.S. attorney general obtained a copy of the same rules from a known member of the Communist Party. Today, we're told, these same rules are in effect. As you read them, mentally apply them to the present national condition and what you come up with will be frightening when you see the headway the rule-writers have made toward these goals."

Readers might wonder about the "U.S. attorney general" who obtained a copy in 1946. There is no such person, but most versions attribute the Rules to one George A. Brautigan, identified as State Attorney, State of Florida.

Brautigan's jurisdiction, before he died, was Dade County, Fla., where he did indeed investigate communism. However, his successor has told inquirers that he can find no record of any such document.

Several others have tried to authenticate the document or engage in the game of finding out how the hoax got started. Among them are the Progressive magazine, the Des Moines Register, Rep. Don Edwards (D-Calif.) and Morris Kominsky, a West Coast author. Each has come to a blind alley in trying to retrace nearly 50 years of events and people.

A HARGIS INNOVATION

Apparently the first major use of the Rules by the organized right wing was on the front cover of the May, 1964, Christian Crusade, the magazine of Dr. Billy James Hargis. The next year, the last Rule was cited by Dan Smoot to fight gun controls.

Various splinter groups fanned it out at about the same time, and the John Birch Society cited the first Rule in its March, 1969, magazine as an explanation for efforts to get more sex education courses into schools.

Use of such a document may be expected from the more simplistic right-wingers, but it is perhaps more dangerous when employed by the scores of miscellaneous groups who have eagerly distributed the Rules. A few examples will show the nondescript and widespread nature of such circulation:

Miller Feedlot, Shepherd, Mont.; Concerned Taxpayers Association, St. Joseph, Mo.; the Milwaukee Lutheran; the Waterville, Minn., Advance; the Holdredge, Neb., Citizen; Grand Central Aircraft Co., Glendale, Calif., and Advertising Engineers, Inc., Tulsa, Okla. (which notes that reprints are available from Charley's Chuckle Cards in the same city.)

Efforts to learn where some of the editors got their copy of the Rules are frustrating and sometimes funny. Most received a copy from a subscriber or picked it up from another publication which they can sometimes name.

For example, the Seattle Shopping News picked it up from the Waterville Advance, a small paper in Minnesota which has been credited unusually often as a source. An editor there explains that the subscriber who turned it in had clipped it from a Knights of Columbus publication in Winona, Minn., but that an inquiry there went unanswered.

Meanwhile, the Seattle Shopping News version was being picked up by the Masonic Tribune, indicating the ecumenical virtues of the Rules.

INTERNATIONAL AIRPLANE HIJACKING

Mr. TOWER. Mr. President, on July 16 the Airline Passengers Association held a conference in Washington on the problem of international airplane hijacking. It was my pleasure to work with the APA in setting up this conference and to participate in it in a small way.

A significant number of representatives of the industry were there, along with distinguished government leaders whose official duties touch this problem. I understand from Mr. Jack Cox, President of APA and a long-time friend and political associate of mine, that the conference was definitely a success in terms of generating new ideas.

One of the participants in the morning session was the Honorable Secor Browne, Chairman of the Civil Aeronautics Board. His remarks were most interesting, and I want to share them with Senators. A transcript of the conference is being made, and as soon as I receive a copy I will ask that pertinent parts of it be included in the RECORD. In the meantime, I ask unanimous consent that Chairman Browne's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SECOR D. BROWNE

Gentlemen, thank you for the opportunity to discuss with you today the problem of crimes against aircraft. I do not limit myself to air piracy or hijacking, because I consider equally serious the threat of ground sabotage and all other acts of violence committed during any phase of air transport operations.

Let me begin by saying that I truly believe this subject is of paramount importance to all responsible and involved parties, if not the subject of top priority. It is clear that any condition which threatens the safety of air travel simply cannot be tolerated. Crimes against aircraft, or any implied threat of violence, are a subject of international concern.

It is a problem, however, which has generated more discussion than decision; emotion than action. It is essential, when considering this subject, that the psychological roots of the problem be understood. Outside of the areas of international confrontation, such as the Middle East, where political considerations dominate motives, the problem is basically one of dealing with people.

I would also exclude that lunatic fringe element bent on self-destruction which chooses the aircraft as its vehicle. I doubt whether we can ever effectively screen out and eliminate those people. Thank goodness they are a small number.

Eliminating the professional guerilla and the insane, we are left with the common "run-of-the-mill" hijacker. The person who is not driven by any consuming internal fire, but essentially is looking for a means of expressing himself. He is, it would seem, a person capable of reason, of weighing pro's and con's, and, in a premeditated manner, one who is aware of and therefore considers alternatives.

He does not want to die and is not bent on violence though once committed to his course of action may not have any alternative but to back up an uttered threat and use whatever weapon he has at his command. He launches himself with the prior knowledge that probably nothing will go wrong, no one will get hurt, and he won't get caught. Even if he is apprehended, he is aware of the performance record of enforcement which, with notably few exceptions, has seldom adhered to Gilbert and Sullivan's admonition in *The Mikado:* "Make the punishment fit the crime."

Reduced to its ultimate simplicity, the solution is to be found in deterring the potential act rather than halting it once begun. The steps taken by individual carriers as far as searches, etc.; and the work being done by Dr. Rheigard in establishing the psychological profile of the potential offender are excellent and should be broadened. It has been clearly demonstrated that the large majority of airline passengers are not offended by the efforts of the carriers and the government to isolate the hijacker before boarding.

But clearly, something else is needed. It is impractical to expect that every passenger for every flight will be screened, physically or psychologically. It is impossible to achieve absolute security on every ramp and in every hangar around the world. It is also true that there are sufficient statutory provisions to adequately handle the problem, at least as I interpret them. I do not believe that any additional laws will be helpful on a broad scale.

What then, can and should be done? How can enforcement action be ensured and adequate use be made of existing statutes? I think it is admirable that the FAA and the Department of Justice have now agreed as to who has various responsibilities. That is an important step.

However, hijacking and the intricacies of aviation law and international relationships are highly technical subjects. I do not believe a local U.S. Attorney should be expected to be an expert in this field. A task force of specialists, traveling from case to case, would enhance the pursuit of justice—not hinder it, and such a group should be set up immediately, so that when a hijacker is apprehended, he is prosecuted to the fullest extent.

While I recognize everyone's right to capitalize on events and take advantage of opportunities, I find deplorable the exploitation of some of these events which has lent an aura of glamour to the individual and an

almost "holiday atmosphere" to the entire exercise. I think the communication medias are in a position to carry a clear message to those who are contemplating a crime against an aircraft—that they are dealing in an area which carries stiff penalties and has, in truth, none of the aspects of a modern day Captain Kidd charade. They should take every step, not to control the news, but to lend proper perspective to the problem.

Those involved in the international forum have taken steps to standardize procedures. The recent ICAO meeting in Montreal and its subsequent clarification and extension of the principles of the Tokyo Convention will have, I think, significant impact. It is significant that all nations, regardless of political orientation, are strongly united on this subject. But work in this area must not cease until there is clear and total agreement on definition of the crime itself. Enforcement procedures of a uniform nature and extradition rights in the absence of prosecution by local authorities remain to be agreed upon. There must be no haven for the hijacker, for as long as a single one exists, the temptations, and therefore the very real danger of mass disaster is ever present.

Since the immediate possibility of totally preventing a hijacker access to an airplane is somewhat remote and since there are still places to go, every effort should be made to control the hijack while it is in progress. This is an item squarely in the hands of the individual managements of the carriers themselves.

While violence on the flight deck is certainly to be avoided, perhaps some concentrated training of the crews in security and containment of the individual once he reaches the cockpit should be undertaken. The flight deck of a modern transport aircraft is a confusing jungle to the stranger, and a well briefed crew, acting in a coordinated fashion and making maximum use of modern deterrents should be in a position to avert disaster.

This coordination and training should also extend to a specially gathered ground crew (or crews) consisting of both government and carrier personnel, who are expert and experienced in the handling of a hijack in progress. Our communication network is such that these groups could be located in key spots and upon first notification of a hijack would immediately take over ground control of the aircraft.

Through the use of specially developed codes, and with firsthand personal knowledge of the individual crew involved, these groups could play a major role in averting an airborne disaster, should a hijacker slip past the ground screen.

The Civil Aeronautics Board has no statutory authority in this area. However, the grave impact of crimes against aircraft causes us deep and vital concern. While we are distressed and disturbed by aircraft crimes throughout the world, we can only voice suggestions to those who are directly included. We hope some have merits, and that those that do will be implemented.

The program I have outlined; the creation of a strike force to ensure adequate prosecution, the expansion of on-the-ground efforts by both carriers and government entities, the swift movement internationally to eliminate refuges, the additional special training of ground and flight crews in hijack procedures, and a concerted conscientious effort on the part of communications media, while not new in any sense, is perhaps more focused than in the past.

The Civil Aeronautics Board stands ready to help in any way. No one should rest easily until every *action* has been taken to eliminate crimes against aircraft.

Thank you.

BIG THICKET: FABULOUS WONDERLAND

Mr. YARBOROUGH. Mr. President, for many years I have fought to preserve the Big Thicket of southeast Texas for future generations to enjoy. On June 12, 1970, hearings were held on S. 4, my bill to establish a 100,000-acre Big Thicket National Park. The hearings were held in Beaumont, Tex., by the distinguished senior Senator from Nevada (Mr. BIBLE), chairman of the Subcommiteee on Parks and Recreation of the Committee on Interior and Insular Affairs. The witnesses who appeared at these hearings gave many reasons why a large part of the Big Thicket should be preserved.

Recently an article on the Big Thicket was brought to my attention. While the gentleman who wrote the article did not testify at the hearing, he is a strong and knowledgeable advocate for the Big Thicket. In his letter to me, he described himself as an old forester, and his articles demonstrate his great knowledge and love for our woodlands.

Mr. President, I ask unanimous consent that two columns by Mr. Barnard Hendricks, entitled "Getting To Know Texas," one which appeared in the December 4, 1969, issue of the Southwest Dallas County Suburban and the other which appeared in the December 30, 1965, issue of the Cedar Hill Chronicle, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Southwest Dallas County Suburban, Dec. 4, 1969]

GETTING TO KNOW TEXAS

(By Bernard Hendricks)

Funk and Wagnall's dictionary defines a thicket as a thick growth, as of underbrush, through which a passage is not easily effected; a coppice; jungle. Perhaps the greatest example of a thicket to be found anywhere in the United States is located in East Texas, lying principally within the boundaries of Harding, Polk and Tyler counties with long arms extending into San Jacinto, Liberty and Montgomery counties. The present area of the "Big Thicket," estimated to be about two million acres, is a mere fraction of the great thicket the first pioneers faced as they traveled into Texas from Western Louisiana.

Once the great thicket, spread over an estimated fifteen million acres, mostly in the rolling country between the Neches and Trinity Rivers, was the home of Indian tribes that lived in picturesque villages of round-shaped pole huts, thatched with thick grass and mud and who tended small fields of squash, corn and melons. One tribe still lives on a reservation in the northern part of the thicket on the Alabama-Coushatta Indian Reservation. From the time the first pioneers tangled with its dense jungle like growth of vines, small trees and shrubs beneath towering primeval forest trees the great thicket has been known as the "Big Thicket." The dense growth was almost impenetrable with the equipment at hand in early times and only experienced hunters, trappers and scouts dared to venture beyond the edges of the great wilderness. During early times the great thicket was a wonderful haven for many forms of wild life and passenger pigeons, now extinct, once roosted there by the millions. Evidences of their great numbers may still be found in the very luxuriant growth of great trees that still thrive on the fertilizing materials which the birds left behind in great deposits of their droppings.

Now the chief attractions of the "Big Thicket" are the wonderful forest trees, many of great height and girth. The understory with its great array of rare and beautiful wild flowers and a host of interesting plants, including lovely wild orchids, delicate ferns, sparkling mosses and masses of lichens with rich and varied hues of orange red and blue green: beautiful streams densely shaded by great walls of living greenery; a host of wild animals and birds that make their home in the enchanting wilderness. The forest growth includes giant magnolias, lofty cypress trees, stately pines, giant hollies and a host of broad-leaved trees. Wildlife in the "Big Thicket" includes black bear, bobcat, lynx, a few panthers, deer, wild turkeys, beaver, otter and several different kinds of squirrels. A number of rare birds, such as the Ivory Billed Woodpecker, make their home in the "Big Thicket" and protection of the jungle-like habitat is essential to their continued existence.

According to the geologic history of the region, the "Big Thicket" area has at times been an arm of the Gulf of Mexico and the waters of the Gulf have inundated the area numerous times, only to recede and leave behind silty deposits which have in part, accounted for the richness of the soil and this in turn has led to the rich development of its varied and unique flora.

Sen. Ralph Yarborough now has a "Big Thicket National Park Bill" pending in the Senate and if it is approved, a considerable area of the "Big Thicket" will be preserved for future generations to enjoy. With a National Park only about 250 miles away, residents of Southwest Dallas County could easily take advantage of wonderful hiking trails that would penetrate the depths of this fabulous wonderland of plants and animals, the "Big Thicket."

[From the Cedar Hill Chronicle, Dec. 30, 1965]

GETTING TO KNOW TEXAS

(By Barnard A. Hendricks)

Foresters classify young trees into three groups, seedlings, saplings and poles. Beyond the pole state they are considered to be full fledged trees, although they may still be classified into various groups depending on age, height, crown form, etc. As for the tree itself, if it could have any feelings or any say about the matter it would probably consider itself a tree as soon as it was strong enough to bear the paperlike nest of the wasp and the down lined nest of birds, tall enough to serve as a perching place for the birds, or old enough to bear seeds that can replenish the forest.

Some trees bear seeds quite early in life. The presence of acorns on small live oaks, only 4 or 5 years old, is not extremely unusual. Chinese tallow trees, introduced trees now being extensively planted in the southern coastal areas of Texas for their brilliant autumn foliage, may bear when only 6 or 7 years old, copious clusters of small burs, each resembling a tiny cotton bur and containing 3 small pea sized seeds, china white in color. Some bald cypress trees may begin bearing their marble sized seed cones when only 8 years old and some sycamores of similar age, may likewise begin to produce their round ball like fruits dangling at the tips of long, slender thread like stems. These fruits with roughened surfaces and only slightly smaller than a golf ball contain hundreds of small seeds, each attached to a small dartlike spindle and bearing a tiny parachute of fluffy, light brown hair. Some flowering trees, like the desert or flowering willow for example, bear seeds at an earlier age, some when only 3 or 4 years old.

As the trees become self reproducing members of the forest and become host to the wasps, bees, and birds, they become ever more important in the cycle of life, contributing increased supplies of fresh oxygen to the atmosphere to combat the "smog" and "smaze" that threatens to reach the stage where it is dangerous to human life in the large cities. All trees make good use of the water they take from the soil by taking carbon dioxide from the air and nutrients and water from the soil and converting them through the miraculous process known as "photosynthesis," into sugars and starches which are changed into various forms of cellulose and ultimately into woody fibers and tissues that form the roots, trunks, branches and foliage of the trees. The water the trees lift from the soil is in part transpired out through tiny openings in the leaves to give that wonderful moist, cool feeling to the air that is so refreshing in the summertime.

The trees voice no spoken language, but the rustling of their leaves and the soft sighing of the winds amongst the cedars and junipers bring to us messages that no human tongues could utter. Each leaf laden twig and needle covered bough breathes a matchless spirit of vigor and mirrors the vibrance of sunlight in all its glory. The Southwest corner of Dallas County with its great escarpment where millions of trees manufacture fresh oxygen daily can truly lay claim to being a healthful place in which to live. Even in wintertime when the hardwood trees lose their leaves and become dormant, the cedars and junipers continually supply fresh oxygen.

The large size of old tree stumps found in numerous places within the escarpment forest offer mute testimony to the glory of the early day forest where many of the first settlers found logs to build homes, barns, and fences. Ancient, weathered cedar stumps, 18 to 20 inches in diameter and oak stumps that are much larger can still be found within the shaded depths of the hollows.

On some stumps annual growth rings are still visible and they still serve to remind us of the years when the trees that are now gone, lived in the forest. The inner rings tell of the tree's growth in infancy, the outer rings record its closing years. On a few big old stumps the record stretches back to the days when the largest and best trees were cut to provide logs and shakes for the first homes to be built along the escarpment. Many of the oldest and largest trees now standing in the forest had already reached tree size when those first homes were built and the laughter of children was heard along the rim for the very first time. What a wealth of memories these very very old trees must hold in their narrow bands of growth that measure the march of the seasons and the passing of the years.

HERSCHEL D. NEWSOM

Mr. DOLE. Mr. President, our Nation recently lost one of its outstanding agricultural leaders through the death of Herschel D. Newsom, for many years master of the National Grange. I had the opportunity of communicating often with Mr. Newsom.

His vast reservoir of experience in the field of agricultural legislation was of great help to me, and I benefited greatly on many occasions by seeking his advice and counsel.

Mr. Newsom's expertise in the general field of agriculture gained the attention of many international organizations which drew on his superior knowledge. He was appointed to many boards and commissions whose aims are of a humanitarian nature.

Mr. President, America and, in particular, American agriculture have been enriched by the life of this outstanding man. I ask unanimous consent that the editorial tribute appearing in the Indianapolis News of July 6, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HERSCHEL D. NEWSOM

Indiana, which contains some of the nation's finest farmland, has produced many farm leaders whose knowledge and ability have won them national and international recognition.

Ranking high among such men was Herschel D. Newsom, 65, Bartholomew County farmer whose advice and services were sought by Washington administrations for many years.

Newsom followed a family tradition when he became active in the Indiana Grange and the National Grange, influential farm organizations. He was master of the Indiana Grange from 1937 to 1950 and master of the National Grange for 18 years.

His expertise in agricultural matters brought him two terms as president of the International Federation of Agricultural Producers. President Johnson then appointed him as a member of the United States Tariff Commission, a position he held at the time of his death from a heart attack Thursday. Secretary of Agriculture Clifford M. Hardin, also a Hoosier, paid tribute to him as one of the best informed and most active men in the national agricultural picture.

Newsom was a farm leader who opposed excessive government control of farm production and the daily lives of citizens. A man who did not hesitate to express his opinions, he believed it was this opposition to Federal encroachment which led to his election as master of the National Grange.

Indiana University, where he was graduated in 1926, acclaimed him as a distinguished alumnus. He was also a distinguished Hoosier and American and an outstanding spokesman for his fellow farmers.

JULY—HISTORIC MONTH

Mr. MOSS. Mr. President, most people are inclined to think of July as a lush month in which most people let down a little and concentrate upon enjoying the good life rather than driving toward some great achievement.

However, July is studded with dates of splendid accomplishments, as Harry Jones points out in the Deseret News of July 21.

Mr. Jones recalls that not only is July the month of our national natal day, but it contains such colossal achievements as the detonation of the first nuclear bomb and the arrival of the first men on the moon.

It is also the month in which the first Mormon pioneers arrived in the Utah valley, an event which is brilliantly celebrated each year in our State as a tribute to the courage, determination, and vision of those intrepid pioneers.

Having just returned from the 121st celebration of this event, on July 24, I consider it a privilege to pay tribute to the Mormon pioneers again briefly in the U.S. Senate. I ask unanimous consent that the Jones column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IT'S HISTORY MONTH

(By Harry Jones)

You would think that the long torrid summer, when shade and cool are at a premium, would be the slower season. But July is the action month in the history books of America.

The first date is the Fourth of July. The most important day in our history. It is celebrated by most Utah people going up to Evanston, Wyo., to buy illegal fireworks.

John Adams said it best at the adoption of the Declaration of Independence:

"Through the thick gloom of the present (sounds more like he was speaking of today doesn't it?) I see the brightness of the future, as the sun in heaven. We shall make this a glorious, an immortal day. When we are in our graves, our children will honor it. They will celebrate it with thanksgiving, with festivity, with bonfires and illuminations."

NOT THE BUILDINGS, BOYS

But I don't think he meant the bonfires and the illuminations would be on the campus . . . the library or the ROTC building burning down.

There is another day in July that changed history.

It had rained on the desert on the morning of July 16, 1945. The rain glistened on the Cactus and the Joshua. Dr. J. Robert Oppenheimer gave a signal just as dawn came to New Mexico. It was 5:29.45.

Witnesses saw the first big mushroom cloud that sounded like no thunder had ever sounded before, roar across the land. The ground shook like a giant earthquake.

The first nuclear bomb had been detonated.

July 24 is celebrated in Utah with more gusto than the glorious Fourth. But it doesn't mean Utahans are not of a patriotic nature. It's just that the day the pioneers came into the valley was one of great joy. The trek had been at best hazardous . . . no superhighways, in fact no roads. (Imagine walking west day after day before sunglasses were invented.)

Where would we be without our pioneers?

WHAT HAPPENED TO MOON DAY

I guess you must call Neil Armstrong, Edwin "Buzz" Aldrin and Michael Collins pioneers, too.

It doesn't seem to be a year ago yesterday that Neil and Edwin walked on the Moon. Remember Neil saying something about it being a "giant step for mankind."

The next day there was talk about the 20th of July becoming a national holiday. Some said the feat was greater than old Chris and his craft crossing the ocean against everyone's advice. They talked of a switch . . . Moon Day instead of Columbus Day.

So what happens? Nothing. If the truth were known, 90 per cent of the people yesterday had forgotten the date. A good chance for another day off fell by the way.

Just when you and I could have used the day to rest up for the hectic week ahead celebrating Days of '47!

WIT'S END

The only way to be tolerant of a neighbor's noisy Days of '47 party is to be invited!

ONLY U.S. OFFICES OPEN JULY 24TH

The 24th of July is the wrong time to be a federal employe.

Federal offices are the only ones to open on that state holiday. State, city and county employes will have the day off.

Downtown stores and banks also will be closed, but merchants will reopen Saturday for the old-fashioned sidewalk sale.

Weekly garbage pickup will not be interrupted by the holiday, but semi-annual cleanup crews will work only through Thursday this week.

BOOK REVIEW OF "AGNEW: PROFILE IN CONFLICT"

Mr. THURMOND. Mr. President, the late Jim Lucas, distinguished author and newspaper writer, spent the last days of his life working on a book about Vice President SPIRO T. AGNEW.

This publication, released just prior to Jim's untimely passing, is entitled "Agnew: Profile in Conflict."

In the Washington Star of July 26, 1970, this book was reviewed by James B. Rowland.

Mr. President, while I have not had the opportunity to read this publication, judging from the review by Mr. Rowland this work contains information of historical importance. In particular, it sheds some light on the generally friendly press coverage accorded the Vice President during the 1968 presidential campaign.

I ask unanimous consent that the review be printed in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

BRIEF AGNEW BIOGRAPHY

(By James B. Rowland)

(Agnew: Profile in Conflict. By Jim G. Lucas. Award House. 160 pages. $5.95.)

In the parade of political biographies that will assuredly precede the 1972 national political campaign, this brief and fast-moving work will serve as a cursory review of one of the most controversial figures in President Nixon's administration.

Those who hold firm biases for or against Vice President Spiro T. Agnew will find little here on which to reaffirm or modify their positions. The book is a chronological sketch of Agnew's rags to riches political development, with the emphasis on the dates of major occurrences rather than a studious insight into the motivations behind Agnew's actions and the reactions of the wide spectrum of those effected.

Lucas, a Pulitzer Prize winner for his coverage of the Korean War and author of the earlier "Dateline: Viet Nam," died Tuesday. He obviously had studied newspaper clippings on Agnew and talked to a few—but not enough—reporters and politicians who have dealt with him.

He had picked only a few high spots in Agnew's tenure as county executive of Baltimore County, as governor, as the surprise vice presidential selection at the 1968 GOP national convention, as a campaigner, and as the persistent thorn in the side of permissive liberals and thin-skinned radio, television and newspaper executives.

The result is a handy but shallow Agnew reference book that sets some guideposts for other authors who try to probe deeper into the makeup of a man who left the Democratic party on the belief that the GOP offered more chance for advancement. It is hoped that these authors will correct such inexcusable Lucas errors as the spelling of the names of former Rep. Carlton R. Sickles, State Sen. Roy N. Staten, D-Baltimore County, and place Montgomery County in its proper congressional district—the 8th, not the 10th.

Although the outcome is the same, the final tallies Lucas used for the 1966 Democratic primary and the subsequent general election which made Agnew governor are not those listed by the Maryland Hall of Records. The figures in a May 14, 1968, state referendum that defeated a proposed modernized state constitution are not the same as those carried in official Maryland election books. The errors may be due to too much reliance on clippings from newspapers which did not bother to update readers with final, official tallies.

In pages capsulizing the Agnew gaffes of the 1968 campaign, there is a full account of the "fat Jap" episode. The conclusion is that Agnew did not know how to control his candor and naivete in a campaign as closely watched as his.

It is the judgment of Lucas, and shared by many other reporters, that the "fat Jap" remark made in the privacy of a campaign plane with reporters never would have been publicized had it been said eight years earlier by John F. Kennedy during a similar informal exchange with newsmen. Some of these reporters well remember an anti-Negro remark made by Kennedy in jest, taken as a joke, and shielded by the news fraternity from the public.

Lucas' treatment did not come close to the accusations hurled at Agnew by some other newspapermen, nor did the author seek strongly to defend the Vice President's position on such issues as racial conflict and protests. There is an attempt at balance, but it is apparent the author respected Agnew for adhering to his principles and not wavering under the harangue of so-called liberal leaders—and intellectuals.

The brief account of Agnew as Baltimore County executive just prior to his election as governor mentions his successful fight for a public accommodations law, the first in the nation to be adopted by a county. There is no reference to Agnew's role in dealing with racial protests at Gwynn Park amusement park, where periodic clashes resulted in numerous arrests.

Agnew's two years as governor are centered mostly on his activities in the areas of racial protest, with emphasis on his April 11, 1967, scolding of Negro moderates for not openly opposing black militants.

There is no mention of Agnew's accomplishments in helping to broaden the state public accommodations law, and enacting the first open-housing law south of the Mason-Dixon line. The limited measure later was petitioned to referendum and defeated.

The fact that Agnew was the first Maryland governor to sign an executive order for fair employment practices goes unnoticed, as was his victory in getting the Democratic-controlled General Assembly to pass his $129 million water pollution control program.

Lucas' portrayal of the Agnew record in the State House omits the Republican's efforts to create a State Department of Transportation, set up an administrator of election laws and reorganize the executive branch of government—proposals that Mandel picked up and implemented.

On the other hand, there is no recall of Agnew's decision to cut back on welfare, already at a low level, and to drop some 22,000 persons from medicaid for economy reasons. One of Mandel's first acts as governor was to make these persons again eligible for state medical assistance.

Lucas included Agnew's speech nominating Nixon at the 1963 convention, and the Marylander's address accepting the No. 2 slot. It is interesting to reread the speeches, in view of what has happened in the two years that have transpired.

The author notes that Nixon, in selecting a runing mate, wanted a man who would be "nationally acceptable," while at the same time be a "unifying force" in the country.

"In one sense, Agnew is probably the most primitive—to use that term to denote lack of subterfuge—man ever to be Vice President. He has never learned the reasons for ducking a question; he has yet to be convinced that a soft answer is to be preferred over a direct one," Lucas surmised.

PROTECTION OF VACATIONING CITIZENS

Mr. MOSS. Mr. President, at this time, with hundreds of thousands of Americans trying to enjoy a well-earned vacation, we ought to examine very carefully the manner in which our Government is protecting its vacationing citizens, particularly in the field of air travel. It appears to me that the Federal Government cannot make up its mind on this important matter, a situation I would bring to the attention of the Senate.

Many will recall that on May 8 of this year, the Civil Aeronautics Board published proposed revised regulations governing air travel. As a person deeply concerned about the consumer and his ability to gain equity in the marketplace, I was genuinely surprised to see that agency proposed a series of regulations that would regulate not the air transportation industry but the traveling public. The CAB had a lot to say about the limitations of the number of American citizens that could belong to a traveling group, about how that group elects its officers and keeps membership records, and about the way it affiliates with other groups. The CAB attacked the travel agents and the operators of vacation, study, and travel tours, as if the consumer's right to travel and the right of others to aid him were inherently some kind of suspicious, if not outright illegal, activity.

Following the publication of those proposals, the CAB received harsh but just criticism from many distinguished Members of this Congress, as well as from organizations that would no longer be able to charter a plane as a group and fly to a convention or for study or simply for relief. Messages condemning the proposals have been sent to the CAB by the United Steelworkers of American—AFL–CIO—the Cooperative League of the U.S.A., the National Grange, and the Group Health Association of America, to name just a few. Mr. President, groups with such very different interests rarely get together on an issue unless the offending agency is grossly unjust or very unaware of the public need. It is just possible that both reasons prevail in this instance. However, I would point out that just last month, on June 22, the President issued the Government's revised statement of international air transportation policy. That statement is not only a document representing many forward-looking approaches to the improvement of America's position in the air, it is also a sharp rebuke to the CAB.

The statement reads:

> The economic and technological benefits we seek can best be achieved by encouraging competition and by a relative freedom from government restriction.

It goes on to specifically note—

> The U.S. should work for the broadest range of profitable services, designed to appeal to the broadest consumer market and based on the lowest cost of operating an efficient air transportation system. . . . We expect both scheduled services and charter services to have important roles throughout the coming decade.

It is apparent to me that the administration has a slight case of schizophrenia which can be cleared up with effective, low-cost therapy. I would strongly prescribe the pursuit of the ideas in the statement of policy and I would just as strongly urge that the Civil Aeronautics Board once again rejoin the Government, adjust its policies to the needs of the traveling public, and withdraw the proposed arbitrary, restrictive, punitive, and demeaning regulations. It is exactly this kind of fuzzy, contradictory thinking that has produced chaos in rail transportation and has worked against the welfare of passengers and shippers. Surely we can and we must avoid the same chaos from occurring in air transportation.

THE OIL INDUSTRY REGRETS IT WAS RIGHT

Mr. TOWER. Mr. President, an article entitled "The Oil Industry Regrets It Was Right," written by William D. Smith, appeared in the New York Times on Sunday, July 26, 1970. I ask unanimous consent that this article be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TOWER. Mr. President, in my opinion, the title of this article succinctly and correctly states the sentiments of those in this vital industry.

During the past 20 years, the oil industry spokesmen have been predicting large-scale deficiencies of the Nation's energy supply of which oil and natural gas contribute 75 percent. Regretfully, these predictions are coming true.

Shortages of natural gas in some areas of the country and higher prices of imported crude and home heating oil on the east coast of the United States are but two of the many deficiencies predicted by the industry and presently coming true. The article capably explains in detain the reasons for these two maladies.

Mr. President, because of informative articles such as this, larger segments of our country are becoming aware of the dangerous energy crisis now facing the Nation. This energy crisis has been caused largely by ill-conceived policies emanating from the Federal Government. These policies have resulted in decreasing the economic incentives of those who explore for and develop our own abundant but untapped reserves of oil and natural gas.

In order to begin to correct this serious energy crisis, we need to implement policies designed to stimulate domestic exploratory activity.

We do not need investigations of this industry by various agencies of the Government. It has recently been suggested that the Justice Department investigate the cause of the high price of home heating oil on the east coast. This sort of investigation will not discover any new and meaningful solutions to the problem of the high cost of this commodity. We already know the solution depends upon an abundant domestic supply with transportation facilities to carry it economically to the consumers.

Let us resolve to alleviate the cause of our petroleum problems. Let us work to restore the economic incentives necessary to stimulate the needed domestic exploration and development of our abundant oil and natural gas reserves so that our present and future energy demands can be met.

EXHIBIT 1

U.S. OIL INDUSTRY REGRETS IT WAS RIGHT

(By William D. Smith)

If an industry could have a facial expression, the United States oil industry would be wearing a bittersweet smile.

The smile would be a result of having seen recent events prove some of its serious forecasts and urgent warnings correct.

The pleasure, however, is mitigated by the pain that the industry is nonetheless suffering from having seen its predictions come true.

Throughout the long and heated political controversy over oil imports, the industry has maintained that foreign sources of petroleum were relatively undependable and that their lower-than-domestic price levels could be quite ephemeral. For this thesis oilmen were raked over the political coals. The price of Middle East crude oil is now at least 75 cents a barrel more than domestic.

For more than a decade oil and gas producers have warned that Federally set "low" natural gas prices would dampen the incentive to look for gas and thus produce a future shortage. Again this was treated as a totally self-serving ploy.—"There is a shortage of natural gas today," Secretary of the Interior Walter Hickel reportedly explained.

John Emerson, energy economist of the Chase Manhattan Bank recently went even farther, "Never before in this century have we faced such serious and widespread shortages of energy. These shortages are upon us now."

The industry warned that rushing into low-sulphur, anti-pollution legislation and regulations might produce supply problems.—There appears a very good chance that there will be a shortage of low-sulphur residual fuel oil this winter, forcing cities and corporations to choose between lack of heat and power and the present practicality of recent anti-pollution laws.

Being correct, at least on the surface level, gives the industry no reason to gloat. In each instance it is costing the oil companies money. If they pass on the cost, as they probably will have to, it cuts into what little affection the public has left for the industry.

"No one will remember that Senator Kennedy or Senator Muskie and other so-called consumer representatives have advocated policies that have often ultimately resulted in higher costs. They will only blame us for rising the price of gasoline or heating oil," a vice president and counsel for a major company commented last week.

The executive's statement is probably too one-sided. The present situations are the result of many complex forces; some alterable, some not.

Nonetheless, some politicians and academicians, past and present, may have been guilty of thinking that a big desk and pet theories were a substitute for the hard facts of industrial life.

There is a very good chance that by fall the American consumer may be paying more for gasoline, natural gas and residual fuel. This means that the cost of running his car, his home and his factory will cost more.

These major impacts on the battle with inflation have not gone unnoticed in Washington although it appears that no major constructive actions have as yet occurred.

The leap in the pride of overseas crude oil is a result of soaring tanker costs. Few analysts expect these costs to go down in the very near future.

But if tankers are the central reason, the Arab-Israeli war is the underlying cause.

On May 3 in Syria, the Trans Arabian Pipeline was knocked out of commission by an errant or deliberately aggressive bulldozer. The Syrian Government has not allowed its repair, preventing 500,000 barrels a day of Saudi Arabian crude from reaching the Mediterranean.

At the other end of the Mediterranean the Libyan Government cut back oil production by 15 per cent, or 500,000 barrels a day.

The loss of almost 1 million barrels a day of oil west of Suez and close to world markets has strained tanker capacity. Replacement of this oil with oil from the Persian Gulf around South Africa takes six to eight times the tanker capacity.

CHARTER RATES RISE

Spot charter rates have risen to their highest level since the 1956 Suez crisis and are more than 50 per cent higher than during the 1967 Arab-Israeli war.

Persian Gulf oil is now coming into the United States at about $4.50 a barrel compared with Louisiana crude delivered to East Coast refineries at $3.75.

There is no chance of a shortage, however, because Texas and Louisiana will increase their production to meet the need. There is a very real chance of consumer price increases.

The Oil and Gas Journal, a trade publication, reports that Professors Phillip Areeda and James McKie, two of the chief advocates of sharply increased oil imports, have now backed off considerably from that position.

FPC REGULATION UPHELD

The natural gas supply and demand controversy is a far older argument. In 1954 the Supreme Court ruled that natural-gas producers were subject to Power Commission. In 1960 the regulatory agency began fixing wellhead prices for all gas sold interstate. The Supreme Court upheld this right again in 1965 despite vigorous crys of outrage from producers, who said it would kill incentive to drill.

Time has proven the oilmen right. Wildcat drilling dropped 40 per cent between 1956 and 1968. Geophysical activity fell 56 per cent.

Some of the drop off may have been artificial; just to show the Government. Nonetheless the results are uncontestable. In 1969 the United States proved reserves of natural gas fell 12.241 trillion cubic feet, the largest in the nation's history.

The previous record drop was in 1968, when they fell 5,548 trillion cubic feet. These are the only declines in the history of the industry.

POSITIONS CHANGED

The F.F.C. is now trying to rectify the situation by raising prices. Some of the people who supported the lower prices several years ago are now in the forefront of those pushing higher prices.

The Interior Department is trying to speed up lease sales of suspected gas fields, but is running into opposition from Conservationists. But even if this opposition is overcome, it will take from three to seven years for these areas to begin producing.

In the meantime Canadian sources of gas can be tapped although Canadian-American relations on energy matters are at an all-time low. Liquefied natural gas quite possibly will reach this country from Algeria, Nigeria or Venezuela. Contracts have already been signed to import Algerian L.N.G., but the Algerian Government's recent nationalization of American oil company properties puts this source of L.N.G. in a very questionable position.

SUPPLY OUTLOOK TIGHT

The supply outlook for this winter is tight. Industry sources say that there will be enough to heat homes, but that the industrial market, which accounts for about 50 per cent of total sales, may be in bad shape. Many distributors already have been forced to impose severe limitations on new industrial loads, and there is a real possibility that deliveries to existing customers may have to be curtailed, according to J. W. Heiney, president of the American Gas Association.

It would seem almost certain that consumer prices will have to go up, and possibly sharply.

The crude oil reserve situation is not much better, according to the American Petroleum Institute. Last year crude oil reserves dropped to 29.632 billion barrels, the lowest level in 15 years.

The A.P.I. explained the situation simply by saying that lack of incentives had led to a long and steady decline in exploratory drilling during a period of mushrooming production and consumption.

The oil industry in recent weeks seems to have won a lot of points, but through no fault of its own, it well may be losing the game.

INTEGRITY

Mr. THURMOND. Mr. President, in this country the press is quite powerful, and the proper use of the power of the press by the members of the fourth estate is a beautiful thing to behold.

Such responsibility is often demonstrated in the Augusta, Ga., Chronicle-Herald newspapers by the distinguished and able vice president and editor, Mr. Louis C. Harris.

In the Sunday, July 19, 1970, issue of the Augusta Chronicle-Herald Mr. Harris published a column entitled "What Happened to Integrity?"

Mr. President, this particular article impressed me as an excellent and responsible piece of journalism. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Augusta Chronicle, Augusta, Ga., July 19, 1970]

WHAT HAPPENED TO INTEGRITY?

(By Louis C. Harris)

For Americans brought up in the Victorian belief that certain fundamentals—honesty, integrity, the Presidency of the United States, love and the virtue of women, to name a few—are sacred, these are indeed times that try men's souls.

For them, the time (or could it be the people currently living in it) is, as Hamlet described his day, out of joint.

Language normally ascribed in the past only to the base, and heard only in the gutter falls almost with platitudinous simplicity from the movie screens these days as members of the male audience guffaw and the "ladies" titter.

Those persons who find a law or regulation offensive ignore it. Nor is it psychologically proper any longer, in our "civilized" society, to undertake to achieve—as was the "object all sublime" in Gilbert and Sullivan's "The Mikado"—"to make the punishment fit the crime." A man who is apprehended after stealing from another, or even after killing another in a paroxysm of hate, more often than not should be given little more than a reprimand and told to go and sin no more.

Criticism of the White House-based administration has always been the right of every American, but was generally countenanced and applauded in the days of yore, only when constructively offered and reasonably dignified. Now, it is not common at all for cheers to ring when epithets are hurled at the President personally and at the Presidency itself. One hears but few voices lifted in protest when a nationally known commentator impugns not only the ability, but the character of the White House occupant.

Love-making, viewed among human beings in days gone by as the ultimate in tenderness and intimacy, has become under the modern rules of morality a barnyard spectacle where a peep into the sanctity of the bedroom provides vicarious gratification to morally brainwashed and bankrupt men and women, boys and girls.

The Horatio Alger Concept, under which most of the Nation's older generation proudly reared itself, is undoubtedly regarded as a ludicrous anachronism now by a generation of Americans who view public welfare as their right, to be extended on a no-strings-attached basis and accepted without reservation.

An example lies in the action last month of some 500 mothers in Washington who stormed their way into welfare headquarters shouting "we want money." They broke out glass doors and windows, threw rocks at the police and resisted all attempts to deter them. Nor was it a spontaneous demonstration by women in despair. They arrived in Washington in chartered buses, moved calmly to an assembly point—and only then proceeded to hurl their rocks and their demands.

Anarchists such as Jerry Rubin are accorded public forums which one might normally expect to be reserved, if not for patriots, then at least for those espousing constructive programs.

Yet Time Magazine recently devoted a full page to this revolutionary misfit, providing credence to his incendiary claim that "all money represents theft," and that "to steal" from the rich is a sacred and religious act. To take what you need is an act of self-love, self-liberation. While looting, a man to his own self is true.

Yet, said Time, "the radicals (it did exclude the most violent fringe, which I guess is something of a concession) insist that America must be great," and "that is why we must cherish them."

Cherish a man who espouses stealing as an act of self-liberation and looting as an exercise of character-building? Have we indeed come to that? Pray God, we haven't!

All of this, fortunately, doesn't mean that every American is an ungrateful degenerate, eager to overthrow the government.

What it could mean is that we are simply guilty of getting our perspective out of focus. If a man shoots his wife, it's on Page 1. If he takes her out to dinner, it's on Page 16—if at all. And as a colleague said recently, one gunshot will drown out 1,000 prayers. When five shaggy-haired barbershop refugees call for blood to be donated to the Viet Cong, it is big news. But when 5,000 peaceful students each donate a pint of blood to our troops in Vietnam, no one notices.

What troubles me, however, as I reflect on the years which I hope are ahead of me, and especially those that await my sons, is the seeming growth of irresponsible radicalism and the more steady acceptance it appears to be receiving throughout the land.

It isn't any longer the fringe or the few. Radical concepts—or at least those that I, in my stuffy Victorian outlook, regard as radical—have become the norm. The living room echoes the gutter and the bedroom is removed to the barnyard. The flag, once the vibrant symbol of a proud Nation, is desecrated daily, and hardly anyone notices, much less objects.

Nor is radicalism confined to those extremists on the left. Race-baiters on the right infuse their own peculiar brand of venom into the fabric of our society. Trading falsely on patriotism and Christianity, these Nazi-like zealots are as guilty of weakening the threads of the fabric as are the socialistically-inspired activists on the left who are, in actuality, their mirrored counterparts.

Hopefully, the "silent center" is indeed the majority and, one of these days, will turn back the right and the left. So, you can't say that all is lost. But, then again, neither can we say that all is healthy.

Perhaps Foreign Minister Thanat Khoman of Thailand is closer to the truth than we like to suspect when he intimated last week that the United States is on the verge of a national mental breakdown.

The prospect of such a chaotic potential ought to stir us, each and every one, to a return to reason, even if not to Victorian morality.

SPEECH CONTEST BY OKLAHOMA FARMERS UNION

Mr. HARRIS. Mr. President, I recently had the opportunity, along with other members of the Oklahoma congressional delegation, to meet with several young people who had participated in a speech contest conducted by the Farmers Union throughout Oklahoma. The Oklahoma delegation was privileged to have the opportunity to meet with these outstanding young people and to hear some of their winning speeches. These young people put forth a great deal of effort to develop their speeches, and they certainly are representative of the high quality of young people Oklahoma is producing today.

I ask unanimous consent that the speeches of Julie Kusik, Vicky Allen, Denise Phelan, Linda Phelan, Roger Henneke, and Loretta George—all fine young outstanding Oklahomans—be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

HOW MY ORGANIZATION PROMOTES GOOD COMMUNITY LIVING

(By Loretta George)

The best way for me to tell you how my organization helps to promote good community living is to tell you about Betty, a girl from my own community.

Betty was a very shy girl who had no idea how to make friends, or to become involved in school activities. Hers was a very lonely, apathetic existence until she joined 4-H Club.

The day Betty joined 4-H Club was the beginning of a completely new existence for her. For the first time she had the feeling of belonging. The sparkle in her eyes betrayed her excitement. From that day on she had something to talk to people about. Betty no longer stood in the corner of the hall looking longingly at the groups of chattering students. She was part of them, she had something to talk about.

Each time 4-H Clubs meet the members salute and pledge allegiance to the flag. This was the nucleus of an interest in patriotism. When it came time for the timely topics, Betty wrote and gave, a most interesting one called Patriotism in Our Time. She was talking for her country, and she had a great influence on the people who heard her speak. Her speech changed the attitudes of some very skeptical students in her school, and laid the foundation for an interesting as-

sembly program with a patriotic theme participated in by those same students. Thus, Betty was an influence for better loyalty to her country.

The next year when the 4–H leader asked for enrollees for Jr. Leadership, Betty was the first to volunteer because she had learned the joys of cooperating with others. During the meetings of Jr. Leadership she learned to express herself. By helping younger members she learned the true meaning of cooperation. She was working with people rather than watching them work. Betty had learned leadership. Working with people certainly promotes good community living.

At the meeting when the 4–H leader outlined the projects Betty chose for her projects home baking, canning, and sewing. At the county fair that fall Betty exhibited some of her canning, some of her baking, and a dress which she had made. When the judging was completed and the ribbons awarded Betty had more blue ribbons than anyone else in her county. For her outstanding achievement at the county fair that fall the County Farmers Union awarded her a trophy as it does for the outstanding 4–H girl and the outstanding 4–H boy.

Because of the work which Betty did on her projects she came to have a better understanding of her mother's problems in running the home. There was that Farmers Union spirit of cooperation. There was a new lilt to her shoulders, and an added poise and confidence in her bearing. Betty had achieved; she had contributed to her community.

As Betty learned to express herself in 4-H, new avenues of learning opened for her. She became conscious of what was necessary to govern a nation, for in her junior year she was elected secretary of her club. When she was a senior she was elected president. Conducting meetings, appointing committees, planning activities, and assisting younger members helped her to reach the height of her potentials.

When the opportunity of joining a Farmers Union Youth Class came along she quickly joined, seizing every opportunity for maximum education.

Before joining 4–H Betty had attended church very irregularly. After she became a member of 4–H and learned the joys of helping others, she began to attend every Sunday. She was so enthusiastic about church that she began to teach a class of eight year olds. Her fervor was such that many of her associates followed her examples, and began to attend church regularly. The spiritual level of her community had been raised.

Because of her citizenship, degree of education, and spirit of cooperativeness, upon graduating from high school Betty was chosen to work for the F.B.I. in Washington, D.C. While there she met and married a fine young man. Today Betty is living in a small community where she is a 4–H Club leader, helping other young people find their place in America's way of life.

If Betty had not become a member of 4–H, she might have become a Diane Linkletter, experimenting with drugs, becoming despondent, and maybe even taking her own life. Instead, through her participation in 4–H Club and Farmers Union, she became a useful, cooperative, patriotic leader who promotes good community living. Don't you agree that Betty's experience is an excellent example of good community living?

REC

(By Julie Kusik)

I am an Oklahoma farm girl—one of the few still privileged to live out where there's room to grow. Generations before me, farm girls were not a novelty. In fact, at one time we far outnumbered our city sisters. But then, as cities modernized and started offering advantages unavailable in the country, more and more of us migrated to the land of opportunity, the city, and the question was "How you gonna keep 'em down on the farm?"

It would have been an impossible task, keeping us down on the farm, had not the rural electrification movement come along. In 1937, a group of Kingfisher County men organized Cimarron Electric Cooperate, and I truly believe that act was responsible for the fact that I have had the privilege of growing up in rural Oklahoma.

But, you say—wait a minute? What does that have to do with where I live? It has everything to do with it. Let's look at this picture:

Let's say Cimarron Electric had not been organized. Somehow I just can't imagine my Mom living on a farm without running water provided by our electric pump, without electric lights, our food freezer, washer and drier, and without refrigerated air conditioning. Why, I'd even hate to picture me without our electric dish washer! But I'm sure that wouldn't be Mom's biggest consideration.

Now let's see what a difference it would make to my Dad's life. Without the efficiency of electric milkers, our welder, electric farm tools, and our cattle watering system, Dad assures me the margin of profit a farmer now enjoys would soon disappear. In other words, electricity makes life on the farm possible for me today.

And you know, what applies to me and my family probably applies to others like us. It's obvious to me that most of the progressive farm families in my community would not be there today except for the convenience and work-saving efficiency of our REC Electricity. I shudder to think what would be the caliber of people on Oklahoma farms today without electricity. With few exceptions, only those too poor to leave the farm or too shiftless to care for a better life would probably remain. Does REC make my community a better place in which to live? You bet it does!

But, you say—wait another minute! If REC's hadn't brought electricity to the farm, private utility companies would have done the job! But would they? I took a survey of our immediate community recently and discovered that an average of only 3 persons (not families) per mile of high line, live in the area. The major private utility serves an average of 33 customers per mile. Could they have afforded to build lines for so few customers? No, they could not, and no one blames them for not coming into an area which would be unprofitable. They must make a profit to survive. REC's are in business to serve.

There are other ways in which a rural cooperate contributes to a community. In many cases it's a real shot in the arm for the local economy. Think of the appliances, the motors, the pumps, and the TV's we farmers buy. And think of the 35 families and their payrolls from Cimarron electric. This, plus the taxes the business pay are a real economic force for the good of our communities and the rural schools of which we are all so proud.

Farmer's Union, too, is a part of this movement that has kept the American farmer on the land—out where there's room to grow.

Farmer's Union has given the farmer a strong, united voice that has commanded respect in Washington. And Farmers Union continues to give those of us who are living in rural areas opportunities such as these to display our talents and our pride in farm life. We thank you for this opportunity.

How are you going to keep them down on the farm? Well, first of all bring REC Electricity to them—and the advantages that follow will help keep them on the land. But we'd better watch out! REC country living has become so attractive, have you noticed? Our city relatives are joining us. Suburbs and acreages are pushing out farther and farther. But—come on you industries, you city-weary families, REC's have the power waiting for you and the living is great "Out where there's room to grow."

Farmers Union

(By Vicky Allen)

Someone has said that "in union there is strength." All of us use this axiom every day as we cooperate or work together to do jobs that one could not do alone. Whether the job is simply too hard to do physically by oneself, like moving a heavy load, or whether the teamwork is needed to reproduce a beautiful symphony that one musician could never play alone, we acknowledge the power of union to get jobs done.

So it is that Farmers Union meets a need of the American farmer. Of course, farmers have long prided themselves with their independence. We've gloried in the freedom of rural life and have rigidly maintained our right to be our own bosses. But Farmers Union was born of the need for farmers to unite in speaking with a strong voice. And today that voice has strength and the respect of those who write our laws in Washington as well as in our state capitals. This is just one of the ways that Farmers Union has made for better living in my community, as well as yours.

Let us examine some of the specific things Farmers Union has helped accomplish in the past. Being a student in a small high school, I naturally remember first the strong stand Farmers Union took in our behalf during the past few years. Would it have weakened my community if we had lost our school? We of rural America answer with a resounding *yes*. Our school is the center, the hub, of our community. We appreciate your help in the fight for strong community schools.

The list of Farmers Union legislative interests is long. Soil Conservation and Rural Electrification are only a couple of examples of areas where help has been given. One of the most recent fights is in the field of corporate farming. In spite of the admonition that big corporation farming is just around the corner, we still believe a farmer's place is on his land and that his family deserves the right to grow up there—a privilege that is being recognized more and more by city people who are pushing the suburbs out faster than at any other time in our history. I truly believe that this fight against corporate farming is a real life—and death struggle for a productive, proud agriculture in our country.

These areas have partly been in the adult field of life. But Farmers Union Youth has long enjoyed the advantages given us by our parent organization. This speech contest today is an example of the encouragement in the right direction you are giving to emphasize the good in teenagers today rather than simply shaking your heads over some of our less worthy doings. A Farmers Union Youth has little time to worry about a generation gap with opportunities like these to work with those of you who are adult and yet so willing to hear us and to help.

Have you seen a picture of recent Farmers Union scholarship winners? They are a fine looking group of people—a far cry from the run-of-the-mill group of hippies and turned-on teenagers sometimes seen in news releases. Who can say what just one of these scholarships may mean for my community or for our country, for that matter? In financing these deserving young people, Farmers Union is saying "We believe in the youth of this country. We believe in them to the point of being willing to finance their worthwhile undertakings." We, the youth who are profiting from this support, promise your confidence will not be betrayed and we will remember the lesson of union. After all, our country, the United States is a living example of our adherence to that principle.

4–H

(By Denise Phelan)

What's the most valuable crop produced in your community? Perhaps if you live in northwest Okla. you'll answer that it is wheat that means the most in dollars and cents to the farmers in your area. Or perhaps you'll mention cattle if you live in the grasslands of Okla. Or, if you live in another section, cotton might come to your mind first. No matter what the economy is based on in your area, most thoughtful people will give another answer when asked about their most valuable crop. Yes, in almost all instances a community will gladly admit their biggest asset is their young people—that crop of kids whom they watch so hopefully—or perhaps fearfully. We of the younger generation truly are the pride, or the dispair of those of our parents generation.

It is for us, the youth, that you have built and maintained Churches and schools. It is for us that you have scrimped and saved so that we could have the things you didn't have. And now you've handed it to us. But the story hasn't had a happy ever after ending.

Indeed, young people today seem less happy, less satisfied than at any other period in history. Revolts and protests, drug addiction and bizarre habits seem to have become the trade mark of my generation. And our communities are worried—worried about the product they are sending into the world.

In a situation like this, what are stabilizing forces, the common sense institutions that can help my generation keep it's feet on the ground? I suggest that 4–H Clubs are one of those organizations that can and do provide the stability as well as the thrills and opportunities to keep youth on a reasonable course. In this way, it seems to me, 4–H Club does a great deal to make my community a better place in which to live.

But, you say, how can 4–H possibly influence the "turned on" crowd? Don't tell me a young drug experimenting protester will all at once get excited about clothing projects or showmanship contests. Probably not. But most of us who are in 4–H have been members since we were ten years old. We "got involved" at an early age, and "involved" pretty well describes it. The hours of actual work involved in raising an animal, the planned activities of 4–H meetings and parties, the thrill of competition, and the effort to win out-of-state trips has us so occupied that boredom and brooding about supposed injustices has no place in our lives. Even the generation gap loses its meaning as we work shoulder to shoulder with adult leaders and parents who really care enough to help as well as to listen to whatever we have to say. This, it seems to me, is much more important than facts or manual skills we learn in 4–H. Of course, the lessons on homemaking are valuable training, but, this attitude toward life will be an even more important part of our lives.

Farmers Union, too, has had a hand in helping the younger generation in worthwhile projects. This speech contest tonight, where we are encouraged to "speak our minds" is an example of your support of us. We from small schools remember, too, the strong stand Farmers Union has taken in recent years in defense of our schools and rural Oklahoma. Your opposition to corporate farming and therefore preservation of the rural way of life is much appreciated.

Yes, the seeds of rebellion and protest have been sown. Adults are worried about the harvest. But seeds of stability and commonsense have also been sown and nurtured by organizations like 4–H Clubs and Farmers Union. Most of us of the younger generation have developed ideals and attitudes toward life that can help us maintain an America of which we can be proud. We promise to do just that.

Soil Conservation

(By Linda Phelan)

On Christmas Eve 1968 Americans were stirred as they perhaps were never stirred before by the majesty of the creation story. As the American astronauts circled the moon in that historic flight, the voice of Anders came back to America: "In the beginning, God created the heavens and the earth—".

Somehow many of us were touched as never before with the magnificence of God's creation—the magnitude of our role as stewards of God's creation. We are to preserve and conserve what we have been given, that it may be passed on to our children and our children's children.

America, which was originally thought of as a land of plenty—a land of such vast resources that they could never be depleted—has had to learn conservation the hard way. It took the dirty 30's to shock us into the realization that conservation, not exploitation, must be practiced if the great "bread basket" of the world was to survive. You are all familiar with stories of the dust bowl days, if you did not experience it yourselves—stories of gritty clouds of dust, piling into drifts along fence rows, of top soil carried away by the ton—of land which never should have been stripped of its protective covering being washed into creeks. The resultant gullies and worn-out land which only a few short years earlier had been virgin soil made a scar across the map of the United States—a scar which we are still striving to heal.

So it was, as a result of that national disaster called the "dust bowl" that soil conservation legislation came into effect in 1935. I am proud that Logan County was one of the first to set up a soil conservation district and that now most land is under soil conservation contract in my community.

Well, then, you say, isn't that enough? After all, most farmers now practice conservation. Hasn't the job been done? My answer is no, it has not. Farmers today represent only a small proportion of our population. True, they are in the best position to see that soil and water conservation are practiced, but I maintain that the rest of us, the 95 percent who do not actually till the soil must be made conservation minded. Let me show you what I mean:

A careless camper lets his fire get out of control, or worse yet, he walks off and leaves smoldering embers—and in a few short hours natures work of hundreds of years is wasted. The burned-off forest land is laid waste because of the careless attitude of one American.

Or an unthinking motorist casually flips his cigarette out the car window where it will probably go out. In so doing, he burns off hundreds of acres of your pasture—or mine—and the conservation practices of many years of farming literally go up in smoke.

Conservation must become an attitude of the American people. We must teach it in our schools, practice it in our homes, and even preach it from our pulpits if need be. At the present time, one million acres of crop land per year are being lost to farming for highways, airports, and super-markets. The men and women who plan these things must be awakened to the need for saving our shrinking acres. Yes, soil conservation has done a great deal to make for better living in my community. But now all of us must carry the torch and do our parts so that conservation truly becomes the attitude of all Americans, including city people, as well as farmers.

Farmers Union is to be congratulated on the role they have taken in the conservation effort. Always a leader in what's good for the farmer, Farmers Union has given the American farmer a strong voice in Washington. We appreciate, too, opportunities such as this speech contest, when we can speak on conservation and makes others aware of the problems which are so important to us all.

Yes, God created the heavens and the earth, but to you and me he gave the charge to have dominion over it, to conserve it so that human life would be long on the face of the earth. Let us be true to that trust.

Electric Cooperative

(By Roger Henneke)

No other rural service enterprise makes as great a contribution to community growth and welfare as the Electric Cooperative. Bringing low cost electricity to our rural communities on an areawide basis has made it possible to improve education, cultural and health facilities, to modernize our rural homes, and to make farming more efficient and more profitable. Also, more employment opportunities are now available through the development of new rural industries.

The increase in rural family income is reflected by more local business, not only for electric appliance dealers, but for all merchants in towns who cater to the needs of the farm population. This means more prosperity for our communities and an increased desire on their part to provide themselves with better facilities and service.

Today electricity performs more than 400 different chores on the modern farm. It has become an important source of power to the farmer, decreasing his production costs, saving labor, adding comfort and convenience and eliminating drudgery from farming and farm living.

Visit a modern dairy farm almost anywhere in the Nation and you will find the owner milking a herd of 100 cows today, against a herd of 20 before electrification.

In the live stock business, electricity is being harnessed to control the environment of animals. Beyond any question, the air that the animals breathe, the humidity, the hours of sunshine, the temperature, and the kind of food they eat, all of these have a direct bearing on their health and weight gains. Stockmen and researchers are finding ways to use electricity to make sure that each of these factors are favorable for maximum production.

Today's farmer who finds himself unable to keep pace with the demands for his services is in a position of pulling himself out of trouble with one finger. That's the one that pushed the button that put electricity to work for him. Like millions of people before him, the farmer is rapidly discovering that electricity is the cheapest servant on his farm and the most reliable.

On our farm electricity has played an important part for my entire family. Our cattle are watered by an electric pump that has an electric tank heater for cold weather. We use electricity for our temporary fence. Our barn and yard is equipped with electric lights. An electric motor elevates our grain for a few cents a day. Our shop is equipped with electric tools and an electric welder. I use an electric sander, clippers and dryer to groom my show calves.

In many sections of Oklahoma, Rural Electric Cooperatives are providing the power needed for growth of new rural industries. Oklahoma lakes and recreational areas are on Rural Electric Cooperative lines. Although the city man may say he wants to "rough it", he probably doesn't mean going without refrigeration, lights, and water system.

Of the millions of farmers and stockmen who are receiving electric service, over one-half of them receive it from the rural electric cooperatives. These power suppliers feel that rural people are just beginning to use electricity and that as improved equipment and appliances are available, they will ultimately be using many times their present consumption.

Credit for the progress made in rural electrification during the past quarter century

must go to the Farmers Union Organization. It has been through their legislative activities as well as their promotional programs that the Rural Electric Cooperatives have been fostered and developed.

During the past 30 years, no other movement has done more to promote good community living than work and action of the Rural Electric Cooperative. Without the never tiring efforts of the Farmers Union to bring this inexpensive and efficient power to our farms and rural areas, we would still be feeding cattle by lantern light and much of farm drudgery would still remain.

FUTURE FARMERS OF AMERICA CONGRESSIONAL BREAKFAST

Mr. TOWER. Mr. President, it was my privilege and honor to be host to the Future Farmers of America congressional breakfast on July 23. This annual event brings together State officers of the FFA, who are attending their annual leadership conference at the National FFA Center near Mount Vernon, Va., and their congressional representatives in a traditional "bread breaking" that is becoming more meaningful each succeeding year.

This year, the FFA entered into a new era of activities and services when their national president, Harry Birdwell, announced the launching of a new national community development program which they have named "FFA—Building Our American Communities."

Mr. President, because of the historical significance of Mr. Birdwell's announcement, I ask unanimous consent that his statement entitled "Better Days Through Better Ways" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BETTER DAYS THROUGH BETTER WAYS

(By Harry Birdwell, national FFA president)

In the opening paragraph of the FFA Creed members of our organization are reminded that better days are the result of better ways. As we reflect upon the critical problems of 1970, it is quickly obvious that our challenge has become one of solving America's problems while maintaining America's strengths. That seems to indicate that not only the Future Farmers of America, but all of America, is seeking better days through better ways.

From every sector of America young people are saying, "Let us play an active role in America's future". For the most part young people have correctly analyzed the obstacles which our nation must overcome, and as we view the energy and ambition of constructive, well-meaning youths—what things can provide them with opportunities for meaningful participation? Unfortunately the opportunities for millions of this nation's youth to become involved with adults and to participate in worthwhile community efforts are limited. For this reason it is and will continue to be the aim of the Future Farmers of America to provide our members with the knowledge of community problems and to undertake noteworthy community service and community improvement projects.

In keeping with that objective I am proud to formally announce an innovative community action program, . . . *Building Our American Communities.*

The new national effort was conceived eighteen months ago by staff members of the Farmers' Home Administration, an agency of the United States Department of Agriculture. As the USDA and FFA view America's future, it becomes more evident that rural America must, of necessity, offer a solution to many problems of congested urban centers. This over crowding of our population can be reduced provided that sufficient jobs, adequate housing and municipal facilities can be secured in rural and semi-rural areas. As FFA has worked jointly with the Farmers' Home Administration, we have decided that a program involving both study and action will be the most effective means of involving our membership. Instructional units will be made available to 12,000 teachers of Vocational Agriculture, and beginning with the 1970–1971 high school year this information will be taught in Vocational Agriculture classrooms in 9,000 American communities. Vocational Agriculture students will devote a portion of their class time to discussion of the problems of their local communities. In addition to the instructional phase, FFA members will be involved in actual community improvement projects dealing with *seven* rural problem areas:

1. Making efficient use of community resources;
2. Conducting job surveys and rural job development;
3. Becoming involved in environmental clean-up and control of water, air and solid waste;
4. Leading community beautification drives;
5. Developing recreational programs and facilities;
6. Surveying and developing community housing; and
7. Encouraging community safety and aiding in the development of rural health facilities.

We realize this seems to be quite an undertaking, however, we anticipate that many other organizations will become actively involved in community projects as a result of the FFA effort to help coordinate rural development efforts. We challenge other youth and adult organizations, civic clubs and city governments to join hands with a half million FFA members as we set out to build rural America.

To this point the response to this effort has been excellent. Young and old alike are excited about the prospects for improved communities through this "youth pioneer" approach to community problem solving. President Nixon has sanctioned our program and has indicated that it satisfies the desire of his administration both to get youth involved in solution finding and to strengthen rural America.

If constructive youth involvement and further development of rural American communities seem to be important priorities for the decade ahead, then I solicit your enthusiastic support for *Building Our American Communities.*

To those of you assembled here today, and to every American who shall see the results of this effort, I say this . . . FFA members have not fallen subject to a spirit of pessimism and impending doom. On the contrary we believe that *better days* are ahead for America if we will search for *better ways* to solve our problems and employ our creativity. Though troubles beset America, though controversy divides America, 450,000 Future Farmers of America join with me in saying to you that as we further build our American communities we have much to build with and God knows everything to build for.

Mr. TOWER. Mr. President, developing this new national program, FFA—Building Our American Communities, has been a cooperative effort between the Farmers Home Administration and the FFA over the last 18 months. Suggested by FHA staff members, it illustrates how government and people can work together to construct positive programs for community development. The program emphasis is on positive action on the part of the community to originate development that will take care of its wants and needs.

The purpose of the program is to encourage and assist young people to become more knowledgeable and active community leaders.

This program is especially timely because of the national emphasis being placed on rural development: creation of job opportunities, community services, a better quality of living, and improved social and physical environment in small cities, towns, villages, and farm communities of rural America.

Both James V. Smith, Administrator of the Farmers Home Administration, and Neville Hunsicker, national advisor of the Future Farmers of America, have rendered a vital public service in creating a program that will channel the activism and energy of youth into building the America of the future.

Since the organization's inception over 40 years ago, the Future Farmers of America have contributed immeasurably to building the Nation's modern agricultural production plant. In 8 years the FFA will have been in existence a half a century. During that time, FFA members with dreams and visions, who believed in "better days through better ways," became the thinkers and leaders responsible in a large degree for the Nation's present abundance of food and fiber. Much of their success they attribute to their training in vocational agriculture and to leadership abilities developed through active participation in the FFA.

The basis of this new FFA program is a course of study developed by the Farmers Home Administration entitled "Build Our American Communities." Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by Mr. James V. Smith, Administrator of the Farmers Home Administration, for the FAA congressional breakfast of July 23, which outlines the need and purpose of the program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT FOR JAMES V. SMITH

Half a century from now the United States may be a nation of twice as many people as our present 200 million.

Older Americans may contemplate this prospect in their imagination, but young Americans must prepare to meet it in reality.

Redeveloping community life as the future demands could be our greatest domestic challenge in this century. But Americans of every generation have proved equal in the crisis to formidable, even "impossible" tasks. Again in the 1960s we attained the unattainable when we traveled to and walked on the moon. We are a people of unfathomed potential for accomplishment.

Today, the Future Farmers of America are acting in this tradition as they launch into the major task of their generation—the renewal and upbuilding of community life in America.

In the Farmers Home Administration, we carry a large responsibility in the rural sector of national growth. As a credit agency and a service agency, our role is to help

develop and conserve resources, improve the quality of living and expand opportunity in the open spaces and smaller towns—those green pastures where most of the building should be done for the future.

Our concern is not alone for the present adult generation, owning the family farms and managing the towns of America, but also the oncoming generation which must live with and build upon the consequences of our work. We believe it is right that we enter into the closest partnership with young Americans as they grow toward responsibility for the development of the nation.

My agency is dedicated to the principle of self help, and that is also the spirit in which FFA prepares to meet the future.

The Farmers Home Administration will channel over $2.2 billion into rural America this fiscal year through 23 different self-help credit programs that can benefit all rural people—those in towns and small cities as well as those on our farms. The thrust of the FHA credit program is in three principle areas of rural development:

The family farmer,

The rural community, for development of basic facilities such as water and sewer systems, and

Rural housing.

We know that this credit assistance is a good investment. One recent study made by a state university shows that the acquisition of a rural water system can create new wealth up to 10 times the amount of the original loan.

I would like to cite one typical example.

Five rural water systems in Warren County, Tennessee, financed with $1.4 million in Farmers Home Administration loans, have brought economic renewal to the area. These water systems have made possible new standards of health protection and safety, putting rural communities in Warren County on equal footing with other modern communities.

Warren County now has a water line on every major highway leading out of town and several of the secondary roads.

Four major industrial plants have been located along these lines.

Seventeen new small businesses have developed there.

Over 500 new rural homes costing more than $5.5 million have been built.

Nearly 600 houses have been remodeled.

The State of Tennessee has purchased a $500,000 tract of land for a new park and its facilities will be located on the water lines.

All this shows what can be accomplished with a combination of local enterprise and local determination, fortified by credit and technical assistance from the Farmers Home Administration. It is a pattern for development that must be carried forward in communities throughout America:

Accumulated physical obsolescence must be replaced.

Environmental deterioration must be overcome.

New housing must be built, jobs created, community facilities developed, transportation and services provided for 100 million more people by the year 2000, and for more than 200 million more people by the decade of the year 2030.

For the present generation, which must maintain an environment in which they can live, this is a building project unprecedented in the history of mankind, rivaling all that has been accomplished since the signing of the Declaration of Independence.

Many problems command the attention of the leaders of the future:

There is an urban crisis constantly fed from rural areas. Today 70 percent of the nation's population is concentrated on 2 percent of the land with the prospect that all the population will be jammed into 5 small geographical areas by the year 2000 unless steps are taken to prevent it. The great threat is that social economic ills may become more acute in metropolitan areas, and may infect our national structure unless we act together with intelligence to prevent what might be national catastrophe.

Thirty percent of the U.S. population lives in rural America, but more than half the nation's poverty is located there. To provide opportunity for these low-income rural citizens, as well as to improve the quality of living for everyone, is a challenge to all Americans and to young people especially.

Just as part of the problems of urban areas can be traced to outmigration from rural areas, so too can much of the solution to urban problems be found in the countryside. Financial resources have not been available to keep rural America in step with the rest of the nation in modern community development.

A new concept in community development is vital and necessary. Traditionally we have thought of community development as a local enterprise. Today we cannot divorce the local community from the state, nation or world. The earth has become a closed loop insofar as human activities are concerned. Population growth, air and water pollution, resource depletion and food shortage are all global problems, some of which originate in your own communities.

The President's Task Force On Rural Development, in its report of March 1970, "A New Life for the Country," stated that there was a need for interdepartmental cooperation throughout the Federal Government to improve the economic, social and environmental conditions in rural America.

Since March 1969, the national staffs of the Farmers Home Administration and the Future Farmers of America have been working together, building new guidelines for participation of young people in community development. The program resulting from this team effort is called Build Our American Communities (BOAC). A copy has been provided for each guest here today.

BOAC is a program to help young people become knowledgeable community leaders. In so doing they will come to understand the interrelationship of local, state, national and even world problems, and of the agencies concerned with these problems. As a final step, using the technical and financial resources they have learned about, they will plan, develop and carry out action projects compatible with their community's need.

That part of the BOAC program contributed by the Farmers Home Administration is available to any group which wishes to use it as the basis of a study-action program in community development.

FFA has adapted and added to the program. They are introducing their entire program this morning. They call it FFA—Building Our American Communities.

BOAC thus joins the curriculum of vocational agriculture throughout America as a study-action program involving systematic classroom discussion, and using the community as a laboratory and workshop. It is based on the doctrine that constructive community development starts with the local people and must be concerned with their wants and needs. The program will help them to:

Understand local, state, national and world development problems, and establish community goals, values and objectives.

Determine the kind of rural and urban America they want, and how to bring this concept to reality.

Make hard decisions about population, depletion of resources, economic stability and environment.

Develop the interest, concepts, attitudes and motivation necessary to solve these problems.

Acquire the basic tools for analyzing resources, determining employment needs, planning projects and obtaining necessary technical and financial assistance.

Initiate constructive projects from which they can apply the fundamentals of community development.

Inform and obtain the support of the whole community in their effort.

Beyond this the program will enable young people to get a "head start" in becoming part of the economic system at an earlier age. It will help bring them into the decision-making that takes place in community affairs. The nation can benefit from their acquired knowledge and experience, and the application of their youthful energy to build the new America.

As administrator of an agency dedicated to the self-help principle for rural America, I believe the FFA and FHA will make a good team. FFA is dedicated to helping others as well as themselves. FFA believes that they and others should work together for individual and community progress.

The FFA has never looked for a "handout." They do welcome a "handup" that will assist them in properly directing their own lives so that they can be of service to others as well as themselves.

This is not the "beat" generation. In my judgment FFA represents the "leading" generation, with visions for the future, and the imagination to find new means for positive action to bring those visions to reality.

National officers of the FFA visit my office frequently. I have had the opportunity to work closely with them this past 16 months in developing this program. It has been a particular pleasure to work this year with Harry Birdwell, the National President of FFA, because Harry is a neighbor of mine in Oklahoma.

It has been inspiring to observe the way Harry and the other officers have assumed responsibility for disseminating information about the purpose, merit, need and hope for this program. My association with them indicates that they merit our full confidence. As young people such as they are assume leadership responsibilities at an earlier age, the future of our communities will, indeed, be in good hands.

Community development is a continuous phenomenon. Its motive power must be drawn from the local people. Creators of the communities of the future must be knowledgeable, and concerned with the effect of their planning and building upon the total environment. That, too, is what the BOAC program is all about.

I want to assure the national advisors, officers and members of the Future Farmers of America that the FFA—Building our American Communities program has my unqualified support. The Farmers Home Administration at the national, state and county levels will continue to participate and cooperate with you in every appropriate way in building our American communities.

Mr. TOWER. Mr. President, I invite the attention of Senators to the key man in this program who serves on a day-to-day basis with little recognition other than the satisfaction he derives from the accomplishment of those whom he trains. I refer to the vocational agricultural instructor and local FFA adviser.

National leaders, including President Nixon, recognize the past achievements and outstanding leadership qualities of the Vocational Ag instructor. It is for this reason that they were selected to first implement the Build Our American

Communities program. The Vo-Ag instructor is the most important man in this program for numerous reasons:

He is oriented to youth development.

He knows how to develop successful youth community action programs.

He is at his best when cooperating with people.

He is the community development oriented man in the school system.

He knows more about his community than nearly any other person.

He is trained and has the ability and know-how to find the facts and develop the answers to problems with which he is unfamiliar.

It is in the Nation's interest that he accept the responsibility of implementing this program.

The Build Our American Communities program has been designed to fit into the Vo-Ag program of instruction. Here is the one place in the school system where a daily systematic approach can be used to build ideas, concepts and attitudes necessary to make our communities change as the time demands.

An example of the results of the Vo-Ag instructors' work are these outstanding young men who visit us, each in his blue and gold FFA jacket. It is always a pleasure to visit with them. I am sure that all Senators will agree with me that the instructors who prepare these young men for service to their communities and the Nation are a natural to implement the FFA—Building Our American Communities program. The Nation urgently needs them in this capacity.

As we look at the history of the FFA—what they have accomplished in the past and what they aspire to do in the future through their new program—it occurs to me that perhaps the members should consider a new name for the organization. I would like to suggest FBA Future Builders of America.

I would like to challenge them as Future Builders of America to be the catalysts who will involve millions of young people in the constructive effort they are launching to build the future America.

The Build Our American Communities program can be adapted to urban areas and central cities. Instructors trained in urban community development to work on a full-time basis, as the Vo-Ag instructor does in rural communities, could be a partial solution to some current national problems.

OUR FLAG

Mr. MONDALE. Mr. President, our flag has always symbolized America and all of the very special things this country has stood for.

I think that all of us feel a very personal outrage and sadness when this flag is defiled—whether by mutilation, destruction, or disrespect. We feel an outrage because it is a direct—although symbolic—insult to the Nation we love and helped to build. It is sad because something must be very very wrong in our society for this kind of act to be more than a rare occurrence.

But I feel an equally deep outrage and perhaps even a greater sadness when I see our flag defiled indirectly—through its use as a banner behind which march strident voices of repression and blind chauvinism.

Mr. President, an excellent editorial on this topic, written by Mr. Stanley Frankel, was published recently in the Scarsdale Inquirer. I think it makes this point forcefully and eloquently. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN DEFENSE OF PATRIOTISM

(By Stanley Frankel)

Samuel Johnson wrote that patriotism is the last refuge of a scoundrel.

Johnson did not mean that all patriots were scoundrels. Rather, he suggests that some scoundrels wrap themselves up in the beautiful American flag and in the name of love of country commit all kinds of sins which, under any other disguise, would be grounds for impeachment or jail.

These are the scoundrels who appropriate the American flag and wave it while they throw rocks at Negroes; while they hurl epithets at Peace Marchers; while they bust the heads of youthful dissenters. And all in the name of patriotism—or law and order.

These might be the same scoundrels who fly the American flag from the tallest pole in their plants while their smokestacks spew poison into the clean American air; who pledge allegiance to the flag while their sewage wastes our streams; who hoist the flag up while oil leaking from the bow fouls our beaches and kills our wildlife.

Some of these scoundrels are fond of quoting Stephen Decatur's "My Country, right or wrong," but fail to follow up with "When right to keep her right, and when wrong to put her right."

These self-proclaimed patriots would blindly follow their temporary leadership into wrong wars which wrongly kill 40,000 American boys . . . hundreds of thousands of North and South Vietnamese men, women, and children, and which threaten, wrongly the peace of the world. For the time is now upon us when the wrong course could lead to nuclear annihilation. The true patriot's course is away from obscene wars, away from pollution, away from poverty and hunger, and, if our country, through its temporary leaders, is wrong, then the patriot's obligation is to put our country, and her leaders, right. Time has long passed for blind and unquestioning lockstep, for thse precipice is near and oblivion is ahead . . . dead ahead.

I much prefer Adlai Stevenson's definition of patriotism.

"What do we mean by patriotism? A patriotism that puts country ahead of self; a patriotism that is not the short, frenzied outburst of emotion but the tranquil and steady dedication of a lifetime. These are words that are easy to utter, but it is often easier to utter, but it is often easier to talk for principles than to live up to them.

When an American says he loves his country, he means not only that he loves the New England hills, the prairie glistening in the sun, the wide and rising plains, the great mountains, and the sea. He means that he loves an inner air, an inner light in which freedom lives and in which a man can draw the breath of self-respect."

I may sound corny, but, because our flag is the symbol of our great nation, I am proud of that flag, proud to march behind it, to salute it, and to wear it. I am not proud that it has been appropriated by those hard of hat, heart, and head who would use its shining presence to defile the Bill of Rights, to shortcut the Constitution, and to substitute brutality for beauty. These are the self-proclaimed patriots who equate dissent over the war with treason. These are the flag wavers and wearers who fail to understand that the safety of our soldiers in Viet Nam depends on our getting them out, not on forcing them in. These are the blind who cannot see that the most patriotic course to save our torn nation and our beloved sons is to march those boys off the ships behind the billowing red-white-and-blue, not to carry them off wrapped in it.

ISSUANCE OF REPORT BY BLUE RIBBON DEFENSE PANEL HEADED BY GILBERT W. FITZHUGH

Mr. THURMOND. Mr. President, the report of the blue ribbon defense panel, headed by Gilbert W. Fitzhugh, chairman of the board of the Metropolitan Life Insurance Co., was delivered to the President July 15 and is now being made available to the public.

This is an important report and deserves the attention of Congress and the nation. While I have not yet had an opportunity to study the findings of the panel, I have read over a 4-page summary of the findings and recommendations.

The summary clearly indicates that this document has considerable merit. It opens avenues of thought and discussion which should benefit our defense establishment. Some of its recommendations impress me as quite sound, while others I would want to examine closely.

I find it especially commendable that President Nixon has undertaken early in his administration a searching inquiry into the operation of the Government's largest executive department. While this report may give some ammunition to critics of the Defense Department it demonstrates the President's willingness to improve and strengthen our defense establishment under the hot glare of public opinion.

Mr. President, the panel members and staff of the Fitzhugh report are to be commended. They have rendered a worthwhile service to their country. I ask unanimous consent that the DOD summary of the Fitzhugh report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

BLUE RIBBON DEFENSE PANEL ISSUES REPORT

Gilbert W. Fitzhugh, Chairman of the Board and Chief Executive Officer of Metropolitan Life Insurance Company, who has served as Chairman of the Blue Ribbon Defense Panel, appointed by President Nixon, today commented on the release of the Panel's report.

The report, which resulted from a yearlong study of the Department of Defense, was completed on July 1, and was delivered to the President on July 15, 1970. It contains 113 numbered recommendations for changes in the organization and procedures of the Department of Defense.

Mr. Fitzhugh stated: "The report does not enter the field of national policy, but makes recommendations we believe could cause important improvements in the effectiveness of the Department of Defense. Major areas covered in the report include orga-

nization, command and control, procurement, research and development, intelligence, personnel policies and practices, and conflicts of interest.

Mr. Fitzhugh, who spent full time on the study effort during the past year, said: "The objective of the study was not to devise ways and means to save money, per se; it was rather an attempt to discover the causes of shortcomings and to devise and recommend changes in organization and procedures which appear to have potential for increasing the efficiency of the Department of Defense."

Mr. Fitzhugh stated that if the Panel's recommendations are made effective, "we anticipate substantial ultimate reductions in dollars and personnel in both military and civilian areas," but said that "such savings as result from increased efficiency will be realized principally in the long term, rather than the short term."

Panel Chairman Fitzhugh added: "The recommendations of the Panel are not and could not be designed to support immediate budget reductions."

Upon the release of the report, Mr. Fitzhugh said: "Throughout our study and our report we have concentrated on problem areas, rather than in areas on which operations appear to be conducted efficiently and responsibly. Many things are done well in the Department of Defense, and we are conscious that our report, because it is problem oriented, reflects a lack of balance of the positive with the negative aspects. We hope it will be accepted by all as a timely and a constructive contribution, and will not be used by anyone to exacerbate present tensions and differences of opinion."

Mr. Fitzhugh expressed enthusiasm for the cooperation of the personnel of the Department, and said: "The Panel received excellent cooperation and inputs from both within and outside the Department. The Secretary of Defense made sure that the Panel experienced no limitations on its access to records and people of the Department. The attitudes of the Department personnel almost unanimously reflected interest and a desire to assist in improving the effectiveness of the Department."

"Our observation of the Department's operatiton indicates that efforts to improve its organization and management were not generally inhibited or postponed while the study was in progress," Fitzhugh noted. "Although this provided the Panel with a moving target, we welcomed the changes and the concern and sense of responsibility within the Department of Defense which prompted them."

In the covering letter of transmittal to the President, Mr. Fitzhugh observed that "from my extensive year-long exposure to our military and civilian leaders in the Department of Defense and in Washington, and to our fighting men in Europe, the Mediterranean, and Southeast Asia, I have been deeply impressed—and this applies both to the officers and enlisted men—with their competence and dedication to duty, as they see it."

"The Panel found many things that we believed should be corrected, but believes, and I agree, that many of the difficulties result from the structure of the Department of Defense itself, which almost inevitably leads people into 'adversary' relationships rather than toward cooperation in the interest of the Department—and the Nation—as a whole. I hope the Panel's recommendations will not be considered criticisms of individuals, but will help to restructure the Department and 'the bureaucracy' so that the talent and dedication of the fine people, both military and civilian, can be unleashed and redirected to accomplish more effectively the basic objectives of the Department of Defense and the Nation."

The recommendations contained in the report are based on fundamental findings by the Panel that:

"(1) Effective civilian control is impaired by a generally excessive centralization of decision-making authority at the level of the Secretary of Defense. Indeed, attempts to overcentralize decision making at the top seriously impair a Secretary's capability to exercise effective control. Under such circumstances, far too many decisions go unmade, critical issues are not addressed, problems are deferred and the principle of personal accountability is lost in the diffused maze of 'staff coordination.'"

"(2) Effective civilian control and management, however, do not require that the Secretary of Defense make all, or even a major proportion, of the innumerable decisions necessary for the operation of the Department.

"(3) The alternative is for the Secretary to delegate substantial decision-making authority and all executory functions to subordinate levels of authority.

"(4) Effective civilian control, appropriate delegation of authority, and decentralization of management cannot be effectively accomplished in the present organizational structure of the Department."

"Presently, there is no one below the Secretary/Deputy Secretary level with an appropriate purview to whom the Secretary can delegate," Mr. Fitzhugh added.

Mr. Fitzhugh noted that the recommendations of the report directed at organizational matters are intended to so restructure the Department as to make possible more effective decentralization and delegation of authority and responsibility with an accompanying increase in personal accountability of those to whom authority is delegated. "Sound management," Mr. Fitzhugh stated, "requires that individuals be responsible for the totality of a function which is narrow enough to be manageable, rather than having some portion of the responsibility and authority in a large number of functions."

In its report, the Panel proposed some major organizational changes including recommendations that:

(1) The various functions of the Department be placed in three major groups—Management of Resources, Evaluation, and Operations—each headed by a Deputy Secretary of Defense.

(2) The functions of the Director, Defense Research and Engineering be allocated among three Assistant Secretaries of Defense—Research and Advanced Technology, Engineering Development, and Test and Evaluation.

(3) The staffing of military operations for the Secretary of Defense be performed by a separate staff from the Joint Chiefs of Staff and that positions associated with that function on the Joint Staff and the Service Staffs be eliminated.

(4) All strategic offensive and strategic defensive forces be consolidated into a Strategic Command.

(5) All general purpose forces be consolidated into a Tactical Command and that three present Unified Commands be eliminated in the consolidation—Southern, Alaskan, and either Atlantic or Strike.

(6) A Logistics Command be established to exercise for all combatant forces supervision of support activities, including supply distribution, maintenance, traffic management and transportation.

(7) An independent Defense Test Agency be created to perform the functions of overview of all Defense test and evaluation.

(8) The Defense Atomic Support Agency be disestablished.

(9) A Net Assessments Group and a Long-Range Planning Group be created reporting directly to the Secretary of Defense.

(10) The administrative and facilities support of the Washington Headquarters elements of the Defense Department be consolidated.

(11) The position of Assistant Secretary of Defense (Administration) be abolished.

(12) Major reductions be made in Washington Headquarters Staffs and other Staffs, with the OSD and Military Department staffs limited to not more than 2,000 personnel each.

With respect to development and acquisition of weapons and other hardware, Mr. Fitzhugh stated that the Panel found the Department's policies have contributed to serious cost overruns, schedule slippages and performance deficiencies. "The difficulties do not appear amenable to a few simple cure-alls," Fitzhugh said, "but require many interrelated changes in organization and procedures." Recommendations for such changes are included in the report. Included is a recommendation that proposes:

"A new development policy for weapons systems and other hardware should be formulated and promulgated to cause a reduction of technical risks through demonstrated hardware before full-scale development, and to provide the needed flexibility in acquisition strategies. The new policy should provide for:

"(1) Exploratory and advanced development of selected sub-systems and components independent of the development of weapon systems.

"(2) The use of government laboratories and contractors to develop selected subsystems and components on a long-term level of effort basis.

"(3) More use of competitive prototypes and less reliance on paper studies.

"(4) Selected lengthening of production schedules, keeping the system in production over a greater period of time.

"(5) A general rule against concurrent development and production efforts, with the production decision deferred until successful demonstration of developmental prototypes.

"(6) Continued trade-off between new weapon systems and modifications to existing weapon systems currently in production.

"(7) Stricter limitations of elements of systems to essentials to eliminate "gold-plating."

"(8) Flexibility in selecting type of contract most appropriate for development and the assessment of the technical risks involved.

"(9) Flexibility in the application of a requirement for formal contract definition, in recognition of its inapplicability to many developments.

"(10) Assurance of such matters as maintainability, etc., by means other than detailed documentation by contractors as a part of design proposals.

"(11) Appropriate planning early in the development cycle for subsequent test and evaluation, and effective transition to the test and evaluation phase.

"(12) A prohibition of total package procurement."

Other areas and activities covered by the report include: Automatic Data Processing, Defense Laboratories and Test Centers, the Planning, Programming and Budgeting System (PPS), Equal Employment Opportunity, Contract Compliance for Equal Employment Opportunity, Public Affairs, Program Management, Cost Estimating, Industry Weaknesses, Industrial Mobilization Base, Selected Acquisition Reports, Accounting Procedures, Internal Auditing, Logistics Guidance, the Rotation, Promotion, Compensation, Accession and Retention of Military Personnel, Civilian Personnel, Telecommunications, External Relations, Industrial Relations, Military Installations, Domestic Action, Military-Industrial Complex, Physical Security in Pentagon, Conflicts of Interest and Office of Civil Defense.

CITIZENS OF MULESHOE, TEX., PROTEST POOR MAIL SERVICE; CITY OF 5,225 POPULATION HAS POST OFFICE TAKEN AWAY

Mr. YARBOROUGH. Mr. President, I recently received a letter from Mr. Don Harmon, president of the Muleshoe Chamber of Commerce of Muleshoe, Tex., in which he outlines the many difficulties the people of this west Texas city are having since the Post Office discontinued processing mail in Muleshoe and transferred this activity to Lubbock, Tex. As a result of this unwise and unnecessary action, it is taking letters from Muleshoe 5 or 6 days to arrive in other parts of Texas. In addition, this community has also lost its postmark which is just another step toward losing its complete identity as a city.

What has happened in Muleshoe should serve as a warning to other rural communities across the Nation of what the dreadful consequence of the administration's postal reform plan will be. The first victims of this unwise bill will be the post offices of rural America. On numerous occasions, I have spoken against this plan to wreck the Post Office Department and have called on the Postmaster General to focus his attention on the problems that the people of Texas are having with their mail service. By denying the city of Muleshoe its postmark, the Postmaster General has taken the first step in causing this city of 5,225 people to lose its identity. The people of Muleshoe deserve better treatment from their Government than this.

Our rural communities deserve the same postal service as our large cities and should not be arbitrarily eliminated from the postal system. I submit that if the Postmaster General would pay more attention to performing this function of insuring that the mail is delivered promptly and efficiently rather than spending his energy on the dismantlement of one of America's oldest public institutions, the people of Muleshoe would be able to mail a letter to Dallas, Tex., and know that it had a reasonable chance of arriving there within the same month in which it was mailed.

Mr. President, I ask unanimous consent that the letter from Mr. Don Harmon and the petition signed by the citizens of Muleshoe and their names and signatures concerning this matter be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

MULESHOE CHAMBER OF COMMERCE,
July 24, 1970.

Hon. RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR MR. YARBOROUGH: Because of the much dissatisfaction and distress, to put it mildly, of our people in Muleshoe at the change made recently in the postal service, we are writing in behalf of the citizens who are affected. The Chamber of Commerce is interested in everything that affected our area and nation, and we are extremely interested in the new postal changes.

We are continually getting complaints about the mail service since it has been taken to Lubbock to be processed. Prior to that time, we knew that we could depend upon prompt delivery of our letters and parcels, but in the last three weeks, it has taken from five to six days where before it took only two days from Dallas, and even three or four days from Portales, New Mexico. Maybe we were spoiled because of the prompt service we had been receiving in the past, and we might consider going along with the charge if it were a real "economy move". But upon checking, we find that it is false economy, since the employees to be discontinued here are replaced with added employees at the centralized mail processing places.

There are several things to be considered in the slower service. To mention a few, some bills are discounted 2% if paid by the 10th of the month. Since proper allowances could not be made in the postmark date, this would make for a continuous dispute between the customer and the company. Penalties would be assessed the Taxpayer who mailed his return on the last day because it had not been canceled the day it was mailed.

To bring this right down to our personal interest, as the Chamber of Commerce, we average about seven letters per week, seeking information about Muleshoe, how it got its name, etc. Because of the unique name, these individuals want to receive a letter with the Muleshoe postmark. Since we no longer get our letters and parcels postmarked in Muleshoe, we are losing our identity, which has caused many irate tax-paying citizens. We inquired of our Postmaster for the estimated time it would require each day to stamp the mail, and he said it would require no additional time, since that was handled during slack periods of the day, by no given employee, but by the employee who had spare time.

The citizens of Muleshoe have a lot of pride in Muleshoe. We have enjoyed about a 14% growth in population over the past ten years, and we hope to continue to grow and prosper, but can do so only with your help in matters such as our postal service. We feel that you will be sympathetic of our position and act accordingly.

Yours truly,
DON HARMON, *President,*
Muleshoe Chamber of Commerce.

PETITION

Be it known that we, the undersigned, are opposed to the discontinuance of the Muleshoe, Texas, postmark on the outgoing mail deposited and registered through the first class postoffice located in the city of Muleshoe, Bailey County, Texas, and choose this lawful means of petition to register our opposition and concern:

L. I. St. Clair, Jerry Hutton, Don Harmon, Jeff Peeler, Jim Shafer, James Glaze, J. E. McVicker, Bill Moore, Robert Hester, B. I. Loyd, Lindal Murray, Jimmie Crawford, Curly J. Brantley.

John R. Blackwell, Dee Clements, Pete Black, Marshall Cook, N. L. Johnson, Frank H. Elder, Royce D. Clay, Gordon Wilson, Owen Jones, Connie Guyton, Rev. Robert O'Leary, Pat N. Brown, Sam E. Fox, W. T. Millen.

Joe Harkins, J. Black, Bert E. Blain, Jr., B. R. Putman, Jack D. Young, Ernest Keir, Mrs. Ernest Kerr, M. D. Gunstream, Joe Coppelga, Darrell E. Turner.

Mrs. Ernest Holland, Ernest E. Holland, Donald T. May, Cecil A. Davis, Mrs. T. M. Slemmons, Mildred Davis, Creston L. Fauer, Mrs. Cliff Odom, Margaret Epting, John Pitts.

Alton Epting, Frankie Black, John Gorrell, Sallie M. Schuster, Ruth F. Black, J. D. Black, Pete Black, Stanley Bass, Minnie C. Dunn, Rubie Troubman.

Bob Stonall, Donald Shanks, Ronnie Spies, Ken Petrie, Glen Watkins, Max King, Doyce Turner, Clarence Chetain, Raymond Schroed, Bill Dole, Tommy Black, Jeff Smith, Darrell Oliver.

Rosemary Pool, Bobbie Walker, Thelma Weaver, Horace Weaver, A. G. Taylor, Leota Taylor, Mrs. Cecil Osborne, Mrs. Corda Taylor, Mr. L. D. Taylor, Cecil Osborne, Sr., Mrs. Neal Dillman.

Mr. Ben F. Chapman, Mrs. Larry B. Hall, L. B. Hall, Perry Hall, Lauren Hall, Mary B. Obenhaus, Jack Obenhaus, P. D. Arnold, Jessie Mae Arnold, Effie Gilley, Mrs. John Crow.

Mr. Hal Phipps, Mrs. C. M. Krug, Velma S. Jones, Mrs. Lee Mason, Lee Mason, Mrs. Marion Sanderlin, Kathryn Parks, Joseph Rodstein, Debra Rudd, Gladys Black, Norma Sisimore, Bernice Splawns.

Mrs. Hazel Nowell, Elbert Nowell, Mrs. J. H. Evins, Mrs. F. H. Davis, F. H. Davis, Mrs. Jess Osborn, Mrs. Gladys Darsey, Billy Johnson, Mary Crane, Mrs. J. E. McVicker, Mrs. Lewis Dale, Mrs. Jodie Barrett, Merlyn L. Neel, Mrs. Bill Harmon, A. H. Cox.

Dan H. Burrows, Elsie Goss, Mrs. J. E. Sullivan, Clifton Finley, Mrs. Clifton Finley, Relda Finley, Johnny St. Clair, J. C. Odom, Debbie Burrows, Kerry Moore, Lorene Sooter, Tim Sooter.

Mrs. John Miller, Mrs. Glenn Splawn, Mrs. Effie Splawn, Mrs. R. L. Matthiesen, Mrs. Carl Bamut, Mrs. Jimmie Seaton, Mrs. Harrol Redwine, Mr. & Mrs. Ray Black, Mr. & Mrs. Theo Actkinson, Mr. and Mrs. V. W. Rannals, Carolyn Wedel, Clifford Black, Benny Brun.

Mrs. Bennie Stanell, Mrs. Juanita Jarman, Mrs. Monty Dollar, Mrs. Eva Ashford, C. W. Goss, Mrs. Bill St. Clair, Mrs. George Nieman, Annette Williams, Mrs. Jerry Hutton, Mrs. Albert Davis, Clarence Christian, Mrs. Clarence Christian, Howard Dix.

Lottie Hall, Dellie De Loach, Harold De Loach, Pauline Chappell, R. B. Chappell, Nell Magley, Ruth Shafer, Mrs. N. C. Moore, Mrs. Philip Brockman, Sue Pylant, Mrs. Bert Gordon, Karen Maghugh, Roy Farley.

T. R. White, Mrs. Albert Carroll, Albert Carrol, Rose Buckner, Mrs. A. D. Thomas, Sarah A. Payne, Mrs. Gorge Melby, Mike Epting, Mrs. D. A. Stovall, Mr. and Mrs. Murl Stevenson.

Mr. Jack R. Rennels, Dr. and Mrs. H. A. Allgood, Myron Young, Mrs. Essie Plunket, L. C. Roddan, Tony Perez, Mrs. Mattie J. Hammons, Edd Hays, Larry Lambet, A. C. Shaw.

Mrs. W. E. Meyers, Mrs. Bobby Henderson, Mrs. Josie Back, Mariono Hernandez, Mary Hernandez, Mrs. Lester Baker, Mrs. S. J. Black, Mrs. A. R. Floyd, A. R. Floyd, Henry A. Malone, Jr., E. K. Angeley, J. P. Bearden, Joe Ferris, Clifford Black, T. L. Kent, Mrs. D. M. McGuire.

Mrs. C. A. Watson, Mrs. Dale Turner, Mrs. Glen D. Harris, Mrs. A. E. Redevine, Roger Albertson, Joyce Albertson, Helen Schmitz, Betty Burelsmith, Oscar Allison, Tommy Black, Billie Mathis, H. B. Mathis.

Mrs. Beyrl Wings, Betty McCall, Agnes Chatman, Jackie Tate, Mary Moore, Thelma Powell, Chris Howard, Mae Provence, Nan Gatlin, O. E. Duncan, Mrs. O. E. Duncan, Mrs. Cecil Holt.

Mrs. Cecil Cole, Mrs. Lula A. Kistler, Mrs. W. F. Birdsong, Mrs. Grace Morgas Mills, Mrs. Ernest Gatlin, Mrs. J. A. Nickels, Mrs. Scott Swafford, Mrs. Gil Lamb, Mrs. Don Cihak, Mrs. Bailey Hudson, Macy Ann Greene, Pauline Greene, Mrs. Freman Davis.

Mrs. J. E. Embry, Mrs. Jarrell Pruitt, J. E. Embry, Grace Prater, Lida Wilhite, Tommie Williams, Judy Milburn, Frances Glass, Betty Oliver, Earnice Young, Karen Black, Woodrow Reed, W. E. Meyers, Brenda Ruthardt.

Mark Grimsley, Leota Witlerding, Mrs. Jessie Lewis, Elizabeth Morrow, Eric W. Stonecipher, LUN, Becky Johnson, Hilma Rojas, Claudie Lite, Willie Phillips, Lola Copley, Lorene Martin, Billie Harvey, Mrs. Earl Peterson, Stella Washington, Deana Washington, Armie Hulke, B. G. Hall, Hattie Rocky.

Nealy Stovall, Lillian Fulcher, Nettie Black-

man, Beatha Cross, Emilio Estrada, Mrs. L. F. William, Lula Johnson, Annie Stevens, Maggie Riley, Edith Clark.

Kodie Newton, Myron T. Young, Artis H. Hayes, Lois Posey, Mr. and Mrs. Dan Atkins, Ercell Whitt, Lillie Wiseman, Pearl Moore, Elsie Williams, Johnnie Parker, Mr. and Mrs. Sylvan Robison.

Ted Millsap, Curtis Smith, Ted Davis, F. D. Parker, Eugene Howard, Jimmie Pitrock, Bab Dodd, C. W. Weeks, Mack Moore, Freman Davis.

J. W. Sloyblock, Rick Polland, Jerry L. Smith, Garrett Pattie, John Harris, Jerry S. Bruns, Wane Ellison, Roy Facley, Dorothy Fady, Ottis Blaylock, Gene Newman, A. G. Taylor.

A. S. Walker, Joel Nowlin, Phil Garrett, Jinks Meyers, Jess P. Winn, J. Don Gallman, Clarence E. Woodall, Wandey P. Wilson, Dwyan Calvert, Allan Harris, Ben Roming, J. M. Brown, J. R. King, Dull Nowell, Bob Copeland, Jack Millburn, Marshall Lee, Odis Bradshaw.

Kelly St. Clair, Al Aguiberg, Mrs. R. K. Minckler, Sr., Sherri J. Minckler, Mrs. Sandy Turner, Mrs. Bernice English, James Slaughter, Mrs. E. W. Adkins, Mr. E. W. Adkins, Mrs. Chester Wilson, H. H. Patterson.

Patricia Townsen, David Elliott, Jerry Mick, Billy St. Clair, Mrs. R. R. Dale, Mrs. B. A. Dearing, Lloyd R. Williams, Mrs. Ada M. Morgan, Jane Morgan, Pam Pylant, Lois Washington, Mrs. W. Jim Young.

Alan Payne, Mrs. John Payne, Mrs. Manuel Balderas, Mrs. Mack Moore, Jr., Mrs. Inez Rogers, Mrs. Nora Davis, Mrs. Harrold White, Larry Price, Gail Locker, Mrs. Gordon Murrah, Mrs. Roy Hogan, Mrs. Jacque Baker, Mrs. B. C. Everett, Jan Creamer, W. O. Timms, Mrs. F. D. Holt, Betty McNeil, Barbara Buch, Mrs. Bob Kimbrough, Gherlo Branscum, R. M. Gibson.

Cecil M. Osborne, Mrs. Clyde Holt, Marvin R. Lewis, Peggy Bates, Owen C. Powell, John Kennedy, Estelle Winningham, Carl Bamert, Evelyn L. Johnson, Fred J. Johnson, Carrol Johnson.

Geneva Rush, Wm. LeVegas, Claude H. Black, Vic Coker, Jewell Griffiths, Billie Campbell, Ray Campbell, Mrs. Charles W. Ball, Harold Maxwell, Harry Waddle, Mrs. Gene McGlaun.

Kathy Williams, W. M. Bradley, Elsie Patterson, O. C. Jones, Ben F. Chapman, E. W. Evans, Gladys Myers, Clayton Myers, Louise Bomer, J. A. Mills, F. D. Parker.

Ronnie Doe, Arthur Crow, Melba McCannish, R. J. Price, Oneida Cornelison, Jack Julian, Joe Mack Wanon, Mrs. Buck Ragsdale, W. B. Kittrell, Wilma Waddle, F. W. Chief Jones, Daloren Garrett, Mrs. Sam Hopper, Oscar Allison.

Mrs. Cecil Burkman, L. I. St. Clair, Feno Warren, Vivian Stevenson, Judy Lee, Bertie Johnson, Deane Spraberry, M. D. Gernstream, Harmon Elliott, Dianne Feagon.

Max Donaldson, Kara Black, Vondale Bleeker, Minnie Ellis, Sylvia Simnacker, Alma Burton, R. K. Munichler, Sr., Elbert Nowell, Je Reec L. Lenan, Roy C. Dyer, Arey F. Bobo, Vera Fayne Maritt, Joe Carroll.

J. L. Purdy, Horace Hutton, Howard Elliott, Ronald D. Johnson, Billie Bayless, Jim Harthie, W. A. Hail, John Payne, Roy G. Young, Gordon F. Murrah.

Howard Hale, D. J. Cox, LaVern Cox, Judy Hale, Mrs. Cecil Tate, L. O. Norwood, Mrs. Jack L. Wood, Fredrich M. Bennsdeaf, Sherr Russell, Charlotte Seay, Mary Myers, Maudie Speck.

Lorens Hall, Beverly Wagnon, Sandra Howard, Mrs. Davis Gulley, Mrs. Cullen Hay, Mrs. F. D. Harris, Mrs. Kenneth R. Henry, Mrs. Ora Roberts, Elizabeth Barnett, Mrs. Ernest Ramm, Mrs. Joe Embry.

Gil Lamb, Mrs. Gil Lamb, Mrs. Janie Moraw, Margaret Atchison, Mr. R. T. Atchison, George Moraw, Charles Moraw, R. T. Moraw, Mrs. Barry Lewis, Charles Haneth, Lyna G. Pitts.

Leroy Maxwell, Nora Burch, Mickey Rush, Mrs. R. G. Bennett III, R. G. Bennett III, John Harris, Mary Woodall, Floyd Grimsley, Mattie Grimsley.

G. D. Ellis, Lolita Thomas, Mrs. A. D. Thomas, Mrs. Bay Wilson, Leona Evans, Wanda Hardaway, V. L. Huggins, Leota Muay, Frank J. Silon, John R. Harris, Mrs. John R. Harris, Mrs. Rogue Puenti, Mr. and Mrs. Bill Dufer, Mrs. Rubyn Edler.

Mrs. Cora Rush, Berta Combs, Kay Mardis, Norma Bruce, Kay Bynon, Lenore Wells, David Sudduth.

Mrs. Inez Howard, Duane Secey, Leroy Maxwell, Kenneth R. Henry, Cecile McMath, Berlie Nivens, Pat Hutton, Ola Seales, Nita Cappedge, Mrs. Jacque Baker, Mrs. Jamie Moraw, Mrs. T. L. Liscomb, Mrs. T. L. Glasscock, Mrs. Bernard Phelps, Gaynell Pitts, Mrs. Ray Hogan.

Etta McMath, Lee R. Povl, Kirk Pitts, Marie Bass, Lenora Malloof, Mr. and Mrs. Joel Nowlin, La Thaggar S. Aylesworth, M. H. Lanery, Robt. L. Jones, Oscar Allison, B. R. Putnam.

John Blackmon, Nellie Norwood, Mrs. Lula Johnson, Mrs. Nettie Garvan, Mrs. Florence Parhan, Mr. Leon Lewis, Mrs. Leon Lewis, Mr. Stanley Wilson, Mrs. Stanley Wilson.

Mervin Wilterding, Mrs. Mervin Wilterding, W. R. Rearden, Mrs. L. T. Green, Jr., Betty Martin, Cleta Creamer Williams, Curtis Walker, Bob Lagnon, Jr., O. D. Ray, Mrs. B. H. Wagnon.

R. A. Bradley, Pat Kiesee, Sharon Gilliland, Joe L. Smallwood, Mr. and Mrs. James Wedel, Rowena Watson, Mr. and Mrs. Calvin Embery, Mr. and Mrs. Marvin R. Lewis, Mr. and Mrs. Lola Gammons.

Mr. and Mrs. K. K. Krebb, James W. Measos, Mrs. Dee Brown, Ernest Ramm, B. C. Stone Cipher, Mrs. B. E. Sanderlin, Charles L. Glover, Mike Glover, Nora Darsing, Jerry I. Gleason.

POPULATION CONCENTRATION

Mr. BELLMON. Mr. President, one of the major problems of the present age is overconcentration of population and the resultant congestion created by crowded housing conditions and overburdened transportation and communications systems, as well as the demands placed on governmental units to provide the necessary facilities and services required by large masses of people.

This problem is brought sharply into focus by a study completed and published recently by President Nixon's National Goals Research Staff. In its report, "Toward Balanced Growth: Quantity with Quality," this special study group expressed concern that the population of the United States would be massed into a few megalopolises. The report stated:

> Assuming that the trends continue unabated, most of the U.S. population growth over the next few decades will be concentrated in the 12 largest urban regions. These 12 metropolitan areas occupying one-tenth of the land area, will contain over 70 per cent of the population. Moreover, at least 50 per cent of the total population will be found in three great metropolitan belts: Boston-Washington, Chicago-Pittsburgh, San Francisco-San Diego.

As William H. Stringer, columnist for the Christian Science Monitor, described it, the problems of the future will be concentrated in "Boswash, Chippitts, and Sansan."

The National Goals Research Staff report added that the issue "is not whether we can feed and clothe a population of any size we can realistically envisage, or even supply it with the expanding amount of energy it may demand. It is rather that of whether a technologically advanced and industrially prosperous nation wants, or can continue to pay the price of congestion and contamination that comes with our overall affluence."

The report concluded that "the trends toward megalopolis in some areas and underpopulation in others are reversible" if the Federal Government and public and private institutions adopt a coordinated national strategy for balanced population distribution. Among the optional policies suggested to achieve population spread were: stimulating growth in sparsely populated rural areas, fostering the growth of existing small cities and towns in nonmetropolitan areas, and building whole new cities outside the metropolitan regions.

President Nixon recognized the magnitude and the seriousness of the problem when he stated in his state of the Union address last January:

> We must create a new rural environment that will not only stem the migration to urban centers but reverse it.

Mr. Nixon has followed through with a "Rural America" program, the approach of which is decentralizing the population in order to provide a better standard of living for millions of Americans, clean air and water, more recreational opportunity and less strain and strife caused by the social pressures of overcrowding.

Mr. President, the efforts of the Nixon administration to cope with this problem are commendable. It is not enough, however, to define problems and set goals. The reversal of the trend toward uncontrolled urbanization must begin now, and it can begin with our own Federal Establishment. The Government is in an ideal position to set an example for future growth and development through a planned system of decentralization of its functions and relocation of its facilities and services.

As I stated during Senate consideration of the urban mass transportation bill earlier this year:

> The federal government could well lead the way in seeking and finding a new pattern for urban centers of the future. There is probably no more glaring example of lack of reasonable urban planning than the job done by the federal government right here in the District of Columbia. Within a two-mile radius of the Capitol building, the vast majority of federal office buildings are clustered. As a result, many thousands of the world's highest paid and hopefully ablest officials and government workers spend from three-quarters of an hour to one and one-half hours (morning and night) traveling from their government jobs to their homes.
>
> Why is it not possible for many of these jobs to be created nearer the residential areas where the workers choose to live. More candidly, why is it not possible for many of the government jobs, which have been created in this congested, polluted, crime-ridden city to be created in areas of the country which are presently underpopulated, where there is an abundance of fresh water and clean air, where laws are obeyed, and where mass transportation presents no problem.

Mr. President, I know this matter is of great concern to many Members of the

Senate, including the distinguished majority leader, who has spoken on this subject on previous occasions. It is also attracting the attention of the Nation's Governors, as evidenced by events at the recent Midwestern Governors Conference, at which the Governor of Ohio, the Honorable James A. Rhodes, suggested the Federal Government undertake a massive relocation of its departments and agencies. I ask unanimous consent that a United Press International story regarding this proposal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RELOCATE AGENCIES, GOVERNOR RHODES URGES

COLUMBUS, OHIO, July 22.—Gov. James A. Rhodes of Ohio proposed a massive decentralization plan today for the federal government that would relocate 26 federal agencies and departments, including the Defense and Treasury Departments, in other parts of the country.

"I see no reason why, in the 1970s, all but a few of the federal departments and agencies could not be located outside of Washington," Rhodes said.

Rhodes presented his plan at the final day of the Midwestern Governors' Conference here.

"I think perhaps the State Department and the Justice Department should remain in Washington," Rhodes said.

The governor said his proposal would create job opportunities in areas of high unemployment, save in governmental travel expenses and generate awareness and responsiveness of governmental operations among the people.

Mr. BELLMON. Mr. President, as a nation of 205 million people, facing the prospect of continued growth in a relatively few "population pockets," we must take the land that we have and put it to the best and wisest possible use to meet the needs of our society.

There is no more important responsibility that we, as Members of the Senate, can accept in determining the future course of this Nation and its people.

A HOPEFUL DECISION NEARS ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, after languishing for 20 years in the Committee on Foreign Relations and after hearings this spring, the United Nations Convention on Genocide came to a full vote of the committee yesterday, bringing with it the possibilities for refreshing initiatives in the area of human rights for all of mankind. The time was at hand for the United States to show a resurgence of credibility, trust, compassion, and international responsibility. After all the rhetoric of promise, the very close decision of the full committee to reconsider the convention came as both a surprise and disappointment.

Yet, Mr. President, this action may be a hopeful sign, if the Foreign Relations Committee decides within the very near future to report the convention favorably to the full Senate.

I regret the action taken yesterday by the Committee on Foreign Relations, and only hope that the committee will truly reconsider their decision and report the United Nations Convention on Genocide favorably to this body as soon as possible. The time for decision on this important issue is already so long overdue.

A SOUTH DAKOTA SOLDIER QUESTIONS U.S. GOALS IN VIETNAM

Mr. McGOVERN. Mr. President, I have been deeply impressed by a letter to the editor of the Sioux Falls, S. Dak., Argus-Leader, written by a soldier serving in Vietnam, Sp4c. J. J. Margulies, son of Mr. and Mrs. Harold N. Margulies of Sioux Falls. This thoughtful young man has made a number of observations about our involvement in Vietnam which coincide with our long-held views.

I believe that Members of Congress will profit from reading the astute reflections of Sp4c. Margulies and I, therefore, ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A GI QUESTIONS U.S. GOALS IN VIETNAM

(By Sp4c. J. J. Margulies)

(NOTE.—The author is a Sioux Falls man. He is a specialist 4 serving with the U.S. Army in Vietnam.)

I have read with interest various letters from soldiers in Vietnam extolling the righteousness of the U..S intervention.

It seems only fair that the American public should know this feeling isn't universal among U.S. soldiers in Vietnam. There are many soldiers whose experiences here point to quite the opposite conclusion.

The American people have been told repeatedly that the U.S. is in Vietnam to give the Vietnamese people the "right to choose their form of government."

One needn't be in Vietnam for very long to begin wondering if striving for this goal, while admirable in theory, is out of place in Vietnam.

When asking this question one must not make the mistake of thinking that Thieu and Ky represent more than a special-interest group in Vietnam; one must think of Vietnam's "silent majority", the common farmer.

FARMER'S CONCERN

The Vietnamese farmer isn't concerned with politics. He is concerned with maintaining the traditional Vietnamese way of life. He has lived under both the Viet Cong and various Saigon governments. Both have taxed him, both have taken the young men to fight for causes, but both have allowed him to grow his rice and raise his children, which are two main concerns in the traditional life. As long as he is allowed to do this, he doesn't care who heads the government. This point surfaces with startling regularity in conversations with Vietnamese.

The Americans have changed all of this. I am stationed at what is known as Plantation. The people of this area once supported themselves from the rubber plantation. Today there are no trees. There is Long Binh Army Post, with its miles of concrete and asphalt. Families who have lived in villages for centuries have been moved to refugee centers, their villages turned into free-fire zones.

Villagers sleep next to bunkers, always fearing the sudden destruction of planes miles above. They see their country defoliated with chemicals that are banned in the U.S. because of the possible dangers in the form of birth deformities.

Americans have done good things in Vietnam also; schools, orphanages, etc. But in conversations with Vietnamese, they don't mention these; they remember the interruptions in their way of life.

WHAT IS THE GOAL?

We have been told that this is a war for the "hearts and minds" of the Vietnamese people.

Are we winning their hearts and minds by referring to the Vietnamese as "gooks," "dinks" "slopes," or "slants," as most soldiers do, or by treating them as some sub-human type of animal?

Have we won their hearts by disrupting the peasants' way of life or by distorting their economy beyond recognition?

In short, there are a number of soldiers in Vietnam who observe what is happening in this country and find it difficult to reconcile events with any of the publicly-stated U.S. goals.

We listen to the Vietnamese describe their lives before the coming of the Americans, when they admittedly didn't choose their rulers.

And we wonder how much thought was given to the welfare of the Vietnamese people when it was decided that the U.S. would fight to give them freedom of choice. It reminds many of us of the ironical statement of the American officer at Ben Tre who said "It became necessary to destroy the town to save it." We see this happening in Vietnam as a whole and ask "What has Vietnam gained?"

ENERGY CRISIS

Mr. BELLMON. Mr. President, I congratulate the distinguished Senator from Texas (Mr. TOWER) for the contribution he has made today by introducing the sense of the Senate resolution. The energy crisis which faces our country has not received the attention which it so desperately deserves. As the Senator from Texas has so ably pointed out, the institution of pollution control regulations have put a further strain on the supply of natural gas available for consumption in our country. An example of this appeared in this morning's Washington Post. The headline reads, "Hot, Smoggy New York Cuts Power by 5 percent." The article relates that New York City was on the verge of a power blackout yesterday. It goes on to say that voltage was reduced throughout the eastern part of New York State by 5 percent.

Also, the Associated Press reported only a few days ago that a shortage in the supply of natural gas to the Baltimore-Washington area has reached a critical situation. As a result of this shortage, the Baltimore Gas & Electric Co. had to tell 40 potential natural gas customers that they could not be supplied.

Mr. President, had an adequate supply of natural gas been available to spin the turbines of the electrical companies yesterday, this power shortage could have been averted. The unreasonable low pricing system for natural gas has created a shortage which has resulted in brownouts and blackouts all over our country. The natural gas industry supplies over 30 percent of all our energy needs. With increased concern about pollution of our environment, natural gas can supply the energy needed by this country to run the industry of this country without the harmful effects of other energy sources.

I am pleased that the Federal Power

Commission has seen fit to reopen the pricing system in the Permian Basin. The present pricing structure has had a harmful effect on that industry and I am hopeful that these hearings and discussions will lead to a more equitable pricing system and the further development of a much needed energy source.

I ask unanimous consent that the two articles on the subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HOT, SMOGGY NEW YORK CUTS POWER BY 5 PERCENT

(By Karl E. Meyer)

NEW YORK, July 28.—This city was on the verge of power blackout today. Torrid weather nearly blew the fuse of the partly-crippled Consolidated Edison Co.

Subway service was trimmed drastically, voltage reduced by 5 per cent throughout eastern New York State, and everyone urged to use less electricity in a second successive day of suffocating weather.

New Yorkers also continued to endure an eye-stinging smog that blanketed the city, creating air conditions that officials grimly called "unsatisfactory." No change is in sight for Wednesday, when the polluted and superhumid weather may cause an even worse power crisis.

The peak power demand occurred between 11 a.m. and noon, when 7,248,000 kilowatts poured into the city's subway system, high-voltage machines and overworked air-conditioners.

This peak was only about 400,000 kilowatts short of Con Ed's total capacity, which has been temporarily increased by purchasing of outside power from utilities all over the Northeast and from Canada and the Tennessee Valley. The record hourly figure of 7,266,000 kilowatts was set last summer.

By 5 a.m., as of Monday, the utility reported an all clear. But today's dimout was in every way more serious, so much so that the police department ordered all patrol cars to maintain at least a half-tank of gas, because gasoline pumps are electrically operated. Monday's voltage reduction was only 3 per cent.

The 5 per cent voltage reduction extended to seven other New York State utilities that have joined in contributing to Con Ed's emergency power pool.

The pool was formed after two major generators were knocked out of service for the rest of the summer, reducing Con Ed's total capacity to 6.35 million kilowatts.

Sen. Edmund Muskie (D-Maine) announced in Washington that he would hold hearings beginning Monday into a power famine that may "well happen in other large metropolitan areas."

As early as 9:40 a.m., Con Ed ordered a voltage cut of 3 per cent, a reduction level which the utility asserts is not noticeable to users. At 1 p.m., the reduction was increased to 5 per cent—second stage in the power company's cutback plan.

Simultaneously, Con Ed pleaded with its customers to turn off unneeded air conditioners, to run major appliances after 6 p.m., and to dial air conditioners to medium settings. Gov. Nelson Rockefeller joined in the call for saving power.

The utility appealed for a subway slowdown and asked other major users—the New York Port Authority, Rockefeller Center, the Empire State Building among them—to tap less power wherever possible.

The Transit Authority, which operates the subways, responded by cutting by one-third the number of cars running and ordering motormen on the remainder to travel no faster than 15 miles per hour.

Service did not return to normal until 5:30 p.m., midway through the rush hour.

State agencies were ordered by Rockefeller to cut peak-hour loads by as much as 8 per cent in state-owned or state-leased properties. The order covered an area spanning from Albany to New York City.

In midtown Manhattan, lights went out in office buildings wherever feasible to ease the peak-hour load, causing employes to grope down dark halls to toilets. Some buildings shut down spare elevators.

A company spokesman reported today that "no major snags" had developed in the outside power pool. But he added that the third day of a heat wave usually brings the severest strain on power. "We'll have to face it as best we can," he said. * * *

DISTRICT OF COLUMBIA, BALTIMORE GAS SHORTAGE CALLED CRITICAL

BALTIMORE.—A shortage in the supply of natural gas to the Baltimore-Washington area has reached a "critical" situation, according to the Maryland Public Service Commission.

PSC Chairman William Doub said in a letter to the Department of Interior, that last April Atlantic Seaboard Corporation, the main supplier of natural gas to this area, drastically cut back its supply of gas to the Baltimore Gas and Electric Co.

Doub asked the department to lease "as quickly as possible" 137 potential gas bearing tracts in the Gulf of Mexico.

The immediate leasing of these tracts, he wrote, would aid in "the pollution control efforts of government and industry."

In April, the gas supplier informed the power firm that it should not contract to supply gas to any new customer or for new equipment to an old customer that would use more than 300,000 cubic feet of natural gas per day.

As a result, the power firm had to tell 40 potential natural gas customers that they could not be supplied.

A spokesman for the power firm said that firms already using gas and new homes and small commercial establishments will be supplied.

HEALTH SERVICES AND MOUNTING MEDICAL COSTS

Mr. HARRIS. Mr. President, on July 8, 1970, I held an important public hearing in Tulsa, Okla., on the subject of the delivery of health services and mounting medical costs. The testimony I received at that time was thoughtful and worthwhile, and I believe that Senators and relevant committees can benefit from consideration of it. Accordingly, Mr. President, I ask unanimous consent that the third additional portion of that testimony be printed in the RECORD.

There being no objection, the portion of testimony was ordered to be printed in the RECORD, as follows:

DELIVERY OF HEALTH SERVICES AND MOUNTING MEDICAL COSTS

TESTIMONY OF WALTER D. ATKINS, D.D.S., M.P.H., CITY-COUNTY HEALTH DEPARTMENT, TULSA, OKLA.

Senator, we do appreciate being here and I am going to cut my remarks fairly short. I prepared a paper which you have in your hands. I prepared this statement in two veins: one, what are the problems with health conditions and delivery systems in the United States and, two, I related it actually to the federal government. I also have offered some general solutions. And it's this I want to dwell upon. I'm real glad to hear Dr. Colyar say, and others, that we've got to start with prevention in all of our planning. This has not been done. We need to clarify the definitions I think, as referred to one word which we've kicked around this morning considerably—that is "comprehensive." We talk about comprehensive health services; we talk about comprehensive hospital care. This word really needs to be defined. We need to know what we're talking about. We feel that there is no one health delivery system solution. We feel strongly that there are three population groups that need to be served.

One is the poor, and these are people who have absolutely no health resources; they have no health knowledge. We are engaged (and this is the reason I mention these comprehensive health service programs) in a project here in Tulsa to demonstrate what can be done for the poor people. This has been done really at a very moderate cost. The medical visit cost per patient is averaged at $12. Dental visit, $14. Home nursing and all the other social services have run about $9 per visit. Now this is a facility in which we treat complete families. We're talking about environmental problems; we're talking about health problems and not health care. We're talking about total health and what it means to the population. We feel then that there is this other large group of medically indigent people which has been discussed here considerably this morning who cannot afford medical care. And it is to these people that we feel a health insurance program—let's define this too, we're not talking about hospitalization insurance. We're talking about health insurance which includes prevention; it includes diagnosis, treatment and rehabilitation. In a comprehensive—again, comprehensive, in that sense—a health insurance program would do very well for this group of people. Then we feel that there is a third, large segment of the population who are affluent, who are able to purchase all of their health services, and admittedly the best health services in the world, so why tamper with this? Let's talk about these three groups of people and I think we can solve our problems.

One of the biggest fallacies that has occurred in any discussions of planning or programs for the health of the people in the United States is that the talking point nearly always starts with a sick person. The fact is that to cure any ill is infinitely more expensive than to prevent it. There have been some very good examples of what prevention can do and I cite only one example—the disease smallpox. This is a disease that is practically unheard of in this country now because we had the vaccine that would immunize the population. The disease hasn't gone away; it has just been controlled at a comparatively minor expense. The implication here is that this should apply to total health. We feel that planning in the practice of medicine, the practice of dentistry or insurance programs must begin with a well patient or a well family.

In discussing health delivery systems one must realize that the method by which the people receive health services in the United States just grew. It grew without any planning, without any thought for the need of planning. It was predicated on the free enterprise system and actually is a business and while there is a great deal of humanitarianism surrounding it as well as an air of mystery surrounding the man who has this special knowledge, in the final analysis all the people in the world of medicine are human beings with the same strengths and frailities as all other human beings. They had to be extremely ambitious to be willing to spend the time, effort, and the money that is required to become a physician, a dentist, a

nurse or what have you. Ambition is closely akin to greed which of course is in all of us to a greater or lesser extent. Therefore, when we talk about health delivery systems, we must approach it from the human standpoint, tie the discussion in with economy and inflation and with the wisdom of mandating health services or leave it up to the free enterprise system.

There is no documentation as to what, if any, medical delivery system would be better than any other in the United States. To our knowledge no studies have been done. This is true probably because there is no definite delivery system. Medicare and Medicaid cannot be classified as delivery systems; rather they are methods by which people can receive medical services if they are eligible and if the services are available. There have been some experimental systems; not all the answers are in on these yet. One that we're engaged in here in Tulsa county is the neighborhood health center approach for poor people. This is much more than an outpatient clinic operation; it starts with a preventive program working with families as groups, offering one door services for the maintenance of the total family including environmental health services. The present indications after a year's operation is that this is a very feasible method of delivering services to poor people. This will be discussed more in detail later in this paper. Another system that has been experimented with is a Kaiser-Permanente plan on the West Coast. Labor has taken the lead in planning for benefits for employees under labor contracts; they have had to think about the dollar value and the services to the people. This plan includes prevention, treatment and rehabilitation through their own closed panel medical insurance system with paid physicians and is being accomplished at a very reasonable figure.

One of the biggest deterrents to meaningful discussions of health systems is that there are no clear cut definitions of terms that are bandied about as they relate to the health of the nation. For instance, the World Health Organization definition for the word "health" is that it involves man's physical, mental, and social well being and not the mere absence of disease or infirmity. The Oklahoma Medical Association has differed with this definition—to them health is black or white, you either have it or you don't. Another term that's extremely confusing is the word, "comprehensive." This is used as an adjective with many different meanings such as Comprehensive Health Services, Comprehensive Medical or Dental Care, Comprehensive Hospital Services, Comprehensive Hospital Insurance, and Comprehensive Health Insurance. Often times discussions will go on for a considerable period of time without people really knowing what the other is talking about even though they are using the same words. There are other definitions that need to be clarified also.

Other deterrents to a workable solution of successful health delivery systems need to be discussed before any definite opinions can be established. These are problems that either have been or will be blocks to the efficient delivery of health services. (Even here is a definition that needs to be clarified. When one talks about health services, he is talking about the whole gamut of prevention, treatment, and rehabilitation as compared to health care which starts with treatment and rehabilitation.)

1. One of the problems is explained in a discussion of the origin and background of the delivery of health care in the United States. Under the free enterprise system the practice of medicine or dentistry is a business. It is a matter of a person being trained and selling his training to the highest bidder. He expects to be paid for his services and rightfully so. He very jealously guards his independence as to what patients he will see and will fight anyone who attempts to encroach upon this. His training taught him that his obligation was to his office, to the patients that came to his front door, and that this is the extent of his obligation. Professional schools have been changing in recent years to include courses in community medicine or community dentistry which are designed to give the practitioner a broader outlook that there are social forces within the community that need his attention as well. However, it will be a long time before this permeates the whole profession. Because most physicians and dentists are pretty badly overworked, they feel that they are more than doing their part regardless of the type clientele they have by just taking care of their office. They also feel that the medical needs of the people are being met simply due to the fact that they can't see beyond their office. This is not an indictment necessarily it is just a tired man trying to do more than he is capable of.

2. This brings up the second problem which is health manpower. If everyone in the United States had all the money they needed to purchase health services and the knowledge and the motivation necessary to seek health services, are the services available? The answer here is no and certainly not in a quality manner. The health industry is the third largest industry in the United States and when this is coupled with the fantastic technological explosion in the health field then the manpower situation really looks hopeless. There are some favorable signs. One is that the medical and dental professions are finally maturing and beginning to feel secure enough so that they are really looking at auxiliary or ancillary type people to do an awful lot of jobs that heretofore have been the privilege and prerogative of the doctor himself. Of course, the greed motive enters back into the picture at this point also because he realizes finally that there are some people that he can train to do things that he has done at much less cost than if he were doing them so that his profits are enhanced. There also is a growing tendency toward group practices which may alleviate part of the manpower shortage and allow many more people to be seen also at much less cost.

3. The third problem is we hear an awful lot about hospital insurance; this is often referred to as health insurance which of course is a misnomer. Hospital insurance starts with a sick patient and most policies only benefit a patient when they are hospitalized. Some of the insurance companies, Aetna for instance and Blue Cross, are giving lip service to changing the format of their policies to include prevention and office visits for diagnostic purposes and treatment; however, this is not universal yet by any means. Blue Cross has instituted a supplemental emergency policy that they sell at a considerable additional premium. The health insurance people need to redefine their objectives and in our opinion, start emphasizing preventive programs. Their fear is that they are going into unchartered areas without actuarial experience as to the use, rate, and cost of preventive services. They seem reluctant to buy the premise that you can prevent illness and disease cheaper than you can treat it.

4. All across the country in cities with more than one hospital, you find the hospitals competing with each other and they claim that they offer comprehensive hospital services. This definition of "comprehensive" means that they're offering all services to their patients such as intensive coronary care, radiography, heart surgery, O.B. and pediatric services and these services are found in each and every hospital; this certainly is true here in Tulsa. This equipment is extremely expensive to purchase and to maintain. It takes highly qualified people to operate it and is utilized a small percentage of the time. And while hospitals have had to raise salaries tremendously there is no question that this duplication of equipment and services has added materially to hospital costs.

5. The fifth problem has become evident particularly since World War II and that is that the general public is becoming much more sophisticated in terms of health services and what they want and what they are entitled to and have been in one sense willing to pay for it but griping about it tremendously. This I think doesn't need elaboration other than the fact that it is adding to medical care costs and when this happens it adds to the problems of medically indigent people.

6. Perhaps this isn't the place to mention this, but I feel like it needs to be aired. Congress itself with the collaboration of President Johnson has created some very real problems in the health field. While I think you will agree that we have the greatest form of government in the world, at the same time the congressional system is a little bit cumbersome. Through lobbying mechanisms, through the zeal of individual members of Congress, and because of a lot of other reasons, much legislation gets introduced that has overlapping overtones, gets passed, and signed into law without any clear cut responsibility as to who is to operate the programs. This has been especially true in the social legislation that has occurred in recent years. It got its major push early in Johnson's administration. Although social problems have been with us ever since the inception of our government, very suddenly it seems Congress and President Johnson was panicked into passing a great deal of legislation to help the poor, to increase health services for certain age groups, etc. The minute this legislation became law then the pressure was really put on people at the local level to get programs moving and off the ground.

All of the guidelines and practically all of the programs were issued with a Washington viewpoint and without any actual knowledge of what was going on at the local level or what was needed at the local level. The guidelines were often changed on a month to month basis as to operation so that the people who were trying to operate the programs were essentially in chaos. I can refer to one particular case because we were involved in this and that's our North Tulsa Neighborhood Health Center where everytime we had a change of administration (less than annually) we would have a change in in the interpretation of the guidelines and this continues. We also are finding in the OEO office that the program people aren't in tune with the procurement people and we are still being dictated to by the Washington office without regard to what the local situation actually calls for. However, the two main pieces of legislation that I refer to is Medicaid and Medicare. Medicare for instance was planned much more carefully than Medicaid apparently and with superhuman efforts by states to certify agencies pretty well got off the ground; however, very suddenly they have reinterpreted eligible services which has certainly put a cramp in the operation of programs. The program that we're associated with is a bedside nursing program. In the last three months we have been forced to reduce our patient load very materially because of increased restrictions on the program. However, the program that has caused the most consternation is title 19 or the Medicaid program. In the first place this was put in the hands of lay people, generally the Welfare Depart-

ments, who determined what services were to be offered, the manner in which they were to be offered, and who the eligible people would be. They enlisted the aid, support, and understanding of the medical people for services not planning and received it. But in order to get this they promised everybody the moon. There was no realism put into the planning of the delivery of these services. In most states they said that they would pay usual and customary fees.

Again I don't intend to indict the dental or medical professions but I think what happened as far as fees are concerned is history. The facts are that the planners forgot that all medical people are human first and professionals second and now that the usual and customary fee system has been installed, it is going to make it extremely difficult to change this system. Another thing that was very bad was that there was no quality review system built into these programs so that dentists for instance in one program that I know of were given a completely free hand in their diagnosis and treatment plan; whereas, if they had had peer review, it probably would have saved the program. But the upshot was that they canceled the whole program except just for pain and infection.

7. The final problem that we mention is the Department of Health, Education, and Welfare. Ten years ago this was a very well organized, closely knit, smoothly operating force for the good of health management particularly in public health for all of the United States. With all the social legislation that has been passed since President John Kennedy was first inaugurated the majority of it was given to HEW for implementation. What this has done in our opinion in effect is to make HEW so large and so unwieldy that it is completely unmanageable. I feel this is one of the reasons that the secretaries of HEW have come and gone so fast; all of them are taking a shot at reorganizing it when it probably didn't need this at all.

At any rate, it is so disorganized at the moment that it is very questionable whether it can ever be put back together again as a single entity. Certainly all of the subjects, Health, Education, and Welfare, are so important that they should have separate recognition and probably should not be in one department. We in the public health field have for many years looked toward the health component of HEW for consultation, guidance, and support. Very suddenly we find ourselves in the position of playing the opposite role. The point is that this is occurring at a time when the President and Congress need strong positive leadership and guidance in this most important field.

When one takes a look at the problems listed above, the question arises—Is there any one solution to the total subject of health in the United States? Then when one looks further at how closely health care is related to economics and inflation, one really begins to wonder—Is there an answer? Our first thought is: This is too complicated, too large to ever reduce the polarity of all the special interests such as the empire building tendency of the American Medical Association, American Dental Association and more importantly the power struggle that is very evident in the underprivileged areas particularly among Blacks as to who will emerge the leader and the spokesman for their people. However, there has to be a way, there has to be some method by which we can reach a consensus to bring together all the forces that would promote better health for our people.

There are those who will argue that it will have to be done by mandate and others that free enterprise will solve the problems. In our opinion neither of these views is correct because we have seen social legislation fail such as the Volsted Act and we know that our medical care system under free enterprise is just not doing the job. Our view is that the answer lies somewhere between these two extremes.

For instance, there has been some very significant work done; also, some tentative steps taken toward the solution of these problems. The first is the study by the National Commission on Community Health Services entitled, "Health is a Community Affair." This study very significantly points out the personal and environmental health services that will be needed in the years ahead and makes authoritative recommendations for action. I feel very strongly that anyone who is interested in health legislation should be thoroughly familiar with this publication. Secondly under P.L. 89–749 we have the comprehensive health planning people both at the state and regional levels. Unfortunately the funding for this is very insignificant; secondly, they didn't put enough "teeth" in the planning agencies to make them really effective. Even taking the middle road between mandated and voluntary action, the planning people should have enough authority to correct gross errors in delivery of health services.

It is our feeling that *no one* health delivery system is going to fit our total population. It has been shown very clearly in our neighborhood health center for the poor the amount of good that can be done for poor people at a fairly reasonable cost but more importantly the facts that have come out of these projects is that this population has absolutely no inner resources in which to manage health affairs; they have no understanding of what health is; they have no knowledge of how to receive or to ask for health services; they have no transportation to get there if they did know so that everything needs to be done for them—management of their home, management of nutrition, management of their environmental surroundings, so that this would necessarily take an entirely different approach to health services than it would for the better educated and more affluent people.

Actually the cost of delivery of services to these people (this has incidentally been a completely one door operation) for medical visits have averaged $12.94; dental visits $14.18; physical therapy visits $8.40; all the other social services—mental health, home nursing etc. has averaged about $9.00 per visit. This amounts to about $11.00 per patient visit for total health care for families. Now contrast this with the affluent society who has enough money to purchase at least hospitalization insurance protection and to purchase health services if the health services are available. This is a population group who should be well enough educated if they are properly motivated to manage their own health affairs and generally I'm sure this is true. The only thing in this group that I would be hesitant to predict is what is an income level that would make them affluent enough to manage their health affairs; of course, it depends on the number of children, size of the family and so forth, but I would suspect that it would start around $7,500.00 per year for a family of three people. This should afford them enough money to purchase hospitalization insurance and to pay their medical bills that are accrued outside of this insurance program.

This leaves a large group that is classified as medically indigent in which any kind of medical problems are calamitous to the family. It is our feeling that the private purveyors of medical care could take care of this group of people if they were furnished with an insurance program that would adequately cover them. I would like to emphasize again and again that we are talking about comprehensive health insurance which covers prevention, office visits, hospitalization, rehabilitation, and whatever it takes to keep a family healthy. This portion of the program could be very well done on a sliding scale so that the government would not have to pick up the total insurance cost because these people do have some capability.

Now in order to review what has been said in the foregoing I think that there should be three methods of delivering health services to the three different kinds of population groups that we have in this country because I don't think one system would cover all three adequately. These three are:

1. For the poor that total services be given this group through a closed group practice such as Kaiser-Permanente plan or such as the Neighborhood Health Center concept. This would be done with salaried health workers, with all of the disciplines organized toward rendering family health services to poor people within certain eligibility guidelines.

2. That a health insurance program for medically indigent people be written that would have sufficient comprehensiveness to cover all of the services in order to prevent diseases, to treat diseases, and to rehabilitate people and that these services be rendered by the private sector of medicine or through group practices. Also, that the programs be done on a sliding scale basis.

3. For the affluent society that there be no change in the health delivery system that is presently available in the United States and which admittedly offers the best technological health care in the world. At the present time in this group the real health needs are being met so that in any community the health indices show that the affluent have many, many less health problems than the poor people. And finally that there be a health planning agency within each community that has enough authority in their activity to see to it that health services meet the needs of a given population and that we don't have hospital beds in hospital wards standing idle; that we do have adequate ambulance services. In short that the health needs of the people of the community can be met in a quality manner and through a true community service effort.

Senator HARRIS. Mr. Gene Jordan is a consumer of health and medical services. A statement by him of his own personal experiences might be helpful to us. I thank Bethal Ward for bringing Mr. Jordan's presence to my attention. Mr. Jordan, I understand you've lately had some considerable expense because of open heart surgery. Tell us about that and your own personal situation with regard to those expenses. I think it will be useful to us.

STATEMENT OF MR. GENE JORDAN

In May of 1969, I had open heart surgery. Prior to this time I had never been able to get hospitalization because I had rheumatic fever when I was seven years old. The doctor had told me a year before I had this surgery that I should have had it done then but I felt like I couldn't afford it because, with a family and automobiles and everything and no insurance, there was no way which I could afford it. So finally back in April of 1969 I had a heart seizure and the doctor told me I would have to have this surgery or live maybe a year or a year and a half. I still didn't have any insurance. So I went ahead and had it and it cost approximately $7000 for the hospital and the doctor who did the surgery.

I've had some help with Title 19. It did help me with some of my bills but I still have probably $3000 for $3500 that I still

have to pay. I have to pay this over a period of payments whenever I get the money to pay it. My family, mother, father, sisters and brothers, really kept me going—rent, eating, etc. My wife worked but she was off five weeks when I had this surgery, because after I came home she had to care for me.

If it hadn't been for my mother and father, sisters and brothers, and people like this I would have been—well it would have been a disaster because everything I had was mortgaged—car, house, furniture and all those things, and I would have lost everything I had. I have been real fortunate in getting some of these bills paid but a lot of people are not as fortunate as I am.

I know, I've visited with people who have had open heart surgery since I had it and they haven't been quite as lucky as I have been. This shows you that poor people just can't get this insurance. If I could have got the insurance I could have paid for it probably but there was no way I could because I wasn't qualified, because I had this trouble. After I got out of the hospital, for awhile my drug bill was about $50 or $60 a week for three or four months because they put me on one drug and this wouldn't work and they'd take me off this and put me on another. I don't know what I would have done, and I still have problems with paying. But the doctors are real lenient but the hospital is not quite so lenient. But the doctors, they go along, and pay me this and when you have more, pay me more. This has been my experience with medical expense and it's been this way most of my life. My mother and father were hindered by it because I had to be in the hospital so much. I probably spent 75% of my life in hospitals between the time I was seven and the time I was 16 or 17 years old. So it cost them a lot of money and had there been some way—if they could have had any insurance like this why it would have been a lot easier on them and a lot easier on myself too.

Senator HARRIS. Gene, are you back at work yet?

Mr. JORDAN. I was a barber and holding my arms up like this puts too much pressure on this valve, so vocational rehabilitation is going to train me to do something I can sit down to and work with my hands out front and get off my feet.

Senator HARRIS. How long have you been off work?

Mr. JORDAN. Since May of 1969.

Senator HARRIS. About what were you making before that?

Mr. JORDAN. In the neighborhood of $650 to $750 a month.

Senator HARRIS. And what did you say you still owe?

Mr. JORDAN. Approximately $3500, plus medicine I'm still buying, which I'll have to be taking the rest of my life.

Senator HARRIS. Gene, you present the problem very dramatically. You are certainly to be complimented for coming here and giving us that testimony. It will be very helpful.

Mr. JORDAN. Thank you very much.

Senator HARRIS. Thank you, and good luck.

Mr. Ross Hutchins is a good friend of mine. Ross has had some particular experience which I think will be very useful to us here.

TESTIMONY OF MR. ROSS HUTCHINS, ATTORNEY, TULSA, OKLA.

Senator, my name is Ross Hutchins. I am an attorney here in Tulsa, I serve as trustee in bankruptcy for between one and two hundred cases per year. By far, the overwhelming cause for bankruptcy is an illness and the resulting medical expense. It is the cause of somewhere between 60% and 90% of those cases tried. We are talking about here in Tulsa approximately 1,300 cases per year.

The typical bankrupt is between 20 and 30 years old. He has a wife. He has children. If he has been the one who incurred the illness the time at which he goes into bankruptcy is shortly after the illness occurs because both income stops and expense goes up. If it has been some other member of the family the time of bankruptcy is extended. It may be as short as six months; maybe five years. In that time he has devoted part of his income into payment of the medical bills and he has become indebted to any number of people in the community. Typically when he became bankrupt he had a good job, his income may have been $600 or $700 per month even. Maybe he did not have as good a job. In either event since he was relatively newly married, he owed on his furniture, his car and his home. It took virtually everything he had to meet the payments and there was no reasonable way by which economic planning would have permitted him to be in some other position.

There were few, if any, government programs available to him because he was neither old enough to qualify nor poor enough to qualify. Nor was he physically impaired, at least when the accident or the illness occurred. By the way, it's virtually always an illness, very, very seldom an accident. He finally reaches a point where he just cannot go on and does file bankruptcy. This would not be a 100% load back on the government to take up these people to the extent they represent an expenditure in the economy because there is an expense to the government in putting him through bankruptcy. There is also an expense to a large segment of the population in the bills and expenses they're already losing by reason of his particular problem.

Senator HARRIS. That's very startling testimony. It is something that is new to me.

Mr. HUTCHINS. Well, virtually all your bankrupts are young, married couples. If they're under twenty they just haven't had sufficient time to get in enough trouble. (laughter). Also they haven't been able to borrow . . . they may have already come into the problems but the creditors haven't had time to apply sufficient pressure that they had to resort to bankruptcy courts to get out from under. As they grow older and the problems build up on them, they finally give up under the load and by the way they give up justifiably. As this man suggested, too, about his parents, typically some of the debts listed are debts to parents and relatives who have given them money to help them out in this crisis. And by and large from the creditors' standpoint they have tried to do the right thing. They just haven't been able to do it.

Senator HARRIS. There is a point that you make that we really miss a lot in this country: that the people in the middle rightly feel that if they were a little poorer or richer they would get a lot more attention. The man in the middle, for example, pays more than his fair share of taxes, which is something we've been trying to do something about, but not enough. He generally doesn't have the special attention to the educational needs of his children; doesn't have the special attention to his health needs; and so forth. I think the point you make in that regard is very well taken.

Mr. HUTCHINS. This man has few programs available to him offered through the government. When he gets newly married, he's got the greatest cash requirement he'll ever have. He's got to buy his home, car, furniture, and pay for his children and their education and clothing. For instance, elderly people who frequently go to nursing homes, even under the minimal amount afforded to them, sometimes are able to save a little money, five or ten dollars a month. This man can't possibly have been in that position. Every month he's short. He's short even under the most favorable conditions. Yet he had a hard time borrowing money and is unable to establish any credit and he has no assets. He started out with a wife and maybe a car. He owed more on the car than it was worth. Typically also is another thing that frequently happens to them as they start going bankrupt, they have no credit; they didn't buy a good enough car and they keep driving it and they may own three or four cars none of which are newer than six to eight years and virtually none of them run. He probably had to come to the court house with his attorney because his car didn't run.

Senator HARRIS. Thank you very much.

Now we'd like to hear from Mr. W. R. Bethel, who is President of the Oklahoma Blue Cross-Blue Shield. He's been waiting here very patiently all day. We're glad you could be here and we're glad to hear from you.

TESTIMONY OF MR. W. R. BETHEL, PRESIDENT, OKLAHOMA BLUE CROSS-BLUE SHIELD

Thank you, Senator Harris. My name is W. R. Bethel. I am President of Group Hospital Service and Oklahoma Physicians Service, better known as Oklahoma Blue Cross and Blue Shield. We believe that it is both timely and fitting that you should provide an opportunity for the citizens of Oklahoma to express their views relative to one of the most pressing problems facing our state, and the nation, today . . . "health care financing and health care delivery." We believe it might be helpful to your deliberations to have some of the background of Blue Cross and Blue Shield nationally and, more specifically, Blue Cross and Blue Shield in Oklahoma.

Further, as you know, our corporations are made up of laymen, administrators, doctors, hospital representatives, and people of the communities we serve. We have representatives of each of those sections here today.

Senator HARRIS. I think we should introduce them so we'd be certain to have their names in the record.

Mr. BETHEL. Mr. Ernest L. Stucker is Chairman of the Board of the Blue Cross Corporation. Mr. W. B. (Bill) Hicks of the M K & O Trailways. Blunt Martin. Dr. Ed Calhoon is here as a member of the Blue Shield Board. Dr. Scott Hendren is a member of the Blue Shield Board. Mr. H. C. Gocher is a layman and is the owner of the Cimmaron Telephone Company from Mannford and is a lay member of the Blue Shield Board. Our hospital representatives are: Mr. Jim Harvey who is a member of the Blue Cross Board; Dick Luttrell who is a member of the Blue Cross Board; and Joe Gunn who is a member of our Board and President of the Oklahoma Hospital Association.

As you are perhaps aware, the concept of voluntary prepayment was originated in Texas in 1929. It came about because people had a need for financial help in times of health crises. The Oklahoma Blue Cross Plan was formed in 1940, followed by Oklahoma Blue Shield five years later. It those years, approximately 70% of the hospitals in the state were small, proprietary institutions, in the main, with somewhat limited facilities and services. Because of the increasing demand for services the profile of hospitals has changed, over the years, from proprietary to community sponsorship, offering a wide variety of services. Another contributing factor to this change was the existence of a private financing mechanism through Blue Cross and Blue Shield. Without question, the implementation of a mechanism that allows a substantial segment of the state's population to prepay a goodly portion of its health care needs, continues to contribute substantially to the significant changes and improvements in all health care services.

Historically, Blue Cross and Blue Shield

have also concerned themselves with quality care at the least possible cost.

With regard to the latter, we believe the Oklahoma Blue Cross and Blue Shield Plans were among the first pioneers of many innovations relating to cost stabilization. Utilization and peer review which are much discussed today, are only two ways the Plans have helped people to obtain quality health care at the lowest possible price over these many years.

These fiscal safeguards, in spite of seeming evidence to the contrary, have helped to contain costs. Additionally, these two systems of voluntary prepayment (Blue Cross and Blue Shield) have served as catalysts for what is now known as comprehensive areawide planning. For example, in the middle 1950's, the Oklahoma Blue Cross and Blue Shield Plans established Member Councils in all of the counties in Oklahoma.

These councils were comprised of responsible community leaders, such as, members of the Chamber of Commerce, physicians, hospital administrators and other opinion and influence leaders. The purpose of the Member Councils was to provide forums through which the community leaders and providers of care could exchange their concerns and ideas for improvement. Most of their discussions were focused on meeting community health needs through private financing mechanisms such as Blue Cross and Blue Shield, as opposed to tax financed governmental support.

One important by-product of these meetings was a series of educational programs entitled "Careful Use," aimed at encouraging the wise and effective use of their budgeted health care dollars. These educational programs were sponsored by Blue Cross and Blue Shield and had the support of both consumer and provider groups. Through this type of contact and involvement in community health affairs, Blue Cross and Blue Shield have long been influential so far as both the availability of heath services and their economical delivery are concerned.

In this time when the pubic's interest is of utmost importance, it is interesting to note that, for many years, Oklahoma Blue Cross and Blue Shield have had equal representation on their Boards of Trustees from consumers, hospitals anl physicians.

The people's trust is truly an invigorating challenge. These voluntary, non-profit entities, Oklahoma Blue Cross and Blue Shield, have, from the very beginning, under their enabling legislation, required participation by the consumer public on their Boards. Now, standing on the threshold of the Substantial Seventies, consumer influence will become more important than ever before. It will be a vital factor in areawide planning for the distribution of health services and in the recruitment and prudent use of available health manpower. Consumer participation will be heavily relied upon to clarify, and make more effective use of government subsidy programs—and to help define the direction of an improved health care delivery system.

While this balance of representation is evidence of our recognition that the interest of the consumer is paramount, I would hasten to add that, in our judgment, the interest of the provider and the consumer is more often in harmony than in conflict.

Earlier, I mentioned the vogue term, "Peer Review." Here again, the Oklahoma Plans assumed a leadership role many years ago. In the late 40's and early 50's, meetings were held with physician committees, all over the state, to decide ways and means of assuring quality care and optimum use of health care dollars. Of course, those early endeavors have now evolved into a much more sophisticated monitoring system, which is still under constant review and improvement.

Nationally, the Blue Plans touch every major community in the United States, rendering services to approximately 70 million Americans, at risk, and reach approximately 25 million more aged and poor through government contract. These Plans, including Oklahoma Blue Cross and Blue Shield, are all voluntary, non-profit corporations.

From our humble beginning in 1940, Oklahoma Blue Cross and Blue Shield now serve about one million Oklahomans, including 625,000 persons under private contract, and as intermediary for the remainder under government programs.

We can report that Blue Cross and Blue Shield returned 97% of its members' dues, in the form of benefits, in 1969. It is also noteworthy that Blue Cross administered the Part A portion of the Medicare Program at a cost to the government of only 1.9%.

We are gratified that 100% of the hospitals in Oklahoma demonstrated their confidence by designating Blue Cross as their intermediary for Medicare and that the Oklahoma physicians chose Blue Shield to handle the CHAMPUS Program. We believe that all of this is indisputable evidence that the voluntary prepayment mechanism has a unique contribution to make in the implementation and administration of government-sponsored health care programs just as it has in the private sector.

Further, we are convinced that such economical and efficient administration of federal programs is achievable only through utilizing the expertise of the private sector and we would urge that broader administrative latitude be granted to this proven system.

While our accomplishments are substantial, many problem remains to be solved. In this connection, we are currently engaged in developing broader benefit programs, studying alternative delivery systems and new methods of containing costs.

In cooperation with the dental profession, we are currently administering an experimental dental care program for approximately 12,000 Oklahomans. Shortly, we will make a similar program available to a large portion of our total membership. Also, we will soon introduce an out of hospital drug program and, with the cooperation of the Oklahoma State Medical Association, will implement a program for the payment of physicians' usual, customary and reasonable charges with a broad scope of benefits.

At the same time, we are conducting experiments in alternate levels of care and home health services in the City of Muskogee with expectation they will be implemented throughout the state if proven successful.

Further, we are investigating a broad spectrum of additional programs seeking those best suited to reduce the incidence and length of in-patient care which is the most costly care of all. Some examples of these are pre-admission testing, multi-phasic screening and group practice arrangements, with emphasis upon prevention and early detection.

Senator, you are undoubtedly aware that a major factor in the increasing cost of health care is a substantial shortage of health manpower. Many communities in Oklahoma do not have physicians, nurses or paramedical personnel available at all. We would urgently recommend that federal funds be directed, through the states, to refine and expand programs for better facilities and education of health manpower in all categories. Even more important, in terms of more attainable goals in the near future, is the need for planning which will stress better distribution and increasing the production of our present manpower resources.

As an example of what can be accomplished, we suggest further consideration be given to the "Health Careers" programs which Blue Cross actively supported from the beginning through the Regional Medical Program now functioning at the University of Oklahoma Medical Center. This program seeks to encourage young physicians and others to go into areas of the state where health services are inadequate or are non-existent. It is our belief that the Regional Medical Programs hold much promise for more effective use of existing and future health manpower.

Voluntary Areawide Planning is another approach which, when effectively implemented, will help utilize health manpower to a greater advantage. The importance of comprehensive planning for health facilities, services and manpower, and the coordinated use of financial resources is widely recognized. This recognition stems from an awakening realization that health facilities are interdependent; and that consumer interests and economic reality require a wide variety of facilities and services. Further, with new ways to retrieve and use comprehensive data on all aspects of health care, new opportunities for effectiveness are presenting themselves.

The management of Oklahoma Blue Cross and Blue Shield, believing in the need for comprehensive health planning, is committed to supporting recognized agencies with financial contributions and with skilled manpower and sophisticated equipment.

Many of these efforts we've touched on are also under study and trial by other Blue Cross and Blue Shield Plans across the nation. Since these programs have been widely aired in other public hearings, you are undoubtedly aware of them and no useful purpose would be served by going into greater detail today.

Of immediate concern to all of the people of Oklahoma and the providers of health care is the unwarranted increase in the cost of care to the private sector, caused by certain restrictions in the Medicare and Medicaid regulations. These restrictions prohibit the federal and state governments from paying their fair share of the full cost of providing health services.

Briefly, here's what we mean . . .

Since hospitals provide a substantial amount of care for which they are not reimbursed, they must then add these costs to the charges of other patients. This is commonly known as "reduction in revenue" and includes all contractual allowances, charity and bad debts. In 1968, Oklahoma hospitals had reductions in revenue which cost Blue Cross Subscribers in excess of $2 million. Amounts ranging up to $15.30 per day had to be added to the Blue Cross patient's bill to make up this loss, mainly attributable to Medicare and Medicaid. Studies for 1969 are not yet completed, but indications are that these losses of revenue cost Blue Cross Subscribers in excess of $3 million. When our studies are complete, we predict that the effect upon the Blus Cross patient's bill was an increase of up to approximately $20 per patient day.

The net operating loss of the Blue Cross Plan in 1968 was $1,098,000. In 1969 our losses were $2,199,000. Senator Harris, we think you will agree with us that it is unfair to the 625,000 Oklahomans who are Blue Cross Subscribers to have to subsidize Medicare and Medicaid to this extent.

Since the advent of the Medicare Law, there have been 35 hospitals which have closed their doors. We are of the opinion that these hospitals were closed in large measure due to Medicare regulations and the disparity of reimbursement. This past week, three more

Oklahoma hospitals were added to this list of "closed hospitals."

Based upon our knowledge gained as a Medicare Intermediary and from our on-going Blue Cross audits, current information indicates that 30 to 40 additional Oklahoma hospitals are in a very precarious financial condition and may also be on the verge of closing.

As mentioned earlier, we already have a problem of inadequate health care facilities in our rural communities. While we would grant that some of the hospitals which are caught in this predicament leave much to be desired, the communities affected by their closing now need assistance in finding direction in the development of new types of facilities and services to replace the old.

Perhaps it will be of interest to you, Senator, to know that we returned from Baltimore last evening, where we . . . along with representatives of the Oklahoma Hospital Association, the Oklahoma Department of Public Welfare, the American Hospital Association and the Blue Cross Association . . . presented to HEW officials a new proposal for hospital reimbursement which we call "A Cost Containment Program for Oklahoma Hospitals." This proposal is a realistic approach to solving the disparity in reimbursement now being so critically felt by Oklahoma hospitals and all of the people who are attempting to pay their own way. The main thrust of the proposal is to establish a means for the containment of rapidly rising costs of care in hospitals and at the same time provides adequate financing for these facilities.

This Program will require that hospitals establish rates related to their individual financial needs and that budgets will be established on a prospective basis each year. Determination of the rates will be based (1) upon the American Hospital Association Statement of Financial Requirements; (2) the recommendations made by the appropriate areawide planning group as related to capital needs; and (3) a budget forecast acceptable to all contracting agencies.

Further, this proposal contemplates incentives for providers to operate their facilities within the framework of the prenegotiated budgets but also envisions placing the hospitals at risk for failure to stay within the limits of their projections. Additionally, this prospective reimbursement proposition requires the advance approval of an external agency to be known as the "Program Policy Board." This external agency will be made up of representatives of the Title 18 and Title 19 Programs, the Oklahoma Hospital Association, Blue Cross and knowledgeable representatives of the public. Should you desire, we can furnish you a copy of the Cost Containment Program.

Senator HARRIS. I've got a copy of the program already and we've been in close contact with Cleve Rodgers and Lloyd Rader about that, and I appreciate your statement concerning it.

Mr. BETHEL. In summation, we wish to make two points with you, today, Senator. First, we feel the resources and expertise of the private sector afford this country its most viable approach to the continuing improvement of the health care delivery system and the financing of it. We urge your assistance in seeking more latitude for its use. Secondly, we urge you, in behalf of all Oklahomans, to exert your influence to see that governmental health programs pay their fair share of all legitimate costs in the future.

Thank you for this opportunity to express our views.

Senator HARRIS: Thank you very much. You made two or three very good points very knowledgeably. The National Health Insurance Committee yesterday reported. One of the things they said, and one of the things which came out so clearly at the National Health Forum this year, was that if we're going to move into an additional system of some kind without recognizing the additional strain on facilities and on personnel, we're not going to solve the problem. You make that point well. The other points you make are extremely important, and we'll be hearing some more about the severe and growing financial problems that hospitals are facing. I really appreciate what you've had to say and your background and experience add a lot of weight to it.

I'd like now to call on the Oklahoma Hospital Association of which Joe Gunn is President. Cleve Rodgers, the Executive Director, is in Baltimore involved in the meeting that Mr. Bethel talked about. His assistant, Ben White is here, as are Jim Harvey and Dick Luttrell and others mentioned awhile ago. I am glad you're here and we'll be pleased to hear from you, Joe.

Mr. GUNN. Thank you very much Senator Harris. We have Mr. Rodgers' statement which we will leave here. I apologize that he could not be here today but he is there on very important business.

TESTIMONY OF CLEVELAND RODGERS, EXECUTIVE DIRECTOR OF THE OKLAHOMA HOSPITAL ASSOCIATION

I am Cleveland Rodgers, executive director of the Oklahoma Hospital Association, whose offices are at Suite 115, 1145 South Utica, Tulsa, Oklahoma. The Oklahoma Hospital Association is a non-profit, voluntary association with a membership of 167 hospitals in the State of Oklahoma.

Speaking from my 23 years' experience as executive director of this organization, I can say that Oklahoma hospitals have never been in such a precarious financial position as they are today. The federal Medicare program, with its retrospective determined cost provisions, have contributed to the financial dilemma facing Oklahoma hospitals that is resulting in an alarming acceleration of hospital charges to private paying patients that we serve.

Oklahoma's non-profit, community hospitals are organized to provide hospital services—they are not organized to earn money. However, they must earn money in order to provide services. The hospital's present method of securing its financial requirements to continue serving its patients is resulting in gross inequities to the private paying patients, Blue Cross and commercial insurance companies because of the present Medicare reimbursement methods. . . . To illustrate, let me give you a composite picture of the patients presently being served by Oklahoma hospitals:

1. Thirty-seven percent of the hospitals' patient days are for Medicare patients.

2. Approximately thirteen percent of the hospitals' patient days are for Medicaid patient, although the Medicaid program is only able to pay for approximately ten percent of these days, as they have had to reduce the scope of their program to a maximum of ten days per admission for an adult Medicaid recipient because of the limit of state matching funds.

3. Ten percent of the patients in Oklahoma hospitals could not pay for their care and are not eligible for Medicaid and have to be considered as bad debts or charity by the hospitals.

4. The balance of forty percent are those who have Blue Cross, commercial insurance or private pay patients, who must assume more than their proportionate share of the hospitals' total financial requirements because of the inequities presently provided with the Medicare reimbursement formula.

To illustrate this point, the cost of care of the ten percent of our patients who are not eligible for Medicaid and are not able to pay for their own care must be borne entirely by the forty percent of our private paying patients as the Medicare and Medicaid law says they would assume no responsibility for the hospitals' cost for charity services.

In addition, hospitals have many community services that are financially "losers" such as emergency room services, obstetrical services, charity out-patient clinics and other similar community services which Medicare will not assume any part of these costs for community services in their definition of allowable, reasonable cost. This, in effect, is saying that the forty percent of the private paying patients must assume the total cost of these community services rather than apportioning these costs equally among all users of hospital services.

During the last few years, many hospitals have had to borrow capital on short term loans to expand and modernize their facilities. Yet Medicare and Medicaid will not allow the retirement of debts as a part of allowable cost and will only allow a percentage of the depreciation allowable over a 40-year period. Therefore, a large part of the financial burden for capital improvements must also be passed on to the forty percent private paying patients.

As a result of this retrospective determination of what is, or what is not, an allowable cost, hospitals are finding that they actually recover less than eighty percent of regular and normal charges rendered to Medicare and Medicaid patients.

If Oklahoma hospitals are to *contain* their costs to their private paying patients (who are the taxpayers paying the Social Security taxes and the general revenue taxes to finance Medicare-Medicaid program) we believe the following changes must be written into the law to provide for equity among all purchasers of hospital care, including the federal government:

1. The hospitals' financial requirements must be met by equity payments appropriated on the basis of each group of patients' use of hospital services. For example: If Medicare patients use thirty-five percent of the hospital's services, their payments for this service must be approximately thirty-five percent of the hosiptal's financial requirements, including their proportionate share of the hospital community service programs and their capital financial requirements.

2. Since Oklahoma's non-profit hospitals furnish care to all patients admitted to the hospital by the patient's physician, regardless of their ability to pay, either the Medicaid program must be expanded to pay for the cost of this care to the medically needy or apportion the cost equally among all the users of the hospital, including Medicare.

3. Because of the obvious failure of the retroactive determination of allowable hospital costs that has contributed largely to the hospital's financial dilemma, we urge that the hospital's financial requirements must be reviewed *prospectively* by the major purchasers of hospital care and that the hospitals be paid their cost during the period they render the care, thus enabling the hospitals to be financially able to provide the needed services for the patients that they serve.

The Oklahoma Hospital Association, in affiliation with Oklahoma Blue Cross and the Department of Public Welfare, has developed such a plan. If implemented, this plan, which was presented to representatives of the Department of Health, Education and Welfare yesterday, would enable the hospitals to recover their approved financial requirements. We also believe that our proposal will stimulate hospitals, through positive financial incentives, to use their facilities and personnel more efficiently, thereby reducing their costs,

while maintaining or enhancing the quality of the health care provided. This plan would also cover the cost of construction or expansion if appropriate health planning agencies certified the need for such expansion.

Hospital tax exemption

We are also concerned with the Senate Finance Committee's staff report, which recommended that the ruling of October 8, 1969 by the Internal Revenue Service that provided for tax exemption for hospitals who provide care on a non-profit basis, be rescinded. The Oklahoma Hospital Association recommends most strongly against any legislative action by the Senate Finance Committee designed to negate the current tax ruling or modify the basis for tax exemption for hospitals for the following reasons:

1. Hospitals should be granted tax exemption on the basis that they provide a community service; that they are available to service the community in all areas of health and provide necessary emergency treatment

2. Denial of tax exemption by the Federal Government would destroy the incentive for people to make donations to a worthwhile public interest cause.

3. Denial of tax exemption would increase the cost to all patients, including Medicare and Medicaid patients, by the relative amounts needed to pay real estate, ad valorem, sales and other type taxes at state and local levels.

4. Denial of tax exemption would increase the cost to patients by the amount heretofore contributed by donors who would refuse to make donations because of impairment to their tax status.

5. Because of the financial structure of hospitals, i.e., having to have a source of income to provide services, hospitals, other than tax status supported institutions, would be unable to accept charity cases. In this connection, consider the anomaly of the Federal Government through its tax arm insisting on hospitals providing charity services but refusing through its contractual relationship with hospitals under Medicare and Medicaid programs to contribute anything to the hospital's cost of charity services.

National health insurance

In conclusion, we notice that there are many pieces of legislation before the present Congress on a proposed National Health Insurance Program. Should a National Health Insurance Program be devised, there are several elements which we, of the Oklahoma Hospital Association, view as essential or desirable:

1. The federal government should enact a minimum range of comprehensive benefits for all health prepayment plans, including hospital inpatient services, outpatient services, extended care, home care and physician services, and should include a noncancelability clause so that each individual or family can be assured of a continuing health insurance program. This would force the many health and accident insurance companies to upgrade their coverage to an acceptable minimum.

2. Rather than the federal government administering and underwriting a National Health Insurance Program, it would seem more economical, and more in the public interest, for the Congress to require a compulsory coverage by a comprehensive health insurance plan for all employed or self-employed individuals and their families, financed jointly by the employee and the employer contributions.

3. We believe that the federal government should finance a comprehensive health insurance program of all unemployed or identifiable indigent persons.

4. A special study should be made on a mechanism for financing long-term, institutional care for the chronically ill patients—particularly, the aged.

On behalf of Oklahoma hospitals, we are most grateful for this opportunity to express our views and to commend you for your special interest in the financial problems facing Oklahoma hospitals.

Thank you.

TESTIMONY OF B. JOE GUNN, ADMINISTRATOR OF THE OKMULGEE MEMORIAL HOSPITAL, OKMULGEE, OKLA. AND PRESIDENT OF THE OKLAHOMA HOSPITAL ASSOCIATION

My name is B. Joe Gunn. I am Administrator of the Okmulgee Memorial Hospital, a 101-bed general hospital located in Okmulgee, Oklahoma. I am also currently President of the Oklahoma Hospital Association. It is my privilege to appear before this Committee and to make a statement concerning the health crisis that affect the Okmulgee Memorial Hospital.

The story of the Okmulgee Memorial Hospital could be duplicated by many hospitals in the state of Oklahoma as well as in our nation. The Okmulgee Memorial Hospital was founded as a city hospital in 1917—and operated under the city-management until 1963. During the early sixties a group of interested citizens wanted a better health care delivery program than was being provided by the city form of management. These interested persons formed a corporation and the citizens of the community agreed to lease the facilities to a non-profit foundation for the purposes of operating the hospital. At the same time, action was taken to initiate a building program in order that the citizens of the city of Okmulgee and Okmulgee County could have access to new and modern health care facilities. As a result of many hours of volunteer work in the area of fund-raising, planning and organizing, a new hospital was dedicated to the citizens of the Okmulgee area in October, 1967. The $2-million, 101-bed hospital was financed by raising $650,000 from local citizens through voluntary contributions. The Hospital sold revenue bonds in the amount of $550,000 and Hill-Burton provided $800,000 for the completion of the project. It is obvious that without the assistance of the Hill-Burton agency, it would have been impossible for the community to have built a health care facility that would meet the needs of the community. Therefore, through many hours of volunteer work by citizens of the community, and through the assistance by the Hill-Burton program, a new hospital was completed.

The Okmulgee Memorial Hospital is perhaps atypical in its mix of type of patients as compared to other hospitals in Oklahoma and other states of our union. In our hospital, the Medicare patient accounts for 53 of the patient days; the welfare patients under title XIX Program accounts for 20% of the patient days; Blue Cross patients are 12% and the commercial and private-pay patients account for 15% of the patient days. In Oklahoma, the average hospital is experiencing 37% medicare patient days—11% medicaid patient days—17% Blue Cross patient days, and 35% private pay and other commercial insurance patient days. Therefore, the Okmulgee Memorial Hospital is experiencing a higher percentage of medicare and welfare patient days as compared to other hospitals in the state. Oklahoma has a somewhat higher average of medicare and welfare patient days than do other states in the union. The problem of the Okmulgee hospital is very similar to other small hospitals in the state of Oklahoma—high utilization of the senior citizens and welfare segment of the population for which the hospitals are experiencing an inadequate reimbursement of expenditures.

The Okmulgee Memorial Hospital is currently experiencing an 18.5% reduction in revenues which is brought about because of the high percentage of medicare-welfare patient day utilization as related to the reimbursement formula. However, in Oklahoma for the first quarter of 1970, the average days length of stay for medicare patients was indicated at 13.4 days. The Omulgee Memorial Hospital experienced 11.6 days of stay for medicare patients during this same period. However, the important point of realization is that many hospitals, like the Okmulgee Memorial Hospital, are experiencing difficulties in generating sufficient revenue to adequately meet the expenses of an on-going health care organization. Also, due to the fact of the high percentage of reduction in revenue which is dictated by the present reimbursement formula—it is impossible for an organization to adequately meet its financial needs. The dilemma in which we find ourselves today is that of trying to generate enough income (cash flow) to meet the current financing requirements of the hospital as well as provide funds for capital improvement in long-range development in a very rapid changing field.

Our hospital has also experienced the rapid upswing of the cost of personnel services. Since 1966, our hospital has increased its minimum wage from $.75 to the present $1.60 per hour. Very few industries have had such a dramatic percentage of increase in salaries over a short period of time. We also find that a majority of our employees are in the minimum wage category. We have also experienced extreme upward spirals in the professional categories of personnel. This includes registered nurses, pharmacists, dietitians, physical therapists, laboratory technologists and other skilled persons. Due to the increased demand on the supply of these personnel, it has caused a tremendous increase in the salary level of persons in these categories. In order to give the highest quality of care, it is imperative that the best quality of personnel be secured and developed. Therefore, the arena of competition for qualified personnel has also caused the price of these persons to increase. The smaller communities also have problems that are compounded due to the fact it seems to be increasingly difficult to attract families to smaller communities. The great trend is that people are moving to the urban centers and to the suburbs of the urban centers, and it is more difficult to attract qualified professional people to the smaller community. This also has its bearing upon cost.

Senator HARRIS. To some extent the problem feeds on itself; the fact that there is high quality medical care in the larger city may be part of the draw, for people who move there.

Mr. GUNN. We have in our particular situation, relating back to cost, and what we are confronted with—in 1966 the minimum wage in our hospital was $.75 an hour. We all agree that that was not a living wage. The federal minimum wage came in and started upgrading it at this time. As of now our minimum wage is $1.60 per hour. The point I'm making now is that we're to the federal minimum wage but in this short period of time that's a tremendous increase in cost. 70% of our cost is related to personnel services. This is a tremendous increase in costs and it takes us several weeks and even months to generate what service we perform to get the income from that service. This is compounded on the fact that we don't have a chance to get some of that income because of our deductions in revenue. This has put an extreme squeeze on the hospital and this certainly is not atypical I think; there are other hospitals in similar situations.

Senator HARRIS. Would the people who are now getting $1.60 an hour be working 40 hours?

Mr. GUNN. Yes, sir.

Senator HARRIS. That would be $64.40 a week, I believe. Per month that would be $257.60. The point I'm making is, just as the paying patient ought not to be the one who pays extra for the person who can't pay all of his hospital care, I wouldn't think that any of us would think it would be proper, either, that some people should have to work for less than a living wage in order to hold down other people's medical costs. You make the point very well, however, that it is a factor which must be taken into account, aside from the argument of whether or not it was justified.

Mr. GUNN. We have another problem involved with our professional people that I mentioned—the supply and demand factor to which you alluded a minute ago. The supply is very short and the demand is great because of the response. This has caused a tremendous upward spiral of these types of personnel. I'm not saying that they don't deserve it. But at least it's a real factor that wages for the professional nurse have increased dramatically within the last three years.

Senator HARRIS. What do they average out in a town like Okmulgee?

Mr. GUNN. Before three years ago we were averaging $425 a month. We're now at $610 a month.

Senator HARRIS. What kind of schooling is required for that kind of salary?

Mr. GUNN. This is for a registered nurse who has normally three years in our situation. We do have some four-year degree persons but mostly the three-year diploma school type nurse. These are all registered nurses. So this has the bumping effect, you raise one category and you have to raise the other. These are part of the factors. We certainly should not expect to see a downward move in anybody's wage unless we have a national crisis and all we can expect, I assume, is to continue in this way.

There is another area which I would like to touch on, which we have not touched upon yet. And we almost could call these people the forgotten people and these are the hospital trustees. Hospital trustees are confronted with seemingly greater responsibilities in providing quality patient care. Trustees are becoming legally involved to a greater degree in granting or denying staff privileges to medical practitioners. The Courts today are tending to hold that hospital boards must not discriminate and must not act arbitrarily and capriciously as related to privileges of staff physicians—some are suggesting that a license to practice should afford a physician the privilege of any hospital that he may choose. On the other hand, courts have held that hospital trustees are responsible for the care of the patient within the hospital. The difficult position that the trustee finds himself in is that on the one hand he is responsible for the patient care within the hospital, and at the same time he is also being told that he must be more lenient about admitting physicians to practice on hospital staffs. Community control of the voluntary hospital then is in jeopardy because citizens of the community are becoming more reluctant to become involved in hospital matters due to the fact of potential legal problems that they might be confronted with brought about by these very delicate but ever-present issues related to the medical staff.

In summary, the problems which the Okmulgee Memorial Hospital faces are those of difficulties in generating sufficient cash to meet current as well as long-range obligations—increasing costs brought about by greater wages paid to employees to meet the federal wage requirements as well as increased wages for professional people because of the supply and demand factor. The medical-legal involvement of physicians, hospitals and trustees in the area of appropriate privileges granted to the physician within the hospital has also presented unique problems. The future of an adequate program of delivery of health care to the citizens of Okmulgee County are largely dependent upon resolving these issues so that adequate planning and implementation can be developed for the necessary programs of the future.

Of course, all of our problems cannot be corrected at once. However, our survival depends upon adequate financing of our monetary needs. The reimbursement formula is the key. The Oklahoma Hospital Association, and others interested in the survival of Oklahoma hospitals have developed a reimbursement program that would help the hospitals in Oklahoma in meeting their financial crises. Oklahoma is one of the first states to develop a program such as this and it is our desire that the Social Security Administration will approve our program as a demonstration project. Bold steps must be taken now in order that our voluntary hospital system can continue to provide quality patient care to our citizens.

Thank you.

Senator HARRIS. What is the part in the increased hospital costs played by improved technology and new equipment and machinery we didn't formerly have? Does that amount to much of the increased cost?

Mr. GUNN. It is a certain factor. The larger hospitals and the teaching centers are having a bigger problem in this area because the demand is greater for the new equipment and new techniques. Even in our size hospital, 100 beds, which is a small hospital, we have the same problem in a relative sense. For example, buying a new piece of equipment in the laboratory may be $4000 to $4500. This in itself is capital outlay which puts again the strain on the cash flow. So there are certain things that cause the cost increase. On the other hand, by virtue of using new equipment and new techniques, we can reduce some of the cost to the patient. And this has been very dramatic in the area of the auto-analyzer. That's the trade name for a machine that can produce a series of tests for the patient, let's say twelve tests, that would cost the patient about $20, as compared to the old system which would have cost him $65 or $70 for the same twelve tests. So these are definite economies for the patient that the public normally does not hear about, but it creates a strain on the cash flow of the hospital in acquiring these things.

Senator HARRIS. I suppose, too, that education of the public and the increase thereby of their expectations is some reason for the increase in costs. Formerly, there might have been fewer specialists involved in an operation or in diagnosis, where, now, we demand the best we can get. I suppose that would be involved, too.

I thank you very much.

Mr. Lloyd Rader, Director of the Oklahoma Department of Public Welfare, is in that important meeting in Baltimore which we talked about earlier. He is represented here today, I am pleased to say, by Jim Overfelt and Dr. Bertha Levy whose presence will be noted in our record. They wanted to be here to take part in these hearings and report back to the Department and use this information in their own positions. I appreciate your presence. Do you have anything to add at this time?

Mr. OVERFELT. No, thank you.

Senator HARRIS. Dr. Ed Calhoon whose name has been mentioned earlier is also President-elect, I believe it is, of the Oklahoma State Medical Association. Dr. Calhoon, we're grateful you're here. You've come a long way to be here from Beaver. You've been patient during the long day.

Dr. CALHOON. I've asked Dr. Hendren of Oklahoma City and Dr. Keith of Shattuck to make our presentation.

TESTIMONY OF SCOTT HENDREN, M.D. ON BEHALF OF THE OKLAHOMA STATE MEDICAL ASSOCIATION

Senator Harris and ladies and gentlemen. We are most grateful to have the opportunity of being here to make some presentation of this very complex problem of health care and to make ourselves available for any questions we might answer or any additions we might make to the statement.

I am Dr. Scott Hendren. I would like to identify myself first as a physician who, like nearly 2,000 of my colleagues, has devoted some 70 or 80 hours a week for the past two decades to the care of the sick. I might add, Senator, also to the anxious and the worried-well in the state which are a real factor in the burdening of medical care facilities. As a Past-President of the Oklahoma State Medical Association, it has been my priviledge and responsibility to observe, to counsel with and be concerned with the health care that is rendered throughout the state, not just in my area of practice. I am a member of various councils and committees and boards of trustees in our state and elsewhere who have some involvement with this care in many other areas across the nation. I would like to emphasize, as has already been brought out, that the health needs of our citizens and the systems to provide this are, and must remain, as heterogeneous and varied as the people who are serviced. What may be desperately needed in central Detroit may be totally out of place in Beaver, Oklahoma. That which is the ideal system for Beaver, Oklahoma would find no place in the ghetto of New York. I think although it's somewhat of a cliche, it must be constantly borne in mind when we consider seriously the financing and delivery of health care. It is so easy to say well we've not devised a system that is going to solve all these problems and forget that we are not a unity as far as our individual personalities, our individual needs, and our individual situations are concerned.

Just as there are great deficiencies in economic opportunity, employment, and education in our country, we certainly agree that all of the people do not receive the best medical care, and some of them do not receive care at all. Physicians are receptive to changes and are receptive and are anxious to identify and improve existing deficiencies and provide for future needs. I would like to point out that the crisis approach does prod people to think and to act and this we will concede. I would also caution that the crisis approach may lead to precipitous action and the result of such action may not bear the test of time.

Having been in practice in Oklahoma for two decades, I identify that I made the decision to study medicine somewhere in the thirties. At that time the demand for medical care was certainly not very great and the expectations were certainly not very much. People sought medical care only if they were desperately ill, and they went to a hospital only as a last resort. The so-called paramedical assistance that each doctor received in this state at that time was ¾ of one person. The paramedical assistance of each physician in this state required to care for the people at this time is somewhere between eight and ten people and should be 13 or 14 if the present trend continues, in the very near future.

Recognize that the tremendous advance in knowledge and technology since 1941 has placed on each individual physician a tremendous burden of keeping informed and keeping up with those things he must know and do to provide good medical care. In spite of all of the problems, I feel that the progress of medicine in this nation is one of the most dramatic stories of the century.

About five million Americans are alive today who would be dead if the mortality rate of the thirties were still in effect. Today obviously the intelligent and capable young man who faced us a bit ago would not have been here had his problem existed in the 1930's. I realize that $7,500 is a tremendous burden, but funerals are expensive also. Life expectancy for Americans has exceeded the Biblical three score and ten years. Today's babies will live ten years longer than their 30 year old parents. I would like to pause here to add another word of caution. I think it is important when we throw statistics around that we examine them carefully and we take them with a grain of salt, from two standpoints particularly when we talk of infant mortality. First of all, in Sweden, for example, and in many countries of Europe, infant mortality statistics are calculated on the basis of the first to sixth months. Our own reporting system calculates infant mortality anytime during the period of first to eighteenth months. Obviously this is not a comparable statistical report. Now this does not mean that we feel that infant mortality in this country does not need a lot of attention and improvement. But I think that we must examine statistics carefully.

Senator HARRIS. Do you feel that it is not any worse than in those other countries?

Dr. HENDREN. I said that we don't know because we don't have a comparable yardstick, Senator. The point I do make is that our own infant mortality is of concern to us, but to compare it with an orange is not very helpful in solving the problem.

Senator HARRIS. I've seen figures ranking us twelfth or thirteenth or fourteenth on what the United Nations and other organizations purport are comparable statistics.

Dr. HENDREN. We have not been able to identify that this is so. We're still comparing, we believe, apples and oranges. The point has already been made and I would like to emphasize it—when we talk of infant mortality and maternal life expectancy, we are also talking of factors which have nothing to do with medical care as such, but other, many and varied economic and like factors. For example, the life expectancy of infants of Swedish origin in the United States is twice what it is in Sweden, which has to do with way of life.

Nearly two-thirds of the major new drugs made available since 1941 are the products of American medical research. Over 70% of prescriptions today are for drugs not even known ten years ago.

There are more and better hospital beds in this country than in any nation in the world, and the average time it takes to get well has been shortened steadily over the years.

The United States now has over 300,000 medical doctors, the highest in history, and they are being produced faster than the national population growth rate.

Our nation is the medical training center of the world. More than 12,000 foreign physicians and students are receiving medical training in America, and the number increases annually.

A record number of Americans, 163 million, are protected by voluntary health insurance and prepayment plans.

Many dread diseases have been virtually eliminated through medical progress in this country.

The health services industry has grown to the nation's third largest employer . . . just behind agriculture and construction.

With this record of achievement—perhaps the most startling progress of any American profession or industry—it is paradoxical that many government leaders have singled out the health care industry and the medical profession for vilification!

Senator HARRIS. Do you feel really that doctors are being singled out? From where I stand, I think politicians are singled out for vilification. (laughter) I believe that every aspect of our national life, right now, is having to respond and having to change and having to take criticism—some justified and some not. It doesn't hurt us, number one, to recognize how good we are, and I think that you make that point very well and it's been made earlier as well. But I don't think that we ought to say that the medical profession is the only one being singled out; education is, lawyers, politicians, and the like—everybody. I don't think that that hurts us as long as it is constructive.

Dr. HENDREN. I agree with you thoroughly. The point that I wish to make is not defensively that the profession is being criticized. I welcome the criticism. The point I wish to make, and I think it is an important one, is that this is being advanced as an important reason for a total scrapping of a system which I am defending, or a multiplicity of systems.

Senator HARRIS. I haven't heard that advocated today.

Dr. HENDREN. I feel that that has been advocated by some five representatives of organized labor.

Senator HARRIS. That the whole system be scrapped?

Dr. HENDREN. Absolutely.

Senator HARRIS. I misunderstood, I suppose, what you meant by total scrapping. Go ahead.

Dr. HENDREN. American medicine is amenable to change and we are anxious to meet the needs. I would also like to point out in the legislative field, Senator, that the recent rush of health legislation, most of which is good, has been another factor in the tremendous burdening of our system. In the 89th Congress alone there were 1526 legislative bills introduced which affected health or the practice of the delivery of health care. I would submit that it would be difficult for any industry in the country or any profession to absorb and withstand this rapid a change in the customary way of doing things without being burdened tremendously and confused more than slightly.

There are admittedly some problems associated with the supply and distribution of health services to the people, and government can share with the private sector the responsibility of solving these problems. Dictatorial domination of an industry by government, however, is neither warranted nor welcome.

In the following pages of this paper, comments are made on several key issues of concern to the medical profession.

Medical manpower

America needs more physicians.

Higher levels of general education, increased spending power, and public awareness of the quality of health services available have made the American people more mindful of their health. As a consequence, greater expectations and demands for medical services have generated an excessive burden on today's health manpower resources.

This is true even though the number of physicians has increased faster than the general population. Between 1950 and 1966, the population of the U.S. increased 29 percent while the number of physicians increased 34 percent. Moreover, the physician-population ratio . . . the number of physicians divided into the total population . . . has improved. In 1960, the ratio was one physician for every 737 persons; by 1967, it was one for every 658.

To meet national expectations for health services, the enrollment of our medical schools must be substantially increased. The American Medical Association and the Association of American Medical Colleges have issued a joint statement to this effect.

National policy which would best meet this need, and would be consistent with the American ideal of equal educational opportunity for all, would provide such educational resources that every young person interested in and qualified for entry to the study of medicine would have this opportunity. All medical schools should now accept as a goal the expansion of their collective enrollments to a level that permits all qualified applicants to be admitted. During the 1966–67 school year, 18,250 young persons applied for medical training, but only 9,123 could be accepted.

Some medical schools have been increasing their enrollments, others have not. Of the 85 U.S. medical schools in 1967, 32 have shown no increase during the past ten-year period.

The reasons vary from school to school, but nearly always include such problems as lack of faculty, shortage of operational funds, and limited physical facilities. Too much emphasis on research and the provision of health services, as opposed to the primary mission of educating physicians, may indicate that some medical schools should reassess their priorities and purposes.

Our own University of Oklahoma School of Medicine is pioneering concepts which could well serve as models for national emulation.

Through a healthy blend of private, state and federal resources, a ten-year, $185 million program is underway to create the integrated "Oklahoma Health Center", whose mission will be to train health personnel of all types to meet the needs of Oklahoma citizens.

The Oklahoma Health Sciences Foundation, a group of prominent Oklahomans brought together at the invitation of former Governor Henry Bellmon, is playing an important role in coordinating governmental and private efforts to create one of the nation's leading health education centers.

The Oklahoma Legislature is not only supporting their effort by submitting an implementing major bond issue to a vote of the people, but it has also authorized a feasibility study for a second medical school to be located in Tulsa.

To solve the national problem for increased medical manpower, the following immediate and long-range steps should be taken:

Immediate

1. To increase the enrollment of existing medical schools. Considering the time required to create new schools and to provide a student with a medical education, there is no alternative in meeting the present emergency.

2. To foster curricular innovations and other changes in the educational programs which could shorten the time required for a medical education and minimize the costs. In view of the increasing quality of pre-professional education and the growing competence of entering medical students, it should be possible to reduce the length of medical education without sacrificing quality. Also, as the amount of clinical experience provided medical students increases, the duration of internship and residency training programs should be re-assessed.

3. To meet the need for innovation in educational programs, and to encourage diversity in the character and objectives of medical schools. The development of schools of quality where a primary mission is the

preparation of able physicians for clinical practice as economically and rapidly as possible is to be encouraged. Such schools may have less emphasis upon fundamental biologic research than is appropriate for a number of other schools.

Long-Range

A longer-range approach to the need for physicians is the development of new medical schools. Such a step is essential for meeting the national needs of 1980 and beyond.

This will require adequate financial support from governmental and various private sources for:

1. Construction of facilities to expand enrollment of existing schools and to create new schools.

2. Support of the operational costs of medical schools.

3. Stimulation and incentive for educational innovation and improvement.

To implement these measures will further require that each medical school and its university re-examine its objectives, its educational program, and its resources to determine how it can contribute most effectively to the national need for more physicians, and what financial help it will need to make this contribution. Also required is understanding by the public, the private foundations, industry, local and state governments, and the national Congress . . . groups which must provide the financial support which is necessary.

Initiative for development of new schools and expansion of the established institutions should be locally determined. Only the governing bodies of schools with ongoing programs in medical education can decide to expand such programs. Institutions wishing to organize new medical schools must assume the responsibility for marshalling the necessary support. Medical associations are prepared to assist with such efforts.

I think another area in the distribution of health manpower, particularly in Oklahoma, is the need for the rural area. I would like to make another comment or two in this area.

First of all, I think it is most important to understand that the failure of location of physicians and other health professionals in sparsely populated or rural areas is not, at least not to a large extent, economic. There are many more factors that have a great deal greater bearing on this maldistribution than income. It is our knowledge that the income levels of physicians across the state vary little between either area and there's no great penalty economically of being located in a rural area.

The penalties, of course, are number one, the same reasons that the rest of the population is not located in sparsely populated areas. Physicians are people. The local educational situation, the local . . . many other things. But the most important single reason is the professional and educational loneliness of the physician in an isolated area. This is the one great factor that we have determined in every instance where we do not have physicians locating in sparsely populated areas. As we mentioned awhile ago, the demand for educational progress and continuing education of physicians is absolutely essential. Without continuing education a physician five years from now will not be able to provide the level of care that the people need. One will be a professional dodo five years from now without any continued education in the interim. If one accepts the responsibility of a remote area then he must have some opportunity for ongoing, continued education.

The Oklahoma State Medical Association for many years has maintained a scholarship program. We are restructuring this program and have already restructured it, in fact, to provide incentive for the subsidization of the medical student's entire medical education on the provision that he voluntarily locate in an area of great need. We do not believe in indentured service for physicians or attorneys or teachers or anyone else. This is a voluntary program accepted by the student and if he changes his mind he has the ability to pay back all of this subsidization and go the way he wishes. But he's excused if he fills this great need.

Along with this we have begun work on VIP or what we call the Voluntary Interested Physicians program through the State Medical Association whereby physicians throughout the state, on a rotating basis, volunteer, much as our great volunteer physicians for Vietnam do, to locate temporarily in an area served by only a single physician to let him get loose for graduate studies, rejuvenation, and so forth.

Finally the State Medical Association has established a Rural Health Council composed of a broad segment of the society as well as physicians producing some very excellent ideas for the relief of this problem.

ARMY MAINTAINS DETERRENT POWER OVER CIVILIAN RIGHTS

Mr. ERVIN. Mr. President, there has been increased public concern over the wisdom and legality of some of the data banks which are being constructed by Federal departments and agencies.

On the basis of a study which the Constitutional Rights Subcommittee has undertaken, I am convinced that this public concern is caused by the failure of some agencies to limit their information activities to those reasonably necessary for administration of the laws they are charged by Congress with administering. It is also caused by the failure of responsible officials to inform the public and Congress honestly and squarely just why the information is needed and what will be done with it, and it is caused by their frequent failure to assure due process to individuals who might be involved with the program or placed in a data bank. Consequently, many worthwhile data programs which are necessary for good government come under criticism for lack of public information and for lack of government candor.

One of the Federal departments which has recently been guilty of incursions into the constitutionally protected sanctuaries of individual rights is the Department of Defense. A branch of this mammoth Department, the Army, has admittedly engaged in the collection and data banking of personal information about civilians who are active in politics or who belong to organizations which are or might be active.

In response to public reaction to this program, the Army pleaded that it needed to do these things in the interest of being prepared to deal with civil disturbances. It finally agreed to cut back on its program. However, from the latest policy statement, it is clear that the Army has maintained its deterrent power over the individual rights of American citizens.

When I first learned about these activities, I asked the Secretary of the Army for a full report because I thought the Army has no business meddling in civilian politics, or conducting surveillance of law-abiding American citizens or maintaining data banks on civilians who had no business with the Department of Defense.

In addition to the constitutional questions they raised, the Army's data banks were important for another reason. This was that they appeared to be part of a vast network of intelligence-oriented systems which are being developed willy-nilly throughout our land, by government and by private industries. I believe that in these systems, where they contain the record of the individual's thoughts, beliefs, habits, attitudes, and personal activities, there may well rest a potential for political control and for intimidation which is alien to a society of free men.

In March 1970, I was informed that the Army had unplugged one of its computerized data banks on civilians which it maintained at Fort Holabird and that it would discontinue a blacklist of dissenters which it has distributed widely. However, many more questions which I and other Members of Congress had asked the Secretary of the Army remain unanswered. The mail which has been received by the Subcommittee on Constitutional Rights and by other Members of Congress convinced me that aside from its use of computers, there were obviously some major constitutional issues remaining about other aspects of the Army's programs.

I ask unanimous consent that my letters of January 22, 1970, and February 27, 1970 to the Secretary of the Army, the Army General Counsel's letter of February 25, 1970 to me, and letters of March 20 and June 23, 1970 to me from Under Secretary of the Army Thaddeus R. Beal, a memorandum of March 6, 1970 to the Chief of Staff from the Secretary of the Army, and the latest policy statement of June 9, 1970, issued by Colonel Robert E. Lynch, Acting Adjutant General, printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 22, 1970.

HON. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: In connection with our study of computers, privacy and constitutional rights, the Constitutional Rights Subcommittee is conducting a survey of the development and maintenance of data banks by Federal departments and agencies.

One of our purposes is to determine whether or not such data systems are being developed in accordance with constitutional standards of privacy and due process of law for the individual citizens involved. Another purpose is to help Congress ascertain the need for comprehensive legislation to govern all computerized data banks on individuals.

Our attention has been particularly directed to reports of the development and expansion of data banks at Fort Holabird, containing information on the personalities, on the political, economic, and social beliefs and on the lawful community activities of American citizens.

To assist the Subcommittee in its study,

we should appreciate your explaining for us: (1) the present situation concerning collection and storage of Army intelligence and other investigative data on private individuals, particularly at the Investigative Records Repository, but also at other data centers operated by the Army; and (2) future plans for expanding and further computerizing the present system.

Specifically, we should receive responses to the following questions:

1. Under what statutory and administrative authority was the Investigative Records Repository established, and for what purpose? What is the relationship of this activity to the responsibilities of the Armed Forces? Please supply copies of pertinent statutes, regulations and memoranda.

2. Is all military intelligence data on individuals filed in this center? Is it computerized?

3. How many subject individuals are presently recorded in the system at the Records Center?

4. What categories of information about individuals are contained in this data bank? Are there any published or unpublished regulations or instructions governing the type of information appropriate for the files, how it is to be gathered, and how its accuracy is to be determined? If so, please supply copies.

5. Are there plans to expand the scope of these files in number and subject matter? If so, how would this specifically alter the existing data system?

6. Is the subject individual, or his representative, allowed to review the data on record about him, to supplement his file and to explain or rebut material he considers inaccurate?

7. What provisions are made for deleting material found to be inaccurate or inappropriate, either spontaneously by the Army or on motion of the individual concerned?

8. What limitations are placed on access to the file or to information contained in it? What security procedures or devices are employed to prevent unauthorized access to the data file or improper use of the information? Who spcifically has access to this data? For what reasons and on what authority is access granted?

9. What other agencies have access to these files? For what purposes? Under what restrictions?

10. Is a record maintained of the details of inspection or use of the file or data on an individual?

11. How is the information collected and by whom? Is it collected by investigators or from third parties? Is it solicited from the individual himself, or is it collected from other records?

12. Do you have published or unpublished regulations or guidelines concerning use and availability of these files? If so, please supply copies.

13. Do you have published or unpublished regulations or guidelines concerning the gathering, screening and accuracy of data in these files? If so, please supply copies.

14. To what extent are these files computerized? What are your plans for computerizing further?

15. The Subcommittee is interested in learning the truth about current reports that the Army plans to connect its intelligence teletype reporting system to a computerized data bank at the Investigative Record Repository. If so, what are your plans for safeguarding the accuracy of the data collected and its relevance to the area of your responsibility?

16. What other data banks are maintained or supported by the Department of the Army on private citizens? To the extent possible, please supply for each of these the information requested for the Fort Holabird data banks.

Enclosed is a *Congressional Record* excerpt describing the scope of the Subcommittee's interest in the government's use of data banks on individuals.

Your assistance in our study is deeply appreciated.

With all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

DEPARTMENT OF THE ARMY,
OFFICE OF THE GENERAL COUNSEL,
February 25, 1970.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter concerning development and expansion of data banks at Fort Holabird, which we believe may be related to an article in the *Washington Monthly* entitled "CONUS Intelligence: The Army Watching Civilian Politics" by former Army Captain Christopher Pyle.

The allegations made by Mr. Pyle were viewed with great concern by both the civilian and the military leadership of the Army. Both have always, over the generations, been keenly sensitive to the long-standing American tradition separating the military from involvement in domestic politics, and both are constantly alert to ensure that Army actions as well as policies are in keeping with the traditional limitations upon our armed forces. Ever since the unfortunate necessity arose, several years ago, for military forces to be prepared for civil disturbance operations when directed by the President, there has been a special sensitivity to the immediacy of this problem.

Our continuing goal has been to maintain suitable limts to Army intelligence involvement in the civilian sector, and toward this end our policies and practices have been undergoing periodic examination. The main charge of the article, and indeed its title, hold that the Army deliberately seeks the opposite, by widespread aggressive covert collection of intelligence about people who "might make trouble for the Army." This charge is false. The Army's domestic intelligence activity has been to a small degree in the civil sector, but only to focus upon civil disorder, and the Army has long been pressing to have civilian governmental agencies meet even these intelligence needs.

The military security functions of the Army in the United States are conducted by the U.S. Army Intelligence Command, Fort Holabird, Maryland. This Command reports directly to the Chief of Staff of the Army and is closely supervised for him by the Assistant Chief of Staff for Intelligence. The Command employs seven subordinate organizations, military intelligence groups, located throughout the United States in support of its military security functions. These groups, employing approximately 1000 agents, support the principal missions assigned to the Intelligence Command by the Department of the Army.

The principal activity of the U.S. Army Intelligence Command is to conduct security investigations to determine whether uniformed members of the Army, civilian employees and contractors' employees should be granted access to classified information. This activity and allied activity relating to security matters account for 94% of the time of Intelligence Command field personnel, and will consume a higher percentage in the future because of reduction in civil disturbance activities.

To avoid duplication of effort and to give investigators the benefit of prior work, a central filing system of Army investigations is necessary. The U.S. Army Investigative Records Repository, run by the Intelligence Command, has approximately 7 million files relating principally to security, loyalty or criminal investigations of former and present members of the Army, civilian employees and contractor personnel. When security or criminal investigations are completed the entire report is forwarded to the Records Repository at Fort Holabird for filing. The use of these files is limited by Regulation to specifically authorized Executive Branch agencies. No computer has been installed in the Investigative Records Repository; none has been or is planned to be installed since the cost in manpower and time to convert the Repository files to a computer bank would be prohibitive. The Repository does have an automatic retriever system for some of the files; these files, placed in boxes, can be mechanically retrieved on a trolley system in order to save time in searching for files.

In order that investigative efforts in the security field would not be duplicated, Secretary of Defense McNamara directed on 27 May 1965 that a central index of all security investigations conducted by Department of Defense agencies be established. Accordingly, the Defense Central Index of Investigations was established at Fort Holabird. Data included in this Index is limited only to the identification of an individual, the type of investigation conducted, date of completion, and the location of the investigation (for example, Army investigations are filed in the Investigative Records Repository. The data is placed on manually key punched cards which are then alphabetically filed. A sample card is attached. At present, these cards must be manually searched. A plan to install a computer at the Central Index has been approved. Information on the key punched cards will be placed in the computer; the purpose of this computer will be to rapidly identify and indicate the location of files needed in security investigations. The computer will contain only the information shown on the sample card, which does not reflect the existence of any personal information of any kind, derogatory or otherwise. The present system and the planned computer are not and will not be tied in with any form of computer data banks. There is no plan to use the Central Index in any other fashion.

The U.S. Army Intelligence Command also has missions relating to the collection of information that may be needed by civilian planners and Army commanders in the event Federal troops are directed to act by the President. As you know, the Army has certain obligations under the Constitution and the laws to act at the direction of the President to deal with the civil disturbances beyond the capability of local and state authorities to control. Army intelligence activities in the field of civil disturbances are directed primarily at ascertaining information needed to prepare appropriate levels of alert for military forces and needed by military commanders if they are directed to act. This limited field of interest removes from legitimate concern of the Army minor forms of disturbances and lawful activities not likely to lead to major disturbance involving use of Federal resources.

Intelligence personnel obtain this limited civil disturbance-related information primarily from the FBI and state and local police agencies. *When this information is collected in the field,* it is reported usually by teletype to the U.S. Army Intelligence Command. The Director of Investigations, U.S. Army Intelligence Command, is responsible for collecting the information, storing it, and forwarding it, as necessary, *to appropriate officials in the Department of Defense. The teletype is not linked to any computer, nor has there ever been a plan to do this.*

The collection of civil disturbance-related information by the Army increased after the disturbance in Detroit in 1967. However, the Intelligence Command was not and has never been reinforced with additional personnel to accomplish the civil disturbance missions assigned to them at this time. Since

this was a new area for the Army, an appropriate level of action necessary to accomplish the Army's mission had to be evolved. This area has been a subject of constant attention and refinement in order to narrow the Army's actions to only those which are absolutely necessary. There have been some activities which have been undertaken in the civil disturbance field which, after review, have been determined to be beyond the Army's mission requirements. For example, the Intelligence Command published from 14 May 1968 to 24 February 1969, an identification list which included the names and descriptions of individuals who might be involved in civil disturbance situations. All copies of the identification list have been ordered withdrawn and destroyed. The Army's present policy is that reporting of civil disturbance information is limited to incidents which may be beyond the capability of local and state authorities to control and may require the deployment of Federal troops.

In the past, the Director of Investigations at the Intelligence Command has operated a computer data bank or storage and retrieval of civil disturbance information. This data bank, which included information about potential incidents and individuals involved in potential civil disturbance incidents, was thought useful in that it permitted the rapid retrieval of related information for predicting trends and possible reactions. The civil disturbance data bank was discontinued since, after study, it was determined that the data bank was not required to support potential Army civil disturbance missions.

Thus the Army does not currently maintain, and has ordered the destruction of, the identification list referred to above. No computer data bank of civil disturbance information is being maintained, and directives provide that no such system can be initiated without the approval of the Chief of Staff and the Secretary of the Army.

I hope that the information set out above will satisfy your concerns.

Sincerely,

ROBERT E. JORDAN III,
General Counsel.

DEPARTMENT OF THE ARMY,
Washington, D.C., Mar. 6, 1970.

Memorandum for the Chief of Staff U.S. Army.

Subject: Restrictions on Intelligence Operations Involving Civilian Activities.

I appreciate the prompt and vigorous actions taken by General Palmer, General McCaffrey and General McChristian to eliminate the computer data banks, containing information on civilians, which were identified during the recent review of Army civil disturbance intelligence activities. The actions taken are a step toward limiting Army civil disturbance intelligence activities strictly to activities which have a clear potential for developing into a major disturbance beyond the capability of local and state law enforcement officials and the state National Guard.

I understand that General McCaffrey and General McChristian are reviewing still other measures, such as reductions in direct overt observations of incidents in progress, liaison with local authorities, and related "spot reporting" activities. The Under Secretary and the General Counsel will continue to work with your representatives to assure that appropriate further actions are taken in these other areas.

With respect to computerized data bank operations, it seems clear that the dangers of such systems require strong, centralized control over their creation and use. Accordingly, confirming the verbal policy which I stated to the General Counsel in connection with responding to recent Congressional inquiries on the subject, no such intelligence data bank operations relating to civil disturbance or other activities involving civilians not affiliated with the Department of Defense should be instituted without the approval of the Secretary of the Army and the Chief of Staff. In view of the sensitivity of such operations, approvals will not be granted without consultations with the concerned committees of Congress.

In order to insure that no Army element in the United States is maintaining this type of system, I would appreciate your asking all commanders in CONUS, Alaska and Hawaii, down to the installation level to report whether their command has any form of computerized data bank relating to civilians or civilian activities, other than data banks dealing with routine administrative actions such as finance or personnel records involving Army personnel or employees. If a command has such a data bank, the data bank should be immediately destroyed, unless a report justifying its existence is submitted for approval as indicated above.

STANLEY R. RESOR,
Secretary of the Army.

SUBCOMMITTEE ON
CONSTITUTIONAL RIGHTS,
February 27, 1970.

HON. STANLEY R. RESOR,
Secretary of the Army,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your interim reply to the Subcommittee's inquiry of January 22, 1970, in connection with our study of privacy and data systems.

I wish to commend you and the General Counsel of the Army for the prompt and effective action you have taken to reduce the Army Department's involvement in domestic intelligence work. I was gratified to learn that you have discontinued the computer data bank which was maintained on "potential incidents and individuals involved in potential civil disturbance incidents." Furthermore, the fact that you have ordered the withdrawal and destruction of a list of people who might be involved in civil disturbances is also laudable, and will be reassuring to those in Congress concerned with constitutional rights.

My inquiry of January 22, as you know, was not limited to information collected for possible civil disturbances, nor was it confined to files kept at Fort Holabird.

Since Mr. Jordan's letter deals only with one Fort Holabird computer data bank, and does not refer to other similar civil disturbance data banks and data systems not necessarily computerized, which are reportedly maintained by the Army in the Pentagon and in the various Intelligence Groups, I hope that your final reply will complete your responses to our inquiry, especially to Question 16.

His letter does not, furthermore, deal with the questions raised concerning the information which he indicates is currently being maintained under the new policies. In addition, it does not answer our inquiries concerning other information kept on file about civilians.

With your final reply, I hope that you will comply with the Subcommittee's request for the pertinent regulations, statutes, directives, and other authority to which Mr. Jordan generally refers.

Since Mr. Jordan states that the Army has urged that other civilian agencies take over the task of domestic intelligence, we should be interested in knowing what specific recommendations have been made in this matter.

While the Department is to be commended for the prompt action to remedy, at least partially, this unjustified interference by the Army into domestic political activities, this does not explain how the Army was permitted to engage in such activities in the first place. The preservation of our civil liberties cannot depend on the lucky discovery of illegal programs. Clearly, in our government of laws, no such activity should be undertaken secretly, as was this, nor without clear statutory and constitutional authorization from Congress.

With all kind wishes, I am

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

DEPARTMENT OF THE ARMY, OFFICE
OF THE UNDER SECRETARY,
Washington, D.C., March 20, 1970.

HON. SAM J. ERVIN,
Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your letters about certain practices of Army intelligence and your Subcommittee's concern with privacy and data systems. The purpose of this letter is to answer the questions that you posed in your letters of 22 January and 27 February. While some of the information in this letter may repeat some of Mr. Jordan's comments to you, I have done this, where necessary, to help clarify the matter from the overall standpoint.

The present program governing access to classified information was established on 27 April 1953 in Executive Order 10450 (Encl 1). This Executive Order, and the programs developed by Federal agencies, recognizes the need for the Government to protect access to classified information. The Executive Order provides that the head of each Federal agency is responsible for establishing procedures governing security and sets out general standards to be applied. As a result, the Department of Defense has issued Department of Defense Directives 5210.8 (Encl 2) and 5210.7 (Encl 3); the Department of the Army, as well as the other Military Departments, has issued further implementing instructions.

The principal activity of the U.S. Army Intelligence Command is to conduct investigations to determine whether uniformed members of the Army, civilian employees and contractors' employees should be granted access to classified information. In order to avoid duplication of effort and give investigators the benefit of prior work, the U.S. Army Investigative Records Repository (USAIRR) was established on 17 August 1951 to serve as a central filing system for all Army investigations (Encl 4), and detailed instructions to field elements for centralizing files then located throughout the Army were issued on 18 January 1952 (Encl 5). You will note that these orders provide that the USAIRR "is not an investigative agency and has no responsibility for the evaluation of information. . ." This policy continues in effect today.

Since 1952 all Army security and criminal files have been centralized in the USAIRR. The USAIRR presently contains approximately 7 million files relating principally to security and criminal investigations of former and present members of the Army, civilian employees and contractors' employees. At present, the operating procedures and controls over the USAIRR are specified in Army Regulation 381–45 (Encl 6). There are no plans to expand either the scope or the subject matter of files in the USAIRR. As previously noted, no computer has been installed or is planned to be installed in the USAIRR.

The files maintained by the USAIRR relate to individuals within the Army's investigative jurisdiction; the other services maintain similar files. As noted in Mr. Jordan's letter to you, the Army operates, for the Department of Defense, the Defense Central Index of Investigations. This Index, designed to locate any security or criminal investigative file for any Defense agency, will be computerized shortly. As previously noted, the material in this Index is limited to identifying data such as name, date of birth, social security number, on individuals who

have been the subjects of investigations and the location of the investigations.

It is estimated that approximately 1.1 million of the 1.9 million civilian and military employees of the Army require a security clearance in order to perform their jobs. When an individual is selected for or assigned to a position requiring a security clearance, a request for an appropriate investigation is submitted, through channels, to the U.S. Army Intelligence Command. The Intelligence Command, depending upon the type of clearance sought, will review the information submitted by the individual and direct military intelligence agents to conduct an appropriate investigation. This investigation, again depending upon the type of clearance requested, may consist of a check in the Defense Central Index of Investigations to see if other investigations have been conducted by DoD agencies, review of an existing file in the USAIRR, a check of local criminal records in areas where an individual has lived, interviews with references, checks with former employees, etc. Each activity performed by an agent is reported to the Intelligence Command; the Intelligence Command is then responsible for resolving contradictory or conflicting reports through further investigation and checking out all undeveloped information. When the investigation is completed, the entire file is forwarded to the command which requested the investigation; that command (the clearance authority), and not the Intelligence Command, is responsible for evaluating the investigation and determining whether a clearance will be granted.

When the clerance authority has completed action, the entire file is sent to the USAIRR. Accordingly, a standard personnel security file in the USAIRR will contain the papers submitted by the individual, reports submitted by the agents concerning their investigation, and copies of the action taken by the clearance authority in determining whether a clearance should be granted. I have attached copies of the types of documents which may be included in the file (Encl. 7). In additon, the USAIRR contains completed criminal investigation files, completed investigative files dealing with espionage or security investigations involving the Army and files in the other categories specified in Army Regulation 381–45.

Under normal circumstances, an individual is not permitted to review material contained in his file at the USAIRR. Of course, the individual is provided with copies of any statements which he submitted. However, according to paragraph 4–5, Army Regulation 604–5, a security clearance may not be denied or revoked unless the clearance authority explains the basis for the denial or revocation and affords the individual the opportunity to rebut the specific derogatory information against him; exceptions to this procedure can be granted only on a case-by-case basis by me. In addition, an individual may request an interview in order to clarify material in his file; this interview and the individual's rebuttal in a clearance proceeding are placed in the file. Thus an individual seeking a clearance should be aware of any derogatory information of significance in his file and no adverse action can be taken against him until he is so aware.

Information in a file at the USAIRR is, once action is completed, considered an historical record of the security clearance action. Accordingly, there is no procedure for removing or correcting documents in the file once action is completed. While an investigation is pending, the Intelligence Command makes every effort to limit information to appropriate matters relevant to the issues under consideration and, where conflicting evidence is developed, is expected to order further investigations.

Access to USAIRR files is strictly limited to those with a "need-to-know." Files are treated as if they contained Secret information so that special transmittal procedures are necessary to insure limited distribution. Access to files is limited to Department of Defense and other Government agencies with a legitimate interest in the personal security field. I have attached a copy of Army Regulation 381–46 establishing Army policy on the use of USAIRR files by non-Army agencies (Encl 8). I have also attached a book listing those authorized to request USAIRR files (Encl 9).

With reference to your questions about civil disturbance intelligence activities, I should point out that this activity is separate and apart from the USAIRR. As you noted in your letter of 27 February, Mr. Jordan's letter dealt primarily with the civil disturbance activities of the U.S. Army Intelligence Command. As noted in that letter, the civil disturbance computer data bank at Fort Holabird has been discontinued and destroyed since the information in the computer was not useful in view of the Army's limited civil disturbance mission. "Spot reports" which provided the basis for entries into this computer have been routinely destroyed for some time. I have attached a copy of a memorandum signed by Secretary Resor on 6 March 1970, concerning the subject of computerized data banks within the Army (Encl 10). You will note that this memorandum prohibits the operation or establishment of any computer data banks concerning civilians or civilian activity unless the specific data bank is approved by the Chief of Staff and the Secretary of the Army. Your Subcommittee and other interested Committees of the Congress will be informed in these specific instances.

Under our current policies, reports concerning civil disturbances will be limited to matters of immediate concern to the Army—that is, reports concerning outbreaks of violence or incidents with a high potential for violence beyond the capability of state and local police and the National Guard to control. These reports will be collected by liaison with other Government agencies and reported by teletype to the Intelligence Command. They will not be placed in a computer (in fact, there never has been a direct link between the teletype reporting system and the computer). These reports are destroyed 60 days after publication or 60 days after the end of the disturbance. This limited reporting system will ensure that the Army is prepared to respond to whatever directions the President may issue in civil disturbance situations and without "watching" the lawful activities of civilians.

I should note that the Assistant Chief of Staff for Intelligence of the Department of the Army is responsible for providing analyses of matters of concern to the Army; to perform this function, the Counter Intelligence Analysis Division has been established in his office. This Division has a worldwide analysis function and is responsible for reviewing counter-intelligence material for all Army areas of interest. The Division does not collate information on a broad basis and only has information needed to answer specific questions of concern to the Department of the Army. This Division will, of necessity, have office files concerning civilian activity. For example, the Division is responsible for determining cities where civil disturbance potential is high so that Army officials can prepare civil disturbance plans. Such plans become the basis for the application of minimal force to restore stability when ordered by the President. In the course of this analysis, information is received from the FBI and collated in order to permit evaluation. These files, along with the world-wide counter-intelligence files are stored on microfilm because of the volume of the latter; but they are not computerized and there are no plans to computerize them. In our view, the activities of the Counter Intelligence Analysis Division do not involve an invasion of privacy or constitute an improper activity for the Army to perform. The limited questions responded to by this Division in the civil disturbance field are ones of legitimate concern to the Army. The Division is closely supervised by the Assistant Chief of Staff for Intelligence and is not permitted to consider matters beyond its limited area of concern.

The Counterintelligence Analysis Division did compile an identification list from federal and local authorities on individuals and organizations associated with civil disturbances. This list was last updated in late 1969 and is available to a limited number of Department of Army organizations with civil disturbance responsibilities. The lists are now out of date, and are not considered necessary to satisfy the limited intelligence requirements referred to above. Accordingly, existing lists are being withdrawn from the field and destroyed, and new lists are not being prepared.

Your letter of 27 February expressed concern over how the Army could have engaged in the practices described in Mr. Jordan's letter. I believe it is important to place this matter in proper perspective. The Army provided troops to assist local authorities in controlling civil disturbances in Detroit and during the disturbances following the death of Dr. Martin Luther King; prior to this time, Army troops had not been used for this purpose since 1942. Obviously, after the death of Dr. King, it was impossible to predict exactly what level of action the Army should adopt in order to be prepared to deal with disturbances if the President should direct the Army to act again. Thus the Army began to collect information in order to be prepared to meet its civil disturbance requirements. This collection, despite allegations to the contrary, never reached proportions even approximating the charge that the Army was "watching" civilian politics on a broad scale. Our continuing policy has been to reduce the scope of the Army's activities to only those needed to accomplish our mission; reductions in the level of activity have been made as our experience indicated that a given course of action was not required. In fact, our latest actions to reduce the level of intelligence activity have been under study for some time. The Vice Chief of Staf and I are both personally involved in this continuing review.

I hope that the information set out above will satisfy your concern. I will be happy to answer any further questions you may have or meet with you to discuss this matter.

Sincerely,

THADDEUS R. BEAL,
Under Secretary of the Army.

DEPARTMENT OF THE ARMY, OFFICE OF THE UNDER SECRETARY,
Washington, D.C., June 23, 1970.

Hon. SAM J. ERVIN,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Several months ago, I corresponded with you about certain alleged practices of the Army in the collection, reporting and storage of civil disturbance information. Because of your continuing interest in this matter, I have attached a copy of a letter recently issued to all Army commanders setting out the Army's new policies concerning civil disturbance information.

I would be happy to answer any questions you may have about this new policy.

Sincerely,

THADDEUS R. BEAL,
Under Secretary of the Army.

DEPARTMENT OF THE ARMY, OFFICE OF THE ADJUTANT GENERAL,
Washington, D.C., June 9, 1970.

Subject: Collection, Reporting, Processing, and Storage of Civil Disturbance Information.

SEE DISTRIBUTION

1. Purpose. This letter establishes Department of the Army policy regarding the collection, reporting, processing, and storage of civil disturbance information. It is applicable within the Continental United States, the States of Alaska and Hawaii, and Puerto Rico. It applies to all Army commands within those geographic areas.

2. Definitions.

a. Civil disturbance—A situation in which a civil jurisdiction is required to apply a greater than usual degree of police enforcement in order to insure the maintenance of law and order.

b. Civil jurisdiction—A town, city, county, or State; a legal corporate government within the Continental United States, Alaska, Hawaii, or Puerto Rico other than the Federal Government or its departments and agencies.

c. Collection—For purposes of this policy, the acquisition of information in any manner, to include direct observation, liaison with official agencies, or solicitation from official or unofficial sources.

d. Law and order—A condition in which a reasonable degree of the normal operations of a civil jurisdiction is possible.

e. Police enforcement—That force available to a civil jurisdiction in order to insure law and order, such as a city police department, a county sheriff's office, State police, or National Guard in State service.

f. Processing—The collation, evaluation, and analysis of raw information in order to produce finished intelligence.

g. Reporting—For purposes of this policy, communicating information to another person or organization, whether orally, mechanically, or electrically.

h. Storage—For purposes of this policy, the retention of information in any way, to include card files, dossiers, folders, computers, or punch cards.

3. General.

a. Public order is the responsibility of local and State governments and Federal civilian agencies. The Attorney General is the chief Executive Branch officer responsible for coordination of all Federal Government activities related to civil disturbances. Military forces are responsible for action only when the President has determined, in accordance with Chapter 15, Title 10, U.S. Code, that the situation is beyond the capability of civilian agencies to control.

b. The investigative jurisdiction of the Army with regard to espionage, sabotage, and subversion is in accordance with Executive Order 10450, dated 27 April 1953. It is delineated in AR 381–115, 2 July 1969, and is limited to:

(1) The investigation and disposal of all cases in these categories involving active and retired military personnel of the Army.

(2) The investigation and disposal of all cases in these categories of civilian employees of the Army outside the United States and its possessions.

(3) The disposal of cases on civilian employees of the Army inside the United States and its possessions.

c. The Department of the Army relies upon the Department of Justice at the national level to furnish civil disturbance threat information required to support planning throughout the Army for military civil disturbance needs.

d. The Department of the Army relies upon the Department of Justice at the national level to furnish early warning of civil disturbance situations which may exceed the capabilities for control by local and State authorities.

e. Under no circumstances will the Army acquire, report, process, or store civil disturbance information on civilian individuals or organizations whose activities cannot, in a reasonably direct manner, be related to a distinct threat of civil disturbance exceeding the law enforcement capabilities of local and State authorities, except as authorized in paragraphs 8 and 9d.

4. Collection.

a. Army intelligence resources will not be used for the collection of civil disturbance information until the Director for Civil Disturbance Planning and Operations, or the Commander in Chief, Atlantic (CINCLANT) in the case of Puerto Rico only, has made a determination that there is a distinct threat of civil disturbance beyond the capability of local and State authorities to control.

b. Army Military Intelligence elements possessing counterintelligence resources will maintain the capability to collect civil disturbance threat information during a period in which there is a distinct threat of, or actual, civil disturbance requiring the use of Federal military forces.

c. Within the District of Columbia, the criterion is a distinct threat of civil disturbance beyond the capability of the Metropolitan Police to control.

d. Civil disturbance information collection capability of Army elements in the Continental United States, Alaska, or Hawaii will not be employed except on Department of the Army order or, in the case of Puerto Rico, on order of CINCLANT.

e. On activation by the Department of the Army, or CINCLANT for Puerto Rico, Military Intelligence elements possessing counterintelligence capability will:

(1) Establish and maintain liaison with appropriate local, State, and Federal authorities.

(2) Through liaison, collect civil disturbance information concerning incidents, general situation, and estimate of civil authorities as to their continued capability to control the situation.

(3) Report collection results to Department of the Army, ATTN: ACSI–IA, and DCDPO. In Puerto Rico only, report results to CINCLANT with information copies to DA, ATTN: ACSI–IA, and DCDPO.

(4) Keep appropriate commanders informed.

(5) Provide intelligence support to the Personal Liaison Officer, Chief of Staff, Army, and the Task Force Commander on arrival in the affected area.

(6) Recommend methods of overt collection, other than liaison, if required, to Department of the Army for approval.

f. Army Military Intelligence elements will employ methods of collection other than liaison only on order of Department of the Army.

g. Covert agent operations will not be used to obtain civil disturbance information on individuals or organizations without the concurrence of the Federal Bureau of Investigation and the specific approval of each operation by the Under Secretary of the Army.

h. Unsolicited Sources.

(1) So-called walk-in sources who volunteer civil disturbance information to Army elements will be referred to appropriate local police or local offices of the Federal Bureau of Investigation. If the source refuses such referral the information will be obtained and immediately furnished to the proper office.

(2) Information received from anonymous telephone callers or written messages will be referred as indicated in paragraph 4h(1) above.

5. Reporting.

a. Army elements will maintain the capability of reporting civil disturbance information.

b. Civil disturbance information reporting will be activated only on Department of the Army order. In Puerto Rico, reporting will be activated only on order of CINCLANT.

6. Processing.

a. OACSI, DA, has the sole responsibility for processing civil disturbance information in accordance with the definition outlined in paragraph 2 above at all times when Federal troops are not actually placed on standby or committed.

b. When the Director of Civil Disturbance Planning and Operations directs that Federal troops be placed on standby or committed to assist in restoring order, those Army elements involved will also be responsible for processing civil disturbance information in support of their local planning.

7. Dissemination. Analyzed reports will be furnished to appropriate major Army commands in CONUS, Alaska, Hawaii, and Puerto Rico, when it appears that a civil disturbance poses a distinct threat beyond the capabilities of local and State authorities to control.

8. Planning. Civil disturbance plans and supporting materials will not include listings of organizations and personalities not affiliated with the Department of Defense. Exceptions to this policy are:

a. Listings of local, State, and Federal officials whose duties include responsibilities related to control of civil disturbances may be compiled and maintained.

b. Appropriate data on vital public and commercial installations/facilities or private businesses and facilities which are attractive targets for persons or groups engaged in civil disorder may be compiled and maintained.

9. Storage.

a. Army elements will be prepared to store civil disturbance information during a period in which there is a distinct threat of, or an actual, civil disturbance requiring the use of Federal military forces.

b. Adverse civil disturbance information relating to persons or organizations within the Continental United States, Alaska, Hawaii, or Puerto Rico, will not be stored except on order of Department of the Army.

c. Spot reports generated by activation of civil disturbance information collection will be destroyed within 60 days of the termination of the situation to which they refer.

d. After-action reports, where required for clarity, may contain names of individuals or organizations that were directly involved in the civil disturbance being reported. Inclusion of names of organizations and individuals will be kept to the absolute minimum for the purpose of the report.

e. Upon termination of a civil disturbance situation, the nature and extent of all accumulated files other than spot reports and after-action reports will be reported to Department of the Army, ATTN: ACSI–CIC, with recommendation for destruction or release to the Department of Justice.

f. Army elements will be prepared, on Department of the Army order, to destroy accumulated files or forward them to Department of the Army, ATTN: ACSI–CIC, for release to Department of Justice.

g. Computerized data banks for storage of civil disturbance information will not be instituted or retained without the approval of the Chief of Staff and the Secretary of the Army.

10. The collection, reporting, processing, and storage of information related to Army personnel security programs, counterintelligence operations, and special collection requirements related to direct threats to Army personnel, installations, or materiel are not affected by this letter.

By order of the Secretary of the Army:

ROBERT E. LYNCH,
Colonel, AGC,
The Acting Adjutant General.

Mr. ERVIN. Mr. President, unfortunately, my suspicions were increased by an article by Christopher Pyle which appeared in the July issue of the Wash-

ington Monthly. Mr. Pyle, a lawyer and doctoral candidate at Columbia University, is a former Army intelligence officer whose scholarly analysis and documented account of the Army's program was published in the January issue of the same publication. In his second article, Mr. Pyle concludes that the blanket of surveillance of civilians has resumed in some quarters and has continued in others. I ask unanimous consent that the article entitled "Conus Revisited: The Army Covers Up," written by Christopher H. Pyle, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ERVIN. Mr. President, the courts have not yet provided a remedy for citizens complaints about such programs. A suit was filed in the Federal district court in the District of Columbia attacking the constitutionality of this type of surveillance by the Army, but it was dismissed, and that case, Tatum against Laird is now on appeal to the U.S. Court of Appeals for the District of Columbia.

Mr. President, the latest policy statement regarding these activities, issued by Colonel Lynch, reflects a commendable and, I am sure, a sincere effort by the Army to get a grasp on the many horns of its dilemma and to disengage from what has appeared at times to be warfare on American citizens. The letter states that from now on, under no circumstances will the Army "acquire, report, process, or store civil disturbance information on civilian individuals or organizations whose activities cannot, in a reasonably direct manner, be related to a distinct threat of civil disturbance exceeding the law-enforcement capabilities of local and State authorities." Instead, the Army says it will rely on the Department of Justice to gather information on certain people and events and relay it to the Army. On the other hand, the Army says it will no longer retain certain information on personalities in its data banks, but will, in some cases, relay it to the Department of Justice. In fact, I was informed the other day, that, pursuant to the Secretary's March 6 order to the Joint Chiefs of Staff, a survey has been made of every Army command in the United States to determine how many computer data banks were maintained for civil disturbance purposes. Only one was found, that maintained at Fort Hood, Tex., and this has been ordered destroyed, together with punchcards, tapes, and any existing print outs of the data. One copy of the entire printout was retained and turned over to the Internal Security Division of the Department of Justice. I was informed that this is because the division is dealing with the Tatum case and a copy of the records from the Fort Holabird computer data bank and others maintained for civil disturbance purposes had been requested by the plaintiffs.

This new policy, enunciated by the acting Adjutant General of the Army, is an obvious surrender by the Justice Department in that it has agreed to engage in a program which, according to previous reports and correspondence, it has refused to undertake until now.

Colonel Lynch's letter, while carefully organized and even accompanied by a small dictionary of definitions of the terms used in it, contains a number of inconsistencies and lacks precise standards. In some cases, the last half of his sentences seem to cancel out the first half of his sentences.

I have therefore set out my analysis of his statement in a letter to the Secretary of the Army, which I ask unanimous consent be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 27, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: This is to thank you for sending me the policy letter from the acting adjutant general to all Army commanders concerning collection of civil disturbance information. You are to be commended for this thoughtful attempt to define the Army's role in the federal government's collection of information on individuals engaged in political activity or the surveillance of organizations which are politically active and whose members allegedly might be involved in civil disturbances.

I understand that you have decided that under no circumstances will the Army "acquire, report, process, or store civil disturbance information on civilian individuals or organizations whose activities cannot, in a *reasonably direct* manner, be related to a *distinct threat* of civil disturbance exceeding the law enforcement capabilities of local and state authorities, except as authorized in paragraphs 8 and 9(d). These exceptions in paragraph 8 refer to "listings of local, state and federal officials whose duties include responsibilities related to control of civil disturbances" and "appropriate data on vital public and commercial installations, facilities or private businesses and facilities which are attractive targets for persons or groups engaged in civil disorders."

In paragraph 9(d), this exception relates to "after-action reports, where required for clarity, which may contain names of individuals or organizations that were directly involved in the civil disturbance being reported." Furthermore, in paragraph 10, it is stated that "the collection, reporting, processing, and storage of information related to Army personnel security programs, counterintelligence operations, and special collection requirements related to direct threats to Army personnel, installations, or material are not affected by this letter."

The Army's definition of civil disturbance is a "situation in which a civil jurisdiction is required to apply a greater than usual degree of law enforcement to maintain law and order." This, it might be presumed, could include the assignment of one more police officer than usual when there is a football game in a town. To clarify this, we should appreciate receiving a specific description of the criteria which would determine exactly when the Army would engage in surveillance and data collection.

You state that the Army (1) will rely upon the Department of Justice to furnish civil disturbance threat information required to support Army planning for military civil disturbance needs; (2) that covert agent operations will not be used to obtain civil disturbance information on individuals or organizations without the concurrence of the Federal Bureau of Investigation; (3) that Army elements will be prepared on Army order, to destroy accumulated files or forward them for release to the Department of Justice.

From an initial reading of these and other items in your policy letter, it appears that the Army has finally persuaded the Department of Justice to assume certain surveillance and certain data-collection which the Army has been performing on civilians and to share responsibility with the Army for the total program.

However, I confess that the exceptions, qualifications and lack of criteria in your policy letter could lead the average citizen—which I consider myself—to wonder just how much of a change it represents in government policy.

Since I was never able to obtain a precise statement from you as to what exactly the Army had been doing and why, it is difficult to determine from this regulation just what you will not be doing in the future. In view of this initial difficulty in evaluating the Army's role, it is even more difficult to determine how many of the old activities have been eliminated, how many are merely shared with other agencies, and how many are completely assumed by other agencies.

The Subcommittee plans to conduct hearings in the fall to consider the extent to which constitutional rights are affected by government data banks, including those developed for surveillance and intelligence sources. In view of the constitutional issues raised by the Army's original activities, and in view of the questions still remaining, it would be most helpful to Congress if you were to appear before the Subcommittee and describe the differences between your old program and the new, both with respect to the Army's function and the total program of the Federal Government with respect to data collecting on civilian activities.

This is to extend to you as Secretary of the Army, an invitation to appear on a mutually agreeable date and discuss these matters. In particular, we would hope that you would tell us how the new policy will better protect the privacy and due process rights of (1) any citizen engaged in legal activities who might have been subject to surveillance or to incorporation in a federal data bank under the old policy, or (2) who might be so monitored in the future.

Pending the hearings, it would be helpful if you would supply the responses to the following questions.

1. When will your policy letter be published as an official regulation so that it will be available to the public and may be relied upon by citizens and organizations?

2. To what extent may the average citizen or student who engages in legitimate demonstrations, or who is politically active in expressing his views on issues of the day, or who belongs to organizations which demonstrate a concern with governmental policies—to what extent may such a citizen or student benefit from the change of policy reflected in this new order? Under what circumstances could he expect to be subject to the Army or any other agency taking note of his activities?

3. What disposition has been made of the data in files, microfilms, and computer systems previously acquired on civilians in the course of this program, and maintained in base and unit offices and in local, regional or national offices?

(a) Has any of this information been transferred to or made available to any other federal, state or local agencies?

(b) If so, which ones?

(c) For what purposes?

(d) Beyond dissemination of Colonel Lynch's letter, what steps does the Department of the Army intend to take to ascertain that the regional data banks on civilian political activity maintained by military intelligence groups and elements of the Continental Army Command have in fact been destroyed?

4. You indicate that covert agent operations will not be used to obtain civil disturbance information on individuals or organizations without the concurrence of the Federal Bureau of Investigation.

(a) Why has the Army decided not to rely on the FBI entirely for such covert operations?

(b) Will covert operations be used for any other program affecting civilians? If so, which ones?

(c) Will the recommendation for such civil disturbance-related covert operations initiate with the Federal Bureau of Investigation?

(d) Would you provide examples of the type of incident or activity which might in your view call for such a covert operation?

(e) Who under this new arrangement would be responsible for terminating the operation?

(f) Would the order for such surveillance include a time limit or require a renewal of authority for continuance?

(g) Will Army intelligence agents or any other Army or Defense Department personnel be utilized under any arrangement to assist the Justice Department in implementing its share of this program?

5. What kinds of overt and covert collection operations can be undertaken by Army intelligence units to investigate "direct threats to Army personnel, installations, or materiel?" In instances not involving the crimes of treason, espionage, sabotage, or sedition? Who may authorize the collection of information in these cases?

6. It would appear to me that rule 10 exempts from any restrictions any program under the sun for monitoring of civilians which is not termed a "civil disturbance" program. Aside from the civil disturbance program, what other programs might in any way involve systematic collection of information by the Army about civilians other than those investigated for employment by or service with the Defense Department of Defense industries?

For example, would the monitoring of those personnel and civilians patronizing coffee houses and other businesses in communities near defense facilities fall under a program related to civil disturbance threats, or under some other program?

For instance, under your security program, does the Department of the Army have a program similar to that authorized by the Air Force Order of May 25, 1970, "Reporting Subversive Activities" by which personnel are ordered, supposedly in connection with civil disturbance threat preparations, to report "personnel making sympathetic statements in support of the antiwar demonstrators;" "congregation of unauthorized persons;" "persons attempting to spread antiwar sentiments in public places on the base;" "persons making statements with racial overtones." If so, would you supply the Subcommittee with a copy of your directives, memoranda or regulations?

As an additional example, it has been reported to the Subcommittee that the 902 Military Intelligence Detachment at Fort Meyer investigates and maintains dossiers on members of Congress, ambassadors, their staffs, business and labor leaders and congressional lobbyists. Would you advise the Subcommittee whether such a data bank is maintained, by whom and for what purpose?

7. (a) Which military intelligence unit will analyze "early warning" information from the Justice Department and thereby assist the Director of Civil Disturbance Planning and Operations in determining whether a "distinct threat of civil disturbance" exists?

(b) What permanent files, if any, will that unit maintain on past civil disturbances and/or the political activities of civilians?

8. Under rule 4e(1), what methods of "overt collection, other than liaison" are contemplated?

9. Under the new policy, will the domestic intelligence portion of the microfilm archive maintained by the Counterintelligence Analysis Detachment be retained? Will any portion of this data bank be destroyed? If so, which?

10. Paragraph 8 of Colonel Lynch's letter states: "civil disturbance plans and supporting materials will not include listings of organizations and personalities not affiliated with the Department of Defense." Will civil disturbance plans and supporting materials be permitted to include information on organizations and personalities not affiliated with the Department of Defense so long as that information is not presented in lists?

It would be appreciated if you would also supply as soon as possible the regulations implementing the program as spelled out in the policy letter and a copy of any inter-departmental memorandum or joint-agreement governing the working relationship between the Department of the Army and the Justice Department, and between the Department of the Army and any other agency or department with respect to the collection, processing, and storing of data on civilians.

To judge from the mail which is coming to this Subcommittee, to my own office, and to most members of Congress on the subject of data banks, and particularly on those maintained by the Army under current programs, there is intense public concern about this subject. Furthermore, the many expressions of interest and alarm which I and the Subcommittee have received from other members of Congress, convince me that there is urgent need for public hearings to clarify the impact of the Army data banks and those of numerous other agencies on the constitutional rights of law abiding American citizens.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.,
Constitutional Rights.

Mr. ERVIN. Mr. President, I have also invited him to appear as one of our witnesses before the Constitutional Rights Subcommittee at our forthcoming hearings on Federal data banks and constitutional rights. At that time, I believe he will have the opportunity to inform Congress how the new policy will better protect the privacy and due process rights of any citizen engaged in legal activities; first, who might have been subject to surveillance or to incorporation in a Federal data bank under the old policy; or, second, who might be so monitored in the future.

Mr. President, as part of the subcommittee's study of privacy and data banks, we have been conducting a Government-wide survey to learn what data banks are being built to house personal information about individuals for statistical, administrative, or intelligence purposes.

Among departments asked to respond to the subcommittee questionnaire, for all component agencies, are the Department of Justice and the Department of Defense. In view of the new Army-Justice policy and the fact that other branches of the Armed Forces may also be derelict, I believe the replies to those questionnaires will be even more meaningful than ever. I ask unanimous consent that the questionnaires sent to the Attorney General and to the Secretary of Defense about their data systems and their use of computers, be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 9, 1970.

Hon JOHN N. MITCHELL,
Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: In connection with our study of computers, privacy and constitutional rights, the Constitutional Rights Subcommittee is conducting a government-wide survey of federally-administered or federally-sponsored data banks containing personal information about individuals for statistical, administrative or intelligence purposes.

Clearly, the Federal Government's ability to respond to the needs of state and local governments and its capacity to meet its responsibilities to all of the people quickly and efficiently, may well depend on the ease and ingenuity with which it applies the best of the new technology to federal programs. Therefore, this Subcommittee inquiry should not be deemed criticism of Departmental policies in the field of data collection or processing. Rather, the questionnaire is designed to assist Congress in its evaluation and understanding of the current trends and practices in those areas where individual rights and privacy may be affected in some way. Letters to the Subcommittee and other congressional offices show a growing public concern and what is frequently an unnecessary alarm over the extent of government data collection about citizens and the reasons for it. While I believe some of this concern is warranted, much of it could be allayed by clearer definition of official duties and of the rights of citizens and by better communication with the public, the press and Congress about agency programs.

It is the Subcommittee's hope that the replies from this survey will better enable Congress to respond to public inquiries and to help it determine the need for comprehensive new laws and for a new federal agency to govern computerized and mechanized data banks where they affect individual rights to privacy and due process. Since reports from our investigation will be published, it is essential that to the extent possible, the questions be answered seriatum and in layman's terms so that the public may understand your operations.

A particular area of current controversy is the extent to which federal agencies may appropriately maintain intelligence-type data banks for surveillance of protestors, demonstrators and others involved in political activities either for or against various governmental policies. I should especially appreciate a statement on the degree to which the Department of Justice or any component agency, including the Federal Bureau of Investigation, maintains such a data collecting program, and whether or not it is computerized or mechanized for easy access and retrieval. I believe such a statement might be facilitated if the questions submitted below were to be answered separately in connection with such program, and supplied with your other responses as a separate item in your report. I am enclosing a copy of a typical news article concerning such a Justice Department program, so that the Department may comment or respond to the points raised there if it so wishes.

It would be helpful if the same procedure could be followed for a separate report on the National Crime Information Center.

In addition to reports on these two data banks, the Subcommittee would appreciate your responses to the following inquiries:

(1) Describe briefly the major categories of data presently maintained and stored under auspices of the Department of Justice and its agencies and the approximate number of subject individuals covered in each category:

(2) Under what statutory and administrative authority was each data bank established and for what purpose? Please supply copies of pertinent federal statutes, regula-

tions and memoranda on which this authority is based and by which it is implemented;

(3) Are departmental controls, guidelines, or advice required by or offered to (a) federal, (b) state officials and private individuals who either administer or who utilize this data-gathering program? Please supply copies of pertinent rules or advisory documents as issued by federal and state agencies;

(4) For each category and each conglomerate of data, indicate its present state of computerization or other mechanization for access and retrieval as well as for evaluation and analysis;

(5) Describe plans for further computerization or mechanization in each program;

(6) In what instances would each system be utilized? By what officials and by what agencies?

(7) For each new data storage and processing program, please describe: (a) the advantages; and (b) the extent to which it permits correlating, common storage and multi-faceted analysis of data on a scale not hitherto available.

(8) What specific subject areas concerning an individual's background, personal life, personality and habits are noted in each data program?

(9) Have the Department and the Federal Bureau of Investigation developed comprehensive guidelines governing maintenance of each data system, access to it, review and disclosure of material in it, and distribution to other agencies? If so, please supply copies.

(10) A. Is the subject individual or his representative notified of the fact that he is in the data bank?

B. Is he allowed to review the data on record about him; to supplement his file; or to explain or rebut inaccurate material? Please describe the precise limitations on such rights for each restriction.

(11) What aspects of the recorded data are available to other persons? Who, specifically? For what purpose? By what authority?

(12) Is a record maintained of each inspection or use of the individual's records?

(13) For each data bank, please indicate how the information is collected, whether it is solicited from the individual, from third persons, or from existing records.

(14) What officials in the Department or agency are responsible for determining the accuracy of information in the data bank? What provisions are made, procedurally, for deleting information found to be inaccurate or inappropriate, either on the initiative of the Department or on motion of the individual?

(15) What other agencies have access to information or use of information in each data bank?

(16) What state and federal agencies may utilize the data in your computerized files by coding, interfacing and other devices relating to their own computers?

(17) What security devices and procedures are utilized to prevent:

a. Unauthorized access to the data file; and

b. Improper use of the information?

(18) What formal or informal arrangement does the Department have with Congressional Committees for the authorizing and reviewing of new data banks and the clearance of new electronic or mechanized record-management techniques?

(19) A. Have any data programs or the development of other comprehensive records systems been discussed before other Congressional Committees by Departmental representatives?

B. Have any been specifically approved by Congress or Congressional Committees?

C. If so, would you please supply any available testimony, or citations to such hearings?

In the first phase of our study, in connection with our hearings on S. 1791, the Department kindly supplied a report on the statistical inquiries it sent to individuals or groups of people for various purposes over the last five years. For purposes of our current study, it would be especially helpful to have included in your report the processing, storage and use of responses to such inquiries.

Would you kindly supply copies of any statutes and regulations cited in your report to the Subcommittee, together with sample print-outs from each data bank.

I realize that the collection of such a large amount of information will constitute an administrative burden, but I hope it will not tax your employees unduly. The Subcommittee believes that a worthy cause will be furthered by the diligent and good faith efforts of the officials of the Justice Department to supply these responses to the best of their ability. In the final analysis, I believe Congress, the Executive Branch and the people will profit by this investigation.

Your own personal assistance in our study is deeply appreciated.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights.

JULY 20, 1970.

HON. MELVIN J. LAIRD,
Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: In connection with our study of computers, privacy and constitutional rights, the Constitutional Rights Subcommittee is conducting a government-wide survey of the extent to which constitutional rights may be affected by federally-administered or federally-sponsored data banks containing personal information about individuals for statistical, administrative or intelligence purposes.

Clearly, the Federal Government's ability to respond to the needs of state and local governments and its capacity to meet its responsibilities to all of the people quickly and efficiently, may well depend on the ease and ingenuity with which it applies the best of the new technology to federal programs. Therefore, this Subcommittee inquiry should not be deemed criticism of Departmental policies in the field of data collection or processing. Rather, the questionnaire is designed to assist Congress in its evaluations and understanding of the current trend and practices in those areas where individual rights and privacy may be affected in some way. Letters to the Subcommittee and other congressional offices show a growing public concern and what is frequently an unnecessary alarm over the extent of government data collection about citizens and the reasons for it. While I believe some of this concern is warranted, much of it could be allayed by clearer definition of official duties and of the rights of citizens and by better communication with the public, the press and Congress about agency programs.

It is the Subcommittee's hope that the replies from this survey will better enable Congress to respond to public inquiries and to help it determine the need for comprehensive new laws and for a new federal agency to govern computerized and mechanized data banks where they affect individual rights to privacy and due process. Since reports from our investigation will be published, it is essential that to the extent possible, the questions be answered seriatum and in layman's terms so that the public may understand your operations.

A particular area of current controversy is the extent to which federal agencies may appropriately operate systems for collection or storage of intelligence-type data on protestors, demonstrators and others involved in political activities either for or against various governmental policies, or whether or not they maintain data banks containing information on political attitudes and beliefs of citizens. I should especially appreciate a statement on the degree to which the Department of Defense or any component service, agency or office, maintains such data programs and whether or not it is computerized or mechanized for easy access and retrieval. I believe such a statement might be facilitated if the questions submitted below were to be answered separately in connection with such programs, and supplied with your other responses as a separate item in your report.

It would be especially helpful if your report on these data banks takes into account such data as is ordered collected by an Air Force order issued on May 25, 1970, at Sheppard Air Force Base entitled: "Reporting Subversive Activities." Apparently in pursuance of civil disturbance prevention, this order, as you know, directs reporting of persons making statements with racial overtones, congregation of unauthorized persons, persons attempting to spread antiwar sentiments in public places on the Base, personnel making sympathetic statements in support of the antiwar demonstrators, and personnel making statements which indicate disloyalty to the United States, and persons having indebtedness being approached with offers of financial aid.

The Subcommittee would like to know whether identical or similar memorandums have been issued by any of the other services or any of its elements, or by any component agency or office under the Department of Defense. If so, please supply copies. In addition, we should appreciate copies of the directives, administrative regulation, and statutes authorizing such orders.

For each office, service or element where such orders are effective, please indicate the respective data in which such information would be stored, and the respective data program under which it would be analyzed and processed.

In addition to reports on these data systems, the Subcommittee would appreciate your responses to the following inquiries with respect to the administrative, intelligence, and statistical data banks on personnel and civilians:

(1) Describe briefly the major categories of data presently maintained and stored under auspices of the Department of Defense and each of the Services and their elements and the approximate number of subject individuals covered in each category;

(2) Under what statutory and administrative authority was each data bank established and for what purpose? Please supply copies of pertinent federal statutes, regulations and memoranda on which this authority is based and by which it is implemented;

(3) Do other federal agencies or any state, local or private agencies utilize such programs or data banks? If so, are departmental controls, guidelines, or advice required by or offered to (a) federal, (b) state officials and private individuals who either administer or who utilize this data-gathering or data-storage program? Please supply copies of pertinent rules or advisory documents as issued by federal and state agencies;

(4) For each category and each conglomerate of data, indicate its present state of computerization or other mechanization for access and retrieval as well as for evaluation and analysis;

(5) Describe plans for further computerization or mechanization in each program;

(6) In what instances would each system be utilized? By what officials and by what agencies?

(7) For each new data storage and processing program, please describe (a) the advantages; and (b) the extent to which it permits correlating, common storage and multi-faceted analysis of data on a scale not hitherto available;

(8) What specific subject areas concerning

an individual's background, personal life, personality and habits are noted in each data bank?

(9) Have the Office of the Secretary, the Services, or their component agencies, developed comprehensive guidelines governing maintenance of each data system, access to it, review and disclosure of material in it, and distribution to other agencies? If so, please supply copies.

(10) A. Is the subject individual or his representative notified of the fact that he is in the data bank?

B. Is he allowed to review the data on record about him to supplement his file; or to explain or rebut inaccurate material? If there are restrictions on such permission, please describe the precise limitations.

(11) What aspects of the required personal data about an individual are available to other persons? Who, specifically? For what purpose? By what authority?

(12) Is a record maintained of each inspection or use of the individual's records: (a) by persons within the department, service, or agency in which the individual services, has dealings with; (b) by persons in other agencies; (c) by private persons?

(13) For each data bank, please indicate how the information is collected, whether it is solicited from the individual, from third persons, or from existing records.

(14) What officials in the Department and services and agencies are responsible for determining the accuracy of information in the data bank? What provisions are made, procedurally, for deleting information found to be inaccurate or inappropriate, either on the initiative of the Department or on action of the individual?

(15) What other agencies have access to information or use of information on each data bank? Official? Private?

(16) What states and federal agencies may utilize transfers or access to the data in your computerized or mechanical files by coding, interfacing compatability or other arrangement with their own systems?

(17) What security devices and procedures are utilized to prevent:

a. Unauthorized *access* to the data file; and

b. Improper *use* of the information?

(18) What formal or informal arrangement does the Department, Service or agency have with Congressional Committees for the authorizing and reviewing of new data banks and the clearance of new electric or mechanized record-management techniques?

(19) A. Have any existing data programs which you administer as Secretary of Defense, or the development of other comprehensive records systems been discussed before other Congressional Committees by Department or service representatives?

B. Have any been specifically approved by Congress of Congressional Committees?

C. If so, would you please supply any available testimony, or citations to such hearings?

Would you kindly supply copies of any statutes and regulations cited in your report to the Subcommittee, together with sample print-out from each data bank.

I realize that the collection of such a large amount of information will constitute an administrative burden, but I hope it will not tax your employees unduly. The Subcommittee believes that a worthy cause will be furthered by the diligent and good faith efforts of the officials of the Defense Department to supply these responses to the best of their ability. In the final analysis, I believe Congress, the Executive Branch and the people will profit by this investigation.

Your own personal assistance in our study is deeply appreciated.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights.

Mr. ERVIN. Mr. President, the editors of many newspapers wisely perceived the dangers which the Army's program presents to the principles of the Constitution. The New York Times, in an editorial published on June 6, 1970, commented:

. . . the fundamental question concerns the right of the Army to set up a domestic secret service. We are under the impression that the FBI was already engaged in this activity as provided by law. The implications are ominous in a country where the military is supposed to be subservient to civilian authority.

The editor of the Raleigh, N.C., News and Observer in a recent editorial stated that Congress and the President ought to share the "acute concern about this matter." He continues:

Now that news of Army surveillance activities is out, failure to curb those activities, or at least to put some proper safeguards on them, will leave lawmakers and the chief executive resembling, at best, silent accomplices in repression . . . The mere fact that the military has plainclothesmen sneaking around and spying on legal political activities of civilians is enough to discourage those activities. And that is a very real infringement upon individual liberties.

The editor of the Boston Globe on March 15 called attention to remedies which have been proposed for improper data banks. This editor states:

The disclosure gives added point to the suggestion of Alan F. Westin, professor of public law and government at Columbia University, for legislation creating a writ of habeas data, similar to a writ of habeas corpus, commanding government and private organizations to produce, on demand, the data they have collected on petitioning individuals.

The editor of the Toledo Times comments that while the Defense Department has an obligation to use its intelligence apparatus for the protection of internal security, for the safeguarding of communications, transports and defense plants:

The indications are that the military intelligence network has gone far beyond such legitimate precautions and is nosing around in the area of political opinions. Monitoring of ideologies smacks more of thought control than of national security. If allowed to continue unchecked, it could open the door to military control of the civilian government.

The Washington Post, in an editorial on May 21, called attention to a fact which many citizens had already noticed. This is that the Senate on May 19 had passed a bill to protect the privacy and first amendment rights of employees of the Federal Government and applicants for employment but had done nothing whatsoever about other Americans. Commenting on the Army's collection of data about all manner of citizens, recording their participation in protests, their attendance at political meetings, their enrollment on petitions, the editorial writer observed:

These data, computerized by the brilliant resourcefulness of modern technology lie waiting like buried bullets to shoot down a blossoming career. There is not much use in protecting government employees from snooping if the citizens who might otherwise become employees are under Big Brother's surveillance. In such a system, no one knows what job offers may be denied him because at some time he has been unconventional or indiscreet.

The author of an editorial published in the Charlotte Observer of March 5 restates a principle which should be engraved on the heart of every official in the Defense Department and indeed on the heart of every official in the executive branch. He writes that Army intelligence:

Is supposed to concern itself solely with defense-oriented counter-espionage, counter-sabotage measures, and security clearance of defense personnel. It has no business in purely civilian affairs, and its efforts in that sphere are not likely to increase civilian sympathy or Congressional goodwill.

Americans have traditionally held a strong aversion to "spying", a tradition that draws strength from our pride in the Bill of Rights, our heritage of individual liberties, and our distaste for foreign states which rely on secret police to maintain their power.

Mr. President, I am firmly convinced that every Member of Congress agrees with this observation.

Mr. President, I ask unanimous consent that a cross section of thoughtful editorial opinions on both sides of this issue be printed in the RECORD at the conclusion of my remarks, together with various news articles describing developments in this matter. These are:

EDITORIALS

Charlotte, N.C., Observer, March 5, 1970.
Charlotte, N.C., News, March 13, 1970.
Raleigh, N.C., News and Observer.
The New York Times, April 1, June 6, 1970.
The Washington Post, May 21, 1970.
Time Magazine, March 9, 1970.
Sarasota Herald-Tribune, Sarasota, Fla., March 10, 1970.
Chronicle, Houston, Tex., March 12, 1970.
Chronicle, San Francisco, March 3, 1970.
Milwaukee, Wis., Journal,, April 7, 1970.
Computerworld, April 8, 1970.
The Sunday Star, Washington, D.C., April 19, 1970.
The Courier-News, Plainfield, N.J., April 21, 1970.
The Toledo Times, Toledo, Ohio, April 23, 1970.
The Washington, D.C., Daily News, April 23, 1970.
News Dispatch, Michigan City, Ind., April 23, 1970.
Post Star, Glens Falls, N.Y., April 24, 1970.
The Wichita, Kans., Eagle, April 24, 1970.
Courier, Waterloo, Iowa, April 24, 1970.
St. Louis Post-Dispatch, April 24, 1970.
Times, Valdosta, Ga., April 24, 1970.
Herald, New Britain, Conn., April 24, 1970.
Kennebec, Maine, Journal, April 24, 1970.
Journal, Sioux City, Iowa, April 24, 1970.
Tribune, Scranton, Pa., April 28, 1970.
The Houston, Tex., Post, May 1, 1970.
News-Sun, Springfield, Ohio, May 3, 1970.
Boston, Mass., Globe, May 20, 1970.
Boston Sunday Globe, March 15, 1970.

ARTICLES

Charlotte, N.C., Observer, March 1970.
Chicago, Ill., News, January 15, 1970.

Washington Daily News, by John Cramer, February 5, 1970.

Computerworld, February 11. March 11, April 8, 1970.

Minneapolis, Minn., Tribune, February 15, 1970.

Chicago, Ill., Sun-Times, February 27, March 8, April 23, 1970.

San Antonio, Tex., Express, March 1, 4, 1970.

Washington, D.C., Evening Star, February 13, 28; March 28, April 22, 1970.

St. Petersburg, Fla., Times, April 19, 1970.

Philadelphia, Pa., Press, April 19, 1970.

Washington, D.C., Post, April 23, 1970.

Chicago, Ill., Tribune, April 23 1970.

Gazette Telegraph, Colorado Springs, May 3, 1970.

News Free Press, Chattanooga, Tenn., May 17, 1970.

New York Times, April 12, June 2, 1970.

The Progressive, June, 1970, by Morton Kondracke.

Staten Island, N.Y., Sunday Advance, July 19, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

EXHIBIT 1

CONUS REVISITED: THE ARMY COVERS UP

(By Christopher H. Pyle)

The Army still watches civilian politics. Despite over 50 Congressional inquiries, the threat of House and Senate hearings, and a lawsuit by the American Civil Liberties Union, more than 1,000 plainclothes soldier-agents continue to monitor the political activities of law-abiding citizens.

Some reforms have occurred since this blanket surveillance was first revealed in the January issue of this magazine. The Army has admitted that its CONUS (Continental U.S.) intelligence program exceeded its needs in preparing for riots and has agreed to cut it back. It has also promised to destroy two widely circulated "blacklists" on dissenters and to scrap its computerized data banks containing records on the membership, ideology, programs, and practices of virtually every activist political group in the country, from the violence-prone Weathermen to the non-violent Urban League. Important as these reforms are, however, they are deceptive.

THE FIRST PLAUSIBLE DENIALS

When *The Washington Monthly* reached the newsstands on January 9, the Army high command dove for cover. The Pentagon's office of Public Information refused to comment. Reporters were told to submit their questions in writing. From its headquarters at Fort Holabird in Baltimore, the Army Intelligence Command flashed orders to each of its intelligence groups limiting the collection of domestic intelligence to only the most "essential elements of information." Agents were forbidden to discuss any aspect of the program with newsmen and were warned that any who did would be prosecuted for breach of national security. From his office on the second floor of the Pentagon, Robert E. Jordan III, Army General Counsel and Special Assistant to the Secretary for Civil Functions, suspended all replies to Congressional inquiries. In violation of its own regulations, the Army even refused to acknowledge receipt of them.

By the end of the month, however, the rising tide of criticism could not be ignored. Recognizing this, the Army issued, on January 26, the first in a series of partial admissions. In the jargon of the spy trade, such admissions are known as "plausible denials," because they are invested with just enough truth to mask an essential falsehood. Thus the Army confirmed the existence of the nationwide intelligence apparatus (true), but said that it collected political intelligence only "in connection with Army civil disturbance responsibilities" (false). "Civil disturbance incident reports are transmitted over [an] . . . automatic voice network teletype system to the U.S. Army Intelligence Command headquarters" (true) and "information on incidents by types and geographical location is placed in the data bank from key-punched cards" (also true). But: "This is incident information only and does not include individual biographies or personality data" (false).

The statement also acknowledged that the Army "does publish an identification list, sometimes with photos, of persons who have been active in past civil disturbance activity" (true), but failed to mention that the list (actually a booklet) also contained detailed descriptions of persons and organizations never involved in civil disturbances.

Finally, the Army admitted in a backhanded way that its agents had infiltrated civilian political groups: "For some time there has been a special prohibition against military persons undertaking such activities as undercover operations in the civilian community." Of course, it did not say when the order was issued, or whether it was being obeyed. (It is not.)

The "plausible denials" satisfied no one. Inquiries directed to the Secretary of the Army, Stanley R. Resor, poured forth from both Houses of Congress. Legislators of such diverse persuasions as Senators Williams of Delaware, Hart of Michigan, Dole of Kansas, Brooke of Massachusetts, Percy of Illinois, Fulbright of Arkansas, and Cook of Kentucky demanded to know if the charges were true and, if so, by what authority and for what purpose the Army was spying on law-abiding citizens.

Congressman Cornelius E. Gallagher (D-N.J.), Chairman of the House Invasion of Privacy Subcommittee, and Senator Sam J. Ervin, Jr. (D-N.C.), Chairman of the Senate Subcommittee on Constitutional Rights, led the attack. Gallagher wrote to Secretary Resor on January 26: "I am deeply concerned about the implications of collecting dossiers on Americans who are pursuing constitutionally protected activities, especially when they are to be imbedded in immediately available form in a computerized data system."

Senator Ervin, a member of the Armed Services Committee and a former judge, was more outspoken. "The Army," he said in a Senate speech on February 2, "has no business operating data banks for the surveillance of private citizens; nor do they have any business in domestic politics."

When the Army continued to avoid inquiries during the month of February, however, Members of Congress expressed annoyance at being ignored. Congressman Gallagher, usually a staunch friend of the military, was especially fed up. After waiting over two weeks for the Army to acknowledge his letter, he threatened to hold hearings.

Still the Army stalled for time. It had good reason. Like Congress and the public, its civilian hierarchy first learned of the Intelligence Command's unbridled curiosity from the press. Unable to learn more from the Assistant Chief of Staff for Intelligence, who greatly downplayed the CONUS system's capabilities, the civilians resolved to conduct their own inquiry. This reached a point of revelation sometime in mid-February when Army General Counsel Jordan went to Fort Holabird and watched as the computer bank on dissidents disgorged a lengthy print-out on Mrs. Martin Luther King, Jr.

On February 25, Jordan dispatched the Army's first reply to more than 30 Congressional critics. Each received the same letter, regardless of the questions he had asked. It opened with a lengthy defense of the Intelligence Command's library of security clearance dossiers—never at issue—and closed with a brief confession: "There have been some activities, which have been undertaken in the civil disturbance field which, on review, have been determined to be beyond the Army's mission requirements."

"For example, the Intelligence Command published . . . an identification list which included the names and descriptions of individuals who might become involved in civil disturbance situations." And: "The Intelligence Command has operated a computer data bank . . . which included information about potential incidents and individuals involved in potential civil disturbance incidents."

Jordan assured Members of Congress that both the identification list and the data bank had been ordered destroyed. "Thus," he concluded, "the Army does not currently maintain the identification list referred to above. No computer data bank of civil disturbance information is being maintained. . . ."

Again, the denials were both plausible and deceptive. Jordan's seemingly candid letter failed to mention that in addition to the Fort Holabird computer (an IBM 1401) and the Intelligence Command's identification list (published in over 330 copies), the Army also maintained:

1) over 375 copies of a two-volume loose-leaf encyclopedia on dissent entitled "Counterintelligence Research Project: Cities and Organizations of Interest and Individuals of Interest" but popularly known as "the Compendium." Compiled by the domestic intelligence section of the Counterintelligence Analysis Division (CIAD), a Pentagon-based unit responsible for briefing high Army officials like Jordan on protest politics, the Compendium contained descriptions of hundreds of organizations and individuals, including the John Birch Society, the Urban League, the Fifth Avenue Peace Parade Committee, Negro playwright LeRoi Jones, and the late Rev. Martin Luther King, Jr.

2) a computer-indexed, microfilm archive of intelligence reports, newspaper clippings, and other records of political protests and civil disturbances at CIAD headquarters in Alexandria, Virginia. The index to this data bank is a computer print-out, 50 lines to a page, a foot-and-a-half thick. It catalogues microfilmed documents relating to such groups as Young Americans for Freedom, the Southern Christian Leadership Conference, and the Center for the Study of Democratic Institutions. Individuals listed include Rear Admiral Arnold E. True and Brigadier General Hugh B. Hester (war critics), Georgia State Representative Julian Bond, and folk singers Joan Baez, Phil Ochs, and Arlo Guthrie.

3) a computerized data bank on civil disturbances, political protests, and "resistance in the Army (RITA)" at the Continental Army Command headquarters, Fort Monroe, Virginia. The civil disturbance-political protest side of this data bank was developed because the Continental Army Command hoped to recapture supervision of its riot control troops from the Pentagon's special 180-man Directorate for Civil Disturbance Planning and Operations.

4) non-computerized regional data banks at each stateside Army command and at many military installations. In addition to the usual agent reports, incident reports, and newspaper clippings, these records include booklet-size "CONUS intelligence summaries" published each month by the 1st, 3rd, 4th, 5th, and 6th Armies, and the Military District of Washington.

5) non-computerized files at most of the Intelligence Command's 300 stateside intelligence group offices. These records on local political groups and individuals are similar to, but more detailed than, the records at Fort Holabird which the Army promised to destroy. The political files of the 108th Military Intelligence Group's Manhat-

tan offices, for example, take up five four-drawer file cabinets and require a full-time custodian.

Congressional reactions to Jordan's admissions, omissions, and denials were mixed. Congressman Gallagher—although fully aware of the omissions—seemed pleased. Without withdrawing his threat of hearings, he announced to the press that the Army would no longer keep tabs on peaceful demonstrations or publish a list of individuals who might be involved in a riot. His announcement, repeated in interviews over the weekend, became the basis of widespread and erroneous newspaper reports. *The New York Times* of February 27 was typical: "Army Ends Watch on Civil Protests.' Gallagher got the credit for the apparent victory.

Other members of Congress were slower to react and before they did Morton Kondracke of *The Chicago Sun-Times* reported on February 28: "The Army acknowledged yesterday that it maintains files on the political activities of civilians other than the computerized political data bank it told Congressmen it was closing down." Kondracke, a thorough reporter, listed them all.

The following Monday, Senator Ervin expressed his dissatisfaction with Jordan's letter. In a letter to the Secretary of the Army he reiterated his demand for a complete report to Congress, and in a Senate floor speech denounced the surveillance as a "usurpation of authority." "The business of the Army in [civil disturbance] . . . situations is to know about the conditions of highways, bridges, and facilities. It is not to predict trends and reactions by keeping track of the thoughts and actions of Americans exercising first amendment freedoms."

"If there ever were a case of military overkill," he added, "this is it . . . . I suggest the Army regroup and define its strategic objectives, lower its sights, and reidentify its enemy. Under our Constitution that enemy is not the American citizen."

THE ARMY REGROUPS

Within the Army, much regrouping was already going on. A letter received by Congressman Gallagher from sources close to the 116th Military Intelligence Group at Fort McNair in Washington, D.C., described what was happening at the lower echelons:

On the morning after news reports about the dismantling of the CONUS system first appeared in the Washington papers . . . members of the 116th were . . . informed that their unit and its operations would be unaffected . . . They were told that the only major effect of the Congressional and press criticism would be destruction of the national data bank and related files that were kept at Fort Holabird. Files kept by the regional M.I. Groups (which were the basis for the Fort Holabird file and contained more information) would remain intact, and members of the M.I. Groups would continue their operations of surveillance, infiltration, and reporting as previously.

In addition, all files and operations of the 116th were to be classified to prevent the release of any information about them; disclosure of such information would subject people who released that information to court-martial or prosecution in civilian court for violation of national security.

At the present time, the files of the 116th M.I. Group consist of a 5x7 card file on several thousand persons in the Washington area. On these cards are a picture of each person, his name and address, occupation, background, a record of political groups with which he has been affiliated, notes on political meetings, rallies, and demonstrations which he has attended, and summaries of his views on political issues.

To gather such information, the 116th routinely assigns some 20 of its men as full-time undercover agents to infiltrate political groups and observe politically active persons. . . . Some of these officers have grown beards and long hair to pass as students on local college campuses. In addition, other members pose as members of the working press to obtain pictures of those involved in political activities; concealed tape recorders are also commonly used to record speeches and conversations at political events. Until very recently the 116th's standard equipment also included a full TV video-tape camera and sound truck labeled "Mid-West News," which was used to record major demonstrations.

Higher up the chain of command, officials at Fort Holabird also balked at carrying out the new policy. Questioned by Joseph Hanlon of *Computerworld* on March 10, an Intelligence Command spokesman refused to say whether the computer tapes there had actually been erased or merely placed in storage. He admitted, however, that the "input" to the data bank (presumably the key-punch cards) had not been destroyed.

Higher still, the civilians supposedly in charge of the Army struggled to find out what their military subordinates were doing. Robert Jordan, surprised by the *Washington Monthly* article and by his pilgrimage to the Fort Holabird computer, was taken aback once more on February 27 during a conference with Congressman Gallagher. Asked why his letter made no mention of the microfilm archives at CIAD, he replied: "I'll have to check into that."

To help Jordan out, Secretary Resor wrote to the Army Chief of Staff, General William C. Westmoreland, on March 5: "I would appreciate your asking all commanders in CONUS, Alaska, and Hawaii down to the installation level to report whether their command has any form of computerized data bank relating to civilians or civilian activities, other than data banks dealing with routine administrative matters. . . ."

THE UNDER SECRETARY TRIES HIS HAND

The results of this canvass have not been made known, but on March 20 Under Secretary of the Army Thaddeus R. Beal wrote long letters to both Ervin and Gallagher. He claimed: "The only other 'intelligence files' concerning civilians maintained by the Army consist of the files maintained by the Counterintelligence Analysis Division."

No reference was made in either letter to: 1) the Continental Army Command's computer files at Fort Monroe, about which Gallagher had made specific inquiries; 2) the regional data banks kept by most of the 300 offices of the Army Intelligence Command; or 3) similar records maintained by the G–2s (intelligence officers) of each stateside Army command and of many Army posts.

The microfilm archives at CIAD, Beal went on to say, contain only "limited files concerning political activity" in keeping with that unit's responsibility "for identifying factors which affect civil disturbance potential. . . ." He did not mention that these files take up over 200 rolls of microfilm, at 500 frames a roll. Nor did he acknowledge that the unit's domestic intelligence section, which is larger than any of its foreign intelligence sections, had charged its "left wing," "right wing," and "racial" desks with maintaining detailed card files on dissident individuals and groups. These files are in addition to mounds of current FBI and Army reports and newspaper clippings which are coded on key-punch cards (for the computerized index) and recorded on microfilm.

The Under Secretary's claim that the archive was used only in connection with civil disturbance planning was similarly misleading. According to former CIAD employees, one of the principal uses of this file—if not the main reason for its existence—has been to satisfy the curiosity of the Pentagon's brass. A not unusual assignment carried out by one domestic intelligence expert was to write an unclassified report on SDS for a general to send to his daughter at an exclusive Eastern women's college.

In addition to these "plausible denials," Beal also admitted that CIAD had compiled "an identification list . . . on individuals and organizations associated with civil disturbances." "This list," he contended, "was last updated in late 1969 [true] and is available to a limited number of Department of the Army organizations with civil disturbance responsibilities [false]." According to persons who helped compile it, the Compendium went out to over 150 Army Intelligence and troop units, plus the FBI, the Justice Department, Naval and Air Force Intelligence, the CIA, and U.S. embassies in West Germany and Canada.

More important, Beal conceded that "the lists are now out of date, are not considered necessary. . . ., [and] are being . . . destroyed. . . ." In addition he promised that the Army would: 1) henceforth limit its curiosity to "incidents where there is a high potential for violence or disorder growing beyond the capability of state and local police and the National Guard to control;" and 2) destroy all existing *computerized* data banks on civilian politics.

No new computerized data banks, he said, would be established without the approval of both the Secretary of the Army and the Chief of Staff after "consultations with concerned committees of Congress."

The concessions were substantial. To Congressman Gallagher, they were sufficient. "In view of the Army's commendable action in reversing its former policy," he announced "I see no further need for a Congressional hearing at this time."

To Senator Ervin, on the other hand, Beal's assurances were plainly inadequate. Only the press of other matters, such as preventative detention, bail reform, and the Government Employees' Privacy Bill kept him from calling his subcommittee into session for a full-scale review of all government political data systems, starting with the Army's.

THE ACLU GOES TO COURT

While Congressmen and Senators struggled with the Army's evasions and deceptions, the civilian intelligence program was being attacked in the courts. On February 17 the American Civil Liberties Union filed suit in Federal District Court in Washington, D.C., against the Secretary of Defense, the Secretary of the Army, the Army Chief of Staff, and the Commanding General of the Intelligence Command. The suit charged that the surveillance, data banks, and blacklists violated the Bill of Rights by reason of the chilling effect which knowledge of their existence can have upon the willingness of citizens to exercise their freedoms of speech, press, and association and their right to petition the government for redress of grievances.

The plaintiffs were 13 individuals and organizations whose non-violent, lawful politics had been the subject of widely distributed Army reports. The first was Arlo Tatum, executive director of the Quaker-sponsored Central Committee for Conscientious Objectors in Philadelphia. An IBM card prepared for his computer file at Fort Holabird showed only that he had once delivered a speech at the University of Oklahoma on the legal rights of conscientious objectors. Other plaintiffs included Women's Strike for Peace, Veterans for Peace, Conrad Lynn, and the Reverend Albert Cleage, Jr.

Even before filing suit, the ACLU was aware that a cover-up might be attempted at the lower, as well as higher, echelons of the Army. This suspicion was confirmed by the letter describing the activities of the 116th M.I. Group and by former intelligence agents who warned that many units would hide copies of blacklists and personality

files, regardless of what their civilian superiors told them to do.

In an effort to prevent this, the ACLU asked the District Court on March 12 for a preliminary injunction ordering the Army to cease its destruction of the records and to deliver them (along with inventories, receipts, and certificates of destruction) to the court for safekeeping, pending the outcome of the suit. Then, if the plaintiffs were successful, the court would be in a position to assure complete destruction of the records.

A hearing on this request, and an opposing motion by the Army which asked that the entire suit be thrown out for failure to show that the program violated anyone's constitutional rights, was convened in Washington on April 22 before U.S. District Court Judge George L. Hart, Jr.

Judge Hart, a graduate of Virginia Military Institute and a battlefield colonel during World War II, was openly hostile to the ACLU's contentions. He began the proceedings with an announcement that he would not hear testimony.

In effect, this announcement meant that Hart had prejudged the ACLU's claims. Few, if any, judges would consider issuing an injunction against the government on the basis of affidavits (written statements by persons not present to testify). To do so, of course, would deny the government the opportunity to cross-examine the witnesses against it and would be regarded quite properly as an abuse of judicial discretion.

Hart's reasons became clearer as the hearing progressed. For example, when Frank Askin, the ACLU's chief counsel at the hearing, argued that it would be all right for members of Army intelligence to follow accounts of protest politics in the newspapers, but that they should not be permitted to maintain computerized files on the political activities of specific individuals, the judge scoffed: "It's all right if they remember it, but they can't take note of it . . . Isn't that ridiculous?"

Nor could he understand why citizens should fear the military's surveillance any more than they should fear reporting of political activities by the news services. "Newspapers don't have guns and don't have jails," Askin responded. ". . . nobody is afraid that one of these days the newsmen are all going to sweep into town and come to arrest the troublemakers."

But the judge was unimpressed: "There is no threat that the Army is going to come in and arrest you . . ." "If it does," he added: "We still sit here with the writ of habeas corpus."

"But, your Honor, then why are they keeping these lists of people, that's the issue at stake . . . . They have no need for this . . . ."

"It may help them know what persons are likely to cause trouble [in civil disturbances] and thereby keep an eye on them," Hart replied, apparently forgetting that the Army had agreed to withdraw the lists precisely because they were not needed for that, or any other, purpose.

The ACLU's other contentions—that the surveillance had exceeded the Army's civil disturbance responsibilities, that riot control troops do not need blacklists to enforce curfews or clear streets, that the CONUS intelligence operations encroached upon the authority of civilian law enforcement agencies—were also rejected. Even Askin's offer to present a former intelligence agent who had infiltrated a coalition of church groups was brushed aside with the question: "Did they have a sign saying 'No Military Personnel Are Admitted'?"

"What . . . the plaintiffs are complaining of here," Hart decided, "is that the Army is keeping the type of information that is available to the news media in this country and which is in the morgues of the newspapers . . . and magazines. . . . They show no unconstitutional action on the part of the Army; they show no threat to their rights." Accordingly, he refused to confiscate the records. Instead, he dismissed the suit.[1]

The likelihood that the CONUS intelligence program will be cut back soon is low. The ACLU has asked the Court of Appeals for a prompt hearing and reversal, but that court has yet to act. With summer here, chances of a hearing before fall are dim.

Chances are better that Judge Hart's decision will be overturned on appeal, but even that depends on which members of the relatively liberal Court of Appeals are assigned to review it. The panel could turn out to be as unsympathetic as Judge Hart, in which case the plaintiffs would have to take their appeal to the Supreme Court and suffer still more delays.

Thus, it will be many months at best before the witnesses testify, and perhaps years before a final judgment is rendered. Meanwhile, as the delays multiply and Army security restrictions tighten, the ACLU will find it increasingly difficult to keep its evidence up-to-date.

Odds for Congressional hearings are also poor. Representative Gallagher appears to have left the field, while Senator Ervin and his subcommittee staff are swamped by work on other matters. And although many members of Congress have expressed their personal concern about the surveillance, no other Congressional committees have taken up the fight.

Inside the executive branch, prospects are even worse. The Army's civilian leaders have said nothing since Beal's letters of March 20, while Pentagon press officers continue to evade inquiries with the excuse that to answer them would prejudice the ACLU lawsuit.[2] Moreover, the Justice Department has reasons of its own to put up a stiff legal battle to keep the Army Contributing to the expanded surveillance of dissenters ordered by President Nixon.

Were the court to end all military domestic intelligence operations, the FBI would have to run the civil disturbance early warning system—a politically risky and tedious task which it does not want—and the FBI and the Secret Service would have to find new alternatives to what has been a free source of supplementary manpower.[3] In addition, the Justice Department would be deprived of the Army's political wire service, upon which it depends to feed its political computer and to produce, each week, a four-volume guide to coming events on the political circuit.

No matter how discouraging the prospects for reform may seem, however, efforts to curb the CONUS intelligence program must go on. The initiative remains with Congress—particularly with those committees of Congress which have jurisdiction to hold hearings.[4]

Without the threat of hearings, the Army's civilian leaders are not likely to end their evasions and deceptions, admit the full scope of the program, or reconsider its needs or consequences. They are the crisis managers of their bureaucracy. Threats, not suggestions, determine their agenda.

But while hearings may command their attention, only skillful questioning can move them towards reform. Once the full scope of the program is established, the Army's official must be pressed to concede what in effect they acknowledged by their promises—that blacklists and dossiers do not contribute to the prediction or control of riots. Having conceded that, they will be hard put to justify the continued pursuit of personality and organizational data in light of its cost, its effect on the willingness of people to participate in politics, and the mischief that could result were the records to fall into the hands of blackmailers, demagogues, or security clearance adjudicators.

To question the Army's needs, however, is not enough. The hearings should also define the Army's authority to monitor civilian politics in light of such principles as civilian control of the military, state and civilian primacy in law enforcement, compartmentalization and decentralization of intelligence duties, and obedience to the constitutional scheme of separate branches of government sharing policy-making powers.

Finally, whether or not the hearings produce legislation, they should attempt to establish a consensus on what the lines between permissible and impermissible conduct for Army intelligence should be.

This will be the hardest task of all. There is no question that the Army must know about incidents and activities which bear upon the need for federal riot troops and the manner in which they may best be deployed. Similiarly, there is no question that it does not need to know anything about the beliefs and actions of individuals and groups

---

[1] At a press conference following the hearing, the ACLU's attorneys introduced several witnesses whose testimony Judge Hart refused to hear. One was Oliver Peirce, 25, a former agent assigned to the 5th Military Intelligence Detachment at Fort Carson, Colorado, during the summer and fall of 1969.

One of Peirce's assignments was to infiltrate a group called the Young Adults Project (YAP), which was established by a coalition of local church groups, the Young Democrats, and a ski club to operate a recreation center for emotionally disturbed young people. Although the project was entirely non-political, Peirce said, he and a soldier-informant were directed to make detailed reports on its meetings because one of the group's founders had attended anti-war demonstrations outside the fort and had once been a member of SDS.

In addition to watching YAP, the 5th MID also sent an informant to the 1968 SDS National Convention in Boulder, Colorado, assigned five undercover agents to monitor an anti-war vigil in the chapel of Colorado State College, maintained two full-time infiltrators within the local peace movement, and sent others to observe meetings of the Colorado Springs poverty board.

Operations such as these, Peirce said, were carried out even though they often duplicated political surveillances conducted by the FBI, state and local police, and the Colorado Springs office of the 113th Military Intelligence Group (part of the Army Intelligence Command).

[2] The rules against official comment on pending lawsuits, of course, were designed to protect criminal defendants from prejudicial pre-trial publicity. They do not exist to immunize the government from press inquiries when its officials are accused in civil court of exceeding their authority.

[3] During the 1968 Democratic National Convention in Chicago, for example, Army agents posed as TV camera crews, a naval intelligence agent tape-recorded speeches in Grant Park, and two plainclothesmen from the staff of the Army Assistant Chief of Staff for Intelligence occupied assigned seats within the convention hall. All of this assistance—and more—was given despite the Counterintelligence Analysis Division's correct prediction that federal troops would not be needed.

[4] Besides Senator Ervin's Constitutional Rights Subcommittee (of the Judiciary Committee), these include Senator Edward M. Kennedy's Subcommittee on Administrative Practices and Procedures (also of the Judiciary Committee), Senator John Stennis' Armed Services Committee, Senator Abraham Ribicoff's Committee on Executive Reorganization (of the Committee on Government Operations), and Congressman Robert W. Kastenmeier's Subcommittee No. 3 (of the House Judiciary Committee.

that pose no threat to military security or public order. Nor is there any reason to believe that Army agents must conduct undercover operations in order to calculate the size, location, and kind of riot troops may be called upon to quell.

The difficulty will come in determining 1) the extent to which military intelligence units in the field should be permitted to watch controversial political figures on the theory that "agitators" cause riots, and 2) the extent to which the Army, through CIAD or similar units, should be expected to analyze the political and social aspects of civil disturbances. There are strong reasons for leaving both of these functions up to civilian authorities. On the other hand, the domestic intelligence section of CIAD has a fairly good record for common sense and has more than once persuaded hard-nosed generals that demonstrators and rioters are not "the enemy," "insurgents," or part of "the Communist conspiracy."

Wherever the lines around the Army spy program are finally drawn, however, action on them should begin promptly. Incredible though it may seem, the Army has already assembled the apparatus of a police state. That apparatus must be disassembled before it falls into the hands of those who would deliberately or inadvertently misuse it.

EXHIBIT 2

[From the New York Times, Apr. 1, 1970]

THE ARMY'S INDISCRETION

Recent disclosures in "The Washington Monthly" that the Army is operating an extensive political intelligence network raise the specter of secret military power undermining civilian rule. The American Civil Liberties Union has challenged in court what appears to be an unauthorized system of surveillance under control of the Defense Department. The A.C.L.U. charges that by maintaining dossiers on political dissenters, a special intelligence branch with some 300 offices throughout the country potentially violates the rights of free speech, association and privacy.

After some pointed inquiries by several members of Congress, the Pentagon says it has eliminated a computerized data bank containing millions of names, associations and incidents; but it appears that the Army retains complete microfilm files of virtually the same information. "Regardless of the imaginary military objective," Senator Sam Ervin, Democrat of North Carolina, observes that "the chief casualty of this overkill is the Constitution of the United States."

The danger represented by a domestic military secret service is, in fact, more serious than is indicated by the legal language of the A.C.L.U.'s charge. In contrast to such civilian agencies as the Federal Bureau of Investigation, an Army intelligence system operating under the cover of military secrecy could skirt all supervision and restraint by Congress, the executive branch and the courts. Neither the scope of its activities nor the competence and discretion of its personnel would be subject to civilian regulation. Unauthorized by law, the operation is accountable only to its own command, as indeed appears to have been the case ever since the network was created in 1965.

The defense establishment clearly has a mandate and a duty to use its intelligence apparatus for the protection of internal security. It is responsible for the safeguarding of communications, transportation, supply lines and defense plants. Since the armed forces also play an important role in the prevention of civil disorder, they have a legitimate concern with the identification of persons who might engage in sabotage or similar criminal acts. They have at their disposal pertinent information gathered by the civilian law-enforcement and investigatory agencies.

But the indications are that the military intelligence network strayed far beyond such legitimate precautions and roamed instead uninhibited into the area of political opinions. Monitoring of ideologies smacks more of thought control than of national security. If allowed to go unchecked, it could open the door to politico-military control over civilian government. The political dossier on civilians is not a legitimate weapon in the Army's arsenal.

[From the New York Times, June 6, 1970]

THE ARMY'S POLITICAL FILE

The Federal Court of Appeals in the District of Columbia is now considering a request for an expedited appeal, if not summary reversal, of a case that concerns the civil rights of many people engaged in lawful dissent. It involves the Army's practice of collecting information and keeping secret files on the political activities of civilians and organizations.

The Army won the first round in Federal District Court in Washington. A judicial ruling gave a go-ahead for military intelligence to expand its existing dossiers on dissenters and protesters who expressed their opinions in speech, writing, or by association and assembly.

In dismissing a suit brought by the American Civil Liberties Union on behalf of various peace groups, black ministers and attorneys and even the Memphis sanitationmen's union, Judge George L. Hart Jr. refused to hear the testimony of two former military intelligence agents. They had planned to present evidence that a computerized data bank was maintained by the Army at Fort Holabird, Md., on thousands of civilian "dissenters." Their disclosures, supplementing an article in "The Washington Monthly," were later made out of court.

Judge Hart drew an analogy from the bench between the right of the Army to gather and store intelligence and a newspaper "morgue" that keeps names and data on organizations on file. This comparison, as the A.C.L.U. pointed out, failed to recognize that a newspaper is not a military organization, has no power of arrest and—so far as we know—maintains no arsenal of weapons.

But even without this flawed reasoning, the fundamental question concerns the right of the Army to set up a domestic secret service. We were under the impression that the F.B.I. was already engaged in this activity as provided by law. The implications are ominous in a country where the military is supposed to be subservient to civilian authority.

[From the Raleigh (N.C.) News and Observer]

ERVIN AND THE SNOOPERS

If North Carolina Sen. Sam Ervin is able to do nothing to depress the U.S. Army's appetite for all sorts of data about all sorts of civilian activities, he is performing a valuable service by calling attention to this frightening business and trying to learn more about it. The Senate subcommittee on constitutional rights, of which Ervin is chairman, is a most suitable agency for inquiring into the Army's fact-gathering operation, for constitutional rights are directly and disturbingly at stake.

Ervin's interest stems from an article by Christopher Pyle, an ex-Army intelligence officer, and from constituents' letters prompted by publication of the article in The News and Observer. Very quickly, the senator phrased the questions that beg for answers. Just how much information is the Army collecting about lawful political activities of private citizens? Are constitutional rights protected in the collection process? What relation has the data to defense? And just what does the Army plan to do with all the fruits of its snooping? While popping these questions (in the form of a questionnaire sent to the Army and other snooping agencies), Ervin voiced the very sound opinion that "the Army has no business operating data banks for surveillance of private citizens, nor do they have any business in domestic politics."

Congress and the President ought to share Ervin's acute concern about this matter. Now that news of Army surveillance activities is out, failure to curb those activities, or at least to put some proper safeguards on them, will leave lawmakers and the chief executive resembling at best, silent accomplices in repression. As Pyle pointed out in his article, Army snooping can be exceedingly dangerous even if its results are not used. The mere fact that the military has plainclothesmen sneaking around and spying on legal political activities of civilians is enough to discourage those activities. And that is a very real infringement upon individual liberties.

Ervin has assumed the important responsibility of asking the questions about the Army's yen for data irrelevant to its traditional role. All his colleagues should join him in insisting that the questions be answered in full.

[From The Charlotte (N.C.) Observer, Mar. 5, 1970]

ARMY INTELLIGENCE "SPYING" ON CIVILIANS MUST BE HALTED

Americans have traditionally held a strong aversion to "spying", a tradition that draws strength from our pride in the Bill of Rights, our heritage of individual liberties, and our distaste for foreign states which rely on secret police to maintain their power.

In modern times, of course, "spying" has become a vast global industry, and it was inevitable that America, too, should strive to develop intelligence agencies to counter those of any presumed or potential enemies. Even so, we as a people dislike "spying" and look upon it as a necessary evil of modern times.

It was therefore somewhat shocking to discover, over recent weeks, that the Army's Intelligence branch has become massively involved in monitoring internal social and political activities.

This revelation has come about largely through the Senate's Constitutional Rights subcommittee headed by Sen. Sam Ervin.

About 1,000 agents have infiltrated and monitored political gatherings of every description, including some at the high school level. Computerized dossiers have been collected covering the activities of several thousand individuals and organizations, ranging from such avowed revolutionaries as the SDS Weathermen on to such relatively innocuous groups as the NAACP and the American Civil Liberties Union. Last month the ACLU filed suit against Army Intelligence, charging it with illegally interfering with the rights of civilians.

Astoundingly, none of this was done with the approval, or even the knowledge of Congress. The Army insists its spying activities are necessary to help it deal effectively with domestic unrest, and further insists that the files of the FBI and the Justice Department are not adequate for its needs—an assertion which insults the competence of those professional agencies and also raises interesting questions as to what Army Intelligence's specific "needs" might be in such matters.

It may be that the military simply no longer trusts civilians to do such jobs properly, regardless of constitutional niceties. It is likewise doubtful that the Army gained much new information by duplicating the activities of the civilian intelligence agencies.

One Army report warned of possible domestic violence on "St. Lazar's Day", when men of Serbian descent might be tempted to revive the old days of Balkan bomb-throwing. Any intelligence report that seriously warns of a Serbian uprising in 1970 America does not reassure the public as to the Army's expertise in domestic spying.

The CIA has, from its inception, been expressly forbidden to engage in purely domestic spying. Agencies operating under the Justice Department are trained to a high degree of professionalism and tightly-monitored by civilian judicial authorities. Army Intelligence is supposed to concern itself solely with defense-oriented counter-espionage, counter-sabotage measures, and security clearance of defense personnel.

It has no business in purely civilian affairs, and its efforts in that sphere are not likely to increase civilian sympathy or congressional goodwill.

[From the Charlotte (N.C.) News, Mar. 13, 1970]

GOVERNMENT SNOOPS TOO MUCH

What Sen. Sam J. Ervin Jr. (D.-N.C.) has called the government's "boundless curiosity" about its citizens does indeed appear to be without limit. And the government apparently has no shyness about seeking to satisfy it.

The latest result is that the Justice Department has put its political files into a massive computer, so that complete reports on cities, events, organizations and individuals can be printed out instantly. Officials aren't saying specifically what is in the files, but make clear that perfectly legal activities can earn a person some space in the computer. Information comes from the FBI, the Secret Service, the Treasury Department, U.S. attorneys around the country and other sources, and even includes such things as who said what in a speech to whom.

While the Justice Department defends the computerized system, saying that the information was already available in the files, we would suggest that the computer amounts to a serious escalation in the spying on citizens. First because the machines make feasible the collecting, storing and indexing of amounts of data that simply could not be managed otherwise, and are therefore a temptation to broaden the spying on citizens. Second, because the computer makes possible the coordinating of data throughout all branches of government, hastening that awful day when everything known about a citizen—from his interview with the army psychiatrist to the petitions he has signed to the size of his gambling losses—can be obtained by typing his Social Security number into one computer.

The Justice Department apparently has not gone to such lengths, yet, and it ought to be stopped before it goes another step. There is a legitimate reason for federal law enforcement officials to have ready access to the records of convicted and accused felons. But there is no reason for them or anyone else to have push-button access to the record of a man's political opinions and activities.

BUSINESS, TOO

Nor do the dangers to personal privacy and freedom stop at the edge of government these days. The computer's ability to handle vast quantities of information quickly and cheaply has paved the way for private information operations every bit as threatening as those run by the government.

How threatening is the question a new $150,000 study will seek to answer. But the potential for mischief is frightening. Whether a citizen wants a loan, a job or an insurance policy, he fills out forms giving considerable amounts of personal information. Behind this on occasion comes the company investigator who may ask neighbors and associates about everything from the cleanliness of the person's house to his drinking habits. All this, plus performance with charge accounts, etc., can end up in private computers.

The study by the National Academy of Sciences will try to learn how much information does end up on computers, how it is used and swapped, how much control the citizen has over such information about him. It's a worthy project, and one that ought to be of considerable interest to the Congress. For the tools for handling and mishandling information have become so available and so powerful, that the potential for damage to the citizen is enormous.

[From the Boston (Mass.) Sunday Globe, Mar. 15, 1970]

ARMY SPYING ON CIVILIANS

Two weeks ago Army spokesmen informed two members of Congress (Chairman Cornelius E. Gallagher of the House Subcommittee on the Invasion of Privacy and Chairman Sam J. Ervin of the Senate's Judiciary Subcommittee on Constitutional Rights) that Army Intelligence had destroyed its files on political activists.

But there was a catch in it, as more than one alert reader of The Globe has pointed out. The destruction was only token, a cover-up. The Army did indeed destroy its data banks and related files at Ft. Holabird, Md.—or so it was said, at least. But it did not destroy other similar files pertaining to several million Americans and maintained by its Counter Intelligence Analysis Division in the Pentagon and by at least seven other military intelligence offices. It has indicated that it may do so on demand of Congress but the central question remains as Sen. Ervin, a Southern segregationist but one of Congress' most respected authorities in other constitutional matters, has put it:

"By what authority was the Army permitted to engage in such illegal activities with nearly 1,000 plain-clothesmen working out of 300 offices?"

The senator has committed himself to getting an answer, and it is high time, for, as he says:

"Although I may have little if anything in common with the views of persons who are probably in the Army files, the very existence of such unconstitutional surveillance by the Army is destructive of our form of government."

Groups spied on include the American Civil Liberties Union, the Southern Christian Leadership Conference, the John Birch Society, the National Association for the Advancement of Colored People, the Women's Strike for Peace, the Center for the Study of Democratic Institutions, and Clergy and Laymen United Against the War in Vietnam. The Army's excuse is that "it has to be ready for contingencies in the event Federal troops are ordered into action by the President." To this Sen. Ervin replies:

"If the President determines that new forms of intelligence gathering are necessary, let him so inform Congress and let Congress assign the responsibilities to an appropriate civilian agency. I suggest the Army regroup and reidentify its enemy. Under our Constitution, that enemy is not the American citizen."

It could not have been better said. The "predicting of trends and possible reactions" of the American people is none of the military's business. Nor is it proper for the Army to stockpile, as Sen. Ervin says it has "an amazing arsenal of weapons" for use against political activists.

"The chief casualty of such military overkill," says the senator, "is the Constitution of the United States which every military officer and every appointed official has taken an oath to defend."

In this case, the Army's illegal activity was disclosed by a former captain of intelligence, Christopher H. Pyle, now a graduate student at Columbia University. But, as Sen. Ervin puts it, "the preservation of our civil liberties cannot depend on the lucky discovery of illegal programs."

The disclosure gives added point to the suggestion of Alan F. Westin, professor of public law and government at Columbia University, for legislation creating a writ of habeas data, similar to a writ of habeas corpus, commanding government and private organizations to produce, on demand, the data they have collected on petitioning individuals.

This may not be a complete answer. But Americans, somehow, must not let themselves be put through another "I hold in my hand" era.

[From Time, Mar. 9, 1970]

ARMED FORCES SPYING ON CIVILIANS

Anything smacking of secret police tactics has always been highly suspect in the U.S. The Central Intelligence Agency is specifically barred from domestic spying. The FBI operates under tight civilian and judicial controls. Pentagon intelligence and security operations within the country are supposed to be limited to matters of direct military concern, such as counterespionage, protection against sabotage and investigation of personnel. Thus the shock when it became known recently that Army Intelligence had got into the business of monitoring the political and social protest activities of civilians.

From its own field work and that of other Government agencies, the Army has compiled dossiers in its computer at Fort Holabird, Md., on between 2,000 and 5,000 individuals and numerous political organizations. The records are not even limited to such avowedly revolutionary groups as the Black Panthers or the Weathermen. Also among them are respected organizations like the N.A.A.C.P. and the American Civil Liberties Union. The Army has also circulated to base commanders a six-volume "blacklist" of dissidents and their organizations.

Love Festival. About 1,000 agents have been used to monitor disturbances, rallies, even high school demonstrations. One agent was on the floor of the 1968 Democratic Convention in Chicago, mission uncertain. Two Keystone Korporals were flushed out of the bushes in a Chicago park as they watched a Yippie love festival. From such activities the Army compiled reports that were circulated to base commanders and law-enforcement officials. Some of the information relayed seemed ludicrous. One item warned of impending violence on the "Day of St. Lazar," when "Serbian men are supposed to show their manhood," presumably by bombing Yugoslav diplomatic missions.

The domestic intelligence program started modestly enough in 1967, when the Army began serious preparations to support local authorities in quelling ghetto riots. With the advent of large-scale antiwar protests, the Army argued that the files of the FBI, Justice Department and other agencies were not adequate for its intelligence needs. Therefore the Army extended its purview into areas normally reserved to regular law enforcement bodies. This was done without congressional approval. In some cases, the Army launched its clandestine activities without the knowledge of Army civilian officials.

Free Speech. The extent of the operations was revealed in January's *Washington Monthly*, a political review, by a former intelligence officer, Christopher Pyle. Since then, some members of Congress have threatened an investigation. The A.C.L.U. filed suit, charging that the Army's activities sought to inhibit civilians from exercising their rights of free speech and petition.

Last week the Army retreated, promising to conduct no more covert investigations of

civilians without the Secretary of the Army's approval, and to recall the blacklist. It also promised to destroy information about domestic political activists stored on the Fort Holabird computer. But the Army still maintains extensive files on civilian political activists, and has no intention of ceasing its snooping altogether. With that in mind, the A.C.L.U. intends to press its court suit for a permanent injunction against all such Army surveillance activities.

[From the Sarasota (Fla.) Herald-Tribune, Mar. 10, 1970]

ARMY ERASES A POLITICAL FILE

The U.S. Army has dismantled, at least in part, its machinery for collecting information on the domestic political activities of American civilians, according to two key lawmakers.

Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Judiciary Subcommittee on Constitutional Rights, and Rep. Cornelius E. Gallagher (D-N.J.), chairman of the Government Operations Subcommittee on Invasion of Privacy, announced last week the Army had destroyed its data banks and related files at Ft. Holabird, Md., pertaining to the political activities of 7 million civilians.

But the Army did not confirm destroying other similar files maintained on microfilm by the Counter-Intelligence Analysis Division (CIAD) and by at least seven military intelligence headquarters throughout the nation. The files consist mostly of reports prepared by the Federal Bureau of Investigation.

An Army spokesman has explained that CIAD helped determine where civil disorders were likely to occur.

Congressional concern over the data banks was sparked by an article in the January issue of Washington Monthly written by a former Army Intelligence officer, Christopher H. Pyle. The article described an intelligence network of "nearly 1,000 plainclothes investigators, working out of some 300 offices from coast to coast," who write reports on "political protests of all kinds."

"To assure prompt communication of these reports," the article stated, "the Army distributes them over a nationwide wire service. Completed in the fall of 1967, this teletype network gives every major troop command in the United States daily and weekly reports on virtually all political protests occurring anywhere in the nation."

Pyle went on to describe a huge intelligence operation that stored and disseminated information on both groups and individuals who "might cause trouble for the Army."

Some of the groups listed in the article were the American Civil Liberties Union, the Southern Christian Leadership Conference, the John Birch Society, the National Association for the Advancement of Colored People, the Women's Strike for Peace, the Center for the Study of Democratic Institutions and Clergy and Laymen United Against the War in Vietnam.

Following publication of the Washington Monthly article, at least 50 members of Congress questioned the Defense Department about its banks of data on civilians, an Army spokesman told Congressional Quarterly.

The official order to destroy the "Data Bank of Political Activities" at Fort Holabird was issued Feb. 19, and members of Congress were informed of the action Feb. 23.

Sen. Ervin commended the Army for dismantling the computerized data bank, but said the "attempt to explain all their files on civilians raises more questions than it answers. . . . The Army has not yet answered our questions, nor have they yet discussed all of their data banks and collection and filing of information about civilians."

Calling the operation a case of "military overkill," Ervin said an explanation of "how the Army was permitted to engage in such activities in the first place" was needed. "The preservation of our civil liberties cannot depend on the lucky discovery of illegal programs," he added.

Rep. Gallagher said the Army ordered the destruction of the Ft. Holabird data bank after he had announced he would hold public hearings on the "validity and legality of such a program."

He added that the Army told him it would ask Congress for permission before undertaking such a venture again. "I can assure you that no Congress will grant such permission," Gallagher said. "The construction of such a data bank is tantamount to a domestic espionage apparatus."

[From the Houston (Tex.) Chronicle, Mar. 12, 1970]

ARMY VIOLATES CIVIL LIBERTIES

Those Americans concerned with the erosion of their civil liberties have further justification for their fears. Despite assurances to the contrary, the U.S. Army is continuing to collect voluminous information on the political activities of civilians.

U.S. Sen. Sam Ervin, North Carolina Democrat, says the intelligence activity is a "usurpation of authority." He calls it an "illegal activity" and contends it's not the business of the Army to collect information on civilians. He suggests the Army redefine its strategic objectives.

We believe this activity is a violation of the individual's civil rights guaranteed under the First Amendment to our Constitution. Not only that, such activity can only lead to fear and distrust of a military establishment and erode its necessary base of civilian support.

The Army has abandoned operation of a political computer data bank at Fort Holabird in Baltimore, Md., but there remains the microfilm file of the counter-intelligence analysis division (CIAD) of the office of the Army's assistant chief of staff for intelligence. It's still very much in operation. It contains information on thousands of individuals, including many nonviolent activists, and even two retired military officers who have criticized the Vietnam War.

The Army admits it uses the information—including FBI reports and other documents—to evaluate the violence-potential of upcoming events. There is, however, no clear-cut safeguard against the information being used for other purposes.

We are alarmed at this aspect of "big brotherism." But we're not suggesting abandoning the legitimate safeguarding of our internal security. We need governmental agencies with this responsibility but they should be staffed and headed by civilians.

[From the Milwaukee (Wis.) Journal, April 7, 1970]

THE ARMY'S DATA BANKS

Public alarm over the growing prevalence of "data banks" tucked away in government offices, fingering millions of people as possibly "dangerous" in their future political activities, has got some remedial steps afoot.

The chairman of the Senate Judiciary Subcommittee on Constitutional Rights, Sen. Ervin (D-N.C.), responded to "numerous complaints" in January and zeroed in on the Army Intelligence Command, demanding "full explanation" of the nature of its data banks, their purposes and the legal authority for them, if any.

The Army got the message to the extent of reporting back, in its interim reply, that it has withdrawn and destroyed all copies of an identification list of persons whom it deemed likely to be involved in "civil disturbance situations" that it might have to police. It has discontinued one data bank, similarly related, that it now admits, upon being prodded, was "not required" in aid of any possible missions. But it confessed to having seven million other individual files on American citizens in its Investigative Records Repository.

Ervin is keeping the heat on, demanding fuller explanation and further response. As he told the senate: "Clearly, the Army has no business operating data banks for surveillance of private citizens." They can be a tool of suppression and tyranny, useful for dragnet type operations—wholesale roundups and harassment of hundreds and thousands of citizens whom the Army might not approve of. Their existence is a threat to American liberty and justice.

[From Computerworld, April 8, 1970]

THE WORD GAME

The Army's recent action in "destroying" its computerized data banks on lawful civilian political activity was more a matter of semantics than of destruction.

Although the tapes have been erased, the data banks still exist in written form, and even possibly in punched card form. And presumably the programs for file maintenance and retrieval still exist.

Which all means the computerized data banks could be recreated in days, if not in hours.

Further clouding the issue is the fact that the Army apparently distinguishes between "computerized" and "computer-aided." So the "destruction" order did not apply to computer-maintained indexes to manually maintained data banks.

All this "destruction" of computerized data banks has only been a maneuver to take the pressure off the Army and to lead critics away from the real question:

Why is the Army maintaining files on civilian activity?

Civilian activity is a question of internal security, and as such, should be handled by the FBI or possibly the Secret Service—if it's necessary at all.

Sen. Sam J. Ervin (D-N.C.), normally considered quite conservative, summed up the situation this way: "I suggest the Army . . . re-identify the enemy. Under our Constitution, that enemy is not the American citizen."

[From the Washington Star, Apr. 19, 1970]

SIGNS OF A RIGHT-WING TAKEOVER INCREASE

Self-styled revolutionary Abbie Hoffman told a Texas audience the other day that because the United States is "losing the Vietnam war, it is turning to fascism at home."

There very definitely has been a swing toward repression and the trappings of fascism in this society, but I don't think this reason is Vietnam. The reason is Abbie Hoffman and his kind.

The promoters of violence, the bomb planters, the mad reformers push on zealously to prove a point that I made in an earlier column: That this country is not remotely in danger of a left-wing takeover; the danger is that fear of violent upheaval will provoke the great mass of Americans to tolerate aspects of fascism if that promises law and order.

Many "dreamers" in the Abbie Hoffman crowd say they know exactly what they are doing. They welcome a right-wing dictatorship, they say, because only when "the establishment" shows its "true fascistic colors" will the people rise up and smash this system.

Could we really let a rag-tag band of unkempt reformers, shouting the rhetoric of revolution, force upon the nation so much panic that the people would tolerate a dictatorship? One need not be an alarmist to conclude that the answer is yes.

The American Civil Liberties Union and several Congressmen, like Rep. Cornelius E. Gallagher, D-N.J., months ago challenged the Army practice of putting into a computerized data bank information on civilians involved in disturbances and demonstrations and who might become civil disrupters at some time in the future.

Army Secretary Stanley Resor sent a memorandum to the Army Chief of Staff March 6 stating: "No such intelligence data bank operations relating to civil disturbances or other activities involving civilians not affiliated with the Department of Defense should be instituted without the prior approval of the Secretary of the Army and the Chief of Staff. In view of the sensitivity of such operations, approvals will not be granted without consultations with concerned committees of the Congress."

The ACLU will charge in the U.S. District Court here Wednesday that while the Army proposes to close down its computerized data bank at Ft. Holabird, Md., it is collecting and storing such data elsewhere.

One need not be a raving liberal, or even a civil libertarian, to see the dangers of having the military snooping on civilian dissenters, compiling its own computerized lists of Americans the Pentagon regards as "potential security risks."

But the danger is there because the violent dissenters are a reality. Because the bombers and rioters are already here, much of the public is far more afraid of them than of a "military takeover" that is just an intellectual threat in the future.

The public's willingness to surrender basic individual liberties and rights of privacy will become all the greater if Nixon's aides can sell the idea that the country is endangered by extreme radicals who cannot be won over by racial, social, economic, or political reforms.

The New York Times quoted an unnamed Nixon assistant as saying: "It wouldn't make a bit of difference if the war and racism ended overnight. We're dealing with the criminal mind, with people who have snapped for some reason."

So, to protect society from "revolutionary terrorism," some Nixon aides are advocating a vastly expanded domestic intelligence apparatus—that is, more wiretaps and buggings, more undercover agents, more informers.

Think how far we have gone toward a police state in one year and where we might be in another year: the Pentagon with its master computer list of "risks" to internal security, the FBI listening in on more and more private conversations, a corps of "secret police" and their informers in every community, policemen permitted to burst into just about any private home without knocking, Post Office bureaucrats authorized to open and read your first class letters from overseas, Clark Mollenhoff or some other presidential political operative permitted to examine your income tax return, "preventive detention" laws that authorize jailing people someone believes might commit a crime, a proposal (just rejected by the White House) to subject all the 6- to 8-year-olds in the country to psychological tests to determine if they are inclined toward future criminal behavior.

All this and more because the men now around the throne in Washington can't think of any other way to deal with Abbie Hoffman, or the Black Panthers, or the Weatherman faction of the Students for a Democratic Society.

[From the Plainfield (N.J.) Courier-News Apr. 21, 1970]

KEEPING TABS ON PEOPLE

The Army thinks it has good reason to keep tabs on the activities of civilian dissenters. The argument is that it needs to gauge the potential for civil disturbances where the Army might be called out to restore order. To this end, the Army is alleged (Washington Monthly, February, 1970) to have used full-time undercover agents to infiltrate political groups and to have set up a computerized data bank on the political activities of civilian activists.

Civil libertarians in and out of Congress raised enough of a fuss about the Army snooping to get the Pentagen to agree to shut down its Fort Holabird, Md., data bank on civilians. But the American Civil Liberties Union (ACLU) plans to go into U.S. District Court in Washington tomorrow, for a hearing on a new complaint. It charges that such information is still being collected and stored elsewhere by the Army in violation of the Constitution.

One paradox is that while the ACLU is attacking Army surveillance, the Federal Bureau of Investigation is under White House orders to step up its monitoring of militant left-wing groups and individuals. As explained by anonymous White House aides (New York Times, April 22, 1970), the objective is to find out who potential bomb planters and snipers may be before they endanger others.

One aide says the increased surveillance actually strengthens safeguards of individual civil liberties. Unless the terrorists are stopped before they can act, the public will "demand that their police start cracking heads." One way or another, the file space for dossiers will continue to grow.

[From The Toledo (Ohio) Times, Apr. 23, 1970]

BIG BROTHERS

The American Civil Liberties Union has challenged in court without success what appears to be an unauthorized system of surveillance by the Defense Department. The ACLU charged that by maintaining dossiers on political dissenters, a special intelligence branch with some 300 offices throughout the country potentially violates the rights of free speech, association, and privacy.

In contrast to such civilian agencies as the Federal Bureau of Investigation, an army intelligence system operating under the cover of military secrecy could escape all supervision by Congress, the President, and the courts. Neither its activities nor the competence and discretion of its spies would be subject to civilian regulation. Unauthorized by law, the operation is accountable only to its own command and has been ever since the network was created in 1965.

Obviously the Defense Department has an obligation to use its intelligence apparatus for the protection of internal security. It is responsible for the safeguarding of communications, transportation, and defense plants. Since the armed forces also play an important role in the prevention of civil disorder, they have a legitimate interest in the identification of potential saboteurs and the like.

But the indications are that the military intelligence network has gone far beyond such legitimate precautions and is nosing around in the area of political opinions. Monitoring of ideologies smacks more of thought control than of national security. If allowed to continue unchecked, it could open the door to military control over the civilian government.

[From the Washington Daily News, Apr. 23, 1970]

ACLU LOSES ARMY SUIT

The American Civil Liberties Union has lost its battle to obtain a court order preventing Army intelligence agents investigating "law-abiding citizens."

District Court Judge George L. Hart Jr. denied the group a preliminary injunction and sustained the government's motion to dismiss the case. Judge Hart said "the evidence shows no threat by the Army and no unconstitutional action."

Julius Hobson, head of the Washington Institute for Quality Education, said he was intervening in the ACLU case because "the damn Army has my picture and my serial number. I want the court to let me see the card and tear it up."

ACLU lawyer Frank Askin told Judge Hart that the complaints by his clients "* * * a disgraceful system in the United States of America in which military authorities have employes lurking around the country spying on citizens. They (the Army) are our servants not our surveillance."

Mr. Askin testified that the Army has a teletype network "much like a news service," feeding information on "potential trouble makers" to Fort Holabird, Md. and "a microfilm library and computerized index of these persons at the Pentagon."

Mr. Askin said, "This causes a chill and a pall on freedom of speech by keeping dossiers on citizens." He said the ACLU had a list of witnesses, some of whom are former Army intelligence agents, willing to testify about the work they did.

INFILTRATION

"One agent was instructed to infiltrate a group called the 'Young Adults Projects,' an organization of church groups. He was instructed to become a member of this group and make reports of what was going on to Army intelligence in Fort Carson, Colo.

"The Army seems to think they have to attend peaceful meetings to curb disorders," Mr. Askin said.

[From the Michigan City (Ind.) News Dispatch, Apr. 23, 1970]

THE DOSSIER SOCIETY

"Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachments by men of zeal, well-meaning but without understanding."—Justice Louis Brandeis in dissent, Olmstead vs. U.S. (1928).

The Army of the United States thinks it has good reason to keep tabs on the activities of civilian dissenters. The argument is that it needs to gauge the potential for civil disturbances where the Army might be called out to restore order. To this end, the Army is alleged to have used fulltime undercover agents to infiltrate political groups and to have set up a computerized data bank on the political activities of civilian activists.

Civil libertarians in and out of Congress raised enough of a fuss about the Army snooping to get the Pentagon to agree to shut down its Ft. Holabird, Md., data bank on civilians. But the American Civil Liberties Union (ACLU) yesterday went into U.S. District Court in Washington for a hearing on a new complaint. It charged that such information is still being collected and stored elsewhere by the Army in violation of the Constitution.

One paradox is that while the ACLU is attacking Army surveillance, the Federal Bureau of Investigation is under White House orders to step up its monitoring of militant left-wing groups and individuals. As explained by anonymous White House aides, the objective is to find out who potential bomb planters and snipers may be before they endanger others. One aide says the increased surveillance actually strengthens safeguards of individual civil liberties. Unless the terrorists are stopped before they can act, the public will "demand that their police start cracking heads."

One way or another, the file space for dossiers will continue to grow.

[From the Glens Falls (N.Y.) Post Star, Apr. 24, 1970]

ON FILE

Have a curious situation. Last February a Washington publication charged that the Army was using undercover agents to infiltrate political groups and that it had set up a computerized data bank to record the doings of political activists. A howl was raised in and out of Congress. The Pentagon agreed to shut down its Fort Holabird data bank on civilians.

The American Civil Liberties Union subsequently charged that the Army's promise amounted only to collecting the identical information and storing it elsewhere. It filed a complaint charging a violation of the Constitution. Last Wednesday a federal judge threw the case out of court.

Before he did so, however, the Army argued that it had to keep track of people in case it might be called upon to put down riots. According to witnesses, some 3,000 names in the Army's files including Joan Baez, a pacifist singer, Dr. Benjamin Spock, such organizations as the National Association for the Advancement of Colored People and the American Friends Service Committee, plus a lot of communist names. Witnesses told of infiltrating various oragnizations.

There is a general impression that this sort of information-gathering is the job of the Federal Bureau of Investigation. The FBI is, in fact, under orders to locate potential bombers and snipers. That is its job. But the Army? If it can get in on the act, why not the Navy, the Air Force, any federal agency that can find some remote excuse for snooping on civilians?

At this rate there could come a day when Miss Baez might labor under the impression she was singing to a sell-out audience only to discover that they were all Pentagon Sleuths. Somehow it hardly seems compatible with civil liberties. Just incidentally, what about the worth of the Pentagon's promise?

[From the Wichita Eagle (Kans.), Apr. 24, 1970]

PERSONAL LIBERTY SUFFERS AS POPULATION BURGEONS

A federal district judge has dismissed a suit to keep the army from collecting, storing and circulating information on the political activities of some 3,000 civilians.

The contention of the American Civil Liberties Union which brought the suit is that the army is engaged in surveillance that serves no legitimate military purpose.

The army counters with the assertion that it is required to conduct domestic intelligence activities to prepare for emergencies such as the riots that erupted in Newark and Detroit in 1967. Federal troops were called both times.

It is probably necessary for the good of all to keep the military informed of potential domestic crises. The nation's peace-keeping machinery would be powerless without knowledge.

The apparent infringement of the privacy we are all entitled to is the unfortunate result of activity on the part of a militant minority which could threaten the security of the entire nation.

The saddening result of a growing social complexity and a burgeoning population is that it is increasingly difficult to exercise complete personal liberty without infringing on the rights of others.

The task that lies ahead is to strike a balance. We must protect the whole society from the excesses of a few without unduly restricting personal liberty.

Military surveillance of civilians is distasteful, but for the protection of the many, perhaps necessary.

The trick is to see that it is not carried to excess, to guard against political suppression and invasion of privacy, it must be made certain that the military always remains under civilian control.

[From the Waterloo (Ohio) Courier, Apr. 24, 1970]

DON'T LET ARMY ASSUME FBI FUNCTIONS

A Federal district judge in Washington, D.C., has dismissed a suit filed by the *American Civil Liberties Union* which sought to prohibit the Army from investigating and keeping files on individuals possibly involved in subversive activities.

Testimony both in and outside the court indicated that the Pentagon's Counterintelligence Analysis Division may be keeping files on individuals ranging from members of the Ku Klux Klan to Attorney William Kunstler.

The ACLU says it will appeal the verdict.

We see nothing ethically wrong with the Army activity; but there seems to be a good argument that it is intruding on the specialized function of the Federal Bureau of Investigation.

The Army has the assignment of defending the country against foreign enemies. In case of widespread civil disorder, it is also called in to restore law and order.

Thus it has a right to obtain within certain limitations the information which would be necessary in carrying out those functions. The collecting of information implies no right to intervene in civilian affairs in any way except when called upon to do so by the commander-in-chief.

But there is obviously an overlap area involving the FBI and in most domestic situations the FBI would be the more appropriate agency to probe the activities of extremist right-wing and left-wing groups. While U.S. Supreme Court decisions allowing the advocacy of violence make court convictions difficult, investigation of possibly subversive groups by an agency of the Justice Department is much more desirable and defensible than by an agency of the Department of Defense.

We hope that the lower court verdict will not be reversed on appeal because it would be undesirable to have the Army's hands tied by intricate court decisions. But as a matter of practice, the President should investigate this area to determine if the Army has exceeded reasonable military necessity.

[From the St. Louis Post-Dispatch, Apr. 24, 1970]

LIKE A NEWSPAPER?

A federal district judge in Washington has concluded that the Army has a legal right to go on infiltrating and spying on civilian groups engaged in legally permissible activities. Maybe so; the American Civil Liberties Union intends to press an appeal.

The wisdom of the Army's efforts, as a matter of public policy, is entirely another matter. Judge George L. Hart Jr. made no case for that by holding that the Army's collection of intelligence reports is essentially no different from that of newspapers which store information on individuals in their files.

Newspapers do not store information on individuals or groups solely because of their political ideas and associations—and that is what the Army is doing. But no matter. The great distinction is that newspapers are not arms of government. The Army is. And when an arm of government goes about spying on citizens, and keeping vast records on them just because of their ideas and associations, then government is interfering with free political rights.

The ACLU argued that the Army's activities inhibited the free speech guarantees of the Constitution. We would not be surprised if a higher court agreed. In any case, since Congress has not specifically authorized the military to spy on civilians, Congress ought to deny the Army the power to do so. It is not consistent with the ideals of a free country.

[From the Valdosta (Ga.) Times, Apr. 25, 1970]

TO PROTECT CIVIL LIBERTIES

The U.S. Army has felt it has had good reasons to be snooping around with its own force of undercover agents. They have been snooping right here at home, compiling information on civilians who have been involved in demonstrations and other types of political activities.

Army higherups say the activities have been necessary, because they need such information if called into an area to quell a disorder. But when the Army's homeside intelligence activities were made public, there was enough cain raised by civil libertarians and some Congressmen that the Army closed down its data bank on civilians at Ft. Holabird, Md.

The American Civil Liberties Union (ACLU), however, is going into court with a new complaint. It contends the Army is still collecting such information in violation of the federal Constitution.

One paradox is that while the ACLU is attacking Army surveillance, the FBI is under White House orders to step up its monitoring of militant leftwing groups and individuals. The objective is to find out who potential bomb planters and snipers may be before they endanger others.

It is apparent, despite what the ACLU and others say, that there will be more and more undercover activities right here at home. In effect, it will protect the civil liberties of a lot of people who would be killed or injured by some crazy bomb planter.

[From the New Britain (Conn.) Herald, Apr. 25, 1970]

THE DOSSIER SOCIETY

The question of official encroachment against personal privacy, a recurring problem of our times, has been raised again, this time by the United States Army, which thinks it has good reason to keep tabs on the activities of civilian dissenters. The argument is that the Army needs to gauge the potential for civil disturbances in which the Army might be called out to restore order. To this end, the Army reportedly has used fulltime undercover agents to infiltrate political groups and to have established a computerized data bank on the political involvement of civilian activitists.

As it developed, enough of a fuss was raised by civil libertarians, both in and out of Congress, to get the Pentagon to agree to shut down its data bank on civilians. But the matter hasn't ended there. The American Civil Liberties Union charges that the Army, in violation of the Constitution, is still collecting such information and storing it elsewhere. The ACLU has gone into U.S. District Court in Washington for a hearing on the complaint.

Meanwhile, a paradox: As the ACLU continues its attack on Army surveillance of civilians, the Federal Bureau of Investigation is under White House orders to step up its monitoring of militant left-wing groups and individuals. White House aides explain that the objective is to find out who potential bomb planters and snipers may be before they endanger others. One aide claims this increased surveillance actually strengthens safeguards of individual civil liberties, since, unless potential terrorists are stopped before they can act, the public will eventually demand a suffocating clampdown by police.

One way or another, it looks as though the file space for dossiers will continue to grow,

which is a shame, because it measures our growing distrust of one another. A Constitutional test on the question of individual privacy may eventually resolve the matter, but it is sad that the issue has to be raised in the first place. In a time which experiences the increasing polarization of viewpoints, reconciliation seems a small hope indeed.

[From the Augusta (Maine) Kennebec Journal, Apr. 25, 1970]

THE DOSSIER SOCIETY

"Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachments by men of zeal, well-meaning but without understanding."—Justice Louis Brandeis in dissent, Olmstead vs. U.S. (1928).

The Army of the United States thinks it has good reason to keep tabs on the activities of civilian dissenters. The argument is that it needs to gauge the potential for civil disturbances where the Army might be called out to restore order. To this end, the Army is alleged to have used fulltime undercover agents to infiltrate political groups and to have set up a computerized data bank on the political activities of civilian activists.

Civil libertarians in and out of Congress raised enough of a fuss about the Army snooping to get the Pentagon to agree to shut down its Ft. Holabird, Md., data bank on civilians. But the American Civil Liberties Union (ACLU) went into U.S. District Court in Washington on Wednesday for a hearing on a new complaint. It charges that such information is still being collected and stored elsewhere by the Army in violation of the Constitution.

One paradox is that while the ACLU is attacking Army surveillance, the Federal Bureau of Investigation is under White House orders to step up its monitoring of militant left-wing groups and individuals. As explained by anonymous White House aides the objective is to find out who potential bomb planters and snipers may be before they endanger others. One aide says the increased surveillance actually strengthens safeguards of individual civil liberties. Unless the terrorists are stopped before they can act, the public will "demand that their police start cracking heads." One way or another, the file space for dossiers will continue to grow.

[From the Sioux City (Iowa) Journal, Apr. 26, 1970]

BIG BROTHER ROLE FOR ARMY?

This turbulent era has produced a number of disturbing expressions of movement toward thinking and speaking made sterile and stereotyped through the subtle injection of fear and intimidation. The cursory dismissal by a federal judge of a challenge to the Army's declared right to spy on civilians should leave any thinking American more than aghast.

Surveillance of civilian actions and comment is an accepted and approved extraordinary duty placed on the military when administering territory and peoples subdued by the force of arms. Does America fall into the category of occupied territory?

U.S. District Judge George L. Hart Jr., refused to hear a suit filed by the American Civil Liberties Union which contends that Army spying activities (one report claims 1,000 undercover agents) violates citizens' First Amendment rights of free speech and freedom from guilt by association. The denial was based on the opinion that the A.C.L.U. failed to show that the civilian spying is unconstitutional.

Which must mean that the gathering of data on private citizens is constitutional. It was constitutional in Germany when the Gestapo engaged in such activities during the Hitler era.

The Army claims it has good reason to keep tabs on the activities of civilian dissenters, the highly questionable argument being that it needs to gauge potential for civil disturbances to which it might be called to restore order.

There is clear evidence in this restless, violence-threatened period for anticipatory soundings and surveys of possible explosive situations. They are needed. And this summer may find the longest and hottest ordeal in recent years. As abhorrent to many as is the White House order for an increase in Federal Bureau of Investigation monitoring of suspected dissenters and extremists, property and human life may be at stake. Such action, with wise restraint, is an integral part of the defense of freedom.

The Army of the United States is another matter. It functions and performs at the discretion of civilian superiors. Civilian decree will judge when, if and where military protection is needed in the event of violent disturbance. Use in domestic emergency has, and should continue to be, an option of last resort.

A self-declared right to spy is neither in the spirit of this country's compact with freedom nor in the realm of common sense. Justice Louis Brandeis, in 1928, offered an opinion much in need of careful appraisal now:

"Experience should each us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachments by men of zeal, well-meaning but without understanding."

[From the Scranton (Pa.) Tribune, Apr. 28, 1970]

GOVERNMENT SNOOPING

In recent years more and more attention is being given to complaints against government snooping in areas where it may very well be termed invasion of privacy. The action of government agencies in gathering information about our citizens is now being looked upon with grave suspicion by all persons conscious of their rights and liberties.

The latest of the complaints lodged against investigative actions by the government involves the U.S. Army which is charged with using fulltime undercover agents to infiltrate political groups and to have set up a computerized data bank on the political activities of civilian activists.

Civil libertarians in and out of Congress raised enough of a fuss about the alleged Army snooping to get the Pentagon to agree to shut down its Fort Holabird, Md., data bank on civilians. But the American Civil Liberties Union (ACLU) is instituting court action on a new complaint. It charges that information is still being collected and stored elsewhere by the Army in violation of the Constitution.

The Army thinks it has good reason to keep tabs on the activities of civilian dissenters. The argument is that it needs to gauge the potential for civil disturbances where the Army might be called out to restore order.

One paradox is that while the ACLU is attacking Army surveillance, the Federal Bureau of Investigation is under White House orders to step up its monitoring of militant left-wing groups and individuals.

As explained by a White House aide, the objective is to find out who potential bomb planters and snipers may be before they endanger others. The informant says the increased surveillance actually strengthens safeguards of individual civil liberties. Unless the terrorists are stopped before they can act, the public will "demand that their police start cracking heads."

All of which serves to recall an observation by Justice Louis Brandeis: "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent . . . The greatest dangers to liberty lurk in insidious encroachments by men of zeal, well-meaning but without understanding."

[From the Houston (Tex.) Post, May 1, 1970]

ARMY UNDER ATTACK

During World War II, many Americans were shocked by the use of "fifth columns" by this country's enemies, although they should not have been since the use of subversion to undermine resistance is as old as warfare itself. Still, since it involves a "sell-out" of one's country, it evokes feelings of moral indignation in some people.

The term "fifth column" came into use during the Spanish Civil War, one of the preliminaries of World War II, when it was applied to Madrid residents supporting Generalissimo Francisco Franco, the leader of the anti-democratic forces.

However, it is the Communists, who aided the resistance to France, that have developed use of this weapon to a fine point in recent years. They have made subversion an integral part of their military operations. They have developed highly complex and sophisticated techniques for penetrating and subjecting other countries by blending the use of subversion, terrorism and politics with that of outright military force.

The current conflict in Southeast Asia provides an excellent example of the use of these techniques. Because of this and the use of guerrilla warfare tactics, it is very difficult to distinguish combatants from non-combatants or friend from foe.

Subversion has become an important weapon in the worldwide operations of the international Communist movement.

For this reason, it is difficult to justify the outcry raised by some civil libertarians in this country about the collection by the Army of information about active and potential subversives. The military's right to "collect, store and circulate" information about the activities of civilian "dissenters" has come under broad attack, and the climate has been favorable because of the fear many people have of the loss of personal privacy as a result of the growth of governmental bureaucracy.

Congressional pressure forced the Army to close down its computerized data bank on civilian dissenters at Fort Holabird, Md. The bank was supposed to contain a "blacklist" of political activists, who might properly be regarded by the Army as potential troublemakers. The Army is continuing to maintain its files.

When the American Civil Liberties Union filed a suit in federal district court in behalf of 12 of these political activists, the judge threw the suit out and called some of the arguments ridiculous. Pointing out what the Army was doing was not different from what newspapers do when they collect clippings and notes in their "morgues," he upheld the Army's right to collect intelligence related to the carrying out of its mission, protection of the nation's physical safety. The decision will be appealed, of course, and the case could reach the Supreme Court.

The Army argued that its intelligence-gathering activities in this area are essential to the planning and operations in that it is necessary to gauge the possibility of civil disorders it might have to quell or help quell. The number of these disorders has increased greatly the past few years, and the Army has been called upon to come to the assistance of civil authorities on numerous occasions, particularly the National Guard.

[From the Springfield (Ohio) News-Sun, May 3, 1970]

SNOOP WE MUST?

Big Brother, army-style, may be watching you and what's more, a federal district judge has ruled that it is perfectly all right for the Army to spy on civilians. The American Civil Liberties Union, which pressed the case against the snoops, will try again, and it is difficult to believe that higher courts won't tell the Army to start minding its own business.

The issue has been kicked up by the report from a former intelligence officer that the Army has 1,000 undercover agents probing, and compiling files on, several civil rights, antiwar and racist groups. The Army has conceded that the report is substantially correct and claims that it must spy on such groups because it someday might be called to put down civil disturbances involving them.

District Judge George Hart Jr. ruled that the Army's activities are constitutional, basing his decision in part on a far-fetched comparison between newspaper reporting and official surveillance and infiltration. That's as untenable as the Army's own excuse, which, if carried to its logical conclusion, soon would have soldiers spying on Republican and Democratic politicians because their conventions might become disorderly.

The issue obviously deserves the sustained opposition that the civil liberties union has vowed. Chances are an appeals court will order the Army back to soldiering. In the meantime, however, whether or not the snooping is constitutional, it is clearly wrong.

[From the Boston (Mass.) Globe, May 20, 1970]

ARMY STILL SPYING ON CIVILIANS

House committee disclosure that Army, Navy and Air Force intelligence services are spending $2.9 billion per year should be read in conjunction with former Army Capt. Christopher H. Pyle's letter to the editor elsewhere on this page.

As Mr. Pyle points out, the military, to do its job, "must have maps and descriptions of potential riot areas, early warning, of incidents likely to provoke mass violence, and information about direct threats to military installations, activities and personnel. But it does not need dossiers, card files, computerized data banks and identification lists describing the political beliefs and actions of persons and groups that pose no threat to public order or military security."

It is intolerable that the Army is still going about the business of spying on civilians in their purely civilian activities despite assurances to congressional committees that it would abandon such purely political and intimidating practices.

The $2.9 billion does not include the cost of day-to-day operations in Vietnam or elsewhere beyond the United States, and it does not include the cost of intelligence activities of either the State Department or the Central Intelligence Agency. The $6 billion annual expenditure of the CIA is concealed (or until now has seen) in a one-line item in the Federal budget. The $2.9 billion does include such items as the cost of infiltrating a coalition of church groups running a project for emotionally disturbed young people. It takes a strange kind of mind to find a threat to the security of the nation in such socially commendable enterprises.

Except within the areas defined in Capt. Pyle's letter, what Americans do in their own country would be none of the military's business even if the military's inquiry into such matters cost not one penny. But Assistant Defense Secretary Robert F. Froehike has testified that he "cannot hazard a guess" as to the total spent on intelligence over and above the sums mentioned. He has said that, if he made such a guess, "it would be frightening."

Can any better argument be offered for Congress to get back its traditional control of the purse strings and other powers over American life which it has surrendered to the executive branch of the government?

[From the Washington (D.C.) Post, May 21, 1970]

SURVEILLANCE

The Senate Judiciary Committee has given unanimous approval to Sen. Sam Ervin's bill designed to protect the constitutional rights and privacy of executive branch employees. The bill, which, incidentally, has 54 other sponsors, would prohibit the questioning of government personnel or applicants for government jobs about their religion, personal relationships, sexual attitudes, race, religion, political preferences or affiliations unrelated to their employment. Well, you might think this was just a generalized expression of senatorial preference for virtue over vice. But not at all. When a closely similar measure came to the Senate floor in September, 1967, it passed that chamber overwhelmingly. It died aborning, however, in a House Post Office and Civil Service subcommittee—because certain federal agencies, the Civil Service Commission among them, looked askance at so much freedom.

In its contemporary version, Senator Ervin's bill provides exemptions for the CIA, NSA and FBI, gumshoe operations that continually insist they are a law unto themselves. Perhaps the bill's sponsors figure that those who go to work for these agencies are old enough to know what they're getting into and deserve no better than what they get; and it may be that exempting them is the price that has to be paid for covering State, Treasury and all the rest of the executive branch.

But what about all the rest of us outside the government? Senator Ervin's ardent objections notwithstanding, the U.S. Army is still taking it upon itself to collect data about all manner of citizens, recording among other things their participation in protests, their attendance at political meetings, their enrollment of petitions. These data, computerized by the brilliant resourcefulness of modern technology, lie waiting like buried bullets to shoot down a blossoming career. There is not much use in protecting government employees from snooping if the citizens who might otherwise become employees are under Big Brother's surveillance. In such a system, no one knows what job offers may be denied him because at some time he has been unconventional or indiscreet.

The American Civil Liberties Union has challenged this army surveillance in the courts. Its effort failed in a federal district court here; but the issue is now up for circuit court review. Government snooping into the private lives of citizens charged with no violation of law is worse than a nuisance, worse than an intimidation. It is a fascist technique which fosters fascism.

[From the Progressive, June 1970]

THE BOON OF SNOOPERY

(By Morton Kondracke, Washington correspondent for the Chicago Sun-Times)

If the nation is threatened with bombings, bank burnings, violent demonstrations, and assassinations doesn't the Government have a responsibility to find out who is up to such terrorism, and head it off? Indisputably, it does, but Federal agencies are now using this responsibility as a pretext for infiltration, spying, and file-keeping on a scale that would dumfound even the redoubtable old snooper of the 1920s, the late Attorney General A. Mitchell Palmer.

Consider:

The Justice Department's Interdivisional Information Unit daily receives hundreds of raw reports from the FBI, the Secret Service, and other agencies, and feeds them into a computer. Each week, the computer disgorges its contents onto print-out paper which fills four two-inch-thick regional books that list every demonstration in the country, violent and nonviolent, along with its organizers and their political backgrounds.

The Secret Service has compiled a computerized data bank containing 100,000 names and 50,000 investigative dossiers—not only on potential assassins, but on persons who might "embarrass" or make "abusive statements" about high Government officials.

As recently revealed by John Lang of the Associated Press, the Civil Service Commission employs seventeen clerks to read dissenting publications and clip the name of persons "favorably mentioned" for addition to the Commission's "subversive activities file," which now contains 2.5 million names. The CSC files are available to other Federal investigating agencies.

As uncovered by Robert Walters of the *Washington Star*, the Civil Service Commission is also considering guidelines which would forbid Federal employment to persons who "engage in violent campus demonstrations"—not necessarily those convicted of any crime or even formally charged.

In the most unconscionable example of all, the Army has undertaken to infiltrate civilian political groups, report on them, and keep massive files on individuals who have nothing whatever to do with the military. In response to criticism, the Army has justified this activity by referring to its need to move into situations of civil disorder when ordered to do so by the President. The Army was called into five cities in 1967 and 1968—none since—yet until recently it maintained two computerized data banks on civilians and still maintains one, at Fort Monroe, Virginia. It compiled two "blacklists" of troublesome individuals and groups, and it has a microfilm file containing the names of thousands of citizens, including Mrs. Martin Luther King, Joan Baez, Julian Bond, and anti-war Admiral Arnold E. True. Still other files are kept by local military intelligence groups headquartered in cities around the country.

Although the Army claims that its 1,000 counterintelligence agents are under specific orders not to engage in undercover activities in the civilian community, they regularly pose as students and newsmen at demonstrations and pose as interested participants by joining groups. One agent took up residence at Resurrection City in 1968. Another had a reserved seat at the Democratic National Convention. The 116th Military Intelligence group in Washington for a while drove to demonstrations in a video tape truck marked "Midwest News."

This does not begin to exhaust the list of agencies now involved in the boom business of snoopery. Others include the Post Office and the Navy on the Federal level, and "subversive units" of several local police departments, which share their information with Federal spies.

The problem is compounded by the attitude of official Washington. On the one hand, the Nixon Administration's policies and rhetoric contribute to the radicalization of students, blacks, and just plain citizens. On the other, the Administration is cracking back at the radicalization by "unshackling" the uniformed police and expanding the political police. Attorney General John Mitchell has already authorized the use of "national security" wiretaps, requiring no court permission, on radical groups.

As disclosed by James Naughton of *The New York Times*, conservatives in the White House are determined to step up surveillance still further in the conviction that radical dissenters are not politically motivated at all. "We're dealing with the criminal mind," one Presidential aide told Naughton.

Without a doubt, there are criminals among U.S. radicals who give not one whit for democratic procedure and who would be only too happy to see an orgy of fear and destruction result in the actual triumph of a police state. To control the terrorists, however, we cannot rely on the Federal internal security establishment as it presently operates. All of its instincts, ideological and bureaucratic, impel it to construct the kind of police state the radicals seek. In a sense, SDS bomb-throwers and J. Edgar Hoover's wiretappers are partners in accelerating us toward 1984.

Breaking up this partnership will require Congressional intervention in response to public demand. In the era of terror and panic that we seem to be entering, however, few Congressional voices have been heard. In fact, only one legislator has had the temerity and the power to speak out consistently. He is Senator Sam Ervin Jr., North Carolina Democrat, whose strict constructionist view of the Constitution permits no bridling of the First Amendment and no invasion of privacy save through the legislative process. Ervin, who is a civil liberties hero and a civil rights rascal, is preparing hearings on a broad range of Government spying and suppression of dissent. He cannot hold them too soon. It is imperative that they lead to tough legislation prescribing what the snooping establishment can and cannot do. Most spying now goes on under regulations promulgated by the spies themselves.

Ervin cannot bear the burden alone. Liberals, many of whom have been curiously inactive, must mount a major campaign to resist and reverse the current trend toward a police state, while still providing adequate controls to enable the Government to deal with genuine threats of violence. So must true conservatives, if their proclaimed commitment to preserve liberty is sincere.

[From the Washington (D.C.) Daily News, Feb. 5, 1970]

ARMY SNOOPS ON CIVILIANS' POLITICAL ACTS

(By John Cramer)

Sen. Sam Ervin, D-N.C., the Constitutional Rights subcommittee chairman, may soon call special hearings on the recent disclosure that the Army has its own small regiment of plain-clothesmen checking on citizens who lawfully engage in protest movements.

And on the further disclosure, denied but not quite believed, that the Army is planning a data bank to provide "instant" information on the citizens investigated.

Both disclosures came in an article by Christopher H. Pyle, a former Army intelligence captain, in the January issue of the year-old, highly impressive Washington Monthly.

The Pyle article says in effect:

If you were a Federal employe who helped lead Monday's brown-bag boycott against Pentagon cafeterias, your activities probably were observed surreptitiously . . . duly recorded . . . and reports fanned out to Army installations even in Alaska, Asia and Europe by some of the almost 1,000 under-cover Army investigators "keeping track of political protests of all kind—from Klan rallies in North Carolina to anti-war speeches at Harvard."

That if you were active on Moratorium Day, no matter how legally, you are almost a 100 per cinch to make the Army's daily and weekly reports to its far-flung stations.

ARMY CLAIMS NEED

The Army justifies this on the ground that it needs the information to play its necessary role in assisting civilian authorities in time of civil disturbances.

Mr. Pyle insists, and Sen. Ervin agrees, that the Army program goes far beyond its legitimate needs.

The nationwide surveillance network Mr. Pyle writes about is based at Ft. Holabird, Baltimore. Its principal function, he says, is "to protect the Army from espionage, sabotage, and subversion. Its main job is to investigate personnel being considered for security clearances, and to inspect military installations for adequate physical, wire-communications, and document security."

But in practice, his article says:

Holabird uses "soldier agents . . . personable young men" to keep watch on "virtually every political activist group in the country" . . . including "the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the Civil Liberties Union, and the National Association for the Advancement of Colored People."

These "soldier agents" are given only minimum training.

The information they collect is distributed by a group "commanded by a major and run by a civilian. They supervise the work of about a dozen persons who work in shifts around the clock. Most are WAC typists . . ."

This force "rarely has the time to verify, edit or interpret" the reports they send out to Army installations world-wide.

But despite this, the reports are used by other agencies, including Civil Service Commission, in evaluating the fitness for duty of Federal job applicants, and Federal employes already on the job.

PUBLISHES BLACKLIST

Mr. Pyle also wrote:

"The Army also periodically publishes an eight-by-ten-inch, glossy-cover paperback booklet known within the intelligence circles as the 'blacklist'.

"The 'blacklist' is an encyclopedia of profiles of peoples and organizations who, in the opinion of the Intelligence Command officials who compile it, might 'cause trouble for the Army' . . .

"Sometime in the near future the Army will link its teletype reporting system to a computerized data bank.

"This computer . . . will be able to produce instant printouts of information in 96 separate categories. The incident reports will relate to the Army's role in domestic disturbances, and will describe such occurrences as bombings, mass violence and armed thefts.

"The personality reports—to be extracted from the incident reports—will be used to supplement the Army's seven million individual security clearance dossiers and to generate new files on the political activities of civilians wholly unassociated with the military."

If it doesn't scare you, it should. It scares me!

[From the Chicago (Ill.) News, Jan. 15, 1970]

ARMY SPYING ON CIVILIANS, EX-INTELLIGENCE MAN SAYS

(By Robert Gruenberg)

WASHINGTON.—The Army has 1,000 plain-clothes agents spying on civilian activities ranging from antiwar protests to Ku Klux Klan rallies, a former Army intelligence officer has charged.

Aside from violence-prone groups that the Army first decided in 1965 to watch, those under surveillance now include the National Assn. for the Advancement of Colored People, the Southern Christian Leadership Conference, the American Civil Liberties Union, and Clergy and Laymen United Against the War in Vietnam, according to former Capt. Christopher H. Pyle.

Pyle, a doctoral candidate at Columbia University, recently completed two years' service in Army intelligence.

Writing in the current Washington Monthly, Pyle says Army agents frequently have posed as press photographers covering antiwar demonstrations, students and even as "residents" in Resurrection City, the mass assembly of poor blacks in Washington in the summer of 1968.

Originally, Pyle said, the Army's purpose was to "provide early warnings of civil disorders" it might be called upon to quell.

The program has expanded, he said, so that "today the Army maintains files on the membership, ideology, programs and practices of virtually every activist political group in the country."

The information is funneled by a teletype network to major troop commands in this country daily, while its files are available to the U.S. Civil Service Commission, the Atomic Energy Commission and military intelligence units.

The system will soon be hooked into a computerized data bank at Fort Holabird, in Baltimore, and will provide, among other things, Pyle said, "personality reports" on civilians "wholly unassociated with the military."

Pyle added that the army's files, unlike those of the FBI's national crime information center, "will not be restricted to the storage of case histories of persons arrested for (or convicted of) crimes."

[From Computerworld, Feb. 11, 1970]

ARMY FILES DATA ON LAWFUL CIVILIAN POLITICAL ACTIVITY

(By Joseph Hanlon)

BALTIMORE, MD.—The Army now has a computerized data bank on lawful civilian political activity.

The computerized file of Civil Disturbance Incident Reports is one of several data banks maintained by the U.S. Army Intelligence Command Headquarters at Fort Holabird, here.

The incident reports actually include not only "civil disturbances," but lawful and non-violent meetings and lectures as well, and apparently include groups such as the American Civil Liberties Union.

Data from the file is available to other government agencies doing security checks, according to the Army. Primary input to the file appears to be newspaper clippings, with little or no attempt made to verify them.

CONGRESSMEN PROTEST

Letters of protest have been sent to Army Secretary Stanley R. Resor by the two congressmen most concerned about privacy: Sen. Sam J. Ervin, chairman of the Senate Constitutional Rights Subcommittee, and Rep. Cornelius E. Gallagher, chairman of the House Right to Privacy Inquiry.

The existence of the data bank was first revealed in the January *Washington Monthly* in an article by Christopher H. Pyle, who recently completed two years as a captain with Army Intelligence.

COMPUTER CORRELATES TRENDS

The incident reports are gathered from 300 field offices throughout the country, and are sent here by Teletype. The reports are then punched into cards and processed by computer.

An Army spokesman said that the computer "can correlate trends and like incidents" and could compile a list of all of the incidents in which a particular person has been involved. Other details of the computer operation are not available.

Incident reports are gathered by the local field offices from the police and by clipping local newspapers. The headquarters subscribes to the major news services such as the Associated Press, and articles relating to incidents are filed.

The FBI is also a major source of information, according to the spokesman. Finally, some information is obtained by undercover agents.

The justification for the data bank, according to the Army spokesman, is that the Army needs information of potential civil

disorders that it might be called upon to quell. In addition to collecting incident reports, the Intelligence Command Headquarters also collects information on "possible subversive activity" by civilians, and the "names and addresses of influential people in certain groups."

The Army maintains the name and address list in order to call on leaders for help in quelling riots, according to the spokesman. But Pyle suggests that the list is actually maintained in order to give the Army a list of people to be arrested.

ACLU INCLUDED?

The Army admits that incident reports include lawful meetings, and Pyle claims that the Army is building files on groups that are unlikely to be involved in civil disturbances. "The Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country," he said.

"These include not only such violence-prone organizations as the Minutemen and the Revolutionary Action Movement, but such nonviolent groups as the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women Strike for Peace, and the National Association for the Advancement of Colored People (NAACP)."

Pyle told CW that while touring an Army Intelligence office, he saw a stack of incident report cards. The top card, he said, contained a single notation: that Arlo Tatum, executive secretary of the Central Committee of Conscientious Objectors, had delivered a speech at the University of Oklahoma on the legal rights of conscientious objectors.

OTHER DATA BANKS

The Army Intelligence Command Headquarters maintains several data banks here. A noncomputerized one is the Investigative Records Repository (IRR) used to maintain information for security checks of Army personnel and civilian Army employees. Information in the IRR files is available to the FBI, the Central Intelligence Agency, and to other government agencies for security checks.

The Intelligence Command probably exchanges data between its various data banks as needed, so that agencies requesting information from the IRR for a security check can probably get information from the incident reports as well.

Pyle charged that the incident reports "will be used to supplement the Army's seven million individual security-clearance dossiers and to generate new files on the political activities of civilians wholly unassociated with the military." The Army spokesman refused to discuss access rules for the incident reports. Pyle sees two dangers posed by the data bank of incident reports. First, since the incident reports are filed without much, if any, check, it is likely that "unverified and potentially erroneous and irrelevant reports" will get into the security-clearance dossiers of the IRR.

Second, Pyle notes that "unlike similar computers now in use at the FBI's National Crime Information Center in Washington," this computerized data bank is not restricted to the storage of case histories of people who have been arrested. Rather, it "specializes in files devoted exclusively to descriptions of the *lawful* political activity of civilians."

STATES ALSO HAVE DATA BANKS

The Army is not the only organization maintaining data banks of legal political activity. Many state police departments also do, and in some cases the information is available to the public. Most such files are not computerized, but since the Army Intelligence draws on state police files, this information probably ends up in the Army's computerized data bank.

The Massachusetts State Police Division of Subversive Activities maintains such a data bank. In its annual report for fiscal 1968, the division said that it had set up files "on peace groups, civil rightists, and other such groups." During that year, it "performed 4,034 security name checks."

Such checks are not just for state agencies. Although they are not authorized to do so, they will give out information to private concerns who call and ask. CW and other Boston newspapers have been able to check on individual files merely by telephoning the division and saying that they were considering hiring the individual.

NEW JERSEY FILE ILLEGAL

In New Jersey, the state attorney general had set up a reporting system in which the state police received reports on protests, rallies, and other demonstrations, whether legal or illegal.

Reports were to include basic personal data on the individuals involved, such as their names, ages, occupations and employers, names and addresses of associates, financial status, and past activities.

Last year, State Superior Court Judge J.S.C. Matthews ordered the attorney general to stop collecting such reports and "destroy all forms and files connected" with the reporting system.

Matthews declared that "the secret files that would be maintained as a result of this intelligence gathering system are inherently dangerous and by their very existence tend to restrict those who would advocate, within the protected areas, social and political change."

DOES NEW YORK HAVE A FILE?

New York State's computerized criminal data bank may also contain such a file. Plans call for it to contain a "crime intelligence file" which would include suspected Mafia members. This file is being used to check on possible Mafia associations with stock brokerage house employees [CW, Sept. 17].

[From the Chicago Sun-Times, Feb. 13, 1970.]

PLAN HEARINGS ON ARMY'S POLITICAL DATA BANK

(By Morton Kondracke)

WASHINGTON.—A House subcommittee will hold hearings in two or three weeks on the Army's computerized system for gathering political information of civilians, a committee aide said Wednesday.

Timing of the hearings depends on when the Army responds to inquiries sent to the Pentagon two weeks ago by Rep. Cornelius Gallagher (D–N.J.).

Gallagher, chairman of the House Government Operations Committee's right-of-privacy inquiry, is one of three legislators to have requested information on the Army system after its existence was disclosed by a former intelligence officer.

None of the three has received a response from the Army. Besides Gallagher, the letters were sent by Senators Abraham Ribicoff (D-Conn.) and Sam Ervin (D-N.C.).

Concern about activities of the CONUS (for Continental U.S.) intelligence branch of Army intelligence was first aroused by former Capt. Christopher Pyle in a magazine article in the Washington Monthly.

Pyle, now a graduate student at Columbia University, charged that the Army "has gone far beyond the limits of its needs and authority in collecting domestic political intelligence."

Though the Army has not yet responded to the legislators, it did acknowledge to newsmen that information is maintained on civilians "who have been active in past civil disturbance activity" and that it keeps computerized files on "civil disturbance incidents."

HOW IT'S GATHERED

Ribicoff asked the Army specifically whether the information is gathered by the Army itself or whether data is supplied by other agencies.

The Army told reporters that its information comes from local, state and federal law enforcement agencies, though Pyle said it also was gathered by army intelligence agents posing as press photographers, college students and "residents" at Resurrection City.

The Army said its agents never engaged in undercover activity to gather domestic political intelligence.

COMPUTERIZATION CRITICIZED

Inquiries by Gallagher and Ervin were directed especially at the computerization of the Army information.

Long a battler against construction of a national data bank, Gallagher said the Army system described by Pyle seemed to be "a nationwide data bank of information about the constitutionally protected protest and dissent activities of many American organizations."

Gallagher told Army Sec. Stanley Resor in a letter that "I am deeply concerned about the implications of collecting dossiers on Americans who are pursuing constitutionally protected activities, especially when they are to be inextricably embedded in immediately available form in a computerized data system."

REBUTTAL?

Gallagher asked Resor whether individuals would be permitted to review and correct information gathered on them. He also asked about the Army's authority for operating the system, its use and source of funds.

Replying to reporters' questions, the Army insisted that its computerized files were not arranged by individual but by "incident" and were used only "for analysis of trends and identification of potential trouble spots."

But a Gallagher aide, Charles Witter, said testimony in previous computer-control hearings had shown that as long as information on individuals is stored in a computer, under whatever subject heading, it can be retrieved.

SECRET SERVICE LINK

Witter said the Gallagher inquiry will also look into whether there is a link between the Army system and the data bank maintained by the Secret Service.

That system, complained of by Ervin, permits collection of information on cranks, gate crashers and persons who threaten high government officials, but also on "anti-American or anti-U.S. government demonstrations in the U.S. or overseas" and individuals and groups intending to "embarrass" government officials.

[From the Minneapolis Tribune, Feb. 15, 1970]

U.S. ARMY RIVALS FBI IN SURVEILLANCE OF DOMESTIC ACTIVISTS

(By Frank Wright)

WASHINGTON, D.C.—Not long ago Conrad Lynn, an author of draft evasion materials replaced Yale University Chaplain William Sloan Coffin as the principal speaker at a Philadelphia, Pa., rally.

Lynn's appearance at the antiwar meeting was sponsored by the Philadelphia chapter of the Women's Strike for Peace. About 200 people came to the First Unitarian Church to hear him.

The same week the Rev. Albert Cleage Jr., founder of the Black Christian Nationalist Movement in Detroit, Mich., spoke to about 100 people at the Emmanuel Methodist Church there on the subject of black unity and the problems of the ghetto.

Also that week, about 300 members of Veterans for Peace and Women for Peace held a demonstration at the Museum of Science and Industry in Chicago, Ill.

They were protesting an armed forces exhibit.

In each case the gathering was peaceful, lawful and totally civilian in nature.

But, also in each case, agents of the U.S. Army observed the event and made a report. The reports were quickly transmitted by the Army's intelligence command to every major troop headquarters in the continental United States, Hawaii, Alaska, Panama and Europe.

These are not isolated incidents of occasional military surveillance of civilian political activity.

To the contrary, they are evidence of the latest example of the continuing growth of federal "Big Brotherism"—meaning the encroachment of the national government on individual privacy—in this country.

For four years, it develops, the Army has been closely watching civilian politics. Nearly 1,000 plain-clothes agents working out of 300 offices across the nation keep track of all kinds of protests.

The source of this disclosure is Christopher H. Pyle, a former Army intelligence officer. Pyle, 30, received an Army commission in 1961 upon graduation from Bowdoin College, Brunswick, Maine, where he was in the Reserve Officer Training Corps. He obtained permission to delay his active duty and earned a law degree and a master's degree in political science from Columbia University.

He entered the Army in 1966 as a first lieutenant and was assigned to the intelligence branch at Fort Holabird in Baltimore, Md. He was discharged as a captain in 1968 and now is a candidate for a doctor of philosophy degree at Columbia.

He described the Army's civilian-watching network in an article in the latest edition of the Washington Monthly, a journal focusing on politics and government in the national capital.

"When this program began in the summer of 1965 its purpose was to provide early warning of civil disorders which the Army might be called upon to quell. In the summer of 1967, however, its scope widened to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power and antiwar movements," Pyle said.

"Today the Army maintains files on the membership, ideology, programs and practices of virtually every activist political group in the country. These include not only such violence-prone organizations as the Minutemen and the Revolutionary Action Movement, but such nonviolent groups as the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women's Strike for Peace and the National Association for the Advancement of Colored People," Pyle said.

"What is perhaps most remarkable about this domestic intelligence network is its potential for growth," Pyle said. "Uninhibited by congressional or presidential oversight, it has already expanded to the point where it in some ways rivals the FBI's older internal-security program.

"If the Army's fascination with the collection of domestic intelligence continues to grow as it has in the recent past, the intelligence command could use military funds to develop one of the largest domestic intelligence operations outside of the Communist world," he said.

The Army obtains its information from state and local police, the FBI, newspapers and, on occasion, its own undercover operations. Army agents have posed as press photographers covering antiwar protests, as students on college campuses and as residents of Resurrection City, where the poor people lived during their march on Washington in 1968, according to Pyle.

He said the Army also recruits civilian informants—sometimes for pay but usually via appeals to patriotism. For example, he said, Columbia recently gave students authority to forbid routine inspection of their academic records by government investigators; but the 108th Military Intelligence Group in New York City quietly persuaded an employee of the registrar's office to provide information from the closed files on the sly.

Army agents file hundreds of reports each month on events and personalities, Pyle said. They are distributed daily and weekly over a nationwide wire service completed in the fall of 1967.

In addition, according to Pyle, the Army periodically publishes a paperback booklet known in the intelligence trade as the "blacklist." It contains profiles on people and organizations who, in the opinion of the officials who compile it, "might cause trouble for the Army," Pyle said.

The voluminous files, Pyle said, are soon to be computerized and stored in a central location at Fort Holabird's Investigative Records Repository.

This means their audience is likely to be substantially broadened, since numerous federal agencies—including the FBI, Secret Service, passport office, CIA, National Security Agency, Civil Service Commission, the Navy and the Air Force—have access to the repository and its data banks.

Pyle conceded that the Army, in order to help civilian authorities, needs a certain amount of information to provide early warning of incidents "likely to provoke mass violence."

But, he asked, "must it also distribute and store detailed reports on the political beliefs and actions of individuals and groups?"

He concluded that the Army has gone much too far.

Pyle's case has been taken up by Sen. Sam Ervin, D-N.C., who is known primarily as a segregationist on civil rights and a hard liner on law enforcement, but who also has a reputation as a champion of individual privacy.

Acting as chairman of the Subcommittee on Constitutional Rights, Ervin has undertaken a government-wide investigation of federal data banks and the extent to which they infringe on a person's desire to be left alone.

The first step is a survey of all departments and agencies to determine, as Ervin put it in a Senate speech, "what data banks are being developed and how they operate." The survey is still in progress.

In the same speech he called Pyle's disclosures "disturbing" and added, "Clearly, the Army has no business operating data banks for surveillance of private citizens, nor (does the Army) have any business in domestic politics."

Ervin also expressed concern over "data drives" undertaken by other agencies and said many of them were "unconscionable."

As examples, he mentioned activities of the Secret Service, the Health, Education and Welfare Department (HEW) and the Bureau of the Census.

The Secret Service, he noted, has asked all federal employees to provide it not only with information about plots to do violence to high government officials but also with information about people who want to make personal contact with those officials to redress grievances, persons who may be planning to "embarrass" those officials in some way and persons who participate in "anti-American or anti-U.S.-government demonstrations."

HEW, Ervin said, is sending to Medicare and Social Security recipients a 72-question survey making detailed inquiries into their financial condition and other aspects of their lives.

Those who fail to respond, he said, are pressured by follow-up letters and telephone calls from federal officials without ever being told that compliance is voluntary and not legally mandatory.

An earlier investigation by his subcommittee, Ervin said, showed that during the last three years the Census Bureau had conducted 87 surveys for 24 other agencies covering more than 6 million people.

"Everything from bomb shelters to smoking habits to birth control methods was included in these 'people studies'," Ervin said. "And usually with spaces for Social Security number, address and phone number on the form. All responses were fed into computers."

He said those in charge of some of the studies had told his subcomittee that it was "bad psychology" to tell the recipient that the studies were voluntary. It was better, they told the subcommittee, to give him the impression his replies were "required on pain of penalty."

Ervin called for new legislation to supervise and restrict the collection of data and, summing up, said:

"In the total recall of vast computer systems rests a potential for control and intimidation which is alien to our form of government and foreign to a society of free men.

"Regardless of the purpose, regardless of the confidentiality, regardless of the harm to any one individual, the very existence of government files on how people exercise First Amendment Rights—how they think, speak, assemble and act in lawful pursuits—is a form of official psychological coercion to keep silent and to refrain from acting.

"Because it is more insidious, it is a coercion far more effective and intimidating than any tyranny experienced by the founding fathers."

[From the Chicago Sun-Times, Feb. 27, 1970]

CIVILIAN DATA BANKS CONTINUE, DESPITE ARMY DISAVOWAL

(By Morton Kondracke)

WASHINGTON.—The Army continues to maintain computerized files on the political activities of thousands of civilians despite assurances it gave congressmen Thursday that it has discontinued the practice, The Sun-Times learned.

Microfilmed reports and a computerized index are maintained at the Pentagon on such individuals as Mrs. Martin Luther King Jr., folk singers Arlo Guthrie and Phil Ochs, black Georgia state Rep. Julian Bond and two retired military officers who have opposed the Vietnam War, Rear Adm. Arnold E. True and Brig. Gen. Hugh B. Hester.

The Army's general counsel, Robert E. Jordan III, sent letters to congressmen Thursday advising that a data bank at the Army Intelligence Command at Fort Holabird, Md., had been discontinued.

But sources who could not be identified said that the Holabird computer was only one of several files the Army keeps on civilian political activity.

It was learned that Rep. Cornelius Gallagher (D-N.J.) and Sen. Sam Ervin (D-N.C.) plan to continue their inquiries on Army data banks despite Jordan's letter. Ervin had asked the Army for a list of all its data banks.

CONFLICT APPARENT

In his letter, Jordan mentioned only one. He said: "The civil disturbance data bank (at Holabird) was discontinued since, after study, it was determined that the data bank was not required to support potential Army civil disturbance missions."

Jordan's letter also said that an "identification list" of persons "who might be involved in civil disturbance situations" had also been discontinued, but Gallagher was known to be studying whether the Army continues to maintain other "blacklists."

Information supplied to The Sun-Times also appears to conflict with Jordan's contention that the Army's "limited field of interest removes from legitimate concern of the Army minor forms of disturbances and

lawful activities not likely to lead to major disturbances involving use of federal resources."

Jordan declined to respond when an interview on the conflicting information was requested. Army information officers said they could not answer reporters' questions because of a suit filed by the American Civil Liberties Union to enjoin domestic intelligence gathering, even though the suit was not a criminal proceeding.

FAIL TO MENTION

Sources said that Jordan's letter failed to mention these domestic intelligence files:

(1) A microfilm data bank located at the Pentagon in the Directorate of Civil Disturbance Planning and Operations—the "domestic war room"—and maintained by the Counter-Intelligence Analysis Division of the Office of the Army's Assistant Chief of Staff for Intelligence.

Mrs. King, Bond, the folk singers and the military officers are only a few of thousands of persons on whom information is kept in the microfilm, the sources said.

(2) Although the computerized file at Fort Holabird has been discontinued, the information it contained is still on file at seven Military Intelligence Group headquarters around the country and could be reassembled.

Each group maintains files on domestic political activity in its region. Among them is the 113th MIG, Fort Sheridan, Ill.

(3) Smaller files are maintained at the G-2 office of each of the six Army Commands in the Continental United States and the military district of Washington.

(4) Still another political data bank is kept at the headquarters of the Continental Army Command, Fort Monroe, Va.

Jordan's letter went to congressmen in response to their inquiries about an article published in a Washington magazine by a former Army officer. Jordan confined his answers to rebuttal of the officer's assertions.

[From the Washington Star, Feb. 28, 1970]

ARMY STILL MAINTAINING FILES ON CIVILIANS' POLITICAL ACTIVITY

The Army acknowledges that it maintains files on the political activities of civilians other than the computerized political data bank it told congressmen it was closing down.

It also conceded yesterday that information that formerly was kept in the computer is still on file and has not been ordered destroyed.

An Army spokesman confirmed that a microfilm file is kept on civilian political activity by the Counter-Intelligence Analysis Division of the office of the Army's assistant chief of staff for intelligence.

The spokesman, an official in the office of Army General Counsel Robert E. Jordan III, said that very few files were kept on individual civilians. He could neither confirm nor deny existence of files on several specific individuals.

Sources who asked not to be identified reaffirmed, however, that individual and organizational files number in the thousands and that they include data on such individuals as Mrs. Martin Luther King Jr., folk singers Arlo Guthrie and Phil Ochs and Georgia State Rep. Julian Bond.

SOME GROUPS MENTIONED

In addition, the sources said, files are kept on such organizations as the American Friends Service Committee, the American Civil Liberties Union, the Center for the Study of Democratic Institutions, the John Birch Society, Clergy and Laymen Concerned about Vietnam and the New Mobilization Committee to End the War in Vietnam.

Files are also kept on publications, including the magazine the Nation, the newsletter of Young Americans for Freedom, the New Left's National Guardian and the underground Berkeley Barb.

The eight persons indicted in connection with disorders at the Democratic National Convention in 1968 are also listed, sources said.

While admitting existence of the microfilm file, the Army spokesman sought to play down its size and importance. He said it was an uncomputerized "office file" kept "for analysis purposes" by an agency charged with "answering specific questions" posed by top Army officials.

He said questions that might be posed to CIAD include "what likelihood is there that violence will occur this summer?" And "where is it likely to occur?" In case a mass march is planned somewhere. Another question would be "what likelihood is there that violence will occur which local authorities cannot handle?"

CIAD would use its files, which "consist primarily of FBI reports," to get an answer for the Army, based on the expected size of a march and the people and organizations planning it, he said.

CIAD also has a role in determining which U.S. cities might experience large riots. The Army now plans to be able to handle eight major disorders at once, a reduction from the 25 once planned for.

The spokesman said that there was an "innocent bureaucratic reason" for the CIAD files.

FBI POLICY CITED

He said, "The FBI has a policy that, if it once gives you a report, it won't give it to you again. So the analysis people have to keep the reports they've worked on before."

The spokesman said the files reflect work that CIAD has done. "This is far different from a data bank which contains whole reams of information," such as the one the Army maintained at Ft. Holabird in Baltimore and which was discontinued after pressure from Congress.

The spokesman said that a review of the Holabird data bank was under way before congressmen became aroused by a magazine article about it written by a former intelligence officer.

He said 50 congressmen sent inquiries to the Army about it—15 by personal letter to the Secretary of the Army.

The Holabird data bank was ordered discontinued on Feb. 19, he said, and an announcement was made Thursday to the congressmen. The announcement made no mention of the CIAD microfilm files or of the fact that formerly computerized information is still in files at Ft. Holabird, and at seven military intelligence group headquarters around the nation.

NO DESTRUCTION ORDER

No order has been issued yet for the destruction of those files, or of still other files maintained by the Continental Army Command at Ft. Monroe, Va., the spokesman acknowledged.

The Justice Department is the agency charged by President Nixon with primary responsibility for civil disorders.

The spokesman said, "We've been pushing for a long time to get Justice and the FBI to take over this responsibility completely.

"Justice does not (now) have the capability, in our minds, to do the job.

"We have to have an answer if we're asked, 'Will there be violence,' "

"Until we are satisfied that Justice can answer the question satisfactorily, we have to do it ourselves."

[From the Charlotte (N.C.) Observer, March 1970]

DATA BANKS FOR ARMY RILE ERVIN

(By Davis Merritt)

WASHINGTON.—Angered by the Army's use of data banks to keep track of political protesters, Sen. Sam Ervin (D., N.C.) announced Tuesday a governmentwide study of the surveillance of private citizens.

(Such civilian intelligence operations by the Army were recently disclosed in the article in the Washington Monthly magazine, which was reprinted in The Herald.)

Ervin said the Army and other government agencies are creating "monsters of surveillance whose very existence is often a form of coercion" to silence political protest.

Through his Senate Constitutional Rights Subcommittee, the senator will try to identify and control the many and massive intelligence-gathering programs within the government.

Citizens' First Amendment rights to free speech, assembly and petition will be "devastated beyond repair unless there is all-out control over the ever-curious executive branch of government," Ervin said.

The data banks are "garbage bins for the products of unwarranted invasions of privacy" and, "when hooked together, form a grave threat to Americans."

Ervin is particularly miffed about a recently disclosed Army system that keeps track of citizen anti-war protests.

Called CONUS, the secret Army data bank includes clippings from newspapers about campus and city-street protest activity and memos from intelligence agents based on casual conversations.

Ervin, early this month, wrote to Army Secretary Stanley Resor asking what business the Army had collecting data on civilians and what that had to do with defending the country.

He hasn't received a reply, and that makes him angry, too.

The military, he said, should have no role in civilian politics.

Likewise, he said, referring to previous data-bank discoveries by his subcommittee, the Secret Service has no business taking names of anti-war marchers, HEW has no business blacklisting scientists for their political beliefs, and government agencies have no business asking government employes how they spend their spare hours.

Ervin wants the study of all government data banks to help write laws giving citizens the right to see and answer charges made against them during intelligence-gathering operations. He also wants to control the improper exchange of information between agencies.

"The public does not have enough knowledge of these operations," he said. "There is no law requiring that the agencies divulge what they are doing."

[From the San Antonio (Tex.) Express and News, Mar. 1, 1970]

FORT SAM FILE WATCHES CIVILIANS

WASHINGTON.—The Army is maintaining computerized files at Fort Sam Houston on the political activities of civilians from San Antonio and elsewhere in the four-state 4th Army area.

The existence of the political "data bank" at Fort Sam was revealed this past week after the Army told congressmen it was closing its political data bank at Fort Holabird in Baltimore.

Later the Pentagon acknowledged that it was also maintaining the political data banks at seven other locations, including Fort Sam Houston.

The situation came to light after Rep. Cornelius Gallagher, D-N.J., and Sen. Sam Ervin, D-N.C., began quizzing Pentagon officials about reports of military intelligence activity in the realm of civilian politics.

Under fire, the Army's general counsel, Robert E. Jordan III, sent letters to congressmen Thursday advising that the data bank at Fort Holabird had been closed.

Sen. Ervin commended the Army Saturday for discontinuing the Holabird operation, but said further action is necessary

to protect the First Amendment freedoms of American citizens.

"The essential factor here was not necessarily the computerization of the files but the fact of the Army surveillance of citizens," Ervin said.

"Although I have little, if anything, in common with the attitudes and views of some of the persons who are probably in the Army files, the very existence of such unconstitutional surveillance by the Army is, I believe, destructive of our form of government," he said.

The senator called on the Army to "regroup and redefine their strategic objectives, lower their sights and re-identify their enemy. Under our Constitution, that enemy is not the American citizen."

The Army conceded that information formerly kept in the Holabird computer is still on file and has not been ordered destroyed.

It is the Pentagon's position that such files are necessary for military assessment of the possibility of domestic violence.

According to an Army spokesman, political intelligence gathering and analyses are unwelcome functions carried out by the Army only because the Justice Department is not capable of handling them yet.

Justice is the agency charged by President Nixon with primary responsibility for civil disorders.

The spokesman said, "We've been pushing for a long time to get Justice and the FBI to take over this responsibility completely.

"Justice does not have the capability, in our minds, to do the job.

"We have to have an answer if we're asked, 'will there be violence?'

"Until we are satisfied that Justice can answer the question satisfactorily, we have to do it ourselves.

"Our hope is, we can get out of this entirely. We hope Justice will take over this responsibility themselves. When they are able to do so to our satisfaction, that analysis office—the Counter Intelligence Analysis Division—will close down entirely."

Microfilmed reports and a computerized index are maintained at CIAD on such individuals as Mrs. Martin Luther King Jr., folk singers Arlo Guthrie and Phil Ochs, black Georgia State Rep. Julian Bond and two retired military officers who have opposed the Vietnam war, Rear Adm. Arnold E. True and Brig. Gen. Hugh B. Hester.

In addition, sources who could not be identified said, files are kept on such organizations as the American Friends Service Committee, the American Civil Liberties Union, the Center for the Study of Democratic Institutions, the John Birch Society, Clergy and Laymen Concerned About Vietnam and the New Mobilization Committee to End the War in Vietnam.

Files are also kept on publications, including the magazine The Nation, the newsletter of Young Americans for Freedom, the new left's National Guardian and the underground Berkeley Barb.

The eight persons indicted in connection with disorders at the Democratic National Convention in 1968 are also listed, sources said.

While admitting existence of the microfilm file, the army spokesman sought to play down its size and importance. He said it was an uncomputerized "office file" kept "for analysis purposes" by an agency charged with "answering specific questions" posed by top army officials.

Questions that might be posed to CIAD include, he said, "What likelihood is there that violence will occur this summer?" and "Where is it likely to occur?" In case a mass march is planned somewhere, another question would be, "What likelihood is there that violence will occur which local authorities cannot handle?"

Although the computerized file at Fort Holabird has been discontinued, the information in it still is on file at seven military intelligence group headquarters around the country and could be reassembled.

Each group maintains files on domestic political activity in its region.

The groups are the 108th MIG, Fort Devens, Mass.; the 109th MIG, Fort Meade, Md.; the 111th, Fort McPherson, Ga.; the 112th, Fort Sam Houston; the 113th, Fort Sheridan, Ill.; the 115th, the Presidio, San Francisco; the 710th Military Intelligence Detachment, Hawaii, and the 116th MIG, Washington, D.C.

"The business of the Army in such situations (as domestic violence) is to know about the conditions of highways, bridges and facilities," Sen. Ervin said. "It is not to predict trends and reactions by keeping track of the thoughts and actions of Americans exercising First Amendment freedoms.

"If ever there was a case of military overkill, this is it . . ."

Secretary Jordan said, "The Army's domestic intelligence activity has been to a small degree in the civil sector, but only to focus upon civilian disorder, and the Army has long been pressing to have civilian governmental agencies meet even these intelligence needs."

[From the San Antonio (Tex.) Express and News, Mar. 4, 1970]

ARMY'S CIVILIAN SPYING SAID ENDED

Army intelligence officers in San Antonio and elsewhere throughout the nation apparently were back conducting only military business Tuesday with the task of destroying computerized files on the political activities of civilians reportedly completed.

The army last week ordered the information it collected in a computer the past three years on persons and organizations considered political activists, potential activists and potential participants in riots, destroyed.

A Pentagon spokesman said Tuesday the army had completed destroying the files. "Now that the civil disturbance operation has been discontinued, it will give them (Army Intelligence) more time for conducting security clearances on military personnel," the spokesman reported.

The order to destroy the information, fed into a computer, known as the "Databank of Domestic Political Activities," at Fort Holabird, Md., and supplied from seven Army intelligence units, including one located at Fort Sam Houston and downtown San Antonio, came after U.S. Rep. Cornelius Gallagher, D-N.J., informed the Army he would hold public hearings on the "validity and legality of such a program."

The 112th Military Intelligence Group is located here and was the operation which relayed information to the Data Bank for the 4th Army area although it is not part of the 4th Army.

The fact the San Antonio-based 112th was among those units feeding information on the political activities of civilians from San Antonio was confirmed by Army General Counsel Robert E. Jordan III, at the pentagon.

Officers in the 112th at Fort Sam Houston and at their downtown offices at the 301 Building, at 301 Broadway (formerly the Manion Building), were unwilling to discuss their operation. They also refused to discuss why the 112th maintained downtown offices as well as a building at Fort Sam Houston, and newsmen were not allowed inside their second-floor downtown office.

Meanwhile, San Antonio Chief of Police George Bichsel said there was no doubt in his mind some police information had been fed into the Data Bank files.

"We share information with the FBI and if they wished they too could have given the 112th this information," Bichsel added. He added that the Police Department did not "go around making reports" for the military, but just released information they asked for.

Asked if photographs taken of protestors of multi-family housing in the Edgewood Independent School District outside the Lulac anniversary banquet last Saturday at the Gunter Hotel by policemen were taken for Military Intelligence, Bichsel said he was positive they were not.

He said his department occasionally photographs individuals and groups involved in protests or demonstrations so the department would have a photo file available for its officers, if ever needed. "This does not imply they (demonstrators) are doing anything unlawful," Bichsel said.

[From the Chicago (Ill.) Sun-Times, Mar. 8, 1970]

ARMY CONDITIONS MET ON CIVILIAN INTELLIGENCE FILES?

(By Morton Kondracke)

WASHINGTON.—By its own stated conditions, the Army should be able shortly to give up its remaining intelligence files on civilian political activity.

The Army claimed it would give up all its political intelligence functions when civilian agencies are ready to assume them. Last week, the Justice Department said: "We are ready." James T. Devine, chief of the Justice Department's Civil Disturbance Group, said, "We are quite capable. We are qualified to do everything as far as advising the President is concerned."

JUSTICE RESPONSIBILITY

Under executive orders on civil disturbance preparation, the Justice Department is charged with advising the President when disorders have reached a point where federal action is necessary. The Army's responsibility, on orders from the President, is to move in as fast as possible to aid local authorities in putting down the disorder.

In furtherance of its responsibility, the Army constructed a $2,700,000 command post under the Pentagon's mall parking lot, created a Directorate for Civil Disturbance Planning and Operations to maintain a constant riot watch, trained several military task forces in riot control and formulated logistic plans necessary to perform disorder duty in eight cities simultaneously, if necessary.

To prepare for fast action, the Army also compiled thick "city books" on 150 U.S. cities, containing maps, lists of officials, locations of bivouac areas and communications facilities: It went beyond this, however, into areas from which it is now retreating under congressional pressure.

BLACKLIST COMPILED

The Army Intelligence Command at Fort Holabird in Baltimore established a computerized data bank on civil disturbance incidents and on individuals and organizations that might become involved in them.

To fill the bank, local military intelligence units, collected reports from local police, newspapers and personal observation and sent them by teletype to Baltimore. The Army also compiled "identification lists"—also known as "blacklists"—on persons who "might become involved in civil disturbance activity."

To get an idea which eight cities were most likely to be hit by disorder, the Army vested "analysis" responsibility in the Counter-Intelligence Analysis Division of the office of the assistant chief of staff for intelligence. CIAD compiled a microfilm file of FBI reports on individuals and organizations.

As it has happened, the Army has been called to actual riot duty only four times since 1942—once in Detroit in 1967 and in three cities after Dr. Martin Luther King Jr. was assassinated in 1968.

When a former Army intelligence officer, Christopher Pyle, described the computer and the blacklists in a recent magazine article, congressmen complained, and the Army announced it had stopped both projects.

QUESTIONS ANSWERED

What remains of the Army's civilian intelligence activity, so far as is known, is principally the microfilm file at CIAD. The Army has assured Rep. Cornelius Gallagher (D-N.J.) that it will destroy data that formerly fed the computer. It also is examining the need for another political file at Fort Monroe, Va.

An official in the Army general counsel's office said CIAD would give up its analysis functions and microfilm files when "we are satisfied that Justice can satisfactorily answer the question, 'Will there be violence?'"

Devine, at Justice, said his office can satisfactorily answer the question—and does so daily for the attorney general, the official responsible for advising the President on disorders.

A COMPARISON

Devine's equipment for doing so is a regular budget of $274,000, about 100 daily reports from the FBI and other agencies, 12 intelligence analysts, a computer that weekly prints out an 8-inch-thick set of books on the riot potential of every city in the nation, and a command post on the sixth floor of the Justice Department.

For sumptuousness, the Justice command post cannot compare to the Army's. Justice has what looks like a low-budget radio studio. The Army has a hushed "war room"—more impressive than the ones in movies—with computer consoles, instant communications linkups with any Army unit in the world's giant panels that can instantly show the map of any city in the nation.

For intelligence purposes, however, the Justice Department's Interdivisional Information Unit most logically surpasses the Army's CIAD. Both rely primarily on information gathered by the FBI, which is part of the Justice Department. Justice has a computer, while the Army does not. Justice has the authority to perform the intelligence function; the Army does not.

As a pentagon aide said, "We've been pushing for a long time to get Justice and the FBI to take over this responsibility entirely." If the Army is satisfied with Devine's assessment of Justice's readiness, the need for pushing seems at an end.

[From Computer World, Mar. 11, 1970]

ARMY DROPS DATA BANK BUT KEEPS BANK DATA

(By Joseph Hanlon)

FORT HOLABIRD, MD.—With much fanfare, the U.S. Army has abandoned its computerized data bank on lawful civilian political activity.

But the Army failed to report that a microfilm data bank with a computer-produced index, apparently containing much the same information, is in use in the Pentagon.

Furthermore, only the central data bank has been abandoned The input has not been destroyed, and could be easily reassembled. Even if the data bank is never reassembled, a soon-to-be-computerized index would enable the Army to reconstruct parts of the data bank as needed.

The abandoned data bank is the computerized file of Civil Disturbance Incident Reports maintained by the Army Intelligence Command Headquarters here. The incident reports included not only "civil disturbances," but lawful and nonviolent meetings and lectures as well. The American Civil Liberties Union and a labor union were included (CW Feb. 11, 25).

AMERICAN CITIZEN NOT THE ENEMY

Sen. Sam. J. Ervin (D-N.C.) Chairman of the Constitutional Rights Subcommittee, charged the Army with "unjustified interference into domestic political activities." "I suggest that the Army regroup, redefine their strategic objectives, and reidentify the enemy. Under our Constitution, that enemy is not the American citizen," he declared.

In a letter to Ervin and several other congressmen released last week, Army General Counsel Robert E. Jordan admitted that such a data bank existed, and that it had been used to compile "an identification list which included the names and descriptions of individuals who might be involved in civil disturbance situations."

Jordan said that the Army has ordered the destruction of all copies of the identification list, and that the use of "the civil disturbance data bank was discontinued since, after study, it was determined that the data bank was not required to support potential Army civil disturbance missions."

An Army spokesman said that use of the data bank was stopped Feb. 18. He also said that IBM 1401 used for the data bank had also been used for payroll and other command functions, and would continue to be used in those areas.

INPUT NOT DESTROYED

The spokesman was unable to say whether the data bank tapes had been erased, or if they had merely been placed in storage. Furthermore, he admitted that copies of the input to the data bank have not been destroyed, and that the status of these copies "is being reviewed."

Under the old procedure, 1,000 military field agents, as part of their job, collected newspaper clippings, police reports, and other information on "civil disturbances." These reports were sent to the seven Military Intelligence (MI) group headquarters, who forwarded them here to Fort Holabird for inclusion in the data bank.

Under the new procedure, the field agents still collect the same information and forward it to the seven headquarters, as before. Now, however, the headquarters keep the information and do not forward it to the central data bank.

Furthermore, the MI headquarters still have copies of everything which they sent to Fort Holabird. The Army spokesman admitted that the only real change in procedure under the new ruling is the elimination of the central data bank. A non-computerized version of the data bank exists, although dispersed to seven locations, and collection of information continues.

"COMPUTER-AIDED"

Jordan concluded his letter with the statement: "No computerized data bank of civil disturbance information is [now] being maintained." But that statement is correct only if one distinguishes between computerized and computer-aided. At least one computer-aided data bank of civilian disturbance information is still being used.

That data bank is maintained by the domestic intelligence section of the Counterintelligence Analysis Division (Ciad) of the Office of the Assistant Chief of Staff for Intelligence. An Army spokesman admitted that such a data bank existed, but refused any other comment.

Other sources report that the Ciad data bank is in the domestic war room of the Pentagon.

COMPUTERIZED MASTER INDEX

In his letter to the congressmen, Jordan reported the existence of a master index of the names of everyone ever investigated by a defense agency. Called the Defense Index of Investigations, it was established at Fort Holabird in 1965 and is presently being computerized.

"Data included in this index is limited only to the identification of an individual, the type of investigation conducted, date of completion, and the location of the investigation (for example, Army investigations are filed in the Investigative Records Repository). The data is placed on keypunched cards which must be alphabetically filed," Jordan said. Unofficial sources report that there are now over 18 million cards.

When the computer is installed, according to Jordan, information on these cards will be entered into the computer. "The purpose of this computer will be to rapidly identify and indicate the location of files needed in security investigations."

Army and Defense Department spokesmen declined to amplify on Jordan's statement. But other sources said that the index probably contained references to persons mentioned in the Civil Disturbance Incident Reports as well as those included in the Ciad data bank. If this is true, then the Army could easily recompile the data on anyone who had a listing in the civil disturbance incident report data bank. This could be done by checking the index for the name; if the index indicated a listing in the now abandoned data bank, the intelligence officer would only need to contact the seven MI offices to recompile the file.

OTHER ARMY FILES

The Army does not just investigate political activists. In fact, most of its investigations are in other areas. In his letter, Jordan noted: "The U.S. Army Investigative Records Repository, run by the Intelligence Command, has approximately 7 million files relating principally to security, loyalty, or criminal investigations of former and present members of the Army, civilian employees and contractor personnel."

Unofficial sources report that "contractor personnel" goes as far afield as employees of the Red Cross. Furthermore, they say that the Investigative Records Repository also contains information on aliens, including prospective spouses of Army personnel and aliens investigated because of complaints.

In all, ten Defense Department Agencies maintain data banks of investigative records. These agencies include the Navy, Air Force, Defense Atomic Support Agency, and the Defense Supply Agency.

A data bank is even maintained on newspaper reporters accredited to the Pentagon, and includes comments on "inaccurate reporting."

Access to files, according to Jordan, "is limited by regulation to specifically authorized Executive Branch agencies."

ERVIN CRITICAL

Sen. Ervin has been particularly critical of the Army's collection of data on civilians, calling it "a case of military overkill." He continued: "Regardless of the imaginary military objective, the chief casualty of this overkill is the Constitution of the United States.

CALLS FOR NEW AGENCY

Sen. Ervin concluded that Jordan's letter "provides a remarkable demonstration of the need not only for new laws but for a new agency to regulate data banks and protect individual privacy."

[From the Washington (D.C. Star, Mar. 28, 1970]

DESPITE DENIALS, ARMY SENDS SPIES TO RALLIES

(By Morton Kondracke)

Despite Army denials that it engages in such activity, a military intelligence unit in Washington regularly infiltrates and reports on civilian political groups.

And in spite of assurances the Army gave to a congressman, the unit has not destroyed its extensive political file on civilians. It has merely classified it to keep it secret.

Agents of the unit, the 116th Military Intelligence Group, have posed as newsmen and photographers at rallies to get pictures for their files and at one time the unit even

maintained a video tape truck marked "Midwest News."

NO LONGER HAS TRUCK

The truck and its taping equipment, purchased at the end of a fiscal year with unexpended funds, have been disposed of recently out of concern the civilian spying would be discovered and exposed.

Information on the unit's activities was given to the Sun-Times by sources who asked not to be identified. Col. Frederick Barrett, commander of the 116th, refused to grant a request for an interview saying Army regulations prohibited it.

Data on the 116th activities has been supplied to Rep. Cornelius Gallagher, D-N.J., who, with Sen. Sam Ervin, D-N.C., has been probing Army civilian intelligence gathering.

Both Gallagher and Ervin earlier this year announced plans to hold meetings on intelligence gathering and evaluation programs maintained by the armed services and aimed at civilians in this country. Gallagher, however, called off the proposed House hearings earlier this month.

UNIT NOT MENTIONED

In his announcement at that cancellation, Gallagher made no mention of the activities of the 116th. The Army has not replied to a series of questions about the 116th submitted 10 days ago.

The activities of the 116th appear to contradict official assurances given by the Army on Jan. 26 that it never engages in undercover operations in the civilian community.

In answer to a question about general intelligence activities, the Army said that "for some time, there has been a specific prohibition against military personnel undertaking such activities as undercover operations in the civilian community.

"Exceptions to this policy may be made by appropriate civilian officials, but none have been made."

Despite this statement, the 116th maintains a staff of 20 agents whose job it is to infiltrate political groups and to observe politically active persons in the Washington area.

POSE AS STUDENTS

Some of the agents have grown beards and long hair to pass as students on college campuses in the Washington area. Others pose as members of the working press to obtain pictures of those involved in political activities.

The pictures are kept on file and are reproduced for agents attending demonstrations to enable them to identify those participating.

The unit has furnished tape recorders to agents attending rallies so they can clandestinely record speeches and conversations.

The videotape-sound truck was driven to demonstrations by agents posing as television newsmen for the nonexistent "Midwest News."

At one large demonstration, the Nov. 15 anti-war march on Washington, intelligence agents were assigned to bridges along the Baltimore-Washington parkway to count the number of buses heading for Washington bearing demonstrators.

The political intelligence activities of the 116th are frequently undertaken in concert with two other groups, the 108th at Ft. Meade, Md., and the 902D, also located in Washington, which reports directly to the assistant chief of staff for intelligence.

Information collected by the 116th is transferred to a file of 5-by-7-inch index cards. The unit has several thousand such cards on file, each referring to a different activist in the Washington area.

The cards contain a picture of the person, his name, address, occupation and background, a list of the political groups to which he belongs, notes on political meetings and demonstrations he has attended, and a summary of his views on political issues.

One person known to be listed in the file is Julius Hobson, civil rights activist and former member of the Washington Board of Education.

Existence of such a file appears to contradict assurances the Army gave Gallagher that political intelligence records at local military intelligence groups would be destroyed.

The Sun-Times received information from the Army, however, that the only file so far destroyed was the computerized data bank maintained at the Army intelligence center at Ft. Holabird in Baltimore.

Information that formerly fed the computer is still at Holabird on paper, and no order has been issued to destroy it or files kept at the local level.

Similar files are located at military intelligence units at Ft. Devens, Mass.; Ft. Meade, Md., Ft. McPherson, Ga.; Ft. Sheridan, Ill.; Ft. Sam Houston, Tex.; San Francisco and Honolulu. Other files are located at Ft. Monroe, Va., and a microfilm file, containing FBI reports as well as Army information, is kept by the Army's counterintelligence analysis division in Alexandria, Va.

Shortly after Army general counsel Robert E. Jordan III gave Gallagher assurances about the destruction of these files, a meeting was held at the 116th to inform agents that the unit would continue most of its activities.

The only activity to be discontinued, the agents were told, was operation of the computer in Baltimore. The agents were told they would continue to infiltrate and monitor local political groups.

However, the agents were informed that all files and operations of the 116th were to be classified to prevent release of any information about them to either the press or Congress.

The agents were warned that disclosure of the information would subject them to court-martial or prosecution in civilian courts "for violation of national security."

[From the New York Times, Apr. 12, 1970]

UNITED STATES TO TIGHTEN SURVEILLANCE OF RADICALS

(By James M. Naughton)

WASHINGTON, April 11—The Nixon Administration, alarmed by what it regards as a rising tide of radical extremism, is planning to step up surveillance of militant left-wing groups and individuals.

The objective, according to White House officials, is to find out who the potential bomb planters and snipers may be before they endanger others.

Preparations for expanding and improving the domestic intelligence apparatus—informers, undercover agents, wiretaps—were disclosed in a series of interviews with key officials, who requested anonymity.

According to these officials, President Nixon is disturbed by the rash of bombings and bomb scares, courtroom disruptions and reports of small but growing numbers of young people who feel alienated from the American system.

PARALLELS ARE DRAWN

On March 12, the same day that bombs exploded in three Manhattan office buildings, Mr. Nixon met over dinner in the White House with Irving Kristol, professor of urban values at New York University.

One aide who attended the dinner said the discussion included attempts to draw parallels between young white Americans from middleclass backgrounds who are resorting to violence and the Narodniki—children of the mid-19th century Russian aristocracy who murdered Czar Alexander II, and between militant black nationalists here and Algerian revolutionaries.

Mr. Kristol told the President it was not unrealistic to expect the Latin American resort to political kidnapings to spread soon to Washington. Mr. Kristol confirmed the dinner meeting and said, "Some of these kids don't know what country this is. They think it's Bolivia."

Some, but not all, of Mr. Nixon's domestic advisers are convinced that the situation is critical. One of the more conservative aides contended, "We are facing the most severe internal security threat this country has seen since the Depression."

The officials have concluded that attempts to bring militants back into society's mainstream are as futile, as one stated it, "as turning off the radio in the middle of a ball game to try to change the score."

The official view is that extreme radicals cannot be won over with welfare, electoral or draft reforms or by White House rhetoric. "It wouldn't make a bit of difference if the war and racism ended overnight," said a highly placed Nixon assistant. "We're dealing with the criminal mind, with people who have snapped for some reason.

Accordingly, the Administration sees its prime responsibility as protecting the innocent from "revolutionary terrorism." The President said last month, when he asked Congress for broader Federal jurisdiction and stiffer penalties in bombing cases, that they were the work of "young criminals posturing as romantic revolutionaries."

TOUGHER PROBLEM TODAY

To keep tabs on individuals referred to by the President as "potential murderers" will require updating an intelligence system geared to monitoring the Communists three decades ago, the aides said.

They said it was easy to keep track of the Communists because they had a highly organized system that undercover agents could penetrate easily. But today's alleged anarchists are disorganized, operating in groups of three or four, and difficult to detect.

"We know there are people training themselves in certain forms of guerrilla warfare and the use of explosives," said an official, "but it's extremely difficult to answer the who, when and how."

A Nixon aide who is aware of the Justice Department's intelligence operations said there was no advance warning of the arson that destroyed a Bank of America branch in Santa Barbara, Calif., last month. He said that "We knew of the New York bomb factory" in a Greenwich Village townhouse, but only just before it exploded on March 6, killing three young people.

White House officials wonder aloud why one of the victims, Diana Oughton, 28 years old, once active in legitimate reform efforts, became a member of a militant faction of the Students for a Democratic Society.

"If we had a (phone) tap on Diana Oughton," a Presidential assistant said, "we might have arrested her before the bombs went off and nobody would have died."

SURVIVOR IS TRACED

The official said that Federal agents had traced a survivor of the Greenwich Village blast, Cathlyn Platt Wilkerson, to Canada, but he expressed * * * was not capable of pinpointing her activities before she became a fugitive.

Administration sources would not disclose details of the changes they are preparing in the intelligence mechanism, although they said a good deal of interdepartmental discussion about them was under way.

One suggestion was said to be the possibility of the Justice Department providing grants through the Law Enforcement Assistance Administration to local police departments for training in domestic intelligence gathering.

Only New York City and District of Columbia police men have adequate intelli-

gence systems, one official said, adding: "We need better trained people in metropolitan police departments so they can distinguish between a guy with a beard and a subversive."

The White House is aware of the political sensitivity of domestic intelligence gathering, which one aide described as "hangups in the question of snooping." He contended, however, that the Government was less interested in prosecuting individuals than in gathering information to "prevent the perpetration of an act of violence."

LIBERTIES GAIN SEEN

It would help to have "broader public awareness" of the need for improved surveillance techniques, he said. "One of the greatest disservices Senator [Joseph] McCarthy did to this country was to swing the pendulum so far that people no longer want to think about internal security," the official said.

He argued that it would, in fact, increase safeguards of the civil liberties of individuals to have a greater awareness of which members of society posed a threat.

"My concern is that sooner or later this is going to kill innocent people," the official said. "There will be tremendous public outrage and not enough time for restrained, measured response. People will demand that their police start cracking heads.

"The greatest safeguard for rights of individuals is to have good information on what the [radical fringes] are doing. Stop them before the bombings. Bomb legislation [with heavier penalties] is after the fact."

Mr. Nixon, who prefers to decide on Administration policy after receiving a set of clearly defined options, apparently has little choice but to adopt the recommendations of his more conservative staff members for increased surveillance. Liberal advisers have not provided him with alternatives.

Indeed, the liberals do not appear to have any answers to the problem of American radicalism. As one White House Liberal put it: "What does Richard Nixon do for these people, short of resigning the Presidency?"

[From the Computer World, Apr. 8, 1970]

ARMY ADMITS DATA BANKS EXIST

(By Joseph Hanlon)

WASHINGTON, D.C.—The Army had admitted the existence of at least one more data bank on lawful civilian political activity, and is canvassing its own intelligence operations to find out if there are any others.

In addition, the Army has acknowledged the accuracy of charges made in CW (March 11) and elsewhere that there has been no change in the policy as to the collection of data, and that other non-computerized data banks of civilian activity still exist.

ARMY ISSUES DIRECTIVE

The Army's admissions are contained in a directive from Secretary of the Army Stanley R. Resor, dated March 6 and just recently released, and in a letter from Under Secretary of the Army Thaddeus R. Beal to several congressmen.

The Resor directive, "Restrictions on Intelligence Operations Involving Civilian Activities," thanks three generals for the action to eliminate "computer data banks (plural), containing information on civilians." This is the first admission by the Army that there has ever been more than one such data bank.

The directive asks all intelligence unit comanders "to report whether their command has any form of computerized data bank relating to civilians or civilian activity, other than data banks dealing with routine administrative actions," and orders the command to either "destroy" the data bank or request special permission to keep it.

Finally, Resor admitted that the Army is still only reviewing its policy of "direct overt observations of incidents in progress" and of "spot reporting." This could mean that the 1,000 Army intelligence field agents are still collecting information on union meetings, strikes, church meetings, political meetings, and non-violent protests.

ARMY REFUSES COMMENT

The Army has refused to make any comment on its data banks since early last month, but apparently even where it claims to have "destroyed" computerized data banks, it has kept the original data, and possibly data tapes and software as well. "Destroyed" may only mean that computers are no longer being used to access the data.

The Army has cited other more pressing matters, such as providing information on the Army's handling of the mails. More recently, it said that it couldn't answer questions because of the ACLU (American Civil Liberties Union) suit against the Army.

Meanwhile, a full hearing on the ACLU request for an injunction against the Army's collection of data on civilians has been set for April 22 in the U.S. District Court here [CW, Feb. 25].

In its suit, the ACLU charges that the Army's surveillance "casts a pall over lawful political protest" and deters people from exercising their First Amendment rights "for fear they will be made subjects of reports in the Army's intelligence network [and] that permanent reports of their activities will be maintained in the Army's data bank."

TELETYPE NETWORK

In addition to compiling reports on incidents and individuals, the Army also circulates reports through to Army posts throughout the country by Teletype. The ACLU suit contains as evidence the Teletype reports for March 13, 14, and 18, 1968.

Events reported in those teletype reports include:

20 people picketing the federal building in Hartford, Conn.

35 persons demonstrating at Fort Hamilton in Brooklyn.

An anti-draft meeting in Philadelphia.

A speech at Emmanual Methodist Church in Detroit.

21 pro-Vietnam war pickets at the White House.

All were without incident, according to the Teletype reports.

[From the Pittsburgh (Pa.) Press, Apr. 19, 1970]

ARMY ACCUSED OF "BIG BROTHER" WATCH ON CIVILIANS

(By Daniel Rapoport)

WASHINGTON.—Is the United States Army, in the fashion of a military dictatorship, maintaining constant surveillance of dissenters and other civilians it classifies as potential troublemakers?

A number of civil libertarians and political activists contend it is. The Army acknowledges that until recently it dabbled in the field but says for all intents and purposes it no longer does.

The chairman of a House subcommittee who initially criticized the Army now says he believes "it has gotten out of the business." The chairman of a similar Senate panel has denounced the Army and is deeply skeptical of claims that it has changed its ways.

ATTACKED IN COURT

A U.S. district court here currently is weighing a request that it declare unconstitutional the Pentagon's surveillance of "lawful political activities" by civilians associated with the military.

The court also has been asked to order the Army to cease spying on such groups and individuals, to stop collecting data about them and to destroy those existing files.

The suit was brought by 13 individuals and organizations whose actions have been monitored by Army intelligence agents.

For years the Army has conducted security checks on civilians working for the service or defense contractors. In 1965 it officially became interested in civilians not related to the military.

WIDENED SCOPE

The justification: To be able to spot in advance potential civil disorders which the Army might be called upon to quell.

Two years later, according to former intelligence Capt. Christopher Pyle, the Army widened its scope "to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power and antiwar movements."

Most Americans had taken it for granted that the military served as their defender against foreign aggressors. Civilian agencies, such as local police and FBI, protected them against internal subversion.

Most of the critics of the Army's surveillance program concede the Army's need to acquire certain information to carry out its riot control mission. But they say that when the Army goes beyond what it needs for that mission and begins to spy on individuals it produces, in the words of a celebrated court decision, "a chilling effect" on the right of free speech and expression.

SENATOR OPENS UP

"The right or the business of the Army . . . is to know about the conditions of highways, bridges and facilities," said Sen. Sam Ervin, D-N.C., chairman of the Senate constitutional rights subcommittee.

"It is not to predict trends and reactions by keeping track of the thoughts and actions of Americans exercising First Amendment freedoms . . . regardless of the imagined military objective.

"The chief casualty of this overkill is the Constitution of the United States, which every appointed official has taken an oath to defend."

Even some members of the Army's Counter Intelligence Corps, the unit responsible for the program, reportedly were concerned at the direction the program was taking.

TOUCHED OFF DEBATE

Congressional and journalistic interest in the Army's surveillance of civilians started in January with the publication of an article in the magazine, "Washington Monthly."

The author was Pyle, currently a doctoral candidate at Columbia University, but from 1966 to 1968 a captain in Army intelligence.

Among the specific charges that have been directed against the Army, both in and out of court and by Pyle and others:

Extensive files are maintained on virtually every activist political group in the country.

They include not only extremist organizations with a penchant toward violence like the Revolutionary Action Movement and the Minutemen but such nonviolent groups like the Christian Leadership Conference, the National Association for the Advancement of Colored People and the Young Americans for Freedom.

Dossiers and computerized indexes are maintained on such individuals as Mrs. Martin Luther King, Negro Georgia State Rep. Julian Bond, folk singers Arlo Gutherie and Phil Ochs, a retired admiral and general who oppose U.S. Vietnam policy and an unidentified active duty Army general who somehow or other got on the mailing list of an underground newspaper.

The Army has maintained computerized data banks in which information on individuals or organizations can be instantaneously produced.

Underground operatives from among some nearly 1,000 Army plainclothes intelligence agents, have posed as newsmen and photographers at antiwar demonstrations and as bearded students on college campuses.

In Washington, personnel from the 116th Military Intelligence Group operated a video tape truck carrying the markings of a fictitious outfit known as "Midwest News." Purpose of these activities was to gather information and pictures.

The Army has compiled "blacklists" of individuals and organizations, who in the opinion of the Army, "might cause trouble for the Army."

The Army has answered some but not all of the charges. Its spokesmen point out that the pending lawsuit—instituted by the American Civil Liberties Union—plus the permanent reluctance for security reasons to talk about intelligence gathering activities bar complete discussion.

But in a series of letters from high-ranking officials and a memorandum from Army Secretary Stanley Resor the Army has said that it has dismantled its giant computer bank at the intelligence command headquarters in Ft. Holabird, Md.

The memorandum said the Army has set down a policy that no such computerized files of civilians shall exist without prior approval from the secretary of the Army and consultation with appropriate congressional committees, and has destroyed or will destroy all "blacklists."

Rep. Cornelius Gallagher, D–N.J., chairman of the House of privacy subcommittee, says he is convinced of the Army's "integrity on this point and no longer sees a need to hold the public hearings he had planned."

Critics have charged, however, the written letters from the Army to Gallagher and Ervin contained loopholes, such as a promise to destroy computerized data banks without saying what would be done to the raw, paper files whose information was fed into the computer.

Gallagher who had said an unchecked civilian surveillance system represented a "police state" philosophy, said he had been assured verbally that the backup files also would be destroyed.

"I am convinced that they are out of this business," Gallagher said.

Arthur Pyle, who has been the subject of praise from many congressmen, including Gallagher, thinks the hearings should continue. He says the Army has gone only halfway.

Ervin also remains unconvinced the Army has "gotten out of this business." He still wants to hold hearings and may do so this summer.

[From the St. Petersburg (Fla.) Times, Apr. 19, 1970]

ARMY TOOK INTELLIGENT LOOK AT CRAZIES' FERRYLAND PLOT

WASHINGTON.—A contingent of "crazies" planned to board the Staten Island Ferry a year ago, commandeer the vessel and order its captain to take them to Cuba, according to a document purporting to be an Army counterintelligence report.

The document, dated Feb. 27, 1969, did not indicate whether the Army took the threat seriously. The event, allegedly scheduled for March 1, 1969, did not occur.

Sources close to the intelligence community said the document was an example of the raw material that flows into Army files in its surveillance of civilian activities, a practice now under fire in Congress.

The report said a group known as "the crazies"—including members of the Youth International Party (Yippies), a radical organization that the Army did not mention—planned to announce their "birth" by first stealing a mental patient from Bellevue Hospital in New York City.

After leaving Bellevue, said the report, the crazies planned to board the ferry peacefully.

"When they get on board they plan to threaten the boat's captain by demanding that he take them to Cuba," the report went on. "When the captain obviously refuses to do so, they plan to rush to one side and threaten to 'tip the boat over.' "

Then, in what may have been at attempt to justify Army interest in the caper, the report said:

"Military personnel traveling to NYC often use the Staten Island Ferry."

[From the Washington (D.C.) Evening Star, Apr. 22, 1970]

JUDGE DISMISSES SUIT TO BAR ARMY'S CIVILIAN SURVEILLANCE

(By Donald Hirzel)

A federal judge here dismissed today a suit by the American Civil Liberties Union challenging surveillance of civilian activities by Army intelligence units.

The ACLU sought a preliminary injunction forbidding the Army to keep data on civilian activities such as civil rights, antiwar and anti-draft movements.

U.S. District Judge George L. Hart ruled that the Army is keeping data that is available to all news media and that its surveillance is "not an unconstitutional action . . . and does not threaten the rights of individuals."

He dismissed the case on a motion by Justice Department attorney Kevin C. Maroney, who contended such data is needed by the Army to provide security in time of civil strife.

Frank Askin, a Rutgers University professor who argued on behalf of the ACLU, indicated the dismissal will be appealed.

Hart refused to permit the ACLU to put witnesses on the stand—four persons who had served with Army intelligence—but relied on written affidavits and oral arguments.

In his arguments, Askin said the Army has an intricate system of intelligence which has been carried over into the civilian field from its original use in checking clearances for employees and in the security of Army operations.

He said the Army's "spying" on civilians creates a "chilling effect" on persons who want to protest lawfully and that it violates individuals' constitutional rights.

The government employs hundreds of agents "lurking around the country spying on law-abiding citizens and reporting back to central Army headquarters," he claimed.

The ACLU suit charged that data collected from across the nation is compiled in computers at Ft. Holabird in Baltimore.

The Army has announced that it is doing away with these computer banks. However, the ACLU said, the Army has not said what it plans to do with the data.

Askin had a running dialogue with Hart during his argument.

When Askin contended that the Army cannot lawfully spy on political activities by using undercover agents at demonstrations, Hart contended that such events usually are reported in detail by the news media. If newspapers can keep files on such activities, why can't the Army? he said.

Another argument by Askin was that information gathered today on individuals "might be thrown up to them" in years to come. The courts are here to protect the rights of individuals, Hart replied.

The judge said he felt the Army had an obligation to keep such information because it is called to aid in quelling civil disturbances.

"They could go in cold, but the military doesn't like to be fools," Hart said.

AGENTS TALK LATER

At a press conference following the hearing, the former Army intelligence agents who had expected to testify told of their experiences.

Oliver Peirce, 25, who is now a Massachusetts budget examiner, said he served with Army intelligence in Ft. Carson, Colo., and as an undercover agent, infiltrated church groups, the Young Democrats and a ski club.

His job, he said, was to report on the groups' activities to his commanding officer. Several other agents were doing the same job, he said.

The four told newsmen that information collected eventually filters to Ft. Holabird and the Pentagon.

[From the Washington (D.C.) Post, Apr. 23, 1970]

ARMY CHECK ON CIVILIANS IS UPHELD

The Army's right to "collect, store and circulate" information on the lawful political activities of civilian dissenters was upheld by a federal judge here after a two-hour hearing yesterday.

U.S. District Judge George L. Hart Jr. dismissed a suit challenging the Army's civilian intelligence program brought by the American Civil Liberties Union on behalf of 12 political activists.

At times describing the ACLU's argument as "ridiculous," Hart ruled that the Army's collection of facts about the public activities of dissenters is akin to the collection of facts by newspapers.

"Are they doing anything newspapers are not doing," Hart asked, "keeping information in their morgues?"

Frank Askin, a Rutgers University law professor arguing for the civil liberties group, replied: "Newspapers are transistory, impermanent things . . . ten years from now no one wants to feel that the Army is keeping track of him with a check after his name."

The plaintiffs, who include the Rev. Albert Cleage, a black minister from Detroit, and Conrad Lynn, a black lawyer from New York, claim that the Army's monitoring of their activities casts a "chill and pall" over legitimate political protest.

The Army contends its intelligence gathering apparatus—which is based on various police, FBI and media reports as well as those from more than 1,000 agents—is necessary to gauge the possibility of civil disturbances.

Kevin Maroney, a lawyer for the Justice Department's internal security division, cited in court yesterday such antiwar demonstrations as the 1967 march on the Pentagon and the slum riots in Newark, Detroit and elsewhere.

In 1967-68, just after the civilian data began to be collected, the lawyer said, the National Guard was called out 83 times to aid in disturbances and the Army was called out four times.

In agreeing with Maroney, Judge Hart said: "When they are called in (the Army), if they do not have information they go in cold and if they like it like that, they are stupid."

ACLU lawyers said they would take their case to the U.S. Court of Appeals here to seek a summary reversal of Hart's ruling.

The suit against the Army was brought in February. It was prompted by an article in the Washington Monthly written by a former intelligence agent and detailing the operation of a "computerized data bank" on civilian dissenters kept at Ft. Holabird, Md.

Since that time, in response to congressional pressure, the Army has declared its intention of closing down the computer there, destroying a so-called "blacklist" (identification sheets on activists), and

cutting back on the number of "spot reports" on public protests.

However, the Army is maintaining its files in various other places, including those kept by the Counter-Intelligence Analysis Division and the Continental Army Command at Ft. Monroe.

The ACLU had planned to present as witnesses yesterday two former military intelligence agents, but Hart refused to hear their testimony. At a press conference later, they told reporters what they had been prepared to testify.

Oliver Pierce, 25, who was stationed at Ft. Carson in Colorado Springs, Colo., said he was assigned by his colonel to infiltrate the local "Young Action Project" made up of church groups, the Young Democrats and a ski club.

Pierce, who filed detailed reports on the group's session with his superior, said they were concerned about YAP because its organizer had been in several peace demonstrations. Pierce said the group was nonpolitical.

Ralph Stein, 26, formerly the New Left man for the CIAD, said he did such things as prepare a detailed report on underground newspapers for a CIA official. He said most of CIAD's information was obtained from the FBI.

[From the Chicago (Ill.) Sun-Times, Apr. 23, 1970]

DISMISS SUIT ON ARMY CIVILIAN DATA FILE

(By Morton Kondracke)

WASHINGTON.—A suit challenging the Army's gathering of political intelligence on civilians was thrown out of U.S. District Court here Wednesday.

Judge George L. Hart Jr. ruled that the American Civil Liberties Union had failed to show that the Army went beyond "keeping information available to all news media and stored in the morgues of newspapers."

He said the Army had not engaged in unconstitutional activities or threatened constitutional rights. The ACLU said it would appeal.

Frank Askin, an ACLU attorney, had argued that the Army's infiltration of political groups and its maintenance of extensive files "has a chilling effect" on expression of dissent and is an unauthorized activity for the Army.

Arguing for the government, Justice Department attorney Kevin T. Maroney said domestic intelligence was necessary to prepare the Army to control civil disorders, if called upon to do so.

Hart refused to allow the ACLU to present witnesses. After the court hearing, two former Army intelligence agents appeared at a press conference and revealed hitherto undisclosed details on civilian intelligence activities.

Former Cpl. Oliver Pierce, 25, said he was instructed by officials at Fort Carson, Colo., to infiltrate and report on a group known as the Young Adult Project in Colorado Springs.

Of the YAP's seven constituent member organizations, said Pierce, five were church young adult groups. One was a ski club and the other, the Colorado Springs Young Democrats.

The reason for the infiltration, according to Pierce, was that the YAP's organizer was a member of Students for a Democratic Society who had participated in anti-war activities. The organizer subsequently quit SDS.

Pierce said that "the activities of the group (YAP) were completely innocuous" and never involved anti-war action. The YAP published a calendar of church group events and operated a house where traveling hippies could stay without charge.

Other new details were presented at the press conference by former Sgt. Ralph Stein, 26, who operated as "Mr. New Left" for the Counterintelligence Analysis Division of the office of the assistant chief of staff for intelligence from July, 1967, to late 1968.

Stein said that when he left CIAD, its domestic political section was larger than its foreign intelligence analysis section and domestic files were kept on some 3,000 individuals.

The individuals on file included folk singer Joan Baez, anti-war activist-pediatrician Dr. Benjamin Spock, Georgia State Rep. Julian Bond, Dr. Martin Luther King Jr., at least two anti-war former Army officers and leaders of the Communist Party, Women's Strike for Peace, the American Friends Service Committee, and civil rights groups including the National Assn. for the Advancement of Colored People.

Stein said files also were kept on nonleaders involved in demonstrations. Extensive FBI reports on the 600 persons arrested at the October, 1967, march on the Pentagon are in CIAD's microfilm file.

The CIAD received up to 30 requests a day for information from the files. On one occasion, said Stein, a brigadier general demanded a report on SDS for use by his daughter, a foe of SDS at Briarcliff College in New York.

Stein said he also was ordered on one occasion to brief the Central Intelligence Agency on underground publications.

The ACLU's major source of information was former Army Capt. Christopher Pyle, whose article in the Washington Monthly earlier this year sparked congressional concern over the Army's activities.

Pyle told the press conference that, while the Army has dismantled a political data bank at Fort Holabird in Baltimore, it maintains another at Fort Monroe, Va.

[From the Chicago (Ill.) Tribune, Apr. 23, 1970]

COURT UPHOLDS ARMY PRACTICE OF SNOOPING

WASHINGTON, April 22.—A federal judge today upheld the army's right to infiltrate civilian groups and compile intelligence reports on individuals ranging from Viet Nam war protesters to civil rights activists.

District Judge George Hart ruled the army activity was legal because, he said, it was essentially no different from that of newspapers in gathering information on people and storing it in their files.

He dismissed a suit brought by the American Civil Liberties Union [A.C.L.U.], which contended the effect of the army program was to inhibit free speech guaranteed by the Constitution. A.C.L.U. attorneys said they would appeal Hart's ruling.

During the 75-minute court hearing, a justice department attorney, Kevin T. Maroney, acknowledged the army compiles intelligence reports on individuals aimed at helping identify potential troublemakers in the event the army may be called in to deal with civil disturbances. But he said, and Hart agreed, that the A.C.L.U. had failed to show the army activity was unlawful.

After the court hearing, A.C.L.U. lawyers held a press conference to present two former army intelligence agents whom Hart had refused to hear as witnesses.

Ralph Stein of New York City, a former army counter-intelligence officer, said he helped compile reports on such persons as the late Dr. Martin Luther King Jr., the civil rights leader assassinated in 1968; Georgia legislator, Julian Bond; a folk singer, Joan Baez and Dr. Benjamin Spock, both active in anti-war movements; and several army generals who oppose American involvement in Viet Nam.

[From the Colorado Springs Gazette-Telegraph, May 3, 1970]

ARMY DOESN'T THINK SO: EX-GI SAYS LOCAL SPY DUTY ON CIVILIAN GROUP ORDERED

(By Molly Riffel and Doug Hardie)

Oliver Pierce, an ex-Ft. Carson corporal, told the Gazette Telegraph Saturday that he was ordered by his superiors in the 5th Military Intelligence Detachment to infiltrate a civilian young people's group in Colorado Springs.

Pierce was questioned about his activities while at Ft. Carson after a national news magazine reported last week that Pierce is expected to testify in an appeal of an American Civil Liberties Union suit that he received such orders.

The ACLU suit charges the Army with operating a nationwide surveillance operation to keep track of political activists in the United States and storing its findings in a computerized data bank at Ft. Holabird, Md.

Pierce said Saturday he was ordered to infiltrate the Young Adult Project, a group in existence in Colorado Springs from May 1968 to December 1969.

According to Jerry Kvasnicka, an administrator of the Young Adult Project, the group was formed to administer services for young adults in Colorado Springs and included such projects as a "folk music workshop" and a center at 10 Beverly Place where food and sleeping quarters were available "in emergency situations" to young adults.

The Young Adult Project was made up of various "member" groups, such as the Young Democrats of which Peirce was also a member, and the SNO Jets, a local ski group, which paid $10 to join. At one time the Council of Churches was a sponsor of the Project.

Pierce said Saturday he was ordered to investigate the activities of the group in May, 1969, because "they (his superiors at Ft. Carson) thought the Young Adults Project was getting ready to organize a group at Ft. Carson." He added that officers at Ft. Carson thought that Kvasnicka was a dangerous influence and didn't want him organizing any groups on the base.

Pierce said that he thought that Kvasnicka had no intention of organizing anything on the base.

When Pierce first became acquainted with Kvasnicka he told him he was clerk-typist at Ft. Carson. It was only when he was given a hardship discharge in December that he revealed his true identity to Kvasnicka.

Pierce said the charge that the Young Adult Project presented a danger to the army was "ridiculous", but that he could not convince his superiors that the Project and Kvasnicka were harmless.

He said that while he was stationed at Carson he knew of at least two "undercover agents" from the base who had infiltrated other civilian groups in Colorado Springs.

"They were downtown watching the peace movement," he said.

Pierce said the army was "overstepping its bounds" in infiltrating civilian groups and "creating a dangerous situation." He also said that the order to infiltrate the YAP came "from a colonel in the 6-2 section," not directly from his immediate commanding officer.

The chief of staff of the fifth division at Ft. Carson was unable to confirm or deny Pierce's story.

Referring to the alleged incident, Col. Charles Curtis, fifth division chief of staff, told the Gazette Telegraph, "that was a long time ago and none of the people who were commanding officers (over Pierce) are here now.

"We think he was a bona fide member of the organization," Curtis added.

The Ft. Carson Public information Office released a statement saying, "The fifth military intelligence division of which Pierce was a member has responsibilities only on the Ft. Carson reservation. It is not Army policy to order its members to join civilian groups for any purpose."

Told that Ft. Carson denied his charges Pierce said, "The trouble is that neither the press nor anybody else can get any information from Ft. Carson."

[From the Chattanooga (Tenn.) News-Free Press, May 17, 1970]

ACLU RAPS ARMY SPYING ON CIVILIANS

WASHINGTON.—The American Civil Liberties Union plans to appeal a federal judge's ruling permitting the Army to spy on civilians who might cause disturbances.

The ACLU contended the Army violated the First Amendment rights of free speech and association by keeping civilian activity under surveillance.

U.S. District Judge George L. Hart Jr. dismissed the suit on the grounds the ACLU failed to prove the Army's activity was unconstitutional.

The ACLU wanted the court to order the Army to destroy all records, photographs, recordings and blacklists compiled by the military on civilian and political activity within the United States.

"You're saying the Army can read this information in the newspapers but can't take note of it," the judge said.

The suit was filed after Christopher H. Pyle of New York, a former Army intelligence officer, wrote in a magazine article that the Army has 1,000 undercover agents covering civilian activities from Harvard antiwar protests to Ku Klux Klan rallies.

"The Army has a right to know where trouble might start and the right to know which persons are likely to be troublemakers and to keep an eye on them," the judge said.

[From the New York Times, June 2, 1970]

JERSEY HIGH COURT BACKS POLICE FILES ON ACTIVISTS

(By Ronald Sullivan)

TRENTON, June 1.—The New Jersey Supreme Court today upheld the compiling by the police of secret intelligence dossiers on civil rights activists and other protesters that had been ordered destroyed last year by a lower court in Hudson County.

In a unanimous decision here by the court, the state's highest, Chief Justice Joseph Weintraub maintained that state and local law enforcement agencies had the right to collect and maintain intelligence files on persons suspected of taking part in civil demonstrations despite charges that such information violated guarantees of freedom of speech and assembly under the First Amendment.

"Lawlessness has a tyranny of its own," the state court ruled, "and it would be folly to deprive the government of its power to deal with that tyranny merely because of a figment of a fear that government itself may run amok."

The files, which remained intact under an injunction that superseded the order to destroy them, were challenged by the Jersey City branch of the National Association for the Advancement of Colored People and members of the Students for a Democratic Society.

The case was handled by the American Civil Liberties Union in a suit that is believed to be the first major court test in the United States of the constitutionality of current police practices of collecting and maintaining intelligence information.

Stephen Nagler, the executive director of the New Jersey Chapter of the A.C.L.U., expressed "shock" at today's ruling and said it would be appealed to the United States Supreme Court.

"I regret the court did not understand the scope or depth of the issue involved," Mr. Nagler said. "It apparently has lost touch with what's going on in New Jersey."

The case involves a new state intelligence system that began in 1968 under the impetus of Arthur J. Sills, then the State Attorney General. The system was formulated in the wake of Negro rioting in Newark and Plainfield in 1967. It was designed to enable local policemen to improve their surveillance and preparation for potential civil disorder in the future.

BASIS OF SYSTEM

The intelligence system was based on a lengthy memorandum from Mr. Sills on the use of two state police security forms—one dealing with potential incidents and the other with intelligence information on persons taking part in them.

On one form, local policemen are advised to report on any civil disturbance, rally, protest, demonstration, march or confrontation. The form gives as examples such types of protest as pacifist, religious, right-wing, left-wing, civil rights, militant, nationalistic, black power, Ku Klux Klan and extremists.

The form says that the incident may either be planned, taking place or have already occurred.

The other form deals with persons taking part in the demonstrations and calls for exhaustive information on suspected participants, including details on their employers, their immediate families, organizations, finances, habits and traits, places frequented and past activities.

OPINION OF COURT

In today's decision, the State Supreme Court said: "Plaintiffs envision that a mere rally, protest, demonstration or march of a pacifist group will precipitate a police dossier on everyone who attends, including his butcher's and banker's opinion of his credit."

The court ridiculed such fears, which it described as "hypothetical horribles" that saw "each citizen harried amid his family, friends and business associates."

"There is not an iota of evidence," the court said, "that anything of the kind has occurred or will, or that any persons have been deterred by the prospect."

Despite the amount of information requested, the court here said that there was "no evidence that the Attorney General intended to intimidate anyone." In fact, the court added, the state's power to investigate is "basic."

"The basic approach must be that the executive branch may gather whatever information it reasonably believes to be necessary to enable it to perform the police roles, directional and preventive," the court said.

The court went on to note that the President's National Commission on Civil Disorders had recommended in 1968 that the local police could head off new disorder by effective surveillance of potential danger spots.

"In the current scene," the court said, "the preventive role requires awareness of group tensions and preparations to head off disasters as well as to deal with them if they appear.

"The police interest is in the explosive possibilities and not in the merits of the colliding philosophies."

Furthermore, the court said, "we think it preposterous to suppose that the memorandum was intended or understood to recommend round-the-clock surveillance of every person who attends an antiwar meeting.

"No doubt there may be situations in which judicial intervention is warranted," the court added, but it said it saw no reason to act before such situations were reported.

The police security forms had been called the tools of a "Gestapo-like network of police spies" by the A.C.L.U.

Superior Court Judge Robert A. Mathews, who had ordered the security forms destroyed, said they would have a "chilling" effect on anyone who wanted to advocate "social and political change."

The judge said in his ruling—upset by today's decision: "It is not difficult to imagine the reluctance of an individual to participate in any kind of protected conduct which seeks publicly to express a particular or unpopular political or social view because of the fact that by doing so he might now have a record or because his wife, his family, or his employer might also be included."

[From the Staten Island (N.Y.) Sunday Advance, July 19, 1970]

MITCHELL DEFENDS JUSTICE DEPARTMENT'S "BIG BROTHER" ROLE

(By Jared Stout)

WASHINGTON.—The Justice Department has asserted a virtually unchecked right—not subject to the Constitution—to keep records on persons who are "violence prone" in their protests of government policies.

The right, Atty. Gen. John N. Mitchell said through a spokesman, arises from the inherent powers of the federal government "to protect the internal security of the nation. We feel that's our job."

It was the first time Mitchell had outlined the legal basis for the collection and computerization of dossiers on protesters within the department's special Civil Disturbance Unit.

The assertion matches in breadth the claim made June 13, 1969 when the government said it had unlimited powers to eavesdrop on those the Justice Department thinks are seeking to "attack and subvert the government by unlawful means."

The eavesdropping claim was made in defense of electronic eavesdropping against some defendants in Chicago Seven riot conspiracy trial.

The extension of this doctrine to the department's domestic intelligence operation came in response to questions arising from Mitchell's news conference last Tuesday.

Mitchell declined to give the legal foundation for the intelligence operation last Tuesday. He said only "there are no court decisions that would restrain us from compiling this type of information."

Later, however, he acknowledged through the department spokesman that the legal argument used to justify the Chicago Seven eavesdropping also applied to the intelligence operation.

In the Chicago case, the department said nothing in the Constitution's ban on unreasonable searches and seizures limits the power of the President—and the Attorney General—to eavesdrop, and now keeps records on, those who try to "foment violent disorders."

This position has been sharply attacked by critics including Sen. Sam Ervin, Jr, (D-N. C.) as a step toward "a police state" and a potential violation of First Amendment rights to free speech and association.

Earlier this past week, it was disclosed that Treasury Department agents had been seeking the names of those who had checked out books on bombs and explosives from public libraries in Atlanta and other cities.

Ervin attacked this step as he has other intelligence efforts, including those of the Secret Service which lists in computer files all those who may pose a threat to the President.

Throughout his opposition to such activities, Ervin has stressed the lack of standards in deciding who shall be listed within such files, and how once a person is catalogued, he may learn of the step and question his inclusion.

The Justice Department spokesman said the definition of "violence prone" persons for its purposes included those who either acted violently, counselled violence or appeared in the ranks of violent confrontations.

He said the dossiers were not kept on "as broad a range as those compiled by the Army," a reference to the watch military intelligence agent have kept on civilian pro-

testers. No notice is given to those whose names have been recorded.

According to the spokesman, this means those individuals listed in department records at least had to be present or in the leadership of violent events. Army records included, for example, those who subscribed to New Left publications.

It was learned, however, that the justice intelligence unit still has access to the records compiled by the Army, which said in February it had discontinued its record-keeping but has hung on to those it made in four years from 1966.

MANPOWER SERVICES AND INDIAN UNEMPLOYMENT

Mr. KENNEDY. Mr. President, on June 16 I offered amendment No. 700 to the Employment and Training Opportunities Act of 1970—S. 3867. This amendment would provide for the establishment of an Office of Indian Manpower Services in the Labor Department and a National Indian Manpower Advisory Committee to advise the Director of the Office of Indian Manpower Services concerning problems and policy relating to Indian employment and manpower. Finally, the amendment provides that a set percentage of appropriated funds for manpower programs shall be used for programs relating to American Indians.

I have discussed with a number of representatives of the Indian community the various issues and bills that Congress is now considering. They are waiting for Congress to act on a number of matters of general interest to them: the bill to return Blue Lake to the Taos Pueblo—H.R. 471; the bill to provide that the head of the Bureau of Indian Affairs should be an Assistant Secretary of Interior—S. 3203; the resolution calling for a White House Conference of American Indians and Alaska Natives—Senate Joint Resolution 168; and others. They also are hopeful that Congress will act favorably on the Indian Manpower Services amendment. I ask unanimous consent to have printed in the RECORD at the end of my remarks a letter from the National Congress of American Indians supporting this amendment.

Mr. President, this spring the BIA put together a report on Indian Reservation Labor Force and Unemployment for 1969. While we are all aware that unemployment has been increasing during the past year, these figures do not even reflect the recent increases. Yet they do reflect that the American Indian and Alaska Native have an unemployment rate running over 80 percent in some areas.

The unemployment figures for Alaska Natives range from a low of 56 percent in the Nome Administrative Agency's jurisdiction to 66 percent and 67 percent in Anchorage and Bethel. A recent task force investigation of hiring in the oil fields discovered, for example, that only eight out of 800 jobs were held by Natives. The Departments of Labor and Interior are this month holding hearings in Alaska on Native unemployment, and I am sure that the results of those hearings will support the need for immediate action and initiative in that State.

At Fort Berthold, N. Dak., 699 Indians are unemployed, out of a labor force of 877, giving an unemployment rate of 80 percent; the rate at Camp Verde, Ariz., is 81 percent. Overall, Indian unemployment runs over 40 percent of the Indian population. Thus, while Indians and Alaska Natives represent only about 1 percent of our total population, they constitute roughly 10 percent of the Nation's unemployed.

Mr. President, I believe that the Indian unemployment figures will be of great interest to my colleagues. These data, relating to Federal reservation populations only, make it clear that we cannot continue to decry a national unemployment rate of over 5 percent while tolerating Indian unemployment at many times that figure. I ask unanimous consent that the BIA table of reservation unemployment be included in the RECORD at the end of my statement.

Finally, I believe that Congress, and the public, should know exactly how things stand in the Labor Department right now with regard to the problems of the American Indian, and incidentally, of other minorities.

In his message to Congress on Indian affairs on July 8, President Nixon spoke of the progress made by his administration since January of 1969.

The President stated:

> New "Indian Desks" have been created in each of the human resource departments of the Federal Government to help coordinate and accelerate Indian programs.

Just a few days before the President issued his statement, the so-called Indian desk at the Department of Labor had been disbanded.

The Indian desk at the Labor Department had been just that—a single desk, with a single employee. He advised the Manpower Administrator on Indian programs, but the actual policies were determined elsewhere, often in the regional offices. The Indian desk, along with two other desks representing blacks and Mexican-Americans, was part of the Office of Minority Groups Affairs of the Manpower Administration. On July 1, 1970, this Office was dissolved and its personnel assigned elsewhere or placed in limbo for an undetermined period. At the present time there is no Office of Minority Groups Affairs in the Labor Department. At the present time there is no official Indian desk in that Department, good intentions or high-level rhetoric to the contrary. This, I believe, strongly suggests the need for congressional action in establishing an Office of Indian Manpower Services in the Department of Labor. I hope that Congress will keep in mind this short history of the Labor Department's Indian desk when it considers the Employment and Training Opportunities Act of 1970 and my amendment to that act.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, D.C., June 23, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: On behalf of the National Congress of American Indians, I would like to thank you for your support of N.C.A.I.'s proposal embodied in S 3867 and introduced by Senator Nelson for the establishment of an Office of Indian Manpower Services in the Department of Labor.

As you know, the problem of unemployment on Indian Reservations is one of the most serious problems facing Indians today. We are hopeful that Congress will swiftly pass this proposal into law and provide a means for real progress in this area.

We have noted the various amendments you have proposed to S 3867. We strongly concur in your recommendation that 10% of all funds appropriated for Manpower Training Programs under the Act be set aside for the special Indian programs. Only if an adequate amount of funds are assured for the establishment and the maintenance of special Indian Manpower Training programs can meaningful progress be made.

We also concur in your proposal to make sure that Indians will serve in administrative, as well as advisory capacities in the design and operation of the Manpower programs.

Yours sincerely,

BRUCE WILKIE,
Executive Director.

INDIAN RESERVATION LABOR FORCE AND UNEMPLOYMENT, 1969 (AVERAGES FROM SEPTEMBER 1968 AND MARCH 1969 REPORTS)

	Labor force (16 years and over)	Unemployment	Percent of labor force
ALASKA [1]			
Anchorage Agency	4,785	3,145	66
Bethel Agency	3,300	2,212	67
Fairbanks Agency	2,753	1,630	59
Nome Agency	3,225	1,814	56
Southeast Agency	3,689	2,186	59
ARIZONA			
Colorado River Agency—see also California:			
Cocopah	24	10	42
Colorado River (includes California part) (Fort Mohave and Fort Yuma Reservations—see California)	733	408	56
Fort Apache Agency	1,770	988	56
Hopi Agency:			
Hopi	1,812	925	51
Kaibab	50	20	40
Navajo Agency—see also New Mexico: Navajo (includes New Mexico and Utah parts)	37,210	19,125	51
Papago Agency:			
Gila Bend	104	36	35
Papago (Sells)	2,206	922	42
San Xavier	282	86	30
Pima Agency:			
Ak Chin (Maricopa)	61	0	
Gila River	1,902	474	25

Footnotes at end of table.

INDIAN RESERVATION LABOR FORCE AND UNEMPLOYMENT, 1969 (AVERAGES FROM SEPTEMBER 1968 AND MARCH 1969 REPORTS)—Continued

	Labor force (16 years and over)	Unemployment	Percent of labor force
Salt River Agency:			
Fort McDowell	79	4	5
Salt River	550	107	19
San Carlos Agency	1,070	426	40
Truxton Canyon Agency:			
Camp Verde	325	264	81
Havasupai	88	30	34
Hualapai (includes Big Sandy)	410	184	45
Yavapai	37	12	32
CALIFORNIA			
California Agency:			
Round Valley (Covelo)	91	18	20
Alturas, Big Pine, Bishop, Cachil Dehe (Colusa), California public domain allotments, Cedarville, Cortina, Dry Creek, Enterprise, Fort Bidwell, Fort Independence, Grindstone Creek, Jackson, Laytonville, Long Pine, Lookout, Manchester, Rumsey, Santa Rosa, Sheep Ranch, Sherwood Valley, Shingle Springs, Stewart's Point, Sulphur Bank, Susanville, Tule River, Tuolumne, X L Ranch	(2)	(2)	
Colorado River Agency—see Arizona:			
Fort Mohave (includes Arizona and Nevada parts)	88	36	41
Fort Yuma (includes Arizona part)	478	247	52
(Colorado River Reservation—see Arizona)			
Hoopa area field office:			
Hoopa Valley	288	66	23
Big Bend, Big Lagoon, Coast Indian community (Resighini), Hoopa public domain allotments, Hoopa Valley extension (Klamath Strip), Roaring Creek, Trinidad	(2)	(2)	
Palm Springs office: Agua Caliente	(2)	(2)	
Riverside area field office:			
Morongo	82	20	24
Augustine, Barona Ranch, Cabazon, Cahuilla, Campo, Cuyapaipe, Inaja and Cosmit, LaJolla, Pechange, Los Coyotes, Manzanita, Mesa Grande, Mission Creek, Pala, Pauma and Yuima, Rincon, San Manuel, San Pasqual, Santa Rosa, Santa Ynez, Santa Ysabel, Soboba, Sycuan, Torres-Martinez, Viejas (Baron Long)	(2)	(2)	
COLORADO			
Southern Ute Agency	240	102	42
Ute Mountain Agency (includes New Mexico and Utah parts)	326	202	62
FLORIDA			
Miccosukee Agency	74	5	7
Seminole Agency:			
Big Cypress	114	19	17
Brighton	90	13	14
Hollywood (Dania)	156	12	8
IOWA			
Sac and Fox area field office	122	20	16
IDAHO			
Fort Hall Agency—see also Utah: Fort Hall	1,316	678	52
Northern Idaho Agency—see also Washington:			
Coeur d'Alene	152	70	46
Kootenai	18	8	44
Nez Perce (Lapwai)	556	100	18
(Duck Valley Reservation—see Nevada, Nevada Agency)			
KANSAS			
Horton Agency:			
Iowa (includes Nebraska part)	64	3	5
Kickapoo	72	8	11
Potawatomi	128	12	9
Sac and Fox (includes Nebraska part)	5	0	
LOUISIANA			
Choctaw Agency—see Mississippi: Chitimacha	(2)	(2)	
MICHIGAN			
Great Lakes Agency—see Wisconsin:			
Bay Mills (includes Sugar Island)	60	32	53
Hannahville	33	18	55
Isabella (Saginaw)	72	29	40
Keweenaw Bay (L'Anse and Ontonagon)	82	38	46
MINNESOTA			
Minnesota Agency:			
Fond du Lac	170	86	51
Grand Portage (Pigeon River)	70	33	47
Leech Lake	922	338	37
Mille Lac	171	82	48
Nett Lake (Bois Fort)	242	146	60
Southern Minnesota communities:			
Lower Sioux (Morton)	38	16	42
Prairie Island (Red Wing)	36	19	53
Prior Lake (Shakopee)	3	0	
Upper Sioux (Granite Falls)	26	14	54
White Earth	748	267	36
Red Lake Agency	869	364	42
(Winnebago Reservation—see Wisconsin Great Lakes Agency)			
MISSISSIPPI			
Choctaw Agency—see also Louisiana: Choctaw	976	130	13
MONTANA			
Blackfeet Agency	1,300	551	42
Crow Agency	994	260	26
Flathead Agency	871	215	25
Fort Belknap Agency	627	336	54
Fort Peck Agency	878	370	42
Northern Cheyenne Agency (Tongue River)	676	124	18
Rocky Boy's Agency	435	283	65
NEBRASKA			
Winnebago Agency:			
Omaha	535	220	41
Santee	78	39	50
Winnebago	273	79	29
NEVADA			
Nevada Agency (see below):			
(Battle Mountain, Carson, Elko, Ely, Las Vegas, Lovelock, Odgers Ranch, Reno-Sparks, Ruby Valley, Summit Lake, Winnemucca and Nevada public domain allotments)	(2)	(2)	
Duck Valley (Western Shoshone) (includes Idaho part)	282	119	42
Duckwater	11	2	18
Fallon (Paiute) and Colony	40	3	8
Fort McDermitt (includes Oregon part)	65	28	43
Goshute (including Utah part)	44	22	50
Moapa River	13	2	15
Pyramic Lake	68	16	24
South Fork (Te-Moak)	42	5	12
Walker River	107	9	8
Washoe-Dresslerville	41	1	2
Yerington (Campbell Ranch) and Colony	35	6	17
Yomba	22	8	36
(Fort Mohave Reservation—see Arizona, Colorado River Agency).			
(Iowa and Sac and Fox Reservations—see Kansas, Horton Agency).			
NEW MEXICO			
Jicarilla Agency	525	218	42
Mescalero Agency	565	390	69
Navajo Agency—see Arizona:			
Canoncito (Navajo community)	267	137	51
Puertocito (Alamo Navajo community)	298	134	45
Northern Pueblos Agency:			
Nambe	75	50	67
Picuris (San Lorenzo)	35	20	57
Pojoaque	20	10	50
San Ildefonso	230	120	52
San Juan	300	130	43
Santa Clara	410	120	29
Taos	500	280	56
Tesuque	180	80	44
Southern Pueblos Agency:			
Acoma	540	150	28
Cochiti	100	20	20
Isleta	730	190	26
Jemez	360	210	58
Laguna	1,000	470	47
Sandia	80	30	38
San Felipe	490	210	43
Santa Ana	210	80	38
Santo Domingo	770	350	45
Zia	120	90	75
(Ute Mountain Reservation—see Colorado.)			
Zuni Agency:			
Ramah (Navajo community)	478	366	78
Zuni	2,120	1,192	56
NORTH CAROLINA			
Cherokee Agency (Qualla boundary)	1,694	378	22
NORTH DAKOTA			
Fort Berthold Agency	877	699	80
Fort Totten Agency	489	253	52
Turtle Mountain Agency	2,099	1,221	58
(Sisseton and Standing Rock Agencies—see South Dakota.)			
OKLAHOMA			
Anadarko Agency:			
Kiowa, Comanche, and Apache (includes Fort Sill Apache.)	1,093	102	9
Wichita	364	98	27
Concho Agency (Cheyenne and Arapaho)	1,626	1,054	65
Five Civilized Tribes Agency:			
Ardmore Agency—Chickasaw	1,634	202	12
Okmulgee Agency—Creek	6,267	952	15
Tahlequah Agency—Cherokee	3,355	970	29
Talihina Agency—Choctaw	3,894	744	19
Wewoka Agency—Seminole	2,424	500	21
Miami Agency (eastern Shawnee, Miami, Quapaw, Seneca-Cayuga)	2,270	302	13
Osage Agency	1,084	375	35
Pawnee Agency (Kaw, Otoe, and Missouri, Pawnee, Ponca, and Tonkawa)	1,630	1,130	69

Footnotes at end of table.

	Labor force (16 years and over)	Unemployment	Percent of labor force
Shawnee Agency:			
Iowa	26	4	15
Kickapoo	246	35	14
Potawatomi	252	37	15
Sac and Fox	144	12	8
Shawnee	414	67	16
OREGON			
Warm Springs Agency:			
Burns-Paiute	61	17	28
Cecilo Village	12	3	25
Umatilla	418	73	17
Warm Springs	499	161	32
(Fort McDermitt Reservation—Nevada, Nevada Agency)			
SOUTH DAKOTA			
Cheyenne River Agency	1,325	493	37
Flandreau Reservation (school)	40	5	12
Pierre Agency:			
Crow Creek	366	235	64
Lower Brule	150	72	48
Pine Ridge Agency	3,202	1,666	52
Rosebud Agency	1,854	924	50
Sisseton Agency (includes North Dakota part)	404	189	47
Standing Rock Agency (includes North Dakota part)	1,282	547	43
Yankton Agency	378	134	35
UTAH			
Fort Hall Agency—see Idaho: Washakie	1	0	----
Uintah and Ouray Agency:			
Skull Valley	11	6	55
Uintah and Ouray	346	207	60
(Goshute Reservation—see Nevada, Nevada Agency)			
(Navajo Reservation—see Arizona, Navajo Agency)			
(Ute Mountain Reservation—see Colorado, Ute Mountain Agency)			
WASHINGTON			
Colville Agency:			
Colville	868	340	39
Spokane	196	56	29
Northern Idaho Agency—See Idaho: Kalispell	42	24	57
Western Washington Agency:			
Chehalis	41	11	27
Hoh	10	4	40
Lower Elwah	51	19	37
Lummi	114	14	12
Makah	164	62	38
Muckleshoot	69	24	35
Nisqually	56	27	48
Port Gamble	29	5	17
Port Madison	48	13	27
Puyallup	30	11	37
Quileute	68	26	38
Quinault	331	99	30
Shoalwater	8	4	50
Skokomish	64	13	20
Squaxon Island	35	8	23
Swinomish	86	37	43
Tulalip	143	61	43
Western Washington public domain allotments (Clallam, Duwamish, Jamestown, Nooksack, Skagit, Snoqualmie, and Suiattle)	55	26	47
Yakima Agency (Reservation)	2,140	488	23
WISCONSIN			
Great Lakes Agency—see Michigan:			
Bad River (La Pointe)	160	78	49
St. Croix	74	20	27
Lac Courte Oreilles	152	27	18
Lac du Flambeau	301	94	31
Mole Lake (Sakoagon)	43	23	53
Oneida	538	43	8
Potawatomi	74	52	70
Red Cliff	152	80	53
Stockbridge-Munsee	118	29	25
Winnebago (includes Minnesota part)	462	180	39
WYOMING			
Wind River Agency	1,144	419	37

[1] Jurisdiction in Alaska represents Alaskan Native communities.
[2] Not available.
[3] Jurisdiction in Oklahoma represents trust lands remaining from former reservations.

CONCLUSION OF MORNING BUSINESS

Mr. ALLEN. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. HARRIS). Pursuant to previous order, the Chair lays before the Senate the unfinished business which the clerk will state.

The LEGISLATIVE CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CANNON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF THE SPECIAL SUBCOMMITTEE ON TACTICAL AIR POWER

Mr. CANNON. Mr. President, I was pleased and honored to serve once again as chairman of a special subcommittee on Tactical Air Power of the Committee on Armed Services.

Other members appointed to serve on this subcommittee were Senators SYMINGTON, YOUNG of Ohio, THURMOND, TOWER and GOLDWATER, each of whom made an invaluable contribution to the work of the subcommittee and the findings I will present to the Senate today.

Senator STENNIS appointed the subcommittee on January 21, 1970, with the request we thoroughly explore as many tactical aircraft and missile programs as time would permit. Our objective was to determine the justification, or lack thereof, of the funds requested.

Mr. President, the Tactical Air Power Subcommittee reviewed 10 major aircraft programs and 12 major missile programs. The funds requested for these weapon systems was $3.2 billion. The subcommittee recommended reductions of $173.3 million—a reduction of 5.4 percent.

Mr. President, before I review the individual programs investigated and the conclusions arrived at, I would like to speak briefly about the approach used by the subcommittee in discharging its responsibilites.

Secretary Laird stated to the Armed Services Committee that his request for funds represented a "rock bottom" budget. In general, I certainly believe a reasonable budget was presented. It was our duty to carefully review it. We felt strongly that our national security interests and the world in which we live today presented a clear mandate that we not act hastily or arbitrarily. Each Member took his job seriously. We were confronted with many difficult decisions. We deliberated over them at great length. The people, who worked hard and long on these programs, together with the sizable sums either invested or to be invested, required that we exercise the best possible judgment; that we act with caution and restraint; and that we obtain all relevant facts on each weapons system. We made every effort to achieve this objective. I hope, Mr. President, that the Members of the Senate will agree with our conclusions after my presentation.

I recognize, as does every Member, the increasing financial requirements for our domestic programs. I fully support the principles and objectives of these programs. However, I feel strongly, as a representative of the taxpayer, that our domestic programs should receive as careful and thorough a review on the justification for the overall funds requested as do the military programs. Merely because the goals and objectives of our domestic programs are worthwhile, does not warrant the hasty conclusion that billions of dollars should be "shoveled out" indiscriminately. These programs must meet the test of urgent and necessary requirements. The taxpayer of the United States is entitled to

no less—be they military or domestic programs.

In my judgment, justification for wielding a large ax on military programs to "cut for the sake of cutting" lacks wisdom and foresight. Our national security interests are of vital importance. They must not be abrogated or discounted in the pellmell rush to achieve economy in government.

We must not permit the desire for economy to sweep everything before it. I am personally concerned lest we take actions which may be contrary to our national security interests. As long as we have our worldwide commitments and expect the military to be capable and responsible to meet them, we must provide them with the weapons and hardware to do so. Otherwise, we are only "kidding ourselves."

Mr. President, the Soviet and Red Chinese Governments have not disappeared. They have not altered their national or military policies. The Soviet Union continues to substantially build up its military capability. This includes not only a vast increase in its ICBM capability, but sizable improvements in the quality and quantity of its aircraft, submarines, ships, ground forces, and so forth. I would hope their action in part may be as a "chip" in the international arena of SALT negotiations. However, I place little confidence in that conclusion.

Everyone agrees, Mr. President, that a lasting and true peace would be a grand and glorious achievement. I earnestly hope after Vietnam it is a constant environment in which we live. However, history has proven repeatedly that we cannot act on such an assumption.

As every Member of this body realizes, Mr. President, peace is maintained and preserved by the strong and not the weak nations. The aggressor nations in history have traditionally "gobbled up" the weak. The nation who attempts to appease the strong is inevitably struck down.

I would be extremely concerned if the United States were to retreat to a condition of preparedness which existed in this country prior to World War II and Korea when we were woefully unprepared. Fortunately, time was on our side so that we could prepare ourselves. No such assurance exists today or in the future.

Mr. President, I want to assure my colleagues that it is not my purpose in any respect to cry "wolf." I merely want the Members of the Congress to recognize fully the actions it will take this year, whether in the name of economy, expediency, and so forth. Every Member should recognize and accept the potential calculated risks that may be run.

It was with these thoughts in mind, Mr. President, that the Tactical Air Power Subcommittee deliberated at great length over each and every program reviewed and why no cuts were recommended unless we felt they were thoroughly justified.

The Tactical Air Power Subcommittee conducted hearings from February 4 through March 23. The hearings were of great benefit and assistance to us during our deliberations on the justification, or lack thereof, for authorizing the funds requested.

We reviewed 10 aircraft programs involving funds exceeding $2.6 billion. The programs were the Air Force F–15, F–111, AX, A–7, Light Intratheater Transport and the International Jet Fighter. The Navy aircraft programs were the F–14, A–7, and the A–6; the Marine Corps Harrier program; and the Army Cheyenne program. While I will discuss each program briefly, I will talk at greater length about the three major programs, the F–15, F–14, and the F–111, inasmuch as they account for $1.9 billion of the $2.6 billion requested. We recommended a reduction of $64.0 million and the full committee agreed with our recommendations with the exception of the Cheyenne/advanced helicopter development programs about which I will comment on shortly.

The Tactical Air Power Subcommittee reviewed 12 major tactical missile programs, involving a funds authorization request of $545.3 million. We recommended a substantial cut of $108.7 million—a 20 percent reduction—and approval of $436.6 million. The full committee supported each of our missile system recommendations.

Mr. President, the subcommittee was vitally concerned as to the possibility that the Military Establishment may be acquiring too many different types of tactical missiles constituting unnecessary duplication. Of equal importance, we were concerned as to whether the Military Establishment may have established quantity requirements on some of the tactical missiles in excess of those we felt were justified.

Most of the tactical missiles being purchased today, by virtue of their complexity, involve high unit production costs. Most of them cost $20,000 each and up. Therefore, any reductions that can be made, either in the type or quantity of missiles to be purchased, results in sizable savings to the taxpayer.

Mr. President, I want to assure the Senate, however, that our objective was not to eliminate missiles for the sake of elimination itself. This would be unjust and unwise. However, we were most anxious to prevent duplication or unnecessary proliferation. I will speak about each missile system after I discuss our findings on the aircraft programs reviewed.

TACTICAL AIRCRAFT PROGRAMS

Of the 10 tactical aircraft programs studied, I will concentrate on the F–15, F–14 and F–111 programs as they constitute the bulk of the funds requested. The Air Force F–15 and the Navy F–14 are new air superiority fighter programs. The F–15 is to be operational by 1975 and the F–14 will be operational by April 1973.

Mr. President, before discussing each program separately, I would like to discuss why it is so critical for the United States to support these programs this year.

For the United States to fight a successful conventional war it is essential to have an air superiority aircraft that can dominate the battlefield. This requires an aircraft that can meet and defeat any enemy aircraft in air-to-air battle. This, in turn, permits our other tactical aircraft to support our ground combat forces by bombing enemy troops, supply lines, and so forth. Without an air superiority fighter capable of protecting those aircraft which require a "permissive" air environment, we would be faced with a dangerous situation.

The only aircraft the Air Force and the Navy possess today with an acceptable air-to-air combat capability is the F–4. This aircraft has been an excellent weapon system. However, each Member must recognize that the F–4 technology dates back to 1955. In an age of rapidly advancing technological achievement, it is not only questionable but doubtful that it could cope with adversary aircraft in the mid 1970's.

Today, the most likely enemy air-superiority aircraft is the MIG–21. It has been well established that it is equal in performance to the F–4 at normal fighting altitudes. We then must examine what the Soviet Union has done to improve upon the MIG–21 fighter capability and, more importantly, what its capability will be by the mid-1970's. Recognized experts agree the F–4 will be technically outmoded by the mid-1970's and unable to achieve or maintain air-to-air combat supremacy with a potential enemy.

The Soviets since 1955 have flown 18 new models of modern tactical aircraft, Not all of these models went into production. However, it has afforded the Soviets a wide selection of high performance flying prototypes from which it can select the best for production.

Seven of the 18 new models, Mr. President, were seen by the free world for the first time 3 years ago at the July 1967 Moscow Air Show. At this show we first saw the Foxbat—the present holder of the world's speed record. Intelligence sources estimate at least three of the new fighters shown then are currently in production or will be shortly.

Mr. President, it is common sense to realize that a nation, with its eyes on the future and on what potential adversaries may do, will not develop a new aircraft inferior to existing models. Thus, it is fundamental to conclude that Soviet aircraft now in production will be superior to the Mig–21. Consequently, they will be superior to the F–4.

Mr. President, the seven types of tactical aircraft flown by the Soviet Union in July 1967 were designed before 1964. We must asume the Soviet Union, during the past 3 years, has continued its design efforts to improve upon the impressive aircraft flown at the 1967 air show. Unfortunately, the Soviet Union does not even make infrequent announcements of its aircraft or military achievements and the United States has been surprised when the Soviets do ultimately decide to disclose to the world what they have been up to.

I earnestly believe that the high level of aeronuatical effort by the Soviet Union during the past few years and a conservative assessment of its existing capability and future activities requires the United States, of necessity, to undertake the development of new air superiority fighter aircraft.

A modern fighter cannot be developed overnight. It takes several years to de-

velop and produce. This is an inevitable and inescapable fact. Therefore, even though we approve and fund a new fighter today, it will be the mid-1970's before it is operational.

Mr. President, for the reasons just mentioned I believe there is an unquestioned need for the United States to develop and produce a new air superiority weapon system.

Some people ask the logical question: Why do we need both the F–14 and the F–15? The F–15 will be developed by the Air Force for the sole mission of achieving a maximum air-to-air capability. As such, it is to be light, fast, and highly maneuverable. Hence, it will not be able to operate from an aircraft carrier. If it were assigned this mission it would be structurally substantially heavier. The F–14 is designed to operate from an aircraft carrier. Anyone who has witnessed carrier landings and catapult launchings recognizes the structural integrity requirements for such aircraft.

The F–14 will replace the Navy F–4 in the air superiority role. In addition, it must perform the fleet air defense mission. This requires the F–14 to fly long distances and to loiter for substantial periods of time to protect carrier task forces against incoming enemy bombers, fighters, missiles, and so forth.

If the Navy were to restrict the F–14 to the air superiority role alone, it would be necessary to develop another expensive weapon system for the fleet air defense mission—the mission of the now cancelled F–111B program.

Another important factor is each service will have an aircraft optimized for its own operational requirements without compromise. The F–111 is a classic example of compromise. Neither the Navy nor the Air Force realized the performance goals originally established for that aircraft.

The advanced technology engine presently under development will be basically the same engine for both the F–15 and the F–14B. This will save substantial sums of money. Mr. President, I want to emphasize that a common engine makes sense, but a common airframe does not.

Mr. President, I have presented what the Tactical Air Power Subcommittee believes to be a very urgent requirement for the F–14 and the F–15. I would now like to present additional information with respect to each program.

F–15

The Air Force will purchase 20 research and development aircraft and several hundred operational F–15's. The total cost of the program is estimated at $7.2 billion—$1.8 billion for research and development and $5.4 billion for production.

The Air Force requested $370 million in fiscal year 1971 for research and development. Recognizing the urgent need for this aircraft, which I have already discussed, the Senate Armed Services Committee authorized the request in full. If the program proceeds as planned, the F–15 will be operational in 1975.

The F–15 contract was awarded to McDonnell Douglas in December 1969. Over 181 performance specifications are spelled out in the contract. With a keen awareness of the difficulties encountered on previous weapon systems, this contract was carefully drawn. The F–15 will fly 6 to 7 months before any substantial production funds are committed. The contractor has total systems performance responsibility. Demonstrated technical milestones must be achieved before additional steps are taken. The Air Force must be notified 17 months in advance if additional funds are required.

The Air Force eliminated many "nice to have" features not considered essential to obtain a more economical aircraft.

A popular subject discussed in the Congress and the press these days is "cost overruns" and "cost growths." They are generally misunderstood and the F–15 is an excellent example. The original F–15 cost estimate was $6 billion. This estimate was prepared before any cost data was received from the potential manufacturers. It was based on an analysis of what other aircraft purchased in the past had cost. While reasonable men prepared these estimates, it was a "best guess" type of information. When the contractors' proposals were received, it was evident the F–15 program would cost $7.2 billion. Therefore, many people quickly concluded a substantial "cost overrun" had occurred. Nothing is further from the truth.

Mr. President, estimates prepared early in time prior to the receipt of cost proposals from industry certainly should not be used as a valid basis for the original cost of a weapon systems. They lack validity. Yet most people treat them as bona fide, realistic estimates and every dollar spent in addition thereto is represented as an evil "overrun." This should not be.

The United States has encountered serious inflation since 1965. Everyone recognizes this, particularly when they pay their monthly bills. However, many people assume the purchase of military weapon systems is an exception to inflation. Unfortunately, nothing is further from the truth. Inflation is the singlemost important factor resulting in higher costs for our weapon systems.

The Air Force's F–15 will use the same basic engine as the Navy F–14B aircraft. This will result in significant savings as the engine is one of the more costly components of any aircraft.

Mr. President, the committee concluded there was a clear requirement for the F–15 program and fully supported the request for $370 million.

F–14

The F–14 program will cost an estimated $8.2 billion—$1.3 billion for research and development and $6.9 billion for production. The Navy program calls for 12 R. & D. aircraft and 710 production aircraft.

The Navy request this year was $982.2 million—$324.2 million for research and development and $658 million for production. We approved the request except for $5.2 million.

The F–14 program is currently on schedule. The first flight is scheduled for January 1971 and the first squadron is to be operational by March 1973.

I have already disussed the requirement for an air superiority fighter and the need for the F–14 to fulfill the fleet air defense mission.

The funds this year will purchase 26 F–14A aircraft. The Tactical Air Power Subcommittee satisfied itself that this program is on schedule, both in costs and technical achievement. There was a failure recently in testing a wing pivot lug. It was not a failure of the wing box as was reported. A crack occurred beyond the expected fatigue life of the aircraft. The engineering redesign has been completed. The fatigue test will be repeated prior to first flight. The component will be tested to several times the life expectancy of the aircraft. To overdesign structural elements adds unnecsary weight. The objective is to design only to the strength required. Otherwise, we would develop a "flying battleship" which, while structurally magnificent, would be a disaster in the air.

I would like to make one thing very clear, Mr. President. When new weapon systems are being developed with a significant advance in the state-of-the-art, it is not unusual but expected that problems will arise during research and development. If no problems were encountered, then very little technical advancement is being realized. People tend to panic easily and lose their perspective when problems arise during the development phase. I do not dismiss the problems but urge that we examine them objectively to determine whether they are small or large. We should certainly not blow them out of proportion. We intend to follow closely the F–14 as well as other tactical programs presently in R. & D. The F–14A engine has been successfully run in a full-scale inlet. Testing so far indicates higher thrust and better fuel specifics than originally predicted. Weight, always a critical factor, is less than 1 percent over original predictions.

Some people have raised the question: Why did we not reduce the F–14 program from 26 to 15 aircraft in the fiscal year 1971 budget? I would like to comment on that point. We examined it in detail. If we reduced the program 11 aircraft this year and assumed these 11 aircraft would be purchased in subsequent years, it would cost the Government $64 million more, primarily due to inflation.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CANNON. I am very happy to yield to the distinguished Senator from Missouri.

Mr. SYMINGTON. Mr. President, I am sorry that the time was changed on the address that is being made by the distinguished Senator from Nevada. Unfortunately, I have to leave, after listening to it up to this point, in order to keep a long-standing luncheon engagement. However, Mr. President, it is with pleasure I state that, in my opinion, in the years that I have been in Congress, there has never been a more thorough or more intelligent analysis of the true needs of this country with respect to aircraft, than has been presented as a result of extensive hearings conducted by the able Senator from Nevada, chairman of the Tactical Air Power Subcommittee, of which I have the privilege of being a member.

We do not necessarily agree on every aspect of this report, but the important point is that it is based on careful investigation and analysis by him and his able staff.

Mr. CANNON. I thank the distinguished Senator from Missouri for his very gracious remarks, and wish to say that he was one of the most valuable members of our subcommittee, as I pointed out earlier, and that much of its work is due to his fine efforts as well as those of the other members of the subcommittee.

Mr. President, the cost of 26 aircraft with support equipment and spares in fiscal year 1971 is $598 million. The cost of 15 aircraft would be $477 million. The very important fact to understand, Mr. President, is that the unit cost of the 15 aircraft would be $32 million each versus a unit cost of $23 million each for 26 aircraft. It is clear, therefore, that the Government would spend $9 million more for each of the 15 aircraft authorized this year, or a total of $135 million more than necessary. In addition, the unit cost of F–14 aircraft purchased in subsequent years would cost more money. I hasten to add that the unit cost figures are for this year only. The initial aircraft of any type costs more. The average price is much less as additional planes are produced.

The theory has been advanced, Mr. President, that it would not cost the Government any more money to purchase the 722 F–14 aircraft so long as reductions made this year were reinstated in future years. This involves too much theory and not enough reality. If the Senate reduced the F–14 program in the first production year, then it is only reasonable to assume the Congress would make additional reductions in future years when larger quantities of aircraft are involved.

Mr. President, the committee looked at an extreme example. Suppose the F–14 was a catastrophic failure at the time of its first flight in 1971. The estimated Government liability for the 26 aircraft is $165 million. Its liability, if it purchased 15 aircraft, is $124 million. We did not feel the difference, as to potential Government liability, was sufficient to warrant reducing the program from 26 to 15 aircraft and pay the increased costs as a consequence.

Mr. President, the Navy requires a modern air-superiority fighter at the earliest point in time. The Navy has already waited several years for a high-performance fleet air defense aircraft after the F–111B program was canceled.

The committee denied the request for $5.2 million to initiate development of the F–14C aircraft. The F–14C would incorporate new avionics equipment. We questioned the wisdom of initiating a new avionics program. Its estimated R. & D. cost would exceed $300 million. It would not be operational until the late 1970's. Therefore, we fully supported the F–14A/B programs but denied the funds for the F–14C.

F–111

The Air Force requested $563.3 million for the F–111 program. This included $48.2 million for research and development; $283 million for production; $200.5 million for over-target costs; and $31.6 million for initial spares.

Mr. President, I feel that Senators generally are aware of this program in some detail as it has been discussed many times over recent years.

It was originally anticipated that the $283 million requested this year would provide 40 F–111F aircraft. This would complete one wing of F–111F aircraft, inasmuch as we authorized 58 aircraft last year.

The Air Force plans to live within the dollars requested. Consequently, any additional dollar requirements will result in a lesser number of aircraft being purchased.

As a result of the crash in December 1969, an extensive "proof test" program is underway. The cost will result in four less aircraft being purchased. Also, last year during preparation of the fiscal year 1971 budget, a significant reduction in the program was made which drove up the unit cost. Hence, at the present time it appears that the Air Force will only receive 25 F–111 aircraft with the $283 million requested in this year's budget.

The Air Force still plans on operational F–111 wings. The first few aircraft have now completed the "proof testing" program and have been released to the Air Force for operational flying.

The committee inserted specific language in the authorization bill requiring the Secretary of Defense to assure himself that the F–111 is fully airworthy and that both the House and Senate Armed Services Committees be notified he is satisfied with the program prior to buying the aircraft authorized in this budget.

Mr. President, I believe it is important for Congress to understand that the F–111 is the only Air Force tactical aircraft capable of flying and bombing at night and in all weather conditions. There is no substitute aircraft able to perform these missions. The F–111 can conduct bombing missions by itself as it does not require additional aircraft to fly a "protective cover" against enemy aircraft. It is the only Air Force tactical aircraft with terrain following radar, enabling it to fly at extremely low altitudes in all weather conditions.

The total cost of the program is currently $6.2 billion. Congress has already provided $5.5 billion. Therefore, only $700 million more is required to complete the program. The F–111 is the only aircraft with sufficient range to operate from England against potential enemy targets in Europe without refueling. The F–111 is a "safe" aircraft. Accidents so far, although widely publicized, have been no greater in number than any other fighter aircraft at a comparable point in flying time—that is, with the equivalent number of flying hours. It can take off and land from shorter runways and unimproved air strips. It is the only tactical aircraft that can fly supersonic at low altitudes.

Considering all of the major factors, the committee approved the funds requested for the F–111 with the exception of $6.4 million in research and development funds necessary to continue the Sparrow-G program during fiscal year 1971. We requested the Chief of Staff of the Air Force to examine the wisdom of continuing the Sparrow-G program because of the limited number of F–111 aircraft that would have this capability. After his review, the Chief of Staff terminated the Sparrow-G program on March 18, 1970. Therefore, we denied the funds associated with this program.

HARRIER

The Harrier is a V/STOL aircraft developed by Hawker-Siddley of England.

The Marine Corps request for $118.3 million to buy 18 aircraft was approved.

Mr. President, it is interesting to note that the research and development costs were largely borne by England. We are purchasing the finished product. Last year the House Armed Services Committee stated "the Department of Defense is placed on notice that no further authorizations will be approved by this committee for the procurement of this aircraft unless its production is within the continental limits of the United States." In response to the congressional statement, arrangements were made to produce the Harrier in the United States.

I feel that this is an important step in the right direction. During the past 20 years we have invested several hundred million in various V/STOL programs but never developed one sufficiently successful to warrant production.

I have personally seen the Harrier perform. As a pilot, I can testify to its impressive performance and flying characteristics. Its mission is the close air support of Marine Corps ground forces engaged in combat. It is capable of vertical landings and takeoffs similar to helicopters. It can operate from small-sized naval vessels.

Mr. President, it is incumbent on me to mention that producing the aircraft in the United States rather than England will cost more money. The reason is obvious—increased labor costs. However, this is offset somewhat by creating substantial additional employment in the United States by people who will pay U.S. income taxes. It will bring a much needed advanced technology to this country. It should prevent us from pursuing additional V/STOL research and development programs. Production in the United States will also prevent adding to our existing adverse balance-of-payments situation.

AX

The AX is a new tactical aircraft for the Air Force to provide close air support for Army ground forces. The $27.9 million requested for research and development was approved. Everyone agreed that there is a distinct requirement for an aircraft specifically designed for the close air support mission. Today in Vietnam we are using the A–6, A–7, A–37, F–100, and even the F–4 air superiority fighter in addition to Army helicopter gunships.

The Air Force intends to use existing "off the shelf" technology. It anticipates rapid progress without substantial R. & D. difficulties. The Air Force hopes to make an award soon to the two successful contractors. The present plan is to build competitive prototypes and then

conduct a 6-month flyoff competition. The company that has the best aircraft will receive the production contract. This approach is better than analyzing paper studies. It is unfortunate that because of the high costs, we cannot use this approach on other weapons systems.

The AX will carry 16,000 pounds of ordnance and operate at speeds of 120–450 knots per hour. It is to be a highly survivable aircraft.

A prime factor in favor of the AX is its reasonable cost, presently estimated at less than $1.5 million per aircraft. However, as I have emphasized before, this is only the best estimate available until cost data is received from industry.

CHEYENNE

The Cheyenne is a rigid rotor helicopter being developed by the Army for the close support role. Last year, we denied the $429 million requested as the Army had canceled its production contract due to certain technical problems encountered in research and development.

This year, the Army asked for $17.6 million to continue R. & D. The Tactical Air Power Subcommittee felt that the funds should be authorized. The Government has already invested $168 million in the program. Ten Cheyennes have been built and eight are still on hand. The major technical problem was the rotor control system. An improved system has been installed on one of the Cheyennes currently flying at the Yuma Proving Grounds. The Army said the Cheyenne would be flying in excess of 200 knots soon and a decision on approving production could be made next year.

I believe the great advance in the "state-of-the-art" to be derived from the rigid rotor technology was worth the investment this year. However, the full committee, after a thorough and fair discussion, concluded that with the approval of the AX program, there was no need to proceed with the Cheyenne program. I respect their judgment and abide by it, though I do not agree with it.

My purpose today is to merely explain the actions of the Tactical Air Power Subcommittee.

This was the only recommendation by the Tactical Air Power Subcommittee not concurred in by the full committee.

A–7 PROGRAM

The A–7 is a single-seat, single-engine tactical aircraft developed by the Navy for both close air support and interdiction missions. Both the Navy and the Air Force are purchasing this aircraft.

The Navy request was for 30 A–7E aircraft costing $133 million, including spares. This number of aircraft will only replace aircraft losses during fiscal year 1971.

The Air Force requested $216.7 million for 88 A–7 aircraft, spares, etc. This will complete the second A–7 wing and initiate third wing buildup. The last Air Force A–7's will be requested in fiscal year 1972.

The committee approved the A–7 funds for the Navy and Air Force.

A–6 PROGRAM

The A–6 is the Navy's only night all-weather capable aircraft.

The Navy requested 12 A–6E aircraft at $137.7 million including support equipment, spares, and so forth.

The A–6E is a new version of the A–6A aircraft which performed so splendidly over North Vietnam. There have been over 44,500 carrier landings without a single carrier landing accident.

The 12 aircraft are for attrition to make up for peacetime losses during fiscal year 1971.

INTERNATIONAL JET FIGHTER

The International Fighter aircraft is to be purchased by the Air Force to provide certain free world forces, particularly our allies in Southeast Asia with an adequate air superiority fighter.

Last year, the Congress authorized the Air Force to expend not to exceed $28 million from other aircraft procurement funds for this program. No funds have been expended or obligated as yet. The Air Force requested $30 million for fiscal year 1971.

Competition is presently underway between several U.S. firms to determine which aircraft will best meet the requirement. The aircraft selected must be relatively simple, inexpensive, and easy to maintain.

The committee agreed with the concept of providing our allies with a simple and inexpensive aircraft. However, since none of the $28 million authorized to be expended last year has been obligated, the committee felt it was not necessary to authorize $30 million additional and denied the request.

Mr. President, I want to add here that certainly the committee does approve of this concept. I feel that if the Air Force were to make a decision on what they were going to do and made it clear that they did not have sufficient funds on hand with the $28 million, the committee would probably be receptive to their feelings.

LIT—LIGHT INTRATHEATER TRANSPORT

The Light Intratheater Transport is a proposal by the Air Force to develop a new tactical aircraft to replace the C–7 and the C–123 and to augment the C–130. It would be a tilt-wing turboprop aircraft.

The Air Force requested $2 million for research and development. The committee denied the funds requested for this program last year. Little has transpired since last year to rejustify this program.

The Air Force admitted that total R. & D. costs would be about $500 million. We felt it was important to "nip in the bud" programs of questionable merit and denied the funds requested.

SUMMARY ON AIRCRAFT PROGRAMS

Mr. President, that concludes my comments with respect to the 10 aircraft programs reviewed in detail by the Tactical Air Power Subcommittee. I believe it is extremely important for all of us to recognize that the Air Force request for 350 aircraft this year is the lowest number of aircraft since 1935 and compares more favorably with the 588 aircraft in last year's bill. It is also important to realize that 180 of the 350 aircraft in this year's bill are helicopters to be purchased for other friendly nations. Thus, the Air Force will only receive 170 aircraft this year.

The Navy and Marine Corps request this year for 261 aircraft is the lowest request since 1946 and compares most favorably with the 401 aircraft requested last year. The vast bulk of aircraft will go toward attrition; namely, to make up for peacetime losses and those incurred in Southeast Asia.

During the last 6 years, the average age of Navy aircraft has increased from 6.9 to 8.1 years. By the time the aircraft in this bill have been delivered, the average age will increase to 9.3 years. This age increase continues despite the fact that the total Navy inventory has decreased by 11 percent during the past 6 years.

Mr. President, I feel, in view of the foregoing facts, that the $2.6 billion requested for aircraft funds is extremely reasonable and well justified except for the $65.2 million denied by the committee reducing the total request from $2.655 billion to $2.590 billion.

TACTICAL MISSILES

Mr. President, I would now like to review briefly the actions by the Tactical Air Power Subcommittee with respect to 12 major tactical missile programs. Our recommendations were all approved by the full committee. Funds were requested totaling $545.3 million. We made reductions of $108.7 million and approved $436.6 million. This represents a sizable 20-percent cut in funds requested.

During our deliberations, we were concerned as to the justification for so many different types of tactical missiles, together with the total quantity requirements for each type of missile.

The tactical missiles being purchased today by the military departments by virtue of their complexity involve high production unit costs. Hence, any reductions that can be made either in type or quantity achieves sizable savings to the taxpayer.

I want to stress that our objective was not to eliminate missiles for the sake of elimination itself. However, we were most anxious that no duplication or proliferation of missiles be permitted. I am pleased to see the Department of Defense giving increased attention to this matter. I will now discuss the individual programs and the basis for our actions.

PHOENIX

The Phoenix is a long range air-to-air missile system to be installed on the Navy's F–14 aircraft enabling it to perform the Fleet Air Defense mission (FAD). The Phoenix fire control system will also control and fire the Sparrow, short range missile, and the gun.

The Phoenix was originally developed for the F–111B aircraft. Hence, the research and development program is almost finished. Flight test results so far have been extremely good—24 successes out of 33 attempts. The Phoenix represents a dramatic increase in the state-

of-the-art. It will be able to track-while-scan many targets simultaneously. It will also be able to simultaneously track and launch six Phoenix missiles against six different enemy targets.

The Navy requested $8.5 million for research and development and $101 million in production funds to buy production engineered missiles. This is an important step to insure that the missiles turned out on the production line attain the same necessary performance achieved by R. & D. missiles.

The Phoenix will be an expensive missile. However, a value engineering program was completed which reduced the unit cost by slightly less than half. Another favorable factor is that the AWG-9 fire control system weighs 130 pounds less today than was specified several years ago.

A key feature of the Phoenix is its onboard checkout system that will enable 85 percent of the system to be verified on the aircraft for a go, no-go condition. This will save significant money in contrast to older systems where expensive test equipment is required to determine whether the missile systems are in a satisfactory condition for combat.

We questioned the Navy closely about the total requirement for Phoenix missiles. The exact figure is classified. However, we have told the Navy we intend to follow this matter closely in the future when production missiles are being purchased to insure that excessive quantities are not procured.

The program is currently on schedule and the first fire control system to go into the F-14 will be delivered in January 1971.

The funds requested were approved.

SPARROW

The Sparrow is a supersonic air-to-air missile used by both the Navy and the Air Force. It was originally developed in the late 1940's. The latest operational model is known as the AIM-7E-2 which incorporates modifications required from our experience in Southeast Asia. A new Sparrow missile, known as the AIM-7F, is in research and development which will incorporate solid state rather than vacuum tubes, have extended range, proven reliability, and so forth. The 7F model will constitute a significant advance in the Sparrow missile system capability.

The Air Force requested $14.4 million to buy several hundred AIM-7E-2 missiles. The committee approved this request so the Air Force can maintain a satisfactory inventory position.

The Navy requested $54.1 million for the Sparrow program—$1.4 million for R. & D. and $52.7 million for procurement of both the AIM-7E-2 and the AIM-7F.

The committee reduced the Navy's procurement request by $6.7 million by reducing the number of AIM-7F's by 50 percent. We authorized an increased number of the Sparrow AIM-7E-2 to compensate for the reductions in the F models.

Our reasoning was based on the fact that the 7F program is 2½ years behind schedule. Several problems were encountered. Although corrective actions are underway, we felt one more year of validating the performance characteristics of the 7F was justified before significant procurement was authorized.

The kill capability of the Sparrow AIM-7E's fired in combat in Southeast Asia was much less than desired. We were assured the modifications incorporated on this model will substantially increase its combat capability.

We requested both the Air Force and the Navy to examine carefully the training expenditures of the Sparrow because of the high unit cost. While we fully support adequate and thorough training, we urge great caution be exercised in firing such expensive weaponry for training purposes.

MAVERICK

The Maverick is an air-to-ground tactical missile being developed for the Air Force. It is a TV-guided, rocket-propelled missile designed to destroy small, hard, fixed or moving targets such as tanks and pillboxes.

The Air Force requested $24.7 million for research and development and $25 million for production. The committee recommended approval of the $24.7 million for research and development and reduced the $25 million for production to $3.1 million—a reduction of $21.9 million.

The $3.1 million will enable the Air Force to exercise a delay clause in its contract with the Maverick contractor. It was our judgment it would be profitable to continue this program in research and development for one more year prior to authorizing significant production funds. We were encouraged by the satisfactory test results achieved to date. However, substantial testing remains to be performed during fiscal year 1971. This will enable the Congress to make a wiser decision on the justification for production funds next year.

CONDOR

The Condor is a Navy air-to-surface missile with remote TV guidance from the launching aircraft. Its primary mission is to destroy high-value targets protected by intense local defenses. With a capability to launch the Condor at great distances from the target, the safety of the crew and invulnerability of the launching aircraft is greatly enhanced.

The Navy requested $58.2 million—$23.3 million for research and development and $34.9 million for procurement, of which $6 million was to modify test aircraft.

Mr. President, it was our judgment additional research and development is warranted in view of technical problems already encountered. Therefore, although we authorized the research and development funds and the modifications to the test aircraft, we denied $28.9 million in production funds until more evidence of resolving the technical difficulties is available.

SHORT-RANGE MISSILE

The short-range missile is a proposed new air-to-air missile system specially designed for close-in maneuvering encounters with high-performance enemy fighters. It would be used on the F-15 and F-14.

The Navy and the Air Force have been working on separate missile systems to meet this requirement. It was our judgment a common short-range missile system should be developed so the Navy F-14 and the Air Force F-15 would use the same missile. Secretary Packard is to make a decision relatively soon on this matter.

Mr. President, in view of our support for a common missile, we authorized the $2 million requested by the Navy for advanced development and reduced the Air Force request from $37.2 million to $8 million. Significant funds for the Air Force program from fiscal year 1970 have been deferred by OSD.

It was our judgment it would be premature to authorize $37.2 million in fiscal year 1971 for the Air Force until Secretary Packard reaches a decision on which program should be approved for development.

FALCON

The Air Force requested $15 million to modify some of its existing Falcon air to air missiles. The Falcon performs the same mission as the Sidewinder missile. They are both heat seeking missiles designed to home on the infrared energy emitted from a jet aircraft tailpipe. Both the Sidewinder and the Falcon have been in use for many years. They were designed for use against non-maneuvering enemy bombers. The success rate for earlier versions of both models in South Vietnam was low.

Mr. President, the Committee supported the concept that both the Air Force and the Navy should ultimately use a common Sidewinder missile to prevent further missile proliferation.

The Falcon missile has been modified previously. We saw no benefit in modifying it further. Hence, we denied the request for $15 million to modify the Falcon missile.

SIDEWINDER

The Navy requested $31.5 million to purchase several hundred Sidewinders and the Air Force requested $17 million to modify several thousand Sidewinders. The committee approved these requests.

Once again we feel the services should exercise restraint in shooting large quantities of this missile for training purposes. Also, older models should be used for this purpose.

HARD STRUCTURE MUNITIONS

The hard structure munition is an air-to-ground rocket powered, TV-guided missile being designed for high effectiveness against large hard structure targets.

The Air Force requested $7 million to continue research and development. These funds were disapproved on the basis that $8.9 million previously appropriated is still available and the program has been delayed due to technical problems.

SHRIKE AND STANDARD ARM

The Shrike and the Standard Arm are antiradiation missiles designed to home on and destroy enemy early warning and surface-to-air missile radars. The subcommittee authorized the $17.2 million requested by the Navy and the $9.7 million requested by the Air Force.

While it would be desirable to standardize on a single anti-radiation missile the committee recognized that the Shrike missile, although less capable than the Standard Arm, is also less costly. The vast bulk of the funds authorized is to continue procurement of the cheaper Shrike missile.

TOW

The Tow is a wire-guided antitank missile. It is to be used by Army ground combat troops against enemy tanks.

The Tow uses an open breech launcher. Considerable discussion took place last year over the possible wisdom and feasibility of adapting the Shillelagh missile for this mission. The Shillelagh is a proven antitank missile fired from the Sheridan armored reconnaissance vehicle. In this role, it requires a closed breech gun tube. The committee interrogated the Army at great length relative to these programs. We concluded the Tow offers the Army a vitally needed antitank killing capability now. There would be a 4-year delay if we awaited delivery of the Shillelagh missile in the ground mount mode. No cost savings would be realized to the U.S. taxpayer. Hence, we approved the $113.2 million requested by the Army to continue production of the Tow missiles.

DRAGON

The Committee approved $9.6 million to continue research and development on the Dragon. It is a medium antitank assault weapon. It has been in engineering development since 1966. It complements rather than duplicates the Tow. We intend to monitor progress on this program closely in the future.

Mr. President, that concludes my comments on the 12 tactical missile programs analyzed by the Tactical Air Power Subcommittee.

In summary, the total money requested was $3.2 billion for the 10 aircraft and 12 missile systems we examined. We denied $173.3 million or 5.4 percent of the funds requested. Mr. Laird's budget presentation was by and large a reasonable one. This made our task of finding areas where equitable and nonarbitrary cuts could be made a difficult one indeed.

I will be pleased to answer any questions that the members have with respect to these programs.

Mr. THURMOND. Mr. President, as the ranking minority member of the special Tactical Air Power Subcommittee of the Senate Armed Services Committee, I wish to commend the able junior Senator from Nevada (Mr. CANNON) for his excellent presentation of the findings of the subcommittee.

Further, it should be noted that as chairman of the subcommittee Senator CANNON exercised outstanding leadership in his conduct of the lengthy and comprehensive hearings which probed into the tactical air and missile requests of the military services.

Mr. President, most notable in the work of the subcommittee was its refusal to make arbitrary cuts in our missile and aircraft programs despite pressures to the contrary.

While the subcommittee recommendations of cuts amounting to $173.3 million of the $3.2 billion requested in these areas may seem small, it must be remembered we were dealing with what Secretary of Defense Melvin Laird termed "a rock bottom budget."

Each member of the subcommittee contributed to the close examination of these programs, but we always kept in mind that cuts must be fully justified just as requests must be fully justified.

There was one recommendation of the subcommittee in which the full committee did not concur. This recommendation was to complete the research and development program on the Army's Cheyenne helicopter.

As a strong supporter of this type of close fire support for our combat soldiers in the field, I regret the full committee did not see fit to complete development on this program. This is one area in which I feel the committee cut too deeply. However, I respect the judgment of the full committee and abide by it. I am sure this matter will come up later during the conference between the Senate and the House.

Mr. President, at the direction of the distinguished chairman of the Armed Services Committee, the subcommittee gave close attention to the possibility that the services may be duplicating weapons systems in the missile field.

In this area of study some duplication was found, specifically in the short range air-to-air tactical missile. As a result, the subcommittee made recommendations which we feel will result in a savings to the Government while at the same time not weakening our posture in this important area.

Further, some duplications were found in various types of bombs and once again actions were taken to correct this problem.

Also, it should be noted that particular study was given to several major tactical aircraft programs, specifically the Navy's F–14 and the Air Force's F–15. Senator CANNON's remarks on these two aircraft were quite thorough and appropriate, and reflected the attention given them by the subcommittee.

Finally, Mr. President, I hope the Senate will weigh carefully the report of the Tactical Air Power Subcommittee before undertaking any effort to further cut the military budget.

As I stated last week, in my opinion, procurement requests have already been slashed to an extent where the adequacy of our defense posture may easily come into question during future years.

Again, Mr. President, I wish to commend the able Senator from Nevada for the fine leadership that he has shown in this subcommittee.

Mr. CANNON. Mr. President, I want to express my appreciation to the distinguished Senator for his very great assistance as ranking minority member on the Tactical Air Power Subcommittee. I am sure that much of this report is due to the efforts of himself and the other members of the committee.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. CANNON. I am very happy to yield to the Senator from Arizona.

The PRESIDING OFFICER (Mr. MCCLELLAN). The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, I rise not to question the Senator but to compliment him on what I believe is the best report in this area that I have heard in the years I have served on this committee. The personal knowledge which he has applied has been of great benefit to the committee. As a member of the subcommittee I can testify to the diligent and hard work of the Senator from Nevada in interrogating the military services relative to their need.

I was particularly happy in listening to his report to hear him emphasize time and time again that this is a rock bottom budget for aircraft and components. I personally feel that the requests are too low. But I have agreed with the subcommittee in its findings. I think the blame, if blame is to be placed, will have to be put with the Defense Department in not asking for enough in this very important field.

I was impressed, too, by the chairman's reemphasizing, and very powerfully reemphasizing, the threat—in fact, I should say the growing threat—caused by reason of the Russian Air Force increasing at a much more rapid rate than ours. They have produced a new prototype every 3 years, while most of our aircraft are over 10 years of age. They can outperform us, I think, in the categories of the fighter aircraft. The only thing we have going for us is the type of pilots we have in the three air services—I should say the four air services, recognizing the Marines as a separate force.

One thing that I think comes through loud and clear in the chairman's report—and I am sorry that there are not members of the Peace Through Law group here so that they can hear these comments—is the expertise that the subcommittee and the entire Armed Services Committee has at their command.

I do not think there is any other committee in the Senate that examines a subject as thorougly as does the Armed Services Committee. We must realize that these weapons systems are a long time being born. The Army, the Navy, the Marine Corps, and the Air Force are now thinking of weapons they will ask us for 5 years from now. The requests come from men who have spent their lives in the service of their country. These requests are thoroughly studied by the Joint Chiefs of Staff, reviewed by the separate Chiefs once again, and then sent to the President where the National Security Council reviews them. Then, they are sent to both Houses of Congress and examined by committee staffs comprised of men with years of experience in weaponry and the use of weapons.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOLDWATER. Mr. President, before the Senator from New Hampshire (Mr. MCINTYRE) left the Chamber, he said he did not wish to begin his remarks until 1:30 p.m., so we have about 9 minutes remaining until then.

The PRESIDING OFFICER. The Chair would entertain a unanimous-consent request.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the time between now and 1:30 p.m. be allotted to the Senator from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, the staff members of both committees of the House and the Senate are fine experts in their fields. The staff of the subcommittee is as knowledgeable as any staff with which I have ever worked.

The thoroughness of the investigation and interrogation not only of this subcommittee, but all subcommittees and the entire committee makes it very questionable to me why these programs should be challenged on the floor of the Senate. I can understand that those of us who do not serve on the Committee on Labor and Public Welfare, for instance having certain questions because we are not considering pieces of hardware or actual demonstrated needs, and are talking about things that in most cases we do not know a lot about.

I hope Members of the Senate will refrain from any lengthy debate, such as was engaged in last year, which was a fruitless effort on the part of those who wanted to cut the military budget to bare bones. I hope that this year we can do as we have done in the past and accept the work of the Committee on Armed Services as the work of experts and recognize that these requests cannot be cut more without endangering the military power of the United States in this time of need. However, I think these words will fall on deaf ears, and I think we will have amendments to cut the program for the F–15, the C–5, and so on. I also feel those efforts will be defeated as soundly this year as they were last year.

Seeing the time is fleeting and the chairman of the full committee is present, I wish to repeat to the chairman, the Senator from Nevada (Mr. CANNON) that it was a real pleasure to serve with him this year, just as it was last year, and just as it has been my pleasure to serve with him during all the years we have been members of this committee. I commend him for the wonderful job he has done.

Mr. CANNON. I thank the Senator for his very kind remarks on my behalf. Also I wish to acknowledge his very valuable contribution to the committee. He is a very distinguished pilot himself and he is an expert in the areas we were considering. I agree with him in the commendation for the very fine staff we have. We have an excellent staff, and one that is highly technically trained. They are capable of going into these matters in great detail.

I share the Senator's views in connection with the attempt to meat ax these programs by people who do not have the expertise to deal with them.

Mr. YOUNG of Ohio. Mr. President, it has been my privilege to serve with the Senator from Nevada as a member of the Committee on Armed Services since 1963. He was a member of that committee before I had the honor to be appointed as a member. Then, since the creation of this special Subcommittee on Tactical Air Power early in January of the present year, I have been brought into almost constant contact with the Senator from Nevada as a member of that committee.

The Senator from Nevada is one of the most dedicated members of this great committee of the Senate. I hope the Senator will not blush or deny my statement. It was a matter of hard work on my part to try to keep up with him. I observed the great work he did for our Nation as a member of this subcommittee. We had many, many meetings. We listened to a great deal of testimony. It is true we also had the assistance of experts, but I marvel at the great work of the chairman, the Senator from Nevada (Mr. CANNON), in saving the taxpayers a great deal of money in connection with the expenditures requested. At the same time he stressed the importance of research and of having all new systems thoroughly examined.

I learned a great deal from him. I feel that our Nation is fortunate that he is a member of this subcommittee having so much to do with research and development.

Of course, I also happen to be a veteran of World War II and I have always said I was the most scared fellow to serve at the Anzio beachhead. But we in the Senate know that the Senator from Nevada in World War II had a distinguished record as a pilot, and that he challenged death, in death's own domain above the clouds over a foreign land. Unfortunately, he was shot down over Germany. Very fortunately, because of his courage, perseverance, and indomitable spirit, he was never a prisoner of war, but after some 40 days and nights finally found his way back to the allied lines. We in the Senate hold him in the highest admiration.

I feel he has not only performed a most distinguished service for his great State of Nevada, but also he has served his Nation well.

Quite frequently in the Committee on Armed Services the votes of the Senator from Nevada and my votes vary, but it may be that ofttimes I am wrong and he is right because I certainly respect his judgment and I hold him in the greatest admiration. He is one of our finest public servants, as the Senator from Arizona (Mr. GOLDWATER) and the Senator from Mississippi (Mr. STENNIS), our distinguished chairman, and others who are here know.

I am pleased that I have not only the privilege of serving with him, but that I had the privilege of listening to the Senator's address today.

Mr. CANNON. Mr. President, I certainly thank the Senator for his overly generous remarks. As a member of the subcommittee he certainly added very greatly to the expertise on the subcommittee and assisted very greatly in compiling the report we presented to the Senate. I thank him again.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. CANNON. I am happy to yield to the Senator from Mississippi.

The PRESIDING OFFICER (Mr. McGOVERN). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I have heard a great part of the Senator's speech; and I have looked through all of it in the copy I have on my desk.

I want to point out to Senators and the people of the Nation that this is an extraordinary speech, based upon a highly important and far-reaching examination, hearings, and analyzing of a very complex subject matter, and one that is so vital and so essential to our national security.

I commend highly the work of the very able and outstanding chairman of the subcommittee, the Senator from Nevada, and also commend and thank the other members, the Senator from Missouri (Mr. SYMINGTON), the Senator from Ohio (Mr. YOUNG), the Senator from South Carolina (Mr. THURMOND), the Senator from Texas (Mr. TOWER), and the Senator from Arizona (Mr. GOLDWATER).

There is an unusual array of talent and experience of the highest type and dedication of the very highest caliber. I have pride in them and their work. Notice that there are three members from the majority party and three members from the minority party. There was no appointment there so either party would have a majority over the other. They were appointed with other purposes in mind and in view, and that is what they have done.

Here we have the benefit of their report and their work, and the testimony of witnesses on 10 major aircraft programs and 12 missile programs. There are 2,715 printed pages of testimony, and a very sizable part of it covers every essential phase of the systems examined and also contains testimony by witnesses not only on this subject but the need as a whole.

By the way, the report on the bill sets forth for every Member of the Senate and the press and anyone else interested a very complete analysis and report on all these aircraft programs and procurement requests of all kinds. I shall put these tables into the RECORD later, with the consent of the Senate, but I am referring now to page 32, with reference to the aircraft program, followed by a series of tables, numbering about 10 in all, and, in addition, 19 separate charts on research and development that show everything. It is a strong lead to every single major item in the bill. I call that to the attention of the membership of the Senate.

I also noticed in the Senator's speech reference to the policy recently announced by Mr. Laird, Secretary of Defense, and Mr. Fitzhugh. The "fly before you buy" policy is reflected in the report and in the speech with reference to some of the programs that have been examined.

I join in the fine tribute to the Senator from Nevada for his capacity in this particular field, he being an outstanding pilot in his own right and a veteran of World War II, as are other members of this very fine subcommittee.

When we have the concentrated wisdom, time, talent, and experience of all these men, I am sure that is something that will be taken seriously by the Senate. I do not boast of anything at all, but I do

not believe there will be any appreciable change in the fine work that the subcommittee has done.

Again I congratulate the Senator from Nevada and thank him.

Mr. CANNON. I thank the distinguished chairman of the committee for his generous remarks. I appreciate the comments he has made about the members of our committee, who are outstanding members of the Senate and who have contributed greatly to the work of the committee.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Senator from New Hampshire is recognized for 1 hour.

INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. McINTYRE. Mr. President, I would like at this time to address myself to another of the subject areas examined in depth this year by the Research and Development Subcommittee. I refer to what became known during last year's debate as the subject of "I.R. & D." As I have said before, it is one of the most complicated subjects I have ever encountered.

Pursuant to the agreement reached during floor debate on last year's bill, the committee's Ad Hoc Subcommittee on Research and Development held 4 days of open hearings, supplemented by many hours of more informal sessions, into Department of Defense funding of its contractors' independent technical effort.

The independent technical effort expenditures of defense contractors are those expenditures undertaken by a company largely at its own initiative rather than according to the terms of a direct contract with the Defense Department. These expenditures are classified at present into three different categories—independent research and development—I.R. & D.—bid and proposal—B. & P.—and other technical effort—O.T.E.

The I.R. & D. program of a defense contractor is no different from the ongoing research program which all commercial companies have to have if they hope to keep up with technology and their competitors. Companies selling in commercial markets recover the costs of such programs as overhead costs reflected in the prices of products to their customers. So do defense contractors selling to the Defense Department, but the method and amount of their recovery is not solely of these contractors' choosing.

Since World War II the Defense Department has had a constant need to buy large, sophisticated technological products for which it is the sole customer. It was recognized early by both the Department and industry that very few firms could afford to develop such products on their own. The high risk of failure of the R. & D. effort and the high risk that the final product, even if successfully developed, might not find a customer could not be accepted by even the largest of those defense-oriented firms.

As a result, the Department initiated use of cost reimbursement and other negotiated type contracts as a substitute for the traditional fixed-price type of contract. Under a cost reimbursement contract, the Department agrees to reimburse the contractor for the costs incurred in carrying out the work on the contract and in addition to pay a negotiated amount of profit in the form of a fixed or incentive fee. Determination of the direct costs to be reimbursed under a particular contract is not difficult. It is far more difficult, however, to identify and decide which of a company's indirect or overhead costs are to be charged to a given contract.

An elaborate system has been worked out by the Defense Department and established in the Armed Services Procurement Regulations—ASPR—to solve this problem as far as a contractor's I.R. & D. costs are concerned. In the most elementary terms, this system allows a contractor to recover over the course of a year, an amount approximating that percentage of his total I.R & D. costs as his non-fixed-price sales to the Defense Department represent in relation to his total sales. In furtherance of this goal, the largest defense contractors are required each year to negotiate with the Defense Department advance agreements which establish a ceiling on the total I.R. & D. costs they may recover for the year in payments under their non-fixed-price contracts with the Defense Department.

The B. & P., or bid and proposal, expenditures of defense contractors are those expenditures incurred in the preparation of bids or proposals to the Department of Defense for new weapons systems or components. Such work is often, in terms of technical content, closely akin to the effort involved in a company's I.R. & D. work. The difference between B. & P. and I.R. & D. lies in the purpose for which the work in question is done. If it is done without the intent of including the results in a specific proposal, but has the more general aim of developing processes, products, or service capabilities, it is called I.R. & D.

The O.T.E. classification encompasses a group of miscellaneous technical activities not classified traditionally as either I.R. & D. or B. & P. It is really a hybrid classification which has grown up as an accounting convenience and without any underlying rationale. The Defense Department has proposed the abolition of this account and a reclassifying of the items within it on a reasoned basis into either the I.R. & D. or the B. & P. accounts.

S. 3003

A prime purpose of the committee's hearings was the evaluation of S. 3003, a bill introduced by Senator PROXMIRE for the purpose of revising extensively the manner in which the Defense Department now funds its contractors' independent technical effort.

S. 3003 would prohibit the reimbursement of a company for its I.R. & D. and O.T.E. costs unless such costs were specifically provided for in a given contract. In such event, the contractor in question would have to submit to the Defense Department a technical appraisal of each I.R. & D. project covered, and reimbursement would not be allowed unless the work at issue was of direct or indirect benefit to the work being performed under the contract itself.

S. 3003 would also restrict the instances in which reimbursement for bid and proposal costs would be permitted and would provide that such reimbursements could never exceed 1 percent of the direct material and the direct labor costs of the contract through which they were made.

The committee recommends against enactment of S. 3003. In its view, the enactment of S. 3003 would produce a series of adverse effects which would far outweigh its benefits.

The provisions of S. 3003 relating to I.R. & D. and O.T.E. would eliminate much of the contractor independence which is so important a part of the present administrative controls of these activities. The overall effect of a system under which all I.R. & D. projects had to be contracted for specifically, and subject to individual technical evaluations, would be an elimination of I.R. & D. as it is presently known and the substitution of direct contracting as a national policy.

One result of such a change would be significantly higher administrative costs for the Defense Department. It would be impossible for the Department to evaluate and contract individually for the millions of I.R. & D. projects undertaken annually by defense industry without sizable increases in its scientific and contracting staffs. Increases of such magnitude are not advisable at a time when pressures on the size of defense budgets are forcing significant manpower reductions at the Department.

A second, related result would be a decrease in the amount of research work performed by defense industry. Such a decrease would inevitably occur if an elaborate administrative program had to be gone through before reimbursable work could ever be undertaken.

It might be argued that this decrease in the quantity of work undertaken would be offset by the improved quality of the work dones as a result of the Department's close evaluation of its relevance to future defense needs. The committee strongly doubts, however, whether this would be the case. In the first place, relevance to the Department's needs can be assured in large part by the fact that the defense industry's motive in undertaking the work is always future sales, sales which would not occur unless relevance to the Department's needs existed. Second the Department of Defense simply does not have in-house a monopoly on the best scientific and engineering minds in the country. It is doubtful whether even an expanded technical staff at the Department could consistently outguess industry as to the best potential solution to basic technological problems.

A related consideration is the fact that the solution of such basic technological problems is often a process of trial and error. This implies a flexibility to change directions when a given approach seems doomed to failure, or another significantly more promising. Such flexibility would be lost if an administrative straightjacket were placed on industry's I.R. & D. efforts.

S. 3003's limitation of the reimbursement of B. & P. expense to a maximum of 1 percent of direct material and labor costs in a given contract is also troublesome. To begin with, this limitation establishes a maximum believed to be about half the rate currently being experienced by most defense contractors. Even more important, B. & P. expense has no direct relationship to the cost of direct material and labor. It is related to the contractor's backlog and the magnitude and complexity of the systems and equipment on which he undertakes to quote. As a result, B. & P. expenses fluctuate considerably between contractors and for individual contractors from year to year.

PROBLEMS NONETHELESS NOTED

While the committee is convinced, as a result of its hearings, that enactment of S. 3003 is not advisable, the committee is also convinced that the Department's administration of its contractors' independent technical effort can be significantly improved and the costs of these programs somewhat reduced.

The committee found, for example, that the overall I.R. & D. programs of even the largest defense contractors were subject at times to only cursory technical reviews. The brochures covering these programs were often poorly studied and only brief trips made by department's personnel to the contractor's plants where the work contemplated was to be performed. One side effect of this limited review was the occasional funding by the department of contractor research and development relevant to the companies' commercial as opposed to Defense Department sales.

While the committee recognizes that detailed reviews of a company's individual I.R. & D. projects are neither feasible nor desirable, it sees no reason why greater efforts cannot be made to evaluate more closely the general scope of companies' I.R. & D. programs. The department should assure itself that the areas in which a company is working are, in broad terms, both defense-related and likely to produce technological advances in which there is a clear Defense Department interest. Any increases in technical staff needed to assure this limited objective are, in the committee's view, clearly warranted.

The committee was troubled also by recent increases in the overall magnitude of Defense Department funding of its contractors' independent technical effort. Between 1963 and 1969 the amount of money invested in this program increased from $459 million to $759 million, a rate of growth significantly greater than the rate of growth in the Department's procurement budget. And these figures cover payments to the major defense contractors only.

Among the factors responsible for these increases are several to which insufficient attention has been paid to date.

One of these is the difference between the competitive pressures in the commercial and defense markets. A company manufacturing for the commercial market has no assurance that it will be able to recover even the direct costs of his product, let alone indirect costs such as the costs of an allocable share of his overall research program; it all depends on the reception accorded his product in the market. Defense contractors, however, often bear far less risk. Their contracts with the Government often assure them of reimbursement for both types of costs. Accordingly, while both types of contractors can be expected to pursue research programs which maximize their potential sales, defense contractors have an incentive, other things being equal, to spend more in absolute amounts. This incentive can be counterbalanced only by Government controls designed to replace the competitive pressures of the private market.

The fact that the existing system of Government controls has been deficient in several respects is in large part responsible for the rising costs of contractors' independent technical effort programs.

Advance agreements with major contractors, for example, are designed in theory to set a ceiling on the maximum reimbursable costs which a contractor can recover in a given company's fiscal year. In practice, however, up to 38 percent of these advance agreements have actually not been signed until 6 to 8 months into a contractor's fiscal year, after which time advance cost control is no longer possible.

Moreover, advance agreements have been negotiated in the past only on the I.R. & D. portion of most contractors' programs. Given the similar nature of I.R. & D., B. & P., and O.T.E.-type work, many contractors have sought to circumvent their I.R. & D. ceilings by reclassifying additional desired work in the B. & P. and O.T.E. categories.

DEPARTMENT OF DEFENSE POSITION

In its testimony before the committee, the Department of Defense admitted the existence of these problems. It also proposed the following five-point plan as a means of coming to grips with them:

First. The improved use of individually negotiated advance agreements for the control and reimbursement of these costs for approximately 100 of the largest defense contractors.

Second. A strengthening of the Department's technical review and evaluation procedures in this area.

Third. Establishment of a data bank to provide a centralized body of I.R. & D. project cost and technical information.

Fourth. The use of a standard formula in determining the reimbursable costs of the large number of smaller contractors whose volume of sales to the Department does not justify the negotiation of advance agreements. There are actually several thousand of these smaller contractors.

Fifth. An increase in the resources of the military departments such as is necessary to permit implementation of the first four points.

The committee supports the Department in its efforts to improve its administration in this complex area, and it urges strongly that immediate steps be taken to implement the above plan. The committee believes also, however, that the importance of contractor independent technical effort programs to our security and the amount of money used annually to fund them, both justify broad legislative controls by Congress in this area.

THE COMMITTEE-PROPOSED AMENDMENT

In formulating its legislative recommendations, the committee has been mindful of the limited scope of its legislative authority. While S. 3003, as introduced by Senator PROXMIRE, would regulate the independent technical effort programs of both the DOD and NASA, the committee's proposals are applicable to the DOD alone.

For the same reason, the committee rejected the suggestion in the February 16, 1970, report to Congress by the Comptroller General of the United States, a report entitled "Allowances for Independent Research & Development Costs in Negotiated Contracts—Issues and Alternatives," for a uniform policy encompassing all agencies with independent technical effort programs.

Apart from jurisdictional considerations, the committee questions the wisdom of a uniform policy for a number of agencies with many different programs and customers. It believes, for example, that the policy for the AEC, while suitable for an agency with expertise in and responsibility for a very narrow scientific field, may be improper for the very different and more divergent needs of an entity such as the Defense Department. It notes also, as a practical matter, that companies selling to the AEC generally do only a small fraction of their current business with that agency and have an incentive, in the form of the very large future potential of atomic energy, to maintain all possible contracts with that agency. Companies selling to DOD, on the other hand, are far more dependent on that agency for their immediate economic health and could less easily withstand the effects of a restrictive policy.

The committee's proposed amendment has four main features:

First. It would require the Defense Department to negotiate advance agreements with all contractors who, during their preceding fiscal year, received I.R. & D., B. & P., and O.T.E. payments in excess of $2,000,000.

The number of contractors covered by this provision would be approximately 50, the same rough number with whom advance agreements are presently signed. Accordingly, there would be no major immediate expansion of the number of individual negotiations in which the Department would have to engage.

These agreements, however, would have to cover not only the I.R. & D. programs of these contractors, but their B. & P. and O.T.E. programs as well. The Defense Department itself has acknowledged that an expanded ceiling of this

kind is needed if a solution is to be found to the present practice whereby companies subvert their I.R. & D. ceilings by classifying certain expenditures in the B. & P. and O.T.E. accounts.

While only 50 or so companies will be covered by this $2 million threshold, these companies account for the great bulk of all auditable independent technical effort funds disbursed by the Department, 93.1 percent in 1968 and 95.6 percent in 1969.

Second. It would require that the I.R. & D. portions of these advance agreements be accompanied by technical evaluations of contractors' proposed I.R. & D. programs. These evaluations must be improved if the Department is to be assured that the work done is of great potential value to its future needs.

Third. It would require that no payments be made for I.R. & D., B. & P., and O.T.E. work not relevant to the functions and operations of the Department of Defense. This provision should serve as a directive to the Department to avoid a recurrence of those isolated past instances in which Department funds have been used to fund the research of contractors on commercial products.

Fourth. It would establish a ceiling of $625 million on the payments to be made pursuant to the advance agreements required to be negotiated during fiscal year 1971.

The Department of Defense opposes the establishment of such a ceiling. The committee is convinced, however, that a ceiling is essential if Congress is to be assured that costs in this area do not continue to rise at an unacceptable rate, and to provide the basis for an annual review of this program.

Considerable attention has been given by the committee to the alternative types of ceilings it could establish. It has rejected both line item control and a ceiling based on a given year's funds as administratively unworkable. The approach actually chosen will require the Department to do nothing more than to divide the $625,000,000 available to it among the 50-odd companies with which agreements are required.

The military departments have provided the committee with estimates indicating projected total payments for contractor independent technical effort programs of $656 million for the year 1970 and $645 million for the year 1971, compared with the $759 million reported for 1969. Although these amounts are recognized as estimates, their downward trend is consistent with the ceiling of $625 million recommended by the committee. Indeed, since the $625 million ceiling covers only those large companies who may be expected to receive about 95 percent of the total payments made, the ceiling actually affords the Department leeway to exceed its present estimates.

In conclusion, Mr. President, I would like to voice my conviction that the action taken by the committee will provide Congress with the type of control over these sizable expenditures, which is so urgently required at the present time.

I would also like to add a word of thanks, on behalf of the committee, to the Senator from Wisconsin (Mr. PROXMIRE) for bringing this matter to the committee's attention. While the committee's proposed action differs from his own, and while he may well disagree with the adequacy of our action, he deserves a large part of the credit for bringing this program under improved congressional control.

Mr. President, I want also to extend my thanks to Ross Hamachek, of my staff, for his long hours of grappling with what has been an intricate, complex problem. His work and suggestions to the subcommittee have been of great assistance to me and to the committee.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the text of the amendment.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

SEC. 203 (a) Funds authorized for appropriation to the Department of Defense under the provisions of this Act or any other Act shall not be available for payment of independent research and development, bid and proposal, or other technical effort costs unless the work for which payment is made is relevant to the functions or operations of the Department of Defense and unless the following conditions are met—

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more than $2,000,000 of independent research and development, bid and proposal, or other technical effort payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such company beginning on or after the beginning of each fiscal year of the Federal Government and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than $250,000 of such payments during their company's last preceding fiscal year;

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement;

(3) no payments for independent research and development, bid and proposal, and other technical effort costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a) (1) of this section, except pursuant to the terms of that agreement; and

(4) the total dollar value of the advance agreements negotiated prior to or during a given fiscal year as required under subsection (a) (1) of this section does not exceed a ceiling to be established annually by the Congress.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a) (1) of this section, but no agreement is reached with any such company or product division—

(1) no payments for independent research and development, bid and proposal, and other technical effort costs shall be made to any such company or product division during the fiscal year for which an agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive; and

(2) the amount of money received by that company for independent research and development, bid and proposal, and other technical effort costs during its last preceding fiscal year shall be included in determining compliance by the Department of Defense with the ceiling established by Congress, pursuant to subsection (a) (4) of this section, for the fiscal year in question.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before January 31, 1972, and on or before January 31 of each succeeding year, setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a) (1) of this section prior to or during the preceding fiscal year, together with the result of those negotiations;

(2) the manner of his compliance with the ceiling established by Congress for the preceding fiscal year pursuant to subsection (a) (4) of this section; and

(3) the latest available Defense Contract Audit Agency statistics on the independent research and development, bid and proposal, and other technical effort payments made to major defense contractors whether or not covered by subsection (a) (1) of this section.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306(f) of title 10, United States Code.

(e) The ceiling to be established pursuant to subsection (a) (4) of this section for fiscal year ending June 30, 1971, shall be $625,000,000.

(f) Section 403 of Public Law 91-121 (80 Stat. 204) is hereby repealed.

Mr. PROXMIRE. Mr. President, will the Senator from New Hampshire yield?

Mr. McINTYRE. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I congratulate the Senator from New Hampshire on an excellent speech and for the excellent job he has done in respect to the complex subject. I have talked to a number of Senators who have told me that Senator McINTYRE has done remarkable work in this area for several reasons. For one thing, it is complicated. Few people are aware of it. It was brought up last year and a number of the members of the committee said that they knew nothing or very little about it. So that the Senator from New Hampshire has gotten into a field that has been so complicated there has been little knowledge, discussion, debate, or very little understanding about it.

In the second place, as I understand the thrust of the recommendations of the Senator which he has listed to the purpose of the recommendations, they are not to discourage military research. Quite the contrary. The purpose of the recommendations is to encourage research and make it relevant and more effective, and to permit the Department of Defense and those who have the responsibility in Congress and elsewhere to know what is going on and what is being done, so that we will be in a position to appropriate money with critical understanding and knowledge.

I should like to ask the Senator from New Hampshire if that is not his principal objective?

Mr. McINTYRE. I would say to my good friend from Wisconsin that the subcommittee's recommendations to the full committee, and the committee's adoption of them, constitute a genuine at-

tempt to improve rather than curtail our defense research programs.

Last year, when the Senator from Wisconsin offered his amendment, it was a big surprise to me. Even though I had been chairman of the Subcommittee on Research and Development and was, presumably, somewhat knowledgeable in the whole field, I had never heard of independent research and development. As the Senator knows, it does not exist within the R.D.T. & E. section of the budget. It is actually found scattered all through the procurement items.

For this reason, we regarded the amendment of the Senator from Wisconsin as an open invitation to examine into this field, to see what we could do about bringing a quiet hand of control over an area of defense expenditures which no one in Congress knew very much about. We feel that our amendment will serve to keep the feet of the Department of Defense to the fire in its pledge to improve its administration of this program.

Mr. PROXMIRE. Let me see if I understand how the distinguished Senator from New Hampshire would go about this.

In the first place, the committee recommends that the Department of Defense will work with the big contractors, those who receive $2 million or more. This would cover not only what is technically called independent research and development but also bids and proposals and other technical efforts. Those two categories have been vague and ill defined. As a matter of fact, as I recall, even at the hearings, there was some disagreement as to what that meant. But this $2 million would be required in advance to cover those two categories; is that not correct?

Mr. McINTYRE. That is right.

Mr. PROXMIRE. In the second place, as I understand it, it requires that there be a technical evaluation by Defense—the committee recommends that there be—that the agreement be accompanied by a technical evaluation, so that there will be some clear understanding of the negotiations, how it relates to the defense effort, what it would contribute to, and whether it would be worth the amounts required.

Mr. McINTYRE. The Department of Defense does give a certain amount of time already to evaluation of brochures submitted by companies on this S.R. & D. programs.

Mr. PROXMIRE. That is about it. That has been the trouble. They look in the brochures and evaluate them, but this would go farther than just evaluating a brochure put out by a company. Those companies are skillful in making their brochures look attractive, but we must go behind the brochures to determine what the money is actually going to buy, and try to determine not only what the costs will be for each item but whether the items are technically feasible.

Mr. McINTYRE. I agree wholeheartedly. I would also point out to my good friend from Wisconsin that when we speak of brochures, we are speaking of very sizable items.

They are often two or three times the size of a phone book of a large metropolitan area.

The word "brochure," as such, is really a misnomer. These brochures are vast and complicated.

Mr. PROXMIRE. I did not mean to impugn them just because we called them brochures. What I meant was, to be somewhat skeptical about what the DOD is doing, whether it is doing a reasonably good job now in evaluating independent research and development.

The General Accounting Office had a very difficult time getting examples from them, and those we did get indicated very often that substantial expenditures were made in areas that did not have the remotest connection with defense. It would take a great imagination to conceive of ways in which they could have been related to defense. They were connected with urban renewal. One case I recall was devoted completely to domestic efforts, which might have been commendable but should have been specifically authorized and should not have been paid for under the guise of being for defense.

As I understand it, this evaluation will determine not only costs but also the feasibility and its relevance to defense work.

Mr. McINTYRE. That is right.

Mr. PROXMIRE. That is underlined by the third amendment—the third recommendation to which the Senator from New Hampshire referred, that no payment would be made for either I.R. & D. bids and proposals or other technical efforts which are not relevant to the purposes of the Department of Defense.

Mr. McINTYRE. That is our hard-nosed position at this time.

Mr. PROXMIRE. Finally, I think the proposal made by the Senator from New Hampshire, that the ceiling of $625 million be opposed, is realistic and sensible. It is very important to get that ceiling, not only from the standpoint of saving the taxpayers' money in areas where we have not really known what it has gone for, but much more important, to provide an incentive for the Department of Defense to make sure that the limited amounts of money for the projects will be for projects to help give this country its strongest military force.

Mr. McINTYRE. I hope that my good friend from Wisconsin understands that our ceiling is directed to the 50 companies doing $2 million or more work, which, we have found, account for 95 percent of all auditable I.R. & D. payments, but that there is a leeway over and above the ceiling of $625 million that could encompass another $20 to $40 million for the thousands of smaller companies which do some of this I.R. & D. work.

Mr. PROXMIRE. I think that is a practical accommodation, especially for a first effort. I hope that the committee, when giving its attention to this, will watch how it operates, and will consider the possibility of, perhaps, extending the ceiling further, especially if the area of I.R. & D. expenditures, which is exempt, should turn out to be greater than the $25 million or the $30 million which is anticipated.

I once again thank the distinguished Senator from New Hampshire. I do have some remarks to make, but I will wait until the Senator from California proceeds. This is related to I.R. & D.

I understand that the Senator from Arizona (Mr. GOLDWATER) now occupying the chair has an order to be recognized after the Senator from New Hampshire is through.

My remarks will only take 7 or 8 minutes. They are related to the same subject. I would like to make them after the Senator has finished.

Mr. CRANSTON. Mr. President, if the Senator from Wisconsin would like to proceed at this time, it is agreeable.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

MAJOR IMPROVEMENTS MADE IN ADMINISTRATION OF I.R. & D.

Mr. PROXMIRE. Mr. President, last fall I introduced a bill to place major new controls on the funding and administration of the independent research and development program. Independent research and development funds are used by contractors to improve their technical capability to meet the demands of the Department of Defense for new weapons systems. As such, they are separate from the regular research and development program. Projects funded under the I.R. & D. program are undertaken largely at the contractor's own initiative. Unlike the regular research and development program, the contractor, and not the Government, chooses the projects he would like to work on.

MAJOR ABUSES

In recent years expenditures for independent research and development have risen very sharply and administration of the program has been very lax. Expenditures have been authorized for independent research projects which have little or no value to Defense contract work. In some cases, money was being spent for the development of commercial products. Little or no effort was being made to control costs. Advance agreements, whereby the contractor agrees in advance with the Department of Defense as to how much money will be spent on a particular project, were rarely negotiated on time, if at all. Technical evaluations to determine the potential benefit of the project to the Department of Defense were conducted on only the most limited scale. In many cases, these "evaluations" amounted to a brief review of a contractor's brochure in which he described the proposed projects to be funded under the I.R. & D. program. Subsequent changes in the projects were rarely reviewed, much less approved.

While very little control was being exercised over the I.R. & D. program, even less was being exerted over two related expense items known as bid and proposal expenses and other technical effort. Bid and proposal expenses are those costs incurred in the submission of unsolicited proposals by contractors. Other technical effort was never clearly defined and included expenses very closely related to regular I.R. & D. costs. Advance agreements were not required for expenses incurred in either of these categories and, as a result, substantial I.R. & D. expenditures which exceeded

negotiated ceilings were charged off to these two expense categories.

SHARP RISE IN COSTS

This virtual breakdown in the administration of I.R. & D. programs was reflected in the sharp increases in costs reimbursed under the program. Between 1963 and 1969, overall I.R. & D. expenditures rose from $459 million to $759 million, an increase of over 65 percent in 7 years.

Mr. President, if we were spending $750 million in almost any other area, there would be a great deal of discussion if there was an increase of this kind. There would certainly be an insistence that we know what we are getting.

During this period, I.R. & D. costs reimbursed by the Government rose almost twice as fast as the increase in sales by the same contractors to the Department of Defense.

It was clear to me that the program was out of control and that legislation was needed to place adequate controls on the administration and funding of the program.

ARMED SERVICES COMMITTEE RECOMMENDS NEW CONTROLS

At this time, I am very pleased to report that as a result of hearings conducted by the Senate Armed Services Committee last winter, substantial new controls have been recommended for congressional action. I would like to commend the efforts of the Senator from New Hampshire (Mr. McINTYRE) and the work of his subcommittee on research and development in their review of this very complicated program. While not all of the provisions of my bill S. 3003 were included in the committee's report, I am very pleased at the recommendations which have been made to insure adequate control over the independent research and development program. I believe the committee came to grips with the most pressing problems and that its recommendations are sound. A quick review of the committee's proposed amendment will bear this judgment out.

ADVANCE AGREEMENTS REQUIRED

As I have already pointed out, one of the worst abuses was the failure of the Department of Defense to negotiate so-called advance agreements with contractors which limit the amount the Department will pay in I.R. & D. costs for any particular project. Thanks to the Senator from New Hampshire, the committee's recommendation requires that the Department of Defense negotiate advance agreements with all contractors who, during their preceding fiscal year, received I.R. & D., B. & P., and O.T.E. payments in excess of $2,000,000. Because this requirement covers all three types of expenditures, it effectively prevents contractors from exceeding ceilings on I.R. & D. expenditures by reclassifying certain additional expenditures as B. & P. or O.T.E.

TECHNICAL REVIEWS

Second, the committee recommends that the I.R. & D. portions of these advance agreements be accompanied by technical evaluations of contractor's proposed I.R. & D. programs. This will insure that no project is funded which has not been carefully reviewed by the Defense Department before work is started on it. This will guarantee not only that costs are reasonable, but that the project is technically feasible.

I.R. & D. WORK MUST BE RELATED TO DEFENSE CONTRACTS

Third, the committee would require that no payments be made for I.R. & D., B. & P. or O.T.E. work which is not relevant to the functions and operations of the Department of Defense. This is extremely important if we are to avoid situations in the past where contractors have used I.R. & D. funds to develop projects related to commercial business or to domestic needs. It will guarantee that all work done is of some direct benefit to our defense efforts.

COST CEILING RECOMMENDED

Finally, and perhaps most important, the committee recommends that a ceiling of $625 million be placed on payments made for I.R. & D. This ceiling represents a $134 million cut from what was spent on the program in 1969. Although I would like to have seen a lower ceiling imposed, this figure represents a substantial reduction from what was spent last year. What is more important, by establishing a ceiling on total expenditures, the committee has provided the Department of Defense with the strongest possible incentive to see that the program is carefully controlled and administered. Without the ceiling, it is doubtful whether costs could be controlled in view of the open-ended nature of research expenditures. The ceiling will force the Department to review carefully all proposed projects and select only those projects which will be of direct benefit to its contract work.

SENATE SHOULD ACCEPT COMMITTEE AMENDMENT

Mr. President, I feel that these recommendations will provide the needed controls over the independent research and development program. While they do not include all of the provisions of S. 3003, I urge the Senate to accept the committee's amendment. Once again I want to commend the fine work of the distinguished Senator from New Hampshire (Mr. McINTYRE) and the other members of the Research and Development Subcommittee for the excellent job they did in looking into this extremely complicated and difficult program. I believe their recommendations will solve many of the problems which have plagued the independent research and development program. They will strengthen not only the administration of the program, but also guarantee that all work done will be of value to the Department of Defense. I am delighted that the committee has accepted the major part of my proposal and that the committee's recommendations have been largely accepted by the Department of Defense. I urge that the Senate approve the committee amendment.

INDEPENDENT RESEARCH AND DEVELOPMENT

Mr. CRANSTON. Mr. President, I am pleased that the present occupant of the chair is the Senator from Arizona (Mr. GOLDWATER). The matter I am going to talk about is, I think, a matter that would be of particular interest to him. I would like to enlist his support at some point on the matter I will present to the Senate.

DEPENDENCY ON DEFENSE CONTRACTS

Mr. President, I am concerned that if the recommendations of the Subcommittee on Research and Development are adopted, defense firms will become even more dependent than they are now on defense contracts for their existence. Past Government policy has encouraged some large contractors to depend almost exclusively upon the Department of Defense for business. The workers employed by these contractors and the communities in which they are located are similarly dependent on defense contracting. In California, for example, 15 percent of all manufacturing jobs are directly related to defense spending. This is not a healthy situation.

CONGRESSIONAL RESPONSIBILITY

As we cut unnecessary items from the Defense budget, as the administration and the Congress, particularly the Senate, have done in the past 2 years, Congress has a responsibility to insure that the workers and the communities who depend on defense work for their livelihood are not abandoned abruptly, thoughtlessly, without concern for them or for our Nation.

In part, this means we must allow and encourage defense firms to diversify. So far we have not lived up to this responsibility.

DEFENSE UNEMPLOYMENT

Mr. President, I ask unanimous consent that I may have printed in the RECORD at the conclusion of my remarks several articles dealing with the plight of workers who are and who will be unemployed as a result of defense cutbacks.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CRANSTON. Mr. President, many of these workers are highly trained scientists and engineers who must either live on unemployment compensation or work at jobs that are considerably beneath their abilities or totally unrelated to their skills. Unemployment rates among technical personnel, assembly line workers and clerical staff are higher in communities dependent on defense contracting than in other parts of the Nation.

NEED FOR UTILIZATION OF DEFENSE RESOURCES

It is ironic that the skills that these unemployed people possess are desperately needed in other sectors of the society. To give only one example—in the housing field, a Presidential Commission estimated that we need to construct 2.6 million housing units per year.

Last year we constructed 1.3 million units and this year it is estimated that we will only produce 1 million new units. Not only are we failing to produce a sufficient number of houses to meet the needs of our expanding population, but we have not begun to replace the substandard housing units that create slums in our urban areas.

In testimony before the Senate Committee on Labor and Public Welfare, Walter Reuther contrasted the production methods in housing and space vehicles. He said:

UAW members in the North American Rockwell plant in the suburbs of Los Angeles built the major vehicles for the Apollo program, both the 11 and the 12. That happens to be the vehicle in which they are lifted off the launching pad and put into orbit.

That happens to be the most sophisticated vehicle ever put together by man. It has everything, its own water system, air system, electronic system, communications system, its own computers. That very complicated, sophisticated vehicle was put together with a work force that is 15% skilled and 85% unskilled.

Yet we build a thing as primitive as a house which is a box with some holes punched in it, and the labor mix there is 90% skilled and 10% unskilled.

Now why is that? Well, it is the technology. So here is an industry that has the highest technological and scientific capability in the world. And our job is to get that capability committed to the solution of these urgent domestic problems.

Domestic problems that cry out for the application of technology and skills developed in defense work include pollution abatement, mass transit, air control and safety, law enforcement and many other fields.

AMENDMENTS IMPEDE DIVERSIFICATION

But the Subcommittee on Research and Development proposes that the disbursement of funds for I. R. & D., B. & P., and O.T.E. be limited to work that is relevant to the functions and operations of the Department of Defense—prohibiting its use for the application of defense technology to other pressing social needs. A much more enlightened approach would be to permit a defense firm to spend such funds for work that is relevant to the functions and operations of other agencies, such as the Department of Housing and Urban Development or the Department of Transportation.

AID TO DIVERSIFICATION

Senator BROOKE suggested a very valuable program to aid diversification which is now incorporated into section 205 of the appropriations bill. That section recognizes the need for the application of defense technology to civilian uses by creating an Interagency Advisory Council to seek out such applications.

This will aid defense firms in diversifying, by highlighting uses to which existing capabilities can be put. But I believe that there is a need to develop additional capabilities for the transfer of defense technology to civilian uses. I.R. & D. can accomplish this goal.

Such a policy would not authorize unlimited expenditure of Department of Defense funds for nondefense purposes. Contingent on Department of Defense approval, it would allow firms to prepare to diversify into nondefense business, and to proceed to do so, as they carry on defense work, and particularly as their defense contracts are curtailed, run out or are terminated. The only alternative to such a policy is to utterly neglect workers, countless firms, and communities that have labored so long to maintain national security. There is no sound moral or economic reason to forsake those who have contributed to national needs—especially when their skills are needed in other areas.

If we allow defense firms to use I.R. & D. to diversify into nondefense lines, it will not be at the expense of the Department of Defense. I.R. & D. and related costs are overhead costs—that is, they are expenses that a firm must incur if it is to survive in a competitive economy, but which are not allocable to a particular customer. Since many defense contractors are almost entirely dependent on defense contracts for their existence, it is only fair that the Government pay its share of these overhead expenses.

If the Department of Defense does not allow these contractors to use defense funds to diversify, they will be permanently locked into defense contracting. As defense spending decreases, so will the business of these firms. Along with a decline in business will come high rates of unemployment and depressed communities.

LIMITATION ON I.R. & D. FUNDS IMPEDES DIVERSIFICATION

I am also opposed to placing a limitation on the amount of defense funds that can be spent on I.R. & D. and related expenses. Such a limitation may impair the ability of firms both to diversify and to be as constructive and creative in defense work itself as the national interest demands.

Dr. Arthur Obermayer, president of Moleculon Research Corp. in Cambridge, Mass., testified before the Senate Committee on Labor and Public Welfare that last year's reduction of 7 percent in I.R. & D. funds would hamper diversification.

Defense contractors who want to convert must spend more than a normal amount of time and money seeking out business in these new areas. This means learning new technologies through independent research and development activities and submitting more proposals to new government agencies—just the kinds of expenses this new legislation discourages. This new restriction on allowable overhead expenses for independent research and development, bid and proposal expenses and other technical effort goes in the wrong direction—this type of expenses which is necessary for conversion should be encouraged, not curtailed.

I.R. & D. VITAL TO NATIONAL SECURITY

I am also opposed to placing a limit on the expenditure for I.R. & D. because I view I.R. & D. as an insurance policy for national security. It is the source of up-to-date technological knowledge that is a vital ingredient of our very survival and will be not only as long as we are in an arms race but as long as we live in a lawless world.

We should encourage innovative thinking, and then allow those who under our Constitution make national policy to decide whether further research, and perhaps production, is needed.

I. R. & D. MORE ECONOMICAL THAN PRODUCTION

I.R. & D. enables us to refrain from needlessly producing expensive weapon systems because it cuts the leadtime in deployment of such systems. We would not be forced to deploy weapons out of speculative fear because we would have the capacity to produce weapons on short notice if actual need were to arise.

This ability to refrain from producing needless weapon systems is especially important now that the United States and the Soviet Union have embarked upon the tortuous path toward some form of arms limitation agreement. Production of weapons is provocative, and if such production can be halted, where not essential to our national security, the prospect for success in the SALT negotiations will be improved.

The premium for independent technical effort insurance protection is modest compared with the $6.74 billion spent last year on aircraft procurement, and the $3.6 billion spent on missile procurement. Independent technical effort cost the Government $685 million in 1968. We actually received $1.39 billion worth of research in return. Thus, the taxpayer got two dollars worth of research in return for every dollar invested.

Besides its low cost, the independent technical effort program has been a remarkable success. It speeded, by at least 5 years, development of integrated circuitry, the nerves of intercontinental ballistic missiles. It cut in half the development time of the flying crane, the world's largest helicopter. It helped land a man on the moon less than a decade after that goal was announced by President Kennedy.

Knowing that we have independent technical effort as insurance would also free us from deploying weapon systems which are already obsolete. The administration spent 891.5 million dollars in fiscal year 1970 on producing and deploying the ABM. Now they want to increase this expenditure by $334 million. Eventually the ABM can cost many billions of dollars.

Ironically, our I.R. & D. made the ABM obsolete even before it went into production. The waste of money on the ABM is not a technological failure. It is a political failure.

In a recent colloquy between Senators MCINTYRE and PROXMIRE, Senator MCINTYRE pointed out that the Soviet Union is spending more on defense R. & D. than the United States. In reply Senator PROXMIRE stated:

If our level of research is lower than that of the Soviet Union, then it seems to me it is a matter of misplaced priorities by the Defense Department, because, in absolute dollars, there is $72 billion in the overall budget—and military construction. AEC and military aid spending brings overall defense expenditures up to $75 billion. The London Office of Strategic Studies has stated that Russia is spending $40 billion military total, if we adjust both for the lower cost of living and lower salaries paid in the Soviet Union and for the difference between dollars and rubles. So all together we spend almost twice as much as the Soviet Union does on our defense. Yet the Senator from New Hampshire says we spend less in absolute dollars for military research.

Military research is the name of the game. After all, if we are going to have an effective military force, we have to have military research that bears a very large share of all military expenditures.

I would think we would want to reconsider our overall military priorities, perhaps moving some of the resources we have devoted to other military areas into research.

I agree with Senator PROXMIRE that military research is the name of the

game. I agree that we should consider reallocating some defense resources from production to research. However, the wisest form of reallocation is prevented by subcommittee's amendment to place a limit on the amount of I.R. & D.

EXISTING LIMITATION ON I.R. & D. EXPENDITURES

In the absence of a congressional limitation on I.R. & D. expenditures, such costs would not spiral out of control. Congress places an absolute limit on total defense spending each year. Whether that amount is spent on production or research, it is all allocated and ultimately spent. I believe that the Department of Defense should be given the flexibility to pursue important technical ideas through I.R. & D. if it feels that the need is great enough to curtail some production expenses. The need for the Department of Defense to make that trade-off insures that it will not authorize frivolous projects.

There is another aspect of this matter that I would like to touch upon. I am pleased that the chairman of the Armed Services Committee (Mr. STENNIS) is on the floor at this time, and I invite his attention to this particular aspect of the problem. This aspect relates directly, I believe, to our defense posture and hence, I am sure, to our security, and perhaps to our survival.

DIVERSIFICATION IS A FUNCTION OF DOD

If we assist firms engaged in defense to diversify into nondefense work, we will enable them to hold together teams of experts in defense technology that will otherwise be broken up—disintegrating and dispersing as so many companies find their defense contracts declining or ending totally. The absence of the best of these teams could be a fatal flaw in our security in the sort of emergency that can, unhappily, arise so suddenly and so dangerously in today's unstable, volatile, violence-prone world.

If we would find a way for those companies to diversify and to hold together those teams, I believe we would be serving a vitally important aspect of our national security.

Since it is evident that the Senate will now approve the committee recommendations on I.R. & D., I do not intend to acquiesce in this decision on any permanent basis, but I am not proposing any effort at this time, by the amendment process, to change the committee's decision. I do want to say that I shall renew the fight in the future. I shall also continue to work to maintain sufficient high levels of defense R. & D. through direct contracts so that our national security is not impaired.

Finally, I shall propose, in the near future, legislation of a new sort to aid defense firms in diversifying defense technology to civilian needs. The legislation will be designed to insure that those whose skills and talents have done so much in defense work shall have an opportunity to apply those skills and talents to domestic problems that so gravely concern all Americans.

At this time I would like to address one question to the very able Senator from New Hampshire, who has mastered an incredibly intricate and involved subject on the whole matter of I.R. & D. The present language on page 8, lines 8 and 9 of the bill, refers to "other technical effort costs unless the work for which payment is made is relevant to the functions or operations of the Department of Defense."

The committee report, on page 97, at the bottom of the page, explaining what would happen under the new language, reads:

> It would require that no payments be made for IR&D, BP, and OTE work not relevant to the functions and operations of the Department of Defense. This provision should serve as a directive to the Department to avoid a recurrence of the isolated past instances in which Department funds have been used to fund the research of contractors on commercial products.

I fully understand the desire to prevent private firms from using Government money to expand into commercial production for profit. However, a strong case can be made that firms should be allowed to use I. R. & D. funds to expand into fields where the society has a desperate need for technological innovation, but where the profit incentive is insufficient to lead firms to undertake such innovation because the markets for the products are uncertain. For example, I refer specifically to adapting the technology of communications devices and night-seeing devices, now used in aerospace and defense work and in Vietnam, for use by police in law enforcement in the cities. We have the technology but not the hardware, to make such devices available for use in our hard-pressed cities in their wars on crime. Use of I.R. & D. funds for that purpose would permit a great step forward in law enforcement in our cities.

The PRESIDING OFFICER (Mr. MILLER). The time of the Senator has expired.

Mr. McINTYRE. Mr. President, I ask unanimous consent that I may be allowed to continue for 5 minutes.

Mr. GOLDWATER. Mr. President, reserving the right to object, I have been allowed 30 minutes following the Senator. If my time can be readjusted so that I can have 30 minutes, I will not object.

The PRESIDING OFFICER. The Senator received unanimous consent to proceed for 30 minutes following the Senator from New Hampshire.

Mr. McINTYRE. I have asked to continue for 5 additional minutes.

Mr. GOLDWATER. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, another example I am referring to relates to the crisis of safety around our airports, a subject in which the Senator from Arizona (Mr. GOLDWATER) is particularly interested. We face a crisis there. We need improved radar for air safety around the airports of America. The talents and technical skills needed for the ABM and other defense programs could be used to develop radar and other devices that we need for greater safety around our airports. Again, I.R. & D. could adopt defense technology to civilian use.

Thus, I.R. & D. funds can be used to achieve important domestic goals while at the same time contributing to an important function of the Department of Defense—the preservation of defense company teams and talent which may be needed in future emergencies. These teams and the talent will distintegrate and be lost to the Nation if we do not find a way to hold them together.

I want to ask if, in the opinion of the chairman of the subcommittee, who has great knowledge of this incredibly intricate problem, if this sort of work, which does not relate to commercial enterprise which this language was designed to foreclose, if this work does not possibly relate to the function of the Department of Defense and therefore might not be prohibited under the committee's language.

Mr. McINTYRE. Mr. President, the Senator's critiques of the work of the committee on the I.R. & D. are noted. I think they bear some thinking on our part. It may be that some of the examples the Senator is talking about on a gray area as far as applications of a relevancy test is concerned. What we were trying to do as a subcommittee was to state the basic principle of relevancy, first recognized last year in section 203. There may well be gray areas.

I am aware of the transitional stage that defense industries are going through, with the breakup of these teams, and I have noted very carefully what the Senator has said here today. I think there may well be some types of work which both meet the test of relevancy and which might facilitate a company's conversion.

Mr. CRANSTON. I thank the chairman. I think this is a very fair answer, and all I could expect under the circumstances of give and take at this point in our consideration of the issue.

EXHIBIT 1

[From the Washington (D.C.) Post, July 22, 1970]

CUT OF 592,000 DEFENSE JOBS SEEN IN 13 MONTHS

(By Michael Getler)

Military budget cutbacks have cost workers in the defense industry some 367,000 jobs in the past eleven months, according to latest Pentagon estimates, and the rate at which workers are being displaced is quickening.

Another 592,000 industry employees face lay-off notices within the next 13 months.

(George P. Shultz, newly appointed director of the Office of Management and Budget, told the Joint Economic Committee of Congress on Monday that two million individuals, including military personnel, would be "affected" by the cutbacks between July 1969 and July 1971.)

Because of the general six to eight month backlog of military equipment orders, cuts made last fall in the Pentagon's fiscal 1970 budget are only now beginning to be reflected in higher unemployment rates. In May of last year, unfilled defense orders with manufacturers stood at $22.4 billion. The current backlog is now down to $19.4 billion.

According to Assistant Secretary of Defense Robert C. Moot, the Pentagon's Comptroller, a Bureau of Labor Statistics study has calculated defense-related employment in the private sector of the economy at 3.4 million jobs in fiscal 1969.

Speaking in Washington yesterday to members of the President's commission of Personnel Interchange, Moot said "we are anticipating that this will fall to 2.4 million

by the end of fiscal 1971," on June 30 of next year.

Moot also estimated that the loss of industrial jobs will have a greater impact on the national unemployment picture than an equally sized cutback in military personnel since so many of the younger ex-servicemen go on to school.

Between June, 1969, and May, 1970, some 471,000 military and civilian personnel working within the Defense Department also have been released, with all but 95,000 of these coming from the uniformed services.

Precisely how many of the displaced defense workers, civil servants and military personnel remain on the unemployment roles is impossible to determine accurately. Moot did point out that last June the national unemployment rate was 3.4 per cent and that since then the ranks of those out of work has swelled by 1,137,000 and boosted the rate to 4.7 per cent.

"We do know," Moot said, "that the 838,000 total reduction in defense has been an influencing factor, just as the 803,000 yet to be reduced will have an influence."

In addition to the projected industry cutbacks, the Pentagon plans to scale down the armed forces by another 175,000 men and the civilian defense establishment by some 36,000 by June, 1971.

[From Business Week, Feb. 7, 1960]

Defense related employment will be reduced by 1,322,000 men by mid-1971 under the new budget. Military personnel will be cut by 551,300 to about 3-million, and the military's civilian force will be trimmed by 130,400 to about 1-million. Roughly 640,000 defense plant workers will be dropped from the present 2-million-man payroll. Reductions began last June, but the main impact is yet to be felt. Only about 40,000 of the contractor work force have lost jobs so far. By late spring, layoffs will rise markedly.

[From the New York Times, June 15, 1970]

SKILLED WHITES AFFECTED MOST BY JOBLESS RISE—AIRCRAFT, AEROSPACE, ARMS, AND AUTO INDUSTRIES ARE FOUND CHIEF VICTIMS—LABOR AGENCY REPORTS UNEMPLOYMENT IS CENTERED AMONG WORKERS IN MIDDLE WEST AND ON THE COAST

WASHINGTON, June 14.—The Labor Department said today that the nation's sharp rise in unemployment this year had been felt most by skilled white workers in the aircraft, aerospace, weapons and automobile industries in the Middle West and on the West Coast.

"This suggests that cutbacks in the defense and aerospace fields, the impacts of which are also being felt in many other industries, have been primary factors in halting the growth of factory employment since mid-1969," an analysis by the Bureau of Labor Statistics said.

The housing slump and slower automobile sales also added to joblessness, it said.

Unemployment has climbed by 1.3 million to a total of 4.1 million persons so far this year, increasing the national jobless rate from 3.5 per cent to 5 percent of the civilian labor force.

LESS IMPACT ON BLACKS

Unemployment among Negroes has been less severe, primarily because they have never been largely represented in the industries showing substantial job losses since mid-1969, the report said.

It said that employment in the last 10 months had dropped 21.1 per cent in ordnance and accessories; 9.1 per cent in aircraft and parts production, and 13.2 per cent in motor vehicles and equipment.

Joblessness has been less severe in other industries, but shows signs of spreading, the report said.

"In the other goods-producing sectors of the economy—mining, construction and agriculture—employment has remained at a virtual standstill since last fall," it said.

And while service jobs grew throughout 1969, there has been virtually no further growth since February, it said.

"Although unemployment has been rising across the nation," the Labor Department said, "some areas have been hit much harder than others. Since industries bearing the brunt of the slowdown are concentrated in the Midwest and the Pacific Coast, it is these areas which have experienced the sharpest rise in unemployment."

"The Pacific Coast area, which contains only one-eighth of the nation's labor force, has accounted for about one-fifth of the national increase in state-insured unemployment during the April, 1969-April, 1970 period," the report said. "The principal factor accounting for the sharp rise in joblessness in this area is the reduction in aerospace and defense-related production.

"The unemployment rise in the Midwest is attributable primarily to cutbacks in automobile production and to a general weakness in durable goods production, which is heavily concentrated in this area."

MEN AFFECTED MOST

The pattern of industry slowdowns has mostly affected men, although joblessness has also climbed for women and teen-agers, the report said. Since December, 600,000 men have joined jobless rolls along with 400,000 women and 200,000 teen-agers.

"One of the surprising facts about the recent rise in unemployment has been the extent to which it has affected workers in high-skill jobs," the bureau said.

"The jobless rate for the professional and technical group has now returned to a level last attained—and then for only a very brief period—in 1963," it said. The rate was slightly more than 2 percent.

Unemployment among blue-collar workers climbed from 4.3 per cent in December to 6.2 per cent in May, with the sharpest rise also among skilled men, it said.

[From the Wall Street Journal, June 24, 1970]

COMPANIES' JOBLESS PAY FUNDS RUN OUT FOR AEROSPACE WORKERS ON WEST COAST

LOS ANGELES.—Many laid-off aerospace workers are finding the situation is getting even worse.

McDonnell Douglas Corp., the St. Louis-based aerospace concern, confirmed that it had ended payments of special unemployment benefits to any more workers who are laid off. The move affects union workers only at its facilities in the Long Beach, Calif., area, a spokesman said.

In March unemployment increases forced North American Rockwell Corp. to halt its layoff fund. In both cases there wasn't enough money coming into the funds to make up for the sums going to laid-off workers.

A spokesman for McDonnell Douglas confirmed that last week the company's supplemental unemployment benefits program fund went below a reserve of $18 a worker, and this automatically canceled all payments. The company had paid out over $20 million since the program began.

COUPLED WITH UNEMPLOYMENT INSURANCE

Douglas had negotiated the program with the United Auto Workers union in 1965, under which the company put five cents an hour a worker into a special fund. A worker would receive as much as 75% of his gross earnings in case of a layoff for up to 52 weeks, when the special payment is combined with state unemployment insurance, which provides a maximum of $65 a week.

Until the first of this year laid-off workers at Douglas were getting the full amount, which union sources confirm was almost the same as the net they received after taxes and other deductions.

Less than two years ago, membership in UAW Local 148, the bargaining unit for Douglas in Long Beach—stood at about 36,000. Today the number of workers in the unit is under 13,000.

Tony Hatcher, vice president of the local, said, "We negotiated a fine program, but we never believed unemployment would go down this far." Those laid off, he said, are taking money out many times faster than it can be put back in.

MONEY USED FOR INSURANCE

While the UAW and Douglas representatives are holding meetings to discuss the situation, Mr. Hatcher says he "can't see any more money going in regardless of the meetings." A Douglas spokesman declined comment at this stage in the discussions.

North American ended jobless payments—which were in lump sums instead of weekly benefits—when layoffs during the past few years depleted the company's fund and "continued payments would exceed the company's maximum liability." Shortly before the cut-off date at the end of February, union members ratified a proposal whereby the company would use the unspent money in the fund to provide group insurance benefits for laid-off employes. The program, which is still in force, includes hospital, medical and surgical benefits for employes and their dependents. Money still coming into the layoff fund will go toward the insurance program, a North American spokesman said.

Henry Lacayo, head of UAW Local 887 at North American, said that while North American recently won the huge Air Force contract for the B1 bomber, the expected employment surge won't come fast enough to build the fund back up by fall.

Lockheed Aircraft Co., which recently announced its total employment would drop about 13% by year-end, said it didn't expect its jobless plan to meet a similar fate. A spokesman said Lockheed changed its severance pay program in 1965 from a general fund to the coverage of workers with individual accounts. Not only is there still money in the general fund, he said, but even if those reserves run out they're backed by the individual fund.

[From American Survey, Mar. 28, 1970]

AEROSPACE ON A SHOESTRING

Drive the dreary miles from Los Angeles south to Redondo Beach and north to North Hollywood, or go 60 miles south of San Francisco to Palo Alto and San Jose in Santa Clara county, and you soon see that official figures for employment in aerospace are only the tip of California's aerospace iceberg. As a jovial British machine tools salesman puts it: "the place is stiff with tinbenders," subcontractors supplying bits and pieces to the big firms which have won prime contracts from the government. It is rather worrying, therefore, that the iceberg's tip has been melting of late; the chart shows how visibly. California will get one-fifth, maybe slightly less, of a declining absolute level of prime contracts placed during 1970 by the Department of Defense and the National Aeronautics and Space Administration. In the mid-1960s its share was 28 per cent of a rising total.

One culprit is the government's disenchantment with space as a national priority. A bigger culprit is the Vietnam war, the cost of which has bitten into the Defense Department's budget for sophisticated hardware. On balance California has done reasonably well out of the war, notably because San Francisco and Oakland are the handiest American ports from which to ship men and supplies to Vietnam. But this has not helped the aerospace industries. Since the end of 1967 employment in them has fallen from 38 per cent of all manufacturing employment in California to about 34 per cent today. In numbers it has fallen from a quarterly aver-

age of 615,000 to an estimated 570,000. But in the seven southern counties grouped round Los Angeles, shown in the chart, the chief dynamo since the war of California's entire economy, the dependence on aerospace is particularly high. Ventura and Santa Barbara are dormitory areas relying heavily at one remove on the aerospace factories. Santa Barbara and Riverside are university towns, with research workers largely dependent on government contracts.

Were their other industries simply outstripping a thriving group of aerospace companies, California's southern counties might derive comfort from the fact that each of them depends less each year than the year before on the aerospace industry; at the start of 1968, for example, more than two-thirds of San Diego's manufacturing labour was in the aerospace industry compared with under 60 per cent today. But it is not easy to take comfort from the fact that several of the major companies in these areas are in desperate straits. The problems, like the industry, are massive in scale and they arise because all the big aerospace companies are under-capitalised and dependent on big one-shot contracts; traditionally they need huge progress payments from the Department of Defense, or commitment fees from the civil airlines, several years in advance of coming up with a salable product. When the product then proves unsalable, as has happened in a number of spectacular cases recently, the companies are in the position of the author living off a stiff advance who then writes a useless book.

The Convair division of the General Dynamics Corporation in San Diego spent the 1960s recovering from its fiasco with the Convair passenger aircraft. Now it is in almost as much trouble as a subcontractor for the Lockheed Aircraft Corporation's big military transport, the C5A, on which the government first cut back its initial order by over one-quarter and then rocked both companies by hinting that there might be no follow-up orders.

Lockheed has other problems. Its revolutionary fixed rotor Cheyenne helicopter has had its $875 million Army contract cancelled. The firm is losing the intermediate range airbus race to the McDonnell Douglas Company of St. Louis and lacks the money to start building the long-range version for which it has no orders. As a result of all this, Lockheed, the country's largest defense contractor, has had to appeal to the government for rescue from financial disaster.

Unlike the motor industry, reductions in employment in the aerospace industry are not easy to quantify company by company. All that the communities of Burbank, north of Los Angeles, and Santa Clara county, south of San Francisco, know is that Lockheed is getting rid of professional men every week and will have to lay off about 5,000 workers this year. The aerospace division of North American Rockwell Corporation, hard by Los Angeles airport, had to lay off over 2,000 men after losing the Air Force's F–15 fighter contract to McDonnell Douglas and altogether 13,000 workers, mostly in southern California, will go during the year. At the time of its merger with Rockwell-Standard of Pittsburgh in 1967, North American Aviation was the larger of the companies. Today the predominance of stolid midwesterners in heavy tweed suits at the group's sunny Californian headquarters tells a new story; the high technology company is being baled out by its once junior partner, the maker of steel springs and textile machinery.

Underlying these individual disasters is the fact that the aerospace industry finds itself in a hiatus in all three of its major markets. Trouble with the Air Force and Congress over the C5A, worry over whether the new B1 strategic bomber will ever be funded, indicate general uncertainty over the future shape of American defence strategy, over the cost of hardware, over the tactics of foreign policy itself. How big, for instance, will the anti-ballistic missile system eventually be, or what is the future value of submarine missile defence? Similarly, there is doubt about space, although this will soon be over now that Washington has decided on the shape, although not on the detailed contracts, for the next stage of the programme; it is a much reduced one. In civil aviation, subcontracts in California (notably Northrop's fuselages) for the Boeing 747 are in full swing. But production of the Douglas DC10 airbus and the Lockheed 1011 is in suspense because their prototypes have yet to fly, while work on the DC8 and DC9 and subcontracts for the Boeing 707 are all tailing off. And what will eventally happen to supersonic airliners?

On all these fronts both the government and the civil airlines, each strapped for money, are tending to favour more research and development but less actual production. This is true of space, of the ABM, of spy aeroplanes, of the SST, of the Cheyenne helicopter and will quite possibly be true of the BI. This may be good for the country; it is not so good for the aerospace and electronics manufacturing reservoirs in California.

Mr. McINTYRE. Mr. President, the Senator from California (Mr. CRANSTON) has focused in his remarks on an issue considered by the subcommittee but not addressed in my earlier comments this afternoon—the conversion of our great defense industry to increasingly commercial uses.

I share the Senator's concern about this conversion process. Conversion is essential, as our defense expenditures decline, if large-scale regional unemployment is to be averted and if we are to make maximum use of the Nation's productive resources. I recognize also that a larger supply of I.R. & D. dollars can facilitate a company's conversion process.

For several reasons, however, our subcommittee rejected the option of letting this consideration influence the legislation we proposed.

To begin with, the I.R. & D. program was initiated and has always been administered with other aims in mind. As I see it, the program has had essentially two aims.

First, it has been designed to enable defense contractors to recover research and development costs which all manufacturers and contractors—commercial or Government in nature—must recover if they are to keep up with technological progress without going bankrupt.

Second, however, the I.R. & D. program has been a device whereby the Defense Department has sought, for its own purposes, to sponsor or fund research projects which it has felt could better be undertaken other than through direct contracting. It has been a conscious part of the Department's research and development program.

It is because of this second aspect of the I.R. & D. program that it has grown as rapidly as it has in recent years. And it is for the same reason that the Director of Defense Research and Engineering, Dr. John S. Foster, Jr., argued before the subcommittee that there should be no necessary relationship between the volume of defense contractors' sales to the Government and the I.R. & D. dollars they receive.

The use of I.R. & D. dollars to enable firms to convert their facilities to commercial activities would wreak havoc with the second of these aims. Dollars going to the firms to conduct research relevant to the needs of the Department would be diverted to other uses.

Moreover, there would be no equity as between firms. Some would use the dollars they received essentially for defense purposes, making no progress in the conversion process, while others—given the choice—would use them almost exclusively for conversion.

It was for reasons such as these that the subcommittee did not believe that I.R. & D. dollars should be used to facilitate the conversion of defense industry. This problem, it felt, should be addressed separately and carefully considered on its own merits. Only in this manner can a solution be proposed which treats all contractors equitably and does not interfere with our legitimate defense needs.

One final point: The committee's recommendation recognizes the value of our I.R. & D. programs and effects only a small reduction in them, a reduction consistent with the Department's own estimates of its projected fiscal 1970 and fiscal 1971 expenditures. Our ceiling does not preclude a rise in these expenditures in future years. It serves only to give them a visibility which they have lacked too long, a visibility essential for meaningful debate as to what their level should properly be.

Mr. STENNIS. Mr. President, before the Senator from New Hampshire yields the floor, I wish to thank him and his subcommittee not only for their further contribution to this part of the bill on research and development for this fiscal year, but for the work he and his subcommittee have done to further lay the groundwork and foundation for guidelines that I think we sorely need, which will serve us over future years.

Mr. McINTYRE. I thank the Senator.

Mr. STENNIS. I say to the Senator from California that I am impressed with his point also. He knows where the problem lies, and, as always, is constructive in his suggestions.

The Senator from New Hampshire has impressed me as having proceeded very carefully in going into this matter. You could not push him around, or push him off the cliff, either. He has mastered the subject matter enough to know how serious it is. He, too, points with great caution, and at the same time in a very constructive way, toward finding the ultimate solution.

I believe that, with this bill and one more, we will have evolved a fine policy.

Mr. McINTYRE. I thank the distinguished chairman of the committee.

Several Senators addressed the Chair.

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. MILLER). The Senator's time has expired. Under the previous order, the Senator from Arizona is now recognized for 30 minutes.

AIRCRAFT AND MISSILES

Mr. GOLDWATER. Mr. President, there can be no doubt that we are again embarked upon a prolonged discussion of Government spending as it affects the Nation's Military Establishment and the defense of the Nation's 204 million people.

I suspect that we are perhaps letting ourselves in for yearly bouts of exhaustive discussions of all aspects of the military authorization bill.

Many times in the past 18 months I have reminded my colleagues that there is an organized effort to downgrade and weaken the defense posture of this Nation by many persons associated with the left-wing political elements in this country.

So, Mr. President, I believe we have to come to grips once and for all—or at least once every year—with the fundamentals involved in this tug-of-war over defense expenditures. If I may, I should like this afternoon to cut across all of the individual arguments and contentions for and against specific items in the authorization and deal primarily with the overall aspect of a proper ordering of our national priorities.

Mr. President, to listen to some of the more vocal and extreme critics of our Defense Establishment, you would be inclined to suspect that the whole idea of setting up a list of priorities for the expenditure of public funds was invented by them last year and unveiled for the first time when the Nixon administration took over the Pentagon.

Some of us as far back as the early 1960's pleaded in vain for some kind of an ordering of the national crises which were reported to the Congress from President Kennedy. As Senators may recall, everything that came from downtown in those years was an emergency of immediate and dire nature. Everyone of them called for large expenditures of the taxpayers' money on the theory that the answers to all of our national problems rested in the expenditure of more and more public money.

But we got no list of priorities from the New Frontier. If Senators will recall the only item of drastic concern during the campaign seemed to be a missile gap which was forgotten the day after election. Nor did we get any priority list of what was most important, what was second most important, what was third most important or what was least important in the long list of items submitted for funding under the Great Society program of President Johnson.

No, Mr. President, the loud outcry for a system of priorities had to await the advent of a Republican administration. By the same token, the great concern over waste and inefficiency and cost overruns and similar problems in the Department of Defense were never mentioned by the critics of the so-called military-industrial complex when former Secretary Robert McNamara was in charge of the Pentagon.

What is more, the critics of our defense spending and the most prominent advocates of the process of reordering our national priorities do not appear to be greatly interested in learning the former Secretary's views. It is true that at my request the Senator from Wisconsin (Mr. PROXMIRE) issued a couple of invitations for Mr. McNamara to appear before his subcommittee on waste and inefficiency. As I recall, the former Secretary declined because of the press of business attendant to his new post as President of the World Bank. To my knowledge, no effort was made to obtain from the busy Bank president his written observations on the huge expenditures and the vast waste which were permitted to grow up in the Defense Establishment during his regime as Secretary.

One of the things which bothers me most about the argument for a reordering of national priorities is the fact that it is a handy tool which can be and is used by any and all critics of the Military Establishment. Any time any liberal in the Nation wants to solve a new problem, he argues that it could be wiped out if the Government were not spending so much on defense. As the President of the United States said on July 18, 1970, it has become "almost a cliche" to say that all we need do to resolve any dilemma arising on the domestic front is to cut our space and defense outlays and change our national priority.

The President was pointing out that his administration has changed our national priority for the first time in 20 years. He pointed out that in the budget he proposed for 1971 spending for defense is exceeded by the amount earmarked for human resources. He explained:

> In all of the last three administrations, military spending ran far above the spending for other purposes. In 1962 under President Kennedy, the Federal Government spent 48 percent of its budget for defense and only 29 percent for human resources. By 1968, the comparison was 45 percent to 32 percent. My budget for 1971 sharply reversed these priorities. It calls for spending 37 percent for defense and 41 percent for human resource programs. To accomplish this massive change in emphasis, military and space expenditures were cut by some $6 billion.

That was the President speaking.

Even so, the Senate is again ringing with demands for huge reductions in the Defense budget by persons who appear to want to ignore the reordering of priorities which has been achieved by the Nixon administration. For example, on Friday, July 24, the Senator from Wisconsin (Mr. PROXMIRE) asked for a cut of $10 billion in the $72 billion Defense budget, asserting:

> We must reorder our priorities and reduce the excessive claim of the military in order to redress our glaring social need here at home.

Mr. President, there can be no doubt that this administration has acted courageously and forthrightly to change the order of our expenditure priorities. This is nondebatable. It is an accomplished fact, but it is completely unacknowledged by people who are bent on unilateral disarmament of the United States.

I suggest that the critics of our military system—or at least some of the loudest and most persistent—have only a casual side interest in the whole subject of economy and the saving of the taxpayers' hard-earned dollars. If priorities were really their major concern, they would be heaping congratulations upon President Nixon and Defense Secretary Laird and urging them on to greater effort. However, I fear that too many of these critics of the military prefer to ignore the reordering of our national priorities by a Republicn administration. I believe in all honesty these people would much rather use the myth of needed priorities to buttress their continuing arguments for drastic and harmful reduction of our defense expenditures. It almost seems to me that these people are far more interested in isolating this Nation and making it a second- or third-class world power than in saving money and in solving domestic problems such as unemployment, urban renewal, and pollution.

The critics of our Military Establishment would like us to forget two fundamental points in this whole argument. One, they would like us to forget that our national priorities got all loused up and our defense expenditures ran out of control as a direct result of policies foisted on the American people by liberal Democrats who not only controlled the White House but the Congress of the United States while these things were taking place. No. 2, these critics would like us to overlook and ignore the tremendous job performed against mountainous odds by the Nixon administration in coming to grips with a public heritage left to it by the Democrats.

If we accept these arguments, if we overlook the two points mentioned above, we move ahead to a new wave of irresponsible criticism and reckless demands for unrealistic cuts in the Nation's defense expenditures.

Mr. President, mark me well, we will hear this word "priorities" used over and over and over again during the debate on the military authorization bill. It will be put forth as a reason for slowing or crippling the Safeguard anti-ballistic-missile system. It will be used as an argument against the development of many offensive weapons systems which we desperately need in the face of growing challenges to our national strength from both the Soviet Union and Communist China. We will hear the argument of priorities used to justify proposals for canceling new weapons and for phasing out old ones. It will underline contentions that we need to phase out the Safe early warning system of defense. It will be used to underscore argument for the elimination of 14 attack carrier task forces and the cancellation of funds for a 15th nuclear carrier. It will crop up in arguments for elimination of programs for the C–5A and for manned aircraft generally, for expenditures on antimissile submarine warfare, new antiaircraft artillery. And it will be used to promote a fast, unrealistic reduction on the personnel of our Armed Forces.

I think, Mr. President, that the whole idea of cutting down or wiping out weapons systems and military equipment items should be viewed more pragmatically and with a greater sense of present day developments and recent history.

Much of the justification for the more radical proposals aimed at reducing our

defense forces below an adequate permissible minimum rests on some highly questionable assumptions. We do not have to look far for this list of items I would describe as wishful thinking at best and out-and-out fantasy at worst.

They presume that an accommodation will be reached with the Soviet Union on a significant reduction in both nuclear and conventional armament. It is pointed out, perhaps a trifle euphemistically, that such an accommodation is a requirement imposed on both Russia and the United States by provisions of article VI of the Nuclear Nonproliferation Treaty which was promulgated simultaneously in Moscow, London, and Washington.

I treat this lightly for a definite reason. Long experience has taught us that the Soviet Union almost never abides by the basic requirements of any treaty or agreement which at some time in the future might work against its own strategic national interests. We may rest assured that if the United States and Britain are naive enough to go ahead with armament reduction, the Russians will gladly stand by and applaud. However, the Nonproliferation Treaty has been in existence for some period of time, during which the Nixon administration has drastically cut our defense expenditures. But do we detect any reciprocal action on the part of the Soviets? I think not.

All we have seen in the months since the Nonproliferation Treaty was approved has been an accelerated proliferation of all kinds of Soviet armaments, both nuclear and conventional. In fact, Mr. President, I suspect that a careful study would show that never in its history has the Soviet Union moved more quickly, more decisively, and more deliberately to establish itself as the world's No. 1 military power as it has since the Senate of the United States puts its stamp of approval on the Nonproliferation Treaty. We can no longer ignore the facts of international life. We now definitely know that the Russians are extending their military reach into many vital and strategic areas beyond the borders of the U.S.S.R. In the Mediterranean they are becoming so dominant that that strategic body of water may soon qualify for the description of Russia's mare nostrum—our lake. Every day we learn more details about Russian military might in the tinderbox area of the Middle East. Not only Russian equipment but also Russian technicians and pilots are now arrayed on the side of Arabs in the Israeli crisis. More and more often Soviet warships make surprise appearances in the strategic waterways of the world.

Just in the past few days, our newspapers have bristled with news stories and pictures showing the extent of the Soviet armaments buildup.

According to a report by the Joint Atomic Energy Committee, the Soviet Union now has ballistic missiles submarines patrolling off both coasts of the United States. In fact, a picture in the July 27 edition of the Washington Post actually shows a Russian submarine maneuvering 30 miles south of Key West, Fla. It was accompanied by a Soviet cruiser, a missile carrier, a tanker, and a second submarine.

Two days earlier the commander of the Soviet Navy boasted in Moscow that his missile-carrying nuclear submarines have—and I use his own words—"bound the hands of the imperialists" and are ready to give a "crushing rebuff to any aggressor."

The Soviet boast came from Adm. Sergei Gorshkov on the occasion of Soviet Navy Day. He said the submarines are the basis of the "striking might" of the navy, while up-to-date surface ships "with perfect weapons" are assigned another major role. At the same time, Soviet Defense Minister Andrei Grechko indicated that the unprecedented Soviet naval buildup will continue at its present pace.

So it would seem, Mr. President, that we had better find much better reason for further cuts in our defense budget than the possibility that Russia will join in an accommodation to produce a significant reduction in nuclear and conventional arms.

At the same time, it would be well to forget another much quoted reason why we must rechannel billions of defense dollars into other projects. This reason urges the American people to develop "an understanding of the present and probably continuing weakness of mainland China." This interesting suggestion was put forth in a report by an organization called the Coalition on National Priorities and Military Policy. This organization, which I shall mention more fully from time to time, is headed by our former colleague from Pennsylvania, the Honorable Joseph S. Clark. We have this organization to thank for a panel of inquiry on the subject of "An Alternate Defense Budget for the United States." The report of that inquiry holds that Red China is so weak economically, politically, and socially that it is incapable of serious offensive action of a military nature outside its own borders. The panel, which includes Dr. Adrian Fisher, former Deputy Director of the U.S. Arms Control and Disarmament Agency and W. Willard Wirtz, former Secretary of Labor, would also like the American people to extend this assumption of Chinese weakness into the indefinite future.

A third reason which the coalition cites for a proposed reduction in the size of the Defense budget is that it would not seem wise to embark now on new and untried weapons systems which might put a heavy strain on the Defense budget in future years.

The coalition's panel report is studded with claims that millions of Americans go to bed hungry every night, that the entire educational system is inadequate, that pollution cannot be remedied nor living conditions improved nor drug addiction reduced unless money is made available from Federal sources. The contention, of course, is that the only place to find this money is in funds budgeted for defense and space needs.

The coalition, like most other critics of the defense system and Military Establishment, pay very little attention to the whole question of our national security, the defense of 204 million Americans, and our responsibility for maintaining the forces of freedom throughout the world. The casual American is supposed to assume that it is entirely possible to completely withdraw American forces from Vietnam, erect a barrier against any future involvement of the Vietnam type, and cut billions of dollars from the cost of maintaining an adequate defense.

This is wishful thinking at its worst. In fact, it is so untenable that for reasonable men to set forth such arguments is to presume the universal stupidity of the American people.

But the kind of priorities that the Clark coalition and other liberal politicians are working toward, seem to take for granted the continued defense of our shores and security of our people. For example, there is one approach which suggests that the President regulate spending priorities along the following lines: First, irreducible claims such as interest on the national debt; second, all the various requirements of the domestic economy; and, third, the basic needs of the military for national security.

The idea here, of course, is to have the Government determine the requirements of the domestic economy first and provide for the military and national security out of what is left over. And I believe we have seen enough grandiose and extravagant spending schemes hatched by the liberals to understand that if they ever got charge of determining requirements on the domestic fronts, there would be little or nothing left over for the military.

When you listen, Mr. President, to the more extreme intemperate claims about waste and inefficiency and cost overruns in the Department of Defense, a system of priorities ordered along these lines would appear to make some sense. However, we do not live in a peaceful and perfect world where all nations and all powerseekers are moved primarily with warmhearted concern for the unemployed, the poorly housed and the undereducated. Because we live in a real world ruled by men whose natures include ambition and greed and power-hunger, along with unselfishness and loving kindness, it is necessary for an important nation to think first of its own protection and the security of its population. Heavens knows, I certainly yearn for the day—should it ever come—when we can give primary concern to human needs and final consideration to military preparedness. But I see nothing in the actions of other nations, especially those who are arrayed ideologically against us, to warrant any such comfortable assurance.

When I read a report such as the "Report on the Panel of Inquiry," put out by the Coalition on National Priorities and Military Policy, I wonder whether some of these alleged experts which the liberals keep summoning actually live in the same world with the rest of us. For example, the March 25 coalition report, which our former colleague, Senator Clark, of Pennsylvania, was kind enough to send me included a summary of testimony by one Dr. Seymour Melman, professor of industrial en-

gineering at Columbia University. Dr. Melman was important enough to be one of only five witnesses called to testify on an alternate defense budget. He is the author of a book entitled "Pentagon Capitalism: The Political Economy of War," which was published just last month. Consequently, one would expect Dr. Melman to be qualified to estimate the financial needs of our Defense Establishment better than most laymen. Yet, a synopsis of his testimony shows that he recommended a cut in President Nixon's current budget for fiscal 1970 of $54.794 billion. He suggested that a budget for 1971 of approximately $23 billion would be adequate to, first, operate a strategic deterrent force; second, guard the shores of the United States; and, third, participate in international peacekeeping operations.

Mr. President, I suggest that this kind of irresponsible and ridiculous recommendation by a supposedly qualified expert is indicative of how dangerous a game we are playing with the Nation's defense.

I would remind you that Dr. Melman's figure is nearly 5½ times the amount suggested by the Senator from Wisconsin (Mr. PROXMIRE). I believe very sincerely that a cut of even $10 billion is dangerous, and dangerous in the extreme, when you consider the powerful offensive buildup taking place in the Soviet Union. Dr. Melman's figures takes us into Alice's "wonderland." It is the stuff that dreams are made of and demagogs use for headline-seeking purposes.

I repeat again here today a statement I have made many times before and shall undoubtedly make many times again—that the security of 204 million Americans is nonnegotiable. I am saying, Mr. President, that we cannot tamper with our national security like it was a classroom debate project at Columbia University. We cannot do anything but provide adequate funds for the defense of this Nation regardless of how pressing are the requirements which crop up on the domestic front. Strangely enough, it seems that we—like many complacent nations of the past—need constant reminding that without freedom we have nothing. Without adequate protection and security, we cannot even spend the time to identify, much less correct, the problems that plague our economy and society.

Every time we get into one of these debates, Mr. President, I feel like rubbing my eyes to see if I am awake because some of the arguments set forth show absolutely no appreciation for the realities that confront us. For example, on my desk right now is a request that I sign with a group of other Senators another appeal to President Nixon that the United States provide Israel with the aircraft needed for its defense. Earlier this year, Mr. President, I signed such a letter because I firmly believe that the United States as well as all other freedom-loving nations has a large stake in the maintenance of Israel's liberty from Communist agression. My feeling about Israel is just as strong and equally as clear as my feeling in support of freedom's battle against Communist aggression in Indochina. I am not one of those who change hats or philosophy on the basis of geography.

But the reason I draw attention to this communication at this time, Mr. President, is that the petition to the President carries the signatures of some of my colleagues who vote consistently against the authorization of additional funds for up-to-date military equipment, including aircraft. I believe it might be time for everyone in the Senate who seriously believes that we should give aircraft for Israel's defense to understand that if they had had their way on past military authorization bills, we might be in the position of asking Israel to defend itself with obsolete aircraft. If the Israelis obtain from us aircraft adequate to their defense, they will have to obtain equipment that can match the latest and fastest aircraft put out in Soviet Russia. I wonder if these colleagues who feel so strongly for the defense of Israel would like that country to defend itself with one arm tied behind it. It stands to reason that, if we turn down Defense Department requests for new research and development, new aircraft prototypes, and new military equipment to match the Soviet weapons, we certainly cannot expect to provide nations like Israel with the sinews of military protection.

The situation in the Middle East is more than a threat to Israel. It is also a warning to us that all the talk we hear on the left about reaching an armaments accommodation with the Soviet Union is meaningless. There are some military critics who ask us to believe that a new era is about to dawn in United States-Soviet relations on military matters. Yet they seem to think that Indochina and the Middle East—by some strange alchemy of liberal reasoning—do not involve the strategic interests of the United States and its allies. Regardless of what the proponents of detente believe, the rest of the world knows that the Communists in Indochina are being supplied and advised and encouraged by the Soviet Union just as are the Arab militants in the Middle East. The view from beyond our shores can be nothing but one of amazement. Other foreign capitals, I know, cannot understand a nation, which is meeting new and serious challenges from a principal adversary, rushing to cut down on its military expenditures and cancel weapons programs.

The whole question of our credibility abroad is another subject upon which I will perhaps speak on at greater length on another occasion. But I can assure you that our credibility throughout Europe and especially in the Middle East gains nothing from the attacks in this country on the President of the United States and the Government's policies in Southeast Asia.

Mr. President, from all I can learn from my friends who have traveled in Europe this summer our credibility as a world leader is coming into very definite question. Foreign observers talk more and more about symptoms that they see in this country which they regard as something like a failure of our national will. I do not see how anyone reading the sensational accounts of minority sentiment in this country could come to any other conclusion. So much publicity and attention has been given to this minority viewpoint that many foreigners and overseas observers regard this as the American norm. Thus, our Nation to them, would seem to be seething with antimilitary sentiment, student revolt against the draft, congressional revolt against American foreign policy, and a rejection of all foreign commitments old as well as new.

Mr. President, a national news magazine summed up the entire situation well with the claim that Europeans are beginning to believe that they see in this country "the symptoms of a great power losing its nerve."

Mr. President, in closing I would like to repeat in part something I said this morning. I would hope that those who are bound to cut the military structure to the bone give second thought to the matter. They will not win. We will prevail. They will go down to humiliating defeat as they did last year. We are taking the time of the Senate at a time when we are months behind in our work, listening to arguments from people who may be extremely well qualified in the fields of law and humanity and government, but who know nothing about weapons or strategy.

I hope that the committee bill which has been reported by the Committee on Armed Services under the chairmanship of the distinguished Senator from Mississippi (Mr. STENNIS) is approved and approved rapidly without attempting to cut it in the days ahead.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. STENNIS. Mr. President, we are all indebted to the Senator from Arizona for a very timely and forceful statement in which he not only champions the security and military preparedness provisions in the bill, but also points out the fallacy—as I see it and as the Senator from Arizona sees it—of any serious threat to reduce the amount beyond the minimum which we believe we have already included in the bill for these items.

I hope that the Senator does continue in the debate. He is very capable, not only in this field but also in other fields.

I commend the Senator from Arizona very highly for the challenging statement he has made today and for those that he promises to make in the future.

I commend the reading and studying of his statement to the entire membership of the Senate.

Mr. GOLDWATER. Mr. President, I thank the distinguished chairman of our committee. I have enjoyed working with him throughout the years.

I assure the chairman that I intend to continue speaking. As he knows, I have spent most of my weekends at the different defense bases around the country inspecting the C–5A, the F–111—which I think I will be able to fly again next week—and the A–7, the F–4, and the F–15.

I am prepared to speak, not at great length, but in some detail so that my colleagues may gain a better understanding

of the problems that we face, the problems that we have overcome, and the achievements we have made in this field.

Mr. STENNIS. Mr. President, I am glad for the committee to share with the entire Senate the valuable information that we have received through the experience of the Senator from Arizona, and it is up-to-the-minute experience.

When we get a problem before the committee, many times the Senator from Arizona will go out and ride the plane and fly it himself. He has not gone up in any missiles as yet, but he knows a lot about those, too.

It means so much to have his practical commonsense and experience on our side at all times. It is valuable to the full committee and will also be to the Senate.

Mr. GOLDWATER. Mr. President, I thank the chairman of the committee. Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I shall not detain the Senate long. I understand that the Senator from Massachusetts (Mr. BROOKE) has an amendment that he wants to present and speak on.

Mr. President, in keeping with the purpose of the Armed Services Committee to bring to the Senate and to the public a very complete and documented and supported analysis and report on the bill—which, by the way, is backed up by 2,572 pages of printed hearings—I now refer specifically to page 32 of the report filed on the bill, which is report No. 91–1016.

Mr. President, from time to time the issue has arisen as to why the committee does not attempt to report the military authorization bill on what might be termed a fully and strictly line item basis. There is the implication that as a result of the present method there is insufficient information on these various weapons systems for the members to make a judgment and also to offer amendments if they desire.

I am inserting in the RECORD at this point certain pages from the committee report on the pending bill—H.R. 17123, report 91–1016—setting forth on a line item basis the full details of each system which is subject to committee action in this bill. The Senate will note that the total being recommended for each major activity is of course identical to the total figure in the bill itself. For instance, the total new obligational authority being recommended for the procurement of Army aircraft is $292,100,000. This sum is the amount which the bill itself would authorize for appropriation and is contained on page 6 of the bill. As a result of long legislative history, these charts in the committee report are treated for the same effect in law as if they were in the bill itself.

Both the procurement and the research and development charts showing page numbers in the report are set forth below and I ask that they be printed as a part of the RECORD.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

PROCUREMENT

ARMY AIRCRAFT PROCUREMENT REQUEST—FISCAL YEAR 1971

[Page 32]

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
CH–47 cargo transport helicopter	36	$56.3	24	$41.6			24	$41.6			24	$41.6
UH–1 utility transport helicopter	160	49.2	120	37.9			120	37.9			120	37.9
AH–1 armed helicopter	170	86.0	70	37.0			70	37.0			70	37.0
OH–6/58 observation helicopter	600	68.4	600	64.2			600	64.2			600	64.2
Items less than $500,000		3.0		2.8				2.8				2.8
Modification of aircraft		65.1		38.6				38.6				38.6
Common ground equipment		4.1		2.0				2.0				2.0
Component improvement		11.5		6.3				6.3				6.3
Other production charges		5.2		4.3				4.3				4.3
Ground support avionics		11.6		9.2				9.2				9.2
Aircraft spares and repair parts		160.7		50.6				50.6				50.6
All other	35	33.3										
Subtotal	1,001	554.4	814	294.5			814	294.5			814	294.5
Prior year financing available										−$2.4		−2.4
Prior programs to be justified				+2.4		−$2.4						
Appropriation requiring authorization		554.4	814	296.9		−2.4	814	294.5		−2.4		292.1

NAVY AND MARINE CORPS AIRCRAFT PROCUREMENT REQUEST—FISCAL YEAR 1971

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
A–4M light attack Skyhawk	49	$68.6	24	$46.8			24	$46.8			24	$46.8
A–6A/E all weather attack Intruder	12	62.5	12	112.5			12	112.5			12	112.5
A–6A/E advance procurement, current year		2.3		3.6				3.6				3.6
EA–6B electronic warfare Intruder	12	180.6	8	144.5			8	144.5			8	144.5
EA–6B advance procurement, current year		4.2		4.4				4.4				4.4
AV–6B V/STOL Harrier	12	42.3	18	96.2			18	96.2			18	96.2
AV–6B advance procurement, current year				6.9				6.9				6.9
A–7 medium attack Corsair II	27	99.6	30	105.2			30	105.2			30	105.2
A–7E advance procurement, current year		4.4										
F–14A fighter/interceptor			26	517.0			26	517.0			26	517.0
F–14A advance procurement, current year				60.1				60.1				60.1
UH–1N utility helicopter Iroquois	62	34.1	15	16.3			15	16.3			15	16.3
UH–1N advance procurement, current year				1.0				1.0				1.0
P–3C ASW aircraft Orion	23	198.5	12	136.6			12	136.6			12	136.6
P–3C advance procurement, current year		23.6		6.7				6.7				6.7
S–3A ASW aircraft carrier based			2	79.0			2	79.0	−2	−$79.0		
S–3A advance procurement, current year				22.7				22.7				22.7
E–2C early warning aircraft			3	92.3			3	92.3			3	92.3
E–2C advance procurement, current year				20.0				20.0				20.0
T–2C trainer aircraft	24	16.0	36	26.7			36	26.7			36	26.7
TA–4J trainer aircraft	75	86.9	75	101.0			75	101.0			75	101.0
TA–4J advance procurement, current year		2.9		3.3				3.3				3.3
Modification of aircraft		327.6		255.9				255.9				255.9
Aircraft spares and repair parts		495.6		447.4				447.4				447.4
Aircraft component improvement		43.9		43.1				43.1				43.1
Aircraft industrial facilities		16.9		27.9				27.9				27.9

NAVY AND MARINE CORPS AIRCRAFT PROCUREMENT REQUEST—FISCAL YEAR 1971—Continued

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Other aircraft production charges		$38.3		$45.0				$45.0				$45.0
Common ground equipment				96.3				96.3				96.3
All other	50	247.4										
Subtotal	356	1,996.2	261	2,518.4			261	2,518.4	−2	−79.0	259	2,439.4
Prior financing available		−170.0		−66.2				−66.2		−35.5		−101.7
NOA requested for authorization		1,826.2		2,452.2				2,452.2		−114.5		2,337.7
Prior programs to be justified				+35.5		−$35.5						
Appropriation requiring authorization		1,826.2		2,487.7		−35.5		2,452.2		−114.5		2,337.7

AIR FORCE AIRCRAFT PROCUREMENT REQUEST—FISCAL YEAR 1971

[Page 40]

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
A–7D tactical attack fighter	128	$348.2	88	$216.7			88	$216.7			88	$216.7
A–7D advance procurement current year		26.5		26.0				26.0				26.0
F–4E tactical fighter			24	71.3			24	71.3			24	71.3
F–4E advance procurement current year		25.7		6.0				6.0				6.0
F/RF–5A/B tactical fighter	10	11.2	8	10.3			8	10.3			8	10.3
F–111 D/F advanced tactical fighter	68	566.0		283.0				283.0			25	283.0
F–111 D/F advance procurement current year		60.9										
F–111 A/E/D fiscal year 1969 and prior over target		71.4		200.5				200.5				200.5
Advanced MAS (Freedom) fighter		(1)		30.0				30.0		−$30.0		
RF–4C tactical reconnaissance fighter			12	38.2			12	38.2			12	38.2
RF–4C advance procurement current year		5.9		4.5				4.5				4.5
C–5A prior-year unfunded deficiencies and contingency provisions		225.0		544.4				544.4				544.4
C–9A aeromedical transport			9	39.5			9	39.5			9	39.5
T–37C primary trainer			5	1.1			5	1.1			5	1.1
T–41 A/C/D basic trainer	20	.3	8	.2			8	.2			8	.2
T–X navigational trainer		6.6	4	39.3			4	39.3			4	39.3
UH–1H/N utility helicopter	175	53.7	180	46.6			180	46.6			180	46.6
U–17B utility aircraft			12	.4			12	.4			12	.4
Modification of aircraft		506.7		537.4				537.4				537.4
Aircraft spares and repair parts		881.8		599.0				599.0				599.0
Common ground equipment		84.5		93.9				93.9				93.9
Component improvement		40.0		32.0				32.0				32.0
Industrial facilities		35.5		27.5				27.5				27.5
War consumables		17.8		12.9				12.9				12.9
Other production charges		91.3		92.1				92.1				92.1
Miscellaneous		371.4		561.5				561.5				561.5
All other	187	620.8										
Subtotal	588	4,051.2	350	3,514.3			350	3,514.3		−30.0	375	3,484.3
Prior-year financing available		−320.4		−199.4				−199.4		−59.4		−258.8
NOA requested for authorization		3,730.8		3,314.9				3,314.9		−89.4		3,225.5
Prior programs to be justified				+59.4		−$59.4						
Appropriation requiring authorization		3,730.8		3,374.3		−59.4		3,316.9		−89.4		3,225.5

[1] Approved by Congress to be financed within AF appropriation.

ARMY MISSILE PROCUREMENT REQUEST, FISCAL YEAR 1971

[Page 45]

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Sprint missiles		$26.3		$72.5				$72.5		−$0.3		$72.2
Sprint advance procurement		.2		.8				.8				.8
Spartan missiles		76.2		138.1				138.1		−.8		137.3
Spartan advance procurement		.4										
Safeguard ground equipment		242.6		445.5				445.5		−3.0		442.5
Less advance procurement, prior year		−13.3		−31.3				−31.3				−31.3
Subtotal		229.3		414.2				414.2		−3.0		411.2
Ground equipment, advance procurement		20.0		15.6				15.6		−5.9		9.7
Safeguard production base support		.8		3.9				3.9				3.9
Safeguard repair parts and support material		4.0		15.3				15.3				15.3
Subtotal, Safeguard		357.2		660.4				660.4		−10.0		650.4
Redeye missiles		22.9		1.2				1.2				1.2
Chaparral missiles		86.0		76.4				76.4				76.4
Hawk missiles		75.3		90.3				90.3		−37.0		53.3
Hawk modifications				2.0				2.0				2.0
Nike-Hercules modifications		19.6		11.0				11.0				11.0
Air defense control and coordination systems		3.6		2.6				2.6				2.6

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Shillelagh missiles		$50.5		$3.7				$3.7				$3.7
Two missiles		100.0		106.3				106.3				106.3
Persning missiles		2.9		6.9				6.9				6.9
Pershing modifications		10.0		12.8				12.8				12.8
Air defense targets		20.2		5.5				5.5				5.5
Land combat support systems		30.9		28.8				28.8				28.8
Land combat support systems modifications				1.7				1.7				1.7
Lance missiles				30.8				30.8				30.8
Lance modifications				3.0				3.0				3.0
Production base support		18.5		2.5				2.5				2.5
1st destination transportation		2.0		1.5				1.5				1.5
Items less than $500,000		1.6		.7				.7				.7
Repair parts and support material		43.0		38.5				38.5				38.5
All other		2.7										
Subtotal		846.9		1,086.6				1,086.6		−47.0		1,039.6
Prior-year financing available										−8.0		−8.0
Prior programs to be justified		−15.0		8.0		−$8.0						
Appropriation requiring authorization		831.9		1,094.6		−8.0		1,086.6		−55.0		1,031.6

NAVY MISSILE PROCUREMENT REQUEST—FISCAL YEAR 1971

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Ballistic missiles:												
Polaris		$26.4		$18.5				$18.5				$18.5
Poseidon		491.5		540.5				540.5				540.5
Subtotal		517.9		559.0				559.0				559.0
Air-to-air missiles:												
AIM-7E/F Sparrow		31.6		52.7				52.7		−$6.7		46.0
AIM-9G/H Sidewinder		32.0		31.5				31.5				31.5
AIM-54A Phoenix				87.6				87.6				87.6
Subtotal		63.6		171.8				171.8				165.1
Air-to-ground missiles:												
AGM-45S Shrike		9.5		10.9				10.9				10.9
AGM-53A Condor				28.5		−$28.5						
Subtotal		9.5		39.4		−28.5		10.9				10.9
Surface-to-air missiles:												
RIM-24B Tartar		2.8		2.7				2.7				2.7
RIM-66A Standard MR		25.6		25.4				25.4				25.4
RIM-2E Terrier		5.2		4.9				4.9				4.9
RIM-67A Standard ER		32.1		33.2				33.2				33.2
RIM-8G Talos		4.8		5.1				5.1				5.1
Subtotal		70.5		71.3				71.3				71.3
Other:												
UUM-44A Subroc		25.6		15.4				15.4				15.4
UUM-44A Advance procurement, current year				1.6				1.6				1.6
Subtotal		25.6		17.0				17.0				17.0
Aerial targets		53.8		57.8				57.8				57.8
Modification of missiles		20.8		18.2				18.2				18.2
Missile spares and repair parts		33.8		28.5		−.4		28.1				28.1
Missile industrial facilities		9.9		10.5				10.5				10.5
Astronautics		13.4		2.0				2.0				2.0
Subtotal		818.8		975.5		−28.9		946.6		−6.7		939.9
Prior-year financing available										−7.5		−7.5
NOA requested for authorization				97.55								
Prior programs to be justified				+7.5		−7.5						
Total		818.8		983.0		−36.4		946.6		−14.2		932.4

MARINE CORPS MISSILE PROCUREMENT REQUEST—FISCAL YEAR 1971

[Page 50]

[In millions of dollars]

	Fiscal year 1970 program (appropriation)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Hawk missiles				25.6				25.6		−14.8		10.8
Other supporting costs		3.2		.9				.9				.9
Spares and repair parts		.2		1.1				1.1				1.1
Subtotal		3.4		27.6				27.6		−14.8		12.8
Appropriation requiring authorization				27.6				27.6		−14.8		12.8

AIR FORCE MISSILE PROCUREMENT REQUEST—FISCAL YEAR 1971
[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
LGM-30G Minuteman II & III		$447.0		$475.7				$475.7				$475.7
AGM-45A Shrike		7.1		9.7				9.7				9.7
AGM-69A Sram		10.0		99.5				99.5				99.5
AGM-65A Maverick				25.0		−$25.0				+$3.1		3.1
AIM-7E/F Sparrow		43.8		14.4				14.4				14.4
Target drones		18.7		13.7				13.7				13.7
Modifications		176.6		206.0				206.0		−15.0		191.0
Spares and repair parts		87.1		64.6		−0.3		64.3				64.3
Other support		790.2		671.5				671.5				671.5
Subtotal		1,580.5		1,580.1		−25.3		1,554.8		−11.9		1,542.9
Prior-year financing available		−132.4		−49.5				−49.5		−14.0		−63.5
NOA requested for authorization		1,448.1		1,530.6				1,505.3				1,479.4
Prior programs to be justified				+14.0		−14.0						
Appropriation requiring authorization		1,448.1		1,544.6		−39.3		1,505.3		−25.9		1,479.4

NAVY SHIPBUILDING AND CONVERSION PROCUREMENT REQUEST—FISCAL YEAR 1971
[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
NEW CONSTRUCTION												
CVAN attack aircraft carrier (nuclear)	1	$510.0										
Less advance procurement		−132.9										
Net	1	377.1										
Advance procurement current year				$152.0				$152.0		−$152.0		
SSN submarine (nuclear)	3	536.0	3	498.0	+1	+$166.0	4	664.0	−1	−166.0	3	$498.0
Less advance procurement		−31.5		−67.5				−67.5				−67.5
Net	3	504.5	3	430.5	+1	+166.0	4	596.5	−1	−166.0	3	430.5
Advance procurement current year	(5)	110.0		45.0		+22.5		67.5		−22.5		45.0
DLGN new guided missile frigate (nuclear)	1	222.0	1	213.8			1	213.8			1	213.8
Less advance procurements		−26.0		−31.0				−31.0				−31.0
Net	1	196.0	1	182.8			1	182.8			1	182.8
Advance procurement current year	(4)	77.9		38.5				38.5				38.5
DD new destroyer (DD-963)	5	342.7	6	506.8			6	506.8			6	506.8
Less advance procurement		−25.0		−47.3				−47.3				−47.3
Net	5	317.7	6	459.5			6	459.5			6	459.5
Advance procurement current year	(8)	17.6										
LHA general-purpose assault ship	2	287.7	2	302.0			2	302.0			2	302.0
Less advance procurement		−17.0		−16.0				−16.0				−16.0
Net	2	270.7	2	286.0			2	286.0			2	286.0
Advance procurement current year	(2)	17.0		27.5				27.5				27.5
AS submarine tender					+1	+102.0	1	102.0	−1	−102.0		
AD destroyer tender					+1	+103.0	1	103.0	−1	−103.0		
AGOR research ship			2	7.3	+2	+7.5	4	14.8	−2	−7.5	2	7.3
PGM motor gun boat	2	1.1										
Landing craft		7.6				+10.0		10.0		−10.0		
Service craft		13.2		15.6		+24.0		39.6		−24.0		15.6
Total new construction	14	1,910.4	14	1,644.7	+5	+435.0	19	2,079.7	−5	−587.0	14	1,492.7
CONVERSION												
SSBN fleet ballistic millile submarine	4	298.3	6	436.0			6	436.0			6	436.0
Less advance procurement		−102.8		−143.6				−143.6				−143.6
Net		195.5		292.4				292.4				292.4
Advance procurement current year	(13)	154.0		78.8				78.8				78.8
DLG Guided missile frigate	1	39.0	4	150.0			4	150.0			4	150.0
Less advance procurement		−15.0		−34.2				−34.2				−34.2
Net		24.0		115.8				115.8				115.8
Advance procurement current year	(4)	19.0		34.2				34.2				34.2
MSO ocean minesweeper	10	47.9	5	26.0			5	26.0			5	26.0
Less advance procurement		−7.2		−3.6				−3.6				−3.6
Net		40.7		22.4				22.4				22.4
Advance procurement current year												
Other conversions												
Total conversion	15	433.2	15	543.6			15	543.6			15	543.6
OTHER												
CVAN Nuclear spares		48.0		20.7				20.7				20.7
Outfitting material		56.4		76.6				76.6				76.6
Postdelivery		23.6		83.3				83.3				83.3
Claims and other cost increases		167.0		210.0				210.0				210.0
Advanced contract design												
PC patrol craft (cost sharing)		1.9										
Total other		296.9		390.6				390.6				390.6
Subtotal		2,640.5		2,578.9		+435.0		3,013.9		−587.0		2,426.9
Prior program to be justified				+150.0		−150.0						
Prior-year financing available										−150.0		−150.0
Appropriation requiring authorization		2,640.5		2,728.9		+285.0		3,013.9		−737.0		2,276.9

Note: Figures in parentheses ( ) non add, — indicates number of ships supported in future programs.

ARMY TRACKED COMBAT VEHICLES REQUEST—FISCAL YEAR 1971

[Page 63]

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
M113 vehicle family:												
M113A1 personnel carrier	645	$23.5	1,125	$33.7			1,125	$33.7			1,125	$33.7
M106A1 107 mm. mortar carrier	302	12.4										
M577A1 command post carrier	334	15.6	315	12.0			315	12.0			315	12.0
M125A1 81 mm. mortar carrier	202	8.7										
XM741 carrier FT (Vulcan)												
XM carrier FT (Chaparral)	116	7.3	135	6.4			135	6.4			135	6.4
Subtotal M113 family	1,599	67.5	1,575	52.1			1,575	52.1			1,575	52.1
M551 ARAAV (General Sheridan)	183	44.2		4.4				4.4				4.4
Less advanced procurement		−20.0										
Net	183	24.2		4.4				4.4				4.4
Medium tank family:												
Chassis, transporter, bridge launcher	18	2.5	20	4.0			30	4.0			30	4.0
M728 combat engineer vehicle	42	10.2	30	7.5			30	7.5			30	7.5
M60A1E2 Tank combat 152 mm. gun		3.8		12.1				12.1		−$12.1		
Retrofit kits f/tank, FT, 105 mm. gun		6.5		.5				.5				.5
M60A1 tank combat, FT, 105mm. gun	300	44.9	300	67.6			300	67.6		−10.9	300	56.7
Less advance procurement												
Net	300	44.9	300	67.8			300	67.6		−10.9	300	56.7
Miscellaneous:												
Howitzer, medium 155 mm. SPM 109 (MOD)				3.8				3.8				3.8
Shop set DS/GS (Vulcan)	12	3.9	4	1.3			4	1.3			4	1.3
Item less than $500,000		1.2		.8				.8				.8
First destination transportation		3.6		3.6				3.6				3.6
Repair parts and support material		9.2		5.9				5.9				5.9
Production base support		18.0		42.6				42.6				42.6
All other		5.6										
Subtotal		201.1		206.2				206.2		−23.0		183.2
Prior year financing available										−1.0		−1.0
Prior programs to be justified				+1.0		−$1.0						
Appropriation requiring authorization				207.2		−1.0		206.2		−24.0		182.2

MARINE CORPS TRACKED COMBAT VEHICLE REQUEST—FISCAL YEAR 1971

[Page 65]

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Amphibious vehicle family:												
LVTP-7	38	$10.4	262	$33.5			262	$33.5			262	$33.5
LVTCX-2 (LVTC-7)			21	3.3			21	3.3			21	3.3
LVTRX-2 (LVTR-7)			15	2.4			15	2.4			15	2.4
Miscellaneous:												
LVTP-7 training device			1	1.3			1	1.3	−1	−$1.3		
Collateral equipment		5.6		.7				.7				.7
First destination transportation		.3		.5				.5				.5
Spares and repair parts		.9		5.0				5.0				5.0
Items less than $500,000		1.2		2.0				2.0				2.0
All other		19.3										
Subtotal		37.7		48.7				48.7		−1.3		47.4
Appropriation requiring authorization				48.7				48.7		−1.3		47.4

ARMY OTHER WEAPONS PROCUREMENT REQUEST—FISCAL YEAR 1971

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Components for special tests		$1.0		$0.7				$0.7				$0.7
Machinegun, 7.62 mm., M60	12,056	6.6	6,000	4.0			6,000	4.0			6,000	4.0
Machinegun, 7.62 mm., M73	882	3.0	486	1.7			486	1.7			486	1.7
Machinegun, cal. .50, M85	360	1.8	360	1.8			360	1.8			360	1.8
Rifle, 5.56 mm., M16A1	599,552	64.5	253,738	27.1			253,738	27.1			253,738	27.1
Launcher, grenade 40 mm., f/M16A1 rifle M203			17,500	5.3			17,500	5.3			17,500	5.3
Laser rangefinder AN/GVS-3			200	2.2			200	2.2			200	2.2
Items less than $500,000		2.9		.9				.9				.9
First destination transportation		.5		.3				.3				.3
Repair parts and support material		16.6		10.6				10.6				10.6
Production base support		(1)		13.6				13.6				13.6
All other		9.9										
Subtotal		106.8		68.2				68.2				68.2
Prior-year financing available										−$1.0		−1.0
Prior programs to be justified				+1.0		−1.0						
Appropriation requiring authorization				69.2		−1.0		68.2				67.2

[1] $20,100,000 appropriated in PEMA activity 11—Production base support.

NAVY AND MARINE CORPS OTHER WEAPONS PROCUREMENT REQUEST—FISCAL YEAR 1971

[Page 69]

[Dollar amounts in millions]

	Fiscal year 1970 program (appropriated)		Fiscal year 1971 request		House				Senate Armed Services Committee			
					Change from request		Authorized		Change from House		Recommendation	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Navy:												
5"/54 lt. wt. gun mount MK45 (training)	1	$1.3	1	$1.3			1	$1.3			1	$1.5
Rifle 5.56 mm. M–16	9,790	1.4	1,290	.2			1,290	.2			1,290	.3
Mini gun/mount			25	.5			25	.5			25	.2
Items less than $500,000		1.7		.8				.8				.8
All other		2.8										
Subtotal		7.2		2.8				2.8				2.8
Appropriation requiring authorization				2.8				2.8				2.8
Marine Corps:												
Launcher, multishot XM202	1,115	.9	284	.1			284	.1			284	.1
Mortar, 60 mm	1,112	.7	382	1.2			382	1.2			382	1.2
First destination transportation		.1		.1				.1				.1
Spares and repair parts		.9		1.5				1.5				1.5
Items less than $500,000		2.8		1.5				1.5				1.5
All other		4.9										
Subtotal		10.3		4.4				4.4				4.4
Appropriation requiring authorization				4.4				4.4				4.4

[Page 70]

RESEARCH AND DEVELOPMENT

The tabulations below show a comparison of the amounts authorized and appropriated for research, development, test, and evaluation in fiscal year 1970 with the amounts requested in the President's budget for fiscal year 1971, as adjusted by the actions of the House (H.R. 17123), and as recommended by the Committee.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION COMPARATIVE SUMMARY OF ACTIONS ON AUTHORIZATION REQUEST

[In millions of dollars]

	Fiscal year 1970		Fiscal year 1971		
	Authorized	Appropriated	Request	H.R. 17123	As reported by the Committee
Army	$1,646.0	$1,596.8	$1,717.9	$1,647.9	$1,627.2
Navy (including Marine Corps)	1,968.2	2,186.4	2,197.3	2,197.3	2,209.3
Air Force	3,156.6	3,060.6	2,909.7	2,909.7	2,736.0
Defense agencies	450.2	450.0	470.7	460.7	450.0
Emergency fund	75.0	75.0	50.0	50.0	50.0
Total R.D.T. & E. program	7,296.0	7,368.8	7,345.6	7,265.6	7,072.5
Request for authorization of prior year funds			$56.0		
Prior year funds available					−$56.0
Total R.D.T. & E. authorization	$7,296.0	$7,368.8	7,401.6	$7,265.6	7,016.5

ADJUSTMENTS TO FISCAL YEAR 1971 AUTHORIZATION REQUEST RECOMMENDED BY SENATE ARMED SERVICES COMMITTEE

R.D.T. & E.

[Page 70]

[Dollars in millions]

	Fiscal year 1971 request	H.R. 17123		Senate Armed Services Committee	
		Change	Authorized	Change	Recommended
Army	$1,717.9	−$70.0	$1,647.9	−$20.7	$1,627.2
Navy (including Marine Corps)	2,197.3		2,197.3	+12.0	2,209.3
Air Force	2,909.7		2,909.7	−173.7	2,736.0
Defense agencies	470.7	−10.0	460.7	−10.7	450.0
Emergency fund	50.0		50.0		50.0
Total R.D.T. & E. program	7,345.6	−80.0	7,265.6	−193.1	7,072.5
Request for authorization of prior year funds	$56.0	−$56.0			
Prior year funds available				−$56.0	−$56.0
Total R.D.T. & E. authorization	7,401.6	−136.0	$7,265.6	−249.1	7,016.5

ADJUSTMENTS TO FISCAL YEAR 1971 AUTHORIZATION REQUEST RECOMMENDED BY SENATE ARMED SERVICES COMMITTEE BY SERVICE

R.D.T. & E., ARMY

[Page 72]

[In millions of dollars]

	Fiscal year 1971 request	H.R. 17123 Change	H.R. 17123 Authorized	Senate Armed Services Committee Change	Senate Armed Services Committee Recommendation
Military sciences:					
Defense research sciences	69.4		69.4	−3.8	65.6
Military personnel performance	2.8		2.8	−.3	2.5
Military training leadership	3.2		3.2	−.5	2.7
Army operations, foreign environment	2.1		2.1	−1.0	1.1
General biological investigations	8.0		8.0	−2.1	5.9
General chemical investigations	8.3		8.3	−.9	7.4
Studies and analysis	9.2		9.2	−1.0	8.2
Other	73.2		73.2		73.2
Total, military sciences	176.2		176.2	−9.6	166.6
Aircraft and related equipment:					
Advanced helicopter development	21.0		21.0	−4.0	17.0
AH–56A Cheyenne helicopter	17.6		17.6	−17.6	
Other	71.6		71.6		71.6
Total, aircraft	110.2		110.2	−21.6	88.6
Missiles and related equipment:					
Surface-to-air missile (SAM–D)	89.3		89.3	−15.0	74.3
Advanced ballistic missile defense	158.0		158.0	−20.0	138.0
Other	649.1		649.1		649.1
Total, missiles	896.4		896.4	−35.0	861.4
Military astronautics and related equipment:					
Strategic Army communications	7.6		7.6	−2.2	5.4
Other	3.1		3.1		3.1
Total, astronautics	10.7		10.7	−2.2	8.5
Ships, small craft and related equipment	1.1		1.1		1.1
Ordnance, combat vehicles, and related equipment:					
Lethal chemical investigations	2.2		2.2	−.5	1.7
Lethal chemical munitions concepts	1.0		1.0	−.3	.7
Tracked and special vehicles	9.8		9.8	−7.5	2.
Other	140.2		140.2		140.2
Total, ordnance	153.2		153.2	−8.3	144.9
Other equipment:					
Project MALLARD	14.0		14.0	−14.0	
Other	303.8		303.8		303.8
Total, other equipment	317.8		317.8	−14.0	303.8
Programwide management and support	52.3		52.3		52.3
Total Army R.D.T. & E. program	1,717.9	[1]−70.0	1,647.9	[1]−20.7	1,627.2
Request for authorization of prior-year funds	18.0	−18.0			
Prior-year financing available				−18.0	−18.0
Total Army R.D.T. & E. authorization	1,735.9	[1]−88.0	1,647.9	[1]−38.7	1,609.2

R.D.T. & E., NAVY

[Page 73]

[In billions of dollars]

	Fiscal year 1971 request	H.R. 17123 Change	H.R. 17123 Authorized	Senate Armed Services Committee Change	Senate Armed Services Committee Recommendation
Military sciences:					
Defense research sciences	106.6		106.6	−2.3	104.3
Education and training development	3.0		3.0	−.5	2.5
Studies and analyses, Navy	9.2		9.2	−.2	9.0
Other	23.4		23.4		23.4
Total, military sciences	142.2		142.2	−3.0	139.2
Aircraft and related equipment:					
Destroyer helicopter system	13.5		13.5	−8.0	5.5
F14B/C	50.2		50.2	−5.2	45.0
S–3A	208.0		208.0	+79.0	287.0
Other	422.3		422.3		422.3
Total, aircraft	694.0		694.0	+65.8	759.8
Missiles and related equipment:					
Air launched/surface launched antiship missile (Harpoon)	21.0		21.0	−14.0	7.0
Point defense system development	24.5		24.5	−13.5	11.0
Other	448.8		448.8		448.8
Total, missiles	494.3		494.3	−27.5	466.8
Military astronautics and related equipment	29.1		29.1		29.1
Ships, small craft and related equipment:					
Advance surface ship sonar development	11.0		11.0	−8.0	3.0
Surface effect ships	20.0		20.0	−10.0	10.0
ASW acoustic warfare	8.4		8.4	−2.0	6.4
Other	338.1		338.1		338.1
Total, ships	377.5		377.5	−20.0	357.5
Ordnance, combat vehicles, and related equipment	89.0		89.0		89.0
Other equipment:					
Laboratory independent exploratory development	13.1		13.1	−3.1	10.0
Manpower effectiveness	1.9		1.9	−.2	1.7
Other	211.7		211.7		211.7
Total, other equipment	226.7		226.7	−3.3	223.4
Programwide management and support	144.5		144.5		144.5
Total, Navy R.D.T. & E. program	2,197.3		2,197.3	+12.0	2,209.3
Request for authorization of prior year funds	15.0	−$15.0			
Prior year financing available				−15.0	−15.0
Total, Navy R. D. T. & E. authorization	2,212.3	−15.0	2,197.3	−3.0	2,194.3

ADJUSTMENTS TO FISCAL YEAR 1971 AUTHORIZATION REQUEST RECOMMENDED BY SENATE ARMED SERVICES COMMITTEE BY SERVICE—Continued

R.D.T. & E., AIR FORCE

[Page 74]

[In millions of dollars]

	Fiscal year 1971 request	H.R. 17123 Change	H.R. 17123 Authorized	Senate Armed Services Committee Change	Senate Armed Services Committee Recommendation
Military sciences:					
Innovations in education and training	3.5		3.5	−0.2	3.3
Studies and analyses	.3		.3	−.3	
Other	130.8		130.8		130.8
Total, military sciences	134.6		134.6	−.5	134.1
Aircraft and related equipment:					
Light intratheater transport	2.0		2.0	−2.0	
Advanced fire control/missile technology	2.8		2.8	−2.8	
Subsonic cruise armed decoy	33.6		33.6	−33.6	
CONUS air defense interceptor	2.5		2.5	−2.5	
Advanced tanker	.5		.5	−.5	
B-1	100.0		100.0	−50.0	50.0
F-111 squadrons	48.2		48.2	−6.4	41.8
Other	641.7		641.7		641.7
Total, aircraft	831.3		831.3	−97.8	733.5
Missiles and related equipment:					
Advanced ballistic reentry system	105.0		105.0	−5.0	100.0
Short range air-to-air missile	37.2		37.2	−29.2	8.0
Minuteman rebasing	77.0		77.0	−27.0	50.0
Other	543.6		543.6		543.6
Total, missiles	762.8		762.8	−61.2	701.6
Military astronautics and related equipment	437.7		437.7		437.7
Ordnance, combat vehicles and related equipment:					
Armament/ordnance development	11.0		11.0	−7.0	4.0
Truck interdiction	10.0		10.0	−5.0	5.0
Other	57.3		57.3		57.3
Total, ordnance	78.3		78.3	−12.0	66.3
Other equipment:					
Human resources	4.7		4.7	−.5	4.2
Project MALLARD	1.7		1.7	−1.7	
Other	353.2		353.2		353.2
Total, other equipment	359.6		359.6	−2.2	357.4
Programwide management and support	305.4		305.4		305.4
Total Air Force R.D.T. & E. program	2,909.7		2,909.7	−173.7	2,736.0
Request for authorization of prior year funds	18.0	−18.0			
Prior year financing available				−18.0	−18.0
Total Air Force R.D.T. & E. authorization	2,927.7	−18.0	2,909.7	−191.7	2,718.0

R.D.T. & E., DEFENSE AGENCIES

[page 75]

[Dollars in millions]

	Fiscal year 1971 request	H.R. 17123 Change	H.R. 17123 Authorized	Senate Armed Services Committee Change	Senate Armed Services Committee Recommendation
ARPA PROGRAM					
Military sciences:					
Defense research sciences (ARPA)	$42.7		$42.7	−$6.0	$36.7
Advanced engineering (ARPA)	17.2		17.2	−10.2	7.0
Other	18.0		18.0		18.0
Total, military sciences	77.9		77.9	−16.2	61.7
Missiles and related equipment	66.0		66.0		66.0
Other equipment:					
Overseas defense research	21.3		21.3	−.5	20.8
Other	57.5		57.5		57.5
Total, other equipment	78.8		78.8	−.5	78.3
ARPA R.D.T. & E., total	222.7	[1] −$6.6	216.1	[1] −10.1	206.0
DCA PROGRAM					
Military astronautics and related equipment	3.0		3.0		3.0
Other equipment	26.9		26.9	−2.4	24.5
DCA R.D.T. & E., total	29.9	[1] −2.4	27.5		27.5
DASA PROGRAM					
Military sciences	44.6		44.6		44.6
Other equipment	67.1		67.1		67.1
DASA R.D.T. & E., total	111.7		111.7		111.7
DIA/NSA PROGRAMS					
Other equipment	$85.9		$85.9		$85.9
DIA/NSA R.D.T. & E., total	85.9		85.9		85.9
DSA PROGRAM					
Programwide management and support	11.5	−$1.0	10.5		10.5
DSA R.D.T. & E., total	11.5	−1.0	10.5		10.5
SADA PROGRAM					
Military sciences: Studies and analyses	9.0		9.0	−0.6	8.4
SADA R.D.T. & E., total	9.0		9.0	−.6	8.4
Total Defense Agencies R.D.T. & E. program	470.7	[1] −10.0	460.7	[1] −10.7	450.0
Request for authorization of prior year funds	5.0	−5.0			
Prior year financing available				−5.0	−5.0
Total Defense Agencies R.D.T. & E. authorization	475.7	[1] −15.0	460.7	[1] −15.7	445.0
Emergency fund, defense	50.0		50.0		50.0
Department of Defense R.D.T. & E. total authorization	7,401.6	[1] −136.0	7,265.6	[1] −249.1	7,016.5

[1] In the preceding four charts the House did not identify the specific programs to which these reductions will be applied. However, the adjustments recommended by the Senate Armed Services Committee, with the exception of $2,400,000 for DCA, are identified to individual programs, and include the application of the total reductions made by the House. Therefore the total reductions made by the House and recommended by the Senate Armed Services Committee should be combined to arrive at the total reduction from the amount requested.

[Page 76]

Research and development programs with excess funds

The Committee recommends reductions totalling $50.2 million in the programs listed below because these amounts are not needed to finance the work planned in fiscal year 1971. Witnesses have testified that these programs all have been delayed so that fiscal year 1970 funds, provided for these programs, will not be needed during that year, and will be carried over and available to pay for work to be performed during fiscal year 1971. This permits funds to be deleted from the fiscal year 1971 request without affecting requirements for such programs. A number of other major programs, which fall into this same category, are discussed elsewhere in this report.

[In millions of dollars]

	Requested	Change	Recommended
Army:			
Strategic army communications	7.6	−2.2	5.4
Tracked and special vehicles	9.8	−7.5	2.3
Navy:			
Air launched/sea launched antiship missile	21.0	−14.0	7.0
NATO SEA SPARROW	13.0	−2.5	10.5
Target acquisition system	11.0	−11.0	
Advanced surface ship sonar	11.0	−8.0	3.0
Air Force: Truck interdiction	10.0	−5.0	5.0

[Pages 76–77]

Behavioral and social sciences

The Behavioral and Social Sciences program has been a subject of Congressional criticism in the past and was specifically reduced by the Congress in fiscal year 1970 primarily because certain elements were considered to be appropriate to the State Department rather than the Department of Defense. These are foreign area research efforts involving the categories of "Foreign Military Security Environments" and "Policy Planning Studies."

The Committee has screened the fiscal year 1971 proposed program in the behavioral and social sciences in critical detail. The Committee is pleased that the Department of Defense recognizes the importance of its personnel force and chooses to focus research attention on those programs which can contribute to the welfare, safety, efficiency and combat effectiveness of our military personnel.

While the Committee believes the department has submitted an austere program, it is evident from a careful review of the proposed fiscal year 1971 projects that they represent a substantial range in terms of their near-term utility and other efficiencies to be derived. However, it is the view of the Committee that certain portions of the program can be carried on at reduced levels of support or deferred entirely to future years.

The details of this program are presented below and indicate the amounts involved in the fiscal year 1969 and fiscal year 1970 programs, the request for fiscal year 1971, and the Committee recommendations (in millions of dollars):

	Fiscal year 1969	Fiscal year 1970			Fiscal year 1971		
		Budget request	Approved by Congress	Current program	Requested	Change	Recommended
Human performance	$6.9	$6.3	$6.3	$4.5	$4.9	−$0.5	$4.4
Manpower selection and training	21.5	25.3	25.3	21.4	27.2	−2.1	25.1
Human factors engineering	3.3	3.7	3.7	2.6	3.2		3.2
Foreign military security environments	7.2	6.9	4.8	4.7	5.7	−1.8	3.9
Policy planning studies	6.4	6.4	4.0	4.3	4.2	−1.3	2.9
Total	45.3	48.6	44.1	37.5	45.2	−5.7	39.5

[Pages 78–79]

Defense research sciences

Section 203 of the fiscal year 1970 Military Procurement Authorization Act limited the use of funds authorized for research to effort which "has a direct and apparent relationship to a specific function or operation." Discussion of the continuation of this limitation as a section in the fiscal year 1971 act is being treated separately in this report.

The fiscal year 1971 request for Defense Research Sciences totals $297.0 million which compares with $293.8 million in fiscal year 1970. This increase is not consistent with the concern expressed last year by the Congress that the high level of research sponsored by the Department of Defense should be reduced with compensating increases in research sponsored by other federal agencies. The Bureau of the Budget, partially in recognition of the sense of Section 203, added $10 million to the fiscal year 1971 budget for the National Science Foundation.

The Committee wishes to emphasize its continued concern that research should be supported to a greater degree by other federal government agencies and, recognizing the action of the Bureau of the Budget in increasing the National Science Foundation budget, recommends a reduction of the Army and Navy programs to the same amounts approved for fiscal year 1970. The Air Force fiscal year 1971 request which is below their fiscal year 1970 program is recommended for approval. The Defense Agencies request is recommended to be reduced by $6.0 million because of their transfer of a major segment of a single project, which was carried under Defense Research Sciences in fiscal year 1970, to the Exploratory Development Program in fiscal year 1971. This permitted the addition of research projects in fiscal year 1971 to make up the reduction, but in fact constitutes an increase of $6 million over the fiscal year 1970 program.

The effect of these recommendations, which is detailed below, is to reduce the $297 million requested for fiscal year 1971 by $12.1 million to $284.9 million. This is a four percent reduction from the amount requested and $8.9 million less than in fiscal year 1970.

[In millions of dollars]

	Fiscal year 1970	Fiscal year 1971	Change	Committee recommendation
Army	65.6	69.4	−3.8	65.6
Navy	104.3	106.6	−2.3	104.3
Air Force	80.7	78.3		78.3
Defense Agencies: ARPA	43.2	42.7	−6.0	36.7
Total	293.8	297.0	−12.1	284.9

[Page 85]

Chemical and biological warfare (CBW)

The Committee has devoted considerable attention to the fiscal year 1971 chemical and biological warfare program because of its continuing interest in this area. As a result of its review, the Committee recommends a reduction of $3.8 million in the R&D portion of this budget, together with the enactment of three regulatory provisions.

A comparison of the final fiscal year 1970 and the requested fiscal year 1971 CBW R&D programs, together with an identification of the $3.8 million reduction (Army only) recommended for fiscal year 1971 by the Committee follows:

CBW RESEARCH AND DEVELOPMENT PROGRAM

[In millions of dollars]

	Fiscal year 1970	Fiscal year 1971		
		Requested	Change	Recommended
Chemical program:				
Chemical research	8.6	9.5	−0.9	8.6
Lethal chemicals	4.3	5.2	−.8	4.4
Incapacitating chemicals	2.1	2.8		2.8
Defensive equipment	16.6	21.2		21.2
Simulant test support	1.9	2.0		2.0
Total chemical program	33.5	40.7	−1.7	39.0
Biological program:				
Biological research	7.6	9.7	−2.1	7.6
Lethal biologicals	1.0			
Incapacitating biologicals	1.9			
Vegetative control biologicals	.6			
Defensive equipment	9.2	11.9		11.9
Simulant test support	1.6	1.6		1.6
Total biological program	21.9	23.2	−2.1	21.1
Other systems:				
Flame and incendiary	2.8	3.1		3.1
Smoke				
Riot control	5.0	4.6		4.6
Herbicides	1.2	.5		.5
Support equipment	.7	.9		.9
Test support	6.5	5.7		5.7
Total other systems	16.2	14.8		14.8
Total program	71.6	78.7	−3.8	74.9

SUMMARY OF RESEARCH AND DEVELOPMENT AUTHORIZATION BY BUDGET ACTIVITY

MILITARY SCIENCES

[In millions of dollars]

	Requested	Committee report		
		H.R. 17123	Change	Recommended
Army	176.2	176.2	−9.6	166.6
Navy	142.2	142.2	−3.0	139.2
Air Force	134.6	134.6	−.5	134.1
Defense agencies	131.5	131.5	−16.8	114.7
Total	584.5	584.5	−29.9	554.6

This budget activity consists largely of research and exploratory development. Within the research program each military department has budgeted amounts for in-house laboratory independent research and for Defense research sciences. The in-house independent laboratory research programs permit the chiefs of laboratories operated by the military departments and the Defense Agencies to use funds on projects suggested by persons in these laboratories.

The program element entitled "Defense Research Sciences" consists of basic research in the fields of physics, chemistry, mathematical sciences, electronics, materials, biology, and astronomy. The work in this program element is conducted by laboratories of the military departments, by colleges and universities, and by industry.

The Committee recommends a reduction of $29.9 million in this budget activity, which consists of $12.1 million for Defense Research Sciences, $4.3 million for programs

included under Behavioral and Social Sciences, and $3 million for Biological and Chemical Warfare programs. All of these are discussed in detail elsewhere in the report. In addition, it includes a reduction of $.3 million for the Army Studies and Analysis program and $10.2 million for the ARPA Advanced Engineering program relating to Surface Effects Vehicles. There is doubt regarding the operational need for such a vehicle, and the $5 million of fiscal year 1970 funds which are unobligated will be used to complete the work planned for fiscal year 1970 but not to initiate new work.

AIRCRAFT AND RELATED EQUIPMENT

[In millions of dollars]

	Requested	H.R. 17123	Committee report: Change	Committee report: Recommended
Army	110.2	110.2	−21.6	88.6
Navy	694.0	694.0	+65.8	759.8
Air Force	831.3	831.3	−97.8	733.5
Total	1,635.5	1,635.5	−53.6	1,581.9

This activity funds research, development, test, and evaluation related to airframes, engineers, avionics, and other installed aircraft equipment. Applied research in a wide variety of supporting technologies, including flight dynamics, advanced aircraft propulsion systems, avionics, and biotechnology is included.

The Committee recommends a reduction of $53.6 million in this activity.

For the Army, the Committee recommends a reduction of $21.6 million of which $17.6 million is applied against the Cheyenne helicopter proposed for termination and $4 million on the Advanced Helicopter Development program. These are discussed in detail elsewhere in this report.

The net increase of $65.8 million recommended for the Navy includes a transfer of $79 million from the Procurement Appropriation for two test S–3A anti-submarine warfare aircraft which are properly to be included under research and development as explained elsewhere in this report. This increase is offset partially by a reduction of $5.2 million for the F–14 air superiority fighter which is discussed earlier in the report, and a reduction of $8 million from the $13.5 million requested for the Destroyer Helicopter system. The amount recommended for reduction was requested for initiation of contract definition and engine qualification for this helicopter. This program has been delayed because the Navy has not completed and submitted the technical development plan to the Secretary of Defense for his approval. The remaining $5.5 million may be used for development of avionics equipment and continuation of investigations at sea.

The Committee recommends a reduction of $97.8 million in the Air Force program. This includes the B–1 Advanced bomber, $50 million; Subsonic Cruise Armed Decoy (SCAD), $33.6 million; the F–111 aircraft, $6.4 million; Light Intratheater Transport, $2 million; CONUS Air Defense Interceptor, $2.5 million; Advanced Fire Control/Missile Technology, $2.8 million; and the Advanced Tanker, $.5 million. Each of these is discussed at length elsewhere in this report.

The Army programs supported under this activity also include development of aircraft weapons, avionics and propulsion subsystems. The Navy program includes $47.7 million for continued development of the E–2C Early Warning Aircraft and $10 million for the Crane Helicopter Lift. Programs being continued by the Air Force include the AX Close Air Support Aircraft for $27.9 million, the F–15A Advanced Fighter for $370 million and the C–5A for $11.6 million.

MISSILES AND RELATED EQUIPMENT

[In millions of dollars]

	Requested	H.R. 17123	Committee report: Change	Committee report: Recommended
Army	896.4	896.4	−35.0	861.4
Navy	494.3	494.3	−27.5	466.8
Air Force	762.8	762.8	−61.2	701.6
Defense agencies	66.0	66.0	.....	66.0
Total	2,219.5	2,219.5	−123.7	2,095.8

This activity provides for research, development, test, and evaluation of missile systems of all types. In addition to funding contracts with industry, this activity supports the operation of certain test and evaluation facilities of the Department of Defense such as the Eastern and Western Test Ranges, the White Sands Missile Range, the Naval Weapons Center at China Lake, and the Research and Development programs at the Army's Redstone Arsenal.

The Committee recommends a reduction of $123.7 million in this activity. The Army portion is $35 million and includes a $15 million reduction for SAM–D Surface-to-Air missile and $20 million in the Advanced Ballistic Missile Defense program, both of which are discussed elsewhere in the report. The continued development of the SAFEGUARD ABM system is included for $365 million.

The reduction of $27.5 million for the Navy, recommended by the Committee covers two items, $14 million for the Air Launched/Surface Launched Antiship missile (HARPOON), and $13.5 million for the Point Defense System development. These items are discussed elsewhere in this report. The Navy request includes $122.7 million for continued development of the Fleet Ballistic Missile System (POSEIDON), $75 million for the Advanced Surface Missile System (AEGIS) development which is needed for fleet defense against aircraft and antiship missile attack, and $44 million for the advanced development program Undersea Long Range Missile System (ULMS).

A reduction of $61.2 million is recommended in the Air Force request, comprised of $5 million for the Advanced Ballistic Reentry System (ABRES), $29.2 million for the Short Range Air-to-Air missile for the F–15 aircraft, and $27 million in the MINUTEMAN Rebasing program. These are discussed elsewhere in this report. The program of $701.6 recommended by the Committee will provide $224.2 million for continued development of the MINUTEMAN III ballistic missile system, and $46 million for continuation of the Short Range Attack Missile (SRAM) to be used with the B–52 strategic force and later the B–1 Advanced Bomber.

MILITARY ASTRONAUTICS AND RELATED EQUIPMENT

[In millions of dollars]

	Requested	H.R. 17123	Committee report: Change	Committee report: Recommended
Army	10.7	10.7	−2.2	8.5
Navy	29.1	29.1	.....	29.1
Air Force	437.7	437.7	.....	437.7
Defense agencies	3.0	3.0	.....	3.0
Total	480.5	480.5	−2.2	478.3

This activity provides for programs directed toward the improvement of space technology for military purposes and investigations and development of specific military applications of space vehicles. Major programs include military communications satellite systems and ballistic missile early warning systems. Support is also included for flight experimental programs, and ground base research and technology development programs in such areas as secondary power sources and navigation, guidance, sensor, reentry, and propulsion systems. Both contractual and in-house efforts relating to space technology are funded from this activity.

The Committee recommends a reduction of $2.2 million which relates to the Strategic Army Communications program (STARCOM), and is discussed elsewhere in this report.

The relatively small amount of Army and Navy funds under this budget activity is for ground and shipboard elements of the worldwide Defense Satellite Commnications System and for tactical application of satellite communications.

The Air Force request, which is the lowest amount for this activity in nine years, following the cancellation of the Manned Orbiting Laboratory (MOL) last year, will provide for advanced development of a wide range of space technology programs. It also provides for development and improvements to the Titan III space booster and support of the Satellite Control Facility at Sunnyvale, California.

The amount budgeted for defense agencies is for work by the Defense Communications Agency on the defense communications satellite.

SHIPS, SMALL CRAFT, AND RELATED EQUIPMENT

[In millions of dollars]

	Requested	H.R. 17123	Committee report: Change	Committee report: Recommended
Army	1.1	1.1	.....	1.1
Navy	377.5	377.5	−20	357.5
Total	378.6	378.6	−20	358.6

This activity provides for design of new types of ships and for development of mine warfare weapons, shipboard equipment including command and control systems, and nuclear and nonnuclear propulsion plants. Antisubmarine warfare continues to be emphasized with development of ships and submarine sensors and countermeasures systems. A significant portion of the effort at the Naval Ships Research and Development Center is funded under this activity.

The Committee recommends a reduction of $20 million in this activity which applies to the Navy Advanced Surface Ship Sonar Development program, $8 million, and the Surface Effect Ship program, $10 million, both of which are discussed elsewhere in this report. The remaining $2 million reduction involves the Antisubmarine Warfare Acoustic Warfare program for which $8.5 million was requested. This is a new engineering development program and the $6.5 million remaining should be adequate for this purpose. The Navy program will support a wide range of advanced and engineering development programs relating to ship and small craft development.

The Army program provides for design of marine craft and amphibious lighters needed to support Army operations.

ORDNANCE, COMBAT VEHICLES, AND RELATED EQUIPMENT

[In millions of dollars]

	Requested	H.R. 17123	Committee report: Change	Committee report: Recommended
Army	153.2	153.2	−8.3	144.9
Navy	89.0	89.0	.....	89.0
Air Force	78.3	78.3	−12.0	66.3
Total	320.5	320.5	−20.3	300.2

This activity provides for the development, test, and the evaluation of improved artillery, guns, rocket launchers, mortars, small arms, mines, grenades, torpedoes, nuclear and chemical munitions, and conventional air launched weapons, as well as exploration and evaluation of new fuses, propellants, explosives, detonators, dispensers, and armor. This activity also provides principal support for research and development activities at several Army arsenals and the Naval Ordnance Laboratory at White Oak, Maryland.

The Committee recommends a reduction of $20.3 million in this activity, the details of which are discussed elsewhere in this report. This includes $8.3 million for the Army involving $7.5 million for Tracked and Special Vehicles development, $.5 million for Lethal Chemical Investigations and $.3 million for Lethal Chemical Munitions Concepts. The Air Force is reduced by $12 million, of which $7 million relates to Armament/Ordnance Development and $5 million to Truck Interdiction.

The major items included for the Army are the main battle tank for $36 million and a wide range of munitions and ordnance. For the Navy, major items included are $17 million for Undersea Warfare Weaponry and $36.3 million for continued development of the MK–48 torpedo. The Air Force request provides $20.9 million for continued development of an Improved Aircraft Gun System, and for work in conventional munitions and weapons.

OTHER EQUIPMENT

[In millions of dollars]

	Requested	H.R. 17123	Committee report: Change	Committee report: Recommended
Army	317.8	317.8	−14.0	303.8
Navy	226.7	226.7	−3.3	223.4
Air Force	359.6	359.6	−2.2	357.4
Defense agencies	258.7	258.7	−2.9	255.8
Total	1,162.8	1,162.8	−22.4	1,140.4

This activity provides for research, development, test, and evaluation of equipment not separately provided for under other activities. Examples of the types of programs included are ocean engineering systems and technology development, chemical and biological agent detection and protective devices, combat clothing, tactical data processing systems, communications and electronic warfare equipment, improved logistics and material handling, mapping and geodetic systems, and biomedical projects. This activity also supports research and development effort at the Army Electronic Research and Development Laboratories.

The Committee recommends a reduction of $22.4 million in this activity including $14 million for the Army Project Mallard which should be terminated, as discussed elsewhere in this report, $3.1 million for the Navy Laboratory Independent Exploratory Development program which is reduced to the fiscal year 1970 level, $.2 million in the Navy Manpower effectiveness program, $1.7 million in the Air Force Project Mallard, $.5 million in the Air Force Human Resources program, and $.5 million in the Defense Agencies (ARPA) Overseas Defense Research program. The reductions in Manpower Effectiveness, Human Resources, and Overseas Defense Research also are discussed elsewhere in this report.

Major Army development programs included under this activity are Surveillance, Target Acquisition and Night Operations Systems (STANO), General Combat Support, and Testing. For the Navy, it includes such programs as Undersea Target Surveillance exploratory and advanced development, and Command and Control exploratory development. The Air Force program emphasizes Ground Electronics exploratory development, Penetration Aids for aircraft, Electronic Warfare Systems, the Airborne Warning and Control System (AWACS), and technical support provided by Lincoln Laboratories and Mitre Corporation.

Defense Agency programs supported under this activity include the Advanced Research Projects Agency Nuclear Monitoring Research program (VELA), and Defense Atomic Support Agency program for Nuclear Weapons Effects test.

PROGRAMWIDE MANAGEMENT AND SUPPORT

[In millions of dollars]

	Requested	H.R. 17123	Committee report: Change	Committee report: Recommended
Army	52.3	52.3	.....	52.3
Navy	144.5	144.5	.....	144.5
Air Force	305.4	305.4	.....	305.4
Defense agencies	11.5	10.5	.....	10.5
Total	513.7	512.7	.....	512.7

For the Army and the Navy, this activity provides for those costs of operation, management, and maintenance of research, development, and test facilities which are not distributed directly to the other budget activities. For the Air Force it provides for certain costs of central administration such as the Air Force Systems Command Headquarters and divisions, as well as several large research, development, test, and evaluation centers.

The Committee recommends approval of the amounts requested under this budget activity except for the defense agencies program. The Committee concurs with the House reduction of $1 million relating to the Defense Documentation Center under the defense agencies program. Costs covered under this budget activity include civilian salaries and benefits, travel, communications, real property maintenance, and supplies and equipment.

The overall program presented by Defense is below the level of fiscal year 1970 and reflects a continuing decline in number of employees engaged in the operation and maintenance of the Department of Defense research and development activities supported under this activity. The austere level of this program can be better appreciated if it is recognized that average salaries for civilian personnel have been rising year after year without a corresponding increase in appropriated funds for that purpose.

COMPARATIVE COST TOTALS OF MAJOR ELEMENTS OF BILL—DEPARTMENT OF DEFENSE, FISCAL YEAR 1971

[Page 7]

[In thousands of dollars]

	Major components: Total amount of fiscal year 1971 program	Less available financing	NOA requested authorization	Prior programs to be justified	Total authorization request	House: Change from request	House: Authorized	Senate Armed Services Committee: Change from House	Senate Armed Services Committee: Recommended amount
Aircraft	6,327,200	−265,600	6,061,600	97,300	6,158,900	−97,300	6,061,600	−206,300	5,855,300
Missiles	3,669,800	−49,500	3,620,300	29,500	3,649,800	−83,700	3,566,100	−109,900	3,456,200
Naval vessels	2,578,900	.....	2,578,900	150,000	2,728,900	+285,000	3,013,900	−737,000	2,276,900
Tracked combat vehicles	254,900	.....	254,900	1,000	255,900	−1,000	254,900	−25,300	229,600
Other weapons	75,389	.....	75,389	1,000	76,389	−1,000	75,389	−1,000	74,389
Procurement total	12,906,189	−315,100	12,591,089	278,800	12,869,889	+102,000	12,971,889	−1,079,500	11,892,389
R.D.T. & E.	7,345,600	.....	7,345,600	56,000	7,401,600	−136,000	7,265,600	−249,100	7,016,500
DOD total Procurement and R.D.T. & E.	20,251,789	−315,100	19,936,689	334,800	20,271,489	−34,000	20,237,489	−1,328,600	18,908,889
Military construction, Safeguard	325,200	.....	325,200	.....	325,200	.....	325,200	.....	325,200
Family housing, Safeguard	8,800	.....	8,800	.....	8,800	.....	8,800	.....	8,800
Grand total	20,585,789	−315,100	20,270,689	334,800	20,605,489	−34,000	20,571,489	−1,328,600	19,242,889

SUMMARY BY MAJOR CATEGORY—ARMY, NAVY, AIR FORCE, AND DEFENSE AGENCIES

[In thousands of dollars]

Procurement	Authorized 1970	Appropriated 1970	Prior year programs to be reauthorized (included in total requested 1971)	Total requested 1971	House: Change from request	House: Authorized	Senate Armed Services Committee: Change from House	Senate Armed Services Committee: Recommended amount
Aircraft:								
Army	570,400	554,400	(2,400)	296,900	−2,400	294,500	−2,400	292,100
Navy and Marine Corps	2,391,200	1,826,200	(35,500)	2,487,700	−35,500	2,452,200	−114,500	2,337,700
Air Force	3,965,700	3,730,800	(59,400)	3,374,300	−59,400	3,314,900	−89,400	3,225,500
Subtotal	6,927,300	6,111,400	(97,300)	6,158,900	−97,300	6,061,600	−206,300	5,855,300

SUMMARY BY MAJOR CATEGORY—ARMY, NAVY, AIR FORCE, AND DEFENSE AGENCIES—Continued

[In thousands of dollars]

Procurement	Authorized 1970	Appropriated 1970	Prior year programs to be reauthorized (included in total requested 1971)	Total requested 1971	House: Change from request	House: Authorized	Senate Armed Services Committee: Change from House	Senate Armed Services Committee: Recommended amount
Missiles:								
Army	880,460	831,900	(8,000)	1,094,600	−8,000	1,086,600	−55,000	1,031,600
Navy	851,300	818,800	(7,500)	983,000	−36,400	946,600	−14,200	932,400
Marine Corps	20,100	3,400		27,600		27,600	−14,800	12,800
Air Force	1,486,400	1,448,100	(14,000)	1,544,600	−39,300	1,505,300	−25,900	1,479,400
Subtotal	3,238,260	3,102,200	(29,500)	3,649,800	−83,700	3,566,100	−109,900	3,456,200
Naval vessels: Navy	2,983,200	2,490,300	(150,000)	2,728,900	+285,000	3,013,900	−737,000	2,276,900
Tracked combat vehicles:								
Army	228,000	201,100	(1,000)	207,200	−1,000	206,200	−24,000	182,200
Marine Corps	37,700	37,000		48,700		48,700	−1,300	47,400
Subtotal	265,700	238,800	(1,000)	255,900	−1,000	254,900	−25,300	229,600
Other weapons:								
Army			(1,000)	69,200	−1,000	68,200	−1,000	67,200
Navy				2,789		2,789		2,789
Marine Corps				4,400		4,400		4,400
Subtotal	(1)	(1)	(1,000)	76,389	−1,000	75,389	−1,000	74,389
Total procurement	13,414,460	11,942,700	(278,800)	12,869,889	+102,000	12,971,889	−1,079,500	11,892,389
Research, development, test, and evaluation:								
Army	1,646,055	1,596,820	(18,000)	1,735,900	−88,000	1,647,900	−38,700	1,609,200
Navy (including Marine Corps)	1,968,235	2,186,400	(15,000)	2,212,300	−15,000	2,197,300	−3,000	2,194,300
Air Force	3,156,552	3,060,600	(18,000)	2,927,700	−18,000	2,909,700	−191,700	2,718,000
Defense agencies	450,200	450,000	(5,000)	475,700	−15,000	460,700	−15,700	445,000
Emergency fund	75,000	75,000		50,000		50,000		50,000
Total, R.D.T. & E	7,296,042	7,368,820	(56,000)	7,401,600	−136,000	7,265,600	−249,100	7,016,500
Total Procurement and R.D.T. & E	20,710,502	[2]19,311,520	(334,800)	20,271,489	−34,000	20,237,489	−1,328,600	18,908,889
Military construction, SAFEGUARD	12,700	12,700		325,200		325,200		325,200
Family housing, SAFEGUARD				8,800		8,800		8,800
Grand total	20,723,202	19,324,220	(334,800)	20,605,489	−34,000	20,571,489	−1,328,600	19,242,889

[1] Authorization for other weapons not required prior to fiscal year 1971.

[2] Of this amount, $350,000,000 to be derived by transfer from stock funds.

Mr. STENNIS. Mr. President, I think that in the broadest way speeches have been made on behalf of the bill by several members of the committee. There may be others who want to speak on behalf of the committee. The chairman of the committee and the ranking minority member have now spoken on the bill in a major way.

The chairman of the Special Subcommittee on Tactical Airpower, the Senator from Nevada (Mr. CANNON), has presented a speech at length on provisions of the bill. That is also true as to the chairman of the Subcommittee on Research and Development, the Senator from New Hampshire (Mr. MCINTYRE), who had two different speeches on the major parts of the research and development portion of the bill. We have had the Senator from Arizona (Mr. GOLDWATER), who has just concluded a very fine exposition regarding the bill, and there have been other speeches.

In an affirmative way I think that covers the bill in a fairly full scope for the committee. We present the bill to the Senate on that basis. We are ready to answer such proposals in addition thereto as may be filed. I would hope we could move along on these amendments sometime reasonably soon.

I was about to ask for the adoption of the Senate amendment, but I see the Senator from Massachusetts (Mr. BROOKE) in the Chamber and I understand he has an amendment he wishes to introduce.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 8, 9, 12, 14, 19, and 25 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 7, 30, 39, and 55 to the bill and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

THE PLIGHT OF JACKSON, KY.

Mr. COOK. Mr. President, I wish to speak on a subject that is not germane to the bill presently, but I must state that I strongly protest the action announced yesterday by officials of the Department of Health, Education, and Welfare, pledging a matching grant of $100,000 to buy furniture for welfare recipients in the District of Columbia.

I do this as one who has experienced the ultimate in frustration in attempting to secure Federal money to aid a depressed area in my own State of Kentucky. Even though the difficulties I have been experiencing are with another agency, the Economic Development Administration, I believe the HEW action illustrates quite well an important point. The bureaucratic maze in this town responds more to threats than to orderly procedures to secure assistance. The HEW "handout" seems to be superseding the EDA "hand up."

I speak today for the people of the city of Jackson, Ky., who have been put through the bureaucratic wringer during the past 6 months. This city is located in the Appalachian area. Senators who are familiar with Appalachia know that a proliferation of Government programs have continually failed to solve the problems of these depressed areas of our Nation.

But the people of Jackson, Ky., have never given up. Officials of that city have secured an industry for their town—the first major industry ever to locate in Breathitt County—which is currently suffering from over 20-percent unemployment. This firm will employ around 400 persons and when the plant reaches

full production, in less than a year's time, a massive weekly payroll will be added to the community. This will make productive citizens and taxpayers out of hundreds of welfare recipients.

Nearly $2 million of private money will go into this plant. Local money from the city of Jackson has already purchased the site for this operation at a cost of $49,000. A local bank has pledged $80,000 of development money. The State of Kentucky has constructed $165,000 in access roads to the site. And the company, U.S. Shoe Corp., will eventually spend between $1,400,000 and $1,500,000 to build and equip a factory, and has already invested $180,000 in preliminary development.

In order to break ground for this factory, the city of Jackson must obtain approval of a pending Economic Development Administration application for $385,000. Since January of this year, one of my staff members has worked with officials of Jackson in trying to obtain this approval, and the application has been continually held up by one technicality after another. It took 2½ months to clear the area office in Huntington, W. Va., and it has been in the Washington office of EDA since June of this year.

Jackson, Ky., is asking an agency of the Federal Government—EDA—to help a community supply jobs for people who want to work. We all know economic development is the only real solution to the poverty of this Nation. Yet those charged with assisting such growth allow the people of my State who seek to build a new life to languish while they wallow in the hopeless maze of bureaucratic red-tape.

In summary, the right hand knows not of the activities of the left and it appears the handout continues to take precedence over the hand up. I denounce the decision by HEW to dole out $100,000 while productive EDA projects such as that of Jackson, Ky., remain unfunded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

MIRV, SALT, AND STRATEGIC STABILITY: A DUAL APPROACH

Mr. BROOKE. Mr. President, Senate consideration of the defense procurement authorization comes at a moment of extreme delicacy in many realms of national security policy—the Strategic Arms Limitation Talks are in a crucial phase, the strategic balance is poised at the edge of far-reaching changes, defense spending is tottering under the challenge of competing domestic demands. Among the many issues we must consider in this debate, none is more critical than that of MIRV, the multiple independently targetable reentry vehicles whose incipient deployment is drastically changing the composition and capabilities of American strategic forces.

As Members of the Senate will recall, I have long argued that our security and that of the Soviet Union would be best served by a mutual suspension of MIRV testing and deployment. If such weapons were deployed in large numbers and were developed to levels of very high accuracy, they could seriously threaten hardened missile silos and could undermine the stable deterrence on which both countries depend.

It is, of course, reassuring to know that any such "hard-target MIRV" systems are years away from being perfected and that the initial systems now being deployed do not in fact pose a threat to the Soviet Union's retaliatory forces. Yet, as has often been pointed out in this Chamber, unless clear safeguards are established, technical improvements could eventually transform the first-generation MIRV systems which are capable only of a retaliatory mission into more dangerous weapons which might seem capable of a first strike. This could only induce a larger arms race, as the Soviets would be obliged to increase the number of offensive weapons or take other countermeasures to insure their ability to deter us, just as we are determined to do whatever is necessary to guarantee that we can deter them.

Under these circumstances, how we resolve the dilemmas posed by the development of MIRV technology will do much to shape the stability of the strategic balance. I remain convinced that a mutual ban on MIRV testing and deployment is the wisest course, and I am still hopeful that the SALT negotiations will eventually produce such an understanding. However, we do not know when, how, or if SALT will address the complicated problems of MIRV, and we must seek to shape a sound policy which will deal with two contingencies: either mutual limitation on MIRV in the SALT negotiations, or a continued deployment of MIRV in the absence of such a limitation.

In line with the sentiments voiced by the Senate in Senate Resolution 211, which urged a limitation on both offensive and defensive strategic weapons, particularly MIRV, we should do everything possible to facilitate a reasonable agreement on this difficult issue.

Toward this end I am today proposing an amendment which could make a major contribution to this objective. This amendment will direct the Department of Defense to initiate development of single reentry vehicle systems for both the Minuteman III and the Poseidon missiles, which are presently designed specifically as MIRV launchers.

So long as the United States has only MIRV systems for deployment on these two missiles, a proposed MIRV limitation would be tantamount to a de facto reduction in U.S. strategic forces. This is an especially critical factor with regard to the Poseidon system, since a number of submarines are being converted to carry this missile and a MIRV ban would mean that those subs could not be on station for a number of months, that is, until the Poseidon missile was altered or boats refitted to Polaris missiles.

Thus, as a matter of simple prudence, the United States needs to prepare for the contingency of a MIRV limitation by developing single reentry systems which could be mounted on these weapons. Dr. John Foster and other Defense Department spokesmen have alluded to precisely this possibility in remarking that Minuteman III and Poseidon could be fitted for single warheads. It is important to delay no longer in undertaking the work to make this a live option. This amendment would authorize and mandate such work, and I believe it will meet with the Department's approval.

I should perhaps mention that there are several advantages to pursuing such a development. Mounting a single reentry vehicle on the Poseidon could permit the submarines to operate at greater ranges from their targets. By increasing the maneuvering room for the boats, this option would contribute substantially to their invulnerability to attack by antisubmarine warfare forces. This is a significant advantage in its own right, but it could become even more so if the United States were gradually to evolve toward heavier reliance on the so-called blue-water option, that is, concentrating the largest fraction of its deterrent forces at sea and reducing or phasing out fixed-site land-based missiles. I consider it premature to elect this option at this time, since I believe it could best be pursued in the context of a larger strategic arms agreement which limited ASW forces as well as other weapons. If ASW forces were not so limited, the invulnerability of sea-based forces might erode over the longer term. Nevertheless, the blue-water option is a serious candidate for coming decades and there could be a special value in the added operating space which a single RV Poseidon would give our boats.

A further consideration is also worth noting. It is quite possible that, even in the absence of a MIRV ban, other agreements in SALT might make it desirable to substitute a single-reentry vehicle for the MIRV systems presently planned for Minuteman III and Poseidon. For example, since our MIRV is designed to assure U.S. ability to penetrate any Soviet ABM deployment, a very low limit on ABM coupled with a freeze on the number of offensive launchers might make it desirable to elect the single-warhead option. Under that contingency, MIRV would not be required to penetrate an ABM and a single-warhead system would contribute more to nuclear stability than a multiple RV deployment.

This is a question we will need to reassess in coming months as, hopefully,

the results of SALT become visible. The MIRV-capable missiles authorized in the fiscal year 1971 bill will not be deployed for many months. As we approach that date we can then determine whether they should be MIRVed or fitted with single warheads. But we can only do so, if the single-reentry vehicle systems are ready. It is for that reason that this amendment is essential. The Department has long studied this option and I believe it will welcome congressional guidance in initiating such a development.

A second and even graver contingency also confronts us and it is imperative that the Congress prepare to meet it. That is the possibility—one might say the probability—that the initial MIRV deployments will continue and that these weapons will be in the arsenals of the United States and probably the Soviet Union for the indefinite future. If that trend continues, our fundamental concern must be to insure that the MIRV's that are deployment reinforce strategic stability. They can do so only if they are exclusively, explicitly, and credibly designed for the retaliatory, second strike mission. In short, we must erect standards which make clear that the United States will not deploy MIRV systems capable of threatening the Soviet strategic forces.

The United States has, of course, been committed to a second strike posture for many years. The task here is to see that MIRV systems are compatible with that posture. President Nixon has consistently stressed this principle in his decisions and declarations on strategic weapons. For example, in proposing the Safeguard anti-ballistic-missile system, the President wisely underscored his concern to avoid actions which appeared to threaten the Soviet retaliatory forces. In his remarks of March 14, 1969—surely one of the most important and enlightened strategic statements by any statesman—Mr. Nixon repeatedly applied the American doctrine of deterrence. He rejected the possibility of a heavy ABM defense because "it might look to an opponent like the prelude to an offensive strategy threatening the Soviet deterrent." He also decided against meeting the Soviet build-up by increasing U.S. offensive capabilities, since such an increase "could be misinterpreted by the Soviets as an attempt to threaten their deterrent. It would therefore stimulate an arms race." And the President partially justified the reorientation of the U.S. ABM system to defense of the Minuteman force by stating:

> The program is not provocative. The Soviet retaliatory capability is not affected by our decision.

President Nixon applied the same standard in his redirection of the U.S. MIRV program. As the Senate will recall, Mr. Nixon informed us some months ago that a proposed development of a hard-target MIRV system had not been approved and that the United States has no such program.

In testimony before the Armed Services Committee, Secretary of Defense Laird further commented on this important decision by pointing out:

> The President has made it perfectly clear that we do not intend to develop counterforce capabilities which the Soviets could construe as having a first-strike potential.

I believe the Secretary, who has been so deeply concerned by the deployment of Soviet weapons with an evident potential for attacking U.S. ICBM's, must have a special appreciation of the hazards of such destabilizing weapons. It is clear to every careful analyst that weapons capable of counterforce attacks only make the existing strategic balance more dangerous and the ensuing arms race more costly.

There is, obviously, no disagreement that, if MIRV is required to penetrate a Soviet ABM system and to maintain a credible second strike capability, then this country will continue deploying such systems. However, the retaliatory mission can be performed with relatively modest yields and limited accuracies that would be unsuitable for any first strike against enemy missile forces. The truth of this simple axiom is apparent when one recalls that Hiroshima was almost obliterated by a 20-kiloton atomic bomb—much smaller than today's missile-borne payloads—delivered with an accuracy which has long since been surpassed.

The Armed Services Committee has expressed its concern about the implications of MIRV for the credibility of America's commitment to a second strike or mutual deterrence doctrine. In reducing the funds for the so-called ABRES—advanced ballistic reentry systems—program, the Committee has stressed in its report that the reduction is related to "any future hard-target kill capability." The report points out that the strictly retaliatory objective "can be met with substantially less accuracy and more modest yields than needed for the counterforce mission." Thus, the committee has thoughtfully discouraged even preliminary development work which might be viewed as pointed toward a destabilizing counterforce capacity—a capacity that is unnecessary and indeed highly detrimental to deterrence.

In pursuit of this same objective, so clearly enunciated by the President, the Secretary of Defense, and the Armed Services Committee, I am proposing a second amendment setting the standards for deployment of a retaliatory MIRV capability. This amendment would prohibit the use of funds for operation development, testing or procurement of a hard-target MIRV system and would specifically define what a hard-target MIRV system capability is.

Much discussion of this issue has been impeded by the absence of an agreed definition of hard-target capability. Obviously it is meaningless to declare that the United States will forgo a capability to attack Soviet strategic forces unless that capability is defined in believable and understandable terms. Both in the interest of our own understanding, and even more, of Soviet perceptions of our intentions, this amendment would limit U.S. MIRV systems to yields and accuracies no greater than one-third the level considered necessary to enable a single warhead to neutralize a hardened missile silo.

I have have developed this definition in extensive discussions with the Department of Defense and with colleagues in and out of Congress. As I am sure the Department of Defense agrees, it provides more than ample latitude for MIRV systems to meet the requirements of a second strike, while it establishes a threshold well below that which could jeopardize Soviet missile forces. I believe it to be an even more urgent provision than the first amendment I have presented. On the real likelihood that MIRV deployment may continue, we must have firm guidelines for our subsequent action in this field.

Because of their deep concern on this matter, more than half the members of the faculty of the Massachusetts Institute of Technology have individually joined in a petition to the President and the Senate to forgo any hard-target MIRV development. Growing numbers of responsible spokesmen in the technical community, including many proponents of MIRV, recognize that we do not need and in fact cannot afford to move toward hard-target MIRVs, since the result can only be a diminution of our own security. This amendment can be a decisive affirmation of our determination to avoid ambiguous or provocative improvements in MIRV systems.

The logic for this proposal is rooted in mutual deterrence itself, as President Nixon has so well indicated. Stable deterrence requires that neither side threaten the other side's capacity to retaliate. This is necessary not only to avoid endless cycles in the arms race, as one or the other side moves desperately to protect its retaliatory capacity. It is primarily important because, should a nation find its forces to be vulnerable, those weapons can only be used if they themselves are launched first. If they are withheld, they run the risk of destruction. This is the insight which years ago led Albert Wohlstetter and others to note that the "balance of terror" is delicate, and that security in the nuclear age demands that strategic weapons be invulnerable.

Thus, U.S. security is in no way served by an capability to threaten Soviet strategic forces. Such a capability would only raise the prospect that Soviet weapons might be launched in some moment of crisis out of fear that otherwise they would be disarmed in a first strike. The same is no less true of any Soviet deployment threatening our retaliatory forces.

We cannot tolerate hair triggers in an era of instant and total devastation. The only sane policy for both countries is to refrain from such destabilizing systems and to take those measures which create unambiguous and invulnerable second strike forces.

That is the purpose of this amendment. By setting this criterion for American MIRV systems, we can enhance our own security and set a model for the Soviet Union to match. Even if they fail to do so, we will have insured that any American MIRV systems are compatible with the

policy to which the United States is dedicated. We will also have struck a note of prudence which could respond very helpfully in the strategic arms limitations talks.

To sum up, the subject of MIRV is complex but the case for these two amendments is itself quite simple. In the event that the SALT negotiations produce an agreement limiting MIRV systems, we will need to have the option of installing single-reentry vehicles on the expensive Minuteman III and Poseidon missiles in which we are investing. In the event that such an agreement is not reached and MIRV deployment continues, we shall need to insure that the American MIRV systems remain strictly retaliatory weapons which do not undermine the stable deterrence on which our security rests.

The two amendments I offer will serve these vital objectives. I commend them to the Senate.

Mr. President, I ask unanimous consent that the two amendments I have submitted be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD, in accordance with the Senator's request.

Mr. BROOKE'S amendments, ordered to be printed in the RECORD, are as follows:

On page 14, at the appropriate place, insert a new section as follows:

SEC. 206. The Secretary of Defense is authorized and directed to initiate a program of research to develop at the earliest possible date, a single re-entry vehicle system for the Minuteman III missile and a single re-entry vehicle system for the Poseidon missile. For purposes of this section "a single re-entry vehicle system" is a system capable only of deploying a single re-entry vehicle and its associated penetration aids. The funds to be expended in carrying out the provisions of this section shall be funds transferred from other projects by the Secretary pursuant to his authority under existing law to transfer funds from one project to another.

At the end of the bill add a new section as follows:

No funds authorized to be appropriated pursuant to this or any other Act may be used for operational development, testing or procurement of any Multiple Independently Targetable Re-entry Vehicle (MIRV) system in which an individual re-entry vehicle provides a capability to destroy a hardened target. For purposes of this section, "a capability to destroy a hardened target" means that combination of warhead yield and accuracy required to generate the equivalent of one third the level of blast over-pressures and related effects considered necessary to enable a single warhead to neutralize a hardened missile silo.

Mr. PROXMIRE. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. I am very pleased to yield.

Mr. PROXMIRE. Mr. President, I commend the Senator from Massachusetts on a very important and significant speech. It is important that we hold down expenditures for the American taxpayer, to prevent inflation and to provide for an opportunity for securing other national objectives in addition to the immediate military purposes involved in defense.

The Senator from Massachusetts goes much farther with this amendment and much farther in his speech. As I understand, the purpose of this amendment is primarily to increase the security of the American people, and of the world, for that matter.

Mr. BROOKE. That is correct.

Mr. PROXMIRE. By conforming our actions to the expression by President Nixon that he did not want to take any action, or want us to take any action, that would in turn provoke the Soviet Union to feel that we were going after a first strike; and what the Senator's amendment would do would be to provide that we act, with this terrific increase in firepower that we will have with the multiple independent reentry vehicle, in a way that would make clear that what we are trying to do is to strengthen our own forces so that we could continue to have a credible second strike capability, but make it obvious and clear that we are not trying to develop a capability that would destroy the Soviet Union's missiles. Is that correct?

Mr. BROOKE. The Senator is correct; yes.

Mr. PROXMIRE. I think that this is most significant, not only from the standpoint of actually, I presume, saving funds, although that is important—in this case it is certainly secondary—but also, it is very significant in terms of the security of our country.

As I understand it, the proposal of the Senator from Massachusetts has the great advantage, too, of being logical and appropriate, regardless of whatever position one might take on the SALT talks. Is that correct?

Mr. BROOKE. The Senator is correct.

Mr. PROXMIRE. The Strategic Arms Limitation Talks are viewed differently by various Senators. Some feel that because of them, we should provide everything that the administration and the Defense Department have requested in the way of military force. Others have argued that that might not be the wise course, for various reasons.

But, regardless of the position one takes with respect to the SALT talks, in view of the President's statement that we should not take any action that would convince the Soviet Union that we were trying to develop a first strike, the amendment of the Senator from Massachusetts is completely logical and consistent with that view of President Nixon, and the amendment is one which I can support enthusiastically.

Mr. BROOKE. I am very pleased to have the support of the distinguished Senator from Wisconsin.

The Senator is quite correct in his analysis of the amendment and what the amendment would do. As the MIRV technology has developed to date, we do not have the accuracy which would enable us to have a first strike against the Soviet Union. The Russians know this and the United States, of course, knows this. But if we were to continue improving and perfecting our MIRV technology, the time would come when obviously we would have a first strike capability.

The President and the Secretary of Defense have said that we are not seeking a first strike capability. One of our military leaders at one time made a statement which was interpreted as meaning the United States was seeking a first strike capability. But the President denied this in a letter, which I made public to the Armed Services Committee and to the Senate, in which the President made clear that we are not seeking such a capability. As the distinguished Senator from Wisconsin has well pointed out, this would be most provocative, and we do not seek it.

All we are trying to do by this amendment is make explicit, write into law, the expressed policy of this administration that we will not perfect this MIRV technology to the point where it could become a first strike capability and be considered by the Soviet Union as having a first strike capability. Such a threat could easily provoke them into further development and deployment to the point where they would have a first strike capability, and the arms race could continue on indefinitely, out of balance.

So long as we are able to keep the mutual deterrents—and we can do this by limiting the MIRV technology, as would be done by this amendment—then, of course, there will be no fear of either side having a first strike capability.

This amendment would by no means stop our deployment of MIRV. I want to make that very clear. I think the Senate should understand that.

Senate Resolution 211, which I introduced in the Senate a year or so ago, and which was passed by the Senate by a vote of 72 to 6, never suggested a unilateral cessation of operational testing of MIRV. It was a mutual cessation of operational testing of MIRV. This, of course, would be something that would have to be done by the United States and the Soviet Union in the SALT talks. But we just do not know at this point what is going to come out of SALT. I think we are all hopeful and prayerful. In the interim, we are going ahead with MIRV, as the Senator well knows, so far as our Poseidon and Minuteman III are concerned. We know that. That is public information. That is not secret information at all.

The Senator was not in the Chamber when I discussed the other amendment in my prepared text. The other amendment would direct the Defense Department to develop a single warhead weapons system that could be used on Poseidon or on Minuteman III. In the event that we are able to reach an agreement with the Soviet Union at the SALT talks for a ban on MIRV, then we would have a single reentry vehicle system that could be put onto our Minuteman III missile and our Poseidon missile.

Mr. PROXMIRE. As I understand, the position of the Senator from Massachusetts is that in the event we did go ahead—if we did go ahead—with the multiple MIRVing, which the Senator's

amendment is designed to prevent, we would greatly increase the likelihood that the Soviet Union in turn would feel compelled to go ahead with multiple MIRVing.

Mr. BROOKE. The Senator is correct.

Mr. PROXMIRE. Furthermore, we would greatly increase the likelihood that they would consider a first strike, for fear that we might initiate a first strike before they did, because they would feel that we were developing a first strike capability.

On the other hand, if we do not go ahead, some will argue that we are not advancing our technology, that we are not advancing our capability, but how do we know, absent effective unilateral inspection, that the Soviet Union is not going ahead with theirs? I take it that this is the reason why the Senator's amendment would provide for a stronger second strike capability.

Mr. BROOKE. That is correct.

Mr. PROXMIRE. So that whatever technological advance they might have, it would be most unlikely to be preemptive. We not only would have the submarines, which seem to be pretty much invulnerable to a first strike—and nobody I know of has argued that they would not be—but also, we would have the bombers, which are mobile and highly invulnerable to a first strike, and the second strike weapons which the Senator's amendment is designed to improve.

Mr. BROOKE. Yes. Because the existing single reentry vehicle systems have not been improved—the old Polaris and the old Minuteman I. So we would have to improve our single reentry vehicle systems if we were to enter into an agreement with the Soviet Union on a limitation on MIRV's.

Mr. PROXMIRE. I thank the Senator.

I hope the Senator from Massachusetts—and I know the Senator from Mississippi would join me—will call up his amendment as soon as he can. I know that there are considerations he may have as to the exact timing of that. I am hopeful that we can get some amendments before the Senate, and I know that the Senator from Mississippi and other Senators would like to have action as soon as possible.

Mr. BROOKE. As I have said, I am very pleased to have the support of the distinguished Senator from Wisconsin. It is certainly my intention, as I have said to the distinguished chairman of the Committee on Armed Services, to call these amendments up very soon.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. STENNIS. Mr. President, I commend the Senator for the clarity and completeness of his speech. It is a subject matter in which he is well versed. He has worked on it this year and last year and perhaps before. The committee heard his presentation with great interest. I am sure the entire membership of the Senate will be interested in this question.

I want to get the quotations again of just what the President of the United States said about this. The Senator has this matter now before the Department of Defense, as I understand.

Mr. BROOKE. That is correct. I have asked the Secretary of Defense to give the department's position on both of these amendments, and I expect a reply momentarily.

Mr. STENNIS. I am really glad the Senator did ask that. I do not think we ought to take them up until the Senator has received a response.

This morning, in anticipation that this matter was coming up, because the Senator had told me so, I initiated inquiry over there, also, that the committee was interested in the subject. Can the Senator give any indication when he might offer them? I am thinking about the prospect of getting them up tomorrow, say, or this week?

Mr. BROOKE. I had thought the early part of next week.

Mr. STENNIS. Yes. We are really in a distressing situation here. I know that the Senator is always willing to cooperate——

Mr. BROOKE. I certainly am always glad to do so.

Mr. STENNIS. With the committee, even though we do not vote together.

Mr. BROOKE. In response to the inquiry of the Senator from Mississippi, a great deal will depend upon the response I receive from the Department of Defense.

Mr. STENNIS. Well, it is a very important matter. I was not suggesting any hasty consideration here, but if we could get it up this week, we could start debate. I do not know whether we could finish it or not, but the Senator makes a good suggestion that we should find out what the Secretary of Defense will say.

Mr. BROOKE. I am certainly sympathetic to the Senator's problems here and assure him that I will move as expeditiously as possible in calling up the amendments.

Mr. STENNIS. I thank the Senator very much. As of now, though, he merely submits his amendments for the information of the Senate?

Mr. BROOKE. That is correct.

Mr. STENNIS. The Senator does not propose to call them up until further notice?

Mr. BROOKE. That is correct.

Mr. STENNIS. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERCURY CONTAMINATION OF THE WISCONSIN RIVER

Mr. PROXMIRE. Mr. President, the Nation is facing its first water pollution crisis. While most people have always thought of water pollution only in terms of dirty, unsightly water, the present crisis involves, according to Secretary Hickel, "an intolerable threat to the health and safety of Americans." The cause of this new crisis is mercury contamination.

Within the past 3 weeks, mercury has been found in large quantities in many streams and rivers throughout the United States. Unrecognized as a threat until just over a month ago, mercury poisoning has already caused the deaths of four persons in New Mexico. Waters now threatened by mercury contamination include Lake Onondaga, parts of the Tennessee River, the Mobile and Tombigbee Rivers in Louisiana, the Mississippi River above New Orleans, the Rio Grande River in Texas, Lake Ontario, much of Lake Erie, and many rivers in Alabama. New reports of contamination are being received almost daily and the Federal Water Quality Administration has established a special emergency task force to deal with the crisis.

Wisconsin, my State, has been particularly hard hit by the crisis. Recently I learned that the Wisconsin River is heavily contaminated. According to a spokesman from the Federal Water Quality Administration—FWQA—concentrations up to 1,000 parts per million have been found in sludge deposited at the bottom of the river near Port Edwards. This sludge contains the highest concentration of mercury reported to FWQA anywhere in the country, according to the same spokesman. Fish tested at various points along the river have been found to contain concentrations of mercury ranging from 1 part per 10 million to 1.83 parts per million. While these quantities appear to be extremely small, mercury is toxic to certain species of fish in concentrations as low as .004 parts per million. The Federal Water Quality Administration is presently attempting to enforce a standard of .000 parts per million. Needless to say, the concentrations reported in fish in the Wisconsin River are well above the danger levels.

Perhaps the most frightening thing about the situation is that the threat posed by the mercury may persist for many decades. Sludge containing as much as 1,000 parts per million now resting at the bottom of the Wisconsin River may pose a permanent source of contamination. While the transfer process between the sludge and the river water is not completely understood, it is clear that the mercury does not sink harmlessly to the bottom, as previously believed. Michigan State University geologist, Dr. Robert Ehrlich, points out that:

> We failed to take into account a process called organic complexing—the way organic matter in lake bottom sediment and lake waters pick up electrically charged atoms of a metal like mercury and force them into solution throughout a lake.

From evidence already gathered, it is clear that mercury contamination may threaten man for up to 100 years. Commenting on suggestions that all plants

dumping mercury be forced to cease all discharges immediately, Richard Ronk, mercury project officer for the Food and Drug Administration, pointed out that:

> Even if we close all the plants today, the problem won't go away. The mercury will still be there, and nobody can really tell you how long it will take the biosphere to take care of it.

In Sweden, where mercury poisoning has caused a drastic decrease in the bird population, scientists have predicted that the threat will persist for 10 to 100 years unless the mercury is made inactive.

The symptoms in man of mercury poisoning may occur weeks to months after an acute exposure to toxic concentrations. For this reason, no one really knows how much damage may have already been done. Mercury is a slow acting poison which gradually destroys the brain, a few cells at a time. One of the first signs is the impairment of the coordination of muscle movement. With severe intoxication, the symptoms are irreversible and death follows within a matter of months. The most serious threat caused by mercury is to human fetuses. Methyl mercury easily penetrates to the fetus via the placenta, and the concentration of mercury in the fetal blood may be as much as 20 percent higher than in the mother. Infants with congenital brain damage from methyl mercury are born to mothers who show no symptoms of methyl mercury poisoning. Thus, we have no way of knowing how many unborn children may have already suffered brain damage as a result of their mothers eating contaminated fish.

In Wisconsin, contamination of the Wisconsin River did not originate with the present crisis. The dumping of mercury into the river has been going on for many years. The Wyandotte Chemical Co., identified as a major contributor, has been dumping huge quantities of sludge containing more than 20 pounds of mercury per day into the river for over 3 years. This sludge, containing as much as 20,000 pounds of mercury, has accumulated on the river bottom and now covers a huge area, several feet in depth. The danger posed by this huge accumulation is clear. Unless it is removed or made biologically inactive, it could serve as a permanent source of contamination which would infect the river water for decades. In view of the extreme danger, the question now is, what can be done to remove the threat?

Unfortunately, we have no quick or easy solutions available. The only extensive research conducted to date on the problem has been done in Japan and Sweden where mercury poisoning has already been held responsible for the death of almost 100 people. We still do not understand the process by which the mercury is liberated from the sludge and then picked up by fish and other forms of aquatic life. In view of this, there is an immediate need for stepped up research on all levels. We need to concentrate the resources of every applicable federal, state, and scientific agency. We need a solution as rapidly as possible—only by working intensively on the problem at all levels will we obtain the needed solution quickly. We cannot afford the delays caused by different agencies of the government working at cross purposes. Cooperation is needed on all levels. For these reasons, I have today asked the Federal Water Quality Administration to undertake a joint study with the National Academy of Sciences to find a solution as quickly as possible. The Wisconsin Department of Natural Resources has already moved to sharply reduce the amount of mercury being dumped into the river. The Wyandotte Chemical Co. plant has cut its discharge to below 1 pound per day. The need now is for intensive study of ways to render harmless the mercury which is already in the river.

The Federal Water Quality Administration has already established a special task force to deal with the problem. Murray Stein, the chief enforcement officer of FWQA, has indicated that he is ready to provide immediate assistance to any State which requests help. He points out that the Federal Government has had to deal with the crisis nationwide and that FWQA has gained much valuable experience which may be very useful to the individual States in dealing with their own particular problems. Only by sharing the experiences gained on both the Federal and State levels can we avoid duplication and futile efforts which only lead down blind alleys.

In the battle which lies ahead of us, time will be a crucial factor. Each day that goes by without a solution represents an added threat to the health of possibly millions of people. Mercury is a deadly poison. Every Federal official whom I have contacted has termed the present crisis extremely serious—so serious that FWQA has just recently refused to release any further information on new sources of contamination. The Federal Government is prepared to enforce a standard of zero parts per million in interstate waters. The sludge in the Wisconsin River contains as many as 1,000 parts per million. Under the circumstances, it is difficult to exaggerate the danger. We need a solution as quickly as possible.

THE VISTA PROGRAM

Mr. JAVITS. Mr. President, with the President's personal support, the Congress approved last December a 2-year extension of the poverty program, including the essential and highly successful program known as Volunteers in Service to America—VISTA. I might mention that my own daughter has worked in two summer programs for VISTA.

Mr. President, as I have always been very solicitious and deeply involved with the development and success of VISTA, I felt it my duty to acquaint the Senate with the problem so that at least information on the matter might be available.

Begun in 1965, VISTA is now beset by differences between its administrators in Washington and what is claimed to be quite a number of volunteers in the field as to the goals of the program and the most effective means of achieving them.

How these differences are resolved may well determine whether this and other poverty programs continue with the commitment and involvement of young America—an involvement as essential as the involvement of the poor themselves if we are to make the needed inroads on the pervasive problems of poverty.

Mr. President, among these oppositional features which have been called to my attention are the following:

Certain of the VISTA personnel in the field assert that the Office of Economic Opportunity—VISTA's parent agency—intends to move its VISTA volunteers away from organizing the poor to be effective participants in antipoverty efforts, toward the less controversial task of providing the poor with social services.

The Office of Economic Opportunity takes the position that it is merely attempting to provide "focus" for VISTA programs, and that it favors a concept of community organization as being a group of Americans who want to accomplish an agreed upon social purpose in program areas such as health, education, and manpower, economic development, housing, community planning, and general services.

VISTA volunteers are also greatly concerned by the recent decision of the President regarding occupational draft deferments, under which the Office of Economic Opportunity will no longer recommend draft deferments for VISTA volunteers. And, by the fact that VISTA has been without a permanent director for more than 2 years.

Some VISTA volunteers also claim that:

The VISTA budget is woefully inadequate and that this has resulted in program and volunteer cut-backs, in lack of administrative and logistical support, and in stifling of initiative regarding development of new projects.

The VISTA policy is determined in Washington without adequate consultation with community groups and volunteers in the field.

Unlike other Office of Economic Opportunity programs, the Economic Opportunity Act of 1964 has no provision for over-riding a State Governor's veto of VISTA projects, and that this has forced VISTA to be politically responsive to the established government structure which itself may not be responsive to the needs of the poor.

That VISTA training has been inadequate as to the nature of VISTA service—its problems and possibilities—and VISTA projects.

That VISTA has changed its recruiting policies to emphasize attracting older, more conservative volunteers in an effort to reduce the level of controversy connected with the program but at the same time to make it more pedestrian and unimaginative.

Concerned with these matters in the VISTA program and with the poverty program in general, some VISTA volun-

teers began meeting in local and regional groups in an attempt to enlist congressional and community support for their position; and a number of VISTA volunteers formed the National VISTA Alliance to press these and other issues.

In an effort to present their case, I am informed the National VISTA Alliance has sponsored a 3-day national conference ending today in Washington, D.C. It is claimed that approximately 350 to 400 volunteers and exvolunteers, including some elected representatives of VISTA volunteers in the Nation's 10 VISTA administrative regions, have gathered in Washington and have been discussing their proposals for the improvement of the poverty program and have been meeting with Members of Congress.

As I am the ranking minority member of the committee which handles this matter, I met with them yesterday. My conclusions are as follows:

Mr. President, first, I hope my colleagues in Congress similarly will receive members of the National VISTA Alliance Conference. We must make every effort to maintain the faith in our government among them. Only then will we be able to call on them for their boundless initiative and energy, so necesary for the revitalization of our troubled society.

Furthermore, I would commend to the members of the National VISTA Alliance a course of action most likely to result in the same openess that characterized the reception by Members of Congress 2 months ago of college youth over the issue of the war in Indochina. In this era of the rhetoric of "confrontation," "demand," and "mass meetings," I urge them to help prove that young Americans are not concerned with "confrontation for the sake of confrontation" and with "nonnegotiable" proposals. I urge them to show that they are much more concerned with truly improving our system of Government through a reasoned, more active participation in that system such as the VISTA program itself represents. I urge them to proceed not by coercive demand, but through petition for redress of grievances to the Members of Congress.

Mr. President, I will not attempt to prejudge the case put forth by the VISTA Alliance, for I am sure that the Office of Economic Opportunity has reasoned answers to many of these points.

I intend personally to look into each of these and other assertions to determine which, if any, of these claims require clarification or even changes of policy on the part of the Office of Economic Opportunity.

Finally, Mr. President, if these issues cannot be resolved in this way, it may well be necessary to request hearings in the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare of which I am the ranking minority member.

The use of the machinery which is readily available and has worked so well for college youth in respect of protests of the Indochina war can work just as effectively for those in VISTA who feel these are real grievances. I strongly urge they take advantage of that course rather than something more sensational but something which I feel would be a regressive course.

Mr. President, I ask unanimous consent to have printed in the RECORD an article relating to some of the problems of VISTA which was published in the New York Times on July 14, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON SEEKING A SOFTER IMAGE FOR VISTA

WASHINGTON.—The Nixon Administration has begun changing the image, composition and role of VISTA, the so-called "domestic peace corps."

One purpose apparently is to end complaints from local politicians and establishment groups, particularly in the South, about the poverty agency.

A spokesman for the agency here said that the changes would eliminate the confrontation tactics employed by past and present volunteers and result in a less controversial organization better geared to serving the rural and urban poor.

But many of VISTA's more than 5,000 volunteers believe the Nixon Administration is actually intent on ending the agency's technique of organizing the poor to achieve specific goals.

They are convinced that the Administration wants VISTA project workers themselves to solve the problems in the areas where they are assigned, rather than to teach the poor how to handle those problems—often through activism that upsets local establishments.

Informed estimates of the number of active VISTA dissidents run as high as a third of the program's personnel. Many of them are young white males who were stunned on April 21 when Donald Rumsfeld, director of VISTA's parent agency, the Office of Economic Opportunity, announced that job deferments from the draft would not longer be sought for volunteers.

The dissidents have been meeting in small and medium sized groups during the last two months in an attempt to drum up Congressional and community support to resist the current policy changes.

POLITICAL ROLE URGED

Angry newsletters, denouncing the national leadership of VISTA and the Office of Economic Opportunity, were mailed to 2,500 volunteers in early May. Regional meetings have been held in North Carolina and Chicago. Another is taking place this weekend in Waterloo, Iowa.

The conference in Chicago, held June 7, set the tone. A statement denounced President Nixon as unconcerned about the poor and said: "VISTA should be more community oriented and less work-project oriented so that volunteers can become involved in a more political role."

One generally acknowledged problem in VISTA is an admitted lack of communication between the leadership and field workers. Another is the fact that almost 40 per cent of the top administrative positions are either empty or held by "acting" personnel.

VISTA, whose full title is Volunteers in Service to America was started six years ago. It appeared at the start to be one of the most promising and successful of poverty programs. The program was based on the concept that volunteers could go into poverty areas and work with the poor for one or two years. It attracted a large number of young people who believed in political activism within the system. Many saw in VISTA an opportunity for public service that was preferable to the military.

In the early stages, the program had no problem getting funds. There was a common belief by volunteers and staff members that the agency's philosophy of community organizing had gained widespread acceptance.

But the Nixon Administration found when it came to office that criticism of VISTA was increasing chiefly over the activism encouraged by the volunteers.

This was particularly true in rural areas, especially black rural communities in the South. But Mayors and Governors outside the South have also had their battles with volunteers.

As recently as June 8, The Governors of Arizona, Hawaii and Utah complained at the opening session of the annual Western Governors conference that VISTA volunteers were spreading discontent among the poor, particularly the Indians.

The Alaskan Legislature has voted to cut $85,800 from the state budget that was intended as Alaska's share in the VISTA program, thus ending, at least temporarily, the program in the state.

Chester Robert Lane, a civil servant who is acting director of VISTA, said in a recent interview that he supported the Administration's effort to change the poverty agency's role and reputation.

"Vista is no longer going to be this place where you can do your own thing . . . especially if that means confronting the establishment," he commented.

"We hope, predict and are striving for a new type of volunteer who will work within the system and lower the noise level. It might make VISTA more popular and more accented."

The agency's leadership has already made some changes in its recruiting and training programs and will make more before the next annual group of 2,000 new volunteers begin training this July.

Older volunteers are being sought. Teenagers and active radicals are being discouraged from applying. New guidelines are being drawn up that reinforce old rules forbidding political involvement and add new limits on what is permissible for volunteers.

The dissidents questioned in person or by telephone, who preferred not to be identified for fear that the communities they were working in would suffer retaliation by some zealous employes, believe that the new approach means the eventual end of VISTA.

A volunteer from the Southwest commented, "They're returning to the Band-Aid approach where we patch up a wound but don't do anything about the cause."

Another noted that the end of draft deferments would probably mean that a lot of young professionals would leave VISTA. "It was an honorable way of serving your country without having to kill Vietnamese," he said.

Many observers in Washington, inside and outside of VISTA, are, however, hopeful about the long-range future of the program. They say that even mild, conservative volunteers tend to become radicalized by a year's work with the poor.

But a major current worry is the long time the Republicans have taken in filling the top posts in the agency. Some observers fear that without the political clout of Presiedntial appointees, the agency will lose out to others in the fight for a portion of the increasingly tighter budgets.

VISTA has been without a permanent director since June 30, 1968, when William H. Crook resigned to become United States Ambassador to Australia. The post was filled by Padriac M. Kennedy until January of this year, and by Mr. Lane since then.

The director that Donald Rumsfeld is said

to want is Ralph Blumenthal, 24 years old, a former White House aide. But Mr. Blumenthal is currently serving a six-month stint in the Marine Corps and will not be available until after the summer.

Many connected with VISTA say that the lack of political leadership has confused the making and implementation of policy and has led to anticipatory self-censorship by permanent staffers who do not know the agency's new directions.

But Mr. Lane believes that the O.E.O. leadership is providing all the guidance necessary. "Whenever I'm confused, I just walk in and talk with Rumsfeld," he said. "Then I'm not confused anymore."

ORDER FOR RECOGNITION OF SENATOR STENNIS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following my remarks, the able Senator from Mississippi (Mr. STENNIS) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE FAILS TO BAN DDT

Mr. PROXMIRE. Mr. President, last November the Department of Agriculture announced that all nonessential uses of DDT would be phased out by 1971. At that time, the news was welcomed by conservationists and scientists who had become increasingly concerned over reports that DDT was causing widespread damage to the environment. It was considered a major victory for conservation forces.

Last week the Department reversed the tough stance it had taken almost a year ago. It refused to order an immediate suspension of all nonessential uses of DDT pending a full review. This decision represents a severe setback for the environmental cause. It represents a major victory for industry forces which had argued that claims made against the pesticide have been greatly exaggerated. In a statement submitted to the U.S. Court of Appeals the Department flatly declared that DDT is not sufficiently dangerous to pose an imminent hazard to human health. In making the decision, the Department chose to ignore the pleas of hundreds of biologists and concerned public officials who have viewed the continued use of the pesticide with alarm.

The Department's decision raises several fundamental questions regarding the future use of DDT. Until the decision, it had been widely assumed that DDT was being rapidly phased out and that it was being replaced by new, less persistent pesticides. Until last week, it was assumed that the Department of Agriculture shared this view. Under the Federal Insecticide, Fungicide and Rodenticide Act, the Department of Agriculture has the authority to rule on the sale of all pesticides in interstate commerce. No pesticides may be sold in interstate commerce unless they are registered with the Department. Under the act, the Department has the power to cancel the registration of pesticides causing harm or injury to man, animals, and the environment.

Up until last week, it was widely assumed that the Department agreed with most scientists that DDT had served its usefulness and that it would shortly be a thing of the past. Last week's decision appears to have changed all of that. Reversing its position, the Department concluded that "DDT poses no imminent hazard to human health." In effect, the decision not to suspend the general use of DDT gives the manufacturers of the pesticide another year to delay further attempts to restrict its use. In making the decision, the Department is telling the pesticides manufacturers that DDT has a future, when before they were told it had none.

Perhaps the most important question which the decision raises is, does the Department of Agriculture actually recognize DDT as a threat to man and his environment? In a statement submitted to the U.S. court of appeals, the Department declared that: "We know of no reported injury to any human as a result of the use of DDT in accordance with directions." To further buttress its position, the Department cited a study in which human volunteers had received as much as 35 milligrams of DDT per man per day for 21 consecutive months and extensive medical examinations failed to show any adverse effects as a result of such exposure. This would seem to suggest that the Department believes that concentrations of DDT far in excess of those levels now allowed may be perfectly harmless to humans. Based on the evidence submitted, it is open to question whether the Department actually believes that DDT poses a threat to human health, except in massive doses.

Unfortunately, many scientists are convinced that DDT represents a serious threat to both man and his environment. Dr. Charles F. Wurster, a prominent environmental biologist, recently stated:

> DDT has long been known to be an extremely serious environmental hazard, although the extremity of the situation has become more obviously apparent in recent years.

Among the dangers cited by Dr. Wurster and others are the following:

DDT causes carnivorous birds, sea birds, and many other species to lay eggs with abnormally thin shells. These eggs break prematurely resulting in catastrophic declines in the populations of these species. Controlled experiments confirm that DDT residues were the causative agents. DDT also directly kills large numbers of birds.

DDT inhibits reproduction of fish, with abnormal mortality of the fry following the contamination of the adult fish and their eggs. This has occurred in several fresh water species, with mortalities of 100 percent of the fry in some instances. Controlled experiments confirmed that DDT residues were the causative agents. DDT also directly kills large numbers of fish.

DDT residues do great damage to useful invertebrates of many species. Insect communities are frequently disrupted by the killing of beneficial predatory and parasitic insects, thereby frequently aggravating the insect pest problem DDT was intended to control. It kills pollinating insects. It also damages various crustaceans such as crabs and shrimp. Even the bases of the oceanic chains, the phytoplankton, can have their photosynthetic activity reduced by a few parts per billion of DDT in the water.

Probably most serious is the impact which DDT has on man. The Mrak report published by the Commission on Pesticides and Their Relationship to Environmental Health established clearly the fact that DDT is causing widespread injury to man, animals, and the environment. Despite the Department's claim that DDT has never been responsible for any human injuries, a study done at the University of Miami Medical School showed that human victims of terminal cancer contained twice as much DDT residues in their fat as did victims of accidental death. To quote the Mrak report:

> A remarkable degree of concurrence has been found to exist between chemical carcinogenesis in animals and that in man where it has been studied closely.

Despite this evidence, the Department of Agriculture maintains that DDT poses neither an imminent hazard to human health nor to fish and wildlife. The implications of this new position are extremely disturbing. It brings into question the policy announced by the Department last November that all nonessetnial uses of DDT would be phased out by 1971. If the Department stands on the evidence presented in its statement last week, there is really no reason for ever phasing out DDT. Based on the studies quoted by the Department, DDT does not now, nor will it ever, constitute an imminent hazard to fish, wildlife, man or the environment. To quote the Departments statement:

> We have concluded that the presently available evidence indicates that there are some adverse effects upon certain species of fish and wildlife as a result of the use of DDT, but that such effects do not constitute an imminent hazard to fish, wildlife, or the environment.

In view of this statement, it is difficult to believe that the Department of Agriculture intends to press for the cancellation of all non-essential uses of DDT by 1971. One year from now, will the Department suddenly decide that DDT does pose an imminent hazard to man and the environment? In 1 year will DDT residues build up to such an extent that Agriculture will feel justified in terming the pesticide a threat to human health? Based on the past record of the Pesticides Regulation Division, the division responsible for ruling on all registrations of pesticides, it is very doubtful whether the Department will press for cancellation of all general uses of DDT by the promised date of 1971.

Last year in a report released by the House Government Operations Committee, the Committee stated:

> The Pesticides Regulation Division did not take prompt or effective cancellation action in cases where it had reason to believe a registered product might be ineffective or potentially hazardous. Although the division

has had specific cancellation authority for more than 5 years, *it has never secured cancellation of a registration in a contested case* (italic added.)

In fact, the committee reported that Agriculture really took no action at all when a registrant contested a cancellation notice. To again quote the committee report:

Until a few weeks ago, the Pesticides Regulation Division did not even have procedures for conducting hearings or studies which registrants may request as a matter of right before cancellaton action can become effective. When registrants receiving cancellation notices requested hearings or studies, prosecution of the cancellation action was halted and the product left on the market.

What is more, the Committee reported that the Department of Agriculture had approved for sale more than 1,600 pesticide products over the strenuous objections of the Department of Health, Education, and Welfare during the 5-year period ending June 30, 1969. To quote the report once again:

The exact number is not known because the Pesticides Regulation Division does not keep records of products registered over HEW objections and has failed or even refused to inform HEW of action taken with respect to its objections.

Although an interdepartmental agreement between HEW and Agriculture requires that unresolved HEW objections be referred to the Secretary of Agriculture before a registration if approved, not one of the more than 1,600 HEW objections was so referred.

Mr. President, it is extremely doubtful, in view of this record, whether the Department of Agriculture actually intends to ban all general uses of DDT by 1971 as promised. And yet, the Department recognizes that it has made a public commitment to ban all such nonessential uses. It is only too aware of the bad name which DDT has acquired in recent years. To attempt to convince the general public at this stage that DDT is not really dangerous would be virtually impossible. If DDT is to remain as a major pesticide, new justifications for its continued use must be developed. Last week's statement to the court of appeals suggests that the Department may have found the needed justification for the continued use of DDT. The key to the new policy is the concept of essential use. If it can be demonstrated that a particular use of DDT is absolutely essential to the public health or welfare, that use can be continued despite the risks to the environment. Evidence that the Department is placing new emphasis on this essential use doctrine is found in last week's statement:

We conclude that the use of DDT should continue to be reduced in an orderly, practicable manner which will not deprive mankind of uses which are essential to the public health or welfare. To this end, there should be a continuation of the comprehensive study of essentiality of particular uses and evaluation of potential substitutes.

The key word in this statement is "essential." Unfortunately essential use is open to subjective interpretation. Most important, it is the Department of Agriculture which has the legal authority to determine which uses of DDT are essential and which are nonessential to the public health or welfare. As has already been pointed out, the Department has never secured cancellation of a registered use of DDT, essential or nonessential, in the case which has been contested. Every single time a pesticide manufacturer has challenged a possible cancellation of a particular use of DDT, the Department has chosen to abandon the case and allow the product to remain on the market.

Which side, the public or the industry, will the Department take in the event of future disputes? No one can predict with certainty, but once again the past record of the Pesticide Regulation Division suggests that industry may have an influential voice in such decisions. The House Government Operations Committee reported on three individuals who advised the PRD on registration questions while serving in various capacities with major pesticide manufacturers. Each of the individuals were involved in actions which raised serious questions of a conflict of interest. I shall only cite one of the three cases examined by the Committee. The following account is quoted from the House Committee report:

Although Shell Chemical Co. is one of the largest producers of registered pesticide products, Dr. T. Roy Hansberry, an official of one of the company's affiliates, was appointed to a 1965 task force examining criteria used by the Pesticide Regulation Division in determining whether pesticide registration applications should be approved. Before the appointment was made, an individual in the Agriculture Research Service personnel division certified on Dr. Hansberry's personnel clearance form that the agency did not know of any official business with his private employer which might constitute a conflict of interest.

The other two cases involve similar direct conflicts of interest.

How much influence the pesticide industry has had on recent Department decisions is impossible to determine. One measure of industry's influence is seen in the preliminary results of a full scale review of all uses of DDT which is still underway within the Pesticides Regulation Division. According to a Department spokesman, 54 out of an estimated 100 uses of DDT have already been identified as "essential to the public health or welfare," and additional uses are now undergoing review. It is almost impossible to guess how many uses of DDT will eventually be protected as "essential," and thus exempt from any general ban on the pesticide by the time the study is completed.

Even in the event that the Department rules that a particular use of DDT is nonessential, and thus should be banned, the appeal process virtually insures that no ban can be imposed for at least 2 years. A long series of hearings and official reviews must be made before any final action can be taken against a particular use of DDT. In most cases, a company appealing a possible cancellation can expect at least another 2 years of unrestricted use, regardless of the final outcome. Should the appeal be successful, and so far every single appeal ever made has been, the company is free to continue to market the product.

These facts, alone, cast grave doubt on the Department's intention to enforce its decision of last November to ban all nonessential uses of DDT by 1971. A number of companies whose sole product is DDT have vowed to fight the Department's policy to the very end. This means that every single cancellation notice will be contested, in all likelihood. Knowing this, the Department certainly was aware that last week's decision not to impose an immediate suspension of all nonessential uses of DDT will allow these companies to delay any general ban planned for next year at least another 2 years. The appeals will virtually insure that no effective limitation on DDT can be imposed before early 1973.

The Department's decision is particularly unfortunate in view of the fact that good substitutes now exist for virtually all general uses of DDT. Alternative integrated control techniques, including the use of chemical, biological, and other pest management procedures are available which are as effective as DDT and do not have the adverse effects of DDT on the environment. A number of new pesticides have been developed which are much less persistent than DDT which are equally effective. A number of these are now on the market and are available for general use.

Mr. President, the refusal by the Department of Agriculture to issue an immediate suspension of all nonessential uses of DDT raises grave questions concerning the future of the pesticide. Contrary to the position taken by the Department, many scientists are convinced that DDT poses a continuing threat to man and his environment. They point out that the pesticide persists for many years and that it is difficult to predict what the long-range effects on human beings will be. In view of this uncertainty, the Department should have taken every precaution against the continued use of DDT, rather than issue a blanket statement that it "poses no imminent hazard to human health." It may be impossible to reverse the damage done by DDT to the environment—our aim now should be to prevent further damage, not encourage the continued, indiscriminate use of the pesticide.

I urge the Department of Agriculture to carefully reconsider its decision. We must take immediate steps to restrict the further use of this pesticide. I would hope that after reviewing all the facts the Department will reverse its decision and immediately suspend all general use of DDT pending the completion of a full investigation. We cannot afford further delay.

Mr. President, last night's issue of the Evening Star carried a story which illustrates the dangers which I have just referred to. In a story entitled "Defense Department Selling Banned Pesticide," the Star reported that the Defense Department has offered for sale 94,000

pounds of the highly toxic pesticide Dieldrin, whose use has been banned by the Department of the Interior. Dieldrin, a persistent pesticide estimated to be five to 50 times as toxic as DDT, is one of the most deadly poisons known to man. The Defense Department did not notify the Department of Agriculture of its intention to sell the pesticide, despite the fact that the quantity offered for sale is three times the amount Agriculture has approved for nationwide use this year.

Mr. President, this type of action has got to be stopped. It is another example of the lack of control over the use and sale of very dangerous pesticides. The lack of coordination between the Department of Agriculture and the Department of Defense in such matters is truly shocking. Clearly, there is a need for a single pesticide control agency which will supervise the use of these deadly chemicals by all agencies of the Government. We can no longer allow each department to set its own policy in this vital area. A uniform Federal policy is vital.

I ask unanimous consent to have printed in the RECORD the article which appeared in last night's Washington Evening Star.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DIELDRIN IS SURPLUS: DEFENSE DEPARTMENT SELLING BANNED PESTICIDE

(By Roberta Hornig)

The Defense Department is selling as surplus property 94,000 pounds of the highly toxic pesticide, dieldrin, whose use has been banned by one federal agency and reduced by another because of its potential hazard to the nation's environment.

The dieldrin—a persistent pesticide estimated to be 5 to 50 times as toxic as DDT—is included in a catalog of items for sale through the department's surplus sales office in Ogden, Utah. It is in liquid form and is being stored at the Umatilla Army Depot in Hermiston, Ore. Bids are to be opened Aug. 4.

The sales offer to the highest bidder estimates the pesticide to have a value of $33,732. It is being offered in 5-gallon pails and is advertised as being "unused" and in "good condition."

The item is casually listed among other such surplus items as an electric range, a dishwasher, film and a popcorn machine.

Interior Secretary Walter J. Hickel last month unconditionally banned use of dieldrin on any Interior lands after department scientists linked the death of seven bald eagles—the U.S. national bird and a vanishing species—to dieldrin.

The Agriculture Department, responsible for registering pesticides, has outlawed its use near any bodies of water and is considering a cutback in other uses.

The Defense Department sale represents more than three times as much dieldrin as Agriculture has approved for use nationwide this year.

A Defense Department spokesman said yesterday that the sale had the approval of the armed forces pest control review board.

When asked why the department was selling the pesticide, the spokesman said that it "is in excess to our needs." He said Defense had offered the 94,000 pounds to all other federal agencies and when it had no takers, decided to put it on the open market as a surplus item.

The spokesman said the Defense Department had "unofficially" heard about the Interior ban and Agriculture's cutback proposals but that it was going ahead with the sale because it had no "official word" on any bans.

Defense did not notify Agriculture of its sales intention, but both departments said notification by Defense is not required.

Friends of the Earth, a conservation organization, has written Deputy Defense Secretary David Packard urging him to withdraw the dieldrin from the surplus sale but has received no reply.

Joe B. Browder, Washington director of the organization, told Packard in a letter that if no non-insecticide use can be determined for the dieldrin, that it be destroyed by using a procedure that will prevent contamination of the environment.

At least five states—Michigan, Wisconsin, Florida, Pennsylvania and California—have restrictions on the use of dieldrin and other states are considering them.

Like DDT, dieldrin is "persistent," meaning that it stays around in the environment a long time. It is not as long lasting as DDT but is considered as bad because of its toxicity.

ORDER FOR RECOGNITION OF SENATOR ALLEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow the able Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 15 minutes immediately upon conclusion of the remarks of the able Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of the remarks of the able Senator from Alabama (Mr. ALLEN) there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. And that at the conclusion thereof the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAILROAD RETIREMENT ACT AMENDMENTS—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15733) to amend the Railroad Retirement Act of 1937 to provide a temporary 15-percent increase in annuities, to change for a temporary period the method of computing interest on investments of the railroad retirement accounts, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BENNETT). The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of July 28, 1970, page 25999, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. EAGLETON. Mr. President, as chairman of the Senate conferees on H.R. 15733, the bill to provide a temporary 15-percent increase in railroad retirement benefits, I urge adoption of the report of the conference committee.

This is a very important bill to the more than 1 million persons who receive benefits under the Railroad Retirement Act and I know that there is a great deal of interest in this bill in the Congress. Last December we enacted legislation to provide a 15-percent increase in social security benefits. Since that time, recipients of railroad retirement benefits have been asking: "What about a similar increase for us?"

Their concern is understandable and certainly justified. We all know the particularly harsh impact of inflation on retired persons living on limited, fixed incomes.

The delay in enacting this legislation does not result from any lack of congressional concern for retired railroad workers and their dependents and survivors. Soon after the first of the year the House Interstate and Foreign Commerce Committee began hearings on this bill. The committee's able and distinguished chairman, Mr. STAGGERS, took a personal interest in this bill and made every effort to expedite its progress. The House passed the bill on April 7 and, as chairman of the Senate Railroad Retirement Subcommittee, I immediately scheduled hearings on the House bill. These hearings were held within 10 days after passage by the House. The bill was reported, with amendments, to the full Labor and Public Welfare Committee on May 5, reported by the full committee to the Senate on June 16, and passed by the Senate on June 25.

The House did not concur in the Senate amendments and requested a conference. The conference committee met six times before finally reaching agreement last Thursday.

All of us who dealt with this bill in both Houses were in agreement that railroad retirees were eminently entitled to a 15-percent increase in benefits, the same as social security recipients. We were further agreed that the benefit increase should be made retroactive to January 1, 1970, the same effective date as the recent social security increase. The difficulty, however, lay in finding a

suitable method of financing the increase. Unlike social security, the railroad retirement system does not enjoy the luxury of a financial surplus. In fact, because of an ever declining number of railroad workers, the railroad retirement account has an actuarial deficit even though, at present, its annual income exceeds its annual expenditures.

The House proposed to pay for the benefit increase by increasing the interest rate on funds in the railroad retirement account, which are invested in U.S. Treasury obligations. The House version of this bill would have required the Secretary of the Treasury to determine each month the highest rate of interest paid on any U.S. obligation forming part of the public debt and having a maturity date of longer than 3 years. If the rate determined by the Secretary should be higher than the rate of interest then being paid on any of the special obligations in the railroad retirement account, the Secretary would be required to reinvest the railroad retirement special obligations at the higher rate. The Secretary would be required to follow this procedure each month, with the result that all special obligations in the railroad retirement account would have to be reinvested every month in which interest rates went up. The bill included no requirement for reinvestment when interest rates went down so the railroad retirement account would have been guaranteed the unique advantage of the highest possible rate at all times. It would be a truly "no risk" investment policy.

I was concerned, along with the other members of the committee, that such a substantial departure from past investment practices should not be undertaken without a complete study of the merits of the proposal and its likely consequences. It may be that the railroad retirement account is deserving of a greater return on its investment. On the other hand, an increased yield for the railroad retirement account could be viewed as a precedent for all similar Federal Government trust funds. According to the Treasury Department, if the same investment policy provided in the House bill for the railroad retirement account were to be applied to all similar trust funds, the annual cost to the government would be approximately $2.5 billion.

The Senate therefore amended the House bill to delete the interest rate provision. Thus, the Senate bill provided no new financing for the benefit increase. It was felt that the railroad retirement account could carry the benefit increase for the limited term of this legislation while a study was being made of the best methods to finance benefits.

This amendment was at the core of our differences in conference. The House conferees felt that some financing should be provided for the benefit increase. The Senate conferees were very much in accord with that desire, but were also of the opinion that any new financing should be provided in a manner that would not establish a precedent that might be exploited by other Government trust funds.

The dispute was resolved by a very constructive proposal from the Treasury Department having to do with a revision in the redemption policy applied to obligations held by the railroad retirement account. The details of the proposal are set out in a letter from the Secretary of the Treasury and I ask unanimous consent that the Secretary's letter be reprinted at the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. I want to emphasize that the agreement of the conferees was premised upon the revision in redemption policy expressed in the Secretary's letter and our decision was made in reliance upon the Secretary's offer. If there were to be any later departure from that policy, I feel certain that we would want to reconsider our decision which permits the necessary financing to be provided through administrative policy, rather than through legislation.

The conferees have determined that it is possible for additional funds to be provided for the railroad retirement account by anticipating the effect of a recommendation by the Advisory Council on Social Security with respect to a revision of the statutory formula establishing the interest rate on trust fund investments. I have a paper which explains this revision in detail and ask unanimous consent that it also may be appended to my remarks.

The PRESIDING OFFICER. Without objecting it is so ordered.

(See exhibit 2.)

Mr. EAGLETON. The bill as reported by the conferees contains legislative language to facilitate this aspect of the investment policy.

The benefits to the railroad retirement account from these two changes in investment practices—one administrative and one legislative—will amount to nearly $200 million over the next 10 years, almost the same amount as would have been provided through the financing provisions contained in the version of the bill passed by the House.

Because of continuing uncertainty as to the future prospects of the railroad retirement account, and because of the need to provide additional income for the account in order to avoid serious actuarial deficiencies, the conferees agreed that the increase provided herein shall be a temporary one expiring on June 30, 1972. This was the original termination date established by the House and is 6 months longer than the termination date contained in the Senate version of the bill.

I should note that the committee reports on this legislation, both the Senate and the House, call for new legislation prior to the expiration of this bill so that railroad retirement beneficiaries will not suffer a reduction after June 30, 1972.

The bill also provides that a complete study of the railroad retirement system shall be made by an independent Commission jointly appointed by the President and by Congress for that purpose. I am very pleased that the House receded from its position and accepted the Senate amendment providing for this study of an independent Commission. The Commission must report back to Congress its findings and recommendations no later than June 30, 1971. The bill also provides that the Commission shall employ an independent actuary, who is qualified in the evaluation of pension plans, to make an actuarial evaluation of the railroad retirement account.

We are hopeful that the Commission study will provide us with guidelines for the future in dealing with this fund, which is so important to the welfare of hundreds of thousands of railroad workers and retirees. It is anticipated that the results of this study will, among other things, provide a basis for extending the present 15-percent increase beyond June 30, 1972.

I am particularly grateful, Mr. President, for the kindness and cooperation of Mr. STAGGERS, chairman of the House Interstate and Foreign Commerce Committee, whose constructive suggestions were responsible in large measure for the settlement of differences between the Senate and House on this bill. Mr. STAGGERS has long been known for his devotion to the welfare of workers in the railroad industry and his performance on this bill again demonstrated his interest and concern.

I also want to commend the representatives of the Treasury Department who worked with us closely on this bill. The two Under Secretaries of the Treasury, Mr. Paul A. Volcker and Mr. Charls E. Walker, worked closely with us along with Mr. Phil Potter of the Treasury congressional liaison office. Their intelligent and constructive assistance was enormously helpful to us in our labors on this bill.

EXHIBIT 1

THE SECRETARY OF THE TREASURY,
Washington, D.C., July 28, 1970.

HON. THOMAS F. EAGLETON,
Chairman, Subcommittee on Railroad Retirement, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The House-passed version of H.R. 15733, a bill to provide a temporary increase in railroad retirement benefits, included a provision which would change the method of investing funds of the retirement account. This provision was designed to increase the account's income as a way of financing the increased benefits. As you know, the Treasury opposed this provision in the House-passed bill on the ground that the proposed formula was an unsound procedure and that it would be an unwise and costly precedent. The provision was deleted from the bill as it passed the Senate.

I understand that this difference has been a principal matter of disagreement between the conferees. In order to assist in the resolution of that disagreement, the Treasury has carefully reviewed the investment procedures of the Railroad Retirement account. On the basis of this review, we are prepared, as a substitute for the House's proposed change in the investment procedure, to change the procedure under which special obligations issued to the account are redeemed to make benefit payments. We estimate that this change, which can be made administratively, would produce $168 million of additional interest income for the account over the next 8 years, after which the change in redemption procedure would not increase income

(although the additions to the account through increased income in those 3 years would, of course, continue forever to earn interest).

Under the present procedure, receipts during a fiscal year are invested in temporary special obligations which mature on the last day of that fiscal year; on the last day of the fiscal year, all available funds, including the temporary special obligations maturing that day, are invested in special obligations maturing in seven years, the maximum permissible because of the statutory interest-rate ceiling on longer-term obligations. To make benefit payments and other outlays, temporary special issues maturing within the current fiscal year are redeemed first, starting with the ones with the lowest yields; if funds are needed for outlays and there are no current-year maturities, special issues maturing in the earliest year after the current year are redeemed, beginning with those with the lowest yield and working through the year.

Since the account runs at a substantial deficit through the fiscal year, until the social security interchange and interest payments are made at the end of the year, redemption of current-year investments does not provide enough money to meet outlays, and it is always necessary to redeem throughout the year a substantial amount of special issues maturing in later years. Through this process, over half a billion dollars of special obligations issued when rates were lower in earlier years are redeemed before maturity each year (even though permanent investments in an even greater amount are made at current higher rates at the end of the year). Our proposal would speed up this conversion of the account's portfolio to higher yields by moving to the end of the redemption cycle those special obligations whose maturity had to be shortened because of the statutory ceiling on long-term bond rates.

The attached table, showing the account's investments in special issues at the time of the annual permanent investment last June 30, will illustrate how this will operate. Since receipts will not be adequate during the current year to cover outlays, under the present procedure the first redemptions will be the 4% notes of 1974, next the 4⅛% notes of 1974, then the 4¾% notes of 1974, and, if that is still not enough, the 4% notes of 1975 will be used. The proposal is to change this procedure in only one respect: after the 4% notes of 1974 and the 4⅛% notes of 1974 are used, the 4¾% notes of 1974 will be skipped, the 4% and 4⅛% notes of 1975 will be redeemed, and so on. The 4¾% notes of 1974 can be skipped because the reason those notes mature in that year is that the statutory interest-rate ceiling, which does not permit the issuance of obligations with rates over 4¼% at maturities of over seven years, prevented the use, when these obligations were issued in 1967, of maturities of up to 15 years, as had been the policy when interest rates were below 4¼% and the statutory rate ceiling did not inhibit the use of longer maturities.

By speeding up the conversion of the portfolio to higher yields, the proposed change will substantially increase the account's interest income. The Treasury recognizes that, in all the circumstances, there may be valid reasons for the proposed method of handling redemption of special issues in the Railroad Retirement Account.

Assuming the Congress approves a Conference Report deleting the House-passed provision changing the method of investing funds of the Railroad Retirement account, the Treasury will adopt immediately this new redemption procedure.

Sincerely,

DAVID M. KENNEDY.

RAILROAD RETIREMENT ACCOUNT—CURRENT HOLDINGS OF SPECIAL ISSUES, AS OF JUNE 30, 1970 (FINAL)

[In thousands of dollars]

Date	4 percent	4⅛ percent	4¾ percent	5¾ percent	6½ percent	Total	Proposed investment 7¾ percent	Total holdings, special issues, June 30, 1970
June 30, 1971								
June 30, 1972								
June 30, 1973								
June 30, 1974	72,129	23,110	409,289			504,528		504,528
June 30, 1975	185,091	23,110		482,623		690,824		690,824
June 30, 1976	185,091	23,110			647,948	856,149		856,149
June 30, 1977	185,091	23,101				208,201	847,447	1,005,648
June 30, 1978	185,091	23,110				208,201		208,201
June 30, 1979		208,201				208,201		208,201
June 30, 1980		208,201				208,201		208,201
June 30, 1981								
June 30, 1982								
June 30, 1983								
June 30, 1984								
June 30, 1985								
Total	812,493	531,952	409,289	482,623	647,948	2,884,305	847,447	3,731,752

Note: Amount available for investment June 30, 1970, $847,447.

EXHIBIT 2

EXPLANATION OF REVISED FORMULA FOR CALCULATING RETURN ON INVESTMENT OF RAILROAD RETIREMENT ACCOUNT

Present law provides that the special obligations issued to the railroad retirement account shall bear interest at a rate equal to the average market yield, computed at the end of the month preceding the date of issue, borne by all marketable Treasury obligations not due until after the expiration of three years. For obligations issued during July, this formula produces a rate of 7⅝%.

The interest rates on special obligations issued to the social security trust funds are governed by similar statutory formulas. The current Advisory Council on Social Security (such a Council is set up every five years to make recommendations on social security matters) is recommending that, if the statutory limits on interest rates (which now prevents the issuance of long-term bonds, leaving for investment of the funds only notes, which can be no more than seven years to maturity) is not repealed, the statutory formula governing interest rates on special obligations issued to the social security trust funds should be changed to make the interest-rate computations consistent with the fact that only notes can be issued. This would be done by eliminating, in computing the average yields on outstanding obligations, the yields on Treasury bonds, which would result in a formula producing a higher yield.

The reason it would produce a higher yield is that outstanding bonds, all of which were issued in earlier years when rates were lower, have lower market yields than notes because of two tax advantages: (1) a substantial part of the income earned on them is taxable at the capital-gain rate, and (2) they can be used at par value to pay estate taxes. Since neither of these tax advantages has any value to a Government trust fund, there is logic in eliminating these lower-yielding bonds from the average used in computing the rate which will be applied to the obligations which can be issued to the funds, whose permissible maturity excludes bonds. H.R. 15733 includes the necessary legislative language to make this change as to the railroad retirement account.

If such a formula were used to compute the rate on obligations issued to the railroad retirement account, it would produce a rate of 7¾% for obligations issued during July. This is ⅛% higher than the rate derived from the present statutory formula. It is estimated that the higher rates under the proposed formula would increase the account's interest income by $27.5 million over the next 8 years. The attached table shows the increase by years:

Estimated increase in interest income to railroad retirement account

[In millions]

1971	$0.1
1972	.5
1973	.8
1974	1.7
1975	2.8
1976	4.1
1977	7.3
1978	10.2
Total	27.5

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand adjourned until 11 a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 46 minutes p.m.) the Senate adjourned until tomorrow, Thursday, July 30, 1970, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 1970:

IN THE COAST GUARD

The nominations beginning Wayne R. Gronlund, to be lieutenant (junior grade), and ending Robert A. Melvin III, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on July 9, 1970; and

The nominations beginning Frederick K. Farner, to be lieutenant (junior grade), and ending Gary F. Van Nevel, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 1970.

HOUSE OF REPRESENTATIVES—*Wednesday, July 29, 1970*

The House met at 12 o'clock noon.

The Chaplain, the Reverend Edward G. Latch, D.D., offered the following prayer:

We are laborers together with God.—I Corinthians 3:9.

Almighty God, from whom we come, with whom we live, and in whose fellowship is our true life, we bring our spirits to Thee in the quiet of this moment of prayer. From the tumult and turmoil of the world we enter the sanctuary of Thy presence seeking peace and strength and wisdom as we face the duties of this day.

Empower all within these hallowed and historic walls who labor for the good of our country and who endeavor to lead our people in just ways to bring to their tasks the very best that is within them, ever standing up for the truth, siding with justice, and strengthening the good will in our world.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 434

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. Michael J. Kirwan, late a Representative from the State of Ohio.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16916) entitled "An act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate agreed to the House amendments to Senate amendments numbered 3 and 38.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 16915, LEGISLATIVE BRANCH APPROPRIATIONS, 1971

Mr. ANDREWS of Alabama. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 16915) making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONFERENCE REPORT (H. REPT. No. 91–1354)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16915) "making appropriations for the legislative branch for the fiscal year ending June 30, 1971, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 34.

That the House recede from its disagreement to the amendments of the Senate numbered 36, 42, and 43, and agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$572,900"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$5,178,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$74,020,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 37, 38, 39, 40, and 41.

GEORGE W. ANDREWS,
SIDNEY R. YATES,
BOB CASEY,
FRANK E. EVANS,
GEORGE MAHON,
FRANK T. BOW,
ODIN LANGEN,
BEN REIFEL,
DEL CLAWSON,
Managers on the Part of the House.

JOSEPH M. MONTOYA,
RALPH W. YARBOROUGH,
JAMES B. PEARSON,
NORRIS COTTON,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 16915) making appropriations for the Legislative Branch for the fiscal year ending June 30, 1971, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

SENATE

Amendments Nos. 1 through 31: Reported in technical disagreement. Inasmuch as these amendments relate solely to the Senate and in accord with the long practice, under which each body determines its own housekeeping requirements and the other concurs therein without intervention, the managers on the part of the House will offer motions to recede and concur in Senate amendments Nos. 1 through 22 and Nos. 24 through 31.

The managers on the part of the House will offer a motion to recede and concur in Senate amendment numbered 23 with an amendment providing that $200,000 shall be available for obligations incurred in fiscal year 1970 for inquiries and investigations, as requested by the Senate.

HOUSE OF REPRESENTATIVES

Amendment No. 32: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment providing gratuities to the widows of two deceased Members.

JOINT ITEMS

Amendment No. 33: Appropriates $572,900 for the Joint Economic Committee instead of $542,900 as proposed by the House and $592,900 as proposed by the Senate.

Amendment No. 34: Appropriates $236,110 for salaries and expenses of the Joint Committee on Printing as proposed by the House instead of $255,243 as proposed by the Senate.

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to appropriate $253,110 for the Joint Committee on Printing instead of $272,243 as proposed by the Senate, including $17,000 for compiling, preparing, and indexing material for the 1970 edition of the Biographical Congressional Directory as proposed by the Senate.

ARCHITECT OF THE CAPITOL

Amendment No. 36: Appropriates $2,442,526 for Capitol Buildings as proposed by the Senate instead of $2,431,600 as proposed by the House.

Amendments Nos. 37 through 40: Reported in technical disagreement. These amendments relate solely to Senate activities and the managers on the part of the House will offer motions to recede and concur in the Senate amendments.

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment providing for the transfer of fiscal year 1971 funds for Library Buildings and Grounds, Furniture and Furnishings, to the Librarian of Congress by the Architect of the Capitol for expenditure in accord with Public Law 91–280, approved June 12, 1970.

LIBRARY OF CONGRESS

Amendment No. 42: Appropriates $21,573,100 for salaries and expenses as proposed by the Senate instead of $21,330,000 as proposed by the House.

Amendment No. 43: Appropriates $3,594,500 for the Copyright Office as proposed by the Senate instead of $3,548,000 as proposed by the House.

Amendment No. 44: Appropriates $5,178,000 for the Legislative Reference Service instead of $5,013,000 as proposed by the House and $5,286,800 as proposed by the Senate.

GENERAL ACCOUNTING OFFICE

Amendment No. 45: Appropriates $74,020,000 for salaries and expenses instead of

$73,712,000 as proposed by the House and $74,750,000 as proposed by the Senate.

GEORGE W. ANDREWS,
SIDNEY R. YATES,
BOB CASEY,
FRANK E. EVANS,
GEORGE MAHON,
FRANK T. BOW,
ODIN LANGEN,
BEN REIFEL,
DEL CLAWSON.
Managers on the Part of the House.

THE POLLUTION CRISIS

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, I do not know how the pollution inversion affected others yesterday—but I had a dreadful time—breathing. The air outside was unfit for living things. The air inside was cooled—but just as foul. The pollution crisis descended on Washington for a cruel and silent visit.

The problem calls for drastic action. The problem calls for a demonstration effort to provide a public measurement of the pollution effect of the internal combustion engine. These conditions warrant an emergency pollution alert under which all but emergency vehicle movement is suspended until the foul, contaminated air is cleaned out. This kind of a demonstration effort would give every citizen in the area an opportunity to measure what pollution is doing to us. This kind of a demonstration would bring the message home to Congress and the administration which have failed to provide a realistic solution.

What are we doing to ourselves and how long can we wait? My neighbors are frightened. They properly wonder whether their children will be permitted to live a full lifespan. I share their concern.

The most dreadful damage occurs in the central city, where the pollution inversion takes its heaviest toll. I am requesting a comparison of death records from respiratory diseases during these days of pollution inversion with the days of the previous week. These records will tell in death an irrefutable story that, by our delays and indifferences, innocent people have been condemned to death by pollution.

Several weeks ago, I requested the administration to designate the Lewis Research Center laboratory as the official Government agency to study methods of controlling the pollution emission of the internal combustion engine and to review alternate methods of propulsion. This agency with its 2,800 engineers and facilities designed for propulsion analysis is the best equipped facility in America to meet this challenge.

I urge that Congress and the administration act with dispatch to face up to the urgency of this crisis.

INSPECTION OF MOTOR VEHICLES BY STATES TO REDUCE AIR POLLUTION

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUDE. Mr. Speaker, today the citizens of several eastern cities are suffering from a severe air pollution situation because of a stagnant inversion layer which covers the eastern seaboard. Everyone suffers, but particularly those with respiratory problems such as asthma, hay fever, emphysema, and bronchitis.

Here in the Washington area we have made some headway in reducing the levels of sulphur dioxide from fuels and particulate matter from open burning. But such pollutants, as carbon monoxide, and nitrates of oxygen from automobile exhaust, are a major part of the summertime problem.

There are Federal requirements for antipollution devices on many classes of automobiles, but presently State government has the opportunity and, indeed, the responsibility to the extent possible to see that these devices are functioning. I have high praise for the District of Columbia for moving ahead to incorporate the checking of PCV valves on those cars requiring them in their regular inspections. If the valve is not operating, the motorist must replace it. The Department of Motor Vehicles is also in the process of installing emission monitoring devices in its inspection stations. This monitoring system will enable the inspector to inform a motorist if his car is polluting at excessive rates. As soon as the Federal standards for used car emissions are set, the District will be ready to enforce them.

I wish I could say that Maryland were cooperating in reducing exhaust pollution in our metropolitan area, but the State has no regular auto inspections. We all suffer from this gap in enforcement. I have long urged regular automotive inspection in Maryland, and I hope Maryland and all States which do not have regular automotive inspection will assume their responsible roles in the fight against air pollution. Air pollution cannot be licked by one level of government alone—it is a team effort.

CONFERENCE REPORT ON H.R. 17548, INDEPENDENT OFFICES AND THE DEPARTMENT OF HUD APPROPRIATIONS, 1971

Mr. EVINS of Tennessee. Mr. Speaker, I call up the conference report on the bill (H.R. 17548) making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1971, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 237]

Anderson, Tenn.	Edwards, La.	Murphy, N.Y.
Baring	Eshleman	Ottinger
Berry	Fallon	Pelly
Biaggi	Flood	Pollock
Blanton	Flowers	Powell
Bray	Flynt	Rarick
Brock	Gallagher	Reid, N.Y.
Bush	Goodling	Rivers
Button	Gubser	Rogers, Colo.
Byrne, Pa.	Hawkins	Rooney, Pa.
Celler	Hébert	Rosenthal
Chisholm	Howard	Roudebush
Clark	Ichord	Ryan
Clay	Karth	Scheuer
Conyers	King	Schneebeli
Coughlin	Lloyd	Sebelius
Cramer	McEwen	Sikes
Cunningham	Matsunaga	Tunney
Dawson	May	Weicker
de la Garza	Mayne	Wydler
Diggs	Meskill	
	Morton	

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 17548, INDEPENDENT OFFICES AND DEPARTMENT OF HUD APPROPRIATIONS, 1971

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 28, 1970.)

Mr. EVINS of Tennessee (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. EVINS of Tennessee. Mr. Speaker, we bring back to the House a conference report on the Independent Offices and the Department of Housing and Urban Development Appropriation bill for 1971. This is a big bill. It is a good bill. It is certainly an important appropriation bill serving the needs of this Nation.

The bill provides $18,009,525,300 for some 22 departments and agencies of Government, including the Department of Housing and Urban Development.

We began the hearings on this bill in February. It passed the House on May 12. The Senate passed the bill on July 7. Since then we have had some long, hard conferences.

The bill is the result of some hard compromises, and the conference report sets forth those compromises.

Mr. Speaker, by way of summary, the budget considered by the House was for $17,216,823,500. The amended budget now totals $17,468,223,500.

The bill passed by the House was $17,390,212,300. This is less than the amended budget submitted to the Congress for these agencies.

However, the Senate bill totaled $18,655,019,500 and was about $1.2 billion over the amended budget. The Senate bill was $1.264 billion over the House bill.

We had to give some. We have made some adjustments. This conference report is, like all conference reports, the result of give and take.

First let me identify the major increases in the conference report.

For construction of Federal buildings by the GSA the conferees added $31,895,800 above the budget. There are some 21 Federal building projects in this bill, and the $31 million added for these projects is necessary largely for cost escalation of Federal building construction since the projects were initially funded.

Another increase, which is one of the major increases, is $105 million for veterans medical care. I want everyone to hear and understand this. The House added $25 million, as Members will recall, on a vote for veterans medical care. The Senate added $80 million more, which makes a total of $105 million added to the budget for the veterans medical care.

There has been some talk about vetoing the bill. I believe it is idle rumor. When the facts are known and understood about this bill I do not believe the President will entertain the thought of vetoing it—money needed for veterans medical care and the housing programs.

Another major increase is $350 million for urban renewal. The amount approved by the Senate was $700 million above the House bill and we brought it down to $350 million.

Members will recall that $350 million was added on the House floor for grants for basic water and sewer facilities. The House voted on this popular program—and it was overwhelmingly approved. It is needed. The Senate committee took it out, but it was put back in the bill on the Senate floor.

I repeat, the three major increases in this bill are: $105 million for veterans medical care, $350 million for water and sewer grants adopted by both the House and Senate, and $350 million for urban renewal.

The funds for urban renewal are, by far, less than the cities of this Nation want and need.

In addition, there was $10 million added for the housing for the elderly and handicapped. This item was not in the budget. Members all know the popularity of that program and the need for housing for the elderly and the handicapped. The Senate added $25 million, and the conference report provides $10 million for this program.

Now let me briefly summarize some of the cuts and reductions. I have given you the increases. Here are the reductions we made: $165 million for interest subsidies to the Federal Home Loan Banks. The request was for $250 million for these interest subsidies. We cut this to $85 million. We made cuts in the NASA program below the budget totaling $64,325,000. This will be the sixth year that the space program has been cut. We cut some of the Department of Housing and Urban Development programs about $60 million. Cuts to independent agencies and other boards were $16.3 million for a total in cuts of $305,594,000.

Mr. Speaker, we have cut from this bill $305 million.

The major increases that I mentioned are for medical care, urban renewal, and water and sewer grants.

The Senate bill at one time was $1.2 billion above the budget. As we have cut this back, we are now only $541 million above the budget in this conference report.

This is a big bill. We feel that your House conferees won the conference. Let me tell you that there were 55 items in disagreement. We were able to reduce 26 of them while only one was increased. That one addition was for Federal building construction. The remaining 28 items in conference were primarily language changes, technical differences, and limitations on expenditures. The increase of $105 million for medical care will provide the highest level of medical care in the history of the Veterans' Administration. We are going to insist on quality medical care for the veterans of this Nation. The largest item in the bill is $9,065,528,000 for all of the programs of the Veterans' Administration, which includes about $2 billion for medical care and veterans hospital construction. We also have an expanded veterans hospital construction program in this bill.

We were able to cut, I repeat, $645,494,200 from the Senate bill.

Mr. Speaker, let me say that in the 18 years I have served on this bill and 6 years as chairman, it has become harder to hold the line, but we have fought for a proper balance.

Mr. Speaker, this is an important bill and a good bill. I urge the adoption of the conference report.

I shall include at this point in the RECORD a complete summary of the legislative history for the amounts recommended by appropriation item, for the Department and agencies that are being funded herein.

COMPARATIVE STATEMENT OF CONFERENCE ACTION
INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 17548)

Agency and item	New budget (obligational) authority, 1970[1]	Amended budget estimates of new (obligational) authority, 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I								
INDEPENDENT OFFICES								
Appalachian Regional Commission								
Salaries and expenses	$890,000	$958,000	$958,000	$958,000	$958,000			
Civil Service Commission								
Salaries and expenses:								
Appropriation	43,132,500	48,619,000	45,800,000	47,800,000	47,577,000	−$1,042,000	+$1,777,000	−$223,000
By transfer	(7,794,000)	(8,173,000)	(8,173,000)	(8,173,000)	(8,173,000)			
Annuities under special acts	1,265,000	1,180,000	1,180,000	1,180,000	1,180,000			
Government payment for annuitants, employees health benefits	41,185,000	46,523,000	46,523,000	46,523,000	46,523,000			
Payment to civil service retirement and disability fund	230,816,600	[2]						
Federal Labor Relations Council, salaries and expenses	300,000	900,000	700,000	700,000	700,000	−200,000		
Total, Civil Service Commission	316,699,100	97,222,000	94,203,000	96,203,000	95,980,000	−1,242,000	+1,777,000	−223,000
Commission on Government Procurement								
Salaries and expenses	700,000	1,800,000	1,500,000	1,500,000	1,500,000	−300,000		

Footnotes at end of tables.

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new (obligational) authority, 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—Continued								
INDEPENDENT OFFICES—Continued								
Federal Communication Commission								
Salaries and expenses	$23,925,000	$24,900,000	$24,725,000	$24,900,000	$24,900,000	.....	+$175,000	.....
Federal Power Commission								
Salaries and expenses	17,700,000	18,450,000	18,210,000	18,350,000	18,210,000	−$240,000	.....	−$140,000
Federal Trade Commission								
Salaries and expenses	20,500,000	21,375,000	20,500,000	20,500,000	20,500,000	−875,000	.....	.....
General Services Administration								
Operating expenses, Public Buildings Service	314,222,000	344,153,000	335,250,000	344,153,000	340,350,000	−3,803,000	+5,100,000	−3,803,000
Repair and improvement of public buildings	61,600,000	83,280,000	83,280,000	83,280,000	83,280,000	.....	.....	.....
Construction, public buildings projects	26,533,000	101,664,500	142,024,300	120,672,500	133,560,300	+31,895,800	−8,464,000	+12,887,800
Sites and expenses, public buildings projects	11,371,000	14,000,000	14,000,000	14,000,000	14,000,000	.....	.....	.....
Payments, public buildings purchase contracts	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	.....	.....	.....
Expenses, U.S. court facilities	1,250,000	1,463,000	1,000,000	1,463,000	1,000,000	−463,000	.....	−463,000
Operating expenses, Federal Supply Service	81,946,000	83,513,000	83,346,000	83,346,000	83,346,000	−167,000	.....	.....
Operating expenses, National Archives and Records Service	22,985,000	24,695,000	24,485,000	24,485,000	24,485,000	−210,000	.....	.....
National historical publication grants	350,000	350,000	350,000	350,000	350,000	.....	.....	.....
Operating expenses, Transportation and Communications Service	6,678,000	6,478,000	6,478,000	6,478,000	6,478,000	.....	.....	.....
Operating expenses, Property Management and Disposal Service	29,796,000	[3] 33,079,000	31,000,000	31,000,000	31,000,000	−2,079,000	.....	.....
Salaries and expenses, Office of Administrator	1,997,000	1,215,000	1,000,000	1,215,000	1,215,000	.....	+215,000	.....
Allowances and office staff for former Presidents	335,000	303,000	303,000	303,000	303,000	.....	.....	.....
Administrative operations fund (limitation on administrative expenses)	(13,800,000)	(28,561,000)	(28,500,000)	(28,500,000	(28,500,000)	(−61,000)	.....	.....
Total, General Services Administration	561,463,000	696,593,500	724,916,300	713,145,500	721,767,300	+25,173,800	−3,149,000	+8,621,800
National Aeronautics and Space Administration								
Research and development	3,006,000,000	2,606,100,000	2,500,000,000	2,606,100,000	2,565,000,000	−41,100,000	+65,000,000	−41,100,000
Construction of facilities	53,233,000	34,600,000	18,275,000	34,478,000	24,950,000	−9,650,000	+6,675,000	−9,528,000
Research and program management	675,400,000	692,300,000	678,725,000	678,725,000	678,725,000	−13,575,000	.....	.....
Total, National Aeronautics and Space Administration	3,734,633,000	3,333,000,000	3,197,000,000	3,319,303,000	3,268,765,000	−64,325,000	+71,675,000	−50,628,000
National Commission on Consumer Finance								
Salaries and expenses	375,000	500,000	500,000	500,000	500,000	.....	.....	.....
National Science Foundation								
Salaries and expenses	438,000,000	511,000,000	495,000,000	520,500,000	511,000,000	.....	+61,000,000	−9,500,000
Scientific activities (special foreign currency programs)	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	.....	.....	.....
Total, National Science Foundation	440,000,000	513,000,000	497,000,000	522,500,000	513,000,000	.....	+16,000,000	−9,500,000
Renegotiation Board								
Salaries and expenses	4,110,000	4,235,000	4,110,000	4,235,000	4,235,000	.....	+125,000	.....
Securities and Exchange Commission								
Salaries and expenses	21,416,000	21,916,000	21,716,000	21,716,000	21,716,000	−200,000	.....	.....
Selective Service System								
Salaries and expenses	75,348,000	76,000,000	75,000,000	75,000,000	75,000,000	−1,000,000	.....	.....
Veterans' Administration								
Compensation and pensions	5,314,400,000	5,456,600,000	5,456,600,000	5,456,600,000	5,456,600,000	.....	.....	.....
Readjustment benefits	1,069,700,000	[4] 1,354,500,000	1,354,500,000	1,354,500,000	1,354,500,000	.....	.....	.....
Veterans insurance and indemnities	7,253,000	5,100,000	5,100,000	5,100,000	5,100,000	.....	.....	.....
Medical care	1,655,201,000	[5] 1,752,200,000	1,777,200,000	1,857,200,000	1,857,200,000	+105,000,000	+80,000,000	.....
Medical and prosthetic research	57,621,000	59,200,000	59,200,000	59,200,000	59,200,000	.....	.....	.....
Medical administration and miscellaneous expenses	17,905,000	19,100,000	19,100,000	19,100,000	19,100,000	.....	.....	.....
General operating expenses	236,700,000	239,200,000	239,200,000	239,200,000	239,200,000	.....	.....	.....
Construction of hospital and domiciliary facilities	69,152,000	59,000,000	59,000,000	79,000,000	59,000,000	.....	.....	−20,000,000
Grants for construction of State extended care facilities	4,000,000	7,500,000	7,500,000	7,500,000	7,500,000	.....	.....	.....
Grants to the Republic of the Philippines	1,362,000	2,000,000	2,000,000	2,000,000	2,000,000	.....	.....	.....
Payment of participation sales insufficiencies	5,716,000	6,128,000	6,128,000	6,128,000	6,128,000	.....	.....	.....
Loan guaranty revolving fund (limitation on obligations)	(425,000,000)	Language	(350,000,000)	(350,000,000)	(350,000,000)	(+350,000,000)	.....	.....
Total, Veterans' Administration	8,439,010,000	8,960,528,000	8,985,528,000	9,085,528,000	9,065,528,000	+105,000,000	+80,000,000	−20,000,000
Total, Independent Offices, title I	13,656,769,100	13,770,477,500	13,665,866,300	13,904,338,500	13,832,469,300	+61,991,800	+166,603,000	−71,869,200

Footnotes at end of tables.

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued
INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 17548)—Continued

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new (obligational) authority, 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE II								
EXECUTIVE OFFICE OF THE PRESIDENT								
Council on Environmental Quality and Office of Environmental Quality								
Salaries and expenses	$350,000	[6] $1,500,000	$650,000	$1,500,000	$1,000,000	−$500,000	+$350,000	−$500,000
National Aeronautics and Space Council								
Salaries and expenses	549,000	560,000	400,000	560,000	500,000	−60,000	+100,000	−60,000
Office of Emergency Preparedness								
Salaries and expenses	5,290,000	[7] 6,005,000	5,290,000	5,890,000	5,890,000	−115,000	+600,000	
Salaries and expenses, telecommunications	1,795,000	3,300,000	1,795,000	3,300,000	2,000,000	−1,300,000	+205,000	−1,300,000
Defense mobilization functions of Federal agencies	3,200,000	3,130,000	3,130,000	3,130,000	3,130,000			
Total, Office of Emergency Preparedness	10,285,000	12,435,000	10,215,000	12,320,000	11,020,000	−1,415,000	+805,000	−1,300,000
Office of Science and Technology								
Salaries and expenses	1,958,000	2,175,000	2,000,000	2,175,000	2,100,000	−75,000	+100,000	−75,000
Total, Executive Office of the President	13,142,000	16,670,000	13,265,000	16,555,000	14,620,000	−2,050,000	+1,355,000	−1,935,000
Funds Appropriated to the President								
Appalachian regional development programs	282,500,000	295,500,000	291,500,000	295,500,000	293,500,000	−2,000,000	+2,000,000	−2,000,000
Disaster relief	245,000,000	65,000,000	65,000,000	65,000,000	65,000,000			
Total, funds appropriated to the President	527,500,000	360,500,000	356,500,000	360,500,000	358,500,000	−2,000,000	+2,000,000	−2,000,000
DEPARTMENT OF DEFENSE								
Civil Defense								
Operation and maintenance	49,200,000	50,100,000	50,000,000	51,000,000	50,100,000		+100,000	−900,000
Research, shelter survey and marking	20,050,000	23,700,000	22,000,000	22,000,000	22,000,000	−1,700,000		
Total, Civil Defense, Department of Defense	69,250,000	73,800,000	72,000,000	73,000,000	72,100,000	−1,700,000	+100,000	−900,000
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
Public Health Service								
Emergency health	4,000,000	3,755,000	3,500,000	3,755,000	3,755,000		+255,000	
Total, title II	613,892,000	454,725,000	445,265,000	453,810,000	448,975,000	−5,750,000	+3,710,000	−4,835,000
TITLE III								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Renewal and housing assistance								
Grants for neighborhood facilities	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000			
Alaska housing	1,000,000							
Urban renewal programs	[8] 1,000,000,000	1,000,000,000	1,000,000,000	1,700,000,000	1,350,000,000	+350,000,000	+350,000,000	−350,000,000
Rehabilitation loan fund	45,000,000	35,000,000	35,000,000	35,000,000	35,000,000			
Low-rent public housing annual contributions	473,500,000	654,500,000	654,500,000	654,500,000	654,500,000			
Grants for tenant services		5,000,000		5,000,000		−5,000,000		−5,000,000
College housing:								
Increased limitation for annual contract authorization	(11,500,000)	(9,300,000)	(7,200,000)	(9,300,000)	(9,300,000)		(+2,100,000)	
(Cumulative limitation for annual contract authorization)	(17,000,000)	(26,300,000)	(24,200,000)	(26,300,000)	(26,300,000)		(+2,100,000)	
Appropriation for payments	2,500,000	2,500,000				−2,500,000		
Salaries and expenses, renewal and housing assistance	39,508,000	45,000,000	41,000,000	45,000,000	43,500,000	−1,500,000	+2,500,000	−1,500,000
Total, renewal and housing assistance	1,601,508,000	1,782,000,000	1,770,500,000	2,479,500,000	2,123,000,000	+341,000,000	+352,500,000	−356,500,000
Metropolitan development								
Comprehensive planning grants	50,000,000	60,000,000	50,000,000	50,000,000	50,000,000	−10,000,000		
Community development training and urban fellowship programs	3,500,000	3,500,000	3,500,000	3,500,000	3,500,000			
New community assistance	2,500,000	10,000,000	5,000,000	5,000,000	5,000,000	−5,000,000		
Open space land programs	75,000,000	75,000,000	75,000,000	75,000,000	75,000,000			
Grants for basic water and sewer facilities	135,000,000	150,000,000	500,000,000	500,000,000	500,000,000	+350,000,000		
Grants to aid advance acquisition of land	2,500,000							
Salaries and expenses, metropolitan development	7,980,700	8,700,000	8,000,000	8,700,000	8,000,000	−700,000		−700,000
Total, metropolitan development	276,480,700	307,200,000	641,500,000	642,200,000	641,500,000	+334,300,000		−700,000
Model cities and governmental relations								
Model cities programs	575,000,000	575,000,000	575,000,000	575,000,000	575,000,000			
Salaries and expenses, model cities and governmental relations:								
Appropriation	577,600	700,000	600,000	600,000	600,000	−100,000		
By transfer	(6,750,000)	(9,300,000)	(8,300,000)	(8,300,000)	(8,300,000)	(−1,000,000)		
Total, model cities and governmental relations	575,577,600	575,700,000	575,600,000	575,600,000	575,600,000	−100,000		

Footnotes at end of table.

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new (obligational) authority, 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE III—Continued								
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—Continued								
Urban technology and research								
Urban research and technology	$25,000,000	$55,000,000	$30,000,000	$55,000,000	$30,000,000	−$25,000,000	.....	−$25,000,000
Low-income housing demonstration programs (appropriation to liquidate contract authorization)	[9] (2,000,000)	.....	.....	.....	.....	.....	.....	.....
Total, urban technology and research	25,000,000	55,000,000	30,000,000	55,000,000	30,000,000	−25,000,000	.....	−25,000,000
Mortgage Credit								
Homeownership and rental housing assistance:								
Homeownership assistance, increased limitation for annual contract authorization:								
1971	(125,000,000)	(140,000,000)	(130,000,000)	(130,000,000)	(130,000,000)	(−10,000,000)	.....	.....
1972	.....	(140,000,000)	.....	.....	.....	(−140,000,000)	.....	.....
(Cumulative annual contract authorization):								
1971	(195,000,000)	(335,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	.....	.....	.....
Rental housing assistance, increased limitation for annual authorization:								
1971	(120,000,000)	(145,000,000)	(135,000,000)	(135,000,000)	(135,000,000)	(−10,000,000)	.....	.....
1972	.....	(145,000,000)	.....	.....	.....	(−145,000,000)	.....	.....
(Cumulative annual contract authorization):								
1971	(190,000,000)	(335,000,000)	(325,000,000)	(325,000,000)	(325,000,000)	.....	.....	.....
Appropriation for payments	26,500,000	[10] 115,100,000	115,100,000	115,100,000	115,100,000	.....	.....	.....
Rent supplement program:								
Increased limitation for annual contract authorization:								
1971	(50,000,000)	(75,000,000)	(50,000,000)	(75,000,000)	(55,000,000)	(−20,000,000)	(+$5,000,000)	(−20,000,000)
1972	.....	(75,000,000)	.....	.....	.....	.....	.....	.....
(Cumulative annual contract authorization):								
1971	(122,000,000)	(197,000,000)	(172,000,000)	(197,000,000)	(177,000,000)	(−20,000,000)	(+15,000,000)	(−20,000,000)
Appropriation for payments	23,000,000	46,600,000	46,600,000	46,600,000	46,600,000	.....	.....	.....
Low and moderate income sponsor fund	2,000,000	5,000,000	3,000,000	3,000,000	3,000,000	−2,000,000	.....	.....
Loans for housing and related facilities for elderly or handicapped families	.....	.....	.....	25,000,000	10,000,000	+10,000,000	+10,000,000	−15,000,000
Salaries and expenses, Federal Housing Administration	3,500,000	6,290,000	3,500,000	6,290,000	3,500,000	−2,790,000	.....	−2,790,000
Total, mortgage credit	55,000,000	172,990,000	168,200,000	195,990,000	178,200,000	+5,210,000	+10,000,000	−17,790,000
Federal Insurance Administration								
Flood insurance	2,428,500	6,050,000	5,000,000	5,000,000	5,000,000	−1,050,000	.....	.....
Fair Housing and Equal Opportunity								
Fair housing and equal opportunity	6,391,400	11,300,000	7,000,000	11,300,000	8,000,000	−3,300,000	+1,000,000	−3,300,000
Departmental management								
General administration	9,559,500	9,200,000	9,000,000	9,000,000	9,000,000	−200,000	.....	.....
Regional management and services	11,155,000	14,550,000	13,500,000	14,500,000	14,000,000	−550,000	+500,000	−500,000
Working capital fund	4,338,000	.....	.....	.....	.....	.....	.....	.....
Total departmental management	25,052,500	23,750,000	22,500,000	23,500,000	23,000,000	−750,000	+500,000	−500,000
Participation sales								
Payment of participation sales insufficiencies	56,238,000	58,781,000	58,781,000	58,781,000	58,781,000	.....	.....	.....
Special Institutions								
National homeownership foundation	.....	250,000	.....	.....	.....	−250,000	.....	.....
Total, Department of Housing and Urban Development—title III	2,623,676,700	2,993,021,000	3,279,081,000	4,046,871,000	3,643,081,000	+650,060,000	+364,000,000	−403,790,000
TITLE IV								
CORPORATIONS								
Federal Home Loan Bank Board								
Interest adjustment payments	.....	[11] 250,000,000	.....	250,000,000	85,000,000	−165,000,000	+85,000,000	−165,000,000
Revolving fund	8,400,000	.....	.....	.....	.....	.....	.....	.....
Total, new budget (obligational) authority—title IV	8,400,000	250,000,000	.....	250,000,000	85,000,000	−165,000,000	+85,000,000	−165,000,000
Administrative and Nonadministrative Expenses (Limitation on Accounts of Corporate Funds to be Expended)								
Federal Home Loan Bank Board:								
Administrative expenses	(5,712,000)	(6,625,000)	(5,750,000)	(6,625,000)	(6,625,000)	.....	(+875,000)	.....
Nonadministrative expenses	(14,125,000)	(14,700,000)	(14,700,000)	(14,700,000)	(14,700,000)	.....	.....	.....
Federal Savings and Loan Insurance Corporation	(384,000)	(408,000)	(408,000)	(408,000)	(408,000)	.....	.....	.....

Footnotes at end of tables.

COMPARATIVE STATEMENT OF CONFERENCE ACTION—Continued
INDEPENDENT OFFICES AND HUD APPROPRIATIONS BILL, 1971 (H.R. 17548)—Continued

Agency and item	New budget (obligational) authority, 1970 [1]	Amended budget estimates of new (obligational) authority, 1971	Recommended in the House bill for 1971	Recommended in Senate bill for 1971	Conference action	Conference action compared with— Budget estimate	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Department of Housing and Urban Development:								
Housing for the elderly or handicapped	($1,200,000)	($850,000)	($850,000)	($850,000)	($850,000)			
College housing loans	(1,175,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)			
Public facility loans	(1,055,000)	(1,400,000)	(1,200,000)	(1,200,000)	(1,200,000)	(−$200,000)		
Revolving fund (liquidating programs)	(106,700)	(125,000)	(125,000)	(125,000)	(125,000)			
Federal Housing Administration								
Administrative expenses	(12,950,000)	(13,800,000)	(13,500,000)	(13,500,000)	(13,500,000)	(−300,000)		
Nonadministrative expenses	(110,175,000)	(125,550,000)	(112,000,000)	(125,550,000)	(118,775,000)	(−6,775,000)	(+$6,775,000)	(−$6,775,000)
Government National Mortgage Association	(5,000,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)			
Total, administrative and nonadministrative expenses—title IV	(151,882,700)	(171,058,000)	(156,133,000)	(170,558,000)	(163,783,000)	(−7,275,000)	(+7,650,000)	(−6,775,000)
Grand total, all titles, new budget (obligational) authority	16,902,737,800	17,468,223,500	17,390,212,300	18,655,019,500	18,009,525,300	+541,301,800	+619,313,000	−645,494,200
Consisting of—Appropriations	(16,902,737,800)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)	(+619,313,000)	(−645,494,200)
Grand total	(16,902,737,800)	(17,468,223,500)	(17,390,212,300)	(18,655,019,500)	(18,009,525,300)	(+541,301,800)	(+619,313,000)	(−645,494,200)

[1] Includes all supplemental appropriation acts of 1970.
[2] Sec. 103 of the Civil Service Retirement Amendments of 1969 requires the Secretary of the Treasury to make annual payments from general revenues as determined by the Civil Service Commission.
[3] Reflects increase of $600,000 contained in H. Doc. 91-305.
[4] Reflects increase of $275,500,000 contained in H. Doc. 91-312.
[5] Reflects increase of $50,000,000 contained in H. Doc. 91-294.
[6] Additional estimate of $800,000 contained in S. Doc. 91-87.
[7] Additional estimate of $600,000 contained in S. Doc. 91-88.
[8] Includes $750,000,000 advance funding for fiscal year 1970 provided in 1969 act.
[9] Provided by transfer from "Urban Research and Technology."
[10] Reflects increase of $10,500,000 contained in H. Doc. 91-273.
[11] Estimate contained in S. Doc. 91-85 not considered by House.

Mr. EVINS of Tennessee. Mr. Speaker, I yield such time as he may consume to my distinguished friend the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Speaker, the chairman of the subcommittee has made a detailed explanation of what transpired in the conference and what happened to this bill since it was first considered by your Committee on Independent Offices and the Department of Housing and Urban Development. I will speak discussing the same figures but will make an explanation of what transpired from a little different direction than that used by the distinguished chairman. I present the following figures for the information of those who are not as familiar with the bill as those of us are who worked on it and participated in the conference.

Those of you who are interested in the figures should take these down. The subcommittee considered total budget requests of $17,216,823,500. Some additional budget requests went directly to the Senate after we had marked up our bill. That accounts for the discrepancy between the figures cited by the gentleman from Tennessee and the ones that I have just given.

I would like to trace for you what happened to the bill after we completed our hearings on it and our markup in the subcommittee.

We considered, as I have said, $17,216,823,500. When we reported that bill to the House, it had been reduced by $201,611,200 below the budget. That is, your subcommittee cut the budget with respect to the items contained in this bill by $201 million. If the bill had remained as we originally reported it, it would today be $201 million below the budget.

But let me remind you what happened on the floor of the House. Amendments were adopted on the floor increasing our bill by $25 million for veterans' medical care and by $350 million for water and sewer grants for smaller communities. That is a total of $375 million by which the House increased the committee bill. So, when the bill left the House, instead of being $201 million below the budget, it was $173 million above the budget. That is what we had to start out with in our conference with the other body. But I remind you that, as usually is the case, the other body in its wisdom proceeded to add $1,264,807,200 to the House-passed bill. So when the other body finished work on the bill it was $1.2 billion more than the House-passed bill and $1,186,796,000 above the budget.

We wound up with the conferees recommending appropriations which amount to only $541 million above the budget, which means that the appropriations recommended in this conference report are $645 million below the bill that came out of the other body.

Now, Mr. Speaker, I have just said that the conference report is $541 million above the budget.

Let me cite a few items that make up these increases.

First, there is the $350 million to which I have already alluded that was added on the House floor for water and sewer grants. The other body added $700 million to our bill for urban renewal. We were able only to achieve an even split on that item so we find another $350 million above our bill in the conference report for urban renewal, but it is $350 million below the sum put in the bill by the other body.

Another item above the budget is $105 million for the veterans' medical program.

I do not know how you can have a conference with a co-equal body unless you are willing to give and take. The only alternative—and this conference lasted 2 days—the only alternative is for one group of managers representing one body or the other to just say they will not budge and the results would be no bill at all.

Mr. Speaker, we did not feel that we could afford to report that we could not have a bill which provides for the operation of the Veterans' Administration, especially in view of all the talk that we hear today about the need for more medical care.

Mr. Speaker, more than half the money contained in this conference report is to run the Veterans' Administration, to pay the compensation and the pensions that are fixed by law, and to operate the hospitals and to provide the medical care and the other programs for our veterans.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. JONAS. I yield to the chairman of the subcommittee.

Mr. EVINS of Tennessee. Does not the gentleman feel that from the high level of $1.2 billion above the budget, to bring this conference report back only $541 million above the budget, that this is no small achievement or accomplishment?

Mr. JONAS. I will have to agree, and I have just said, and I would like to repeat for emphasis, we were faced with a situation where the other body was $1.2 billion about the budget, and we came out of that conference having reduced that deficit by $645,494,200 and with a conference report only $541 million above the budget.

You must remember that $375 million of that was added right here on the House floor. If the subcommittee's bill had stood up through the House and the other body, and the conference, we would be $201 million below the budget.

I have some reservations about this conference report. I reserved on two items because I could not agree that it was advisable to go above the budget with respect to those items. But by and large I am able to say that I concur in the views of the gentleman from Tennessee (Mr. EVINS) that we argued these points out with the representatives of the other body over a period of two days, and we got the best deal I think we could possibly have gotten if we had remained in conference indefinitely. I do not know, as I have said before and will repeat, how one group of conferees can prevail all of the time in a conference. Those of you who have participated in conferences know that it is necessary to have a meeting of the minds of the conferees on both sides of the table.

We worked very hard to hold this bill down in conference. I am disappointed that we did not succeed in keeping it below the budget. I thought we should have won all points at issue but it became apparent as the conference continued that it would be impossible. We argued with the representatives of the other body, but we simply were unable to get them to go beyond the point that they did go, which was to reduce their bill by $645 million.

If we had caved in or supinely sat there and allowed the other body to roll over us, this conference report would be $645 million more than it is. If you think we should have been more obstinate and stubborn and held out longer, you have a right to that view if you entertain it. But it is my considered judgment, after having participated in the conference, that we got the best compromise that we could negotiate with the conferees on the other side who were representing a bill that was $1 billion higher than ours. And when you look at it in that light I suspect the gentleman from Tennessee (Mr. EVINS) is correct in saying that the House conferees came out of the conference having won more points than we lost.

Mr. Speaker, if the House wishes to recommit this bill to the conference committee, I certainly have no objections and will gladly go back to conference again and renew our efforts to get the conferees from the other body to yield further. But I must say that they seemed adamant and indicated that since they had already yielded more than we yielded that was as far as they should go.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished ranking minority member of the Committee on Appropriations, the gentleman from Ohio (Mr. BOW).

Mr. BOW. Mr. Speaker, I did not sign this conference report, and neither did the gentlemen from California, Mr. TALCOTT and Mr. DEL CLAWSON. We believed this report was much too high; that it added to the problems of inflation; and that it is not an appropriate amount to ask the House to accept.

In the present form, this bill provides $350 million over the $1 billion budget request for urban renewal. It provides $350 million over the $150 million budget request for grants for water and sewer facility construction. It provides $71,675,000 over the House bill for space research and construction. It provides $16 million over the House bill for the National Science Foundation.

Now, they reduced the particular area in which I was in favor of an increase of $10 million. This was the program concerned with research directed at achieving improvements in housing systems design, production, assembly, management, financing, and marketing and also designed to provide a high level of environmental quality, efficient land use, and low-cost maintainability. It is called "Operation Breakthrough."

The House had provided $30 million. The Senate had increased this to $55 million. I had hoped that we might have agreed on about $45 million because this is research that may permit us to develop new methods of construction that would help people of all income levels. I believed it was a very important part of this bill.

Now the only significant reduction in any program in this bill is the $165 million reduction in funds requested by the Federal Home Loan Bank Board for interest subsidy payments. These funds would have been used to help reduce interest rates for people who want to purchase their own home. One of the most critical factors affecting the construction of homes today is the problem of the high interest rates. This program was not considered in the House. It was considered in the Senate and only after the authorization appeared well on the way toward enactment. They provided $250 million in their bill, but this was reduced in conference by $165 million.

So the substantial reduction in this bill is in the one area that might have helped to reduce the interest rates that affect the construction and sale of private homes. The House provided only $85 million. So what looks so good here, a $165 million reduction, is actually in the one area that affects housing for people who want to purchase their own home.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am glad to yield to the gentleman.

Mr. JONAS. May I say that I concur in the views being expressed by the distinguished gentleman from Ohio. I am one of those who is in favor of this particular program, but it should be understood that the $250 million was no year funds to be available until expended. What we decided was to put up $85 million for the first year and reserve $165 million for consideration in the supplemental which will soon be forthcoming and after we can have some hearings. This item has never been considered at all by the House committee.

Mr. BOW. I appreciate the position of my distinguished friend but I believe we should have provided more for this purpose in the bill.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. EVINS of Tennessee. I might say to my friend that the bill authorizing this program was just signed into law by President Nixon last Friday.

We have not yet had hearings on it in the House Committee on Appropriations. The committee should review all of the items contained in the Emergency Home Finance Act of 1970 before they are fully funded.

Mr. BOW. The point I am making is that the one substantial reduction in the bill, $165 million, was the program that would have helped reduce interest rates for those who want to purchase their own home.

Mr. KUYKENDALL. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. KUYKENDALL. Would the gentleman not agree then that the cut in research technology primarily manifests itself in a cut in Operation Breakthrough and this is a cut in the one area where we need to help, and that is new technology in housing?

Mr. BOW. I quite agree with the gentleman. This is one area where we should go forward.

Mr. KUYKENDALL. One of the designated breakthrough cities is my own city of Memphis, Tenn. This is one of the areas in which it has already been proved that we are getting $5 of private investment for every $1 of Federal money. It seems to me that that is the type of thing we have been looking for. We want to be able to get private money, private know-how, private initiative, instead of the Federal Government having to do everything. So I think it is quite disappointing to get a bill $650 million over the budget and yet take cuts in the very areas that are showing the most promise for the future of this country.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio with the understanding that he will yield one of them back to me.

The SPEAKER. The gentleman from Ohio is recognized for 2 minutes, and the gentleman has control of that time.

Mr. BOW. I thank the Chair.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to my friend from Illinois.

Mr. ARENDS. I would like to ask the gentleman from Ohio if any member of the conference committee, either conferees on the part of the Senate or of the House, at any time made the suggestion that if Congress wants to continually spend more than the budget requests, we well could be forced to raise additional taxes.

Mr. BOW. No; I do not believe that subject was considered at all. Now I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Speaker, the conference report provides $30 million of new obligated authority in the bill for housing research in 1971. This is the full level provided by the House bill. There is also a carryover balance of $27,100,000 of unexpended funds that can be spent in 1971 for such research. So this will give them $57,100,000 for expenditure for housing research during the next year. There are many explanations for this, but this is the amount available for expenditure for housing research in the next year. With the $30 million made available in this bill, we feel this is a substantial sum for expenditure in this program.

Mr. BOW. I must say to the gentleman that I believe the $27,100,000 he refers to was committed last fiscal year and is not available for new contractual efforts in housing research during fiscal year 1971.

May I also say, before my time expires, that at the proper time I shall offer a motion to recommit this report to the committee of conference.

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Could the gentleman tell the House the comparison of the amount of money requested by

the President for the space program and the amount of money contained in this conference report?

Mr. BOW. I am sorry, I do not have that information at my fingertips, but let me obtain it.

Mr. TEAGUE of Texas. Will the gentleman tell us, then, the difference between what the House provided and what the conferees came out with; also what the President asked for?

Mr. BOW. The President asked for $3,333,000,000, and the amount agreed to in conference is $3,268,675,000.

Mr. TEAGUE of Texas. I would just like to point out that the amount is less than what the President asked for.

Mr. DORN. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from South Carolina.

Mr. DORN. Would the gentleman also inform us of the amount recommended in the conference report for medical care for veterans as compared with the amount proposed in the President's budget?

Mr. BOW. The conference report provides $105 million more than was requested in the President's budget.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON).

THE FEDERAL BUDGET SITUATION

Mr. MAHON. Mr. Speaker, the spending pot is boiling at both ends of the Capitol Building, at the White House, in the press, and in many households throughout the country. I think it is a healthy sign, and I, for one, would like to see this caldron continue to bubble and boil in order that the Congress and the country might be constantly aware of the problems confronting the Nation in the field of Federal programs and Federal spending. Someone must undertake to keep this vital matter in the forefront of our thinking.

Certain things—popular or unpopular, pleasant or unpleasant—must be said.

The dollar at the grocery store and elsewhere is buying less and less, month by month.

THE PENDING CONFERENCE REPORT

The bill before us, the independent offices-HUD appropriation bill for 1971 agreed to in conference is too high in the present national fiscal and economic situation.

A majority of the House conferees worked valiantly to reduce the overall appropriation figures in the bill, and we did persuade the conferees of the other body to compromise downward on some of the Senate add-ons, reducing the measure below the Senate figure by about $645 million.

But even so, the bill as agreed to in conference is $541 million above the President's budget requests for appropriations for the purposes included in the measure.

I commend the subcommittee headed on the Democratic side by the distinguished gentleman from Tennessee (Mr. EVINS) and headed on the Republican side by the distinguished gentleman from North Carolina (Mr. JONAS). They did an outstanding job and I am here to support their best efforts. I was a part of that conference, of course, and joined in the efforts to improve the bill.

THE DISTURBING BUDGET DEFICIT FOR FISCAL 1970

The fact that the conference bill exceeds the budget requests for appropriations by more than a half billion dollars is especially significant in the light of the alarming announcement in this morning's press that the Government went in the red in the fiscal year 1970, just closed on June 30, by more than a billion dollars more than had been estimated in May.

It was announced yesterday that the budget deficit—under the unified budget plan—for the fiscal year which ended less than a month ago was $2.9 billion. When the borrowings from the social security fund and the other trust funds are added to the Federal funds, this is the deficit. But actually what the announcement of yesterday means is that when we take out of account the borrowings of surpluses in the trust funds, which must be repaid with interest, there was a deficit in Federal funds of about $13 billion for the fiscal year which ended less than a month ago.

That is an alarming figure, in my judgment, and it ought to be printed boldly on the front pages of the papers and called to the attention of all our people.

The press at times appears to lie awake at night to draft criticisms of Congress for secrecy, but often in reporting on fiscal matters shields from the public the real magnitude of Federal deficits. This secrecy on the part of the press, intended or not intended, tends to create complacency. It tends to generate a tendency for more Federal spending at a time when we are in dire fiscal straits. To me, the omission of the clarifying information is most unfortunate.

It is most regrettable that the administration itself in reporting on the deficit made no mention of the huge size of the Federal funds deficit. In fact, insofar as I am aware, no mention was made of it.

We must face up to the fact that we have had a continuation of deficits from year to year. The biggest one in recent years was in fiscal 1968, $25 billion. I am not speaking in a partisan vein when I call attention to the actual facts of life with respect to Federal spending.

The morning paper very properly stated the figures, indicating the announced deficit of $2.9 billion, but it failed to state that this figure, taken without explanation, is very inadequate and will be misunderstood by the American people generally. Federal finances are very complex at best and require at least some explanation of two or three major facts. It would have taken only a sentence or two to clarify the $2.9 billion figure. It could have been added that if surplus trust funds, which were borrowed for general Federal expenditure purposes during the previous year and which must be repaid with interest, are eliminated from the picture, The Federal deficit last year was $13 billion. That would be more awakening than the release of yesterday.

This morning's Wall Street Journal quotes the President's adviser, George Shultz—a very able, dedicated, and delightful gentleman—as indicating that the budget results, or at least the spending results for fiscal year 1970 represent "a strong and satisfactory performance." The Under Secretary of the Treasury, according to the Wall Street Journal, told reporters that the "modest deficit" of $2.9 billion on the unified budget basis—which, I would add, is in effect a deficit of $13 billion on the Federal funds basis—is "not disturbing."

Well, in my judgment and, I believe, in the judgment of a lot of people, there is something to be disturbed about when a deficit of that size is not disturbing in the mind of such a key official in the Government. I am surprised and disturbed to find that this deficit is apparently not greatly disturbing.

Let us take a closer look. The actual Federal funds deficit for fiscal 1970 was $13 billion. In view of the great store which the administration has laid, and properly so, on the need for a budget balance since it took office, it is a bit surprising and disturbing to read that the administration aides now seem to evidence something of a turnabout in view.

Here is the picture in brief: The original administration review of the fiscal year 1970 budget, in April of 1969, projected a tentative surplus of $5.8 billion under the unified budget plan. Now, instead of a surplus of $5.8 billion, it is a deficit of $2.9 billion. In other words, deterioration of the budget situation to the tune of about $8.7 billion. And this final report for fiscal year 1970 shows that the administration actually spent about $12.2 billion more than was spent in the previous year 1969. That likewise ought to be disturbing also to us and to the executive branch of the Government.

In my judgment, Congress has been unwise in increasing certain appropriations above the President's budget requests. I have deplored and opposed many of them. We did it last year, and we are doing it again this year.

The Congress, last year, reduced the President's fiscal 1970 appropriation budget requests by about $5.6 billion, but increased spending authority through nonappropriation bills or by inaction on certain budget items—for which we must assume full responsibility—by a very large sum, resulting in approximately a standoff in terms of the budget impact.

The fact that I want to nail down hard and fast is that in the overall, the Congress did not provide spending authority for fiscal year 1970 substantially different from the President's aggregate budget requests, and thus it cannot accurately be said that the Congress is by any means chiefly responsible for the deficit in fiscal year 1970. Certainly, both the executive and legislative branches had a part in creating the situation.

I should add that in respect to the tax bill last year, the changes made by the Congress in the administration's request had a minimum adverse impact on projected budget receipts for fiscal 1970; the principal impact had to do with projected revenues for fiscal years 1971 and 1972 and beyond.

Mr. EVINS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished chairman of the subcommittee.

Mr. EVINS of Tennessee. The gentleman has made an excellent speech regarding the overall budget and fiscal situation, but he did sign the conference report, and he advocates the adoption of the conference report; is that correct?

Mr. MAHON. The gentleman is correct.

The SPEAKER pro tempore (Mr. HAYS). The time of the gentleman from Texas has expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield the distinguished gentleman 2 additional minutes.

Mr. MAHON. Mr. Speaker, I should like to nail down hard and fast the fact that the Congress did not, last year, provide spending authority for fiscal year 1970, substantially above that requested in the budget.

THE CURRENT BUDGET OUTLOOK FOR FISCAL 1971

So, Mr. Speaker, the gnawing problem of spending in excess of revenues continues in an almost unbroken chain. As Presidential adviser George Shultz told a congressional committee a week or so ago—

The outlook for the current year—1971—is clouded with uncertainty and for the most part the clouds are dark and threatening.

I agree with that assessment. I would not be surprised, as I have said before, if the unified budget deficit for 1971 goes as high as $10 billion and the Federal funds deficit for 1971 goes to $20 billion. Interest on the debt went up last year, fiscal 1970, by $2.7 billion, to $19.2 billion.

Certain big spending is, of course, inevitable. There are many needs, but big spending without having the revenues in hand or in sight means that we are not getting a dollar in value for a dollar expended.

The Committee on Appropriations is doing its best to hold the line in this conference report. I urge the members to support it. I believe it is the best we can do on the pending measure. I urge support of the conference committee.

THE PENDING CONFERENCE REPORT

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I believe, despite the disclaimers and the urging to support this conference report, the gentleman has made the best speech I expect to hear in behalf of support for the motion to recommit by the gentleman from Ohio. I do not know how anyone could listen to the gentleman and do otherwise than vote for the motion to recommit this bill.

Mr. MAHON. The gentleman to some extent has misinterpreted my remarks. One cannot go to a conference and have his own way completely. We got better than an even split. We tried to do better. We fought hard against those who wanted larger and larger sums for a number of these programs.

The SPEAKER pro tempore. The time of the gentleman from Texas has again expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield the distinguished gentleman 1 additional minute.

PUBLIC CONCERN ABOUT FEDERAL SPENDING

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I am glad to yield to the distinguished gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, I listened very attentively to the gentleman. I know how strongly he feels about spending. Spending is inevitable. You may recall, though, in the late 1950's when the American people became aroused about spending they did something about it. If there is some way we can again arouse the American people on spending, I am sure that the Congress will behave a little differently than we are at the present time.

Mr. MAHON. I thank the gentleman for his comments. The reason why I am in the well is to try to arouse our concern in this direction in order that we may do a better job. I believe we are doing a reasonably good job in many respects, but we must undertake to do an even better job.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. BOLAND).

(Mr. BOLAND asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. BOLAND. Mr. Speaker, I share the concern of the very distinguished gentleman from Ohio (Mr. Bow) the ranking minority member of the full Appropriations Committee with respect to the item of urban research and technology. I supported the $55 million request by the department in this regard in our subcommittee when we marked up this bill. When we went to conference I supported the Senate's position of restoring $25 million for this activity. As the Members will recall, $30 million was allowed by the House and $55 million was allowed by the Senate. In conference the Senate receded to the House request. This report carries $30 million.

The congressional record on support of research to solve the problems of our urban areas—our cities and towns—is not good. If we go back as far as 1957 and add up all of the research that was requested by the executive branch, the total comes to only $135 million. But the Congress appropriated less than $50 million through the current fiscal year. The total obligations, that have been made through fiscal year 1969 for research on urban problems, in the Department of Housing and Urban Development or its predecessor agencies, is less than $28 million.

The record shows that from 1962 to 1965, less than $400,000 was provided for research annually. In 1966 the amount passed by the Congress went up to $750,000 and in 1967 it went back down to $500,000. Finally, in 1968, it appeared, that we were recognizing the urgent need for research in this important area. The administration requested $20 million but the Congress provided only $10 million. In 1969 the administration again requested $20 million and the Congress passed only $11 million. In 1970 the administration asked for $30 million and the Congress passed $25 million. And now, the administration has asked for $55 million. It should really be a request for several hundred and $55 million. But the Congress is prepared to cut urban research to $30 million.

The Defense research budget is almost $8 billion by comparison with the urban research budget. Far more money is spent determining the properties of materials under various pressures and temperatures than is spent on measuring the properties of our cities, our towns, our need for housing.

Inadequate research funds seriously impair the ability to meet the crisis that exists in providing mass production of housing for low and middle income groups. That research, would permit looking ahead, at the means, for improving the whole business of housing, so that modern production, management, marketing and financing methods and improved building codes and zoning regulations can be brought into the development of housing.

Mr. Speaker, the $30 million carried in this bill is completely inadequate to carry on the important work of research that the Department of Housing and Urban Development needs if it is to meet and attempt to solve the myriad problems that perplex this country in the matter of providing housing for millions that are today ill-housed.

Operation Breakthrough needs $35 million alone to carry out necessary research and demonstrations. It has been said here today that there are carryover funds of some $27 million that can be added to the $30 million provided by this bill for a total of $57 million available for fiscal year 1971. This simply is not so. All of the $27 million has been completely obligated. Thus, the only funds available for research and technology for fiscal year 1971 will be the $30 million that this conference report provides.

Mr. Speaker, refusal to allow the $55 million requested for research by the Department of Housing and Urban Development will result in damaging cutbacks in its research activity. The effects of the reduction in the research and technology budget to $30 million from a request of $55 million are as follows:

First. Under Operation Breakthrough, two and possibly three of the 10 prototype sites and one subsite would have to be dropped.

Second. Only minor studies and evaluations rather than action programs could be undertaken to solve the problems of abandonment and inadequate management in housing developments. This effort would be reduced from an amount of $3.6 million under the original request to $300,000 under the new request.

Third. No new building technology work could be undertaken under this $30 million budget.

Fourth. No work will be conducted on the followup of ongoing studies to implement tax revisions to encourage housing development and proper maintenance and rehabilitation.

Fifth. Essentially all funding will be eliminated for work on avoidance of thermal pollution by useful application

in urban areas, noise abatement, demonstration of advanced solid waste disposal methods, improved methods of installing utilities, application of available but advanced communications technology to improving urban functions will be eliminated, and other urban utilities and environmental factors. Only $200,000 is left for work in that area.

Sixth. No funds will be provided to the urban observatory program in which universities and 10 cities are working together to help improve urban operations. In addition the plan for extension of that program to five smaller metropolitan areas will be eliminated.

Seventh. No new commitments will be made to the Urban Institute.

Eighth. The work in six cities to develop municipal information systems will be stretched out and planned support reduced.

Ninth. The housing and urban data series work that assembles information on the housing market, the characteristics of new housing, the sale of new one-family homes, single family home construction, and so forth, will be reduced.

Tenth. Research work on fair housing, zoning improvements, new ownership approaches will be eliminated.

Mr. EVINS of Tennessee. Will the gentleman yield?

Mr. BOLAND. I yield to the gentleman.

Mr. EVINS of Tennessee. We have been hearing a great deal of speeches about economy. I believe that the gentleman is not speaking for economy now.

Mr. BOLAND. I would suggest that the chairman of the subcommittee economize in other areas. I submit that in the field of research for housing we have not done the job so far and we are not doing it in this bill.

Mr. EVINS of Tennessee. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, expenditures for housing research and technology in 1970 were only $8,278,000. The appropriation was $25,000,000. There is a $27.1 million unexpended balance carried forward from last year, and we are providing another $30 million of new obligational authority in the bill. This makes a total of $57.1 million available for housing research expenditures in 1971. The President's budget estimates that outlays will only be $23,500,000 in 1971. The $57,100,000 should be fully adequate for orderly expansion of this program with proper administration.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California, a member of the Committee on Appropriations, Mr. COHELAN.

Mr. COHELAN. Mr. Speaker, I want to say, since I have spoken on this topic before, I shall be brief but wish to commend the conference committee for the very fine job which it has done.

Mr. Speaker, I rise in support of the Conference Report on Independent Offices and HUD.

As many of my colleagues are aware, I offered an amendment to increase the supplemental appropriations by $587.5 million for urban renewal. Unfortunately this amendment was defeated, but I am now encouraged that the conferees on the HUD appropriations have increased urban renewal by $350 million over the House figure. This makes a total of $1.350 billion available for urban renewal programs.

The chairman of the Subcommittee on Independent Offices and Housing and Urban Development, the gentleman from Tennessee (Mr. EVINS), is to be complimented for his diligent and careful work in handling this major bill. The other conferees are also to be commended for their dedication in continuing the process of urban renovation.

The conference report, Mr. Speaker, is the latest example of this Congress dedication to rebuilding our Nation. This cannot be done by press releases or by formulating committees to study the problem, but by funding vital urban renewal projects. This battle is joined in earnest; the Congress again leads the way in attempting to alleviate our pressing social needs.

The needs are obvious and are there for all to see. In my previous statement, I pointed out that there is an existing need for $3 billion in Federal funds for urban renewal projects. Many cities—of all sizes—under conventional urban renewal plans, cannot proceed with necessary local improvements until they receive grant reservations. This $1.35 billion will go a great distance in lessening this backlog.

This figure is a more realistic appropriation to continue our attack on urban blight. We must continue to fund these programs and plan new methods to combat urban decay. We cannot delude ourselves. It is a costly battle, but one, I submit, that must be won. These increases are another step in attempting to stem the tide of urban decay, but it must be followed by an ever-increasing Federal, State, and local financial commitment.

Urban renewal, funds for education and health, a more realistic defense budget are all new directions that are being charted by this Congress. This action by the conferees—the HUD appropriations—is another step to improve the quality of life in America.

I urge its adoption.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TALCOTT), a member of the Subcommittee on Independent Offices Appropriations.

Mr. TALCOTT. Mr. Speaker, I did not sign the conference report, and I would like to use my minute or so, if I may, to explain why.

Mr. Speaker, some of the items, of course, are satisfactory. The increased funding for the Veterans' Administration is praiseworthy. However, I want to commend the committee and the conference and the chairman, the gentleman from Tennessee (Mr. EVINS), for doing a superb job in many respects. But this conference report, and the bill, in its present form simply has reversed or subverted many of our national priorities. As a result of the action of the other body, and the conference, there was added additional funds which amount to over one-half billion dollars over the budget.

Mr. Speaker, these additional funds include $16 million for the National Science Foundation. The bill now contains an increase of $73 million over the amount appropriated for this agency last year.

There are additional funds for space research. The bill now contains $65 million over the amount allowed by the House. This is in addition to the $2.5 billion already appropriated for research and development for the space program.

There are additional funds in the amount of $10 million for section 202 loan funds, a program for which nothing was requested and for which nothing was provided by the House.

Mr. Speaker, this is a program which is being phased out because the elderly and handicapped themselves would rather participate in the section 236 program where the interest subsidy is much better.

Mr. Speaker, there were additional funds added to the extent of $5 million for the rent supplement program. This is contract authorization and could cost us as much as $200 million in payments in future years.

There are additional funds to the extent of $350 million over and above the budget for urban renewal. The administration requested $1 billion and the House had allowed the full $1 billion, and I think the people back home would prefer this amount to remain at $1 billion. On the other hand, the President's request for funds to carry out the Emergency Home Finance Act was reduced by $165 million. We also drastically limited the program Operation Breakthrough, a research effort designed to explore new techniques in home construction in order to improve housing and lower the cost of construction, which is very, very important.

Mr. Speaker, many of our priorities are cockeyed and this conference report aggravates some of the inequities. There are billions for research in space and pennies for research in housing. I believe that the American citizen would prefer our priorities to be reversed.

Therefore, Mr. Speaker, I would suggest that we recommit this conference report back to the conference. I believe we can do better.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the distinguished gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Speaker, I want to thank the distinguished chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS) for yielding to me at this time. I thank the gentleman from Tennessee for his devotion and dedication to our veterans.

Mr. Speaker, I urge the House to act wisely and compassionately to provide the necessary funds for our veterans' medical care. This committee and the conferees are to be commended for appropriating $105 million more for veterans' medical care than was recommended by the administration.

This timely action in behalf of our veterans is a tribute to the House Committee on Veterans' Affairs and to its

great chairman, "TIGER" TEAGUE of Texas. I am proud to serve with him on the only committee of the Congress devoted solely to veterans' affairs.

Mr. Speaker, it was only after exhaustive hearings and field trips on the part of the Veterans' Hospital Subcommittee of the Committee on Veterans' Affairs, headed by the distinguished and able gentleman from Florida (Mr. HALEY), that the inadequacies of the veterans medical program were carefully documented and brought forcefully to the attention of the American people. We found conditions warranted more appropriations to meet pressing needs.

Mr. Speaker, I would like to remind the Members of the House that the Bureau of the Budget did not recommend sufficient funds for medical care for our veterans. Furthermore, those of us so deeply concerned with veterans medical care were astounded to read that the Veterans' Administrator, speaking for the administration, told the other body that extra money was not needed above the amount suggested by the administration. One might hope that through our action today the House can encourage the administration to adopt a more compassionate attitude with respect to our veterans' medical care.

I urge this House to reject the motion to be made in behalf of the administration which would have the effect of cutting these desperately needed funds.

Mr. Speaker, I commend the Appropriations Committee for acting on the recommendations of the House Veterans' Affairs Committee in providing for this larger appropriation. I urge the House to approve this money for those veterans who so urgently need it.

Mr. Speaker, may I remind my colleagues that Congress appropriates money for our veterans. Not one penny can be made available without authorization and appropriation by Congress. Our veterans desperately need new hospitals, air-conditioned facilities, nursing care, more doctors and an improved diet. This additional appropriation provided by the Congress will provide for these urgent needs.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. THOMPSON) to whom I promised to yield, and then I will yield to other Members.

Mr. THOMPSON of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would first like to ask the gentleman from Tennessee if he has any figures on how many dollars are to be used in the so-called open communities program, wherein the Government takes the taxpayers money and places low-income housing in affluent suburban areas to destroy the property values in those areas?

Is there a breakdown on the turnkey program in the conference report?

Mr. EVINS of Tennessee. It is not in a separate item, I will say to my colleague.

Mr. THOMPSON of Georgia. I would like to state that in my own city of Atlanta, Ga., according to a newspaper article yesterday, we have 12,356 low-income subsidized housing units, and the housing authority plans to more than double that amount in the next 24 months, using Federal taxpayers funds to add 16,000 more units

In addition, these are to be placed in many cases in the suburban areas.

Mr. Speaker, I was awake until 3 o'clock in the morning yesterday morning answering telephone calls because a $6.5 million grant for 300 units was announced in an area of $75,000 homes. One particular doctor said that the low-income housing was going to be within 50 feet of him.

Mr. Speaker, I favor many items in the report such as medical aid for veterans, but I do not intend to vote money to destroy the property value of these people. I do not intend to tax the people's own tax dollars and in trying to accomplish what some call desirable (removing economic stratification) destroy the property values with the people's own tax money.

Mr. Speaker, another thing that the addition of 16,000 more Government-owned housing units will do is to bring more people from the rural areas to the city to be supported by the taxpayers.

The SPEAKER. Time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I am going to vote to recommit this conference report because I find it completely anomalous that a bill which is more than half a billion dollars over the budget has virtually slashed in half the one thing in the bill that might permit some people in the lower income groups to have low-cost housing.

Low-cost housing in America is one of the most critical problems facing this Nation today. The costs of providing a low-cost home to the average American has risen to that degree where 60 percent of those in need of the home can no longer afford it. The cost of land, labor, material, and money have all increased sharply in recent years, making the low-cost home unavailable to those who need it.

Secretary Romney at HUD has undertaken what I believe to be the only meaningful approach which can bring the costs of these houses back into that price range where they can be afforded by those Americans who need them most. This is Operation Breakthrough, which is currently in its research and experimental stages. They have selected 10 sites throughout the country together with developers and system builders to encourage the large, mass-producers of houses who can deliver a quality, long-lasting house at a reasonable cost. This is done through the application of technology and a systems approach that has been applied to the space programs and other areas, but has been, as yet, untried in the housing field.

For fiscal year 1971 they requested $55 million—certainly a modest sum to perform this very necessary and vital effort. They needed this amount desperately to pursue this program. Without these funds the program will be seriously curtailed and the housing goals seriously jeopardized. The House originally granted $30 million; the Senate restored the balance to $55 million. Yesterday the conferees agreed to the $30 million level. It is hoped that HUD will come back for a supplemental budget for this vital project as soon as possible. By denying these funds to this Operation Breakthrough the House and this committee assumes the responsibility of this program's failure. If you believe in the need for low-cost housing; if you believe in the need for quality housing at a reasonable cost, then I ask for your support when this supplemental comes up in the future.

The effects of the reduction in the research and technology budget to $30 million from a request of $55 million are as follows:

First. Under Operation Breakthrough, two and possibly three of the 10 prototype sites and one subsite would have to be dropped.

Second. Only minor studies and evalutions rather than action programs could be undertaken to solve the problems of abandonment and inadequate management in housing developments. This effort would be reduced from an amount of $3.6 million under the original request to $300,000 under the new request.

Third. No new building technology work could be undertaken under this $30 million budget.

Fourth. No work will be conducted on the followup of ongoing studies to implement tax revisions to encourage housing development and proper maintenance and rehabilitation.

Fifth. Essentially all funding will be eliminated for work on avoidance of thermal pollution by useful application in urban areas, noise abatement, demonstration of advanced solid waste disposal methods, improved methods of installing utilities, application of available but advanced communications technology to improving urban functions will be eliminated, and other urban utilities and environmental factors. Only $200,000 is left for work in that area.

Sixth. No funds will be provided to the urban observatory program in which universities and 10 cities are working together to help improve urban operations. In addition the plan for extension of that program to five smaller metropolitan areas will be eliminated.

Seventh. No new commitments will be made to the Urban Institute.

Eighth. The work in six cities to develop municipal information systems will be stretched out and planned support reduced.

Ninth. The housing and urban data series work that assembles information on the housing market, the characteristics of new housing, the sale of new one-family homes, single family home construction, and so forth, will be reduced.

Tenth. Research work on fair housing, zoning improvements, new ownership approaches will be eliminated.

Mr. EVINS of Tennessee. Mr. Speaker,

I yield 1 minute to the distinguished gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to join those of my colleagues who have criticized the reduction in the budget request for research and technology by $25 million, while increasing the urban renewal program $350 million.

The unwise slash of the request for HUD's research and technology program, a cut of 45 percent, will have serious short and long-range effects. I think that too often we think too much of brick and mortar and not enough about the planning of the activities that can be done by the appropriations that we make in the brick and mortar field.

I concur with the gentleman from Illinois (Mr. ANDERSON). I think it is a serious mistake to have made this cut in research and technology.

I certainly trust that the bill will be recommitted for the purpose of correcting this inequity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. EVINS of Tennessee. Mr. Speaker, let me summarize the bill once more.

Regarding the item for housing research, funds were denied for this purpose by the Congress some years ago when it was felt the industry should be able to support its own research instead of having it financed and controlled by the Government. Modest support was provided in 1962 at the level of $375,000. In 1968 a big jump was made to $10,000,000 and the general level was continued in 1969 at $11,000,000. Last year it went up to $25 million, a 100-percent increase last year. These large increases have not yet been digested. The carryover unexpended balance this year is $27,100,000.

This year we are giving a further increase of $5 million over the fiscal year that has just ended, and there is the $27 million unexpended balance still available to be spent in 1971, which makes a total of $57.1 million available for expenditure for such housing research in the next year. Mr. Speaker, these are the facts—a 100-percent increase in appropriations for research in recent years and $30 million in new funds for next year in addition to carryover of last year's unexpended funds. HUD spent less than $9 million for this purpose last year—why this sudden urge for large expenditures at this itme? We should sustain the House position.

Mr. Speaker, as to the overall bill, we bring back from conference a cut of $645,494,200 below the sum proposed by the Senate, which was $1,200,000,000 above the budget. To repeat, the increases are $105 million for veterans' medical care; $350 million for water and sewerage grants; and $350 million for urban renewal. These are to meet urgent needs in these vital areas.

These are the increases—water, sewerage grants, urban renewal, and veterans' medical care.

If any Member wants to vote against these increases in the bill for these needed programs, certainly it is your privilege to do so.

Mr. GIAIMO. Mr. Speaker, will the gentleman yield?

Mr. EVINS of Tennessee. I yield to the gentleman from Connecticut, a valued member of the subcommittee on appropriations.

Mr. GIAIMO. Mr. Speaker, I think it is important that we get this problem of Operation Breakthrough and support of urban research and technology in the proper perspective.

I support the conference report, but I do think we need additional money for Operation Breakthrough and for urban research and technology. I hope we can correct this situation in a supplemental appropriation bill at a later date.

Reference has been made to the fact that we are providing $30 million for Operation Breakthrough and for research, and reference is also made to the fact that there is a $27 million carryover of unexpended funds. Then reference is further made that this makes a total of $57 million available.

I think we are giving the House the wrong impression here, because even though this $27 million is unexpended, the fact is these funds have been committed. They have been committed to bringing a breakthrough—a very much desired breakthrough—in this area of construction of housing.

So I do not think we can properly say that this $27 million is available. It has already been committed—regardless of when it will actually be expended. By not giving them additional funds, I think we are setting the program back and we are delaying the breakthroughs in this area.

Mr. EVINS of Tennessee. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, less than $9 million was expended from this item last year. As I have said, there are carryover obligations of $27,100,000 that will be available for expenditure on the program in 1971. This is from previous appropriations. The bill provides another $30,000,000, yet the President's budget shows outlays—or expenditures will only be $23,500,000 in 1971. So we have been building up the funding for housing research rapidly. The $30,000,000 of new obligational authority is a further increase of $5 million over last year. These funds are available until expended.

Again I repeat—there is a total of $57 million available for housing research expenditures in the next year. This is a significant sum and represents a rapid escalation of support for this item.

Mr. BOLAND. Mr. Speaker, I am happy to point out that this conference report provides $1,857,200,000 for the Veterans' Administration's medical care programs, an increase of $105 million over the amount sought in President Nixon's budget. Earlier this year the House added $25 million to the budget request. And the Senate, citing "the goal of attaining for all veterans the best medical service obtainable," added $80 million more. The House-Senate conferees have agreed to maintain the entire $105 million increase.

As a ranking member of the Appropriations Committee and as a conferee on this legislation, I strongly supported the additional funds for medical care. Certainly, Mr. Speaker, our veterans are entitled to nothing short of the very best medical care. Thousands of Vietnam veterans are entering VA hospitals, making great demands on the facilities and staff of these institutions. Articles in the popular press—Life magazine, for example, published what amounts to an exposé—maintain that VA hospital care falls far short of adequacy. The VA denies these allegations, contending that the individual cases selected for the Life article are not representative of hospital conditions. Even so, Mr. Speaker, the need for better medical care is obvious. If just one veteran is receiving less than adequate medical care, if just one VA hospital is lagging behind conventional hospital efficiency, we are justified in our alarm.

We spend tens of billions of dollars each year on the war in Vietnam.

Certainly we can afford to spend a few million dollars more on the men wounded in fighting that war.

Mr. Speaker, I include in the RECORD telegrams and letters that veterans' organizations have sent me in support of increased funds for medical care:

PARALYZED VETERANS OF AMERICA,
Needham, Mass., July 11, 1970.

Congress EDWARD BOLAND,
House of Representatives Office Building, Washington, D.C.

DEAR REPRESENTATIVE BOLAND: We wish to make known to you our deep concern about the appropriation for the Veterans Administration budget.

We understand that the House and Senate have passed differing versions, the greater amounts being in the Senate bill.

One of the areas most affected will be the Spinal Cord Injury Program. At present we are at a low help level which makes it impossible to give proper care or better the programs to care for the needs of the new injuries.

We implore you to provide the needed funds so that our veterans can be treated in a manner better than what Life Magazine portrayed.

Sincerely,
WILLIAM P. GREEN, *President.*

SPRINGFIELD, MASS.,
July 13, 1970.

Hon. EDWARD P. BOLAND,
House Office Building, Washington, D.C.

DEAR ED: Will appreciate if you would support Senate amendment for 100 million dollars to increase VA appropriations for medical and hospitals for fiscal year 1971.

Sincerely,
SIDNEY J. HARRIS,
Executive Secretary, Springfield Post No. 21 American Legion.

LEOMINSTER, MASS.,
July 13, 1970.

Representative EDWARD P. BOLAND,
House of Representatives, Washington, D.C.

We support the amendment increasing appropriations for VA hospitals and medical care for fiscal 1971.

HARRY E. PARKS,
Adjutant, American Legion Post 191.

REHOBOTH, MASS.,
July 15, 1970.

Representative EDWARD P. BOLAND,
House Office Building,
Washington, D.C.

SIR: As commander of American Legion District Nine we the officers and members wish to go on record as being in favor and support of the Senate amendment for $100,000,000 VA hospital and medical care for fiscal 1971.

LAURENT E. BEAUVAIS,
Commander District 9, American Legion,
Department of Massachusetts.

BOSTON, MASS.,
July 14, 1970.

Representative EDWARD BOLAND,
Washington, D.C.:

The 20,000 members of the American Legion Auxiliary Department of Massachusetts Inc. actively supports that part of the Senate version of HR 17548 the 1971 Appropriations Bill adding 100 million dollars for Veterans medical care.

Mrs. ELSIE L. MORSE,
Secretary-Treasurer, American Legion
Auxiliary, Department of Massachusetts.

IPSWICH, MASS.,
July 16, 1970.

Hon. EDWARD BOLAND,
Member, Subcommittee on Independent
Offices Housing and Urban Development,
U.S. House of Representatives, Washington, D.C.

DEAR MR BOLAND: As the commander of the department of Massachusetts Veterans of Foreign Wars, representing some 60,000 overseas veterans, I strongly urge your support on behalf of our members for the $100 million which has been added to the Veterans' Administration hospital and medical program for 1971 in H.R. 1748, the Independent Offices Appropriation Bill.

It is certainly an act, that despite the financial problems of the times the wealthiest nation on earth must provide proper and adequate medical care for the veterans who gave of their physical well-being for its survival.

Sincerely yours,
RICHARD T. LAWLER,
Commander, Department of Massachusetts Veterans of Foreign Wars.

Mr. BARRETT. Mr. Speaker, I rise in support of the conference report on the bill, H.R. 17548, making appropriations for the Independent Offices and the Department of Housing and Urban Development for fiscal year 1971. As in most conference reports, there are many items which I am sorry to see left out. This is the case especially with this appropriations bill. But I am pleased that this conference report contains more money for the Department of Housing and Urban Development's Federal housing programs that was originally passed by the House when we considered this bill on the floor. I would liked to have seen the full $1.7 billion for urban renewal retained, but I believe that the compromise arrived at which provides an addititonal $350 million for urban renewal over and above the House action was a good compromise. Urban renewal needs more funds as we have heard from mayors in both large and small cities from all over the country. Hopefully, next year, the Appropriations Committees of both Houses will see fit to increase the urban renewal appropriations. I was particularly happy to see that the conferees agreed to provide more funds for the section 202 housing for the elderly program. Everyone agrees that this is one of the most popular HUD housing programs, to provide for a direct 3-percent loan from the Government to build units for our elderly citizens. There were no funds in the House-passed version, but there was $25 million provided for elderly housing which was put into the Senate appropriations bill by the distinguished Senator from New Jersey, my good friend, PETE WILLIAMS. The conferees adopted a $10 million figure for housing for the elderly, and I wholeheartedly endorse this action.

For the third time, there have been no funds appropriated for tenant services. I believe that this is the most glaring gap in this appropriations bill. As chairman of the Housing Subcommittee, I have heard time and again from people all over the country pleading for funds to provide essential services for our public housing tenants. Such services, I believe, would make public housing tenants more responsible and more willing to make the atmosphere in public housing more respectable and more pleasant to live in.

The research and technology appropriations that the conferees agreed on was for $30 million and not the $55 million that the Senate and the administration requested. The main reason for this increase for urban research and technology was to fully fund the Operation Breakthrough program. I believe as the House Appropriations Committee report stated that before more money is made available to Operation Breakthrough, we in Congress must see the results of this program before we give them more money. I am sorry to see that the House conferees could not agree with the Senate on providing full funding for the rent supplement program. We could have used the full $75 million that the Senate appropriated, instead of the $55 million that is contained in the conference report. Again, I do not believe that sufficient funds were made available in this conference report for the fair housing and equal opportunity program. The full $11.3 million as proposed by the Senate is greatly needed, and I am sorry to see that only $8 million is being provided by this conference report.

So I would say that this is a good compromise, although not the best that I would have liked to see, but I urge the House to adopt this so that the funding for these vital HUD programs can be made available immediately.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of the conference report on H.R. 17548, the HUD and independent offices appropriations bill. I wish to specifically commend the conferees for their actions in accepting the Senate-passed funding level for the Veterans' Administration medical program.

This past weekend, I was privileged to attend the annual convention of the Disabled Americans Veterans in Los Angeles. At the convention, I spoke with men who are all too familiar with the conditions which exist in our 166 veterans' hospitals. Their feeling was unanimous—more funds are needed for increased staffing; more funds are needed for maintenance and repair; more funds are needed for dental care.

Mr. Speaker, I have voted for cuts in the administration's overall budget for 1971 which total well over one-half billion dollars. I realize the need to hold down Federal spending, but we cannot let our returning servicemen bear the brunt of our fight against inflation by allowing them to have second-class medical care.

For fiscal year 1971, the administration recommended spending $1,752,200,000 for VA medical care. The House of Representatives, on May 12, passed H.R. 17548 appropriating $25 million more than requested by the administration. The Senate, chiefly through the efforts of the chairman of the Veterans Affairs Subcommittee, Senator ALAN CRANSTON, passed an appropriation for medical care totaling $1,857,200,000. I agree with Chairman TEAGUE that the Senate-passed amount will not accomplish all that is needed but "these additional funds which the Senate added will make a significant step toward overcoming the serious shortages which exist in fulfilling America's obligation to its sick and disabled veterans."

Chairman TEAGUE, perhaps the most knowledgeable person regarding the veterans' program in the United States, has conducted a study which concludes that veterans' hospitals are in great need of $180.5 million more than the amount recommended by the administration. In other words, the directors of the 166 Veterans' Administration hospitals feel that $70 million more than the conference level is needed in order to properly and promptly care for America's disabled veterans.

California veterans hospitals have been especially hard-hit by both an influx of patients and insufficient funding. Directors of the California VA hospitals and outpatient clinics report that their proposed funding level for 1971 is $20.4 million less than is necessary to maintain quality care.

In commenting on over $4 million in funding deficiencies at the Los Angeles medical complex, the director said:

> In spite of our constant efforts to improve nursing and building management services, the progressive needs which are developing are advancing more rapidly than our means.

Mr. Speaker, this reflects the frustration which is prevalent in our hospitals today.

Thus, Mr. Speaker, I commend the conferees for their foresight and for their compassion. While the funding level is not as great as I feel it should be, it will allow a beginning toward assuring the veterans of this country the best possible medical care.

Mr. RANDALL. Mr. Speaker, it is my intention to be against any straight or general motion to recommit without enumerated instructions. I submit that such a procedure is in itself a sort of exercise in one-upmanship. Who among us can possibly believe that simply to recommit the bill to the conferees would

lead to any different result than we have before us today. It is an effort in make believe to try to fool the uninformed observer that a sincere effort is being made to save money.

I make this statement only because I must explain it is with a disturbed feeling that I find myself with no available alternative other than to vote against the motion to recommit the conference report on the independent offices and Housing and Urban Development appropriation bill. This unhappy circumstance exists because of the practice of lumping together controversial items in a single bill. It is a procedure which places all Members in an untenable position, requiring them to continually to seem to have to accept the bad with the good.

To illustrate, this bill carries more than $1⅓ billion for urban renewal. This is an enormous amount of money. It is directed to one phase of our urban problems—housing. No one can be unsympathetic to the plight of those unfortunates who live in substandard environment. But what we are doing is starting on an endless cycle. The appropriation is at best a sort of a stopgap measure. It does not take in account that much greater sums will be needed in these same urban areas to rehabilitate the schools, to provide job opportunities and restore the commercial properties in the areas to a more serviceable condition.

I am no expert on urban renewal; yet those who do possess an expertise say that to do any kind of a thorough job on urban renewal it would require $20 billion a year for the next 5 years or a total of $100 billion. The point I would hope to make is that such huge an enormous expenditures is far too great to pledge or even consider until after there is a study of the cost-benefit ratio for revitalizing rural areas of America. I have reference to inaugurating a program that would encourage millions of people who have crowded into metropolitan areas the past few years to return to our smaller towns and communities.

It is my sincere hope that none of my friends from the Chicago area will regard the following comments as any slight toward that great city. That huge metropolis has always been one of my favorite places. Recently, however, a well known scholar in urban affairs stated the reason for a city the size of Chicago had ceased to exist. He added that the time had past when such a large city was needed as a rail hub or even as a distribution center. Of course, this particular author can be wrong about Chicago but his opinion is buttressed by other students of urban affairs as to other cities who say as long as people continue to congregate or concentrate in our great cities it is a hopeless task to try to eliminate the ghettos. As soon and as surely as one is cleaned up or rebuilt another will spring up somewhere else in the same city. I am firmly convinced there is not enough money in the U.S. Treasury to eliminate all of the ghettos in America. It is for that reason I had hoped the minority would offer a motion to recommit with instructions to reduce this huge amount for urban renewal.

In this bill there is $30 million for urban research and technology. No one can oppose such research. I wish I could be sure that the brain trust down at HUD would break the shackles that have chained them to those old wornout ideas which commit them to rebuilding our present cities where they stand. Instead, they should open their minds to become receptive to the great opportunities existing in rural and small-town America for better housing, better job opportunities with the restoration of life and hope to all the inhabitants of our crowded cities. If only we would spend $1⅓ billion on a well-planned and well-coordinated program of rural revitalization, we would be much farther ahead toward the solution of the great problem of rural-urban population imbalance.

If there was an opportunity to have a separate vote on such a huge appropriation for urban renewal, I am sure the sum would be reduced. As it exists today, urban renewal is nothing but a band-aid or just some very expensive first aid or resuscitation for our big cities at the very time when there are such bright prospects for better alternatives in rural America.

With these objections spread on the record, I will oppose a straight or general motion to recommit because such action would only delay other meritorious items in the bill. For example, the $500 million item for water and sewer grants, while not in conference, should be given immediate approval without any further delay. Those who really believe in trying to clean up our environment and give meaning to the impetus that started on Earth Day and also believe that the science of ecology can have pactical applications with beneficial results recognize that the $150 million contained in the budget was only a token appropriation when you spread it across all of our 50 States. We in the House by separate vote this year approved $500 million or an increase of $350 million. The Senate concurred in our action. A general motion to recommit would imperil or delay this program to adequately fund efforts to eliminate pollution which is an existing domestic problem of the very highest priority.

Now, Mr. Speaker another one item in disagreement which would be periled by a straight motion to recommit is the item for medical care in our veterans hospitals. Have any of us forgotten the recent story in Life magazine and the large volume of mail that story generated over the charge our Vietnam veterans were not receiving top quality medical care? I applaud the conference committee's work for their increase in these sorely needed funds.

Recently I had occasion to visit our veterans hospital in my own district in the eastern portion of Kansas City, Mo. At that time the Administrator outlined his many needs. On that visit I saw patients who had been waiting to see a doctor for 6 or 7 hours. When faced with facts such as these, which I know are duplicated all across America, $1¾ billion is just not enough for good medical care for our deserving veterans and particularly those whose bodies have been torn by the Vietnam conflict.

The final figure in the bill for medical care for veterans is $1,857,200,000. It is $105 million over the President's budget figure and is even $80 million over our House figure. I hope that I had the reputation over the years for being economy minded. I have opposed both authorization and appropriation bills in this second session of the 91st Congress. There are countless items of Federal expenditures that can be reduced. Notwithstanding good veteran care is one of those irreduceable items that is completely consistent with federal financial responsibility.

We are currently engaged in a seemingly endless debate over the change of rules of the Congress. Some call it reorganization and some may call it reform. Surely there is a better way to accomplish an appropriation effort than bundling so many different items into one package. Why is it we should have to swallow this staggering amount for urban renewal with its questionable benefits in order to be sure there are adequate funds for water and sewer treatment facilities? Should we any longer be forced to support a program of rebuilding the ghettos which will never be fully completed in order to see there is top-quality medical care for our deserving veterans. That is the situation which may hopefully, before the debate is over on congressional reform, receive some attention. For the time we have no choice but to accept the conference report because of the many meritorious appropriations it provides.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HAYS). The question is on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. BOW

Mr. BOW. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. BOW. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BOW moves to recommit the conference report on H.R. 17548 to the Committee of Conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the "ayes" appeared to have it.

Mr. YATES. Mr. Speaker, I ask for a division.

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 228, not voting 46, as follows:

[Roll No. 238]

YEAS—156

Abbitt	Findley	Nelsen
Abernethy	Fish	O'Konski
Adair	Ford, Gerald R.	Pettis
Anderson, Ill.	Foreman	Pirnie
Andrews, N. Dak.	Fountain	Poff
Arends	Frelinghuysen	Price, Tex.
Ashbrook	Frey	Quie
Beall, Md.	Goldwater	Railsback
Belcher	Goodling	Reid, Ill.
Bell, Calif.	Gross	Reifel
Bennett	Grover	Rhodes
Betts	Gubser	Robison
Biester	Hall	Roth
Blackburn	Hammer-schmidt	Rousselot
Bow	Hansen, Idaho	Ruppe
Bray	Harsha	Ruth
Broomfield	Harvey	Sandman
Brotzman	Hastings	Satterfield
Brown, Mich.	Hogan	Saylor
Brown, Ohio	Hosmer	Schadeberg
Broyhill, N.C.	Hunt	Scherle
Broyhill, Va.	Hutchinson	Schmitz
Buchanan	Jarman	Schneebeli
Burke, Fla.	Johnson, Pa.	Schwengel
Burton, Utah	Keith	Scott
Byrnes, Wis.	Kleppe	Shriver
Camp	Kuykendall	Skubitz
Carter	Kyl	Smith, Calif.
Cederberg	Landgrebe	Smith, N.Y.
Chamberlain	Langen	Snyder
Clancy	Latta	Springer
Clausen, Don H.	Lujan	Stanton
Clawson, Del	Lukens	Steiger, Ariz.
Collier	McClory	Steiger, Wis.
Collins	McCloskey	Taft
Conable	McClure	Talcott
Conte	McCulloch	Taylor
Corbett	McDade	Teague, Calif.
Coughlin	McDonald, Mich.	Thompson, Ga.
Cowger	McKneally	Thomson, Wis.
Crane	Mailliard	Vander Jagt
Daniel, Va.	Marsh	Watkins
Davis, Wis.	Martin	Whalley
Dellenback	Mathias	Wiggins
Denney	May	Williams
Dennis	Melcher	Wilson, Bob
Derwinski	Michel	Winn
Devine	Miller, Ohio	Wold
Dickinson	Mize	Wyatt
Edwards, Ala.	Montgomery	Wylie
Erlenborn	Morton	Zion
Eshleman	Myers	Zwach

NAYS—228

Adams	Davis, Ga.	Green, Pa.
Addabbo	de la Garza	Griffin
Albert	Delaney	Griffiths
Alexander	Diggs	Gude
Anderson, Calif.	Dingell	Haley
Andrews, Ala.	Donohue	Halpern
Annunzio	Dorn	Hamilton
Ashley	Dowdy	Hanley
Aspinall	Downing	Hanna
Ayres	Dulski	Hansen, Wash.
Barrett	Duncan	Harrington
Bevill	Dwyer	Hathaway
Biaggi	Eckhardt	Hays
Bingham	Edmondson	Hébert
Blanton	Edwards, Calif.	Hechler, W. Va.
Blatnik	Eilberg	Heckler, Mass.
Boggs	Esch	Helstoski
Boland	Evans, Colo.	Henderson
Bolling	Evins, Tenn.	Hicks
Brademas	Farbstein	Holifield
Brasco	Fascell	Horton
Brinkley	Feighan	Hull
Brooks	Fisher	Hungate
Brown, Calif.	Flood	Jacobs
Burke, Mass.	Flowers	Johnson, Calif.
Burleson, Tex.	Foley	Jonas
Burlison, Mo.	Ford, William D.	Jones, Ala.
Burton, Calif.	Fraser	Jones, N.C.
Byrne, Pa.	Friedel	Jones, Tenn.
Cabell	Fulton, Pa.	Karth
Caffery	Fulton, Tenn.	Kastenmeier
Casey	Fuqua	Kazen
Celler	Galifianakis	Kee
Chappell	Garmatz	Kluczynski
Chisholm	Gaydos	Koch
Clark	Gettys	Kyros
Cleveland	Giaimo	Landrum
Cohelan	Gibbons	Leggett
Corman	Gilbert	Lennon
Culver	Gonzalez	Long, La.
Daddario	Gray	Long, Md.
Daniels, N.J.	Green, Oreg.	Lowenstein
		McCarthy
McFall	Patman	Stafford
Macdonald, Mass.	Patten	Staggers
MacGregor	Pepper	Steed
Madden	Perkins	Stephens
Mahon	Philbin	Stokes
Mann	Pickle	Stratton
Meeds	Pike	Stubblefield
Mikva	Poage	Stuckey
Miller, Calif.	Podell	Sullivan
Mills	Preyer, N.C.	Symington
Minish	Price, Ill.	Teague, Tex.
Mink	Pryor, Ark.	Thompson, N.J.
Minshall	Pucinski	Udall
Mizell	Purcell	Ullman
Mollohan	Quillen	Van Deerlin
Monagan	Randall	Vanik
Moorhead	Reuss	Vigorito
Morgan	Riegle	Waggonner
Morse	Rivers	Waldie
Mosher	Roberts	Wampler
Moss	Rodino	Watson
Murphy, Ill.	Roe	Watts
Murphy, N.Y.	Rogers, Fla.	Whalen
Natcher	Rooney, N.Y.	White
Nedzi	Rooney, Pa.	Whitehurst
Nichols	Rosenthal	Whitten
Nix	Rostenkowski	Widnall
Obey	Roybal	Wolff
O'Hara	St Germain	Wright
Olsen	Scheuer	Wyman
O'Neal, Ga.	Shipley	Yates
O'Neill, Mass.	Sisk	Yatron
Passman	Slack	Young
	Smith, Iowa	Zablocki

NOT VOTING—46

Anderson, Tenn.	Fallon	Pollock
Baring	Flynt	Powell
Berry	Gallagher	Rarick
Brock	Hagan	Rees
Bush	Hawkins	Reid, N.Y.
Button	Howard	Rogers, Colo.
Carey	Ichord	Roudebush
Clay	King	Ryan
Colmer	Lloyd	Sebelius
Conyers	McEwen	Sikes
Cramer	McMillan	Tiernan
Cunningham	Matsunaga	Tunney
Dawson	Mayne	Weicker
Dent	Meskill	Wilson, Charles H.
Edwards, La.	Ottinger	Wydler
	Pelly	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Baring for, with Mr. Dent against.

Mr. Berry for, with Mr. Reid of New York against.

Mr. Cramer for, with Mr. Button against.

Mr. Bush for, with Mr. Matsunaga against.

Mr. Cunningham for, with Mr. Ryan against.

Until further notice:

Mr. Sikes with Mr. Roudebush.

Mr. Rogers of Colorado with Mr. Sebelius.

Mr. Fallon with Mr. Wydler.

Mr. Charles H. Wilson with Mr. Pollock.

Mr. Tiernan with Mr. Weicker.

Mr. Howard with Mr. Pelly.

Mr. Carey with Mr. Conyers.

Mr. Ottinger with Mr. Clay.

Mr. Gallagher with Mr. Meskill.

Mr. Edwards of Louisiana with Mr. Mayne.

Mr. Anderson of Tennessee with Mr. Brock.

Mr. Colmer with Mr. Lloyd.

Mr. Ichord with Mr. McEwen.

Mr. McMillan with Mr. King.

Mr. Flynt with Mr. Tunney.

Mr. Hagan of Georgia with Mr. Rarick.

Mr. Rees with Mr. Powell.

Messrs. JACOBS, WHITTEN and JONES of Alabama changed their votes from "yea" to "nay."

Messrs. FINDLEY and SCHWENGEL changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendments No. 7: On page 9, line 12, strike out: "Augusta, Georgia, Honolulu, Hawaii, Indianapolis, Indiana, Houma, Louisiana, Albany, New York, Providence, Rhode Island, Denton, Texas, and Seattle, Washington," and insert: "Honolulu, Hawaii, Indianapolis, Indiana, Frankfort, Kentucky, Fitchburg, Massachusetts, Albany, New York, Bronx, New York, and San Antonio, Texas,".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert: "Honolulu, Hawaii, Indianapolis, Indiana, Albany, New York, and Bronx, New York,".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 8: On page 9, line 12, strike out: "Independent Offices Appropriation Acts, 1964, and 1967, and the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968," and insert: "Independent Offices Appropriation Act, 1967, and the Independent Offices and Department of Housing and Urban Development Appropriation Acts of 1968 and 1970,".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 9: On page 10, line 13, insert:

"Post Office and Federal office building, Augusta, Georgia, in addition to the sum heretofore appropriated, $2,694,000;".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 9 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 12: Page 10, line 24, insert:

"Post Office and Federal office building, Houma, Louisiana, in addition to the sum heretofore appropriated, $2,064,000;".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

The motion was agreed to.

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 12 and concur therein.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: Page 11, line 21, insert:

"Post Office and Federal office building, Providence, Rhode Island, in addition to the sum heretofore appropriated, $1,355,600;".

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 19: Page 21, line 9, insert: "of which $10,000,000 shall be available only for use at the Mississippi Test Facility/Slidell Computer Complex and at other NASA facilities which can accommodate earth environmental studies to furnish, on a nonreimbursable basis, basic institutional and technical services to Federal agencies, resident at the complexes, in pursuit of space and environmental missions:"

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: Page 24, line 24, insert: "including necessary funds to complete the Institutional Investors Study."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 25 and concur therein.

The motion was agreed to.

The SPEAKEER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: Page 31, line 17, strike out:

"COUNCIL ON ENVIRONMENTAL QUALITY

"SALARIES AND EXPENSES

"For expenses necessary for the Council on Environmental Quality, in carrying out its functions under the National Environmental Policy Act of 1969 (Public Law 91–190), including partial support of the Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality, $650,000."

And insert:

"COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

"SALARIES AND EXPENSES

"For expenses necessary for the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91–190) and the National Environmental Improvement Act of 1970 (Public Law 91–224), including hire of passenger vehicles, and support of the Cabinet Committee on the Environment and the Citizens' Advisory Committee on Environmental Quality established by Executive Order 11472 of May 29, 1969, as amended by Executive Order 11514 of March 5, 1970, $1,500,000."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the sum named in said amendment insert: "$1,000,000".

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: Page 38, line 7, insert:

"LOANS FOR HOUSING AND RELATED FACILITIES FOR ELDERLY OR HANDICAPPED FAMILIES

"For loans authorized by section 202 of the Housing Act of 1959 (42 U.S.C. 1701q), $25,000,000."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert on page 41 after line 15:

"HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

"For the revolving fund established pursuant to Section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), $10,000,000, to remain available until expended."

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 55: Page 56, line 9, insert:

"SEC. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of the General Services Administration or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970."

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. EVINS of Tennessee moves that the House recede from its disagreement to the amendment of the Senate numbered 55 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 512. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment."

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members who have spoken on the conference report may have 5 legislative days in which to revise and extend their remarks, and that I may be permitted to include extraneous matter and tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

REPRESENTATIVE ALBERT HAILS HUD APPROPRIATION BILL

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ALBERT. Mr. Speaker, the House of Representatives today in giving final approval to the HUD appropriation bill has demonstrated in no uncertain terms that the 91st Congress is fully committed to a reordering of this Nation's national priorities. The Congress has acted to increase the President's budgetary requests for both urban renewal and water and sewer facilities by $350 million each. We have thus showed an awareness of the magnitude of the problems of urban decay and pollution with which this country is now faced. While in the light of the seriousness of those problems, these increases are undoubtedly quite modest, their significance is vital. Congressional increases in Presidential requests for urban renewal and water and sewer facilities funds are unprecedented. These increases, therefore, underline the urgency, and commitment to immediate and dynamic action in these areas, with which this Democratic Congress views these problems. I earnestly hope that President Nixon shares that view

and that not only will he sign this vitally needed measure, but of equal importance use the funds which we have provided to make a modest start in countering urban decay and in curbing pollution.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, on behalf of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE REORGANIZATION ACT OF 1970

Mr. SISK. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 17654, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read section 118, ending on page 39, line 4 of the bill, and there was pending an amendment offered by the gentleman from Texas (Mr. WHITE) and an amendment to the amendment offered by the gentleman from Iowa (Mr. SMITH).

The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH) to the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

PARLIAMENTARY INQUIRY

Mr. WHITE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE. Mr. Chairman, under what procedure at this time, insofar as we adjourned last evening and agreed to reconvene today for consideration of the amendment pending, offered by me, could the amendment be explained to the membership prior to this vote being taken?

The CHAIRMAN. The Chair would like to inform the gentleman from Texas that there was no Member on his feet seeking recognition, and for that reason the Chair put the question to the Committee.

Mr. WHITE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope the membership will recall the debate that transpired last evening. Those who were here will recall it. Some of the Members were not here and do not know what is contained in this amendment.

This amendment is an opportunity for real progress. In essence, this amendment will prove that at the time a quorum call is ordered, at the discretion of the Speaker or the Chairman of the Committee of the Whole House, he could call for tally sheets to be laid out, at which time the Members present shall be recorded.

Now, when a quorum is reached, of 100 Members in the Committee of the Whole House, or a quorum of the House, whichever was involved, the Clerk could advise the Speaker or the Chairman of the Committee of the Whole that a quorum was present, at which time a motion could be entertained that the further call of the roll be dispensed with.

At that time business would then resume. But for 30 minutes from the commencement of the quorum call the Members could come in and have their presence recorded.

The language is such that it does not restrict the manner in which this can be done. Tally sheets can be laid at any place in this hall that will cause least confusion and conflict.

I submit to the Members that this will cut down 20 minutes of our 30 to 35 minutes the quorum calls take today.

This does not conflict with the McClory amendment, which provides for electronic voting in the House itself. That amendment does not touch the Committee of the Whole House. My amendment does touch the Committee of the Whole House, to save considerable time there.

As an alternative, it also allows such a procedure in the House itself. If the electronic system which is to be provided for breaks down, then we would have this alternative. If we have not acquired an electronic system by the next Congress, then this alternative would be available.

It is strictly discretionary, and it does not disturb present procedures.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Illinois.

Mr. McCLORY. I just want to point out that the rules of the House do provide that the rules of the proceedings of the House shall be observed in the Committee of the Whole House so far as may be applicable, so if we do install an electronic voting system it would be capable of use in the Committee of the Whole as well as in the House.

Mr. WHITE. The gentleman may be right on that, but this would not conflict. This an alternative proceeding which may be used.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Iowa.

Mr. GROSS. Is the gentleman saying that this is discretionary both with the Speaker and the Chairman of the Committee of the Whole?

Mr. WHITE. Respectively, yes.

Mr. GROSS. Why does the gentleman want to give that kind of discretionary authority?

Mr. WHITE. Because there may be occasions when we would find there could be a considerable saving of time. In his discretion and in his judgment he could use this system, if there might be a saving of time.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Arizona.

Mr. UDALL. I commend the gentleman from Texas on the leadership he has shown in bringing forward this amendment. I am proud to be a cosponsor.

It is permissive. It is discretionary. It is optional. It is simply another tool by which the Speaker and the Chairman of the Committee of the Whole can seek to cut 15 or 20 minutes off of the time required every time we have a call of the House.

Mr. WHITE. I thank the gentleman.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from New York.

Mr. SCHEUER. I should like to add my congratulations to the gentleman from Texas. He has been working on this for a long period of time in an extremely professional and thoughtful way. I believe this amendment would save each Member untold hundreds of hours every year. Mr. WHITE has informed me that, averaging two quorum calls per day, the House consumes one-sixth of its working day on quorum calls. If at least 350 Members out of 435 answer their names as is usual, each such day 43 8-hour man-days are used in quorum calls, or the equivalent of over $7,000 per day in the money value of the Member's time. We are all in the gentleman's debt for the fine job he has done.

Mr. WHITE. I thank the gentleman.

If this is found not to be useful, then of course it will remain dormant. If it is useful it will save a considerable amount of time of the Members of the Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 68, noes 20.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 39, after line 4, insert the following new section:

"SEC. 120. Clause 6 of Rule XXIII of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentence: 'If time for debate on such section or paragraph is limited under this clause, a Member shall not be recognized to speak on such pending amendment.'"

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the Clerk reread the amendment. I believe he eliminated part of it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk reread the amendment.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent that the amendment as read include the following language, which was intended: "during that limited time if he has previously spoken thereon."

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SISK. Mr. Chairman, reserving the right to object, and I will not object, the copy of the amendment that was delivered to us by the gentleman from New York certainly is not in line with what I understood to have been read. Is the gentleman striking out part of what he originally proposed to offer?

Mr. BINGHAM. That is correct.

Mr. SISK. If the gentleman will yield further, what I am trying to do is simply get to what we have pending before us. Under my reservation to object at what point, in the matter which we have before us and which has been distributed, does the gentleman propose to cut off the language?

Mr. BINGHAM. Everything following the words "if he has previously spoken thereon". I think if I could explain the amendment, Mr. Chairman, I could answer some of the questions which have been posed by the gentleman from California.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. HALL. Mr. Chairman, reserving the right to object, we cannot write legislation on the floor this way. May I respectfully suggest that the gentleman from New York withdraw his amendment until it is perfected and then present it to both desks and give sufficient time until some of us have had an opportunity to review it. We cannot give unanimous consent that amendments be restructured in the well of the House. I have absolutely no objection to the gentleman offering his amendment, but I certainly recommend that he ask unanimous consent that it be withdrawn, perfected and presented to both desks.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent at this time to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 39, after line 4, add the following new section:

"SEC. 123(a) Clause 23 of Rule XI of the Rules of the House of Representatives is amended by adding at the end thereof the following: 'In addition, the Committee on Rules shall not report any rule or order for the consideration of any legislative measure which limits, restricts, or eliminates the actual reading of that measure for amendment or the offering of any amendment to that measure.'.

"(b) Clause 7 of Rule XXIII of the Rules of the House of Representatives is amended by adding at the end thereof the following: 'When any measure is reported from a Committee of the Whole House, it shall be in order, immediately after the adoption of the order for the engrossment and third reading of the measure and before consideration of the question of final passage, for any Member of the committee which has reported that measure to offer a motion that all necessary changes in that measure, which are purely technical and perfecting in nature and are subject to approval by such committee, be made in its engrossment. Such motion is of the highest privilege and shall be decided with debate. If such motion is adopted, then the technical and perfecting changes approved by the committee shall be deemed to have been read in the third reading, and shall be included in the engrossment, of that measure.'."

Mr. SISK. Mr. Chairman, I reserve a point of order on the amendment. However, I would be perfectly happy to have the gentleman from Indiana explain what he proposes to do, but I would like to reserve a point of order against the amendment.

Mr. SMITH of California. Mr. Chairman, I was going to make a point of order against the gentleman's amendment because it clearly limits and violates the rule under which we are proceeding. But if the gentleman has a desire to speak on it, I shall reserve a point of order until after the gentleman speaks on it.

Mr. JACOBS. I have expressed no such desire.

Mr. SMITH of California. Mr. Chairman, I raise the point of order that this very definitely limits the jurisdiction of the Rules Committee and would prohibit us from issuing a closed rule and other types of rules. The rule under which this measure was considered strictly prohibits the changing of any jurisdiction of any committee.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard on the point of order?

Mr. JACOBS. Mr. Chairman, as I understand the term "jurisdiction," it means the territory or subject matter over which legal power is exercisable, not the rules by which such power proceeds.

The CHAIRMAN (Mr. NATCHER). The Chair is prepared to rule.

The Chair would like to point out to the gentleman from Indiana that under House Resolution 1093 we have the following language, beginning in line 11:

No amendments to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in Rule XI.

Therefore, the Chair sustains the point of order.

PARLIAMENTARY INQUIRY

Mr. JACOBS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. JACOBS. Mr. Chairman, my parliamentary inquiry is for some enlightenment about the word "jurisdiction" itself, the definition of the word "jurisdiction"? Does it refer to subject matter and territory, or relate to the manner in which the Committee on Rules can make a report within its jurisdiction?

The CHAIRMAN. The Chair would like to point out to the gentleman from Indiana that under the amendment offered by the gentleman from Indiana there is the following language:

The Committee on Rules shall not report any rule or order for the consideration of any legislative measure which limits, restricts, or eliminates the actual reading of that measure for amendment or the offering of any amendment to that measure.

Therefore the amendment offered by the gentleman from Indiana restricts the jurisdictional powers of the Committee on Rules. For that reason the point of order must be sustained.

Mr. JACOBS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time, my amendment having been ruled out of order, simply to say for the record that one of the most intolerable shackles of the legislative process of the House of Representatives and its Committee of the Whole House on the State of the Union in my judgment is the so-called closed rule.

Now, it may well be—although I do not think so—that the petroleum industry in the United States is entitled to deduct for tax purposes an expense which it in fact has not incurred. Where I come from this is known as back-door spending by the Federal Government. Where I come from my constituents have some question about whether they should each pay from 50 to 75 to 100 or even more dollars a year above their fair share of taxes just so the petroleum industry in this country might pay substantially less than its fair share of Federal income taxes.

Now, it may well be that this is the will of the House of Representatives. It may well be that this is the will of the Committee of the Whole House. I think it is more likely that this loophole is not the will of the American people because of the billions of dollars that they have to pay in lieu of a fair share's being paid by the big oil companies.

But if it is the judgment of the House of Representatives that such loopholes or such excusing from the payment of tax should be accorded that industry, it strikes me that the day should come when this House of Representatives should be given the opportunity to vote specifically on that question.

In none of the days that I have served in the House of Representatives or in this committee has that opportunity ever been presented. And the device of the so-called closed rule has been the device by which I, as a Representative of nearly half a million Americans who pay taxes to make up for the taxes that the petroleum industry does not pay, have been denied the opportunity to vote upon that question. It is difficult for six

people to carry a piano. But it is especially difficult when two of the biggest ones are riding on it.

Now, I hear it said that ordinary, mere, mortal Members of Congress are not smart enough or well-informed enough or educated enough on the subject of taxes to comprehend the tax bill when it comes to the floor; to understand all its complications and complexities; we just do not understand it well enough to be allowed to offer amendments. And I submit to you that, more likely, one reason that such bills are reported in such a way is that Members of Congress such as myself understand the loophole tax bills all too well.

And speaking of "well"—some oil wells in this country have been depleted, as I understand, three, four, five, and 15 times.

So I merely take this time and I do not think I can fully do my duty to my conscience or to my constituents without saying that I hope the means will be afforded to the Members of the Congress to vote on the record either for or against these loopholes.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. It is true, however, is it not, that when one of these closed rules, to which the gentleman just stated he had objection—and I agree with his objection—comes to the floor of the House, the Members do have an opportunity to vote on the rule?

Mr. JACOBS. Yes; and if the majority of the Members—and I understand the gentleman's point and I will respond to it in this way—it is almost exactly the same as the bill itself—take it or leave it. If you vote on a closed rule that relates to one good and one bad matter you cannot reject the bad without rejecting the good.

I am saying I think a major issue of this kind should come to the vote of the House of Representatives as an issue itself and not bootlegged with other elements of true tax reform. In the notorious so-called tax reform bill we just passed, not a hair of the head of the petroleum industry was touched.

I do not like to talk personalities or talk about individuals. I do not care who is right. But I have the deep suspicion and belief myself about what is right in this situation, and I would like to have the opportunity to vote on it.

We are concerned about oil slicks in this country and I am beginning to be just as concerned about slick oil.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. CLEVELAND. Again I just want to make the point that on a closed rule if a majority of the membership objects to it, it will be turned down.

Mr. JACOBS. The point is not quite the same. It is like saying when you are drowning, you can have a life raft only if you will agree to have a tiger on it—which is a rather difficult choice to make.

Or putting it another way: "Give them someday our daily bread"—under certain conditions. I just do not think that an issue of this kind should be blocked from a vote in the House of Representatives since before I was born.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: on page 39, after line 4 and before line 5, insert the following:

"ADDITIONAL LIMITATION ON RULES AND ORDERS OF THE COMMITTEE ON RULES

"SEC. 119. Clause 23 of Rule XI of the Rules of the House of Representatives is amended by inserting immediately before the period at the end thereof a semicolon and the following: nor shall it report any rule or order which shall operate to prevent a vote to approve or disapprove any individual section of a bill or resolution"."

Mr. SISK. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SMITH of California. Mr. Chairman, I also reserve a point of order against the amendment.

The CHAIRMAN. The gentlemen from California (Mr. SMITH and Mr. SISK) have reserved points of order against the amendment offered by the gentleman from Ohio (Mr. VANIK).

The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, since the ruling of the Chair on this point of order would probably be identical with the ruling on the amendment that was offered by my distinguished colleague, the gentleman from Indiana (Mr. JACOBS), I will address the Committee within this reservation.

Mr. Chairman, I want to point out that what I was endeavoring to do in this amendment was to give the House an opportunity to vote section by section on a bill that comes to the House on a closed rule.

Now this would not permit the introduction of any new matter. It would not put the House in a position of writing a bill. But it would be a way of providing the membership of the House with a way of expressing itself on a specific section to which there may be great objection.

Under the closed rule procedure, we have developed a system of conglomerate legislation in which there are many different unrelated parts of legislation that are combined. The legislation comes here on a closed rule and the membership of the House has to either take the whole package or reject it.

I think that somehow or other if we gave the House an opportunity to vote on a proposal under a closed rule, section by section, it would permit the membership to express itself and we probably would end up improving the legislative product.

Under these circumstances, I expect to ask the Rules Committee, when the trade bill is submitted sometime in the next week or so, to recognize this principle and give the membership of the House the opportunity to reject a section which it may find unworthy or to which a majority may find objectionable. This would permit us, I believe, to perfect the legislative product without taking over from the appropriate committee the right to legislate in the general area.

Mr. Chairman, in light of the point of order that is made, I would like to have unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that his amendment be withdrawn?

Mr. VANIK. With the understanding that I can approach the Rules Committee later on and ask for this kind of language in a closed rule on bills such as the trade bill and other issues during the course of this session.

Mr. ANDERSON of Illinois. Mr. Chairman, with the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I do not think the gentleman should be under any illusions that the Rules Committee can grant the kind of rule the gentleman is suggesting he may request in connection with the trade bill. I realize he can request virtually any kind of rule, but I doubt very much that we would be able to furnish you with a rule telling the House how it shall conduct its voting on a particular bill, that it should vote at the end of every section. You would have to have a change in the Rules of the House rather than expect the Rules Committee, in a resolution reporting a bill to the House, to assume that burden.

Mr. VANIK. What rule of the House would prohibit the kind of rule I suggest? What prevents a separate vote on the bill section-by-section, if a rule permits this procedure?

Mr. ANDERSON of Illinois. I cannot point the gentleman to any rule that would prohibit it. Maybe it is something that might be barred by custom rather than a specific rule. But to my knowledge we have never attempted—and I see the ranking member on our side of the aisle here and he perhaps is in a better position than I am to attest to the customs of the committee—but I do not think you should suggest that we are to bear the responsibility of fulfilling that kind of request.

Mr. VANIK. Then I might suggest to the gentleman that the reform we have adopted on a teller vote has no effect when you deal with the difficult sections of a conglomerate bill that is presented to this body. I certainly hope some way might be developed to permit the membership of the House to express itself with respect to obnoxious sections in a bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio to withdraw his amendment?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chariman, I am particularly impressed with the fact that some of those who, only a few moments ago were so

insistent about changing the rules with respect to quorum calls, apparently for the purpose of seeing to it that the Members are on the floor and present for business, are conspicuous now by their absence.

Therefore, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Seventy-four Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 239]

Abbitt	Fallon	Meskill
Adams	Feighan	Ottinger
Alexander	Flynt	Pelly
Anderson, Tenn.	Foley	Pollock
Ashbrook	Fraser	Powell
Baring	Fuqua	Rarick
Berry	Gallagher	Reid, N.Y.
Blanton	Giaimo	Rogers, Colo.
Brock	Gilbert	Rosenthal
Bush	Gubser	Roudebush
Button	Harsha	Ryan
Clark	Hawkins	Scheuer
Clay	Hébert	Sebelius
Conyers	Ichord	Sikes
Corbett	King	Teague, Tex.
Cramer	Kuykendall	Thompson, N.J.
Cunningham	Lloyd	Tunney
Dawson	McDade	Weicker
Diggs	McEwen	Wilson, Charles H.
Dingell	Matsunaga	Wydler
Edwards, La.	Mayne	Wyman

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17654, and finding itself without a quorum, he had directed the roll to be called, when 366 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

(Mr. VANIK asked and was given permission to speak out of order.)

MEMORIAL SERVICE FOR THE LATE HONORABLE MICHAEL J. KIRWAN

Mr. VANIK. Mr. Chairman, I take this time to advise the House that on Tuesday, August 4, at 10:30 a.m. at St. Peter's Church, 313 Second Street SE., there will be a memorial service for our former distinguished colleague from Ohio, the late Honorable Michael J. Kirwan.

This will be the only memorial service for Mike Kirwan in the Washington area. I hope the Members of the House will endeavor to be present.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 39, immediately after line 4, insert the following:

"PRINTED RECORD OF HOUSE FLOOR PROCEDURES

"SEC. —. The Rules of the House of Representatives are amended by adding at the end thereof the following new Rule:

"'Rule XLV

"'Printed Record of Floor Procedures

"'1. The body of the Congressional Record for the House of Representatives shall contain an accurate and verbatim account of remarks actually delivered on the floor of the House together with such permitted tables, statistics, and other supporting data dealing directly with the subject matter under discussion; and such remarks and data shall appear in the order in which they were delivered.

"'2. Extensions and revisions of remarks in the Congressional Record delivered on the floor of the House shall be limited to the correction of grammatical and typographical errors; and in no event shall such corrections make any change in the meaning, content, or substance of those remarks.

"'3. Members shall be entitled to make insertions in the Congressional Record of remarks not actually delivered on the floor. As appropriate, such insertions shall appear following the record of the entire debate to which they are germane and prior to the record of a vote: *Provided*, That such insertions shall be printed in a type face distinctively different from that used for verbatim remarks.'"

And make the appropriate and necessary technical changes in the bill.

Mr. STEIGER of Wisconsin. Mr. Chairman, I hesitated for some time before offering this amendment. This amendment would create a new rule in the House of Representatives relating to the CONGRESSIONAL RECORD.

In essence, it does three things.

One, it says that the body of the RECORD shall contain an accurate and verbatim account of the remarks actually delivered on the floor and such remarks and data shall appear in the order in which they were delivered.

Two, it says extensions and revisions of remarks delivered on the floor shall be limited to the correction of grammatical and typographical errors and in no event shall such corrections make any change in the meaning, content, or substance of such remarks.

Number three is: Members shall be entitled to make insertions in the CONGRESSIONAL RECORD of remarks not actually delivered, but such insertions shall appear in a distinctly different type face from that used for the verbatim remarks.

Mr. Chairman, the Joint Committee on the Organization of the Congress in its report in 1967 said:

> The Congressional Record is intended to fulfill a number of functions. It is a chronology of the floor proceedings of both Houses. It is a basic source document for information on current legislative issues. It is a tool for the transmission of the views of the officeholder to his constituents.

In a chapter in the book "We Propose: A Modern Congress" the distinguished and able gentleman from Arizona (Mr. RHODES) in his chapter on "Floor Procedure" on page 213, said this:

> Finally, I would call attention to the privilege of Members to "revise and extend" remarks in the *Congressional Record*. The privilege is useful, and in the light of the very heavy burden today's Congressman carries, perhaps even necessary. In the interest of historical accuracy, however, I would recommend (1) that all remarks not actually delivered on the Floor of the House be set forth in different print from recorded debate, and (2) that the privilege of revising one's remarks be confined to grammatical correction and never allowed to alter the meaning or to misrepresent the circumstances of debate in colloquy between Members.

In essence this ought to be called the Rhodes amendment, because the substance and content of this amendment comes from that chapter of "We Propose" as written by the distinguished gentleman from Arizona (Mr. RHODES).

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from California.

Mr. SISK. I appreciate the gentleman's yielding.

I should like to get clear exactly what the gentleman seeks to do here. Under present procedures, of course, Members can extend their remarks only by unanimous consent; is that not right?

Mr. STEIGER of Wisconsin. That is correct.

Mr. SISK. And they can revise only by unanimous consent. Do I correctly understand that the intent of the language is to provide for Members a right under the rules to simply insert their remarks and have them printed, or to make such revisions as are outlined in No. 2, for example? There is no longer any necessity for unanimous consent or anything of that kind? Is that basically what the gentleman seeks to do?

Again, I am not discussing the merits. I am trying to get clear what the effect would be. As the gentleman knows, at the present time all this must be done by unanimous consent.

Mr. STEIGER of Wisconsin. My response to the distinguished chairman of the subcommittee of the Committee on Rules would be that unanimous consent would still be required or, as is the system that we use today, if, for example, in general debate a blanket unanimous consent were granted for all Members to extend their remarks in the body of the RECORD on the subject matter, that would still be required also.

What the intent of the amendment is is to say that the RECORD shall be a proceeding of those remarks actually delivered on the floor of the House, and those remarks which were not delivered but for which permission is granted would be set in a different type face than those which were actually delivered.

Mr. SISK. If the gentleman will yield further, I am sympathetic, I believe, with respect to what I believe my colleague and friend is attempting to get at. As the gentleman knows, our RECORD very often is criticized for all kinds of things it contains and for the fact that it does not necessarily contain exactly what a Member said, and so on.

I do raise this point, because it seems rather important to me, as I understand the rules today, that we can do these things only by unanimous consent. If the gentleman will note the language, for example, in number 3 of his amendment, it says, "Members shall be entitled to make insertions in the CONGRESSIONAL RECORD," et cetera et cetera. It would seem to me, if we put this into the rules, then we would be eliminating any necessity for unanimous consent.

Again I am not discussing the merits. Perhaps this is all right. Perhaps it is not. But I do believe we ought to know exactly what the impact of this would be

in connection with present practice and procedures.

(By unanimous consent (at the request of Mr. SISK) Mr. STEIGER of Wisconsin was allowed to proceed for 5 additional minutes.)

Mr. STEIGER of Wisconsin. May I say to the distinguished gentleman from California that my intent was that there would not be a change in the present practice or procedure as used in the House of Representatives insofar as extensions are concerned in the House.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman.

Mr. ECKHARDT. Do I understand this to be the intent of the bill in a practical situation. In the last session of Congress, as I recall it, in the debate on the anti-riot bill there was a question addressed on the floor to one of the authors as to whether or not the element of engagement in interstate commerce would include travel by interstate facility from one town that was in a State to another town that was in the same State. The reply to the inquiry was no, that it would require travel between two States. Later the gentleman who made the answer, and made it utterly in good faith, discovered that he was in error. So he talked to the inquirer and told him that he was going to have to change his answer. Of course, the person who made the inquiry made no protest because it was of no interest to him particularly and the second gentleman was acting with great cordiality and in the proper process. However, the result was that the next day we had a history of legislative enactment which, if used by a court, would indicate exactly the opposite matter before the House than that which was before the House as far as the legislative history is concerned. It was not just a matter between A and B, but it was the important necessity of having the true history before the House so that the court could properly interpret it that was in issue.

A I understand your amendment, this sort of thing would not be permitted even by unanimous consent, but an ordinary correction of grammar, for example, could be permitted by unanimous consent but only by unanimous consent. Is that the proper construction of the amendment?

Mr. STEIGER of Wisconsin. My answer to the gentleman from Texas is to say that the language of the amendment says, "in no event shall such corrections make any change in the meaning, content, or substance of those remarks," which is to say explicitly those remarks were the remarks that were delivered on the floor of the House.

Mr. ECKHARDT. I understand. I think it is a very laudable amendment. Without it we actually mislead the courts as to what the legislative history of a bill is in the instance of the type that I described.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comment.

May I say in further response to the gentleman from California that the rule, since this comes as a rule, which is not now the case, since this is under title 44 of the United States Code and the Joint Committee on Printing, I structured it in a way that says Members shall be entitled to make insertions to make very clear that that right is granted and not that the present practice and procedure in the House would be changed. Is that helpful to the gentleman in terms of trying to understand the intent of the amendment?

Mr. SISK. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from California.

Mr. SISK. I appreciate the statement that the gentleman makes as to the intent, but, of course, these rules will have to be interpreted in future years. I believe as I read this language it would eliminate any necessity of any unanimous-consent request because it makes it a part of a right. As the gentleman knows, to cite an example, I can get up and get unanimous consent, I suppose, to move the U.S. Capitol to Denver, if there was no objection. You can do almost anything here by unanimous consent, if no one objects. And if you want to proceed with it, that is. The point that I am making here is, then when we act to put in a rule, if we make it a rule, that the Members shall be entitled to make insertions, and I cited that also to some extent with the same kind of language in 1 and 2, it seems to me by rule it makes these things possible. There would be no point then in unanimous-consent requests. And, that there would be no point in having a unanimous-consent request, because a Member would have as a matter of privilege under the rules of the House the right anyway.

Again, I am not saying it is bad but I am not sure how we are going to do it.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. SISK. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I appreciate the interest of the gentleman from Wisconsin in connection with this matter regarding the CONGRESSIONAL RECORD, because over the years there has been a considerable amount of criticism of the content of the RECORD. There have been charges at times that the RECORD does not necessarily represent the actual occurrences on the floor of the House or exactly the words spoken. However, to the extent that some way could be devised to correct that criticism, of course I am all for it.

However, I would feel that without a better study of exactly how this language might be interpreted, I would almost have to oppose it because it does substantially revise what I understand to be our procedures today.

It seems to me that the language makes very clear that a Member shall be entitled to make insertions in the CONGRESSIONAL RECORD of remarks not actually delivered, and so on. But I would like to raise one further point with my friend, the gentleman from Wisconsin (Mr. STEIGER), in connection with this matter. Again, the gentleman may feel this is not a meritorious point, but it does go to the matter of expediting the work of the House.

Take for example, the bill which we are on right now, and on which we have been working for the better part of 3 weeks. We have from time to time sought unanimous consent for Members to have 5 legislative days in which to extend their remarks. Many Members have come to me and have asked for time and unanimous consent to extend their remarks and we have yielded for that purpose.

The point I am making is that in most cases I could visualize Members who would desire to have their statement in the RECORD on a given subject as though it was given at the time indicated by its place in the RECORD.

But I am inclined to think that if they were going to be tagged with a change in format or a change in type or the use of italics, or whatever the provision might be for setting up those remarks as not having been given on the floor, that most Members will insist upon their time to speak, which they have a right to do.

Again, I can visualize that this could double or triple the time element involved on so many matters that come before the House.

As the gentleman knows, in many cases there is a general unanimous-consent request here and that there may be as many as 50 Members or 75 Members who extend their remarks on a given subject because of their interest in and the work they have done on it. But under this procedure, I feel that a substantial percentage of those Members would probably insist upon taking the time to actually make their statement on the floor. Thus, it would seem to me that it would become a substantial delaying operation.

I yield to the gentleman from Wisconsin (Mr. STEIGER) to comment upon that observation.

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding, and I appreciate his comments. However, let me be perfectly clear and honest with the gentleman. Yes, you do run the risk that debate might be extended by virtue of making it so that there is a different type face used on those remarks not actually delivered. However, my point is that it seems to me that is the only fair way to do it, that we should differentiate between those who did deliver their remarks and those who did not. The RECORD today is simply not accurate.

If the gentleman will yield further, let me ask the gentleman——

Mr. SISK. I would be glad to yield to the gentleman, but let me say that I was looking around for the gentleman from Ohio (Mr. HAYS) who is here, and I do not know, but I hope he may contribute to this colloquy.

Because at the present time the CONGRESSIONAL RECORD is under the Joint Committee on Printing, and they have the jurisdiction over the type of printing and the arrangements of the RECORD, and things of that kind. And I recognize that this amendment, if it becomes part

of the rules, could change that situation possibly.

I am concerned about a thorough understanding of the change in procedure as well, and of the possibility that it could delay debate on the floor of the House in connection with matters before the House.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SISK was allowed to proceed for 5 additional minutes.)

Mr. SISK. I will yield to the gentleman from Wisconsin on that matter.

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentleman yielding again.

First, let me say that I did show this amendment to the gentleman from Maryland (Mr. FRIEDEL), the chairman of the Joint Committee on Printing, and to other Members—the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Ohio (Mr. DEVINE) so that they were aware of the amendment, of its impact, and what it proposed to do.

Second, let me ask the gentleman from California if he is saying that what I have stated as the legislative intent is not sufficient to get by this problem by saying by the way the rule is being rewritten, that unanimous consent must still be requested.

As I said, it is not my intent to disrupt the present practice, that unanimous consent still is required, but I suppose one could add those words if that would help.

Mr. SISK. If I understand what the gentleman is saying, the gentleman is saying that in spite of the language of—let us take No. 3 in the amendment, because I think it is more obvious there, the language says:

> Members shall be entitled to make insertions in the Congressional Record of remarks not actually delivered on the floor.

Now, what would be the point of a unanimous-consent request? What would you be seeking unanimous consent to do beyond the authority granted in that part of the RECORD, as I understand it?

Mr. STEIGER of Wisconsin. It is my understanding that permission is now possible for Members to extend their remarks with a unanimous-consent request. Am I wrong in that understanding?

Mr. SISK. That is correct. At any time the gentleman can get unanimous consent to do that.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Chairman, it seems to me that if you read the gentleman's amendment it does away with unanimous consent, and gives any Member a right to extend without restricting anybody in any way.

Mr. SISK. That is exactly the point.

Mr. HAYS. I do not think there is any question about that.

Mr. SISK. That is the point I was attempting to make. And it is my understanding the gentleman from Wisconsin said he did not intend to do that, but in spite of his intent the language says that, and certainly I believe would be so interpreted by any parliamentarian. At least, that is the concern I have.

Mr. HAYS. Mr. Chairman, it seems to me that what ought to be done here, and that is what was done yesterday with another amendment offered by a different gentleman, but with the same name, and that is withdraw the amendment and rewrite it to do what the gentleman intends it to do. I do not believe the gentleman intends to do away with the asking of unanimous consent, but that is the way his amendment is written. I think it certainly does do that.

Mr. STEIGER of Wisconsin. Mr. Chairman, if the gentleman from California would yield further, it is not my intent to do that, and I will ask unanimous consent to withdraw the amendment, if the gentleman will yield for that purpose, with the understanding it can be reoffered.

Mr. SISK. I yield to the gentleman from Wisconsin for that purpose.

Mr. STEIGER of Wisconsin. Mr. Chairman, I ask unanimous consent to withdraw the amendment with the understanding that it may be reoffered later.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. ECKHARDT. Reserving the right to object, Mr. Chairman, would the gentleman repeat his request?

The CHAIRMAN. The gentleman from Wisconsin will restate his request.

Mr. STEIGER of Wisconsin. Mr. Chairman, I had asked unanimous consent to withdraw the amendment, with the understanding that it could be reoffered later.

The CHAIRMAN. The Chair would like to inform the gentleman that the gentleman may request that the amendment be withdrawn.

Is there objection to that request?

Mr. ECKHARDT. Mr. Chairman, reserving the right to object, it would appear that a small amendment to the amendment could cure the matter. I happen to have one on the desk, and I should like to offer it.

Mr. STEIGER of Wisconsin. All right, I will be willing to withdraw my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry, was not the amendment withdrawn?

The CHAIRMAN. The Chair has not passed on that question.

Mr. ECKHARDT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SISK. Mr. Chairman, has my time expired?

The CHAIRMAN. The gentleman from California has 1 minute remaining.

Mr. SISK. Mr. Chairman, I may not necessarily have to use it, but I am trying to find out exactly where we are here.

I will simply say, it is my hope that the amendment which the gentleman from Texas apparently proposes to offer may clarify this issue. This does not mean we are prepared to accept the amendment. We will discuss the merits of the amendment at that time.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT of Texas to the amendment offered by Mr. STEIGER of Wisconsin.
>
> Strike out No. 3 of the amendment and add in lieu thereof:
>
> "3. The custom of Members making insertions and corrections in the Congressional Record by unanimous consent should not be otherwise altered."

The CHAIRMAN. The gentleman from Texas (Mr. ECKHARDT) is recognized.

Mr. ECKHARDT. Mr. Chairman, I recognize that this somewhat limits the amendment.

But I do not think it limits it in its essential purpose.

The amendment as offered by the gentleman from Wisconsin (Mr. STEIGER) did two things. First. It prevented material changes in colloquy between Members during floor debates.

Now that appears to me is so eminently correct that no one could disagree with it. If such changes are permitted, fundamental changes in colloquy, we falsify the legislative history of a bill—and we have done this several times in my short period in this House. I do not think that should be permitted.

I think if the rule prohibited it, the Members would abide by the rule voluntarily.

But the other thing that the Steiger amendment did was to provide for a different kind of type in inserted material from that which is used in actual statements on the floor. Now that, it seems to me, is not so fundamental and is arguable both ways. One of the reasons we permit a Member to insert remarks is because we frequently limit debate and we do not want to prevent the man from expressing fully what his position was, even if he does not have a full opportunity to explain it. We do not want to point him out to his constituents as having thought of the matter later—which is perhaps not true. I do not agree with the latter part of the amendment. I do agree with the first part strongly. The section 3 which I have added, I think answers the entire question of unanimous consent.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. SISK. I appreciate that. I think that would eliminate that objection.

Let me ask the gentleman though, if the language as he understands it, and I

would assume, in (2) would preclude a Member under our procedure here in the morning hours—or maybe I should not use that term—I think it is used in the other body—but at the start of the session under the 1-minute speeches from extending his remarks? That is, he would ask unanimous consent to address the House for 1 minute and to revise and extend his remarks. Would this preclude him from doing that? In other words, the RECORD would only carry that portion of his statement given on the floor?

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. STEIGER of Wisconsin. May I say to the distinguished gentleman from California that number (2) has nothing to do with that question because (3) has to do with extensions and revisions of remarks in the CONGRESSIONAL RECORD delivered on the floor.

What the gentleman from California has just asked goes to number (3) which the gentleman from Texas proposes to amend.

Mr. ECKHARDT. I would state further in answer to the gentleman from California's question that if there is any question about that, the provision in paragraph 3 would take care of it because it envelops into the amendment the customs of the House with respect to the enlargement or correction of remarks.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio.

Mr. HAYS. If we could have the attention of the gentleman from Wisconsin, going back to what the gentleman from California said about 1-minute speeches, frequently I have seen a Member get permission to speak for 1 minute, to revise and extend his remarks, and in the middle of his remarks, when he is cut off, he puts in the balance that he did not get to speak because of the amount of time that was given. It seems to me that under the gentleman's amendment we would have part of the speech in one type, part of it in another type, and the part spoken printed in one place in the RECORD, and the part extended in another. How would you get around that situation?

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. The gentleman from Ohio is correct. If the Eckhardt amendment is not adopted and we went back to the old language in my original amendment, the gentleman from Ohio would be absolutely correct. We would have one type and then another. The gentleman from Texas proposes to maintain the custom we now follow, which is that a Member can extend and revise his remarks and they would be in the same type. If that is the pleasure and will of the House, frankly that is what we ought to do. The major thrust is to try at least to make accurate in the RECORD what is said on the floor, so we do not get into the position where substance is changed from what one has said through revision.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. HAYS, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 5 additional minutes.)

Mr. ECKHARDT. In striking all of section 3, we would strike all reference to different type faces, and also we would include in section 3 the provision that the custom of the House with respect to correction and extension is continued.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Ohio

Mr. HAYS. I think we ought to make a little legislative history here in the event that this amendment is adopted. I would like the gentleman from Wisconsin to comment: As I understand what the gentleman is saying, if the Eckhardt amendment is accepted, then under section 2 of his amendment, which would limit corrections to grammatical and typographical errors, and so on, a Member could, in making a 1-minute speech, put in the balance of the speech that he did not get to deliver when he was cut off by the limitation of time. Nothing in the gentleman's amendment would preclude that; is that correct?

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield so that I may respond?

Mr. ECKHARDT. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. The answer is yes.

Mr. ECKHARDT. I agree that the answer is yes.

Mr. FASCELL. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. ECKHARDT. I yield to the gentleman from Florida.

PARLIAMENTARY INQUIRY

Mr. FASCELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FASCELL. If there is no prohibition in the rule for the Speaker to recognize any Member for a unanimous-consent request, is it not true that the Speaker can recognize any Member for a unanimous-consent request?

The CHAIRMAN. The power of recognition is in the Speaker. He has the right to recognize any Member on the floor.

Mr. FASCELL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FASCELL. The point specifically is that by rule the Speaker can be prohibited from recognizing a Member for a unanimous-consent request; is that not correct?

The CHAIRMAN. The Chair would like to inform the gentleman that his statement is correct.

Mr. FASCELL. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FASCELL. Is it not true, therefore, that if there is no prohibition in the present amendment, any Member could rise and the Speaker could recognize him for a unanimous-consent request to waive that particular rule at that moment?

The CHAIRMAN. The Chair would like to inform the gentleman that under those conditions it would require unanimous consent. Any Member could object. The Speaker could object.

Mr. FASCELL. Mr. Chairman, one further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FASCELL. May a rule be waived by unanimous consent, either temporarily or permanently?

The CHAIRMAN. The Chair would like to inform the gentleman that there are rules of the House that the Speaker himself does not have the right to waive.

Mr. FASCELL. Mr. Chairman, I cannot quite reconcile that ruling with the previous ruling of the Chair as to the present rules of the House which specifically point out the instances in which the Speaker is prohibited from recognizing a Member for a unanimous-consent request, aside from the right which a Speaker has to recognize or not to recognize a Member who may stand and want to speak. For example, may I read what I refer to?

The CHAIRMAN. The gentleman may proceed.

Mr. FASCELL. Clause 8 of rule XV says:

> It shall not be in order for any Member to introduce to or to bring to the attention of the House during its sessions any occupant in the galleries of the House; nor may the Speaker entertain a request for the suspension of this rule by unanimous consent or otherwise.

That is a direct prohibition on the Speaker, as I understand it. Therefore, that is the reason for my parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. In answer to the gentleman, the Chair would like to state again that there are rules that the Speaker does not have the right to waive.

Mr. FASCELL. And the one I read is an example of that.

The CHAIRMAN. The gentleman is correct.

Mr. FASCELL. Therefore, we are able to reconcile the previous rulings of the Chair, which is that the present amendment does not contain a direct prohibition on the Speaker to recognize, and therefore, as I understand the rulings of the Chair, if the language of this amendment is adopted, a Member may ask unanimous consent to do what he may not do under this amendment; is that not correct?

The CHAIRMAN. The Chair would like to inform the gentleman at this time that the Chair will not endeavor to place an interpretation upon the amendment now pending before this Committee and for that reason could not give the gentleman an answer to his inquiry.

Mr. ECKHARDT. Mr. Chairman, may I state that as I understand the amendment, it does not purport to limit the Speaker in any way. If a wrong answer, for instance, has been given, and a Member wants to correct that answer, he may ask specifically for unanimous consent to change his answer from yes to no, but it appears in the RECORD that the request was made.

What this gets at is the general request for a revision and extension of remarks so that the man who makes the wrong answer, without ever asking permission for unanimous consent to change it, changes it and at no place in the RECORD does it appear that he was given unanimous consent to change his answer from yes to no.

Mr. SMITH of California. Mr. Chairman, I rise in opposition to the amendment and I am opposed to the amendment to the amendment.

I have sympathy with both gentlemen in connection with the problem, and I do think we have problems in this area. But I think we are going to run into a tremendous amount of trouble if we try to write something like this into the rules.

Title 44 of the United States Code sets forth laws for the Government Printing Office to follow, and the House and the Senate, through the Joint Committee on Printing, interpret the laws as set forth therein. To some extent we would be writing into the rules of the House of Representatives a change in the laws in connection with the Government Printing Office.

I realize the amendment to the amendment suggests we strike out paragraph 3, but if we go down to printing in type face distinctly different, we could cause nothing but confusion with the Government Printing Office.

Then there is a regulation, I think, that if the cost is too great, or the insertions, let us say on Extensions of Remarks, "The Public Printer shall withhold any Extensions of Remarks which exceed economical press fill or exceed production limitations." Sometimes the Member has to come back to the House and say the copy exceeds more than a certain amount, and ask unanimous consent for it to be placed in the RECORD regardless of the excessive cost.

In addition to that, without in any way being critical of our very fine reporting staff, sometimes we do not speak too clearly around here, maybe too fast at times, sometimes it is pretty difficult to get accurately when a number of us are talking at once, and we could have some very definite factual errors in our statements when we get them back unless they are corrected. That could mislead the entire body. The only person who can give an accurate and verbatim account is the individual who made the remarks on the floor.

If we do not give an individual a right to correct his remarks and to make them as accurate and verbatim as possible, the RECORD could be erroneous. I believe we would be making a mistake in writing this into the rules of the House. I believe we could clutter up the RECORD.

I believe that 300 words is the limit for a 1-minute speech. That might be prohibited.

Then, when there are special orders for the day, I am not certain where they would come in the RECORD, if this is passed. I do not know whether they would be at the end, in the middle, during the business of the House, or whether they would get lost in the RECORD.

Mr. Chairman, although I have sympathy for the gentleman's position, I believe it would be bad for us to try to write this into the rules on the floor of the House today. I oppose both the amendment and the amendment to the amendment.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a great deal of sympathy for what the gentleman is trying to do. I would say to the gentleman, I have been a member of the Joint Committee on Printing for a great many years, up to the beginning of this Congress, when I relinquished the chairmanship of the Subcommittee on Printing to take the chairmanship of the Subcommittee on Accounts.

I would say to the gentleman, under the present rules and the present law the Joint Committee on Printing has jurisdiction over the RECORD, and the Joint Committee has not been adamant in maintaining the rules as they were written originally. There have been many changes.

During my tenure one change was the limitation of insertions to a certain number of words.

I will say to the gentleman further, that it is against the rules now to make substantial changes in the language in a revision of remarks, which changes the content or meaning of what was said on the floor. That is already in the rules. The only trouble is, how does one enforce it? One does not enforce it unless the person affected makes a complaint. Frequently, when they read it in the CONGRESSIONAL RECORD, they do not want to raise a fuss about it, they do not want to rise to a question of personal privilege, and they do not want to move to have it stricken from the permanent RECORD.

Again let me reiterate that I am sympathetic with what the gentleman is trying to do. I believe something can be worked out.

I do not want to oppose the gentleman's amendment and ask for it to be defeated, but if we could get the amendment withdrawn, the gentleman could go to the Joint Committee on Printing and make his proposals and let them work out the mechanics of it. I cannot guarantee that they would accept the gentleman's proposals, but I do know from my experience that they would get a friendly reception, and I believe probably would be accepted, and then it would not disturb the whole mechanism which we have now of allowing this committee to supervise the CONGRESSIONAL RECORD.

This is not an easy task and, frankly, it is not done by the committee members. Let me be candid about it. It is done by a bipartisan staff. The staff director is a Democrat. The assistant staff director is appointed by the Republicans. When a rules change is made by the committee, they work out the mechanics of how it is to be done. I am talking about a rules change so far as the composition and makeup of the RECORD is concerned.

I do not want to belabor this, but another thing we worked out during my tenure there—and it was not easy—related to the fact that always, up to a year or two ago, the CONGRESSIONAL RECORD started with the proceedings of the Senate first and those of the House second. We worked out a procedure where they now alternate. Some days the RECORD opens with the House proceedings first, and on the subsequent day with the Senate proceedings first.

That does not seem very important, but it is a matter that we are two coequal bodies.

I do not believe the gentleman has any problem. I believe what he is trying to do ought to be done, and there ought to be some way for a layman who reads the RECORD to know what was really said on the floor as against what was inserted. I believe that can be worked out.

If the gentleman really wants to meet with the committee, I believe they can do it.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield to me?

Mr. HAYS. I yield to the distinguished Speaker.

Mr. McCORMACK. A moment ago you made reference to the makeup of the RECORD where for years the Senate always appeared first.

Mr. HAYS. I want to give the Speaker credit. He is the one who really saw that through.

Mr. McCORMACK. No. I did not want all credit, but I just wanted to have the RECORD show that I had a little something to do with it.

Mr. HAYS. The Speaker instigated this reform.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate very much the statement that the gentleman from Ohio made and the fact that he made a suggestion. I am more than willing, quite frankly, because I did not think it was possible to amend title IV. I did it in this way, therefore, which is an amendment of the rules. If the gentleman from Texas is willing, I will withdraw the amendment and let the committee get on with its work.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Texas.

Mr. ECKHARDT. I understand that the gentleman is referring to the rules of the Joint Committee on Printing.

Mr. HAYS. That is right. Which has jurisdiction over the CONGRESSIONAL RECORD.

Mr. ECKHARDT. It seems to me this amendment properly acts on the conscience of the Members, asking them to enforce the same rule with respect to

material changes. It is for that reason I feel it is quite important that this be made as a change to the rules themselves.

Mr. STEIGER of Wisconsin. Would the gentleman from Ohio yield?

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. My suggestion would be in those circumstances we go ahead and vote on the amendment and I will pursue it with the Joint Committee regardless of the outcome.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. HAYS was allowed to proceed for 1 additional minute.)

Mr. HAYS. I have no objection to voting on the amendment. I would hope that the amendment would not be agreed to, because I think that the other way is a better way. I will say to the gentleman I think his amendment is subject to a point of order. I knew it when it was offered. I did not make it because I thought under the rule that this comes down here under, you cannot change the jurisdiction or the rules of a committee and this does change the jurisdiction of the Joint Committee, but I did not make the point of order because I thought we ought to have some discussion on this. I think the discussion has been worthwhile, and I hope something comes of it.

Mr. STEIGER of Wisconsin. If the gentleman will yield, I appreciate that. It was my understanding it was rule XI of the legislative committees that was subject to a point of order and the Joint Committee on Printing would not fall under it.

Mr. HAYS. I am talking about the whole subject of the amendment because it does fall under the jurisdiction of the Joint Committee on Printing. There is no question about that. But it is a moot question now, anyhow.

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that the colloquy here has been worthwhile discussing the situation with respect to the rule. I appreciate the attitude of the gentleman in offering it. As has been indicated, we are sympathetic to it, but since an opportunity will be afforded to pursue it through another method suggested by the gentleman from Ohio, I would ask that the amendment be voted down, and I ask for a vote on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 39, immediately following line 4, insert the following:

"SEC. —. (a) Clause 1 of rule X of the Rules of the House of Representatives is amended by adding at the end thereof the following new paragraph:

"'(v) Minority Committee on investigations, to consist of fifteen members as follows: Ten members of the minority party and five members of the majority party.'"

"(b) The rules of the House of Representatives are amended by adding at the end thereof the following new rules:

"'RULE XLV

"'MINORITY COMMITTEE ON INVESTIGATIONS

"'1. The Minority Committee on Investigations is authorized, acting as a whole or by any subcommittee thereof, to conduct studies and examinations of any activity of any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

"'2. The Minority Committee on Investigations is further authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such books, papers, documents, or vouchers by subpena or otherwise, and to take such testimony and records as it deems necessary.

"'3. Subpena may be issued over the signature of the chairman of the committee or subcommittee, or by any person designated by him, and shall be served by such person or persons as the chairman of the committee or subcommittee may designate.

"'4. The chairman of the committee or subcommittee, or any member thereof, may administer oaths to witnesses.'"

Mr. SISK. Mr. Chairman, I make a point or order against the amendment, but I shall be happy to reserve the point of order if the gentleman from New Hampshire wishes to speak on it.

Mr. CLEVELAND. I would appreciate it if the gentleman would reserve the point of order.

The CHAIRMAN. Under the reservation, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Chairman, the purpose of this amendment is to establish an investigatory committee which would be controlled by the minority party.

The subject matter of this particular amendment is treated in part at least in two sections of the book, "We Propose a Modern Congress." The first treatment of the subject is in a chapter which begins at page 14 of the book and later in the book there is a chapter written by our colleague, the gentleman from Illinois (Mr. MICHEL), which appears at page 163 of that book. I will ask consent that these be included following my remarks.

Mr. Chairman, one may ask why the minority should be given the control of an investigatory committee. The reason for this is that particularly when the majority party controls both Congress and the executive branch, there has been a feeling—and I think there have been some facts to back up that feeling—that Congress has not exercised its oversight function as vigorously as it should.

I think it can be safely said that even when the minority party in the House does control the executive branch questions will arise which should give the minority party an opportunity to exercise oversight and investigatory functions over the executive branch of the Government which would in my opinion be a very salutary situation.

Of course it can immediately be said that this is something that we who are in the minority, the Republican Party, is asking for, but would not be willing to grant it in the event we became the majority party. I am pleased to be able to inform the membership of this House that there is historic precedent for precisely such a situation.

When the Teapot Dome scandal broke in the 1920's, the Republican Party at that time did control both the House and Senate and the White House. The investigation of that scandal was turned over to a Democratic Senator, Senator Walsh, of Montana.

So, there is solid precedent for this proposal.

Second, there is another precedent for this proposal. In the British Parliament there is a tradition that the chairmanship of the fiscal oversight committee is usually given to a member of the minority party.

Now, Mr. Chairman, I recognize that because of the rule under which we are operating this amendment of mine may be subject to a point of order. At first I did not think it would be because it does not take away jurisdiction from any committee. However, it certainly duplicates the jurisdiction of the Committee on Government Operations.

Therefore, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: on page 39, immediately below line 4, insert the following:

"MINORITY PARTY CONTROL OF ONE SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS

"SEC. —. The Rules of the House of Representatives are amended by adding at the end thereof the following new rule:

"'RULE XLV

"'MINORITY PARTY CONTROL OF ONE SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS

"'A majority of the members of no fewer than one subcommittee of the Committee on Government Operations shall consist of members of the largest minority party in the House of Representatives.'"

And make the necessary technical changes in the table of contents, section numbers and references in the bill.

Mr. SISK. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SISK. Mr. Chairman, I make a point of order against the amendment on the grounds that the amendment also affects the jurisdiction; it changes jurisdiction within the Committee on Government Operations, and in view of the language of the present rules of the House, in clause 8 of rule XI regarding the jurisdiction of the Committee on Government Operations, near the bottom of page 338:

(d) For the purpose of performing such duties the committee, or any subcommittee thereof when authorized by the committee—

And so on, that this language would definitely affect the jurisdiction of other subcommittees of the Committee on Government Operations, and, therefore, is subject to a point of order as I understand the rule under which we are proceeding at the present time.

The CHAIRMAN. Does the gentleman from New Hampshire desire to be heard on the point of order?

Mr. CLEVELAND. Yes, Mr. Chairman.

I did not think, nor do I admit, that this amendment is subject to a point of order. With my previous amendment, I expressed doubt because, although it did not take away jurisdiction from any committee, the establishment of a minority investigatory committee would duplicate the jurisdiction of the Committee on Government Operations and perhaps other committees.

But now, in the amendment I have offered, it simply states:

A majority of the members of no fewer than one subcommittee of the Committee on Government Operations shall consist of members of the largest minority party in the House of Representatives.

I do not see how that can possibly or conceivably be construed to affect the jurisdiction of the Committee on Government Operations. It does not mention the name of the committee; it does not mention the jurisdiction that will be exercised by the committee. If this amendment is adopted the Committee on Government Operations, which will still be in control of the majority, of course, can designate, as the committee to be controlled by the minority, one of the most innocuous of all their committees.

It is the principle that I am striving for here. I have not attempted to designate the subcommittee by name or state what the jurisdiction will be. How can that effect the jurisdiction or change it?

Mr. Chairman, this substitute amendment of mine was drafted quite recently with the assistance of at least one or two members of the Committee on Rules. And I had in mind the very strict rule under which we are proceeding, and they had in mind the very strict rule under which we are proceeding. There is not a single scintilla, by either implication or word, in this particular amendment, that goes to the jurisdiction of any committee. It does not even mention the subcommittee that will be given to the minority party. The only thing it does is to give to the minority party just one—just one subcommittee.

People in speaking of the legislative process speak of settling for half a loaf as better than none. I might say that as far as the principle is concerned here I am attempting to settle for a crumb. One, only one of the eight subcommittees of the Committee on Government Operations will be controlled by the minority. Now, if the Committee on Government Operations in its wisdom chooses to designate, as that committee which they are going to give to the minority, one of the committees with very unimportant jurisdiction or very unimportant duties, that is their prerogative—that is their power—and we recognize they have the power, but I think it would be a healthy thing to have at least one place in the House where the minority can go to have some power over a committee to investigate and call witnesses.

Mr. Chairman, I would be very disappointed if this point of order were upheld because I cannot see how this language can be interpreted as affecting the jurisdiction of the Committee on Government Operations.

The CHAIRMAN. The Chair is ready to rule.

As the gentleman from New Hampshire knows, the House resolution under which we are now operating, House Resolution 1093, specifically provides, in part:

No amendment to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House listed in rule XI.

The amendment offered by the gentleman from New Hampshire would change the jurisdiction and the makeup of the Committee on Government Operations to the extent that it would force the Committee on Government Operations to set up a subcommittee for the purpose to which the amendment goes.

Therefore, the Chair sustains the point of order that was raised by the gentleman from California (Mr. SISK), that the amendment violates that part of the resolution under which we are operating and, therefore, for the reasons the Chair has given, the point of order is sustained.

Mr. CLEVELAND. Mr. Chairman, I move to strike out the last word.

Mr. HAYS. Mr. Chairman, I do not wish to cut the gentleman off, but I think it is important on things like this that we should be legislating with a quorum. We do not have 100 Members here, so I make the point of order that a quorum is not present, Mr. Chairman.

The CHAIRMAN. The Chair will count.

Fifty-five Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 240]

Abbitt	Bush	Diggs
Addabbo	Button	Dulski
Albert	Byrne, Pa.	Edwards, La.
Alexander	Carey	Eshleman
Anderson, Tenn.	Celler	Evins, Tenn.
	Clancy	Fallon
Baring	Clark	Flynt
Barrett	Clay	Fulton, Tenn.
Berry	Conyers	Gallagher
Boggs	Cramer	Garmatz
Bow	Cunningham	Giaimo
Brock	Dawson	Gilbert
Brotzman	Dennis	Gray
Buchanan	Devine	Grover
Hawkins	Nix	Roudebush
Hébert	O'Neill, Mass.	Ryan
Ichord	Ottinger	Scheuer
Karth	Passman	Sebelius
King	Patman	Sikes
Kuykendall	Pelly	Smith, N.Y.
Lloyd	Podell	Springer
Lukens	Pollock	Stuckey
McEwen	Powell	Teague, Tex.
Macdonald, Mass.	Price, Tex.	Tiernan
	Rarick	Tunney
MacGregor	Reid, N.Y.	Weicker
Matsunaga	Rivers	Wilson, Charles H.
Mayne	Rogers, Colo.	
Meskill	Rooney, N.Y.	Wydler
Murphy, N.Y.	Rooney, Pa.	Wyman

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. NATCHER) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17654, and finding itself without a quorum, he had directed the roll to be called, when 343 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New Hampshire (Mr. CLEVELAND) is recognized.

Mr. CLEVELAND. Mr. Chairman, before the quorum call I asked for these 5 minutes to urge the Chair to reconsider its ruling that the amendment I offered was out of order under the rule.

The amendment I offered was very brief. It simply said that a majority of one of the subcommittees of the Committee on Government Operations would be Members of the minority party.

We are proceeding under the rule, House Resolution 1093, and it says:

No amendment to the bill shall be in order which would have the effect of changing the jurisdiction of any committee of the House.

Regardless of the merits of my proposal to give the minority party control of a subcommittee of the Government Operations Committee, regardless of the merits of that proposal, this ruling which states that to afford the minority control of one of the subcommittees of the Government Operations Committee is in effect changing the jurisdiction of that committee to me, at least, is very hard to understand.

There has been talk here about the fact that there are a lot of amendments being offered. It would seem to me that if the strictness of this ruling is going to be applied to other amendments, there need be no fear about talking this bill to death or, for that matter, loading it up so it will sink. The strictness of this ruling would almost indicate that we have in effect a closed rule.

If simply suggesting that the constitution of one subcommittee of the eight subcommittees that make up the Government Operations Committee be given to the minority, is interpreted as changing the jurisdiction of that committee, then it seems to me that almost any one of the amendments that I have heard discussed here at some length on the floor somehow or other, remotely or indirectly, could be interpreted as effecting or changing the jurisdiction of some committee.

I think the House Rules Committee

and the House Administration Committee has in effect some jurisdiction over almost everything that we have been debating for the past 4 or 5 days. I would hope that the Chair would reconsider this ruling, because I think the ruling is unnecessarily strict in this connection, and it is regrettable that I will not have an opportunity to offer the amendment, which I think is significant and important.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from New Hampshire yield?

Mr. CLEVELAND. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The proposal that the gentleman sought to offer is a modification of a proposal that he and others, including myself, have sought to develop over the last 4 or 5 years. I think there is considerable merit to the substance of the idea. Obviously, the House is not in a mood to embrace such a far-reaching proposal, but there is precedent for the idea in the Government of Great Britain and the Teapot Dome situation. It seems to me that the gentleman should be commended for seeking to promote this thought, even though under the circumstances it is not possible to see it debated and to see it voted on in the House of Representatives.

Mr. CLEVELAND. I thank the gentleman. As I have said, it is regrettable that this proposal, which has been the subject of considerable discussion and debate and, as I have mentioned earlier in my remarks, has been written about in various periodicals and books, cannot be debated and voted on. The ruling that to change the constitution of a subcommittee of the House Government Operations Committee is in effect changing its jurisdiction, is regrettable to me. This ruling denies the House an opportunity to actively consider and vote on this measure.

The references to this proposal in "We Propose: A Modern Congress" to which I referred earlier follow. The first few paragraphs from my chapter on staffing, and second, Mr. MICHEL'S entire chapter:

WE PROPOSE: A MODERN CONGRESS

CHAPTER I

In this connection, I wish to mention a Republican-sponsored proposal to give to the minority party control of an investigative committee of the House whenever the majority party controls both houses of Congress and the executive branch. Sponsors of the bill are headed by Minority Leader Gerald Ford of Michigan, and include Congressman Robert H. Michel of Illinois, whose chapter in this book is devoted solely to a detailed explanation of the proposal.

Here I merely want to point out that the adoption of the Republican proposal would ease considerably some of the problems of a minority party seeking to fulfill its functions under the present state of affairs. It would help insure against whitewashes of wrongdoing and gross errors on the part of government officials.

While outsiders and members of the majority party may be forgiven a feeling of suspicion at Republican motives in making the proposal, in refutation of these I point out that there is good Republican precedent for the idea.

In 1923, when both the executive branch and both houses of Congress were controlled by the Republican Party, rumors of improprieties surrounding the leasing the Teapot Dome oil reserve whirled through the Capital. As they grew to a point requiring formal investigation, Republicans prevailed upon Democratic Senator Thomas J. Walsh of Montana to take charge of the investigation. This is a dramatic example of a case in which Republicans gave to the Democrats control of an investigation into a major scandal involving high-ranking members of a Republican Administration. The results were salutary and of great benefit to the whole country. There should be formal provisions enacted so that this would always be the case.

(It should also be noted that the British House of Commons has a Committee of Public Accounts whose chairman is by tradition a leading member of the Opposition, usually a person who has been Financial Secretary of the Treasury. The committee is charged with responsibility for insuring that all public money is spent in the manner intended by Parliament. It promotes economy and efficiency and helps to maintain high standards of morality in all public financial matters.)

REORGANIZATION OF THE COMMITTEES ON GOVERNMENT OPERATIONS AND MINORITY CONTROL OF INVESTIGATION

(By Robert H. Michel, M.C.*)

The President of the United States is the sole executive authority in the United States. The Constitution vests the executive power in him, with little guidance as to the manner of its exercise other than that he shall take care that the laws be faithfully executed. As Commander-in-Chief of the Armed Forces, he can order the military forces of the United States virtually anywhere he chooses. For example, the substantial increase of military forces in Vietnam was carried through within the powers invested in the Presidency. Similarly, the decision to intervene in Korea was the President's.

In contrast, the political leadership of the Soviet Union is divided. As Chairman of the Council of Ministers, Kosygin is the formal head of the Soviet Government and thus exercises all the formal authority inherent in that office. As General Secretary of the CPSU, Brezhnev is head of the Soviet Communist Party, which is the real source of political power in the Soviet system. And as a member of the Politburo, Kosygin shares in this power. Under present conditions both sources of power, governmental and political, complement one another, but it is unlikely that either the Soviet Premier or General Secretary could act independently on a crucial question, for example, making a military commitment in the same manner as the President of the United States, who commands sole executive authority.

In the American constitutional system it is extraordinarily difficult to remove a President before his 4-year term of office ends. The most significant attempt of this sort, the impeachment of President Andrew Johnson, failed. Thus, except for death or virtually total disability, the President can exercise his authority for four years and even eight if re-elected.

Tenure of office for the political leader is not necessarily a guarantee in the Soviet political system, except during the Stalin years of totalitarianism. Within a few months after assuming Stalin's mantle, Malenkov was divested of his authority as General Secretary of the CPSU, retaining only the Premiership of the Government. In February, 1955, Malenkov was forced to resign from this office to be replaced by Bulganin. Khrushchev retained the position of General Secretary of the Party. In July 1957, Bulganin was removed, and Khrushchev assumed both positions as Premier of the Government and First Secretary of the Party. But even in this position his power was limited by various political forces acting within the Soviet political system. Some scholars have referred to Khrushchev's leadership not as a dictatorship but rather as a collegial leadership in which he played a major role. Of course, Khrushchev himself was removed from both offices in October 1964. And there are no assurances that Brezhnev and Kosygin will hold their posts for two, three, four, or any determined number of years.

Thus, by virtue of having a constitutional tenure of four years and perhaps even eight, it could be said that the President has an advantage in exercising the power he holds over that of the present Soviet political leadership. This power has been building up for over 30 years; so that the omnipotent executive has become the nation's greatest spender in its taxpayers' money in all its peacetime history. The Chief Executive concerns himself with the air we breathe and the water we drink, with junkyards and with beauty—not to mention building houses for us, planning our cities, and reclaiming blighted areas. All of these things require money—tax money. Moreover, attention to these matters leaves the executive short on time to defend the nation against its enemies and to conduct its foreign affairs, which are the primary duties laid upon him by the Constitution.

Very recent events demonstrate dramatically the growing power of the executive. The *New York Herald Tribune* of November 9, 1965, reported:

"There is a more fundamental issue in the President's crackdown on aluminum than his use of the stockpile for purposes clearly beyond the intent of Congress in authorizing its creation. Mr. Johnson has moved his Administration into the business of administering industrial prices. . . . The proper extent of the government's coercive powers is . . . of much greater significance than whether the price of aluminum should be a half-cent higher or a quarter-cent lower. Mr. Johnson is concerned over inflation, and rightly so (though not sufficiently concerned to balance his own budget). . .

"We have a far better mechanism than Presidential judgment for determining 'justified' price levels; the forces of a free market. . . . In the short run, prices may go higher than they should; in the long run, they could hardly be sustained in a competitive market . . . The President has every right to 'state the public interest,' as he himself might put it; but when he begins trotting out the Federal arsenal of economic weapons, he risks launching a dangerous spiral of his own—a spiral of coercion that is not easily stopped."

The matters covered by the executive directly affect the daily lives of millions of people. There is no question that big government has been getting bigger as well as more intrusive.

Minimal effective checks on executive power require that: (1) each individual whose interests are directly affected by government action shall, if he wishes, have a meaningful day in court (not necessarily a court of law). If before a congressional committee, he should be allowed to present his case upon the assumption that someone with real authority will in good faith seriously consider his statement; (2) the congressional committee should be independent and objective—free from external direction by party or executive officials; and (3) the congressional committee should reveal to the public the facts presented and the details of procedure, thus avoiding either arbitrary

---

Footnotes at end of article.

departures from general rules or unfair application of general rules.

Committee decisions are accepted in part because they are supported and enforced by the power of the Congress. They are also accepted because they are regarded as fair and just in their own right and are viewed as the product of a legislative body which is regarded as serving a common need and indispensable function in our society.

There are certain attributes which we usually look for in determining the fairness and justice of a committee decision in its own right, as far as procedure is concerned. We are more willing to attribute these qualities to judgments arrived at (1) manifestly on the basis of the weight of testimony; (2) after all parties brought forward by both the majority and minority[1] have had a chance to present their case fully; (3) undominated by the special interest of the chairman in the outcome of the investigation; or (4) not on the initiative of the chairman, but at the request of the minority.

Committee decisions often depart widely from these standards for what are deemed compelling reasons. Thereby, committees may forfeit public confidence in their fairness and justice and rely for acceptance instead upon public respect for Congress.

For example, committee members may rely partly on information and arguments presented by the Administration without holding a full hearing for presentation of conflicting views. Chairmen may consent to committee action only after pressure from the news media and even then may have a special interest in the outcome.

Such factors greatly weaken the moral force, so to speak, of committee decisions. But the possibility of investigation by the government operations committees under minority control, in those cases where these conditions are present, may do much to restore the moral force otherwise lacking and thus secure public acceptance of the fairness and justice of congressional actions. The existence of minority control would be a constant reminder to the official that excessive actions risk legislative inquiry and reversal. It would be a constant source of assurance and security to the individual citizen that he has a forceful method of vindicating his rights against the executive before an independent tribunal.

If the executive process is part and parcel of a necessary delegation of power to government officials to enable them to handle adequately the problems of modern society, then congressional review seems essential to insure that this power be exercised conscientiously, within the minimum demands of procedural fair play, without the requirement of a judicially determinable violation of constitutional or statutory rights. The delegation of discretionary powers to the minority party in Congress is neither new nor foreign to a congressional "rule of law." What is novel is the enormous amount of discretion entrusted to modern executive officials.

Rule XI, section 691, 8(c)(2), of the House of Representatives, states that the Committee on Government Operations "shall have the duty of studying the operation of Government activities at all levels with a view to determining its economy and efficiency." Control of the Executive has long been one of the main functions of the Congress. For example, from 1789 to 1925 there were upwards of 300 congressional investigations of executive conduct. Since Congress has yielded more and more authority to the executive, I feel it must seek ways of insuring that the executive carries out Congress' intentions. For that reason, I introduced H.R. 9252 to provide—(See Appendix III for full text.)

"That the majority of the membership (including the chairman) of the Committee on Government Operations of the Senate and House of Representatives, respectively, shall be composed of members of a major political party other than the political party of which the President of the United States is a member."

The requirement that the chairman be a Member of the minority party would not permit the chairman to play the part of an autocrat with impunity since the chairman and the committee would have to depend upon the whole House or Senate for legislative acceptance of their proposals. But it would tend to give the chairman a spirit of independence and freedom to criticize the operations of the executive.

Quite often a minority Member will have information which it would be in the public interest to disclose in the press; a newsman will recognize this but will be reluctant to use the information which does not have an "official stamp". H.R. 9252 would provide an official minority outlet to the news media.

Although I have been unable to find any legislative precedents for H.R. 9252, there certainly are many precedents for minority control of investigations—the most famous being the minority investigation of the Teapot Dome scandal. In 1923, the executive and both houses of Congress were under the control of Republicans, but Senator Thomas J. Walsh, Democrat of Montana, was prevailed upon to take command of the Public Lands Committee to investigate improprieties surrounding the leasing of the Teapot Dome oil reserve.

The most recent instance occurred when Senator Harry Byrd was permitted to retain his chairmanship of the Joint Committee on Reduction of Nonessential Federal Expenditures in the Republican 80th and 83rd Congresses, although the executive was not Republican in the 80th Congress. Also, in the 63rd Congress, when the Senate had 72 standing committees, 51 Democrats, and a one-committee-chairmanship rule, 21 committees were perforce chaired by Republicans.[2]

It is true that in the early days of the House, and at least up through 1898 in the Senate, some standing (and select) committees had majorities on them from the minority party or were chaired by a Member of the minority party, but to our knowledge the resolutions or rules creating them did not specify such a result. It usually occurred because the committees were relatively minor in nature, or because distinction was given to a Member with long service in a particular area.

In his *Forge of Democracy*, Neil MacNeil (p. 157) states:

"Down until the Civil War, in fact, it was not unusual for the Speaker to give political control of some of the less important House committees to the political minority and even appoint minority stalwarts to be chairmen of them. John Quincy Adams, for example, normally chaired a House committee, no matter which party controlled the House."

McConachie, *supra*, records that as a result of committee elections in the Senate in 1816, the Finance Committee came under minority control, and the Chairman of the Senate Committee on Commerce and Manufactures was a Member of the minority (p. 275). He also records that the Chairman of the Senate Committee on Pensions in 1845 was a Member of the minority (p. 282), and that in the early days of the House, some committee chairmen were from the minority (p. 139). Samuel Randall, of Pennsylvania, a Democrat and Speaker during the 44th and 45th Congresses (1876, 1878), was Chairman of the House Committee on Public Expenditures (a minor committee) in the Republican controlled Congress of 1883 (p. 140)

In 1898, of 59 Senate committees in a Republican-controlled Senate, 11 were chaired by Democrats and 2 by Populists (p. 293).

In all such instances, to our knowledge, however, these situations occurred from factors other than specific resolutions and rules specifying minority control or minority chairmen. We thus have been unable to find any precedents for H.R. 9252 as a considered and definite policy of Congress.

Minority parties have formed their own *ad hoc* committees on an informal basis, such as the Republican Congressional Food Study Committee, which was created in 1943. It consisted of 44 or 45 Members of the Republican Party in the House, under the chairmanship of the Honorable Thomas Jenkins of Ohio,[3] but it had no official sanction or authority.

Of course, when the Presidency has been in control of one party and one or both houses of Congress have been in control of the other party, congressional committees will be created of majorities in the party not of the President, but such situations are the result of politics and not of determined policy.

The provisions in the House rules relating to selection of committees are found in Rule X:

"1. There shall be elected by the House, at the commencement of each Congress, the following standing committees: . . .

"2. The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

"3. At the commencement of each Congress, the House shall elect as chairman of each standing committee one of the members thereof; . . ."

The provisions in the Senate rules relating to selection of committees are found in Rule XXIV:

"1. In the appointment of the standing committees, the Senate, unless otherwise ordered, shall proceed to ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same. A majority of the whole number of votes given shall be necessary to the choice of a chairman of a standing committee, but a plurality of votes shall elect the other members thereof. All other committees shall be appointed by ballot, unless otherwise ordered, and a plurality of votes shall appoint."

Taken literally, the rules of both houses do not prohibit the selection of committees controlled by a minority as long as the consensus in both Chambers is in agreement with such a prospect.

Secondly, the concepts of separation of powers and checks and balances support the thesis that the committee in each house charged primarily with oversight of the expenditure of funds by the executive branch and the efficient operation of that branch should be in the control of the party opposite to the President's. The swing of power away from Congress to the executive, the vast authorization of administrative powers by Congress to the executive branch, the huge growth of that branch, the great enlargement of the policy and legislation proposing functions of the executive, and the consequent need for a thorough oversight by Congress are conditions which support H.R. 9252.

Perhaps the major function of Congress today is oversight of the sprawling administrative structure; this function is necessarily diminished when the party of the President and the majority party in Congress (and thus the majority on every committee) is one and the same.[4]

The most certain way to assure that funds are being expended by the administrative agencies in accordance with law, that waste and misfeasance will be ferreted out, is to place general authority regarding oversight

Footnotes at end of article.

of expenditures and efficiency in committees where the party opposite to that of the President is given control. It is the most certain way that the Congress and the public will be fully informed, that the public welfare is receiving maximum benefit, and that "whitewashing" will be eliminated.

The principle behind the bill was expressed by John Stuart Mill, in his *Representative Government* (Everyman Edition, page 239):

"Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the Government; to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which anyone considers questionable; to censure them if found condemnable; and, if the men who compose the Government abuse their trust or fulfill it in a manner which conflicts with the deliberate sense of the Nation, to expel them from office, and either expressly or virtually appoint their successors."

Joseph P. Harris, in his *Congressional Control of Administration,* (1964) (pp. 292–293), states:

"Congressional investigations of administration, and especially of charges of mismanagement or misconduct of executive officers, are seldom free of partisanship. Many result in divided reports, the members of one party absolving the executive officers of any serious blame for shortcomings, and those of the other party finding them guilty of misconduct or incompetence as charged. This obvious partisanship seriously impairs the utility of the inquiry except as a weapon of party warfare; the public is more likely to be confused than informed by such conflicting findings."

Lindsay Rogers, in *The American Senate,* (1926) (p. 202), states—

". . . party control in the House of Representatives is now so strong as to shut off that body from embarrassing inquiries into Executive performances. Only when the majority of the House and the President belong to different political parties do the latter's agents suffer any scrutiny. This, for example, was the case during Mr. Wilson's last 2 years. Then 51 congressional investigations were in progress. But when a President has a Congress of his own political faith, inquisitions are not so frequent, their institution by the House of Representatives is extremly rare, and Senate majorities are not anxious to act."

Dr. George Galloway, in his *The Investigative Function of Congress,* (supra, page 59) states:

"In the final analysis, therefore, investigation may be viewed as the legitimate function and duty of a political party. It would appear to be part of its duty to reveal the errors, shortcomings, and misdeeds of the representatives of the other party in office."

He then lists some of the purposes of the investigative function (pp. 64–65).

"It is a safeguard against imbecilities as well as corruption. It is the American method of achieving ministerial responsibility without reducing power. It is one of the checks in a system of checks and balances. . . .

". . . it is a substitute for a system of administrative courts needed to protect the citizen from the arbitrary action of subordinate officials."

". . . it is a security against the misuse of opportunity. There is always the danger that public positions will become places of profit, that office will be employed as a means of private plunder."

But, he reports (pp. 66–67)—

". . . in order to secure the appointment of a committee of investigation, the support of a majority of those present in the Chamber is necessary, which is difficult to obtain when both the majority of the House and the Executive belong to the same party. The administration leaders will resort to every parliamentary stratagem to avert the danger. Many inquiries are proposed which fail to receive the support of the Rules Committee or the House and consequently fall through. Others are authorized but never reach completion. . . ."

Possible examples of such consequences in recent years might include the TFX investigation, the Bobby Baker investigation, the failure to investigate alleged pressure put upon federal employees to contribute to Democratic "Galas," and the considerable activity of the Legislative Oversight Subcommittee of the House Interstate and Foreign Commerce Committee during the Eisenhower years as contrasted with its relative inactivity since 1961.

As Dr. Galloway points out in his book *Congress and Parliament.*

"The use of committees of inquiry by legislative bodies dates back to the practice of the British House of Commons in the seventeenth century. The Commons used them in disputed election cases as early as the end of the sixteenth century, and as an aid in the legislative process after 1688. Later, the inquisitorial power was assumed by the American colonial assemblies, which modeled themselves after the House of Commons, and asserted the same privileges. The practice of the Continental Congress and of the state legislatures in the period following the Revolution furnished further evidence of the heritage of this device by U.S. legislatures. Likewise, the Federal Congress after 1789 assumed that the legislative power implied the use of committees of inquiry with power to send for persons and papers."

The British still have devices for the efficient and expeditious conduct of investigations that Congress could well copy. Since 1861, the select committee of Public Accounts of the House of Commons has been a critic of Treasury administration, and by reporting its findings to the Commons has fastened financial responsibility on the executive. Secondly, about half of the time of the House of Commons during a normal session is devoted to the criticism of government policy and administration, and is largely controlled by the opposition.

The select committee on Public Accounts has 15 members and is chaired by a member of the opposition. The financial control exercised by the Accounts Committee is both retrospective and deterrent. As Basil Chubb states:

"Select committees cannot, of course, ensure efficiency and economy; only the efforts of the administration itself can do that. But they are sufficient to assure the House of Commons that its wishes are carried out, that government is conducted honestly and faithfully, and that where business is not transacted efficiently there is a fair chance that notice will be taken. . . . Active select committees, criticizing and appraising the conduct of public business, have a powerful effect at once deterrent and stimulating, and they go as far as it is possible to go under our present system of government to enable the House of Commons to see that it gets twenty shillings' worth of goods for every pound it spends." [5]

Like our own Committee on Government Operations, the Accounts Committee is effective largely because it has at its disposal the reports and investigations of the Comptroller and Auditor General. Also like our Government Operations Committee, the Accounts Committee is not concerned with financial policy (which is reserved for our Appropriations Committee), but rather with insuring that government expenditure conforms with the orders of the House of Commons and that public business is conducted faithfully and economically.

However, unlike our present Government Operations Committee, the Accounts Committee is always chaired by the opposition. Therefore, the Accounts Committee would receive and examine the reports of the Comptroller and Auditor General and would submit such recommendations as it saw fit in connection with such reports, a function not always performed by our government operations committees with respect to reports of our Comptroller.

With respect to the second point, Dr. Galloway asserts:

"As it works in the English Parliament, question-time has several beneficial results. It keeps the ministry alert to the temper of the Commons and keeps the civil service on its toes. It provides a safety valve for the daily escape of parliamentary steam that might otherwise accumulate and explode in sensational investigations. It directs the attention of the Cabinet to inconsistent or conflicting departmental policies and programs and to instances of administrative inefficiency or private grievance." [6]

I am reluctant to suggest the creation of special investigating committees and would leave the performance of the investigative function of Congress to its standing committees. I believe that H.R. 9252, without the need for any additional specific language, provides for the effective devices just discussed: (1) more significant use of the reports of the Comptroller General and, (2) public discussion of government policy and administration, thereby eliminating executive secrecy.

I also favor codes of fair conduct voluntarily adopted by congressional committees and codes of fair play mandatory upon all congressional investigating groups by statute or standing order.

One must be realistic about the current chances for adoption of any one or more of the many proposals for congressional reform including: "resident agents for Congress," "joint committee on legislative-executive relations," "automated information systems," use of "congressional specialists," "institutional devices for improved congressional intelligence,' establishment of "oversight calendars" pertaining to oversight of the Administration, and, many other fine recommendations.

And what I propose in H.R. 9252 is a long, long way from every getting a favorable vote with the present complexion of the Congress.

Hearings before the Joint Committee on the Organization of Congress were held in 1945, and many alarms for reform sounded at that time are still ringing over 20 years later. Dr. W. Y. Elliott, professor of Political Science at Harvard, then Vice Chairman of the War Production Board, testified on June 26 of that year that there had been some improvement over the early days of President Franklin Roosevelt's first administration, but "there is still in my judgment need for the closest legislative scrutiny of the actions taken by the executive and administrative agencies of the Government."

Dr. Elliott pointed out that the operation of committees through the service of hearings is a method of getting *ex post facto* accountability of the administrative agencies—a problem that is still with us today. Reorganization of the committees on government operations, as I have outlined, will, by its nature, prevent errors at the formative stages, both of legislation and of administrative policy.

Dr. Elliott reminded the Committee—

"that legislative and representative government is on trial the world over as to its ability to survive in a period when crises are recurrent and when often the very safety of the Nation or its economic stability may be involved as much by delay as by ill-considered decisions."

He also emphasized:

Footnotes at end of article.

"The Committee on Appropriations of the House reviews the budget of every part of the Government. But it cannot in the nature of things do more than express the views of the committee as to the functions being performed. The power of the purse is always an ultimate power in the legislative body and a very useful one." [7]

The fundamental purpose of H.R. 9252 is to assure that funds are being expended by the administrative agencies in accordance with law and that waste and misfeasance will not go undetected. With the swing of power away from the Congress to the executive, the vast authorization of administrative powers by the Congress to the executive, the huge growth of the executive, and the great enlargement of the policy and legislative proposing functions of the executive, the need for thorough and persistent oversight by the Congress of administrative activities is heightened. The interest of good government demands determined, persistent, and independent examination into and evaluation of the manner in which the executive branch is carrying out the legislative mandates under which it operates. The function of critically analyzing executive use of legislative authority and the transactions which flow therefrom is one of the most important responsibilities the legislative branch must fulfill. Fulfillment of this responsibility is essential to an informed citizenry, the very touchstone of our democratc processes. With the majority party in Congress the same as the party of the President, thereby giving rise, under present procedures, to each committee being chaired by a member of the President's party and having a majority of its members of the same political party, it is only realistic to recognize that a climate exists in which the important oversight function of the Congress is subject to political pressures inimical to the necessity for full disclosure and critical scrutiny of executive actions.

My bill proposes to assure more aggressive inquiry by the Congress into executive actions through removing the political compatibility between membership of the key oversight committees of both houses and the executive. I believe the proposals contained in the bill—that the chairmanship and majority membership of the House and Senate committees on Government Operations be comprised of Members of a major political party other than that of the President—would provide the most direct and efficient way to assure that inappropriate political considerations will not obtrude upon the oversight function.

I realize that the matter of how any committee of the Senate and House is to be organized is one peculiarly within the provisions of each particular Congress to resolve unless a constitutional amendment is enacted. I am also well aware of the fact that the problems which we are attempting to overcome are ones which are rooted in the political processes of our governmental structure.

Therefore, I think it is important to point out that the various proposals for congressional reform are not the only means available for minimizing the degree to which the oversight functions of the Congress are subject to political persuasions.

It is in the very interest of obtaining the independent examination and evaluation of executive activities, which are essential to the proper functioning of our governmental processes, that the Congress in 1921 established the General Accounting Office. The General Accounting Office was created as an independent agency in the legislative branch and is headed by the Comptroller General of the United States under a 15-year appointment. The Comptroller General is not subject to removal except for cause and he may not be reappointed for a second term. The office functions as an agent of the Congress. As an arm of the Congress, one of the main functions of the General Accounting Office is in the area of great concern which led me to introduce my bill—to assure the conduct of administrative agency programs in accordance with law and to detect waste and misfeasance where they occur. In executing this important function the General Accounting Office has consistently been guided by the principle that its effectiveness depends upon a reputation for independence of action and objectivity of view. Not only has it remained completely free from political influence, but I believe that it is constantly alert to the dangers of being placed in a position where its actions and decisions could be construed as being motivated by political considerations.

There is no need to detail the extent to which the General Accounting Office is responsive to the undertaking of examinations and investigations at the request of the Congress, its committees and its individual members. Nor is it necessary to detail the valuable work undertaken by that office upon its own initiative in carrying out its statutory responsibilities. A cursory review of the annual reports of the Comptroller General and the direct contacts members of both houses have had with the office would make obvious the fact that the General Accounting Office is a valuable tool toward accomplishment of the objectives my bill is designed to attain. For example, during the 88th Congress, the Comptroller General of the United States submitted a total of 668 audit reports and other communications to the Congress on fiscal and related operations of the Government. During the 1st Session of the 89th Congress there were 75 different references in the *Congressional Record* relating to use by minority members of General Accounting Office reports and recommendations. Hearings conducted by the various congressional committees are replete with references to findings of the General Accounting Office.

Reports of the General Accounting Office are available for whatever use the minority will make of them. These reports and responses to inquiries from Members of the Congress contain objective views with respect to the issue covered therein and recommendations for corrective actions indicated. If the minority concludes that the subject of a General Accounting Office report or any other subject indicates a need for further investigation, within the purview of that Office as a nonpartisan, nonpolitical agency of the Congress, it is free to bring that matter to the attention of the Comptroller General with a request that he furnish advice on his findings.

A heightened appreciation by all the minority Members of the valuable assistance available to them through the services of the General Accounting Office, together with an increased utilization of those services to help bring to light matters relating to Government operations and expenditures, might go a long way toward obviating any immediate need for committee membership realignments as put forth in my bill.

However, in the final analysis, I believe that a reasonable man would agree that it is a fact that the substance of our desires cannot, in reality, be completely achieved through greater minority use of the General Accounting Office. It would not appear, particularly from some of the examples to which I have referred, that the assistance the Government Accounting Office could render in such situations would be sufficient to accomplish our purposes.

The efforts of the General Accounting Office are no substitute for investigation by congressional committees. The General Accounting Office has no power of subpoena: it is not organized and does not operate in the context of conducting hearings for the taking of testimony regarding factual matters which might be in dispute. To say that the efforts of the General Accounting Office are not a substitute for H.R. 9252 is not to say, of course, that the General Accounting Office cannot be of considerable use to minority Members of a committee who desire to obtain information.

Obviously, no need would exist for H.R. 9252 if one or both houses were controlled by the major party other than the President's. This is probably the best argument for the enactment of H.R. 9252 and the most realistic as far as presenting this to the Congress for a vote.

Since 1858 there have been 16 instances of one or both houses of Congress controlled by the President's opposition party:

Congress and President

86th, R—Eisenhower.
85th, R—Eisenhower.
84th, R—Eisenhower.
80th, D—Truman.
72nd, R—Hoover.
66th, D—Wilson.
62nd, R—Taft.
54th, D—Cleveland.
52nd, R—B. Harrison.
50th, D—Cleveland.
49th, D—Cleveland.
48th, R—Arthur.
46th, R—Hayes.
45th, R—Hayes.
44th, R—Grant.
36th, D—Buchanan.

The effect of opposition control of one or both houses goes far beyond the provisions in H.R. 9252 and surely the nation has been the better for the checks and balances in our history. In fact, notwithstanding the statements by some political scientists that the magisterial and doctrinaire years between the 72nd and 80th Congresses did irreparable harm to our system of government, any one or all 16 instances cited above could very well have saved this nation from executive dictatorship. Some form of opposition control should not be left to chance.

As Lord Acton said, "Power tends to corrupt; absolute power corrupts absolutely." We pointed out in the beginning that a President whose party controls both houses of the Congress has, in some respects, more power than that of the present Soviet political leadership. Caesar took in hand the army, the empire, and the opposition. "All is Caesar's"; there was no opportunity for what we would call legislative oversight. Thus, the birth of executive dictatorship was the beginning of the decline and fall of the Roman Empire.

Our three-branch system of government has helped to prevent a dictatorship from arising in our nation. The deterrent to dictatorship would be strengthened by the existence and operation, on a regular basis within the legislative branch, of minority control of the investigations and reports of the powerful committees on government operations.

FOOTNOTES

* A Member of the House Committee on Appropriations, Mr. Michel was first elected to Congress in 1956 and has served on the Government Operations Committee. He represents the 18th Congressional District of Illinois and served as administrative assistant to his predecessor in office.

[Mr. Michel's article was delivered as a speech on the Floor of the House April 25, 1966.—Ed.]

[1] The word "minority" will refer to the major minority party when both Houses of Congress are controlled by the same major party as that of the President, unless otherwise indicated.

[2] A search through Hinds' and Cannon's *Precedents of the House of Representatives,*

as well as Haynes' volumes on the U.S. Senate, and other volumes on Congress, including *Congressional Committees*, L. G. McConachie (1898); *The Jeffersonians*, Leonard White (1954); *Government by Investigation*, Alan Barth (1955); *Congressional Investigation Committees*, Marshall E. Dimock (1929); *Congressional Control of Administration*, Joseph P. Harris (1964); *The History of Legislative Methods in the Period Before 1825*, Ralph V. Harlow (1917); *The American Senate*, Lindsay Rogers (1926); *History of the House of Representatives*, George B. Galloway (1961); *Forge of Democracy*, Neil MacNeil (1963); *Party Government in the House of Representatives*, Paul D. Hasbrouck (1927); *Congressional Investigations*, Ernest J. Eberling (1928); *The Investigative Function of Congress*, George B. Galloway, 21 American Political Science Review, 47 (1927); *Legislative Procedure*, Robert Luce (1922); The United States Senate, 1787–1801, Senate Document 64, 87th Congress, 1st Session, uncovered no instances of the adoption of a bill such as H.R. 9252. All resolutions providing for investigations by standing or select committees that are produced in Hinds's and Cannon's Precedents merely provide for committees of a specified number, and in a rare instance, during the 1920's, a specification that the select Senate committee be composed of three members of the majority (Republicans) including one "progressive" Republican and two members of the minority (Democrats). Cannon's, *Precedents of the House of Representatives*, vol, VI, par. 364.

The general rule, particularly over the last hundred years, seems to have been committee representation in accordance with party strength in both Houses. *Ibid*, vol. VIII, pars. 2184, 2187, 2188. Hinds' *Precedents of the House of Representatives*, vol. IV, pars. 4467, 4477, 4478, 4551.

[3] 90 *Congressional Record*, A3454–A3458.

[4] Note the comment by George B. Galloway in *History of the House of Representatives* (p. 185): "Today 'legislative oversight' has become a, if not the, principal activity of the standing committees of both Houses."

[5] *Congress and Parliament* by Dr. George B. Galloway, National Planning Association, November 1955, p. 82.

[6] *Ibid.*, p. 74.

[7] *Organization of Congress;* hearings before the Joint Committee on the Organization of Congress; 79th Congress, First Session; pursuant to H. Con. Res. 18; Part 4, June 26, 1945; U.S. Government Printing Office; Lib. of Cong. JK 1061. A48 1945; pp. 951–973.

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: On page 39, immediately below line 4, insert the following:

"DEBATE ON MOTION TO RECOMMIT WITH INSTRUCTIONS AFTER PREVIOUS QUESTION IS ORDERED

"Sec. — Clause 4 of Rule XVI of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentence: 'However, with respect to any motion to recommit with instructions after the previous question shall have been ordered, it always shall be in order to debate such motion for ten minutes before the vote is taken on that motion, one half of such time to be given to debate by the mover of the motion and one half to debate in opposition to the motion'."

And make the appropriate technical changes in section numbers and references, as necessary.

(Mr. MEEDS asked and was given permission to revise and extend his remarks and insert the names of the 71 cosponsors of the amendment.)

Mr. MEEDS. Mr. Chairman, the Members will be happy to know that after the fiasco of yesterday with this amendment, I have taken the precaution of checking it with the counsel on both sides of the Rules Committee, with the Parliamentarian, and with a number of other people in the House—indeed with everyone except the House Restaurant Committee, and I am looking for them.

We seek by this amendment to change clause 4 of rule XVI and to guarantee a minimum of 10 minutes' debate on a motion to recommit with instructions, 5 minutes for the person who proposes the amendment, and 5 minutes in opposition to that amendment.

I submit to this House that probably all Members are aware that often the most important motion of any bill on any day occurs with the motion to recommit. Yet, there is no guarantee of time to explain what are often very complex motions covering a number of sections in a bill. Under the provisions of this amendment we would have at least 10 minutes to discuss it.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, I am asking for information.

Since the motion to recommit is the right of the minority, would this mean the mover of the motion would have his 5 minutes, and then the minority would have the right to the other 5 minutes?

Would this remain with the minority?

Mr. MEEDS. The 5 minutes would be by the mover of the motion.

Mr. ARENDS. Which would be a minority side Member?

Mr. MEEDS. Yes, automatically, and I assume the other 5 minutes would probably go to the committee chairman on the other side.

Mr. ARENDS. I do not necessarily think that would be true, because that would be taking it away from the minority, and it is the right of the minority to explain this particular motion to recommit, which is a minority privilege.

Mr. MEEDS. I think the gentleman will agree the purpose is to have a full disclosure of that motion—at least as full as possible within 10 minutes—and, therefore, both sides of that should be explained.

Mr. ARENDS. We ought to have that on this side.

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Arizona.

Mr. STEIGER or Arizona. Mr. Chairman, I think this is a point worth commenting on momentarily. As the gentleman from Washington recognizes, as I am sure he does recognize, it is true normally and conventionally the majority would have the other 5 minutes, but not necessarily. It is entirely possible under the gentleman's amendment to have both halves of the time by individuals from this side if there should be no Member on the majority side who desired to oppose.

Mr. MEEDS. If there were no opposition on this side, that is correct. I am sure the Members of this House can recall much better than I a number of instances when, because of a lack of time with the motion to recommit, there has been a lack of information and a lack of knowledge about what actually we are voting on when it comes time to vote on the motion to recommit. I recall recently in a military procurement authorization bill when the motion to recommit was made which actually cut $500 million out of the military procurement, this motion was interpreted by some people as a vote on another matter entirely, and people who really were in favor of that motion ended up voting against it, and those who were against it ended up voting for it simply because there was no proper explanation. I do not care how Members stood on it, but I think we should have had knowledge of what we were voting on. We should be able to vote informed. I know some will say there are other methods by which this can be taken care of.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from California.

Mr. SISK. Mr. Chairman, this amendment is a revised version of the amendment we had under discussion on yesterday, as I recall.

Mr. MEEDS. That is correct.

Mr. SISK. I should like to develop a little legislative history and make certain exactly what we are doing.

As I understand it, the division of time here would mean that the Member proposing the motion to recommit would be entitled to up to 5 minutes. I believe it is good wording now. It would not necessarily have to come to 10 minutes, but they could have 5 minutes on each side.

It would be assumed, under the language the gentleman proposes that the opposition to the motion to recommit could be recognized for 5 minutes.

Normally, if I might use an illustration, in the Congress as it is composed, a committee having proposed a legislative matter, a Member from the minority party makes a motion to recommit with instructions. He would speak for 5 minutes. The probable procedure, under the precedents of the House and custom, is that then the chairman of the committee or the manager of the bill, a proponent of the bill, would be recognized and considered in all probability to be opposed to the motion to recommit.

Is that the intent of the language in the amendment?

Mr. MEEDS. That is certainly the way I envision it would work. The overriding purpose here is to give 5 minutes in favor of and 5 minutes in opposition to that motion, so it can, in a type of adversary proceeding, be fully exposed to our information.

Mr. SISK. If the gentleman will yield further, I have no objection to the amendment.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(On request of Mr. GROSS, and by unanimous consent, Mr. MEEDS was al-

lowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Iowa.

Mr. GROSS. In the case of a proposer of a motion to recommit with instructions who does not desire to use the time, would the minority then be given 5 minutes under those circumstances? Not the minority, but the opposition?

Mr. MEEDS. No. He would control that time. The mover of the motion to recommit would control the 5 minutes in favor of that motion.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. I thank the gentleman for yielding.

There may still be a little confusion as to the effect of the proposed amendment. Let me ask the gentleman if I am not correct in my understanding that the amendment leaves with the minority party the prerogative it has always enjoyed to propose the motion to recommit.

Mr. MEEDS. Absolutely.

Mr. HANSEN of Idaho. And then it provides for 5 minutes on each side of the question, regardless of whether it is the majority or the minority, so that both sides of the question can be heard and explained before we vote on the motion to recommit. Is that not about how simple it is?

Mr. MEEDS. That is the intent of the amendment.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

(On request of Mr. STEIGER of Arizona, and by unanimous consent, Mr. MEEDS was allowed to proceed for 1 additional minute.)

Mr. STEIGER of Arizona. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Arizona.

Mr. STEIGER of Arizona. I thank the gentleman from Washington.

I should like also to point out to the Members that nothing is being taken away from anyone by virtue of this amendment. There is now no time permitted for debate on a motion to recommit with instructions. All this amendment would do is permit 10 minutes of debate and discussion. It would not take away any prerogative; indeed, it would add a prerogative both to the minority and to the majority.

I thank the gentleman.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the minority whip.

Mr. ARENDS. I really have no opposition to what the gentleman is trying to do, but I still say that both the proposal of the motion to recommit and the opposition should remain with the minority. Someday the gentleman may be in the minority of his side of the aisle. I believe that giving away the rights of the minority in this body is bad precedent.

Mr. MEEDS. I hope that does not occur, I say to the gentleman. I understand his problem.

The real purpose is to get an adversary proceeding during the 10 minutes.

Mr. SISK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I have already indicated, I have no basic objection to the amendment, but I am merely trying to establish the legislative history.

If I can have the attention of my good friend from Illinois, I do not think we have any difference of opinion, but I want to make crystal clear, if possible, what the intent of the language is here. As I understand it, it is that the proposer of the motion to recommit with instructions would be given 5 minutes to explain what his motion is about and whatever statement he desires to make on the motion to recommit in support of it. The opposition to that would, I assume, normally, assuming that in this case the majority party or whichever party it might be opposing it would probably be the one that was recognized by the Speaker—again recognizing that the Speaker has the prerogative to make this recognition—that party would have control of the time. I just want to be clear on this. I was having a little difficulty in following the statement of the gentleman from Illinois, but I want to make it completely and clearly understood that, of course, I would not understand the entire 10 minutes would necessarily fall to the minority party merely because normally the right of offering a motion to recommit falls to the minority party.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SISK. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Unfortunately I have had a little experience in working on who should offer and what the contents should be of a motion to recommit. Let me say from our point of view and from my experience I do not believe it is necessary to freeze into the rules such a provision as provided by the amendment. I cannot see that in the last five and a half sessions where I have had some responsibility in this regard that we have ever found it necessary to have this kind of frozen-in opportunity. We have always had under the rules of the House an opportunity to explain our motion to recommit. We have learned that you have to look ahead and plan your time so that the individual who was going to offer it does get the time to explain what will be the contents of the motion to recommit.

Mr. SISK. That is exactly my understanding of the meaning of this amendment.

Mr. GERALD R. FORD. It seems to me unclear why we should add something to the rules that I do not think is a necessity or essential when the present practice I think is satisfactory, at least to us in the minority. I think our experience ought to be the guideline for the other side when they become the minority. The amendment does not harm although I do not believe it essential.

Mr. SISK. If the gentleman will permit me to comment there, of course I agree completely with what the gentleman is saying. We do not propose this in this legislation and it is not contained in it. As my distinguished colleague from Michigan knows, this matter was debated yesterday and was originally proposed by the gentleman from Arizona (Mr. STEIGER). The situation is that our committee and the staff people cooperated in a rewrite of the language that attempts to make clear exactly what is intended here. All I say at this point is if it is the will of the House to adopt this 5 minutes on either side and if it will be helpful to the procedure of the House, then certainly I as an individual have no objection to it. I agree completely with the gentleman from Michigan that normally this is a matter for the person proposing it or the people involved in making such a motion to make arrangements to explain it.

Mr. MEEDS. Will the gentleman yield to me on that point?

Mr. SISK. Yes. I yield to the gentleman.

Mr. MEEDS. Both of the gentleman who have spoken on this matter have been here longer than I have and have had much more experience, but I can recall instances when you got to the motion to recommit which had not been explained and we were operating under a limitation of time on a motion to recommit when there was an attempt made to explain it in one minute or less than that. I do not think that is sufficient time to explain motions, which are usually the most complex and usually cover the most complex subject matters of any motion that is made ordinarily and become the most important motion of the day.

Mr. SISK. I thank the gentleman for his comment.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Kentucky.

Mr. SNYDER. While we are talking about what usually happens here, of course, if no Member of the minority seeks recognition for the purpose of making a motion to recommit, then the time would go to the majority side. Would it be the gentleman's thinking that the second 5 minutes would go to the majority side?

Mr. SISK. I might say to the gentleman, since I was involved in one occasion where I actually offered a motion to recommit, I would assume that a Member of the minority party would be in a position to be recognized.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. SISK was allowed to proceed for 1 additional minute.)

Mr. SNYDER. Mr. Chairman, if the gentleman will yield further, it is also my understanding—and I would like to know if I am correct in this, that a motion to recommit with instructions under

this amendment applies to conference reports as well as to original legislation?

Mr. SISK. I would assume that that would be true. Now, there again there is the question——

Mr. SNYDER. I think we ought to have the legislative history spelled out, even though I would favor the amendment in that instance also.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Washington.

Mr. MEEDS. Under the section that is sought to be amended, I would disagree. I think it is not true. The section which is sought to be amended appears on page 387 of the House Rules and Manual, rule XVI, clause 4, and a part of it there says:

> After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit shall be in order . . .

I assume the amendment would be restricted to the same subject matter since it does not change that subject matter.

Mr. SISK. I stand corrected. I think the gentleman is right because under rule XVI the subject matter that is being dealt without would not make it in order on a motion to recommit.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MEEDS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 43, noes 16.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ARENDS

Mr. ARENDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ARENDS: On page 39, after line 4:
>
> "SEMI-ANNUAL PUBLISHED REPORTS OF OFFICE PAYROLLS OF HOUSE MEMBERS
>
> "SEC. 123. Clause 30 of Rule XI of the Rules of the House of Representatives is amended—
>
> "(1) by inserting "(a)" immediately before "Each committee shall report"; and
>
> "(2) by adding at the end thereof the following new paragraph:
>
> "'(b) The Clerk of the House shall report to the House, within fifteen days after December 31 and June 30 of each year, the name, position, title, and total salary of each person paid, during the period covered by such report, from the clerk hire allowance of each Member and the Resident Commissioner from Puerto Rico, listed under the name of that Member and the Resident Commissioner and including the aggregate total of all such salaries paid from the clerk hire allowance of that Member and the Resident Commissioner. Such information, when so reported, shall be published in the Congressional Record.'."

Mr. ARENDS. Mr. Chairman, this is a simple amendment. It hardly needs an explanation. There should be no opposition to it.

My amendment simply provides that the Clerk of the House shall publish twice a year in the CONGRESSIONAL RECORD the full names, dates of service, and total gross salary of each employee of each Member during the period paid out of his clerk hire allowance, as shown by the official records of the Finance Office.

This is nothing more than an enlargement of the rules of the House which now provide that the chairman of each committee shall report for publication in the RECORD the names, dates of service, and gross salary paid to each committee employee.

It should be evident by now that the primary purpose of this legislation is not to make the machinery of Congress more efficient to the end that we can act more expeditiously. Its primary purpose—at least it is the main thrust of the arguments for the bill—that the Congress should be made more responsible to and more responsive to the will of the people.

Over and over again we have heard the argument—here on the floor and in the editorial columns of the newspapers and by radio and television commentators—there is too much secrecy. It is proposed that virtually all committee sessions be public. It is proposed that how each and every committee member voted on each and every proposition be made public. It is proposed that teller votes on the floor be recorded and made public.

Public disclosure—that is the battle cry today. There is too much secrecy in the Congress, some argue.

All right, let us have public disclosure of what the public is entitled to know. All right, let us disclose to the public what we do with the taxpayer's money that is allotted to us as clerk hire allowance to enable us to transact public business. We are now talking about public funds—funds that do not belong to any one of us, but funds which belong to all the people.

By this amendment I am proposing no more than the public is entitled to know—what we do with their money.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, if I understand the amendment offered by the gentleman in the well, it says it will be reported in the form of gross salary?

Mr. ARENDS. That is right; it will be reported in the form of the gross salary.

Mr. HALL. Second, it will be published twice a year, and it will make the Members' staff hire reportable, the same as committee hire is now made public?

Mr. ARENDS. There is nothing different. It is the same as the committees do with the committee staffs, which is now being done.

Mr. HALL. If the gentleman will yield further, is it the intention of the gentleman to include some of the supernumeraries who are on committees, or are not hired by Members that allegedly aid and abet in the functions of the House, including some of the employees of the House such as those on the staff of the Clerk of the House, and the Doorkeeper of the House?

Mr. ARENDS. I have not gone that far. I have set it to the Members, the staff of the Members that each Member has.

Mr. HALL. I think that the amendment proposed by the gentleman from Illinois is noteworthy, but I believe it should include some of the other functionaries of the House.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, the gentleman said in the offices, or does the gentleman mean the entire payroll?

Mr. ARENDS. The payroll of the office.

Mr. GROSS. The payroll of each individual Member, and the entire payroll of each individual Member?

Mr. ARENDS. Of each individual Member; his entire payroll.

Mr. GROSS. Not merely those in the specific office, but those who may be elsewhere and who are on the payroll?

Mr. ARENDS. His entire payroll, the name and gross salary.

Mr. GROSS. I support the amendment offered by the gentleman from Illinois.

Mr. SMITH of California. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from California.

Mr. SMITH of California. Mr. Chairman, I am not quite certain as to how the gentleman's amendment reads. Does it say the gross salary, or the total salary, the total gross salary?

Mr. ARENDS. It says the total gross salary; that is the way my amendment reads. I think that is the intent, anyway.

Mr. SMITH of California. I suggest that we have the Clerk recheck that.

Mr. ARENDS. Let me read my amendment, that portion of it. It says:

> The Clerk of the House shall report to the House within 15 days after December 31st and June 30th of each year the name, position title, and total salary of each person paid, during the period covered by such report.

Mr. BOLLING. Mr. Chairman, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Chairman, I have not the slightest objection to this appearing in the RECORD, and appearing monthly. It already appears as the gentleman provides, but his amendment provides that it appear twice a year.

Mr. ARENDS. Semiannually.

Mr. BOLLING. It already is available on a monthly basis now, and is on public display in, I believe, the Disbursing Office, and that is in plain dollars and not base pay. I do not have the slightest objection to it also appearing in the RECORD, but it does seem to me that is one time when we could save a little money because it would cost money to print it.

Mr. ALBERT. Mr. Chairman, if the gentleman will yield, why does the gentleman want it printed in the CONGRESSIONAL RECORD when it is something that is already public knowledge?

Mr. ARENDS. I would say to the gentleman from Oklahoma that this is really not public knowledge—of course it is if someone wants to take the time to go over there and look it up. If it were in the CONGRESSIONAL RECORD it would be easier for all of us to look at it. And the people back in my district do not have this in-

formation readily available. Of course, they can come to Washington and do so if they want to come here, but not all of them can do that. If it is in the CONGRESSIONAL RECORD then it would be a simple matter for them to look it up in the CONGRESSIONAL RECORD.

I see nothing wrong with it. We are disclosing everything else, as we should.

Mr. ALBERT. If the gentleman will yield further, we are disclosing this information already.

Mr. ARENDS. This would be semiannually, it should not involve very much money to do that.

Mr. ALBERT. You can go every month, or any month you want, to the Office of Finance, and find out the salary of the staff of every Member.

Mr. ARENDS. I know that you can do that, but I think this is something that the people back home should have available to them, and this way they will be able to look it up in the CONGRESSIONAL RECORD twice a year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I really do not have any objection to the amendment, but I think it is a sort of waste of time and waste of money and although I dislike to disagree with and oppose the gentleman from Illinois, I ask for a vote and I ask that it be a vote against the amendment.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman.

Mr. GERALD R. FORD. Mr. Chairman, I have long felt that the method by which we determine the compensation for member staffs and committee staffs is archaic, outdated, and the wrong way to go about it.

Perhaps an amendment of this kind will lead to the necessary reforms so that we will do something to better the method by which we indicate the compensation, or determine the compensation, for members' staffs and committee staffs.

Mr. BOLLING. The gentleman from Michigan is somewhat embarrassing me because I do not wish to get into this kind of colloquy with the minority leader and the minority whip.

But an amendment, which this gentleman is going to support, because I have thought for years that the business of base pay, which does not mean anything, should be changed to gross pay, is as I understand, and I am trying to find out, going to be offered by the gentleman from Virginia (Mr. BROYHILL); or is planned to be offered. I would assume that it would pass overwhelmingly.

I entirely agree that the technique of base pay is not a fraud—but a joke—and we ought to go to that. But I do not want to get too involved in something I do not think is terribly important. I really do not think there is much point in the proposal made by the gentleman from Illinois (Mr. ARENDS).

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman.

Mr. GERALD R. FORD. I was not familiar with this proposed amendment which the gentleman from Missouri indicates will be subsequently offered.

Since I believe in that amendment of Mr. BROYHILL of Virginia, which I did not know was going to be offered, I think that the amendment of the gentleman from Illinois is a way of forcing some affirmative and constructive action to achieve that end.

Mr. BOLLING. I have no disagreement with the gentleman. I think that is right. But I think the Broyhill amendment would actually be strengthened if we do not bother with this one.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. BOLLING. I yield to the gentleman.

Mr. HUNGATE. Will the gentleman from Illinois have any objection to an amendment providing that annually the income of Members from all sources be printed in the RECORD?

Mr. BOLLING. What did the gentleman say?

Mr. HUNGATE. I asked the gentleman to yield further to inquire of the gentleman from Illinois if he would have objection to a further amendment providing that the annual income be filed as a matter of public record from all sources of the Members.

Mr. BOLLING. I believe that I have the time, and I do not intend to answer for the gentleman from Illinois, but the gentleman from Missouri who is now speaking has been on public record as favoring such a provision as part of the rules of the Committee on Official Conduct.

But I really appreciate the gentleman's intervention. I really think we ought to have a vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ARENDS).

The question was taken; and on a division (demanded by Mr. ARENDS) there were—ayes 28, noes 49.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 39 after line 4 insert a new section:

"COPIES OF AMENDMENTS

"Upon the offering of any amendment by a member, when the House is meeting in the Committee of the Whole, the clerk shall promptly transmit to the majority committee table 5 copies of the amendment, and 5 copies to the minority committee table. Further the clerk shall deliver at least one copy of the amendment to the majority cloak room and at least one copy to the minority cloak room."

Mr. THOMPSON of Georgia. Mr. Chairman, those who were present yesterday will remember that I offered an amendment to provide a written or printed copy to each Member present on the floor of the House when an amendment is offered. There were some questions that developed around that. I asked unanimous consent to withdraw the amendment.

The amendment offered today would provide that whenever any Member offers an amendment when we are meeting in the Committee of the Whole, the Clerk shall immediately make at least 12 copies. Five copies shall be delivered to the majority committee table so the managers on that side of the aisle can see the amendment, and five copies shall be delivered to the minority committee table.

It further provides that at least one copy will be delivered to the majority cloakroom and one copy to the minority cloakroom so that it may be posted in plain view in order that Members may see the amendment.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Florida.

Mr. GIBBONS. I think the gentleman has offered a good amendment. I support it, and I urge the Committee to adopt it.

Mr. THOMPSON of Georgia. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. THOMPSON).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments under this title?

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. WAGGONNER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order has been withdrawn.

Are there additional amendments under this section? If not, the Clerk will read.

MOTION OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 6, noes 46.

So the motion was rejected.

The CHAIRMAN. Are there additional amendments under this title? If not, the Clerk will read.

Mr. GROSS. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. GROSS. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONFERENCE REPORTS

SEC. 119 (a) (1) The section caption of section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended to read as follows:

"SENATE CONFERENCE REPORTS"

(2) Section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is

amended by adding at the end thereof the following new subsections:

"(c) Each report made by a committee of conference to the Senate shall be printed as a report of the Senate. As so printed, such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. Such statement shall be sufficiently detailed and explicit to inform the Senate as to the effect which the amendments or propositions contained in such report will have upon the measure to which those amendments or propositions relate.

"(d) If time for debate in the consideration of any report of a committee of conference upon the floor of the Senate is limited, the time allotted for debate shall be equally divided between the majority party and minority party.".

(3) The item relating to section 135 contained in the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended to read as follows:

"Sec. 135. Senate Conference Reports.".

Mr. SISK (during the reading). Mr. Chairman, I ask unanimous consent that the portion of section 119 dealing with the other body be considered as read, printed in the RECORD, and open to amendments at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read the remainder of the section.

The Clerk read as follows:

(b) (1) Paragraph (c) of clause 1 of Rule XXVIII of the Rules of the House of Representatives is amended to read as follows:

"(c) Each report made by a committee of conference to the House shall be printed as a report of the House. As so printed, such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of the House and the conferees on the part of the Senate. Such statement shall be sufficiently detailed and explicit to inform the House as to the effect which the amendments or propositions contained in such report will have upon the measure to which those amendments or propositions relate.".

(2) Clause 2 of Rule XXVII of the Rules of the House of Representatives is amended by adding at the end thereof the following new sentence: "The time allotted for debate in the consideration of any such report shall be equally divided between the majority party and the minority party.".

Mr. SISK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17654) to improve the operation of the legislative branch of the Federal Government, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, tomorrow we plan to take up two of the bills which we had announced last week as the program for this week:

H.R. 13100, to extend programs for training in the allied health professions, under an open rule with 1 hour of general debate; and

H.R. 14237, to amend the Mental Retardation Facilities and Community Health Centers Construction Act of 1963, under an open rule with 1 hour of general debate; and we are adding at the request of the gentleman from Alabama (Mr. JONES) the bill H.R. 18104, Tennessee Valley Authority financing, which is under an open rule with one hour of debate.

We are adding that bill because we do not yet have the rule on the Defense Production Act, and we did not get the rule on the agricultural bill in time to take it up today.

Members know that the funeral for our late distinguished colleague, Mike Kirwan, is tomorrow in Youngstown, and a large number of Members are attending.

ORDER TO PUT OVER ROLLCALL VOTES UNTIL 4 P.M. THURSDAY

Mr. Speaker, I ask unanimous consent at this time, if the gentleman will yield further, that any rollcall votes other than on rules or procedural questions which may be demanded on tomorrow, Thursday, July 30, be put over until 4 p.m. on that day.

Mr. HALL. Mr. Speaker, reserving the right to object, and I certainly have no objection to this request insofar as tomorrow is concerned, and insofar as honoring our distinguished colleague is concerned.

I therefore shall not object. I take this means of asking the majority leader if he intends to announce whether or not there will be votes after the cortege returns on tomorrow, or on Friday following, the day after tomorrow?

Mr. ALBERT. May I say that if votes are required tomorrow we will take the votes after 4 o'clock tomorrow.

The SPEAKER. The Chair would like to inquire whether the gentleman's unanimous consent request was for 4 o'clock or 4:30?

Mr. ALBERT. It was intended to be 4 o'clock, Mr. Speaker.

Mr. HALL. Mr. Speaker, in view of the change of program and in view of this unfortunate event, is it the plan for us to convene on Friday?

Mr. ALBERT. It is.

I may make this statement: We have requested a rule on the Defense Production Act Amendments, tomorrow morning. If that is granted, we will take up on Friday H.R. 17880, which is the Defense Production Act Amendments.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DEFICIT SPENDING

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BOGGS. Mr. Speaker, I notice the distinguished minority leader on the floor, a man who has said that the prospect for a recession was nil.

I know we will have a conference report up in a few minutes, and he will say it is wild spending.

Some months ago this administration was boasting that it would complete fiscal year 1970 with a $1.3 billion surplus. Last May, just a couple of months ago, this estimate was revised—or, to use their euphemism "adjusted downward" to show again a slight deficit for the fiscal year just completed.

On yesterday the Nixon administration disclosed—from California—that its budget deficit for the fiscal year 1971 amounted to $2.9 billion, which is $1.9 billion more than was projected only 2½ months ago.

This miscalculation of more than $4 billion was being predicted in this Chamber just a few months ago by myself and others of the Joint Economic Committee.

The administration also admitted that we have spent something like $1 billion less in 1970 than had been projected, contrary to the loose talk we have heard about this being a spendthrift Congress.

I submit to you that these charges are politics—pure and simple—they are not economics—they distort reality.

What we are seeing is an effort to shift blame from where it belongs to where it does not belong. Someone once said that truth will out. I am sad to report this morning the truth. The reason for this deficit can be found on the front pages of every newspaper in this country today—the New York Times, the Wall Street Journal, the Washington Post, the Baltimore Sun—all of which articles are included in this statement. This deficit is a direct result of a grave shortfall in revenues and not from overspending.

The fact is that outlays by our Government totaled $1.4 billion less in 1970 than was predicted last May. Every economic indicator tells us the real reason why we have a deficit. President Nixon cannot pursue an economic policy which throws 1 million Americans out of jobs, reduces corporate profits, maintains the highest interest rates in a century, designed to create what they call a mild recession, and expect our Government's revenues not to decline also.

Some weeks ago President Nixon used an analogy of docking a boat to explain his economic policies or his economic plight. Today I would say we are still miles away from the dock; our sails are down; and the captain and the crew are blaming the passengers.

The administration's budget totals

for fiscal year 1970 show a deficit in the unified budget of $2.91 billion. Expenditures totaled $196.15 billion while receipts were $193.84 billion. Both expenditures and receipts were lower than the estimates made by the administration in February and in May.

Expenditures were down by $1.1 billion from the May projections and $1.4 billion from the February budget projections. The major change, however, came in receipts. They fell by $2.6 billion since the estimates released in May and by $5.5 billion from the estimates in February.

The major sources of the shortfall in revenues, of course, were the collections from individual and corporation income taxes. In fact, the shortfalls in these two major tax sources were greater than the total shortfall for all receipts.

Since the February estimates, the yearend figures show a decline in individual income taxes of $1.8 billion and in corporate income taxes of $4.2 billion, a total decline of $6 billion since February. Since the estimates in May, the shortfall has been $1.8 billion for individual income taxes and $1.2 billion for corporation income taxes, for a total drop of $3 billion in the 6-week period since the May estimates.

The cause of these declines is the current recession which in turn is caused by the administration's fiscal policy. Unemployment and less overtime produce a lower income base for current withholdings which are reflected in individual income tax payments. The decline in business which has occurred in the forepart of this year accounts for the lower corporation profits reported in the quarterly payments made in April and June.

While the downturn seems to have leveled off somewhat it is by no means clear we have reached the bottom. Unemployment may well rise in the months ahead even at the same time as inflationary pressures cause continuing price rises.

Following are the articles I refer to:

[From the New York Times, July 29, 1970]

A Lag in Revenues Pushes U.S. Deficit Up to $2.9 Billion—Spending Excess for Year Ended June 30 Is Modest but Above Expectations

(By Edwin L. Dale, Jr.)

Washington, July 28.—The Government announced today that the Federal budget showed a relatively small deficit of $2.9-billion in the fiscal year that ended June 30.

The deficit was a little bigger than was estimated as recently as last May, a result of revenues that were lower than expected. Spending came out a shade lower than estimated.

Total outlays were $196.7-billion and receipts $193.8-billion.

Paul A. Volcker, Under Secretary of the Treasury for Monetary Affairs, said that a "modest" deficit in the present circumstances, where a sluggish economy cuts into revenues, "is not disturbing in any sense."

CONCERN CITED

However, officials ranging up to President Nixon are known to be very concerned about the outlook for the current fiscal year 1971. If all of a number of possible things go wrong, including actions and inactions by Congress, the deficit could mount as high as $15-billion.

Mr. Volcker termed a figure that high "sheer speculation at this point" and said it was certainly not regarded as "the most probable result."

At the Western White House in San Clemente, Calif., George P. Shultz, Director of the Office of Budget and Management, made the same point. He said that the Administration was not projecting a deficit figure nearly so high as $15-billion.

FACTORS IN CALCULATION

Other officials, simply adding up all the things that could go wrong, have reached a deficit figure close to $15-billion, without predicting it. The following are the main factors in such a calculation:

The "uncontrollables." These items, such as interest on the national debt, Medicare, Social Security and grants to the states for welfare have sometimes run billions of dollars above the estimates, particularly in the last few years, though officials hope estimates are closer to the target this time.

Congressional inaction on revenue. About $4.5-billion is counted on in the Nixon budget from higher postal rates, a speed-up in collection of estate and gift taxes, and a new tax on lead additives for gasoline, none of which have yet made any headway in Congress.

Congressional action and inaction on spending. Congress is in the process of increasing some appropriation bills above the President's request and is showing no movement on requests totaling almost $1-billion, which are counted on in the budget.

Lower revenue collections than expected, particularly from the corporate profits tax.

The budget figures disclosed today showed a massive shortfall of $4.2-billion in profits tax collections against the estimate of last January. Mr. Volcker said there was still no complete explanation for this shortfall, although one reason is that corporate profits in calendar year 1969 turned out to be lower than the Government at first thought.

Individual income tax collections, which during the years of the economic boom regularly exceeded the Treasury's estimates, were $1.8-billion below the January estimate. One reason, reflecting the decline in the stock market, was lower-than-expected capital gains.

On the expenditure side of the budget there were, as usual, sizable variations both up and down from the estimates made as recently as January, when the fiscal year was half over. In this case the downs offset the ups by $1.1-billion, but most of them did not reflect conscious "savings" by the Administration or Congress.

A striking feature of the figures was that military spending turned out slightly below that of the previous fiscal year, the first time this had happened since the nation's heavy engagement in Vietnam began in 1965. At $77.1-billion, military outlays were about $600-million higher than the January estimate, but this was entirely accounted for by the retroactive pay rise enacted in April. Outlays in the fiscal year 1969 were $77.9-billion.

WAR COSTS DECLINING

Mr. Shultz in San Clemente estimated the peak Vietnam war costs at an annual rate of $29-billion. He said that by the time the text scheduled reduction of 150,000 troops is completed next spring, the cost of the war will have dropped to half that amount, or an annual rate of $145-billion.

Although the final figure for total outlays in the budget, at $196.7-billion, was below the estimate of last January, it was nearly $4-billion above the $192.9-billion figure fixed by the new administration in April, 1969, after its review of the budget submitted by President Johnson. This $192.9-billion figure was adhered to up until the end of last year and then had to be abandoned, mainly because the "uncontrollables" ran so far ahead of estimates.

The original Johnson estimate for the fiscal year 1970 was $195.3-billion. Although Mr. Nixon aimed to reduce this figure, in the end the spending total came out a little higher.

[From the Baltimore (Md.) Sun, July 29, 1970]

U.S. Budget $1.1 Billion More in Red—Revenue Decline Swells Deficit—Shultz Hails Curbs on Spending

(By Art Pine)

Washington, July 28—The Nixon administration disclosed today that its budget deficit for fiscal 1970 was $1.1 billion more than was projected last May, but said it resulted from a shortfall in revenues, not overspending.

Officials reported that despite the $2.9 billion deficit, outlays totaled a full $1.4 billion below what was predicted two months ago—even with additional expenses brought on by the postal pay raise and higher interest rates.

Spokesmen here explained that the deficit instead was caused by reduced corporate tax revenues—due mainly to lower profits as a result of the economic slowdown—which left receipts $2.6 billion below what was expected.

SATISFACTORY PERFORMANCE

George P. Shultz, director of the new Office of Management and Budget, in a statement transmitted from the Western White House at San Clemente, Calif., called the figures "a strong and satisfactory performance from our standpoint."

Noting that the administration had been "successful in holding the expenditure line" during the 1970 fiscal year ending June 30, he again implored Congress to help keep expenditures down during the current 1971 fiscal year.

But Mr. Shultz, as well as Treasury officials in Washington, dismisses as groundless speculation that the fiscal 1971 budget already was heading for a whopping deficit of $15 billion or $20 billion.

SHEER SPECULATION

"That's just sheer speculation," said Paul A. Volcker, under secretary of the treasury, echoing Mr. Shultz at a briefing here. So much depends on congressional action on tax proposals, he said, that the exact deficit is too early to measure.

In his statement today, Mr. Shultz told reporters that the decrease in corporate earnings during fiscal 1970 had acted as "a stabilizing force . . . and helps the economy . . . to now be in a position to move upward."

But figures released by the Department of Commerce a few hours earlier failed to show any distinct upward trend in the so-called leading indicators used to predict changes in the economy—hinting that any upturn may be slight.

DECLINE IN INDEX

The agency's index of leading economic indicators, whose movement often foreshadows reversals in the economy, declined one-tenth of a point last month—a dip that economists regard as statistically insignificant, leaving the indicators virtually unchanged.

While some analysts saw the decrease as the start of a "bottoming out," especially in the wake of a drop of 2.0 points in May, most agreed that it seemed to preclude any substantial economic upswing before mid-fall.

SECOND DECREASE IN LAYOFFS

Meanwhile, however, a separate Labor Department report showed the demand for factory workers indicated signs of strengthening in June, with new hirings up slightly and layoffs down moderately.

The June figures represented the second consecutive reduction in layoffs following

nearly a year of small but steady increases. Analysts said the new data could figure favorably in upcoming unemployment statistics to be released next week.

In reviewing the fall in corporate tax receipts during fiscal 1970, officials here were hard-pressed to explain why such revenues fell a full $4.2 billion—even with a $2 billion shortfall in corporate profits.

Treasury officials speculated that a portion of that decline stemmed from the timing of corporate tax payments, which usually are sent in much earlier. If that is true, they said, the government can expect a windfall in fiscal 1971.

[From the Washington (D.C.) Post, July 29 1970]

U.S. DEFICIT FOR 1970 WAS $2.9 BILLION

(By Ken W. Clawson)

SAN CLEMENTE, CALIF., July 28.—The federal budget for Fiscal 1970 went $2.9 billion in the red, the Western White House announced today.

It marked the ninth time in the last 10 years that the federal government has spent more money than it has collected in taxes. Only in Fiscal 1969 was there a budget surplus in the last decade.

George P. Shultz, director of the Office of Management and Budget, announced the 1970 deficit today following a 2½-hour meeting with President Nixon and other top administration officials at the presidential compound here.

Shultz said the government spent $196.8 billion, including $77.8 billion for defense, while revenues flowing into the federal treasury totaled $193.8 billion.

The actual deficit was in contrast to a $1.8 billion deficit predicted by the administration last May, and a $1.5 billion surplus that President Nixon projected last February.

However, the final expenditures of $196.8 billion were less than either of the earlier projections, and Shultz hailed this as a "strong and satisfactory performance from our standpoint."

The deficit figure does not agree exactly with income and expenditures because of rounding off.

The revenue shortfall, Shultz said, was in large part due to a decline in corporate profits in the last six months of Fiscal '70, which ended June 30. He said that a projected upturn in the economy during the last half of this year should boost business profits and "give a better picture for Fiscal 1971."

"This deficit in 1970 can be seen as an example of a situation where the expenditure line was held within revenues that would be produced by the tax system at full employment. The deficit results from the automatic operation of the fiscal system, and that in itself is a stabilizing force," Shultz said.

NIXON'S RULE-OF-THUMB

Spending within revenues that would be generated by full employment, Shultz said, is Mr. Nixon's rule-of-thumb in looking toward Fiscal 1971 and 1972 budgets.

But the OMB director would not move beyond the administration's May projection that the 1971 budget will result in a $1.3 billion deficit. Most congressional estimates have ranged from a $6 billion to $10 billion deficit, and one key committee chairman has privately estimated that the deficit will be $15 billion.

(In Washington, meanwhile, Treasury Under Secretary Paul A. Volcker called the $10 billion to $15 billion deficit prospect for Fiscal 1971, cited by some government officials, "sheer speculation at this point."

(Volcker said that the Treasury does not have enough evidence at this time to revise the $1.3 billion deficit forecast.

(But other government officials who could not be named noted that Congress had not acted on Mr. Nixon's proposals for a tax on lead in gasoline, a speedup in collection of estate and gift taxes, and an increase in postal rates. Without those items, the Fiscal 1971 budget will be an additional $4.5 billion in the red.

(Moreover, as indicated by the Commerce Department's leading economic indicators yesterday, the economic upturn sought by the administration has not begun. This suggests a further shortfall in revenues that would add more to the prospective deficit.)

URGES TAX ACTION

Shultz said he is "explicitly restraining" himself from an updated 1971 estimate, but he again urged Congress to pass the President's tax proposals.

He stressed that the administration would continue to exert pressure on Congress to hold the line on spending this year. Mr. Nixon has already threatened to veto the education bill, which received final congressional approval today, because it exceeds the President's request by $453 million. Shultz called the bill "one of many bills of increased spending that are causing" great concern in the administration.

The objective, Shultz said, is a balanced budget in 1972 with full employment without inflationary price increases.

In discussions this week with the President and budget officials, Shultz acknowledged that a possible tax increase proposal next January is one of the options being prepared for Mr. Nixon's consideration.

Shultz would not address himself to a published report that a secret administration analysis projects a $23 billion deficit for fiscal 1972, but it was believed that the report was based on an analysis attributed to government sources on what would happen under the most adverse economic circumstances.

[From the Washington (D.C.) Evening Star, July 29, 1970]

U.S. BUDGET DEFICIT LAID TO SLUMP

(By Lee M. Cohn)

The federal budget swung from a predicted surplus of $1.5 billion to a $2.9 billion deficit last fiscal year because the economic slowdown curtailed tax collections, and a bigger deficit is expected this year.

Disclosing the budget results for fiscal 1970, the year ended June 30, the Nixon administration yesterday called the outcome "strong and satisfactory."

The deficit had a "stabilizing" effect on the economy, George P. Shultz, director of the Office of Management and Budget, said at the White House offices in San Clemente, Calif.

Shultz emphasized that expenditures were held below predicted levels.

While accepting revenue reductions as the inevitable and helpful consequence of an economic slowdown, the administration maintains that restraint of spending is crucial to curbing inflation.

Neither Shultz in San Clemente nor Treasury Undersecretary Paul A. Volcker at a news conference here would predict the deficit for fiscal 1971, the year that started July 1, but it is known the administration expects it to exceed last year's $2.9 billion.

Some analysts outside the administration predict a deficit as large as $15 billion, compared with the $1.3 billion officially projected in May.

Shultz said the administration expects "a much more moderate" deficit than that.

EXPENDITURES RISE

For fiscal 1970, expenditures totaled $196.8 billion, up from $184.6 billion in 1969. Outlays were $1.1 billion below the forecast in the budget submitted to Congress in February and $1.4 billion below the revised estimate issued in May.

Revenues rose to $193.8 billion from $187.8 billion in 1969, but were $5.5 billion below the February forecast and $2.6 billion below the May estimate.

The deficit of $2.9 billion contrasted with a surplus of $3.2 billion in 1969. A $1.5 billion surplus was predicted in February and a $1.8 billion deficit was projected in May.

Tax collections fell short of projections mainly because the economic slump was more severe than anticipated, reducing taxable incomes and profits.

Individual income taxes totaled $90.4 billion, up from $87.2 billion in 1969, but $1.8 billion below the February budget estimate. The Treasury said taxable capital gains were below expectations—presumably reflecting the stock market's slump—and thus accounted for part of the revenue slippage.

CORPORATE TAXES DOWN

Corporations paid $32.8 billion of income taxes, down from $36.7 billion in 1969 and $4.2 billion below the February projection.

Corporate profits in calendar 1969, which affected fiscal 1970 tax payments, were $1.8 billion below the Treasury's estimate of $93 billion. This accounted for only part of the revenue reduction, Volcker noted, but he was unable to explain the balance.

Other taxes, net, were about $500 million above estimates.

Shultz and Volcker emphasized that total expenditures were held $1.1 billion below the February forecast despite the $1.1 billion federal pay rise, increases in outlays for interest on the debt and other "uncontrollable" items, and congressional action raising some appropriations above budget recommendations.

OTHER INCREASES

Major spending increases above the February budget included $595 million for military functions of the Defense Department, $457 million for interest, $267 million for the Post Office, $251 million for farm price supports, $236 million for military foreign aid and $127 million for the Labor Department, mainly for unemployment compensation

The defense spending bulge resulted entirely from the pay raise, the administration said. Even with the pay raise, military outlays by the Pentagon declined $777 million below 1969 to $77.1 billion.

Major spending decreases below the February estimates included $381 million for loan disbursements by the Export-Import Bank, $321 million for medicare, $254 million for the Department of Transportation, $173 million for model cities, $137 million for space, $132 million for agriculture programs other than price supports and $106 million for the Justice Department, mainly because the law enforcement assistance grant program proceeded behind schedule.

HOLDING THE LINE

"This dramatic and successful effort to hold expenditures in line will be continued in the interests of promoting a healthy, as well as a growing, economy," Shultz said.

Pressing the administration's campaign against "big spenders" in Congress, Shultz said President Nixon had asked him "to express again his hope that the Congress will join him in a similarly successful effort to keep expenditures under control in the current year."

Shultz said Defense Secretary Melvin R. Laird expects outlays for the Vietnam war to decline to about half the peak annual rate of $29 billion by next spring when the withdrawal of 150,000 more U.S. troops is completed.

For fiscal 1971 and 1972, Shultz said, the administration is trying to stick to the principle that expenditures must be held within the level of revenues the Treasury would collect if the economy were operating at full capacity.

BELOW CAPACITY

This principle of a theoretical "full employment budget" balance of surplus produced a deficit in fiscal 1970 and is expected to result in another deficit in 1971, because the economy is operating below capacity.

But Shultz said the administration is aiming for an actual balance in fiscal 1972, the year starting next July 1, when the timetable calls for restoration of normal economic growth and full employment.

[From the Wall Street Journal, July 29, 1970]

FEDERAL BUDGET DEFICIT RAN TO $2.91 BILLION IN FISCAL 1970—SPENDING TRAILED ESTIMATES

WASHINGTON.—The Federal budget ran a deficit of $2.91 billion in the fiscal year that ended June 30, although spending was actually less than had been forecast in May.

At press briefings here and at the Western White House at San Clemente, Nixon Administration officials hailed the lower-than-expected outlays, noting that the widening in the deficit from the $1.8 billion drain predicted two months ago was due solely to smaller revenue resulting from the sluggish economy.

George Shultz, Director of the Office of Management and Budget, called the results "a strong and satisfactory performance" at a news conference in San Clemente. And Paul A. Volcker, Treasury Under Secretary for Monetary Affairs, told reporters here that the "modest deficit" isn't "disturbing."

But these officials declined to discuss the specific budget outlook for the current fiscal year, except to disassociate themselves from estimates by Congressional and other Government sources that the deficit is likely to run as high as $10 billion to $15 billion in the new fiscal year that began July 1.

The deficit for the just-ended fiscal 1970 contrasts with a $3.24 billion surplus in fiscal 1969, which was the first budget surplus in nine years and the largest in 12 years. Before leaving office in January 1969, President Johnson projected a $3.4 billion surplus for fiscal 1970, and in April 1969 President Nixon forecast a $5.8 billion surplus. The Nixon Administration last February scaled this projected back to a $1.5 billion surplus and then issued the $1.8 billion deficit estimated in May.

Expenditures for the last fiscal year totaled $196.75 billion, down from both the $198.2 billion estimated in May and the $197.89 billion projected in February. In fiscal 1969, Federal outlays totaled $184.56 billion.

Revenues in fiscal 1970 totaled $193.84 billion, well below both the $196.4 billion estimated in May and the $199.93 billion forecast in February. In fiscal 1969, total Government receipts were $187.79 billion.

Officials noted that fiscal 1970 outlays were held below earlier estimates despite Federal pay boosts that added about $1.1 billion to expenditures and increases in "uncontrollable" spending such as interest on the public debt. Outlays were still slightly higher, however, than the $192.9 billion spending initially forecast by President Nixon in April 1969.

JOINT STATEMENT

In a joint prepared statement, Treasury Secretary Kennedy and Mr. Shultz listed numerous areas that contributed to the less-than-anticipated outlays in fiscal 1970.

The largest downward revisions from the February estimate, the statement said, included a $381 million reduction in projected outlays of the Export-Import Bank due "primarily to lower-than-anticipated levels of loan disbursements"; a $321 million reduction in predicted outlays of the Department of Health, Education, and Welfare resulting from "lower-than-expected spending" in the Medicare program; program "unrerruns" of $251 million in the Transportation Department; a $173 million reduction in outlays by the Department of Housing and Urban Development due to "slower-than-projected" spending for model cities; program "deletion" and "rephasing" in the National Aeronautics and Space Administration resulting in a $137 million spending reduction; a reduction of $132 million in Agriculture Department outlays, and a $106 million reduction in projected Justice Department spending due primarily to "delays in awarding law-enforcement assistance grants."

These decreases from earlier estimates more than offset increases in some other areas, including $457 million more in interest payments on the public debt and a $267 million increase over the budget estimate for the Post Office Department due to the postal pay raise.

REDUCTION IN RECEIPTS

The $5.5 billion reduction in actual receipts from the February estimate was more than accounted for by shortfalls in income-tax receipts, the statement said. Individual income-tax payments ran $1.8 billion below the estimate and corporate receipts were $4.2 billion below.

About $450 million of the shortfall in individual income-tax receipts reflected higher-than-expected refunds, the officials said. They said most of the remaining shortfall "represents payments of final taxes on calendar year 1969 liabilities and declaration payments on 1970 income that were substantially below the amounts estimated, largely reflecting lower-than-expected capital gains."

The smaller-than-anticipated corporate-tax revenues was accounted for by about $300 million of "larger-than-expected" refunds and about $3.9 billion of "shortfalls" in projected final payments of 1969 tax liabilities and declaration payments of 1970 liabilities.

Officials said it's still "too early" to revise the budget estimates for fiscal 1971, which currently put revenues at $204.3 billion and outlays at $205.6 billion for a projected deficit of $1.3 billion, although Mr. Shultz said "it is clear enough that the situation has changed somewhat."

ESTIMATES TOO HIGH?

Other officials have privately suggested that the sluggish revenues in fiscal 1970 probably signified that the fiscal 1971 estimates are also a bit too high. But Mr. Shultz noted that there has been "a better-than-expected" performance of corporate profits in the second quarter that could point toward "a somewhat better picture" for this fiscal year's revenues.

Some Congressional sources have indicated it now appears the budget deficit this fiscal year will reach $10 billion or even $15 billion and a few Administration analysts have privately agreed this is a likelihood. But Mr. Shultz emphasized that "we're working for a much more moderate result," and Mr. Volcker declared: "We aren't ready to concede the kind of figure those people are talking about." The Treasury official said these figures are "sheer speculation at this point."

Mr. Shultz told reporters officials have been discussing the fiscal 1972 budget with the President, with the talks centering on the defense sector. But, he said, "We haven't tried to pin down any particular number" for either the budget generally or defense outlays. Total defense spending in fiscal 1970 was $78.31 billion, down slightly from $79.15 billion in fiscal 1969.

DEFICITS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I doubt if I will take 1 minute at this point. I deplore the anticipated or the announced deficit of $2.9 billion under the Nixon administration. Let me remind my friend from Louisiana that does not compare with the $25 billion deficit of the last Democratic administration. I yield back the balance of my time.

TAFT SEES ECONOMIC IMPROVEMENTS—CITES RISE IN MACHINE TOOL ORDERS

(Mr. TAFT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TAFT. Mr. Speaker, a recent article in the New York Times reports an 11.4 percent increase in machine tool sales in June over May of this year.

I believe this is a most encouraging sign that the economy has bottomed out and we are now moving up again.

Machine tool orders, traditionally, have been closely watched as an indicator of economic conditions, since most machine tool orders represent an expansion of plant capacities.

Until now, however, machine tool orders have been significantly lower than last year, and, while the latest sales figures are still down, there was an 11.4 percent increase in June sales over May's.

I believe this is evidence that the Nixon administration's fiscal policies are taking hold.

Following is the article from the New York Times:

MACHINE-TOOL ORDERS ADVANCED A MODERATE 11.4 PERCENT LAST MONTH

(By Robert Walker)

New orders for machine tools, considered an important indicator of future business activity, increased by 11.4 per cent in June from the May total, but this moderate advance left the order books of the tool builders at extremely depressed levels.

Orders in June were down 52.7 per cent from those of the comparable 1969 month. For the first half of 1970, the total was $537,650,000, slightly more than half the bookings in the first six months last year, when they came to $1,031,850,000.

The National Machine Tool Builders Association reported yesterday in Washington that new orders in the latest month were $76,850,000, an advance from $60-million in May but a decline from $162.4-million in June, 1969.

Of the June, 1970, bookings, $57,350,000 came from domestic buyers and the remaining $19.5-million represented foreign orders.

These orders for machine tools—the equipment used to build other equipment—are considered an extremely accurate indicator of how many assembly lines are being planned by industry in general.

Thus, they usually give analysts an early signal of major changes in capital-spending intentions. The figures compiled by the Washington-based association count only orders for new tools from domestic builders.

However, sales of foreign tools and used machines in this country are believed to be following a similar trend. The Machinery Dealers National Association has reported that sales of used machine tools in May, the latest available figure, were up about 2 per cent from the April level but were down 26 per cent from those of May, 1969.

As reported by the National Machine Tool Builders Association, orders for new, Ameri-

can-made tools are divided into those for metal-cutting and metal-forming machinery.

Orders for metal-cutting tools in June, 1970, were $61.4-million, a gain of 16.4 per cent from the May level, but a drop of 45.4 per cent from the total in June, 1969.

Bookings for metal-forming machinery in the latest month were $15,450,000, down only 4.9 per cent from the May level but off 68.9 per cent from orders in the year-earlier month.

In the first half of this year, metal-cutting orders were $404,400,000, a decline of 42.9 per cent from the level in the 1969 first half. Metal-forming orders in the latest six months were $133,250,000, a decline of 58.8 per cent from the 1969 level.

PACE COMPARED

Reflecting the fact that new orders were received at a much better pace near the end of last year, shipments of finished machines in the latest half were almost unchanged from those of the first six months of 1969.

Shipments in the 1970 period were $805,050,000, down less than 1 per cent from $806,850,000 in the 1969 first half.

Shipments in June, 1970, were $143.4-million, an increase of 1 per cent from $143.2-million in May. However, the figure was down 11.6 per cent from $162.2-million in June, 1969.

PROF. HARDIN JONES, OF THE UNIVERSITY OF CALIFORNIA AT BERKELEY, ON CAMPUS VIOLENCE

(Mr. SCHERLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCHERLE. Mr. Speaker, the recently publicized memorandum sent by that expert on campus violence, Alexander Heard, to the President is deserving of reply for a number of reasons, chief of which is it served no useful purpose and offered no sound suggestions.

Fortunately, all members of the academic community do not feel as President Heard feels, either about violence on campus or about the ways to cope with it.

I have in my possession a wire sent to the President by Prof. Hardin Jones of the University of California at Berkeley and made public by him. Professor Jones is a different kind of academician from President Heard.

I insert Professor Jones' wire in the RECORD:

BERKELEY, CALIF.

DEAR MR. PRESIDENT: I am a professor at Berkeley. I know the subject of unrest on the campuses through 30 years of university teaching and administration. I have written extensively on this subject. The report to you by Alexander Heard is in my opinion, invalid because it is largely self-serving to the very political movement corrupting education and contributing to the student unrest. There is much evidence that this unrest results from use of the educational process to marshal students in a political force. The key issue allowing the corruption of education is that institutions so affected follow the example of Berkeley and allow advocacy of illegal activities using college facilities. Much of this is directed to influence students and to involve them in unlawful activities. The educational process has become a political force for illegal social change and to propagandize acceptance of social views not espoused by the people who support these institutions. I observe, too, that students are idealistic. They can be idealistic and misled at the same time. Certainly violence is not a civilized display of idealism. Your advisor has not given weight to the awful evidence that there is a minority of organized Marxists in education who advocate revolution and other anti-social commitments. The evidence is that radical political pressures will continue to come from minorities of alienated students and their faculty sponsors. There will continue to be controversy as to whether they do or do not represent the majority of students. I believe that all evidence points to the likelihood that this disturbance will not stop with our withdrawal from Southeast Asia. I urge leadership to solve the real problem of students. They are miseducation and the problems and hazards created by the confrontation tactics of the activists. I hope that the Heard report justifying campus unrest will not be expanded by the Scranton Commission to the political benefits of the revolutionists. We should instead move to lessen the blight in education which is also a peril to our country.

HARDIN B. JONES,
Professor of Physiology, Professor of Medical Physics, Assistant Director, Donner Laboratory, University of California, Berkeley.

MISS KAREN BOLTON AND MISS LENNIE RADEMACHER, WISCONSIN REPRESENTATIVES TO GIRLS NATION

(Mr. SCHADEBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHADEBERG. Mr. Speaker, this morning I had a most memorable experience in meeting with the two State of Wisconsin representatives to Girls Nation, Miss Karen Bolton, age 17, who attends Beloit Memorial High School in Beloit, and Miss Lennie Rademacher, age 17, who attends St. Catherine's High School in Racine. It is a rare honor to be the Representative of both State choices to this program sponsored by the American Legion Auxiliary.

These two fine young women are here in Washington this week as a result of democratic elections made in Wisconsin Girls State. They were selected by their peers from the 503 representatives who went to Madison to participate in a program designed to promote an understanding of State government. They are now with us learning about National Government and practicing the procedures of democracy.

Mr. Speaker, I am sure that my colleagues join me in extending my appreciation to the American Legion Auxiliary for sponsoring this program in the National Capital since 1947, and my congratulations to the two refreshing representatives from my First District, Wisconsin, who are representing the great State of Wisconsin so well.

FRANK STEWART

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I am very concerned about the case of Frank Stewart, a young black man who is under indictment in Louisiana for conspiracy to commit murder in Baton Rouge Parish. Stewart, a former Peace Corps and current VISTA volunteer, is being held in lieu of $100,000 bond on a charge of plotting the assassination of the mayor-president of Baton Rouge. The indictment grew solely out of the testimony of a police informer. The mayor is alive and well; there has been no attempt on his life.

In his capacity as a VISTA volunteer, Mr. Stewart has been engaged in community organizing in Baton Rouge. He has earned the respect of his colleagues in VISTA and of the black community of Baton Rouge, so one inevitable effect of the indictment has been to exercise a chilling effect on VISTA and other Federal antipoverty activities in the Baton Rouge area.

If there has been such a conspiracy and Mr. Stewart is involved, he and any others who are involved must be brought to justice. But if local officials are harassing leaders or organizers of the black community—or if they are attempting to minimize the effectiveness of Federal programs or eliminate altogether programs or workers they do not happen to like—then such harassment cannot be tolerated. In any event, I am sure everyone will agree that the constitutional rights of all concerned must be rigorously protected.

But the events in East Baton Rouge have unusual national significance because the morale of VISTA workers all across the country will suffer severely if the constitutional rights of one VISTA worker—especially one as highly regarded as Frank Stewart—are denied, or if it turns out that a VISTA worker has been subjected to official harassment for doing his job effectively.

Anyone who knows many VISTA workers knows that they are generally a remarkable group. The American people can be proud that we have produced young people—and some not so young—who work gladly for subsistence pay in difficult circumstances with little or no recognition to try to help fellow citizens who live in social and economic adversity improve the conditions of their lives.

For these reasons, I will reopen this discussion tomorrow. I hope that many colleagues will join in an effort to establish what the facts are in this volatile situation, as a necessary step toward assuring justice and safety for everyone involved.

PANAMA CANAL

The SPEAKER pro tempore (Mr. STAGGERS). Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Florida. Mr. Speaker, once again the Panama Canal has become the subject of dispute within the Halls of this Congress. This was brought about by the White House's recent designation of Daniel W. Hofgren, a 33-year-old former Wall Street investment manager, to take over negotiations with Panama for a new Atlantic-Pacific canal.

In 1967, I joined with Congressman DANIEL FLOOD, who has spearheaded Concurrent Resolution 592 in the House call-

ing for the United States to maintain and protect our sovereign rights and jurisdiction over the Panama Canal and insisting that we in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other nation or international organization. My action followed the unofficial announcement that the Johnson administration and the Republic of Panama had reached agreement on the contents of new treaties between the two nations pertaining to the control, construction, and defense of the Panama Canal.

I am unable to understand the thinking of those who would give away our rights to the Panama Canal. Recent testimony by military experts before the House Foreign Affairs Committee, of which I am a member, pointed out the necessity of our maintaining American armed forces in the Canal Zone. At the present time, we maintain in the Canal Zone an Army infantry brigade, two Air Force plane squadrons, six air transports, and a Navy-provided LST. The wave not too long ago of assassinations, kidnapings, riots, and other acts of violence pointed out the need when our military forces were called upon to support the civilian police during mass disturbances. I have little doubt that the activities of Communists and leftists operating in the Canal Zone stem directly from Soviet-dominated Communist Cuba. The Soviet has long considered the new and undeveloped nations of Latin America to be fertile ground for their doctrines and policies of economic and political penetration.

In 1967, under the Johnson administration, a three-man team was appointed from Panama to negotiate with the United States for the three unsigned canal treaties which would have recognized Panama's sovereignty over the canal area, allow the highly unstable and dubious Government of Panama to jointly administer and defend the canal along with the United States, increase the annual payments that the United States must make to Panama, increase the tolls on ships and cargoes using the canal, and which would have provided for the construction of a new sea-level canal which would have rendered the present lake and lock canal unnecessary.

As chief negotiator on the canal, Mr. Hofgren would be directly under the supervision of Ambassador Robert B. Anderson, Chairman of the Atlantic-Pacific Interocean Canal Study Commission, which is the organization that is leading the proposal for a new sea-level canal. The proponents of this new sea-level canal must, in my opinion, bear a large portion of the responsibility for the tenuous situation which now exists between the United States and Panama over the issue of the canal. It is the Commission which has steadfastly ignored the criticism that a new sea-level canal is economically and physically unfeasible. Despite the fact there is not one shred of substantive evidence to their arguments that the present canal is obsolete and subject to sabotage and nuclear attack, the Commission continues its relentless pursuit for the construction of a new canal. It chooses to ignore the fact that the differences in the tidal range of the two sides of the Isthmus, measuring 22 inches on the Caribbean side and 22 feet on the Pacific side, present serious navigational hazards. It ignores the impossible engineering problems in connection with the terrain of Panama. And it completely ignores a report by the National Academy of Sciences that a serious ecological imbalance would result in both bodies of water if the present fresh water barrier in the present lock canal is abolished.

Now, having failed in their attempts to justify their obsession with a new canal, the Commission is trying other routes, some through dense jungle foliage so thick they are apparently unable to meet their 5-year deadline of December 1. The Commission has requested an extension for submitting its report on a new canal and has asked for an additional $1.5 million to complete its survey. The total cost to the American taxpayer for these jungle peregrinations have totaled some $24 million to date.

The Commission is apparently equally obsessed with the thought of using nuclear power to excavate their fanciful version of a new sea-level canal, despite the fact an atomic explosion within 10 miles of the present Canal Zone would most likely destroy the entire population by nuclear fallout. For this reason, the Atomic Energy Commission has declined to lend its support to the use of atomic power for the proposed digging of the new canal.

It is interesting to note that nowhere is there more than a vague estimate of the astronomical price of a new sea-level canal, although a 1960 estimate placed the amount at $2,368,500,000, exclusive of any indemnity to Panama.

Mr. Speaker, I have not seen one shred of evidence that the United States should abandon the present Panama Canal. The Congress has already appropriated $81 million for the widening and deepening of the summit channel of the canal and for new equipment and lighting. The existing dual locks can today be utilized for the construction of a third channel. The Terminal Lake-Third Locks modernization would not require any new treaties with Panama but could be carried out under existing treaties. Appropriations requests now before the Congress in the amount of $850 million would allow sufficient improvement to the canal to serve all necessary sea traffic requirements well into the 21st century.

On two previous occasions—in 1962, under President Kennedy, and in 1964, under President Johnson—attempts by the executive branch to disclaim our Nation's sovereignty over the Panama Canal failed due to the outcry from some Members of Congress and an enraged American public who are aghast at the attempt by some to weaken our treaty position and surrender our historic rights to the canal.

The United States has had full sovereign rights, power, and authority over the Canal Zone territory and the canal since the Hay-Bunau-Varilla Treaty of 1903. Not only Colombia, the sovereign of the Isthmus before Panama's independence, but the world has long recognized the right of the United States to the canal as "entirely and absolute." It is obvious that the United States would not have assumed the responsibility it has had since 1901 for the construction, operation, and defense of the Panama Canal without some legal title.

The two major issues, then, Mr. Speaker, are the retention by the United States of its unquestionable sovereign rights to the Canal Zone territory and the canal, and the modernization of the existing canal, which does not require any new treaty negotiations.

The Constitution gives to the Congress, and to the Congress alone, the sole authority to dispose of territory belonging to the United States and this is clearly outlined in article IV, section 3, clause 2 of that document. This provision vests the power to dispose of territory and other property of the United States in the entire Congress—House and Senate—and not in the treaty-making power of our Government—President and Senate.

The continuance of our foreign policy which dilutes or repudiates entirely our sovereign rights, power and authority with respect to the canal might lead eventually to the domination of the Republic of Panama by the Communists and thereby place this strategic waterway in the direct control of the Soviet Union. The consequences of such action would not only weaken the United States but the ultimate consequences would be staggering to the imagination.

Mr. Speaker, it is unthinkable that anyone in our Nation could honestly believe that the national security of the United States would be served in the surrendering of our rights to the Panama Canal, or that we should, with present world unrest, make Panama an equal partner with us in the present canal or in any future canal that might be built until perhaps some later time, which certainly is not now with world conditions as they are.

The Panama Canal is a priceless asset of the United States in both a military and an economic sense, and I, for one, will never be a party to any agreement which would authorize our surrender of our sovereign rights to the canal at the expense of our national security if I can prevent it.

CONGRESSMAN CRANE REPORTS ON CON SON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 45 minutes.

Mr. CRANE. Mr. Speaker, let me begin this discussion by disposing of two questions which were alluded to by several of my colleagues in yesterday's proceedings:

First. That I violated the standards of the House of Representatives and that I questioned the integrity of the distinguished gentleman from California (Mr. HAWKINS). To any of my colleagues who believe that I questioned the integrity of my colleague, I will simply and humbly repeat what I told that gentleman per-

sonally: that there was certainly no personal affront intended, and that I certainly do not question the motives or the integrity of the distinguished gentleman from California.

Second. That I singled out the distinguished gentleman from California for particularly harsh treatment, and that the gentleman from Tennessee (Mr. ANDERSON) was somehow—intentionally or inadvertently—ignored. My simple response is contained in the report of the Select Committee on U.S. Involvement in Southeast Asia. In his supplementary views in that document, the gentleman from Tennessee notes:

A detailed report of conditions is contained in the Supplementary Views of Congressman Hawkins.[1]

In the effort by the Members of Congress to investigate the question of possible inhumane or brutal treatment of prisoners in the prison at Con Son Island, it is vitally important for all of us to make sure our attention is focused on that problem rather than on personalities.

In this connection, we have previously heard the testimony of these two of our colleagues who visited the prison on July 2. I visited the same prison 20 days later, and can only report what I saw.

Permit me to focus for a moment on the attitude with which I embarked upon my visit to Con Son. My expectations were to a large extent based on what I had read: no accounts in the media that I now know to have been somewhat less than accurate. For example, I had read in the Economist that the tiger cages were "pits dug by the French."[2] Imagine my surprise when the tiger cages turned out to be two-story, above-ground buildings—not pits at all.

I had also seen photographs like the pair on page 27 of Life magazine of July 17, 1970.[3] Let me emphasize that this is a pair of photos—virtually everyone with whom I have discussed this article had assumed them to be a single picture of a single cell housing seven inmates. In fact, they are two photos of separate cells with three and four inmates, respectively.

Another example: my distinguished colleague (Mr. HAWKINS) has described the island as "remote."[4] Actually, Con Son is a weekend retreat from Saigon for both Vietnamese and American citizens, who swim and fish off its lush, tropical shoreline, a mere 50 miles from the mainland.

The charges that have been made regarding conditions at Con Son prison can be considered in two groups: those pertaining to physical conditions, and those that have to do with the treatment of the prisoners. Let us examine them in turn.

[1] Select Committee on United States Involvement in Southeast Asia, *Report together with Supplemental Views* (91st Congress, Second Session, Report No. 91–1276), p. 52.

[2] *The Economist*, July 18, 1970, p. 42.

[3] *Life* Magazine, July 17, 1970, p. 27.

[4] *Op. cit.*, Select Committee, "Supplemental Views" of Augustus Hawkins, p. 33.

CONDITIONS AT CON SON

The "tiger cages" have been reported to be cells of inadequate size, filthy, stupefyingly hot, and lacking ventilation.[5] The report of the five students who had been in the tiger cages at Con Son indicated that rain water poured into these cages through the tile roof.[6]

According to Life magazine, the July 2 visitors gained the impression that "all the prisoners were sick: with TB, open sores, eye diseases, and malnutrition."[7] It was reported that lime dust was used to quell rebellion on the part of prisoners.[8] The "Report of the Five Students" further tells us that they regularly sustained beatings, and were fed rice containing sand and pebbles.[9] It has been further charged that the prisoners were so paralyzed from being shackled that few of them could stand.[10] Life states that they were forced to eat insects and the like.[11]

It is extraordinary how different were the conditions that I observed on my visit only 20 days later. I had the opportunity to inspect both the "tiger cages" and the "cow cages," which the earlier visitors admittedly did not see. Permit me to describe what I saw.

The tiger cages measure 5½ feet in width, 10½ feet in length, and 10 feet from floor to ceiling. One enters through a door at ground level. There are no windows in the walls, but the bars are at the ceiling of the cell. Two-thirds of the cell at ground level is elevated approximately 1 foot. It is on this platform that the prisoners sleep on straw mats. At the ground level in each cell is a small wooden box which serves as a latrine and is covered and is emptied once a day.[12]

Anchored in the cement of the elevated platform is a metal bar almost flush with the platform. This is for manacling prisoners between the hours of 5 p.m. and 6 a.m.[13] Colonel Ve indicated that this is necessary for security reasons. After inspecting the doors to most of the cells, I concluded his concern for security was valid since a solid kick on most of the doors would open them.

It should be pointed out that none of the guards at Con Son prison are armed and the prisoner-guard ratio is 100 to 1, in contrast to the Cook County, Ill., jail where the ratio is 7 to 1. The escape of these hard-core Vietcong prisoners from their cells could prove to be a very real security threat.

Each cell, in addition, contains a bucket of water for laundering articles and bathing. Clotheslines were strung in the cells where prisoners had laundered articles and they were hung to dry. Each prisoner had a flight bag containing personal belongings hanging from the walls, and there were other personal articles such as eating utensils, bowls, and embroidery work which is done by prisoners to sell to acquire money to buy special articles periodically from the prison canteen.[14]

The walls of the prison are concrete, approximately 1½ feet in thickness. Con Son Island is at 9° N. latitude. It is hot and humid most of the year. There is one rather large window at the second floor level for every two cells, and there are airspaces in the doors to the cells. At no place in the "tiger cages" does the sun hit the prisoners directly, although there is ample diffused light throughout. Since the concrete walls, 1½ feet thick, would act as insulation against the heat, one can readily see that for the cells to be "stupefyingly hot" that it would have to be even more "stupefyingly hot" outside.

I saw no evidence of filth on the floors of the cells. The walls had not been freshly repainted but were not particularly dirty, and there was even less foul odor than a westerner generally detects in the ricefields of the mainland.

PRISONER CONDITIONS

As for the condition of the prisoners themselves, I saw no evidence of malnutrition, no evidence of eye infections, no evidence of open sores with the exception of one male prisoner with a small bandaid on his cheek bone, and no evidence of paralysis of limbs except for one young girl who explained to me that her inability to use her limbs traced back to an incident antedating her arrival on the island of Con Son by 6 months. I saw all of the women prisoners—over 300 of them—and approximately 50 of the men. The latter are now all housed in the "cow cages." I saw no prisoners with any evidence of beatings, and none of the prisoners I spoke to mentioned anything about physical beatings. I saw no prisoners with evidence of bruises or abrasions on ankles or wrists from manacles.

The "cow cages" are so called because they are located in close proximity to a cattle feeding shed. They are square rooms measuring approximately 12 feet by 12 feet. There are no ceilings on these rooms but the ceiling space is covered with taut barbed wire at an elevation of approximately 8 feet. This is to permit maximum ventilation between ceiling level and the rafters. Each cell has one window near the ceiling measuring approximately 3 feet by 2 feet that is barred and looks out upon the yard in front of the building. These buildings are also of concrete.

There were eight prisoners in each of

[5] *Op. cit., Life*, p. 27.

[6] Select Committee Report, p. 39 ("Report of 5 Students who have returned from Con Son Prison," Exhibit in Support of Views of Mr. Hawkins). In fact, as my photos clearly show, the roof was not tile, but sheet metal with an inside layer of wood.

[7] *Op. cit., Life*, p. 27.

[8] *Ibid.*

[9] *Op. cit.*, "Report of the 5 Students . . ." pp. 39, 41.

[10] *Op. cit., Life*, p. 27.

[11] *Ibid.*

[12] Don Luce, "The Tiger Cages of Con Son," Congressional Record, July 28, 1970, p. 26007.

[13] The "Report of 5 Students . . ." states that the cage is about 3 meters (10 feet) long and 1½ meters (5 feet) wide. ". . . and that the prisoners' legs were shackled to a metal rod about 4 or 5 meters (14 to 17 feet) long." P. 38. Mathematically, it is impossible for the rod to be this long inside a single cell.

[14] Assorted eating utensils and bowls are clearly visible in the lower picture in *Life* (*op. cit.*) p. 27.

the cow cage cells I visited. All of the prisoners appeared to be in good health and not undernourished. In fact, clad as most of them were in undershorts, it was apparent that some of them carried excess weight. I have photographs available taken inside the cells of prisoners that will verify this point.

I am in no more position to comment on the alleged mistreatment of prisoners based upon hearsay than are those who visited the prison on July 2 of this year. I can, however, comment on both condition of the cells and condition of the prisoners which was, of course, observable to me.

COULD THE PRISONERS HAVE BEEN SWITCHED

The question arose in my mind during my visit as to the possibility that a different set of prisoners had been moved into the cells than those who had been there on July 2. There are approximately 9,500 prisoners on the island of Con Son, slightly over 300 of whom are women.

Since the U.S. Navy patrols the waterways between Con Son Island and the mainland, a distance of approximately 50 miles; and since the island is dependent upon the U.S. Government for air transportation; and since the transportation of the 300 odd women from Chi Hoa prison to Con Son 8 months ago represented a rather major logistical problem; I cannot conceive that there has been a switch of the 300 odd women who were there on July 2 with 300 others during the time that elapsed between July 2 and July 22. In addition, our AID officials, Mr. Frank Walton and Mr. Randolph Berkeley, who accompanied my colleagues on their visit on July 2 and myself on July 22, and in the interim made another visit to the island to inspect the tiger cages and cow cages, testified to the fact that they recognized prisoners who were there during all three of their visits.

Mr. Donald Luce, the journalist who acted as translator to the two members of the select committee, has since written to my distinguished colleague from California. He very accurately states why it would have been very difficult for the South Vietnamese Government to change prisoners:

I think we can be sure that the press here will carefully watch prison conditions.[15]

With a vigilant press, and with a large logistic problem involved, and with the eyewitness accounts of various officials, I believe it highly unlikely that a change of prisoners could have taken place. If any suggestion is made that a change did take place, the burden of proof should fall on those who maintain that a switch was made.

Permit me to call to the attention of my colleagues the distinguished backgrounds of the two gentlemen who direct U.S. activity in this area:

FRANK E. WALTON

Mr. Frank E. Walton is serving his second tour of duty as the Chief Public Safety Advisor to Vietnam in the Agency for International Development, having served in that capacity from 1959 to 1964 and having returned to the post in April 1969, after an interim assignment as Chief of the Vietnam Division of the Office of Public Safety, AID, Washington, D.C.

Mr. Walton came to Federal Government service after serving for 23 years with the Los Angeles Police Department and the Los Angeles County Sheriff's Office as a law enforcement officer in all phases of police operations, supervision, administration, training, and corrections. He holds a B.S. in police science and administration and an M.S. in government.

His experience included 2 years in command of the Los Angeles Police Training Academy and a period as deputy chief in charge of corrections for Los Angeles County for a confinement system of 10 division jails, a main jail and a rehabilitation center.

RANDOLPH CARTER BERKELEY, JR.

Randolph C. Berkeley, Jr., the Chief of the Correction and Detention Branch and Division, Public Safety Directorate of the Agency for International Development in Saigon, is a retired career Marine Corps colonel who entered on active duty with the Marines directly upon his graduation from the U.S. Naval Academy in 1938. He served in increasingly responsible posts, being assigned to Cherry Point and Camp Lejeune, N.C., as chief of staff and commanding officer in 1958 and rising to the top Marine intelligence position at Marine Corps Headquarters, Washington, D.C., in 1961, which post he held at the time of his retirement from active duty in 1965.

His varied experience throughout his Marine Corps career, including command intelligence and counterintelligence assignments in the early 1960's and command aviation assignments throughout the 1950's, makes him uniquely qualified for the administrative duties involved in overseeing the prisoner detention program in South Vietnam.

A part of the debate on this issue apparently centers on the credibility of their testimony. It strikes me as not altogether proper to draw conclusions as to conditions at Con Son Island without having had the advantage of talking to these two gentlemen who were eyewitnesses during the July 2 visit as well as the July 22 visit. In addition to these gentlemen, three other Americans accompanied me on my visit to the prison: Mr. James Nach, embassy political officer, Lt. Carl Mallet, U.S. Navy, and Sp4c. A. Hill, who took photographs of the prison during my entire visit. These are unusually clear and detailed pictures of both the "tiger" and "cow" cages, and of other parts of the prison.

INTERVIEWS WITH PRISONERS

The prisoners in these cells at Con Son are there, according to the testimony of *Lt. Col. Nguyen Van Ve*, and by the admission of the 32 whom I interviewed, for two reasons:

First, they were imprisoned under the An Tri law of the Vietnamese Government, which enables the government of Saigon, working through provincial security committees at the local level, to jail Vietnamese citizens suspected of Vietcong—National Liberation Front—associations for a period of up to 2 years and reserves to the government the power to secure extensions at the convenience of the government.

Second, there is a rule at Con Son prison that all prisoners must salute the flag of the Government of South Vietnam. The prisoners in the "tiger cages" and "cow cages" had refused to do this.

There is a third point that should be mentioned about the women prisoners at Con Son: they had instigated a riot in the prison of Chi Hoa in Saigon 8 months earlier, which was the immediate cause of their transfer to Con Son.

I think it is important to realize in this context that I spent approximately 2½ hours talking to prisoners in the tiger cages and cow cages in contrast to the one-half hour spent by the earlier delegation. This means I had a five times greater period in which to interrogate prisoners. I indicated to the prisoners that I was not a representative of the American military but rather a representative of the U.S. Government. I encouraged them to talk but I did not ask specific questions that might be considered "loaded." I had the services of three interpreters—one American and two Vietnamese nationals—rather than a single source. All of those to whom I spoke acknowledged membership in the National Liberation Front and were proud of that fact. The major preoccupation of each of the 32 prisoners to whom I spoke was politics. All of them indicated their opposition to the Government of South Vietnam. They were also critical of the United States for providing military support to South Vietnam against both the National Liberation Front and the Government of North Vietnam. Several prisoners indicated their loyalty to the Government of North Vietnam.

On the second point, one may reasonably question Colonel Ve's insistence that all prisoners at Con Son salute the flag. Still, all prisons have their rules, and conformity to this rule by any prisoner would result in his transfer out of either the tiger cages or the cow cages. The action of defiance of this particular regulation at Con Son by prisoners in the isolation cells was a voluntary one. In the interviews I had with 20 women and 12 male prisoners, they took pride in their refusal to honor the flag that represents a government they view as iniquitous.

Specifically regarding the women prisoners, their attempts to generate a prison riot at Chi Hoa—near Saigon—provide yet another evidence of their commitment to offer as much resistance as a prisoner can to his captor. Resistance, of course, is the prerogative of any prisoner. But, as I said, it was for this action that the women were transferred to Con Son Island.

Some of the prisoners indicated their displeasure with the prison diet. The 18-year-old English-speaking girl showed me some dried fish she had in a small plastic bag as proof of the unpalatability of the prison fare. However, the dried fish she produced was the same type of

[15] Letter from Don Luce to the Honorable Augustus M. Hawkins, CONGRESSIONAL RECORD, July 28, 1970, p. 26006.

dried fish I saw prisoners in Camp 4, outside the tiger cage and cow cage areas, eating with their rice.

Some prisoners indicated that prior to 2 weeks before my visit they did not have enough water for bathing purposes. This has been corrected.

None of the prisoners mentioned an insufficiency of drinking water.

Quite significantly, I believe, not a single prisoner raised the question of the use of lime dust to quell unruly prisoners.

The use of lime dust, I have been informed, is not novel in that area of the world. It is, in fact, apparently a cheap substitute for tear gas such as we use in the United States and is considered preferable since it can be localized more effectively than can tear gas.

When I spoke to the attractive 18-year-old English-speaking woman previously mentioned, a self-admitted member of the National Liberation Front, she explained to me that she was an idealist, that she viewed the government in Saigon as oppressive, that she had been jailed without trial by that government and, therefore, would not honor the flag of that government. I explained to her that one must pay a price for such idealism and, in this instance, the price was confinement in her isolation cell. She acknowledged to me that she obeyed certain rules as a member of the National Liberation Front. I pointed out to her that we all live under rules, and that now she was in a position where she had to obey the rules of Con Son prison or else continue her defiance within the confines of her isolation cell. She indicated to me that she preferred to carry on her private war in this manner, which is her choice.

The question legitimately arises as to whether there was not an attempt by the prison authorities to clean conditions up between July 2 and July 22 when I visited. In response to that suggestion, let me offer the following: First, virtually the only physical change in the cells that could have occurred in that interim was that the floors could have been swept. There was no evidence, as I indicated earlier, of fresh paint or whitewash on the walls. The cells could not have been made noticeably cooler. Regarding the condition of the prisoners, their reported malnutrition could not be cured in less than 3 weeks. Open sores cannot be healed in less than 3 weeks and paralysis of limbs cannot be remedied in less than 3 weeks. As for the reported TB cases, I saw approximately 16 women in the dispensary across the yard from the barracks containing the tiger cages, all of whom were suffering from TB, all of whom are under treatment, and all of whom are seen by a doctor on a weekly basis. I examined the records of the orderly in charge of requisitioning and dispensing medicine for the tiger cages. His books are well kept and entries made every 10 days. I inspected entries for the last 8 months. He indicated that there are some shortages of medicines, particularly streptomycin and penicillin, but an examination of his books revealed that approximately 90 percent of needed supplies was routinely filled and the 10-percent shortage, I suspect, is true throughout most of South Vietnam.

AN TRI LAW

The An Tri law offends the sensibilities of most Americans. But it must be recognized that every government reserves unto itself the right to protect itself against destruction.

In our own Constitution, under article 1, section 9, the denial of writ of habeas corpus is permitted in times of internal insurrection or external aggression.[16] Under this provision of the U.S. Constitution, President Abraham Lincoln made thousands of political arrests without benefit of counsel and without benefit of trial during the Civil War.

More recently, in the memory of most of those here present, during a time of emergency, we arrested the entire Japanese population of our Nation not because of any suspicion of individuals, but simply because they were Japanese.

This is not to say that Americans look back on either one of these examples with pride; it does, however, suggest that during times of national emergency, when the Nation has been under attack, we have resorted to the exercise of this prerogative, which governments have always claimed, and we are not in a very good position to describe "actions of this sort (as) characteristic of totalitarian dictatorships, not democratic societies." [17]

No one denies that there were any number of innocent individuals who suffered in these United States by these actions, and there are undoubtedly instances in South Vietnam today where innocents have been jailed under the An Tri law. But when one considers that the Government of South Vietnam has been under consistent attack since 1956, and when one considers further that the people of South Vietnam have had 14 years' experience at self-government instead of several centuries, it is not reasonable to condemn the South Vietnamese Government for an action that has in our own recent past been exercised by a government "of the people, by the people, and for the people."

AN OFFER TO LIFE MAGAZINE

I will publicly state that if Life magazine is so inclined, it can pay me $10,000, the sum reportedly paid to Mr. Tom Harkin, for my more distinct and superior photographs taken on July 22, and that I will in turn contribute that $10,000 to the purchase of streptomycin and penicillin for the prisoners on Con Son Island. Mr. Harkin informed the congressional committee when they requested the photographs he took of the tiger cages that he would not give them up because he had "a higher obligation to those 500 human beings who are jammed in those cages." [18] I submit Mr. Harkin's humanitarian instincts would find their greatest gratification in joining with me in this worthy effort by contributing his $10,000 to the purchase of medicine and food for the prisoners. Surely, considering the fact that there is always suffering in any prison system, Con Son not excluded, no one would want to make pecuniary gain from the misfortune of others.

CONCLUSION

In conclusion, Mr. Speaker, permit me to make the following observations:

First. The An Tri law may be a serious restriction on individual rights as we in America know them, but the war in Vietnam is serious too. Clearly, this law has precedents throughout the history of democracies including our own.

Second. If conditions at the South Vietnamese prisons need improving, and I believe they do, let us constructively suggest how they might best be performed without indicting a whole government and a whole people who are trying, under very adverse circumstances, to build a viable democracy.

Third. Those who would encourage the United States to exercise still more influence over the South Vietnamese Government's action—such as my distinguished colleague from Tennessee does [19]—should realize that they cannot have it both ways. If the United States is to disengage and "Vietnamize" the war—as I believe it should—it will have less and less influence over the actions of the South Vietnamese Government. In other words, we cannot have a disengagement and a "puppet" government in Saigon—as some unfortunately describe the Thieu-Ky regime—at the same time.

I have not attempted to whitewash conditions at the Con Son prison. I went there, after hearing the reports made by earlier visitors, expecting the worst. I was most surprised at what I saw. In fact, it even caused me to consider the possibility of a rotation of prisoners for show. It was only after realizing that this would have been impossible with the female prisoners and at least unlikely with the men that I felt impelled to elaborate on the conditions I found. I do not presume to do so in any official capacity. I went to Con Son, and I have reported what I saw there, as an American citizen concerned that the cause of full information and of truth be served.

CORPS OF ENGINEERS SHOULD INFORM POLLUTERS OF REQUIREMENTS OF 1899 REFUSE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, recently the Corps of Engineers prepared a tabulation of existing corps permits for industrial waste discharges into the Nation's navigable waterways since enactment of the 1899 Rivers and Harbors Act. That study showed that there are no existing corps permits in 22 States. Also in all but three States, there are less than 25 existing permits for such discharges.

---

[16] Article 1, section 9 of the Constitution reads, in part: "The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

[17] Joint statement of Messrs. Moss and Reid, July 23, 1970, page 1 (mimeo).

[18] *Op. cit., Life,* p. 2A.

[19] *Op. cit.,* "Supplementary Views of Repr. Wm. R. Anderson . . ." Report of the Select Committee, p. 52.

Yet we know that there are thousands of other industrial polluters discharging wastes into our waterways who have failed to obtain a corps permit and are violating the 1899 law. It is for this reason that I yesterday sent a letter to the corps urging it to begin now to conduct a program of notifying these polluters of their obligations under the 1899 law. This should be accomplished by the most expeditious means possible, "through the news media, correspondence with various industrial and trade associations, the Chambers of Commerce, the National Association of Manufacturers," and other equally effective means.

If the discharger complies with the 1899 law and applies for a permit, he will have to obtain a certificate from the appropriate State water pollution control agency pursuant to section 21(b), only this year added to the Federal Water Pollution Control Act. When a State grants a certificate, it certifies that the applicant's activity "will be conducted in a manner which will not violate" applicable Federal, State, or local water quality standards. No corps permit shall be granted until the certification is granted or waived. Without a permit, the discharger can no longer discharge his wastes and pollute our waterways.

I believe this little-used law will greatly complement our water pollution control laws and bring us much closer to the ultimate goal of clean water.

I append the text of the letter I sent to the Corps of Engineers on July 28, 1970:

JULY 28, 1970.

Lt. Gen. F. J. CLARKE,
Chief of Engineers, Department of the Army, Washington, D.C.

DEAR GENERAL CLARKE: Your letter of June 24, 1970, enclosed at our request, data in tabular form on existing permits issued by the Corps of Engineers for industrial waste discharges into navigable waterways since enactment of the 1899 Refuse Act (Table A), and for dredged materials since January 1, 1965 (Table B).

Table A shows that there are *no* existing Corps permits for industrial wastes in 22 States (Arizona, Colorado, Connecticut, Iowa, Kansas, Maine, Maryland, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Utah, Virginia, West Virginia, and Wyoming). In Massachusetts, the only existing Corps permit was suspended on February 13, 1970, because of unspecified complaints by State officials. Except for New Jersey, California, and Louisiana, there are less than 25 existing Corps permits for industrial waste discharges in each of the remaining States and Puerto Rico. The dischargers covered include some of the Nation's producers of pulp and paper, synthetic fibers, chemicals, petroleum products, steel and aluminum.

This meager number of existing Corps permits issued for the discharge of industrial wastes is disgraceful, when one contemplates the numerous industries in each State that undoubtedly discharge pollutants into our waterways. The time has long passed for these industries to stop flouting the 1899 law and to either comply with it and the regulations issued thereunder, or to cease discharging their wastes into our waterways.

As we have said time and time again, the 1899 law affords an opportunity to determine whether these dischargers are, in fact, in compliance with applicable water pollution control laws. Section 21(b) of the Federal Water Pollution Control Act, as amended by Public Law 91-224 of April 3, 1970, and the recently revised Corps regulations (Cong. Rec., p. 20252, June 17, 1970) require that an applicant for a Corps permit provide the Corps with a State certification. The State must certify "that there is reasonable assurance" that the applicant's activity "will be conducted in a manner which will not violate applicable water quality standards." No Corps permit "shall be granted" until such certification is obtained or waived. Presumably, a State will not issue a certification without careful review of the applicant's activity. But, unless the Corps requires discharges to comply with the 1899 law, section 21(b) will not become operative.

We therefore urge the Corps to begin now to notify *all* present and future dischargers of refuse materials into this Nation's waterways about the requirements of the 1899 law and section 21(b) of the FWPC Act. This notification should be done as expeditiously as possible, through the news media, correspondence with various industrial and trade associations, the Chambers of Commerce, the National Association of Manufacturers, and other appropriate means of disseminating this information.

Please advise us when you initiate such notification.

Recently, the following notice was brought to the Subcommittee's attention:

Corps of Engineers, Department of the Army, P.O. Box 1715, Baltimore, Maryland 21202, Telephone 962-4646.

Warning Notice.—Federal Acts Prohibit The Discharge Or Overflow Of Any Oil, Sludge, Bilge Oil, Dirt, Dredgings, Ashes Cinders, Mud, And Refuse Of Any Kind Into Navigable Waters That Lie Within The Jurisdiction Of The United States.

Violation Of These Regulations May Result In A Penalty Of Not More Than $10,000, Or Not More Than One Year Imprisonment Or Both.

Applicable United States Laws: The Oil Pollution Act of 1924, As Amended, The Act of 29 June 1888, River & Harbor Act of 3 March 1899.

The notice fails to advise the public that, under the 1899 law, one-half of the fine imposed by the court under that law shall "be paid to the person or persons giving information which shall lead to conviction." (33 U.S. Code 411). As the Committee on Government Operations said in its recent report (House Report No. 91-917, March 18, 1970, pp. 17-18):

"The informer payment provides a monetary incentive to citizens to furnish information to the Corps concerning violations of the Refuse Act."

Information supplied by citizens can aid the Corps, not only in the enforcement of the criminal provisions of the Act, but also in obtaining injunctions requiring a violator to cease future discharges or to apply for a Corps permit in the manner mentioned above. Further, such information can be useful to the Corps in requiring the discharger to remove pollutants already discharged. Informing the citizen about this little-used provision of the law will undoubtedly result in greater information being provided to the Corps or the U.S. attorneys and some savings to the Government of the cost of investigations of violations.

We therefore urge the Corps to revise the above notices by adding the following:

"One-Half of the Fine Imposed For Violation of the 1899 Act is Paid To Any Person or Persons Giving Information Leading To Conviction."

Since these notices must be revised anyway because the Oil Pollution Act of 1924 was repealed by section 108 of Public Law 91-224 on April 3, 1970, the addition of this language to the notices should not be too costly to the Corps.

Please advise us when the Corps revises these notices.

Sincerely,

HENRY S. REUSS,
Chairman, Conservation and Natural Resources Subcommittee.

TRIBUTE TO THE HONORABLE MARIO BIAGGI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LOWENSTEIN) is recognized for 60 minutes.

Mr. LOWENSTEIN. Mr. Speaker, I think we all know by now that MARIO BIAGGI is one of the outstanding Members of this body. It is good to learn that the leading newspaper of a city he will soon represent here, the Herald-Statesman of Yonkers, N.Y., has already noted and praised him for the high quality of the service he renders his community and the Nation. I include in the RECORD at this point an unusually wise editorial from the Herald-Statesman:

BIAGGI SHOWS COURAGE, WISDOM IN ITALIAN RALLY REMARKS

Mario Biaggi, the Congressman who more than likely will be representing part of Yonkers next Jan. 1, appears to have an interesting combination of courage and common sense.

He showed both Monday in addressing thousands of demonstrating Italian-Americans in Manhattan.

The courage came when he spoke words of moderation to the up-tight crowd; the common sense resided in the words themselves.

He told them: "Of 22 million Italian-Americans in this country, only 5,000 were involved in organized crime.

"Because of the misconduct of a few, let us not use a wide, black brush on the FBI and let not the FBI, or any other law enforcement agency, use the same brush on us."

The Congressman from the 24th District is so right.

No one, to our knowledge, looks with jaundiced eye at any person simply because he is of Italian descent. The FBI does not thumb through an Italian "Who's Who" looking for people to arrest. They act on evidence painstakingly collected in the face of a growing legal hostility to law enforcement.

It appears to us that we are approaching a strange age of anti-heroes, where the bad guys are cheered and the good guys are hissed.

Joe Columbo, identified by the FBI as one of the biggest mobsters in the New York area, received what a reporter called "a tumultuous ovation" while the FBI, long one of the most loyal adherents to American democratic principles, was brought to task.

While we can understand the Italian-Americans' growing feeling of frustration as they read and hear constantly about a Mafia crackdown, we find it difficult to fathom how they can equate this with any anti-Italian feeling on the part of either the FBI, the government or the news media.

The word "Mafia" or its modern counterpart, "Cosa Nostra," perhaps have been overused by zealous reporters who assign them to any criminal suspect with an Italian surname. But there is too much evidence . . . too much data to simply deny the existence of this crime cartel.

That is why Rep. Biaggi is right when he says Americans should refrain from using a wide brush in appraising each other.

This advice holds true for more than the Italian-American issue. It can be applied to the way we assess today's youth and the way they assess adults; to the simplistic "get-a-job" approach to the welfare problem; to the

racial hangs-ups of many whites and blacks; and to the gross generalization of what is called "the news media."

We support the FBI in its fight against organized crime, regardless of who is arrested. We deplore the implication that any defamatory conspiracy exists. And we urge all Italian-Americans in Yonkers to back such law enforcement officials as District Attorney Carl Vergari, Yonkers Public Safety Commissioner Frank Vescio and the President of the Police Benevolent Association, Al Portanova.

If Rep. Biaggi, a highly decorated ex-policeman, wins as expected in November, Yonkers will inherit still another outstanding Italian-American.

No, we hardly think the actions and notoriety of a few bad men can tarnish the reputation of a happy, industrious people who not only helped build this country, but sent a man over to discover it and put it on the map.

The magnitude of the contribution made by Americans of Italian descent to the development of this country is self-evident to anyone who understands our history, our hopes, or even our name. MARIO BIAGGI is himself a significant addition to that contribution.

Millions of Americans who are not especially of Italian descent join in protesting broad-brush generalizations that denigrate Americans of Italian descent, as millions of Americans who are not black protest broad-brush generalizations that denigrate black Americans—as all Americans should, in fact, always protest any broad-brush generalizations that denigrate any other Americans because of their racial, religious, or ethnic background.

No doubt some people want to use protests against these stereotypes for improper purposes of their own. We will not be used for such purposes, but neither will we stop protesting against such stereotyping. The motives of some of the protesters may be self-serving, but wrongs are not made less wrong because some people protest the wrongs for unworthy purposes.

Many of us in the House of Representatives are proud to support Congressman BIAGGI in the fight to stop discrimination against Italian-Americans. His leadership means a great deal to all of us in this fight. His example of "courage and commonsense," as the Herald-Statesman put it, has inspired each of us to try to do more to end all such discrimination as soon as possible, and to prevent its ever recurring in this country again.

TELLER VOTING

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, yesterday, in a move which will have profound historic significance, this House of Representatives voted to remove secrecy from the procedure of teller voting.

It was, I think, a victory for democracy, for representative government, and for this body. No one can ever deny the accurate and memorable description of this House by Alexander Hamilton when he said, "Here, sir, the people govern."

The right of a free people to know how their representatives vote is as fundamental a right as the rights of free speech, of religion, and of voting.

This is the topic of editorials in newspapers around the country. I am inserting three in the RECORD and calling them to the attention of my colleagues:

[From the Washington Post, July 29, 1970]

OPEN HOUSE

Those cheers that echoed in the House of Representatives on Monday may have violated Cannon's Rules but they were nevertheless very much in order. They were cheers for democracy, for the basic idea of representative government, for the concept of government by the consent of the governed. They came in response to a historic House decision to put an end, at long last, to its ancient practice of voting in secret on amendments to pending legislation. By an almost unanimous voice vote, the members of the House approved an amendment to the congressional reorganization bill providing that in the future they shall be recorded by name as they pass up the aisle to vote on amendments.

The House, at the same time, approved some other exceedingly salutary changes in its procedures. It agreed to permit at least 10 minutes of debate on any amendment printed in advance in the Congressional Record. And it approved the installation of electronic voting equipment to speed up roll calls—provided that later on the House decides that it wishes to tally its divisions in this modern, efficient and sensible fashion. More's the pity that it did not decide also to make committee meetings open to the public as a general rule. All these changes are simply devices for transacting the public business in public. They will serve at once to help the representatives themselves to know what they are doing and to help their constituents to know what they have done.

Because in their present form the changes are amendments to a bill which must have the concurrence of the Senate before it can become law, one cannot yet regard them as *faits accomplis*. But the support for them in the House was so strong, so healthy and so overwhelming that one can reasonably suppose the House would adopt them as rules of its own if the Senate should fail to translate them into an act of Congress. They reflect great credit on the House and will surely enhance the confidence of the country in its government.

Secrecy in the House is one of those curious folkways perpetuated as tradition long after the purpose for which it was originally contrived has been forgotten. The House of Commons in England undertook to keep its proceedings secret in order to protect its members from reprisals by James I and Charles I in the 17th century. The practice, designed to offset despotism, soon proved itself despotic. It led to all sorts of abuses difficult to unmask and to rebuke because responsibility for them could not be discerned. "Next to the existence of open constituencies, and a fair mode of election," the historian Lecky wrote, "the best security a nation can possess for the fidelity of its representatives is to be found in the system of parliamentary reporting. But this was also wanting. The theory of the statesmen of the first half of the 18th century was that the electors had no right to know the proceedings of their representatives, and it was only after a long and dangerous struggle, which was not terminated until the reign of George III, that the right of printing debates was virtually conceded."

The right of a free people to know how their elected representatives vote is a right without which elections can be considered neither free nor meaningful. The House of Representatives honors its best values in joining them now as a genuinely representative body.

[From the Baltimore Sun, July 29, 1970]

IN THE HOUSE

The House of Representatives should have a much more important place than it has in the operation of the federal government in Washington, and its individual members, by and large, should figure more than they do in the public business of their home districts. Congressman Boggs of Louisiana, the Democratic whip, says he is concerned that "young people say this House has ceased to be relevant." Mr. Boggs has good reason to be concerned, for the fact is that the House of Representatives spends much of its time in its own world of prerogatives, procedures and seniorities, with the result that the people, whom it represents in Washington, pay little attention to it.

The political trend of recent years, in which the membership in the House has remained remarkably stable despite the ups and downs of party fortunes in presidential elections, may be caused more by indifference toward the House than to a general satisfaction with its work. Young people are not the only ones who think that the House, at least for a good bit of the time, has ceased to be relevant.

In the legislative reorganization bill it has been considering for the past week the House shows a recognition of some of its time-encrusted faults. Take the matter of teller votes, for example, in which the members walk up the center aisle to vote anonymously on important amendments to bills. The procedure, which is traced to the British House of Commons during the reign of Charles I, enables members to vote on major issues without going on record. * * *

[From the New York Times, July 29, 1970]

NEW DAY ON CAPITOL HILL

Those who were not quite convinced by the moon landings that this is an era of change should be persuaded by the recent behavior of the House of Representatives. A few days ago it agreed to reveal, on request, the way its members vote in committee and to allow hearings to be televised. Now it has decided, at least in a preliminary way, that if only 20 members object, the rest may no longer hide behind that monument of secrecy, the unrecorded teller vote. The amending process, in which the teller vote is used, may not much longer allow Representatives to vote on such vital matters as the Cooper-Church proposal, Federal outlays for pollution programs and controversial anticrime procedures without their constituents ever being able to tell how they stood.

This historic step, made in the Committee of the Whole, was not taken without a price. To get it this far along required a major concession by the main body of reformers. They made no effort to include in the bill any modification of their old target, seniority, nor did they encourage the vain moves to do so yesterday.

We expect that on another occasion they will tackle that fundamental evil—and soon. But because the bill as a whole involves the Senate and the executive branch as well, it has yet to be passed not only by the full House but by the Senate, and then be signed by the President. Overloading it now with antiseniority and other changes, however desirable they might be, would invite almost certain defeat for the entire measure—an excellent way for secret opponents of reform to cancel the gains already made and do it in the name of reform.

A NATIONAL BANK FOR PUBLIC AND PRIVATE PRIORITY PURPOSES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. PATMAN. Mr. Speaker, today, Senator SPARKMAN and I have jointly introduced legislation developed to meet what we are convinced is a rapidly growing financial crisis for the Nation's State and local governments and the Nation's businesses and industries.

Continuing inflation and tight-money, high-interest-rate conditions are making it increasingly impossible to achieve urgently required development of the Nation's communities.

By the same token, these conditions are strangling the Nation's businesses and industries.

Week by week and month by month, both the public and private capital needs for national priority purposes are increasingly unmet. The result is the steadily mounting failure of State and local governments to obtain the funds necessary for streets, water, sewers, schools, hospitals, airports, mass transit systems, and air and water pollution control facilities. It is also the rising inability of businesses and industries to acquire adequate capital at a cost they can afford in order to finance the expansion and development that is absolutely vital to remain competitive and to assure achievement of a full-employment economy.

THE ANSWER

The answer to these twin problems exists in the creation of a National Development Bank designed to make direct loans and to guarantee loans to State and local governments and to businesses and industries when adequate funds at reasonable rates cannot be obtained from conventional lending sources to provide vital public services and facilities and to bolster the economy and increase employment opportunities of our people, especially those of our citizens who are unemployed or who have a low income.

In effect, the answer is the creation of a bank for public and private priority purposes to help check our deteriorating economy and move the Nation toward full utilization of our resources—both human and material.

ESTABLISH A NATIONAL PRIORITY BANK

The Bank would be authorized to make loans to finance the construction of public facilities and public works for State and local governments at an effective interest rate which does not exceed 6 percent. In addition, the Bank could purchase obligations of State and local governments and guarantee loans from conventional lending institutions to provide capital for the same purposes.

Whenever possible, the public facilities and public works financed through the Bank are to be of direct, substantial benefit to residents of slum and depressed rural areas.

Loans carrying an interest rate no greater than 1.5 percent higher than the current Federal Reserve discount rate could be made by the Bank to businesses and industries to provide working capital and to assure that adequate funds are available to these enterprises so that they will have adequate skilled manpower, resources, technical and plant facilities to compete in the market place. Loan guarantees would be available too, and the Bank could purchase obligations of business and industries for the same purposes.

The bill specifies that financial assistance to the private sector from the Bank is available on condition that borrowers agree to fill a specified number of job openings and to conduct training programs when these are considered necessary by the Bank Board of Directors to strengthen business and industries and to expand employment opportunities for those in greatest need of suitable work at adequate wages.

Direct loans, guaranteed loans and the purchase of obligations would apply to both existing and new industry and business.

CAPITALIZATION

Capitalization of the Development Bank would be achieved through issuance of up to $500 million worth of stock which would be subject to call in whole or in part by the Board of Directors. The Secretary of the Treasury would be required upon request to purchase Bank stock in amounts up to the $500 million total. In addition, the Bank would be authorized to issue notes, debentures, bonds, guarantees, and other debt instruments, the total of which would not exceed 20 times the paid in capital stock of the Bank at the time.

Designed in this way, Bank funding would have minimum impact on the Federal budget. Most of its capital would be raised in the open market where Bank obligations, by virtue of the fact that they would be fully guaranteed by the Government, would be able to successfully compete with other obligations which offer less security and have far less priority in terms of national need.

NOT COMPETITIVE

In no way is the National Development Bank meant to compete with conventional lending institutions. No loan may be made or guaranteed by the Bank if the borrower is otherwise able to obtain funds on reasonable terms, something which will be determined by the Bank's Board of Directors after considering the financial condition of the borrower and the borrower's ability to meet prevailing market loan costs.

The Bank's Board of Directors would be composed of the Secretaries of the Treasury, Commerce, Labor, and Agriculture, and seven other persons appointed by the President and representing private enterprise, organized labor, agriculture, and State and local governments.

The bill provides that the Development Bank is to have an adequate staff not only to investigate and process applications from borrowers, but to seek out and confer with leaders and officials in both the public and private sectors in order to provide information about the Bank and to lend necessary technical assistance to borrowers so that the full benefits of financial assistance from the Bank may be achieved.

Mr. Speaker, the proposed National Development Bank described here is similar in many respects to a bill which I introduced several months ago. That measure emphasized the need for such a bank in terms of meeting the Nation's critical housing needs. Since that time the Senate and the House have passed the Emergency Home Finance Act of 1970 and benefits from that legislation are now available to the Nation's homeowners.

The National Development Bank bill which Senator SPARKMAN and I are now introducing goes to those sectors of the Nation's economy which continue to have enormous unmet financial requirements.

The need for such action is recognized by many Members of Congress, both in the House and the Senate, indicated by introduction of legislation during the past few days to provide loan guarantees to business and industry. Both Senator SPARKMAN and I think this measure has great merit but we also think that additional aid in the form of direct loans is necessary if the financial problems of State and local governments and business and industry are to be realistically approached.

IMPERATIVE NEED

Mr. Speaker, continuing inflation, tight money, high interest rates, and unemployment conditions make establishment of the National Development Bank absolutely imperative.

Financial market conditions during the past 18 months have forced thousands of communities across the Nation to curtail or completely delay financing of vital public facilities. When these communities are able to market obligations, the cost in terms of the yield demanded by purchasers has been intolerably exorbitant. Moreover, the high cost of money today greatly reduces the ability of our States, cities, and towns to obtain additional funds for still greater community investments that will be required in the near future.

The same basic situation confronts a large segment of the small and medium-size businesses and industries in the country. These firms are being strangled by the lack of available capital at reasonable cost on the one hand and the absolute need to expand, improve, and remain competitive on the other. The result can only be a mounting toll of business and industrial failures and a continuing climb in the unemployment rate. The pressures such conditions will inevitably produce in our urban centers and rural areas cannot be tolerated if democracy and the free enterprise system are to survive.

Mr. Speaker, I am inserting herewith the text of the National Development Bank bill to be printed in the RECORD.

H.R. 18701

A bill to establish a National Development Bank to provide loans to finance urgently needed public facilities for State and local governments and to help achieve a full employment economy by providing loans to business and industry when adequate loan funds at reasonable rates cannot be obtained from conventional lending sources, and to provide needed capital for other socially useful purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SEC. 101. This Act may be cited as the National Development Bank Act of 1970.

FINDINGS AND DECLARATION OF PURPOSE

SEC. 102. (a) The Congress hereby makes the following findings:

(1) Inflation and tight money-high interest rate conditions make it impossible to achieve sound and orderly development of the Nation's communities to accommodate our growing population. Adequate and timely provision of a wide variety of public works and community facilities, such as streets, water, sewers, schools, hospitals, airports, mass transit, recreation as well as facilities to reduce and eliminate air and water pollution are immediately needed to provide required social services, safeguard the health and welfare of the population and halt rising unemployment.

(2) Tax and other financial sources currently available to State and local governments to finance such public works and facilities are strained beyond capacity yet the demand for such funds will multiply many times in the near future.

(3) Public investment in our Nation's communities, when efficiently planned and carried out, will add to the wealth of individual communities as well as the wealth of the Nation as a whole.

(4) It is absolutely necessary to provide an adequate source of loan funds at reasonable rates to help finance expansion and development of businesses and industries in order to achieve a full employment economy, especially for those Americans trapped in depressed urban and rural areas.

(b) It is the purpose of this Act to establish a National Development Bank to make and guarantee long term loans to State and local governments for public works and facilities and for business and industrial expansion and development to provide urgent, vital public services, safeguard the health and welfare of our people, and to achieve a full employment economy for our citizens.

DEFINITIONS AND RULES OF CONSTRUCTION

SEC. 103. (a) The definitions and rules of construction set forth in this section apply for the purposes of this Act.

(b) The term "public facility" means the structures and equipment owned and operated by State and local governments to provide medical, social, education, transportation, pollution control, and other services.

(c) The term "supporting public facilities" means those facilities which are usually publicly owned and are necessary for the operation of businesses and industries, such as roads and sewer and water systems.

(d) The term "effective interest rate" means the total amounts paid on a loan for interest, commission, bonuses, discounts, premiums, and other similar charges.

ESTABLISHMENT

SEC. 104. There is created a body corporate to be known as the National Development Bank (referred to in this Act as the Bank).

BOARD OF DIRECTORS

SEC. 105. The management of the Bank shall be vested in a Board of Directors consisting of the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Secretary of Agriculture, and seven other persons who shall be appointed by the President with the advice and consent of the Senate. Persons so appointed shall include representatives of State or local governments, private enterprise, organized labor, and rural organizations dealing with economic and social problems of depressed areas. In making such appointments the President shall (1) seek to achieve a balanced representation of the interests of urban and rural areas, and (2) select persons who, among other relevant considerations, are knowledgeable in the social and economic problems of low-income persons. The terms of directors appointed by the President shall be two years, commencing with the date of enactment of this Act. Any director appointed to fill a vacancy shall be appointed only for the unexpired portion of the term. Any director may continue to serve as such after the expiration of the term for which he was appointed until his successor has been appointed and has qualified.

APPOINTMENT OF OFFICERS AND EMPLOYEES

SEC. 106. The Board of Directors of the Bank shall appoint a president of the Bank and such other officers and employees as it deems necessary to carry out the functions of the Bank. Such appointments may be made without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and persons so appointed may be paid without regard to the provisions of chapter 51 of subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. The president of the Bank shall be an ex officio member of the Board of Directors and may participate in meetings of the board except that he shall have no vote except in case of an equal division. No individual other than a citizen of the United States may be an officer of the Bank. No officer of the Bank shall receive any salary or other remuneration from any source other than the Bank during the period of his employment by the Bank.

CONFLICT OF INTEREST

SEC. 107. (a) No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberations upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) The Bank shall not engage in political activities nor provide financing for or assist in any manner any project or facility, involving political parties, nor shall the directors, officers, employees, or agents of the Bank in any way use their connection with the Bank for the purpose of influencing the outcome of any election.

GENERAL CORPORATE POWERS

SEC. 108. Except to the extent inconsistent with the provisions of this Act, the Bank shall have the general corporate powers of a corporation organized and existing under the laws of the District of Columbia.

PRINCIPAL OFFICE; BRANCHES

SEC. 109. The principal office of the Bank shall be located in the District of Columbia, and it may establish agencies or branch offices in any city of the United States.

CAPITAL STOCK

SEC. 110. (a) The Bank shall have capital stock of $500,000,000 subscribed by the United States, payment for which shall be subject to call in whole or in part by the Board of Directors.

(b) The Secretary of the Treasury is authorized to, and upon request of the Board of Directors shall, purchase stock in amounts designated by the Board of Directors up to a total of $500,000,000.

BORROWING AUTHORITY

SEC. 111. (a) The Bank may issue notes, debentures, bonds, guarantees, and other evidences of indebtedness in such amounts and on such terms and conditions as the corporation may determine subject to the limitations prescribed in this Act.

(b) The aggregate outstanding indebtedness of the Bank at any time, including contingent liabilities on outstanding guarantees, may not exceed twenty times the paid-in capital stock of the Bank at that time.

(c) The obligations of the Bank under this section shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guarantee shall be expressed on the face thereof.

(d) In the event that the Bank is unable to pay upon demand, when due, any of its lawful obligations, the Secretary of the Treasury shall pay the amount thereof and thereupon to the extent of the amount so paid by the Secretary of the Treausry shall succeed to all the rights of the holder of the obligations.

PURCHASE OF ASSETS BY TREASURY

SEC. 112. The Secretary of the Treasury is authorized to purchase from the Bank any asset of the Bank at such price as may be agreed upon between the Secretary and the Bank.

INVESTMENT STATUS OF OBLIGATIONS OF BANK

SEC. 113. All obligations issued by the Bank shall be lawful investments for, and may be accepted as security for, all fiduciary, trust, and public funds the investment or deposit of which is under the authority or control of the United States or of any officer or officers thereof.

LIMITATIONS ON LOANS AND GUARANTEES

SEC. 114. (a) No loan may be made or guaranteed by the Bank if the borrower is otherwise able to obtain funds on reasonable terms.

(b) The Bank may not make or guarantee any loan to finance any enterprise or activity outside the United States, its territories and possessions.

LOANS FOR COMMUNITY DEVELOPMENT

SEC. 115. (a) The Bank may make or guarantee loans or purchase obligations to finance capital expenditures for comprehensive land use planning, public works, community facilities, land for housing development, public transportation, and similar community facilities, such projects and facilities to conform with comprehensive area land use plans. Whenever possible such facilities and projects are to be of direct and substantial benefit to residents of urban slum and depressed rural areas, or provide other benefits specified by the Bank to carry out the purposes of this Act.

LOANS TO COMMERCE AND INDUSTRY

SEC. 116. (a) The Bank may make or guarantee loans for the purchase of real and personal property, for working capital, and for training purposes to assure that existing businesses and industries have adequate funds and skilled manpower resources to compete in the market place for establishment of new businesses and industries. Any such loan shall be made upon such of the following conditions as the Bank may require:

(1) That the borrower agrees to fill a specified number of job openings to be determined by the Bank with people who, prior to such employment, were unemployed and underemployed.

(2) That the borrower agrees to conduct training courses for a specified number of unemployed and underemployed persons to be determined by the Bank with the result that these persons will, within a period of time to be determined by the Bank, be employed full time by the borrower.

(3) That the borrower agrees to any other requirements laid down by the Bank to carry out the purposes of this Act.

LOANS FOR SUPPORTING PUBLIC FACILITIES

SEC. 117. (a) To carry out the purposes of this Act, the Bank may make or guarantee loans or purchase obligations to finance the purchase or construction of roads, sewer and water systems, power and similar facilities necessary for the operation of businesses and industries or the operation of public facilities providing social, health, welfare, educational and other services to residents of urban slum and depressed rural areas.

(b) The effective interest rate for such loans shall not exceed the Federal Reserve discount rate.

TECHNICAL AND OTHER ASSISTANCE

SEC. 118. (a) The Bank may provide to borrowers whatever assistance, technical or otherwise, it considers necessary to protect its investment and to carry out the purposes of this Act.

(b) To assure fulfilling the purposes of this Act, the Bank shall direct an adequate number of staff members to seek out and confer with respresentatives of State and local governments, public agencies, nonprofit private organizations, companies, corporations, partnerships and individuals, in order to provide information about the services furnished by the Bank and to provide whatever assistance is necessary for utilization of such services.

SECURITY REQUIRED

SEC. 119. The board of directors of the Bank shall when practicable make whatever arrangement it considers adequate to secure loans made by the Bank.

MAXIMUM MATURITY

SEC. 120. (a) Each loan made by the Bank to any State or local government may be made for a period not exceeding twenty years, and the Bank may from time to time extend the period of payment.

(b) Each loan made by the Bank to any private corporation, company or individual may be made for a period not exceeding ten years, and the Bank may from time to time extend the period of payment until the loan is retired or until the loan is refinanced through another lending institution and the borrower's obligation to the Bank is extinguished.

GUARANTEED LOANS

SEC. 121. The Bank may fully guarantee the entire principal of any loan made by any bank, savings bank, trust company, building and loan or savings and loan association, insurance company, mortgage loan company or credit union, if

(1) the loan is made to carry out the purposes of this Act; and

(2) the effective interest rate for the loan is not less than the Federal Reserve discount rate, or more than such rate plus 1½ percentum per annum.

DIRECT LOANS

SEC. 122. To carry out the purposes of this Act, the Bank may make direct loans to State and local governments, public agencies, nonprofit private organizations, corporations, companies, partnerships and individuals. The effective interest rate for such loans, (1) in the case of state and local governments and public agencies shall not exceed the Federal Reserve discount rate; and, (2) in the case of other eligible entities and individuals, shall not be less than such discount rate, or more than such discount rate, plus 1½ percentum per annum.

TAXABLE STATUS

SEC. 123. The Bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and any tangible personal property of the Bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the Bank shall be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

AUDIT BY GENERAL ACCOUNTING OFFICE

SEC. 124. The General Accounting Office shall audit the financial transactions of the Bank, and for this purpose shall have access to all its books, records, and accounts.

AUTHORIZATION OF APPROPRIATIONS

SEC. 125. (a) There is hereby authorized to be appropriated, to remain available without fiscal year limitation, the sum of $500,000,000 for subscription to the capital stock of the Bank.

(b) There are authorized to be appropriated such sums as may be necessary to pay the difference, if any, between the interest paid by the Bank on its obligations and interest received by the Bank on its loans, and to reimburse the capital of the Bank to the extent of any defaults.

(c) There are authorized to be appropriated such sums as may be necessary for payment of $125 a day to members of the board of directors for each day they are engaged in the performance of their duties to the Bank together with such sums required for travel expenses by members of the board of directors when the performance of their duties requires them to be away from home.

SINGLE TRANSPORTATION TRUST FUND

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Congress is now considering what it shall do with the highway trust fund which is scheduled to terminate in 1974 with its revenue authority expiring on September 30, 1972. The fund was established in 1956 and is principally supported by a 4-cent Federal gasoline tax. That may sound like pennies but since the highway trust fund came into existence, it has spent over $50 billion—50 times what the Federal Government has put into mass transit.

Mr. Speaker, the Congress must not allow the present imbalance of funding to go on, particularly when it is at the expense of mass transit. As we look around the country we see continual breakdowns in our inadequate and deteriorating mass transit facilities. Transit delays and accidents have become the rule rather than the exception. Just this week the New York Times reported that the city of New York has had more serious accidents in its subways in the last 10 years than any other major subway system in the world. Furthermore, in the last year there have been more accident injuries in the city's subways than on any other subway system. This year alone New York's transit system has had three crashes; two people have been killed and 107 injured.

The issue before the Congress now is whether highway and airport trust funds will continue without regard to the needs of urban mass transit and railroad passenger service. Surely, it makes sense to have a single transportation trust fund with the moneys used in accordance with a rational plan to provide a balanced transportation system. The bankruptcy of the Penn-Central and the inadequate service on the Long Island Railroad and other commuter railroads, the enormous need for more and better subway lines in the city of New York and elsewhere require that this Congress not permit the highway trust fund to be extended to 1977 as requested by Secretary of Transportation John A. Volpe.

The cities of this country are being strangled by traffic congestion and the automobiles piling into the cities are the major cause of air pollution. What we must have is a single transportation trust fund to provide the moneys needed for the kind of transportation that is best suited to do the job in a particular locality.

In today's New York Times, there is an excellent editorial on this subject which I know our colleagues will find of interest. The editorial follows:

NEW YORK TIMES' EDITORIAL

TOO MUCH FOR HIGHWAYS

Congress and the American people are hearing a fundamental decision on transportation policy revolving about the Highway Trust Fund, which is scheduled to go out of existence on Sept. 30, 1972. The Nixon Administration has asked Congress to extend it for another four years, and House and Senate committees have begun hearings.

Established in 1956 to finance the Interstate Highway System, the fund is fed by the Federal tax of four cents a gallon on gasoline and by lesser excise taxes. Since this money can only be used to build new highways and since the Federal Government pays 90 per cent of the construction, the mere existence of the fund is a self-perpetuating engine which generates tremendous pressure on the states to go ahead with ever more ambitious road projects. The fund's annual revenue now approximates $5 billion and over the next several years will inexorably rise to $6.5 billion. Is it really necessary to spend this vast sum each year on new highways?

By contrast, only $156 million was spent in the last year in Federal aid for subways, buslines and other forms of urban mass transit. In the past dozen years, $50 billion has been spent to build highways, fifty times as much as the Federal Government has devoted to mass transit. It is now expected that the Interstate Highway System will cost almost twice the original estimate by the time it is completed, i.e. $75 billion instead of $41 billion.

It is not sound public policy for Congress to freeze such large tax revenues in any fund devoted to a single narrow purpose. But Congress has become wedded to the trust fund concept, and private interest group pressures make its abolition highly unlikely. Indeed, a law enacted this year creates a new fund to finance airports.

As a practical matter, the issue before Congress is whether the highway and airport funds can be broadened into a single Transportation Trust Fund. Urban mass transit, railroad passenger service and other transport needs could then be considered and reconciled in accordance with a rational plan. The bankruptcy of the Penn Central, the inadequate service on the Long Island Rail Road and other commuter railroads, the headlong decline in railroad passenger service and its actual disappearance in many states, the ever-intensifying traffic jams in every city, and the shortage and undependability of bus service in both cities and suburban towns are the exhausting evidence of the lack of a coherent policy.

The nation's governors and mayors are urging Congress to introduce flexibility into the operations of the highway fund. They want each state to have the option to use part of its Federal highway funds for mass transit. Representative Edward I. Koch of Manhattan and other members of Congress are pushing bills to allocate the 7 per cent auto excise tax, which now goes into the Treasury's general revenues, to a new Urban Mass Transportation Trust Fund as a transitional step toward a merger of all the transportation funds. Senator Jennings Randolph of West Virginia has introduced a

modest measure to permit the diversion of Federal highway funds for operation—but not construction—of mass transit in urban areas.

Secretary of Transportation John A. Volpe is well aware of these rising pressures. But he has been notably timid in offering any leadership for reform. In presenting the Administration recommendations for extension of the Highway Trust Fund, he recognized the desirability of balancing mass transit against the imperious demands of the truck and the private automobile but he ventured nothing more than a pious acknowledgement. He suggested no change except to make safety research and the pathetically starved program for removal of billboards eligible for comparatively small sums from the Highway Trust Fund.

Naturally this feeble proposal evoked ritualistic outcries from those well-known enemies of common sense, Representatives John C. Kluczynski, the Chicago Democrat who is chairman of the roads subcommittee, and William C. Cramer, the Florida Republican who is the ranking minority member. Messrs. Kluczynski and Cramer have been vocal and attentive servitors of the highway lobby for many years.

If Secretary Volpe defaults to the highway lobby, the nonpolicy of the last fifteen years will continue to prevail with increasingly disastrous consequences. The time of decision is rapidly approaching. Whenever it comes the battle for a rational, balanced transportation policy is sure to be hard and the longer Secretary Volpe is timid and evasive the less likely is a victory for the public good.

NOT ENOUGH FOR RAILS

"My God, my God, now I know what hell looks like," a dazed young woman gasped as she was led from a stalled train through the Penn Central Railroad's smoke-filled Park Avenue tunnel.

This commuter's vision of Hades was the result of what another Penn Central passenger grimly described as "our semimonthly Monday-morning fire," a blaze that flared up after a third-rail short circuit. It followed by just two weeks another fire on the Penn Central's tracks—at the Harlem River drawbridge—that also caused anguishing delays, though less discomfort and peril, for thousands of railroad patrons.

Rail commuters have been relatively lucky—so far. At least there have been no serious injuries in Penn Central's latest two major mishaps. Two weeks ago 37 subway passengers were injured in Brooklyn in an accident that also sent commuters groping their way through darkness in the Metropolitan Transportation Authority's own version of the netherworld. That was the second major subway accident in New York within two months, the fourth in seven months.

These ominous breakdowns in the metropolitan area's mass transit system have been met with bland assurances by transit authorities. "Believe it or not," a railway spokesman commented, "service on the Penn Central is getting a lot better.' One thing is sure: it could hardly get worse. Dr. William J Ronan, chairman of the the MTA, boasted after the latest subway accident: "The New York subway system is still the safest in the world."

A New York Times survey of the record of other major subway systems in the world casts doubt on the validity of that claim. At any rate, commuters who have experienced the dark in the tunnels are not going to be satisfied with such evident complacency, nor will anyone else who has watched the mounting record of mishaps.

It is time transportation authorities owned up more frankly in public to the gross and dangerous inadequacies of the neglected facilities they have inherited and more vigorously led the fight for the massive public investment that is essential to give this city and the nation the safe and reliable mass transit systems they urgently need.

RETIREMENT INCREASE FOR RAILROAD WORKERS

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, I appeal today to my colleagues for immediate approval of the House-Senate conference committee report on railroad retirement annuities. This legislation has been delayed for an extraordinary length of time while the meager retirement benefits of retired railroad workers and their survivors were eroded even further by inflation.

The committee report calls for a 15-percent increase in retirement benefits for railroad workers that will be retroactive to January 1, 1970. As we are all aware, the cost of living has continued to climb and retired workers depending on fixed incomes are suffering because of this. The 15-percent increase recommended in conference will offset some of these rising costs for retirees who have not had regular cost-of-living increases. Under the present law they must depend on Congress to improve their benefits, when economic conditions create hardships for them, and I feel Congress has delayed unnecessarily in fulfilling its obligation and responsibility.

I regret that this is so, for I feel that when employees have planned for the future by contributing to a retirement program, they should be able to receive equitable benefits from that program without being penalized. When social security amendments were enacted recently, railroad workers were not given equal consideration for benefit adjustments.

At this juncture, it is inexcusable to allow the thousands of retirees to suffer any longer because of inadequate benefits while Congress delays action. This bill only serves to provide these deserving people with the necessities of life at the level of decency and comfort they have worked so hard to obtain.

I strongly support this legislation and I call on Congress to expeditiously pass the House-Senate conference committee report on railroad retirement annuities.

COMMUNITY HEALTH ACT

(Mr. GALIFIANAKIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GALIFIANAKIS. Mr. Speaker, this afternoon I introduced the Community Health Act of 1970, a bill to relieve the shortage of physicians, dentists, and other health personnel in our small communities and medically deprived areas.

This bill and two others with identical language have the sponsorship of more than 65 of my colleagues in the House—Republican and Democratic, urban and rural.

It provides that the Government will repay in full the educational debt of any physician, dentist, optometrist, or other critically needed health specialist who signs a contract agreeing to practice for 3 years in a medically deprived area.

The bill will afford graduating doctors the chance to begin practice debt-free. And it should provide the incentive they need to go out into our communities and meet what President Nixon has called "a massive crisis" in health care.

Mr. Speaker, I include the text of the Community Health Act at this point in the RECORD:

H.R. 18689

A bill To amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) Section 741(f) of the Public Health Service Act (42 U.S.C. 294(f)) is amended by striking the second sentence thereof.

(b) Section 741 of such Act is amended by adding at the end thereof the following new subsection:

"(i) Any physician, dentist, or optometrist who practices his profession—

"(1) in an area in a State determined by the appropriate State health authority, pursuant to regulations provided by the Secretary, to have a shortage of and need for physicians, dentists, or optometrists; and

"(2) who signs a contract with the Secretary or his designee agreeing to practice in said area for a period of not less than three years;

"then the Secretary shall pay in full the principal and interest on any outstanding educational loan incurred by that physician, dentist, or optometrist during his professional-level training, including: tuition, fees, books, supplies, and other related costs as determined in accordance with regulations provided by the Secretary. As such need is established, the Secretary may add new categories of medical personnel to those incorporated in this subsection. This subsection applies to loans from both public and private sources."

Mr. Speaker, we are all familiar with the health care crisis facing the United States today. We all know of how America has a shortage of 48,000 physicians. We know that we are short 17,800 dentists today and will be nearly 57,000 short in 1980. We know that if present trends continue, we will be 210,000 nurses short in another 10 years, and 432,000 short in the allied health fields.

We all know the story. Yet, somehow, when these statistics are written down coldly on paper, they do not convey the personal effects of the health shortage—and the health misallocation— of physicians and other medical personnel in the United States.

These statistics do not show, for example, that in California, motorists involved in traffic accidents which occur on rural roads are four times as likely to die as those who have their wrecks in urban areas, even though the rural drivers have more survivable accidents. The difference is in emergency room facilities.

The statistics do not show that in Buf-

falo, nearly four times as many children from upper-income families are vaccinated against measles than are the children of the poor.

They do not show that there are towns in Utah where there are no physicians *and none for* a radius of 75 miles.

They do not show the many small towns in America which for months have been advertising for physicians without luck.

These conditions do not merely reflect a doctor shortage in the United States, they reflect a misallocation of the physicians we have.

The demands of a dispersed population heighten the burdens on the few doctors who do locate in our rural areas and make a rural practice into a grueling chore.

Because our rural areas tend to have low-family incomes, the financial rewards of a small town or rural practice may not be as great as the rewards of an urban specialty. Many of our smaller communities also lack the cultural diversions which make urban areas so attractive to the medical community. They may also lack adequate clinical and hospital facilities.

So the physicians set up practice elsewhere, or they go into research. This should not be surprising. But what does it do to our rural areas or to the pockets of urban poverty where there is a scarcity of health care?

The statistics are not encouraging. In 1964, the rate of maternal deaths in childbirth was 40.9 per 100,000 live births in our rural areas, as compared to a national average of 33.

For the same age groups, our rural citizens have nearly twice the amount of chronic illness than the residents of our large metropolitan areas.

In 1967, the Presidents National Advisory Commission on Rural Poverty reported that—

> Because the rural poor do not have easy access to appropriate health services early in the illness, the result is much greater disability.

Conditions are little better among the urban poor. In a study conducted in New York City, researchers found that two-thirds more babies die at birth in 16 poverty areas than in the rest of the city. In these same 16 areas, more than twice as many mothers died in childbirth. Nearly three times as many mothers either received late prenatal care, or none at all. And the tuberculosis rate in these 16 areas was more than twice that of the city at large.

In fact, it is difficult to find a health statistic in which the urban and rural poor and the residents of our small communities rank better than the more affluent majority of the Nation.

As Drs. Bergner and Yerby concluded:

> It appears that the people most in need of medical services are the ones who least often obtain them.

Mr. Speaker, I do not pretend that the bill we have introduced today is a palliative which will cure the shortage of medical personnel in America today. But it is an incentive for young physicians to begin reversing the misallocation of physicians in America.

Under the terms of this bill, graduating physicians, dentists, and optometrists would be offered the chance to begin practice debt free in exchange for 3 years' practice in a medically deprived area.

And as critical shortages in other health professions became apparent, the Secretary of Helath, Education, and Welfare could add new categories to this original listing.

Frankly, I cannot give you an accurate estimate of the cost of this program. But if every student who graduated from medical, dental, and optometry school in 1969 were to enroll in the program, and if each of them owed the entire cost of his education, the cost would not exceed $130 million each year.

And if we take a more realistic estimate of participation in such a program—with one out of every 10 graduating doctors signing contracts—then the cost would be nearer to $10 million each year.

For that amount, with 10 percent of our graduating doctors participating, we could disperse nearly 3,500 doctors into medically deprived areas at the end of 3 years.

I think $10 million each year is a sum we cannot afford to spend on less important programs while much of the Nation suffers from inadequate health care.

This would not be wasted money. We would not be subsidizing the purchase of new cars, or television sets, or luxury apartments. But we would offer the doctor who borrowed to get through school the opportunity to begin practice with no financial problems.

Mr. Speaker, the House may be aware of the fact that 15 other nations in the world rank ahead of the United States in life expectancy and infant mortality.

Much of the reason for the U.S. standing in these areas lies in the inadequate health care afforded to the rural and urban poor and to our small communities.

I think this bill will do much to improve that inadequate care. If it does not, if it proves to be too small an incentive to encourage doctors to move out into the community, then we should not hesitate to try another approach.

Perhaps we will have to make massive infusions of aid into our medical schools, with the stipulation that certain percentages of their new graduates will enter practice in medically deprived areas.

This bill would do much to meet our present need. I urge the rest of my colleagues to support it, and hope that others will add their names to the more than 65 sponsors of this legislation.

I AM THE NATION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Mrs. Gershon Miller dramatized the attached reading at the B'nai B'rith Independence Day rally, Thursday, July 2, 1970, at the Miami Beach Auditorium, which is in my district.

Mrs. Miller, or Jeanette, as we all know her, is a graduate of Northwestern University School of speech. She had been in radio broadcasting for 13 years both in Miami Beach and Chicago, as director of women's and children's programs. She is a dramatist and storyteller and when performing for children she also uses her ability as a puppeteer.

Mr. Speaker, I include Mrs. Miller's ever beautiful and inspiring Independence Day reading in the RECORD immediately following these remarks:

I AM THE NATION

I was born on July 4, 1776, and the Declaration of Independence is my birth certificate. The bloodlines of the world run in my veins, because I offered freedom to the oppressed. I am many things, and many people. I am the Nation.

I am 200 million living souls—and the ghost of millions who have lived and died for me.

I am Nathan Hale and Paul Revere. I stood at Lexington and fired the shot heard around the world. I am Washington, Jefferson and Patrick Henry. I am John Paul Jones, the Green Mountain Boys and Davy Crockett. I am Lee and Grant and Abe Lincoln.

I remember the Alamo, the Maine and Pearl Harbor. When freedom called I answered and stayed until it was over—over there. I left my heroic dead at Valley Forge, Pearl Harbor and on the bleak slopes of Korea. . . . and in the steaming jungle of Vietnam.

I am the Brooklyn Bridge, the wheat lands of Kansas and the granite hills of Vermont. I am the coalfields of the Virginias and Pennsylvania, the fertile lands of the West, the Golden Gate and the Grand Canyon. I am Independence Hall, the Liberty Bell and the Statue of Liberty.

I am big. I sprawl from the Atlantic to the Pacific . . . My arms reach out to embrace Alaska and Hawaii . . . 3 million square miles throbbing with industry. I am more than 5 million farms. I am forest, field, mountain and desert. I am quiet villages, and cities that never sleep.

You can look at me and see Ben Franklin walking down the streets of Philadelphia. You can see Betsy Ross with her needle. You can hear the strains of "Auld Lang Syne" as the calendar turns.

I am Babe Ruth and the World Series. I am 130,000 schools and colleges, and 320,000 churches and synagogues where my people worship God as they think best. I am a ballot dropped in a box, the roar of a crowd in a stadium and the voice of a choir in a cathedral. I am an editorial in a newspaper, a letter to a Congressman, and the right to appeal.

I am Longfellow, Walt Whitman, Thomas Paine and Carl Sandburg. I am Eli Whitney and Stephen Foster. I am Tom Edison, Albert Einstein and Billy Graham. I am Horace Greeley, Will Rogers and the Wright brothers. I am Martin Luther King, John F. Kennedy and his brother, Robert. I am Jonas Salk and the American astronauts walking on the moon.

Yes, I am the Nation, and these are the things that I am. I was conceived in freedom and, God willing, in freedom I will spend the rest of my days.

NATIONAL AVIATION DAY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Mr. R. Franklin Brown, Jr., executive secretary of Aviation Distributors and Manufacturers Association, has just written me a

letter advising that the association is making an effort to revive recognition and observance of National Aviation Day on August 19 and enclosing a brief history of how National Aviation Day came into being. I have responded to Mr. Brown's letter giving him further details of how I introduced Senate Joint Resolution 111, which made Orville Wright's birthday, August 19, National Aviation Day. I hope the Members of Congress will take note of National Aviation Day and will encourage observance of it in honor of American air heroes, particularly Orville and Wilbur Wright, and to reflect the development and progress of aviation as well as to further stimulate interest in aviation in the United States.

Mr. Speaker, I insert R. Franklin Brown's letter to me with the enclosed history of National Aviation Day and my letter in reply giving further details of how National Aviation Day came into being, in the RECORD immediately following my remarks in this part of the RECORD:

AVIATION DISTRIBUTORS AND MANUFACTURERS' ASSOCIATION,
Philadelphia, Pa., July 17, 1970.

Representative CLAUDE PEPPER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN PEPPER: Our Association is most interested in reviving recognition and observance of National Aviation Day, which you were instrumental in initiating in 1939.

Public awareness of the value of aviation is still limited primarily to military and commercial applications. Stimulating public interest in aviation in many other areas continues to be a worthwhile goal.

To this end, ADMA is embarking on a long-range campaign to build up greater observance of National Aviation Day. We are planning events at four airports across the country this year to use as demonstrations of techniques that can be used by other airports in the coming years. In this way we hope to expose the public to the role general aviation is playing and can play in improving our lives.

The enclosed Aviation Education News Bulletin, which is circulated among 1,800 educators and aviation officials, contains a news item regarding our plans. I have also enclosed a short history of the facts as we know them about the creation of National Aviation Day. I would greatly appreciate any amplification you can provide of how National Aviation Day came to be and what happened to it.

In addition, we would greatly appreciate if you could provide us with your current thinking on the value of commemorating National Aviation Day; we would be pleased to quote such a statement or message from you in our publicity efforts.

Sincerely,

R. FRANKLIN BROWN,
Executive Secretary.

NATIONAL AVIATION DAY

The idea apparently came from two identifiable sources; there are probably others, but these two are identifiable.

1. A January 1939 edition of the St. Petersburg Independent ran an editorial in that newspaper which proposed the creation of a National Aviation Day to honor American Aviation Heroes, particularly Orville and Wilbur Wright. (This information was obtained from January 28, 1939 Congressional Record)

2. A proposal read by Representative Jennings Randolph was contained in the Congressional Record of February 28, 1939 citing the appropriateness of Orville Wright's birthday (August 19) for designation as National Aviation Day.

Senate Joint Resolution #111 was introduced in the U.S. Senate on April 3, 1939 by Senator Claude Pepper of Florida. (The Senate sponsor of SJR–111 was Senator Claude Pepper of Florida, the House sponsor of SJR–111 was Representative Jennings Randolph of West Virginia—Representative Randolph is now a Senator).

The measure SJR–111 was approved by both houses of the 76th Congress on May 11, 1939 and was officially referred to as Public Resolution #14.

A Presidential Proclamation was provided for by Public Resolution #14.

National Aviation Day—August 19 was officially created by a proclamation signed by President Franklin D. Roosevelt and Secretary of State Cordell Hull on July 25, 1939.

A general statement of purpose is that Aviation Day was created to honor American Air Heroes, particularly Orville and Wilbur Wright, to reflect the development and progress of aviation, and to further and stimulate interest in aviation in the United States.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 29, 1970.

Mr. R. FRANKLIN BROWN, Jr.,
Aviation Distributors & Manufacturers Association, Philadelphia, Pa.

DEAR MR. BROWN: Your letter of July 17th telling me that your association is most interested in reviving recognition and observance of National Aviation Day, which came into being by virtue of Senate Joint Resolution 111 introduced by me on April 3, 1939, and asking me for additional information I might have about the matter, has been received and I am very much pleased to have it.

I introduced S.J. Res. 111 upon the personal request of Orville Wright who came unannounced to my Senate office shortly before April 3, 1939 and said that friends of his had suggested that it would be a gracious thing if Congress passed a law making National Aviation Day August 19, his birthday, and saying further that friends had suggested that I might be willing to introduce such a resolution. I, of course, assured Mr. Wright that I would be delighted to introduce such a resolution. I had a very pleasant visit with Orville Wright on this occasion.

After my bill became law and President Roosevelt had issued the proclamation declaring August 19th National Aviation Day, July 25, 1939, Mr. Wright came back to my office and gave me a photograph of the first flight made by him at Kitty Hawk in 1903, signed "To Senator Claude Pepper" and underneath that "Orville Wright." I cherish this photograph which I keep on my office wall.

I am so pleased that your association is beginning to revive observance of National Aviation Day. I would like to participate in any helpful way I could. I hope you will make it an industry-wide event as it should be.

I am putting your letter to me, including your history of how National Aviation Day came about, together with this letter, in the CONGRESSIONAL RECORD in order to excite, I hope, interest on the part of members of congress in your celebration of National Aviation Day this year. I will send you a copy of it.

Kind regards, and
Believe me,
Very sincerely yours,

CLAUDE PEPPER,
Member of Congress.

BOYS BEHIND BARS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the most significant aspects of crime in the United States today is the rate of recidivism in the commission of crime by those who are once adjudged guilty of crime and confined in correctional institutions. The Chief Justice of the United States has given the rate of recidivism from our correctional institutions as up to as high as 75 percent. We on the House Select Committee on Crime have visited many such institutions for young people and the rate of recidivism ran from one low of 19 percent to more than 70 percent. That is one of the principal concerns of the House Select Committee on Crime. I recently wrote an article in the Tropics section of the Miami Herald which appeared on July 19, 1970 as part of the Sunday paper. The article is entitled "Boys Behind Bars" and relates to the young people of Florida being confined in correctional institutions. Since it is a subject of concern to all of us I request that it be put in the RECORD immediately following these remarks:

BOYS BEHIND BARS

(By Representative CLAUDE PEPPER)

Among the most legendary and identifiable characterizations of youth to be found in American folklore are Tom Sawyer and Huck Finn. As reported by Mark Twain, that pair managed a good deal of boyhood mischief during their adventures.

Yet I imagine that only the most punctilious of readers would have thought to suggest a prison sentence as a price for such roguish behavior.

Perhaps it was an identification with such youthful misdeeds which caused so many Americans to react with outrage to the sentencing of two Florida boys to adult prison some months ago for several comparatively minor offenses.

The case of Richard Copas, 15, and Donald Douglas, 14, of Fort Pierce, Fla., led the State Pardon Board to nullify the three-year adult prison sentences imposed on the youths and to move jurisdiction to the state's juvenile correction agencies where, properly, it should have been all along.

The juvenile court judge who made the adult sentence mandatory by transferring the case to Circuit Court explained that he believed an adult prison facility offered a better place to rehabilitate "incorrigibles." Both boys had a history of truancy and running away and, the judge noted, the state's juvenile correctional institutions had long had a serious runaway problem.

To many, the action appeared to be an attempt to warehouse the boys, especially since Florida in recent years has moved to correct the deficiencies in its juvenile corrections programs through multi-purpose approaches to rehabilitation. Ironically, one yardstick for the success of this effort is evidenced by a drop in the rate of runaways from the state school at Marianna from 168 for the first three months of 1969 to 23 for the first three months of 1970.

One of the more enlightenend men in the field of juvenile corrections is O. J. Keller, the director of Florida's Division of Youth Services, who has instituted many changes in the handling of young offenders. On the matter of jailing youthful offenders, Keller told our Select Committee on Crime at its Miami hearings:

"Children should not be sent to prison. Eventually, the young person will emerge from prison. What happens to him in an adult prison may well make him a sexual deviate, a career criminal, or a permanent welfare case. It is almost impossible to protect a young boy from that portion of the prison population seeking homosexual contacts."

Regrettably, however, the practice of sending juveniles to adult prisons is far from isolated.

During the past seven years, judges in Florida alone have sentenced two 13-year-olds; thirteen 14-year-olds; 73 fifteen-year-olds; and 283 sixteen-year-olds to adult prisons.

In many of these cases the action was taken because, like many other states, Florida does not have a necessary intermediate facility to house youths who are likely to run away but are not otherwise lost to society, and who might be helped by rehabilitation measures.

The controversy that surrounded the Copas-Douglas case—including the offer of movie actor Steve McQueen to find a home for the youngsters in California—revealed two significant facts concerning the state of juvenile corrections throughout the country.

Simply stated, these are that: (1) juvenile corrections are in dire need of higher-paid and better-trained staffs who can administer innovative and imaginative approaches in corrections, and (2) efforts to rehabilitate the youthful offender are a dismal failure in most parts of the United States.

This last point was dramatically portrayed in a series of articles on juvenile corrections by Pulitzer Prize-winning reporter Howard James of the *Christian Science Monitor*.

James concluded with the startling statement that "society would be better off if the youthful offender were never caught."

"Obviously," in the words of Dr. James Bax, secretary of Florida's Department of Health and Rehabilitative Services, "there is a failure in a system of 'corrections' which produces trained adult felons from juvenile delinquents."

In our hearings in Washington, D.C., and in other cities and towns across America, the Crime Committee has been told repeatedly by the most eminent authorities that if we are to make a real impact on crime, we must cut down on the rate of recidivism, or repeaters. This is especially true in the case of juvenile offenders.

I have seen, as have other members of the committee, fledgling, innovative programs in juvenile corrections which are achieving remarkable successes despite bush-league budgets and semi-trained personnel.

What is needed is a diversity of approaches toward rehabilitation rather than what Dr. Bax described as an all-too-frequent "impersonal crank-them-in and crank-them-out, next-case-please approach to youths."

As Bax explained further to our committee:

"We need imaginative programs to reach the downward-bound youngster the first time he gets into trouble and seems headed for the youth corrections program. The possibilities here are limitless. We think one such important step would be the starting of halfway-in houses. These would be in the community environment with the youth still attending public schools, but breaking the home or other neighborhood environments which often lead him into trouble.

"Here such techniques as group therapy and a form of discipline could be brought to bear on the youth without exposing him to the alienating effects of an institution and its repeaters with their hardened attitudes."

The matter of early detection of anti-social traits, I believe, is of critical importance. In Florida, for example, we do not allow vocational education below the 10th grade. Yet a lot of youngsters, going down to fourth, fifth, sixth, and later grades, for some reason or another, cannot keep up with their classmates.

They feel frustrated and begin to have a sense of failure. Then they drop out and want to do something, to show that they can do something, and they often get in trouble.

HALF THE PEOPLE CHARGED WITH CRIMES IN 1969 WERE JUVENILES

We should start some kind of vocational training program as early as the elementary school years so that young persons will stay in school and feel real achievement.

Our school curriculums do not accentuate the talents of the low academic achiever but seem, rather, to create failure for some children. They foredoom social promotion by putting them in an environment where they cannot succeed.

It is here that the real roots of crime can be successfully removed.

Any effort to reach the potential youthful offender must entail a good deal more spending than this country has to date been willing to spend. Much of this reluctance is based on a sense of false economy and belief that such expenditures would be prohibitive. I submit that just the opposite is true.

One reputable study from the District of Columbia reveals that an average 25-year-old prisoner has already cost society more than $30,000 in juvenile and adult court costs, probation, detention, and imprisonment.

During the course of a year, the prisons in the country have a total inmate population of more than 2.5 million, of whom 50 to 75 per cent are repeaters. There is no way to compute this loss to society both in terms of dollars and waste of human resources.

Yet programs for correction and rehabilitation of prisoners—both juvenile and adult—are treated as if they are among the lowest of our priorities.

The meager $5 million budget of the Office of Juvenile Delinquency under the Department of Health, Education and Welfare was largely responsible for the resignation of director-designate Frank A. Orlando, an eminent juvenile court judge from Fort Lauderdale.

This allotment came despite the fact that last year nearly half of all persons charged with crime were juveniles, while adult arrests only increased four per cent.

This failure is also evident in the allocation of federal funds to local communities through the Law Enforcement Assistance Administration. Of a total budget for fiscal year 1969 of $63 million, only 7 per cent of the total went for programs to prevent juvenile delinquency and 15.4 per cent for combined juvenile and adult programs for correction and rehabilitation.

The Administration's budget request for L.E.A.A. for fiscal year 1971 totals $480 million, a great sum in isolation but little more than an opening salvo to attack a crime problem that costs society an estimated $30 billion a year.

And there is no indication that the percentage of money diverted to corrections will appreciably increase in the coming months.

For this reason, I have proposed increasing the L.E.A.A. budget for 1971 to $1 billion. I also advocate a substantial increase in the budget of HEW's Office of Juvenile Delinquency and encourage more federal investment in the training of correctional personnel and the improvement of techniques and facilities for the treatment and rehabilitation of young offenders.

There is no more important matter in the entire criminal justice system than the matter of corrections and rehabilitation. Yet until recently, the problem was consistently ignored by the federal as well as state and local governments.

The price we have paid for this failure is reported daily in a spiraling crime rate.

We must dedicate our efforts to the task of breaking the crime cycle. Not by filling our prisons—but by rehabilitating our prisoners.

THE DISTRICT OF COLUMBIA CRIME BILL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the passage of the District of Columbia Court Reform and Criminal Procedure Act of 1970 marks a significant step in this country's fight against the rising tide of crime. Although marked by strenuous debate and great divergence of opinion, everyone concerned agrees that something had to be done. This bill will hopefully serve as a meaningful response to a desperate situation.

The Select Committee on Crime held hearings in the District of Columbia this past February. Much of the testimony we received was shocking and disturbing. Small merchants have suffered immeasurably from crimes perpetrated against them and their business. Even the largest retail corporations have been gravely affected. However, we were most disturbed by the testimony of honest law-abiding citizens from all walks of life and from every segment of our community who movingly stated that they were afraid to walk the streets of their city, our Nation's Capital.

Police Chief Jerry Wilson recently stated that the crime rate in the District of Columbia has been increasing at a less rapid pace. Hopefully, this trend will continue. The District of Columbia crime bill will not be a panacea to cure all the crime in the District but it will be a beginning.

However, we cannot neglect the critical social problems which so often form the basis of an attitude of community lawlessness. Enforcement machinery alone will not abate the attitude of disenchantment of those who feel their Government has failed them.

The courts in the District will by virtue of this bill be reorganized into a system closely resembling one to be found in the States. This, coupled with an increase in the number of judges, will hasten the processes of the criminal justice field.

But the whole machinery of the administration of justice must be more efficiently and effectively coordinated and directed if we are to achieve the expedition which is essential to the proper administration of justice. Perhaps through the increased alacrity of the court system, the preventive detention service so strongly debated will not be used as much as it is feared by some critics.

The entire concept of preventive detention and the attendant possibility that such detention could be used to wrongfully detain an innocent man

causes me grave concern. I am not unmindful of the fact that certain criminal defendants in this District who have been admitted to bail have committed additional crimes while awaiting trial. Our committee has heard testimony about the problems of narcotic addicts who commit auxiliary crimes while on bail to support their habits. However, it is my considered judgment that we could have devised a more effective instrument to achieve the avowed objectives of the District of Columbia crime bill rather than depend upon the seemingly facile umbrella of preventive detention. The guarantee of a speedy trial, which is the right of a defendant, within 60 days of arrest appears to be a viable alternative and has the meritorious advantage of the noncircumvention of a cherished constitutional right.

Our committee has heard often, most recently and forcefully at our New York drug hearings, about the essential necessity of court-approved wiretapping to combat organized and syndicate crime. Now, in the District of Columbia, we will have an opportunity to observe just how effective this device can be.

The conversion of the Legal Aid Agency into a full-powered, fully complemented Public Defender's office is a most valuable and widely acclaimed action. Representation of the poor, defense of the indigent, adequate advocacy for all people is a concept which I unflinchingly endorse. The provisions of this bill bring to a culmination in the District of Columbia a trend begun by the Gideon against Wainwright.

The Select Committee on Crime has devoted a substantial amount of time and concern to the problems of juvenile crime and delinquency. Certain provisions in this bill provide for special attention and consideration of juvenile offenders. However, the bill falls short of an adequate treatment of this critical problem.

I deplore the absence of any provision in the final version of this bill providing for administrative changes in the district correctional system whereby persons properly adjudicated guilty would be confined in a system providing effective rehabilitation services. Recently the Chief Justice directed our attention to the shocking fact that there is a 75 percent recidivism rate in the District. As a result of our committee's recent investigations and public hearings we are exploring the possibility of future legislation, and are currently preparing a series of recommendations in this area.

Finally, the strengthening of the District of Columbia Bail Agency, an experiment started some years ago, can only lead to a strengthening of the entire juvenile justice system.

Once again, I must point out that passage of this bill is not a cure for the entire crime problem in the District. We in the Congress must be ever mindful of the multiple problems and continually searching for new and more creative and imaginative solutions and programs. The passage of this bill hopefully initiates the commencement of a vigorous and humane program to make our streets safe and temper justice with compassion.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The number of engineers and scientists coming to the United States from other nations increased from 5,345 in 1965 to 12,973 in 1968.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOW (at the request of Mr. GERALD R. FORD), for from 5 o'clock today for a period of 24 hours, on account of official business in Ohio.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. REUSS (at the request of Mr. ANDERSON of California), for 20 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. LOWENSTEIN (at the request of Mr. ANDERSON of California), for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. BURKE of Florida (at the request of Mr. HANSEN of Idaho), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. CRANE (at the request of Mr. ANDERSON of California), for 45 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. VANIK and to include extraneous matter.

Mr. CLEVELAND to include extraneous matter with his remarks made today in the Committee of the Whole on H.R. 17654.

(The following Members (at the request of Mr. HANSEN of Idaho) and to include extraneous matter:)

Mr. BUCHANAN in two instances.
Mr. LANGEN.
Mr. NELSEN.
Mr. MORSE.
Mr. TAFT.
Mr. WYMAN in two instances.
Mr. MIZE.
Mr. BOB WILSON.
Mr. SHRIVER.
Mr. WIDNALL in two instances.
Mr. WIGGINS.
Mr. SNYDER in three instances.
Mr. WOLD.
Mr. CONTE.
Mr. FOREMAN.
Mr. WHITEHURST.
Mr. BRAY in three instances.
Mr. SCHWENGEL.

(The following Members (at the request of Mr. ANDERSON of California) and to include extraneous matter:)

Mr. VANIK in two instances.
Mr. COHELAN in five instances.
Mr. BOGGS in three instances.
Mr. PICKLE in five instances.
Mr. DELANEY in two instances.
Mr. MOORHEAD in six instances.
Mr. HATHAWAY in two instances.
Mr. MARSH.
Mr. JONES of Tennessee.
Mr. DINGELL in two instances.
Mr. HAGAN in three instances.
Mr. RODINO in three instances.
Mr. ROSENTHAL in two instances.
Mr. DANIELS of New Jersey in two instances.
Mr. SATTERFIELD in two instances.
Mr. HUNGATE in two instances.
Mr. STEPHENS.
Mr. KLUCZYNSKI.
Mr. GONZALEZ in two instances.
Mr. FOUNTAIN in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 16916. An act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, July 30, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2256. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of actual procurement receipts for the medical stockpile of civil defense emergency supplies and equipment for the quarter ended June 30, 1970, pursuant to subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

2257. A letter from the Assistant Administrator for Program and Policy, Agency for International Development, Department of State, transmitting copies of Presidential Determination 71-1; to the Committee on Foreign Affairs.

2258. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of June 30, 1970, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2259. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Tariff Act of 1930 to grant to the transferee of merchandise in

bonded warehouse the right to administrative review of customs decisions; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 16987. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Minot extension of the Garrison diversion unit of the Missouri River Basin project in North Dakota, and for other purposes; with amendments (Rept. No. 91–1346). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 18434. A bill to revise the provisions of the Communications Act of 1934 which relate to political broadcasting (Rept. No. 91–1347). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 13434. A bill to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission dockets Nos. 90 and 122, and for other purposes (Rept. No. 91–1348). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14097. A bill to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma, and for other purposes; with amendments (Rept. No. 91–1349). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 14827. A bill to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes (Rept. No. 91–1350). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1164. Resolution for consideration of H.R. 18275, a bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the disposal of surplus Federal property for park and recreational uses, and for other purposes (Rept. No. 91–1351). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1165. Resolution for consideration of H.R. 18546, a bill to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes (Rept. No. 91–1352). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 11032. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; with amendments (Rept. No. 91–1353). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS of Alabama: Committee of conference. Conference report on H.R. 16915 (Rept. No. 91–1354). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GALIFIANAKIS (for himself, Mr. ADDABBO, Mr. ANDREWS of North Dakota, Mr. ASHLEY, Mr. BEVILL, Mr. BRADEMAS, Mr. BRASCO, Mr. BURKE, of Florida, Mr. BURKE of Massachusetts, Mr. BURTON of California, Mr. CEDERBERG, Mr. DON H. CLAUSEN, Mr. CLAY, Mr. COLLIER, Mr. CONTE, Mr. CORMAN, Mr. EDWARDS of Louisiana, Mr. EILBERG, Mr. FASCELL, Mr. FEIGHAN, Mr. FISH, Mr. FUQUA, Mr. GETTYS, Mr. GRIFFIN, and Mr. HALPERN):

H.R. 18689. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS (for himself, Mr. HAMILTON, Mr. HANLEY, Mr. HANNA, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. HENDERSON, Mr. HICKS, Mr. HOGAN, Mr. HUNT, Mr. JACOBS, Mr. JONES OF Tennessee, Mr. JONES of North Carolina, Mr. LANGEN, Mr. LENNON, Mr. MCKNEALLY, Mr. MADDEN, Mr. MILLER of California, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MORSE, Mr. O'KONSKI, Mr. PEPPER, and Mr. POWELL):

H.R. 18690. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALIFIANAKIS (for himself, Mr. PRYOR of Arkansas, Mr. REES, Mr. RUPPE, Mr. SCHWENGEL, Mr. STEPHENS, Mr. TAYLOR, Mr. PREYER of North Carolina, Mr. TEAGUE of California, Mr. THOMSON of Wisconsin, Mr. TIERNAN, Mr. VANDER JAGT, Mr. WALDIE, Mr. WHITE, Mr. DENT, Mr. BROWN of California, Mr. GILBERT, Mr. SCHNEEBELI, Mr. HAWKINS, and Mr. YATRON):

H.R. 18691. A bill to amend the Public Health Service Act to encourage physicians, dentists, optometrists, and other medical personnel to practice in areas where shortages of such personnel exist, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL of Massachusetts:

H.R. 18692. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 18693. A bill to amend section 165(1) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. PETTIS:

H.R. 18694. A bill to designate the third Sunday in October of each year, as "Foster Family Day", and for other purposes; to the Committee on the Judiciary.

By Mr. CAMP (for himself, Mr. ALBERT, Mr. BELCHER, Mr. EDMONDSON, Mr. JARMAN, and Mr. STEED):

H.R. 18695. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribes of Kansas and Nebraska and of Oklahoma in Indian Claims Commission docket No. 79A and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CEDERBERG:

H.R. 18696. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. FRIEDEL:

H.R. 18697. A bill to amend the Railroad Retirement Act of 1937 to provide a 5 percent and cost-of-living increases in annuities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 18698. A bill to amend section 7275 of the Internal Revenue Code of 1954 (as added by the Airport and Airway Revenue Act of 1970) to require that airline tickets, with respect to the transportation of persons by air which is subject to Federal tax, show the amount of such tax separately from the cost of the transportation involved; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 18699. A bill to amend the Fish and Wildlife Coordination Act to assure adequate consideration of the views and recommendations of the Secretary of the Interior in connection with certain water modification projects, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LOWENSTEIN (for himself, Mr. STEIGER of Wisconsin, and Mr. HAWKINS):

H.R. 18700. A bill—Voluntary Military Manpower Procurement Act of 1970; to the Committee on Armed Services.

By Mr. PATMAN:

H.R. 18701. A bill to establish a National Development Bank to provide loans to finance urgently needed public facilities for State and local governments and to help achieve a full employment economy by providing loans to business and industry when adequate loan funds at reasonable rates cannot be obtained from conventional lending sources, and to provide needed capital for other socially useful purposes; to the Committee on Banking and Currency.

By Mr. PUCINSKI:

H.R. 18702. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any state or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed: to the Committee on Post Office and Civil Service.

By Mr. PURCELL:

H.R. 18703. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 18704. A bill to amend section 117 of the Internal Revenue Code of 1954 to exclude from gross income up to $300 per month of scholarships and fellowship grants for which the performance of services is required; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 18705. A bill to amend title 10 of the United States Code with respect to determining the eligibility of certain persons for retirement benefits; to the Committee on Armed Services.

By Mr. SISK (for himself, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MCFALL, Mr. MOSS, Mr. O'KONSKI, Mr. TALCOTT, Mr. ULLMAN, and Mr. WYATT):

H.R 18706. A bill to create a National Agricultural Bargaining Board, to provide standards for the accreditation of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products; and for other purposes; to the Committee on Agriculture.

By Mr. WOLFF:

H.R. 18707. A bill for the relief of the city of Glen Cove, N.Y.; to the Committee on the Judiciary.

By Mr. EDMONDSON:

H.R. 18708. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure,

through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of California (for himself and Mr. KYL):

H.R. 18709. A bill to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure, through maximum use of indigenous resources, that the U.S. requirements for low-cost energy be met, and to reconcile environmental quality requirements with future energy needs; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Ohio:

H.R. 18710. A bill to amend title 13 of the United States Code to provide for a recount (by the State or locality involved) of the population of any State or locality which believes that its population was understated in the 1970 decennial census, and for Federal payment of the cost of the recount if such understatement is confirmed; to the Committee on Post Office and Civil Service.

By Mr. DON H. CLAUSEN:

H.J. Res. 1334. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 1335. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. PATMAN:

H.J. Res. 1336. Joint resolution to extend the effectiveness of the Defense Production Act of 1950 to August 15, 1970; to the Committee on Banking and Currency.

By Mr. BOB WILSON (for himself and Mr. VAN DEERLIN):

H.J. Res. 1337. Joint resolution to establish a national music of the United States; to the Committee on the Judiciary.

By Mr. HOWARD (for himself, Mr. BUTTON, Mr. CORBETT, Mr. DERWINSKI, Mr. DINGELL, Mr. FRIEDEL, Mr. HANNA, Mr. HELSTOSKI, Mr. HORTON, Mr. LEGGETT, Mr. MCKNEALLY, Mr. MIKVA, Mrs. MINK, and Mr. MOORHEAD):

H. Con. Res. 696. Concurrent resolution expressing the sense of the Congress with respect to an international conference on the creation of an International Environmental Agency; to the Committee on Foreign Affairs.

By Mr. HOWARD (for himself, Mr. OLSEN, Mr. OTTINGER, Mr. PIKE, Mr. PODELL, Mr. QUIE, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. TIERNAN, Mr. TUNNEY, Mr. WHITE, Mr. WILLIAMS, Mr. WOLFF, and Mr. WRIGHT):

H. Con. Res. 694. Concurrent resolution expressing the sense of the Congress with respect to an international conference on the creation of an International Environmental Agency; to the Committee on Foreign Affairs.

By Mr. PURCELL:

H. Con. Res. 695. Concurrent resolution providing that the Chief Justice of the United States be invited to address a joint session of Congress on the state of the judiciary; to the Committee on Rules.

By Mr. DON H. CLAUSEN:

H. Res. 1166. Resolution to express the sense of the House of Representatives that the U.S. maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. MILLER of California:

H. Res. 1167. Resolution expressing the sense of the House of Representatives with respect to the issuance of a commemorative postage stamp honoring the fifth anniversary of the U.S. participation in the International Biological Program; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 18711. A bill for the relief of Michael P. Buckley; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia:

H.R. 18712. A bill for the relief of Mr. and Mrs. Waverly E. Wilkerson; to the Committee on the Judiciary.

By Mr. DOWNING:

H.R. 18713. A bill for the relief of David Capps, formerly a corporal in the U.S. Marine Corps.; to the Committee on the Judiciary.

By Mr. JOHNSON of California:

H.R. 18714. A bill to authorize the Secretary of the Interior to rectify a public land transaction; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 18715. A bill for the relief of Gheorghe Jucu and Aurelia Jucu; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

562. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to cataloging the statutory and treaty powers of the President of the United States, which was referred to the Committee on Government Operations.

EXTENSIONS OF REMARKS

THE THREE R'S OF LAW AND ORDER

HON. JACK R. MILLER

OF IOWA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 29, 1970

Mr. MILLER. Mr. President, recently a distinguished attorney from Cedar Falls, Iowa, Margaret E. Santee, delivered an address focusing on what she calls "The Three R's of Law and Order."

She reminded her listeners that since law is the relationship of man and men, it must be properly coordinated through a basic understanding of the three R's of reverence, rights, and responsibilities. Her speech offers a somewhat different perspective of this critical question. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE THREE R'S OF LAW AND ORDER

(By Margaret E. Santee)

Years ago discussion centered on the 3 R's of readin', 'ritin', 'n' 'rithmetic as the basic for our learning. Today, as we face the issues of law and order, we focus our attention on the 3 R's of reverence, rights and responsibilities.

Albert Schweitzer once said the one thing man cannot live without is reverence. Christ explains basic law as the reverence of Creator, neighbor, and self as he summarizes law as the law of love.

Thou shalt love the Lord thy God with all thy heart, with all thy mind, with all thy soul. Thou shalt love thy neighbor as thyself. If we substitute for the words of Christ the word "Creator" for God and "attachment" for love we discover this is a complete, yet succinct, summary of the law of artistry, of mechanics, of science, of sports—of every creative activity of any nature, including the law of MAN in a social world, in a world created by God in a spirit of love.

Law is the relationship of man and men—of unit and units—of all working parts of any creation—properly coordinated through the basic understanding of the 3 R's of—

Reverence: for the individual unit as it performs as part of the whole; for the individual unit in fulfilment of its particular function at its maximum usefulness; for the creator of the master plan for which and to fulfill the purpose of whom it was set up.

Responsibility: for performing in accordance with the needs of the entire creation; for permitting all other units the right to accept their responsibility of performance as they develop their abilities to perform with utmost skill; to accept the direction of the creator and coordinator of the creation;

Rights: merited by proper performance of the individual unit and all units as they perform to carry out the plan of their creator who has the right to coordinate the functioning of the units to secure that purpose for which he designed the creation.

The development of law and order comes through:

1. A study of the basic plan,
2. Through disciplined practice in the development of the individual unit,
3. Through coordination of performances or placement according to the plan of the creator, and under either the creator's direction, or under that of his chosen coordinator.

Mrs. Billy Graham, in her delightful book "Our Christmas Story," writes that on Christmas Eve the Graham family read the story of the birth of the Saviour Jesus. The use of the word "saviour" challenges them to find the sin for which God sent His son Christ to the world. The Graham family return to the book of Genesis to seek the purposefulness of the creation of man, the story of the original sin. They decide that God made man with the power of choice because His creations which did His will without protest could not provide that companionship, that "give and take" of relationships which provide the incentive for sparkling the ingenuity of the human race in seeking new ways of fulfilling God's law of love. The original sin was not the choice of Adam and Eve in eating the apple. They had the right of choice. They lacked understanding of God's need for companionship, the purposefulness of their creation, when they ran from Him. Their sin was their failure to accept their responsibility in the building of that attachment of love for which they had been created, to provide companionship for their Creator.

God created human beings with the right of choice subject to the law of love which would satisfy His purpose of creation. God expects each human to accept his individual responsibilities in building a world of love as He gives men the blessings of His love. According to the family of Billy Graham, when God created men with the right of choice, He decided that He should send His son to clarify His plan of creation, to guide His loved ones in their search for a better understanding of their rights and responsibilities as part of God's world of love and companionship.

When God created man, He created the Judases, the bawdy fishermen, and the weak, vacillating Peters and Thomases. He also

created the Hitlers, the Stalins, Kosygins, Nassers, and Lenins. God did not send Jesus to change the nature of man, to take away man's right to choose. God sent Christ not to destroy the law, but to fulfill the law by giving that direction to men in their relationships with each other which would make them responsive to the creative plan of God. Christ did not assume the responsibility of each man to develop and use his skills, his strengths, in that type of relationship with his fellow men which would fulfill the purposes of God in His plan of life. God has never taken away either the rights or the responsibilities of men. He has made them subject to His law if they expect to enjoy His blessings. He has, through His son, given men another chance if the choices they make, their acts, are contrary to His law, but they occur because of lack of understanding or training in the three Rs, and they do not jeopardize the effectiveness of the other members of God's world entitled to enjoy the blessings of God's love.

Christ drove the money changers from the Temple. He did forgive the weaknesses of God's people but expected them to follow his direction of "Go, and sin no more." Christ believed in the use of rules as guidelines to build the skills, the performance, of a well-coordinated group, God's family created to provide the companionable relationships of love. Christ criticized the Pharisees for their insistence on the rigid enforcement of rules which, by their very nature, did not develop satisfactory relationships among the group. He advocated the SPIRIT of love, the relationships of love, as he suggested "The Sabbath was made for man, and not man for the Sabbath."

Our country has won victories in war because the discipline of our soldiers is tempered by their permissive use of the power of choice as they show REVERENCE for the organization of our country and its military system, accept responsibility in doing well the particular tasks assigned to them, and expect responsibility from all other members of their units who are entitled to share in the RIGHTS to which they—and all of their loved ones—are entitled. Through their basic understanding of the plan of attack, their plan for survival, through their respect for the direction given them as members of a group assigned to carry out certain strategic moves, they discover the possibilities of success through their basic training in the three Rs. They continue operations with success as they exercise that power of choice which is the strength of their reverence for and understanding of the master plan and the need to carry out the command thou shalt love.

It has been said that other armies cannot survive when their leadership is gone. Our American heritage is one of "team play" which finds solutions for the problems which are disrupting to the world relationships of love and understanding.

Our legal philosophy accepts the fact that Christ was not sent into the world to assume responsibilities for those acts which prevent a smoothly functioning and loving relationship among men. His mission was to prevent undue hardship for wrong choices of men. We train our citizens to "play position"—to function according to their strengths and the particular needs of the group. We train them to accept responsibility for "filling in" for other units than the ones for which they have been assigned only in the case of a potential failure of the original plan. Thou shalt love demands understanding of the three Rs—reverence, responsibilities, and rights—as the basic principles of the law of love which gives a flexibility of movement which makes colorful the sharing of the prejudices and strengths of our people as we set our goals toward the attainment of a world of love according to the purposeful planning of our Master. Thou shalt love requires the disciplined direction through practical, as well as theoretical training, which permits all units to act under those pressures which tend to temporarily weaken the performance of the units in the fulfillment of the plan of creation. The right of choice requires the disciplined development of the particular strengths, and the overcoming of the destructive weaknesses, of those who demand the rights, the blessings of God's love. Thou shalt love is an inflexible law based on Reverence, responsibility, and rights, the 3 Rs of law and order.

MEDICAL FACILITY CONSTRUCTION PROJECTS IN WISCONSIN

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 28, 1970

Mr. OBEY. Mr. Speaker, I should like to insert in the RECORD a table of approved hospital and medical facility construction projects in Wisconsin that cannot be built in the next 2 years at present levels of Federal funding of the Hill-Burton program.

The table itemizes planned general hospital projects, long-term care facilities, public health centers, diagnostic and treatment centers, and rehabilitation centers.

It also lists 12 projects which could be approved under the program for construction of community facilities for the mentally retarded if there were adequate Federal funds available in these two fiscal years.

Mr. Speaker, I think this list provides eloquent evidence of why we needed the health emergency amendment of the gentleman from Massachusetts (Mr. BOLAND), which would have added $80 million for hospital construction grants to the fiscal 1971 appropriation.

The table follows:

PROJECTS WHICH COULD BE APPROVED UNDER THE HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION (HILL-BURTON) PROGRAM, IF THERE WERE NO LIMITATIONS ON FEDERAL FUNDS, FISCAL YEARS 1971 AND 1972

[List by category of facility: All general hospitals listed together, all long-term care facilities, all public health centers, etc.]

Category of facility, county, and city	Name of facility	Type of construction: New facility	Addition	Addition and remodeling	Addition and replacement	Addition, remodeling, and replacement	Remodeling only	Replacement only	Remodeling and replacement	Beds provided	Estimated cost: Total cost	Federal share: Fiscal year 1971	Federal share: Fiscal year 1972
GENERAL													
Barron, Rice Lake	Lakeside Methodist Hospital			X						50	$2,000,000	$800,000	
Brown, Green Bay	St. Mary's Hospital		X							100	3,500,000	1,400,000	
Chippewa, Chippewa Falls	St. Joseph's Hospital							X		160	6,000,000	2,400,000	
Columbia, Portage	Divine Savior Hospital								X	26	1,000,000	400,000	
Crawford, Prairie du Chien	Prairie du Chien Memorial Hospital		X							20	600,000		$240,000
Dane, Madison	St. Mary's Hospital		X							233	3,750,000	1,500,000	
Do	University Hospital	X								750	22,500,000		9,000,000
Dane, Stoughton	Stoughton Hospital		X							150	8,000,000		3,200,000
Dodge, Beaver Dam	Lutheran Hospital			X						50	1,000,000	400,000	
Douglas, Superior	Superior Memorial Hospital		X							10	500,000		200,000
Dunn, Menomonie	Memorial Hospital							X		30	1,000,000	400,000	
Eau Claire, Eau Claire	Luther Hospital							X		267	9,170,000	3,668,000	
Grant, Lancaster	Memorial Hospital			X						20	338,000	135,200	
Iowa, Dodgeville	Dodgeville General Hospital	X								100	3,000,000		1,200,000
Kenosha, Kenosha	St. Catherine's Hospital		X							100	2,500,000	1,000,000	
La Crosse, La Crosse	La Crosse Lutheran Hospital				X					75	6,200,000	2,480,000	
Langlade, Antigo	Langlade Co. Memorial Hospital		X							106	808,000	323,200	
Lincoln, Merrill	Holy Cross Hospital	X								84	3,200,000	1,280,000	
Marathon, Wausau	Memorial Hospital								X	116	5,000,000		2,000,000
Marinette, Marinette	Marinette General Hospital		X							60	2,000,000		800,000
Milwaukee, Milwaukee	Johnson Municipal Hospital			X							1,000,000		400,000
GENERAL RESEARCH													
Milwaukee, Milwaukee	Marquette-University Clinical		X							150	6,000,000		2,400,000
Do	Mount Sinai Hospital			X						285	8,000,000	3,200,000	
Do	St. Anthony Hospital			X						64	2,095,000	742,000	
Do	St. Francis Hospital			X							500,000	200,000	

Category of facility, county, and city	Name of facility	Type of construction: New facility	Addition	Addition and remodeling	Addition and replacement	Addition, remodeling, and replacement	Remodeling only	Replacement only	Remodeling and replacement	Beds provided	Estimated cost: Total cost	Federal share: Fiscal year 1971	Federal share: Fiscal year 1972
GENERAL													
Milwaukee, Milwaukee	St. Mary's Hospital			X						250	$8,000,000	$3,200,000	
Do	St. Michael's Hospital			X						318	9,600,000		$3,840,000
Monroe, Tomah	Memorial Hospital			X						17	320,000	128,000	
Oconto, Oconto Falls	Oconto Falls Memorial Hospital	X								100	2,500,000	1,000,000	
Oneida, Rhinelander	St. Mary's Hospital			X						50	2,000,000	1,000,600	
Oneida, Woodruff	Lakeland Memorial Hospital	X								100	3,780,000	1,512,000	
Outagamie, Appleton	Memorial Hospital		X							100	3,500,000		1,400,000
Outagamie, New London	Community Hospital			X							300,000		120,000
Polk, Amery	Apple River Valley Memorial Hospital			X						25	1,050,000		420,000
Polk, Frederic	Municipal Hospital				X					30	1,000,000		400,000
Polk, St. Croix Falls	St. Croix Valley Memorial Hospital		X							24	600,000	240,000	
Racine, Racine	St. Luke's Hospital			X						36	264,910	105,964	
Do	St. Mary's Hospital			X						250	11,000,000		4,400,000
Rock, Beloit	Beloit Memorial Hospital [1]	X									10,980,000	600,000	
Rock, Edgerton	Memorial Hospital			X						27	800,000		320,000
Rock, Janesville	Mercy Hospital			X						250	8,000,000		3,200,000
Rusk, Ladysmith	St. Mary's Hospital						X			52	1,500,000		600,000
St. Croix, Baldwin	Baldwin Community Hospital			X						30	1,000,000	400,000	
St. Croix, River Falls	St. Joseph's Hospital		X							70	2,000,000		800,000
Sauk, Prairie du Sac	Sauk-Prairie Memorial Hospital		X							20	500,000	200,000	
Sauk, Reedsburg	Reedsburg Municipal Hospital	X								55	2,920,000		1,168,000
Sheboygan, Sheboygan	Memorial Hospital			X						60	1,422,000	568,800	
Washington, West Bend	St. Joseph's Hospital			X						101	3,500,000	1,400,000	
Waupaca, Waupaca	Riverside Community Memorial Hospital		X							50	1,800,000		720,000
Total (number of projects, 49)										5,021	177,997,910	30,683,764	37,628,000
Ashland, Ashland	Trinity Lutheran Hospital						X			35	420,000	168,000	
Barron, Rice Lake	Lake Methodist Hospital		X							60	2,500,000		1,000,000
Calumet, Chilton	Calumet Memorial Hospital			X						50	750,000	300,000	
Calumet, New Holstein	Homestead		X							75	1,250,000	500,000	
Chippewa, Chippewa Falls	Chippewa County Nursing Home	X								126	1,242,000		496,800
Crawford, Prairie du Chien	Prairie du Chien Memorial Hospital	X								40	800,000		320,000
Dane, Stoughton	Stoughton Hospital	X								100	1,000,000	400,000	
Douglas, Superior	St. Mary's Hospital	X								31	369,500	147,860	
Do	Superior Memorial Hospital	X								38	570,000	228,000	
Fond du Lac, Ripon	Ripon Memorial Hospital						X			30	300,000	120,000	
Grant, Lancaster	Memorial Hospital	X								20	372,000	148,800	
Grant, Platteville	Municipal Hospital		X							18	219,485		87,794
Jefferson, Fort Atkinson	Fort Atkinso Memorial Hospital	X								100	1,200,000		480,0000
Kewaunee, Kewaunee	St. Mary's Memorial Hospital	X								30	600,000	240,000	
La Crosse, La Crosse	Eleanor Gund Home		X							40	900,000		360,000
Langlade, Antigo	Langlade County Memorial Hospital			X						50	820,000	328,000	
Lincoln, Merrill	Lincoln County Hospital		X							11	587,000		234,800
Lincoln, Tomahawk	Lincoln County Home	X								39	587,802	187,720	
Manitowoc, Manitowoc	Holy Family Hospital		X							50	3,169,260	1,267,784	
Do	Manitowoc Nursing Home		X							50	1,000,000	400,000	
Do	Memorial Hospital	X								40	400,000	160,000	
Marquette, Montello	Marquette County Home	X								75	675,000		270,000
Milwaukee, Milwaukee	Badger Home for Blind		X							100	750,000	300,000	
Do	Milwaukee County Hospital		X							350	10,250,000		4,100,000
Do	Misericordia Nursing Home		X							200	1,000,000	400,000	
LONG-TERM CARE													
Milwaukee, Milwaukee	Mount Sinai Hospital		X							50	500,000	200,000	
Do	St. Francis Hospital		X							150	3,500,000		1,400,000
Do	St. Mary's Hospital			X						100	3,000,000	1,200,000	
Do	Wisconsin League of Senior Citizens	X								100	150,000		60,000
Milwaukee, Wauwatosa	St. Camillus Hospital			X						22	290,000		116,000
Pepin, Durand	St. Benedict's Hospital		X							40	900,000		360,000
Pierce, Plum City	Plum City Hospital			X						30	1,000,000	400,000	
Polk, Amery	Apple River Valley Memorial Hospital		X							31	575,000		230,000
Portage, Stevens Point	River Pines	X								100	1,200,000		480,000
Rock, Beloit	Memorial Hospital						X			100	300,000		120,000
Rock, Janesville	Mercy Hospital						X			50	650,000		260,000
St. Croix, Baldwin	Baldwin Community Hospital	X								50	560,000		224,000
Sauk, Baraboo	St. Mary's Ringling Manor			X						80	1,858,000		743,200
Sauk, Reedsburg	Memorial Hospital						X			50	650,000	260,000	
Sheboygan, Plymouth	Sheboygan County, Rocky Knoll	X								100	1,000,000	400,000	
Sheboygan, Sheboygan	Memorial Hospital	X								50	1,000,000	400,000	
Walworth, Elkhorn	Lakeland Hospital	X								50	800,000	320,000	
Washington, West Bend	Washington County Home		X							231	2,400,000		960,000
Do	Wisconsin Lutheran Homes								X	120	1,005,000	398,000	
Waukesha, Oconomowoc	Oconomowoc Memorial Hospital			X						50	1,000,000		400,000
Do	Villa St. Ann		X							90	1,577,400		630,960
Waupaca, Clintonville	Community Memorial Hospital		X							50	800,000	320,000	
Waushara, Wautoma	Wautoma Memorial Community Hospital			X						50	750,000		300,000
Total (number of projects, 48)										3,502	57,197,447	9,194,104	13,633,554
PUBLIC HEALTH CENTERS													
Milwaukee, Milwaukee	North Side Health Center		X								857,000	342,800	
Do	South Side Health Center		X								18,150	7,260	
Sheboygan, Sheboygan	Sheboygan Department of Public Health						X				169,000	67,600	
Total (number of projects, 3)											1,044,150	417,660	

[1] Included on current construction schedule.

PROJECTS WHICH COULD BE APPROVED UNDER THE HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION (HILL-BURTON) PROGRAM, IF THERE WERE NO LIMITATIONS ON FEDERAL FUNDS, FISCAL YEARS 1971 AND 1972—Continued

[List by category of facility: All general hospitals listed together, all long-term care facilities, all public health centers, etc.]

Category of facility, county, and city	Name of facility	Type of construction: New facility	Addition	Addition and remodeling	Addition and replacement	Addition, remodeling, and replacement	Remodeling only	Replacement only	Remodeling and replacement	Beds provided	Estimated cost: Total cost	Federal share: Fiscal year 1971	Federal share: Fiscal year 1972
DIAGNOSTIC AND TREATMENT CENTERS													
Brown, Green Bay	St. Vincent's Hospital		X								$2,000,000	$800,000	
Clark, Neillsville	Neillsville Memorial Hospital				X						100,000		$40,000
Dane, Madison	Madison General Hospital		X								2,080,000	832,000	
Do	University Hospital		X								285,000	114,000	
Juneau, Mauston	Hess Memorial Hospital	X									152,500	61,000	
La Crosse, La Crosse	Lutheran Hospital	X									318,000	127,020	
Langlade, Antigo	Langlade County Memorial Hospital	X									800,000	320,000	
Milwaukee, Milwaukee	Mount Sinai Hospital		X								200,000	80,000	
Do	St. Mary's Hospital		X								2,000,000	800,000	
Do	St. Michael's Hospital			X							1,540,000	616,000	
Rock, Janesville	Mercy Hospital		X								500,000		200,000
Total (number of projects, 11)											9,975,500	3,750,200	240,000
REHABILITATION CENTERS													
Brown, Green Bay	Curative Workshop		X								1,162,200	464,880	
Eau Claire, Eau Claire	Luther Hospital Rehabilitation Center			X							876,000		350,400
La Crosse, La Crosse	La Crosse Lutheran Hospital			X						60	1,800,000		720,000
Do	St. Francis Hospital			X							1,800,000	720,000	
Milwaukee, Milwaukee	Curative Workshop [1]	X									2,072,000	570,000	
Do	St. Mary's Hospital			X							2,000,000	800,000	
Total (Number of projects, 6)										60	9,710,200	2,554,880	1,070,400
Children's hospital for mentally retarded: Milwaukee, Milwaukee.	Baptist Home for mentally retarded children	X								50	750,000		300,000
Day facility: Dodge, Beaver Dam	Day Care Center	X								70	500,000	200,000	
Diagnostic and evaluation clinic:													
Manitowoc, Manitowoc	Holy Family College	X								150	1,500,000	600,00	
Sheboygan, Sheboygan	Mentally Retarded Center	X								100	800,000	320,000	
Mentally retarded school only: Milwaukee, Milwaukee.	Milwaukee Public Schools	X								275	500,000	200,000	
Mentally retarded workshop and home: Waukesha, Lannon.	The Ranch David Hellman Foundation	X								50	450,000	180,000	
Sheltered workshop:													
Barron, Rice Lake	Rice Lake Sheltered Workshop	X								20	100,000		40,000
Eau Claire, Eau Claire	The Shelter for Handicapped, Inc	X								65	300,000		120,000
Lafayette, Shullsburg	Lafayette Adjustment Rehabilitation Center		X							20	50,000	20,000	
Sawyer, Hayward	Hayward Sheltered Workshop	X								20	100,000		40,000
Training center: Dane, Madison	MARC	X								150	700,000	280,000	
Total (number of projects, 12)										1,270	7,643,900	2,040,000	500,000

ROOM FOR ALL

HON. F. BRADFORD MORSE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. MORSE. Mr. Speaker, living as we do, with frequent national crises, we sometimes appear to be deserting rationality in our relations with one another and choosing instead confrontation, vituperation, recrimination, and violence. It is refreshing and reassuring to hear voices of reason, restraint, and understanding.

We in Massachusetts have been spared much of the civil turmoil which has plagued many areas of the Nation in recent years, but a few days ago we were sharply reminded that we, too, have much yet to learn if we are to continue to build the just and free society to which all men of good will aspire.

In the wake of our recent troubles, an editorial appeared in the Lowell Sun which reflects such a deep comprehension of the tragic frailties which divide us that I want to share it with our colleagues. It is from such acute perceptions that we can see the reflection of our failures, and from which we can rally our dispirited hopes in an effort to return, in peace and understanding, to the hard tasks ahead.

[From the Lowell Sun, July 25, 1970]

ROOM FOR ALL

It seems to be a matter of communication. Or blindness.

We refer to the inability of our citizens to assimilate new ideas, new thoughts, new words or new people into their daily existence.

Gone is the day that the pride of the poor keeps them off the welfare rolls. No longer will the immigrant sit idly by and watch the natives deprive him of his basic rights. The city doesn't have the same complexion it had during the depression, during the milltown days or any other period in its history. There are new things, new words, new ideas and new people. And all are a part of our community.

We're appalled at the number of old residents who abhor the "blow-ins" but never have met one. We listen to men all up and down Merrimack street who can't stand "those people" in Bishop Markham Village, the Acre, or Shaughnessy Terrace—and then admit they're afraid to even go near those areas.

We listen to those from the above-mentioned areas who are getting sick and tired of being lumped in to one generalization—generally from an unfavorable light. Particularly those who are proud to show their homes and have absolutely no apologies for the behavior of their children.

We're used to new languages and accents intruding on our broad "A" Boston accents—yet we mistrust the quiet, rapid-fire beauty of the Spanish language being spoken by more and more of our neighbors.

We listen to the Puerto Rican lad tell us how hard it is to make friends with an Irish kid in the Acre and then patiently try to explain that to a woman whose teenage boy has been assaulted by a group of youngsters speaking a foreign tongue.

There's room in town for every color, creed and idea—if all of us make an effort to meet each other.

$321 MILLION IN TAX-FREE DIVIDENDS DISTRIBUTED BY 40 IOU'S

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 29, 1970

Mr. METCALF. Mr. President, the Consumer Federation of America recently compiled and released the figures on tax-free dividends paid by 40 investor-owned utilities in 1969.

At a time when the Nation faces a power crisis and IOU's are requesting record rate increases, despite high profits, it seems incredible that the industry would handle its tax windfalls in this manner.

Mr. President, I ask unanimous consent to insert at this point in the RECORD, CFA's release of July 8 and accompanying tables listing company-by-company figures.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ELECTRIC FIRMS HAND OWNERS $321 MILLION IN 1969 TAX-FREE

WASHINGTON.—Forty electric utilities paid out $321 million in tax-free dividends to their stockholders last year, Consumer Federation of America announced today.

"This represents a new, all-time high since the utilities started this practice in 1954," Erma Angevine, CFA's executive director, said in releasing the report.

"If these utilities had invested these funds in their own facilities, they'd need to borrow less capital at high interest rates, and they'd thus have reduced their operating costs and saved consumers money," she said.

These tax-free dividends result from fast tax write-offs and double bookkeeping, Mrs. Angevine explained. "The utilities keep one set of books for Internal Revenue Service, another set for Federal Power Commission and state regulatory bodies.

"If their rate base reflected their tax windfalls, consumers would have kept this $321 million in their own pockets, instead of paying it to utilities, who handed it tax-free to their stockholders.

"Consumers are concerned that in the 1969 tax reform act, Congress failed to deny these fast tax write-offs to firms whose rates, whose prices of services are set by public bodies," Mrs. Angevine said. "We must end either fast tax write-offs for utilities or double bookkeeping, for since 1954 the practice has enabled 72 electric utilities to overcharge consumers $1,880 million and pay this money to their stockholders tax-free."

Consolidated Edison easily led the 1969 list with $74 million in tax-free dividends. Public Service Electric & Gas Company was a poor second with $25 million; Northeast Utilities, third with $24 million; and Pacific Gas & Electric, fourth with $22 million.

CFA developed the information from publications of Prentice-Hall and Moody.

CFA is a federation of 160 community, state, regional, and national consumer-oriented organizations with millions of members.

TAX-FREE DIVIDENDS PAID BY PRIVATE POWER COMPANIES IN 1969

	Tax-free dividends paid in 1969	Percent of total dividend tax free in 1969	Total tax-free dividends since 1954
Arizona Pub. Serv.	$3,468,000	40.0	$40,464,989
Atlantic City Elec.	6,345,793	70.0	37,864,461
Black Hills P&L Co.	99,107	(1)	344,334
Brockton Edison			2,074,694
Cent. Hudson G&E	2,431,648	48.0	12,190,521
Cent. La. Elec.	1,967,533	35.3	15,933,154
Cent. Me. Pwr.			4,812,492
Cent. Vt. Pub. Serv.	1,463,770	81.0	2,587,862
Con. Edison (C)	67,967,537	100.0	368,564,511
Con. Edison (P)	6,090,445	(2)	9,161,695
Detroit Edison	11,308,798	28.0	102,440,305
Duquesne Lgt.	9,311,625	42.50	36,611,946
El Paso Elec.			2,958,458
Exeter & Hampton Elec.			7,565
Fall River Elec. Lgt.			1,022,110
Fitchburg G&E Lgt.	243,443	54.83	981,398
Florida Pwr.			760,396
Florida Pub. Utils.			222,724
Green Mountain Pwr.	813,159	85.0	2,126,338
Gulf States Utils.	2,216,505	(3)	10,752,502
Hawaiian Elec. Co.	1,002,486	21.16	4,764,257
Idaho Pwr.	2,851,200	27.00	26,508,449
Ill. Pwr. (C)			3,201,000
Ill. Pwr. (P)			1,877,064
Interstate Pwr.			2,404,220
Long Is. Ltg.	9,710,850	41.0	21,332,590
Me. Pub. Serv.	99,393	13.0	1,672,315
Mo. Pub. Serv.			339,300
New Eng. Elec. Sys.	11,935,550	55.0	70,689,981
New Eng. Pwr. (P)			347,568
Niagara Mohawk	19,049,400	60.0	155,037,231
Northeast Utils.	23,608,027	74.0	51,732,419
Northern Sts. Pwr. (Minn.)	11,063,600	40.0	25,589,440
Oklahoma G&E			10,161,303
Orange & Rockland Utils.	4,607,242	92.47	17,205,263
Pacific G&E	22,114,606	25.1	90,956,583
Pacific P&L (C)	13,601,700	70.0	135,526,616
Pacific P&L (P)			8,788,658
Portland Gen. Elec.	4,337,100	45.0	42,952,571
Potomac Elec. Pwr. Co.	7,722,773	73.0	48,132,773
Pub. Serv. Co. of Indiana			25,340,454
Pub. Serv. Co. of New Hamp.			$13,456,472
Pub. Serv. E&G Co.	$25,372,653	49.9	72,787,655
Puget Sound P&L (C)	6,720,952	100.0	36,348,848
Puget Sound P&L (P)	13,271	10.0	1,923,290
Rochester G&E (C)	7,470,000	100.0	10,102,047
Rochester G&E (P)	431,340	14.0	431,340
Savannah Elec. & Pwr.	674,763	31.0	3,085,263
Sierra Pac. Pwr. Co.	2,670,900	87.0	11,794,935
So. Caro. E&G Co.	1,146,615	(4)	2,391,046
So'western Elec. Serv. Co.	125,115	(5)	2,867,113
So'western Pub. Serv. Co.	1,862,145	(6)	21,911,306
Union Elec.	15,865,100	50.0	128,085,774
Upper Peninsula Pwr.	271,066	29.0	352,802
Utah P&L	11,416,192	77.57	20,564,529
Virginia E&P			4,062,107
Washington Wtr. Pwr.	1,849,642	24.0	44,789,041
	321,321,054		1,773,341,131
The following power companies have been merged into other utility systems:			
Calif. Elec. Pwr.[7]			15,345,062
Calif. Ore. Pwr.[8]			18,333,924
Conn. L&P[13]			26,348,153
Conn. Pwr.[9]			1,340,731
Essex Co. Elec.[10]			565,796
Hartford Elec. Lgt.[13]			30,977,031
Haverhill Elec.[11]			176,474
Lawrence Elec.[11]			466,917
Lowell Elec. Lgt.[11]			522,886
Merrimack-Essex Elec.[12]			2,649,636
Rockland L&P[14]			2,783,439
Southern Berkshire P&E[15]			190,646
Suburban Elec.[12]			1,480,291
Weymouth L&P[13]			435,990
Worcester Co. Elec.[15]			5,117,085
Total			106,734,061
Total tax-free dividends since 1954			1,880,075,192

[1] 3.45% of Mar., June and Sept. dividends; 31.90% of Dec. dividend.
[2] 100% of 6% cum. pfd. dividends; 2% all other pfd. dividends.
[3] 8.3% of June dividend; 16.7% of Sept. and Dec. dividends.
[4] 7.97% of July dividend; 36.59% of Oct. dividend.
[5] 27.78% of Mar. and June dividends; (est.) 30.12% of Sept. and Dec. dividends.
[6] 18.62% of Mar., June and Sept. dividends; (est.) 6.3% of Dec. dividend.
[7] Merged with Southern Cal. Ed. Co. 1963.
[8] Merged with Pacific P&L 1961.
[9] Merged with Hartford Elec. Lgt. 1956.
[10] Name changed to Merrimack-Essex 1957.
[11] Merged with Merrimack-Essex 1957.
[12] Merged with Mass. Elec. Co. (part of New Eng. Elec. Sys.) 1962.
[13] Subsidiary of Northeast Utilities, 1967.
[14] Name changed to Orange & Rockland Utils. 1958.
[15] Merged with Mass. Elec. Co. (part of New Eng. Elec. Sys.) 1961.

Sources: For % of dividend payments considered tax-free by companies, Prentice-Hall's "Capital Adjustments" and Moody's "Public Utilities" and "Dividend Record" services. For total dividend payments, company reports to FPC and Moody's services. Computations by CFA. Dividend payments are those made on common stock, except where noted. Where company paid tax-free dividends on both common and preferred, each is identified: (C) on common stock; (P) on preferred stock.

A MERCHANT: FRIEND OR FOE

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. LANGEN. Mr. Speaker, we hear a great deal lately about consumer protection and truth-in-lending. A place has even been made on the President's staff for an adviser on consumer affairs.

It is good that we show concern for the consumer, who in the free market system has become the victim on different occasions of false advertising, exaggerated claims, shoddy products, complicated and misleading warranties on merchandise purchased, hidden and excessive finance and service charges, and the like. A case has been made and has brought the buying public to a new awareness of its right to protection from such excesses.

However, while this flexing of the consumer muscle is both good and necessary, we must guard against unreasonable demands and encroachments on the business community, since excess by any standard is wrong.

It is with this thought in mind that I commend a letter written to me by a businessman—a man who appeals for fairness for merchants as well as consumers. So thought-provoking is this fine letter, that I am including its contents here with the hope that each of my colleagues will benefit from reading it:

JULY 23, 1970.

Hon. ODIN LANGEN,
House of Representatives,
Washington, D.C.

DEAR MR. LANGEN: This is a letter of protest in regard to what is being said in the current hearings on consumer credit. I recognize this is not a legislative matter at this point, but it may become one, and I feel that it is time for someone to step up to defend the retail merchant. He has been depicted in the newspapers as a greedy, grasping person, willing to pull the unsuspecting customer into his credit trap, and then using the bill collector to take everything the poor fellow has. Too, Senator Proxmire seems to believe that every grantor of credit is endowed with superhuman powers and never makes a mistake. His attack on computerized billing is absolutely ridiculous.

Let's look at reality.

The average credit grantor is a merchant in your home town. His customers are your friends. Most pay their bills promptly and never complain. They are probably not charged for the privilege of credit. Possibly, five percent represent a statistical risk. This can be calculated mathematically. Of these five percent, occasionally there will be one who does not pay because of personal problems. His intentions are good, but something happens and he can't come up with the money. In most instances, the merchant goes along with the debtor. Almost none of these people are turned over to collection agencies. The final type is the credit criminal or deadbeat. This person gets credit under false pretenses and then finds some way not to pay. He is part of the vocal minority who seem to be heard lately complaining about harassment. Why is he given consideration over the honest merchant who has to pay his bills, meet a payroll, and who supports his local community?

Only the deadbeat is turned over for collection. I know because we operate a collection agency in conjunction with our association. These people buy without thought to payment. They lie to get credit and then "skip." When they are found, they scream harassment. This isn't fair. Why doesn't Congress give consideration to protective laws for businessmen? Aren't they entitled to use legal means to collect money owed them? The merchant pays 40% to a collection agency to handle an account. This means the creditor is giving up not only his profit, but part of the cost of the merchandise, too. (Average gross profit in the retail lumber industry is 25–28%—net profit under 4%). A merchant won't do this if there is any other way to get his money.

It is disheartening to find that consumer groups are becoming champions of deadbeats. This means that the merchant will have to screen people for credit much more thoroughly. It means people will be refused credit. Then we will probably hear that we must give consideration to everyone who requests credit regardless of his past record and probably a federal law will be passed forcing the merchant to grant credit to bad risks.

There is no question in my mind that truth-in-lending has been a snare and delusion to the consumer. He is being told what he pays for credit privileges, but he undoubtedly is paying more for credit than he did before. He is paying for it in higher prices to begin with since bookwork costs money, in higher prices because of the elimination of discounts for cash because of onerous reporting provisions, and the elevation of service charges. He really can't shop for credit because every credit grantor has about the same terms. Regulation Z almost guarantees this. Now, garnishment is about wiped out as a means for collecting money from the deadbeat type of debtor. This means that overall credit is going to cost each of us more. As more legislation is passed giving the debtor more room to maneuver, it will continue to cost each of us more to get credit, and terms will become more restrictive.

I think we all realize that our system of government has been stable because there has always been credit available for growth. Now it appears that certain elements want to cause problems which will restrict growth. We give credit now because we can reasonably be expected to be repaid. If debtors can run to the government for protection against paying bills, how can government expect that credit will be granted freely?

How do we get out of this mess? Frankly, I don't know. Laws once passed seldom are taken off the books. What would help is for someone with stature in government to defend the home town merchant, to tell the world that the merchant isn't Scrooge. Our only spokesmen are industry and association people representing retailers. Their impact before committees is nil because they are representing the very people the committees are out to get. Our only salvation is to get some congressmen on our side like Proxmire et al. If this isn't done soon, the small merchants will quit, small towns will die and we will all be at the mercy of the giant merchandiser. We won't like this but we will have to accept it. Will the consumer like it? No, but he won't have any choice.

Any comments and suggestions you have will be gratefully received.

ARTICLE SPEAKS PERSUASIVELY FOR THE FUNDING AND CONSTRUCTION OF THE DICKEY PROJECT

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. HATHAWAY. Mr. Speaker, the waters of the St. John River flow idly to the sea, their potential for generation of electric energy wasted as Congress delays the inevitable construction of the Dickey-Lincoln School hydroelectric power project.

Meanwhile, helpless citizens pay the price in the form of curtailed services and needless inconvenience. In New York City and elsewhere in the Northeast, earlier predictions of power shortages have become a grim reality.

The consequences are well documented in an article published in today's issue of the Wall Street Journal. Thinking my colleagues would find it of interest, I submit the article for publication in the RECORD.

The facts, as I have so often said, speak persuasively for the funding and construction of the Dickey project.

The article follows:

ONE-THIRD OF NEW YORK'S SUBWAYS HALTED AS POWER SHORTAGE HITS NORTHEAST U.S.

The long-prophesied power crisis arrived yesterday in large sections of an Eastern Seaboard already sweltering in humid, 90-degree-plus temperatures.

New York City suffered the greatest impact. One-third of the subway system's electrically powered trains were sidelined in mid-afternoon, and the remainder ran at 18 m.p.h. Express subway trains normally travel at 40 m.p.h. to 45 m.p.h. on long runs between stops. The subway cutback followed a 1:15 p.m. appeal by Consolidated Edison Co. of New York which asked customers to cut all nonessential services and began bringing in power from other areas. That move forced the New York State power pool to slash voltages in the eastern half of the state. At 5:40 p.m., after the peak demand for electricity had eased, normal power levels were restored.

In New England, Boston Edison Co., New England Electric System and all other utility companies reduced voltage by 5%, just as demand for electricity hit record levels.

The immediate cause of the crisis is a protracted spell of hot, humid weather. Weather Bureau officials said a stable high-pressure area from the Gulf of Mexico to New England has trapped air beneath it, in effect baking the areas under it and sending air pollution to dangerous levels. It is in periods of such extremely high temperatures that utilities experience their greatest demand as residential and commercial air conditioners run full tilt along with other power uses.

In New York City, though, the problem was compounded.

Consolidated Edison, which serves nearly all of New York City and Westchester County, has been crippled by the loss of 17% of its electric generating capacity in the last month. As demand climbed higher yesterday, the utility asked the Metropolitan Transit Authority and about 250 other major users of electricity to cut their electric usage as much as possible.

These included the New York Telephone Co., which immediately switched to its own 35,000 kilowatts of emergency generating capacity, the multibuilding Rockefeller Center complex and the Empire State Building.

Many buildings were unable to switch some operations to their own emergency power generators, while relying on the utility for other power.

But many other companies without standby facilities had to curtail operations. American Express Co., for example, received a call from Con Ed at about noon. It promptly closed down the air conditioning units at its travel operations center at 30 Church St., and sent all personnel "nonessential" to full-scale operations home, a spokesman said.

For many subway riders, the power cutback meant crowded subway platforms and even more crowded trains. The subway platforms aren't air conditioned, and some including the busy Lexington Avenue IRT station under Grand Central Station were much hotter than the 90 degrees outside. Most subway trains aren't air conditioned, either.

The transit authority said 4.5 million persons ride the subways each day, but couldn't estimate the number affected by the service curtailment. Many responded to the cutback by attempting to reach their homes by taxis, buses or by walking.

Other main transportation lines, which also operate on electricity, weren't affected. These include the Long Island Railroad, the Penn Central Railroad and the Port Authority Trans-Hudson system.

At Rockefeller Center, elevator operations were cut back about 20%, with 62 of 303 elevators being closed down. All escalators not deemed essential also were stopped.

Rockefeller Center wasn't the only building complex to relinquish some electricity. At mid-afternoon, many buildings around the city cut their lighting in lobbies, halls and reception areas. Among them were the U.S. Steel offices at 71 Broadway, where the lobby was darkened in sharp contrast to the glare of the 90-plus degree heat outside.

With no immediate break in the heat wave anticipated, many officials expect more difficulties today.

New York's Gov. Rockefeller ordered state government offices in the eastern and southeastern section of the state to reduce their use of electricity in peak hours. He didn't say how the reduction was to be achieved, only

that it had to be done, the Associated Press reported.

Meanwhile, Sen. Muskie (D., Maine) said a Senate subcommittee will hold hearings Aug. 3 on New York City's power crisis. He said he was concerned that efforts to solve the power problems may implement "hasty, ill-conceived steps which might lead to greater damage to our environment," the AP reported.

PROCESS TO SAVE MERCURY FROM WASTE IS DEVELOPED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. VANIK. Mr. Speaker, I would like to direct attentiton of the House to an article appearing in The Evening Star of July 28, 1970, entitled "Process to Save Mercury from Waste is Developed." Ray J. Donlan, a chemist and chief of the water laboratory in Lawrence, Mass., experimental station of the public health department, relates in this article a simple process that he claims can remove 99 percent of the mercury from liquid chemical wastes.

The process precipitates impure mercury from the liquid chemical wastes. Mr. Donlan claims that it is a commonly known process among chemists which involves simply leaving pieces of aluminum metal in the solution over night.

I commend Chemist Donlan on his recent research and request that the U.S. Public Health Service continue to drive ahead on mercury research. Also, the U.S. Public Health Service should be responsible for keeping tighter tabs on mercury levels at water purification stations throughout the country and should report mercury levels to the public monthly as present air pollution levels are done daily.

If chemist Donlan's method of mercury removal should become available on a large scale. I suggest the installation of such units in all water purification stations and reservoirs throughout the country. Humans have a very low tolerance level for mercury consumed in drinking water. Mercury can produce irreversible damage to the liver, kidneys, and central nervous system as well as to mothers during pregnancy.

Now is the time to act on mercury poisoning in our drinking water before it further reduces the quality of our present environment and future generations.

The article is as follows:

[From the Evening Star, July 28, 1970]

PROCESS TO SAVE MERCURY FROM WASTE IS DEVELOPED

LAWRENCE, MASS.—A state chemist says he has developed a simple process to screen out 99 percent of the mercury from chemical wastes—and make money too

Chemist Ray J. Donlan, chief of the water laboratory at the Public Health Department experiment station here, said yesterday the process has been used successfully at the station for more than four months.

Donlan's comments came three days after the U.S. Justice Department announced it will file suits to require 10 companies to end discharge of mercury into navigable lakes and rivers.

Donlan said the process he developed involves placing a few scraps of aluminum into a mercury bearing solution and leaving them there overnight.

The mercury precipitates out and can be recovered and sold, in impure form, for about $4.50 a pound, he said. Purified, it is worth around $30 a pound.

Donlan said he thinks "every chemist is aware of the process," but he believes his laboratory is the first to make use of it.

"We discharge our wastes into the Lawrence sewage system, which flows into the Merrimac River, so we thought we should do a little housekeeping ourselves."

Donlan said the Lawrence laboratory began trying the process months ago, long before the discovery of potentially dangerous mercury concentrations in some fish.

AIR POLLUTION—THREAT TO AGRICULTURE

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. MIZE. Mr. Speaker, it seems incredible, but air pollution costs American agriculture more each year in crop and livestock damage alone than the Congress has appropriated to control its ill effects on everyone, rural as well as urban.

Urban dwellers are not the only ones with a vital interest in the control of air pollutants from automobiles, factories, and solid waste disposal units.

Perhaps when all Americans realize that every citizen has a stake in the restoration of our environment and an improved quality of life, private industry and government can cooperate to fulfill the commitment that President Nixon has made for this decade.

Since so few persons realize the stake rural America has in containment of air contaminants, I should extend my remarks in the RECORD at this point by including an excellent article entitled "Pollution" from the August 1970 issue of The Farm Journal.

The article follows:

POLLUTION: HERE ARE THE FACTS TO HELP YOU COPE WITH THE OUTCRY AGAINST AIR POLLUTION

(By Glenn Lorang)

Almost overnight, air pollution threatens to spawn a rash of legal restrictions that could work a real hardship on many farmers.

That would be ironic because agriculture suffers much more from city air pollution than any damage it causes.

Air pollutants already cause an estimated $500 million a year in crop and livestock damage, whereas *agriculture adds less than 1% of the contaminants spewed into the atmosphere.*

Actually, farm crops, grasses and trees are air purifiers that metabolize some noxious gases and release oxygen as a by-product.

"If you could bag the oxygen given off by 625 square feet of turf, it would sustain a grown man for a year," says George McVey, scientist with O. M. Scott & Co., Marysville, Ohio. The company is telling that fact in its advertisements on lawn care.

Some of the damage to plants comes from stack gases which contain sulfur dioxide, fluorides, lead and hydrogen sulfide. *But the major source of air pollution is the gasoline-burning engine.* Just one automobile consumes more than 1000 times as much oxygen as does a person. Says Philip Leighton, Emeritus Professor of Chemistry, Stanford University: "To dilute an automobile's exhaust gases to harmless concentrations requires from 5 to 10 *million* times as much air as does the driver. In other words, just one automobile, driving continuously along a Los Angeles County freeway, needs as much air to disperse its waste as do all the people in the County for breathing."

Other figures that point up the problem come from John T. Middleton, Director of the National Center for Air Pollution Control, U.S. Dept. of Health, Education and Welfare. He estimates that of the 142 million tons of pollutants released into the air over the nation each year, 86 million tons comes from motor vehicles. Other sources include manufacturing, 23 million tons; generating electric power, 20 million tons; heating, 8 million tons; and refuse disposal, 5 million tons.

"Damage to vegetation is one of the most widespread effects of polluted air," says Middleton. "Indeed, many plants are more sensitive to air pollution than are humans."

SO, YOU HAVE A STAKE IN KEEPING AIR POLLUTION UNDER CONTROL

Sulfur dioxide from fuels used in homes and factories can slow down and stunt the growth of alfalfa, cereal grains, sweet corn, orchard grass, red clover and a number of other crops.

"Especially damaging to vegetables in the East are photochemical gases formed by the reaction of sunlight on chemicals in the exhaust of motor vehicles, says Robert Daines, Rutgers University, New Brunswick, N.J.

Ozone, one of these air toxicants, is a threat to tobacco, field and forage crops, leafy vegetables and fruit trees as well. It is responsible for the kill of the Ponderosa pine in the San Bernardino National Forest 80 miles east of Los Angeles.

"Ozone in the atmosphere at $\frac{1}{10}$ of a part per million for two hours will burn back the tips of onions and kill 20% of the foliage," says W. H. Gabelman, University of Wisconsin. "Every once in awhile, some fields get plastered with enough to make them look like hay fields and the yield will drop to less than half of what it might have been."

Peroxyacetyl nitrate (PAN), another chemical created by the reaction of sunlight on exhaust gases, will kill both ornamental plants and field crops including tobacco, alfalfa and a long list of leafy vegetables.

Some gases, like nitrogen dioxide, may slow plant growth with no visible injury.

Except in the Far West and East, damage from sulfur dioxide, ozone and PAN is limited to the areas, immediately surrounding urban areas. Because pollution in these areas is likely to persist, the best way to avoid crop losses is the development of resistant strains. For instance, Wisconsin scientists have developed hybrid onions which are highly resistant to ozone damage.

It is tough to collect damages from a big corporation when your crops or animals suffer, as James F. Noerr, Mifflin County, Pa., will tell you. Noerr filed suit against Sitkin Industries, Inc., after some of his 56 cows died and others had to be destroyed because of lead poisoning. Sitkin denies that lead from its melting of old batteries and radiators is the cause. But the company has installed filters.

"Now we believe we have evidence of chronic lead poisoning on two other dairies," says David C. Kradle, Pennsylvania State University. "It is a very subtle form with no clinical signs, but it does interfere with reproduction and cuts milk production 20% to 25%.

Fluorides from aluminum smelters and phosphate plants have killed trees and crops and harmed animals.

"A little fluorine makes teeth better, but too much softens them," says C. S. Hobbs, University of Tennessee.

"By the fourth year, our Hereford brood cows had worn their teeth to the gum line," says Walter Proffitt, Knox County, Tenn., who grazed pasture next to an aluminum plant. "Now that the aluminum plant has installed filters, the problem has cleared up."

A threatened ban on fired burning has Pacific Northwest grass seed growers racing against time to find other ways to control a hundred different diseases, weeds and insect pests. Originally used only to control disease, burning stimulates some kinds of grass and greatly increases seed yields. Tests at Oregon State University showed fine fescue seed yields dropped 75% when alternate-year burning was substituted for burning every year.

"No one wants to stop burning more than the grass seed grower," says Charles Kizer, Marion County, Ore. "But if there is a complete ban on burning next year, there isn't one grower in 10 who would survive." Kizer and other growers sponsored legislation to control burning, which Oregon Governor Tom McCall labeled "totally inadequate," even though it permits a complete burning ban "for the public safety."

Compared with other sources of air pollution, field burning is not large. In the Willamette Valley, the Air Pollution Authority estimates that grass and wheat stubble burning emits only 5 to 10 thousand tons of pollution each year, while 180,000 motor vehicles release 160,000 tons. "The 2000 acres we burn put less toxic material into the air than 5 automobiles each driven 30,000 miles a year," says Arden Jacklin, Spokane County, Wash.

But the field burning is done during a 6-week period in late summer. "And when you burn, everyone knows it," says Herb Jacobson, Spokane County, Wash. Jacobson is president of the Intermountain Grass Growers Assn., which is sponsoring research to find new ways to eliminate burning.

The association also finances a half dozen weather stations, and its members burn only when winds favor smoke dispersion.

They also keep the public informed so non-farmers will know that growers are attempting to phase out burning. *"If we take a negative attitude on pollution, our sins will be jammed down our throats real fast,"* says Gerald W. Barnes, Lane County, Ore. "The best plan is to try to adapt and to support research to find alternatives to such practices as burning grassland."

WHY WE AMERICANS CHOSE THE EAGLE AS OUR NATIONAL SYMBOL

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. WHITEHURST. Mr. Speaker, on the occasion of the visit of Prince Charles and Princess Anne to Washington, some question was raised as to why we Americans have selected the eagle as our national symbol. It is noteworthy that so few people were able to answer this question. The best answer that I have seen came from a Latin master at the Norfolk Academy in my district. Mr. Hansford Lee Farris in a letter to the editor of the Virginian-Pilot on Wednesday, July 22, wrote in part:

Many of our founding fathers, who quite literally fought for our freedom, were ardent admirers and highly capable students of Roman civilization. And since they knew that from the time of Marius (157–86 BC) the eagle (aquila) had been the standard of the Roman legions whose duty it was to fight for that civilization, it was clearly no accident that this symbol of the power of republican government in the Ancient World should become the symbol of the first republic in the New World.

With this explanation, I hope that everyone is now in a position to answer this simple but rather important question which we as Americans should have full knowledge of.

WELCOME, DR. JOHN BUNZEL

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. EDWARDS of California. Mr. Speaker, a new president has been appointed at San Jose State College. He is Dr. John Bunzel, formerly chairman of the political science department at San Francisco State College and now with the center for advanced studies in behavioral science at the University of Santa Clara. His impressive professional credentials are matched by a record of equally impressive courage and personal integrity, demonstrated by his conduct during the faculty strike at San Francisco State last year. I would like to join with the rest of my community in welcoming Dr. Bunzel to San Jose and wishing him all success in his new position. There being no objection, I would like to add the following editorial from the San Jose Mercury on the importance of this most welcome appointment:

NEW PRESIDENT OF SAN JOSE

Dr. John Bunzel, the newly-appointed president of San Jose State College, comes to his new post with an impressive record of qualifications and experience. He will need them.

San Jose State, perhaps more so than any other California state college today, is overcrowded, under-funded and—to a lesser degree than some other state colleges—beleagured and belabored by a minority of politically-oriented students and faculty.

The job of a college president is never easy. It is harder than it needs to be in California today precisely because society is in a state of flux. Confusion abounds—about the nation's war aims, about its own internal priorities and about the state and direction of its economy. Public institutions of higher education are a focus for these tensions and confusions, and the college president is truly the man in the middle.

Dr. Bunzel, as a political scientist and sociologist, is surely familiar with the problems he will face at San Jose State, but knowing what to expect and coping effectively with it when it arrives are often two entirely different things. If he is to do the best possible job, Dr. Bunzel will need the confidence and cooperation of his faculty, his fellow administrators, the students of the college and the citizens of San Jose. He deserves them, if for no other reason than that every man deserves a fair chance to succeed.

There are, of course, more and better reasons for strong community cooperation with the new San Jose State College president. The college is a precious community asset. It can provide—and has on occasion provided—leadership and manpower for many community development projects. It would be a loss both to the school and the community if this relationship should be weakened.

Equally important, San Jose State College has the potential to become a first-rate university. It is well on the way to that status now, and it is imperative therefore that its president be a man dedicated to the pursuit of truth and knowledge and demanding of scholarship and professional competence from his faculty.

Dr. Bunzel's record as a professor of political science and, most recently, as chairman of the political science department at San Francisco State College, suggests that he understands the nature and value of scholarship and the responsibilities of a college—responsibilities to itself, to academic freedom and to society as a whole.

It is a pleasure to welcome Dr. Bunzel to San Jose and to wish him a successful and productive tenure as president of San Jose State College.

FOUNDER'S AWARD

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. MARSH. Mr. Speaker, recently the Izaak Walton League of America at their 48th annual convention held at the Golden Triangle Hotel in Norfolk, Va., in July of this year, presented the "Founder's Award," which is their highest award, to our colleague, JOHN SAYLOR of the 22d District of Pennsylvania.

The nature of the award and Congressman SAYLOR's achievements which led to his selection, are more fully set out in the news release of the Izaak Walton League, which I call to the attention of the membership.

Although it is not mentioned in the news release, I bring to the attention of the House that Mr. SAYLOR serves as a trustee of the Massanutten Military Academy which is located in my congressional district at Woodstock, Va. Inasmuch as I have the opportunity to serve with him as a trustee on that same board, I can state that the distinguished service reflected in the award of the Izaak Walton League is also found in his service to Massanutten Military Academy.

The article follows:

NORFOLK.—Congressman John P. Saylor (R–Pa.) has been selected to receive the prestigeous Founders Award of the Izaak Walton League of America. It is the highest award given by this citizen-conservation group which is presently holding its annual convention in Norfolk, Va.

The Founders Award is given in honor of the 54 men who organized the League in 1922, and is awarded "to that person, group or institution judged to have made an outstanding contribution to the conservation of America's renewable natural resources."

In announcing the Award to Congressman

Saylor, Raymond A. Haik, president of the Izaak Walton League of America, noted, "Congressman Saylor has always been one of the first to stand up and really fight for clean air and water, the establishment of parks and our other environmental needs. He has been one of the strongest conservation leaders in Congress."

Saylor, who has served in Congress continuously since 1949, has been a staunch supporter of conservation legislation and the efforts of conservation groups. Notable among his efforts in Congress is his strong support of the Clean Water Restoration Act of 1966 and its annual funding. Saylor was one of seven key Congressmen who successfully sparked a House vote to increase the funding of the Act in 1969 from $214 million to an $800 million Senate-House agreement. He also gave strong support to the measure's $1 billion funding this year in the House.

Saylor has also been a prime supporter and cosponsor of other air and water pollution legislation and of national parks' bills. He has been a strong supporter of youth conservation legislation presently pending in Congress. This measure would annually provide summer jobs in outdoor related federal government programs for youngsters 13 to 17 years of age.

He is the first member of Congress to receive the National Parks Association award for Distinguished Service on behalf of national parks and monuments, 1954; a recipient of the National Conservation Award for distinguished service to conservation given by major conservation groups, 1958; named Conservationist of the Year by the Pennsylvania Outdoor Writers Association, 1965; received the National Wildlife Federation's Conservationist of the Year Award, 1964.

He served on the President's Outdoor Recreation Resources Review Commission and the Public Land Law Review Commission which just submitted its final report to Congress and the Administration. Saylor is presently serving on the American Revolution Bicentennial Commission; National Forest Reservation Commission, and the House Interior and Insular Affairs Committee.

A native of Johnstown, Pa., Saylor is a graduate of Mercersburg Academy, Franklin, Pa., and Marshall College, Dickinson Law School. He received an Honorary LL.D. from Saint Francis College.

A World War II Navy veteran, he is a Captain in the Naval Reserve.

THE DISTRICT OF COLUMBIA CRIME BILL

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. HANNA. Mr. Speaker, the District of Columbia crime bill has been signed by the President. The task now is to calm unreasonable fear and to make the law work as fairly and effectively as possible. It should be remembered by liberals that when the income tax bill was enacted, conservatives cried, "the power to tax is the power to destroy." Justice Holmes' reply should be applied to this crime bill: "Not while this Court sits."

Let us, however, be cognizant of the basic and compelling facts that remain unchanged with the passage of the new crime bill package. The conditions in the streets and in the prisons are turning out criminals faster than society has a present ability to control. However, it is a mistaken premise that short cuts are possible in effectively coping with the complex problem of crime. Crime has many tangled roots. To treat correctively its basic feeders requires large sums of money. Society should not expect impressive progress until it has effectively applied and invested substantial sums. The cost of crime is enormous. The cost of lasting cures is equally impressive.

Unfortunately, the cost of crime is indirect and not tagged as such in the budget of governments. It is, therefore, more readily tolerated even while being decried by political leaders. To provide sufficient money to carry out the reforms in the new crime bills and to effect other needed reforms would require budget commitments of identified and directed funds. Political leaders and this administration are not likely to assume the burdens this implies.

On the other hand, those who expect that mandatory sentences, wiretapping, preventive detention, and the "no knock" provision, will make either a dramatic or lasting imprint on the pervasive presence of antisocial behavior are heading for a port of disillusionment and disappointment.

SALT AND SAFEGUARD

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. COHELAN. Mr. Speaker, the Senate is about to begin debate on the military procurement authorization for fiscal 1971.

A vital component of this bill is the authorization for phase 11 of the Safeguard ABM. As is well known by my colleagues I have opposed deployment of the ABM since its inception nearly half a decade ago.

While the House voted to authorize the funds for Safeguard for fiscal 1971, it appears likely that the Senate will delete this program when it considers the bill.

This deletion would be a most constructive step.

In its lead editorial for July 27, 1970, the New York Times forceful case for this deletion. I strongly recommend it to my colleagues.

The editorial follows:

SALT AND SAFEGUARD AND THE FUTURE

The Administration's claim that success in the Strategic Arms Limitation Talks (SALT) with Russia requires Congressional authorization of an expanded Safeguard program is the least credible of the many unconvincing arguments made for this antiballistic missile (ABM) system in the past year.

The Soviet Union has suggested that ABM's could be limited at "zero level," rather than at low or higher levels. This apparent readiness to ban missile defense entirely opens an attractive prospect. The hypothetical Pentagon thesis that the Soviet Union might clandestinely "upgrade" its thousands of antiaircraft missiles into an effective antimissile defense is based on the theory that they would be secretly linked to the giant ABM radars. If those radars and the rest of the embryo Soviet ABM system around Moscow are dismantled, that would also demolish the argument that Russia could alter the power balance quickly by deploying secretly manufactured ABM launchers around those radars, which take five or six years to construct.

If missile defense were entirely banned, the Pentagon's argument for deploying MIRV multiple warhead missiles at this time would also collapse. MIRV (multiple independently targeted re-entry vehicle) is sought to insure penetration of a heavy Soviet missile defense if Moscow should build one. With a "zero ABM" agreement at SALT, no one could argue that the Soviet Union could deploy a missile defense in the future faster than the United States could increase its offensive capability to overcome it.

Yet the Nixon Administration, in its new Vienna proposals, reportedly has not proposed a MIRV ban; on the contrary, it has made unnecessary demands for intrusive on-site inspection, something it knows is anathema to Moscow, in discussions at SALT of a possible MIRV deployment halt. For eighteen months the Pentagon has been permitted to press ahead on testing and, more recently, deployment of the American MIRV.

The Soviet suggestion of an ABM ban evidently has not been rejected; it reportedly remains among the alternative "low level" ABM limits presented in the American proposals. But there are indications that the Administration prefers, and will seek at SALT, an ABM agreement that would permit both sides to have systems equal to or larger than the obsolete 64-missile defense the Soviet Union has deployed.

The agreement the Administration now projects at Vienna would not halt the strategic arms race, but would continue it in a seemingly controlled form. The degree of control, however, would be an illusion.

With ABM systems deployed on both sides, even at a low level, there would be a continuous race for qualitative improvement and, every few years, replacement of the system with a new generation of antimissiles, radars and computers. Far more dangerous, absence of limits on MIRV would permit a rapid multiplication of separately-targeted nuclear delivery vehicles in the strategic offensive missile forces of both sides. A five-fold increase is now under way in the American forces, from 1,700 to about 8,000 nuclear delivery vehicles.

Moreover, a race to improve the accuracy of MIRV warheads would also be beyond control, giving each side at some point the capability of destroying the other's fixed land-based ICBM's. Fixed land-based missiles would be made obsolete by this development and both countries would be forced to replace them with sea-based or mobile land-based ICBM's.

The tens of billions of dollars that would be devoured in this post-SALT arms race is reason enough to seek to avoid such an evolution. But even more important would be the dangerous instabilities that would be repeatedly introduced by permitting the stable nuclear balance that now exists to give way to a new kind of missile race.

The issue that confronts the Senate as it opens debate on the defense authorization bill, which includes funds both for ABM expansion and the rapidly growing MIRV deployment program, is not how to help the Administration achieve the SALT agreement it seeks. The real issue is how to influence the Administration to seek the kind of SALT agreement the country and the world needs. That would be an agreement banning both ABM and MIRV.

The Senate has already overwhelmingly voted a resolution urging the Administration to propose a halt in ABM and MIRV deployment on both side while SALT talks proceed. The need now, is voting the defense authorization bill, is to put "in escrow" whatever funds are voted for ABM and MIRV deployment until the Administration, which has ignored the moratorium vote, implements the Senate resolution.

It may be inconvenient to permit the ABM and MIRV programs to grind to a halt pending the outcome of the SALT negotiations. But no strategic necessity requires that they go forward at this time, while every imperative of arms control demands that they be halted before it is too late.

HEW PROGRAMS NEED URGENT REVISION

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. BURTON of Utah. Mr. Speaker, revising and consolidating anachronistic governmental systems can be an awesome and often obliterative task. HEW, under the able leadership of Secretary Elliot L. Richardson, has accepted the challenge of attempting to improve the operation and delivery of its program services.

In defining HEW's place under President Nixon's "New Federalism," Secretary Richardson emphasizes the necessity for expedient reforms in his department. Specifically, the four areas under consideration are: Grant consolidation, fund transfers, grant streamlining, and decentralization.

In past administrations we have watched the burgeoning of governmental bureaus beyond all possible organizational control. Let us take stock of these bureaucratic expansions and try to consolidate and correct with a sense of urgency. For 1 year now, a grant consolidation bill has been dormant in Congress, while thousands of federally subsidized agencies are forced either to shut down operations or are temporarily in limbo waiting for funds. I urge immediate attention to Secretary Richardson's proposals and commend the text of his July 27, 1970 speech to the National Association of Counties, in Atlanta, Ga., to the attention of my colleagues:

"TOWARD A WORKABLE FEDERALISM"

(An address by the Honorable Elliot L. Richardson)

An historian looking back on our epoch might record something totally unique in human experience. He would see that within the working lifespan of a generation we have reached the moon, conquered and eradicated age-old crippling diseases, and provided a vast majority of our citizens with a previously unimaginable standard of material welfare.

That incredible flowering of our abilities has created the expectation that our social problems can be solved by application of the same visionary dynamism. We have learned to hope, for the first time in human experience, that a society can be constructed which is at once free of poverty, abundant in educational opportunity, tolerant of racial and ethnic diversity, and liberating for the human spirit.

The full potential for achieving the objectives of social and human renewal never existed before. At the same time, the very existence of that potential has created the expectation that these objectives can be quickly reached.

I speak for our whole Department when I say we are imbued with a sense of excitement, urgency and mission in our own determination to confront these problems. And HEW, (in its interdisciplinary approach, represents the cutting edge of the Federal thrust.

Yet we who are among those Mencken once called the "chronic hopers of the world" have also learned to temper optimism with caution. We have or should have learned that it is easier to articulate problem dimensions than problem solutions. It's too easy to fall prey to the "Washington syndrome"—the simple-minded theory that social problems will just disappear if the Federal government throws enough dollars and statute books at them. And we should also have learned that the cruel and exaggerated rhetoric of unkept promises can threaten the very credibility of government itself.

But with these high hopes—with all of our resources and dedication—what is the problem? What are we waiting for? Why hasn't the war on our social problems been won? Some would say the problem is more money, and they would be correct insofar as the spending possibilities for improving mankind's lot are virtually limitless. Some would say manpower is the problem. They would be right to the extent that skilled manpower distributed throughout the spectrum of human service professions is always a scarce commodity.

But there is something else—less visible than dollars or manpower, but at this stage even more vital to our success as a nation than those alone. I am speaking of the very structure of our Federal system, and the innate capacity of our pluralistic governmental institutions at all levels to respond and deliver in an orderly, viable, and coordinated way. This, to appropriate the title of Samuel Lubell's new book, is the hidden crisis in American politics.

In the arena of Federal, State, and local relations we are embarked on a great new mission of reform.

In a task as noble and urgent as that of the Founding Fathers, we are redefining for our own age the meanings and functions of the Federal system. Very few new values have emerged in the American political tradition. The ideals of liberty, equality, and justice have always been enshrined in our ethos. The question is how to realize them—and that is why—as it is now—issues of organization and procedure, and of the rational allocation of power and responsibility, have always been at the heart of our political debate.

Our reform effort is proceeding under great pressures. In some areas, the present nonsystem is near breakdown. Many of our overlapping and cumbersome institutional vehicles could have been suited for the Age of the Baroque—but they are not for ours. Crises are no longer so kind as to occur one at a time. We know that our powers as a society are very great. We know, by the same token, that the potential human consequences of error or inattention have been magnified beyond comprehension. No longer can we rely on the adage that the good Lord will look out for orphans, idiots, and the United States of America.

We know these things—and that is why I want to reaffirm to this assembly our unequivocal commitment to the fundamental structural reform essential for a workable Federal system.

In articulating his concept of the New Federalism, the President has spoken eloquently of the need to "test new engines of social progress." The first priority item on that list of initiatives is the Family Assistance Plan. Having now testified on the bill in depth before the Senate Finance Committee, I am more convinced than ever of the critical need for welfare reform, as embodied in the Family Assistance Act. I hardly need convince his audience of that need. You who work daily wtih the welfare problem see the human tragedies of deprivation and despair. I daresay you also must live with the administrative morass—the costly, dependency-creating patchwork of disincentives that is the present system. We welcome your strong support—and we have profited by your questions. We need the bill, and we need it now—and I trust that by continuing our close working relationship, we will prevail.

Welfare reform is only one of the pillars underlying the New Federalism. Revenue sharing, as the President affirmed in his message a year ago, is a reform equally vital to strengthen our Federal political structure and enhance its responsiveness.

Revenue sharing is a fiscal tool *and* a political instrument. Given the present budgetary and taxation structures, Federal revenues in the near future are likely to increase at a rate faster than the National economy. The reverse is true at the local level—a fact with which you county officials are all too familiar. State and local revenues depend heavily on sales and property taxes. In spite of unpopular increases, these sources have not kept pace with economic growth, even as expenditures at the local level are tending to exceed that growth. The result is what President Nixon termed a "fiscal mismatch" characterized by Federal surpluses and local deficits.

The President's proposal supplements existing Federal assistance. It encourages maintenance of existing tax efforts. It is simple and understandable, and by its pass-through provisions, it is equitable in dividing funds between State and local governments.

The proposal, however, is more than a device for fiscal relief. It is a political instrument of first importance for decentralizing the intergovernmental effort and for giving greater decision-making authority to chief executives on the State, county, and city levels. Here is where the problems lie; and it is a matter of our most profound philosophical commitment that you should have the resources and flexibility to confront them.

But there is yet another obstacle to an effective federalism. It is less visible, but no less important, both in itself, and because it constitutes an incredibly wasteful diversion both of money and manpower. I speak now of the virtual strangulation of Federal efforts as grant programs proliferate and as more resources are continually forced into narrow constricting funnels long since inadequate to the task.

This subject has been of concern to me since my earlier tenure in HEW more than a decade ago.

Without attempting to qualify myself as a prophet, I want to recall my prediction of four years ago as a Massachusetts State official explaining the purposes of my proposed Community Services Act. I quote:

We are beginning to forge a whole new arsenal of weapons for the conquest of educational, emotional, and economic and physical handicaps. And in the process, we are discovering that the most serious barriers to the effective use of these weapons are barriers of communication, of jurisdictional jealousy, and of structural rigidity.

The needs of people are seldom adequately met by any single one of the narrow categorical programs through which help has traditionally been channeled. The existing sources of help, moreover, are too numerous, too scattered, and too much isolated from each other. Their administration tends to be both cumbersome and impersonal. The result is greatly to impair the effectiveness as well as the efficiency with which we are able to bring to bear on human needs our available resources of funds and manpower.

The inevitable result will be overlap, discontinuity, confusion, and—in consequence—disappointment of the very expectations to which (these programs) gave rise.

I can only report that in the four years since that statement, the situation has worsened.

A Border State neighborhood health center recently reported to us in dismay that its most serious operational mistake was to apply to numerous Federal agencies for funding. Grant application expenses exceeded $51,000. Expert staff time diverted from productive work was irreparably lost. Federal agency guidelines were inconsistent, application procedures varied widely, and review levels were multilayered and complex. I quote from the Project Director's letter to the Department:

I see now that I made a gross mistake to encourage my staff to make approaches to a broad spectrum of Federal agencies to fund different aspects of our program. None of the agencies seem to understand that we do not run categorical programs at the Health Center, but that we conduct integrated, family-oriented team delivery of service, and the task of educating all our reviewers to this is really too much. The other Neighborhood Health Centers . . . who receive the large bulk of their funds . . . from a single agency have certainly been wiser and more productive. It would be so much easier to deal with one agency which would be completely familiar with our program and we in turn knowledgeable of their procedures and requirements.

Most of the phenomenal growth of Federal programs in recent years has occurred within the Department of Health, Education, and Welfare. When asked recently what it was like to return to HEW, I thought a minute and replied that it was like meeting an old long lost friend who had grown very fat. The Department now administers 260 programs, over double the figure of a decade ago, and more in number than all of the other domestic agencies combined. Almost $19 billion is spent through some 40,000 institutions and agencies.

The ability of these State and local agencies to secure funds and to spend them effectively is, therefore, crucial to the success of HEW's central mission. But countless examples of the experiences of Federal grant recipients similar to the story of the border State health center strongly suggest that all is not well. Their stories remind me somewhat of Bob Benchley's treatise, "Fishing from the Viewpoint of the Fish."

A Neighborhood Health Program in Denver which utilized twelve different governmental funding sources encountered almost insuperable difficulties in grant administration.

The obstacle course they faced included diverse grant periods, inconsistent program regulations, varying payment methods, and dissimilar reporting requirements. At one point, chaos ensued because all funding agencies conducted separate audits within a 45-day period. As a final insult, some agencies cut back funds based upon more generous allocations by others.

The problem is by no means limited to health care.

Approximately 30 HEW grant programs can and do support some portions of social work training in universities. These include training grant programs in support of such specialties as aging, juvenile delinquency, mental retardation, crippled children, mental health, alcoholism, and family welfare.

Yet the Dean of a major university's School of Social Work recently bemoaned the fact that his school has had to apply for and administer as many as nine training grants from HEW to assist in the provision of undergraduate and graduate social work training.

This inevitably distorts training programs in ways unrelated to the goals of the school or the students.

These anomalies do not result from the actions of venal, obstructionist, or unintelligent men. The professionals in my Department and throughout the government are as dedicated, industrious, and competent as any professionals anywhere.

Nor does the solution lie in a vast dismantling operation. We cannot retreat, even if we wanted to, to a mythical golden age of self-help in which the government—out of despair, incapacity, or indifference—abandons the attempt to conquer the age-old problems of poverty, disease, and suffering. In that sense, to paraphrase the title of Thomas Wolfe's novel, we can't go home again. And we should not want to.

We have experienced some false starts and some promising ones in the last decade. But I believe we are now at or near the point where our ability to reform and renew the Federal grant effort could determine the fate of our entire governmental system.

I have been deeply gratified to discover how much was already underway in HEW to initiate reforms. Administration officials have identified the problem and elaborated a corrective approach which recognizes how serious the situation really is. In a message to the Congress on April 30 of last year, President Nixon called attention to the fact that the most serious impediment to the accomplishment of a program's objectives may be the very existence of other programs with the same humane objectives. Seen as such, the question of organization and procedure is not peripheral, but central. It is not a mere housekeeping function, but the most important task we confront.

President Nixon's message has set in motion a concerted effort to reform the system by means of a whole series of interrelated measures.

I would like to describe, by way of thumbnail sketch, four of the most important efforts under way. These four efforts—Grant Consolidation, Fund Transfers, Grant Steamlining, and Decentralization—attempt consciously to reverse the top-heavy trend of governmental programs. They proceed from the premise that further proliferation of programs without comprehensive structural reform will be counterproductive—counterproductive in the worst sense because Federal dollars will not alleviate the human needs for which they were targeted.

The first and most important of these reform proposals is Grant Consolidation. The President has sought authority to consolidate existing grant-in-aid categories if Congress, within 60 days, does not overrule his proposals. If the all-too-typical examples I spelled out at the beginning demonstrate anything at all, they demonstrate a crying need for coordination of the Federal effort and a comprehensive view at the community level.

At the present time, just to give you a sense of the spectrum, public library grants are available in five separate programs, medical library grants in seven, health service grants in three separate formula grants and six project grant programs, and vocational education in nine separate formula grant programs and six separate project grant authorizations.

Categorical programs by themselves too often encourage a narrow view. They focus on a specific product to the detriment of the needs of the group to be served. We have no objection to a diversity of programs and approaches; pluralism is high in the hierarchy of American values. But as the recent McNerney Task Force on Medicaid aptly put it, "One man's pluralism is another man's incoherence." In the design and execution of public programs, we must have a coordinated strategy; and a pluralism of approaches can never be as important as a coherence of outcome.

Apart from relatively minor administrative steps which are now underway, Grant Consolidation as we have formulated it will require Congressional legislation.

Unfortunately, it seems to be difficult to persuade Congress to pass the legislation. A grant consolidation bill has been dormant in Congress for about a year despite overwhelming bipartisan support for such a measure. Much of the red tape now hindering the grants programs would be eliminated if Congress were to act this session.

Each program has an interest group constituency; some legislators are reluctant to see national program mandates altered, even in the face of local needs. But we believe the governing units you represent should make the decisions on specific allocations in accordance with a closer perception of need and a more flexible approach. We believe this is the direction in which responsible and responsive government must move. The task is formidable, and the time to confront it short.

The second major effort is our proposal for *Fund* Transfers. The Administration's Social Services Reform Amendments to the Family Assistance Act embody just such an approach. It is frequently and correctly argued that over-centralization of decision-making at the Federal level has served to sap State and local initiative in identifying and addressing major social problems.

Under our legislative proposal, States and localities will be given incentive to coordinate and integrate their service programs in return for submission of a consolidated HEW plan.

A Governor could transfer up to 20 percent of his Federal grant funds from any one included categorical program to another of higher priority. This critical reform would allow greater flexibility in meeting county and local needs, in conjunction with State agencies and governors' offices. And we hope it would minimize the chain reaction of disaffection when last minute Federal budget alterations create major dislocations in high priority Federally-assisted State programs.

The third of our interrelated thrusts toward reform is grant streamlining. The Federal Assistance Streamline Task Force, appointed by Secretary Finch, mounted a major effort to analyze each step of every one of the 260 separate HEW grant-in-aid programs. Grant processing under each of these programs involves an average of 28 steps, and each of these steps might contain as many as 50 separate actions.

The results obtained in our first 50 program reviews have been startling and clearly demonstrate the value of reform—particularly for the grantee.

A simplified grant processing system was developed at the regional level, resulting in a decrease of total review time from six months to less than two.

We eliminated non-productive documentation in 22 State Plan programs, with the result that 6,800 fewer pages have to be prepared and submitted annually by each State. We thus saved over $8 million and 867 man years of State and Federal effort each year.

We eliminated 182 of the 516 steps in the review process for the 23 project grant programs studied.

We freed 351 man years of State and Federal manpower annually by eliminating or reducing reports required from grantees.

The final major reform effort underway is decentralization. It is an axiom of our operations that we should bring the decision-making process of the Federal Government close to the State and local areas in which the problems lie. In the first months of his Administration, President Nixon restructured the regional boundaries of the major domestic agencies in the field so that now their headquarter cities are the same, and the regions which they cover are uniform in their boundaries. This eliminated a great amount of wasteful and unnecessary travel time.

Taking this reform as a point of departure, HEW has moved to strengthen its 60,000 man regional organization.

Traditionally, HEW Regional Offices have had little authority. We have now shifted line authority to Regional Directors and Regional Agency Heads, and reduced the lines of reporting from 38 to 9. We have made the basic policy decision that, so far as possible, headquarters staff will concentrate on policy development, program direction, and evaluation.

Field personnel will be responsible for detailed planning and implementation of programs, as well as technical and individual grant awards and compliance review.

Throughout this brief inventory of new departures emerge certain common themes. These are, first of all, structural reforms designed to make governmental action responsive more quickly, more effectively, and more visibly to the areas of greatest human need. In tandem they rationalize and integrate numerous programs and funding sources and target them comprehensively. At the same time, they upgrade State and local leadership in its effort to identify and articulate human needs.

These reforms include a long overdue emphasis upon creative use of Federal programs to build capacity at State, county, and local levels, rather than to undermine elected and appointed executives of general government by bypassing them with each new Federal initiative. There is no more important thrust in the entire Administration's program of "New Federalism" than this stress on capacity building; we feel that our Government Assistance Grants in the services amendments represent the most significant initiative in HEW in this effort.

At the same time that we seek to strengthen capacity for planning, evaluating, and training personnel for State and local programs, we also stress significantly increased accountability of State, county, and local executives for the programs operating in their jurisdictions. We will seek new combinations of governments across city, county, and State lines, to accomplish the tasks of revitalization.

All of these steps, I would reiterate, are products of bitter experience, and major components of an absolutely critical task of governmental reform.

I believe that government service can be consistent with efficiency and with human dignity. But to achieve this balance, we must recapture a sense of urgency about reform.

This same kind of concern—this sense of urgency and mutual interdependence was expressed recently by an author writing on the problem of mental retardation.

Why, the author asked, after a long history of neglect, has a grassroots movement to combat this handicapping condition at last developed such momentum? Answering her own question, in words I would like to appropriate as my own, she replied:

It is because the world is very much with us today. We know (many of us perhaps only subconsciously) that if our way of life is to survive, every individual, be he handicapped or whole, be he a privileged American of an under-privileged peasant in India, every individual must be counted an individual and accorded his place in the sun.

In the last analysis, it is to that end—the cause of individual self-realization . . . each man's place in the sun—that we bend our efforts at reform. No task is more challenging, and no cause more worthy of our concern.

A LETTER TO THE PRESIDENT

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. OBEY. Mr. Speaker, I am inserting in the RECORD today an article which appeared in the July 28 issue of Look magazine in the form of a letter to the President from Maj. Murray H. Helfant, U.S. Army Medical Corps, who recently resigned his commission.

Major Helfant's letter communicates more effectively than anything I have seen the difference between viewing a war in a far off place from the vantage point of grand national strategy and viewing it from the vantage point of some of its most tragic victims.

Major Helfant's letter speaks for itself and requires no further elaboration.

The letter follows:

[Illustrations not printed in RECORD]

BOSTON, MASS.,
July, 1970.

DEAR MR. PRESIDENT: I apologize for not writing sooner, but it was the difficulty I had in resuming the care of civilian patients that delayed this letter. I had never completed an assignment before without stopping by the boss's office to check out and say good-bye. However, I hope this note will in some way make up for what may seem to you the discourtesy of relinquishing a commission before completing the job. I know that you've been busy, and even though I once found myself in Washington this past winter, I didn't try to see you. Instead, I'm hoping that these notes and pictures will get my thoughts straight through to you better than I could if we had talked at the White House.

I've tried several times now to explain or describe my past few years to others, but I must admit that I've never felt satisfied with the results. Whether it was the distance in miles between there and here, or just the passage of months that blunted by sensibilities, I do not know. But I've inevitably been chagrined and depressed after trying to make my points. I still awaken at night, confronting scenes that cannot be obliterated. But maybe someday they will be gone. I'm beginning to forget some of my recent patients' names by now, and I'm hoping that in a few years, all my reminiscences will be fainter. Nevertheless, I think I owe it to you, and certainly to the boys and men who were once my patients, to see that this letter somehow reaches you. I want to provide you with the most straightforward view of what it was like by letting some pictures speak for themselves.

I had been practicing neurosurgery before my commissioning, and naturally enough assumed I'd soon be in Vietnam. The Army does move in strange ways at times, and I found myself outside Tokyo for somewhat less than two years. C–141 transport planes would pick up our patients at various staging facilities in South Vietnam, wherever large enough airfields were secure, and would fly them to the next hospital in the evacuation chain. This meant the Philippines, Japan, occasionally Okinawa or the United States. It was never clear how the evacuation system worked. We had been told that a computer in Saigon controlled the disposition of those who were evacuated, but at times it seemed that the Vietcong were feeding data into the computer. Yet we were privileged at the 249th General Hospital in Japan to see the majority of seriously injured patients with wounds of the central nervous system, and thus had a fair overview of how things were in military neurosurgery during this time.

I'm certain that many of our patients would not have survived long after initial wounding in previous wars. It was not unusual for us to receive gravely brain-injured men who had had their initial brain surgery within one to two hours of wounding. Needless to say, because of the tactical situation, it was sometimes impossible for a helicopter to reach a man for twenty-four hours or more, but these isolated delays were more the exception than the rule. I do not know much about how the North Vietnamese handle the problem of their wounded, but I do not think their medical-evacuation system or the early care of their seriously ill is as sophisticated or efficient as ours.

I assume you've never seen the 249th General Hospital, where I worked. It's located in Asaka, just northwest of Tokyo, and it's a one-thousand-bed general hospital. We received about one thousand wounded each month and either evacuated or returned to duty slightly less than that number. The hospital gates were manned by local Japanese security guards, and the hospital complex was protected by a high wire fence. I may be mistaken, but to the best of my knowledge, during none of the demonstrations while I was there did any of the local Japanese succeed in breaking into the camp or the hospital itself. Security was indeed excellent, not only that provided by the guards but also that by the riot-trained police who came into the camp during the more violent demonstrations. I couldn't help thinking that we could have used some of their know-how during the riots at home that we were hearing about.

Each ward in the hospital had its own medical flavor, and one could tell at a glance which subspecialty was represented. We had a full service hospital of course and did just about anything you could think of, except for heart transplants. Things were sort of topsy-turvy over there, contrasted with our transplant centers back home; we had lots of potential donors but no recipients.

The two neurosurgical wards had between sixty and eighty beds, and the evacuation system kept our census fairly high. We had two fully trained neurosurgeons, myself and an awfully nice fellow from southwest of Worcester, Mass. All our patients had something wrong with one part or another of their nervous system—usually something was missing after injury. Although we usually kept patients between five days and several weeks, the turnover could be quite brisk. During times of stress—for instance, during Tet when the enemy was acquiring its psychological victory—we continued our patients' evacuations to the United States as briskly as possible. I would usually write out the patient's discharge and transfer summary at the same time that I did his admission history and physical.

May I suggest that if another "Tet-like" period occurs in this non-war, it would save a lot of time and effort if patients were sent

directly back to the United States from Southeast Asia rather than to Japan. Undeniably, Japan is a wonderful land, and its culture is fascinating, but so few of our patients really enjoyed the time they spent there. Mostly, they wanted to know why they had come to Japan, and what were they doing in that part of the world. I never really did find the answer to that question in my one year, eleven months and twenty-eight days of active duty, and must further confess that I never heard a very reasonable explanation of what any American was doing over there.

I wonder if you ever got that report from the costs analyst who visited with us in Japan. He evidently came from the Department of Defense and was an awfully pleasant fellow. I tabulated a list of patients on our ward about that time, and tried to determine from a medical point of view what percentage actually benefited in their treatment by coming to Japan instead of taking an extra five or six hours to go directly home. We had somewhat more than sixty patients on the two wards then, and I could honestly say that two or perhaps three of them might have benefited by not taking the more direct route. I'm not quite certain of the final figure the Pentagon was given, but I was told that the costs analyst received from our medical command in Japan the statement that fifty to fifty-five percent of our men benefited from their time with us. It is interesting to see how the assessment of the situation varies depending on what level in the chain of command you are watching from.

This young fellow has a fairly typical wound. What he's lost are his maxillary sinus, both eyes, and both frontal parts of the brain. We saw a lot of this type of injury, and it was handled very well in Vietnam. It involved the combined services of ear, nose and throat, ophthalmology and neurosurgery. Fortunately, the loss of both frontal lobes of the brain dulls one's emotions somewhat, and these patients were not as distressed at their plight as would be a similar patient without associated brain injury.

Many of our patients with this degree of brain injury showed very little resentment against the circumstances that found them in Vietnam. It was, of course, not feasible to consider the question of the possible effects of lobotomies on large numbers of patients who were also wounded but were more resentful and angry. In one sense, the more severely brain-injured were fortunate in that they were less aware of their deficits and certainly experienced less anguish. I doubt the same would hold true of their families.

I was never entirely satisfied with treating a slightly more severe type of problem. Briefly, the difficulty arises because such a large amount of nose, middle face and base of skull are destroyed, along with brain substance. Infection and continued leaking of spinal fluid were most difficult to manage. I do not think we have found an ideal way yet of treating this type of injury.

The loss of tissue in land-mine injuries is rather common. Such wounds are extensively debrided in Vietnam, and after five to seven days of care, they are either further debrided of dead and necrotic tissue or sutured. Many of our men had multiple-fragment wounds from rockets, land mines, booby traps or mortars. When the brain or spinal cord was also damaged, they'd be assigned to our neurosurgical service and we'd have an opportunity to extend and broaden our general surgical experience with caring for their associated injuries.

Injuries such as the ones I photographed in my operating room are really what prompted me to write you the letter. The burden of what's on my mind these days is really about patients such as these. I admit I'm not terribly interested in dominoes, or in Laos, or in who's threatening whom in Cambodia or Thailand. My background is not in power politics, or in Southeast Asian culture; it's in caring for patients and in trying to make sick people well. I must admit I've had a terribly difficult time trying to understand why these young kids were being mashed in Vietnam when I thought they should be back home growing up a little, or with their wives and children, or with parents and friends.

This particular patient has had a penetrating wound of the brain. Many of our patients had such wounds. Their course after injury covered a fairly wide spectrum. Some men died in hospitals in Vietnam, some died in the Philippines or in Japan, and some died back in the States. Some survived to reach veterans' hospitals, and some returned to civilian life. There are some brain-injured men who will one day resume the support of their families and eventually return to ways of living pretty much the same as before they went off to non-war. These are the luckier ones who'll bear only a few scars. Their less lucky comrades will have a paralyzed limb, or two or three or four. Some will be quite bright and alert again, but some will not be able to speak, reason, protest or assent. It's for these, a sort of silent majority, that I'm writing you.

If you had visited our ward, you might have seen young soldiers on their sides and facing down so that they will not aspirate or breathe into their lungs any excess secretions or vomit that would make their situation more precarious. Tubes carry moist air through small holes cut in their windpipes, and this makes it easier for the staff to aspirate secretions and prevent pneumonia. With a large number of unconscious patients, these measures greatly reduced the incidence of pulmonary complications. As you can appreciate, these patients are unable to cough if they are deeply comatose, and they're not aware of the need to empty their bladders or evacuate their bowels.

The Vice Presidents' recent remarks that if we had shown a little more backbone in the Republic of Vietnam we would have won the war sooner reminded me of one young man I had treated. He had had a complete loss of spinal-cord substance in his midback with resultant inability to feel or move his legs. A small amount of bone protruded through his surgical incision and this was obviously infected, as was the surrounding tissue. We discovered that the whole vertebral body, a fairly vital part of this boy's backbone, was infected. When I grasped the bone itself and pulled gently, the entire segment released from its surroundings. This is a fairly easy maneuver in the autopsy room on a cadaver, but I confess I had never before done this or heard of it being done to a living person.

The Red Cross and other girl workers were awfully helpful to our troops as they returned from the combat zones. In cases like this boy's, for instance, they would write home and let the Stateside family know how the young soldier, soon to be veteran, was getting along. Their aid was invaluable with the sightless, paralyzed, amputated and mentally subdued, of course. In our ward, these girls often helped with patients confined to CircOlectric beds. These beds were so useful that I often thought the Veterans Administration should see to it that each quadriplegic patient who reached home received one along with his discharge papers. These powered beds were most useful at our hospital in Japan, as the staff could adjust a patient's position not only for comfort but also for nursing wounds other than crippling spinal injuries. As you may realize, one of the biggest problems in these cases is that not only do the patients have no movement of their limbs, but they also have no sensation of their paralyzed parts, and these areas may break down, become necrotic and thus rather difficult to manage.

The wounds could be quite devastating to the brain. I was impressed by the amount of brain one could lose and still live, in a way. As I'm sure you know, in most people, the brain is a fairly important organ, and when mortar fragments, or dirt, or splinters of bone scatter through the head, it's pretty hard not to cause some fairly extensive injury. One boy with a very damaged head was so ill when he reached Japan that it was apparent he was not going to survive to make the trip home. His parents came over to spend his last days with him. I might just mention the local problem with the wound. You see, he had lost a great deal of skull and brain covering along with his scalp, and the wound and underlying brain were infected and under very increased tension.

Well, in any event, Christmas Eve arrived, and the children from one of the local schools were serenading the wards of the hospital while this boy's parents maintained their vigil. As the youngsters came onto the ward, you could have hoped for a little bit of a miracle, but instead, the patient passed on at that moment. We all celebrated Christmas in different ways that year.

I must sadly confess that from my vantage point, we weren't winning very much. Clearly, it was a long time ago that we were told we'd soon be done with it. We were assured and reassured that victory was almost in sight. Now, I wouldn't presume to contradict men who were my military superiors, and I wouldn't for a moment question the statements of either the elected representatives of the South Vietnamese people, or of our own field commanders and generals in the Republic of Vietnam, but I would in all humility submit that these boys and men who came under my care were not cheered by the thought that we were winning. These boys felt that they had lost; and, of course, in a simplistic sense, I guess that they had lost—an arm, a few legs, some brain, a little bone, a kidney, a lung or spleen, perhaps some liver. I must sadly observe that despite our cheery casualty figures and the statistic that we've killed fifteen times as many North Vietnamese and Vietcong as they've killed of us, the fact remains that many of my patients felt that they had lost.

Still, I have nothing but praise for your attempts to extricate us from that part of the world. If I could ever help in any way, short of reentering the military, please feel free to call on me. But back to the main substance of why I wanted to write you.

I guess it's difficult to avoid giving you the impression that I'm sort of an anti-war kind of person. I admit that I didn't feel too strongly one way or the other before putting on my uniform. It really took very little time to realize that there were better ways of dying for one's country than the ways we devised for our younger brothers and neighbors. Not all my patients were draftees or short-termers who were anxious to serve their hitch and get out; we often had patients on the ward who were career soldiers, and at times we even had some officers.

My own ward was fairly characteristic. Comatose patients certainly can be seen wherever much neurosurgery is being done, but we had a rather large volume of them. The Army cared for its paraplegic and quadriplegic patients with Stryker frames and CircOlectric beds that provided movements and changes of position the men could not provide themselves. In our ward, we had quite a bit of difficulty trying to decide who should continue evacuation back to the States and who should return to combat. I'm glad to hear that the burden of making this decision has been eased, and that all patients who reach Japan are now able to continue home. I must confess this seems quite

reasonable; the other way seemed somewhat cruel—almost like sending men back to combat because they hadn't been hurt badly enough the first time.

Enlisted men or officers, the most common problem we had was the patient who had his skull and brain and overlying scalp debrided and remained in Vietnam. After some days, if there was much tension on the wound margins, and sometimes even if there wasn't, the margins would begin to separate, and blood, pus or brain tissue would extrude through the original incision. We'd treat such problems by reopening, carefully cleaning and resuturing and leaving a few tubes and drains under the scalp through which the staff would insert antibiotics in the postoperative period. With the aid of these drugs and excellent nursing care, many of these potentially lethal wounds were healed.

I'd like just once more to reemphasize that I do not intend this letter as criticism or expression of disapproval. Why, you weren't even my Commander-in-Chief during most of this time, and the President who preceded you was being reassured that the end was just around the corner, that the enemy was on his last legs, that we had just to buckle down a little longer and the coonskin would be on our wall, etc.

I was happy to read not long ago that the Army Chief of Staff has stated that the Vietnam war has technologically been a great success. I assumed he must have had in mind such developments as a MUST unit. This is a Medical Unit Self-contained Transportable and will certainly be useful in situations where a small hospital must be rapidly set up near a large disaster area. If I understand the concept correctly, the idea is to send the hospital to any area where large numbers of casualties are being generated. I must apologize at this point for a temporary diversion.

I had never before thought of sick or wounded people as being generated. It's a concept I learned during my indoctrination period at Fort Sam Houston in Texas. You will agree, surely, that it is a modern way of thinking about these problems. It's clearly much nicer to sit in conference and hear about five hundred or five thousand casualties being generated in a given situation. It's a much nicer way to think of large groups of people in this manner, somewhat like electricity being generated at some power plant or other. Well, in any event, I just could never get it into my own head, or discipline myself to think of my patients in this fashion—being generated here, stored there, transported, re-stored, etc. This probably accounts for my hesitancy in being more outspoken with that costs analyst from the Pentagon. I just couldn't convince him that we were dealing with patients, not packages.

I must confess that despite the nice commendation the country has given me, and despite your enthusiastic support during this conflict, I didn't ever come to feel that being part of the Army team was really my cup of tea. I just never managed to get into the spirit of it. Perhaps for future doctor-draftees, you might have someone in the Pentagon devise a drill somewhat like the one they use in the military chaplain's school—something to get the men in the mood. If my sources are correct, and I believe they are, then the young chaplains at one stage in their training were expected to join in the ritual chanting of "kill, kill, kill."

This letter has far exceeded my original intention of just jotting down a quick note; but if it's provided you with any information or a viewpoint somewhat different from what has reached you through more standard and orthodox channels, then it has certainly been worth my time. I do hope I have not bored you, either, with my thoughts or these photographs.

When I left active duty and was being discharged through Oakland, I was gratified to see a welcoming sign in the corridor. I regretted only that my own patients who had been evacuated through medical channels were unable to see the concrete expression of their nation's gratitude.

I appreciated the opportunity of visiting Japan and of broadening my medical experience during that time. I regret that we lost so many men, not only in Vietnam, but also in our overseas hospitals. Some of the casualties were more difficult to retrieve or repair than others. Caring for the wounded is indeed a privilege; but I was never able to convince myself that they had been wounded for any good end. They were, after wounding, and I'm certain before wounding also, the finest men I've seen. But I cannot help but point out my feeling that this war was unworthy of them. They gave too much in that far-off place—and we should not have sent them there.

I know that you deplore this conflict as much and as intensely as I, perhaps for different reasons. I did hope that sharing these few pictures and thoughts with you would in some way explain why I felt compelled to submit my resignation as I did, rather than to extend my time in the Army. There are, happily enough, younger men now available to carry on the neurosurgical tradition in and after combat. I do hope that they are made of stronger stuff inside than I, and that their tours of duty will not remain in their minds quite so indelibly as has mine.

Knowing how the military operates, I'm certain that neither you nor your predecessors have had the opportunity to see these scenes. We who were fortunate enough to be brought into active service as two-year doctors have, of course. When we reported for duty, the threats that our orders would be changed for Vietnam if we didn't extend for a third year seemed somewhat hollow. None of our group being indoctrinated at San Antonio was cowed. Things evidently later changed, for we had several men appear in Japan this past year after having extended their tours of duty for that very reason. I must admit that I was never terribly impressed by the personnel procedures or procurement policies of the Army. But if the courts allow this practice to continue, then I suspect the military may have found a way to get one-and-one-half times as much wear out of this former group of two-year doctors. I congratulate your planners.

I really had hoped to send you this note while I was still on active duty, but we were somewhat busy most of the time, and my colleagues and superiors cautioned me that it might be more appropriate to allow a seemly interval to pass before trying to record my recollections for you. I'm afraid I'm leaving out a great deal that seemed important to me at the time, but I'm nevertheless able to recall a few glimpses of what was occurring. I had been told that if I waited long enough, perhaps the war would go away. I did wait, but it didn't seem to go away at all.

Yours very truly,

MURRAY H. HELFANT,
Major (Resigned), U.S. Army Medical Corps.

EXPLANATION OF DIGEST NEWS ITEM

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. BOB WILSON. Mr. Speaker, A reference was made yesterday to the manner in which the Republican congressional committee reported in its Daily Digest the death of one of our colleagues, Michael Kirwan. As you know, the Digest is a summary of news items carried on the Associated Press and United Press International news wires in our committee headquarters. Unfortunately, the Digest item about our colleague's death consisted of the first paragraph of a UPI story which was far from complimentary in capsuling Mike Kirwan's distinguished career in the House. I regret that this item was carried in the Digest. Those of us who worked with Mike Kirwan admired and respected him. Even though he and I squared off every election year as chairmen of our respective parties' congressional campaign committees, I considered Mike a friend and know he would understand the sincerity of my apology regarding this matter.

HOW LONG, MR. PRESIDENT, BEFORE YOU REPLY?

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. CLAY. Mr. Speaker, on July 23, Congressmen STOKES, HAWKINS, and I wrote to President Nixon indicating our concern for the President's failure to give audience to black representatives or consideration to the problems of black Americans.

In Vietnam, the President says he is pursuing an honorable peace which will allow him to "save face." And I maintain—that if the policy of this Government shall be to "save face" or to pursue honor—the policy should begin at home, particularly with black Americans.

Much has been said about the Nixon administration plotting great plans for directing funds into the hands of black businessmen. Much has been said about the creation of a special office of minority enterprise to coordinate programs to serve black citizens aspiring to take part in the capitalist system.

But in truth, there is no money for black business nor any authority or directive for the office of minority enterprise to follow. The hoax would be humorous were it not so tragic.

I call the attention of my colleagues to the following accounts of the Nixon failure to follow through on their rhetoric. Upon reading the account from the Detroit Free Press of July 1, 1970, and the report by columnist Jack Anderson carried in the Washington Post, July 13, 1970—my colleagues may better understand the alienation of black America.

The articles follow:

[From the Detroit Free Press, July 1, 1970]

AID TO BLACK BUSINESSES FIZZLES

WASHINGTON.—The administration's plan to produce more minority-group capitalists, one of President Nixon's major campaign pledges, has fallen far short of its goals.

Under programs announced last fall, hundreds of companies in partnership with the federal government were to make millions of dollars available to minorities by June 30. It has not happened.

Last October, Commerce Secretary Maurice H. Stans named 18 companies that planned to set up investment firms to finance minority-group businessmen under a program called "Project Enterprise." He said the list would grow to 100 companies, with financial leverage of up to $500 million by June 30.

So far only nine companies have kept their pledge, at $150,000 each with 2-to-1 federal matching money. Not all nine have yet granted loans.

The secretary also reported in October that 20 major oil companies had promised to increase the number of gas station franchises held by members of minority groups to 25,000 within five years and to bring the percentage of ownership up to the minorities' percentage of the population. The companies have four years to go, but they have made a slow beginning, an official said.

Most participants in the program are black, and it began as "black capitalism." But under pressure from Spanish-speaking groups, officials now refer to it as minority entrepreneurship. One official pointed out that the Dallas investment agency financed a cargo airline, Aztec Airways, owned by Mexican-Americans.

Another program pushed by the Commerce Department was to induce companies to place their franchises, especially food franchises, in minority communities. That effort is doing poorly.

Interviews with officials and visits to several cities demonstrated that the programs were moving much more slowly than anyone had anticipated, and that the administration was being criticized for it.

Two exceptions are automobile dealerships that have gone to minority-group members and community development programs operated by the Office of Economic Opportunity.

Deputy Commerce Secretary Rocco C. Siciliano said general progress had not kept pace with expectations and we blamed the cooling of the economy.

"I think we've made extraordinary progress, considering the state of the economy," he said. "It's hard to imbue businessmen with social consciousness when business is bad. And social consciousness doesn't stop at just talking to them.

"The problem isn't getting them to serve on committees or give donations, but to make capitalists out of people who don't have a business heritage."

Siciliano echoed complaints heard from persons in several cities about getting banks to go along with the programs.

"One of our big problems is that we still have to get the banking community to understand and to participate fully," he said. "A number of individual banks are in the vanguard, but we're still working to get the bulk of them committed."

Under the minority business plan, a company puts up $150,000, which is doubled by the Small Business Administration. The SBA also guarantees up to $15 of bank money for every $1 of original capital. Thus, an agency capitalized at $300,000 could produce up to $4.5 million of financing for minority businesses.

[From the Washington Post, July 13, 1970]

STANS OFFERS MINORITIES PIPEDREAMS

(By Jack Anderson)

The Nixon administration has used a public relations fraud to build up the hopes of blacks, Puerto Ricans and Mexican-Americans who dream of owning their own businesses.

The Commerce Department has publicized opportunities that do not exist and promised money that is not available. The glowing statistics put out by the Commerce Department have turned out to be based, in part, on shaky figures and wishful thinking.

During the 1968 presidential campaign, Richard Nixon held out hope that the minorities could share in the full fruits of capitalism. He promised to help the people of the ghettos acquire their own shops. Conservative business sense could deal with poverty, he said, more effectively than could liberal pipe dreams.

Traveling salesman for the Nixon plan is Secretary of Commerce Maurice Stans, who has whirled through 10 cities gusted by a snowstorm of press releases. In troubled urban centers such as Harlem and Chicago, Stans has gathered together hundreds of blacks, Puerto Ricans and Mexican-Americans to tell of the opportunities awaiting them.

He has dangled before minority audiences $301 million in federal funds that are supposed to be available this year to help them become businessmen. He has boasted of commitments the Nixon administration has gained from chain companies willing to franchise shops and stores to minority owners.

The program, indeed, offers opportunities for minority businessmen. But the prospects are neither as plentiful nor as golden as the official ballyhoo proclaims.

ELUSIVE $301 MILLION

All too often, those who pursue the government promises are rewarded only with false hopes. The $301 million figure, for example, was never more than a public relations guess. This column has spent three weeks tracking down the funds that were supposed to make up the $301 million. Our discovery: The actual amount available to promote minority capitalism had painfully shrunk.

The biggest cut of the $301 million pie was supposed to be provided by the Small Business Administration, which was marked down for $74.3 million in direct loans. The final figure for the fiscal year, which ended on June 30, isn't available yet. But with only a couple of weeks unreported, the SBA had laid out only $68.1 million. The agency had also made only $81.7 million in guarantees, as contrasted with their trumpeted goal of $144.4 million.

At many agencies, the officials knew nothing about the funds they supposedly were contributing as their part of the $301 million goal. The search for the correct figures often led reporters for this column into a hopeless bureaucratic quagmire.

Back at the Commerce Department, spokesman Israel Rubin said the $301 million figure was "just a goal," but he couldn't identify who had set the goal.

Secretary Stans, on his whirlwind visits, preaches to a folder labeled "Minority Enterprise Profile." The folder is stuffed full of glowing facts prepared for him by the Office of Minority Business Enterprise Information Center. Copies of the summaries for several cities, marked "Not for Distribution, Official Use Only," have been examined by this column.

The Chicago summary, for example, boasts: "Twenty franchisors have committed more than 44 Chicago franchise opportunities." A check of the franchisor list, however, revealed that most had committed no specific number of franchises. Some weren't planning offerings in the Chicago area at all and had no idea how their names got on the list.

In New York City, Stans visited Harlem and the Puerto Rican community with pledges of 300 franchises from 38 companies. A check of several on the list revealed they, too, are trying to place minority businessmen but aren't committed to specific numbers.

OMBE's Walter Sorg talked enthusiastically to this column about minority franchising. About 2,000 franchises have been placed, he said, since the program began a year ago. He admitted that there had been a "slip up" in some of the statistics and that few franchisors had made "firm commitments." He also agreed that minority franchising isn't proceeding as rapidly as the Nixon administration had hoped. But he blamed the erratic economy and tight money.

EDITORIALS SUPPORT ANTI-SECRECY AMENDMENTS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. MOORHEAD. Mr. Speaker, editorials from around the country continue to support the adoption of antisecrecy amendments to the Legislative Reorganization Act. These amendments would help penetrate the veil of secrecy which currently shrouds House procedures and operations.

I would like to draw particular attention to the editorial which appeared in this morning's Washington Post entitled "Open House," which deals with passage on Monday of the O'Neill-Gubser amendment to record teller votes. In my judgment, and in the judgment of the Post, the House on Monday went a long way toward restoring public confidence in our governmental institutions generally and in the Congress particularly.

In addition to the Post editorial, I include a sampling of other editorials from around the country supporting the antisecrecy amendments. The editorials are from the Los Angeles Times, the Pittsburgh Post-Gazette, the New Orleans Times-Picayune, and the Detroit Free Press.

OPEN HOUSE

Those cheers that echoed in the House of Representatives on Monday may have violated Cannon's Rules but they were nevertheless very much in order. They were cheers for democracy, for the basic idea of representative government, for the concept of government by the consent of the governed. They came in response to a historic House decision to put an end, at long last, to its ancient practice of voting in secret on amendments to pending legislation. By an almost unanimous voice vote, the members of the House approved an amendment to the congressional reorganization bill providing that in the future they shall be recorded by name as they pass up the aisle to vote on amendments.

The House, at the same time, approved some other exceedingly salutary changes in its procedures. It agreed to permit at least 10 minutes of debate on any amendment printed in advance in the Congressional Record. And it approved the installation of electronic voting equipment to speed up roll calls—provided that later on the House decides that it wishes to tally its divisions in this modern, efficient and sensible fashion. More's the pity that it did not decide also to make committee meetings open to the public as a general rule. All these changes are simply devices for transacting the public business in public. They will serve at once to help the representatives themselves to know what they are doing and to help their constituents to know what they have done.

Because in their present form the changes are amendments to a bill which must have

the concurrence of the Senate before it can become law, one cannot yet regard them as *faits accomplis*. But the support for them in the House was so strong, so healthy and so overwhelming that one can reasonably suppose the House would adopt them as rules of its own if the Senate should fail to translate them into an act of Congress. They reflect great credit on the House and will surely enhance the confidence of the country in its government.

Secrecy in the House is one of those curious folkways perpetuated as tradition long after the purpose for which it was originally contrived has been forgotten. The House of Commons in England undertook to keep its proceedings secret in order to protect its members from reprisals by James I and Charles I in the 17th century. The practice, designed to offset despotism, soon proved itself despotic. It led to all sorts of abuses difficult to unmask and to rebuke because responsibility for them could not be discerned. "Next to the existence of open constituencies, and a fair mode of election," the historian Lecky wrote, "the best security a nation can possess for the fidelity of its representatives is to be found in the system of parliamentary reporting. But this was also wanting. The theory of the statesmen of the first half of the 18th century was that the electors had no right to know the proceedings of their representatives, and it was only after a long and dangerous struggle, which was not terminated until the reign of George III, that the right of printing debates was virtually conceded."

The right of a free people to know how their elected representatives vote is a right without which elections can be considered neither free nor meaningful. The House of Commons recognized this long ago. The House of Representatives honors its best values in joining them now as a genuinely representative body.

Congress, Heal Thyself

(Issue: How democratic can the House of Representatives claim to be when it conducts so much important business secretly?)

Offhand, we can't think of any democratic legislative body that conducts as much of its important business in secret as the U.S. House of Representatives.

Congressmen cast crucial votes anonymously on issues as important as the anti-ballistic missile, the Indochina war, crime prevention and funds for the supersonic transport.

The powerful House Appropriations Committee holds every one of its 300 annual meetings behind doors closed to press and public. In fact nearly half of all House committee hearings are held in secret.

Committee votes are taken secretly.

And even when House hearings are open, radio and television are never permitted.

This week the House has the opportunity to make itself a more open, democratic institution. A bipartisan group of Congressmen is trying to reform some of the old procedures.

The most important reform would abolish the medieval practice of avoiding a roll call—not voting by name—on some of the most important and sensitive matters that come before the House.

This procedure, which occurs while the whole House is sitting technically as a committee to amend bills, was devised by Parliament several centuries ago to protect the members under a cloak of anonymity from the king's displeasure. Parliament gave up the practice in 1832 as no longer necessary; the Senate does not have it; but the House, perhaps from laziness, perhaps from fear of constituents' displeasure, has kept it up. It ought to go.

Congressmen sometimes hide behind the practice to vote secretly in contradiction to their publicly announced positions. And because the votes are not recorded, such ballotings often bring only a third of the House to the floor. Yet it is in these anonymous ballots that the heart of important legislation is often written. The unrecorded but crucial vote on continuing funds for the supersonic transport plane recently was decided by only 194 of the 435 members of the House.

The other proposed reforms, though less important, would be useful: committee hearings to be closed only by a majority vote of the committee, committee meetings to be less dependent on the whim of the chairman, committees to be opened to radio and television coverage on majority vote of a committee, the votes taken in a committee to be made public.

There is a good deal of argument in Washington about the effect on legislation of removing some of the secrecy from House business, but there can hardly be much dispute about the principle. The public's business really ought to be conducted in public.

Incidentally, the crucial votes taken this week on these reforms will probably be cast anonymously.

Anti-Secrecy Rules Deserve Passage

If secrecy is abhorrent in law-making, and it usually is, the House of Representatives this week has an opportunity to mend its ways.

Many of the telling votes in the federal House are on amendments. But when representatives vote on these amendments, how they vote is a secret. For many of them this is a cosy arrangement; people back home don't know how their congressman voted.

Under the proposed reform—one of the more than 100 involving rules and procedures—the public would know who voted how. Aside from the elimination of secrecy, the rule change would also have the effect of stimulating attendance on the House floor. So the public would not only know who voted how but who didn't vote at all.

The House Democratic whip, Hale Boggs, is for the rules change as is the majority leader, Carl Albert of Oklahoma.

A companion betterment in rules would also have the benefit of opening more House committee meetings to public and press. About half are now held behind closed doors.

Few reform measures have been in the public eye as these to conduct public business publicly. They have the backing of a bipartisan group of House member-reformers and should likewise enjoy widespread popular support. We believe the public would be willing to hold Congress in higher esteem if Congress deserved it.

Secret Balloting Reduces Responsibility in House

Though the U.S. House of Representatives, of all American political institutions, is supposed to be the most responsive to popular will, its members in fact often function in genteel obscurity. By the very force of numbers they are shielded from the glare of public attention that follows the movements of the President or even of a United States senator.

Many of the members like it that way. They can, with a little luck, enjoy the prerogatives of office free of voter interference. It can be a pleasant sinecure, like a safe and obscure vice presidency in the family firm.

Moreover, we the people have permitted the House from colonial times to operate by rules that make it more difficult to tell what the boys have done. Because of numbers, roll call votes in the House are time-consuming. So much of the House's business is done in committee-of-the-whole, by teller vote or division of the House or voice. It is an efficient way of doing legislative business.

Efficient, yes—but it also encourages the protection of House members from the vagaries of public opinion. In other words, it lets them hide from their constituents what they are really doing. By voting on a preliminary vote in a way that he would not on a final roll-call, the member may seem to stand for one thing and actually work a quite opposite end.

There are times, certainly, when this has worked for the long-term public interest, when a congressman has been more responsible in private than he would have been in public. But it has also tended to make the House less responsive, so that it seems to be less influenced than the Senate by public opinion.

Now a vehicle is at hand for changing the practice of permitting secret preliminary votes. The House is considering a relatively mild bill to reorganize its rules. That in itself is something: The last time any major changes were made was in 1947.

A group of insurgent congressmen, reacting to the wave of demands for more responsive government, is seeking an amendment to end secret votes on preliminary motions. The House Administration Committee is also considering a proposal to establish electronic voting machines in the House, which would make roll calls simpler and faster.

The House might not really be all that much better with its members' records laid out for all to see. At least, though, representatives would know that an unruly newspaper or a ruthless opponent might haul out the old record and expose what the members had done. That, after all, is supposed to be the idea in a representative government.

Which is, we are sure, what the House members want to provide us.

How Congress Keeps Its Secrets

Although it is supposed to be the people's branch of government, Congress has devised a number of trade secrets to keep the public from knowing too much—antiquated voting procedures; an inaccurate and unreadable daily journal, concealed employes payrolls, a habit of passing backdoor pay increases that avoid record votes, and various other prerogatives that come in handy at election time.

Members of the House of Representatives borrowed the habit of nonrecord voting from the English Parliament, which abolished the practice in 1832—and went on to achieve new greatness. A bipartisan group of House members now is seeking to reduce the number of nonrecord votes, open up committee meetings, and preserve roll-call votes in committee sessions for public inspection.

Nonrecord votes usually are taken when the House is sitting as a whole committee amending bills. Amendments, many of them going to the essence of the bill, are decided by voice votes, by "divisions" in which members simply stand in their places to be counted, or by "teller" votes in which members troop chummily and anonymously up the aisle in "yea" and "nay" lines, with no official record taken. To the casual visitor, it may look like mass confusion, but crucial amendments on such matters as appropriations for the supersonic transport and anti-ballistic missile have been decided in this manner. To be sure, there is a formal vote later on whether to kill or pass the bill, but often these votes have no real significance, once controversial amendments are disposed of.

The reform-minded congressmen may be acting not so much in the interest of disseminating public information, but because

various lobbies have taken to publicizing unofficial and probably inaccurate tallies of nonrecord votes. Not surprisingly, House members have expressed resentment over the gallery "snoopers," especially if the report is not accurate. But the condition is easily cured. The House might follow the example of supposedly more unprogressive state legislatures and install voting machines. If this be too great a shock in an electronic age, some other simple device (a bakeshop customer tag?) could be used.

All that is lacking, really, is the will of our elected representatives to play fair with their constituents and achieve a reform Parliament brought about nearly 140 years ago. It is ironic—and possibly an indication of the legislators' collective mood—that voting on all the proposed amendments probably will be done on a nonrecord basis. Bad habits are hard to break.

FOR ORGANIZED CRIME PROSECUTORS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to announce my cosponsorship of H.R. 16133, a bill to provide training for Federal, State, and local officials engaged in the prosection of organized crime.

The rising crime rate is no secret to anyone in this country as we are bombarded by statistics with every newspaper we pick up. But one element of the rising crime problem which escapes such mathematical scrutiny is organized crime. This scourge has worked its way into nearly all facets of our society, and in spite of concentrated efforts still remains largely elusive and uncontrolled.

For organized crime is a business; a deadly but successful business which takes its toll in the lives of unsuspecting citizen. The men behind these organizations, though often known to police, many times escape prosecution because of familiarity with loopholes in the law, and financial resources to hire the most competent minds in the legal field.

My experiences as a former municipal judge, defense and prosecuting attorney have repeatedly impressed upon me the urgent need for specialized training in dealing with organized crime. We have a large number of extremely talented attorneys in this country, but for the most part these persons have had no experience in the particular subtleties peculiar to organized crime. H.R. 16133 will be instrumental in preparing prosecuting attorneys for problems they may be expected to face in dealing with elements of organized crime.

There are of course existing laws which can be utilized in this effort, but no law school deals with subjects related to organized crime prosecution, and only recently have such civil laws as tax, securities, and antitrust legislation proven their worth in combatting organized crime.

In addition to establishing a national advisory committee on the training of organized crime prosecutors, this bill would direct the Attorney General to conduct an annual conference of Federal, State, and local officials on organized crime, and require the Attorney General to make an annual report to the President and Congress on the progress of eliminating this blight from our society.

Further delay will only serve to complicate an already difficult problem. We cannot afford to sit back and watch our legal system become distorted to benefit criminals. The legislative means to combat organized crime are at our disposal; proper training will insure their effective utilization. Organized crime has cast its shadow on our Nation for far too long—H.R. 16133 will prove a powerful weapon in its destruction.

IT'S GETTING HARD TO TELL THE MEN FROM WOMEN

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. HUNGATE. Mr. Speaker, a recent issue of the Vandalia Leader and Laddonia Herald, a weekly newspaper, carried the following article that I think is helpful:

P.S.

It's getting hard to tell the men from women, but here are some suggestions that might be helpful:

If it smiles when you address it as "Ma'am," it is feminine. If it grunts and growls, it is masculine.

If it strikes a kitchen match on the seat of its trousers, it's a him. If it waits for you to light its cigarette, it's a her.

If it takes off its shoes at the movies, it's a woman. If it gets down on its hands and knees and starts looking for the shoes, it's a man.

Does it do its fair share of pushing while going through a revolving door? It's a gentleman for sure. Does it leap in front of you and grab the taxi you just flagged down? It's a lady—every time.

If it brags about the steaks it cooked in the backyard, it's a man. If it dimples when you praise the roast it cooks indoors, it's a woman.

If it wears a red ribbon in its hair, it's a lass. If it combs its hair down over its eyes—well, there you've got me.

If it says it has given you the best years of its life—"and for what, I ask you?"—it's a wife. If it asks for lunch money before going to work, it's a husband.

If two go to the supermarket the one that pushes the loaded cart is the mister. The missus is the one that holds up the line at the checkout counter as she fumbles through the wilderness of her purse.

If it likes to dine by candlelight, because this is romantic it's the mamma bear. If it grumbles, "I can't see what I'm eating," it's the papa bear.

If you open the door to it and it tries to sell you a box of cookies, it's a Girl Scout. If it helps old ladies across the street, it's a Boy Scout.

Does it bring its paycheck home in its mouth? It's a man. Does it think money grows on trees? It's a woman.

If it writes newspaper columns like this, it's a him. If it reads columns such as this and loses its temper, it's a her.

Now, then, any questions?

A MEMORABLE SPEECH

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks I include herewith a recent excerpt from the Clinton Daily Item of May 26, 1970, containing a most appropriate, timely, eloquent and very well received speech of Col. Nicholas A. Canzona, commanding officer of the 25th Marines at Worcester, Mass., at the very impressive Memorial Day exercises held May 25 at South Cemetery in Berlin, Mass.

Rev. Howard A. Andrews, the able distinguished and beloved pastor of the First Parish Church in the historic town of Berlin which traces its founding back to the early days of the Colonies, and a chaplain and colonel in the U.S. Army Reserve, read Colonel Logan's general orders for the first Memorial Day in 1868. While I did not have the privilege of hearing this remarkable tribute to those who have offered their lives and their blood upon the altar of American patriotism, Reverend Andrews classified it as the finest tribute he had ever heard and that it expressed his own sentiments in a very timely and forceful way, and he also stated that Colonel Canzona's delivery was fully as effective as his expression of thought.

I would like to associate myself with Reverend Andrews' appraisal of these very moving, deeply touching Memorial Day remarks of a marine and Vietnam veteran who dedicated his entire life to the service of this great Nation, fought bravely for our freedoms and knows what the bitter sacrifices of war truly mean.

I want to commend Colonel Canzona for his absorbing Memorial Day message that poignantly described the deep patriotic meaning of the supreme sacrifice and the ghastly profanity of those who would debase it by symbols of disloyalty, utterances, behaviorisms and expressions having the overtones of treason, if indeed they do not constitute treason itself.

If these people were truly responsible for their words and actions they deserve the contempt of our people and appropriate punishment in the courts of justice. But it is difficult to reconcile such behavior with rationality and it is probably more charitable simply to ask "forgive them, O Father, for they know not what they do."

The American people demand respect.

gratitude and reverence for all our departed heroes regardless of race, color, or creed. They are Americans, all who fought, bled, and died for their country, and for the cause of freedom throughout the world.

Their memories are imperishable. Their glorious deeds will be enshrined in the most sacred annals of our history, and in the hearts of our people as long as time shall endure, and every one who lives in this great country must recognize that the American people will not tolerate disrespect of our departed heroes, or disrespect for the living Commander in Chief of this great Nation.

People who demean themselves in such a manner must expect to pay a heavy price for their treasonable talk and conduct.

I would like to commend Colonel Canzona for his strong, powerful speech on Memorial Day and I am sending a copy of the CONGRESSIONAL RECORD containing excerpts from the Clinton Daily Item and my own remarks to him, and to the Commandant of the Marine Corps, who will be proud, I am sure, to know of the enthusiastic response to his fine speech:

BERLIN SPEAKER HAS PRAISE FOR WAR DEAD

(By Mary Ellen Matthew)

("We honor these men, these sacred dead, because they served us well in simple obedience to a nation that they loved and respected." These words gave true meaning to the Memorial Day exercises held yesterday afternoon at the South Cemetery in Berlin.)

Colonel Nicholas A. Conzona, commanding officer of the 25th Marines in Worcester, recently returned to this country from Vietnam. His speech which included the above quotation gave the people much to think about.

Under cloudy skies, members of the American Legion, the Legion Auxiliary, Boy Scouts, Cub Scouts, and Girl Scouts paraded into the South Cemetery led by the Tahanto Regional High School Band.

Greetings were given by Commander Chester R. Stone of the H. Wallace Woodward Post 162 of the American Legion of Berlin. Rev. Howard A. Andrews, chaplain and Lt. Colonel, U.S. Army Reserve and pastor of the First Parish Church read Col. Logan's General Orders for the First Memorial Day in 1868. Following the address by Col. Canzona, the Rev. Phillip McNamara of St. Joseph's Church of Berlin offered prayer. The Legion Firing Squad gave a salute to the dead followed by taps.

At the conclusion of this program, the parade proceeded up Pleasant Street and on to the Berlin Memorial School for the following program:

Tribute by Commander Stone, Prayer by Legionnaire Henry A. Nutting, Placing of wreaths at the World War I and II honor rolls by Legionaries Harry Bradley and Chester Cole, a salute to the dead by the Legion Firing Squad and the sounding of taps.

At the Old Burying Ground in the center of town, the Tahanto Band offered a selection followed by the recitation of the Gettysburg Address by Boy Scout Robert Leveille. Commander Stone then presented the Legion Oratory Medal to Scout Leveille. Rev. Frederick A. Krackhardt offered prayer, followed by a salute to the dead and taps.

The Tahanto Band gave a concert on the Common under the direction of Frederick W. Cronin.

Chief Marshal for the exercises was Francis E. Underwood, past commander of the American Legion; Honorary Chief Marshal was Harry F. Bradley and Captain of the Firing Squad was Bruce Barter.

Colonel Canzona's speech follows:

Today is a time set aside to honor the dead, those special dead who in life fought our nation's wars. It makes little difference now whether they fell on the battlefield in the flower of youth or whether they returned home to die in later years. It makes little difference whether they fought in France, Africa, Guadalcanal, Okinawa, Korea or Vietnam, whether they fought on land, at sea, or in the air. Or whether they were generals or privates. Nor does it make any difference whether they were white, black or yellow. Death is a great equalizer. Now all of them rest in peace, away from the ceaseless tumult of the world of the living.

We honor these men, these sacred dead, because they served us well in simple obedience to a nation that they loved and respected. A nation that they supported when the die was cast. Greater love hath no man. These were imperfect men who fought for the imperfect causes of an imperfect republic. They had enough common sense and faith to realize that the nation at least was headed in the right direction. As a result of their faith, common sense, and sacrifice, many countries and millions of people are free today who might otherwise have been enslaved for centuries.

Because of the simple trust and obedience of these men, our nation has enjoyed unparalleled progress and freedom—so much freedom in fact that conceivably we are free enough today to commit national suicide a thousand years before our time.

We owe a special debt of gratitude to these dead because they conquered fear, self pity and selfishness. They were no more anxious to die than you or I or any other citizen. They must have been haunted occasionally by the same loneliness, doubts, and questions that have assailed every generation of Americans at one time or another. Yet, they had the strength of character to overcome their trepidations and any inate pettiness. They did not demand an exhaustive accounting from the nation each time they crossed the line into battle.

Of these dead that we honor, relatively few in recent times fought on American soil. In furtherance of a higher responsibility, a brighter ideal, they carried the flag to distant islands, jungles, plains, mountains, and deserts. Yet, no foreign nation has ever lived in subservience to the United States as a result of their far-flung campaigns. On the contrary, and in full justification of their faith, their government has extended to friends and enemies alike a degree of compassion and generosity never before exhibited in the annals of war. So, while these honorable men were victors—and they had every right to expect victory in return for their sacrifice—they were not conquerors in the classic sense. Their most vicious enemies of a generation ago are now thriving and respected in the community of nations. This fact is a great tribute to the republic in which these honored dead had such unbounded faith.

UTTER DISMAY

If these men who lie at rest around us could rise up today, they assuredly would look around in utter dismay. No, they would not be shocked by dissent; there was enough dissent in their day too. But they indeed would be appalled at the manifestations of dissent: the defiling of our flag, the frenzied reviling of our president and sacred institutions, the disintegration of a moral code that is 4,000 years old, the almost capricious defiance of law and order.

A typical cross-section of these American dead that we honor were officers and noncommissioned officers. If they could awaken and rejoin us, they would hear themselves taunted and branded publicly as pigs of the establishment. They would be unable to set foot on many campuses without being subjected to the most virulent abuse.

Fellow Americans, if you and I saw this great host rise up from this hallowed ground and approach us, what would we say to them in the light of today's new left philosophy? Would we say that their lives and sacrifices have been a horrible mistake? That the republic has outlived its usefulness? That America indeed has made no significant progress or contribution? That for almost two hundred years the United States has in actuality been a gigantic fraud? That there is no standard of decency, dignity, respect and obedience that a Democracy can expect of its people? That Communist tyranny is right because America is irrevocably wrong? Would we tell the risen dead that this nation's policy is not, after all, inextricably rooted in history and justice but is only an arbitrary, brutal exercise in wealth and power?

If the republic for which these men fought is manifestly so evil and repugnant that we could say such things to the assembled dead, then perhaps we as people should continue our breastbeating until we sink into oblivion—or are pushed into it. If, with a clear conscience we could now stand over others and desecrate American flags, if over still others we could unfurl and venerate enemy flags—if indeed the United States is so foul that we could commit such abominations with a clear conscience and not out of sheer idiocy—then we as a nation would have to admit to a complete inversion of values: which is to say that the evolution of this great republic has been a blight on mankind.

Now, if we do not have the conviction and stomach to so profane the dead, then neither should we profane the living. It is essentially indecent and irrational by any standards to call a man a pig while he lives, then immediately canonize him when he dies. It is grossly inconsistent and unfair to divorce the causes for which these men died from a national policy that was born out of these causes. It is a monumental perversion of justice to expect one generation to die for the nag and allow another to drag it through the gutter.

In years gone by, it was always the custom, when a friend died, to send a remembrance of flowers. In recent years, many bereaved families have requested instead that donations be made to noble institutions such as the Heart Fund, Cancer Fund, hospitals, or cultural centers. Perhaps on the solemn occasion of Memorial Day, 1970, we, as a nation could make a practical request of ourselves. We could remember our dead not merely with flowers and ceremony, but with the visible contribution of a life of selfishness, patriotism, and faith. We could thus vindicate the deaths of these great men and the high purpose of this republic. We can begin today by silently reaffirming our allegiance, so that tomorrow we can move forward once again with traditional unity, pride, and courage If we owe anything at all to America's dead, we owe them at least this much.

HON. JOHN C. KUNKEL

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 27, 1970

Mr. BYRNE of Pennsylvania. Mr. Speaker, it was with deep personal regret and a sense of loss that I learned of the

death of a long-time Member of this House and an old and dear personal friend, John C. Kunkel.

For nine terms—18 years—John Kunkel ably and actively represented the old 16th District of Pennsylvania until 1966, when reapportionment wiped out and divided his constituency.

I met John Kunkel when I was elected to the 83d Congress. He was already a veteran by then; but despite his heavy schedule, he was always ready with advice or assistance for a freshman congressman.

Although we sat across the aisle from each other, and indeed we did differ on many issues—we worked long and hard together for specific projects destined to aid our Nation and our Commonwealth.

I am sure this body joins me in extending the sincerest condolences to his bereaved family.

HELPING BOOST SMALL BUSINESS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. CONTE. Mr. Speaker, critics of the Small Business Administration have never been in short supply. They are still busy nitpicking and complaining about what must surely be one of the most constructive efforts this Government has ever undertaken to help the so-called little fellow share the benefits of the free enterprise system. That is what the Small Business Administration is all about. I submit for publication in the RECORD, therefore, an interview with SBA's Administrator Hilary Sandoval, Jr., in the current issue of the Republican Congressional Committee's weekly newsletter, which sets forth the facts:

HELPING BOOST SMALL BUSINESS—AND THE AMERICAN DREAM

Mr. Sandoval, what role is SBA playing in the President's efforts to promote business opportunity for disadvantaged Americans?

SBA is on the front line when it comes to minority enterprise and expanded opportunities. After a decade of attempted political and sociological solutions to poverty and social ills, the people—and the Government—are finally realizing that perhaps the surest way of getting disadvantaged groups into the American mainstream is through the free-enterprise system.

Following presidential directives, we have stepped up our assistance programs in the field of minority enterprise.

For example, in 1969 we nearly doubled our volume of minority loans. This doesn't mean that SBA has become a purely minority-oriented agency. Far from it. However, we are convinced that we can and should do our share in taking disadvantaged people off the relief rolls and getting them back into the free marketplace.

How will you reach this goal?

By striving for greater economic parity—equality of opportunity. The identifiable minorities of this country run to about 15 or 20 percent of the population, depending on which estimate you use. Yet this 15 to 20 percent of the population owns only 2.9 percent of the businesses and holds less than one half of 1 percent of the assets. These figures are not precise. But even allowing for a wide margin of error, it is obvious that our economic system is not living up to its promise in this important area.

What are some of SBA's specific programs for minority enterprise?

They take many forms. There are, of course, the standard loan and assistance programs, and management training to help develop skill and efficiency once a business is begun. We have also begun a series of Minority Enterprise Small Business Investment Corporations.

These private corporations, working in cooperation with SBA, help to fund, counsel and develop new businesses around the country. Leading big businesses, such as General Motors, have joined with us in establishing these corporations to provide the disadvantaged entrepreneur with the know-how and the investment capital it takes to get ahead.

How about Government contracts—about channeling them to minority firms?

We have been given authority to choose eligible subcontractors for select Government contracts for goods and service. Since our business development program was started in June of 1969, we have awarded over $28 million in Federal subcontracts to minority-oriented businesses.

As Administrator, you have stressed the importance of non-financial aid to small business. Have you been able to put this into practice?

Two of the programs I am proudest of fall into this category.

SCORE stands for Service Corps of Retired Executives. Its members are retired men and women who have been successful in their fields and who are now willing to help others help themselves.

They have pulled many struggling small firms out of the red by introducing basic, professional techniques and know-how. Their services are free. SCORE has been so successful that I recently authorized doubling its size from 3,400 to 6,800 volunteers.

ACE stands for Active Corps of Executives. It's a new program we came up with after SCORE proved so successful. There's one major difference: ACE volunteers are all active executives in private industry, who take time off to participate. We have already recruited 1,400 of these successful, dynamic businessmen.

You've been in office for over a year now. What was the most serious problem you had to face as a newcomer taking control of a Federal agency?

Shortly after I took the oath of office, I discovered that some Mafia-linked firms had obtained SBA loans under past regimes. I was shocked to learn that at least four previous Administrators knew about these loans but did nothing.

How deep was the involvement?

Percentagewise, it was microscopic. Only a small number of Mafia-linked loans were made. But as far as I'm concerned, one dollar of taxpayers' money in underworld hands is too much.

We have rooted them out wherever this was possible under the law. Already, two loans have been shut down and collected in full in New York and another two in Chicago—all with interest.

We have also made over 40 reforms in loan procedures to avoid any backsliding.

What's the future for small business? Isn't it slowly but surely losing its place in the economy?

I don't believe so. I see a great future for small business in this country. But like all vital, growing things, small business must keep in step with the times and maintain a keen, competitive edge.

I know the heartaches and the satisfaction that can come with running a small business. Every small business is someone's personal version of the American Dream. It is a dream full of vigor and promise for our country's future.

MYLAI INVESTIGATION

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. BUCHANAN. Mr. Speaker, the report of the House Armed Services Investigating Subcommittee of the Committee on Armed Services on the investigation of the Mylai incident has received considerable attention and created great interest since the subcommittee released its report 2 weeks ago.

Our colleagues assigned to the Special Armed Services Subcommittee are to be commended for the manner in which they handled their tough assignment. The final determination of blame was studiously avoided by the subcommittee in order not to prejudice the findings of duly constituted courts martial and other legal proceedings.

Those of us in Alabama are particularly proud of the active participation and leadership in this important matter of our distinguished colleague, Mr. DICKINSON.

He has, once again, demonstrated his value not only to the people of his district and our State, but to the Nation as well.

I think you will find the following reprint from the RECORD, plus other articles and editorials highly interesting, as I did. I commend the text of these editorials and articles to my colleagues, and I respectfully urge you to read them. At this time, Mr. Speaker, I would like to insert these materials:

REPORT OF SPECIAL SUBCOMMITTEE ON MYLAI INVESTIGATION

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include an editorial.)

Mr. DICKINSON. Mr. Speaker, just last week the special subcommittee on the Mylai investigation made its report. Once again, it proved to be very newsworthy and was carried by the wire services across the country.

Mr. Speaker, I am very proud to have served on this committee because I feel we have performed a very valuable function.

Mr. Speaker, I cannot help but be concerned that the American people will view the United States as "the bad guy" in this instance, but it was one instance, it was news because it was unique, because it was different. A tragedy of this nature is not the policy of this country, and it has not been our policy in the past. Yet it seems that the news media and the public in general are either unaware or unconcerned about the atrocities committed by the North Vietnamese regularly.

Just prior to the Mylai incident, in a place called Hue, over 4,000 South Vietnamese were systematically slaughtered, many of them buried in mass graves, their hands tied behind them. Whole families were eradicated. The fact that over 4,000 human beings were slaughtered, was not even deemed particularly newsworthy by the media around the world.

In 1 month, in a South Vietnam village, the Vietcong went in with flamethrowers and burned to death every man, woman, and child in that village, over 200. Bodies were stacked like cordwood. These things did not get play in the press, and they did not hit the conscience of the public for some strange reason. I am tired of the Americans always being picked as the heavy-handed boy in Vietnam when it is the practice of the North Vietnamese and the Vietcong to commit these atrocities with premeditated regularity. At this time I would like to include an editorial from the Sunday, June 28, 1970, issue of the Birmingham News. I urge my colleagues to read the editorial opinion of James E. Jacobson. It will be well worth the few minutes it takes.

[From the Birmingham (Ala.) News, June 28, 1970]

THE LESSON OF HUE

Uncounted columns of words have been written and uncounted feet of television film have been devoted to the alleged massacre of Vietnamese villagers at My Lai.

But one is hard to find a mention of the grisly story of Hue, where the bodies of more than 6,000 victims of Communist "liberation" have been recovered from mass graves.

The story of Hue is recounted in detail in a study written some months ago by Douglas Pike, a career official of the U.S. Information Agency and the author of books which have established him as perhaps this country's top expert on the Viet Cong.

Even more chilling than the story of what happened at Hue when the city was captured by the North Vietnamese in the 1968 Tet offensive is Pike's conclusion that as many as three million people might suffer a similar fate if the Communists are permitted to win a decisive victory in South Vietnam.

Those in this country who have urged a U.S. pull-out have tried to dismiss the suggestion that a bloodbath would follow a Communist victory as propaganda by the "hawks" to keep us in the war.

Hue is uncomfortable proof that the fears have a basis in reality. Maybe that's why it's so studiously ignored.

When the Communists took the city, Pike wrote, they began a systematic liquidation of those considered unfriendly. They were rounded up and machine-gunned—the more fortunate ones. Some were tortured and buried alive.

After the elimination of individuals whose names were on their death list, the Viet Cong assassination squads which surfaced after the North Vietnamese took the city began to move against "social negatives"—that is, those who were deemed potentially dangerous not because of who they were, individually, but because of the places they held in the community.

". . . Killing in some instances was done by family unit," Pike wrote. "In one well documented case during this period, a squad with a death order entered the home of a prominent community leader and shot him, his wife, his married son and daughter-in-law, his young unmarried daughter, a male and female servant and their baby. The family cat was strangled; the family fish scooped out of the fishbowl and tossed on the floor. When the Communists left, no life remained in the house. A 'social unit' had been eliminated."

Multiply that by the times it would happen in every town and village and hamlet in South Vietnam if the Communists prevail.

But Americans might never know about it, and thus their consciences need not bother them—or so some seem to think.

One of the Communists' first acts, Pike said, would be to clear all foreigners, especially the Western reporters, out of South Vietnam: "A curtain of ignorance would descend. Then would begin a night of long knives . . . But little of this would be known abroad. The Communists in Vietnam would create a silence.

"The world would call it peace."

The Communists *won't* prevail, if they must depend upon a military victory to do so. But in South Vietnam and in Cambodia their capacity for waging big unit war has been drastically reduced. This, Pike predicts, will motivate them to turn more to the strategy of terror, with an eye on the impact they can have on wavering public opinion in America, in the hope that the American people will lose their stomach for going on.

Vietnamization *can* succeed, giving the people of South Vietnam a fighting chance to survive the Communists' attempt to impose their rule, and thus to escape the fate of the 6,000 at Hue. Then, perhaps, peace can be achieved.

Are Americans really prepared to live with the other kind of "peace" which Hue forebodes?

Douglas Pike wrote:

"Apparently (the massacre at Hue) made no impact on the world's mind or conscience. For there was no agonized outcry. No demonstrations at North Vietnamese embassies around the world. Lord Russell did not send his 'war crimes tribunal' to Hue to take evidence and indict. In a tone beyond bitterness, the people there will tell you that the world does not know what happened in Hue, or if it does, does not care."

We believe some do care.

[From the Birmingham (Ala.) News, July 16, 1970]

MYLAI

The final determination of what exactly happened at My Lai and who is to blame for it will be made by duly constituted courts martial, and we would not presume to make prejudgments.

Neither did the House subcommittee—including Rep. William Dickinson of Alabama—which has been investigating My Lai make any such prejudgments. It studiously avoided them in order not to prejudice later legal proceedings.

But the subcommittee did issue a grim report that "a tragedy of major proportions" did, indeed, occur; and that furthermore the events of that day were the object of a calculated cover-up attempt by the Army at many levels.

Both findings are disturbing. But the subcommittee members are due commendation for accepting what most assuredly has been an unhappy responsibility, doing their job conscientiously and reporting their findings unflinchingly.

Anything resembling a whitewash job or another stab at the kind of cover-up the subcommittee says the Army attempted earlier would have been a disservice if the facts pointed in the opposite direction, as the report says they do. The soft-pedaling itself would be used by anti-war and anti-American propagandists to magnify the story even larger.

These men are not fluttery doves; if anything, they line up on the hawkish side. Coming from them, the report assumes particular impact.

At the same time—precisely because it *does* ring honestly—the report might give circulation to some balancing points which those who have seized on the tragedy to discredit America and try to force an American withdrawal from Vietnam conveniently ignore.

For the subcommittee took careful pains to say that while My Lai cannot and must not be condoned, what happened there still is the exception to the general rule of American conduct.

The committee noted that what happened was "wrong and . . . foreign to the normal character and actions of our military forces"—so much so, in fact, that it raises a question as to the legal sanity at the time of the men involved. The point being raised is whether, under certain circumstances under combat conditions, soldiers could suffer behavioral lapses for which they cannot be held responsible.

The report made it clear that not all American GIs, not all the men in the units involved, and not even all the men who were members of the fateful mission that day can be blamed for what took place.

That is a key point: That while tragedies like the one which apparently did occur at My Lai are sickening, they represent only a fraction of the story of American men in Vietnam. Far more men serve honorably and bravely, many of them going far beyond the call of duty to contribute personally to efforts to help the Vietnamese people improve their lives. But their side of the story is seldom told.

[From the Montgomery Alabama Journal, July 17, 1970]

WERE THE MEN AT MYLAI INSANE?

It seems that every government agency, military or otherwise, which conducts an inquiry into the My Lai affair comes up with the sad conclusion that a horrible spectacle took place in that small South Vietnamese village on the fateful day of March 16, 1968.

The Army itself long ago faced this unpleasant fact. During the past few days, a subcommittee of the House Armed Services Committee came to the same conclusion. The committee is headed by South Carolina's Rep. L. Mendel Rivers, one who could hardly be characterized as antimilitary.

Only general conclusions of the investigation have been released so far, but Congressmen who heard some 50 or more witnesses leave little doubt as to their state of shock. Montgomery's Rep. Bill Dickinson, a member of the committee, told a news conference that he is convinced that 100 civilians were herded together and killed deliberately and without regard to age or sex.

Anyone faintly aware of Congressman Dickinson's record knows full well he would not make such an observation based on scant or dubious evidence.

Despite such findings, we see continuing evidence that the general public can't believe or won't believe, that My Lai occurred or that if it did occur, our boys can't be held responsible. Only within the past few days a small town in Texas, the hometown of one of those accused of the massacre, made plans to hold a hero's homecoming for its native son.

This is the sort of spastic reaction we could do without. It is no more proper to absolve without evidence than to convict without evidence.

Another subcommittee member, Louisiana's Rep. F. Edward Hébert—another congressional supporter of the military for many years—was so moved by what he heard at the secret hearings that he feels the only recourse for the accused soldiers would be a plea of mass insanity, claiming that they were so intoxicated by war influence that they cannot be held accountable for what they did.

Some may find Hébert's suggestion as setting the groundwork for a national cop-out and whitewash of My Lai. But there is nevertheless an element of truth in what Hebert says.

The history of the company principally involved in the alleged massacre is not a pretty one. Several of its officers were the type people who would ordinarily be called "misfits." Further, the company had endured

many weeks of bitter frustration as they pursued an elusive foe. Several popular members of the company had been killed. A sense of rage and desire for vengence clearly pervaded the company when it descended upon the village on the fateful day.

Throughout legal history, a definition of sanity has been elusive and subject to continuing change. But legal questions aside, there is clearly something wrong with our definition of sanity if the acts said to have been committed at My Lai were committed by "sane" men.

It is important that the country not lose its sanity as well as we get on with the messy job of dealing with the accused of My Lai.

[From the Congressional Quarterly Weekly Report, July 17, 1970]

HOUSE PANEL CHARGES "COVER-UP" OF MYLAI MASSACRE

A special four-man House Armed Services Subcommittee which investigated the My Lai incident for seven months charged July 15 that a massive and planned "cover-up" had suppressed information about the killing of Vietnamese civilians by U.S. forces in 1968.

In its 53-page report, the panel also raised a question about the sanity of the U.S. servicemen involved and was highly critical of what it called a lack of Army cooperation during the investigation.

Concerning the alleged killing of civilians by U.S. soldiers, the panel observed the incident "was so wrong and so foreign to the normal character and actions of our military forces as to immediately raise a question as to the legal sanity at that time of those men involved." More than 20 U.S. Army enlisted men and officers have been charged with various offenses arising out of the My Lai incident.

The Subcommittee report made recommendations to require a test of sanity in military capital offenses, prevent dissemination of pre-court-martial publicity or information, permit the prosecution of former servicemen for military offenses and to require independent investigations of atrocity charges. The members of the Sub-committee, Representatives F. Edward Hebert (D-La.), Samuel S. Stratton (D-N.Y.), Charles S. Gubser (R-Calif.) and William L. Dickinson (D-Ala.), said they would press for legislation to implement their recommendations.

References.—Weekly Report p. 1218, 1110, 779, 397, 287, 190, 57: 1969 Weekly Report p. 2648, 2585, 2546, 2464, 2383.

Following is a partial transcript of the Subcommittee's findings and recommendations.

FINDINGS AND CONCLUSIONS

There is no question but that a tragedy of major proportions involving unarmed Vietnamese, not in uniform, occurred at My Lai 4 on March 16, 1968, as a result of military operations of units of the Americal Division.

This matter was promptly reported, at least in part, to the Task Force Commander, the Commander of the 11th Brigade, the Commander of "B" Company, 123rd Aero Scouts, the Commander of the 123rd Aviation Battalion, the Division Artillery Chaplain, the Division Chaplain, the Division S—5, the Division Chief of Staff, an Assistant Division Commander, and the Commander of the Americal Division. There is also testimony that the Third Marine Amphibious Force (III MAF) received sufficient information about this incident to have reported it to the Military Assistance Command Vietnam (MACV).

The matter was also reported to the U.S. Intelligence Community, composed of civilian and military advisers, to the South Vietnamese Son Tinh District Chief, and to the Province Chief of Quang Ngai Province.

Although there were three reporting channels that should have brought the My Lai allegations to the attention of III MAF, there is no evidence that two of these channels did so, and the third channel functioned inadequately.

There is no evidence that the My Lai allegations were reported to MACV, although directives in effect at that time made such reporting mandatory on the part of all military and staff personnel having knowledge of, or receiving a report of, such an incident. Commanders and MACV staff sections had a special obligation in this respect.

It could reasonably be concluded that responsible officers of the Americal Division and 11th Brigade failed to make adequate, timely investigation and report of the My Lai allegations.

An Army photographer and an Army reporter, both assigned to the Brigade Public Information Office, were designated to accompany the Task Force Barker operation at My Lai on March 16, 1968. Although both men have been quoted extensively on the My Lai incident since leaving the service, the Subcommittee has found no evidence that either man, while serving in uniform, made any report of atrocities, or that the photographer turned in to the Army any pictures of atrocities.

On the afternoon of March 16, 1968, an order was given by radio to the Commander of "C" Company of Task Force Barker to return to My Lai 4 that day to determine the sex, age and cause of death of those civilians killed. That order was immediately countermanded by the Commander of the Americal Division, who was monitoring the frequency on which the order was transmitted. He testified that he did so for tactical reasons. However, there is no evidence that American troops ever returned to My Lai 4 for the above purpose, although the Situation Reports for March 17, 1968, indicate that elements of both "A" and "C" Companies were in the immediate vicinity of My Lai 4 on that date and apparently could have easily made such an investigation.

It can reasonably be concluded that the My Lai matter was "covered up" within the Americal Division and by the District and Province Advisory Teams.

To keep the My Lai matter bottled up within the Americal Division and the District and Province Advisory teams required the concerted action or inaction on the part of so many individuals that it would be unreasonable to conclude that this dereliction of duty was without plan or direction.

A number of witnesses testified under oath with respect to the existence of investigative reports, statements, affidavits, correspondence and other documents relative to the My Lai incident. If they ever existed, virtually all such records have now disappeared. Only one copy of the so-called "Henderson Report" has been found. It had not been kept in the files, but was hidden in the desk drawer of the Brigade Intelligence Sergeant on instructions of his immediate superior.

There is evidence that officers and enlisted men of the Americal Division and 11th Brigade were informed, directly or indirectly, that the My Lai operation was being investigated, and, therefore, were instructed that they should not speculate on, or discuss the matter, pending completion of that investigation. While normally this might be considered proper procedure, this warning, coupled with the failure of the Division or Brigade to conduct any meaningful investigation, tends to substantiate the charge of "cover up."

Although the Intelligence Community at all times during 1968–69 had numerous individuals, both civilian and military, stationed in close proximity to My Lai 4, they deny having learned anything in more than a year and a half which would have caused them to believe that anything untoward had happened in that hamlet on March 16, 1968. Documentary evidence, however, established that one organization attached to an intelligence agency had a report as early as March 18th, alleging the killing of civilians at Son My.

Our Intelligence personnel, whom one might reasonably expect to be able to detect or verify an incident of such magnitude, apparently saw fit to dismiss all allegations concerning it as communist propaganda, although most of these allegations, which came to them through the South Vietnamese officials, were specific as to time, place and units involved. Failure to fully investigate and report these allegations to high authority raises a serious question as to the reliability and usefulness of our intelligence activities in this area.

There was a surprising and almost unbelievable lack of recollection on the part of many of the Subcommittee witnesses whose responsibility to investigate the original My Lai allegations should have caused a more lasting impression on their minds as to the incidents and events involved.

The ground troops involved in the action at My Lai 4 had been in Vietnam less than four months, but during that time had received many casualties as a result of mines, booby traps and sniper fire. "C" Company had suffered 42 casualties since it had been assigned to Task Force Barker on January 26, 1968, thereby reducing its strength by about one-fourth. . . .

The units involved in the My Lai operation had minimal training with respect to the handling of civilians under the Rules of Engagement and the Geneva Conventions.

At the company briefing the day prior to the My Lai 4 action, the troops were advised that all civilians were expected to be gone from the hamlet at the time set for the assault. The troops were advised that they were to destroy the hamlet and make it unusable as a base camp for the Viet Cong 48th Battalion. No specific instructions were given as to the handling of civilians in the event any were encountered.

The Subcommittee finds that, based upon the testimony it has received, it would be unfair to attribute misconduct to all members of Task Force Barker. Those who may have violated the Rules of Engagement were the exception.

As a part of the March 16th operation, the actual insertion of troops was to be preceded by artillery fire. Although this was to be directed at the western side and edge of the hamlet, some of the shells impacted within the hamlet itself. Gunships were also used in connection with the operation. It appears that the artillery and gunships accounted for some civilian casualties. At the conclusion of the artillery fire, several hundred villagers left the area and proceeded down the road to Quang Ngai unharmed. Later that day, approximately 80 residents of the Son My areas were directed by troops of "C" Company to leave the combat area and to go a refugee camp.

The helicopter pilot who first reported on civilian casualties at My Lai 4 and his two crew members were given military decorations for actions on March 16, 1968, at My Lai 4 on the basis of statements which were at substantial variance with the truth.

According to the aforesaid helicopter pilot, there was no "armed confrontation" between the U.S. helicopter crew and U.S. ground forces at My Lai 4, as widely reported by the news media. The sworn testimony of the pilot categorically denies that such an incident ever took place.

The Army overreacted by recommending charges in several cases where there was insufficient evidence to warrant such action.

RECOMMENDATIONS

1. Consideration should be given to the amending of the Uniform Code of Military Justice to provide:

(a) that no person subject to the Code shall make public release of any information respecting any investigation or the pendency of any charge until after the convening authority has referred such charge to trial by court-martial; and

(b) that no charge involving an alleged capital offense, committed during a military action against an enemy, shall be referred to trial by court-martial until a duly appointed competent authority has determined the mental responsibility of the prospective accused at the time of the alleged crime.

2. Consideration should be given to amending Section 803(a), Title 10 of United States Code to provide for trial in the United States District Courts, of persons charged with having committed offenses while on active military duty, who are no longer subject to military jurisdiction as a result of having been discharged.

3. The Secretary of the Army should:

(a) require all commanders to submit reports at specified regular intervals attesting that all personnel have had adequate refresher training with respect to the Geneva Conventions and the Rules of Engagements, with particular reference to war crimes;

(b) issue or cause to be issued such regulations as may be necessary to insure that all investigations of allegations of possible war crimes be conducted by competent, trained investigators who shall be independent of the immediate command involved in the alleged incident. The record of all such investigations shall be maintained in writing and copies forwarded to the Secretary of the Army;

(c) require official Army photographers to submit to their superiors all photographs taken while on assignment whether taken with personal equipment or that issued by the Army;

(d) require all Army photographers to receive such training as may be necessary to insure that the Army obtains the most complete pictorial coverage possible of all military operations to which photographers are assigned; and

(e) review the practices and procedures in awarding medals and decorations with particular reference to: (1) requiring that all supporting statements be dated and be in affidavit form, and (2) requiring special scrutiny of reciprocal recommendations for awards.

4. The Secretary of Defense should apply the recommendations directed to the Secretary of the Army, *supra*, to all military departments.

[From the Birmingham (Ala.) News, July 26, 1970]

FOR DICKINSON, RIVERS AND OTHERS—PROBE OF MY LAI STILL DRAWS COMPLIMENTS

(By James Free)

WASHINGTON.—Rep. William L. Dickinson, R.-Montgomery, and other members of the Special Armed Services Subcommittee—which recently took the hide off the Army for the My Lai mass killing of civilians and later attempts to suppress reports about it—are still getting compliments for the way they handled this tough assignment.

It is noteworthy that one of those who speaks highly of the report is Rep. Mendel Rivers, D-S.C., chairman of the full Armed Services Committee. As was noted by this newspaper, Chairman Rivers held up the printing of the report for about two weeks in a vain attempt to persuade the subcommittee to soften its bare knuckle language at several points.

But any differences Rivers may have had with the four-member group he appointed last December should not obscure the fact that Chairman Rivers deserves a major share of the credit for starting this My Lai probe over strong Pentagon opposition.

Rivers' critics often charge that he works hand-in-glove with the Defense Department, that in his eyes the military can do no wrong. Such a view hardly squares with the fact that within three days after he received on April 4, 1969, a mimeographed letter from an ex-GI, Ron Ridenhour, detailing charges of the My Lai, or Pinkville, killings, Rivers sent a copy of the letter to the Army and asked for an investigation.

The record shows that Rivers later gave the Army several forceful prods to take the investigation more seriously.

On Nov. 24, 1969, Rivers announced that his investigating subcommittee had asked the Army to furnish all information on the incident at Pinkville. That same day the Army announced appointment of Lt. Gen. William R. Peers "to explore the nature and scope of the original Army investigation . . ."

On Dec. 30, 1969, Rivers' subcommittee requested Sgt. David Mitchell and another witnes be made available to testify on Dec. 31. On the 31st the Army announced that Sgt. Mitchell would be tried by a general court-martial.

It is characteristic of the Armed Services Committee under Rivers' leadership that the subcommittee report was unanimous. Two Democrats and two Republicans resolved whatever minor differences of opinion they had and got together without a minority report.

This is typical of the bi-partisan approach the full committee has taken under Rivers. The South Carolinian is not as brusque with witnesses or as arbitrary with the gavel as was his predecessor as chairman, Rep. Carl Vinson, D.-Ga. But the committee functions a lot more democratically and minority members—in party and in opinion—have more chance to be heard.

Rivers is not a popular hero in the House. His strictly-from-Dixie accent, his flowing white hair, and his sometimes biting remarks in debate stir occasional strong resentment. But he has the staunch loyalty of fellow members of the Armed Services Committee, Democratic and Republican.

ALL NOT GUILTY

Along with its burning criticism of Army handling of the My Lai incident at all levels, the subcommittee stressed that by no means all of the task force in Pinkville that day were guilty of misconduct—that, in fact, most of the men did not appear to be guilty.

And, without excusing those who did kill civilians, the subcommittee made these comments about conditions prevailing at the time:

"In a war such as that in Vietnam, our forces in the field must live for extended periods of time in the shadow of violent death and in constant fear of being crippled or maimed by booby traps and mines. And added to this is the fact that this is not war in the conventional sense. The enemy is often not in uniform. A farmer or a housewife or a child by day may well be the enemy by night, fashioning or setting mines and booby traps, or giving aid, comfort, and assistance to the uniformed enemy troops.

"Under such circumstances, one can understand how it might become increasingly difficult for our troops to accept the idea that many of those who kill them by night somehow become 'innocent civilians' by day. Understandbly, such conditions can warp attitudes and mental processes causing temporary deviation from normality of action, reason, or sense of values."

And—

". . . It is reasonable to conclude that those 'civilians' present in the hamlet of My Lai 4, except those too young to do so, were there to aid the enemy or his cause. They had been previously removed from the village to the safety of a refugee camp but subsequently returned. They had been repeatedly warned to leave the area because of the likelihood of military action . . . the village of Son My, of which My Lai 4 was a part, was a hard-core Viet Cong area and had been for more than 20 years. The hamlets were fortified by camoflaged fighting bunkers and used as base and supply camps for the Viet Cong and North Vietnamese."

MYLAI SUBCOMMITTEE: WHERE THE BUCK STOPPED

(By Brooke Nihart)

The House Armed Services Committee report on the My Lai tragedy, released on 14 July, is a sad, historic, and uncommonly blunt report. But out of it fall two particularly important and constructive recommendations:

That the Uniform Code of Military Justice be changed to prohibit pre-investigation release of charges being preferred against Servicemen, because the inevitable result of the release of charges is that "for all intents and purposes [their] professional military careers . . . are ended regardless of the outcome of the [pre-trial] investigations"; and

That the U.S. Code be amended to permit trial of persons separated from the Services for offenses committed while on active duty.

We can't avoid the thought of how heavily his investigation and its gut-wrenching findings must have weighed on Subcommittee Chairman F. Edward Hebert (D.-La.), long a champion of the Armed Services. Hebert and his colleagues—Congressmen Samuel S. Stratton (D-N.Y.), and Charles S. Gubser (R-Calif.), and W. L. Dickinson (R-Ala.)—heard 152 witnesses, held 16 days of hearings, took 1,812 pages of sworn testimony, and produced or combed through 3,045 pages of witness statements. Their report, which many editorial writers last December said would be a "cover-up," speaks well of our government's system of checks and balances—and of the integrity of HASC Chairman L. Mendel Rivers. On his own initiative, Chairman Rivers elected to investigate a matter which could—and did—make an institution and a cause that he loves look very bad. And he gave uncompromising support to the Hebert Subcommittee, even when it concluded that indeed there had been a cover-up of the My Lai tragedy and charged that the Army had seriously impeded and delayed the Subcommittee's investigation.

President Harry S. Truman, referring to the ultimate responsibilities of his office, once said: "The buck stops here." At a critical juncture in America's agony, Mr. Rivers and Mr. Hebert chose to "stop the buck" themselves in what has to be one of Congress' finest hours—albeit a sad one—in its investigative role.

But the Hebert report triggered rather nominal news stories, and virtually no editorial comment. Thus, we can't help wondering: Where are the editorial writers who are usually so critical of both the Vietnam War and the House Armed Services Committee? Where are those who said last December that the Hebert investigation itself would be "another My Lai whitewash"? Our ears are straining to catch their comments on the Hebert Subcommittee's My Lai report.

SGT. WILLIAM C. RAY

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. SNYDER. Mr. Speaker, I rise today to pay tribute to Sgt. William Clayton Ray, who was killed by the shattering

blast of a land mine in Vietnam on July 4, 1970.

Bill was the 114th northern Kentucky fighting man to give his life for his country in Southeast Asia.

Sgt. Ray of Kenton County, had been married barely 16 months when he made the highest sacrifice for his country and for those of us whom he died defending. I know I speak for the people of the Fourth District of Kentucky—and for all Americans—when I convey my deep sense of loss and sympathy to his young widow and the Ray family.

William Ray's heroic service, in a time when the loyalty of American youth is often brought into question, serves as an example for all patriotic Americans.

An editorial concerning the loss of Sergeant Ray in the Kentucky Post, July 10, follows:

SGT. WILLIAM C. RAY

Sgt. William Clayton Ray was doing a job he didn't like, but he was doing his duty as a soldier when his life ended with the shattering blast of a land mine in Vietnam.

The handsome, athletic, former honor student thus became Kenton County's 44th casualty and northern Kentucky's 114th of this war. His name is added to a bitter list of heroes.

And the pain is all the more poignant in that this young man and his bride of barely 16 months had suffered separation almost from their wedding date, when he was drafted, sent to camp for training, and then last January shipped out to Asia.

Our profound sympathy goes to his young widow and to his remaining family.

CHILDREN'S HOSPITAL OF THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. NELSEN. Mr. Speaker, a fine old institution which is doing a big job in the modern era of child health care, the Children's Hospital of the District of Columbia, is marking its hundredth year of service to sick children in the Metropolitan Washington area and in the regions beyond.

Because of my longstanding interest in improving the quality of medical service available to the children in my district, my State, and the Nation as a whole, I have watched the efforts being made by the Children's Hospital of the District of Columbia to develop a national medical center whose teaching and research programs contribute to the improvement of pediatric health care for children everywhere.

For this reason, I was associated with enactment of the District of Columbia medical facilities authorization statute of 1968 which provides a Federal grant-loan program under which the Children's Hospital of the District of Columbia can replace its outdated, inefficient, and overcrowded facility for the care of sick children and for teaching and research in pediatrics.

This authorization statute, enacted almost 2 years ago, is in line with current national thinking on construction of hospital facilities because it is limited to modernization and replacement of existing bed capacity and calls for a 50–50 Government loan-grant program to achieve its objectives.

Also, the facilities of Children's Hospital make a major contribution to providing health care for the children of the so-called inner city. Its charity work, even in an era of increased Government programs, is reflected in its $1½ million annual deficit which is covered in large part by annual contributions from warmhearted members of the Metropolitan Washington community.

Last April 10, the Children's Hospital family held its centennial dinner as a prelude to the regular meeting of the American Academy of Pediatrics which was held in Washington to mark the hundredth anniversary of this fine institution. The academy consists of pediatricians from all parts of the country who treat sick children in all States.

I am offering for the RECORD the brief remarks made at the centennial dinner by two of the volunteer citizens of the Washington area who contribute their time and effort—along with many other dedicated people—to the development of a Children's Hospital National Medical Center for the benefit of sick children everywhere.

From these remarks, I learn of two very interesting developments: First, that Children's Hospital is planning to start the first phase of construction October 1, on land adjacent to the Washington Hospital Center, and is trying to raise money from private contributions to supplement the Federal aid indicated in the authorization statute; and, second, I am pleased to note that the physicians on the medical staff of Children's have given a big boost to the fundraising by making their own commitment for a $1 million contribution. This certainly demonstrates their dedication to the hospital and to child health care generally.

The remarks referred to above, follow:

REMARKS BY MR. RUDOLPH KAUFFMANN II

This is a family affair. The family concerned is what we at Children's Hospital refer to as The Children's Hospital Family—Corporate Members, Directors, Doctors, Nurses, Staff, Alumni, members of kindred organizations with which we're affiliated, friends, supporters, well wishers.

On December 5 of this year, our hospital will be 100 years old. We shall no doubt discover some appropriate way of observing our actual birth date. But what could be more appropriate than to share our birthday with our alumni here for the annual convention of the American Academy of Pediatrics. For it is to the medical profession, particularly those men saw the need for specialization in the care of children, that we owe our existence.

Let me take you back to the City of Washington of 1870.

The Civil War had been over only 5 years. The city still bore the scars of war, not the least of which were the human scars—poverty, ignorance, disorientation and consequent diseases and congenital defects. The condition of many children here, especially, if it were to confront us today, would be reminiscent of the sort of thing one finds in so-called underdeveloped nations.

Unfortunately some of these scars are still visible today. How much worse they would have remained if it had not been for Children's Hospital we have no way of knowing. But I know in my heart that they would be worse, much worse.

Fortunately, in 1870, there were dedicated physicians here who refused to view this condition of the city's children with indifference. They sought out civic-minded men of some substance and reputation in the community, men who had the vision of a city worthy of the honored name of Washington. The results: On December 5, 1870, a small group of such individuals appeared before the city's commissioner of corporations and pledged themselves to:

". . . establish a charitable institution in said District of Columbia to be used as a hospital and dispensary for the treatment of the medical and surgical diseases of children, where all such may be treated gratuitously. . . ."

And in 1884 they amended this to state that:

". . . the particular business and object of said corporation is to establish and maintain a hospital and dispensary for the gratuitous medical and surgical treatment of indigent children . . . without distinction of race, sex or creed . . ."

The incorporators added, as an afterthought, that fees for care could, at the hospital's discretion, be collected from parents who could pay.

We hear a lot today about voluntary "nonprofit" hospitals. We are a voluntary charitable hospital. There's a difference. We have lived by the words of our founders. We intend to continue to give them meaning. We have operated at substantial deficits and have relied on the financial support of our "family" and the community to make up the difference. We shall continue to do so.

In its early years the hospital was primarily a "care" institution. But the medical staff and directors came to realize that medication, surgical procedures and nursing were not enough. The hospital's mission was gradually broadened to include the education of young doctors and nurses, later research into the causes and cures for children's diseases.

Beginning about 15 years ago we began tailoring the organization to give the fullest possible meaning to this evolution, even though handicapped by an inability to expand and modernize in a truly meaningful way the physical plant of the Hospital. What has finally evolved is a center of pediatric excellence—actually, it would be difficult to justify the Hospital's existence as anything else.

Today, we've converted our last broom closet to serve the work professionals preeminent in a broad spectrum of pediatric specialties. And, having moved in 1879 to our present location (it was the edge of town then) we have no alternative but to move again.

This is not a "fund-raising" dinner. It's a party. However, what we must do will cost a very great deal of money; and we are preparing to seek it. The "family" will be hearing from us.

REMARKS BY MR. WALLACE WERBLE

In the broad sweep of history, a hundred years is only a measure of time, and a second hundred years is only twice the measure.

But in the span of a lifetime, a hundred years is a significant milestone for any institution, and a second hundred years represents the dreams and aspirations of all those committed to the present and the future.

On behalf of the Hospital Board, which serves, in a sense, as the trustee for the well-being of all sick children in the Metropolitan Washington Area, it is a privilege to express gratitude to all of you who have joined with the "family" at this important moment in the history of the Hospital.

We hope that all of you will consider yourselves, henceforth, as members of our Children's Hospital "family" and we welcome the addition of the distinguished guests from Greece, from Philadelphia, from the District of Columbia "City Hall," from the new leadership in our own Health Department, and from all the parts of the nation represented by the officers and governing body of the American Academy of Pediatrics.

To the Academy of Pediatrics, we acknowledge a great debt for the fact that it scheduled one of its all-important meetings in Washington to serve as the highlight of our program for marking a hundred years of service to sick children. The Academy, in the broadest sense, is the custodian of the quality of health care made available to all children in the entire nation.

In an era when government and other interested groups—including the Academy and our own Hospital—have focused attention properly on the pressing need for heroic expansion in the quantity of health care available to children, it is still reassuring—as parents and grandparents, uncles or aunts—to know that the Academy continues as the stern and influential guardian over standards of quality.

All of us, as we strive to achieve our dreams of a Children's Hospital National Medical Center, hope that our dedication to maintaining standards of quality, at the same time that we provide community leadership to the expansion of available quantity in child health care, will make the Academy of Pediatrics forever proud of its decision to meet this spring in Washington in tribute to our hundredth year.

It would be presumptious for me, as an individual, to attempt an expression of thanks to the members of the Hospital "family" for their presence here and for their past, present and future commitment to the support of Children's Hospital and its objectives.

I do want to express appreciation, however, to Dr. and Mrs. Elliott for joining us. Dr. Elliott is president of George Washington University, which will soon celebrate its 150th anniversary. We have recently entered an agreement for a closer affiliation in matters of pediatric education with this university.

But we also will continue to offer our Hospital for the training in pediatrics of all medical students from all medical schools in our area that wish to use our facilities for this purpose. We are particularly happy to have Dean Parks of the George Washington Medical School and Dean Rose of the Georgetown Medical School with us.

All of us in the Children's Hospital "family" are committed to serve. To us, it is an opportunity to demonstrate that we care in a world which sadly has begun to doubt whether people care for people. The members of our family do care—and they care a little bit more than most people.

Thus, in the name of all sick children, thanks and gratitude are due all of you who serve as annual members of the Hospital, as members of the newly formed Committee of 100 to mark the hundredth anniversary and as members of our Medical Board and staff, the Board of Lady Visitors, and the Child Health Center Board, which is taking over the important "outreach" responsibility in our new pattern of child health care.

Our thanks also to our affiliated Hearing and Speech Center Board, and to the Board of the Hillcrest Center for Mental Health, with whom we are working to achieve a closer and truly meaningful relationship in this vital area of child health care.

And gratitude is due also to everyone who works at this Hospital in a medical, administrative or other capacity to insure day-in-and-day-out service for sick children.

Probably no other institution in the Washington area has ever undertaken goals of the size and scope to which the Board of Children's is committed.

We are embarking on a capital fund drive designed to raise the $15 million in private money which, with federal funds, will finance construction of a new Children's Medical Center adjacent to the Washington Hospital Center.

At its March meeting, the Board of Children's voted to start a phased-construction program for the new Center on next October 1, providing the capital fund drive could raise $6 million, primarily from local resources, by the end of August.

If this sub-goal can be achieved, fourteen months can be cut from the time it takes to construct a new Children's medical center. At the current rate of escalation, the cost of the new construction increases an estimated $400,000 a month, or approximately $5 million a year.

At the same time, our annual fund drive is committed to raising at least a million dollars a year to make up the operating deficit of the Hospital. In time, this figure will increase to a million and a half dollars.

This year, our annual fund drive—money contributed from all sources and benefits to operating expenses—will reach the million dollar mark for the first time.

These are the kind of figures to cause a sinking sensation in the pit of the stomach, but it took the doctors, fittingly enough, to cure the uneasiness experienced by all of us.

The cure, I am privileged to disclose for the first time tonight, is a commitment by the Medical Staff of our Hospital to provide at least $1 million of the $15 million we need to build the new medical center.

No one can conceive of a greater birthday present to Children's Hospital than this commitment. I would like to ask all the laymen in the room to rise and join with me in applauding our doctors—who by this and by their many other dedicated actions and deeds demonstrate every day that they care very deeply for all aspects of child health care.

Motivated by the inspiration from the doctors, I can assure you that the active, committed and dedicated laymen in our family approach their money-raising job with greater confidence. The movers-and-shakers in our midst don't seem to be scared by the numbers, and committees to raise the money for capital expansion and sustaining operations are hard at work—each confident it will achieve its goal so vital to the next hundred years of our institution.

The plans for our new hospital are breathtaking. Our architects and planners have devised the most modern kind of facility, the most unhospital-like hospital in the country, virtually enveloped in glass to provide maximum light and bright atmosphere.

For the doctors who are visiting with us, let me tell you of an exciting concept—we will have no out-patient department, as such. The patients described by you as clinic patients will not crowd and wait on hard benches, but will go to locations throughout the medical center, adjacent to the regular office of the physicians and specialists who treat them.

Essentially, we are engaged in a life-and-death "business" if you will pardon the word. We hope to bring children's care closer to where they live, and develop our medical center as the referral specialist in life-and-death cases. Our Board is forever aware of the question—What is the life of a single child worth? Your child, my child, a ghetto child, any child!

By your presence here tonight, you have affirmed a continuing commitment to the great ideal on which this institution was founded—that is, that people do care what happens to other people, particularly children..

Dedication to this ideal has kept our institution alive during many dark days over the past hundred years—some of the darkest have been experienced during the past 10 or 15 years.

For the future of our institution—and perhaps for the future of a civilized society—it is more important than ever before for people who care to demonstrate this fact because it is being questioned in unprecedented ways in the wake of the complex and often disheartening sociological, medical, generational and other revolutions through which we are now struggling.

The future of everything we cherish may well depend on the efforts from all of us to demonstrate a care for people and to prove the ability of our institutions to cope with the vastly increased size and the expanded new dimensions of the health and other problems confronting us.

The next hundred years will be most interesting.

PAULA ECHEVERRIA OF PLANNERS, INC., DISCUSSES ADMINISTRATION POLICIES IN LETTER TO HUD UNDER SECRETARY VAN DUSEN

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. REUSS. Mr. Speaker, on June 9, 1970, a delegation of architects and planners under the leadership of David Todd, past president of the New York chapter of the American Institute of Architects, visited HUD Under Secretary Richard C. Van Dusen to protest the administration's war and domestic policies.

Among the group was Mrs. Paula Echeverria of Planners, Inc., who sent the following letter to Under Secretary Van Dusen on July 10, 1970, as a result of that meeting:

PLANNERS, INC.,
July 10, 1970.

Mr. RICHARD C. VAN DUSEN,
Under Secretary of Housing and Urban Development, Washington, D.C.

DEAR MR. VAN DUSEN: I wish to add my thanks to these of David Todd for meeting with our group of architects and planners on June 9th.

I was horrified to read that your office applied pressures threatening to withhold housing allocations to Congressional Districts voting against the Cooper-Church Amendment.

Furthermore, I note, in my June 29 issue of I. F. Stone's weekly, quotations from the Baltimore Evening Sun of June 16 and Bernard Nossiter in the Washington Post of the same date rebutting your comments to us concerning the Administration's eagerness to pass the Emergency Housing Financing Act of 1970. In fact, Mr. Patman and White House Staff both corroborate the fact that no such pressures were exerted—until the President made his speech on Economic Policy.

The purpose my colleague had in coming to you was to warn you of our profound

misgivings on the course of U.S. Domestic Policy. We cannot distinguish its clear and close interrelationship with foreign policy committments that we believe are directly contrary to the best interests of this Country. Further cause for such misgivings are seen in today's Post, when Defense Secretary Laird states that we will have to increase military aid to South Korea, to compensate for withdrawal of American troops from that country! I do not see any realistic promise of reduction in the American military role in the world, despite your statement that Human Resources Appropriations will exceed military appropriations this year.

In short, we are still confronting the wide gap between statements of policy and performance. Citizens have witnessed this gross inconsistency in government for some time now and it appears to make little difference if the Party in power is Democratic or Republican. As we said to you, behaviour like this makes it increasingly difficult for us to sustain any faith in the good intentions of those of you now responsible for leading the country. Forbearance is out of the question.

Your own splendid description of metropolitan problems is hollow indeed without immediate constructive measures to implement the policies you correctly cited: merging of the metropolitan tax base; improvement and diversity in the quality and texture of existing old centres to reestablish them as heterogenous activity centers for citizens of all races and incomes; construction of new housing in the suburbs; improvements in the full range of services, education and day care, health and job training. But these are all empty statements without the assurance of jobs, without the assurance of adequate funding for services.

In Washington, this means a major development plan for the 2,200 acres of the Anacostia Basin to provide alternate housing resources that will speed urban renewal now moving at a snail's pace because of the lack of adequate relocation resources. Recent action on Fort Lincoln, I am happy to see, is one small step in the right direction. It further means adopting a regional housing and employment policy with an acknowledged objective of an even spread of its 25 percent Black population throughout the Metropolitan area. It means a conscious Federal Employment Policy to meet this goal. Federal site selection for both rental and owned space should be directed toward providing the necessary range of housing and urban services in conjunction with the bonanza of construction and leasing of millions of square feet of office space for Federal agencies.

I am enclosing a position paper of the Washington Planning and Housing Association, prepared under my chairmanship of its Committee on Planning and Economic Development. This demonstrates the problems of Washington as we see them—and lays out a strategy for their solution. The paper was initially prepared by me as Consultant to the Board of the Washington Urban League. It has been adopted as the joint thinking of both citizen organizations.

Each member of the Cabinet, I believe, must impress upon the President the need to plan now for conversion of the economy from war to peace time activities. The increasing unemployment due to moderate aero-space cutbacks demonstrates further the need for affirmative tools for government to initiate the conversion. Construction and new services in our cities is the obvious place to take up the slack.

This is why we are interested in an Urban Growth policy Act that not only establishes a mechanism for making urban settlement policy but also creates the necessary institutions to carry it out. There is no alternative to strong federal leadership in this regard.

Sam Jackson's Assistant, Carlos Campbell, addressed a meeting of Washington Council of Governments on June 16th. His speech was a rather ludicrous indictment of white racism as the major constraint on the solution of urban and metropolitan problems. When a representative of HUD has *no policy* to present and no program tools with which to implement such policies, he only starts a fruitless cycle of speculation on causes and effects. This is a weak and foolish role for a Federal official, for which I can hardly blame an earnest young man coping with an impossible public role. Your own obvious grasp of the problem was most impressive. I urge you to use your skills to redirect Federal Policy with the same passion that you summoned for that pointless political indictment of the House Banking and Currency Committee.

There is no point in the Administration's new tolerant stance vis-a-vis dissent unless it denotes a readiness to do more than dialogue with the opposition. The way to deal with dissent is to meet on its own ground and respond concretely to the gaps and deficiencies that generate such opposition.

I urge you to bring these matters to the attention of Mr. Romney and Mr. Nixon.

Sincerely yours,

PAULA D. ECHEVERRIA.

LEGISLATIVE REORGANIZATION ACT OF 1970

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. SHRIVER. Mr. Speaker, the legislative reorganization bill under current consideration goes a long way in correcting some of the structural problems facing Congress today. Many issues remain which the reported bill does not begin to deal with, nor could we reasonably expect it to. The issue is far too complex to be dealt with in a single bill. I wholeheartedly support the current measure as indicated, but I hope that this will not represent the end of legislative reform.

I fully support efforts being made to help bring an end to the secrecy surrounding a number of House procedures. As a cosponsor of an amendment to allow for the recording of teller votes, the passage by the House on Monday of a similar amendment was most gratifying. It is important that the public have available a record of votes on major amendments while the House sits in the Committee of the Whole. The recording of teller votes, upon demand of at least 20 members, would allow for such consideration the public deserves. If this procedure is unworkable, provision should be made for recorded votes of both winning amendments and losing amendments.

The following editorial that appeared in this morning's Washington Post applauding the adoption of this much needed reform amendment is one which I commend for reading by my colleagues:

OPEN HOUSE

Those cheers that echoed in the House of Representatives on Monday may have violated Cannon's Rules but they were nevertheless very much in order. They were cheers for democracy, for the basic idea of representative government, for the concept of government by the consent of the governed. They came in response to a historic House decision to put an end, at long last, to its ancient practice of voting in secret on amendments to pending legislation. By an almost unanimous voice vote, the members of the House approved an amendment to the congressional reorganization bill providing that in the future they shall be recorded by name as they pass up the aisle to vote on amendments.

The House, at the same time, approved some other exceedingly salutary changes in its procedures. It agreed to permit at least 10 minutes of debate on any amendment printed in advance in the Congressional Record. And it approved the installation of electronic voting equipment to speed up roll calls—provided that later on the House decides that it wishes to tally its divisions in this modern, efficient and sensible fashion. More's the pity that it did not decide also to make committee meetings open to the public as a general rule. All these changes are simply devices for transacting the public business in public. They will serve at once to help the representatives themselves to know what they are doing and to help their constituents to know what they have done.

Because in their present form the changes are amendments to a bill which must have the concurrence of the Senate before it can become law, one cannot yet regard them as *faits accomplis*. But the support for them in the House was so strong, so healthy and so overwhelming that one can reasonably suppose the House would adopt them as rules of its own if the Senate should fail to translate them into an act of Congress. They reflect great credit on the House and will surely enhance the confidence of the country in its government.

Secrecy in the House is one of those curious folkways perpetuated as tradition long after the purpose for which it was originally contrived has been forgotten. The House of Commons in England undertook to keep its proceedings secret in order to protect its members from reprisals by James I and Charles I in the 17th century. The practice, designed to offset despotism, soon proved itself despotic. It led to all sorts of abuses difficult to unmask and to rebuke because responsibility for them could not be discerned. "Next to the existence of open constituencies, and a fair mode of election," the historian Lecky wrote, "the best security a nation can possess for the fidelity of its representatives is to be found in the system of parliamentary reporting. But this was also wanting. The theory of the statesmen of the first half of the 18th century was that the electors had no right to know the proceedings of their representatives, and it was only after a long and dangerous struggle, which was not terminated until the reign of George III, that the right of printing debates was virtually conceded."

The right of a free people to know how their elected representatives vote is a right without which elections can be considered neither free nor meaningful. The House of Commons recognized this long ago. The House of Representatives honors its best values in joining them now as a genuinely representative body.

We need to maintain an on-going review of Congress and its institutions. The time is long past that we can sit idly by and ignore the increasing complexity of the legislative process without modifying our procedures accordingly. The action we take now is a first step, but I certainly hope it is not the last.

URGENT NEEDS FOR H.R. 18185 MASS TRANSPORTATION FINANCING

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. WIDNALL. Mr. Speaker, a recent major poll indicates that American businessmen are very anxious to get on with developement of adequate mass transportation facilities. The Chamber of Commerce of the United States released the results of its urban transportation survey in which 152 chambers in 44 States responded.

It is noted that 41 percent of the respondents reported urban transportation activities in their communities as either critical or getting progressively worse.

Only a slight majority foresee minor improvement over the next 5 years. Most chambers believe that improvement depends primarily on additional financing.

H.R. 18185, which would provide needed Federal assistance, was introduced by 26 members of the Banking and Currency Committee including myself, and was approved by the Committee on June 30.

To date it appears that the Rules Committee has not held a hearing on the bill, because there has been no reported request for a hearing by the Chairman of the Banking and Currency Committee.

This is an urgent national need and should have prompt action. I include a report on the chamber survey which further indicates the demand for attention:

URBAN TRANSPORTATION SURVEY

These findings are based on responses from 152 chambers of commerce (out of 332 queried) in 44 states.

The significance of this survey stems, in part, from the fact that greatly increased Federal assistance will probably soon be available to aid states and communities in improving their urban mass transportation systems.

In February, 1970, the Senate passed the Urban Mass Transportation Assistance Act of 1970 (S. 3154) which provides a Federal commitment of $10 billion over a 12-year period and gives the Secretary of Transportation authority to obligate up to $3.1 billion immediately upon the bill becoming law.

For the first time, Federal assistance would become available over a time span sufficient to accomplish the planning, decision-making and financing necessary to the orderly development of mass transportation systems.

Similar legislation (H.R. 18185) was introduced in the House on June 23. Legislation, perhaps representing a dollar compromise between the Senate and House bills, seems certain to be passed during the current Congressional session.

These survey results should be useful to local chambers in their cooperative efforts with state and local authorities to improve their urban mass transportation systems.

SURVEY HIGHLIGHTS

Sixty-three (41%) report urban transportation problems either critical or getting progressively worse.

Factors causing transit problems:

Lack of patronage	95
Increasing urbanization	79
Increasing wages and operating costs	60
Failure to provide adequate, comfortable, convenient, frequent and low cost service	54
Inadequate equipment and facilities	44
Fragmented political jurisdictions	41

Five-year changes expected:

Slight improvement	77
Great improvement	25
Deterioration	23

Improvement depends on:

Additional financing	78
Better roads/highways	57
Political developments	49
Better equipment	48
Fringe parking areas	39
Additional equipment	37

Problem solving most needed through:

City planning/action	69
State planning/action	34

Efforts to ease congestion being made through:

Establishing one way streets	122
Staggering traffic lights	80
Eliminating parking on main thoroughfares	80
Providing fringe parking areas	60

Ninety-three communities have utilized federal assistance in planning/financing.

(NOTE.—Because not all respondents answered all questions and because some respondents in question with multiple answers checked more than one, totals frequently are not consistent.)

SURVEY RESULTS

Number of chambers responding by population represented

Under 50,000	15
50,000–100,000	42
100,000–200,000	38
200,000–300,000	9
300,000–500,000	15
500,000–1,000,000	14
1,000,000–2,000,000	12
Over 2,000,000	7
Total	152

1. Are transportation projects included in work program?

Yes	124
No	12

2. Does your chamber have a transportation (or similar) department?

Yes	70
No	70

Principal functions are:

Liaison with officials	70
Participation in regulatory proceedings	70
Transportation of people	69
Highways and airport access roads	67
Legislation	66
Transportation of goods	64
Planning	56
Parking facilities	34

3. Urban transportation responsibilities are assigned:

As sole responsibility of a particular committee	59
To a committee having other responsibilities	47
Not specifically to any committee	21

4. Separate transportation committee maintained for:

Air	96
Highways	84
Parking	45
Inland Waterways	32
Freight Traffic	31
Motor	30
Rail	26
Safety	17
Ocean	7

5. Special local transit authority/agency established for your area:

Yes	55
No	89

If no, is one necessary or desirable?

Yes	33
No	40

6. Has a multistate or regional transportation compact or agreement been established in your area?

Yes	43
No	82

In progress, 17.

If no, is one necessary or desirable?

Yes	28
No	32

7. Do your state constitution and statutory provisions require amendment, particularly with reference to application of available funds, in order to achieve a proper balance between highway and other modes of transportation?

Yes	51
No	63

If yes, necessary action is:

Being taken	16
Planned	20
Receiving no attention	9

8. Has your community utilized Federal assistance for mass transit facilities?

Yes	93
No	50

What for?

Planning grants	69
Capital grants	47
Loans	8
Training	5

9. State provides financial assistance in meeting community transit problems?

Yes	55
No	83

a. Community has utilized this assistance?

Yes	53
No	1

b. What for?

System improvement	20
Equipment	15
Subsidies	7

10. Specific plans have been developed for meeting urban transportation requirements over:

More than 10 years	36
5 to 10 years	21
3 to 5 years	10
One year	10
One to three years	8

11. Efforts have been made to ease congestion by:

Establishing one-way streets	122
Eliminating parking on main thoroughfares	80
Staggering traffic lights	80
Providing fringe parking areas	60
Adding more traffic police during rush hours	59
Staggering working hours	49
Improving transit services	48
Providing express bus lanes	12

12. How do you rate the urban transportation situation in your community?

Difficult and getting progressively worse	48
Difficult but progress being made toward solution	43
Minor problem	30
Crisis stage	15
No problem	1

13. Factors causing urban transit problem:

Lack of patronage	95
Increasing urbanization	79
Increases in wages and operating costs	60
Failure to provide acceptable service	54
Failure to modernize equipment and facilities	44
Fragmented political jurisdictions	41
Failure of local/state authorities to take action	40
Poor planning	32
Outdated local/state regulatory procedures	10

14. Over the period of the next five years, urban transit facilities will show:

Some but not much improvement	77

Great improvement 25
Deterioration 23
No change 17

15. Improvement depends most upon:
Additional financing 78
Better roads-highways 57
Political developments 49
Better equipment 48
Fringe parking areas 39
Additional equipment 37
Additional transit systems 26
Technical improvements 23

16. Problem solving emphasis is most needed in:
City planning 69
State activities 34
Private enterprise 14
Federal policies and action 12

17. Would like additional information on:
Case studies covering successful actions by chambers of similar size 84
Meeting transportation needs of low-income residents 69
Responsibilities that have been assigned to and actions taken by transportation or urban transit committees of other chambers 63
How other chambers go about involving businessmen in mass transit problem 62
Reducing congestion in the central business district 56
Experience of cities that have established express bus lanes 35
Transportation of people within the central city 34
Legislation/city ordnances that require apartments and businesses to provide off-street parking 24
Transit services within the framework of overall community development 10

RESPONSES TO SELECTED QUESTIONS BY POPULATION GROUPS

	Under 50,000	50,000 to 100,000	100,000 to 200,000	200,000 to 300,000	300,000 to 500,000	500,000 to 1,000,000	1,000,000 to 2,000,000	Over 2,000,000
1. Has a special local transit authority/agency been established in your metropolitan area?								
(a) Yes	2	6	14	1	8	6	11	7
(b) No	12	30	26	7	5	8	1	
If no, is one necessary?								
(a) Yes	3	13	9	2	3	2	1	
(b) No	4	17	13	3	1	2		
2. Has a multistate or regional transportation compact or agreement been signed for your area?								
(a) Yes	3	6	14	3	2	3	8	4
(b) No	10	27	21	2	9	8	4	1
(c) In progress		7	3	2	2	2		1
If no, is one necessary or desirable?								
(a) Yes	4	11	6		2	3	1	1
(b) No	2	10	12	1	3	3	2	
3. Has your community utilized Federal assistance in planning and financing mass transit facilities?								
(a) Yes	4	22	23	8	10	8	12	6
(b) No	10	20	12	2	3	3		
If yes, what for?								
(a) Loans		1		1	2	2		2
(b) Capital grants	8	16	2	8	3		4	6
(c) Planning grants	4	13	16	3	8	9	10	6
(d) Training			2		1		1	1
(e) Other	1	2		2		2	2	1
4. Specific plans have been developed for meeting urban transportation requirements over:								
(a) More than 10 years	2	8	10	1	5	4	3	3
(b) 5 to 10 years	3	5	5	1	2	2	3	
(c) 3 to 5 years	1	4	3		1		1	
(d) 1 to 3 years		1	3	2	2		2	
(e) 1 year	1	1	2		2	1		1
5. Efforts have been made to ease congestion by:								
(a) Establishing 1-way streets	8	32	36	7	11	12	10	6
(b) Staggering traffic lights	5	19	23	5	9	7	6	6
(c) Eliminating parking on main thoroughfares	4	16	23	5	10	7	10	5
(d) Providing fringe parking areas	6	14	13	6	4	5	8	4
(e) Adding more traffic police during working hours	2	11	19	5	6	5	6	5
(f) Staggering working hours	2	9	13	3	3	10	4	5
(g) Improving transit service	2	9	18	2	3	2	7	5
(h) Providing express bus lanes			4		3	2	2	1
6. How do you rate the urban transportation situation in your community?								
(a) Difficult and getting worse	1	11	14	5	2	7	4	4
(b) Difficult but progress being made toward solution	6	11	12		7	2	2	3
(c) Minor problem	5	12	7	2	1	2	1	
(d) Crisis stage	2	3	2		4	1	3	
(e) No problem		2	2		1			
7. Problem solving emphasis is most needed in:								
(a) City planning	6	25	18	4	8	4	3	1
(b) State activities	4	5	8	2	3	5	5	2
(c) Private enterprise	3	6	4	1				
(d) Federal policies and action		1	2	1	2	3	2	

CHAMBERS PARTICIPATING IN SURVEY

Alabama: Mobile, Montgomery.
Arkansas: Fort Smith, Pine Bluff.
California: Fresno, Los Angeles, Modesto, Sacramento, San Bernardino, San Diego, San Jose, Santa Ana, Stockton, Vallejo.
Connecticut: Hartford.
Colorado: Colorado Springs, Denver.
Delaware: Wilmington.
District of Columbia: Washington.
Florida: Daytona Beach, Hollywood, Jacksonville, Lakeland, Orlando, Tampa.
Georgia: Atlanta, Macon.
Hawaii: Honolulu.
Illinois: Chicago, Decatur, Peoria, Quincy.
Indiana: Elkart, Gary, Kokomo, Muncie, South Bend.
Iowa: Cedar Rapids, Des Moines, Dubuque, Waterloo.
Kansas: Kansas City.
Kentucky: Lexington, Louisville, Owensboro.
Louisiana: Baton Rouge, Lake Charles, Monroe.
Maryland: Baltimore.
Massachusetts: Cambridge, Fall River, Springfield.
Michigan: Ann Arbor, Battle Creek, Bay City, Detroit, Flint, Jackson, Port Huron.
Minnesota: Duluth, Minneapolis, Rochester, St. Cloud, St. Paul.
Mississippi: Jackson, Meridian.
Missouri: Kansas City, St. Louis, St. Joseph.
Montana: Billings, Great Falls.
Nebraska: Omaha.
New Hampshire: Nashua.
New Jersey: Newark, Trenton, Vineland.
New York: Buffalo, Elmira, Troy, Schenectady, Watertown.
North Carolina: Asheville, Charlotte, Burlington, Gastonia, Raleigh, Rocky Mount, Wilmington, Winston-Salem.
North Dakota: Fargo.
Ohio: Cincinnati, Cleveland, Columbus, Dayton, Mansfield, Marion, Toledo, Youngstown.
Oklahoma: Tulsa, Oregon, Portland.
Pennsylvania: Harrisburg, Hazelton, Lancaster, Lebanon, Philadelphia, Pittsburgh, Reading, Wilkes-Barre.
Rhode Island: Providence.
South Carolina: Greenville.
South Dakota: Sioux Falls.
Tennessee: Chattanooga, Kingsport, Memphis.
Texas: Abilene, Amarillo, Austin, Beaumont, Corpus Christi, Dallas, El Paso, Fort Worth, Harlingen, Galveston, Houston, Odessa, Port Arthur, San Antonio, Texarkana, Waco, Wichita Falls.
Utah: Ogden, Salt Lake City.
Virginia: Petersburg, Portsmouth, Richmond, Roanoke.
Vermont: Burlington.
Washington: Bellingham, Bremerton, Seattle, Spokane, Tacoma.
West Virginia: Weirton.
Wisconsin: Appleton, Fond du Lac, Green Bay, Madison, Milwaukee, Oshkosh, Sheboygan, Wausau.

TAX FREEDOM DAY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. SCHWENGEL. Mr. Speaker, June 11 was designated "Tax Freedom Day" because that is the day on which the average taxpayer has worked long enough to pay his various taxes for the year. While that date has passed, I feel it is most appropriate to keep this fact in mind as we consider the Congressional Reorganization Act of 1970. Hopefully, the effect of this legislation will be to make the Congress more effective, and by virtue of a more effective Congress, we should be able to cut Government spending.

Most Americans have no idea how much of their income goes to taxes. Too many have never even thought about it, except to grumble at income tax filing time. Yet taxes take a massive toll of total income, a fact that should be understood by all Americans.

In 1970, with the economy stumbling through a period of recession and inflation, a sound estimate is that 44 percent of all private income will be spent involuntarily for taxes and other Government-necessitated expenditures. The reference used for this derivation—preliminary, until the July issue, or "National Income Number," is available—is the March "Survey of Current Business," U.S. Department of Commerce, pages 8, 10, and 11. Later references used, include the "Economic Report to the President" and the "Economic Almanac" of the National Industrial Conference Board. Total expenditures of all branches of government minus Federal grants-in-aid to State and local units totaled $315.6 billions in the year 1969. The total of all personal income before taxes was $747.2 billions. Thus, the loss of free choice in the spending of incomes was at least 42.2 percent. Yet, even this does not account for all involuntary expenditures, some of which are not billed directly to the treasury of any government, but are nevertheless required by law. This includes the maintenance of records and bookkeeping by individual citizens on behalf of government agencies. When the total of all these involuntary expenditures is calculated, it comes to at least 44 percent. Using this figure, it can be said that the average person works from the 1st of January until the 11th of June each year just in order to make enough money to pay all of his government burdens.

Needless to say, the costs of these burdens are quite high, both in terms of the smothering of individual initiative, and in increasing the price of goods and services. This is one of the major causes of poverty. This is a situation which spreads disillusionment and misery, believing the great hopes raised by government leaders. The National Taxpayers Union believes that every legislator and administrator whose decisions affect the tax rate should be aware of this situation and act to reduce taxes now.

These figures are frightening, and represent a totally unacceptable loss of freedom in the choice of how we spend our personal income.

REPEAL OF HOUSE CONCURRENT RESOLUTION 108—INDIAN RESERVATION TERMINATION POLICY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, the deplorable situation of the Indian peoples in the United States is one for which we, as Members of Congress, must accept a good deal of the responsibility. For too long we have allowed substandard conditions to exist on virtually all Indian reservations throughout the Nation.

In 1953 the 83d Congress enacted a piece of legislation, House Concurrent Resolution 108, which instead of providing benefits, has wrought hardship and misery on numerous tribes in all parts of the country. This bill expressed what has come to be known as the termination policy, which in effect ends the Government's responsibility in administering Indian affairs.

Though intended to reduce Federal dependence and bring the Indian peoples into the mainstream of American life, this bill has often ended desperately needed assistance programs. Also, the process of turning reservation land over to private ownership has victimized Indians who, lacking prior experience in business matters, fall prey to ruthless profiteers. Certainly the Indian people should be brought into the mainstream of American life, but not at the expense of their own heritage and traditions, and not with the loss of Government programs which are vital to their health, well-being, and progress.

Rather than disown our responsibilities, we should make an effort to share them and involve the Indian people with the administration of their own affairs. Too often Federal officials have been ignorant of and unresponsive to the needs of the people they are supposedly serving. But Indian citizens, administering to the needs of their own, would help end the image of the cold, impersonal Federal complex. These individuals would also have the advantage of much more detailed knowledge of local situations than administrative personnel usually possess.

In 1968 President Johnson stated that the policy of his administration was one of "self-determination" rather than termination. Recently, Secretary of the Interior Walter Hickel also rejected termination as a policy of the present administration. It is time for Congress to declare its opposition to this doctrine, and to take firm steps to better the conditions for all Indian peoples of the United States. The first step toward this goal is the repeal of House Concurrent Resolution 108.

AGE-OLD DREAM REALIZED

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. BOGGS. Mr. Speaker, 1 year ago, three Americans realized an age-old human dream by landing on the surface of the moon.

Today I do not believe we have begun to comprehend the full significance of that achievement or of the other achievements of this country's space program.

A recent advertisement in the Wall Street Journal provides a clear statement of the purpose and byproducts of this country's space program. I am inserting it in the RECORD for the benefit of my colleagues:

THERE ARE MANY REASONS TO CELEBRATE—MOST ARE NOT OBVIOUS

As we look back to the early morning hours of 12 short months ago and the dramatic words, "Houston, Tranquility Base here. The Eagle has landed," followed by ghost-like images bounding across our TV screens, we recall an enormous sigh of relief and a swelling of national pride.

Perhaps obscured by the magnitude of the landing on the moon lay a veritable windfall of technology which, according to one estimate, is already returning four dollars of value for every dollar invested. NASA has cataloged more than 2,500 technological innovations from its space program alone.

Although experience has shown that it takes years to transfer new technology and knowledge to other fields, the commercial "spin-off" from space has come quickly and dramatically in communications, weather forecasting, medicine, materials and electronics, to name a few.

Communications satellites today link 50 nations with telephone, TV and data transmission service, augmenting earth-bound radio and cable systems that had been clogged with international communication traffic.

Weather satellite systems provide worldwide observation of the atmosphere, early detection and tracking of storms, typhoons and hurricanes. The resultant savings in lives is beyond calculation. When Beulah hit in September, 1967, leaving some 300,000 homeless, only 41 lives were lost, thanks to a weather satellite. Besides the obvious benefits to farmers from long-range weather prediction, prevention of crop losses alone is estimated to be worth $1.6 billion a year.

Other earth orbiting satellites track fish schools, monitor fresh water supplies, prospect for gas and oil, and search out new mineral deposits. There have been two spectacular finds in Canada.

In medicine the spin-off has been substantial with many devices already in general practice. A portable electrocardiogram unit transmits data over a standard telephone. A tiny radio transmitter about the size of a pin head monitors and reports the physiological reactions of a patient to the nurse's station. A computer program, created to solve rocket engine vibration, ignition and combustion problems, works at brain and heart research.

New materials developed for space have made a significant impact on our economy. From rocket case production came a new kind of pipe, built of plastic mortar, reinforced with fiberglass. It's lightweight, thin-walled, noncorrosive and practically unbreakable, making it perfect for water, sewage and irrigation systems.

A space sandwich material of aluminum and plastic foam is now being used for walls of prefab houses and strong, lightweight skis.

Composites, bonded laminates and other new combinations of substances have freed designers, engineers and architects from their dependence on traditional materials.

In the field of electronics the sensing, calculating and controlling "brain centers" of space systems have given birth to microminiaturized devices that herald a whole new generation of products from clocks to computers.

For example, tiny semiconductors, about 3/16" diameter and twice the thickness of a sheet of writing paper, contain more than 1,000 circuits. They're used in portable calculators that weigh only three pounds.

Computer programs developed for space have found many applications. Two of them are instant flight and reservations information for airlines, and swift handling of stock transactions for Wall Street.

But possibly the most unexpected and important spin-off of all is the management techniques that were evolved to conquer space. The systems approach—with its marshaling of government, science, industry and education—has shown us a better way to get things done.

Recently, a noted scientist described space as "only the tip of the iceberg." Beneath lies a vast base of industrial, technological and scientific excellence.

We explore space because we need its potential. The problem today is how to eliminate starvation and low living standards for two-thirds of mankind without ruining our planet's ecological balance. In the years ahead a larger world population, demanding higher living standards, must somehow be also accommodated. Earth Services from space will provide the information to properly manage the task.

Space orbits, indeed, are the new lands of our time, lands to be shared, lands on which we can build structures unlike man has ever built before. Space stations are the modest first step on the journey.

MISS CHRISTINE CAMPBELL, A HOOSIER FAR FROM HOME, WRITES OF HER COUNTRY

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. BRAY. Mr. Speaker, the following letter came to me recently from a young Indiana girl who is presently living with her parents in the Philippines, where her father is employed by the U.S. Government. I was deeply touched and moved by her remarks, and I wish to include them at this time:

MAY 26, 1970.

DEAR CONGRESSMAN BRAY: I'm a fourteen year old girl overseas with her family in Manila, Philippines. I had lived in Indiana all my life and I never fully realized just how great the United States is. The strange thing is that it's not only me, but it's other kids (and even adults) that haven't been away from our country, that haven't realized the greatness of the rights granted to us.

I back the Republic in its decisions. I can only do so by voice—not votes, yet I have a marvelous country and I'm proud to be an American. I'm sorry the demonstrations are run as they are. Who's going to look at this noise and say, "These guys have some good ideas; they're smart," when they kill in the same stroke!!?

I love and respect life, mine, yours, and everybody else's, too much to want to destroy it by taking away the power of the president or by having my rights taken away.

Maybe before long, you'll have enough Silent Majority speaking out to conquer these demonstrators. President Nixon is doing a great job. I saw him when he visited the Philippines. Just about 3 weeks ago we spoke to Governor Whitcomb and his wife here on business for the Indiana Trade Commission. They were on Corregidor Island that day and he looked all over for the "Campbell family." We also got to talk to Mr. Forrest Gerig of the same committee.

And another fellow Hoosier doing a great job is the ambassador to the Philippine Islands from the U.S., Ambassador Henry Byroade.

If you look into the *Muncie Star* (Muncie, Ind.) you will see a column by Dick Green that speaks well of him.

Congressman Bray, I wish you continued luck. May God be with you.

Sincere compliments,

CHRISTINE CAMPBELL.

TEXAS PETROLEUM INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. TEAGUE of Texas. Mr. Speaker, with the question of imports being foremost in many people's minds these days, and one of the leading commodities heading the import list being oil, I think it appropriate to insert in the RECORD an editorial which appeared in the Dallas Times Herald, Sunday, July 12, relative to the Texas oil industry. The facts contained in this editorial are interesting and indicates the tremendous part played in our economy by Texas oil:

PETROLEUM INDUSTRY: A SOLID 104 YEARS

(By Felix R. McKnight)

On a crisp fall day of 1866 a man named Lyne Taliaferro Barret of Melrose, down in Nacogdoches County, stood expectantly with his neighbors around a 106-foot hole in the ground.

A mule plodded the circle, drawing out an eight-foot auger crudely fastened to a joint of pipe that was rotated by a steam engine.

There was a rumbling from the hole and oil, water and gas started gushing to the heavens. Barret and his friends whooped—and oil had been discovered in Texas.

It has been a productive 104 years since that afternoon. More than 500,000 wells have been drilled in search of Texas oil and gas. A state, a nation and even a world has been served from Texas' black underground treasure.

The Texas Mid-Continent Oil and Gas Association, with researchers Charles Simons and John Wagner digging the records, has produced a barrel of facts about the industry. It is fascinating information about a giant that too often is politically maligned; too seldom recognized for accomplishment.

1—Texas has produced in its petroleum lifetime, 33.1 billion barrels of oil, or 36% of the U.S. total.

2—The State of Texas has derived $76.6 billion from crude oil sales.

3—Texas oil and gas provide 26% of the fuel energy produced in the U.S.

4—Texas produced 1,151,799,000 barrels of crude oil (record high) in 1969—34.2% of U.S. production.

5—Texas has 198,000 producing oil wells in 8,500 fields located in 209 counties.

6—Each day, in their continuing fight against pollution, Texas oilmen put over six million barrels of oil field salt water back into the ground.

7—In 1950, Texas produced 22% of the world oil. In 1960, it was 12% and in 1969, 7.6%.

8—Texas has 44% of all U.S. oil reserves.

9—Texas has 16.7 billion barrels of oil reserves—13.1 in crude oil; 3.6 billion from natural gas liquids.

10—And Texas engineers estimate that an additional 2.8 billion barrels could be recovered through "water flooding" and other special recovery methods.

11—Texas oil men drilled 9,233 wells in 1969—or 29% of U.S. drilling. It all totaled 44.6 million feet of hole.

12—The same Texas oil operators spent $671 million drilling in 1969—and lost $235 million in dry holes. More than one-fourth of the wells drilled in 1969 were wildcat wells which seek new fields. Only 21.8% found oil or gas. (It is this risk—the quest for new fields to service the nation—that creates the oil depletion allowance periodically challenged by lawmakers.)

13—Texas royalty owners received $589 million from oil and gas production in 1969.

14—The world's deepest producer is a Pecos County gas well at 22,340 feet.

15—And the deepest well ever drilled in the world was also a Pecos County effort—that ended in a dry hole. Operators got down to 25,340 feet before giving up.

16—Of all Texas wells drilled in 1969, about 37.9% were dry.

17—Texas had 112.4 trillion cubic feet of natural gas reserves at the end of 1969—40.9% of the U.S. total.

18—And Texas produced 38% of all U.S. natural gas in 1969.

19—The State of Texas gets back $500 million per year for gas sold to other states. And Texas itself uses more natural gas than any other state—more than half the gas it produces.

20—More than one out of every four gallons of U.S. major oil products is made in Texas refineries.

21—Texas petroleum industry taxes account for 18.7% of all state taxes. In 1969, the Texas industry tax payments to the state government totaled $286.5 million—while the 5c-per-gallon tax brought in another $294 million.

22—One fourth of the gasoline tax is used for public education; the balance for roads.

23—Finally, the Texas Permanent School Fund in 1969 received $40.1 million from the petroleum industry for lease rentals bonuses and royalty payments. Since 1932, the total has been a staggering $734 million. The University of Texas Permanent Fund also received $21 million in lease rentals, bonuses and royalties in 1969—a $534.4 million total since 1924.

Not a bad track record for a Texas industry that still has a long life ahead.

THE HONORABLE CLIFF DAVIS

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. RHODES. Mr. Speaker, I was saddened by the death last month of Clifford Davis—he was a fine man and a true friend. It was my privilege to serve

with Cliff for 11 years. I knew and admired his integrity, ability, and dedicated service in the Congress. All of Cliff's colleagues were benefited by knowing him and will long remember and value their association with him. Certainly, Cliff was a true patriot who gave his best to his State and country. My heartfelt sympathy goes to Carrie Davis in her loss—a loss which is shared by all who were privileged to know Cliff.

AN OKLAHOMA NEWSMAN WRITES ABOUT OKLAHOMA'S JIM LUCAS

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 21, 1970

Mr. EDMONDSON. Mr. Speaker, several days ago I placed in the RECORD the eloquent remarks of Gen. Lew Walt at memorial services in Washington for Jim G. Lucas, famed war correspondent.

Today I read for the first time the moving, personal tribute to Jim Lucas written by C. Allan Mathews, editor and publisher of the Tri-State Tribune of Picher, Okla.

Allan Mathews has captured the spirit and personality of Oklahoma's best known reporter in the words which follow.

I believe all who knew and respected Jim will appreciate the opportunity to read Allan's tribute. The text, as it appeared in the Tri-State Tribune for July 23, 1970, follows:

"THE" WAR CORRESPONDENT

(By C. Allan Mathews)

He eluded death at Tarawa. His was the first story to the outside world of that bloody battle. It gave him world-wide recognition and the first step to fame. A battlefield promotion to second lieutenant was handed the young combat correspondent.

He out-maneuvered death again at Saipan. He avoided the grim reaper's clutches in the steaming jungles of Guadalcanal. And again on the hell that was Iwo Jima. Thousands gave their lives in eight Pacific Island campaigns in World War II. He was reported missing in action. He was decorated, but he came through.

He went to the South Pole. He was with Admiral Byrd at the North Pole in 1945–46. He covered the Bikini atomic bomb test.

He "lived" the Korean war. He made the Inchon landing with General MacArthur. He was at the peace table. He flew seventeen bombing raids over North Korea. He was numb and cold and scared with the GI's on Porkchop Hill and Heartbreak Ridge.

He covered the wars in Goa and Lebanon and what was to be the predecessor of Vietnam—the French Viet Minh war, when France lost control of the Indochinese peninsula.

Approaching fifty, he battled the front office for the right to report Vietnam. He spent more time there than any other newsman.

He said he was lucky. He had flirted with death for almost 25 years in every global hotspot.

He was Jim Lucas, the world's best known war correspondent.

Jim Griffing Lucas died this week. He died in bed.

What sniper bullets, machine guns, bombs, ambushes, bayonets, artillery, failed to do . . . cancer did.

Somehow I can see Jim now, exploding into an ear-to-ear grin saying, "Now, ain't that something?"

Jim was already famous when I met him several years ago. He returned to Picher, as he termed it, "I'm trying to go back." He claimed Picher as his "home town." His father was president of the bank here and Jim's years as a youngster and schoolboy had left its impression.

Although he was the first to admit, "you can never go back", I think Jim Lucas felt he had regained something in his Picher visits. Perhaps a hometown.

He was an unusual man. He never married. His family was two generations of fighting men, lonely men, men away from home.

He said in 1965: "At my age I can't look forward with any sense of anticipation to living on the field. I detest being shot at. But, at the risk of sounding corny, if I have a mission in life, this seems to be it."

A couple of years later he said: "Americans are dying every day in Vietnam. It makes it a little easier if they know their sacrifices is noted and appreciated."

Jim reported in the Ernie Pyle tradition. History will rank Lucas even above the great Pyle. He wrote of the boy-men, the individual, the human side, in combat, their dreams, their nightmares, their fears, their hopes, their lives . . . yes and too many of their deaths. "His boys", as he referred to them, loved him, respected him, trusted him. They knew the "old man" was on their side.

He could well have covered Vietnam from an air conditioned hotel room in Saigon (as many did). But the fierce pride that was a part of Jim, made him choose the rice paddies.

He was equally at home with the mighty. His opinions and experience, his grasp of situations, were respected by those formulating policy. He gave an unprecedented briefing to President Lyndon Johnson and over a hundred congressmen on the problems in Vietnam.

He was sought after as a speaker. He was acknowledged as America's best. He defended our "need" to be in Vietnam. Over and over he declared, "we've got to stop them there." At the same time he was impatient with "slow-down" war.

Still his first love was the American G.I. . . . on the field, on patrol, in the bunkers. For where the action was, there Jim was.

Jim might have shattered your impression of a war correspondent. He wasn't the trenchcoat wearing, swashbuckling, swaggering type. A quiet man and perhaps Gen. Samuel T. (Hanging Sam) Williams best summed it up. Spending a couple of weeks with the 25th division in Korea, Jim filed his copy over division teletype back to Seoul, where it was relayed to Tokyo and then to Washington. As division commander, Gen. Williams read everything that went out over the teletype, including the Lucas dispatches. One evening one of the staff officers remarked, "this fellow Lucas doesn't talk a great deal, does he?" Gen. Williams replied, "no, but he sure as the dickens listens."

You had to be alert, or often his sense of humor would escape you. He enjoyed a joke slanted toward Lucas. Perhaps his favorite was: At Ca Mau, he was in a helicopter disabled by enemy gunfire. It was able to make a rough but safe landing. Another helicopter came in behind them and others flew overhead firing to keep the Viet Cong at a respectable distance. As Jim broke and ran for the chopper which was to fly the downed crew out, a friend overhead remarked: "That's the fastest I ever saw a fat man run."

Over the years awards aplenty came to Jim Lucas. Born in Checotah, he attended Picher High School. He won the coveted Pulitzer Prize. He was awarded the National Headliners Awards; he was the only man ever to win two Ernie Pyle Awards. He was presented the VFW Omar Bradley Gold Medal, the American Legion's 4th Estate Award, Long Island University George Polk Memorial Award, the Marine Corps "Not for self, but for country" Award. And these were only a few of the honors that came to one man in one lifetime.

He was author of "Combat Correspondent," "Dateline: Vietnam" and a biography of Vice President Spiro T. Agnew, scheduled to come off the presses this week. He coauthored "Betio Beachhead" and "The Story of the U.S. Marines on Iwo Jima."

He was a living legend in our time. As long as wars are fought, and men cover them, Jim Lucas' style will be imitated. Somehow, I believe he would say now, "Shed no tears for me. I'm off for my biggest assignment yet."

CAPTIVE NATIONS WEEK

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. WOLD. Mr. Speaker, the third week in July has been set aside so that we might articulate our sympathy and respect for presently one-third of the world's population that dwells behind the Iron and Bamboo Curtains. Over the last half century, Communist regimes have taken over 17 countries. During Captive Nations Week we serve notice to the world and to those nations in particular, that we will not forget the enslaved of this earth.

The people of Eastern Europe and of an increasing portion of Asia have been thrice enslaved. As nations, their independence has been consumed by the neocolonialism of Russia and of China. As peoples, their right of self-determination has been destroyed by a system which places all power in the hands of a few. And, as individuals, their liberties have vanished in the face of a philosophy which disdains the value of the individual and declares the state to be paramount.

The brutality, intolerance, and unpopularity of the Communist regimes have been demonstrated time and again over the years. The purges of the thirties, the slaughter in the Katyn Forest, the murders of millions of Kulaks in the Ukraine, the invasions of Hungary and of Czechoslovakia, the instances are legion. The Communist bloc in 1970 has acquired a patina of subtlety which provides some protective camouflage to a regime which has not changed in substance from what it was in the 1930's.

I am concerned that the false air of legitimacy assumed by the puppet governments of Eastern Europe may cause the U.S. Government to miscalculate in its course of action toward this area.

A case in point is illustrated by an article in the April 19, 1970, issue of the New York Times concerning the national treasure of Hungary, the Crown of St. Stephen which came to the United States in the waning days of World War II.

According to the article the U.S. Government is considering returning the crown to Budapest.

In my judgment, it would be a fearful mistake to make any such action until the time comes when the Hungarian

Government is truly representative of the Hungarian people, and when Hungary is free of Soviet dominators.

The Crown of St. Stephen is a highly visible symbol of Hungarian independence and nationhood. It is a weapon for freedom. It keeps alive the hopes and dreams of a free Hungary. To return it to the present Communist government of Hungary would be to dash the hopes of millions of Hungarians at home and in exile who long for a truly free government. It would greatly strengthen the present Russian-controlled government's claim to legitimacy in the eyes of the world.

Because of my concern over this matter I have been in touch with the Department of State. I include the correspondence and the Times article to be inserted at this point:

APRIL 28, 1970.

Hon. WILLIAM P. ROGERS,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: A recent article in the New York Times referred to the possibility that the United States may be considering the return of Hungary's national treasure, the Crown of St. Stephen, to Budapest.

This letter is to inquire whether such plans are under consideration and if they are, what the rational for such action might be.

As you know, the Crown of St. Stephen is much more than an artifact. It is the best known of the European national crowns and was for centuries regarded as the National Palladium. It became an essential element in the composition of the Hungarian state.

The Crown is unique among European regalia. For centuries it was regarded as the absolute sine qua non without which a King of Hungary could not be crowned.

The Crown has been taken by Hungarian exiles as a symbol of the freedom denied their country by Communist exploitation. Its return to Budapest, while Hungary remains under Communist domination would be a cruel blow to all free Hungarians.

With kindest regards

Sincerely,

JOHN S. WOLD,
Member of Congress.

DEPARTMENT OF STATE,
Washington, May 8, 1970.

Hon. JOHN S. WOLD,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WOLD: The Secretary has asked me to reply to your letter of April 28 concerning the Crown of St. Stephen of Hungary. The comments in the recent news article referring to the possibility of the early return of the Crown to Hungary were, of course, speculative.

The Crown is the property of the Hungarian nation and a Hungarian national treasure. It came into United States custody toward the end of World War II. Unsettled conditions within Hungary and chronic strains in United States-Hungarian relations made consideration of the Crown's return to Hungary inappropriate and inopportune over a long period of years. It has therefore remained in United States trust and safekeeping.

We are fully aware that our prolonged custody of the Crown and the question of its ultimate return to Hungary have many delicate aspects. We are mindful not only of the unique character of the Crown as an historic relic of great symbolic and constitutional significance to the Hungarian people but also of the political and emotional sensibilities with which Hungarian emigres and many Hungarian-Americans regard the Crown. Clearly, these and other sensitive factors must be taken into careful consideration.

The Hungarian Government has raised the matter of the Crown's return in recent years as relations have gradually improved between the United States and Hungary and discussions have been carried on looking toward the settlement of various longstanding bilateral problems. Although we have no present plans for the return of the Crown, the subject will continue to be a matter of interest to both Governments. We are properly concerned that any such eventual action should serve the objective of general goodwill rather than discord and should take place in circumstances and at a time appropriately marked by some further substantial improvement in the atmosphere and course of our relations with Hungary.

Please continue to call on us whenever you believe we can be helpful.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for
Congressional Relations.

In Czechoslovakia twenty years ago, a Dubcek would have disappeared overnight, probably never to be seen again unless at a public trial which would stage a confessional. Today, however, we are dealing with a "liberalized" regime and the destruction of Mr. Dubcek has been carried out in minuscle steps over a period of two years. Today, of course, he has been stripped of all posts, expelled from the Communist Party, and locked up in a sanitarium. The message to those in Eastern Europe who would dissent is no less clear for its having been delivered in a manner calculated to provoke the least public outcry.

Mr. Dubcek is not alone in being punished for Czechoslovakia's attempts at liberalization and independence. In the New York Times of June 28, 1970, we are informed that a purge of the Communist Party of Czechoslovakia is under way and that, in all probability, nearly one-half of the Party will be ejected. While it is difficult to find cause for dissatisfaction in the declining membership of a communist party, one cannot but prefer a system such as our own which allows anyone to join a political party, or to leave it, as he chooses. The difference is still more vital in a country where the Communist Party is the only open channel for political expression. In Czechoslovakia men often lose their jobs with their Party membership cards. The sociology and history departments of the universities have lost large portions of their staffs in this way and some 18,000 members of regional, local, and municipal assemblies have been removed from office; seven members of the Supreme Court have lost their seats because they held "rightist, opportunist, anti-Socialist and anti-Soviet views;" and the entire presidium and secretariat of the national Trade Union Council were deprived of their posts at the end of May. All of this has been attended by little publicity, but it serves ample notice upon all that while the iron fist may have donned a velvet glove, it has not thereby ceased to be iron.

The lack of respect for human life and individuality which Communist leadership have demonstrated toward its own peoples, has also been shown over the past few years in their handling of American prisoners, both in North Viet Nam and in North Korea. At least 1500 American prisoners are held in North Viet Nam alone, where the Hanoi Government refuses to treat them in accordance with the provisions of the Geneva Convention despite the fact that it was a signatory to that agreement. The brotherhood of man—enshrined though it is in Communist theory—is patently false generally, but certainly does not extend to prisoners. Nor does it extend to the thousands of Vietnamese village chiefs who have been slaughtered as part of a conscious policy of terror; nor to those whose bodies line the mass graves of Hue even as the bodies of Polish officers lined mass graves in the Katyn Forest thirty years ago; and the citizens of countries within the Communist orbit are all too well aware that it does not apply to them either.

Captive Nations Week also affords us a welcome opportunity to re-assess our own institutions, to place ourselves in perspective. There are voices abroad in the land today which tell us that our government is not responsive, that our foreign policy is imperialistic, and that governors and other officials behave as fascists. It takes but little wit to realize the absurdity of these charges as we review the plight of Eastern Europe. Our government, for nearly two centuries, has accurately reflected the views and served the will of the American people. When some take to the streets crying that the government does not respond, that "the system does not work," what they really mean is that the government does not obey *them*. The only desirable responsiveness, insofar as policy—as distinct from individual rights—is concerned, is responsiveness to majority will. Responsiveness to a minority is precisely that which the Sino-Soviet Bloc practices, but it is hardly desirable. Far from being an imperialistic aggressor, we have acquired an overseas empire which is as close to non-existent as any in history. On the other hand, we stand ranged today against two communist powers which together control far more than 1,000,000 square miles outside of their own boundaries and are constantly striving to increase that total. Finally, our government, rather than being fascist protects the rights of individuals to an extent unparalleled elsewhere in the world, let alone within the Communist Bloc. Those in America who cry the loudest against the "repressive American society" and attend adulatory movies of the career of Che Guevara are perhaps unaware, to cite an example, that the penalty in Cuba for free speech and open demonstrations against Castro can be the firing squad. So, in declaring our sympathy this week for the people of the captive nations, let us at the same time reaffirm the greatness of America.

In his inaugural address in 1801, President Jefferson said, "Error of opinion may be tolerated where reason is left free to combat it." Today reason is threatened everywhere. There are those who attack it indirectly by refusing to allow others to speak and there are those who openly question the value of reason and postulate instead the supremacy of emotion. The duty to defend peaceable and open debate is upon us all and the result of our failure to fulfill that duty is amply demonstrated in the unhappy fate of the captive nations which we honor this week. To them, to the rest of the globe, and to ourselves, we reiterate our commitment to assist in the defense of free institutions wherever they may be imperiled and in the restoration of liberty wherever it has been banished.

UNITED STATES AND HUNGARY PLEASED BY IMPROVING RELATIONS

(By David Binder)

BUDAPEST, April 14.—A perceptible improvement in diplomatic and commercial relations between the United States and Hungary is prompting officials in Washington and Budapest to view the future with optimism.

According to reliable sources proving at the pace maintained in the last seven months, the day may be close when Washing-

ton finds an occasion to return Hungary's national treasure, the Crown of St. Stephen, to Budapest.

The jeweled crown is nearly 10 centuries old. It was given to St. Stephen, who was King of Hungary from 1000 to 1038, by Pope Silvester II.

PROPERTY OF HUNGARY

Hungarian soldiers serving in Hitler Germany's wehrmacht removed it from the Budapest Castle just 25 years ago as the Red army tightened its grip on the capital. The Hungarians took it to Salzburg, Austria, where they handed it over to a United States Army unit for safekeeping. It has been locked up in Washington in a secret place ever since.

However, the United States Government has regarded it as Hungarian property.

The recent improvement in relations has occurred in two areas—diplomatic courtesies and commerce.

Last August, for example, the Hungarians lifted travel restrictions for Ambassador Alfred Puhan, only two months after he had arrived. For 13 years previously the United States ambassador had been denied access to many major cities. Washington responded with a similar removal of restrictions on the Hungarian ambassador.

The United States Information Agency has been allowed more leeway in presenting exhibitions in Hungary. A recent display of a moon rock at the National Museum was given public notice in the party organ, Nepszabadsag. More than 35,000 Hungarians went to view the rock in its two days on exhibition.

For a visitor familiar with Hungary since 1964 these changes represent a notable departure from the cold war attitudes that dominated relations in the past.

U.S. CONCERNS HAVE TIES

In the commercial field, three American concerns are developing cooperation with Hungarian counterparts. Corning Glass has a $7-million operation here, making light bulbs together with the Hungarian Tungsram concern. The Hilton chain is participating in the building of a hotel on Castle Hill in Buda, the Budapest section on the west bank of the Danube. The * * * also planning a joint undertaking here.

One topic in which both the United States and Hungarian governments are interested is a consular convention that would allow Hungary to open consulates in New York and Cleveland, both of which have sizable Hungarian minorities.

While there is no need for American consulates in Hungary, Washington is interested in a consular convention as a means of providing added protection for American travelers in distress.

A long-standing issue between Budapest and Washington is United States claims on American properties confiscated or nationalized by Hungary after World War II. The two sides have made several unsuccessful attempts to negotiate this issue and still remain far apart. But another round of negotiations, the first in five years, is in the offing.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE LATE HONORABLE THOMAS B. STANLEY

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. SATTERFIELD. Mr. Speaker, on July 10 the many friends of Thomas B. Stanley were saddened to learn of his death just 5 days before he would have celebrated his 80th birthday. His quiet departure from life, following a brief illness, was typical of the soft-spoken and gentle manner in which he lived.

It was my high privilege to know him personally and to witness firsthand his dignity and his hospitality. I knew him as a gracious man to whom the title "gentleman" was well suited, as a successful businessman, industrialist, statesman and a devoted father and husband.

This man devoted the major portion of his life to the service of the people of his beloved Henry County, of his State, and of his Nation. He served as a member of the Virginia General Assembly for 16 years during which he rendered distinguished service as Speaker of the Virginia House of Delegates for 6 years. He served for 7 years as a Member of the U.S. Congress. His years of outstanding service gained for him the respect of all who came to know him. His devotion to public service was rewarded by his election to the office of Governor of the State of Virginia in which capacity he rendered able service during the demanding and trying days of the mid-1950's.

Tom Stanley, Bahnse, as he was known to his friends, will be missed and the service he performed throughout his life will be long remembered. The Richmond News Leader, on July 13, and the Richmond Times-Dispatch, on July 14, published editorials dedicated to him which I feel are worthy of inclusion as a part of my remarks. I include each of them at this point in the RECORD:

THOMAS B. STANLEY

Virginia was in a period of relative calm, with no real crises impending, at the time Thomas B. Stanley assumed the governorship of the state in January, 1954. But the driving rainstorm that marred the inauguration may have been an omen of rough weather ahead.

Four months later the U.S. Supreme Court handed down its momentous school desegregation decision, posing for the Stanley administration its greatest crisis.

Under Stanley, Virginia first took a moderate course, accepting as inevitable the idea of some racial mixing in the classrooms but at the same time providing means whereby no child would be forced to attend an integrated school. Virginia traveled only a short distance down that road, however, before abruptly changing directions and taking the path of "massive resistance" to any desegregation at all.

In retrospect, total and unyielding opposition to any school integration has been strongly criticized in some quarters. But throughout the four years of Tom Stanley's administration schools remained segregated, and they remained open. And that situation was what a majority of the citizens of the Old Dominion apparently wanted.

Stanley's successor, J. Lindsay Almond Jr., was occupying the governor's office when the roof figuratively fell in, with the court-administered death of massive resistance and the temporary closing of schools in some communities. And the solution to the school problem is not in sight, 16 years after the epoch-making ruling from the high tribunal early in the Stanley days at the Virginia Capitol.

The school crisis drew the spotlight, but, in general, the Stanley administration provided four years of continuing, if not spectacular, progress for the Old Dominion. In the tradition of the Byrd Democratic organization, of which he was a longtime loyal member, Stanley conducted the state's affairs in a sound, conservative, businesslike manner. The achievement which he himself labeled as No. 1 of his administration was the strengthening of the mental hospital system, with the addition of 1,000 employes and the appropriation of funds for badly needed new facilities.

Although he never lost an election and had served for 17 years in the House of Delegates and seven years in Congress before becoming governor, Stanley was not a colorful campaigner or an eloquent speaker. But he was patient, hardworking and effective in personal campaigning.

With Tom Stanley's death last week, at the age of 79, Virginia has lost a man who deeply loved his state and who gave it 28 years of dedicated public service.

THOMAS BAHNSON STANLEY

Thomas Bahnson Stanley, who died Saturday in Martinsville, was the last of Virginia's Governors to have a free ride on integration. Only five months after his inauguration the Supreme Court hit the South between the eyes with *Brown* v. *Board of Education*, a decision holding that public schools should be desegregated with all "deliberate speed." The decision was revolutionary; its effects still are being felt throughout the land. Governor Stanley held firm against the tides that it unleashed. He took to heart the "deliberate" aspect of the order, and was as deliberate as he could possibly be in moving Virginia toward integration—which is to say, he moved it practically not at all. During the critical years of his administration, 1954–1958, the force built up in the pressure cooker of integration: No sooner had he departed the Governor's Mansion than the top blew off.

He was a man determined to be Governor. Long before his victory over Republican Ted Dalton in 1953, Tom Stanley began working his way toward the Governor's chair. Prior to his election he served 17 years in the House of Delegates, including three terms as Speaker, and seven years in the House of Representatives. He was utterly loyal to the Byrd organization. He was dutiful, decorous, and composed. He was quiet, cautious, and amiable. He was an advocate of highway safety, industrial development, and agriculture. But above all, he was resolutely patient and calm about integration. He held on desperately to the policies of the past, and he got out before the roof fell in. Perhaps it is just as well that he did not attempt to innovate during that difficult period. For when one is unsure of the course to steer, it is prudent to go slowly. Governor Stanley did. He was deliberate when deliberation was required.

DR. JOSEPH L. SUTTON, PRESIDENT OF INDIANA UNIVERSITY, REVIEWS PAST 150 YEARS OF UNIVERSITY'S EXISTENCE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. BRAY. Mr. Speaker, the following statement by Dr. Joseph L. Sutton, president of Indiana University, was prepared on the occasion of IU's Sesquicentennial Anniversary.

It is an eloquent tribute to a century and a half of achievement and accomplishment, and to the dedicated men and women who made it possible:

STATEMENT OF DR. JOSEPH L. SUTTON ON THE OCCASION OF THE UNIVERSITY'S CELEBRATION OF HER SESQUICENTENNIAL ANNIVERSARY

On one of the coldest days of this year, elected officials and legislators of the State of Indiana joined representatives of all the constituencies of Indiana University to inaugurate a year-long celebration of the University's Sesquicentennial Anniversary. It was January 20, 1970, and the site was Bloomington, the first home and still the main campus of Indiana University.

Precisely one hundred fifty years earlier to the day, the then Governor of the four-year-old State of Indiana, Jonathan Jennings, signed the Act creating the Indiana Seminary which was later to become Indiana University.

In 1820, Indiana was largely forest land. Indian tribes roamed over its northern two-thirds. Most of the settlers in southern Indiana sought little more than to clear sufficient land for a dwelling and for plantings that would yield enough food to sustain a family. These pioneers had moved southwest from Ohio, had come down the Ohio River or crossed it from Kentucky to try their fortunes in the Indiana Territory. Most were uneducated, enured to hardship and pietistic. Their sallies of wit and song were homespun. The few who were educated—men like John Badollet, John Boone, James Noble, David Maxwell and Benjamin Parke—recognized that widespread public education was a prime need if this region were to progress. Through their influence, the first Constitution of the State of Indiana included a provision that, "it shall be the duty of the general assembly, as soon as circumstances will permit, to provide by law for a general system of education, ascending in a regular gradation from township schools to a State University, wherein tuition shall be gratis and equally open to all."

The act of Congress admitting Indiana to the Union in 1816 offered to donate to the new State a township of land, to be designated by the President, for the use of a seminary of learning. The official acceptance of this offer and the selection of the township by President Monroe in the county that thenceforth bore his name was crucial in the determination of the Indiana Seminary's site. Great as have been the pressures from time to time to remove the University to a more populous and accessible spot, the original location—if not campus, for after a disastrous fire in 1883, the campus was relocated about a mile east and north of its initial site—remains the seat of its vastly-enlarged operation, geared to providing the teaching, research and public service which its constitutionally-prescribed role in the State and its responsibility to society demand.

It is interesting, but not unusual in the development of an educational system, that Indiana's State Seminary opened its doors to students before a system of common schools had been established within the state. A former Indiana University president, David Starr Jordan, noted, "the growth in educational systems is from above, downwards. In historical sequence Oxford must precede Rugby, and the German university must come before the gymnasium." To most of the settlers in the forest-covered lands of southern Indiana, the initiation of a few young people into the mysteries of "larnin'" at the State Seminary was all right, so long as their own backwoods children were not exposed to this "corrupting" influence.

It was four to five years (historians disagree) after the signing of the enabling Act before the Indiana Seminary began enrolling students on the first day of May in 1824 or 1825. From that beginning in a simple brick building with a lone professor, Baynard Rush Hall, offering a curriculum wholly in Latin and Greek to the dozen or more applicants, Indiana University has grown to an enrollment of 54,200, 10th in size among all colleges and universities in the nation, with a faculty of approximately 3000 members, curricula in almost all of the major professions and academic fields—save agriculture and engineering—and associated campuses in six metropolitan areas, including that of the state capital, where instruction in the health professions is concentrated and both undergraduate degree programs and professional programs in the Schools of Law and Social Service are offered.

The progress of the University in the intervening years had been in no sense steady. Even though the Indiana Seminary took on the "name and style of" Indiana College in 1828 and of Indiana University in 1838, by modern standards the curriculum was at a preparatory school level until the decade of the 1870's; the institution's financial support from the State did not begin until 1867; the unvarying tradition of electing clerics to the presidency was limiting and provocative of denominational attack; and the burden of convincing the state's citizenry that the progress of Indiana University was vital to their interests still rested largely upon the University's spokesmen.

Yet from the very first graduating class had gone forth men who spearheaded advances in their communities and the state. Later classes produced graduates who held high posts in the federal government, governed the state, founded industries and fostered commerce, guided the progress of the legal and educational professions in the state or served productively as educational envoys in newly developing areas of both hemispheres. To the average Hoosier of that era, however, these various evidences of the University's usefulness and demonstrated ability to generate the needed leadership for the states were little understood.

With the election of David Starr Jordan to the presidency at the start of 1885, a significant turning point occurred. President Jordan was a scientist, the first chief administrator in the University's history without the credentials of a clergyman. Moreover, his training and temperament were such that he became an evangel for state acceptance of remodeling the University to reflect national developments in higher education and the sciences. He sought to attract the best available academics in every field, and he campaigned personally and tirelessly for the new scientific concepts, among them the Darwinian theory, which he felt vital to the survival of the University as a citadel of the search for truth. The glimmer of a state university's responsibility to lead intellectual thought as well as to educate youth was planted during his remarkable six years as Indiana University's president.

Eleven years after the resignation of President Jordan to assume the presidency of Stanford University, William Lowe Bryan was elected president of Indiana University. A native of Bloomington and longtime University faculty member with a background in the disciplines of education and psychology, he was destined to guide the University's fortunes from 1902 to 1937. By choice a diligent scholar and by practice an elegant orator as well, he provided sound, yet inspirational leadership during a determinative period of the University's development. One of his most significant contributions, essential to the University's progress, was the creation of academic divisions within the University and the incorporation of private medical and dental schools in the University's structure. Under his aegis, the School of Medicine, the Graduate School, the Extension Division (now, Division of University Extension), the Training School for Nurses (now, School of Nursing), the School of Commerce and Finance (now, School of Business), the School of Music, and the School of Education were successively established and the Indiana Dental College (now, School of Dentistry) was acquired. Officially autonomous neither with regard to their admissions nor in certifying the candidates for their degrees, these divisions nevertheless served a vital function, preliminary to their emergence as recognized administrative autonomies within the concept of a university.

During President Bryan's administration, the expansion of Indiana University's physical facilities kept pace with curricular and enrollment growth. On the Bloomington campus, five classroom buildings were erected and a sixth started; a men's dormitory and two women's dormitories were built and a private dormitory was acquired; and the Library, the Administration Building, the Printing Plant, Indiana Memorial Union, The Student Building, the Men's Gymnasium and Fieldhouse, the Memorial Stadium and the President's House were all begun and completed. At Indianapolis, a building to house the School of Medicine and another to accommodate the School of Dentistry were constructed in this period, as were Long, Coleman and Riley Hospitals and a nurses' home.

Beyond these substantive additions, the special quality of President Bryan's regime added lustre to the University's prestige in the state for he was the enviably articulate and highly persuasive protagonist for the values that would accrue to the student and to Indiana generally from the successful pursuit of higher education by Hoosier youth. His 35-year administration, longest in the history of the institution, served to lift the University above the irrelevant and reactionary opposition which had plagued its struggle for survival during virtually the whole of its existence. From such pettiness and provincialism he turned the question of University support to the fundamental issue of the state's faith in higher education as the means to secure the trained leaders who could foster the economic, educational and cultural advance of the state.

Named acting president in 1937 and elected President Bryan's successor in 1938, Herman B. Wells brought to the presidency a proven talent for leadership, wide acquaintance in his native state, and a professional background in business and finance that was to prove him the right man at a providential time. With a determination born of conviction, he set out to strengthen the faculty, facilitate research, encourage and protect the humanities and fine arts in an age of science, and make Indiana University a peer of the best state universities in the land. He succeeded in every respect, but more than that, he gave the University an unusual stamp. One of the first university administrators in the nation to recognize the need for nurturing and paying a debt to our historic inter-

national roots, he built a solid foundation for the international educational service which Indiana among other American universities has been called upon to perform. As a direct consequence of his leadership in this regard, Indiana University is cosmopolitan in its faculty, its student body, its curricula and its public service commitments.

There are numerous visible evidences on the Bloomington campus and elsewhere in the University system of the encouragement he gave and is still giving to the creative and performing arts—in part, for their own sake—but equally as an amenity of the community and state.

Foresighted and dynamic in his provision for the University's growth and change, he greatly expanded the physical facilities on all campuses and the residence hall system, and prompted the acquisition of land in Bloomington and Indianapolis for the University's orderly campus development. Characteristically, he also spearheaded the cooperative movement of Indiana's total higher educational system, private and public, to accommodate the returning veterans from World War II. The organization formed at that time, the Indiana Conference of Higher Education, is unique among states in the nation and still serves the valuable function of facilitating the cooperative endeavors of its members, all of Indiana's accredited colleges and universities, both private and public.

Remarkably personal in his approach, President Wells welded the constituencies of the University into a common body supportive of the University's successful strivings and aspirations to become a leading public institution in the United States. At the same time he carefully preserved a sense of the University's history through the maintenance and reenforcement of traditions.

When President Wells retired from the presidency in 1962, he was named Chancellor of the University and Dr. Elvis J. Stahr, jr., was elected to succeed him. The six-year administration of President Stahr was shaped largely by the meteoric influx of students (more than a sixty percent increase in five years), requiring rapid expansion of physical facilities, faculty and staff. The competition for faculty nationwide made recruitment and retention of an excellent instructional staff a persistent budgetary problem, yet the level of academic distinction was nevertheless maintained.

Under President Stahr's direction, a reorganization of the University was planned, providing an administrative structure which would add strength to and permit individualization of the University's satellite campus centers.

He met, as had his predecessor, every challenge to academic freedom and, in a time of growing public awareness of the need to provide equal educational opportunity for young Black Americans, he instituted University-wide efforts to develop programs and projects contributory to such a goal.

In an entirely different area, his regime will also be remembered for a historical "first": the first visit of an Indiana University football team to the Rose Bowl.

On December 1, 1968, my own tenure as President of the University began, which has had as its most pressing task the reorganization of the administrative structure to accomplish the purposes envisioned during the early planning under Dr. Stahr. The reorganization and the staffing associated with it have been completed and each of the University's seven campuses now functions in many respects as a semi-autonomous unit of the University, typified by the granting of degrees in individual (and peaceful) Commencement ceremonies on each campus this year.

In addition, steady progress has been made toward the goal of making educational opportunities real for Black youth and toward providing viable means for students to work constructively for the changes they advocate.

Special efforts have also been extended to observe Indiana University's Sesquicentennial Anniversary suitably and memorably and, through a fund drive, to furnish the financial resources necessary to sustain a margin of excellence. Already, a large Assembly Hall, a Musical Arts Center, and a Hoosier Heritage Hall—all, Sesquicentennial projects—are in the construction stage, and a new teaching hospital has been completed and dedicated. The months have been filled with special convocations, symposia, concerts and similar events, in part paying tribute to the past, in part looking to the future.

The more than 54,000 students enrolled in the University, the faculty of approximately 3,000, the buildings and 6,500 acres of grounds which represent a value of nearly $385 million offer a tangible measure of the University's development since its origin. Remarkable as this growth has been, many of the sources for pride and satisfaction in the University's present stature are intangible. Among these might be mentioned the international reputation of the School of Music; the prestige of the Graduate School of Business; the high national rankings accorded in several studies to our graduate programs in anthropology, astronomy, botany, chemistry, geography, microbiology, zoology, history, German, Russian, Spanish, and linguistics; the recognized distinction of the School of Dentistry; the cultural influence of the University, evidenced by the audiences attracted to presentations of the creative and performing arts; the many recognitions in various forms awarded to individual faculty members and students; and accolades such as Dr. Clark Kerr's reference in a lecture here last year to Indiana University as one of four universities which were moving forward more rapidly than any others in the nation.

At this significant point in the institution's history, we take pardonable pride in Indiana University's contributions to the state, nation and international education. Approximately 65 percent of Indiana's practicing physicians, 74 percent of Indiana dentists, 52 percent of Indiana lawyers, and a major proportion of the state's accountants, business executives, teachers and community leaders were educated at Indiana University. These percentages result directly from identifiable factors; for instance, the School of Medicine has the largest medical school enrollment in the United States; the School of Education ranks first in the country in the number of persons initially certified as teachers and in production of high school teachers, and third nationally in the number of graduate education degrees awarded; and, according to a National Academy of Sciences survey, Indiana University ranks twelfth nationally in the number of doctorates awarded in the past decade—first in fine arts and music, second in business administration and education, third in modern foreign languages and literatures, sixth in political science and international relations, and seventh in ecology and hydrobiology.

A commendable share of the sponsored basic and applied research being conducted in State universities is taking place at Indiana University. Particularly well known are research programs in genetics, the development of a mechanical heart, the use of fluorides to prevent tooth decay, highway safety, sexual behavior, and properties of lunar rock.

In addition to the comprehensive consulting service offered to business and industry by the School of Business and the continuing education programs made available by divisions of the university, there are fifty-nine bureaus, centers, clinics, institutes and similar organizational units within the university providing direct services to the public.

Although in a midland state, the University has recognized a responsibility toward the developing nations and international education generally. Through contract projects, consultative assistance has been undertaken in East and West Pakistan, Thailand, Afghanistan, Indonesia, Korea, Yugoslavia, the Philippines, Chile, Peru, Venezuela, Brazil, Nigeria, and Sierra Leone. Programs are currently underway in several of these countries, further contributing to the identification of Indiana University as one of the leaders in international educational service.

For the more than 200,000 alumni, reflecting on their Alma Mater's Sesquicentennial in each of the fifty states and 127 foreign countries, and for the faculty, students and friends of Indiana University, the achievements of the past have taken on new significance and the survey of the present will surely elicit renewed pride.

I present this review by way of honoring all of the men and women throughout Indiana University's long life who have advanced her purposes and enhanced her distinction.

U.S. MIDEAST PEACE PROPOSAL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. ROSENTHAL. Mr. Speaker, we all hope that the U.S. peace proposal will lead to negotiations and a permanent cessation of hostilities in the Middle East. Nowhere is there a greater danger of a full scale war erupting. Nowhere is there a situation in which the United States and the Soviet Union are closer to a major military confrontation that could have fearful consequences for all mankind.

One of the great tragedies of the Middle East, Mr. Speaker, is that so many people seem trapped by events. The vast majority of Arabs and Jews would opt for a peaceful solution if they could envision it, but politics, propagandistic rhetoric, and national pride make such a concept difficult for them to conceive.

Certainly, no one is more eager for peace than the Israelis. They have lived under seige as long as their state has existed, and though they unflinchingly face the prospect of defending their land to the death, they do not like burying their sons any more than people of other nations. Anyone who thinks Israel considers itself "sitting pretty" is deluding himself. Let us not mistake determination for contentment, pride for elation, self-confidence for complacency.

Israel has shown it is aware of the grave threat to its existence and that time may not be unquestionably on its side. On the other hand, the country is resigned to be destroyed rather than compromise with its sovereignty.

Although the Israelis have coalesced into a magnificent fighting force when their state's very existence has been jeopardized, they cannot, dare not, turn their back on the hope for peace. Israel

wants peace in the Middle East, not only so it can survive, but so it can grow, prosper, enrich the surrounding cultures and in turn, be enriched by them.

We in the United States seek peace in the Middle East for the benefit of both the Israelis and Arabs. But we have our selfish motives as well; namely, the neutralization of a major military confrontation with the Soviet Union and an atmosphere in which we can peacefully compete against the Russians for economic spheres of influence in the Arab world.

The stakes are high. But a word of caution is warranted. In our zeal to bring a peaceful solution to a part of the world on the brink of war, we must not compromise the security of Israel.

There will be no end to the shooting—and certainly no peace of mind for the United States if the proposed cease-fire is merely used by the Arabs and Russians to prepare for a military offensive.

Israel should be encouraged to seize upon any straw which could lead to some dialog with the Arab world. But at the same time, we must be certain that the Israelis, if they accept a cease-fire, can act against terrorist violations or an Egyptian-Soviet military buildup without losing face—and, even more important, strategic advantages.

This means some form of international inspection should police the cease-fire and we should publicly declare our support of Israel's right to respond to any violations of the spirit of the truce.

It must be made clear that any Arab country should be held accountable for control of the guerrillas in its territory. Otherwise, what would prevent the guerrillas from utilizing Arab army posts to continue harassment of Israel's borders. The Israel Government would derive little solace from Arab governments shrugging their shoulders and disclaiming responsibility for Fedayeen terrorist acts.

Mr. Speaker, we must exhort and persuade all parties in the Middle East to settle their dispute at the council table. But we should never be party to an agreement which undermines the future of any one nation before discussions even begin.

YOUNG PEN PALS LEAP NATIONAL BARRIERS WITH ESPERANTO—"UNIVERSAL LANGUAGE" TAUGHT AT ELEMENTARY-SCHOOL LEVEL

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. DELANEY. Mr. Speaker, the need for understanding and tolerance among the peoples of the world is widely recognized. Perhaps the greatest hindrance to mutual understanding is the inability of differing nationalities to communicate effectively with each other. One promising step in remedying this situation is the growing popularity of the Esperanto language, and I would like to share with my colleagues the following article on this subject by Mr. Kenneth G. Gehret, education editor of the Christian Science Monitor:

[From the Christian Science Monitor, June 13, 1970]

YOUNG PEN PALS LEAP NATIONAL BARRIERS WITH ESPERANTO—"UNIVERSAL LANGUAGE" TAUGHT AT ELEMENTARY-SCHOOL LEVEL

(By Kenneth G. Gehret)

SAN MATEO, CALIF.—Eight-year-old Will Mitchell recently sent a picture postcard to a boy in Poland. The message was penned neither in English nor Polish, but in Esperanto.

Will and his classmates at Highlands School here carry on weekly correspondence with Polish schoolchildren as part of their study of Esperanto, sometimes referred to as the universal language.

Other students in the three San Mateo schools that offer the subject write to pen pals in the "sister city" of Toyonaka, Japan, and receive in return directions for making origami (folded-paper designs), or exchange weather charts and other science projects with students in France, Sweden, and Spain.

"We want to open up avenues to children, all over the world," explains Philip Vandor, principal at Highlands School. "Esperanto serves as an auxiliary language for them and a contact point. It broadens their outlook."

Dr. Edwin Feldman, principal of the Lawrence School in the district, views the language as a tool for world peace and brotherhood.

"We offer Esperanto in the curriculum to promote international understanding and friendship, to promote communication between peoples," he declares. "By starting at the elementary ages, we can hope eventually to live in a more peaceful world.

"If one of the most important tasks in resolving the issues of peace and war is understanding, then a language which facilitates communication among peoples all over the world should help bring about such understanding."

Dr. Feldman finds in Esperanto a strictly educational advantage as well. He claims it is an ideal initial nonnative tongue for a child to learn because it is easy to grasp and thus helps to build positive attitudes toward language study.

There is a spillover into the learning of English, too, according to Mrs. Doris Vallon, an Esperanto specialist who teaches the subject in San Mateo schools.

"Because they can learn Esperanto quickly, they are more confident of making English work," she maintains.

Mrs. Vallon describes Esperanto as "a model language" because children soon see how it works; therefore they do not view it as a threat.

"I've seen children afraid to use the English dictionary," she says. "They often can't find a word they want since they can't spell it. But this isn't true with the Esperanto dictionary because the language is phonetic. If you can pronounce it, you can find it."

Although one needs five years of study to master Esperanto, enough of the basics can be gained in one school year to enable an individual to use the language, Mrs. Vallon claims. To illustrate, she points out that in Spanish classes the future tense is not introduced until the second year, while in Esperanto, students are very soon familiar with this tense since it means simply adding the "os" ending to the verb.

"And because of their achievement in Esperanto, there is a definite 'I can succeed' attitude evident among the pupils," the teacher declares.

The teaching of Esperanto in the San Mateo area can be traced back to 1962, when Mrs. William Schulze conducted a course in the language for principals and teachers. The group met two evenings a week for three months. Among those attending were Dr. Feldman, Mr. Vandor, and Mrs. Vallon, all of whom immediately felt that the subject should be introduced into the classroom. One elementary school was selected as a beginning.

Dr. Feldman calls this the first "major effort" at teaching Esperanto in United States schools.

After a successful northern California conference on Esperanto that same year, an extension course for teachers was given in 1963. Instructors were the three San Mateo educators and Mrs. Schulze. Of the 15 teachers attending, six came from local schools. They provided the necessary staffing for expanding the San Mateo program to additional schools at grade levels 4, 5, and 6.

However, the program has suffered in recent years for lack of sufficient teachers. The number of periods of instruction varies from school to school, and study is now restricted to one full year at best.

But Mr. Vandor looks for a breakthrough. He has drawn up a three-year program of Esperanto study, which will go into effect at Highlands School in the fall. Its length will provide additional opportunity for students to communicate and become better acquainted with young people in other countries and to gain a better understanding of their cultures.

An adequate supply of books is available in the Esperanto language, published in the United States and overseas. The staff is making its own tape recordings to aid in the instruction.

Further help in staffing may come through an intensive three-week workshop to be held at San Francisco State College next month. The emphasis will be on learning the language and developing the ability to teach it to others.

SCIENTIFIC BREAKTHROUGH: NON-POLLUTING PESTICIDES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. PICKLE. Mr. Speaker, thanks to the scientific endeavors of two Texas scientists, we may soon be able to use agricultural chemicals for crop control with negligible danger of pollution and perhaps, simultaneously, with even greater efficiency.

Most pollution for agricultural chemicals comes in the runoff of drainage water which carries the chemicals into surface and subsurface water supplies, polluting the water itself and damaging other vegetation it comes in contact with. Drs. M. L. Beasley and R. I. Collins, of the Austin Research Institute, Austin, Tex., acting on an accidental find of Dr. Beasley's, believe they have found a way to keep the chemicals from being washed away to areas where they may do harm. They tie the chemicals up in water-degradable polymers, and the upshot is simply that the chemicals do not wash away. This also means, of course, that the quantity of chemical needed for any one area is significantly reduced.

For example, the common herbicide 2,4-d is readily polymerized with iron. This polymer releases minute amounts of 2,4-d over an entire growing season for

protection of grassland from weeds, ending the current need for repeated applications in a single growing season. Moreover, even in bar ditches, weeds are killed at the point of application but not downstream from that point.

Tests conducted with 2,4-d on a bank incline of 30 degrees attest to the absence of chemical migration when polymers are used. The herbicide effectively controlled the weeds in the field at the top of the incline, but no trace of 2,4-d was found is a second test crop just below it on the slope. Nor was any 2,4-d found in the surface water at the bottom of the incline.

The 2,4-d iron polymer does the same work chemically as 2,4-d acid, but at a much slower and safer rate. Department of Agriculture standards limit herbicide absorption in plant foliage during the first few days of plant growth to 10 parts per million to insure that the herbicide will not build up in animals that consume the weeds during this time when they are palatable—2,4-d acid normally does not meet this standard. It is absorbed too easily by the plant. The first Department of Agriculture tests of 2,4-d polymer in these young plants, however, showed an absorption of zero parts per million.

Beasley and Collins are optimistic, too, about the use of 2,4-d polymer as a solid. Being solid, it does not stick to the leaves, as do normal herbicides, but sifts to the ground, reducing the chance of consumption.

The discovery is not limited to herbicides. Nematocides, slimicides, fungicides, rodenticides, and defoliants can be polymerized for agricultural uses. Stearic copper polymer may be useful to prevent barnacle growth on marine equipment. We may also be able to construct self-destructible containers out of polymerized degradable chemicals.

I find it most heartening that top-flight scientists such as Dr. Beasley and Dr. Collins have been directing their efforts to this complex and difficult problem. Whether they succeed or not, their efforts are to be commended. These two believe they are on the track of a viable solution. Let us hope that, as further data is gathered, their beliefs prove true.

POWER DRIVE—PRISONER OF WAR EFFECTIVE RELEASE

HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. FOREMAN. Mr. Speaker, in our continuing effort to secure reasonable treatment of American prisoners of war in Communist prison camps, I should like to bring the following article from the Enchanted News, a publication of the inmates of the Penitentiary of New Mexico, to the attention of my colleagues:

POWER DRIVE—PRISONERS OF WAR EFFECTIVE RELEASE

The stereotype image of a convict is a variable thing. It seems to depend upon the immediate purpose of its use. The image can be frightening, comical, or even pathetic. But it remains exactly that only—an image.

In fact, convicts are people . . . human beings . . . individuals. And it may come as a surprise to find that they possess the same emotions and capacities as their free-world counterparts. Convicts think, worry and regret. They get hungry, cold, sick, happy and lonesome. They work, play, laugh, and even cry. In other words they feel every single emotion that nonconvicts do. Maybe they feel some things even deeper.

Recently, Mrs. James L. Hughes met with Warden Felix Rodriguez and Deputy Warden H. O. Herera at the Penitentiary of New Mexico to discuss the possibilities of having the penitentiary art department design and layout art work concerning release and humane treatment of prisoners of war. Mrs. Hughes' husband is a prisoner of war in North Viet Nam.

Mrs. Hughes told of many fruitless efforts to find out about her husband's status and welfare, including a trip to Thailand to visit the North Viet Nam Embassy in Bangkok. She heard from her husband only after purchasing a full-page ad in the *Bangkok Post* to appeal her situation. She has heard nothing since.

It became apparent to Mrs Hughes, and many other families who have men held as a prisoner of war, that appeals through paid advertisements in neutral countries would be their greatest hope in securing word about their men. As a result, Rescue-Line was established toward that aim. The creation of Rescue-Line was a sort of last resort to effect the release—or at the very least, some news—of these men. The organization has been attempting to raise the funds necessary to accomplish their goal, but these efforts have not met with the success of which such a campaign is worthy. As an example, an advertisement soliciting funds was run in an Albuquerque newspaper at a cost of more than one hundred dollars. The ad drew some thirty dollars in contributions! This, and other experiences, moved Mrs. Hughes to seek assistance in other—some might say peculiar—places. With the idea of prisoners helping prisoners, Mrs. Hughes sought assistance at the Penitentiary of New Mexico. She felt that men at the penitentiary, being prisoners themselves and locked away from their families and loved ones, might be able to offer some suggestions in art and other ideas that would bring the situation concerning the men held as prisoners of war to the attention of the world.

Mrs. Hughes pointed out that some 1,406 families—including some 4,000 children—await anxiously some news, day by day, that their husbands or fathers are safe. But that word never comes. The men are held without even the privilege of communication.

Well, now! What would you expect a bunch of "cons" to do? After all, they are convicts, aren't they? Well here is what they did. Are doing!

With the approval of Warden Felix Rodriguez and Deputy Warden H. O. Herrera, a committee was formed to organize ideas for a concentrated campaign. The name POWER DRIVE was coined—standing for Prisoners Of War Effective Release Drive—and to prevent anyone from taking part through the hope of personal gain or recognition, an agreement was made that there would be no names involved. All work would be performed anonymously. With this understanding, the planning got underway. Special art work was done and posters prepared. These have been designed for use anywhere in the world. Publicity and advertising ideas were worked out. Service clubs and other inmate groups were contacted and told the story. Ideas for an effective campaign began to take shape. And money started to come in, money from convicts.

Needless to say, convicts aren't among the nation's high income groups, but contributions ranging from $1.00 to $10.00 have been received. And through the combined cooperation of the administration and officials of the blood plasma program, arrangements have been made whereby inmates without money can give blood and have $5.00 deposited to the account of Rescue-Line. At the time of this writing well over $300.00 has been received, and money continues to come in.

Those inmates active in POWER DRIVE hope to spread the campaign from the Penitentiary of New Mexico to other penal institutions, and through inside service clubs, to the outside. It is their hope that enough money can be raised, enough publicity generated, to aid in the release of—or at least the establishment of communications with—those Americans held as Prisoners of War.

One of the interesting aspects of the POWER DRIVE campaign is that personal feelings about American involvement in the Viet Nam conflict seem to have little effect on the willingness of inmates to help. One of the men summed up the general feeling when he said, "No matter why a man is locked up, he should be treated like a human." That seems to be the whole idea. Humanity. And right now, at this moment, for the first and probably only time, many of the inmates of the Penitentiary of New Mexico can say, "I'm proud to be a convict."

INDIANAPOLIS CITIZENS FORUM "TELLS IT LIKE IT IS"—AND GETS IT DONE LIKE IT SHOULD BE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. BRAY. Mr. Speaker, it is said our country, and our society, is drifting apart, or being driven apart. We have many indeed who are quick to assign blame, and many who seek to use this theory as a vehicle to pursue their own selfish interests.

But we have few indeed, very few, who are actively working to refute this theory and are showing, by their imagination, skill, and dedication, that it is not so, that it need not be so, and that any such dangers can be headed off well before they begin to grow serious.

Let us consider two of the prime problems that face our cities. The first is their physical appearance; this is generally conceded. It is true that much that must be done has to be done on a large scale, involving a great deal of time and money. But it is also true that individual citizens, banded together in block or neighborhood groups, can make a tremendous difference and contribute so very much to their city merely by noting what is to be done, right in their own backyards and in their own streets. It is said that charity begins at home. So, it must be added, does keeping a neighborhood or a yard beautiful. One neighborhood or one yard, alone, might not mean much in a major city. But put a series of them together, and much of so-called urban blight is not only stopped but pushed back.

The second is police/community relations. Law and order is the cornerstone of any society. Those who enforce and uphold law and order must have community trust and respect, or their role is severely crippled, and sometimes almost beyond repair. This trust and respect, it must be added, is a two-way street. Public officials and authorities in all agencies, on all levels, must of necessity get closer

to the people they serve. This can only enhance the welfare of the community as a whole. Each must understand the role and problems of the other, and, more important, have a very real hand in sharing, feeling and working to overcome these problems, many of which are mutual and common.

The Indianapolis Citizens Forum is an organization of nationwide renown, and quite deservedly so. Under the direction and guidance of Mrs. Mattie Coney, it has become a hallmark and a watchword for constructive, hard-working, dedicated community improvement. And it has accomplished so much with the relative outlay of so little except commonsense, some sound organization, and hard work on the part of those who have taken part.

Community spirit in America is something as old as our Republic's history. It has always existed and always will. No divisive force can really tear it apart; it can grow rusty and stiff through neglect, but once mobilized and utilized, it is capable of accomplishing wonders. This is what Mrs. Coney has done with large sections of a city that is now the 10th or 11th largest in the United States, and her efforts have been recognized and rewarded at the highest levels of the Federal Government.

Citizens' Forum has taught another major lesson, too, that should be copied in all other cities in addition to their fine examples of what community spirit can do. That is, what can be accomplished by simple reliance on common sense, and thrift. There is no need in many instances for large transfusions of State, city or Federal funds. People, suitably motivated, can and will do for themselves what no one else could possibly do for them, although, regrettably enough, this is an overlooked and neglected lesson.

Neither does a community plan for civic betterment have to be put forth in high-sounding and noble—but sometimes totally incomprehensible—phrases. Simple phrases, stressing and exemplifying the simplest, yet seemingly most neglected, human virtues and values; this is all it takes.

The following is one program sponsored by the Citizens' Forum that is successfully bringing the youth and the neighborhood policeman together as a team, for a better, cleaner, safer, happier and more wholesome neighborhood and city:

LITTER PREVENTION AND NEIGHBORHOOD YOUTH SAFETY PROGRAM

The 1970 Citizens Forum, Inc. Greater Indianapolis Beautification Committee and the Indianapolis Police Department are cosponsoring a Litter Prevention and Neighborhood Youth Safety Program.

We feel that this is one step that can ultimately involve all school students and their parents. Out of an involvement with anti-litter and safety activities, there is the growth of an awareness of beautification and Individual Responsibility. With anti-litter forces providing the basic thrust, the development of a critical eye . . . and mind . . . toward beauty and the safety of our neighborhoods will naturally follow.

A challenge and an opportunity for each person to accept his individual responsibility as an Indianapolis citizen. An opportunity for the city of Indianapolis to be No. 1. We can be the first city to conquer its land pollution. It can be a coordinated effort of citizens (youth and adults) and local government supported by the private sector.

Indianapolis citizens will inspire one another through activity and recognition. Individual pride begets civic pride.

We can truly have a meaningful celebration of the 200th anniversary of America here in Indianapolis in 1976.

A SUGGESTED APPROACH TO SPREAD GOOD WILL AND TO CLEAN UP INDIANAPOLIS

Activity outline: Joint Press conference by Police Department and Citizens Forum, Inc. as soon as possible, encouraging all Indianapolis School pupils to clean their front and back yards including the alley, sidewalk and curbs. This will show cooperation with the Governor's State-Wide Operation Clean Sweep and the Greater Indianapolis Beautification Program.

We are able to accelerate and motivate our anti-litter and safety program by encouraging all pupils to make a *safe play* space in their *back yards.*

Every pupil is encouraged to develop a game area in the confines of their *back* yard *only.*

Suggested games that require small areas are: Horseshoes, checkers, jacks, hopscotch, chess, marbles, badminton, drawing, sculpturing, gardening, handicraft, etc.

When the yard is ready for activity call Citizens Forum, Inc.

A member of the nearest Block Club will go check the home for cleanliness and safe play. They will suggest improvement or approval.

When the yard has been approved, the Indianapolis Police Department will send an invitation to each family to appear for a reception. A short program orienting the guest on the good intentions of the Police Department and Citizens Forum, Inc., the presentation of certificates, a tour of the Police Department and refreshments.

All pupils encouraging others to participate may return as a "recruiter" with their candidate, receive a star on their certificate and a pass to a movie. The pupil that excels as a recruiter will be recognized at the Citizens Forum, Inc. 6th Annual Banquet, Saturday, September 5th, 1970, at the Indianapolis Hilton.

The weekly receptions at the Police Department will begin the week following school closing.

Weekly mass media announcements will tell who has been approved, invited to a reception and their location in the city, etc.

All citizens (youth & adults) are encouraged to display flags on Patriotic Days.

All citizens will be visiting the "Oasis of Beauty" in over 2000 blocks during "Visit Your Neighbor Month" in the month of August.

"Be Prepared" with your Guest Book as company arrives.

Youth Groups and Block Clubs are beautifying traffic islands and unsightly spots along our waterways and highways.

All oil companies are being asked to keep their premises including sidewalk and curbs clean. Shell Oil Company of Indianapolis is the first to respond to our appeal. We are alerting all customers to speak to managers or proprietors about the cleanliness of their Service Stations.

Mr. Speaker, the Citizens' Forum has combined all these things to attack the combined problems of urban residential blight and the invisible but still crippling barrier that often comes between citizens and local police. But let us look, briefly, at a most important side effect which has future implications that cannot possibly be measured.

Let us consider what sort of an example Citizens' Forum is setting for young people in the areas where it operates. It is instilling in them a sense of pride and belonging where their neighborhood is concerned. They are being taught, by word, deed, and example, in their youth, one of the most important lessons of all: they are being taught to care.

And, in learning this lesson, they are learning another of equal importance: that the policeman is their friend; that the man in blue who walks the beat or patrols their community in a squad car is there because he, too, cares. He cares, as do they, that their streets are safe; that their homes are not broken into; that their neighborhoods are peaceful, quiet, happy, and clean places. He wants to know them, the people he moves among; he wants them to know him. He wants to be free to come to them, and he wants them to be equally free to come to him.

Hundreds, perhaps thousands of Indianapolis youth are being encouraged to take part in this program, and to participate to the fullest extent possible. The net result is going to be a new generation, taking their place in the world as adults, who have known and met their responsibilities as children, and who are superbly equipped to carry them out as they assume their role of our Republic's leaders and builders.

SURVEY RESULTS PUBLISHED

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 29, 1970

Mr. WIGGINS. Mr. Speaker, as is my practice twice each year. I mailed in May a questionnaire to the residents of the 25th Congressional District of California. Today I would like to report the results of that mailing.

The survey dealt with labor-management issues. I selected this topic because employee strikes, threatened strikes, and management lockouts are so much in the news and are of great concern to the people of this Nation.

To assist me in analyzing the survey results, I also asked respondents to classify themselves in the political spectrum. You should also know that the 25th District includes part of northern Orange County and a portion of San Gabriel Valley in eastern Los Angeles County.

The questionnaire follows:

QUESTIONNAIRE RESULTS

Here are some facts:

In the Orange County portion of the 25th Congressional District:

There are more Republicans than Democrats;

There is relatively low union membership;

There is relatively high per capita income; and

The political label "conservative" is worn openly and with pride.

In the Los Angeles County portion of the 25th District:

There are more Democrats than Republicans;

There is relatively high union membership;

There is relatively low per capita income; and

The "conservative" label is carefully avoided by office seekers for fear of offending the electorate.

In summary, these two areas would appear to be miles apart politically as well as geographically. But they are not. Every successive questionnaire which I have distributed as your Congressman reaffirms the conclusion that on political *issues* (although not always on political *personalities*) the people of my District tend to think alike. This unity of political thought most probably reflects the fact that we are all parents, home owners, consumers, taxpayers—in short, concerned citizens of this country—before we are Republicans, Democrats, or union members; and these common concerns tend to mold and unify our thinking on issues.

My most recent questionnaire distributed in May dealt exclusively with labor-management issues. Because of the factual differences noted between the counties, one would expect wide differences of opinion to prevail on these controversial and often emotional questions. Once again, however, it was demonstrated that we all tend to think substantially alike.

Here are the results of the survey:

1. *Should the "right to strike" be guaranteed to all employees, public and private, regardless of the national consequences of the strike?*

Yes, 16.5%; no, 81%; not sure, 2.5%.

The unlimited right to strike (or to lock out) must be renounced, in my opinion, if we are to abandon the law-of-the-jungle philosophy, which permeates so much of our labor legislation. We have rejected the primitive view that "might makes right" in all civilized disputes between private parties, except in the labor relations field. It is encouraging to me to find a decisive majority in each county of both men and women respondents opposed to an unrestricted right to strike, regardless of the consequences of that action.

2. *If the "right to strike" is denied to some employees and an illegal strike nevertheless occurs, the striking employees should:*

(a) *be fired*—36%.

(b) *be retained but lose seniority or other employee rights*—20%.

(c) *be reinstated without penalty*—10%.

(d) *Not sure*—34%.

This is a difficult question, yet it faces governmental leaders regularly. In general, public employees are denied the right to strike. In recent months, however, we have seen teachers, postmen, firemen, sanitation workers, and hospital employees, to mention only a few, walk off the job. In 1968 alone, over 200,000 government employees were involved in 254 strikes, and preliminary figures in 1969 are showing significantly higher totals. When one considers that there are approximately 12.5 million public employees in the United States, the magnitude of this problem is readily apparent.

If masses of public employees should illegally leave their work either in a formal strike or an informal "sick-in," should they be fired for doing so? The Mayor of Atlanta, Georgia, recently attempted to discharge a substantial group of municipal employees who had participated in an illegal strike and he quickly discovered that the essential functions of government collapsed as the result of his reaction. Although the outright firing of an employee participating in an illegal strike may be practically impossible, it is clear that some penalty must be attached to either the employee or the offending union, for such an illegal act, if similar outlaw strikes are to be avoided in the future.

Several suggestions have been discussed, such as imposing substantial fines and the loss of exclusive bargaining rights against unions, or the loss of certain benefits to employees participating in illegal strikes. But as yet, no legislation is in process which would impose these penalties. At the present time, the influence of unions in the legislative process is so great that any such reform legislation would doubtless be characterized as repressive by organized labor, and its chances of passage would be remote.

3. *Do you approve of compulsory arbitration as a alternative to the strike or lockout?*

(a) *for all employers and employees?*—47%.

(b) *for public employers and employees only?*—12%.

(c) *I disapprove in all cases*—10%.

(d) *Not sure*—31%.

For many years, the idea that labor disputes should be resolved by arbitration has been opposed by both management and labor. Each felt that it was a denial of their fundamental right to bargain collectively and to strike, or lock out, if the parties were unsuccessful in reaching an agreement. In recent years, however, there has been a gradual recognition that the public interest requires protection and that management and labor cannot be permitted the unrestricted power to inflict irreparable damage to vast sections of the economy and innocent bystanders who may be affected by a strike or lock out. Arbitration is now required under the Railway Labor Act and under the postal reform bill recently passed by the House of Representatives. The use of binding arbitration agreements is becoming more common in private union contracts.

This is a wholesome trend and I am pleased to note the general support of this trend as reflected in the answers to this question.

4. *Unions are now exempt from anti-trust laws. Should they be?*

Yes, 9%; no, 84%; not sure, 7%.

Much of the legislation which exists regulating the conduct of unions and the relationship of employers and the government toward unions was written in the 1930's. The Norris-La Guardia Act, for example, was written in the early 1930's and prohibits Federal courts from issuing injunctions against certain union activities. The Wagner Act also was enacted during the 1930's and was described as the "Magna Carta" of labor, since it firmly recognized the right of employees to organize into unions and imposed upon employers the duty of bargaining collectively with employee organizations. Much of this legislation was clearly needed since employers, often in concert with government, had suppressed union activities for many years. It was in this spirit of providing needed protection to the union movement that national unions were granted exemption from the anti-trust laws, thereby permitting agreements tending to restrain trade which would be illegal if made by employer groups.

The weakness of the union movement during the 1930's has been replaced by the politically and economically strong unions of today. Many employers complain that they are unable to cope with these strong unions, and collective bargaining becomes a farce. Some employers are presented contracts on a "take it or leave it" basis and the give and take of bargaining, so essential if the individual needs of separate employers are to be recognized, is entirely absent.

Subjecting unions to the limitations of anti-trust legislation would seriously curtail their activities and doubtless would be opposed bitterly by the national union leadership, but the continued misuse of union power makes a consideration of legislation to subject unions to anti-trust laws a clear possibility.

5. *Should industry-wide bargaining and strikes be permitted?*

Yes, 30%; no, 59%; undecided, 11%.

The process of collective bargaining between major corporations and national unions often gives the appearance of a polite seminar between economists, lawyers, and accountants. But the superficial appearance is deceiving.

The results of any bargaining session—whether in the Paris "peace talks," on a used car sales lot, or between management and labor—reflects the relative power of the bargainer.

The power to shut down an entire industry gives both management and labor a tremendous bargaining lever against the other. The public, of course, is caught in the middle as are many union members who have no real grievance with their immediate employer.

Because of the bargaining power afforded by the threat of industry-wide shut downs, neither management nor labor will eagerly surrender it. Reform will be difficult, but we must work toward a system which tends to limit a dispute to the immediately affected parties and does not involve innocent workers and employers in someone else's controversy.

6. *Are you a union member or the spouse of a union member?*

Yes, 21%; no, 79%.

This question was asked in order to determine whether the respondents were truly representative of the actual union membership in the district. Since union members comprise approximately 24% of the work force in Los Angeles County and 20% in Orange County, I am satisfied that the views of both union and non-union members are truly reflected in the answers to this questionnaire.

7. *In political matters, do you regard yourself as:*

(a) Conservative—35%.

(b) Liberal—4%.

(c) Moderate—30%.

(d) No opinion—31%.

These replies are real shockers. I would have assumed that most people would describe themselves as political moderates with a minority dividing the Liberal and Conservative labels between them in approximately equal proportions. But the facts are otherwise.

The most probable explanation for these answers is that a growing number of citizens of both parties do not wish to identify themselves with the irresponsible antics of a few who are self-styled "Liberals".

It is especially interesting to note that the above percentages held for all parts of my district. "Conservative" Orange County, therefore, is a misnomer. It should more properly be described as "Republican" Orange County since the Los Angeles County portion of my district matches its "Conservatism".

Local union members apparently do not agree with the liberal badge prominently displayed by their national officers. In both Orange and Los Angeles Counties, a higher percentage of union members describe themselves as Conservative than the district averages for all respondents.

It is my practice to invite seniors from those high schools in the district willing to participate to answer the questionnaire. Since the number of returns is too small to draw accurate conclusions therefrom, the responses of these 17 and 18 years olds is reported without comment.

1. *Unlimited right to strike?* Yes, 30%; no, 50%; not sure, 20%.

2. *If illegal, should illegal strikers be:*

(a) Fired—30%; (b) punished—33%; (c) reinstated without punishment—34%.

3. *Approve of compulsory arbitration:* (a) for all—50%; (b) public employees only—30%; (c) for none—20%.

4. *Should unions be exempt from anti-trust laws?*

Yes, 27%; no, 48%; undecided, 25%.

5. *Industry-wide bargaining permitted:*

Yes, 35%; no, 42%; undecided, 23%.

6. Do you regard yourself as:

(a) Conservative—20%; (b) Liberal—24%; (c) Moderate—30%.

Thank you very much for assisting me with this important survey.

Sincerely yours,

CHARLES E. WIGGINS,
Member of Congress.